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SENATE—*Tuesday, May 11, 1999*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Holy Father, we join with Americans across our land in the celebration of National Police Recognition Week. We gratefully remember those who lost their lives in the line of duty. Particularly, we honor the memory of our own officers in the United States Capitol Police: Sergeant Christopher Eney on August 24, 1984 and Officer Jacob Chestnut and Detective John W. Gibson on July 24, 1998. Thank you for their valor and heroism. Continue to bless their families as they endure the loss of these fine men.

May this be a time for us as a Senate family to express our profound appreciation for all of the police officers and detectives who serve here in the Senate. They do so much to maintain safety and order, knowing that, at any moment, their lives may be in danger. Help us to put our gratitude into words and actions of affirmation. May we take no one for granted.

Now we dedicate this day to serve You. Bless the Senators as they confront issues with Your divinely endowed wisdom and vision. Through our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

SCHEDULE

Mr. HATCH. Mr. President, today the Senate will immediately begin consideration of S. 254, the juvenile justice bill, with debate only until 12 noon. Amendments are anticipated after noon, and therefore rollcall votes can be expected during today's session of the Senate. Members will be notified as votes are ordered with respect to this legislation.

The majority leader encourages Members who intend to offer amendments to work with the chairman and ranking member to schedule a time to come to the floor to debate those amendments.

I thank my colleagues for their attention.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. VOINOVICH). Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

VIOLENT AND REPEAT JUVENILE OFFENDER ACCOUNTABILITY AND REHABILITATION ACT OF 1999

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to S. 254 with debate only until noon. The clerk will report the bill.

The assistant legislative clerk read as follows:

> A bill (S. 254) to reduce violent juvenile crime, promote accountability by and rejuvenation of juvenile criminals, punish and deter violent gang crime, and for other purposes.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I am pleased that today the Senate will begin consideration of the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999.

There are few issues that will come before the Senate this Congress that touch the lives of more of our fellow Americans than our national response to juvenile crime. Crime and delinquency among our young people is a problem that troubles us in our neighborhoods, in our schools and in our parks. It is the subject across the dinner table, and in those late night, worried conversations all parents have had at one time or another. The subject is familiar—how can we prevent our children from falling victim—either to crime committed by another juvenile, or to the lure of drugs, crime, and gangs?

Their concerns are shared by all of us. Most of us are parents. Many of us are now proud grandparents. We have dealt with the challenges of raising children—the joys and the trying times. But for today's parents, the challenges they face are more complex. The temptations children confront come from many different directions and parents seemingly have less and less control over what it is their children are exposed to.

There is a sense among many Americans that we are powerless to reverse this trend, that we are powerless to deal with violent juvenile crime, that we are powerless to change our culture. It is this feeling of powerlessness which may restrain our collective ambition for meaningful, penetrating solutions in the wake of the Littleton tragedy. As Dr. William Bennett said recently on a national talk show, if the two students who committed the murders at Columbine High had “carried Bibles and [said] Hail the Prince of Peace and King of Kings, they would have been hauled into the principal's office.” Instead, these young people who committed these crimes saluted Hitler and they were ignored. Ironically, it seems the only time we promote morality in school these days is when mourners visit on-school memorials in the wake of tragedies like Littleton.

If the murder of twelve innocent students and one teacher cannot give us the backbone to shed this defeatism and to do what is right, then we are doomed to see more tragedies. I believe that as a nation we must do more—and expect more—from our schools, the entertainment industry, our juvenile justice systems, and—where appropriate—the Department of Justice. We must also do more to empower parents in the

● This “bullet” symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

raising of their children and help the States reform our juvenile justice systems.

True—the tragedy in Littleton was a bizarre and complex crime. For that reason, we should resist the temptation to claim we have all of the answers. And we should also fight the temptation to play politics with the matter. We should examine this and other acts of school violence and not single out one politically attractive interest as a cause.

Yet, we must also do more than simply talk about the problem. Accordingly, I along with several of my colleagues have developed—and will advance this week—a comprehensive legislative plan to respond to the problem of violent juvenile crime. Our Youth Violence Plan contains four main components:

No. 1, prevention and enforcement assistance to State and local government;

No. 2, parental empowerment and stemming the influence of cultural violence;

No. 3, getting tough on violent juveniles and those who commit violent crimes with a firearm; and

No. 4, providing for safe and secure schools.

Allow me to discuss each of these in more detail:

No. 1, prevention and enforcement assistance to State and local government: The first tier of this plan involves passage of the measure we are beginning consideration of today—S. 254, the Violent and Repeat Juvenile Offender and Accountability Act. We believe we should provide a targeted infusion of funds to state and local authorities to combat juvenile crime. S. 254 provides $1 billion a year to the States to fight juvenile crime and prevent juvenile delinquency. We need to reach out to young children early in life, ensure that parents are empowered to do what they believe is best for their children, and take meaningful steps to give local education and enforcement officials the tools they need to hold violent juveniles accountable. I will discuss the underlying bill in greater detail shortly.

No. 2, parental empowerment and stemming the influence of cultural violence: The second tier of our plan involves steps Congress should take to empower parents, educators and the entertainment industry to do more to limit the exposure of America's children to violence in our popular culture. We plan to offer several amendments to the underlying bill which will further this leg of our plan. For example, parents should be given the power to screen undesirable material from entering their homes over the Internet. I have an amendment I will offer to this bill which does just that. Senator BROWNBACK's hearings on marketing violence to children provided powerful evidence of the exposure of children to violence in music, movies, and video games. He and I plan to offer a measure to give the entertainment industry the tools it needs to develop and enforce pre-existing ratings systems so that children are not exposed to material that the industry itself has deemed unsuitable for children.

In recent years, the movies our children watch have become increasingly violent. The video games they play reward virtual killings. The lyrics of popular music have grown more violent and depraved. And much of the violence and cruelty in modern music and cinema is directed toward women.

The President of the Motion Picture Association of America, Jack Valenti, is a man of great intellect and a man who I admire. He recently testified at a hearing that, "I do earnestly believe that the movie/TV industry has a solemn obligation . . . [to engage in] creative scrutiny." He also notes that the industry has "a duty to inform parents about film content." I agree with him and commend the industry for some of the steps they have taken. But I believe the entertainment industry's "obligation" and "duty" go a bit further. Indeed, what good is a ratings system if it is not enforced? Is the industry fulfilling its obligation to parents if, out of one side of its mouth, it take steps to inform parents that a particular video game, movie, or CD is not suitable for children and then, out of the other side of its mouth, advertises, promotes, and sells this same material to children?

Let me be clear. I am not standing here arguing that this filth should be banned or regulated by the government. I simply believe we should limit our young people's exposure to it. It is one thing to say that Marilyn Manson or Eminem should be prohibited from producing their material. It's another thing for Congress to condone the entertainment industry's embracing of this garbage and its sale to children.

Exposure to violent and depraved material is just one part of a complex problem. But I do hope that we can encourage the industry to work with us to do what is best for our children. Why can't this industry, which is a source for so much good in America, do more to discourage the production and marketing of filth to children? Why shouldn't the industry help fight the marketing of violence to young people? This week, I intend to give them the opportunity to do more.

No. 3, getting tough on violent juveniles and enforcing existing law: A third tier of our plan insures that violent juveniles—teenagers who commit violent crimes—will be held accountable. Part of the solution is to insure that when a teenager brings a gun to school, he or she is held accountable by the criminal justice system. The Administration—and several of my colleagues—have called for more gun control. I plan to offer and support many of the proposals that have been discussed. I support the extension of the Youth Handgun Safety Act to semiautomatic rifles. Indeed, the Republican bill before the Senate contains reforms like the juvenile Brady provision—a measure which will prohibit firearms possession by violent juvenile offenders. Republicans have been fighting for this provision for years, but the Administration has, until recently, largely ignored our efforts.

The test for the Senate over the coming days will be whether we choose to play politics with the gun issue or work in a bipartisan manner to insure that access to firearms by juveniles is tightly controlled and that the laws are fully enforced. You see, we need to remember that it seems the Clinton Justice Department has trouble prosecuting violations of existing gun laws, especially gun crimes committed at school or involving minors. Arguably, we should not simply rush to enact more gun control—some of which cannot even be remotely associated with the Littleton tragedy—without taking steps to insure that existing federal laws are being enforced. So, we plan to propose legislation to insure that the Department of Justice will walk the walk—not just talk the talk—when it comes to prosecuting violent gun offenders and providing needed funding to the States to build detention facilities for violent and recidivist juvenile offenders.

No. 4, safe and secure schools: The fourth tier of our plan revolves around the basic right that all students share—the right to receive the quality education they deserve. Our teachers and students need to know that their schools are safe and that, should they take action to deal with a violent student, the teacher will be protected. Our plan will also promote safe and secure schools, free of undue disruption and violence, so that our teachers can teach and our children can learn.

The sad reality is that we can no longer sit silently by as children kill children, as teenagers commit truly heinous offenses, or as our juvenile drug abuse rate continues to climb. In 1997, juveniles accounted for nearly one fifth—18.7 percent—of all criminal arrests in the United States. Persons under 18 committed 13.5 percent of all murders, over 17 percent of all rapes, nearly 30 percent of all robberies, and 50 percent of all arsons.

In 1997, 183 juveniles under 15 were arrested for murder. Juveniles under 15 were responsible for 6.5 percent of all rapes, 14 percent of all burglaries, and one third of all arsons. And, unbelievably, juveniles under 15—who are not old enough to legally drive in any state—in 1997 were responsible for 10.3 percent of all auto thefts.

To put this in some context, consider this: in 1997, youngsters age 15 to 19, who are only 7 percent of the population, committed 22.2 percent of all crimes, 21.4 percent of violent crimes, and 32 percent of property crimes.

And although there are endless statistics on our growing juvenile crime problem, one particularly sobering fact is that, between 1985 and 1993, the number of murder cases involving 15-year olds increased 207 percent. We have kids involved in murder before they can even drive.

Cold statistics alone cannot tell the whole story. Crime has real effects on the lives of real people. Last fall, I read an article in the Richmond Times-Dispatch by my good friend, crime novelist Patricia Cornwell. It is one of the finest pieces I have read on the effects of and solutions to our juvenile crime problem.

Let me share with my colleagues some of what Ms. Cornwell, who has spent the better part of her adult life studying and observing crime and its effects, has to say. She says "when a person is touched by violence, the fabric of civility is forever rent, or ripped, or breached. . . ." This is a graphic but accurate description. Countless lives can be ruined by a single violent crime. There is, of course, the victim, who may be dead, or scarred for life. There are the family and friends of the victim, who are traumatized as well, and who must live with the loss of a loved one. Society itself is harmed, when each of us is a little more frightened to walk on our streets at night, to use an ATM, or to jog or bike in our parks. And, yes, there is the offender who has chosen to throw his or her life away. Particularly when the offender is a juvenile, family, friends, and society are made poorer for the waste of potential in every human being. One crime, but permanent effects when "the fabric of civility is rent."

This is the reality that has driven me to work for the last three years to address this issue. In this effort, I have been joined by a bipartisan majority of the Senate Judiciary Committee, which last Congress reported comprehensive legislation on bipartisan, two to one vote.

Our legislation from last Congress, which S. 254 is modeled after and improved upon in an effort to gain the support of more Democrats, was supported by law enforcement organizations such as the Fraternal Order of Police, the National Sheriffs Association, and the National Troopers Coalition, as well as the support of juvenile justice practitioners such as the National Council of Juvenile and Family Court Judges, and victim's groups including the National Victims Center and the National Organization for Victims Assistance. S. 254 is enthusiastically supported by law enforcement. It has been endorsed by the Fraternal Order of Police, the International Association of Chiefs of Police, the National Sheriffs Association, and the National Troopers Coalition. Victim's groups including the National Center for Victims of Crime and the National Organization for Victims Assistance support the bill and its pro-victim provisions. The Boys and Girls Clubs of America, undeniably experts in what it takes to prevent juvenile crime and delinquency, has urged passage of S. 254. And the National Collaboration for Youth, which includes a wide array of front-line juvenile crime and delenquency prevention providers such as the American Red Cross, Big Brothers Big Sisters of America, the National 4-H Council, the National Network for Youth, and the YMCA and YWCA of the USA, has called S. 254 a "strong bill" and praised "the increasingly balanced emphasis S. 254 places on prevention activities".

Mr. President, allow me to spell out in greater detail the major provisions of this bill—the first tier in our plan to deal with violent juvenile crime. And how it will help reform the juvenile justice system that is failing the victims of juvenile crime, failing too many of our young people, and ultimately, failing to protect the public.

First, this bill reforms and streamlines the federal juvenile code, to responsibly address the handful of cases each year involving juveniles who commit crimes under federal jurisdiction. Our bill sets a uniform age of 14 for the permissive transfer of juvenile defendants to adult court, permits prosecutors and the Attorney General to make the decision whether to charge a juvenile offender as an adult, and permits in certain circumstances juveniles charged as an adult to petition the court to be returned to juvenile status.

It also provides that when prosecuted as adults, juveniles in Federal criminal cases will be subject to the same procedures and penalties as adults, except for the application of mandatory minimums in most cases. Of course, the death penalty would not be available as punishment for any offense committed before the juvenile was 18.

Finally, in reforming the federal system, I believe that we must lead by example. So our bill provides that the federal criminal records of juveniles tried as adults, and the federal delinquency records of juveniles adjudicated delinquent for certain serious offenses such as murder, rape, armed robbery, and sexual abuse or assault, will be treated for all purposes in the same manner as the records of adults for the same offenses. Other federal felony juvenile criminal or delinquency records would be treated the same as adult records for criminal justice or national security background check purposes.

The bill also permits juvenile federal felony criminal and delinquency records to be provided to schools and colleges under rules issued by the Attorney General, provided that recipients of the records are held to privacy standards and that the records not be used to determine admission.

Let me assure any who may be concerned that it is not our intent in reforming the federal juvenile code to federalize juvenile crime—indeed, no conduct that is not a federal crime now will be if this reform is enacted. I do not intend or expect a substantial increase in the number of juvenile cases adjudicated or prosecuted in federal court. It is our intent, rather, to ensure that when there is a federal crime warranting the federal prosecution of a juvenile, the federal government assumes its responsibility to deal with it, rather than saddling the states with that burden.

Second, at the heart of this bill is an historic reform and reauthorization of the Juvenile Justice and Delinquency Prevention Act of 1974, the most comprehensive review of that legislation in 25 years. The States—under the leadership of a new breed of young, no-nonsense Governors, like Mike Leavitt of Utah, then-Governor George Allen and current Governor Jim Gilmore of Virginia, and Frank Keating of Oklahoma—have for several years have been far ahead of the Federal Government in implementing innovative reforms of their juvenile justice systems. For example, between 1992 and 1996, of the 50 States and the District of Columbia, 48 made substantive changes to their juvenile justice systems. Among the trends in State law changes are the removal of more serious and violent offenders from the juvenile justice system, in favor of criminal court prosecution; new and innovative disposition/sentencing options for juveniles; and the revision, in favor of openness, of traditional confidentiality provisions relating to juvenile proceedings and records.

While the States have been making fundamental changes in their approaches to juvenile justice, the Federal Government has made no significant change to its approach and has done little to encourage and reward State and local reform. Thus, the juvenile justice terrain has shifted beneath the Federal Government, leaving its programs an policies out of step and largely irrelevant to the needs of State and local governments. This bill corrects this imbalance between State and Federal juvenile justice policy, and will help ensure that federal programs support the needs of State and local governments.

First, our bill reforms and strengthens the Office of Juvenile Justice and Delinquency Prevention, OJJDP, of the Department of Justice. The effectiveness of the OJJDP will be enhanced by requiring its Administrator to present to Congress annual plans, with measurable goals, to control and prevent youth crime, coordinate all Federal programs relating to controlling and preventing youth crime, and disseminate to States and local governments data on the prevention, correction and control of juvenile crime and delinquency, and report on successful programs and methods.

And, most important to state and local governments, in the future, OJJDP will serve as a single point of contact for States, localities, and private entities to apply for and coordinate all federal assistance and programs related to juvenile crime control and delinquency prevention. This one-stop-shopping for federal programs and assistance will help state and local governments focus on the problem, instead of on how to navigate the federal bureaucracy.

Second, our reform bill consolidates numerous JJDPA programs, including Part C Special Emphasis grants, State challenge grants, boot camps, and JJDPA Title V incentive grants, under an enhanced $200 million per year prevention challenge block grant to the States. The bill also reauthorizes the JJDPA Title II Part B State formula grants. In doing so, it also reforms the current core mandates on the States relating to the incarceration of juveniles to ensure the protection of juveniles in custody while providing state and local governments with needed flexibility.

This flexibility is particularly important to rural states, where immediate access to a juvenile detention facility might be difficult. Since many communities cannot afford separate juvenile and adult facilities, law enforcement officers must drive hours to transport juvenile offenders to the nearest facility, instead of patrolling the streets. Another unintended consequence of JJDPA is the release of juvenile offenders because no beds are available in juvenile facilities or because law enforcement officials cannot afford to transport youths to juvenile facilities. Juvenile criminals are released even though space is available to detain them in adult facilities. Our reform will provide the states with a degree of flexibility which currently does not exist.

However, this flexibility is not provided at the expense of juvenile inmate safety. The bill strictly prohibits placing juvenile offenders in jail cells with adults. No one supports the placing of children in cells with adult offenders. To be clear—nothing in the bill will expose juveniles to any physical contact by adult offenders. Indeed, the legislation is explicit that, if states are to qualify for federal funds, they may not place juvenile delinquents in detention under conditions in which the juvenile can have physical contact, much less be physically harmed by, an adult inmate.

These provisions are largely based on H.R. 1818 from the 105th Congress, but are improved to ensure that abuse of juvenile delinquent inmates is not permitted by incorporating definitions of what constitutes unacceptable contact between juvenile delinquents and adult inmates.

Third, and finally, our reform of the JJDPA reauthorizes and strengthens those other parts of the JJDPA that have proven effective. For example, the National Center for Missing and Exploited Children and the Runaway and Homeless Youth Act are reauthorized and funded. Gang prevention programs are reauthorized. And important, successful programs to provide mentoring for young people in trouble with the law or at risk of getting into trouble with the law are reauthorized and expanded. Operating through the Cooperative Extension Service program sponsored by the Department of Agriculture, the University of Utah has developed a ground-breaking and highly successful program that mentors to entire families—pairing college age mentors with juveniles in trouble or at risk of getting in trouble with the law, and pairing senior citizen couples with the juvenile's parents and siblings. This program gets great bang for the buck. So our bill provides demonstration funds to expand this program and replicate its success in other states.

Finally, our bill provides an important new program to encourage state programs that provide accountability in their juvenile justice systems. All or nearly all of our states have taken great strides in reforming their systems, and it is time for the federal government's programs to catch up and provide needed assistance.

Despite reforms in recent years, all too often, the juvenile justice system ignores the minor crimes that lead to the increasingly frequent serious and tragic juvenile crimes capturing headlines. Unfortunately, many of these crimes might have been prevented had the warning signs of early acts of delinquency or antisocial behavior been heeded. A delinquent juvenile's critical first brush with the law is a vital aspect of preventing future crimes, because it teaches an important lesson —what behavior will be tolerated. Accountability is not just about punishment—although punishment is frequently needed. It is about teaching consequences and providing rehabilitation to young offenders.

According to a recent Department of Justice study, juveniles adjudicated for so-called index crimes—such as murder, rape, robbery, assault, burglary, and auto theft—began their criminal careers at an early age. The average age for a juvenile committing an index offense is 14.5 years, and typically, by age 7, the future criminal is already showing minor behavior problems. If we can intervene early enough, however, we might avert future tragedies. Our bill provides a new Juvenile Accountability Block Grant to reform federal policy that has been complicit in the system's failure, and provide states with much needed funding for a system of graduated sanctions, including community service for minor crimes, electronically monitored home detention, boot camps, and traditional detention for more serious offenses.

And let there be no mistake—detention is needed as well. Our first priority should be to keep our communities safe. We simply have to ensure that violent people are removed from our midst, no matter their age. When a juvenile commits an act as heinous as the worst adult crime, he or she is not a kid anymore, and we shouldn't treat them as kids.

State receipt of the incentive grants would be conditioned on the adoption of three core accountability policies: the establishment of graduated sanctions to ensure appropriate correction of juvenile offenders, drug testing juvenile offenders upon arrest in appropriate cases; and recognition of victims rights and needs in the juvenile justice system.

Meaningful reform also requires that a juvenile's criminal record ought to be accessible to police, courts, and prosecutors, so that we can know who is a repeat or serious offender. Right now, these records simply are not generally available in NCIC, the national system that tracks adult criminal records. Thus, if a juvenile commits a string of felony offenses, and no record is kept, the police, prosecutors, judges or juries will never know what he did. Maybe for his next offense, he'll get a light sentence or even probation, since it appears he's committed only one felony in his life instead 10 or 15. Such a system makes no sense, and it doesn't protect the public.

So the reform we offer in this bill also provides the first federal incentives for the integration of serious juvenile criminal records into the national criminal history database, together with federal funding for the system.

Finally, we all recognize the value of education in preventing juvenile crime and rehabilitating juvenile offenders. When trouble-causing juveniles remain in regular classrooms, they frequently make it difficult for all other students to learn. Yet, removing such juveniles from the classroom without addressing their educational needs virtually guarantees that they will fall further into the vortex of crime and delinquency. The costs are high—to the juvenile, but also to victims and to society. These juveniles too frequently become crime committing adults, with all the costs that implies—costs to victims, and the cost of incarcerating the offenders to protect the public. So our bill tries to break this cycle, by providing a three-year $45 million demonstration project to provide alternative education to juveniles in trouble with or at risk of getting in trouble with the law.

The bill we are debating today authorizes significant funding for the programs I have described. In all, our bill authorizes a total of $5 billion in assistance to state and local governments. This breaks down to $1 billion per year for five years, in the following categories:

$450 million per year for Juvenile Accountability Block Grants;

$435 million per year for prevention programs under the JJDPA, including $200 million for Juvenile Delinquency Prevention Block Grants, $200 million for Part B Formula grant prevention programs, and $35 million for Gangs, Mentoring and Discretionary grant programs;

$75 million per year for grants to states to upgrade and enhance juvenile felony criminal record histories and to make such records available within NCIC, the national criminal history database used by law enforcement, the courts, and prosecutors; and

$40 million per year for NIJ research and evaluation of the effectiveness of juvenile delinquency prevention programs.

Additionally, the bill authorizes $100 million per year for joint federal-state-local law enforcement task forces to address gang crime in areas with high concentrations of gang activity. $75 million per year of this funding is authorized for establishment and operation of High Intensity Interstate Gang Activity Areas, and the remaining $25 million per year is authorized for community-based gang prevention and intervention for gang members and at-risk youth in gang areas.

And, finally, as I have already noted, the bill authorizes $45 million over three years for innovative alternative education programs to make our schools safer places of learning while helping ensure that the youth most at risk do not get left behind.

Under the leadership of a crime conscious Republican Congress and the leadership of our nation's governors, we as a nation have seen a decrease in our overall violent crime rate. Consider that since 1995, we have made significant progress against crime—much of it in partnership with public officials like Governors Mike Leavitt of Utah, Jim Gilmore of Virginia, George Pataki of New York and George W. Bush of Texas, and Mayors Rudy Giulianni of New York City and Richard Riordan of Los Angeles. Consider that violent crime is down 18 percent from 1993 to 1997, murders are down 28 percent from 1993 to 1997, and overall crime is down 10 percent from 1993 to 1997.

These declines have put a serious dent in our crime rates for the first time since the 1960's. Congress since 1995 has supported the efforts of our state and local officials with legislation that has provided real funding and real solutions to crime, rather than feel-good measures. We cleared out our courts with habeas corpus and prisoner litigation reform. We have added thousands of border guards to stop criminal aliens from entering the country. We have returned billions of the taxpayers' dollars directly to our governors to build prisons and equip our police. Now it is time to address the problem of juvenile crime in the same way—with real solutions and real support to state and local efforts.

Meaningful reforms like truth-in-sentencing laws, which replaced the liberal indeterminate sentencing systems with longer and binding sentences for violent, drug, and repeat offenders, zero-tolerance policing, which put law enforcement officers back in our neighborhoods, and habeas corpus reform, which insured death sentences for heinous criminals would be carried out, have all contributed to this improving picture.

Yet, in the face of this improving domestic environment, depraved acts of school and related violence by young people are becoming increasingly more commonplace and increasingly more depraved. While overall, juvenile crime may be headed down slightly, juvenile drug use is up and juveniles increasingly account for the violent crime being committed.

Our states are responding to this trend. They recognize, as this first chart shows, that the average age of delinquency or problem behaviors for tomorrow's adult violent offenders begins very early in life—with the average age of a first serious offense occurring before the child turns 12 years old. It is this fact—that many of tomorrow's violent crime problems are today's juvenile delinquents—which caused Senator SESSIONS and me to take this issue head-on more than three years ago.

This chart shows the average age of the onset of problem behaviors of delinquency in male juveniles for minor problem behavior is 7 years old; moderately serious problem behavior is 9.5 years old; serious delinquency, 11.9 years of age, almost 12; and first court contact for index offenses, 14.5 years old.

This is data based on the statements of the oldest sampling in the Pittsburgh Youth Study and on statements made by their mothers. It was also in the OJJDP Juvenile Justice Bulletin, "Serious and Violent Juvenile Offenders," in May 1998.

I am concerned that the Clinton Administration has been slow to respond and provide assistance. They have failed to enforce the gun laws already on the books and they have sat silently by, failing to endorse our bill because it was too tough on violent juveniles and because it wanted more control over how the monies would be spent. As recently as last week, I offered the Attorney General the opportunity to endorse S. 254 or provide us with her suggested improvements but we have heard nothing. Instead the Administration holds summits which produce nothing in terms of assisting the states. Instead of concrete proposals, the Administration offers the public poll-driven, legislative trinkets. They hold press conferences "announcing" as their own industry driven reforms aimed at making the Internet more safe for children.

Desperate for something to crticize, I expect the Administration will argue that our bill is short on the prevention-side of the equation—a claim they have to know just doesn't add up. Consider the fact that, under our bill, Justice Department juvenile justice spending will reach unprecedented heights. Since 1994, the Republican Congress has steadily increase funding for OJJDP—from $107 million in FY 94 to $267 million in FY 99. Our bill continues this trend by increasing authorized funding levels over existing appropriations from $267 million to $435 million in FY 2000.

So, it is left to the Congress—once again—to step forward to provide the necessary leadership at the federal level. I hope the Administration will see its way clear to do what's right and come out in support of our efforts to help fight juvenile crime.

Mr. President, in the face of a confounding problem like juvenile crime and school violence, it is tempting to look for easy answers. It is also tempting to play politics and advance poll-driven, legislative trinkets in lieu of meaningful reform. I do not believe that we should succumb to this temptation. We are faced with a complex problem which cannot be solved solely by the enactment of new criminal prohibitions. It is at its core a problem of our nation's values. But I believe that by parents and communities working together to teach accountability by example, by early intervention when the signs clearly point to violent and antisocial behavior, and by demanding more of our popular culture and industry leaders, we will be taking a postitive step forward.

Mr. President, that is what our efforts are all about. Our efforts are a comprehensive approach to this national problem. I hope we can work together to develop a bipartisan solution to these problems as well.

To that degree, I appreciate the work of my colleagues, especially Senator SESSIONS, who worked so long and hard on our side, as well as Senator CAMPBELL, who has been very concerned about these juvenile crime issues, and my colleagues on the Democratic side, Senator BIDEN, Senator LEAHY, and others, who are working with us to try to come up with what needs to be done.

PRIVILEGE OF THE FLOOR

Mr. President, I ask unanimous consent floor privileges be granted to the following staff for the duration of the Senate's consideration of S. 254: Sharon Prost, Rhett DeHart, Michael Kennedy, Craig Wolf, Ed Harden, Leah Belaire, and David Muhlhausen.

The PRESIDING OFFICER (Mr. CRAPO) Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask unanimous consent that floor privileges be granted to Beryl Howell, Bruce Cohen and Edward Pagano for the duration of both the debate and all votes on this legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Emilia Beskind, an intern, be permitted floor privileges during the duration of the debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, we have had a series of shocking schoolyard shootings. I cannot imagine any Senator, as a human being or as a parent or citizen, who would not be shocked, just as have most people around the world. The Senate is now finally turning its attention to doing something about youth violence in this country. Two weeks ago, the distinguished majority leader promised the American people that this week he would permit full and open debate on this issue. I commend him for that, because for 3 years we have not been given the opportunity to discuss this critical issue on the floor of the Senate without some kinds of procedural gimmicks or artificial limits on debate or amendments. I think the American people do not want to see that. They want to see a full and real debate.

Over that same 3-year period when we tried to have this debate, this country has witnessed schoolyard shootings by children in Arkansas and Washington, Oregon, Tennessee, California, Pennsylvania, Kentucky, Mississippi, and most recently in Littleton, CO. I say to the distinguished Presiding Officer and all Members on the floor, none of us can look at our States and say with certitude that we are immune to such a tragedy.

Finally, after the deaths and injury of 41 children just in the incidents to which I have referred, the Senate is turning its attention to this matter. Violence in our Nation's schools, committed by or against children, devastates all of us—as parents or as grandparents, as educators, as civic leaders or whatever. But devastating as it is to us, most importantly these incidents scar and upset our children. Obviously, it takes them away from the learning, which should be the focus at this important time in their lives, a time that should be a time of joy, a time of growth, a time of learning—a time that will set their path, really, for the rest of their lives. They should not be distracted by these terrible things.

This is a complex issue. Frankly, no one party has all the right answers. It is time we as Democrats and Republicans discuss all of our ideas and proposals for actions and then choose the best among them. A good proposal that works should get the support of all of us.

Our first question really should be whether a program or proposal will help our children effectively, not whether it is a Democrat or Republican proposal. I have learned through the years that good legislators coming together can make good proposals. I have been honored to see passed into law numerous law enforcement proposals I have sponsored and co-sponsored with like-minded Members on the other side of the aisle. But we also have to recognize that legislation alone is not enough to stop youth violence. We can pass a law saying we don't want violence. We can also pass a law saying we would like the Sun to rise in the west and set in the east. Either one would be about as effective as the other. We have to do a lot more than that.

We can pass an assortment of new laws and still turn on the news and find out some child in the country has turned violent and turned on other teachers or children with a weapon, with terrible results. So this is not just about Littleton. Littleton is the most recent, it is the most bloody, but it is the seventh incident of schoolyard killings in the past years and no area of the country has escaped the bomb threats or fears these incidents have generated. Each incident of school violence leaves us with more questions than answers. It is easy to say each is related to the next, but together they all point to problems we must do something about. There is not one major catalyst that touches off an eruption of violence in a school; there are a whole lot of contributing causes.

We can certainly point to inadequate parental involvement. Frankly, that is an area about which I worry—very, very busy parents and very, very little time for their children. In an increasingly affluent society, we have to ask whether we are paying a terrible price for our affluence.

We can talk about overcrowded classrooms and oversized schools that add to students' alienation. When we have high schools with 1,200, 1,500, 1,600 people, how can they possibly have a sense of community within that high school?

We can talk about the easy accessibility of guns. We can speak of the violence depicted on television and movies and video games. We can talk about the inappropriate—more than inappropriate—disgusting content now available on the Internet. There is no single cause, and because there is no single cause, there is no single legislative solution that will cure the ill of youth violence in our schools and in our streets.

Just as those who look at a fire know if you remove enough kindling, you can prevent the fire, so there are things we can do right now, and there is no excuse for not trying. Everybody has a role to play in the solution. While we cannot legislate the problems away, we all have a role, and that means parents, teachers, lawmakers, Hollywood, Internet providers and gun manufacturers and sellers. But we should also recognize that despite the recent and shocking school shootings, we have been doing some things right.

By any measure you want to use—victimizations reported by police or crimes reported by police or arrests—the serious violent crime rate is going down. Let me show this chart. This is something of which we ought to be proud. Since 1973, the total violent crime rate has gone down. In fact, it has gone down the most in the last 6 years, certainly more than I have seen it go down at any time.

According to the most recent statistics from the Bureau of Justice, the overall crime rate has fallen more than 18 percent since 1993.

This next chart is remarkable. It is something in which we should take pride. After seeing for decades, during my adult life, the crime rate go up, up, up and up, to see it these last 6 years go down is very significant.

The rate of serious violent crime being committed by juveniles is also on the way down. Following a period of going up in the late 1980s and early 1990s, they peaked in 1993. That also is something in which we should take some pride and we should take comfort as Americans and as citizens.

The reduction in the murder rate alone is truly good news. In 1997, the murder rate was 28 percent lower than 1993. And in 1998, this rate had fallen to its lowest level in three decades. That, again, is something in which we should take some comfort, even though any murder is one murder too many.

In the years I have been here, in 30 years—this goes back to the time when I was a prosecutor and throughout all this—I have seen through each administration, Republican or Democrat, the murder rate go up. Finally, we have seen in the last 6 years the murder rate come down to where it is now, the lowest level in three decades.

Over the past few months, we have begun hearing criticism that this administration is not focusing sufficient resources on enforcing our gun laws. Of course, there is always room for improvement, as there is with anybody. But let's not let political name-calling detract from the indisputable fact that the murder rate for teenagers and young adults rose sharply in the late eighties and early nineties due to a rise in gun violence that is now on the decline. In fact, juvenile murder and nonnegligent manslaughter arrests declined almost 40 percent between 1993 and 1997. To use real numbers, there were 3,800 juvenile arrests for murder at the peak in 1993. By 1997, that number was down to 2,500 out of a population of 30 million children between the ages of 10 and 17.

As we talk about juvenile crime legislation, it is important to keep in mind these statistics show some successes and we should be promoting and expanding those programs that are helping to produce these successes.

We have some complex, sweeping legislation before us. S. 254 was never referred to the Judiciary Committee for consideration, which is extraordinarily unusual. I look forward to discussing this.

It was introduced by the chairman of the Judiciary Committee and cosponsored by the distinguished Senator from Alabama, who is on the floor. I wait to hear from the distinguished chairman as to what will be accomplished with it.

While we did not examine the bill in the Judiciary Committee because the majority chose, as they have a right to, to place the bill directly on the Senate Calendar, instead the Judiciary Committee has been busy on a bankruptcy bill protecting creditors and a proposed constitutional amendment to protect the flag. Protecting the flag and protecting creditors may be important issues, but frankly, as a parent, I am far more interested in protecting children from violence, both in the schoolyard and outside school.

Last Congress, we had an earlier version of this bill, S. 10. We tried to improve it, and I think we did. I will describe in more detail S. 254. The juvenile crime bill we turn to today reflects that progress, and I commend Senator HATCH for his leadership in continuing to push forward and building a consensus of Republicans and Democrats. I thought we missed opportunities in the last Congress to come together on legislative efforts to deal with youth violence. I hope we will not miss that opportunity in this Congress and we can come together.

In fact, many of the improvements we tried to make to the juvenile crime bill, S. 10, were rejected mostly along party-line votes in the Judiciary Committee, and by nearly a party-line vote we saw it passed out of committee. Not surprising, because it was a partisan bill, and crime should not be a partisan issue, it was hard to find anybody who liked it when it came to the floor. I made, as did others, a number of criticisms of the bill, and those criticisms were echoed by virtually every major newspaper in the United States, as well as by national leaders, and ranged across the spectrum from Chief Justice William Rehnquist to Marian Wright Edelman, the president of the Children's Defense Fund.

The Philadelphia Inquirer called the bill "fatally flawed." The Los Angeles Times described the bill "peppered with ridiculous poses and penalties" and as taking a "rigid, counterproductive approach" to juvenile crime prevention. The St. Petersburg Times called the bill "an amalgam of bad and dangerous ideas."

Chief Justice Rehnquist criticized S. 10 because it would, as he said, "eviscerate [the] traditional deference to state prosecutions, thereby increasing substantially the potential workload of the federal judiciary."

He was concerned that federalizing juvenile crimes meant that "federal prosecution should be limited to those offenses that cannot and should not be prosecuted in state courts."

The National District Attorneys Association, having been the vice president of that association, I listened to them. They expressed concern that "S. 10 goes too far" in changing the "core mandates" which have kept juveniles safer and away from adults while in jail for over 25 years, and that S. 10's new juvenile record-keeping requirements were "burdensome and contrary to most state laws."

Similarly, the National Governors' Association, the Council of State Governments, the U.S. Conference of Mayors, the National Association of Counties, the National Conference of State Legislatures expressed concerns about the restrictions S. 10 would place on their ability to combat and prevent juvenile crime effectively.

So with all this criticism, when the Republican leadership said we could not have real debate in the last Congress, that became an unacceptable situation and one, frankly, which created a lot of concern among a number of Republican legislators.

Despite the wellspring of concern by the Federal judiciary and by State and local law enforcement and public officials over significant parts of S. 10 as reported by the Judiciary Committee, we were not going to be allowed to debate it.

In September 1998, the majority propounded a unanimous consent request to permit the Republicans to offer a substitute that contained changes to over 160 separate paragraphs of the bill, but not allow Democrats the same opportunity. That did not allow full and fair debate.

I suggested a plan that would have ensured debate on the more controversial aspects of last year's bill by placing in the RECORD on September 25, 1998, a proposal for a limited number of Democratic amendments. My proposal was never responded to.

I say that because that was in the past. And I accept the majority leader's representation that this will not happen this year, that we will not allow narrow procedural devices to limit debate on S. 254. And I think we will have a better bill because of that.

There are very good ideas on both the Republican and Democratic side of the aisle here in the Senate to improve this legislation. After all, keeping children safe, both in school and out of school is not a Republican or Democratic idea; that is a basic, automatic feeling that every parent, every family and every person in this Chamber of either party feels strongly.

The concerns I outlined about S. 10 are shared by many others, as well as by child advocates, judges, law enforcement and State and local officials, and were shared here on November 13, 1997; January 29, 1998; April 1, 1998; June 23, 1998; September 8, 1998, and October 15, 1998. I said the bill skimped on effective prevention efforts to stop children from getting into trouble in the first place.

Second, I said the bill would have gutted the core protections which have been in place for over 20 years to protect children who come into contact with the criminal justice system and keep them out of harm's way from adult inmates, to keep status and nonoffenders out of jail altogether, and to address disproportionate minority confinement.

Thirdly, I expressed concern about the federalization of juvenile crime resulting from S. 10's elimination of the requirement that Federal courts only get involved in prosecutions of juveniles if the State cannot or declines to prosecute the juveniles.

Finally, I was concerned that the new accountability block grant in S. 10 contained onerous eligibility requirements which would end up imposing on the States a one-size-fits-all uniform sewn up in Washington for dealing with juvenile crime. The States simply did not want this straitjacket. In fact, at one stage, the way it was written in the bill, no State would have qualified for the block grant; no State of the 50 would have.

So I say this, and I say this as a compliment to Senators on both sides of the aisle who worked on S. 254: It is a much more improved bill than S. 10 in the last Congress. It incorporates many of the improvements we suggested last Congress. I am delighted to see that proposals that the Republicans on the Judiciary Committee specifically voted down in 1997 have now been put back in the bill. These are changes that we have been pushing for a number of years. It is the right approach now to put them back in the bill.

So let's make progress together. I hope through an open floor debate and an open amendment process, without procedural games, we will be able to make sufficient progress to be able to support a Senate bill that can make a difference.

We tried in July 1997 to amend S. 10 to protect the States' traditional prerogative in handling juvenile offenders. And my amendment would have limited the Federal trial as an adult of juveniles charged with nonviolent felonies to circumstances when the State is unwilling or unable to exercise jurisdiction. That was defeated. Whereas, the language in S. 254 contains a new provision analogous to my previously rejected amendment that would direct Federal prosecutors to "exercise a presumption in favor of referral" of juvenile cases to the appropriate State or tribal authorities.

While the language used in this S. 254 section may need some clarification, particularly since it appears to contradict other language in the bill requiring Federal trial of juveniles who commit any Federal offense, it is a provision in the right direction.

In July 1997, we tried to amend S. 10 before the Judiciary Committee to permit limited judicial review of a Federal prosecutor's decision to try certain juveniles as adults. S. 10 granted sole, nonreviewable authority to Federal prosecutors to try juveniles as adults for any Federal felony, removing Federal judges from that decision altogether.

I am a little bit hesitant to give authority to any Federal prosecutor—special prosecutors or regular Federal prosecutors—that cannot be reviewed. And my amendment would have granted Federal judges authority in appropriate cases to review a prosecutor's decision. Only three States in the country granted prosecutors the extraordinary authority over juvenile cases that S. 10 proposed, including Florida.

I mention that because sometimes we get the impression that here in Washington we always know better than the States. In criminal procedures, criminal process, we should look at the States and their experience in determining whether we should step in and change things. And when you find that only three States have done what we were asking to do, you ask why. And I mentioned Florida as being one of the States that granted this extraordinary authority.

Earlier this year, we saw the consequences of that kind of authority, when a local prosecutor in that State charged, as an adult, a 15-year-old mildly retarded boy with no prior record, who stole $2 from a school classmate to buy lunch. The local prosecutor locked up this retarded boy in an adult jail for weeks. You can imagine what that was like, for this $2 theft, before national press coverage forced a review of the charging decision in this case. We do not want to see that kind of incident on the Federal level.

Unfortunately, my proposal for a "reverse waiver" procedure providing judicial review of a prosecutor's decision was voted down, with no Republican on the committee voting for it.

S. 254 contains a virtually identical "reverse waiver" provision to the one proposed that was rejected almost 2 years ago. So that is a welcome change in the bill.

S. 254 also contains a provision to increase penalties for witness tampering that I first suggested and included in the Youth Violence, Crime and Drug Abuse Control Act of 1997, S. 15, which was introduced in the first weeks of the 105th Congress, at the end of the last Congress in the Safe Schools, Safe Streets and Secure Borders Act of 1998, S. 2484, and again in S. 9, the Comprehensive package crime proposals introduced with the Senator DASCHLE at the beginning of this Congress.

This provision would increase the penalty for using or threatening physical force against any person with intent to tamper with a witness, victim or informant from a maximum of 10 to 20 years imprisonment. In addition, the provision adds a conspiracy penalty for obstruction of justice offenses involving witnesses, victims and informants.

I have long been concerned about the undermining of our criminal justice system by criminal efforts to threaten or harm witnesses, victims and informants, to stop them from cooperating with and providing assistance to law enforcement. I tried to include this provision, along with other law enforcement initiatives, by amendment to S. 10. It was voted down in the committee. I am now pleased to see it is included in S. 254. I think that is an improvement.

S. 254 substantially relaxes the eligibility requirements for the new juvenile accountability block grant. That is a positive step. S. 10 in the last Congress would have required States to comply with a host of new Federal mandates to qualify for the first cent of grant money, an awful lot of recordkeeping mandates, and make all juvenile delinquency records available to law enforcement agencies and to schools, including colleges and universities. We could not find any State that would have qualified for this grant money. We tried to get the Judiciary Committee to revise this. My amendment was then voted down, but I am glad to see that 2 years later S. 254 reflects the criticism that I and other Democrats on the Judiciary Committee leveled at the recordkeeping requirements.

The current bill removes the recordkeeping requirements altogether from the juvenile accountability block grant, as we had requested. In fact, it sets up an entirely new juvenile criminal history block grant funded at $75 million per year. To qualify for a criminal history grant, States would have to promise within 3 years to keep fingerprint-supported records of delinquency adjudications of juveniles who committed a felony act. No more photographs required; no more records of mere arrests required. No more dissemination of petty juvenile offense records to schools required. Only juvenile delinquency adjudications for murder, armed robbery, rape, or sexual molestation must be disseminated in the same manner as records.

So the eligibility requirements for the juvenile accountability block grant now number only three, including that the State have in place a policy of drug testing for appropriate categories. This reflects an amendment that we offered to S. 10 in July of 1997.

One problem I do have is that S. 254 does not allow substance abuse counseling or treatment as an allowable use of grant funds. I hope that is something we can rectify as the bill goes forward.

Now, we have children in custody provisions that were enacted in the Juvenile Justice and Delinquency Prevention Act of 1974. This was done to address the horrific conditions in which children were being detained by State authorities in close proximity to adult inmates. These were conditions that often resulted in tragic assaults, rapes, and suicides of those children.

As it has evolved, we have four core protections that have been adopted and, frankly, are working: separation of juvenile offenders from adult inmates in custody, so-called sight and sound separation; removal of juveniles from adult jails or lockups with exceptions for rural areas, travel, weather-related conditions; deinstitutionalization of status offenders; to study and direct prevention efforts toward reducing the disproportionate confinement of minority youth by the juvenile justice system.

S. 254 is an improvement over S. 10, which tried to take out three of the four core protections. S. 254 includes the sight and sound standard for juveniles in Federal custody. The same standard is used to apply to juvenile delinquents in State custody.

S. 254 incorporates changes I recommended to S. 10 in the last Congress to ensure the continued existence and role of State advisory groups. That, I think, is going to be very important. The bill authorizes the use of grant funds to support the SAGs, but it doesn't require States to commit funds. I hope that is an omission that we may be able to work out.

Now, there are a lot of improvements, but there are still some problems. S. 254 does not provide adequate assurance of funding for primary prevention programs. I understand that Senator HATCH may agree to an amendment to earmark 25 percent of the funds appropriated from the juvenile accountability block grant for primary prevention. That is good news. It is less than we had hoped for, but it is certainly progress. I commend him for that.

When Senator SPECTER tried to earmark funds from this grant program for prevention during committee markup in 1997, his amendment failed. I hope we can do better than that.

Secondly, the bill weakens the core protections under the Juvenile Justice and Delinquency Prevention Act. This would reverse progress made over the past 25 years, and I do not think we should do it. It also includes a sense-of-the-Senate resolution urging States to try juveniles 10 to 14 years old as adults for crimes, such as murder, that would carry the death penalty if committed by an adult. The resolution does not urge the death penalty for such children, but asks for adult prosecution. This is really something the States should make up their minds. We shouldn't be telling them what to do on that.

I say this as a representative of one of the very, very few States in the country that allows the prosecution of juveniles 10 years and older as an adult for certain crimes. We really have in Vermont the toughest law of any State on that, but it is something that the Vermont Legislature decided. It probably shouldn't be opined on by the Senate.

Lastly, the bill is completely silent on how we should address the problem of the easy accessibility of guns to children.

Mr. President, one of the reasons for this debate, one of the best things about this debate, if it is allowed, is a full and open debate, something we were not allowed before. We can address all of these issues.

Again, I urge Senators to come together as Senators, not as Republicans or Democrats, about what would be best. Is there too much violence in the media today? Of course there is. I find it very, very difficult to have any enthusiasm for going to a very violent movie or watching a violent television show. I have been to too many murder scenes. It seems they are always at 2 or 3 in the morning.

If anybody thinks a murder scene is somehow glamorous, talk to people who have been there. I have had a murder victim dying while he was telling me the name of the person who killed him. You can imagine the shock when the person he was telling me had killed him was his own son.

There is nothing exciting or glamorous about this. There is nothing exciting or glamorous about the stench, the sight, the view of a murder scene. Anybody who has visited them knows that. Anybody who has visited as many as I have knows it very, very well. We should talk about that—are there too many violent scenes in an antiseptic way given to our juveniles—but at the same time let us be honest enough to say that guns do kill people and there are too many guns available to young people. I say this, coming from a State that is probably the only State in the Union that has no gun laws and also has an extremely low crime rate, a State where parents still teach their youngsters a safe and responsible way to use guns. But there is no reason why a teenager should be allowed to walk in to a gun show anywhere they want and buy any kind of high-powered weaponry they want, with no parental responsibility, no parental supervision.

We should also know that simply saying let's increase penalties does not stop crime. You stop crime by stopping crime, and that means we have to address prevention programs that work and have to understand that a prevention program that may work very well in Alabama may not work in Vermont or vice versa.

The prevention programs, such as the one that stopped youth murders in Boston, is something which should be looked at, and it can be funded, if people want to. We should accept that.

As I said in the opening part of my statement, Mr. President, we also have to accept the fact that parents are not spending enough time with their children and that we ought to get back off this hurly-burly world and understand that nothing we will ever do in life—career, money making, or anything else—is as important as how we raise our children. A lot of parents are going to have to accept that fact. We are going to have to look at the size of our schools and say that you can't have a sense of community in a high school of 1,200 or 1,500 people.

There are a lot of things we can do, and, working together, we can make it better. The murder rate has come down. We have done some very good things in the Congress. The administration deserves credit for it. Law enforcement deserves credit for it. But there is still more to do. Working together, we can do it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

(The remarks of Mr. CAMPBELL and Mr. LEAHY pertaining to the introduction of S. 996 are located in today's record under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Thank you, Mr. President.

Mr. President, I would like to say that Senator LEAHY has been a prosecutor, has been interested in these issues, and has spent a lot of time and effort on it.

We indeed attempted to respond, as you know, to a number of the concerns he has had. Some of the suggestions and concerns he has raised I believe are worthy. We made a number of corrections which I think would be helpful to that. I know Senator HATCH has also worked hard on it.

Let me say first that juvenile crime is in fact a serious national problem. We have had some very real progress in the crime situation in America. We had some reductions in the 1980s. Then, in the mid-1980s, we had a crack epidemic which I think drove the number up some. But it has been declining among adult criminals steadfastly for quite a number of years.

I have watched those numbers carefully—not as a Senator but as an attorney general of Alabama and as a U.S. attorney and Federal prosecutor in Alabama. I have observed the numbers and what has been happening. There are some good trends. We need to keep those trends going.

A lot of people may not realize that from about 1980 until today we have quadrupled—four times—the number of people in prison as there were before.

During a time when many people thought the crime rate was going to continue to go up, this Nation—mostly at the State level—has begun to step forward and identify repeat, dangerous offenders, and not just act as a revolving door but to incarcerate them for longer periods of time, keeping them off the streets, keeping them from being gang leaders and involving other, more impressionable young people in their criminal activity.

We have had some nice reductions in violent crimes and, in crimes generally, some reduction among adults. We have not had the same kind of success in juvenile crime. There are a lot of reasons for that. I would like to suggest the fundamental reason, in my opinion: that is, we have not responded as a nation to juvenile crime as we have to adult crime. Most people may not know that 99.9999 percent of all juvenile cases are tried in State court. There are almost no juvenile cases tried in Federal court.

I was a Federal prosecutor, U.S. attorney, for 12 years. I think I prosecuted one juvenile case in 12 years. There are so many impediments to it, so many difficulties, that it kept those prosecutions from going forward even when they should have gone forward. We need to improve that and make it a little bit better and easier in appropriate cases for U.S. attorneys, Federal prosecutors, to prosecute juvenile cases.

But the thrust of our reform and the thrust of S. 254 is to encourage and strengthen the ability of State and local governments to prosecute and handle and deal with young people who are committing crimes, are about to commit crimes, and who are running afoul of the law.

We know that in the last several years there has been a reduction in juvenile violent murders and the rates have gone down—not dramatically, but it has been a good number. Overall, from 1993 through 1997, however, there has been an increase of 14 percent in arrests of juveniles for criminal activities; we are not seeing a decline. This is after an incredible period of explosive growth in the last 15 or 20 years in juvenile crime—maybe even 25 or 30 years in juvenile crime. We have an extraordinarily high, unprecedented level of juvenile crime. Unfortunately, we have not responded to that.

Mr. President, I have seen it in my State. And my State is typical. We have increased adult prisoners, but we have not done anything to deal with what happens when a youngster is arrested for a serious crime. Judges don't have options. They don't have the ability to deal with them in an effective way, and they are coming back time and time again.

There was a murder in Montgomery, AL, when I was attorney general, by three young people. They were 16 and 15. I asked the police chief what kind of criminal history those three young people had. They were out on the streets. They were free, running loose. One had 5 prior arrests; another one had 5 prior arrests; and the third one had 15 prior arrests.

A New York Times writer, Mr. Butterfield, within the last year did an analysis of what is happening in juvenile courts. He went to Chicago IL, a major city. What he found there is too typical of what is going on in juvenile justice. What he found was that judges were spending 5 minutes per case—5 minutes per case—because of the crush of these cases.

That is unacceptable. It is our responsibility, if we care about those young people coming before that judge, standing in court having been apprehended for a serious crime—if we care about them, if we really love them—to do something with them. We will not spend 5 minutes on their case; we will confront youngsters of 13, 14, or 15 years of age and find out what has been troubling them, find out what their problems are, and intervene effectively.

Some say, Well, Senator SESSIONS, you just want to spend money on courts and lock kids up.

I don't want to lock kids up. But what we are doing today is not doing anything to help them. Some kids have to be locked up, unfortunately. I wish it weren't so. Some do. Some have been back 3, 4, 6, 8, 10 times.

Finally, if a judge at some point does not have the capacity to validate the integrity of his order of probation which prohibits them from committing further crimes, and he just ignores it time and time again, the whole law becomes a mockery. It becomes a joke. It undermines respect for law. It undermines respect for the police officer who is out doing his duty.

Some of these youngsters will kill you. A police officer goes out and makes arrest after arrest, and one of them is liable to pull a gun. One of them is liable to pull a knife. This is a dangerous world. Why should he go out and do his best to apprehend and commit himself to those cases if the judges and prosecutors are unable to proceed with effective punishment?

I want to say, first of all, that if we care about what is happening in America, I suggest we look at what is happening in our communities, talk to our police officers, juvenile probation officers, juvenile judges, and ask them: What is happening? Are you sufficiently funded and do you have the resources to intervene effectively at the earliest possible stage of criminality by a young person?

If we do that, we can perhaps avoid more serious consequences down the road.

I know a lot of people have talked about Littleton, Jonesboro, Paducah, and other mass shootings that have occurred in school. I don't know if those could have been prevented. In my own personal survey, reading the newspapers, I have found that in every one of those cases those young people had been before a judge previously for a serious offense. Had that judge had the time and the resources—an alternative school, a boot camp, a detention facility, mental health treatment, drug treatment, a drug testing program to determine whether or not these kids were in serious trouble—perhaps these crimes could have been prevented.

I know people say what we really need is prevention. I think the phrase is "primary prevention." I am not against prevention. This bill has an awful lot of money in it for prevention. I will show you in a moment some of the prevention programs that already exist.

Based on my experience and what I know with a virtual certainty in my own mind, if we want to prevent serious criminal behavior and we have a limited amount of money—and we do; for every project that comes before this body, our money is limited—then we ought to focus on that group of people who can be best served by the application of that money. Who is it? It is the ones who are already getting in trouble with the law, the ones who are already being arrested. They are the ones on whom we ought to focus.

I assure Members, all over this country we are not able to do that effectively. Call the juvenile judge in your community, if you know him, call your police officer or your prosecutors, and talk to them and see if they don't think we could do better.

I have visited with Judge Grossman in Ohio. He has a magnificent court system that Senator DEWINE and I visited. When those kids are arrested, they are interviewed by probation officers. Backgrounds are done. The judge studies it. He promptly analyzes their case. He has a school there, a drug treatment program, mental health treatment, family counseling—all these things—when that child comes before him and his team of judges; they have a program to deal with it effectively.

That is what I want to see happen all over America. In fact, I believe local communities are considering that all over America. I know in Alabama they are. Cities are sending people up to Boston, which has some terrific innovative programs that have dramatically reduced their murder rate by young people. They are thinking about what to do.

How can we help this? We are a Federal Government. How can we help our local county juvenile judge, local county probation officer, do that job? We ought to encourage them to study programs that are working. I think we ought to encourage them to visit programs such as the one in Boston and to develop their own programs.

The problem is they need, oftentimes, more money to accomplish that than they have in the immediate short term. What we have is a block grant program that will allow them to receive partial funding from the Federal Government as an encouragement, as an inducement, to create the kind of programs that take place in Ohio and Boston and in my hometown of Mobile, AL. Judge John Butler, who serves on the board of the Juvenile Judges Association, is a long-time friend. He has probably the finest boot camp in the United States. It has an education program. I have been there. I have visited that boot camp. I helped start it years ago. I supported it for years.

We have a drug court in Mobile where young people—and adults, too, for that matter—are examined for drug problems. Those are the kind of things that ought to be done. The school is so good that a lot of the young people who have been arrested and put into that detention boot camp facility with an education component want to continue their education there. They don't want to go back to their regular school. They want to stay in that school. That is what we need. That is the absolute best application of limited dollars to reduce serious violent crime, in my opinion.

We can find out if there is a serious problem at home. Maybe it is child abuse. Maybe one of the parents is a drug addict or an alcoholic. Maybe the child is totally neglected and there is psychological abuse going on in the home. Maybe they are running around with very bad friends and gang members. If the family is brought in, if the probation officers are brought in, if they are drug tested, if they are analyzed carefully, then progress can be made to turn around some of those young people. Some of them will continue a life of crime.

We care about our young people. Most of the victims of crimes by young people are other young people. We simply have to remove some of them from the community because they are not safe. Innocent kids who have done nothing wrong can be shot, killed, or abused by violent youngsters who are not able to be changed by the court system.

That is basically the philosophy. We call it "graduated sanctions." That is the phrase we are using in this bill, S. 254. It says if you receive money under this grant program, develop a system that is consistent with your own philosophy, your own local community, that increases punishment for repeat offenders. This idea a lot of people have that we are putting young people in jail for light or transient crimes is not true. It is not true. They know it. Minor kids don't get sent to jail.

I recently talked to a judge who had a serious case, a repeat of two or three household burglaries. He said he had one bed in the State juvenile system. If it is not an approved juvenile facility, according to the Federal Government, they can't even spend one night in it. He said he had one minor there for assault with intent to murder and he was not going to let him out to put the burglar in jail, so he had to let him go.

That is what is happening in the America. If we are not serious about it and don't invest in it and allow our judges, in a humane, disciplined, and effective way, to validate the rule of law, to validate decency and morality, to establish a system that disciplines wrongdoing instead of accommodating to it, we will continue to have more juvenile crime. I believe that is a significant way to prevent crime.

I know, regarding general prevention programs, it is the politically correct thing for people to say we need to spend more money. I am not opposed to it, if they work. I will say this: Our program had $40 million spent for the National Institute of Justice to research and evaluate the effectiveness of the various juvenile prevention programs. I know Senator FRED THOMPSON, from Tennessee, who worked on this committee, used to say: We don't know what works. We need to study more effectively what we are doing. We have had a commitment in this bill to research, to analyze, what really does work to reduce crime.

Mr. President, I have no pride of authorship. I want to spend the resources we are prepared to spend as a Congress as wisely as we possibly can so we can get an effective reduction of crime. School programs probably ought to be funded through the school and not through a crime bill.

The general philosophy of most experts in dealing with juvenile crime is to make that young person's first brush with the law their last. That does not mean they have to be locked up for weeks on end, but it means a meaningful confrontation about their wrongdoing must occur.

Families need to be involved. A probation officer needs to be involved, one who has the time to analyze the problem—perhaps in the family or perhaps that child's own problem. Sometimes it is not a family problem; sometimes the child has the problem— to confront it and take the steps necessary to improve that circumstance.

Police officers all over America tell me this is what is happening. They are out patrolling. They catch a young person who is burglarizing a house or business. The child is arrested and taken down to the police station. I would say the overwhelming majority of communities in America do not have a juvenile jail facility in their community, so that means the nearest jail is some hours away. They are not able to keep that child for 1 hour in an adult prison, even if it is on a separate floor or separate wing, totally apart from adults. They cannot keep that child 1 hour. They leave the child sitting in the police station lobby waiting for mother and daddy to come and take them home.

Some say, oh, that is not true.

It is true. That is what is happening all over America, and a lot of it is because the Federal regulations on detaining young people are too severe, in my opinion.

I know some think, oh, you want to put young people in jail with adults. I don't want to put them in jail with adults. But I don't want every local community in America to have to build a separate juvenile jail when they may have no more than two or three people. They have new facilities and they can carve our wings or sections of those jails for short-term detention of young people, because if they are arrested, bail has to be set. If they are not able to make it right away, they have to have a hearing within 72 hours. So if they have to take them to a distant facility at night—maybe there is only one police officer still on duty. I know the Senator from New York has more police officers on duty than one, but there are a lot of communities in New York State and Alabama that may only have one officer on duty. So it is just not a practical thing.

I believe we ought to be more realistic because juvenile judges do not want children to be harmed. Police chiefs do not want children to be harmed. They are not going to put them in these places so they can be abused. That is "Easy Rider" myth, that stuff. That is myth. People get sued if you allow somebody in prison to be abused while in prison. We ought not allow that to happen.

I just say that first of all. That is my general view of where we are.

We did make a commitment—and Senator LEAHY referred to it —not to federalize juvenile justice. I really do not believe that is an appropriate thing for us to do. As I said, virtually all juvenile cases are handled in State courts. They have procedures for it. They have detention systems that ought to be expanded, but they have them already. They have their own laws that have been set up. They have juvenile judges. They have, many times, prosecutors who specialize in juvenile cases. They have probation officers who specialize in it. They have boot camps, halfway houses, mental health treatment, drug treatment—systems already set up around these systems, and we ought to encourage that and encourage them to invest more and not create a new Federal system for it. There has been some concern. I think anyone who reads this bill will realize we have not made any move to federalize juvenile justice.

Let me mention a few things now. There is some question about what does it require to get a grant out of this bill if you are going to improve your juvenile justice system, if you want to help your judge in your town have an expanded capacity to confront youngsters and deal with them.

You need to have a graduated sanctions. We just do not believe we ought to give money where there is business as usual and a revolving door. You ought to have some plan—it doesn't tell you how—of graduated punishments so when they come back the second and third time, there is an ability for the judge to impose more serious punishments.

You need to have a policy of drug testing upon arrest. If we care about young people who are committing crime and we want to improve them and see they do not continue a life of crime, we ought to test them for illegal drugs.

We have known for the last 20 years—there was a survey by, I believe, the National Institute of Justice, of major cities around the country that showed that almost 70 percent—everywhere it usually runs 67 to 70 percent—of the people arrested in those cities when drug tested upon arrest test positive for an illegal drug. That drugs are an accelerator to crime cannot be denied. There is no doubt about it. What I believe is every court system—this doesn't mandate exactly the way I would like to see it—but it does encourage every court system to have a program to drug test young people when they are arrested. Because if they are on drugs, we need to start treating them. We need to start dealing with it effectively.

You say, even for small crimes like theft? Yes. Because oftentimes the thief, the person who is stealing, is stealing to get money for drugs. Frequently those people who show up with drug use, who are more likely to have a drug problem, are more likely to shoot somebody than someone who gets mad at a football game. So you just don't know. In Washington, DC, it has been done for years. I met with the director here 15 years ago and I have studied this problem. I really believe we need to do a better job. So it says you should have a plan.

Then we need to recognize the rights of victims. We continually have the complaint, if you are burglarized or robbed by a young person, oftentimes you do not even know when they are tried or what the prosecutor and judge decide to do about it. Your opinion is not asked. It gets settled. There is never a court hearing and you are not told anything about it. Victims have rights in juvenile court, too. So we are asking them to address that and establish some policy that will improve the victims' right to participate. Some States do, some do not.

These are some of the things we try to do in funding this bill. It is one thing to say you ought to do these things; it is another thing for the Federal Government to ante up and help pay for it. So our block grant proposal deals with that. It provides money that can be used for graduated sanctions. It helps them build detention facilities. There are a lot of them that are modern, are first rate, that have a lot of good things about them. We need to encourage every community in America to analyze its detention facilities and see if it can do a better job. I think we ought to provide matching funds for it, which this bill does. We have been doing some of that for the last 2 years in our budget, but I would like to make it permanent with this.

We have money for drug testing. If you set up a drug testing program, you can have the Federal Government, basically, pay for it—because we believe it is important.

Recordkeeping—there is a famous case about a youngster in New York who committed an assault with intent to murder; went to New Jersey, committed another violent crime and was released on bail and then murdered a police officer. A judge in New Jersey did not know about the serious violent crime in New York.

We were not putting those records in the National Crime Information Center. I know some will say this is juvenile, but I say this is serious. People who are committing serious violent crimes need to have their records in the National Crime Information Center, because when they are arrested again—that is the pattern; they will be arrested again—the judges will not know their prior history.

We have a good bit of money for that in this legislation which I believe will help States set up a first-class program; Mr. President, $75 million, in fact, for them to update their criminal records. We need to encourage the States to start putting their records in the National Crime Information Center. Director Louis Freeh said they will accept those records, they want those records, and they do not need any money from the Federal Government to receive them. They can receive them without additional cost.

We want to promote restitution programs. That is what this grant money can be spent for.

We want to promote programs requiring juveniles to attend and complete school programs and vocational programs.

We want to require parents to work and pay for some of these programs.

We want antitruancy programs. Truancy is a serious problem. It is an indicator of an oftentimes deeper problem. If we can create a better truancy program in America, we can improve and reduce crime.

We want identification and treatment of serious juvenile offenders, those who have real problems, and prevention and disruption of gangs, technology and training programs for juvenile crime control, and moneys for programs that punish adults who knowingly and intentionally use a juvenile during the commission of a crime.

There are, in fact, in America today cold-blooded drug dealers and other criminals who actually use juvenile offenders to commit crimes because not much will be done to them if they are caught. We believe that is a horrible thing and we ought to have a program to end it.

I am going to talk about prevention now. Again, I have no objection to good prevention programs, but since 1974, we have put no money—and in my hometown of Mobile, AL, the juvenile detention center there was built in 1974 or 1975, partly with Federal funds. It encouraged them to create what, at the time, was a first-rate, state-of-the-art facility. But that all ended many, many years ago. We have no money dedicated today to help juvenile law enforcement, detention or otherwise. There are no dedicated moneys for that, except what we have as part of our effort last year, which is not enough.

We are spending $4.4 billion per year on juvenile prevention programs. GAO has found there are 117 of these programs—117 juvenile programs, spending $4.4 billion a year. We are asking for $450 million only for juvenile accountability in a block grant and only a portion of that so we can improve our detention facilities.

Look at this chart. I think we ought to understand this. There is a lot of money being spent now on prevention programs, and some of it is not being spent wisely. That is why we have money in this bill, to review the effectiveness of these programs.

Listen to this: There are 62 programs that provide training and technical assistance for young people who may be in trouble; 62 for counseling; 55 for research and evaluation; violence prevention, 53 programs; parental and family intervention, 52; support service, 51; substance abuse prevention, 47; self-sufficiency skills—I don't know what that means, but I guess it is a good program—46; mentoring, 46; job assistance training—people say we need to get these young people jobs. All right, we have 45 programs doing that; substance abuse treatment, 26, and there are others.

That is some of the money we are already spending. I am not sure we are spending it well. What we probably should do is have a total analysis of all that is being spent in the different agencies and departments.

I used to be in the 4-H Club. I had the best hog in Wilcox County. I received a little pin for it from the 4-H Club. I was able to go to Auburn. It was a big deal to go to Auburn University. My friend almost won the tractor driving contest in Auburn. That was a big deal for me, but they have a 4-H Club program now for the inner city. That sounds like a good idea, I guess. Maybe it is a good idea. I don't know whether it is working or not. Maybe we ought to see if money we are spending on inner-city 4-H Clubs as prevention projects is well spent and whether those programs are working. I would like to look at that.

There is also a strong feeling that after we have a tragic shooting, as we did in Littleton, CO, we ought to do something about guns; we ought to do more about guns. We have quite a number of Federal gun laws on the books today.

I served as a prosecutor for 12 years. President Bush sent out a message that he wanted a crackdown on illegal guns in America. He wanted us as prosecutors—there were three districts in Alabama and 92 Federal districts, 92 U.S. attorneys in America. He said: I want you to crack down on these gun cases and prosecute criminals who are using guns.

We started a project called Triggerlock. In 1992, when I left office, there were 7,048 prosecutions under existing Federal gun laws. After President Clinton took office, he said we have to have more gun laws.

Since he has been in office, he has pushed for more, more, more, more, shoving the second-amendment right to bear arms as far as it can be shoved. Those of us who believe in the second amendment and the right of people individually to bear arms find that troubling. It is always more, more, more, but at the same time, the prosecutors he appoints, the U.S. attorneys who are Presidential appointments, are allowing the cases to drop. It dropped, in 1998, to 3,807. That comes right out of the U.S. attorneys' statistical report.

You say, "Jeff, I don't know what that proves." I say to you, if Attorney General Reno tomorrow made a commitment and sent a message to all U.S. attorneys that she wanted these cases prosecuted, those numbers would be up to the rate of 7,000 within a month or two.

These are not complicated questions. It is a question of the priority of the Department of Justice. A good prosecutor can prosecute 100 gun cases in the time he can spend on one complex tax case, for example. I am telling you, they can prosecute 100 of them for one complex tax case, one corruption case. We ought not to abandon tax cases and corruption cases, but just a little emphasis on this will help.

Since the President took office, he said we have to have a lot of new gun laws because this will reduce violence. We want new laws. The Congress responded and gave him new laws.

One of them is possession of firearms on school grounds. The First Lady said the other day there were 6,000 incidents of guns being brought onto school grounds last year—6,000. Look at how many this Department of Justice, President Clinton's personally appointed prosecutors, prosecuted. In 1997, they prosecuted five defendants for that violation. They had to have this law. In 1998, they prosecuted eight. That is not going to affect the crime rate in America. That is all I am saying. I am not saying how many cases ought to be prosecuted.

What I am saying is we need to get away from symbolism and we need to strengthen our juvenile justice system in America.

Look at this one: Unlawful transfer of firearms to juveniles. It is not a bad law. If you transfer a gun to a juvenile, it is against the law. It ought to be a crime. It was not a crime until it was passed, 922 (x)(1). Five were prosecuted in 1997 and six in 1998.

Look at this one: Possession or transfer of semiautomatic weapons, assault weapons. That was the assault weapons bill that was so controversial. An assault weapon looks horrible, but it is, in effect, a semiautomatic rifle. It fires one time when you pull the trigger. It is not fully automatic, which is already illegal and has been illegal for years.

There was debate on it, and Congress voted to make it illegal. It was the first time that a semiautomatic was made illegal. In 1997, four cases were prosecuted; in 1998, four cases.

My view is that if we have a good gun law that needs to be passed that can make our communities safer, I am willing to support it as long as it does not violate the second amendment of the Constitution. But I took an oath to uphold the Constitution.

This legislation has a good provision called the Juvenile Brady provision which says if a youngster is convicted of a crime of violence, that record has to be maintained, and they cannot get a weapon when they get older. Adults who have been convicted of a felony cannot possess a firearm in America. That is against the law. But if you were convicted of a serious crime as a juvenile, it did not count against you and you could possess a gun as an adult when you became an adult. So we are going to close that loophole.

Finally, this legislation has gained great support throughout America. The Fraternal Order of Police, the International Association of Chiefs of Police, and the Boys and Girls Clubs of America have endorsed this legislation. The National Troopers Association, the National Sheriffs' Association, and the National Collaboration for Youth have commented extremely favorably on the bill, as has the National Juvenile Judges Association, which has been much involved in helping us draft it. They are very positive about this.

I strongly believe that we have responded to the concerns of the Democratic Members and have tried to craft a bill that would be acceptable to them. I know Senator LEAHY has worked on it, and Senator BIDEN. I see he would like the floor. He has sponsored many crime bills over the years and has been active in his interest in this legislation. As ranking member on our subcommittee, he will be talking about the legislation in a minute.

I believe we have a good bill. I think it is time for America to respond to juvenile crime in an effective way. This bill will do many of the things that are necessary—not all, but it will do many of the things necessary for us to create an effective response to juvenile violence in America.

I have a unanimous consent request. I ask unanimous consent that until 2:15 today debate only be in order on the pending legislation.

The PRESIDING OFFICER (Mr. ENZI). Without objection, it is so ordered.

Mr. SESSIONS. I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Delaware.

Mr. BIDEN. I thank the Chair.

Mr. President, this bill has been a long time in coming. We have been debating this bill in the Judiciary Committee for some time. We have attempted to come up with a compromise that made sense. Later in the day—if not today, tomorrow—the distinguished chairman of the committee and I are going to offer an amendment that is essentially a substitute, but we will not probably offer it in the form of a substitute; it will be offered in the form of an amendment. At that time, I will speak to the distinctions of the bill before us and the provisions Senator HATCH and I will be amending.

Let me speak to the general proposition of juvenile crime in America.

I listened to my friend from Alabama and others who have spoken today, and I sometimes get confused. I get confused because the assertions that are made do not always comport with what the legislation says.

For example, there is a general assertion made, and a general consensus, that we should not be federalizing juvenile crimes; we federalize too much already, yet we do that in this bill in terms of attempts to deal with preemptive jurisdiction, imposing upon the States judgments about how and under what circumstances they should try adults, and children as adults, and so on.

The second thing that we do is we go through episodic periods in this body. I have been around long enough that I have been in more than one episode. I remember when I first came here, I say to my friend from Minnesota. We all kind of forget the consensus, the academic consensus, the criminal justice consensus, the political consensus we reached in the early 1970s. That was that we had horrible cases—and legions of them—where we put juveniles in adult prisons, we put juveniles in adult holding tanks, we put juveniles in circumstances where they were exposed to adult-convicted criminals.

There were legions of reports about their being raped, their being beaten, their being sodomized, their being dealt with in the most horrendous way. The Nation rose up in the late 1960s and early 1970s, led by the academics of this Nation, led by the criminologists, who said this has to stop, this has to stop.

I was here when Birch Bayh, the distinguished father of the Senator from Indiana, led the fight on the Judiciary Committee and the bipartisan consensus to change the rules. We ended up with things called sight and sound requirements. We ended up with things that dealt with recordkeeping. We ended up with changes in the law that dealt with the ability to try juveniles as adults and under what circumstances. And they worked. They worked. They worked very well, because you are not reading in our press about 13-year-old boys being sodomized in a jail, while they are held in a holding tank to be arraigned. You are not reading about that now.

For those of you who have not done this as long as I have, I suggest you go back and look at the RECORD and what we read about in the 1960s. It happened all the time. It does not happen anymore.

A little bit of power given to anybody is almost always abused. The bureaucrats got a little bit too much power, and over a long period of time we came up with some stupid rules, stupid applications of the sight and sound restrictions.

For example, if you in fact are in a rural community, in your State, I say to my friend from Minnesota, and you arrest a kid, a 16-year-old at 2 o'clock in the morning for a violent crime and there is no facility in town except one that has two adults in it, and the nearest juvenile facility is 4 hours away, we have been in some cases insisting—it is rare—that that kid be driven 4 hours all the way to that other facility when you have a one-cop town. It doesn't make sense. There should be accommodations made for 6 or 8 hours until the next shift comes on so you can work this out. Well, what we do is we make accommodations for that.

Let's not blow this out of proportion. I remind people, you are not reading in the press, as you did in the 1950s and 1960s and early 1970s, about juveniles being abused in adult prisons. In my own State, it doesn't take much. Let me remind everybody: You put a young kid, maybe even a status offender, not a violent criminal, in a cell next to somebody who is a hardened criminal. You lock the door. The hardened criminal starts telling the kid about what he is going to do to him and how he is going to enjoy doing it to him. The records are replete with jailers coming back and finding the kid hanging himself in a jail, committing suicide. They are not happening now. So let's not get trigger happy here, no pun intended, and decide that we are going to overcorrect.

Back in the bad old days, when I was chairman of this committee, a ranking member for about 18 years, we had scores of hearings. We brought everybody in. The cops who come in want to solve the problem—the example I gave in Minnesota or Vermont or Montana or Delaware. We can do that. But let us not go into this routine where somehow this sight-and-sound provision has taken on some bureaucratic hubris where what happens is that we have people going awry with power and preventing us from trying violent juvenile children or young adults and they are on the rampage in the countryside because of this stupid Federal rule. Not true. Not true.

Let's get some facts straight. Remember when I introduced the Biden crime bill back in 1984. It took 6 years to get it passed finally, the one with the 100,000 cops in it. I used to say all the time, Why can't we learn to walk and chew gum at the same time? When the crime bill, which everyone has stood up here and is giving great credit to for the significant reduction in violent crime among adults in particular, was written, I might point out, a number of people giving it credit here voted against it, thought it was a bad idea, for 2 years tried to amend it.

Well, there have been a couple altar calls. I welcome everybody to the party. What is that old expression: Success has 1,000 fathers; defeat, none. I am delighted there are so many strong supporters for the crime bill now. I am delighted. But let them remember why it worked.

We finally got liberals and conservatives to agree that they were both wrong and both right. I don't know how many times my colleagues had to listen to me on the floor during the 1980s and 1990s saying: Look, liberals have been harping on the following point: It is the society that makes these young criminals, and all we have to do is give them love and affection. All we have to do is intervene with the right programs. All we have to do is deal with prevention. All we have to do is deal with treatment.

My conservative friends would come in and say: The answer is tougher penalties, hang them higher, put them in jail longer.

The facts were sitting before us just as they are now. Let's get some of the statistics straight, lest we be confused. I know facts sometimes bother us in this debate. Our friend Alan Simpson, the former Senator, as you know well, used to say—I loved him, still do—he used to stand on the floor and say—I will never get it as well as Alan said it and never get it quite as right, but I think this was how his phrase went—he would stand up, when someone was spouting off about something they didn't know, and say: Everyone is entitled to their own opinion, but they are not entitled to their own facts.

Crime is the only issue on which everyone thinks they are entitled to their own facts. Everybody has an opinion on crime. Everybody has an answer, whether they know anything about it or not. I am not talking about my colleagues now. I mean the whole world. If you ask the public what caused the increase in the value of the dollar, they won't pretend to have an answer. If you ask them what will stop murder, they have an answer. If you ask them why is there violent crime, they have an answer. It is one of the areas that affects us all, and we are entitled to our opinion. But let us look at some of the facts.

Since 1993 the national rate of juvenile crime is down. Juvenile arrests for murder and manslaughter have decreased almost 40 percent, from 1993 to 1997, the last time we have the numbers. Juvenile arrests for forcible rape are down almost a quarter, 22.8 percent. Juvenile violent crime arrests are down by 4 percent from 1996, from the previous year. There was no decline in adult crime then.

Now, let's look at what we are talking about—again, the facts: There are basically three categories of kids. When I introduced the Biden crime bill for adults years ago, which became the crime law, I used to stand on the floor and say there are basically three types of criminals we have to deal with, and we need different solutions for each category. If I am not mistaken, I am the first one to write a report that about 6 percent, only 6 percent of the violent criminals in America back in the 1980s and 1990s, and even now, committed over 60 percent of all the violent crimes in America. If you went out and you could gather up all 6 percent of the career criminals, gather them all up, put them in jail and throw the key away, violent crime would drop by over half. That is No. 1. So we need a specific program for career criminals. The Senator from Pennsylvania, Mr. SPECTER, had a career criminal bill that became law, a gigantic help.

The second category is people who have committed a violent offense but are not career criminals. The third category is people who had crimes of property and status offender crimes, victimless crimes.

They all required different solutions. So that is why in the Biden crime bill we did three things: We took about $10 billion and hired more cops, about $10 billion and built more prisons, and about $10 billion to deal with drug treatment, prevention, and other programs. Guess what. It works.

The conservatives were right, that you have to get tougher, but with one segment. The liberals were right, you have to pay more attention to what brings people into the crime stream, for one section. One size doesn't fit all. So we finally got it right, and crime has dropped dramatically.

Now guess what. For juvenile crime, we have decided we are going to reinvent the wheel.

What is the formula here? The formula is simple. It is simple but hard. G.K. Chesterton once said about Christianity: It is not that Christianity has been tried and found wanting; it has been found difficult and left untried.

Well, it is not that this is so complicated, but boy is it political.

In all of America, in that first category of kids, career criminals for adults, there are 115,000 kids who were arrested for murder or arrested for a violent crime; 2,000 of the 115,000 were arrested for murder; 113,000 were arrested for violent crime. They are clearly in one category. They are the bad actors. Everybody wonders why they have all these floppy clothes. Walk through the train station down here, walk in any city. Those floppy clothes allow you to conceal a gun. Guess what. These kids are bad. They are bad seeds.

I want to tell you something that the liberals do not like hearing said: Some of these 16-year-olds are beyond redemption. They are beyond redemption for all practical purposes. And if and when they are redeemed, we don't know why they were. They may have seen the Lord in a blinding light. They may have come to their senses. But when it occurs, we don't know why. And it doesn't occur that often.

But think about it, all the children in America we are talking about—115,000.

There is a second category.

There are 685,000 kids who are arrested for nonviolent property crimes ranging from stealing your car to mutilating your property, or, as we say in my section of the country, "turfing your lawn." Nonviolent property crimes, 685,000. They require a different solution.

Mr. President, locking them up in juvenile detention facilities as they are only getting into the crime stream usually only makes them better criminals. That is where the graduated offenses come in.

If I am not mistaken, I think I am the first guy who had James Q. Wilson testifying before a committee up here. Everybody now talks about the "broken window theory." Most don't understand it. It is a simple proposition. It is not complicated. If, in fact, you have a sanction the first time a young person is brought before the courts, no matter how small the sanction is, it has a greater impact than waiting three or four times and throwing the book at them. It is not rocket science. It is not a big deal. It is pretty easy to figure out.

Then there is a third category of kids. There are at least a few million of them. They are in the at-risk category. BIDEN, what is that fancy term, "at-risk?"

From 8 to 5, walk into any schoolyard in America. Take two or three teachers. Say to them: Point out the kids out there who are the ones on the edge and haven't done anything wrong, but the ones you are most worried about. They can identify the at-risk kids for you.

Again, a second time using the phrase "not rocket science." They can identify them for us. We have civil liberties and civil rights that do not allow that to occur, and shouldn't. But, as Barry Goldwater used to say, "In your heart you know I am right." You know that we know that you can identify them.

What are we going to do about those kids? Are we going to build jails for them? Are we not going to take the time and effort to use prevention programs that work?

That is a third category.

I wrote a report a couple of years ago referring to the "baby boomlettes," pointing out that the largest cadre of young people since the baby boom is about to reach their crime-committing years—39 million kids under the age of 10.

If not one single thing happens in terms of the crime rates going up with juveniles, every single category of crime will increase significantly—every one of them—because, guess what. There is just a heck of a lot more kids.

If we do "as well as we have been doing," and there is not a one one-hundredth of 1 percent increase in crime among juveniles that occurs, we are going to have several thousand more murders; we are going to have a 20-percent increase in the juvenile murders by the year 2005, and the overall murder rate will go up 5 percent. Violent crime will increase by the same percentage if we do not allow one single percentage increase, because there are so many kids coming.

Mr. President, the interesting thing about crime—only a few things we know perhaps even with certainty—is that if we have a cop on this corner and no cop on that corner, and there is a crime going to be committed, it will be committed on the corner where there is no cop. That is one thing we know. Another thing we know is that violent crime decreases when you get older.

Do you know why? It is harder to jump that chain-link fence. It is a little harder. It is harder to jump that chain-link fence. That is why it decreases.

You don't need a degree in criminology to figure this stuff out.

So why do we keep trying to reinvent the wheel?

I remember when I introduced the first crime bill; there was a New York Times editorial saying: But we have tried this before.

More cops, we never tried that before. For the previous 20 years, the top 20 cities in America had less than a 1-percent increase in the total number of police on their forces, yet their population increased by about 18 percent. We used to have three cops for every one violent crime committed in America. We have gotten to the point where we have one cop for every three violent crimes.

So we did it. We hired more cops. And it is working.

The same principles work with regard to juveniles.

Look, a couple of my friends said: You know what we ought to really do is, this Clinton administration ought to get in gear. Get in gear? This Clinton administration has done better than any administration in history in reducing crime.

By the way, that "truth in sentencing," I am the guy that wrote that law. It is called "The Federal Sentencing Commission."

I might add that a lot of people who are speaking about it now were against it then. As a matter of fact, a colleague who used to be on the floor, Mac Mathias, called the Biden law "the same-time-for-the-same-crime law."

So what are we doing now? We are changing the game. This administration that came along and supported "truth in sentencing" is the administration that pushed community policing; is the administration that has targeted the most violent criminals; is the administration that has provided more money and effort from the Federal level for fighting crime than any in the history of the United States of America, and has succeeded. Let's get off this poppycock about whether or not this is a Democrat or Republican deal. The hope was that once we passed the Violent Crime Control Act of 1994—by the way, it is not coincidental. If you notice when all the charts go up, violent crime starts to drop in 1993. Guess what. That is when we introduced the bill, and it passed in early 1994.

Mr. President, juvenile justice requires our attention. It requires us to be honest with one another and honest with the American people.

There are three categories of kids we have to focus on. The 115,000, 2,000 of whom have been charged with murder, but 115,000 who are the violent offenders, we should be building prisons for them. We should put them in juvenile facilities. And we should treat them in some cases as adults.

I might add, all my States rights guys, guess what. Most States have a surplus.

I love these Governors. They come and tell us about how to run the Federal Government. And then they come to us and tell us if we want to deal with building a juvenile facility, we had better send Federal money. But it is a local issue, it is a local problem, and it is a local crime. Local law enforcement does it, but you send the money, Federal Government, to build the prisons.

They can build the prisons. There is money in here to allow help for that. But they should get responsible, I would respectfully suggest, in the State legislature in Dover, DE; in Springfield, IL; and every other capital in America to acknowledge what their responsibility is.

There is a second category, Mr. President—those that committed crimes against property.

We can save these kids. We can intervene. A lot of them we can keep from being violent criminals. But it doesn't mean building more jails for them.

The third category of 3 million-plus is those at-risk kids. We don't have to reinvent the wheel. Just look at what we have done.

Mr. President, at some point I will be joining my friend, the Senator from Utah, the chairman of the committee, to introduce an amendment in the nature of a substitute that makes the necessary corrections in a bill which has already made some progress.

My colleagues have heard me say this over and over again for the last 15 years. A trial lawyer with whom I used to practice used to always say to a jury: Keep your eye on the ball. The prosecution will tell you this, this, this, and this about the defendant. The question is, Did the defendant pull the trigger? Keep your eye on the ball.

I respectfully suggest that in this debate we keep our eye on the ball. What are we going to do about the 115,000 very violent kids in America? What are we going to do about the 680,000 in the crime stream who have not committed crimes of violence but are on the edge? What are we going to do about the 3 million kids who are on the edge, who are ready to slip into the crime stream?

The problem that still exists beyond what we have to deal with here and beyond guns and beyond prevention—and the Hatch-Biden substitute puts in more money for prevention—what we really have to do is deal with the drug problem in America.

I said before that we learned in the early 1980s that if we could take the 6 percent of career criminals in America and remove them from the scene by an act of God, violent crime in America would drop over 50 percent. Nobody disputes that now. I respectfully suggest, if any Member can have one wish that would fundamentally alter youth violence in America, ask God to come down and take alcohol and drug abuse out of the system. If we did that one thing and nothing else, we would affect the course of juvenile justice in America more than anything we can do.

Obviously, we can't do that. As I said years ago when I introduced the first bill, there are three things we have to do: One, deal with adult crime, particularly focusing on violence against women; two, we have to fix the juvenile justice system; and three, we have to deal with the drug problem. They are the three pieces. It hasn't changed.

I urge my colleagues, as the debate gets underway, keep your eye on the ball. Don't try to reinvent the wheel. Look at what is working. Stick with what is working. I am not suggesting we don't try new ideas, but stick with what is working.

By the way, I point out that the very people who now are all for juvenile Brady—what was in the original juvenile justice bill I introduced—are the very people who were against the Brady bill before. So there is progress. There is hope.

Brady made a difference.

Mrs. BOXER. Will the Senator yield?

Mr. BIDEN. I am happy to yield to the Senator.

Mrs. BOXER. I want to ask a question. The Senator and I have talked for a very long time about afterschool programs. We had a conversation abut the Hatch-Biden amendment. I am very glad the two Senators were able to work something out with a bipartisan thrust.

Could the Senator clarify for me the language the Senators have both agreed to regarding block grants and setting aside 25 percent for prevention, and what afterschool programs fit into that definition in the bill?

Mr. BIDEN. I will be brief because we will discuss this when the amendment comes up, but I am happy to answer the question.

There are four block grants in the bill. The one in which the distinguished Senator from Utah has agreed to make an alteration is the provision for $450 million that is available for up to 25 percent; $113 million of that will now be able to be used for afterschool programs, for drug treatment programs, and for any program which is designed to deal with the cadre of kids who, from the time the school bill rings at 2:30 until they go to a supervised situation at 6 or 7 o'clock at dinner, commit the majority of crimes committed by young people.

However, there are two other provisions in the bill. There are two other block grants of $200 million apiece. Those two allow money to be used for prevention and afterschool programs.

As I told the Senator, I happen to think in the original bill which I introduced 2 years ago—that was the juvenile justice bill—that had a number of cosponsors.

I think we should be spending closer to $1 billion on this prevention notion. From the time I was a kid, I went to a Catholic grade school. I don't know whether the nuns got this from my mother, or my mother got this from the nuns, but as my Mother would say, an idle mind is the Devil's workshop.

Give a kid no supervision from 2:30 in the afternoon until dinnertime, and I promise—I promise—good kids are going to get in trouble and bad kids are going to do very bad things. This is not rocket science. We should be doing much more.

The Senator from California has focused very much as a Congresswoman and now as a Senator on dealing with afterschool programs. Again, if you could wave a wand, and all the school boards and school districts that say they care so much about their children—and they do—if they could have baseball, basketball, cheerleading, chess, girls' field hockey, lacrosse, I would have those programs for every junior high in America. Almost no junior high in America has the programs. Do you want to keep kids out of trouble? This is not hard. This is not hard. The people in the gallery know it; they understand it. The American people understand it. Why don't we understand it? Why don't the local authorities understand it? It is hard to tell people you will raise your taxes in order to do this.

The other thing this bill does, with the help of Senators PHIL GRAMM and ROBERT BYRD: When the Biden crime bill passed in 1994, we set up a violent crime trust fund. We let go 300,000 Federal workers. Under this administration, we have the smallest federal workforce since John Kennedy was President. I know the Senator knows this, but what we did with that money is take the paycheck that used to go to the person working at the IRS or the Department of Energy or wherever, and when they left their job, we didn't rehire people. We reduced the workforce. We put their paycheck in a trust fund, like the highway trust fund. This extends the trust fund until the year 2005.

I say to my friend that there are a lot of programs worth spending money on—education and defense—but I can't think of anything more fundamental than taking the streets back and giving our kids a safe environment in which to live.

There are two things we do. We add prevention money as a permissible use. We earmark it. It adds up only to $113 million. It has part of the other $400 million in this bill that can be used for prevention, but it is short of what we should be doing.

I am looking forward to supporting the Senator from California when she tries to do more for afterschool programs.

Mrs. BOXER. I thank my friend from Delaware. I am very happy he is going to support the amendment. We have $200 million in here for after school—and this administration deserves a lot of credit—up from $40 million.

Guess how many applications came in. Another $500 to $600 million on top of the $200 million. We have a very big void to fill.

As my friend said, crime happens after school. The FBI has shown that. I think for this bill to be balanced it needs to go to tougher penalties for certain crimes but also to prevention and modest gun control measures. I am looking forward to working with my friend on all these matters.

Mr. BIDEN. As I said, at some point when it is appropriate, when the distinguished chairman of the committee decides we should introduce our amendment, we will. I thank him for reaching out, because it has not been easy for him to be able to do this, and I look forward at the end of the day to this entire bill being a bipartisan consensus when it leaves the floor.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I thank the distinguished Senator and I understand the distinguished Senator from Minnesota is about to take the floor.

Does the distinguished Senator from California wish to speak before lunch?

Mrs. BOXER. No, I can wait until after lunch.

Mr. HATCH. Then I suggest after the Senator from Minnesota completes his remarks we recess for the policy meeting. Is there any objection?

The PRESIDING OFFICER. Is there objection?

Mr. WELLSTONE. Reserving the right to object, I could not hear the first part of what the Senator from Utah said.

Mr. HATCH. The Senator would be the last speaker before the policy meetings of both parties.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Reserving the right to object, I wonder if my friend could expand that to include a list, with Senator SCHUMER and Senator BOXER on our side? Is it possible to make this a little broader so we know for certain, when we come back here after lunch, we can talk on this bill?

Mr. HATCH. I am hoping after lunch we will be able to start on the first amendment. But we will certainly accommodate the Senators as they come to the floor.

Mrs. BOXER. What my friend is saying is we could speak in favor or opposition to an amendment. Is it possible to line it up in that way?

Mr. HATCH. Sure. Of course it is. We will try to go back and forth, if we can, on the floor.

Mrs. BOXER. I ask unanimous consent——

The PRESIDING OFFICER. There is a unanimous consent request pending.

Mrs. BOXER. I will add to that and see if my friend will accept this: That the speakers to be decided on his side of the aisle, that of Senator HATCH, and from our side of the aisle it will be Senators SCHUMER and BOXER, in that order, after lunch? And we would add that to this.

Mr. HATCH. Will the Senator withhold until after we have offered an amendment?

Mrs. BOXER. Absolutely.

Mr. HATCH. After we have offered an amendment, then we will work it out.

Mrs. BOXER. I will withdraw it.

The PRESIDING OFFICER. Is there objection to the original request?

Without objection, it is so ordered.

Mr. HATCH. I thank the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Minnesota.

Mr. WELLSTONE. Mr. President, this will just be an opening statement. I presume we are going to have a lot of time to debate this legislation and all of us will have the opportunity to have amendments we think are relevant and important. Then we will have substantive debate. That is what the Senate is all about.

Once upon a time this bill was S. 10. Now it is S. 254. I am not exactly sure about all the provisions in this legislation. I am not exactly sure as to what the Biden-Hatch, or Hatch-Biden, amendment will say, as well. But let me just say at the beginning, what I am quite sure of is that, as I look at this, I do not see a lot of balance. I see a whole lot of emphasis on punitive measures, locking up more children. I do not see a whole lot by way of efforts to keep children from getting into trouble in the first place. I am actually surprised that we have not learned some of the lessons which I think the people who are down in the trenches, working with at-risk kids, have learned.

I heard my colleague from Alabama talk, and I like what he did. He talked to people back home. I think if you talk to cops on the beat and you talk to judges and you talk to sheriffs and you talk to counselors and you talk to youth workers, they will tell you we should be doing a whole lot more by way of prevention. As I heard Senator BIDEN talk about the substitute amendment, it sounds like a pittance we are really putting into prevention.

Let me also just say I am not a lawyer, I am trying to wade my way through this argument, but I want to make sure this legislation does not weaken certain core protections we have had for children. There is no doubt in my mind that when certain kids commit violent crimes they may very well be tried as adults and they may be faced with stiff sentences. But we have had certain protections for kids which make sure we do not have too many kids in adult facilities.

I do not really know exactly whether or not we have a judicial review process of what prosecutors might want to do. I do not know what kind of protections are there. But to me it is really important, because even if you call some of these facilities "colocated facilities," that may just be a fancy word for adult facilities with juvenile wings. As Senator BIDEN was saying, with a considerable amount of power and eloquence, there is disturbing evidence that a whole lot of children—many more children—commit suicide in adult facilities: eight times more often than children held in juvenile detention facilities. I do not think we can take these kinds of risks with young people's lives. Again, I want to really understand whether or not we have the protection we need for kids.

I will tell you what is a huge flaw in this legislation, not fixed at all by the substitute amendment or the amendment to the bill or the legislation that is before us right now. This legislation undermines our efforts—and I hope every Senator will feel strongly about this—to deal with the disproportionate confinement of "minority youth" in our Nation's jails.

In practically every State, children of color are overrepresented at every stage of the juvenile justice system, especially when it comes to secure confinement. Furthermore, they receive unequal treatment by the system.

A study in California showed that minority children consistently receive more severe punishments and were more likely to receive jail time than white children for the same crime. Black males are four times more likely to be admitted to State juvenile jails for property crimes than their white counterparts and 30 times more likely to be detained in State juvenile jails for drug offenses than white males. The source is the Youth Law Center study called "Juvenile Offenders Taken Into Custody."

Also, let me say at the very beginning of my remarks that it is incredible that here we are at the end of the century—working with kids up to adults—it is my understanding that, roughly speaking, one-third of all African American males ages 18 to 26 or 18 to 30 are either in prison, awaiting to be sentenced, or on probation—one-third of African American males in this country.

We ought to think seriously about what that means. In the State of California, I read and, again, I think it is ages 18 to 26—it may be 18 to 30—there are five times as many African American men serving sentences, incarcerated in prison, than in college. We ought to think about what this means.

Last month, along with Senator DORGAN, I visited the Oakhill Juvenile Detention Center in Maryland. We were joined by Judge George Mitchell who sits on the D.C. Superior Court. He made an astonishing statement, if anybody wants to pay close attention to this. In talking about the disparity of the treatment of minority children, in his 15 years, as a juvenile judge, having had thousands of juveniles in his courtroom, he has had only two white youths appear before him. That is unbelievable. By the way, this is not due to a dearth of white youth in the District of Columbia, nor is it that they never run afoul of the law.

We have a current law that says: States, you need to address this problem and States are directed to identify the extent to which disproportionate minority confinement exist in their State and try to identify the problem, the causes, and what can be done about it.

This requirement has never resulted in the release of juveniles who have broken the law, nor any kind of quota system on arrest or release of youth based on race. As a result of the current legal requirement, 40 States to date are implementing intervention plans to address this problem.

It seems to me we would want to do this as a nation. S. 254 is a piece of legislation that does not want to mention race and has removed this current DMC requirement. Efforts to remedy the disparate treatment of minority youth that are underway in States is going to be seriously undermined as a consequence of this legislation. As a result of this, our juvenile justice system will fail, as it is now failing, to treat every youth fairly and equitably, regardless of race.

I oppose this legislation, given the way it is now framed, and I think other Senators should oppose this legislation for this reason alone.

Another issue that is going to come up in our debate—and the legislation does not really address this in any major way—has to do with the issue of gun violence. Please do not misunderstand me. I have been very careful in talking about Littleton and what happened at Columbine High School to simply not make a one-to-one correlation of any particular agenda that I am for because sometimes events in human experience are so dark, so evil that they cannot be flippantly explained. I do not know why those kids did what they did, why they committed murder. It is hard for me to know what really happened.

I will tell you this—and by the way, I have been so impressed with discussions with students in Minnesota. Just yesterday at Harding High School, we had a great discussion about education, violence in schools, violence in communities, and those students had so many poignant and important things to say. This I do know: A Washington Post editorial pointed out that 13 children a day in this country are killed by guns. That is, in effect, one Littleton massacre each and every day in the United States. Of the 13 children killed by guns, 8 are murdered, 4 commit suicide—there is a lot of youth suicide in this country; it is hard for me to accept as a father and grandfather—and 1 is killed accidentally by a firearm.

I will leave it up to other colleagues to go over the legislation we will have on the floor that is going to be much tougher in terms of how to keep guns out of the hands of kids, much tougher on adults who peddle guns to kids, et cetera. I am saying we have to get a whole lot more courageous and tougher when it comes to this gun legislation.

What I want to focus on is the whole question of the criminalization of mental illness. We are talking about a juvenile justice bill. I point out—and I will talk about a piece of legislation that I have introduced, the Juvenile Justice Mental Health Act which has 40 sponsors, including the American Bar Association—a lot of people are talking about juvenile justice and a lot of people are talking about mental health services. I want to make sure we are of substance. I want to make sure we do not engage in symbolic politics. I want to make sure this debate is real.

That may sound self-righteous. Sometimes I worry about everybody carrying on about this legislation and the legislation then going nowhere, or people staking out a lot of positions, maybe not even based upon having had any experience for this. I hope we remain very, very focused.

One of the things that is going on right now is we have criminalized mental illness. There are a whole lot of people—I am going to talk about kids today—who should not be incarcerated in the first place. There are many children in their very short lives who have been through what children should not go through.

When we look at the statistics on kids who are incarcerated, roughly speaking, 1 out of every 5 is struggling with some kind of mental disorder, struggling with mental illness. Moreover—and Senator BIDEN talked about this—many of them struggle with substance abuse, many of them have learning disabilities, many of them come from troubled homes, many of them come from homes where they have seen violence every day.

The question becomes whether or not we are going to make some changes in this juvenile justice legislation that responds to these kids' lives. In setting the context, I will say that, despite popular opinion, most of the kids we lock up are not violent. The Justice Department study shows that 1 in 20 youth in the juvenile justice system have committed violent offenses—1 in 20. What has happened is that, No. 1, a lot of kids who could be in community-based treatment who have not committed a violent act instead wind up in these so-called correctional facilities which are not very correctional. And, No. 2, once there—and I am talking about 20 percent of the kids, probably more, kids who struggle with mental illness—the law enforcement community, the guards, the police at these facilities do not know how to treat these kids. Quite often, they do not know with what these kids are dealing. As a result, many kids end up being disciplined within these facilities and put in solitary confinement.

As the juvenile justice system casts a wider and wider net, which is the direction of this legislation, and as we have more fear and more intolerance of kids who misbehave or commit nonviolent crimes, we are pushing more and more children into the juvenile system who would not have ended up there in earlier times. In particular, what bothers me to no end is a lot of these kids should not be there. A lot of these kids are struggling with mental illness and should be treated in a community setting, and that is not happening.

The warnings are there. There is the school failure. There is the drug and alcohol abuse. There is the family violence. There is the poverty at home. Yet, we do not put the emphasis on community prevention. We do not put the emphasis on early intervention services for these kids. We do not put the emphasis on mental health treatment. As a result, we make the same mistake over and over.

There are two amendments—or several amendments—that I am going to offer to this bill. But two of the amendments that I am going to offer are based upon the Mental Health Juvenile Justice Act. It is a comprehensive strategy. We get the money to State and local communities and we provide the mental health services. There is strong support from 40 organizations. When we introduced it with Congressman MILLER about a month ago, I guess, there was strong support from 40 organizations—every organization, from the American Bar Association to the American Psychiatric Association, the Children's Defense Fund, you name it. And what we are basically saying is, as opposed to warehousing children with mental illness, we provide moneys to State and local communities to identify kids with these problems on the front end of the system, look to alternatives to incarceration, provide mental health services for these kids.

Mr. BAUCUS addressed the Chair.

Mr. WELLSTONE. Mr. President, I yield for a question.

The PRESIDING OFFICER. Does the Senator from Minnesota yield the floor?

Mr. WELLSTONE. I am not yielding the floor.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senator be able to continue his statement and that I be allowed to speak as in morning business at the conclusion of his statement.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. WELLSTONE. I say to my colleague from Montana, I am going to hurry right up. I waited about 3 hours. I am just trying to go through this. I do not plan on going on a long time, but I just want you to understand. I appreciate it.

The Mental Health Juvenile Justice Act, which I will basically offer as an amendment, says, A, let's do careful assessments on the front end. Let's not incarcerate kids who do not need to be incarcerated; and, B, let's provide the funding for these facilities to provide mental health services for kids; and let's make sure that the law enforcement community, whether it be on the front end or whether it be in these facilities, is trained to recognize kids who are struggling with mental illness. That is the direction to go in.

Right now the situation is absolutely brutal—absolutely brutal. I have spoken on the floor of the Senate before—and I could go on for hours on this, and I will not—about some trips I have taken to some of these facilities. One trip to Tallulah, LA, was enough, although there are other Justice Department reports on Georgia and Kentucky as well, and it is the tip of the iceberg.

It is really just unbelievable to read about kids who spend as much as 7 weeks, 23 hours a day, in solitary confinement, to go to these facilities where these kids do not get any treatment whatsoever, kids who are brutalized. To go to the Tallulah “correction” facility with all of it privatized out to a private company—TransAmerica Corporation, I think, is the name of the company—and to have kids just blow the whistle on the whole facility, I say to my colleague from Montana, is just absolutely unbelievable. There have been lawsuits filed.

It really is, frankly, unconscionable that we put so many of these kids in this situation. And 95 percent of the kids in Tallulah have not committed a violent crime. We are talking about racial disparity. There was a sea of African American faces. There were up to 650 kids, and I bet you 80 percent of the kids were African American children. That is my first point.

What I want to do is really put a very strong emphasis on mental health in juvenile justice. I want us to do a much better job as a Nation, and we need to get the resources to the State and local communities to do the assessment, to do the alternatives to incarceration, to make sure kids who are in these facilities get the treatment they need. And right now we are not doing it.

We have criminalized mental illness among kids and adults. Many of them should not be in these facilities. And when they are in these facilities, they receive no treatment whatsoever. I want to make sure that with the debate on this legislation and the amendments that are offered we have a very strong focus on juvenile justice and the mental health of kids. That is my first point.

My second point is, I think that—well, no. In deference to my colleague from Montana, I will just sort of say it in 1 minute, and make my final two arguments. We are getting to the point now where we have six States, led by California, that are spending more money on prisons than on State colleges and universities. In the State of New York, keeping a juvenile in New York's Division of Youth now costs $75,000 a year. You can send three kids to Harvard for the same amount of money.

And I think we have to come to terms with some basic facts. There is a higher correlation between high school dropouts and incarceration than cigarette smoking and lung cancer. It would seem to me, again, we would be doing a whole lot more by way of prevention—I certainly do not think it is in this legislation, albeit there is some minor improvement with the Hatch-Biden amendment which is helpful, but I think it does not give the legislation the balance that it should have.

I do not see us doing very much when it comes to the early years. I do not see us doing very much at all. Frankly, if we really want to make a difference, we are going to have to pay some attention to all of these reports that have come out about childhood development.

Where is the focus on early childhood development? I thought we were going to do a whole lot to make sure that we do well for children from right after birth to age 3, much less before kindergarten. Why are we not doing that? Kids who come to school behind fall further behind, drop out, and then wind up in jail. When are we going to begin to get real about responding to these children in America? It is not in this legislation. I have not seen it in any legislation that has come out on the floor.

The second amendment that I am going to offer has to do with domestic violence. I hope there will be overwhelming support for this. Let me just tell you that above and beyond the focus on women, I am sorry to say that still about every 13 seconds or 15 seconds—what difference does it make; it is just outrageous—a woman is battered in her home. A home should be a safe place.

I have been working with a number of people and staff—Charlotte Oldham-Moore, my wife Sheila—and now we find out that we have not done a very good job of really providing support for kids. They may not be battered, but the effect of seeing this in their home over and over and over again, and then going to school, and not doing well, is that they wind up in trouble.

So one of the amendments we are going to have is to provide, again, the funding to be able to recognize this and to be able to bring together all of the actors in the community to provide support for these kids. In other words, we can have the greatest teachers, the smallest class sizes, the greatest technology, and a lot of these children are not going to learn unless we get the support services to them early.

We are also going to have an amendment, a third amendment, which really does a good job of having much more focus on school-based mental health services. Again, I will have a chance to speak on this, but I think we have to develop a whole infrastructure that focuses on mental health services. And I think it has to be before these kids get into trouble rather than afterwards.

Finally, let me just say that there were some comments here which were made that I wish we would have more debate on. I hope when I have amendments I can get people out here debating. But my colleague from Alabama, Senator SESSIONS, over and over and over again was talking about drug testing and the rest. What I do not understand is, if you are going to do the drug testing, how about the treatment as well? We do not do the treatment programs. We do not do the treatment programs. So much of what we see is tied into substance abuse problems.

I am going to be working on legislation—we have the bill with Senator DOMENICI to try and end this discrimination in terms of covering mental health services for people. We are not doing that. That is one piece of legislation—including any number of childhood illnesses, autism, or post-traumatic stress syndrome, which, unfortunately, also is something that affects children, or anorexia, or attention deficit disorder. We do not provide any treatment or any coverage for treatment.

We act as if these illnesses are not illnesses. There is all this stigma. When are we going to get this right? If we are going to talk about prevention in a juvenile justice bill, we have to have that component. And in the substance abuse, it is the same issue.

Where is the parity? Where is there a way of making sure we get the treatment to these kids? It is crazy. So much of this prison construction industry, so many of the people who we are now incarcerating—so many of these kids who are in trouble are in trouble because of addiction. I would love it if my colleagues would just look at the Moyers documentary. Many are viewing brain diseases. We are now talking about the biochemical and neurological connection, and we do not provide the funding. We do not provide the treatment.

Mr. President, let me conclude by saying I think we are going to have to do a whole lot better. I will talk a lot about some of my travel around the country and what I have seen with my own eyes, but I bring to the attention of my colleagues, to give this a little bit of context, a report by Amnesty International. It is called "The United States of America, Rights for All, Betraying the Young." Just a few quotes. I am not picking on any particular States, but it is important.

"Judge Zintner, I have an important question to ask you! Would you please move me out of here? Please don't leave me here with all these adults. I can't relate to any of them. They pick on me because I am just a kid. They tease me and taunt me. They talk to me sexually. They make moves on me. I've had people tell me I'm pretty and that they'll rape me . . . I'm even too scared to go eat . . . It's too much for anyone my age to handle . . . Please help me with this." Letter from 15-year-old Paul Jensen, imprisoned in South Dakota State Penitentiary, to his sentencing judge, 1997. In September 1998, his mother told Amnesty International that he had not been moved from the prison.

"There are 2.5 psychologists to see the 300 juveniles in general population. This is despite the fact that 40 percent of the juveniles received will be identified . . . as having mental health or suicide watch needs. Because of the number of juveniles that need to be seen, the supervisor has told his staff that they cannot see a juvenile more than three times a month unless they indicate that the juvenile will die if he is not seen more often." Official audit of facilities, Virginia 1996.

". . . girls as young as twelve years old were subjected to sexual abuse, received no counselling, no vocational treatment, no case treatment plans or inadequate or inappropriate medical care, were placed in a 'levels' program in which the length of time of the juveniles detention could be unilaterally changed, lengthened or shortened depending on the whims of Wackenhut's untrained staff members, and were made to live in an environment in which offensive sexual contact, deviate sexual intercourse and rape were rampant and where residents were physically injured to the point of being hospitalized with broken bones." Texas 1998—extract from a complaint filed in court alleging abuses at a juvenile correctional facility operated by the Wackenhut Corporation, a private for-profit company.

On a Sunday morning Paul Doramus, recently appointed director of the state agency that is responsible for juvenile justice——

Mr. BAUCUS. Mr. President, might I inquire of the Senator how long he is going to proceed? We are going past 12:30. In great deference to the Presiding Officer, we were supposed to finish at 12 o'clock.

Mr. WELLSTONE. I will be done in a moment. I started at 20 after. I will be done in about 2 minutes.

Mr. BAUCUS. The Presiding Officer has let us proceed with great generosity.

Mr. WELLSTONE. I say to my colleague that I waited for 3 hours and I also deferred to others. Senator MACK needed to speak, and others. I understand that. I will finish up. I said that several times, I think, to my colleague.

> On a Sunday morning Paul Doramus, recently appointed director of the state agency that is responsible for juvenile justice institutions, visited the Central Arkansas Observation and Assessment Center. He heard a boy sobbing: "Mister, get me out of here, I want my mother." Doramus discovered a 13-year-old boy in an isolation cell, "sobbing so hard he could hardly speak." The boy had been caught in a stolen car and was arrested for theft of property. At the institution he had been disruptive, and staff placed him in isolation. "As I attempted to talk with him, his calls for help just grew louder," Doramus said. The boy's next words jarred Doramus even more. "Jesus doesn't love me anymore for what I did." Doramus held the boy's hands through the cell bars. "That's not true, partner," he assured him. "He does."
>
> "All I could think of was my two kids who were at home, who got the hugs and got the love and got the support," Doramus said. "I thought, God forgive us all. How could we allow kids to live in an environment like this?" Little Rock, Arkansas, June 1998.

This is from an Amnesty International report that came out this past year, November 1998.

Mr. President, I have seen these conditions in these facilities. I will have a number of amendments dealing with domestic violence, dealing with mental health and juvenile justice that I have been working on for the past year, dealing with the whole question of how we can get more support for kids before they get into trouble.

I look forward to this debate, and I hope before it is all over we will have a balanced piece of legislation. I am sorry for being so sharp in my response to my colleague from Montana, but when I read from such a report—and these are children's lives—I just don't like to be interrupted.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Montana.

(The remarks of Mr. BAUCUS pertaining to the introduction of legislation are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

RECESS

The PRESIDING OFFICER. The Senate now stands in recess until the hour of 2:15 p.m.

There being no objection, at 12:49 p.m., the Senate recessed until 2:16 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. INHOFE).

The PRESIDING OFFICER. The Senator from Delaware is recognized.

ORDER OF PROCEDURE

Mr. ROTH. Mr. President, I ask unanimous consent that the following Senators be permitted to speak as if in morning business for up to 5 minutes, and that following their remarks there be a quorum call: Senator ROTH, Senator JEFFORDS, and Senator KENNEDY.

Mr. LEAHY. Reserving the right to object, Mr. President, I want to accommodate the Senator from Delaware. Could we also say that following that quorum call the distinguished Senator from Virginia, Mr. ROBB, be recognized to discuss an amendment? We will not introduce the amendment, of course, unless the chairman of the Judiciary Committee is here.

Mr. ROTH. As if in morning business.

Mr. LEAHY. Certainly.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

THE WORK INCENTIVES IMPROVEMENT ACT

Mr. ROTH. Mr. President, in January, I joined Senators MOYNIHAN, JEFFORDS, and KENNEDY to introduce S. 331, the Work Incentives Improvement Act of 1999. This legislation has a simple objective—to help people with disabilities go to work if they want to go to work, without fear of losing their health insurance lifeline.

S. 331 creates two new Medicaid options for States to make it possible for people with disabilities who choose to work to do so without jeopardizing health insurance access. The bill also extends Medicare part A coverage for a 10-year trial period for individuals on SSDI who return to work.

In addition to these health coverage innovations, the bill provides a user-friendly, public-private approach to job placement. Because of a new, innovative payment system, vocational rehabilitation agencies will be rewarded for helping people remain on the job.

Mr. President, this combination of health care and job assistance will help disabled Americans succeed in the workplace.

Tremendous progress has been made on many fronts in the 8 years following the passage of the Americans With Disabilities Act. However, there are still serious obstacles standing in the way of employment for individuals with disabilities.

Unfortunately, federal programs for individuals with disabilities too often discourage work. The most important barrier to employment identified by disabled individuals is the fear of losing health insurance.

The unemployment rate among working-age adults with severe disabilities is nearly 75 percent. Many of these individuals would prefer to be working and paying taxes. Unfortunately, Mr. President, the simple fact is that people with disabilities are often presented with a catch-22 between working and losing their Medicaid or Medicare. This is a choice that no one should have to make.

But even modest earnings can result in a loss of eligibility for Medicaid or Medicare, and disabled individuals cannot surrender their insurance access without jeopardizing their health.

Today, more than 7.5 million disabled Americans receive cash benefits from SSI and SSDI. Disability benefit spending for these two programs totals $73 billion a year. If only 1 percent—or 75,000—of these SSI and SSDI beneficiaries were to become employed, federal savings in disability benefits would total $3.5 billion over the worklife of the beneficiaries.

Mr. President, income tax day, April 15, is still fresh in our minds. It is not very often, especially at this time of year, that we hear from millions of Americans eager to become taxpayers. I say we should welcome Americans with disabilities into the ranks of taxpaying citizens.

In my own State of Delaware, experts on disability policy have made their support for S. 331 clear. Larry Henderson, Chair of Delaware's Developmental Disabilities Planning Council, testified in support of S. 331 at a Finance Committee hearing. He supports S. 331 "because it does not penalize persons with disabilities for working in that it allows for continued access to health care."

For this reason, more than 100 national groups have endorsed the bill, representing veterans, people with disabilities, health care providers, and insurers.

Mr. President, on March 4, the Finance Committee marked up and passed S. 331 by a vote of 16 to 2. S. 331 was the first health care bill passed out of our committee this year, and I appreciate the spirit of bipartisan cooperation that made our vote possible.

The strong support for S. 331 shown by our committee is also reflected in the full Senate. Mr. President, a total of 75 Senators now sponsor S. 331. Let me say that again—75 Senators have signed on to S. 331. That would be a remarkable total for any bill, let alone a health care proposal.

I think S. 331 has been so popular on both sides of the aisle because it is all about helping disabled Americans work if that is what they want to do. It is about helping people reach their potential. It is not about big government—it is about getting government out of the way of individual commitment and creativity.

Through my work on S. 331, it has become vividly clear to me that we are all just one tragedy away from confronting disability in our own families.

Unfortunately, we cannot prevent all disabilities. But we can prevent making disabled individuals choose between health care and employment.

It is time now to act. Mr. President, together with Senators MOYNIHAN, JEFFORDS, and KENNEDY, I have asked that S. 331 be scheduled for a vote before

Memorial Day. I ask all my colleagues to join with us on behalf of millions of disabled Americans.

With a Senate vote in support of S. 331, we can move another step closer to unleashing the creativity and enthusiasm of millions of Americans with disabilities ready and eager to work. I look forward to seeing S. 331 enacted into law this year.

Mr. MOYNIHAN. Mr. President, I join today with Senators ROTH, KENNEDY, and JEFFORDS in announcing that we have a total of 75 cosponsors supporting the Work Incentives Improvement Act of 1999. This bill would address some of the barriers and disincentives that individuals enrolled in Federal disability programs face in returning to work. We rise today to make the case that this measure deserves consideration in the Senate as soon as possible. We are committed to passing this bill promptly and without amendment.

The great enthusiasm and broad support for this legislation has created its impressive momentum. Senators JEFFORDS, KENNEDY, ROTH, and I introduced the Work Incentives Improvement Act of 1999 (S. 331) on January 28 of this year. On February 4, the Finance Committee held a hearing on the bill. Our former chairman and majority leader among others testified in emphatic support. On that day, we already had a bipartisan list of 42 Senators. The committee reported the bill without amendment on March 4 by a vote of 16 to 2. At that time, the total cosponsor list reached 60, including 18 Republicans and 42 Democrats.

The President included the Senate legislation in his fiscal year 2000 budget, and expressed his support for this bipartisan initiative in his State of the Union Address.

The overwhelming support for this legislation is not surprising given its simple and universal goal: to provide Americans with disabilities the opportunity to work and contribute to the fullest of their ability. Its supporters include persons with disabilities and their families, veterans, health care providers, and health and disability insurers.

I join Senators KENNEDY, ROTH, and JEFFORDS in urging its earliest possible consideration and passage by the Senate.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I join with my friends and colleagues, the Senator from Delaware, Mr. ROTH; and the Senator from Vermont, Mr. JEFFORDS; and my colleague from New York, Mr. MOYNIHAN, in urging the Senate to move ahead with this excellent piece of legislation which has been described by the Senator from Delaware and which I will summarize at the conclusion of my remarks.

Once in a while the Members of this body get together and try to exercise a judgment which is going to have an important and dramatic impact on improving the quality of life of the people of this country. This is such an undertaking. The reason it is so powerful is because it reflects the best judgment of the disability community in its entirety—not only those who are affected by some particular kind of challenge—it has the input of parents; it has the input of the medical profession, both the doctors, nurses and the caretakers; it has the input of those who have worked in this field for many, many years.

It is the result of the extraordinary work over a period of some 18 months, tireless work of the members of the community—not Democrat or Republican, not just the four of us here today, but so many others on our committees and off our committees who are so strongly committed toward providing this kind of opportunity for those who have a disability to participate in the economy in our country.

This body took monumental steps a number of years ago when we passed the Americans With Disabilities Act. However, we were reminded after the passage of that act that we were no longer going to permit discrimination against those with disabilities in our country, those who had the ability to be able to perform in the areas of employment. That was a major, major step forward. What we found out very quickly is that there was another barrier for those who had disabilities. That was the fact that if individuals who had disabilities could work, wanted to work, were able to gain entry into the employment in the country, they were going to lose because of the cutoff in terms of cash payments or lose, in terms of their medical health and assistance, the kind of help and assistance in terms of health care and in terms of their income that would put them at enormous risk.

What was worked out in this amendment and in this legislation understands that. That effectively says to those who have a disability or a challenge that they can go on out and be a part of the American dream, a part of the American economy, and that we are working in a process that will continue to make the health insurance available and affordable when a disabled person goes to work or develops a significant disability while working, and it will gradually phase out the loss of cash payments as the incomes rise, instead of the unfair sudden cutoff which so many workers with disabilities face today. It will give people with the disabilities greater access to the services they need to become successfully employed.

I think many in this body and across the country think that "disabled" applies to individuals who are born with some disability. In fact, this occurs in only about 15 percent of those who are disabled.

This is a challenge that is out there every single day, for every member of this body, for every citizen in this country. We are an accident away from having the kind of physical or mental challenge where we could even be affected or impacted by this legislation. Just look at the number of people in the workforce every single year who experience hazards and difficulties. Accidents happen.

This is not just dealing with something in the past, this is something about America today and America in the future. We have the expanding economy, the growing economy which is offering such hope and opportunity for millions of Americans with the exception of those who have some kind of disability. With this legislation, we are guaranteeing now for the first time, one, that they will not be discriminated against in terms of employment; second, that they will be able to get the training, be able to gain the employment, and be able to have useful, productive, and contributing lives and be part of the whole process and system. That is the kind of opportunity this legislation means for so many of our citizens.

I thank all who have been a part of this, including the leadership of Senator JEFFORDS, who has been strongly committed to this legislation, and our Human Resource Committee, that has worked so hard in the development of the legislation, so many of the other members of our committee, Republican and Democrat alike, and to the members of the Finance Committee, the chairman, who I have mentioned—Senator ROTH, who has been enormously committed to it—and our colleague and friend, Senator MOYNIHAN. This has passed virtually unanimously in our Human Resources Committee, it has that degree of support; and 16 to 2 in the Finance Committee.

We ought to be about the business of calling this legislation up, considering it and passing it. Every day that goes by we are denying these opportunities to individuals; every day, every week, every month that goes by. We have been through the legislative process. I daresay the four of us are prepared to agree, as we have uniquely so in other situations, on sort of a "no amendment" strategy. We feel, since we have tried to gain input from so many of those who have been involved in this process, this legislation could pass in a relatively short time, in the time of a couple of hours, and still it would reflect the best judgment of so many of those in so many different parts of the country.

We are strongly committed. With the overwhelming support we have, 73 Members reflecting every possible viewpoint in the Senate, and the overwhelming need, this is legislation that needs to pass, should pass, must pass. I hope we can do it in the next few days.

It should not take much time. The disability community deserves it.

Mr. President, to reiterate, I strongly support the Work Incentives Improvement Act, and I urge Senator LOTT to bring the bill to the floor and allow the Senate to complete action on this important bipartisan legislation before the Memorial Day recess. Last month, under the impressive leadership of Senator ROTH and Senator MOYNIHAN, the act passed in the Senate Finance Committee by a 16-2 vote. Today, 75 Members of the Senate stand behind this bill, which removes the barriers that present so many of our citizens with disabilities from living independent and productive lives.

As former Majority Senator Bob Dole stated in his eloquent testimony to the Finance Committee, "this is about people going to work—it is about dignity and opportunity and all the things we talk about, when we talk about being an American."

We know that a large proportion of the 54 million disabled men and women in this country want to work and are able to work. But they are denied the opportunity to do so. Removing barriers to work will help disabled Americans to achieve self-sufficiency. It will also contribute to preserving the Social Security Disability Trust Fund.

For too long, Americans with disabilities have faced unfair penalties if the take jobs and go to work. They are in danger of losing their medical coverage, which could mean the difference between life and death. They are in danger of losing their cash benefits, even if they earn only modest amounts from work. Too often, they face the harsh choice between buying a decent meal and buying their medication.

The Work Incentive Improvement Act will remove these unfair barriers facing people with disabilities who want to work.

It will continue to make health insurance available and affordable when a disabled person goes to work, or develops a significant disability while working.

It will gradually phase out the loss of cash benefits as income rises—instead of the unfair sudden cut-off that so many workers with disabilities face today.

It will give people with disabilities greater access to the services they need to become successfully employed.

Many leaders in communities throughout the country have worked long and hard and well to help us reach this milestone. They are consumers, family members, citizens, and advocates. They see everyday that the current job programs for people with disabilities are failing them and forcing them into poverty.

They have spent many months helping to develop effective ways to right that wrong. And to all of them I say, thank you for helping us to prepare this needed legislation. It truly represents legislation of the people, by the people and for the people.

When we think of citizens with disabilities, we tend to think of men and women and children who are disabled from birth. But fewer than 15 percent of all people with disabilities are born with their disabilities. A bicycle accident or a serious fall or a serious illness can disable the healthiest and most physically capable person.

This legislation is important because it offers a lifeline to large numbers of our fellow citizens. A disability need not end the American dream. That was the promise of the Americans With Disabilities Act a decade ago, and this legislation dramatically strengthens our commitment to that promise.

We know that disabled citizens are not unable. Our goal in this legislation is to reform and improve the existing disability programs, so that they do more to encourage and support every disabled person's dream to work and live independently, and be a productive and contributing member of their community. That goal should be the birthright of all Americans—and when we say all, we mean all.

The road to economic prosperity and the right to a decent wage must be more accessible to all Americans. That is our goal in this legislation. For too long, our fellow disabled citizens have been left out and left behind. This bill is the right thing to do, and it is the cost effective thing to do. And now is the time to do it.

I especially commend Senators JEFFORDS, Senator ROTH, and Senator MOYNIHAN for their bipartisan leadership on this legislation. Now is the time to enact this long overdue legislation and free up the enterprise, creativity, and dreams of millions of fellow Americans.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I thank the Senator from Massachusetts for his very kind words. I want to express my deep appreciation for his efforts throughout his time here in the Senate to assist those people with difficulties and disabilities.

Mr. President, let me pose a question. What would most people do if they had health insurance coverage if they stayed home but not if they worked? Believe it or not, this is exactly the dilemma that many individuals with disabilities face today. They must choose between working or having health care. This is an absurd choice. Current federal law forces individuals with disabilities to make this choice. The Work Incentives Improvement Act, S. 331, bipartisan legislation, with 75 cosponsors, addresses this fundamental flaw.

Reaching this day has taken 2 years of hard work. Over 100 national organizations endorse our legislation and many helped us craft a consensus-based bill.

Chairman ROTH and Senator MOYNIHAN of the Finance Committee joined Senator KENNEDY and I as original cosponsors along with 35 of our colleagues. The cooperation and support we received, helped us move this important legislation from introduction on January 28, to a full Finance Committee hearing on February 4th, a Finance Committee markup on March 4, and filing of the committee report on March 26.

It is time for the Senate to complete its work on S. 331. Many of our constituents are watching and waiting for us to make this bill a law.

In my state, Vermont, 24,355 Social Security disability beneficiaries are waiting for S. 331 to become law. There are 9.5 million people waiting across the country. Under current law, if these people work and earn over $500 per month, they lose cash payments and health care coverage under Medicaid or Medicare.

This is health care coverage that they simply cannot get in the private sector. S. 331 allows them to work and have access to health care coverage. It also provides them choices regarding job training and placement assistance.

Do Social Security beneficiaries with disabilities really want to work? The answer is a resounding "Yes." Over the last 10 years, national surveys consistently confirm that people with disabilities of working age want to work, but only about one-third are working.

I have heard many compelling stories from individuals with disabilities. Some sit at home waiting for S. 331 to become law, so they can go to work. Others work part-time, careful not to exceed the $500 per month threshold which may trigger a cut-off of their health care. Each of us has received letters in support of S. 331. Let me share one story with you. Don is a 30 year-old man, who has mild mental retardation, cerebral palsy, a seizure disorder, and a visual impairment. Don works, but only part-time.

At the end of his letter, Don wrote:

> The Work Incentives Improvement Act will help my friends become independent too. Then they can pay taxes too. But most of all they will have a life in the community. We are adults. We want to work. We don't need a hand out . . . we need a hand up.

We should give Don and his friends a hand up. Doing so would be good for Don and good for the Nation. The hard facts make a compelling case for S. 331:

As I indicated, there are 9.5 million Social Security beneficiaries. Of those who work, very few make more than $500 per month. In fact, of working individuals with disabilities on supplemental security income, only 17 percent make over $500 per month and only 10 percent make over $1,000 per month. Another 29 percent make $65 or less per month. Let's assume that S. 331 becomes law, and just 200 Social Security disability beneficiaries in each State work and forgo cash payments. That would be 10,000 individuals across the country out of 9.5 million disability beneficiaries. The annual savings to the Federal treasury in cash payments for these 10,000 people would be $133,550,000. Clearly, the Work Incentives Improvement Act of 1999 is targeted, fiscally responsible legislation.

It enables individuals with disabilities to enter the workforce for the first time, re-enter the work force, or avoid leaving it in the first place.

These individuals would not need to worry about losing their health care if they choose to work a 40-hour week, to put in overtime, or to go for a career advancement. Individuals who need job training or job placement assistance would get it. S. 331 reflects what individuals with disabilities say they need. It was shaped by input across the philosophical spectrum. It was endorsed by the President in his State of the Union Address. S. 331 will give us the opportunity to bring responsible change to Federal policy and to eliminate a perverse dilemma for many Americans with disabilities—if you don't work, you get health care; if you do work, you don't get health care. S. 331 is a vital link in making the American dream an accessible dream, for Americans with disabilities. In closing, I would like to tell you about a young constituent of mine. Her name is Maria, and she faces many daily challenges as a result of her disability. She recently contacted my office to let me know that she is counting on S. 331. Maria is a junior majoring in Spanish at a college in Vermont. She plans to graduate to become a billingual teacher for children and adults from Central and South America.

Maria has her whole life ahead of her. She has dreams and she has contributions to make. Enactment of S. 331 will make Maria's dreams possible. She will be able to pursue a career without fear of losing the health care she needs. Let's enact S. 331 now.

The PRESIDING OFFICER. The time of the Senator has expired. The Senator from Virginia.

VIOLENT AND REPEAT JUVENILE OFFENDER ACCOUNTABILITY AND REHABILITATION ACT OF 1999

The Senate continued with the consideration of the bill.

Mr. ROBB. Mr. President, under a previous unanimous consent order, I am to be recognized to speak on an amendment which I plan to offer to the pending legislation.

The PRESIDING OFFICER. The Senator is correct.

Mr. ROBB. Mr. President, I had appeared on two previous occasions today believing that would be the time at which amendments would be accepted only to find that that had changed. Because I, like the Chair, have responsibilities with the defense authorization committee and subcommittee markups, I may be absent when that time eventually arises.

I rise now to discuss, rather than offer, an amendment, which I will offer as soon as we are permitted to do so, that I hope will add an essential component to the larger debate we have begun about school violence and juvenile justice.

Given the last year of school tragedies in Arkansas, Kentucky, Mississippi, Oregon, and now Colorado, discussions about seemingly random acts of school violence have moved from the school board meeting rooms to the kitchen tables of America. Our dialog has encompassed everything from Internet use and video games to gun control. If anything positive has resulted from these tragedies, it is that we, as a nation, have finally started to focus on school violence by acknowledging that this is a multifaceted problem demanding multifaceted solutions.

Unfortunately, the issue of violence in our schools is not new. Six years ago, I stood in this Chamber to talk about school violence and offered an amendment to create a 2-year commission to study school violence. I acted in response to shootings that involved students and took place in the Norfolk area of Virginia.

When I spoke in 1993 about school violence, I mentioned that we had experienced a cultural change. In fact, I brought this very chart to the floor to illustrate that point.

In 1940, public schoolteachers were asked to cite the top disciplinary problems they dealt with on a routine basis. The list included: Talking out of turn, chewing gum, students making noise, running in the halls, cutting in line, dress code violations, and littering. The same list of routine disciplinary problems in 1990 looked like this: Drug abuse, alcohol abuse, pregnancy, suicide, rape, robbery, and assault.

That was 1990. If the same survey were done today, I suspect assault would rank even higher on the list. In the 1996–1997 school year, 43 percent of our Nation's schools had no incidents of crime at all. For those that did, the vast majority of crime involved theft and vandalism. But despite these facts, in the last year alone, 40 people have died as a direct result of school shootings. The most serious of them, of course, occurred 3 weeks ago today at Columbine High School in Littleton, CO.

The most common questions asked following incidents of school violence are: Why? and, What could have been done to spot the warning signs and intervene before it was tragically too late?

In an effort to better educate school districts across the country about how to develop violence prevention and intervention strategies, the Secretary of Education and the Attorney General last August issued a comprehensive guide entitled "Early Warning, Timely Response." The guide was developed with the help of experts from law enforcement, education, juvenile justice, mental health, and other social services and was based upon extensive research about violence prevention plans. The emphasis of this guide is communitywide involvement.

Our children come into contact every day not only with us as parents, but also with teachers, administrators, pastors, bus drivers, coaches, counselors, and so many others. We all have a responsibility to help parent and guide our Nation's children.

Furthermore, we all know that recognizing the warning signs of stress, depression, substance abuse, and violent behavior starts at home and extends well into our communities. We, as public officials, have a responsibility to work with States and communities to ensure that we are doing all we can to keep our schools safe.

That is the thrust of the amendment I plan to offer. It is about the Federal Government becoming a better, more responsible partner with States and localities to combat school violence in America. I use the word "partner" because there is not a single requirement that States or localities participate at all.

Instead, this proposal is about providing the sources and expert advice to States and communities and schools who worry today about school violence and want to renew their efforts to fight it. For those of us on both sides of the aisle who care deeply about education, this amendment is a recognition that good schools are safe schools.

In this spirit, the amendment I will offer, hopefully later today, establishes a national resource center for school safety and youth violence prevention and authorizes additional funding to communities to develop violence prevention and intervention plans and to expand mental health services and treatment programs.

First, the national center that we envision will serve as an "education FEMA," if you will. In the event of an incident of school violence, the center's experts would be dispatched directly to the school involved to provide emergency response services. The center's team of experts would provide crisis counseling, additional school security personnel, and long-term counseling for students and families who chose to take advantage of these services.

Second, the center will establish a toll-free, anonymous student hotline so that students may report, without fear of retaliation, criminal activity or threats of criminal activity and other high-risk student behavior they witness or of which they become aware. For example, a student could call such a hotline to report another student's substance abuse or gang affiliation. The center would work with the Attorney General to develop guidelines about how to coordinate with law enforcement agencies to both relay the information and protect student privacy.

The importance of this hotline became apparent to me during my own research on this bill, as well as during the visit I made with President Clinton to T.C. Williams High School in Alexandria, VA, just 2 days after the shooting in Littleton. It is clear to me that there has been a void in our legislative approach to promoting school safety.

While we have substantially increased the funding of school safety plans under the COPS program over the last 2 years, we need to do a better job of encouraging and teaching our children that students themselves also have a responsibility to report high-risk or threatening behavior of which they are aware in themselves or other students. But to effectively encourage this, we have to provide students with safe channels through which to report this information. A student who is aware of a plan to build bombs or knows that another student is suicidal should have a confidential way to report that knowledge.

In the long run, an investment in prevention is an investment not just in the child who may be on the brink of pulling the trigger or throwing the bomb, but an investment in the safety of all our children who can all too quickly become tragic victims.

Third, the center will provide training and technical assistance to teachers, administrators, parents, law enforcement personnel, and others in communities about ways to develop effective school safety strategies. Components include helping schools effectively utilize tip hotlines, assisting with threat assessment, helping create partnerships among police, schools, parents, and social service agencies, developing media and police protocols to handle emergencies and, very important, working with the Departments of Justice, Education, and HHS to help train teachers to learn to identify students at risk of bringing violent behavior into their schools.

Fourth, the center will serve as a clearinghouse of information about model school safety plans across the country, with the center's staff available to offer a wide array of plans to a community seeking assistance, from increased use of surveillance equipment to a community case management process to deal with troubled youths. This includes the operation of a nonemergency, toll-free number for the public to obtain information about school safety.

Finally, the center would conduct research about school violence prevention and the extent to which smaller learning communities help reduce incidents of violence in our schools. We can do all this for less than $100 million. That is the center's authorization in the legislation that we plan to offer.

From emergency response teams, to the student hotline, to the teacher training to identify violent behavior in school, this small investment in an education FEMA is well worth the expense.

In truth, however, nothing can ever compensate a family for the loss of a child. But we ought to be able to say to all communities throughout this country that we are doing everything we can to prevent these tragedies from happening in the first place.

The second part of this amendment provides direct support to communities as they look for resources to develop or enhance their own school safety and youth violence prevention services. I believe communities will benefit tremendously from this amendment, because it authorizes more funding for comprehensive community-wide school safety plans under the Safe Schools/Healthy Students Program, an existing program that was enacted in response to the tragic incident in Jonesboro, AR.

I will not go into detail about this part of the amendment because I know Senator KENNEDY has been working on these issues for some time now and has particular expertise about the combined work that the Department of Education and the Department of Health and Human Services have done with communities that have come together to improve or establish mental health services for violence-related stress and other types of community efforts. I certainly applaud the Senator for all he has done in this regard. He has been an outstanding advocate for children and families over the years.

Let me conclude by saying as a public official and as a former marine, I have long believed that the first responsibility of the Federal Government is to keep our citizenry safe—safe from enemies both foreign and domestic. Americans have a right to be safe in their homes, on their streets, and in their workplaces. And our children have a right to be safe in their schools.

Fear of violence should not threaten our children's learning environment. The bottom line is this: We cannot have good schools unless we have safe schools. As I said at the outset, there are many components of this debate about school violence and juvenile justice. We need to talk about parenting and values and teaching our children about respecting their lives and the lives of those around them.

We need to talk about how we hold accountable those who endanger or harm our children. We need to talk about guns and the extent to which there are loopholes in existing laws that can be changed to better protect our children. But there is absolutely no question that we need to talk about prevention, and this amendment builds upon the work Congress has already done in the area of prevention.

This amendment will be just one component of a debate that I hope we will all support to help our kids and their families, America's teachers and counselors, our law enforcement officials, and entire communities across our Nation who have one goal in common—to stop school violence before it starts.

Here in Washington we can do our constructive share. We can provide expertise. We can provide resources directly to communities. We can empower communities to better protect America's children. We can, and we should.

As I said on the floor last week, simply going to school should not in and of itself be an act of courage.

With that, Mr. President, I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

AMENDMENT NO. 322

(Purpose: To make amendments with respect to grants to prosecutors' offices to combat gang crime and youth violence, juvenile accountability block grants, and the extension of Violent Crime Reduction Trust Fund, and for other purposes)

Mr. HATCH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. HATCH], for himself, Mr. BIDEN, Mr. SESSIONS, and Mr. DEWINE, proposes an amendment numbered 322.

Mr. HATCH. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 323 TO AMENDMENT NO. 322

(Purpose: To provide resources and services to enhance school safety and reduce youth violence)

Mr. LEAHY. Mr. President, I send an amendment in the second degree on behalf of Mr. ROBB and Mr. KENNEDY.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for Mr. ROBB, for himself and Mr. KENNEDY, proposes an amendment numbered 323 to amendment No. 322.

Mr. LEAHY. I ask unanimous consent reading of the amendment be dispensed with.

Mr. HATCH. I have to object.

The PRESIDING OFFICER. Objection is heard.

Mr. HATCH. Mr. President, I withdraw my objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

AMENDMENT NO. 322 WITHDRAWN

Mr. HATCH. Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

The amendment (No. 322) was withdrawn.

Mr. HATCH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. It is my understanding the distinguished Senator from New York just wants to speak on the bill.

Mr. SCHUMER. Correct. I have no intention of offering anything today.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Thank you, Mr. President, and I thank the Senators from Utah and Vermont for yielding me time on the floor as we begin to discuss juvenile violence.

First, let me say I appreciate the majority leader making this time available, and at this crucial time, because some say, well, maybe we should wait for the dust to settle in the aftermath of the tragedy in Littleton, CO. But I have found in years that sometimes when a terrible tragedy occurs people are focused on issues that might prevent future terrible tragedies; but if we wait several months, nothing much happens. So I am grateful for the opportunity. I think it is correct legislatively.

This is not a new issue. We have, unfortunately, seen other tragedies—in Springfield, OR, and Arkansas and throughout the country. Most of us have given lots of thought to the issue of how do we deal with violence among juveniles? How do we deal with violence in the schools? I agree with all of those who have said there is no one road to Rome, that there are many, many different approaches. In fact, to me, an argument where one says, well, do A, which means don't do B, C, and D, is wrong. We have to examine all the causes of violence. We have to look at them. To advocate one particular course doesn't gainsay that another course might help as well.

It is obviously a very complicated issue. The question I guess all of America is asking itself is a simple one: Why now? Why all of a sudden have we seen such a rash of violence in our schools?

I have given this a great deal of thought, first in my 18 years in the House where, as a member of Judiciary, I focused on crime issues, and now in the last several months as a new Member of this body. In addition to thinking and reading about this, I also went out and talked to many young people. In fact, I have had conversations, been in classrooms, either directly or by video, with schools across my State—East High School in Rochester; Nottingham in Syracuse; Colony High School in Albany; Rockville Center in West Chester; New Rochelle High School; and two schools in New York City, Tottenville and Hunter High School. In each I sat down with a group of 30 to 50 young men and women and asked them their views, because I think it doesn't make much sense to talk about juvenile violence without talking to the juveniles.

Basically, what I found was quite interesting. I found that they, too, agreed that there were a number of causes, and many were perplexed as to why this happened. But I found some interesting thoughts. In every school, the students talked about two things more than any other that they thought led to this violence. In each school I went to—and these schools were quite varied; one was in an upper-income neighborhood, one in a poor neighborhood, and the rest were in rather middle-class neighborhoods—there were two common themes:

First, students did stress isolation, that young people do feel isolated and alone. They realized that the adolescent condition sometimes was such that when someone was isolated and alone, instead of reaching out, the inclination was to pick on them. A number of schools had suggestions as to how to deal with this problem. One school had an ombudsman, a young teacher whom the students loved. If someone was in trouble or feeling isolated or lonely, they could go to that ombudsman, and many did. Just as importantly, if it seemed to other students in the school that a young person or a group of young people was headed towards trouble, they could go to the ombudsman and the ombudsman would do what was necessary to try to bring that group of young people into the fold.

In another school up in Albany they had a human relations club. The heads of all the various student activities and the heads of different cliques or groups would get together once a month and discuss things and discuss their differences. It proved a good way of bridging gaps in that high school. Finally, another school, one on Long Island, had a club. It was sort of an elite club; it was hard to get into. I think it was called Smiles. One of the ideas of Smiles was to reach out to others and be inclusive. It was sort of taking the credo of inclusiveness and bringing people together and making it a thing that everyone aspired to do. I thought those ideas were pretty good and pretty interesting. Maybe we should look at some of them this week.

One idea that every classroom I went to seemed to laugh at was the idea that seems to have gained some currency here in Washington, and that is the culture of violence. I, for instance, myself, having seen the video games and seen some of the movies that came out, when I started this process, thought this should be a reason young people would be more violent.

The kids seemed not to feel that way. They laughed at the idea that a video game, a movie, a television show would push somebody to do something awful like at Littleton. I said to them, well, it may not push you, but it might push people who were isolated and alone. They said, no, it would take a lot more than that.

One youngster raised his hand and said to me: When did you grow up? I said in the 1950s. He said: You saw a lot of westerns. I said that, yes, I did. He said: Did that move you to be more violent? I said not at all.

We may disagree with it, but I thought it was interesting that from one end of my State to the other, young people of all economic backgrounds and races and creeds and ethnicities rejected that idea. And again, of course, I come from New York State, but these schools were spread throughout the State, many in quite conservative areas.

I found the one thing that was virtually universal is kids thought that guns were too available for them. I asked each high school class, if you really wanted to get a gun, would you know where to go or who to ask? And 60 to 100 percent said yes.

My point here today is this: Certainly we should consider other causes of violence among young people. We should look at isolation. Certainly we should look at parental responsibility. I am the father of a 4-year-old. It seems a lot of times she doesn't want to have her parents around her. But most of them wanted parental guidelines, wanted parental responsibility, wanted parental authority. There was no disagreement about that.

If you looked at the one consistent thing that almost everyone agreed with, it was that guns, the availability of guns, was too great; the availability of knowledge of how to make bombs and how to buy guns encouraged and created more violence. And it made me think of a useful parallel, which I just heard Senator LEVIN mention earlier today about his community in Detroit, MI, and I have mentioned in mine in Buffalo and western New York. Both those communities are right across the border from Canada. In both those communities, there is something startling. There is the same culture, same video games, same movies, and they get the same TV stations. People in Windsor, ON, watch the same TV as people in Detroit. People across the Niagara River in Canada, in Fort Erie, watch the same TV as the people in Buffalo and Niagara Falls.

Why are we so much more violent? It is not culture or violence. It is the same in each. It is not really the idea that we have two parents working and single moms and single dads, fewer parents around, less parental responsibility. That is the same in each. It is not the isolation that young adolescents often feel. That is the same in each. What is the difference between the situation in Canada and the situation in America?

The one difference is the gun laws, where Canada's are much tougher than ours.

It seems to me that if we go through this package—and we certainly should consider other issues—but we ignore or short circuit, truncate, a debate on gun violence, we will be making a serious mistake.

I heard one of my friends say this is political. Well, it is no more political to me than talking about Hollywood might be to some others in this. I believe this would make a huge difference.

I thank the Senator from Vermont. He has put together a package of gun amendments that just about everybody in our caucus could support. I am glad he did. I think they will make a difference. A group of us have been meeting, those of us who believe in tougher laws on guns, although we tried to be very mindful of the law-abiding rights of citizens, of gun-owning citizens. We have put together a package of 10 amendments. Each of them meets two criteria: One, that they would do some good; two, that they have a chance of passing, that they are not going to get 25 or 30 votes from people who agree with my position but, rather, that they would be able to garner much greater support.

I say to the majority leader and to my chairman, the Senator from Utah, we do not want to speak on these amendments forever. We do want the opportunity to debate them and to discuss them and to vote on them, because we think some of them have a real chance of passage.

I say to my colleagues that I am appreciative of this opportunity. I know the issue of guns is not the only answer, but it seems to me, because there is a culture of violence, because parents are working, and because adolescents are young and often feel isolated, that none of those gainsay the need for better laws on guns.

As I say, our package is moderate. It is careful. We have not put everything on the floor. Many times I would like to, because I would go further than this body would.

But I welcome the opportunity to discuss these issues. I believe we will do it in a careful, respectful and bipartisan way. Our goal is not to have a Democratic v. Republican division. Our goal is to pass legislation, and if we can do that in a bipartisan and nonrancorous way, I think we will have served America well.

I thank the Senator from Utah and the Senator from Vermont for yielding their time. I look forward to their debate.

I simply ask the majority leader to make sure, provided we are willing to live within the time limits, that we have the time to discuss these 10 amendments—there may be others—and to discuss them, perhaps pass them, and finally do something real about the Littletons that have plagued our Nation over the last year.

I thank the President.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Utah.

Mr. HATCH. Mr. President, as I understand it, the Senator from Massachusetts would like to make a statement for debate only. Am I correct, the senior Senator from Massachusetts would like to make a statement for debate only, and also the distinguished Senator from California would like to make a statement for debate purposes only?

I ask unanimous consent they be permitted to proceed at this point.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, if I could ask the Chair—I appreciate the opportunity to address the Senate—what is the pending matter?

The PRESIDING OFFICER. The pending matter is S. 254.

Mr. KENNEDY. It is open for amendment; is that correct?

The PRESIDING OFFICER. The bill has no amendments pending on it.

Mr. KENNEDY. The bill has no amendments pending at the moment.

The PRESIDING OFFICER. That is correct.

The Senator from Utah.

Mr. HATCH. Mr. President, we were hopeful that we could call up the Hatch-Biden-Sessions amendment and get a vote on that. We would like to cooperate with fellow Senators and be able to do that. We hope the Senator from Massachusetts will defer any amendments until we finish with that.

Mr. KENNEDY. Mr. President, I believe that the Robb amendment is before the Senate, and I intend to speak on behalf of this amendment. I will be glad to follow leadership as to how we should proceed. I do not intend to delay the proceedings.

Mr. HATCH. If the Senator will yield, we are looking at the Robb amendment.

Mr. KENNEDY. I am having difficulty hearing my colleague and friend.

Mr. HATCH. We are looking at the Robb amendment and studying it to determine when and if it is to be brought up. If the Senator wants to speak, it is not before the Senate.

Mr. KENNEDY. Mr. President, with all respect to my friend and colleague, I do not believe that the Senator from Utah can decide if Senator ROBB's amendment can be brought up. It is my understanding that Senator ROBB is perfectly entitled to bring it up.

Mr. HATCH. Will the Senator yield?

Mr. KENNEDY. I yield the floor.

Mr. HATCH. The Senator from Utah understands that. We chatted with Senator ROBB and said we would look at the amendment to see if it is something we can accept. If not, he can bring it up any time he wants to in the regular course of business. He had to go to another meeting, and we will discuss the amendment as soon as he returns.

Mr. LEAHY. If the Senator will yield, I will explain it. The Senator from Virginia, Mr. ROBB, brought up his amendment in the second degree to the Hatch-Biden-Sessions amendment. The distinguished Senator from Utah is one of the sponsors of Hatch-Biden-Sessions. He withdrew it, thus withdrawing the second-degree amendment by Senator ROBB. The distinguished Senator from Virginia is thus waiting for time to bring his amendment back up for consideration.

Mr. KENNEDY. Mr. President, I will speak briefly in support of the Robb amendment. Later, I intend to participate in the debate on the Robb amendment and other provisions underlying the legislation.

Over the next few days, we will have the opportunity to consider how we can best respond to the anxieties and concerns of families and children across this country. In the wake of the tragedies that have affected a number of our schools over the past few years, it is appropriate that the Senate consider violence and its impact on children and families.

As we begin this debate and discussion in the Senate, we should understand that, in just a few days, we cannot develop a silver bullet capable of responding to all of the complex issues raised by the tragedies that have occurred in Colorado, Paducah, and other communities and other schools across this country.

But even having noted that these are complex issues, we have to ask ourselves: Can we at least evaluate some things that have been done in the fairly recent past that have been helpful to students, that have been helpful to parents, that have been helpful to schools, and that have been helpful to communities? Quite clearly the answer to this is yes.

I am not one of those who says that we don't have all the answers and, therefore, we don't have any of the answers. No one could say that, coming from the City of Boston where we have seen dramatic reduction in youth homicide and youth violence in the country. It has been within the last probably 4 years. Boston has approximately 128 schools. We had only one youth homicide involving a firearm during a 2.5 year period.

As we look at the underlying bill in terms of youth violence, it is appropriate that we also look at the current record to see if there are some ideas that might be of some value and some use.

I think issues dealing with the media—perhaps the various excessively violent video games and others are going to take some time, but these are issues that we must consider. We have a chance to see what has been working out there, and to see whether those efforts should be supported, perhaps enhanced, and if they can be shared in other parts of the country. That is what we are trying to do with the Robb amendment.

There are two important parts to this amendment. One is to establish a resource center that will be a place where either parents or schools or school districts or communities are able to go to find out what is working in other communities around the country. It will be an evaluation of information. It will have a collection of what is working in urban areas and what is working in rural communities, and what the results have been and how communities utilize these efforts.

There have been a number of efforts. Some might be particularly appropriate to Boston. Others might be different and better suited in terms of dealing with the problems in Pocatello. There may be some development of efforts that have involved law enforcement, some that have involved the schools, some that have involved the parents, some that have involved the students in terms of mentoring, programs of reconciliation. A number of different initiatives that are out there may just have some application in terms of different schools across the country, and those communities might be interested.

In the Robb amendment, we have a proposal for this clearinghouse that will be a resource available to schools, a resource available to communities, a resource available to parents, a resource that will be available to students who have responsibility in their schools, a resource that will be available to the law enforcement officials. It will have other functions such as having available individuals who might be able to respond if there is an immediate danger of violence. This all makes a good deal of sense.

A second provision of the Robb amendment deals with the resources that are out there within the community, within the Department of Justice, the Department of Health and Human Services, and the Department of Education. It is called the Safe Schools/Healthy Students initiative. This was developed in a nonpartisan effort to try to bring together a number of different programs that have a positive impact on reducing youth violence which the schools will be able to draw upon. This program includes aspects to develop a safe school environment, including partnerships with the local law enforcement; it includes aspects to enhance security measures for those schools where it is necessary; it includes aspects to redesign school facilities to get into smaller school units where teachers know the names of every student in the school, and every student knows the name of every teacher.

We have this program being implemented in a number of different communities. In Boston it is being developed in a number of different schools. It has been tried and is being utilized in a number of different communities. It is very interesting and exciting, and we have seen positive results.

Prevention programs and early intervention, in terms of alcohol and drugs—bringing in the mental health, preventive treatment and intervention services that exist in the SAMHSA program which deals with mental health and assistance and targeting help and assistance for children—have been particularly effective.

We know almost a third of all the children who go to the schools in the inner city of Boston, for example, come from completely dysfunctional homes—either with substance abuse or violence, and these children are facing the most extraordinary set of circumstances. We have to understand being young, being a child, and being at school today is no picnic. They are faced with enormous challenges. We don't have, generally, health care centers in these schools; a few of them do, but not many. The importance of mental health counselors, psychologists and nurses working with the early childhood psychological, social and emotional development services have been included in the second phase of this program. This was basically the result of a very extensive review done by the Department of Justice working with HHS, and the Department of Education, and the resulting recommendations.

This evaluation shows that this kind of approach, with law enforcement and the preventive aspect, has provided some very important help and assistance to the schools.

I look forward to working with a number of our colleagues—Senator BOXER, Senator SCHUMER, Senator DURBIN, Senator LAUTENBERG, Senator FEINSTEIN and others—in terms of responsible ownership regarding weapons. I think that is certainly very important. We ought to expect responsibility in terms of manufacturers making safe guns. We ought to expect dealers are not going to sell to adolescents. We have to expect responsibility of parents in storing their guns separate from the ammunition. We will keep rapid automatic weapons out of the hands of children, extend the Brady bill, and include the background checks at the gun shows. We will have a chance to debate all of those.

We can reduce the occasions when these violent impulses reflect themselves in the use of weapons. One of the most disturbing factors is the continued growth and explosion of youth suicides. Handguns are too easily accessible and available. We will have a chance to debate some of those issues.

It comes back to the recognition that the first responsibility for all of these matters rests in the home and with the parents, or with a single parent, working to provide the guidance to children who need guidance.

What we see in this chart is very disturbing, a gradual decline of the time mothers are spending with their children. This is the percentage of time parents eat dinner with their children from ages 5 to 17 every day. We see the gradual decline in terms of the time mothers are spending with their children; and also the time fathers are spending. The fact is, generally speaking, in the last 15 years there is a third less quality time being spent with parents. Some of that is the result of people working harder and working longer in order to maintain their own income, a tragic reality for those at the lower economic line that have to work one, two, or even three jobs—receiving minimum wage—in order to keep the family together. It is very difficult to see how those people are able to spend any time at all with their family. Some of that is the result of choice, some of that is out of necessity.

On this chart is the percentage of parents in the home who have private talks with their children ages 5–17 almost every day. The number has been cut in half by fathers, and there is an important reduction in terms of the mothers. Again, we are talking about parental responsibilities.

This is a blowup of "A Guide To Safe Schools". Every school in America has a copy of this particular publication. It was sent out by Secretary Riley and Secretary Reno. It contains a variety of early warning tips for the parents. It has a whole page of action steps for the students. It has suggestions for parents. It has suggestions for teachers. It has suggestions for school boards. It has a series of ideas: what to look for, what to do, early warning signs—it is enormously comprehensive.

It is the result of the work of a number of different organizations that came together and spent weeks and months in developing this publication. If anyone would take the time to go through it, it has an enormous wealth of information from which those involved in schools across the country can benefit. It is a very, very instructive and positive document. It is a guide for schools, students, parents, about some of the concerns they might have.

We may never fully understand the complex factors that led Eric Harris and Dylan Klebold to kill 13 members of the Columbine High School community, but there is one thing we do know—we must do more to prevent future tragedies. The deaths that have occurred at the hands of young people in Littleton, Colorado, Jonesboro, Arkansas, Pearl, Mississippi, and other communities, are national tragedies. They are also a call to action—a call that America must answer.

We have a responsibility to listen to our constituents, to answer the calls for help by our children, and do more to protect the health and welfare of the nation's youth. Children may make up one-eighth of the population, but they are 100 percent of our nation's future.

We know that there is no single, simple solution to this complex problem. The mindless, heartless cruelty in Littleton is symptomatic of the problems that exist in communities throughout America, and we need to find more effective ways to deal with them.

This latest tragedy is another wakeup call to the nation. We have an opportunity to work together to prevent youth violence, and reduce the likelihood of future tragedies like Littleton. We can do more to make schools safer.

We know that school violence is a continuing festering problem. In 1996, 5 percent of all 12th graders reported being injured with a weapon during the previous 12 months while they were at school. Another 12 percent reported that they had been injured at school in an incident that did not involve a weapon. An increasing number of students report feeling unsafe at school, and avoid one or more places at school for fear of their own safety. Clearly, children cannot learn in this kind of environment.

We need to ask difficult questions about our society, the media, parenting, peer pressure, and other social forces. We have a shared responsibility as parents, teachers, role models, and concerned, caring adults. Fifty million school children are now in their formative years. We need to think about what kind of society we want these children to grow up in.

In too many cases, television is raising far too many of the nation's children. On a daily basis, close to 20 percent of 9-year-olds watch 6 or more hours of television. Much of what they see is a steady stream of violence and aggression that is presented as legitimate and justified entertainment. By the time children leave elementary school, they will have seen 8,000 murders and more than 100,000 other acts of televised violence. Violent video games which glorify killing are increasingly popular.

The negative influences of violent programming and violent video games are growing stronger, because positive influences—families, schools, churches, synagogues, and communities—are becoming weaker. Parents are the most important influence in their children's lives, but they are being stretched to the limit. We know the importance of strong parental guidance and support for healthy development. Spending time together is a basic ingredient for building strong parent-child relationships. Yet time together is increasingly scarce.

Research indicates that parents are eating fewer meals and having fewer conversations with their children. Between 1988 and 1995, a significant drop took place in parent-child activities. Sixty-two percent of mothers reported eating dinner with their child on a daily basis in 1988, but only 55 percent reported doing so in 1995. Fifty percent of fathers ate a daily dinner with their child in 1988, but this rate dropped to 42 percent in 1995.

Parents and families want to spend more time together, but there simply aren't enough hours in the day. We must pursue initiatives to give parents the opportunity to spend more time with their children, and ensure that all parents have the skills they need to be strong mentors, role models, and caregivers for their children. We should support family-friendly work policies and flexible work hours, so that parents can eat dinner with their children, and talk to their children.

Yesterday, I spent time in Boston talking to students about youth violence and the tragedy in Colorado to try and get some insight into what is going on with our youth. I asked them for a show of hands of how many of them feel that their parents are too busy to talk to them—over ¾ths of the students raised their hands.

This is lack of communication is unacceptable and the American people agree. A recent Newsweek poll asked "How important is it for the country to pay more attention to teenagers and their problems." 89 percent of those polled replied that it is very important. If we as parents are not raising our children, then we must worry about who is.

In the coming days, we will have a unique opportunity to begin to reverse the culture of youth violence. There are no quick fixes to this problem—no easy solutions. We need a long-term strategy, and we must work together to find appropriate remedies. To meet this challenge, we must consider provisions that (1) promote healthy children and youth in safe communities; (2) help parents with parenting skills from birth through adolescence; (3) equip teachers and school officials with tools to intervene before violence occurs; (4) give law enforcement the tools needed to keep guns away from children; and (5) promote responsible media programming for children and youth.

There are also immediate steps that we can take. Congress has a responsibility to act, to stop allowing the NRA to dictate what is right and what is wrong on guns. Surely, without threatening the activities of honest sports men and women, we can agree on ways to make it virtually impossible for angry children to get their hands on guns. We can give schools the resources and expertise they need to protect themselves, without turning classrooms into fortresses. We can make gun dealers responsible for selling guns to adolescents, and make gun owners responsible for locking up firearms in their homes. We can insist that gun manufacturers be smart enough to develop "smart" guns with effective child safety locks. We can do more to dry up the interstate black market in guns. We can crack down harder on assault weapons.

Surely, we can take sensible steps like these to reduce the tragedy of gun violence. America does more today to regulate the safety of toy guns than real guns—and it is a national disgrace. When we see and hear what gun violence has done to the victims in Pearl, MS—West Paducah, KY—Jonesboro, AR—Edinboro, PA—Fayetteville, TN—Springfield, OR—and now Littleton, CO, we know that action is urgently needed.

Practical steps can clearly be taken to protect children more effectively from guns, and to achieve greater responsibility by gun owners, gun dealers and gun manufacturers. The greatest tragedy of the Columbine High School killings is that these earlier tragedies did not shock us enough into doing everything we can to prevent them. By refusing to learn from such tragedies, we have condemned ourselves to repeat them. How many wake-up calls will Congress and the nation continue to ignore?

We can act now to provide communities and schools with more information and resources to prevent these tragedies. We can provide the training needed to recognize the daily warning signs, long before actual violence occurs. Last year the Departments of Education and Justice jointly created a "Guide to Safe Schools—Early Warning: Timely Response." This guide has extensive helpful information to assist parents, children, schools, and communities in keeping children and young people safer. The guide tells what to look for, and what to do. It lists Characteristics of Schools that are Safe and Responsive for all children. It has Tips to Schools, Tips to Parents, and Tips to Children.

This guide is part of an overall effort to make sure that every school in the nation has a violence prevention plan in place. This guide is available to every school, every parent, and every community leader. You can download it from the Internet if you go to www.usdoj.gov, and click on to "early warning, timely response"

We also need to invest in services that ensure Safe Schools and Healthy Students. That means quality afterschool programs, accessible mental health services for youth, and grassroots models that successfully target youth violence. Results occur when there is a cooperative effort.

Boston has a remarkable program that has enabled the city to go from July 1995 to December 1997 with only one juvenile death that involved a firearm. This program works because it involves the entire community—police and probation officers, community leaders, mental health providers, and even gang members themselves. The strategy is based on three components: (1) tough law enforcement; (2) heavy emphasis on crime prevention (including drug treatment); and (3) effective gun control.

The Safe Schools/Healthy Students Initiative can make such initiatives a reality in many more communities. This cooperative effort by the Departments of Education, Justice, and Health and Human Services draws on the best practices of the education, law enforcement, social service, and mental health communities to achieve a realistic framework for communities to prevent youth violence.

We must answer the call that children across the nation are so desperately making. We have the knowledge, the skill, and the resources to make a difference.

The nation's children need us. And they need us now. We cannot afford to let them down. If we are to remain the strongest and fairest nation on earth, we must deal with these festering problems. We cannot afford to abandon children to despair and depression. We can no longer allow children to have virtually unrestricted access to guns. We must reduce the tide of violent images washing over children on a daily basis. We must lead this nation into the next century by providing a safe, secure, and gun free environment for children to grow and learn and thrive.

Our mission is clear. Let us work together to save our children, and by so doing, we will save our nation too.

PRIVILEGE OF THE FLOOR

Mr. President, I ask unanimous consent that Heather Bullock, Connie Garner, Kathleen Curran, David Goldberg, David Pollack, and Angela Williams, fellows in my office, be granted the privilege of the floor during the course of the debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, before the Senator from California speaks, I ask unanimous consent that immediately following her speech I be given recognition.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I thank the Senator from Utah and the Senator from Vermont for their kindness in allowing me to take the floor at this time. I hope to be succinct in my comments. I feel so strongly about this bill and the opportunity we have to do something good for the American people.

I wanted to have the chance to make some general comments on what I hope a good bill will do. I think a good juvenile justice bill would have a good piece for prevention, a good piece for tougher penalties, and a good piece for strong enforcement. If we come out with that balance we will have done a good job.

I really think this is a chance to make life better for our children and our families. I am glad it looks like we will have an open debate in order to put forward our ideas.

I think we have an emergency on our hands when the majority of parents are worried about the safety of their children at school. I think those of us here, thinking back to the years that we went to elementary school and either junior high or high school, do not have any memory of being fearful. Yet that is the circumstance today, where the majority of parents are now saying they are fearful for their children.

I think we have an emergency on our hands when many children tell us they see the kind of hostility and isolation that evidenced itself in Columbine—they see that in their schools.

We have an emergency on our hands when 31 percent of teenagers know someone their age who carries a weapon—who carries a weapon, not who just owns a weapon, but who carries a weapon. An article appeared last weekend in the San Diego Union Tribune which reported that 138 out of 150 of the brightest students in this country said they had seen guns at their high school.

We have an emergency on our hands when teachers say they do not feel safe. We have an emergency when a million kids are looking for afterschool programs and they cannot get in because there is no room.

Let's take a look at when juvenile crime occurs. This is a juvenile justice bill. Let's look at when juvenile crime occurs. This chart shows it very clearly. Juvenile crime spikes up at 3 p.m., and it starts going down after 6 p.m. So you do not need a degree in criminology or child psychology or sociology or any "ology" to know that juvenile crime occurs after school lets out. One million of our children are waiting in line for afterschool programs. I will be offering an amendment similar to the one I offered during the budget debate to allow those 1 million children to get into afterschool programs.

Again, I want to bring us back. This is a juvenile justice bill. It is no secret juvenile crime occurs after school. I think the first thing we ought to be looking at, what ought to be included in this bill, is a piece on afterschool. I want to give some credit to Senators BIDEN, LEAHY, and HATCH, because in their amendment they will be offering soon they do a little bit for afterschool. In essence, they take the block grant and they set aside 25 percent of it; that is about $115 million. One of the uses local districts can avail themselves of, one of the uses, is afterschool programs. But it is not specifically an afterschool program. So we will be offering that and giving our colleagues a chance to really act on the information we have had for so many years.

I know the Senator from Utah understands this very clearly. After school the kids get in trouble. We need to help them. I would like to do even a little more than he has done in his amendment.

We have an emergency when schools cannot afford metal detectors. Some of them have them and they are broken. Or they cannot afford community police on their campuses. We have an amendment, of which I am very proud, on this side of the aisle, which will allow us to put more community police in the schools. I think it is about 25,000 additional police would be added to community policing and we would waive the match, the local required match, if people put these community police on school campuses. We know we do not have enough school counselors. We know we do not.

By the way, there was a little press conference today with some schoolchildren and one of them had done this cartoon. This is a cartoon of a youngster from an elementary school. It shows a little boy and he has a gun in his hand—very crudely drawn by this young girl—and he is thinking out loud. The little cartoon says, "I'm going after So-and-So because she tortured me all year, verbally." And the little girl is thinking, "Don't do that. Go to your counselor and talk it out. Go to an adult."

That is good advice from this youngster. But, unfortunately, in many of our schools we are seeing one counselor for 500 kids, for 1,000 kids, for 1,500 kids. So we ought to do something to change this and change the culture of violence by giving our kids grownups who care about them during the school hours to whom they can take their problems.

I agree with the President, there is not one particular thing we can point out and say this is the problem. There are a number of problems in our society. We have to deal with all of them, and every one of us is responsible. Anytime someone stands up, wherever that person is from, whatever industry, and says, oh, it's not my problem, it's somebody else's problem, I simply lose respect for that person who is saying that. I don't care whether he is from the gun lobby or makes videos; if that person says, I have nothing to do with the problem, I don't give him any credibility, because every one of us has responsibility, including every one of us in this Chamber, in our private lives, as parents, as grandparents, and in our public lives as Senators.

Too many children are not getting enough support, love, and guidance from their parents, or from their community. Too many are using drugs and alcohol, too many are seeing violent images on computer and TV and in the culture. A lot of those images affect certain children more than others. We know that. But it has an impact just as everything has an impact, a cumulative impact on our children.

Let me be very clear. If those two boys at Columbine High School had knives instead of guns, we would not have seen such devastating results. In Jonesboro, AR, if those two boys had used baseball bats instead of guns, that number of people certainly would not have died.

I do not want us to tiptoe around the gun issue. I know it is hard. I know it steps on powerful toes, but we cannot tiptoe around the gun issue. It is not the only cause of the problem; it is one of the causes of the problem. Angry kids and guns add up to death. As a matter of fact, angry people with guns add up to death.

I want to show you this chart which gives this issue a sense of reality. Many of us came into politics after the Vietnam war, and we saw this country fall to its knees over that war. It was such a difficult time. We lost 58,168 Americans in the Vietnam war, every one of them a grievous loss, a tragic loss, a loss that can never be replaced for so many families; their potential gone on the battlefield.

In an 11-year period, 396,572 Americans have been shot down by guns, every one of those a horrible, deep, tragic loss to a family, to a mother, to a father, to a grandmother, to children. As a matter of fact, every single day in America there is a Columbine High School. Thirteen children are killed every day, an ordinary day. Yet, we tiptoe around the gun issue.

We have to deal with it, I say to my colleagues, in a fair way, not saying this is the only problem, but it is one of the problems.

People say, oh, in Columbine, there were laws; they just didn't work.

Not true. The young woman who transferred two guns to juveniles can stand behind the law. That was legal. I say it should not be legal to give juveniles guns. That is one example of a gun law we ought to pass.

Let's look at our laws concerning 18-year-olds in this country. If you are under 18 in this country, you cannot buy cigarettes, you cannot buy beer or wine. If you are under 18, you cannot buy whiskey and you cannot buy a handgun. But if you are under 18, you can buy any one of these long guns—a shotgun, a rifle, an assault weapon. You can.

That should not be the case. Oh, if a grandma or a grandpa or a mom or dad wants to give you a hunting rifle, that is OK. But they should have to buy it and supervise you. They should not be able to say: Here's some money, go to the gun show and pick up a long gun, if you are 15 or you are 14 or you are 13 or even 12, 11, 10, 9, 8, 7. I cannot believe people say we do not need any more gun laws when a juvenile can walk in and buy a deadly weapon when they cannot buy cigarettes, beer, whiskey or a handgun, but they can buy these long guns.

You say to me, oh, Senator BOXER, there's no interest in youth owning guns and the gun manufacturers don't peddle to the youth.

Let me show you an ad. We took this off the Internet. This is a Beretta, a painted gun which is part of their youth collection. I want to tell you what they say in the catalog about their painted gun in their youth collection. Think about what I am saying and what it invokes in your mind. This is what they say in their catalog:

> An exciting, bold designer look that's sure to make you stand out in a crowd.

"An exciting, bold designer look that's sure to make you stand out in a crowd." What crowd are they talking about? It is surely not you and your grandma and your grandpa going out on a family hunting trip. That is not what it means. You decide what it means.

Anyone who tells you that the gun manufacturers are not looking at the youth, just take a look at this Internet page, the Beretta youth collection, and read what they say about standing out in a crowd. They are playing to the psychology of a young person: How can they be seen as different, special, more important.

There are some things we can do to address this. I want to reiterate a point. In our bill, we say, yes, if a parent—I say this to the Senator from Vermont—if a parent or a grandparent wants to give their child a rifle for hunting, in our amendment we say fine. But we do not want that 15-year-old or 14-year-old walking in and buying these guns or, for that matter, buying a used gun which would be more affordable on the street.

We have an opportunity to do something that is relevant to the lives of our people. Our people are looking to us. Yes, I think the Robb-Kennedy amendment is good. I am glad Senator HATCH is looking at it. There are good, important things in there: a national center for school safety and youth violence that will help our children, because it will provide a rapid response to violent shootings. It will establish anonymous tiplines for kids to call in if there is some trouble spotted by a youth but he or she is afraid to come forward and go public with the information. All schools will have safety plans. Senator KENNEDY talked about his contribution to that amendment which deals with conflict resolution and violence prevention, very important issues that we need to take care of.

I hope Senator MURRAY will offer her amendment to put more teachers in the schools. If we have these huge class sizes, these kids get lost in the shuffle. If we have smaller class sizes, we can pick out those kids who cause trouble.

There are just two more points I wish to make, and then I will yield the floor to my friends.

Senator DURBIN is leading an effort in the Appropriations Committee to add some emergency funding for our children: more cops in schools, more metal detectors, more afterschool programs, et cetera. I hope he will be successful. We have billions going for the military. We have billions for other purposes. What is more important than the safety of our children, or certainly as important as these other important needs. I hope we will do some of that. But if we do not, this bill becomes even more important, because it is our only hope for the future.

So what we will be seeing is a series of amendments, I assume from both sides of the aisle—I will be working on some of those— on the gun issue. I have talked about 18-year-olds. Also, I will be working with Senator KOHL on locks, child safety locks that would have to be sold with handguns. We need to reestablish the 3-day Brady waiting period. We need to increase the age at which you can buy an assault weapon to 21.

I close on this point. The majority in the Senate has shown a lot of compassion for business. They brought up the Y2K bill. Who will that help? Big business. They showed a lot of compassion for business when they brought the Financial Modernization Act to the floor. Who does that help? Big business—the big banks, the big securities companies, the insurance companies. They want to bring the bankruptcy bill to the floor. Who does that help? The big credit card companies.

That is fine. I do not have any problem with that as long as we in the process take care of the consumers, the people who use these services. But the other side has shown tremendous compassion for big business. I am asking them to show equal compassion for our children.

This is our chance. We just celebrated Mother's Day, and Father's Day is coming. What a perfect moment for us to seize this time—after the Columbine tragedy, after the Arkansas tragedy—and say enough is enough, and to vote out a well balanced bill that gives us the prevention, gives us the treatment, gives us the enforcement, gives us the tougher penalties, addresses the gun issue in a sensible way, and we can all come out of here in a bipartisan way feeling that we have done something for our children and our families.

Once again, I thank my colleagues.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I am going to propound a unanimous consent request in just a minute.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 322

(Purpose: To make amendments with respect to grants to prosecutors' offices to combat gang crime and youth violence, juvenile accountability block grants, and the extension of Violent Crime Reduction Trust Fund, and for other purposes)

Mr. HATCH. Mr. President, I have an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Utah [Mr. HATCH] for himself, Mr. BIDEN, Mr. SESSIONS and Mr. DEWINE, proposes an amendment numbered 322.

Mr. HATCH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from Utah is recognized. The yeas and nays——

Mr. HATCH. I have another amendment.

Mr. LEAHY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. HATCH. I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been requested.

Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

AMENDMENT NO. 324 TO AMENDMENT NO. 322

(Purpose: To maximize local flexibility in responding to the threat of juvenile violence through the implementation of effective school violence prevention and safety programs)

Mr. HATCH. I send another amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. HATCH] for Mr. GREGG, proposes an amendment numbered 324 to amendment No. 322.

Mr. HATCH. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . SAFE STUDENTS.

(a) SHORT TITLE.—This section may be cited as the "Safe Students Act."

(b) PURPOSE.—It is the purpose of this section to maximize local flexibility in responding to the threat of juvenile violence through the implementation of effective school violence prevention and safety programs.

(c) PROGRAM AUTHORIZED.—The Attorney General shall, subject to the availability of appropriations, award grants to local education agencies and to law enforcement agencies to assist in the planning, establishing, operating, coordinating and evaluating of school violence prevention and school safety programs.

(d) APPLICATION REQUIREMENTS.—

(1) IN GENERAL.—To be eligible to receive a grant under subsection (c), an entity shall—

(A) be a local education agency or a law enforcement agency; and

(B) prepare and submit to the Attorney General an application at such time, in such manner and containing such information as the Attorney General may require, including—

(i) a detailed explanation of the intended uses of funds provided under the grant; and

(ii) a written assurance that the schools to be served under the grant will have a zero tolerance policy in effect for drugs, alcohol, weapons, truancy and juvenile crime on school campuses.

(2) PRIORITY.—The Attorney General shall give priority in awarding grants under this section to applications that have been submitted jointly by a local education agency and a law enforcement agency.

(e) ALLOWABLE USES OF FUNDS.—Amounts received under a grant under this section shall be used for innovative, local responses, consistent with the purposes of this Act, which may include—

(1) training, including in-service training, for school personnel, custodians and bus drivers in—

(A) the identification of potential threats (such as illegal weapons and explosive devices);

(B) crisis preparedness and intervention procedures; and

(C) emergency response;

(2) training of interested parents, teachers and other school and law enforcement personnel in the identification and responses to early warning signs of troubled and violent youth;

(3) innovative research-based delinquency and violence prevention programs, including mentoring programs;

(4) comprehensive school security assessments;

(5) the purchase of school security equipment and technologies such as metal detectors, electronic locks, surveillance cameras;

(6) collaborative efforts with law enforcement agencies, community-based organizations (including faith-based organizations) that have demonstrated expertise in providing effective, research-based violence prevention and intervention programs to school age children;

(7) providing assistance to families in need for the purpose of purchasing required school uniforms;

(8) school resource officers, including community police officers; and

(9) community policing in and around schools.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $200,000,000 for fiscal year 2000, and such sums as may be necessary for each of fiscal years 2001 through 2004.

(g) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this section, and every 2 years thereafter, the Attorney General shall prepare and submit to the appropriate committees of Congress a report concerning the manner in which grantees have used amounts received under a grant under this section.

Mr. LEAHY. I ask for the yeas and nays.

Mr. HATCH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Without objection, it is so ordered.

Mr. GREGG. Mr. President, I ask unanimous consent to speak for 15 minutes.

Mr. LEAHY. Mr. President, reserving the right to object, I assume, unless the rules have been changed, there would be an equal amount of time on this side. Is that all right?

Mr. GREGG. Mr. President, I ask unanimous consent that there be 30 minutes of debate on my amendment, 15 minutes equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. The yeas and nays have been requested. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. GREGG. Mr. President, the amendment, which has been offered graciously by the Senator from Utah on my behalf, is an amendment which reflects action which this Senate has already taken which has been extremely positive in the area of dealing with the issue of how we protect our schools and our children who are in school.

Last year, this Senate, with great foresight, in the appropriations bill from the committee which I chair passed a funding proposal which I called the safe school proposal, which was bipartisanly agreed to and which was worked out through our subcommittee. Senator HOLLINGS, my ranking member, worked very hard on this. Senator CAMPBELL had a special role in this. Senator KOHL from Wisconsin had a special role in this.

We produced this piece of legislation, which is a step in the right direction, funded at the level of $210 million, for the purposes of setting up a grant program to allow schools to apply to the Justice Department for grants in order to address the issue of safety in schools.

Basically the grants were broken into three main goals. The first was for allowing police officers to work with schools as resource officers or as actual security officers within the school systems so there could be a merger of the law enforcement atmosphere and the teaching community in a way that was constructive and reinforced the positive nature of law enforcement within the school community.

The second function of this language was to fund technology basically to allow schools to put in place technology in order to identify hazardous things that might come into the schools such as weapons.

The third was to initiate prevention programs, which schools might come up with, which they felt would positively respond to the needs of the school community. This program, which a fair amount of work went into, was part of a larger program which our subcommittee has been undertaking to try to address the issue of safety and children. In fact, our subcommittee has been aggressively funding the National Center for Missing and Exploited Children, the Innocent Image Program the FBI has been running to catch child predators, Boys and Girls Clubs of America, Parents Anonymous, violence against women programs, safe school programs, Big Brother, Big Sister.

We have been funding a large number of initiatives. Programs which we found were working well we have tried to put money into, rather than reinventing the wheel.

The amendment I have offered today basically takes the ideas that we put into last year's appropriation bills, codifies them, authorizes them, and expands them to some degree, but basically works on the same framework, the initiative here, the Safe Schools Initiative. The concept of it is not for us at the Federal Government level to tell the local communities how they should protect their schools and how they should do a better job of addressing the issue of safety in schools. Rather, we wanted the local communities to come to us, the Federal Government, and say here is an idea we have. This is a creative, imaginative idea. We need some money to run it. Can you help us out with it?

Basically, it is a philosophy of giving flexibility to the local school districts in applying for these grants. We anticipated that these grants will be used for a lot of different things. There will be a lot of different ideas that come forward. We expect there will be proposals where money will be used to assist in training of parents, teachers, and law enforcement personnel in order to recognize early warning signs relative to the children who may have violent dispositions. We expect there will be funding that will be used for the basis of innovative research-based initiatives relative to delinquency and violence prevention in school programs. We expect there will be programs to assist schools, for example, if they decide to put in a uniform code. That is a local school district's decision. Where this grant will be of assistance is if a local school decides to go to a uniform code and it needs money in order to help folks in the school system who can't afford those uniforms, they can apply for these grants.

It will also support collaborations between community-based organizations, including faith-based organizations, which are doing a good job and have a demonstrated success rate of dealing with troubled youth. This is an area where we think there is tremendous fertile ground. We, of course, already are funding aggressively the Girls and Boys Clubs and Parents Anonymous and Violence Against Women and initiatives such as Big Brothers and Big Sisters, but there are a lot of other great ideas out there. There are people in Boston who have good ideas. There are people in New York who have good ideas, people out in California and the Midwest who have good ideas. These local community initiatives —grants have to come in through a school system—are tied into the school systems and are going to be assisting the school systems.

Those are proposals which we think will be very, very positive, and here is a place where they can get some funding to make them successful.

We actually, in this proposal, also give preference to proposals that come forward that are a joint effort between the law enforcement community in the town and the school system in the town. I think it is very important when we can join those two mainstays of the community together in a joint effort to try to address the issue of violence in our schools and especially how we deal with troubled children. Those types of programs we would expect to be funded and, in fact, get preference.

We also would expect that you will see funding for training people, people who work in the school systems, like teachers, bus drivers, janitors, to identify potential threats they might come across in the school system. We would expect that money might be used here for the purposes of hiring officers who would be resource individuals, police officers, resource individuals within the schools in order to help out and in order to bring safety into the classroom and into the hallways.

We also expect that money would be used for assessing security needs or for the cost of making improvements within school systems in order to address their security needs.

There are a lot of different initiatives which can result from this proposal. The point is that we already have the money in place. This is not a pie-in-the-sky, theoretical proposal. This is not something that is going to be authorized and not be funded. We have already funded this program to the tune of $210 million.

I regret, quite honestly, that the administration so far has not been able to get that money out to the communities. In fact, at last check, none of the $210 million which was appropriated last year and which was specifically addressed to safe school issues, such as putting police officers in the classroom, getting equipment to make sure schools are more secure, helping out with prevention programs, has actually been distributed. This is too bad. It reflects maybe a lack of attention to this issue by the administration. However, with the horrendous events that occurred in Littleton, we are now seeing that a lot of applications are forthcoming. Maybe there will be a higher level of awareness of this problem.

Basically, this is a proposal which I think obviously makes a lot of sense. This Senate actually already thought it made a lot of sense, because we voted for the money to be spent on this type of proposal. This authorizing language now makes the money that is already in the pipeline more specifically directed and puts in place authorization which properly accounts for how we proceed relative to the appropriations process.

It is obviously, in my opinion, a good step, an appropriate step, and something that should not be at all controversial.

Mr. President, I reserve the remainder of my time, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. I have a question for my colleague. Would the Senator be willing to add this Senator from California as a cosponsor of his amendment?

Mr. GREGG. I would be honored to have the Senator from California as a cosponsor.

Mrs. BOXER. It is a good amendment, because I think it takes from some wonderful ideas that a lot of us around here have. I appreciate the Senator's offer.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

Mr. LEAHY. Mr. President, it is very similar to what the Senator from New Hampshire and I worked on in the Appropriations Committee. This incorporates a number of things in an amendment I have planned for this bill.

I also ask unanimous consent to be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I thank the Senator very much, as the ranking member of the committee, for cosponsoring the amendment.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I ask unanimous consent that following the debate on amendment No. 324, the Gregg amendment, that amendment be set aside, and Senator ROBB or his designee be immediately recognized to offer an amendment, the text of which is amendment No. 323, and that there be up to 30 minutes of debate. I also ask unanimous consent that at the conclusion or yielding of time, the Senate resume the Hatch-Biden-Sessions amendment No. 322 and the time be limited to 30 minutes equally divided; following that debate, the Senate proceed to vote on or in relation to the Gregg amendment, to be followed by a vote on or in relation to the Robb amendment, to be followed by a vote on or in relation to the Hatch amendment; and no other amendments or motions be in order prior to the three votes just identified.

Finally, I ask unanimous consent that following those votes, Senator DEWINE be recognized for up to 20 minutes, and then Senator LEAHY be recognized to offer an amendment, and no amendments be in order prior to a motion to table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LEAHY. Mr. President, my understanding is that the distinguished Senator from Ohio is not seeking recognition to offer an amendment but simply to speak.

Is that correct?

Mr. HATCH. That is correct.

Mr. LEAHY. That was the basis of the unanimous consent request.

Mr. HATCH. That is my understanding. That is right.

Will the Senator yield back the time?

Mr. LEAHY. Mr. President, I yield the time on this side in relation to the Gregg-Boxer-Leahy, et al, amendment.

Mr. HATCH. Mr. President, as I understand it, we will now proceed to the Robb amendment.

AMENDMENT NO. 325 TO AMENDMENT NO. 322

(Purpose: To provide resources and services to enhance school safety and reduce youth violence)

Mr. LEAHY. Mr. President, I send to the desk an amendment on behalf of Mr. ROBB and Mr. KENNEDY.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for Mr. ROBB and Mr. KENNEDY, proposes an amendment numbered 325 to amendment No. 322.

Mr. LEAHY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. LEAHY. Mr. President, under the unanimous consent agreement, what is the situation now?

The PRESIDING OFFICER. There is one-half hour equally divided.

Mr. LEAHY. Thank you, Mr. President.

Does the distinguished Senator from Virginia wish to yield any of his time at this point?

I yield the control of time on this side of the aisle to the distinguished Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. I thank the Senator from Vermont. I had an opportunity prior to the offering of this amendment to make a statement about the amendment. I will give the other side an opportunity to speak.

Mr. HATCH. Mr. President, we have $1.1 billion a year in this bill, for law enforcement, for prevention, for safe schools, for parental empowerment. The distinguished Senator from Virginia wants to add each year an additional $1.4 billion on top of that. This is another marathon Federal bureaucratic solution to a local problem.

The first title creates a so-called National Resource Center for School Safety to the tune of $100 million. The director of this center is appointed by the head of the Department of Education, the Attorney General, and the head of Health and Human Services. This sounds to me very much like we are creating another Federal agency in a way that is duplicative of what is going on at the State level, something we have been trying to avoid in the whole 2 years we debated the juvenile justice bill.

For example, the funds of this center include such things as:

No. 1, an emergency response to do such things as helping communities meet urgent needs such as long-term counseling for students, faculty, and family.

No. 2, a national anonymous hotline. Many local areas are already establishing hotlines to accept calls from local students and other parties. Why on earth do we need a Federal hotline on top of the local community hotlines, a Federal hotline which is supposed to then relay the urgent messages to the local hotlines and officials? We are going to spend $100 million of taxpayer money in this bill for something already taken care of. Why not help the States establish their own hotlines, if they even need that help? This bill does that.

No. 3, training and assistance. This proposal has this new $100 million Federal bureaucracy helping local agencies develop a school safety plan—as if they can't do it themselves.

First, most local agencies already have school safety plans and they know how to provide for school safety a lot better than the bureaucrats here in Washington or, I might add, anybody standing or sitting here in the Senate. Most local agencies, since they already have school safety plans, don't need help from us.

Second, if a national model is needed, the Department of Education can identify a local education agency's particularly affected plan and send it out to the local jurisdictions so they can carry it out. That way, we have 50 State laboratories or in every school district a State laboratory rather than bureaucrats back in Washington telling us what to do. That ought to cost just a few thousand dollars compared to $100 million provided in this particular instance.

No. 4, the new $100 million Federal bureaucracy is supposed to act as a clearinghouse for research and evaluation. This information is readily available on the Internet. We do not need a Federal bureaucracy to administer this.

The bottom of this chart lists the number of Federal programs we already have in each of these particular areas: Training and assistance, 62; counseling, 62; research and evaluation, 55; violence prevention, 53; parental and family intervention, 52; support service, 51; substance abuse prevention, 47; planning and program development, 47; self-sufficiency skills, 46; mentoring, 46; job training assistance, 45; tutoring, 35; substance abuse treatment, 26; clearinghouse, 19; and capital improvement, 10. There are similar services in several department and agency programs funded in fiscal year 1998. The source of this information is the General Accounting Office as of 1999.

Under title 2 of this amendment, as I read this, this is a marathon new grant program to the tune of $722 million for areas such as educational reform. As you can see, we are already doing that. "The review and updating of school policies." Can you imagine that? Why would anybody want to do this, when the State and local school board directors know exactly what they are doing? Why would we spend $722 million more on this? I might add, "to review for the review and updating of school policies," whatever that means.

Title 3 in this bill includes alcohol and drug abuse prevention. That is already part of our bill. We have worked on this for 2 solid years. We have made every dime count and we have added plenty of money for prevention. Better than half of this bill is prevention money. It makes you wonder; you would never be able to outspend some of these people around here. It doesn't make any difference what is in the best interests of taxpayers; it is what is in the best interests of the political people who push these things.

Mental health prevention and treatment and early childhood development is something they want to do. This proposal includes a grant to address violence-related stress. Another element includes grants to "the development of knowledge on best practices for treating disorders associated with psychological trauma."

Mr. President, mental health treatment is a very important area and one in which a lot of Members, including myself, have done a lot of work through the years. However, I have a concern about using this bill on school violence for a major new Federal mental health system at a cost of hundreds of millions of dollars when we have better than half of the bill now going for prevention purposes.

The final title of this bill is a $600 million increase in afterschool programs. I am not categorically opposed to directing more Federal resources to promote afterschool programs. I am concerned that this section is overly bureaucratic. We can better help schools by freeing them up from regulatory hoops. I think that is what we ought to do instead of doing this. I have been around here for 23 years. When committees work 2 solid years on this matter, the way we have, and we work with a leader on crime issues such as Senator BIDEN and with others on the committee in a bipartisan way to come up with prevention moneys that actually exceed the money for law enforcement itself, and do so to the tune of well over a half billion dollars a year, there is no need for this type of amendment which is just "let's throw money at it" and call it nice things—general things at that, if you will—even though almost everything this amendment proposes to do we already do in our bill and we do it in a fiscally responsible way and in a fiscally restrained way.

I am almost amazed that this amendment has been brought forth. At first I thought I might support it, because I thought they were talking about doing these things within the framework of what we have already done. But when I look at it and read it and understand it, it is just another way of throwing more money and beating our breasts, saying we have done something for prevention in the juvenile justice area when in fact we are doing plenty for prevention.

It needs to be known there is already $4 billion in the pipeline on prevention now, without the bill we have brought to the floor, the bipartisan bill we have brought to the floor. Now they want to add another $1.4 billion for these generalized programs that, literally, the States are taking care of in most instances, and if they have not, we have taken care of them in the underlying bill.

So I hope my colleagues will vote against this amendment, and at the appropriate time I will make a motion to table.

Mr. President, I yield the floor.

Mr. SESSIONS. Mr. President, I thank the Senator from Utah for his steadfast leadership, his skill, and efforts on behalf of this legislation on which we have been working for 2 years. I hope now we are at a point where we can bring it to a conclusion. It passed last year out of committee with bipartisan support, 12 to 6.

We continue to have problems getting the bill up. I believe we will this time. There is support across the aisle. But I know there are those who believe we can somehow pass out a few billion dollars and we can prevent all crime in America. That is an awfully broad category, just to say "prevention." What does that mean? How do you spend that money wisely?

My concept, as a prosecutor of 15 years, was to try to have the money where, first of all, our first focus would be to make sure the juvenile judges, who are seeing these kids come before them, have a full panoply of options with which to deal with them. They need to be able to drug test them. They need to be able to have them get drug treatment if need be. If they need to go to work camps, they ought to go to work camps or weekend work programs. If they need to have a boot camp, they ought to have that option. If they need to have detention, they should have that. Some do. I wish it were not so. So we have helped craft a bill to have the judge intervene effectively in the life of those youngsters when they first start getting arrested, when they first get in trouble with the law.

We have had a lot of talk and created this dichotomy, saying those kinds of programs are not prevention. I believe they are. I believe a program which has a school-based boot camp, like the one in my hometown of Mobile, that I have visited where kids go and have physical exercise, they have discipline, and they have intensive schoolwork on their level—it is working for them. They have after-care to make sure they do not slide back into bad habits after they leave. So I think we have a lot of good things going. I believe that is prevention.

We, in this legislation, have half the money going for what they, on the other side of the aisle, would say is prevention.

I want to show this chart. It says some things that are important. It was done by the University of Maryland at the behest of the U.S. Department of Justice. They did a prevention evaluation report. We have billions of dollars being spent on programs for high-risk youth to try to keep them from heading down the road of a life of crime. A lot of those programs work. A lot of them are not very effective. Our bill, Senator HATCH's bill, has $40 million to research programs to see if they are working.

They have already done some research. This is the study the Department of Justice, President Clinton's Department of Justice, did. They found most crime prevention funds are being spent where they are needed least. Is that not a horrible thing to say? We do not have unlimited budgets. I have learned that here. We talk in big numbers but there is a limit to how many millions of dollars we can spend on projects. The conclusion of their own study was, these prevention moneys are being spent where they are needed least. Second, they concluded most crime prevention programs have never been evaluated. Third, among the evaluated programs, some of the least effective receive the most money.

That is a real indictment of us. I hope this research and evaluation money we have put in this legislation will help confront that problem.

The amendment that has been offered to spend over $1 billion more on prevention—that effort is pretty troubling to me. There have not been intensive hearings on these proposals, as the Senator from Utah noted. We have not evaluated them carefully. In effect, it appears to me we would be throwing money at the problem. Our history tells us that is precisely what we ought not to do.

What we have found is there are $4.4 billion now in juvenile prevention money from 117 different programs, according to the General Accounting Office study done very recently on our behalf —117 programs. I used to be in the 4-H Club. Being in the 4-H Club was probably a good thing for me. I got to go to Auburn one time. That was big for me. I had the award for the best hog in Wilcox County. But now they have 4-H Club programs in inner cities, for crime prevention. It may work. But the Department of Agriculture has programs to build 4-H Clubs in the inner cities as some sort of crime prevention program. I have my doubts about whether those are the best ways to spend that money. We need to evaluate these programs.

What we found is that money actually dedicated to law enforcement programs for juvenile justice, a juvenile justice system which is in a state of collapse in America, is zero.

The PRESIDING OFFICER. All time for the Senator has expired.

Mr. SESSIONS. I ask unanimous consent for 2 extra minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, this is what we are doing today. The juvenile justice system in America really does need to be strengthened. When young people are being picked up on burglaries, small-time offenses, they are treated as if they are in a revolving door. The court systems are overwhelmed. There is no detention. There is no alternative to schools. There is no treatment for many of them. As a result, we are not intervening effectively in these young peoples' lives. To say money spent—as we do in about half of this bill—to strengthen the court system and strengthen its ability to intervene effectively with young people is not prevention is an error. It is prevention. Almost every one of these mass-murdering young people who has gone into these schools—not almost, I believe every single one of them, because I have watched it—has had some prior criminal record. Had they been effectively dealt with then, maybe they would not have gone on to these more serious offenses.

That is where we are. I wish we could afford to spend as much as the Senator would like to on this panoply of prevention programs. We simply are not able to do that. We battled for every dollar we could as the bill is today.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. Mr. President, this bill is designed to address problems that are not being met at this particular point. The distinguished Senator from Utah makes the point that there are duplicative programs. There are many programs in many areas of the country, some statewide, some local, some in jurisdictions that can afford to provide the kind of services that this Senator would provide, but what this bill attempts to do and would do, if approved, is provide a national center which will provide the hotline services that many school districts simply cannot afford.

Many States are indeed putting hotlines together.

In my State yesterday, the Governor announced the establishment of a hotline, but a number of States do not have them; many local jurisdictions do not have them. This will provide for the States that do not have the resources to meet these needs, not only with respect to the hotline, but with respect to providing technical assistance, providing any kind of help that the particular school or students who recognize a need for assistance might designate.

It will not require anything. It will not compel any jurisdiction to take on any new responsibilities, nor use any of the facilities that are available. But it will provide at one place the kind of technical response which can respond to these emergencies when they occur so that we have the expertise immediately available in terms of emergency response, we have the type of expertise that can assist school systems and other districts in putting together their own plans to deal with problems that fall into this particular area.

With respect to the other part of the bill, I yield now to the distinguished Senator from Massachusetts, who is the author of that particular provision.

Mr. KENNEDY. Mr. President, as the Senator from Virginia has pointed out, this particular proposal reflects a total of less than a billion dollars. It will be another $722 million. It has in it the National Resource Center for School Safety and it also has the Safe Schools and Healthy Students Program.

There are Members of this body who think the solution to the challenges we are facing in our schools can be solved by putting more kids in prison and keeping them there. That may be the view of some Members of this body, but it is not the view of those law enforcement officials who are working in school districts across the country who are making meaningful progress.

We have not heard from those people in the Judiciary Committee because they have not been asked to testify. We ought to at least be willing to look at the results of some of the cities and communities across this country that have reduced violence, not only in schools, but in the communities and ask them what has worked. That might be a useful test around here for a change. That is just what Senator ROBB and I have done. We have asked what has worked, and we have tried to make a recommendation to this body about programs that work, that are supported by students, supported by parents, supported by teachers, and supported by law enforcement officials.

If this body does not want to invest in those programs, if it thinks that we can just provide more cops and they are going to provide the answers to the problems in our schools, vote this amendment down. But if you want to look at the experiences of cities and communities like we have seen in our own city of Boston where there has been only one youth homicide with a gun in the last 2½ years in 128 schools—that is the record—these are the programs that are working. It is very easy to listen to our colleagues talk about bureaucracy, saying: we don't want to have programs; we don't want to deal with all these other issues; let's just throw them in jail and throw away the key.

One of the most profound comments I heard yesterday in the Jeremiah Berg School in Boston, MA, is one of common sense and one that everybody in this body understands: You either pay for it early on or you pay for it later on. That is the question: Are we going to support those programs that are tried and tested and are working in our schools and working in our communities, or are we going to say, no, we are just going to dismiss them because they deal with mental health, because they deal with violence protection, because they deal with mediation, because they deal with things that are happening in schools that can make a difference in reducing violence.

The proposal we have offered, with the Leahy proposal and the one that Senator ROBB has suggested, tries to combine those programs that are going to be effective in law enforcement, as well as those that are going to be supporting children.

I have heard a number of young people in the last several days say, "We are not interested in someone telling us and yelling at us. We want parents and we want our teachers to talk with us, to listen to us and to give us an opportunity to work with counselors to provide for some of the needs of people in our schools and in our communities."

This particular amendment is targeted. It is based on an evaluation of programs that are working. The Safe Schools and Healthy Students Program provides for 50 school districts. We have expanded it to 200. I think we can expand it further.

One may say, why 200? Because that is the judgment we made based upon the quality of applications we have had in the Justice Department. That is how we reached these figures.

I reject the arguments made by the Senator from Utah about this program. I reject the suggestion that we are going to solve all these problems just by law enforcement alone, because that is the alternative. I think that is a viewpoint that has been demonstrated to be a vacant attitude based upon where the progress has been made in recent times in the communities that have done something about youth violence.

I hope we will accept the Robb amendment. I withhold the time. How much time do we have?

The PRESIDING OFFICER. The Senator has 6½ minutes.

Mr. HATCH. Mr. President, I ask unanimous consent that the distinguished Senator from Virginia be given 2 extra minutes.

Mr. ROBB. Mr. President, I will be happy to yield 2 minutes for a response.

Mr. HATCH. There were 2 extra minutes taken on our side.

Mr. ROBB. The Senator from Minnesota would like to respond as well.

I will say, again, to address the specific concern raised by the Senator from Utah with respect to the duplication, this is an effort to provide one-shot, one-stop assistance to States, localities, individuals and others who need assistance who are currently uncovered by any of the programs that are in effect.

If this program is as effective as we believe it can and will be, it may be that some of the other programs will ultimately be folded into this protection. We do not need 100 or several hundred different hotlines. They are desirable if the local jurisdiction can afford them. In this case, we will have a national clearinghouse, a national hotline. We will have the coordination of the Department of Justice and the Department of Education. That is what we are trying to accomplish in a single bill.

Mr. HATCH. Will the Senator yield on this point?

Mr. ROBB. I am pleased to yield to the Senator from Utah.

Mr. HATCH. Let me respond to my colleague from Massachusetts. Fifty-five percent of the $1.1 billion that we already have in this bill—keep in mind there is already $4.4 billion out there for prevention—is for prevention, and one of the major uses, discretionary uses, is mental health. What I do not want to do is create a whole bunch of new bureaucracies back here that are just duplicative with what is already going on. That is where I have my difficulty with what the Senator from Massachusetts does.

Mr. KENNEDY. Will the Senator yield?

Mr. HATCH. I will be happy to, but let me make one more comment. Go ahead. I yield.

Mr. KENNEDY. How do you think we administer SAMHSA? We are using existing programs. We are not creating new programs. This is the SAMHSA authorization, SAMHSA funding.

Mr. HATCH. Right, and we have well over one-half billion dollars for these purposes now.

Mr. KENNEDY. Under the SAMHSA program?

Mr. HATCH. No, discretionary use.

The Substance Abuse and Mental Health Service Administration is to be reauthorized this year. As I understand it, Dr. FRIST, Senator FRIST from Tennessee, and Senator MIKULSKI——

Mr. KENNEDY. And Senator KENNEDY had reauthorized that.

Mr. HATCH. And I am sure Senator KENNEDY will be helping, too. These people have been working on a bipartisan bill——

Mr. KENNEDY. As a proud supporter of that, this is what is going to work.

Mr. HATCH. S. 976, the SAMHSA reauthorization, is cosponsored not only by Senators FRIST and MIKULSKI but by Senators JEFFORDS, KENNEDY, DODD, DEWINE and COLLINS.

Now, S. 976 is the bill to consider these changes on substance abuse and mental health. I do not want to see juvenile justice go down because we start tinkering around with it here, when we have mental health as one of the permissible uses of this money, by throwing another $1.4 billion at it.

The PRESIDING OFFICER. The Senator from Virginia now controls the time.

Mr. HATCH. I ask unanimous consent that the distinguished Senator from Minnesota be given 2 minutes, and then we will move on to the next amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. Two minutes will be added.

Mr. WELLSTONE. Mr. President, just very briefly, let me thank Senator ROBB and Senator KENNEDY and say to my colleague from Utah, I look forward to that reauthorization. My focus has been on mental health services. But I tell you, for the last 8½ years I have been in a school about every 2 weeks, and students talk all the time about the need to have more support services.

We can no longer view mental health services as icing on the cake. It is part of the cake. If we are serious about juvenile justice and we are serious about prevention, then we need to focus on what we can do.

When I meet with teachers and principals and education assistants, they all say to me, many children, in their very small lives, I say to Senator KENNEDY, even by first grade have been through so much that even the smallest class size, best teachers, and best technology will not do the job.

This effort, at the community level, to put a focus on mental health services and to have the coordination and make sure this is part of our approach to juvenile justice is right on target.

My final point. I have said it a thousand times on the floor of the Senate, and I will shout it one more time from the mountaintop: You can build all the prisons you want to and physical facilities; you will fill them all up, and you will never stop this cycle of violence unless you invest in the health and skills and intellect and character of children.

That is what this has to be about. That is what this amendment speaks to. And the vast majority of people in this country understand that essential truth. That is what this amendment is about. That is what this vote is about.

I yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Is all time yielded back? Has the Senator from Virginia yielded back their time?

Mr. ROBB. How much time remains under the control of the Senator from Virginia?

The PRESIDING OFFICER. The Senator from Virginia has 3 minutes 20 seconds.

Mr. ROBB. I yield to the Senator from Massachusetts such time as he may need of that 3 minutes 20 seconds.

Mr. KENNEDY. Mr. President, I once again thank Senator WELLSTONE and others who have spoken on this. I just want to share with the Members of this body what has been happening in my home community with the implementation of the kinds of programs we have supported here, the programs that have been recommended by the chiefs of police in my town and in towns across the country.

Here we have the firearm homicides of people under 24 years of age in Boston: 51 in 1990; 38 in 1991; 27 in 1992; 35 in 1993; 33 in 1994; 32 in 1995. Then, with the implementation of these programs in the Robb amendment, in 1996, down to 21; 7 in 1997; 16 in 1998; and one in 1999.

Are we going to take what is working, what has been requested by law enforcement officials, what is demonstratively effective, or are we going to listen to the same old voices that say what we have to do is spend more time in locking up kids? That is the choice.

We need to say we are going to invest in and provide the kinds of programs that are supported by teachers, parents, schools, and law enforcement officials—programs that are effective and working. That is what the Robb amendment has done, and that is what it will do. It deserves the support of the Members.

We reserve our time.

Mr. ROBB addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. I see the Senator from Delaware approaching. Does he desire to speak on this?

In that case, I think the differences have been explored. Once again, I suggest to you that this is an attempt to codify and collect in one place the wisdom of those professional agencies and institutions which we look to for guidance in this particular area to address the problem the distinguished Senator from Massachusetts has related to us and which all of us know in terms of our personal experience is a very serious problem that cannot be ignored and simply cannot be solved solely by locking people up, no matter how much we might think that actually addresses the problem.

So I would again observe that this is a desire to make a collective opportunity available for those institutions that may not have the resources to take advantage of the various provisions of this bill and to provide additional funding for a program that has been demonstrated to work.

With that, I yield back——

Mr. KENNEDY. Will the Senator yield?

Mr. ROBB. I yield whatever time remains to the Senator from Massachusetts.

Mr. KENNEDY. I hope the Senator from Utah will refer specifically to what provisions in his legislation refer to mental health, because we have not been able to find them. If he has them there, I would like to hear from him on it.

The PRESIDING OFFICER. All time on both sides has expired.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

AMENDMENT NO. 322

The PRESIDING OFFICER. There will now be 30 minutes, equally divided, on the amendment of the Senator from Utah.

Mr. HATCH. Mr. President, there are three of us who are going to speak as proponents of the Hatch-Biden-Sessions amendment: Senator BIDEN, Senator SESSIONS and myself.

This amendment contains three major provisions and reflects a hard fought, bipartisan compromise among Senator BIDEN, Senator SESSIONS and myself. It demonstrates that S. 254, the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act, is a bipartisan bill in every sense of the word.

Before I describe the amendment, I remind the Senate of other provisions in S. 254 that are also the product of compromise and concession.

For example, in title I of the bill we included the reverse waiver provision in section 5032, at Senator LEAHY's request. This provision ensures that Federal district judges have the ultimate authority to decide whether a juvenile is tried as an adult in Federal cases.

Another major compromise is the juvenile delinquency challenge grant in title III of the bill. This block grant provides $200 million a year to the States for prevention programs. This provision was included in S. 254 to satisfy demands from some Members for additional funds for prevention programs.

Another compromise in S. 254 concerns the juvenile felony records provision. Last year's juvenile crime bill, S. 10, required States to improve and share juvenile felony records in order to qualify for the accountability block grant. At the urging of Senators BIDEN and LEAHY, we removed the recordkeeping provision as a requirement for the accountability block grant. Instead, there is a separate grant for juvenile criminal records for States that choose to upgrade and share their juvenile felony records.

The first provision of the Hatch-Biden-Sessions amendment earmarks 25 percent of the accountability block grant in title III for drug treatment and crime prevention programs. These drug treatment funds will complement and reinforce the drug testing provisions in the accountability block grant.

In addition, this earmark provides funds for additional prevention programs, such as afterschool activities and gang prevention programs. This amendment, by earmarking 25 percent of the accountability block grant for prevention and drug treatment, demonstrates our commitment to prevention funding and ensures a balanced juvenile crime bill.

The second provision of the Hatch-Biden-Sessions amendment provides a $50 million grant to the States to hire prosecutors to prosecute juvenile offenders. The hiring of juvenile prosecutors was a permissible use of grant funds in S. 254 since the bill was introduced. Our amendment merely provides a guaranteed source of funds for State and local prosecutors to target juvenile crime.

The third and last provision of the Hatch-Biden-Sessions amendment extends the Violent Crime Reduction Trust Fund until the year 2005. By extending the Violent Crime Reduction Trust Fund, we will ensure that the Federal Government continues to provide valuable assistance to the States in the war against crime.

Programs such as the truth-in-sentencing grant, the local law enforcement block grant, the COPS program, are funded from the Violent Crime Reduction Trust Fund. I am proud to propose the extension of this trust fund.

I want to personally thank Senator BIDEN for the hard work he has done on this bill and in working with us in a bipartisan and good way. I am very proud to have him on this bill, because he has been a major participant in every crime bill since I have been in the Senate, as have I. I just want to make that clear on the record.

I also particularly express my gratitude and appreciation to Senator SESSIONS, the Youth Violence Subcommittee chairman. He has done a great job on this bill, and I believe he has more than earned his spurs with regard to his work on anticrime matters.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 11 minutes 10 seconds.

Mr. LEAHY. How much time is remaining on this side?

The PRESIDING OFFICER. Fifteen minutes.

Mr. HATCH. I am happy to yield to the distinguished Senator from Vermont.

Mr. LEAHY. I thank the distinguished Senator for yielding, on my time, not on the time of the distinguished Senator from Utah.

Just so the distinguished Senator from Utah can hear this, I appreciate the fact that he has included many of the provisions in this bill I had argued for in the last Congress. I compliment him on that. I did that earlier today when I spoke, referring to the Hatch-Biden-Sessions amendment. I tell the distinguished chairman that as he and I are both people who believe in redemption, and I would say this is a long way from redemption, going from 1997 to 1999, but hope springs eternal, and he has included some of my provisions in this bill. I appreciate it.

I note that the original bill provided $15 million for primary prevention. This amendment would earmark another $112.5 million.

I understand the distinguished Senator from California, Mrs. FEINSTEIN, would like to be added as a cosponsor. Mr. President, I ask unanimous consent for that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, if the Senator will yield, I am proud to have her as a cosponsor.

Mr. LEAHY. I think this is a positive step, by earmarking the other $112.5 million. I commend Senators HATCH and SESSIONS and BIDEN for this. It shows that our efforts over the last 2 years really have made a difference. Let us put this in context.

The rest of the bill also allocates over $330 million for law enforcement, $75 million for juvenile criminal history records, $20 million for gang fighting, and $50 million for prosecutors. In context, that is a total of $482.5 million for law enforcement compared to $112.5 million for primary prevention. S. 254 also provides $400 million for intervention programs after juveniles come into contact with the juvenile or criminal justice system. It is intervention money, not primary prevention money. It is important money, but it is not directed to primary prevention.

There is $50 million in the prosecutors grant fund. That is a proposal that was accepted in 1997 by the Judiciary Committee. My only concern is the money goes only to prosecutors, not to anyone else in the juvenile system. It doesn't go to counselors. It doesn't go to public defenders. It doesn't go to corrections officers. It doesn't go to juvenile judges. We have to examine closely the effects of this new prosecutors grant.

I want to make sure it doesn't exacerbate overcrowding in the juvenile system and the system does not break down: I pledge to now work with the Senator from Utah to see if there is a possibility of balancing the system in a fair way.

Overall, Mr. President, I thank the distinguished Senator from Utah, as I said, and the distinguished Senator from Alabama, the distinguished Senator from Delaware for adding the things we have requested for a couple years. I did want to point out, however, as I said earlier, anybody who has ever been in law enforcement will always tell you, if you can prevent the crime from happening, you are a lot better off in what you do after it happens. I wish there was more money for prevention. Money for law enforcement is well spent. I wish there was more money for prevention.

Mr. President, I retain the remainder of my time.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. As I recall, I have 11 minutes remaining.

The PRESIDING OFFICER. Will the Senator restate the question?

Mr. HATCH. As I understand it, I have 11 minutes remaining.

The PRESIDING OFFICER. The Senator is correct.

Mr. HATCH. Let me say, prior to sending my amendment to the desk, I had agreed to drop some change that was of concern to the Appropriations Committee. The amendment at the desk does not contain this technical change.

AMENDMENT NO. 322, AS MODIFIED

Mr. HATCH. I ask unanimous consent to amend my amendment to reflect the change I promised Senator LEAHY and others I would make. The modification is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. HATCH. Mr. President, I yield 8 minutes to the distinguished Senator from Delaware and the remaining 3 minutes to the distinguished Senator from Alabama.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, I apologize. I did not. Did the Senator yield me a specific amount of time?

The PRESIDING OFFICER. Yes, sir. He yielded you 8 minutes.

Mr. BIDEN. I thank the Senator.

Mr. President, there are a number of revisions that have been worked out here in the core bill that is before us. As the ranking member, Senator LEAHY, knows, and as the chairman knows, this began over 2½ years ago. We have come a long way. We have narrowed the gap between the position held by Senator HATCH and myself and by Senator SESSIONS and myself and many others. Primarily what the Hatch-Biden-Sessions amendment does, it takes the underlying bill and it does three or four, I think, very important things.

No. 1, it adds prevention uses to permissible uses of the so-called accountability block grant. When I am home sometimes watching this on TV, I wonder how the people understand anything we are saying. What is an accountability block grant? What it means is that there is $450 million in this bill that we give to given States to be able to use for various purposes. One of those chunks of money, the $450 million, prior to the Hatch-Biden amendment, did not allow the money to be used for prevention. This allows, earmarks, requires 25 percent of it to be used for prevention. You have about $113 million that is to be used for prevention out of that grant.

In addition to that, it adds other allowable uses that we hope the States will do. That is, it allows them to use money for drug treatment, alcohol treatment, drug and alcohol treatment, school counseling, school-based prevention programs. Then, in addition, what it does is—in the Biden crime bill, which became the crime law of 1994, what we didn't do was we did not put in money for prosecutors. We found out, as the former Governor of Nebraska knows, what happens in a lot of these courts is we add more cops and they arrest a lot more people. There are not enough prosecutors, there are not enough judges, and there are not enough facilities. So the cops do their job, but the process gets bottlenecked. So we have $50 million in here, which was initially resisted, $50 million for prosecutors at a State level, State prosecutors, money for the States to hire prosecutors to prosecute juvenile justice cases and for the States to train them to in fact prosecute crimes in juvenile court, because that always takes the hind quarter of these cases. One of the things is, there is not enough resources devoted to pursuing these cases.

The prosecution of the case doesn't mean we are just putting more prosecutors here to send kids to jail. We are putting more prosecutors in here to resolve these sets of graduated sanctions the States have set up so there is a prosecutor following through and saying, this kid is going to go on a work project, this kid is going to go to the State reform school, this kid is going to have to pay restitution for what he did, this kid is going to, in fact, follow through on the sanction that the court is imposing on him. And we, the State, are going to be able to pursue this—we, the prosecutor in such-and-such a county or such-and-such a State.

Finally, and perhaps most important of all, I think the best thing we did in the crime bill we passed in 1994, the thing that people paid the least attention to but the thing I worked the hardest on was setting up a crime trust fund, a violent crime trust fund.

I remind everybody that we made a commitment with this administration and when the crime bill passed we would reduce the workforce of Federal employees. We would reduce that workforce, but instead of taking their paycheck and returning it to the Treasury, we were going to put it in a trust fund. So we reduced the Federal workforce by 300,000 people—the smallest Federal workforce since John Kennedy was President of the United States of America. We took that money and we put it in a trust fund that can only be used for the purposes outlined in the crime bill—for prevention, for enforcement, and for incarceration. It stopped us from bickering over how we are going to fund the programs.

We are not raising any new taxes to pay for this. We are not giving money back. We can. We could take this money that we are no longer paying the Federal employees in the Department of Education, or in the Department of Energy, or wherever—we could take their paycheck and give it back in terms of a tax cut, or we could take it and put it in this trust fund.

That is what has kept the funding of the 100,000 cops, that is what has kept the funding of the prison system, and that is what has kept the funding of the prevention programs. That expires in the year 2000. This will extend that violent crime trust fund to the year 2005.

Once we cut through all the specific things we could legislatively do, it is probably the single most significant thing we will do.

I thank my colleagues for agreeing to the compromise which includes extending that trust fund.

There are a number of pieces of this legislation that understandably—because this is a moving target—have in fact confused people.

My friend from Nebraska asked me the question about whether or not this federalizes juvenile crime, whether or not it sets a Federal aid limit at which you could try a young person as an adult that preempts State law. No, we don't do that.

It does say that in a Federal court, if a Federal prosecutor brings a case within Federal jurisdiction against a minor, they can in fact seek to try that minor as an adult under a certain set of circumstances. But it doesn't go in and say to the State of Nebraska or Delaware that you must in your State treat minors in terms of whether or not they can be tried as adults the same way the Federal system treats them. Some States try minors as adults at a much younger age. Some States don't allow minors under the age of 18 to be tried as adults unless it is under the most extraordinary circumstances.

The original legislation in iteration of four or five bills ago probably did do that. But we are not federalizing this notion of under what circumstances a person under the age of 18 can be tried as an adult. We are not allowing for Federal preemption where there is

State and Federal jurisdiction. It is not an automatic preemption to the State by the Federal Government. We have built into this legislation a rational way of approaching that.

In the interest of time, I am not going to take the time to explain that now.

The PRESIDING OFFICER (Mr. CRAPO). The Senator's time has expired.

Mr. BIDEN. Let me sit down and thank the Chair.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama has 3 minutes.

Mr. SESSIONS. Thank you, Mr. President.

I want to say that I am excited about where we are at this point with this legislation. It has been a 2-year struggle. Senator BIDEN is a great advocate and strong believer in his views. I have some strong views about it. I believe that at this point we have made a compromise, an agreement that both of us can live with, which will allow us to effectively respond at this time to assist State and local governments, State and local court systems and juvenile systems, and educational systems to better focus and better prevent and deter crime by young people.

I firmly believe we have seen over the last 20 years an extraordinary increase in the amount of juvenile crime in America. Hopefully, it will plateau out a bit. But between 1993 and 1997, juvenile crime was up another 14 percent and has been increasing even more rapidly than prior thereto. What we have is a piece of legislation which I believe will allow us to effectively deal with that.

Prevention: What is prevention?

A good, consistent court system that has credibility and respect among young people helps prevent crime. A court system that is known for not being credible does not prevent crime. Police officers tell me: They are laughing at us. They know we can't do anything to them. We have no place to put these kids. We have no detention, no punishment that we can impose. Nothing happens to them. We arrest them and they are let go.

That is what is happening too often in America. This bill will begin to turn the tide on that.

We will spend more money also on trying to prevent crime. I think we are making a good step forward. The House passed this bill. We passed it with bipartisan support last year in committee. I believe we will have a strong vote this time.

Thank you, Mr. President.

I again congratulate Senator HATCH for the outstanding leadership he has given as chairman of the Judiciary Committee and for his efforts to make this bill a reality. I thank him for his leadership.

Mr. HATCH. I thank the Senator.

Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Utah has 20 seconds.

Mr. HATCH. How much time in the opposition?

The PRESIDING OFFICER. Ten minutes 38 seconds.

Mr. HATCH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I am not aware of anybody on this side who wishes to speak further. I am willing to yield back our time.

The PRESIDING OFFICER. All time is yielded.

Mr. HATCH. Mr. President, parliamentary inquiry: As I understand it, you have the yeas and nays on the Gregg amendment and on the Hatch-Biden-Sessions amendment but you do not have it on the Robb amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. HATCH. When we get the yeas and nays on the Robb amendment, the amendments will be voted on, first the Gregg amendment, then Robb, and then Hatch-Biden-Sessions?

The PRESIDING OFFICER. That is correct.

Mr. HATCH. I move to table the Robb amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The motion to table will then be the second vote.

The first vote is on the amendment of the Senator from New Hampshire.

VOTE ON AMENDMENT NO. 324

The question is on agreeing to the amendment of the Senator from New Hampshire. On this question, the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) is necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mr. MOYNIHAN) would vote "aye."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 94, nays 5, as follows:

[Rollcall Vote No. 106 Leg.]

YEAS—94

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Murkowski
Murray
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—5

Inhofe
Nickles
Thomas
Thompson
Voinovich

NOT VOTING—1

Moynihan

The amendment (No. 324) was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATCH. Mr. President, so everybody will know, I ask unanimous consent that the remaining votes in this series be limited to 10 minutes each in length.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. There will be 10 minutes per vote.

Mr. HATCH. Also, so everybody will know, immediately after the ending of the votes, Senator LEAHY will call up his amendment. That will be the pending amendment we will start on tomorrow.

VOTE ON AMENDMENT NO. 325

The PRESIDING OFFICER (Mr. ENZI). The question is on agreeing to the motion to table amendment No. 325. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) is necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mr. MOYNIHAN) would vote "no."

The result was announced—yeas 55, nays 44, as follows:

[Rollcall Vote No. 107 Leg.]

YEAS—55

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Cochran
Collins

Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—44

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Torricelli
Wellstone
Wyden

NOT VOTING—1

Moynihan

The motion was agreed to.

VOTE ON AMENDMENT NO. 322, AS MODIFIED

The PRESIDING OFFICER (Mr. BROWNBACK). The question is on agreeing to amendment No. 322, as modified. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) is necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mr. MOYNIHAN) would vote "aye."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 3, as follows:

[Rollcall Vote No. 108 Leg.]

YEAS—96

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—3

Kyl
Thompson
Voinovich

NOT VOTING—1

Moynihan

The amendment (No. 322), as modified, was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. HATCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 327

(Purpose: To promote effective law enforcement)

Mr. LEAHY. Mr. President, I send to the desk an amendment on behalf of myself, Mr. DASCHLE and Mr. ROBB.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont (Mr. LEAHY), for himself, Mr. DASCHLE, and Mr. ROBB, proposes an amendment numbered 327.

Mr. LEAHY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. LEAHY. Mr. President, I understand that under the previous unanimous consent request, when we come in tomorrow morning this will be the pending amendment. Is that correct?

The PRESIDING OFFICER. The amendment is now the pending question.

Mr. LEAHY. Mr. President, I understand that when the Senate reconvenes in the morning, the Leahy amendment be the pending amendment with 1 hour equally divided with no other amendments in order. Mr. President, I understand this will be agreed to by unanimous consent in closing tonight.

I ask unanimous consent the pending amendment now be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. DEWINE. Mr. President, I ask unanimous consent that Pete Levitas, a fellow assigned to the Antitrust Subcommittee from the Justice Department, be granted the privilege of the floor during the Senate's consideration of S. 254, the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEWINE. Mr. President, I rise this evening in strong support of the bill before us. This juvenile justice legislation is a product of bipartisan work and bipartisan compromise. I believe it is a very valuable and long overdue measure that will tackle a major national problem.

Last week I spoke on the Senate floor on the need to find ways to reach out to young people and to hopefully save young lives. I said at that time that youth violence presents us with very difficult issues, really, for a public official to talk about because people, once you start talking about this issue, may think you, as the person who is talking, believe that you have "the" answer. So let me say again, right up front, I do not claim to have the answer. Evil is a mystery that exists deep in the human heart.

But if we do not have all the answers for the problems we see—what we saw happening in Littleton, for example—that should not stop us from trying to do something. I believe the juvenile justice bill we have before us, as well as many of the amendments which will be offered, will in fact save lives. The fact, the brutal fact of human existence, that we cannot come up with the answer does not excuse us from our moral responsibilities—our moral responsibilities, as legislators, as parents, as citizens. In fact, it increases our responsibilities. If we do not have "the" answer, we have to work harder to find answers, things we can do to make a difference, child by child by child.

This juvenile justice bill provides the Senate the opportunity to find some of these answers. Some of the things in the bill before us are certainly not glamorous, but I believe they will all be helpful. I believe they will save lives. In essence, the bill before us is designed to make sure our juvenile justice system and those who make decisions in that system have the tools they need to meet the challenge of a juvenile population that, tragically, is becoming more violent. I will focus briefly on some of the provisions I have been most involved in in putting together this bill and highlight how I believe they will make a real difference, addressing real problems facing juvenile justice systems across this country.

First, Senator SESSIONS and I have worked long and hard, along with the chairman, to provide $75 million to help States upgrade their juvenile felony record systems. I believe this is an especially important provision. As a former county prosecuting attorney, I can tell you, the decisions made by judges in our juvenile courts on juvenile offenders are only as good as the information on which they are based. The same is certainly true for judges in our adult criminal system. The problem is, the information that is available is not as complete, many times, as it should be. In fact, many times the information about the offender, about what the offender has done in the past, is simply nonexistent.

What am I talking about? We have had a tradition in this country that juvenile courts would all operate behind closed doors and the records of those courts would never be available. The reason, the rationale, was we wanted to protect young people; that young people could change and they should have a second chance, sometimes a third chance. All that makes sense and there is nothing wrong, even today, 1999, with that basic philosophy.

That philosophy, though, does not work when we are dealing with a 17-year-old, who is still a juvenile, who has committed a violent crime—let's say a rape—or a 16-year-old who has committed an aggravated robbery. It makes no sense to say that information about that individual will always be hidden.

Let me give Members of the Senate, my colleagues, a specific example. Let's say a 15-year-old in Xenia, OH, commits a serious offense. Let's say it is a violent offense. That 15-year-old is dealt with by the court and later moves, at the age of 17, to Adams County, Ohio. That juvenile then commits another offense. Under our current system, there is really no effective central depository of that information. There is one, but there is very little information in it. So the arresting officials in Adams County might not know that individual, several years before, had committed a serious offense in Greene County.

Let's take another example. Let's say the juvenile is 16 and commits an offense in Cincinnati, OH; several years later moves to Indiana and, as an adult, commits another violent offense in Indiana. The Indiana authorities may not necessarily know that juvenile—the person who was a juvenile, who is now 18, an adult—committed a violent crime several years before across the State line in bordering Ohio.

What this bill does is commit $75 million to local law enforcement agencies, to States to help them develop their criminal record system for juveniles.

We are not, by this provision, saying what a State should do. What we are saying, though, is that the State, by putting that information into a central computer system, will enable another State where that juvenile shows up, 2, 3, 5, or 10 years later, to be on notice as to what type individual this is, or at least they will know what crime, what serious crime, what violent crime this juvenile has committed. It simply makes sense.

It has been my experience that when we read about what I call horror stories in the newspapers, where we see someone who has been picked up by the police, and he is let out on bond, or she is let out on bond, and that person commits another offense or has been charged with an offense and has been convicted and gets a light sentence, and they commit another offense, most of those horror stories come from the fact that the police or the judge or the probation officer or the parole officer did not have the available information, didn't know what they were dealing with, didn't know what the criminal record was of that individual. Our bill goes a long way to address this problem. It gives local law enforcement the tools, it gives the judge the tools, so he or she can make a rational decision about bond or a rational decision about sentencing.

We need to make these records more accessible so law enforcement can keep closer track of kids who have been convicted of violent crimes. The tracking provision I wrote, along with Chairman HATCH and Senator SESSIONS, will help do this.

If a State uses Federal funds to upgrade their juvenile records under this bill, all records of juvenile felonies will have to be accessible from the National Criminal Information Center. When it comes to making key decisions about juvenile offenders, judges, probation officers, police officers, need to make judgments based on the best possible information, and that is what this bill will give them.

One of my key priorities as a Senator, and as someone who started his career as a county prosecuting attorney in Greene County, Ohio, one of my priorities is to make sure the Federal Government does more to help law enforcement. That is where the action is. Mr. President, 95 to 96 percent of all Federal prosecutions is done at the local level by counties and States. They are the ones who do it—the police, the sheriffs' deputies, the local prosecutors. Anything we can do to help them will make a difference.

Helping set up a good system of records, good information on juvenile felons is one of the most important things we can possibly do to help them do their jobs more effectively, and this bill does it.

Let me turn to a second provision. We need to provide incentives to local governments to coordinate the services they offer to the kids who are most at risk, kids who may have already gotten into a little trouble, but who we believe can still be saved. This is prevention, and it is very, very important.

Here is the problem. Many times, juveniles who find themselves in juvenile court have multiple problems. Some of these problems may not come to the attention of the juvenile court judge, or if they do come to his or her attention, many times that judge does not have the resources, does not have the ability to treat that young person.

For example, a child may have both a psychiatric disorder and a substance abuse problem. A child may have been sexually abused, a child may have been physically abused, or any combination of four or five things. Many times, juvenile courts do not have the resources to detect or appropriately address these types of multiple problems. As a result, for too long, many children have been falling between the cracks of the court system. Many times these children are identified as the "juvenile court's child." Many times we refer to them as a "children services' child," or a local protection services agency child or maybe the child is under the auspices of the mental health system and sometimes the substance abuse system.

What we aim to do under this provision is allow the local community to come together with the juvenile judge and coordinate all of these services so that we can help these children. It is cost-effective and it is the right thing to do.

My proposal, which is included in this bill, will promote all across this country an approach that has been very successful in Hamilton County, Ohio, near Cincinnati; an approach that gives our most problematic children the multiple services they need under the overall coordination of the court system. These kids should not fall victim to bureaucratic turf conflicts. All of these children are our children.

The purpose of this initiative is to leverage limited Federal, State and local agencies and community-based adolescent services to help fill the large unmet need for adolescent mental health and substance abuse treatment in the juvenile justice system.

One of the things I learned when I started as a county prosecutor was that there is, in fact, many times a turf battle. There is a turf battle that occurs between the criminal justice system, in this case the juvenile justice system, the judge, his probation officer or her probation officer, and the social services agency—children's service is what we call it in Ohio—that protects children, or maybe the local mental health agency or maybe the local substance abuse agency. We have made progress in breaking down these walls, but what our provision in this bill does is accelerates that process and that progress.

If you talk to the judges, if you talk to the substance abuse counselors in most counties, they tell you there is a finite number of children who they have already identified who are the most problematic, who have the most problems, who need the most resources, who, if we do not deal with them now at the age of 13 or 14 or 15, are going to grow up and graduate into our adult system and are going to pose monumental problems for society for the rest of their lives.

Bringing the resources of the community together in a coordinated fashion to address the needs of these children is the right thing to do. We will not save all of them. We know that. But many of them can, in fact, be saved, and they can be saved if we care and if we approach this issue from an intelligent point of view.

The juvenile judge is key because the juvenile judge has the ability to get the attention of that young person. The juvenile judge has the ability to use the carrot and the stick in the sense of simply saying to the young person: Fine, if you don't want to go into drug treatment, I am going to commit you to the department of youth services for an indefinite period of time; I am going to put you, in essence, in prison. Or that judge can say to that young person: If you don't stay free of drugs for the next 2 years, and we are going to monitor you every 2 weeks and we are going to know whether you are on drugs or not on drugs —that type of approach where the juvenile court works with the substance abuse people, the experts in the field, or works with the mental health people. That coordination is absolutely essential when we deal with our most problematic children.

The idea for this, as I indicated, came from Hamilton County, Ohio. They have tried this. It works. They have identified 200, 300, 400 of the most problematic children. They meet regularly to talk about these kids and what they can do to get services to them. There is only so much money available. There are only so many services that can be provided. What we do with this provision is encourage local communities to get together and use that money in the most efficient and most effective way. It is the right thing to do. It is the most cost-effective thing to do.

In bringing this piece of legislation to the floor—and I congratulate Senator HATCH, Senator LEAHY, Senator SESSIONS, Senator BIDEN, and all those who have worked on this bill—we are making an important contribution to meeting a major challenge facing our communities.

I have mentioned just two key initiatives that will help our communities meet these challenges. Over the last several days, I have been working with several of my colleagues, including the Senator from Colorado, Mr. ALLARD; the Senator from Alabama, Mr. SESSIONS; the Senator from Idaho, Mr. CRAIG, and others on other initiatives that will help these children. These initiatives will be offered in the form of amendments over the next few days. These amendments will help, I believe, those people who are closest to troubled children—parents and teachers in particular.

I look forward to working on this bill and passing it and seeing it signed into law. Will it solve all the problems with juveniles? Of course not. Will it prevent all the Littletons that may occur or other tragedies that we have seen? No, there is no guarantee of that, but we do know, just to take one statistic, that the Littletons are replicated every single day in this country, quietly, silently, but tragically, because on average 13 children die every day just because of contact with guns. Most of them are homicides, a few of them are suicides, and some are accidents. That does not include all the other children who die violent deaths.

Our objective in this bill should be to try to reduce the number of children who die and who die needlessly. I believe we can do it. I believe we can make a difference.

We should not judge this bill, nor every amendment that is offered, by the test of would it have prevented one of the tragedies that is foremost in our minds. Some of the amendments would have, I think, but we will never know.

A more rational approach and more logical approach is simply this: Will the amendment that is being debated or the provision we are talking about or the bill itself save lives? I think the evidence is abundantly clear that this bill, as is written right now, will save lives. It will make a difference. I think we can improve it in the course of the next several days.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, much of the Robb amendment (#325) to S. 254 is based on S. 976, the Youth Drug and Mental Health Services Act, which I introduced this past Thursday, May 6, 1999. Furthermore, the Robb amendment does not include S. 976 in its entirety, but rather includes portions of S. 976 along with several new provisions which I have not yet had a chance to carefully consider in the context of other provisions of S. 976. Therefore, I voted to table this amendment. As chairman of the Subcommittee on Public Health which has jurisdiction over these Public Health Service programs, my intent is to allow the Committee on Health, Education, Labor, and Pensions full consideration of S. 976.

I look forward to moving S. 976 through the normal legislative channels to ensure that we pass a balanced, commonsense measure to provide for greater flexibility in treatment services for children.

STATE DMV DIRECTORS' VIEWS ON TITLE BRANDING LEGISLATION

Mr. LOTT. Mr. President, the American Association of Motor Vehicle Administrators recently provided me with letters it has received from state motor vehicle administrators across the country on title branding legislation. As a collective group, DMV directors are looking to Congress to enact a balanced and responsible measure to combat title fraud. Legislation that is based on real world experience. Legislation that they can implement.

As my colleagues know, I reintroduced the National Salvage Motor Vehicle Consumer Protection Act, S. 655 back in March. This legislation is similar to the bipartisan title branding bill Senator Ford and I coauthored during the 105th Congress. Legislation that received 57 cosponsors and which overwhelmingly passed the House of Representatives with some modifications last October.

S. 655 is an appropriate legislative solution to a growing national problem. A problem that costs millions of unsuspecting used car buyers billions of dollars and places motorists in every state at risk. Everyday, severely damaged cars are put back together by unscrupulous rebuilders who sell these vehicles without disclosing their previous damage history. They are able to shield the vehicle's history due to significant advances in technology and, in large part, because their is a hodgepodge of titling rules throughout the nation. They take repatched vehicles, or their titles, to states that have minimal or no salvage vehicle rules and have them retitled with no indication that the vehicle previously sustained significant damage.

The National Salvage Motor Vehicle Consumer Protection Act would help curtail title washing by encouraging states to adopt a model title branding program for salvage, rebuilt salvage, flood, and nonrepairable vehicles. The bill provides states with incentives to establish minimum titling definitions and standards. This is key. It is particularly aimed at that those states which need to bring their rules and procedures to a universally accepted minimum standard.

In 1992, as part of the Anti-Car Theft Act, Congress mandated the establishment of a Motor Vehicle Titling, Registration, and Salvage Advisory Committee to devise a model salvage vehicle program. The Salvage Advisory Committee, led by the U.S. Department of Transportation, issued its findings in February 1994. Its report recommended specific uniform definitions and standards for severely damaged passenger vehicles. It included a 75% damage threshold for salvage vehicles, anti theft inspections for salvage vehicles before they could be placed back on the road, and the permanent retirement of vehicles that are unsafe for operation and have no value except as a source of scrap or parts. The report recommended the branding of titles as the most appropriate method for disclosing a severely damaged vehicle's prior history.

Mr. President, Senator Ford and I simply drafted legislation that would largely codify the Salvage Advisory Committee's recommendations. Recommendations that encompassed the wisdom of all of the experts on titling matters. This committee of key stakeholders, led by the U.S. Department of Transportation, provided real world solutions to address title fraud and automobile theft. Solutions based on state motor vehicle titling trends—uniform titling definitions and standards that states would be willing to accept.

Senator Ford and I introduced a sound, reasonable, and appropriately balanced measure during the 105th Congress. It did not take sides. It did not codify the recommendations of one particular interest group. It did not benefit one group at the expense of another. Instead, it reflected a balanced, bipartisan consensus. Even so, a number of significant changes were incorporated during the last Congress to accommodate the concerns raised by certain State Attorneys General, consumer groups and others. I would like to highlight some of the revisions made by me in a good faith effort to satisfy the concerns expressed and to advance the bill.

The "Salvage" vehicle threshold was lowered from 80% to 75%—so that if a late model vehicle has sustained damage exceeding 75 percent of its pre-accident value, it would be branded "salvage. The bill also allowed a state to cover any vehicle regardless of its age.

The original bill did not allow conforming states to use synonymous terms. That has been stricken from the bill—so now states may use additional terms to define damaged vehicles. For example, a state can use the bill's "nonrepairable" definition and can also use another term such as "junk" if it wants to have a different definition to describe parts only vehicles.

The revised bill included a new provision granting state attorney's general the ability to sue on behalf of citizens victimized by fraud and to recover monetary judgements for consumers.

It included two new prohibited acts—failure to make a flood disclosure and moving the vehicle or its title into interstate commerce to avoid the bill's requirements.

Another new provision makes it clear that the bill will not affect any private right of action available under state law.

The bill clearly established that states could provide additional disclosures beyond those identified in the legislation.

At the request of Senator HOLLINGS, a new provision was added regarding the Secretary of Transportation advising automobile dealers of the prohibition on selling vans as school buses.

Instead of penalizing states for nonparticipation by withholding National Motor Vehicle Titling Information System (NMVTIS) funding, my bill now provides states with incentive grants to encourage their participation. This was a very good recommendation offered by the U.S. Department of Transportation. It takes into account the fact that 20 or more states will have received their NMVTIS funding by the time the bill becomes effective. These new grants can be used by participating states to issue new titles, establish and administer theft or safety inspections, and enforce titling requirements.

This voluntary approach also gets around the very real concerns that states and the Supreme Court have raised about Congress requiring states to legislatively adopt federal regulations. Remember, motor vehicle titling has been, up to this point, almost exclusively a state function. This revised approach also overcomes the strong possibility that preemptive federal titling rules and procedures would impose a significant federal unfunded mandate on states.

The revised bill also incorporates a change made by the House of Representatives last year which allows states to adopt an even lower salvage threshold if it chooses. It simply does not start the threshold at 65% which, while advocated by some, has been expressly rejected by states. I think it would be irresponsible for Congress to establish a minimum federal salvage threshold that is not in use anywhere and which states have maintained that they do not want. S.655 provides a very reasonable compromise. Those who want a lower salvage threshold than 75% are free to work with state legislatures to convince them that a lower threshold in their states is warranted.

Also, at the request of the National Association of Attorney's General, S.655 includes provisions which require: the retail value of a "late model vehicle" to be adjusted by the Secretary of Transportation every five years; flood vehicle inspections to be conducted by an independent party; and the Secretary's establishment of a publicly accessible national record of conforming states.

Mr. President, I believe S.655 is the right legislative solution to address title fraud. It creates a model program based on balanced titling definitions and standards for salvage, rebuilt salvage, flood, and nonrepairable vehicles.

It does not violate the Supreme Court's rulings on federal versus state roles and responsibilities. Instead it establishes a voluntary titling framework.

It is not a federal unfunded mandate. Instead it provides states with seed money to encourage their participation.

It does not take away a state's NMVTIS funding or jeopardize the implementation of this system. Instead, it fosters maximum state participation in this important national title information system.

It does not harm consumers who own low value vehicles or cause motor vehicles to be branded unnecessarily. Instead, it adopts the reasonable thresholds recommended by the Salvage Advisory Committee and it focuses on severely damaged vehicles and pre-purchase disclosure.

It does not force otherwise repairable vehicles to be junked because of arbitrary thresholds. Instead, it subjects vehicles to a rational vehicle retirement standard based on a case-by-case determination. A standard employed by California, Illinois, and a number of other states.

It leaves intact state criminal penalties and causes of action without imposing significant additional burdens on the already overwhelmed federal court system.

Mr. President, the National Salvage Motor Vehicle Consumer Protection Act is a sound, reasonable, and workable title branding measure. This is not just my opinion, but the view of state motor vehicle administrators. These are the experts on the front line. The very people who would be responsible for administering the provisions of the National Salvage Motor Vehicle Consumer Protection Act.

Mr. President, I ask unanimous consent to have printed in the RECORD several letters from state motor vehicle administrators on the issue of title branding legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. LOTT. I ask my colleagues to take heed of the wisdom offered by the many DMV directors who submitted comments on S.655 and other title branding proposals.

Congress needs to pass S.655, the National Salvage Motor Vehicle Consumer Protection Act, for America's used car buyers and motorists and for the people who have to administer titling rules.

EXHIBIT 1

AMERICAN ASSOCIATION OF
MOTOR VEHICLE ADMINISTRATORS,
Arlington, VA, March 22, 1999.

To: Chief Motor Vehicle Administrators, Chief Law Enforcement Officers
From: Kenneth M. Beam, President & CEO
Re: Introduction of Salvage Titling Legislation

I am pleased to report that Senator Trent Lott (R–MS) along with 13 co-sponsors recently introduced S. 655, the National Salvage Motor Vehicle Consumer Protection Act of 1999. This bill establishes national uniform requirements regarding the titling and registration of salvage, nonrepairable and rebuilt vehicles. AAMVA has worked closely with Senator Lott's staff to assure that the bill reflects AAMVA policy on uniform salvage definitions and procedures.

For the most part this bill mirrors language in S. 852, which was introduced by Senator Lott and supported by 57 members of the Senate in the 105th Congress. However, there are two major differences in S. 655 we would like to highlight. First, the bill does not require that states who receive federal funding from the Department of Justice for the National Motor Vehicle Title Information System (NMVTIS) to conform with the requirements of the bill or place a notice on the certificate of title that their state is not in compliance.

Second, the bill includes incentive grants for states that do carry out its provisions. S. 655 authorizes $16 million to states for fiscal year 2000. No state that is eligible for the grant shall receive less than $250,000. The ratio shall be apportioned in accordance with section 402, Title 23 of the U.S. Code. Any state that receives a grant under this section shall use the funds to carry out the provisions of this bill including such performance related activities as issuing titles, establishing and administering vehicle theft or salvage vehicle safety inspections, enforcement and other related purposes.

In addition, AAMVA has worked closely with other interested organizations to respond to concerns raised by the National Association of Attorneys General (NAAG). We are enclosing a copy of our response to those concerns.

If you have questions or comments, please direct them to either Linda Lewis, director of Public & Legislative Affairs or Larry Greenberg, vice president, Vehicle Services at 703-522-4200.

National Association of
Motor Vehicle Administrators,
Arlington, VA, March 31, 1999.

To: Chief Motor Vehicle Administrators, Chief Law Enforcement Officers.

From. Kenneth M. Beam, President & CEO.

Re introduction of companion salvage titling legislation.

A copy of Senator Lott's salvage legislation, the National Salvage Motor Vehicle Consumer Protection Act, S. 655, was recently forwarded to you for review and comment. AAMVA strongly supports this version, which mirrors the Salvage Advisory Committee's recommendations and current AAMVA policy. On March 23, 1999, Senator Dianne Feinstein introduced companion salvage legislation, the Salvaged and Damaged Motor Vehicle Information Disclosure Act, S. 678. We believe this bill will create a tremendous burden on jurisdictions to implement and will increase complexity and costs with regard to salvage definitions and standards without any corresponding gains in uniformity. In addition, many of its provisions are in conflict with AAMVA policy.

Many of AAMVA's concerns were addressed in the response to the National Association of Attorneys General Working Group (NAAG) who support similar provisions that are included in S. 678. Our comments to NAAG were included in the mailing dated March 22, 1999. However, we feel it important to highlight a few areas of major concern with S. 678. The bill: Establishes a 65 threshold for salvage vehicles; establishes a 90% nonrepariable threshold; establishes disclosure requirements for vehicles sustaining $3,000 of damage suffered in one (1) incident; requires states to comply with the legislation to receive federal funding for NMVTIS; and does not include incentive grants to states that implement the legislation as included in S. 655.

AAMVA's comments to NSSG provide more detail on these and other signs. Please review the companion legislation and forward any comments or concerns you have with the bill to Linda Lewis by April 15, 1999. Your comments will help ensure that the Association accurately represents the positions of state motor vehicle administrators. If you have any questions about the bill, please direct them to Linda or Larry Greenberg at 703-522-4200.

Maryland Motor
Vehicle Administration,
Glen Burnie, MD, April 12, 1999.

MEMORANDUM

To: Linda Lewis, AAMVA

From: Anne S. Ferro, Administrator

Re: National Salvage Act—SB 655

Attached please find Maryland's review of S. 655 as it relates to salvage laws in our state. Based on the review by several key program managers, we have affirmed Maryland's support for this bill. Although numerous consumer advocate groups and the National Association of Attorneys General (NAAG) appear to oppose the bill, it is in the best interest of law enforcement and consumers to have a bill that establishes national uniform regulations governing salvage.

We oppose S. 678 introduced by Senators Feinstein and Levin. As you state in your cover memo, the alternate salvage bill has constraints which would be very difficult to enforce.

Maryland also favors NMVTIS as the project will benefit law enforcement and Motor Vehicle Administrations in combating title fraud. Maryland is committing to reevaluating its participation in the program once the pilot program is up and running. Our withdrawal from the project last year was due to current costs involved and constraints relating to our title and registration system as well as Y2K.

Thank you for the opportunity to voice our support for S. 655.

Enclosure.

Memorandum

To: Thomas M. Walsh, Director, Driver and Vehicle Policies and Programs

From: Eltra Nelson, Chuck Schaub, Victoria D. Whitlock

Date: April 7, 1999

Subj: AAMVA Legislative Alert: Introduction of S. 655: National Salvage Motor Vehicle Consumer Protection Act of 1999

As requested, we have reviewed the above-referenced Lott Bill S. 655 and, although there are differences between Maryland's laws relating to salvage vehicles and this bill, we are generally in agreement with the goals of the proposed legislation. As urged by Congress in the Anti Car Theft Act of 1992, there needs to be more uniformity in state title branding laws if we are to defer the criminal activities of the fraudulent rebuilders, who are thriving under the current patchwork system. We offer the following comments:

If Maryland intends to support this initiative, a decision must be made on the best way to proceed, as Maryland's current law is inconsistent with the provisions of the federal bill. Guidance from the Attorney General's Office would be helpful in charting our course.

Maryland MVA was one of the National Motor Vehicle Title Information System's (NMVTIS) pilot states, but due to technical problems (Y2K, plans to reengineer TARIS) we temporarily discontinued participation. It is the MVA's intention to resume participation once these problems are resolved.

S. 655 definition 33301(a)(1) "passenger motor vehicle" includes multi-purpose passenger vehicles, and certain trucks including a pickup truck of not more than 10,000 pounds for purposes of the salvage law. We agree with the rationale for expanding the definition in the context of what constitutes a "salvage vehicle"(see next bulleted item). MD TR law has separate definitions (11-144.1, 11-136.1, 11-171, 11-176).

S. 655 term "salvage vehicle" 33301(a)(2) means any "passenger motor vehicle" other than a flood vehicle or a nonrepairable vehicle which has been wrecked, destroyed, or damaged . . . Conversely, MD TR 11-152 definition of "salvage" refers to "any vehicle that has been damaged by collision, fire, flood, accident, trespass, or other occurrence." Flood and nonrepairable vehicles are defined separately (3301(a)(6) and (12)) and do not qualify for a salvage certificate. As recommended by the Federal Advisory Committee, the definitions of salvage vehicles, nonrepairable vehicles, and flood vehicles should be mutually exclusive to promote consumer awareness and uniformity. The bill specifies that once branded, a "nonrepairable vehicle" can never be titled or registered for use on roads or highways. (Comparably, Maryland vehicles branded "Not Rebuildable, Parts Only" also cannot be converted into a title.) The bill also specifies that to avoid subsequent branding as a "flood vehicle", the owner or insurer must have the vehicle inspected by an independent party.

S. 655 permits any individual or entity to certify the amount of damage and costs of repairs to rebuild or reconstruct. MD Law allows only insurance companies to make this certification.

S. 655 "late model vehicle" means model year designation of or later than the year in which the passenger motor vehicle was wrecked, etc. or any of the six preceding years; OR, has a retail value of more than $7,500. To be classified as a salvage vehicle, the cost of repairs to rebuild or reconstruct the vehicle must exceed 75 percent of the retail value of the vehicle. Maryland brands vehicles less than 7 years old when damage is greater than fair market value as "rebuilt salvage." Regarding the bill's 75 percent threshold, we agree with AAMVA's rationale: ". . . the rule of thumb level of damage used by insurers in making a determination of whether to 'total' a wrecked vehicle is damage that exceeds 75% of a vehicle's pre-accident value." The bill permits states to use the term "older model salvage vehicle" to designate a wrecked, destroyed, or damaged vehicle that does not meet the definition of a "late mode vehicle."

S. 655 (33302) requires states who receive funds under 33308 to disclose in writing on the certificate of title, when ownership is transferred and when indicated by "readily accessible" records, that the passenger motor vehicle was previously issued a title that bore any word or symbol signifying that the vehicle was "salvage, older model salvage, unrebuildable, parts only, scrap, junk, nonrepairable, reconstructed, rebuilt, damaged by flood, and the name of the State that issued that title.

Inspection decal—S. 655 requires the inspection official to affix a permanent decal to the driver's door jam after a passenger motor vehicle titled with a salvage title has passed the state required inspections. According to Corporal Dupczak, the Maryland State Police oppose the placement of a decal, because it can be removed; however, the law specifies the decal shall comply with the “permanency requirements” established by the Secretary.

Disclosure and Label: S. 655 (33303) A person, prior to transfer of ownership, shall give the transferee written disclosure that the vehicle is a rebuilt salvage vehicle. A label shall be affixed by the individual who conducts the applicable state anti-theft inspection in a participating state to the windshield or window of a rebuilt salvage vehicle before its first sale at retail. Note: We assume that the “brand” notation on the front of the title certificate would serve as the “written disclosure.”

S. 655 (33302(c)) requires the USDOT to establish a National Record of Compliant States. The Secretary shall work with States to update the record upon the enactment of a State law which causes a State to come into compliance or become noncompliant with the requirements of this law.

Section 33308 provides for incentive grants of not less than $250,000 for each state that demonstrates it is taking appropriate actions to implement the provisions of this law.

Effect on State law: Unless a state, that receives funds under section 33308, is in compliance with 33302(c), effective on the date the rule is promulgated, the provisions shall preempt all state laws to the extent they are inconsistent with the provisions of this law, which:

Set forth the form of the passenger motor vehicle title.

Define, in connection with a passenger motor vehicle part or part assembly separate from a passenger motor vehicle), any term defined in section 33301 or the terms “salvage”, “nonrepairable”, or “flood”, or apply any of those terms to any passenger motor vehicle (but not to a part or part assembly separate from a passenger motor vehicle); (this requirement does not preempt state use of the terms “passenger motor vehicle” or “older model salvage” in unrelated statutes.

Set forth titling, recordkeeping, anti-theft inspection, or control procedures in connection with a salvage, rebuilt salvage, nonrepairable, or flood vehicle.

Nothing is this law may be construed to affect any private right of action under state law.

Additional disclosures of a passenger motor vehicle's title status or history, in addition to the terms defined in this law, shall not be deemed inconsistent.

States receiving funds shall make titling information maintained by the state available for use in operating the National Motor Vehicle Title Information System (NMVTIS). Participating states, before issuing a certificate of title, shall perform instant title-verification checks.

Maryland designates the following brands:

SALVAGE BRAND	TITLE BRAND
Damage is greater than fair market value	This will cause the title to be branded REBUILT SALVAGE. Only vehicles less than 7 years old are to be branded when converted to a title. Once branded, the brand is to be carried through to subsequent titles.
Damage is equal to or less than fair market value	The title will not be branded. DO NOT ENTER XSALVG IN THE BRAND FIELD. THE TITLE IS NOT TO BE BRANDED.
Not Rebuildable, Parts Only, Not to be Retitled	Cannot be converted into a title.
Abandoned Vehicle Note: S. 655 does not provide for this category	This will cause the title to be branded REBUILT SALVAGE. This applies to all vehicles regardless of subsequent titles.
Out of State Salvage Certificate	This will cause the title to be branded XSALVAGE. The brand is to be carried through to subsequent titles.
Out of State Titles Branded: SALVAGE, XSALVAGE, FLOOD, etc	XSALVAGE will show in the brand field or the brand from the out-of-state title will be entered in the brand field. The brand is to be carried through to subsequent titles.

MICHIGAN DEPARTMENT OF STATE,
Lansing, MI, April 16, 1999.

Re: comments on companion salvage titling legislation.

LINDA LEWIS,
Legislative Director, American Association of Motor Vehicle Administrators, Arlington, VA

DEAR MS. LEWIS: After receiving Kenneth Beam's Legislative Alert last Friday regarding the recently introduced Companion Salvage Titling legislation (S. 678), we did our best to quickly review and compile comments from a variety of areas within our Department. We agree with AAMVA's assessment that this bill could be very problematic for states to implement, for a variety of reasons. Michigan feels very strongly that this bill should not move forward, and that any action on the subject of Salvage Titling should follow the direction of the AAMVA-sponsored Salvage bill (S. 655). However, given the tight timeframes for response and our need to solicit input from many areas of our Department, we have only had time for a very cursory review of this legislation. If this bill has any chance of moving forward, we would appreciate prompt notification, so that we can prepare a more detailed summary of our concerns and suggestions.

An over-riding problem with S. 678 is the lack of detail regarding the specific requirements that would be imposed. In its current version, S. 678 creates new terminology, categories, enforcement requirements, and other implementation language that seriously lacks detail with regard to actual requirements. This type of approach would leave definition of critical details up to the rules promulgation process, which is a major timing problem in that detailed concerns would not be addressed until after passage of the bill.

The proposed changes appear to be quite complex, as well as costly overall, and there is no provision for State funding. In addition, many issues would require State legislation that would be difficult to obtain, and difficult to implement, without a corresponding need or significant improvement as compared to the AAMVA-supported bill. Also, our Department is unable to take on any new initiatives requiring major data processing changes, due to Year 2000 and other priorities, so these changes would frankly not be able to be implemented in Michigan within any reasonable timeframe.

Other more specific concerns include:

The companion bill would make substantial changes to Michigan's current definitions of “salvage” and “scrap” vehicles, adds requirements related to leased vehicles, and includes a definition of “flood” vehicles different from what AAMVA proposes. We see all of these issues as very problematic for Michigan, requiring State legislation that would prove difficult to pass, and would cause a variety of problems from an implementation standpoint—including major overhauls to our computer system, which is an unrealistic expectation.

Sellers of salvage, flood, or non-repairable vehicles would be required to provide written disclosure of these facts, which would have to be signed by the seller and the buyer. This is another issue that would require passage of State legislation, and would also be very difficult from an enforcement standpoint.

There are several potential title format issues, including requirements for attachments, that we see as being unworkable and quite difficult from an implementation standpoint.

As AAMVA has already pointed out, the new 65% threshold for salvage vehicles and the disclosure requirement for damages greater than $3,000 are both unworkable and unrealistic, especially given current vehicle values. These portions of the proposal also create problems related to those already mentioned, such as title format and computer programming issues, without providing a justifiable improvement to the system.

This proposal also allows a person who rebuilds a salvage or flood-damaged vehicle to certify its road-worthiness. This raises conflict of interest concerns. (By comparison, Michigan law requires a rebuilt salvage vehicle to be inspected by a specially trained law enforcement officer.)

Again, Michigan feels very strongly that the Companion Salvage Titling legislation introduced by Senator Feinstein has serious flaws, lacks crucial detail regarding implementation options, and poses nothing that would present improvements to the Lott bill already introduced and supported by AAMVA.

Please do whatever possible to ensure we are informed of any positive action on this bill. If you need additional details or have any questions on our position, please do not hesitate to contact me.

Sincerely,

JUDITH OVERBEEK,
Deputy Secretary of State, Service Delivery Administration.

OFFICE OF MOTOR VEHICLES, DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS,
Baton Rouge, LA, May 3, 1999.

AAMVA, Arlington, VA.

Attention: Linda Lewis

DEAR MS. LEWIS: In regard to the Salvaged and Damaged Motor Vehicle Information Disclosure Act, S. 678, the State of Louisiana has very serious concerns regarding many provisions, as follows:

The 65% threshold for salvage vehicles.

Definitions regarding non-repairable and major damage.

Secure paper disclosure requirements.

Lack of grant funds for implementation.

We believe that Louisiana has a good salvage title law in place. As a state that has been branding salvage and rebuilt vehicles for a number of years, it is frustrating to see legislation that will result in problems for our state. We've come so far in this area, the thought of increasing an already complex, cumbersome procedure is disturbing. This Act is another attempt to “punish the bad guys” with something that will, in reality, only “punish the good guys.”

Thank you for the opportunity to respond, and I know you will convey our opinion that this legislation will not increase uniformity among the jurisdictions. It will merely place unnecessary burdens on state agencies who are already force to “do more with less” and trying to eliminate bureaucratic red tape, not create it.

Please keep us posted of any additional developments regarding this issue.

Sincerely,

KAY COVINGTON,
Commissioner.

S. 678—SALVAGE AND DAMAGED MOTOR VEHICLE INFORMATION DISCLOSURE ACT

No grant monies include, provision that if State does not comply, State may not receive grant funds under 30503(c).

Definitions: Salvage—65% damage of retail value*; Non-Repairable—90% damage of retail value; and Major Damage—$3000.00 damage on one incident.

*Salvage can also be defined when designated by owner or when vehicle is transferred to insurance carrier in connection with damage.

Disclosure Requirement: Requires States to place a disclosure on title, within one year of passage of law, stating whether vehicle is salvage, flood damaged, non-repairable or substained major damage.

Disclosure must be on secure paper and must be treated like the conforming title and odometer law.

Dealers and lessors must retain disclosure for 5 years.

State must be notified of all vehicles that are unrepairable.

Requirements for Rebuilt Vehicles: (1) Certification of inspection from rebuilder stating condition of vehicle (must be on secure paper), and

(2) decal placed on door jam stating.

Non-Repairable cannot go back on road. May only be transferred to an insurance carrier, automobile recycler or dismantler.

After State receives disclosure of unrepairable that vehicle may not be licensed for use in that State.

Proposed law states that a person who owns motor vehicles that are used for personal, family, or household use shall not be liable for failure to provide disclosure, unless they have actual knowledge of requirement for disclosure.

STATE OF NEW YORK,
DEPARTMENT OF MOTOR VEHICLES,
Albany, NY, April 15, 1999.

LINDA LEWIS,
AAMVA, Arlington, VA

DEAR MS. LEWIS: In a March 31, 1999 memo to Chief Motor Vehicle Administrators and Chief Law Enforcement Officers, Mr. Kenneth Beam requested that comments and concerns regarding the Salvaged and Damaged Motor Vehicle Information Disclosure Act, S. 678, introduced by Senator Dianne Feinstein, be forwarded to your attention. This legislation is companion legislation to the National Salvage Motor Vehicle Consumer Protection Act, S. 655, introduced by Senator Lott.

Referring to S. 678 introduced by Senator Feinstein, the New York State Department of Motor Vehicles agrees with the concerns raised by AAMVA in their response to the National Association of Attorneys General Working Group (NAAG), specifically: The 65% threshold for damage in order to declare a vehicle a salvage vehicle; the 90% non-repairable threshold; the $3,000 limit of damages attributable to one (1) incident; the requirement of compliance in order to receive federal funding for NMVTIS; and the lack of incentive grants for states that implement the legislation.

The 65% threshold for damage in order to declare a vehicle a salvage vehicle is much lower than the 75% that we established through extensive discussions with the insurance industry and others in New York. Further, it is also lower than the recommendation made by the Presidential Commission established in 1992 from the Anti-Car Theft Act.

Due to the ever-rising expense of owning a new vehicle, the $3,000 limit for damages attributable to one (1) incident would result in a remarkably high number of vehicles labeled as salvage. With the average cost of a new vehicle approximately $22,000, a $3,000 limit for damages is less than 15%.

Lastly, Senator Feinstein's proposal requires states to comply in order to receive funding for NMVTIS and does not include incentive grants for states implementing the legislation. The Lott proposal does not call for compliance-based NMVTIS funding, and does offer incentive grants for implementation.

In short, the New York State Department of Motor Vehicles does not support the Salvaged and Damaged Motor Vehicle Information Disclosure Act, S. 678 introduced by Senator Dianne Feinstein, due to the concerns identified above.

Sincerely,

RICHARD E. JACKSON, JR.,
Commissioner.

IDAHO DMV,
April 15, 1999.

Lewis, Linda,
'lindal@aamva.org'.

Subject: S. 678 Diane Feinstein Proposal

Idaho's current statutes do not conform to the requirements of S. 678, and it is unlikely that legislation could be enacted to conform. Therefore, funding to implement NMVTIS in Idaho would be jeopardized.

It appears that he documentation requirements of S. 678 are onerous, much more all-inclusive than the implementation of the secure power of attorney processes. If disclosure documents are required to issue every title transfer, many transactions would be delayed, customers would be turned away and inconvenienced. Public perception of the DMV would suffer.

We are also concerned about the public resistance to non-registration of vehicles that have sustained damage that is 90% of the fair retail market value before it was damaged. For many older vehicles one dent would require that the vehicle go the crusher, even though it may be a fully operational and safe vehicle.

EDWARD R. PEMBLE,
Vehicle Services Manager.

OREGON DEPARTMENT OF
TRANSPORTATION, DMV SERVICES,
Salem, OR, April 30, 1999.

LINDA LEWIS
Director of Public & Legislative Affairs, American Association of Motor Vehicle Administrators, Arlington, VA.

DEAR MS. LEWIS: Brendan Peters requested a letter from Oregon DMV regarding Senate Bill 678 and Senate Bill 655 pertaining to salvage of motor vehicles.

We are taking no position on either bill, but I hope the following comments on both bills will be helpful in your up-coming meetings with legislators.

SENATE BILL 678

1. Requires excessive paperwork for both the public and state agencies. For example, forms must be maintained for five years.
2. There is no allowance for any type of electronic process.
3. The 65% threshold for salvage vehicles is lower than all states' current threshold. Oregon has a threshold for salvage vehicles of 80% and many customers feel 80% is too high.
4. The definition of "major damage" may impact the majority of recent year model vehicles.
5. Requires compliance with this legislation in order to receive any funding for NMVTIS (National Motor Vehicle Title Information System). Tying NMVTIS funding to this legislation has potential to reduce the NMVTIS benefits if lack of funding prevents states from participating in NMVTIS.

SEANTE BILL 655

1. Has a lower impact to the public and state agencies.
2. Allows for an electronic process.
3. The anti-theft inspection, if required, could have significant workload impact.
4. There is no tie to the funding for NMVTIS.
5. There are provisions for an incentive grant to provide money to states to implement legislation.

We hope these comments can be used to assure that federal legislation on the salvage of motor vehicles accomplishes its intended purpose without undo hardships on the public and the states that must implement the law.

Sincerely,

MARI MILLER,
Manager, Program Services.

WISCONSIN DEPARTMENT OF
TRANSPORTATION,
Madison, WI, April 14, 1999.

LINDA LEWIS,
AAMVA, Arlington, VA.

DEAR LINDA: I'm writing on behalf of the Wisconsin Division of Motor Vehicles to respond to your request for comments on the bill titled "Salvaged and Damaged Motor Vehicle Information Disclosure Act" (S. 678) introduced by Senator Feinstein.

Our concerns with this bill are:

DEFINITIONS

It applies to all motor vehicles; no limit on age or value.

Flood damage definition is water-line based like the Lott bill, but it doesn't go on to specify that electronic components must actually have been damaged.

The whole concept of "major damage" being defined strictly as a dollar amount ($3,000) with no provision for rising prices seems problematic. A late model luxury car could have very minimal damage with $3,000 repair costs, while an old economy car could be considered nonrepairable with $3,000 damage.

Like the Lott bill, salvage is defined both as a percentage of fair market value (65% in S. 678 and 75% in S. 655) and anything an insurance company pays a claim on and acquires ownership of. The Lott bill excludes theft recoveries unless damaged 75%. When we worked on Wisconsin's title branding law, insurance companies were very upset at salvage-branding what they called "convenience totals." The insurance industry will probably object to that in these bills, too.

DISCLOSURE

S. 678 requires: written disclosure on secure paper of salvage, flood, nonrepairable or major damage (plus a description of each occurrence—attached to the title. Each reassignment needs its own disclosure statement. We've been trying to avoid attachments to the title and make all required disclosures on the title itself.

It looks like the disclosure statement could be made in the title assignment area if the format conforms with federal regulations (when they are promulgated).

It appears we'd need to have the attached disclosures whether or not there is something to disclose, which could mean lots of go-backs for incomplete applications.

REBUILDING AND INSPECTION

The restrictions imposed by this bill would seem to significantly reduce interest in rebuilding flood or salvage vehicles. The rebuilder is also the inspector in this bill and he or she must: Sign and attach to the title, a secure inspection certificate attesting that "original manufacturer established repair procedures or specifications" were followed in making the repairs and inspections; affix a decal to the door jamb or other conspicuous place; follow "regulations promulgated" describing qualifications and equipment required to do inspection certifications; follow "regulations promulgated" that establish minimum steps for inspection; and post up to a $250,000 bond (if required) to protect the public against unsafe or inadequate repairs or improper inspection certification.

So, the person who repairs a flood or salvage vehicle also inspects it for safety and quality of repair—but not anti-theft. There doesn't seem to be a provision for anti-theft inspection.

NONREPAIRABLE VEHICLES

Nonrepairable vehicles can't be registered and can only be transferred to an insurance company, automotive recycler or dismantler—and only for the purpose of dismantling or crushing.

So, the owner of a classic car that's damaged more than 90% of its fair market value has no choice but to have it dismantled or crushed—even if willing to pay whatever it costs to get it back to legal operating condition.

PENALTIES

A civil penalty of up to $2,000 may be charged for "a violation"—the violation doesn't have to be "knowingly and willfully" performed.

However, if it is "knowingly and willfully" performed, the penalty is the $2,000 fine, or three years in prison, or both.

MISCELLANEOUS

We'd have to revise any of our laws that are inconsistent with this. We would be able to keep our other brands (manufacturer buyback, police, taxi, non-USA standard and insurance claim—if we revised the percentage to 30-65% damage).

Thank you for this opportunity to offer comments on the "Salvaged and Damaged Motor Vehicle Information Disclosure Act." On behalf of the Wisconsin DMV, I hope our ideas prove useful. Please do not hesitate to contact me or Carson Frazier (with our Bureau of Vehicle Services at 608-266-7857) if you have any questions.

Sincerely,

ROGER D. CROSS,
Administrator.

STATE OF ALABAMA,
DEPARTMENT OF REVENUE,
Montgomery, AL, April 14, 1999.

MS. LINDA LEWIS,
Public and Legislative Affairs, AAMVA,
Arlington, VA.

DEAR MS. LEWIS: Pursuant to President Beam's memo of March 31, 1999, we have reviewed S. 678 to ascertain its possible effects on Alabama. Below is a listing of problems observed.

1. The bill establishes a 65% threshold for salvage vehicles. Alabama has a 75% threshold to determine when a vehicle is declared salvage. In addition, the proposed legislation states that "if the full cost of the damages suffered in 1 incident is attributable only to cosmetic damages, those damages shall not constitute major damage." Alabama has no such exemption for cosmetic damage when determining whether a vehicle qualifies as a salvage vehicle.

2. The bill has a specific definition for a "flood vehicle." Alabama law does not distinguish between salvage vehicles that have been declared salvage due to flood damage and vehicles that have been declared salvage due to other events. Vehicles that suffer flood damage in Alabama are subject to the 75% threshold for a salvage vehicle and receive a salvage title if damage to the vehicle is equal to or greater than 75% of the retail value for the vehicle. Alabama law does not require a vehicle to be branded as a "flood vehicle."

3. The bill provides a definition for a leased vehicle that differentiates the vehicle from a non-leased motor vehicle. Alabama law makes no such distinction.

4. The written disclosure requirements mandated by the bill would be difficult to comply with when transfers involves repossessions, disposal of an abandoned motor vehicles, situations where ownership passes as a result of the death of an owner, non-voluntary transfers by operation of law and other situations where the transferor may not have personal knowledge of previous vehicle damage.

5. The bill's prescribed use of a secure power of attorney could prove to be burdensome in situations where there was a transfer between individuals who do not have access to the secure document.

6. The bill would be an unfunded mandate that would require a costly re-design of the Alabama certificate of title and the design and implementation of a new secure power of attorney document and secure inspection form. Additional costs would include: training costs for designated agents and reprogramming costs for county offices, automobile dealers, financial institutions, and insurance companies.

7. The disclosure requirements in the bill do not address vehicle damage that occurred prior to the proposed implementation date of the legislation. Therefore, it is unlikely that this information would not be readily accessible to transferor of the vehicle for a subsequent disclosure statement.

8. The bill does not clearly specify who is responsible for conducting a rebuilt salvage vehicle inspection.

In summary, the bill would be an administrative nightmare for the State of Alabama to implement. In addition, based upon the past experience of implementing the federal truth in mileage act, the gains in uniformity among states would be minimal for a substantial period of time and the costs would be both immediate and significant. If additional input is desired, please feel free to contact me at the address listed below or at telephone (334) 242-9013.

Sincerely,

MIKE GAMBLE,
Assistant Supervisor, Motor Vehicle
Division/Title Section.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, May 10, 1999, the federal debt stood at $5,571,919,882,068.64 (Five trillion, five hundred seventy-one billion, nine hundred nineteen million, eight hundred eighty-two thousand, sixty-eight dollars and sixty-four cents).

Five years ago, May 10, 1994, the federal debt stood at $4,571,813,000,000 (Four trillion, five hundred seventy-one billion, eight hundred thirteen million).

Ten years ago, May 10, 1989, the federal debt stood at $2,765,710,000,000 (Two trillion, seven hundred sixty-five billion, seven hundred ten million).

Twenty-five years ago, May 10, 1974, the federal debt stood at $469,195,000,000 (Four hundred sixty-nine billion, one hundred ninety-five million) which reflects a debt increase of more than $5 trillion—$5,102,724,882,068.64 (Five trillion, one hundred two billion, seven hundred twenty-four million, eight hundred eighty-two thousand, sixty-eight dollars and sixty-four cents) during the past 25 years.

CONTINUING CAMPAIGN OF TERROR IN EAST TIMOR

Mr. FEINGOLD. Mr. President, I am dismayed to report to the Senate that the situation in East Timor continued to deteriorate over the weekend. The violence has become so bad that courageous human rights activists, lawyers, health workers and others have been forced to go into hiding. There are reports that thousands of East Timorese are trapped inside what one observer has called a "concentration camp."

This situation comes on the heels of several new developments. Last week, we had the unfortunate and ironic coincidence of several events on one day, Wednesday, May 5. On that day, the governments of Portugal and Indonesia, under the auspices of the United Nations, signed an agreement regarding the modalities of the planned August 8, 1999, vote on autonomy in East Timor. On that same day, the New York Times published a very significant op-ed by a key human rights lawyer, Aniceto Guterres Lopes, while at the same time, his house was surrounded by armed militias. And, still on the same day, I and several other Senators introduced S. Res. 96, a resolution to push for the Government of Indonesia to make a top priority the disarming of the very militias that seem to be terrorizing the region, among other actions.

Mr. President, on Sunday, May 9, 1999, the Washington Post published an excellent article that explains in horrifying detail just how bad the situation has become in East Timor. I ask unanimous consent that the text of the article be printed in the RECORD, and I thank the Chair.

[From the Washington Post, May 9, 1999]

A Campaign of Terror; Army-Backed Militias Use Violence to Sway Vote on E. Timor Independence

(By Keith B. Richburg)

The Indonesian military, through armed surrogates and paramilitary groups, is using intimidation, violence and the forced relocation of thousands of people to ensure that residents of East Timor do not vote for independence in a referendum Aug. 8, according to relief workers, human rights groups, Western military analysts and independent reporting here.

The actions of the paramilitary groups stand in sharp contrast to the central government's commitment in a U.N.-brokered agreement last week to allow East Timor's 800,000 people to choose their own future in a referendum, even if they decide to sever ties with Indonesia and become the world's newest independent nation. The government promised a free and fair vote.

Hundreds of Timorese independence activists have been killed or have gone into hiding after receiving death threats from army-backed militias. The main independence group, the National Council for Timorese Resistance has been wiped out in the capital, Dili; its downtown office is shut and its leaders are on the run. Militia members armed with machetes and homemade rifles roam the streets, carrying what is believed to be a death list with the names of prominent activists, human rights lawyers and even Catholic priests.

And in the most ominous sign yet that the military intends to engineer the outcome of the vote, 20,000 people have been herded from their mountain villages and are being held in this town as virtual hostages of the militia—creating a captive bloc of votes in favor of Timor remaining a part of Indonesia. Each day, the men are separated from the women, are forced to stand and sing the Indonesian national anthem and to wear red-and-white armbands and scarves, the colors of the Indonesian flag.

The police say these people are refugees fleeing the pro-independence guerrillas in the hills, who have been waging a low-level insurgency against Indonesian occupation for 24 years. But local relief workers in Dili—no foreign aid workers are allowed here—say they have been barred from traveling to Liquica to check on the condition of these people, who are living in makeshift tents, under tarps or in abandoned buildings. What little food they have is provided by the local government, and water is scarce.

Last week, a small group of reporters was allowed into Liquica to see the detainees and take pictures. But interviews outside the presence of the police or militia were forbidden, and most of the people seemed too frightened to speak. A few times, someone in the crowd shouted to the journalists a line not in the official script—one shouted, for example, that they did not have enough to eat—but they were quickly silenced by militia members who raced into the crowds after them.

The police commander for East Timor, Col. Timbul Silaen, had said in Dili earlier that reports of people being held captive in Liquica were untrue. "At most, there are 100 [people being held], and they are from the pro-independence faction," he said in an interview.

LIKE A CONCENTRATION CAMP

But when journalists arrived in Liquica, they saw what appeared to be at least 20,000 people. The Liquica police commander, Lt. Col. Adios Salova, put the number at 10,000, but he insisted, "They can go back to their homes if they want."

"They've got Liquica like a concentration camp," said Dan Murphy, an American physician from Iowa working at a church-run clinic in Dili. "They need help. These people are in desperate shape. . . . They're just sitting out in the open. It's a perfect setup for massive amounts of death" from disease, with so many people without access to clean water and medical care.

Other Timorese relief workers said the kind of forced relocation seen in Liquica is being repeated on a large scale elsewhere in the territory. The goal, they said, appears to be to hold the detainees captive until the referendum, to create a large bloc of voters who will support a government-sponsored package that would give broad autonomy to East Timor, but keep it as a part of Indonesia.

"Their plan is to keep the people there and make sure they vote for" autonomy, said Estanislau Martins, an official of the Catholic charity Caritas.

East Timor, a former Portuguese colony, has been a nettlesome problem for Indonesia since its troops invaded in 1975 on the pretext of stopping a civil war between rival Timorese factions. East Timor was annexed the following year as a province of Indonesia, but the United Nations never recognized the annexation.

For much of the past 24 years, Indonesia refused to budge on recognizing Timorese demands for independence. Displays of defiance were crushed, including a series of army massacres that are now etched in the psyche of Timorese. Human rights groups and Timorese activists estimate the conflict has killed as many as 200,000 Timorese. But for the most part, Timor has simmered on the back burners of international diplomacy.

All that changed this year, when President B.J. Habibie, who took power last May after the fall of longtime ruler Suharto, suddenly announced that Timorese could have independence if they rejected one last, broadened autonomy offer.

But while the civilian government in Jakarta was eager to rid itself of the East Timor problem, the Indonesian military apparently has other concerns. Senior military officers are known to fear that granting the territory independence will fuel separatist movements across the sprawling archipelago, particularly in the mineral-rich province of Irian Jaya, and in the troubled, Muslim fundamentalist-dominated province of Aceh on Sumatra Island. Troops have been fighting insurgencies in both those provinces, and the rebels have been emboldened by the government's concessions to the Timorese.

"It's national unity, and fear of national disintegration," said a Western military analyst.

The armed forces created the militias ostensibly to help keep the peace. But Timorese activists, human rights lawyers, and Western military analysts point to a more sinister purpose—to use them to create the appearance of a civil war in East Timor, while embarking on a campaign to terrorize and intimidate enough people to ensure a vote against independence.

WEAPONS OF TERROR

In recent weeks, the militias have rampaged unchecked in East Timor, killing and maiming suspected independence supporters and sympathizers. "Ever since [Secretary of State] Madeleine Albright came [in March], it's been terrible," said Murphy, the American physician. "Since then, they've decided to take a hard line, and bring out all the weapons of terror and intimidation."

The most brazen attack was here in Liquica on April 6, when militiamen stormed a Catholic church sheltering hundreds of refugees. Tear gas forced the refugees into the open, where they were shot and hacked with axes and machetes; human rights groups recorded 57 deaths.

On the weekend of April 17, militias rampaged through Dili, driving out most of the independence supporters after a rally at the offices of Timor's Jakarta-appointed governor. The militia members burned down homes and shops in Dili's Becora market area, injuring scores of people.

"The militia is the military; they didn't do this on their own," said a man named Mateus, whose house was spared but who saw his neighbors' houses reduced to smoldering rubble. "We saw their cars, and behind them was the military."

The Western military analyst agreed that the armed forces control the militias, and are using them as surrogates. "There's a big disconnect between what the leadership in Jakarta is saying and what's going on on the ground," he said. "If [Defense Minister Wiranto] was unhappy with what's going on in East Timor, he would have fired some people."

There are now at least 13 militia groups in East Timor, one for each of the territory's 13 districts, with names like Red and White Iron and Aitarak. The Western military analyst said the number now could be as high as 20. The Dili police commander, Col. Timbul, said each militia has about 5,000 members.

One tactic of the militia groups is intimidation of independence supporters. Militia posts have been set up just yards from the homes of human rights activists and other independence sympathizers.

Last Wednesday night, the Portuguese consul general in Jakarta, Ana Gomes, telephoned journalists in Dili to tell them that the Aitarak militia had surrounded the home of a prominent human rights lawyer, Aniceto Gutteres Lopes, director of the Legal Aid, Human Rights and Justice Foundation. The journalists, arriving in taxis just before midnight, found about two dozen militiamen outside Gutteres' empty home.

Gutteres and his family were discovered hiding in his back yard. He whispered to the reporters to stay and make sure he was not found, and to try to persuade the militia that he was not at home. He escaped, and has gone into hiding.

That episode was not unique; dozens of independence supporters, human rights workers and others have been threatened, have fled East Timor or have gone into hiding. Those who remain say they sleep in different houses each night.

Relief workers and foreign military analysts in Jakarta say the militias have a death list, with the names of prominent independence sympathizers to be killed between now and the vote, to guarantee the result the military brass prefers.

Matins, of Caritas relief agency, said he knows his name is on the list. "It's all the key persons they say have to be killed," he said, cowering in his office after receiving an early morning warning of an imminent attack.

"They believe if they kill them all, they can win the elections." He said four priests are on the list, including the Rev. Francisco Barreto who heads the Caritas office. A man stands in front of bullet holes that riddled his home during an attack by a militia group in the East Timor town of Liquica. The militias, who are believed to have the support of the Indonesian armed forces, also rounded up an estimated 20,000 villagers who are being detained in the town. Members of this family are among thousands of East Timorese being held in tents and abandoned buildings in Liquica. It is believed that they will be pressured to vote against independence.

TAX FREEDOM DAY

Mr. MACK. Mr. President, I am here today because finally, Tax Freedom Day has arrived—the day the average American has earned enough income to cover his or her Federal, State and local taxes for the year. Only today—after one-third of the year has already passed—have our working men and women earned enough money to pay their taxes for the year! This is truly amazing, and it is also truly wrong.

Tax Freedom Day has moved successively later into the year for the past 7 years, as the Federal Government seeks to claim a larger and larger portion of the American family income. Since 1993, Federal tax revenues have grown 52 percent faster than personal income growth. And last year alone, Federal revenues grew 80 percent faster than personal income.

Florida's Tax Freedom Day is even later—Floridians will not finish earning enough to pay their taxes for the year until Friday, May 14. They also shoulder the 5th heaviest total tax burden in the country.

In 1999, Federal, State and local governments are projected to collect an average of $10,298 in tax revenue for every person in the country. This year, the Federal Government will collect more tax revenue as a share of GDP—that is 20.7 percent—than at any time since 1944. This is the highest level in peacetime history.

If that isn't enough to put the high Federal tax take into perspective, let me share with you a few examples of just how much taxes impede our freedom every day of the year.

I brought with me a daily tax clock to illustrate just how many different times we are taxed in ways we may not even realize. Think about the different things you do in the course of your average day. Planning your family's summer vacation? Forty percent of the cost of an airline ticket is taxes! When you drive to and from work today, 54 percent of the price of a gallon of gasoline is taxes. Did you call your mother on Mother's Day? Fifty percent of the cost of your phone bill is due to taxes.

Taxes infringe on our freedom—our freedom to work, our freedom to invest and our freedom to provide for our families. It is more apparent than ever that the mammoth Federal Government we have created will never be satisfied—if there is money to be had, the Federal Government will take it.

That is why it is more important than ever to provide tax relief to our families. We have a balanced budget, and soon we will be working with a Federal surplus. If the Federal Government has its way, this overpayment of taxes by the American people will be spent in Washington on new Federal programs. We need to give the American people their money back. I have proposed a tax plan which will do just that by, No. 1, providing tax relief for all American income taxpayers, No. 2, encouraging economic growth and, No. 3, ensuring U.S. technological leadership in the 21st century.

We need to ensure the United States keeps its status as an economic powerhouse in the next millennium. The Federal Government's role in ensuring this happens is to cut taxes and get out of the way to give the American people the freedom to pursue their own dream—not Washington's.

SOCIAL SECURITY LOCK BOX

Mr. FITZGERALD. Mr. President, twice, the Senate has failed to invoke cloture on the Social Security Lock Box. I am a cosponsor of this important amendment and I encourage all of my colleagues to join me in support for a Social Security lock box.

For several years, Congress has taken all the money out of the Social Security Trust Fund and spent it on other programs. In fact, through the end of last year, Congress has taken over $730 billion out of the trust fund and spent it all on other programs.

I believe that it is wrong to spend Social Security Trust Fund money on other programs. If a private corporation were to take money out of an employees' pension plan and spend it on something else, the executives of that corporation would, under Congress' own laws, be subject to prosecution and imprisonment. Why do we allow Congress to raid Social Security, the pension fund for all Americans?

Each time our government takes money out of the Social Security Trust Funds, it incurs a debt to these funds. To date, the government has incurred total debts of over $730 billion to the Social Security Trust Funds. The debts owed to these funds are included in the calculation of our total national debt which now stands at roughly $5.5 trillion. This debt, along with the program's massive unfunded liabilities, will ultimately have to be paid by future taxpayers.

The lock box proposal would ban Congress from spending Social Security Trust Fund monies on other programs (unless there is a super-majority vote to do so). Those who oppose the lockbox proposal want to continue spending Social Security Trust Funds on other new and unrelated programs.

While I believe that we need to take other steps to protect Social Security, I nevertheless believe that this lockbox provision is an important first step in ensuring the long-term fiscal health of our nation. By making it more difficult to spend Social Security Trust Funds on other programs, we will make it easier for ourselves to meet our obligation to Social Security in the future.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON CERTIFICATION OF EXPORTING TO THE PEOPLE'S REPUBLIC OF CHINA SATELLITE FUELS AND SEPARATION SYSTEMS—MESSAGE FROM THE PRESIDENT—PM 26

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Armed Services.

To the Congress of the United States:

In accordance with the provisions of section 1512 of Public Law 105–261, the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999, I hereby certify that the export to the People's Republic of China of satellite fuels and separation systems for the U.S.-origin Iridium commercial communications satellite program:

(1) is not detrimental to the United States space launch industry; and

(2) the material and equipment, including any indirect technical benefit that could be derived from such export, will not measurably improve the missile or space launch capabilities of the People's Republic of China.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 10, 1999.*

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2964. A communication from the Acting Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Electronic Funds Transfer (EFT)", received on April 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2965. A communication from the Acting Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Administrative Revisions to the NASA FAR Supplement", received on April 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2966. A communication from the Administrator, National Aeronautics and Space Administration, transmitting, a draft of proposed legislation entitled "National Aeronautics and Space Administration Authorization Act, 2000"; to the Committee on Commerce, Science, and Transportation.

EC-2967. A communication from the Deputy Assistant Administrator, National Ocean Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a "Request for Proposals for the Ecology and Oceanography of Harmful Algal Blooms Project" (RIN0648-ZA60) received on April 12, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2968. A communication from the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a report regarding bluefin tuna, for calendar years 1997 and 1998; to the Committee on Commerce, Science, and Transportation.

EC-2969. A communication from the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a report regarding highly migratory species; to the Committee on Commerce, Science, and Transportation.

EC-2970. A communication from the Chairman, National Transportation Safety Board, transmitting, a draft of proposed legislation entitled "National Transportation Safety Board Amendments of 1999"; to the Committee on Commerce, Science, and Transportation.

EC-2971. A communication from the Secretary of Health and Human Services, transmitting, a draft of proposed legislation entitled the "Voluntary Seafood Inspection Performance Based Organization Act of 1999"; to the Committee on Commerce, Science, and Transportation.

EC-2972. A communication from the Acting General Counsel, Department of Defense, transmitting, a draft of proposed legislation relative to various transportation matters; to the Committee on Commerce, Science, and Transportation.

EC-2973. A communication from the Acting Assistant Attorney General, Civil Rights Division, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Americans with Disabilities Act Accessibility Guidelines; Detectable Warnings" (RIN3015-AA24), received March 31, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2974. A communication from the Secretary of Transportation, transmitting, pursuant to law, the annual report on the activities of the Department regarding the guarantee of obligations issued to finance the construction, reconstruction, or reconditioning of eligible export vessels for calendar year 1998; to the Committee on Commerce, Science, and Transportation.

EC-2975. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "The Performance and Registration Information Systems Management Project" dated March 1999; to the Committee on Commerce, Science, and Transportation.

EC-2976. A communication from the Secretary of Transportation, transmitting, a report entitled "Development of Plans For Responding to Aviation Disasters Involving Civilians on Government Aircraft", dated March 11, 1999; to the Committee on Commerce, Science, and Transportation.

EC-2977. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "Status of Activities which Respond to National Transportation Safety Board's Recommendations to the Secretary of Transportation" for calendar year 1998; to the Committee on Commerce, Science, and Transportation.

EC-2978. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report of a vacancy; to the Committee on Commerce, Science, and Transportation.

EC-2979. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "Implementation of the International Safety Management (ISM) Code"; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-84. A resolution adopted by the Land Use and Zoning Authority, City of Dearborn Heights, Michigan relative to pending federal land use and zoning legislation; to the Committee on the Judiciary.

POM-85. A concurrent resolution adopted by the Legislature of the State of South Dakota; to the Committee on Agriculture, Nutrition, and Forestry.

SENATE CONCURRENT RESOLUTION NO. 4

Whereas, ongoing depressed prices at the market place for agricultural products have created an economic emergency for rural America; and

Whereas, an investigation into the causes of the crisis in the agricultural economy, including a full investigation of market competitiveness in livestock and crops and a reexamination of trade agreements is warranted and necessary; and

Whereas, action is necessary at the federal state level to stabilize this nation's food producers, main street businesses, and rural America as a whole: Now, therefore, be it

Resolved, by the Senate of the Seventy-fourth Legislature of the State of South Dakota (the House of Representatives concurring therein), That the South Dakota Legislature requests the following actions by the Congress and the executive agencies of the federal government:

(1) The commencement of vigorous antitrust investigations into the concentration of ownership in meat packing, grain handling, and retail agricultural operations;

(2) A block of the proposed Cargill-Continental Grain merger;

(3) Country-of-origin labeling of meat and meat products and a limitation of the USDA label to United States production;

(4) Mandatory price reporting for livestock and grain;

(5) Shift the responsibility for the regulation of packers and stockyards and enforcement of the Packers and Stockyards Act from the United States Department of Agriculture to the Justice Department;

(6) Inspections of imported agricultural products to ensure that such products have met standards equivalent to United States standards for food safety and environmental and worker protection; and

(7) Actions to ensure that farm and ranch producer interests are represented at the 1999 World Trade Organization negotiations.

POM-86. A joint resolution adopted by the Legislature of the Commonwealth of Virginia; to the Committee on Energy and Natural Resources.

SENATE JOINT RESOLUTION NO. 440

Whereas, federal legislation entitled the "Conservation and Reinvestment Act of 1999" has been introduced in the 106th Session of Congress which would provide financial assistance to meet the outdoor conservation and recreation needs of the American people; and

Whereas, funds received pursuant to the Act may be used for projects and activities related to air quality, water quality, fish and wildlife, wetlands, or other coastal resources, including shoreline protection and coastal restoration; and

Whereas, this measure, if enacted, would divert 50 percent of the Outer Continental Shelf Lands Act funds from the federal treasury directly to states to meet their outdoor conservation and recreation needs; and

Whereas, it is estimated that Virginia's allocation, if such legislation is enacted, would be $27 million;

Whereas, the money is to be allocated to both the Commonwealth and its eligible political subdivisions; and

Whereas, Virginia, as evidenced by its laws and the allocation of financial resources, has remained committed to protecting its environment and conserving its natural wildlife resources; and

Whereas, a partnership between the federal government and the states would further enhance the various efforts that states have made to protect their land, water, and wildlife resources; and

Whereas, the Land and Water Conservation Fund Act of 1965 embodied a visionary concept that a portion of the proceeds from Outer Continental Shelf leasing revenues and the depletion of nonrenewable natural resources should result in a legacy of public places accessible for recreation; and

Whereas, the demand for recreation and conservation areas, at the state and local level, remains a high priority for Virginians; and

Whereas, completion for limited federal moneys has resulted in the states not receiving an equitable proportion of funds for land acquisition; and

Whereas, to develop a comprehensive conservation legacy that will not only protect open space but will also provide funding for sustaining the wildlife that use the lands, it is essential to establish a permanent funding source for state-level wildlife conservation, conservation education, and wildlife-related recreation programs that promote wildlife diversity; and

Whereas, through enactment of the Federal Aid in Wildlife Restoration Act and the Federal Aid in Sport Fish Restoration Act, hunters and anglers have for more than 60 years willingly paid user fees in the form of federal excise taxes on hunting and fishing equipment to support wildlife diversity and abundance; and

Whereas, state, programs, conducted in coordination with federal, state, tribal, and private landowners and interested organizations, must serve as a vital link in a nationwide effort to protect and enhance wildlife diversity through comprehensive wildlife-management programs that benefit both game and nongame species; and

Whereas, the investment of these Conservation and Reinvestment Act funds in wildlife-related programs would support natural resources related to tourism and wildlife viewing that generate millions of dollars annually to the economy of Virginia: Now, therefore, be it

Resolved by the Senate (the House of Delegates concurring), That Congress be urged to enact the "Conservation and Reinvestment Act" which will provide federal matching funds for such projects; and, be it

Resolved further, That Congress be urged to enact the proposed House of Representatives version of the Act, House Resolution No. 701, that would raise the total diversion of Outer Continental Shelf Lands Act revenues to 60 percent by increasing the allocation of such revenues in the proposed Title II provisions from 16 to 23 percent and Title III provisions from 7 to 10 percent; and, be it

Resolved finally, That the Clerk of the Senate transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Virginia Congressional Delegation in order that they may be apprised of the sense of the Virginia General Assembly in this matter.

POM–87. A concurrent resolution adopted by the Legislature of the State of Kansas; to the Committee on Agriculture, Nutrition, and Forestry.

SENATE CONCURRENT RESOLUTION NO. 1616

Whereas, Economic sanctions hinder the export of agricultural products, exacerbating the transportation of such products and possibly lowering the price received by the Kansas farmer for such agricultural products; and

Whereas, The export of agricultural commodities has provided the United States the only positive return on its balance of trade; and

Whereas, The only way to ensure that a positive return on the balance of trade continues is to allow international markets to remain open; and

Whereas, The use of unilateral economic sanctions rarely achieves its goal, but cause substantial harm to the producers of products; and

Whereas, Not only do the sanctions imposed by the United States cause lost market opportunities for the Kansas farmer, but so do the unfair trade barriers and sanctions imposed on agricultural products by other countries; and

Whereas, The storage of grain on the ground in Kansas is just one example of the adverse affects sanctions have on agricultural products: Now, therefore, be it

Revolved by the Senate of the State of Kansas (the House of Representatives concurring therein): That Congress remove or restrict the use of trade sanctions as they apply to agricultural products and that Congress ensure that the use of trade sanctions will result in meaningful results;

Whereas, The export enhancement program is one tool which can expand foreign market opportunities; and

Whereas, If the Kansas farmer is to have the opportunity to prosper and grow, the agricultural products produced by the farmer must be able to reach foreign markets; and

Whereas, The stockpiling of grain is just one example of where the lack of access to foreign markets hurts not only the Kansas farmer but all American farmers and the economy of the United States in general: Now, therefore, be it

Resolved; That the secretary of the United States department of agriculture is urged to take greater advantage of the export enhancement program; and be it further

Resolved: That Congress work for the reduction and elimination of trade barriers and sanctions imposed by other countries against agricultural products; and

Whereas, Foreign meat and dairy products must be raised or produced under the same regulatory standards to ensure consumer health and safety as meat and dairy products raised and produced in the United States; and

Whereas, Numerous cattle producers have testified before the Kansas Legislature that this issue needs to be investigated and decided in Congress: Now therefore, be it

Resolved: That Congress pass laws that require country of origin labeling on foreign meat and dairy products with such labeling on the final consumer product; and

Whereas, Pork and beef associations presented resolutions and testimony on the need and value of mandatory price reporting; and

Whereas, Discriminatory pricing and retaliatory actions are unacceptable in an open market system; and

Whereas, Pork and beef associations also support a marketing system free from unnecessary government regulations; and

Whereas, Producers should consider participating in marketing alliances, cooperatives and other innovative methods of marketing livestock in order to focus on changing consumer demands and to regain market share; and

Whereas, Pork and beef associations support a system free of government restrictions on livestock ownership, unless such livestock ownership restricts free and competitive markets or is a violation of antitrust laws; Now, therefore, be it

Resolved: That Congress continue to investigate mandatory price reporting in the livestock industry and, if warranted, pass appropriate legislation that will assure a free and open market for our independent farmers and ranchers; and

Whereas, Concentration of segments of the beef and pork industries is occurring; and

Whereas, Such concentration must not result in lower commodity prices for Kansas farmers and ranchers and higher food prices for American consumers; and

Whereas, Pending mergers of grain companies could result in disproportionate control of the grain market; and

Whereas, Renewed investigative efforts, including enforcement of the antitrust laws, must be generated by the justice department and the packers and stockyards division of the United States department of agriculture to ensure the competitive market structure: Now, therefore, be it

Resolved: That the justice department and the packers and stockyard division of the United States department of agriculture enforce the antitrust laws in the livestock and grain industry; and be it further

Resolved: That the Secretary of State be directed to send enrolled copies of this resolution to the President of the United States, the Vice-President of the United States, Majority Leaders and Minority Leader of the United States Senate, the Speaker, Majority Leader and Minority Leader of the United States House of Representatives, the Secretary of the United States Department of Agriculture, the Attorney General of the United States and to each member of the Kansas Congressional Delegation.

POM–88. A resolution adopted by the Southern Governors' Association relative to the pricing of imported steel; to the Committee on Finance.

POM–89. A resolution adopted by the Southern Governors' Association relative to political self-determination for Puerto Rico; to the Committee on Energy and Natural Resources.

POM–90. A resolution adopted by the Southern Governors' Association relative to deepwater ports and inland waterways; to the Committee on Environment and Public Works.

POM–91. A joint resolution adopted by the Legislature of the Commonwealth of Virginia; to the Committee on Banking, Housing, and Urban Affairs.

HOUSE JOINT RESOLUTION NO. 245

Whereas, Article I, Section 8 of the Constitution of the United States grants to the Congress the power to coin money; and

Whereas, many Americans are unaware of the provisions of the Constitution, one of the most remarkable and important documents in world history; and

Whereas, an abbreviated version of this essential document, consisting of the Preamble and the Bill of Rights could easily be placed on the reverse of the one-dollar bill; and

Whereas, placing the Preamble and the Bill of Rights on the one-dollar bill, a unit of currency used daily by virtually all Americans, would serve to remind the people of the historical importance of the Constitution and its impact on their lives today; and

Whereas, Americans would be reminded by the Preamble of the blessings of liberty and by the amendments of the historical changes to the document that forms the very core of the American experience; now, therefore, be it

Resolved by the House of Delegates (the Senate concurring), That the Congress of the United States be urged to direct that the United States one-dollar bill be redesigned to place the Preamble of the Constitution of the United States and the Bill of Rights on its reverse side; and be it

Resolved further, That the Clerk of the House of Delegates transmit copies of this resolution to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Congressional Delegation of Virginia so that they may be apprised of the sense of the General Assembly of Virginia in this matter.

POM–92. A joint resolution adopted by the Legislature of the Commonwealth of Virginia; to the Committee on the Judiciary.

HOUSE JOINT RESOLUTION NO. 499

Whereas, the 10th Amendment of the Constitution of the United States specifies that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people"; and

Whereas, the founders of this Republic and the framers of the Constitution of the United States understood that centralized power is inconsistent with republican ideals, and accordingly limited the federal government to certain enumerated powers and reserved all other powers to the states and the people through the 10th Amendment; and

Whereas, the federal government has exceeded the clear bounds of its jurisdiction under the Constitution of the United States and has imposed ever-growing numbers of mandates, regulations and restrictions upon state and local governments, thereby removing power and flexibility from the units of government closest to the people and increasing central control in Washington; and

Whereas, in 1995 the General Assembly of Virginia passed several resolutions strongly urging the federal government to observe the principles of federalism embodied in the 10th Amendment and to cease and desist, effective immediately, imposing mandates that are beyond the scope of its constitutionally delegated powers; and

Whereas, despite the General Assembly's admonitions, another attempt to disrupt the delicate balance between the powers of the federal government and the states occurred on May 14, 1998, when President Clinton issued Executive Order No. 13083, which dramatically changed the way the federal government deals with state and local governments; and

Whereas, the effect of Executive Order No. 13083 was to revoke previous protections for states from federal agency action and widen the areas for preemption and the imposition of federal mandates; and

Whereas, on August 6, 1998, in response to negative reaction from congressional, state, and local officials, President Clinton retreated from his position and announced the suspension of Executive Order No. 13083 on federalism; and

Whereas, Congress took further action to ensure the effective repeal of Executive Order No. 13083 by amending H.R. 4328, the omnibus appropriations act, to provide that no federal funds could be used to implement, administer, or enforce the executive order; and

Whereas, although a major assault on the principles of sovereignty was averted, the attack by the federal government on the principles of federalism does not appear to be abating; and

Whereas, many Virginia citizens, disturbed by these recent events and the federal government's unwillingness to limit its powers as required by the 10th Amendment, are calling for Virginia to reassert its constitutional right of sovereignty; now, therefore, be it

Resolved by the House of Delegates (the Senate concurring), That the General Assembly of Virginia reaffirm its notice to the federal government that the Commonwealth strongly opposes any effort to weaken the powers reserved to the states and the people by the 10th Amendment of the Constitution of the United States; and, be it

Resolved further, That the Clerk of the House of Delegates transmit copies of this resolution to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Congressional Delegation of Virginia so that they may be apprised of the sense of the General Assembly of Virginia in this matter.

POM-93. A joint resolution adopted by the Legislature of the Commonwealth of Virginia to the Committee on Health, Education, Labor, and Pensions.

Whereas, the McCarran-Ferguson Act, passed by the Congress of the United States in 1945, established a statutory framework whereby responsibility for regulating the insurance industry was left largely to the states; and

Whereas, the Employee Retirement Income Security Act (ERISA) of 1974 significantly altered this concept by creating a federal framework for regulating employer-based health, pension and welfare-benefit plans; and

Whereas, the provisions of ERISA prevent states from directly regulating most employer-based health plans that are not deemed to be "insurance" for purposes of federal laws; and

Whereas, available data suggests that self-funding of employer-based health plans is increasing at a significant rate; among both large and small businesses; and

Whereas, between 1989 and 1993, the General Accounting Office estimates that the number of self-funded plan enrollees increased by about six million; and

Whereas, approximately 40–50 percent of the employer-based health plans are presently self-funded by employers, who retain most or all of the financial risk for their respective health plans; and

Whereas, as self-funding of health plans has grown, states have lost regulatory oversight of this growing portion of the health insurance market; and

Whereas, the federal government has been slow to enact meaningful patient protections such as mechanisms for the recovery of benefits due plan participants, recovery of compensatory damages from the fiduciary caused by its failure to pay benefits due under the plan, enforcement of the plan-participant's rights under the terms of the plan, assurance of timely payment, and clarification of the plan-participant's right to future benefits under the terms of the plan; and

Whereas, in the absence of federal patient protections, state-level action is needed; now, therefore, be it

Resolved by the House of Delegates (the Senate concurring), That the Congress of the United States be urged to either enact meaningful patient protections at the federal level with respect to employer self-funded plans or, in the absence of such federal action, amend the Employee Retirement Income Security Act (ERISA) of 1974 to grant authority to all individual states to monitor and regulate self-funded, employer-based health plans; and be it

Resolved further, That the Clerk of the House of Delegates transmit copies of this resolution to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the Secretary of the United States Department of Labor, the Congressional Delegation of Virginia, and to the presiding officer of each house of each state's legislative body so that they may be apprised of the sense of the General Assembly of Virginia in this matter.

POM-94. A joint resolution adopted by the Legislature of the Commonwealth of Virginia; to the Committee on Commerce, Science, and Transportation.

HOUSE JOINT RESOLUTION NO. 568

Whereas, the air transportation needs of the metropolitan Washington region are addressed through a finely balanced, comprehensive regional airport plan; and

Whereas, under that plan, Ronald Reagan Washington National Airport and Washington Dulles International Airport each perform a separate and unique function in that regional airport plan; and

Whereas, Ronald Reagan Washington National Airport functions as the local and regional airport, serving cities within a 1,250-mile radius; and

Whereas, Washington Dulles International Airport serves as the national and international airport; and

Whereas, significant local decisions about airport investment and development plans have been based on this locally and federally endorsed balance of traffic; and

Whereas, the allocation of roles to each airport under the plan has stimulated the growth and development of Washington Dulles International Airport; and

Whereas, the development of Washington Dulles International Airport has improved the quality of regional, domestic, and international air transportation for all citizens of the region; and

Whereas, the improvement in air transportation alternatives has brought to local passengers the benefits of increased competition in the form of competitive fares and a broad array of new service options between these two airports; and

Whereas, the region has benefited from investments by many new firms in Northern Virginia that have located to this area because of the presence of a major international airport, Washington Dulles International Airport, and the strength and continued viability of competitive air service offerings at both Washington Dulles International Airport and Ronald Reagan Washington National Airport; and

Whereas, the increased business activity has produced substantial economic benefits for the region; and

Whereas, a linchpin of this balanced regional air transportation system is the rule at Ronald Reagan Washington National Airport limiting flights to 1,250 miles from the airport; and

Whereas, as one of only four high-density airports in the country, Ronald Reagan Washington National Airport is subject to a "slot rule" reservation system which limits the total number of flights per hour to sixty; and

Whereas, changes to the perimeter rule would threaten air service to smaller communities within the perimeter that now enjoy convenient access to Northern Virginia by air; and

Whereas, the perimeter rule and the slot rule were enacted as Section 6012 of the Metropolitan Washington Airports Act of 1986; and

Whereas, legislation is being considered in the Congress of the United States that would provide for exemptions from the perimeter rule and slot rule; and

Whereas, any change in the current perimeter rule and slot rule would threaten the benefits now enjoyed by citizens of the region as a result of the balance of services among the regional airports, as well as threaten the existing noise mitigation policy that is provided with the slot rule; and

Whereas, maintaining the perimeter rule and the slot rule is critical to the continued effectiveness of the balanced regional air transportation plan; now, therefore, be it

Resolved by the House of Delegates, the Senate concurring, That the retention of the 1,250-mile perimeter rule and slot rule at Ronald Reagan Washington National Airport be supported and that any relaxation of, exemption from, or amendment to Section 6012 of the Metropolitan Washington Airports Act of 1986 or the regulations promulgated pursuant thereto be opposed; and, be it

Resolved further, That the Clerk of the House of Delegates transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, United States Senator John McCain, and the members of the Congressional Delegation of Virginia in order that they may be apprised of the sense of the General Assembly of Virginia in this matter.

POM-95. A joint resolution adopted by the Legislature of the Commonwealth of Virginia; to the Committee on Finance.

HOUSE JOINT RESOLUTION NO. 581

Whereas, on November 23, 1998, the Attorneys General and other representatives of forty-six states, Puerto Rico, the U.S. Virgin Islands, Northern Mariana Islands, Guam, and the District of Columbia signed an agreement with the five largest tobacco manufacturers which ended a four year legal battle with the states and the industry which began in 1994 when Mississippi became the first state to sue the tobacco industry; and

Whereas, the four other states had previously settled with the tobacco manufacturers which means that now all fifty states have settled with the largest tobacco companies; and

Whereas, over the next twenty-five years starting in June 2000, the states will receive an estimated $206 billion under the Master Settlement Agreement; and

Whereas, the states' agreement with the tobacco manufacturers focused on public health and youth access issues by prohibiting youth targeting, advertising, marketing and promotions, by banning cartoon character advertising, by restricting brand name sponsorship of events with significant youth audiences, by banning outdoor advertising and youth access to free samples, and by creating a national, foundation and a public education fund; and

Whereas, this agreement also changed the corporate culture of the tobacco industry by requiring the industry to make a significant commitment to reducing youth access and consumption, by disbanding tobacco trade associations, by restricting industry lobbying, and opening the industry records and research to the public; and

Whereas, the tobacco settlement provided for court jurisdiction for the implementation and enforcement of the Tobacco Settlement Agreement amount the states; and

Whereas, federal legislation was not required or needed to implement the Master Settlement Agreement which has been reached by the five largest tobacco manufacturers and all fifty states; and

Whereas, certain elements of the federal government in the U.S. Department of Health and Human Services have attempted to stake claim to the states' Tobacco Settlement dollars under the existing Medicaid law claiming recovery made on behalf of Medicaid clients should be shared with the federal government based on the federal Medicaid match in the states; and

Whereas, the states have settled with the tobacco industry with no help from the federal government; and

Whereas, there may be a temptation by some to seize this large sum of dollars that has been agreed to by the states and the tobacco industry; now, therefore, be it.

Resolved by the House of Delegates, the Senate concurring, That the Congress of the United States be urged to enact legislation to prevent the seizure of state tobacco settlement funds by the federal government, and that the federal government be urged not to interfere in the tobacco settlement which has been reached between the fifty states and the largest tobacco manufacturers; and, be it.

Resolved further, That the Congressional Delegation of Virginia introduce legislation to ensure that this occurs; and, be it

Resolved Finally, That the Clerk of the House of Delegates transmit copies of this resolution to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate and the members of the Congressional Delegation of Virginia so they may be apprised of the sense of the General Assembly of Virginia in this matter.

POM-96. A joint resolution adopted by the Legislature of the Commonwealth of Virginia; to the Committee on Environment and Public Works.

HOUSE JOINT RESOLUTION NO. 598

Whereas, Virginia ranks second in the nation in the amount of municipal waste imported from other states and the tonnage imported is likely to increase as other states close landfills; and

Whereas, Virginia has ample public and private municipal waste disposal capacity for waste generated in the Commonwealth; and

Whereas, the negative impacts of truck, rail, and barge traffic and litter, odors, and noise associated with waste imports occur not just at the location of final disposal but also along waste transportation routes, and current landfill technology has the potential to fail, leading to long-term cleanup and other associated costs; and

Whereas, the importation of waste runs counter to the repeatedly expressed strong desire of Virginia's citizens for clean air, land, and water and for the preservation of Virginia's unique historic and cultural character, and it is essential to promote and preserve these attributes; and

Whereas, the Commonwealth has demonstrated the ability to attract good jobs and to promote sound economic development without relying on the importation of garbage; and

Whereas, in 1995, 23 governors wrote to the Commerce Committee of the United States Congress urging passage of legislation allowing states and localities the power to regulate waste entering their jurisdictions; and

Whereas, legislation is pending before the Commerce Committee that would provide states and localities with the authority to control the importation of waste, a power that is essential to the public health, safety, and welfare of all citizens of Virginia; therefore, be it

Resolved by the House of Delegates, the Senate concurring, That the Congress of the United States be urged to enact legislation giving states and localities the power to control waste imports into their jurisdictions. The study shall include: (i) a ban on waste imports in the absence of specific approval from the disposal site host community and governor of the host state; (ii) authorization for governors to freeze solid waste imports at 1993 levels; (iii) authorization for states to consider whether a disposal facility if needed locally when deciding whether to grant a permit; and (iv) authorization for states to limit the percentage of a disposal facility's capacity that can be filed with waste from other states; and, be it

Resolved further, That the Clerk of the House of Delegates transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Congressional Delegation of Virginia in order that they may be apprised of the sense of the General Assembly of Virginia in this matter.

POM-97. A joint resolution adopted by the Legislature of the Commonwealth of Virginia; to the Committee on Commerce, Science, and Transportation.

HOUSE JOINT RESOLUTION NO. 640

Whereas, areas are now capable of having more than two cellular service providers in a single area; and

Whereas, the northern sections of Buchanan County and the section of Dickenson County that includes the Breaks Interstate Park are not currently included in the local cellular calling area administered by ALLTEL Corporation; and

Whereas, the communication system must be considered as highways that separate those parts of Buchanan County and Dickenson County from the Cumberland Plateau Planning District, the Virginia Coalfield Coalition, the Coalfield Economic Development Authority, and the Coalfield Regional Tourism Authority; and

Whereas, the current local cellular calling area divides Buchanan County and removes it from the planning and growth activities of surrounding localities in regional Southwest Virginia; and

Whereas, significant efforts to bolster the lifestyle and prosperity of this region are underway and depend on the availability of reliable and affordable telecommunications, with such service especially needed for the Appalachian School of Law, which is beginning its second year of training attorneys, and the Breaks Interstate Park, which attracted over 420,000 visitors last year; and

Whereas, these and other developments require telecommunications service that will enable the region to continue to grow; now, therefore, be it

Resolved by the House of Delegates, the Senate concurring, That the Congress of the United States be urged to direct the Federal Communications Commission to study the feasibility of including all of Buchanan County, Virginia, and all of Dickenson County, Virginia, into the Southwest Virginia Network; and be it

Resolved further, That the Clerk of the House of Delegates transmit copies of this resolution to the President of the United States, the Secretary of the United States Department of Labor, the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Congressional District of Virginia in order that they may be apprised of the sense of the General Assembly of Virginia in this matter.

POM-98. A joint resolution adopted by the Legislature of the Commonwealth of Virginia; to the Committee on Commerce, Science, and Transportation.

HOUSE JOINT RESOLUTION NO. 649

Whereas, encryption technology plays a pivotal role in protecting and enhancing the privacy and security of communications over the Internet, especially those containing personal information or information of commercial value, from criminal and other unwarranted intrusion or interference; and

Whereas, each citizen should be free to employ the level of encryption technology he sees fit to protect the privacy and security of his communications over the Internet; and

Whereas, the ability to use encryption technology will provide safe, secure, and private transactions via the Internet; and

Whereas, because such transactions will enhance electronic commerce, the use of encryption technology by private and corporate citizens should not be curtailed for any legitimate purpose; and

Whereas, there is pending in the United States House of Representatives the Security and Freedom through Encryption Act, which substantially eases federal export controls on American cryptographic products; now, therefore, be it

Resolved by the House of Delegates, the Senate concurring, That availability and unfettered usage of strong encryption technology for any legitimate purpose will enable and facilitate the growth of the information economy and therefore should be encouraged and supported by government at all levels; and, be it

Resolved further, That the Congress and the President of the United States be urged to take immediate action to revise the current federal export controls on the export by American companies of cryptographic products; and,be it

Resolved finally, That the Clerk of the House of Delegates transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the United States House of Representatives and the President pro tempore of the United States Senate, and to each member of the Congressional Delegate of Virginia that they may be apprised of the sense of the General Assembly of Virginia in this matter.

POM-99. A joint resolution adopted by the Legislature of the Commonwealth of Virginia; to the Committee on Health, Education, Labor, and Pensions.

HOUSE JOINT RESOLUTION NO. 650

Whereas, the federal Individuals with Disabilities Education Act (IDEA) governs the delivery of education services to disabled students; and

Whereas, disabled students are entitled to "free and appropriate education," which includes special education and related services and requires the development and implementation of an individualized education plan; and

Whereas, procedural safeguards are provided to students with disabilities who have been identified as eligible for special education, including a variety of notice, hearing and appeals requirements; and

Whereas, the majority of students with disabilities behave well in school; and

Whereas, there are, however, some students with disabilities who have serious behavior problems, resulting in violence and disruption in the educational environment; and

Whereas, prior to the early 1990s, students with disabilities were subject to expulsion for the same infractions as other students if there was no causal connection between the student's behavior and the student's disability and the student was appropriately placed at the time of the misconduct; and

Whereas, in the first half of the decade, Virginia was in litigation with the federal Department of Education as a result of federal demands that the Commonwealth's plan for special education include a provision requiring continuation of educational services to students with disabilities upon expulsion from school attendance, even if the discipline resulted from behavior unrelated to the child's disability; and

Whereas, pursuant to the Individuals with Disabilities Education Act, federal funds are conditioned on compliance with federal law and regulations; and

Whereas, for several years, Virginia's grant funds under IDEA were in limbo because of the litigation; however, in 1976 the Fourth Circuit Court ruled in favor of Virginia; and

Whereas, after the Fourth Circuit Court decision, Congress amended IDEA during the reauthorization process to require continuation of services to expelled students with disabilities; and

Whereas, it has been Virginia's contention throughout this process that allowing students with disabilities to be exempt from the consequences of their actions is a policy which does not benefit the student with disabilities or the educational environment and is patently unfair to other students; and

Whereas, the school divisions in Virginia have continued to serve students with disabilities who have been expelled from school through a variety of methods, such as visiting teachers, distance learning, and alternative programs; and

Whereas, Virginia's school divisions are dedicated to providing quality education to students with disabilities while maintaining good discipline and an atmosphere conducive to learning; and

Whereas, the Commonwealth would like to have a policy which provides uniform sanctions for violent students; however, federal law prevents the application of standardized disciplinary penalties; and

Whereas, the public schools throughout the nation are seeking to develop mechanisms to prevent the outbreaks of violence, particularly incidences of shootings; and

Whereas, the Commonwealth's education community believes that Congress should examine the consequences of its mandate to continue educational services to expelled students in terms of fairness to all students, school safety for all students and the maintenance of a positive educational atmosphere; now, therefore, be it

Resolved by the House of Delegates, the Senate concurring, That the Congress of the United States be urged to reconsider federal restrictions on discipline of certain students with disabilities; and, be it

Resolved further, That the Clerk of the House of Delegates transmit copies of this resolution to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Virginia Congressional Delegation so that they may be apprised of the sense of the General Assembly of Virginia in this matter.

POM-100. A joint resolution adopted by the Legislature of the Commonwealth of Virginia; to the Committee on Indian Affairs.

HOUSE JOINT RESOLUTION NO. 754

Whereas, by resolution of the General Assembly, eight Indian tribes have been recognized by the Commonwealth; and

Whereas, the Chickahominy; the Chickahominy, Eastern Division; the Mattaponi; the Upper Mattaponi; the Pamunkey; and the Rappahannock tribes were recognized by House Joint Resolution No. 54 (1983); the Nansemond tribe by House Joint Resolution No. 205 (1985); and the Monacan tribe by House Joint Resolution No. 390 (1989); and

Whereas, the existence of those tribes has been recognized by the Virginia Council on Indians, since they were indigenous to and occupied a specific site in what is now Virginia the time of the arrival of the first European Settlers; the current members are Indian descendants of those tribes as demonstrated by various records; the tribes have established tribal organizations with appropriate records and historical documentation; and other similar criteria; and

Whereas, the members of the Indian tribes have expressed the desire, through their leadership, for greater autonomy and local authority to deal with issues affecting tribal members and have represented that they have no intent in operating commercial gaming on their lands; and

Whereas, among these local issues are housing, health care, and education; and

Whereas, the preservation of tribal identity, culture, and tradition is also a concern of the leadership of the several tribes; and

Whereas, historic congressional federal recognition of the tribal status of these Virginia Indian tribes would greatly enhance the ability of the tribes to preserve their tribal cultures and address pressing local problems affecting tribal members; now, therefore, be it

Resolved by the House of Delegates, the Senate concurring, That the Congress of the United States be urged to grant historic congressional federal recognition to the Chickahominy; the Chinkahominy, Eastern Division; the Mattaponi; the Monacan; the Nansemond; the Pamunkey; the Rappahannock; and the Upper Mattaponi as Indian tribes under federal law; and, be it

Resolved, further, That the Congressional Delegation of Virginia be requested to take all necessary steps forthwith to gain historic congressional federal recognition for the eight Virginia Indian tribes; and , be it

Resolved finally, That the Clerk of the House of Delegates transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Congressional Delegation of Virginia in order that they may be apprised of the sense of the General Assembly of Virginia in this matter.

POM-101. A concurrent resolution adopted by the Legislature of the State of Ohio; to the Committee on Foreign Relations.

H. CON. RES. NO. 6

Whereas, the United States is a signatory to the 1992 United Nations Framework Convention on Global Climate Change (FCCC); and

Whereas, a proposed protocol to expand the scope of the FCCC was negotiated in December 1997 in Kyoto, Japan, potentially requiring the United States to reduce emissions of greenhouse gases by seven percent from 1990 levels during the period from 2008 to 2012, with potentially larger emission reductions thereafter; and

Whereas, developing nations are exempt from greenhouse gas emission limitation requirements in the FCCC, and refused in the Kyoto negotiations to accept any new commitments for greenhouse gas emission limitation through the Kyoto Protocol; and

Whereas, achieving the emission reductions proposed by the Kyoto Protocol would require a thirty-eight per cent reduction in projected United States greenhouse gas emissions during the period from 2008 to 2012; and

Whereas, the legally binding goals to reduce emissions to the levels stipulated in the Kyoto Protocol would weaken the economy of the United States, impair the competitiveness of its industries in the growing global market, and cause economic dislocation in the United States, including job loss, major economic restructuring, and increased levels of poverty; and

Whereas, if the requirements of the Kyoto Protocol were implemented, Americans would experience increased prices for energy, emergency services, education, finished goods, and transportation; and

Whereas, the economic consequences of complying with the Kyoto Protocol merit rejection of the treaty and consideration of policies that promote a more studied, balanced, and constructive approach; and

Whereas, the results of scientific studies evaluating greenhouse gas emissions and their effect on the earth's environment are inconclusive; and

Whereas, the ratification of the Kyoto Protocol will allow foreign interests to control and limit the growth of the United States economy; now therefore be it

Resolved, That we, the members of the 123rd General Assembly of the State of Ohio, respectively memorialize the members of the United States Senate not to ratify the Kyoto Protocol related to the control of greenhouse gases; and be it further

Resolved, That we, the members of the 123rd General Assembly of the State of Ohio, strongly recommend that the United Stated protect and improve the environment by adopting incentives for the development, commercialization, and use of technologies that promote energy efficiency and reduce pollution rather than through coercive and excessive government regulation; and be it further

Resolved, That the Clerk of the House of Representatives transmit copies of this resolution to the President Pro Tempore and the Secretary of the United States Senate.

POM–102. A concurrent resolution adopted by the Legislature of the State of West Virginia; to the Committee on Energy and Natural Resources.

SENATE CONCURRENT RESOLUTION NO. 35

Whereas, the Legislature works tirelessly to improve the quality of life for the citizens of the Mountain State; and

Whereas, coal mining has been, and continues to be, one of the primary industries responsible for the economic success of West Virginia and its citizens; and

Whereas, thousands of West Virginians are employed, either directly or indirectly, by the coal mining industry which generates payrolls totaling over $2 billion; and

Whereas, surface coal mining, including the practice of mountaintop removal, currently represents one third of the total coal production in West Virginia; and

Whereas, surface mining currently accounts for the payment of millions of dollars in severance taxes, millions of dollars in income taxes, and millions of dollars in other related taxes paid to the State of West Virginia; and

Whereas, county governments and county school systems throughout the state rely on the taxes from coal companies and coal miners to fund many valuable programs, including public education, ambulance services and law enforcement; and

Whereas, the loss of any of West Virginia's coal mines and the loss of any mining-related employment ultimately results in significant harm to all West Virginians; and

Whereas, the world marketplace for coal is severely competitive and supports only mining companies that are dependable, low cost sources of coal; and

Whereas, concerns have been raised about the method of mining known as mountaintop removal and the Governor and the Legislature have responded to those concerns; and

Whereas, by executive order, the Governor did appoint a task force to explore the issue of mountaintop removal mining and related practices. That task force conducted numerous public meetings and collected significant amounts of information prior to issuing a comprehensive report containing numerous recommendations to the Governor and the Legislature; and

Whereas, the Legislature did request a study of the issues surrounding blasting to be conducted by a joint interim subcommittee of the Joint Standing Committee on Government Organization and that subcommittee recommended numerous bills to address the concerns of blasting; and

Whereas, the 1999 Legislature, through the passage of Senate Bill No. 681, has considered the reports and recommendations of the Governor's task force and the interim subcommittee and has affirmatively responded to concerns which have been raised about the issue of mountaintop removal mining by doing the following:

Strengthening the laws and regulations which are designed to control blasting by extending the pre-blast survey areas, requiring site-specific blasting plans when blasting is to occur near structures, imposing new penalties for blasting violations causing damage to property, establishing a presumption of liability where damage is done to water wells within certain distances of water wells and establishing an economical and efficient claims process for those aggrieved by blasting operations; and

Establishing the office of blasting to review and regulate blasting operations in surface mining;

Establishing the office of coalfield community development to require the various stakeholders in the mining process to address the issues of community development, regional development, property acquisitions and other issues relevant to the future of the areas of the state where coal mining occurs;

Repealing the provisions of legislation which was enacted during the 1998 session of the Legislature thereby restoring the stream mitigation program to its previous status; and

Addressing other issues of concern in the areas of mountaintop removal mining; and

Whereas, actions and inactions by federal regulatory agencies which have had the effect of closing surface coal mines are more frequent and result in the loss of hundreds of mining and other jobs in West Virginia; and

Whereas, in an effort to address these problems and to solicit cooperation with the federal agencies, the Governor, the President of the Senate and the Speaker of the House of Delegates jointly prepared and sent to Carol M. Browner, Administrator of the United States Environmental Protection Agency, a letter inquiring about mining standards and agency actions. At the present time, there has been no response to the letter; therefore, be it

Resolved by the Legislature of West Virginia, that

The Legislature hereby recognizes the importance of the coal mining industry and encourages all federal and state agencies regulating the coal mining industry to demonstrate affirmative responsiveness by returning to fair and objective behavior, particularly in the issuance of mining permits and other regulation of the coal industry; and, be it

Further Resolved, That the Legislature supports the continued mining of coal in West Virginia, including surface mining by all methods recognized by state and federal law, and is prepared to cooperate with all federal agencies in an effort to resolve quickly any outstanding issues which are preventing the mining of coal and which are contributing to the loss of jobs in West Virginia; and, be it

Further Resolved, that the Legislature requests West Virginia's congressional delegation to join in the efforts to support the coal industry in West Virginia and to make every effort possible to assist in securing the needed cooperation from federal agencies to allow the continuation of the mining of coal and to protect the jobs of coal miners and others who derive their employment from coal mining; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the President and Vice President of the United States, the Governor of West Virginia, members of West Virginia's congressional delegation and the directors of each of the federal and state agencies that regulate the coal mining industry in West Virginia.

POM–103. A resolution adopted by the Okanogan Horticultural Association relative to the financial plight of the apple grower; to the Committee on Agriculture, Nutrition, and Forestry.

POM–104. A resolution adopted by the Okanogan Horticultural Association relative to agricultural water rights; to the Committee on Energy and Natural Resources.

POM–105. A joint resolution adopted by the Legislature of the State of Wyoming; to the Committee on Foreign Relations.

SENATE JOINT RESOLUTION NO. 1

Whereas, the United States is a signatory to the 1992 United Nations Framework Convention on Global Climate Change ("FCCC"); and

Whereas, a proposed protocol to expand the scope of the FCCC was negotiated ("Kyoto Protocol") in December, 1997, in Kyoto, Japan, potentially requiring the United States to reduce emissions of greenhouse gases by seven percent (7%) from 1990 levels during the period of 2008 to 2012, with potentially larger emission reductions thereafter; and

Whereas, the Kyoto Protocol would require other major industrial nations to reduce emissions from 1990 levels by six percent (6%) to eight percent (8%) during the period 2008 to 2012, with potentially larger emission reductions thereafter; and

Whereas, President William J. Clinton pledged on October 22, 1997, that the "United States not assume binding obligations unless key developing nations meaningfully participate in this effort"; and

Whereas, Article 2, Section 2 of the Constitution of the United States requires a two-thirds concurrence of the United States Senate before any treaty may be ratified; and

Whereas, on July 25, 1997, the United States Senate adopted Senate Resolution No. 98 by a vote of 95 to 0, expressing the sense of the Senate that "the United States should not be a signatory to any protocol to or other agreement regarding the Framework Convention on Climate Change . . . which would require the advice and consent of the Senate to ratification, and which would mandate new commitments to mitigate greenhouse gas emissions for the developed country parties unless the protocol or other agreement also mandates specific scheduled commitments within the same compliance period to mitigate greenhouse gas emissions for developing country parties"; and

Whereas, developing nations are exempt from greenhouse gas emission limitations in the FCCC refused, in the Kyoto negotiations, to accept any new commitments for greenhouse gas emission limitations through the Kyoto Protocol; and

Whereas, manmade emissions of greenhouse gases such as carbon dioxide are caused primarily by the combustion of oil, coal and natural gas fuels by industries, automobiles, homes and other uses of energy; and

Whereas, the United States relies on carbon-based fossil fuels for more than ninety percent (90%) of its total energy supply; and

Whereas, achieving the emission reductions proposed by the Kyoto Protocol would require a thirty-eight percent (38%) reduction in projected United States carbon emissions during the period of 2008 to 2012; and

Whereas, developing countries exempt from emission limitations under the Kyoto Protocol are expected to increase their rates of fossil fuel use over the next two (2) decades and surpass the United States and other industrialized countries in total emissions of greenhouse gases; and

Whereas, studies prepared by the economic forecasting group, WEFA, estimate that legally binding requirements for the reduction of United States greenhouse bases below 1990 emission levels would result in the loss of many Wyoming jobs, while also experiencing higher energy, housing, medical and food costs. Since Wyoming government is so highly reliant on taxes and royalties from the production of fossil fuels such as oil, gas and coal, the result of decreasing the production of these minerals would result in economic hardships; and

Whereas, the failure to provide for commitments by developing countries in the Kyoto Protocol creates an unfair competitive imbalance between industrial and developing nations, potentially leading to the transfer of jobs and industrial development from the United States to developing countries;

Whereas, increased emissions of greenhouse gases by developing counties would offset any environmental benefits associated with emissions reductions achieved by the United States and other industrial nations.

Now, Therefore, Be It Resolved By The Members of the Legislature of the State of Wyoming:

Section 1. That the President of the United States not attempt to use federal activities to initiate strategies to mitigate greenhouses gases until and unless the Kyoto Protocol is amended or otherwise revised so that it is consistent with United States Senate Resolution No. 98 to including specific scheduled commitments for developing countries to mitigate greenhouse gas emissions within the same compliance period required for industrial nations.

Sec. 2. That the United States Senate reject any proposed protocol or other amendment to the FCCC that is inconsistent with this resolution or that does not comply fully with the United States Senate Resolution No. 98.

Sec. 3. That the Secretary of State of Wyoming transmit copies of the resolution to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress and to the Wyoming Congressional Delegation.

POM–106. A joint resolution adopted by the Legislature of the State of Wyoming; to the Committee on Finance.

House Joint Resolution No. 1

Whereas, the livestock industry continues to play a vital role in the culture and the economy of Wyoming; and

Whereas, both the cattle industry and the sheep industry are struggling to survive in the face of unprecedented prolonged price decline for cattle, lambs and wool; and

Whereas, there is compelling evidence that the decline in cattle and lamb prices are being caused in strong part by growing levels of imports of both live animals and meat products; and

Whereas, significant increases in imports may be occurring in violation of the fair trade provisions of both the North American Fair Trade Agreement (NAFTA) and the General Agreement on Trade and Tariffs (GATT).

Now, Therefore, Be it Resolved By The Members of the Legislature of the State of Wyoming:

Sect. 1. That the Wyoming State Legislature fully supports the antidumping and the countervailing duty petitions against Canada as filed by the Ranchers-Cattlemen Action Legal Foundation (R-CALF); and

Sect. 2. That the Wyoming State Legislature fully supports the Section 201 Trade Action as filed by the American Sheep Industry Association with the United States International Trade Commission; and

Sect. 3. That the Wyoming State Legislature petitions the United States Department of Commerce and the United States International Trade Commission: (1) to act quickly to determine the extent of any trade violations by countries exporting cattle or lamb into the United States; and (2) if violations are found, to take decisive steps to protect Wyoming and other domestic cattle and sheep producers from the negative effects of this unfair and unlawful competition.

Sect. 4. That the Wyoming State Legislature requests that the Governor act to the full extent of his authority to support the actions filed by the Ranchers-Cattlemen Action Legal Foundation (R-CALF) and the American Sheep Industry Association.

Sect. 5. That the Secretary of State of Wyoming transmit copies of this resolution to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress, to the Secretary of Commerce, to the United States International Trade Commission and to the Wyoming Congressional Delegation.

POM–107. A resolution adopted by the House of the Legislature of the Commonwealth of Massachusetts; to the Committee on Commerce, Science, and Transportation.

Resolutions

Whereas, the Federal Communications Commission (FCC) and the North American Numbering Council (NANC) have been unable and/or unwilling to address the area code crises throughout the United States; and

Whereas, the Department of Telecommunications and Energy, should, after being given any and all appropriate waivers by the FCC, be permitted to examine, test, and implement number conservation initiatives to alleviate the necessity of adding additional area codes, including but not limited to: Number pooling, number utilization audits, and rate center consolidation; and

Whereas, the failure to immediately address this issue will result in increased costs and inconvenience to telecommunication customers in Massachusetts; and

Whereas, the Federal Communications Commission (FCC) should re-evaluate its procedures for granting waivers to individual states for the purpose of implementing number conservation initiatives as soon as possible; and

Whereas, the Massachusetts Congressional Delegation should take all appropriate action to convince the Federal Communications Commission (FCC) to grant to Massachusetts the necessary waivers to independently implement number conservation measures which are critical to telecommunications customers in Massachusetts; therefore be it

Resolved, That the Department of Telecommunications and Energy make initial reports of its investigation and subsequent initiatives undertaken to address the area code crises to the Governor and the Legislature no later than June 30, 1999; and be it further

Resolved, That a copy of these resolutions be forwarded by the Clerk of the House of Representatives to his Excellency, Governor Argeo Paul Cellucci, the Members of the Massachusetts Congressional Delegation, the President of the Massachusetts Senate and the Department of Telecommunications and Energy.

POM–108. A resolution adopted by the General Assembly of the State of Georgia; to the Committee on Finance.

Resolution

Whereas, the export of agricultural commodities has provided the United States the only positive return on its balance of trade; and

Whereas, the only way to ensure that a positive return on the balance of trade continues is to allow international markets to remain open; and

Whereas, the use of unilateral economic sanctions rarely achieves its goal, but causes substantial harm to the producers of products; and

Whereas, not only do the sanctions imposed by the United States cause great harm to the Georgia farmer, but so do the unfair trade barriers and sanctions imposed on agricultural products by other countries; and

Whereas, economic sanctions hinder the export of agricultural products, exacerbating the transportation of such products and possibly lowering the price received by the Georgia farmer for such agricultural products.

Now, therefore, be it

Resolved by the General Assembly of Georgia, That Congress is urged to remove or restrict the use of trade sanctions as they apply to agricultural products and that Congress ensures that the use of trade sanctions will result in meaningful results and to work for the reduction and elimination of trade barriers and sanctions imposed by other countries against agricultural products.

Be it further resolved, That the Secretary of the Senate is directed to send enrolled copies of this resolution to the President of the United States, the Vice President of the United States, Majority Leader and Minority Leader of the United States Senate, the Speaker, Majority Leader and Minority Leader of the United States House of Representatives, the secretary of the United States Department of State, the secretary of the United States Department of Agriculture and to each member of the Georgia Congressional Delegation.

POM–109. A resolution adopted by the General Assembly of the State of Georgia; to the Committee on Agriculture, Nutrition, and Forestry.

Resolution

Whereas, if the Georgia farmer is to have the opportunity to prosper and grow, the agricultural products produced by the farmer must be able to reach foreign markets; and

Whereas, the export enhancement program is one tool which can expand foreign market opportunities; and

Whereas, the stockpiling of grain is just one example of where the lack of access to foreign markets hurts not only the Georgia farmer but all American farmers and the economy of the United States in general.

Now, therefore, be it resolved by the General Assembly of Georgia, That the Secretary of the United States Department of Agriculture is urged to take greater advantage of the export enhancement program.

Be it further resolved, That the Secretary of the Senate shall forward appropriate copies of this resolution to the President of the United States, the Vice President of the

United States, Majority Leader and Minority Leader of the United States Senate, the Speaker, Majority Leader and Minority Leader of the United States House of Representatives, the Secretary of the United States Department of Agriculture and to each member of the Georgia Congressional Delegation.

POM–110. A resolution adopted by the City Council of Cincinnati, Ohio relative to Round II Urban Federal Empowerment Zones: ordered to lie on the table.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HELMS, from the Committee on Foreign Relations, without amendment:

S. 579: A bill to amend the Foreign Assistance Act of 1961 to target assistance to support the economic and political independence of the countries of the South Caucasus and Central Asia (Rept. No. 106–45).

H.R. 669: A bill to amend the Peace Corps Act to authorize appropriations for fiscal years 2000 through 2003 to carry out that Act, and for other purposes (Rept. No. 106–46).

By Mr. CHAFEE, from the Committee on Environment and Public Works:

Special Report entitled "Activities of the Committee on Environment and Public Works for the One Hundred Fifth Congress" (Rept. No. 106–47).

By Mr. HATCH, from the Committee on the Judiciary, with amendments:

S. 625: A bill to amend title 11, United States Code, and for other purposes (Rept. No. 106–49).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SCHUMER (for himself, Mrs. Feinstein, Mr. Kennedy, Mr. Durbin, Ms. Mikulski, Mr. Levin, Mrs. Boxer, Mr. Torricelli, Mr. Lautenberg, Mr. Reed, and Mr. Kerry):

S. 995. A bill to strengthen the firearms and explosives laws of the United States; to the Committee on the Judiciary.

By Mr. CAMPBELL:

S. 996. A bill to establish a matching grant program to help State and local jurisdictions purchase school safety equipment; to the Committee on the Judiciary.

By Mr. SANTORUM (for himself, Mr. Abraham, Mr. Ashcroft, Mr. Brownback, Mr. Coverdell, Mr. DeWine, Mrs. Hutchison, and Mr. McCain):

S. 997. A bill to assist States in providing individuals a credit against State income taxes or a comparable benefit for contributions to charitable organizations working to prevent or reduce poverty and protect and encourage donations to charitable organizations, to prohibit discrimination against nongovernmental organizations and certain individuals on the basis of religion in the distribution of government funds to provide government assistance and the distribution of such assistance, to allow such organizations to accept such funds to provide such assistance without impairing the religious character of such organizations, to provide for tax-free distributions from individual retirement accounts for charitable purposes, and for other purposes; to the Committee on Finance.

By Mr. LEAHY (for himself, Mr. Jeffords, Mr. Harkin, Mr. Feingold, and Mr. Kohl):

S. 998. A bill to amend the Child Nutrition Act of 1966 to prohibit the donation or service without charge of competitive foods of minimal nutritional value in schools participating in Federal meal service programs before the end of the last lunch period of the schools; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HATCH:

S. 999. A bill to amend chapter 18 of title 35, United States Code, to improve the ability of Federal agencies to patent and license federally owned inventions, and for other purposes; to the Committee on the Judiciary.

By Mr. BREAUX (for himself and Mr. Nickles):

S. 1000. A bill to amend the Internal Revenue Code of 1986 to treat certain dealer derivative financial instruments, hedging transactions, and supplies as ordinary assets; to the Committee on Finance.

By Mr. LIEBERMAN (for himself, Mr. McCain, Mr. Byrd, Mr. Brownback, Mr. Conrad, Mr. Kohl, Mr. Cleland, Ms. Landrieu, Mr. Bryan, Mr. Reed, and Mrs. Murray):

S. 1001. A bill to establish the National Youth Violence Commission, and for other purposes; to the Committee on Governmental Affairs.

By Mr. MACK (for himself and Mr. Breaux):

S. 1002. A bill to amend title XVIII of the Social Security Act to provide for a prospective payment system for services furnished by psychiatric hospitals under the medicare program; to the Committee on Finance.

By Mr. ROCKEFELLER (for himself, Mr. Hatch, Mr. Crapo, and Mr. Bryan):

S. 1003. A bill to amend the Internal Revenue Code of 1986 to provide increased tax incentives for the purchase of alternative fuel and electric vehicle, and for other purposes; to the Committee on Finance.

By Mr. BURNS (for himself and Mr. Inhofe):

S. 1004. A bill to amend the Communications Act of 1934 to reduce telephone rates, provide advanced telecommunications services to schools, libraries, and certain health care facilities, and for other purposes; to the Committee on Finance.

By Mr. LAUTENBERG:

S. 1005. A bill to amend title 23, United States Code, to provide for national minimum sentences for individuals convicted of operating motor vehicles under the influence of alcohol; to the Committee on Environment and Public Works.

By Mr. TORRICELLI (for himself, Mrs. Boxer, Mrs. Feinstein, Mr. Kerry, and Mr. Lautenberg):

S. 1006. A bill to end the use of conventional steel-jawed leghold traps on animals in the United States; to the Committee on Environment and Public Works.

By Mr. JEFFORDS (for himself and Mrs. Boxer):

S. 1007. A bill to assist in the conservation of great apes by supporting and providing financial resources for the conservation programs of countries within the range of great apes and projects of persons with demonstrated expertise in the conservation of great apes; to the Committee on Foreign Relations.

By Mr. BAUCUS (for himself and Mr. Levin):

S. 1008. A bill to modify the standards for responding to import surges under section 201 of the Trade Act of 1974, to establish mechanisms for import monitoring and the prevention of circumvention of United States trade laws, and to strengthen the enforcement of United States trade remedy laws; to the Committee on Finance.

By Mr. SHELBY:

S. 1009. An original bill to authorize appropriations for fiscal year 2000 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; from the Select Committee on Intelligence; placed on the calendar.

By Mr. JEFFORDS (for himself, Mr. Rockefeller, Mrs. Hutchison, Mrs. Feinstein, and Mrs. Boxer):

S. 1010. A bill to amend the Internal Revenue Code of 1986 to provide for a medical innovation tax credit for clinical testing research expenses attributable to academic medical centers and other qualified hospital research organizations; to the Committee on Finance.

By Mr. FRIST:

S. 1011. A bill to amend the Internal Revenue Code of 1986 to provide that trusts established for the benefit of individuals with disabilities shall be taxed at the same rates as individual taxpayers; to the Committee on Finance.

S. 1012. A bill to amend the Internal Revenue Code of 1986 to use the Consumer Price Index in addition to the national average wage index for purposes of cost-of-living adjustments; to the Committee on Finance.

S. 1013. A bill to amend the Internal Revenue Code of 1986 to promote lifetime savings by allowing people to establish child savings accounts within Roth IRAs and by allowing the savings to be used for education, first time home purchases, and retirement, to expand the availability of Roth IRAs to all Americans and to protect their contributions from inflation, and for other purposes; to the Committee on Finance.

S. 1014. A bill to amend the Internal Revenue Code of 1986 to reduce the rate of the individual income tax and the number of tax brackets; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID:

S. Res. 99. A resolution designating November 20, 1999, as "National Survivors for Prevention of Suicide Day"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CAMPBELL:

S. 996. A bill to establish a matching grant program to help State and local jurisdictions purchase school safety equipment; to the Committee on the Judiciary.

STUDENTS LEARNING IN SAFE SCHOOLS ACT

Mr. CAMPBELL. Mr. President, today I introduce the Students Learning in Safe Schools Act of 1999.

This legislation would build on the successes of two bills I sponsored in the 105th Congress and that were signed into law, S. 2235, which established the Cops in Schools program and S. 1605, the Bulletproof Vest Partnership Grant Act of 1998.

Juvenile crime prevention, of course, is on all of our minds, particularly since the recent tragedy in Littleton. I think all of us know that violence has gone up among youngsters and it threatens a safe learning environment for our students at school. As a former teacher, a deputy sheriff, and parent, I developed a special sensitivity long before I came to the Senate.

On April 20, in my home State, 13 innocent victims, 12 students and 1 very heroic teacher, were murdered at Columbine High School. This town is a very nice town. Littleton is a wonderful community. The school of Columbine is a nice school with few problems. I guess people are prone to say if it could happen there, it certainly could happen anywhere.

Clearly, no student should have to go to school where they fear for their lives. Statistics on violence in schools are startling. In fact, recent reports indicated there were 173 violent deaths in U.S. schools between 1994 and 1998 and that 31% of children know someone their age who carries a gun. The National Education Association estimated that 100,000 youngsters carry guns to school and 160,000 children miss class every day because they fear physical harm.

We know that government cannot fix it all. We are being leaned on, of course, to pass more and more laws to correct all these problems, but most of us know there has to be teamwork involving students and parents and families and communities and religious leaders and school administrators.

This teamwork should also include law enforcement officers working closely with schools. Teachers and principals simply do not have the training or equipment or resources to deal with the problem. And they shouldn't have to, they should be focusing on teaching our kids.

That's why I introduced S. 2235 last year, the School Resource Officers Partnership Grant Act of 1998, to help stop school violence. S. 2235, which was signed into law last October, will create thousands of vital partnerships between state and local law enforcement agencies, and the schools, parents and children they serve and protect. Schools that establish these partnerships would be eligible to receive federal funding through the Justice Department to hire School Resource Officers, also known as SROs. SROs are career law enforcement officers, with sworn authority, within the Community Policing program, and will work in and around our schools.

Working in cooperation with youngsters, parents, teachers and principals, these SROs would be able to keep track of potentially dangerous kids and effectively deal with them before things escalate, violence errupts, and youngsters get hurt. These SROs would work in our schools, not as armed guards, but primarily as people who would help resolve conflicts.

There is $60 million in Cops in School grants which will be distributed this year alone. In fact, the Justice Department has just announced the first round of grants with hundreds of schools in 42 states benefiting.

The bill I am introducing today, the Students Learning in Safe Schools Act of 1999, would build on the Cops in Schools program to help improve school safety. The Students Learning in Safe Schools Act would provide federal matching grants to help schools buy metal detectors, metal detecting wands, video cameras, and other equipment needed to help make our schools safer. This bill calls for a matching grant of $40 million for each of the 3 fiscal years from fiscal year 2000 through fiscal year 2002. The grants would be easily accessible to States, local governments, and school districts with a minimum of redtape. This is not a mandate, however. It is an opportunity for school districts to get some additional resources.

This legislation calls for posting this new school safety equipment grant program on the Internet right next to the Cops in Schools program which can now be found on the Justice Department's web sight. This would help provide one stop shopping where people can go for help in getting both the safety personnel and safety equipment they need to help make their schools safer.

I do not expect this legislation, of course, to solve all our problems but certainly it is another tool I hope will go a long way in reducing juvenile violence in schools.

I urge my colleagues to support this legislation.

I ask unanimous consent that the bill be printed in the RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 996

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Students Learning in Safe Schools Act of 1999".

SEC. 2. MATCHING GRANT PROGRAM FOR SCHOOL SAFETY EQUIPMENT.

(a) IN GENERAL.—Part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) by striking the part designation and part heading and inserting the following:

"PART Y—MATCHING GRANT PROGRAMS

"Subpart A—Grant Program For Armor Vests";

(2) by striking "this part" each place that term appears and inserting "this subpart"; and

(3) by adding at the end the following:

"Subpart B—Grant Program For School Safety Equipment

"SEC. 2511. PROGRAM AUTHORIZED.

"(a) IN GENERAL.—The Director of the Bureau of Justice Assistance is authorized to make grants to States, units of local government, Indian tribes, and local educational agencies to purchase school safety equipment for use in and near elementary and secondary schools.

"(b) USES OF FUNDS.—Grants awarded under this section shall be—

"(1) distributed directly to the State, unit of local government, Indian tribe, or local educational agency, as applicable; and

"(2) used for the purchase of school safety equipment for use in elementary and secondary schools in the jurisdiction of the grantee.

"(c) PREFERENTIAL CONSIDERATION.—In awarding grants under this subpart, the Director of the Bureau of Justice Assistance may give preferential consideration, if feasible, to an application from a jurisdiction that—

"(1) has the greatest need for school safety equipment, based on the percentage of elementary and secondary schools in the jurisdiction of the applicant that do not have access to such equipment;

"(2) has a violent crime rate at or above the national average as determined by the Federal Bureau of Investigation; or

"(3) has not received a block grant under the Local Law Enforcement Block Grant program described under the heading 'Violent Crime Reduction Programs, State and Local Law Enforcement Assistance' of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119).

"(d) MINIMUM AMOUNT.—Unless all eligible applications submitted by any State or unit of local government within such State for a grant under this section have been funded, such State, together with grantees within the State (other than Indian tribes), shall be allocated in each fiscal year under this section not less than 0.50 percent of the total amount appropriated in the fiscal year for grants pursuant to this section except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands shall each be allocated .25 percent.

"(e) MAXIMUM AMOUNT.—A qualifying State, unit of local government, Indian tribe, or local educational agency may not receive more than 5 percent of the total amount appropriated in each fiscal year for grants under this section, except that a State, together with the grantees within the State may not receive more than 20 percent of the total amount appropriated in each fiscal year for grants under this section.

"(f) MATCHING FUNDS.—The portion of the costs of a program provided by a grant under subsection (a) may not exceed 50 percent. Any funds appropriated by Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of a matching requirement funded under this subsection.

"(g) ALLOCATION OF FUNDS.—Not less than 50 percent of the total amount made available to carry out this subpart in each fiscal year shall be awarded to units of local government with fewer than 100,000 residents.

"SEC. 2512. APPLICATIONS.

"(a) IN GENERAL.—To request a grant under this subpart, the chief executive of a

State, unit of local government, Indian tribe, or local educational agency shall submit an application to the Director of the Bureau of Justice Assistance in such form and containing such information as the Director may reasonably require.

"(b) REGULATIONS.—

"(1) IN GENERAL.—Not later than 90 days after the date of enactment of the Students Learning in Safe Schools Act of 1999, the Director of the Bureau of Justice Assistance shall promulgate regulations to implement this section (including the information that must be included and the requirements that the States, units of local government, Indian tribes, and local educational agencies must meet) in submitting the applications required under this section.

"(2) INTERNET ACCESS.—The regulations promulgated under this subsection shall provide for the availability of applications for, and other information relating to, assistance under this subpart on the Internet website of the Department of Justice, in a manner that is closely linked to the information on that Internet website concerning the program under part Q.

"(c) ELIGIBILITY.—A unit of local government that receives funding under the Local Law Enforcement Block Grant program (described under the heading 'Violent Crime Reduction Programs, State and Local Law Enforcement Assistance' of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 104–119)) during a fiscal year in which it submits an application under this subpart shall not be eligible for a grant under this subpart unless the chief executive officer of such unit of local government certifies and provides an explanation to the Director that the unit of local government considered or will consider using funding received under the block grant program for any or all of the costs relating to the purchase of school safety equipment, but did not, or does not expect to use such funds for such purpose.

"SEC. 2513. DEFINITIONS.

"In this subpart—

"(1) the term 'Indian tribe' has the same meaning as in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e));

"(2) the term 'school safety equipment' means metal detectors, metal detecting wands, video cameras, and other equipment designed to detect weapons and otherwise enhance school safety;

"(3) the term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands; and

"(4) the term 'unit of local government' means a county, municipality, town, township, village, parish, borough, school district, or other unit of general government below the State level.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by striking paragraph (23) and inserting the following:

"(23) There are authorized to be appropriated to carry out part Y—

"(A) $25,000,000 for each of fiscal years 2000 through 2002 for grants under subpart A of that part; and

"(B) $40,000,000 for each of fiscal years 2000 through 2002 for grants under subpart B of that part.".

SEC. 3. SENSE OF CONGRESS REGARDING AMERICAN-MADE PRODUCTS AND EQUIPMENT.

In the case of any equipment or products that may be authorized to be purchased with financial assistance provided using funds appropriated or otherwise made available by this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products, unless such equipment or products are not readily available at reasonable costs.

SEC. 4. SENSE OF THE SENATE REGARDING SCHOOL SECURITY.

It is the sense of the Senate that recipients of assistance under subpart B of part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as added by this Act, should, to the maximum extent practicable, seek to achieve a balance between school security needs and the need for an environment that is conducive to learning.

SEC. 5. TECHNOLOGY DEVELOPMENT.

Section 202 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3722) is amended by adding at the end the following:

"(e) SCHOOL SAFETY TECHNOLOGY DEVELOPMENT.—The Institute shall conduct research and otherwise work to develop new weapons detection technologies and safety systems that are appropriate to school settings.".

Mr. LEAHY. Mr. President, I was happy to yield to the Senator from Colorado. He and I have had discussions of the terrible events that took place in Colorado. The distinguished Senator from Colorado and I wrote legislation on another area of law enforcement, relying on his experience and my experience in law enforcement. That was the bulletproof vests legislation which is now working very, very well.

I mention this while the distinguished Senator from Colorado is still on the floor because we have had many discussions about law enforcement matters—most recently an event at the White House. It has been my experience, time and time again, the Senator from Colorado has given pragmatic and realistic solutions to law enforcement problems at a time when we can all get carried away by philosophical arguments. I found most law enforcement people tell me to save the philosophy for them to read in their retirement years—give them the pragmatic solutions today when they have to uphold the law.

So I thank the Senator from Colorado.

By Mr. LEAHY (for himself, Mr. JEFFORDS, Mr. HARKIN, Mr. FEINGOLD, and Mr. KOHL):

S. 998. A bill to amend the Child Nutrition Act of 1966 to prohibit the donation or service without charge of competitive foods of minimal nutritional value in schools participating in Federal meal service programs before the end of the last lunch period of the schools; to the Committee on Agriculture, Nutrition, and Forestry.

BETTER NUTRITION FOR SCHOOL CHILDREN ACT OF 1999

Mr. LEAHY. Mr. President, I am proud to be joined by Senators JEFFORDS, HARKIN, KOHL, and FEINGOLD, and Representative HINCHEY in the House of Representatives, in introducing the "Better Nutrition for School Children Act of 1999." This bill seals a loophole undermining our children's nutritional health.

One of the most important lessons we can teach our children is good health. Good health includes keeping our children tobacco and drug free, and includes nutrition education for healthy living.

Every day, more than 26 million children participate in the National School Lunch Program. One-quarter of those children—approximately seven million—also participate in the National School Breakfast Program. According to a United States Department of Agriculture study, school children may consume between one-third and one-half of their daily nutrient intake at school. Knowing how important school meal programs are to the nutritional health of children, I am extremely concerned by reports of soft drinks being given to children before or during lunch.

Current law prohibits the sale of soft drinks during lunch. This prohibition has been around for a long time. However, some schools are now getting around this prohibition by giving soda to children for free. This is a loophole—big enough to drive a soda truck through—that hurts our children. The bill which we are introducing today would close this loophole so that soft drinks cannot be distributed—for free or for sale—during mealtime at schools participating in the National School Lunch Program. Also, the bill would prohibit giving away sodas before lunch.

As a parent, I would be outraged to discover that my efforts at teaching my child good nutrition were being undermined by free sugar and caffeine laden soft drinks at school.

Studies based on statistics from the USDA Continuing Surveys of Food Intakes by Individuals have shown that heavy soft drink consumption correlates with a low intake of magnesium, calcium, ascorbic acid, riboflavin and vitamin A. The loss of calcium is particularly alarming for teenage women, as calcium is crucial for building up bone mass to reduce the risk of osteoporosis later in life, and women build 92 percent of their bone mass by age 18.

Many sodas also contain caffeine, which is not only an addictive stimulant, but which also increases the excretion of calcium.

In its Food Guide Pyramid for Young Children, which recommends good dietary habits for children, the United States Department of Agriculture continues to recommend serving children fruits, vegetables, grains, meat and dairy, while limiting children's intake of sweets—including soft drinks.

Statistics regarding children's intake of soft drinks are alarming. For instance, teenage boys consume an average of 2½ soft drinks a day—which equals approximately 15 teaspoons of sugar—every day.

While children's consumption of soft drinks has been on the rise, their consumption of milk has been on the decline. Statistics from the USDA demonstrate that whereas 20 years ago teens drank twice as much milk as soda, today they drink twice as much soda as milk. Unlike milk, soft drinks have minimal nutritional value and they contribute nothing to the health of kids. One need only compare the ingredient and nutrition labels on a Coke can versus a milk carton to see what a child loses when milk is replaced by a soft drink.

The consequence of replacing milk with soda is clear: the declining nutritional health of our children. In her book Jane Brody's Nutritional Book, Jane Brody articulates this point in saying:

> Probably the most insidious undermining of good nutrition in the early years comes from the soft drink industry. Catering to children's innate preferences for a sweet taste, the industry has succeeded in drawing millions of youngsters away from milk and natural fruit juices and hooking them on pop and other artificially flavored drinks that offer nothing of nutritional significance besides calories.

The Vermont State Board of Education's School Nutrition Policy Statement actually touches on this very issue. Among its recommendations to school districts for dietary guidelines and nutrition, the Board of Education advises:

> Certain foods which contribute little other than calories should not be sold on school campuses. These foods include carbonated beverages, nonfruit soft drinks, candies in which the major ingredient is sugar, frozen nonfruit ice bars, and chewing gum with sugar.

It was only a few years ago that, as Chairman of the U.S. Senate Committee on Agriculture, Nutrition and Forestry, that I fought the soft drink behemoths—Coca-Cola and Pepsi—over vending machines in schools. I felt that schools should be encouraged to close down vending machines before and during lunch. I was unprepared for the wealth of opposition which ensued.

However, despite the well-financed opposition by soda companies, the Nutrition and Health for Children Act was met with bipartisan support in Congress. Former Senator Bob Dole noted that "too often a student gives up his half dollar and his appetite en route to the cafeteria" and criticized the "so-called plate waste, where young students and other students decide it is better to have a candy bar and a soft drink rather than eat some meal that is subsidized by the Federal Government."

Just as the Better Nutrition and Health for Children Act passed with bipartisan support in 1994, I am sure that the Better Nutrition for School Children Act of 1999 will pass with bipartisan support this year.

I ask unanimous consent that the text of the Better Nutrition for School Children Act of 1999 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 998

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Better Nutrition for School Children Act of 1999".

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to close the loophole that allows competitive foods of minimum nutritional value that cannot be sold during meals in schools participating in the school breakfast and lunch programs to instead be donated or served without charge to students during or before breakfast or lunch;

(2) to protect 1 of the major purposes of the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) and the National School Lunch Act (42 U.S.C. 1751 et seq.), which is to promote better nutrition among school children participating in the school breakfast and lunch programs; and

(3) to promote better nutritional habits among school children and improve the health of school children participating in the school breakfast and lunch programs.

SEC. 3. PROHIBITION ON DONATION OR SERVICE WITHOUT CHARGE OF COMPETITIVE FOODS OF MINIMAL NUTRITIONAL VALUE.

Section 10 of the Child Nutrition Act of 1966 (42 U.S.C. 1779) is amended—

(1) by striking "(b) The" and inserting the following:

"(b) DONATION OR SERVICE WITHOUT CHARGE OF COMPETITIVE FOODS OF MINIMAL NUTRITIONAL VALUE.—

"(1) SALES.—The"; and

(2) by adding at the end the following:

"(2) DONATIONS OR SERVICE WITHOUT CHARGE.—The regulations shall prohibit the donation or service without charge of competitive foods not approved by the Secretary under paragraph (1) in a school participating in a meal service program authorized under this Act or the National School Lunch Act (42 U.S.C. 1751 et seq.) before the end of the last lunch period of the school.".

Mr. JEFFORDS. Mr. President, I am pleased to join Senator LEAHY, Senator FEINGOLD, Senator KOHL, and Senator HARKIN as an original cosponsor of the Better Nutrition for School Children Act of 1999. This issue is so important to the health and well being of our nation's school children.

The Better Nutrition for School Children Act of 1999 is about good nutrition—and a little about milk. The Vermont and Wisconsin Senators at times have a hard time agreeing on federal milk policy, but we all agree that good nutrition plays an important role in the health and education of our children.

As chairman of the Health, Education, Labor, and Pensions Committee, I recognize the importance of having a proper and nutritionally balanced diet in our school lunch programs. A well nourished child is a child more healthy, energized, focused and able to learn.

When school children receive a large amount of their daily caloric intake from sugary soft drinks, they are not receiving the fruits, vegetables, vitamins, minerals, and perhaps most importantly—calcium that they need.

Soda and other sugary junk foods squeeze more nutritious foods out of their diet. Since many school children may consume between one-third and one-half of their daily intake at school, it is important that we do not allow them to substitute good nutrition with empty calories.

Mr. President, teens, in particular, should be drinking milk instead of soft drinks. Twenty years ago, teens drank twice as much milk as soda. Today, the average teenager drinks twice as much soda as milk.

The Better Nutrition for School Children Act of 1999 helps close the empty calorie loophole. Soft drinks, sugar candies, cotton candy and the like are already banned from being sold during lunch. This bill would simply ban the free distribution of these "competitive foods not approved by the Secretary" before and during lunch at schools participating in the federal school lunch or breakfast programs.

Mr. President, I commend Senator LEAHY for his continued leadership in improving the nutrition of America's school children and will work with him and others to see that this bill becomes law.

• Mr. FEINGOLD. Mr. President, I rise to join Senator LEAHY, Senator KOHL, and Senator JEFFORDS to introduce this important legislation, the Better Nutrition for School Children Act of 1999. The Better Nutrition for School Children Act of 1999 will make our kid's nutrition—not some economic bottom line—the priority when it comes to our nation's school meal program.

Mr. President, some schools in this country, particularly high school, are providing school-aged children with free soda as part of the school lunch program. This trend is troublesome for a number of reasons: One, it is contrary to the intent of the 1946 National School Lunch Act; Two, numerous studies have demonstrated that teenagers, particularly girls, are not consuming enough calcium to prevent osteoporosis in their later years; And, three, as a representative of Wisconsin, "America's Dairyland," I am concerned that the increase in school time soda consumption will inevitably mean that our children drink less milk at school.

Mr. President, in 1946, Congress first made nutrition for school aged children a priority when it passed the National School Lunch Act. This measure was designed to provide school children with high quality nutritious food during the school day. In 1977, because of concerns that our country's nutritional habits had begun to slide, Congress directed USDA to take steps to restrict school children's access to foods of low nutritional value when at school.

The legality regulations USDA promulgates under the 1977 law, with regard to foods of nutritional value was challenged by the National Soft Drink Association. This law banned the sale of soft drink and other "junk foods" in school cafeterias during the lunch hour.

Congressional debates on the 1977 law "convey an unmistakable concern that 'junk foods,' notably various types of candy bars, chewing gum and soft drinks, not be allowed to compete in participating schools." The Federal judge observed the "logic and common sense, as well as several studies in the [rulemaking] record, suggest that irregular eating habits combined with ready access to junk food adversely affect federal nutritional objectives."

USDA current regulations prohibit the sale of foods of "minimal nutritional value"—which include sodas, water ices, chewing gum, and certain candies—in the food service area during the lunch period in any school. The current regulations do not mention the distribution of free sodas, because, Mr. President, this idea never entered the minds of lawmakers during consideration of the measure.

Mr. President, we have found that in schools all over the country, free sodas are being passed out as part of the school lunch program. This practice evades the current Federal ban on the sale of sodas as part of school lunches. It's bad for kids, bad for farmers who are watching milk consumption and prices decline, and bad for teachers and school administrators who are left to deal with unruly and fidgety children during the day. As a matter of fact, Mr. President, giving away free sodas in school doesn't help anybody except soda companies.

Mr. President, in a report published last year by the Center for Science in the Public Interest (CSPI) it was documented that one quarter of teenage boys who drink soda consume more than two 12-ounce cans per day, and that five percent drink five or more cans daily. This report was based on survey data from USDA and also indicated that in average, girls drink about one-third less—but the risks of soda consumption are potentially greater for girls. The report claims that doctors say soda has been pushing milk out of teenage diets and making girls more likely candidates for osteoporosis when they're older.

The data indicated that these doctors are right. Choosing a soft drink instead of milk means that teens will have a lower level of calcium in their diets. Soft drinks provide 0% of a persons recommended daily allowance for calcium, while milk provides 30%. Low calcium intake contributes to osteoporosis, a disease leading to fragile and broken bones. Currently, 10 million Americans have osteoporosis while another 18 million have low bone mass and are at increased risk of osteoporosis. Women are more frequently affected than men. Considering the low calcium intake of today's teenage girls, osteoporosis rates may well rise in the near future.

As I understand it, the risk of osteoporosis depends in part on how much bone mass is built early on in life. The CSPI report states that girls build 92 percent of their bone mass by age 18, but if they don't consume enough calcium in the teenage years, they cannot "catch up" later. This explains why experts recommend higher calcium intakes for youths 9 to 18 than for adults 19 to 50. Currently, teenage girls consume only 60 percent of the recommended amount; pop drinkers consuming almost one-fifth less calcium than non-consumers.

The CSPI and a coalition of health advocates reported that 20 years ago, teens drank almost twice as much milk as soda pop; today, they consume twice as much soda as milk.

Since 1973, soft drink consumption has risen dramatically. Americans now drink twice as much soda per person as they did 25 years ago. According to statistics from the Beverage Marketing Corp., annual soda consumption was 22.4 per person in 1970; in 1998, it was 56.1 gallons per person. Unfortunately, milk consumption has been on a steady decline. This trend is likely to continue—however, I do not feel that school administrators should encourage it. This country's dairy farmers have it hard enough. The recently announced Basic Formula Price (BFP) is lower than the cost of production in nearly every region of the country. We in dairy states are very concerned about our struggling producers. How can we stand by and watch as they struggle to locate and enter new markets abroad, while their base market—school meal programs—is being taken away?

And how do the parents feel? Those that limit their children's intake of sodas and sweets at home see their efforts undermined when the school provides these items for free. This is a losing battle for them too!

Mr. President, I'm not here to ban soda for school-age children—only to support a simple, sensible idea that any parent, any nutritionist, and any dairy farmer would favor—and that's giving our kids milk while they are in school. This bill restores common sense back to one aspect of our kids school nutrition programs. I urge my colleagues to support this Better Nutrition for School Children Act of 1999. It is supported by the National Education Association and the University of Wisconsin-Milwaukee School of Education. I ask that their letters of support be inserted into the RECORD.

The material follows:

UNIVERSITY OF WISCONSIN MILWAUKEE, SCHOOL OF EDUCATION
DEPARTMENT OF CURRICULUM AND INSTRUCTION,
May 7, 1999.

Senator Russell Feingold,
Senate Office Building, Washington, DC.

DEAR SENATOR FEINGOLD: I am writing to express my strong support for the "Better Nutrition for School Children Act of 1999."

My research shows that children are coming under increasing pressure to consume large quantities of soda while in school. For example, exclusive contracts between schools and bottling firms are now popular. These contracts commonly contain provisions that provide financial incentives to school districts that reward them when consumption goals are met. In other words the more of a bottling company's products are purchased the more money the school gets. This places school districts in the ethically dangerous position of promoting the consumption of products that their own health and nutrition curricula discourage students from consuming in large quantities.

The distribution of free soda as part of a school lunch program, at least in my view, violates the spirit and intent of the Child Nutrition Act of 1996. Such distributions are, no doubt, useful to soda bottlers as means of promoting brand recognition and establishing brand loyalty. And as such they are little different from any number of "free" promotions that are a common part of product marketing campaigns. However, none of this has anything to do with promoting children's health.

I believe that schools must do their utmost to promote healthful eating habits among their students. The "Better Nutrition for School Children Act of 1999" is a useful and necessary step to insure that school lunches are the healthful, nutritious meals that legislators have always intended that they be.

Sincerely,

ALEX MOLNAR, PH.D.
Director, Center for the Analysis of Commercialism in Education.

NATIONAL EDUCATION ASSOCIATION,
Washington, DC, May 7, 1999.

Senator PATRICK LEAHY
Senator RUSSELL FEINGOLD,
U.S. Senate, Washington, DC.

DEAR SENATORS LEAHY AND FEINGOLD: On behalf of the National Education Association's (NEA) 2.4 million members, we would like to express our strong support for the Better Nutrition for School Children Act of 1999, which would bar the distribution of free soda in the School Lunch Program. NEA believes that providing free soda to students contradicts the nutritional goals of the School Program and can impede academic success.

Research clearly demonstrates the link between good nutrition and learning. Children who are hungry or improperly nourished face cognitive limitations which may impair their ability to concentrate and learn. Preserving the nutritional integrity of school meals, therefore, is critical ensuring student achievement. This is particularly true for poor children, who often rely on school lunch for one-third to one-half of their daily nutritional intake.

Providing free soda in the School Lunch Program is clearly at odds with congressional intent to restrict access by school children to foods of low nutritional integrity of the School Lunch Program.

Sincerely,

MARY ELIZABETH TEASLEY,
Director of Government Relations.●

Mr. KOHL. Mr. President, I am pleased to be an original cosponsor of the "Better Nutrition for School Children Act of 1999." This legislation will stop the practice of giving students free sodas at lunch—sugar and caffeine filled drinks that are replacing the healthy milk and juices these kids should be drinking. A soda may keep a child awake through fifth period physics, but it will do nothing to fuel their growth into a healthy adult. We've been talking quite a bit lately about keeping our children safe during the school day. We must not forget we also have an obligation to keep them healthy, growing, and alert—an obligation met in great part with the national school lunch and breakfast programs.

The vast majority of schools in Wisconsin and across the nation are our partners in ensuring that children learn to eat healthy, and they are proud to abide by current laws—and the spirit behind those laws— prohibiting the sale of foods of minimal nutritional value in our schools. But while there is a ban on the sale of these sorts of foods during the school lunch period, there is no ban on giving them away for free. The Center for Science in the Public Interest recently cited several schools that are giving away donated sodas to students. This defies common sense. Kids should be drinking milk, water, and natural fruit juices—not sodas and other artificial drinks—as part of the school lunch program.

Statistics from the Department of Agriculture show that 20 years ago, teens drank twice as much milk as soft drinks; today, that trend has reversed. Teens are drinking 40 percent less milk than they drank 22 years ago. Soft drinks contain a large amount of caffeine and sugar, and the American Medical Association has found that these sweetened drinks squeeze healthier foods out of children's diets.

The Better Nutrition for School Children Act will simply prohibit the donation of competitive foods of minimal nutritional value, including sodas, before the end of the last lunch period of school. Let me be clear: we are not banning sodas in schools. Students will still be able to purchase sodas, or receive free ones, once the school lunch period is over. But this bill assures that at least during mealtimes, school children will have access to healthy foods and drinks, like milk.

This bill does not address the exclusive marketing contracts between schools and soft drink companies, but I do have concern over these as well. These contracts specify that a school will sell only a certain brand of sodas, and in return, the soda companies give the schools a share of the proceeds. I realize that school districts' budgets are stretched thin, but there has to be a better way of raising funds.

Mr. President, the Better Nutrition for School Children Act will close the current loophole that allows the donation of sodas in our nation's schools. It will ensure that tax dollars invested in the school lunch program are spent wisely on nutritious foods and drinks that children actually consume—rather than throw away to make room for a free soda. I urge my colleagues to join us in passing this simple, yet vitally important legislation.

By Mr. HATCH:

S. 999. A bill to amend chapter 18 of title 35, United States Code, to improve the ability of Federal agencies to patent and license federally owned inventions, and for other purposes; to the Committee on the Judiciary.

TECHNOLOGY TRANSFER ACT OF 1999

Mr. HATCH. Mr. President, I rise to introduce S. 999, the "Technology Transfer Act of 1999."

The purpose of this bill is to help ensure that the fruits of federally conducted and supported research will be translated into new products and jobs that can benefit the American public.

This bill is necessary in order to adopt a uniform policy across the federal government concerning the circumstances in which it is appropriate to grant an exclusive or partially exclusive license to intellectual property owned by the federal government. Essentially, this legislation codifies the most prudent, beneficial, and successful agency licensing policies that have evolved over the last few years.

Each year the federal government makes a substantial investment in research and development. This year the federal government will dedicate about $79 billion toward research and development activities. Of this amount, about half—or $39 billion—is devoted to non-defense research. Much of this civilian R&D funding—over $15 billion in FY 1999—is carried out by universities across our country.

Every American citizen should take pride in this considerable financial commitment because it explains why our country is in the forefront in so many areas of basic science and applied technology.

While there is intrinsic value in research for the sake of advancement of knowledge, another, more tangible, benefit occurs when the mysteries of science are translated into new technologies that protect and promote the public health and welfare and create jobs.

While Utah may be a small state in terms of population, I am proud to say that our universities are carrying out a vigorous program of research. For example, the University of Utah, Brigham Young University, and Utah State University each carry out substantial programs of research and in the aggregate received over $200 million in federal research support in 1998.

Last year the research efforts of these three schools resulted in the issuance of patents on 40 inventions.

No doubt this high level of financial support and creative activity are major reasons why our state has developed a thriving medical products industry over the last two decades.

According to a recent survey of the Utah Life Science Association there are currently 116 firms—employing a total of over 11,000 people—engaged in the discovery and production of biomedical products in the state of Utah. Together, these firms produced revenues of $1.641 billion last year.

Not only does this economic enterprise mean jobs for Utahns but also innovative new products for Americans and our neighbors around the world.

To give just one example, researchers at the University of Utah were co-discoverers of the BRCA 1 gene which is implicated in certain kinds of breast cancer. A start-up Salt Lake City biomedical research firm, Myriad Genetics, was also a partner in this ground breaking research, as were intramural researchers at the National Institutes of Health. Building upon this basic research, academic researchers at the Huntsman Cancer Center at the University of Utah and private sector scientists at Myriad are playing a lead role in developing diagnostic tests and therapeutics which are aimed at combating the devastation of breast cancer.

The success we have achieved in institutions of higher learning in Utah is also occurring across our Nation.

According to the latest data available from the Association of University Technology Managers (AUTM), in 1997, the efforts of U.S. universities, academic health centers, and certain other non-profit research entities resulted in over 11,000 invention disclosures, over 4,200 new patent applications being filed, and over 2,600 issued patents.

Also according to AUTM, in 1997, over 3,300 new licenses were executed and total licensing income reached nearly $700 million. An economic model developed by AUTM estimates that about 250,000 jobs are attributable to commercializing academic research.

Government labs have also contributed to this success story. For example, in FY 1998 the National Institutes of Health (NIH) received nearly $40 million in royalty income. Also in 1998, NIH intramural labs reported 287 invention disclosures; filed 132 patent applications; were granted 171 patents; and, executed 215 licenses and 149 cooperative research and development agreements.

In sharp contrast to the vibrant research and technology commercialization activities that are taking place in

Utah and across our country today, the situation twenty years ago was vastly different. According to a 1978 survey, the federal government owned 78,000 patents but only 5 percent were ever licensed.

Research and development is expensive, but it has been estimated that R&D accounts for only about 25% of the cost of bringing a new product to the market. Without adequate protection of intellectual property, it is simply not prudent for the private sector to invest in new technologies.

In response to the problem of federally supported science languishing in the laboratory, the Congress passed a portfolio of legislation in the 1980s.

The purpose of these measures was simple: to provide incentives in the intellectual property laws to help assure that federally-conducted and -supported research would be commercially developed so that the seeds of new ideas will be translated into the fruits of new products that can benefit the American public.

My bill, S. 999, shares this goal and builds upon the previous intellectual property legislation in this area.

The "Patent and Trademark Act Amendments of 1980" (Public Law 96–517) is commonly termed the Bayh-Dole Act out of the well-earned respect for its two far-sighted cosponsors, Senator Birch Bayh and Senator Bob Dole.

The Bayh-Dole Act created a uniform patent policy among the many federal agencies that fund research and increased incentives for universities to engage in government-supported research. Under the act, small businesses and nonprofit organizations, including universities, were permitted to retain ownership of patents stemming from federal funds. In turn, patent holders could grant licenses to companies to further develop and commercialize the patented invention.

In 1986, Congress enacted the "Federal Technology Transfer Act" (Public Law 99-502). This law established new patenting, licensing and partnering policies for government laboratories. In concert with the philosophy of the Bayh-Dole Act, the FTTA contemplates an activist role for government laboratories in assisting in the journey from the laboratory to the market place. The FTTA amended the earlier "Stevenson-Wydler Technology Innovation Act of 1980" (Public Law 96–480), which proved insufficient to meet its intended charge of making transfer of federal technology a duty of all federal laboratories. In addition to mandating a federal role in the technology transfer arena by strengthening the intellectual property laws in the areas of patenting and licensing, the FTTA created and embraced a unique device—the Cooperative Research and Development Agreement (CRADA)—which encourages a government/private sector partnership in the earliest stages of research.

In devising S. 999, I have worked closely with several colleagues, most prominently Representative CONNIE MORELLA, Chairman of the Subcommittee on Technology of the House Committee on Science. Chairman MORELLA, whose district is the home of the National Institutes of Health, has long been a leader in the area of technology policy. Chairman MORELLA and Representative GEORGE BROWN, the thoughtful ranking member of the full Committee have often worked together in a bipartisan manner in this area and are cosponsors of H.R. 209, the House companion to S. 999.

In this Chamber, Senator ROCKEFELLER has a long and distinguished record in the area of technology policy. Together with Senator FRIST, Senator ROCKEFELLER introduced similar legislation last Congress and once again this year.

I am working with all of these Members, as well as with Senator MCCAIN, Chairman of the Commerce, Science, and Transportation Committee, and the Senate and House leadership to secure passage of this important legislation. Working together, I believe that we have succeeded in building upon as well as correcting some problems identified with the legislative proposals made last Congress, S. 2120 and H.R. 2544.

S. 999 amends the patent code to make explicit when federal agencies should, and should not, grant exclusive licenses to its patented inventions.

The bill permits an exclusive or partially exclusive license only if such a license is reasonable and necessary to attract the necessary private sector investment capital or otherwise promote the invention's utilization. The bill requires the agency to evaluate a potential licensee's development plans and level of capacity and commitment so that only the level of necessary exclusivity is granted. Once a license agreement is executed the bill requires a rigorous periodic evaluation of progress under the agreement and allows the government to terminate a license for non-performance of the terms of the license.

The bill also requires that in granting patent licenses the government take into account possible effects on competition including any potential antitrust concerns. In the case of licensing inventions covered by foreign patents, the government is directed to consider the possible U.S. interest in foreign trade and commerce.

In addition, the bill contains a domestic manufacturing requirement that is designed to keep jobs created through newly patented technologies in the United States. As well, the legislation contains a preference for issuing licenses to small businesses—the sector of the economy where most new jobs are created.

Under the bill, the government would retain a nontransferable, irrevocable, paid-up license to practice the invention on behalf of the United States Government in the unlikely event this need should arise.

Before any exclusive or partially exclusive license may be granted under the authority of the patent code, the agency, except in cases of inventions made under an existing CRADA, must give at least 15 days public notice and consider any comments that are submitted.

The bill treats any confidential commercial information as part of an application or periodic performance report under normal Freedom of Information Act principles.

Mr. President, the "Technology Transfer Act of 1999" builds upon earlier legislation in this critical area. I am honored to be following in the footsteps of our former Majority Leader, Senator Dole, and the former Member of the Judiciary Committee, Senator Birch Bayh—father of the new member of the Senate from Indiana.

I am also pleased to follow in the footsteps of my predecessors on the Judiciary Committee, which was the locus of activity for the seminal 1980 legislation that amended the patent code and changed our nation's patent licensing policies.

I urge all of my colleagues to support S. 999.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 999

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Technology Transfer Act of 1999".

SEC. 2. LICENSING FEDERALLY OWNED OR PATENTED INVENTIONS.

(a) IN GENERAL.—Section 209 of title 35, United States Code, is amended to read as follows:

"§ 209. Licensing federally patented or owned inventions

"(a) AUTHORITY.—A Federal agency may grant an exclusive or partially exclusive license on a federally owned invention under section 207(a)(2) only if—

"(1) granting the license is a reasonable and necessary incentive to—

"(A) call forth the investment capital and expenditures needed to bring the invention to practical application; or

"(B) otherwise promote the invention's utilization by the public;

"(2) the Federal agency finds that the public will be served by the granting of the license, as indicated by the applicant's intentions, plans, and ability to bring the invention to practical application or otherwise promote the invention's utilization by the public, and that the proposed scope of exclusivity is not greater than reasonably necessary to provide the incentive for bringing the invention to practical utilization, as proposed by the applicant, or otherwise to promote the invention's utilization by the public;

"(3) the applicant makes a commitment to achieve practical utilization of the invention within a reasonable time, which time may be extended by the agency upon the applicant's request and the applicant's demonstration that the refusal of such extension would be unreasonable;

"(4) granting the license will not tend to substantially lessen competition or create or maintain a violation of the Federal antitrust laws; and

"(5) in the case of an invention covered by a foreign patent application or patent, the interests of the Federal Government or United States industry in foreign commerce will be enhanced.

"(b) MANUFACTURE IN UNITED STATES.—A Federal agency shall normally grant a license under section 207(a)(2) to use or sell any federally owned invention in the United States only to a licensee who agrees that any products embodying the invention or produced through the use of the invention will be manufactured substantially in the United States.

"(c) SMALL BUSINESS.—First preference for the granting of any exclusive or partially exclusive licenses under section 207(a)(2) shall be given to small business firms having equal or greater likelihood as other applicants to bring the invention to practical application within a reasonable time.

"(d) TERMS AND CONDITIONS.—Any licenses granted under section 207(a)(2) shall contain such terms and conditions as the granting agency considers appropriate. Such terms and conditions shall include provisions—

"(1) retaining a nontransferable, irrevocable, paid-up license for any Federal agency to practice the invention or have the invention practiced throughout the world by or on behalf of the Government of the United States;

"(2) requiring periodic reporting on utilization of the invention, and utilization efforts, by the licensee, but only to the extent necessary to enable the Federal agency to determine whether the terms of the license are being complied with; and

"(3) empowering the Federal agency to terminate the license in whole or in part if the agency determines that—

"(A) the licensee is not executing its commitment to achieve practical utilization of the invention, including commitments contained in any plan submitted in support of its request for a license, and the licensee cannot otherwise demonstrate to the satisfaction of the Federal agency that it has taken, or can be expected to take within a reasonable time, effective steps to achieve practical utilization of the invention;

"(B) the licensee is in breach of an agreement described in subsection (b);

"(C) termination is necessary to meet requirements for public use specified by Federal regulations issued after the date of the license, and such requirements are not reasonably satisfied by the licensee; or

"(D) the licensee has been found by a court of competent jurisdiction to have violated the Federal antitrust laws in connection with its performance under the license agreement.

"(e) TREATMENT OF REPORT INFORMATION.—Any report required under subsection (d)(2) shall be treated by the Federal agency as commercial and financial information obtained from a person and is privileged and confidential and not subject to disclosure under section 552 of title 5.

"(f) PUBLIC NOTICE.—No exclusive or partially exclusive license may be granted under section 207(a)(2) unless public notice of the intention to grant an exclusive or partially exclusive license on a federally owned invention has been provided in an appropriate manner at least 15 days before the license is granted, and the Federal agency has considered all comments received before the end of the comment period in response to that public notice. This subsection shall not apply to the licensing of inventions made under a cooperative research and development agreement entered into under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a).

"(g) PLAN.—No Federal agency shall grant any license under a patent or patent application on a federally owned invention unless the person requesting the license has supplied the agency with a plan for development or marketing of the invention, except that any such plan shall be treated by the Federal agency as commercial and financial information obtained from a person and privileged and confidential and not subject to disclosure under section 552 of title 5.".

(b) AMENDMENTS TO CHAPTER 18 OF TITLE 35, UNITED STATES CODE.—Chapter 18 of title 35, United States Code, is amended—

(1) in section 200 by inserting "without unduly encumbering future research and discovery" after "free competition and enterprise;";

(2) by amending section 202(e) to read as follows:

"(e) In any case when a Federal employee is a coinventor of any invention made with a nonprofit organization, small business firm, or a non-Federal inventor, the Federal agency employing such coinventor may, for the purpose of consolidating rights in the invention and if it finds that it would expedite the development of the invention—

"(1) license or assign whatever rights it may acquire in the subject invention to the nonprofit organization, small business firm, or non-Federal inventor in accordance with sections 200 through 204 (including this section); or

"(2) acquire any rights in the subject invention from the nonprofit organization, small business firm, or non-Federal inventor, but only to the extent the party from whom the rights are acquired voluntarily enters into the transaction and no other transaction under this chapter is conditioned on such acquisition."; and

(3) in section 207(a)—

(A) in paragraph (2), by striking "patent applications, patents, or other forms of protection obtained" and inserting "inventions"; and

(B) in paragraph (3), by inserting ", including acquiring rights for and administering royalties to the Federal Government in any invention, but only to the extent the party from whom the rights are acquired voluntarily enters into the transaction, to facilitate the licensing of a federally owned invention" after "or through contract".

(c) CONFORMING AMENDMENT.—The item relating to section 209 in the table of sections for chapter 18 of title 35, United States Code, is amended to read as follows:

"209. Licensing federally patented or owned inventions.".

By Mr. BREAUX (for himself and Mr. NICKLES):

S. 1000. A bill to amend the Internal Revenue Code of 1986 to treat certain dealer derivative financial instruments, hedging transactions, and supplies as ordinary assets; to the Committee on Finance.

COMMODITY DERIVATIVE DEALERS AND ORDINARY BUSINESS HEDGING TRANSACTIONS

● Mr. BREAUX. Mr. President, I, along with my distinguished colleague Senator DON NICKLES, am introducing legislation today to clarify the tax treatment of commodity derivative dealers and of ordinary business hedging transactions. This legislation, which was proposed by the Administration in its Fiscal Year 2000 budget, is necessary to eliminate the existing tax uncertainties with respect to dealer derivative transactions and hedging transactions.

Specifically, Internal Revenue Code section 1221 would be amended to include business hedging transaction in the list of ordinary assets and clarify that activities that "manage" rather than only "reduce" risk are hedging activities. In addition, derivative contracts held by derivative dealers would similarly be treated as ordinary assets. Current tax and business practices treat derivative contracts held by commodity derivatives dealers as ordinary property. Nevertheless, such derivative dealers are faced with uncertainties regarding the proper reporting of gains and losses from their dealer activities, unlike dealers in other transactions. Finally, supplies used in the provision of services for the production of ordinary property would be added to the list of ordinary assets in section 1221. Such supplies are so closely related to the taxpayer's business that ordinary character should apply.

The Treasury Department has promulgated numerous regulations that affect derivatives contracts and our bill merely clarifies current law treatment of dealer activities. I urge my colleagues to support this important and much needed legislation.●

By Mr. LIEBERMAN (for himself, Mr. MCCAIN, Mr. BYRD, Mr. BROWNBACK, Mr. CONRAD, Mr. KOHL, Mr. CLELAND, Ms. LANDRIEU, Mr. BRYAN, Mr. REED, and Mrs. MURRAY):

S. 1001. A bill to establish the National Youth Violence Commission, and for other purposes; to the Committee on Governmental Affairs.

NATIONAL YOUTH VIOLENCE COMMISSION ACT

Mr. LIEBERMAN. Mr. President, three weeks after the tragic shooting in Littleton, Colorado, we as a national community are still struggling to make sense of this horrific event and the other school massacres that preceded it. We are still searching for reasons why some of our children are slaughtering each other, and why there is generally so much violence surrounding our young people, not just in classrooms and schoolyards but on streetcorners and in homes across the country.

In this discussion, we have heard many factors cited as possible causes, but few definitive conclusions or little consensus on exactly what or who is responsible for this alarming trend. In fact, one of the only things that most Americans seem to agree on is that this is an extremely complicated problem, and that there is not any one answer. They are right.

The search for common ground and common solutions began in earnest yesterday with the summit meeting the President convened at the White House. At that meeting the President opened a much-needed dialogue with the entertainment and gun industries, yielding some important commitments from the gun makers, but little if anything from the entertainment industry. The President also laid out a promising plan for translating this conversation into action, calling for a national campaign to change the pervading culture of violence, to mobilize a sustained response to this threat from every segment of our society, much as we have done in the fight against teen pregnancy.

We are here today to introduce legislation that we believe can make an important contribution to this national campaign, something that will help us better understand as we prepare to act. Our proposal would create a select national commission on youth violence, whose mandate would be to deliberately and dispassionately examine the many possible root causes of this crisis of youth violence, to help us understand why so many kids are turning into killers, and to help us reach consensus on how to curtail this recurring nightmare.

This commission would be composed of a wide array of experts in the fields of law enforcement, school administration, teaching and counseling, parenting and family studies, and child and adolescent psychology, as well as Cabinet members and national religious leaders, to thoroughly study the different dimensions of this problem. After deliberating for a year, the commission would be directed to report its conclusions to the President and Congress and recommend a series of tangible steps we could take to reduce the level of youth violence and prevent other families and communities from feeling the searing pain and grief that has visited the people of Littleton for the last three weeks.

Our proposal is not intended to forestall or preempt a more immediate response to what happened in Littleton. To the contrary, we each believe there are several steps that the Congress and different groups and industries could and should take now that would help us reduce not just the risk of another school massacre, but the daily death toll of youth violence across America. Several of us here, for example, have and will continue to push the entertainment industry to stop glorifying and romanticizing violence, and in particular to stop marketing murder and mayhem directly to kids.

But we also believe that this extraordinary problem is not something that we can solve overnight, or with any single piece of legislation. A commission is no guarantee that we will find all the answers and bridge all the divisions, but we believe it provides as good a hope as any for thoughtfully doing so, and for making this national campaign a success.

In the coming days, we will offer this proposal as an amendment to the juvenile justice bill. We will also be putting forward a companion amendment calling for a Surgeon General's report on the public health aspects of the youth violence epidemic, with a particular focus on the contributing effects of entertainment media violence on children. This proposal, which the President endorsed at Monday's summit, is intended to inform the commission's work and hopefully raise public awareness of the enormous role the entertainment culture plays in shaping the world our sons and daughters inhabit.

I ask unanimous consent that the text of this bill be printed into the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1001

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Youth Violence Commission Act".

SEC. 2. NATIONAL YOUTH VIOLENCE COMMISSION.

(a) ESTABLISHMENT OF COMMISSION.—There is established a commission to be known as the National Youth Violence Commission (hereinafter referred to in this Act as the "Commission"). The Commission shall—

(1) be composed of 16 members appointed in accordance with subsection (b); and

(2) conduct its business in accordance with the provisions of this Act.

(b) MEMBERSHIP.—

(1) PERSONS ELIGIBLE.—Except for those members who hold the offices described under paragraph (2)(A), and those members appointed under paragraph (2) (C)(ii) and (D)(iv), the members of the Commission shall be individuals who have expertise, by both experience and training, in matters to be studied by the Commission under section 3. The members of the Commission shall be well-known and respected among their peers in their respective fields of expertise.

(2) APPOINTMENTS.—The members of the Commission shall be appointed for the life of the Commission as follows:

(A) Four shall be appointed by the President of the United States, including—

(i) the Surgeon General of the United States;

(ii) the Attorney General of the United States;

(iii) the Secretary of the Department of Health and Human Services; and

(iv) the Secretary of the Department of Education.

(B) Four shall be appointed by the Speaker of the House of Representatives, including—

(i) 1 member who meets the criteria for eligibility in paragraph (1) in the field of law enforcement;

(ii) 1 member who meets the criteria for eligibility in paragraph (1) in the field of school administration, teaching, or counseling;

(iii) 1 member who meets the criteria for eligibility in paragraph (1) in the field of parenting and family studies; and

(iv) 1 member who meets the criteria for eligibility in paragraph (1) in the field of child or adolescent psychology.

(C) Two shall be appointed by the Minority Leader of the House of Representatives, including—

(i) 1 member who meets the criteria for eligibility in paragraph (1) in the field of law enforcement; and

(ii) 1 member who is a recognized religious leader.

(D) Four shall be appointed by the Majority Leader of the Senate, including—

(i) 1 member who meets the criteria for eligibility in paragraph (1) in the field of law enforcement;

(ii) 1 member who meets the criteria for eligibility in paragraph (1) in the field of school administration, teaching, or counseling;

(iii) 1 member who meets the criteria for eligibility in paragraph (1) in the social sciences; and

(iv) 1 member who is a recognized religious leader.

(E) Two shall be appointed by the Minority Leader of the Senate, including—

(i) 1 member who meets the criteria for eligibility in paragraph (1) in the field of school administration, teaching, or counseling; and

(ii) 1 member who meets the criteria for eligibility in paragraph (1) in the field of parenting and family studies.

(3) COMPLETION OF APPOINTMENTS; VACANCIES.—Not later than 30 days after the date of enactment of this Act, the appointing authorities under paragraph (2) shall each make their respective appointments. Any vacancy that occurs during the life of the Commission shall not affect the powers of the Commission, and shall be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

(4) OPERATION OF THE COMMISSION.—

(A) CHAIRMANSHIP.—The appointing authorities under paragraph (2) shall jointly designate 1 member as the Chairman of the Commission. In the event of a disagreement among the appointing authorities, the Chairman shall be determined by a majority vote of the appointing authorities. The determination of which member shall be Chairman shall be made not later than 15 days after the appointment of the last member of the Commission, but in no case later than 45 days after the date of enactment of this Act.

(B) MEETINGS.—The Commission shall meet at the call of the Chairman. The initial meeting of the Commission shall be conducted not later than 30 days after the later of—

(i) the date of the appointment of the last member of the Commission; or

(ii) the date on which appropriated funds are available for the Commission.

(C) QUORUM; VOTING; RULES.—A majority of the members of the Commission shall constitute a quorum to conduct business, but the Commission may establish a lesser quorum for conducting hearings scheduled by the Commission. Each member of the Commission shall have 1 vote, and the vote of each member shall be accorded the same weight. The Commission may establish by majority vote any other rules for the conduct of the Commission's business, if such rules are not inconsistent with this Act or other applicable law.

SEC. 3. DUTIES OF THE COMMISSION.

(a) STUDY.—

(1) IN GENERAL.—It shall be the duty of the Commission to conduct a comprehensive factual study of incidents of youth violence to determine the root causes of such violence.

(2) MATTERS TO BE STUDIED.—In determining the root causes of incidents of youth violence, the Commission shall study any matter that the Commission determines relevant to meeting the requirements of paragraph (1), including at a minimum—

(A) the level of involvement and awareness of teachers and school administrators in the lives of their students and any impact of such involvement and awareness on incidents of youth violence;

(B) trends in family relationships, the level of involvement and awareness of parents in the lives of their children, and any impact of such relationships, involvement, and awareness on incidents of youth violence;

(C) the alienation of youth from their schools, families, and peer groups, and any impact of such alienation on incidents of youth violence;

(D) the availability of firearms to youth, including the means by which they acquire such firearms, and any impact of such availability on incidents of youth violence;

(E) the effect upon youth of depictions of violence in the media and any impact of such depictions on incidents of youth violence; and

(F) the availability to youth of information regarding the construction of weapons, including explosive devices, and any impact of such information on incidents of youth violence.

(3) TESTIMONY OF PARENTS AND STUDENTS.—In determining the root causes of incidents of youth violence, the Commission shall, pursuant to section 4(a), take the testimony of parents and students to learn and memorialize their views and experiences regarding incidents of youth violence.

(b) RECOMMENDATIONS.—Based on the findings of the study required under subsection (a), the Commission shall make recommendations to the President and Congress to address the causes of youth violence and reduce incidents of youth violence. If the Surgeon General issues any report on media and violence, the Commission shall consider the findings and conclusions of such report in making recommendations under this subsection.

(c) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date on which the Commission first meets, the Commission shall submit to the President and Congress a comprehensive report of the Commission's findings and conclusions, together with the recommendations of the Commission.

(2) SUMMARIES.—The report under this subsection shall include a summary of—

(A) the reports submitted to the Commission by any entity under contract for research under section 4(e); and

(B) any other material relied on by the Commission in the preparation of the Commission's report.

SEC. 4. POWERS OF THE COMMISSION.

(a) HEARINGS.—

(1) IN GENERAL.—The Commission may hold such hearings, sit and act at such times and places, administer such oaths, take such testimony, and receive such evidence as the Commission considers advisable to carry out its duties under section 3.

(2) WITNESS EXPENSES.—Witnesses requested to appear before the Commission shall be paid the same fees as are paid to witnesses under section 1821 of title 28, United States Code.

(b) SUBPOENAS.—

(1) IN GENERAL.—If a person fails to supply information requested by the Commission, the Commission may by majority vote request the Attorney General of the United States to require by subpoena the production of any written or recorded information, document, report, answer, record, account, paper, computer file, or other data or documentary evidence necessary to carry out the Commission's duties under section 3. The Commission shall transmit to the Attorney General a confidential, written request for the issuance of any such subpoena. The Attorney General shall issue the requested subpoena if the request is reasonable and consistent with the Commission's duties under section 3. A subpoena under this paragraph may require the production of materials from any place within the United States.

(2) INTERROGATORIES.—The Commission may, with respect only to information necessary to understand any materials obtained through a subpoena under paragraph (1), request the Attorney General to issue a subpoena requiring the person producing such materials to answer, either through a sworn deposition or through written answers provided under oath (at the election of the person upon whom the subpoena is served), to interrogatories from the Commission regarding such information. The Attorney General shall issue the requested subpoena if the request is reasonable and consistent with the Commission's duties under section 3. A complete recording or transcription shall be made of any deposition made under this paragraph.

(3) CERTIFICATION.—Each person who submits materials or information to the Attorney General pursuant to a subpoena issued under paragraph (1) or (2) shall certify to the Attorney General the authenticity and completeness of all materials or information submitted. The provisions of section 1001 of title 18, United States Code, shall apply to any false statements made with respect to the certification required under this paragraph.

(4) TREATMENT OF SUBPOENAS.—Any subpoena issued by the Attorney General under paragraph (1) or (2) shall comply with the requirements for subpoenas issued by a United States district court under the Federal Rules of Civil Procedure.

(5) FAILURE TO OBEY A SUBPOENA.—If a person refuses to obey a subpoena issued by the Attorney General under paragraph (1) or (2), the Attorney General may apply to a United States district court for an order requiring that person to comply with such subpoena. The application may be made within the judicial district in which that person is found, resides, or transacts business. Any failure to obey the order of the court may be punished by the court as civil contempt.

(c) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out its duties under section 3. Upon the request of the Commission, the head of such department or agency may furnish such information to the Commission.

(d) INFORMATION TO BE KEPT CONFIDENTIAL.—

(1) IN GENERAL.—The Commission shall be considered an agency of the Federal Government for purposes of section 1905 of title 18, United States Code, and any individual employed by any individual or entity under contract with the Commission under subsection (e) shall be considered an employee of the Commission for the purposes of section 1905 of title 18, United States Code.

(2) DISCLOSURE.—Information obtained by the Commission or the Attorney General under this Act and shared with the Commission, other than information available to the public, shall not be disclosed to any person in any manner, except—

(A) to Commission employees or employees of any individual or entity under contract to the Commission under subsection (e) for the purpose of receiving, reviewing, or processing such information;

(B) upon court order; or

(C) when publicly released by the Commission in an aggregate or summary form that does not directly or indirectly disclose—

(i) the identity of any person or business entity; or

(ii) any information which could not be released under section 1905 of title 18, United States Code.

(e) CONTRACTING FOR RESEARCH.—The Commission may enter into contracts with any entity for research necessary to carry out the Commission's duties under section 3.

SEC. 5. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of service for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment and termination of an executive director shall be subject to confirmation by a majority of the members of the Commission.

(2) COMPENSATION.—The executive director shall be compensated at a rate not to exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code. The Chairman may fix the compensation of other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for such personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(3) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee, with the approval of the head of the appropriate Federal agency, may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status, benefits, or privilege.

(d) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Commission and any agency of the Federal Government assisting the Commission in carrying out its duties under this Act such sums as may be necessary to carry out the purposes of this Act. Any sums appropriated shall remain available, without fiscal year limitation, until expended.

SEC. 7. TERMINATION OF THE COMMISSION.

The Commission shall terminate 30 days after the Commission submits the report under section 3(c).

By Mr. MACK (for himself and Mr. BREAUX):

S. 1002. A bill to amend title XVIII of the Social Security Act to provide for a prospective payment system for services furnished by psychiatric hospitals under the Medicare Program; to the Committee on Finance.

MEDICARE PSYCHIATRIC HOSPITAL PROSPECTIVE PAYMENT SYSTEM ACT OF 1999

Mr. MACK. Mr. President, today I am pleased to join my colleague JOHN BREAUX in sponsoring the Medicare Psychiatric Hospital Prospective payment System Act of 1999.

This legislation will ensure the continuance of available impatient psychiatric care by reforming how Medicare pays for services in free-standing psychiatric hospitals and psychiatric units of general hospitals. It will establish a prospective payment system (PPS) Currently psychiatric hospitals are the only institutional providers of care under Medicare not scheduled to move to a PPS system.

The Balanced Budget Act of 1997 (BBA) made major changes in the way psychiatric hospitals are paid. It reduced incentive payments and imposed a limit on what will be paid. The result of this was that many of these providers were hit by a big cut in the first year with no transition period to adjust to the reductions. It is important that these cuts not be continued because patient care may be put at risk. A recent study found that 84% of psychiatric hospitals had payment reductions due to BBA. The average margin went from minus 3% to negative 8.7%.

This legislation proposes to transition psychiatric inpatient providers to a PPS which will allow these institutions to be able to plan and adjust for the future and insure their ability to provide quality care. The proposal also provides a measure of financial relief by limiting payment reductions to no more than 5% in the next two years. This relief will then be paid back in a few years under PPS. After the third year, PPS will be in effect and per diem rates can be adjusted downward by the Secretary of Health and Human Services to pay back savings temporarily lost through the limitation of initial payment reductions. The goal is for the bill to be budget neutral over five years and fully comply with the BBA.

The most important feature of this legislation is that it moves psychiatric facilities out of a cost based system and into a system where they will be paid prospectively, like most other Medicare Providers, and can manage their finances effectively to provide high quality psychiatric care.

I urge my colleagues to join me in cosponsoring this important piece of legislation.

Mr. President, I ask unanimous consent that a copy of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1002

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Psychiatric Hospital Prospective Payment System Act of 1999".

SEC. 2. MEDICARE PROSPECTIVE PAYMENT SYSTEM FOR PSYCHIATRIC FACILITIES.

(a) ESTABLISHMENT OF PROSPECTIVE PAYMENT SYSTEM.—Section 1886 of the Social Security Act (42 U.S.C. 1395ww) is amended by adding at the end the following:

"(l) PROSPECTIVE PAYMENT SYSTEM FOR INPATIENT PSYCHIATRIC SERVICES.—

"(1) AMOUNT OF PAYMENT.—

"(A) DURING TRANSITION PERIOD.—Notwithstanding section 1814(b), but subject to the provisions of section 1813, the amount of payment with respect to the operating and capital-related costs of inpatient hospital services of a psychiatric facility (as defined in paragraph (7)(C)) for each day of services furnished in a cost reporting period beginning on or after October 1, 2000, and before October 1, 2003, is equal to the sum of—

"(i) the TEFRA percentage (as defined in paragraph (7)(D)) of the facility-specific per diem rate (determined under paragraph (2)); and

"(ii) the PPS percentage (as defined in paragraph (7)(B)) of the applicable Federal per diem rate (determined under paragraph (3)).

"(B) UNDER FULLY IMPLEMENTED SYSTEM.—Notwithstanding section 1814(b), but subject to the provisions of section 1813, the amount of payment with respect to the operating and capital-related costs of inpatient hospital services of a psychiatric facility for each day of services furnished in a cost reporting period beginning on or after October 1, 2003, is equal to the applicable Federal per diem rate determined under paragraph (3) for the facility for the fiscal year in which the day of services occurs.

"(C) NEW FACILITIES.—In the case of a psychiatric facility that does not have a base fiscal year (as defined in paragraph (7)(A)), payment for the operating and capital-related costs of inpatient hospital services shall be made under this subsection using the applicable Federal per diem rate.

"(2) DETERMINATION OF FACILITY-SPECIFIC PER DIEM RATES.—

"(A) BASE YEAR.—The Secretary shall determine, on a per diem basis, the allowable operating and capital-related costs of inpatient hospital services for each psychiatric facility for its cost reporting period (if any) beginning in the base fiscal year (as defined in paragraph (7)(A)), such costs determined as if subsection (b)(8) did not apply.

"(B) UPDATING.—The Secretary shall update the amount determined under subparagraph (A) for each cost reporting period after the cost reporting period beginning in the base fiscal year and before October 1, 2003, by a factor equal to the market basket percentage increase (as defined in subsection (b)(3)(B)(iii)).

"(3) DETERMINATION OF FEDERAL PER DIEM RATE.—

"(A) BASE YEAR.—The Secretary shall determine, on a per diem basis, the allowable operating and capital-related costs of inpatient hospital services for each psychiatric facility for its cost reporting period (if any) beginning in the base fiscal year (as defined in paragraph (7)(A)), such costs determined as if subsection (b)(8) did not apply.

"(B) UPDATING TO FIRST FISCAL YEAR.—The Secretary shall update the amount determined under subparagraph (A) for each cost reporting period up to the first cost reporting period to which this subsection applies by a factor equal to the market basket percentage increase (as defined in subsection (b)(3)(B)(iii)).

"(C) COMPUTATION OF STANDARDIZED PER DIEM RATE.—The Secretary shall standardize the amount determined under subparagraph (B) for each facility by—

"(i) adjusting for variations among facilities by area in the average facility wage level per diem; and

"(ii) adjusting for variations in case mix per diem among facilities (based on the patient classification system established by the Secretary under paragraph (4)).

"(D) COMPUTATION OF WEIGHTED AVERAGE PER DIEM RATES.—

"(i) SEPARATE RATES FOR URBAN AND RURAL AREAS.—Based on the standardized amounts determined under subparagraph (C) for each facility, the Secretary shall compute a separate weighted average per diem rate—

"(I) for all psychiatric facilities located in an urban area (as defined in subsection (d)(2)(D)); and

"(II) for all psychiatric facilities located in a rural area (as defined in subsection (d)(2)(D)).

"(ii) FOR HOSPITALS AND UNITS.—In the areas referred to in clause (i), the Secretary may compute a separate weighted average per diem rate for—

"(I) psychiatric hospitals; and

"(II) psychiatric units described in the matter following clause (v) of subsection (d)(1)(B).

If the Secretary establishes separate average weighted per diem rates under this clause, the Secretary shall also establish separate average per diem rates for psychiatric facilities in such categories that are owned and operated by an agency or instrumentality of Federal, State, or local government and for psychiatric facilities other than such facilities.

"(iii) WEIGHTED AVERAGE.—In computing the weighted averages under clauses (i) and (ii), the standardized per diem amount for each facility shall be weighted for each facility by the number of days of inpatient hospital services furnished during its cost reporting period beginning in the base fiscal year.

"(E) UPDATING.—The weighted average per diem rates determined under subparagraph (D) shall be updated for each fiscal year after the first fiscal year to which this subsection applies by a factor equal to the market basket percentage increase (as defined in subsection (b)(3)(B)(iii)).

"(F) DETERMINATION OF FEDERAL PER DIEM RATE.—

"(i) IN GENERAL.—The Secretary shall compute for each psychiatric facility for each fiscal year (beginning with fiscal year 2001) a Federal per diem rate equal to the applicable weighted average per diem rate determined under subparagraph (E), adjusted for—

"(I) variations among facilities by area in the average facility wage level per diem;

"(II) variations in case mix per diem among facilities (based on the patient classification system established by the Secretary under paragraph (4)); and

"(III) variations among facilities in the proportion of low-income patients served by the facility.

"(ii) OTHER ADJUSTMENTS.—In computing Federal per diem rates under this subparagraph, the Secretary may adjust for outlier cases, the indirect costs of medical education, and such other factors as the Secretary determines to be appropriate.

"(iii) BUDGET NEUTRALITY.—The adjustments specified in clauses (i)(I), (i)(III), and (ii) shall be implemented in a manner that does not result in aggregate payments under this subsection that are greater or less than those aggregate payments that otherwise would have been made if such adjustments did not apply.

"(4) ESTABLISHMENT OF PATIENT CLASSIFICATION SYSTEM.—

"(A) IN GENERAL.—The Secretary shall establish—

"(i) classes of patients of psychiatric facilities (in this paragraph referred to as 'case mix groups'), based on such factors as the Secretary determines to be appropriate; and

"(ii) a method of classifying specific patients in psychiatric facilities within these groups.

"(B) WEIGHTING FACTORS.—For each case mix group, the Secretary shall assign an appropriate weighting factor that reflects the relative facility resources used with respect to patients classified within that group compared to patients classified within other such groups.

"(5) DATA COLLECTION; UTILIZATION MONITORING.—

"(A) DATA COLLECTION.—The Secretary may require psychiatric facilities to submit such data as is necessary to implement the system established under this subsection.

"(B) UTILIZATION MONITORING.—The Secretary shall monitor changes in the utilization of inpatient hospital services furnished by psychiatric facilities under the system established under this subsection and report to the appropriate committees of Congress on such changes, together with recommendations for legislation (if any) that is needed to address unwarranted changes in such utilization.

"(6) SPECIAL ADJUSTMENTS.—Notwithstanding the preceding provisions of this subsection, the Secretary shall reduce aggregate payment amounts that would otherwise be payable under this subsection for inpatient hospital services furnished by a psychiatric facility during cost reporting periods beginning in fiscal years 2001 and 2002 by such uniform percentage as is necessary to assure that payments under this subsection for such cost reporting periods are reduced by an amount that is equal to the sum of—

"(A) the aggregate increase in payments under this title during fiscal years 1999 and 2000, that is attributable to the operation of subsection (b)(8); and

"(B) the aggregate increase in payments under this title during fiscal years 2001 and 2002 that is attributable to the application of the market basket percentage increase under paragraphs (2)(B) and (3)(E) of this subsection in lieu of the provisions of subclauses (VI) and (VII) of subsection (b)(3)(B)(ii). Reductions under this paragraph shall not affect computation of the amounts payable under this subsection for cost reporting periods beginning in fiscal years after fiscal year 2002.

"(7) DEFINITIONS.—For purposes of this subsection:

"(A) The term 'base fiscal year' means, with respect to a hospital, the most recent fiscal year ending before the date of enactment of this subsection for which audited cost report data are available.

"(B) The term 'PPS percentage' means—

"(i) with respect to cost reporting periods beginning on or after October 1, 2000, and before October 1, 2001, 25 percent;

"(ii) with respect to cost reporting periods beginning on or after October 1, 2001, and before October 1, 2002, 50 percent; and

"(iii) with respect to cost reporting periods beginning on or after October 1, 2002, and before October 1, 2003, 75 percent.

"(C) The term 'psychiatric facility' means—

"(i) a psychiatric hospital; and

"(ii) a psychiatric unit described in the matter following clause (v) of subsection (d)(1)(B).

"(D) The term 'TEFRA percentage' means—

"(i) with respect to cost reporting periods beginning on or after October 1, 2000, and before October 1, 2001, 75 percent;

"(ii) with respect to cost reporting periods beginning on or after October 1, 2001, and before October 1, 2002, 50 percent; and

"(iii) with respect to cost reporting periods beginning on or after October 1, 2002, and before October 1, 2003, 25 percent.".

(b) LIMIT ON REDUCTIONS UNDER BALANCED BUDGET ACT.—Section 1886(b) of the Social Security Act (42 U.S.C. 1395ww(b)) is amended by adding at the end the following:

"(8) Notwithstanding the amendments made by sections 4411, 4414, 4415, and 4416 of the Balanced Budget Act of 1997, in the case of a psychiatric facility (as described in subsection (l)(7(C)(ii)), the amount of payment for the operating costs of inpatient hospital services for cost reporting periods beginning on or after October 1, 1998, and before October 1, 2000, shall not be less than 95 percent of the amount that would have been paid for such costs if such amendments did not apply.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply as if included in the enactment of the Balanced Budget Act of 1997.

By Mr. ROCKEFELLER (for himself, Mr. HATCH, Mr. CRAPO, and Mr. BRYAN):

S. 1003. A bill to amend the Internal Revenue Code of 1986 to provide increased tax incentives for the purchase of alternative fuel and electric vehicles, and for other purposes; to the Committee on Finance.

THE ALTERNATIVE FUELS PROMOTION ACT OF 1999

Mr. ROCKEFELLER. Mr. President, I am proud to introduce today with my colleagues Senators HATCH, CRAPO, and BRYAN the Alternative Fuels Promotion Act. This is an important bipartisan piece of legislation providing tax incentives to help stimulate the still fledgling alternative fuel vehicle industry. It creates a $0.50 per gasoline equivalent gallon tax credit for natural gas, methanol, propane and hydrogen, thus almost leveling the tax treatment for all alternative fuels. The bill also contains provisions for extending the electric vehicle tax credit and augmenting it to encourage advanced technology vehicles. It also expands the existing tax deduction for alternative fuel fueling infrastructure to include the cost of installation. Finally, the bill gives states the authority to allow single occupant alternative fueled vehicles on high occupancy vehicle (HOV) lanes.

I introduce this bill today because I believe that it is time for the next automobile revolution.

I say revolution because as Webster's tells us, the word can mean "a fundamental change in the way of thinking about something."

One compelling argument for pursuing fundamental change when it comes to automobiles is the fact that we still need to reduce this nation's dependence on imported oil, for obvious reasons. After all, Saddam Hussein didn't invade Kuwait to increase his supply of sand. We are at an historic high in our dependence on imported oil. Currently, we import approximately one half of the oil consumed in this nation. According to the Energy Information Administration, that level is expected to increase to more than sixty percent within the next decade, unless we do something dramatic to reverse the current trend. Even more foreboding is the fact that most of the oil we import is from the Middle East. It makes no sense for us to stand idly by as this volatile region of the world increases its potential stranglehold over the world's economy.

It is also critical that we reduce the transportation sector's negative impact on air quality. We are in the midst of an alarming increase in reported asthma and other respiratory diseases. This problem is esepcially acute among children and senior citizens. While the automobile industry has made great strides in reducing emissions from cars and trucks, the improvement has been largely offset by the dramatically increasing number of cars, sport utility vehicles and trucks on the road and the increasing number of miles these vehicles are driven each year. Clearly, doing something to cut air pollution and reduce greenhouse gas emissions, for example, requires enormous change in transportation.

The options for bringing about change in the transportation sector are limited. We can pursue punitive new taxes, mandates, or regulations. This approach, I believe, would result in job losses and economic stagnation, situations that are not acceptable to either the American people or the Congress. I believe the best way to bring about the change we need is to provide incentives—to manufacturers to develop and sell clean technology—and to consumers to buy and use that technology.

The domestic automobile manufacturers have been developing a full menu of clean, efficient vehicles for the 21st century. And unlike before, these vehicles are much closer to their gasoline-powered counterparts in terms of performance, safety, comfort, and cost. Just recently, two of our biggest automobile manufacturers unveiled their latest fuel-cell-powered vehicles—the alternative fuel vehicle considered by many to be the car of the 21st century. Much of the technology incorporated into such advanced transportation technologies—hybrids, electric vehicles with advanced batteries, fuel cell vehicles as well as bi-fuel and flex-fuel vehicles—are a direct result of the work government and industry have done together, in full partnership, through programs like the United States Advanced Battery Consortium and the Partnership for a New Generation of Vehicles.

Perhaps most exciting is that some of these "cars of the future" are available today. Electric vehicles are being sold, albeit in small numbers, to fleets nationwide, and to select target markets in California and Arizona. Also, most major automakers have alternative fuel vehicles available for either fleet or private purchase.

And there is encouraging news on the infrastructure front as well. Alternative fuel providers and electric utilities throughout the country are putting the infrastructure in place to support alternative fuel and electric vehicles in operation. By the end of 1998, nearly 300 public charging sites with more than 600 chargers, as well as hundreds of home chargers, and a number of fleet installations, were established throughout California and Arizona. We need more of this to happen nationally. There are also more than 110 methanol stations nationwide supporting alternative and flex fuel vehicles. Also, compressed natural gas and other natural gas-based fuels are developing infrastructure as well. For example, in my state of West Virginia alone there are over 40 compressed natural gas fueling stations.

I think this is all evidence that we have indeed initiated an automotive revolution. Unfortunately, the market hasn't developed as quickly as we thought it would when we passed the Energy Policy Act of 1992 with such high hopes. And perhaps we were too optimistic about what would be required by both government and industry to build a sustainable market for the technology.

So, what can we do to speed things up? How can we make sure there are more vehicles available, get more people to buy them, and develop the infrastructure to sustain them?

First, as I mentioned earlier, the alternative fuel and electric vehicle markets started more slowly than I think many of us expected. Therefore, we need to extend the phase-out dates of current tax credits. This would continue to help us "jumpstart" the market for electric vehicles, and lay out a longer-term incentive policy. Also, I feel that hard work and progress should be encouraged. Electric vehicles with extended range capability are the result of additional investments in research and technology. This behavior needs to be rewarded.

Second, there needs to be more support for the development of an effective alternative fuel fueling infrastructure. For too long, we been caught in a 'chicken and egg' cycle, with the infrastructure not available to support alternative fuel vehicles, and consumers not interested in the vehicles because there's not support infrastructure. We need to break this cycle by creating better tax incentives to help develop alternative fuel infrastructure. The current tax deductions for capitol equipment is not sufficient since a large portion of the overall cost may be associated with the actual cost of installation.

Finally, we must make alternative fuels, like natural gas, methanol, propane and hydrogen, economically attractive to producers, distributors, marketers and buyers. If consumers see affordable new fuels available at their local fueling stations, they will be much more likely to actually use an alternative fuel vehicle. Tax incentives have traditionally been very effective in encouraging consumers to try new technology. While changing consumer's behavior is not easy, I am confident that if people begin to see that alternative fuels are available and affordable, they will soon begin to use them. Without the economic drive at every link in the fuel chain any alternative fuel effort will not succeed.

This is why today I along with my colleagues are introducing the Alternative Fuels Promotion Act.

This bill contains provisions for extending the $4,000 tax credit for electric vehicles until 2010. It also grants an additional $5,000 tax credit for electric vehicles that meet a 100 mile range requirement. These provisions will help electric vehicle commercialization and research to move forward at a faster pace, and will mean that more people will be able to buy electric vehicles.

However, few people will buy electric vehicles and other alternatively fueled vehicles if there is nowhere to refuel them. I want to encourage the development of these stations. Therefore, my bill expands the current tax deduction for alternative fuel fueling capital equipment to include the cost of installation. This will allow more infrastructure for electric and alternative fuel vehicles to be installed and used.

The Alternative Fuels Promotion Act also makes clean-burning alternative fuels economically attractive. The bill provides a $0.50 per gasoline equivalent gallon tax credit to the seller of compressed natural gas, liquefied natural gas, methanol, propane or hydrogen. This will allow these non-petroleum fuels to become more economically favorable to the consumer through lower prices at the pump. It also places these fuels on tax parity with other alternatives. By giving the tax credit to the seller of the fuel, it reduces the paperwork burden on the individual consumer, and allows for easier dispersal of the credit throughout the production/delivery/marketing chain so that all parties are interested in increasing the consumption of alternative fuels.

Finally, the Alternative Fuel Promotion Act gives states the ability to decide if they want to allow single occupant alternative fuel and electric vehicles in HOV lanes. This is, I feel, a strong incentive that states should be allowed, but not required, to give to owners of these special vehicles.

We know that when national policy works in support of the energies and potential of the private sector, far more progress can be made at a far faster rate. The private sector is leading the way in developing alternatives fuel vehicle technology. We need to provide consumers with a strong financial incentive to use this technology. Certainly, our continued dependence on foreign oil and the contribution of conventionally powered vehicles to air pollution should drive us to try. In my case, I see exciting prospects for new uses of West Virginia's natural resources and other economic benefits for my state—along with other states. I encourage my colleagues to support this bill and I ask unanimous consent that the text of the bill appear in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1003

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Alternative Fuels Promotion Act".

SEC. 2. FINDINGS.

The Senate finds the following:

(1)(A) Since 1994, the United States has imported over half its oil.

(B) Without efforts to mitigate this dependence on foreign oil, the percentage of oil imported is expected to grow to all-time highs.

(C) This reliance on foreign oil presents a national security risk, which Congress should address through policy changes designed to increase the use of domestically-available alternative transportation fuels.

(2)(A) The importing of a majority of the oil used in the United States contributes negatively to the balance of trade of the United States.

(B) Assuring the Nation's economic security demands the development and promotion of domestically-available alternative transportation fuels.

(3)(A) The reliance on oil as a transportation fuel has numerous negative environmental consequences, including increasing air pollution and greenhouse gas emissions.

(B) Developing alternative transportation fuels will help address these environmental impacts by reducing emissions.

(4) In order to encourage installation of alternative fueling infrastructure, and make alternative fuels economically favorable to the producer, distributor, marketer, and consumer, tax credits provided at the point of distribution into an alternative fuel vehicle are necessary.

(5)(A) In the short-term, United States alternative fuel policy must be made fuel neutral.

(B) Fuel neutrality will foster private innovation and commercialization using the most technologically feasible and economic fuels available.

(C) This will allow market forces to decide the alternative fuel winners and losers.

(6)(A) Tax credits which have been in place have led to increases in the quantity and quality of alternative fuel technology available today.

(B) Extending these credits is an efficient means of promoting alternative fuel vehicles and alternative fueling infrastructures.

(7)(A) The Federal fleet is one of the best customers for alternative fuel vehicles due to its combination of large purchasing power, tight record keeping, geographic diversity, and high fuel usage.

(B) For these reasons, the National Energy Policy Act of 1991 required Federal fleets to purchase certain numbers of alternatively-fueled vehicles.

(C) In most cases, these requirements have not been met.

(D) Efforts must be made to ensure that all Federal agencies comply with Federal fleet purchase requirement laws and executive orders.

TITLE I—TAX INCENTIVES

SEC. 101. CREDIT FOR QUALIFIED ELECTRIC VEHICLES.

(a) Increased Credit for Vehicles Which Meet Certain Range Requirements.—

(1) In general.—Section 30(a) of the Internal Revenue Code of 1986 (relating to allowance of credit) is amended to read as follows:

"(a) Allowance of Credit.—

"(1) In general.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of—

"(A) 10 percent of the cost of any qualified electric vehicle placed in service by the taxpayer during the taxable year, plus

"(B) in the case of any such vehicle also meeting the requirement described in paragraph (2), $5,000.

"(2) Range requirement.—The requirement described in this paragraph is a driving range of at least 100 miles—

"(A) on a single charge of the vehicle's rechargeable batteries, fuel cells, or other portable source of electrical current, and

"(B) measured pursuant to the urban dynamometer schedules under appendix I to part 86 of title 40, Code of Federal Regulations.".

(2) Conforming amendment.—Section 30(b)(1) of the Internal Revenue Code of 1986 is amended by striking "subsection (a)" and inserting "subsection (a)(1)(A)".

(b) Credit Extended Through 2010.—

(1) In general.—Section 30(e) of the Internal Revenue Code of 1986 (relating to termination) is amended by striking "2004" and inserting "2010".

(2) Conforming amendments.—Section 30(b)(2) of such Code (relating to phaseout) is amended—

(A) by striking "2002" in subparagraph (A) and inserting "2008",

(B) by striking "2003" in subparagraph (B) and inserting "2009", and

(C) by striking "2004" in subparagraph (C) and inserting "2010".

(c) Effective Date.—The amendments made by this section shall apply to property placed in service after the date of enactment of this Act.

SEC. 102. ADDITIONAL DEDUCTION FOR COST OF INSTALLATION OF ALTERNATIVE FUELING STATIONS.

(a) In General.—Subparagraph (A) of section 179A(b)(2) of the Internal Revenue Code of 1986 (relating to qualified clean-fuel vehicle refueling property) is amended to read as follows:

"(A) In general.—The aggregate cost which may be taken into account under subsection (a)(1)(B) with respect to qualified clean-fuel vehicle refueling property placed in service during the taxable year at a location shall not exceed the sum of—

"(i) with respect to costs not described in clause (ii), the excess (if any) of—

"(I) $100,000, over

"(II) the aggregate amount of such costs taken into account under subsection (a)(1)(B) by the taxpayer (or any related person or predecessor) with respect to property placed in service at such location for all preceding taxable years, plus

"(ii) the lesser of—

"(I) the cost of the installation of such property, or

"(II) $30,000.".

(b) Effective Date.—The amendment made by this section shall apply to property placed in service after the date of enactment of this Act.

SEC. 103. CREDIT FOR RETAIL SALE OF CLEAN BURNING FUELS AS MOTOR VEHICLE FUEL.

(a) In General.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business related credits) is amended by inserting after section 40 the following:

"SEC. 40A. CREDIT FOR RETAIL SALE OF CLEAN BURNING FUELS AS MOTOR VEHICLE FUEL.

"(a) General Rule.—For purposes of section 38, the clean burning fuel retail sales credit of any taxpayer for any taxable year is 50 cents for each gasoline gallon equivalent of clean burning fuel sold at retail by the taxpayer during such year as a fuel to propel any qualified motor vehicle.

"(b) Definitions.—For purposes of this section—

"(1) Clean burning fuel.—The term 'clean burning fuel' means natural gas, compressed natural gas, liquefied natural gas, liquefied petroleum gas, hydrogen, and any liquid at least 85 percent of which consists of methanol.

"(2) Gasoline gallon equivalent.—The term 'gasoline gallon equivalent' means, with respect to any clean burning fuel, the amount (determined by the Secretary) of such fuel having a Btu content of 114,000.

"(3) Qualified motor vehicle.—The term 'qualified motor vehicle' means any motor vehicle (as defined in section 179A(e)) which meets any applicable Federal or State emissions standards with respect to each fuel by which such vehicle is designed to be propelled.

"(4) Sold at retail.—

"(A) In general.—The term 'sold at retail' means the sale, for a purpose other than resale, after manufacture, production, or importation.

"(B) Use treated as sale.—If any person uses clean burning fuel as a fuel to propel any qualified motor vehicle (including any use after importation) before such fuel is sold at retail, then such use shall be treated in the same manner as if such fuel were sold at retail as a fuel to propel such a vehicle by such person.

"(c) No Double Benefit.—The amount of the credit determined under subsection (a) shall be reduced by the amount of any deduction or credit allowable under this chapter for fuel taken into account in computing the amount of such credit.

"(d) Termination.—This section shall not apply to any fuel sold at retail after December 31, 2007.".

(b) Credit Treated as Business Credit.—Section 38(b) of the Internal Revenue Code of 1986 (relating to current year business credit) is amended by striking "plus" at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting ", plus", and by adding at the end the following:

"(13) the clean burning fuel retail sales credit determined under section 40A(a).".

(c) Transitional Rule.—Section 39(d) of the Internal Revenue Code of 1986 (relating to transitional rules) is amended by adding at the end the following:

"(9) No carryback of section 40A credit before effective date.—No portion of the unused business credit for any taxable year which is attributable to the clean burning fuel retail sales credit determined under section 40A(a) may be carried back to a taxable year ending before January 1, 1999.".

(d) Clerical Amendment.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 40 the following:

"Sec. 40A. Credit for retail sale of clean burning fuels as motor vehicle fuel.".

(e) Effective Date.—The amendments made by this section shall apply to fuel sold at retail after December 31, 1999, in taxable years ending after such date.

TITLE II—PROGRAM EFFICIENCIES

SEC. 201. EXCEPTION TO HOV PASSENGER REQUIREMENTS FOR ALTERNATIVE FUEL VEHICLES.

Section 102(a) of title 23, United States Code, is amended by inserting "(unless, at the discretion of the State highway department, the vehicle operates on, or is fueled by, an alternative fuel (as defined in section 301 of Public Law 102-486 (42 U.S.C. 13211(2)))" after "required".

Mr. HATCH. Mr. President, I rise today as an original cosponsor of the Alternative Fuels Promotion Act, together with my colleagues, Senators ROCKEFELLER, CRAPO, and BRYAN. The legislation we introduce today will help to solve one of our Nation's most expensive problems—air pollution.

As air pollution was introduced at the beginning of this century, it is fitting that, at century's end, we should find solutions to this vexing problem.

Automobiles are a major source of pollution in our urban areas. Past efforts to address this mobile-source pollution have been fraught with pitfalls;

and, as a result, the effort to control automobile emissions has progressed in fits and starts. The Alternative Fuels Promotion Act avoids past mistakes, leaving behind command-and-control mandates from Congress and providing market-based incentives for consumers and for much needed infrastructure development.

Mr. President, as we speak, my State of Utah is engaged in a mammoth road construction project on Interstate 15. This freeway runs right through Salt Lake City and through three counties in Utah that have struggled to meet national clean air standards.

It might suggest that we should not improve or repair highways. Could it be that the availability of convenient and efficient roadways is in part responsible for our emissions problem? I doubt it. While the Eisenhower vision of a vast nation connected by interstate highways may have encouraged more people to commute or vacation by car, the fact is that vehicular traffic is increasing almost everywhere. One-car families have become two-car and three-car families.

I do not believe that more cars crowded onto old and inefficient highways is the answer. In fact, slow-moving traffic is part of the problem.

According to a recent study by Utah's Division of Air Quality, on-road vehicles account for 22 percent of coarse particulate matter in Utah. Particulate matter can be harmful to those already suffering from chronic respiratory or heart disease, influenza, or asthma. Automobiles also account for 34 percent of hydrocarbon and 52 percent of nitrogen oxide emissions in my state. These two pollutants react in sunlight to form ozone, which in turn reduces lung function in humans and hurts our resistance to colds and asthma. Ozone may also lead to premature aging of lung tissue. In Utah, vehicles account for a whopping 87 percent of carbon monoxide emissions. Carbon monoxide can be harmful to persons with heart, respiratory, or circulatory ailments.

Mr. President, while Utah has made important strides in improving air quality, more vehicular miles are driven every year. If we are to have cleaner air, we must encourage low emission alternative fuels or electric power.

The need for alternative fuels will dramatically increase as the Environmental Protection Agency continues to implement its new, stricter clean air standards. With the tighter standards, some of Utah's counties will, once again, face non-attainment. Under the Clean Air Act, the EPA can impose sanctions on a state's highway fund if it determines a state has not adequately implemented plans to attain air quality standards, a sanction which, as I have suggested, may actually be counterproductive.

Nevertheless, non-attainment can be a costly enterprise, whether due to the loss of federal highway money or to the expensive measures taken to reach attainment. And, as I have suggested, may be counterproductive.

By the EPA's own estimates, the annual cost of achieving the new ozone standard in 2010 will be about $9.6 billion. Additionally, the EPA puts the annual cost of achieving the PM 2.5 standard at $37 billion, making for a combined total cost of $47 billion annually. Mr. President, our most recent census count estimated that there are 65 million families in the U.S. So, by the EPA's own account, implementing the new air quality standards will cost about $723 per family every year.

Wouldn't it be wise, Mr. President, to invest some of that money in the development of alternative fuels?

Take natural gas as an example. Natural gas is one of the cleanest burning fuels available. Add to this, methanol, propane has a variety of options that would allow Americans to continue to drive their cars, while dramatically cutting back on air pollution.

Mr. President, research has brought us a number of excellent options to replace our dependency on traditional gasoline powered autos. It appears that our last obstacle remains bringing these alternatives to the marketplace. Past efforts to do so have failed to produce the hoped-for results because they have been too heavy on mandates and too weak on incentives to car buyers and to improve infrastructure.

Clearly, if consumers are to begin buying alternative fuel vehicles, two elements must be in place: first, the price for vehicles and their fuel must be right; second, the consumer must feel confident that the infrastructure is in place with refueling stations widely available.

This is where the Alternative Fuels Promotion Act comes into play. With this legislation, we take important steps forward to meet these goal without mandates. The only requirement in this bill is that federal agencies submit an annual report on their use of alternative fuel vehicles in their fleets.

The Alternative Fuels Promotion Act encourages customers to purchase alternative fuels through a tax credit. Congress has already given ethanol users a tax credit of 54 cents per gallon. When adjusted for its energy capacity, ethanol's gasoline-gallon equivalent credit equals 82 cents. Our legislation levels the playing field by extending a 50-cent gasoline-gallon equivalent tax credit for the other alternative fuels, such as hydrogen, natural gas, propane, methanol, and electricity.

There currently exists a tax credit for the purchase of electric vehicles. Our bill would extend the life of that credit, giving a continued incentive for companies to develop this technology. The current tax credit equals 10 percent of the purchase price of the vehicle, up to $4,000. Our legislation would extend the sunset date for this credit to 2010 and give an additional $5,000 credit toward any electric vehicle with a range over 100 miles.

Mr. President, consumers will never be interested in alternative fuel vehicles until a strong infrastructure is developed. Under current law, there is a $100,000 tax deduction for the capital costs of equipment at alternative fuel stations. This legislation extends that benefit to construction and installation costs at a new filling station. Often constructions costs outweigh capital costs as a barrier to the installation of new alternative fuel stations.

These measures will jump start a movement already under way toward increased use of alternative fuel vehicles. In California and Arizona there are already about 300 public charging sites for electric vehicles. Utah has led the way in natural gas infrastructure. An owner of a natural gas vehicle can crisscross my state from Logan in the north to St. George in the south, and from Salt Lake to the eastern border finding filling stations all along the way. This is progress, but much more needs to be done.

Mr. President, I believe the momentum is building in this nation for a leap forward in the use of alternative fuel vehicles. There is broad agreement that our approach with this legislation is the proper course to help promote this step. In a letter to me, Utah's Clean Cities Coalition signaled its support for this measure. I quote, "We believe that for the people living in urban Utah now is a good time to take strong action to encourage Utahns to buy alternative, clean-burning vehicles. We ask that you support the 50-cent per gallon tax credit."

This bill has also gained the support of the Wasatch Clean Air Coalition in Utah. They stated, "We believe this tax credit would have a strong positive impact on our local air quality by encouraging the use of alternative fuels, and increasing the portion of cars on our roads fueled by alternative fuels."

Finally, the American Lung Association has told me that, "Motor vehicles are a major source of pollution along the Wasatch Front. While automobiles do run cleaner these days, and while alternative forms of transportation are being considered, more needs to be done to address the current and future sources of emissions and poor air quality. One reasonable strategy to cut down on the amount of pollutants in the air is to increase the use of clean fuel vehicles. Vehicles that run on natural gas, propane or electric simply are cleaner burning than those fueled by gasoline or diesel. . . . This legislation will encourage an increased number of clean fuel vehicles on the road, and clean air for years to come."

Mr. President, I think we all know that 50 years down the road, we will not still be using petroleum fueled vehicles to the same extent we do today.

This legislation is an attempt to bring the benefits of cleaner air to our citizens sooner, to free our cities from expensive EPA regulations, and to reduce our consumption of foreign oil. This legislation enables us to tackle these problems with incentives, not mandates. I urge my colleagues to join us in this future-minded approach to cleaning our air.

Mr. CRAPO. Mr. President, I rise in support of the Alternative Fuels Promotion Act, which is introduced today by Senators ROCKEFELLER, HATCH, BRYAN, and myself.

There are many reasons for my support of the Alternative Fuels Promotion Act offered today, in the Senate. A number of those reasons may not be immediately evident, given that the merits of alternative fuels are most often spoken in terms of environmental protection. While there are significant environmental benefits that can be gained from this bill, there are also benefits to be obtained in national security, promotion of the domestic oil industry, the encouragement of business development and innovation, and increased options for the consumer.

Over half of the oil consumed in the United States is produced overseas. Internal combustion vehicles, cars, and trucks, are the primary market for this cheap and readily available source of energy. We, as a nation, have become complacent in our assumption that this stream of easily obtainable fuel will flow forever. It is time for this assumption to be challenged. Most of us have viewed this as simply an economic issue: buy what is cheapest and most available. However, this source of fuel is vulnerable to interruption by foreign governments through changing attitudes toward the U.S., foreign policy or military conflict. The United States should take positive and sure steps toward developing domestically available alternative sources of fuel in order that our economy and accustomed way of life cannot be threatened by the whims and troubles of those outside of our borders.

The flood of foreign oil into the U.S. has left the domestic oil industry fighting for its life. Our support for alternative fueled vehicles should not be interpreted as a challenge or competition to the domestic oil industry. In direct contrast, it recognizes the importance of that industry of our national security. Petroleum products and fuels, including gasoline, will be needed far into the future for the transportation requirements of individuals, mass transportation, and conveyance of goods. The development of alternative fuels that are plentiful in this country, in conjunction with support for our domestic oil industry, will provide us a level of economic national security that we have not experienced for most of this century. By our efforts to revive the U.S. oil industry and the development of alternative fuels and vehicles, we will not be held hostage by foreign governments in gas lines again.

The number of innovative alternative fuel technologies is encouraging. This bill supports the further development of vehicles that are powered by electricity, fuel cells, methanol, and various forms of natural gas. Tax incentives are already in place for other technologies such as ethanol. Support for all promising alternative fuels is warranted in order to give consumers options for choosing those vehicles that will best serve their needs; whether a company requires a fleet of natural gas powered buses to transport their employees of work sites, or an individual's preference for an electric vehicle for in-town use to commute to work or run errands.

The enactment of tax incentives for emerging technologies is the logical way to encourage the development of cost effective alternative fueled vehicles, without the federal government mandating a preference. Leveling the tax incentive playing field within the alternative fuel energy sector will encourage partnerships between traditional providers of transportation and fuel products, and new companies with promising innovations. Instead of fighting change, traditional industry providers will participate in it and benefit from it. Increased market demand for alternative fuel vehicle technologies will also provide an opportunity and an incentive for the federal government to place greater emphasis on research and development in this industry sector. The results of which can then be leveraged into the private market.

While the environmental benefits of cleaner burning fuels are often the most talked about and often the most evident; we should not discount the benefits that can be gained by developing our nation's energy independence.

By Mr. BURNS (for himself and Mr. INHOFE):

S. 1004. A bill to amend the Communications Act of 1934 to reduce telephone rates, provide advanced telecommunications services to schools, libraries, and certain health care facilities, and for other purposes; to the Committee on Finance.

SCHOOLS AND LIBRARIES INTERNET ACCESS ACT OF 1999

• Mr. BURNS. Mr. President, I am pleased to be introducing today, along with Senator INHOFE, the Schools and Libraries Internet Access Act of 1999. This bill addresses a timely and critical issue, that of the implementation of the schools and libraries program. Recently, new charges began appearing on people's telephone bills. These are the charges which providers are assessing to pay for the expansion of "universal service" in the form of the "schools and libraries" program. This bill is especially timely since Chairman Kennard announced last week that he's calling for a $1 billion annual increase in the e-rate program. That's an additional Billion in taxes that would be enacted without any review or commentary in Congress, and, most importantly, without a vote by our citizens' representatives. Congress needs to step to the plate and provide specific funding for this program that we all feel is important for rural and low-income regions.

I don't think anyone in the Senate ever thought that the limited language which we included in the 1996 Act would be used to create a massive new entitlement program through universal service. Universal service has historically meant the provision of telecommunications services to all Americans, regardless of geographical location. The FCC has expanded the definition of universal service to include broad-ranging social programs, which has caused the Commission's progress toward maintaining universal service to be delayed. While such goals as providing Internet access to schools and libraries may be laudable, they were never meant to be part of universal service as it has traditionally been known. Indeed, a huge additional burden has been placed on rural states like Montana in meeting these newfound definitions.

I want to make it clear, however, that I have always supported the goal of connecting all of our schools to the Internet, as well as the provision of advanced telecommunications services to rural health care centers. I just felt that it was wrong to fund these programs on the backs of American consumers. It is with this in mind that I have proposed using an outdated 3 percent excise tax on telephones to fund the schools and libraries and rural health care programs. Currently, none of the money collected by the tax goes to fund telephone service for Americans.

This tax was designed to fund World War I and was instituted in an era where telephones were a luxury. Well, World War I should be paid for by now and phones are certainly no longer a luxury item. The 3 percent tax was kept alive to provide revenue to offset the deficit. In today's climate of budgetary surplus, this justification no longer makes sense. My proposal calls for cutting the excise tax by two-thirds and using the remaining third to fund the schools and libraries program and the rural health care program.

This proposal is a win/win solution. It's a win for consumers, since it would eliminate the need for new charges on telephone service. It's a win for taxpayers, who would see billions of dollars in current taxes eliminated. It's a win for our schools, libraries and rural health care centers, who would see their programs fully funded without threatening universal service. With the support of the other members of Congress and the leadership of the Senate, I believe this proposal can solve the current crisis we face in funding the schools and libraries and rural health care programs.

The Schools and Libraries Internet Access Act of 1999 is an important effort to shape the future of online access. I strongly encourage my colleagues to support the passage of this bill.●

By Mr. LAUTENBERG:

S. 1005. A bill to amend title 23, United States Code, to provide for national minimum sentences for individuals convicted of operating motor vehicles under the influence of alcohol; to the Committee on Environment and Public Works.

DEADLY DRIVER REDUCTION ACT

Mr. LAUTENBERG. Mr. President, today I am announcing new legislation that will go even further in taking drunk drivers off the road. This legislation means three strikes and, then, you lose your license.

This would set nation-wide standards for license revocation for drunk drivers. Currently, states have a patchwork of laws that range from a fifteen day suspension to a ten year revocation for a third offense. This bill would require that all states adopt at least the following for each level of conviction, otherwise they would face a 10 percent cut in their highway funds.

For the first offense, this bill calls for a six-month license revocation, $500 fine, and assessment of alcohol abuse. If a person's blood alcohol content (BAC) is .16 or greater, his or her punishment includes a ceiling of .05 BAC for the next five years, impoundment/immobilization of his car for 30 days, an ignition interlock for 180 days, and 10 days in jail or 60 hours of community service.

For the second offense, the repeat offender receives a one year license revocation, a ceiling of .05 BAC for the next five years, impoundment/immobilization of his or her car for 60 days, ignition interlock for a year, 10 days jail or 60 hours of community service, and an assessment of alcohol abuse.

And, finally, for the third offense, the repeat offender will lose his driver's license permanently.

With a tough license-revocation law, we can save hundreds of lives each year. This is the next logical step in the fight against drunk driving. It will build on what we started in 1984, when Democrats and Republicans joined together to increase the drinking age to 21. Back then, the liquor lobby issued all kinds of dire warnings that the industry would not survive that legislation. But of course, the industry did survive. And more than 10,000 drunk-driving deaths were prevented.

We need this legislation. Remember, drunk-driving deaths are not "accidents." They are the result of somebody's irresponsible and criminally reckless behavior.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1005

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Deadly Driver Reduction Act".

SEC. 2. NATIONAL MINIMUM SENTENCES FOR INDIVIDUALS CONVICTED OF OPERATING MOTOR VEHICLES WHILE UNDER THE INFLUENCE OF ALCOHOL.

(a) IN GENERAL.—Section 164 of title 23, United States Code, is amended to read as follows:

"§ 164. National minimum sentences for individuals convicted of operating motor vehicles while under the influence of alcohol

"(a) DEFINITIONS.—In this section:

"(1) BLOOD ALCOHOL CONCENTRATION.—The term 'blood alcohol concentration' means grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath.

"(2) DRIVING UNDER THE INFLUENCE.—The term 'driving under the influence' means operating a motor vehicle while having a blood alcohol concentration above the limit established by the State in which the motor vehicle is operated.

"(3) MOTOR VEHICLE.—The term 'motor vehicle' means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public highways, but does not include a vehicle operated solely on a rail line or a commercial vehicle.

"(4) OPERATE.—The term 'operate', with respect to a motor vehicle, means to drive or be in actual physical control of the motor vehicle.

"(b) WITHHOLDING OF APPORTIONMENTS FOR NONCOMPLIANCE.—

"(1) FISCAL YEAR 2003.—The Secretary shall withhold 5 percent of the amount required to be apportioned to any State under each of paragraphs (1), (3), and (4) of section 104(b) on October 1, 2002, if the State does not meet the requirements of paragraph (3) on that date.

"(2) SUBSEQUENT FISCAL YEARS.—The Secretary shall withhold 10 percent (including any amounts withheld under paragraph (1)) of the amount required to be apportioned to any State under each of paragraphs (1), (3), and (4) of section 104(b) on October 1, 2003, and on October 1 of each fiscal year thereafter, if the State does not meet the requirements of paragraph (3) on that date.

"(3) REQUIREMENTS.—

"(A) IN GENERAL.—A State meets the requirements of this paragraph if the State has enacted and is enforcing a law that provides for a minimum sentence consistent with the following and with subparagraph (B):

"(i) Except as provided in clause (ii), in the case of the first conviction of an individual for driving under the influence, a sentence requiring—

"(I) revocation of the individual's driver's license for 6 months;

"(II) payment of a $500 fine by the individual; and

"(III)(aa) an assessment of the individual's degree of alcohol abuse; and

"(bb) appropriate treatment.

"(ii) In the case of the first conviction of an individual for operating a motor vehicle with a blood alcohol concentration of .16 or greater, a sentence requiring—

"(I) revocation of the individual's driver's license for 6 months, or for 2 years if, at the time of arrest, the individual refused to take a breath test to determine the individual's blood alcohol concentration;

"(II) imposition of a requirement on the individual prohibiting the individual from operating a motor vehicle with a blood alcohol concentration of .05 or greater for 5 years;

"(III) impoundment or immobilization of the individual's motor vehicle for 30 days;

"(IV) imposition of a requirement on the individual requiring the installation of an ignition interlock system on the individual's motor vehicle for 180 days;

"(V) payment of a $750 fine by the individual;

"(VI) 10 days of imprisonment of, or 60 days of community service by, the individual; and

"(VII)(aa) an assessment of the individual's degree of alcohol abuse; and

"(bb) appropriate treatment.

"(iii) Except as provided in clause (iv), in the case of the second conviction of an individual for driving under the influence, a sentence requiring—

"(I) revocation of the individual's driver's license for 1 year, or for 2 years if, at the time of arrest, the individual refused to take a breath test to determine the individual's blood alcohol concentration;

"(II) imposition of a requirement on the individual prohibiting the individual from operating a motor vehicle with a blood alcohol concentration of .05 or greater for 5 years;

"(III) impoundment or immobilization of the individual's motor vehicle for 60 days;

"(IV) imposition of a requirement on the individual requiring the installation of an ignition interlock system on the individual's motor vehicle for 1 year;

"(V) payment of a $1,000 fine by the individual;

"(VI) 10 days of imprisonment of, or 60 days of community service by, the individual; and

"(VII)(aa) an assessment of the individual's degree of alcohol abuse; and

"(bb) appropriate treatment.

"(iv) In the case of the third or subsequent conviction of an individual for driving under the influence, or in the case of a second such conviction if the individual's first such conviction was a conviction described in clause (ii), a sentence requiring permanent revocation of the individual's driver's license.

"(B) REVOCATIONS.—A revocation of a driver's license under subparagraph (A) shall not be subject to any exception or condition, including an exception or condition to avoid hardship to any individual.

"(c) PERIOD OF AVAILABILITY; EFFECT OF COMPLIANCE AND NONCOMPLIANCE.—

"(1) PERIOD OF AVAILABILITY OF WITHHELD FUNDS.—

"(A) FUNDS WITHHELD ON OR BEFORE SEPTEMBER 30, 2004.—Any funds withheld under subsection (b) from apportionment to any State on or before September 30, 2004, shall remain available until the end of the third fiscal year following the fiscal year for which the funds are authorized to be appropriated.

"(B) FUNDS WITHHELD AFTER SEPTEMBER 30, 2004.—No funds withheld under this section from apportionment to any State after September 30, 2004, shall be available for apportionment to the State.

"(2) APPORTIONMENT OF WITHHELD FUNDS AFTER COMPLIANCE.—If, before the last day of the period for which funds withheld under subsection (b) from apportionment are to remain available for apportionment to a State under paragraph (1)(A), the State meets the requirements of subsection (b)(3), the Secretary shall, on the first day on which the State meets the requirements, apportion to the State the funds withheld under subsection (b) that remain available for apportionment to the State.

"(3) PERIOD OF AVAILABILITY OF SUBSEQUENTLY APPORTIONED FUNDS.—

"(A) IN GENERAL.—Any funds apportioned under paragraph (2) shall remain available for expenditure until the end of the third fiscal year following the fiscal year in which the funds are so apportioned.

"(B) TREATMENT OF CERTAIN FUNDS.—Any funds apportioned under paragraph (2) that are not obligated at the end of the period referred to in subparagraph (A) shall lapse.

"(4) EFFECT OF NONCOMPLIANCE.—If, at the end of the period for which funds withheld under subsection (b) from apportionment are available for apportionment to a State under paragraph (1)(A), the State does not meet the requirements of subsection (b)(3), the funds shall lapse.".

(b) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 1 of title 23, United States Code, is amended by striking the item relating to section 164 and inserting the following:

"164. National minimum sentences for individuals convicted of operating motor vehicles while under the influence of alcohol.".

By Mr. TORRICELLI (for himself, Mrs. BOXER, Mrs. FEINSTEIN, Mr. KERRY, and Mr. LAUTENBERG):

S. 1006. A bill to end the use of conventional steel-jawed leghold traps on animals in the United States; to the Committee on Environment and Public Works.

STEEL-JAWED LEGHOLD TRAP ACT OF 1999

• Mr. TORRICELLI. Mr. President, today, Senators BOXER, FEINSTEIN, KERRY (Ma.), LAUTENBERG and I rise to introduce legislation to end the use of the conventional steel-jawed leghold trap. I rise to draw this country's attention to the many liabilities of this outdated device and ask for my colleagues support in ending its use.

While this bill does not prohibit trapping, it does outlaw a particularly savage method of trapping by prohibiting the import or export of, and the interstate shipment of conventional steel-jawed leghold traps and articles of fur from animals caught in such traps.

The conventional steel-jawed leghold trap is a cruel and antiquated device for which many alternatives exist. The American Veterinary Medical Association and the American Animal Hospital Association have condemned leghold traps as "inhumane" and the majority of Americans oppose the use of this class of trap. California became the fourth state in recent years to pass a statewide ballot initiative to ban steel-jawed leghold traps—Arizona, Colorado, and Massachusetts are the other three states to have decided the issue by a direct vote of the people. A number of other states, including Florida, New Jersey, and Rhode Island, have legislative or administrative bans on these devices. In addition, 88 nations have banned their use.

This important and timely issue now takes on added importance as the United States and the European Union (E.U.) recently reached an agreement to implement humane trapping standards. This agreement requires the U.S. to phase out leghold traps. Without this agreement, the E.U. would have prohibited the importation of U.S. fur from thirteen species commonly captured with leghold traps. Adoption of my legislation will fulfill the U.S. obligation to the E.U. and reduce tremendous and unnecessary suffering of animals. By ending the use of the conventional steel-jawed leghold trap within our borders, we will effectively set a humane standard for trapping, as well as protect the U.S. fur industry by keeping Europe's doors open to U.S. fur.

One quarter of all U.S. fur exports, $44 million, go to the European market. Of this $44 million, $21 million would be eliminated by the ban. This would clearly cause considerable economic damage to the U.S. fur industry, an important source of employment for many Americans. Since many Americans rely on trapping for their livelihood, it is imperative to find a solution which prevents the considerable damage that this ban would cause to our fur industry. It is important to note that since the steel-jawed leghold trap has been banned in Europe, alternatives have been provided to protect and maintain the European fur industry.

Our nation would be far better served by ending the use of the archaic and inhumane steel-jawed leghold trap. By doing so, we are not only setting a long-overdue humane standard for trapping, we are ensuring that the European market remains open to all American fur exports.•

By Mr. BAUCUS (for himself and Mr. LEVIN):

S. 1008. A bill to modify the standards for responding to import surges under section 201 of the Trade Act of 1974, to establish mechanisms for import monitoring and the prevention of circumvention of United States trade laws, and to strengthen the enforcement of United States trade remedy laws; to the Committee on Finance.

IMPORT SURGE RELIEF ACT OF 1999

Mr. BAUCUS. I thank the Chair. Again, I thank my good friend from Minnesota, as well as the Presiding Officer from Wyoming, who was very generous in allowing us to proceed at this time.

Mr. President, I rise today to introduce the Import Surge Relief Act of 1999, an important measure that will provide a new and improved way to deal expeditiously with import surges. A sudden increase in imports in any sector, especially when these imports are shipped to us at rock bottom prices, has done grave damage to American business and American agriculture. This has been true in the past. It is true today. And, given the increased volatility that we see in the global trading and financial system, import surges are likely to create even greater havoc in our economy in the future.

The steel industry and its workers have been seriously injured, and we read about these stories almost daily. The agriculture industry and our farmers and ranchers face constant threats from surges in wheat, beef, lamb, pork and more. At a time when our rural and industrial communities are facing an all-time crisis, this damage goes to the very heart of our economy and our society.

The Import Surge Relief Act makes several critical improvements in Section 201 of U.S. trade law. This is the so-called "safeguard" provision that is designed to prevent serious disruption of our domestic industry because of imports. The improvements I am proposing include the following:

Easing the standard that must be met to demonstrate that there is a causal link between imports and injury to the U.S. industry, speeding up the process for addressing import surges, an absolutely critical need to prevent an industry from being devastated before action is taken, requiring that the President, in deciding whether to take action, focus more than he has in the past on the beneficial impact of a remedy, rather than on the negative impact on other industries, making provisional relief available on an urgent basis, and correcting the way in which imports are counted to prevent circumvention.

In addition, the bill provides for a system that will give us an early warning about import surges. We simply cannot wait until we see that an America industry is devastated. We must be able to project ahead, understand the threats facing an industry, and then consider quickly what type of action to take, if any.

Finally, the bill requires that there be an investigation about underlying problems in agricultural and steel trade. This investigation would focus on anti-competitive practices overseas, including cartel arrangements beyond the borders of the United States.

Mr. President, the United States will remain the most open market in the world. I am committed to that. At the same time, we must do everything we can to open foreign markets that retain barriers to our manufactured goods, agricultural products, and services. And, we must be sure that our domestic industry is able to adjust and adapt to import surges without experiencing the devastation to our businesses, farms, and communities that we have seen far too often in the past.

Let me discuss the Import Relief Act in more detail.

The bill changes the causation standard that links imports and injury. Instead of the requirement that imports be a "substantial cause of serious injury, or threat thereof", this bill requires only that imports cause, or threaten to cause, serious injury. Imports would not have to be the leading, or most important, cause of injury. This change conforms to the WTO Agreement on Safeguards.

The U.S. International Trade Commission practice has been to examine injury over a five year period. This practice ignores the problem of import surges where imports do not build up gradually over years but come into this country full blast in a precipitous way. This bill requires the ITC also to consider whether there has been a substantial increase in imports over a short time period.

The President has discretion to deny relief after the ITC recommends such action, if he believes that the economic and social costs outweigh the benefits. This bill requires that the President grant the relief recommended by the ITC unless it would have an adverse impact on the United States substantially out of proportion to the benefits. This would increase the likelihood that the President will implement the remedy that the ITC recommends.

The time period for provisional relief is reduced from ninety days to sixty days so that relief would come more quickly to the industry and workers.

The bill adds to the factors that ITC must consider in determining whether serious injury is occurring. These new factors are just common sense, such as the level of sales, the level of production, productivity of the industry, capacity utilization, profit and loss, and employment levels. The ITC should focus on current conditions in the industry, not only historical factors. In addition, the bill requires the ITC to consider conditions in foreign industries that indicate further possible increases in exports to the U.S. in the future. Looking at factors such as foreign production capacity, inventories, and demand in third countries will allow ITC to understand the threat to the American industry and its imminence.

Provisional relief is improved in several ways. The ITC must look at whether there is an import surge to determine if provisional relief should be provided. Also, USTR, the Senate Finance Committee, or the House Ways and Means Committee can request provisional relief when they have requested initiation of a Section 201 investigation.

The bill applies to Section 201 those provisions already in U.S. antidumping and countervailing duty law that ensure that the ITC, in its injury analysis, not double-count production by the domestic industry when upstream and/or downstream products are the subject of an investigation.

Domestic industries will be able to request that imports be monitored and data collected.

The bill allows the Office of Management and Budget to release preliminary trade data when there is an import surge. This will improve the ability of the industry to detect a problem quickly.

A new import monitoring and enforcement support program for steel and agricultural products will monitor illegal transshipments and other attempts to circumvent U.S. trade remedy laws.

A suffix to the Harmonized Tariff Schedule for products subject to trade actions will help track imports of those products.

The Commerce Department will continue its current steel import monitoring program.

The ITC will conduct an investigation of anticompetitive activities in international agriculture and steel trade, focusing especially on cartels and other anticompetitive practices. The ITC will report to the Senate Finance and Agriculture Committees, the House Ways and Means and Agriculture Committees, and USTR and must propose steps to address those anticompetitive practices.

I again repeat my praise to the Presiding Officer who has been excessively generous and gracious in the way he has conducted himself as the Presiding Officer allowing us to make these statements.

By Mr. JEFFORDS (for himself, Mr. ROCKEFELLER, Mrs. HUTCHISON, Mrs. FEINSTEIN, and Mrs. BOXER):

S. 1010. A bill to amend the Internal Revenue Code of 1986 to provide for a medical innovation tax credit for clinical testing research expenses attributable to academic medical centers and other qualified hospital research organizations; to the Committee on Finance.

MEDICAL INNOVATION TAX CREDIT LEGISLATION

• Mr. JEFFORDS. Mr. President, today I am introducing legislation that I believe will be beneficial to the continued success of our nation's medical schools and teaching hospitals. The bill will provide for a new tax credit, the "Medical Innovation Tax Credit," which will serve as an incentive for private sector firms to invest in clinical research at these important institutions.

Medical schools and teaching hospitals fulfill a unique societal and economic role in the United States today. They are not only the training ground for health care professionals but are also centers for important research and development activities that lead to crucial medical breakthroughs. Because they link together research, medical training and patient care, these institutions are incubators of new life-saving drugs, medical services and surgical techniques.

Due to the changing health care marketplace these institutions have come under increasing cost pressures that threaten their future. In fact, a recent study by the American Association of Medical Colleges (AAMC) noted an alarming 22 percent decline in clinical research conducted at member hospitals. I believe the medical innovation tax credit would help reverse this disturbing trend, and I am pleased that the AAMC endorses this legislation.

The medical innovation tax credit is a targeted, incremental 20 percent credit for qualified medical innovation expenditures on biopharmaceutical research activities, like clinical trials performed at qualified educational institutions. The tax credit would enhance the flow of private-sector funds into medical schools and teaching hospitals by providing an important incentive for companies to perform more clinical trials research at these nonprofit institutions. This credit will encourage pharmaceutical and biotechnology companies to develop research partnerships with medical schools and teaching hospitals. The influx of funds from this research will help counteract some of the financial pressures these institutions have been experiencing. To qualify for the credit, research would have to be performed in the United States, so companies will not have an incentive to utilize lower-cost foreign facilities for research activities.

It is significantly more expensive for companies to perform clinical trials at teaching hospitals than at commercial research organizations. The medical innovation tax credit will reduce this cost differential. By leveraging additional private-sector support for these institutions in the form of clinical trial research, this new credit will also help these hospitals make the adjustment to the reduction in Medicare payments mandated by the Balanced Budget Act of 1997.

This legislation is critically important to institutions like Fletcher Allen Health Care in my home state of Vermont. Linked with the University of Vermont's Division of Health Sciences, Fletcher Allen's hospitals combine teaching and research. They are vital training sites for the next generation of physicians, nurses and other health professionals. In Fletcher Allen's nationally known Clinical Research Center, researchers seek to solve the mysteries of cancer, heart attacks, Alzheimer's disease, chronic obesity, cystic fibrosis and other illnesses. The medical innovation tax credit would help Fletcher Allen and hundreds of other institutions across the United States continue in their role as incubators of vital, innovative medical teaching and research technologies.

Legislation similar to this was introduced last year; the Joint Committee on taxation estimated that the bill would result in lost revenues of approximately one million dollars per year over the next five years. The bill I am introducing today is substantially similar to the bill introduced last year, although there have been technical changes to the definition of "qualified academic institution" to clarify that research expenditures at Veterans' Administration hospitals and certain nonprofit research foundations qualify for the credit. As these changes are expected to affect a relatively small number of institutions, I do not expect substantial changes in the cost estimate. I believe this is a small price to pay for the favorable impact this credit will have on research at medical schools and teaching hospitals.●

By Mr. FRIST:

S. 1011. A bill to amend the Internal Revenue Code of 1986 to provide that trusts established for the benefit of individuals with disabilities shall be taxed at the same rates as individual taxpayers; to the Committee on Finance.

TAX FAIRNESS FOR SUPPORT OF THE PERMANENTLY DISABLED ACT

S. 1012. A bill to amend the Internal Revenue Code of 1986 to use the Consumer Price Index in addition to the national average wage index for purposes of cost-of-living adjustments; to the Committee on Finance.

BRACKET CREEP CORRECTION ACT

S. 1013. A bill to amend the Internal Revenue Code of 1986 to promote lifetime savings by allowing people to establish child savings accounts within Roth IRAs and by allowing the savings to be used for education, first time home purchases, and retirement, to expand the availability of Roth IRAs to all Americans and to protect their contributions from inflation, and for other purposes; to the Committee on Finance.

CHILD SAVINGS ACCOUNT ACT

S. 1014. A bill to amend the Internal Revenue Code of 1986 to reduce the rate of the individual income tax and the number of tax brackets; to the Committee on Finance.

10-20-30 ACT

● Mr. FRIST. Mr. President, today is Tax Freedom Day—the day that reflects how many days into the year a taxpayer must work in order to pay taxes. In 1913, when Congress first levied an income tax, Tax Freedom Day was January 30, and only 6 years ago, Tax Freedom Day was April 30—today it is two weeks into May before the taxpayer can stop working for the Federal Government and start working for him or herself.

It is thus fitting that I introduce today the Frist tax package—four tax bills that I believe will go a long way toward pushing Tax Freedom Day back toward January. This tax package is based on a set of core principles:

(1) Taxes are too high.

(2) The tax code is too complex.

(3) The tax code punishes taxpayers for working longer and smarter.

(4) The tax code does not promote savings for people of all ages and incomes.

We all know that taxes are too high. At a time when our tax burden as a percentage of GDP is at a post-World War II high and we are working longer and longer just to pay taxes, I believe that it is time for some tax relief for hard-working Americans. Taxes—federal, state, and local taxes combined—account for nearly 40% of the typical American family's budget—the single largest expense. All of this at a time when the federal budget is beginning to run a surplus. What that means to me is that the federal government is overcharging the taxpayer for the services it is providing.

If the monetary cost of paying taxes isn't high enough, consider that it takes almost 11 hours to correctly fill out the 1040 EZ form. Taxpayers spend almost 5.4 billion hours filling out the forms that they send to the IRS. And those are the taxpayers that do their own taxes—54% of Americans pay someone else to do their taxes for them. In my own State of Tennessee, ever year approximately 1.1 million taxpayers utilize a professional tax preparer in order to file their tax returns.

The tax code is also too complex. Our current tax code and its regulations are 17,000 pages long and contain over 5 and a half million words—seven times more than the Bible. Since 1981, the tax code has been changed 11,410 times. And one paragraph of law can take 250 pages to explain. With tax laws this complicated, it is no wonder that ordinary Americans have a tough time figuring them out.

Unfortunately, the trend in Congress is to add further complexity to the tax code—tax credits for one worthwhile cause or tax deductions for another, tax relief for certain segments for the population, but not for others. Because of all of this tinkering, by 2007, 8,000,000 more Americans will be subject to the alternative minimum tax (AMT), a provision that forces taxpayers to calculate their income two ways and then pay the government the higher of the two amounts.

The tax code punishes taxpayers for working harder and smarter. One of the reasons that Congress has been able to balance the federal budget is that revenues have been rising steadily—last year by 11 percent. Part of the reason for that rise is that our strong economy has resulted in Americans making more and more money which, in turn, has propelled them into higher and higher tax brackets. According to economist Steve Moore at the Cato Institute, over the past five years, higher incomes have pushed millions of middle-income families out of the 15 percent marginal tax bracket and into the 28 percent bracket, and out of the 28 percent bracket and into the 31 percent bracket, and so on. While federal tax revenues have risen by 11 percent, income has only risen by 6 percent. The reason for this real income bracket creep is our graduated income tax system.

The tax code does not promote savings for people of all ages and incomes. In fact, in many ways our tax code discourages people from saving. America has one of the world's lowest national savings rates. The personal saving rate in the United States averaged only 4.9 percent during the 1990s compared to 7.4 percent in the 1960s and 8.1 percent in the 1970s. In 1998, we actually had negative savings rates. And it is no wonder—as I mentioned previously, the average family pays close to 40% of their income in taxes. In addition to a high tax burden which often is applied twice to savings, the rules for opening and investing in an IRA account of any kind are complex and restrictive. IRAs are tax-preferred retirement accounts—tax-free for certain purposes like education expenses, first-time home purchases, health care and retirement. But because a person must have earned income to open an IRA, children are not eligible to have them. Additionally, the maximum contribution amounts have not been indexed since 1981—they are still at $2,000 per year. If the maximum contribution had been indexed for inflation it would stand at close to $5,000 today.

Increasing the national savings rate is even more important when coupled with our impending Social Security collapse. As it currently exists, Social Security is not sustainable for the long term unless taxes are significantly raised or the program is reformed. Even so, the return that a taxpayer gets on his or her Social Security investment via the payroll tax has diminished every year since the program's inception. In fact, the predicted rate of return at retirement for those age 24–50 is somewhere between −.34 percent and −1.7 percent. The rate of return on an average IRA investment is between 7 and 11 percent.

The four bills that I am introducing today—on Tax Freedom Day—collectively present a program that will lower taxes, simplify the tax code, correct for bracket creep, and provide increased savings opportunities for all Americans regardless of age and income level.

The 10-20-30 tax plan will consolidate the five tax brackets of our current tax code into just three—10, 20 and 30%—both lowering the tax burden and simplifying our tax code at the same time. The bill will also increase the income threshold for the lowest tax bracket—currently just over $25,000 for individuals—to $35,000—all of which will be taxed at a much lower rate—10%. In my own state of Tennessee, nearly 85% of individual taxpayers make $35,000 or less and will now pay at this lower rate. For married couples, the threshold for the lowest bracket is currently $42,000. Under my bill, this amount would increase to $60,000 and be taxed at 10%. Instead of 15 or 28 percent, the majority of taxpayers would pay only 10% under my plan.

I know that this bill will not get passed this year, nor is it likely to get passed anytime in the near future. I introduce this bill, however, as my vision for where I think the tax code should ultimately end up. If we use a plan such as this as our compass and work incrementally to widen the brackets and reduce the tax rates whenever possible, we will be headed in the right direction.

The "Child Savings Account Act" would amend the Internal Revenue Code of 1986 to promote lifetime savings by allowing people to establish child savings accounts—or CSA's—within Roth IRAs and by allowing the savings to be used for education, first-time home purchases, and retirement. The bill will also expand the availability of Roth IRAs to all Americans, regardless of income, and will index contribution limits to inflation.

For low-income taxpayers, there are two important provisions which will help families with less disposable income save. First, up to $100 of each $500 child tax credit may be refundable to those qualifying for the Earned Income Credit. This refundable credit must be deposited in a CSA. Second, any person may contribute to a child's CSA. This means that churches and community groups could contribute to young people's CSA accounts as a birthday present or on a special occasion.

These Child Savings Accounts will arm our children for the future and decrease their reliance on the federal government. As a subset of the Roth tax-favored IRAs, Child Savings Accounts are available to new-born children from cradle to grave. In an increasingly complex tax world, CSAs are a sort of "one-stop IRA shopping" that allow for certain tax-free withdrawals and tax-free accumulation of retirement income.

If a parent, and then the child himself, contributed the maximum amount for his lifetime, the Child Savings Account would be worth nearly $5 million at age 65 and over $7 million by age 70. And that is using conservative estimates of return. Even if a parent could only contribute less than $10 a month for the first 18 years of a child's life, and the child then gradually increased his or her contribution up to $2000 per year by the time he or she turned 40, the account would be worth $460,000 at age 65 and $672,000 at age 70. Even if the parent or grandparent or church or guardian put only $100 in the account in only one year, the account would still be worth almost $50,000 at retirement age. The power of compound interest is incredible. Giving more Americans—and all of our children—access to this power is imperative.

The Bracket Creep Correction Act would index the tax brackets for real income growth. Tax brackets were not indexed for inflation until 1981 when Ronald Reagan was President. Indexing for real income growth is a logical and necessary next step. None other than Milton Friedman has announced his support for indexing tax brackets for wage growth. In addition to correcting for inflation, the tax code would also adjust for income growth—thus ending the squeeze that many taxpayers have felt as their tax burdens have risen at a faster rate than their incomes.

A fourth bill that I will introduce will address a tax inequity that has existed for some time and was made worse by the large tax increases of 1993. The "Tax Fairness for Support of the Permanently Disabled Act" would change the tax rates for the taxable income of a trust fund established solely for the benefit of a person who is permanently and totally disabled. Instead of being taxed at the highest tax rate (39.6%) for amounts over $7,500, the income of this fund would be taxed at the tax rates that would normally apply to regular income of the same amount. In essence, trust fund income would be treated as personal income for a permanently disabled person.

Mr. Nicholas Verbin of Nashville, Tennessee called my office about this problem a year or so ago. The problem was that he had established an irrevocable trust for his son Nicky, who is completely disabled, unable to work, and totally dependent on his dad to provide for him. Mr. Verbin has spent his whole life building up this trust fund so that his son can live off this lifetime of hard work after Mr. Verbin is gone. Mr. Verbin does not want his son to have to go on welfare or become a ward of the state. Instead, he has built up this fund so that his son can be self-sufficient after he dies. Apparently, the federal government would rather have Nicky on its welfare roles than have him take care of himself.

Instead of taxing the interest that Nicky's trust accumulates every year as simple income, which it is since Nicky has no other form of income, the IRS taxes the interest at the highest rate allowable—39.6%. Instead of helping this sum grow into a sort of pension fund for Nicky, the IRS has milked it for all its worth. If Nicky's trust earns more than $7,500 in interest in a year, the federal government takes $2,125 plus 39.5% of the amount above $7,500. Meanwhile, even Bill Gates does not pay 39.6% on the first $275,000 of his income. We are taxing disabled children at a rate that we don't even tax multimillionaires!

I believe that we should not punish Mr. Verbin for his foresight, nor should we punish Nicky for his disability. While a case could be made that Congress should eliminate the tax on this type of trust altogether, I have simply proposed that the interest income be treated like normal income for those disabled boys and girls, men and women who cannot work for themselves and depend on this interest as their only source of income.

Mr. President, the Budget Resolution that we recently passed calls for a reconciliation bill this year of $778 over 2000-2009 (and $142 billion 2000-2004) in tax relief. Even with the military operations in Kosovo and other emergency appropriations, a tax cut is not only possible but necessary to keep our economy growing.

While many tax credits and deductions are attractive, they further complicate our already complicated tax code, subject additional tax payers to the alternative minimum tax, and pit one group of taxpayers against another. I believe that Congress should enact across the board tax relief—like what I have outlined in my 10-20-30 bill—as the on-budget surplus allows. We must work toward lowering the tax rates on every bracket, widening the amounts subject to each bracket and correcting for bracket creep in order to make the tax code fairer, flatter and less complex.

We must also build more wealth in this country and encourage Americans to save. The Child Savings Account bill is a great savings vehicle for both rich and poor and has enormous potential for increasing retirement savings. Instead of being dependent on Social Security, sock some money away in an IRA and get set for life.●

ADDITIONAL COSPONSORS

S. 101

At the request of Mr. LUGAR, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 101, a bill to promote trade in United States agricultural commodities, livestock, and value-added products, and to prepare for future bilateral and multilateral trade negotiations.

S. 279

At the request of Mr. MCCAIN, the name of the Senator from Nevada [Mr.

BRYAN] was added as a cosponsor of S. 279, a bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age.

S. 329

At the request of Mr. ROBB, the name of the Senator from Wisconsin [Mr. FEINGOLD] was added as a cosponsor of S. 329, a bill to amend title 38, United States Code, to extend eligibility for hospital care and medical services under chapter 17 of that title to veterans who have been awarded the Purple Heart, and for other purposes.

S. 345

At the request of Mr. ALLARD, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to remove the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 443

At the request of Mr. LAUTENBERG, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 443, a bill to regulate the sale of firearms at gun shows.

S. 459

At the request of Mr. BREAUX, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 459, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

S. 484

At the request of Mr. CAMPBELL, the names of the Senator from New Hampshire [Mr. SMITH] and the Senator from New Jersey [Mr. TORRICELLI] were added as cosponsors of S. 484, a bill to provide for the granting of refugee status in the United States to nationals of certain foreign countries in which American Vietnam War POW/MIAs or American Korean War POW/MIAs may be present, if those nationals assist in the return to the United States of those POW/MIAs alive.

S. 512

At the request of Mr. GORTON, the names of the Senator from North Carolina [Mr. HELMS] and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of S. 512, a bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the Department of Health and Human Services with respect to research on autism.

S. 514

At the request of Mr. COCHRAN, the names of the Senator from Massachusetts [Mr. KENNEDY] and the Senator from Montana [Mr. BURNS] were added as cosponsors of S. 514, a bill to improve the National Writing Project.

S. 542

At the request of Mr. ABRAHAM, the name of the Senator from Pennsylvania [Mr. SANTORUM] was added as a cosponsor of S. 542, a bill to amend the Internal Revenue Code of 1986 to expand the deduction for computer donations to schools and allow a tax credit for donated computers.

S. 566

At the request of Mr. LUGAR, the names of the Senator from Mississippi [Mr. COCHRAN], the Senator from Montana [Mr. BAUCUS], and the Senator from Iowa [Mr. HARKIN] were added as cosponsors of S. 566, a bill to amend the Agricultural Trade Act of 1978 to exempt agricultural commodities, livestock, and value-added products from unilateral economic sanctions, to prepare for future bilateral and multilateral trade negotiations affecting United States agriculture, and for other purposes.

S. 636

At the request of Mr. REED, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 636, a bill to amend title XXVII of the Public Health Service Act and part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 to establish standards for the health quality improvement of children in managed care plans and other health plans.

S. 637

At the request of Mr. SCHUMER, the names of the Senator from Illinois [Mr. DURBIN], the Senator from California [Mrs. FEINSTEIN], the Senator from New Jersey [Mr. LAUTENBERG], and the Senator from Wisconsin [Mr. KOHL] were added as cosponsors of S. 637, a bill to amend title 18, United States Code, to regulate the transfer of firearms over the Internet, and for other purposes.

S. 717

At the request of Ms. MIKULSKI, the name of the Senator from New Jersey [Mr. TORRICELLI] was added as a cosponsor of S. 717, a bill to amend title II of the Social Security Act to provide that the reductions in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,2000, adjusted for inflation.

S. 725

At the request of Ms. SNOWE, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of S. 725, a bill to preserve and protect coral reefs, and for other purposes.

S. 729

At the request of Mr. CRAIG, the names of the Senator from Arizona [Mr. KYL] and the Senator from Colorado [Mr. CAMPBELL] were added as cosponsors of S. 729, a bill to ensure that Congress and the public have the right to participate in the declaration of national monuments on federal land.

S. 792

At the request of Mr. MOYNIHAN, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 792, a bill to amend title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide States with the option to allow legal immigrant pregnant women, children, and blind or disabled medically needy individuals to be eligible for medical assistance under the Medicaid Program, and for other purposes.

S. 817

At the request of Mrs. BOXER, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 817, a bill to improve academic and social outcomes for students and reduce both juvenile crime and the rist that youth will become victims of crime by providing productive activities during after school hours.

S. 818

At the request of Mr. DEWINE, the name of the Senator from Oregon [Mr. SMITH] was added as a cosponsor of S. 818, a bill to require the Secretary of Health and Human Services to conduct a study of the mortality and adverse outcome rates of Medicare patients related to the provision of anesthesia services.

S. 836

At the request of Mr. SPECTER, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 836, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group health plans and health insurance issuers provide women with adequate access to providers of obstetric and gynecological services.

S. 880

At the request of Mr. INHOFE, the name of the Senator from Nebraska [Mr. HAGEL] was added as a cosponsor of S. 880, a bill to amend the Clean Air Act to remove flammable fuels from the list of substances with respect to which reporting and other activities are required under the risk management plan program

S. 891

At the request of Mr. SCHUMER, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 891, a bill to amend section 922(x) of title 18, United States Code, to prohibit the transfer to and possession of handguns, semiautomatic assault weapons, and large capacity ammunition feeding devices by individuals who are less than 21 years of age, and for other purposes.

S. 897

At the request of Mr. BAUCUS, the names of the Senator from South Dakota [Mr. JOHNSON] and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of S. 897, a bill to provide matching grants for the construction, renovation and repair of school facilities in areas affected by Federal activities, and for other purposes.

S. 918

At the request of Mr. KERRY, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 918, a bill to authorize the Small Business Administration to provide financial and business development assistance to military reservists' small business, and for other purposes.

SENATE CONCURRENT RESOLUTION 9

At the request of Ms. SNOWE, the names of the Senator from Massachusetts [Mr. KERRY], the Senator from Hawaii [Mr. INOUYE], the Senator from New York [Mr. MOYNIHAN], and the Senator from Delaware [Mr. BIDEN] were added as cosponsors of Senate Concurrent Resolution 9, a concurrent resolution calling for a United States effort to end restrictions on the freedoms and human rights of the enclaved people in the occupied area of Cyprus.

SENATE RESOLUTION 59

At the request of Mr. LAUTENBERG, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of Senate Resolution 59, a resolution designating both July 2, 1999, and July 2, 2000, as "National Literacy Day."

SENATE RESOLUTION 99—DESIGNATING NOVEMBER 20, 1999, AS "NATIONAL SURVIVORS FOR PREVENTION OF SUICIDE DAY"

Mr. REID submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 99

Whereas the 105th Congress, in Senate Resolution 84 and House Resolution 212, recognized suicide as a national problem and suicide prevention as a national priority;

Whereas the Surgeon General has publicly recognized suicide as a public health problem;

Whereas the resolutions of the 105th Congress called for a collaboration between public and private organizations and individuals concerned with suicide;

Whereas in the United States, more than 30,000 people take their own lives each year;

Whereas suicide is the 8th leading cause of death in the United States and the 3rd major cause of death among young people aged 15 through 19;

Whereas the suicide rate among young people has more than tripled in the last 4 decades, a fact that is a tragedy in itself and a source of devastation to millions of family members and loved ones;

Whereas every year in the United States, 200,000 people become suicide survivors (people that have lost a loved one to suicide), and there are approximately 8,000,000 suicide survivors in the United States today;

Whereas society still needlessly stigmatizes both the people that take their own lives and suicide survivors;

Whereas there is a need for greater outreach to suicide survivors because, all too often, they are left alone to grieve;

Whereas suicide survivors are often helped to rebuild their lives through a network of support with fellow survivors;

Whereas suicide survivors play an essential role in educating communities about the risks of suicide and the need to develop suicide prevention strategies; and

Whereas suicide survivors contribute to suicide prevention research by providing essential information about the environmental and genetic backgrounds of the deceased: Now, therefore, be it

Resolved,That the Senate—

(1)(A) designates November 20, 1999, as "National Survivors for Prevention of Suicide Day"; and

(B) requests that the President issue a proclamation calling on Federal, State, and local administrators and the people of the United States to observe the day with appropriate programs, ceremonies, and activities;

(2) encourages the involvement of suicide survivors in healing activities and prevention programs;

(3) acknowledges that suicide survivors face distinct obstacles in their grieving;

(4) recognizes that suicide survivors can be a source of support and strength to each other;

(5) recognizes that suicide survivors have played a leading role in organizations dedicated to reducing suicide through research, education, and treatment programs; and

(6) acknowledges the efforts of suicide survivors in their prevention, education, and advocacy activities to eliminate stigma and to reduce the incidence of suicide.

Mr. REID. Mr. President, I rise today to submit a Senate resolution which would designate November 20, 1999 as "National Survivors for Prevention of Suicide Day." Let me begin by defining the term survivor. This refers to anyone who has lost a loved one to suicide. As such, having lost my father to suicide in 1972, I am viewed as a survivor in the suicide prevention community. Nationally, more than 30,000 people take their own lives each year in our nation. Suicide is the eighth leading cause of death in the United States and the third major cause of death among people aged 15–19.

The suicide rate among young people has more than tripled in the last four decades. Every year 200,000 people become survivors due to this tragic loss of life. We arrive at this number by concluding that for each suicide, seven other lives are changed forever because of the death. As you can imagine, this is a conservative estimate by all accounts. Today in our country, nearly 8,000,000 suicide survivors go on with their lives, many of them grieving in a very private way. This is because there still remains in our nation a stigma towards those who take their own life as well as those who are left behind to cope with the suicide of a loved one. I can't begin to tell you how many survivors have written me expressing the shame and guilt they feel about their loved ones' suicide, many of whom are still unable to deal honestly with the tragic conditions which ultimately led to someone they love taking their own life.

In the 105th Congress, both the House and Senate took very courageous steps to address the public health challenge of suicide by passing Senate Resolution 84 and House Resolution 212. Essentially, these resolutions recognized suicide as a national problem warranting a national solution. The resolutions also called for the development of a national strategy to address and reduce the incidence of outside.

I am proud to have been the sponsor of Senate Resolution 84 and proud of my colleagues for having lent their support to ensure its passage. I also commend Representative JOHN LEWIS for his leadership in the House and to all the members who provided their support to ensure its passage in the closing days of the last session. We cannot however, stop here. We must continue to show our compassion and assert leadership to take the necessary steps to mobilize our national response for suicide prevention.

Recently, there has been a fervor of activity and collaboration in both the federal and private sectors around suicide prevention. On the federal level, our Surgeon General, Dr. David Satcher has included the topic of suicide prevention on his public health agenda. In addition to Dr. Satcher's efforts, staff at the Centers for Disease Control and Prevention, the National Institute of Mental Health and the Substance Abuse and Mental Health Services Administration have focussed increased effort on the issue of suicide prevention. In the private sector, groups such as the American Foundation for Suicide Prevention, the American Association of Suicidology and the Suicide Prevention Advocacy Network have worked together to increase national awareness as well. There are countless others who, on a daily basis, make their commitment to assist in finding solutions to this national dilemma. The self-help groups, clinicians, researchers, and grass roots advocates are all making a vital difference.

In the near future, I hope to see the national strategy that has been developed by many who stepped to the plate, as called for in Senate Resolution 84 and House Resolution 212, to chart a course for our national effort. I hope to see hearings in the Senate soon on this issue and hope we will look at the recommendations seriously and lend our support to making this report one that does more than collect dust on a shelf, but instead a report that charts the course we must pursue to reduce the incidence of suicide in America and to convey our national resolve.

This year we will witness two events which deserve our recognition and support. On June 7, 1999 the White House will hold a White House Conference on Mental Health and later this year the

Surgeon General will issue his report on mental health. The time has come when we must recognize that mental disorders are illnesses that can be treated effectively. We know that 90 percent of suicide victims have suffered from a mental disorder. Therefore, we must send a clear and unmistakable message that those who suffer should be encouraged to seek assistance and restore themselves to a healthy state of being. The Mental Health Parity legislation introduced by my good friends Senator PETE DOMENICI and Senator PAUL WELLSTONE is a step in the right direction. Their leadership on this issue has my full support and respect. There should be no barrier for individuals to obtaining help for whatever illness, including mental illness, if there is effective treatment available to assist them. We must remove the stigma and have the courage to show acceptance.

As you can see Mr. President, there is much that has been done but still much we in Congress can do to advance this agenda. Today, it is my intent to recognize the 8,000,000 survivors who all are at various stages of healing in addressing the loss of their loved one to suicide. I ask you to support me in turning their grief into hope, a hope that with acceptance and understanding, can lead our nation effectively addressing this very preventable public health challenge.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN FOUNDATION FOR
SUICIDE PREVENTION,
May 5, 1999.

Senator HARRY REID,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR REID: The American Foundation for Suicide Prevention supports the proposed Senate Resolution calling for a National Survivors for Prevention of Suicide Day. We believe this resolution will build on the momentum started by the 105th Congress in Senate Resolution 84 and House Resolution 212, and will further the suicide prevention goals articulated in these earlier resolutions.

Specifically, the proposed Survivors for Prevention Resolution will be instrumental in recognizing the involvement of people who have lost a loved one to suicide in prevention activities. It will also encourage them to come forward, break the silence and join with other survivors as a way to promote their healing.

As you know, our Foundation is dedicated to seeing that conferences for family members and friends who have lost someone to suicide are held in many more communities. Working together with other private organizations and public agencies, we will use this resolution to help develop local survivor conferences in cities across the country.

Please know AFSP deeply appreciates the leadership you are providing in Congress on this major public health problem and is grateful for your sponsorship of Senate Resolution 84 in the 105th Congress. We are equally grateful for your willingness to sponsor this Survivors for Prevention Resolution.

On behalf of millions of survivors who want to prevent others from experiencing a similar loss, as well as people throughout our country concerned about the risk of suicide, thank you.

Sincerely,

ROBERT GEBBIA,
Executive Director.

AAS, AMERICAN ASSOCIATION
OF SUICIDOLOGY,
May 6, 1999.

Senator HARRY REID,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR REID: With great enthusiasm the American Association of Suicidology (AAS) supports the proposed Senate Resolution designating November 20, 1999 as "National Survivors for Prevention of Suicide Day." We, furthermore, applaud your continuing commitment to both suicide prevention and the needs of survivors.

Your proposal extends the success initiated by you in passage of Senate Resolution 84 in making suicide prevention a national priority. The subsequent passage of HR 212 and the Surgeon Generals' affirmation of suicide prevention as a public health goal are direct sequelae of your earlier efforts; and the consequence of these efforts will, undoubtedly promote the welfare of all our citizens.

The AAS has embraced suicide prevention as part of our mission and survivors as integral to accomplishing that mission. Our annual Healing After Suicide Conference has provided opportunities for thousands of survivors to learn from and assuage each other's often unbearable pain, to educate care givers to better understand the suicidal person, and to create new models to help the healing process. Our Directory of Survivors of Suicide Support Groups has been accessed by thousands of new survivors needing to find help. Our Survivor Division and newsletter Surviving Suicide continue to network and service the needs of survivors.

With the advocacy of our survivor members and your continued leadership, we are increasingly hopeful that we can significantly impact the incidence of suicide in this country and ensure the health of generations to come.

Sincerely,

LANNY BERMAN, PH.D.,
Executive Director.
KAREN DUNE-MAXIM, M.S.,
R.N.,
President.

SUICIDE PREVENTION
ADVOCACY NETWORK,
May 10, 1999.

Hon. HARRY REID,
U.S. Senate,
Washington, DC.

DEAR SENATOR REID: SPAN supports the Senate Resolution designating November 20, 1999 as "National Survivors for Prevention of Suicide Day" that you have prepared. Further, SPAN salutes you for this contribution to the well being, growth and involvement of survivors of suicide in the national effort to reduce the incidence of suicide!

It is just over two years since you introduced to the Senate of the 105th Congress, Senate Resolution 84 that recognized suicide as a national problem and suicide prevention as a national priority. The Proposed Senate Resolution is therefore particularly timely now as it brings before the Senate a reminder of their past action. It spotlights the need for continuing Senate support and identifies a powerful and potentially huge national resource for the collaborative effort to reduce the incidence of suicide.

The last paragraph of the resolution will be most helpful to all survivors of suicide. It identifies the part that each individual survivor can play in the national effort to reduce the incidence of suicide and confirms that, together we can make a big difference.

Thanks Senator Reid for your ongoing national leadership for efforts to develop, implement and evaluate a proven, effective national suicide prevention strategy. The proposed resolution is another example of your dedication to this effort. Thank you!

Sincerely,

GERALD H. (JERRY) WEYRAUCH.

NAMI,
May 11, 1999.

Hon. HARRY REID,
U.S. Senate,
Hart Office Building, Washington, DC

DEAR SENATOR REID: On behalf of the 208,000 members and 1,200 affiliates of the National Alliance for the Mentally Ill (NAMI), I am writing to express NAMI's strong support for your resolution to designate November 20, 1999 as "National Survivors for Prevention of Suicide Day", and to thank you for recognizing suicide as a national problem and suicide prevention as a national priority. More than 30,000 Americans commit suicide annually, and while we do not always understand why some choose suicide, we do know that it is all too often associated with severe mental illnesses, particularly major depression. Death by suicide is unfortunately one of the most dire risks of untreated mental illness.

Sadly, more than 10 percent of individuals with schizophrenia and more than 15 percent of those with major mood disorders kill themselves. These are preventable and senseless deaths that could have been avoided with the right medical intervention and prevention programs. Your resolution would recognize suicide survivors as playing a key role as advocates and educators in prevention efforts, as well as their place in eliminating stigma and reducing the incidence of suicide.

NAMI commends your past and present leadership and advocacy in suicide prevention and education. Your continued commitment and support has been vital in bringing national recognition to the high incidence of suicide in our country. NAMI strongly supports your resolution to designate November 20, 1999 as "National Survivors for Prevention of Suicide Day", in recognition of the contributions suicide survivors can make in suicide prevention strategies.

Sincerely,

LAURIE FLYNN,
Executive Director.

AMENDMENTS SUBMITTED

VIOLENT AND REPEAT JUVENILE OFFENDER ACCOUNTABILITY AND REHABILITATION ACT OF 1999

BOXER AMENDMENT NO. 319

(Ordered to lie on the table.)

Mrs. BOXER submitted an amendment intended to be proposed by her to the bill (S. 254) to reduce violent juvenile crime, promote accountability by rehabilitation of juvenile criminals, punish and deter violent gang crime, and for other purposes; as follows:

At the appropriate place, insert the following:

TITLE . AFTER SCHOOL EDUCATION AND ANTI-CRIME ACT.

SECTION 1. SHORT TITLE.

This title may be cited as the "After School Education and Anti-Crime Act of 1999".

SEC. 2. PURPOSE.

The purpose of this Act is to improve academic and social outcomes for students and reduce both juvenile crime and the risk that youth will become victims of crime by providing productive activities during after school hours.

SEC. 3. FINDINGS.

Congress makes the following findings:

(1) Today's youth face far greater social risks than did their parents and grandparents.

(2) Students spend more of their waking hours alone, without supervision, companionship, or activity, than the students spend in school.

(3) Law enforcement statistics show that youth who are ages 12 through 17 are most at risk of committing violent acts and being victims of violent acts between 3 p.m. and 6 p.m.

(4) The consequences of academic failure are more dire in 1999 than ever before.

(5) After school programs have been shown in many States to help address social problems facing our Nation's youth, such as drugs, alcohol, tobacco, and gang involvement.

(6) Many of our Nation's governors endorse increasing the number of after school programs through a Federal/State partnership.

(7) Over 450 of the Nation's leading police chiefs, sheriffs, and prosecutors, along with presidents of the Fraternal Order of Police and the International Union of Police Associations, which together represent 360,000 police officers, have called upon public officials to provide after school programs that offer recreation, academic support, and community service experience, for school-age children and teens in the United States.

(8) One of the most important investments that we can make in our children is to ensure that they have safe and positive learning environments in the after school hours.

SEC. 4. GOALS.

The goals of this Act are as follows:

(1) To increase the academic success of students.

(2) To promote safe and productive environments for students in the after school hours.

(3) To provide alternatives to drug, alcohol, tobacco, and gang activity.

(4) To reduce juvenile crime and the risk that youth will become victims of crime during after school hours.

SEC. 5. PROGRAM AUTHORIZATION.

Section 10903 of the 21st Century Community Learning Centers Act (20 U.S.C. 8243) is amended—

(1) in subsection (a)—

(A) in the subsection heading, by inserting "TO LOCAL EDUCATIONAL AGENCIES FOR SCHOOLS" after "SECRETARY"; and

(B) by striking "rural and inner-city public" and all that follows through "or to" and inserting "local educational agencies for the support of public elementary schools or secondary schools, including middle schools, that serve communities with substantial needs for expanded learning opportunities for children and youth in the communities, to enable the schools to establish or"; and

(C) by striking "a rural or inner-city community" and inserting "the communities";

(2) in subsection (b)—

(A) by striking "States, among" and inserting "States and among"; and

(B) by striking "United States," and all that follows through "a State" and inserting "United States"; and

(3) in subsection (c), by striking "3" and inserting "5".

SEC. 6. APPLICATIONS.

Section 10904 of the 21st Century Community Learning Centers Act (20 U.S.C. 8244) is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) in the first sentence, by striking "an elementary or secondary school or consortium" and inserting "a local educational agency"; and

(ii) in the second sentence, by striking "Each such" and inserting the following:

"(b) CONTENTS.—Each such"; and

(3) in subsection (b) (as so redesignated)—

(A) in paragraph (1), by striking "or consortium";

(B) in paragraph (2), by striking "and" after the semicolon; and

(C) in paragraph (3)—

(i) in subparagraph (B), by inserting ", including programs under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.)" after "maximized";

(ii) in subparagraph (C), by inserting "students, parents, teachers, school administrators, local government, including law enforcement organizations such as Police Athletic and Activity Leagues," after "agencies,";

(iii) in subparagraph (D), by striking "or consortium"; and

(iv) in subparagraph (E)—

(I) in the matter preceding clause (i), by striking "or consortium"; and

(II) in clause (ii), by striking the period and inserting a semicolon; and

(E) by adding at the end the following:

"(4) information demonstrating that the local educational agency will—

"(A) provide not less than 35 percent of the annual cost of the activities assisted under the project from sources other than funds provided under this part, which contribution may be provided in cash or in kind, fairly evaluated; and

"(B) provide not more than 25 percent of the annual cost of the activities assisted under the project from funds provided by the Secretary under other Federal programs that permit the use of those other funds for activities assisted under the project; and

"(5) an assurance that the local educational agency, in each year of the project, will maintain the agency's fiscal effort, from non-Federal sources, from the preceding fiscal year for the activities the local educational agency provides with funds provided under this part.".

SEC. 7. USES OF FUNDS.

Section 10905 of the 21st Century Community Learning Centers Act (20 U.S.C. 8245) is amended—

(1) by striking the matter preceding paragraph (1) and inserting:

"(a) IN GENERAL.—Grants awarded under this part may be used to establish or expand community learning centers. The centers may provide 1 or more of the following activities:";

(2) in subsection (a)(11) (as redesignated by paragraph (1)), by inserting ", and job skills preparation" after "placement"; and

(3) by adding at the end the following:

"(14) After school programs, that—

"(A) shall include at least 2 of the following—

"(i) mentoring programs;

"(ii) academic assistance;

"(iii) recreational activities; or

"(iv) technology training; and

"(B) may include—

"(i) drug, alcohol, and gang prevention activities;

"(ii) health and nutrition counseling; and

"(iii) job skills preparation activities.

"(b) LIMITATION.—Not less than ⅔ of the amount appropriated under section 10907 for each fiscal year shall be used for after school programs, as described in paragraph (14). Such programs may also include activities described in paragraphs (1) through (13) that offer expanded opportunities for children or youth.".

SEC. 8. ADMINISTRATION.

Section 10905 of the 21st Century Community Learning Centers Act (20 U.S.C. 8245) is amended by adding at the end the following:

"(c) ADMINISTRATION.—In carrying out the activities described in subsection (a), a local educational agency or school shall, to the greatest extent practicable—

"(1) request volunteers from business and academic communities, and law enforcement organizations, such as Police Athletic and Activity Leagues, to serve as mentors or to assist in other ways;

"(2) ensure that youth in the local community participate in designing the after school activities;

"(3) develop creative methods of conducting outreach to youth in the community;

"(4) request donations of computer equipment and other materials and equipment; and

"(5) work with State and local park and recreation agencies so that activities carried out by the agencies prior to the date of enactment of this subsection are not duplicated by activities assisted under this part.

SEC. 9. COMMUNITY LEARNING CENTER DEFINED.

Section 10906 of the 21st Century Community Learning Centers Act (20 U.S.C. 8246) is amended in paragraph (2) by inserting ", including law enforcement organizations such as the Police Athletic and Activity League" after "governmental agencies".

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

Section 10907 of the 21st Century Community Learning Centers Act (20 U.S.C. 8247) is amended by striking "$20,000,000 for fiscal year 1995" and all that follows and inserting "$600,000,000 for each of fiscal years 2000 through 2004, to carry out this part.".

SEC. 11. EFFECTIVE DATE.

This Act, and the amendments made by this Act, take effect on October 1, 1999.

McCAIN AMENDMENTS NOS. 320–321

(Ordered to lie on the table.)

Mr. McCAIN submitted two amendments intended to be proposed by him to the bill, S. 254, supra; as follows:

AMENDMENT NO. 320

At the end, add the following:

TITLE . GENERAL FIREARM PROVISIONS

SEC. 01. STRAW PURCHASE PENALTIES.

(a) STRAW PURCHASE PENALTIES.—Section 924(a) of title 18, United States Code, is amended by striking paragraph (2) and inserting the following:

"(2) a person who knowingly—

"(A) violates subsection (d), (g), (h), (i), (j) or (o) of section 922 shall be fined under this title, imprisoned not more than 10 years, or both; or

"(B) violates section 922(a)(6)—

"(i) shall be fined under this title, imprisoned not more than 10 years, or both; or

"(ii) if the person violates subsection (a)(6) for the purpose of selling, delivering, or otherwise transferring a firearm knowing or having reasonable cause to know that or with the intent that another person will carry or otherwise possess or discharge or otherwise use the firearm in the commission of a violent felony (as defined in subsection (e)(2)(B))—

"(I) shall be fined under this title, imprisoned not more than 15 years, or both; or

"(II) if the procurement is for a juvenile (as defined in section 922(x)), shall be fined under this title, imprisoned not more than 20 years.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect 180 days after the date of enactment of this Act.

AMENDMENT NO. 321

On page 265, after line 20, add the following:

SEC. 4 . PENALTIES FOR FIREARM VIOLATIONS INVOLVING JUVENILES.

(a) PENALTIES FOR FIREARM VIOLATIONS BY JUVENILES.—Section 924(a) of title 18 United States Code, is amended—

(1) in paragraph (4), by striking "Whoever" and inserting "Except as provided in paragraph (6), whoever"; and

(2) by striking paragraph (6) and inserting the following:

"(6) TRANSFER TO OR POSSESSION BY A JUVENILE.—

"(A) DEFINITION OF VIOLENT FELONY.—In this paragraph, the term 'violent felony' has the meaning given the term in subsection (e)(2)(B).

"(B) POSSESSION BY A JUVENILE.—

"(i) IN GENERAL.—Subject to clauses (ii) and (iii), a juvenile who violates section 922(x) shall be fined under this title, imprisoned not more than 1 year, or both.

"(ii) PROBATION.—Unless clause (iii) applies and unless a juvenile fails to comply with a condition of probation, the juvenile shall be sentenced to probation on appropriate conditions and shall not be incarcerated if—

"(I) the offense with which the juvenile is charged is possession of a handgun or ammunition in violation of section 922(x)(2); and

"(II) the juvenile has not been convicted in any court of an offense (including an offense under section 922(x) or a similar State law, but not including any other offense consisting of conduct that if engaged in by an adult would not constitute an offense) or adjudicated as a juvenile delinquent for conduct that if engaged in by an adult would constitute an offense.

"(iii) SCHOOL ZONES.—A juvenile shall be fined under this title, imprisoned not more than 20 years, or both, if—

"(I) the offense of which the juvenile is charged is possession of a handgun or ammunition in violation of section 922(x)(2); and

"(II) during the same course of conduct in violating section 922(x)(2), the juvenile violated section 922(q), with the intent to carry or otherwise possess or discharge or otherwise use the handgun or ammunition in the commission of a violent felony.

"(C) TRANSFER TO A JUVENILE.—A person other than a juvenile who knowingly violates section 922(x)—

"(i) shall be fined under this title, imprisoned not more than 1 year, or both; or

"(ii) if the person sold, delivered, or otherwise transferred a handgun or ammunition to a juvenile knowing or having reasonable cause to know that the juvenile intended to carry or otherwise possess or discharge or otherwise use the handgun or ammunition in the commission of a violent felony, shall be fined under this title, imprisoned not more than 20 years, or both.

"(D) CASES IN UNITED STATES DISTRICT COURT.—Except as otherwise provided in this chapter, in any case in which a juvenile is prosecuted in a district court of the United States, and the juvenile is subject to the penalties under subparagraph (B)(iii), the juvenile shall be subject to the same laws, rules, and proceedings regarding sentencing (including the availability of probation, restitution, fines, forfeiture, imprisonment, and supervised release) that would be applicable in the case of an adult.

"(E) NO RELEASE AT AGE 18.—No juvenile sentenced to a term of imprisonment shall be released from custody solely for the reason that the juvenile has reached the age of 18 years.".

(b) UNLAWFUL WEAPONS TRANSFERS TO JUVENILES.—Section 922 of title 18, United States Code, is amended by striking subsection (x) and inserting the following:

"(x) JUVENILES.—

"(1) DEFINITION OF JUVENILE.—In this subsection, the term 'juvenile' means a person who is less than 18 years of age.

"(2) TRANSFER TO JUVENILES.—It shall be unlawful for a person to sell, deliver, or otherwise transfer to a person who the transferor knows or has reasonable cause to believe is a juvenile—

"(A) a handgun; or

"(B) ammunition that is suitable for use only in a handgun.

"(3) POSSESSION BY A JUVENILE.—It shall be unlawful for any person who is a juvenile to knowingly possess—

"(A) a handgun; or

"(B) ammunition that is suitable for use only in a handgun.

"(4) APPLICABILITY.—

"(A) IN GENERAL.—This subsection does not apply to—

"(i) if the conditions stated in subparagraph (B) are met, a temporary transfer of a handgun or ammunition to a juvenile or to the possession or use of a handgun or ammunition by a juvenile if the handgun or ammunition is possessed and used by the juvenile—

"(I) in the course of employment;

"(II) in the course of ranching or farming related to activities at the residence of the juvenile (or on property used for ranching or farming at which the juvenile, with the permission of the property owner or lessee, is performing activities related to the operation of the farm or ranch);

"(III) for target practice;

"(IV) for hunting; or

"(V) for a course of instruction in the safe and lawful use of a handgun;

"(ii) a juvenile who is a member of the Armed Forces of the United States or the National Guard who possesses or is armed with a handgun or ammunition in the line of duty;

"(iii) a transfer by inheritance of title (but not possession) of handgun or ammunition to a juvenile; or

"(iv) the possession of a handgun or ammunition taken in defense of the juvenile or other persons against an intruder into the residence of the juvenile or a residence in which the juvenile is an invited guest.

"(B) TEMPORARY TRANSFERS.—Clause (i) shall apply if—

"(i) the juvenile's possession and use of a handgun or ammunition under this paragraph are in accordance with State and local law; and

"(ii)(I)(aa) except when a parent or guardian of the juvenile is in the immediate and supervisory presence of the juvenile, the juvenile, at all times when a handgun or ammunition is in the possession of the juvenile, has in the juvenile's possession the prior written consent of the juvenile's parent or guardian who is not prohibited by Federal, State, or local law from possessing a firearm or ammunition; and

"(bb) during transportation by the juvenile directly from the place of transfer to a place at which an activity described in item (aa) is to take place, the handgun is unloaded and in a locked container or case, and during the transportation by the juvenile of the firearm, directly from the place at which such an activity took place to the transferor, the handgun is unloaded and in a locked container or case; or

"(II) with respect to ranching or farming activities as described in subparagraph (A)(i)(II)—

"(aa) a juvenile possesses and uses a handgun or ammunition with the prior written approval of the juvenile's parent or legal guardian;

"(bb) the approval is on file with an adult who is not prohibited by Federal, State, or local law from possessing a firearm or ammunition; and

"(cc) the adult is directing the ranching or farming activities of the juvenile.

"(5) INNOCENT TRANSFERORS.—A handgun or ammunition, the possession of which is transferred to a juvenile in circumstances in which the transferor is not in violation under this subsection, shall not be subject to permanent confiscation by the Government if its possession by the juvenile subsequently becomes unlawful because of the conduct of the juvenile, but shall be returned to the lawful owner when the handgun or ammunition is no longer required by the Government for the purposes of investigation or prosecution.

"(6) ATTENDANCE BY PARENT OR LEGAL GUARDIAN AS CRIMINAL PROCEEDINGS.—In a prosecution of a violation of this subsection, the court—

"(A) shall require the presence of a juvenile defendant's parent or legal guardian at all proceedings;

"(B) may use the contempt power to enforce subparagraph (A); and

"(C) may excuse attendance of a parent or legal guardian of a juvenile defendant for good cause.".

(c) EFFECTIVE DATE.—The amendment made by this section takes effect 180 days after the date of enactment of this Act.

HATCH (AND OTHERS) AMENDMENT NO. 322

Mr. HATCH (for himself, Mr. BIDEN, Mr. SESSIONS, Mr. DEWINE, Mr. ALLARD, and Mrs. FEINSTEIN) proposed an amendment to the bill, S. 254, supra; as follows:

On page 54, after line 16, add the following:

SEC. 207. AUTHORITY TO MAKE GRANTS TO PROSECUTORS' OFFICES TO COMBAT GANG CRIME AND YOUTH VIOLENCE.

(a) IN GENERAL.—Section 31702 of subtitle Q of title III of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13862) is amended—

(1) in paragraph (2), by striking "and" at the end;

(2) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(5) to allow the hiring of additional prosecutors, so that more cases can be prosecuted and backlogs reduced;

"(6) to provide funding to enable prosecutors to address drug, gang, and youth violence problems more effectively;

"(7) to provide funding to assist prosecutors with funding for technology, equipment, and training to assist prosecutors in reducing the incidence of, and increase the successful identification and speed of prosecution of young violent offenders; and

"(8) to provide funding to assist prosecutors in their efforts to engage in community prosecution, problem solving, and conflict resolution techniques through collaborative efforts with police, school officials, probation officers, social service agencies, and community organizations.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 31707 of subtitle Q of title III of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13867) is amended to read as follows:

"SEC. 31707. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this subtitle, $50,000,000 for 2000 through 2004.".

On page 225, line 3, strike "juvenile prosecutors,".

On page 225, line 7, insert "and violence" after "crime".

On page 227, line 11, strike "and".

On page 227, line 19, strike the period and insert a semicolon.

On page 227, between lines 19 and 20, insert the following:

"(12) for juvenile prevention programs (including curfews, youth organizations, antidrug, and anti-alcohol programs, anti-gang programs, and after school programs and activities);

"(13) for juvenile drug and alcohol treatment programs; and

"(14) for school counseling and other school-base prevention programs.

On page 229, line 11, strike "paragraph (1) not less" and insert the following: "paragraph (1)—

"(A) not less".

On page 229, line 13, strike "(A)" and insert "(i)".

On page 230, line 4, strike "(B)" and insert "(ii)".

On page 230, line 8, strike the period and insert "; and".

On page 230, between lines 8 and 9, insert the following:

"(B) not less than 25 percent shall be used for the purposes set forth in paragraph (12), (13), or (14) of subsection (b).

On page 234, line 25, strike "amounts" and insert "the total amount".

On page 235, line 1, strike "government," and insert "government for a fiscal year, not less than 25 percent shall be used for the purposes set forth in paragraph (12), (13), or (14) of subsection (b), and".

On page 251, strike line 17 and all that follows through page 252, line 2, and insert the following:

SEC. 324. EXTENSION OF VIOLENT CRIME REDUCTION TRUST FUND.

(a) IN GENERAL.—Section 310001(b) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) is amended by striking paragraphs (1) through (5) and inserting the following:

"(1) for fiscal year 2001, $6,025,000,000;

"(2) for fiscal year 2002, $6,169,000,000;

"(3) for fiscal year 2003, $6,316,000,000;

"(4) for fiscal year 2004, $6,458,000,000; and

"(5) for fiscal year 2005, $6,616,000,000.".

(b) DISCRETIONARY LIMITS.—Title XXXI of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211 et seq.) is amended by inserting after section 310001 the following:

"SEC. 310002. DISCRETIONARY LIMITS.

"(a) DISCRETIONARY LIMITS.—For the purposes of allocations made for the discretionary category pursuant to section 302(a) of the Congressional Budget Act of 1974 (2 U.S.C. 633(a)), the term 'discretionary spending limit' means—

"(1) with respect to fiscal year 2001—

"(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

"(B) for the violent crime reduction category: $6,025,000,000 in new budget authority and $5,718,000,000 in outlays;

"(2) with respect to fiscal year 2002—

"(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

"(B) for the violent crime reduction category: $6,169,000,000 in new budget authority and $6,020,000,000 in outlays; and

"(3) with respect to fiscal year 2003—

"(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

"(B) for the violent crime reduction category: $6,316,000,000 in new budget authority and $6,161,000,000 in outlays;

"(4) with respect to fiscal year 2004—

"(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

"(B) for the violent crime reduction category: $6,458,000 in new budget authority and $6,303,000,000 in outlays; and

"(5) with respect to fiscal year 2005—

"(A) for the discretionary category, amounts of budget authority and outlays necessary to adjust the discretionary spending limits to reflect the changes in subparagraph (B) as determined by the Chairman of the Budget Committee; and

"(B) for the violent crime reduction category: $6,616,000 in new budget authority and $6,452,000,000 in outlays;

as adjusted in accordance with section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)) and section 314 of the Congressional Budget Act of 1974.

"(b) POINT OF ORDER IN THE SENATE.—

"(1) IN GENERAL.—Except as provided in paragraph (2), it shall not be in order in the Senate to consider—

"(A) any concurrent resolution on the budget for any of the fiscal years 2001 through 2005 (or amendment, motion, or conference report on such a resolution) that provides discretionary spending in excess of the discretionary spending limit or limits for such fiscal year; or

"(B) any bill or resolution (or amendment, motion, or conference report on such bill or resolution) for any of the fiscal years 2001 through 2005 that would cause any of the limits in this section (or suballocations of the discretionary limits made under section 302(b) of the Congressional Budget Act of 1974 (2 U.S.C. 633(b))) to be exceeded.

"(2) EXCEPTION.—This section shall not apply if a declaration of war by Congress is in effect or if a joint resolution under section 258 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 907a) has been enacted.

"(c) WAIVER.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the members of the Senate, duly chosen and sworn.

"(d) APPEALS.—

"(1) TIME.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the concurrent resolution, bill, or joint resolution, as the case may be.

"(2) VOTE TO SUSTAIN APPEAL.—An affirmative vote of three-fifths of the members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

"(e) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, new entitlement authority, revenues, and deficits for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.".

ROBB (AND KENNEDY) AMENDMENT NO. 323

Mr. LEAHY (for Mr. ROBB (for himself and Mr. KENNEDY)) proposed an amendment to amendment No. 322 proposed by Mr. HATCH to the bill, S. 254, supra; as follows:

At the end, add the following:

TITLE ___. RESOURCES AND SERVICES FOR COMMUNITIES TO PREVENT YOUTH VIOLENCE

SEC. ___01. SHORT TITLE.

This title may be cited as the "National Resource Center for School Safety and Youth Violence Prevention Act of 1999".

SEC. ___02. FINDINGS.

Congress makes the following findings:

(1) While our Nation's schools are still relatively safe, it is imperative that schools be provided with adequate resources to prevent incidents of violence.

(2) Approximately 10 percent of all public schools reported at least 1 serious violent crime to a law enforcement agency over the course of the 1996-1997 school year.

(3) In 1996, approximately 225,000 students between the ages of 12 and 18 were victims of nonfatal violent crime in schools in the United States.

(4) From 1992 through 1994, 76 students and 29 non-students were victims of murders or suicides that were committed in schools in the United States.

(5) The school violence incidents in several States across the Nation in 1998 and 1999 caused enormous damage to schools, families, and whole communities.

(6) The children of the United States are increasingly afraid that they will be attacked or harmed at school.

(7) A report issued by the Department of Education in August, 1998, entitled "Early Warning, Early Response" concluded that the reduction and prevention of school violence is best achieved through safety plans which involve the entire community, policies which emphasize both prevention and intervention, training school personnel, parents, students, and community members to recognize the early warning signs of potentially violent behavior and to share their concerns or observations with trained personnel, establishing procedures which allow rapid response and intervention when early warning signs of violent behavior are identified, and providing adequate support and access to services for troubled students.

SEC. 03. NATIONAL RESOURCE CENTER FOR SCHOOL SAFETY AND YOUTH VIOLENCE PREVENTION.

(a) ESTABLISHMENT.—The Secretary of Education and the Attorney General shall jointly award a grant for the support of a National Resource Center for School Safety and Youth Violence Prevention (in this section referred to as the "Center"). The Secretary of Education, the Secretary of Health and Human Services, and the Attorney General may award a grant for the support of the Center at an existing facility, if the facility has a history of performing any of the duties described in subsection (b). The Secretary of Education, the Secretary of Health and Human Services, and the Attorney General shall jointly appoint a Director of the Center to oversee the operation of the Center.

(b) DUTIES.—The Center shall develop and carry out emergency response, anonymous student hotline tipline, training and technical assistance, research and evaluation, and consultation, activities with respect to elementary and secondary school safety, as follows:

(1) EMERGENCY RESPONSE.—The Center shall provide support to the School Emergency Response to Violence Fund (SERV)—

(A) to provide rapid response and emergency assistance to schools affected by violent shootings or other violent episodes; and

(B) to help communities meet urgent needs such as emergency mental health crisis counseling, additional school security personnel, and long term counseling for students, faculty, and families.

(2) ANONYMOUS STUDENT HOTLINE TIPLINE.—The Center shall establish a toll-free telephone number for students and others to report criminal activity, threats of criminal activity, and other high-risk behaviors such as substance abuse, gang or cult affiliation, or other warning signs of potentially violent behavior. The Center shall relay the reports, without attribution, to local law enforcement or appropriate school hotlines. The Director of the Center shall work with the Attorney General to establish guidelines for Center staff to work with law enforcement around the Nation to relay information reported through the hotline.

(3) TRAINING AND TECHNICAL ASSISTANCE.—

(A) IN GENERAL.—The Center shall support training and technical assistance for all local educational agencies developing a school safety plan that includes—

(i) pairing regional training sessions with hands-on technical assistance to assist sites in implementing effective programs and strategies;

(ii) support for effective use of tiplines by schools and others;

(iii) threat assessment;

(iv) information sharing between schools, police, and agencies serving troubled and delinquent youth;

(v) police, school, parent, and social service partnerships;

(vi) media and police protocols to better manage live broadcast of emergency situations;

(vii) surveillance of school property;

(viii) early recognition of the signs of danger in the most troubled children and youth by schools, police, and service agencies;

(ix) development of a community case management process to deal with troubled youth;

(x) establishing mentoring, conflict resolution, family life education, and substance abuse prevention programs; or

(xi) developing effective school counseling services, including services for elementary schools.

(B) EARLY WARNING.—The Center shall support a joint training program that involves the Department of Education, the Department of Justice, and the Department of Health and Human Services, and uses the document entitled "Early Warning: Timely Response, A Guide to Safe Schools" as a guide for the program. The program shall provide training to teachers and school officials to enable the teachers and school officials to learn to identify youth experiencing mental health problems. The training shall consist of—

(i) immediate field training to be initiated on a regional or State-by-State basis; and

(ii) a teacher curriculum program that modifies graduate and undergraduate teacher curriculum programs to incorporate training on the early warning signs of mental health problems in youth.

(4) RESEARCH AND EVALUATION; NATIONAL CLEARINGHOUSE.—

(A) IN GENERAL.—The Center shall compile information about the best practices in school violence prevention, intervention, and crisis management, and shall serve as a clearinghouse for model school safety program information. The information shall be available for use by the public through the Internet, printed materials, and conferences. The staff of the Center shall work to ensure local governments, school officials, parents, students, and law enforcement officials and agencies are aware of the resources, grants, and expertise available to enhance school safety and prevent school crime. The staff of the Center shall give special attention to providing outreach to rural and impoverished communities.

(B) STUDY.—The Center shall conduct a comprehensive factual study of the incidence of youth violence to determine the root cause of youth violence, and shall make recommendations to the President and Congress regarding such violence.

(C) RESEARCH AND EVALUATION.—The Center shall support research and evaluation activities to measure effective school safety strategies and programs, and shall disseminate the results of such research and evaluation, including the development of research and evaluation activities regarding strategies for creating smaller learning communities, for elementary school counseling programs, and for mentoring programs.

(5) CONSULTATION.—The Center shall establish a toll-free number for the public and school administrators to contact staff of the Center for consultation and reporting regarding school safety. The Director of the Center shall hire administrative staff and individuals with expertise in enhancing school safety, including individuals with backgrounds in counseling and psychology, education, law enforcement and criminal justice, and community development, to assist in the consultation.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $100,000,000 for fiscal year 2000 and such sums as may be necessary for each of the fiscal years 2001 through 2004.

TITLE —SAFE COMMUNITIES, SAFE SCHOOLS, AND HEALTHY STUDENTS

SEC. 01. PROGRAM AUTHORIZED.

(a) IN GENERAL.—The Secretary of Education, the Attorney General, and the Secretary of Health and Human Services are authorized to carry out a jointly administered program under which support is provided to local educational agencies working in partnership with mental health and law enforcement agencies to enable the local educational agencies to carry out the following activities:

(1) SCHOOL SAFETY.—Establishing a safe school environment, redesigning school facilities, and enhancing school security measures.

(2) EDUCATIONAL REFORM.—Educational reform, including high standards for all students, reductions in class size, use of technology in the classroom, talented, trained and dedicated teachers, expanded after school learning opportunities, character education, mentoring programs, and alternative disciplinary intervention.

(3) CONFLICT RESOLUTION TRAINING AND PEER MEDIATION.—Conflict resolution training and peer mediation.

(4) SAFE SCHOOL POLICIES.—Safe school policies.

(5) SCHOOL RESOURCE OFFICERS.—Providing for school resource officers who—

(A) provide schools with on-site security and a direct link to local law enforcement agencies; and

(B) perform a variety of functions aimed at combating school violence, including teaching crime prevention and substance abuse classes, monitoring troubled students, and building respect for law enforcement among students.

(b) DEFINITION OF LOCAL EDUCATIONAL AGENCY.—The term "local educational agency" has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $460,000,000 for fiscal year 2000 and such sums as may be necessary for each of the fiscal years 2001 through 2004. Funds appropriated under this subsection shall remain available until expended.

TITLE —PROVISIONS RELATING TO SERVICES FOR CHILDREN AND ADOLESCENTS

SEC. 01. CHILDREN AND VIOLENCE.

Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended by adding at the end the following:

"PART G—PROJECTS FOR CHILDREN AND VIOLENCE

"SEC. 581. CHILDREN AND VIOLENCE.

"(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Education and the Attorney General, shall carry out directly or through grants, contracts or cooperative agreements with public entities a program to assist local communities in developing ways to assist children in dealing with violence.

"(b) ACTIVITIES.—Under the program under subsection (a), the Secretary may—

"(1) provide financial support to enable local communities to implement programs to foster the health and development of children;

"(2) provide technical assistance to local communities with respect to the development of programs described in paragraph (1);

"(3) provide assistance to local communities in the development of policies to address violence when and if it occurs; and

"(4) assist in the creation of community partnerships among law enforcement, education systems, community-based youth programs, and mental health and substance abuse service systems.

"(c) Requirements.—An application for a grant, contract or cooperative agreement under subsection (a) shall demonstrate that—

"(1) the applicant will use amounts received to create a partnership described in subsection (b)(4) to address issues of youth violence;

"(2) the activities carried out by the applicant will provide a comprehensive method for addressing violence, that will include—

"(A) security;

"(B) educational reform;

"(C) the review and updating of school policies;

"(D) alcohol and drug abuse prevention and early intervention services;

"(E) mental health prevention and treatment services, including additional counselors, elementary school counselors, psychologists, and nurses in schools; and

"(F) early childhood development and psychosocial services; and

"(3) the applicant will use amounts received only for the services described in subparagraphs (D), (E), and (F) of paragraph (2).

"(d) Geographical Distribution.—The Secretary shall ensure that grants, contracts or cooperative agreements under subsection (a) will be distributed equitably among the regions of the country and among urban and rural areas.

"(e) Duration of Awards.—With respect to a grant, contract or cooperative agreement under subsection (a), the period during which payments under such an award will be made to the recipient may not exceed 5 years.

"(f) Evaluation.—The Secretary shall conduct an evaluation of each project carried out under this section and shall disseminate the results of such evaluations to appropriate public and private entities.

"(g) Information and Education.—The Secretary shall establish comprehensive information and education programs to disseminate the findings of the knowledge development and application under this section to the general public and to health care professionals.

"(h) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section, $100,000,000 for fiscal year 2000, and such sums as may be necessary for each of fiscal years 2001 and 2002.".

SEC. 02. MENTAL HEALTH SERVICES FOR VIOLENCE RELATED STRESS.

Part G of title V of the Public Health Service Act (as added by section 01) is amended by adding at the end the following:

"SEC. 582. GRANTS TO ADDRESS THE PROBLEMS OF VIOLENCE RELATED STRESS.

"(a) In General.—The Secretary shall award grants, contracts or cooperative agreements to public and non-profit private entities, as well as to Indian tribes and tribal organizations, for the purpose of establishing a national and regional centers of excellence on psychological trauma response and for developing knowledge with regard to best practices for treating psychiatric disorders resulting from witnessing or experiencing such stress.

"(b) Priorities.—In awarding grants, contracts or cooperative agreements under subsection (a) related to the development of knowledge on best practices for treating disorders associated with psychological trauma, the Secretary shall give priority to programs that work with children, adolescents, adults, and families who are survivors and witnesses of child abuse, domestic, school and community violence, disasters and terrorism.

"(c) Geographical Distribution.—The Secretary shall ensure that grants, contracts or cooperative agreements under subsection (a) with respect to centers of excellence are distributed equitably among the regions of the country and among urban and rural areas.

"(d) Evaluation.—The Secretary, as part of the application process, shall require that each applicant for a grant, contract or cooperative agreement under subsection (a) submit a plan for the rigorous evaluation of the activities funded under the grant, contract or agreement, including both process and outcomes evaluation, and the submission of an evaluation at the end of the project period.

"(e) Duration of Awards.—With respect to a grant, contract or cooperative agreement under subsection (a), the period during which payments under such an award will be made to the recipient may not be less than 3 years nor more than 5 years. Such grants, contracts or agreements may be renewed.

"(f) Report.—Not later than 1 year after the date of enactment of this section, the General Accounting Office shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Commerce of the House of Representatives a report concerning whether individuals are covered for post-traumatic stress disorders under public and private health plans, and the course of treatment, if any, that is covered.

"(g) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section, $50,000,000 for fiscal year 2000, and such sums as may be necessary for each of fiscal years 2001 and 2002.".

SEC. 03. TREATMENT FOR YOUTH.

(a) Wrap Around Grant Program for Detained or Incarcerated Youth.—

(1) Findings.—Congress makes the following findings:

(A) Four million underage youth are arrested in the United States every year and 30 percent of those arrested are likely to relapse and commit a crime within 1 year of the arrest.

(B) According to a Federal study, 60 percent of youth offenders in the juvenile justice system who are in detention programs have behavioral, mental, or emotional problems.

(C) Academic studies repeatedly find that there is a higher percentage of youth offenders in the juvenile justice system who have mental disorders than in the youth population at large.

(D) Less than 13 percent of youth offenders in the juvenile justice system who have been identified as in need of treatment receive such treatment.

(2) Wrap Around Grants for Youth.—Subpart 3 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb-31 et seq.) is amended by adding at the end the following:

"SEC. 520C. WRAP AROUND GRANTS FOR YOUTH.

"(a) In General.—The Secretary, acting through the Director of the Center for Mental Health Services, and in consultation with the Administrator of the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice and the Director of the Special Education Programs of the Department of Education, shall award grants on a competitive basis to State or local juvenile justice agencies to enable such agencies to provide aftercare services for youth offenders who have been discharged from the juvenile or criminal justice system and have serious emotional disturbances or are at risk of developing such disturbances.

"(b) Purpose.—The purposes of this section are—

"(1) to address the needs of youth offenders who have been discharged from the juvenile or criminal justice system and have serious emotional disturbances or are at risk of developing such disturbances;

"(2) to provide a community-based system of care for such youth offenders to prevent the youth from committing additional or more serious criminal offenses;

"(3) to provide services for youth offenders after such youth have had contact with the juvenile or criminal justice system in order to decrease the likelihood that the individuals will reoffend;

"(4) to enable State and local agencies that provide services for youth to work together with juvenile justice agencies to establish an individual treatment plan and a case management plan for each youth offender to reduce the likelihood of recidivism; and

"(5) to encourage involvement of the youth offender's family members, significant persons in the youth offender's life, and community agencies in the process of helping youth offenders resist criminal activity and remain in the community.

"(c) Use of Funds.—A State or local juvenile justice agency receiving a grant under subsection (a) shall use the amounts provided under the grant—

"(1) to develop a plan describing the manner in which the agency will provide services for each youth offender who has a serious emotional disturbance and has come in contact with the juvenile or criminal justice system;

"(2) to provide a network of core services or access to such services for each youth offender, including diagnostic and evaluation services, substance abuse treatment services, outpatient mental health care services, medication management services, intensive home-based therapy, intensive day treatment services, respite care, and therapeutic foster care;

"(3) to establish a program that coordinates with other State and local agencies providing recreational, social, educational, vocational, or operational services for youth, to enable the agency receiving a grant under this section to provide community-based system of care services for each youth offender that addresses the special needs of the youth and helps the youth access all of the aforementioned services; and

"(4) using not more than 20 percent of funds received, to provide planning and transition services as described in paragraph (3) for youth offenders while such youth are incarcerated or detained.

"(d) Application.—A State or local juvenile justice agency that desires a grant under subsection (a) shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(e) Report.—Not later than 1 year after the date of enactment of this section and annually thereafter, a State or local juvenile justice agency receiving a grant under subsection (a) shall submit to the Secretary a report describing the programs carried out pursuant to this section.

"(f) DEFINITIONS.—In this section:

"(1) SERIOUS EMOTIONAL DISTURBANCE.—The term 'serious emotional disturbance' with respect to a youth offender means an offender who currently, or at any time within the 1-year period ending on the day on which services are sought under this section, has a diagnosable mental, behavioral, or emotional disorder that functionally impairs the offender's life by substantially limiting the offender's role in family, school, or community activities, and interfering with the offender's ability to achieve or maintain 1 or more developmentally-appropriate social, behavior, cognitive, communicative, or adaptive skills.

"(2) COMMUNITY-BASED SYSTEM OF CARE.—The term 'community-based system of care' means the provision of services for the youth offender by various State or local agencies that in an interagency fashion or operating as a network addresses the recreational, social, educational, vocational, and operational needs of the youth offender.

"(3) YOUTH OFFENDER.—The term 'youth offender' means an individual who is 21 years of age or younger who has been discharged from a State or local juvenile or criminal justice system, except that if the individual is between the ages of 18 and 21 years, such individual has had contact with the State or local juvenile or criminal justice system prior to attaining 18 years of age and is under the jurisdiction of such a system at the time services are sought.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $40,000,000 for each of the fiscal years 2000 through 2004.".

(b) COMPETITIVE GRANT PROGRAMS FOR YOUTH SUBSTANCE ABUSE PREVENTION AND TREATMENT.—Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.), as amended by section 01, is further amended by adding at the end the following:

"PART H—COMPETITIVE GRANT PROGRAMS FOR YOUTH SUBSTANCE ABUSE PREVENTION AND TREATMENT

"SEC. 591. GRANTS TO CONSORTIA.

"(a) IN GENERAL.—The Secretary shall award grants on a competitive basis to eligible consortia to enable such consortia to establish the programs described in subsection (c).

"(b) PRIORITY.—In awarding grants under subsection (a), the Secretary shall give priority to applications from eligible consortia that provide services in rural areas or for Native Americans.

"(c) USE OF FUNDS.—An eligible consortium receiving amounts under subsection (a) shall use such amounts to establish school-based substance abuse prevention and student assistance programs for youth, including after school programs and elementary school counselor programs, to provide services that address youth substance abuse, including services that—

"(1) identify youth at risk for substance abuse;

"(2) refer any youth at risk for substance abuse for substance abuse treatment;

"(3) provide effective primary prevention programing;

"(4) target underserved areas, such as rural areas; and

"(5) target populations, such as Native Americans, that are underserved.

"(d) APPLICATION.—An eligible consortium that desires a grant under subsection (a) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(e) REPORT.—Not later than 1 year after the date of enactment of this section and annually thereafter, an eligible consortium receiving a grant under subsection (a) shall submit to the Secretary a report describing the programs carried out pursuant to this section.

"(f) DEFINITIONS.—In this section:

"(1) ELIGIBLE CONSORTIUM.—The term 'eligible consortium' means an entity composed of a local educational agency and community-based substance abuse prevention providers and student assistance providers in which the agency and providers maintain equal responsibility in providing the services described in subsection (c).

"(2) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' has the meaning given such term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

"(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $15,000,000 for each of fiscal years 2000 through 2004.

"SEC. 592. GRANTS TO TREATMENT FACILITIES.

"(a) IN GENERAL.—The Secretary shall award grants on a competitive basis to inpatient and outpatient treatment facilities that provide the substance abuse treatment services described in subsection (d).

"(b) ELIGIBLE APPLICANT.—To be eligible to receive a grant under subsection (a), a treatment facility must provide or propose to provide alcohol or drug treatment services for individuals under the age of 22 years.

"(c) PRIORITY.—In awarding grants under subsection (a), the Secretary shall give priority to applications from treatment facilities that provide treatment services in rural areas, for Native Americans, or for underserved populations.

"(d) USE OF FUNDS.—A treatment facility receiving amounts under subsection (a) shall use such amounts to provide substance abuse treatment services for youth, including community-based aftercare services that provide treatment for the period of time following an individual's discharge from a drug treatment center.

"(e) APPLICATION.—A treatment facility that desires a grant under subsection (a) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(f) REPORT.—Not later than 1 year after the date of enactment of this section and annually thereafter, a treatment facility receiving a grant under subsection (a) shall submit to the Secretary a report describing the services provided pursuant to this section.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $15,000,000 for each of the fiscal years 2000 through 2004.

"SEC. 593. GRANTS TO SUBSTANCE ABUSE PREVENTION AND TREATMENT PROVIDERS.

"(a) IN GENERAL.—The Secretary shall award grants on a competitive basis to State and local substance abuse prevention and treatment providers to enable such providers to offer training to provide prevention and treatment services for youth.

"(b) PRIORITY.—In awarding grants under subsection (a), the Secretary shall give priority to applications from areas in which—

"(1) there is a demonstrated high rate of substance abuse by youth; and

"(2) the population is identified as underserved or the prevention and treatment providers in the area use distance learning.

"(c) APPLICATION.—A treatment provider that desires a grant under subsection (a) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(d) REPORT.—Not later than 1 year after the date of enactment of this section and annually thereafter, a treatment provider receiving a grant under subsection (a) shall submit to the Secretary a report describing the services provided pursuant to this section.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $2,000,000 for each of the fiscal years 2000 through 2004.".

(c) GRANT PROGRAM FOR YOUTH PREVENTION AND TREATMENT.—

SEC. 04. GRANTS TO PRIVATE ENTITIES.

Part G of title V of the Public Health Service Act (as amended by section 02) is further amended by adding at the end the following:

"SEC. 583. GRANTS TO PRIVATE ENTITIES.

"(a) IN GENERAL.—The Secretary may award grants to, and enter into contracts and cooperative agreements with, public and private nonprofit entities for the purpose of providing substance abuse treatment services for youth.

"(b) USE OF FUNDS.—Amounts provided under a grant, contract, or cooperative agreement under this section shall be used to promote the development of knowledge of youth substance abuse through projects that will—

"(1) provide a continuum of integrated treatment services, including case management, for young individuals who have substance abuse problems and their family members;

"(2) offer individualized treatment services for young individuals who have substance abuse problems that take into account that individual's particular problems and his or her chronological and developmental age;

"(3) address the relationship between youth substance abuse and anti-social, aggressive, and violent behavior in youth;

"(4) address the relationship between youth substance abuse and psychiatric disorders, including depression, attention deficit disorder, attention deficit hyperactivity disorder, affective disorder, and conduct disorder;

"(5) promote projects that incorporate transitional support services for families of young substance abusers who have come in contact with the juvenile justice system;

"(6) address the barriers involved in providing substance abuse treatment, retention, and followup care;

"(7) address the special needs of young individuals who have substance abuse problems and who have been involved with juvenile justice or the child welfare system, have physical or cognitive disabilities, live in displaced conditions, or have parents who have substance abuse problems; and

"(8) apply the most successful, research-based and cost-effective methods for the treatment of substance abuse by youth.

"(c) PRIORITY.—In awarding grants, contracts, or cooperative agreements under subsection (a), the Secretary shall, to the extent practicable, distribute amounts in each major geographic region in the United States, in both urban and rural areas, and give priority to applications that propose to—

"(1) coordinate services with other social agencies in the community, including educational, juvenile justice, child welfare, and mental health; and

"(2) provide individualized treatment, taking the gender and culture of the individual seeking treatment into account.

"(d) DURATION OF GRANTS.—The Secretary shall not award grants, contracts, or cooperative agreements to an entity for a period of more than 5 fiscal years.

"(e) APPLICATION.—A public or private nonprofit entity that desires a grant, contract, or cooperative agreement under subsection (a) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including—

"(1) a statement detailing the manner in which the entity will evaluate projects assisted under this section; and

"(2) a statement ensuring that the entity will submit an annual report described in subsection (f).

"(f) ANNUAL REPORT.—A public or private nonprofit entity that receives a grant, contract, or cooperative agreement under subsection (a) shall prepare and submit an annual report to the Secretary that describes the projects carried out pursuant to this section.

"(g) MATCHING REQUIREMENT.—The Secretary may not award a grant, contract, or cooperative agreement to an entity under this section unless such entity agrees that, with respect to the costs to be incurred by the entity in carrying out the services for which the grant, contract, or cooperative agreement was awarded, the entity will make available non-Federal contributions toward such costs in an amount equal to—

"(1) for the first and second fiscal years for which the entity receives payments from the grant, contract, or cooperative agreement, not less than $1 for each $3 of Federal funds so provided;

"(2) for the third fiscal year for which the entity receives payments from the grant, contract, or cooperative agreement, not less than $1 for each $2 of Federal funds so provided;

"(3) for the fourth fiscal year for which the entity receives payments from the grant, contract, or cooperative agreement, not less than $1 for each $1 of Federal funds so provided; and

"(4) for the fifth fiscal year for which the entity receives payments from the grant, contract, or cooperative agreement, not less than $2 for each $1 of Federal funds so provided.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $40,000,000 for fiscal year 2000, and such sums as may be necessary for each of the fiscal years 2001 and 2002.".

GREGG (AND OTHERS) AMENDMENT NO. 324

Mr. HATCH (for Mr. GREGG (for himself, Mrs. BOXER, Mr. LEAHY, Mr. ALLARD, and Mr. ROBB)) proposed an amendment to amendment No. 322 proposed by Mr. HATCH to the bill, S. 254, supra; as follows:

At the appropriate place, insert the following:

SEC. . SAFE STUDENTS.

(a) SHORT TITLE.—This section may be cited as the "Safe Students Act."

(b) PURPOSE.—It is the purpose of this section to maximize local flexibility in responding to the threat of juvenile violence through the implementation of effective school violence prevention and safety programs.

(c) PROGRAM AUTHORIZED.—The Attorney General shall, subject to the availability of appropriations, award grants to local education agencies and to law enforcement agencies to assist in the planning, establishing, operating, coordinating and evaluating of school violence prevention and school safety programs.

(d) APPLICATION REQUIREMENTS.—

(1) IN GENERAL.—To be eligible to receive a grant under subsection (c), an entity shall—

(A) be a local education agency or a law enforcement agency; and

(B) prepare and submit to the Attorney General an application at such time, in such manner and containing such information as the Attorney General may require, including—

(i) a detailed explanation of the intended uses of funds provided under the grant; and

(ii) a written assurance that the schools to be served under the grant will have a zero tolerance policy in effect for drugs, alcohol, weapons, truancy and juvenile crime on school campuses.

(2) PRIORITY.—The Attorney General shall give priority in awarding grants under this section to applications that have been submitted jointly by a local education agency and a law enforcement agency.

(e) ALLOWABLE USES OF FUNDS.—Amounts received under a grant under this section shall be used for innovative, local responses, consistent with the purposes of this Act, which may include—

(1) training, including in-service training, for school personnel, custodians and bus drivers in—

(A) the identification of potential threats (such as illegal weapons and explosive devices);

(B) crisis preparedness and intervention procedures; and

(C) emergency response;

(2) training of interested parents, teachers and other school and law enforcement personnel in the identification and responses to early warning signs of troubled and violent youth;

(3) innovative research-based delinquency and violence prevention programs, including mentoring programs;

(4) comprehensive school security assessments;

(5) the purchase of school security equipment and technologies such as metal detectors, electronic locks, surveillance cameras;

(6) collaborative efforts with law enforcement agencies, community-based organizations (including faith-based organizations) that have demonstrated expertise in providing effective, research-based violence prevention and intervention programs to school age children;

(7) providing assistance to families in need for the purpose of purchasing required school uniforms;

(8) school resource officers, including community police officers; and

(9) community policing in and around schools.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $200,000,000 for fiscal year 2000, and such sums as may be necessary for each of fiscal years 2001 through 2004.

(g) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this section, and every 2 years thereafter, the Attorney General shall prepare and submit to the appropriate committees of Congress a report concerning the manner in which grantees have used amounts received under a grant under this section.

ROBB (AND OTHERS) AMENDMENT NO. 325

Mr. LEAHY (for Mr. ROBB (for himself, Mr. KENNEDY, and Mr. BINGAMAN)) proposed an amendment to amendment No. 322 proposed by him to the bill, S. 254, supra; as follows:

At the end, add the following:

TITLE —RESOURCES AND SERVICES FOR COMMUNITIES TO PREVENT YOUTH VIOLENCE

SEC. 01. SHORT TITLE.

This title may be cited as the "National Resource Center for School Safety and Youth Violence Prevention Act of 1999".

SEC. 02. FINDINGS.

Congress makes the following findings:

(1) While our Nation's schools are still relatively safe, it is imperative that schools be provided with adequate resources to prevent incidents of violence.

(2) Approximately 10 percent of all public schools reported at least 1 serious violent crime to a law enforcement agency over the course of the 1996-1997 school year.

(3) In 1996, approximately 225,000 students between the ages of 12 and 18 were victims of nonfatal violent crime in schools in the United States.

(4) From 1992 through 1994, 76 students and 29 non-students were victims of murders or suicides that were committed in schools in the United States.

(5) The school violence incidents in several States across the Nation in 1998 and 1999 caused enormous damage to schools, families, and whole communities.

(6) The children of the United States are increasingly afraid that they will be attacked or harmed at school.

(7) A report issued by the Department of Education in August, 1998, entitled "Early Warning, Early Response" concluded that the reduction and prevention of school violence is best achieved through safety plans which involve the entire community, policies which emphasize both prevention and intervention, training school personnel, parents, students, and community members to recognize the early warning signs of potentially violent behavior and to share their concerns or observations with trained personnel, establishing procedures which allow rapid response and intervention when early warning signs of violent behavior are identified, and providing adequate support and access to services for troubled students.

SEC. 03. NATIONAL RESOURCE CENTER FOR SCHOOL SAFETY AND YOUTH VIOLENCE PREVENTION.

(a) ESTABLISHMENT.—The Secretary of Education and the Attorney General shall jointly award a grant for the support of a National Resource Center for School Safety and Youth Violence Prevention (in this section referred to as the "Center"). The Secretary of Education, the Secretary of Health and Human Services, and the Attorney General may award a grant for the support of the Center at an existing facility, if the facility has a history of performing any of the duties described in subsection (b). The Secretary of Education, the Secretary of Health and Human Services, and the Attorney General shall jointly appoint a Director of the Center to oversee the operation of the Center.

(b) DUTIES.—The Center shall develop and carry out emergency response, anonymous student hotline tipline, training and technical assistance, research and evaluation, and consultation, activities with respect to elementary and secondary school safety, as follows:

(1) EMERGENCY RESPONSE.—The Center shall provide support to the School Emergency Response to Violence Fund (SERV)—

(A) to provide rapid response and emergency assistance to schools affected by violent shootings or other violent episodes; and

(B) to help communities meet urgent needs such as emergency mental health crisis counseling, additional school security personnel, and long term counseling for students, faculty, and families.

(2) ANONYMOUS STUDENT HOTLINE TIPLINE.—The Center shall establish a toll-free telephone number for students and others to report criminal activity, threats of criminal activity, and other high-risk behaviors such as substance abuse, gang or cult affiliation, or other warning signs of potentially violent behavior. The Center shall relay the reports, without attribution, to local law enforcement or appropriate school hotlines. The Director of the Center shall work with the Attorney General to establish guidelines for Center staff to work with law enforcement around the Nation to relay information reported through the hotline.

(3) TRAINING AND TECHNICAL ASSISTANCE.—

(A) IN GENERAL.—The Center shall support training and technical assistance for all local educational agencies developing a school safety plan that includes—

(i) pairing regional training sessions with hands-on technical assistance to assist sites in implementing effective programs and strategies;

(ii) support for effective use of tiplines by schools and others;

(iii) threat assessment;

(iv) information sharing between schools, police, and agencies serving troubled and delinquent youth;

(v) police, school, parent, and social service partnerships;

(vi) media and police protocols to better manage live broadcast of emergency situations;

(vii) surveillance of school property;

(viii) early recognition of the signs of danger in the most troubled children and youth by schools, police, and service agencies;

(ix) development of a community case management process to deal with troubled youth;

(x) establishing mentoring, conflict resolution, family life education, and substance abuse prevention programs; or

(xi) developing effective school counseling services, including services for elementary schools.

(B) EARLY WARNING.—The Center shall support a joint training program that involves the Department of Education, the Department of Justice, and the Department of Health and Human Services, and uses the document entitled "Early Warning: Timely Response, A Guide to Safe Schools" as a guide for the program. The program shall provide training to teachers and school officials to enable the teachers and school officials to learn to identify youth experiencing mental health problems. The training shall consist of—

(i) immediate field training to be initiated on a regional or State-by-State basis; and

(ii) a teacher curriculum program that modifies graduate and undergraduate teacher curriculum programs to incorporate training on the early warning signs of mental health problems in youth.

(4) RESEARCH AND EVALUATION; NATIONAL CLEARINGHOUSE.—

(A) IN GENERAL.—The Center shall compile information about the best practices in school violence prevention, intervention, and crisis management, and shall serve as a clearinghouse for model school safety program information. The information shall be available for use by the public through the Internet, printed materials, and conferences. The staff of the Center shall work to ensure local governments, school officials, parents, students, and law enforcement officials and agencies are aware of the resources, grants, and expertise available to enhance school safety and prevent school crime. The staff of the Center shall give special attention to providing outreach to rural and impoverished communities.

(B) STUDY.—The Center shall conduct a comprehensive factual study of the incidence of youth violence to determine the root cause of youth violence, and shall make recommendations to the President and Congress regarding such violence.

(C) RESEARCH AND EVALUATION.—The Center shall support research and evaluation activities to measure effective school safety strategies and programs, and shall disseminate the results of such research and evaluation, including the development of research and evaluation activities regarding strategies for creating smaller learning communities, for elementary school counseling programs, and for mentoring programs.

(5) CONSULTATION.—The Center shall establish a toll-free number for the public and school administrators to contact staff of the Center for consultation and reporting regarding school safety. The Director of the Center shall hire administrative staff and individuals with expertise in enhancing school safety, including individuals with backgrounds in counseling and psychology, education, law enforcement and criminal justice, and community development, to assist in the consultation.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $100,000,000 for fiscal year 2000 and such sums as may be necessary for each of the fiscal years 2001 through 2004.

TITLE —SAFE COMMUNITIES, SAFE SCHOOLS, AND HEALTHY STUDENTS

SEC. 01. PROGRAM AUTHORIZED.

(a) IN GENERAL.—The Secretary of Education, the Attorney General, and the Secretary of Health and Human Services are authorized to carry out a jointly administered program under which support is provided to local educational agencies working in partnership with mental health and law enforcement agencies to enable the local educational agencies to carry out the following activities:

(1) SCHOOL SAFETY.—Establishing a safe school environment, redesigning school facilities, and enhancing school security measures.

(2) EDUCATIONAL REFORM.—Educational reform, including high standards for all students, reductions in class size, use of technology in the classroom, talented, trained and dedicated teachers, expanded after school learning opportunities, character education, mentoring programs, and alternative disciplinary intervention.

(3) CONFLICT RESOLUTION TRAINING AND PEER MEDIATION.—Conflict resolution training and peer mediation.

(4) SAFE SCHOOL POLICIES.—Safe school policies.

(5) SCHOOL RESOURCE OFFICERS.—Providing for school resource officers who—

(A) provide schools with on-site security and a direct link to local law enforcement agencies; and

(B) perform a variety of functions aimed at combating school violence, including teaching crime prevention and substance abuse classes, monitoring troubled students, and building respect for law enforcement among students.

(b) DEFINITION OF LOCAL EDUCATIONAL AGENCY.—The term "local educational agency" has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $460,000,000 for fiscal year 2000 and such sums as may be necessary for each of the fiscal years 2001 through 2004. Funds appropriated under this subsection shall remain available until expended.

TITLE —PROVISIONS RELATING TO SERVICES FOR CHILDREN AND ADOLESCENTS

SEC. 01. CHILDREN AND VIOLENCE.

Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended by adding at the end the following:

"PART G—PROJECTS FOR CHILDREN AND VIOLENCE

"SEC. 581. CHILDREN AND VIOLENCE.

"(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Education and the Attorney General, shall carry out directly or through grants, contracts or cooperative agreements with public entities a program to assist local communities in developing ways to assist children in dealing with violence.

"(b) ACTIVITIES.—Under the program under subsection (a), the Secretary may—

"(1) provide financial support to enable local communities to implement programs to foster the health and development of children;

"(2) provide technical assistance to local communities with respect to the development of programs described in paragraph (1);

"(3) provide assistance to local communities in the development of policies to address violence when and if it occurs; and

"(4) assist in the creation of community partnerships among law enforcement, education systems, community-based youth programs, and mental health and substance abuse service systems.

"(c) REQUIREMENTS.—An application for a grant, contract or cooperative agreement under subsection (a) shall demonstrate that—

"(1) the applicant will use amounts received to create a partnership described in subsection (b)(4) to address issues of youth violence;

"(2) the activities carried out by the applicant will provide a comprehensive method for addressing violence, that will include—

"(A) security;

"(B) educational reform;

"(C) the review and updating of school policies;

"(D) alcohol and drug abuse prevention and early intervention services;

"(E) mental health prevention and treatment services, including additional counselors, elementary school counselors, psychologists, and nurses in schools; and

"(F) early childhood development and psychosocial services; and

"(3) the applicant will use amounts received only for the services described in subparagraphs (D), (E), and (F) of paragraph (2).

"(d) GEOGRAPHICAL DISTRIBUTION.—The Secretary shall ensure that grants, contracts or cooperative agreements under subsection (a) will be distributed equitably among the regions of the country and among urban and rural areas.

"(e) Duration of Awards.—With respect to a grant, contract or cooperative agreement under subsection (a), the period during which payments under such an award will be made to the recipient may not exceed 5 years.

"(f) Evaluation.—The Secretary shall conduct an evaluation of each project carried out under this section and shall disseminate the results of such evaluations to appropriate public and private entities.

"(g) Information and Education.—The Secretary shall establish comprehensive information and education programs to disseminate the findings of the knowledge development and application under this section to the general public and to health care professionals.

"(h) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section, $100,000,000 for fiscal year 2000, and such sums as may be necessary for each of fiscal years 2001 and 2002.".

SEC. 02. MENTAL HEALTH SERVICES FOR VIOLENCE RELATED STRESS.

Part G of title V of the Public Health Service Act (as added by section 01) is amended by adding at the end the following:

"SEC. 582. GRANTS TO ADDRESS THE PROBLEMS OF VIOLENCE RELATED STRESS.

"(a) In General.—The Secretary shall award grants, contracts or cooperative agreements to public and non-profit private entities, as well as to Indian tribes and tribal organizations, for the purpose of establishing a national and regional centers of excellence on psychological trauma response and for developing knowledge with regard to best practices for treating psychiatric disorders resulting from witnessing or experiencing such stress.

"(b) Priorities.—In awarding grants, contracts or cooperative agreements under subsection (a) related to the development of knowledge on best practices for treating disorders associated with psychological trauma, the Secretary shall give priority to programs that work with children, adolescents, adults, and families who are survivors and witnesses of child abuse, domestic, school and community violence, disasters and terrorism.

"(c) Geographical Distribution.—The Secretary shall ensure that grants, contracts or cooperative agreements under subsection (a) with respect to centers of excellence are distributed equitably among the regions of the country and among urban and rural areas.

"(d) Evaluation.—The Secretary, as part of the application process, shall require that each applicant for a grant, contract or cooperative agreement under subsection (a) submit a plan for the rigorous evaluation of the activities funded under the grant, contract or agreement, including both process and outcomes evaluation, and the submission of an evaluation at the end of the project period.

"(e) Duration of Awards.—With respect to a grant, contract or cooperative agreement under subsection (a), the period during which payments under such an award will be made to the recipient may not be less than 3 years nor more than 5 years. Such grants, contracts or agreements may be renewed.

"(f) Report.—Not later than 1 year after the date of enactment of this section, the General Accounting Office shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Commerce of the House of Representatives a report concerning whether individuals are covered for post-traumatic stress disorders under public and private health plans, and the course of treatment, if any, that is covered.

"(g) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section, $50,000,000 for fiscal year 2000, and such sums as may be necessary for each of fiscal years 2001 and 2002.".

SEC. 03. TREATMENT FOR YOUTH.

(a) Wrap Around Grant Program for Detained or Incarcerated Youth.—

(1) Findings.—Congress makes the following findings:

(A) Four million underage youth are arrested in the United States every year and 30 percent of those arrested are likely to relapse and commit a crime within 1 year of the arrest.

(B) According to a Federal study, 60 percent of youth offenders in the juvenile justice system who are in detention programs have behavioral, mental, or emotional problems.

(C) Academic studies repeatedly find that there is a higher percentage of youth offenders in the juvenile justice system who have mental disorders than in the youth population at large.

(D) Less than 13 percent of youth offenders in the juvenile justice system who have been identified as in need of treatment receive such treatment.

(2) Wrap around grants for youth.—Subpart 3 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb-31 et seq.) is amended by adding at the end the following:

"SEC. 520C. WRAP AROUND GRANTS FOR YOUTH.

"(a) In General.—The Secretary, acting through the Director of the Center for Mental Health Services, and in consultation with the Administrator of the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice and the Director of the Special Education Programs of the Department of Education, shall award grants on a competitive basis to State or local juvenile justice agencies to enable such agencies to provide aftercare services for youth offenders who have been discharged from the juvenile or criminal justice system and have serious emotional disturbances or are at risk of developing such disturbances.

"(b) Purpose.—The purposes of this section are—

"(1) to address the needs of youth offenders who have been discharged from the juvenile or criminal justice system and have serious emotional disturbances or are at risk of developing such disturbances;

"(2) to provide a community-based system of care for such youth offenders to prevent the youth from committing additional or more serious criminal offenses;

"(3) to provide services for youth offenders after such youth have had contact with the juvenile or criminal justice system in order to decrease the likelihood that the individuals will reoffend;

"(4) to enable State and local agencies that provide services for youth to work together with juvenile justice agencies to establish an individual treatment plan and a case management plan for each youth offender to reduce the likelihood of recidivism; and

"(5) to encourage involvement of the youth offender's family members, significant persons in the youth offender's life, and community agencies in the process of helping youth offenders resist criminal activity and remain in the community.

"(c) Use of Funds.—A State or local juvenile justice agency receiving a grant under subsection (a) shall use the amounts provided under the grant—

"(1) to develop a plan describing the manner in which the agency will provide services for each youth offender who has a serious emotional disturbance and has come in contact with the juvenile or criminal justice system;

"(2) to provide a network of core services or access to such services for each youth offender, including diagnostic and evaluation services, substance abuse treatment services, outpatient mental health care services, medication management services, intensive home-based therapy, intensive day treatment services, respite care, and therapeutic foster care;

"(3) to establish a program that coordinates with other State and local agencies providing recreational, social, educational, vocational, or operational services for youth, to enable the agency receiving a grant under this section to provide community-based system of care services for each youth offender that addresses the special needs of the youth and helps the youth access all of the aforementioned services; and

"(4) using not more than 20 percent of funds received, to provide planning and transition services as described in paragraph (3) for youth offenders while such youth are incarcerated or detained.

"(d) Application.—A State or local juvenile justice agency that desires a grant under subsection (a) shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(e) Report.—Not later than 1 year after the date of enactment of this section and annually thereafter, a State or local juvenile justice agency receiving a grant under subsection (a) shall submit to the Secretary a report describing the programs carried out pursuant to this section.

"(f) Definitions.—In this section:

"(1) Serious emotional disturbance.—The term 'serious emotional disturbance' with respect to a youth offender means an offender who currently, or at any time within the 1-year period ending on the day on which services are sought under this section, has a diagnosable mental, behavioral, or emotional disorder that functionally impairs the offender's life by substantially limiting the offender's role in family, school, or community activities, and interfering with the offender's ability to achieve or maintain 1 or more developmentally-appropriate social, behavior, cognitive, communicative, or adaptive skills.

"(2) Community-based system of care.—The term 'community-based system of care' means the provision of services for the youth offender by various State or local agencies that in an interagency fashion or operating as a network addresses the recreational, social, educational, vocational, and operational needs of the youth offender.

"(3) Youth offender.—The term 'youth offender' means an individual who is 21 years of age or younger who has been discharged from a State or local juvenile or criminal justice system, except that if the individual is between the ages of 18 and 21 years, such individual has had contact with the State or local juvenile or criminal justice system prior to attaining 18 years of age and is under the jurisdiction of such a system at the time services are sought.

"(g) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section, $40,000,000 for each of the fiscal years 2000 through 2004.”.

(b) COMPETITIVE GRANT PROGRAMS FOR YOUTH SUBSTANCE ABUSE PREVENTION AND TREATMENT.—Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.), as amended by section 01, is further amended by adding at the end the following:

“PART H—COMPETITIVE GRANT PROGRAMS FOR YOUTH SUBSTANCE ABUSE PREVENTION AND TREATMENT

“SEC. 591. GRANTS TO CONSORTIA.

“(a) IN GENERAL.—The Secretary shall award grants on a competitive basis to eligible consortia to enable such consortia to establish the programs described in subsection (c).

“(b) PRIORITY.—In awarding grants under subsection (a), the Secretary shall give priority to applications from eligible consortia that provide services in rural areas or for Native Americans.

“(c) USE OF FUNDS.—An eligible consortium receiving amounts under subsection (a) shall use such amounts to establish school-based substance abuse prevention and student assistance programs for youth, including after school programs and elementary school counselor programs, to provide services that address youth substance abuse, including services that—

“(1) identify youth at risk for substance abuse;

“(2) refer any youth at risk for substance abuse for substance abuse treatment;

“(3) provide effective primary prevention programing;

“(4) target underserved areas, such as rural areas; and

“(5) target populations, such as Native Americans, that are underserved.

“(d) APPLICATION.—An eligible consortium that desires a grant under subsection (a) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“(e) REPORT.—Not later than 1 year after the date of enactment of this section and annually thereafter, an eligible consortium receiving a grant under subsection (a) shall submit to the Secretary a report describing the programs carried out pursuant to this section.

“(f) DEFINITIONS.—In this section:

“(1) ELIGIBLE CONSORTIUM.—The term ‘eligible consortium’ means an entity composed of a local educational agency and community-based substance abuse prevention providers and student assistance providers in which the agency and providers maintain equal responsibility in providing the services described in subsection (c).

“(2) LOCAL EDUCATIONAL AGENCY.—The term ‘local educational agency’ has the meaning given such term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

“(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $15,000,000 for each of fiscal years 2000 through 2004.

“SEC. 592. GRANTS TO TREATMENT FACILITIES.

“(a) IN GENERAL.—The Secretary shall award grants on a competitive basis to inpatient and outpatient treatment facilities that provide the substance abuse treatment services described in subsection (d).

“(b) ELIGIBLE APPLICANT.—To be eligible to receive a grant under subsection (a), a treatment facility must provide or propose to provide alcohol or drug treatment services for individuals under the age of 22 years.

“(c) PRIORITY.—In awarding grants under subsection (a), the Secretary shall give priority to applications from treatment facilities that provide treatment services in rural areas, for Native Americans, or for underserved populations.

“(d) USE OF FUNDS.—A treatment facility receiving amounts under subsection (a) shall use such amounts to provide substance abuse treatment services for youth, including community-based aftercare services that provide treatment for the period of time following an individual's discharge from a drug treatment center.

“(e) APPLICATION.—A treatment facility that desires a grant under subsection (a) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“(f) REPORT.—Not later than 1 year after the date of enactment of this section and annually thereafter, a treatment facility receiving a grant under subsection (a) shall submit to the Secretary a report describing the services provided pursuant to this section.

“(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $15,000,000 for each of the fiscal years 2000 through 2004.

“SEC. 593. GRANTS TO SUBSTANCE ABUSE PREVENTION AND TREATMENT PROVIDERS.

“(a) IN GENERAL.—The Secretary shall award grants on a competitive basis to State and local substance abuse prevention and treatment providers to enable such providers to offer training to provide prevention and treatment services for youth.

“(b) PRIORITY.—In awarding grants under subsection (a), the Secretary shall give priority to applications from areas in which—

“(1) there is a demonstrated high rate of substance abuse by youth; and

“(2) the population is identified as underserved or the prevention and treatment providers in the area use distance learning.

“(c) APPLICATION.—A treatment provider that desires a grant under subsection (a) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“(d) REPORT.—Not later than 1 year after the date of enactment of this section and annually thereafter, a treatment provider receiving a grant under subsection (a) shall submit to the Secretary a report describing the services provided pursuant to this section.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $2,000,000 for each of the fiscal years 2000 through 2004.”.

(c) GRANT PROGRAM FOR YOUTH PREVENTION AND TREATMENT.—

SEC. 04. GRANTS TO PRIVATE ENTITIES.

Part G of title V of the Public Health Service Act (as amended by section 02) is further amended by adding at the end the following:

“SEC. 583. GRANTS TO PRIVATE ENTITIES.

“(a) IN GENERAL.—The Secretary may award grants to, and enter into contracts and cooperative agreements with, public and private nonprofit entities for the purpose of providing substance abuse treatment services for youth.

“(b) USE OF FUNDS.—Amounts provided under a grant, contract, or cooperative agreement under this section shall be used to promote the development of knowledge of youth substance abuse through projects that will—

“(1) provide a continuum of integrated treatment services, including case management, for young individuals who have substance abuse problems and their family members;

“(2) offer individualized treatment services for young individuals who have substance abuse problems that take into account that individual's particular problems and his or her chronological and developmental age;

“(3) address the relationship between youth substance abuse and anti-social, aggressive, and violent behavior in youth;

“(4) address the relationship between youth substance abuse and psychiatric disorders, including depression, attention deficit disorder, attention deficit hyperactivity disorder, affective disorder, and conduct disorder;

“(5) promote projects that incorporate transitional support services for families of young substance abusers who have come in contact with the juvenile justice system;

“(6) address the barriers involved in providing substance abuse treatment, retention, and followup care;

“(7) address the special needs of young individuals who have substance abuse problems and who have been involved with juvenile justice or the child welfare system, have physical or cognitive disabilities, live in displaced conditions, or have parents who have substance abuse problems; and

“(8) apply the most successful, research-based and cost-effective methods for the treatment of substance abuse by youth.

“(c) PRIORITY.—In awarding grants, contracts, or cooperative agreements under subsection (a), the Secretary shall, to the extent practicable, distribute amounts in each major geographic region in the United States, in both urban and rural areas, and give priority to applications that propose to—

“(1) coordinate services with other social agencies in the community, including educational, juvenile justice, child welfare, and mental health; and

“(2) provide individualized treatment, taking the gender and culture of the individual seeking treatment into account.

“(d) DURATION OF GRANTS.—The Secretary shall not award grants, contracts, or cooperative agreements to an entity for a period of more than 5 fiscal years.

“(e) APPLICATION.—A public or private nonprofit entity that desires a grant, contract, or cooperative agreement under subsection (a) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including—

“(1) a statement detailing the manner in which the entity will evaluate projects assisted under this section; and

“(2) a statement ensuring that the entity will submit an annual report described in subsection (f).

“(f) ANNUAL REPORT.—A public or private nonprofit entity that receives a grant, contract, or cooperative agreement under subsection (a) shall prepare and submit an annual report to the Secretary that describes the projects carried out pursuant to this section.

“(g) MATCHING REQUIREMENT.—The Secretary may not award a grant, contract, or cooperative agreement to an entity under this section unless such entity agrees that, with respect to the costs to be incurred by the entity in carrying out the services for which the grant, contract, or cooperative agreement was awarded, the entity will make available non-Federal contributions toward such costs in an amount equal to—

“(1) for the first and second fiscal years for which the entity receives payments from the grant, contract, or cooperative agreement, not less than $1 for each $3 of Federal funds so provided;

"(2) for the third fiscal year for which the entity receives payments from the grant, contract, or cooperative agreement, not less than $1 for each $2 of Federal funds so provided;

"(3) for the fourth fiscal year for which the entity receives payments from the grant, contract, or cooperative agreement, not less than $1 for each $1 of Federal funds so provided; and

"(4) for the fifth fiscal year for which the entity receives payments from the grant, contract, or cooperative agreement, not less than $2 for each $1 of Federal funds so provided.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $40,000,000 for fiscal year 2000, and such sums as may be necessary for each of the fiscal years 2001 and 2002.".

TITLE —PROVISIONS RELATING TO SERVICES FOR CHILDREN AND ADOLESCENTS

SEC. 01. CHILDREN AND VIOLENCE.

Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended by adding at the end the following:

"PART G—PROJECTS FOR CHILDREN AND VIOLENCE

"SEC. 581. CHILDREN AND VIOLENCE.

"(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Education and the Attorney General, shall carry out directly or through grants, contracts or cooperative agreements with public entities a program to assist local communities in developing ways to assist children in dealing with violence.

"(b) ACTIVITIES.—Under the program under subsection (a), the Secretary may—

"(1) provide financial support to enable local communities to implement programs to foster the health and development of children;

"(2) provide technical assistance to local communities with respect to the development of programs described in paragraph (1);

"(3) provide assistance to local communities in the development of policies to address violence when and if it occurs; and

"(4) assist in the creation of community partnerships among law enforcement, education systems, community-based youth programs, and mental health and substance abuse service systems.

"(c) REQUIREMENTS.—An application for a grant, contract or cooperative agreement under subsection (a) shall demonstrate that—

"(1) the applicant will use amounts received to create a partnership described in subsection (b)(4) to address issues of youth violence;

"(2) the activities carried out by the applicant will provide a comprehensive method for addressing violence, that will include—

"(A) security;

"(B) educational reform;

"(C) the review and updating of school policies;

"(D) alcohol and drug abuse prevention and early intervention services;

"(E) mental health prevention and treatment services, including additional counselors, elementary school counselors, psychologists, and nurses in schools; and

"(F) early childhood development and psychosocial services; and

"(3) the applicant will use amounts received only for the services described in subparagraphs (D), (E), and (F) of paragraph (2).

"(d) GEOGRAPHICAL DISTRIBUTION.—The Secretary shall ensure that grants, contracts or cooperative agreements under subsection (a) will be distributed equitably among the regions of the country and among urban and rural areas.

"(e) DURATION OF AWARDS.—With respect to a grant, contract or cooperative agreement under subsection (a), the period during which payments under such an award will be made to the recipient may not exceed 5 years.

"(f) EVALUATION.—The Secretary shall conduct an evaluation of each project carried out under this section and shall disseminate the results of such evaluations to appropriate public and private entities.

"(g) INFORMATION AND EDUCATION.—The Secretary shall establish comprehensive information and education programs to disseminate the findings of the knowledge development and application under this section to the general public and to health care professionals.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $100,000,000 for fiscal year 2000, and such sums as may be necessary for each of fiscal years 2001 and 2002.".

SEC. 02. MENTAL HEALTH SERVICES FOR VIOLENCE RELATED STRESS.

Part G of title V of the Public Health Service Act (as added by section 01) is amended by adding at the end the following:

"SEC. 582. GRANTS TO ADDRESS THE PROBLEMS OF VIOLENCE RELATED STRESS.

"(a) IN GENERAL.—The Secretary shall award grants, contracts or cooperative agreements to public and non-profit private entities, as well as to Indian tribes and tribal organizations, for the purpose of establishing a national and regional centers of excellence on psychological trauma response and for developing knowledge with regard to best practices for treating psychiatric disorders resulting from witnessing or experiencing such stress.

"(b) PRIORITIES.—In awarding grants, contracts or cooperative agreements under subsection (a) related to the development of knowledge on best practices for treating disorders associated with psychological trauma, the Secretary shall give priority to programs that work with children, adolescents, adults, and families who are survivors and witnesses of child abuse, domestic, school and community violence, disasters and terrorism.

"(c) GEOGRAPHICAL DISTRIBUTION.—The Secretary shall ensure that grants, contracts or cooperative agreements under subsection (a) with respect to centers of excellence are distributed equitably among the regions of the country and among urban and rural areas.

"(d) EVALUATION.—The Secretary, as part of the application process, shall require that each applicant for a grant, contract or cooperative agreement under subsection (a) submit a plan for the rigorous evaluation of the activities funded under the grant, contract or agreement, including both process and outcomes evaluation, and the submission of an evaluation at the end of the project period.

"(e) DURATION OF AWARDS.—With respect to a grant, contract or cooperative agreement under subsection (a), the period during which payments under such an award will be made to the recipient may not be less than 3 years nor more than 5 years. Such grants, contracts or agreements may be renewed.

"(f) REPORT.—Not later than 1 year after the date of enactment of this section, the General Accounting Office shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Commerce of the House of Representatives a report concerning whether individuals are covered for post-traumatic stress disorders under public and private health plans, and the course of treatment, if any, that is covered.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $50,000,000 for fiscal year 2000, and such sums as may be necessary for each of fiscal years 2001 and 2002.".

SEC. 03. TREATMENT FOR YOUTH.

(a) WRAP AROUND GRANT PROGRAM FOR DETAINED OR INCARCERATED YOUTH.—

(1) FINDINGS.—Congress makes the following findings:

(A) Four million underage youth are arrested in the United States every year and 30 percent of those arrested are likely to relapse and commit a crime within 1 year of the arrest.

(B) According to a Federal study, 60 percent of youth offenders in the juvenile justice system who are in detention programs have behavioral, mental, or emotional problems.

(C) Academic studies repeatedly find that there is a higher percentage of youth offenders in the juvenile justice system who have mental disorders than in the youth population at large.

(D) Less than 13 percent of youth offenders in the juvenile justice system who have been identified as in need of treatment receive such treatment.

(2) WRAP AROUND GRANTS FOR YOUTH.—Subpart 3 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb-31 et seq.) is amended by adding at the end the following:

"SEC. 520C. WRAP AROUND GRANTS FOR YOUTH.

"(a) IN GENERAL.—The Secretary, acting through the Director of the Center for Mental Health Services, and in consultation with the Administrator of the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice and the Director of the Special Education Programs of the Department of Education, shall award grants on a competitive basis to State or local juvenile justice agencies to enable such agencies to provide aftercare services for youth offenders who have been discharged from the juvenile or criminal justice system and have serious emotional disturbances or are at risk of developing such disturbances.

"(b) PURPOSE.—The purposes of this section are—

"(1) to address the needs of youth offenders who have been discharged from the juvenile or criminal justice system and have serious emotional disturbances or are at risk of developing such disturbances;

"(2) to provide a community-based system of care for such youth offenders to prevent the youth from committing additional or more serious criminal offenses;

"(3) to provide services for youth offenders after such youth have had contact with the juvenile or criminal justice system in order to decrease the likelihood that the individuals will reoffend;

"(4) to enable State and local agencies that provide services for youth to work together with juvenile justice agencies to establish an individual treatment plan and a case management plan for each youth offender to reduce the likelihood of recidivism; and

"(5) to encourage involvement of the youth offender's family members, significant persons in the youth offender's life, and community agencies in the process of helping youth offenders resist criminal activity and remain in the community.

"(c) Use of Funds.—A State or local juvenile justice agency receiving a grant under subsection (a) shall use the amounts provided under the grant—

"(1) to develop a plan describing the manner in which the agency will provide services for each youth offender who has a serious emotional disturbance and has come in contact with the juvenile or criminal justice system;

"(2) to provide a network of core services or access to such services for each youth offender, including diagnostic and evaluation services, substance abuse treatment services, outpatient mental health care services, medication management services, intensive home-based therapy, intensive day treatment services, respite care, and therapeutic foster care;

"(3) to establish a program that coordinates with other State and local agencies providing recreational, social, educational, vocational, or operational services for youth, to enable the agency receiving a grant under this section to provide community-based system of care services for each youth offender that addresses the special needs of the youth and helps the youth access all of the aforementioned services; and

"(4) using not more than 20 percent of funds received, to provide planning and transition services as described in paragraph (3) for youth offenders while such youth are incarcerated or detained.

"(d) Application.—A State or local juvenile justice agency that desires a grant under subsection (a) shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(e) Report.—Not later than 1 year after the date of enactment of this section and annually thereafter, a State or local juvenile justice agency receiving a grant under subsection (a) shall submit to the Secretary a report describing the programs carried out pursuant to this section.

"(f) Definitions.—In this section:

"(1) Serious emotional disturbance.—The term 'serious emotional disturbance' with respect to a youth offender means an offender who currently, or at any time within the 1-year period ending on the day on which services are sought under this section, has a diagnosable mental, behavioral, or emotional disorder that functionally impairs the offender's life by substantially limiting the offender's role in family, school, or community activities, and interfering with the offender's ability to achieve or maintain 1 or more developmentally-appropriate social, behavior, cognitive, communicative, or adaptive skills.

"(2) Community-based system of care.—The term 'community-based system of care' means the provision of services for the youth offender by various State or local agencies that in an interagency fashion or operating as a network addresses the recreational, social, educational, vocational, and operational needs of the youth offender.

"(3) Youth offender.—The term 'youth offender' means an individual who is 21 years of age or younger who has been discharged from a State or local juvenile or criminal justice system, except that if the individual is between the ages of 18 and 21 years, such individual has had contact with the State or local juvenile or criminal justice system prior to attaining 18 years of age and is under the jurisdiction of such a system at the time services are sought.

"(g) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section, $40,000,000 for each of the fiscal years 2000 through 2004.".

(b) Competitive Grant Programs for Youth Substance Abuse Prevention and Treatment.—Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.), as amended by section 01, is further amended by adding at the end the following:

"PART H—COMPETITIVE GRANT PROGRAMS FOR YOUTH SUBSTANCE ABUSE PREVENTION AND TREATMENT

"SEC. 591. GRANTS TO CONSORTIA.

"(a) In General.—The Secretary shall award grants on a competitive basis to eligible consortia to enable such consortia to establish the programs described in subsection (c).

"(b) Priority.—In awarding grants under subsection (a), the Secretary shall give priority to applications from eligible consortia that provide services in rural areas or for Native Americans.

"(c) Use of Funds.—An eligible consortium receiving amounts under subsection (a) shall use such amounts to establish school-based substance abuse prevention and student assistance programs for youth, including after school programs and elementary school counselor programs, to provide services that address youth substance abuse, including services that—

"(1) identify youth at risk for substance abuse;

"(2) refer any youth at risk for substance abuse for substance abuse treatment;

"(3) provide effective primary prevention programing;

"(4) target underserved areas, such as rural areas; and

"(5) target populations, such as Native Americans, that are underserved.

"(d) Application.—An eligible consortium that desires a grant under subsection (a) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(e) Report.—Not later than 1 year after the date of enactment of this section and annually thereafter, an eligible consortium receiving a grant under subsection (a) shall submit to the Secretary a report describing the programs carried out pursuant to this section.

"(f) Definitions.—In this section:

"(1) Eligible consortium.—The term 'eligible consortium' means an entity composed of a local educational agency and community-based substance abuse prevention providers and student assistance providers in which the agency and providers maintain equal responsibility in providing the services described in subsection (c).

"(2) Local educational agency.—The term 'local educational agency' has the meaning given such term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

"(g) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section, $15,000,000 for each of fiscal years 2000 through 2004.".

"SEC. 592. GRANTS TO TREATMENT FACILITIES.

"(a) In General.—The Secretary shall award grants on a competitive basis to inpatient and outpatient treatment facilities that provide the substance abuse treatment services described in subsection (d).

"(b) Eligible Applicant.—To be eligible to receive a grant under subsection (a), a treatment facility must provide or propose to provide alcohol or drug treatment services for individuals under the age of 22 years.

"(c) Priority.—In awarding grants under subsection (a), the Secretary shall give priority to applications from treatment facilities that provide treatment services in rural areas, for Native Americans, or for underserved populations.

"(d) Use of Funds.—A treatment facility receiving amounts under subsection (a) shall use such amounts to provide substance abuse treatment services for youth, including community-based aftercare services that provide treatment for the period of time following an individual's discharge from a drug treatment center.

"(e) Application.—A treatment facility that desires a grant under subsection (a) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(f) Report.—Not later than 1 year after the date of enactment of this section and annually thereafter, a treatment facility receiving a grant under subsection (a) shall submit to the Secretary a report describing the services provided pursuant to this section.

"(g) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section, $15,000,000 for each of the fiscal years 2000 through 2004.

"SEC. 593. GRANTS TO SUBSTANCE ABUSE PREVENTION AND TREATMENT PROVIDERS.

"(a) In General.—The Secretary shall award grants on a competitive basis to State and local substance abuse prevention and treatment providers to enable such providers to offer training to provide prevention and treatment services for youth.

"(b) Priority.—In awarding grants under subsection (a), the Secretary shall give priority to applications from areas in which—

"(1) there is a demonstrated high rate of substance abuse by youth; and

"(2) the population is identified as underserved or the prevention and treatment providers in the area use distance learning.

"(c) Application.—A treatment provider that desires a grant under subsection (a) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(d) Report.—Not later than 1 year after the date of enactment of this section and annually thereafter, a treatment provider receiving a grant under subsection (a) shall submit to the Secretary a report describing the services provided pursuant to this section.

"(e) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section, $2,000,000 for each of the fiscal years 2000 through 2004.

(c) Grant Program for Youth Prevention and Treatment.—

SEC. 04. GRANTS TO PRIVATE ENTITIES.

Part G of title V of the Public Health Service Act (as amended by section 02) is further amended by adding at the end the following:

"SEC. 583. GRANTS TO PRIVATE ENTITIES.

"(a) In General.—The Secretary may award grants to, and enter into contracts and cooperative agreements with, public and private nonprofit entities for the purpose of providing substance abuse treatment services for youth.

"(b) Use of Funds.—Amounts provided under a grant, contract, or cooperative agreement under this section shall be used to promote the development of knowledge of youth substance abuse through projects that will—

"(1) provide a continuum of integrated treatment services, including case management, for young individuals who have substance abuse problems and their family members;

"(2) offer individualized treatment services for young individuals who have substance abuse problems that take into account that individual's particular problems and his or her chronological and developmental age;

"(3) address the relationship between youth substance abuse and anti-social, aggressive, and violent behavior in youth;

"(4) address the relationship between youth substance abuse and psychiatric disorders, including depression, attention deficit disorder, attention deficit hyperactivity disorder, affective disorder, and conduct disorder;

"(5) promote projects that incorporate transitional support services for families of young substance abusers who have come in contact with the juvenile justice system;

"(6) address the barriers involved in providing substance abuse treatment, retention, and followup care;

"(7) address the special needs of young individuals who have substance abuse problems and who have been involved with juvenile justice or the child welfare system, have physical or cognitive disabilities, live in displaced conditions, or have parents who have substance abuse problems; and

"(8) apply the most successful, research-based and cost-effective methods for the treatment of substance abuse by youth.

"(c) PRIORITY.—In awarding grants, contracts, or cooperative agreements under subsection (a), the Secretary shall, to the extent practicable, distribute amounts in each major geographic region in the United States, in both urban and rural areas, and give priority to applications that propose to—

"(1) coordinate services with other social agencies in the community, including educational, juvenile justice, child welfare, and mental health; and

"(2) provide individualized treatment, taking the gender and culture of the individual seeking treatment into account.

"(d) DURATION OF GRANTS.—The Secretary shall not award grants, contracts, or cooperative agreements to an entity for a period of more than 5 fiscal years.

"(e) APPLICATION.—A public or private nonprofit entity that desires a grant, contract, or cooperative agreement under subsection (a) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including—

"(1) a statement detailing the manner in which the entity will evaluate projects assisted under this section; and

"(2) a statement ensuring that the entity will submit an annual report described in subsection (f).

"(f) ANNUAL REPORT.—A public or private nonprofit entity that receives a grant, contract, or cooperative agreement under subsection (a) shall prepare and submit an annual report to the Secretary that describes the projects carried out pursuant to this section.

"(g) MATCHING REQUIREMENT.—The Secretary may not award a grant, contract, or cooperative agreement to an entity under this section unless such entity agrees that, with respect to the costs to be incurred by the entity in carrying out the services for which the grant, contract, or cooperative agreement was awarded, the entity will make available non-Federal contributions toward such costs in an amount equal to—

"(1) for the first and second fiscal years for which the entity receives payments from the grant, contract, or cooperative agreement, not less than $1 for each $3 of Federal funds so provided;

"(2) for the third fiscal year for which the entity receives payments from the grant, contract, or cooperative agreement, not less than $1 for each $2 of Federal funds so provided;

"(3) for the fourth fiscal year for which the entity receives payments from the grant, contract, or cooperative agreement, not less than $1 for each $1 of Federal funds so provided; and

"(4) for the fifth fiscal year for which the entity receives payments from the grant, contract, or cooperative agreement, not less than $2 for each $1 of Federal funds so provided.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $40,000,000 for fiscal year 2000, and such sums as may be necessary for each of the fiscal years 2001 and 2002.".

LEAHY (AND OTHERS) AMENDMENT NO. 327

Mr. LEAHY (for himself, Mr. DASCHLE, and Mr. ROBB) proposed an amendment to the bill, S. 254, supra; as follows:

Strike all after subsection (a) of section 1, and insert the following:

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

TITLE I—MORE POLICE OFFICERS ON THE BEAT

Subtitle A—Expansion of COPS Program

Sec. 111. More police officers in schools.
Sec. 112. Waiver for local match requirement for cops in schools.
Sec. 113. Technical amendment.

Subtitle B—Assistance to Local Law Enforcement

Sec. 121. Extension of law enforcement family support funding.
Sec. 122. Extension of rural drug enforcement and training funding.
Sec. 123. Extension of Byrne grant funding.
Sec. 124. Extension of grants for State court prosecutors.

Subtitle C—Extension of Violent Crime Reduction Trust Fund

Sec. 131. Extension of Violent Crime Reduction Trust Fund.

TITLE II—PROTECTING CHILDREN FROM DANGEROUS DRUGS

Subtitle A—Targeting Serious Drug Crimes

Sec. 211. Increased penalties for using minors to distribute drugs.
Sec. 212. Increased penalties for distributing drugs to minors.
Sec. 213. Increased penalty for drug trafficking in or near a school or other protected location.
Sec. 214. Increased penalties for using Federal property to grow or manufacture controlled substances.
Sec. 215. Clarification of length of supervised release terms in controlled substance cases.
Sec. 216. Supervised release period after conviction for continuing criminal enterprise.

Subtitle B—Drug Treatment For Juveniles

Sec. 221. Drug treatment for juveniles.

Subtitle C—Drug Courts

Sec. 231. Reauthorization of drug courts program.
Sec. 232. Juvenile drug courts.

Subtitle D—Improving Effectiveness of Youth Crime and Drug Prevention Efforts

Sec. 241. Comprehensive study by National Academy of Sciences.
Sec. 242. Evaluation of crime prevention programs.
Sec. 243. Evaluation and research criteria.
Sec. 244. Compliance with evaluation mandate.
Sec. 245. Reservation of amounts for evaluation and research.
Sec. 246. Sense of Senate regarding funding for programs determined to be ineffective.

TITLE III—PROTECTING CHILDREN FROM GUNS

Subtitle A—Gun Offenses

Sec. 311. Prohibition on transfer to and possession by juveniles of semiautomatic assault weapons and large capacity ammunition feeding devices and enhanced criminal penalties for transfers of handguns, ammunition, semiautomatic assault weapons, and large capacity ammunition feeding devices to juveniles.
Sec. 312. Juvenile handgun safety.
Sec. 313. Serious juvenile drug offenses as armed career criminal predicates.
Sec. 314. Increased penalty for transferring a firearm to a minor for use in crime of violence or drug trafficking crime.
Sec. 315. Increased penalty for firearms conspiracy.

Subtitle B—Local Gun Violence Prevention Programs

Sec. 321. Competitive grants for children's firearm safety education.
Sec. 322. Dissemination of best practices via the Internet.
Sec. 323. Youth crime gun interdiction initiative (YCGII).
Sec. 324. Grant priority for tracing of guns used in crimes by juveniles.

Subtitle C—Juvenile Gun Courts

Sec. 331. Definitions.
Sec. 332. Grant program.
Sec. 333. Applications.
Sec. 334. Grant awards.
Sec. 335. Use of grant amounts.
Sec. 336. Grant limitations.
Sec. 337. Federal share.
Sec. 338. Report and evaluation.
Sec. 339. Authorization of appropriations.

Subtitle D—Youth Violence Courts

Sec. 341. Creation of youth violence courts.

TITLE IV—IMPROVING THE JUVENILE JUSTICE SYSTEM

Subtitle A—Reform of Federal Juvenile System

Sec. 411. Delinquency proceedings or criminal prosecutions in district courts.
Sec. 412. Applicability of statutory minimums to juveniles 16 years and older and limitation as to younger juveniles.
Sec. 413. Conforming amendment to definitions section.
Sec. 414. Custody prior to appearance before judicial officer.
Sec. 415. Technical and conforming amendments to section 5034.
Sec. 416. Speedy trial for detained juveniles pending delinquency proceedings; reinstituting dismissed cases.

Sec. 417. Disposition; availability of increased detention, fines, and supervised release for juvenile offenders.
Sec. 418. Access to juvenile records.
Sec. 419. Technical amendments of section 5034.
Sec. 420. Definitions.

Subtitle B—Incarceration of Juveniles in the Federal System

Sec. 421. Detention of juveniles prior to disposition or sentencing.
Sec. 422. Rules governing the commitment of juveniles.

Subtitle C—Assistance to States For Prosecuting and Punishing Juvenile Offenders and Reducing Juvenile Crime

Sec. 431. Juvenile and violent offender incarceration grants.
Sec. 432. Certain punishment and graduated sanctions for youth offenders.
Sec. 433. Pilot program to promote replication of recent successful juvenile crime reduction strategies.

TITLE V—PREVENTING JUVENILE CRIME

Subtitle A—Grants To Youth Organizations

Sec. 511. Grant program.
Sec. 512. Grants to national organizations.
Sec. 513. Grants to States.
Sec. 514. Allocation; grant limitation.
Sec. 515. Report and evaluation.
Sec. 516. Authorization of appropriations.
Sec. 517. Grants to public and private agencies.

Subtitle B—"Say No to Drugs" Community Centers

Sec. 521. Short title; definitions.
Sec. 522. Grant requirements.
Sec. 523. Authorization of appropriations.

Subtitle C—Reauthorization of Incentive Grants For Local Delinquency Prevention Programs

Sec. 531. Incentive grants for local delinquency prevention programs.
Sec. 532. Research, evaluation, and training.

Subtitle D—Authorization of Anti-Drug Abuse Programs

Sec. 541. Drug education and prevention relating to youth gangs.
Sec. 542. Drug education and prevention program for runaway and homeless youth.

Subtitle E—JUMP Ahead

Sec. 551. Short title.
Sec. 552. Findings.
Sec. 553. Juvenile mentoring grants.
Sec. 554. Implementation and evaluation grants.
Sec. 555. Evaluations; reports.

Subtitle F—Reauthorization of Juvenile Crime Control and Delinquency Prevention Programs

Sec. 561. Short title.
Sec. 562. Findings.
Sec. 563. Purpose.
Sec. 564. Definitions.
Sec. 565. Name of office.
Sec. 566. Concentration of Federal effort.
Sec. 567. Allocation.
Sec. 568. State plans.
Sec. 569. Juvenile delinquency prevention block grant program.
Sec. 570. Research; evaluation; technical assistance; training.
Sec. 571. Demonstration projects.
Sec. 572. Authorization of appropriations.
Sec. 573. Administrative authority.
Sec. 574. Use of funds.
Sec. 575. Limitation on use of funds.
Sec. 576. Rules of construction.
Sec. 577. Leasing surplus Federal property.
Sec. 578. Issuance of rules.
Sec. 579. Technical and conforming amendments.
Sec. 580. References.
Sec. 581. Rapid response plan for kids who bring a gun to school.

TITLE I—MORE POLICE OFFICERS ON THE BEAT

Subtitle A—Expansion of COPS Program

SEC. 111. MORE POLICE OFFICERS IN SCHOOLS.

Section 1001(a)(11)(A) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(11)(A)) is amended—

(1) in clause (v), by striking "and" at the end;

(2) in clause (vi), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(vii) $100,000,000 for fiscal year 2001; and

"(viii) $100,000,000 for fiscal year 2002.".

SEC. 112. WAIVER FOR LOCAL MATCH REQUIREMENT FOR COPS IN SCHOOLS.

Section 1701(i) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(i)) is amended by adding at the end of the first sentence the following: "The Attorney General shall waive the requirement under this subsection of a non-Federal contribution to the costs of a program, project, or activity that hires law enforcement officers for placement in public schools.".

SEC. 113. TECHNICAL AMENDMENT.

Section 1001(a)(11)(B) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(11)(B)) is amended by striking "150,000" each place it appears and inserting "100,000".

Subtitle B—Assistance to Local Law Enforcement

SEC. 121. EXTENSION OF LAW ENFORCEMENT FAMILY SUPPORT FUNDING.

Section 1001(a)(21) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(21)) is amended—

(1) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively;

(2) in subparagraph (D), as redesignated, by striking "and" at the end;

(3) in subparagraph (E), as redesignated, by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

"(F) $7,500,000 for fiscal year 2001; and

"(G) $7,500,000 for fiscal year 2002.".

SEC. 122. EXTENSION OF RURAL DRUG ENFORCEMENT AND TRAINING FUNDING.

(a) Omnibus Crime Control and Safe Streets Act of 1968.—Section 1001(a)(9) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(9)) is amended—

(1) in subparagraph (D), by striking "and" at the end;

(2) in subparagraph (E), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(F) $66,000,000 for fiscal year 2001; and

"(G) $66,000,000 for fiscal year 2002.".

(b) Violent Crime Control and Law Enforcement Act of 1994.—Section 18103(b) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14082(b)) is amended—

(1) in paragraph (4), by striking "and" at the end;

(2) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(6) $1,000,000 for fiscal year 2001; and

"(7) $1,000,000 for fiscal year 2002.".

SEC. 123. EXTENSION OF BYRNE GRANT FUNDING.

Section 210101 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322; 108 Stat. 2061) is amended—

(1) by striking "through 2000" and inserting "through 2002";

(2) in paragraph (5), by striking "and" at the end;

(3) in paragraph (6), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

"(7) $500,000,000 for fiscal year 2001; and

"(8) $500,000,000 for fiscal year 2002.".

SEC. 124. EXTENSION OF GRANTS FOR STATE COURT PROSECUTORS.

Section 21602 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14161) is amended—

(1) in subsection (a)—

(A) by striking "other criminal justice participants" and inserting "other criminal justice participants, in both the adult and juvenile systems,";

(B) by striking "this Act" and all that follows before the period at the end of the section and inserting "this Act, Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999, and amendments thereto";

(2) by redesignating subsection (d) as subsection (e);

(3) by inserting after subsection (c) the following:

"(d) Not less than 20 percent of the total amount appropriated to carry out this subtitle in each of fiscal years 2001 and 2002 shall be made available for providing increased resources to State juvenile courts systems, juvenile prosecutors, juvenile public defenders, and other juvenile court system participants.";

(4) in subsection (e)—

(A) in paragraph (4), by striking "and" at the end;

(B) in paragraph (5), by striking the comma at the end and inserting a semicolon; and

(C) by inserting immediately after paragraph (5) the following:

"(6) $100,000,000 for fiscal year 2001; and

"(7) $100,000,000 for fiscal year 2002,".

Subtitle C—Extension of Violent Crime Reduction Trust Fund

SEC. 131. EXTENSION OF VIOLENT CRIME REDUCTION TRUST FUND.

(a) Violent Crime Control and Law Enforcement Act of 1994.—Section 310001(b) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211(b)) is amended—

(1) in paragraph (5), by striking "and" at the end;

(2) in paragraph (6), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(7) for fiscal year 2001, $6,500,000,000; and

"(8) for fiscal year 2002, $6,500,000,000.".

(b) Reduction in Discretionary Spending Limits.—Beginning on the date of enactment of this Act, the discretionary spending limits set forth in section 601(a)(1) of the Congressional Budget Act of 1974 (2 U.S.C. 665(a)(2)) (as adjusted in conformance with section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985, and in the Senate, with section 301 of House Concurrent Resolution 178 (104th Congress)) for fiscal years 2001 through 2002 are reduced as follows:

(1) For fiscal year 2001, for the discretionary category: $6,500,000,000 in new budget authority and $6,225,000,000 in outlays.

(2) For fiscal year 2002, for the discretionary category: $6,500,000,000 in new budget authority and $6,225,000,000 in outlays.

TITLE II—PROTECTING CHILDREN FROM DANGEROUS DRUGS

Subtitle A—Targeting Serious Drug Crimes

SEC. 211. INCREASED PENALTIES FOR USING MINORS TO DISTRIBUTE DRUGS.

Section 420 of the Controlled Substances Act (21 U.S.C. 861) is amended—

(1) in subsection (b), by striking "one year" and inserting "three years";

(2) in subsection (c), by striking "one year" and inserting "five years"; and

(3) by striking subsection (e) and inserting the following:

"(e) Probation Prohibited.—In the case of any sentence imposed under this section, probation shall not be granted.".

SEC. 212. INCREASED PENALTIES FOR DISTRIBUTING DRUGS TO MINORS.

Section 418 of the Controlled Substances Act (21 U.S.C. 859) is amended—

(1) in subsection (a), by striking "one year" and inserting "three years";

(2) in subsection (b), by striking "one year" and inserting "five years"; and

(3) in subsections (a) and (b), by striking "under twenty-one" each place it appears and inserting "under eighteen".

SEC. 213. INCREASED PENALTY FOR DRUG TRAFFICKING IN OR NEAR A SCHOOL OR OTHER PROTECTED LOCATION.

Section 419 of the Controlled Substances Act (21 U.S.C. 860) is amended—

(1) in subsection (a), by striking "one year" and inserting "3 years"; and

(2) in subsection (b), by striking "three years" each place it appears and inserting "5 years".

SEC. 214. INCREASED PENALTIES FOR USING FEDERAL PROPERTY TO GROW OR MANUFACTURE CONTROLLED SUBSTANCES.

(a) In General.—Section 401(b)(5) of the Controlled Substances Act (21 U.S.C. 841(b)(5)) is amended to read as follows:

"(5) Any person who violates subsection (a) of this section by cultivating or manufacturing a controlled substance on any property in whole or in part owned by or leased to the United States or any department or agency thereof shall be subject to twice the maximum punishment otherwise authorized for the offense.".

(b) Sentencing Enhancement.—

(1) In general.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines to provide an appropriate sentencing enhancement for any offense under section 401(b)(5) of the Controlled Substances Act (21 U.S.C. 841(b)(5)) that occurs on Federal property.

(2) Consistency.—In carrying out this section, the United States Sentencing Commission shall—

(A) ensure that there is reasonable consistency with other Federal sentencing guidelines; and

(B) avoid duplicative punishment for substantially the same offense.

SEC. 215. CLARIFICATION OF LENGTH OF SUPERVISED RELEASE TERMS IN CONTROLLED SUBSTANCE CASES.

Subparagraphs (A) through (D) of section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)(1)) are each amended by striking "Any sentence" and inserting "Notwithstanding section 3583 of title 18, any sentence".

SEC. 216. SUPERVISED RELEASE PERIOD AFTER CONVICTION FOR CONTINUING CRIMINAL ENTERPRISE.

Section 848(a) of title 21, United States Code, is amended by adding to the end of the following: "Any sentence under this paragraph shall, in the absence of such a prior conviction, impose a term of supervised release of not less than 10 years in addition to such term of imprisonment and shall, if there was such a prior conviction, impose a term of supervised release of not less than 15 years in addition to such term of imprisonment."

Subtitle B—Drug Treatment For Juveniles

SEC. 221. DRUG TREATMENT FOR JUVENILES.

Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended by adding at the end the following:

"PART G—RESIDENTIAL TREATMENT PROGRAMS FOR JUVENILES

"SEC. 575. RESIDENTIAL TREATMENT PROGRAMS FOR JUVENILES.

"(a) In General.—The Director of the Center for Substance Abuse Treatment shall award grants to, or enter into cooperative agreements or contracts, with public and nonprofit private entities for the purpose of providing treatment to juveniles for substance abuse through programs in which, during the course of receiving such treatment the juveniles reside in facilities made available by the programs.

"(b) Availability of Services for Each Participant.—A funding agreement for an award under subsection (a) for an applicant is that, in the program operated pursuant to such subsection—

"(1) treatment services will be available through the applicant, either directly or through agreements with other public or nonprofit private entities; and

"(2) the services will be made available to each person admitted to the program.

"(c) Individualized Plan of Services.—A funding agreement for an award under subsection (a) for an applicant is that—

"(1) in providing authorized services for an eligible person pursuant to such subsection, the applicant will, in consultation with the juvenile and, if appropriate the parent or guardian of the juvenile, prepare an individualized plan for the provision to the juvenile or young adult of the services; and

"(2) treatment services under the plan will include—

"(A) individual, group, and family counseling, as appropriate, regarding substance abuse; and

"(B) followup services to assist the juvenile or young adult in preventing a relapse into such abuse.

"(d) Eligible Supplemental Services.—Grants under subsection (a) may be used to provide an eligible juvenile, the following services:

"(1) Hospital referrals.—Referrals for necessary hospital services.

"(2) HIV and AIDS counseling.—Counseling on the human immunodeficiency virus and on acquired immune deficiency syndrome.

"(3) Domestic violence and sexual abuse counseling.—Counseling on domestic violence and sexual abuse.

"(4) Preparation for reentry into society.—Planning for and counseling to assist reentry into society, both before and after discharge, including referrals to any public or nonprofit private entities in the community involved that provide services appropriate for the juvenile.

"(e) Minimum Qualifications for Receipt of Award.—

"(1) Certification by relevant state agency.—With respect to the principal agency of a State or Indian tribe that administers programs relating to substance abuse, the Director may award a grant to, or enter into a cooperative agreement or contract with, an applicant only if the agency or Indian tribe has certified to the Director that—

"(A) the applicant has the capacity to carry out a program described in subsection (a);

"(B) the plans of the applicant for such a program are consistent with the policies of such agency regarding the treatment of substance abuse; and

"(C) the applicant, or any entity through which the applicant will provide authorized services, meets all applicable State licensure or certification requirements regarding the provision of the services involved.

"(2) Status as medicaid provider.—

"(A) In general.—Subject to subparagraphs (B) and (C), the Director may make a grant, or enter into a cooperative agreement or contract, under subsection (a) only if, in the case of any authorized service that is available pursuant to the State plan approved under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) for the State involved—

"(i) the applicant for the grant, cooperative agreement, or contract will provide the service directly, and the applicant has entered into a participation agreement under the State plan and is qualified to receive payments under such plan; or

"(ii) the applicant will enter into an agreement with a public or nonprofit private entity under which the entity will provide the service, and the entity has entered into such a participation agreement plan and is qualified to receive such payments.

"(B) Services.—

"(i) In general.—In the case of an entity making an agreement pursuant to subparagraph (A)(ii) regarding the provision of services, the requirement established in such subparagraph regarding a participation agreement shall be waived by the Director if the entity does not, in providing health care services, impose a charge or accept reimbursement available from any third party payor, including reimbursement under any insurance policy or under any Federal or State health benefits plan.

"(ii) Voluntary donations.—A determination by the Director of whether an entity referred to in clause (i) meets the criteria for a waiver under such clause shall be made without regard to whether the entity accepts voluntary donations regarding the provision of services to the public.

"(C) Mental diseases.—

"(i) In general.—With respect to any authorized service that is available pursuant to the State plan described in subparagraph (A), the requirements established in such subparagraph shall not apply to the provision of any such service by an institution for mental diseases to an individual who has attained 21 years of age and who has not attained 65 years of age.

"(ii) Definition of institution for mental diseases.—In this subparagraph, the term 'institution for mental diseases' has the same meaning as in section 1905(i) of the Social Security Act (42 U.S.C. 1396d(i)).

"(f) Requirements for Matching Funds.—

"(1) In general.—With respect to the costs of the program to be carried out by an applicant pursuant to subsection (a), a funding agreement for an award under such subsection is that the applicant will make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount that—

"(A) for the first fiscal year for which the applicant receives payments under an award under such subsection, is not less than $1 for each $9 of Federal funds provided in the award;

"(B) for any second such fiscal year, is not less than $1 for each $9 of Federal funds provided in the award; and

"(C) for any subsequent such fiscal year, is not less than $1 for each $3 of Federal funds provided in the award.

"(2) DETERMINATION OF AMOUNT CONTRIBUTED.—Non-Federal contributions required in paragraph (1) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

"(g) OUTREACH.—A funding agreement for an award under subsection (a) for an applicant is that the applicant will provide outreach services in the community involved to identify juveniles who are engaging in substance abuse and to encourage the juveniles to undergo treatment for such abuse.

"(h) ACCESSIBILITY OF PROGRAM.—A funding agreement for an award under subsection (a) for an applicant is that the program operated pursuant to such subsection will be operated at a location that is accessible to low income juveniles.

"(i) CONTINUING EDUCATION.—A funding agreement for an award under subsection (a) is that the applicant involved will provide for continuing education in treatment services for the individuals who will provide treatment in the program to be operated by the applicant pursuant to such subsection.

"(j) IMPOSITION OF CHARGES.—A funding agreement for an award under subsection (a) for an applicant is that, if a charge is imposed for the provision of authorized services to or on behalf of an eligible juvenile, such charge—

"(1) will be made according to a schedule of charges that is made available to the public;

"(2) will be adjusted to reflect the economic condition of the juvenile involved; and

"(3) will not be imposed on any such juvenile whose family has an income of less than 185 percent of the official poverty line, as established by the Director of the Office for Management and Budget and revised by the Secretary in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902(2)).

"(k) REPORTS TO DIRECTOR.—A funding agreement for an award under subsection (a) is that the applicant involved will submit to the Director a report—

"(1) describing the utilization and costs of services provided under the award;

"(2) specifying the number of juveniles served, and the type and costs of services provided; and

"(3) providing such other information as the Director determines to be appropriate.

"(*l*) REQUIREMENT OF APPLICATION.—The Director may make an award under subsection (a) only if an application for the award is submitted to the Director containing such agreements, and the application is in such form, is made in such manner, and contains such other agreements and such assurances and information as the Director determines to be necessary to carry out this section.

"(m) EQUITABLE ALLOCATION OF AWARDS.—In making awards under subsection (a), the Director shall ensure that the awards are equitably allocated among the principal geographic regions of the United States, as well as among Indian tribes, subject to the availability of qualified applicants for the awards.

"(n) DURATION OF AWARD.—

"(1) IN GENERAL.—The period during which payments are made to an entity from an award under this section may not exceed 5 years.

"(2) APPROVAL OF DIRECTOR.—The provision of payments described in paragraph (1) shall be subject to—

"(A) annual approval by the Director of the payments; and

"(B) the availability of appropriations for the fiscal year at issue to make the payments.

"(3) NO LIMITATION.—This subsection may not be construed to establish a limitation on the number of awards that may be made to an entity under this section.

"(o) EVALUATIONS; DISSEMINATION OF FINDINGS.—The Director shall, directly or through contract, provide for the conduct of evaluations of programs carried out pursuant to subsection (a). The Director shall disseminate to the States the findings made as a result of the evaluations.

"(p) REPORTS TO CONGRESS.—

"(1) INITIAL REPORT.—Not later than October 1, 2000, the Director shall submit to the Committee on the Judiciary of the House of Representatives, and to the Committee on the Judiciary of the Senate, a report describing programs carried out pursuant to this section.

"(2) PERIODIC REPORTS.—

"(A) IN GENERAL.—Not less than biennially after the date described in paragraph (1), the Director shall prepare a report describing programs carried out pursuant to this section during the preceding 2-year period, and shall submit the report to the Administrator for inclusion in the biennial report under section 501(k).

"(B) SUMMARY.—Each report under this subsection shall include a summary of any evaluations conducted under subsection (m) during the period with respect to which the report is prepared.

"(q) DEFINITIONS.—In this section:

"(1) AUTHORIZED SERVICES.—The term 'authorized services' means treatment services and supplemental services.

"(2) JUVENILE.—The term 'juvenile' means anyone 18 years of age or younger at the time that of admission to a program operated pursuant to subsection (a).

"(3) ELIGIBLE JUVENILE.—The term 'eligible juvenile' means a juvenile who has been admitted to a program operated pursuant to subsection (a).

"(4) FUNDING AGREEMENT UNDER SUBSECTION (A).—The term 'funding agreement under subsection (a)', with respect to an award under subsection (a), means that the Director may make the award only if the applicant makes the agreement involved.

"(5) TREATMENT SERVICES.—The term 'treatment services' means treatment for substance abuse, including the counseling and services described in subsection (c)(2).

"(6) SUPPLEMENTAL SERVICES.—The term 'supplemental services' means the services described in subsection (d).

"(r) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—For the purpose of carrying out this section and section 576 there is authorized to be appropriated from the Violent Crime Reduction Trust Fund—

"(A) $100,000 for fiscal year 2000; $200,000 for fiscal year 2001; and

"(B) such sums as may be necessary for fiscal year 2002.

"(2) TRANSFER.—For the purpose described in paragraph (1), in addition to the amounts authorized in such paragraph to be appropriated for a fiscal year, there is authorized to be appropriated for the fiscal year from the special forfeiture fund of the Director of the Office of National Drug Control Policy such sums as may be necessary.

"(3) RULE OF CONSTRUCTION.—The amounts authorized in this subsection to be appropriated are in addition to any other amounts that are authorized to be appropriated and are available for the purpose described in paragraph (1).

"SEC. 576. OUTPATIENT TREATMENT PROGRAMS FOR JUVENILES.

"(a) GRANTS.—The Secretary of Health and Human Services, acting through the Director of the Center for Substance Abuse Treatment, shall make grants to establish projects for the outpatient treatment of substance abuse among juveniles.

"(b) PREVENTION.—Entities receiving grants under this section shall engage in activities to prevent substance abuse among juveniles.

"(c) EVALUATION.—The Secretary of Health and Human Services shall evaluate projects carried out under subsection (a) and shall disseminate to appropriate public and private entities information on effective projects.".

Subtitle C—Drug Courts

SEC. 231. REAUTHORIZATION OF DRUG COURTS PROGRAM.

(a) Section 114(b)(1)(A) of title I of Public Law 104–134 is repealed.

(b) Section 1001(a)(20) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(20)) is amended—

(1) in subparagraph (E), by striking "and" at the end;

(2) in subparagraph (F), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(G) $200,000,000 for fiscal year 2001; and

"(H) $200,000,000 for fiscal year 2002.".

SEC. 232. JUVENILE DRUG COURTS.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended—

(1) by redesignating part Z as part AA;

(2) by redesignating section 2601 as 2701; and

(3) by inserting after part Y the following:

"PART Z—JUVENILE DRUG COURTS

"SEC. 2601. GRANT AUTHORITY.

"(a) APPROPRIATE DRUG COURT PROGRAMS.—The Attorney General may make grants to States, State courts, local courts, units of local government, and Indian tribes to establish programs that—

"(1) involve continuous early judicial supervision over juvenile offenders, other than violent juvenile offenders with substance abuse, or substance abuse-related problems; and

"(2) integrate administration of other sanctions and services, including—

"(A) mandatory periodic testing for the use of controlled substances or other addictive substances during any period of supervised release or probation for each participant;

"(B) substance abuse treatment for each participant;

"(C) diversion, probation, or other supervised release involving the possibility of prosecution, confinement, or incarceration based on noncompliance with program requirements or failure to show satisfactory progress;

"(D) programmatic, offender management, and aftercare services such as relapse prevention, health care, education, vocational training, job placement, housing placement, and child care or other family support service for each participant who requires such services;

"(E) payment by the offender of treatment costs, to the extent practicable, such as costs for urinalysis or counseling; or

"(F) payment by the offender of restitution, to the extent practicable, to either a victim of the offense at issue or to a restitution or similar victim support fund.

"(b) Continued Availability of Grant Funds.—Amounts made available under this part shall remain available until expended.

"SEC. 2602. PROHIBITION OF PARTICIPATION BY VIOLENT OFFENDERS.

"The Attorney General shall issue regulations and guidelines to ensure that the programs authorized in this part do not permit participation by violent offenders.

"SEC. 2603. DEFINITION.

"In this part, the term 'violent offender' means an individual charged with an offense during the course of which—

"(1) the individual carried, possessed, or used a firearm or dangerous weapon;

"(2) the death of or serious bodily injury of another person occurred as a direct result of the commission of such offense; or

"(3) the individual used force against the person of another.

"SEC. 2604. ADMINISTRATION.

"(a) Regulatory Authority.—The Attorney General shall issue any regulations and guidelines necessary to carry out this part.

"(b) Applications.—In addition to any other requirements that may be specified by the Attorney General, an application for a grant under this part shall—

"(1) include a long term strategy and detailed implementation plan;

"(2) explain the inability of the applicant to fund the program adequately without Federal assistance;

"(3) certify that the Federal support provided will be used to supplement, and not supplant, State, tribal, or local sources of funding that would otherwise be available;

"(4) identify related governmental or community initiatives that complement or will be coordinated with the proposal;

"(5) certify that there has been appropriate consultation with all affected agencies and that there will be appropriate coordination with all affected agencies in the implementation of the program;

"(6) certify that participating offenders will be supervised by one or more designated judges with responsibility for the drug court program;

"(7) specify plans for obtaining necessary support and continuing the proposed program following the conclusion of Federal support; and

"(8) describe the methodology that will be used in evaluating the program.

"SEC. 2605. APPLICATIONS.

"To request funds under this part, the chief executive or the chief justice of a State, or the chief executive or chief judge of a unit of local government or Indian tribe shall submit an application to the Attorney General in such form and containing such information as the Attorney General may reasonably require.

"SEC. 2606. FEDERAL SHARE.

"(a) In General.—The Federal share of a grant made under this part may not exceed 75 percent of the total costs of the program described in the application submitted under section 2605 for the fiscal year for which the program receives assistance under this part.

"(b) Waiver.—The Attorney General may waive, in whole or in part, the requirement of a matching contribution under subsection (a).

"(c) In-Kind Contributions.—In-kind contributions may constitute a portion of the non-Federal share of a grant under this part.

"SEC. 2607. DISTRIBUTION OF FUNDS.

"(a) Geographical Distribution.—The Attorney General shall ensure that, to the extent practicable, an equitable geographic distribution of grant awards is made.

"(b) Indian Tribes.—The Attorney General shall allocate 0.75 percent of amounts made available under this subtitle for grants to Indian tribes.

"SEC. 2608. REPORT.

"A State, Indian tribe, or unit of local government that receives funds under this part during a fiscal year shall submit to the Attorney General, in March of the year following receipt of a grant under this part, a report regarding the effectiveness of programs established pursuant to this part.

"SEC. 2609. TECHNICAL ASSISTANCE, TRAINING, AND EVALUATION.

"(a) Technical Assistance and Training.—The Attorney General may provide technical assistance and training in furtherance of the purposes of this part.

"(b) Evaluations.—In addition to any evaluation requirements that may be prescribed for grantees, the Attorney General may carry out or make arrangements for evaluations of programs that receive support under this part.

"(c) Administration.—The technical assistance, training, and evaluations authorized by this section may be carried out directly by the Attorney General, in collaboration with the Secretary of Health and Human Services, or through grants, contracts, or other cooperative arrangements with other entities.

"SEC. 2610. UNAWARDED FUNDS.

"The Attorney General may reallocate any grant funds that are not awarded for juvenile drug courts under this part for use for other juvenile delinquency and crime prevention initiatives.

"SEC. 2611. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part from the Violent Crime Reduction Trust Fund—

"(1) $50,000,000 for fiscal year 2000; and

"(2) such sums as may be necessary for fiscal years 2001 and 2002.".

Subtitle D—Improving Effectiveness of Youth Crime and Drug Prevention Efforts

SEC. 241. COMPREHENSIVE STUDY BY NATIONAL ACADEMY OF SCIENCES.

(a) In General.—The Attorney General shall enter into a contract with a public or nonprofit private entity, subject to subsection (b), for the purpose of conducting a study or studies—

(1) to evaluate the effectiveness of federally funded programs for preventing youth violence and youth substance abuse;

(2) to evaluate the effectiveness of federally funded grant programs for preventing criminal victimization of juveniles;

(3) to identify specific Federal programs and programs that receive Federal funds that contribute to reductions in youth violence, youth substance abuse, and risk factors among youth that lead to violent behavior and substance abuse;

(4) to identify specific programs that have not achieved their intended results; and

(5) to make specific recommendations on programs that—

(A) should receive continued or increased funding because of their proven success; or

(B) should have their funding terminated or reduced because of their lack of effectiveness.

(b) National Academy of Sciences.—The Attorney General shall request the National Academy of Sciences to enter into the contract under subsection (a) to conduct the study or studies described in subsection (a). If the Academy declines to conduct the study, the Attorney General shall carry out such subsection through other public or nonprofit private entities.

(c) Assistance.—In conducting the study under subsection (a) the contracting party may obtain analytic assistance, data, and other relevant materials from the Department of Justice and any other appropriate Federal agency.

(d) Reporting Requirements.—

(1) In general.—Not later than January 1, 2000, the Attorney General shall submit a report describing the findings made as a result of the study required by subsection (a) to the Committee on the Judiciary and the Committee on Economic and Educational Opportunity of the House of Representatives and the Committee on the Judiciary and the Committee on Labor and Human Resources of the Senate.

(2) Contents.—The report required by this subsection shall contain specific recommendations concerning funding levels for the programs evaluated. Reports on the effectiveness of such programs and recommendations on funding shall be provided to the appropriate subcommittees of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate.

(e) Funding.—There are authorized to be appropriated to carry out the study under subsection (a) $1,000,000.

SEC. 242. EVALUATION OF CRIME PREVENTION PROGRAMS.

The Attorney General, with respect to the programs in this title shall provide, directly or through grants and contracts, for the comprehensive and thorough evaluation of the effectiveness of each program established by this Act and the amendments made by this Act.

SEC. 243. EVALUATION AND RESEARCH CRITERIA.

(a) Independent Evaluations and Research.—Evaluations and research studies conducted pursuant to this subtitle shall be independent in nature, and shall employ rigorous and scientifically recognized standards and methodologies.

(b) Content of Evaluations.—Evaluations conducted pursuant to this title may include comparison between youth participating in the programs and the community at large of rates of—

(1) delinquency, youth crime, youth gang activity, youth substance abuse, and other high risk factors;

(2) risk factors in young people that contribute to juvenile violence, including academic failure, excessive school absenteeism, and dropping out of school;

(3) risk factors in the community, schools, and family environments that contribute to youth violence; and

(4) criminal victimizations of youth.

SEC. 244. COMPLIANCE WITH EVALUATION MANDATE.

The Attorney General may require the recipients of Federal assistance for programs under this Act to collect, maintain, and report information considered to be relevant to any evaluation conducted pursuant to section 242, and to conduct and participate in specified evaluation and assessment activities and functions.

SEC. 245. RESERVATION OF AMOUNTS FOR EVALUATION AND RESEARCH.

(a) In General.—The Attorney General, with respect to this title shall reserve not less than 2 percent, and not more than 4 percent, of the amounts made available pursuant to such titles and the amendments made by such titles in each fiscal year to carry out the evaluation and research required by this title.

(b) Assistance to Grantees and Evaluated Programs.—To facilitate the conduct and defray the costs of crime prevention program evaluation and research, the Attorney General shall use amounts reserved under this section to provide compliance assistance to grantees under this Act who are selected to participate in evaluations pursuant to section 242.

SEC. 246. SENSE OF SENATE REGARDING FUNDING FOR PROGRAMS DETERMINED TO BE INEFFECTIVE.

It is the sense of the Senate that programs identified in the study performed pursuant to section 241 as being ineffective in addressing juvenile crime and substance abuse should not receive Federal funding in any fiscal year following the issuance of such study.

TITLE III—PROTECTING CHILDREN FROM GUNS

Subtitle A—Gun Offenses

SEC. 311. PROHIBITION ON TRANSFER TO AND POSSESSION BY JUVENILES OF SEMIAUTOMATIC ASSAULT WEAPONS AND LARGE CAPACITY AMMUNITION FEEDING DEVICES AND ENHANCED CRIMINAL PENALTIES FOR TRANSFERS OF HANDGUNS, AMMUNITION, SEMIAUTOMATIC ASSAULT WEAPONS, AND LARGE CAPACITY AMMUNITION FEEDING DEVICES TO JUVENILES.

(a) Prohibition.—Section 922(x) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking "or" at the end;

(B) in subparagraph (B), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(C) a semiautomatic assault weapon; or

"(D) a large capacity ammunition feeding device.";

(2) in paragraph (2)—

(A) in subparagraph (A), by striking "or" at the end;

(B) in subparagraph (B), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(C) a semiautomatic assault weapon; or

"(D) a large capacity ammunition feeding device."; and

(3) in paragraph (3)—

(A) in subparagraph (B), by inserting ", semiautomatic assault weapon, or large capacity ammunition feeding device" after "handgun"; and

(B) in subparagraph (D), by striking "or ammunition" and inserting ", ammunition, semiautomatic assault weapon, or large capacity ammunition feeding device".

(b) Enhanced Penalties.—Section 924(a)(6)(B)(i) of title 18, United States Code, is amended by striking "1 year" and inserting "5 years".

SEC. 312. JUVENILE HANDGUN SAFETY.

(a) Juvenile Handgun Safety.—Section 924(a)(6) of title 18, United States Code, is amended—

(1) by striking subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph (A); and

(3) in subparagraph (A), as redesignated—

(A) by striking "A person other than a juvenile who knowingly" and inserting "A person who knowingly"; and

(B) in clause (i), by striking "not more than 1 year" and inserting "not more than 5 years".

SEC. 313. SERIOUS JUVENILE DRUG OFFENSES AS ARMED CAREER CRIMINAL PREDICATES.

Section 924(e)(2)(A) of title 18, United States Code, is amended—

(1) in clause (i), by striking "or" at the end;

(2) in clause (ii), by adding "or" at the end; and

(3) by adding at the end the following:

"(iii) any act of juvenile delinquency that, if committed by an adult, would be an offense described in this paragraph;".

SEC. 314. INCREASED PENALTY FOR TRANSFERRING A FIREARM TO A MINOR FOR USE IN CRIME OF VIOLENCE OR DRUG TRAFFICKING CRIME.

Section 924(h) of title 18, United States Code, is amended by striking "10 years, fined in accordance with this title, or both" and inserting "10 years, and if the transferee is a person who is under 18 years of age, imprisoned for a term of not more than 15 years, fined in accordance with this title, or both".

SEC. 315. INCREASED PENALTY FOR FIREARMS CONSPIRACY.

Section 924 of title 18, United States Code, is amended by adding at the end the following:

"(p) Except as otherwise provided in this section, a person who conspires to commit an offense defined in this chapter shall be subject to the same penalties (other than the penalty of death) as those prescribed for the offense the commission of which is the object of the conspiracy.".

Subtitle B—Local Gun Violence Prevention Programs

SEC. 321. COMPETITIVE GRANTS FOR CHILDREN'S FIREARM SAFETY EDUCATION.

(a) Purposes.—The purposes of this section are—

(1) to award grants to assist local educational agencies, in consultation with community groups and law enforcement agencies, to educate children about preventing gun violence; and

(2) to assist communities in developing partnerships between public schools, community organizations, law enforcement, and parents in educating children about preventing gun violence.

(b) Definitions.—In this section:

(1) Local educational agency.—The term "local educational agency" has the same meaning given such term in section 14101(18) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8701).

(2) Secretary.—The term "Secretary" means the Secretary of Education.

(3) State.—The term "State" means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands.

(c) Allocation of Competitive Grants.—

(1) Grants by the secretary.—For any fiscal year in which the amount appropriated to carry out this section does not equal or exceed $50,000,000, the Secretary of Education may award competitive grants described under subsection (d).

(2) Grants by the states.—For any fiscal year in which the amount appropriated to carry out this section exceeds $50,000,000, the Secretary shall make allotments to State educational agencies pursuant to paragraph (3) to award competitive grants described in subsection (d).

(3) Formula.—Except as provided in paragraph (4), funds appropriated to carry out this section shall be allocated among the States as follows:

(A) 75 percent of such amount shall be allocated proportionately based upon the population that is less than 18 years of age in the State.

(B) 25 percent of such amount shall be allocated proportionately based upon the population that is less than 18 years of age in the State that is incarcerated.

(4) Minimum allotment.—Of the amounts appropriated to carry out this section, 0.50 percent shall be allocated to each State.

(d) Authorization of Competitive Grants.—The Secretary or the State educational agency, as the case may be, may award grants to eligible local educational agencies for the purposes of educating children about preventing gun violence, in accordance with the following:

(1) Assurances.—

(A) The Secretary or the State educational agency, as the case may be, shall ensure that not less than 90 percent of the funds allotted under this section are distributed to local educational agencies.

(B) In awarding the grants, the Secretary or the State educational agency, as the case may be, shall ensure, to the maximum extent practicable—

(i) an equitable geographic distribution of grant awards;

(ii) an equitable distribution of grant awards among programs that serve public elementary school students, public secondary school students, and a combination of both; and

(iii) that urban, rural and suburban areas are represented within the grants that are awarded.

(2) Priority.—In awarding grants under this section, the Secretary or the State educational agency, as the case may be, shall give priority to a local educational agency that—

(A) coordinates with other Federal, State, and local programs that educate children about personal health, safety, and responsibility, including programs carried out under the Safe and Drug-Free Schools and Communities Act of 1994 (20 U.S.C. 7101 et seq.);

(B) serves a population with a high incidence of students found in possession of a weapon on school property or students suspended or expelled for bringing a weapon onto school grounds or engaging in violent behavior on school grounds; and

(C) forms a partnership that includes not less than 1 local educational agency working in consultation with not less than 1 public or private nonprofit agency or organization with experience in violence prevention or 1 local law enforcement agency.

(3) Peer review; consultation.—

(A) In general.—

(i) Peer review by panel.—Before grants are awarded, the Secretary shall submit grant applications to a peer review panel for evaluation.

(ii) Composition of panel.—The panel shall be composed of not less than 1 representative from a local educational agency, State educational agency, a local law enforcement agency, and a public or private nonprofit organization with experience in violence prevention.

(B) Consultation.—The Secretary shall submit grant applications to the Attorney General for consultation.

(e) ELIGIBLE GRANT RECIPIENTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), an eligible grant recipient is a local educational agency that may work in partnership with 1 or more of the following:

(A) A public or private nonprofit agency or organization with experience in violence prevention.

(B) A local law enforcement agency.

(C) An institution of higher education.

(2) EXCEPTION.—A State educational agency may, with the approval of a local educational agency, submit an application on behalf of such local educational agency or a consortium of such agencies.

(f) LOCAL APPLICATIONS; REPORTS.—

(1) APPLICATIONS.—Each local educational agency that wishes to receive a grant under this section shall submit an application to the Secretary and the State educational agency that includes—

(A) a description of the proposed activities to be funded by the grant and how each activity will further the goal of educating children about preventing gun violence;

(B) how the program will be coordinated with other programs that educate children about personal health, safety, and responsibility, including programs carried out under the Safe and Drug-Free Schools and Communities Act of 1994 (20 U.S.C. 7101 et seq.); and

(C) the age and number of children that the programs will serve.

(2) REPORTS.—Each local educational agency that receives a grant under this section shall submit a report to the Secretary and to the State educational agency not later than 18 months after the grant is awarded and submit an additional report to the Secretary and to the State not later than 36 months after the grant is awarded. Each report shall include information regarding—

(A) the activities conducted to educate children about gun violence;

(B) how the program will continue to educate children about gun violence in the future; and

(C) how the grant is being coordinated with other Federal, State, and local programs that educate children about personal health, safety, and responsibility, including programs carried out under the Safe and Drug-Free Schools and Communities Act of 1994 (20 U.S.C. 7101 et seq.).

(g) AUTHORIZED ACTIVITIES.—

(1) REQUIRED ACTIVITIES.—Grants authorized under subsection (d) shall be used for the following activities:

(A) Supporting existing programs that educate children about personal health, safety, and responsibility, including programs carried out under the Safe and Drug-Free Schools and Communities Act of 1994 (20 U.S.C. 7101 et seq.).

(B) Educating children about the effects of gun violence.

(C) Educating children to identify dangerous situations in which guns are involved and how to avoid and prevent such situations.

(D) Educating children how to identify threats and other indications that their peers are in possession of a gun and may use a gun, and what steps they can take in such situations.

(E) Developing programs to give children access to adults to whom they can report, in a confidential manner, any problems relating to guns.

(2) PERMISSIBLE ACTIVITIES.—Grants authorized under subsection (d) may be used for the following:

(A) Encouraging schoolwide programs and partnerships that involve teachers, students, parents, administrators, other staff, and members of the community in reducing gun incidents in public elementary and secondary schools.

(B) Establishing programs that assist parents in helping educate their children about firearm safety and the prevention of gun violence.

(C) Providing ongoing professional development for public school staff and administrators to identify the causes and effects of gun violence and risk factors and student behavior that may result in gun violence, including training sessions to review and update school crisis response plans and school policies for preventing the presence of guns on school grounds and facilities.

(D) Providing technical assistance for school psychologists and counselors to provide timely counseling and evaluations, in accordance with State and local laws, of students who possess a weapon on school grounds.

(E) Improving security on public elementary and secondary school campuses to prevent outside persons from entering school grounds with firearms.

(F) Assisting public schools and communities in developing crisis response plans when firearms are found on school campuses and when gun-related incidents occur.

(h) STATE APPLICATIONS; ACTIVITIES AND REPORTS.—

(1) STATE APPLICATIONS.—

(A) Each State desiring to receive funds under this section shall, through its State educational agency, submit an application to the Secretary of Education at such time and in such manner as the Secretary shall require. Such application shall describe—

(i) the manner in which funds under this section for State activities and competitive grants will be used to fulfill the purposes of this section;

(ii) the manner in which the activities and projects supported by this section will be coordinated with other State and Federal education, law enforcement, and juvenile justice programs, including the Safe and Drug-Free Schools and Communities Act of 1994 (20 U.S.C. 7101 et seq.);

(iii) the manner in which States will ensure an equitable geographic distribution of grant awards; and

(iv) the criteria which will be used to determine the impact and effectiveness of the funds used pursuant to this section.

(B) A State educational agency may submit an application to receive a grant under this section under paragraph (1) or as an amendment to the application the State educational agency submits under the Safe and Drug-Free Schools and Communities Act of 1994 (20 U.S.C. 7101 et seq.).

(2) STATE ACTIVITIES.—Of appropriated amounts allocated to the States under subsection (c)(2), the State educational agency may reserve not more than 10 percent for activities to further the goals of this section, including—

(A) providing technical assistance to eligible grant recipients in the State;

(B) performing ongoing research into the causes of gun violence among children and methods to prevent gun violence among children; and

(C) providing ongoing professional development for public school staff and administrators to identify the causes and indications of gun violence.

(3) STATE REPORTS.—Each State receiving an allotment under this section shall submit a report to the Secretary and to the Committees on Labor and Human Resources and the Judiciary of the Senate and the Committees on Education and the Workforce and the Judiciary of the House of Representatives, not later than 12 months after receipt of the grant award and shall submit an additional report to those committees not later than 36 months after receipt of the grant award. Each report shall include information regarding—

(A) the progress of local educational agencies that received a grant award under this section in the State in educating children about firearms;

(B) the progress of State activities under paragraph (1) to advance the goals of this section; and

(C) how the State is coordinating funds allocated under this section with other State and Federal education, law enforcement, and juvenile justice programs, including the Safe and Drug-Free Schools and Communities Act of 1994 (20 U.S.C. 7101 et seq.).

(i) SUPPLEMENT NOT SUPPLANT.—A State or local educational agency shall use funds received under this section only to supplement the amount of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for reducing gun violence among children and educating children about firearms, and not to supplant such funds.

(j) DISPLACEMENT.—A local educational agency that receives a grant award under this section shall ensure that persons hired to carry out the activities under this section do not displace persons already employed.

(k) HOME SCHOOLS.—Nothing in this section shall be construed to affect home schools.

(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) such sums as may be necessary for each of fiscal years 2000 and 2001; and

(2) $60,000,000 for fiscal year 2002.

SEC. 322. DISSEMINATION OF BEST PRACTICES VIA THE INTERNET.

(a) MODEL DISSEMINATION.—The Secretary of Education shall include on the Internet site of the Department of Education a description of programs that receive grants under section 1421.

(b) GRANT PROGRAM NOTIFICATION.—The Secretary shall publicize the competitive grant program through its Internet site, publications, and public service announcements.

SEC. 323. YOUTH CRIME GUN INTERDICTION INITIATIVE (YCGII).

(a) IN GENERAL.—The Secretary of the Treasury shall expand—

(1) the number of city and county law enforcement agencies that through the Youth Crime Gun Interdiction Initiative (referred to in this section as "YGCII") submit identifying information relating to all firearms recovered during law enforcement investigations, including from individuals under age 25, to the Secretary of the Treasury to identify the types and origins of such firearms to 75 cities or counties by October 1, 2000, to 150 cities or counties by October 1, 2002, and to 250 cities or counties by October 1, 2003; and

(2) the resources devoted to law enforcement investigations of illegal youth possessors and users and of illegal firearms traffickers identified through YCGII, including through the hiring of additional agents, inspectors, intelligence analysts and support personnel.

(b) SELECTION OF PARTICIPANTS.—The Secretary of the Treasury, in consultation with Federal, State, and local law enforcement officials, shall select cities and counties for participation in the program established under this section.

(c) Establishment of System.—The Secretary of the Treasury shall establish a system through which State and local law enforcement agencies, through on-line computer technology, can promptly provide firearms-related information to the Secretary of the Treasury and access information derived through YCGII as soon as such capability is available. Not later than 6 months after the date of enactment of this Act, the Secretary shall submit to the Chairman and Ranking Member of the Committees on Appropriations of the House of Representatives and the Senate, a report explaining the capacity to provide such on-line access and the future technical and, if necessary, legal changes required to make such capability available, including cost estimates.

(d) Report.—Not later than one year after the date of enactment of this section, and annually thereafter, the Secretary of the Treasury shall submit to the Chairman and Ranking Member of the Committees on Appropriations of the House of Representatives and the Senate a report regarding the types and sources of firearms recovered from individuals, including those under the age of 25, regional, State and national firearms trafficking trends, and the number of investigations and arrests resulting from YCGII.

(e) Authorization of Appropriations.—There are authorized to be appropriated to the Department of the Treasury to carry out this section $50,000,000 for each of fiscal years 2001 through 2002.

SEC. 324. GRANT PRIORITY FOR TRACING OF GUNS USED IN CRIMES BY JUVENILES.

Section 517 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3763) is amended by adding at the end the following:

"(c) Priority.—In awarding discretionary grants under section 511 to public agencies to undertake law enforcement initiatives relating to gangs, or relating to juveniles who are involved or at risk of involvement in gangs, the Director shall give priority to a public agency that includes in its application a description of strategies or programs of that public agency (either in effect or proposed) that provide cooperation between Federal, State, and local law enforcement authorities, through the use of firearms and ballistics identification systems, to disrupt illegal sale or transfer of firearms to or between juveniles through tracing the sources of guns used in crime that were provided to juveniles.".

Subtitle C—Juvenile Gun Courts

SEC. 331. DEFINITIONS.

In this subtitle:

(1) Firearm.—The term "firearm" has the same meaning as in section 921 of title 18, United States Code.

(2) Firearm offender.—The term "firearm offender" means any individual charged with an offense involving the illegal possession, use, transfer, or threatened use of a firearm.

(3) Juvenile gun court.—The term "juvenile gun court" means a specialized division within a State or local juvenile court system, or a specialized docket within a State or local court that considers exclusively cases involving juvenile firearm offenders.

(4) Local court.—The term "local court" means any section or division of a State or municipal juvenile court system.

SEC. 332. GRANT PROGRAM.

The Attorney General may make grants in accordance with this subtitle to States, State courts, local courts, units of local government, and Indian tribes for court-based juvenile justice programs that target juvenile firearm offenders through the establishment of juvenile gun courts.

SEC. 333. APPLICATIONS.

(a) Eligibility.—In order to be eligible to receive a grant under this subtitle, the chief executive of a State, unit of local government, or Indian tribe, or the chief judge of a local court, shall submit an application to the Attorney General in such form and containing such information as the Attorney General may reasonably require.

(b) Requirements.—Each application submitted in accordance with subsection (a) shall include—

(1) a request for a grant to be used for the purposes described in this subtitle;

(2) a description of the communities to be served by the grant, including the extent of juvenile crime, juvenile violence, and juvenile firearm use and possession in such communities;

(3) written assurances that Federal funds received under this subtitle will be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this subsection;

(4) a comprehensive plan described in subsection (c) (referred to in this subtitle as the "comprehensive plan"); and

(5) any additional information in such form and containing such information as the Attorney General may reasonably require.

(c) Comprehensive Plan.—For purposes of subsection (b), a comprehensive plan as described in this subsection includes—

(1) a description of the juvenile crime and violence problems in the jurisdiction of the applicant, including gang crime and juvenile firearm use and possession;

(2) an action plan outlining the manner in which the applicant would use the grant amounts in accordance with this subtitle;

(3) a description of any resources available in the jurisdiction of the applicant to implement the action plan described in paragraph (2); and

(4) a description of the plan of the applicant for evaluating the performance of the juvenile gun court.

SEC. 334. GRANT AWARDS.

(a) Considerations.—In awarding grants under this subtitle, the Attorney General shall consider—

(1) the ability of the applicant to provide the stated services;

(2) the level of juvenile crime, violence, and drug use in the community; and

(3) to the extent practicable, achievement of an equitable geographic distribution of the grant awards.

(b) Diversity.—The Attorney General shall allot not less than 0.75 percent of the total amount made available each fiscal year to carry out this subtitle to applicants in each State from which applicants have applied for grants under this subtitle.

(c) Indian Tribes.—The Attorney General shall allocate 0.75 percent of amounts made available under this subtitle for grants to Indian tribes.

SEC. 335. USE OF GRANT AMOUNTS.

Each grant made under this subtitle shall be used to—

(1) establish juvenile gun courts for adjudication of juvenile firearm offenders;

(2) grant prosecutorial discretion to try, in a gun court, cases involving the illegal possession, use, transfer, or threatened use of a firearm by a juvenile;

(3) require prosecutors to transfer such cases to the gun court calendar not later than 30 days after arraignment;

(4) require that gun court trials commence not later than 60 days after transfer to the gun court;

(5) facilitate innovative and individualized sentencing (such as incarceration, house arrest, victim impact classes, electronic monitoring, restitution, and gang prevention programs);

(6) provide services in furtherance of paragraph (5);

(7) limit grounds for continuances and grant continuances only for the shortest practicable time;

(8) ensure that any term of probation or supervised release imposed on a firearm offender in a juvenile gun court, in addition to, or in lieu of, a term of incarceration, shall include a prohibition on firearm possession during such probation or supervised release and that violation of that prohibition shall result in, to the maximum extent permitted under State law, a term of incarceration; and

(9) allow transfer of a case or an offender out of the gun court by agreement of the parties, subject to court approval.

SEC. 336. GRANT LIMITATIONS.

Not more than 5 percent of the amounts made available to the Attorney General or a grant recipient under this subtitle may be used for administrative purposes.

SEC. 337. FEDERAL SHARE.

(a) In General.—Subject to subsections (b) and (c), the Federal share of a grant made under this subtitle may not exceed 90 percent of the total cost of the program or programs of the grant recipient that are funded by that grant for the fiscal year for which the program receives assistance under this subtitle.

(b) Waiver.—The Attorney General may waive, in whole or in part, the requirements of subsection (a).

(c) In-Kind Contributions.—For purposes of subsection (a), in-kind contributions may constitute any portion of the non-Federal share of a grant under this subtitle.

(d) Continued Availability of Grant Amounts.—Any amount provided to a grant recipient under this subtitle shall remain available until expended.

SEC. 338. REPORT AND EVALUATION.

(a) Report to the Attorney General.—Not later than March 1, 2000, and March 1 of each year thereafter, each grant recipient under this subtitle shall submit to the Attorney General a report that describes, for the year to which the report relates, any progress achieved in carrying out the comprehensive plan of the grant recipient.

(b) Evaluation and Report to Congress.—Not later than October 1, 2000 and October 1 of each year thereafter, the Attorney General shall submit to Congress an evaluation and report that contains a detailed statement regarding grant awards, activities of grant recipients, a compilation of statistical information submitted by grant recipients under this subtitle, and an evaluation of programs established by grant recipients under this subtitle.

(c) Criteria.—In assessing the effectiveness of the programs established and operated by grant recipients pursuant to this subtitle, the Attorney General shall consider—

(1) the number of juveniles tried in gun court sessions in the jurisdiction of the grant recipient;

(2) a comparison of the amount of time between the filing of charges and ultimate disposition in gun court and nongun court cases;

(3) the recidivism rates of juvenile offenders tried in gun court sessions in the jurisdiction of the grant recipient in comparison to those tried outside of drug courts;

(4) changes in the amount of gun-related and gang-related crime in the jurisdiction of the grant recipient; and

(5) the quantity of firearms and ammunition recovered in gun court cases in the jurisdiction of the grant recipient.

(d) Documents and Information.—Each grant recipient under this subtitle shall provide the Attorney General with all documents and information that the Attorney General determines to be necessary to conduct an evaluation of the effectiveness of programs funded under this subtitle.

SEC. 339. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this subtitle from the Violent Crime Reduction Trust Fund—

(1) $50,000,000 for each of fiscal years 2000 and 2001; and

(2) such sums as may be necessary for fiscal year 2002.

Subtitle D—Youth Violence Courts

SEC. 341. CREATION OF YOUTH VIOLENCE COURTS.

Section 210602 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14161) is amended—

(1) by redesignating subsections (a), (b), (c), and (d) as paragraphs (1), (2), (3), and (4), respectively;

(2) by redesignating paragraphs (1), (2), (3), (4), and (5) as subparagraphs (A), (B), (C), (D), and (E), respectively;

(3) by inserting before paragraph (1), as so designated, the following:

"(a) State and Local Court Assistance.—"; and

(4) by adding after subsection (a), as so designated, the following:

"(b) Youth Violence Courts.—

"(1) Authority to make grants and enter into contracts.—

"(A) In general.—The Attorney General may award grants and enter into cooperative agreements and contracts with States, State courts, local courts, units of local government, Indian tribes, and tribal courts to plan, develop, implement, and administer programs to adjudicate and better manage juvenile and youthful violent offenders within State, tribal, and local court systems.

"(B) Initiatives.—Initiatives funded under this paragraph may include—

"(i) the establishment of court based juvenile justice programs that target young firearms offenders through the establishment of juvenile gun courts for the adjudication and prosecution of juvenile firearms offenders;

"(ii) the establishment of drug court programs for juveniles so as to provide continuing judicial supervision over juvenile offenders with substance abuse problems and to provide the integrated administration of other sanctions and services as enumerated under the provisions of section 50001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 3796ii), as in effect on the day before the date of enactment of Public Law 104–134;

"(iii) the establishment of courts of specialized or joint jurisdiction as deemed appropriate by a jurisdiction's chief judicial officer; and

"(iv) the establishment of programs aimed at the enhanced and improved adjudication of juvenile offenders, including innovative programs involving the courts, prosecutors, public defenders, probation offices, and corrections agencies.

"(2) Application.—The Attorney General shall establish guidelines governing the administration of this program. Such guidelines shall include the manner and content of applications for funding under this program, as well as procedures and methods for the distribution of funds distributed under this program.

"(3) Federal share.—The Federal share of any individual grant made under this program may not exceed 75 percent. Further, in-kind contributions, pursuant to the discretion of the Attorney General may constitute a portion, or all, of the non-Federal share of a grant made under this program. With regard to grants to Indian tribes, the Attorney General may allow other Federal funds to constitute all or a portion of the non-Federal share.

"(4) Geographic distribution.—The Attorney General shall ensure that, to the extent reasonable and practicable, an equitable geographic distribution of grant awards is made.

"(5) Training and technical assistance.—Two percent of all funds appropriated for this subtitle shall be set aside for use by the Attorney General for training and technical assistance consistent with this program.".

TITLE IV—IMPROVING THE JUVENILE JUSTICE SYSTEM

Subtitle A—Reform of Federal Juvenile System

SEC. 411. DELINQUENCY PROCEEDINGS OR CRIMINAL PROSECUTIONS IN DISTRICT COURTS.

(a) In General.—Section 5032 of title 18, United States Code, is amended to read as follows:

"§ 5032. Delinquency proceedings or criminal prosecutions in district courts

"(a) Juvenile Delinquency Proceedings.—

"(1) In general.—A juvenile alleged to have committed an offense against the United States or an act of juvenile delinquency may be—

"(A) surrendered to State authorities;

"(B) proceeded against as a juvenile under this subsection; or

"(C) tried as an adult in the circumstances described in subsections (b) and (c).

"(2) Surrender to state absent certification.—

"(A) In general.—A juvenile referred to in paragraph (1) may be proceeded against as a juvenile in a court of the United States under this subsection—

"(i) for offenses committed within the special maritime and territorial jurisdiction of the United States for which the maximum authorized term of imprisonment does not exceed 6 months; or

"(ii) if the Attorney General, after investigation, certifies to the appropriate United States district court that—

"(I)(aa) the juvenile court or other appropriate court of a State does not have jurisdiction or declines to assume jurisdiction over the juvenile with respect to such act of alleged juvenile delinquency; or

"(bb) the offense charged is described in subsection (b) (2) or (3) or subsection (e); and

"(II) there is a substantial Federal interest in the case or the offense to warrant the exercise of Federal jurisdiction.

"(B) Surrender to legal authorities.—If, where required, the Attorney General does not so certify, such juvenile shall be surrendered to the appropriate legal authorities of such State.

"(3) Public proceedings; attendance by victims.—

"(A) In general.—If a juvenile alleged to have committed an act of juvenile delinquency is not surrendered to the authorities of a State pursuant to this section, any proceedings against the juvenile shall be in an appropriate district court of the United States.

"(B) Convening of court.—For the purposes specified in subparagraph (A), the court—

"(i) may be convened at any time and place within the district; and

"(ii) shall be open to the public, except that the court may exclude all or some members of the public from the proceedings if—

"(I) required by the interests of justice; or

"(II) other good cause is shown.

"(C) Court open to victims and relatives.—Even if all or some of the members of the public are excluded from the proceedings, the proceedings shall be open to victims of the alleged offense and their relatives and legal guardians unless—

"(i) required by the interests of justice; or

"(ii) otherwise good cause is shown.

"(D) Procedural requirements.—The Attorney General shall proceed by information or as authorized by section 3401(g) of this title, and no criminal prosecution shall be instituted except as provided in this chapter.

"(b) Juveniles 16 Years and Older Prosecuted as Adults.—A juvenile alleged to have committed an act on or after the day the juvenile attains the age of 16 years may be prosecuted as an adult—

"(1) if the juvenile has requested in writing upon advice of counsel to be prosecuted as an adult;

"(2) if the act committed by an adult would be a serious violent felony or a serious drug offense as described in section 3559(c) (2) and (3) or a conspiracy or attempt under section 406 of the Controlled Substances Act (21 U.S.C. 846) or under section 1013 of the Controlled Substances Import and Export Act (21 U.S.C. 963) to commit an offense described in section 3559(c)(2); or

"(3) if the act the juvenile is alleged to have committed is not described in paragraph (2), and if committed by an adult would be—

"(A) a crime of violence (as defined in section 3156(a)(4)) that is a felony;

"(B) an offense described in section 844 (d), (k), or (l), or paragraph (a)(6) or subsection (b), (g), (h), (j), (k), or (l), of section 924;

"(C) a violation of section 922(o) that is an offense under section 924(a)(2);

"(D) a violation of section 5861 of the Internal Revenue Code of 1986 that is an offense under section 5871 of the Internal Revenue Code of 1986;

"(E) a conspiracy to commit an offense described in any of subparagraphs (A) through (D); or

"(F) an offense described in section 401 or 408 of the Controlled Substances Act (21 U.S.C. 841, 848) or a conspiracy or attempt to commit that offense which is punishable under section 406 of the Controlled Substances Act (21 U.S.C. 846), an offense punishable under section 409 or 419 of the Controlled Substances Act (21 U.S.C. 849, 860), an offense described in section 1002, 1003, 1005, or 1009 of the Controlled Substances Import and Export Act (21 U.S.C. 952, 953, 955, or 959) or a conspiracy or attempt to commit that offense which is punishable under section 1013 of the Controlled Substances Import and Export Act (21 U.S.C. 963).

"(c) Juveniles Under 16 Years Prosecuted as Adults.—

"(1) In general.—A juvenile, alleged to have committed an act on or after the day on which the juvenile has attained the age of 13 years but before the juvenile has attained the age of 16 years, may be prosecuted as an adult if the act, if committed by an adult, would be an offense described in paragraph (2) or (3) of subsection (b), upon approval of the Attorney General or the designee of the Attorney General, who shall not be at a level lower than a Deputy Assistant Attorney General.

"(2) Limitation.—

"(A) In general.—Except as provided in subparagraph (B), approval shall not be granted under paragraph (1), with respect to a juvenile described in that paragraph who is subject to the criminal jurisdiction of an Indian tribal government and who is alleged to have committed an act over which, if committed by an adult, there would be Federal jurisdiction based solely on the commission of that act in Indian country (as defined in section 1151).

"(B) Exception.—Subparagraph (A) shall not apply if, before that alleged act was committed, the governing body of the Indian tribe having jurisdiction over the place in which the alleged act was committed notified the Attorney General in writing of its election that prosecution may take place under this subsection.

"(d) Limitations on Judicial Review.—

"(1) In general.—Except as provided in this subsection, a determination to approve or not to approve, or to institute or not to institute, a prosecution under subsection (b) or (c) shall not be reviewable in any court.

"(2) Determination by court.—In any prosecution of a juvenile under subsection (b)(3) or (c)(1), upon motion of the defendant and after a hearing, the court in which criminal charges have been filed shall determine whether to issue an order to provide for the transfer of the defendant to juvenile status for the purposes of proceeding against the defendant under subsection (a).

"(3) Time requirements.—A motion by a defendant under paragraph (2) shall not be considered unless that motion is filed not later than 20 days after the date on which the defendant—

"(A) initially appears through counsel; or

"(B) expressly waives the right to counsel and elects to proceed pro se.

"(4) Prohibition.—The court shall not order the transfer of a defendant to juvenile status under this paragraph unless the defendant establishes by clear and convincing evidence or information that removal to juvenile status would be in the interest of justice. In making a determination under paragraph (2), the court shall consider—

"(A) the nature of the alleged offense, including the extent to which the juvenile played a leadership role in an organization, or otherwise influenced other persons to take part in criminal activities, involving the use or distribution of controlled substances or firearms;

"(B) whether prosecution of the juvenile as an adult is necessary to protect public safety;

"(C) the age and social background of the juvenile;

"(D) the extent and nature of the prior delinquency record of the juvenile;

"(E) the intellectual development and psychological maturity of the juvenile;

"(F) the nature of any treatment efforts and the response of the juvenile to those efforts; and

"(G) the availability of programs designed to treat the behavioral problems of the juvenile.

"(5) Status of orders.—

"(A) In general.—An order of the court made in ruling on a motion by a defendant to transfer a defendant to juvenile status under this subsection shall not be a final order for the purpose of enabling an appeal, except that an appeal by the United States shall lie to a court of appeals pursuant to section 3731 from an order of a district court removing a defendant to juvenile status.

"(B) Appeals.—Upon receipt of a notice of appeal of an order under this paragraph, a court of appeals shall hear and determine the appeal on an expedited basis.

"(6) Inadmissibility of evidence.—

"(A) In general.—Except as provided in subparagraph (B), no statement made by a defendant during or in connection with a hearing under this subsection shall be admissible against the defendant in any criminal prosecution.

"(B) Exceptions.—The prohibition under subparagraph (A) shall not apply, except—

"(i) for impeachment purposes; or

"(ii) in a prosecution for perjury or giving a false statement.

"(7) Rules.—The rules concerning the receipt and admissibility of evidence shall be the same as prescribed in subsection 3142(f) of this title.

"(e) Joinder; Lesser Included Offenses.—In a prosecution under subsection (b) or (c) the juvenile may be prosecuted and convicted as an adult for any other offense which is properly joined under the Federal Rules of Criminal Procedure, and may also be convicted of a lesser included offense.".

SEC. 412. APPLICABILITY OF STATUTORY MINIMUMS TO JUVENILES 16 YEARS AND OLDER AND LIMITATION AS TO YOUNGER JUVENILES.

Section 3553 of title 18, United States Code, is amended by adding at the end the following:

"(g) Limitation on Applicability of Statutory Minimums in Certain Prosecutions of Persons Under the Age of 16.—Notwithstanding any other provision of law, in the case of a juvenile alleged to have committed an act on or after the day on which the juvenile has attained the age of 13 years but before the juvenile has attained the age of 16 years, which if committed by an adult would be an offense described in section 5032 (b)(3) or (e), the court shall impose a sentence pursuant to guidelines promulgated by the United States Sentencing Commission under section 994 of title 28 without regard to any statutory minimum sentence, if the court finds at sentencing, after the Government has been afforded the opportunity to make a recommendation, that the juvenile has not been previously adjudicated delinquent for or convicted of an offense described in section 5032(b)(2).".

SEC. 413. CONFORMING AMENDMENT TO DEFINITIONS SECTION.

Section 5031 of title 18, United States Code, is amended by adding at the end the following: "As used in this chapter, the term 'State' includes a State of the United States, the District of Columbia, any commonwealth, territory, or possession of the United States and, with regard to an act of juvenile delinquency that would have been a misdemeanor if committed by an adult, a federally recognized Indian tribe.".

SEC. 414. CUSTODY PRIOR TO APPEARANCE BEFORE JUDICIAL OFFICER.

Section 5033 of title 18, United States Code, is amended to read as follows:

"§5033. Custody prior to appearance before judicial officer

"(a) In General.—Whenever a juvenile is taken into custody, the arresting officer shall immediately advise such juvenile of the juvenile's rights, in language comprehensible to a juvenile. The arresting officer shall promptly take reasonable steps to notify the juvenile's parents, guardian, or custodian of such custody, of the rights of the juvenile, and of the nature of the alleged offense.

"(b) Timely Action.—The juvenile shall be taken before a judicial officer without unreasonable delay.".

SEC. 415. TECHNICAL AND CONFORMING AMENDMENTS TO SECTION 5034.

Section 5034 of title 18, United States Code, is amended—

(1) by striking "The" each place it appears at the beginning of a paragraph and inserting "the";

(2) by striking "If" at the beginning of the third paragraph and inserting "if";

(3) by designating the 3 paragraphs as paragraphs (1), (2), and (3), respectively; and

(4) by inserting at the beginning of such section before those paragraphs the following: "In a proceeding under section 5032(a)—".

SEC. 416. SPEEDY TRIAL FOR DETAINED JUVENILES PENDING DELINQUENCY PROCEEDINGS; REINSTITUTING DISMISSED CASES.

Section 5036 of title 18, United States Code, is amended—

(1) by striking "If an alleged delinquent" and inserting "If a juvenile proceeded against under section 5032(a)";

(2) by striking "thirty" and inserting "45"; and

(3) by striking "the court," and all that follows through the end of the section and inserting "the court. In determining whether an information should be dismissed with or without prejudice, the court shall consider the seriousness of the offense, the facts and circumstances of the case that led to the dismissal, and the impact of a reprosecution on the administration of justice. The periods of exclusion under section 3161(h) of this title shall apply to this section.".

SEC. 417. DISPOSITION; AVAILABILITY OF INCREASED DETENTION, FINES, AND SUPERVISED RELEASE FOR JUVENILE OFFENDERS.

Section 5037 of title 18, United States Code, is amended to read as follows:

"§5037. Disposition

"(a) In General.—

"(1) Hearing.—In a proceeding under section 5032(a), if the court finds a juvenile to be a juvenile delinquent, the court shall hold a hearing concerning the appropriate disposition of the juvenile not later than 40 court days after the finding of juvenile delinquency, unless the court has ordered further study pursuant to subsection (e).

"(2) Report.—A predisposition report shall be prepared by the probation officer who shall promptly provide a copy to the juvenile, the juvenile's counsel, and the attorney for the Government.

"(3) Victim impact information.—Victim impact information shall be included in the report, and victims, or in appropriate cases, their official representatives, shall be provided the opportunity to make a statement to the court in person or present any information in relation to the disposition.

"(4) Order of restitution.—After the dispositional hearing, and after considering any pertinent policy statements promulgated by the Sentencing Commission pursuant to section 994 of title 28, the court shall enter an order of restitution pursuant to section 3556 of this title, and place the juvenile on probation, commit the juvenile to official detention (including the possibility of a term of supervised release), and impose any fine that would be authorized if the juvenile had been tried and convicted as an adult.

"(5) Release or detention.—With respect to release or detention pending an appeal or a petition for a writ of certiorari after disposition, the court shall proceed pursuant to the provisions of chapter 207.

"(b) Term of Probation.—The term for which probation may be ordered for a juvenile found to be a juvenile delinquent may not extend beyond the maximum term that would be authorized by section 3561(c) if the juvenile had been tried and convicted as an adult. Sections 3563, 3564, and 3565 are applicable to an order placing a juvenile on probation.

"(c) Term of Official Detention.—

"(1) Maximum term.—The term for which official detention (other than supervised release) may be ordered for a juvenile found to be a juvenile delinquent may not extend beyond the lesser of—

"(A) the maximum term of imprisonment that would be authorized if the juvenile had been tried and convicted as an adult;

"(B) 10 years; or

"(C) the date on which the juvenile attains the age of 26 years.

"(2) Applicability of other provisions.—Section 3624 of this title shall apply to an order placing a juvenile in detention.

"(d) Term of Supervised Release.—The term for which supervised release may be ordered for a juvenile found to be a juvenile delinquent may not extend beyond 5 years. Subsections (c) through (i) of section 3583 shall apply to an order placing a juvenile on supervised release.

"(e) Custody of the Attorney General.—

"(1) In general.—If the court desires more detailed information concerning a juvenile alleged to have committed an act of juvenile delinquency or a juvenile adjudicated delinquent, the court may commit the juvenile, after notice and hearing at which the juvenile is represented by counsel, to the custody of the Attorney General for observation and study by an appropriate agency or entity.

"(2) Outpatient basis.—Any observation and study pursuant to a commission under paragraph (1) shall be conducted on an outpatient basis, unless the court determines that inpatient observation and study are necessary to obtain the desired information, except in the case of an alleged juvenile delinquent, inpatient study may be ordered only with the consent of the juvenile and the juvenile's attorney.

"(3) Contents of study.—The agency or entity conducting an observation or study under this subsection shall make a complete study of the alleged or adjudicated delinquent to ascertain the juvenile's personal traits, capabilities, background, previous delinquency or criminal experience, mental or physical defect, and any other relevant factors pertaining to the juvenile.

"(4) Submission of results.—The Attorney General shall submit to the court and the attorneys for the juvenile and the Government the results of the study not later than 30 days after the commitment of the juvenile, unless the court grants additional time. If the juvenile has not been committed for the study, the probation office shall obtain the report under sections 3154 and 3672 and submit the results of the study in like manner and within the same time period.

"(5) Exclusion of time.—Time spent in custody under this subsection shall be excluded for purposes of section 5036.

"(f) Conviction as Adult of Juveniles 13, 14, and 15 Years Old.—With respect to any juvenile prosecuted and convicted as an adult under section 5032(c), the court may, pursuant to guidelines promulgated by the United States Sentencing Commission under section 994 of title 28, determine to treat the conviction as an adjudication of delinquency and impose any disposition authorized under this section. The United States Sentencing Commission shall promulgate such guidelines as soon as practicable and not later than 1 year after the date of enactment of the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999.".

SEC. 418. ACCESS TO JUVENILE RECORDS.

Section 5038 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking the matter preceding the colon and inserting the following: "Throughout and upon completion of the juvenile delinquency proceeding, the court records of the original proceeding shall be safeguarded from disclosure to unauthorized persons. The records shall be released to the extent necessary to meet the following circumstances"; and

(B) by striking paragraph (6) and inserting the following:

"(6) inquiries from any victim of such juvenile delinquency, or in appropriate cases with the official representative of the victim, or, if the victim is deceased, from the immediate family of such victim in order to—

"(A) apprise such victim or representative of the status or disposition of the proceeding;

"(B) effectuate any other provision of law; or

"(C) assist in a victim's or the victim's official representative's, allocution at disposition;";

(2) by striking subsections (d) and (f) and redesignating subsection (e) as subsection (d); and

(3) by adding at the end the following:

"(e) Records and Information.—

"(1) Juvenile delinquency records.—If a juvenile has been adjudicated delinquent for an act that, if committed by an adult, would be a felony or for a violation of section 922(x)—

"(A) the juvenile shall be fingerprinted and photographed, and the fingerprints and photograph shall be sent to the Federal Bureau of Investigation;

"(B) the court shall transmit to the Federal Bureau of Investigation the information concerning the adjudication, including the name, date of adjudication, court, offenses, and sentence of the juvenile, along with the notation that the matter was a juvenile adjudication; and

"(C) access to the fingerprints, photograph, and other records and information relating to a juvenile described in this subsection, shall be restricted as prescribed by subsection (a).

"(2) Juveniles tried as adults.—Fingerprints and photographs of a juvenile who is prosecuted as an adult shall be made available in the manner applicable to adult defendants.

"(f) Additional Authorization.—In addition to any other authorization under this section for the reporting, retention, disclosure, or availability of records or information, if the law of the State in which a Federal juvenile delinquency proceeding takes place permits or requires the reporting, retention, disclosure, or availability of records or information relating to a juvenile or to a juvenile delinquency proceeding or adjudication in certain circumstances, then such reporting, retention, disclosure, or availability is permitted under this section in any case in which the same circumstances exist.".

SEC. 419. TECHNICAL AMENDMENTS OF SECTION 5034.

Section 5034 of title 18, United States Code, is amended—

(1) by striking "his" each place it appears and inserting "the juvenile's"; and

(2) by striking "magistrate" each place it appears and inserting "judicial officer".

SEC. 420. DEFINITIONS.

Section 5031 of title 18, United States Code, is amended to read as follows:

"§ 5031. Definitions

"In this chapter:

"(1) Adult jail or correctional facility.—The term 'adult jail or correctional facility' means a locked facility that is used by a State, unit of local government, or any law enforcement authority to detain or confine adults—

"(A) pending the filing of a charge of violating a criminal law;

"(B) awaiting trial on a criminal charge; or

"(C) convicted of violating a criminal law.

"(2) Community-based facility, program, or service.—The term 'community-based facility, program, or service' means, with respect to a juvenile, a small, open group home or other suitable place located near the juvenile's home or family and programs of community supervision and service that maintain community and consumer participation in the planning, operation, and evaluation of those programs (which may include medical, educational, vocational, social and psychological guidance, training, special education, counseling, alcoholism treatment, drug treatment, and other rehabilitative services).

"(3) Indian tribe.—The term 'Indian tribe' means an Indian or Alaskan native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a-1).

"(4) Indian tribal government.—The term 'Indian tribal government' means the legally recognized leadership of an Indian tribe, band, nation, pueblo, village, or community.

"(5) Juvenile.—The term 'juvenile' means—

"(A) a person who has not attained his or her 18th birthday; or

"(B) for the purpose of proceedings and disposition under this chapter for an alleged act of juvenile delinquency, a person who has not attained his or her 21st birthday.

"(6) Juvenile delinquency.—The term 'juvenile delinquency' means the violation of a law of the United States committed by a person prior to the 18th birthday of that person, if the violation—

"(A) would have been a crime if committed by an adult; or

"(B) is a violation of section 922(x).

"(7) Prohibited physical contact.—

"(A) In general.—The term 'prohibited physical contact' means—

"(i) any physical contact between a juvenile and an adult inmate; and

"(ii) proximity that provides an opportunity for physical contact between a juvenile and an adult inmate.

"(B) Exclusion.—The term does not include supervised proximity between a juvenile and an adult inmate that is brief and incidental or accidental.

"(8) Sustained oral communication.—

"(A) In general.—The term 'sustained oral communication' means the imparting or interchange of speech by or between an adult inmate and a juvenile.

"(B) Exception.—The term does not include—

"(i) communication that is accidental or incidental; or

"(ii) sounds or noises that cannot reasonably be considered to be speech.

"(9) State.—The term 'State' includes a State of the United States, the District of Columbia, any commonwealth, territory, or possession of the United States and, with regard to an act of juvenile delinquency that would have been a misdemeanor if committed by an adult, an Indian tribe (as that term is defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 4506(e))).

"(10) VIOLENT JUVENILE.—The term 'violent juvenile' means any juvenile who is alleged to have committed, has been adjudicated delinquent for, or has been convicted of an offense that, if committed by an adult, would be a crime of violence (as that term is defined in section 16).".

Subtitle B—Incarceration of Juveniles in the Federal System

SEC. 421. DETENTION OF JUVENILES PRIOR TO DISPOSITION OR SENTENCING.

Section 5035 of title 18, United States Code, is amended to read as follows:

"§ 5035. Detention prior to disposition or sentencing

"(a) IN GENERAL.—

"(1) JUVENILES 16 YEARS OF AGE OR OLDER.—

"(A) A juvenile 16 years of age or older prosecuted pursuant to paragraph (2) or (3) of section 5032(b), if detained at any time prior to sentencing, shall be detained in a suitable juvenile facility as the Attorney General may designate. Preference shall be given to a place located within, or within a reasonable distance of, the district in which the juvenile is being prosecuted.

"(B)(i) A juvenile 16 years of age or older prosecuted pursuant to section 5032(a), if detained at any time prior to sentencing, shall be detained in a suitable juvenile facility located within, or within a reasonable distance of, the district in which the juvenile is being prosecuted.

"(ii) If a facility described in clause (i) is not available, such a juvenile may be detained in any other suitable juvenile facility that the Attorney General may designate. To the extent practicable, violent juveniles shall be kept separate from nonviolent juveniles.

"(2) JUVENILES LESS THAN 16 YEARS OF AGE.—

"(A) IN GENERAL.—A juvenile less than 16 years of age prosecuted pursuant to this section, if detained at any time prior to sentencing, shall be detained in a suitable juvenile facility located within, or within a reasonable distance of, the district in which the juvenile is being prosecuted.

"(B) UNAVAILABILITY OF CERTAIN FACILITIES.—If a facility described in subparagraph (A) is not available, such a juvenile may be detained in any other suitable juvenile facility that the Attorney General may designate. To the extent practicable, violent juveniles shall be kept separate from nonviolent juveniles.

"(b) PROHIBITION.—A juvenile less than 16 years of age prosecuted pursuant to this section shall not be detained prior to disposition or sentencing in any facility in which the juvenile has prohibited physical contact or sustained oral communication with adult persons convicted of a crime or awaiting trial on criminal charges.

"(c) PROVISION OF SAFETY, SECURITY, AND OTHER AMENITIES.—Every juvenile who is detained prior to disposition or sentencing shall be provided with reasonable safety and security and with adequate food, heat, light, sanitary facilities, bedding, clothing, recreation, education, and medical care, including necessary psychiatric, psychological, or other care and treatment.".

SEC. 422. RULES GOVERNING THE COMMITMENT OF JUVENILES.

Section 5039 of title 18, United States Code, is amended to read as follows:

"§ 5039. Commitment

"(a) IN GENERAL.—

"(1) PROHIBITION.—The Attorney General shall not cause any person less than 18 years of age adjudicated delinquent under section 5032(a), or any person less than 16 years of age convicted of an offense to be placed or retained in an adult jail or correctional facility in which the person has prohibited physical contact or sustained oral communication with adults incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges.

"(2) FACILITIES NEAR HOME.—Whenever possible, the Attorney General shall commit a juvenile described in paragraph (1) to a foster home or community-based facility located in or near the home community of that juvenile. To the extent practicable, violent juveniles shall be kept separate from nonviolent juveniles.

"(b) PROVISION OF AMENITIES.—Each juvenile who has been committed under subsection (a) shall be provided with reasonable safety and security and with adequate food, heat, light, sanitary facilities, bedding, clothing, recreation, counseling, education, training, and medical care including necessary psychiatric, psychological, or other care and treatment.".

Subtitle C—Assistance to States For Prosecuting and Punishing Juvenile Offenders and Reducing Juvenile Crime

SEC. 431. JUVENILE AND VIOLENT OFFENDER INCARCERATION GRANTS.

(a) GRANTS FOR VIOLENT AND CHRONIC JUVENILE FACILITIES.—

(1) DEFINITIONS.—In this subsection:

(A) COLOCATED FACILITY.—The term "colocated facility" means the location of adult and juvenile facilities on the same property in a manner consistent with regulations issued by the Attorney General to ensure that adults and juveniles are substantially segregated.

(B) SUBSTANTIALLY SEGREGATED.—The term "substantially segregated" means—

(i) complete sight and sound separation in residential confinement;

(ii) use of shared direct care and management staff, properly trained and certified by the State to interact with juvenile offenders, if the staff does not interact with adult and juvenile offenders during the same shift; and

(iii) incidental contact during transportation to court proceedings and other activities in accordance with regulations issued by the Attorney General to ensure reasonable efforts are made to segregate adults and juveniles.

(C) VIOLENT JUVENILE OFFENDER.—The term "violent juvenile offender" means a person under the age of majority pursuant to State law that has been adjudicated delinquent or convicted in adult court of a violent felony as defined in section 924(e)(2)(B) of title 18, United States Code.

(D) QUALIFYING STATE.—The term "qualifying State" means a State that has submitted, or a State in which an eligible unit of local government has submitted, a grant application that meets the requirements of paragraphs (3) and (5).

(2) AUTHORITY.—

(A) IN GENERAL.—The Attorney General may make grants in accordance with this subsection to States, units of local government, or any combination thereof, to assist them in planning, establishing, and operating secure facilities, staff-secure facilities, detention centers, and other correctional programs for violent juvenile offenders.

(B) USE OF AMOUNTS.—Grants under this subsection may be used—

(i) for colocated facilities for adult prisoners and violent juvenile offenders; and

(ii) only for the construction or operation of facilities in which violent juvenile offenders are substantially segregated from nonviolent juvenile offenders.

(3) APPLICATIONS.—

(A) IN GENERAL.—The chief executive officer of a State or unit of local government that seeks to receive a grant under this subsection shall submit to the Attorney General an application, in such form and in such manner as the Attorney General may prescribe.

(B) CONTENTS.—Each application submitted under subparagraph (A) shall provide written assurances that each facility or program funded with a grant under this subsection—

(i) will provide appropriate educational and vocational training, appropriate mental health services, a program of substance abuse testing, and substance abuse treatment for appropriate juvenile offenders; and

(ii) will afford juvenile offenders intensive post-release supervision and services.

(4) MINIMUM AMOUNT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), each qualifying State, together with units of local government within the State, shall be allocated for each fiscal year not less than 1.0 percent of the total amount made available in each fiscal year for grants under this subsection.

(B) EXCEPTION.—The United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands shall each be allocated 0.2 percent of the total amount made available in each fiscal year for grants under this subsection.

(5) PERFORMANCE EVALUATION.—

(A) EVALUATION COMPONENTS.—

(i) IN GENERAL.—Each facility or program funded under this subsection shall contain an evaluation component developed pursuant to guidelines established by the Attorney General.

(ii) OUTCOME MEASURES.—The evaluations required by this subsection shall include outcome measures that can be used to determine the effectiveness of the funded programs, including the effectiveness of such programs in comparison with other correctional programs or dispositions in reducing the incidence of recidivism, and other outcome measures.

(B) PERIODIC REVIEW AND REPORTS.—

(i) REVIEW.—The Attorney General shall review the performance of each grant recipient under this subsection.

(ii) REPORTS.—The Attorney General may require a grant recipient to submit to the Office of Justice Programs, Corrections Programs Office the results of the evaluations required under subparagraph (A) and such other data and information as are reasonably necessary to carry out the responsibilities of the Attorney General under this subsection.

(6) TECHNICAL ASSISTANCE AND TRAINING.—The Attorney General shall provide technical assistance and training to grant recipients under this subsection to achieve the purposes of this subsection.

(b) JUVENILE FACILITIES ON TRIBAL LANDS.—

(1) RESERVATION OF FUNDS.—Of amounts made available to carry out this section under section 20108(a)(2)(A) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13708(a)(2)(A)), the Attorney

General shall reserve, to carry out this subsection, 0.75 percent for each of fiscal years 2000 through 2003.

(2) GRANTS TO INDIAN TRIBES.—Of amounts reserved under paragraph (1), the Attorney General may make grants to Indian tribes or to regional groups of Indian tribes for the purpose of constructing secure facilities, staff-secure facilities, detention centers, and other correctional programs for incarceration of juvenile offenders subject to tribal jurisdiction.

(3) APPLICATIONS.—To be eligible to receive a grant under this section, an Indian tribe shall submit to the Attorney General an application in such form and containing such information as the Attorney General may by regulation require.

(4) REGIONAL GROUPS.—Individual Indian tribes from a geographic region may apply for grants under paragraph (2) jointly for the purpose of building regional facilities.

(c) REPORT ON ACCOUNTABILITY AND PERFORMANCE MEASURES IN JUVENILE CORRECTIONS PROGRAMS.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Attorney General shall, after consultation with the National Institute of Justice and other appropriate governmental and nongovernmental organizations, submit to Congress a report regarding the possible use of performance-based criteria in evaluating and improving the effectiveness of juvenile corrections facilities and programs.

(2) CONTENTS.—The report required under this subsection shall include an analysis of—

(A) the range of performance-based measures that might be utilized as evaluation criteria, including measures of recidivism among juveniles who have been incarcerated in facilities or have participated in correctional programs;

(B) the feasibility of linking Federal juvenile corrections funding to the satisfaction of performance-based criteria by grantees (including the use of a Federal matching mechanism under which the share of Federal funding would vary in relation to the performance of a program or facility);

(C) whether, and to what extent, the data necessary for the Attorney General to utilize performance-based criteria in the Attorney General's administration of juvenile corrections programs are collected and reported nationally; and

(D) the estimated cost and feasibility of establishing minimal, uniform data collection and reporting standards nationwide that would allow for the use of performance-based criteria in evaluating juvenile corrections programs and facilities and administering Federal juvenile corrections funds.

SEC. 432. CERTAIN PUNISHMENT AND GRADUATED SANCTIONS FOR YOUTH OFFENDERS.

(a) FINDINGS AND PURPOSES.—

(1) FINDINGS.—Congress finds that—

(A) youth violence constitutes a growing threat to the national welfare requiring immediate and comprehensive action by the Federal Government to reduce and prevent youth violence;

(B) the behavior of youth who become violent offenders often follow a progression, beginning with aggressive behavior in school, truancy, and vandalism, leading to property crimes and then serious violent offenses;

(C) the juvenile justice systems in most States are ill-equipped to provide meaningful sanctions to minor, nonviolent offenders because most of their resources are dedicated to dealing with more serious offenders;

(D) in most States, some youth commit multiple, nonviolent offenses without facing any significant criminal sanction;

(E) the failure to provide meaningful criminal sanctions for first time, nonviolent offenders sends the false message to youth that they can engage in antisocial behavior without suffering any negative consequences and that society is unwilling or unable to restrain that behavior;

(F) studies demonstrate that interventions during the early stages of a criminal career can halt the progression to more serious, violent behavior; and

(G) juvenile courts need access to a range of sentencing options so that at least some level of sanction is imposed on all youth offenders, including status offenders, and the severity of the sanctions increase along with the seriousness of the offense.

(2) PURPOSES.—The purposes of this section are to provide—

(A) assistance to State and local juvenile courts to expand the range of sentencing options for first time, nonviolent offenders; and

(B) a selection of graduated sanctions for more serious offenses.

(b) DEFINITIONS.—In this section:

(1) FIRST TIME OFFENDER.—The term "first time offender" means a juvenile against whom formal charges have not previously been filed in any Federal or State judicial proceeding.

(2) NONVIOLENT OFFENDER.—The term "nonviolent offender" means a juvenile who is charged with an offense that does not involve the use of force against the person of another.

(3) STATUS OFFENDER.—The term "status offender" means a juvenile who is charged with an offense that would not be criminal if committed by an adult (other than an offense that constitutes a violation of a valid court order or a violation of section 922(x) of title 18, United States Code (or similar State law)).

(c) GRANT AUTHORIZATION.—The Attorney General may make grants in accordance with this section to States, State courts, local courts, units of local government, and Indian tribes, for the purposes of—

(1) providing juvenile courts with a range of sentencing options such that first time juvenile offenders, including status offenders such as truants, vandals, and juveniles in violation of State or local curfew laws, face at least some level of punishment as a result of their initial contact with the juvenile justice system; and

(2) increasing the sentencing options available to juvenile court judges so that juvenile offenders receive increasingly severe sanctions—

(A) as the seriousness of their unlawful conduct increases; and

(B) for each additional offense.

(d) APPLICATIONS.—

(1) ELIGIBILITY.—In order to be eligible to receive a grant under this section, the chief executive of a State, unit of local government, or Indian tribe, or the chief judge of a local court, shall submit an application to the Attorney General in such form and containing such information as the Attorney General may reasonably require.

(2) REQUIREMENTS.—Each application submitted in accordance with paragraph (1) shall include—

(A) a request for a grant to be used for the purposes described in this section;

(B) a description of the communities to be served by the grant, including the extent of youth crime and violence in those communities;

(C) written assurances that Federal funds received under this subtitle will be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this subsection;

(D) a comprehensive plan described in paragraph (3) (in this section referred to as the "comprehensive plan"); and

(E) any additional information in such form and containing such information as the Attorney General may reasonably require.

(3) IMPLEMENTATION PLAN.—For purposes of paragraph (2), a comprehensive plan shall include—

(A) an action plan outlining the manner in which the applicant will achieve the purposes described in subsection (c)(1);

(B) a description of any resources available in the jurisdiction of the applicant to implement the action plan described in subparagraph (A);

(C) an estimate of the costs of full implementation of the plan; and

(D) a plan for evaluating the impact of the grant on the jurisdiction's juvenile justice system.

(e) GRANT AWARDS.—

(1) CONSIDERATIONS.—In awarding grants under this section, the Attorney General shall consider—

(A) the ability of the applicant to provide the stated services;

(B) the level of youth crime, violence, and drug use in the community; and

(C) to the extent practicable, achievement of an equitable geographic distribution of the grant awards.

(2) ALLOCATIONS.—

(A) IN GENERAL.—The Attorney General shall allot not less than 0.75 percent of the total amount made available to carry out this section in each fiscal year to applicants in each State from which applicants have applied for grants under this section.

(B) INDIAN TRIBES.—The Attorney General shall allocate not less than 0.75 percent of the total amount made available to carry out this section in each fiscal year to Indian tribes.

(f) USE OF GRANT AMOUNTS.—

(1) IN GENERAL.—Each grant made under this section shall be used to establish programs that—

(A) expand the number of judges, prosecutors, and public defenders for the purpose of imposing sanctions on first time juvenile offenders and status offenders and for establishing restorative justice boards involving members of the community;

(B) provide expanded sentencing options, such as restitution, community service, drug testing and treatment, mandatory job training, curfews, house arrest, mandatory work projects, and boot camps, for status offenders and nonviolent offenders;

(C) increase staffing for probation officers to supervise status offenders and nonviolent offenders to ensure that sanctions are enforced;

(D) provide aftercare and supervision for status and nonviolent offenders, such as drug education and drug treatment, vocational training, job placement, and family counseling;

(E) encourage private sector employees to provide training and work opportunities for status offenders and nonviolent offenders; and

(F) provide services and interventions for status and nonviolent offenders designed, in tandem with criminal sanctions, to reduce the likelihood of further criminal behavior.

(2) PROHIBITION ON USE OF AMOUNTS.—

(A) DEFINITIONS.—In this paragraph:

(i) Alien.—The term "alien" has the same meaning as in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)).

(ii) Secure detention facility; secure correctional facility.—The terms "secure detention facility" and "secure correctional facility" have the same meanings as in section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603).

(B) Prohibition.—No amounts made available under this subtitle may be used for any program that permits the placement of status offenders, alien juveniles in custody, or nonoffender juveniles (such as dependent, abused, or neglected children) in secure detention facilities or secure correctional facilities.

(g) Grant Limitations.—Not more than 3 percent of the amounts made available to the Attorney General or a grant recipient under this section may be used for administrative purposes.

(h) Federal Share.—

(1) In general.—Subject to paragraphs (2) and (3), the Federal share of a grant made under this section may not exceed 90 percent of the total estimated costs of the program described in the comprehensive plan submitted under subsection (d)(3) for the fiscal year for which the program receives assistance under this section.

(2) Waiver.—The Attorney General may waive, in whole or in part, the requirements of paragraph (1).

(3) In-kind contributions.—For purposes of paragraph (1), in-kind contributions may constitute any portion of the non-Federal share of a grant under this section.

(i) Report and Evaluation.—

(1) Report to the attorney general.—Not later than October 1, 1999, and October 1 of each year thereafter, each grant recipient under this section shall submit to the Attorney General a report that describes, for the year to which the report relates, any progress achieved in carrying out the comprehensive plan of the grant recipient.

(2) Evaluation and report to congress.—Not later than March 1, 2000, and March 1 of each year thereafter, the Attorney General shall submit to Congress an evaluation and report that contains a detailed statement regarding grant awards, activities of grant recipients, a compilation of statistical information submitted by grant recipients under this section, and an evaluation of programs established by grant recipients under this section.

(3) Criteria.—In assessing the effectiveness of the programs established and operated by grant recipients pursuant to this section, the Attorney General shall consider—

(A) a comparison between the number of first time offenders who received a sanction for criminal behavior in the jurisdiction of the grant recipient before and after initiation of the program;

(B) changes in the recidivism rate for first time offenders in the jurisdiction of the grant recipient;

(C) a comparison of the recidivism rates and the seriousness of future offenses of first time offenders in the jurisdiction of the grant recipient that receive a sanction and those who do not;

(D) changes in truancy rates of the public schools in the jurisdiction of the grant recipient; and

(E) changes in the arrest rates for vandalism and other property crimes in the jurisdiction of the grant recipient.

(4) Documents and information.—Each grant recipient under this section shall provide the Attorney General with all documents and information that the Attorney General determines to be necessary to conduct an evaluation of the effectiveness of programs funded under this section.

(j) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section from the Violent Crime Reduction Trust Fund—

(1) $150,000,000 for fiscal year 2000; and

(2) such sums as may be necessary for each of fiscal years 2000 and 2001.

(2) $175,000,000 for fiscal year 2002.

SEC. 433. PILOT PROGRAM TO PROMOTE REPLICATION OF RECENT SUCCESSFUL JUVENILE CRIME REDUCTION STRATEGIES.

(a) Pilot Program To Promote Replication of Recent Successful Juvenile Crime Reduction Strategies.—

(1) Establishment.—The Attorney General (or a designee of the Attorney General), in conjunction with the Secretary of the Treasury (or the designee of the Secretary), shall establish a pilot program (in this section referred to as the "program") to encourage and support communities that adopt a comprehensive approach to suppressing and preventing violent juvenile crime patterned after successful State juvenile crime reduction strategies.

(2) Program.—In carrying out the program, the Attorney General shall—

(A) make and track grants to grant recipients (in this section referred to as "coalitions");

(B) in conjunction with the Secretary of the Treasury, provide for technical assistance and training, data collection, and dissemination of relevant information; and

(C) provide for the general administration of the program.

(3) Administration.—Not later than 30 days after the date of enactment of this Act, the Attorney General shall appoint an Administrator (in this section referred to as the "Administrator") to carry out the program.

(4) Program authorization.—To be eligible to receive an initial grant or a renewal grant under this section, a coalition shall meet each of the following criteria:

(A) Composition.—The coalition shall consist of 1 or more representatives of—

(i) the local police department or sheriff's department;

(ii) the local prosecutors' office;

(iii) the United States Attorney's office;

(iv) the Federal Bureau of Investigation;

(v) the Bureau of Alcohol, Tobacco and Firearms;

(vi) State or local probation officers;

(vii) religious affiliated or fraternal organizations involved in crime prevention;

(viii) schools;

(ix) parents or local grass roots organizations such as neighborhood watch groups; and

(x) social service agencies involved in crime prevention.

(B) Other participants.—If possible, in addition to the representatives from the categories listed in subparagraph (A), the coalition shall include—

(i) representatives from the business community; and

(ii) researchers who have studied criminal justice and can offer technical or other assistance.

(C) Coordinated strategy.—A coalition shall submit to the Attorney General, or the Attorney General's designee, a comprehensive plan for reducing violent juvenile crime. To be eligible for consideration, a plan shall—

(i) ensure close collaboration among all members of the coalition in suppressing and preventing juvenile crime;

(ii) place heavy emphasis on coordinated enforcement initiatives, such as Federal and State programs that coordinate local police departments, prosecutors, and local community leaders to focus on the suppression of violent juvenile crime involving gangs;

(iii) ensure that there is close collaboration between police and probation officers in the supervision of juvenile offenders, such as initiatives that coordinate the efforts of parents, school officials, and police and probation officers to patrol the streets and make home visits to ensure that offenders comply with the terms of their probation;

(iv) ensure that a program is in place to trace all firearms seized from crime scenes or offenders in an effort to identify illegal gun traffickers; and

(v) ensure that effective crime prevention programs are in place, such as programs that provide after-school safe havens and other opportunities for at-risk youth to escape or avoid gang or other criminal activity, and to reduce recidivism.

(D) Accountability.—A coalition shall—

(i) establish a system to measure and report outcomes consistent with common indicators and evaluation protocols established by the Administrator and which receives the approval of the Administrator; and

(ii) devise a detailed model for measuring and evaluating the success of the plan of the coalition in reducing violent juvenile crime, and provide assurances that the plan will be evaluated on a regular basis to assess progress in reducing violent juvenile crime.

(5) Grant amounts.—

(A) In general.—The Administrator may grant to an eligible coalition under this paragraph, an amount not to exceed the amount of non-Federal funds raised by the coalition, including in-kind contributions, for that fiscal year.

(B) Nonsupplanting requirement.—A coalition seeking funds shall provide reasonable assurances that funds made available under this program to States or units of local government shall be so used as to supplement and increase (but not supplant) the level of the State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for programs described in this section, and shall in no event replace such State, local, or other non-Federal funds.

(C) Suspension of grants.—If a coalition fails to continue to meet the criteria set forth in this section, the Administrator may suspend the grant, after providing written notice to the grant recipient and an opportunity to appeal.

(D) Renewal grants.—Subject to subparagraph (D), the Administrator may award a renewal grant to grant recipient under this subparagraph for each fiscal year following the fiscal year for which an initial grant is awarded, in an amount not to exceed the amount of non-Federal funds raised by the coalition, including in-kind contributions, for that fiscal year, during the 4-year period following the period of the initial grant.

(E) Limitation.—The amount of a grant award under this section may not exceed $300,000 for a fiscal year.

(6) Permitted use of funds.—A coalition receiving funds under this section may expend such Federal funds on any use or program that is contained in the plan submitted to the Administrator.

(7) Congressional consultation.—Two years after the date of implementation of the

program established in this section, the General Accounting Office shall submit a report to Congress reviewing the effectiveness of the program in suppressing and reducing violent juvenile crime in the participating communities. The report shall contain an analysis of each community participating in the program, along with information regarding the plan undertaken in the community, and the effectiveness of the plan in reducing violent juvenile crime. The report shall contain recommendations regarding the efficacy of continuing the program.

(b) INFORMATION COLLECTION AND DISSEMINATION WITH RESPECT TO COALITIONS.—

(1) COALITION INFORMATION.—For the purpose of audit and examination, the Administrator—

(A) shall have access to any books, documents, papers, and records that are pertinent to any grant or grant renewal request under this section; and

(B) may periodically request information from a coalition to ensure that the coalition meets the applicable criteria.

(2) REPORTING.—The Administrator shall, to the maximum extent practicable and in a manner consistent with applicable law, minimize reporting requirements by a coalition and expedite any application for a renewal grant made under this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Violent Crime Reduction Trust Fund to carry out this section—

(1) $3,000,000 for fiscal years 2000 and 2001; and

(2) such sums as may be necessary for fiscal year 2002.

TITLE V—PREVENTING JUVENILE CRIME

Subtitle A—Grants To Youth Organizations

SEC. 511. GRANT PROGRAM.

The Attorney General may make grants to States, Indian tribes, and national or statewide nonprofit organizations in crime prone areas, such as Boys and Girls Clubs, Police Athletic Leagues, 4-H Clubs, YMCA Big Brothers and Big Sisters, and Kids 'N Kops programs, for the purpose of—

(1) providing constructive activities to youth during after school hours, weekends, and school vacations;

(2) providing supervised activities in safe environments to youth in crime prone areas;

(3) providing antidrug education to prevent drug abuse among youth;

(4) supporting police officer training and salaries and educational materials to expand D.A.R.E. America's middle school campaign; or

(5) providing constructive activities to youth in a safe environment through parks and other public recreation areas.

SEC. 512. GRANTS TO NATIONAL ORGANIZATIONS.

(a) APPLICATIONS.—

(1) ELIGIBILITY.—In order to be eligible to receive a grant under this section, the chief operating officer of a national or statewide community-based organization shall submit an application to the Attorney General in such form and containing such information as the Attorney General may reasonably require.

(2) APPLICATION REQUIREMENTS.—Each application submitted in accordance with paragraph (1) shall include—

(A) a request for a grant to be used for the purposes described in this subtitle;

(B) a description of the communities to be served by the grant, including the nature of juvenile crime, violence, and drug use in the communities;

(C) written assurances that Federal funds received under this subtitle will be used to supplement and not supplant, non-Federal funds that would otherwise be available for activities funded under this subtitle;

(D) written assurances that all activities will be supervised by an appropriate number of responsible adults;

(E) a plan for assuring that program activities will take place in a secure environment that is free of crime and drugs; and

(F) any additional statistical or financial information that the Attorney General may reasonably require.

(b) GRANT AWARDS.—In awarding grants under this section, the Attorney General shall consider—

(1) the ability of the applicant to provide the stated services;

(2) the history and establishment of the applicant in providing youth activities on a national or statewide basis; and

(3) the extent to which the organizations shall achieve an equitable geographic distribution of the grant awards.

SEC. 513. GRANTS TO STATES.

(a) APPLICATIONS.—

(1) IN GENERAL.—The Attorney General may make grants under this section to States for distribution to units of local government and community-based organizations for the purposes set forth in section 511.

(2) GRANTS.—To request a grant under this section, the chief executive of a State shall submit an application to the Attorney General in such form and containing such information as the Attorney General may reasonably require.

(3) APPLICATION REQUIREMENTS.—Each application submitted in accordance with paragraph (2) shall include—

(A) a request for a grant to be used for the purposes described in this subtitle;

(B) a description of the communities to be served by the grant, including the nature of juvenile crime, violence, and drug use in the community;

(C) written assurances that Federal funds received under this subtitle will be used to supplement and not supplant, non-Federal funds that would otherwise be available for activities funded under this subtitle;

(D) written assurances that all activities will be supervised by an appropriate number of responsible adults; and

(E) a plan for assuring that program activities will take place in a secure environment that is free of crime and drugs.

(b) GRANT AWARDS.—In awarding grants under this section, the State shall consider—

(1) the ability of the applicant to provide the stated services;

(2) the history and establishment of the applicant in the community to be served;

(3) the level of juvenile crime, violence, and drug use in the community;

(4) the extent to which structured extracurricular activities for youth are otherwise unavailable in the community;

(5) the need in the community for secure environments for youth to avoid criminal victimization and exposure to crime and illegal drugs;

(6) to the extent practicable, achievement of an equitable geographic distribution of the grant awards; and

(7) whether the applicant has an established record of providing extracurricular activities that are generally not otherwise available to youth in the community.

(c) ALLOCATION.—

(1) STATE ALLOCATIONS.—The Attorney General shall allot not less than 0.75 percent of the total amount made available each fiscal year to carry out this section to each State that has applied for a grant under this section.

(2) INDIAN TRIBES.—The Attorney General shall allot not less than 0.75 percent of the total amount made available each fiscal year to carry out this section to Indian tribes, in accordance with the criteria set forth in subsections (a) and (b).

(3) REMAINING AMOUNTS.—Of the amount remaining after the allocations under paragraphs (1) and (2), the Attorney General shall allocate to each State an amount that bears the same ratio to the total amount of remaining funds as the population of the State bears to the total population of all States.

SEC. 514. ALLOCATION; GRANT LIMITATION.

(a) ALLOCATION.—Of amounts made available to carry out this subtitle—

(1) 20 percent shall be for grants to national or statewide organizations under section 512; and

(2) 80 percent shall be for grants to States under section 513.

(b) GRANT LIMITATION.—Not more than 3 percent of the funds made available to the Attorney General or a grant recipient under this subtitle may be used for administrative purposes.

SEC. 515. REPORT AND EVALUATION.

(a) REPORT TO THE ATTORNEY GENERAL.—Not later than October 1, 2000 and October 1 of each year thereafter, each grant recipient under this subtitle shall submit to the Attorney General a report that describes, for the year to which the report relates—

(1) the activities provided;

(2) the number of youth participating;

(3) the extent to which the grant enabled the provision of activities to youth that would not otherwise be available; and

(4) any other information that the Attorney General requires for evaluating the effectiveness of the program.

(b) EVALUATION AND REPORT TO CONGRESS.—Not later than March 1, 2001, and March 1 of each year thereafter, the Attorney General shall submit to Congress an evaluation and report that contains a detailed statement regarding grant awards, activities of grant recipients, a compilation of statistical information submitted by grant recipients under this subtitle, and an evaluation of programs established by grant recipients under this subtitle.

(c) CRITERIA.—In assessing the effectiveness of the programs established and operated by grant recipients pursuant to this subtitle, the Attorney General shall consider—

(1) the number of youth served by the grant recipient;

(2) the percentage of youth participating in the program charged with acts of delinquency or crime compared to youth in the community at large;

(3) the percentage of youth participating in the program that uses drugs compared to youth in the community at large;

(4) the percentage of youth participating in the program that are victimized by acts of crime or delinquency compared to youth in the community at large; and

(5) the truancy rates of youth participating in the program compared to youth in the community at large.

(d) DOCUMENTS AND INFORMATION.—Each grant recipient under this subtitle shall provide the Attorney General with all documents and information that the Attorney General determines to be necessary to conduct an evaluation of the effectiveness of programs funded under this subtitle.

SEC. 516. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this subtitle from the Violent Crime Reduction Trust Fund—

(1) $125,000,000 for each of fiscal years 2000 and 2001; and

(2) such sums as may be necessary for fiscal year 2002.

(b) Continued Availability.—Amounts made available under this subtitle shall remain available until expended.

SEC. 517. GRANTS TO PUBLIC AND PRIVATE AGENCIES.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended—

(1) by striking the first part designated as part I;

(2) by redesignating the second part designated as part I as part M; and

(3) by inserting after part H the following:

"PART I—AFTER SCHOOL CRIME PREVENTION

"SEC. 291. GRANTS TO PUBLIC AND PRIVATE AGENCIES FOR EFFECTIVE AFTER SCHOOL CRIME PREVENTION PROGRAMS.

"(a) In General.—Subject to the availability of appropriations, the Administrator shall make grants in accordance with this section to public and private agencies to fund effective after school juvenile crime prevention programs.

"(b) Matching Requirement.—The Administrator may not make a grant to a public or private agency under this section unless that agency agrees that, with respect to the costs to be incurred by the agency in carrying out the program for which the grant is to be awarded, the agency will make available non-Federal contributions in an amount that is not less than a specific percentage of Federal funds provided under the grant, as determined by the Administrator.

"(c) Priority.—In making grants under this section, the Administrator shall give priority to funding programs that—

"(1) are targeted to high crime neighborhoods or at-risk juveniles;

"(2) operate during the period immediately following normal school hours;

"(3) provide educational or recreational activities designed to encourage law-abiding conduct, reduce the incidence of criminal activity, and teach juveniles alternatives to crime; and

"(4) coordinate with State or local juvenile crime control and juvenile offender accountability programs.

"(d) Funding.—There are authorized to be appropriated for grants under this section—

"(1) $200,000,000 for each of fiscal years 2000 and 2001; and

"(2) such sums as may be necessary for fiscal year 2002.".

Subtitle B—"Say No to Drugs" Community Centers

SEC. 521. SHORT TITLE; DEFINITIONS.

(a) Short Title.—This subtitle may be cited as the "Say No to Drugs Community Centers Act of 1999".

(b) Definitions.—In this subtitle—

(1) Community-based organization.—The term "community-based organization" means a private, locally initiated organization that—

(A) is a nonprofit organization, as that term is defined in section 103(23) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(23)); and

(B) involves the participation, as appropriate, of members of the community and community institutions, including—

(i) business and civic leaders actively involved in providing employment and business development opportunities in the community;

(ii) educators;

(iii) religious organizations (which shall not provide any sectarian instruction or sectarian worship in connection with program activities funded under this subtitle);

(iv) law enforcement agencies; and

(v) other interested parties.

(2) Eligible community.—The term "eligible community" means a community—

(A) identified by an eligible recipient for assistance under this subtitle; and

(B) an area that meets such criteria as the Attorney General may, by regulation, establish, including criteria relating to poverty, juvenile delinquency, and crime.

(3) Eligible recipient.—The term "eligible recipient" means a community-based organization or public school that has—

(A) been approved for eligibility by the Attorney General, upon application submitted to the Attorney General in accordance with section 412(b); and

(B) demonstrated that the projects and activities it seeks to support in an eligible community involve the participation, when feasible and appropriate, of—

(i) parents, family members, and other members of the eligible community;

(ii) civic and religious organizations serving the eligible community;

(iii) school officials and teachers employed at schools located in the eligible community;

(iv) public housing resident organizations in the eligible community; and

(v) public and private nonprofit organizations and organizations serving youth that provide education, child protective services, or other human services to low income, at-risk youth and their families.

(4) Poverty line.—The term "poverty line" means the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

(5) Public school.—The term "public school" means a public elementary school, as defined in section 1201(i) of the Higher Education Act of 1965 (20 U.S.C. 1141(i)), and a public secondary school, as defined in section 1201(d) of that Act (42 U.S.C. 1141(d)).

SEC. 522. GRANT REQUIREMENTS.

(a) In General.—The Attorney General may make grants to eligible recipients, which grants may be used to provide to youth living in eligible communities during after school hours or summer vacations, the following services:

(1) Rigorous drug prevention education.

(2) Drug counseling and treatment.

(3) Academic tutoring and mentoring.

(4) Activities promoting interaction between youth and law enforcement officials.

(5) Vaccinations and other basic preventive health care.

(6) Sexual abstinence education.

(7) Other activities and instruction to reduce youth violence and substance abuse.

(b) Location and Use of Amounts.—An eligible recipient that receives a grant under this subtitle—

(1) shall ensure that the stated program is carried out—

(A) when appropriate, in the facilities of a public school during nonschool hours; or

(B) in another appropriate local facility that is—

(i) in a location easily accessible to youth in the community; and

(ii) in compliance with all applicable State and local ordinances;

(2) shall use the grant amounts to provide to youth in the eligible community services and activities that include extracurricular and academic programs that are offered—

(A) after school and on weekends and holidays, during the school year; and

(B) as daily full day programs (to the extent available resources permit) or as part day programs, during the summer months;

(3) shall use not more than 5 percent of the amounts to pay for the administrative costs of the program;

(4) shall not use such amounts to provide sectarian worship or sectarian instruction; and

(5) may not use the amounts for the general operating costs of public schools.

(c) Applications.—

(1) In general.—Each application to become an eligible recipient shall be submitted to the Attorney General at such time, in such manner, and accompanied by such information, as the Attorney General may reasonably require.

(2) Contents of application.—Each application submitted pursuant to paragraph (1) shall—

(A) describe the activities and services to be provided through the program for which the grant is sought;

(B) contain a comprehensive plan for the program that is designed to achieve identifiable goals for youth in the eligible community;

(C) describe in detail the drug education and drug prevention programs that will be implemented;

(D) specify measurable goals and outcomes for the program that will include—

(i) reducing the percentage of youth in the eligible community that enter the juvenile justice system or become addicted to drugs;

(ii) increasing the graduation rates, school attendance, and academic success of youth in the eligible community; and

(iii) improving the skills of program participants;

(E) contain an assurance that the applicant will use grant amounts received under this subtitle to provide youth in the eligible community with activities and services consistent with subsection (g);

(F) demonstrate the manner in which the applicant will make use of the resources, expertise, and commitment of private entities in carrying out the program for which the grant is sought;

(G) include an estimate of the number of youth in the eligible community expected to be served under the program;

(H) include a description of charitable private resources, and all other resources, that will be made available to achieve the goals of the program;

(I) contain an assurance that the applicant will comply with any evaluation under section 522, any research effort authorized under Federal law, and any investigation by the Attorney General;

(J) contain an assurance that the applicant will prepare and submit to the Attorney General an annual report regarding any program conducted under this subtitle;

(K) contain an assurance that the program for which the grant is sought will, to the maximum extent practicable, incorporate services that are provided solely through non-Federal private or nonprofit sources; and

(L) contain an assurance that the applicant will maintain separate accounting records for the program for which the grant is sought.

(3) Priority.—In determining eligibility under this section, the Attorney General shall give priority to applicants that submit

applications that demonstrate the greatest local support for the programs they seek to support.

(d) Payments; Federal Share; Non-Federal Share.—

(1) Payments.—The Attorney General shall, subject to the availability of appropriations, provide to each eligible recipient the Federal share of the costs of developing and carrying out programs described in this section.

(2) Federal share.—The Federal share of the cost of a program under this subtitle shall be not more than—

(A) 75 percent of the total cost of the program for each of the first 2 years of the duration of a grant;

(B) 70 percent of the total cost of the program for the third year of the duration of a grant; and

(C) 60 percent of the total cost of the program for each year thereafter.

(3) Non-federal share.—

(A) In general.—The non-Federal share of the cost of a program under this subtitle may be in cash or in kind, fairly evaluated, including plant, equipment, and services. Federal funds made available for the activity of any agency of an Indian tribal government or the Bureau of Indian Affairs on any Indian lands may be used to provide the non-Federal share of the costs of programs or projects funded under this subtitle.

(B) Special rule.—Not less than 15 percent of the non-Federal share of the costs of a program under this subtitle shall be provided from private or nonprofit sources.

(e) Program Authority.—

(1) In general.—

(A) Allocations for states and indian tribes.—

(i) In general.—In any fiscal year in which the total amount made available to carry out this subtitle is equal to or greater than $20,000,000, from the amount made available to carry out this subtitle, the Attorney General shall allocate not less than 0.75 percent for grants under subparagraph (B) to eligible recipients in each State.

(ii) Indian tribes.—The Attorney General shall allocate 0.75 percent of amounts made available under this subtitle for grants to Indian tribes.

(B) Grants to community-based organizations and public schools from allocations.—For each fiscal year described in subparagraph (A), the Attorney General may award grants from the appropriate State or Indian tribe allocation determined under subparagraph (A) on a competitive basis to eligible recipients to pay for the Federal share of assisting eligible communities to develop and carry out programs in accordance with this subtitle.

(C) Reallocation.—If, at the end of a fiscal year described in subparagraph (A), the Attorney General determines that amounts allocated for a particular State or Indian tribe under subparagraph (B) remain unobligated, the Attorney General shall use such amounts to award grants to eligible recipients in another State or Indian tribe to pay for the Federal share of assisting eligible communities to develop and carry out programs in accordance with this subtitle. In awarding such grants, the Attorney General shall consider the need to maintain geographic diversity among eligible recipients.

(D) Availability of amounts.—Amounts made available under this paragraph shall remain available until expended.

(2) Other fiscal years.—In any fiscal year in which the amount made available to carry out this subtitle is equal to or less than $20,000,000, the Attorney General may award grants on a competitive basis to eligible recipients to pay for the Federal share of assisting eligible communities to develop and carry out programs in accordance with this subtitle.

(3) Administrative costs.—The Attorney General may use not more than 3 percent of the amounts made available to carry out this subtitle in any fiscal year for administrative costs, including training and technical assistance.

SEC. 523. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this subtitle from the Violent Crime Reduction Trust Fund

(1) $100,000,000 for fiscal year 2000; and

(2) such sums as may be necessary for each of fiscal years 2001 and 2002.

Subtitle C—Reauthorization of Incentive Grants For Local Delinquency Prevention Programs

SEC. 531. INCENTIVE GRANTS FOR LOCAL DELINQUENCY PREVENTION PROGRAMS.

Section 506 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5785) is amended to read as follows:

"SEC. 506. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated to carry out this title such sums as may be necessary for each of fiscal years 2000, 2001, and 2002.".

SEC. 532. RESEARCH, EVALUATION, AND TRAINING.

Title V of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5781 et seq.) is amended by adding at the end the following:

"SEC. 507. RESEARCH, EVALUATION, AND TRAINING.

"Of the amounts made available by appropriations pursuant to section 506—

"(1) 2 percent shall be used by the Administrator for providing training and technical assistance under this title; and

"(2) 10 percent shall be used by the Administrator for research, statistics, and evaluation activities carried out in conjunction with the grant programs under this title.".

Subtitle D—Authorization of Anti-Drug Abuse Programs

SEC. 541. DRUG EDUCATION AND PREVENTION RELATING TO YOUTH GANGS.

Section 3505 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11805) is amended to read as follows:

"SEC. 3505. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated to carry out this chapter such sums as may be necessary for each of fiscal years 2000, 2001, and 2002.".

SEC. 542. DRUG EDUCATION AND PREVENTION PROGRAM FOR RUNAWAY AND HOMELESS YOUTH.

Section 3513 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11823) is amended to read as follows:

"SEC. 3513. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated to carry out this chapter such sums as may be necessary for each of fiscal years 2000, 2001, and 2002.".

Subtitle E—JUMP Ahead

SEC. 551. SHORT TITLE.

This subtitle may be cited as the "JUMP Ahead Act of 1999".

SEC. 552. FINDINGS.

Congress finds that—

(1) millions of young people in America live in areas in which drug use and violent and property crimes are pervasive;

(2) unfortunately, many of these same young people come from single parent homes, or from environments in which there is no responsible, caring adult supervision;

(3) all children and adolescents need caring adults in their lives, and mentoring is an effective way to fill this special need for at-risk children;

(4) the special bond of commitment fostered by the mutual respect inherent in effective mentoring can be the tie that binds a young person to a better future;

(5) through a mentoring relationship, adult volunteers and participating youth make a significant commitment of time and energy to develop relationships devoted to personal, academic, or career development and social, artistic, or athletic growth;

(6) rigorous independent studies have confirmed that effective mentoring programs can significantly reduce and prevent the use of alcohol and drugs by young people, improve school attendance and performance, improve peer and family and peer relationships, and reduce violent behavior;

(7) since the inception of the Federal JUMP program, dozens of innovative, effective mentoring programs have received funding grants;

(8) unfortunately, despite the recent growth in public and private mentoring initiatives, it is reported that between 5,000,000 and 15,000,000 additional children in the United States could benefit from being matched with a mentor; and

(9) although great strides have been made in reaching at-risk youth since the inception of the JUMP program, millions of vulnerable American children are not being reached, and without an increased commitment to connect these young people to responsible adult role models, our country risks losing an entire generation to drugs, crime, and unproductive lives.

SEC. 553. JUVENILE MENTORING GRANTS.

(a) In General.—Section 288B of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5667e–2) is amended—

(1) by inserting "(a) In General.—" before "The Administrator shall";

(2) by striking paragraph (2) and inserting the following:

"(2) are intended to achieve 1 or more of the following goals:

"(A) Discourage at-risk youth from—

"(i) using illegal drugs and alcohol;

"(ii) engaging in violence;

"(iii) using guns and other dangerous weapons;

"(iv) engaging in other criminal and antisocial behavior; and

"(v) becoming involved in gangs.

"(B) Promote personal and social responsibility among at-risk youth.

"(C) Increase at-risk youth's participation in, and enhance the ability of those youth to benefit from, elementary and secondary education.

"(D) Encourage at-risk youth participation in community service and community activities.

"(E) Provide general guidance to at-risk youth."; and

(3) by adding at the end the following:

"(b) Amount and Duration.—Each grant under this part shall be awarded in an amount not to exceed a total of $200,000 over a period of not more than 3 years.

"(c) Authorization of Appropriations.—There is authorized to be appropriated to carry out this part—

"(1) $50,000,000 for fiscal year 2000; and

"(2) such sums as may be necessary for each of fiscal years 2001 and 2002.".

SEC. 554. IMPLEMENTATION AND EVALUATION GRANTS.

(a) In General.—The Administrator of the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice may make grants to national organizations or agencies serving youth, in order to enable those organizations or agencies—

(1) to conduct a multisite demonstration project, involving between 5 and 10 project sites, that—

(A) provides an opportunity to compare various mentoring models for the purpose of evaluating the effectiveness and efficiency of those models;

(B) allows for innovative programs designed under the oversight of a national organization or agency serving youth, which programs may include—

(i) technical assistance;

(ii) training; and

(iii) research and evaluation; and

(C) disseminates the results of such demonstration project to allow for the determination of the best practices for various mentoring programs;

(2) to develop and evaluate screening standards for mentoring programs; and

(3) to develop and evaluate volunteer recruitment techniques and activities for mentoring programs.

(b) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section—

(1) such sums as may be necessary for each of fiscal years 2000 and 2001; and

(2) $5,000,000 for fiscal year 2002.

SEC. 555. EVALUATIONS; REPORTS.

(a) Evaluations.—

(1) In general.—The Attorney General shall enter into a contract with an evaluating organization that has demonstrated experience in conducting evaluations, for the conduct of an ongoing rigorous evaluation of the programs and activities assisted under this Act or under section 228B of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5667e–2) (as amended by this title).

(2) Criteria.—The Attorney General shall establish a minimum criteria for evaluating the programs and activities assisted under this Act or under section 228B of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5667e–2) (as amended by this title), which shall provide for a description of the implementation of the program or activity, and the effect of the program or activity on participants, schools, communities, and youth served by the program or activity.

(3) Mentoring program of the year.—The Attorney General shall, on an annual basis, based on the most recent evaluation under this subsection and such other criteria as the Attorney General shall establish by regulation—

(A) designate 1 program or activity assisted under this Act as the “Juvenile Mentoring Program of the Year”; and

(B) publish notice of such designation in the Federal Register.

(b) Reports.—

(1) Grant recipients.—Each entity receiving a grant under this Act or under section 228B of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5667e–2) (as amended by this title) shall submit to the evaluating organization entering into the contract under subsection (a)(1), an annual report regarding any program or activity assisted under this Act or under section 228B of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5667e–2) (as amended by this title). Each report under this paragraph shall be submitted at such time, in such a manner, and shall be accompanied by such information, as the evaluating organization may reasonably require.

(2) Comptroller general.—Not later than 4 years after the date of enactment of this Act, the Attorney General shall submit to Congress a report evaluating the effectiveness of grants awarded under this Act and under section 228B of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5667e–2) (as amended by this title), in—

(A) reducing juvenile delinquency and gang participation;

(B) reducing the school dropout rate; and

(C) improving academic performance of juveniles.

Subtitle F—Reauthorization of Juvenile Crime Control and Delinquency Prevention Programs

SEC. 561. SHORT TITLE.

This subtitle may be cited as the “Juvenile Crime Control and Delinquency Prevention Act of 1999”.

SEC. 562. FINDINGS.

Section 101 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601) is amended to read as follows:

“SEC. 101. FINDINGS.

“(a) Congress finds that the juvenile crime problem should be addressed through a 2-track common sense approach that addresses the needs of individual juveniles and society at large by promoting—

“(1) quality prevention programs that—

“(A) work with juveniles, their families, local public agencies, and community-based organizations, and take into consideration such factors as whether juveniles have ever been the victims of family violence (including child abuse and neglect); and

“(B) are designed to reduce risks and develop competencies in at-risk juveniles that will prevent, and reduce the rate of, violent delinquent behavior; and

“(2) programs that assist in holding juveniles accountable for their actions, including a system of graduated sanctions to respond to each delinquent act, requiring juveniles to make restitution, or perform community service, for the damage caused by their delinquent acts, and methods for increasing victim satisfaction with respect to the penalties imposed on juveniles for their acts.

“(b) Congress must act now to reform this program by focusing on juvenile delinquency prevention programs, as well as programs that hold juveniles accountable for their acts.”.

SEC. 563. PURPOSE.

Section 102 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5602) is amended to read as follows:

“SEC. 102. PURPOSES.

“The purposes of this title are—

“(1) to support State and local programs that prevent juvenile involvement in delinquent behavior;

“(2) to assist State and local governments in promoting public safety by encouraging accountability for acts of juvenile delinquency; and

“(3) to assist State and local governments in addressing juvenile crime through the provision of technical assistance, research, training, evaluation, and the dissemination of information on effective programs for combating juvenile delinquency.”.

SEC. 564. DEFINITIONS.

Section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603) is amended—

(1) in paragraph (3), by striking “to help prevent juvenile delinquency” and inserting “designed to reduce known risk factors for juvenile delinquent behavior, provide activities that build on protective factors for, and develop competencies in, juveniles to prevent, and reduce the rate of, delinquent juvenile behavior”,

(2) in paragraph (4), by inserting “title I of” before “the Omnibus” each place it appears,

(3) in paragraph (7), by striking “the Trust Territory of the Pacific Islands,”,

(4) in paragraph (9), by striking “justice” and inserting “crime control”,

(5) in paragraph (12)(B), by striking “, of any nonoffender,”,

(6) in paragraph (13)(B), by striking “, any nonoffender,”,

(7) in paragraph (14), by inserting “drug trafficking,” after “assault,”,

(8) in paragraph (16)—

(A) in subparagraph (A), by adding “and” at the end, and

(B) by striking subparagraph (C),

(9) by striking paragraph (17),

(10) in paragraph (22)—

(A) by redesignating subparagraphs (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively, and

(B) by striking “and” at the end,

(11) in paragraph (23), by striking the period at the end and inserting a semicolon,

(12) by redesignating paragraphs (18), (19), (20), (21), (22), and (23) as paragraphs (17) through (22), respectively, and

(13) by adding at the end the following:

“(23) the term ‘boot camp’ means a residential facility (excluding a private residence) at which there are provided—

“(A) a highly regimented schedule of discipline, physical training, work, drill, and ceremony characteristic of military basic training.

“(B) regular, remedial, special, and vocational education; and

“(C) counseling and treatment for substance abuse and other health and mental health problems;

“(24) the term ‘graduated sanctions’ means an accountability-based, graduated series of sanctions (including incentives and services) applicable to juveniles within the juvenile justice system to hold such juveniles accountable for their actions and to protect communities from the effects of juvenile delinquency by providing appropriate sanctions for every act for which a juvenile is adjudicated delinquent, by inducing their law-abiding behavior, and by preventing their subsequent involvement with the juvenile justice system;

“(25) the term ‘violent crime’ means—

“(A) murder or nonnegligent manslaughter, forcible rape, or robbery, or

“(B) aggravated assault committed with the use of a firearm;

“(26) the term ‘co-located facilities’ means facilities that are located in the same building, or are part of a related complex of buildings located on the same grounds; and

“(27) the term ‘related complex of buildings’ means 2 or more buildings that share—

“(A) physical features, such as walls and fences, or services beyond mechanical services (heating, air conditioning, water and sewer); or

“(B) the specialized services that are allowable under section 31.303(e)(3)(i)(C)(3) of title 28 of the Code of Federal Regulations, as in effect on December 10, 1996.”.

SEC. 565. NAME OF OFFICE.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended—

(1) in part A, by striking the part heading and inserting the following:

"Part A—Office of Juvenile Crime Control and Delinquency Prevention";

(2) in section 201(a), by striking "Justice and Delinquency Prevention" and inserting "Crime Control and Delinquency Prevention"; and

(3) in section 299A(c)(2) by striking "Justice and Delinquency Prevention" and inserting "Crime Control and Delinquency Prevention".

SEC. 566. CONCENTRATION OF FEDERAL EFFORT.

Section 204 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614) is amended—

(1) in subsection (a)(1), by striking the last sentence;

(2) in subsection (b)—

(A) in paragraph (3), by striking "and of the prospective" and all that follows through "administered";

(B) by striking paragraph (5); and

(C) by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively;

(3) in subsection (c), by striking "and reports" and all that follows through "this part", and inserting "as may be appropriate to prevent the duplication of efforts, and to coordinate activities, related to the prevention of juvenile delinquency";

(4) by striking subsection (i); and

(5) by redesignating subsection (h) as subsection (f).

SEC. 567. ALLOCATION.

Section 222 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5632) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking "amount, up to $400,000," and inserting "amount up to $400,000";

(II) by inserting a comma after "1992" the first place it appears;

(III) by striking "the Trust Territory of the Pacific Islands,"; and

(IV) by striking "amount, up to $100,000," and inserting "amount up to $100,000";

(ii) in subparagraph (B)—

(I) by striking "(other than part D)";

(II) by striking "or such greater amount, up to $600,000" and all that follows through "section 299(a) (1) and (3)";

(III) by striking "the Trust Territory of the Pacific Islands,";

(IV) by striking "amount, up to $100,000," and inserting "amount up to $100,000"; and

(V) by inserting a comma after "1992";

(B) in paragraph (3) by striking "allot" and inserting "allocate"; and

(2) in subsection (b) by striking "the Trust Territory of the Pacific Islands,".

SEC. 568. STATE PLANS.

Section 223 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633) is amended—

(1) in subsection (a)—

(A) in the second sentence, by striking "challenge" and all that follows through "part E", and inserting ", projects, and activities";

(B) in paragraph (3)—

(i) by striking ", which—" and inserting "that—";

(ii) in subparagraph (A)—

(I) by striking "not less" and all that follows through "33", and inserting "the attorney general of the State or such other State official who has primary responsibility for overseeing the enforcement of State criminal laws, and";

(II) by inserting ", in consultation with the attorney general of the State or such other State official who has primary responsibility for overseeing the enforcement of State criminal laws" after "State";

(III) in clause (i), by striking "or the administration of juvenile justice" and inserting ", the administration of juvenile justice, or the reduction of juvenile delinquency";

(IV) in clause (ii), by striking "include—" and all that follows through the semicolon at the end of subclause (VIII), and inserting the following:

"represent a multidisciplinary approach to addressing juvenile delinquency and may include—

"(I) individuals who represent units of general local government, law enforcement and juvenile justice agencies, public agencies concerned with the prevention and treatment of juvenile delinquency and with the adjudication of juveniles, representatives of juveniles, or nonprofit private organizations, particularly such organizations that serve juveniles; and

"(II) such other individuals as the chief executive officer considers to be appropriate; and"; and

(V) by striking clauses (iv) and (v);

(iii) in subparagraph (C), by striking "justice" and inserting "crime control";

(iv) in subparagraph (D)—

(I) in clause (i), by inserting "and" at the end; and

(II) in clause (ii), by striking "paragraphs" and all that follows through "part E", and inserting "paragraphs (11), (12), and (13)"; and

(v) in subparagraph (E), by striking "title—" and all that follows through "(ii)" and inserting "title,";

(C) in paragraph (5)—

(i) in the matter preceding subparagraph (A), by striking ", other than" and inserting "reduced by the percentage (if any) specified by the State under the authority of paragraph (25) and excluding" after "section 222"; and

(ii) in subparagraph (C), by striking "paragraphs (12)(A), (13), and (14)" and inserting "paragraphs (11), (12), and (13)";

(D) by striking paragraph (6);

(E) in paragraph (7), by inserting ", including in rural areas" before the semicolon at the end;

(F) in paragraph (8)—

(i) in subparagraph (A)—

(I) by striking "for (i)" and all that follows through "relevant jurisdiction", and inserting "for an analysis of juvenile delinquency problems in, and the juvenile delinquency control and delinquency prevention needs (including educational needs) of, the State";

(II) by striking "justice" the second place it appears and inserting "crime control"; and

(III) by striking "of the jurisdiction; (ii)" and all that follows through the semicolon at the end, and inserting "of the State; and";

(ii) by striking subparagraph (B) and inserting the following:

"(B) contain—

"(i) a plan for providing needed gender-specific services for the prevention and treatment of juvenile delinquency;

"(ii) a plan for providing needed services for the prevention and treatment of juvenile delinquency in rural areas; and

"(iii) a plan for providing needed mental health services to juveniles in the juvenile justice system;"; and

(iii) by striking subparagraphs (C) and (D);

(G) by striking paragraph (9) and inserting the following:

"(9) provide for the coordination and maximum utilization of existing juvenile delinquency programs, programs operated by public and private agencies and organizations, and other related programs (such as education, special education, recreation, health, and welfare programs) in the State;";

(H) in paragraph (10)—

(i) in subparagraph (A), by striking ", specifically" and inserting "including"; and

(ii) by striking subparagraph (B) and inserting the following:

"(B) programs that assist in holding juveniles accountable for their actions, including the use of graduated sanctions and of neighborhood courts or panels that increase victim satisfaction and require juveniles to make restitution for the damage caused by their delinquent behavior;";

(iii) in subparagraph (C), by striking "juvenile justice" and inserting "juvenile crime control";

(iv) by striking subparagraph (D) and inserting the following:

"(D) programs that provide treatment to juvenile offenders who are victims of child abuse or neglect, and to their families, in order to reduce the likelihood that such juvenile offenders will commit subsequent violations of law;";

(v) in subparagraph (E)—

(I) by redesignating clause (ii) as clause (iii); and

(II) by striking "juveniles, provided" and all that follows through "provides; and", and inserting the following:

"juveniles—

"(i) to encourage juveniles to remain in elementary and secondary schools or in alternative learning situations;

"(ii) to provide services to assist juveniles in making the transition to the world of work and self-sufficiency; and";

(vi) by striking subparagraph (F) and inserting the following:

"(F) expanding the use of probation officers—

"(i) particularly for the purpose of permitting nonviolent juvenile offenders (including status offenders) to remain at home with their families as an alternative to incarceration or institutionalization; and

"(ii) to ensure that juveniles follow the terms of their probation;";

(vii) by striking subparagraph (G) and inserting the following:

"(G) one-on-one mentoring programs that are designed to link at-risk juveniles and juvenile offenders, particularly juveniles residing in high-crime areas and juveniles experiencing educational failure, with responsible adults (such as law enforcement officers, adults working with local businesses, and adults working with community-based organizations and agencies) who are properly screened and trained;";

(viii) in subparagraph (H) by striking "handicapped youth" and inserting "juveniles with disabilities";

(ix) by striking subparagraph (K) and inserting the following:

"(K) boot camps for juvenile offenders;";

(x) by striking subparagraph (L) and inserting the following:

"(L) community-based programs and services to work with juveniles, their parents, and other family members during and after incarceration in order to strengthen families so that such juveniles may be retained in their homes;";

(xi) by striking subparagraph (M) and inserting the following:

"(M) other activities (such as court-appointed advocates) that the State determines will hold juveniles accountable for their acts and decrease juvenile involvement in delinquent activities;";

(xii) in subparagraph (O)—

(I) in striking "cultural" and inserting "other"; and

(II) by striking the period at the end and inserting a semicolon; and

(xiii) by adding at the end the following:

"(P) programs that utilize multidisciplinary interagency case management and information sharing, that enable the juvenile justice and law enforcement agencies, schools, and social service agencies to make more informed decisions regarding early identification, control, supervision, and treatment of juveniles who repeatedly commit violent or serious delinquent acts; and

"(Q) programs designed to prevent and reduce hate crimes committed by juveniles.";

(I) by striking paragraph (12) and inserting the following:

"(12) shall, in accordance with rules issued by the Administrator, provide that—

"(A) juveniles who are charged with or who have committed an offense that would not be criminal if committed by an adult, excluding—

"(i) juveniles who are charged with or who have committed a violation of section 922(x)(2) of title 18, United States Code, or of a similar State law;

"(ii) juveniles who are charged with or who have committed a violation of a valid court order; and

"(iii) juveniles who are held in accordance with the Interstate Compact on Juveniles, as enacted by the State;

shall not be placed in secure detention facilities or secure correctional facilities; and

"(B) juveniles—

"(i) who are not charged with any offense; and

"(ii) who are—

"(I) aliens; or

"(II) alleged to be dependent, neglected, or abused;

shall not be placed in secure detention facilities or secure correctional facilities;";

(J) by striking paragraph (13) and inserting the following:

"(13) provide that—

"(A) juveniles alleged to be or found to be delinquent, and juveniles within the purview of paragraph (11), will not be detained or confined in any institution in which they have prohibited physical contact or sustained oral communication (as defined in subparagraphs (D) and (E)) with adults incarcerated because such adults have been convicted of a crime or are awaiting trial on criminal charges;

"(B) to the extent practicable, violent juveniles shall be kept separate from nonviolent juveniles;

"(C) there is in effect in the State a policy that requires individuals who work with both such juveniles and such adults in co-located facilities have been trained and certified to work with juveniles;

"(D) the term 'prohibited physical contact'—

"(i) means—

"(I) any physical contact between a juvenile and an adult inmate; and

"(II) proximity that provides an opportunity for physical contact between a juvenile and an adult inmate; and

"(ii) does not include supervised proximity between a juvenile and an adult inmate that is brief and incidental or accidental; and

"(E) the term 'sustained oral communication' means the imparting or interchange of speech by or between an adult inmate and a juvenile; and

"(ii) does not include—

"(I) communication that is accidental or incidental; or

"(II) sounds or noises that cannot reasonably be considered to be speech;";

(K) by striking paragraph (14) and inserting the following:

"(14) provide that no juvenile will be detained or confined in any jail or lockup for adults except—

"(A) juveniles who are accused of nonstatus offenses and who are detained in such jail or lockup for a period not to exceed 6 hours—

"(i) for processing or release;

"(ii) while awaiting transfer to a juvenile facility; or

"(iii) in which period such juveniles make a court appearance;

"(B) juveniles who are accused of nonstatus offenses, who are awaiting an initial court appearance that will occur within 48 hours after being taken into custody (excluding Saturdays, Sundays, and legal holidays), and who are detained or confined in a jail or lockup—

"(i) in which—

"(I) such juveniles do not have prohibited physical contact or sustained oral communication (as defined in subparagraphs (D) and (E) of paragraph (13)) with adults incarcerated because such adults have been convicted of a crime or are awaiting trial on criminal charges;

"(II) to the extent practicable, violent juveniles shall be kept separate from nonviolent juveniles; and

"(III) there is in effect in the State a policy that requires individuals who work with both such juveniles and such adults in co-located facilities have been trained and certified to work with juveniles; and

"(ii) that—

"(I) is located outside a metropolitan statistical area (as defined by the Director of the Office of Management and Budget) and has no existing acceptable alternative placement available; or

"(II) is located where conditions of distance to be traveled or the lack of highway, road, or transportation do not allow for court appearances within 48 hours after being taken into custody (excluding Saturdays, Sundays, and legal holidays) so that a brief (not to exceed an additional 48 hours) delay is excusable; or

"(IV) is located where conditions of safety exist (such as severe adverse, life-threatening weather conditions that do not allow for reasonably safe travel), in which case the time for an appearance may be delayed until 24 hours after the time that such conditions allow for reasonable safe travel;";

(L) in paragraph (15)—

(i) by striking "paragraph (12)(A), paragraph (13), and paragraph (14)" and inserting "paragraphs (11), (12), and (13)"; and

(ii) by striking "paragraph (12)(A) and paragraph (13)" and inserting "paragraphs (11) and (12)";

(M) in paragraph (16) by striking "mentally, emotionally, or physically handicapping conditions" and inserting "disability";

(N) by striking paragraph (19) and inserting the following:

"(19) provide assurances that—

"(A) any assistance provided under this Act will not cause the displacement (including a partial displacement, such as a reduction in the hours of nonovertime work, wages, or employment benefits) of any currently employed employee;

"(B) activities assisted under this Act will not impair an existing collective bargaining relationship, contract for services, or colle
tive bargaining agreement; and

"(C) no such activity that would be inco
sistent with the terms of a collective ba
gaining agreement shall be undertaken wit
out the written concurrence of the labor
ganization involved;";

(O) by striking paragraph (23) and inserti
the following:

"(23) address juvenile delinquency preve
tion efforts and system improvement effor
designed to reduce, without establishing
requiring numerical standards or quotas, t
disproportionate number of juvenile me
bers of minority groups, who come into co
tact with the juvenile justice system;";

(P) by striking paragraph (24) and inserti
the following:

"(24) provide that if a juvenile is tak
into custody for violating a valid court ord
issued for committing a status offense—

"(A) an appropriate public agency shall
promptly notified that such juvenile is he
in custody for violating such order;

"(B) not later than 24 hours after the juv
nile is taken into custody and during whi
the juvenile is so held, an authorized re
resentative of such agency shall intervie
in person, such juvenile; and

"(C) not later than 48 hours after the juv
nile is taken into custody and during whi
the juvenile is so held—

"(i) such representative shall submit an a
sessment to the court that issued such orde
regarding the immediate needs of such juv
nile; and

"(ii) such court shall conduct a hearing
determine—

"(I) whether there is reasonable cause
believe that such juvenile violated su
order; and

"(II) the appropriate placement of such j
venile pending disposition of the violatio
alleged;";

(Q) in paragraph (25) by striking the peri
at the end and inserting a semicolon;

(R) by redesignating paragraphs (
through (25) as paragraphs (6) through (24
respectively; and

(S) by adding at the end the following:

"(25) specify a percentage (if any), not
exceed 5 percent, of funds received by th
State under section 222 (other than fund
made available to the state advisory grou
under section 222(d)) that the State will r
serve for expenditure by the State to provid
incentive grants to units of general loc
government that reduce the caseload of pr
bation officers within such units."; and

(2) by striking subsection (c) and insertin
the following:

"(c) If a State fails to comply with any a
plicable requirement of paragraph (11), (12
(13), or (22) of subsection (a) in any fisc
year beginning after September 30, 1999, the
the amount allocated to such State for th
subsequent fiscal year shall be reduced b
not to exceed 12.5 percent for each such para
graph with respect to which the failure oc
curs, unless the Administrator determine
that the State—

"(1) has achieved substantial complianc
with such applicable requirements with re
spect to which the State was not in compl
ance; and

"(2) has made, through appropriate execu
tive or legislative action, an unequivoca
commitment to achieving full complianc
with such applicable requirements within
reasonable time."; and

(3) in subsection (d)—

(A) by striking "allotment" and insertin
"allocation"; and

(B) by striking “subsection (a) (12)(A), (13), (14) and (23)” each place it appears and inserting “paragraphs (11), (12), (13), and (22) of subsection (a)”.

SEC. 569. JUVENILE DELINQUENCY PREVENTION BLOCK GRANT PROGRAM.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended by inserting after part I the following:

“PART J—JUVENILE DELINQUENCY PREVENTION BLOCK GRANT PROGRAM

“SEC. 292. AUTHORITY TO MAKE GRANTS.

“The Administrator may make grants to eligible States, from funds allocated under section 292A, for the purpose of providing financial assistance to eligible entities to carry out projects designed to prevent juvenile delinquency, including—

“(1) projects that assist in holding juveniles accountable for their actions, including the use of neighborhood courts or panels that increase victim satisfaction and require juveniles to make restitution, or perform community service, for the damage caused by their delinquent acts;

“(2) projects that provide treatment to juvenile offenders who are victims of child abuse or neglect, and to their families, in order to reduce the likelihood that such juvenile offenders will commit subsequent violations of law;

“(3) educational projects or supportive services for delinquent or other juveniles—

“(A) to encourage juveniles to remain in elementary and secondary schools or in alternative learning situations in educational settings;

“(B) to provide services to assist juveniles in making the transition to the world of work and self-sufficiency;

“(C) to assist in identifying learning difficulties (including learning disabilities);

“(D) to prevent unwarranted and arbitrary suspensions and expulsions;

“(E) to encourage new approaches and techniques with respect to the prevention of school violence and vandalism;

“(F) which assist law enforcement personnel and juvenile justice personnel to more effectively recognize and provide for learning-disabled and other disabled juveniles; or

“(G) which develop locally coordinated policies and programs among education, juvenile justice, and social service agencies;

“(4) projects which expand the use of probation officers—

“(A) particularly for the purpose of permitting nonviolent juvenile offenders (including status offenders) to remain at home with their families as an alternative to incarceration or institutionalization; and

“(B) to ensure that juveniles follow the terms of their probation;

“(5) one-on-one mentoring projects that are designed to link at-risk juveniles and juvenile offenders who did not commit serious crime, particularly juveniles residing in high-crime areas and juveniles experiencing educational failure, with responsible adults (such as law enforcement officers, adults working with local businesses, and adults working for community-based organizations and agencies) who are properly screened and trained;

“(6) community-based projects and services (including literacy and social service programs) which work with juvenile offenders, including those from families with limited English-speaking proficiency, their parents, their siblings, and other family members during and after incarceration of the juvenile offenders, in order to strengthen families, to allow juvenile offenders to be retained in their homes, and to prevent the involvement of other juvenile family members in delinquent activities;

“(7) projects designed to provide for the treatment of juveniles for dependence on or abuse of alcohol, drugs, or other harmful substances;

“(8) projects which leverage funds to provide scholarships for postsecondary education and training for low-income juveniles who reside in neighborhoods with high rates of poverty, violence, and drug-related crimes;

“(9) projects which provide for an initial intake screening of each juvenile taken into custody—

“(A) to determine the likelihood that such juvenile will commit a subsequent offense; and

“(B) to provide appropriate interventions, including mental health services and substance abuse treatment, to prevent such juvenile from committing subsequent offenses;

“(10) projects (including school- or community-based projects) that are designed to prevent, and reduce the rate of, the participation of juveniles in gangs that commit crimes (particularly violent crimes), that unlawfully use firearms and other weapons, or that unlawfully traffic in drugs and that involve, to the extent practicable, families and other community members (including law enforcement personnel and members of the business community) in the activities conducted under such projects;

“(11) comprehensive juvenile justice and delinquency prevention projects that meet the needs of juveniles through the collaboration of the many local service systems juveniles encounter, including schools, courts, law enforcement agencies, child protection agencies, mental health agencies, welfare services, health care agencies, and private nonprofit agencies offering services to juveniles;

“(12) to develop, implement, and support, in conjunction with public and private agencies, organizations, and businesses, projects for the employment of juveniles and referral to job training programs (including referral to Federal job training programs);

“(13) delinquency prevention activities which involve youth clubs, sports, recreation and parks, peer counseling and teaching, the arts, leadership development, community service, volunteer service, before- and after-school programs, violence prevention activities, mediation skills training, camping, environmental education, ethnic or cultural enrichment, tutoring, and academic enrichment;

“(14) family strengthening activities, such as mutual support groups for parents and their children;

“(15) programs that encourage social competencies, problem-solving skills, and communication skills, youth leadership, and civic involvement;

“(16) programs that focus on the needs of young girls at-risk of delinquency or status offenses; and

“(17) other activities that are likely to prevent juvenile delinquency.

“SEC. 292A. ALLOCATION.

“Funds appropriated to carry out this part shall be allocated among eligible States as follows:

“(1) 0.75 percent shall be allocated to each State.

“(2) Of the total amount remaining after the allocation under paragraph (1), there shall be allocated to each State as follows:

“(A) 50 percent of such amount shall be allocated proportionately based on the population that is less than 18 years of age in the eligible States.

“(B) 50 percent of such amount shall be allocated proportionately based on the annual average number of arrests for serious crimes committed in the eligible States by juveniles during the then most recently completed period of 3 consecutive calendar years for which sufficient information is available to the Administrator.

“SEC. 292B. ELIGIBILITY OF STATES.

“(a) APPLICATION.—To be eligible to receive a grant under section 292, a State shall submit to the Administrator an application that contains the following:

“(1) An assurance that the State will use—

“(A) not more than 5 percent of such grant, in the aggregate, for—

“(i) the costs incurred by the State to carry out this part; and

“(ii) to evaluate, and provide technical assistance relating to, projects and activities carried out with funds provided under this part; and

“(B) the remainder of such grant to make grants under section 292C.

“(2) An assurance that, and a detailed description of how, such grant will support, and not supplant State and local efforts to prevent juvenile delinquency.

“(3) An assurance that such application was prepared after consultation with and participation by community-based organizations, and organizations in the local juvenile justice system, that carry out programs, projects, or activities to prevent juvenile delinquency.

“(4) An assurance that each eligible entity described in section 292C(a) that receives an initial grant under section 292 to carry out a project or activity shall also receive an assurance from the State that such entity will receive from the State, for the subsequent fiscal year to carry out such project or activity, a grant under such section in an amount that is proportional, based on such initial grant and on the amount of the grant received under section 292 by the State for such subsequent fiscal year, but that does not exceed the amount specified for such subsequent fiscal year in such application as approved by the State.

“(5) Such other information and assurances as the Administrator may reasonably require by rule.

“(b) APPROVAL OF APPLICATIONS.—

“(1) APPROVAL REQUIRED.—Subject to paragraph (2), the Administrator shall approve an application, and amendments to such application submitted in subsequent fiscal years, that satisfy the requirements of subsection (a).

“(2) LIMITATION.—The Administrator may not approve such application (including amendments to such application) for a fiscal year unless—

“(A)(i) the State submitted a plan under section 223 for such fiscal year; and

“(ii) such plan is approved by the Administrator for such fiscal year; or

“(B) the Administrator waives the application of subparagraph (A) to such State for such fiscal year, after finding good cause for such a waiver.

“SEC. 292C. GRANTS FOR LOCAL PROJECTS.

“(a) SELECTION FROM AMONG APPLICATIONS.—

“(1) IN GENERAL.—Using a grant received under section 292, a State may make grants to eligible entities whose applications are received by the State in accordance with subsection (b) to carry out projects and activities described in section 292.

“(2) For purposes of making grants under this section, the State shall give special consideration to eligible entities that—

“(A) propose to carry out such projects in geographical areas in which there is—

“(i) a disproportionately high level of serious crime committed by juveniles; or

“(ii) a recent rapid increase in the number of nonstatus offenses committed by juveniles;

“(B)(i) agreed to carry out such projects or activities that are multidisciplinary and involve 2 or more eligible entities; or

“(ii) represent communities that have a comprehensive plan designed to identify at-risk juveniles and to prevent or reduce the rate of juvenile delinquency, and that involve other entities operated by individuals who have a demonstrated history of involvement in activities designed to prevent juvenile delinquency; and

“(C) the amount of resources (in cash or in kind) such entities will provide to carry out such projects and activities.

“(b) Receipt of Applications.—

“(1) In general.—Subject to paragraph (2), a unit of general local government shall submit to the State simultaneously all applications that are—

“(A) timely received by such unit from eligible entities; and

“(B) determined by such unit to be consistent with a current plan formulated by such unit for the purpose of preventing, and reducing the rate of, juvenile delinquency in the geographical area under the jurisdiction of such unit.

“(2) Direct submission to state.—If an application submitted to such unit by an eligible entity satisfies the requirements specified in subparagraphs (A) and (B) of paragraph (1), such entity may submit such application directly to the State.

“SEC. 292D. ELIGIBILITY OF ENTITIES.

“(a) Eligibility.—Subject to subsections (b) and except as provided in subsection (c), to be eligible to receive a grant under section 292C, a community-based organization, local juvenile justice system officials (including prosecutors, police officers, judges, probation officers, parole officers, and public defenders), local education authority (as defined in section 14101 of the Elementary and Secondary Education Act of 1965 and including a school within such authority), nonprofit private organization, unit of general local government, or social service provider, and or other entity with a demonstrated history of involvement in the prevention of juvenile delinquency, shall submit to a unit of general local government an application that contains the following:

“(1) An assurance that such applicant will use such grant, and each such grant received for the subsequent fiscal year, to carry out throughout a 2-year period a project or activity described in reasonable detail, and of a kind described in 1 or more of paragraphs (1) through (14) of section 292 as specified in, such application.

“(2) A statement of the particular goals such project or activity is designed to achieve, and the methods such entity will use to achieve, and assess the achievement of, each of such goals.

“(3) A statement identifying the research (if any) such entity relied on in preparing such application.

“(b) Review and Submission of Applications.—Except as provided in subsection (c), an entity shall not be eligible to receive a grant under section 292C unless—

“(1) such entity submits to a unit of general local government an application that—

“(A) satisfies the requirements specified in subsection (a); and

“(B) describes a project or activity to be carried out in the geographical area under the jurisdiction of such unit; and

“(2) such unit determines that such project or activity is consistent with a current plan formulated by such unit for the purpose of preventing, and reducing the rate of, juvenile delinquency in the geographical area under the jurisdiction of such unit.

“(c) Limitation.—If an entity that receives a grant under section 292C to carry out a project or activity for a 2-year period, and receives technical assistance from the State or the Administrator after requesting such technical assistance (if any), fails to demonstrate, before the expiration of such 2-year period, that such project or such activity has achieved substantial success in achieving the goals specified in the application submitted by such entity to receive such grants, then such entity shall not be eligible to receive any subsequent grant under such section to continue to carry out such project or activity.”.

SEC. 570. RESEARCH; EVALUATION; TECHNICAL ASSISTANCE; TRAINING.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended by inserting after part J the following:

“PART K—RESEARCH; EVALUATION; TECHNICAL ASSISTANCE; TRAINING

“SEC. 293. RESEARCH AND EVALUATION; STATISTICAL ANALYSES; INFORMATION DISSEMINATION.

“(a) Research and Evaluation.—(1) The Administrator may—

“(A) plan and identify, after consultation with the Director of the National Institute of Justice, the purposes and goals of all agreements carried out with funds provided under this subsection; and

“(B) make agreements with the National Institute of Justice or, subject to the approval of the Assistant Attorney General for the Office of Justice Programs, with another Federal agency authorized by law to conduct research or evaluation in juvenile justice matters, for the purpose of providing research and evaluation relating to—

“(i) the prevention, reduction, and control of juvenile delinquency and serious crime committed by juveniles;

“(ii) the link between juvenile delinquency and the incarceration of members of the families of juveniles;

“(iii) successful efforts to prevent first-time minor offenders from committing subsequent involvement in serious crime;

“(iv) successful efforts to prevent recidivism;

“(v) the juvenile justice system;

“(vi) juvenile violence; and

“(vii) other purposes consistent with the purposes of this title and title I.

“(2) The Administrator shall ensure that an equitable amount of funds available to carry out paragraph (1)(B) is used for research and evaluation relating to the prevention of juvenile delinquency.

“(b) Statistical Analyses.—The Administrator may—

“(1) plan and identify, after consultation with the Director of the Bureau of Justice Statistics, the purposes and goals of all agreements carried out with funds provided under this subsection; and

“(2) make agreements with the Bureau of Justice Statistics, or subject to the approval of the Assistant Attorney General for the Office of Justice Programs, with another Federal agency authorized by law to undertake statistical work in juvenile justice matters, for the purpose of providing for the collection, analysis, and dissemination of statistical data and information relating to juvenile delinquency and serious crimes committed by juveniles, to the juvenile justice system, to juvenile violence, and to other purposes consistent with the purposes of this title and title I.

“(c) Competitive Selection Process.—The Administrator shall use a competitive process, established by rule by the Administrator, to carry out subsections (a) and (b).

“(d) Implementation of Agreements.—A Federal agency that makes an agreement under subsections (a)(1)(B) and (b)(2) with the Administrator may carry out such agreement directly or by making grants to or contracts with public and private agencies, institutions, and organizations.

“(e) Information Dissemination.—The Administrator may—

“(1) review reports and data relating to the juvenile justice system in the United States and in foreign nations (as appropriate), collect data and information from studies and research into all aspects of juvenile delinquency (including the causes, prevention, and treatment of juvenile delinquency) and serious crimes committed by juveniles;

“(2) establish and operate, directly or by contract, a clearinghouse and information center for the preparation, publication, and dissemination of information relating to juvenile delinquency, including State and local prevention and treatment programs, plans, resources, and training and technical assistance programs; and

“(3) make grants and contracts with public and private agencies, institutions, and organizations, for the purpose of disseminating information to representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, the courts, corrections, schools, and related services, in the establishment, implementation, and operation of projects and activities for which financial assistance is provided under this title.

“SEC. 293A. TRAINING AND TECHNICAL ASSISTANCE.

“(a) Training.—The Administrator may—

“(1) develop and carry out projects for the purpose of training representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, courts, corrections, schools, and related services, to carry out the purposes specified in section 102; and

“(2) make grants to and contracts with public and private agencies, institutions, and organizations for the purpose of training representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, courts, corrections, schools, and related services, to carry out the purposes specified in section 102.

“(b) Technical Assistance.—The Administrator may—

“(1) develop and implement projects for the purpose of providing technical assistance to representatives and personnel of public and private agencies and organizations, including practitioners in juvenile justice, law enforcement, courts, corrections, schools, and related services, in the establishment, implementation, and operation of programs, projects, and activities for which financial assistance is provided under this title; and

“(2) make grants to and contracts with public and private agencies, institutions, and organizations, for the purpose of providing technical assistance to representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, courts, corrections, schools, and related services, in the establishment, implementation, and operation of programs, projects, and activities for which financial assistance is provided under this title.".

SEC. 571. DEMONSTRATION PROJECTS.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended by inserting after part K the following:

"*PART L—DEVELOPING, TESTING, AND DEMONSTRATING PROMISING NEW INITIATIVES AND PROGRAMS*

"SEC. 294. GRANTS AND PROJECTS.

"(a) AUTHORITY TO MAKE GRANTS.—The Administrator may make grants to and contracts with States, units of general local government, Indian tribal governments, public and private agencies, organizations, and individuals, or combinations thereof, to carry out projects for the development, testing, and demonstration of promising initiatives and programs for the prevention, control, or reduction of juvenile delinquency. The Administrator shall ensure that, to the extent reasonable and practicable, such grants are made to achieve an equitable geographical distribution of such projects throughout the United States.

"(b) USE OF GRANTS.—A grant made under subsection (a) may be used to pay all or part of the cost of the project for which such grant is made.

"SEC. 294A. GRANTS FOR TECHNICAL ASSISTANCE.

"The Administrator may make grants to and contracts with public and private agencies, organizations, and individuals to provide technical assistance to States, units of general local government, Indian tribal governments, local private entities or agencies, or any combination thereof, to carry out the projects for which grants are made under section 261.

"SEC. 294B. ELIGIBILITY.

"To be eligible to receive a grant made under this part, a public or private agency, Indian tribal government, organization, institution, individual, or combination thereof shall submit an application to the Administrator at such time, in such form, and containing such information as the Administrator may reasonable require by rule.

"SEC. 294C. REPORTS.

"Recipients of grants made under this part shall submit to the Administrator such reports as may be reasonably requested by the Administrator to describe progress achieved in carrying the projects for which such grants are made.".

SEC. 572. AUTHORIZATION OF APPROPRIATIONS.

Section 299 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671) is amended—

(1) by striking subsection (e); and

(2) by striking subsections (a) and (b), and inserting the following:

"(a) AUTHORIZATION OF APPROPRIATIONS FOR TITLE II.—

"(1) IN GENERAL.—There are authorized to be appropriated to carry out this title such sums as may be appropriate for fiscal years 2000, 2001, and 2002.

"(2) ALLOCATION.—Of the amount made available for each fiscal year to carry out this title not more than 5 percent shall be available to carry out part A.

SEC. 573. ADMINISTRATIVE AUTHORITY.

Section 299A(d) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5672) is amended by striking "as are consistent with the purpose of this Act" and inserting "only to the extent necessary to ensure that there is compliance with the specific requirements of this title or to respond to requests for clarification and guidance relating to such compliance".

SEC. 574. USE OF FUNDS.

Section 299C of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5674) is amended—

(1) in subsection (a)—

(A) by striking "may be used for";

(B) in paragraph (1), by inserting "may be used for" after "(1)"; and

(C) by striking paragraph (2) and inserting the following:

"(2) may not be used for the cost of construction of any short- or long-term facilities for adult or juvenile offenders, except not more than 15 percent of the funds received under this title by a State for a fiscal year may be used for the purpose of renovating or replacing juvenile facilities.";

(2) by striking subsection (b); and

(3) by redesignating subsection (c) as subsection (b).

SEC. 575. LIMITATION ON USE OF FUNDS.

Part M of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.) is amended by adding at the end the following:

"SEC. 299F. LIMITATION ON USE OF FUNDS.

"None of the funds made available to carry out this title may be used to advocate for, or support, the unsecured release of juveniles who are charged with a violent crime.".

SEC. 576. RULES OF CONSTRUCTION.

Part M of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.) is amended by adding at the end the following:

"SEC. 299G. RULES OF CONSTRUCTION.

"Nothing in this title or title I may be construed—

"(1) to prevent financial assistance from being awarded through grants under this title to any otherwise eligible organization; or

"(2) to modify or affect any Federal or State law relating to collective bargaining rights of employees.".

SEC. 577. LEASING SURPLUS FEDERAL PROPERTY.

Part M of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.) is amended by adding at the end the following:

"SEC. 299H. LEASING SURPLUS FEDERAL PROPERTY.

"The Administrator may receive surplus Federal property (including facilities) and may lease such property to States and units of general local government for use in or as facilities for juvenile offenders, or for use in or as facilities for delinquency prevention and treatment activities.".

SEC. 578. ISSUANCE OF RULES.

Part M of title II or the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.) is amended by adding at the end the following:

"SEC. 299I. ISSUANCE OF RULES.

"The Administrator shall issue rules to carry out this title, including rules that establish procedures and methods for making grants and contracts, and distributing funds available, to carry out this title.".

SEC. 579. TECHNICAL AND CONFORMING AMENDMENTS.

(a) TECHNICAL AMENDMENTS.—The Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) is amended—

(1) in section 202(b), by striking "prescribed for GS–18 of the General Schedule by section 5332" and inserting "payable under section 5376";

(2) in section 221(b)(2), by striking the last sentence; and

(3) in section 299D, by striking subsection (d).

(b) CONFORMING AMENDMENTS.—

(1) TITLE 5.—Section 5315 of title 5, United States Code, is amended by striking "Office of Juvenile Justice and Delinquency Prevention" and inserting "Office of Juvenile Crime Control and Delinquency Prevention".

(2) TITLE 18.—Section 4351(b) of title 18, United States Code, is amended by striking "Office of Juvenile Justice and Delinquency Prevention" and inserting "Office of Juvenile Crime Control and Delinquency Prevention".

(3) TITLE 39.—Subsections (a)(1) and (c) of section 3220 of title 39, United States Code, is amended by striking "Office of Juvenile Justice and Delinquency Prevention" each place it appears and inserting "Office of Juvenile Crime Control and Delinquency Prevention".

(4) SOCIAL SECURITY ACT.—Section 463(f) of the Social Security Act (42 U.S.C. 663(f)) is amended by striking "Office of Juvenile Justice and Delinquency Prevention" and inserting "Office of Juvenile Crime Control and Delinquency Prevention".

(5) OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968.—Sections 801(a), 804, 805, and 813 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712(a), 3782, 3785, 3786, 3789i) are each amended by striking "Office of Juvenile Justice and Delinquency Prevention" each place it appears and inserting "Office of Juvenile Crime Control and Delinquency Prevention".

(6) VICTIMS OF CHILD ABUSE ACT OF 1990.—The Victims of Child Abuse Act of 1990 (42 U.S.C. 13001 et seq.) is amended—

(A) in section 214(b)(1), by striking "262, 293, and 296 of subpart II of title II" and inserting "299B and 299E";

(B) in section 214A(c)(1), by striking "262, 293, and 296 of subpart II of title II" and inserting "299B and 299E";

(C) in sections 217 and 222, by striking "Office of Juvenile Justice and Delinquency Prevention" each place it appears and inserting "Office of Juvenile Crime Control and Delinquency Prevention"; and

(D) in section 223(c), by striking "section 262, 293, and 296" and inserting "sections 262, 299B, and 299E".

(7) MISSING CHILDREN'S ASSISTANCE.—The Missing Children's Assistance Act (42 U.S.C. 5771 et seq.) is amended—

(A) in section 403(2), by striking "Justice and Delinquency Prevention" and inserting "Crime Control and Delinquency Prevention"; and

(B) in subsections (a)(5)(E) and (b)(1)(B) of section 404, by striking "section 313" and inserting "section 331".

(8) CRIME CONTROL ACT OF 1990.—The Crime Control Act of 1990 (42 U.S.C. 13001 et seq.) is amended—

(A) in section 217(c)(1), by striking "sections 262, 293, and 296 of subpart II of title II" and inserting "sections 299B and 299E"; and

(B) in section 223(c), by striking "section 262, 293, and 296 of title II" and inserting "sections 299B and 299E".

SEC. 580. REFERENCES.

In any Federal law (excluding this Act and the Acts amended by this Act), Executive order, rule, regulation, order, delegation of authority, grant, contract, suit, or document—

(1) a reference to the Office of Juvenile Justice and Delinquency Prevention shall be

deemed to include a reference to the Office of Juvenile Crime Control and Delinquency Prevention, and

(2) a reference to the National Institute for Juvenile Justice and Delinquency Prevention shall be deemed to include a reference to Office of Juvenile Crime Control and Delinquency Prevention.

SEC. 581. RAPID RESPONSE PLAN FOR KIDS WHO BRING A GUN TO SCHOOL.

Section 505 of the Incentive Grants for Local Delinquency Prevention Programs Act (42 U.S.C. 5784) is amended—

(1) in subsection (a)

(A) in paragraph (6), by striking "and" at the end;

(B) in paragraph (7), by striking the period at the end and inserting ", and"; and

(C) by adding at the end the following:

"(8) court supervised initiatives that address the illegal possession of firearms by juveniles."; and

(2) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking "demonstrate ability in";

(B) in paragraph (1), by inserting "have in effect" after "(1)";

(C) in paragraph (2)—

(i) by inserting "have developed" after "(2)"; and

(ii) by striking "and" at the end;

(D) in paragraph (3)—

(i) by inserting "are actively" after "(3)"; and

(ii) by striking the period at the end and inserting"; and", and

(E) by adding at the end the following:

"(4) have in effect a policy or practice that requires State and local law enforcement agencies to detain in an appropriate juvenile facility or secure community-based placement for not less than 24 hours any juvenile who unlawfully possesses a firearm in a school, upon a finding by a judicial officer that the juvenile may be a danger to himself or herself, or to the community.".

HOLLINGS AMENDMENT NO. 328

(Ordered to lie on the table.)

Mr. HOLLINGS (for himself, Mr. DORGAN, Mr. KOHL, Mr. INOUYE, and Mr. BYRD) submitted an amendment intended to be proposed by them to the bill, S. 254, supra; as follows:

At the appropriate place, insert the following:

TITLE —CHILDREN'S PROTECTION FROM VIOLENT TELEVISION PROGRAMMING

SEC. 01. SHORT TITLE.

This title may be cited as the "Children's Protection from Violent Programming Act".

SEC. 02. FINDINGS.

The Congress makes the following findings:

(1) Television influences the perception children have of the values and behavior that are common and acceptable in society.

(2) Broadcast television, cable television, and video programming are—

(A) pervasive presences in the lives of all American children; and

(B) readily accessible to all American children.

(3) Violent video programming influences children, as does indecent programming.

(4) There is empirical evidence that children exposed to violent video programming at a young age have a higher tendency to engage in violent and aggressive behavior later in life than those children not so exposed.

(5) Children exposed to violent video programming are prone to assume that acts of violence are acceptable behavior and therefore to imitate such behavior.

(6) Children exposed to violent video programming have an increased fear of becoming a victim of violence, resulting in increased self-protective behaviors and increased mistrust of others.

(7) There is a compelling governmental interest in limiting the negative influences of violent video programming on children.

(8) There is a compelling governmental interest in channeling programming with violent content to periods of the day when children are not likely to comprise a substantial portion of the television audience.

(9) Because some programming that is readily accessible to minors remains unrated and therefore cannot be blocked solely on the basis of its violent content, restricting the hours when violent video programming is shown is the least restrictive and most narrowly tailored means to achieve a compelling governmental interest.

(10) Warning labels about the violent content of video programming will not in themselves prevent children from watching violent video programming.

(11) Although many programs are now subject to both age-based and content-based ratings, some broadcast and non-premium cable programs remain unrated with respect to the content of their programming.

(12) Technology-based solutions may be helpful in protecting some children, but may not be effective in achieving the compelling governmental interest in protecting all children from violent programming when parents are only able to block programming that has in fact been rated for violence.

(13) Technology-based solutions will not be installed in all newly manufactured televisions until January 1, 2000.

(14) Even though technology-based solutions will be readily available, many consumers of video programming will not actually own such technology for several years and therefore will be unable to take advantage of content based ratings to prevent their children from watching violent programming.

(15) In light of the fact that some programming remains unrated for content, and given that many consumers will not have blocking technology in the near future, the channeling of violent programming is the least restrictive means to limit the exposure of children to the harmful influences of violent programming.

(16) Restricting the hours when violent programming can be shown protects the interests of children whose parents are unavailable, are unable to supervise their children's viewing behavior, do not have the benefit of technology-based solutions, are unable to afford the costs of technology-based solutions, or are unable to determine the content of those shows that are only subject to age-based ratings.

SEC. 03. UNLAWFUL DISTRIBUTION OF VIOLENT VIDEO PROGRAMMING.

Title VII of the Communications Act of 1934 (47 U.S.C. 701 et seq.) is amended by adding at the end the following:

"SEC. 715. UNLAWFUL DISTRIBUTION OF VIOLENT VIDEO PROGRAMMING.

"(a) UNLAWFUL DISTRIBUTION.—It shall be unlawful for any person to distribute any violent video programming to the public during hours when children are reasonably likely to comprise a substantial portion of the audience.

"(b) RULEMAKING PROCEEDING.—The Commission shall conduct a rulemaking proceeding to implement the provisions of this section and shall promulgate final regulations pursuant to that proceeding not later than 9 months after the date of enactment of the Children's Protection from Violent Programming Act. As part of that proceeding, the Commission—

"(1) may exempt from the prohibition under subsection (a) programming (including news programs and sporting events) whose distribution does not conflict with the objective of protecting children from the negative influences of violent video programming, as that objective is reflected in the findings in section 551(a) of the Telecommunications Act of 1996;

"(2) shall exempt premium and pay-per-view cable programming; and

"(3) shall define the term 'hours when children are reasonably likely to comprise a substantial portion of the audience' and the term 'violent video programming'.

"(c) ENFORCEMENT.—

"(1) CIVIL PENALTY.—The Commission shall impose a civil penalty of not more than $25,000 on any person who violates this section or any regulation promulgated under it for each such violation. For purposes of this paragraph, each day on which such a violation occurs is a separate violation.

"(2) LICENSE REVOCATION.—If a person repeatedly violates this section or any regulation promulgated under this section, the Commission shall, after notice and opportunity for hearing, revoke any license issued to that person under this Act.

"(3) LICENSE RENEWALS.—The Commission shall consider, among the elements in its review of an application for renewal of a license under this Act, whether the licensee has complied with this section and the regulations promulgated under this section.

"(d) DISTRIBUTE DEFINED.—In this section, the term 'distribute' means to send, transmit, retransmit, telecast, broadcast, or cablecast, including by wire, microwave, or satellite.".

SEC. 04. SEPARABILITY.

If any provision of this title, or any provision of an amendment made by this title, or the application thereof to particular persons or circumstances, is found to be unconstitutional, the remainder of this title or that amendment, or the application thereof to other persons or circumstances shall not be affected.

SEC. 05. EFFECTIVE DATE.

The prohibition contained in section 715 of the Communications Act of 1934 (as added by section—03 of this title) and the regulations promulgated thereunder shall take effect 1 year after the regulations are adopted by the Commission.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 2:30 p.m. on Tuesday, May 11, 1999, in executive session, to mark up the fiscal year 2000 Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. HATCH. Mr. President, I ask unanimous consent that the full Committee on Environment and Public

Works be granted permission to conduct a business meeting to consider pending business Thursday, May 11, 9:00 a.m., Hearing Room (SD–406).

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, May 11, 1999 at 2:30 p.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, May 11, 1999 at 10:00 a.m. in room 226 of the Senate Dirksen Office Building to hold a hearing on: "Combating Hate Crimes: Promoting a Responsive and Responsible Role for the Federal Government."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AIRLAND

Mr. HATCH. Mr. President, I ask unanimous consent that the Subcommittee on Airland of the Committee on Armed Services be authorized to meet at 5:00 p.m. on Tuesday, May 11, 1999, in executive session, to mark up the FY 2000 Defense Authorization Bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EMERGING THREATS

Mr. HATCH. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities of the Committee on Armed Services be authorized to meet at 11:00 a.m. on Tuesday, May 11, 1999, in executive session, to mark up the FY 2000 Defense Authorization Bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, RESTRUCTURING AND THE DISTRICT OF COLUMBIA

Mr. HATCH. Mr. President, I ask unanimous consent that the Governmental Affairs Committee Subcommittee on Oversight of Government Management, Restructuring and District of Columbia be permitted to meet on Tuesday, May 11, 1999, at 10:30 a.m. for a hearing on Multiple Program Coordination in Early Childhood Education: The Agency Perspective.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

Mr. HATCH. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support of the Committee on Armed Services be authorized to meet at 9:45 a.m. on Tuesday, May 11, 1999, in executive session, to mark up the FY 2000 Defense Authorization Bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SEAPOWER

Mr. HATCH. Mr. President, I ask unanimous consent that the Subcommittee on Seapower of the Committee on Armed Services be authorized to meet at 4:00 p.m. on Tuesday, May 11, 1999, in executive session, to mark up the FY 2000 Defense Authorization Bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO "MANUEL" KATSUMI OISHI

• Mr. INOUYE. Mr. President, I am honored to rise in tribute to Mr. "Manuel" Katsumi Oishi who has faithfully served the Territorial Government of Hawaii and the State of Hawaii, Maui County, for 37 years. He unselfishly dedicated his time to improve his community. Born in 1926 and raised in McGerrow Camp, Puunene, Maui, Mr. Oishi is being recognized today at the McGerrow Camp Reunion for the honor that he brings his birthplace.

Mr. Oishi's career began with the Territorial government in 1949. In 1951, he started working for Maui County as a Clerk in the Building Department. He was promoted to Clerk for the Transportation Control Committee, then later served as Secretary. Transferred to the Civil Defense Department in 1958, he held the positions of Secretary, then Coordinator, and, in 1961, he became the Civil Defense Administrator. In 1973, while Deputy County Clerk and later as County Clerk, Mr. Oishi ensured that the county operated efficiently and unselfishly gave of his time to assist Maui residents navigate the sometimes bureaucratic maze of government.

Because of his love of sports and the youth of Maui, Mr. Oishi pursued a simultaneous career as The Honolulu Advertiser's sports reporter for 38 years. He diligently covered all of Maui's interscholastic sports in the evenings and on weekends. His positive stories encouraged young Maui athletes to take pride in themselves and their sports.

The incredibly energetic Mr. Oishi has devoted countless volunteer hours to make life a little easier and better for the residents he so dearly loves. Since graduation from Baldwin High School in 1944, Mr. Oishi has headed the planning of every class reunion. During the last 20 years, he has chaired all of the McGerrow Camp reunions on Maui, which have amassed an attendance of 250 to 300 people. Mr. Oishi's relentless efforts have resulted in former McGerrow Camp residents having a great time and experiencing a deep feeling of friendship and ohana (family). When the Selective Service System went though some trying times, Mr. Oishi volunteered for five years to help push the paperwork through and to answer those pressing questions from anxious young men and their parents.

His commitment to the youth of Maui is also evident in his volunteer work with the AJA Baseball League in which he held several positions on the board. In 1991, he received the Tadaichi Fukunaga Dana Award for his "unselfish services and contributions to (his) temple and to the growth of Buddhism." Since 1976, he has been Editor of "Friends of the Dharma," the monthly newspaper for his church, Wailuku Hongwanji Mission.

Although Mr. Oishi is retired from government service and The Honolulu Advertiser, he continues his invaluable service to his church and the Maui County Credit Union of which he serves as the Secretary-Treasurer.

Mr. Oishi's unfaltering commitment to government service and his sincere devotion to his community and its citizens bring pride and honor to McGerrow Camp. He certainly has earned the love and admiration of the residents of McGerrow Camp, the County of Maui, and the State of Hawaii.

Mr. President, I ask my colleagues in the Senate to join me in recognizing "Manuel" Katsumi Oishi for his outstanding contributions to Maui County and to the State of Hawaii and send my heartiest aloha to those celebrating the McGerrow Camp reunion.•

TRIBUTE TO BRUNO STACHOWSKE & NUTFIELD COUNTRY STORE OF LONDONDERRY, NEW HAMPSHIRE

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Bruno Stachowske, a hard-working New Hampshire entrepreneur. His thriving small business, Nutfield Country Store, was named the "1999 Retail Business of the Year" by the Londonderry Business Council. I commend his hard work and this outstanding achievement.

Nutfield Country Store is well known in Londonderry and across the state for its friendly and courteous service to its patrons. As a small business, Nutfield continuously demonstrates exemplary community spirit through its involvement in many local and national causes.

Bruno's commitment to community involvement has led Nutfield Country Store to support many volunteer organizations, youth sports teams, and the annual Thanksgiving food drives. Bruno is also well known for his fund raising efforts on behalf of cystic fibrosis. Every year, he participates in cystic fibrosis fund raising efforts by riding his bicycle for donations.

As a former small business owner, I recognize the importance and value of community involvement by hard-working entrepreneurs. They help shape our economy and our society as a whole. I wish to congratulate Bruno Stachowske on the success of Nutfield Country Store and for receiving this distinguished award. It is an honor to represent him in the United States Senate.•

CHILDREN'S MENTAL HEALTH WEEK

• Mr. ASHCROFT. Mr. President, I am pleased to recognize today the 8th annual Missouri Children's Mental Health Week, which was celebrated May 2–8. This year's theme is "In a child's life, everyone is accountable." The Missouri Department of Mental Health and MO–SPAN, the Missouri Statewide Parent Advisory Network, teamed up to cosponsor the week.

Some estimates indicate that 12 percent of all children and youth in the United States have an emotional, behavioral or mental disorder. While many of these children and their families need services ranging from therapeutic to educational and social services, only about one-third of these children and youth receive assistance.

Recognizing Children's Mental Health Week is one way to bring attention to the seriousness of mental health disorders in our children and spread the message of support for them. The week's events were begun with MO–SPAN's Second Annual Clayton Huey Memorial Benefit Walk-A-Thon and a kickoff event at the Missouri Capitol and continued throughout the week.

It is a privilege for me to be able to recognize the diligent work of families with children who have emotional, behavioral and mental disorders. Likewise, it is also important to celebrate the workers, volunteers, and organizations—like MO–SPAN—who provide vital support, services, information, and advocacy for these families.•

A CELEBRATION OF WOMEN

• Mr. TORRICELLI. Mr. President, I rise today to recognize the Young Women's Christian Association of Trenton, New Jersey, and their Tenth Annual "Celebration of Women" luncheon which will honor and recognize six award recipients for their outstanding contributions to the community.

The YWCA of Trenton was established in 1904 with its primary mission to provide a residence and recreational activities for women in the work force during the industrial revolution. Since this beginning, the Board of Directors and staff have developed the YWCA into community based organization committed to the empowerment of women and girls and to erase racism through diverse activities and programs. The YWCA provides leadership training, public advocacy, education, support services, health promotions and recreation within the city of Trenton and the surrounding communities.

The awards given have become a distinguished tradition in the New Jersey capital region since they were first introduced years ago as the Tribute to Women in Industry, or TWIN, awards. The recipients of this year's award embody the mission of the YWCA.

Eileen Thorton will receive the Woman of Achievement Award given to a woman who has achieved distinction in her field while using her power to encourage opportunity. J. Dolores Baker is this year's recipient of the Woman of Inspiration Award presented to a woman who has overcome insurmountable odds. Molly Merlino will receive the Meta Griffith Community Service Award, named after the prominent civic leader. This award is given to a woman who has effectively recognized and addressed community needs through exemplary volunteer service. Gwendolyn I. Long will be the recipient of the Ethel Downing Johnson Memorial Award, named in honor of a YWCA board member who died in 1992. The woman who receives this award has demonstrated an earnest and sincere commitment to mission and purpose of the YWCA. Cotempo Press is the recipient of the Organizational Commitment Award, presented to an organization or corporation which has provided innovative corporate policies and company attitudes enabling women to excel in the workplace. The Artist of the Year award will be given to Carl McClease whose piece, titled "Trio Sublime," will become a permanent exhibit at the YWCA.

Each of these individuals have distinguished themselves this year in their chosen fields. They have made the city of Trenton and the State of New Jersey. I am pleased to recognize the YWCA of Trenton and the six award recipients for their continuing commitment to the people of New Jersey.•

141ST ANNIVERSARY OF THE ADMISSION OF THE STATE OF MINNESOTA INTO THE UNITED STATES OF AMERICA

• Mr. GRAMS. Mr. President, I proudly rise today to honor and celebrate my home State of Minnesota's 141st year of statehood. On this date in 1858, Congress admitted Minnesota into the Union as the thirty-second State.

Let me begin by saying that the name "Minnesota" comes from two Sioux Indian words meaning sky-tinted waters. Now Mr. President, if you have ever been to Minnesota you will agree that my State was properly named. These "sky-tinted waters" are representative of Minnesota's many lakes (in excess of 12,000) and the numerous rivers and streams which run throughout the State. In fact, Minnesota has more shoreline than California, Florida and Hawaii combined!

Several million Minnesotans and out-of-state visitors take advantage of these waters every year to swim, water ski, boat, canoe, or fish. This Saturday, May 15, represents one of my home State's most treasured yearly experiences, the fishing opener. I have always been impressed with the spirit the opener brings out and the way it joins our State and visitors in a common interest. Out on the lake, people aren't too concerned with the difficulties of everyday life. Once a fishing rod is nestled tightly in hand, Minnesotans tend to forget the phone, the fax, or the other annoyances that consume so much of our lives today. The experience re-connects us to a much simpler time.

In addition to Minnesota's water resources, one-third of the State is covered with forests. Aspen, balsam fir, pine, spruce, and white birch grow in the northern part of the State, whereas groves of ash, black walnut, elm, maple and oak grow in the south. These forests form the centerpiece of 66 State parks, 55 State forests, one national park, and two national forests, all of which provide outdoor enthusiasts with scenic hiking, camping, and other outdoor activities on a year-round basis.

Mr. President, in addition to our beautiful lakes, streams, forests, and parks, Minnesota has much more to offer. My State produces 75 percent of the nation's iron ore which covers a section of northern Minnesota rightly known as the "Iron Range." There are also large deposits of granite found near St. Cloud and along the upper Mississippi River. I am proud to say that over 6,000 tons of Minnesota granite was used to make the walls and floor for the Franklin Delano Roosevelt memorial here in Washington, D.C.

The fertile soil has been key to Minnesota's overall economy, providing suitable farmland that covers a little more than half the State. Agriculture is Minnesota's largest industry, generating over $22 billion in goods and services per year. One of every four Minnesota jobs is tied in some way to agriculture, and 25 percent of our overall economy is dependent upon farmers and agri-business. Today Minnesota has approximately 87,000 family farms. Even though times are difficult for many of these family farmers, Minnesota depends upon their successful recovery.

Furthermore, Minnesota is home to some of the world's leading job providers—including 3M, Pillsbury, Honeywell, and Cargill, to name a few. Minnesota is also known for its achievements in the area of health care. It is a leader in the medical device industry and home to one of the world's premier health care facilities, the Mayo Clinic in Rochester.

Minnesota is also the birthplace of many great innovations which have become part of our American culture, such as Cellophane Transparent Tape, Post-it Notes, and the world's first enclosed mall located at Southdale Shopping Center in Edina. Today we have the Mall of America in Bloomington which is one of the world's largest enclosed malls and most popular tourist destinations. Among other notable Minnesota facts, we are the source of the Mississippi River, home to the busiest freshwater port in North America (which also happens to be the farthest inland ocean port in the United States), and Minnesota reaches the furthest north of the 48-continental States.

Mr. President, I hope I have managed to convey the pride I have for my state and its people, and in doing so, have perhaps encouraged others to visit. As a U.S. Senator from Minnesota, I wanted to express the honor I feel in representing the people of my State, which I believe is one of the premier States in the greatest country on Earth.●

TRIBUTE TO BARBARA MULLEN, RECIPIENT OF THE JEFFREY MAY MEMORIAL AWARD

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Barbara Mullen for being awarded the Jeffrey May Memorial Award from the Londonderry Business Council. It is a pleasure to recognize her contributions to her community and the Granite State.

In 1980, Barbara established the Londonderry Dance Academy and has been teaching children to dance ever since. Her community involvement has helped shape the lives of many young people in Londonderry and across the state. Barbara nurtures the aspirations of the town's youth by sharing her love and expertise of dance.

As a faculty member of the Department of Dance at the University of New Hampshire, Barbara also instructs dance students at the college level. In addition, during the holiday season, Barbara and her students perform the "Nutcracker" at local schools and in other communities, in an effort to spread a greater appreciation for the arts.

Barbara's dedication to dance, children and the community is exemplary and an example for others to follow.

Mr. President, I wish to commend Barbara Mullen on her achievements and congratulate her on receiving this prestigious award. It is an honor to her in the United States Senate.●

MAINE SOUTH HIGH SCHOOL AND THE "WE THE PEOPLE" COMPETITION

• Mr. FITZGERALD. Mr. President, last week, high school students from across the United States came to Washington, D.C. to compete in the national finals of the "We the People . . . The Citizen and the Constitution" program. These young scholars worked diligently to reach the national finals and through their experience have gained a deep knowledge and understanding of the fundamental principles and values of our constitutional democracy. I am proud to announce that the class from Maine South High School from Park Ridge, Illinois won the competition.

The "We the People . . . The Citizen and the Constitution" program is designed to educate young people about the Constitution and the Bill of Rights. The three-day national competition is modeled after hearings in the United States Congress. These hearings consist of oral presentations by high school students before a panel of expert judges. The students testify as constitutional experts before a "congressional committee," that is, a panel of judges representing various regions in the country and a cross-section of professional fields. The student testimony is followed by a period of questioning during which the judges quiz students for their depth of understanding and their ability to apply their constitutional knowledge.

I congratulate all the student teams who made it to the national finals. Each of those young people took the time to truly learn about our Constitution and Bill of Rights. In return, they got the opportunity to come to Washington and to meet other students from around the country. I applaud their efforts and initiative.

I am particularly proud that the winning team is from Maine South High School in Park Ridge, Illinois. Led by their teacher, Patton Feichter, the students won the three day competition to become national champions. At a time when so much of our attention is focused on youth violence, it is particularly refreshing to congratulate an outstanding group of young people who worked very hard to achieve their goals. I congratulate the students, parents, and Maine South faculty members on all their hard work to win the competition.●

TRIBUTE TO KENNETH WINTERS

• Mr. McCONNELL. Mr. President, I rise today to honor Dr. Kenneth Winters on the occasion of his retirement as president of Campbellsville University. Ken is a good personal friend and an admired leader in Taylor County.

Ken served as Campbellsville's president for the past 11 years, and accomplished much during his tenure. Under Ken's leadership, the school gained university status after having been known as Campbellsville College since its inception in 1909. The added prestige that comes with university status, coupled with Ken's hard work to make the school an academic success, helped increase Campbellsville enrollment by stunning 150 percent. The university also has been duly recognized by publications such as U.S. News & World Report, Money and Newsweek for its outstanding academic reputation. Ken's presidency brought a strong, guiding presence to Campbellsville, leaving a legacy of growth and progress.

As importantly, Ken showed unswerving commitment to the students and faculty at CU, and was well-liked and respected by all. Ken's colleagues describe him as a man with great strength of character—a man who demonstrated honesty and integrity, and who served as a campus role-model.

I am certain that the legacy of excellence that Ken Winters has left will continue on, and will encourage and inspire others toward that same goal. Ken, best wishes on your future endeavors, and know that your efforts to better Christian higher education will be felt for years to come. On behalf of myself and my colleagues, thank you for your contribution to Taylor County, the State of Kentucky, and to our great Nation.●

TRIBUTE TO CONSTANCE ROSS, THE 1999 LONDONDERRY EDUCATOR OF THE YEAR

• Mr. SMITH of New Hampshire. Mr. President, I rise today to recognize and congratulate Constance Ross for being named the "1999 Educator of the Year" by the Londonderry Business Council.

From teacher to administer, Constance has built a reputation for excellence and achievement in many areas of education. In addition to serving the community as the Assistant Principal of South Londonderry School, she has become known throughout the State of New Hampshire for her tireless efforts to promote literacy among children. Constance's expertise in the teaching and advocacy of reading have propelled her to the position of co-chair of the "Governor's Best Schools Initiative," as well as president of the New England Reading Association.

Active inside and outside of classrooms and schools, Constance has demonstrated wisdom, compassion, and sensitivity with children, parents, and co-workers. These qualities are at the heart of what makes a good teacher special.

The mark of a great teacher is one who cares, unconditionally, about the success and well-being of students. Mr. President, as a former teacher and school board member, I understand the challenges, responsibilities and dedication involved with teaching. I admire and respect Constance for establishing herself as a devoted teacher and administrator in the Londonderry school district. Most importantly, she is helping to shape the lives of the young students who are the future of New Hampshire and the country.

I am proud to recognize Constance's achievements and it is an honor to represent her in the United States Senate.●

IN RECOGNITION OF MACOMB COUNTY'S TRIBUTE TO PRIVATE FIRST CLASS WALTER C. WETZEL

● Mr. LEVIN. Mr. President, I rise today to recognize Macomb County, Michigan for its tribute to a brave World War II soldier, Private First Class Walter C. Wetzel. With the dedication of a bust of Private Wetzel at the new county administration building, Macomb County will recognize the selfless actions of an American war hero.

Walter C. Wetzel entered the United States Army in Roseville, Michigan and served in European theater. Private Wetzel was an acting squad leader with the Antitank Company of the 13th Infantry in Birken, Germany, during the early morning hours of April 3, 1945, when he detected strong enemy forces moving in to attack. Private Wetzel alerted his comrades and immediately began defending their post against heavy automatic weapons fire. Under cover of darkness, the Germans eventually forced their way close to the American position, hurling two grenades into the room where Private Wetzel and others had taken up firing positions. Shouting a warning to his fellow soldiers, Private Wetzel threw himself on the grenades and absorbed their entire blast, suffering wounds from which he died. The supreme gallantry of Private Wetzel saved his comrades from death or serious injury and made it possible for them to continue the defense of their post. His unhesitating sacrifice of his life was in keeping with the highest traditions of bravery and heroism. Because of his actions, Private Wetzel was posthumously awarded the Congressional Medal of Honor.

Private Wetzel and his courageous deeds have considerable meaning to his family, and to the residents of Macomb County and the State of Michigan. Private Wetzel is the only person from Macomb County to receive the Congressional Medal of Honor. His life has been honored by the Michigan State Legislature and an important street in Macomb County was named Pfc. Walter Wetzel Drive.

Mr. President, Private Wetzel is an example of the selfless and courageous commitment our soldiers display every day. I know my colleagues will join me in saluting Macomb County for its recognition of Private First Class Walter C. Wetzel and the sacrifice of the men and women of our Armed Services.●

ST. JOHN'S HOSPITAL, SPRINGFIELD

● Mr. DURBIN. Mr. President, I rise today to commend St. John's Hospital in Springfield. This is National Hospital Week, when communities across the country celebrate the people that make hospitals the special places they are. This year's theme sums it up nicely: "People Care. Miracles Happen." It recognizes the health care workers, volunteers, and other health professionals who are there 24 hours a day, 365 days a year, curing and caring for their neighbors who need them.

An example of this dedication is the Parent Help Line of St. John's Hospital in Springfield, Illinois. The program won the American Hospital Association's prestigious Hospital Award for Volunteer Excellence, which highlights special contributions of hospital volunteers.

The Parent Help Line provides parents and agencies with easily accessible, low-cost parenting information and support to help strengthen families and prevent child abuse. Trained volunteers give parenting tips, support and referrals to about 100 callers a month. Volunteers also visit parents of newborns and offer information about infant growth and development and about the Parent Help Line services, and a volunteer nurse makes a follow-up call to each family one month after discharge. Volunteers taking part in an intervention program regularly call parents identified as high risk. Parenting classes, program and support groups are made available to parents, and a television show on parenting issues airs weekly on a local public access channel. A monthly newsletter is mailed to more than 1,500 individuals and agencies in central Illinois.

Mr. President, I want to congratulate St. John's Hospital for this award-winning program.●

TRIBUTE TO MAUREEN HEGG, THE 1999 LONDONDERRY CIVIC VOLUNTEER OF THE YEAR

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Maureen Hegg on being named the "1999 Civic Volunteer of the Year" by the Londonderry Business Council. I commend her outstanding accomplishments and I wish to congratulate her for receiving this distinguished award.

As President of the Londonderry Cares Organization, Maureen has worked diligently toward making a difference in the lives of Londonderry's youth. Under Maureen's guidance, the organization affords the town's young people a place to go in the evening for planned activities.

Along with a group of dedicated individuals, Maureen has been working to open a YMCA in the Town of Londonderry. As such, Maureen is the chairperson of the Nutfield YMCA Kickoff Fundraising Dinner, an event established to assist in attracting a YMCA.

There is no greater gift to a community than one's time, talent, and energy. Volunteerism is truly special and is at the heart of what makes this community and this nation a great place to live.

Mr. President, Maureen Hegg has demonstrated a deep commitment to the Town of Londonderry and its citizens. Her tireless efforts to improve the quality of life in the town and provide the youth of Londonderry with recreational programs is outstanding. I congratulate Maureen on being named "Civic Volunteer of the Year," and it is an honor to represent her in the United States Senate.●

MOUNT CARMEL MEDICAL CENTER IN PITTSBURG, KANSAS

● Mr. ROBERTS. Mr. President, I rise today to celebrate National Hospital Week. During this week when we pay tribute to our nation's hospitals and health systems. I would like to recognize one particular facility in Kansas that has gone above and beyond the call of duty in order to meet the needs of the community—the Mount Carmel Medical Center in Pittsburg, Kansas.

Mount Carmel Medical Center is located in the southeast corner of Kansas. The community has 20,000 residents. About 25 percent of the town's children are from families who live at or below the federal poverty level. More than half of the families in Pittsburg are headed by single parents who often work two jobs.

As one of the largest employers in the community, Mount Carmel Medical Center recognized that the entire community was suffering from the lack of quality child care. Teachers noticed that children were unready to learn, they needed immunizations and hearing tests. After a confirmation by the hospital's employee assistance program and a staff-initiated community health assessment, Mount Carmel decided to take action. They formed a partnership with the Pittsburg schools and Pittsburg State University to establish the Family Resource Center to meet many of the community's needs. The Family Resource Center now provides child care to more than 200 children and offers a wide range of social services. It also serves as the site of a free clinic staffed with local physicians for those without health insurance coverage.

The Mount Carmel Medical Center has been nationally recognized for its achievements. The American Hospital Association recently awarded the Mount Carmel Medical Center the 1999 NOVA award. NOVA awards recognize innovative community partnerships that address communities' needs.

The collaborative outreach efforts of Mount Carmel Medical Center demonstrates true dedication to the community. I am pleased and proud to recognize Mount Carmel Medical Center for its leadership, vision, and achievements. Mount Carmel is an excellent example of a hospital that has made a difference.●

NATIONAL HOSPITAL WEEK

WASHINGTON REGIONAL MEDICAL CENTER

● Mr. HUTCHINSON. Mr. President, I would like to take this opportunity to recognize National Hospital Week, when we pay tribute to our Nation's hospitals, and the millions of workers, health care professionals, and volunteers who have dedicated themselves to caring for those who are sick and in need.

I would like to give special recognition to Washington Regional Medical Center, located in Fayetteville, Arkansas, and a 1999 recipient of the American Hospital Association's NOVA award. This award highlights innovative community partnerships that respond to a particular community's needs.

Washington Regional Medical Center is a 1999 NOVA award winner for its outstanding commitment to the children in Washington County. Chronic disease and disability, which can lead to death, are often attributed to poor health habits that are formed during childhood. The Washington Regional Medical Center is working to reverse this trend through its Kids For Health program. By partnering with the Washington County school system, the medical center has been able to teach more than 8,000 children about the importance of general health, nutrition, fitness, hygiene, safety, environmental health, and self-esteem.

A sign of the program's success, Kids For Health is the recipient of a five-year grant from the Harvey and Beatrice Jones Charitable Foundation. Kids For Health is a stellar example of how a hospital can make a difference in its community, and I commend Washington Regional Medical Center and all those who have made this program possible for their excellent achievements.●

YAKIMA VALLEY MEMORIAL HOSPITAL

● Mr. GORTON. Mr. President, this week hospitals and communities across America are celebrating National Hospital Week. This week is set aside to celebrate the caring and commitment of our nation's hospitals and health systems and the workers, volunteers and other health professionals who are there 24 hours a day, 365 days a year for their neighbors who need them.

An example of this dedication is Yakima Valley Memorial Hospital in Yakima, Washington. I want to commend Yakima Valley Memorial Hospital for receiving the American Hospital Association's 1999 NOVA award. These awards spotlight innovative community partnerships that respond to local needs.

Yakima Valley Memorial was chosen as a NOVA award winner for creating the Children's Village for children with special health care needs. The entire building has the feel of an old western town. It features logs on the outside, stone floors, a covered wagon for a reception desk and an elevator disguised as a mineshaft stocked with treasure.

More important than the architecture is the integrated services of fourteen area health, education and service providers that work together at the Children's Village. Children that used to travel two hours or more for care now have access to specialty care in their local community. Parents can schedule a single appointment for their child that combines several treatments and therapies. The village also offers specialty clinics for fetal alcohol syndrome, cardiology, neurology, and cleft lip and palate.

I am proud to recognize Yakima Valley Memorial Hospital for its achievements. It is an outstanding example of a hospital that makes a difference in its community.●

TRIBUTE TO AMY LYMBURNER, THE 1999 LONDONDERRY YOUTH OF THE YEAR

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Amy Lymburner on being named the "1999 Youth of the Year" by the Londonderry Business Council. I commend her outstanding accomplishments and congratulate her on receiving this distinguished honor.

Active in both her school and community, Amy has set high standards of community involvement that is an example for others to follow. As a student at Londonderry High School, Amy is recognized by her teachers and peers as a role model for others. In addition to striving for academic excellence, Amy is a member of the National Honor Society, Student Council, Drama Club, and the Math League.

Attempting to make a difference in her town and state, Amy is President of Crossroads, a Christian youth group. Community leaders have commended Amy for her leadership abilities, integrity, spirit, and service to her school, church, and peers.

Mr. President, young people are our nation's greatest asset, and it is heartwarming to see people such as Amy taking an active role in the betterment of the community. I am proud to call her one of New Hampshire's own. I wish to congratulate Amy on her accomplishments, and it is an honor to represent her in the United States Senate.●

SPECTRUM HEALTH'S UNIVERSAL INFANT HEARING SCREENING PROGRAM

● Mr. LEVIN. Mr. President, this is National Hospital Week, and one of Michigan's hospitals, Spectrum Health in Grand Rapids, Michigan, is being honored by the American Hospital Association (AHA). National Hospital Week gives health care workers, volunteers, and other health professionals the recognition that they deserve for all the care they provide.

Spectrum Health has been singled out by the AHA for its Universal Infant Hearing Screening program, located at Spectrum's Downtown Campus in Grand Rapids. This program is the recipient of the AHA's prestigious Hospital Award for Volunteer Excellence, an award which highlights special contributions of hospital volunteers.

Spectrum's Universal Infant Hearing Screening program identifies potential hearing loss in all babies born at or transferred to the Spectrum Health Downtown Campus. It is well known that such early identification and intervention can prevent a hearing problem from becoming a handicap.

Universal Infant Hearing Screening volunteers must undergo extensive training to prepare for this program. After the volunteers administer the screening, audiologists review the test results to identify infants with potential problems. Those infants with abnormal results are referred for re-screening or diagnostic testing. Without the work of the volunteers, it would be impossible to provide this vital service to the thousands of babies born at Spectrum Health every year.

Mr. President, I would like to congratulate Spectrum Health for its award winning program.●

NATIONAL COMMUNITY ACTION MONTH

● Mr. SARBANES. Mr. President, I rise today to commemorate a group of individuals and agencies whose cause represents the ideal of public service—the improvement of the lives of those who are less fortunate. The Maryland Association of Community Action Agencies (MACAA), which begins its annual conference Monday in Ocean City, is a group of seventeen Community Action Agencies (CAA) which combat poverty in cities, towns and rural communities throughout our State, and provide services to countless low-income families and individuals.

This year's MACAA conference is made even more significant as 1999 marks the 35th anniversary of the creation of Community Action Agencies. CAA's were developed as part of the Economic Opportunity Act of 1964 which was the centerpiece of President Johnson's War on Poverty. This Act also began other critical social service programs including the Head Start preschool program and the Job Corps Training Center program.

Currently, the MACAA serves individuals and families in Baltimore City and 23 counties throughout Maryland. Working with 1000 agencies nationwide, CAA's serve 98% of our Nation's cities and counties and are a primary source of support for the more than 38 million Americans living in poverty in rural and urban areas. Services provided by CAA's and their dedicated volunteers include employment training, adult and child educational services, senior assistance, income management, housing and rental assistance, emergency services and food and nutritional relief. Whether it is through the exchange of information on poverty issues, the provision of services and assistance, the development of funding resources, or the effort to influence public policy, the ultimate mission of these agencies and volunteers is to assist low-income citizens to achieve a higher level of self-sufficiency.

Mr. President, for more than 30 years, MACAA has sponsored this annual conference which brings together hundreds of individuals involved in the effort to eliminate poverty. Appropriately, this May has been designated National Community Action Month, and May 4–10 has been designated National Community Action week to publicize the achievements of CAA's and to emphasize their continuing importance in our communities. This is a most fitting occasion to celebrate a coalition such as MACAA, which is so integral to the health and well being of citizens throughout Maryland. I am pleased to congratulate the MACAA for thirty years of invaluable service, and for their efforts to, to borrow the CAA credo, provide a "hand up, not a hand out."•

TRIBUTE TO RITCHIE BERNARD, THE 1999 LONDONDERRY BUSINESS PERSON OF THE YEAR

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Ritchie Bernard of Londonderry, New Hampshire, for being named the "1999 Business Person of the Year" by the Londonderry Business Council. I congratulate him for his record of excellence in business and community development.

Ritchie owns the House of Samurai in Londonderry, New Hampshire. Dedicated to educating the youth of Londonderry in the martial arts, the House of Samurai is currently celebrating its 25th anniversary.

As a devoted contributor to the Londonderry business community, Ritchie has served on the Board of Directors of the Londonderry Rotary Club, the Londonderry Chamber of Commerce, and the Greater Derry Boys and Girls Club. His activism extends far beyond the business realm and is evident by his participation in various community organizations and causes. Ritchie is highly regarded in the Londonderry community and across the state for his karate school programs, his support of town programs, and his involvement in many volunteer organizations.

Small business is the backbone of our economy in the United States. I am proud to honor Ritchie for preserving and establishing a thriving business in New Hampshire. He has devoted himself to working toward the betterment of the community through his activism and his desire to educate the youth of New Hampshire in the martial arts.

Mr. President, as a former small business owner myself, I understand the demands of running a business. I commend Ritchie for his diligent work in his business as well as the devotion he has shown to the community. I wish to congratulate Ritchie on receiving this distinguished award, and it is an honor to represent him in the United States Senate.•

RECOGNIZING NEVADAN JERRY CRUM

• Mr. BRYAN. Mr. President, I rise today to recognize an outstanding Nevadan for his exemplary volunteer service to the disabled community both in Northern Nevada and across the United States. Jerry Crum has become a recognized leader through his advocacy on behalf of people afflicted with Chronic Fatigue Immune Dysfunction Syndrome, CFIDS. Since being diagnosed with CFIDS himself in the mid 1980's, Jerry has worked to increase awareness of this often misunderstood disease, and to improve the lives of those who suffer from it.

Jerry was incapacitated through much of the 1980's. After several years in and out of hospitals, however, he made a strong, though not complete recovery. As his strength increased, so did his efforts to help others with this debilitating condition. At the same time, he also saw that people with other disabilities and chronic illnesses had encountered many of the obstacles he had. He then sought to share his story with others, and to teach others with disabilities how to be effective advocates for themselves.

In 1990, Jerry became a charter member of the CFIDS lobbying organization called CACTUS. In 1992, he helped start the CFIDS Association of America's Public Policy Action Committee, and later founded "Lobby Day," an opportunity for people with CFIDS to travel to Washington, DC to meet with their federal representatives and advance funding and policy needs of CFIDS. Since then, he has testified at a Senate hearing examining the affects of this illness.

Although Jerry has always spoken on behalf of all people with disabilities, he specifically expanded his focus in 1998 to include people with lymphoma when he was diagnosed with this rare form of cancer himself. He became active in the Carson Advocates for Cancer and was the Nevada co-chair of the 1998 National Cancer March. He came to Washington again, and marched along-side cancer survivors such as Norman Schwarzkoph as they crusaded to encourage research to find a cure for this terrible disease.

Jerry has been a catalyst in bringing advocates together to achieve victories for the disabled. I thank him for his service to Nevada and to all who suffer from chronic, disabling conditions such as CFIDS. He has made Nevada proud.•

TRIBUTE TO RE/MAX 1ST CHOICE OF LONDONDERRY, NEW HAMPSHIRE

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to RE/MAX 1st Choice of Londonderry, New Hampshire, for being named "Company of the Year" by the Londonderry Business Council. It is indeed a prestigious honor.

RE/MAX 1st Choice is a fast growing real estate business that has recently opened in Londonderry. Under the direction of Arlene Hajjar, RE/MAX 1st Choice has worked hard to establish itself within the real estate market of Londonderry.

RE/MAX 1st Choice has worked hard for the community. It has sponsored a number of activities to benefit both charities and the community as a whole. Admirable business practices, community involvement, and charitable donations and sponsorships have made the company a rising force in the Londonderry business community. Its dedication to the town has been admirable and gracious.

Arlene has been one of the main reasons behind RE/MAX 1st Choices' success. She is a member of the Londonderry Business Council and works diligently to represent the business community. She has helped shape not only her company, but also the community through her activism with the town.

As a former real estate business owner, I understand the demands and the trials associated with owning and operating a real estate business. I commend Arlene Hajjar and the staff of RE/MAX 1st Choice on their success. I wish them the best of luck and congratulate them once again for receiving this award. It is an honor to represent them in the United States Senate.•

CONGRATULATING VALLEY HIGH SCHOOL

• Mr. HARKIN. Mr. President, I ask my colleagues to join me in congratulating the students and teachers from Valley High School in West Des Moines, IA for achieving the top score in the 1999 National GRAMMY Signature School Competition.

It took hard work and dedication to achieve this honor, and I congratulate the students, teachers, and others who make it happen. Valley High School enrolls over 2,200 students, and fully 600 students, nearly a third of the student body, participates in one or more music programs. On February 4, 1999 the GRAMMY Signature School designated Valley High School the best music program among 250 public schools from around the country. They were judged by a panel of top musical educators and professionals and were selected based on their high level of commitment to music education.

In light of this announcement, U.S Secretary of Education Richard W. Riley, said, "At a time when creativity and communication skills are at a premium, schools likes those being recognized at this program are using arts for their rich potential to captivate and engage students in the process of learning. The arts help children learn to solve problems, think creatively, and develop mental discipline, which are valuable skills for any academic endeavor."

Mr. President, year after year underfunded public schools continue to slash funding for all forms of arts and humanities education, thereby weakening the strong cultural heritage the United States has always enjoyed. We should therefore commend the students and teachers of the Valley High School music program for their commitment to a quality music education, and the benefits their efforts reap upon the cultural landscape of the state of Iowa. It is a true honor to serve as their Senator, and I believe they are examples of what all Americans should strive to be.●

GIRL SCOUTS FROM KETCHIKAN

● Mr. MURKOWSKI. Mr. President, I rise today to recognize the work of three Girl Scouts from Ketchikan, Alaska. Angela Pfeifer, Chelsea Pfeifer and Tennille Walker are each working towards the Girl Scout Gold Award. As a part of their service, they are attempting to enhance the visibility, respect and care of the American flag in Ketchikan.

The following is an excerpt from a letter in which Chelsea explains the pride and respect she has for our nation's flag.

> This Spring Break I went down to Florida to visit my grandparents. My Grandfather served in World War II. At 87, he still put up the U.S. flag every morning, and takes it down every night. It makes my think of the number of people who died serving this country, so that we could have the freedoms that we enjoy today. The flag serves as a symbol of the respect and honor that should be given to those who fought. I observed that many of the retired people display the Flag proudly on a daily basis outside their homes. It would be my goal to see that my generation carry out this tradition and be proud to be an American.

In their efforts to instill this same sense of pride and respect. Chelsea, Angela and Tennille have conducted school assemblies at Ketchikan area elementary schools, have placed flags in every classroom at Ketchikan High School and have spoken to local governments officials about erecting a new flag pole in Ketchikan City Park.

Currently, there is no flag flying in Ketchikan City Park. Angela, Chelsea and Tennille have addressed this with Ketchikan—Gateway Borough Mayor Jack Shay. As a result, the Mayor and Borough Assembly agreed to install a flag pole in City Park.

It is my honor to present these three outstanding Alaskans with an American flag flown over the United States Capitol. The flag will be presented to the City of Ketchikan on June 14, 1999, Flag Day, and will be the first flag to fly in City Park.

I commend the work of Angela, Chelsea and Tennille and the Girl Scouts of Ketchikan. They have shown their ability to make a difference and have made a lasting impression on their community.●

75TH ANNIVERSARY OF THE VERMONT STATE PARK SYSTEM

● Mr. JEFFORDS. Mr. President, I rise today to recognize the 75th anniversary of the Vermont State Park System.

In 1924 Frances Humphreys donated the peak of Mt. Philo and surrounding lands to the State of Vermont as the first State Park. Mt. Philo was the perfect location for the first park; looking east from the summit one views Lake Champlain, North America's most beautiful lake stretching as far as the eye can see to the north and south; looking west one views the Green Mountain range rolling across Vermont to the Connecticut River. There are limitless recreational opportunities within and surrounding our first park.

After 75 years, Vermont now has 50 State Parks, from Alburg Dunes on Lake Champlain, to Wilgus on the Connecticut River; from Mount Mansfield, Vermont's highest peak to Quechee, our deepest gorge.

Vermont's State Parks are rich in history. Many of the nation's first ski trails were carved out in Vermont State Parks by the Civilian Conservation Corps, creating the New England ski industry. Under the direction Perry Merrill, who oversaw the State Parks for 37 years, more than 40,000 "CCC Boys" created a parks infrastructure that is intact, and unparalleled even today.

Recognition should also go to the many Vermonters who, over the years, have followed the example of Frances Humphreys in donating land to become state parks, including one of our newest parks, Sentinel Rock, which was recently donated by Windsor and Florence Wright.

Mr. President, it is with great pleasure that I recognize 75 years of visionary conservation and recreation development by the State of Vermont, and by those who have conceived and built the State Park System.●

TRIBUTE TO THE TOWN OF PLAISTOW, NEW HAMPSHIRE

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to the town of Plaistow, New Hampshire on its two hundred and fiftieth anniversary. The town's residents will celebrate this historic occasion on June 27, 1999 with a number of festivities including a grand reception. I was proud to be invited to participate in this meaningful event.

Plaistow's history first dates back to the year 1642 when families first settled in the Plaistow area. It was then that the Plaistow area was purchased. In 1749, Plaistow was incorporated. At that time, it was separated from Haverhill, Massachusetts. Then Governor Benning Wentworth, along with King George II signed the town's first charter.

The town has had a rich and fruitful history. The First Baptist Church was built in 1837, and subsequently remodeled in 1906. The first Catholic Church, Holy Angels, was built in 1893, then redone in 1964. The first high school was built in 1966. Prior to that, the students traveled outside the town for schooling.

Plaistow has steadily grown throughout the years. In 1854, there were 800 people. In 1949, the town had grown to 1800 people. Today, over 7000 people are residents of Plaistow.

Through the years, Plaistow residents have courageously served their country. They have served in the Colonial War, Revolutionary War, Civil War, World War I, World War II, the Korean War and the Vietnam War.

The most well known benefactor of the town was Arthur Pollard. Pollard donated the bell for the First Baptist Church, the land for Pollard School and the town hall, and the Civil War statue and cannons on the town green.

I congratulate the town of Plaistow, and all of the dedicated and patriotic citizens there. I am proud to be their Senator.●

HONORING THE LIVINGSTONS ON THEIR 50TH WEDDING ANNIVERSARY

● Mr. ASHCROFT. Mr. President, families are the cornerstone of America. Individuals from strong families contribute to the society. In an era when nearly half of all couples married today will see their union dissolve into divorce, I believe it is both instructive and important to honor those who have taken the commitment of "till death us do part" seriously, demonstrating successfully the timeless principles of love, honor, and fidelity. These characteristics make our country strong.

For these important reasons, I rise today to honor Robert and Nellie Livingston, who on June 4th, 1999, will celebrate their 50th wedding anniversary. Many things have changed in the 50 years they have been married, but the values, principles, and commitment this marriage demonstrates are timeless. As Mr. and Mrs. Livingston celebrate their 50th year together with family and friends, it will be apparent that the lasting legacy of this marriage will be the time, energy, and resources invested in their children, friends, and community. My wife, Janet, and I look forward to the day we can celebrate a similar milestone.

The Livingstons' commitment to the principles and values of their marriage deserve to be saluted and recognized.•

RECOGNIZING THE WASHINGTON REGIONAL MEDICAL CENTER

• Mrs. LINCOLN. Mr. President, I take this opportunity to recognize the Washington Regional Medical Center in Fayetteville, AR, for being awarded the American Hospital Association's prestigious 1999 NOVA award. This award is given to acknowledge hospitals that create and implement new and innovative community partnerships. Only nine hospitals nationwide were honored by this distinction.

The Washington Regional Medical Center is a leader in its commitment to the health and well-being of Washington County's children. The Washington Regional Medical Center works to reverse the trend of chronic disease, disability, and even death through its "Kids For Health Program." In collaboration with the Washington County school system, more than 8,000 children have been educated about self-esteem, general health, nutrition, fitness, hygiene, safety, and environmental health. Good health habits learned at a young age often parlay into better health in adult life. The "Kids For Health Program" proves that communities which educate their children in healthy habits reap vast benefits by becoming healthier communities overall.

On behalf of all the children in Arkansas, I thank the Washington Regional Medical Center for its impressive achievement in children's health and its contribution to stronger communities.•

NATIONAL PEACE OFFICERS MEMORIAL DAY

• Mr. JEFFORDS. Mr. President, I rise today to pay tribute to our nation's law enforcement officers who have lost their lives in the line of duty. I am proud to be a cosponsor of S. Res. 22, a resolution passed earlier this year by the Senate to commemorate and acknowledge the dedication and sacrifice made by these men and women. The resolution declared this Saturday, May 15th, as National Peace Officers Memorial Day.

Currently, there are more than 700,000 men and women who serve this nation as the guardians of law and order. The duties of a law enforcement officer are both vitally important and extremely dangerous. Officers place themselves between our communities and the criminals who would do us harm. Every year, approximately 1 in 9 officers is assaulted, 1 in 25 officers is injured, and 1 in 4,400 officers is killed in the line of duty. In 1998, 156 federal, state and local law enforcement officers lost their lives in the line of duty.

My home state of Vermont is familiar with the sacrifices made by law enforcement officer. Since 1965, the nine Vermont law enforcement officers listed below have lost their lives in the line of duty.

July 9, 1965, Chief Alexander Fontecha, Lyndonville Police Department.

December 12, 1972, Chief Dana L. Thompson, Manchester Police Department.

January 17, 1978, Deputy Sheriff Bernard J. Demag, Chitternden County Sheriff's Department.

April 27, 1978, Game Warden Arnold J. Magoon, Vermont Fish and Wildlife Department.

October 1, 1982, Deputy Sheriff George J. Bent, Chittenden County Sheriff's Department.

May 13, 1983, Lieutenant Arthur L. Yeaw, Vermont Department of Public Safety.

June 14, 1987, Detective Sergeant William J. Chenard, Vermont Department of Public Safety.

June 25, 1989, Investigator Eugene N. Gaiotti, Vermont Department of Liquor Control.

May 12, 1992, Sergeant Gary Gaboury, Vermont Department of Pubic Safety.

It is my hope that the National Peace Officers Memorial Day will remind Vermonters and Americans everywhere of the sacrifices made by law enforcement officers, and of the vital duties they perform every day. Whether by apprehending dangerous felons, assisting stranded motorists on the side of the road, or improving the lives of our young people, law enforcement officers make our towns, cities, states, and Nation safer places to live and work. We owe a tremendous debt of gratitude to those officers, and their families, who have given so much to improve all of our lives.•

TRIBUTE TO ARTHUR PSALEDAS, THE 1999 LONDONDERRY CITIZEN OF THE YEAR

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Arthur Psaledas of Londonderr New Hampshire, for being named th "1999 Citizen of the Year" by the Lon donderry Business Council. I commen his outstanding community involv ment, and congratulate him on th well-deserved honor.

For the past 20 years, Arthur ha continuously exhibited his selfles dedication to the youth of Londo derry. As an avid supporter of edu cation, Arthur has served the commu nity as a member of the Londonderr School Board, seeking to strengthe both teaching and learning in th town. He has also shown his true ded cation to children through his work a President of the Londonderry Athleti and Field Association and Director the Londonderry Recreation program.

Many know Arthur as always willin to take responsibility and for di playing leadership within the town. H is a teacher, coach and an active men ber of the YMCA advisory committe Arthur's participation in each organ zation and cause makes a real di ference in the Londonderry commu nity. He is an inspiring leader whos actions and beliefs have become a cat lyst for significant change and in creased community involvement re sulting in profound achievements.

Mr. President, Arthur Psaledas ha dedicated his time and his heart t serving the Town of Londonderry an the people of New Hampshire. It is peo ple like Arthur that make New Ham shire a special place to live, and it is a honor to represent him in the Unite States Senate.•

TIMKEN COMPANY'S 100TH ANNIVERSARY

• Mr. VOINOVICH. Mr. President, o behalf of Senator MIKE DEWINE, Rep resentative RALPH REGULA, and mysel I wish to honor a distinguished Ohi company celebrating its 100th anniver sary this year. I ask that the followin statement recognizing the achieve ments of this fine Ohio company b printed into the RECORD.

The statement follows:

IN RECOGNITION OF THE TIMKEN COMPANY O THE CELEBRATION OF 100 YEARS OF MANU FACTURING IN 1999

Expressing the sense of Congress congratu lating The Timken Company, headquartere in Canton, Ohio, on the celebration of 1 years of manufacturing in 1999.

Whereas The Timken Company's life spar 100 years of manufacturing anti-frictio bearings and more than 80 years of producin specialty alloy steel;

Whereas it has ranked among the 250 larg est U.S. industrial corporations since th 1920's;

Whereas the company is the world's larges manufacturer of tapped roller bearings an mechanical seamless steel tubing with mor than 50 plants and 100 sales, design and dis tribution centers in 25 countries with ove 21,000 associates;

Whereas Timken has invested millions dollars to protect the earth's air, water an land; in Canada the company recycles 30 million gallons of water daily; its steel plants recycle the equivalent of 5,600 cars every operating day;

Whereas the official company policy, and company practice, is that all Timken associates are expected to work consistently to the highest standards of ethical conduct;

Whereas the distinctiveness and the strength of the company's character has been derived from the sustained role of its founding family which has provided leadership over four generations to this day;

Whereas the corporate culture of The Timken Company is a fast-paced, team-oriented organization where decisions are made by people closest to the issues and its comprehensive strategic plan is structured to build on emerging trends and respond quickly to major fluctuations in today's marketplace;

We, the undersigned, are resolved that we

(1) extend our appreciation and recognition to The Timken Company for its significant contributions to the technological and institutional developments that have shaped our age;

(2) offer our congratulations for the significant achievement of attaining 100 years of continuous operations and growth since its founding as The Timken Roller Bearing Axle Company in 1899 in St. Louis, Missouri;

(3) acknowledge that the Timken name is not just as a trademark, but is a focus of pride for the company's associates around the world and a synonym for quality within the bearing and steel industries; and

(4) state our intent and desire that The Timken Company continues its successes as it moves into its second century, providing leadership to U.S. manufacturers and our nation for another 100 years.

Mike DeWine, United States Senator, Ohio.

George V. Voinovich, United States Senator, Ohio.

Ralph Regula, United States Representative, Ohio, 16th District.●

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 94–304, as amended by Public Law 99–7, appoints the Senator from Arkansas (Mr. HUTCHINSON) to the Commission on Security and Cooperation in Europe (Helsinki).

The Chair, on behalf of the Majority Leader, pursuant to the provisions of Public Law 105–186, appoints the Senator from Oregon (Mr. SMITH) to the Presidential Advisory Commission on Holocaust Assets in the United States, to fill a vacancy thereon.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nomination on the Executive Calendar, No. 53. I further ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, that any statements relating to the nomination be printed at the appropriate place in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Ronald T. Kadish, 0901.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

ORDERS FOR WEDNESDAY, MAY 12, 1999

Mr. DEWINE. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Wednesday, May 12. I further ask consent that on Wednesday, immediately following the prayer, the routine requests through the morning hour be granted, the time for the two leaders be reserved for their use later in the day, and that the Senate immediately resume consideration of the juvenile justice crime bill, S. 254. I further ask consent that at 9:30 a.m. there be 1 hour of debate on the Leahy amendment, equally divided in the usual form, prior to a motion to table, with no amendments to the amendment in order prior to the vote. I ask consent that following the vote, Senator BROWNBACK be recognized to offer a code of conduct amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DEWINE. For the information of all Senators, the Senate will convene on Wednesday, May 12 at 9:30 a.m. and immediately resume consideration of the Leahy amendment, with a vote to take place at approximately 10:30 a.m. Following the disposition of the Leahy amendment, Senator BROWNBACK will be recognized to offer an amendment. Senators can expect votes throughout Wednesday's session of the Senate, with the possibility of votes into the evening. I appreciate the cooperation of my colleagues.

ORDER FOR ADJOURNMENT

Mr. DEWINE. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order, following the remarks of Senator GRAMS.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEWINE. I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

TAX FREEDOM FOR WORKING AMERICANS

Mr. GRAMS. Mr. President, as we wrap up this work day here in the Senate, I want to take a little time to talk about a subject that is near and dear to everybody's heart, and, of course, that is taxes.

Most Americans believe they pay too much in taxes. And you know, they are right.

One of the biggest and best indicators of how exhausting the tax burden has become is the annual arrival of what we call Tax Freedom Day, and that is the day on which Americans stop working just to pay their State, Federal, and local taxes and actually begin working and keeping their earnings for themselves and their families.

This year, Americans had to wait until today, May 11, before Tax Freedom Day actually arrived. At least 132 days into the year, this is the latest arrival of Tax Freedom Day ever.

As a sign of just how far and fast taxes have come, in 1950, Americans marked Tax Freedom Day on April 3.

For residents in my home State of Minnesota, the situation is even more troubling because this year's Tax Freedom Day has been pushed forward to May 21, nearly 2 weeks later than the rest of the country.

That ranks Minnesota third in the Nation; only in New York and Connecticut do taxpayers have to wait even longer to begin keeping their own money.

Tax Freedom Day, as calculated by the nonpartisan Tax Foundation, reveals an ever-increasing tax burden over the past 25 years. And the single most potent explanation for America's late Tax Freedom Day is our seriously flawed tax system.

Our tax system is unfair, it is complicated, and it is designed to squeeze more money out of the wallets of working Americans to expand Government.

Since 1993, for instance, Federal taxes have increased by 54 percent. Can you imagine that? Since 1993, Federal taxes have increased 54 percent, which for the average taxpayer translates into a $2,000 per year increase in the amount of taxes they pay to the Federal Government. That is $2,000 a year more today than just 6 years ago was paid to the Federal Government by the average taxpayer. As a result, Americans today have the largest tax burden ever in history, including World War II, and it is still growing.

Federal taxes now consume on average about 21 percent of our national income, compared to just over 18 percent in 1992. So again, 3 percent more of this country's GDP goes to taxes than it did just 6 years ago. On average, every American—each and every American—is paying $10,298 this year in Federal, State and local taxes. On average, each American is paying $10,298 this year to support Government.

A typical family now pays more of its income in total taxes than it spends on food, clothing, transportation, and housing combined. More and more middle income families are being pushed into higher tax brackets every year.

Here is an example of the devastating "middle class tax squeeze." There are more than 20 million American workers today with annual earnings between $30,000 and $50,000. Before 1993, they paid income taxes at the 15 percent tax rate. But most of them have now been pushed into the 28 percent tax bracket, and that is due to inflation and economic growth. Worse still, they have to pay the 28 percent federal income tax rate on top of a 15.3 percent payroll tax.

This adds up, for average Americans making between $30,000 and $50,000, to a tax rate of 43 percent to the Federal Government, and that is without counting State, local, and other taxes. So for many Americans, making between $30,000 and $50,000 a year, they are paying about 50 percent of their income to support Government. So any gains the taxpayers might have made in wages have been snatched away by Washington in the form of a bigger tax bite. This is the most important reason for the late arrival of Tax Freedom Day.

People today work hard and then are penalized for their work. With punitive taxes, Washington makes the American dream of working hard for a better life more difficult, and even for some, it makes it impossible.

The only way we can effectively stop this and push back Tax Freedom Day is to terminate the Tax Code and replace it with one that promotes freedom and economic opportunity. We must repeal the 16th amendment and abolish the IRS.

We must create a new tax system that is fair, simple, and friendly to the taxpayers—when they no longer need to file a tax return with the IRS, and when their families' finances aren't revealed to Government bureaucrats, and when they are no longer penalized for getting or staying married—or for dying, for that matter—when everyone pays the same tax rate without any loopholes for any special interest groups, and when hidden taxes are eliminated and everyone can easily understand the tax laws. And finally, there will be no more IRS audits and abuse—because, again, we need to pull out the IRS by the roots to abolish the IRS entirely.

Pending fundamental tax reforms, Congress must provide meaningful tax relief to help alleviate the tax burden on working Americans.

That is why the recently-passed budget resolution reserves nearly $800 billion of the non-Social Security surplus over the next 10 years earmarking it for tax relief.

This proves that this Congress is committed to providing meaningful tax relief in 1999, while protecting Social Security and Medicare, reducing the national debt, and funding important national priorities.

This year's budget also includes my amendment calling on the Congress to place a priority on middle income tax relief by returning tax overpayments to those from whom it was taken.

It includes options for tax relief, such as a broad-based tax cut, marriage penalty relief, retirement savings incentives, death tax relief, health care-related tax relief, and education-related tax relief. If enacted, this will be the largest tax relief since the Reagan tax cuts of the 1980s.

Americans are frustrated by the late arrival of Tax Freedom Day. They are worried about their future economic security. And they also want the opportunity to put their dollars to work supporting their families, not supporting the Government.

We owe it to the American taxpayer to work together to fix the system through fundamental tax reform. We can do this through turning Tax Freedom Day from a day of disappointment into a day finally worth celebrating.

I thank the Chair, and I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 7 p.m., adjourned until Wednesday, May 12, 1999, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 11, 1999:

STATE JUSTICE INSTITUTE

FLORENCE K. MURRAY, OF RHODE ISLAND, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 2001. (REAPPOINTMENT)

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

STUART E. WEISBERG, OF MARYLAND, TO BE A MEMBER OF THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM EXPIRING APRIL 27, 2005. (REAPPOINTMENT)

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HEREWITH:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS ONE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

JAY M. BERGMAN, OF VIRGINIA
ROBERT STEPHEN BRENT, OF FLORIDA
MARY ALICE KLEINJAN, OF THE DISTRICT OF COLUMBIA
PAUL E. WEISENFELD, OF THE DISTRICT OF COLUMBIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS TWO, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

JOHN PATRICE GROARKE, OF THE DISTRICT OF COLUMBIA
TERRY LEE HARDT, OF TEXAS
CAROL HORNING, OF OHIO
ANA R. KLENICKI, OF VIRGINIA
EARLE G. LAWRENCE, OF MARYLAND
THOMAS H. STAAL, OF WISCONSIN

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

JEFFREY W. ASHLEY, OF ILLINOIS
ROBERTA MARIE CAVITT, OF ALASKA
AZZA EL-ABD, OF TENNESSEE
HOLLY LYNN FERRETTE, OF NEW JERSEY
ERIN ELIZABETH KINDER, OF CALIFORNIA
SARAH-ANN LYNCH, OF THE DISTRICT OF COLUMBIA
KRISTINE SMATHERS, OF CALIFORNIA
ZDENEK LUDVIK SUDA, OF PENNSYLVANIA

DEPARTMENT OF STATE

KATHERINE DUFFY DUEHOLM, OF SOUTH CAROLINA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF COMMERCE, THE DEPARTMENT OF STATE AND THE UNITED STATES INFORMATION AGENCY TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

SUSAN K. ARCHER, OF VIRGINIA
ROBIN ELIZABETH BLUNT, OF INDIANA
CHARLES EDWARD BOULDIN, OF CALIFORNIA
WILLIAM HARVEY BOYLE, OF ARIZONA
C. LEE BURTON, JR., OF VIRGINIA
VALERIE L. BUSS, OF PENNSYLVANIA
CAROLE J. BUTLER, OF FLORIDA
LUCY M. CHANG, OF MARYLAND
BETTY ANNE COMPTON, OF VIRGINIA
RICHARD L. CORRELL, OF VIRGINIA
THERESE A. COSTIGAN, OF VIRGINIA
JAMES M. CUNNINGHAM, OF CALIFORNIA
JOHN J. DAIGLE, OF LOUISIANA
BRYAN D. EDWARDS, OF VIRGINIA
ELIZABETH M. GRACON, OF VIRGINIA
BRIAN M. GRIMM, OF PENNSYLVANIA
JENNIFER JEANNE HALL, OF ALABAMA
PATRICK N. HANISH, OF WASHINGTON
DAVID CHRISTOPHER HANSON, OF ALABAMA
CLIFFORD D. HEINZER, OF NEW JERSEY
CATHERINE A. HERRING, OF NEW JERSEY
CHRISTINA MARIA HUTH, OF VIRGINIA
THOMAS E. KELLY, OF FLORIDA
DAVID ANDREW KRZYWDA, OF VIRGINIA
HELEN GRACE LA FAVE, OF NEW HAMPSHIRE
LAURA G. L[illegible]VENTIS, OF SOUTH CAROLINA
THOMAS L. MAASS, OF VIRGINIA
RAFIK MANSOUR, OF CALIFORNIA
ROBERT LYND MC KAY, OF FLORIDA
JOHN HOLMES MONGAN, OF MASSACHUSETTS
KENDALL DUANE MOSS, OF TEXAS
THOMAS W. OHLSON, OF FLORIDA
DEMITRA M. PAPPAS, OF NEW YORK
GWENDOLYN JILL PASCOE, OF NEW YORK
TERRYL A. PURVIS-SMITH, OF NEW JERSEY
JOHN WILLIAM RAINES, OF TENNESSEE
HEIDI NICOLE GOMEZ RAPALO, OF NEW JERSEY
CHARLENE L. ROBINSON, OF NEVADA
ALBERTO RODRIGUEZ, OF PUERTO RICO
KAREN M. RODRIGUEZ, OF PENNSYLVANIA
REBECCA A. ROSS, OF FLORIDA
AMY E. RUSSELL, OF NEW HAMPSHIRE
TRENT D. SCHERER, OF VIRGINIA
AMEER IBRAHIM SHALABY, OF MARYLAND
JOHN E. SIMMONS, OF CALIFORNIA
PATRICK I. SMELLER, OF HAWAII
COLLEEN F. STACK, OF CONNECTICUT
NICOLE D. THERIOT, OF ILLINOIS
ELIZABETH K. THOMPSON, OF WASHINGTON
ELLEN I. THOMPSON, OF VIRGINIA
RUPERT DACOSTA VAUGHAN, OF VIRGINIA
SUSAN C. WEBSTER, OF KENTUCKY
AMY RACHEL WENDT, OF THE DISTRICT OF COLUMBIA
DENNIS PEREN WILLIAMS, JR., OF NEW JERSEY
ELI THOMPSON WINKLER, OF NEW JERSEY
JULIAN T. WOLFE, OF MARYLAND
COREY D. WRIGHT, OF THE DISTRICT OF COLUMBIA
KAREN BETH ZARESKI, OF CALIFORNIA

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE AS INDICATED, EFFECTIVE DECEMBER 7, 1997:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

JAMES CURTIS STRUBLE, OF CALIFORNIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE AS INDICATED, EFFECTIVE FEBRUARY 16, 1997:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

JOAN E. GARNER, OF RHODE ISLAND
JEAN ANNE LOUIS, OF VIRGINIA
SHARON K. MERCURIO, OF CALIFORNIA
ROBIN LANE WHITE, OF MASSACHUSETTS

CONFIRMATION

Executive nomination confirmed by the Senate May 11, 1999:

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. RONALD T. KADISH, 0901.

HOUSE OF REPRESENTATIVES—*Tuesday, May 11, 1999*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. UPTON).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 11, 1999.

I hereby appoint the Honorable FRED UPTON to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to 5 minutes.

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

GUNS

Mr. BLUMENAUER. Mr. Speaker, our responsibility in Congress is to find ways for the Federal Government to be a better partner in making our communities more livable for American families, to ensure that they are safe, economically secure, and healthy.

Since I have been in Congress just 3 years, there have been eight multiple shooting deaths on our school campuses, with young children shooting other children and teachers. The epidemic of gun violence amongst our youth has tragic consequences in terms of loss of life, physical safety, the health of our community, to say nothing of the tremendous financial costs that are involved.

For all the attention to the Littleton massacre, this is, in fact, occurring every day. It is just that the pain is scattered from town to town, from city to city in isolated bursts that even without the massive national media coverage is nonetheless producing pain every bit as real.

Yesterday there was a conference at the White House on reducing gun violence amongst our children. It was assailed by some because it did not go far enough in suggesting steps that virtually every other country has done to reduce gun violence.

Over 5,000 American children are killed by firearms every year in this country. By contrast, only 15 people in the entire country of Japan were murdered with handguns last year. At the same time, it was attacked by apologists for gun violence, who contend that there really are no useful government initiatives to reduce gun violence other than stricter enforcement of laws, more prison time for criminals, and wider use of firearms.

I am heartened by the meeting and the discussion yesterday, because most Americans know that the people who hold the most extreme views are simply wrong. Just as there is no single identifiable cause of the Littleton tragedy, there is no single magic solution. But it is defeatist in the extreme and an abrogation of our responsibility as Americans, and especially as Members of Congress, to fail to do everything in our power to make a difference.

The research shows we can and that we will be supported by the vast majority of the American people if we do take action. For example, we must stop the travesty of allowing the gun industry to operate without protections for public health.

There ought to be the same scrutiny applied to real guns as applied to toy guns as far as consumer protections are concerned. We should not sell one more new gun in this country that does not tell us if there is a bullet in the chamber.

There ought to be no loopholes for the background check requirements of the Brady bill, which has prevented more than a quarter million known felons from buying weapons. We ought to extend that prohibition to deny people with a history of violent and reckless behavior the ability to purchase and own firearms.

The Federal Government should select a date in the near future when it will require that all the guns that we supply to our thousands of employees will be personalized so that that weapon cannot be used against them.

We ought to assure that people who manage their guns in a reckless fashion are held accountable. We ought to make the child access law pioneered years ago in Florida the law of the land, protecting families everywhere.

The leadership in this Congress ought to have the courage to insist that the proposals be debated in the House Representatives as they are this wee in the Senate.

Once this sees the light of day on t floor of the House, we will find that, fact, there are men and women in bot parties who have the conscience, hav the conviction to stand up to t apologists for gun violence and tal these simple, common-sense steps reduce the tragic toll that gun violen has had in our communities.

An important first step will be t Comprehensive Child Violence Prote tion Act introduced by the gentl woman from New York (Mrs. MCCA THY). I urge my colleagues to join m in cosponsoring her legislation and urge the Republican leadership to f nally find it in their hearts to allo this to be debated on the floor of th House.

The carnage of Littleton will occu again today in dozens of instance across America. I hope that this is th last day that Congress is missing in a tion and that this Congress finall steps forward to do all it can to prote our families and their children fro senseless gun violence.

TAX FREEDOM DAY

The SPEAKER pro tempore. Unde the Speaker's announced policy of Ja uary 19, 1999, the gentleman fro North Carolina (Mr. JONES) is reco nized during morning hour debates f 5 minutes.

Mr. JONES of North Carolina. M Speaker, today, May 11, is Tax Fre dom Day, which means, if the gover ment began taking every dime of one paycheck on January 1 of this yea one would have spent, on average, th last 131 days working just to pay one local, State, and Federal taxes.

We call it Tax Freedom Day, but th year we really do not have much to ce ebrate. We have spent more days wor ing for the government than we d last year. A later Tax Freedom Day i dicates an ever-increasing national ta burden.

Mr. Speaker, the citizens of th country cannot afford any more taxe The typical American family alread spends more than 38 percent of its i come on taxes. That is more than mos families spend on food, clothing, she ter, and transportation combined. I fact, the average American spends a most 3 hours of a typical 8-hour da working for the government.

Mr. Speaker, we cannot continue t expect our hard-working families t

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

shoulder the debt of a big government that routinely spends outside of its means. It is unacceptable that Americans must work at least 5 months of the year just to pay their taxes.

While taxes have continued to mount, so, too, has the Tax Code. Growing more complex, the Tax Code now totals nearly 3,000 pages. Mr. Speaker, the tax burden on our American families is out of control.

Since gaining the majority in 1994, this Congress has continued working to put more money back in the pockets of hardworking Americans. We balanced the Federal budget. We passed the first tax relief in 16 years, and now we have the first budget surplus in generations. Today, the current tax rate is between 1.2 and 2 percent lower than just 2 years ago. Now it is time, Mr. Speaker, to build upon that momentum.

Mr. Speaker, I have supported legislation to abolish the current Tax Code in hopes of establishing a flat tax or a national sales tax. In addition, I supported legislation to abolish some of the most outrageous and unfair taxes in our American families, like the death tax, marriage tax, and capital gains tax. Personally, I have introduced legislation to offer a tax credit for our military personnel.

Mr. Speaker, the Republican Congress continues to prove to the American people its commitments to lower taxes. But we cannot stop now. Lower taxes always should be a top priority. That requires cooperation between Congress and the administration.

This Congress and Congresses of the future must always remember that this money belongs to the people, and we must make every effort to return it to the people.

I hope that the next person elected to serve as President of the United States makes a commitment to simplify the Tax Code to ensure its fairness for the citizens of this country.

Mr. Speaker, today we observe Tax Freedom Day. Let us now continue working to make sure that next year Tax Freedom Day falls on a day we can all celebrate.

TURKISH-KURDISH CONFLICT MUST BE RESOLVED

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from New Jersey (Mr. PALLONE) is recognized during morning hour debates for 5 minutes.

Mr. PALLONE. Mr. Speaker, as our military campaign in the Balkans continues, with the noble goal of stopping the ethnic cleansing that the dictator Milosevic has perpetrated against the Kosovar Albanian people, another similar atrocity continues to be perpetrated in the mountains of eastern Turkey against the Kurdish people.

There is a crucial difference between the situations in Kosovo and in Kurdistan. In the case of Kosovo, the forces of NATO are being used to stop the murderous rampage unleashed by Milosevic. But the Turkish regime that is responsible for the war against the Kurds is actually a member of NATO.

Unfortunately, because Turkey is viewed as a strategic ally of the U.S. and the West, the plight of the Kurds in Turkey has not been given adequate attention by the United States. In fact, Mr. Speaker, we may actually be contributing to the oppression of the Kurds.

The issue of Turkey's war on the Kurds and American support for Turkey was brought into sharp focus earlier this year with the apprehension of Abdullah Ocalan, the leader of the Kurdish independence movement. Mr. Ocalan has been fighting for autonomy for the Kurdish people, who are the victims of oppression by Turkey as well as Iraq, Iran and Syria.

Mr. Speaker, the Turkish regime refuses to even acknowledge the Kurds' existence, referring to them as "mountain Turks", prohibiting all expression of Kurdish culture and language in an effort to forcibly assimilate them, while jailing, torturing, and killing Kurdish leaders.

It is true that the Kurdish communities in Iraq, Iran and Syria also suffer terribly, and we should keep in mind the fate of the Kurds in those countries—indeed, the U.S.-led Operation Provide Comfort in Northern Iraq is an action we can all be proud of. But, frankly, we tend to expect egregious human rights violations to occur under the Iraqi, Iranian and Syrian regimes. Turkey, on the other hand, is a member of NATO, touted as a democracy, a participant in Operation Allied Force. Turkey has received over the years millions of dollars in economic and, especially, military assistance courtesy of the American taxpayer. We have a right to expect better, and Turkey, as a member of NATO and a candidate for the European Union has an obligation to do better.

Furthermore, the mistreatment of the Kurdish population of Turkey is not the only example of Turkey's blatant violation of American values, ideals or interests. The continued occupation of Northern Cyprus and the blockade against Armenia are two other glaring examples where Turkey pursues the kind of policies that we should not accept from any nation, but particularly one of our allies.

Mr. Speaker, I was appalled when it was reported that American intelligence and diplomatic services actually helped a Turkish commando team to capture Mr. Ocalan in Kenya in February of this year. This shameful collaboration with Turkey has resulted in Mr. Ocalan being held in solitary confinement on an island prison in Turkey. He will be tried in a secret military-type court with no jury and no foreign observers.

The prosecutors are seeking the death penalty. There is little hope that Mr. Ocalan will receive a fair trial. In fact, the debate in the Turkish press is not about whether he will get a fair trial but rather when he will be executed.

According to a recent report by Amnesty International, Mr. Ocalan's defense lawyers are routinely beaten and harassed by Turkish police. The police have even tried to incite public riots against the defense team. The lawyers and their families have received telephone threats.

I should point out that this is in violation of the United Nations Basic Principles on the Role of Lawyers, which states that lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

In the United States and in other countries where the rule of law is respected, we believe that everyone, even the most unpopular defendants, has a right to a fair trial. There is no place for a lynch mob mentality.

After 3 months in solitary confinement, denied proper access to his lawyers and being constantly guarded by armed soldiers wearing ski masks, Mr. Ocalan may be suffering a psychological breakdown. All of his meetings with his lawyers are monitored. It is quite possible that he has been subjected to torture.

But if Turkey does go ahead and hang Mr. Ocalan, the result would be to create a martyr for the Kurdish people and to unleash an all-out civil war that would be disastrous for all the people of the region, both Turks and Kurds. Such an outcome is not in anyone's interests, not that of Turkey, not the Kurdish people, not the neighboring countries, certainly not the United States.

Mr. Speaker, in order to encourage the U.S. Government to play a constructive role in heading off a crisis in Turkey, my colleague, the gentleman from California (Mr. FILNER), and I will be circulating a letter this week asking our colleagues to sign a letter to President Clinton urging his intervention, to implore that the Turkish authorities show some basic fairness in trying Mr. Ocalan and to spare his life.

The government of Turkey's undeclared war on the Kurds has claimed close to 40,000 lives and caused more than 3 million people to become refugees. Before his arrest, Mr. Ocalan had announced that he was ready to renounce violence and negotiate, but Turkey did not even consider the request. Even worse, Mr. Speaker, the United States did not encourage such negotiations to begin.

Mr. Speaker, it is my belief that it would be more appropriate to have an International Tribunal prosecute Mr. Ocalan since Turkey is at war with the Kurds and cannot be expected to conduct a fair trial. Seeking a fair trial for Mr. Ocalan should be the first step in our efforts to press Turkey to enter into negotiations to achieve a political solution to this tragic struggle.

What is truly tragic about the conflict between the Turkish regime and the Kurdish people is that the Turkish and Kurdish people have not always lived in conflict. There is hope that reconciliation could occur but only if the Turkish authorities recognize the rights and distinct identity of the Kurds and finally halt their goal of controlling and conquering the Kurds.

TAX FREEDOM DAY

The SPEAKER pro tempore (Mr. UPTON). Under the Speaker's announced policy of January 19, 1999, the gentleman from Texas (Mr. SAM JOHNSON) is recognized during morning hour debates for 5 minutes.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I want to wish all Americans a happy Tax Freedom Day. Americans are now free from the Federal shackles on their income. And, this year, all American citizens worked for the government longer than in any previous year.

Today Americans start working for themselves and not the Federal Government. Starting today, the money all Americans earn goes to their families rather than the Washington bureaucracy.

This government is taking too much money out of our pockets. In fact, the average American will spend nearly 3 hours of each 8-hour working day just to pay taxes. Most of the time, almost 2 hours, will be spent working to pay Federal tax; and the remainder, 54 minutes, will be spent working to pay State and local taxes.

For too long the Federal Government has increased taxes on our businesses, our seniors, our families, our children. We need to take our money away from the Federal Government, away from the bureaucrats and give it back to the American people. After all, American workers have earned it.

My colleagues on the other side of the aisle believe all working Americans' money belongs to the Federal Government. I disagree. It is the money of all those hard-working Americans; and Americans want, need and deserve a refund now.

Let us help America. Let us give the people what they deserve: tax relief that is long overdue.

SECURITY FAILURE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, in a press conference in March of this year, the President was asked, "Can you assure the American people that under your watch no valuable nuclear secrets were lost?" The President answered, "Can I tell you that there has been no espionage at the lab since I have been President? I can tell you that no one has reported to me that they suspect such a thing has occurred."

Mr. Speaker, on May 3, The New York Times reported a secret report was given to top Clinton administration officials, including the National Security Adviser Samuel Berger, in November of 1998 that warned, "China posed an acute intelligence threat to our government's nuclear weapons laboratory and that computer systems at the labs were being constantly penetrated by outsiders."

If the President stated in a press conference not more than 2 months ago that, "no one has reported to me that they suspect such a thing", while the top national security adviser in the Clinton administration received a classified report about Chinese espionage just 6 months ago, are we to assume that the President was never briefed upon this report?

Energy Secretary Bill Richardson acknowledged on Meet the Press this past Sunday that, "There have been damaging security leaks." Obviously, National Security Adviser Samuel Berger was aware of the security leaks of the intelligence report warning the administration.

What is the truth, Mr. Speaker? The administration cannot have it both ways. Either Mr. Berger failed in his responsibility of notifying the President or the President in March misled our Nation about reports of espionage.

The Times further reported that, "In April of 1996, Energy Department officials briefed Mr. Berger on the case and how it related to China's nuclear strategy. Mr. Berger took no action and did not inform the President of the matter, White House officials have said." That is what we believe.

How is Mr. Berger still on the job, Mr. Speaker? There are many troubling issues involved in the suspected spy case emanating from the Los Alamos National Laboratory, and I think one of the most troubling is that the suspected Chinese American spy, Wen Ho Lee, was under investigation by the FBI back in 1997. They wanted to monitor Lee's telephone conversations and to access his computer, but the Justice Department denied this request. Why?

This case may be the worst espionage committed against our Nation, and the Justice Department quickly denied our chief policing and policy and domestic counterintelligence agency the tools to conduct a proper investigation. Why?

Intelligence officials privately state that a denial of such a request is extremely rare. It hardly ever happens. Why did it occur in this case, when the evidence indicated that efforts were under way to steal our most classified information about our most deadly nuclear weapons?

What is even more shocking is that the FBI told Energy Department officials in April of 1997 that they could transfer Mr. Lee to a less sensitive job. What did these officials do? They, instead, gave Mr. Lee the job of updating a computerized archives of nuclear secrets. Here we have a suspect possibly passing information about our most secure weapons and the Energy Department places him in charge of their computer upgrades.

In addition, the Energy Department allows Mr. Lee to hire his own personal assistant. The person he happened to hire was a Chinese graduate student who has, since this story has broke, disappeared.

The FBI has determined that in February of this year Lee tried to delete evidence that he had improperly transferred more than 1,000 computer files containing nuclear secrets.

Mr. Speaker, what is going on here? The Justice Department, the Energy Department, the administration all had this evidence. There have been no arrests, and the administration continues to drag its feet in the release of the Cox report.

Have we allowed our judgment of China's conduct to be clouded by our desire for trade with China? Have we allowed the White House to compromise the security of every man, woman and child in our Nation for the desire for more profits? I earnestly pray that this is not true.

Mr. Speaker, I submit for the RECORD the recent AP story from Sunday entitled Richardson Says China Stole Secrets on Clinton Watch.

[From Reuters, May 9, 1999]

RICHARDSON: CHINA STOLE SECRETS ON CLINTON WATCH

WASHINGTON—Energy Secretary Bill Richardson said Sunday the Chinese government had obtained nuclear secrets during the Clinton presidency—something the administration had previously denied.

Speaking on NBC television's "Meet the Press" show, Richardson admitted security breaches had occurred during the Clinton presidency, despite denials by the president.

"There have been damaging security leaks," Richardson said. "The Chinese have obtained damaging information . . . during past administrations and (the) present administration."

In a March news conference, President Clinton denied the Chinese had secured nuclear secrets during his presidency.

"To the best of my knowledge, no one has said anything to me about any espionage which occurred by the Chinese against the labs, during my presidency," Clinton said then, referring to allegations of security breaches at the Los Alamos National Laboratory in New Mexico.

But The New York Times reported a week ago that counter-intelligence officials had told the Clinton administration in November that China posed an "acute intelligence threat" to nuclear arms labs.

The Times disclosed in March that a scientist at Los Alamos, Wen Ho Lee, was suspected of helping China obtain arms secrets. China has repeatedly denied the charges and the scientist last week rejected the accusations against him.

The Senate intelligence committee said in a report last week that China gained technical information from U.S. companies during satellite launches which will improve its missiles and could threaten the United States.

The report capped a 10-month investigation by the committee into the impact on U.S. national security of advanced satellite technology exports to China.

Senator Richard Shelby, chairman of the intelligence committee, said Sunday, "This is probably the most serious espionage we have had in this country in modern times."

Shelby said his committee's investigation uncovered "very suspicious banking relationships" which would need further investigation. The Republican from Alabama said millions of dollars were funneled to a small bank in the United States from China, possible as political campaign donations.

Bob Kerrey, the ranking Democrat on the intelligence committee, agreed there had been leaks at the Los Alamos lab.

"I have no doubt there has been Chinese espionage at these nuclear labs," the Nebraska senator said. "I have no doubt the efforts to reduce the risk of that espionage was sloppy and not well coordinated and as a consequence has been damaging to the people of the United States."

Despite the breaches, Kerrey said, the threat to Americans was not on the scale suggested by Shelby.

"This is a very serious case of espionage, a very serious breach of security at the labs, but its very important for us not to overestimate the threat," he said.

COMMEMORATING ASIAN PACIFIC AMERICAN HERITAGE MONTH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Guam (Mr. UNDERWOOD) is recognized during morning hour debates for 5 minutes.

Mr. UNDERWOOD. Mr. Speaker, I come to the floor to announce that this month, May, is Asian Pacific American Heritage Month. This month is meant to celebrate the many contributions of Asian and Pacific Islander Americans to the fabric of American life.

As the Chair of the Congressional Asian Pacific American Caucus for the 106th Congress, I wish to draw attention to this month as a time to honor, remember and celebrate the Asian and Pacific Islander Americans who live in each one of our congressional districts. In fact, 65 congressional districts have a population of at least 5 percent APA and some 28 have over 10 percent APA in their districts.

This celebration dates back to the legislation introduced by former Representative Frank Horton in 1978, establishing Asian Pacific American Heritage Week to draw attention to this population. In 1990, the week was extended to a month, and it was not until 1992 that legislation was passed to make APA a permanent occasion during May of every year.

This is a particularly critical time to reflect upon the conditions and the contributions of Asian Pacific Americans. They are a growing part of our population, and they make major contributions to every facet of our life, from science to sports, from education to entertainment, from culture to commerce.

Asian Pacific Americans are major players and major movers in our American life. Yet, despite their success, they continue to experience various forms of discrimination; and some communities experience many difficulties in education and the economy. And they are, of course, subject to the ups and downs of our country's relationships with various countries in Asia and the Pacific.

We should all take the time to celebrate the success of individual APAs, like Junior Seau, the outstanding linebacker for the San Diego Chargers; David Ho, who was Time magazine's 1996 Man of the Year for his research on AIDS; Josie Natori, a highly acclaimed designer who recently received the Ellis Island Medal of Honor; Jerry Yang, the former Stanford Ph.D. student who cofounded Yahoo; and Seiji Ozawa, who is in his 24th season as music director for the Boston Symphony Orchestra.

But we must also take the time to acknowledge that there can be a thin line in American society between celebration and condemnation. Sometimes we are quick to praise individuals from various communities that make up the fabric of American life but we can be just as quick to stereotype and stigmatize the communities from which these individuals come from. Immigrant bashing, hate crimes, wholesale characterizations about this or that group are not only hurtful, they are disrespectful and harm our entire society.

We are in the midst of a series of charges and countercharges about espionage at the Department of Energy labs, alleged fundraising from foreign sources; and our relationship with the People's Republic of China is probably at its lowest point during this decade. We all have a serious responsibility to make clear and understandable distinctions between the activities of foreign agents, criminal spies and the Asian Pacific American communities which help make this country strong and vibrant.

There is much media coverage today about Chinese spying and illegal Chinese fund-raising. It is all too easy to blur any distinction between those who are operating outside the law and at the behest of foreign governments and the Asian Americans who live next door, who work at Silicon Valley and who work tirelessly in defense and energy laboratories around the country. Asian Americans have contributed enormously to our technological lead in the world, and they contribute to our military and economic strength in ways that all of us should be proud of and grateful for.

Let us be clear. The overwhelming and vast majority of Asian Pacific Americans are not just industrious, they are as loyal to America as all their fellow Americans. The preponderance of stories about the espionage may lead to the same result that we had a few years ago when the stories about illegal fundraising first surfaced. Individual Asian American citizens around the country had additional questions asked of them, found it a little more difficult to get appointments with elected officials, were asked to verify the origins of their campaign donations in ways that others were not.

The illegal fund-raising stories had a chilling and direct effect on the lives and the political participation of Asian Americans around the country. Let us make sure that the current rash of stories and the current state of our relationship with China has no impact upon the lives or the economic or employment opportunities of individual Asian Americans around the country.

We in Congress have a special responsibility to make sure that our sentiments about these matters of espionage is clearly separate from any reflection upon the ethnic communities in our country.

Mr. Speaker, I would like to thank the Energy Secretary, Bill Richardson, for his sensitivity to APA concerns; and I encourage all Members to attend the numerous planned APA activities in their home district this month. And the APA caucus will also be organizing a special order commemorating Asian Pacific American Heritage Month.

As we deal with the Cox Report, as we deal with the Department of Energy revelations, as we deal again with the charges about fund raising, let us remember that it is a thin line between celebration and condemnation, between singing praise and stereotyping.

On this note, I take this opportunity to thank Energy Secretary Bill Richardson for his sensitivity to APA concerns, and also on agreeing to speak at the Asian Pacific American Institute for Congressional Studies Gala.

There are numerous activities planned by Asian Pacific American groups this month to celebrate our diverse heritage. I urge every member's participation in these activities.

The Congressional Asian Pacific American Caucus will also be organizing a special order in May commemorating Asian Pacific American Heritage Month.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 12 o'clock and 58 minutes p.m.), the House stood in recess until 2 p.m.

☐ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PEASE) at 2 p.m.

PRAYER

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

As individuals we know how satisfying it is to affirm that You, O God, are the personal God who cares about our own needs and petitions. We know, too, how easily we can try to make Your nature so it fits with our own personal background or with our own particular Nation or with our own private interest. Yet, at our best moments we celebrate that You are God of all creation, that You are the judge of every people and Nation, and You have forgiveness and mercy available to every person. Help us, gracious God, to lift our vision of Your presence in our lives and of Your place and power in the universe so we see You as the creator and redeemer of all who seek Your grace. In Your name we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from West Virginia (Mr. RAHALL) come forward and lead the House in the Pledge of Allegiance.

Mr. RAHALL led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

TAKES ONE-THIRD OF THE YEAR TO PICK UP THE TAB FOR OUR BLOATED GOVERNMENT BUREAUCRACY

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, Katherin Whitehorn once said, "The easiest way for our children to learn about money is for you to have none." Well, if Katherin Whitehorn is right, then the first 130 days of this year America's children have earned their doctorate on money because during this time every penny earned by the hard-working men and women of this Nation has been taken away by local, State and Federal Government taxation. It did not go to pay for kids' education, it did not go to pay for the home mortgage, and it did not go to pay medical expenses. Instead, it all went to expanding government bureaucracies.

Mr. Speaker, fully one-third of this year's effort of these hard-working Americans was spent just to pick up the tab of this bloated government bureaucracy. Decades of unchecked growth and deficit spending by the tax and spenders has left hard-working men and women of this country with this crushing tax burden.

The vast majority of Americans do not object to paying their fair share of taxes, but they do object to the suffocating level of taxation that exists today.

Mr. Speaker, for our children's sake let us allow hard-working families to keep more of their money, not less. I urge all of my colleagues to support meaningful tax reform this year.

OUR NUMBER ONE SECURITY THREAT

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, China has accused America of deliberately bombing their embassy in Yugoslavia. That is unbelievable, and experts cannot believe this. I am not surprised. In fact, China has always considered America as their arch enemy.

Let us tell it like it is today:

The bombing of the Chinese embassy was an honest mistake. The Chinese fallout is no mistake. The reality is evident and clear. The number one security threat facing the American people is China. I might add it has been financed with American dollars.

I yield back all the missiles pointed at the United States of America, Mr. Speaker. Beam me up.

CHILD SEXUAL ABUSE MUST NOT BE TOLERATED

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, May is Victims of Pornography Month. Today I want to mention an outrage:

The American Psychological Association recently published a study suggesting that sexual relationships between adults and children are less harmful than believed and might actually be positive for "willing" children.

My colleagues heard correctly.

The authors of this study attacked the term "child sexual abuse" in favor of the term "adult-child sex." They conclude that child sexual abuse is not wrong unless the adult sexual encounter is unwanted by the child.

May I suggest that this outrageous junk science, as Dr. Laura Schlessinger calls it, is very offensive? All of us who are parents should be offended by this effort to normalize child sexual abuse. Child sexual abuse does result in long-term psychological harm, and it must not be tolerated.

Shame on the American Psychological Association for giving a foru for such dangerous and unprofessiona propaganda for pedophilia.

THERE WILL NEVER BE A BETTE OPPORTUNITY TO CUT TAXES

(Mr. KNOLLENBERG asked and wa given permission to address the Hous for 1 minute and to revise and exten his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, rise today in recognition of Tax Freedom Day and to reiterate my call fo lower taxes.

According to the nonpartisan Ta Foundation, the average American wi have to work 131 days or until May 1 that is, today, just to pay his or he taxes.

This graph says it all.

I believe it is outrageous. Clearly th time has come for Congress and th President to cut taxes so the America people can keep more of their hard earned money.

Taxes are at an historic high, highe than World War II. With a strong economy and the Federal Government running a surplus, there will never be better time than today to cut taxes.

This year's budget calls for 800 billion in reduction in Federal taxes ove the next 10 years. This much-neede tax cut will strengthen working families and keep our economy moving forward.

Mr. Speaker, I urge my colleagues t work together this year to ensure tha the American people receive the tax relief they deserve and not this.

INTRODUCTION OF NATIONA PEACE OFFICERS MEMORIA DAY RESOLUTION

(Mr. HEFLEY asked and was give permission to address the House for minute.)

Mr. HEFLEY. Mr. Speaker, on Ma 15, peace officers from around the country will travel to Washington for a da of commemoration and honor for fellow officers slain in the line of duty The National Peace Officers Memoria Day serves as a solemn reminder of th sacrifice and commitment to safet that these men and women make o our behalf. I am joined by over 130 o my colleagues as I introduce today resolution that expresses the gratitud of the House of Representatives for th work these officers perform.

There are currently more than 700,00 men and women who place their live at risk every day as they serve as th guardians of law and order. Every yea approximately 1 in 9 officers is assaulted, 1 in 25 officers is injured, an 1 in 4,400 officers is killed in the line o duty. Last year 158 officers were kille in the line of duty, and about 60,00 were injured.

While the crime of murder has been reduced on the national level, the murder rate of peace officers has tragically risen.

Mr. Speaker, I hope all of my colleagues will join me in expressing our appreciation to all peace officers in paying tribute to those slain in line of duty and to their surviving families.

PROSTATE CANCER WAKE-UP CALL

(Mr. BOEHLERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOEHLERT. Mr. Speaker, in 1999 over 179,000 men in the United States will be diagnosed with prostate cancer. Everyone has a story. One of the most heartwarming stories is that of New York Yankee skipper Joe Torre. While the latest news reports that Joe Torre's surgery has successfully removed the cancer from his body and he will be back on the job soon, news of his condition should serve as a wake-up call for all middle aged men.

In 1999, Mr. Speaker, an estimated 37,000 men will die from prostate cancer. The good news is that this type of cancer is easily treatable if it is found in the early stages, as it was with Torre. A routine physical examination provided to all the Yankees led to the diagnosis. The Yankees are not only champions on the field where America's pastime is played, the organization is also a champion off the field, whereas in the case of appropriate preventive care timely action saves lives.

Another well-deserved salute to George Steinbrenner and the Yankees management.

In Congress, Mr. Speaker, we must continue to support funding for ongoing research into the cause and cures of prostate cancer. I join all Yankee fans everywhere, and there is no bigger fan than me, in wishing Joe Torre a speedy recovery. He is a glowing example of how we can beat cancer.

A TAX SYSTEM THAT REWARDS HARD WORK AND SACRIFICE

(Mr. DEMINT asked and was given permission to address the House for 1 minute.)

Mr. DEMINT. Mr. Speaker, each year working moms and dads face more and more stress over paying their tax bill. This year the average taxpayer must give up nearly 5 months of paychecks just to pay their share of local, State and federal taxes. Those of us in the majority believe our constituents should keep more of their hard earned money. We know that they are spending more hours at work and less time at home. That is why we are going to eliminate our burdensome Tax Code and replace it with a new tax system that rewards work and sacrifice, a tax system that makes dreams of a new home, a secure retirement or a better life for their children a reality. They should be able to spend their paycheck before Washington does.

Mr. Speaker, that is why we are working to make sure every day is Tax Freedom Day, where one can wake up knowing that there is more money in their pocket and more freedom to pursue their dreams.

FREEWAY CONSTRUCTION PROJECT BEING HELD HOSTAGE BY A FLY

(Mr. CALVERT asked and was given permission to address the House for 1 minute.)

Mr. CALVERT. Mr. Speaker, the Endangered Species Act passed in 1973 was well-intentioned legislation. But the Fish and Wildlife Service, especially in California, is working outside of the ESA and undermining the original intent.

The Galena Interchange is a freeway construction project in my district that is being held hostage by the Delhi Sands flower-loving fly. The Galena Interchange is not an expansive new highway program. We are not talking about building a new six-lane highway. It is a simple project connecting Interstate 15 to Galena Street, and it has received $20 million in Federal, State and local funds last year to correct the commuters' nightmare.

After plans have been designed and the funds allocated, Fish and Wildlife claims that the county needs to establish a preserve for the Delhi Sands flower-loving fly and wants as many as 200 acres of the Inland Empire's priciest industrial lands for habitat mitigation. Two hundred acres could cost as much as $32 million, 32 million for a $20 million project. On top of all this, not one fly has been found in this area. Apparently the Branch Chief of the Carlsbad Fish and Wildlife Office heard the buzz of the fly but did not see it and now wants $32 million.

We need common sense reform. Support this legislation.

CONGRATULATING ST. PATRICK HOSPITAL IN MISSOULA, MONTANA

(Mr. HILL of Montana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.).

Mr. HILL of Montana. Mr. Speaker, I want to take this opportunity to recognize the National Hospital Week, a time when we pay tribute to our Nation's hospitals and health systems and the workers and the volunteers and the other health professionals who are there 24 hours a day, 365 days a week, curing and caring for their neighbors, the folks who need them. An example of this dedication is St. Patrick Hospital in Missoula, Montana. I want to commend St. Patrick Hospital for receiving the American Hospital Association's 1999 NOVA award.

NOVA awards spotlight innovative community partnerships that respond to community needs. St. Patrick Hospital is the 1999 NOVA award winner for giving people a sense of hope that their lives will improve and be more secure, and that is exactly what the residents in the low-income neighborhoods served by St. Patrick needed. The hospital formed the Healthy Neighborhood Project. Healthy neighborhoods offer a down payment assistance for first-time home buyers and supports a tool lending library. It is also helping to build a new playground and sponsors a summer reading program at the local elementary school.

I am very proud to recognize St. Patrick for its achievements. It is a stellar example of a hospital that is making a difference in its community.

NOW IS THE TIME TO PROVIDE TAX RELIEF FOR WORKING FAMILIES

(Mr. GREEN of Wisconsin asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN of Wisconsin. Mr. Speaker, I rise today as an advocate for the taxpayers of northeastern Wisconsin. See, today, as my colleagues have already heard, is the day when Americans finally stop working for the Federal Government and start working for their own families. The average American works 131 days just to pay his or her taxes.

Mr. Speaker, I am sad to report that this year Tax Freedom Day is the latest ever.

□ 1415

As a matter of fact, Tax Freedom Day has moved back 11 days since 1993. This is unacceptable, and I believe it is time for this Congress to act.

One of my constituents, Jane Savides of Appleton, recently wrote me about the excessive burden of taxes on her family. Jane writes, quote, we just put our taxes in the mail today, and as usual we owe the government more money. We all have to put food on the table, buy clothes and save for college. We have been putting more money away for our kids' education, but the more we save for them the more we get hit with taxes.

I could not agree with Jane more. I appeal to my colleagues, now is the time to provide real tax relief to families like the Savides family. It is time to give all of our constituents true freedom, the freedom to earn more money.

TAX FREEDOM DAY 1980–1999

(Mr. GUTKNECHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTKNECHT. This chart is labeled Tax Freedom Day, 1980 through 1999. Just look at the chart. Look at how we are moving.

In 1994, Tax Freedom Day was May 2. In 1995, it was May 3. In 1996, it was May 5. In 1997, it was May 7. Last year, it was May 10; and this year, today, May 11 is Tax Freedom Day. Finally, Americans get to start working for themselves.

This is not the right road to the 21st century. Ronald Reagan was able to actually push back Tax Freedom Day from May 4 to April 27, but since then we have lost ground.

Many people say we should meet the President halfway, but we should never meet the President halfway on the road going in the wrong direction.

THE ADMINISTRATION HAS AUTHORIZED THE KILLING OF GRAY WHALES

(Mr. METCALF asked and was given permission to address the House for 1 minute.)

Mr. METCALF. Mr. Speaker, the day we have all dreaded has arrived. After years of U.S. policy in opposition to commercial whaling, the Clinton-Gore administration is reopening whaling. In northwest Washington State it will begin within a few days. The McCaw tribe has been authorized by this administration to begin killing gray whales.

Whales have been protected in the U.S., and these whales have learned not to fear boats. In fact, a multimillion dollar whale watching industry has developed, but that is all changing. Once the U.S. allows whale killing based on cultural subsistence, what can we say to Japan and Norway and the other nations that want to go commercial whaling?

This is a tragic day, and we will regret that this has happened.

TAXPAYERS ARE FINALLY FREE OF THE TAXMAN

(Mr. CHABOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHABOT. Mr. Speaker, here is a subject we will never hear the other side talk about. That is Tax Freedom Day. Tax Freedom Day is the day where the taxpayer is finally free of the taxman and is finally working for himself or working for herself.

As of yesterday, the average taxpayer was still working to pay his or her taxes, Federal, State and local.

When Bill Clinton took office in 1993, Tax Freedom Day was April 29, according to this chart. The next year, it was April 30; and it was May 2 the year after that. Last year, it was May 10; and this year it is May 11.

As we can see from this chart, we have come a long way from 1981 when it was May 4, before the Reagan tax cuts pushed the day back about a week.

This is not progress, in my book. American taxpayers have less and less freedom, and government has more and more power over our lives. Tax Freedom Day, it is a concept that puts in stark terms just how much of our income we have to send to the government before we are free at last. Let us finally cut taxes in this country.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE). Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules, but not before 6 p.m. today.

FASTENER QUALITY ACT AMENDMENTS ACT OF 1999

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1183) to amend the Fastener Quality Act to strengthen the protection against the sale of mismarked, misrepresented, and counterfeit fasteners and eliminate unnecessary requirements, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1183

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fastener Quality Act Amendments Act of 1999".

SEC. 2. FINDINGS AND PURPOSE.

Section 2 of the Fastener Quality Act (15 U.S.C. 5401) is amended to read as follows:

"SEC. 2. FINDINGS.

"The Congress finds that—

"(1) the United States fastener industry is a significant contributor to the global economy, employing thousands of workers in hundreds of communities;

"(2) the American economy uses billions of fasteners each year;

"(3) state-of-the-art manufacturing and improved quality assurance systems have dramatically improved fastener quality, so virtually all fasteners sold in commerce meet or exceed the consensus standards for the uses to which they are applied;

"(4) a small number of mismarked, misrepresented, and counterfeit fasteners do enter commerce in the United States; and

"(5) multiple criteria for the identification of fasteners exist, including grade identification markings and manufacturer's insignia, to enable purchasers and users of fasteners to accurately evaluate the characteristics of individual fasteners.".

SEC. 3. DEFINITIONS.

Section 3 of the Fastener Quality Act (15 U.S.C. 5402) is amended to read as follows:

"SEC. 3. DEFINITIONS.

"As used in this Act, the term—

"(1) 'accredited laboratory' means a fastener testing facility used to perform end-of-line testing required by a consensus standard or standards to verify that a lot of fasteners conforms to the grade identification marking called for in the consensus standard or standards to which the lot of fasteners has been manufactured, and which—

"(A) meets the requirements of ISO/IEC Guide 25 (or another document approved by the Director under section 10(c)), including revisions from time to time; and

"(B) has been accredited by a laboratory accreditation body that meets the requirements of ISO/IEC Guide 58 (or another document approved by the Director under section 10(d)), including revisions from time to time;

"(2) 'consensus standard' means the provisions of a document that describes fastener characteristics published by a consensus standards organization or a Federal agency, and does not include a proprietary standard;

"(3) 'consensus standards organization' means the American Society for Testing and Materials, the American National Standards Institute, the American Society of Mechanical Engineers, the Society of Automotive Engineers, the International Organization for Standardization, any other organization identified as a United States consensus standards organization or a foreign and international consensus standards organization in the Federal Register at 61 Fed. Reg. 50582–83 (September 26, 1996), and any successor organizations thereto;

"(4) 'Director' means the Director of the National Institute of Standards and Technology;

"(5) 'distributor' means a person who purchases fasteners for the purpose of reselling them at wholesale to unaffiliated persons within the United States (an original equipment manufacturer and its dealers shall be considered affiliated persons for purposes of this Act);

"(6) 'fastener' means a metallic screw, nut, bolt, or stud having internal or external threads, with a nominal diameter of 6 millimeters or greater, in the case of such items described in metric terms, or ¼ inch or greater, in the case of such items described in terms of the English system of measurement, or a load-indicating washer, that is through-hardened or represented as meeting a consensus standard that calls for through-hardening, and that is grade identification marked or represented as meeting a consensus standard that requires grade identification marking, except that such term does not include any screw, nut, bolt, stud, or load-indicating washer that is—

"(A) part of an assembly;

"(B) a part that is ordered for use as a spare, substitute, service, or replacement part, unless that part is in a package containing more than 75 of any such part at the time of sale, or a part that is contained in an assembly kit;

"(C) produced and marked as ASTM A 307 Grade A, or a successor standard thereto;

"(D) produced in accordance with ASTM F 432, or a successor standard thereto;

"(E) specifically manufactured for use on an aircraft if the quality and suitability of those fasteners for that use has been approved—

"(i) by the Federal Aviation Administration; or

"(ii) by a foreign airworthiness authority as described in part 21.29, 21.500, 21.502, or

21.617 of title 14 of the Code of Federal Regulations;

"(F) manufactured in accordance with a fastener quality assurance system; or

"(G) manufactured to a proprietary standard, whether or not such proprietary standard directly or indirectly references a consensus standard or any portion thereof;

"(7) 'fastener quality assurance system' means—

"(A) a system that meets the requirements, including revisions from time to time, of—

"(i) International Organization for Standardization (ISO) Standard 9000, 9001, 9002, or TS16949;

"(ii) Quality System (QS) 9000 Standard;

"(iii) Verband der Automobilindustrie e. V. (VDA) 6.1 Standard; or

"(iv) Aerospace Basic Quality System Standard AS9000; or

"(B) any fastener manufacturing system—

"(i) that has as a stated goal the prevention of defects through continuous improvement;

"(ii) that seeks to attain the goal stated in clause (i) by incorporating—

"(I) advanced quality planning;

"(II) monitoring and control of the manufacturing process;

"(III) product verification embodied in a comprehensive written control plan for product and process characteristics, and process controls (including process influence factors and statistical process control), tests, and measurement systems to be used in production; and

"(IV) the creation, maintenance, and retention of electronic, photographic, or paper records required by the control plan regarding the inspections, tests, and measurements performed pursuant to the control plan; and

"(iii) that—

"(I) is subject to certification in accordance with the requirements of ISO/IEC Guide 62 (or another document approved by the Director under section 10(a)), including revisions from time to time, by a third party who is accredited by an accreditation body in accordance with the requirements of ISO/IEC Guide 61 (or another document approved by the Director under section 10(b)), including revisions from time to time; or

"(II) undergoes regular or random evaluation and assessment by the end user or end users of the screws, nuts, bolts, studs, or load-indicating washers produced under such fastener manufacturing system to ensure that such system meets the requirements of clauses (i) and (ii);

"(8) 'grade identification marking' means any grade-mark or property class symbol appearing on a fastener purporting to indicate that the lot of fasteners conforms to a specific consensus standard, but such term does not include a manufacturer's insignia or part number;

"(9) 'importer' means a distributor located within the United States who contracts for the initial purchase of fasteners manufactured outside the United States;

"(10) 'lot' means a quantity of fasteners of one part number fabricated by the same production process from the same coil or heat number of metal as provided by the metal manufacturer;

"(11) 'manufacturer' means a person who fabricates fasteners for sale in commerce;

"(12) 'proprietary standard' means the provisions of a document that describes characteristics of a screw, nut, bolt, stud, or load-indicating washer and is issued by a person who—

"(A) uses screws, nuts, bolts, studs, or load-indicating washers in the manufacture, assembly, or servicing of its products; and

"(B) with respect to such screws, nuts, bolts, studs, or washers, is a developer and issuer of descriptions that have characteristics similar to consensus standards and that bear such user's identification;

"(13) 'record of conformance' means a record or records for each lot of fasteners sold or offered for sale that contains—

"(A) the name and address of the manufacturer;

"(B) a description of the type of fastener;

"(C) the lot number;

"(D) the nominal dimensions of the fastener (including diameter and length of bolts or screws), thread form, and class of fit;

"(E) the consensus standard or specifications to which the lot of fasteners has been manufactured, including the date, number, revision, and other information sufficient to identify the particular consensus standard or specifications being referenced;

"(F) the chemistry and grade of material;

"(G) the coating material and characteristics and the applicable consensus standard or specifications for such coating; and

"(H) the results or a summary of results of any tests performed for the purpose of verifying that a lot of fasteners conforms to its grade identification marking or to the grade identification marking the lot of fasteners is represented to meet;

"(14) 'represent' means to describe one or more of a fastener's purported characteristics in a document or statement that is transmitted to a purchaser through any medium;

"(15) 'Secretary' means the Secretary of Commerce;

"(16) 'specifications' means the required characteristics identified in the contractual agreement with the manufacturer or to which a fastener is otherwise produced, except that the term does not include proprietary standards; and

"(17) 'through-harden' means heating above the transformation temperature followed by quenching and tempering for the purpose of achieving uniform hardness.".

SEC. 4. SALE OF FASTENERS.

(a) Amendment.—Sections 5 through 7 of the Fastener Quality Act (15 U.S.C. 5404–6) are repealed, and the following new section is inserted after section 3 of such Act:

"SEC. 4. SALE OF FASTENERS.

"(a) General Rule.—It shall be unlawful for a manufacturer or distributor, in conjunction with the sale or offer for sale of fasteners from a single lot, to knowingly misrepresent or falsify—

"(1) the record of conformance for the lot of fasteners;

"(2) the identification, characteristics, properties, mechanical or performance marks, chemistry, or strength of the lot of fasteners; or

"(3) the manufacturer's insignia.

"(b) Representations.—A direct or indirect reference to a consensus standard to represent that a fastener conforms to particular requirements of the consensus standard shall not be construed as a representation that the fastener meets all the requirements of the consensus standard.

"(c) Specifications.—A direct or indirect contractual reference to a consensus standard for the purpose of identifying particular requirements of the consensus standard that serve as specifications shall not be construed to require that the fastener meet all the requirements of the consensus standard.

"(d) Use of Accredited Laboratories.—In the case of fasteners manufactured solely to a consensus standard or standards, end-of-line testing required by the consensus standard or standards, if any, for the purpose of verifying that a lot of fasteners conforms with the grade identification marking called for in the consensus standard or standards to which the lot of fasteners has been manufactured shall be conducted by an accredited laboratory.".

(b) Effective Date.—Subsection (d) of section 4 of the Fastener Quality Act, as added by subsection (a) of this section, shall take effect 2 years after the date of enactment of this Act.

SEC. 5. MANUFACTURERS' INSIGNIAS.

Section 8 of the Fastener Quality Act (15 U.S.C. 5407) is redesignated as section 5 and is amended—

(1) by amending subsection (a) to read as follows:

"(a) General Rule.—Unless the specifications provide otherwise, fasteners that are required by the applicable consensus standard or standards to bear an insignia identifying their manufacturer shall not be offered for sale or sold in commerce unless—

"(1) the fasteners bear such insignia; and

"(2) the manufacturer has complied with the insignia recordation requirements established under subsection (b)."; and

(2) in subsection (b), by striking "and private label" and all that follows and inserting "described in subsection (a).".

SEC. 6. REMEDIES AND PENALTIES.

Section 9 of the Fastener Quality Act (15 U.S.C. 5408) is redesignated as section 6 and is amended—

(1) in subsection (b)(3), by striking "of this section" and inserting "of this subsection";

(2) in subsection (b)(4), by inserting "arbitrate," after "Secretary may"; and

(3) in subsection (d)—

(A) by inserting "(1)" after "Enforcement.—"; and

(B) by adding at the end the following new paragraph:

"(2) The Secretary shall establish and maintain a hotline system to facilitate the reporting of alleged violations of this Act, and the Secretary shall evaluate allegations reported through that system and report any credible allegations to the Attorney General.".

SEC. 7. RECORDKEEPING REQUIREMENTS.

Section 10 of the Fastener Quality Act (15 U.S.C. 5409) is redesignated as section 7 and is amended by striking subsections (a) and (b) and inserting the following:

"Manufacturers and importers shall retain the record of conformance for fasteners for 5 years, on paper or in photographic or electronic format in a manner that allows for verification of authenticity. Upon request of a distributor who has purchased a fastener, or a person who has purchased a fastener for use in the production of a commercial product, the manufacturer or importer of the fastener shall make available information in the record of conformance to the requester.".

SEC. 8. RELATIONSHIP TO STATE LAWS.

Section 11 of the Fastener Quality Act (15 U.S.C. 5410) is redesignated as section 8.

SEC. 9. CONSTRUCTION.

Section 12 of the Fastener Quality Act (15 U.S.C. 5411) is redesignated as section 9 and is amended by striking "in effect on the date of enactment of this Act".

SEC. 10. CERTIFICATION AND ACCREDITATION.

Sections 13 and 15 of the Fastener Quality Act (15 U.S.C. 5412 and 14) are repealed, and the following new section is inserted at the end of that Act:

"SEC. 10. CERTIFICATION AND ACCREDITATION.

"(a) CERTIFICATION.—A person publishing a document setting forth guidance or requirements for the certification of manufacturing systems as fastener quality assurance systems by an accredited third party may petition the Director to approve such document for use as described in section 3(7)(B)(iii)(I). The Director shall act upon a petition within 180 days after its filing, and shall approve such petition if the document provides equal or greater rigor and reliability as compared to ISO/IEC Guide 62.

"(b) ACCREDITATION.—A person publishing a document setting forth guidance or requirements for the approval of accreditation bodies to accredit third parties described in subsection (a) may petition the Director to approve such document for use as described in section 3(7)(B)(iii)(I). The Director shall act upon a petition within 180 days after its filing, and shall approve such petition if the document provides equal or greater rigor and reliability as compared to ISO/IEC Guide 61.

"(c) LABORATORY ACCREDITATION.—A person publishing a document setting forth guidance or requirements for the accreditation of laboratories may petition the Director to approve such document for use as described in section 3(1)(A). The Director shall act upon a petition within 180 days after its filing, and shall approve such petition if the document provides equal or greater rigor and reliability as compared to ISO/IEC Guide 25.

"(d) APPROVAL OF ACCREDITATION BODIES.—A person publishing a document setting forth guidance or requirements for the approval of accreditation bodies to accredit laboratories may petition the Director to approve such document for use as described in section 3(1)(B). The Director shall act upon a petition within 180 days after its filing, and shall approve such petition if the document provides equal or greater rigor and reliability as compared to ISO/IEC Guide 58. In addition to any other voluntary laboratory accreditation programs that may be established by private sector persons, the Director shall establish a National Voluntary Laboratory Accreditation Program, for the accreditation of laboratories as described in section 3(1)(B), that meets the requirements of ISO/IEC Guide 58 (or another document approved by the Director under this subsection), including revisions from time to time.

"(e) AFFIRMATION.—(1) An accreditation body accrediting third parties who certify manufacturing systems as fastener quality assurance systems as described in section 3(7)(B)(iii)(I) shall affirm to the Director that it meets the requirements of ISO/IEC Guide 61 (or another document approved by the Director under subsection (b)), including revisions from time to time.

"(2) An accreditation body accrediting laboratories as described in section 3(1)(B) shall affirm to the Director that it meets the requirements of ISO/IEC Guide 58 (or another document approved by the Director under subsection (d)), including revisions from time to time.

"(3) An affirmation required under paragraph (1) or (2) shall take the form of a self-declaration that the accreditation body meets the requirements of the applicable Guide, signed by an authorized representative of the accreditation body, without requirement for accompanying documentation. Any such affirmation shall be considered to be a continuous affirmation that the accreditation body meets the requirements of the applicable Guide, unless and until the affirmation is withdrawn by the accreditation body.".

SEC. 11. APPLICABILITY.

At the end of the Fastener Quality Act, insert the following new section:

"SEC. 11. APPLICABILITY.

"The requirements of this Act shall be applicable only to fasteners fabricated 180 days or more after the date of the enactment of the Fastener Quality Act Amendments Act of 1999, except that if a manufacturer or distributor of fasteners fabricated before that date prepares a record of conformance for such fasteners, representations about such fasteners shall be subject to the requirements of this Act.".

SEC. 12. COMPTROLLER GENERAL REPORT.

Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall transmit to the Congress a report describing any changes in industry practice resulting from or apparently resulting from the enactment of section 3(6)(B) of the Fastener Quality Act, as added by section 3 of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Colorado (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill, H.R. 1183.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENNSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Fastener Quality Act was signed into law in 1990. It requires all threaded metallic fasteners of one-quarter inch diameter or greater that reference a consensus standard to be documented by a National Institute of Standards and Technology certified laboratory.

Although the legislation has been on the books for over 8 years, concerns over the bill's impact on the economy have delayed NIST's implementation of final regulations. NIST's regulations are slated to go into effect on June 24, 1999.

When enacted in 1990, the act was supposed to cover only high-strength critical application fasteners vital to the public safety. Yet all these fasteners represent only 1 percent of fasteners used in the United States. However, if the existing Fastener Quality Act regulations are implemented next month, even garden hose fasteners produced by Sheboygan Screw Products, Incorporated, in my home district would be forced to comply with the burdensome act.

I am not sure how faulty garden hose fasteners may pose a significant threat to public safety, but I am sure that regulating them will be expensive.

The Fastener Quality Act in its current form is unworkable, and implementing its regulations would cau great disruption to the United Stat economy without providing any signi cant public safety benefit.

Garden hose fasteners are only o example of the excesses associat with the law. A recent study conduct by the Department of Commerce co cludes that significant improvemen in fastener manufacturing and quali control have virtually eliminated t threat of substandard fasteners. The changes, however, are not reflected the current law.

Mr. Speaker, H.R. 1183 continues t commitment of the Committee Science to streamlining the outdat and unnecessary provisions of the a in a manner that recognizes the pos tive development of quality products the fastener industry; focuses on assu ing the public safety; and imposes t least possible additional burdens on already regulated industry.

Specifically, provisions of H.R. 118 first, fight fraud by clarifying th anyone intentionally misrepresenti the strength or other characteristic a fastener is subject to both crimin penalties and civil remedies.

Second, ensure traceability by r quiring virtually all fasteners sold commerce to be labeled with the re istered trademark of their manufa turer.

Third, reduce some of the burde some paperwork requirements of t act by allowing documents to be stor and transmitted in electronic format.

Fourth, recognize industry's growi utilization of dramatically improv quality assurance in management sy tems by allowing fasteners manufa tured in accordance with certain qua ity systems to be deemed in compl ance with the requirements of the ac

The provisions of H.R. 1183 we crafted in consultation with the Con mittee on Commerce and the Con mittee on the Judiciary, as well as th Department of Commerce.

In addition, I wish to thank th chairwoman of the Subcommittee o Technology, the gentlewoman fro Maryland (Mrs. MORELLA), and th ranking member of the subcommitte the gentleman from Michigan (M BARCIA), for their work on the legisla tion.

Finally, Mr. Speaker, I wish to agai point out that the pending Fastene Quality Act regulations are slated t be implemented next month. With tha in mind, I urge all of my colleagues t support the swift passage of H.R. 118 and hope that the other body and th White House will follow our lead an act expeditiously in the coming weeks

Mr. Speaker, I reserve the balance o my time.

Mr. UDALL of Colorado. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R 1183, the Fastener Quality Act Amendments Act of 1999.

The gentleman from Wisconsin (Mr. SENSENBRENNER) has already summarized the provisions of the legislation. I will only add that H.R. 1183 is the result of bipartisan efforts and that this bill represents the hard work of the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from California (Mr. BROWN), the ranking member of the Committee on Science, and the gentleman from Virginia (Mr. BLILEY) and the gentleman from Michigan (Mr. DINGELL), the ranking member on the Committee on Commerce.

Further, as always, it has been a pleasure working with the gentlewoman from Maryland (Mrs. MORELLA), my chairwoman on the Subcommittee on Technology.

While I am new to this committee and this issue, I have had a particular interest in this bill because it so directly relates to the work of the National Institute of Standards and Technology, NIST, an agency that has important facilities in my district.

H.R. 1183 remains true to the intent of the original Fastener Quality Act passed 10 years ago. H.R. 1183 maintains the necessary standards to ensure the quality of high-strength fasteners, while recognizing advances in manufacturing techniques, such as quality assurance systems.

Moreover, it would not have been possible to craft this legislation without the close cooperation of industry and labor. I want to specifically mention the Automotive Industry Fastener Manufacturers and affected labor groups for their frank and candid discussions with us, as well as their willingness to compromise.

Ultimately, it was this prevailing sense of cooperation that allowed us to develop this legislation.

In closing, I would urge my colleagues to support 1183.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 4 minutes to the gentlewoman from Maryland (Mrs. MORELLA), the Chairwoman of the Subcommittee on Technology.

Mrs. MORELLA. Mr. Speaker, I thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for yielding me this time. I also thank him for his leadership in bringing this very important piece of legislation to the floor, as well as the ranking member, the gentleman from California (Mr. BROWN), and to the ranking member of the Subcommittee on Technology, the gentleman from Michigan (Mr. BARCIA), as well as the gentleman from Colorado (Mr. UDALL) and other Members of the Subcommittee on Technology, the gentleman from Minnesota (Mr. GUTKNECHT), as well as Members of the Committee on Science and all its supporters.

As chair of the Committee on Science Subcommittee on Technology, we have held three hearings in the last 14 months to discuss the need for the existing Fastener Quality Act, as well as to consider any changes to the act that might be warranted.

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At the hearings we received testimony from a variety of fastener manufacturers, distributors, and consumers. There is a clear consensus that two factors have dramatically changed since passage of the Fastener Quality Act in 1990. First, the implementation of modern manufacturing quality procedures have dramatically increased the quality of fasteners used in U.S. commerce. In today's business place, heavy volume fastener users like automotive, aerospace, and heavy equipment manufacturers, they invent, they demand, and they ensure quality from their suppliers. They have a clear economic incentive to do so.

Secondly, the implementation of more stringent government procurement practices have eliminated the military's problems with substandard or mismarked fasteners. In fact, the Defense Industrial Supply Center has checked military inventories over the past 4 years and found no evidence of faulty fasteners at all.

Recognizing these important developments, H.R. 1183 is intended to modernize the existing 9-year-old act to better reflect the practices of today's fastener industry and to ensure that the flow of the 200 billion fasteners used annually in our Nation's chain of commerce is not unnecessarily disrupted.

The legislation that we are considering also creates a level playing ground for all fastener manufacturers, distributors, and consumers. It does not drive small manufacturers out of business, nor does it place U.S. manufacturers at a competitive disadvantage with their foreign competitors.

As the gentleman from Wisconsin (Chairman SENSENBRENNER) mentioned, Fastener Quality Act regulations are slated to take effect next month, on June 24. The proposed regulations significantly exceed the original congressional intent of the 1990 Act, which was to cover about 1 percent of fasteners used in the U.S. for critical applications.

Although it is difficult to determine the exact percentage of fasteners that would be covered by the additional regulations, industry estimates it to be at least 50 percent, possibly as much as 70 percent.

The Department of Commerce recently released a study that concluded current fastener quality presented little or no threat to public safety, and that changes made since 1990 in the fastener industry to improve the quality of fasteners have been significant.

With the Department's study in mind, it simply does not make sense to enact additional burdensome and costly fastener regulations. The Automobile Manufacturers Association, for example, projects the cost of compliance for the motor vehicle industry alone to be greater than $320 million a year, without necessarily enhancing vehicle safety.

So, Mr. Speaker, I am pleased that H.R. 1183 takes steps to modify the FQA in a way that focuses on assuring public safety without imposing costly new regulations.

H.R. 1183 was favorably reported by the Committee on Science on March 25 of this year, and it is bipartisan. It has been endorsed by many industry associations, including the National Association of Manufacturers, the U.S. Chamber of Commerce, and I strongly urge all my colleagues to support this commonsense legislation.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Speaker, in 1990 Congress enacted the Fastener Quality Act to protect Americans from foreign manufacturers who were dumping substandard fasteners in the U.S. market. The Fastener Quality Act required all threaded, metallic, through-hardened fasteners of one-quarter inch in diameter or greater to be tested or documented by a laboratory certified by the National Institute of Standards and Technology, otherwise known as NIST. In short, Mr. Speaker, this was a $20 solution to a $5 problem.

Earlier this year, the Department of Commerce submitted a report to Congress recommending that the Fastener Quality Act be amended to, number one, limit coverage under the act to only high-strength fasteners; number two, deem fasteners compliant if they are manufactured by a NIST-approved facility; number three, reduce paperwork burdens; and finally, address fraud in commercial transactions involving fasteners.

NIST even testified in front of our committee that the agency did not want to enforce the Fastener Quality Act as it was written because it was "overly burdensome." H.R. 1183 amends the Fastener Quality Act of 1990 to strengthen protections against the sale of mismarked, misrepresented, or counterfeit fasteners.

Let me make it very clear, Mr. Speaker, fraudulent marketing of fasteners is still a fraud. H.R. 1183 reduces the paperwork burdens of the Fastener Quality Act by allowing documents to be stored and transmitted by an electronic format.

Mr. Speaker, H.R. 1183 is the right solution to the real problem. I hope my colleagues will join me in supporting this important legislation.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, most Americans, myself included, do not completely realize the importance of fasteners in our everyday lives. Fasteners are the nuts, bolts, and screws that hold together everything from furniture and cars to construction equipment, bridges, and buildings.

I became more aware of the importance of these fasteners just last weekend when I had to assemble a piece of furniture for my home. Without nuts or bolts, the entertainment center I was assembling would have lacked the strength and stability to withstand the weight of my television.

Mr. Speaker, during the past decade the manufacturers and distributors of fasteners have taken significant steps to ensure the quality of their products. With the implementation of modern manufacturing quality procedures and improved procurement practices, the American fastener industry is a global quality leader.

Approximately 5,000 of the men and women who help make these fasteners are residents of the State of Illinois. The Chicagoland area has the highest concentration of fastener manufacturers and distributors in the Nation, and is home to the largest U.S. producer of fasteners. These people continue to work tirelessly to make a quality product on which the world's builders and manufacturers can rely.

H.R. 1183 recognizes the efforts of these American companies and their workers. It prevents burdensome, costly, and duplicate regulations from being placed on the fastener industry, and holds companies accountable for the quality of their work.

H.R. 1183 changes the focus of the law from government regulation and bureaucracy to industry accountability. I ask my colleagues to support it.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2½ minutes to the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Speaker, I rise in support of H.R. 1183, the Fastener Quality Amendments Act of 1999. In 1990, Congress enacted the Fastener Quality Act in the belief that public safety was at risk because of the sale of faulty and mismarked fasteners in this country.

In its desire to ensure quality, Congress ended up creating a bureaucratic and regulatory nightmare that threatened the existence of smaller fastener manufacturing companies. The act proved rigid and obsolete as quality assurance technology within the industry advanced quickly.

In the district that I represent, we have over 80 fastener companies, the Pearson family, the Goellner family, all the way to the larger fastener companies, such as Elco-Textron. There are employers that employ as many as 1,800 people down to those that employ as few as 12, and every single one of these companies supports passage of H.R. 1183.

These manufacturers understand that the FQA in its current form imposes redundant testing requirements and regulations that simply do not work. I am pleased to be able to inform these hard-working Americans that H.R. 1183 addresses their concerns by creating a better system for identifying, reporting, and prosecuting the knowing misrepresentation of a mismarked fastener.

The bill targets the true essence of the problem; that is, it attacks fastener fraud, instead of trying to regulate quality. Any fastener maker worth its reputation will ensure the quality of its product, or else it will not be in business very long.

Many businesses wait anxiously for January 1 of 2000 to see the effects of the Y2K bug, but to the American fastener industry, the dreaded date comes much sooner, next month in fact, and its impact will not be a mystery. For on June 24, unless Congress passes H.R. 1183 and the President signs it into law, the Fastener Quality Act will take effect. This will set in motion the process of fastener companies going out of business, and the dire consequences that that in turn will have on industries dependent on the production of fasteners.

I am pleased to support H.R. 1183, and urge its speedy passage.

Mr. DINGELL. Mr. Speaker, I support H.R. 1183, the Fastener Quality Act Amendments Act of 1999. The Fastener Quality Act, which would be amended by the bill before us today, was enacted in 1990 and originated in the Committee on Commerce. It resulted from an 18-month investigation conducted by the Committee's Subcommittee on Oversight and Investigations. This investigation uncovered deaths attributable to industrial and aircraft accidents in which fastener failures occurred; the use of substandard fasteners with false certificates in Army Corps of Engineer projects; defective fasteners in Army vehicles and in critical areas of Navy ships; and the falsification of test results for fasteners used in spacecraft and aircraft.

For the last nine years, the National Institute of Standards and Technology (NIST) at the Department of Commerce has attempted, without success, to issue regulations implementing the Fastener Quality Act. Last year, legislation was enacted which imposed yet another delay in the issuance of fastener regulations. Under the law passed last year, Congress has until June 23rd of this year to enact amendments to the Fastener Quality Act, or NIST is to go ahead and issue its regulations implementing the current law.

Why does the Fastener Quality Act need to be amended? The simple fact is that manufacturing in the United States has undergone the same technological revolution over the last 10 years that has occurred in virtually every other sector of American life. Manufacturing operations are now largely computer-controlled. Many of these systems can measure the conformity of each fastener being manufactured, and thereby reduce the need for end-of-the-line testing of a sample from each lot of fasteners being produced.

Similarly, it was never the intent of the law that fasteners manufactured to a proprietary standard be covered by the Act, since total responsibility for fasteners produced to a proprietary standard rests with the one setting that standard. Nevertheless, NIST's proposed regulations cover proprietary fasteners, subjecting manufacturers and consumers to unnecessary expense and costs. This bill exempts fasteners produced to proprietary standards from the requirements of the Fastener Quality Act.

The bill before us today is the product of an agreement involving the Department of Commerce and the fastener industry, as well as representatives of major industries that use fasteners. Not only does this legislation account for manufacturing innovations during the past 10 years, it also recognizes that problems in the fastener industry persist.

An article in the April 5, 1999, edition of a publication called Engineering News illustrates why the Fastener Quality Act is still very much needed. This article cites a Department of Commerce consultant who claims counterfeit fasteners were used in the 700-foot tall hoist that broke free from the scaffold of an office building under construction in Times Square last July, killing an elderly woman and injuring 12 others. While it is too soon to tell whether counterfeit fasteners caused or contributed to this terrible accident, David Sharp, a consultant to the Commerce Department's New York Office of Export Enforcement, was quoted as saying there is "very clear evidence" that mismarked fasteners were used in the scaffold and hoist. Mr. Sharp also claims that initial findings indicate the use of inferior steel in some of the fasteners involved in this accident.

Clearly, the Fastener Quality Act remains important today, and the legislation we are considering continues the important elements of the original Act. Fastener manufacturers and distributors are prohibited from knowingly misrepresenting or falsifying fastener characteristics, properties, mechanical or performance marks, chemistry, strength, manufacturer's insignia, or the record of conformance concerning a lot of fasteners. The record of conformance, which a manufacturer or importer of foreign-made fastener is to make available upon request to end users or purchasers, must also contain a summary of any end-of-the-line testing required by a consensus standard to which the fastener is produced.

Records of conformance are required to be held for five years. Fasteners manufactured using quality assurance systems approved by accredited third parties would be exempt from these requirements of the Act. An accrediting body is required to provide notice to NIST that it meets the requirements of the published guide with which it purports to comply. All the criminal and civil penalties of current law are continued without charge.

Mr. Speaker, the health and safety of the American public depends on fasteners that are able to do the job they are represented to perform. The Fastener Quality Act is a very important tool in achieving this objective, and the amendments before us today should reduce the regulatory burden on industry while maintaining essential protections. I urge my colleagues to vote for this legislation.

Mr. BLILEY. Mr. Speaker, I rise today in support of H.R. 1183, the Fastener Quality Act Amendments Act of 1999. As you know, this is a measure over which the Committee on Commerce and the Committee on Science share jurisdiction, and I am pleased to lend my support to this effort.

The Commerce Committee's interest in this matter goes back to the 100th Congress, at which time the Committee undertook an investigation of counterfeit and substandard fasteners. The investigation resulted in the issuance of a unanimously approved Subcommittee report entitled "The Threat from Substandard Fasteners; Is America Losing Its Grip?" which ultimately led to the approval by our respective committees of the Fastener Quality Act of 1990.

In the years since the enactment of the original Fastener Quality Act, we have had to revisit the statute on a number of occasions because the statutory requirements resulted in real-world outcomes that significantly increased the burden on legitimate businesses, had the potential to reduce the supply and increase the cost of critical use fasteners, and in the end would do very little to protect the public from substandard screws, nuts, and bolts. Most recently, the Congress enacted the Fastener Quality Act Amendments (P.L. 105–234) which exempted certain fasteners regulated by the Federal Aviation Administration from coverage under the Act. More importantly, however, the amendments delayed implementation of the rules implementing the Act until the Secretary of Commerce reported to the Congress regarding the applicability of the original Act to modern day manufacturing practices and any recommended statutory changes.

On February 24, 1999, the Secretary of Commerce submitted his report to Congress, making several recommendations regarding the class of fasteners that should be covered by the Act, the use of quality management systems in the manufacturing process as a substitute for lot-testing of fasteners, and the reduction of paperwork burdens. Using these recommendations as a framework for discussion, the Science Committee, Commerce Committee, and the affected industries worked to craft the rewrite of the Fastener Quality Act which is contained in H.R. 1183.

I particularly want to commend Chairman SENSENBRENNER for his willingness to work with the Commerce Committee on this issue. He and his staff openly solicited our input, and the product before the House today reflects that effort. In particular, I want to commend him for his willingness to listen and accommodate the concerns of the Ranking Member of the Commerce Committee, the gentleman from Michigan, Mr. DINGELL. As you know, Mr. DINGELL was the original author of the Fastener Quality Act, and had a keen interest in these amendments.

Given our involvement in the process and the willingness of the Science Committee to address the concerns of members of the Commerce Committee, I did not exercise the Committee's right to a referral. By agreeing to waive its consideration of the bill, however, the Commerce Committee does not waive its jurisdiction over H.R. 1183. Chairman SENSENBRENNER and I engaged in an exchange of letters of this matter, and I submit them for the RECORD.

Mr. Speaker, H.R. 1183 makes badly needed changes to the Fastener Quality Act. I wholeheartedly support these amendments, and encourage my colleagues on both sides of the aisle to support them as well.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON COMMERCE,
Washington, DC, April 17, 1999.

Hon. F. JAMES SENSENBRENNER, Jr.
Chairman, Committee on Science, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN SENSENBRENNER: On March 25, 1999, the Committee on Science ordered reported H.R. 1183, the Fastener Quality Act Amendments of 1999, with amendments. As you know, the Committee on Commerce was named as an additional committee of jurisdiction and has had a longstanding interest in the issue of fastener quality and the Fastener Quality Act (15 U.S.C. §5401 et al.). This interest goes back at least to the 100th Congress, at which time the Committee undertook an investigation of counterfeit and substandard fasteners. This investigation resulted in the issuance of a unanimously approved Subcommittee report—"The Threat from Substandard Fasteners: Is America Losing Its Grip?"—which ultimately led to the approval by our respective committees of the Fastener Quality Act of 1990.

As you know, the legislation, as amended, significantly restructures the Fastener Quality Act and adopts suggestions from both the Department of Commerce and the affected industries regarding changes in the Act. These changes must be enacted before June 23, 1999, when the rules promulgated by the Department of Commerce would otherwise become effective.

In light of the upcoming deadline, I recognize your desire to bring this legislation before the House in an expeditious manner. Given our involvement in the process thus far, and your assurance that we will work to address concerns raised by our minority before this legislation is considered by the House, I will not exercise the Committee's right to a referral. By agreeing to waive its consideration of the bill, however, the Commerce Committee does not waive its jurisdiction over H.R. 1183. In addition, the Commerce Committee reserves its authority to seek conferees on any provisions of the bill that are within its jurisdiction during any House-Senate conference that may be convened on this legislation. I ask for your commitment to support any request by the Commerce Committee for conferees on H.R. 1183 or similar legislation.

I request that you include this letter as a part of the Committee's report on H.R. 1183 and as part of the Record during consideration of the legislation on the House floor.

Thank you for your attention to these matters.

Sincerely,
TOM BLILEY,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON SCIENCE,
Washington, DC, April 22, 1999.

Hon. TOM BLILEY,
Chairman, House Committee on Commerce, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN BLILEY: Thank you for your letter of April 17, 1999 regarding H.R. 1183, the Fastener Quality Act Amendments of 1999.

I appreciate your waiving your Committee's right to a referral on this bill so that it can move expeditiously to the floor. I recognize your historic jurisdiction in this area and will support any request you may make to have conferees on H.R. 1183 or similar legislation.

The exchange of letters between our two committees will be included in the Committee report on H.R. 1183 and will be made part of the floor record.

Sincerely,
F. JAMES SENSENBRENNER, Jr.
Chairman.

Mr. EWING. Mr. Speaker, I would like to take this opportunity to express my support for this important legislation. As a member of the Science Committee I was pleased to support this legislation, which I believe will fix the Fastener Quality Act once and for all.

Since the original Fastener Quality Act was enacted in 1990, manufacturers have been faced with costly, counterproductive regulations which have not addressed the real issues of reporting and monitoring the quality of fasteners.

This legislation changes the Fastener Quality Act's emphasis from federal monitoring of production methods to a focus on the reporting, identification, traceability, and prosecution of efforts to sell intentionally mismarked fasteners.

Our main concern should be public safety and I believe this bill will address that issue, while eliminating some of the unnecessary regulation manufacturers have been faced with.

Requiring fasteners that are sold to be marked with the registered trademark of their manufacturers will help to ensure that only quality fasteners are distributed. I also believe that regarding fasteners as compliant if they are manufactured at a NIST approved facility will cut down significantly on excess paperwork and regulatory red-tape manufacturers are currently required to go through.

Republicans have worked hard since 1994 to eliminate burdensome and costly federal regulations imposed on businesses in our country and this legislation is another example of our commitment.

Again, I would like to express my strong support for this legislation and I hope that all members will support it.

Mr. SMITH of Michigan. Mr. Speaker, although the legislation is obscure, the story of the FQA holds an important lesson about how government can go overboard with regulations. This bill is an example of what we're trying to do to repeal costly and ineffective rules.

About 380 companies in the U.S. manufacture fasteners, employing about 44,000 people and ringing up about $7.5 billion in sales annually. Fasteners go into many products, including automobiles, aircraft, appliances, construction and agriculture machinery, and commercial buildings. Americans consume approximately 200 billion fasteners every year, 26 billion by the auto industry alone.

In the late 1980s, there were fears of harm from mismarked, substandard and fraudulently sold fasteners, mainly from abroad. Congress reacted by passing the FQA an 1990 (before I came to Congress). As originally written, it set federal standards for fasteners and required that they be tested at federally-certified laboratories.

The FQA has never gone into effect because no implementing regulations were written until 1998. Draft regulations had proven unworkable and rapid improvements in fasteners made some regulations out of date before they could be approved. By the time final implementing regulations were adopted last year, many questions had been raised about the FQA's regulatory burdens and the need for federal standards at all. Congress passed another law last year to delay the regulations from taking affect in order to have the Department of Commerce evaluate the need for the law.

In its study, the Department found no real threat to public safety from fasteners. At the same time, the regulations would have been extremely costly and created a new bureaucracy. The Automobile Manufacturers Association, for example, estimated that bureaucratic delays and other factors associated with the regulations would have cost the auto industry $318 million in the first year alone.

This bill will replace the law's federal standards with a simpler rule: tell the truth. So long as sellers accurately represent a fastener's quality, they will comply with the law. Those who misrepresent a fastener's quality, however, will be subject to serious legal penalties.

THis story shows both how government writes bad regulations and how they can be fixed. Too often, Congress allows itself to propose permanent regulatory solutions to temporary problems. The result is unnecessary expense. In this case, as in many others, market pressure did more to protect consumers than government could. Doing away with these rules represents the beginning of what many of us are trying to accomplish in reviewing and modifying laws to eliminate unnecessary government regulations.

Mr. STEBENOW. Mr. Speaker, I am a supporter of this legislation and appreciate the opportunity to share my thoughts on it with my colleagues. I would first like to thank Chairman SENSENBRENNER and Ranking Member BROWN of the Science Committee, as well as Chairman BLILEY and Ranking Member DINGELL of the Commerce Committee for their efforts in bringing this bill to the floor today. It is the result of extensive talks between members of both committees and industry groups, and I believe we have reached a very satisfactory conclusion. This measure protects the safety of the citizens of this country while not impeding economic development, and does so in time to meet the June 1 deadline that was enacted during the last Congress.

For those that are not familiar with this issue, fasteners are nuts, bolts, screws used in manufacturing and construction. The fastener industry has a major impact on the economy operating 380 major manufacturing facilities with 44,000 employees and total U.S. sales of $7.5 billion. This activity is strongly tied to the automobile, aircraft, applicance, construction, agricultural machinery and equipment, and the commercial building industries. For example, more than 200 billion fasteners are consumed annually in this country, 26 billion by the auto industry alone, which has a significant impact in my home state of Michigan. Given that the estimated cost to business of the Fastener Quality Act of 1999 was $1 billion, it is appropriate that the original act has been updated to reflect changes in the fastener industry.

Mr. Speaker, this legislation promotes safety in a common-sense manner. It addresses the problems of substantial fasteners, requiring testing to be conducted by accredited laboratories and making it unlawful for a fastener manufacturer or distributor to knowingly misrepresent whether a product meets industry-set quality standards. Again, I support this bill and urge my colleagues to the same.

Mr. UDALL of Colorado. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 1183, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

TECHNOLOGY TRANSFER COMMERCIALIZATION ACT OF 1999

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 209) to improve the ability of Federal agencies to license federally owned inventions, as amended.

The Clerk read as follows:

H.R. 209

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Technology Transfer Commercialization Act of 1999".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the importance of linking our unparalleled network of over 700 Federal laboratories and our Nation's universities with United States industry continues to hold great promise for our future economic prosperity;

(2) the enactment of the Bayh-Dole Act in 1980 was a landmark change in United States technology policy, and its success provides a framework for removing bureaucratic barriers and for simplifying the granting of licenses for inventions that are now in the Federal Government's patent portfolio;

(3) Congress has demonstrated a commitment over the past 2 decades to fostering technology transfer from our Federal laboratories and to promoting public/private sector partnerships to enhance our international competitiveness;

(4) Federal technology transfer activities have strengthened the ability of United States industry to compete in the global marketplace; developed a new paradigm for greater collaboration among the scientific enterprises that conduct our Nation's research and development—government, industry, and universities; and improved the quality of life for the American people, from medicine to materials;

(5) the technology transfer process must be made "industry friendly" for companies to be willing to invest the significant time and resources needed to develop new products, processes, and jobs using federally funded inventions; and

(6) Federal technology licensing procedures should balance the public policy needs of adequately protecting the rights of the public, encouraging companies to develop existing government inventions, and making the entire system of licensing government technologies more consistent and simple.

SEC. 3. COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS.

Section 12(b)(1) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(b)(1)) is amended by inserting "or, subject to section 209 of title 35, United States Code, may grant a license to an invention which is federally owned, for which a patent application was filed before the signing of the agreement, and directly within the scope of the work under the agreement," after "under the agreement,".

SEC. 4. LICENSING FEDERALLY OWNED INVENTIONS.

(a) AMENDMENT.—Section 209 of title 35, United States Code, is amended to read as follows:

"§ 209. Licensing federally owned inventions

"(a) AUTHORITY.—A Federal agency may grant an exclusive or partially exclusive license on a federally owned invention under section 207(a)(2) only if—

"(1) granting the license is a reasonable and necessary incentive to—

"(A) call forth the investment capital and expenditures needed to bring the invention to practical application; or

"(B) otherwise promote the invention's utilization by the public;

"(2) the Federal agency finds that the public will be served by the granting of the license, as indicated by the applicant's intentions, plans, and ability to bring the invention to practical application or otherwise promote the invention's utilization by the public, and that the proposed scope of exclusivity is not greater than reasonably necessary to provide the incentive for bringing the invention to practical application, as proposed by the applicant, or otherwise to promote the invention's utilization by the public;

"(3) the applicant makes a commitment to achieve practical application of the invention within a reasonable time, which time may be extended by the agency upon the applicant's request and the applicant's demonstration that the refusal of such extension would be unreasonable;

"(4) granting the license will not tend to substantially lessen competition or create or maintain a violation of the Federal antitrust laws; and

"(5) in the case of an invention covered by a foreign patent application or patent, the interests of the Federal Government or United States industry in foreign commerce will be enhanced.

"(b) MANUFACTURE IN UNITED STATES.—A Federal agency shall normally grant a license under section 207(a)(2) to use or sell any federally owned invention in the United States only to a licensee who agrees that any products embodying the invention or produced through the use of the invention will be manufactured substantially in the United States.

"(c) SMALL BUSINESS.—First preference for the granting of any exclusive or partially exclusive licenses under section 207(a)(2) shall be given to small business firms having equal or greater likelihood as other applicants to bring the invention to practical application within a reasonable time.

"(d) TERMS AND CONDITIONS.—Any licenses granted under section 207(a)(2) shall contain such terms and conditions as the granting agency considers appropriate, and shall include provisions—

"(1) retaining a nontransferrable, irrevocable, paid-up license for any Federal agency to practice the invention or have the invention practiced throughout the world by or on behalf of the Government of the United States;

"(2) requiring periodic reporting on utilization of the invention, and utilization efforts, by the licensee, but only to the extent necessary to enable the Federal agency to determine whether the terms of the license are being complied with, except that any such report shall be treated by the Federal agency as commercial and financial information obtained from a person and privileged and confidential and not subject to disclosure under section 552 of title 5 of the United States Code; and

"(3) empowering the Federal agency to terminate the license in whole or in part if the agency determines that—

"(A) the licensee is not executing its commitment to achieve practical application of the invention, including commitments contained in any plan submitted in support of its request for a license, and the licensee cannot otherwise demonstrate to the satisfaction of the Federal agency that it has taken, or can be expected to take within a reasonable time, effective steps to achieve practical application of the invention;

"(B) the licensee is in breach of an agreement described in subsection (b);

"(C) termination is necessary to meet requirements for public use specified by Federal regulations issued after the date of the license, and such requirements are not reasonably satisfied by the licensee; or

"(D) the licensee has been found by a court of competent jurisdiction to have violated the Federal antitrust laws in connection with its performance under the license agreement.

"(e) PUBLIC NOTICE.—No exclusive or partially exclusive license may be granted under section 207(a)(2) unless public notice of the intention to grant an exclusive or partially exclusive license on a federally owned invention has been provided in an appropriate manner at least 15 days before the license is granted, and the Federal agency has considered all comments received before the end of the comment period in response to that public notice. This subsection shall not apply to the licensing of inventions made under a cooperative research and development agreement entered into under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a).

"(f) PLAN.—No Federal agency shall grant any license under a patent or patent application on a federally owned invention unless the person requesting the license has supplied the agency with a plan for development or marketing of the invention, except that any such plan shall be treated by the Federal agency as commercial and financial information obtained from a person and privileged and confidential and not subject to disclosure under section 552 of title 5 of the United States Code.".

(b) CONFORMING AMENDMENT.—The item relating to section 209 in the table of sections for chapter 18 of title 35, United States Code, is amended to read as follows:

"209. Licensing federally owned inventions.".

SEC. 5. MODIFICATION OF STATEMENT OF POLICY AND OBJECTIVES FOR CHAPTER 18 OF TITLE 35, UNITED STATES CODE.

Section 200 of title 35, United States Code, is amended by striking "enterprise;" and inserting "enterprise without unduly encumbering future research and discovery;".

SEC. 6. TECHNICAL AMENDMENTS TO BAYH-DOLE ACT.

Chapter 18 of title 35, United States Code (popularly known as the "Bayh-Dole Act"), is amended—

(1) by amending section 202(e) to read as follows:

"(e) In any case when a Federal employee is a coinventor of any invention made with a nonprofit organization, a small business firm, or a non-Federal inventor, the Federal agency employing such coinventor may, for the purpose of consolidating rights in the invention and if it finds that it would expedite the development of the invention—

"(1) license or assign whatever rights it may acquire in the subject invention to the nonprofit organization, small business firm, or non-Federal inventor in accordance with the provisions of this chapter; or

"(2) acquire any rights in the subject invention from the nonprofit organization, small business firm, or non-Federal inventor, but only to the extent the party from whom the rights are acquired voluntarily enters into the transaction and no other transaction under this chapter is conditioned on such acquisition."; and

(2) in section 207(a)—

(A) by striking "patent applications, patents, or other forms of protection obtained" and inserting "inventions" in paragraph (2); and

(B) by inserting ", including acquiring rights for and administering royalties to the Federal Government in any invention, but only to the extent the party from whom the rights are acquired voluntarily enters into the transaction, to facilitate the licensing of a federally owned invention" after "or through contract" in paragraph (3).

SEC. 7. TECHNICAL AMENDMENTS TO THE STEVENSON-WYDLER TECHNOLOGY INNOVATION ACT OF 1980.

The Stevenson-Wydler Technology Innovation Act of 1980 is amended—

(1) in section 4(4) (15 U.S.C. 3703(4)), by striking "section 6 or section 8" and inserting "section 7 or 9";

(2) in section 4(6) (15 U.S.C. 3703(6)), by striking "section 6 or section 8" and inserting "section 7 or 9";

(3) in section 5(c)(11) (15 U.S.C. 3704(c)(11)), by striking "State of local governments" and inserting "State or local governments";

(4) in section 9 (15 U.S.C. 3707), by—

(A) striking "section 6(a)" and inserting "section 7(a)";

(B) striking "section 6(b)" and inserting "section 7(b)"; and

(C) striking "section 6(c)(3)" and inserting "section 7(c)(3)";

(5) in section 11(e)(1) (15 U.S.C. 3710(e)(1)), by striking "in cooperation with Federal Laboratories" and inserting "in cooperation with Federal laboratories";

(6) in section 11(i) (15 U.S.C. 3710(i)), by striking "a gift under the section" and inserting "a gift under this section";

(7) in section 14 (15 U.S.C. 3710c)—

(A) in subsection (a)(1)(A)(i), by inserting ", other than payments of patent costs as delineated by a license or assignment agreement," after "or other payments";

(B) in subsection (a)(1)(A)(i), by inserting ", if the inventor's or coinventor's rights are assigned to the United States" after "inventor or coinventors";

(C) in subsection (a)(1)(B), by striking "succeeding fiscal year" and inserting "2 succeeding fiscal years";

(D) in subsection (a)(2), by striking "Government-operated laboratories of the"; and

(E) in subsection (b)(2), by striking "inventon" and inserting "invention"; and

(8) in section 22 (15 U.S.C. 3714), by striking "sections 11, 12, and 13" and inserting "sections 12, 13, and 14".

SEC. 8. REVIEW OF COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENT PROCEDURES.

(a) REVIEW.—Within 90 days after the date of the enactment of this Act, each Federal agency with a federally funded laboratory that has in effect on that date of enactment one or more cooperative research and development agreements under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a) shall report to the Committee on National Security of the National Science and Technology Council and the Congress on the general policies and procedures used by that agency to gather and consider the views of other agencies on—

(1) joint work statements under section 12(c)(5) (C) or (D) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(c)(5)(C) or (D)); or

(2) in the case of laboratories described in section 12(d)(2)(A) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(2)(A)), cooperative research and development agreements under such section 12, with respect to major proposed cooperative research and development agreements that involve critical national security technology or may have a significant impact on domestic or international competitiveness.

(b) PROCEDURES.—Within one year after the date of the enactment of this Act, the Committee on National Security of the National Science and Technology Council, in conjunction with relevant Federal agencies and national laboratories, shall—

(1) determine the adequacy of existing procedures and methods for interagency coordination and awareness with respect to cooperative research and development agreements described in subsection (a); and

(2) establish and distribute to appropriate Federal agencies—

(A) specific criteria to indicate the necessity for gathering and considering the views of other agencies on joint work statements or cooperative research and development agreements as described in subsection (a); and

(B) additional procedures, if any, for carrying out such gathering and considering of agency views with respect to cooperative research and development agreements described in subsection (a).

Procedures established under this subsection shall be designed to the extent possible to use or modify existing procedures, to minimize burdens on Federal agencies, to encourage industrial partnerships with national laboratories, and to minimize delay in the approval or disapproval of joint work statements and cooperative research and development agreements.

(c) LIMITATION.—Nothing in this Act, nor any procedures established under this section shall provide to the Office of Science and Technology Policy, the National Science and Technology Council, or any Federal agency the authority to disapprove a cooperative research and development agreement or joint work statement, under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a), of another Federal agency.

SEC. 9. INCREASED FLEXIBILITY FOR FEDERAL LABORATORY PARTNERSHIP INTERMEDIARIES.

Section 23 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3715) is amended—

(1) in subsection (a)(1) by inserting ", institutions of higher education as defined in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)), or educational institutions within the meaning of section 2194 of title 10, United States Code" after "small business firms"; and

(2) in subsection (c) by inserting ", institutions of higher education as defined in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)), or educational institutions within the meaning of section 2194 of title 10, United States Code," after "small business firms".

SEC. 10. REPORTS ON UTILIZATION OF FEDERAL TECHNOLOGY.

(a) AGENCY ACTIVITIES.—Section 11 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710) is amended—

(1) by striking the last sentence of subsection (b);

(2) by inserting after subsection (e) the following:

"(f) AGENCY REPORTS ON UTILIZATION.—

"(1) IN GENERAL.—Each Federal agency which operates or directs one or more Federal laboratories or which conducts activities under sections 207 and 209 of title 35, United States Code, shall report annually to the Office of Management and Budget, as part of the agency's annual budget submission, on the activities performed by that agency and its Federal laboratories under the provisions of this section and of sections 207 and 209 of title 35, United States Code.

"(2) CONTENTS.—The report shall include—

"(A) an explanation of the agency's technology transfer program for the preceding fiscal year and the agency's plans for conducting its technology transfer function, including its plans for securing intellectual property rights in laboratory innovations with commercial promise and plans for managing its intellectual property so as to advance the agency's mission and benefit the competitiveness of United States industry; and

"(B) information on technology transfer activities for the preceding fiscal year, including—

"(i) the number of patent applications filed;

"(ii) the number of patents received;

"(iii) the number of fully-executed licenses which received royalty income in the preceding fiscal year, categorized by whether they are exclusive, partially-exclusive, or non-exclusive, and the time elapsed from the date on which the license was requested by the licensee in writing to the date the license was executed;

"(iv) the total earned royalty income including such statistical information as the total earned royalty income, of the top 1 percent, 5 percent, and 20 percent of the licenses, the range of royalty income, and the median, except where disclosure of such information would reveal the amount of royalty income associated with an individual license or licensee;

"(v) what disposition was made of the income described in clause (iv);

"(vi) the number of licenses terminated for cause; and

"(vii) any other parameters or discussion that the agency deems relevant or unique to its practice of technology transfer.

"(3) COPY TO SECRETARY; ATTORNEY GENERAL; CONGRESS.—The agency shall transmit a copy of the report to the Secretary of Commerce and the Attorney General for inclusion in the annual report to Congress and the President required by subsection (g)(2).

"(4) PUBLIC AVAILABILITY.—Each Federal agency reporting under this subsection is also strongly encouraged to make the information contained in such report available to the public through Internet sites or other electronic means.";

(3) by striking subsection (g)(2) and inserting the following:

"(2) REPORTS.—

"(A) ANNUAL REPORT REQUIRED.—The Secretary, in consultation with the Attorney General and the Commissioner of Patents and Trademarks, shall submit each fiscal year, beginning one year after enactment of the Technology Transfer Commercialization Act of 1999, a summary report to the President, the United States Trade Representative, and the Congress on the use by Federal agencies and the Secretary of the technology transfer authorities specified in this Act and in sections 207 and 209 of title 35, United States Code.

"(B) CONTENT.—The report shall—

"(i) draw upon the reports prepared by the agencies under subsection (f);

"(ii) discuss technology transfer best practices and effective approaches in the licensing and transfer of technology in the context of the agencies' missions; and

"(iii) discuss the progress made toward development of additional useful measures of the outcomes of technology transfer programs of Federal agencies.

"(C) PUBLIC AVAILABILITY.—The Secretary shall make the report available to the public through Internet sites or other electronic means."; and

(4) by inserting after subsection (g) the following:

"(h) DUPLICATION OF REPORTING.—The reporting obligations imposed by this section—

"(1) are not intended to impose requirements that duplicate requirements imposed by the Government Performance and Results Act of 1993 (31 U.S.C. 1101 nt);

"(2) are to be implemented in coordination with the implementation of that Act; and

"(3) are satisfied if an agency provided the information concerning technology transfer activities described in this section in its annual submission under the Government Performance and Results Act of 1993 (31 U.S.C. 1101 nt).".

(b) ROYALTIES.—Section 14(c) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710c(c)) is amended to read as follows:

"(c) REPORTS.—The Comptroller General shall transmit a report to the appropriate committees of the Senate and House of Representatives on the effectiveness of Federal technology transfer programs, including findings, conclusions, and recommendations for improvements in such programs. The report shall be integrated with, and submitted at the same time as, the report required by section 202(b)(3) of title 35, United States Code.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Colorado (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend the
remarks on the bill, H.R. 209.

The SPEAKER pro tempore. Is ther
objection to the request of the ge
tleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speal
er, I yield myself such time as I ma
consume.

Mr. Speaker, in the past two decade
Congress, through legislation consi
ered by the Committee on Science, ha
established a system to transfer an
commercialize unclassified technolog
from our Federal laboratories to ensu
that United States citizens receive th
full benefit from our government's i
vestment in research and developmen

To help further these goals, the Com
mittee on Science first reported th
Stephenson-Wydler Technology Inn
vation Act of 1980. The committee e
panded on that landmark legislatio
with the passage of the Federal Tec
nology Transfer Act of 1986, the N
tional Competitive Technology Tran
fer Act of 1989, the American Tec
nology Preeminence Act of 1991, an
the National Technology Transfer an
Advancement Act of 1995, among oth
ers.

As a result, the Committee o
Science has strengthened and improve
the process of technology transfer fro
our Federal labs. Technology transfe
has resulted in products which are cu
rently being used to enhance our qua
ity of life.

A few examples include biomedic
products, such as the AIDS home tes
ing kit; transportation innovation
such as the global positioning syste
and new materials technology tha
make automobiles lighter and mor
fuel-efficient.

H.R. 209 continues the Committee o
Science's long and rich history of ad
vancing technology transfer to hel
boost our Nation's standard of livin
The bill improves and streamlines th
ability of Federal agencies to licens
federally-owned inventions.

Under the Technology Transfer Com
mercialization Act, Federal agencie
would be provided with two importan
new tools for effectively comme
cializing on-the-shelf governmen
owned inventions. First, the bill's re
vised authorities of Section 209 of th
Bayh–Dole Act; and second, the abilit
to license technology as part of a coop
erative research and developmen
agreement.

Both mechanisms make Federa
technology transfer programs muc
more attractive to American privat
industries that seek to form partne
ships with the Federal labs.

I congratulate the chairwoman of th
Subcommittee on Technology, the gen
tlewoman from Maryland (Mrs
MORELLA) for introducing H.R. 209, an
for her very capable efforts in workin
cooperatively with members of the mi
nority, the administration, and th

other body to reach an agreement on this important bipartisan bill.

Mr. Speaker, H.R. 209 was reported by the committee without objection by voice vote and has been discharged by the Committee on the Judiciary, to which the bill was sequentially referred.

I appreciate the cooperation of the chairman and ranking member of the Committee on the Judiciary, the gentleman from Illinois (Mr. HYDE) and the gentleman from Michigan (Mr. CONYERS), for their cooperation in expeditiously bringing this bill to the floor. H.R. 209 is yet another important step in refining our Nation's technology transfer laws to remove existing impediments to enhance government and industry collaboration, and I urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. UDALL of Colorado. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 209, the Technology Transfer Commercialization Act of 1999. H.R. 209 is the product of 2 years of hard work on the part of the Committee on Science, the Senate Committee on Commerce, the Senate Committee on the Judiciary, and the administration.

□ 1445

We seem finally to have developed a version of the legislation that is acceptable to all these parties.

This is no small feat in the world of patent policy, and I want to thank the gentleman from Wisconsin (Chairman SENSENBRENNER), the gentleman from California (Mr. BROWN), the gentlewoman from Maryland (Mrs. MORELLA), the subcommittee chair, and the gentleman from Michigan (Mr. BARCIA), the subcommittee ranking Democrat, for their hard work which has put us in this enviable position.

H.R. 209 is the first comprehensive review of Federal patent policy in 15 years. The 1980 Bayh-Dole Act, which it amends, has made a major difference in the commercialization of Federal inventions. Before Bayh-Dole passed, it was relatively rare for inventions resulting from Federal research to reach their market potential.

As many as 20,000 Federal inventions were patented but not licensed. Only two or three inventions at that point had achieved royalties as high as a million dollars, and the total royalty stream for the entire Federal Government at that time was less than the royalties received by a mid-sized university today.

Bayh-Dole has opened major opportunities to research universities like the University of Colorado, which is in my district in Colorado. It has been a major contributor to the outreach activities of contractor-operated laboratories like the National Renewable Energy Laboratory, located also in Colorado. It has led to benefits for Federally employed inventors and their laboratories, including NIST and NOAA at the Department of Commerce and throughout the government.

Over the 19 years since the enactment of the Bayh-Dole Act, we have learned of the need for some improvements. The bill before us takes advantage of the lessons learned and is intended to make the law more user friendly. It also updates the act to reflect the new ways that industry now gets and shares information.

One important section of the bill developed by the gentlewoman from California (Mrs. TAUSCHER) deserves special mention. That section provides for the Committee on National Security, part of the Office of Science and Technology Policy, to work with affected agencies, to make sure that major cooperative research and development agreements get proper interagency review.

Some of these cooperative agreements involve issues of national security, domestic competitiveness, and even international competitiveness. These clearly extend beyond the expertise of the contracting agency and interagency clearance will permit resolution of significant issues before agreements are signed.

We are pleased that the Committee on National Security has begun its work in anticipation of the passage of this provision and that they are also examining analogous situations that involve Work for Others agreements and patent licensing.

Mr. Speaker, H.R. 209 is very similar to legislation that passed the House twice last Congress. A handful of improvements have been made at the suggestion of the Senate Judiciary Committee. Jurisdictional differences in the Senate also appear to have been worked out.

So it is our hope that if we can pass this bill today, it will be considered in the near future by the Senate and cleared by the President perhaps this month. I urge passage of the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I shall not exceed 10 minutes, although I could with this bill, and it has been around long enough. It was passed by the House in the last session by our Committee on Science. I appreciate the time that the gentleman from Wisconsin has yielded to me.

Mr. Speaker, as previously stated by the gentleman from Wisconsin (Chairman SENSENBRENNER) from the Committee on Science, Congress has long encouraged the transfer of unclassified technology created in our Federal laboratories to United States private industry.

Our Federal laboratories have long been considered one of our greatest scientific research and development resources, employing one out of every six scientists in the country, and encompassing one-fifth of the country's laboratory and equipment capabilities.

Effectively capturing this wealth of ideas and technology from our Federal laboratories through the transfer to the private industry for commercialization has helped to bolster our Nation's ability to compete in the global marketplace. By permitting effective collaboration between our Federal laboratories and private industry, new technologies are being rapidly commercialized.

Federal technology transfer stimulates the American economy. It enhances the competitive position of the United States industry internationally, promotes the development and use of new technologies developed under taxpayer funded research so those innovations are incorporated quickly and effectively into practice, and that is to the benefit of the American public.

By reducing the delay and the uncertainty created by existing procedural barriers, by lowering the transactional costs associated with licensing Federal technologies from the government, we could greatly increase participation by the private sector in its technology transfer programs.

This approach would expedite the commercialization of government-owned inventions; and through royalties, it could reduce the cost to the American taxpayer for the production of new technology-based products created in our Nation's Federal laboratories. That is the intention of the bill that is before us.

The goal of H.R. 209, the Technology Transfer Commercialization Act, is to remove the procedural obstacles and, to the greatest extent possible within the public interest, the uncertainty involved in the licensing of Federally patented inventions created in a government-owned, government-operated laboratory by applying the successful Bayh-Dole Act provisions to a GOGO.

As a result, the Technology Transfer Commercialization Act provides Federal laboratories with two important new tools for effectively commercializing on-the-shelf, government-owned inventions: one, the bill's revised authorities of section 209 of the Bayh-Dole Act, and, two, the ability to license technology as part of a CRADA.

Both mechanisms make Federal technology transfer programs much more attractive to United States private companies that seek to form partnerships with Federal laboratories.

H.R. 209, as amended by the committee, also makes a number of smaller adjustments to the Bayh-Dole Act and the Stevenson-Wydler Act of 1980 to improve those laws and to reflect a series of consensus lessons learned from 19 years of practical application of our current Federal technology transfer laws.

Given the importance and benefits of technology transfer, the Committee on Science and the Subcommittee on Technology, which I chair, continue to refine the technology transfer provisions to facilitate greater government, university, and industry collaboration.

I believe it is important to note that, with the enactment of these new authorities, most recently with the National Technology Transfer and Advancement Act of 1995, and now with the Technology Transfer Commercialization Act of 1999, that Congress has gone to great lengths to provide the Federal agencies with unprecedented authorities to enter into research and development partnerships with industry.

It is only fair that, as public stewards, these agencies must now be held accountable for aggressively applying these mechanisms.

Too many times the private sector's perception is that the bureaucracy's main concern is avoiding criticism in making decisions, not in completing the deal. This complaint has been heard too many times to not believe there is some truth behind the charge.

Innovation is always a difficult task. It must be approached aggressively and prudently. Those are not contradictory goals. They require good judgment combined with the willingness to take risks.

So it is my expectation using our oversight powers to ensure that this will be so, that Federal agencies can now effectively utilize the expanded authorities that we in Congress have provided and which we fully expect them to use to promote partnerships with industry.

I want to also note that the bill before us represents a bipartisan and a bicameral consensus. I am pleased to have worked closely with the members of the minority, the administration, and the Senate in helping to perfect the bill since it was originally introduced.

I am especially pleased that the administration has issued a statement of administration policy stating that, "the Administration supports House passage of H.R. 209, which will significantly facilitate the licensing of government-owned inventions by Federal agencies."

I would like to thank the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from California (Mr. BROWN), chairman and ranking member of the Committee on Science, as well as the gentleman from Michigan (Mr. BARCIA), ranking member of the Subcommittee on Technology, for their support of H.R. 209.

I also want to commend a number of the Members of the other body, Senators ROCKEFELLER, FRIST, HATCH and LEAHY for their input and support in helping to refine the legislation.

It is my understanding that H.R. 209 will soon be placed before the Senate for its consideration. I look forward to its expedited consideration and its eventual enactment into law in the near future.

So I urge my colleagues to support H.R. 209 and to pass this important measure.

Mr. Speaker, as previously stated by the Chairman of the Science Committee, Congress has long encouraged the transfer of unclassified technology created in our Federal laboratories to United States private industry.

Our Federal laboratories have long been considered one of our greatest scientific research and development resources—employing one of every six scientists in the country, and encompassing one-fifth of the country's laboratory and equipment capabilities.

Effectively capturing this wealth of ideas and technology from our Federal labs, through the transfer to private industry for commercialization, has helped to bolster our Nation's ability to compete in the global marketplace.

By permitting effective collaboration between our Federal laboratories and private industry, new technologies are being rapidly commercialized.

Federal technology transfer stimulates the American economy, enhances the competitive position of United States industry internationally, and promotes the development and use of new technologies developed under taxpayer funded research so those innovations are incorporated quickly and effectively into practice—to the benefit of the American public.

One of the most successful legislative frameworks for advancing Federal technology transfer has been the Bayh-Dole Act.

The Bayh-Dole Act, enacted in 1980, permits universities, not-for-profit organizations, and small businesses to obtain title to scientific inventions developed with Federal Government support.

The Bayh-Dole Act also allows Federal agencies to license Government-owned patented scientific inventions either nonexclusively, partially exclusively, or exclusively, depending upon which license is determined to be the most effective means for achieving commercialization.

Critical pressures originally prompted the passage of the Bayh-Dole Act.

Prior to its enactment, many discoveries resulting from Federally-funded scientific research were not commercialized for the American public's benefit.

Since the Federal Government lacked the resources to market new inventions, and private industry was reluctant to make high-risk investments without the protection of patent rights, many valuable innovations were left unused on the shelf of Federal laboratories.

With its success licensing Federal inventions, the Bayh-Dole Act is widely viewed as an effective framework for Federal technology transfer.

For example, the Association of University Technology Managers (AUTM) conducted a 1996 study on the effect of the Bayh-Dole Act.

AUTM concluded that the law garnered tremendous economic benefits not just for the universities and private industry directly involved in each partnership, but more importantly, for the United States economy as a whole.

The AUTM report documented that the impact of the Bayh-Dole Act represented a very real gain to Federal agencies and the Nation since it not only encourages the commercialization of Government-owned patents that would otherwise gather dust on the shelf, but it also brings in revenues to the Federal Government through licensing fees.

Accordingly, the process for the licensing of Government-owned patents should continue to be refined by streamlining the procedures and by removing the uncertainty associated with the licensing process.

Both past and prospective private industry partners, however, have voiced their concerns regarding the Federal technology licensing process.

The private sector has already demonstrated a strong interest in the strategic advantages of partnering with a Federal laboratory through a Cooperative Research and Development Agreement (CRADA) or through the licensing of Government-owned technology, but companies are deterred by the delays and uncertainty often associated with the lengthy Federal technology transfer process.

These procedural barriers and delays can increase transaction costs and are often incompatible with the private sector's need for a swift commercialization calendar.

The present regulations governing Federal technology transfer have also made it difficult for a Government-owned, Government-operated laboratory (GOGO) to bring existing scientific inventions into a CRADA even when its inclusion would create a more complete technology package.

Currently, a GOGO does not have the flexibility that small businesses and non-profits have in managing their inventions under the Bayh-Dole Act.

Also, a GOGO, unlike a GOCO, currently faces statutory notification provisions when granting exclusive licenses, and more importantly, it cannot include existing inventions in a CRADA.

By reducing the delay and uncertainty created by existing procedural barriers, and by lowering the transactional costs associated with licensing Federal technologies from the Government, we could greatly increase participation by the private sector in its technology transfer programs.

This approach would expedite the commercialization of Government-owned inventions, and through royalties, could reduce the cost to the American taxpayer for the production of new technology-based products created in our Nation's Federal laboratories.

That is our intention in the bill before us.

The goal of H.R. 209, The Technology Transfer Commercialization Act, is to remove the procedural obstacles and, to the greatest extent possible within the public interest, the uncertainty involved in the licensing of Federally patented inventions created in a Government-owned, Government-operated laboratory, by applying the successful Bayh-Dole Act provisions to a GOGO.

As a result, the Technology Transfer Commercialization Act provides Federal laboratories with two important new tools for effectively commercializing on-the-shelf, Government-owned inventions:

(1) The bill's revised authorities of Section 209 of the Bayh-Dole Act; and

(2) The ability to license technology as part of a CRADA.

Both mechanisms make Federal technology transfer programs much more attractive to United States private companies that seek to form partnerships with Federal laboratories.

H.R. 209, as amended by the Committee, also makes a number of smaller adjustments to the Bayh-Dole Act and the Stevenson-Wydler Act of 1980 to improve those laws and to reflect a series of consensus "lessons learned" from 19 years of practical application of our current Federal technology transfer laws.

Given the importance and benefits of technology transfer, the Science Committee and my Technology Subcommittee have continued to refine the technology transfer process to facilitate greater Government, university, and industry collaboration.

As a result, the ability of the United States to compete globally has been strengthened and a new paradigm for greater collaboration among the scientific enterprises that conduct our nation's research and development—Government, industry, and universities—has been developed.

Federal agencies have now been provided with unparalleled authorities to promote technology transfer.

I believe it's important, however, to note that with the enactment of these new authorities, most recently with the National Technology Transfer and Advancement Act of 1995, and now with the Technology Transfer Commercialization Act of 1999, Congress has gone to great lengths to provide the Federal agencies with unprecedented authorities to enter into research and development partnerships with industry.

It is only fair that as public stewards, these agencies must now be held accountable for aggressively applying these mechanisms.

Too many times the private sector's perception is that the bureaucracy's main concern is avoiding criticism in making decisions, not in completing the deal.

This complaint has been heard too many times to not believe there is some truth behind the charge.

Innovation is always a difficult task and must be approached aggressively and prudently.

These are not contradictory goals—they require good judgment combined with the willingness to take risks.

It is my expectation, and using our oversight powers to ensure that his will be so, that Federal agencies can now effectively utilize the expanded authorities we, in Congress, have provided and which we fully expect them to use to promote partnerships with industry.

Let me close by noting that the bill before us represents a bipartisan and bicameral consensus.

I am pleased to have worked closely with the members of the Minority, the Administration, and the Senate is helping to perfect the bill since it was originally introduced.

I am especially pleased that the Administration has issued a Statement of Administration Policy stating that, "the Administration supports House passage of H.R. 209, which will significantly facilitate the licensing of Government-owned inventions by Federal agencies."

I would like to thank the Chairman and Ranking Member of the Science committee, Mr. SENSENBRENNER and Mr. BROWN, as well as the Ranking Member of my Technology Subcommittee, Mr. BARCIA, for their support of H.R. 209.

I would also like to commend a number of members of the other body, Senators ROCKEFELLER, FRIST, HATCH, and LEAHY for their input and support in helping to refine the legislation.

It is my understanding that H.R. 209 will soon be placed before the Senate for its consideration.

I look forward to its expedited consideration and its eventual enactment into law in the very near future.

I urge all of my colleagues to support H.R. 209, the Technology Transfer Commercialization Act of 1999 and to pass this important measure.

Mr. BERRY. Mr. Speaker, Ms. MORELLA is a Member I have great respect for because of her bipartisanship.

I appreciate the efforts made in the H.R. 209, the Technology Transfer Commercialization Act of 1999, to ensure members of the public benefit from inventions created by the federal government.

However, I am concerned that this bill could lead to consumers having to pay more for prescription drugs as a result of there not being adequate notification or time to raise public objections concerning the government granting a company the exclusive right to manufacture a prescription drug developed by federal researchers.

I look forward to working with members of the House of Representatives and the Senate to ensure that any legislation eventually enacted works to the benefit of the public and businesses, alike.

Mr. UDALL of Colorado. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 209, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

FIRE ADMINISTRATION AUTHORIZATION ACT OF 1999

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1550) to authorize appropriations for the United States Fire Administration for fiscal years 2000 and 2001, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1550

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fire Administration Authorization Act of 1999".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 17 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2216) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 17. Except as otherwise specifically provided with respect to the payment of claims under section 11 of this Act, there are authorized to be appropriated to carry out the purposes of this Act—

"(1) $30,554,000 for fiscal year 1999;

"(2) $46,130,000 for fiscal year 2000, of which $2,200,000 shall be used for research activities, and $250,000 shall be used for contracts or grants to non-Federal entities for data analysis, including general fire profiles and special fire analyses and report projects, and of which $6,000,000 shall be for anti-terrorism training, including associated curriculum development, for fire and emergency services personnel; and

"(3) $49,500,000 for fiscal year 2001, of which $3,000,000 shall be used for research activities, and $250,000 shall be used for contracts or grants to non-Federal entities for data analysis, including general fire profiles and special fire analyses and report projects, and of which $8,000,000 shall be for anti-terrorism training, including associated curriculum development, for fire and emergency services personnel.

None of the funds authorized by paragraph (3) may be obligated unless the Administrator has certified to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that the obligation of funds is consistent with the strategic plan transmitted under section 3 of the Fire Administration Authorization Act of 1999.".

SEC. 3. STRATEGIC PLAN.

(a) REQUIREMENT.—Not later than April 30, 2000, the Administrator of the United States Fire Administration shall prepare and transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a 5-year strategic plan of program activities for the United States Fire Administration.

(b) CONTENTS OF PLAN.—The plan required by subsection (a) shall include—

(1) a comprehensive mission statement covering the major functions and operations of the United States Fire Administration in the areas of training, research, data collection and analysis, and public education;

(2) general goals and objectives, including those related to outcomes, for the major functions and operations of the United States Fire Administration;

(3) a description of how the goals and objectives identified under paragraph (2) are to be achieved, including operational processes, skills and technology, and the human, capital, information, and other resources required to meet those goals and objectives;

(4) an identification of the fire-related activities of the National Institute of Standards and Technology, the Department of Defense, and other Federal agencies, and a discussion of how those activities can be coordinated with and contribute to the achievement of the goals and objectives identified under paragraph (2);

(5) a description of objective, quantifiable performance goals needed to define the level of performance achieved by program activities in training, research, data collection and analysis, and public education, and how these performance goals relate to the general goals and objectives in the strategic plan;

(6) an identification of key factors external to the United States Fire Administration and beyond its control that could affect significantly the achievement of the general goals and objectives;

(7) a description of program evaluations used in establishing or revising general goals and objectives, with a schedule for future program evaluations;

(8) a plan for the timely distribution of information and educational materials to State and local firefighting services, including volunteer, career, and combination services throughout the United States;

(9) a description of how the strategic plan prepared under this section will be incorporated into the strategic plan and the performance plans and reports of the Federal Emergency Management Agency; and

(10)(A) a description of the current and planned use of the Internet for the delivery of training courses by the National Fire Academy, including a listing of the types of courses and whether they provide real time interaction between instructor and students, and including the number of students enrolled, and the geographic distribution of students, for the most recent fiscal year;

(B) an assessment of the availability and actual use by the National Fire Academy of Federal facilities suitable for distance education applications, including facilities with teleconferencing capabilities; and

(C) an assessment of the benefits and problems associated with delivery of instructional courses using the Internet, including limitations due to network bandwidth at training sites, the availability of suitable course materials, and the effectiveness of such courses in terms of student performance.

SEC. 4. RESEARCH AGENDA.

(a) REQUIREMENT.—Not later than 120 days after the date of the enactment of this Act, the Administrator of the United States Fire Administration, in consultation with the Director of the Federal Emergency Management Agency, the Director of the National Institute of Standards and Technology, representatives of trade associations, State and local firefighting services, and other appropriate entities, shall prepare and transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report describing the United States Fire Administration's research agenda and including a plan for implementing that agenda.

(b) CONTENTS OF REPORT.—The report required by subsection (a) shall—

(1) identify research priorities;

(2) describe how the proposed research agenda will be coordinated and integrated with the programs and capabilities of the National Institute of Standards and Technology, the Department of Defense, and other Federal agencies;

(3) identify potential roles of academic and other research institutions in achieving the research agenda;

(4) provide cost estimates, anticipated personnel needs, and a schedule for completing the various elements of the research agenda;

(5) describe ways to leverage resources through partnerships, cooperative agreements, and other means; and

(6) discuss how the proposed research agenda will enhance training, improve State and local firefighting services, impact standards and codes, increase firefighter and public safety, and advance firefighting techniques.

(c) USE IN PREPARING STRATEGIC PLAN.—The research agenda prepared under this section shall be used in the preparation of the strategic plan required by section 3.

SEC. 5. SURPLUS AND EXCESS FEDERAL EQUIPMENT.

The Federal Fire Prevention and Control Act of 1974 is amended by adding at the end the following new section:

"SEC. 33. SURPLUS AND EXCESS FEDERAL EQUIPMENT.

"The Administrator shall make publicly available, including through the Internet, information on procedures for acquiring surplus and excess Federal fire, emergency, hazardous material, or other equipment or property that may be useful to State and local fire and emergency services.".

SEC. 6. COOPERATIVE AGREEMENTS WITH FEDERAL FACILITIES.

The Federal Fire Prevention and Control Act of 1974 is amended by adding at the end the following new section:

"SEC. 34. COOPERATIVE AGREEMENTS WITH FEDERAL FACILITIES.

"The Administrator shall make publicly available, including through the Internet, information on procedures for establishing cooperative agreements between State and local fire and emergency services and Federal facilities in their region relating to the provision of fire and emergency services.".

SEC. 7. MISCELLANEOUS REPEALS.

The Federal Fire Prevention and Control Act of 1974 is amended—

(1) by repealing section 10(b) and redesignating subsection (c) of that section as subsection (b);

(2) by repealing section 23;

(3) in section 24—

(A) by striking "(a) The" and inserting "The"; and

(B) by repealing subsection (b);

(4) by repealing section 26; and

(5) by repealing section 27.

SEC. 8. NEED FOR ADDITIONAL TRAINING IN COUNTERTERRORISM.

(a) IN GENERAL.—The Administrator of the United States Fire Administration shall conduct an assessment of the need for additional capabilities for Federal counterterrorism training of emergency response personnel.

(b) CONTENTS OF ASSESSMENT.—The assessment conducted under this section shall include—

(1) a review of the counterterrorism training programs offered by the United States Fire Administration and other Federal agencies;

(2) an estimate of the number and types of emergency response personnel that have, during the period between January 1, 1994, and June 1, 1999, sought training described in paragraph (1), but have been unable to receive that training as a result of the oversubscription of the training capabilities; and

(3) a recommendation on the need to provide additional Federal counterterrorism training centers, including—

(A) an analysis of existing Federal facilities that could be used as counterterrorism training facilities; and

(B) a cost-benefit analysis of the establishment of counterterrorism training facilitie in regions where many applicants for such training reside.

(c) REPORT.—Not later than 180 days afte the date of the enactment of this Act, the Administrator shall prepare and submit to the Congress a report on the results of the assessment conducted under this section.

SEC. 9. NATIONAL FIRE ACADEMY CURRICULUM REVIEW.

(a) IN GENERAL.—The Administrator of the United States Fire Administration, in consultation with the Board of Visitors and representatives of trade and professional associations, State and local firefighting services, and other appropriate entities, shall conduct a review of the courses of instruction available at the National Fire Academy to ensure that they are up-to-date and complement, not duplicate, courses of instruction offered elsewhere. Not later than 180 days after the date of enactment of this Act, the Administrator shall prepare and submit a report to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(b) CONTENTS OF REPORT.—The report required by subsection (a) shall—

(1) examine and assess the courses of instruction offered by the National Fire Academy;

(2) identify redundant and out-of-date courses of instruction;

(3) examine the current and future impact of information technology on National Fire Academy curricula, methods of instruction, and delivery of services; and

(4) make recommendations for updating the curriculum, methods of instruction, and delivery of services by the National Fire Academy considering current and future needs, State-based curricula, advances in information technologies, and other relevant factors.

SEC. 10. INTERNET AVAILABILITY OF INFORMATION.

The Administrator of the United States Fire Administration shall make available through• the Internet home page of the United States Fire Administration the abstracts relating to all research grants and awards made with funds authorized by the amendments made by this Act. Nothing in this section shall be construed to require or permit the release of any information prohibited by law or regulation from being released to the public.

SEC. 11. REPEAL OF EXCEPTION TO FIRE SAFETY REQUIREMENT.

(a) REPEAL.—Section 4 of Public Law 103-195 (107 Stat. 2298) is hereby repealed.

(b) EFFECTIVE DATE.—Subsection (a) shall take effect 1 year after the date of the enactment of this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1550.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1550, the U.S. Fire Administration Authorization Act of 1999 reauthorizes training, research, data collection and analysis, and public education programs at the United States Fire Administration, which includes the National Fire Academy. It was passed out of the Committee on Science by a voice vote on April 29, 1999.

This year marks the 25th anniversary of the Fire Prevention and Control Act establishing the Fire Administration. Since its formation in 1974, the Fire Administration has played an important role in reducing the loss of life and property from fire. These declines can be traced in part to research sponsored by the USFA that led to affordable smoke detectors and its work in promoting sprinkler systems.

Recently, many in the fire-fighting community have begun questioning the value of a Fire Administration that appears to have lost its way. These concerns were raised in the recent Blue Ribbon Panel report that identified a number of deficiencies that have undermined the agency's effectiveness.

The Committee on Science shares these concerns and is dedicated to assuring that the report's recommendation, which reflect the consensus of the fire-services community, are implemented in H.R. 1550. This is the first step to getting the Fire Administration back on track, especially in research.

The bill provides a significant increase in funding, authorizing a total of $95.6 million over fiscal years 2000 and 2001. Of this amount, $5.2 million has been set aside for research, $500,000 for outsourcing of data analysis, and $14 million for antiterrorism training.

The bill also requires the Fire Administration to certify that funds obligated in fiscal year 2001 are consistent with the strategic plan required in section 3 of the bill.

The strategic plan provision of the bill matches closely the language's strategic plans in the Government Performance and Results Act. Additional elements of the plan include coordination with other Federal agencies, especially the Department of Defense; a plan for disseminating information and materials to State and local fire services; and an assessment of the use of the Internet in delivering training courses.

In addition to the increased authorization for research funding, the bill also requires the Fire Administration to establish research priorities and to develop a plan for implementing a research agenda.

The bill also directs the Fire Administration to make available the State and local fire and emergency services information on excess Federal equipment and on setting up cooperative agreements with Federal facilities, such as military bases; conduct an assessment on the need for additional counterterrorism training for emergency responders; review the content and delivery of the curriculum offered by the National Fire Academy; and to post abstracts of research grants it awards on its Internet homepage.

In addition, H.R. 1550 repeals obsolete sections of the Fire Administration statute. It also repeals, as of 1 year after enactment, a provision in law that exempts Federally-funded housing built in New York City from sprinkler requirements.

□ 1500

Before closing, Mr. Speaker, I want to commend the gentleman from Michigan (Mr. SMITH), chairman of the Subcommittee on Basic Research of the Committee on Science, and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), who is the ranking minority member of the subcommittee, for all their hard work in producing a balanced bill that will rejuvenate and strengthen the Fire Administration. It is a bill that deserves broad bipartisan support. I urge its passage.

Mr. Speaker, I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Fire Administration has long enjoyed the bipartisan support of the Congress because of its vital mission: to improve safety for all of our citizens.

I would like to acknowledge the collegial approach taken by the gentleman from Michigan (Mr. SMITH), the chairman of the Subcommittee on Basic Research, in developing H.R. 1550. It has been a pleasure working with him on the bill.

I also want to thank the chairman of the committee, the gentleman from Wisconsin (Mr. SENSENBRENNER), and the ranking Democrat member, the gentleman from California (Mr. BROWN), for their efforts in moving the bill through the committee and in bringing it expeditiously before the House for its consideration.

The Federal Fire Prevention and Control Act of 1974 was intended to address a serious problem affecting the safety of all Americans. Much progress has been made during the past 25 years in public education about fire safety, improvement in the effectiveness of fire services, and the wider use of home fire safety devices. Nevertheless, the United States still has one of the highest fire death rates among advanced nations. In 1997, 4,000 Americans died and 24,000 were injured in fires. Moreover, the approximately 2 million fires reported each year result in direct property losses estimated well over $8 billion, with total direct and indirect costs reaching $100 billion annually.

The bill before the House seeks to reinvigorate the efforts of the Fire Administration. I am pleased that it endorses the President's fiscal year 2000 proposal for a 40 percent funding increase and provides an additional 7 percent increase in the second year. Although these increases will raise the fire budget nearly $50 million, it still pales compared to the scale of activity originally contemplated for the agency.

The landmark report, "America Burning", which was the genesis for the 1974 act, recommended an initial budget for the Fire Administration of $124 million in 1974 dollars. H.R. 1550 is a good start for providing the level of resources the Fire Administration needs to carry out its important mission. In addition to resources, the bill provides for the agency to develop a management plan and establish the program priorities that will help to ensure the increased resources are used to maximize effect.

H.R. 1550 will enable the Fire Administration to increase support for its critical responsibility of firefighter training through the National Fire Academy. Moreover, the budget growth will enable the agency to reverse the steep decline in support for fire research and for public education programs. Greater research is absolutely necessary so that we can help prevent firefighter injury and death nationally, including those that claimed the lives of three firefighters from the Dallas-Fort Worth area earlier this year.

Regarding public education, the Fire Administration must enlarge and improve its efforts to reduce losses for the population groups most at risk from fire death and injury. We know that the elderly, the very young and the poor are most vulnerable. I included language in the report accompanying the bill tasking the Fire Administration to carefully assess whether research and additional data collection activities could improve understanding of the factors that lead to increased fire risk. Effective targeted fire prevention campaigns can be developed only from a sound base of knowledge.

Also, I asked the Fire Administration to look into the current use of security bars, which are often called burglary bars. These devices offer protection from criminals but can become fire traps in the event of fire, as has recently been the case in Texas and other States. The Fire Administration could help prevent such tragedies by disseminating information about ways to install the security bars properly that also will allow for easy departure from a building in a fire emergency.

In addition to funding authorizations, H.R. 1550 establishes the requirement for a 5-year program plan for the agency. This plan will constitute the formal documentation of Fire Administration's response to the recommendations of the blue ribbon panel convened last year by FEMA Director Witt to review the agency's management and programs.

I am particularly concerned about the recent decision the FEMA director made to create the position of chief operating officer for the Fire Administration. The incumbent for this position, a civil service employee, would report directly to the FEMA director but assist rather than report to the administrator.

I understand the reasons that led to the creation of this new position and generally support the position. The problem lies in the tangling of lines of authority within the Fire Administration and confusing the roles of two officials. This arrangement, in my view, will create confusion in the line of authority within the Fire Administration that may be harmful to the functioning of the agency.

I believe the fire administrator is committed to carrying out reforms at the agency consistent with the blue ribbon panel's recommendations. I will be following this situation closely to be sure the fire administrator plays an important role in developing and implementing the FEMA director's final response to the blue ribbon panel report.

One part of the process required by H.R. 1550 for developing the 5-year will include consultation with the National Institute of Standards and Technology and the fire service organizations to establish a prioritized set of research goals. I am particularly interested in seeing that this research prioritization places adequate emphasis on development of firefighter protection equipment. Firefighters put their lives on the line every day. It is only right they have the equipment that will allow them to do their jobs effectively and as safely as possible.

Mr. Speaker, H.R. 1550 is a useful bill that comes to the floor with bipartisan support and that authorizes programs that advance public safety. I am pleased to recommend the measure to my colleagues for their approval.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 8 minutes to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Speaker, more than ever the American fire and emergency services are being called upon to respond to new challenges and incidents, most notably chemical, biological, nuclear, and conventional weapons of mass destruction. At the same time, they have small budgets, higher operating costs and fewer volunteers.

To their credit, the fire and emergency services simply make do with what they have in every one of our communities, but the cost to them is high. Roughly 100 firefighters and first responders die every year on the job and nearly one-third of our firefighters are injured. This compares, incidentally, to about 180 law enforcement officers killed in the line of duty each year. However, both groups are vital to our communities. The difference is the budgets, with police getting about twentyfold of what we are giving to firefighters. For first responders, we can do better.

Today, the House will vote on the reauthorization of the United States Fire Administration. In this Congress the vote will not seem significant, but within the American fire services this is a landmark occasion. The United States Fire Administration is the lead agency for our 1.2 million first responders, the brave men and women who stand ready at a moment's notice to place their own lives in danger in order to protect ours. In the three terms I have served in Congress, this legislation is one of my proudest achievements.

The United States Fire Administration was established in 1975 under the Fire Prevention and Control Act of 1974. Its mission was divided into four program areas: data collection, public education, training, and technology development. Much of the progress in reducing fire-related deaths over the past 25 years can be attributed to the work of the USFA.

In recent years, the United States Fire Administration has been subject to scrutiny and criticism from its own constituents. In fact, James Lee Witt, Director of the Federal Emergency Management Agency, appointed a blue ribbon commission to conduct a thorough review of the administration and report back with recommendations to revitalize its mission. The commission represented virtually every facet of fire services, including career and volunteer firefighters, chiefs, ethnic and female firefighters and instructors. Having had the pleasure of meeting with the chair and co-chairperson of this distinguished commission, I can say that this group made certain that all views were represented in the report.

They listed 34 recommendations to improve the United States Fire Administration. At the top of their list was additional funding.

As many of my colleagues know, I am a fiscal conservative. So, quite frankly, I was somewhat skeptical of their motives. However, after careful review of the report, I saw in it a serious and earnest effort on the part of these stakeholders to bring about positive change, to increase funding for the United States Fire Administration while at the same time holding it accountable for its own performance.

The measure we will consider today will increase USFA's authorization from $30 million to $46 million in fiscal year 2000, approximately a 40% increase. It provides a fourfold increase in research that is so vital for firefighter safety and reducing the amount of damage in this country from fires.

The legislation will require USFA to prepare a 5-year plan on how the funding will be spent, mandating the administration to coordinate activities with other Federal agencies, including the National Institute of Standards and Technology. It will channel new funding into the National Fire Academy for counterterrorism training for first responders and call for a review of National Fire Academy courses to ensure that they are up to date and complement, not duplicate, courses of instruction offered elsewhere.

Mr. Speaker, 3 weeks ago, as a member of the Congressional Fire Caucus, I had the pleasure of attending the 11th Annual National Fire and Emergency Services dinner here in Washington, D.C. The event was sponsored by leadership of the caucus, and I must say I was somewhat embarrassed to be seated at the head table when that honor should have been accorded to the 2,000 fire service leaders seated in the audience.

They came from every corner of the United States here to represent their segment of the firefighting industry. They were here in Washington to learn about the Federal process while also to enjoy themselves at the dinner. But as I stand here today delivering these remarks, many of them are properly responding to emergencies placing their own lives in harm's way.

So when I say this legislation is one of my proudest achievements, my colleagues now know why. This will have the potential of saving countless numbers of lives, significantly reducing physical injuries and decreasing the dollar amount of damages caused by fire and other forms of disasters.

I would personally like to thank everyone from the fire service who offered their support to me throughout this entire reauthorization process. But more importantly, I would like to thank all 1.2 million first responders for their dedication and commitment to duty, and offer my best wishes for their continued success and safety. I am concerned that Washington's commitment to firefighters is not as great as firefighter's commitment to us. Too often, we take their willingness to protect and assist us for granted. The next time you hear a siren or see a fire truck, you should give some thought to the firefighters and rescue workers, who are mostly volunteers, going out of their way and often risking their lives to protect their communities and neighbors. I hope H.R. 1550 can be the beginning of a national effort to increase our support for these public-spirited citizens.

H.R. 1550 is an important piece of legislation that deserves broad bipartisan support. I ask my colleagues to support it.

Allow me to note some recent heroes, firefighter Matt Mosely, suspended from a helicopter hovering over a flame-engulfed factory plucked Ivers Sims from the top of a construction crane.

March 16, 1999. The Bourbonnais Fire Department, a volunteer department with 44 men and only three pumpers, responded to the worst train wreck in America since 1993 and found 14 dead and 119 injured. And acted with valor.

April 20, 1999, In Littleton, Colorado fire engineers placed their engines closer to the school to serve as cover for advancing officers and escaping students in Littleton.

Capt. Richard Knowlton, of the Austin Fire Department, dove from a 26-foot cliff into a Northwest Austin pond in June. After Knowlton pulled a swimmer from the pond, he attempted mouth-to-mouth resuscitation until emergency medical rescuers arrived.

We cannot overlook their needs without continued loss of life. Sgt. John Carter, who died last year in Washington, D.C. was an unnecessary fatality. The reconstruction report said that he could have been saved if his portable radio worked properly. It was old, it was faulty, and he died from drowning in a basement when his air ran out. If fireground communication can save even one life, how much is it worst spending.

Finally, it is very important to contrast spending on law enforcement vs. spending on the fire services. The federal government probably spends more than $96 million a month on everything from cars to vests for cops, while the fire services get nothing.

And I would like to cite the lack of leadership in the Administration on this vote for H.R. 1550!

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Colorado (Mr. UDALL).

Mr. UDALL of Colorado. Mr. Speaker, I thank the gentlewoman from Texas for yielding me this time to speak in support of H.R. 1550, the Fire Administration Authorization Act of 1999.

I would like to talk specifically about the merits of two provisions added by amendments I offered that are designed to strengthen our counterterrorism training efforts.

As we experience more instances of domestic terrorism, it is vital our first responders are trained to address the possibilities of terrorist attack. We are now facing a situation in which a policeman, paramedic or firefighter can be called upon to deal with a terrorist scenario.

Take Oklahoma City. In the bombing there, the incident commander was the fire chief. The law enforcement emergency professionals and others reported to him. In the future, given this example, training received at the National Fire Academy might mean life or death not just for our first responders but for uncountable numbers of people. It is essential that the Fire Administration have the resources necessary to help meet the anti-terrorism training needs of the fire services.

I agree with the Committee on Science's 1997 report authorizing the Fire Administration that important training programs for major fires, natural disasters and hazardous materials accidents should not come at the expense of existing USFA programs.

□ 1515

I would also note that the Blue Ribbon Panel convened last year by FEMA Director Witt recommends that the Fire Administration budget for natural disaster and terrorism response activities be $15 million.

Accordingly, my first amendment increased the authorization level for the Fire Administration's anti-terrorist training activities by $1 million for fiscal year 2000 and by an additional $2 million for fiscal year 2001. These increases raised the total authorization level for this important activity to $6 million per year in the first year and to $8 million, or twice the current level, by the second year.

Under my second amendment, the U.S. Fire Administration is required to assess the need for additional capabilities for Federal counterterrorism training of emergency response personnel.

We need to know how adequate our current efforts are, what our current need is, and how best to satisfy that need in the event that demand for training exceeds our current capacity for training.

My amendments were designed to ensure an important activity of the Fire Administration is placed on a reasonable growth track consistent with the Blue Ribbon Panel's recommendation. Terrorism is a problem that has reached endemic proportions; and I feel strongly that, whenever possible, we should do our part to protect Americans from this national threat.

Mr. Speaker, I urge support for this bill.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I am pleased to rise to take this opportunity to thank our colleagues, the gentleman from Wisconsin (Mr. SENSENBRENNER), the distinguished chairman of the Committee on Science, and the gentleman from Michigan (Mr. SMITH) for bringing this piece of legislation to the floor today.

This reauthorization addresses many of the concerns of today's firefighters and prepares them for the challenges ahead. I am pleased to cast my vote today in favor of the reauthorization of the Fire Administration. We trust America's firefighters with the lives of our families and the protection of our property, our homes, forests, and communities. In turn, they trust us with the protection of their lives by expecting us to provide them with the resources and training necessary to face the dangers ahead.

This legislation protects and prepares our Nation's firefighters for the critical challenges they face in our world today. This is a vital piece of legislation, preventing fires and protecting families and is ensuring our firefighters with the necessary funding to provide training and to enable them to gather information. By increasing funding by almost 40 percent, this reauthorization will assist Federal, State, and local firefighters in their efforts to develop and complete fire profiling, data analysis and reporting projects. It will provide today's firefighters with anti-terrorism training and develop a curriculum for fire and emergency services personnel.

Moreover, the bill requires the U.S. Fire Administration to develop a comprehensive mission statement which will cover the administration's major functions and operations in training, research, data collection and analysis, and public education and allows fire companies to identify the fire-related activities of the National Institute of Standards and Technology, the Department of Defense, and other Federal agencies, and open discussion of how those activities can be coordinated with and contribute to the achievement of these goals and objectives of the U.S. Fire Administration.

This reauthorization prepares today's firefighters by providing them with the up-to-date information that they sorely need by allowing them to input their ideas into national fire prevention efforts and giving them the funding support that will protect them as they face the challenges ahead.

Accordingly, I urge my colleagues to fully support this measure.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentlewoman for yielding me the time and for her leadership on this issue.

Mr. Speaker, the Fire Administration Authorization Act contains an important provision which closes the loophole specific to New York City, the area that I represent.

In 1993, a provision was slipped into a technical amendments bill which exempted New York City from the national requirement that all multi-family housing built using Federal funds must have fire sprinklers installed. This loophole allowed Federally funded multi-family housing only in New York City to be exempted from this requirement if the structure had "an equivalent level of safety." Yet it did not define what "an equivalent level of safety" was. And, as we have learned, there is absolutely no substitute to sprinklers when it comes to limiting fires and saving lives.

After a terrible string of fires in New York City apartment buildings, the

City Council this year passed a very strict fire safety law which made sprinklers mandatory in multi-family housing. But with this loophole in place, if a developer receives any Federal funding, they can apply to be exempt from this fire safety requirement.

I introduced a stand-alone bill, H.R. 1126, to close this loophole; and the gentleman from New York (Mr. WEINER), an original cosponsor, added it as an amendment to this legislation.

I would like to publicly thank the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and the gentleman from Wisconsin (Mr. JAMES SENSENBRENNER) for supporting this provision and for making certain that apartment buildings in New York City are as safe from fire as they are in the rest of the country. I thank them for including the amendment.

Mr. LARSON. Mr. Speaker, I thank the gentlewoman from Texas for yielding me this time, and I rise today in support of the Fire Administration Authorization Act.

First, I wish to thank our Chairman, the gentleman from Wisconsin, Mr. SENSENBRENNER, for his work on this bill and the ranking member of our committee, the gentleman from California Mr. GEORGE BROWN, and my colleagues who have sponsored and introduced this legislation, the gentleman from Michigan, Mr. SMITH, and the gentlewoman from Texas, Ms. JOHNSON, for graciously accepting the amendment I offered during mark-up.

Fewer than two weeks ago we approved this bill in the Committee on Science. The bill, among other things, requires the United States Fire Administration to create a five-year plan laying out the agency's overall goals and program activities. My amendment added a provision to assess, within the strategic plan, the benefits of providing fire education to local fire departments through distance learning.

Under my amendment, the Fire Administration's strategic plan must now include full consideration of how the Internet is currently used and could be used more effectively in the future to deliver National Fire Academy training courses at remote sites. It also asks the Fire Administration to review its current training activities over the Internet and assess the benefits and problems associated with Internet use for training. Finally, it requires an inquiry into the availability of federal facilities with advanced tele-communications capabilities which could be used as remote settings for Fire Academy courses.

The question that prompted me to propose this amendment is whether the National Fire Academy has carefully considered how best to make use of the Internet. At an authorization hearing on the Fire Administration in the Science Committee earlier this year, I learned that on-campus courses at the Academy are heavily oversubscribed and that distance learning is one mechanism to provide needed training for the fire services community. I believe that by assessing the viability of instituting this mechanism, we take a first step toward facilitating this needed training for our valued fire services community, who will stand to benefit from this practical application of information technology.

My amendment marks an important step in ensuring that the Government keeps pace with the uses and applications of the technological advances taking place in the world as we approach the next millennium. It also represents a continuation of my efforts in Congress to ensure that the Federal Government will be at the forefront of these technological changers.

Again, I wish to thank my colleagues on the committee for supporting the amendment and encourage all my colleagues in the House to support this bill.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I have no further questions for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 1550, as amended.

The question was taken.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

HONORING AND RECOGNIZING SLAIN LAW ENFORCEMENT OFFICERS

Mr. CHABOT. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 165) acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

The Clerk read as follows:

H. RES. 165

Whereas the well-being of all citizens of this country is preserved and enhanced as a direct result of the vigilance and dedication of law enforcement personnel;

Whereas more than 700,000 men and women, at great risk to their personal safety, presently serve their fellow citizens in their capacity as guardians of peace;

Whereas peace officers are the front line in preserving our children's right to receive an education in a crime-free environment that is too often threatened by the insidious fear caused by violence in schools;

Whereas 158 peace officers lost their lives in the performance of their duty in 1998, and a total of more than 15,000 men and women have now made that supreme sacrifice; and

Whereas every year 1 in 9 officers is assaulted, 1 in 25 officers is injured, and 1 in 4,400 officers is killed in the line of duty: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) all peace officers slain in the line of duty should be honored and recognized; and

(2) the President should issue a proclamation calling upon the people of the United States to honor and recognize slain peace officers with appropriate ceremonies and respect.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. CHABOT) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the eyes of most Americans are fixed on events in Yugoslavia and the brave service of our military forces there, it is easy to overlook the courageous service of another group of men and women who protect us much closer to home.

Over 700,000 law enforcement officers, serving at every level of government and in communities of every size, stand guard over our lives and our property every single day. These officers patrol our streets. They pursue those who threaten our security. They are just a phone call away.

Today, with the consideration of this resolution, we honor the dedication and devotion of America's law enforcement community. But, in particular, we honor the sacrifice of a specific heroic group of law enforcement officers. We honor those who have given their lives in the service to the rule of law.

Mr. Speaker, mere words cannot fully express the significance of this sacrifice. How do we adequately express our appreciation for those who are willing to die to protect us and our families? Police officers enjoy life just as much as of the rest of us. They long to see their children grow up and be successful and to some day hold their grandchildren, just like all of us do. And yet they are willing to risk all of their hopes and all of their dreams for us to ensure the safety and well-being of our communities.

It is far too easy for us to take for granted their devotion to duty. It is for this reason that we bring H.Res. 165 to the floor today. It is to honor the 158 peace officers who lost their lives in the performance of their duties just last year. It is also to commemorate the more than 15,000 officers who have made the supreme sacrifice over the course of our Nation's history.

The names of these heroes are now enshrined on the Law Enforcement Memorial Wall only a few blocks away from this very House Chamber. That wall and this simple resolution are among the many ways that we can encourage all Americans to remember, to never forget, the extraordinary service of these extraordinary public servants.

This Saturday, Mr. Speaker, we will celebrate Law Enforcement Officer Memorial Day. The main event will be a ceremony in memory of peace officers killed in the line of duty in 1998 held on the West Lawn of the Capitol. This resolution calls on the President to issue a proclamation calling on the people of the United States to honor and recognize slain peace officers with ceremonies similar to Saturday's event. I am pleased that this Congress has the honor of hosting the annual memorial service.

Last night, in my hometown of Cincinnati, Ohio, I had the privilege of speaking at our local police memorial service. Over the last year, our community has suffered the tragic loss of three officers: Cincinnati Officer Daniel Pope and Specialist Ronald Jeter, and Officer Michael Partin from neighboring Covington, Kentucky, just across the river. Now today we honor officers from throughout the country who have made the ultimate sacrifice.

I want to thank the gentleman from Colorado (Mr. HEFLEY) for introducing this resolution and taking the lead in ensuring that this House expresses its profound appreciation for the commitment and sacrifice of America's law enforcement officers.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to commend the gentleman from Colorado (Mr. HEFLEY) for his work on this important issue and for sponsoring the resolution to honor the men and women in law enforcement who each day proudly put their lives on the line to protect and serve communities across the Nation.

I also want to commend the Law Enforcement Caucus, particularly the gentleman from Michigan (Mr. STUPAK), for making sure that the concerns of law enforcement officers and their families are heard in Congress.

Today's law enforcement officers face numerous risks as they perform their duties. Last year over 150 law enforcement officers were killed in this country; and it is appropriate that at this time, during Police Week, that Congress take out time to salute these officers and their families.

All week long, thousands of law enforcement officers and their families will take part in events around the country to honor those who have fallen and to salute the daily heroic efforts of men and women who continue to walk the beat.

Mr. Speaker, this resolution comes at a time when many of us in Congress still feel the loss of two members of the law enforcement community who died last year while protecting the people's House. The names of Special Agent John Gibson and Officer Jacob Chestnut are now listed alongside the names of 15,000 men and women who gave their lives in order to keep our community safe.

I also want to take time to extend my deep appreciation to the law enforcement officers who are currently serving in my home State of Virginia and to the families of those who lost their lives in the line of duty. Their dedication in preserving the safety of communities in Virginia has not gone unnoticed.

This resolution correctly acknowledges the sacrifices of law enforcement officers who have made the keeping of our communities, especially our schools and children, safe. I encourage my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. CHABOT. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. GILMAN), the distinguished chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I am pleased to rise today in strong support of the slain peace officers resolution, H.Res. 165.

I want to commend the gentleman from Colorado (Mr. HEFLEY) for introducing this resolution, and I want to thank the gentleman from Ohio (Mr. CHABOT) for bringing it to the floor at this time, along with the gentleman from Virginia (Mr. SCOTT), the ranking minority member.

Our law enforcement officials represent an integral part of our society in which we have instilled public trust. As the vanguard of our public safety, we sometimes take for granted the risks that they assume in the course of their duties. Regrettably, we are far too often reminded of those risks.

In 1998, 158 law enforcement officers lost their lives in the line of duty, bringing the total number of slain officers to some 15,000 over the last 10 years. In July of that same year, we were witness to a tragedy here in our Nation's capital as two of our Capitol Police, Officer Jacob Chestnut and Officer John Gibson, were killed in an unforeseen act of violence by a lone, deranged gunman.

This resolution, which expresses the sense of Congress that all peace officers slain in the line of duty should be honored and recognized as well as stating that the President should issue a proclamation calling on the people of our Nation to honor and recognize slain peace officers with appropriate ceremonies and respect, is an important measure. Properly recognizing and honoring those officers who lost their lives in the fulfillment of their duties is important to our Nation.

□ 1530

On May 15, the annually celebrated Law Enforcement Memorial Day, more than 15,000 law enforcement officers are expected to gather in our Nation's capital with their families to honor their comrades who have been killed in the line of duty. This resolution is an excellent tribute to those officers who have fallen while exercising their solemn duty to ensure the safety and livelihood of all of our citizens.

Accordingly, Mr. Speaker, I am pleased to be an original cosponsor of this vital resolution. I urge my colleagues to join in supporting its passage.

Mr. SCOTT. Mr. Speaker, I yield 3 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I very much thank the gentleman for yielding me this time, and I thank the gentleman from Ohio and the gentleman from Virginia for bringing this very timely and solemn resolution to the floor and the gentleman from Colorado for introducing it.

I rise to pay honor and respect to the officers of this country who have been slain in the line of duty.

Mr. Speaker, yesterday the Congressional Black Caucus sponsored a compelling hearing on police brutality in this country, which tragically has gone up as crime has gone down, especially in many black and Hispanic communities. The Nation's capital has been number one in police shootings of civilians. These are matters that must be answered and attended to.

At the same time, Mr. Speaker, I reported at that hearing that there is enormous respect and appreciation for police officers in the District of Columbia as residents have clamored for more of them, particularly as we now come out of one of the worst crime epidemics in our history. The depth of the feeling was revealed especially during the 1990s when 11 police officers in the District of Columbia lost their lives in the line of duty. There was deep feeling, as well, in the District and across the Nation at the tragic slayings of Officers Chestnut and Gibson and, of course, of other public safety officers in the District of Columbia and throughout the country.

One of these especially brutal killings in the District led me to introduce, and Congress to pass, the Brian Gibson Tax-Free Pension Equity Act, which allows the family of a slain Federal or local law enforcement officer killed in the line of duty to receive that officer's pension tax free, just as officers for some time who retired on disability could receive their pension tax free. I want to thank the gentleman from Michigan (Mr. STUPAK) and the gentleman from Minnesota (Mr. RAMSTAD), who are cochairs of the Congressional Law Enforcement Caucus, and the gentleman from Texas (Mr. ARCHER) and the gentleman from New York (Mr. RANGEL), who helped me get this through the Taxpayers Relief Act of 1997.

Mr. Speaker, the next order of business is to build the Visitors Center. I have long had a bill and ultimately named it for Officers Chestnut and Gibson for a Visitors Center. In the wake of the tragedy, an appropriation allowed a Visitors Center to go forward. It would make the Capitol more secure for all of us and especially more secure for the officers. The Visitors Center would help avoid tragedies like the killings of two brave officers in this Capitol in 1997.

I salute the Capitol Police and the District of Columbia Police and especially the families of the slain peace officers in this country who have died in the line of duty and whom we honor this week.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

I would like to thank the gentleman from Ohio (Mr. CHABOT) for his leadership in advancing this legislation. I urge my colleagues to support it.

Mr. STUPAK. Mr. Speaker, I rise today to support this resolution to honor law enforcement officers who were killed in the line of duty. I want to thank my colleague, Mr. HEFLEY, for sponsoring this important legislation. I am pleased to be here to participate in this debate.

Before coming to Congress in 1993, I served for 12 years as a police officer, both as a city officer and as a state trooper. I have known many officers who have given their lives for the people they serve and understand the importance of the House of Representatives taking this step to honor law enforcement officers who have made the ultimate sacrifice.

In May of 1998, in my district, Traverse City Sgt. Dennis Finch was killed while on duty. A 30 year veteran of the police force, Sgt. Finch was shot during a stand off with an armed gunman. He was survived by his wife and two daughters who will be in Washington this week participating in many of the Police Week activities.

Just last summer everybody in this body was reminded of the extreme sacrifice our nation's law enforcement and public safety officers make to our communities and our nation when Officers Chestnut and Gibson were killed here in the Capitol.

Unfortunately, there were many more officers killed last year. In 1998, 158 officers lost their lives while on the job. This brings the total to more than 15,000 men and women who have given their lives serving the public as law enforcement officers.

This legislation recognizes the value our government places on the work of our public safety officers. It is important that we take time this week to show our respect and recognition for the jobs that police officers do every day in every city and town in America.

Join me to support this resolution. It is the least we can do for those who put their lives on the line every day.

Mrs. KELLY. Mr. Speaker, I rise today for the purpose of honoring those police officers who have given their lives for the sake of others. A reflection on the sacrifice made by these officers can only lead one to feelings of sadness, humility, and pride. These Americans have demonstrated a commitment to the public good that could not be eclipsed, and their courage serves as a profound testament to the strength of our nation and our purpose.

I was privileged last Congress to introduce the Public Safety Memorial Scholarship Act. This bill sought to provide education funding to the families of state and local public safety officers who were killed in the line of duty. I was certainly gratified when legislation which was very similar to my bill was signed into law last year.

In honoring the memories of these fallen officers, we in Congress must continue our efforts to create safer and stronger communities through an active commitment to supporting those in the law enforcement community. I know that I speak for all of my colleagues when I say that our constituents deserve nothing less than our best efforts as we work towards this goal.

Mr. CRAMER. Mr. Speaker, I rise today in support of this House Resolution to honor law enforcement officers killed in the line of duty.

This resolution is in recognition of National Peace Officers Memorial Day, which serves as a solemn reminder of the sacrifice and commitment to safety that law enforcement officers make on our behalf every day.

Law enforcement officers who have died in the line of duty sacrifice not only their own lives, but also the lives of their spouses, children, parents, and friends. In fact, the whole community suffers a profound loss when a law enforcement officer dies.

Last year, in 1998, 155 of our country's brave law enforcement officers died protecting the citizens of this nation. This resolution serves as a tribute to those fallen officers and their families.

This simple gesture will send a signal across the country that our law enforcement officers deserve our utmost respect for putting their lives on the line day-in and day-out.

Every day, law enforcement officers are at war against criminals that threaten the security of this country. Passing this resolution to honor those officers is the least that we in Congress can do to thank them for their sacrifices.

I am proud to support this resolution that is before us today.

Mr. RAMSTAD. Mr. Speaker, I rise as a cosponsor and strong supporter of the important resolution before us today to honor those brave police officers who have given their lives to keep our communities safe.

As co-chair of the bipartisan Law Enforcement Caucus, I applaud the courage and dedication to duty of all peace and police officers serving their communities. These officers put their lives on the line for us, every day they put on the badge. Their courage and sacrifice was demonstrated in a very dramatic way last summer, when shots rang out in the Capitol and two of the U.S. Capitol Police's finest lost their lives.

It is fitting that we consider this resolution during National Police Week. I encourage members of this body and the public to participate in other events this week honoring America's fallen police officers. On May 13, the 11th Annual Candlelight Vigil will take place at 8 p.m. at the National Law Enforcement Memorial grounds, followed by a reading of the 312 names newly engraved on the Memorial. At noon on May 15, the 18th Annual National Peace Officers' Memorial Day Service will take place on the west front of the Capitol, with a wreath-laying ceremony to follow.

In my home state of Minnesota, May 8 was Law Enforcement Appreciation Day at the Metrodome in Minneapolis, where "Top Cops" were honored during the Minnesota Twins game. I encourage my fellow Minnesotans to attend events on May 15, in which uniformed officers will stand in silence all day at the Peace Officers Memorial on the State Capitol grounds. Also, a 5-kilometer "Race to Remember" will be held in St. Paul, and a candlelight service will be held at 7:30 p.m. at the Peace Officers Memorial.

Mr. Speaker, 156 law enforcement officers were killed in the line of duty in 1998, and over 15,000 officers have been killed since our nation began recording their deaths. My home state of Minnesota has lost 207 officers.

On average, a law enforcement officer is killed every other day in America. Each year, one in nine officers is assaulted and one in 25 is injured while on duty. These sacrifices are made daily to fight crime and make our citizens safer.

These law enforcement heroes and their families deserve our gratitude and respect, during National Police Week and throughout the year. We must never forget their sacrifices, including the ultimate sacrifice paid by too many officers.

We must all work for a day when no more names will be added to the Law Enforcement Memorial wall, and a resolution like this will no longer be necessary.

Mr. KILDEE. Mr. Speaker, I rise today to ask the House of Representatives to join me in honoring the 40th annual observance of Peace Officers Memorial Day. Flint Memorial Park is the setting for this observance on May 14 in my hometown of Flint, Michigan. On this day the Flint community will take time to reflect on the loss of some of its finest police officers.

For the past 40 years, Flint Memorial Park has honored Peace Officers that have fallen in the line of duty. A memorial service is held annually to remind us of their bravery and sacrifice. The names of the officers that have been immortalized on the monument at Flint Memorial Park are:

Patrolman Terry Lee Thompson—Burton Police Department July 5, 1983.

Patrolman Russell A. Herrick—Burton Police Department May 8, 1980.

Trooper Norman Killough—Michigan State Police, Detroit Post October 6, 1978.

Deputy Ben R. Walker—Genesee County Sheriff Department April 6, 1971.

Detective Alton C. Fritcher—Flint Police Department January 5, 1969.

Trooper Albert Souden—Michigan State Police, Brighton Post September 3, 1959.

Trooper Burt Pozza—Michigan State Police, Flint Post November 19, 1956.

Patrolman Karl J. Liebengood—Burton Township Police Department January 11, 1955.

Trooper George Lappi—Michigan State Police, Flint Post November 19, 1956.

Detective James McCullough—Flint Police Department February 28, 1952.

Patrolman Neil Krantz—Flint Police Department April 24, 1951.

Deputy James W. Cranston—Genesee County Sheriff Department July 26, 1945.

Patrolman Gerald Leach—Flint Police Department September 21, 1940.

Patrolman John Wopinski—Flint Police Department August 9, 1932.

Detective Matthew Hauer—Flint Police Department April 18, 1924.

Patrolman Avera M. Hudson—Flint Police Department June 28, 1924.

In addition to the memorial to slain Peace Officers a monument to police dogs that have been killed in the line of duty will be unveiled at this year's ceremony. The names of the canines and their handlers are: Aiko—Handler—Trooper Joel Service, Symmon—Handler—Sgt. Richard. E. King, Gillette—Handler—Officer Bruce Burton, Romel—Handler—Sgt. Dan Spaniola, Charlie—Handler—Deputy Dale Glover, Major—Handler—Sgt. Jerry Wilhelm.

Mr. Speaker, I ask the House of Representatives to please reflect on these individuals and their families and pay tribute to their ultimate sacrifice. We pay homage these slain officers and all peace officers everywhere that are asked to give so that the rest of us can live in a safer world.

Mr. GREEN of Texas. Mr. Speaker, I rise in strong support of this resolution that pays honor to slain law enforcement officials.

Law enforcement officers place themselves in harms way every day to protect all Americans. Despite these inherent risks, peace officers go out and make our streets, our businesses, and our country safe.

It takes a special person to respond to this call to duty. It takes someone with courage, honor, bravery, integrity, a sense of community, and concern for their fellow man.

Today we come together to honor the memories of those men and women who have fallen while in the line of duty. We gather to remember and honor the memory of those law enforcement agents who made the ultimate sacrifice.

There is no greater sacrifice than to lay down your life for your fellow man.

Their sacrifices came while these brave individuals were doing their duty of protecting us, fighting crime, and making our community a better place.

While today we honor the memories of those persons who have passed away, we must remember and never forget their sacrifice. The duty they felt will always be felt in our hearts, and will be carried on by their fellow officers, friends and family.

Our hearts go out to the family, friends, and colleagues that have had to say good bye to a loved one. We are indebted to every spouse, every child, every parent, sister, brother, grandchild, aunt, uncle, and every friend of all those whom we come here to honor today. We pay tribute not only to those who have died, but to those who have lost them, to their survivors. And we pay tribute to the more than half million law enforcement officers who continue to go to work every day, not knowing for sure if on that day they will be required to make the ultimate sacrifice.

Today, I would say that, more than anything else, we ought to rededicate ourselves to becoming a country worthy of the heroes we come here to honor. Every day, law enforcement officers take the oath to uphold the law and defend citizens. Danger is a constant companion; still, law enforcement officers go out every day carrying the badge that symbolizes their commitment.

The job of law enforcement is so dangerous today not only because criminals are better armed, but because our society is too often coming apart when it ought to be coming together.

And so today we must dedicate ourselves—all of us—to making America worthy of the sacrifice of the law enforcement officials who have fallen, and those who still risk their lives every day. I ask today that we remember the law enforcement officers and their families who paid the ultimate sacrifice.

Mr. HOYER. Mr. Speaker, I rise today to honor the men and women of law enforcement who made the ultimate sacrifice in protecting our civil society.

Yesterday, I joined the families and colleagues of Officers Christopher Eney and Jacob Chestnut and Detective John Gibson in dedicating the Capitol Police Headquarters in their honor. Their deaths, as tragic as they were, are only three of more than 15,000 men and women who have lost their lives in the line of duty.

Thousands of law enforcement officers are converging on Washington for the Annual National Law Enforcement Week. This year, the names of Officer Chestnut and Detective Gibson will be read at the Candlelight Vigil along with the names of 156 other officers from around the Nation. The names of those 158 officers will forever be remembered on the walls of the National Law Enforcement Officers Memorial.

Whether in the Capitol Building, on the highway, or in our neighborhoods, these men and women put on a badge and strapped on a gun, knowing that they risked their lives. No one escapes death. That is a fact that we have known since a young age. Our lives are precious, and a gift that is to be cherished and celebrated to its fullest. Yet, putting duty to their profession ahead of boundless risks, these officers forfeited that gift for what they believed in.

For the 158 officers who lost their lives in 1998, their tragic deaths came too soon and without reasonable cause. In an instant, the families and colleagues of these officers had someone they loved and cared for taken away from them. And in an instant, we lost a dedicated and committed community servant.

Abraham Lincoln once stated that "Those brave men who here gave their lives that that Nation might live." The fallen men and women that we honor today gave their lives upholding the laws vital to maintaining our democratic form of government. Just as President Lincoln honored the fallen heroes of a war between brothers, we honor the brave husbands, wives, fathers and mothers from departments across the country that sacrificed their lives, enforcing the laws of rural towns and urban cities across America.

God bless our fallen officers.

Mr. HAYES. Mr. Speaker, I rise today in honor of National Police Week to pay tribute to the men and women who serve as Law Enforcement officers across the United States. This includes police officers, sheriff's deputies, correctional officers, parole and probation agents, and pretrial services officers.

Police officers are on the front lines everyday protecting our streets, communities, and neighborhoods. So often we overlook the many duties that police officers perform on a daily basis.

Crime statistics nationwide have shown a dramatic decrease over the past 3 years in homicides, violent crimes, and property crimes. But, until those statistics become nonexistent, we need to support our law enforcement officials at every level of government.

On a federal level, we need to give local law enforcement the support they need to be successful and safe. Programs like the Bulletproof Vest Initiative, has given rural communities the chance to quality for grants to increase officer safety. Advancements in the Criminal Justice Information Network have given local agencies the ability to better communicate and exchange critical information.

Mr. Speaker, we will also be celebrating Peace Officers Memorial Day this week. Two communities in my district in North Carolina have been leaders in paying tribute to fallen officers. Ann Cannon led the effort in my hometown, Concord, N.C., to erect a memorial in the center of town. Even today, citizens in Albermarle, N.C., are dedicating a memorial to their fallen officers.

I want to highlight the efforts of one local sheriff in my district. Sheriff Tony Frick, of Stanly County, is looking inward to community members to help solve crime problems. Stanly County residents are sponsoring the Save our Sheriff (S.O.S.) Walk-a-thon in support of the Sheriff's Department and updating obsolete equipment.

I would remiss if I did not mention the families of those we recognize today. The families of our peace officers deserve our admiration for their steadfast support of those selfless citizens who willingly make the necessary sacrifices to preserve public safety.

Ms. JACKSON-LEE of Texas. Mr. Speaker, President John F. Kennedy once remarked, "A man does what he must—in spite of personal consequences, in spite of obstacles and dangers and pressures—and that is the basis of all human morality." These slain officers truly uphold this lofty standard. As responsible defenders of our country, they protected our citizens from mortal danger, and it cost them their very lives.

Mr. Speaker, I rise in support of this House Resolution. This bill expresses the sense of the House that law enforcement officers killed in the line of duty should be honored, their dedication and sacrifice recognized and their service to the nation remembered.

Today, I would like to acknowledge the courage and dedication that these slain officers exemplified in their careers. The resolution before us seeks to honors the memories of these brave men who served their country with the utmost dignity.

Whenever an officer is killed in the line of duty the pall of sorrow falls upon our great Nation. We all pause today to remember our heroes whose lives were prematurely ended. In 1997, some 159-law enforcement officers died in the line of duty.

Mr. Speaker, it is fitting that as we pause today to remember our nation's fallen officers, that we remember the two Capitol Hill Police officers who lost their lives in the line of duty. Officer Chestnut and Officer Gibson protected the very core of our American society, our belief in the preservation of life. I am also honored that the names of Officer Chestnut and Gibson will be associated with the building, which houses the Capitol Hill Police. This small gesture will ensure that we remember their selfless acts of valor.

I offer my utmost sympathy to the families and friends of our fallen heroes who will gather in Washington on May 15, 1999 to honor the memories of their loved ones. Given their loss, I feel that we must ensure the memory of the courage displayed by these fallen officers by supporting this House resolution.

Mr. SCOTT. Mr. Speaker, I yield back the balance of my time.

GENERAL LEAVE

Mr. CHABOT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. CHABOT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. CHABOT) that the House suspend the rules and agree to the resolution, House Resolution 165.

The question was taken.

Mr. CHABOT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The Speaker pro tempore laid before the House the following communication from the chairman of the Committee on Transportation and Infrastructure, which was read and, without objection, referred to the Committee on Appropriations:

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, CONGRESS OF THE UNITED STATES, HOUSE OF REPRESENTATIVES,
Washington, DC, April 15, 1999.

Hon. J. DENNIS HASTERT,
Speaker of the House, Washington, DC.

DEAR MR. SPEAKER: Enclosed are copies of resolutions adopted on April 15, 1999 by the Committee on Transportation and Infrastructure. Copies of the resolutions are being transmitted to the Department of the Army.

With kind personal regards, I am

Sincerely,

BUD SHUSTER,
Chairman.

Enclosures.

RESOLUTION—DOCKET 2592—HUDSON RIVER AT HUDSON, NEW YORK

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Hudson River, New York published as House Document 149, 72nd Congress and other pertinent reports, with a view to determining whether any modifications of recommendations contained therein are advisable at the present time, in the interest of water resources development including navigation, environmental restoration and protection, and other allied purposes for the Hudson River at Hudson, New York.

Adopted: April 15, 1999.

Attest: Bud Shuster, Chairman.

RESOLUTION—DOCKET 2593—VENTURA RIVER, VENTURA COUNTY, CALIFORNIA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Ventura River, Ventura County, California, published as House Document 323, 77th Congress, 1st Session, and other pertinent reports, with a view to determining whether any modifications of the recommendations contained therein are advisable at this time, in the interest of environmental restoration and protection, and related purposes, with particular attention to restoring anadromous fish populations on Matilija Creek and returning natural sand replenishment to Ventura and other Southern California beaches.

Adopted: April 15, 1999.

Attest: Bud Shuster, Chairman.

RESOLUTION—DOCKET 2594—ST. JOSEPH RIVER, LEO-CEDARVILLE, INDIANA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the St. Marys River, Ohio and Indiana, published as House Document 166, 72nd Congress, 1st Session, and other pertinent reports with a view to determining the advisability of providing flood control, erosion control, environmental restoration and protection, and related water resource improvements, including a riverfront master plan, and allied purposes at and in the vicinity of Leo-Cedarville, Allen County, Indiana.

Adopted: April 15, 1999.

Attest: Bud Shuster, Chairman.

RESOLUTION—DOCKET 2595—CITY OF SAN BERNARDINO, SAN BERNARDINO COUNTY, CALIFORNIA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Santa Ana River Main Stem, including Santiago Creek, California, published as House Document 20, 99th Congress, 1st Session, and other pertinent reports to determine whether modifications to the recommendations contained therein are advisable at the present time in the interest of reducing the risks to public safety and property caused by flooding from high groundwater conditions, ground liquefaction, related water quality contamination, and environmental damage in the City of San Bernardino, California, and adjacent communities.

Adopted: April 15, 1999.

Attest: Bud Shuster, Chairman.

RESOLUTION—DOCKET 2596—PORT OF NEW YORK AND NEW JERSEY ENVIRONMENTAL RESTORATION

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the reports of the Chief of Engineers on the New York and New Jersey Channels, published as House Document 133, 74th Congress, 1st Session; the New York and New Jersey Harbor Entrance Channels and Anchorage Areas, published as Senate Document 45, 84th Congress, 1st Session; and the New York Harbor, NY Anchorage Channel, published as House Document 18, 71st Congress, 2nd Session, as well as other related reports with a view to determining the feasibility of environmental restoration and protection relating to water resources and sediment quality within the New York and New Jersey Port District, including but not limited to, creation, enhancement and restoration of aquatic, wetland, and adjacent upland habitats.

Adopted: April 15, 1999.

Attest: Bud Shuster, Chairman.

RESOLUTION—DOCKET 2597—UPPER MISSISSIPPI RIVER FROM LAKE ITASCA TO LOCK AND DAM 2, MINNESOTA

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Mississippi River above Coon Rapids Dam near Minneapolis, Minnesota, published as House Document 66, 73rd Congress, 1st Session, and other pertinent reports with a view to determining whether modifications of the recommendations contained therein are advisable at this time in the interest of flood damage reduction, environmental restoration and protection, water quality and other purposes, with a special emphasis on determining the advisability of developing a comprehensive coordinated watershed management plan for the development, conservation, and utilization of water and related land resources in the Upper Mississippi River Basin from the Mississippi's headwaters to Lock and Dam #2 at Hastings, Minnesota.

Adopted: April 15, 1999.

Attest: Bud Shuster, Chairman

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The Speaker pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 11, 1999.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER, Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on May 10, 1999 at 5:40 p.m., and said to contain a message from the President whereby he submits a certification pursuant to Section 1512 of Public Law 105-251.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk.

CERTIFICATION REGARDING EXPORT OF SATELLITE FUELS TO CHINA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106–60)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committees on Armed Services and the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

In accordance with the provisions of section 1512 of Public Law 105-261, the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999, I hereby certify that the export to the People's Republic of China of satellite fuels and separation systems for the U.S.-origin Iridium commercial communications satellite program:

(1) is not detrimental to the United States space launch industry; and

(2) the material and equipment, including any indirect technical benefit that could be derived from such export, will not measurably improve the missile or space launch capabilities of the People's Republic of China.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 10, 1999.*

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain special order speeches without prejudice to the resumption of legislative business.

ON HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Iowa (Mr. GANSKE) is recognized for 60 minutes as the designee of the majority leader.

Mr. GANSKE. Mr. Speaker, I have taken to the well of this Chamber many times to talk about the need to enact meaningful patient protection legislation. Unfortunately, there remains a compelling need for Federal action, and I am far from alone in holding that view.

Last week, for example, Paul Elwood gave a speech at Harvard University on health care quality. Elwood isn't exactly a household name, but he is considered the father of the HMO movement.

Elwood told a startled group that he did not think health care quality would improve without government-imposed protections. Market forces, he told the group, "will never work to improve quality, nor will voluntary efforts by doctors and health plans."

Mr. Elwood went on to say, and I quote, "It doesn't make any difference how powerful you are or how much you know. Patients get atrocious care and can do very little about it. I've increasingly felt we've got to shift the power to the patient. I'm mad, in part because I've learned that terrible care can happen to anyone."

This is a quote by Paul Elwood, the father of the American HMO movement. Mr. Speaker, this is not the commentary of a mother whose child was injured by her HMO's refusal to authorize care. It is not the statement of a doctor who could not get requested treatment for a patient. Mr. Speaker, these words suggesting that consumers need real patient protection legislation to protect them from HMO abuses come from the father of managed care.

Mr. Speaker, I am tempted to stop here and to let Dr. Elwood's speaks for themselves, but I think it is important to give my colleagues an understanding of the flaws in the health care market that led Dr. Elwood to reach his conclusion.

Cases involving patients who lose their limbs or even their lives are not isolated examples. They are not anecdotes.

In the past, I have spoken on this floor about little Jimmy Adams, a 6-month-old infant who lost both hands and both feet when his mother's health plan made them drive many miles to go to an authorized emergency room rather than stopping at the emergency room which was closest.

The May 4 USA Today contains an excellent editorial on that subject. It is entitled, Patients Face Big Bills as Insurers Deny Emergency Claims.

After citing a similar case involving a Seattle woman, USA Today made some telling observations:

"Patients facing emergencies might feel they have to choose between putting their health at risk and paying a huge bill they may not be able to afford."

Or, "All patients are put at risk if hospitals facing uncertainty about payment are forced to cut back on medical care."

This is hardly an isolated problem. The Medicare Rights Center in New York reported that 10 percent of complaints about Medicare HMOs related to denials for emergency room bills.

The editorial noted that about half the States have enacted a "prudent layperson" definition for emergency care this decade, and Congress has passed such legislation for Medicare and Medicaid.

Nevertheless, the USA Today editorial concludes that this patchwork of laws would be much strengthened by passage of a national prudent layperson standard.

The final sentence of the editorial reads, "Patients in distress should not have to worry about getting socked with big health bills by firms looking only at their bottom line."

Mr. Speaker, I include the full text of the editorial in the RECORD at this point.

[From USA Today]

TODAY'S DEBATE: PAYING FOR EMERGENCY CARE—PATIENTS FACE BIG BILLS AS INSURERS DENY EMERGENCY CLAIMS

Our View—Industry Promises to Fix the Problem Fail, Investigations Begin

Early last year, a Seattle woman began suffering chest pains and numbness while driving. The pain was so severe that she pulled into a fire station seeking help, only to be whisked to the nearest hospital, where she was promptly admitted.

To most that would seem a prudent course of action. Not to her health plan. It denied payment because she didn't call the plan first to get "pre-authorized," according to an investigation by the Washington state insurance commissioner.

The incident is typical of the innumerable bureaucratic hassles patients confront as HMOs and other managed care companies attempt to control costs. But denial of payment for emergency care presents a particularly dangerous double whammy:

Patients facing emergencies might feel they have to choose between putting their health at risk and paying a huge bill they may not be able to afford.

All patients are put at risk if hospitals, facing uncertainty about payment, are forced to cut back on medical care.

Confronted with similar outrages a few years ago, the industry promised to clean up its act voluntarily, and it does by and large pay up for emergency care more readily than it did a few years ago. In Pennsylvania, for instance, denials dropped to 18.6% last year from 22% in 1996.

That's progress, but not nearly enough. Several state insurance commissioners have been hit with complaints about health plans trying to weasel out of paying for emergency room visits that most people would agree are reasonable—even states that mandate such payments. Examples:

Washington's insurance commissioner sampled claims in early 1998 and concluded in an April report that four top insurers blatantly violated its law requiring plans to pay for ER care. Two-thirds of the denials by the biggest carrier in the state—Regence BlueShield—were illegal, the state charged, as were the majority of three other plans' denials. The plans say those figures are grossly inflated.

The Maryland Insurance Administration is looking into complaints that large portions of denials in the state are illegal. In a case reported to the state, an insurance company denied payment for a 67-year-old woman complaining of chest pain and breathing problems because it was "not an emergency."

Florida recently began an extensive audit of the state's 35 HMOs after getting thousands of complaints, almost all involving denials or delays in paying claims, including those for emergency treatments.

A report from the New York-based Medicare Rights Center released last fall found that almost 10% of those who called the center's hotline complained of HMO denials for emergency room bills.

ER doctors in California complain the Medicaid-sponsored health plans routinely fail to pay for ER care, despite state and federal requirement to do so. Other states have received similar reports, and the California state Senate is considering a measure to toughen rules against this practice.

The industry has good reason to keep a close eye on emergency room use. Too many patients use the ER for basic health care when a much cheaper doctor's visit would suffice.

But what's needed to address that is better patient education about when ER visits are justified and better access to primary care for those who've long had no choice other than the ER, not egregious denials for people with a good reason to seek emergency care.

Since the early 1990s, more than two dozen states have tried to staunch that practice with "prudent laypersons" rules. The idea is that if a person has reason to think his condition requires immediate medical attention, health plans in the state are required to pay for the emergency care. Those same rules now apply for health plans contracting with Medicare and Medicaid.

A national prudent layperson law covering all health plans would help fill in the gaps left by this patchwork of state and federal rules.

At the very least, however, the industry should live up to its own advertised standards on payments for emergency care. patients in distress should not have to worry about getting socked with big health bills by firms looking only at their own bottom line.

Mr. Speaker, there are few people in this country who have not personally had a difficult time getting health care from an HMO. Whether we are talking about extreme cases like James Adams or the routine difficulties obtaining care that seem all too common, the public is getting frustrated by managed care. The HMO industry has earned a reputation with the public that is so bad that only tobacco companies are held in lower esteem.

Let me cite a few statistics to back this up. Mr. Speaker, by more than two to one, Americans support more government regulation of HMOs. Last month, the Harris Poll revealed that only 34 percent of Americans think that managed care companies do a good job of serving their customers. That is down sharply from the 45 percent who thought so just a year ago.

Maybe more amazing were the results when Americans were asked whether they trusted a company to do the right thing if they had a serious problem. By nearly a two to one margin, Americans would not trust HMOs in such a situation. That level of confidence was far behind other industries, such as hospitals, airlines, banks, automobile manufacturers and pharmaceutical companies. In fact, the only industry to fare worse in the survey than HMOs were tobacco companies.

Anyone who still needs proof that managed care reform is popular with the public just needs to go to the movie, As Good As It Gets. Audiences clapped and cheered when during the movie Academy Award winner Helen Hunt expressed an expletive about the lack of care her asthmatic son was getting from their HMO. No doubt the audience's reaction was fueled by dozens of articles and news stories highly critical of managed care and also by real-life experiences.

□ 1545

In September 1997 the Des Moines Register ran an op-ed piece entitled, "The Chilly Bedside Manner of HMOs," by Robert Reno, a Newsweek writer.

The New York Post ran a week-long series on managed care. The headlines included "HMO's Cruel Rules Leave Her Dying for the Doc She Needs."

Another headline blared out: "Ex New Yorker Is Told: Get Castrated So We Can Save Dollars."

Or how about this headline? "What His Parents Didn't Know About HMOs May Have Killed This Baby."

Or how about the 29-year-old cancer patient whose HMO would not pay for his treatments? Instead the HMO case manager told him to have a fund-raiser. A fund-raiser. Mr. Speaker, I certainly hope that campaign finance reform will not stymie this man's attempts to get his cancer treatment.

To counteract this, this image in the public, even some health plans have taken to bashing their colleagues. Here in Washington one ad declared, "We don't put unreasonable restrictions on our doctors, we don't tell them they can't send you to a specialist."

In Chicago Blue Cross ads proclaimed, "We want to be your health plan, not your doctor."

In Baltimore an ad for Preferred Health Network assured customers: "At your average health plan cost controls are regulated by administrators. At PHN doctors are responsible for controlling costs."

Mr. Speaker, advertisements like these demonstrate that even the HMOs know that there are more than a few rotten apples in the barrel.

An example of this problem can be found in the recent 10th Circuit Court of Appeals decision in the case Jones v. Kodak. The name Jones is particularly appropriate because after this decision other health plans will rush to keep up with what their competitors are doing to the Joneses in this world. In Jones v. Kodak the 10th Circuit Court of Appeals showed how a clever health plan can use federal law to keep patients from getting needed medical care. The facts are relatively simple:

Mrs. Jones received health care through her employer, Kodak. The plan covers inpatient substance abuse treatment when medically necessary. The determination as to whether a particular substance abuse service is medically necessary is made by American Psych Management, APM.

Mr. Speaker, APM reviewed a request for inpatient substance abuse treatment and found that Mrs. Jones did not meet APM's protocol for inpatient mental health hospitalization. The family pursued the case further, eventually persuading the health plan to send the case to an independent medical expert for review. The reviewer agreed that Mrs. Jones did not qualify for the benefit under the criteria established by the plan. But the reviewer observed that, "the criteria are too rigid and do not allow for individualization of case management." In other words, the criteria were not appropriate to Mrs. Jones' condition. His hands being tied, the reviewer was unable to reverse APM's original decision.

So Mrs. Jones sued for the failure to pay the claim. The trial court affirmed the court's decision to grant summary judgment to the defendants. The 10th Circuit Court of Appeals held the following:

"The Employment Retirement Income Security Act's disclosure provisions do not require that the plan's summary contained particularized criteria for determining medical necessity."

The court went on.

"The unpublished APM criteria were part of the plan's terms. Because we consider the APM criteria a matter of planned design and structure rather than implementation, we agree that a court cannot review them."

Mr. Speaker, in layman's terms this means that a plan does not have to disclose the treatment guidelines or protocols it uses to determine whether or not a patient should get care. Moreover, any treatment guidelines used by the plan would be considered part of the plan design and thus are not reviewable by a court.

The implications of this decision, Mr. Speaker, are in a word "breathtaking". Jones v. Kodak provides a virtual road map to enterprising health plans on how to deny payment for medically necessary care. The decision is a clear indication of why we need Federal legislation to ensure that treatment decisions are based on good medical practice and take into consideration the individual patient's circumstances.

Under Jones v. Kodak, health plans do not need to disclose to potential or even current enrollees the specific criteria they use to determine whether a patient will get treatment. There is no requirement that a health plan uses guidelines that are applicable or appropriate to a particular patient's care.

Despite these limitations, Jones compels external reviewers to follow the plan's inappropriate treatment guidelines because to do otherwise would violate the sanctity of ERISA, and most important to the plan, the decision assures the HMOs that, if they are following their own criteria, then they are shielded from court review. It makes no difference how inappropriate or inflexible the criteria may be since, as the court in Jones noted, this is a plan design issue and, therefore, not reviewable under ERISA.

Mr. Speaker, if Congress through patient protection legislation does not act to address this issue, many more patients are going to be left with no care and no recourse to get that care. Jones v. Kodak sets a chilling precedent making health plans and the treatment protocols untouchable. The case in effect encourages health plans to concoct rigid and potentially unreasonable criteria for determining when a covered benefit is medically necessary. That way they can easily deny care and cut costs, all the while insulated from responsibility for the consequences of their actions.

Let me give my colleagues an example. A plan could promise to cover cleft lip surgery for those born with that birth defect. But they could then put in undisclosed documents that the procedure is only medically necessary once the child reaches the age of 16. Or that coronary bypass operations are only medically appropriate for those who have previously survived two heart attacks.

Mr. Speaker, you may think that sounds absurd, but that is the way the law reads. Logic and principles of good medical practice would dictate that that is not sound health care, but the Jones case affirms that health plans do not have to consider medicine at all. They can be content to consider only the bottom line.

Unless Federal legislation addresses this issue, patients will never be able to find out what criteria their health plan uses to provide care, and external reviewers who are bound by current law will be unable to pierce those policies and reach independent decisions about the medical necessity of a proposed treatment using clinical standards of care, and Federal ERISA law will prevent courts from engaging in such inquiries also. The long and the short of the matter is that sick patients will find themselves without proper treatment and without recourse.

Mr. Speaker, I have introduced legislation, H.R. 719, the Managed Care Reform Act, which addresses the very real problems in managed care. It gives patients meaningful protections. It creates a strong and independent external review process, and it removes the shield of ERISA which health plans have used to prevent State court negligence actions by enrollees who have been injured as a result of that plan's negligence.

This bill has received a great deal of support and has been endorsed by consumer groups like the Center For Patient Advocacy, the American Cancer Society, the National MS Society. It is also supported by many health care provider groups such as the American Academy of Family Physicians whose professionals are on the front lines and have seen how faceless HMO bureaucrats thousands of miles away, bureaucrats who have never seen the patient, can deny needed medical care because it does not fit their, quote, criteria unquote.

Mr. Speaker, I would like to focus on one small aspect of my bill, specifically the way in which it addresses the issue of the Employee Retirement Income Security Act, ERISA. It is alarming to me that ERISA combines a lack of effective regulation of health plans with a shield for health plans that largely gives them immunity from liability for their negligent decisions.

Personal responsibility has been a watch word for this Republican Congress, and this issue should be no different. Health plans that recklessly deny needed medical service should be made to answer for their conduct. Laws that shield entities from their responsibility only encourage them to cut corners. Congress created the ERISA loophole and Congress should fix it.

Mr. Speaker, my bill has a compromise on the issue of health plan liability. I continue to believe that health plans that make negligent medical decisions should be accountable for those decisions, but winning a lawsuit is little consolation to a family that has lost a loved one. The best HMO bill assures that health care is delivered when it is needed, and I also believe that the liability should attach to the entity that is making those medical decisions. Many self insured companies contract with large managed care plans to deliver care. If the business is not making those discretionary decisions, under my bill they would not face liability. But if they cross the line and they determine whether a particular treatment is medically necessary in a given case, then they are making medical decisions and they should be held responsible for their actions.

Now, Mr. Speaker, to encourage health plans to give patients the right care without having to go to court my bill provides for both an internal and an external appeals process that is binding on the plan, and an external review could be requested by either the patient or the health plan. I can see circumstances where a patient is requesting an obviously inappropriate treatment: let us say laetrile, and the plan would want to send the case to external review. The external review would back up their denial. It would give them, in effect, a defense if they are ever dragged into court.

When I was discussing this idea with the President of Wellmark Iowa Blue Cross/Blue Shield, he expressed support for the strong external review. In fact, he told me that his company is instituting most of the recommendations of the President's Commission on Health Care Quality and that he did not foresee any premium increases as a result. Mostly what it meant, he told me, was tightening existing safeguards and policies already in place.

Now, Mr. Speaker, this chief executive also told me that he could support a strong, independent, external review system like the one in my bill, but he cautioned: If we did not make the decision and are just following the recommendations of the review panel, then we should not be liable for punitive damages, and I agree with that. Punitive damages awards are to punish outrageous and malicious conduct. If a health plan follows a recommendation of an independent review board composed of medical experts, it is tough to figure out how they acted with malice. So my bill provides health plans with a complete shield from punitive damages if they follow the recommendation of that external review panel, and that I think is a fair compromise on this issue of health plan liability.

And I certainly suspect that Aetna wishes that they had had an independent peer panel available even with a binding decision on care when it denied care to David Goodrich. Earlier this year a California jury handed down a verdict of $116 million in punitive damages to his widow, Teresa Goodrich. If Aetna or the Goodriches had had ability to send the denial of care to external review, they could have avoided the courtroom. But more importantly, David Goodrich might still be alive today.

Mr. Speaker, that is why my plan should be attractive to both sides. Consumers get a reliable and quick external appeals process which will help them get the care they need. But if the plan fails to follow the external reviewer's decision, the patient can sue for punitive damages, and health insurers whose greatest fear is that 50 or $100 million punitive damage award can shield themselves from those astronomical awards but only if they follow the recommendations of an independent review panel which is free to reach its own decision about what care is medically necessary.

□ 1600

The HMOs say that my legislation and other patient protection legislation would cause premiums to skyrocket. There is ample evidence, however, that that would not be the case.

Last year, the Congressional Budget Office estimated that a similar proposal, which did not include the punitive damages relief, would increase premiums around 4 percent over 10 years.

When Texas passed its own liability law 2 years ago, the Scott and White Health Plan estimated that premiums would have to increase just 34 cents per member per month to cover the costs. These are hardly alarming figures.

The low estimate by Scott and White seems accurate since only one suit has been filed against the Texas health plan since Texas passed patient protection legislation removing the liability shield. That is far from the flood of litigation that opponents predicted.

I have been encouraged by the positive response my bill has received, and I think that this could be the basis for a bipartisan bill this year. In fact, the Hartford Courant, a paper located in the heart of insurance country, ran a very supportive editorial on my bill by John MacDonald. Speaking of the punitive damages provision, MacDonald called it a reasonable compromise and urged insurance companies to embrace the proposal as, quote, the best deal they may see in a long time, unquote.

Mr. Speaker, I include the full text of the editorial by John MacDonald in the RECORD at this point.

[From the Hartford Courant, March 27, 1999]

A COMMON-SENSE COMPROMISE ON HEALTH CARE

(By John MacDonald)

U.S. Rep. Greg Ganske is a common-sense lawmaker who believes patients should have more rights in dealing with their health plans. He has credibility because he is a doctor who has seen the runaround patients sometimes experience when they need care. And he's an Iowa Republican, not someone likely to throw in with Congress' liberal left wing

For all those reasons, Ganske deserves to be heard when he says he has found a way to give patients more rights without exposing health plans to a flood of lawsuits that would drive up costs.

Gankse's proposal is included in a patients' bill of rights he has introduced in the House. Like several other bills awaiting action on Capitol Hill, Ganske's legislation would set up a review panel outside each health plan where patients could appeal if they were denied care. Patients could also take their appeals to court if they did not agree with the review panel.

But Ganske added a key provision designated to appeal to those concerned about an explosion of lawsuits. If a health plan followed the review panel's recommendation, it would be immune from punitive damage awards in disputes over a denial of care. The health plan also could appeal to the review panel if it thought a doctor was insisting on an untested or exotic treatment. Again, health plans that followed the review panel's decision would be shielded from punitive damage awards.

This seems like a reasonable compromise. Patients would have the protection of an independent third-party review and would maintain their right to go to court if that became necessary. Health plans that followed well-established standards of care—and they all insist they do—would be protected from cases such as the one that recently resulted in a $120.5 million verdict against an Aetna plan in California. Ganske, incidentally, calls that award "outrageous."

What is also outrageous is the reaction of the Health Benefits Coalition, a group of business organizations and health insurers that is lobbying against patients' rights in Congress. No sooner had Ganske put out this thoughtful proposal than the coalition issued a press release with the headline: Ganske Managed Care Reform Act—A Kennedy-Dingell Clone?

The headline referred to Sen. Edward M. Kennedy, D-Mass., and Rep. John D. Dingell, D-Mich., authors of a much tougher patients' rights proposal that contains no punitive damage protection for health plans.

The press release said: "Ganske describes his new bill as an affordable, common sense approach to health care. In fact, it is neither: It increases health care costs at a time when families and businesses are facing the biggest hike in health care costs in seven years."

There is no support in the press release for the claim of higher costs. What's more, the charge is undercut by a press release from the Business Roundtable, a key coalition member, that reveals that the Congressional Budget Office has not estimated the cost of Ganske's proposal. The budget office is the independent reviewer in disputes over the impact of legislative proposals.

So what's going on? Take a look at the coalition's record. Earlier this year, it said it was disappointed when Rep. Michael Bilirakis, R-Fla., introduced a modest patients' rights proposal. It said Sen. John H. Chafee, R-R.I., and several co-sponsors had introduced a "far left" proposal that contains many extreme measures. John Chafee, leftist? And, of course, it thinks the Kennedy-Dingell bill would be the end of health care as we know it.

The coalition is right to be concerned about costs. But the persistent No-No-No chorus coming from the group indicates it wants to pretend there is no problem when doctor-legislators and others know better.

This week, Ganske received an endorsement for his bill from the 88,000-member American Academy of Family Physicians. "These are the doctors who have the most contact with managed care," Ganske said. "They know intimately what needs to be done and what should not be done in legislation."

Coalition members ought to take a second look. Ganske's proposal may be the best deal they see in a long time.

Mr. Speaker, it is also important to state what this bill does not do to ERISA plans. It does not eliminate the Employment Retirement Income Security Act or otherwise force large multistate health plans to meet benefit mandates of each and every of the 50 States. This is an exceedingly important point.

Just 2 weeks ago, representatives of a major employer from the upper Midwest were in my office. They urged me to rethink my legislation because they alleged it would force them to comply with benefit mandates of each State and that the resulting rise in costs would force them to discontinue offering health insurance to employees.

Frankly, Mr. Speaker, I was stunned by their comments, because their fears are totally unfounded. It is true that my bill would lower the shield of ERISA and allow plans to be held responsible for their negligence, but it would not alter the ability of group health plans to design their own benefits package.

Let me be absolutely clear on this point. The ERISA amendments in my bill would allow States to pass laws to hold health plans accountable for their actions. It would not allow States to subject ERISA plans to a variety of State benefit mandates.

Mr. Speaker, there are other pressing issues that require our prompt attention. In particular, the crisis in the Balkans is becoming a humanitarian tragedy of unspeakable proportions. No matter what else Congress does, we have to stand ready to help the displaced Kosovars with food, clothing and shelter.

Regardless of how the crisis in the Balkans evolves, it would be irresponsible for Congress to ignore domestic policy issues. The need for meaningful patient protection legislation continues to fester.

Before closing, Mr. Speaker, I a
want to address something that shou
not be in patient protection legis
tion, and I am speaking specifically
extraneous provisions that could b
down the bill and severely weaken
chances for passage and for bei
signed into law.

In particular, there have been repor
in the press and elsewhere that t
managed care reform legislation will
some point be married with a bill to
crease access to health insurance. L
me be perfectly clear on this. I stron
ly believe that Congress should co
sider ways to make health insuran
more affordable. It would be a treme
dous mistake, however, in my opinio
to try to marry these two ideas t
gether. It would present too many o
portunities for needed patient prote
tions to become sidetracked in figh
over tax policy and the future of t
employer-based health system.

There are many reforms to impro
access to health care that I support
have long advocated medical savin
accounts. In fact, Mr. Speaker, I wro
a white paper about their potenti
benefits in 1995 and was pleased to s
them created first for small business
and the uninsured and then 2 years a
for Medicare recipients.

I also support changing the law so i
dividuals receive the same tax trea
ment as large businesses when buyi
health insurance. It makes no sense
me why a big business and its emplo
ees can deduct the cost of health ben
fits but an employee of a small co
pany that does not offer health insu
ance must pay all of the cost wi
after-tax dollars.

Finding the money to provide th
tax equity is not going to be easy.

I believe that ideas like associati
health plans, also known as multip
employer welfare association
MEWAs, and healthmarts could d
stroy the individual market by leavi
it with a risk pool that is sicker a
more expensive.

Let me give some specific concer
about association health plans or mu
tiple employer welfare association
Simply put, an association health pla
is a pool of individuals who are emplo
ers who band together and form
group that self-insures. By doing s
they remove themselves from regul
tion by State insurance commissione
and instead subject themselves to reg
lation by Federal ERISA law.

While association health plans ma
provide a measure of efficiency for en
ployers, they leave employees withou
any real safeguards against the le
honorable practices of HMOs. In a ver
real sense, ERISA remains the Wi
West of health care. Unlike State law
which regulate quality, ERISA co
tains only minimal safeguards for qua
ity. Let me explain.

ERISA places only limited requir
ments on health plans. They must a

as fiduciaries, meaning they must exercise sound management consistent with rules established by a plan sponsor. They must provide written notice to beneficiaries whose claims have been denied, setting forth the reasons. They must disclose some information about the plan to participants of beneficiaries. They cannot discriminate against beneficiaries. They have to allow certain employees, usually those who have been terminated, to purchase COBRA coverage. They have to provide coverage to adopted children in the same manner they cover natural children, and they have to comply with the 1996 HIPAA law in regards to portability.

That sounds all right, but consider what ERISA does not require. Among its many requirement shortcomings, ERISA does not impose any quality assurance standards or other standards for utilization review. ERISA does not allow consumers to recover compensatory or punitive damages if a court finds against the health plan in a claims dispute. ERISA does not prevent health plans from changing, reducing or terminating benefits; and with few exceptions ERISA does not regulate the design or content such as covered services or cost sharing of a plan. Remember from the Jones case how important that can be. And ERISA does not specify any requirements for maintaining plan solvency.

I confess, I cannot understand why some Members would want to place more employees in health plans regulated by ERISA. If anything, we should be moving in the opposite direction and returning regulatory authority to State insurance commissioners.

The patient protection legislation is intended to fix some very real problems in ERISA. I will not consider adding to the number of people under its regulatory umbrella until I see meaningful patient protections for them signed into law.

I am certainly not alone in my concerns about association health plans. When they were proposed as part of the Republican patient protection bill last year, they drew significant opposition from Blue Cross/Blue Shield plans and the National Association of Insurance Commissioners.

Blue Cross, the insurer of last resort for many States, fears that association health plans will undermine State programs to keep insurance affordable. Joined by the Health Insurance Association of America, they wrote, "Association health plans would undermine the most volatile segments of the insurance market, the individual and small group markets. The combinations of these with healthmarts could lead to massive market segmentation and regulatory confusion."

A constituent of mine and an insurance industry professional wrote to me to express his concerns about association health plans. He wondered why these plans "can sell whatever level of benefits they want to provide and can limit coverage for any type of benefit the plan might want to cover."

Now, some may say that these concerns reflect the self-interest of the industry. Before buying into that argument, consider an editorial by The Washington Post a year ago. In criticizing association health plans, and I would say, by extension, healthmarts, the Post pointed out that, "if you free the MEWAs, multiple employer welfare associations, you create a further split in the insurance market which likely will end up helping mainly healthy people at the expense of the sick."

Some may say that The Washington Post is a relentlessly liberal paper and that it cannot be considered an objective source. Then consider what the American Academy of Actuaries had to say about association health plans. In a letter to Congress in June, 1997, they wrote, "While the intent of the bill is to promote association health plans as a mechanism for improving small employers' access to affordable health care, it may only succeed in doing so for employees with certain favorable risk characteristics. Furthermore, this bill contains features which may actually lead to higher insurance costs."

The Academy went on to explain how these plans could undermine State insurance regulation. "The resulting segmentation of the small employer group market into higher and lower cost groups would be exactly the type of segmentation that many State reforms have been designed to avoid. In this way, exempting them from State mandates would defeat the public policy purposes intended by State legislatures."

The Academy also pointed out that these plans "weaken the minimum solvency standards for small plans relative to the insured marketplace, which may increase the chance for bankruptcy of a health plan."

Still not convinced? Well, how about a letter jointly signed by the National Governors Association, the National Conference of State Legislatures and the National Association of Insurance Commissioners. In a letter to Congress, these groups argued that association health plans, and I might add healthmarts, "substitute critical State oversight with inadequate Federal standards to protect consumers and to prevent health plan fraud and abuse."

Think these are just the concerns of Washington insiders? Legislators in my own State took time to write and express their concerns about association health plans. A letter signed by six members of the Iowa House of Representatives urged rejection of association health plans. They wrote, "Under the guise of allowing employers to join large purchasing groups to lower health care costs, these proposals would result in large premium increases for small employers and individuals by unraveling State insurance reforms and fragmenting the market."

Mr. Speaker, attempting to attach association health plan legislation or healthmart legislation to patient protection legislation poses two very real dangers. First, association health plans undermine the individual insurance market and can leave consumers without meaningful protections from HMO abuses; and, second, I am very concerned that opposition to healthmarts and association health plans, much like that I have already cited today, will bog down patient protection legislation, leading it to suffer the same death that it did last year.

Mr. Speaker, on behalf of patients like Jimmy Adams, who lost his hands and feet because an HMO would not let his parents take him to the nearest emergency room, I will fight efforts to derail managed care reform by adding these sorts of extraneous provisions; and I pledge to do whatever it takes to ensure that opponents of reform are not allowed to mingle these issues in order to prevent passage of meaningful patient protections.

Mr. Speaker, I look forward to working with all my colleagues to see that passage of real HMO reform is an accomplishment of the 106th Congress, something we all, on both sides of the aisle, can be proud of.

RECESS

The SPEAKER pro tempore (Mr. PEASE). Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 6 p.m.

Accordingly (at 4 o'clock and 15 minutes p.m.), the House stood in recess until approximately 6 p.m.

☐ 1800

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BRADY of Texas) at 6 p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 775, YEAR 2000 READINESS AND RESPONSIBILITY ACT

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 106–134) on the resolution (H. Res. 166) providing for the consideration of the bill (H.R. 775) to establish certain procedures for civil actions brought for damages relating to the failure of any device or system to process or otherwise deal with the transition from the year 1999 to the year 2000, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which those motions were entertained.

Votes will be taken in the following order:

H.R. 1550, as amended, by the yeas and nays; and House Resolution 165, by the yeas and nays.

The Chair will reduce to 5 minutes the time for the second electronic vote.

FIRE ADMINISTRATION AUTHORIZATION ACT OF 1999

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1550, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 1550, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 417, nays 3, not voting 13, as follows:

[Roll No. 121]

YEAS—417

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—3

Chenoweth
Paul
Sanford

NOT VOTING—13

Brown (CA)
Capps
Coble
Greenwood
Jones (OH)
Kasich
Lowey
Napolitano
Ose
Peterson (PA)
Scarborough
Sisisky
Slaughter

□ 1821

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. COBLE. Mr. Speaker, on rollcall No. 121, I was unavoidably detained. Had I been present, I would have voted "aye."

Mr. KASICH. Mr. Speaker, on Tuesday, May 11, 1999, I was unable to record a vote by electronic device on Roll Number 121, to authorize appropriations for the United States Fire Administration for fiscal years 2000 and 2001, and for other purposes. Had I been present, I would have voted "yea" on Roll Number 121.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BRADY of Texas). Pursuant to the provisions of clause 8 of rule XX, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on the second motion to suspend the rules on which the Chair has postponed further proceedings.

HONORING AND RECOGNIZING SLAIN LAW ENFORCEMENT OFFICERS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 165.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. CHABOT) that the House suspend the rules and agree to the resolution, H. Res. 165, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 420 nays 0, not voting 13, as follows:

[Roll No. 122]

YEAS—420

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis

Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—13

Brown (CA)
Capps
Gephardt
Greenwood
Kasich
Lowey
Napolitano
Ose
Reyes
Roybal-Allard
Scarborough
Sisisky
Slaughter

□ 1832

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. KASICH. Mr. Speaker, on Tuesday, May 11, 1999, I was unable to record a vote by electronic device on Roll Number 122, acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers. Had I been present, I would have voted "yea" on Roll Number 122.

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Speaker, I was unable to be present for rollcall votes 121 and 122. Had I been present, I would have voted "yea" on both rollcall votes 121 and 122.

PERSONAL EXPLANATION

Mrs. CAPPS. Mr. Speaker, on rollcalls No. 121 and 122, an airline delay due to mechanical failure caused me to be late. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. OSE. Mr. Speaker, I was inadvertently detained due to a canceled flight, and therefore was not present to vote today for rollcall number 121. Had I been present, I would have voted "yea."

Mr. Speaker, I was inadvertently detained due to a canceled flight, and therefore was not present to vote today for rollcall number 122. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. GREEN of Texas. Mr. Speaker, on May 6, 1999, I missed four votes because I was unavoidably detained in my district. If I had been present I would have voted "no" on rollcall 117; "yes" on rollcall 118; "no" on rollcall 119; and "yes" on rollcall 120.

ANNOUNCEMENT OF INTENTION TO OFFER ON TOMORROW MOTION TO INSTRUCT ON H.R. 1141, 1999 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT

Mr. DEUTSCH. Mr. Speaker, pursuant to clause 7(c) of rule XXII, I hereby notify the House of my intention tomorrow to offer the following motion to instruct House conferees on H.R. 1141, the emergency supplemental appropriations bill.

Motion to instruct conferees on H.R. 1141: Mr. Deutsch moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill H.R. 1141 be instructed to insist on the funding level of $621 million contained under the heading "Central America And The Caribbean Emergency Disaster Recovery Fund" of the House bill for necessary expenses to address the effects of hurricanes in Central America and the Caribbean and the earthquake in Colombia.

BECOME A PART OF THE "I WILL" FOUNDATION

(Mr. TANCREDO asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. TANCREDO. Mr. Speaker, the issue I want to rise today to discuss is actually to draw attention to a couple of people in my district. I represent the area that includes Columbine High School in which we had such a tragic event a short time ago.

We keep talking about what we can do to stop something like this from happening again. Eventually, it all gets down to changing people's hearts. That is really all that can happen. But there is something that is going on that can work in that direction, and I want to draw attention to it.

Two teachers, one Mary Catherine Bradshaw in Hillsboro High School in Nashville, and Heather Beck, a teacher at Green Mountain High School in Colorado, and also a student, Rebecca Hunter, they have created a pledge, a pledge which I will enter into the record, a pledge they ask each student to take.

It says: As a part of the blank community, I will pledge to be a part of the solution. I will eliminate taunting from my own behavior. I will encourage others to do the same. I will do my part to make my school a safe place by being more sensitive to others. I will set the example of a caring individual. I will not let my word or actions hurt others. I will become a part of the solution.

This is the real way to address it.

Mr. Speaker, I include the following for the RECORD:

Please print this out and sign this petition.

As a part of the ________ Community, I will . . .

I will pledge to be a part of the solution.

I will eliminate taunting from my own behavior.

I will encourage others to do the same.

I will do my part to make ________ a safe place by being more sensitive to others.

I will set the example of a caring individual.

I will not let my word or actions hurt others.

. . . and if others won't become a part of the solution, I will.

Signing here reflects your commitment to your pledge through graduation 1999.

GETTING A BETTER RETURN ON INVESTMENT

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. SMITH of Michigan. Mr. Speaker, just reporting to my colleagues, today at our Social Security Task Force meeting, Roger Ibbotson was one of the witnesses, and he estimated that the stock market would increase to 100,000 by the year 2025. So as we talk about the possibility of taking advantage of some of the investment money coming in in Social Security taxes and helping to solve the Social Security problem by using some of that money for private retirement investment accounts, if his estimates are a little bit high or a little bit low, and I would recall to our attention that it was Dr. Ibbotson that said in 1974 that the stock market would go from 1,000 to 10,000. Of course, that was at a time when the stock market was significantly depressed.

So as we look for real solutions to Social Security, I think it is becoming more agreed that part of the effort that we must take is getting a better return on the investment that workers of this country pay in.

Doctor Gary Burtless also testified before our Social Security Task Force today and agreed that long-term investment rates can enhance Social Security.

Dr. Gary Burtless is a Senior Fellow in Economic Studies with the Brooking Institution. Dr. Burtless has published various articles on Social Security, Medicare and social welfare, and testified before several House and Senate committees. He has published various articles and presented testimony.

Dr. Roger Ibbotson, Professor of finance at Yale School of Management, also serves as Chairman of Ibbotson Associates, which publishes an annual Yearbook of stock, bonds, treasury bill, and inflation rates. He has been recognized as a leading expert in measuring rates of return for the past twenty years.

Our bi-partisan Social Security Task Force meets every week on Tuesday at noon. All members are welcome to attend and I will again send out a report to, colleagues on todays hearing.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. BRADY of Texas). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

DIFFICULT VOTE FOR CONGRESS ON EMERGENCY SUPPLEMENTAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. SOUDER) is recognized for 5 minutes.

Mr. SOUDER. Mr. Speaker, last week and probably again either Thursday of this week or early next week we will have one of the most difficult votes that a Congress can cast, and that is on our emergency supplemental.

It might be called a war-plus bill. It is not just to forward fund the war, because there are over $3 billion to forward fund the war; and it is not just monies that could escalate the war, because there are multiple categories in this bill, including money intended to rebuild our national defense that could, in fact, expand this to a ground war, and the motion to limit that was defeated.

So this, in fact, is not just a funding bill for the war, however, because it also includes important funds to rebuild what has been a devastating number of years on our military, where we do not have the readiness and where we have sent troops into battle without being properly prepared and without the munitions necessary. We have weakened ourselves around the world, and I realize that.

It also has important funds for our agricultural catastrophes, and it may even have things for Hurricane Mitch and the victims of the earthquake in Colombia in this bill. It has a pay boost for our veterans.

But, ultimately, this is a vote on war. And that becomes a very difficult subject for Members of Congress to handle in their districts because, in fact, we have troops on the ground, and none of us want to be perceived as weakening them and putting them in the battle without adequate supplies. At the same time, many of us have strong reservations about this war, that, in fact, it is not winnable and, in fact, we are putting our soldiers' lives unnecessarily at danger by continuing to fund this war.

I have been regularly visiting high schools and elementary schools in my district since the first of the year as part of the Committee on Education and the Workforce efforts to look at the Elementary and Secondary Education Act. And when I talk to students, whether about the drug-free school program or school violence, inevitably the war comes up. Because many of them are concerned that they may soon become involved in this, especially if it expands to a ground war and we should have to resort to a draft, which in fact we might have to do if we need 400,000 troops.

The question I get regularly asked, since I express my skepticism that this war cannot be successful and we have had a poor strategy, is how do we stop genocide and the ethnic cleansing around the world if in fact we do not fight this war; and what are we to do to show our disapproval if we do not go to war? These are difficult questions but not easily addressed or solved merely by saying, therefore, we are going to bomb everybody who we disagree with or who we think has committed genocide.

Clearly, this has been a problem in the past. It has happened in Turkey vis-a-vis the Armenians. We watched the Communists overrun Hungary. And many of us, I was only 6 years old at the time of the Hungarian revolution, but many Americans felt we should have intervened at that point.

But there are certain things in American history we have said that are criteria for when we get involved in these type of conflicts. One is generally that it has to cross international boundaries. This question is complicated here because it is inside a nation, albeit an autonomous subsection of that nation or at least an area we believe should be autonomous.

We have also historically argued that there has to be a clear national interest. And the only clear national interest here is the instability of Europe; and, quite frankly, what we have seen is that every week this war goes on, Europe is becoming less stable and the agreement will be less good. In other words, our peak in American interest agreement was before we started bombing. Every week the bombing has continued, the agreement in the end will be worse.

The agreements that are now on the table we could have had several weeks ago. In truth, the Kosovars are less willing and the Serbians less willing to live together in peace in the future because of the conflict escalating. The more we bomb, the more we destabilize Montenegro.

Now we have accidentally hit the Chinese embassy, and China has used this at least as an occasion to stir up their people. Russia is concerned as to whether we will be coming in there, and they have reactivated and are concerned about their nuclear defenses because they do not want us coming in if it is Chechnya.

Other nations around the world are concerned about what our international policy is. Israel is concerned, justly, that if we recognize an independent Kosovo, what does that mean for the Palestinians? Turkey is concerned about what this means for the Kurds. The settlement we are looking towards is worse than we would have had early on while there was still a possibility to put this thing back together.

Furthermore, it does not appear to be winnable. Historically, wars or efforts that have worked have been winnable or had an exit strategy. But that does not and still begs the fundamental moral question: How then do we deal with a Milosevic or a Serbian population? Or, for that matter, in Croatia, where many people were killed and moved out? The ethnic cleansing being the moved out; the killed being the genocide without a trial.

Now Sandy Berger, the National Security Adviser to our Republican conference, suggested that the goal of this administration, and he said this pointblank, was to teach the world how to live together in peace. This shows some of the divisions that we have in this country and in the world regarding, quite frankly, the perfectibility of man. Can we, in fact, especially through bombs, teach the world how to live in peace? Or even without bombs, is that a realistic goal?

In my opinion, that is more a humanist perfectibility of man argument and not one rooted in the Judeo-Christian beliefs that this country was founded on.

Mr. Speaker, I will extend my comments with written remarks, because I am very concerned the premises of this war are unachievable and the goals are false and, therefore, because of a kind heart, we have plunged ourselves in an unwinnable conflict that is contrary to our own moral traditions.

TRANSPORTATION AND COMMUNITY SYSTEMS PRESERVATION PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BLUMENAUER) is recognized for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, this last week at the Conference on Sustainable Development in Detroit, Michigan, the administration announced the winners of the Transportation and Community Systems Preservation Program. The TCSP was a little noticed title in TEA-21, which really did not get the attention and recognition it deserved.

□ 1845

There are a number of programs that spend far more than the $13 million involved, but there are few that will have more long-term impact.

The program had its origin in the experience in my State of Oregon in the early 1990s, where citizen activists successfully petitioned the State Department of Transportation to consider an alternative to a traditional beltway that included careful land use planning, connecting the transportation links, and grouping uses in a way that might be able to achieve the transportation and congestion and air quality objectives without as much concrete. And the fact is that the alternative that they developed was more cost effective than simply building a traditional road.

This LUTRAC program, helping communities design local initiatives to maximize their infrastructure investment, has found its way into ISTEA.

Yesterday morning, I visited with Federal, State and local officials and local business people in my community dealing with FEMA's Project Impact. And here we found that Oregon's requirement of careful land use planning with local governments actually has made a significant impact in lowering the losses to flood damage. It has resulted in saving Oregon's homeowners and businesses millions of dollars as a result of disaster mitigation.

The TCSP is designed to extend these principles beyond natural disasters to potential manmade disasters of needless loss of farmland, forests, unnecessary traffic congestion, and conflicts between residential, commercial, and industrial uses.

Recently we had a presentation from the director of our State watchdog agency, the Land Conservation and Development Commission, which was set up to enforce and regulate the land use requirements that our Oregon voters have repeatedly supported. He presented the data that I found rather compelling that, in the 20 years that we have had our system, we actually protected an increase of 4 percent more agriculture land in the Willamette Valley in Oregon.

The metropolitan Portland area, although it has increased in population 42 percent, the urbanized area has only increased 20 percent. Unlike what has happened in New York City, where the urbanized area increased eight times more rapidly than the population increase, in Chicago it was 11 times more rapidly urbanization in the population increase, Detroit 13 times.

An even more interesting comparison is we have two fast growing counties in the Portland metropolitan area, one, Washington County, just to the west of the City of Portland, and one to the north in the State of Washington, Clark County. Both have been the fastest growing counties in their States.

Clark County, in Washington, lost 6,000 more acres of farmland than Washington County, even though in Washington County we have increased more than 40,000 more residents than Clark County. Not only that, but the per-farm income actually dropped by 10 percent in Clark County, while in Washington County, with the land use and transportation protections, farm income rose by 30 percent, farm income rising in a county that is the home of Oregon's high-tech industry.

The TCSP program is going to make a difference in localities that do not have the Oregon land use planning framework and it is going to make a huge difference in our community building on that system.

There have been over 500 applications submitted around the country. This week, in Denver, there are people studying at a conference right now how to use the program.

I strongly urge that each Member of Congress look at the applications from their district, understand how they work. These concepts of smart growth can include a number of programs that simply are not going to be funded without having the adequate support from our Congressional representatives. It will in the long run save far more tax dollars than the modest investment in planning; and, most important, it will include our citizens in helping shape impacts on their destiny.

WHITE HOUSE YOUTH VIOLENCE SUMMIT

The SPEAKER pro tempore (Mr. BRADY of Texas). Under a previous order of the House, the gentleman from California (Mr. DREIER) is recognized for 5 minutes.

Mr. DREIER. Mr. Speaker, I have taken out this time to make some comments about the horrendous tragedy which shook this entire Nation when we saw two deranged young men go into the Columbine High School in Littleton, Colorado, and rampantly murder classmates, schoolmates of theirs.

All of us have done a great deal of thinking about this over the past few weeks. We know that the White House held a conference just yesterday, a youth violence summit, during which many thoughts and recommendations were provided. But I think it is very important that as we look at this situation, the problem of violence in our schools, that we keep this in perspective.

First, our thoughts and prayers continue to go to the families and friends of those who were victims and, of course, to the many young people who have heard of this around the country who have gotten very, very rattled and frightened because of the prospect of this happening again.

But, again, I believe it is important for us to keep this situation in perspective. In fact, I am one who believes that the victims in this case are more representative of the young people of America today than these two deranged individuals.

There are many people who believe that American culture has gone bad. Mr. Speaker, I do not believe that American culture has gone bad. It actually has gotten broadened. We have a broadened culture today.

A quarter of a century ago, this country had four television networks: ABC, CBS, NBC, and the Public Broadcasting System. We could choose books from our local library or the corner book store, and that was about it. And we all know what it is that we have today: Two hundred channels on television. We have a million websites out there. And we can go to "Amazon.com" and choose from 4.7 million CDs or books.

And so, as we approach the year 2000, we do not have a violent culture. What we have is a create-your-own culture. And it is mostly a very, very good create-your-own culture. But, obviously, with that broadened culture, at the extreme edges, it can be downright horrible.

So before condemning America, first we should consider that, as I mentioned, that the child victims in Columbine are a lot more reflective of American culture, of American youth, than their child killers.

They were terrific kids. Based on all the reports that we have gotten, they were creative, energetic, religious, and very involved in their community. Those are the kids we find in high school libraries across the country today.

We also know, based on the figures we have seen, that American kids today are more religious, they volunteer more. And I am very proud that, in just a few weeks, I am going to be presenting for about the 15th year Youth Volunteer Awards in Southern California to scores of young people in the San Gabriel Valley in California who have stepped up and volunteered in law enforcement and libraries and hospitals and a wide range of areas where community needs exist.

We find that there are today fewer out-of-wedlock births, and students are less violent today than they were a decade ago. So I think that another tragedy of Columbine is that two mentally deranged individuals can cause us to question and look past all of the extraordinarily positive work of American parents and the positive work that has taken place in our communities. It is impossible to explain or in any way justify insanity, and that is exactly what we have witnessed here.

More than anything, Mr. Speaker, we need to do a better job of identifying and helping young people who are deeply troubled. With this make-your-own culture to which I referred that is so broad, a hateful, sick person can in fact create an entire world of hate and evil for themselves. It is obvious that the answer is not for us to go back to four television networks, 10,000 books, and PAC Man. But the answer is for us to more successfully intervene in the lives of troubled youth who are spiraling into a world of violence.

It seems to me that we need to recognize, Mr. Speaker, that there are solutions, not necessarily Federal governmental solutions, but we want to do what we can here. But there are solutions. Last week I met with the sheriff of Los Angeles County who is proposing that we move ahead and do everything possible to have boot camps for those kids who are taking guns into schools. And we need to prosecute those young people who take guns into schools.

So those are just a couple of the steps. And I hope very much that we can recognize the positive things that are taking place there, as I know many of my colleagues will be presenting Youth Volunteer Awards throughout their districts in the coming weeks.

TRANSITIONING TO A NEW ECONOMY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of Washington. Mr. Speaker, I rise today to talk a little bit about our new economy, the information-based economy, and all the transitions that have been happening during this decade and really since about the mid-1970s and into the 1980s.

It has been a dramatic change, one of the largest changes arguably in human history in terms of the direction of our country; and it has been shifted towards a new economy, based primarily on technology and information. And one of the most important challenges that we in this body will face in the years ahead is adjusting to that, is figuring out how to understand how our economy has changed and, as a consequence, how we need to change to embrace that.

One of the biggest arguments that I want to make off the start is this is not an option. The new economy is not something that we can choose to opt in or opt out of. It is a fact of life, and we need to be prepared to adjust to it. And there are some policies that we can adopt.

But, more than anything, right up front we need to increase our knowledge as policymakers, I urge all Members of Congress to do this, of the changes that have occurred in our economy that have moved it more toward a high-tech economy, and what changes do we need to make as policymakers to address that.

I would like to lay out five broad categories today and just say that, as a member of the New Democratic Coalition on the Democratic side of the House, we are working very closely on these issues, working with leaders in the technology field, leaders in the education field to try to make the policy changes that are necessary because I think it is critical that we address those.

The biggest one, of course, is education. We need to shift our education systems from K–12 to beyond to embrace the idea of life-long learning and the importance of technology. The three R's are still absolutely necessary. But if they do not have some knowledge in there about computers as well, they are going to be left behind in the new economy, and we need to make sure that that is included.

We need to make sure that people understand that the world has changed, they are not simply going to be able to get through high school and then move into a job and never have to update their skills. They are going to have to be willing to constantly update their skills, and we in government are going to have to provide the access to the updating of those skills, whether it is Voc, higher education of any kind, retraining on the job. We need to create those incentives.

But at the beginning, at the front, before we get to that, we need to change our K–12 system to make it more aware of the needs of technology and of the need of teaching kids how to learn and how to learn for life.

Secondly, we have to invest in research and we have to give our companies in this country the incentive to make those investments.

An important issue is going to come through Congress at some point this session that would permanently extend the R&D tax credit. That will have a critical impact on our economy. Research and development is absolutely necessary to keep up with the breakthrough technologies that seem to be happening on a daily basis. We need to give our companies the incentives to make those investments.

Currently, we only offer the R&D tax credit for one year and then we play this game of roulette in the next year as to whether or not we are going to let it go on from there. Companies cannot plan in that sort of an environment. They do not know whether or not they are going to have the money to do the research over the long haul. We need to make that permanent.

Third, we need to build the technology structure. This is about broadband communication, giving people access to the Internet. The Internet has the ability to be the greatest equalizer of all time in terms of knowledge. It is not going to divide us. It is going to give anybody with a PC and a link to their phone line to get to the Internet the ability to gather knowledge which they never would have had access to before. But we have got to give companies the incentive to build that infrastructure so that people will get that access.

This means deregulation and allowing that competition to flow so that we will build the infrastructure and get access to the Internet beyond just the urban areas which have it now and out into the rural and suburban areas where it is desperately needed.

Fourth, we need to leave the Internet alone. Overregulating the Internet can potentially strangle its ability to get that information out there and help companies grow. Too much regulation would be a very bad thing, and we need to leave the Internet alone and not overregulate it.

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Lastly, we need to increase exports. We need to get access to more markets. Ninety-six percent of the people in the world live someplace other than the United States. If we are going to increase markets for all goods, we are going to have to do it overseas.

I want to emphasize that this is not limited to certain technology areas, the Silicon Valley or Seattle or the research triangle or Boston. Any company one can think of is affected by technology.

We just heard today that we had another 4 percent increase in productivity this last quarter. That is driven almost exclusively by advances in technology and helps grow the economy everywhere. Regardless of what business you are in, technology can help make that business more productive, help make our economy stronger and, most importantly, help people get and keep good jobs that will enable them to raise their family and take care of their bills and obligations. We must embrace the new economy and the high-tech economy so that we can prepare for the future.

THE BOMBING OF YUGOSLAVIA

The SPEAKER pro tempore (Mr. BRADY of Texas). Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, many people have felt right from the start that the President and Secretary of State made a horrible mistake in starting the bombing of Yugoslavia. The President and Secretary Albright have made this horrible mistake even worse by escalating the bombing so much. Now Yugoslavia has been bombed far more than in World War II when it was bombed by both sides.

This war has been and is so unpopular that I read last week that the main White House spin doctor had gone over to try to help improve NATO's public relations. We certainly did not have to have White House spin doctors to convince us to go to war after Pearl Harbor. At that time, only one Member of Congress voted against the U.S. entering World War II, but at that time the people were solidly behind the war effort because we and our allies had been attacked.

In Yugoslavia, for the first time ever, the U.S. has become an aggressor nation. Our foreign policy has been turned upside down.

Tony Snow, the columnist-commentator, wrote last Friday: "Three features distinguish the war in Kosovo from every other in American history. This is the first in which we have been the unambiguous aggressor; the first in which we've had no discernible national interest at stake; and the first in which we have let others act as our sovereign."

Paul Harvey, in his Friday newscast, said someday this will be called "Monica's War," meaning many people believe the President was in part attempting to improve his image as a world statesman after the embarrassment of the impeachment scandal.

Now the party line coming out of the White House is simply to label anyone who opposes the war as doing so because of hatred for the President.

Well, while I strongly disagree with the President over all these bombings, I do not hate him or even feel any personal animosity toward him. But anyone who uses this hatred argument is simply trying to avoid discussing the case on its merits or lack thereof. They are appealing to emotion and prejudice and resorting to name calling when they accuse people of opposing the war simply because of hatred for the President. It is so obvious that an argumentative ploy like that is simply an attempt to avoid discussing the merits of the war.

We bombed Afghanistan and the Sudan just 3 days after the President's apology about the Lewinsky scandal was such a flop.

We started bombing Iraq on the afternoon before the House was scheduled to begin impeachment proceedings.

When bad publicity started coming out about the Chinese espionage, on the eve of the Chinese Premier's visit, we started bombing Yugoslavia.

We should not be so eager to bomb people. We should only go to war when absolutely forced to and when our national security is threatened or our very vital national interest is at stake. Neither is present in Yugoslavia.

The U.S., using NATO for a political cover, has now done over $50 billion worth of damage to Yugoslavia, a very small country with less than 4 percent of our population.

It is obvious that Milosevic cannot hold out much longer, but we have already spent billions which we are taking from Social Security, and we will have to spend many billions more on this stupid war before it is all through, all to make a bad situation much worse than it was before we started. We are creating enemies all over the world, giving up our reputation as a peace-loving nation by attacking a country that had not attacked us nor had even threatened to do so. And apparently this was done mainly to help improve the President's legacy and because NATO was desperately seeking a new mission.

Very soon this war will be settled, I hope, and then the President and his spin doctors will declare a great victory. But, in reality, it will take us many years to recover from the damage that we are doing to ourselves and our country, both financially and diplomatically.

Don Feder, the nationally syndicated columnist of the Boston Harold, summed it up this way:

> President Clinton and Secretary of State Madeleine Albright set the stage for the catastrophe in Kosovo. If there were a Nobel Prize for ineptitude in diplomacy, they would be its joint recipients.

He continued:

> The military will be so exhausted by doing social work with bombs and troops that resources won't be there to defend the United States when our vital interests are at stake. When China confronts us in Asia, we can tell our allies there that we have spent all of our missiles in the Balkans.

He wrote this before we bombed the Chinese embassy in Belgrade.

Finally, Mr. Feder, wrote this:

> Kosovo was an avoidable tragedy. Clinton and Albright should toast marshmallows over the flames of Kosovo. They lit the fire.

TCSP GRANTS AWARDED AS PART OF ADMINISTRATION'S LIVABILITY AGENDA

The SPEAKER pro tempore (Mr. REYNOLDS). Under a previous order of the House, the gentleman from Pennsylvania (Mr. HOEFFEL) is recognized for 5 minutes.

Mr. HOEFFEL. Mr. Speaker, I am very pleased to join a number of my colleagues this evening in reporting on the benefits to our congressional districts of the TCSP grants that were awarded last week by the Secretary of Transportation and by the Administrator of the Federal Transit Administration.

The TCSP grants stand for Transportation, Community and System Preservation grants. These are a vital part of the transportation program as part of the administration's livability agenda.

Montgomery County, Pennsylvania, the 13th District of Pennsylvania, received a grant of $665,000 to promote a transit-oriented development along a proposed rail line.

I would like to talk about that in some detail, but first it is clear to me in my travels around the district, in my town meetings and meetings at supermarkets, that the questions of suburban sprawl, of gridlocked traffic, of overdevelopment are the very highest issues facing the suburbs throughout this country and certainly the suburbs of Philadelphia. We need to do a better job in managing our growth, in fighting traffic gridlock, in fighting sprawl, in making sure we plan for the orderly growth and development in our suburban communities. These transportation grants are a very important way of doing that.

We are trying to restore train service that was stopped 15 years ago from the City of Philadelphia through Montgomery County, my district, out to Reading, Pennsylvania. This train service, if restored, would allow for both commuting into the city and reverse commuting from the city every day.

It would take shoppers to the largest mall on the East Coast. It would take shoppers to the Reading discount markets. It would allow access to cultural and historical benefits and assets, such as Valley Forge National Park. It would do a number of very beneficial things in my area.

The question is, why did passenger service end on this train route 15 years ago? Why was ridership so low? It is because we were not doing a very good job in promoting that service or making it attractive to people.

The Transportation Department, through its transit-oriented development grant, is trying to promote the expansion of this commuter service along what will be called the Schuylkill Valley Metro by urging municipalities to plan for adequate parking at train stations to allow dense development so that there can be residential opportunities and retail and commercial opportunities surrounding the proposed train stations. We need to make commuting by rail not only attractive to those who would drive to a station and park their car but to create an area where people would be attracted to come and live, to rent an apartment or buy a condo around a train station with all of the commercial amenities and recreational amenities that a small town can offer, so that people would be attracted to live there and drive their cars there as well, to use the transit program.

This is an exciting opportunity and one that we have to aggressively market if we are going to help reduce the traffic gridlock around Philadelphia and make people come back to trains and come back to a place of living and working, where they can walk to their train station from their apartment, they can walk to commercial and retail opportunities. If they are driving to the train station from a more remote area, they can do shopping, they can drop off their dry cleaning or get their hair cut when they come back from work, whatever it takes to make life more manageable and more livable and improve the quality of life while, at the same time, getting people off of highways.

This is the goal. This sort of transit-oriented development encouraged by the Secretary of Transportation will help to fight sprawl in the suburbs. It will encourage smart growth strategies so that we can have a more livable community. It will ease traffic congestion and help to end some of the traffic gridlock that make our suburban areas so difficult.

And it would also encourage what is called location-efficient mortgages. This is an exciting aspect of this program that will encourage lenders to lend more money to folks that live in these transit areas because they will not need to have the high expense of owning a car that many Americans have to face. So if they can live in an area where they can walk to a train station and take the train to work, a lender will be encouraged to give more money in terms of a loan to that prospective homebuyer or condominium buyer so that he or she can buy more house for the same income than they would if they had to factor into their expenses the cost of owning two or three cars and living in a remote suburban community.

Fundamentally, this will reduce pressure on green space. It will allow us to save open space, preserve farmland and make all of the suburbs a more livable area for all of us.

So the transit-oriented development to be encouraged by this transportation grant is exactly the right sort of thing that we should be promoting to improve livability throughout the suburbs and throughout this country.

GENERAL LEAVE

Mr. HOEFFEL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

NATIONAL TAX FREEDOM DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Dakota (Mr. THUNE) is recognized for 5 minutes.

Mr. THUNE. Mr. Speaker, today is national Tax Freedom Day. That means that if you are an American taxpayer, every penny you have earned from January 1 through the end of your workday yesterday has gone to pay the cost of government. Today is the first day that the American taxpayer starts working for him or herself. Today is Tax Freedom Day.

Now, that is the good news. The bad news is that Tax Freedom Day falls later and later every year. This year Tax Freedom Day falls one day later than it did last year, which means the government has grown fast enough over the last year alone to take in one more 8-hour day of the American taxpayer's paycheck. That is wrong.

Now, a lot of people in this country do not think they need tax relief. They think, I do okay. I pay my bills. I take care of my family. They have most of the things they need. Well, I am here to tell you today that if you do not think your taxes are too high, you do not know how many times you have been paying your taxes.

I would like to walk you through the average American taxpayer's average American day just so that people in this country realize how much they are actually paying in the form of taxes.

It starts when the alarm goes off in the morning. You hit the alarm clock. You paid a sales tax on the alarm clock. As soon as you turn on the light, you are paying a utility tax. You walk in the bathroom, turn on the faucet to brush your teeth, or at least your coworkers hope you will, you pay a utility tax on the water. You go in to get ready to go to work. You put on your suit or your work clothes on which you paid a sales tax.

You drive to work. You grab your car keys. You probably paid some form of sales tax or excise tax on the car and on the tags and on the license that you need to drive it. You stop at the gas station to put gas in your car. You pay the gas tax every time you fill up at the pump.

You probably stop along the way somewhere to have a nutritious breakfast, maybe coffee and a doughnut, on which again you likely paid the sales tax.

You finally get to work. Here is where it really starts adding up. Because from the moment you walk in the door, every second of that 8-hour day is subject to the income tax. In fact, you will spend the next 2 hours and 51 minutes of your day working to pay taxes. That is more time than you spend working to pay for food, clothing and shelter combined.

But maybe it is your lucky day. Today could be payday. So you look at your pay stub and you see that Social Security, which you may never see depending on how old you are, and FICA and everything else is taken out. If you have enough left over you may go out pay your bills and buy your lunch somewhere, maybe at McDonald's again, on which you pay sales tax. You stop at the bank at the end of the day to deposit what is left of your paycheck in a savings account on which you will pay income tax on the interest.

Finally, you get home, your castle, on which you pay property tax. You say hello to your spouse and discover, of course, that even love is not free because when you got married you paid a hefty marriage penalty tax.

You decide to call your mother after dinner and find out how she might be doing. You pay a utility tax when you use the phone.

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Finally it is your time. It is time to relax, sit down. So you kick up, turn on Sportscenter to see how your favorite team might be doing.

In our case in South Dakota it happens to be the Minnesota Twins. Mr. Speaker, they are in last place. If that were not bad enough, you had to pay a cable tax to find out that information.

Finally, the day ends back where it began, as you lay down on your bed, close your eyes and go to sleep. And guess what? Just on the chance that you do not wake up before the morning you get hit one last time by the government; yes, with the death tax.

Now this is sort of a humorous way of looking at this issue, but there is a very serious message here, and that is the tax burden on the average American has grown every year, and Tax Freedom Day now falls 11 days later than it did back in 1993. In South Dakota we do a little bit better. Our Tax Freedom Day comes on May 2, which is about a week earlier than the Nation Tax Freedom Day, but it still is not right to spend more than 4 months of every year working for someone other than yourself.

South Dakotans know how to spend their money, they know what their family and their community needs, and they ought to be allowed to keep more of the income that they earn to spend it on the things that they need most. Maybe that is the children's education, maybe it is to make a down payment on a house, a farm or a ranch, or maybe it is time to trade in the old car and get a new one. Maybe it is time to invest in a favorite charity or perhaps church, and maybe it is time for you or your spouse just to cut down on some of the hours or quit working altogether and spend more time at home with the children.

The point is, Mr. Speaker, that it is the American people's money, and they should be spending it according to what is in their best interests.

We cut taxes in 1997 for the first time since 1981. We need to do it again. People of this country work hard, they need to keep more of what they earn, and every time they send money to Washington they are giving up power and control. Mr. Speaker, we want to see that the power and control stays at home with the American family, with the individual and with the community.

Mr. Speaker, I hope that we can work in a very deliberate way to bring about additional tax relief for hard-working Americans.

LIVABILITY

The SPEAKER pro tempore (Mr. REYNOLDS). Under a previous order of the House, the gentleman from New Jersey (Mr. HOLT) is recognized for 5 minutes.

Mr. HOLT. Mr. Speaker, since World War II, the American dream has been a house in the suburbs. But in many places in our country, that dream is turning into a nightmare—traffic, air pollution, lost farms and parks and higher taxes.

Suburban sprawl is one of the fastest growing threats to America's environment as prime farmland is replaced with malls, parking lots and housing developments.

Unplanned suburban growth means increased traffic jams, costlier public services, wasted tax revenue and increased pollution.

Most importantly, it means a deteriorating quality of life for ourselves and our neighbors.

How do we explain to our children that their neighborhood wasn't always housing developments and shopping malls? And how many hours with family have been lost in traffic? How far do we have to drive to see and enjoy open, naturally preserved acres?

We need to change the way cities think about growth and plan their development.

It is for those reasons that I support the Transportation and Community and System Preservation Pilot program, otherwise known as TCSP. The TCSP program was created by the Transportation Equity Act for the 21st Century. It is an initiative consisting of research and grants that to communities as they work to solve interrelated problems involving transportation, land development, environmental protection, public safety, and economic development.

Of the 35 projects selected from an initial pool of 524 applications, two grants were awarded to New Jersey. One project in Northern New Jersey will prepare modern intermodal freight infrastructure to support brownfield economic redevelopment. The completed plan will address needed transportation access to brownfield sites and effectively market the sites for freight related activities. In addition, it will provide new employment opportunities for residents, reduce the volume of trucks on regional roads, and safeguard the environment.

The second project, Transit-friendly Communities for New Jersey, will work with diverse community partners to develop specific ways that New Jersey towns can become more "transit friendly." By building on both New Jersey Transit's initiatives to make train stations themselves "passenger friendly" and on statewide "smart growth" initiatives to reduce sprawl, we can encourage new development within walking distance of transit stations. It also allows New Jersey Transit leverage the resources of its non-profit and government partners to shape the future of communities around transit stations well into the future.

The results will be models for other New Jersey communities to follow in future projects. In addition, the project will ensure that communities understand how transportation investments can enhance the environment, create strong downtown centers, and improve quality of life. Moreover, New Jersey Transit is committed to using the process developed under this program as a way to change innovative efforts from "pilot projects" to "the way we always do business." With its diversity of station types and communities, this program will be a model for the nation.

By funding innovative activities at the neighborhood, local, metropolitan, state, and regional level, the TCSP program will increase our knowledge of the costs and benefits of different approaches to integrating transportation investments with community preservation efforts, land development patterns, and environmental protection.

These strategies will help New Jersey grow according to their best values by: improving the efficiency of the transportation system; reducing environmental impacts of transportation; reducing the need for costly future public infrastructure investments; ensuring efficient access to jobs, services, and centers of trade; and examining private sector developmental patterns and investments that support these goals.

The reason for this initiative is clear.

Across America, we are discovering that livable communities—places with a high quality of life—are more economically competitive communities.

The way we build and develop determines whether economic growth comes at the expense of community and family life, or enhances it.

By helping communities pursue smart growth through initiatives such as the TCSP program, we can build a better America for our children.

CLEVELAND AREA PROGRAMS AND PROJECTS THAT DEAL WITH MAKING OUR COMMUNITIES LIVEABLE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Mrs. JONES) is recognized for 5 minutes.

Mrs. JONES of Ohio. Mr. Speaker, I rise today to join my colleagues in speaking in support of livable community initiatives.

I represent Ohio's 11th Congressional District that consists of both urban and suburban areas. Creating areas all citizens can enjoy is important. I believe we must not sacrifice our environment for expansion or destroy that which is already in place when we can utilize our spaces better.

I would like to discuss several programs and projects in my district that deal with making our communities livable:

The first program is in a small suburb of Cleveland called Woodmere Village. Woodmere is a small, predominantly African American community. Today the main thoroughfare in the village is Chagrin Boulevard, a busy two-lane road. Chagrin Boulevard, or

Kinsman Road, as it was originally known, has long been a center for commerce with restaurants and stores, places like Gino's Jewelry and Trophy and Tuscany Gourmet Foods are examples of businesses that draw people from all over the greater Cleveland area.

It is really wonderful for the Cleveland area to have such a vital route in it, but a blessing can also create a burden. Chagrin Boulevard daily has traffic of nearly 26,000 vehicles. There are countless turnoffs from the street into private parking lots that cause traffic delays. The lanes of traffic are wide, often meaning that two-lane road turns into a four-lane highway with drivers exceeding the posted 25 miles per hour limit. People regularly drive simply to cross the street.

This traffic problem resulted in Woodmere Village applying for a grant from the Transportation and Community and System Preservation Pilot Program. This grant will provide money for studies to be done to best create livable solutions for Chagrin Boulevard. I am happy to say that Woodmere received a grant of $195,000 for the Chagrin Boulevard project.

The Transportation and Community Systems Preservation Act was a provision in our TEA-21 legislation, the Surface Transportation Act of last year. This program provides areas like Woodmere funds to improve by considering alternative transportation projects rather than simply constructing a traditional bypass to look at what would happen if more time, thought and resources were available to make a more comprehensive approach to the situation. The plan in Woodmere is not simply to create more lanes and widen the roadway, as was originally recommended. Rather, with some ingenuity the village is planning to create a true small-town thoroughfare. There will be tree-lined medians flanking the boulevard on both sides creating more pedestrian-friendly frontage roads. New sidewalks, crosswalks and traffic signals will be installed.

Mr. Speaker, we must give people the option to leave their cars and walk to shops and restaurants. Chagrin Boulevard would be safer for drivers, accessible to people walking or wanting to ride a bike and better for those businesses along its routes should this proposed plan be accepted. This is a perfect example of creating a livable space with what is already available.

I look forward to using the new Chagrin Boulevard because I travel it regularly.

As the gentleman from Oregon (Mr. BLUMENAUER), the driving force behind many livable initiatives such as this, said on the floor a week ago, it is not about Federal interference but partnership. It is about giving people more choices rather than fewer, and that will end up costing people less money rather than more.

I would also like to highlight ParkWorks. This is a program working to reclaim urban parks. In Cleveland, Forest Hills Park, a large park bordered by three municipalities, one such area was rehabilitated by ParkWorks. It is now a thriving area for children and families. ParkWorks plans outdoor activities in these parks, encouraging those of us living in cities to enjoy available natural resources. ParkWorks has also worked with schools and churches in Cleveland funding things like a new running track for a local high school and has planted 50,000 trees and created gardens for neighborhoods. The money for improvements is donated from the Lila Wallace Reader's Digest Fund for the parks and through public-private partnerships for other projects. I would like to commend the involvement of ParkWorks in making urban areas more livable. By increasing green space and making that space available to the greater community they encourage a sense of partnership and camaraderie.

Finally, I would like to commend an organization in my district working for affordable housing. The Affordable Housing Tax Credit Coalition is awarding the Cleveland housing network $5,000 for winning the Tax Credit Excellence Award in metropolitan urban category. The Cleveland Housing Network develops affordable housing in Cleveland's neighborhoods on a lease-purchase basis. These affordable options serve families in poverty by providing home ownership opportunities. Participants in the program of the Cleveland Housing Network will own their own homes within 15 years. By promoting home ownership organizations like the Cleveland Housing Network give poor citizens the ability to have a stake in the overall community. This sort of program is also important to livable communities.

Mr. Speaker, I commend the Cleveland Housing Network.

Without adequate housing we ostracize capable and interested citizens and deny them the ability to enjoy the true feeling of community. I commend the work of the Cleveland Housing Network and congratulate them on their receipt of this award. Specifically I would like to commend and recognize both Rob curry, the Executive Director, and Andrew Clark, the Chairman of the Board for the Cleveland Housing Network.

PEACE OFFICERS MEMORIAL WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Mrs. CAPPS) is recognized for 5 minutes.

Mrs. CAPPS. Mr. Speaker, I rise to pay tribute to fallen peace officers in California and all across this Nation. This week is Peace Officers Memorial Week, when Congress and the American people will honor our fallen officers. Law enforcement officers will come from all over the country to pay their respects at the National Law Enforcements Officer's Memorial. The memorial honors all of America's Federal, State and local law enforcers. Inscribed on its marble walls are the names of more than 14,000 officers who have been killed in the line of adult. Tragically, this week more names will be added to that list.

Mr. Speaker, each day our Nation's officers are faced with rigors and risks that most of us could never even imagine. Sometimes these risks result in tragedy. We must provide law enforcement with our strongest level of support.

Sadly, this year the State of California lost 17 brave law enforcement officers. These officers died while serving the people of my State. I would like to extend my deepest condolences to their families and to their loved ones. In particular, I want to single out two brave officers from the central coast of California, Britt Irvine and Rick Stovall. These two California Highway Patrol officers made the ultimate sacrifice in the pursuit of public safety. They gave their lives while responding to an emergency call to assist a stranded truck driver on a local road during El Nino storms. They leave behind loving families, friends and coworkers. Officers Stovall and Irvine are our heroes as are all the fallen police officers in California and all across this Nation. We are forever indebted to them.

Inscribed on the National Law Enforcement Memorial are these words that give us comfort at this solemn time:

In valor there is hope.

WE CANNOT HAVE DEMOCRACY IN SERBIA IF WE BLOW UP THE CIVILIAN INFRASTRUCTURE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. KUCINICH) is recognized for 5 minutes.

Mr. KUCINICH. Mr. Speaker, the impersonality of the Balkan War and of the NATO bombing deprives all of us of a necessary deeper understanding of the powerful human dimension of the conflict of people on both sides whose fragile lives are ripped apart. A month ago I wrote an opinion piece in the New York Times editorial pages challenging the logic of the bombing, its impact on civilians, their lives, their communities. Tonight I have two reports to submit to this House. The first report comes from a pro-democracy group in the Federal Republic of Yugoslavia, and it is an appeal in the form of a letter to Albanian friends from non-governmental organizations, and I would like to read from it:

"Dear Friends: We are writing to you in these difficult moments of our shared suffering. Convoys of Albanians and other citizens of Kosovo, among whom many of you were forced to leave their homes, the killings and expulsions, homes destroyed and burnt, bridges, roads and industrial buildings demolished paint a somber and painful picture of Kosovo, Serbia and Montenegro as indicating that life together is no longer possible. We, however, believe it is necessary and possible. The better future of citizens of Kosovo, Serbia and Montenegro, of Serbs and Albanians, as citizens of one state or closest neighbors will not arrive by itself or over night, but it is something we can and must work on together as we have many times in the past not so long ago. We know that it will now be very difficult and sometimes very painful. The example of the German-French postwar reconciliation and cooperation could serve as a model and stimulus. In the sake of future life together the pain of crime has to be revealed so that it is with forgiveness remembered. This tragedy, yours and ours, personal and collective, is a result of a long series of erroneous policies of the most radical forces among us and in the international community. The continuation of these policies will take both Serbs and Albanians into abyss. Also, the road of collective guilt is a road of frustration, continuation of hatred and endless vengeance. That is why this road has to be abandoned. Our first step of distancing from hatred, ethnic conflict and bloody retaliations is a public expression of our deepest compassion and sincere condemnation of everything that you and your fellow citizens are experiencing," and keep in mind, Mr. Speaker, this is a letter from members of a Serbian nongovernmental organization pro-democracy group.

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They go on to say, and this is a letter to their Albanian brothers and sisters, "As citizens of Serbia we today suffer destruction and casualties as a result of NATO bombing, armed conflict in Kosovo and long-lasting economic and social tumbles under the burden of the dictatorship's deadly policies. Ethnic cleansing, NATO bombing and armed conflict should stop because they are not contributing to the solution of the Kosovo crisis but only making it deepen. There should be no more casualties. All refugees should be allowed to return safely to their homes and live in the manner appropriate for free and proud people. We are convinced that together we will find strength and courage to step on the road of peace, democracy, respect of human rights, mutual reconciliation and respect. Dialogue, political negotiations and peace process have no alternative. For all of us, it is the only way out of the war conflict. It is the safest way to secure the return of refugees to their homes, to renew normal life and activities and find a solution to the status of Kosovo. In order to make this happen, we have to join our efforts to end the war conflict, revitalize the peace process and reconstruct, economically and democratically, the development of Kosovo, Serbia and the entire Balkan region. We are convinced that by joining forces we can contribute to the reaching of a just and rational political solution to the status of Kosovo and build confidence and cooperation between Serbs and Albanians."

This heartfelt letter comes from the Alternative Academic Education Network; the Association of Citizens for Democracy, Social Justice and Support for Trade Unions; the Belgrade Circle; the Belgrade Women Studies Center; the Center for Policy Studies Center; Center for Policy Studies NEZAVISNOST; Center for Transition to Democracy; Civic Initiatives; District 0230 Kikinda; EKO Center; European Movement in Serbia; Forum for Ethnic Relations and Foundation for Peace and Crisis Management; Foundation for Peace and Crisis Management; Group 484; the Helsinki Committee for Human Rights in Serbia; Society for Peace and Tolerance (Backa Palanka); Sombor's Peace Group (Sombor); the Student Union of Yugoslavia; the Trade Union Confederation; the Union for Truth about Anti-Fascist Resistance; the Urban Inn (Novi Pazar); VIN Weekly Video News; Women in Black; YU Lawyersi Committee for Human Rights.

This comes from Belgrade, dated April 30, 1999.

Mr. CAMPBELL. Mr. Speaker, will the gentleman yield?

Mr. KUCINICH. I yield to the gentleman from California.

Mr. CAMPBELL. Mr. Speaker, I ask the indulgence of the House simply to put on record that the citizens of Ohio and the citizens of Cleveland in particular ought to recognize the courage and wisdom of their representative, the gentleman from Ohio (Mr. KUCINICH), that alone, in the midst of a lot of pressure, he stood up for the constitutional obligation that this body go on record before we commit our troops to war, and in a bipartisan way I wish to recognize that this evening during his special order.

Mr. KUCINICH. Mr. Speaker, I thank the gentleman from California (Mr. CAMPBELL) for those remarks.

WE CANNOT HAVE DEMOCRACY IN SERBIA IF WE BLOW UP THE CIVILIAN INFRASTRUCTURE

The SPEAKER pro tempore (Mr. REYNOLDS). Under a previous order of the House, the gentleman from California (Mr. CAMPBELL) is recognized for 5 minutes.

Mr. CAMPBELL. Mr. Speaker, I yield to my friend, the gentleman from Ohio (Mr. Kucinich), to finish his remarks.

Mr. KUCINICH. Mr. Speaker, I thank the gentleman from California (Mr. CAMPBELL) for yielding his time.

Mr. Speaker, I read that letter from the pro democracy groups in Serbia because they are relating to the suffering of their Kosovo brothers and sisters.

At the same time, as this bombing continues, I just want to read briefly from a list of the damages that have been done already by NATO bombing. Over 190 schools, faculties and facilities for students and children have been damaged in the NATO bombing up to April 19, according to this report. Over 20 faculties, 6 colleges, 40 secondary and 80 elementary schools; 6 student dormitories, including elementary schools; 16 oktobar and Vladimir Rolovic in Belgrade; the day care center in the settlement of Petlovo Brdo in Belgrade; 2 secondary schools in the territory Nis; elementary schools Toza Markovic, Djordje Natosevic, Veljko Vlahovic, Sangaj, and Djuro Danicic and a day care center Duga.

Mr. Speaker, I have a list I would like to submit to the House of Representatives of all of the public facilities, the hospitals, the schools, the housing facilities, the infrastructure, telecommunications, cultural, religious shrines and cultural and historical monuments and museums that have been damaged in the NATO bombing.

4. HOSPITALS AND HEALTH CARE CENTRES (16):

Hospitals and health-care institutions, which have been damaged in bombing include:

Hospital and Medical Centre in the territory in Leskovac; Hospital and Poly-clinic in Nis; Geronotological Centre in Leskovac; General Hospital in Djakovica; City Hospital in Novi Sad; Gynaecological Hospital and Maternity Ward of the Clinical Centre in Belgrade; Neuropsychiatric Ward "Dr. Laza Lazarevic" and Central Pharmacy of the Emergency Centre in Belgrade; Army Medical Academy in Belgrade; Medical Centre and Ambulance Centre in Aleksinac; "Sveti Sava" hospital in Belgrade; Medical Centre in Kraljevo; Dispensary on Mount Zlatibor; Health Care Centre in Rakovica.

5. SCHOOLS (MORE THAN 190 FACILITIES)

Over 190 schools, faculties and facilities for students and children were damaged in NATO bombing (over 20 faculties, 6 collages, 40 secondary and 80 elementary schools, 6 student dormitories), including:

Elementary schools "16. oktobar" and "Vladimir Rolovic" in Belgrade; Day-care centre in settlement Petlovo Brdo in Belgrade; Two secondary schools in the territory of Nis; Elementary schools "Toza Markovic", "Djordje Natosevic", "Veljko Vlahovic", "Sangaj" and "Djuro Danicic" and a day-care centre "Duga" in Novi Sad and creches in Visarionova Street and in the neighborhood of Sangaj; Traffic School Centre, Faculty of Philosophy; Four elementary schools and a Medical high school in the territory of Leskovac.

Elementary school in Lucane, as well as a larger number of education facilities in the territory of Kosovo and Metohija; Faculties of Law and Economics and elementary school "Radoje Domanovic" in Nis; Elementary schools in Kraljevo and the villages of

Cvetka, Aketa and Ladjevci; In Sombor: elementary schools "Ivo Lola Ribar", "A Mrazovic", "N. Vukicevic" and "Nikola Tesla" in Kljajicevo; School centre in Kula; Elementary school and Engineering secondary school centre in Rakovica.

6. PUBLIC AND HOUSING FACILITIES (TENS OF THOUSANDS)

Severe damage to the facilities of the Republican and Federal Ministry of the Interior in Belgrade (3 April 1999). Damage to the building of the Institute for Security of the Ministry of the Interior in Banjica (3 April 1999); Severe damage to the TV RTS studio in Pristina; Heavy damage to Hydro-Meteorological Station (Bukulja, near Arandjelovac); Post Office in Pristina destroyed (7 April 1999); Refugee centre in Pristina destroyed (7 April 1999); "Tornik" ski resort on Mount Zlatibor (on 8 April 1999); "Divcibare" mountain resort (on 11 April 1999); "Baciste" Hotel on Mount Kopaonik (on 12 April 1999); City power plant in the town of Krusevac (12-13 April 1999); Meteorolocial Station on Mount Kopaonik damaged (on 13 April 1999).

Four libraries in Rakovica sustained heavy damage: "Radoje Dakic", "Isidora Sekulic", "Milos Crnjanski" and "Dusan Matic"; Refugee camp "7 juli" in Paracin has sustained heavy damage; Office building of the Provincial Executive Council of Vojvodina, Novi Sad; Several thousand housing facilities damaged or destroyed, privately or State owned, across Yugoslavia—most striking examples being housing blocks in downtown Aleksinac and those near Post Office in Pristina.

7. INFRASTRUCTURE

Electrical Power Supply in Batajnica (26 March 1999); Damage to water supply system in Zemun (5 April 1999); Damage to a power station in Bogutovac (10 April 1999); Telephone lines cut off in Bogutovac (10 April 1999); Damage to a power station in Pristina (12 April 1999); Damage to Bistrica hydroelectric power station in Polinje (13 April 1999);

TELECOMMUNICATIONS

TV TRANSMITTERS (17):

Jastrebac (Prokuplje), Gucevo (Loznical), Cot (Fruska Gora), Grmija (Pristina), Bogutovac (Pristina), TV transmitter on Mt Goles (Pristina), Mokra Gora (Pristina), Kutlovac (Stari Trg), "Cigota" (Uzice), "Tornik" (Uzice), Transmitter on Crni Vrh (Jagodina), Satellite station (In Prilike near Ivanjica), TV masts and transmitters (Novi Sad), TV transmitter on Mt Ovcara (Cacak), TV transmitter on Kijevo (Belgrade), TV transmitter on Mt Cer, Communications relay on Mt Jagodnji (Jrupanj).

CULTURAL-HISTORICAL MONUMENTS AND RELIGIOUS SHRINES

MEDIEVAL MONASTERIES AND RELIGIOUS SHRINES (16):

Monastery Gracanica from 14th century (24 March—6 April 1999); Monastery Rekovica from 17th century (29 March 1999); Patriarchate of Pec (1 April 1999); Church in Jelasnica near Surdulica (4 April 1999); Monastery of the Church of St. Juraj (built in 1714) in Petrovaradin (1 April 1999); Monastery of Holy Mother (12th century) at the estuary of the Kosanica in the Toplica—territory of municipality of Kursumlija (4 April 1999); Monastery of St. Nicholas (12th century) in the territory of the municipality of Kursumlija (4 April 1999); Monastery of St. Archangel Gabriel in Zemun (5 April 1999); Roman Catholic Church St. Antonio in Djakovica (29 March 1999); Orthodox cemetery in Gnjilane (30 March 1999); Monuments destroyed in Bogutovac (8 April 1999); "Kadinjaca" memorial complex (8 April 1999); Vojlovica monastery near Pancevo (12 April 1999); Hopovo monastery, iconostasis damaged (12 April 1999); Orthodox Christian cemetery in Pristina (12 April 1999); Monastery church St. Archangel Michael in Rakovica (16 April 1999).

CULTURAL-HISTORICAL MONUMENTS AND MUSEUMS (8):

Severe damage to the roof structure of the Fortress of Petrovaradin (1 April 1999); Heavy damage to "Tabacki bridge", four centuries old, in Djakovica (5 April 1999); Substantial damage to the building in Stara Carsija (Old street) in Djakovica (5 April 1999); Destroyed archives housed in one of the Government buildings in Belgrade (3 April 1999); Memorial complex in Gucevo (Loznica); Memorial complex "Sumarice" in Kragujevac; Vojvodina Museum in Novi Sad; Old Military Barracks in Kragujevac—under the protection of the state (16 April 1999).

Mr. Speaker, we cannot have democracy in Serbia if we blow up the civilian infrastructure, which is a precondition for ever having a democratic movement in that country.

I am so grateful to my colleague, the gentleman from California (Mr. CAMPBELL), for his leadership, his willingness to stand up and speak out and challenge this illegal and immoral war.

Mr. CAMPBELL. Mr. Speaker, reclaiming my time, I want to thank my colleague and applaud his courage and farsightedness.

LIVABILITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. LARSON) is recognized for 5 minutes.

Mr. LARSON. Mr. Speaker, today I rise to support a program that is helping cities and towns across the country find ways to build safer, stronger, and more economically viable communities. It is called the Transportation and Community and System Preservation Pilot program. While many of our state and local governments are struggling to deal with the problems relating to urban sprawl and how to create livable communities, this is one program that focuses on finding solution to these difficult problems.

Funds from this pilot program are provided to eligible state and local governments and municipal planning organizations to help them accomplish goals such as improving the efficiency of their transportation system and ensuring access to jobs, services, and centers of trade.

Just how necessary is this pilot program to cities and towns? Let's look at the numbers: This year 324 applications were received from communities across the country, all vieing to be one of the 35 that were finally selected.

Fortunately for the First District of Connecticut, one of the those 35 final selections was a joint application filed by the city of Hartford, the town of Suffield, and the town of West Hartford. After reading this unique and resourceful proposal, I was pleased to write a letter of support to Secretary Slater on behalf of the three communities. The driving force behind their project is quite simple: teamwork.

Their proposal, which has received a $480,000 grant through the pilot project, acknowledges the tension that often exists between grassroots, neighborhood efforts and more top-down regional planning. Therefore, it proposes to use this tension for its creative potential. They will work from both a regional and a neighborhood level to develop intermodel design standards that address walking, biking, parking, transit, trucking and easing traffic congestion.

I urge my colleagues to continue to support this innovative program so that our cities and towns can be better prepared to meet the challenge of the 21st century. They can only succeed if we provide the financial framework, but let their vision create the communities of tomorrow.

THE TECHNOLOGY EDUCATION CAPITAL INVESTMENT ACT OF 1999

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Oregon (Ms. HOOLEY) is recognized for 5 minutes.

Ms. HOOLEY of Oregon. Mr. Speaker, I rise today to address one of our Nation's fastest-growing industries, the high-tech industry. In 1998 alone, the information technology industry accounted for 15 percent of our Nation's economic growth, and there is no indication that this trend will slow in the future.

Our high-technology economy creates better-paying jobs, increases productivity in all sectors of the economy and relies on a knowledgeable workforce. Further, high-tech companies currently employ 4.8 million people.

But, Mr. Speaker, we have a problem. Recent studies have shown a significant shortage of qualified workers in high-tech industries nationwide. Today, there are about 190,000 unfilled information technology jobs in the United States, and nearly half of the CEOs of these companies report having inadequate numbers of workers to staff their companies.

This personnel shortage is expected to grow rapidly over the next decade. If we fail to give this issue the appropriate attention today, we may send many of these well-paying, high-paying jobs overseas.

In order to address this shortage, I have introduced H.R. 709, the Technology Education Capital Investment Act. This legislation would help to stimulate technology education and increase the number of graduates of engineering and technology workers from our universities and community colleges.

The act addresses the issue of worker shortage in high-technology industry by making science and technology a priority for elementary schools, higher education and businesses alike. My bill would provide money to the National Science Foundation to provide elementary school children with programs that encourage math and science.

H.R. 709 also creates scholarships for students entering math, science and engineering degree programs and develops partnerships between high-technology firms and institutions of higher education by providing hands-on internships for college students.

Finally, this legislation extends tax exemption for employer-provided education assistance and establishes a Technology Workforce Commission that would report back to Congress on what to do about this issue.

I have introduced this bill not only because I am deeply concerned with the shortage of well-trained high-tech workers but also out of concern that our children are falling behind their peers in what is already a worldwide marketplace.

We must make education and learning a priority. This bill, in fact, will reduce the current shortage of qualified high-tech workers and provide our Nation's next generation of leaders with the resources they need to succeed.

MANAGED CARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentlewoman from California (Ms. WOOLSEY) is recognized for 60 minutes as the designee of the minority leader.

Ms. WOOLSEY. Mr. Speaker, we are going to speak today in our special order about managed care reform. To get started, I yield to my colleague, the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Speaker, I thank the gentlewoman from California (Ms. WOOLSEY) for yielding me this time; and I thank her for arranging this special order on the Patients' Bill of Rights. I also thank her for her leadership in this area.

Mr. Speaker, there is a young woman in my district who attends East Carolina University. She is a student in the Allied Health Department. This young woman is no different than any other student at ECU. She has hopes, dreams, goals and ambitions. However, her hopes and dreams, her goals and ambitions are inhibited.

She is a quadriplegic. The story of this young person, disadvantaged due to a disability, is not a new story, but this is a story that is distinct from others. This story is distinct because it could have been different. It could have been very different because if she had received the treatment she required she may have been able to avoid the complete paralysis that she must live with for the rest of her life. If she had received the treatment required, she may not have been a quadriplegic, which she is now.

Why then, one may ask, did she not receive the proper treatment? The reason is that her neurologist, under pressure from her insurance provider, did not render the treatment.

Mr. Speaker, let me share the words of this student. She states, "Eventually, I had the surgery, and they told me that if I had the MRI that my radiologist recommended, I would not be in the condition I am today."

She goes on to say, "I feel that managed care, along with my neurologist, made a decision that changed my whole life."

Life-changing decisions are being made every day by those who count numbers and do not count individuals.

Life-changing decisions are being made every day by those who put profit before people and the bottom line before the end result.

Witness, for example, the father of another student in my district. This father, a veteran, faced terminal illness. While hospitalized, his family was informed that his HMO had instructed that he be removed to a nursing home within 24 hours. The family was out of town, and while grappling with the pain of a father's illness, they had to endure the pressure from the HMO.

This father had defended the country when he had good health but now that he was down he could not defend himself. Worse, under current conditions, the country could not or would not defend him.

Mr. Speaker, there are countless horrible stories like these. Perhaps that is why 22,000 citizens nationwide now have signed a petition demanding a change. Almost 2,000 of those persons came from the State of North Carolina. These persons recognize that it is fundamental that every citizen have access to doctors of their own choice.

It is fundamental that every citizen have access to needed prescription drugs. It is fundamental that every citizen can appeal poor medical decisions, can hold health care providers accountable when they are wrongfully denied care and can get emergency care when necessary. The Patients' Bill of Rights Act, H.R. 358, provides these fundamental rights.

A bill reported from the Senate, which is S. 326, does not provide these fundamental rights. Health care should be about curing diseases, not counting dollars and dimes. Medical treatment should be about finding remedies, not a rigid routine that puts saving money over sparing pain and suffering of human beings.

Patients deserve service from trained, caring individuals; not narrow-thinking persons more interested in crunching numbers than saving lives.

The Patients' Bill of Rights Act effectively provides a panoply of basic and fundamental rights to patients.

The other managed care reform bill, passed by the Senate, does not.

The Patients' Bill of Rights Act provides real choice. The other bill does not.

The Patients' Bill of Rights provides access. The other bill does not provide comparable access.

The Patients' Bill of Rights Act provides open communication. The Senate committee-passed bill does not.

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Mr. Speaker, these are not radical rights, these rights are very basic and fundamental. Legislation of this type is needed and necessary because 60 percent of the American people living in this country do not have protection that will give them patient protection regulations.

The Patients' Bill of Rights Act simply provides minimum standards for the protection of patients in managed care. I am proud to be a cosponsor of the Patients' Bill of Rights Act. I am proud to join my colleague today in this special order, and I urge and encourage all the citizens to continue to sign onto the Internet, but more importantly, I urge my colleagues to make sure they support the Patients' Bill of Rights Act. We must change the way we provide health care, and we must respect the Patients' Bill of Rights Act.

Again, I thank my colleague for providing me the opportunity and arranging this special order.

Ms. WOOLSEY. I thank the gentlewoman for being here. I would like to point something out that the gentlewoman will find sad and yet interesting.

As far back as 1997, the Henry J. Kaiser Foundation and Harvard University School of Public Health had a study. One of their questions asked was, in the past few years, did they or someone they know have an HMO or managed care plan deny treatment or payment for something a doctor recommended.

Like the young woman the gentlewoman referred to earlier, the answer from 48 percent of the participants was, yes, denied care that was necessary from an HMO or a managed care plan. That 48 percent represents 96 million people who have had problems with health care, or know of someone who has. That is why we are here tonight. I thank the gentlewoman very much for coming and being part of this.

Mr. Speaker, 5 years ago the Republicans defeated President Clinton's health care reform bill. They claimed it would allow the Federal Government to interfere with doctor-patient relationships. Yet, when that same relationship between a doctor and a patient was threatened by a corporate bureaucracy, the managed health care industry, Republicans last year offered legislation that did absolutely nothing to protect the sanctity of choices made by doctors and their patients.

It is the same story in the 106th Congress. Democrats have been waiting for 2 years to pass the Patients' Bill of Rights Act, the bill that is outlined here on this board. Right now we are ready to work to improve Americans' access to quality health care. There must be enforceable rights to make consumer protections real and meaningful for all Americans.

Many States have passed legislation making a patchwork of protections. This patchwork does not provide a good fix for over 175 million Americans who need the Patients' Bill of Rights Act to be passed. We must remember, when we are talking about the Patients' Bill of Rights Act and managed care, that three of four people are in the managed care system.

While there are many top notch managed care organizations, particularly in my own district, I represent Marin and Sonoma Counties, just north of the Golden Gate Bridge in California, there are good managed care systems in that part of this country, but we hear too many horror stories across the rest of this country.

Doctors tell us the real life horror stories. They tell us about how they are gagged by insurance companies that dictate what they can tell their patients about their treatment options. They tell us that a patient's treatment decisions are often overruled by an insurance clerk, and that often patients are denied a specialist's care, or patients are shuttled out of a hospital before they are fully or adequately recovered and ready to go home.

Americans are demanding that the Republican leadership take real action and take it now, but instead, today, the Republican leadership has legislation that does not provide better patient access to quality care, nor does the Republican bill provide an independent external appeals process to review complaints when a patient's life or health is jeopardized.

Further, the Republican legislation does not ensure that patients have the right to see a specialist, nor does it prevent insurance companies from continuing to send women home after a mastectomy early, against the advice of their doctors and their health care providers. As important as all the rest, lastly, under the Republican bill, patients do not have the right to sue for damages.

In the final analysis, the Republican bill will do little to prevent medical decisions from being made by insurance companies instead of by doctors. What our country needs is the Patients' Bill of Rights Act. This legislation will make certain that doctors and patients are free to make decisions about health.

The Patients' Bill of Rights Act will ensure that patients have the right to openly discuss all of their treatment options with their doctors. The Patients' Bill of Rights Act provides patients access to important health care specialists, and allows specialists to be primary care providers.

Under the Patients' Bill of Rights Act, patients have the right to receive uniform information about their health plan, go to the emergency room when the need arises, provide continued care to patients when a doctor leaves a plan, and seek remedy from the courts when claims have been unfairly denied.

It is time to put doctors and patients back in charge of our health care system, and it is time for Congress to get out of the pocket of the managed care industry. The Republicans have the managed care industry on their side. They know it. But the Democrats have the support of the American people, and that is what counts.

I urge the Speaker, I urge all of my colleagues, to listen to what the people in this Nation are saying. They want a Patients' Bill of Rights Act, and they want it now.

Mr. Speaker, I yield to my colleague, the gentleman from Connecticut (Mr. MALONEY).

Mr. MALONEY of Connecticut. Mr. Speaker, I thank the gentlewoman from California (Ms. WOOLSEY) for yielding to me.

Mr. Speaker, I rise today to express my strong support for H.R. 358, the Patients' Bill of Rights Act of 1999. Last year we came within 5 votes of adopting this strong, meaningful patients' protection legislation, legislation that would have assured access to medically necessary care for patients, that would have prevented inappropriate interference in the doctor-patient relationship, and guaranteed timely, independent external appeals when plans inappropriately deny care.

Unfortunately, our efforts to reestablish patient health as the primary focus of health plans were blocked by the partisan leadership opposed to reform. Their alternative bill, which was denounced by the American Medical Association as a sham, barely squeaked through this House, and was not even brought up for debate in the other body.

The partisan obstructionists had hoped that this issue would go away, but the real problems besetting patient care by HMOs still exist, and momentum for real change continues to build.

Although many States, including my home State of Connecticut, have enacted reforms to provide basic protections to patients, the Federal ERISA law exempts a significant segment of the insured population from the reach of those State laws.

About 40 percent of the total American population is left unprotected. Consequently, millions of Americans are covered by managed care plans who do not have to meet any quality standards whatsoever. Indeed, 122 million Americans are not guaranteed any enforceable patient protections.

In Connecticut alone, more than 1.7 million people are relegated to second-class medical care citizenship by the ERISA law and the failure of the Congress to enact meaningful reform. Each day that reform efforts are delayed, more patients will unjustly suffer from adverse decisions about their coverage.

It is time to enact a comprehensive set of strong, enforceable patient protections that will guarantee quality health care for all Americans. The Patients' Bill of Rights Act of 1999 would do just that. I am proud to be a cosponsor of this critical managed care reform legislation.

Let me stress five key provisions.

First, among other things, the bill would guarantee that if a patient has an emergency, hospital services would be covered by their plan. The bill says that individuals must have access to emergency care without prior authorization in any situation that a prudent layperson would regard as an emergency.

Second, patients with special conditions must have access to specialists who have the requisite expertise to treat their problem. The Patients' Bill of Rights Act allows for referrals for patients to go outside of their plan's network for specialty care at no extra cost to the patient if there is no appropriate provider inside the plan.

Third, the Patients' Bill of Rights Act provides important protections specific to women in managed care: Direct access to OB-GYN care and the ability to designate an OB-GYN physician as a primary care provider. The proposal also provides protection regarding mastectomy length of stay.

Fourth, prescription medications must be reasonably available. For plans that use a formulary, a standard list of prescription drugs, our legislation says beneficiaries must be able to access medications that are not on the formulary when the prescribing physician dictates those medicines for sound medical reasons.

Fifth and finally, individuals must have access to an external independent body with the capability and authority to resolve disputes for cases involving a denial of service which the patient's doctor determines is medically necessary, or for other cases where a patient's life or health is put in jeopardy.

In the Patients' Bill of Rights Act, States and the Department of Labor must establish an independent external appeals process for the plans under their respective jurisdictions. The plan pays the cost of the process, and any decision is binding on the plan.

Americans need and deserve these protections, protections which have been endorsed by the American Medical Association and the American Nurses Association, and 168 other major health and business organizations.

I urge my colleagues to support and pass the Patients' Bill of Rights Act of 1999, the real Patients' Bill of Rights Act.

Ms. WOOLSEY. Mr. Speaker, I thank the gentleman for coming. I was wondering if the gentleman would like to consider with me the importance of this bill, H.R. 358, based on some data that we have.

We all know that the way that most Americans obtain and paid for health care has drastically altered in the last few years, because a decade ago fewer than three out of ten health insurance companies were in managed care, three out of ten. Today more than three out of four people are in managed care plans.

So while managed care has been successful, it has slowed down the increase of health costs temporarily, at least, this change has been quite unsettling, and therefore, that is why consumers are clamoring for a Patients' Bill of Rights Act that will control managed care providers.

Mr. MALONEY of Connecticut. They are indeed clamoring for action by the Congress. I regularly hold what we call neighborhood office hours on Saturdays outside of a shopping center, and not a Saturday goes by when I hold those office hours but one or more people in a short period of time, an hour or an hour and a half, will come up and tell me one more horror story about problems that they have had.

It is clear that managed care has had some benefits in controlling costs. The problem is that there are no rules for managed care. There are rules for how lawyers practice law, there are rules for how security agents practice security transactions, there are rules for real estate agents, there are rules for our local plumber, but there are no rules for managed care, and in fairness to the American public, there need to be a set of minimum guarantees, rules, for managed care.

Ms. WOOLSEY. And without those rules, the good managed care providers are having to slip and slide to the bottom of the rung of the ladder with the poorer providers, because they cannot compete in the marketplace. That is why we are here, and that is why we so support the Democrats' Patients' Bill of Rights Act, H.R. 358.

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One of the other reasons we support it so strongly is that, as of last summer, 1998, not one State had passed a comprehensive set of protection consumer laws. So leaving it up to each State will not make the grade. It will not help consumers.

As a matter of fact, Vermont has enacted the greatest number of protections, 11; and South Dakota, the fewest, none. Sixteen States have enacted between five and 16 protections. The State I live in, California, makes the mark on six patient protections and misses the mark on seven of the key protection areas. Thirty-three States have enacted between one and four of these protections.

About 30 percent of Americans with employer-provided plans, which is about 51 million people, are in self-insured plans. Self-insured plans are preempted from patient protections established by State laws. So what does that tell us? We are not protecting people under the managed care plans.

Americans who have health insurance provided by their employers, of those Americans, 83 percent or 124 million Americans cannot seek remedies for wrongful denials of health care.

So I want to make it clear that all of these individuals who are not able to seek remedy would benefit from meaningful Federal remedies and a good health care safety plan and one that would protect American citizens. By the way, when the gentleman from Connecticut (Mr. MALONEY) was talking about what was going on, it is clear to me that if we do not do something very soon, the public, even those of how many millions that are covered, 124 million Americans who are covered by their company's health care plan, they, too, are worried about what health care means to them and where is it going to go when they pay more and get less.

I think we are getting ever so much closer to a national health care system because we are being ever so irresponsible in providing good health care to the people of this Nation. A good health care reform plan like the Patients' Bill of Rights can protect them and may make that difference.

Mr. CUMMINGS. Mr. Speaker, I rise today in support of placing the reigns of health and well-being back where they belong—in the hands of the patient.

Sadly, over 50% of Americans believe that with the advent of managed care, the quality of health care has declined. The root of this dissatisfaction is the fear that they are powerless and unprotected in the face of possible violations of their rights.

The solution: A bill of rights.

When drafting our nation's Constitution, our forefathers were concerned about protecting individual rights. As such, they had the insight to enact a Bill of Rights, guaranteeing freedom of religion and speech, protection against unreasonable search and seizure, and subsequently outlawing slavery and providing people of color and women the right to vote. These built-in Constitutional checks and balances were included to keep the government from becoming too powerful and unresponsive to the will of the people.

Well, we are currently witnessing a period in which managed care has become unresponsive to the will of the people. To date, over 22,000 persons have signed a petition calling for patients' rights. And as lawmakers, we have a duty to provide checks and balances to guarantee our nation's patients the right to quality health care.

A Patients' Bill of Rights should include: Access to specialists, emergency care, and reproductive services; the right to appeal or seek legal redress on HMO decisions; guaranteed transitional care; physicians and patients determining what care is medically necessary; and expanded access to prescription drugs and clinical trials.

Enactment of these provisions is a critical and essential step towards fulfilling our duty to our citizens and creating the health care safety net that they deserve.

Let's adopt the insight of our forefathers who believed that all citizens had the right to life, liberty and the pursuit of happiness.

Let's enhance these rights by renewing our citizens' sense of empowerment in their own health and welfare.

Pass H.R. 358, the Patient's Bill of Rights.

Mr. VENTO. Mr. Speaker, I rise today in support of H.R. 358, the Patients' Bill of Rights. I'm pleased to have joined as a cosponsor of this measure. This important legislation reaffirms Congress' commitment to address the fundamental health insurance concerns of America's workers. More importantly, it recognizes that quality, access and protection should be the basic cornerstones of our health care system.

As possibilities of higher costs or burgeoning numbers of uninsured workers arise, there is too often a reluctance to enact important changes in our national health care policy. However, without managed care reform, we will see a continued decline in the scope and effectiveness of health care coverage for millions of Americans.

Since a growing number of Americans get their health insurance through managed care plans, and since managed care is premised on the ability to contain costs, an important impetus for the Patient's Bill of Rights has been the prevalence of underinsurance. Americans are underinsured when they are denied medically necessary treatment, and have no form of recourse. Americans are also underinsured if they are unable to see necessary providers or have insufficient coverage options.

The patient's health care bill of rights establishes a framework of appeals to encourage fairness and expeditious review, while acknowledging that women, children and patients with special needs should have common sense access to specialty care. Furthermore, it seeks to prevent the interference of managed care in medical decisions, which adversely impacts the quality of care and helps destabilize the doctor-patient relationship.

Mr. Speaker, managed care has been an important innovation attempting to stretch the health care funding to cover more needs, but managed care policy needs balance, a voice for the patient and medical personnel. Furthermore, states cannot affect many interstate insurance programs under the authority of ERISA. Only national policy can address the deficiencies of such multi-state insurance programs.

It is unfortunate that we continue to subordinate significant reform to uncertain financial consequences. It is unfortunate that we continue to allow a slow erosion of health care coverage at the expense of some of our most vulnerable workers and their families. As the world's wealthiest nation, equity and quality should be the unquestioned foundation of our health care system. I urge my colleagues to support a sound Patients' Bill of Rights this session.

Mr. VISCLOSKY. Mr. Speaker, as my colleagues have pointed out, access to emergency care is one of the most important issues in the managed care debate. Protection during medical catastrophes—the confidence lent by knowing that we have a doctor, and have access to quality medical care—is one of the primary reasons we buy health insurance. We want to make sure that if someething happens to us or our family, we will be covered. It is an unjust shock to insurance-holders when their time of need comes, and they rush themselves or their loved ones to an emergency room, only to have their insurance company tell them that because they did not have the medical knowledge to foretell the true extent of the emergency, their medical care will not be covered.

It is clear why insurance companies have these policies; emergency care is the most expensive type of medical attention available. It requires 24-hour staffing and resources that must be instantaneously available for any incident. But the fact is that people buy health insurance because they know they could not afford to pay for medical care out of pocket if they needed extensive treatment. Emergency care is one of those treatments that is just too expensive to pay for up front. However, if multi-million dollar corporations cannot afford this care, surely private individuals who are also paying their monthly health insurance premiums cannot either.

Managed care companies' continuing denials of emergency care are changing the face of health care in a very broad way. What happens when insurance companies refuse to pay for treatment is that, often, it just doesn't get paid. The debate over instituting a prudent layperson standard for emergency care does not just involve patients and insurance companies, it inolves hospitals, as well. Hospitals are already required to treat uninsured patients out of their emergency rooms, and lost millions of dollars doing so. When we let insurance companies impose arbitrary limits on the type of emergency care they will cover, we essentially increase the population of uninsured that hospitals are required to serve. The number of uninsured individuals in this country is already a problem; we surely do not need to allow insurance companies to create another population of "pseudo-insured," whose insurance premiums are never passed on to the health care providers.

In addition to this overarching change in the relationship between patients, hosptials and insurance companies, denials of emergency claims are also changing health care in a more personal way. Emergency rooms, aware of the unfunded liability posed by the pseudo-insured, are treting patients differently.

For example, I was contacted by one woman in Northwest Indiana, whom I shall refer to as Louise. She is not a member of a health maintenance organization (HMO). However, when she rushed her seven-year-old som to the emergency room with a broken arm, she was not able to stop home first and pick up her insurance card. The hospital, again aware that if it did not follow protocol it could be left with the bill, protected itself by acting on the assumption that she was in an HMO. The Emergency Room doctor tried to get prior authorization to run several diagnostic tests on the boy, who had fallen from a slide and was having abdominal pain in addition to the pain in his arm. He could not. But the denial did not come about becasue it was immediately obvious that there was a confusion about the insurance. Louise's participation in the HMO was not questioned. Rather authorization was denied and Louise was instead told to drive her son to a clinic thirty miles away. When the doctor attending to the boy at the emergency room objected, he was told that, because the bone was not sticking out of the skin, Louise was expected to sign a form assuming all responsibility for the boy's condition and drive him to the clinic. Instead, Louise agreed to pay for the tests out of pocket, thinking that the insurance company would surely pay for treatment if the tests proved it was necessary. She was wrong. By the time the emergency room physician reviewed the x-rays and tests and found that the boy's arm was broken at a greater than 45-degree angle, the clinic to which he had been referred had closed. When the emergency room physician again asked for permission to set the arm, Louise was told to go home and bring the boy to an orthopedic physician's office at the clinic in the morning, fourteen and one-half hours later. She was encouraged to carefully monitor her son's finger circulation and sensation, because if there was further loss of circulation or it the bone broke through the skin she would have to take him back to the emergency room. Louise could not believe the treatment her son was receiving. At this point, when her son had been lying on his back with a broked arm for five hours, the confusion over Louise's, insurance was cleared up, and her son's arm was finally treated.

Managed care organizations' unfairly limiting patients' access to emergency care is having a ripple effect on our health care system, and it has to stop. Reasonableness must be introduced into the health insurance system. It is reasonable for an insurance-holder to go to the emergency room, the emergy care must be covered. If the treatment prescribed by a licensed medical practitioner is reasonable, that must be covered as well. Letting profit-seeking obscure the basis understanding in health insurance—that you buy health insurance to pay for your health care—is wrong. The Patients' Bill of Rights, which would institute a "prudent layperson" standard for emergency care, will go a long way toward making it right.

Mr. FILNER. Mr. Speaker, here we go again! Once again, we hear that the Republican party wants real managed care reform, but what we see coming to us in legislation from your party is just a shell offering few real patient protections.

The bill Republicans tout as their solution to the pleas we hear from our constituents—many of whom have been the victims of harmful decisions meted out by managed care administrators—makes its mark by its failings.

Rather than protect patients, the Republican bill should be more correctly titled the "Insurance Industry Protection Act." The bill leaves medical decisions in the hands of insurance company accountants and clerks, instead of doctors; fails to provide access to care from specialists; fails to provide continuity in the doctor-patient relationship; fails to provide an effective mechanism to hold plans accountable when a plan's actions or lack of action injures or kills someone; fails to respect doctors' decisions to prescribe the drugs they believe would provide the best treatment; fails to prevent plans from giving doctors financial incentives to deny care; and allows health maintenance organizations to continue to penalize patients for seeking emergency care when they belief they are in danger.

Most importantly, the Republicans' bill will not even provide its "shell" protection to more than 100 million of the American people—it fails to cover two-thirds of all privately insured people in the United States.

As you can see, the Republicans' bill has many failings! On the other hand, Senate Bill 6 and H.R. 358, part of the 1999 Families First (Democratic) Agenda, will deliver real protections to millions of American families. These bills, which have the backing of dozens of consumer groups, include these vital protections—and more. They provide a vital mechanism for a timely internal and independent external appeals process—an essential tool when someone's life is in the balance! But the Republicans' bill is deliberately deceiving—it was introduced in the Senate after the Democratic-sponsored bill that contains real safeguards (and is also co-sponsored by Senate Republicans,) yet those promoting this "protection-in-name-only" bill gave it the same name, "The Patients' Bill of Rights."

The Republicans and the high-powered health insurance industry are trying to scare everyday working Americans, telling them if Congress mandated the protections that the Republicans left out—and which are contained in the Democrats' bill—then health care premiums would increase. The non-partisan Congressional Budget Office, however, estimates that each person would only pay $2 a month more for the protections in the Democrats' bill.

The reality is that the cost of the Republican bill is too high.

It would continue the present system of administrators making health care decisions, exposing countless more people to inadequate care that could injure or kill them; it would force Americans to pay their own emergency room bills unless a doctor or nurse first told them to go there; and it would fail to allow doctors to freely practice medicine without the constraints of gag rules or limitations on prescription drugs.

Two dollars a month for these important patient protections is a reasonable cost for access to quality care!

Let us stop this destructive game of trying to convince people that they are better off with a reform bill that is "reform" in name only—that lacks the substance and real protections! To offer so-called "protections" with few safeguards to back them up is a deadly game we should not be playing!

GENERAL LEAVE

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

ISSUES OF CONCERN IN THE COUNTRY TODAY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Colorado (Mr. SCHAFFER) is recognized for 60 minutes as the designee of the majority leader.

Mr. SCHAFFER. Mr. Speaker, during this special order hour, I have secured this hour on behalf of the Republican majority and would invite all those Members who are monitoring tonight's proceedings and who would like to participate in this hour to join me on the floor here tonight, again those Members from the majority party who would wish to be present.

There are several issues that I want to discuss tonight: taxes, education, Social Security, and of course the President's war in Kosovo.

I want to engage in that discussion by reading into the RECORD a letter that many of us here received last week from the American Legion. The American Legion, of course, is one of the Nation's leading organizations representing veterans throughout the country.

They sent to Members of Congress copies of a letter that was written by the national commander of the American Legion. The letter was sent to the President of the United States.

That letter, again, also copied and sent to Members of Congress read as follows: "The American Legion, a wartime veterans organization of nearly three million members, urges the immediate withdrawal of American troops participating in 'Operation Allied Force.'

"The National Executive Committee of the American Legion, meeting in Indianapolis today, adopted Resolution 44, titled 'The American Legion's Statement on Yugoslavia.' This resolution was debated and adopted unanimously.

"Mr. President, the United States Armed Forces should never be committed to wartime operations unless the following conditions are fulfilled:

Number one, "That there be clear statement by the President of why it is in our vital national interest to be engaged in hostilities;"

Two, "Guidelines be established for the mission, including a clear exit strategy;"

Three, "That there be support of the mission by the U.S. Congress and the American people; and"

Four, "That it be made clear that U.S. Forces will be commanded only by U.S. officers whom we acknowledge are superior military leaders.

"It is the opinion of the American Legion, which I am sure is shared by the majority of Americans, that three of the above listed conditions have not been met in the current joint operation with NATO ('Operation Allied Forces').

"In no case should America commit its Armed Forces in the absence of clearly defined objectives agreed upon by the U.S. Congress in accordance with Article I, Section 8, of the Constitution of the United States."

It is signed again by the national commander of the American Legion. Copies of this letter were sent to several individuals in the administration, the Secretary of State, the Secretary of Defense, the Joint Chiefs of Staff chairmen, the Speaker of the House, the majority leader in the Senate, the minority leader in the House and several others, members on the Committee on Armed Services, and so on.

This resolution was adopted, again, in Indianapolis, as I mentioned earlier, on May 5, just last week. It is again referred to as Resolution Number 44 by the American Legion. It is their statement on Yugoslavia.

This is a sentiment certainly expressed by members of the veterans throughout the country. It is indicative, I think, of several other veterans organizations. Of course they are capable and prepared to speak for themselves, as many of them have.

But I can say, Mr. Speaker, that over the last weekend, as I returned home to Colorado, I had an opportunity to receive opinions and comments from several individuals throughout the district on this matter. I would say that the voice of veterans as expressed by the American Legion rings in a consonant cord with those sentiments expressed by my constituents.

Several other letters have been sent and forwarded to my office by constituents. One of the things I enjoy doing at these special orders is relaying the concerns of my constituents as expressed in writing to my office and through E-mails and telephone calls and so on.

I use this opportunity to encourage constituents to write and to call, not just my constituents, but all those from throughout the country who are concerned about the affairs of our great Nation. It is worthwhile to write letters to Members of Congress. It is a proper role in the course of active citizenship to demand accountability from our elected officials, to let them know what is on the minds of those who constitute the citizenry of our great country.

Here is one letter I received last week as well. It starts out, Dear Congressman Schaffer, "This is a belated thank you for your vote to impeach" the occupant of the White House; we have to maintain our House rules I understand so I will have to edit the letter a little bit, "and your stand, unfortunately useless, against the current action in Kosovo.

"We've heard that the CIA, NATO, military advisors, and our own military recommended against the bombing in Kosovo but that" the President, "with the great military astuteness he's shown since Somalia, decided to go ahead. Is there any way, in this life, to hold this man accountable for the damage he's done to this country over the years?

"Just a side note, I'm opposed to paying the U.N. this so-called debt we are claimed to owe. I'd love to see us disengage from that organization in all ways.

"Thanks for your dedication and service." This is a woman from Fort Collins, Colorado who sent this letter in.

This is another letter from a constituent of mine: "The mood of the country over the recent past is that the United States is not at war unless we say that we are at war." In the first portion, Mr. Speaker, of this letter he writes a little bit tongue in cheek. "And the way we say that we ARE at war is to have Congress declare war. In other words, even if we are ACTUALLY at war it is not a war until we call it a war."

That sounds a bit bizarre, but in fact the writer accurately characterizes the current disposition of the Congress and certainly the Presidency. There has been no declaration of war in this war, and there are many people running around here in Washington claiming that we are somehow not at war.

It certainly was something to explain when the three members of the United States Army who were held as prisoners by the Yugoslavian forces, upon their release, received the Prisoner of War Medal. I would love to hear someone over at the White House try to explain that, prisoners of a war that does not exist. Nonetheless, they were pinned with a medal, which I think they deserve.

I do believe we are clearly engaged in an act of war and outside the parameters of Article I, Section 8 of the Constitution, that which gives the authority to this Congress to declare a war, and that is our responsibility.

This writer from Fort Collins, Colorado goes on. He says, "The recent presidents and Congresses have moved toward erasing the separation of powers called for by the Constitution. Congress is to decide if we are going to go to war and when, and declares war when it is ready. The President executes the war as commander and chief. It is about time we called for a halt in this tendency toward an imperial presidency."

He goes on: "The country seems to think that the NATO treaty supersedes the U.S. Constitution where war is involved. Well, that is a very serious matter indeed, to say that a bunch of bureaucrats in Brussels can say that the U.S. has to go to war. But the matter is not that complicated. We can still have the treaty but should place in it that the U.S. will not go into any war unless and until Congress declares war."

Again, this is from a constituent in Fort Collins, Colorado.

There is another writer from Johnstown, Colorado. He says: "I believe that our American National Security interests are adversely affected by the NATO-USA involvement in Yugoslavia.

"Our national defense/military preparedness is already marginal from years of downsizing in defense capabilities. Further USA military expenditures for the Kosovo cause are not warranted and our military shows", it is very difficult to read; this is handwritten, and our military has shown to protect our country. "I support increased spending in missile defense systems, advanced aircraft and substantial size/numbers increases in our land, sea, and air forces.

"I applaud your votes of" April 28 "concerning withholding of ground forces and not supporting the air strikes.

"Please continue your efforts to extricate our country from a colossal mistake by" our Commander in Chief "and the Secretary of State Albright."

Again a letter from Johnstown, Colorado.

Another letter that I would like to share with our Members from Greeley, Colorado: "I would like to express some concern for the path we seem to be taking in Kosovo. As I recall, we were only assigning troops to Bosnia for a short time and they are still there. Our recent history in being the 'world's' peacekeeper is not outstanding. We continually 'draw lines in the sand' and then say, well not this time but next time. I wish I had confidence this was not a political ploy but a legitimate diplomatic endeavor—but I do not."

This is a student, it seems, from the University of Northern Colorado who wrote just last week. He put a postscript on his letter. It says: "It takes humility to seek feedback. It takes wisdom to understand it, analyze it, and appropriately act on it." Keep "First Things First Every Day".

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A letter from Aurora, Colorado, also within my district: "As a conservative Republican and as a Vietnam veteran, I appreciate your opposition to the U.S. Attack on Serbia. The Clinton policy is misguided. The commander seems only interested in his place in history. If he had wanted historic recognition for foreign adventures, he should have gotten some experience in 1968, when he had the chance.

"It is the wrong leadership with the wrong policy taking the wrong action. I urge you to do whatever you can to end this adventure as quickly as possible by sponsoring or supporting legislation to end funding for this hopeless intervention in another civil war."

Again, this is letter from a constituent of mine in Aurora, Colorado.

Here is another one. "Dear Congressman Schaffer:" This is from Wellington, Colorado. "The best idea I have heard yet is Senator Smith's bill to stop any funding of the Kosovo bombing. I fully support it. It should prove difficult to fly a bomber with no MasterCard for the fuel. Sincerely, Ben." From Wellington, Colorado.

Here is another letter I received from a gentleman from Bellvue. He said that he recently met a woman from Yugoslavia, a graduate student from Colorado State University in the 1980s. She continued her studies there and got her Ph.D. in the 1990s. The writer says, "She is a beautiful lady, and I have enjoyed many hours in friendship with her. Her mother came to her graduation party, and I had a chance to meet her. Our common language was Italian, and she said that I was the only person in America, except for her daughter, that understood her. She is a lovely lady in her 80s and lives in peace in Yugoslavia. This week American bombs, rockets and missiles were exploded in anger over her homeland. For the sake of all that is right and in the name of humanity, please don't kill this lady. She is a friend. We are not at war with anybody." He is reminding us that this Congress has not declared war under Article I, Section 8.

"If we are a member of some club," again referring to the U.N. or NATO, or perhaps both, "that says we have to bomb other countries, perhaps we should get out of it. As a taxpayer, I cannot afford to spend millions of dollars for cruise missiles that might land on my friend's mother. Please tell the President to stop bombing other countries. I repeat, we are not at war with anybody. Thank you."

I have received several letters on that order; and, Mr. Speaker, I include for the Record those letters I have referred to.

The American Legion,
Office of the National Commander,
Washington, DC, May 5, 1999.

The President,
The White House,
Washington, DC.

Dear Mr. President: The American Legion, a wartime veterans organization of nearly three-million members, urges the immediate withdrawal of American troops participating in "Operation Allied Force."

The National Executive Committee of the American Legion, meeting in Indianapolis today, adopted Resolution 44, titled "The American Legion's Statement on Yugoslavia." This resolution was debated and adopted unanimously.

Mr. President, the United States Armed Forces should never be committed to wartime operations unless the following conditions are fulfilled:

That there be a clear statement by the President of why it is in our vital national interests to be engaged in hostilities;

Guidelines be established for the mission, including a clear exit strategy;

That there be support of the mission by the U.S. Congress and the American people; and

That it be made clear that U.S. Forces will be commanded only by U.S. officers whom we acknowledge are superior military leaders.

It is the opinion of The American Legion, which I am sure is shared by the majority of Americans, that three of the above listed conditions have not been met in the current joint operation with NATO ("Operation Allied Force").

In no case should America commit its Armed Forces in the absence of clearly defined objectives agreed upon by the U.S. Congress in accordance with Article I, Section 8, of the Constitution of the United States.

Sincerely,
Harold L. "Butch" Miller,
National Commander.

Enclosure.

NATIONAL EXECUTIVE COMMITTEE—THE AMERICAN LEGION

May 5, 1999

Resolution No. 44: The American Legion Statement on Yugoslavia

Whereas, The President has committed the Armed Forces of the United States, in a joint operation with NATO ("Operation Allied Force"), to engage in hostilities in the Federal Republic of Yugoslavia without clearly defining America's vital national interests; and

Whereas, Neither the President nor the Congress have defined America's objectives in what has become an open-ended conflict characterized by an ill-defined progressive escalation; and

Whereas, It is obvious that an ill-planned and massive commitment of U.S. resources could only lead to troops being killed, wounded or captured without advancing any clear purpose, mission or objective; and

Whereas, The American people rightfully support the ending of crimes and abuses by the Federal Republic of Yugoslavia, and the extending of humanitarian relief to the suffering people of the region; and

Whereas, America should not commit resources to the prosecution of hostilities in the absence of clearly defined objectives agreed upon by the U.S. Congress in accordance with Article I Section 8 of the Constitution of the United States; now, therefore, be it

Resolved, By the National Executive Committee of The American Legion in regular meeting assembled in Indianapolis, Indiana, May 5–6, 1999, That The American Legion, which is composed of nearly 3 million veterans of war-time service, voices its grave concerns about the commitment of U.S. Armed Forces to Operation Allied Force, unless the following conditions are fulfilled:

That there be a clear statement by the President of why it is in our vital national interests to be engaged in Operation Allied Force;

Guidelines be established for the mission, including a clear exit strategy;

That there be support of the mission by the U.S. Congress and the American people; and

That it be made clear U.S. Forces will be commanded only by U.S. officers whom we acknowledge are superior military leaders; and, be it further

Resolved, That, if the aforementioned conditions are not met, The American Legion calls upon the President and the Congress to withdraw American forces immediately from Operation Allied Force; and, be it further

Resolved, That The American Legion calls upon the Congress and the international community to ease the suffering of the Kosovar refugees by providing necessary aid and assistance; and, be it finally

Resolved, That The American Legion reaffirms its unwavering admiration of, and support for, our American men and women serving in uniform throughout the world, and we reaffirm our efforts to provide sufficient national assets to ensure their well being.

Dear Representative Schaffer: This is a belated thank you for your vote to impeach Clinton and your stand, unfortunately useless, against the current action in Kosovo.

We've heard that the CIA, NATO military-advisors, and our own military, recommended against the bombing in Kosovo but that Clinton, with the great military astuteness he's shown since Somalia, decided to go ahead. Is there any way, in this life, to hold this man accountable for the damage he's done to this country over the years?

Just a side note. I'm opposed to paying the UN this so-called debt we are claimed to owe. I'd love to see us disengage from that organization in all ways.

Thank you for your dedication and service.

Sincerely,

Mrs. C. Lile.

April 17, 1999.

Rep. Bob Schaffer,
Cannon House Office Building,
Washington, DC.

Dear Mr. Schaffer: How much longer will we have to sit and watch the genocide going on in Kosova? The United States failed to stop the genocide of Jews and Gypsies in World War II; we failed to stop the genocides in Laos and Rwanda. This is not a matter of foreign policy; this is not a matter of a Democratic President and a Republican Congress. This is a matter of morality, of humanity and human dignity. We have a moral imperative to do something.

We say: send in ground troops NOW, before it's too late.

Sincerely,

Jonathan Bellman.
Deborah Kauffman.

Representative Schaffer: Best idea I've heard yet is Sen. Smith's bill to stop any funding of the Kosovo bombing. I support it fully. It should prove difficult to fly a bomber with no Master Card for the fuel.

Sincerely,

Ben Mahrle.

Representative Schaffer: As a conservative Republican and as a Vietnam vet, I appreciate your opposition to the US attack on Serbia. The Clinton policy is misguided. Clinton is only interested in his place in history. If he had wanted historic recognition for foreign adventures, he should have gotten some experience in 1968 when he had the chance.

It is the wrong leadership with the wrong policy taking the wrong action. I urge you to do whatever you can to end this adventure as quickly as possible by sponsoring or supporting legislation to end funding for this hopeless intervention in another civil war.

Sincerely,

James Beetem.

Dear Mr. Schaffer, I would like to express some concern for the path we seem to be taking in Kosovo. As I recall we were only assigning troops to Bosnia for a short time and they are still there. Our recent history in being the "world's" peacekeeper is not outstanding. We continually "draw lines in the sand" and then say, well not this time but next time. I wish I had confidence this was not a political ploy but a legitimate diplomacy endeavor—but I don't.

Sincerely,

Dr. David Crabtree,
Dr. Karen Crabtree.

April 29, 1999.

Dear Congressman Schaffer: I believe that our American National Security interests are adversely affected by the NATO/USA involvement in Yugoslavia.

Our national defense/military preparedness is already marginal from years of downsizing in defense capabilities. Further USA military expenditures for the Kosovo cause are not warranted and our military should exist to protect our country. I support increased spending in missile defense systems, advanced aircraft and substantial size/numbers increases in our land, sea, and air forces.

I applaud your votes of April 28, 1999 concerning withholding of ground forces and not supporting the air strikes.

Please continue your efforts to extricate our country from a colossal mistake by President Clinton and Secretary of State Albright.

Sincerely yours,

Thomas H. Steele.

May 2, 1999.

To: Representative Schaffer: The mood of the country over the recent past is that the United States is not at war unless we SAY that we are at war. And the way we say that we are at war is to have Congress declare war. In other words, even if we are ACTUALLY at war it is not a war until we call it a war.

If we are actually at war but do not want to call it a war we use a legal fiction, or an euphemism, to call being at war something else: a police action, attack, intervention etc.

The mood of the country is that declaring war is a BIG DEAL, and we do not want to do it unless we have to. But actually going to war without calling it a war is not so big a deal because we think we can pull out if we want, do not have to win, do not have to defeat, etc. We can simply play at war but without the commitment. But declaring war does not really have to be a big deal. There are big wars and little wars, costly wars and cheap wars, easy wars and hard wars.

The situation is similar to the act of recognizing the existence of a foreign regime. When we said that we did not recognize Communist China it did not exist as far as we were concerned, even though we all know that it did actually exist. Non recognition is not dangerous to the country. But actually going to war is a serious matter, at least in my view. Therefore I strenuously object to using euphemisms when engaging in it. And it seems to me that this was exactly what the founding fathers had in mind when they said that it was up to Congress to declare war. They did not want the president to just start wars any time he wanted to, especially since he is also the Commander in Chief. And that is what has been happening. But Congress has abnegated its responsibility by not calling him on it. Exactly what will, or would happen if they called him on it and he ignored them is a serious constitutional question. It seems to me that he could and should be impeached and removed from office.

The recent Presidents and Congresses have moved toward erasing the separation of powers called for by the Constitution. Congress is to decide if we are going to go to war and when, and declares war when it is ready. The President EXECUTES the war as commander in chief. It is about time we called for a halt in this tendency toward an imperial presidency.

This country seems to think that the NATO treaty supercedes the U.S. Constitution where war is involved. Well, that is a very serious matter indeed, to say that a bunch of bureaucrats in Brussels can say that the U.S. has to go to war. But the matter is not that complicated. We can still have the treaty but should place in it that the U.S. will not go into any war unless and until the Congress declares war.

Michael Moran.

March 25, 1999.

Dear Congressman: Olga Radulaski is from Yugoslavia. She graduated from CSU in the 1980's. She continued her studies there and got her PhD in the 90's. She's a beautiful lady and I've enjoyed many hours in friendship with her. Olga's mother came to her graduation party and I got a chance to meet her. Our common language was Italian, and she said I was the only person in America, except for her daughter, that understood her. She's a lovely lady, in her eighties, and lives in peace in Yugoslavia.

This week American bombs, rockets and missiles were exploded in anger on her homeland. For the sake of all that is right in the name of humanity, please don't kill this lady. She's a friend.

We are not at war with anybody. If we're a member of some "club" that says we have to bomb other countries, perhaps we should not get out of it. As a taxpayer, I cannot afford to spend a million dollars for a cruise missile that might land on Olga's mother.

Please tell the President to stop bombing other countries. I repeat, we're not at war with anybody.

Thank you.

Fred Collier.

Mr. SCHAFFER. Mr. Speaker, I am joined tonight by one of the stellar Members of the class that was elected at the same time I was, in 1996, which constituted a very solid block of new Members in that year for the United States Congress, now in our sophomore year, and it is a great privilege to serve with the gentleman from Montana. I yield to him.

Mr. HILL of Montana. Mr. Speaker, I thank the gentleman from Colorado; and I want to thank him for securing this time. I certainly want to echo the comments of the folks writing to the gentleman with regard to the activities in Kosovo.

I joined with the gentleman voting to withdraw our troops and to require the President to secure the approval of Congress before he puts in any ground troops.

If we look at the policy with respect to Kosovo, the objectives that were set out in the beginning of this adventure, I guess we would say, of course, that one of our goals was to prevent the ethnic cleansing. That is the effort on the part of the Serbs to drive the Kosovars out of Kosovo.

Of course, that aspect of the policy is an obvious failure. Every night our heart aches for those refugees we see in the neighboring provinces and in the neighboring countries.

The objective was, of course, to bring stability to the region. These refugees have brought greater instability to the region. Macedonia is a very unstable setting. The large number of refugees are being held in encampments because, if they were allowed out of those encampments, the concern would be that that would destabilize Macedonia.

What is really interesting is that this President, under the War Powers Act, is required to submit reports to the Congress whenever troops are put in harm's way. Of course, the War Powers Act was passed over President Nixon's veto, but, as I recall, President Ford made four reports under the War Powers Act, President Carter made one, President Reagan made 14, President Bush made 7, and President Clinton has made 46 reports under the War Powers Act. That means that he has put troops in harm's way on more than twice as many occasions as have all the previous presidents under the War Powers Act.

Interestingly, two of those reports were to deploy troops to Albania, where rioting Albanians were threatening our embassy in 1997 and in August of 1998. And of course the other objective of this activity has been to protect the prestige of NATO. In every one of those instances, I think the President's objectives of this war in Kosovo have not been fulfilled, and that is why I joined with my colleague in voting to bring our troops home. Unfortunately, we were not successful in getting that done.

But one of the things I wanted to visit a little bit tonight about, and I think this has kind of gone unnoticed, is the fact that those men and women over there fighting today are going to be our veterans of tomorrow.

Mr. SCHAFFER. That is right.

Mr. HILL of Montana. And we, as the gentleman knows, passed a budget here in the House of Representatives where we made a very strong commitment to veterans' health care. The President proposed a budget that basically flatlined it. There was no increase in veterans' health care. And Congress, recognizing the importance of living up to the commitments that we have made to our veterans, increased the funding by about $1.7 billion.

I have a few letters from folks in Montana. Veterans' health care is a pretty interesting issue in Montana. One of the interesting aspects of the Montana experience in World War II is that there is a larger proportion of Montana's population that served in World War II than any other State in the country. That had a lot to do with the census during the 1930s. Montana lost a lot of population, and the allocation of forces and the draft quotas were based upon population numbers that predated 1940. So Montanans sent more men and women to fight in World War II than other States did proportionately.

So, as a consequence of that, we have a larger proportion of veterans; and, of course, we have a very large State also to deal with.

They just recently closed a veterans facility in Miles City, a veterans hospital in Miles City. In fact, one veteran wrote to me and said, "I'm wondering what message you are trying to send to us. You expanded the veterans cemetery and you closed the Veterans Hospital. Does that tell us that you have something in mind for the World War II and Korean War veterans?"

In any event, this Congress has approved a budget that will increase spending to provide health care to veterans, and it is extremely important that we live up to the commitment that we made to these disabled veterans and other senior citizens who are veterans who need to secure their health care.

Budgets are about more than numbers. Budgets are about priorities. And the budget that we just passed, I think, is an important one because I think it tells the American people what our priorities are for the future of America. And I want to just outline again what those are.

I talked briefly for a few minutes about increasing spending for veterans' health care, but also we included in our budget a provision to set aside all of the Social Security taxes that are collected for Social Security, which is something that is unique. Congress has not done that. Over the last 20 years, the surpluses coming from Social Security, as I know most of my colleagues know, has been spent on other things. We established a milestone. We say from now forward all of the Social Security taxes, 100 percent, will be set aside to save Social Security.

We also want to strengthen our national defense. I think it is obvious to everyone who is paying attention to the situation in Kosovo, the war in Kosovo, it is obvious that our military is strapped to the absolute limit. We cannot fly many of our airplanes. We are running short of armaments. It is clear we have inadequate training or insufficient training in many cases, that our men and women are being stretched to the limit and perhaps beyond it. We need to put more resources to the national defense.

Also, as part of this budget, there is a plan to lower taxes on the American people. I think it is important for us to have some discussion about why it is important for us to lower taxes for the American people. The portion of our national income today that is going to taxes, to the burden of taxes of the Federal Government, is the third highest it has ever been in the national history. In fact, the only time the percentage of our national income was higher going to taxes was in World War II, in 1945 and 1946. So it is a simple matter of fairness, that the tax burden is too high and we need to lower the tax burden on American families.

I think it is really important that we talk about and have a clear debate about where we think we ought to reduce taxes. There are two areas I think that are particularly important.

One is eliminating the marriage penalty. I think it is grossly unfair that 70,000 of my constituents in Montana pay on average $1,400 more in taxes because they are married than if they were single.

I also believe that we need to do something about the estate tax. There is not a tax that is more unfair than the estate tax. The fact that we tax somebody simply because they die seems to me to be extraordinarily unfair. While it is often perceived as a tax on the rich, the very wealthy do not pay that tax. It is working men and women, small business owners and people who have saved and have been prudent with their money. Farmers and ranchers particularly are hard hit by the death tax.

We just passed on May 8, Tax Freedom Day. The American people have been working all year long, until May 8, to support government. Now they get to work for their families.

One of the ways we can help them live up to the responsibilities of their families, be able to provide for their families, is by reducing taxes. We did that in the last Congress. We passed the $400 per child tax credit. It will go to $500 this year. It is surprising how many Montanans have written to me thanking me for that $400 per child tax credit, saying that that is going to allow them to be able to spend more money on education for their children, or perhaps even clothing or food or the necessities of the family, or even maybe a family vacation. But Montanans are grateful for that.

Incidentally, that is $50 million more that will be made available to the citizens of Montana to spend in Montana, which will, of course, strengthen the economy of the State of Montana.

So many Montanans write to me and say that both the husband and the wife have to work in order to support their family, or a woman might even write and say that her husband has two jobs, a full-time job and a part-time job, just to support the family.

Forty percent of that income is going to the government. That is too high of a percentage. We ought to be 20 or 25 percent total going to government. And the best way to do that is a downpayment with the marriage penalty.

Mr. SCHAFFER. The gentleman is absolutely right. The tax burden on the American family is upwards of 40 percent. And that is just the tax burden. When we include the cost of Federal regulation and other compliance costs associated with just being an American citizen and doing business in the United States, the actual tax burden on the American family averages well over 50 percent today. It is one that we are constantly reminded of back home when we go back home to visit constituents.

I wanted to read a letter I received from a constituent in Loveland, Colorado, which reinforces what the gentleman just said. It is a letter from a small business owner, runs a sprinkler and landscape company, and he says, "Dear Congressman Schaffer: I am your constituent from Loveland. As a business owner and a grandparent, I am very concerned about the serious economic problems facing our country. I feel our current income tax structure is having a very negative impact by taxing production, savings and investment, the very things which can make the economy strong."

So these folks support a national consumption tax, as the letter goes on, and they want to see some answers. But this is pretty typical of what we are hearing more and more from a greater number of American citizens throughout the country that are realizing that this silly notion of punishing hard work and success cannot be a successful formula for the United States of America. They are asking us to look harder and work more vigorously toward wholesale tax reform and at the very least reducing the overall tax burden.

I ask constituents all the time, what would be a reasonable level of taxation? I ask, if they could pick a number, a fair number, as an American citizen, what their percentage of income should be to pay to live in the United States, and the answer is typically somewhere around 20 to 25 percent. Well, we are almost twice that. And, again, when we include the regulatory costs of State, local and Federal governments, the American taxpayers are crying out for relief.

And not just on the tax side, but they are demanding that we be a little more critical of the expenditures that take place here in Congress. There is extravagant spending on programs that constitute nothing more than grand waste. It is unfortunate that this city seems to have a sense of momentum about it.

We make progress in small increments every year, and we really have turned the corner over the last 6 years Republicans have had the majority in this Congress. We have made a remarkable difference and changed the overall trend line for everything from the national debt to eliminating deficit spending and now putting aside dollars over the next 10 years that can be used to achieve real priorities and objectives of the country such as saving Social Security, providing for a world-class education system, providing for a strong national defense and so on.

□ 2030

So the point my colleague mentioned and the voices of Montana are remarkably similar to those of my home State of Colorado and I presume throughout the rest of the country, as well.

Mr. HILL of Montana. If the gentleman would continue to yield, why is it important for us to save Social Security?

First of all, we have to look at what the President's actuaries say. And they say, if we do not do something now to address this, we are going to be faced with two choices. One is to cut benefits by as much as a third, or to increase taxes by as much as a third.

Neither of those options are acceptable to me. And one of the reasons is that most working families today pay more in Social Security taxes than they do any other form of taxes. That is the tax rate that has gone up the fastest. And the idea that people have been paying into this year after year after year and now we are being told that because Congresses in the past have not had the discipline to put that money aside that they are either going to have their benefits cut or the tax burden is going to go simply higher simply is wrong.

I think that people who pay into Social Security all of their lives have the right to expect that it is going to be there when their turn comes to be able to collect on it. But beyond that, I think it is really important for us to understand how important it is to us.

My mom is 80 years old, and I can tell my colleagues that I feel great knowing that she is going to have a Social Security check coming every month, that she is going to be able to take care of the needs that she has. And I am very grateful that she has Medicare so I do not have to worry about whether or not she is going to have quality or adequate health care.

That is why it is so essential that we exercise the discipline today so that those programs are going to be there for the next generation of people but they are also going to be there for this generation of retirees.

Frankly, when I first ran for Congress, I used to talk about my granddaughter Katie and I used to point out that she is going to pay $185,000 in taxes in her lifetime just to pay her share of interest on the national debt. But we cannot pass a bigger tax burden on to our children and grandchildren because the consequence of that is that they are not going to have their shot at owning their own business or pursuing their dream, the American dream, because the tax burden would have to go up.

So fairness dictates that we save Social Security, that we save Medicare, that we exercise the discipline today to make sure that those programs are going to be there and they are going to be sustained for my mother's generation, my generation, my children's generation, my grandchildren's generation, and even, hopefully, my great grandchildren's generation.

Mr. SCHAFFER. Mr. Speaker, all those concerned about saving Social Security, providing for a world-class education, providing for a national defense, and the other great priorities of our country are just grieving I think right now over the notion that we had to pony up $13.1 billion last week in the supplemental appropriations bill to support the President in his war and it is tremendous expense.

When the failure of diplomatic policy disintegrates to the extent that it has and is carried out by unskilled administrators at the other end of Pennsylvania Avenue, there is a huge expense that detracts and takes away not only from all of these priorities that we discussed but from these children.

At a $5.6 trillion national debt divided by all the men, women, and children in America, that comes out to about $20,000 per person. Now, a child born today has to pay that back over the course of his or her working life with interest, and it comes out to about 10 times that amount. A child born today literally owes on today's debt approximately $200,000.

So we just have to fight harder not only at being more fiscally frugal here in Congress but insisting that our international policy and the skill with which we carry out diplomacy is done properly and done in a way that is emblematic of the most free, most powerful country on the planet.

Mr. OSE. Mr. Speaker, will the gentleman yield?

Mr. SCHAFFER. I yield to the gentleman from California.

Mr. OSE. Mr. Speaker, I thank the gentleman from Colorado for yielding.

The manner in which he has described the inner workings of the Federal Government is very accurate in that what we do in one arena does affect what we do in another, particularly with respect to our financial condition, which is why I came down to the floor tonight was to bring the attention of this chamber to the continuing disastrous foreign policy being pursued by the Clinton administration.

The activities being promulgated by the Clinton administration in Yugoslavia remain unauthorized by the Congress, unapproved by the Congress, and completely bewildering to the vast majority of the residents of the Third District of California.

What is the national security interest that the administration is seeking to protect by destroying the infrastructure of Yugoslavia? What is the standard by which the administration will judge their air campaign a success?

Going to the reference of my colleague, how much will this ill-founded campaign cost our country in blood, bombs, and bullion that has to be taken from Social Security if nowhere else?

It is inarguable that the administration's foreign policy in Yugoslavia is reducing our military readiness and preparedness. What will be the consequence to our national interest as a result of this stripping of our ability to conduct our military efforts elsewhere in the world, and for what purpose?

My friend from Ohio (Mr. KUCINICH) earlier shared with us the list of obviously non-military targets being destroyed or damaged in this air campaign. Those are my colleagues' and my tax dollars being used on, as the gentleman from Ohio (Mr. KUCINICH) said, day-care centers, schools, churches and the like. That is Social Security money being used to destroy day-care centers, schools, churches and the like.

Do my colleagues know what I find the most ironic? I go home on Friday of last week and I find it extremely ironic that all of America's foreign policy eggs now rest in a Russian basket.

Mr. Speaker, my colleagues, this must stop, not next month, not next week, not tomorrow, now.

Mr. SCHAFFER. Mr. Speaker, reclaiming my time, it is remarkable, just as my colleague says, about our reliance on a Russian partnership to try to resolve this matter and keep some peaceful solution.

I found it disturbing somewhat the level to which the communications and diplomacy with our Russian counterparts have disintegrated. Two weeks ago we had a Republican Conference meeting downstairs and the gentleman from Pennsylvania (Mr. WELDON) announced that he was at wit's end that we can no longer rely on communication between the President of the United States and the President of Russia.

The President of Russia, of course, is virtually incapacitated as a result of a medical condition and lacks the mental coherence to lead the country, and so there is a shell of a Government that operates around him. And our own President, of course, is typically preoccupied with other things and unable to devote the full attention that the American people deserve to the crisis.

And so Members of Congress, again, had proposed to meet with members of the Russian Duma in Vienna a week ago Friday; and it was the greatest hope for optimism that we had in resolving the crisis between the two countries. And I say remarkable because, as a Congress, we have no diplomatic leverage, we have no diplomatic authority, we cannot sign treaties, we cannot engage in the kind of discussions that the State Department can. Yet, absent the leadership from the White House, it has come to the legislative body of two countries to meet together to try to hammer out a compromise and a solution.

The fortunate outcome of that meeting was that there were some positive results that were reported back to this Congress just last week. Again, keeping in mind the limited authority that legislators have to engage in diplomacy, there were still pretty promising prospects for the Russian Government to use its considerable leverage over Milosevic to try to get him to cease the efforts toward ethnic cleansing; and that would, of course, have to correspond with an effort by the United States to withdraw from military activity and put in place an international coalition of peacekeepers.

Unfortunately, for a long period of time, that is an expensive proposition. Far cheaper, however, than even one week's worth of a full-scale war that is being undertaken today.

But I point that out to my colleagues and to the American people in general just so that we all can keep in the proper perspective about the miserable failure in leadership that is occurring again at the White House, the lack of skill and expertise in carrying forward the position of leadership that the United States of America for 223 years has traditionally enjoyed.

Mr. OSE. Mr. Speaker, if the gentleman would continue to yield on that point. The gentleman's point is well made. And I do not think we need to go further than to examine simply our ability to communicate with the Russian Duma, for instance.

The administration did not approve of those trips, did not sanction them, did not disprove them, nor did they discourage that trip. Interestingly enough, Reverend Jackson, who went and met with Milosevic and obtained the release of those three gentlemen with one of our members, the gentleman from Illinois (Mr. BLAGOJEVICH), that was a remarkable event. That was leadership, taking on the burden, unsanctioned, unapproved, unencouraged. And yet he went forward. That is what leadership is all about. And he brought those three people home to the grateful arms of this country.

I really wish that that kind of leadership existed more in the administration. Because that was a great victory for just our ability in America to act in our best interest.

Mr. HILL of Montana. Mr. Speaker, if the gentleman would continue to yield, I know that before coming here to the House he was a businessman; and like me I think as a businessman, I think I used to always try to contemplate the consequences of the decisions that I made as a businessman and tried to anticipate them. And I keep trying to anticipate what the outcome will be of this war in Kosovo.

If, by chance, Milosevic agrees at some point to withdraw his troops and allows us to put peacekeeping occupying troops, in reality, into Kosovo, which the administration would consider a victory, the consequence of that is going to be that we will elevate the KLA, which our own State Department has identified as a terrorist organization. It obtains its funding by being a conduit for illicit drugs and drug trafficking. It is an organization that has its ties to Bin Laden, the terrorist group. It has as its objective the autonomy of Kosovo but probably the linking of Kosovo to Albania, which would create greater Albania, which would be a terrible destabilizing influence on that part of the world.

My point, simply, is that any definition of "victory" as it might be described by the White House leads to serious consequences that substantially complicate the proposition in the Balkans, increases the level of commitment that we are going to have to make in terms of personnel and troops and resources, all of which appear to be negative. And that is the question that I have with the policy from the beginning is I could not see any outcome from our decision to go to war and to bomb Kosovo that was a positive one other than the potential to stop the ethnic cleansing.

I mean, if it would have been possible through our actions to stop the Serbs from driving the Kosovars out of Kosovo, that is possible. But the fact is that the policy was an utter failure.

And interestingly, in all the briefings that I attended prior to our decision to go to war, I was told that that was the likely result, that the air strikes could not stop Milosevic, that it would not cause him to change his mind, and that it could not stop the Serbs from driving the Kosovars out of their country. So, from the beginning, where we are today was fully anticipated.

Now, the problem is that is there any outcome that would be a positive outcome for us and for that region of the country, and I am having difficulty in my own mind being able to draw that conclusion.

Mr. SCHAFFER. There are a few American people that are not able to, as well. I have another letter that I want to share with my colleagues. This woman is from Loveland, Colorado. I just received the letter last week. She wrote:

> DEAR CONGRESSMAN SCHAFFER, "I am writing to voice my opposition to our bombing of Kosovo. It seems I am never called by the public opinion polls that seem so influential in Government policy-making. I hope that you, as my representative in Colorado, will vote against financing any further aggression against Kosovo.
>
> I hope the War Powers Act will get serious reconsideration and be revoked. I feel this act tempts the President to use war as a tool of diplomacy. If a NATO member had been attacked, I would certainly be behind this bombing. It is not that I condone ethnic cleansing, but I do feel it should only be addressed by war when it crosses a country's border. Otherwise it falls to diplomatic or U.N. action, sanctions, in my humble opinion.
>
> It is very hard to pay your taxes April 15 and realize, less than a week later, $6 billion is being requested for actions in Kosovo. It is time Congress take back some control.

I just grabbed the sample of letters that happened to be sitting on the desk. I think out of 30 or 40 anti-Kosovo letters, there was one among them that is in favor of the action. I am curious as to whether the woman from Loveland, Colorado, echoes similar sentiments to those that my colleague hears among his constituency?

□ 2045

Mr. OSE. I thank the gentleman for yielding.

Are you sure of the postmark of that letter? That sounds like it came from Sacramento or Woodland or Yuba City.

My colleague earlier referred to the law of unintended consequences that we all deal with in business and having to ever so carefully calibrate what we are doing and the consequence thereof. I have to say, I have never seen a truer example of what happens under the law of unintended consequences than this fiasco we are involved in in Yugoslavia.

The President has no plan, the President has no means of measuring success, the President does not know what it is going to cost, and the President does not know when we are coming home.

Contrary to the depiction of this body last week where someone in the administration said we voted against coming home, against going forward and against supporting anything, in fact we did vote to keep our troops out of Yugoslavia, to not declare war in a situation that does not threaten our national security interest, and to require the President and the administration to comply with the constitutional requirement that Congress retains the sole authority to declare war. That was a strength of our system and a triumph for American democracy. I was pleased to be part of it.

Mr. HILL of Montana. I just want to make one comment.

We had the vote on the appropriations issue. I think a lot of folks out there are thinking, well, if Congress had not appropriated that money, that would have stopped the President from conducting the war. Of course, that is not true. The President is conducting this war, was conducting this war out of the normal defense budget. That will be tested under the War Powers Act, what the limits of his constitutional authority as Commander in Chief is. But the fact is that, had Congress not approved that appropriation, the President could have continued to wage this war.

This Congress, this House of Representatives, however, sent a strong message to the President that we do not believe that we should be at war with Yugoslavia and that we do not believe that he ought to send ground troops in, whether they are for peacekeeping purposes or whether they are for combat purposes or whether they are there for an occupying force.

At a recent meeting that we had with the Secretary of Defense, he made it clear that the level of commitment of ground forces if we win this war will be several times higher than the level of commitment that was being talked about before we started the air campaign. I do not think the American people are prepared for the size of the force that it is going to take to occupy that country. What we have to understand is that the President's current plan for rules of engagement if we do send those troops in there, which would be to further this disaster, would be to disarm the Kosovar Liberation Army, which is now doubled or tripled in size according to the latest reports, who are prepared to fight a war of attrition as they have fought for centuries for independence for that country.

The fact is we will be putting our troops into a very troubling, very harmful situation where the warring parties are still going to have conflicting interests.

It concerns me deeply, where the President is leading us. The best thing for us to do is to find some peaceful solution that allows us to end our commitment to this fiasco, as my colleague from California calls it.

Mr. SCHAFFER. The confidence of the American people as well needs to be considered, also. We are not used to seeing wars carried out in the fashion that this President is carrying out this war. We are used to winning decisively. We are used to seeing U.S. leaders clear the way through securing the support of the global community to stand against world tyrants as Milosevic certainly represents.

I held a town meeting just yesterday morning, as I hold a town meeting every Monday morning, between Fort Collins and Loveland, Colorado, from 7 o'clock to 8:30. It is at that same place and same time. We open up the morning with a question of the day and see what is on the minds of the 60 or 70 people who routinely show up.

The sense of outrage over the mistaken bombing of the Chinese embassy was something that just had American citizens in my district shaking their heads in disbelief. It is certainly unfortunate. Apologies from our country have gone out to the Chinese. It was acknowledged that this was a mistake, that the CIA had been operating under, as I understand, 6-year-old maps in choosing this target.

The B–2 that flew the mission actually hit the target it was intending to hit. It is just that our government and the folks over in the White House had no idea that, over the 6 years since that map had been constructed, that the real estate had changed ownership and has come into the hands of the country led by the gentleman who was in the United States just 3 weeks ago where we rolled out the red carpet for the Premier of China and welcomed him with open arms.

Well, relationships are not all that favorable today, are quite strained and have set us back for a number of years.

I yield to the gentleman from Arizona.

Mr. HAYWORTH. I thank my colleague from Colorado as well as those from Montana and California for this very informative special order.

As my colleague raises the question of our relationship with China, I would invite my colleagues to rejoin me, Mr. Speaker, and those American citizens who watch these proceedings on the House floor in 1 hour's time, thereabouts, commensurate with the rules of the House in special orders, as we graciously provide time to our friends, the minority, and then return with majority viewpoint on what is transpiring in the world.

But I want to thank you for the letters, the points of reference and the fact that our national security is at risk and we have to take steps to provide for the common defense. I look forward to furthering that discussion in about 1 hour's time.

Mr. OSE. I would like to return, finally, to the point that the gentleman from Colorado was touching on just prior to my initial remarks, that being that following on the law of unintended consequences, the consequence to us in Congress is that we are forced to make choices. When one member of the government, that being the President, interjects our military forces into an arena where arguably we do not belong and have no national security interest at risk, it forces us to choose between standing behind the troops and making sure that they have the adequate munitions and materiel to conduct this campaign and defend themselves or the other choice being reducing our ability to fund domestic programs such as Social Security, Medicare, education and infrastructure.

I do not relish that choice. I want to take care of our military to the highest degree possible. We stand today in a position that is seriously degraded relative to our historical positions on a military sense. But we have responsibilities elsewhere in this country of a domestic nature. Having the administration conduct this affair, if you will, I use that word advisedly, forces us to take money from other programs that are desperately needed here, being Social Security and Medicare. It is, again, a prime example of the law of unintended consequences. We are engaged in something overseas that has no constitutional authority, for which there is no identified national security interest at stake, and are being forced to reduce our ability to deal with programs here at home that are vitally important to our seniors and our youth and the people throughout this country. It is a difficult choice that we are faced with.

I think last week Congress stepped up and sent a clear and unequivocal signal that there were people who disagreed with the administration. Again, I want to get back to my point, that is a triumph of our system.

Mr. HILL of Montana. The gentleman from Colorado I think drew some contrasts with regard to leadership. One I think can look at the Gulf War and the Kosovo War and see some differences in terms of leadership.

President George Bush and Colin Powell provided outstanding leadership in organizing our political interests, our military interests, identifying our vital national interests, getting the support of the American people and then using overwhelming military force to accomplish the mission. We have engaged in the war in Kosovo now longer than we were engaged in the Gulf War. A lot of folks I do not think realize that.

But my point simply is, is that the Powell doctrine grew out of that. I want to remind my colleagues what that is. First, our political and military interests have to be aligned. There has to be a vital national interest.

General Powell has pointed out that he sees no vital national interest. He sees, by the way, there it has no threat to NATO as well.

And then the American people have got to be brought on board. That takes leadership. It takes a President who is willing to go out and explain to the American people why this is important, it is important to our national interest, and why it is important for us to commit the resources and take the risks that are associated with it.

And then there has to be a plan for what victory is going to look like and then a full commitment of whatever it is going to take to accomplish that.

Look at this situation. Whereas we had, I do not recall how many, 40 nations or so, supporting us in the Gulf War, we really have 19, but they are not really fully committed. Our political and military interests are not aligned at all. Congress does not support the effort. There is no plan for victory. The commitment of force is insufficient to accomplish the mission. It was noted from the beginning. The difference in leadership is stark.

That is why we are in this terrible dilemma that we are in today. Congress is facing a difficult dilemma because we have a worn-out and hollowed-out military; and this adventure, this war in Kosovo, is making that situation worse and more complicated and weakening our ability to defend our true national interests in other parts of the world. And so it is a very difficult proposition for all of us, I know.

But if we had a leader who understood the principles that are associated with what we need in terms of foreign and military policy, I know a lot of us would feel a lot more comfortable going forward from here.

I thank the gentleman from Colorado for arranging the time.

Mr. SCHAFFER. The gentleman from Montana hit the nail on the head when it comes to this letter that I received from a constituent again last week from Brighton, Colorado. He writes:

> DEAR CONGRESSMAN SCHAFFER: I am writing this letter in response to NATO's action in Kosovo. I do not agree with this action. Specifically, and he has a number of points here, six points:
>
> NATO should not be involved in an offensive action. It is a defensive treaty organization.
>
> Number two, I do not believe that the United States should be involved in this action because it is not in the national interest, and I believe the bombing of Kosovo has made the refugees worse off than if we had stayed out of it.
>
> Number three, I view what is going on in Kosovo as an ageless civil war which we have no business getting into.
>
> Number four, I do not agree with sending ground troops, either NATO's or the U.S.'s into Yugoslavia.
>
> Number five, I will never agree to allowing the U.S. to spend untold billions of dollars to support the NATO effort in Kosovo or Yugoslavia.
>
> Number six, I do not agree with favoring the selective aid to one country which is being subjected to, quote, ethnic cleansing over many others that have suffered the same fate in the near past and the present.

Again, this is from a constituent in Brighton.

In the closing minutes that we have, I would like to invite my colleagues to comment on letters like this. We are receiving thousands and thousands of letters from constituents. I view these letters to be very, very important. They provide for me the encouragement and the direction from my constituency to help me be a more forceful leader on the House floor and to speak more clearly about the interests of my constituency that I propose to represent here and believe that I do.

I think it is a healthy thing for all Americans right now, if they have ever considered writing a letter, showing up at a town meeting, calling a Member of Congress, submitting a letter to the President, this is the time to do it. We have not had a crisis of this proportion in a long, long time. This is not a time for inaction among the constituents.

I would like to hear in the minute or two that we have left from the others their opinions on the value of constituent input.

Mr. OSE. I thank the gentleman from Colorado.

I, too, had town hall meetings this weekend. In fact, I had one last night in a community called Carmichael. It was probably a 95 percent opposition to what we are doing in Yugoslavia.

The characterization that you lent to your constituent I think is extremely accurate. The American people have a very clear understanding of what America is all about. America is not about being undefined, ill-equipped and undirected towards an objective. America is about figuring out what we want to do and then doing it.

We are not in that situation today by virtue of a lack of leadership from the administration. The voters of this country understand how America works, and they are looking to us to conduct our affairs in accordance with that clear thing. That is, identify the objective and then go do it.

I thank the gentleman for including me in this hour tonight. I am pleased to reinforce the sentiments that he has seen in his constituents.

Mr. SCHAFFER. Let me just ask one more question. How important are letters like this in your office and among your constituency? What happens to these letters when they get to your desk?

Mr. OSE. The gentleman from Colorado brings up an interesting point. We probably receive upwards of 5 to 700 letters a week, some by e-mail, some by Postal Service. We respond to every one. The subject matter is all over the map, depending on what happens.

We find that an absolutely credible means of identifying things that are affecting our constituents directly. It is an immediate thing. It is like squeezing a water balloon in my district. If something happens, bam, I have got a letter. Something happens, bam, I have got an e-mail.

I want to encourage everybody, as we have for 220 years, to stay in touch with their representatives and continue to write. In fact, now would be a very timely period to write because of our difficulty with the administration in Yugoslavia.

I thank the gentleman for that point.

Mr. HILL of Montana. As the gentleman knows, certainly there are well-informed Members of Congress on most every issue, but I find that there is greater wisdom in my district than there is wisdom here in this Capitol. Very often, my constituents write to me and give me special insights into how an issue or how a matter would impact them.

□ 2100

Certainly people have, I think, a personal view of the situation in Kosovo. They have sons and daughters who may be called upon to fight, or they have neighbors who will or friends.

But also I think that there is an issue here about who we are as a country and how we are governed as a country. I do not think that the American people are comfortable with the idea that one person can make a decision to put this Nation at war, put our men and women at risk and the treasury of the country at risk without the consent of the American people and their Congress.

The letters that I have received are overwhelming in opposition to this war, but I have found some of them very insightful. Even had one member of the Armed Services send me a letter resigning his commission as a consequence of this.

But the fact is, is that I find that extraordinarily valuable. Like my colleagues, I think we received 40,000 or more letters a year. We respond to them all. It is a challenge for us to get that job done. But the value to me, of course, is hearing from my constituents, having their input, having their ideas and their views. I always learn from them, and I appreciate it very much.

Mr. SCHAFFER. We are all part of the Republican majority here in Congress, and many people wonder how it is that we have two divergent viewpoints in Washington about how to lead the country, that which is represented by the President and that which is represented by the majority here in Congress, and I think tonight's special order by Republicans, Members of the majority party, is one indication of how it is we come to differences of opinions on such important matters of public policy.

I am proud to be a part of the party that takes its direction from the people of the country, that reads the mail, that listens to the phone calls, that responds to the opinions that come to us at town meetings, and, as we all know, there are legions of special interests whose lobbyists parade through the halls of Congress trying to leverage every bit of influence that they can on politicians, but it is the voice of real people, ordinary Americans who will commit to 10, 15, 20 minutes to sit down and put their thoughts in writing and communicate to their Congressman that, if they continue to do so in great numbers and reach out and realize the tremendous difference that a Republican majority has made in this Congress for the American people, it is not only possible but, I believe, imminent that the voice of the people will rise up over and above those of the special interests that have so much influence at the other end of Pennsylvania Avenue.

So I am very, very proud to be associated with the colleagues that have joined me here tonight, Mr. Speaker, in this special order. I am grateful for the indulgence in yielding to us an hour for the majority party, and for those members of the majority party we try to reserve this hour every Wednesday night, and we will be back next week.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. KUYKENDALL). The Chair is concerned about a couple of remarks made by previous speakers earlier this evening and will remind all Members that the rules of decorum in the debate prohibit the attribution of unworthy motives to the President. That standard applies both to debate and to extraneous material read into the RECORD.

A NECESSARY EVIL?

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from New York (Mr. OWENS) is recognized for 60 minutes.

Mr. OWENS. Mr. Speaker, I want to follow up on the previous set of speakers and talk about the Kosovo burden, the Kosovo burden and decision-making in the 106th Congress, how it impacts and will impact on everything we do in the rest of this Congress.

I might begin by stating that I previously stated already that Kosovo is, in my opinion, a campaign of compassion. I think that it was important to confront Slobodan Milosevic. He gave the civilized nations no choice. I think this war is a necessary evil.

All wars are evil, necessary evils, but the word "necessary" becomes very important. "Necessary" is a vital word that many of my constituents are questioning, and like the gentlemen before me, I have gotten many letters and many comments, and I welcome those comments and those letters, both those that agree with me and those that do not agree with me. It is important that we discuss and have a dialogue about whether or not this war, like all other wars, it is an evil, but is it a necessary evil?

I think it very important to note that I, too, have had a series of town meetings, and in three or four town meetings, the first three, unanimous agreement when I asked do they support the present actions in Kosovo. Ninety-five percent of the people in the audience raised their hands. One meeting I had 200 people. I was shocked to see that kind of percentage. When I got to the fourth meeting already, less than half of the people raised their hands. That was on April 27. So it is obvious that the conduct of the war, the implementation of the war, has a great deal to do with the opinions that people now have of the action, and I would like to separate the blundering conduct of the war from the cause, the fact that we are confronting what I call a sovereign predator.

Slobodan Milosevic is a sovereign predator who has given us no choice, if you want to accept a new kind of morality in the world. The old morality was you never, you never interfered with the internal affairs of a country. If they want to do things within their boundaries, then you do not get involved. You let them destroy their people if they want to. I suppose, as my colleagues know, following that reasoning, Adolf Hitler, as long as he was murdering Jews in Germany, the world had no basis for condemning him or no basis for challenging him. As my colleagues know, as long as you do things within your borders, the sovereign Nation can do whatever it wants to do. That is the old morality, international morality.

I like to believe that in the Kosovo action that is now underway we have challenged that old morality and said you cannot do whatever you want to do to people within your borders and not have the condemnation of the international community, and beyond the condemnation they may take some action in some cases and have taken action in this case. So I welcome and applaud the actions of my colleagues who are questioning how we can get out of this mess.

I support what the President is doing. I support the initial action. I certainly do not support all the blunders that have taken place. But despite my support for the action, I also welcome and applaud the actions of many of my colleagues in Congress, those who have taken upon themselves to initiate their own kinds of diplomatic initiatives. This is an unprecedented action, and so I think the dialogue and the debate and the methods ought to also be unprecedented.

I think that the journey that the Members of Congress took to Vienna was a remarkable initiative, especially since it was led by the gentleman from Pennsylvania (Mr. WELDON) and the gentleman from Hawaii (Mr. ABERCROMBIE). As my colleagues know, they are two Members of Congress which everybody generally would acknowledge are different ends of the spectrum with respect to ideology, if you can still put old labels on people in terms of who is conservative, who is liberal, who is progressive, and who is militaristic, and who is a dove and who is a hawk. The joint delegation led by Mr. ABERCROMBIE and Mr. WELDON certainly defy all of those descriptions.

I think it was a great initiative. I do not know the details of it. I have heard the reports that were made on the floor, and I applaud what they did.

I think we should always bear in mind what Robert McNamara has been saying for the last decade. Robert McNamara was the Secretary of Defense under President Johnson during most of the time of the Vietnam War, and McNamara has come out with some revelations and confessions that are really astounding. We ought to pay close attention to the unfortunate experience and the grieving of Mr. McNamara, who has now spent a lot of time in Vietnam, of all places, talking to the Vietnamese who were in charge of the war in Vietnam and, through that dialogue, trying to leave a legacy for mankind so that we will not make the same kinds of mistakes in the future.

In this particular war, in this particular situation involving Kosovo, it would be good if we were to take many of those things into consideration. One of the things Mr. McNamara said was that both sides greatly misjudged the intensity of the others in terms of their conviction and what they were willing to do in order to prevail, and I think that it is important, if we are going to get out of this present situation, that that be remembered by both sides. We should not have any more slaughter, any more deaths than are necessary, and maybe we have already had too many and more than are necessary, but we still have a situation that there is a basic moral problem here, and, unlike the behavior of nations in the past, the NATO nations have chosen to take a moral action.

Agreement with the basic moral thrust does not mandate that we blindly obey the total policy, although we blindly submit to the total policy or to the implementation and execution of a policy, but I think it is important to discuss thoroughly the basic moral thrust of what we are doing in Kosovo.

All the NATO nations, and, as my colleagues know, we are talking about very mature nations who have citizens who have elected their leadership in a democracy, and, as my colleagues know, they are not taking reckless actions, they are not the kind of nation that would trivialize what they are doing; as my colleagues know France, Britain, Germany, the Netherlands, you know the NATO nations, are civilized nations with histories of seeking justice, they are democracies, and they have to answer to their people. So, if they are taking an action with these dimensions, then we ought to stop and seriously consider what they are doing, why they are doing it before we proceed any further and discuss the unfortunate execution of the war, establish whether or not we really think it is necessary.

I have been disappointed by the fact that certain kinds of things, actions that I assumed would take place or had taken place have not, did not take place before the bombing began. I was shocked to learn that economic sanctions and the oil embargo were not thoroughly considered before we started the bombing, that that came after the bombing. As my colleagues know, I would expect that that would be the kind of actions that would have been put in place and we would have tested whether that would have an impact on the actions of Mr. Milosevic and his warlords or not.

I had the experience of being the chairman of the Congressional Black Caucus Task Force on Haiti during the time when we were trying to return the democratically-elected President of Haiti to Haiti, and you had at the head of the Haitian government two sovereign predators of the type of Milosevic, as my colleagues know, and they were not budging at all. These were Army men who had taken over the government with tanks and guns after Mr. Aristide, Bertram Aristide, won by an overwhelming landslide in a democratic election. They took over the government, and with guns and tanks they were intending to stay there forever.

Now we did try sanctions, we tried an oil embargo, we tried a number of things. Over a 3-year period we tried a number of things that did not work because these sovereign predators did not understand anything except the language of force, and only when the troops were in the airplanes and on the way to Haiti did they agree to sign an agreement to step down and return Haiti to democratic rule. But we had tried every possible diplomatic maneuver. They had agreed several times to do things and then reneged on those agreements.

I assumed when we started the bombing in Yugoslavia that all diplomatic maneuvers had been exhausted. It is unfortunate that that was not the case, and I felt a bit betrayed to find that only afterwards did they consider an oil embargo and economic sanctions.

□ 2115

I thought we had done that already.

I am also baffled by the failure of the NATO powers and the U.S. to charge Mr. Milosevic as a war criminal. Why are we going to war, taking such extraordinary measures, bombing a nation, running the risk of killing large numbers of civilians, as we are doing, a very serious matter? War is hell.

There is no way to avoid the hell of war. Once one gets into it, things go wrong. Most modern wars have found that it is the civilians, innocent civilians, who die in the largest numbers. In most modern wars, the innocent civilians die in the largest numbers, and it is the most unfortunate. It is one of the other reasons why we should at all cost try to avoid war.

Here we are, in a war action, and the head of the nation, Mr. Slobodan Milosevic, who was there 10 years ago when the breakup of Yugoslavia started, the ethnic cleansing started, the massacres started, the rape, the pillage, all of the things that they are doing in Kosovo they have done it before already in Bosnia.

Sarajevo, one of the great metropolitan cities of the world, was almost destroyed. We saw on television the bombardments. Then after we finally got some kind of peace agreement and outside forces went into the territory, all of the charges that had been made before about massacres and rapes and so forth was confirmed. It happened. We were not the victims of propaganda, as Mr. Milosevic would have us believe now that it is really not his forces that are driving the people of Kosovo out of the country but it is our bombing that is doing that; that they were quite content to stay before.

All of it is a little ridiculous, but a lot of people are believing it, so we must address it. We have already heard from this same man and his regime in Yugoslavia the same tales which he tried to paper over and camouflage barbarity on a mass scale, modern barbarity backed up by tanks and machine guns. Milosevic has done it already. Why did not we go ahead, as a nation, this Nation and the other members of NATO, and call him a war criminal, brand him as a war criminal and begin to move in the world as if, no matter what he does in the future, he will be punished in some way? Certainly, locked out of any kind of recognition and unable to travel in any other nation in the world and try it in The Hague.

Whether we are going to fight our way into Belgrade or not, certainly let the whole world know what we are dealing with.

I think it is unfortunate that NATO and the U.S. have sort of taken a fuzzy-minded approach to the menace of a sovereign predator. He is a sovereign predator, a killer, a murderer, with the authority of a nation behind him, and there ought to be a new way to deal with these people, at least label them clearly as to what they are. If we are going to take a drastic and extreme step like bombing the nation, then we ought to clearly let our people understand why we are doing it, and one of those ways to communicate the necessity of war is to clearly describe who the instigators are.

I think that there is room for creative intervention by the Members of Congress as a result of some of these unfortunate gaps and lapses in our own foreign policymaking and even though there are very experienced people involved in the diplomacy, there are the diplomats of France, the diplomats of Great Britain, the diplomats of all the European nations, as well as we have the diplomats here.

I do not think the kind of criticisms that have been leveled at Madeleine Albright are justified. They are right there in the middle of a very difficult situation. The question is, are we going to stand by and allow the massacres to take place so that in the future we can tell our children, well, it did happen, it was most unfortunate but never again? Do we want to be able to boast never again when now we have the opportunity to make certain that it does not happen right now? The challenges, why do we not make certain that it does not happen now? Let us not be in a position of repeating the slogan, never again.

We sat by and allowed 6 million or more Jews and other people to be massacred by the Nazi powers and now we say that is most unfortunate. We build museums, we have films made, and we write books, and we look at the horror that was perpetuated while civilized nations stood by. Some of it could have been prevented. Finally, the civilized nations, of course, united; and the Hitler regime was defeated in order to stop what was going on.

Even then, it took some actions which if we had CNN on the scene, if we had the kind of press coverage now that we have of wars, where the enemy, that is propaganda-wise, allows one behind the scenes, I do not know whether we would have prosecuted the war that defeated Hitler in Germany the same way and it would have come to the same conclusion. We might have negotiated a peace with Hitler and he might still be around if we had CNN filming the cities of Hamburg and Cologne and a number of other places in Germany that were bombed to rubble because Hitler refused to surrender. The bombing of Germany was one of the ways that was undertaken to break the back of the resistance of the people who followed Hitler. That was most unfortunate.

War is barbaric, but if we had been able to see the large numbers of civilians die then, would we have decided, no, let us make peace with Hitler at any price to end the carnage?

There is room for creative intervention here, and I think we ought to understand that the intervention ought to be creative, that when we interject ourselves and try to influence the foreign policy of our Nation we ought to be thorough about it, we ought to think deeply about what we are doing.

The gentleman from Pennsylvania (Mr. WELDON) and the gentleman from Hawaii (Mr. ABERCROMBIE) were very serious, the discussions that they had with the Russians in Vienna. I hope the White House takes it into consideration. I think that perhaps some things behind the scene are moving now, and the diplomatic initiatives that are going on now with the Russians certainly may be helped by what our Members of Congress have done.

We should not stop, but we should reflect deeply on what we are doing. We should remember that it is up to us to try to interpret to our constituents whether or not this war is necessary. When is it necessary? What kind of new morality are we willing to undertake in the definition of necessary?

I welcome the initiative of Jessie Jackson; and I think it is great that three men, three soldiers who were captured illegally to begin with, are now back home. No amount of technicalities and diplomatic protocol violations should be accepted as an excuse for not doing everything possible to get those soldiers back. We got them back, and I congratulate Jessie Jackson and that initiative, the ministers who went with him and the whole delegation.

I do not think that we should allow that kind of action to let us minimize or trivialize the evil of the Milosevic regime. I do not think we should let Milosevic score a propaganda victory because he releases three soldiers who should not have been kidnapped in the first place. I do not think we should let Milosevic appear to be a reasonable, peaceful guy, willing to talk, when he has been on the rampage for all of this time and continues to be the guiding force behind a brutal war machine, killing and pillaging and destroying whole villages and driving people out of cities.

Ethnic cleansing is not exactly as bad perhaps as the gas chambers of Hitler. Many people are allowed to get out with their lives in the case of ethnic cleansing. They are not systematically destroyed, but large numbers are destroyed, and it is systematic, and it has the authority of the government behind it, and Milosevic is the government.

In other words, what I am saying is that diplomacy should not be business as usual. This is a situation which is very difficult. It is like a snake pit in the midst of quicksand in a mine field. Everything complicated and dangerous that one can imagine is involved in this situation.

The fact that the implementation of the war has gone so badly certainly has destroyed a lot of support for it in areas where there should be support.

I do not want to be in a position of making excuses for the blunders of the military. I do not think we should drop bombs in areas where there is a danger that there is going to be a tremendous amount of civilian collateral. I do not think we should take those chances.

I certainly do not think we should trust the CIA to do our targeting for us if they do not have maps and cannot discern an embassy building that has been there for some time. They say they had people on the ground who double-checked that site as well as whatever we are using in terms of satellite guidance of our bombing attacks. There is no excuse for that.

I have been on this floor many times during the reauthorization and the appropriations process for the CIA, and I have criticized the CIA for its waste of a $30 billion budget. They have Aldrich Ames who was in charge of the counteroffensive against the Russian spy agency, and we found that Aldrich Ames was on the payroll of the Russians, and at least 10 of our agents were executed as a result of Aldrich Ames sitting there as the head of the CIA counterspy operation against Russia.

We had other people who defected from various positions who showed that the CIA is quite a shabby organization. Why the President has not dismantled the present CIA and reorganized it totally, I do not know. There is certainly a good basis for it, even before the bombing of the Chinese embassy by using the wrong maps.

It is a ridiculous explanation to have to offer to the world. The CIA is a multibillion dollar agency. Their budget is probably more than $30 billion. Surely they can find a building on the map and pinpoint it properly if they had any kind of integrity.

The CIA in Haiti was my first closeup experience with the CIA and why I moved from the position of questioning the CIA's existence on the basis of the fact that it could not tell that the Soviet Union was collapsing.

Senator MOYNIHAN once made a speech and I thought it was very interesting because he was on the Intelligence Committee, and he should know. He said that the CIA never informed them. They had no idea that the economy of the Soviet Union was collapsing. With all of the agents, the money and analysis, et cetera, the CIA was caught by surprise when the economy of the Soviet Union collapsed. The whole government of the Soviet Union sort of collapsed, and we were caught by surprise. I thought that was startling.

Then up close, as the chairman of the task force, Congressional Black Caucus Task Force on Haiti, I saw how the CIA worked against the policy of its own government. During the course of our negotiations with Haiti, we reached the point where we thought we had an agreement where the military junta in charge of Haiti would allow us to begin to take some steps toward normalizing the situation by allowing the delegation to come into Haiti. One part of the delegation would be a group of Canadian policemen who would help work with the law enforcement agency in Haiti and some other people who were going to do some other things, and they were all on a ship going to dock in Haiti.

□ 2130

And on the day they were supposed to disembark from the ship, there was a huge demonstration on the dock in Haiti, and guns were fired. The American embassy personnel were threatened, and a number of things happened that caught us by surprise. It made the President withdraw the people who were supposed to be part of that contingent.

It turned out later that the people who organized that demonstration against the delegation sent by the President of the United States to begin to normalize the situation in Haiti, those people were on the payroll of the CIA.

Emanuel Constant was the head of the organization funded by the CIA. He was on the payroll of the CIA. We do not know the full story yet because they refuse to release all the documents and papers connected with Emanuel Constant. They refused to allow him to be tried by the present government of Haiti.

So the CIA is an animal that we ought to take a close look at. It may be obsolete, extinct, and begging for retirement. It ought to be done away with and something new should be organized using somebody different, because the blunders continue. They become more and more dangerous.

I think that our government and the NATO alliance is now in an almost untenable position, having bombed the

Chinese embassy and giving the Chinese, who opposed the action in Yugoslavia all along, giving them an excellent excuse to take us to the United Nations and to raise the actions of NATO up for the whole world and indignantly protest the fact that they were victimized. It is totally unnecessary. A CIA that would do that needs to be certainly examined closely. Some heads ought to roll. I agree with the Chinese, somebody ought to be severely punished for what has happened.

But the CIA, of course, is a very political animal. It is an agency of government which professes it has nothing to do with politics, of course. They are there for the national security. They report to the President. But during my sojourn on the task force for Haiti, I learned different.

There are people in Washington who belong to something called the intelligence community. The intelligence community protects the CIA. There are a number of characters in the CIA who can almost do anything they want. We saw some of them do almost anything they wanted to do in Haiti, and there was no accountability.

There were CIA reports that were total lies. They had the duly elected president of Haiti, Mr. Aristide, almost a drug addict, a psychopath. All kind of things were charged. When we examined the basis for their charges, there was nothing there. He was placed in hospitals for psychiatric treatment that did not even exist, and all kinds of fabrications we found that had been accepted by the CIA.

The prosecution of this war just brings to light the fact that we have some serious problems in a very expensive governmental operation. The gentleman who preceded me was talking about waste in government and the expenditures, and how so much of our tax money goes into wasteful government. I assure Members, there are many places where there is waste, but I never hear the majority party talking about the real waste.

In fact, we saw last week that when we had a bill on the floor presented by the President calling for $6 billion to conduct the activities related to the war in Kosovo, the majority party added to that and the $6 billion price tag was raised to $13 billion.

We saw before our very eyes in bold relief an example of how the waste gets accumulated. Most of what they were doing was going to go into weapons systems and activities that are not related to the Kosovo war, but they do make for very high profits in terms of the productions of certain weapons systems, some of which are questionable.

One of the things that the Kosovo war maybe brings into bold relief, again, is the fact that our high-tech weaponry has a lot of shortcomings. The precision bombing, precision bombing turns out not to be so precise.

Strange things are happening with our helicopters. The Apache helicopters were coming, and the way the press played up the helicopters, they did them a great injustice, because they kept hyping, the Apaches are coming, the Apaches are coming.

One got the impression from hearing over the news day after day that the Apaches are coming that the Apaches were going to turn the situation around and win the war. I do not think that the Army had asked for that kind of publicity, but for some reason, there it was. Even Ted Koppel on several shows had people dealing with the way the Apache functions and how the pilots think. It was all this hype about the Apaches, the Apaches.

Now two Apaches have crashed in training sessions. It is just one more reason why the public, the voters, the American citizens have real doubts about this war, when we have blunders of that kind which are placed under a magnifying glass and raised to a level of visibility that destroys the effectiveness of whatever we are going to do afterwards.

The Apaches are there now. It looks as if the Apaches are going to work no miracles and make no great differences, but they are high-tech weapons. We have learned these high-tech weapons are so loaded down that they cannot fly over the mountains. They have so much on them until they have difficulty flying over the mountain ranges, and Yugoslavia has mountain ranges. Every night that I listened to the discussion of the Apaches I was appalled at the kind of facts we pick up in terms of why our high-tech weaponry fails.

Now is the time for every Member of Congress, and indeed, every American citizen, to think seriously and deeply and thoroughly about the activities that are going on. Kosovo and the burden of the war in Kosovo will impact on all the decisions we make in Congress for this 106th session of Congress.

We are going to be saddled with discussions about the fact that $13 billion was appropriated when only $6 billion was requested by the President, and many of the same people on the majority side who advocated and voted for those appropriations are going to tell us now that we have no money for education, we have no money to deal with prescription drug benefits for people on Medicare. They are going to tell us we have to have tremendous across-the-board cuts in any program that is a domestic program that is nondefense.

We should expect all of this and get ready for it because of Kosovo becoming an excuse for certain people who have always wanted to cut back drastically on the spending by the Federal Government to help the people in America who need help the most.

Mr. Speaker, I have tried to think deeply and thoroughly about all of it. I greatly regret that now, in my pursuit of greater funding for education, of greater funding for school construction, that I am going to have to deal with the Kosovo burden. I deeply regret that. I think all American citizens regret that, in a situation where we have a tight budget already, we have to also now deal with additional expenditures for Kosovo.

I have thought deeply about this. I understand all the implications. I would like to invite my constituents who disagree with me about why, despite all this, I still support the actions of the President and the NATO alliance, I would like for them to follow my thought processes for a moment, those among my constituents who disagree.

The first consideration is my experience with Haiti, the experience with Haiti. At least 3 years of negotiations brought me face-to-face with an example of a sovereign predator. There were two of them, Raoul Cedras and Michel Francoise.

We looked at their faces in negotiation after negotiation and they seemed like rational, reasonable people at the time, when you were negotiating, but they went back on agreement after agreement. They broke agreements. They were determined to squeeze from their country as much as they could for themselves.

Haiti had a thriving drug-running business. Drug transshipments were feeding the coffers of the same men we were negotiating with. They did not mind the deteriorating conditions of the economy, the misery. They did not mind that. They added to the misery by killing large numbers of people every night. The total went up to about 5,000 people killed during that 3-year period.

Negotiations, discussions, diplomacy, sanctions, embargo of oil, none of it worked. It was not until a determination was made to pursue a course of military intervention in Haiti that we got some real action.

As we know, we did not have to fire a shot. There was just the threat of the troops, the understanding that they were on the way, that led Raoul Cedras to step down. Force, however, had to be the threat to do that. We had to be willing to do it.

In the case of Saddam Hussein, I was against the Gulf War, I was against bombing, I was against the ground war, and I watched as Saddam Hussein allowed his own people to be pulverized, his own armies to be destroyed, and he stubbornly held on.

The bombing did have a great effect in the desert. It was a place where you could impact greatly upon the armed forces. His forces were ravished. They were destroyed long before the ground war began, but he was a sovereign predator who did not care about his own people, and not until the ground war started and the tanks were rolling did we see Saddam Hussein willing to yield.

He played some tricks, and at one point there was an announcement that he was trying to seek asylum in another Nation. For that reason I think the calculations of the Bush administration were thrown off and they did not pursue Saddam Hussein's army to the point of destroying the army. That is most unfortunate. This sovereign predator still sits there, like the sovereign predator in Yugoslavia.

We had an encounter with him, but we did not go any further. We did not go far enough to destroy him and his powers; not the Nation, but a single person surrounded by his own cronies, who becomes the perpetrator of large-scale dislocation and death in the world.

Stop to think of it for a moment. When we add up all the people in the last 50 years, and let us take the last 100 years, because World War I was in the last 100 years, World War II, all the hurricanes, tornadoes, the earthquakes, if we add up all the people who have died in all the natural disasters in the last 100 years, yet it will come nowhere close to the people who have died in wars perpetrated by the Adolph Hitlers and Saddam Husseins of the world.

Millions died in World War II as a result of Adolph Hitler and his Nazi regime, millions died. The authoritarian totalitarian regime in Tokyo, millions died; in China, millions died. They were ready for more millions to die if we had to invade Japan. They were going to hold on at all costs. Too many died in Okinawa, too many died in Iwo Jima.

The sovereign predators do not yield, and they are the cause of more death than nature or God has ever caused. It is a serious consideration. It is a serious thing to think about. Should they be allowed to wreak havoc?

In Rwanda, the Hutus who were in charge of government went on the radio and used all the methods of communication to raise their own population, the Hutus, who were the vast majority of the population, to a high level of anger, and they went out and savagely slaughtered at least a half a million people. Some say it approaches a million. We saw the bodies on television. We saw the churches full of people hacked to death. We saw the people, bodies floating in the river.

The sovereign predators of Rwanda were demagogues who wanted power. It is all about a demagogue who wants power, becomes a sovereign predator, because the best way to achieve that power is to use the tribal, ethnic, or racial card against his own people to throw them into turmoil.

Maybe there are some ancient instincts that make us all distrustful of each other, but people do not attack each other in large groups. We do not have ethnic wars, tribal wars, automatically. They are instigated by somebody. The demagogues instigate the wars for the purpose of their own power.

Netanyahu, Benjamin Netanyahu is the prime minister or president, I am sorry, of Israel right now. His father wrote a book about anti-Semitism and the ancient origins of anti-Semitism, the history of anti-Semitism. And in the discussion of anti-Semitism in Egypt, he talked about the fact that for so long there was a peaceful existence there. Jews existed along with everybody else, and there was no problem.

□ 2145

Antisemitism arose. And studying the origins of that antisemitism and using his ancient sources and analyzing it, he came to the conclusion that that antisemitism that arose out of Egypt and led to the Exodus and the kinds of cruel things that preceded the Exodus is similar to a pattern that takes place in the world whenever these things happen. That is that a minority is always at risk because a minority by simply being a minority is in a position to be victimized if a demagogue finds it convenient to use the fact that that minority is there to incite the majority and get the majority into a mode of thinking which supports the demagogue.

So demagoguery by sovereign predators has caused more death and destruction of the world than any natural calamities, all the natural calamities put together. Think about it.

Here we have a demagogue, Slobodan Milosovic, like the demagogues in Haiti, the sovereign predators, demagogues that become sovereign predators. They become sovereign predators because they have the authority of the government and they can command the guns and the tanks. Although the majority of the people may be against them, they have no way to counterattack against modern weapons so the demagogues prevail.

It may be that sometimes they have the majority of people on their side after they have captured all of the propaganda machinery and they are in the control of the mass communications. They brainwash people to the point where they do sometimes, maybe many times, command the majority. But the sovereign predators are in charge, and something has to be done to counteract them.

My framework for thinking was shaped by this development that I saw up close in Haiti. When one is dealing with a sovereign predator, force is the only thing that they understand. War, force becomes the necessary evil. It is necessary. I want to get back to the point. It is a necessary evil. The burdens we bear as a result of the war in Kosovo are a necessary evil.

The framework for thinking of all of us are also being influenced by giving due recognition to World War II and the phenomena of World War II. One man was the driving force behind World War II: Adolf Hitler and his ambitions. Of course he had a German war machine that he made good use of, and it bowed to his will.

It is a complicated situation. People who argue that one man did it all are in danger of oversimplifying, but if Hitler had not been there, you know, like Alexander the Great, would Alexander the Great have died as generals began to fight among themselves. The great war machine that Alexander the Great had created fell apart.

Without Hitler I imagine the great war machine and all that went with that war machine, the propaganda machine, the organization of the whole nation, it would not have been the same without Adolf Hitler.

So the sovereign predator of Hitler and I think that the Hitler syndrome we can see in Slobodan Milosovic, like we can see the Hitler syndrome in Saddam Hussein, as I saw the Hitler syndrome in Raoul Cedras and Michel Francois in Haiti.

There is a Hitler syndrome where they do not care, they reach the point where they have some kind of sense where they are the most important creatures in the world, and they have the power to make the world bow to their desires and their will, and nothing can stop them but force.

So in World War II, we saw it happen right before our very eyes. We later on got a lot of documentation. It was not propaganda that millions of Jews were being put to death. We now have the documentation. We saw the bodies. We saw the gas chambers. We have the files. We have a museum here in Washington which if one does not believe it, one can go look at the documentation and the evidence with one's own eyes. It all happened. It all happened.

Do we respond to that lesson in history by saying that Yugoslavia is a sovereign nation and therefore we should not meddle? Do we respond to that by saying we should not break international law and international tradition by intervening in Yugoslavia. We did that.

In the case of Hitler, of course, he was challenged when he went across borders and started war. When he attacked the nations in Europe surrounding him, he had already annexed a couple of nations before that and some territory. We took it as long as we could, and finally Hitler was challenged.

Slobodan Milosovic does not represent a threat to the United States as Hitler did. He had world ambitions. He moved in a way where, as he destroyed the nations of Europe and brought them under subjugation, he was building a foundation which certainly could have been the basis for challenging any part of the world.

He had his counterpart in Japan. For a while, he had his allies in Italy. It was a movement that threatened all parts of the world. Certainly it was a situation different from the one we see now.

We are not threatened by Yugoslavia in that same way. They will never attack America. They will not send missiles here. We are not in a situation where our national interests are at stake. I think that previous speakers who made that point over and over again were correct. I agree. Our national interests are not at stake in Yugoslavia. We are in no way threatened by Slobodan Milosovic in terms of our own national security. There will be no military threats, no military problems as far as this Nation is concerned.

That makes it even more important, even more noble the fact that we have gone into a conflict where we do not have a vital interest, we do not have our national interest threatened. This is a moral crusade. This is raising morality to a new level, as I said before, a new level of morality when one engages one's troops, one's resources, one's political destiny. Because anybody who starts a war in America runs a risk of paying a high price politically. Any party that is a part of starting and executing a war will pay a high price, will teeter on a precipice.

The politically expedient thing to do in the case of Kosovo would be to stay away from any conflict that might place the Democrats in a difficult position in the year 2000 as we go into those elections. The politically expedient thing to do would be to negotiate forever, even negotiate away principles, but do not do anything which jeopardizes one's power.

Criticism I hear of the President, criticisms of this administration, but the gamble they are taking is a noble gamble. The risks being taken here are noble risks for noble reasons.

The fact is that our interests are not being threatened. There is no oil. We went to war in the Gulf. The Gulf War, I think there was some principles were involved. One nation was invaded by another, but I do not think that is why we went to war in the desert. We went to war in the desert because the price of gasoline was threatened. The supplies of oil in the whole world were threatened. There was a clear vital national interest.

Is that the only reason we should ever go to war? I think this action taken by this administration by the NATO alliance is saying there ought to be another reason to go to war, especially in a situation where one has been dealing for 8 years, one has been negotiating for 8 years with the sovereign predator, one has been trying to resolve the situation for 8 years, especially a situation where the European nations all agree. They reached agreement about the horrors of what is happening in Yugoslavia. Is it not time to take some action?

My framework of thinking is shaped by what I understand of what happened in World War II with Hitler. My framework of thinking is shaped also by my experiences with Haiti up close. My framework of understanding of what is going on here is shaped also by my preoccupation and concern and understanding of the war to end slavery in America, the Civil War, the War Between the States, whatever you might want to call it.

If ever there was a war that was fought as a moral crusade, then that was a moral crusade war. The war to end slavery was a campaign of compassion. The large numbers of men who fought and died in that war, and more Americans died in that war than have died in all the wars combined. Certainly I speak for the Union soldiers who fought to end slavery.

Some people say it was not a war about slavery. But if ever there was a war that had a clear purpose, then this war had a clear purpose. The war to end slavery was a war for a high moral principle.

If Abraham Lincoln had been a better politician, he would have done what James Buchanan did in his latter part of administration, avoided a confrontation at all cost with his confederates. The war to end slavery would not have taken place if there had not been a principled politician who was willing to take risks in support of that principle.

Yes, there were abolitionist forces in the North who had a great role, and I do not like to see the abolitionists portrayed as fanatics. The abolitionists were people who wanted to end slavery. The abolitionists were people who thought slavery was unjust and that one had to take steps to rid the Nation of that great abominable crime.

There were forces at work that certainly wanted to confront the people who were trying to extend slavery forever. The Confederates wanted to create two Americas. If they had succeeded, we would have had two Americas: one built on slave labor, probably a formidable economic power.

When one has free labor, certainly during that period where the agriculture needed free labor, but when the first industries were formed, if free labor had been available for industries on one-half of the North American continent, and the other half did not have free labor, probably the part of the continent that had free labor would have become the economic power over the part of the continent that did not have free labor through slaves.

So I mean there were many, many possible ramifications of a situation where slavery was allowed to continue because the political powers in charge chose to negotiate and to compromise.

Many of my close, young friends who talk about slavery and the state of African Americans now in America are often unaware of how close we came to a situation where there were two Americas instead of one. The entire strategy at one point of the Confederacy was to prolong the war in order to force a compromise, a negotiated settlement.

The pursuit of the war, the Civil War, required a great deal of serious consideration of the cost. The cost in lives, as I said before, was tremendous. More Americans died in the Civil War than all the wars together. General Ulysses Grant was called a butcher because of his tactics and the number of men that he delivered up in order to win.

If we had CNN covering the Civil War, they would have filmed the burning of Atlanta and some of the other things that were done by General Sherman as he marched across the South and called it barbarity and maybe label Sherman as a war criminal. But, again, it was similar to what happened in Germany. They had to bomb the cities of Germany in order to break the back of the Hitler war machine and the people's resistance, their support for a demagogue who refused to surrender.

□ 2200

In the case of the South, the prolonging of the war was the strategy. And the terrible things that happened as a result of that, the large numbers of civilians, who, if they did not die in those days from the firepower of modern weapons, they died from hunger, deprivation, et cetera. It was a nasty war, a war for a moral purpose.

There would have been no Emancipation Proclamation. There would have been no 13th amendment, no 14th amendment, or no 15th amendment if the bloody war had not been won.

So I say to my constituents who insist that this is a terrible thing we are doing because civilians are dying, it is a terrible thing when we have to bomb cities, it is a terrible thing that we are using our military might to try to get a solution to a problem, but the choice is not ours. The demagogue who is a sovereign predator has determined what the situation should be.

We have been given no choice in the matter, if we care about moral principles, if we are going to lay aside the conventional morality which says that whatever a nation does within its borders, it is their business; that whatever a nation does, no matter how horrible it may be, it is not the concern of the rest of the world. We broke that tradition when we went into Yugoslavia in the first place.

We have been in Yugoslavia a number of years. More than $7 billion have been spent there by this country alone in helping to maintain a peacekeeping force. We are involved. So, therefore, the moral crusade that we are mounting in Kosovo is a continuation of a new kind of morality that we have established. We are saying that never again will the civilized world stand by and allow people to be destroyed by sovereign predators without intervention.

Sometimes that intervention, most of the time, it will be diplomatic condemnation. Diplomatic condemnation of genocide will always be a certainty, I hope, from now on when that happens. But sometimes military confrontation will also be possible, and it will happen in protection of a principle.

I hope that all the other sovereign predators of the world will take heed that they will not be allowed to exist without being labeled war criminals. General Pinochet, who is now sort of trapped in England, I hope we have seen the last of those people who think they can kill and maim and destroy people and then rise up and travel around the world as ordinary citizens and enjoy their old age. There ought to be a condemnation of the sovereign predators, if we cannot go to war with them, do whatever is necessary to make certain they never live among men again as normal people.

So I appeal to my constituents, I appeal to people everywhere to do a thorough analysis and remember the Hitler syndrome. Never again, the phrase we used in connection with the millions of Jews who died, must not be an abstract slogan. It must not be a slogan that our generation uses in the future because we sat by and let things happen and we feel bad about it and say we will not let it happen next time. This is the time. This is the time to stop it.

Each one of us has a duty to take a forceful position, to be thorough in our thinking and to support the most intelligent effort possible to end this war as fast as possible. But we should, in the meantime, be proud of the fact that this indispensable Nation of ours has both the will and the power to reinforce the foundations of a compassionate civilization.

The Roman Empire only dispatched their allegiance to achieve greater conquests and to bring home the booty. This American indispensable Nation has deployed its armies in an unprecedented campaign of compassion.

A CRISIS WE MUST NOT SHRINK FROM

The SPEAKER pro tempore (Mr. KUYKENDALL). Under the Speaker's announced policy of January 6, 1999, the gentleman from Arizona (Mr. HAYWORTH) is recognized for 60 minutes.

Mr. HAYWORTH. Mr. Speaker, ofttimes I have the privilege of visiting elementary schools in the 6th Congressional District of Arizona, the folks whom I represent, and enjoy reading to elementary schoolchildren a book entitled "House Mouse, Senate Mouse", and it tells the story in bipartisan, or nonpartisan, fashion of the legislative process. It is written in verse, and it follows a letter sent to Capitol Hill by a group of schoolchildren. And as I point out to the students, if they ever want to receive a lot of mail, they need only be elected to the Congress of the United States, and they will receive mail on a daily basis.

Mr. Speaker, this time of year, I am sure my colleagues would concur, among the pieces of mail we get are a variety of commencement announcements and graduation invitations, and I received one such invitation today from one of this Nation's foremost institutions, the United States Military Academy at West Point. The announcement reads as follows:

"Congressman Hayworth, after 4 years, I wanted to write and thank you for the appointment to the United States Military Academy you obtained for me in 1995. I am graduating and will be a commissioned armor officer stationed in Germany. I look forward to this exciting challenge. Thank you for giving me this opportunity to serve my country and fulfill a childhood dream."

And the young man about to be commissioned as Second Lieutenant in the United States Army sent his graduation picture along.

And, indeed, as a previous Member of this Chamber long ago reflected upon this job, indeed one man in American history, the only man thus far to serve as President following the service in that same job of his own father, John Quincy Adams, who, following his service as President, was asked by the people of Massachusetts to return to government service in this role, as a Member of Congress, said, "There is no greater honor than serving in the people's House."

And I would only add to that, Mr. Speaker, by saying one of the great honors of service in this House is the opportunity to appoint outstanding young men and women to our military academies because their sense of duty, honor and country serves as an example to us all.

I have also had an occasion to travel around the width and breadth of the district I represent here, a district in square mileage that is almost the size of the Commonwealth of Pennsylvania. Across the width and breadth of eastern Arizona, from the small hamlet of Franklin in southern Greenlee County, north to Four Corners on the sovereign Navajo Nation, west to Flagstaff, and south again to Florence, including portions of metropolitan Phoenix, North Scottsdale, Central Mesa, and what we call the East Valley, a district of incredible contrasts and diversity. And yet the stories remain the same, stories of proud service to our country.

In Pinal County last month I had occasion to speak at the dedication of a new city hall in Casa Grande, Arizona. And that city hall is a unique design for it is a renovation of the historic Casa Grande High School, and the city hall dedication almost served as a mini reunion for the proud alumni of Casa Grande High.

One of those who joined us that day was a member of the class of 1941, and he brought his school photograph, not unlike the West Point cadet who I mentioned earlier. This year, this alumnus of Casa Grande High School, brought his high school yearbook picture; and he related to me the story of how his dreams were deferred because of his sense of duty and the ominous and momentous acts, acts that have been recorded in history by our late President Franklin Roosevelt, who stood not far from this spot and proclaimed December 7, 1941, as a day which would live in infamy.

That proud member of the class of 1941 at Casa Grande High School spoke of his commitment to our Nation and his realization that the freedom we enjoy is never free. It comes at great cost.

And I mention my two constituents this evening, Mr. Speaker, one preparing to graduate, to become a commissioned officer in the United States Army; the other, now an honored senior citizen who gave the flower of his youth, the prime of his life, indeed, as one Hollywood motion picture of the 1940s was entitled "The Best Years Of Their Lives", to preserving the freedom of our constitutional republic.

And I am reminded of Mark Twain's observation, which I have shared with the Speaker many times on the floor of this House, that history does not repeat itself, but it rhymes. Challenges remain, but we should thank our Heavenly Father that there are those who are willing to step forward to meet those challenges.

And a recurring theme throughout the history of this constitutional republic is the resiliency and the resolve of the American people. When confronted with a crisis, when put in harm's way, when our very national survival is threatened, the American people instinctively understand that to have economic security, that to have security in one's home, in one's community, we must also have a strong sense of national security. We have been willing to step forward.

And, Mr. Speaker, it is in that spirit that I come to this floor tonight to relate and bring to the CONGRESSIONAL RECORD and highlight different articles that have appeared in prominent national newspapers reporting on a crisis that we face today, a crisis which we need not shrink from, which we dare not shrink from, which both history and duty compel us to confront.

Joyce Howard Price writes in yesterday's Washington Times, and I quote, "Energy Secretary Bill Richardson admitted Sunday that the Chinese government has obtained nuclear secrets during the Clinton administration despite the President's claims to the contrary. There have been damaging security leaks. The Chinese have obtained damaging information during past administrations and the current administration," Mr. Richardson said on NBC's Meet the Press.

The Energy Secretary's comments contradict President Clinton's statement of March 19. Mr. Clinton was asked about a classified congressional report detailing leaks at the nuclear weapons laboratory in Los Alamos, New Mexico. The initial disclosure of the congressional report, published in The New York Times, said the spying began in the 1980s but was not discovered until 1995. "To the best of my knowledge, no one has said anything to me about any espionage which occurred by the Chinese against the labs during my Presidency," the President said.

According to The New York Times, counter-intelligence experts told senior Clinton administration officials in November that China posed an acute intelligence threat to the weapons labs. The counterintelligence report, purportedly distributed to Mr. Richardson and others in the highest levels of the administration, and I would parenthetically add here that would include the President of the United States, warned that China was constantly penetrating computers at the nuclear weapons labs.

☐ 2215

"The document revealed that the Energy Department, which has authority over nuclear weapons labs, recorded 324 attacks on its unclassified computer systems from outside the United States between October 1997 and June 1998. China was the worst offender. But there were others as well," the report said.

Mr. Speaker, from today's New York Times, William J. Broad writes:

"Secrets that China stole in 1997 about a space radar that can expose submerged submarines could aid it in finding subs from commercial satellites or airplanes and might also help it hide its own undersea weapons, intelligence experts say.

"For two decades, seeking to protect its submarine fleet from such surveillance, the Pentagon has tried to monopolize the radar. When it made its debut in 1978 with surprising powers of discernment, military powers blocked public release of satellite photos that showed deep, normally invisible wakes of speeding craft. Last year the military had the Federal Government set strict limits on the visual powers of proposed commercial radar satellites.

"Now it turns out, according to Pentagon officials, that an American scientist gave radar secrets to China in 1997, forcibly easing the Pentagon's grip. The implications of this disclosure are unclear because the size of the breach is unknown publicly and because the secret method is reportedly difficult to put into practice even after years of study. But at worst, experts say, American subs are now in danger of losing some of their cover. Among the vulnerable are missile subs, the most important part of the Nation's nuclear arsenal because of their stealthiness.

"Publicly, the unanswered questions include how deep submarines must go to elude radar prying, and sea currents and temperatures can help restore visibility, and how advances with submarines, satellites, and computers will most likely affect such probing in the future.

"Today the radar technique is believed to be able to uncloak submarines hundreds of feet beneath the waves but not thousands of feet. Experts say that recent trends have already hurt the Pentagon's game and the Chinese espionage, at least in theory, has made things worse."

"As for China, it can use the stolen technology not only to hunt foreign subs but also to better cloak its own submarines finding ways to reduce the deep wakes that produce subtle clues of stealthy movement."

Mr. Speaker, these two articles from two prominent national publications today and yesterday compel this House to again renew the call, Mr. Speaker, that the report of the bipartisan Select Committee on Unauthorized Transfers of Technology to China, informally known as the Cox committee, that the report of that Select Committee be released at once to the American people.

Mr. Speaker, it has been a long time, at least 4 months, indeed just after the convening of this 106th Congress the Cox committee, in a bipartisan fashion, completed its report. Its findings are available to Members of the House once Members of Congress are willing to submit to a classified briefing.

But, Mr. Speaker, I must again say that, with each passing day, the American people are deprived of the full knowledge they deserve of the extent to which China has penetrated our nuclear labs, stolen our nuclear secrets, and left this country with what euphemistically can be called a challenge with what, Mr. Speaker, must more realistically be called a clear, present threat.

Mr. Speaker, the articles appearing in our major newspapers have given way to opinion columns. William Safire, a syndicated columnist, in this morning's Mesa Arizona Tribune in a column entitled "Connect the Dots on China," has this to say:

Mr. Safire relates that he called three friends in the Department of Energy, Defense, and Justice and asked them to turn on their office computers and read the first banner that came on their screens. "Anyone using this system expressly consents to monitoring," is the message. "Government employees using Government equipment on Government time thus waive privacy claims.

"Wen Ho Lee, the scientist who downloaded millions of lines of the nation's most secret codes to a computer easy to penetrate, also signed a waiver consenting to a search of his computer without his knowledge. And yet the Reno Justice Department denied the FBI's request for permission to search Lee's government computer.

"Eric Holder, Janet Reno's deputy, decided that a court search warrant was necessary but then refused to apply to the special foreign surveillance court to get it. Of more than 700 such FBI requests a year, a surveillance official admits that a flat turndown is extremely rare."

"Why?" Mr. Safire writes and asks, "why this one?"

Mr. KINGSTON. Mr. Speaker, will the gentleman yield?

Mr. HAYWORTH. I yield to the gentleman from Georgia.

Mr. KINGSTON. Mr. Speaker, I am very curious about this. I was participating in a debate earlier tonight where the director of the CIA, it was proposed, should resign because of the bombing in Belgrade of the Chinese Embassy, quickly looking for a scapegoat.

Now, I hope that we are not going to be quickly looking for a scapegoat and put somebody's head on the chopping block too hastily as respects that. But it is interesting that that rumor, which may or may not have come from the administration, about let us fire the head of the CIA, we do not ever hear that about let us talk about Janet Reno.

Because, as my colleague knows, the attorney general, Ms. Reno, did not go along with Louis Freeh's recommendation for a special prosecutor to look into the Chinese money laundering scandal and the things that Johnny Chung, the great Democrat donor, testified today for 5 hours before a committee on. And yet here we have the same attorney general who did not want to proceed with the investigation of Mr. Lee.

Now, that is very curious to me. Because bombing the Embassy was tragic and a huge international mistake. Yet, at the same time, giving away our nuclear arsenal, the so-called W-88, which is the nuclear technology that can arm a Trident nuclear submarine, that is a huge matter. And why this administration and this attorney general drug their heels on taking disciplinary action or even investigating is beyond me. And I cannot see that.

And we are already hearing from the folks up at the White House that, well, this started with the Reagan-Bush folks. Well, okay, everybody does it. We heard that before, "everybody does it." And I am appalled. But I know this, that the Reagan-Bush team did not know of spying and did not have the reason to believe that apparently this administration did that this was going on and yet totally ignored it. Nothing was going on. And for months and months and months reports of what was going on in Los Alamos were apparently forwarded on or forwarded up the ladder and they were ignored time and time again.

Mr. HAYWORTH. Mr. Speaker, I thank my friend from Georgia for his remarks and his very salient observations.

I would also point out for the record, Mr. Speaker, that even while we have American fighting men and women placed in harm's way in an air campaign above Yugoslavia dealing with the challenges confronted by Kosovo, nonetheless, it is the Constitutional responsibility of this Congress to exercise oversight and to ask some important questions. And my colleague from Georgia outlines many.

I would offer another. It is worth noting that our national security advisor, one Mr. Sandy Berger, prior to his employ in this administration, was a paid lobbyist for the People's Republic of China. Indeed, according to Dick Morris, the political advisor who conducted the bulk of the 1996 reelection campaign for the President, he said in a publication here on the hill, fittingly titled "The Hill," quoting now: "Sandy Berger has about as much business being national security advisor as I do."

My friend from Georgia brought up the curiosities of the conduct of our attorney general. And, Mr. Speaker, I would suggest that this House and our colleagues take a look at a commentary by this same Dick Morris appearing on the pages of the New York Post today where he outlines some very curious conduct and speculates on the reasons why the attorney general has been so reticent to take up these investigations and to exercise her constitutional authority to ensure that laws are being obeyed and, I might add, the same constitutional charge that we take on in an oath, that our friends in the executive branch take on, when we raise our right hand and swear to faithfully execute and protect and uphold and defend the Constitution of the United States. We have a very troublesome situation on our hands.

My colleague from Georgia also mentioned the testimony today of Johnny Chung. I must, Mr. Speaker, confess to this House and to the American people at large how dismayed I am with my former colleagues in broadcast journalism, even now with the advent of 24-hour news networks, how noticeably devoid the cable cast and the broadcast fair was of coverage of the testimony of Johnny Chung today before the Committee on Government Reform and Oversight.

Contrast that with the gavel-to-gavel coverage in 1987 of the Iran-Contra hearings during the Republican administration. And please do not misunderstand, because I know the temptation of some on the left is to engage in cat calls and to say this is simply whining. But when we have observers from partisan think tanks, both left and right, saying that the news judgment of the major networks and the cable networks is sadly askew when they refuse to offer gavel-to-gavel coverage I think again, in our free society, sadly, some purveyors of information choose not to highlight issues that go to the very core of our national survival and our national security.

Mr. KINGSTON. Mr. Speaker, if the gentleman would continue to yield, it is interesting that my colleague says that. Because we are both members of a communication team that looks at a lot of media numbers. The big three networks in percentage of news loss I think have gone from something like 60 percent of the market in 1990 to about 25 percent of the market now. Because Americans are turning on cable and they are watching Fox News, which did give gavel-to-gavel coverage of the 5-hour Johnny Chung, which this is an outrageous issue.

Here is a person who gets money filtered to him through General Ji of the People's Liberation Army of Communist China. He gives $360,000 to the Democrat National Committee, which they admitted to and they returned. He has pled guilty, I think, of $20,000 of it, which has been nailed on him pretty solid.

This is not casual stuff, and China is not some casual country out there. It is not like, they came from Luxembourg and we have got to watch those folks in luck Luxembourg. This is Communist China, not exactly strong American allies right now, particularly under this administration. But it is not covered.

But what is interesting is that each year the network news loses more and more of its market share, and I think one reason is people are tired of filtered news. They enjoy C–SPAN. And I am sure many of the people watching tonight are channel suffering. They may be here 10 seconds, they might be here 5 minutes, and they are going to move on. But that is what Americans want in choice of television and choice of coverage right now.

But this is a huge situation where we have an operative who visited the White House 50 different times and he was peddling influence. And not all the money that he got from Communist China went to the White House or the Democrat National Committee. I am not going to say that it did.

Just like when I was in college and my dad had a little checking account for me and he would give me money for gas, some of that money found its way to beer.

□ 2230

But I am saying it was the same account. The man had one account, and that money was dispersed to politicians. And 50 different visits to the White House. Let me ask you, you are on the Committee on Ways and Means, clearly one of the most powerful committees in the United States House of Representatives. How many times have you, as a member of that powerful committee, gone to the White House? Fifty, 60, 70 times? You have been up here 6 years. Eighty times? One hundred times? How many times have you been to the White House?

I am not talking about meeting with the President, but I am talking about meeting with the administration as a key committee member during the passage of welfare reform, tax reductions, balancing the budget. Surely you have been there at least as many times as Johnny Chung.

Mr. HAYWORTH. I have not been invited to the Oval Office nor to the White House to discuss policy with the President or any of his immediate advisers on a single occasion. The visits to the Oval Office I have made, Mr. Speaker, my colleague from Georgia, the old goose egg, zilch, zero, nada.

Mr. KINGSTON. Well, let me ask you this. So you are one of the 435 Members of Congress and you have never been invited to the White House for anything but a social occasion, but let me ask you this. Surely the Democrat members, let us get partisan here, the Democrat members have probably been there 50 or 60 times. You know a lot of your Democrat colleagues on the Committee on Ways and Means. Estimate how many times they have been over there.

Mr. HAYWORTH. I would not presume to speak for my friends on the other side of the aisle but, based on my own observations, I would think even with, pardon the pun, the most liberal interpretation, the ranking member and some of the leaders or my friends on the other side of the aisle on the Committee on Ways and Means have probably been there maybe a dozen times, two dozen if we want to be very charitable, but certainly not 50 occasions to my knowledge.

Mr. KINGSTON. So here is a man named Johnny Chung, gives generously to the Democrat National Committee, is partially funded through the Chinese Communists, and he goes to the White House 50 times. And during this period of time we transfer approval of nuclear technology sales to China, we transfer that from the Department of Defense, which is very, very protective of national security to the Department of

Commerce which is very, very pro-trade, not worried about security. And during that period of time China is not only buying nuclear technology knowledge, but they are also stealing it at Los Alamos. Meanwhile, Mr. Chung is running around in the White House.

Mr. HAYWORTH. I would point out as Wesley Pruden, editor-in-chief of the Washington Times pointed out in a column about a month and a half ago, the same month when Vice President GORE had his self-described community outreach event at the Buddhist temple in Los Angeles, later proven to be a fundraising exercise again involving non-American citizens, that same month the aforementioned Mr. Berger, the National Security Adviser, we understand, was informed of the security breach at Los Alamos.

There are those in this city, in fact, Mr. Chung was part of the spin today, if you heard some of his comments, and I have heard them rebroadcast on some of the cable news outlets in the 30-some seconds they would devote to the story as opposed to gavel-to-gavel coverage, where he impugned the American political system in terms of fund raising. I must tell you, that tradition is in keeping with the curious reaction of many others in this city about financing campaigns and having people involved. In fact, to me the historical analogy would have been for Bonny and Clyde at the height of their crime spree to suddenly call a press conference to invite the leading newspapers and newsreels of their era and come out publicly for stiffer penalties against bank robbery.

It is asinine to see some of the spin going on here. Now you have the desperate attempt by Secretary Richardson, our former colleague, my neighbor from New Mexico, saying, "Well, now we're going to get tough. Now we're going to appoint a security czar at Los Alamos."

Friends, the nuclear genie is out of the bottle. The nuclear horse has left the barn. To continue to mix metaphors, the nuclear chickens are coming home to roost. And it is a little late, after the fact, for Mr. Berger, Secretary Richardson, Attorney General Reno or, as described in various accounts, the hustler named Johnny Chung to purport to lecture the American people about the conduct of campaigns, to attempt to lecture the American people about how now, once these ills have been exposed, "Oh, now we're going to get tough." It leads to cynicism and distrust on the part of the body politic.

Mr. KINGSTON. Let me ask the gentleman something. You have been an active Member up here. Foreign nationalists, can they give to campaigns in the administration? I know they cannot give to Members of Congress. What is Mr. Chung saying is the problem with the law?

As I see it, laws were broken. We do not need to revamp the campaign finance law, although there are certain things we can do, but for this particular situation, we do not need to revamp campaign laws, we just need to follow them. Or am I missing something?

Mr. HAYWORTH. No, you are quite right. To offer another analogy, it would be like someone speeding and have an officer stop the speeder and the speeder say to the officer, oh, gee, I was going over 50 in that 35 miles per hour zone, but you know that is such a hazard at just 35 miles an hour, you ought to lower that speed limit to 25. And because I had the moral suasion to make that observation to you, officer, just let me go along on my way. Because, after all, I cared enough, officer, I cared enough, to tell you that the speed limit is excessive even though I broke it many times over.

This asinine reasoning and this cynical spin that permeates this town is both sickening and cynical and it needs to stop, Mr. Speaker, my colleague from Georgia. And to the American people, Mr. Speaker, who join us tonight, we need to move beyond spin for some straight talk with the American people. And whether it is campaign finance reform or these emerging scandals that threaten our very national security, Mr. Justice Brandeis was right, Mr. Speaker, when he said, sunshine is the best disinfectant.

That is why, Mr. Speaker and my colleagues, I renew my call for this House, if necessary, to go into closed session as soon as possible and to vote the release of the Cox committee report, because we know that our colleague from California has worked in a good-faith effort to negotiate with this White House.

We also know that the President of the United States has within his power under existing law the ability to release the select committee report today if he would take it up. I would, Mr. Speaker, invite our President to release the report forthwith, if he is to deal with us in candor and to serve effectively as our Commander in Chief as he sends American men and women into harm's way in the Balkan theater. He owes no less to the American public so that we understand what exactly is at stake across and around the world in terms of our defense capabilities.

Mr. KINGSTON. I want to clarify two things.

Number one, what the Cox report is; and the Cox report is the bipartisan commission report, special appointed committee by Congress, Democrats and Republicans, to look into this scandal of Chinese money influencing the American election system and taking nuclear secrets from America.

Now, that is point number one, that is what the Cox report is, but, number two, it was passed unanimously by the committee, Democrats and Republicans, 100 percent passed it. Now it is at the White House waiting to get their approval to declassify some of the information, and the White House is dragging. What you are saying is, if the White House persists on dragging, then it is likely the Democrats and Republicans at large in the House of Representatives will vote to get this thing out on the floor and so that we can address these problems.

That is where there is some real hypocrisy by this administration. They are saying, number one, well, all administrations have had spying at Los Alamos, in the nuclear labs. And then they are saying, but we are the only ones to deal with it. That is not quite true, but if you were dealing with it, you would put the Cox report out so we could all say, what is going on? Do we need more money here? Do we need more involvement here? Do we need this nuclear secrets czar which Energy Secretary Richardson has promoted now?

To me, I do not know if we do or we do not. If the Attorney General is not going to enforce the law, maybe we do need a nuke czar. I do not know. But let us put the Cox Commission report on the table and look at it, because we are united that the Communist Chinese were trying to influence the election. We are united in the knowledge that the Chinese communists were trying to get our nuclear secrets. We are not pointing fingers at 1600 Pennsylvania Avenue. We are pointing fingers at Beijing right now. I think that is a very significant and unifying factor.

Right now China is certainly unified against America. They are burning flags. They are rioting. They are protesting. They are doing everything they can. They are having bigger protests than Tiananmen Square. The Ambassador, Mr. Sasser, cannot even leave the American embassy over in China right now. They are on the streets. They are demonstrating. As you know, it is morning there right now and the three journalists who were killed in the embassy, their bodies are returning to China today as we speak, and the Chinese people are all unified against America. What is worse than that, they are unified with Russia against America. China has become a player now in Kosovo. So our Chinese problems are just beginning. We need to go ahead and get beyond the Cox report and figure out what we should do.

Mr. HAYWORTH. As my colleague so capably points out, Mr. Speaker, it is time to address this, not as Republicans or as Democrats but as Americans. This is a situation which confronts us with reference to our national security and the safety of all our citizens, and the future of our country with reference to the rest of the world and most specifically to that giant nation in the East, Communist China. We must be resolute, rational, sober-minded about this, but it is very difficult, Mr. Speaker, and the frustration seeps over in the constant spinning and cajoling and cynical remarks that emerge in a very defensive fashion.

I believe my colleague from Georgia used that well-worn chorus, "Everybody does it. Oh, people spy all the time. What's the big deal?" Mr. Speaker, here is the big deal, as has been reported in the mainstream press. While many in this town very publicly search for what they call their legacy, the irony is that their legacy quite literally is our legacy, the legacy codes to America's nuclear arsenal that were transferred, downloaded into unsecure computers, where the Communist Chinese and others could have access to the width and breadth and majority of our technological know-how that American taxpayers subsidized in our national interest to protect this American Nation. That sadly is the legacy. Our national security has been squandered and jeopardized, and we must get to the root of that very vexing problem.

Mr. KINGSTON. One of the things I wanted to point out to you when you talk about a country of 1.2, 1.4 billion people, their army is 3 million strong right now. Now they are downsizing it to a skeletal 2 million people, but this is a huge army. They have just recently purchased 50 Russian SU-27 fighters and are building about 100 more. They have plans to install 650 short range missiles on China's coastline. This is an army that is being reorganized but it is on the move. But perhaps one of the best things they got in terms of stolen secrets were these so-called legacy codes.

I am going to read from a Wall Street Journal article today:

> According to the U.S. Department of Energy, the most valuable data comes in the form of legacy codes. These are computer programs used by scientists at the two U.S. weapons labs to model how a newly configured weapon might work based on digital records of hundreds of U.S. tests that are built into the codes. It can take 5 years for a beginning U.S. weapons scientist to master the codes even with support from veteran bomber designers. Discovering just when China may have obtained these codes may be one of the keys to determine how fast it could develop its arsenal.

So it is these legacy codes that are just as important as the W-88. The W-88 as we have pointed out earlier, that is the nuclear design for the nuclear submarine stuff. They also got the W-56, W-57, and I think it was W-72 and W-78 and W-87. These are all our nuclear warhead secrets, the drafts and the designs and the plans. As one of the Pentagon officials said, "They basically have all the secrets in our nuclear arsenal right now."

□ 2245

The only question remains is how much, how far they are along in applying this information. It is scary.

Mr. HAYWORTH. Small wonder then that a long-time observer of our intelligence scene and apparatus described this breach, and it has been reported, again in the mainstream press, as the worst breach of national security since the Rosenbergs, and, Mr. Speaker, that is chilling. But the challenge for us is not to stand mortified or paralyzed or irresolute or intent on political gamesmanship. Mr. Speaker, the challenge for us is to remember what has worked through our history, to have a deep and abiding faith in the American people.

My colleague from Montana was here earlier tonight along with my colleague from Colorado and a colleague from California, and he made this point that I have seen time and again, and I am sure my friend from Georgia would echo this sentiment. When we return home to our districts, when we meet with our constituents, we are reassured and overwhelmed by the common sense of the American people who understand a clear and present danger and who do not shrink from a threat to their family's security and to the national security.

We have learned through our history, Mr. Speaker, and it appears as a paradox, but in fact it is the foundation of our successful policy around the world in what has been referred to as the American Century, and that is we find true peace through our military strength and we seek strength not to dominate or colonize the world, as our detractors would say, using the buzz phrase of imperialism. No, we only seek that power and advantage in our own national interest so that we may ensure the peace in our own legitimate national interests.

That is why I was pleased to vote one week ago to supplement our defense capabilities, to give our men and women in uniform a much needed pay raise for the work they do, to recognize their value and to refortify our Nation's Armed Forces because, Mr. Speaker, we have a situation fast developing that was reminiscent of what we saw 20 years ago, the erosion of our capabilities, our manpower, our munitions, our material, to the point where our capabilities were described as a hollow force.

Again we face those challenges because even as this administration has disagreed with the new majority in Congress while we have tried time and again to increase allocations to preserve our national security, and the administration said, no, we do not need to spend funds in that fashion and put our national security at risk, we have a situation where our Commander in Chief has deployed our Armed Forces into more than 30 locations, and now we are faced with the vexing dilemma of having an Armed Forces apparatus incapable of fighting a two-front war or dealing with two regional conflicts.

That exacerbates the problem today in the Balkans. Whatever one's opinion of the course of action that should be followed, and good Americans can disagree as to the intent and what should be done, and certainly the gentleman from Georgia (Mr. KINGSTON) and I have weighed in with our points of view on this in the past, but incumbent upon this Congress and our Commander in Chief is to act in the national interest to make sure that we have the manpower, the materiel, the munitions necessary to defend our constitutional republic.

Mr. KINGSTON. Mr. Speaker, if the gentleman would yield, it was interesting. Yesterday I went to an Air Force base, and I am not sure if I should say the name so I will not, but they told me that last year they had 11 fighter jets that sat basically on the tarmac because they needed spare parts, and they sat there, and, as my colleague knows, it is a tragic waste of millions of dollars worth of equipment. They finally got the spare parts, and now they are up and running because last year, as my colleague knows and he supported some money for spare parts; very simple, you just have to do that in the world; but, as my colleagues know, the other bad part was the morale.

As my colleagues know, here we have these trained pilots who say, look, you know I work hard, it is very competitive to get where I am, and I got here, and now you will not let me fly these jets because you do not even spend the money on the spare parts. I am out of here. I can find a better job in the private sector. Will not be what I wanted, will not be the excitement and the thrill of flying a jet, but there is no reason.

And so also in the bill that my colleague supported last week was money for more spare parts for tanks and equipment, and, as my colleagues know, maybe it is a little mundane, a little boring, to have to spend money responsibly on things like spare parts, but we have to have it.

As my colleagues know, these planes go from Georgia to the Middle East. They get sand in the engine. They have to be down for two or three days while they clean everything to make sure that the sand is out of there because it grinds it down. Then they go to another region that has completely different elements, and they have to keep up with their equipment. But when we are spending millions and millions of dollars on it, it is well worth it.

But the equipment is nothing compared to the soldiers and the soldiers. My colleague mentioned deployments. I believe the rough numbers are that from World War II until 1989 there were 11 United States deployments of Armed Services, 11 from World War II until 1989, and since 1989 there have been 33, and this administration with its very peculiar relationship with the military or its view of the military seems to deploy them at the drop of a hat, and, as my colleagues know, we have fought putting Americans under command of U.N. generals. We want our American soldiers under the commands of Americans. As we get more into this strange period of when we have a defensive coalition like NATO that is acting offensively, when we are involved in a civil war where there is no clarified American peril, and you know there is an American peril if you back into the argument of whether economic stability in Europe is at stake. I am not 100 percent sure that it is, but let us say you buy that. Then why out of 19 NATO countries is America picking up anywhere from 60 to 80 percent of the cost of this war?

Mr. HAYWORTH. Mr. Speaker, on that observation I thank the gentleman from Georgia for raising that because again one cannot help but note the contrasts with this latest campaign in Kosovo and the air campaign of the NATO forces, and yet the fact that our European allies are not paying their fair share of this military involvement, and it almost sounds, Mr. Speaker, like a test question for history: Compare and contrast the demands of President Bush on the allied nations in Desert Storm with the lack of demands President Clinton has placed upon our European NATO allies during the Kosovo campaign. Again, good people can disagree as to the advisability of having forces in the Balkans, but we should be united in the observation that our European allies, who have this action in just the fact of geography and of life that the Balkans theater is there closer to their homelands, literally in their own backyards. They should pick up their fair share of that burden if there is to be involvement at all.

Mr. KINGSTON. And if they decide that they cannot pick up their fair share of the military action, let them weigh in on the humanitarian assistance.

Can you imagine 750,000 refugees outside of the country, and tonight I saw statistics that said there are 600,000 inside the country.

Now, as my colleagues know, the numbers are fluid so we are never 100 percent sure, but these are people who have left their homes with nothing, no time to pack, no money, no food, no clothing, no transportation, and if they are lucky enough to return, then their house may be destroyed, the roads and transportation will be destroyed, the hospital will be destroyed, their food system, the distribution system, so we are going to need medicine, food, shelter. We are going to be committed to this humanitarian part of the war for a long, long time, and let us hope that our NATO allies, their European brothers and sisters, are going to be on the front line of that because that is going to cost us a lot of money for many, many years.

Can my colleague imagine the rebuilding that we will be involved in?

Mr. HAYWORTH. And it boggles the mind, Mr. Speaker, as my colleague from Georgia points this out, there is of course a larger context both to the Balkan theater that is transpiring in Kosovo and the other challenges we face around the world, and, Mr. Speaker, there is a legacy of modern conservatism and a common train of thought reflected in the notion of peace through strength, which President Reagan was so dogged and devout in pursuing, and indeed earlier this century by our former Supreme Allied Commander in Europe during World War II, later President of the United States, General Dwight David Eisenhower. In his book Eisenhower, The President, William Blake Eweld sets forward the components that Eisenhower used, the criteria upon which Eisenhower based any notion of military involvement by our Nation.

No. 1, said Ike, define the compelling national interest that would prompt us to act militarily. No. 2, Eisenhower said, let us have a clearly definable military objective. General Eisenhower, subsequently President Eisenhower, went on. No. 3, understand that there is no such thing as a little force. Once the decision to use force is made, force must be applied overwhelmingly and, yes, even brutally to achieve the desired ends. And, No. 4, once the objectives are achieved, there must be a clear exit strategy.

Mr. Speaker, I must lament the fact that whether it is in Kosovo or simply the notion of state craft and diplomacy confronting the challenges as we do today with Communist China how bereft and bankrupt and totally removed from the criteria Eisenhower outlined in what came to be known as the Eisenhower Doctrine, how far afield this administration is both in the conduct of our foreign policy and in the use of American fighting men and women around the world. Unapologetically we should stand for our national interests and our national security, and to those who come to this floor and offer what they believe to be a humanitarian argument, I notice very seldom do we hear about the almost 2 million people who have died in the Sudan, or the tribal warfare that has gone on in Rwanda, and that is not in any way to diminish the suffering in Kosovo, but let me suggest this, Mr. Speaker and my colleague from Georgia:

If we are to change and enlarge the definition of our national interest to include every atrocity that occurs somewhere around this world, we would be asking for the conscription of American men and women for almost a 10-year tour of duty, and this constitutional republic would look more like the ancient city state of Sparta in terms of our citizens under arms.

No, we must have a logical, sober, reasonable definition of our compelling national interest clearly and unapologetically, and that is the foundation upon which we must base all of our actions in the field of diplomacy and certainly in the introduction of our military forces.

Mr. KINGSTON. The gentleman has pointed out why America is now divided on this war effort. In Desert Storm, as my colleague knows, preceding the January bombing, we had a 6 month build-up of the military called Desert Shield, and we got our allies on board, and we got the American people on board, and that was not done in this case, and we went in there, as you and I have heard rumors from the Pentagon, expecting a two or three day campaign, and yet there was warning that it was going to be prolonged, that we could not achieve the objectives without ground forces, but we also understood that people within the White House thought it was going to be a two or three day campaign, and lo and behold, here we are now with 45th, 46th day; I am not certain.

But we have not clearly articulated to the American people and the administration has not what the peril is, and it is just this vague, well, humanitarian assistance and economic stability of Europe.

But the interesting thing I think right now is that there is this overture of if you quit bombing, we will have a peace talk, and I think most Americans right now are actually on the side of, okay, let us stop bombing and let us get talking again and see what happens.

Now there are critics who say once you stop bombing you cannot start again because the NATO alliance might not stick together. Well, I do not think that is that big of a deal based on what they have been contributing.

□ 2300

I think what we need to do is to get back to the peace table and start talking. Remember, we did not even start boycotting Yugoslavia for trade until 2 weeks ago. We should have done that a year ago, even earlier than that, because this has been going on since really 1989, 1990 and 1991 when the Republic of Yugoslavia started breaking out. Slovenia pulled out, and then Croatia and Bosnia.

None of this stuff has been surprising. Again, the bombing of the Chinese embassy, why did the most powerful military alliance in the world not know that they were bombing an embassy?

Mistakes happen in war, and I am certainly not going to say that is the biggest problem we have right now but that one they should have known. Was it the fault of the CIA or is that just a neat little package that we are going to put a scapegoat on? Or is it just this chain of NATO command where we have too many cooks in the broth? Is this a war by committee? That is, I think, one of our big problems that we are not even discussing.

Mr. HAYWORTH. Mr. Speaker, my colleague from Georgia (Mr. KINGSTON) adds to the litany of compelling, provocative questions that confront us as we prepare to enter the next century.

I mentioned earlier in this special order that this has been referred to as the American century. Some around the world might claim that is a bit jingoistic, but it is a label that for better or worse has been given the 20th century.

History does not occur in a vacuum. All of the questions outlined by my colleague, the gentleman from Georgia, are undergirded again by this notion: To have security here at home, to have economic security, to have the security that promotes domestic tranquility, undergirding all of that is the notion of our national security.

In the beautiful preamble to our Constitution, those who gathered in Philadelphia for what Catherine Drinker Bowen called the miracle at Philadelphia wrote that it was their purpose, in ordaining and establishing a constitution for the United States, to provide for the common defense. That challenge continues even more in this world today.

Mr. Speaker, I began this hour speaking of an invitation I had received for commencement exercises at the United States Military Academy at West Point. I might also add, and I know my colleague, the gentleman from Georgia, shares this sentiment, there is no greater honor than calling a young man or woman to congratulate them upon their appointment to one of our fine military academies.

Just a few weeks ago, Mr. Speaker, I had occasion to do that for a young lady in one of the high schools in the northern part of our district, and a reporter from the White Mountain Independent was there, as the phone call was patched through on a speaker and this proud academy nominee and her family gathered along with her friends, and the reporter asked me, what does this mean to you to be able to nominate this young woman to the academy?

I said to him, you have to understand what this young person is doing. Yes, she is given a tremendous opportunity to receive an unparalleled education but it comes at a price because she and her family understand in no uncertain terms that quite literally her life will be on the line.

Those of us who are constitutional officers, whether in this legislative branch or at the other end of Pennsylvania Avenue in the executive branch, have first and foremost a duty to the men and women in uniform and the people they protect that we unapologetically pursue our own national interest and that through oversight we allow the sunshine to come in to expose unsavory relationships, to get to the bottom of espionage scandals and to preserve our constitutional republic.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. NAPOLITANO (at the request of Mr. GEPHARDT) for today and May 12, on account of business in the district.

Mr. SCARBOROUGH (at the request of Mr. ARMEY) for today, on account of family medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. STUPAK) to revise and extend their remarks and include extraneous material:)

Mr. LIPINSKI, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. BLUMENHAUER, for 5 minutes, today.

Mr. SMITH of Washington, for 5 minutes, today.

Mr. HOEFFEL, for 5 minutes, today.

Mr. HOLT, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mrs. JONES of Ohio, for 5 minutes, today.

Mrs. CAPPS, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. KUCINICH, for 5 minutes, today.

Mr. LARSON, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Ms. HOOLEY of Oregon, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

Mr. ROEMER, for 5 minutes, today.

(The following Members (at the request of Mr. SOUDER) to revise and extend their remarks and include extraneous material:)

Mr. SOUDER, for 5 minutes each day, today and on May 12.

Mr. PORTMAN, for 5 minutes, on May 13.

Mr. BURTON of Indiana, for 5 minutes, on May 18.

Mr. DREIER, for 5 minutes, today.

Mr. DIAZ-BALART, for 5 minutes, on May 12.

Mr. DUNCAN, for 5 minutes, today.

Mr. THUNE, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. CAMPBELL, for 5 minutes, today.

ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker.

H.R. 432. An act to designate the North/South Center as the Dante B. Fascell North-South Center.

ADJOURNMENT

Mr. KINGSTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 5 minutes p.m.), the House adjourned until tomorrow, Wednesday, May 12, 1999, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1981. A letter from the Administrator, Farm Service Agency, Department of Agriculture, transmitting the Department's final rule—Suspension of Collection of Recapture Amount for Borrowers with Certain Shared Appreciation Agreements (RIN: 0560-AF80) received April 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1982. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Beauveria bassiana (ATCC #74040); Exemption from the Requirement of a Tolerance [OPP-300821;FRL-6068-7] (RIN: 2070-AB78) received April 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1983. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Dimethomorph, (E,Z) 4-[3-(4-chlorophenyl) -3-(3,4-dimethoxyphenyl) -1-oxo-2-propenyl]morpholine; Pesticide Tolerances [OPP-300857; FRL-6079-5] (RIN: 2070-AB78) received May 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1984. A communication from the President of the United States, transmitting his request for an emergency FY 1999 supplemental appropriation for the Fedeeral Emergency Management Agency to help the people and communities devastated by the terrible tornados that hit Oklahoma, Kansas, Texas, and Tennessee and provide for other disaster relief needs, pursuant to 31 U.S.C. 1107; (H. Doc. No. 106-61); to the Committee on Appropriations and ordered to be printed.

1985. A letter from the Health Affairs, Assistant Secretary of Defense, transmitting a letter to advise that the Department has not yet completed its review and internal coordination for the report required by Section 715 of the FY 1999 National Defense Authorization Act.; to the Committee on Armed Services.

1986. A letter from the Assistant Secretary of Defense, Health Affairs, Department of Defense, transmitting a plan to redesign the military pharmacy system, pursuant to Public Law 105-261; to the Committee on Armed Services.

1987. A letter from the Acquisition and Technology, Under Secretary of Defense, transmitting a report on the implementation of a pilot program to demonstrate improved cooperative relationships with universities and other private sector entities, for the performance of research and development functions; to the Committee on Armed Services.

1988. A letter from the Secretary, Department of the Treasury, transmitting the annual report on the operations of the Exchange Stabilization Fund for FY 1998, pursuant to 31 U.S.C. 5302(c)(2); to the Committee on Banking and Financial Services.

1989. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Withdrawal of Interim Rule on Builder Warranty for High Ratio FHA-Insured Single Family Mortgages for New Homes [Docket No. FR-4288-N-03] (RIN: 2502-AH08) received April 28, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

1990. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Public Housing Agency Plans and Section 8 Certificate and Voucher Merger Announcement of Public Forums; Solicitation of Additional Public Comment on Relationship of PHA Plans to Consolidation Plan [Docket No. FR-4420-N-02] (RIN: 2577-AB89) received April 28, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

1991. A letter from the President and Chairman, Export-Import Bank, transmitting statements with respect to transactions involving U.S. exports to Venezuela; to the Committee on Banking and Financial Services.

1992. A letter from the Managing Director, Federal Housing Finance Board, transmitting the 1999 base salary structures for Executive and Graded employees; to the Committee on Banking and Financial Services.

1993. A letter from the Acting Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the final version of the Department of Energy Accounting Handbook; to the Committee on Commerce.

1994. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans Tennessee: Approval of Revisions to the Memphis Ozone Maintenance Plan [TN-204-1-9913a; FRL-6326-9] received April 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1995. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; State of Delaware; Withdrawal of Final Rule for Transportation Conformity [DE036-1018a; FRL-6325-2] received April 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1996. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants, Maryland; Control of Emissions from Large Municipal Waste Combustors [MD056-3022a; FRL-6330-7] received April 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1997. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans Georgia: Approval of Revisions to the Georgia State Implementation Plan [GA-34-1-9805; FRL-6318-3] received April 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1998. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Acquisition Regulation: Contractor Performance Evaluations [FRL-6319-3] received April 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1999. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting Revised Policy for Amending Form R and Form A Submissions; Toxic Chemical Release Inventory Reporting; Community Right-to-Know [OPPTS-400141; FRL-6075-3]; to the Committee on Commerce.

2000. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Approval and Promulgation of New Source Review Provisions Implemenation Plan for Nevada State Clark County Pollution Control District [NV 030-0015; FRL-6336-6] received May 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2001. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the withdrawal of a December 3rd submission "Pesticide Worker Protection Standard; Respirator Designations"; to the Committee on Commerce.

2002. A letter from the Associate Bureau Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting The Commission's final rule—Amendment of Part 87 of the Commission's Rules to Permit Automatic Operation of Aeronautical Advisory Stations (Unicoms) [WT Docket No. 96-1 RM-8495] Amendment of Part 87 to Permit the Use of 112-118 MHz for Differential Global Positioning System (GPS) Correction Data and the Use of Handheld Transmitters on Frequencies in the Aeronautical Enroute Service [WT Docket No. 96-211 RM-8607, 8687] Amendment of Part 17 Concerning Construction, Marking, and Lighting of Antenna Structures—Received April 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2003. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's Proposed Letter(s) of Offer and Acceptance (LOA) to New Zealand for defense articles and services (Transmittal No. 99-14), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

2004. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of the Department's intent to obligate funds for assistance to Eastern Europe and the Baltic States, pursuant to 22 U.S.C. 2394-1(a); to the Committee on International Relations.

2005. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Italy [Transmittal No. DTC 20-99], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

2006. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles sold commercially under a contract to Turkey [Transmittal No. DTC 61-99], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

2007. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 99-10, authorizing the use of up to $25,000,000 in assistance from the Emergency Refugee and Migration Assistance Fund to meet the urgent and unexpected needs of refugees, displaced persons, conflict victims, and other persons at risk due to the Kosovo crisis, pursuant to 22 U.S.C. 2601(c)(3); to the Committee on International Relations.

2008. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of major defense equipment sold under a contract to Turkey [Transmittal No. DTC 60-99], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

2009. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a draft of proposed legislative initiatives to amend or create expanded authorities under the Foreign Assistance Act of 1961, as amended, and the Arms Export Control Act; to the Committee on International Relations.

2010. A letter from the President and Chief Executive Officer, Overseas Private Investment Corporation, transmitting the annual report on the Host Country Development and U.S. Effects of FY 1998 Projects and the Annual Report on Cooperation with Private Insurers, pursuant to 22 U.S.C. 2200a; to the Committee on International Relations.

2011. A letter from the Chairman, Council of the District of Columbia, transmitting A copy of D. C. Law 5-11 "To adopt the form and content for personal financial disclosure statement for members of the District of Columbia Retirement Board, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

2012. A letter from the Auditor, District of Columbia, transmitting a report entitled "Evaluation of the Department of Public Works' Monitoring and Oversight of the Ticket Processing and Delinquent Ticket Debt Collection Contracts," pursuant to D.C. Code section 47-118(b)(3); to the Committee on Government Reform.

2013. A letter from the Associate Attorney General, Department of Justice, transmitting Activities under the Freedom of Information Act for calendar year 1998, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform.

2014. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1997, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

2015. A letter from the Chairman, Federal Mine Safety and Health Review Commission, transmitting the annual performance plan for fiscal year 2000; to the Committee on Government Reform.

2016. A letter from the Administrator, General Services Administration, transmitting a report of the results of the investigations of the cost of operating privately owned vehicles to Government employees while on official business, pursuant to 5 U.S.C. 5707(b)(1); to the Committee on Government Reform.

2017. A letter from the General Counsel, Office of Management and Budget, transmitting Notification of a vacancy in the Office of Management and Budget Office of Deputy Director of Management; to the Committee on Government Reform.

2018. A letter from the Secretary of Agriculture, transmitting the annual report for the year ending September 30, 1998, pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

2019. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification that a legally binding instrument establishing the International Dolphin Conservation Program has been adopted and is in force; to the Committee on Resources.

2020. A letter from the Director, Office of Protected Resources, National Marine Fisheries Service, transmitting the Service's final rule—Endangered and Threatened Species: Threatened Status for Ozette Lake Sockeye Salmon in Washington [Docket No. 980219043-9068-02; I.D. 011498A] (RIN: 0648-AK52) received April 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2021. A letter from the Director, Office of Protected Resources, National Marine Fisheries Service, transmitting the Service's "Major" final rule—Endangered and Threatened Species: Threatened Status for Two ESUs of Steelhead in Washington and Oregon [Docket No. 980225046-9070-03; I.D. 021098B] (RIN: 0648-AK54) received April 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2022. A letter from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting the Service's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Fishery Cooperatives [I.D. 031599A] received March 23, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2023. A letter from the Director, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting the Administration's "Major" final rule—Endangered and Threatened Species; Threatened Status for Three Chinook Salmon Evolutionarily Significant Units (ESUs) in Washington and Oregon, and Endangered Status for One Chinook Salmon ESU in Washington [Docket No. 990303060-9071-02; I.D. 022398C] (RIN: 0648-AM54) received April 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2024. A letter from the Director, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting the Administration's "Major" final rule—Endangered and Threatened Species: Threatened Status for Two ESUs of Chum Salmon in Washington and Oregon [Docket No. 980219042-9069-02; I.D. 011498B] (RIN: 0648-AK53) received April 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2025. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska, Pacific Cod in the Gulf of Alaska [Docket No. 990304063-9062-01; I.D. 033099B] received April 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2026. A letter from the President, National Park Foundation, transmitting the Foundation's annual report of activity through June 30, 1998, pursuant to 16 U.S.C. 19n and 19dd(f); to the Committee on Resources.

2027. A letter from the Attorney General, transmitting the 1998 Annual Accountability Report of the Department of Justice; to the Committee on the Judiciary.

2028. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Fair Housing Complaint Processing; Plain Language Revision and Reorganization [Docket No. FR-4433-I-01] (RIN: 2529-AA86) received April 28, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2029. A letter from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard Headquarters, Department of Transportation, transmitting the Department's final rule—Anchorage Grounds; Atlantic Ocean off Miami and Miami Beach, Florida [CGD07-99-002] (RIN: 2115-AA98) received April 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2030. A letter from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard Headquarters, Department of Transportation, transmitting the Department's final rule—Special Local Regulations: Empire State Regatta, Albany, New York [CGD01-98-162] (RIN: 2115-AE46) received April 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2031. A letter from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard Headquarters, Department of Transportation, transmitting the Department's final rule—Anchorage Grounds; Port Everglades, Florida [CGD07-99-003] (RIN: 2115-AA98) received April 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2032. A letter from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, transmitting the Administration's final rule—Airworthiness Directives; Bell Helicopter Textron Canada (BHTC) Model 230 Helicopters [Docket No. 98-SW-48-AD; Amendment 39-11137; AD 99-09-05] (RIN: 2120-AA64) received April 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2033. A letter from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, transmitting the Administration's final rule—Airworthiness Directives; British Aerospace Model H.P. 137 Jetstream Mk. 1, Jetstream Series 200, and Jetstream Models 3101 and 3201 Airplanes [Docket No. 98-CE-70-AD; Amendment 39-10825; AD 98-21-16] (RIN: 2120-AA64) received April, 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2034. A letter from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, transmitting the Administration's final rule—Airworthiness Directives; Boeing Model 747-100, -200, -300, SP, and SR Series Airplanes [Docket No. 97-NM-272-AD; Amendment 39-10808; AD 98-20-40] (RIN: 2120-AA64) received April 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2035. A letter from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, transmitting the Administration's final rule—Amendment of Restricted Area R-5313C, Long Shoal Point, NC [Airspace Docket No. 98-ASO-13] (RIN: 2120-AA66) received April 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2036. A letter from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, transmitting the Administration's final rule—Revision of Class E Airspace; Lake Charles, LA [Airspace Docket No. 99-ASW-04] received April 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2037. A letter from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, transmitting the Administration's final rule—Revision of Class E Airspace; Port Heiden, AK [Airspace Docket No. 98-AAL-25] received April 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2038. A letter from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, transmitting the Administration's final rule—Revision of Class D Airspace; Fairbanks, Eielson Air Force Base(AFB), AK; Revision and Establishment of Class E Airspace, Fairbanks, Eielson AFB, AK [Airspace Docket No. 99-AAL-1] received April 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2039. A letter from the Program Analyst, Office of the General Counsel, Federal Aviation Administration, transmitting the Administration's final rule—Revision of Class E Airspace; Soldotna, AK [Airspace Docket No. 98-AAL-22] received April 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2040. A letter from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, transmitting the Administration's final rule—Revision of Class E Airspace; Gambell, AK [Airspace Docket No. 98-AAL-20] received April 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2041. A letter from the Program Analyst, Officeof the Chief Counsel, Federal Aviation Administration, transmitting the Administration's final rule—Establishment of Class E Airspace; Barter Island, AK [Airspace Docket No. 98-AAL-21] received April 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2042. A letter from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, transmitting the Administration's final rule—Amendment to Class E Airspace; Clarinda, IA [Airspace Docket No. 99-ACE-17] received April 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2043. A letter from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, transmitting the Administration's final rule—Amendment to Class E Airspace; Macon, MO [Airspace Docket No. 99-ACE-20] received April 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2044. A letter from the Chairman, Federal Maritime Commission, transmitting the Commission's final rule—Service Contracts Subject to the Shipping Act of 1984 [Docket No 98-30] received May 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2045. A letter from the Secretary of Transportation, transmitting a review of the recommendations of the National Academy of Sciences and other qualified organizations on methods for further increasing the environmental and operational safety of tank vessels; to the Committee on Transportation and Infrastructure.

2046. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of

Issue Price in the Case of Certain Debt Instruments Issued for Property [Revenue Ruling 99-21] received April 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2047. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Renewable Electricity Production Credit, Publication of Inflation Adjustment Factor and Reference Prices for Calendar Year 1999—received April 28, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2048. A letter from the Administrator, Environmental Protection Agency, transmitting a report on implementation progress by the State of Louisiana on its federally approved Coastal Wetlands Conservation Plan; jointly to the Committees on Resources and Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DREIER: Committee on rules. House Resolution 166. Resolution providing for consideration of the bill (H.R. 775) to establish certain procedures for civil actions brought for damages relating to the failure of any device or system to process or otherwise deal with the transition from the year 1999 to the year 2000, and for other purposes (Rept. 106-134). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ANDREWS:

H.R. 1745. A bill to amend the Immigration and Nationality Act to provide for the removal of aliens who associate with known terrorists; to the Committee on the Judiciary.

By Mr. TAUZIN (for himself, Mr. Weller, Mr. Fossella, Mr. Shimkus, Mr. Whitfield, Mr. Sununu, Mr. Gary Miller of California, Mr. Boucher, Mr. Goss, Mr. Tancredo, and Mr. Rogan):

H.R. 1746. A bill to amend the Communications Act of 1934 to reduce telephone rates, provide advanced telecommunications services to schools, libraries, and certain health care facilities, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BURTON of Indiana (for himself, Mr. Shays, Mr. McHugh, Mr. Mica, Mr. McIntosh, Mr. Souder, Mr. LaTourette, Mr. Hutchinson, Mr. Traficant, Mr. Horn, Mr. Gilman, Mr. Barr of Georgia, and Mr. Ryan of Wisconsin):

H.R. 1747. A bill to amend the Federal Election Campaign Act of 1971 to increase the penalties imposed for making or accepting contributions in the name of another and to prohibit foreign nationals from making any campaign-related disbursements; to the Committee on House Administration.

By Mrs. MINK of Hawaii:

H.R. 1748. A bill to amend title 5, United States Code, to increase the mandatory retirement age for law enforcement officers from 57 to 60 years of age; to the Committee on Government Reform.

By Mr. BALLENGER:

H.R. 1749. A bill to designate Wilson Creek in Avery and Caldwell Counties, North Carolina, as a component of the National Wild and Scenic Rivers System; to the Committee on Resources.

By Mr. TOWNS (for himself, Mr. Borski, Mr. Gephardt, Mr. Dingell, Mr. Oberstar, Ms. DeGette, Mr. Reyes, Mr. Rangel, Mr. LaFalce, Mr. Brown of California, Mr. Clyburn, Ms. Roybal-Allard, Mr. Klink, Mr. Menendez, Mr. Brown of Ohio, Mr. Rahall, Mr. Pallone, Mr. Blumenauer, Mr. Green of Texas, Ms. Eddie Bernice Johnson of Texas, Mr. Strickland, Ms. Millender-McDonald, Ms. Eshoo, Mr. Mascara, Mr. Waxman, Mr. Clement, Mr. Markey, Mrs. Tauscher, Mr. Rush, Mr. DeFazio, Mr. Hall of Texas, Ms. Brown of Florida, Ms. McCarthy of Missouri, Mr. Lipinski, Mr. Gordon, Mr. Pascrell, Mr. Deutsch, Mr. Cummings, Mr. Wynn, Mr. Shows, Mr. Engel, Mr. Holden, Mr. Boucher, Mr. Costello, Mr. Stupak, Mr. Nadler, Mr. Barrett of Wisconsin, Mr. Barcia, Mr. Luther, Mr. Filner, Mrs. Capps, Mr. Sandlin, Mr. Sawyer, Mr. McGovern, Mr. Lampson, Mr. Baldacci, Mr. Baird, Mr. Wise, Ms. Norton, Mr. Crowley, Mr. Clay, Mr. Hinchey, Mr. Owens, Mr. Doyle, Ms. Jackson-Lee of Texas, Mr. McDermott, Mr. Kildee, Ms. Rivers, Ms. DeLauro, Mr. Hilliard, Mr. Jefferson, Mr. Serrano, Mr. Thompson of Mississippi, Mrs. Jones of Ohio, Ms. Kilpatrick, Mr. Olver, Mr. Kanjorski, Ms. Carson, Mr. Ackerman, Mrs. Maloney of New York, Mr. Meeks of New York, Mr. Coyne, Mr. Fattah, Mr. Matsui, Mr. Lewis of Georgia, Mrs. Meek of Florida, Mr. Vento, Mrs. Lowey, Mr. Andrews, Ms. Pelosi, Mr. Cardin, Mrs. Christensen, Mr. Brady of Pennsylvania, Mr. Hoeffel, Mr. Jackson of Illinois, Mr. Davis of Illinois, Mr. Martinez, Ms. Stabenow, Mr. Maloney of Connecticut, Mr. Stark, Mr. Gutierrez, Mr. George Miller of California, Ms. Kaptur, Mr. Meehan, Ms. Velázquez, Ms. McKinney, Mr. Sisisky, Mr. Kennedy of Rhode Island, Ms. Lee, Mr. Capuano, Mr. Evans, Ms. Berkley, Mr. Larson, Ms. Sanchez, Mr. Gonzalez, Mrs. Thurman, Mr. Frost, Mr. Abercrombie, Mr. Rothman, Mr. Udall of Colorado, Mr. Levin, Ms. Danner, Mr. Pastor, Mrs. Napolitano, Mr. Romero-Barcelo, Mr. Farr of California, Mr. Moran of Virginia, Mr. Boswell, Mr. Ortiz, Mr. Moore, Mr. Visclosky, Mr. Payne, Mr. Becerra, Mr. Ford, Mr. Berry, Mr. Bonior, Mr. Bishop, Mr. Holt, Mr. Weygand, Mrs. Clayton, Mr. Hastings of Florida, and Mr. Hoyer):

H.R. 1750. A bill to assist local governments in assessing and remediating brownfield sites, to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to encourage State voluntary response programs for remediating such sites, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CAPPS (for herself, Mr. Thomas, Mr. Dooley of California, Mr. Lewis of California, Mr. Filner, Ms. Lofgren, and Mr. Lantos):

H.R. 1751. A bill to establish the Carrizo Plain National Conservation Area in the State of California, and for other purposes; to the Committee on Resources.

By Mr. COBLE (for himself and Mr. Berman) (both by request):

H.R. 1752. A bill to make improvements in the operation and administration of the Federal courts, and for other purposes; to the Committee on the Judiciary.

By Mr. DOYLE (for himself, Mr. Calvert, and Mr. Costello):

H.R. 1753. A bill to promote the research, identification, assessment, exploration, and development of methane hydrate resources, and for other purposes; to the Committee on Science, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ETHERIDGE:

H.R. 1754. A bill to require the Administrator of the National Aeronautics and Space Administration to develop and provide for the distribution of an educational curriculum in recognition of the 100th anniversary of the first powered flight; to the Committee on Science, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FILNER:

H.R. 1755. A bill to provide for reimbursing the States for the cost incurred by the States in implementing the Border Smog Reduction Act of 1998; to the Committee on Commerce.

By Mr. FRANKS of New Jersey (for himself, Mr. Meehan, Mr. Hoeffel, Mr. Brown of Ohio, Mr. Maloney of Connecticut, and Mr. Capuano):

H.R. 1756. A bill to provide for comprehensive brownfields assessment, cleanup, and redevelopment; to the Committee on Commerce, and in addition to the Committees on Ways and Means, and Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GIBBONS (for himself and Mr. Young of Alaska):

H.R. 1757. A bill to provide for the orderly disposal of certain Federal lands in Clark County, Nevada, and to provide for the acquisition by the Secretary of the Interior of environmentally sensitive lands in the State of Nevada; to the Committee on Resources.

By Mr. GUTKNECHT:

H.R. 1758. A bill to amend the Agricultural Market Transition Act to extend the milk price support program through 2002 at an increased price support rate; to the Committee on Agriculture.

By Mr. HASTINGS of Washington (for himself, Mr. Nethercutt, and Ms. Dunn):

H.R. 1759. A bill to ensure the long-term protection of the resources of the portion of the Columbia River known as the Hanford Reach; to the Committee on Resources.

By Mrs. JOHNSON of Connecticut:

H.R. 1760. A bill to amend the Internal Revenue Code of 1986 to expand the incentives for the construction, repair, rehabilitation, and renovation of public schools; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROGAN (for himself and Mr. Coble):

H.R. 1761. A bill to amend provisions of title 17, United States Code; to the Committee on the Judiciary.

By Mr. SMITH of New Jersey (for himself, Mr. Bilirakis, Mr. Stearns, and Mr. Saxton):

H.R. 1762. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to expand the scope of the respite care program of the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. HEFLEY (for himself, Mr. Saxton, Mr. McHugh, Mr. Moran of Virginia, Mr. Holden, Mr. Reyes, Mr. Crowley, Mr. Shows, Mr. Underwood, Mr. Tancredo, Mr. Clement, Mr. Sherman, Mr. Cramer, Mr. LaTourette, Mr. Metcalf, Mr. Oxley, Mr. Frost, Mrs. Kelly, Mr. Luther, Mr. English, Mrs. Thurman, Mr. Lucas of Oklahoma, Mr. Brown of Ohio, Mr. Young of Florida, Mr. McNulty, Mr. Ney, Mr. Taylor of Mississippi, Mr. Rangel, Mr. Schaffer, Mr. Calvert, Mr. Foley, Mr. Gary Miller of California, Mr. Gibbons, Mr. Archer, Mr. Etheridge, Mr. Ehrlich, Ms. DeGette, Mr. McInnis, Mrs. Jones of Ohio, Mr. Deutsch, Mr. Ballenger, Mr. Forbes, Ms. Granger, Mr. Tiahrt, Mr. Green of Texas, Mr. Walsh, Mr. Weller, Mr. LaFalce, Mr. Pallone, Mr. Lampson, Mr. Bonior, Mr. Sabo, Ms. Waters, Mr. Wolf, Mr. Peterson of Pennsylvania, Mr. Barrett of Nebraska, Mr. Kennedy of Rhode Island, Mr. Jenkins, Mr. Watts of Oklahoma, Mr. Barr of Georgia, Mr. McGovern, Ms. McKinney, Mr. Edwards, Mr. Watt of North Carolina, Mr. DeFazio, Ms. Schakowsky, Ms. Lofgren, Mr. Sununu, Mr. Rodriguez, Mr. Ramstad, Mr. Pastor, Mr. Wynn, Mr. Pascrell, Ms. Jackson-Lee of Texas, Mr. Royce, Mr. Brady of Pennsylvania, Mr. Martinez, Mr. Cunningham, Mrs. Lowey, Mr. Wise, Mr. Gonzalez, Mr. Terry, Mr. Whitfield, Mr. Rahall, Ms. Sanchez, Ms. Berkley, Mr. Souder, Mr. Meeks of New York, Mr. Franks of New Jersey, Mr. Spence, Mr. Hayes, Mr. Pombo, Ms. Danner, Mr. Waxman, Mr. Horn, Mr. LaHood, Mr. Borski, Mr. Romero-Barcelo, Mr. Weiner, Mrs. Biggert, Mr. Moore, Mr. Inslee, Mr. Costello, Mr. Sandlin, Ms. Slaughter, Mrs. Myrick, Mr. Udall of New Mexico, Mr. Capuano, Mr. Traficant, Mr. Simpson, Mr. Ryan of Wisconsin, Ms. Pryce of Ohio, Mr. Rohrabacher, Mr. DeLay, Mr. Dixon, Mr. Bass, Mr. Peterson of Minnesota, Mr. Farr of California, Mr. Rogan, Mr. Nethercutt, Mr. Cardin, Mr. Stupak, Mrs. Mink of Hawaii, Ms. Kilpatrick, Mr. Hinchey, Mr. McKeon, Mr. Kucinich, Ms. Norton, Mr. Hoyer, Mr. Gilman, and Mr. Berman):

H. Res. 165. A resolution acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers; to the Committee on the Judiciary.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

62. The SPEAKER presented a memorial of the Senate of the State of Georgia, relative to Senate Resolution 241 encouraging the Congress of the United States to act swiftly to prevent the passage of any such legislation under the "Know Your Customer" designation; to the Committee on Banking and Financial Services.

63. Also, a memorial of the Senate of the Commonwealth of Virginia, relative to Senate Joint Resolution No. 487 memorializing the Congress of the United States to either enact meaningful patient protections at the federal level with respect to employer self-funded plans or, in the absence of such federal action, amend the Employment Retirement Income Security Act (ERISA) of 1974 to grant authority to all individual states to monitor and regulate self-funded, employer-based health plans; to the Committee on Education and the Workforce.

64. Also, a memorial of the Senate of the Commonwealth of Virginia, relative to Senate Joint Resolution No. 488 memorializing the Congress of the United States to enact laws to provide federal impact aid relief for Virginia public schools and public schools throughout the United States; to the Committee on Education and the Workforce.

65. Also, a memorial of the Senate of the Commonwealth of Virginia, relative to Senate Joint Resolution No. 407 memorializing Congress to enact legislation giving states and localities the power to control waste imports in their jurisdictions; to the Committee on Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 44: Mr. Jones of North Carolina.

H.R. 65: Mr. Hall of Ohio and Mr. Jones of North Carolina.

H.R. 73: Mr. Horn, Mr. Royce, Mr. Goode, Mr. Duncan, and Mr. Norwood.

H.R. 107: Mr. Fossella and Mrs. Emerson.

H.R. 165: Mr. Wicker and Mr. Berman.

H.R. 216: Mr. Davis of Illinois.

H.R. 218: Mr. Goss, Mr. Weldon of Pennsylvania, and Mr. LaHood.

H.R. 303: Mr. Burton of Indiana and Mr. Jones of North Carolina.

H.R. 315: Mr. Neal of Massachusetts.

H.R. 323: Mr. Camp and Mr. Frank of Massachusetts.

H.R. 351: Mr. Weller.

H.R. 355: Ms. Woolsey, Mr. Davis of Illinois, and Mr. Hobson.

H.R. 357: Mr. Price of North Carolina.

H.R. 360: Mrs. Emerson.

H.R. 363: Mr. Reyes.

H.R. 369: Mr. Norwood.

H.R. 371: Mr. Hayworth.

H.R. 372: Mr. Kildee and Mr. Moore.

H.R. 385: Mr. Davis of Illinois.

H.R. 412: Mr. Hoeffel.

H.R. 443: Mr. Dicks.

H.R. 486: Mr. Minge, Mr. Moran of Kansas, Mr. Mascara, Mr. Largent, and Mr. Houghton.

H.R. 515: Mrs. Mink of Hawaii, Ms. Waters, Mr. Weiner, Mr. Towns, Ms. Lee, and Mr. Markey.

H.R. 531: Mr. Bartlett of Maryland, Mr. Berman, Mr. Saxton, and Ms. Berkley.

H.R. 534: Ms. Kilpatrick.

H.R. 541: Mr. Udall of New Mexico.

H.R. 566: Mr. Weygand.

H.R. 568: Mr. Rush.

H.R. 583: Mr. Boucher.

H.R. 611: Mr. LaTourette.

H.R. 612: Mrs. Johnson of Connecticut, Mr. LoBiondo, Mr. Stenholm, Mr. Lipinski, Ms. Lee, and Mr. Berman.

H.R. 623: Mr. Manzullo.

H.R. 673: Mr. Wexler.

H.R. 693: Mr. Leach.

H.R. 716: Ms. Woolsey.

H.R. 732: Ms. Roybal-Allard and Mr. Lampson.

H.R. 750: Mr. Payne.

H.R. 775: Mr. Sweeney, Mr. Pitts, and Mr. Walden of Oregon.

H.R. 783: Mr. Vento.

H.R. 784: Mr. Thomas and Mr. Goodlatte.

H.R. 785: Mr. Upton.

H.R. 792: Mr. Coble, Mr. Armey, Mr. Jones of North Carolina, Mr. Ose, Mr. Fletcher, Mr. Sanford, Mr. Skeen, Ms. Pryce of Ohio, Mr. Jenkins, and Mr. Tiahrt.

H.R. 804: Mr. Moran of Kansas.

H.R. 838: Mr. Frost.

H.R. 842: Mrs. Johnson of Connecticut, Mr. McCollum, Mr. Brown of Ohio, and Mrs. Jones of Ohio.

H.R. 846: Ms. Kilpatrick, Mr. Stark, and Mr. Weiner.

H.R. 847: Ms. Kilpatrick.

H.R. 850: Mr. Fletcher.

H.R. 860: Mr. Dicks.

H.R. 868: Mr. Hall of Ohio and Mr. Dingell.

H.R. 896: Mr. Barr of Georgia and Mr. Lucas of Kentucky.

H.R. 899: Mr. Boehlert, Mr. Saxton, Mr. Crowley, Mr. Fossella, Mr. Franks of New Jersey, and Mr. Holt.

H.R. 902: Ms. Eddie Bernice Johnson of Texas, and Mr. Delahunt.

H.R. 904: Mr. Barcia, Mr. Udall of Colorado, and Mr. Ehlers.

H.R. 942: Mr. Radanovich.

H.R. 953: Mr. Lantos, Mr. King, Mr. Rohrabacher, Mr. Cummings, Mr. Capuano, Mr. Gilchrest, Mr. Smith of New Jersey, Mr. Rahall, Mr. Andrews, Mrs. Meek of Florida, and Mr. Holt.

H.R. 959: Mr. Nadler.

H.R. 961: Mr. Waxman, Mr. Levin, Mr. Weiner, Ms. Brown of Florida, and Mr. Hinchey.

H.R. 976: Mr. Latham, Mr. Weldon of Florida, and Mr. LaFalce.

H.R. 987: Mr. Hyde, Mr. Largent, Mr. Bliley, Mr. Pease, Mr. Castle, Mr. Baker, Mr. Gillmor, Mr. Combest, Mr. Buyer, Mr. Goss, Mrs. Fowler, and Mr. Greenwood.

H.R. 997: Mr. Pastor, Mr. Price of North Carolina, Mr. Bilbray, Ms. Hooley of Oregon, Mr. Delahunt, Mr. Martinez, and Mr. Rahall.

H.R. 1008: Mr. Fossella.

H.R. 1032: Mr. Bartlett of Maryland, Mr. LaHood, Mr. Radanovich, and Mr. Gary Miller of California.

H.R. 1035: Mr. Cook.

H.R. 1044: Mr. Watkins, Mr. Leach, Mr. Ose, Mr. Bishop, and Mr. McIntosh.

H.R. 1053: Mr. Nadler.

H.R. 1062: Mr. Borski, Mr. Weiner, Mr. Crowley, Ms. Eddie Bernice Johnson of Texas, Mr. Lipinski, and Mr. McGovern.

H.R. 1071: Mr. Skelton, Mr. Berman, and Mr. Davis of Illinois.

H.R. 1093: Mr. SHIMKUS.

H.R. 1095: Ms. WOOLSEY, Mr. CUMMINGS, Mr. OBERSTAR, Mr. GOODLING, and Mrs. MALONEY of New York.

H.R. 1097: Mr. NADLER.

H.R. 1107: Mr. SMITH of New Jersey.

H.R. 1115: Mr. BERRY, Mr. SMITH of Texas, Mr. BONIOR, Mr. PHELPS, Mr. BAIRD, Mr. LUTHER, Mr. SKELTON, Mr. RODRIGUEZ, Mr. MARTINEZ, Mr. SPENCE, Mr. DOYLE, Mr. LUCAS of Kentucky, Ms. BROWN of Florida, and Mr. BERMAN.

H.R. 1136: Mr. GRAHAM and Mr. WHITFIELD.

H.R. 1145: Mr. MCCOLLUM.

H.R. 1152: Mr. KING and Mr. ACKERMAN.

H.R. 1190: Mr. VENTO, Mr. FRELINGHUYSEN, and Mr. HOBSON.

H.R. 1193: Mr. PORTER, Mr. PALLONE, Mr. BARRETT of Wisconsin, and Mrs. THURMAN.

H.R. 1214: Mr. MURTHA.

H.R. 1218: Mr. LUCAS of Kentucky.

H.R. 1219: Mr. SHOWS.

H.R. 1221: Mrs. KELLY and Mr. QUINN.

H.R. 1228: Mr. MEEHAN, Mr. RAHALL, and Ms. PELOSI.

H.R. 1238: Mr. FRANK of Massachusetts, Mr. FROST, Mr. STARK, Mrs. CHRISTENSEN, Mr. TALENT, Ms. RIVERS, Mr. UNDERWOOD, Mr. JEFFERSON, Mr. WEINER, Ms. ROYBAL-ALLARD, Mr. SANDERS, and Ms. WOOLSEY.

H.R. 1248: Mr. DEFAZIO, Ms. MILLENDER-MCDONALD, Mr. RUSH, and Mr. DAVIS of Illinois.

H.R. 1256: Mr. WALSH, Mr. COOK, and Mr. RYUN of Kansas.

H.R. 1260: Mr. PICKETT, Mr. NETHERCUTT, and Mr. CUMMINGS.

H.R. 1275: Mr. BOEHLERT, Mrs. MCCARTHY of New York, Mr. FARR of California, Mr. DICKS, and Mr. BLUMENAUER.

H.R. 1287: Mr. SHERWOOD.

H.R. 1291: Ms. PRYCE of Ohio, Mr. CAMPBELL, Mr. HOBSON, and Mr. SMITH of Washington.

H.R. 1330: Mr. GARY MILLER of California.

H.R. 1342: Mr. GEPHARDT and Mr. MORAN of Virginia.

H.R. 1344: Mr. WALDEN of Oregon and Ms. HOOLEY of Oregon.

H.R. 1348: Mrs. CUBIN, Mr. TRAFICANT, Mr. BATEMAN, Mr. BUYER, Mr. NORWOOD, Mr. CUNNINGHAM, Mr. CANADY of Florida, Mr. KLINK, Mr. GREEN of Wisconsin, Mr. TANCREDO, Mr. WELDON of Florida, Mr. BARR of Georgia, Mr. DICKEY, Mr. ADERHOLT, Mr. JONES of North Carolina, Mr. DEMINT, Mr. MCINTOSH, Mr. TERRY, Mr. LARGENT, Mr. GARY MILLER of California, Mr. HAYES, Mr. COBURN, Mr. PAUL, Mr. ABERCROMBIE, Mr. STUMP, Mr. HORN, Mr. GILMAN, Mrs. FOWLER, Mr. HALL of Texas, Mr. GOODE, Mr. SCHAFFER, Mr. BURTON of Indiana, Mr. LEWIS of Kentucky, Mr. MCCOLLUM, Mrs. THURMAN, Mr. METCALF, Mr. HYDE, Mr. BLUNT, Mr. ROYCE, Mr. SPENCE, Mr. PETERSON of Pennsylvania, Mrs. CHENOWETH, Mr. PICKERING, Mr. SCARBOROUGH, and Mr. GOODLATTE.

H.R. 1349: Mr. STUMP.

H.R. 1355: Mr. BROWN of Ohio, Ms. MCKINNEY, and Ms. HOOLEY of Oregon.

H.R. 1380: Mr. PAUL.

H.R. 1381: Mr. PAUL.

H.R. 1405: Mr. BONIOR.

H.R. 1413: Mr. JONES of North Carolina.

H.R. 1436: Mr. PAUL.

H.R. 1437: Mr. PAUL.

H.R. 1438: Mr. PAUL.

H.R. 1441: Mr. ARMEY, Mr. BLUNT, Mr. STUMP, Mr. HOBSON, and Mr. HULSHOF.

H.R. 1450: Mr. FROST, Ms. MCKINNEY, Ms. KILPATRICK, and Mr. PETERSON of Minnesota.

H.R. 1456: Mr. KILDEE and Mr. KLINK.

H.R. 1476: Mr. MCGOVERN, Mr. REYES, and Mr. FROST.

H.R. 1484: Mr. PETERSON of Minnesota.

H.R. 1494: Mr. BALLENGER.

H.R. 1495: Ms. BALDWIN.

H.R. 1525: Mr. WYNN, Mr. WAXMAN, and Mr. CARDIN.

H.R. 1592: Mrs. THURMAN, Mr. LUCAS of Oklahoma, Mr. WALSH, Mr. WHITFIELD, Mr. SKEEN, Mr. HALL of Texas, Mr. BARR of Georgia, Mr. CALVERT, Mr. SCARBOROUGH, Mr. GORDON, Mr. MCHUGH, and Mr. SIMPSON.

H.R. 1614: Mr. UDALL of New Mexico and Mr. DAVIS of Illinois.

H.R. 1621: Mr. BARRETT of Wisconsin, Mr. CHAMBLISS, and Mr. ABERCROMBIE.

H.R. 1625: Mr. LAHOOD, Mr. CAPUANO, Mr. DAVIS of Illinois, Mr. STUPAK, Ms. WATERS, Mr. PRICE of North Carolina, Ms. BALDWIN, Mr. VENTO, Ms. WOOLSEY, and Mr. SANDERS.

H.R. 1629: Mrs. CHENOWETH, Ms. KAPTUR, Ms. KILPATRICK, Mr. SHOWS, Mr. GIBBONS, Ms. HOOLEY of Oregon, Ms. JACKSON-LEE of Texas, Ms. LEE, Mrs. MEEK of Florida, and Mr. BOEHLERT.

H.R. 1648: Ms. JACKSON-LEE of Texas, Mr. PHELPS, and Mr. WEYGAND.

H.R. 1650: Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. KELLY, and Mr. DELAHUNT.

H.R. 1671: Mr. FILNER, Mr. ETHERIDGE, Mr. LIPINSKI, Mr. BROWN of Ohio, Mr. ROMERO-BARCELO, Mr. BARRETT of Wisconsin, Ms. WOOLSEY, Mr. GREEN of Texas, Mr. REYES, Mr. BERMAN, and Ms. KILPATRICK.

H.R. 1682: Mr. MINGE.

H.R. 1710: Mr. OSE.

H.J. Res. 7: Mr. SMITH of Michigan.

H.J. Res. 14: Ms. KILPATRICK.

H.J. Res. 22: Mr. UDALL of New Mexico.

H.J. Res. 47: Mr. QUINN, Mr. PETRI, Mr. LIPINSKI, and Mr. ROEMER.

H. Con. Res. 22: Mr. BILIRAKIS.

H. Con. Res. 23: Ms. MCKINNEY, Mr. SALMON, Mr. KLINK, Mr. CANADY of Florida, Mr. CAPUANO, and Mr. SAWYER.

H. Con. Res. 30: Mr. HOBSON and Mr. SIMPSON.

H. Con. Res. 67: Mr. SMITH of New Jersey, Mr. MCGOVERN, Mr. WAXMAN, Mr. WEXLER, Mr. GUTIERREZ, Mr. MCNULTY, Mr. DEUTSCH, Mr. JEFFERSON, and Mrs. MORELLA.

H. Con. Res. 94: Mr. REYES and Mr. SOUDER.

H. Res. 94: Mr. BILIRAKIS and Mr. SMITH of New Jersey.

H. Res. 134: Mr. MCINNIS.

H. Res. 146: Ms. NORTON and Mr. BROWN of Ohio.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 775

OFFERED BY: MR. DAVIS OF VIRGINIA

AMENDMENT NO. 1: Page 4, add the following after line 23 and redesignate succeeding paragraphs accordingly:

(2) DAMAGES.—The term "damages" means punitive, compensatory, and restitutionary relief.

Page 8, line 18, strike "February 22, 1999" and insert "January 1, 1999".

H.R. 775

OFFERED BY: MR. DAVIS OF VIRGINIA

AMENDMENT NO. 2: Page 22, line 17, insert "sold by, leased by, rented by, or otherwise" after "was".

H.R. 775

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 3: Page 10, line 10, strike "Except" and insert the following: "The notice under this subsection does not require descriptions of technical specifications or other technical details with respect to the material defect at issue. Except".

EXTENSIONS OF REMARKS

INTRODUCTION OF THE BIOMASS ENERGY EQUITY ACT OF 1999

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. HERGER. Mr. Speaker, I am pleased to join with my colleague, Mr. MATSUI, and our cosponsors—Mr. MCCRERY, Mr. CAMP, Mr. FOLEY, Mr. WELLER, Mr. NEAL, and Mr. THOMAS—to announce the introduction of H.R. 1731, The Biomass Energy Equity Act of 1999, legislation that will help sustain the economic and environmental benefits provided to the public by the biomass power industry in the United States. This bill is a new and improved version of H.R. 4407 that we introduced in the 105th Congress. Also, I am pleased to announce that a companion bill, S. 984, has been introduced in the Senate by Senators COLLINS and BOXER.

The biomass power industry is a unique source of renewable electricity. It generates electricity by combusting wood waste and other nonhazardous, organic materials under environmentally controlled conditions as an alternative to disposal or open-incineration of these materials. In effect, the biomass power industry makes constructive use of waste materials that would otherwise become a public liability.

Mr. Speaker, the organic materials used as fuel by this industry are gathered from the agricultural and forest-related sectors of our economy and from our urban waste streams. In addition to the jobs that are generated by this activity, a range of quantifiable benefits arise: the risk and severity of forest fires is diminished, air pollution from open burning of agricultural residues is avoided, and landfill space is preserved. In the absence of this $7 billion per year industry, the nation would face a series of negative consequences above and beyond the loss of the renewable electricity itself.

Congress recognized the importance of the biomass power industry when it enacted a biomass energy production tax credit in 1992. Unfortunately, the production tax credit provided by this code section—due to expire this year—has never been accessible to the biomass power industry due to excessively narrow drafting. Our legislation corrects this defect in order to recognize and retain the public benefits, including the national security and system reliability benefits, of this important industry.

Mr. Speaker, when I introduced this bill last year I truly believed that this is a "good government" issue whose clear merits and environmental benefits transcend partisan and regional politics. Today, as I reintroduce the Biomass Energy Equity Act, I remain convinced of the merits of the proposal, and I would urge all of my colleagues—on both sides of the aisle—to cosponsor this important and much-needed legislation.

ADDRESS OF THE HONORABLE MILES LERMAN AT THE NATIONAL CIVIC COMMEMORATION OF THE DAYS OF REMEMBRANCE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. LANTOS. Mr. Speaker, on Tuesday, April 13, Members of Congress joined with representatives of the diplomatic corps, executive and judicial branch officials, and Holocaust survivors and their families to commemorate the National Days of Remembrance in the Rotunda of the United States Capitol.

The ceremony coincided with the 60th anniversary of the voyage of the SS *St. Louis*, which set sail from Germany in April 1939, carrying more than 900 Jews away from Nazi terror. Denied entry to both Cuba and the United States, the *St. Louis* was forced to send its frightened passengers back to Europe just months before the onset of World War II. Many of them were eventually murdered in Auschwitz, Treblinka, and the other death camps of Hitler's Holocaust.

While we cannot rectify the wrongs of generations ago, we can apply the lesson of the *St. Louis* to the crises of today. In the Europe of 1999, innocent civilians are once again being deported, abused, raped and murdered. While the scale of Serbian atrocities in Kosovo does not approach the enormity of the Holocaust, the precedent that would be set by ignoring this ethnic cleansing cannot be tolerated.

Miles Lerman, the Chairman of the United States Holocaust Memorial Council since 1993, eloquently expressed the moral cost of inaction at the Days of Remembrance ceremony. "As we remember the victims of the *St. Louis* and all of the eventual victims of the Holocaust, we have a better understanding why we are in Kosovo and why the free world cannot afford to stand with their hands folded while murder and mass atrocities run rampant. This is a lesson that the world has learned in the past and cannot afford to forget."

In addition to his responsibilities with the Holocaust Memorial Council, Miles Lerman serves as a member of the Advisory Board of the President's Commission on the Holocaust. Prior to his appointment to lead the Council, Mr. Lerman directed its International Relations Committee and served as National Chairman of the Campaign to Remember. During the Holocaust, he fought as a partisan in the forests of southern Poland. He and his wife, Chris, a survivor of Auschwitz, rebuilt their lives in the United States. They have two children.

Mr. Speaker, I submit the full text of Mr. Lerman's address to the Days of Remembrance ceremony to be placed in the CONGRESSIONAL RECORD.

REMARKS BY MILES LERMAN, DAYS OF REMEMBRANCE

The greatness of the United States of America rests on the fact that America and its people have the courage to acknowledge its mistakes of the past and draw lessons for the future. This virtue is reflected in today's program.

The theme of today's commemoration is to remember the *St. Louis*, a ship with more than 900 Jewish refugees who were promised safe harbor in Cuba but as the ship approached Havana, their entry visas were rejected. The desperate pleas of the passengers not to be sent back to Germany and to be granted temporary entry to the United States fell on deaf ears.

When all pleas were exhausted, the *St. Louis* with its passengers had to return to Europe where many of them eventually perished in the Holocaust.

Very few countries in the World would lend their national rotunda to recall a moment in their nation's history, which should have been different than it was.

This is what makes America the great country that it is because it understands that nations must have the strength to come to terms with their own history.

America clearly understands that if it is to be the world leader among nations, it must lead the way in acknowledging its own shortcomings. It must be the first among nations to acknowledge the fact that standing by idly while genocidal crimes are being committed, is tantamount to being a partner to these crimes.

When we look back to the early years of Hitler's rise to power, it becomes clear that had the leaders of the Western nations of those days been more decisive in their actions, the outcome of history could have been quite different.

These are facts that the world can never forget.

Remembering the tragic lessons of the past can only have meaning if we apply these lessons to today and to the future.

It is encouraging to know that our nation remembers the wrongs of yesteryear and is leading the way in finding solutions to injustices that have been lingering on for over 50 years.

Last December, the State Department jointly with the United States Holocaust Memorial Council, co-chaired an International Conference on Holocaust-era assets.

Forty-four nations participated in this Conference, which produced very encouraging results. These results can be attributed to the fact that the U.S. Government has set the tone by creating a Presidential Advisory Commission on Holocaust Assets in the United States. This Commission was charged by the President to explore whether all U.S. agencies have acted judiciously regarding the restitution of all Nazi-era assets to the rightful owners.

This Presidential Commission is hard at work to ensure that just and legal procedures will be applied to all cases at hand and

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

will not rest until a proper resolution is found.

However, it is essential that we bear in mind that no matter how important it is to deal with the material issues and find a way to compensate the rightful owners for what is justly theirs, the last word on the Holocaust cannot be bank accounts or insurance policies.

The last word on the Holocaust must be remembrance and an ongoing process of Holocaust education.

We must create a global educational initiative—a process that will serve as a lesson and a warning to future generations to the dangers of racism, xenophobia and indifference.

The Holocaust Memorial Museum and its Center for Advanced Holocaust Studies stands ready to lend its expertise in this field and we hope to be one of the leading factors in implementing a worldwide educational network on all levels, ranging from middle schools to graduate schools.

So as America remembers the *St. Louis*, America is saying to the world, we too are not totally free of some guilt. In the early years, we had an opportunity to set examples, which we did not set.

These are facts from which we must draw lessons for the future.

We remember this unfortunate event of sixty years ago, not for the purpose of chastising ourselves but to learn from it. If we want a better world for tomorrow, we must look back and remember the past. Today, as we remember the victims of the *St. Louis* and all of the eventual victims of the Holocaust, we have a better understanding why we are in Kosovo and why the free world cannot afford to stand with their hands folded while murder and mass atrocities run rampant. This is a lesson that the world has learned in the past and cannot afford to forget.

CONGRATULATING GARRET DYKHOUSE ON HIS SERVICE TO THE CHRISTIAN HEALTH CARE CENTER

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mrs. ROUKEMA. Mr. Speaker, I rise to congratulate Garret Dykhouse on his nine years of service as a member of the Board of Trustees of the Christian Health Care Center in Wyckoff, New Jersey. Gary, as he is known to his countless friends, is one of the most dedicated public individuals in the field of health care. He is stepping down after serving the past four years as chairman of the board. His inspirational leadership will be missed, but his many accomplishments will never be forgotten.

The Christian Health Care Center is a not-for-profit organization that has been serving the elderly and mentally ill for the past 88 years. Mr. Dykhouse has led the center in maintaining the highest level of devotion to the provision of quality care to the center's patients. Guiding a joint effort of the governing body and staff, he developed a comprehensive mission and vision statement that will guide the center into the next century. His efforts have allowed the center to continue to grow and expand its ability to assist the most vulnerable individuals among the elderly and mentally ill in the communities the center services.

In addition to the intangible qualities of leadership, Mr. Dykhouse has supervised the creation of a number of very real, "bricks and mortar" projects for the center. Among them have been Evergreen Court, a 40-unit supportive housing facility for low and moderate income seniors; Southgate, a specialized long-term care program for adult dementia patients who require more care than a nursing home can provide but do not need to be in a psychiatric hospital; and the soon-to-open The Longview, the first non-profit assisted living residence in Bergen County. In addition, the center's Heritage Manor nursing home has received a perfect score from the state Department of Health and Senior Services, while the Ramapo Ridge Psychiatric Hospital has seen its accreditation rise to the level of "accreditation with commendation." It is important to note that all of these accomplishments have come while Mr. Dykhouse has served above and beyond the call of duty as a member of the Board of Trustees.

In addition to his work at the Christian Health Care Center, Mr. Dykhouse and his wife, Raeann, are long-standing volunteers with the American Red Cross. Mrs. Dykhouse's work with the Red Cross began in 1984 in response to a call for volunteers to aid flood victims in Wayne. Five years later, both she and Mr. Dykhouse officially enlisted in the National Disaster Program. They regularly travel to the sites of natural disasters throughout New Jersey and across the United States to assist with relief efforts—including fires, floods, earthquakes, tornadoes and ice storms—often for weeks at a time. In fact, they were honored earlier this month as "Outstanding Community Volunteers" by the Bergen Crossroads Chapter of the Red Cross.

Mr. and Mrs. Dykhouse have also been members of the Wyckoff Volunteer Ambulance Corps, holding every officer's position in the corps between the two of them. They are very active members of Faith Community Christian Reformed Church in Wyckoff. Mr. Dykhouse has also been a member of the Board at the Eastern Children's Retreat in Wyckoff and the Eastern Christian School Association in North Haledon.

Aside from his volunteer activities, Mr. Dykhouse spent 41 years with the Royal Insurance Co. before his retirement in 1989 as a top executive. He is a graduate of the College of Insurance in New York, and taught insurance both there and at Seton Hall University. He is a former chairman of the Inland Marine Underwriters Association and a member of numerous other insurance trade associations. He and Mrs. Dykhouse have three sons, David, Larry and Tom, and 11 grandchildren.

Mr. Dykhouse is truly an inspiring example of volunteer efforts that are totally unselfish and completely devoted to improving the lives of others. Mr. Dykhouse lives his life in a manner that reflects his obedience to the Lord's command to "love your neighbor as you love yourself." I ask my colleagues in the House of Representatives to join me in offering our thanks and congratulations to this extraordinary gentleman.

CONGRATULATIONS TO GORDON MURCHIE

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate the 1998 Virginia Wine Industry Person of the Year, Gordon Murchie. This honor was bestowed upon Mr. Murchie by the Virginia Winegrowers Advisory Board. Murchie holds several key positions including the Presidency of the Vinifera Wine Growers Association and the Executive Director position for the Licensed Beverage Information Council. Murchie tirelessly promotes the Virginia wine industry around the world. He is only the second East Coast wine industry individual to ever receive the coveted ranking of Supreme Knight by the Brotherhood of the Knights of the Vine. He organizes and manages many state and regional wine events including the Annual Virginia Wine Competition and festival in Northern Virginia which is one of the oldest running wine festivals on the East Coast.

Murchie regularly conducts wine tasting of award-winning Virginia wines in California and other locations for wine enthusiasts and trade people. He also has conducted similar wine presentations at major U.S. Chamber of Commerce meetings and at U.S. Congressional receptions.

As the former Executive Director of the National Wine Coalition, trade association umbrella for the U.S. wine industry, he served as an industry liaison and lobbyist during four sessions of the U.S. Congress, as well as organizing the first nationwide wine issues forum focusing on health and wine which contributed to the overall industry effort to gain national recognition of the potential health benefits of responsible, moderate consumption.

"Gordon's contributions to the Virginia wine industry has been invaluable," said Virginia Winegrowers Advisory Board Chairman Doug Flemer. "Our industry is fortunate to have such an individual with his expertise and experience working on our behalf," added Flemer.

Additionally, Murchie serves as a wine consultant and provides guidance and advice to Virginia wineries. He also acts as consultant for the very successful Mount Vernon wine festival, now in its third year.

He is nationally considered an authority on many subjects relating to wine and is a frequent guest lecturer for groups on topics such as "The History of the Virginia Wine Industry." Murchie is often selected to lead U.S. viticulture and enology delegations to international wine growing regions such as the People's Republic of China, South Africa, Australia, Argentina and Chile.

Given Murchie's extensive U.S. Foreign Service background and his experience in international diplomacy, it is natural that he has chosen to pursue the Jeffersonian dream of promoting an American wine industry.

The Virginia Wine Industry Person of the Year award annually recognizes outstanding contributions to the industry. This year's award was presented to Murchie at the Virginia Wine Honors at the Library of Virginia in downtown Richmond.

Mr. Speaker, I rise today to congratulate Gordon Murchie, Virginia Wine Industry Person of the Year. I applaud the invaluable contributions he has made to the American wine industry. I ask my colleagues to join me in wishing Gordon Murchie many more years of success.

TRIBUTE TO STEVEN JAY FOGEL

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to Mr. Steven J. Fogel, for his contributions to the Jewish community.

The Talmud states, "He who does charity and justice is as if he had filled the whole world with kindness." Stephen S. Wise Temple has recognized Steven for his many accomplishments in the Jewish community. I commend Steven for selflessly devoting his time and his efforts. He helps enrich us with his zeal for life and his determination to better our community.

Aside from his achievements as president of Stephen S. Wise, Steven has made his mark in other aspects. He worked his way through college as a professional photographer, first at USC and then as a graduate student at the Anderson School of Business at UCLA.

In 1967, he co-founded Westwood Financial Corp., which owns and operates over 125 shopping centers. In addition to writing three published books, Steven is a self-taught artist, with over fifty portraits in private collections.

Along with his devoted service to the community, Steven and his wife, Darlene, have maintained an unwavering commitment to their family. They have raised their four children in a Jewish home which is compassionate, accepting, moral and intellectually alive.

Mr. Speaker, distinguished colleagues, please join me in honoring Steven J. Fogel for his past, present, and future achievements for both the Jewish community and the community at large.

KOSOVO AND SOUTHWEST ASIA EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT, 1999

SPEECH OF

HON. RONNIE SHOWS

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 6, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1664) making emergency supplemental appropriations for military operations, refugee relief, and humanitarian assistance relating to the conflict in Kosovo, and for military operations in Southwest Asia for the fiscal year ending September 30, 1999, and for other purposes:

Mr. SHOWS. Mr. Chairman, today I stand before my colleagues and the American people to discuss the American Farmer. I stand before you to urge quick and complete passage of the emergency supplemental bill for America's farm families.

My district, in Mississippi, is largely supported by agriculture. Family farmers, and might I add I was once a farmer, are our neighbors, friends, and community leaders. They provide a foundation of sound American values and a strong work ethic to communities all across our nation. When you get right down to it, they are good people who work real hard to make a living and raise their families.

There's more, much more, to say about our farmers, though. The American family farmer is the most successful and efficient farmer in the world. Our agricultural industry feeds and clothes more people than any other system of agriculture on the planet. The American farmer is one of America's greatest success stories. They have excelled through the best and worst of times.

Our farmers fed a hungry nation during the Great Depression, sustained our great army during World War II. And, when the soldiers came home, our farmers went to work with new and dynamic technologies and machinery. They have helped feed, clothe, fuel, and grow our economy without ever looking back.

We can not turn our backs on our farmers when they need our help. We can not afford to.

Our farmers and ranchers are feeling financial and emotional stress. Prices of commodities have been spiraling downward over the past year. Many of our farm families have seen prices for their hard work hit decade lows over the recent months. We must act now to support our American farm families. And, we can not allow nonfarm related issues cloud the language of the serious request.

It has been 2 months since the supplemental spending request was submitted to Congress seeking emergency assistance to our farmers. Two months . . . It is now time for farmers to plant their crops and no action has been taken to get this crucial money to the farm community. The money is sorely needed. USDA loan funds are running dry as the farm crisis has created four times the normal demand for farm loan programs.

I can not attempt to describe how important this money is to farm families across Mississippi and, indeed, across America.

Since this supplemental spending request was made, over 8,000 applications for loans from farmers have been received. The American people must understand how important . . . how crucial the need is out there for our farmers. This isn't play money. Farmers need money to farm.

Let's pass this legislation and support our farm families today. Let's support our farmers because they support us everyday.

ADDRESS OF LENNY BEN-DAVID, DEPUTY CHIEF OF MISSION AT THE EMBASSY OF ISRAEL, AT THE NATIONAL CIVIC COMMEMORATION OF THE DAYS OF REMEMBRANCE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. LANTOS. Mr. Speaker, on Tuesday, April 13, Members of Congress joined with representatives of the diplomatic corps, executive and judicial branch officials, and Holocaust survivors and their families to commemorate the National Days of Remembrance in the Rotunda of the United States Capitol.

The ceremony coincided with the 60th anniversary of the voyage of the SS *St. Louis*, which set sail from Germany in April 1939, carrying more than 900 Jews away from Nazi terror. Denied entry to both Cuba and the United States, the *St. Louis* was forced to send its frightened passengers back to Europe just months before the onset of World War II. Many of them were eventually murdered in Auschwitz, Treblinka, and other death camps of Hitler's Holocaust.

While we cannot rectify the wrongs of generations ago, we can apply the lesson of the *St. Louis* to the crises of today. In the Europe of 1999, innocent civilians are once again being deported, abused, raped and murdered. While the scale of Serbian atrocities in Kosovo does not approach the enormity of the Holocaust, the precedent that would be set by ignoring this ethnic cleansing cannot be tolerated.

Lenny Ben-David, the Deputy Chief of Mission at the Embassy of Israel, reminded us of our moral responsibility at the Days of Remembrance ceremony. He quoted the sage advice of the late Rabbi Yosef Dov Soloveitchik: "The function of the halachic (righteous) man is to redress the grievances of those who are abandoned and alone, to protect the dignity of the poor and to save the oppressed from his oppressor." Mr. Speaker, this is true now more than ever.

Lenny Ben-David was appointed Deputy Chief of Mission at the Embassy of Israel by Prime Minister Benjamin Netanyahu in 1997. Prior to this appointment, Mr. Ben-David served as an independent consultant on public and political affairs. He held senior posts in the American Israel Public Affairs Committee (AIPAC) for 25 years, opening and directing AIPAC's office in Israel for almost 15 years. Mr. Ben-David is a graduate of Yeshiva University in New York. He received a Masters degree in Political Science from the American University in Washington, D.C. He and his wife, Rochelle Black, have six children.

Mr. Speaker, I submit the full text of Mr. Ben-David's address at the Days of Remembrance ceremony to be printed in the CONGRESSIONAL RECORD.

DAYS OF REMEMBRANCE PROGRAM, U.S. CAPITOL ROTUNDA, APRIL 13, 1999

(Remarks by Lenny Ben-David, Deputy Chief of Mission, Embassy of Israel)

Ever since I heard of today's theme (The S.S. St. Louis), I have been obsessed with the thoughts of ships.

First, the St. Louis, with more than 900 Jews, including children. We are told that little children on board played a game: they formed a barricade from the deck chairs. Two children served as guards and other children sought permission to pass.

"Are you a Jew?" asked the child guard.

"Yes," was the other child's reply.

"Jews are not allowed to pass," the guard responded.

"Oh please let me in. I am only a very little Jew."

Little or big, Jews on that ship never disembarked in Cuba or America.

A few years later, another ship was fitted up in the Baltimore harbor. Ultimately it became known as the Exodus. Loaded with 4,500 survivors, this boat could not deliver its human cargo to the shores of Eretz Yisrael in 1947. Like the passengers on the St. Louis, they too were forced to return to the countries from which they had fled. Thank God, for their sake, the Nazis had been defeated, but anti-Semitism was not. Jews could still not disembark from a sinking ghost ship called Europe. Pogroms were still taking place.

Finally in May 1948, safe haven was secured when Israel was founded.

I am reminded of another boat. Some 30 years later, another ship full of refugees was floundering in the China Sea. Vietnamese refugees, starving and thirsty, they were picked up by an Israeli ship. In his first official act in office, Prime Minister Menachem Begin ordered that they be given haven in Israel.

And other ships come to mind: Small boats smuggling the precious cargo of Jews from North Africa. Some never made it. Missile boats of the Israeli Navy quietly sailing up to the shores of Africa in the dead of night to take the Jews of Ethiopia home, a journey of hundreds of miles and hundreds of years of culture. Later, the air ships would fly the Ethiopians to Israel by the thousands as they did their Yemenite brothers and sisters 40 years earlier.

Today, the ships of the air continue to fly, loaded with Jews from Moscow and Minsk, Bucharest and Bukhara, Kiev and St. Petersburg. In recent weeks, they have been arriving from Belgrade and Kosovo, too. As Israel has been a haven to Jews, so it has also been, in its small way, a haven to Moslem refugees from Bosnia and Kosovo.

Ladies and gentlemen, I am reminded of one other boat. The ship's log is found in the Tanach, the Jewish Bible, "The Lord then hurled a furious wind upon the sea; there was a heavy storm at sea, and the ship was about to be broken up. The sailors were frightened, each cried to his own god and they threw overboard the cargo that was in the ship in order to lighten it; but Jonah had gone down below deck and was lying fast asleep." Later, when they cast lots, and the lot fell upon Jonah, the ship's crew turned to Jonah and asked, "What have you done?! They knew that Jonah was running away from the Lord's presence."

Friends, Jonah could not run away from his duties, and he realized after experiencing the dark and dank belly of the great fish, that you could try to run from your responsibilities even to the depths of the ocean, but you cannot hide. That is why the book of Jonah is traditionally read in synagogues on Yom Kippur.

The late contemporary sage, Rabbi Yosef Dov Soloveitchik, would quote his grandfather, Rabbi Chaim of Brisk: "The function of the halachic (righteous) man is to redress the grievances of those who are abandoned and alone, to protect the dignity of the poor and to save the oppressed from the hands of his oppressor."

Yes, that is how we can and must avoid the moral shipwreck caused by apathy and indifference, and bring humankind to safe port. Thank you.

BENJAMIN MEED SPEECH ON THE DAYS OF REMEMBRANCE

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mrs. MALONEY of New York. Mr. Speaker, I would like to share with my colleagues the remarks of Mr. Benjamin Meed who recently gave an exceptionally moving speech about Yom Hashoah, The Days of Remembrance, at Congregation Emanu-El in my district in New York City. Mr. Meed is Chairman of both The Warsaw Ghetto Resistance Organization (WAGRO) and The Days of Remembrance Committee, United States Holocaust Memorial Council. He is also the President of the American Gathering of Jewish Holocaust Survivors. Mr. Meed is a champion of humanitarian causes around the world.

Tribute to the Six Million Jewish Martyrs—56th Anniversary of the Warsaw Ghetto Uprising

Today, Jews gather to pay tribute to the memory of our Six Million brothers and sisters murdered only because they were Jewish; We gather to honor the fighters of the Warsaw Ghetto; to grieve; and to continue asking the questions: Why did it happen? How could the civilized world allow it to happen? Why were we so abandoned? Six million times, why?

This year's national Days of Remembrance theme is dedicated to the voyage of the SS St. Louis. It is a story of refuge denied; it is a tale of international abandonment and betrayal. Why were they refused entry into this country? How can we ever understand why this was allowed to happen? Today, it is inconceivable to us just how that ship in those days was turned away.

Today 54 years ago the American soldiers came across Nazi Germany slave labor camps and liberated Buchenwald and saved many of us who are here present today. Our gratitude will remain with us forever. We will always remain grateful to these soldiers for their kindness and generosity, and we will always remember those young soldiers who sacrificed their lives to bring us liberty.

Today, wherever Jews live—from Antwerp to Melbourne, from Jerusalem to Buenos Aires, from New York to Budapest—we come together to remember to say Kadish collectively.

Remembering the Holocaust is now a part of the Jewish calendar. We are together in our dedication to Memory and our aspiration for peace and brotherhood. Yom Hashoah, the Days of Remembrance, time to collectively bear witness as a community.

And what lessons did we derive from these horrible experiences? The most important lesson is obvious—it can happen again the impossible is possible again. Ethnic cleansing, genocide, is happening as I speak. It can happen to any one or any group of people. The slaughter in Kosovo and in other places must be brought to an end.

Should there be another Holocaust, it may be on a cosmic scale. How can we prevent it? All of us must remain vigilant—always aware, always on guard against those who are determined to destroy innocent human life for no other reason than birthright.

It is vital that we remember; it is our commitment to those who perished, and to each other; a commitment taken up by our children and, hopefully, by the generations to come. What we remember is gruesome and painful. But remember we must. Over the years, we have tried to make certain that what happened to us was communicated and continues to be told, and retold, until it becomes an inseparable part of the world's conscience.

And yet, some fifty years after the Holocaust, we continue to be repulsed by revelations about the enormity of the crimes against our people. And we are shocked to learn of the behavior of those who could have helped us, or at least, not hurt us, but who, instead, actually helped those whose goal was to wipe us out. Sadly, many of those who claimed they were neutral were actually involved with the German Nazis. They were anything but not neutral.

The world has now learned that the Holocaust was not only the greatest murder of humanity, the greatest crime against humanity, but also the greatest robbery in the history of mankind. Driven from our homes, stripped of family heirlooms—indeed of all our possessions—the German Nazis and their collaborators took anything that was or could be of value for recycling. They stole from the living and even defiled the Jewish dead, tearing out gold fillings and cutting off fingers to recover wedding bands from our loved ones who they had murdered.

But the German Nazis did not—could not—do it alone. The same people who now offer reasonable sounding justifications for their conduct during the Holocaust were, in those darkest of times, more than eager to profit from the German war against the Jews.

None of the so-called "neutral" nations has fully assumed responsibility for its conduct during the Holocaust. The bankers, brokers, and business people who helped Nazi Germany now offer some money to survivors, but they say little about their collaboration. They utter not a word about how they sent fleeing Jews back to the German Nazi's machinery of destruction, nor about how they supported the Nazis in other ways—no admission of guilt; no regret; no expression of moral responsibility.

We must guard against dangerous, unintended consequences arising from all that is going on now. Hopefully, family properties and other valuables will be returned to their rightful owners. But the blinding glitter of gold—the unrealistic expectations created by all the international publicity—has diverted attention from the evil which was the Holocaust.

For five decades, we survivors vowed that what happened to our loved ones would be remembered and that our experiences would serve as a warning to future generations. We must continue to make sure that the images of gold bars wrapped in yellow Stars of David do not overshadow the impressions of a mother protecting her daughter with her coat, upon which a Star of David is sewn, or of a young boy desperately clutching his father's hand a Auschwitz/Birkenau before entering the gas chambers.

The search for lost and stolen Jewish-owned assets has generated enormous publicity and excitement, but it also has created serious concerns. Gold, bank accounts, insurance policies and other assets have become the focal point of the Holocaust. That somehow minimizes Germany's murderous role.

Great care must be taken to find a balance. The various investigations must continue to uncover the hidden or little publicized truths about the so-called neutral countries that collaborated, and to recover what rightfully belongs to the victims, survivors and their families.

The focus should never be shifted from the moral and financial responsibility of Germany for the slaughter of our people—acts for which there is no statute of limitations, acts for which Germany remains eternally responsible. Our books should not and cannot be closed.

Let us Remember.

PERSONAL EXPLANATION

HON. ALBERT RUSSELL WYNN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. WYNN. Mr. Speaker, I missed rollcall vote No. 97 and subsequent votes due to a bout with pneumonia that resulted in a stay in the hospital. I have listed each missed vote below and how I would have voted on each measure had I been present.

Rollcall votes: No. 97 "yes"; No. 98 "yes"; No. 99 "no"; No. 100 "no"; No. 101 "no"; No. 102 "no"; No. 103 "yes"; No. 104 "yes"; No. 105 "yes"; No. 106 "yes"; No. 107 "yes"; No. 108 "yes"; No. 109 "yes"; No. 110 "no"; No. 111 "yes"; No. 112 "no"; No. 113 "yes"; No. 114 "no"; No. 115 "yes"; No. 116 "no"; No. 117 "no"; No. 118 "yes"; No. 119 "no"; No. 120 "yes".

26TH ANNUAL HANK STRAM-TONY ZALE SPORTS AWARD BANQUET

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. VISCLOSKY. Mr. Speaker, it is my distinct pleasure to announce that the Silver Bell Club, Lodge 2365 of the Polish National Alliance of the United States, will be hosting the 26th Annual Hank Stram-Tony Zale Sports Award Banquet on May 17, 1999, at the Radisson Hotel in Merrillville, Indiana. Twenty outstanding Northwest Indiana High School athletes will be honored at this notable event for their dedication and hard work. These outstanding students were chosen to receive the award by their respective schools on the basis of academic and athletic achievement. All proceeds from this event will go toward a scholarship fund to be awarded to local students.

This year's Hank Stram-Tony Zale Award recipients include: Tiffany Crawford of Chesterton High School; Analisa Dziedziejko of Valparaiso High School; Dana Gombus of Merrillville High School; Laura Jelski of Highland High School; Kevin Krajewski of Crown Point High School; Matt Kubiak of Wheeler High School; Andrius Malinauskas of Hammond High School; Mike McGinley of Lake Station High School; Troy Mezera of River Forest High School; Karen Saliga of Hammond Clark High School; Mary Samreta of Hobart High School; Todd Smolinski of Lake Central High School; Jeremy Stockwell of Andrean High School; Christopher Trojnar of Bishop Noll High School; Justin Valentine of Lowell High School; David Verta of Whiting High School; Joshua Wyant of Boone Grove High School; Robert Yamtich of Munster High School; Laura Zagrocki of Griffith High School; and Jeff Zeha of Portage High School.

The featured speaker at this gala event will be Mr. Paul Hornung. Mr. Hornung is a former football player from Notre Dame University and is known as the original "Golden Boy." He received the Heisman Trophy in 1956 and is a former NFL player for the Green Bay Packers. He was a star player for the Packers in a variety of positions for many years.

Hank Stram, one of the most successful coaches in professional football history, will also be in attendance at this memorable event. Hank was raised in Gary, Indiana, and graduated from Lew Wallace High School where he played football, basketball, baseball, and ran track. While attending college at Purdue University in West Lafayette, Hank won four letters in baseball and three letters in football. During his senior year he received the Big Ten Medal, which is awarded to the conference athlete who best combines athletic and academic success. After college Hank entered the NFL, where he became best noted for coaching the Kansas City Chiefs to a Super Bowl victory in 1970.

Mr. Speaker, I ask you and my distinguished colleagues to join me in commending the Silver Bell Club, Lodge 2365 of the Polish National Alliance of the United States, for hosting this celebration of success in sports and academics. The effort of all those involved in planning this worthwhile event is indicative of their devotion to the very gifted young people in Indiana's First Congressional District.

CONGRATULATING NORTHWEST BERGEN CENTRAL DISPATCH ON ACCREDITATION

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mrs. ROUKEMA. Mr. Speaker, I rise to congratulate the Northwest Bergen Central Dispatch center on becoming the first public safety communications facility in the nation to receive the prestigious new Certificate of Public Safety Communications Accreditation from the Commission on Accreditation for Law Enforcement Agencies. This accreditation is national recognition of the highly professional standards employed at NBCD. The fact that it is the first facility in the nation to receive this rating is a special honor for this team of life-saving public safety professionals.

Police, fire and ambulance services—with the life-saving assistance they bring—are an essential part of our daily lives. And when those services are needed, they are always needed immediately. That is why it is vitally important that public safety agencies have communications facilities that are efficient and reliable. When a citizen makes a 911 call in an emergency, that call absolutely must go through, be answered and be responded to appropriately—with exceptions or excuses. With a facility like NBCD, residents of northwestern Bergen County can rest assured that will be the case.

Established in 1994, NBCD provides 911 and general public safety communications services for the municipalities of Ridgewood, Glen Rock, Franklin Lakes, Ramsey and Oakland in Bergen County, New Jersey. The communications center is located in Ridgewood and features a computer-aided dispatch system, touch-screen radios and an enhanced 911 system. Laptop computers are being installed in police, fire and ambulance vehicles to better link them with dispatchers. The nine full-time and 15 part-time employees work in a modern, four-position communications room. Administrative offices, training and meeting areas, equipment rooms and support facilities complete the center. The entire facility is equipped with emergency electrical generators to keep it operating in the event of power failure. The center currently handles more than 125,000 telephone calls annually. It was designed with expansion in mind and could be enlarged to handle additional services or municipalities.

The goal of accreditation is to improve the delivery of public safety services, to improve the communications services that assist public safety officers, and to offer standards by which organizations' effectiveness and efficiency can be objectively reviewed and improved. To receive accreditation, NBCD had to comply with more than 200 standards set by the commission. A team of commission officials visited the site to verify compliance. In the team's report, officials said, "Northwest Bergen Central Dispatch has set the benchmark by which communications centers across the United States * * * must now be measured."

Special recognition is in order for NBCD Manager Robert Greenlaw and his dispatchers for their dedication and hard work. Public safety dispatchers are the public's first contact with the police, fire department or ambulance service in time of emergency. They must possess the ability to remain calm and reassuring while rapidly evaluating the situation and directing help.

Police officers, firefighters and ambulance workers are justifiably known to and given credit by the public. But almost every emergency call begins with a 911 call to a communications dispatch center. Without these hard-working, highly trained and dedicated men and women, our streets would not be as safe as they are today. I ask my colleagues in the House of Representatives to join me in congratulating Northwestern Bergen Central Dispatch on achieving this accreditation, and on the hard work it took to meet the standards involved.

RECOGNIZING KIM PEEK

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Kim Peek. Kim was the inspiration for screen writer Barry Morrow's

1988 Oscar-winning movie "Rain Man." Though the movie plot is not about Kim's life, Kim was the original inspiration for the title character.

Kim is a unique person. He was diagnosed as a megasavant born with fetal brain damage which affected his motor sensors. Kim is termed a megasavant because of his knowledge of remarkably diverse subject information and total recall capabilities of almost everything he has read since he was three-years old.

Since March of 1989, when the movie "Rain Man" received four Oscars, Kim and his father Fran have traveled throughout the United States taking their message to those who will listen. Kim's message is "Learn to recognize and respect differences in others, and treat them as you would like them to treat you. This will help give us the kind of world we hope for. Share, care, be your best!"

Kim has been featured on numerous television stations nationwide and in more than 430 newspaper articles. He has been on ABC's 20/20 and on Good Morning America. His story has been broadcast in nearly every state in the United States, as well as South Africa, Australia, England, and Japan.

Mr. Speaker, I rise today to recognize Kim Peek for his uniqueness, and for his contribution to society. I urge my colleagues to join me in wishing Kim and his father many more years of continued success.

TRIBUTE TO DOROTHY AND OZZIE GOREN AND THEIR FAMILY

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to Dorothy and Ozzie Goren and their family for their outstanding contributions to the Jewish community and the community at large for many decades.

The Talmud states that "He who does charity and justice is as if he had filled the whole world with kindness." The Jewish Family Service has recognized the Goren family for their exceptional commitment others that has done much to improve the quality of life in our community. Their philanthropy sets an example for us all.

Dorothy's dedication to the Jewish Federation began on a mission in 1962. Since then, she has served as chair of the Women's Division Campaign, president of the Western Region, and was the first woman to chair the UJF campaign. She has also served as a past president of the Jewish Federation and continues her service as an active board member on all key committees.

Ozzie has also been very committed to the Jewish community. In addition to serving as president of the Jewish Federation, he has also chaired the UJF campaign. His dedication surpasses the Jewish community with his efforts on issues such as human relations and civil rights.

Both Dorothy and Ozzie have passed these values on to their children. Jerry and Julia are helping to reform the criminal justice system and education. Carol and her husband, Ron Corn, volunteer their time in an array of organizations in the Denver community. Bruce and his wife, Susie, are volunteers in the Los Angeles Community.

Mr. Speaker, distinguished colleagues, please join me in honoring Dorothy and Ozzie Goren and their family. They are true role models for the citizens of Los Angeles.

IN HONOR OF THE GREEK AMERICAN HOME OWNERS ASSOCIATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay tribute to the Greek American Home Owners Association on the occasion of the organization's dinner dance.

I rise to bring to the attention of my colleagues an outstanding organization, the Greek American Home Owners. This organization was established 21 years ago to help the homeowners in the area. Its members include new homeowners and multi-dwelling owners.

The organization has consistently striven to meet the needs of the community. Monthly guests speakers from the city, state and federal governments speak on relevant issues. I have enjoyed being one of their speakers. The issues that are discussed relate to the fundamental needs of the community, rents, water meters, citizenship, and more. The meetings are open to the community and not restricted to members only.

Annually they serve over 500 people at the annual Thanksgiving Dinner. They also send out 225 dinners to those who are unable to attend and give 85 turkeys to needy families.

All of these activities are housed in the Greek American Home Owners building located at 23–49 31st Street in Astoria, Queens. The purchase of this building required many monetary contributions and a great deal of work.

On March 20, 1999, the organization wishes to honor the individuals who placed the first bricks of that building: Athanasios Alafogianns, George Alexandrakos, George Alexiou, John Alexiou, William Boutsalis, Athena Bubaris, Triantafilos Golfinopolous, George Katsigianis, James Korakis, Nick Karamatzanis, Dimitrios Karvelis, Irene Ladas, Steve Lagoudis, James Langas, John Lymberis, Kyriakos Michaelides, Nick Michaltos, Aristidis Markos, John Millas, George Moustakos, Demetrios Politis, Theodoros Panagiotakopoulos, Tom Papachristos, Panagiotis Pliakas, George Poulakas, Stavros Pyrovolikos, Dino Rallis, James Spahidakis, Pete Stathatos, George Stavroulakis, Dennis Syntilas, Marina Tsokanos, Antonios Vasilopoulos and Nikitas Vlachos.

Mr. Speaker, I ask that my colleagues rise with me in this tribute to the Greek American Home Owners Association and to all of these founders who established the Greek American Home Owners Association.

NASA GODDARD SPACE FLIGHT CENTER—40 YEARS OF EXCELLENCE

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. HOYER. Mr. Speaker, I rise today to honor Goddard Space Flight Center on its 40th anniversary. Established in 1959, Goddard has played a vital role in furthering the goals of our space program. Whether in the field of Earth science, space or space communication, Goddard is a leader in furthering our knowledge and understanding of the last frontier.

Named after Dr. Robert H. Goddard, a pioneer in rocket research, the center employs some of the world's most renowned scientists and engineers. Located on 1,270 acres in Greenbelt, Maryland, Goddard is a major employer in Prince George's County with almost 12,000 civilian and contractor employees.

Through the years, Goddard has been a leader in many of NASA's most successful programs. Beginning in 1959 as the project manager for Explorer VI, Goddard's scientists beamed down the first images of the Earth for the world to see. Since that historic mission, Goddard has gone on to lead projects like studying aspects of the Earth's environment through the Earth Science Enterprise. By linking together the data of various satellites, the program has been able to monitor land-surface, biosphere, atmosphere and oceans. Joint projects like the Total Ozone Mapping Spectrometer, coordinated with the National Oceanic and Atmospheric Administration, are providing important information on the expanse of the Antarctic ozone hole. And Goddard is working with Japanese scientists from the Japanese National Space Developmental Agency to measure tropical and subtropical rainfall through the Tropical Rainfall Measuring Mission. Goddard is also home to the Space Telescope Operations Control Center, the command center for the Hubble Space Telescope. Not only did Goddard project managers and engineers play a major role in designing the telescope, but they continue to provide expertise in serving Hubble and providing round-the-clock monitoring of the telescope's images and data.

I am proud to have played a role in working with the Maryland congressional delegation and members of the Goddard community in saving the center from closure in 1996. The work that Goddard personnel perform benefits every American and nations around the globe. I look forward to continuing to work with the Goddard community to promote and protect its vital interests and the region's space and technology industries.

Goddard's forty-first year of operation is certain to produce new and exciting advances in space and earth science. Several launches of Goddard programs are planned this year. The GOES–L meteorological satellite will allow meteorologists to improve local forecasts while the FUSE satellite, in collaboration with Johns Hopkins University, will explore the Universe through high-resolution spectroscopy.

I congratulate Goddard Space Flight Center on its leadership not only in space technology and science, but as a leader in the community as well. Whether through educational programs to area schools and universities or through outreach to Goddard's contracting community through the Goddard Alliance, Goddard is an incredible asset to Maryland, our Nation, and world-wide.

Congratulations on forty years of excellence and best wishes for the future.

HONORING WILLIAM GOLTZ

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. HOEFFEL. Mr. Speaker, I am here to recognize and honor Scout William Goltz of North Wales, PA. He is the recipient of the 1999 Boy Scout Heroism Award. This award recognizes a Scout for showing skill and heroism for saving or attempting to save a life.

Last year, Scout William Goltz was the first at the scene where a man had a heart attack. Without hesitation he began CPR, which he performed tirelessly until paramedics arrived. CPR continued in the ambulance. In spite of Scout Goltz's efforts, the man later died. William instinctively took charge of the situation and followed his training, but the damage to the stranger's heart was too severe. It should be noted that Scout Goltz was 15 at the time.

I am proud to recognize Mr. William Goltz.

REPORT FROM PENNSYLVANIA—TRIBUTE TO MARGUERITE TREMAINE

HON. PATRICK J. TOOMEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. TOOMEY. Mr. Speaker, today I would like to share my Report from Pennsylvania with my colleagues and the American people. Today, I would like to highlight the lifelong efforts of a remarkable woman.

On June 4th of this year, Marguerite Tremaine of Hellertown, PA, will turn 100 years old. In reaching her centennial birthday, she has made so many rich contributions to others along the way.

Just like so many of us, her family is her most cherished gift. She'll often boast about her nine grandchildren and 13 great-grandchildren.

Additionally, her gift of writing poetry has been enjoyed and taken up by so many in her family.

As my wife, Kris, and I travel across the 15th District, we meet so many remarkable people. Their stories have truly touched our lives.

The life story of Marguerite Tremaine has touched our hearts.

This concludes my Report from Pennsylvania.

ACHIEVEMENT OF THE GOVERNOR'S SCHOOL AT THE WE THE PEOPLE . . . NATIONAL FINALS

HON. TOM BLILEY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. BLILEY. Mr. Speaker, I rise today to commend the outstanding performance of the students at the Governor's School for Governmental and International Studies in Richmond, VA, in the We the People . . . the Citizen and the Constitution national finals held May 1–3, 1999 in Washington, DC.

After successfully competing against other students from Virginia and winning the Virginia State finals, these students went on to win honorable mention as a top ten finalist in the We the People . . . The Citizen and the Constitution. This is the first time a school from Virginia placed in the top ten.

These bright and talented students from the Governor's School competed against 50 other schools comprising more than 1,200 students from across the country. They have worked extremely hard to reach the national finals and demonstrated their superior knowledge and understanding of the U.S. Constitution and the Bill of Rights.

I commend the students and their teacher Philip Sorrentino on this outstanding achievement.

ADDRESS OF RUTH B. MANDEL AT THE NATIONAL CIVIC COMMEMORATION OF THE DAYS OF REMEMBRANCE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. LANTOS. Mr. Speaker, on Tuesday, April 13, Members of Congress joined with representatives of the diplomatic corps, executive and judicial branch officials, and Holocaust survivors and their families to commemorate the National Days of Remembrance in the Rotunda of the United States Capitol.

The ceremony coincided with the 60th anniversary of the voyage of the SS *St. Louis*, which set sail from Germany in April 1939, carrying more than 900 Jews away from Nazi terror. Denied entry to both Cuba and the United States, the *St. Louis* was forced to send its frightened passengers back to Europe just months before the onset of World War II. Many of them were eventually murdered in Auschwitz, Treblinka, and the other death camps of Hitler's Holocaust.

While we cannot rectify the wrongs of generations ago, we can apply the lesson of the *St. Louis* to the crises of today. In the Europe of 1999, innocent civilians are once again being deported, abused, raped and murdered. While the scale of Serbian atrocities in Kosovo does not approach the enormity of the Holocaust, the precedent that would be set by ignoring this ethnic cleansing cannot be tolerated.

Ruth B. Mandel, the Vice Chair of the United States Holocaust Memorial Council, thoughtfully communicated the moral meaning of the *St. Louis* voyage at the Days of Remembrance ceremony: "Today, tens of thousands of people in great distress stare at us from the front pages of newspapers and from television screens. Victims of humankind's evil impulses and behavior cry out at the last moment of the twentieth century. Their agonies testify to the continuation of a blind and vicious inhumanity we human beings visit on one another. Today, as we gather here to honor the dead, let us cherish the living."

Ruth B. Mandel fled Nazi Germany with her parents, Mechel and Lea Blumenstock, in 1939 on the SS *St. Louis*. When the ship returned to Europe, the Blumenstock family was accepted by England. They arrived in the United States in 1947. Professor Mandel is now Director of the Eagleton Institute of Politics at Rutgers, The State University of New Jersey. From 1971 to 1994, she served as Director of the Center for the American Woman and Politics at Rutgers, where she remains affiliated as a Senior Scholar. Professor Mandel was appointed to the United States Holocaust Memorial Council in 1991, was named its Vice Chairperson in 1993, and was the founding Chairperson of its Committee on Conscience.

Mr. Speaker, I submit the full text of Professor Mandel's address at the Days of Remembrance ceremony to be placed in the CONGRESSIONAL RECORD.

DAYS OF REMEMBRANCE

The occasion for a new exhibition which opened yesterday here in Washington at the United States Holocaust Memorial Museum is the 60th anniversary of the voyage of the German ship, the *St. Louis*, into the pages of a shameful history. Many people have heard about this ship carrying over 900 human beings whom no one wanted, or have seen newspaper photographs of the refugees crowding the ship's railings, peering across the short distance between exile on the high seas and rescue on the land. The land, within easy view, was entirely outside of reach. Denied entry by Cuba and shunned by the United States, the ship turned back toward Europe. In a humane and merciful moment, four countries agreed to open their doors. Unfortunately, those passengers who were taken in by Belgium, the Netherlands and France soon found themselves once more trapped under Nazi control. The luckier passengers who were sent to England managed to escape the Nazis and, in some instances, help to wage the war against them.

Several weeks ago, I was taken to a work room behind the scenes at the Museum for an early glimpse of a few of the displays and artifacts being prepared for the new exhibition about this chapter from the Holocaust. I walked around the room looking at photographs of passengers and reading descriptive panels about the plight of over 900 Jewish men, women and children reviled by Germany, repulsed by Cuba, rejected by the United States. I came upon a piece of paper covered with signatures. Apparently this was a "thank you" page to Morris Troper, European director for the Joint Distribution Committee, who had devoted himself to saving the passengers and had negotiated their entry into Great Britain, France, Belgium and the Netherlands. As a gesture of gratitude for his great efforts and his leadership on behalf of their plight, passengers had signed their names on a sheet of paper for him to keep. And there, right there on that page of signatures hanging on a wall in the U.S. Holocaust Memorial Museum, there was my mother's unmistakable handwriting. There was her name, Lea Blumenstock, written in exactly the way she had signed letters and checks, exactly as she signed my report cards from school, our medical insurance forms, her citizenship papers. I stood electrified in front of that name I had seen written hundreds of other times in my life. It was as familiar as her voice or her smile. All the stories about the past transformed themselves in that instant into the living reality of my mother's distinctive signature there among the rest. She was there on that ship, she signed that piece of paper. What was she thinking? What was she feeling? Was I, an infant, nearby in someone's arms while she signed, or being held by my father, or in the little stroller they had with them in the photograph of the three of us on the ship's deck? She signed that paper. My God, we really were there!

Over the years, the St. Louis and its journey to nowhere have taken on qualities of a mythic tale. But for me and bout 100 others still able to bear witness (many here in this awesome room today), this story is especially poignant. Its characters and plot line are no fabled product of someone's heated imagination. WE are the characters, and the plot is the story of what happened to us. The voyage of the *St Louis* is my family's personal life experience. Its outcome determined our fate, shaping my parents' adult lives and my childhood.

A recognition that the Holocaust itself in all its grotesque horror is about real people in real time—about victims and killers, bystanders and heroes, craven and indifferent observers, self deluded participants, every kind of human being we have encountered in life—this realization that the Holocaust is about real human beings in a civilized world is the reality to which the U.S. Holocaust Memorial Museum bears witness every day. The reality of the event is the Museum's central educational message: what you see here can happen. And it did happen. It is this reality to which the Museum has already, in six short years, exposed twelve million visitors here in Washington and many more in places where exhibits have traveled or educational materials have been distributed.

Like the disrupted, shattered life histories of millions of Europe's Jews, my own large family's experience involved every kind of loss, humiliation and anguish survivors know as well from their Holocaust histories. But our immediate, small family—that is, my father, my mother and myself—we were ultimately much luckier than so many of our relatives.

My childhood was supposed to have played out differently. I was supposed to have grown up as the daughter of a prosperous Viennese family. I was supposed to have had sisters and brothers, aunts, uncles and cousins, grandparents on both sides. It didn't work out that way.

In the aftermath of Kristallnacht in 1938, my father was sent to Dachau, and his 24 year old wife was left with their infant daughter and a mission—to get him out however she could. First, she obtained his release with a single ticket to Shanghai, not wanting to leave for China without us, he attempted crossing into Belgium only to be caught at the border, finally, she found a way out—tickets to Havana, Cuba for all of us on a ship called the *St. Louis*.

"I am not a traveler" is how my mother always described herself. No matter what the circumstances, motion disagreed with her. It was a family joke that she became ill on their honeymoon in Venice when she and my father took a romantic gondola ride. It is no surprise, therefore, that my mother spent most of the St. Louis voyage seasick in the cabin. Photographs on deck show my father on babysitting duty with me. Gaunt and strained from his months in Dachau, he manages a smile for the camera, holding me in his arms or on his lap, in one instance with my mother looking on, her sad, small, wan face also attempting a smile.

After Cuba's betrayal and America's rejection, my parents and I were among those passengers blessed with the good fortune of being taken in by England as political refugees. After a brief stay in London, my parents were evacuated to the countryside, to a little town called Spalding, away from the bombing, although I remember well the sounds of sirens warning us of trouble coming, and I remember nights in air raid shelters. Later we moved to Leicester. At first my father worked in the fields—picking potatoes and tulips, I think—but then he was drafted into the British military, and he served throughout the war. He and my mother liked the British and were forever grateful to England for taking them in. Nonetheless, after the war, when my father's quota number came up (he had a longer wait than my mother because he had been born in Poland), we left England for the United States because family was always the central force in my mother's life and she wanted to be reunited with her parents and one of her brothers who had made it here.

For most of my life, I could not have stood at a podium and spoken about the *St. Louis*. It was a subject for the privacy of our family, not material for exposure to public view. For many years, I would have refused an invitation to make a public statement about my family's personal history. It would have felt like a violation of the most sensitive, most private areas of our lives. My family had enough to do dealing with terrifying memories, with the murder of their relatives, the loss of their homes, and their businesses, their way of life, with the wandering to new lands, the relocation and the humiliation that came with boarding in the homes of strangers, the indignities they experienced in depending on the kindness of distant relatives, their struggles to speak, read and write in a new language, earn a living and begin everything all over, reconstruct their lives in foreign places. All of that was the essence of daily life inside my family. It was our struggle, our history, our wounds and adjustments, our lives behind the door of our apartment.

Yet now I do speak in public. I talk to students who call with questions for their class essays and term papers. I answer journalists' queries. I do so because I have come to respect the power and cherish the value of memory, both individual and collective memory. I have come to believe in the importance of preserving memory, bearing witness, educating new generations about the events of history, and trying in whatever ways one can to bring the lessons of the past to enlighten present behavior. I do not know for sure that we learn from the past. I have my doubts that recalling evil can make people good. But at least we have to try. As an act of faith, we have to try.

My own memory of the *St. Louis* is mediated memory, mediated through my parents as they talked for the rest of their lives about those days. The messages and themes I heard repeatedly became my *St. Louis* voyage. The hotel in Hamburg where we stayed before boarding the ship requested that Jewish guests refrain from entering the dining room, stay out of the lobby and hallways, remain in their rooms. The ship's captain treated us with dignity and respect; my parents always said he was a fine, decent man, an example of a good German. People on board were distraught, suicidal. Roosevelt would not let us in; it was incomprehensible, and a "disgrace." England was good to us. And over and over again, etched in my brain was the message that others had not been so lucky, that we had survived and benefitted because chance was on our side.

These days I often think about my mother and father in Vienna in the early years. I strain to imagine what it must have been like for them then, at that moment in their young lives. They had it all—love, strong families, health, economic success, and high hopes for the future. Life seemed to be promising them the best one could imagine, until history's nightmare overwhelmed and blotted out their private dreams. They spent the rest of their lives recovering from that nightmare and coping with its effects. And yet they were the lucky ones. They never forgot that.

My mother had the strong, enduring belief that sheer good luck had saved us. Of course, many people with great power over us had much to do with determining our fate; but we had virtually no ability to influence them. We were a ship of homeless souls wandering the seas at the mercy of forces and powers that had no knowledge of us as individuals and whose interest in us was shaped by their own power dynamics, parochial pressures and prejudices.

The voyage of the *St. Louis* took place after Kristallnacht (the Night of Broken Glass, when thousands of Jewish businesses, homes and synagogues were vandalized as people were terrorized), but before the onset of World War II. Nine hundred and thirty-seven people who thought they had escaped were sent back to encounter the War. Those who went to continental Europe experienced the Holocaust the way the rest of its victims did. For one brief moment they had seen the shores of America and glimpsed freedom. The clarity of hindsight tells us that at that moment people could have been saved, action could have made a difference.

As a human community, how can we develop reliable foresight, the will to act, and the skill to move in the right direction, in the right way, at the right time? Today, tens of thousands of people in great distress stare at us from the front pages of newspapers and from television screens. Victims of humankind's evil impulses and behavior cry out at the last moment of this twentieth century. Their agonies testify to the continuation of a blind and vicious inhumanity we human beings visit on one another. Today, as we gather here to honor the dead, let us cherish the living. As we memorialize the victims of the Holocaust, let us call on the dictates of conscience and morality to find a better way to end this brutal millennium. The great challenge to the civilized world is to remember the past, to learn from it, and *above* all—above all else—to do better.

COMMEMORATING THE 50TH ANNIVERSARY OF THE ORDINATION OF REV. ERWIN E. MOGILKA

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. KLECZKA. Mr. Speaker, I rise today to honor Rev. Erwin E. Mogilka who marks the 50th anniversary of his priestly ordination on May 28th. "Father Erv's" history is a lifelong testament to devotion to his religion and his community.

Born at his home on the south side of Milwaukee, Erwin E. Mogilka was baptized April 13, 1924 at St. Josaphat Basilica in Milwaukee. He attended St. Josaphat Basilica elementary school, received his first Holy Communion on June 11, 1933, and was confirmed on May 13, 1936.

After graduating from St. Stanislaus High School, Erwin Mogilka attended the St. Francis Minor Seminary and the St. Francis Major Seminary from 1942 to 1949. He was ordained May 28, 1949 at St. John's Cathedral by the Most Rev. Moses E. Kiley, Archbishop. Fr. Mogilka held his first Mass the next day at St. Josaphat Basilica.

On July 7, 1949 Rev. Mogilka was assigned associate pastor to St. Adalbert parish, Milwaukee, where he assisted with remodeling the school and church. On July 6, 1961 Rev. Mogilka was assigned associate pastor to St. Roman Parish, Milwaukee, to be tutored under the auspices of Rev. Maximilian L. Adamski. Friends note, however, that Fr. Erv's transfer did not become effective until he completed scraping, scaling and painting the hull of the boat belonging to Msgr. Clement J. Zych of St. Adalbert.

At St. Roman's, Rev. Mogilka supervised and coordinated the remodeling of the school, church, rectory, convent and grounds, and, according to friends, became something of a "con artist" because of his knack to enlist tradesmen to donate their services through which the parish saved many thousands of dollars. And Fr. Erv worked beside them. It was not uncommon to see him climbing the scaffolding in church to the latest remodeling project.

While overseeing the remodeling of the physical plant at St. Roman's, Fr. Erv also was shepherd to the spiritual well-being of the parishioners, administering to the sick, the elderly, the disabled, the poor and the lonely.

On June 17, 1969, Rev. Mogilka was assigned as pastor of St. Joseph Parish, Racine, Wisconsin, where he served until his retirement in 1992. Among the many awards and recognitions that he has received was the 1997 Priest of the Year Award from the Racine Sienna Club.

Mr. Speaker, it is with pride and humility that I commemorate, on the jubilee anniversary of his ordination, Rev. Erwin E. Mogilka, an honorable and compassionate man, who has done so much good for so many.

STUDENT'S ACTIVISM WINS PRAISE

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. GEORGE MILLER of California. Mr. Speaker, I rise today to share with my colleagues the accomplishments of an extraordinary young woman, Sipfou Saechao, a senior at Richmond High School in Richmond, California. Feeling frustrated by the self-imposed racial segregation of her fellow classmates, Sipfou took it upon herself to improve race relations at Richmond High, a school as culturally diverse as any in California. Overcoming the initial pessimism of friends, students and faculty, Sipfou formed ACTION—All Colors Together In One Nation—a student organization which now boasts over 40 active members. ACTION has challenged the students and faculty of Richmond High to confront the often volatile issue of race, and to learn and grow from the experience. As described in the following article, Sipfou's activism has earned her the respect and admiration of her peers, and she serves as a model for young people throughout our country. I know that my fellow Members of the House of Representatives join me in recognizing Sipfou Saechao for her tremendous contribution to the health of her community, and congratulating her on receiving the 1999 Take Action Award.

STUDENT'S ACTIVISM HELPS HEAL RACE RIFTS

(By Tony Mercado)

RICHMOND.—Somewhere between sips of cola and bites of a crumb doughnut, Richmond High's Sipfou Saechao decided to make a difference.

It was lunch time when Saechao, then a sophomore, glanced around at the clusters of students and noticed something terribly wrong. For a school so rich in diversity, Asian, Latino and black teens kept to their own.

"That was so stupid," said Saechao, now an 18-year-old senior. "They were excluding themselves from learning about people who could possibly make them a better person."

Last school year, Saechao formed the student club All Colors Together in One Nation—ACTION—to help improve race relations at the school. Friends said it wouldn't work. But Saechao's drive has helped mend a racially split student body, and it has brought her acclaim as one of the country's top young activists.

React Magazine, a teen news publication, has named the UC-Berkeley-bound student one of five grand-prize winners at the 1999 Take Action Awards in New York City. The honor carries a $20,000 scholarship—a prize sought by about 600 students across the country.

Saechao, who immigrated from Laos at age 2 with her parents and brother, said the money brings her dream of becoming an English teacher closer to reality.

"I'm relieved," said Saechao. She was a semi-finalist for the same prize as a sophomore, for her work to educate Laotian immigrants about the hazards of washing clothes and growing vegetables in toxic soil and water.

"I was stressed about how I was going to be able to afford college," she said. "This changes everything."

The magazine, which reaches 3 million readers as a newspaper insert and through schools, also awarded Saechao $24,000 to give to the charity of her choice. Saechao, the school's Associated Student Body president, chose Richmond High. The school plans to buy supplies and encyclopedias.

Dennie Hughes, React's senior editor, called Saechao a tireless worker who yearns to make things happen.

"She's one of those people who wants to see what else can become her project," said Hughes. "She educated the Laotian community, it worked, and then she turned her attention to her school to see how she could help there."

Richmond High has one of Contra Costa County's most diverse student bodies. Fifty percent of students are Latino and 25 percent are Asian. Blacks account for 20 percent. Whites and other ethnic groups account for 5 percent.

The trick to fostering unity was getting classmates to focus on being proud of their school, Saechao said. Scars remained from the past, when tempers between ethnic groups would flare and fists would all too quickly fly.

Some friends told her it would be a nearly impossible task.

"I thought she was crazy," said San Saephanh, an 18-year-old senior. "Because of the violence we had a long time ago, everyone at the time was usually separated."

Saechao helped create a forum where students for the first time could talk about what was on their minds. She began publishing a newsletter call ACTION, filled with students' concerns about the school. Many classmates wrote about pervasive gangs and violence, teen pregnancy and discrimination against girls by boys.

Teachers also got into the act, writing about the frustration of getting students to do homework or bemoaning the lack of respect and communication between teens and adults. But they also wrote about encouraging students to stay in school and work together.

"I thought teachers would be the hardest to convince we could change," Saechao said. "They see what we're like every day, so they have certain stereotypes."

Club membership grew from six to 40, with students from varied backgrounds. The climate is still far from perfect, she said, but students and teachers said people tend to get along better now. Some even share the same picnic table at lunch.

"She gained a real reputation as someone who speaks up for what she thinks is right," said Nancy Ivey, Saechao's leadership class teacher. "Her name comes up the most when kids are asked who they admire as a leader."

The ACTION club is planning fund-raisers so it can provide a scholarship to a graduating senior next year. So far, it has raised about $1,000. Saechao said it just proves what can happen when there's unity.

"It was actually easy for us students to change," she said. "Most were open-minded about the idea. Hopefully, I've shown that everyone on campus can work together."

CONGRATULATING TERRY NAGEL ON HER SERVICE AS PRESIDENT OF THE NJFRW

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mrs. ROUKEMA. Mr. Speaker, I rise to congratulate Terry Nagel on her past four years of service as president of the New Jersey Federation of Republican Women. Terry is a stalwart veteran of the political process who has fought for her party's values—and promoted the values of our democratic system—for more than 30 years. Her leadership will be missed, but her many contributions will never be forgotten.

As a secondary-school teacher before coming to Congress, I used to tell my students to become politically active in the party of their choice. Whether you are a Republican, Democrat, Independent or member of a minor party, it is important to find the political party that represents your beliefs and then become an active part of the political process. Terry Nagel is someone who has done just that. She is a loyal Republican, of course, but promotes more than just Republican ideals and values. She extols the values of a democratic society and knows the vital importance of an elected government accountable to the electorate. And she always emphasizes that the vote is not just a right but a responsibility—if you don't vote, you have no one but yourself to blame if you're unhappy with government.

Terry Nagel has worked hard to promote her party's candidates—not just women—and has met with tremendous success. While working for men and women candidates alike, she has realized that all issues are women's issues—whether they involve career opportunities or tax rates. Under her guidance, the New Jersey Federation of Republican Women has championed the issues that count with New Jersey voters—a strong economy, good jobs at good wages, streets safe from crime, and welfare reform that works.

The NJFRW grew significantly under Ms. Nagel's tenure, adding chapters in Hunterdon, Warren and Salem counties. The organization participated in the Get Out the Vote campaign in Washington, D.C., increased financial support for candidates throughout the state and urged the State Republican Committee to give the federation a voting seat on the committee. The Federation also played a major role in helping pass the Women's Health and Cancer Rights Act.

Ms. Nagel's involvement in politics began in 1969 as a member of the Women's Republican Club of Middletown, where she planned programs and worked as a fundraiser. She became a member of the Middletown Republican Committee in 1975 and served as president of the Monmouth County Federation of Republican Women from 1983–1985. She was named president of the New Jersey Federation of Republican Women in 1995 and became a member of the board of the National Federation of Republican Women the same year. She chaired former Governor Thomas Kean's telephone campaign in the 15th Congressional District in 1985, and has chaired and organized many political events over the years. She has been an honorary delegate to each Republican National Convention since 1998.

Ms. Nagel has also served on the Middletown Board of Public Assistance and the Middletown Recreation Advisory Committee.

Professionally, Ms. Nagel is a former director of children's recreation at the Institute of Physical Medicine and Rehabilitation at New York University. She also directed the preschool program at Exxon's Bayway Community Center. She has also taught physical education at Mater Dei High School and owned her own dance studio. She is a graduate of Panzer College and holds a master's degree in education from New York University.

Ms. Nagel is also a former president and board member of the Women's Club of Asbury Park and a Girl Scouts camp counselor. She and her husband, William Nagel, live in Middletown and have three children.

I ask my colleagues in the House of Representatives to join me in thanking Terry Nagel for her work on behalf of our democratic electoral system. She has helped create a better life for New Jerseyans, our children and our grandchildren.

HONORING VICTOR V. SCUDIERY

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. HOLT. Mr. Speaker, I rise today to call the attention of my colleagues to a great humanitarian from central New Jersey, Victor V. Scudiery.

Born and raised in Newark, NJ, Victor graduated from Seton Hall University, then served his nation in the U.S. Army on both active and reserve duty.

In addition to his duties as president of Interstate Electronics, which is located at Airport Plaza in Hazlet, he can be found six or seven days a week at his corporate offices where he oversees the duties of several other business ventures located throughout the State and in Florida.

In addition to his civic activities, he has always found time for other worthwhile causes. Victor is a tireless advocate for numerous charities, particularly for our State's oldest citizens, where he serves on the board of seven organizations.

Mr. Scudiery is the chairman of the Bayshore Senior Day Center board of advisors. This organization is the lifeline to many area senior citizens, providing meals, companionship, and daily activities as an outlet for their loneliness.

As chairman of the Buck Smith Memorial Foundation, he has overseen the granting of scholarships to deserving students.

The Bayshore Hospital Health Care Center selected Victor as chairman of the Board of Trustees. His duties include acquisition of land and construction facilities for use in the health care field. Plans are well underway in the construction of a 75-unit assisted living facility.

His devotion to these and many other worthwhile organizations has been recognized by countless honors by civic and charitable organizations throughout the State for his devotion to them.

Browsing through his office you can find honors from such organizations as the Bayshore Senior Center, Brookdale College, Knights of Columbus, Society of St. Anthony of Padua, NAACP, numerous townships, and political organizations to name a few. Yet he is too humble to ever acknowledge the impact his contribution has made on these clubs and organizations.

However, the pride of his life is his beautiful and talented daughter, Vici.

Mr. Speaker, Victor Scudiery is an amazing man who sets an example of hard work, community involvement, and dedication that all of us can take a lesson from. I hope all of my colleagues in the House will join in recognizing Mr. Scudiery.

NATIONAL PEACE OFFICERS MEMORIAL DAY RESOLUTION

HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. HEFLEY. Mr. Speaker, I am pleased to introduce today a resolution to honor the sacrifice and commitment of the men and women who have lost their lives while serving as law enforcement officers. This resolution, which is cosponsored by over 130 of my colleagues, expresses the gratitude of the House of Representatives for the work peace officers perform and honors peace officers who have been killed in the line of duty.

We have all been affected by the tragic and senseless deaths of peace officers around the country. Unfortunately, there are few communities in the United States that have not been impacted by the meaningless death of a peace officer. Our own Capitol community was shocked and saddened last year by the tragic shooting of Capitol Police Officer Jacob Chestnut and Special Agent John Gibson. Each of these officers provided unparalleled protection to citizens throughout the United States.

As Members of Congress, we recognize and honor the protection, safety and public service these officers provided on a daily basis. These officers will be further honored this Saturday when peace officers from around the country travel to Washington for a day of commemoration and honor for fellow officers slain in the line of duty. The National Peace Officers Memorial Day serves as a solemn reminder of the sacrifice and commitment to safety that these men and women make on our behalf.

Law-enforcement officers face unprecedented risks while bravely protecting our communities and our freedoms. I hope my colleagues will join me in expressing our appreciation to all peace officers and paying tribute to those slain in the line of duty and to their surviving families.

TRIBUTE TO TEACHING FELLOWS FROM RICHMOND COUNTY, NC

HON. ROBIN HAYES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. HAYES. Mr. Speaker, it is my pleasure to congratulate six Richmond County Senior High students who are among the 1999 recipients of the North Carolina Teaching Fellows scholarships. Each Fellow receives a $26,000 scholarship loan from the state of North Carolina.

The full loan is forgiven after the recipient has completed four years of teaching in North Carolina public schools.

In addition, all Fellows take part in summer and academic summer enrichment programs during their college careers.

The Teaching Fellows Scholarship program was created by the North Carolina General Assembly in 1986 and has become one of the top teacher recruiting programs in the country.

This innovative program attracts talented high school seniors to become public school teachers. This is a commonsense, state-based program that will help encourage our best and brightest to come back to their communities to teach.

The 1999 recipients from Richmond County, NC, are James Haltom, Kristen McDonald, Shana McLaughlin, Matthew Pence, Patience Whitehead, and Melissa Allen.

Mr. Speaker, I want to congratulate these individuals for the courage and desire to enter the teaching profession.

TRIBUTE TO DEE THOMAS

HON. KAREN L. THURMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mrs. THURMAN. Mr. Speaker, I rise today to honor Delores L. "Dee" Thomas, a successful businesswoman in my district who this month became the first woman to chair the national ESOP Association.

The association is made up of twenty-one hundred members representing nearly one million employee business owners across the country who participate in an Employee Stock Ownership Plan, known as an ESOP.

Ms. Thomas is well prepared for this leadership position. She cofounded a company 30 years ago that is still operating successfully today in New Port Richey and Sebring, FL.

The company, called Ewing & Thomas, is the only physical therapy company in the country that is 100 percent employee owned through an Employee Stock Ownership Plan.

Ms. Thomas is a true advocate of ESOP companies. She testified before the full Ways and Means Committee in March about the many benefits of these type of employee-owned businesses. She said, "We believe that significant employee ownership does improve performance of a corporation, and just as important does maximize human potential and self-dignity of all employees as they share in the wealth they help to create." She cites her company as proof.

At Ewing & Thomas, where she is vice-president, employee owners are represented on all levels of the board of directors and participate in the company's decision making. In her testimony, Ms. Thomas said, "Each day incredible unselfish acts are performed by this group of employee owners."

Ms. Thomas may have given away some control and power when she decided to convert her business to employee ownership. But in return, she gained more than she ever though possible. The company's stock price and annual sales are way up, and the employees genuinely care about the company's future.

Ms. Thomas is an American success story. Through compassion, caring and of course hard work, she's moving up in the business world. But she's holding on to her principles and giving a hand up to those around her. That's her way. I also believe that's the American way.

Today, I'm not simply paying tribute to a friend and a constituent. I'm honoring a special woman who is committed to fairness and high performance. And I'm confident in this new leadership role, she will help more employee owners achieve their dreams and prosper. That too is her way. Mr. Speaker, distinguished colleagues, please join me in paying tribute to Ms. Dee Thomas, chair of the national ESOP Association.

JESUS GALVEZ INSTALLED AS POSTMASTER

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to congratulate Jesus Galvez who will be honorably installed as Postmaster of Miami.

In 1984, Jesus joined the postal service as a letter carrier. Embodying the definition of dedication, hard work and service to his community, he was quickly promoted to Acting Supervisor, Supervisor of Mails and Delivery and Supervisor of Customer Service. Jesus was soon appointed to the position of Officer in Charge of Miami, Florida where he continued to serve South Floridians by utilizing his talents and abilities to fulfill and supercede his duties. His outstanding character and extraordinary effort enabled him to be the recipient of many prestigious awards, including VP Accomplishments for two years in a row, the UP Award, the Achievement Award, the Leadership Award and the Exceptional Individual Performance Award.

On May 14th, Jesus will be joined by his wife, Marlene, sons, Christopher and Michael, mother, Clara Fernandez and brother, Jose Galvez to be prestigiously installed as Postmaster. His commitment to excellence and extraordinary leadership will ensure his resounding success as Postmaster of Miami.

A TRIBUTE TO AILEEN DININO

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mrs. MEEK of Florida. Mr. Speaker, I rise today to pay tribute to Mrs. Aileen DiNino of North Miami, who has contributed so much to the cultural atmosphere of Florida in the 48 years which she has devoted to the teaching of music in our state. Mrs. DiNino, nearly 84, works with the junior string development of the Miami Youth Symphony, volunteers at public schools, has dozens of private students, and plays at her church, as well.

The future Mrs. DiNino first took piano lessons when she was seven years old. Her first music teachers were nuns in Wisconsin, where she grew up and sometimes accompanied her grandfather's fiddle in a duet. When she was 14, Aileen DiNino began studying the violin as she entered the convent. She taught children at an Indian reservation while still a teenager. At age 21, she took her vows as a nun with the Franciscans of Perpetual Adoration. She left the order decades later, upon the demise of the health of both her mother and herself.

In Minnesota, Mrs. DiNino met her future husband, Frank, who also was a musician and who had been a member of General Pershing's band. After marriage, the couple moved to South Florida, where Mrs. DiNino became a professor at Miami-Dade Community College.

Today, as ever, Mrs. DiNino encourages here proteges to give their very best to their music. It is indeed a privilege to recognize the dedication of such an outstanding Florida citizen as Mrs. Aileen DiNino.

ADDRESS OF MR. BENJAMIN MEED AT THE NATIONAL CIVIC COMMEMORATION OF THE DAYS OF REMEMBRANCE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. LANTOS. Mr. Speaker, on Tuesday, April 13, Members of Congress joined with representatives of the diplomatic corps, executive and judicial branch officials, and Holocaust survivors and their families to commemorate the National Days of Remembrance in the Rotunda of the United States Capitol.

The ceremony coincided with the 60th anniversary of the voyage of the SS *St. Louis*, which set sail from Germany in April 1939, carrying more than 900 Jews away from Nazi terror. Denied entry to both Cuba and the United States, the *St. Louis* was forced to send its frightened passengers back to Europe just months before the onset of World War II. Many of them were eventually murdered in Auschwitz, Treblinka, and the other death camps of Hitler's Holocaust.

The tragic fate of the SS *St. Louis* remains a symbol to all of us who believe that society must never close its eyes to the victims of genocide, torture, and other gross violations of human rights and international law. Had the United States government not ignored the plight of the *St. Louis* refugees sixty years ago, had it substituted compassion and empathy for bureaucracy and rigidity, the children of that ship might still be alive today.

While we cannot rectify the wrongs of generations ago, we can apply the lesson of the *St. Louis* to the crises of today. In the Europe of 1999, innocent civilians are once again being deported, abused, raped and murdered. While the scale of Serbian atrocities in Kosovo does not approach the enormity of the Holocaust, the precedent that would be set by ignoring this ethnic cleansing cannot be tolerated. As Benjamin Meed, one of America's most prominent Holocaust survivors, noted at the Days of Remembrance ceremony: "All of us must remain vigilant—always aware, always on guard against those who are determined to destroy innocent life for no other reason than birthright."

Benjamin Meed was born in Warsaw, Poland. He worked as a slave laborer for the Nazis, survived in the Warsaw Ghetto, and was an active member of the Warsaw Underground with his wife, Vladka. A member of the United States Holocaust Memorial Council since its inception, he chairs the Museum's Days of Remembrance Committee. He is President of the American Gathering of Jewish Holocaust Survivors and a leader of a number of other organizations. Mr. Meed founded the Benjamin and Vladka Meed Registry of Jewish Holocaust Survivors permanently housed at the United States Holocaust Memorial Museum.

Mr. Speaker, I submit the full text of Mr. Meed's Days of Remembrance address to be placed in the CONGRESSIONAL RECORD:

REFUGE DENIED: THE VOYAGE OF THE SS *St. Louis*

Members of the diplomatic corps, distinguished members of the United States Senate and House of Representatives, members of the United States Holocaust Memorial Council, distinguished guests, fellow survivors and dear friends,

Welcome to the 20th national Days of Rememberance commemoration.

For at least a decade, the magnificent flags that surround us now have been part of our annual observance here in the nation's Capitol. Every time the American flag and the flags of the United States Army that liberated the concentration camps are brought into this hall for this commemoration, a special pride as an American citizen sweeps over me, as I am sure it must for all Holocaust survivors. These pieces of red, white and blue cloth were the symbols of freedom and hope for those of us caught in the machinery of death. Discovery of the Nazi German concentration camps by the Allied armies began the process that restored our lives. Although we have many dates this month to remember, we recall with special gratitude the date of April 11, 1945, when American troops, in their march to end the war in Europe came across the Buchenwald concentration camp. We will always remain grateful to the soldiers for their bravery, kindness and generosity. We will always remember those young soldiers who sacrificed their lives to bring us to liberty.

Many revelations over the last half-century have unveiled the Holocaust as a story of massive destruction and loss. It has been shown to be a story of an apathetic world—a world full of callous dispassion and moral insensitivity with a few individual exceptions. But more, it has been shown to be a tale of victory—victory of the human spirit, of extraordinary courage and of remarkable endurance. It is the story of a life that flourished before the Shoah, that struggled throughout its darkest hours, and that ultimately prevailed.

After the Holocaust, as we rebuilt our lives, we also built a nation—the State of Israel. This was our answer to death and destruction—new life, both family and national life—and Remembrance. Minister Ben David, please convey to the people of Israel our solidarity with them as they, too. Remember on this Yom Hashoah.

Today, our thoughts turn back sixty years. On May 13, 1939, the SS *St. Louis* sailed from Hamburg bound for Cuba with more than nine hundred passengers, most of them Jews fleeing Nazism. For these passengers it was a desperate bid for freedom that was doomed before it began. Politics, profit and public opinion were permitted to overshadow morality, compassion and common sense. It is so painful now to realize that not only Cuba but our own beloved country closed their doors and hearts to these People of the Book who could see the lights of Miami from the decks of the ship but were not permitted to disembark. This group of over nine hundred could have been saved, but instead the voyage became a round-trip passage to hell for many of them. Less than three months after the St. Louis docked at Antwerp, the world was at war. And, in less than three years, the "Final Solution of the Jewish Problem" in Europe was fully operational.

Could this happened today? Hopefully, not. But we—all of us—must be vigilant—ever mindful that once such a course of destruction of a people has been chartered, it can be followed again, and again, and again.

And what lessons did we derive from these horrible experiences? The most important lesson is obvious—it can happen again. The impossible is possible again. Ethnic cleansing, a genocide, is happening as I speak. It can happen to any one or to any group of people.

Should there be another Holocaust, it may be on a cosmic scale. How can we prevent it? All of us must remain vigilant—always aware, always on guard against those who are determined to destroy innocent human life for no other reason than birthright.

There are some passengers of the unfortunate voyage of the SS *St. Louis* who are with us here today. Like most of us Holocaust survivors, they are in the winter of their lives. Even so, all of us look toward the future, because we believe that, in sharing our experiences—by bearing witness—there is hope of protecting other generations who might be abandoned and forgotten, robbed and murdered. The telling and retelling of the stories of the Holocaust with their profound lessons for humanity must become a mission for all humankind. In this way, future generations—particularly future generations of Americans—can Remember and use the power of this knowledge to protect people everywhere.

In these great halls of Congress, we see symbols of the ideals that this country represents. It was the collective rejection of these ideals by many nations that made the Holocaust possible. Today, let us promise to keep an ever-watchful eye for those who would deny and defy the principles of liberty, equality and justice and for those who would defy the rules of honorable and peaceful conduct between peoples and nations. Together, let us Remember. Thank you.

TRIBUTE TO MS. KATHERINE PHILP

HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. DOYLE. Mr. Speaker, I rise today to honor Katherine Philp from Woodland Hills School District. Katherine is the top winner of the 1999 18th Congressional District High School Art Competition, An Artistic Discovery.

Katherine's colored pencil still life entitled "Tissue and Fruit" was chosen from an outstanding collection of entries. Katherine is a young woman of considerable talent and is sure to have many successes in her future.

I look forward to seeing Katherine's artwork displayed along with the artwork of the other competition winners from across the country. I am pleased to be associated with Katherine's artistic talents.

Congratulations Katherine. I wish you all the best of luck in the future.

COMMENDING THE REVEREND JESSE L. JACKSON, SR., ON SECURING THE RELEASE OF U.S. SERVICEMEN FROM CAPTIVITY IN BELGRADE, YUGOSLAVIA

SPEECH OF

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 4, 1999

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to honor a great American leader, the Reverend Jesse Jackson, Sr. He is one of our true leaders in civil rights and the protection of freedom for those around the world. Having already proven his leadership during the Civil Rights movement, Reverend Jackson has been instrumental in gaining the release of prisoners in several instances. Most recently, he secured the release of three U.S. servicemen, including S. Sgt. Steven Gonzales from my home state of Texas, captured in Macedonia and held captive in Belgrade, Yugoslavia. On April 29, 1999, Reverend Jackson led a delegation of religious and civic leaders to Yugoslavia to achieve this successful mission.

This is only one of many delegations Reverend Jackson has led to free prisoners from Iraq, Syria and Cuba over the past two decades. These missions have enhanced his reputation as a leader in humanitarian and civil rights efforts around the globe. Reverend Jackson's diplomacy and skill in negotiation serve as a model to all. I stand today to pay tribute to his accomplishments.

IN MEMORY OF BRANDON BURLSWORTH

HON. ASA HUTCHINSON

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. HUTCHINSON. Mr. Speaker, like residents all across my home state of Arkansas, I am deeply saddened by the recent loss of Brandon Burlsworth—a star football player for the Arkansas Razorbacks and a recent draft pick of the Indianapolis Colts. He was a role model for our state's youth, but he was also a role model for Arkansans of all ages.

Brandon was an inspiration in more than his athletic prowess. His achievements on the football field were great—but they were dwarfed by his achievements of personal character. His short life will long stand in Arkansas legend as a shining example of dedication, perseverance, commitment, faith and strength.

Consider the path that took Brandon to the NFL. In high school, he was not the biggest or the fastest guy on the team. But even then, he stood out because of his commitment. When he graduated from high school, he had offers for scholarships to some good schools, but they were smaller schools and, unfortunately, none of them were the University of Arkansas. Brandon was set on being a Razorback, and he would settle for nothing less.

Rather than give up his dream, Brandon traveled to Fayetteville and pursued his dream without a net, walking on to the Razorback field without any guarantees, without any scholarship. As his teammates and coaches can attest, he worked as hard as—if not harder—than anyone else on the team. He arrived in the weight room early and stayed late—always striving, always working, always focused. And that work paid off.

Through such commitment, Brandon not only secured himself a spot on the team; by the time he graduated from the university, he was named an All-American. His teammates so respected Brandon, they elected him team captain. And from this hard road, Brandon reached the very top, having been recently drafted by the Colts to play as a professional. And we all know that he would have succeeded here, as he had done throughout his life.

But it is important to point out that football did not dominate Brandon's life, that his achievements went much further than that. He was the first player in Razorback history to get an advanced degree before playing his last game—having applied the same dedication and commitment from the football field to the classroom. And Brandon's commitment to his family and his faith are equally well known.

So when we honor Brandon Burlsworth, let us honor the full man, the full inspiration that he was to our state. While we applaud his commitment to football, we applaud even more his commitment to life. A native son that will be missed, but a role model that will live on in Arkansas memory.

IN RECOGNITION OF MRS. JOAN HERTZENSON BOTUCK, EDITOR/LEGISLATIVE CALENDAR CLERK, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. OBERSTAR. Mr. Speaker, I rise today in recognition of a very special member of the staff of the Committee on Transportation and Infrastructure, Joan Hertzenson Botuck, and to express on behalf of the Committee, our gratitude to Joan for her hard work, great friendship and dedication to preserving an exact historical record of the Committee's activities. Joan's attention to detail has been a Godsend to the Committee for many years.

A Michigan native, Joan earned her Bachelor of Arts Degree in Speech and English from Wayne University in Detroit, her Masters in Education from the University of Virginia, and a Masters in Library Science from Catholic University. Before joining the Committee staff in 1979, she worked for a time teaching at Central High School in Detroit, and counseling at the Psychological Testing Center in Virginia and at the office of Washington Opportunities for Women in D.C. And of utmost importance during these years, Joan and her husband, Henry, raised three lovely daughters: Ruth, Debra and Linda, and are now proud grandparents six times over.

Joan has served on the committee—and its predecessor, the Committee on Public Works and Transportation—for more than 20 years. When the Committee consolidated and computerized our editing and legislative calendar operations, Joan was appointed to oversee that office and did an excellent job. As the committee's editor, she published a daily summary of the CONGRESSIONAL RECORD, periodic legislative status reports, and an annual publication of the Committee Legislative Calendar. She is also very skilled in retrieving computerized legislative information which was an outstanding research aid to me and the committee staff in carrying our own legislative responsibilities. Joan has always been a respected professional working in a completely bipartisan manner—having served under for both Democratic and Republican chairmen with unwavering commitment and dedication.

The entire experience of being a Member of Congress and a part of "the Hill" community, has been enhanced for me in large part due to the quality of staff such as Joan Botuck.

Many of you in the Rayburn Building may recognize Joan as an exercise enthusiast. Each lunch hour she dons her sweats and tennis shoes and walks the Rayburn corridors—at a very fast pace, I have observed—and weather permitting, occasionally ventures onto the Mall: the committee's own power walker, "Flash Botuck".

To Joan, our heartfelt congratulations on a job well done and a career truly superbly undertaken! I join with her many friends in extending our thanks for the energy, diligence, and good humor you brought to your work. We will miss you greatly.

SALUTE TO THOMAS E. GOODWIN, GOSHEN POLICE DEPARTMENT

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. ROEMER. Mr. Speaker, this week Congress and the nation pause to honor the more than one half million law enforcement officers across the country who put their lives on the line each day to protect us and our families. These dedicated men and women are prepared to give what Abraham Lincoln called "their last full measure of devotion" so we can continue to enjoy the freedom and quality of life we sometimes take for granted.

Federal, state, and local police officers perform a great service for our communities. All too often they literally are the last thread between us and the forces of violence and chaos. We ask a great deal of the officers who protect us. We ask them to defend our homes and families; to patrol our roads and highways; and to bring justice to criminals and murderers who would otherwise prey on our society. We ask a great deal from this "blue line," but it never breaks and is always there to guard us. For this we owe the nation's police officers our deepest gratitude and our strong support.

One officer from the congressional district I represent, Thomas E. Goodwin from the Goshen Police Department, made the ultimate sacrifice last year while defending his community. The sadness and grief brought on by Officer's Goodwin's senseless death is a grim reminder that our law enforcement officers put their lives on the line every day. I join his family and Goshen in honoring his dedication and service to the Maple City. Just last week, Goshen dedicated a public park in Goodwin's honor, a strong reflection of how the community came together with a sense of caring after this tragedy.

This week we pay tribute not only to those who gave their lives, but also to every family—to every spouse, every child, every parent, and every friend. We pay tribute not only to those who died, but to those who have lost them, to the survivors. And we pay tribute to the law enforcement officers who continue to go to work each day, putting their lives on the line, in the name of freedom.

As we honor these heroes with ceremonies and flags standing at half-staff, we should rededicate ourselves to ending the violence that has taken such a toll on these peace officers. We can best honor their service by seeing that today's officers have the training, equipment and public support they need to accomplish their dangerous mission. to quote Lincoln again, our greatest tribute to these fallen officers is to see that they "shall not have died in vain."

IN HONOR OF JOHN HAMILTON, FINANCIAL SERVICES ADVOCATE OF THE YEAR, VICE PRESIDENT, BAY STATE SAVINGS BANK

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. MCGOVERN. Mr. Speaker, I rise today in tribute to Mr. John Hamilton, Vice President of the Bay State Savings Bank in my hometown of Worcester, MA. On May 20, 1999, he will be honored by the Small Business Administration as the Financial Services Advocate of the Year.

As a leader, Mr. Hamilton plays a significant role in the bank's strategic planning by supervising commercial, residential and consumer lending. He personifies the "ideal" small business advocate, combining extraordinary technical and underwriting skills with a high level of creative thinking in accessing funding programs. This results in successful small business lending, particularly to the minority-owned businesses in the Worcester Community and the Central Massachusetts Region.

His multi-million dollar portfolio of loans to small businesses reflects his efforts and advocacy on behalf of small business throughout many of the communities which I represent. Mr. Hamilton is active in Centro Las Americas, Worcester's leading Latino Community Based organization, the Worcester Minority Business Council, the Worcester Banking Council Loan Committee, and the Worcester Chamber of Commerce.

Thus Mr. Speaker, I rise today to pay tribute to Mr. Hamilton and his efforts to lend a helping hand and for his contributions to the economic well-being of the community.

RECOGNITION OF ANTELOPE VALLEY HOSPITAL FOR THEIR AHA AWARD

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. MCKEON. Mr. Speaker, this week is National Hospital Week. It is a time when communities across the country celebrate the people that make hospitals the special places they are. The theme for this year's commemoration sums it up nicely: "People Care. Miracles Happen." It recognizes the health care workers, volunteers and other health professionals who are there 24 hours a day, 365 days a year, curing and caring, for their neighbors who need them.

An example of this dedication is the Sexual Assault Response Service of Antelope Valley Hospital in Lancaster, CA—which is in my district. This wonderful program won the American Hospital Association's prestigious Hospital Award for Volunteer Excellence, which highlights special contributions of hospital volunteers.

The Sexual Assault Response Service is a team of hospital volunteers that frees up hospital staff for other duties by offering specialized assistance to sexual assault victims, families, hospital personnel and law enforcement agencies. To meet the program's high standards, volunteers get more than 60 hours of training.

Responding to a call from any area hospital emergency department, they provide support to victims while helping solicit histories, preparing evidence collection kits, assisting with medical and legal examinations, and overseeing the completion of state forms. Volunteers work with the district attorney's office throughout the court process and offer one-on-one counseling, a referral service, a lending library and community education.

Mr. Speaker, I want to recognize Antelope Valley for this outstanding program and congratulate them for this prestigious award.

LEGISLATION INTRODUCED TO DESIGNATE WILSON CREEK AS A WILD AND SCENIC RIVER

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. BALLENGER. Mr. Speaker, today, I am introducing legislation, that when enacted, would designate Wilson Creek, in my district, as a Wild and Scenic River.

Wilson Creek is a free flowing creek which passes through some of the most beautiful scenery in the nation. It is home to a multitude of fish species, plant life and serves as a habitat for thousands of animals which live along its banks. From its headwaters below Calloway Peak on Grandfather Mountain in Avery County, North Carolina to where it empties into Johns River in Caldwell County, Wilson Creek meets or exceeds all the requirements for such an important designation.

Specifically, my bill would designate 23.3 miles of Wilson Creek as a Wild and Scenic River. In my opinion, having Wilson Creek designated as Wild and Scenic would help maintain the natural beauty of the creek while helping to improve the quality of recreational opportunities, like hunting, fishing, camping, canoeing and other activities for the thousands of people who would visit each year.

The potential designation of Wilson Creek as a Wild and Scenic River has received tremendous support from the County Commissions from Avery and Caldwell County as well as local residents. In fact, when I met with the county commissioners of Caldwell County last month, I was presented with letters of support from local residents, positive newspaper articles and editorials, and a latter from the U.S. Forest Service which indicated a willingness to help us in this effort. I am convinced that the designation of Wilson Creek is well supported within the communities which surround it.

I believe that this is an excellent bill that would do much to preserve Wilson Creek, turning it into both a natural asset and a national treasure. I urge its immediate consideration and enactment.

RECOGNIZING MIDDLETOWN REGIONAL HOSPITAL'S INNOVATIVE COMMUNITY HEALTH PROGRAM

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. BOEHNER. Mr. Speaker, I rise today in observance of National Hospital Week and to bring special attention to Middletown Regional Hospital in Middletown, Ohio. Middletown has been awarded the American Hospital Association's prestigious 1999 NOVA Award, which recognizes innovative programs that respond to community needs.

Middletown Regional Hospital is a 310-bed facility which is sole provider of Middletown's hospital services. In 1996, an alarming trend came to light: Middletown's readmission rate had quadrupled in just two years from 1.5 percent to 6.2 percent. Rather than ignoring the rate increase and simply collecting the additional revenues which accompany higher readmission rates, the hospital administration set out to determine the root causes of the problem and determine what, if anything, the hospital and its staff could do to lower rates. After discussions with community members and health care stakeholders, as well as a thorough review of the relevant data and literature, the folks at Middletown Regional Hospital determined that many patients lacked the financial resources and the general knowledge to properly care for themselves after discharge and as a result were using the emergency room as their primary source of medical care.

In an effort to stem the increasing readmissions, Middletown Regional Hospital implemented its "Making a Case for Community Health" program which is the focus of the NOVA award. Here's how the program works: a registered nurse, such as Deborah Tibbs, is designated as a case manager for as many as 40 chronically ill patients who have a history of high emergency room use. Patients are referred to the program by a variety of sources and enrolled regardless of whether their care is provided through Medicaid, private insurance, or even if they have no insurance at all. Deborah spends her time visiting with patients and educating them on how to "manage" their illness independently. She advises them on their lifestyle habits, answers their medication questions, and is only a phone call away 24 hours a day, seven days a week to provide advice when one of her patients is having troubles. Deborah's services are provided free of charge to the patient.

The results have been dramatic. Hospital admissions for program participants have dropped by more than 50 percent, the average length of stay when they are admitted is down by more than one full day and, as a result, $1.5 million less was spent on the care of theses patients.

The "Making a Case for Community Health" program is a grand success because the hospital stepped up when they saw a community need and committed significant financial resources. The result has been better quality care and lower health care costs. I applaud their efforts and hope other communities will follow their lead.

IN MEMORY OF THE LATE DR. FRANCISCO G. TUDELA

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. DIAZ-BALART. Mr. Speaker, I rise today to honor the memory of a friend who recently passed away. Dr. Francisco G. Tudela was a great man and a caring physician whose devotion to the sanctity and dignity of life will be greatly missed.

Dr. Tudela was born in Guantanamo, Cuba on July 19, 1919. Despite that fact that Dr. Tudela had risen to the position of Director of the Guantanamo City Hospital in Cuba, he went into exile because of his commitment to Liberty and Freedom. In 1960, Dr. Tudela moved with his family to the United States and practiced his speciality of Obstetrics-Gynecology in Newport News, Virginia before eventually settling in Miami, Floridá.

Dr. Tudela was well-known for his opposition to abortion and always said that "Doctors are to save babies, not to kill them." He is credited with delivering more than 8,000 babies—many of whom owe their lives to his medical knowledge and care.

Dr. Tudela came from a family that has a long history of service to mankind. He was the son of the renowned Cuban physician, Dr. Francisco J. Tudela who graduated from the University of Chicago School of Medicine. He was also the grandson and grand-nephew of three valiant Cuban heroes of the Cuban War of Independence, Colonels Enrique Tudela, Vicente Tudela and Emilio Tudela.

Dr. Tudela and his devoted wife, Mrs. Josefa Gonzalez Tudela, loving raised their two sons to continue the family commitment to medicine and children. Both sons, Dr. José Angel Tudela, a pediatrician, and Dr. Francisco G. Tudela, Jr., an obstetrician-gynecologist, are outstanding physicians in Miami-Dade County.

I will miss the friendship and wise counsel of Dr. Tudela. He always had a kind and encouraging word and I was filled with optimism after every opportunity I had to speak with him. I would like to express my profound condolences to Mrs. Tudela and her two sons at this difficult time.

CONGRATULATIONS TO BELLEFONTE AREA HIGH SCHOOL STUDENTS ON ACHIEVEMENTS AT HISTORY DAY COMPETITION

HON. JOHN E. PETERSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. PETERSON of Pennsylvania. Mr. Speaker, I rise today in honor of several students of Bellefonte Area High School in Bellefonte, Pennsylvania. On April 7, 1999, Juniata College hosted the 1999 History Day Competition. This year's topic for students was to explain the impact a particular invention had on society. Working long hours with their teacher advisors—Martha Nastase and Ed Fitzgerald—these Bellefonte High seniors exhibited scholastic excellence via an eagerness to share their acquired knowledge with peers and others.

Award winners in the Senior Group Project category—prsenting on their topic of Animation—were Melissa Clark, Kendra Gettig, Kim Marchek, Elizabeth Rodgers, and Cary Ziegler. Also taking home winning ribbons in the category of Senior Media Presentation with their project on birth control were David Barningham, Greg Shoemaker, and Mike Wilson.

Mr. Speaker, I ask you and all our House colleagues to join me in recognizing these Bellefonte High School students who brought deserved recognition to their school and community. Following their tremendous example, America's youth will no doubt shape a brighter tomorrow for all of us.

PERSONAL EXPLANATION

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. BEREUTER. Mr. Speaker, on May 6, 1999, I was absent on official business and missed rollcall votes 119 (the Istook amendment to H.R. 1664) and 120 (final passage on H.R. 1664, the Kosovo and Southwest Asia Supplemental Appropriations Act). Had I been present I would have voted "aye" on both votes.

EXPOSING RACISM

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. THOMPSON of Mississippi. Mr. Speaker, in my continuing efforts to document and expose racism in America, I submit the following articles into the CONGRESSIONAL RECORD.

JUDGE CLEARS WAY FOR TRIAL OF FIVE WHITES IN 1970 KILLING OF BLACK MAN

BELZONI, MISS. (AP).—The rejection of speedy trial arguments has apparently cleared the way for five white men to stand trial for murder in the beating death of a black man almost three decades ago.

Humphreys County Circuit Judge Jannie Lewis on Thursday rejected claims by defense attorneys that ordering a trial now would violate the rights of the men.

Lewis ruled the state Supreme Court had earlier rejected similar speedy trial arguments in the case of Byron De La Beckwith, convicted in 1994 in the ambush slaying of black leader Medgar Evers in Jackson.

The five are accused of killing 54-year-old Rainey Pool in April 1970. Authorities said the sharecropper was beaten to death and his body thrown into the Sunflower River.

Charged with murder are Joe Oliver Watson, 56, of Rolling Fork; James "Doc" Caston, 65, of Satartia; his brother, Charles E. Caston, 60, of Holly Bluff; Hal Crimm, 49, of Vicksburg; and Dennis Howell Newton, 49, of Flora.

Watson's attorney Gaines Dyer of Greenville argued that Beckwith had two trials with hung juries in 1964 while the defendants in the Humphreys County case never went to trial.

"Should this defendant be subjected to a trial 29 years later because the district attorney believes now he can get a conviction because the racial climate is different?" Dyer asked the court.

The case against Beckwith's was reopened after records of the defunct state Sovereignty Commission showed the segregation spy agency had screened jurors for Beckwith in 1964.

District Attorney James Powell Reopened the case last year at the request of Pool's relatives. He said the defendants were not entitled to a dismissal because "they can no longer get a jury that stacks in their favor."

"There was never any real attempt to secure justice" in the Pool case, Powell said.

In a 1970 ruling, then-Circuit Judge B.B. Wilkes threw out a statement Watson made to police in which he allegedly implicated himself and four others. Wilkes dismissed the case three days later at the request of prosecutors.

Powell in July obtained new indictments against Watson, Crimm and the Castons, plus Newton, who was not previously charged.

A June 28 trial date is set for Newton. Powell said Watson's trial would follow.

Charles Caston, James Caston, and Crimm, all represented by Vicksburg attorney Mark Prewitt, will face trial together.

Newton and Watson made statements implicating themselves and the others. Powell said Thursday. He said Crimm admitted involvement to the woman he would later marry.

Newton on Thursday testified that he wasn't read his rights. "They said they knew I didn't do it, didn't have anything to do with it, and just wanted to know what happened that night," Newton testified.

Retired Highway Patrol Investigator John Pressgrove said Newton was read his rights. However, he acknowledged that part of the record was in someone else's handwriting.

Pressgrove said he had no independent recollection of the interview.

"You know I can't remember 30 years ago. I can't hardly remember what I did yesterday," the 71-year-old Cleveland man said.

Lewis ruled a jury can be told about Newton's statement but Crimm's wife, Margaret Crimm, could not be called to testify. She did not rule on the admissibility of Watson's statement.

Greenville attorney Howard Dyer III, who also represents Watson, argued that Powell's statements in newspaper interviews, including his intention to use Watson's confession, should be grounds to dismiss the charge against his client.

"He shouldn't be making statements to the public, particularly in view of the fact that we've got a confession that has been suppressed, thrown out, done away with," Dyer said.

FIRE THAT DAMAGED BLACK CHURCH WAS SET

WINSTON-SALEM—A fire that heavily damaged a black church Sunday was set, investigators said.

"Everybody's devastated," said Bishop Evelyn Timmons, who has been the pastor at Saint's Delight Church since 1997. "That church is going to have to be demolished."

Winston-Salem fire officials have not found a motive or a suspect in the burning of the Pentecostal church in east Winston-

Salem. Damages were estimated at $25,000. The small, whitewashed building was uninsured.

Ken West, an assistant fire marshal for the city, said an accelerant was apparently used to start the fire near the church office. The fire was reported about 6 a.m. Sunday.

The congregation of about 25 members plans a larger building in the same neighborhood. "We will rebuild," Timmons said.

In the last several years, more than 30 churches have been burned in the South. Investigators have said that some of the fires were racially motivated.

Timmons doesn't suspect a racial motive behind the fire at her church, but said some drug dealers operate in the area and might have been involved.

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2 IN GOP JOIN IN FIGHT AGAINST RACIST GROUP

LEGISLATION: NEW LIFE IS BREATHED INTO STALLED EFFORT TO GET CONGRESS TO CONDEMN WHITE SUPREMACIST ORGANIZATION. SEN. LOTT ONCE ADDRESSED COUNCIL

[From the Los Angeles Times via Dow Jones]

(By Sam Fulwood III and Judy Lin)

WASHINGTON.—For nearly two months, Republican congressional leaders have played down calls for condemnation of the Council of Conservative Citizens, a white supremacist group that espouses anti-black views on its Internet Web site.

But the issue, which gained attention partly because of news reports that Senate Majority Leader Trent Lott (R–Miss.) has spoken to the council at its conventions, has not disappeared.

On Thursday, two moderate Republican leaders stepped out front of an emerging coalition of liberal Democrats, civil rights groups and GOP activists to demand that Congress pass a resolution that "condemns the racism and bigotry espoused by the Council of Conservative Citizens."

Backers of the legislation said during a news conference at the Capitol that they have the votes to pass the resolution, counting nine GOP House members among 138 cosigners. But House leaders so far have refused to bring it to the floor. In the Senate, Lott has declared his opposition to pushing the measure, and no one has stepped forward to introduce a corresponding resolution.

PRESSURE APPEARS TO BUILD IN CONGRESS

"We are not going to go away," said Rep. Michael P. Forbes (R–NY). He and Rep. Fred Upton (R–MI) were the only Republican lawmakers at the news conference. "I think the pressure is mounting on all members of Congress, especially the leadership in both houses because so many Members are concerned . . . about this group."

Council officials attended the news conference, and some members came to the organization's defense.

"Congress can ignore Bill Clinton's perjury and obstruction of justice, but it has time to condemn an innocent group of law-abiding, hard-working conservative Americans," Gordon L. Baum, the council's chief executive, said in a statement. "It is grotesquely inappropriate for Congress to condemn an entire organization for its political views."

The House resolution, introduced last month by Rep. Robert Wexler (D–FL), is modeled after a similar 1994 resolution that condemned a speech by former Nation of Islam activist Khalid Abdul Muhammad for "outrageous hate-mongering." That resolution sped through both Houses of Congress in 20 days, while the resolution citing the council has languished for nearly two months.

LOTT UNLIKELY TO INTRODUCE BILL

The controversy began late last year after reports about links between Lott and the group. John Czwartacki, a spokesman for Lott, said that the Mississippi Senator "would be inclined to support legislation opposed to all forms of racism and bigotry" but has no plans to introduce any legislation on the issue. Czwartacki cautioned that, "when you get into singling out a group for a few individuals, there could be a problem."

Offering what some GOP leaders hope will be an alternative, Rep. J.C. Watts, Jr. (R–OK), the only African American GOP legislator in Congress, introduced a bill Thursday to condemn all groups that promote racial hate or intolerance.

Watts' legislation, however, drew immediate criticism for being, in the words of one Capitol Hill staff member, "a transparent, watered-down version offered by befuddled Republicans who don't know what to do when the subject of racism emerges."

Faye Anderson, president of the Douglass Policy Institute, a Washington-based group of black Republicans, called on Lott and all GOP presidential candidates to repudiate the council.

"The Republican Party, the party of Frederick Douglass and Abraham Lincoln, isn't inclusive when its leaders refuse to condemn racism directed at black people," said Anderson, who has led an effort to make the GOP more receptive to black and other minority voters. "This party can't talk about inclusion when under that tent are the very people who would enjoy seeing people like me swinging from a tree."

UC BOARD EXPECTED TO OK DAVIS PLAN TO ADMIT TOP 4%

EDUCATION: ANOTHER 3,600 STUDENTS A YEAR WOULD BE ELIGIBLE TO ATTEND. DAVIS HAS SAID MINORITY ENROLLMENT WOULD INCREASE, BUT OFFICIALS SAY IMPACT WOULD BE MINIMAL

[From the Los Angeles Times via Dow Jones]

SAN FRANCISCO.—Helping Gov. Gray Davis make good on a campaign promise, the UC Board of Regents today is expected to approve new admission rules that guarantee a seat for high school students who rank in the top 4% of their class.

The regents' education policy subcommittee recommended the new rules, which are considered certain to pass the full board today. Republican holdovers on the panel joined with Davis and his newly appointed regents to easily push through the plan that would make an additional 3,600 students eligible for admission to one of the UC campuses, but not necessarily the campus of their choice.

While of limited practical impact, the vote was heavy with symbolic import, both as an indication of Davis' control of the board and of his desire to set a new tone on the controversial issue of university admissions.

"We owe it to the chief executive to work with him and advance his agenda," said Regent Ward Connerly, who was initially suspicious that the 4% plan was an end-run around the affirmative action ban.

Although controversial in the past, the proposal would add only about 1,800 students to the 46,000 freshmen who decide to accept UC offers of admission each year. Officials plan a slight enrollment increase at some campuses to accommodate the additional students.

Manuel N. Gomez, UC Irvine's vice chancellor for student services, said the change will serve as a tremendous motivating force for bright youngsters at high schools that struggle to produce university-caliber students.

"It's a very good sign," he said. "It's going to mean something more real, more attainable, for students at each and every high school in California."

The change will have little discernible effect on UCI's enrollment, Gomez said. Still, the university will have a larger pool of eligible students, and that might lead to more minority students being accepted at UCI, he said.

The new policy, which would take effect for students who will be freshmen in fall of 2001, would make no change in the rules for determining which campuses a student qualifies for, and therefore would have little, if any, effect on who gets into the most selective campuses—Berkeley, UCLA and San Diego. Test scores will remain a key criterion in that decision.

Davis campaigned on the 4% plan as a way to shore up minority admissions that have slipped since the end of affirmative action. But UC officials released new information showing that of the newly eligible students, whites would make up 56%, Latinos 20%, Asian Americans 11% and African Americans 5%. Now, Latinos are 12% of UC freshmen and blacks 3%.

Yet Davis stressed the importance of sending a welcoming hand to high school students who do not think attending the university is possible.

"This admissions program says, 'Keep dreaming big dreams. Keep working hard. If you really excel, you will get a place at one of the eight UC campuses.'" Davis said. "And it completely consistent with the will of the voters" who passed Proposition 209's ban on racial preferences.

Such a change in policy probably would not have passed a year ago, when Republican Pete Wilson was governor. When the faculty brought the idea before the regents last year, it was roundly trouched by Wilson's appointees. They feared that it not only would violate Proposition 209, but would bring in unqualified students and set them up for failure.

Longtime Regent Meredith J. Khachigian cast the lone vote in opposition to the plan, saying that it would raise "false hopes" among students ill-prepared for a rigorous university education. She also said that it sent the wrong message to schools that do not have college-prep programs that adequately prepare students to compete statewide for the 46,000 freshmen slots at the campuses.

But state Supt. of Schools Delaine Eastin joined the governor in arguing that the plan would inspire a culture of academic excellence and competition in those schools that historically send few, it any students, to the prestigious public universities.

Here is how the new admissions process would work:

At the end of the high school junior year, UC officials will help public schools compile grade-point averages for students taking college-prep courses and then rank the students accordingly.

Those in the top 4% of each of California's 863 public high schools—about 10,000 students—will be sent letters informing them that they are eligible for UC admission, provided they send in an application, complete all required college-prep courses and take the SAT and SAT II tests. The university will extend the program to interested private schools.

Poor test scores will not make a student ineligible for admission. But good scores are one of the main criteria for who gets into the most competitive campuses, especially UCLA, UC Berkeley and UC San Diego.

Of the 10,000 students in the top 4%, about 6,400 would be eligible for UC admission without the policy change. Of the 3.600 who would not have been eligible before, officials expect that about half will enroll.

Davis emphasized Thursday that this approach opens the door to a new pool of students without displacing anyone who would otherwise get in.

Davis agreed that the change in policy will not alter the racial balance of the university, which has seen steep drops in black and Latino students admitted in the post-affirmative action era.

But, the governor pointed out, referring to the newly eligible students, that "about 800 or 900 of them will be people of color. There is no denying that 800 people of color will have a chance to come to the university that otherwise they would not have had."

The issue of who gets admitted to UC has been a particularly hot topic since 1995, when the regents, let by then-Gov Wilson, voted to ban affirmative action. The ban on racial preferences was extended statewide with the 1996 passage of Proposition 209.

Adopting a companion proposal, the regents decided to require all UC-bound students to take music, dance or other performing arts classes. The goal is to bring UC requirement in alignment with those of the California State University system.

But the regents, following Davis' lead, shunned a faculty proposal to halve the extra grade points awarded to high school students who take Advanced Placement and honors course.

The governor said he did not want to do anything that would diminish the incentives for high school students to challenge themselves by taking the tougher courses.

Under a program set up by UC officials more than a decade ago, students can now earn up to five points for an A in Advanced Placement on honors courses, resulting in grade-point averages that exceed 4.0.

IN MEMORIAM OF ABE GOOTMAN

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. BORSKI. Mr. Speaker, I rise today in memory of a dear friend, Mr. Abe Gootman. Much to the loss of local politics, Abe Gootman passed away today.

For as long as I can remember, Abe had been on the front line of politics in Philadelphia. He was with me on my first campaign for Congress in 1982, and was a stalwart supporter throughout the rest of my career. Abe was always there to champion the causes that I believed in and defend my actions as a Member of Congress. As a committee person from the 54th Democratic ward, his voice could always be heard. You could consistently count on Abe to get the message out, whether it was in a neighborhood meeting or a letter to the editor, and people invariably listened.

Abe worked for the U.S. Postal Service for 45 years and retired in April, 1968. He started his career as a letter carrier, then drove a mail truck and became a tour supervisor of all mail at 30th Street Station, working the 4–12 shift, before retiring. As a member of the National Association of Letter Carriers and the National Association of Retired Federal Employees, Abe was a staunch advocate for federal retirees and their need to be treated as equal as beneficiaries of the Social Security system. He worked tirelessly in his effort to see that retired federal employees got what they deserved.

Mr. Speaker, Abe Gootman was a kind and generous man who firmly believed in the sanctity of the government and the political process. As a World War II Veteran, he was a true patriot and believer in democracy by the people, for the people. It is a sad day for Philadelphia, and a sad day particularly for me. I will truly miss Mr. Gootman, he has been an anchor and a guide throughout my career. My deepest sympathies to his family.

HONORING AMERICA'S TEACHERS

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. GREEN of Texas. Mr. Speaker, last week we celebrated National Teacher Appreciation Week and paid tribute to the dedicated men and women who serve as teachers. Our teachers are hardworking professionals who are on the front lines of our struggle to provide a quality education for every child in America. They work hard so that our children can succeed in life. While it is important to recognize and acknowledge their hard work and commitment to educate our children, we must also provide them with the necessary tools they need to give our children a quality education.

It is imperative that Congress pass legislation to provide the money to fulfill our commitment to IDEA so that learning disabled children don't lag behind nondisabled children. It is also important that we continue to fund afterschool programs, and class size reduction programs that will put 100,000 new teachers in our classrooms.

Presently, Congress is considering the Teacher Technology Training Act, which would provide money to local school districts to train teachers in classroom-related computer skills, and the School Construction Act, which would help our teachers by renovating and modernizing the classrooms and facilities. In addition, the President's budget proposal provides for at least an overall 15-percent increase in education programs. These proposals will provide teachers the tools to raise test scores, student achievement, and graduation rates.

However, most important for this Congress and vital for our students and teachers, is the reauthorization of the Elementary and Secondary Education Act. The programs in ESEA are critical to the most disadvantaged students in our educational system. They include monies for safe and drug-free schools, technology education, infrastructure improvement, and bilingual education.

In this week that we have set aside to honor our Nation's teachers, Congress needs to get its priorities in line and act on the legislation that would say more about our dedication to teachers and the education of our children. Our children and teachers need schools that are safe, modern, with small classes, and access to the Internet. The tragedy in Littleton, CO, showed the need for parents, teachers, administrators, and elected officials to work together and set as a national priority, our children.

CRISIS IN KOSOVO (ITEM NO. 2)—REMARKS BY PROFESSOR MICHAEL KLARE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. KUCINICH. Mr. Speaker, on April 29, 1999, I joined with Representative CYNTHIA A MCKINNEY and Representative MICHAEL E. CAPUANO to host the second in a series of Congressional Teach-In sessions on the Crisis in Kosovo. If a peaceful resolution to this conflict is to be found in the coming weeks, it is essential that we cultivate a consciousness of peace and actively search for creative solutions. We must construct a foundation for peace through negotiation, mediation, and diplomacy.

Part of the dynamic of peace is a willingness to engage in meaningful dialogue, to listen to one another openly and to share our views in a constructive manner. I hope that these Teach-In sessions will contribute to this process by providing a forum for Members of Congress and the public to explore alternatives to the bombing and options for a peaceful resolution. We will hear from a variety of speakers on different sides of the Kosovo situation. I will be introducing into the CONGRESSIONAL RECORD transcripts of their remarks and essays that shed light on the many dimensions of the crisis.

This presentation is by Michael Klare, a professor of world security studies at Hampshire College. A noted expert on foreign policy, Professor Klare discusses the content of the Rambouillet plan, and speculated that the decision to bomb Serbia was closely related to the inauguration of a "new strategic blueprint" by NATO. He also presents a 5-point plan for peace in the Balkans. Following his presentation is his opinion piece from Newsday, April 4, 1999, entitled "Kosovo Failures Show Path to Real Peace." I commend these well-reasoned documents to my colleagues.

PRESENTATION BY PROFESSOR MICHAEL KLARE TO CONGRESSIONAL TEACH-IN ON KOSOVO

First, I want to thank Representatives Kucinich, McKinney, and Capuano for affording me this opportunity to address the issues raised by the current conflict in the Balkans. I believe that public discussion of these issues is essential if Congress and the American people are to make informed decisions about vital national security matters.

As for my own views, I want to make it clear from the start that I am very troubled by the strategy adopted by the United States and NATO to deal with the crisis in Kosovo. Now, I agree that we all share an obligation to resist genocide and ethnic cleansing whenever such hideous behavior occurs. And I think that we all agree that Serbian military and police authorities have engaged in such behavior in Kosovo. The killings and other atrocities that have occurred there represent an assault on the human community as a whole, and must be vigorously opposed.

But this does not mean that we cannot be critical of the means adopted by the United States and NATO to counter this behavior, if we find them lacking. Indeed, our very concern for the lives of the Albanian Kosovars requires that we agonize over every strategic decision and reject any move that could conceivably jeopardize the safety of the people most at risk.

Unfortunately, I do not believe that U.S. and NATO leaders adequately subjected their proposed strategies to this demanding standard. In saying this, I do not mean to question the sincerity of their concern for the people of Kosovo. But I do believe that they rushed to adopt a strategy that was not optimally designed to protect the lives of those at risk.

The haste of which I speak was most evident at the so-called peace negotiations at Rambouillet in France. I say "so-called," because it is now apparent that the United States and NATO did not really engage in the give and take of true negotiations, but rather presented the Serbian leadership with an ultimatum that they were almost certain to reject. This ultimatum called for the virtual separation of Kosovo from Serbia (if not right away, then in three years' time), the occupation of Kosovo by an armed NATO force, and the use of Serbian territory as a staging area for NATO forces in Kosovo—a drastic infringement on Serbian sovereignty that no Serbian leader could agree to, and still expect to remain in office.

Moreover, NATO representatives in Rambouillet evidently did not consider any other scenarios for settlement of the crisis, for example a compromise solution that might have averted the tragedy of the past few weeks. Such a compromise would have entailed a high degree of autonomy for Kosovo within Serbia (as was the case during the Tito period), with U.N. rather than NATO forces providing the necessary security for returning Albanian Kosovars.

Perhaps such a compromise was not really possible at Rambouillet, but we will never know, because NATO representatives gave Milosevic a take-it-or-leave-it package, and he predictably said no. As soon as the OSCE observers were pulled out of Kosovo, the Serbians began their attacks on the Albanian Kosovars. And the NATO air war, when it began a few days later, has proved to have little practical effect on the situation on the ground.

Now, some analysts may argue that haste was necessary at that point, to forestall the actions long planned by the Milosevic regime. But this does not make sense. If Milosevic had initiated full-scale ethnic cleansing while negotiations were under way in Rambouillet and the OSCE observers were still in Kosovo, he would have been exposed to the world as a vicious tyrant and could not have prevented a U.N. Security Council resolution authorizing the use of force against him under Chapter 7 of the U.N. Charter. It is very unlikely that he would have chosen this outcome, as it probably would have forced Russia to side with NATO against him. As it happened, NATO began the air war without a supporting U.N. resolution, and Milosevic was able to conceal the atrocities in Kosovo from international observation.

Why, then, did NATO rush to begin military operations against Serbia? I believe that the decision to terminate the negotiations at Rambouillet and commence the air war was driven in part by extraneous factors that were not directly connected to developments in Kosovo proper. In particular, I believe that President Clinton was influenced in part by the timing of NATO's 50th Anniversary Summit meeting in Washington. As we know, the crisis in Kosovo was reaching the boiling point only two months before the NATO Summit, which of course was scheduled for April 23–25. The White House had been planning since 1998 to use this occasion to unveil a new strategic blueprint for NATO—one that called for Alliance to transform itself from a collective defense organization into a regional police force with jurisdiction extending far beyond the organization's traditional defense lines. Under this new strategy, NATO would be primed to engage in "crisis response" operations whenever stability was threatened on the periphery of NATO territory. (Such operations are also referred to in NATO documents as "non-Article 5 operations," meaning military actions not prompted by an attack on one of NATO's members, such as those envisioned in the collective defense provisions of Article 5 of the NATO Treaty.)

I believe that Mr. Clinton must have concluded that a failure to take vigorous action against Milosevic in March would have cast doubt on the credibility of the new NATO strategy (on which the air campaign against Serbia is based), while a quick success would no doubt have helped build support for its ratification. In arriving at this conclusion, Mr. Clinton was also influenced (according to a report in The New York Times of April 18, 1999) by intelligence reports suggesting that Milosevic would give in to NATO demands after a relatively short period of bombing.

And so the United States and NATO rushed into an air campaign against Serbia before it had exhausted all of the potential for a negotiated settlement with Belgrade. And I would argue that this very haste has damaged the effectiveness of NATO action. For one thing, it did not allow NATO officials sufficient time to prepare for the refugee crisis provoked by Serbian action in Kosovo, resulting in the massive chaos witnessed at border regions in Albania and Macedonia. In addition, precipitous NATO action has allowed Milosevic to conceal the atrocities in Kosovo from his own people, and to blame the suffering there on NATO bombs rather than Serbian violence. As well, such haste gives the appearance that NATO is acting without proper U.N. Security Council authorization, and thus is in violation of international law. Finally, it has alienated Russia, which sees the air war as a one-sided attack on a friendly Slavic state.

NATO itself has also suffered from this haste, in that the parliaments and publics of the NATO member states were not given an adequate opportunity to debate the merits of the air war and the new strategic blueprint upon which it is based. Given the fact that NATO is an alliance of democracies, in which key decisions are supposedly arrived at only after full consultation with the people and their elected representatives, this lack of consultation runs the risk of discrediting NATO over the long run. Given the magnitude and significance of the strategic transportation now under way, entailing the possible initiation of NATO military operations in areas outside of NATO's traditional defense lines, it is essential that the U.S. Congress and the parliaments of the NATO member states now open up debate on the new strategy, as articulated in paragraphs 31, 41, 48, and 49 of the Alliance's "New Strategic Concept," adopted on April 24, 1999.

This having been said, it is necessary to return to the problem at hand: the evident failure of the existing NATO strategy to halt ethnic cleansing in Kosovo and to force Milosevic into submission to NATO's demands. As indicated, I believe that this strategy was adopted in haste, and that the consequences of haste was an imperfect strategy. It is now time to reconsider NATO's strategy, and devise a more realistic and effective alternative. Our goal must be to convince Serbian authorities to accept a less harsh version of the Rambouillet proposal—one that gives Albanian Kosovars local self-government and effective protection against Serbian aggression (guaranteed by an armed international presence), but without separating Kosovo from Serbia altogether. To get to this point, I propose a five-point strategy composed of the following:

(1) An unconditional halt in the bombing of Serbia proper. This would deprive Milosevic use of the air war as a tool for mobilizing Serbian nationalism on his behalf. (2) The establishment of a no-fly, no-tank, no-troop-movement zone covering all Serbian forces in Kosovo, and enforced by NATO aircraft. Serbian forces would be told that they will not be attacked if they remain in their barracks, but will come under attack if they engage in military action against Kosovar civilians. Such attacks, when initiated, would be directed solely against those forces directly involved in armed violence against civilians. (3) The imposition and enforcement by NATO of a total economic blockade against Serbia, excluding only food and medical supplies. (4) The restarting of NATO-Serbia negotiations over the future of Kosovo, with assistance provided by Russia and other third parties. No preconditions should be set regarding the identity of any armed international force deployed in Kosovo to protect the Kosovars, but it should be made clear that Serbia will have to accept some armed international presence. (5) A promise that economic sanctions will be lifted as soon as Serbia agrees to a just and enforceable settlement in Kosovo, allowing the Albanian Kosovars to return under armed international protection. Also, a promise that Serbia would be able to benefit from future regional reconstruction and redevelopment programs supported by the EU and other such bodies.

Such a strategy, I believe, would deprive Milosevic of any further propaganda victories while affording full protection to the remaining Albanian civilians in Kosovo. It is also likely to receive strong international support and increase the pressures (and incentives) for Serbia to agree to a just and peaceful resolution of the crisis in Kosovo.

[From Newsday, Apr. 4, 1999]

KOSOVO FAILURES SHOW PATH TO REAL PEACE

(By Michael Klare)

The time has come to acknowledge that the current U.S.-NATO strategy in Yugoslavia is a failure. Not one of the air war's objectives—the cessation of ethnic cleansing in Kosovo, the weakening of Slobodan Milosevic or the prevention of a wider conflict—has been achieved. Instead, the atrocities are getting worse, Milosevic is stronger than ever, and the war is spreading. Nor is there any indication that an expanded air campaign will prove more successful. We must look for other options.

Without alternatives, we could be doomed to involvement in a conflict lacking any discernible conclusion. The United States and NATO launched the air war under the naive assumption that Milosevic would quickly succumb to a dramatic (and relatively cost-free) show of force. Evidently, no thought was given to the possibility that he would not. Now, it seems that the alliance's only option is to extend the bombing to an ever-widening array of targets in Serbia. Such attacks are not, however, likely to end the fighting, ensure the safety of the Albanians in Kosovo, or produce a lasting and stable peace in the Balkans. Unless Milosevic loses his nerve—something for which he has shown no prior inclination—the attacks will simply grind on with no visible end in sight. Meanwhile, the unity heretofore shown by the NATO countries is likely to crumble and the prospects for a Dayton-like peace accord are likely to vanish.

That is strategy based solely on air strikes would achieve all of NATO's objectives was a dubious proposition from the start. By bombing Serbia, we provided a pretext for Milosevic to silence his opposition at home and to escalate the killing in Kosovo—an outcome that should have been obvious to NATO war planners. It should also have been obvious that the Serbian population—highly nationalistic to begin with—would respond to the bombing by rallying around its leadership.

Many analysts have spoken of the practical obstacles to an effective air campaign in Yugoslavia: the difficult terrain, the bad weather, the interspersing of military and civilian installations and so on. Certainly, these are important factors. But it was NATO's failure to calculate the political outcome of the campaign that has proved most calamitous: The more we have bombed, the stronger—not weaker—Milosevic has become.

NATO officials now contend that the way to alter this equation is by increasing the level of pain being inflicted on Serbia from the air. This will be done by attacking government buildings in downtown Belgrade and civilian installations—such as bridges and factories—throughout the country.

Supposedly, this will erode public support for Milosevic and persuade elements of the Yugoslav Army to seek peace with NATO. But it could easily produce the opposite effect: intensifying Serbian hostility to the West and provoking Serbian military incursions into neighboring countries. We see the start of this already, with the shelling of Albania and the seizure of U.S. soldiers in Macedonia.

NATO could also alter the equation by sending ground troops into Kosovo. This would permit allied forces to engage those Serbian units most directly involved in the slaughter of ethnic Albanians. It is doubtful, however, that NATO forces could get there soon enough and in sufficient strength to make a difference. Once troops are deployed there, moreover, it may prove impossible to bring them back. Given the Serbs' growing hostility to the West, any hope of achieving a lasting peace in the region—one that does not require the presence of a large, permanent NATO force to police it—has all but disappeared.

One lesson we should all draw from this is that military force—and particularly the frequently unanticipated political fallout from such force—is very difficult to control. Once Clinton gave the go-ahead for air strikes, he set in motion forces that are not subject to easy manipulation. If Washington backs down now, the credibility of NATO will be seriously impaired—hence the temptation to escalate the conflict rather than to admit failure. With each new escalation, however, the stakes grow higher and it becomes even more difficult to extricate ourselves from the spiral of conflict. This is, of course, precisely how the United States became so deeply ensnared in Vietnam.

There is also the issue of casualties—American, allied, Kosovar and Serbian. It is hard to conceive of any type of escalation, whether in the air or on the ground, that will not produce a higher rate of casualties. It may be, as some pundits have argued, that we have to risk higher casualties in order to produce a desirable outcome. But it would be an unforgivable mistake to incur higher casualties simply in order to rescue a strategy that is flawed to begin with.

Rather than think about escalating the conflict, therefore, we have to find ways of de-escalating it—of reducing the level of violence while providing real protection to the remaining Albanians in Kosovo.

Is this a realistic option? There are still grounds to think so. The key to a lasting peace in the Balkans is persuading the Serbs that they have more to gain from participating in the stability and prosperity of the West than from continued defiance and penury.

The way to do this, I believe, is to stop the bombing of Serbia proper while deploying a NATO air umbrella over Kosovo and adjacent areas of Serbia. NATO should resolve to allow safe passage to all Yugoslav military units in Kosovo that elect to return to their bases in Serbia. But any such forces that continue fighting in Kosovo, or that seek to enter the region from Serbia, will be attached on sight.

Likewise, any Serbian military aircraft that enter Kosovar airspace, or that interfere with the operation of the NATO air umbrella, would be shot down—as with the existing "no-fly zone" over southern Iraq.

To give this strategy some added teeth, NATO could infiltrate special commandos equipped with air/ground communications systems and laser target-designators. These units would avoid battle themselves, but could pinpoint the exact location of any Serbian forces still engaged in ethnic cleansing for instant attack from the air. The ultimate goal should be a regime of zero tolerance for Serbian assaults on civilians in Kosovo. This is precisely the sort of operation at which the special units involved in the recent rescue of the downed American F-117 fighter pilot are especially proficient.

At the same time, Serbia itself should be placed under a draconian trade embargo, similar to that imposed on Iraq—allowing in nothing but food and medical supplies. All roads and rail lines leading into Serbia would be closely monitored, and any attempts to circumvent the embargo would provoke a harsh response from NATO. Then we could offer the option of negotiations. The choices for Belgrade should be framed as follows: If you agree to a just settlement in Kosovo, the sanctions will be lifted and Serbia will be allowed to rejoin Europe and benefit from its prosperity; if not, you will be spared from further bombing, but you will live in perpetual isolation and poverty. Such an approach would deprive Milosevic of the political advantage he now enjoys from the NATO bombings, while increasing the attraction of a permanent peace accord.

The lesson of recent international peace negotiations—including the Oslo accords on Israel and Palestine and the settlement in Northern Ireland—is that agreement is reached most easily when all parties involved perceive a mutual advantage in reaching accommodation. Merely threatening pain is not enough: The Serbs must believe they will enjoy genuine benefits from granting independence or autonomy to the Albanian Kosovars.

A strategy of this sort, resting on the de-escalation of violence, will be much easier to sustain—and far more effective—than the present policy of escalation. It can be implemented immediately, without exposing the Albanian Kosovars to increased danger. Most of all, it would allow the United States and NATO to articulate a lasting outcome to the crisis that we can live with in good conscience.

HONORING CATHERINE O. SPATOLA

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Ms. VELÁZQUEZ. Mr. Speaker, I rise today in honor of Catherine O. Spatola, the principal of P.S. 123K in Brooklyn, New York. For over 20 years Ms. Spatola has been a beacon in the community and a role model to her students, and this week her service to the community will be officially recognized as the auditorium at P.S. 123K is named in her honor.

This honor is fitting for a woman who has worked so hard and touched so many lives in so many ways. Her teaching and her leadership have been dynamic. She has sought to bring out the best in the students and the best in the community by ensuring that the educational experience at P.S. 123K has been complete, engaging and dynamic.

Using her experience as an accomplished drama and music instructor, she worked to develop special initiatives such as Glee and Dance Clubs which perform city-wide. Her program has developed outstanding performers who enrich the community while improving themselves.

She has created and implemented essay, art and storytelling competitions within the school that has helped students tap into and expand their creative powers. Because of her efforts, students are participating in state, city and district-wide writing and art contests. The program she created boasts the citywide winner of the 1992 Storytelling Contest and the first place statewide winner of the 1993 SABE Essay Contest.

Ms. Spatola challenges students' thinking by holding school-wide celebrations which honor the rich and varied cultures and traditions reflected in the community. The celebrations honor Puerto Rico Discovery Day, Dr. Martin Luther King, Jr. and African-American History, Pan-American Day, as well as Asian, Italian, Jewish and Irish heritages. By exposing her students to these diverse traditions, she not only enhances their educational experience, but deepens the roots of the community and strengthens its fabric.

In addition to ensuring that students have the tools to succeed in the future, Ms. Spatola has worked to provide them with an inside view into the working world by creating a Career Conference Day. Through this initiative, students are able to meet with individuals from a variety of fields and a number of different occupations. This forum gives the students a chance to explore ideas and possibilities that exist for them, and find out the challenging and exciting futures that they can pursue.

All of these attributes make Ms. Spatola an important member of P.S. 123K and a valued member of our community. She stands out to all of us as a model for leadership and her contributions underscore the important role that educators play in the lives of our children and in the future of our communities. I ask my colleagues to join me in congratulating Ms. Spatola and wishing her well as she continues to touch the future.

HONORING SEVEN ACRES JEWISH SENIOR CARE SERVICES

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. BENTSEN. Mr. Speaker, I rise to honor Seven Acres Jewish Senior Care Services, which will celebrate the Sara Feldt Memorial Annual Older American's Day in recognition of Older American's Month. Many of Seven Acres' residents volunteer in schools and philanthropic organizations.

Seven Acres began in 1943, when a small, determined group of men and women of the Jewish faith purchased a frame house on Branard Street in Houston. Their vision was to create a warm, friendly Jewish environment for 14 elderly citizens. As the concept and the need grew, there were milestone expansions. In 1954, a new facility with broader capabilities was built on Chimney Rock Road, initially serving 31 and eventually accommodating 98 residents. During the 1970's, planning began for a new and ambitious facility. By 1977, the present Seven Acres campus was dedicated to the mission of "Honor[ing] thy Father and thy Mother."

In 1998, a major renovation created today's modern campus. Throughout its history, Seven Acres has promoted a sense of satisfaction with life so that the humanity, dignity, independence, and strengths of each resident are realized to the fullest.

Mr. Speaker, at a time when America is aging and our parents are growing older, it is imperative that facilities like Seven Acres exist to care for the elderly. Our elderly are a tremendous asset and a source of great talent and inspiration. I commend them for their good works and Seven Acres for its great contributions to the community.

VETERANS APPRECIATION MONTH

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. BROWN of California. Mr. Speaker, the people of our Nation have great appreciation and admiration for the many men and women who have served this country in the armed forces to protect and preserve our freedom and safety and that of others across the globe. In addition to a debt of gratitude, our Nation has a long tradition of providing concrete assistance to veterans to readjust to civilian life, to find employment therein, and to buy a home. We owe even more to those veterans who became disabled as a result of their service to our Nation. That assistance we provide usually pays benefits back to our society manyfold as veterans utilize their hard-earned skills, discipline, and loyalty in civilian life and their communities.

To help promote the many valuable programs our Nation, States, localities, and the private sector have to assist veterans, many States, including my own State of California, have proclaimed "veterans appreciation months." May is Veterans Appreciation Month in California, so declared by Governor Gray Davis. I wish to draw the attention of the Congress to that declaration and to urge my colleagues and the Nation as a whole to do all that we can to assist our Nation's veterans, including utilizing the employment assistance programs operating by many States and in California by the Employment Development Department.

TAX FREEDOM DAY

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. PACKARD. Mr. Speaker, today is Tax Freedom Day. This is the day when American taxpayers have symbolically "paid off" their tax burden to the government and begin working for themselves.

The hard working men and women of this country are now working 131 days simply to pay their debt to the government. When Bill Clinton and AL GORE were first elected, Tax Freedom Day was April 30. Today, Tax Freedom day does not come until well into May. In fact, Americans are now working an additional eleven days before they can start bettering their own lives and the lives of their families.

To put it in basic terms, the average person who works an 8 hour day, actually works almost three hours just to pay their federal, state and local taxes! The simple fact is Americans pay more in taxes than food, clothing, shelter and transportation combined. It is time we put a stop to this and provide some much needed tax relief for American families. After all, a surplus is nothing more than an overpayment by taxpayers. We should give it back.

Mr. Speaker, we need to continue the fight for lower taxes. It is time to eliminate the estate tax, the marriage penalty tax, and provide a larger child tax credit and provide an across the board income tax cut. American families know best how to spend their money, not Washington bureaucrats.

TRIBUTE TO THREE "CALIFORNIA DISTINGUISHED SCHOOLS"

HON. STEVEN T. KUYKENDALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. KUYKENDALL. Mr. Speaker, I rise today to recognize three special schools in my district: West High School (Torrance, CA), Richardson Middle School (Torrance, CA), and Palos Verdes Peninsula High School (Palos Verdes, CA). These schools are among the 158 within the State of California that have earned the prestigious title "California Distinguished Schools" by the state's Department of Education.

My three schools were awarded the designation for their outstanding examples of teaching and learning. They have also incorporated strong teamwork and professional development components within the respective curricula. "Through the efforts of skilled and committed personnel, we can work even more efficiently to improve the educational system for your children," said Superintendent Delaine Eastin when bestowing the award.

The California State Department of Education began the California Distinguished Schools Program in 1985 to honor elementary and secondary schools in alternate years. To be eligible for the distinguished School title, a school must demonstrate a commitment to improve the quality of its educational services and performances. In this manner, it is an effective way of encouraging reform and does so in a manner that encourages local participation by those who matter most: parents, teachers, administrators, students.

I am a firm believer that education is the key to improving the lives of our children who are the future of this country. I am encouraged by the State's creativity in developing the Distinguished School concept and commend these three exceptional schools in my district for making a positive difference in the lives of our children and community.

MANDATORY RETIREMENT FOR LAW ENFORCEMENT OFFICERS

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mrs. MINK of Hawaii. Mr. Speaker, I am introducing legislation today, H.R. 1748, which will raise the mandatory age for the retirement of law enforcement officers from 57 years of age to 60 years.

Under current law those who want to retire may do so at age 50 years.

My bill only affects the mandatory age of the law enforcement officers. I believe that it is too restrictive. Law enforcement officers should be allowed to stay in at least until age 60 years which is the mandatory age for air traffic controllers.

With the mandatory age of retirement for law enforcement at 57 years, in the next 5 years the Criminal Investigation Division of the U.S. Treasury alone will lose 1,350 special agents.

Allowing these senior agents to stay on, if they wish, another three years will be both cost effective as well as help to keep our best, most highly qualified workforce.

I urge my colleagues to support H.R. 1748.

IN SPECIAL RECOGNITION OF MICHAEL A. SMITH ON HIS APPOINTMENT TO ATTEND THE UNITED STATES MILITARY ACADEMY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. GILLMOR. Mr. Speaker, I rise today to pay special tribute to a truly outstanding young man from Ohio's Fifth Congressional District. Recently, I had the opportunity to nominate Michael A. Smith for an appointment to attend the United States Military Academy at West Point, New York

I am pleased to announce that Michael has been offered an appointment and will be attending West Point with the incoming cadet class of 2003. Attending one of our nation's military academies is one of the most rewarding and demanding time periods these young men and women will ever undertake. Our military academies turn these young adults into the finest officers of the world.

Mr. Speaker, without question, Michael Smith belongs with the incoming West Point class of 2003. During his time at Tiffin Calvert High School, in Tiffin, Ohio, Michael performed in excellent fashion. With his outstanding 3.95 grade point average, he is ranked second in his class. He is a member of the National Honor Society, and earned the National Machinery Citizenship Award as a freshman, sophomore, and junior.

Not only did Michael excel in the classroom, but he distinguished himself on the fields of athletic competition as well. Michael has been a member of the Tiffin Calvert High School Cross Country and Track Teams, earning varsity letters in both sports. Michael is also a member of the French Club and Students Against Drunk Driving.

Mr. Speaker, at this point, I would ask my colleagues to stand and join me in paying special tribute to Michael Smith. Our service academic offer the finest education and military training available anywhere in the world. I am sure that Michael will do very well at West Point, and I wish him much success on all his future endeavors.

SMART GROWTH IN MARYLAND

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. CUMMINGS. Mr. Speaker, I'd like to thank Representatives BLUMENAUER and HOEFFEL for their effort in organizing this special order on the Department of Transportation's "Transportation and Community and System Preservation Pilot Program"—an outgrowth of the Clinton Administration's "Livable Communities" and "Smart Growth" initiatives.

Innovative land-use and conservation policies, known as "smart growth" strategies, are used by communities across the U.S. to preserve green space, ease traffic congestion, and monitor infrastructure development.

As stated by Maryland Governor Paris Glendening, "The goal of smart growth is not no growth or even slow growth . . . rather, the goal is sensible growth that balances our need for jobs and economic development with our desire to save our natural environment before it is forever lost."

Mr. Speaker, I submit to you these facts: in 1970, 12 billion vehicle miles were traveled each year in Maryland, by 1990 that number more than doubled to 28 billion vehicles; from 1970 to 1995 Maryland's population grew by 25% from 4 to 5 million—and is expected to top 6 million by 2020; during the same 25 years, the population in the major suburbs around Baltimore City skyrocketed by 67 percent. In the last four years alone, Baltimore City has lost more than 50,000 residents!

Facing these daunting statistics, the state of Maryland has been at the forefront of smart growth initiatives. Maryland passed the nation's first comprehensive "Smart Growth" Act in 1992, which sought to: concentrate development in suitable areas; protect sensitive and resource areas; direct growth in rural areas to existing population centers; promote stewardship of the Chesapeake Bay; practice conservation and reduce consumption of resources; and encourage economic growth and streamline regulatory mechanisms.

As a member of the Transportation and Infrastructure Committee, I am pleased that the Administration has maintained its commitment to strengthening the federal government's role as a partner with urban and rural communities. Through the Department of Transportation, the Administration has actively pursued objectives that not only make communities more economically attractive, but also improve quality of life.

Under the TCSP program funded by the Department of Transportation, the "Maryland Integrating Transportation and Smart Growth Program"—MINTS—has been awarded $450,000 to demonstrate how smart growth can successfully be linked with innovative transportation policies.

The grant will be used to: maintain and enhance existing communities and contribute to their quality of life and economic vitality; demonstrate how investments in transportation strategies can encourage well-planned growth where it is desired and discourage new development where it is inconsistent with smart growth objectives; and use sound growth management to facilitate community conservation, preservation of infrastructure capacity, and "smart" transportation strategies.

The MINTS program will be implemented in two distinct growth management settings:

First, an urban community where there are challenges to improve the efficiency of the existing transportation system, to conserve the community, and to prompt re-development; and

Second, where suburban sprawl threatens rural resource protection goals and generates highway and other infrastructure needs.

Mr. Speaker, As legislators, we MUST recognize that growth is inevitable and growth is necessary. However, my hope is that my colleagues will utilize smart growth initiatives outlined by the Clinton administration to protect the environment, while also supporting the growing transportation and infrastructure needs of their districts and states.

THE COPYRIGHT DAMAGES IMPROVEMENT ACT OF 1999

HON. JAMES E. ROGAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. ROGAN. Mr. Speaker, I am pleased to introduce the Copyright Damages Improvement Act of 1999. This bill makes significant improvements to the Copyright Act by strengthening damages for copyright infringement. It is extremely important that the United States remain a leader in the protection and enforcement of intellectual property rights, not only because of the value of the intellectual property created in the United States, but also to set an example for other countries to follow.

This bill will increase the range of statutory damages available for copyright infringement. Copyright owners may elect to receive actual or statutory damages for infringement of their registered works. Because of the difficulty in proving actual damages, many copyright owners choose statutory damages. The amount of statutory damages were last increased in 1988 when the United States acceded to the Berne Convention. The proposed amount of statutory damages are rounded from the rate of inflation since 1988. In this time of economic and technological growth, it is necessary to increase the level of damages if they are to be an effective deterrent to copyright infringement. Further, the increase in damages will assist the United States in its negotiations with other countries concerning protection of intellectual property.

This bill also adds a new tier of statutory damages. It targets "repeat" offenders or parties that have engaged in a "pattern or practice" of infringement. These are the worst of the worst offenders. These individuals, who continue to infringe a copyrighted work in spite of receiving notice from the copyright owner that the use is unauthorized, should be subject to stricter penalties. Currently, an infringer may be liable for up to $100,000 per infringed work. An infringer who is distributing thousands of unauthorized copies of a popular movie or software program may not be deterred by this penalty. In response to this problem, my bill will establish a strong deterrent for this kind of infringement by allowing the courts to award up to $250,000 per infringed work.

Finally, this bill ensures that a debtor may not be discharged from debts resulting from willful copyright infringement. The Bankruptcy Code lists items that may not be discharged in bankruptcy. One of these item is, ". . . for willful and malicious injury by the debtor to another entity or to the property of another entity." Federal courts have split on whether "willful" copyright infringement equates with a "willful and malicious" injury under the Bankruptcy Code so that the debt may not be discharged. This bill will close a loophole and ensure that a copyright infringer who receives a judgment against them does not have an incentive to file for bankruptcy and avoid the debt.

Mr. Speaker, this bill makes a strong statement that the United States supports protection of intellectual property rights and will be diligent in enforcing those rights against infringers. It provides incentive for the creation of intellectual property in the United States and for other countries to establish and enforce copyright laws as well. I encourage my colleagues to support this bill.

HONORING GEORGE R. MUIRHEAD

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mrs. JOHNSON of Connecticut. Mr. Speaker, it is with great pleasure that I rise to honor Dr. George R. Muirhead upon his retirement from Central Connecticut State University in my hometown of New Britain, Connecticut.

Dr. Muirhead begin teaching CCSU students in 1949. During his many years of service to this fine university he has been Director of the Division of Social Sciences, Dean of Instructional Services, Acting Dean of the School of Business, Acting Dean of the School of Arts and Sciences, Assistant to the Vice President for Academic Affairs, Executive Director of the Experimental College, Co-Director and Administration for U.S.A.I.D. Program for Management Training and Economic Education in Poland and Vice President for Academic Affairs.

Dr. Murihead has provided outstanding instructional opportunities to generations of students in the academic areas of history and contributed significantly to scholarships through his research and publications. He has been a leader in establishing Central Connecticut State University's Center for Excellence in International Education and the chief architect of the University's nationally recognized General Education Program.

Few educators have the vision, intellect, extraordinary level of curiosity or ability to set forth complex matters in an orderly and memorable way that Dr. Muirhead possesses. He has taught, mentored and influenced generations of scholars and inspired students of all ages to better understand our world and prepare for the challenges of the next century. His work to establish CCSU's international program over many years was truly visionary, preceding today's acceptance of the importance of international experience and understanding.

Following are quotes from tributes to this remarkable teacher and leader marking his 50 years of service.

From Richard J. Judd, President of CCSU (and class of 1959): "George Muirhead is a quintessential academic. He has guided with great enthusiasm countless thousands of students. His intellectual astuteness is boundless and he is among the great teachers of this university which he has served so selflessly for 50 years. I, as his one-time student, cannot begin to say the multifold ways he has influenced my life. He once told me not to try to be Tom Paine. I never forgot that admonition. As the current President of Central Connecticut State University I am deeply honored to have George Muirhead serve along side of me but more so to have him as a dear friend."

From Arturo U. Iriarte, Vice President of Academic Affairs at Lasselle College and former Professor of Education, CCSU: "You taught me to lead, to accomplish goals, to effect change, and to laugh. Thanks for always being there when I call to ask for your guidance and advice. To you I lift a glass of the Grouse in a toast to your continued good health and happiness."

From Timothy Rickard, Professor of Geography: "George Muirhead's keen interest in student and faculty international exchanges laid much of the programmatic groundwork for CCSU's designation by the state legislature as a Center of Excellence in International Education in 1987. His exchange with a professor at Bingley College in Yorkshire for the 1973–74 academic year was the blueprint for a series of year long faculty exchanges with British institutions and later expansion into a variety of worldwide opportunities for faculty visits to CCSU liaison institutions. Also, as Dr. Muirhead's special legacy, four CCSU students on exchange in the United Kingdom are supported each year by Muirhead scholarships and the country is the destination of choice for about half the students in a greatly expanded study abroad program."

From Eileen Groth Lyon, CCSU Class of 1987, Assistant Professor of History at Florida State University: "By the time I arrived at Central Connecticut University in the fall of 1983, George Muirhead was already something of a legend. My parents and aunt, who attended the university in the late 1940's and 1950's, had spoken of him as one of the finest and most charismatic professors they had known. Dr. Muirhead's encouragement and careful mentoring extended beyond my graduation from Central to a Fulbright scholarship, Cambridge Ph.D. and an academic career. I will always remain grateful for all that he taught me, about both history and life."

From Amy B. Grass, CCSU Class of 1999: "These are the memories I have of Dr. Muirhead: a teacher, a mentor, a practical joker, a tea maker (and occasional waiter), a volume of knowledge and a friend. Those of us at Central, but especially I, can say that knowing him has been a rip-roaring, firecracking roller-coaster of a ride . . . and we're all the better for having bought a ticket."

100TH ANNIVERSARY OF FLIGHT EDUCATIONAL INITIATIVE

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. ETHERIDGE. Mr. Speaker, I rise today to introduce legislation that directs the National Aeronautics and Space Administration to develop an educational curriculum for our nation's schools in recognition of the 100th anniversary of the first powered flight. The 100th anniversary of powered flight, which will take place on December 17, 2003, provides an excellent opportunity for our nation's schools to promote the importance of math and science education to our students.

As the former Superintendent of Schools in North Carolina, and as a member of the House Science Committee since coming to Congress in 1997, I have worked for years to improve math and science education in our schools. America's future will in many ways be determined by the ability of our citizens to understand and adapt to the changes in technology that will so dominate life in the twenty-first century. As we watch the sun rise on the dawn of a new millennium, it has never been more important to encourage our children to excel in the areas of science and math. In the twenty-first century, it will no longer be good enough for our children simply to be able to read and write and add and subtract. If today's students are going to succeed in tomorrow's jobs, a firm foundation in math and science is required.

One of the most difficult challenges we face in math and science education in generating interest among our children in these fields. With all of the distractions of modern life, it has been increasingly difficult to interest students in participating in the most challenging math and science curriculums. Such a lack of interest could spell doom down the road as fewer and fewer students enter the teaching profession in these fields. The 100th Anniversary of Flight Educational Initiative I am introducing today is intended to use the history of flight, the practical benefits of flight on society and the mathematics and scientific principles used in flight to generate interest among students in math and science education.

As a young boy growing up on a farm in North Carolina, air travel and the space program captured my imagination as it did most Americans. Unfortunately, today, video games and other distractions are more likely to capture the imaginations of our young people than the space program. However, the 100th Anniversary of Flight, and NASA's plans to land a plane on Mars to coincide with that date, provides an excellent springboard to recapture our young people's interest in the space program and in math and science. Mr. Speaker, I am committed to seeing our students soar in the areas of math and science in our schools, and this initiative will help them take flight.

PERSONAL EXPLANATION

HON. ANNE M. NORTHUP

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mrs. NORTHUP. Mr. Speaker, last Thursday, May 6, I was present and voted on the important matter of the emergency defense supplemental that was before this body. However, I was not recorded on final passage of that bill, H.R. 1664 due to an electronic mistake or malfunction.

TRIBUTE TO FORMER CONGRESSMAN JOE KILGORE

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. HINOJOSA. Mr. Speaker, back in February of this year we lost a great Texan with the passing of former Congressman Joe Kilgore, who represented the 15th Congressional District from January 3, 1955 to January 3, 1965.

Recently, someone shared with me the eulogy presented at his funeral by former Member of Congress J.J. Pickle, who ever so ably represented the 10th District (Austin) in this body for over three decades. Congressman Pickle's remarks, which I am inserting into the RECORD today, are very moving and speak volumes about the unique relationship these two gentleman, who were the best of friends and colleagues, shared for over sixty years.

The word exemplary is not one I use loosely; however, when used to describe Joe Kilgore it is indeed apropos.

JOE KILGORE EULOGY

(By J.J. Pickle, February 13, 1999)

Joe Kilgore was a Gentleman. But to me, Joe Kilgore was more than a Gentleman. He was my Soul Mate—a Kindred Spirit—who comes along once in a lifetime. Our bond of friendship began at our University of Texas as members of a small law fraternity whose 'political' leaders were self-appointed: John Connally, Joe Kilgore, and me—when I could get a word in sideways. We were kindred spirits—and we were close—Joe, John, and Jake: Tres Amigos! We kept that close bond of friendship for more than 60 years.

Again, old friends, reserve the right to remember what they want to remember. I hope you and Joe's family will accept my recollections of earlier times when we were young and twenty-something and had no thoughts of high public office.

All my life, Joe was 'Amigo Joe'—a salutation we gave this gentleman from the 'Valley' who loved this area. When we said, 'Amigo Joe'—we were met with a smile, a happy grin, and a warm greeting, as if we shared a lot of fun and wonderful memories. Which we did.

While in the University, we became enamored with our Southwest and Mexican heritage and practiced for perfection the best 'El Grito' yell. As the Rebel 'El Grito' yell, designed to strike fear or excitement in the enemy, developed, it took on a Border flavor, described by a colleague of Joe's as "the cry of a mother coyote" bereft of her young. As a screeching eagle dived from the sky on its hapless prey. Our contest participants included Kilgore, Connally, Don Jackson, Ed Potter and maybe, yours truly. I still have a tape recording of that thunderous contest—Joe did not win. Ah, we were young and eager.

I suppose it was inevitable that we would become campus 'politicos'—of a sort. We took part in student politics—3 successive presidents of the U.T. student body—largely engineered by Amigo Joe!

I can still hear the majestic voice of Joe Kilgore, as our group serenaded the girls dormitory—the ladies of S.R.D. He made John and me look good.

Inevitably, we became young campaigners for Lyndon Johnson, Allan Shivers, Price Daniel, and, for ourselves, too. Joe became a member of the Texas Legislature and then the U.S. Congress for 10 years serving his district in the Valley. Later, I became one of his Congressional colleagues, while Connally was satisfied in just being our Secretary of the U.S. Navy, U.S. Treasurer, and Governor of Texas. We were young and eager.

"Then war came, and the bugles sounded"! Brother Joe joined the Air Force and became a distinguished B-24 bomber pilot in the Mediterranean Theater. I like to remember the story of Joe the B-24 Bomber Pilot. On one of his test bombing runs, he found himself, as the chief pilot, surrounded. On his left, was a Texas Aggie co-pilot and on his right, by another Texas Aggie co-pilot. Joe said to them "You guys be careful, I know what you Aggies are capable of doing".

Later, Joe received the Silver Star Distinguished Flying Cross whose official citation reads in part: "For valor and heroic disregard of his own safety beyond and above the call of duty . . . the dauntless courage shown by Captain Kilgore exemplifies the highest tradition of the United States Air Force."

During a break in the war, in 1943, Joe and I were in Austin as a part of a War Bond Rally where movie actor Robert Taylor, and heavy weight champ of the world, Jack Dempsey were participants. The entourage journeyed to Southwestern University in Georgetown in Ambassador Ed Clark's new yellow Packard. On the return trip, they had a flat tire and pulled off to the side of the road to jack up the car, which was resting on a steep slope. No one could work the car jack under the car and time was running short. So Jack Dempsey came to the rescue. He backed up to the right rear wheel, spread his legs, securely grabbed the bumper and frame and literally lifted the right side of the car up high. Joe quickly put the jack in place for Jack Dempsey. It was one of the few times in his life that Joe did not do the heavy lifting.

After the War, in 1945, Joe married his first and only love, Jane Redman. From that moment it was one person: Joe and Jane. They settled into a family life that can only be described as close, loving and warm.

In 1945, Joe and Jane lived in Edinburg, in the 'Valley'. There was no air conditioning in Edinburg, or anywhere else, and with temperatures hovering in the 100's the nights were hot and stuffy. One night, in particular, Jane was sleeping restlessly and woke Joe up. He asked, "What are you doing—killing snakes?" From that time on, Jane said laughingly, "we continued on a life course of killing snakes and building castles".

Their marriage brought four wonderful children who were fortunate enough to gain wisdom and character from Joe and Jane. I've never known a happier or prouder family.

Mark, Dean, and Bill, like to remember that Joe, who was partial to home-spun advice, made a point early in their lives, that "honesty is the best policy". All the children understood that, to Joe, the value of truthtelling was sacred. The kids nevertheless, as a safety measure, plotted their own quick escape route to Mexico just in case they slipped in the honesty department. The kids never had to use that escape route. But they always suspected, anyway, that they couldn't outrun Joe in his 1963 Oldsmobile, flying like a B-24.

Joe and Jane's daughter, Shannon, likes to recall that there was never a time when she would call his office, for advice or just to talk, that he didn't take her call immediately or call her back within 10 seconds. When he returned her call, more often than not, he'd say that Senator Bentsen or Congressman de la Garza was in the office or he was in a meeting. But, he took that call—family always came first.

Joe's values and goodness of character went far beyond his immediate family. He was unselfish and backed up that trait with action.

When his good friend and fellow lawyer, Amos Felts died, Joe called Amos' son Dan, who was a senior in law school. Joe told Dan not to worry about his Dad's law practice. For more than 6 months, Joe, or his partner, would go to Amos's office in another building and answer the mail, return calls, and hand out what legal advice they could to keep the practice going. When Dan got out of law school, Joe handed over to him the keys to his Dad's practice.

Time and time again, Joe extended his hand to help others. I know—I was a constant seeker for free advice, counsel, and comfort.

As he practiced law, advanced in the legal profession, helped to develop one of the most respected law firms in our state, Joe was willing to serve and help others.

He had a 25 year association with Scott and White Hospital as a very active board member. He was a University of Texas Regent, and rightly honored Distinguished U.T. Alumnus recipient, and president of his beloved U.T. Ex-Students Association. He served with distinction on national and state governmental advisory boards. Joe was always giving back to others.

Although he was a confidant to the Politically Powerful and an advisor to Presidents, Governors, Senators, and to the highest public officials in our land, he still found time to work, for example, with the Boy Scouts because of his belief in young Texans and the future.

He will be remembered for his sense of humor and for his high morals and the goodness of his character. No one ever dared question his honesty, integrity or ability.

To many countless Texans, he was Joe Kilgore: respected lawyer, gentleman, and someone you could count on to give you the right advice or help on a problem or a project. You could depend on his word with your life. He was Trusted.

To me he will always be my Amigo Joe.

And now, in a few minutes, we will inter Joe in his final resting place in our now beautiful State Cemetery. Joe will rest a short 25 feet away from John Connally's monument. And in good time—not just yet—in that same triangle, I will stand guard over both—just another 25 feet away. Our bond of love and friendship will always stay strong and close . . . and forever.

Adios, Amigo.

SENATE—*Wednesday, May 12, 1999*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Dear God, You have told us that as a person thinks so is he or she. You have given us minds to think, evaluate, and make decisions. Today, we praise You for the gift of intellect and the ability to learn. We want to love You with our minds. Clear away any debilitating memories that haunt us, preventing us from thinking clearly about present challenges. Give us Your mind about issues. Free us from muddled, fuzzy, or negative thinking. Make us receptive to new insight from You communicated by others, even though they may represent a different point of view. We want to be hopeful thinkers who know that we have barely begun to realize Your truth.

Today, gracious Lord, we are grateful for the life and distinguished career of Adm. James Nance, and we grieve over his death. Thank you for his leadership as staff director of the Committee on Foreign Relations. Be with his family.

And now, Dear God, we commit this day to You. Inspire our minds with Your Spirit. Bless the Senators and those who advise them and those who assist them in carrying out the heavy responsibilities of their office. Here are our minds. We want our thinking to be a vital part of Your plan for our world today. Through our Lord and Savior. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able chairman of the Judiciary Committee is recognized.

SCHEDULE

Mr. HATCH. Mr. President, this morning the Senate will resume consideration of the juvenile justice legislation. Pending is the Leahy amendment with a 1-hour debate limitation. Therefore, Senators can expect the first vote of today's session at approximately 10:30 a.m. Following the disposition of the Leahy amendment, Senator BROWNBACK will be recognized to offer a code of conduct amendment with the time for a vote to be determined. It is hoped that significant progress can be made on this bill, and therefore Senators can expect votes throughout today's session of the Senate with the possibility of votes into the evening.

I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. ALLARD). Under the previous order, the leadership time is reserved.

VIOLENT AND REPEAT JUVENILE OFFENDER ACCOUNTABILITY AND REHABILITATION ACT OF 1999

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 254, which the clerk will report.

The bill clerk read as follows:

A bill (S. 254) to reduce violent juvenile crime, promote accountability by rehabilitation of juvenile individuals, punish and deter violent gang crime, and for other purposes.

Pending:

Leahy Amendment No. 327, to promote effective law enforcement.

AMENDMENT NO. 327

The PRESIDING OFFICER. There will now be 1 hour for debate on the Leahy amendment No. 327 to be equally divided in the usual form.

Mr. HATCH. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum without it being charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. President, I understand we are now on the Leahy amendment to S. 254.

The PRESIDING OFFICER. The Senator is correct.

Mr. LEAHY. I thank the Chair.

Mr. President, this amendment is intended to address the problem of youth violence with tough law enforcement initiatives at the Federal level, with assistance to State and local law enforcement, proven prevention programs for juvenile delinquency, and measures to keep guns out of the hands of children.

Many of the proposals in this amendment were part of a bill I introduced, along with Senator DASCHLE and other Democratic Members, last year in the Safe Schools, Safe Streets and Secure Borders Act of 1998. That was S. 2484. We have introduced it this year as S. 9.

These are carefully crafted proposals. They were not done as knee-jerk responses to the school shootings, or even the most bloody murders in Littleton. We talked with prosecutors and police officers and teachers and everybody else in putting these proposals together. The series of proposals in the amendment have been ready since last year, but this is our first opportunity to present them to the Senate for discussion and a vote. While these proposals predated the events at Columbine High School, it escapes nobody's notice that the events at the high school give them added urgency.

This amendment is part of the Democratic multipronged agenda for action that embraces tough and more aggressive law enforcement initiatives, plus those initiatives in our other amendments to help teachers, counselors, parents, and children with afterschool programs, with effective and proven school safety strategies and, of course, treatment programs for high-risk youth. It faces the reality that we live in a different world, not like when I was going to school, or when most of us in this Chamber went to school. It is a complex world and you do not attack the problems of it on just one front; you have to attack them on many.

We Democrats look forward to the Senate debating and taking action on proposals that can be enacted now and working over the long haul on additional structural remedies. No matter what legislation we pass this week, we also need long-term solutions to school violence. These solutions include getting smaller classrooms; smaller schools—not these schools that are cities in and of themselves where students don't even know each other and the teachers don't know them—helping parents spend more time supervising their children, realizing that is the bond that is often broken in today's society; and working constructively with the movie, television, and video game industries to adopt rating systems that parents can understand and use.

This law enforcement amendment is substantial and comprehensive. It has five separate parts. I will highlight a few of the important proposals in this amendment. It addresses some of the same subject matter areas as S. 254. I will highlight some of the differences in our approaches.

In the area of federalization, my amendment also proposes reforms in the Federal juvenile justice system. We do so without Federalizing run-of-the-mill juvenile offenses and ignoring the traditional prerogative of the States to handle the bulk of juvenile crime. Too often when we have talked about crime on the Senate floor in recent years, we

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

basically have told the States, the State legislatures, State law enforcement, and State prosecutors, that they are irrelevant, that we will run everything out of Washington, and the Federal Government knows better. I don't believe that.

My proposal for reforming the Federal juvenile justice system heeds the advice of Chief Justice Rehnquist and the Federal judiciary and reflects the proper respect for our Federal system.

Let me explain. My amendment retains the provision in current law which establishes a clear presumption that the States should handle most juvenile offenders. S. 254 repeals that provision.

Furthermore, current law directs that most juveniles "shall" not be proceeded against in Federal court, unless the Attorney General certifies certain things—in most cases, that the State does not or refuses to exercise jurisdiction over the juvenile. Judges may review that certification to see whether the threshold for exercise of Federal jurisdiction has been met. S. 254 changes that.

As I mentioned in my statement yesterday, the bill before us gives conflicting signals. S. 254 contains one welcome change over S. 10 from the last Congress by requiring the Attorney General or the U.S. attorney, depending on the charge, to "exercise a presumption in favor of referral" of juvenile cases to the appropriate State or tribal authorities, where there is "concurrent jurisdiction." But, in contrast to the law today, that certification is not reviewable by any court. My amendment would continue to permit such court review in most cases but not cases involving serious violence or drug offenses.

Because of the repeal of the important State presumption provision and the lack of review of the Federal prosecutor's decision to proceed against a juvenile federally, many rightly fear that the State prerogative to handle juvenile offenders will be undermined by this bill. My amendment would not do that. Basically, what I am saying is that we are not going to stand in the U.S. Senate and tell the 50 State legislatures that they are irrelevant and tell the prosecutors of the 50 States that they are irrelevant because 100 U.S. Senators know better and we can do it better from Washington.

Ironically enough, some of the same people who will vote for something that would take it away from the States and turn it over to Washington are the same ones who go back to their States and give great speeches about: We know better here in our State, and we don't need Washington to tell us what to do. And then they come up here time after time and vote to federalize cases that are being handled by the State courts and make irrelevant the State legislatures, State prosecutors, and State law enforcement. Sooner or later, some of those speeches are going to catch up with us and haunt us.

Our law enforcement officials should be proud of the decline of the violent crime rate and murder rate we have experienced since 1993, because it is largely due to their efforts and innovative programs like the COPS Program and community policing. There is nothing like seeing a police officer on the corner to make a criminal move on. We want that decline to continue, particularly in schools. Certainly, it does not take a criminologist to know that if you have the presence of the police, crime will go elsewhere, or not occur at all.

The strong bipartisan report for this proposal was demonstrated yesterday on passage of the amendment by Senator GREGG, which was cosponsored by Senator BOXER and myself. That amendment set up a new grant program with eligibility requirements to put cops in schools. The proposal in my amendment would expand the COPS Program and waive the matching non-Federal fund requirement to put more police in and around our schools.

My approach builds on a program with a proven track record. It is not a hypothetical. The States are familiar with it. We, at the State level, know how it works. This amendment extends grants to local law enforcement for other programs, such as rural drug enforcement and Byrne grant funding.

My amendment also provides, in section 124, funding for the juvenile State court prosecutors. Yesterday, the Senate passed the Hatch-Biden-Sessions amendment which authorizes $50 million per year for prosecutors. As I pointed out yesterday, this amendment does not authorize any additional money for judges, public defenders, counselors, or correctional officers. By leaving them out, you could end up exacerbating the backlog in the juvenile justice system rather than helping it, because it requires all those parts within the juvenile justice system to make it work.

In contrast to Hatch-Biden-Sessions, my amendment authorizes funding for "increased resources to State juvenile court systems, juvenile prosecutors, juvenile public defenders, and other juvenile court system personnel." I hope that will be something my distinguished friend from Utah, the exemplary chairman of the Senate Judiciary Committee, might support.

We need to do more to protect our children from drugs. My drug amendment would increase certain penalties for drug sales to children or near schools or for using children in the illegal drug trade.

As terrible as it sounds, Mr. President, we see this—where children are being used in the drug trade and where they abuse children as runners for distributors. It is one of the cruelest, most cynical things that can be done.

We also establish juvenile drug courts that are modeled on the successful drug court programs for adults, because it gives special attention to supervision and treatment of offenders, and how to get them clean.

It doesn't do any good to simply prosecute a drug offender if they are going to come back out and be just as addicted. We should try to get them off their dependence on drugs.

Let's talk about guns. Everybody tiptoes around this Chamber when it comes to the question of guns. On the one hand, you have people who feel there should be no guns at all, who couldn't even conceive of handling a gun, to those who feel that everybody should walk around with their own arsenal. The reality is somewhere in between.

Growing up in Vermont in a rural State, I grew up with guns. I have owned guns from the time I was a youngster. I went through the usual gun safety courses, became a champion marksman in college, and, in fact, competed in schools all over the country, and still shoot competitive target shooting.

I also taught my two sons and my daughter how to use and enjoy guns safely. We have very strict rules, and still have very strict rules at our home in Vermont in using guns, or in target practice—a lot stricter rules than most gun clubs would have.

But having said all of that, every gun owner, or not, is sickened by the school shootings and the tragic murders of the young children and dedicated teachers.

We recognize we have to take steps to protect our children from gun violence—steps that might go beyond just one parent to their child. Nothing can substitute for parental involvement and supervision.

Let me emphasis that. Most of us know as parents that nothing substitutes for parental involvement and supervision. But we also know we can take constructive steps to keep guns out of the hands of children when they are not under that kind of parental involvement and supervision.

The statement of administration position on S. 254 points out that this bill does not include any provisions on guns, and that this should be part of the broad-based, comprehensive approach to juvenile crime.

This amendment contains a number of proposals to protect children from guns.

I ask Senators: Are you willing to stand up and vote for or against these proposals?

Let me tell you what you are going be voting on, that every Senator is going to determine whether they want to vote for it or against.

We ban the transfer to and possession by juveniles of assault weapons and high-capacity ammunition clips.

Are you for or against that?

We increase criminal penalties for transfers of handguns, assault weapons, and high-capacity ammunition clips to juveniles.

Senators are going to have to ask themselves when they vote on this: Are we for or against that provision?

We ban gun sales to persons who have violent crime records, even if those crimes were committed as juveniles.

Senators, are we for or against this provision?

We increase penalties for certain gun offenses involving minors.

Senators, are you for or against this provision?

We provide grants for the children's gun safety programs and for juvenile gun and youth violence courts with dissemination of model programs via Internet web sites.

Senators, are you for or against this provision?

We expand youth crime gun interdiction efforts in up to 250 cities by the year 2003.

Senators, are you for or against this provision?

We grant priority for tracing of guns used in youth crime, with increased Federal resources dedicated to the enforcement of firearm laws.

Senators, are you for or against this provision?

We have heard that this administration is not enforcing our gun laws. Let's stop the political mudslinging and ignoring of important facts and realize that as Americans we are in this together. The murder rate for juveniles rose sharply in the late 1980s and the early 1990s due to a rise in gun violence. Since then, with some strong programs by this administration, the murder rate is on the decline. In fact, juvenile murder and non-negligent manslaughter arrests declined almost 40 percent between 1993 and 1997.

According to the Justice Department, Federal enforcement has focused on serious firearm offenders. These prosecutions are up 30 percent from 1992—up 30 percent. Federal and State law enforcement are working together more and more resulting in a 25-percent increase in combined annual firearm prosecutions since 1992—a 25-percent increase. The violent crime rate has come down. The murder rate has come down. The prosecution of gun offenses has gone up.

Those are indisputable facts. But having said that, we should strive to improve enforcement of our gun laws. That is why my law enforcement amendment provides $100 million for the next 2 years dedicated to Federal firearm prosecutions.

It also establishes grant programs to replicate successful juvenile crime and truancy prevention programs, such as the program in Boston where they had a terrible, terrible slew of juvenile murders. They started this program and the murders stopped. We can replicate that in other cities.

As an aside, I strongly urge that those who prosecute cases involving weapons—be it at the Federal level or the State level—do what I did as a prosecutor. When I had a case involving a weapon of any sort—a gun, a knife, in a couple of instances a baseball bat—I sought, under our State law, a law that is similar to almost every State, an additional penalty for the use of a weapon. It can be anything that was used as a weapon in the commission of a crime. The word got around pretty quickly that if you used any kind of a weapon in a crime, assault, or burglary, or anything else, you were going to pay some additional penalty and you served additional time.

Finally, we commit resources and attention in this amendment to preventing juvenile crime with grant programs to youth organizations for supervised youth activities and after-school programs.

The amendment would authorize spending $2 billion over the next 2 years on juvenile crime prevention and intervention.

Mr. President, everybody in law enforcement will tell you the same thing. The easiest crime to handle is the crime that never happened. And our crime prevention programs are modeled after what the police and others have told us work the best to prevent crimes.

I do not know and have never worked with a police officer who hasn't told me to help them prevent the crime from happening in the first place—juvenile crime especially. There are proven ways that work.

We are talking about spending billions and billions and billions of dollars more on the Kosovo crisis, along with the billions and billions and billions of dollars we spend in bombing Belgrade and elsewhere. Why don't we take a small part of that and invest it on our children, the safety of our children in a nation of a quarter of a billion people? Why not spend some money to protect our children within our own borders?

Similarly to S. 254, my amendment would reauthorize the Juvenile Justice and Delinquency Prevention Act. But in contrast to S. 254, my amendment preserves intact four core protections for youth in detention, but it also grants flexibility for rural areas.

We can come to the floor of the Senate and vote for feel-good proposals. We can pass resolutions condemning crime and violence—as though any Senator within this debate is for crime and violence; we are all against it. The reality is sometimes more difficult than the rhetoric. We need more than feel-good efforts. Parents and children in this country want concrete proposals. We give them those in this amendment.

As I said earlier, the question will be, Are Senators for or against them? We will have the vote and we will make that determination. These are proposals put together by Senators whose political philosophies go across the spectrum, by law enforcement officials who have testified and given Members their best analyses, by those who have run successful juvenile programs that have lowered juvenile crime and have stopped juvenile violence. We have put all this together. We have taken off any mantles of partisanship. These are proposals that we know work, not pie-in-the-sky but proven proposals.

The American people send Senators here to do a job, to pay taxes, to help parents seek a life where they do not have to fear for their children when they go to school, where parents do not have to fear for their children while they are at school, where there will be some control of juvenile violence. That is what is in this amendment.

How much time remains for the Senator from Vermont?

The PRESIDING OFFICER (Mr. SMITH of Oregon). Seven minutes 45 seconds.

Mr. LEAHY. I reserve the remainder of my time.

Mr. HATCH. Mr. President, I enjoyed listening to my colleague and I appreciate his efforts.

Before I move into the substance of Senator LEAHY's substitute, which is essentially an amendment, I note that we have had very little time to study and consider this amendment. We saw this amendment, which is 211 pages long, for the first time yesterday. The Senate has held no hearings—none whatsoever—on this amendment, nor has the amendment ever been referred to the committee as a bill or otherwise. Consequently, not only has the Senate not considered Senator LEAHY's substitute, no outside groups in law enforcement or the juvenile justice communities have had the opportunity to examine this amendment. Having said that, that doesn't mean we should not consider it at this time.

By contrast, the Judiciary Committee has worked on S. 254 and its predecessor, S. 10, for more than 2 years. The Youth Violence Subcommittee, under the leadership of Senators SESSIONS and BIDEN, has held numerous hearings on S. 254 and its predecessor. These hearings have examined S. 254 from different angles and perspectives. A variety of experts have testified in favor and in detail about this bill. S. 254 is the most thoroughly considered juvenile crime legislation in my 23 years in the Senate and service on the Judiciary Committee and it has bipartisan support, as we saw yesterday on the vote.

Senator BIDEN, the ranking member of the Youth Violence Subcommittee, one of the leading Senators on crime issues, supports S. 254. We appreciate the efforts he has made. Moreover, the Fraternal Order of Police, the National Sheriffs Association, the International

Association of Chiefs of Police, the Boy and Girl Scouts, and the National Collaboration for Youth, among other organizations, have examined S. 254 in detail. These groups have written letters of support for S. 254. Needless to say, these groups have not endorsed Senator LEAHY's substitute, because they have not had a chance to consider the amendment.

I don't mean to imply that this substitute does not contain some good proposals. In certain ways it is similar to S. 254. For example, I commend Senator LEAHY for including funds for juvenile prosecution and drug treatment, but funding for these purposes is already in S. 254. In fact, virtually every basic fund for prevention is in S. 254. Also, this substitute changes procedural reforms to the Federal prosecution of juveniles that are very similar to S. 254, the bill before the Senate. Again, we address this area in the underlying bill.

In particular, the substitute contains a reverse waiver that allows Federal district court judges to reverse any Federal prosecutor's decision to prosecute a juvenile as an adult. Under both S. 254 and Senator LEAHY's substitute, the juvenile defendant must prove by "clear and convincing evidence" that he or she should not be tried as an adult.

In short, there is much in the Leahy substitute that Senators will have the opportunity to vote for when we pass S. 254.

Despite some positive provisions, the Leahy substitute is, in my opinion, badly flawed. For example, the Leahy substitute changes the provision to encourage and assist States to upgrade and share juvenile criminal records. One of the major features of our juvenile justice bill is improving criminal records sharing—I might add, that is a uniquely Federal role—but the Leahy amendment does not improve juvenile records in a meaningful way. It would effectively strike the provisions governing the upgrading and improving of juvenile felony records. This is an important part of our bill. We found that if we don't keep these records, people don't realize when violent juveniles reach the age of maturity, or of majority, they don't realize what these young people may have done with regard to violence in their youth.

In addition, the Leahy substitute is not a balanced approach toward the accountability program. It provides only $150 million for accountability programs, such as graduated sanctions and detention for juveniles, out of an annual authorization of $1.86 billion in that bill, in that substitute. In other words, only 8.9 percent of the total funding goes to accountability programs. We all want prevention, but accountability is important, too. I have worked long and hard to remedy what some have thought in the past to be a failure to have enough prevention in these bills, as we are concerned about accountability. So we have made those changes on S. 254 to try to make this a more bipartisan bill for all Members to support.

We need to support and encourage a full range of graduated sanctions from the earliest acts of delinquent behavior to help ensure that early acts of delinquency do not grow into more serious problems.

This chart indicates that the earliest acts of delinquent behavior start at age 7, the green line. That is the average age where behavioral problems really come into focus and start with young people. They continue to grow worse as they get older if there is no effective intervention. The underlying bill, unlike my colleague's substitute, recognizes this and addresses it thoroughly.

Although we showed this chart yesterday, it is worthwhile going over it again and again. People need to understand the history and the probabilities of misbehavior by young people. Minor problems of misbehavior generally start at age 7, usually because of broken families or the lack of a father in the home, with the mother doing her best to try to help the children but having to work generally or, if not working, on welfare. It starts then. It isn't necessarily the child's fault. So we need to do what we can to intervene at that time when we have some of these minor behavior problems. That includes both correction and enforcement.

Now, moderately serious problem behavior really starts gaining focus at 9.5 years. As a child grows to 9.5 years old, if that child has not been helped between 7 and 9.5, you start to get moderately serious problem behavior.

Then it becomes serious delinquency by almost 12 years of age, or 11.9 years of age. Then the first court contact generally, for index offenses—in other words, offenses that are quite serious—happens really at about 14.5 years of age.

This is important stuff, because we have to balance both sides of this equation, not just prevention but accountability as well. If we do not expect young people to be accountable and we don't put the resources into helping them be accountable, they are going to get to 14.5 years and we are going to be left with a hoped-for prevention that really isn't going to work in many cases. It may work, but we almost guarantee it will work if we can require a certain aspect of accountability during these years of age, 7 to 14.5.

That is one of the things we are trying to do in this bill. This is not a partisan bill. This is not a bill that is a triumph of Republican principles over Democrat principles. We have taken the best from both parties and tried to mold it together into a bill that really will work and make a dent in some of these problems that really are despoiling our society.

Prevention programs are not effective unless there are some accountability measures to reinforce them. Providing only 8.9 percent for accountability measures is not a balanced approach. S. 254, by contrast, provides approximately 40 percent for accountability programs. We balance the two.

By the way, we are spending an extra half billion dollars, if we pass the Leahy substitute, an extra half billion dollars on top of what we are spending, which is a monumental amount of money, over $1 billion, $1.1 billion in the Hatch-Biden-Sessions bill. It is important we do the accountability aspects of this.

On what does Senator LEAHY's amendment propose spending funds? In enforcement, it authorizes rural drug training, grants for State courts and prosecutors, and the Byrne Program. All of these are generally worthy programs, and I commend the Senator for recognizing them. Indeed, I have been a vocal critic of the recent efforts of the Clinton administration to cut funding for some of these very same programs. What of the $200 million the Leahy amendment purports to spend on more police officers in schools? This is in reality just an extension of the existing COPS Program, and it is not targeted at juvenile crime. Some COPS funding can of course be used for school security. In fact, Republicans last Congress, led by Senator CAMPBELL, amended the COPS Program to allow its grants to pay for school security officers. But to call this general reauthorization a program dedicated to cops in schools is a bit inaccurate.

What is left of the Leahy amendment? Prevention, which of course we all agree is important, no question about it. The Hatch-Biden-Sessions amendment the Senate adopted yesterday increases our bill's commitment to prevention to $547.5 million per year, as this chart indicates.

Just so we all understand this, from the juvenile crime prevention standpoint, the funding of the OJJDP prevention programs, you can see that in 1994 we spent $107 million on these juvenile justice delinquency prevention programs—$107 million, which many in that year thought was quite a bit of money. I did not. Senator LEAHY did not. I don't think Senator BIDEN did. But the fact is it was $107 million.

We have in 1995 jumped to $144 million, and in 1996 as well. Then in 1997 we went to $170 million; then in 1998, $201.7 million. We have been bringing it up gradually. But look, in our bill we put it up to $267.6 million. As we have gradually worked hard to do, we put it up. Then in our bill, starting in the year 2000, we go all the way up to $547.5 million. We double the money in this bill. That is a lot of money. And we ought to make sure that money works.

We should not get into a contest of throwing money at these problems and saying that is going to solve them.

We have a balanced bill here that takes care of the accountability aspects, about 40 percent of our bill, and about 60 percent is for prevention. Those green lines, from 2000 through 2004, represent almost $600 million a year on top of other prevention funds we already have in other programs. So it is not as if we are letting prevention down. In fact, we have balanced it so we have both accountability and prevention.

I might add, our prevention is more balanced than that in the Leahy amendment. Mr. President, $850 million of Senator LEAHY's amendment's "juvenile crime prevention" is focused exclusively on crime prevention. I think that is important, but we do that as well. And $400 million of that funding is not even dedicated to the juvenile drug problem. So that bothers me a little bit, too. We are now working on a juvenile drug bill.

Yesterday, we got into a little bit of a hassle on the floor because Senator ROBB and Senator KENNEDY and others wanted to add SAMHSA money, mental health moneys, to this bill. We provide that our prevention moneys can be used for mental health, but we do not try to rewrite in the bill the whole of mental health legislation in this country. We are going to do that later. I will help them do that, because I am as concerned about mental health issues as Senators KENNEDY and ROBB and the others who voted for that. But that is not the purpose of this bill, when we provide that is one of the alternatives, one of the options that State and local governments will have in resolving this.

It is the same thing with juvenile crime prevention and drug prevention. We provide for that in this bill. Moreover, this substitute, the Leahy substitute, is not narrowly focused on the problem we should be debating, and that is juvenile crime. Indeed, of the advertised $3.581 billion over 3 years, by my count, only $1.6 billion, or 45.6 percent, is dedicated to addressing juvenile crime.

We would like to make this bill be a juvenile justice/juvenile crime bill, and not make it a big social spending bill, when we have other programs that literally can be beefed up for those purposes. I am not necessarily against doing that in other programs, but this bill is balanced and we want to keep it that way.

So of the advertised $3.581 billion over 3 years, only $1.6 billion, or 45.6 percent, is dedicated to addressing juvenile crime. My omnibus crime bill, the 21st Century Justice Act, which is S. 899, is a comprehensive approach to our general crime problem. But the bill we are debating today is a juvenile crime bill, and that ought to be our focus, our total focus. If we can pass this bill, we will do more to solve and resolve juvenile crime problems than almost anything we have done in history. That is why it is such an important bill, especially when we have had to go through some of these very difficult times that this country has gone through recently.

In short, the Leahy substitute is no substitute for the effective comprehensive approach to juvenile crime proposed in the underlying Hatch-Biden-Sessions bill. So I urge my colleagues to reject this amendment, as much as it is well intentioned, as much as I respect my colleague. I really do respect my colleague, who works very hard on the Judiciary Committee. I know he is sincere in presenting these matters. But I want this bill to be balanced. I want it to be tough and lean—and work. We have added plenty of money, as you can see. We are jumping those funds dramatically in 1 year to where we have very significant amount of funds. We have doubled them, in essence.

There will be people around here, no matter how much money you spend, who will always want to spend more. There comes a time when you have to do what is best under the circumstances and what is right under the circumstances. That is what will get this bill through both Houses of Congress and will do what really needs to be done for our young people in this society who are troubled and who have difficulties and whom we can save if we pass this bill. We can prevent some of the things that have happened in the past that have literally disrupted our society and hurt so many people.

Finally, S. 254 is supported by real people who took the time to get involved in juvenile justice. For example, more than a year ago, I received a letter from a woman named Cris Owsley in Sunnyside, WA. She wrote about how her son, Shaun, was knifed to death by a 15-year-old attacker in January of 1997. Shaun was just 2 days past his 18th birthday, and he was murdered at his birthday party.

Shaun's parents are courageous people. They took their grief and turned it into activism. Working with other parents and the State legislature, they became advocates for laws that would appropriately punish juveniles like the murderer who killed their son. Then they contacted me and asked what they could do to promote reform nationally. I invited them to Washington last summer where they joined me and others on the Judiciary Committee and numerous law enforcement groups to urge passage of this juvenile crime bill. I am sure they will approve the amendment we adopted yesterday, the Hatch-Biden-Sessions amendment. They have set up a web site to advocate the passage of S. 254. That is how much it means to them and, really, millions of parents across this country.

I close my remarks with this exhibit. This box that I have contains more than 1,000 letters in support of S. 254 generated by these folks. These are real people who have endorsed this bill. Given their support, I urge the Senate to reject the Leahy substitute and support S. 254, and let's get this done. I hope we can move this ahead today and get it done today, because the sooner we get this bill passed, the more likely we are going to have greater tools and greater efforts to resolve some of these problems that are tearing our society apart. This is an extremely important bill. It is a bipartisan bill. It is a bill that will make a difference, and I think we ought to do this as quickly as we can.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, first off, I thank my good friend from Utah for the kind words. I am reminded of Shakespeare and Julius Caesar: I am here not to praise Caesar but to bury him. I think my friend from Utah has expanded on that. He wants to both bury me and praise me. I thank him for one-half of that equation and regret the other half.

I will point out a few errors, though, in his statement. One, this is an amendment. It is not a substitute. It is not intended as a substitute. It would not begin to be a substitute because there are many parts of S. 254 with which I agree.

The distinguished chairman has talked about the hearings on S. 254. In fact, there have been no hearings on S. 254; not one, not one at all. In fact, my amendment, which is basically what was introduced over a year ago and not something that popped out here yesterday, has had just as many hearings as S. 254.

There are things in S. 254 I like. I praised Chairman HATCH for including my reverse waiver in the bill. That is very good. Senator DEWINE of Ohio and I worked on it, and we adopted a technology grant, the DeWine-Leahy-Hatch Law Crime Identification Technology Act that provides a $250 million block grant for States to upgrade their criminal records. It will be funded this year to help States upgrade their criminal history records.

My amendment provides money for both intervention and primary prevention programs because we need primary prevention programs before children get into trouble. In some ways we fail, because the only time we step in is after they get into trouble. Let's stop it before they get into trouble.

The distinguished chairman said that it is a lot of money, that I am adding $1½ billion for prevention for children. Let's talk about this. That is a lot of money. That is close to $2 a person in this country. I think the math probably works out to about $1.85 or $1.90

per person every year. That is almost enough to buy a small soda at a movie, or that is almost enough to buy a comic book.

Let's be realistic. To help keep our children out of trouble, can we not afford $1.85 or $1.90 a year? Ask the parents in Littleton, CO, whether they would spend that kind of money, or ask the parents in any town in Vermont, California, Oregon, Utah, or Alabama if they would.

We want to address youth violence and school violence problems in this country. This is a problem that is a lot bigger than just whatever happens in our courts, once the crime has happened, once the juvenile has been apprehended.

We need an approach obviously to handle juvenile crime after it happens, but let's spend that extra $1.85 or $1.90 to try to use programs that have been proven to work, that our own hearings have shown work to prevent a crime from happening in the first place.

How much time do I have left, Mr. President?

The PRESIDING OFFICER. The Senator has 3½ minutes remaining.

Mr. LEAHY. I yield 2 minutes of that to the distinguished Senator from California.

Mrs. BOXER. Mr. President, I thank the Senator from Vermont.

I rise because I think it is very important to point out to my friend, Senator HATCH from Utah, that what we are trying to do on this side of the aisle, under the leadership of the Senator from Vermont, is put more of a stress on prevention.

Here is the point. The good Senator from Utah, working with Senators LEAHY, BIDEN, and SESSIONS, had an excellent amendment that moved more toward prevention. We, on our side of the aisle, support the enforcement part, the tougher penalties part, but we want to see even more of a balance. There is still an imbalance.

I say to my friend from Utah, and I know he has had a similar experience or I think that he has, if you talk to law enforcement—and I have so many times in my State—they tell me: Senator, once the kids get into these teenage years, until they are 19, 20, 21, it is too late to turn them away from crime. Do more for prevention.

Law enforcement has been the driving force behind my afterschool bill because they understand if the kids get the attention after school, they will not go home, get in trouble, and choose a life of trouble.

What the good Senator from Vermont is doing in this amendment, and I hope he will get bipartisan support, is to say, let's stress prevention as much as we do enforcement. He has pointed out quite eloquently, yes, we are talking about a couple of dollars out of the pockets of the average American every year, a couple of dollars to prevent crime from happening in the first place. I can assure you, Mr. President, it is much cheaper. Many have said, and it is a fact, that it costs more to imprison one of our youngsters than it does to send him or her to Harvard for a year.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. BOXER. We know what we are doing. I ask for 30 more seconds to wrap up.

Mr. LEAHY. I yield 30 seconds.

Mrs. BOXER. Mr. President, to address the issue that Senator HATCH raised, the vast majority of the programs in Senator LEAHY's amendment are proven programs. A couple of them that are new are essentially taking adult programs and applying them to the juveniles in our country. So this is a tried and true amendment.

I am very hopeful it will pass. It would put more cops on the street. Senator LEAHY waives the matching requirement if you place a community policeman in a school. This is very important. I think those of you who really want to help our children should vote yes on the Leahy amendment.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. How much time is remaining on this side?

The PRESIDING OFFICER. The Senator from Utah has 10 minutes.

Mr. HATCH. I want to yield some time to my distinguished colleague, the chairman of the subcommittee. We are both thinking of the same thing. If I could just take a minute.

Mr. SESSIONS. Please.

Mr. HATCH. And you can reemphasize it, if you could.

Look, one of the things that has always bothered me about Washington, and especially the Congress of the United States, is no matter how much money you put up that is reasonable, there is always going to be somebody who says we have to spend a lot more. Generally, it does come from the other side of the floor.

In this particular case, we have just shown you how we double the prevention moneys for the next 5 years, each year, over what they are today and how they have gone up. They will go up about five times what they were in 1994.

Now look, today, before this bill passes, let me show you the imbalance in the law right now. We are spending $4.4 billion on juvenile prevention programs—117 programs. That is what we are spending. That is going to be spent whether this bill passes or not.

We are going to add another $547 million to that. It will bring it up to about $5 billion that we are spending on juvenile prevention.

One of the problems I have with the amendment of Senator LEAHY—he says it is not a substitute. That is fine. But one of the problems I have with his amendment is he is only spending 8.9 percent on the accountability side of the equation, where we spend 40 percent in our bill.

Look how much we are currently spending: zero dollars for juvenile law enforcement or accountability. You wonder why kids are in trouble today. We made the case. The troubles begins at age 7; they escalate until age 14½, when it is too late, and they then go to court. That is what accountability is going to do. It will help to make them accountable up to age 14½, and hopefully the prevention moneys will work then, because you will have both sides of the scale, admittedly not an awful lot for accountability in comparison, but we will have accountability money and we will have even more prevention money.

I yield the remainder of my time to the distinguished Senator from Alabama, who has made this case over and over.

But what never ceases to amaze me is, whatever money we put in these programs, there is always going to be someone who wants to spend a lot more. The point we make is there is a lot more there now, and we are going to add a lot more. And we do not need to add $400 million for each year for the next 5 years.

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I thank the distinguished chairman of our Judiciary Committee, Senator HATCH. He is right on point.

I have a similar chart here. There has been $4.4 billion spent on juvenile prevention programs, 117 separate juvenile programs. We have had no money for law enforcement, make no mistake. The point I really want to make is, when you spend money strengthening our juvenile justice system, giving juvenile judges alternatives and possibilities to intervene effectively through the appropriate discipline when young people go wrong, that is prevention—that is prevention.

Fox Butterfield in the New York Times had a front page article about Chicago's juvenile court system. They spend 5 minutes per case. It is just a revolving door. We need to strengthen the ability of juvenile judges to intervene effectively when kids first start getting into trouble, because if you have a limited amount of money for prevention, you should apply it where it works best, for those people who are already beginning to get into trouble.

Let me show you a Department of Justice study done recently by a professor at the University of Maryland on behalf of Attorney General Reno.

The chart says, "The findings of the Department of Justice Prevention Evaluation Report." What did they find? Most crime prevention funds are being spent where they are needed least. That is a condemnation of us in Congress and the Department of Justice. Most prevention money is being spent where it is needed least. That is President Clinton's own Department of Justice.

Most crime prevention programs have never been evaluated. We have 117 of them. They have 4-H Clubs in inner cities that are supposed to keep people from committing crime. I do not know if that works or not. I used to be in a 4-H Club, but I do not know whether that is a good idea. There are 117 of these programs.

Among the evaluated programs, some of the least effective receive the most money. We want to just do more, more, more.

We have worked for over 2 years on this legislation. We have given it a lot of attention. Chairman HATCH has given it his personal attention. We have now worked with Senator BIDEN and have his support. In the committee, the bill came out with bipartisan support last year. It has bipartisan support.

Here we have an amendment of 100 or more pages, submitted by the distinguished Senator from Vermont. I know that as a former prosecutor he cares about these issues, but we get it this morning—I think my office got this morning probably the only two copies in existence. He wants to spend, what, $3.8 billion—just $3.8 billion. We have not even had time to read the amendment.

There are a couple of things that are important to me. There is no money dedicated for law enforcement. I tell you, the people think juvenile judges do not care about kids. The Juvenile Judges Association is supporting this effort because the money is coming in a way that requires a committee, a coordinated committee in a community. Our vision is that the community would come together—the judge, the prosecutor, the sheriff, the probation officers, civic leaders—and prepare a plan to deal with young people who are getting into trouble.

Everyone needs to be drug tested upon arrest. If you do not care about the kids, you will not drug test them. If you love them and care about them, you will find out if part of their criminality is being driven by drug use; and if so, then you need to have treatment and continued monitoring of them if they are let go.

Parents need to know if the reason their children got involved in theft was because they were strung out on drugs. That is an important thing. That is how you intervene effectively. The power of a court gives credibility to the process that no other drug treatment center or mental health center can give because a judge can order things to happen. You talk to your prevention people, the drug treatment people, the mental health people. They like the order of a judge requiring these things to happen.

So I believe that a good criminal justice system is prevention. And what they comment on is a "lock them up" mentality. This is what our accountability block grant provides: drug testing of juveniles upon arrest; and it provides the money for State and local people to do that, and the renovation or expansion of detention facilities.

The truth is, we have quadrupled the amount of bed space for adults coming in and have driven down adult crime dramatically because we focused significantly on repeat, dangerous adult offenders. But we have spent very little money at the same time that juvenile crime has been increasing dramatically.

That is why, as frugal as I am about government money, I think it is appropriate for us as a nation to rise up and address the shortcomings in juvenile court systems in America and try to give them some strength. You have to have some detention.

People across the aisle have a little mantra. They are saying: Well, we want to really lock up these tough kids. But when you have three times as many people committing murder as a juvenile, three times as many committing assault with intent to murder, and rapes, and that kind of thing in the last 15 years, then we have to have more capacity, don't we?

What are judges doing with a second-time burglar when the only bed space in the State juvenile center is filled with a youngster charged with murder? Where are they going to put these kids? That is what they are telling me.

Police officers say: Well, police officers want prevention. Look, I was a prosecutor. I had been a prosecutor for nearly 17 years. Many of my best friends are police officers. You ask them: Don't you wish we could prevent crime?

Oh, yes, they answer, I wish I could prevent crime. I am tired of arresting these kids.

They will always say that. But you ask them about what they know, you ask them how the juvenile justice system is working, and they will tell you it is in a state of collapse. They have told me over and over again: Jeff, these kids are laughing at us. We can't do anything to them, and they know it. We arrest them, and they are released within hours of their arrest. Nothing happens to them, time after time.

This isn't a first-time offense. People act as if you are going to take some youngster——

The PRESIDING OFFICER. All time in support of the amendment has expired.

Mr. SESSIONS. Mr. President, I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. People act as if first-time young offenders are getting sent off for long periods of time. That is not so. It is just not so. Ask people who know about the system.

What we need, though, is for that seriously disturbed youngster who is heading down the wrong road to get to a juvenile court system where the judge can look them in the eye with toughness, concern, and tough love, and be able to discipline them, to set forth a program that fits their needs, whether it is mental health, drug treatment, family counseling, or prison.

We do not have that in America, because we don't have any money spent for that. We need to do it, and this bill will do so.

I thank the chairman for his time.

The PRESIDING OFFICER. The Senator from Vermont has 1 minute.

Mr. LEAHY. Mr. President, I yield back the remainder of my time.

Mr. HATCH. All time is all yielded back?

The PRESIDING OFFICER. All time is yielded back.

Mr. HATCH. Then I move to table and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 327. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Mississippi (Mr. COCHRAN) is necessarily absent.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) is necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mr. MOYNIHAN) would vote "no."

The result was announced—yeas 54, nays 44, as follows:

[Rollcall Vote No. 109 Leg.]

YEAS—54

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—44

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin

Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Torricelli
Wellstone
Wyden

NOT VOTING—2

Cochran
Moynihan

The motion was agreed to.

Mr. HATCH. Mr. President, I ask unanimous consent that with respect to the next amendment, the BROWNBACK amendment on code of conduct, no amendments be in order to the amendment for 30 minutes after it begins.

Mr. LEAHY. Reserving the right to object, do I understand, then, the unanimous consent is not to preclude amendments but to preclude amendments for 30 minutes?

Mr. HATCH. As we work out the difficulties. We are trying to have an interim period of time.

Mr. LEAHY. This is consistent with what the distinguished chairman and I discussed.

I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, last evening, Senator ROBB, Senator LEAHY, Senator KENNEDY and other Democratic Senators offered two amendments to S. 254 that were developed by a working group within the Democratic Caucus. Those amendments, together with an amendment to be offered by Senator BOXER to extend after-school programs, provide a comprehensive, measured response to youth violence.

Children today face incredible emotional and societal pressures that most people my age never had to worry about. An average of 12 children die each day from gunfire in America. The National School Board Association estimates that 135,000 guns are brought into U.S. schools each day. This reality was painfully reinforced by the terrible, senseless tragedy that occurred in Littleton, Colorado, only a few weeks ago.

The fear of school-related violence can have a profound effect on children's ability to learn. This fear has increased over the last decade. Fear for personal safety causes a significant number of students to stay home from school, or avoid certain areas of their schools. A full 71 percent of children ages 7 to 10 say they worry they will be shot or stabbed while at school.

The root causes of the Columbine High School shooting, and wider threats to our schools and communities, are complex and deep. Finding solutions will require a national commitment that goes far beyond legislative proposals. It will require students, parents, teachers and principals, business leaders, faith-based organizations, youth groups, law enforcement officials and many others working together to reduce the threat of violence.

While government—alone—can't solve the problem of youth violence, government must be part of the solution.

The amendments that make up the Democratic package to S. 254 would help America's communities reduce violence in our schools and communities.

Our caucus is united in our support of these amendments. We are also united in our determination to continue to seek long-term solutions to the problem of youth violence—solutions that will encompass both legislative and non-legislative strategies.

PROVIDING RESOURCES AND SERVICES TO PREVENT YOUTH VIOLENCE

More than 9 out of 10 police chiefs agree with the statement, "America could sharply reduce crime if government invested more in programs to help children and youth get a good start" by "fully funding Head Start for infants and toddlers, preventing child abuse, providing parenting training for high-risk families, improving schools and providing after school programs and mentoring."

Nine out of 10 police chiefs also agree that "if America does not pay for greater investments in programs to help children and youth now, we will all pay far more later in crime, welfare, and other costs."

They know, and we know, that prevention works.

Efforts to prevent delinquency before it starts can make a real difference in keeping children and communities safe. That's not conjecture. It's a fact.

A recent study on the effectiveness of after-school programs looked at 2 housing projects. One of the projects instituted an after-school program, the other did not. In the project with the after-school program, juvenile arrest rates declined 75 percent. In the other project, juvenile arrest rates rose 67 percent.

In housing projects with Boys and Girls Clubs, juvenile arrest rates are 13 percent lower, and drug activity is 22 percent lower, than in projects without clubs.

In Boston and Los Angeles, comprehensive efforts to prevent juvenile crime have significantly reduced the number of murders of young people.

Violence prevention saves lives. And it saves money.

A RAND study found that crime prevention efforts were three times more cost-effective than increased punishment.

A Vanderbilt University study estimates that each high-risk youth prevented from adopting a life of crime could save the country from $1.7 million to $2.3 million.

That is why our leadership amendments sought to balance smart prevention and tough enforcement.

Senator ROBB's amendment would have created a National Center for School Safety and Youth Violence—a national clearinghouse of strategies that work.

A Center could provide expert advice to schools and communities.

It could establish a toll-free number for students to seek help and anonymously report criminal activity and other high-risk behaviors.

It could provide assistance to parents and communities to address emergencies.

The Center could also conduct research on and evaluate effective school safety strategies.

It could serve as a clearinghouse of model programs, and establish a web site on school safety.

It could also work with local communities to strengthen school safety.

It could do all of those things if the Senate had chosen to adopt the amendment.

The Robb amendment also built on the existing Safe Schools/Healthy Students program. This is a program that brings together schools, law enforcement and the mental health community to reduce both juvenile violence and drug and alcohol abuse.

We think this program should be available to 150 additional communities, not just 50. Charges that the Robb amendment would create a whole new bureaucracy and duplicate existing programs are just not true.

Mr. President, I find it ironic that Republicans in the Senate voted against the Robb amendment, yet voted in support of the Gregg amendment, which claims to do many of the things the Robb amendment would do with fewer resources. Making our schools safe should be one of our highest priorities.

Preventing youth violence also requires a special focus on after-school hours.

Many students today spend more of their waking hours alone than they spend in school.

We know that children left home alone are more likely to become involved in risky behaviors.

Most juvenile crime occurs between 3 p.m and 8 p.m.

We also know that children who attend quality after-school programs are less likely to engage in delinquent activity than children who do not. They have better relationships with their peers. They're better adjusted emotionally, get better grades, and they're better behaved in school.

So, our package includes an amendment, to make quality, school-based after-school programs available to more students, in more communities.

Our amendment triples funding authorization for the existing 21st Century Learning Center grant program, from $200 million to $600 million. This proposal is in S. 7, our education agenda bill, and was in the President's budget.

By investing in prevention, we can prevent a lot of good kids from going bad.

But we know there are young people who need tougher measures.

The amendment offered by the Senator from Vermont would have provided those measures as well. It was tough on juvenile crime—especially violent juvenile crime.

It gave the Attorney General greater discretion to prosecute violent offenders as adults in the federal courts, and streamlines the process for doing so—without trampling on the rights of juvenile suspects.

It established a program of flexible, graduated sanctions.

Our amendment also provided grants to States to incarcerate violent and repeat offenders. We need to get violent kids off our streets, and out of our communities.

When police chiefs were asked to rank the long-term effectiveness of a number of possible crime-fighting approaches, they chose "increasing investments in programs that help children and youth to get a good start" nearly 4 times as often as "trying more juveniles as adults."

Four times more often!

Our law enforcement amendment reflects the police chiefs' judgment. It invests in programs we know work, from "Say No to Drugs" community-based centers, to incentive grants for local delinquency prevention programs and drug prevention education programs.

We also proposed to better protect children from drugs by expanding drug treatment opportunities, and increasing penalties for people who sell drugs to children.

In addition, our amendment built on one of the most successful initiatives of the 1994 Crime Act, the COPS program.

We proposed to put 6,000 more police officers in our schools and our communities.

Mr. President, I think we were all disturbed by the bomb scares that were called into schools all across our nation in the wake of the Littleton tragedy. South Dakota has had to deal with 30 bomb scares or threats of violence since that incident.

One of those bomb scares was called into Tri-Valley, a school in a rural community outside Sioux Falls, South Dakota.

Fortunately, Tri-Valley has a police officer, called a "school resource" officer. His name is Deputy Preston Evans. His position is funded by a COPS grant. He actually covers two schools.

On the day of the bomb threat, as students were being evacuated from the school, a number of students came up to Deputy Evans and told him they knew who had made the threat. By the end of the day, two students had been arrested.

Those students were able to confide in Deputy Evans because they trusted him. And they were able to trust him because they knew him. They had a relationship with him.

By expanding the COPS program, and giving kids the opportunity to have police as mentors and role models when they are young, we can reduce the chances that they'll need judges and wardens when they're older. That makes sense for our children, for our communities, and for our future.

Mr. President, I never had to worry about assault weapons or pipe bombs when I was in school. No child, and no parent today should have to worry about those things, either.

We simply cannot provide hope for our children if we cannot guarantee their safety in the very institutions where they go to learn the skills they need to succeed in life.

I know that gun control proposals alone will not keep our children safe when they leave our homes in the morning. But we can—and we must—do more to keep dangerous weapons out of the hands of children, and away from our schools.

Our law enforcement amendment banned the possession of assault weapons and high capacity ammunition clips by anyone under the age of 18.

It also increased criminal penalties for those in the deadly black market of selling handguns, assault weapons and high-capacity ammunition clips to juveniles.

Finally, when juveniles commit violent crimes and put the lives of others at risk, our amendment took away their right to possess a gun—ever—regardless of whether they are prosecuted as adults or juveniles.

In all this talk about juvenile crime, it's important for us to remember that the vast majority of our young people are good kids. They work hard in school. They're involved in their communities.

Our goal should be to empower these young people, and their communities, to take action against crime, rather than be victimized by it.

I've seen what can happen when we harness the power of our young people in my own state.

Not long ago, a student in our capital city, Pierre, took his own life.

Many of his classmates were deeply affected. In addition to mourning, they also resolved to try to prevent other young people from making the same tragic mistake.

High school students Craig Schochenmaier, Nick Johnson, and Blair Krueger have been working to raise money to give away gunlocks imprinted with the number for a suicide prevention hotline to parents who own guns.

Instead of simply becoming numb to violence, Craig and his friends have found a way to fight it, and help others.

I believe there are young people in communities all across our country who feel as Craig, Nick, and Blair do. They want to make their schools and communities safer. They're willing to work to end the violence. Our amendments would have given them, and their communities, the tools and support they needed to do that.

I think we have missed two key opportunities on this bill. The provisions we have proposed and would make a real, positive difference in the lives of the people of this country. They represent the next right step in our ongoing effort to secure the safety of our schools and communities. My colleagues and I may offer some of these as individual amendments before the debate on this bill is over.

I certainly encourage my colleagues, especially on the other side of the aisle but on both sides of the aisle, to reconsider these issues, to reconsider how we address these problems, and to vote in support of these amendments when they are offered again.

I yield the floor.

Mr. HATCH. Mr. President, I would like briefly to respond to the distinguished minority leader's comments. I agree with the Senator from South Dakota that we need long term solutions to the problem of youth violence. S. 254, a comprehensive package designed to combat youth violence through multiple approaches—like prevention and accountability programs—is a long term, but flexible, approach to assist the States in curbing youth violence.

My colleagues across the aisle want more funding dedicated to prevention programs, despite the funding increases approved yesterday in the Hatch-Biden-Sessions amendment. In addition, the Federal government, according to a 1999 GAO study, spends over $4 billion annually on 117 prevention programs. The Robb amendment was wisely tabled, since it added an additional $1 billion to Federal programs that already exist. S. 254 and the pending Republican amendments already address programs to steer youth away from a life of crime. For instance, S. 254 has a unique mentoring program that utilizes college age adults and retired couples that are matched to troubled juveniles and their families. By giving the juveniles proper guidance, communities can prevent youngsters from choosing to commit crime.

Furthermore, although there were some similar provisions between the Leahy substitute amendment and the underlying bill, the devil is always in the details. Upon close inspection, this amendment was not an adequate substitute for the most thoroughly considered juvenile crime legislation in my 23 years in the Senate.

First, the Leahy amendment duplicated programs that are already in S. 254. My bill gives the Attorney General greater discretion to prosecute violent juvenile offenders that commit Federal crimes in adult court, and streamlines the process to do so. S. 254 already has a flexible accountability block grant that provides funding for a system of graduated sanctions to hold violent and repeat offenders responsible for the crimes inflicted on their victims. Since S. 254 provides a comprehensive package to fight juvenile violent crime, the Fraternal Order of Police supports the bill.

Second, the Leahy amendment was not narrowly focussed on the problem we should be debating—juvenile crime. Indeed, of the advertised $3.581 billion over three years price tag, by my count only $1.632 billion, or 45.6 percent, is dedicated to addressing juvenile crime. In the law enforcement category, the imbalance is even more startling. Of the $1.684 billion the amendment claimed to spend on juvenile crime law enforcement, only $150 million, or 8.9 percent, is targeted at reducing juvenile crime.

This $150 million is for juvenile and violent offender incarceration. I certainly agree with Senator LEAHY that we need to provide assistance to States and local governments for secure juvenile detention. But, we need to fully support and encourage a full range of graduated sanctions from the earliest acts of delinquent behavior, to help ensure that early acts of delinquency do not grow into more serious problems. According to the OJJDP, the earliest acts of delinquent behavior start at age seven, and continue to get worse if there is no effective intervention. S. 254, unlike my colleague's amendment, recognizes this, and addresses it.

So what did the Leahy amendment propose spending funds on? In the enforcement area, it reauthorizes Rural Drug Enforcement and Training, grants for state courts and prosecutors, and the Byrne program. Now, all of these are generally worthy programs. Indeed, I have been a vocal critic of recent efforts by the Clinton Administration to cut funding for some of these same programs. And my crime bill, the 21st Century Justice Act (S. 899) is a comprehensive answer to our general crime problem. But the bill we are debating today is a juvenile crime bill, and that should be our focus.

And what of the $200 million the Leahy amendment purports to spend on more police officers in schools? This is, in reality, just a two year reauthorization of the existing COPS program. Some COPS funding can, of course, be used for school security. In fact, I supported the bill by Senator CAMPBELL we enacted last Congress to amend the COPS program to allow its grants to pay for school security officers. But to call this general reauthorization a program dedicated to cops in schools is a bit inaccurate.

What is left of the Leahy amendment then? Prevention. Which, of course, we all agree is important. The Hatch-Biden-Sessions amendment the Senate adopted yesterday increases our bill's commitment to prevention to $547.5 million per year. And, I might add, our prevention is more balanced than that in the Leahy amendment. $850 million of the Leahy amendment's "juvenile crime prevention" is focussed exclusively on drug prevention. And $400 million of that funding isn't even dedicated to the juvenile drug program, which I agree is in dire need of attention.

In short, the prior Democratic amendments are no substitute for the effective, comprehensive approach to juvenile crime proposed in the underlying Hatch-Biden-Sessions bill. This bill, and the amendments we will offer, address our juvenile crime problem in four key areas. These include:

(1) prevention and enforcement assistance to state and local government;

(2) parental empowerment and stemming the influence of cultural violence;

(3) getting tough on violent juveniles and enforce existing law; and

(4) safe and secure schools.

So far, the amendments to this serious juvenile crime package have been simple calls for increased spending and rhetorical trinkets. So while I respect the minority leader's views on this issue, I must disagree with his conclusions.

Mr. President, before we begin the Brownback amendment debate, I ask unanimous consent the distinguished Budget Committee chairman be granted 7 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I rise to offer my thoughts on the juvenile justice legislation before us here today. I want to commend the majority leader for bringing this important bill to the floor this week.

I think it is time for the Senate to have a full debate about our Nation's juvenile crime policies, and the role the Federal Government should play in addressing youth violence.

The Federal Government should provide greater funding to the States to combat juvenile crime, but without tying the hands of the States and their ability to implement new and innovative approaches to the problem. The bill before us is a step in that direction.

In the wake of the tragedy in Littleton, CO, this will be a particularly timely debate. But I want my colleagues to know that, in the view of this Senator, this is a debate which is long overdue.

As far back as 1995, I held field hearings in my home State of New Mexico to talk to people about their experiences with escalating youth violence.

I brought in judges, law enforcement officers, youth counselors, and prevention experts, as well as victims of juvenile crime, to see what the Federal response to the problem ought to be. I then introduced legislation based on what I heard from the experts in New Mexico.

And I must say to the chairman of the Judiciary Committee, Senator HATCH, and his colleague, Senator SESSIONS, you all must have heard the same things from your experts as we heard in new Mexico. Because many of the same concepts and ideas which I heard during those discussions in New Mexico have found their way into your bill before us today.

Ideas like graduated sanctions, so that kids are punished the first time they commit a bad act, and given more severe punishment for subsequent, more severe offenses.

In New Mexico, I heard countless stories of juveniles who committed 10 or 15 minor crimes before they ever were given even the slightest punishment. It is not wonder that so many kids disrespect our justice system. This bill will encourage States to adopt graduated sanctions policies, and provide resources to do so.

Another theme echoed throughout the field hearings and meetings I held in New Mexico was the need to better address the rights of the victims of juvenile crime.

Often, the victims and their families are forgotten in the juvenile justice system. States frequently require closed court hearings, rarely notify victims when offenders are sentenced or released, and often fail to allow for restitution.

One issue that is critically important to a rural State like New Mexico is the need to address the Federal mandates imposed upon the States as a condition of receiving Federal funds.

I have been working with Congresswoman HEATHER WILSON of New Mexico's First District on this issue since the time when she served as the Secretary of Children, Youth and Families in our State. One problem she always faced was how to deal with the Federal "sight and sound separation" mandate, which led to arbitrary, burdensome, and often times ridiculous restrictions placed on my State's use of juvenile facilities.

Let me make it clear to the critics of this bill's handling of the mandates: no one, including this Senator, wants to house juveniles in the same cell as adults or to allow adults the ability to physically or emotionally abuse juveniles held in secure facilities.

All this bill seeks to do is impose some common sense, to allow States the flexibility to use their facilities and staffs in a rational, but responsible way. I think Senators HATCH and SESSIONS have done a good job addressing the problem.

I have before me a list of the 15 Federal and 7 State gun laws already on the books which were violated by those disturbed youths in Colorado. I want my colleagues to know that I think that we should do a better job of enforcing those laws already in place, particularly at the Federal level, before we consider enacting a laundry list of new gun laws. There may be some suggestions offered this week which are reasonable, and which might be acceptable to a majority of Senators. I wait to see what will be offered.

Mr. President, I thank you for recognizing me. Again, I commend the chairman of the Judiciary Committee, Senator HATCH, and the chairman of the Youth Violence Subcommittee, Senator SESSIONS, for their hard work on this bill. I do not agree with every single provision, and I may offer some amendments later in the process, but I think they have done a fine job getting this legislation to the floor. And I look forward to working with them as we continue to shape the bill.

Mr. President, while this bill will be contentious and we will have scores of amendments, it is the right debate at the right time in the right place. I think after we have fully debated this we are going to come up with a bill that will help our sovereign States and the governments within those sovereign States to do a better job with juvenile crime policies. We do not have a major role, but we have certainly not had a sufficient role. This bill will expand that and modify and make more responsive some of the mandates we have in our laws today with reference to juveniles.

First of all, there is a great discussion taking place about firearms and guns. While I do not address that in my few remarks, in due course we will have a significant debate on this. Clearly, we will all listen attentively and pay attention. We will try to do the very best we can. I will certainly try to do that.

But essentially there is a much bigger issue. The issue is the criminal justice system. In our land we have an adult criminal system. We all hear about that regularly. It is jury trials for serious crimes. It is whether or not to have death penalties. It is do we have enough district attorneys to prosecute. It is what is happening to the families of these adults against whom these crimes have been committed. And it is a myriad of things that apply to adults.

For the most part, the juvenile justice system in America has been almost mysterious, because we have been bent on protecting the young people and protecting their rights and protecting their reputations—and properly so. But I submit much of that apprehension about disclosing what crimes teenagers and juveniles have committed, keeping their records separate such that they can have the equivalent of two or three felonies and nobody ever knows about it when they enter the next phase of life—many of these things were done in a completely different era. Clearly, we have a small portion of America's young people committing crimes. The overwhelming number, as the minority leader said, are diligently doing their jobs, trying to grow up, learning and conducting themselves in a very, very good manner.

There is a growing number of teenagers that has become just as dangerous as adult criminals. They commit the very same crimes from rape to murder to mayhem to burglary to robbery. Drive-by shootings are not just done by adults. Many of them are done by teenagers and young people. The time has come, it seems to me, to give a little more recognition to that and to help our States and their juvenile apparatus for helping them do a better job.

I held hearings in my State the year before last, and I introduced a bill, along with my colleague from the House, Representative HEATHER WILSON. Many of the ideas in it which we got from our educators, from our judges, from our policemen, are in this bill. I compliment those who put it together. It moves in the right direction, without any doubt.

Frankly, there are young people who commit significant crimes over and over who deserve to be treated as adults. We do, to some extent, urge the States to move in that direction—and many are—to treat as adults those young people who commit certain kinds of crimes which are just abhorrent to society.

We are moving in the direction of making sure that the records of severe juvenile criminals are made available so that the courts can be apprised in later years as these juvenile criminals commit other serious crimes. It is not as if the first 5 years of criminality as a youngster do not count. We are moving in that direction, and I think we are moving there correctly.

Likewise, it is obvious that we ought to be doing some things to help in the prevention area. I am very pleased that we are urging our schools that have great physical capacity—their gyms, their recreation centers, their classrooms—to make them available for afterschool, weekend and even summer activities so that our young people have more to do with their enormous amount of spare time, other than to spend, on average, 7 hours—it is not just teenagers, but televisions in our homes are on 7 hours a day, a rather incredible number. Probably with so many of our young people with nothing to do in the afternoons, it would not be a surprise if for a substantial number of those 7 hours, teenagers and our youngsters are watching, with no adults around, whatever they please.

Clearly, this bill is moving in the right direction, with reference to another area which is totally frustrating for fellow New Mexicans and for Americans, and that is victims of juvenile crime. We are now finding how abusive a court system can be to victims if, in fact, the courts do not take the victims into consideration.

I will be offering an amendment with reference to victims which, I believe the Senate will be pleased to hear, will take some things out of the proposed constitutional amendment that was offered with reference to victims and makes it statutory. A few of those ideas were in Dan Coats' proposal. I believe we can put in rights that victims will have under the juvenile codes of our land.

Let me close by suggesting one other thing. Again, if we get away from the shootings and look at the ordinary daily operation of the criminal justice system for young people, we find a problem with reference to what we do with young people who commit small offenses. Do we do nothing? It is pretty obvious that small offenses repeated yield to more serious offenses, and if there is no corrective action, then it will yield to more egregious offenses. Go to one of our facilities in New Mexico and interrogate a 17-year-old boy and ask him why he is there. He will say: I am finally here, but I was arrested 17 times and I was found guilty of 14 crimes, and nothing happened to me. I ended up here.

This bill talks about progressive punishment—little crimes, little punishment; bigger crimes, bigger punishment—but suggests that we will help with funding in the States if they have a system that, indeed, imposes some kind of corrective measure, even for the lesser offenses.

This is not intended to create a situation where we are just being mean to somebody. As a matter of fact, it looks like young people learn when they are corrected, when they are told they cannot do something and when violating the law means they have to suffer in some way, be it mighty small when they are small offenses, or significant as they move up the ladder of criminality in terms of the number of times they violate our laws.

I hope by the time we finish this bill, we will have taken a giant step forward in helping our States which, after all, do most of the law enforcement of this criminal behavior by our young people and most of the offenses that are taking place in our school systems, such as the events that occurred in my neighboring State of Colorado. Most of the authority to do something about that is not in our hands; it is in the hands of our States.

We ought to be helpful to the States in this legislation by not tying their hands but giving them flexibility, and where we really think there ought to be improvements in the system, giving some benefit to a State that changes the system in a positive manner. This bill has that kind of incentive built into it which is the part I put in the bill which I introduced not too long ago, because I thought it was very important to encourage States to make changes.

I thank the Senator for yielding to me, and I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

AMENDMENT NO. 329

(Purpose: Relating to telecast material, video games, Internet content, and music lyrics)

Mr. BROWNBACK. Mr. President, by a previous unanimous consent agreement, I call up amendment No. 329.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. BROWNBACK], for himself, Mr. HATCH, Mr. LIEBERMAN, and Mr. ABRAHAM, proposes an amendment numbered 329.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. BROWNBACK. Mr President, I call up this amendment on behalf of myself, Senator HATCH and Senator LIEBERMAN. I ask unanimous consent that Senator ABRAHAM be listed as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, this is a discussion we have been having within the country and we now need to have in the Senate. We have four provisions in the amendment. They are, basically, things that we can address in the Senate about the culture of violence that has enveloped the country and has taken us to the point where so many people have so many fears of what has taken place, and we see some of this acted out.

This is not a panacea amendment. It will not solve all our problems, but I think it is a positive step in the right direction. It has bipartisan support, and I am hopeful we can get broad support throughout the Senate so that these amendments will become law. Let me go through each of them.

The amendment will provide, first, a limited antitrust exemption to the entertainment industry enabling the industry to develop and disseminate voluntary guidelines for television programming, movies, video games, Internet content and music.

What we are seeking is an antitrust exemption so that the industry can enter into its own voluntary code of conduct, the likes of which the television industry used to have and then left after there was some feeling that this was potentially an antitrust violation.

We want to give them an antitrust exemption so they can set a code of conduct, a floor below which they will not go in the race to the bottom for ever more violent, ever more explicit, ever more troubling content. We want to provide that for television, movies, video game producers, Internet content, and music.

These voluntary guidelines will be used to alleviate some of the negative impact of violent sexual content and other subjects inappropriate for children that are so pervasive throughout the television shows, movies, video games, Internet content, and music produced today by the industry.

This amendment does not—does not—require the entertainment industry to develop or disseminate such guidelines, nor does it provide the Federal Government with any additional authority to regulate TV programming, movies, video games, Internet content, or music. Members can support this and know what this amendment does not do.

The amendment does enable the entertainment industry to establish voluntary guidelines. I believe this is an appropriate way for us to encourage the industry to reconsider their entertainment products with an eye toward their corporate responsibility.

My amendment would simply make clear that the entertainment industry would not be subject to antitrust scrutiny if its members create such guidelines. This amendment does not infringe upon the first amendment rights of the entertainment industry. It would provide us with the opportunity to give the industry the tools that are necessary to articulate what their standards are and to inform parents what they can expect from the industry.

Why do we need a code of conduct? I think there are several very important reasons why.

First, our popular culture exerts an enormous influence on our young children and on our entire society. What we see, hear, and experience helps shape how we think, how we feel, and how we act. This is particularly true for children. All too often, what kids see in movies or on television, what they hear in music, and what they experience in the games they play actually desensitizes them and debases rather than uplifts.

Given that entertainment companies wield such enormous power in this country, it is only right that parents and consumers should know what their standards are and how they will use their media. This code of conduct will call on entertainment executives to define those standards, what levels they would not sink below, and what ideals they intend to uphold. I think the public has a right to know that as well.

Second, establishing a code of conduct not only informs parents, it helps hold the entertainment industries accountable. Parents will have a written code by which to judge television, movies, music, and games and be empowered to demand that companies live up to their code.

Third, a code of conduct says that entertainment companies do bear some corporate responsibility for the impact of the entertainment that they peddle. For too long, entertainment executives have insisted—in the face of mountains of evidence to the contrary—that the violence and sexual activity they depict had no impact, and that therefore they had no responsibility. A code of conduct recognizes that these companies wield enormous power and must therefore bear a corporate responsibility to the public at large.

There are some who defend the extreme violence and sexual activity in some movies, television shows, or music lyrics by claiming they are merely reflections of the reality of life, that they hold a mirror to society. But it is not a mirror; it is a mirage. The world of television and movies is—thank goodness —far more violent, conflicted and sexually explicit than the life of the average American. There are far more Amish people in the United States than there are serial murderers. There are more pastors than prostitutes. But you would never know that from watching television.

Enabling the entertainment industry to develop and enter into a code of conduct is not a panacea. It will not, by itself, put an end to all objectionable content, but it will be an important first step in encouraging the industry to reconsider the influence—for good or ill—of its products, its internal standards, and its corporate responsibility.

It will provide parents and consumers with information, and enable them to hold entertainment companies responsible for their product, and it will further an important national dialogue about what our duties to our children are and the role we play in determining whether we live in a culture that glorifies death, carnage and violence, or in a civil society.

We also have other provisions that are in this amendment beyond just the code of conduct, the voluntary code of conduct. This amendment would also require the Federal Trade Commission and the Department of Justice to conduct a joint study of the marketing practices of the motion picture industry, recording industry, and video game industry.

The amendment requires the FTC and the DOJ examine the extent to which the entertainment industry targets—targets—the marketing of violent, sexually explicit or other material unsuitable to minors, including whether such content is advertised in media outlets in which minors comprise a substantial percentage of the audience. We want to know, are these entertainment companies actually marketing violence to minors? Are they lacing more violence in their products to get more sales to minors?

The effectiveness of voluntary industry ratings in limiting access of minors to content that is unsuitable is something else that we want studied as well. Further, we want to study the extent to which those who engage in the sale or rental of entertainment products abide by voluntary industry ratings or labeling systems. We want to know whether mechanisms or procedures are necessary to ensure the effective enforcement of voluntary ratings or labeling systems.

We need to know the extent to which the entertainment industry encourages the enforcement of their voluntary ratings and labeling systems. And we need to know whether any of the entertainment industry's marketing practices violate Federal law.

Recently, I held a hearing at which Senator LIEBERMAN and Senator HATCH testified regarding the marketing of violence to our children, and whether violence is used to market products. There is a strong suspicion that, indeed, it occurs.

I would like to draw the attention to the Senate to some of the advertisements of products to children. These are particularly of video games.

This one that I am showing you now is an advertisement in a magazine for a video game rated for teens. This is rated for teenagers. This is the advertisement: "Deploy. Destroy. Then relax over a cold one." It sure is laced with violence and uses violence to market a product to teens.

Here is one, a popular video game, a video game called Carmageddon. I have shown this to the Senate before. Rigormotorist. It is about killing people in a car-driving video game.

There is another video game that we have shown to the Senate before. It is rated for teens. You can see the symbol there: "Destroying your enemies is not enough. You must devour their souls." Clear use of violence and other imagery with that as well.

There is in the amendment an NIH study. There have been literally hundreds of studies, some would estimate even more, conducted on the impact of television on our attitudes, thoughts, psychological well-being, behavior, development, level of aggression, and predisposition toward violence. The more we study it, the clearer the link we have of the consumption of violent entertainment and increased aggression, fear, anger, emotional difficulties, even predisposition towards violence.

However, there have been very few studies done on the impact of music and video games on young people. We need to know more. The other point of this amendment is to study that connection. By some estimates, the average teen listens to music around 4 hours a day. Between 7th and 12th grades, teens will spend around 10,500 hours listening to music. Listen to that again. Between the 7th and 12th grades, they are going to listen, the average teen, to around 10,000 hours of music. That is more time than they will spend in school.

Similarly, the popularity of video games is rapidly increasing among young people. One study, conducted by Strategy Records Research, found that 64 percent of young people played these games on a regular basis. Clearly, young people spend a huge amount of time focused on these kinds of entertainment.

It stands to reason that music and games have some sort of impact on young people, just as it stands to reason that what we see, hear and experience has some impact on our thoughts and attitudes and, thus, our decisions and our behavior. Determining what this impact is, is clearly in the public interest.

This amendment, sponsored by myself, Senator HATCH, Senator LIEBERMAN, and Senator ABRAHAM, provides for a study to determine that impact. We need to know more, and we need to start now.

The first step towards addressing problems is to accurately define them. And for that, we need all the available information. This amendment is an important start in that direction.

I point out something that I hope is becoming more familiar to Members of the Senate and to the country, the violence that is in some of the music. We talked about video games. We have studied music and television. In music, here is a person who is pretty famous now, Marilyn Manson, with an album "Anti-Christ Superstar." You can look at all the words pointing towards "Tomorrow's turned up dead." "You can kill yourself now." Glorification of suicide and violence.

Here is another record out of it. "Anti-cop, Anti-fun." I am not going to read any of that. Here is another top record from Master P, "Come and Get Some." "I got friends running out the blanking crack house."

You can go down through this and see the violent, in many cases, very hateful and misogynistic, some racist terminology. We need to know what is the impact on a young mind that is consuming, in many cases, on the average of 4 hours of this a day. That is the intent of this study to ask that those things be looked at.

We think the evidence is clearly growing. We need to do something about what has happened to our culture. We are asking in this set of amendments, one, for an antitrust exemption for a voluntary code of conduct, for enforcement of industry rating systems, for a study on the marketing of violence to children, and for an NIH study of violent entertainment, particularly video games and music, and its impact on children.

We have had terrible, unthinkable tragedies that have happened to our children in this country. We know there is a link between the violence and the action. Both the American Medical Association and the American Association of Pediatrics have warned against exposing children to violent entertainment.

One 1996 American Medical Association study conducted concluded this: "The link between media violence and real life violence has been proven by science time and time again."

Another AMA study concluded that "exposure to violence in entertainment increases aggressive behavior and contributes to Americans' sense that they live in a mean society."

Those are pretty clear points of view.

Mr. President, we need to do something. These are modest steps. They will not, in and of themselves, change the society or change the culture, but they are appropriate steps. They can continue our national debate. I think they can help focus us on moving away from this culture of violence, this culture of death, towards more of a culture of peace and a culture of life that clearly we need to provide to our children.

I note that there are a number of people who wish to speak on this amendment. I recognize first the chairman of the committee, who wanted to address this subject, Senator HATCH, and then Senator LIEBERMAN has been on the floor to speak as well. I yield to Senator HATCH on this amendment.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I ask unanimous consent that we keep the status quo with regard to no amendments to this amendment until 12:30.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Reserving the right to object, I do not intend to object, but I want to make sure that others are going to be able to address the Senate during this period of time. I know the Senator from Utah, the Senator from Connecticut—I see the Senator from California has some inquiries. I would like to be able to speak as well. I would like to see that we have an opportunity for each of these Members before we get to 12:30. That is my only concern.

Mr. HATCH. I hope everybody can be recognized, but I ask unanimous consent that at 12:30 I be permitted——

Mrs. BOXER. I can't hear the Senator.

Mr. HATCH. I ask unanimous consent to keep the status quo until 12:30 and then at 12:30 I retain the floor.

Mr. KENNEDY. Mr. President, I object to that. We have an agreement now. The Senator is recognized for 30 minutes. Now we are in the position that we can offer second-degree amendments. The Senator is asking that we do not do that for 30 minutes. If you want to get this Senator to agree to it, we are going to have to give other Members the chance to speak on the floor. Otherwise, I am going to object to it. Why don't we just try to work this out with comity?

Mr. HATCH. I would be happy to not speak at this particular time and have somebody from the Democrat side speak.

Mr. KENNEDY. Why doesn't the Senator speak for 10 minutes, and the Senator from Connecticut for 10 minutes, and the remaining 15 minutes to Senator BOXER.

Mrs. BOXER. Ten minutes.

Mr. KENNEDY. Is that agreeable?

Mr. HATCH. We also have to reserve 10 minutes for Senator DEWINE.

Mr. KENNEDY. Between now and 12:30?

Mr. HATCH. We will go beyond 12:30. I think he can come after that.

Mr. KENNEDY. I suggest that the Senator be recognized now for 10 minutes; following that, the Senator from Connecticut, 10 minutes; following that, 15 minutes divided between Senator BOXER and myself; and following that, at 12:30, Senator DEWINE be recognized for 10 minutes; and that there be no intervening motions or actions or amendments.

Mr. HATCH. Or amendments, and that I get the floor as soon as Senator DEWINE has concluded with his speech.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Reserving the right to object, just with a question to my friend from Utah. It is my understanding that this amendment would be opened up to second-degrees.

Mr. HATCH. We keep the status quo of not opening it to second-degrees.

Mrs. BOXER. At 12:35 the amendment would be opened for second-degrees?

Mr. HATCH. But the floor would be yielded to me.

Mrs. BOXER. So you may well offer a second-degree?

Mr. HATCH. I may well offer a second-degree at that time. We would prefer not to have any amendments to this, but that is what I may very well do.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HATCH. Parliamentary inquiry: Just so we know, I am to speak for how many minutes?

The PRESIDING OFFICER. The order is as follows: Currently 10 minutes for the chairman, 10 minutes for the Senator from Connecticut.

Mr. HATCH. Fifteen minutes divided equally between the Senator from California and the Senator from Massachusetts?

The PRESIDING OFFICER. Fifteen minutes between the Senators from California and Massachusetts.

Mr. HATCH. And then 10 minutes for——

The PRESIDING OFFICER. And then 10 minutes for the Senator from Ohio.

Mr. HATCH. Then the floor would be yielded back to me?

The PRESIDING OFFICER. That is correct. The Senator from Utah.

Mr. HATCH. Mr. President, I first want to commend Senator BROWNBACK for his initiative to curb the exposure of our youth to violence. I recognize that as early as last year Senator BROWNBACK and I, and I have to add my dear friend from Connecticut, Senator LIEBERMAN, and others, had developed legislation designed to encourage television broadcasters to join forces and develop a code of conduct for responsible programming. That legislation is part of the amendment being offered today, and it addresses the broader concern that our children are exposed to too much violence, too much obscenity, and too much filth—whether through television, in movies, in modern music, or in video games.

Let me say for the record that I hope that as the new V-chip is implemented in televisions, our concern for the pervasive exposure of children to violence on the tube will be alleviated.

Again, I commend my colleague for his leadership in efforts to encourage the broadcast media to exercise responsibility. I commend my colleague from Connecticut as well. They have been two great leaders on these subjects. There are others who deserve credit as well.

Mr. President, I do not take the floor to attack the entertainment industry. It is well known that I work very closely with people in the entertainment industry, trying to make sure that their intellectual property needs are taken care of, and others as well. Indeed, it is just one part of a more complex problem. I do hope we can encourage the industry to work with us to do what is best for our children in America.

As my colleagues know, I have long supported the creative industry, as evidenced by continued efforts to ensure strong intellectual property rights that protect the creative products of these industries.

Why can't this industry, which is a source of so much good in America, do more to discourage the marketing of filth to children? Why shouldn't the industry help fight the marketing of violence to young people?

Study after study indicates that prolonged exposure of children to ultraviolent movies and video games increases the likelihood for aggression and aggressive conduct on their part. As President Clinton noted in his radio address last week, the two juveniles who committed the atrocities in Littleton played the ultra-violent video game Doom—that is this right here—the ultra-violent video game Doom obsessively, over and over and over. In addition, the 14-year-old boy who killed three in the Paducah, KY, school killing in 1997 was also an avid video game player. In fact, the juvenile had never fired a pistol before he accurately shot eight classmates.

Let me give one typical example of how these games are advertised. This chart back here is a page from a video game company's web site. It is promoting a new video game called Turok 2—Seeds of Evil. This ad describes this game as—if you can read those words—"the undeniably, certifiably el numero uno death match Frag fest because we know what you want."

Now, this last sentence bears repeating: "Because we know what you want." The ad describes "over 24 devastating weapons" and exclaims that players may "unload twin barrels of ricocheting shotgun shells" and "blow enemies clean away" with the scorpion launcher. And worst of all, it urges players to "send brains flying" with something the gamemakers call a "skull drilling cerebral bore."

How much more graphic can this get? They emphasize how "real" the games are, too, with "real-time flinch generation." "Enemies flinch and spasm differently, depending on which body part you hit." Absent here is any realistic depiction of the consequences of real violence. This is just one example of the irresponsibility of these games being marketed and accessible to our kids. It is pathetic when you stop and think about it.

I might add, given there is evidence that extremely violent or otherwise unsuitable material in movies, music, and video games have negative effects on children, many are concerned about how these products are marketed and sold. Do these industries specifically target products to minors that, according to their own guidelines, are unsuitable to minors? I think the American people deserve an answer to that question.

As I testified before the Senate Commerce Committee last week, I was troubled to learn that according to the National Institute on Media and the Family, some manufacturers of video and computer games are marketing ultraviolent video games rated for adults only to children. In 1998, the National Institute on Media and the Family conducted a thorough study of the video and computer game industry. Some of the findings were very disturbing. For example, lurid advertisements for violent video games are aimed directly at children. The advertisement for the video game Destrega states: "Let the slaughter begin." while the advertisement for the video game Carmageddon states: "As easy as killing babies with axes." These and similar advertisements appeared in recent gaming magazines that are targeted to teenagers.

Moreover, an advertisement for Resident Evil 2, a violent video game rated for adults only, was featured in the magazine Sports Illustrated for Kids. Few people would argue that cigarettes, alcohol, or X-rated, or NC-17 rated movies should be advertised in children's magazines. Why should such violent video games—games the industry itself has found unsuitable for children—be advertised and marketed to children? I think we need an answer to that.

Nor is the problem of marketing violence to children limited to video games. In recent years, the lyrics of popular music have grown more violent and depraved. And much of the violence and cruelty in modern music is directed toward women.

Here is one of the recent violent things. This is Eminem, and it is directed, in large measure, toward violence and cruelty toward women.

As Senator BROWNBACK noted on the floor two weeks ago, the group Nine Inch Nails had a commercial success a few years ago with a song celebrating the rape and murder of a woman. This is not an isolated example. Hatred and violence against women in mainstream hip hop and alternative music are widespread and unmistakable. Consider the singer Marilyn Manson, whom MTV named the "Best New Artist of the Year" last year. Some of Manson's less vulgar lyrics include: "Who says date rape isn't kind"; "let's just kill everyone and let your god sort them out"; and "the housewife I will beat, the prolife I will kill." Other Manson lyrics cannot be repeated here on the Senate floor.

The weekend after the Colorado shootings, a 12-year-old boy whom I know, bought a Marilyn Manson compact disc from a local Washington area record store, even though it was rated for adult content. Ironically, the warning label on the disc was covered by the price tag. Here is the disc, and here is the way the warning label was covered. The tag covered the warning label, clearly making it easier for kids to buy these products. This indicates that these record warnings are not being taken seriously. Consider Eminem, which I mentioned before, the hip hop artist featured frequently on MTV who recently wrote "Bonnie and Clyde"—a song in which he described his killing his child's mother and dumping her body into the ocean. Many of his songs contain violent, troubling lyrics with the misogynistic message.

Despite historic bipartisan legislation by the State and Federal governments, it is stunning how much modern music glorifies acts of violence, sexual and otherwise, against women. This music is what many children are listening to. This music is marketed to our youth, and we should not ignore the fact that violent misogynistic music may ultimately affect the behavior and attitudes of many young men toward women.

One might argue that these groups are not embraced by the entertainment industry. How, then, would the industry explain a 1998 Grammy nomination for Nine Inch Nails and a 1999 nomination for Marilyn Manson? It is one thing to say these people can't produce this material; it is another thing for the industry to embrace it.

Many Americans were justifiably outraged when it was discovered that tobacco companies marketed cigarettes to children. I believe we should be equally concerned if we find that violent music and video games are being marketed to children. Limiting access to ultraviolent music and video games to children does not raise the same constitutional concerns that a general prohibition on such material would entail.

For example, while some can reasonably contend that the first amendment protects certain X-rated material, no one can reasonably argue that the Constitution prohibits restricting such material to children.

Now, that is why one provision of this amendment—a provision I developed with Senators LIEBERMAN, HARKIN, and KOHL—directs the FTC and the Department of Justice to examine the extent to which the motion pictures, recording, and video game industries market violent, sexually explicit, or other harmful and unsuitable material to minors—including whether such content is advertised or promoted in media outlets in which minors comprise a substantial percentage of the audience.

The report will also examine the extent to which retailers, and in the case of motion pictures, theater owners, have policies to restrict the sale, rental, or admission of such unsuitable material to minors—and whether the industry requires, monitors, or encourages the enforcement of their respective voluntary rating systems by retail merchants or theater owners.

Mr. President, I do want to note that over the years each of these industries has taken some positive steps in developing voluntary labeling systems that provide notice to parents about unsuitable content of certain products.

But as I have said before, it is important to see if such standards are enforced at the retail stage, and also see if, despite their standards, the industry targets unsuitable materials to minors.

I also want to take a few moments to discuss another provision of this amendment that provides a limited antitrust exemption to the industry in order to empower them to develop effective enforcement procedures for their voluntary guidelines. This provision is different from the provision developed by Senator BROWNBACK, which relates to the development of a code of conduct.

For years, I and others in Congress have searched for solutions for limiting the negative impact exposure to violent or sexually explicit content—whether in motion pictures, television, songs, or video games—has on our children. This provision of the amendment is designed to achieve this objective by empowering the respective industries to develop and enforce responsible guidelines without the fear of liability under our antitrust laws. It will allow manufacturers and producers to agree among themselves to refuse to sell their products to retail outlets who do not follow the industry's standards and guidelines—if the industry chooses to do that.

Mr. President, as chairman of the Judiciary Committee, I am mindful of the first amendment concerns that could be raised by attempts on the part of the Federal Government to broadly regulate content, on the Internet or over the other media. But I do believe that we must do what we can do to promote responsibility on the part of the film industry, the recording industry and the entertainment software industry in meeting the needs of children. This amendment does that.

Over the years each of these industries has taken positive steps in developing voluntary rating systems that either provide notice to parents about unsuitable content of certain products, or attempt to restrict the sale of unsuitable products to adults or mature audiences. Unfortunately, it appears that adequate and effective enforcement of these guidelines at the retail level is lacking. For instance, there is little enforcement effort that ensures children under the age of 17 are in fact prohibited from viewing NC-17 rated movies—or that children are not allowed to purchase music or video games which are purportedly intended for sale to adults. The inquiry by the FTC and DOJ directed by this amendment will further be helpful in this regard.

I believe that the enforcement of the voluntary standards is necessary to make the system work. Proper enforcement will protect the integrity of the overall self-regulatory system. If the industry chooses to exercise responsibility and refuse to sell its product to a retailer who does not follow the industry code of conduct, it should be able to do so—without the fear of antitrust laws.

Here is how this provision of the amendment works: to the extent that the antitrust laws might preclude the motion pictures, recording or video game industries from developing guidelines and procedures for their respective industries to limit the sale of unsuitable material to children, this amendment fixes that. It provides industry with limited fixes that. It provides industry with limited exemption from the antitrust laws in order to give them the freedom to develop and enforce voluntary enforcement mechanisms without the fear of antitrust liability or government regulation.

But with this amendment I hope to encourage industry to limit the sale to minors of material, whether it is music, movies, or video games, which the industry itself deems unsuitable for children.

Again, it is important to underscore that this provision does not tell industry to do or not to do anything. It simply gives them the power to join forces in order to develop enforcement mechanisms without the risk of liability under the antitrust laws.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Connecticut is recognized.

Mr. LIEBERMAN. I thank the Chair.

Mr. President, I rise to support the amendment. I am privileged to be a cosponsor of the amendment with the Senator from Kansas, Mr. BROWNBACK, and with the Senator from Utah, Chairman HATCH.

This amendment incorporates several proposals which many of us have been working on together across party lines in this Chamber to try to tone down one of the influences that we are convinced is contributing to the outbreak and crisis of youth violence in our country.

Two other colleagues whom I have been privileged to work with are Senator McCAIN of Arizona and Senator KOHL of Wisconsin. At this time I ask unanimous consent that Senators McCAIN and KOHL be added as original cosponsors of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, in the wake of the tragic shooting in Littleton, we as a nation, as individuals, are focusing in on an unsettling fact: No matter how good times are economically in America, something seems to have gone wrong in our country, something that is whetting the taste for blood and death in our children, turning too many of them into killers in our schools, in the suburbs, on the urban street corners, and in the homes of every kind of community throughout our country.

As I have listened to this discussion at home in Connecticut, and as I have listened to it here on the floor of the Senate, in the committees and caucus rooms of this Capitol, I think what is important is that we are all recognizing and accepting that this is an extremely complicated problem without a single cause, fueled by an amorphous mix of factors.

A child is not, if I may say, a natural born killer. A child, unfortunately, is affected by a variety of circumstances that make him into a killer, from the disengagement of parents, from the makeup of the child himself, to the disconnection and alienation that many children feel from their families, their peers, their communities, to the weakening of our moral and community safety nets. This is a mix that has been made more deadly in our time by the easy access many children have to guns.

Most of what we know for sure, as we consider the complexity of the problem, is, unfortunately, in the statistics, there is a Littleton every day. An average of 13 children die from gunshot wounds every 24 hours in America—some self-inflicted and more from murder.

The fact is that no civilized country in the world comes close to matching this level of homicide and suicide, let alone the massacres we have seen committed in public places. The more we look at this problem, the more we understand—many of us—that the environment in which we are raising our children, with all of the death and destruction and dismemberment and degradation that we expose them to in the entertainment media, with the wealth of perverse messages we send them romanticizing and in many ways sanitizing violence—all of that has an effect. All of that draws a connection between the culture and the killing, between the viciousness pouring out of our children and piling up throughout our society.

I know there are skeptics and naysayers who, despite the reams of evidence and scientific and anecdotal information gleaned from Littleton, Jonesboro, Paducah, and elsewhere—despite all that our intuition tells us about the omnipresence of electronic media and the pull on our society, despite all of this—cling to the notion that the culture of violence is harmless, that the relentless assault of virtual murder and mayhem on our children is having no effect, and that it can't be true. There has always been violence in our country, these skeptics rationalize. There has always been violence in the culture. So the answers must lie elsewhere.

But the answer lies within each of us, and within each of the groups and industries we are referring to here. The truth is, we have always had alienated, disaffected, and in some cases mentally troubled children. We have always had the cruel taunting of adolescents, the cliques in schools, and in many parts of the country we have also always had guns within easy reach of children. And yet, never before in the history of our country have we seen this level of violence among our children. Something entirely different, chillingly different, is happening, and we have to find out what it is and do something about it.

We could spend weeks discussing this question. In fact, in another amendment several of us will be proposing a year-long commission to look at the problems underneath the problems.

Clearly, some of it has to do with the fact that many of the traditional transmitters of values we have long relied on to shape the moral sense of our children—family, community, faith, and school—have been weakened in recent years, and more and more what is filling that value vacuum is the enormously alluring and powerful, influential entertainment media which too often has become a standard shredder instead of a standard setter.

So how do we in this society that so values freedom of expression urge and push the entertainment industry to self-control, to self-regulate, to acknowledge not that they are causing this problem but that they are contributing to a crisis that is killing too many of our children?

It is not easy. I think in this amendment we have found a way to begin to do it with an industry code of conduct exempting those in the entertainment industry from the fear of antitrust prosecutions so that they can work together to develop a code of conduct which will protect them from what some of them claim to be: With the currently existing competitive pressure downward, if the other company produces an ultra-violent movie and makes money, we have got to do it.

Of course, nobody has to do anything. Lines should be drawn about what people won't do to make an extra dollar or two or an extra 10 million dollars or two.

This amendment enables the companies to get together to do just that, and also to enforce the rating system that they themselves put on. We don't want to be censors. Let the industries themselves rate their products, as they do now. But then let them agree not to market products that they have rated as inappropriate, as harmful to children. Let them agree that when they rate a movie as unsuitable for kids under 17, there ought to be some responsibility in the theater owner not to let children under 17 into that movie, just the way there was responsibility on the owner of a bar not to serve liquor to a minor.

Mr. President, last week I submitted evidence to the Commerce Committee, which I think is strongly suggestive of the fact that two major entertainment industries—the movies and the video games—are rating products as bad for our children and then, as my colleagues have shown here on the floor, directly marketing those products to our children, contributing to the culture of violence that is embracing, surrounding, suffocating, and too often motivating our kids.

This amendment rightfully calls on the Justice Department and the Federal Trade Commission to conduct an investigation of the marketing practices of the video game, music, and motion picture industries to determine if they engage in deceptive marketing practices by targeting minors for the acquisition of material they themselves have deemed unsuitable for such minors.

I am afraid to say that Joe Camel has not gone away. He seems too often to have gone into the entertainment business.

Consider the anecdotal evidence from the movie industry, which indicates that violent films rated for adults only are being marketed to children. Over the last few years we have seen the rise of a new class of teen-targeted films—referred to by some as "teensploitation" movies—which has engaged producers and directors in a conspicuous contest to see who can be more violent, more sexually provocative, and generally more perverse to attract youth audiences. A perfect example of this trend is "Very Bad Things," a supposed comedy about a bachelor party gone wrong, which finds fun in the dismembering of a stripper and the successive mutilation of the partygoers.

The latest entry is "Idle Hands," which was released just last week. It is promoted as "sick and twisted laugh riot," and it's not hard to see where this description comes from—according to reviews, the film features a severed hand that fondles a girl before strangling her, a knitting needle that is driven through a policeman's ear, and a decapitation by circular saw blade, all apparently played for laughs.

What these movies have in common, beyond their violent and offensive content, is that they are rated "R," meaning that they are not meant for children under 17. Yet according to several recent news media reports, most producers and studio executives assume that underage kids can and will get in. "Well, let's hope so," says Roger Kumble, the director of "Cruel Intentions," the teen remake of "Dangerous Liaisons" which is by all accounts far more salacious than the original. This sentiment was affirmed by Don Mancini, the writer of all four R-rated "Child's Play" horror films, who acknowledged that young teens were the target for his most recent release, "Bride of Chucky," and other similarly bloody slasher films. "They have grown up watching these movies on home video," he said. "Now that there are new ones coming out, these kids are tantalized."

To apparently help lure in young audiences, these teensploitation movies are heavily advertised on MTV and network series that teens watch regularly, such as "Dawson's Creek" and "Buffy the Vampire Slayer," and are stocked with actors from these teen-favored TV shows. This pattern succeeded with the teen slasher movies "Scream" and "I Know What You Did Last Summer," and it continues with the current "Cruel Intentions"—the director said casting Sarah Michelle Gellar of Buffy fame was like "dangling the carrot" in front of young teens. This dangling is apparently working—according to a recent Gallup poll, half of American teens say they have seen an "R"-rated movie in the last month, including 42 percent of those aged 13–15.

The video and PC and arcade gamemakers are less candid about targeting their marketing to teens than the moviemakers, but the evidence is there just the same. Action figures based on bloodthirsty characters from "Resident Evil 2," "Duke Nukem," and "Mortal Kombat"—three heavily-violent titles that are rated "M" for 17-and-up—are being sold at Toys-R-Us and similar toy stores. Those same toy stores, which cater largely to children, typically carry those games and many of "M"-rated titles filled with guns and gore.

Equally disturbing is the advertising that publishers place in the various glossy game-player magazines. These magazines are widely read by young gamers, and they are filled with perverse and antisocial messages. Here are just a few: "Carmageddon" boasts it is "as easy as killing babies with axes"; "Point Blanks" claims it is "more fun than shooting your neighbor's cat"; "Die by the Sword" instructs, "Escape. Dismember. Massacre."; and "Cardinal Syn" features a severed, bloodied head on top of a spear, with the tag line, "Happiness is a Warm Cranium." A good indication these messages are reaching their target audience came from a survey done by the national Institute on Media and the Family last winter, which found that while only five percent of parents were familiar with the game "Duke Nukem," 80 percent of junior high students knew of it.

Taken together, the evidence here is enough to demonstrate that there is a troubling trend in the entertainment industry, one that it needs to stop now. The marketing of these ever-more vicious and violent products is making a mockery of the various rating systems, telling parents that these products are inappropriate for children but we're going to sell them anyway, and reminding us of similar behavior by the tobacco industry. More than that, it is unethical and unacceptable, and should stop now.

We presented this evidence at a hearing before the Commerce Committee earlier this month, and the response from Hollywood was a deafening silence. There was no acknowledgment that this is going on, or even that it presents a problem. Their unwillingness to discuss this problem leaves us no chance to act. That is why Senator HATCH and I, along with Senator BROWNBACK, are calling for an investigation into the marketing practices of the movie, music and video game industries, to determine to what extent they are targeting ultraviolent, adult-rated products to children.

Finally, in this amendment we call for an NIH study on violent entertainment. NIH is directed to conduct a study of the effect of violence in video games and music, building on the studies that have been done which conclusively show that violence in movies and television affects the behavior of children and makes them more violent.

This study would be a companion piece to the directive the President issued on Monday at the summit. He called on the Surgeon General to do a broad-based study of the causes of youth violence in our country, including the effect the entertainment industry is having on the violent behavior of our children.

This amendment is one of several that will be introduced today. None of them individually will solve this problem. This is all a matter which in some ways is the history of human civilization and the extent to which we can improve the prospect that we will express our better natures and not our worst natures. As humans, we are far from perfect. Parents try to raise children and develop their better nature. Too often today those parents feel as if they are in fundamental and in some ways critical competition with the entertainment industry to raise their kids.

All we are doing in these amendments and these statements is to appeal to the entertainment industry to exercise some responsibility: Help America raise our children so that society will be safer than I fear it is as a result of the violent material included in too many entertainment products.

I hope—and I say this with some confidence based on the bipartisan reach of the cosponsors of this amendment—Senators BROWNBACK, HATCH, MCCAIN, KOHL, and myself at least—that this amendment will be passed across party lines with an overwhelming majority of colleagues of the Senate voting in favor of it.

I yield the floor.

Mrs. BOXER. Mr. President, I have 7½ minutes and Senator KENNEDY has 7½ minutes; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mrs. BOXER. Mr. President, I appreciate the hard work the Senator from Kansas, the Senator from Connecticut, and the Senator from Utah have put into their amendment. I have no problem with looking at all the different causes of violence among our youth. As a matter of fact, it is very much called for.

I also believe that anyone in our society who says, I have nothing to do with this, is simply not taking responsibility for something very pervasive in our society. That goes for every one of us, in our private lives as moms, dads, grandmas, and grandpas, in our public lives as Members of the Senate.

There is one thing missing from this well-worded amendment. I know the Senator from Kansas is checking on some matters for Members who may have some concerns. What is missing from here as we look at the marketing practices of the entertainment industry—which, as I say, I don't have an objection to looking at that—I don't see anything in here at all that deals with the marketing practices of another industry, a huge industry in our country, and that is the gun industry.

Why do I bring that up? We all say that angry kids and guns don't mix. We know we want to keep guns away from children. So it seems to me, as we see more and more kids with weapons, we ought to look at the marketing practices of the gun manufacturers if we are to be fair in this amendment. We should look at everybody if we are truly being fair.

Why do I think this is important? Let me give my friend a couple of examples so I am not just being theoretical. I say to my friend from Kansas, the author of the amendment before the Senate, this is taken off the amendment. This is a picture directly from the Internet in the Beretta catalog. They call it their Youth Collection. We can see the bold colors in the gun. What they say in advertising—and I think this is very important—from their Youth Collection:

> An exciting, bold designer look that is sure to make you stand out in a crowd.

I don't know about my friend from Kansas, but I don't know what they mean, "stand out in a crowd." If mom or dad takes them hunting, you "stand out in a crowd" with your mom and dad? You already "stand out in a crowd" with them.

This is from a gun magazine called Guns and Ammo: A young man who looks like he is about 13. It is titled "Start 'Em Young." "There is no time like the present." This young man is not holding a long gun; he is holding a handgun—which we believe is a make-believe gun—holding a handgun in one hand and a bottle of Pepsi in the other hand.

If we are going to look at marketing practices, we ought to look at them across the board.

Here is another advertisement that will take your breath away. A little boy, who like my grandson's age, about 3½, is being used in a catalog advertising Browning guns. This child looks like he is about 3½ years old.

In the NRA Youth Magazine, it says, "News for Young Shooters." It doesn't say young hunters. "New youth guns for '97."

This is an advertisement in the NRA magazine. This is a handgun. The advertisement says, "The right way to get started in handgunning." This is in a youth magazine.

The law says you can't buy a handgun from a dealer unless you are 21; at a gun show you can purchase at 18.

This is the Youth Magazine. I say to my friend from Kansas, Youth Magazine—below 18—and they advertise a handgun.

I could show more examples of marketing practices that look to a lot of Members as if they are going after very, very young people.

I understand the rules around here and I have great respect for my friend from Utah. He will second-degree the Senator's amendment with an amendment of his own, and I don't know exactly what it will contain. I hope it will be to expand this to gun manufacturers, expand our study. If it is, I would be delighted.

I ask my friend from Kansas if he would accept this amendment, which simply adds a new title, takes the same study and includes a study of marketing practices of the firearms industry toward young people, so that we have a well-balanced amendment before the Senate that deals both with what the entertainment industry is doing and what the gun manufacturers are doing. I ask my friend from Kansas if he is willing to accept this amendment that simply takes the same study and allows it to be made of the marketing practices of the firearms industry toward juveniles.

Mr. BROWNBACK. Mr. President, if I could respond to my colleague, I appreciate her bringing this up. It would have been nice, maybe, to have caught it at a little earlier time.

The amendment itself is directed at a particular facet. I think we are going to have a number of different amendments that are going to affect the gun industry.

We do not have an amendment here on marketing for the knife industry either. There are other places, I suppose, we could look at marketing issues as well, and perhaps should.

This is particularly directed at a certain sector. I hope my colleague will bring this up at another time with another amendment. I am afraid I could not accept it at this point in time because I have too many cosponsors on this amendment and I would have to go around to those cosponsors and ask them.

I think the Senator brings up a good point. I think this is a fair item to look at. It has been studied. There have been several studies, I am informed, on this very point she is raising. It might be good to look at some of those. The things we are trying to study here have not been studied before. That is why we particularly look at that set of points, because we have not. It is tied into a particular industry area.

Mrs. BOXER. If I may reclaim my time, because I have limited time, the reason I wanted to find out if my friend would accept it—obviously, he is not going to do it. I am happy to look at how many kids a year die because of knives, but I can tell you now, 4,600 kids a year die of gunshots. It is the leading cause of death among children in my State. It is the second leading cause of death among youngsters nationwide. If you want to look at knives, I am happy to look at knives. You show the numbers. They do not come close. Guns are the No. 1 cause of death in California among kids; No. 2 nationwide. It has overtaken car deaths in my State, and it is about to overtake car deaths nationwide.

All I am saying to my friend is this. I appreciate the hard work he has put in on his amendment, but I hope he will consider accepting this amendment. I think it is fair. We are looking at causes of violence, dealing with marketing practices in the entertainment industry. We ought to expand it to include this.

I have the numbers: 137 children died of knives in 1996 compared to 4,600 who died of gunshots. If you want to examine the knifing deaths, I am happy to do that, but the magnitude of the problem is not the same. We have the equivalent of one Columbine High School incident every day. I know the Senator from Massachusetts——

Mr. KENNEDY. I yield my time to the Senator.

Mrs. BOXER. If my friend wants to continue the colloquy, I am happy to yield him 2 minutes. Then I can discuss this back and forth with him.

Mr. BROWNBACK. I would note, I think we should look at these prior studies that have been done on this particular issue. I think it would be wise as well to look at those. I appreciate my colleague raising this. We have a series of amendments that are bipartisan. We have a series of cosponsors on this amendment. It is an area on which we have held a number of hearings. That is what we seek to have addressed here.

If she seeks to add it into another, or bring it up as a separate amendment, I think that would be a good thing to do. I am certainly not opposed. But on this, at this point in time, we have a number of cosponsors. I think we are up to eight cosponsors, bipartisan, on this. I would need to go to all of them and ask all of them to add this particular amendment. It is out of the flow of what we are trying to do with this amendment. We have announced this. I have been working with a number of people on a bipartisan basis. I think we need to stay with that at this time.

Mrs. BOXER. I thank my friend. I have to say to him, why is it out of the flow of this amendment? I am just taking back my time at this point. I yielded my friend time. He made a statement that my amendment is out of the flow.

I thought we were looking at reducing juvenile crime and juvenile death. I thought we were looking at reducing the culture of violence. All I am saying to my friend is, you are going after one industry here. Fine. They better stand up and be counted on this. But when it comes to the gun industry, you cited studies. What other studies?

As a matter of fact, if you want to look at the way Congress has treated the gun industry, that is the only industry in the whole country that I know of which is not even regulated by any Federal law, in terms of the Consumer Product Safety Commission, which they are specifically exempted from. I have to say I am disappointed because, in the spirit of bipartisanship, we should make every industry stand up and be counted when it comes to our children.

Every day in America there is another Columbine. Every day, 13 children are gunned down. They die. Yes, we need to look at the violent culture, as my friend from Utah has pointed out, and my friend from Kansas. Yes, we need to look at why that culture seems to impact our kids more.

I was struck by a comment of Senator LEVIN from Michigan, who pointed out that in the town directly across from Detroit, in Canada, where they get the same videos, the same movies, the same music, there were hardly any gun deaths. He has those exact numbers, something like 300 compared to 19.

So there are a lot of factors that we have to deal with, including family lives of our children. Do they have enough to do after school?

It is about prevention. Senator KENNEDY has been eloquent on the point. Senator LEAHY has been eloquent on the point, saying: Yes, we want to do even more on prevention. But when we are down to studying an industry, how do you say, I really can't study at this point the marketing practices of the firearm industry? To me, it is amazing that they would advertise a handgun in the NRA youth bulletin when laws in our country today say you have to be 21 to buy a handgun from a dealer, and, at a gun show, 18. But nowhere does it say in our law you can buy a handgun under 18. Yet, in the youth magazine, what does it say? "The right way to get started handgunning." Here is this young man, 13 years old, posing with a handgun replica. "Start 'em young. There's no time like the present."

Here is the Beretta, painted in bright colors to attract children, in their youth collection of which they say, "an exciting bold designer look that is sure to make you stand out in a crowd." You know, I think that ought to be investigated. What do they mean? I would love to know what they mean by that: "An exciting bold designer look that is sure to make you stand out in a crowd." Those two shooters at Columbine wanted to stand out in a crowd.

So I think if we are going to look at an industry and say we will only look at one and turn our back on the firearms industry and their marketing practice, that is wrong. I am disappointed that my friend from Kansas will not accept this amendment. He has eight cosponsors. I am sure a lot of them would support this amendment.

It is my intention to offer this at another time, because I do not feel we should study one industry and bring all our efforts down on one industry while turning our back on another industry which looks to me as if it is going after our kids—really young. A picture of a 3½-year-old child in one of these advertisements—maybe he is 2½, maybe he is 4.

Let me express my deep disappointment we cannot do this by unanimous consent, and express my desire to offer this amendment, which is basically the same as the one before us, with the FTC looking at the advertising practices of the gun industry.

I think not to take this amendment, I say to my friends on the other side of the aisle, is a sad day. It is a sad day because it looks to me as if you want to blame everything on one industry and turn your back on another one that is going after our children.

It is not balanced; it is not fair. I hope to offer this amendment, and I hope to get support for it at a later time.

Mr. President, I yield back my time to Senator KENNEDY.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I commend the Senator from California. I believe most of our time has been used. I will address the Senate on the matters which I had intended to address later in the afternoon. I see my friend and colleague from Ohio on the floor, so I will seek recognition later.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I ask unanimous consent to add the Senator from Ohio, Mr. DEWINE, as an original cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Ohio is recognized for 10 minutes.

Mr. DEWINE. Mr. President, I rise this afternoon in strong support of the amendment offered by the Senator from Kansas, Mr. BROWNBACK, and the chairman of the Judiciary Committee, Senator HATCH. I want to discuss one of the provisions of this amendment. This provision is similar to legislation Senator BROWNBACK and I introduced in the last Congress, and that bill was S. 539, the Television Improvement Act. We introduced that bill in the last Congress, along with the Senator from Connecticut, Mr. LIEBERMAN, and my friend and ranking member of the Antitrust Subcommittee, Senator KOHL.

This amendment will create an exemption from antitrust liability to allow the entertainment industry to develop and agree upon voluntary guidelines designed to alleviate the negative impact of numerous forms of entertainment—broadcast programming, movies, music lyrics, video games, and Internet content.

In other words, this amendment will remove a legal obstacle that arguably could prevent decisionmakers in the entertainment industry from getting together to make responsible decisions about the products they produce. Specifically, this amendment will allow them to agree voluntarily to limit the amount of violence, sexual content, criminal behavior, and profanity that exists in their various mediums. It will also, equally important, give them an opportunity, if they chose to take it, to promote and provide entertainment that is educational, informational, or otherwise beneficial to children. In other words, it will allow them to come together to agree to limit the bad things, but it will also allow them to come together to try to improve the quality of product they are putting out and specifically when they are dealing with products for children.

I emphasize that the purpose of this amendment is to allow the entertainment industry to voluntarily come together to address the American people's growing concern about the negative influence of television, movies, and other forms of entertainment on our children. Rather than mandate Government restrictions on programming content, this amendment is designed to give industry leaders the opportunity to improve on their own the quality of television programs, music, movies, videos, and Internet content.

In the past, the television industry has had such a code of conduct. In fact, for most of its history, the television industry utilized the code in order to help it make programming decisions. But in recent years, many of the entertainment industry have expressed concern that such a code might expose them to legal liability and they, therefore, have abandoned it.

As chairman of the Antitrust Subcommittee, I studied this matter in the last Congress, and I came to the conclusion that a code of conduct would be appropriate and legal under current antitrust laws. However, just to be sure and to remove any doubt, I am supporting this amendment exemption.

This amendment exemption will remove any lingering doubts those in the industry might have. Quite candidly, quite bluntly, this will say to the entertainment industry: You have no excuse—no excuse—not to come together and try to improve programming for children. You have no excuse not to come together and try to limit the bad things that are on, to limit the things that the American people find so objectionable.

Acting on this legislation gives the Senate the opportunity to urge entertainment providers to work together and to cooperate to ensure our children's best interests are, in fact, protected.

This amendment encourages voluntary, responsible behavior. It will not give any Government agency or entity any new authority to regulate or control the content of television programs or the content of movies, music, video games, or the Internet. It merely gives those in the entertainment industry the freedom to regulate themselves and to do the right thing.

I recognize that entertainment, like almost everything else in our economy, is driven by competitive pressures. Often in the heat of competition, those in the industry may believe they are offering a product that is of lower quality than they might like, but they may feel they have to do that. This amendment offers a way out of the situation.

The amendment basically calls for a cease-fire among cable stations and the networks, the movie studios, the record companies, the video game industry, and the web sites. This is a cease-fire so they can try to work out an industry-by-industry response to the legitimate demands of millions of American parents for more family-oriented entertainment.

When I look at this amendment, I look at it as I think many parents do. I am worried about what is happening in this country. There was a time, not too many years ago, when parents did not have to worry about what was on television during the so-called family hour. That is not true anymore. There really is not a family hour anymore. We have all seen the steady decline in the quality of television over the last few years.

In addition, we all know music lyrics have become more graphic and more violent and, in recent years, video games and the Internet are providing more violent and sexually explicit material than we ever imagined possible.

It is beyond dispute that these television shows, movies, records, and video games are having an effect. For a young person, for a teenager, popular music is really the sound track of their lives. Movies and television provide a lot of the context for their relationships. Video games and the Internet provide a great deal of their entertainment.

As these movies become more violent, more sexually explicit, as these songs show more and more disrespect for life and for the rights of others, some of our children are starting to believe this behavior is acceptable and normal. Some are starting to believe this make-believe world of music and movies is the real world with sometimes very tragic consequences.

I understand it is not the role or the responsibility of the entertainment industry to raise our kids or to protect them from the violence of the real world. That is our job as parents and as citizens. It is time that the entertainment industry did its fair share. That is what this amendment is calling for.

I hope the entertainment industry takes the opportunity that is offered by this amendment and makes a commitment to provide the kind of entertainment of which we can all be proud.

Mr. President, I thank the Senator from Kansas for offering this very important and, I think, timely amendment. I yield the floor.

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I ask unanimous consent that we lay the pending amendment aside so that the distinguished Senator from California may be able to call up a separate amendment, which we will accept.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 330

Mrs. BOXER. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. BOXER], for herself, Mr. KENNEDY, Mr. DURBIN and Mr. LAUTENBERG proposes an amendment numbered 330.

Mr. HATCH. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end, add the following:

SEC. . STUDY OF MARKETING PRACTICES OF THE FIREARMS INDUSTRY.

(a) IN GENERAL.—

The Federal Trade Commission and the Attorney General shall jointly conduct a study of the marketing practices of the firearms industry; with respect to children.

(b) ISSUES EXAMINED.—In conducting the study under subsection (a), the Commission and the Attorney General shall examine the extent to which the firearms industry advertises and promotes its products to juveniles, including in media outlets in which minors comprise a substantial percentage of the audience.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Commission and the Attorney General shall submit to Congress a report on the study conducted under subsection (a).

Mrs. BOXER. Mr. President, I thank my friend from Utah and my friend from Kansas for indicating they will accept this amendment. All we do here is we extend this study to the firearms industry as it relates to their marketing practices aimed at children. I am very pleased that, after we had a chance to discuss this, they have agreed to accept it. I think it makes what we are doing here stronger and fairer, by looking at all the aspects of this problem.

I thank my friend for indicating he will accept this amendment.

Mr. HATCH. Mr. President, we are prepared to accept the amendment.

Mr. BROWNBACK. If I could just comment, I have had no objection to this all along. We had a specific set area we wanted to talk about and to address and to have a discussion on. I have not had an objection to doing this. But we have had a focus and set of hearings on the things we talked about, and it has been well developed, and it had eight cosponsors to it. I just did not want to do that without having a chance for other people to look at it and have their point of view. I have no objection to this.

Mrs. BOXER. Again, I thank my friend.

I ask unanimous consent that Senators KENNEDY and DURBIN be added as cosponsors to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. I look forward to working with my colleagues to reduce gun violence. I also ask unanimous consent that Senator LAUTENBERG be added as a cosponsor as well.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. I thank my friends and yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment No. 330.

Without objection, the amendment is agreed to.

The amendment (No. 330) was agreed to.

Mr. HATCH. I thank the Chair and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, what is the status of the time agreement?

The PRESIDING OFFICER. We have no time agreement.

Mr. SESSIONS. Mr. President, I would like to speak briefly in favor of the Brownback-Hatch amendment.

I believe it is a good, realistic first step, because what it deals with is a voluntary step that would allow us to conduct a search and allow voluntary actions by the movie and entertainment industry to confront a problem many of us believe is affecting the culture of violence in America.

All of us know that it is not a bomb or a knife that has the intent to kill. The intent to kill comes from the person who wields that weapon. There must be "malicious intent" under the law to constitute a criminal act.

We believe, and I think most Members of this body believe, that something is awry, that somehow, some way we are allowing a plethora, a host, a bombardment of unhealthy messages to reach our children and that some of them are seriously affected thereby.

I, for one, think that the reason we have had more than one of these mass shootings at schools is because a very, very small number of young people in America have found themselves able to immerse into a nihilistic, depressive, death-oriented, violent-oriented lifestyle. It surrounds them. If they are in an automobile, there is violent, depressive music on the radio. If they go to the movies, there are violent movies they can watch. They not only can see them in the theater, but they can rent the movies and play them time and time again, as some of these young people apparently have. These very dangerous movies are filled with anger and violence.

There are such things more and more happening on television today. And a young person can get on the Internet and play very intense life-and-death games in which youths are out to kill before they are killed. It is an intense experience for many young people.

There are chat rooms on the Internet. You can get on the Internet and find somebody who can feed your negative thoughts, who believes that Adolf Hitler is worthy of respect. You can find somebody on the Internet who would agree with that and affirm this unhealthy view of life.

I think we are seeing that kind of thing, and maybe that is a factor in what is happening in America.

I would say there is no better champion than Senator BROWNBACK, and I am so proud of the Senator from Kansas for raising this issue so articulately and so persuasively. I think this is just the beginning. I think we are called upon as leaders in the American Government to think seriously about what we are doing and how it affects our culture.

One of the great Greek philosophers—Plato, I believe—said, "The purpose of education is to make people good."

We think the purpose of education is to transmit technical knowledge and job skills, and that no teacher should even be empowered to suggest what is good and what is bad, to choose light rather than darkness, to choose life rather than death. Are we not capable of affirming those basic principles in our public life in America? I think we can.

I think this is a bizarre and abnormal theory we have developed about the proper role of government with regard to matters of arousing religion and faith in this country. The Constitution deals only briefly with the right to express religious opinions. For example, I would like to make this point. It is the only reference in our Constitution about religion. The First Amendment says Congress "shall make no law respecting the establishment of a religion or prohibiting the free exercise thereof."

People say, what about this "wall of separation" between church and state? Thomas Jefferson wrote a letter in which he made reference to a "wall of separation" between church and state. This was later. Those who ratified the Constitution never ratified that. We don't even know what he meant by that, it was a private letter, not a formal opinion. That is not part of the Constitution. It has never been approved by the American people, adopted by we, the people of the United States of America, when they ratified the Constitution or voted on in Philadelphia by the people who were there. What they voted on was that Congress, the United States Congress, "shall make no law respecting the establishment of a religion or prohibiting the free exercise thereof."

The President, sitting in the Chair—I happen to have done that a number of times in just over 2 years in this body. When you look out across the wall, you see in words 6 inches high, or higher, right up there over the door of this august room, it says "in God We Trust."

If you go in the anteroom over here, in the President's Room, there is a figure holding a Bible in her arm. It is painted on the ceiling. How long it has been on there I don't know, but for many, many years. There is another one with a cross. There are four words on the four corners of the wall. I think one of them is "philosophy." One of them is "government." And one of them is "religion." We made reference in our founding documents to divine providence, to our creator.

So I believe we have established an extraordinarily bizarre understanding in recent years of what the meaning and the proper understanding of the separation between church and state is. I believe that this Congress was prohibited by the American people and the Founding Fathers from establishing an official religion. I do not believe there is anything that any scholar can say that the Constitution is prohibiting acknowledgment of a higher being. In fact, we have done that throughout the history of this country.

My personal view is that this legalistic approach has intimidated teachers and made them less willing to provide moral guidance and affirmation of religious impulses of their students. They feel that it is somehow illegal for them even to do so.

I do not believe that is true. I think threats of lawsuits have intimidated natural free speech. The Constitution says Congress shall not prohibit the free expression of religion.

I think we ought to have a more natural approach. I think any teacher, or any government official, ought to be sensitive not to use any position of authority they may have to impose their own personal theology or philosophy or political views on people who are in a captive audience. That is normal, natural decency. Where I grew up, I was taught to respect people's religion. If they disagreed with me, that was their prerogative. In this country, you are allowed to have and adhere to deep religious beliefs. If a religious faith called on students to pause at a certain time during the day to have a prayer and it is part of their doctrine and they believe deeply in this, why would we not allow that to happen? I was taught you tried to accommodate people's religious beliefs—not to get into debate and argument with them—because we respected people who had something more important than who made the highest test score.

Griffin Bell, former Federal judge, and former Attorney General of the United States for President Carter once made a speech. It was suggested he might be critical of President Reagan—he was appointing judges and he said President Reagan had a litmus test for judges. Judge Bell was asked what he thought about this litmus test. He shocked the State bar association meeting members by walking to the microphone and saying, "I don't know, maybe we ought to have a litmus test—nobody ought to be on the Federal bench who doesn't believe in a prayer at a football game."

I wonder about that. Why do we think you can't even have a voluntary moment so those people who choose to do so might bow for one moment at the football game to affirm that there is something more important in life than who is the biggest, strongest and who has the most points? How does this undermine our freedom as Americans? If you don't want to bow your head, you don't have to; if you think it is superstitious—free country. If you respect other people's religion and if this is important to them, you will benignly allow them to carry on with their beliefs.

I think we have gone way too far. I think it has affected the ability of the American leadership to assert certain cultural beliefs and values, and if we don't do that, we are suggesting directly and indirectly to our children that there are no permanent values, there are no values worth dying for.

One reporter, referring to a prominent American, said there is not one single belief he would adhere to if he thinks it is against his political interest to do so. I hope we haven't reached that point. I hope there are still things that people are willing to stand for, pay a price for—yes, die for.

That ought to be transmitted to our children. There are a multitude of ways that can be done. Even our televisions, our newspapers, and our radios affirmed those basic values consistently in the 1950s, for example. It was affirmed at our schools. It was affirmed in our families. It was affirmed in our churches.

Now we have begun to lose our moral compass. How we deal with it, I don't know. The Senator from Kansas, Senator BROWNBACK, has said he doesn't really know the answers but he is raising those questions. He is calling on us as a nation to analyze what is happening, to recognize that a culture that affirms life, a culture that affirms light, is better than a culture that affirms death and darkness. Honesty is better than dishonesty; kindness is better than meanness. There is right and there is wrong. We ought to adhere to the right even when, in the short-term, it is not helpful to us. Somehow we have to deal with this.

These amendments are a step. We believe it is constitutional, appropriate, and fair.

We believe we should analyze in one little area what is happening, to create some studies about the market, a National Institutes of Health study of violent entertainment and the impacts it may have.

Just this week I happened to be passing a television set tuned to the Maury Povich show. A mother was expressing her concern about her daughter who was off stage. And they would flip back and forth. The mother said she is doing a lot of dangerous things, even saying she killed somebody. The daughter, off stage, hearing this was still smiling. The daughter even acknowledged throwing her own school principal on the floor.

That is so bizarre. Some say television won't affect anybody. Well, maybe it won't one time. But what happens when you see this every afternoon after school? When certain children who are unhealthy receive these messages, can it distort their view of life? Make them less positive, more negative? Less peaceful, more violent? Less committed to honoring rules and civility and decency and order? I suspect that it does and can and it is not going away.

We have a great economy; things are doing well. We are benefiting from some of the greatest technological achievements in the history of the world. I hope they will continue. It is making life better for us. However, if we have a danger, it will be that we as a nation will lose our way, lose our direction, lose our discipline, our commitment to order and peacefulness and cooperation. If we lose that, then improvements in technology that made our life so much better may not be able to carry us much further.

When talking about how much money we spend on education, what good does it do to have a $500 textbook if the child won't read that book and he has no motivation, no commitment to improve himself or herself or the parents are not supportive? You have a state of the art classroom with the finest technology and students are not interested. You talk to teachers and they will say a lot of children in their classrooms are just not interested, they have no thought for what they are going to make of their lives in the future.

I don't know all of the answers. I know this juvenile violence bill does not answer all of them. I know this: In America today, if we have criminal activity by young people, this society has to take that seriously. Even Doctor Laura tells us that. Everybody knows that. A football coach knew that. If you are in the Army and you get out of step, they get you back in line. There is punishment; there are expectations of people that we insist on. That is how you have good Army units, good football teams, good classrooms, and good nations.

I am concerned with those issues. I think they are fundamental. I feel a burden to think more about it, to pray more about it, and try to be able to contribute effectively to it.

We do need to make sure we are doing fundamental things well. One of them is to have a court system that works well. When a young child is arrested for a serious crime, he should be confronted by a judge and a probation officer and something should be done that is appropriate to that crime. You do not love children and you do not care for them if you blindly allow them to get away with serious wrongdoing. We are failing them when we do that. It is the concept of tough love. If you love children, you cannot have them break into a house and steal something and be caught and allow nothing to happen to them. That is happening in America today. You talk to your police officers, they are having to make these arrests. They tell me: JEFF, these kids are laughing at us. We can't do anything to them and they know it.

Victims often are not even allowed to go into the juvenile centers and know what is going on. Their records are not maintained. Judges have no alternatives for punishment or mental health treatment or counseling or drug testing and drug treatment.

We want to improve this system to focus on those young people who are going astray, to intervene in their lives and, hopefully, create a better America. It is just a small step. But we have an absolute obligation to make sure the moneys we expend are spent wisely and that they affirm the needs of our civilization; that is, the need for order, abiding by the law, peacefulness, and not violence.

Mr. President, I thank Senator HATCH and Senator BROWNBACK for their support of this amendment. It is a good step in the right direction. We are going to have to do more of that as the years go by.

I yield the floor.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Utah.

Mr. HATCH. Mr. President, I thank my colleague for his excellent remarks. He has been a major player in this matter from the beginning. I really appreciate what he has been doing.

I appreciate the cooperation we have had from colleagues on both sides of the aisle because this is an important bill. This is going to make a difference as to whether we have, time after time, incidents such as we had in Littleton, CO, or whether we are going to do something about it. This bill will do an awful lot about it, although nothing is going to stop people who have an emotional disturbance from perhaps doing things we cannot contemplate.

Mr. President, I ask unanimous consent with respect to the Brownback amendment on culture that the amendment be laid aside and no amendments to the amendment be in order prior to the vote on or in relation to the amendment.

I further ask consent that Senator LAUTENBERG be recognized in order to offer an amendment regarding gun shows under the same terms as outlined above, and the amendment be laid aside, and Senator CRAIG then be recognized to offer an amendment regarding gun shows, and there be 90 minutes equally divided for debate on both amendments, under the same terms as outlined above.

Finally, I ask unanimous consent that following the debates the amendments be laid aside, with votes occurring beginning at 4 p.m., in the order offered, with 5 minutes prior to each vote for explanation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, I ask I be allowed to speak for 5 minutes on the pending bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, I know we have been discussing the juvenile justice bill now for several days. I would like to compliment the leadership on both sides of the aisle for trying to move this bill. But this is not about a bill. It is not about an amendment. It is not about money. It is about America's children and how are we going to get behind our children so they are safer in their schools and safer on their streets.

There are two aspects of this bill where I have had a longstanding passion. Number one is making sure we have the support services in our schools to back up our teachers and help our children. And number two is after school so we can provide meaningful, structured activities for kids so they will not only have a place to go but a place to benefit from both learning and character building.

This is why in this legislation I support the Democratic initiative to put more mental health counselors into the schools and also to put school social workers and school nurses into the schools. Our teachers are very busy. I hope we pass the 100,000 new teachers initiative, so we have smaller class sizes so our teachers can give more attention to our children. But, while our teachers are in the classroom, there are other support services that help those children while they are in school.

I want to see more school nurses in our schools to help our kids. Mr. President, a school nurse often provides the early detection and warning for other problems the children have. They know whether our children need eyeglasses or a hearing aid. Sometimes a child who doesn't have needed eyeglasses is a child headed for trouble out of frustration. It is often the school nurse who begins identifying the early warning signals of emotional problems. Or if a child is under treatment, it is that school nurse who is supervising that the child is taking his or her medication and staying on the medication. This is what helps our kids.

Let me talk about the school social worker. This is not about Freud, this is not about Jung, this is not about in-depth counseling. This is making sure we know where these children are in terms of some aspects of the problems they are having. If a child is referred to a school social worker, that means the child is teeter-tottering and could go one way or the other. Often a child comes to school troubled because of problems at home. It could be a mother who has a substance abuse problem. It could be a father who is without a job. A school social worker first and foremost listens to the child and helps the family. Often it is the school social worker who takes the child in a teeter-totter situation and makes sure they do not go off on the wrong track. It is the school social worker that can get them back on the right track.

These are the kinds of things we want to have in our juvenile justice bill. Yes, we need more security. But I tell you, while we are looking for more cops in the schools, let's also get more counselors into the schools to be able to help our kids and our teachers.

Our children are lonely. Our children are very lonely. Listen to them. They often turn to each other and, as we saw in some communities, they turn on each other. We have to reach out to our children so they have a significant adult they can relate to in their lives. Hopefully, it is their parents. That puts you on first base. Hopefully, they can relate to a good teacher. That can put you on second base. But often what puts you on the third base and brings you home is structured, afterschool activities. Our most famous general, Colin Powell, is devoted to these afterschool activities. It is the single most important prevention program for children. Afterschool can help kids avoid trouble. Or help them to move on, exercising the great talents they have. I visited the afterschool programs in my community. I even had townhall meetings with children in these communities. It was fantastic.

You say: What do you like about the afterschool program?

They say: At 3 o'clock we leave school and we walk in here and we are greeted with a snack and we are greeted with a smile. Often it could be a police officer in a PAL Program, a Police Athletic League, or it could be part of the Boys and Girls program. Then they learn. Often they do their homework. They even have computer classes.

They are learning. They have activities. Then they move to sports or other programs. For the kids who go into sports, it is not only about playing basketball, it is about learning sportsmanship. This is about character building, confidence building, and so on. We can do no more important things than getting behind our teachers, supporting our families, and having these services.

I hope we do not think our children should be taught in a prison-like atmosphere. We need to make sure they are safe. Let's have enough teachers, enough counselors, and enough support so the schools are not only safe, but our children's learning is sound.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I rise to offer an amendment that will close the gun show loophole which allows criminals, mentally deranged, and children easy access to firearms.

First, what is the parliamentary situation?

The PRESIDING OFFICER. The Senator has the right to offer an amendment at this time, which will be set aside, and then the Craig amendment will be offered and laid aside. There then will be 90 minutes for debate on both amendments.

Mr. LAUTENBERG. I assume, Mr. President, that is equally divided.

The PRESIDING OFFICER. Equally divided.

AMENDMENT NO. 331

(Purpose: To regulate the sale of firearms at gun shows)

Mr. LAUTENBERG. Mr. President, I send an amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG], for himself, Mr. SCHUMER, Mrs. BOXER, Mr. KOHL, and Mrs. FEINSTEIN, proposes an amendment numbered 331.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

The PRESIDING OFFICER. Under the previous order, the Senator from Idaho is to be recognized to offer his amendment.

Mr. CRAIG. Mr. President, it is my understanding that the Lautenberg amendment that was just offered will be laid aside or should I ask that it be laid aside?

The PRESIDING OFFICER. Yes, that is the order.

Mr. LAUTENBERG. Mr. President, without objecting, this is simply to send up the amendment.

The PRESIDING OFFICER. To send it up to be read.

Mr. LAUTENBERG. I have no objection.

The PRESIDING OFFICER. It will be laid aside, and the Senators will have 90 minutes for debate.

AMENDMENT NO. 332

(Purpose: To amend chapter 44 of title 18, United States Code, to preserve privacy and property rights, prohibit the collection of fees, and the retention of information in connection with background checks of law abiding citizens acquiring firearms)

Mr. CRAIG. Mr. President, I ask that the Lautenberg amendment be laid aside, and I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. CRAIG] proposes an amendment numbered 332.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. CRAIG. Mr. President, I have now offered a gun show amendment that I believe is an important counter to the one just offered by Senator LAUTENBERG. I yield the floor to Senator LAUTENBERG for the presentation of his amendment.

The PRESIDING OFFICER (Mr. GREGG). The Senator from New Jersey.

AMENDMENT NO. 331

Mr. LAUTENBERG. Mr. President, I thank the Senator from Idaho, and I look forward to the discussion that will ensue, because we are going to decide, with serious debate, whether or not we are going to close this gun show loophole which, as demonstrated in this chart, shatters the image of the Brady bill that has been responsible for obstructing gun purchases 250,000 times in the years it has been in business.

Some of my colleagues are well aware of criminals who have used gun shows to purchase guns to kill, maim and destroy the lives of others.

I am going to talk about specific examples. Most of my colleagues also know that there are thousands of gun shows across the country each year. Last year, over 4,400 gun shows were advertised in the Gun Show Calendar, a trade publication.

Ordinarily, these shows are held in public arenas, civic centers, et cetera. The gun seller rents a table—it could be a card table or any kind of a table—from a gun show promoter to display material for a fee ranging from $5 to $50. The number of tables at shows vary from as few as 50 to as many as 2,000.

Fortunately, most of the people who participate in gun shows are law-abiding citizens. Many families look forward to a Saturday or a Sunday spent at a gun show. But these families are not aware that they may be in the presence of dangerous criminals who use gun shows as cash-and-carry convenience stores.

I mentioned before there are many criminals who use gun shows as a place to shore up their weaponry to commit mayhem. In 1993, Gian Ferri, a mentally disturbed man with a grudge against lawyers, used a TEC–DC9 to kill eight people and wound six others in a San Francisco law office. He walked in there and started shooting. He bought the gun at a gun show.

In 1987, Robert Mire escaped from a Florida prison and got his weapons at a gun show to launch a lengthy robbery spree. Mire then took his own life when confronted by law enforcement at a Tampa gun show in 1991.

Perhaps the most notorious criminals associated with gun shows are Timothy McVeigh and Terry Nichols. They used gun shows to raise money for the Oklahoma City bombing episode that took place in 1995.

In fact, a recent study by the Department of the Treasury and the Department of Justice reveals that thousands of firearms from gun shows wind up in the hands of criminals. This may be just the tip of the iceberg. Because many vendors are not required to keep records of their sales, there is no way to precisely know how many firearms from gun shows wind up in the hands of criminals or the mentally unstable and children.

The threat that gun shows pose for our children became clear with the terrible tragedy in Littleton, CO. Although all of the facts are not in yet, it appears that a female associate of the killers, Eric Harris and Dylan Klebold, purchased some of the guns that were used in the attack at a gun show. Regrettably, it has become clear to our youth that gun shows provide easy access to weapons.

How did we get to this point? The problem is a loophole in Federal gun laws. The Brady law requires that federally licensed gun dealers complete a background check and keep certain records when they sell a firearm, whether at a gun store or at a gun show. But many individuals can sell firearms without a license, and they are not required to conduct a background check.

Since between 25 and 50 percent of the gun sellers at gun shows are not licensed, tens of thousands of firearms are sold at these events with no background checks or recordkeeping. You can just walk into a gun show, put down your cash, and walk away with a shotgun, a semiautomatic handgun, or any other deadly weapon you can get your hands on. Of course, you can also sell a deadly weapon. If you have stolen a gun or are involved in a gun trafficking scheme, gun shows provide an easy opportunity to distribute firearms.

While the gun show loophole helps criminals further their deadly schemes, it also places federally licensed firearms dealers—people who bought a license through the Federal Government and have been checked out—at a competitive disadvantage when it comes to the gun shows, because these guys can just sell it from their table, they can sell it from the back of their car, and they can sell as many as they want. They do not care who they sell it to, and they do not even have to ask the person's first name. Just give me the cash. I don't know if they use credit cards. Give me the cash and here are the guns you want.

When federally licensed firearms dealers participate in a gun show, they have to comply with a background check and recordkeeping requirements of the Brady law. It is so simple but so appropriate.

But an unlicensed seller at the next table can make unlimited sales to any person who comes up with the cash without any requirements.

The ease of these sales drains significant business from the law-abiding gun store owners and other licensees and penalizes them for following the law. So there are a good many reasons to close the gun show loophole, and there is no excuse not to. We have to act, and act now, to help make our communities safer.

The amendment I am proposing would take several simple steps to prevent illegal activity at gun shows. First, I point out that this amendment is very clearly designed for gun shows, the places where these unlicensed dealers sell to anybody they want. Gun shows are defined as an event where two or more people are selling 50 or more firearms. So this amendment does not cover someone who is selling their favorite gun to a friend or a club member or a neighbor.

The key provision would require that all gun sales go through a federally licensed firearms dealer. So if the person who is unlicensed wants to sell a gun to somebody over here, he then has to include a federally licensed firearms dealer in the process. The federally licensed firearms dealer then would be responsible for conducting a Brady check on the purchaser. This ensures that the prohibited purchasers—criminals, the insane, and children—cannot buy guns. This will not burden the vast majority of collectors or hunters or sportsmen who want to buy firearms.

Of course, a gun sale may take a few more minutes, but why not? This minor inconvenience is a small cost to pay. And if you do not believe that, ask the 61 percent of the American people who think that the accessibility of firearms had a large measure of responsibility in the killings that took place at Columbine High School. This minor inconvenience is a small cost to pay when weighed against the need to keep guns out of the wrong hands.

My amendment would also take other steps to help the Bureau of Alcohol, Tobacco and Firearms investigate gun crimes and to help law enforcement prosecute criminals.

Taken together, these provisions will prevent criminals from abusing gun shows to buy deadly weapons. For many Americans, as we note, these commonsense steps seem so obvious. They are probably wondering why we have not addressed this problem sooner. Frankly, I do, too. Well, I don't wonder, because there is an influence around here and around the House of Representatives that always intervenes when we try to get commonsense legislation in place.

We are not taking away guns from people who have a legitimate right to buy them. But we are saying that gun violence is an unacceptable condition in our country.

In the last 20 years, over 70,000 children have lost their lives—70,000 families stricken with grief—because of the availability of a gun, obviously, we think, in the hands of the wrong person.

I do not want to point any fingers or try to assess blame, but this is not the time for partisan politics. This is not the time for organizations, such as the NRA, that stand in the way of any sensible, commonsense legislation every time we bring it up—87 percent of the people in a poll just conducted said they want the gun show loophole closed. Why do we have to fight to make it happen?

Everybody—every one in this Chamber—ought to stand up and salute it and say, yes, we want to save the lives of our kids who are going to school. Do they have the right to bear arms? That is a question, but we know people have a right to bear children. And we think they have a right to see these children live safely and that when they go to school, they do not have to worry as much about whether they are going to be injured or perhaps even killed than whether they do their homework.

Our country has seen too much violence. Every year in this country over 4,000 children lose their lives to guns.

Every day, 13 kids, on average, are gunned down by a gun, either in their own hand or someone else's. Too many parents have seen their children injured or killed. Too many families have been torn apart by grief and anguish as a result of the absence in their lives of a child they brought to this world.

So, please, let us work together to pass this measure: I plead with my colleagues: Step up to the plate and be people of honor, people of concern. Let's try to prevent future tragedies. Let's make it harder for young people and criminals to gain access to guns.

I think we are reaching a consensus on this issue. We are going to find out in a few minutes. There is a broad range of bipartisan support for closing the gun show loophole. Also, there is a broad spectrum of organizations that support this amendment.

They know that it is going to help fight crime. Law enforcement officials support it. In addition to the Federal agencies that enforce gun laws, the Police Executive Research Forum, the Police Foundation, the Hispanic American Police Command Officers Association, and the National Organization of Black Law Enforcement Executives have written letters of support. I ask unanimous consent that copies of those letters be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

POLICE EXECUTIVE RESEARCH FORUM,
Washington, DC, May 11, 1999.

Senate Majority Leader TRENT LOTT,
The Capitol, Washington, DC.

DEAR SENATOR LOTT: The Police Executive Research Forum (PERF)—a national organization of police professionals who are dedicated to improving policing practices through research, debate and leadership—believes that reasonable measures need to be taken to protect our citizens and our children from gun violence. We are currently studying the President's proposed gun legislation and other pending firearms proposals that affect public safety. While we cannot give our position on every amendment that is expected to be offered on the Senate floor this week, PERF has taken a position on a number of the provisions, and supports the goals of the remaining measures.

It is estimated that there are 2,000 to 5,000 gun shows annually across the nation that are not subject to federal gun laws. Sales from "private collections" can be made at these shows without a waiting period or background check on the purchaser, unless the seller is a licensed Federal Firearm Dealer. To close the loopholes that are exploited by sellers who operate full-fledged businesses, but are not FFLs, we believe the proposed legislation is needed and long overdue. PERF has supported gun show legislation to this effect in the past and will continue to work towards ensuring reasonable measures that will help keep guns out of the hands of criminals.

PERF has also been a long-standing proponent of a waiting period that would give local police the opportunity to screen handgun purchasers using local records. PERF members believe that there is also value in a "cooling-off" period between the purchase and receipt of a firearm, particularly when there are exceptions for exigent circumstances.

We have witnessed again the carnage that results when children have access to firearms. PERF has supported child access prevention bills in the past because we see the horror that can occur when angry and disturbed kids have guns. PERF has supported measures that impose new safety standards on the manufacture and importation of handguns requiring a child resistant trigger standard; a child resistant safety lock; a magazine disconnect safety for pistols; a manual safety; and practice of a drop test. PERF has supported proposals to prohibit the sale of an assault weapon to anyone under age 18 and to increase the criminal penalties for selling a gun to a juvenile.

We must do more to keep America's children safe—not just because of recent events—but because of the shootings, accidents and suicide attempts we see with frightening regularity. These proposals are steps in the right direction. We applaud your efforts to help police make our communities safer places to live.

Sincerely,

EDWARD A. FLYNN,
PERF's Legislative Committee Chair,
Arlington (VA) Police Department.

POLICE FOUNDATION,
Washington, DC, May 11, 1999.

Hon. TRENT LOTT,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR LOTT: The Police Foundation is a private, independent, nonpartisan, and nonprofit organization dedicated to supporting innovation and improvement in policing. Established in 1970, the foundation has conducted seminal research in police behavior, policy, and procedure, and works to transfer to local agencies the best new information about practices for dealing effectively with a wide range of important police operational and administrative concerns. Motivating all of the foundation's efforts is the goal of efficient, humane policing that operates within the framework of democratic principles and the highest ideals of the nation.

As a founding member of the Law Enforcement Steering Committee, an unprecedented coalition of the nation's foremost law enforcement organizations, the foundation worked tirelessly for six years for passage of The Brady Law to require a waiting period and a background check prior to the purchase of a handgun. The foundation has also supported efforts and legislation to regulate the sale of armor-piercing ammunition, and the importation, manufacture, and sale of assault weapons, the high-capacity magazines.

The reality of policing in America includes dealing with citizens who possess firearms. About 200 million guns are in private hands. So huge is the domestic arsenal that American police must be aware that a firearm may be at hand in any situation they encounter. Tragically, in thousands of situations each year, the potential for injury or death by firearms is realized.

In 1994, almost 40,000 Americans died from gunshot wounds. By the year 2003, according to the Centers for Disease Control, the leading cause of death by injury in the United States will be from gunshots. Yet we regulate guns less than we do other consumer products such as automobiles.

The legacy of disability and death that guns, especially handguns, have wrought on American society is of concern to law enforcement personnel, health officials, educators, policy makers, families and communities across America. Today, in the wake of yet another tragic episode of gun violence by high school students, it is incumbent that these same forces join together to formulate rational national policies to address gun violence and children. Every day in America, 13 young people aged 19 and under are killed in gun homicides, suicides, and unintentional shootings, a toll equal to the tragedy in Littleton, Colorado.

The Police Foundation, therefore, supports the following amendments to S. 254:

(1) An amendment to ban juvenile possession of assault weapons;

(2) An amendment that bans juvenile possession of high-capacity ammunition clips;

(3) A ban on the importation of high-capacity ammunition clips;

(4) An amendment that requires that no guns are sold at gun shows without a background check, a waiting period, and appropriate documentation;

(5) An amendment requiring anyone offering guns for sale over the Internet to possess a federal firearms license and to oversee all resulting firearms transactions;

(6) An amendment that will provide: enhanced tools for the prosecution of firearms laws, including substantially increasing the scope of the Bureau of Alcohol, Tobacco, and Firearms' youth gun tracing program; additional resources to investigate and prosecute violations of Federal firearms laws; and resources for increased federal and state coordination of gun prosecutions.

(7) An amendment raising the minimum age to 21 for possession of handguns, semiautomatic assault weapons, and large-capacity ammunition feeding devices.

(8) An amendment that requires the sale of child safety locks with every handgun sold;

(9) An amendment to reinstate a permanent, mandatory national waiting period prior to the purchase of a handgun.

(10) An amendment to limit handgun purchases to one per month.

The Police Foundation is committed to working with you and your colleagues in the Congress in supporting and enacting sensible gun control measures that protect all Americans and most especially our children.

Sincerely yours,

HUBERT WILLIAMS.

HISPANIC AMERICAN POLICE
COMMAND OFFICERS ASSOCIATION,
Washington, DC, May 10, 1999.

Senate Majority Leader TRENT LOTT,
The Capitol, Washington, DC.

DEAR MAJORITY LEADER LOTT: I am writing on behalf of the Hispanic American Police Command Officers Association, HAPCOA to express our general support for the eight gun control amendments that are expected to be offered on the Senate floor this week. HAPCOA also supports President Clinton's legislation. The 1999 Gun Enforcement and Accountability Act. Both of these measures are designed to reduce child criminal access to firearms.

HAPCOA represents of 1,500 command law enforcement officers and affiliates from municipal police departments, county sheriffs, and state agencies, to the DEA, U.S. Marshals Service, FBI, U.S. Secret Service, U.S. Park Police and other federal agencies and organizations.

As a law enforcement association, we know only too well the impact gun violence has on Communities. As with all law enforcement officers, we too live in the communities. We have witnessed first hand what happens when children and criminals have too easy access to guns. Today, in every city in our country, there are children in schools and homes with hand guns. Children who are expressed to Violence on a daily basis, children who feel they need protection—more than they need an education. Children who should be enjoying life—rather than taking a life.

We place profound responsibilities on our nation's police officers asking them to combat Crimes, uphold the law, and defend the lives of others while continually risking their own. We trust the police to keep our homes, schools and neighborhoods safe from crime. Police officers cannot achieve these and other goals without legislation that supports their work.

These eight proposed amendments would do that—help law enforcement officials in their efforts to reduce gun related crimes. It is time to break the cycle of gun violence in America.

Sincerely,

JESS QUINTERO,
National Executive Director.

NATIONAL ORGANIZATION OF
BLACK LAW ENFORCEMENT EXECUTIVES,
Arlington, VA, May 11, 1999.

Hon. ROD R. BLAGOJEVICH,
House of Representatives, Hart Senate Office Building, Washington, DC.

DEAR REPRESENTATIVE BLAGOJEVICH: This is to advise you that National Organization of Black Law Enforcement Executives (NOBLE) representing over 3000 black law enforcement managers, executives, and practitioners strongly supports your effort to provide a permanent legislative mandate (S. 443) to promote the fair, safe, and reasonable regulation of gun shows.

As the threat of violence against the police and citizens alike has escalated, so has NOBLE'S commitment to the passage of effective gun control legislation. The potential threat posed to our members and to law enforcement personnel nationwide by the unregulated selling of firearms demands that S. 443 be enacted. Your efforts to bring fairness and accountability to gun shows by holding all participants to the same standards is commended and supported by NOBLE.

If our organization can be of further assistance on this matter, please call me.

Sincerely

ROBERT L. STEWART,
Executive Director.

Mr. LAUTENBERG. I have also received support, surprisingly—and I say, hooray—from some in the gun industry. The American Shooting Sports Council, which represents the interests of gun manufacturers, and the National Shooting Sports Foundation have both endorsed my legislation. They say, "Support the amendment that is proposed closing the gun show loophole."

The National Alliance of Stocking Gun Dealers, the trade association for gun dealers, has endorsed this legislation. I would like to read part of their letter:

> While it is uncommon for our organization to endorse legislation that would place any new regulations upon the sale of guns, we view the case of gun shows as an exception.
>
> As your legislation creates no new requirements or regulations that don't already exist for law-abiding gun owners, we find it a reasonable and necessary change to existing laws and fully endorse the gun shows accountability act.

It is a letter that they sent to me.

There are prominent Republican politicians—this isn't exclusively a Democratic matter—who support closing the gun show loophole, for instance, Texas Governor George W. Bush, a prominent name in national politics, as well as the Governor of one of the largest States in this country. Congressman HENRY HYDE, a distinguished, respectable Congressman—he has always been a supporter of gun ownership—supports eliminating the gun show loophole.

The amendment is also supported by Jim and Sarah Brady's Handgun Control, Incorporated, and the Coalition to Stop Gun Violence, which represents a number of health, religious and civil rights organizations.

When Sarah Brady, George W. Bush, HENRY HYDE, gun manufacturers and gun dealers get behind closing a loophole, I think everybody here ought to listen, and we ought to close it. We ought to close that loophole, because what happens in that loophole is children fall through it, and lives, way too early, are permanently maimed as a result.

All you have to do is remember a picture of the boy jumping out of the window at Columbine High and see what has happened to him. He is damaged, severely damaged. It looks as if those damages are going to last all of his life, impairing his speech, his ability to walk, and so forth.

Americans are tired of it. They are tired of losing those lives to gun violence. Again, I do not understand why the opposition is trying to say, no, let's leave the loophole there. Let's make sure that we don't inhibit those purchases of guns by anybody who just wants to buy them.

I do not understand it. I am sure the American people, whether they are here or watching television and seeing what is going on, don't want to have that loophole continue to exist.

Every year we lose 34,000 Americans to gunfire. It is the number of deaths that we would expect to see in a war. In Vietnam, a terrible, terrible period in American history, we lost 58,000 people in the 11 years of that war. Here we see more than half of that number lost every year. When will the public's rage finally reach into this place and say we have had enough? Instead, there is a war going on in our communities. We have to stop this senseless slaughter.

Every day, 13 young lives end prematurely. The hopes and the dreams of 13 children, their families, their friends are destroyed.

I urge my colleagues to take this step with all of us holding together in the battle against gun violence. Let those who want to oppose this legislation think about what they would say to a neighbor or a friend or someone in their community who lost a child: Well, he had the right to bear arms, or guns don't kill, people kill.

They always blame it on the criminal. But for a lot of people, the first time they commit a crime is when they pull the trigger on that weapon.

I hope we are going to pass this amendment, make it harder for criminals and children to get guns. We might not stop all the shootings, but we may stop some. I hope that the American people will notice everybody who votes for and against this amendment or what they try to do to water it down, to leave a glaring loophole sitting there.

Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 26 minutes 33 seconds.

Mr. LAUTENBERG. I yield the Senator from New York 5 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, I thank the Senator from New Jersey very much. I also thank my friend, the Senator from Idaho, for his graciousness in letting me take the floor right now.

Let me say, as somebody who has been involved in this issue for a long time, today is a very crucial day in our fight to bring rationality to the laws that relate to guns in America. It is the first time we have had a real opportunity to make progress since the Brady law was passed.

All we are trying to do here is make sure that Brady continues to work. The bottom line is a simple one; that is, as Brady has begun to work, the vast majority of Americans, gun owners and nongun owners, have abided by this law. Almost everybody believes it has worked, but those who wish to avoid the law have found loopholes—the Internet, which we will be dealing with later, an amendment I will propose, and most notably, gun shows, which the Senator from New Jersey has highlighted. I am proud to be his lead cosponsor of that legislation we have worked on.

The problem we face in the law when we try to make laws on gun controls is we are always ruled by the least common denominator. If 99 percent of the people obey the law, but 1 percent finds a loophole, then all the criminal element and everybody who wants to give guns to children, to criminals, to the mentally incompetent will use that loophole. So all the rest of the laws do no good.

They say there are 40,000 laws on the books about gun control. But as long as you have a weak link in the chain, it is exploited, and we suffer. In my city, 95 percent of the guns that are used in crimes come from out of State, many of them from gun shows. Gun shows have proliferated as the loophole has become more obvious and more known to people.

I plead with my colleagues—it is so important for us to continue the work of Brady. We are not seeking to go further in the area of gun control. We are simply trying to keep the status quo by plugging the loopholes that have allowed people to get around the Brady law which most people regard as very, very successful.

I know that my friend, the Senator from Idaho, has an amendment to make it voluntary. The problem with that is very simple, in my judgment. Again, it would not work because it is the least common denominator. If you go to a gun show and nine of the sellers of guns are using the instant check system and one isn't, anyone who evades the law will go to that one. All the other nine law-abiding people will both lose business and not be able to stop it. So making these laws voluntary, you may as well not make them at all, because those who wish to avoid the law will go to the one person who doesn't participate in the system and send a cascade of guns forward.

I am proud of this debate, Mr. President. First, I am proud that its tone is one of constructiveness in the light of Littleton, CO. Each of us is groping to see what can be done. We have differences of opinion, but there is respect in the debate.

I thank the Senator from Idaho. When he added his amendment, he did not come up with an amendment that was a subterfuge. He did not come up with an amendment that simply diverted the issue, as we have seen time and time again. He came up with an amendment that would allow us to debate this issue foursquare.

It is very simple. If you believe in closing the gun show loophole, you have to vote yes on the amendment of the Senator from New Jersey. If you vote no on that, the loophole will continue, because no matter how many people voluntarily comply at gun shows, those who wish to violate the law or turn the other way, as the law is violated, will continue to do so.

This is an important crossroads in our debate. Just as in warfare there is defensive and offensive warfare and some move forward and then new mechanisms are found to get around those who move forward, we are at that point right now. If we allow people who wish to get around the Brady law and sell guns to criminals and sell guns to children and sell guns to the mentally incompetent, to use gun shows or use the Internet or any other way to get around it, we will have taken a dramatic step backwards. I believe the Brady law has in good part contributed to the decline in gun violence throughout America. Has it made it certain; has it made it so that there is no gun violence? Of course not. But why is it that gun violence has plummeted even more than other crimes since the Brady law has been passed?

The best explanation is that, yes, it works. The best explanation is that despite the doom and gloom, when we debated Brady, from the opponents, it has not interfered with the rights of the legitimate gun owner. I ask my colleagues, if you believe in keeping Brady sound—

The PRESIDING OFFICER. The time yielded to the Senator has expired.

Mr. SCHUMER. If I might ask for an additional 30 seconds.

Mr. LAUTENBERG. I yield 30 seconds.

The PRESIDING OFFICER. The Senator is recognized.

Mr. SCHUMER. I thank the Senator, and I thank the Chair.

If you believe in keeping Brady sound, if you believe that we can save lives without impinging on the rights of legitimate gun owners, then the only vote you can cast is yes on the Lautenberg amendment. Any other vote will not do the job.

This is a modest but important first step that will continue to reduce the number of deaths caused by firearms without impinging on the rights of those who believe they need them. I thank the Senator, and I thank the Senator from Idaho, again, for his graciousness.

Mr. LAUTENBERG. Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. CRAIG. Mr. President, I yield myself such time as I might consume.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

AMENDMENT NO. 332

Mr. CRAIG. Mr. President, I hope that those of our colleagues who are not on the floor this afternoon will take time to watch this debate and listen on television, because today we have very clear comparatives of something that works, that lessens the impact of Government, lessens the creation of a bureaucracy, and something that doesn't work which creates a very large bureaucracy against a substantial American pastime and an American business activity in this country. We are talking about gun shows. Some 5,000 gun shows across America are attended today by between 4.5 million and 5 million people annually. They are not in some back room or in some dark alley creating the environment for clandestine meetings between criminals. They are at fairgrounds, large convention centers and hotel lobbies. They are something that many Americans attend today because most Americans who attend gun shows are legitimate law-abiding citizens who have disposable income and wish to collect firearms as something they do in their pastime. Those are the true dynamics of a gun show.

Let me read to you what the President of the United States —and I am afraid what my colleagues have tried to generate this afternoon is that it may be some evil activity. This is a radio message from the President of the United States, November 7, 1998, speaking of gun shows.

> . . . illegal arms, bazaars for criminals, and gun traffickers looking to buy and sell guns on a cash-and-carry/no-questions-asked basis, entirely without background checks.

That is the rhetoric that has imbued this issue and came up with this neat little quick phrase called a "loophole." That is the basis from which we come this afternoon to this debate. Five million people are clandestine criminals going to gun bazaars across this Nation? Five million? I doubt that very much.

In fact, the National Institute of Justice, which is an arm of the Justice Department of this administration, said this about gun shows:

> Less than 2 percent of the guns used by criminals may have come from gun shows.

Less than 2 percent. So those are the dynamics and the realities of this debate. I don't know how you paint it any other way, except by using bright red and black paint, because other than that, you have to deal with the truth and the facts at hand.

What is this great loophole that my colleagues are talking about at this time? The loophole, they would have you believe, happens to be the Federal law. That law is a very straightforward law. That law of several years ago defines what a gun dealer is and what a gun dealer isn't. It is the Gun Control Act of 1968 and the Firearm Owners Act of 1986. In there it is clearly defined what a gun dealer is and what a gun dealer isn't and, most importantly, what a private citizen is allowed to engage in in an occasional sale or exchange or purchase of a firearm for the enhancement of a personal collection, or for a hobby and/or to sell all or part of a personal collection of firearms within their State of residence without obtaining a dealer's license.

What the Senator from New Jersey has not talked about are the laws that govern gun shows. Mr. President, 98 percent of those who are there are dealers licensed under Federal law who must keep records and have those records inspected by the Bureau of Alcohol, Tobacco and Firearms. That wasn't mentioned. Maybe it was simply forgotten. But there is no question, the Senator from New Jersey is right; there are private citizens who come to gun shows and engage in discussions with other private citizens and decide to buy or sell their gun or guns. Is that a loophole? No. It is provided for in the 1986 law. It is something this Congress has already decided is right and proper to do as a private citizen—to engage in the sale of his or her private property. And we have been very clear in tightening it up so they could not get beyond the law. But we have also talked about legitimate collectors, and they are very definable within the law.

But what is important is that we make sure can clarify even the 2 percent. My amendment works to do that. There are people who collect guns, and now and then want to sell more than just one or two of their guns. Guess where they would go. They would probably go to a gun show where there are a lot of people who are interested in guns. And we would say in my amendment that we would allow them a special license category, that they could become a licensed gun dealer for a short period of time for either the sale of their guns, or for gunsmithing, or for a firearm repair business. This would be a new category of license in the Federal law.

This term of "engage in business" would not necessarily fit because they were not businesspeople. They didn't make their living from the sale of firearms or firearm equipment or gun cleaning equipment or loading equipment or all of those kinds of things that are the hobbies of millions of Americans. But we recognize that we ought to give them a category, and in that category, in selling their guns, they would be required to keep records. They would be required to keep records, and they could keep them at their homes. Those records must be available for inspection by the ATF because they don't have a business.

Remember, those in business keep copious Federal records, and the Bureau of Alcohol, Tobacco and Firearms can inspect them at any time. People who are involved in the sale of guns, and certainly in the importation of guns, all of those kinds of things today, under the 1968 and 1986 laws, are clearly well defined and controlled. But we are saying in these special instances we want to make sure these people do it right.

Now, this is more than just to protect the person who purchases; we want to protect the person who sells, because if that gun were to end up being used by a criminal in a criminal act, and an independent person sold it, they could be liable under local law, under State law, under Federal law. Remember, there are 40,000 gun laws in America today—city, State, county and Federal laws—40,000 gun laws. I would like to adjust it a little, and the Senator from New Jersey wants to add one more so that we would have 40,001.

We also do something else. We spent a lot of time with Brady, and out of Brady we came up with the national instant check system. We created a large computerized system by which when a gun dealer sells a gun, he can check the background of an individual to see whether he or she is a convicted felon, or if they have some adjudication against their personality that would cause them not to be able to own a gun. We will create a special class of register to be at a gun show so that people engaged in the legal, private sale of guns under Federal law can go to that person and say: I have this individual who wants to buy one of my guns. Here is his or her Social Security number. Run it through your system.

Now, what does it do if you comply with these two areas? It creates a safe haven against liability because you have been within the law. But what the Senator from New Jersey didn't say is that if you sell to minors at a gun show, you are breaking the law. If your sale at a gun show went to a felon and it is proven, you are breaking the law. I am talking about private citizens. It is as if he suggested that gun shows are big black holes that criminals congregate in because they can traffic in illegal gun sales. That is false, Mr. President. I don't know of any other way to say it more clearly and abruptly in order to catch the ear of my colleagues. It is not true, and there is no loophole, unless the Senator from New Jersey wants to say that the laws he voted for are loopholes.

I doubt that he would want to do that, because I think at least he was here for the passage of one of those laws. I can't honestly tell you whether he voted for or against it. But it did restrict the rights and activities of individuals as they relate to guns. My guess is that he did. But I will let him speak to that issue.

What we are talking about here is continuing to shape and refine the gun laws—all 40,000 of them.

If my amendment passes, and we create a special new license for a temporary person, or if we create a registrant for gun shows so that private sales can have a background check, under either of the new license or the special registrant, which would be optional—I don't argue that because I don't want to infringe on the right of private citizens under the 1986 law; congress has already spoken to that—it would provide a very clear incentive to individuals to participate as I have suggested.

Why? Because, as I have mentioned, if the firearm was later used illegally and caused harm, they would be immune from the civil liabilities of that action, except for a lawsuit based on negligent entrustment, or the negligence per se. That you will never get away from, nor should you.

So I think therein lies the difference.

Let me talk to one other thing about my colleague's amendment that concerns me a great deal.

On page 4 of his amendment he tries to define what a gun show is. I must tell you, very frankly, it demonstrates to me that he doesn't understand collectors, and hundreds of thousands, if not millions, of Americans who own well more than 50 guns, from antique, Civil War weapons to World War II and World War I weapons, Revolutionary War weapons, are collectors. It doesn't define any of them; it just says 50 firearms or more.

What it says to me is that he has suggested by his law that he is going to move from about 35,000 gun shows a year to hundreds of thousands of gun shows.

What do I mean by that?

If two collectors happen to get together and they happen to own more than 50 guns, and they decide to trade a gun or sell a gun between themselves, they are in violation of the Lautenberg amendment.

I think we have to be careful of that, because it says, "at which two or more persons are offering or exhibiting one or more firearms for sale, transfer, or exchange." I know the law, or at least I know this language. I know that when ATF gets through interpreting it, it won't be any narrower than this; it will be considerably broader.

What about a gun show promoter?

Is that Marriott Corporation, which happens to be housing the gun show for participants next to the convention center, which has a sign up: Gun show participants, come stay at the Marriott, promoting the gun show? I think they would be, by definition of the Lautenberg law.

In other words, what I am asking my colleagues today to do is to read the fine print—which is really not so fine at all—for the term "gun show vendor."

What I am suggesting is, we don't change the law, that we strengthen the law at hand, that we give some options to the private individual, who still should have the right as a private citizen to sell his or her guns to other private citizens if those actions do not fall within Federal law where they are businesspeople making a profit and are not therefore licensed dealers under the law.

It was interesting when the Senator from New Jersey quoted Handgun Control. They got involved in this issue, and they cranked up Americans, talking about this issue some time ago. They talked about "unlicensed dealers." But, all of a sudden, they found out they couldn't use that term, because all of the dealers are licensed by definition of the Federal law. They had to back off.

In other words, they were more interested in the political impact than the legality and the correctness of their debate, and how tragic that is. So they backed away from that. But they kept the term "loophole," because somehow it conjures up this idea of this dark escape hatch through which criminals pass. That is not the case. It is not the case in 5,000 legitimate, publicly promoted gun shows which nearly 5 million Americans attend annually in city parks, in legitimate hotels, in State convention centers, and in State fairgrounds around this country.

My amendment and the amendment of the Senator from New Jersey are distinctly different. We honor the right of the private citizen. But we give that private citizen options to protect themselves and to access the information system that the taxpayers of this country have spent millions and millions of dollars building so we could have an instant background check to make sure guns didn't get into the hands of convicted felons or other citizens who have adjudicated problems.

I have supported that and have strongly fought for it, even though this administration was dragged, kicking and screaming, into the 21st century of computer background checks because they wanted the right of control.

Therein lies the ultimate difference between these two pieces of legislation.

I hope in the course of the debate we can hear a much clearer definition of what a gun show is, because now I have a lot of friends. If I walk into their home and they discuss the idea of trading a gun or selling a gun to me, I might be in a gun show, and that citizen and I would be engaged in an illegal act. Yet, up until now, that would have been a legal act, because of the right of the private nondealer citizen to engage in those kinds of activities.

There is no loophole. It is only in the minds of those who see guns to be the evil instead of the problems that citizens have either abiding by the law or dealing with their own frustrations.

We have offered a clear alternative, and I think an appropriate alternative, to deal with the question of the 2 percent of sales at gun shows that may on some occasions find themselves in the hands of criminals where that gun was used in illegal activity. Therein lies the difference.

I hope it is clear to my colleagues, the importance of sustaining the gun laws we have and guaranteeing that private citizens have the right to engage in gun sales from their private collections and their private ownership, on a limited basis, clearly described by the law, without having to become a federally-licensed firearms dealer, as many would care not to be.

I retain the remainder of my time. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LAUTENBERG. Mr. President, I yield 3 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I thank the Senator from New Jersey.

I want to tell those following this debate that you are never going to have a clearer choice than between the Lautenberg amendment and the Craig amendment. The Lautenberg amendment closes down the loophole that allows people to sell lethal weapons at a gun show—what they call "private sales"— without a background check. The Craig alternative makes it permissible.

What does that mean? It means if you want to get involved in a background check for sale at a gun show, you may. You may. How many laws do we write across America where you say "you may" observe the speed limit, "you may" observe the law when it comes to the sale of drugs, "you may" observe the law when it comes to treason against the United States? No. If a law is going to work, a law has to be sensible and enforceable.

The Craig amendment is neither. It is neither sensible nor enforceable, because not only does it ignore the reality of the horror that is coming out of schools in America but it ignores the reality that at gun shows across America people are buying weapons without a background check and using them in the commission of crime.

This is not my observation, it is the observation of the Department of Treasury, the Department of Justice, and ATF, and other researchers who reviewed 314 recent investigations involving gun shows across America. Their findings are chilling. Felons, although prohibited under the Brady law from buying firearms, have been able to purchase guns at gun shows. In fact, felons buying or selling firearms were involved in more than 46 percent of the investigations involving gun shows.

There are plenty of gun shows in my home State of Illinois. Most of the people who attend are law abiding. Most of them follow the law and are glad to do it. Clearly, the criminal element is using this gun show as a way to launder weapons and purchase them when they can't buy them from a licensed dealer.

Mr. CRAIG would suggest the people attending gun shows are much like those who come around to buy and sell baseball cards. There is a big difference. Of course, what you are buying and selling at a gun show is a lethal weapon.

Senator LAUTENBERG is trying to close down a loophole which is a loophole for criminals. Why the National Rifle Association—which continues to say it is just defending the rights of hunters and sportsmen across America who want to use guns safely and legally—would come in with the Craig amendment in an attempt to undermine Senator LAUTENBERG's amendment is beyond me.

That is not all that is in the Craig amendment. Read on, my friends, because he proceeds in this amendment to provide immunity from civil liability for those who would ask for a special license at a gun show. There are only two groups in America who can't be sued now—diplomats and some health insurance companies—and we are debating that particular element. And now the Senator from Idaho says we should also include in the group of Americans who cannot be held accountable in court those who want to sell guns at a gun show.

The last point I want to make is this: As they poured through the records to try to figure out how these two children in Littleton, CO, came up with two sawed-off shotguns and other weapons, they were stymied because there were no records; they couldn't trace them. They were trying to figure out where they came from. Senator CRAIG's amendment would mandate that we destroy records about the sale of firearms, records that law enforcement needs to try to figure out when guns are stolen and used in the course of crime.

I can't believe any gun owner, who as I do opposes the gun crimes across America, is going to stand up and defend what Mr. CRAIG is arguing for. Senator LAUTENBERG's amendment is clear and concise and hits the points in this loophole that many criminals are using to come into possession of guns which they are using to menace Americans and American families.

Mr. LAUTENBERG. I yield 3 minutes to the Senator from California.

Mrs. BOXER. Mr. President, I thank the Senator from New Jersey for his continued leadership on sensible gun laws. That is what we are talking about here: closing a loophole that is leading to trouble, that is leading to death. We have a chance to close the loophole. That is all the Lautenberg amendment does.

Good people go to gun shows but not all gun shows are good. Let me read from an associated press article:

> Undercover state [this is California] agents found illegal weapons so plentiful at a Los Angeles County gun show that they ran out of money after shopping at a handful of booths.
>
> The weapons included rocket launchers and flame throwers, Attorney General Bill Lockyer said. . . .
>
> They were readily available, all sorts of illegal weapons.

He goes on to say:

> I don't know what hunter needs a flame thrower.

I have to say to my friend from Idaho, if we followed his leadership—and the Senator from Illinois has pointed out the flaws in his amendment—we would be saying something we don't say to any other industry.

Let me explain what I mean. We have standards for cars. They have to have brakes, they have to have wipers, they have to have seatbelts. But guess what. If you sell them at a "car show," as opposed to a "car dealership," they don't need to meet any of the standards and you can sell a car to someone who hasn't got a license because none of the laws would apply.

You could do that with pharmaceuticals. The FDA approves a pharmaceutical and says it has to contain certain elements, that is what they approve, but if you sell it at a "pharmaceutical show" you don't have to have any of those elements.

We could do the same thing for industry after industry.

There are more standards for toy guns in this country than there are for real guns, but even toy guns have to meet certain standards if they are sold at a toy show—the same laws apply.

To make the law voluntary, as my friend from Idaho does, makes no sense at all. It exacerbates a problem that is already a serious problem.

The Senator from New Jersey is saying people are dying unnecessarily from gun violence. There are people getting guns, getting their hands on guns at gun shows who couldn't do it if they went to a licensed dealer. Why on Earth would anyone in this Senate want to condone that—no background checks at a gun show, nothing?

All the Senator from Idaho is saying is make it voluntary. That is not going to fly. The bad people who want to get away with it aren't going to say: Do a background check on me; you might find out I'm a felon. They will say: No, I don't want to comply.

I thank my friend, the Senator from New Jersey, for this intelligent amendment.

I point out to my colleagues who may be following this debate, and I know we vote our conscience here, 87 percent of the American people support a background check on a gun buyer at a gun show—87 percent of the people; 83 percent support requiring background checks on gun show buyers, including dealers.

The bottom line is people want us to take action. The people don't like the fact that thousands of people a year die from gunshot wounds. We can stop it.

This is a good amendment. I hope we will support it and defeat the Craig amendment.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. I yield myself such time as I may consume.

Mr. President, while the Senator from California is on the floor, I think it is important we understand the facts about which she talks. She is referencing a recent gun show in California where State justice department agents were involved. What she did not say is that every private sale in California, by State law, must be run through the department of justice background check. In other words, the very thing that she wants is now available in California but doesn't work.

What is wrong? Why didn't it work? I guess she will have to answer that question. I am not sure. She is saying she wants what the Senator from New Jersey is offering, but they have it in California as State law and it doesn't work.

Mrs. BOXER. Will the Senator yield?

Mr. CRAIG. I will allow the Senator to debate this on her own time.

It is important we keep the record very clear. She said there are no background checks at gun shows. Only 98 percent of the transactions are background checked. She cannot come to the floor and make a broad statement that says there are no background checks. That is within itself a clearly false statement.

In the State of California, the very gun show where there were found to be some violations of State law—and probably Federal law—somehow the State of California can't control it, either. Or should they? Therein lies the question.

In the case of my legislation, private transactions would be given the opportunity of sanctuary, and it would be a tremendous incentive. I think what we need to do here is create incentives. In the State of California there are no incentives; there are mandatory laws, and apparently those laws were broken, at least in some instances.

It is important the record show that it was instances of probably less than 2 percent. It is important the record show that well over 98 percent of sales at gun shows—not by ATF but by the Justice Department's own figures—are background checked. Those are the facts. They shouldn't be just intentionally generated for this debate. They come from the Justice Department itself.

I retain the remainder of my time.

Mr. LAUTENBERG. Mr. President, it is my understanding that time not in a quorum call is divided equally. If we want to stand here silently so that their rebuttal time is reserved for the Senator from Idaho, we are not going to do that; we will wile it away.

Mr. CRAIG. Will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Idaho yield himself time?

Mr. CRAIG. I yield myself time. I want to make a correction to one of the statements I made just a minute ago. Because I insist others use right figures, I must use the same rules. I said 98 percent. I am wrong. It is about a 60–40 percent relationship at gun shows; about 60 percent are sold by licensed firearm dealers that require background checks. By the estimation of ATF and the Justice Department, there appears to be about 40 percent of sales that are private by definition of the law. That is a much more accurate statement than the one I just made. But it is clear the State of California does have a law that requires all private sales, all transactions, to be subject to background check.

I retain the remainder of my time and yield the floor.

Mr. LAUTENBERG. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from New Jersey has 10 minutes and 39 seconds. The Senator from Idaho has 23 minutes and 9 seconds. If neither side yields time, time will be charged equally.

Mr. HATCH. Will the Senator from Idaho yield some time?

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I yield the chairman of the Judiciary Committee such time as he requires.

Mr. HATCH. Mr. President, the proposal, the Democratic proposal to heavily regulate firearms at gun shows, while well intentioned, is an example of regulatory overkill.

First, the proposal would require a law-abiding gun show organizer to notify Federal and State law enforcement prior to holding a gun show, and require substantial recordkeeping and reporting before and after the show. But gun shows are not conducted in a secret black market. They are publicly advertised for weeks in advance in order to generate public participation.

Second, the proposal would require individuals to sell through a licensed dealer in order to obtain the background check and other information. While obtaining a background check is a laudable goal, requiring an individual to pay a dealer for the service could be cost prohibitive to a lawful business transaction. So that is a matter of great concern.

The Republican proposal provides for a "special registrant" at a gun show that any nonlicensed seller can use to conduct a background check on the instant check system. This cost-effective mechanism will prevent any unlawful sales without unduly burdening a lawful transaction with regulatory costs. Thus, I must oppose the amendment to heavily regulate gun shows because it is overly burdensome on law-abiding sellers.

I strongly support the amendment filed by my colleague, Senator CRAIG, which will provide for increased safety and licensing of firearm sales at gun shows. This amendment contains several provisions that will make it more difficult for criminals to purchase firearms at gun shows, but this amendment allows law-abiding citizens to continue to buy and sell legal products.

First, the Craig amendment will provide for "special registrants," who may conduct background checks for individual sellers at a gun show using the instant check system. These checks will prevent criminals from purchasing a firearm from another individual, an unlicensed seller at a gun show. It will also provide an inexpensive and efficient means to facilitate the lawful sale of a firearm by one individual to another.

Second, this amendment will provide for special licenses for persons who want to buy and sell guns primarily or solely at gun shows. This will allow occasional sellers, such as gunsmiths, to avoid the expense and regulation of becoming full-fledged Federal firearms licensees.

Third, the Craig amendment will prohibit Federal and State law enforcement officials from charging a fee to conduct a background check on the instant check system. This would reduce the cost of criminal background checks to individuals.

Fourth, the Craig amendment would encourage the use of the instant check system by granting civil liability protection to those who use it at gun shows. Given the litigation climate we are currently experiencing, this will be a strong incentive to use the "special registrant" provision of this amendment.

In short, this amendment will promote background checks on sales by nonlicensed individuals at gun shows without an undue financial burden. It will prevent crime without punishing law-abiding citizens. So, accordingly, I do believe this amendment deserves support.

I respect the distinguished Senator from Idaho. In fact, I respect both Senators on the Democrat side and the Senator from Idaho for trying to resolve these difficult problems. But I do believe that the amendment of the Senator from Idaho resolves this problem in a more fair and reasonable manner while accomplishing just as much as the distinguished Senator from New Jersey is trying to do with his amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time? If nobody yields time, time will be charged equally by the Chair.

Several Senators addressed the Chair.

Mr. LAUTENBERG. I yield 5 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, since we have had the measure on the juvenile crime bill before us, this is really the first opportunity we have had to deal with one of the compelling aspects of reducing violence, not only in our schools but in our communities. We are talking about youth violence. We have had debate and discussion on how we can help schools, how we can help parents, and how we can help teachers. We have also considered, under the Leahy proposal, a series of different strategies to effectively use law enforcement to reduce violence.

Now, we really begin the debate about the proliferation and availability of guns in our society. There are many who choose not to talk about this particular issue, but, hopefully, we will have an opportunity to debate and have votes. We will find out who in this body is serious about trying to reduce the availability and accessibility of guns whose only purpose is not for hunting, but for killing and maiming individuals.

It is particularly important that we have this discussion about children. Every single day, 13 children die because of the use of guns—almost the equivalent of Littleton, every single day. We know that when we reduce the availability and accessibility of guns, it extends children's lives and the lives of others.

I have just a few moments now. I will, later in the course of the debate, clearly demonstrate, how the United States compares to other countries in terms of the incidence of violence and the incidence of violence and the utilization of guns.

One of the most extraordinary examples we have seen in recent times is what has happened in my own city of Boston. But before discussing Boston's success, I think it is important to understand the weakness of the Craig proposal. This proposal fails to meet the minimum standards of doing anything about guns because, as has been pointed out, this is a completely voluntary program. Those who are not interested in participating, will not participate in the program. It fails to meet the minimum standard of responsibility in dealing with the loophole which the Senator from New Jersey, Senator LAUTENBERG, has identified.

If we are going to do something about gun shows, the Lautenberg amendment is the way to do it. I think any fair reading or listening to the debate will reveal that the Craig amendment fails, and fails abysmally, in reducing the availability and accessibility of guns.

Mr. President, how much time remains?

The PRESIDING OFFICER. There are 7 minutes and 16 seconds remaining.

Mr. KENNEDY. On the time I was yielded?

The PRESIDING OFFICER. There are 2 minutes remaining on the Senator's time.

Mr. KENNEDY. Mr. President, in my 2 remaining minutes, I want to mention what has happened with the use of firearms in homicides for those 16 and under in Boston, MA. In 1990, we had 10; in 1995, we only had 2. In 1998, we had 4. In 1999, for youth homicides in Boston, MA, in 128 schools, zero so far. Zero so far. Something is working. Something is working.

What is working is tough gun laws—and I will have a chance to go into greater detail on that later in the debate—tough law enforcement, effective programs in the schools, and working with children and parents to respond to some of the underlying causes, and the needs of children. It is that combination, but it is also effective because we have tough gun laws.

The Lautenberg amendment is a downpayment on the things that are important in reducing violence. Many say here: This is a complex issue, and therefore we can't really solve the problem. What the Lautenberg amendment and other amendments say is, we can reduce the incidence of violence in our society and we will miss that opportunity if we fail to adopt them.

This is about saving children's lives. That is what this proposal is about, and a number of other proposals. We should be willing to accept this in an overwhelmingly positive way. The Lautenberg amendment does something; the Craig amendment fails the minimum standard.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. LAUTENBERG. How much time remains?

The PRESIDING OFFICER. The Senator from New Jersey has 5 minutes 13 seconds remaining. The Senator from Idaho has 18 minutes 29 seconds.

Mr. LAUTENBERG. Mr. President, I understand it is possible to extend the time some because the vote, I am told, is going to be delayed from 4 to 4:30. I ask the Senator from Idaho if he is interested in taking some more time for our discussion here. I do not want the time to go by without use.

Mr. HATCH. I prefer to get these two amendments over with so we can move on to the next amendment. We do have one or two others that are going to come up today. I think we have covered it pretty well on both sides.

Mr. LAUTENBERG. I thank my friend from Utah.

Mr. President, I yield myself such time as I have. I understand there is a 2½-minute presentation before each of the votes; is that true?

The PRESIDING OFFICER. Five minutes equally divided; that is correct. The Senator now has 3 minutes 49 seconds.

Mr. LAUTENBERG. Mr. President, I listened with interest and felt like the famous philosopher from New Jersey, Yogi Berra, who said, "This is deja vu all over again," because the Senator from Idaho and I have sharply disagreed on what constitutes freedom.

I think there is a freedom that overrides all the others—the freedom to live, the freedom to send your children to school and not worry about whether or not they are going to get shot and permanently injured or worse yet, killed.

The Senator from Idaho points out the fact that there is only a small percentage—he corrected that; he is an honest man. He corrected the percentage he ascribed to gun show purchases away from licensed dealers. A small percentage he said. What are we talking about? What percentage did it take to kill 13 kids in Littleton, CO? It could have been done with 1 percent or less. Four weapons, all of which had a history of gun show traveling.

Four weapons killed those children. Ask those families whether they want tighter control or whether they are worried about the menace that the Senator from Idaho presented. The menace, he says, is a bigger bureaucracy. How about the menace of losing your child? Where does that stand in the list of things? No, it is important that the Federal Government doesn't intervene; we ought to get rid of the Federal Government. Maybe we do not need any laws.

He said only a small percentage are violators. Yes, we have in our country over 100 million cars on the road, but we have laws against drunk driving; we have laws against reckless driving; we have laws against speeding. Why? Because even though a car is a nice convenience, it can be a lethal weapon if it is mishandled.

What is wrong with saying we ought to take some time, we ought to make records? I do not understand this sham attempt to obscure reality.

He said we don't want to interfere; we will let private citizens—let a private citizen go to an FBI file and say: Listen, I want to look up this guy, and tell me what you will.

A private citizen going to the FBI to find out what kind of history this person has, whether they have mental disease or mental illness or whether or not they have ever been in jail, in private records? But, no, we can't trivialize the gun show business. We are not trivializing it. We say if you want to buy a gun at a gun show, then let a licensed Federal dealer offer a check.

The Senator from Idaho and I had a disagreement a few years ago about whether or not spousal abusers ought to be deprived of their right to own a gun. Beat up your wife as many times as you want, but you still should have your gun. We won that one. It took a heck of a fight to win it, and they are still trying to upset it, but the court upheld our right to say no to a spousal abuser, you don't have a right to own a gun if you are going to abuse your family. Mr. President, 150,000 times a year a woman has a gun put to her head with the threat: I am going to kill you. And the children are watching. What kind of trauma is that?

Mr. CRAIG. Will the Senator from New Jersey yield?

Mr. LAUTENBERG. I will yield for a question on your time.

Mr. CRAIG. Did I support you in the spousal abuse amendment? Did I support you and vote for it?

Mr. LAUTENBERG. The vote was for it.

Mr. CRAIG. Thank you.

Mr. LAUTENBERG. But the amendment died in committee. The amendment died because the NRA wanted to kill that amendment.

Mr. CRAIG. But the Senator from New Jersey said I did not support it. He is wrong. I voted for it, and I supported him.

Mr. LAUTENBERG. We negotiated very hard as they tried to strip it bare but finally resolved it because it was too embarrassing in the public to vote against it, to say to the public: No; you still deserve a gun even though you beat the heck out of your wife.

What are we talking about here?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LAUTENBERG. This is theater; this isn't government.

How much time do I have?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LAUTENBERG. I guess I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, it is important that facts be facts. The Senator from New Jersey and I did negotiate on the spousal abuse issue because there were some differences. When those differences were worked out, we agreed. So it is not correct to characterize on the floor that I opposed him. He and I agreed, we shook hands, and we voted for it. And I do not run from that vote at all. So let's set that one aside.

Let's talk about the National Shooting Sports Foundation, which the Senator said some minutes ago had endorsed his legislation. We called the National Sports Shooting Foundation today, and they said they do not endorse the Lautenberg legislation.

Just last Monday, the president of NSSF said the industry supports backgrounds checks at gun shows provided the FBI does not maintain the names in violation of the law and the White House agrees to a more aggressive prosecution of felons turned up by the background checks. That is what they said. They did not, by my checking today, support the Lautenberg amendment.

I am also told by Governor Bush's office here in Washington that his office has now called the Lautenberg office to say they do not support, nor have they endorsed, the Lautenberg amendment. That is possibly why that placard a few moments ago that said George W. Bush supported the legislation has been taken down. I do not know that to be a fact. I have not talked with Governor Bush, but it is my understanding at this moment that that is the case from the Governor's office here in Washington. I will set that one aside.

Let's talk about the facts. The facts are that there are 40,000 gun laws in America. Twenty of those were violated at Columbine High School in that tragic event which all of us mourn. We are here today in a juvenile justice bill trying to create a much stronger environment in which to deal with juveniles who act in violent and illegal ways. That is what we are trying to do. That is what the chairman of the Judiciary Committee has worked for over 2 years to do. We are going to be treating violent juveniles more like adults—a significant change in our society and in our culture. And we should. We must.

Well, then, why are gun shows a part of it? Because every time some people get an opportunity to talk about opposing guns, they take that opportunity. I do not deny them that right, but what is important is that we deal with the character of the law in the right and appropriate way.

Private citizens are allowed to sell guns in private transactions—at gun shows, in the middle of the street, or in the privacy of their home. That is what the law says. There are liabilities to that. If you sell to a minor, that is against the law. If you sell in an interstate transaction, that is against the law. If you sell to a felon, you better be careful; you will be liable. Those are the laws that exist today.

If you are a licensed dealer of guns, making your living from guns, then the laws are manyfold and you walk a very tight rope. You keep records, as you should, and you do background checks to deny felons access to guns or those who have an adjudicated problem that would make them unstable in the ownership of guns.

Those are the laws today with which we deal. There are some 5,000-plus gun shows annually that nearly 5 million people attend across America, where 60 percent of the gun transactions are done within the context of federally licensed firearms dealers, and 40 percent are not. We are saying something distinctively different than the Senator from New Jersey, who says: Federally controlled, federally defined, in a bureaucracy of recordkeeping that puts the private citizen at a tremendous liability, even though they are law abiding and do all the right things. We are saying we ought to allow background checks to private citizens if they are involved in those transactions. Our amendment would do that, would create a special registry to access, for that citizen, the NICS, instant background check system of the FBI.

That is right, and it is proper, and it will go a long ways toward dealing with illegal activity—some exist; I cannot deny that. But clearly even the Justice Department says that of the guns that are sold at gun shows, less than 2 percent are found to be in illegal activities. That is this Justice Department. That is Bill Clinton's Justice Department. Yet, Bill Clinton, our President, who tried to characterize gun shows as being a bazaar for criminal activity, is wrong, and he knows it. But when he can play politics with this issue, he runs to do so, even though his own Justice Department would argue that the statistics are substantially different.

We also provide for a unique status of licensure. But what we do most importantly is we do not increase the liability or the recordkeeping responsibility of the private citizen. No tripwires here, no failure to dot the "i" or cross the "t" of a Federal process for which the ATF can come into your home and find you liable. That is not the way it should be. Private citizens have rights in this country, and they even have rights to own guns within the law and under the Constitution. That is what we guarantee here with clearer definition and clearer process.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. CRAPO). The Senator has 11 minutes 45 seconds.

Mr. CRAIG. Mr. President, one other area that concerns me a great deal is the definition by the Senator from New Jersey of "gun show." I have spoken to that to some extent. But I am tremendously fearful that law-abiding citizens, who are legitimate collectors of guns, all of a sudden will find themselves, where more than one should meet, automatically by definition of the Federal law a gun show.

That is wrong. It should not be that way. But certainly if it becomes that way, their liability to even talk about guns and trade guns or exchange guns amongst their friends who are collectors is dramatically curtailed.

Also, I do not think the Senator from New Jersey has done an effective job of refuting what "gun show promoter" means. Because he says that the term "gun show promoter" means any person or organization that plans or promotes and operates a gun show. These are the people who find themselves not only liable but having to get Federal licensure to do so. Does that include the Marriott Hotel next to the Convention Center with a sign out front: All gun show exhibitors stay here. We promote gun show X in city Y or Z? It could. Because we all know that what we mean here as legislative intent oftentimes becomes vastly different once interpreted by the Federal bureaucracy.

Those are my concerns as they relate to these issues. I hope my colleagues will clearly understand those before they take the opportunity to vote this afternoon.

I retain the remainder of my time and relinquish the floor.

Mr. ROTH. Mr. President, I would like to express my views with respect to the issue of background checks at gun shows in relation to the amendments we have today before the Senate.

I am a strong supporter of the second amendment; however, I also believe we must maintain procedures to ensure that guns do not find their way to the wrong hands. This is why I have supported the instant check system which is currently in place.

I have reviewed the amendment offered by Senator LAUTENBERG and the amendment offered by Senator CRAIG. I have concerns with both. In my view the amendment offered by Senator LAUTENBERG goes much further than simply requiring a background check for purchases at gun shows. It would put in place new and burdensome record requirements for gun show operators and vendors and provide the Secretary of the Treasury with unlimited authority to issue additional regulations.

On the other hand, the amendment offered by Senator CRAIG, in my view, does not go far enough. Senator CRAIG's amendment merely outlines a voluntary or optional background check process.

Mr. President, consistent with my view and past support of the Brady bill, I would support a straightforward background check system for gun show sales, but that is not the choice we have before us today.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Idaho has 5½ minutes remaining.

Mr. CRAIG. I yield to the chairman.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. With the permission of Senator CRAIG, I ask unanimous consent that the distinguished Senator from Arizona be given 7 minutes to offer his amendment, speak to it, and, as I understand, he is going to withdraw the amendment at the end.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. CRAIG. Mr. President, not objecting but clarifying, if I may, do I retain my time or is that simply used up in this——

The PRESIDING OFFICER. The Senator from Idaho retains his 5 minutes, and the Senator from Arizona would have 7 minutes intervening. Is that the intent of the Senator from Utah?

Mr. HATCH. The Senator's time would not come out of the time of the Senator from Idaho.

Mr. LAUTENBERG. May I ask a question, please? How is the time derived? Is the time now under the control of the Senator from Idaho?

The PRESIDING OFFICER. At this time, the Senator from Idaho has 5 minutes 2 seconds remaining. The unanimous consent request is that the Senator from Arizona have 7 additional minutes for his own purposes.

Mr. LAUTENBERG. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 333

(Purpose: To prohibit the receipt, transfer, transportation, or possession of a firearm or ammunition by certain violent juvenile offenders, and for other purposes)

Mr. MCCAIN. Mr. President, I call up an amendment at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Arizona (Mr. MCCAIN) proposes an amendment numbered 333.

Mr. MCCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC.   . FIREARMS PENALTIES.

(a) STRAW PURCHASE PENALTIES.—

(1) IN GENERAL.—Section 924(a) of title 18, United States Code, is amended by adding at the end the following:

"(7)(A) Notwithstanding paragraph (2), whoever knowingly violates section 922(a)(6) for the purpose of selling, delivering, or otherwise transferring a firearm, knowing or having reasonable cause to know that another person will carry or otherwise possess or discharge or otherwise use the firearm in the commission of a violent felony, shall be—

"(i) fined under this title, imprisoned not more than 15 years, or both; or

"(ii) imprisoned not less than 10 and not more than 20 years and fined under this title, if the procurement is for a juvenile.

"(B) In this paragraph—

"(i) the term 'juvenile' has the meaning given the term in section 922(x); and

"(ii) the term 'violent felony' means conduct described in subsection (e)(2)(B).".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect 180 days after the date of enactment of this Act.

(b) JUVENILE WEAPONS PENALTIES.—

(1) IN GENERAL.—Section 924(a) of title 18 United States Code, is amended—

(A) in paragraph (4), by striking "Whoever" and inserting "Except as provided in paragraph (6), whoever"; and

(B) in paragraph (6), by striking subparagraph (B) and inserting the following:

"(B) A person other than a juvenile who knowingly violates section 922(x)—

"(i) shall be fined under this title, imprisoned not more than 1 year, or both; or

"(ii) if the person sold, delivered, or otherwise transferred a handgun or ammunition to a juvenile, knowing or having reasonable cause to know that the juvenile intended to carry or otherwise possess or discharge or otherwise use the handgun or ammunition in the commission of a violent felony, shall be imprisoned not less than 10 and not more than 20 years and fined under this title.

"(C) In this paragraph—

"(i) the term 'juvenile' has the meaning given the term in section 922(x); and

"(ii) the term 'violent felony' means conduct described in subsection (e)(2)(B).".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect 180 days after the date of enactment of this Act.

Mr. MCCAIN. Mr. President, I thank the Senator from Utah and also the Senator from Idaho for allowing me this time. I don't think I will use as much as 7 minutes. At that time, I will withdraw my amendment upon the completion of my statement.

This amendment is designed to prevent juveniles from illegally accessing weapons and to punish those who would assist them in doing so.

This amendment provides that whoever illegally purchases a weapon for another individual, knowing that the recipient intends to use the weapon to commit a violent crime, may be imprisoned for up to 15 years. Further, the amendment mandates that whoever illegally purchases a weapon for a juvenile, knowing that the juvenile intends to commit a violent felony with the weapon, will receive a mandatory minimum sentence of 10 years and may be imprisoned for up to 20 years. Current law provides a maximum prison term of 10 years, regardless of the age of the shooter.

Additionally, if a person transfers a handgun or ammunition to a juvenile knowing that the juvenile intends to commit a violent felony, that individual will receive a minimum 10-year sentence and may be imprisoned up to 20 years.

Mr. President, as I just outlined, this amendment is very simple. The amendment targets the nexus of the youth gun violence issue. Despite the arguments of those who are pushing for more restrictive guns ownership laws, the fact is that the overwhelming majority of kids who are committing these violent acts are getting guns illegally. It is ludicrous to argue that gang members are going to gun shows or to Walmart to buy their weapons. For the most part, they are obtaining them illegally.

Recent events have shaken the collective conscience of this nation. The murders at Columbine High School in Colorado have again brought home to every American the degree to which we are failing our children.

The most basic and profound responsibility that our culture—any culture—has is raising its children. We are failing in that responsibility, and the extent of our failure is being measured in the deaths and injuries of kids in schoolyards and on neighborhood streets. Over the past 2 years, we have been jolted time and again with the horrifying news and images of school shootings. Every day, in towns and cities across this country, kids are killing kids, and kids are killing adults in a spiraling pattern of youth violence driven by the drug trade, gang activity, and other factors.

Our children are killing each other, and they are killing themselves. We must act to change this.

Primary responsibility lies with families. As a country, we are not parenting our children. We are not adequately involving ourselves in our children's lives, the friends they hang out with, what they do with their time, and the problems they are struggling with. This is our job, our paramount responsibility, and we are failing. We must get our priorities straight, and that means putting our kids first.

However, parents need help. They need help because our homes, our families, and our children's minds are being flooded by a tide of violence. This dehumanizing violence pervades our society. Movies depict graphic violence, and children are taught to kill and maim by interactive video games. The Internet, which holds such tremendous potential, is used by some to communicate unimaginable hatred, images and descriptions of violence, and "how-to" manuals on everything from bomb construction to drugs. Our culture is dominated by media, and our children, more so than any other generation, are vulnerable to the images of violence and hate that are, sadly, the dominant themes in so much of what they see and hear.

I recently joined with some of my colleagues to call upon the President to convene an emergency summit of the leaders of the entertainment and interactive media industry to develop an action plan for controlling children's access to media violence. I am pleased that the President heeded this call. However, I am very disappointed that the President's summit proved to be heavy on symbolism and light on substance. We can do more.

I have also joined others to introduce legislation calling upon the Surgeon General to conduct a comprehensive study of media violence in all its forms, and to issue a report on its effects together with recommendations on how we can turn around the tragic tide of youth violence.

Further, yesterday, I, along with Senator LIEBERMAN and others, announced legislation that would establish a National Youth Violence Commission, consisting of religious leaders and experts in education, family psychology, law enforcement, and parenting, to produce a comprehensive study of the forces that are conspiring to turn our children into killers.

Combined, these measures—along with this legislation—are important steps targeting various aspects of the complex problem of youth violence. However, if we are to turn this tide, we must press the fight on every front.

One reality of the horrific schoolyard shootings, and the criminal gun violence that is so prevalent among our youth, is the illegal use of guns. The amendment I have offered is specifically targeted at the illegal means by which kids are acquiring guns. The extent of this problem is made acutely apparent by the events that unfolded in Littleton. From what we are told, 18 different gun laws were violated, including illegal straw purchases and transfers.

This amendment states simply that, if you know a kid is going to commit a violent felony, and you give him or her the gun to commit that crime, you are going to go to jail for a long time.

Mr. President, this amendment is not a panacea. As I have stated, the malady of youth violence that is eating at the soul of this Nation is a complex disease. It will require a multi-faceted cure. I believe we must push for a comprehensive approach. What we must have is the unqualified commitment of all Americans to raise our children, to put them first.

This amendment is one step—one necessary step that will help us deal with the problem of kids killing kids. I hope the Senate will adopt this amendment.

Mr. President, my understanding is that the distinguished manager of the bill has included this amendment in the package. I thank him for doing that. Therefore, it would be deemed unnecessary that this amendment be considered separately at this time. I thank the distinguished chairman of the Judiciary Committee for including this amendment in the package.

Mr. President, I ask unanimous consent to withdraw the amendment at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 333) was withdrawn.

Mr. McCAIN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I compliment the distinguished Senator from Arizona for his leadership on this issue and for the work that he has done to help pass this bill.

Mr. President, I ask unanimous consent that the previously stacked votes be delayed to begin at 4:30 this afternoon. We have three so far lined up. And further, following the debate outlined in the previous consent, Senator THOMPSON be recognized for up to 20 minutes for general debate on the bill, and then Senator KENNEDY for 10 minutes and then Senator LEAHY for 5 minutes.

I further ask that following the votes, Senator HOLLINGS be recognized to offer an amendment regarding TV violence limited to 3 hours equally divided prior to a motion to table, with no amendments in order prior to that vote.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Reserving the right to object, I want to make sure I understand this. We are starting basically now, Senator THOMPSON will be recognized.

Mr. HATCH. Right.

Mr. LEAHY. And then my 5 minutes is in there prior to the vote.

Mr. HATCH. Following Senator KENNEDY.

Now, also if we have enough time left over after Senator LEAHY speaks, I ask unanimous consent that we can work on a Republican amendment before the votes, too, so we can at least have one more. We will try to work that out between the two managers on the floor. We will begin with Senator THOMPSON for 20 minutes, KENNEDY for 10, and LEAHY for 5, and then we will see where we can go.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Tennessee is recognized.

Mr. THOMPSON. I thank the Chair. I thank the Senator from Utah and I congratulate him for his long work in this area. While I cannot support this legislation, it is certainly better than much I have seen in this area. I know he and Senators SESSIONS, BIDEN, and others, have spent a lot of time on this. I congratulate them for it.

Mr. President, I rise not to debate any particular amendment. There has been a lot of good discussion as to the grants, the programs, and as to the various amendments and details of what we should do and how much money we should spend on various programs.

I rise not to address that because I have a significant problem with the entire concept. I believe that our approach with regard to youth violence here is misguided. First, I will address basically what this bill does. Among other things, it makes it easier to prosecute juveniles in Federal criminal court. We have from 100 to 200 prosecutions a year of juveniles in Federal court. It is a minuscule part of our criminal justice system.

In 1998, there were 58,000 Federal criminal cases filed involving 79,000 defendants. As I say, there were only 100 or 200 juvenile Federal crime cases among that group. This bill would make it easier to bring what has traditionally been a State matter into the Federal system. It makes it easier to try a juvenile as an adult. It would allow juveniles as young as 14 years of age to be tried as an adult for violent crimes and drug offenses—drug offenses, again, that are of the street crime category, where we have laws on the books in every State of the Union. It makes more local street crime Federal offenses—recruiting gang members and things of that nature. It allows the Attorney General to send in a Federal task force if she deems it necessary.

Then there is an array of programs and grants that this bill sets forth: Educational programs, educational grants for dropout prevention, school violence, restitution, child abuse, probation enhancement, mentoring programs, drug abuse, gang prevention, gun prevention, job training, afterschool activities, family strengthening, evaluation programs. Then this bill requires in a few instances, and in a few instances encourages, States to do certain other things if they want to participate and get this grant money and program money. It encourages boot camps, sentencing of juveniles who are as young as 10 years old as adults, encourages graduated sanctions, and encourages States to set up various kinds of programs for victims of juvenile crime. That is required if the States want this money. It requires communities to establish coalitions to replicate other communities. In other words, it requires coalitions of groups of law enforcement officers to get together and do some of the things that have been done in other communities where they apparently have had good results.

Then we have seen research amendments with regard to crime in schools, establishing of hotlines, and increasing the penalties for various things. We have extended, by amendment, the 1994 crime bill that will spend about $31 billion over the next 5 years. This bill does all of these things.

Mr. President, it is a tremendous conglomeration of grants and programs and mandates, whereby we spend additional billions of dollars on matters that are being, or should be, covered by State and local laws, or that should be handled by local governments—such things that would be anticrime measures, tough on crime measures; or we are dealing with areas in which we really don't know what we are doing, with all due respect, as a Federal Government. With that, I am referring to basically prevention programs.

Basically, what we try to do is either get tough on crime programs, increasing penalties, and federalizing additional offenses, on the one hand, or coming in with prevention programs designed to reach young people before they get in trouble. Both are laudable goals. But not too long ago, I chaired the Youth Violence Juvenile Justice Subcommittee of the Judiciary Committee. We had extensive hearings. It is a subject that we are all concerned about. We are looking for solutions. I came away with the distinct feeling and impression that we need to concentrate more on research and evaluation of the underlying problems of juvenile violence. There is no question but that these are deep-rooted, social, complex problems about which we know very little.

I believe there is one thing the Federal Government does probably better than anybody else, and that is research and evaluation. We have the resources and we can get the capability and we can make the long-term commitment if we desire to come up with evaluation programs over a period of time to really determine what kind of programs work. We spend all of this money, we put forth all of these programs, and we really have no idea what is working.

We have 132 Federal criminal juvenile justice programs on the books today. I daresay we have very little idea what is really working and what is not working. We have another tragedy, so we double the money with regard, in many instances, to the same programs we have already.

Professor Alfred Blumstein was a witness before our committee. He is a professor at Carnegie-Mellon University. He talked about the research and evaluation that was needed. You could not listen to him without coming away with a certain feeling of humility about how little we know regarding this matter. He said:

> The last 25 years has seen a considerable accumulation of research findings and insights that were not available earlier. Those research findings, however, reflect only a tiny portion of what we need to know to make effective policy and operational decisions in each of the many areas relating to juvenile violence.

He said:

> There have been some evaluations of various kinds of rehabilitation programs, and these are encouraging, but we have very little in the way of evaluation of prevention programs. This is partly because so little has been done, but also because it is very difficult to measure the effects of programs whose effects may not be observed for a decade or more.

In other words, what he is saying is, in order to have an evaluation of a research program worth its salt, we need to set it up for a decade or more.

He goes on to say:

> . . . Thus, while it is clear that much important research has been conducted over the past decade, it is also clear that we are still at an extremely primitive stage of knowledge regarding violence, especially for directing focused action, and that much more still needs to be done.

He says:

> . . . we need much more and better information on the development and the nature of criminal careers . . .

He goes on and on and says:

> . . . The major growth in juvenile violence is not only of concern itself, but it is symptomatic of many key aspects of juvenile development that need major attention. The knowledge base to address these issues is remarkably thin in terms of knowing how best to intervene in these developmental processes.

So, Mr. President, instead of passing additional laws, additional get-tough-on-crime measures, instead of establishing a Federal entity that is sufficiently funded where there is a commitment over many, many years, instead of focusing on research and evaluation before we go about implementing these policies, we are now coming up with the same old responses that we have had in the past.

In this bill, there is some research and evaluation provisions that I think are very good; in fact, some of the things we worked on in times past when I was on the Judiciary Committee. But it is minuscule in comparison to what we need. Research and evaluation programs are scattered out among the States, a little bit here and there. We need a long-term Federal commitment in the one area where the Federal Government does it best—for research and evaluation of programs. We can see what works—which of these 132 Federal programs are working—and then be a clearinghouse for State and local governments so they can get the benefit of that knowledge, and they can go back and implement their own programs, instead of us instituting all of these grants and all of these programs directing States to do some things, and encouraging States to do other things, thinking that we have answers that we do not have. We are getting the cart before the horse because of the tragic circumstances we are faced with.

We know now that some of these programs are very questionable in terms of results.

The DARE program, the GREAT program, some of the mentoring programs—we simply know that in some cases there is absolutely no objective data that indicates they are doing any good, and in some cases there is expert testimony that in fact they are doing some bad things.

We cannot sit up here and have things occur to us that sound good to us and assume they are going to work out in real life. That is how we got the airbags that killed children. That is how we got the program of asbestos removal that we now know was the wrong way to go about that problem. We need to have a little humility as we approach this problem.

We encourage things. There are some amendments, such as counseling programs for juvenile violence in schools, and so forth. I understand they have a gymnasium full of counselors out there in Colorado now that people are not using. We encourage boot camps for juveniles as adults when we know now that in some cases juveniles treated as juveniles will get more than they do being treated as adults.

We want to pass additional gun laws. Every State in the Union has laws against children taking guns to school. We came in and overlaid that with Federal law that made it a Federal offense for kids to take guns to school. Now we have State laws and a Federal law.

Now we have had a tragedy. And goodness knows what the next batch of laws will be that portend to address this.

When I see statements made that by this bill we are giving our children back their childhood, or we are empowering parents to be decent parents, it concerns me that we may really believe that, because we do not have that ability, we do not have that power, we do not have that knowledge, or know-how.

What is the underlying philosophy for Federal involvement in this area, or Federal control in some cases? Is it expertise? Do we have more expertise on the Senate floor than out among the State and local people who deal with this problem every day?

I doubt it, because we keep coming up with the same old programs and adding one every once in a while. We have the waterfront covered as far as programs are concerned. I can't think of a program that has not been covered or funded in some way.

Is it because we have the money? Well, yes. We do have the money, because more and more we are depriving States and local governments of their sources of revenue, bringing it to Washington, then doling it back to them and telling them how to spend it, as if we knew.

In this bill we have $450 million for juvenile accountability block grants, $75 million for juvenile criminal history upgrades, $200 million for challenge grants, $200 million for JJDPA prevention grants, $40 million for the National Institute for Juvenile Crime Control and Prevention, of which $20 million would go to evaluation research, $20 million for gang programs, $20 million for the demonstration programs, $15 million for mentoring programs.

I defy anyone to point out to me which one of these programs is working or not working of the ones that we already have on the books that basically track these same kinds of efforts.

Is the federalization of this matter because the problem is bigger and, therefore, we have to address it? I don't think that is the case. We continue to federalize matters that are so insignificant that we don't even prosecute them once they get on the books.

We now have Federal laws with regard to animal enterprise terrorism, theft of livestock, and odometer tampering. There has been a total of four prosecutions nationwide for all three of those acts.

Now we have a horrendous incident out in Colorado, which disturbs all of us. But the fact of the matter is that less than 1 percent of youth homicides occur in schools.

Deaths by homicide is the second leading cause of deaths among children, second to accidents. And much of that has to do with driving while intoxicated and things of that nature.

Mr. President, the 10th amendment was put in the Constitution for a reason. The Federal Government ought to do the things the Federal Government is good at and leave the States alone to do the things the Constitution gives them under the Constitution. There is no plenary Federal law enforcement power under the Constitution.

We think we have a good result up here with a program in Boston, or wherever, so that we want to authorize the Attorney General to go in and put that program in other places. If it were a good program, logic would extend it to every place in the country, which means a Federal police power. And we do not want that.

We held federalism hearings the other day. We had a consensus from Democrats and Republicans, liberals and conservatives, law enforcement officers and defense lawyers. And they are all concerned about the trend toward federalizing what essentially have been State and local matters for more than 200 years.

There were 1,000 bills introduced in the 105th Congress. A lot of them had to do with juvenile crimes. No one knows actually how many Federal crimes are on the books now; the statutes are so complicated. Some people say 3,000. But with the administrative regulations, and so forth, there are thousands and thousands of statutes and regulations that have criminal consequences. That is the wrong direction.

The Federal Government should cover things in the Federal criminal law that have to do with Federal people or property, and interstate transactions that are truly interstate. Local corruption conflicts, litigation of civil rights, and things of that nature; that is, the law enforcement side of the equation, that is the equation that the State and local governments have the responsibility for. If we take that away from them, either in one fell swoop or gradually, they will do a worse job of it in the future instead of a better job.

On the prevention side, especially with regard to juveniles, let us have a little modesty and acknowledge that we do not know the answers to these problems. Some of them we will never know. They are complex. They are inherent societal problems that we did not get into overnight; we will not get out of them overnight.

But I would suggest again that instead of spending these billions of dollars—literally billions of dollars on top of billions of dollars—on programs about which we have no idea of their efficacy, what is working and what is not working, let's scale that way back and put some money up here for some long-term research and evaluation for over a decade or so, so we can really tell what works. Let us be a clearinghouse and an example then for the States. We don't have to dole out the money to them or suggest that they do this program or that program when we don't know what we are doing. They can see what works and what doesn't work.

On the grounds of the Federal Government properly doing what it should be doing, letting the States do their traditional job under the Constitution, and, second, on the grounds of a little bit of modesty in terms of crime prevention—and that is where it is as far as these juveniles are concerned, on the prevention side—we have to get to these kids earlier. But the fact of the matter is, we are scattered to the four winds, throwing billions of dollars at a problem without knowing what the solution is.

There is only one way that I see we can go, and that is more research for Federal evaluation and research, and in the meantime let's hold our horses and not respond to the headlines—the most difficult thing in the world to do. But by getting out front and pretending we can do things we can't do, we are setting the cause back; we are not advancing it.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Under the previous order, the Senator from Massachusetts is recognized for 10 minutes.

Mr. KENNEDY. Mr. President, thank you very much.

I was listening to my good friend from Tennessee talking about what we need to do, that we need to give more time for research and evaluation of where we are in terms of violence among young people in this country.

Quite frankly, I would invite our colleagues and Members of Congress—Members of the Senate in this instance—to look at what has happened up in my own home city of Boston, MA, in recent years.

In Boston, Mr. President, we have had a dramatic strengthening of various gun laws in recent years, stricter enforcement of existing laws, and the implementation of very important programs in terms of help and assistance for the students, the teachers, and the parents, and the schools. We have had the community police men and women working in the schools, working with the superintendents, working with the parents, working with the children.

There has been the development of support groups for the children. There has been the development of violence prevention and mediation programs; an important 2 to 6 program; an after-school program which is so important in terms of helping and assisting children in the afternoon with their various academic endeavors so when the children do go home in the late afternoon and see their parents—in most situations both of whom have been working hard—they will have quality time with them.

It is an effective approach. We are not here to suggest this will be the only approach. I am not here to suggest that there shouldn't be additional reviews or studies. But as we look at the various challenges we are facing today, we shouldn't just throw up our hands and say because there are so many things to do, we can't do anything at all. There are important things that we can do.

The Senate has made some judgments on some of those recommendations—those which have been offered by Senator ROBB, Senator LEAHY, and others during the course of the last day or so. Now we are beginning a debate on another, I think, extremely important provision. That is the accessibility and the availability of these weapons, particularly to children, in our society.

It is uncontrovertible that various societies that deny easy access and easy availability of these weapons do not have the kind of homicide records we have seen in the United States. Industrial nations that have strict restrictions on the access and availability of weapons see a fraction of the number of homicides that we have seen. There is a direct correlation. We have seen that ourselves over the years.

We have had leadership from our colleagues, including Senator FEINSTEIN, Senator LAUTENBERG, and others here on the development and the support of the Brady bill. We have made important progress. In my own State of Massachusetts, we have made significant progress in a variety of ways regarding gun laws.

This chart describes firearm homicides by all ages in recent years in Boston. We see the dramatic reduction: 1993, 65; 1994, 62; 1995, 64; 1999, 4. It seems to me it would be worthwhile to look and listen to those who are out there in the streets, in the schools, in law enforcement, who have witnessed this kind of result. We hear a great deal of postulating and theorizing about what may be done or what should be done, but we have a very practical example in this chart of what has been done and what is being done. So far in this particular year, with 128 schools, we have not had a single homicide in Boston, MA.

The school lots of the city of Boston were fire zones, not too many years ago, but we have made important progress. One of the most important reasons is the gun laws that have been passed.

The age for juvenile possession of handguns in Massachusetts is 21—it is 18 nationwide—but it is 21 in my State of Massachusetts. We enacted the cap law, a law that says we are going to hold individuals who have weapons in their homes responsible, so that there will be a separation of the gun from the ammunition. We hear a great deal of talk about the second amendment, about responsible Americans. We say that is fine; we will hold you responsible. You are going to store your gun separate from your ammunition. If you don't and there is a crime, we are holding you responsible.

That has had an important impact. There have been 16 States that have adopted similar laws, and we are beginning to see important progress made.

In Massachusetts, we have a waiting period for handgun purchases. We have a State ban on all assault weapons, and we have yet to hear from any hunters that they need to have assault weapons to go out in the woods and hunt deer. We have effectively halted all assault weapons, and that has been an important addition.

We have barred private sales of guns between individuals avoiding, circumventing the background checks.

We have insisted we will have safety locks on the guns that are sold in Massachusetts. We have the technology for a gun safety lock to prevent children up to maybe 4 years of age from pulling the trigger of a handgun. Why aren't we putting those requirements into the legislation?

We have important, strict, provisions in terms of reporting stolen weapons.

Those are the kinds of measures we have passed in Massachusetts. I don't see how anyone can make the case that they provide much hindrance to individuals who want to exercise their right to go out and hunt. I don't see how those measures inhibit that opportunity.

We are seeing, not only in the city of Boston, similar results in other cities around our Commonwealth. Something is working; something is happening. We are saying, let us try to find what is working, what is happening, what is tried and tested. We are not going to solve all of the problems, but we are going to reduce the number of youth homicides. We can see very clearly from this chart we are talking about 15, 20, 30, 40, 50, 60 children who are alive today that would not be alive, I daresay, unless those steps had been taken. These are positive bottom-line results.

We are going to see various amendments offered by Members on this side of the aisle—whether it is the Lautenberg amendment on the gun shows; whether it is the Durbin amendment; or whether it will be Senator BOXER and Senator FEINSTEIN offering amendments that have been along the lines of what has been proven and tested here. And I doubt very much we will have much success.

The American people ought to pay close attention to this debate. We will have votes this afternoon. And hopefully, we will have the important votes on these issues tomorrow. We need to listen to the American people on these issues. We are talking not just about a policy on education. We are not talking about a health policy. We are not talking about an environmental policy. We are not talking about a defense policy. We are talking about whether there are steps that can be taken, by this body, that will make a difference in terms of the lives of children in our society.

We can do it. We demonstrated it. We should do it. And we ought to be able to accept it here in the Senate during the course of this debate.

The PRESIDING OFFICER. Under the previous order, the Senator from Vermont, Mr. LEAHY, is to be recognized for 35 minutes.

The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I know we are going to have a series of votes in a short while. I would like to speak about one of them, amendment No. 332, introduced by the distinguished Senator from Idaho, Mr. CRAIG. I have heard of the emperor not having clothes, but this amendment has no clothes.

This is an amendment that speaks about controlling gun sales at guns shows, auctions or out of the back of your truck or whatever, and we are going to put some controls on it. We are going to put some controls on for background checks, but only if the person who opens the back of his trunk to sell these guns "desires to have access to the national instant check system." Of course, if he doesn't want to, he can keep right on selling the guns, no checks, nothing. I am not that great at driving a truck, but I could drive an 18-wheeler through that hole.

Then it has a whole lot of civil liabilities in here for certain future Federal firearm violations. But then there is probably the best sweetheart deal I have ever seen. It dismisses pending actions from any Federal or State court for gun dealers. It gives blanket immunity. This amendment might cover a State or a city, Attorney General or anybody else who sued a gun dealer and dismiss the case. Not even a TV judge could throw it out that easy, but this amendment could. It is not clear from its drafting who is covered by this immunity section of the amendment.

I do not know why we do not amend it. I am sure there are some around here, because of their ties with the tobacco industry, who would like to do that for the tobacco industry. Can you imagine if anybody brought up a piece of legislation that said we will, by this amendment, remove all liability on tobacco suits? They would be laughed out of here. It would be a front-page story in the paper. Suppose somebody came in and said, I want to throw a little amendment in here to do away with suits against toxic waste sites. People would be calling up, saying, what, did you get a PAC contribution from Polluters, Incorporated?

I have seen some remarkable amendments. I commend the distinguished Senator. He has very strong feelings about guns and he has concerns about any limitations on them. But this is remarkable.

I keep a file of extraordinary things I have seen during my 25 years here. This will go in the file. To put in an amendment, not even debate this line, but to say, anybody who has a suit against a gun dealer or perhaps a gun manufacturer, it might be thrown out. No hearings. No debate. Nothing. But the Senate has thrown it out In fact, this section is just titled "Immunity." That is pretty amazing. It says:

> A qualified civil liability action pending under the date of enactment of this subsection shall be dismissed immediately by the court.

Man, every defendant is going to be rushing into court if we pass this, saying, I am home free. I get out of jail. I do not have to pass "go." I do get to collect the $200.

Mr. President, every Senator who votes for this is voting to override the courts of their State. They are voting to override the municipalities of their State. They are voting to override the legislature of their State. They are voting to override the Attorney General of their State. They are voting on suits they have not even seen, to just throw them out of court. I have been here long enough to know special interest legislation makes it to the floor of the Senate, but this may be the all-time king.

The PRESIDING OFFICER (Mr. ASHCROFT). The Senator from Utah is recognized.

Mr. HATCH. Mr. President, we now have 25 minutes left. There are a few people who would still like to speak, especially the distinguished Senator from Alabama, in response to Senator KENNEDY and his conclusions. I ask unanimous consent to yield 3 minutes to the distinguished Senator from Alabama, and then immediately thereafter call up the Hatch-Leahy Internet screening amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I thank the Senator for his leadership on this. I say to the Senator from Massachusetts, the Boston project has been a very successful project and contrary to his understanding of our legislation, it does model itself after the key successes of the Boston project. I have had members of my staff visit Boston. The number of murders and decline in crime have been remarkable. It is driven, if you talk to the people there, by a coordinated effort by the entire community, really led by the judiciary, the courts, the police and the probation officers.

When judges give a young person probation in Boston, if he is a member of a gang and he is supposed to be in at 7 o'clock at night, a probation officer, along with a uniformed policeman, will go out at night, knock on the door and make sure he or she is home. This is not being done anyplace else in America.

They are taking these young people seriously. They are following up. Judges and parole officers in Boston have the capacity to discipline them through detention facilities and other forms of discipline if they violate their probation, which most juvenile judges do not.

The whole purpose, what we are doing here, is to try to empower other court systems in America to do the same type of innovative research. In fact, our bill, on page 230, requires this coordinated local effort, which was the key to Boston and several other cities which are making progress in juvenile crime.

This requires, prior to receiving a grant under this section, that

> . . . a unit of local government shall certify that it has or will establish a coordinated enforcement plan—

That is what they have in Boston.

> for reducing juvenile crime within the jurisdiction of the unit of local government developed by a juvenile crime enforcement coalition, such coalition consisting of individuals within the jurisdiction representing police, sheriff, the prosecutor, State or local probation services, juvenile court, schools, business, and religious affiliated, fraternal, nonprofit and social service organizations involved in crime prevention.

So I say to the Senator from Massachusetts, this is what we are doing here. The key to the success of the Boston project, in my opinion, is a coordinated effort among Federal, State and local agencies under the jurisdiction of the court and probation officer, who actually monitors young people who started to be involved in violations of the law, with an intense interest, an intense interest borne out of love and concern, to insist that they stop their bad activities and, in fact, return to the rule of law.

If we do that effectively, I do believe we have the capacity to reduce crime in America.

I yield the remainder of my time to Chairman HATCH.

The PRESIDING OFFICER. The Senator from Utah is recognized.

AMENDMENT NO. 335

(Purpose: Relating to the availability of Internet filtering and screening software)

Mr. HATCH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. HATCH], for himself and Mr. LEAHY, proposes an amendment numbered 335.

Mr. HATCH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 265, below line 20, add the following:

SEC. 402. PROVISION OF INTERNET FILTERING OR SCREENING SOFTWARE BY CERTAIN INTERNET SERVICE PROVIDERS.

(a) REQUIREMENT TO PROVIDE.—Each Internet service provider shall at the time of entering an agreement with a residential customer for the provision of Internet access services, provide to such customer, either at no fee or at a fee not in excess of the amount specified in subsection (c), computer software or other filtering or blocking system that allows the customer to prevent the access of minors to material on the Internet.

(b) SURVEYS OF PROVISION OF SOFTWARE OR SYSTEMS.—

(1) SURVEYS.—The Office of Juvenile Justice and Delinquency Prevention of the Department of Justice and the Federal Trade Commission shall jointly conduct surveys of the extent to which Internet service providers are providing computer software or systems described in subsection (a) to their subscribers.

(2) FREQUENCY.—The surveys required by paragraph (1) shall be completed as follows:

(A) One shall be completed not later than one year after the date of the enactment of this Act.

(B) One shall be completed not later than two years after that date.

(C) One shall be completed not later than three years after that date.

(c) FEES.—The fee, if any, charged and collected by an Internet service provider for providing computer software or a system described in subsection (a) to a residential customer shall not exceed the amount equal to the cost of the provider in providing the software or system to the subscriber, including the cost of the software or system and of any license required with respect to the software or system.

(d) APPLICABILITY.—The requirement described in subsection (a) shall become effective only if—

(1) 1 year after the date of the enactment of this Act, the Office and the Commission determine as a result of the survey completed by the deadline in subsection (b)(2)(A) that less than 75 percent of the total number of residential subscribers of Internet service providers as of such deadline are provided computer software or systems described in subsection (a) by such providers;

(2) 2 years after the date of the enactment of this Act, the Office and the Commission determine as a result of the survey completed by the deadline in subsection (b)(2)(B) that less than 85 percent of the total number of residential subscribers of Internet service providers as of such deadline are provided such software or systems by such providers; or

(3) 3 years after the date of the enactment of this Act, if the Office and the Commission determine as a result of the survey completed by the deadline in subsection (b)(2)(C) that less than 100 percent of the total number of residential subscribers of Internet service providers as of such deadline are provided such software or systems by such providers.

(e) INTERNET SERVICE PROVIDER DEFINED.—In this section, the term "Internet service provider" means a "service provider" as defined in section 512(k)(1)(A) of title 17, United States Code, which has more than 50,000 subscribers.

Mr. HATCH. Mr. President, I am pleased to offer this next amendment along with Senator LEAHY, my friend and colleague, which I have developed with the distinguished ranking member of the Judiciary Committee, Senator LEAHY. This amendment is largely aimed at limiting the negative impact to children from violence and indecent material on the Internet.

At the outset, let me note this amendment does not regulate content. Instead, it encourages the larger Internet service providers to provide, either for free or at a fee not exceeding the cost to the ISP, the Internet service provider, filtering technologies that would empower parents to limit or block access of minors to unsuitable material on the Internet.

We cannot place all the blame for today's culture of violence on the Internet. But we also cannot ignore the fact that this powerful new medium has the ability to expose children to violent, sexually explicit, and other inappropriate materials with no limits, not even the time-of-broadcast limits that are currently imposed on television broadcasters. Indeed, a recent Time/CNN poll found that 75 percent of teens aged 13 to 17 believed the Internet is partly responsible for crimes like the Columbine High School shootings.

This amendment respects the first amendment of the Constitution by not regulating content, but ensures that parents will have the adequate technological tools to control the access of their children to unsuitable material on the Internet.

Let me say that many Internet subscribers already have such tools provided to them free of charge. For example, the largest Internet service provider currently provides its 17 million subscribers with such filtering technology as part of their standard service.

I honestly believe that other ISPs, or Internet service providers, who do not already provide filtering software to their subscribers will do so voluntarily. They will know it is in their best interests and that the market will demand it. That is why this amendment will not go into effect if, within 3 years, the service providers end up offering such technologies voluntarily.

This is what we would like to do. We think it is a fair amendment. We think it is something that should be done, and we think responsible Internet service providers should be willing to do this, and I am very, very pleased to offer this with my esteemed colleague who has worked very, very hard on all software Internet issues.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I appreciate the generous comments of the Senator from Utah. This can be propounded later on, but we will be voting on this one tomorrow. I ask unanimous consent it be in order to ask for the yeas and nays on this amendment, the Lautenberg, the Craig, and the Brownback amendments at this point.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HATCH. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. HATCH. Mr. President, I move to table the Lautenberg amendment.

Mr. LEAHY. Mr. President, first, on the Hatch-Leahy Internet amendment, let me just say I have worked on a number of these issues with the distinguished Senator from Utah. I think this is one that should get very broad support in this body.

I have talked for years about how we should allow the users of the Internet to control limited access to objectionable material that can be found on line. Anybody with any kind of ability at all can find objectionable material on line. It fits the standard of objectionable by any of us in this body. Some of it is disgusting and obscene and nothing I would want even my adult children to see.

But there is also a lot of amazing and wonderful material in this relatively new communication medium when you can go on the Internet and see people exploring in Antarctica or on Mount Everest, or see surgery being performed experimentally, or talk with astronauts on our space shuttle. These are the wonderful things on line and should be encouraged.

What worries me is when Congress tries to regulate content on the Internet. I have opposed that. For example, I was against the Communications Decency Act, eventually found unconstitutional by the Supreme Court. The law was passed with the best of intentions. It was done to protect children from indecent on-line materials, something all of us as parents want to do. It did it by empowering the Government and was, thus, unconstitutional.

What we should do is empower individual users and parents to decide what material is objectionable. This belongs to parents and users. Also, it brings parents and their children closer together if they actually work together and look at what is on the Internet.

The amendment Senator HATCH and I have offered will require large on-line service providers to offer subscribers filtering software systems that will stop material parents find objectionable from reaching their computer screen.

I am supportive of voluntary industry efforts to provide Internet users with one-click-away resources on how to protect their children as they go on line. Senator CAMPBELL, the distinguished Senator from Colorado, and I joined the Vice President at the White House just last week to hear about this One Click Away Program. Vice President GORE, Senator BEN NIGHTHORSE CAMPBELL, I, and others across the political spectrum joined together to say this is something parents want, need, and can use.

Our amendment promotes the use of filtering technologies by Internet users. It is a far better, more constitutional alternative to Government censorship. I commend the distinguished Senator from Utah. I appreciate working with him on this. While I realize we will not vote on this one until tomorrow morning, I look forward to joining the distinguished Senator from Utah and encourage all Senators of both parties to vote for it.

Mr. President, I yield to the distinguished Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I am honored to have my colleague work with me on this. It always makes me feel good when we work together on these matters. This is an important issue, and since one ISP, or Internet service provider, already provides these services as a matter of course, it seems to us it is not asking too much for others to do so. If they do not want to do it without cost, then they should not charge more than what the actual costs are, which is what this amendment does.

Do we have the yeas and nays on this amendment, Mr. President?

The PRESIDING OFFICER. We do.

Mr. HATCH. I ask unanimous consent that this amendment be put over and set aside until tomorrow morning, to be voted on at 9:40 in the morning with at least 6 minutes divided equally between the Senator from Vermont and the Senator from Utah for final debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. As I understand it, we are coming in at 9:30 a.m., so we have allowed for the prayer and 6 minutes for the distinguished Senator from Vermont and the Senator from Utah. Of course, if the majority leader wants to change the times—I understand the 9:30 time is all right with the majority leader, but if he wants to change it, we will be glad to do that.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I see the distinguished Senator from Kansas is here. I understand he is prepared to go forward. There is 5 minutes to be equally divided between him and whoever decides to speak on the minority side. I suggest we go ahead and be prepared to vote.

The PRESIDING OFFICER. Does the Senator have a unanimous consent request?

Mr. HATCH. I ask unanimous consent that we proceed at this time on the three amendments and the three votes, with the 5 minutes equally divided for each one.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Kansas is recognized.

Mr. BROWNBACK. Thank you very much.

AMENDMENT NO. 329

Mr. BROWNBACK. Mr. President, as the vote nears on the amendment that I have proposed, along with the chairman and Senator LIEBERMAN and a number of others—and I will be asking for a recorded vote—I thank them for their work on this issue. The chairman has done tireless work in trying to do things to clean up the culture, and also in this juvenile justice bill to address issues here which I think are critically important. Senator MCCAIN, with his leadership on the Commerce Committee, has elevated the issues, as well as Senator LIEBERMAN in his work, and Senator SESSIONS as well.

I also note the addition of Senator KENT CONRAD as an original cosponsor of this amendment, and I appreciate all of his support.

There has been much discussion today about the causes and cures of youth violence. As I have noted before, I do not believe my amendment—this amendment—is a panacea for all that ails us, but it is a modest and necessary first step towards encouraging a sense of corporate responsibility among some of the most powerful corporations in the world—corporations with incredible access to the minds of young people—and towards gaining a better understanding of the impact of cultural influences on youth violence.

I firmly believe that youth violence is not merely, or even primarily, a public policy problem; it is a cultural and a moral problem.

We live in a society, unfortunately, that glorifies violence. Popular culture is awash in violence. It is glorified in gangsta rap songs, glamorized in movies with vigilante heroes, and simulated in numerous video games. Violence, carnage, destruction and death is presented not as a horror but as entertainment for our young people—young people whose minds, hearts, moral sense, manners, behavior, convictions, and conscience are still being developed.

Recently, the Pope denounced what he called a "culture of death," a culture that rewards the producers of violent entertainment with lucrative contracts and critical acclaim, celebrates the casual cruelty and consequence-free violence depicted in movies and music, that markets the simulation of mass murder in games that were sold to children. His remarks should give us much to think about. This is not something we can fix with legislation, but it should be raised and discussed and seriously considered, not only on the floor of the Senate, but in homes, studios, and corporate boardrooms across America.

Nothing in this amendment curtails freedom of expression in any way. It does not restrict the entertainment industry in any way. Rather, it gives entertainment companies more freedom, enabling—not requiring but enabling—them to enter into a voluntary code of conduct. Such a code would spell out what the company standards are, what products they would be putting forward, and would set a line that the industry would say below this we will not go, and say that to the public.

This amendment also provides for further studies on the impact and marketing of violent entertainment. We need to know more, and we need to start now. The first step towards addressing problems is to accurately define them.

Mr. President, I say, in conclusion on this amendment, we are here today saying that it is time to address this. It is time for us to step forward and be serious about it. It is time for us to renew the culture in America. This amendment is a first step.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BROWNBACK. I will ask for the yeas and nays at the appropriate time on this amendment.

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mrs. FEINSTEIN. Mr. President, for 7 years now as a member of the Senate Judiciary committee I have watched the situation in this nation going from bad to worse to terrible with respect to violence and its glorification in the media.

I am voting for this amendment because I believe it gives the various industries what they need to be able to establish voluntary guidelines through a voluntary "code of conduct" to limit the depictions of violence in music, films, video games or television.

This amendment provides the entertainment industry with an exemption from antitrust laws in order to develop and disseminate voluntary codes of conduct with respect to violence, similar to the National Association of Broadcasters television code prior to 1983, when a court helt the code violated antitrust laws.

Additionally, the Justice Department and the Federal Trade Commission will be directed to conduct a joint investigation of the marketing practices used by the makers of video games, music and motion pictures to determine whether they engage in deceptive marketing practices, including directly targeting material to minors, which is unsuitable for minors.

Furthermore, the National Institutes of Health will be directed to conduct a study of the effects of violent video games and music on child development and youth violence, examining whether and to what extent such violence affects the emotional and psychological development of juveniles and whether it contributes to juvenile delinquency and youth violence.

The glorification of violence in the media has reached such an extent that a manufacturer of interactive computer games to young people advertises: "Kill your friends, guilt free."

With such messages of death and degradation delivered through the media, and with our nation awash with guns easily accessible to young people, is it any surprise that troubled youths are now taking up these weapons and going on rampages, killing their classmates and teachers?

The latest of these tragedies occurred in Littleton, Colorado, where Eric Harris spent hours and hours playing violent computer games like Doom and Quake, featuring the wholesale slaughter of digital enemies before joining his friend Dylan Klebold in killing 12 other students and a teacher.

Isn't it time, at the very least, that the manufacturers of video games, television programs, motion pictures and music acknowledge the impact on young people of the carnage they promulgate and demonstrate through a voluntary code of conduct some willingness to limit the violence?

Isn't it time that the entertainment industry does its best to discourage the production and promotion of gratuitous, simulated death and destruction that all too often triggers real and terrifying acts of violence by our young people?

Isn't it time that we in Congress direct the Justice Department and the Federal Trade Commission to investigate whether deceptive marketing practices are being employed to target minors?

Isn't it time that we in Congress direct the National Institutes of Health to study the effect of these violent video games and music on our young people?

Isn't it time that we do everything we can to stop tragedies like Littleton from happening again?

Mr. KOHL. Mr. President, today I rise to cosponsor this measure, which aims to provide us with a better understanding of how violence in our culture is marketed to children and encourage industry to take self-regulatory steps to reduce this violence. Just as important, it will help us determine whether the video game industry is breaking its promise and targeting ultraviolent games to minors.

Mr. President, as we look to find meaning—or to develop policy—in the wake of the Littleton tragedy, it is clear that there's no single answer as to how we can prevent such a terrible event from happening again. Indeed, throughout my time in the Senate, I've worked very hard for a comprehensive approach: Prevention programs for at-risk kids, laws that try to restrict minors from getting handguns, strong punishments for folks who use guns to commit a crime and for truly violent juveniles, and reasonable restrictions on providing inappropriate information to children. My sense is that by the time we complete action on this juvenile justice bill, many of these issues will be addressed in productive, bipartisan ways.

But one part of this comprehensive approach that I'll focus on today is the marketing of violence to children, especially in ultraviolent video games. Senator LIEBERMAN and I have worked very hard on this issue for quite some time, and we've made some progress since we first held joint hearings on the video game industry back in 1993. Since then, the industry has rated all games, giving parents a far better sense of what they are buying for their kids. Recently, though, we have seen some disturbing signs of "backsliding," especially on enforcement of the ratings system.

Let me give you just a few examples. The Interactive Digital Software Association—which represents video game manufacturers—has an Advertising Code of Conduct that says, "Companies should not specifically target advertising to [underage] consumers." But the companies who produce games like "Duke Nukem" and "Resident Evil"—both rated "M" for age seventeen and up—sell action figures from their games at Toys-R-Us to much younger children.

That is not only wrong, it is unacceptable.

Make no mistake about it: Though these games are for adults, the manufacturers are marketing to our kids. That's why we think an FTC/DOJ study—one that separates out the bad actors from the good ones and gives this disturbing trend the scrutiny it deserves—is not just an appropriate response, it is also a timely one. And while the evidence is much clearer with respect to video games than other forms of entertainment, what harm can there be in a study? It might just prove some folks in the industry are doing a good job.

Mr. President, this amendment also includes an antitrust exemption for the entertainment industry so its members can collaborate on a "code of conduct" and how best to implement the various ratings systems. It is not entirely clear that the industry actually needs this "safe harbor," but again, there is no harm to reenacting and expanding Senator Simon's measure.

Of course, Mr. President, these measures are certainly no panacea—no law can be. But they each represent a small step that we in Congress can take as our national community gains a better understanding of what kind of violent images our children face today and what effect it is having on them. For if we do not take the time to learn more about the root causes of youth violence and, instead, blindly make scapegoats out of games or artists or movies we simply don't like, we might as well know nothing at all. Thank you.

Mr. LEAHY. Mr. President, I understand the thrust of what the distinguished Senator from Kansas wishes to do. I am inclined to agree with him.

I am worried that his amendment may be creating not just one, but two antitrust exemptions in the bill. I do not want, nor do I expect that he would want to create unnecessarily large loopholes in our antitrust laws.

I will support his amendment so we can go on to conference with it, because what he is trying to accomplish is something I think the majority of us here in this Senate would want to accomplish. I suggest that the distinguished Senator, between the time this bill leaves the Senate and goes to conference, may want to work with the distinguished Senator from Utah and myself to make sure that we do not create an antitrust exemption that goes beyond what the distinguished Senator wishes to accomplish.

I am not suggesting such an expertise in antitrust law that I could tell him precisely how we might do that, but there are a couple red flags here. My recommendation is that we pass the amendment, but then that the three of us, and any other Senators who may be interested, may want to look at it closely to make sure that it is drafted, one, to accomplish exactly what all of us want to accomplish, but, two, not to raise an antitrust problem in another area.

With that, Mr. President, I am perfectly willing to yield back the remainder of my time, if there is any time on this side.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 329. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) and the Senator from New York (Mr. MOYNIHAN) are necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mr. MOYNIHAN) would vote "aye."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 110 Leg.]

YEAS—98

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—2

Inouye
Moynihan

The amendment (No. 329) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. ASHCROFT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, parliamentary inquiry: My understanding is the Lautenberg amendment is next and there are 5 minutes to be equally divided before I make a motion to table.

The PRESIDING OFFICER. There are 5 minutes equally divided prior to the motion to table.

Mr. LEAHY. Mr. President, I don't believe the time should start until the Senate is in order. The Senator from New Jersey is entitled to be heard.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from New Jersey is recognized.

AMENDMENT NO. 331

Mr. LAUTENBERG. Mr. President, my amendment is pretty simple. It does nothing more than close a loophole—that exists at gun shows—from the Brady law. The loophole allows criminals, children, and other prohibited persons to purchase guns at gun shows without a background check, without giving them a name, without giving them an address. Just take it away. Pay your money and take your gun.

Some people may be surprised to hear you can walk into a show, put your money on the table, walk away with a shotgun, semiautomatic, handgun or any other deadly weapon that you want to get your hands on. It is an unacceptable condition. We have to insist that all gun purchases at gun shows go through the background checks that a gun store has to have or that any federally licensed gun dealer will have to have.

Law-abiding citizens have nothing to fear from this amendment. They can buy a gun to the limits already established. All they have to do is consent to an instant background check which takes only minutes. This won't inconvenience. It will save lives and reduce injuries.

This isn't a time for partisan politics. Our country has seen too much gun violence. If we reflect a little bit, see what happened in Colorado. Understand that at Columbine High School those guns traveled their way through gun shows to get into the hands they did. Too many parents have seen their children killed. Too many families have been torn with grief as they understand what has happened to a child—unbelievably, in a school.

Let us work together. I plead with my colleagues, let us pass this measure. Who does it hurt? It doesn't hurt anybody and it may save someone. Let's make it harder for young people and criminals to gain access to guns.

I think we are reaching a consensus on this issue. There is a broad range of bipartisan support for closing the gun show loophole. An extraordinary alliance supports closing the gun loophole, including gun dealers, law enforcement, Republicans, Democrats, the Bradys.

I hope we can come together, pass this amendment, and show the American people that Democrats and Republicans alike, the gun industry, law enforcement and handgun control, can put partisan politics aside and pass this commonsense legislation.

Mr. CRAIG. Mr. President, you are being asked to table the Lautenberg amendment and to vote up or down on the Craig amendment.

There are very real differences in these two amendments. First of all, there are 40,000 gun laws spread across America. There are 5,000 gun shows and 5 million people attending them on a regular basis.

The question is, Is there a loophole in the law through which illegal activity is going on? If the 1986 gun act is right—that many of you voted on—that says that private citizens have the right to engage in legal transactions, then there is no loophole. In fact, this Justice Department says that less than 2 percent of the guns found in criminal use were sold at gun shows.

What do we do about it? There were 20 laws broken in Littleton, CO. Many people are dead. Laws were broken and now people are being arrested for having violated those laws.

What I offer is a reasonable way to begin to shape gun shows and allow law-abiding citizens the right of access to the FBI instant check system so if they are engaged in the sale of a gun they can make sure that they are safe in that sale. Therefore, we provide an instant check capability at a gun show.

What the Senator from New Jersey did not say is if you are selling at a gun show and you are a licensed dealer, you already come under Federal law. No child, no juvenile walks into a gun show and buys a gun. It is against the law in this country and it is against the law in every State. Nothing should be represented to say anything different. That is the law.

There is a 40-percent sale at a gun show between private citizens, private citizens who are protected under the 1986 gun act who do not engage in gun sales for business purposes.

The Senator from New Jersey goes on to say when two people meet and there are 50 guns present and they exchange a gun, that is a gun show. You have a lot of friends and neighbors that are gun collectors and all of a sudden they find themselves libel.

He also goes on to say promoters must register. Who is a promoter? How about the Mariott Hotel across the street from the convention center of the gun show that has a sign on the marquee: "Gun sales. People attending the gun show stay here." Is that a promotion?

I don't know how to define that definition.

These are the realities of the issues we deal with. I have a much more aggressive, voluntary approach that rapidly begins to tighten down while at the same time protecting the civil liberties of our citizens.

Mr. HATCH. I move to table the amendment.

The PRESIDING OFFICER (Mr. ABRAHAM). Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 331. The yeas and nays are ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) and the Senator from New York (Mr. MOYNIHAN) are necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mr. MOYNIHAN) would vote "no."

The result was announced—yeas 51, nays 47, as follows:

[Rollcall Vote No. 111 Leg.]

YEAS—51

Abraham
Allard
Ashcroft
Baucus
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Cleland
Cochran
Collins
Coverdell
Craig
Crapo
Domenici
Enzi
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond

NAYS—47

Akaka
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Chafee
Conrad
Daschle
DeWine
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Fitzgerald
Graham
Harkin
Hollings
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Mikulski
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Torricelli
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—2

Inouye
Moynihan

The motion was agreed to.

Mr. HATCH. I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to table was agreed to.

AMENDMENT NO. 332

The PRESIDING OFFICER (Mr. ABRAHAM). There now are 5 minutes equally divided on the Craig amendment.

Who seeks recognition?

Mr. HATCH. Will either side object to yielding back the time so everybody can vote?

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. LEAHY. The Senate is not in order.

The PRESIDING OFFICER. Will Senators please take their conversations off the floor of the Senate.

The Senator from Vermont.

Mr. LEAHY. I thank the Chair.

Mr. President, I have spoken earlier about this. The Craig amendment, as drafted, dismisses pending and future lawsuits against some firearms dealers. And I say "some," because the way it is drafted it is not clear, but it throws out State court cases, Federal court cases, gives blanket immunity. I think that goes to such special interests on gun legislation that we ought to reject it, even in this setting.

I yield the remainder of our time to the Senator from New York.

Mr. SCHUMER. I thank the Senator for yielding.

It is unfortunate we could not take this step forward on the Lautenberg amendment. Let me just inform my colleagues that the Craig amendment would not be a status quo amendment, but it would be a big step back, for three reasons.

One was mentioned by Senator LEAHY, that it would exempt certain people—it is unclear who—from liability. No. 2, it expands the pawn shop loophole. The law now is if you are a criminal, you have to get a background check when you redeem your gun at a pawn shop. Under the Craig amendment, that background check would be erased—no check.

And most significantly of all, the Craig amendment repeals a significant portion of the 1968 gun control act. Right now, if you are a licensed Federal firearms dealer, you can only sell guns at your licensed premises or at a gun show in your State. Under the Craig amendment, you could go anywhere in the country and sell your gun. It is a significant step backward.

I had hoped the Senate would take what would be, in my judgment, a step forward on Lautenberg. But please let us not take a step backward, which we would be doing if we voted for this amendment.

I yield back my time.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, we have to deal with the facts and we have to deal with what is in print. Is there a liability exemption? Yes. If you are a new registrant, and you do a background check, and you play by the rules at a gun show, or if you are a new licensed dealer at a gun show, those are the incentives to get there. We are not exempting anybody. What we are saying, by definition—on page 14 it clearly spells out what a qualified civil liability action is.

What the Senator from New York just said is not true. I have not changed any Federal law except to deal with gun shows. I am sorry he has misinterpreted it that way. You cannot have it both ways. If you are a registered firearms dealer, and a Federal dealer, you have to meet those standards and qualifications. You do not ramble around the country. You do not do interstate sales. That is against the law. And he knows it.

But what we are saying, to encourage background checks, to encourage participation at a gun show—under the legal status now, remember, these guns that are sold by individuals without background checks are legal under the law, but we want to tighten it up. So we say, we will protect your liability, not your negligence but your liability, if you get a license and become registered and do background checks and keep a record.

And if you choose not to do that, but you still want to protect yourself, we are putting a new registrant in each gun show qualified by the ATF and the FBI, and you walk over to them and say: I want to sell gun "X" to person "Y." Run a background check on them to find out if they are a legal citizen. That is the new law. That is the incentive.

If you believe in the right of free citizens to own a gun, but you want to create incentives to create the kind of thing we are talking about here, then you vote for this amendment. But you do not change the law; you do not create interstate trafficking. That is against the law now, and it will always be.

I yield the remainder of my time.

The PRESIDING OFFICER. All time is yielded back.

The Senator from Utah.

Mr. HATCH. I ask unanimous consent that immediately following this vote, Senator THURMOND be recognized for up to 5 minutes for debate and Senator HOLLINGS then be recognized as under the previous order for up to 30 minutes under his control for debate on his TV violence amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HATCH. In light of this agreement, there will be no further votes today. The first vote tomorrow will be at 9:40 a.m.

The PRESIDING OFFICER. The question is on agreeing to the Craig amendment No. 332. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) and the Senator from New York (Mr. MOYNIHAN) are necessarily absent.

I further announce that, if present and voting the Senator from New York (Mr. MOYNIHAN) would vote "no."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 45, as follows:

[Rollcall Vote No. 112 Leg.]

YEAS—53

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Cleland
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—45

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Chafee
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Fitzgerald
Graham
Harkin
Hollings
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Reed
Reid
Robb
Rockefeller
Roth
Sarbanes
Schumer
Torricelli
Wellstone
Wyden

NOT VOTING—2

Inouye
Moynihan

The amendment (No. 332) was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I thank my able colleague for yielding me this time.

I am very pleased that we are considering S. 254, Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act. This legislation is badly needed to help states effectively confront youth crime and violence.

The recent murders in Littleton, Colorado were random and senseless acts of violence. There are no Federal laws, including the bill we are considering here, that would have prevented this terrible tragedy. However, the events there highlight the importance of having an effective policy to deter and combat youth crime and violence. Children aged 15 to 19 committed over 20 percent of all crime in 1997, including 20 percent of all violent crime. America must have safe schools where students can learn, and this bill is part of this Congress' efforts to help families and communities provide this security.

The states have responsibility over almost all juvenile offenders, and this legislation provides hundreds of millions of dollars to assist states in their efforts. In part, it contains flexible block grants to help states hold violent juveniles accountable for their actions. The money can be used for a wide variety of initiatives according to the needs of the states, including drug testing, boot camps, and detention facilities. It also encourages states to implement graduated sanctions for young offenders. This early intervention with appropriate penalties at the first signs of trouble is essential to deterring more serious crime down the road.

Further, the bill provides almost an equal amount of money, over $400 million, that can be used for prevention programs. Indeed, the key feature of S. 254 is that it provides a balance between prevention and accountability. While prevention is important, it is not alone the solution to violent criminal activity.

During the consideration of this bill, there will probably be more discussion about gun laws. This legislation takes a responsible, reasoned approach in this regard, prohibiting someone who commits a violent felony as a juvenile from possessing firearms. Gun control is not the solution to America's crime problem.

Before we take a reactive approach to putting more Federal gun laws on the books, we should consider whether the laws we already have are being adequately enforced. My Subcommittee on Criminal Justice Oversight in the Judiciary Committee recently held a joint hearing with the Youth Violence Subcommittee on gun prosecutions in the Justice Department. We discovered that gun prosecutions during the Clinton administration have declined considerably from the Bush administration. Unfortunately, the Clinton administration is just beginning to take notice of programs, modeled after Bush administration successes, which aggressively prosecute the gun laws already on the books. In Richmond, Virginia, a concerted effort to enforce gun laws has reduced violent crime almost 40 percent. The Congress is working to expand successes such as this into other cities.

Mr. President, it is time for the Congress to address violent crime committed by young people, and S. 254 represents the most comprehensive Federal effort to address this problem in American history. I hope we can work together to enact this critical legislation.

The PRESIDING OFFICER. Under the previous order, the Senator from South Carolina is recognized for up to 30 minutes.

AMENDMENT NO. 328

(Purpose: To amend the Communications Act of 1934 to require that the broadcast of violent video programming be limited to hours when children are not reasonably likely to comprise a substantial portion of the audience)

Mr. HOLLINGS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS], for himself, Mr. DORGAN, Mr. KOHL, Mr. INOUYE, and Mr. BYRD, proposes an amendment numbered 328.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

TITLE —CHILDREN'S PROTECTION FROM VIOLENT TELEVISION PROGRAMMING

SEC. —01. SHORT TITLE.

This title may be cited as the "Children's Protection from Violent Programming Act".

SEC. —02. FINDINGS.

The Congress makes the following findings:

(1) Television influences the perception children have of the values and behavior that are common and acceptable in society.

(2) Broadcast television, cable television, and video programming are—

(A) pervasive presences in the lives of all American children; and

(B) readily accessible to all American children.

(3) Violent video programming influences children, as does indecent programming.

(4) There is empirical evidence that children exposed to violent video programming at a young age have a higher tendency to engage in violent and aggressive behavior later in life than those children not so exposed.

(5) Children exposed to violent video programming are prone to assume that acts of violence are acceptable behavior and therefore to imitate such behavior.

(6) Children exposed to violent video programming have an increased fear of becoming a victim of violence, resulting in increased self-protective behaviors and increased mistrust of others.

(7) There is a compelling governmental interest in limiting the negative influences of violent video programming on children.

(8) There is a compelling governmental interest in channeling programming with violent content to periods of the day when children are not likely to comprise a substantial portion of the television audience.

(9) Because some programming that is readily accessible to minors remains unrated and therefore cannot be blocked solely on the basis of its violent content, restricting the hours when violent video programming is shown is the least restrictive and most narrowly tailored means to achieve a compelling governmental interest.

(10) Warning labels about the violent content of video programming will not in themselves prevent children from watching violent video programming.

(11) Although many programs are now subject to both age-based and content-based ratings, some broadcast and non-premium cable programs remain unrated with respect to the content of their programming.

(12) Technology-based solutions may be helpful in protecting some children, but may not be effective in achieving the compelling governmental interest in protecting all children from violent programming when parents are only able to block programming that has in fact been rated for violence.

(13) Technology-based solutions will not be installed in all newly manufactured televisions until January 1, 2000.

(14) Even though technology-based solutions will be readily available, many consumers of video programming will not actually own such technology for several years and therefore will be unable to take advantage of content based ratings to prevent their children from watching violent programming.

(15) In light of the fact that some programming remains unrated for content, and given that many consumers will not have blocking technology in the near future, the channeling of violent programming is the least restrictive means to limit the exposure of children to the harmful influences of violent programming.

(16) Restricting the hours when violent programming can be shown protects the interests of children whose parents are unavailable, are unable to supervise their children's viewing behavior, do not have the benefit of technology-based solutions, are unable to afford the costs of technology-based solution, or are unable to determine the content of those shows that are only subject to age-based ratings.

SEC. —03. UNLAWFUL DISTRIBUTION OF VIOLENT VIDEO PROGRAMMING.

Title VII of the Communications Act of 1934 (47 U.S.C. 701 et seq.) is amended by adding at the end the following:

"SEC. 715. UNLAWFUL DISTRIBUTION OF VIOLENT VIDEO PROGRAMMING.

"(a) UNLAWFUL DISTRIBUTION.—It shall be unlawful for any person to distribute any violent video programming to the public during hours when children are reasonably likely to comprise a substantial portion of the audience.

"(b) RULEMAKING PROCEEDING.—The Commission shall conduct a rulemaking proceeding to implement the provisions of this section and shall promulgate final regulations pursuant to that proceeding not later than 9 months after the date of enactment of the Children's Protection from Violent Programming Act. As part of that proceeding, the Commission—

"(1) may exempt from the prohibition under subsection (a) programming (including news programs and sporting events) whose distribution does not conflict with the objective of protecting children from the negative influences of violent video programming, as that objective is reflected in the findings in section 551(a) of the Telecommunications Act of 1996;

"(2) shall exempt premium and pay-per-view cable programming; and

"(3) shall define the term 'hours when children are reasonably likely to comprise a substantial portion of the audience' and the term violent video programming'.

"(c) ENVORCEMENT.—

"(1) CIVIL PENALTY.—The Commission shall impose a civil penalty of not more than $25,000 on any person who violates this section or any regulation promulgated under it for each such violation. For purposes of this paragraph, each day on which such a violation occurs is a separate violation.

"(2) LICENSE REVOCATION.—If a person repeatedly violates this section or any regulation promulgated under this section, the

Commission shall, after notice and opportunity for hearing, revoke any license issued to that person under this Act.

"(3) LICENSE RENEWALS.—The Commission shall consider, among the elements in its review of an application for renewal of a license under this Act, whether the licensee has complied with this section and the regulations promulgated under this section.

"(d) DISTRIBUTE DEFINED.—In this section, the term 'distribute' means to send, transmit, retransmit, telecast, broadcast, or cablecast, including by wire, microwave, or satellite.".

SEC. —04. SEPARABILITY.

If any provision of this title, or any provision of an amendment made by this title, or the application thereof to particular persons or circumstances, is found to be unconstitutional, the remainder of this title or that amendment, or the application thereof to other persons or circumstances shall not be affected.

SEC. —05. EFFECTIVE DATE.

The prohibition contained in section 715 of the Communications Act of 1934 (as added by section—03 of this title) and the regulations promulgated thereunder shall take effect 1 year after the regulations are adopted by the Commission.

Mr. HOLLINGS. Mr. President, I understand in the debate on this particular amendment I can have a V-chip device. I ask unanimous consent that I may have that on the floor during the debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HOLLINGS. As I understand it from the managers of the bill, on the 3-hour agreement, we are to be allocated 1½ hours per side, with me introducing the particular amendment tonight and using a half hour. I ask the Chair to call my hand at 15 minutes, because I have divided that time with the Senator from North Dakota, Senator DORGAN.

The PRESIDING OFFICER. The Senator will be so informed.

Mr. HOLLINGS. I appreciate that very much.

Mr. President, this is a historic moment for this Senator and the Senate in that I hearken back to 1969, 30 years ago, when the senior Senator from Rhode Island, Senator Pastore, raised the question of violence on television and the deleterious effect it had on children and their particular conduct. After much wrangling and debate, it was forestalled for what? A Surgeon General's report. Mind you me, this is 30 years ago. I say "historic" because the stonewalling has been going on for 30 years.

Mr. President, I refer to the Sunday program of "Meet the Press" when my distinguished friend, Mr. Jack Valenti of the Motion Pictures Association, was being interviewed by Tim Russert.

I refer exactly to Mr. Russert's question:

> Do you believe that movies can create a sense of violence in people and force them to imitate or copy what they see on the screen, particularly children?

In response, Mr. Valenti said:

> The answer is I don't know. This is why I've supported Senator Joe Lieberman's call for the surgeon general to do an in-depth analysis to find out the "why" of violence.

Thereupon, of course, my distinguished friend, Mr. Valenti, went into his dog and pony show of the church, the home, and the school.

Now, there it is, Mr. President. For 30 years, we have been trying to get a measure of this kind up, and it was reported out with only one dissenting vote from the Commerce Committee in the congressional session before last, and again with only one dissenting vote, in a bipartisan fashion, in the last Congress. But we couldn't get it up because they have been very clever about their opposition, their stonewalling, their put-off.

Right to the point, Mr. President, we have done everything possible to show that this particular amendment would pass constitutional muster with all the hearings. There have been some 18 sets of hearings in the Commerce Committee over the 30-year period, with the support of the Parent-Teacher Association, the American Medical Association, the American Psychological Association, and different other ones, according to this kind of action, with the industry putting in its report, with the cable television people sponsoring it, and finding the same conclusion in here just last year—and with, of all things, the put-off that we had under the leadership of Senator Paul Simon of Illinois. He said the industry ought to be able to get together. But they couldn't on account of the antitrust laws. He wanted to lapse those antitrust laws for a period of time so they could get together and form a code of conduct.

They issued that code of conduct. Of all things, Mr. President, they have been ever since in violation of it.

But I want to refer to the bill itself, and exactly what it does in the sense of having a precedent set, and the idea of TV indecency. We had indecency on TV. It was bothersome to all of the colleagues on both sides of the aisle. We passed a law that the FCC should determine indecency and call the stations' hands if they saw that being violated. Obviously, that thing was taken up immediately under the First Amendment of the Constitution and in the Supreme Court. They found it constitutional.

Incidentally, in the hearings that we had back a few years ago, we had none other than Attorney General Reno attest to the fact that this particular amendment that I now submit would pass constitutional muster. The amendment prohibits the distribution of violent video programming during the hours when children are reasonably likely to comprise a substantial portion of the audience.

That is tried and true. We know in the United Kingdom, France, Belgium, countries in Europe, and down under in Australia, that they have had this safe harbor during a period of time, say, from 9 in the morning until 9 in the evening. I think under the indecency one, it is from 6 in the morning until 10 in the evening. But it is to be determined by the Federal Communications Commission.

Under that safe harbor, they are not shooting each other in the schools in Europe. They are not shooting each other in the schools in Australia. It is tried and true. It has been working. And the issue has been taken up to the highest court and found constitutional.

The FCC is required to define "violent programming" and determine the appropriate timeframe for the safe harbor.

The bill permits the FCC to exempt news and sports programming from the safe harbor, as well as premium and pay-per-view cable programming.

Incidentally, the emphasis is on gratuitous—excessive, gratuitous violence.

Obviously, with the Civil War series, with "Saving Private Ryan," they are going to require a showing of violence for the authenticity of the film itself. That is not what we are really concerned with. Those are educational, and everyone should know about them, including children. But we are talking about gratuitous violence not being necessary, and even excessive gratuitous violence.

We have legislated in the matter of public interest, after hearings in all of these committees. We have the most restrictive application under the decisions of the Court with respect to the FCC making its findings. Violators of the prohibition would be fined up to $25,000 for each violation on each day on which a violation occurs. The FCC would revoke the licenses of repeat violators of this prohibition. In considering license renewals, the FCC would consider a licensee's record of compliance with the legislation.

Why, Mr. President, the big objection?

We go back. I counsel my friend, Mr. Valenti, to get the three-volume set of "The History of Broadcasting of the United States," the Oxford Press.

I will turn to that first chapter talking about, in 1953, where we had the film "Man Against Crime." I read from page 23, a quote that the writers received for this plot instruction. I think it is very, very important that everybody pay attention to this one. I quote:

> It has been found that we retain audience interest best when our story is concerned with murder. Therefore, although other crimes may be introduced, somebody must be murdered, preferably early, with the threat of more violence to come.

Could there be any better evidence than their writing of their own history of broadcasting to say: Look, the issue here is money. As long as it is going to be supported and, more so, supported with violence, then more money is made. And let's get up to the Congress.

I sort of became amused about these term limitations. We have up here. I am in my 33rd year. We are finally getting the measure that Senator Pastore had in mind when he was put off with the Surgeon General study, which was formulated finally in 1972.

Mr. President, I ask unanimous consent to have printed in the RECORD the summary of that Surgeon General report.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TELEVISION AND GROWING UP: THE IMPACT OF TELEVISION VIOLENCE

SUMMARY OF REPORT TO THE SURGEON GENERAL, U.S. PUBLIC HEALTH SERVICE FROM THE U.S. SURGEON GENERAL'S SCIENTIFIC ADVISORY COMMITTEE ON TELEVISION AND SOCIAL BEHAVIOR, 1972

The work of this committee was initiated by a request from Senator John O. Pastore to Health, Education, and Welfare Secretary Robert H. Finch in which Senator Pastore said:

"I am exceedingly troubled by the lack of any definitive information which would help resolve the question of whether there is a causal connection between televised crime and violence and antisocial behavior by individuals, especially children. . . . I am respectfully requesting that you direct the Surgeon General to appoint a committee comprised of distinguished men and women from whatever professions and disciplines deemed appropriate to devise techniques and to conduct a study under this supervision using those techniques which will establish scientifically insofar as possible what harmful effects, if any, these programs have on children."

* * * * *

Effects on aggressiveness: Evidence from experiments

Experiments have the advantage of allowing causal inference because various influences can be controlled so that the effects, if any, of one or more variables can be assessed. To varying degrees, depending on design and procedures, they have the disadvantages of artificiality and constricted time span. The generalizability of results to everyday life is a question often not easily resolvable.

Experiments concerned with the effects of violence or aggressiveness portrayed on film or television have focused principally on two different kinds of effects: *imitation* and *instigation*. Imitation occurs when what is seen is mimicked or copied. Instigation occurs when what is seen is followed by increased aggressiveness.

Imitation: One way in which a child may learn a new behavior is through observation and imitation. Some 20 published experiments document that children are capable of imitating filmed aggression shown on a movie or television screen. Capacity to imitate, however, does not imply performance. Whether or not what is observed actually will be imitated depends on a variety of situational and personal factors.

No research in this program was concerned with imitation, because the fact that aggressive or violent behavior presented on film or television can be imitated by children is already thoroughly documented.

Instigation. Some 30 published experiments have been widely interpreted as indicating that the viewing of violence on film or television by children or adults increases the likelihood of aggressive behavior. This interpretation has also been widely challenged, principally on the ground that results cannot be generalized beyond the experimental situation. Critics hold that in the experimental situation socially inhibiting factors, such as the influence of social norms and the risk of disapproval or retaliation, are absent, and that the behavior after viewing, through labeled "aggressive," is so unlike what is generally understood by the term as to raise serious questions about the applicability of these laboratory findings to real-life behavior.

The research conducted in this program attempted to provide more precise and extensive evidence on the capacity of televised violence to instigate aggressive behavior in children. The studies variously involve whole television programs, rather than brief excerpts; the possibility of making constructive or helping, as well as aggressive, responses after viewing; and the measurement of effects in the real-life environment of a nursery school. Taken as a group, they represent an effort to take into account more of the circumstances that pertain in real life, and for that reason they have considerable cogency.

In sum. The experimental studies bearing on the effects of aggressive television entertainment content on children support certain conclusions. First, violence depicted on television can immediately or shortly thereafter induce mimicking or copying by children. Second, under certain circumstances television violence can instigate an increase in aggressive acts. The accumulated evidence, however, does not warrant the conclusion that televised violence has a uniformly adverse effect nor the conclusion that it has an adverse effect on the majority of children. It cannot even be said that the majority of the children in the various studies we have reviewed showed an increase in aggressive behavior in response to the violent fare to which they were exposed. The evidence does indicate that televised violence may lead to increased aggressive behavior in certain subgroups of children, who might constitute a small portion or a substantial proportion of the total population of young television viewers. We cannot estimate the size of the fraction, however, since the available evidence does not come from cross-section samples of the entire American population of children.

The experimental studies we have reviewed tell us something about the characteristics of those children who are most likely to display an increase in aggressive behavior after exposure to televised violence. There is evidence that among young children (ages four to six) those most responsive to television violence are those who are highly aggressive to start with—who are prone to engage in spontaneous aggressive actions against their playmates and, in the case of boys, who display pleasure in viewing violence being inflicted upon others. The very young have difficulty comprehending the contextual setting in which violent acts are depicted and do not grasp the meaning of cues or labels concerning the make-believe character of violence episodes in fictional programs. For older children, one study has found that labeling violence on a television program as make-believe rather than as real reduces the incidence of induced aggressive behavior. Contextual cues to the motivation of the aggressor and to the consequences of acts of violence might also modify the impact of televised violence, but evidence on this topic is inconsistent.

Since a considerable number of experimental studies on the effects of televised violence have now been carried out, it seems improbable that the next generation of studies will bring many great surprises, particularly with regard to broad generalizations not supported by the evidence currently at hand. It does not seem worthwhile to continue to carry out studies designed primarily to test the broad generalization that most or all children react to televised violence in a uniform way. The lack of uniformity in the extensive data now at hand is much too impressive to warrant the expectation that better measures of aggression or other methodological refinements will suddenly allow us to see a uniform effect.

Effects on aggressiveness: Survey evidence

A number of surveys have inquired into the violence viewing of young people and their tendencies toward aggressive behavior. Measures of *exposure* to television violence included time spent viewing, preference for violent programming, and amount of viewing of violent programs. Measures of *aggressive tendencies* variously involved self and others' reports of actual behavior, projected behavior, and attitudes. The behavior involved varied from acts generally regarded as heinous (e.g., arson) to acts which many would applaud (e.g., hitting a man who is attacking a woman).

All of the studies inquired into the relationship between exposure to television violence and aggressive tendencies. Most of the relationships observed were positive, but most were also of low magnitude, ranging from null relationships to correlation coefficients of about .20. A few of the observed correlation coefficients, however, reached .30 or just above.

On the basis of these findings, and taking into account their variety and their inconsistencies, we can tentatively conclude that there is a modest relationship between exposure to television violence and aggressive behavior or tendencies, as the latter are defined in the studies at hand. Two questions which follow are: (1) what is indicated by a correlation coefficient of about .30, and (2) since correlation is not in itself a demonstration of causation, what can be deducted from the data regarding causation?

Correlation coefficients of "middle range," like .30, may result from various sorts of relationships, which in turn may or may not be manifested among the majority of the individuals studied. While the magnitude of such a correlation is not particularly high, it betokens a relationship which merits further inquiry.

Correlation indicates that two variables—in this case violence viewing and aggressive tendencies—are *related* to each other. It does not indicate which of the two, if either, is the cause and which the effect. In this instance the correlation could manifest any of three causal sequences:

—That violence viewing leads to aggression;
—That aggression leads to violence viewing;
—That both violence viewing and aggression are products of a third condition or set of conditions.

The data from these studies are in various ways consonant with both the first and the third of these interpretations, but do not conclusively support either of the two.

* * * * *

General implications

The best predictor of later aggressive tendencies in some studies is the existence of earlier aggressive tendencies, whose origins may lie in family and other environmental influences. Patterns of communication within the family and patterns of punishment of young children seem to relate in ways that are as yet poorly understood both to television viewing and to aggressive behavior. The possible role of mass media in very early acquisition of aggressive tendencies remains unknown. Future research should concentrate on the impact of media material on very young children.

As we have noted, the data, while not wholly consistent or conclusive, do indicate that a modest relationship exists between the viewing of violence and aggressive behavior. The correlational evidence from surveys is amenable to either of two interpretations: that the viewing of violence causes the aggressive behavior, or that both the viewing and the aggression are joint products of some other common source. Several findings of survey studies can be cited to sustain the hypothesis that viewing of violent television has a causal relation to aggressive behavior, though neither individually nor collectively are the findings conclusive. They could also be explained by operation of a "third variable" related to preexisting conditions.

The experimental studies provide some additional evidence bearing on this issue. Those studies contain indications that, under certain limited conditions, television viewing may lead to an increase in aggressive behavior. The evidence is clearest in highly controlled laboratory studies and considerably weaker in studies conducted under more natural conditions. Although some questions have been raised as to whether the behavior observed in the laboratory studies can be called "aggressive" in the consensual sense of the term, the studies point to two mechanisms by which children might be led from watching television to aggressive behavior: the mechanism of imitation, which is well established as part of the behavioral repertoire of children in general; and the mechanism of incitement, which may apply only to those children who are predisposed to be susceptible to this influence. There is some evidence that incitement may follow nonviolent as well as violent materials, and that this incitement may lead to either prosocial or aggressive behavior, as determined by the opportunities offered in the experiment. However, the fact that some children behave more aggressive in experiments after seeing violent films is well established.

The experimental evidence does not suffer from the ambiguities that characterize the correlational data with regard to third variables, since children in the experiments are assigned in ways that attempt to control such variables. The experimental findings are weak in various other ways and not wholly consistent with one study to another. Nevertheless, they provide suggestive evidence in favor of the interpretation that viewing violence on television is conducive to an increase in aggressive behavior, although it must be emphasized that the causal sequence is very likely applicable only to some children who are predisposed in this direction.

Thus, there is a convergence of the fairly substantial experimental evidence for short-run causation of aggression among some children by viewing violence on the screen and the much less certain evidence from field studies that extensive violence viewing precedes some long-run manifestations of aggressive behavior. This convergence of the two types of evidence constitutes some preliminary indication of a causal relationship, but a good deal of research remains to be done before one can have confidence in these conclusions.

The field studies, correlating different behavior among adolescents, and the laboratory studies of the responses by younger children to violent films converge also on a number of further points.

First, there is evidence that any sequence by which viewing television violence cause aggressive behavior is most likely applicable only to some children who are predisposed in that direction. While imitative behavior is shown by most children in experiments on that mechanism of behavior, the mechanism of being incited to aggressive behavior by seeing violent films shows up in the behavior only of some children who were found in several experimental studies to be previously high in aggression. Likewise, the correlations found in the field studies between extensive viewing of violent material and acting in aggressive ways seem generally to depend on the behavior of a small proportion of the respondents who were identified in some studies as previously high in aggression.

Second, there are suggestions in both sets of studies that the way children respond to violent film material is affected by the context in which it is presented. Such elements as parental explanations, the favorable or unfavorable outcome of the violence, and whether it is seen as fantasy or reality may make a difference. Generalizations about all violent content are likely to be misleading.

Thus, the two sets of findings converge in three respects: a preliminary and tentative indication of a causal relation between viewing violence on television and aggressive behavior; an indication that any such causal relation operates only on some children (who are predisposed to be aggressive); and an indication that it operates only in some environmental contexts. Such tentative and limited conclusions are not very satisfying. They represent substantially more knowledge than we had two years ago, but they leave many questions unanswered.

Some of the areas on which future research should concentrate include: (1) Television's effects in the context of the effects of other mass media. (2) The effects of mass media in the context of individual developmental history and the totality of environmental influences, particularly that of the home environment. In regard to the relationship between televised violence and aggression, specific topics in need of further attention include: predispositional characteristics of individuals; age differences; effects of labeling, contextual cues, and other program factors; and longitudinal influences of television. (3) The functional and dysfunctional aspects of aggressive behavior in successfully adapting to life's demands. (4) The modeling and imitation of prosocial behavior. (5) The role of environmental factors, including the mass media, in the teaching and learning of values about violence, and the effects of such learning. (6) The symbolic meanings of violent content in mass media fiction, and the function in our social life of such content.

Mr. HOLLINGS. Mr. President, a reading of that report will show a definite causal connection between TV violence and aggressive behavior on the part of children. Time and time again it was shown.

But let me go to the next put-off that we had with my good friend, Senator Paul Simon.

I knew they had somebody to stop me here in the early 1990s.

He got his measure passed. So we couldn't get our bill up for a vote. We had then a finding of standards for the "Depiction of Violence in Television Programming" issued by ABC, CBS, and NBC in December 1992.

Mr. President, I ask unanimous consent to have this printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

APPENDIX B. STANDARDS FOR THE DEPICTION OF VIOLENCE IN TELEVISION PROGRAMS

(Issued by ABC, CBS, and NBC—December 1992)

PREFACE

The following standards for the Depiction of Violence in Television Programs are issued jointly by ABC, CBS, and NBC Television Networks under the Antitrust Exemption granted by the Television Violence Act of 1990.

Each network has long been committed to presenting television viewers with a broad spectrum of entertainment and information programming. Each Network maintains its own extensive published broadcast standards governing acceptability of both program (including on-air promotion) and commercial materials.

These new joint standards are consistent with each of the Network's long-standing preexisting policies on violence. At the same time they set forth in a more detailed and explanatory manner to reflect the experience gained under the preexisting policies. While adopting and subscribing to these joint Standards, each Network will continue the tradition of individual review of material, which will necessitate independent judgments on a program-by-program basis.

The standards are not intended to inhibit the work of producers, directors, writers, or to impede the creative process. They are intended to proscribe gratuitous or excessive portrayals of violence.

In principle, each of the ABC, CBS, and NBC Television Networks is committed to presenting programs which portray the human condition, which may include the depiction of violence as a component. The following Standards for the Depiction of Violence in Television Programs will provide the framework within which the acceptability of content will be determined by each Network in the exercise of its own judgment.

STANDARDS FOR DEPICTION OF VIOLENCE IN TELEVISION PROGRAMS

These written standards cannot cover every situation and must, therefore, be worded broadly. Moreover, the Standards must be considered against the creative context, character and tone of each individual program. Each scene should be evaluated on its own merits with due consideration for its creative integrity.

(1) Conflict and strife are the essence of drama and conflict often results in physical or psychological violence. However, all depictions of violence should be relevant and necessary to the development of character, or to the advancement of theme or plot.

(2) Gratuitous or excessive depictions of violence (or redundant violence shown solely for its own sake), are not acceptable.

(3) Programs should not depict violence as glamorous, nor as an acceptable solution to human conflict.

(4) Depictions of violence may not be used to shock or stimulate the audience.

> (5) Scenes showing excessive gore, pain, or physical suffering are not acceptable.
>
> (6) The intensity and frequency of the use of force and other factors relating to the manner of its portrayal should be measured under a standard of reasonableness so that the program, on the whole, is appropriate for a home viewing medium.
>
> (7) Scenes which may be instructive in nature, e.g., which depict in an imitable manner, the use of harmful devices or weapons, describe readily usable techniques for the commission of crimes, or show replicable methods for the evasion of detection or apprehension, should be avoided. Similarly, ingenious, unique, or otherwise unfamiliar methods of inflicting pain or injury are unacceptable if easily capable of imitation.
>
> (8) Realistic depictions of violence should also portray, in human terms, the consequences of that violence to its victims and its perpetrators. Callousness or indifference to suffering experienced by victims of violence should be avoided.
>
> (9) Exceptional care must be taken in stories or scenes where children are victims of, or are threatened by acts of violence (physical, psychological or verbal).
>
> (10) The portrayal of dangerous behavior which would invite imitation by children, including portrayals of the use of weapons or implements readily accessible to this impressionable group, should be avoided.
>
> (11) Realistic portrayals of violence as well as scenes, images or events which are unduly frightening or distressing to children should not be included in any program specifically designed for that audience.
>
> (12) The use of real animals shall conform to accepted standards of humane treatment. Fictionalized portrayals of abusive treatment should be strictly limited to the legitimate requirements of plot development.
>
> (13) Extreme caution must be exercised in any themes, plots, or scenes which mix sex and violence. Rape and other sexual assaults are violent, not erotic, behavior.
>
> (14) The scheduling of any program, commercial or promotional material, including those containing violent depictions, should take into consideration the nature of the program, its content and the likely composition of the intended audience.
>
> (15) Certain exceptions to the foregoing may be acceptable, as in the presentation of material whose overall theme is clearly and unambiguously anti-violent.

Mr. HOLLINGS. I thank the Chair.

I will read just one sentence, being limited in time here.

> All depictions of violence should be relevant and necessary to the development of character or to the advancement of theme or plot.

Mr. President, that is exactly what we have in the law. We have the opponents agreeing to this particular amendment. Of course not. They will have Members move to table the amendment.

I am trying to plead for favorable consideration. All we are doing is what the industry—ABC, CBS, NBC—issued to themselves in their own code of conduct.

I read:

> Gratuitous or excessive depictions of violence are not acceptable.

Exactly what we are saying in this amendment.

Again I read:

> Programs should not depict violence as glamorous.

That is exactly what we found last year in the National Television Violence Study. This study is too voluminous to print in the RECORD. It is what they found in the cable TV-sponsored study with the most outstanding authorities imaginable conducting this study. Various campuses were represented, as I recall. Included were the Society for Adolescent Medicine, the National Cable Television Association, the American Psychiatric Association, Producers Guild of America, American Sociological Association, the Caucus for Producers and Writers, the American Bar Association. They say it is too glamorous.

I ask unanimous consent to have those names in support printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

NATIONAL TELEVISION VIOLENCE STUDY COUNCIL MEMBERS

Trina Menden Anglin, M.D., Ph.D, Society of Adolescent Medicine.

Decker Anstrom (Ex Officio), National Cable Television Association.

Char Beales, Cable and Telecommunications: A Marketing Society.

Darlene Chavez, National Education Association.

Belva Davis, American Federation of Television and Radio Artists.

Carl Feinstein, M.D., American Psychiatric Association.

Charles B. Fitzsimons, Producers Guild of America.

Carl Gottlieb, Writers Guild of America, West.

Felice Levine, Ph.D., American Sociological Association.

Ann Marcus, Caucus for Producers, Writers and Directors.

Virginia Markell, National Parent Teacher Association.

Robert McAfee, M.D., American Medical Association.

E. Michael McCann, American Bar Association.

Gene Reynolds, Directors Guild of America.

Donald F. Roberts, Ph.D., International Communication Association.

Don Shifrin, M.D., American Academy of Pediatrics.

Barbara C. Staggers, M.D., M.P.H., National Children's Hospital Association.

Brian L. Wilcox, Ph.D., American Psychological Association.

Roughly three-quarters of all violent scenes showed no remorse or penalty for violence.

These are the things, excessive gratuitous violence, that the industry agrees with in their code, but they continue to violate.

That is why I say this is a historic moment, to get a measure that the best of minds have said is what is needed. Otherwise, the industry associates—writers, producers and everyone else—follow exactly what they found in the history of broadcasting in the 1950s, 40-some years ago, that violence pays.

I retain the remainder of our time, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. I thank the Senator from South Carolina for raising a number of important issues concerning the quality of TV programming and other programming.

I remember very distinctly a number of years ago I was watching when the Pope came to California and in Hollywood met with top executives. He met with them, encouraged them, and urged them to do a better job, and to start to clean up some of the things being shown on television.

When the program was over, they came out to the TV cameras. They interviewed each one of these executives and asked what happened, and what they thought. They said the Pope had made a number of very important suggestions that deserved great consideration and they thought they could make some progress toward his goals.

Charlton Heston came out. They asked: Mr. Heston, what do you think? Mr. Heston, do you think things will get better? Mr. Heston said: If the Lord himself were speaking to them, they wouldn't change. The only thing they are looking at is the rating.

Since then, things have continued to get worse. I have always remembered that. I think it is fair to say that violence apparently pays. They are looking for ratings and money. It does leave us with a difficult question of what we can do to make this a healthier society, a society that is better for raising children.

MORNING BUSINESS

Mr. SESSIONS. Mr. President, I ask unanimous consent the Senate now proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

NATO'S MISTAKEN BOMBING OF THE CHINESE EMBASSY IN BELGRADE

Mr. McCAIN. Mr. President, all Americans were disturbed and very sorry about NATO's mistaken bombing of the Chinese embassy in Belgrade. The President has apologized to the Chinese people, and it was, of course, appropriate for him to do so. I think it is also right that those responsible for this tragic error are held accountable for their mistake. I know that neither apologies nor other responses will alleviate the suffering of those who lost loved ones in the bombing. But America does sincerely regret what happened, and as inadequate as that might be to a grieving parent or spouse or friend, it will have to be enough for the Government of China.

It is outrageous that Beijing would claim, suggest or even hint to the Chinese people that the bombing was intentional. It was a mistake and the leaders of China know that. They do us and themselves a great disservice by pretending otherwise. States that aspire to be great powers should not indulge paranoid delusions as a means of motivating their people. The political consequences are seldom predictable or as easy to manage as they might have anticipated.

America and China have a complex, important, and very consequential relationship that will, in large part, shape the history of the next century. That relationship should not be jeopardized as cavalierly as Beijing has allowed it to be jeopardized over these last few days.

China must cease immediately fueling anti-Americanism and tolerating the attacks it engendered on our embassy and on Americans in China. China should cease immediately its calumnies against the United States. America is a just power, and the greatest force for good on Earth. A very regrettable accident does not change that historical fact, and Beijing knows it. Finally, China should cease immediately to threaten the other elements of our relationship, be they human rights discussions, anti-proliferation cooperation or trade agreements. A sound bilateral relationship is a vital interest for both of us, and, indeed, for the world. Both countries' leaders must conduct themselves with that priority in mind at all times.

China should accept our apology confident that it is sincere, and begin to play a constructive role in helping to persuade Milosevic that he must accede to the just demands of humanity, and the, I hope, nonnegotiable demands of NATO.

Terrible things happen in war. People often make bad mistakes in the fog of battle. That is why decent people try to avoid resolving their differences by force of arms. But that is not always possible. The enemy of peace and justice in the Balkans, Milosevic and his regime, are not decent people. They are the cause of this war, and, thus, are ultimately responsible for the tragedy that occurred last week, and the suffering of the people of Serbia. Furthermore, the calamity that Serbia is now experiencing, as awful as it is, in no way approximates the scale of the horror that has been visited on the Kosovars. Let us be clear about that, Mr. President. Should Mr. Milosevic observe the most basic standards of human decency no bombs would fall anywhere in the Balkans.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, May 11, 1999, the federal debt stood at $5,575,359,326,029.03 (Five trillion, five hundred seventy-five billion, three hundred fifty-nine million, three hundred twenty-six thousand, twenty-nine dollars and three cents).

One year ago, May 11, 1998, the federal debt stood at $5,487,765,000,000 (Five trillion, four hundred eighty-seven billion, seven hundred sixty-five million).

Five years ago, May 11, 1994, the federal debt stood at $4,575,659,000,000 (Four trillion, five hundred seventy-five billion, six hundred fifty-nine million).

Ten years ago, May 11, 1989, the federal debt stood at $2,765,542,000,000 (Two trillion, seven hundred sixty-five billion, five hundred forty-two million).

Fifteen years ago, May 11, 1984, the federal debt stood at $1,480,589,000,000 (One trillion, four hundred eighty billion, five hundred eighty-nine million) which reflects a debt increase of more than $4 trillion—$4,094,770,326,029.03 (Four trillion, ninety-four billion, seven hundred seventy million, three hundred twenty-six thousand, twenty-nine dollars and three cents) during the past 15 years.

THE GREAT APE CONSERVATION ACT OF 1999

Mr. JEFFORDS. Mr. President, yesterday I introduced a bill to assist in the preservation of the great apes. The bill, the "Great Ape Conservation Act of 1999", is modeled after the highly successful African and Asian Elephant Conservation Acts, and the Rhinoceros and Tiger Conservation Act. It will authorize up to $5 million per year to fund various projects to aid in the preservation of the endangered great apes.

Great ape populations currently face many threats, including habitat loss, population fragmentation, live capture, and hunting for the bushmeat trade. Of all these threats, the danger posed by the increasing bushmeat trade is the most severe. This trade is being facilitated by the construction of inroads to logging areas, which allows once remote forests to be linked directly with urban markets.

Chimpanzees, gorillas, and bonobos, once hunted sustainably, now face population destruction due to increased illegal trade, powerful weapons, and high market prices. This consumption of ape meat not only threatens ape populations, but poses severe health risks to humans. Human contraction of many viruses, including the Human Immunodeficiency Virus (HIV) has been linked to the slaughter and consumption of apes. With the loss of ape populations, comes the loss of critical medical knowledge that can be obtained through simple, noninvasive research on wild populations. Some estimates suggest that several thousand apes are killed every year across West and Central Africa, a level that is unsustainable and means the certain destruction of viable populations in the very near future.

If we do not act now, not only will great apes face extinction, but the ecosystems that depend on their contributions will suffer. I urge my colleagues to join me in supporting legislation that can provide funding to the local farming, education and enforcement projects that can have the greatest positive impact. This small, but critical investment of U.S. taxpayer money, matched with private funds, could secure the future of these extraordinary animals.

CORRECTION TO THE RECORD

VIOLENT AND REPEAT JUVENILE OFFENDER ACCOUNTABILITY AND REHABILITATION ACT OF 1999

The text of amendments Nos. 326 and 328 did not appear in the Record of May 11, 1999. The permanent Record will be corrected to reflect the proper order. The text of the amendments follow:

REED AMENDMENT NO. 326

(Ordered to lie on the table.)

Mr. REED submitted an amendment intended to be proposed by him to the bill (S. 254) to reduce violent juvenile crime, promote accountability by rehabilitation of juvenile criminals, punish and deter violent gang crime, and for other purposes; as follows:

On page 265, below line 20, add the following:

SEC. 402. APPLICABILITY OF CONSUMER PRODUCT SAFETY ACT TO FIREARMS AND AMMUNITION.

(a) Findings.—Congress makes the following findings:

(1) Firearms are one of the few consumer products not subject to consumer product safety regulations.

(2) There are currently no quality and safety standards in place for domestically manufactured firearms. In contrast, minimal quality and safety standards have been applied to imported firearms since passage of the Gun Control Act of 1968.

(3) As a result, firearms made in the United States often lack even the most basic safety features designed to prevent unintentional shooting by children. Such features include cylinder locks, trigger locks, magazine disconnect safety, manual safety, and increased trigger resistance.

(4) In 1996 alone, 1,134 people were killed in the United States by accidental firearm discharges, including 376 people aged 19 years and under. In addition, 162 children aged 14 years and under committed suicide using a firearm.

(b) Purpose.—The purpose of this section is to reduce the number of unintentional shootings in the United States each year, especially among children, by permitting the

Consumer Product Safety Commission to regulate firearms and ammunition so as to develop uniform safety standards and protect the public against unreasonable risks of injury from firearms and ammunition.

(c) APPLICABILITY OF CONSUMER PRODUCT SAFETY ACT.—Section 3(a)(1) of the Consumer Product Safety Act (15 U.S.C. 2052(a)(1)) is amended by striking subparagraph (E).

HOLLINGS AMENDMENT NO. 328

(Ordered to lie on the table.)

Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill, S. 254, surpa; as follows:

At the appropriate place, insert the following:

TITLE—CHILDREN'S PROTECTION FROM VIOLENT TELEVISION PROGRAMMING

SEC. SHORT TITLE.

This title may be cited as the "Children's Protection from Violent Programming Act".

SEC. FINDINGS.

The Congress makes the following findings:

(1) Television influences the perception children have to the values and behavior that are common and acceptable in society.

(2) Broadcast television, cable television, and video programming are—

(A) pervasive presences in the lives of all American children; and

(B) readily accessible to all American children.

(3) Violent video programming influences children, as does indecent programming.

(4) There is empirical evidence that children exposed to violent video programming at a young are have a higher tendency to engage in violent and aggressive behavior later in life than those children not so exposed.

(5) Children exposed to violent video programming are prone to assume that acts of violence are acceptable behavior and therefore to imitate such behavior.

(6) Children exposed to violent video programming have an increased fear of becoming a victim of violence, resulting in increased self-protective behaviors and increased mistrust of others.

(7) There is a compelling governmental interest in limiting the negative influences of violent video programming on children.

(8) There is a compelling governmental interest in channeling programming with violent content to periods of the day when children are not likely to comprise a substantial portion of the television audience.

(9) Because some programming that is readily accessible to minors remains unrated and therefore cannot be blocked solely on the basis of its violent content, restricting the hours when violent video programming is shown is the least restrictive and most narrowly tailored means to achieve a compelling governmental interest.

(10) Warning labels about the violent content of video programming will not in themselves prevent children from watching violent video programming.

(11) Although many programs are now subject to both age-based and content-based ratings, some broadcast and non-premium cable programs remain unrated with respect to the content of their programming.

(12) Technology-based solutions may be helpful in protecting some children, but may not be effective in achieving the compelling governmental interest in protecting all children from violent programming when parents are only able to block programming that has in fact been rated for violence.

(13) Technology-based solutions will not be installed in all newly manufactured televisions until January 1, 2000.

(14) Even though technology-based solutions will be readily available, many consumers of video programming will not actually own such technology for several years and therefore will be unable to take advantage of content based ratings to prevent their children from watching violent programming.

(15) In light of the fact that some programming remains unrated for content, and given that many consumers will not have blocking technology in the near future, the channeling of violent programming is the least restrictive means to limit the exposure of children to the harmful influences of violent programming.

(16) Restricting the hours when violent programming can be shown protects the interests of children whose parents are unavailable, are unable to supervise their children's viewing behavior, do not have the benefit of technology-based solutions, are unable to afford the costs of technology-based solutions, or are unable to determinate the content of those shows that are only subject to age-based ratings.

SEC. . UNLAWFUL DISTRIBUTION OF VIOLENT VIDEO PROGRAMMING.

Title VII of the Communications Act of 1934 (47 U.S.C. 701 et seq.) is amended by adding at the end the following:

"SEC. 715. UNLAWFUL DISTRIBUTION OF VIOLENT VIDEO PROGRAMMING.

"(a) UNLAWFUL DISTRIBUTION.—It shall be unlawful for any person to distribute any violent video programming to the public during hours when children are reasonably likely to comprise a substantial portion of the audience.

"(b) RULEMAKING PROCEEDING.—The Commission shall conduct a rulemaking proceeding to implement the provisions of this section and shall promulgate final regulations pursuant to that proceeding not later than 9 months after the date of enactment of the Children's Protection from Violent Programming Act. As part of that proceeding, the Commission—

"(1) may exempt from the prohibition under subsection (a) programming (including news programs and sporting events) whose distribution does not conflict with the objective of protecting children from the negative influences of violent video programming, as that objective is reflected in the findings in section 551(a) of the Telecommunications Act of 1996;

"(2) shall exempt premium and pay-per-view cable programming; and

"(3) shall define the term 'hours when children are reasonably likely to comprise a substantial portion of the audience' and the term 'violent video programming'.

"(c) ENFORCEMENT.—

"(1) CIVIL PENALTY.—The Commission shall impose a civil penalty of not more than $25,000 on any person who violates this section or any regulation promulgated under it for each such violation. For purposes of this paragraph, each day on which such a violation occurs is a separate violation.

"(2) LICENSE REVOCATION.—If a person repeatedly violates this section or any regulation promulgated under this section, the Commission shall, after notice and opportunity for hearing, revoke any license issued to that person under this Act.

"(3) LICENSE RENEWALS.—The commission shall consider, among the elements in this review of an application for renewal of a license under this Act, whether the licensee has complied with this section and the regulations promulgated under this section

"(d) DISTRIBUTE DEFINED.—In this section, the term 'distribute' means to send, transmit, retransmit, telecast, broadcast, or cablecast, including by wire, microwave, or satellite.".

SEC. . SEPARABILITY.

If any provision of this title, or any provision of an amendment made by this title, or the application thereof to particular persons or circumstances, is found to be unconstitutional, the remainder of this title or that amendment, or the application thereof to other persons or circumstances shall not be affected.

SEC. . EFFECTIVE DATE.

The prohibition contained in section 715 of the Communications Act of 1934 (as added by section—03 of this title) and the regulations promulgated thereunder shall take effect 1 year after the regulations are adopted by the Commission.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON A REQUEST FOR FUNDS FOR OPERATIONS OF U.S. FORCES IN BOSNIA AND HERZEGOVINA; TO THE COMMITTEE ON ARMED SERVICES—MESSAGE FROM THE PRESIDENT—PM 27

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Armed Services.

To the Congress of the United States:

Section 1203 of the Strom Thurmond National Defense Authorization Act For Fiscal Year 1999, Public Law 105-261 (the Act), requires submission of a report to the Congress whenever the President submits a request for funds for continued operations of U.S. forces in Bosnia and Herzegovina.

In connection with my Administration's request for funds for FY 2000, the attached report fulfills the requirements of section 1203 of the Act.

I want to emphasize again my continued commitment to close consultation with the Congress on political and military matters concerning Bosnia and Herzegovina. I look forward to continuing to work with the Congress in the months ahead as we work to establish a lasting peace in the Balkans.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 12, 1999.*

MESSAGES FROM THE HOUSE

At 2:49 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 209. An act to improve the ability of Federal Agencies to license federally owned inventions.

H.R. 1183. An act to amend the Fastener Quality Act to strengthen the protection against the sale of mismarked, misrepresented, and counterfeit fasteners and eliminate unnecessary requirements, and for other purposes.

H.R. 1550. An act to authorize appropriations for the United States Fire Administration for fiscal years 2000 and 2001, and for other purposes.

ENROLLED BILL SIGNED

At 4:10 p.m., a message from the House of Representatives, delivered by one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 432. An act to designate the North/South Center as the Dante B. Fascell North-South Center.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 1550. An act to authorize appropriations for the United States Fire Administration for fiscal years 2000 and 2001, and for other purposes; to the Committee on Commerce, Science, and Transportation.

The Committee on Energy and Natural Resources was discharged from further consideration of the following measure which was referred to the Committee on Indian Affairs:

S. 28. A bill to authorize an interpretive center and related visitor facilities wihin the Four Corners Monument Tribal Park, and for other purposes.

The Committee on Armed Services was discharged from further consideration of the following measure which was referred to the Committee on the Judiciary:

S. 785. A bill for the relief of Frances Scholchenmaier.

MEASURE PLACED ON THE CALENDAR

The following bill was read the first and second times and placed on the calendar:

H.R. 833. An act to amend title 11 of the United States Code, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated on April 19, 1999:

EC-2607. A communication from the Director of the Administrative Office of the United States Courts, transmitting, a proposed emergency supplemental request for fiscal year 1999; to the Committee on Appropriations.

EC-2608. A communication from the Assistant Secretary of the Interior for Indian Affairs, transmitting, pursuant to law, the report of a rule entitled "Class III Gaming Procedures" (RIN1076-AD87) received on April 6, 1999; to the Committee on Indian Affairs.

EC-2609. A communication from the Chairman of the Federal Election Commission, transmitting, supplemental legislative recommendations for 1999; to the Committee on Rules and Administration.

EC-2610. A communication from the Principal Deputy Assistant Secretary for Congressional Affairs, Department of Veterans' Affairs, transmitting, a draft of proposed legislation entitled "The Department of Veterans' Affairs Employment Reduction Assistance Act of 1999"; to the Committee on Veterans' Affairs.

EC-2611. A communication from the Director of the Federal Judicial Center, transmitting, pursuant to law, the annual report for calendar year 1998; to the Committee on the Judiciary.

EC-2612. A communication from the Director of Government Relations for the Girl Scouts of the U.S.A., transmitting, pursuant to law, the annual report for fiscal year 1998; to the Committee on the Judiciary.

EC-2613. A communication from the Attorney General, transmitting, pursuant to law, the annual accountability report for fiscal year 1998; to the Committee on the Judiciary.

EC-2614. A communication from the Associate Attorney General, Department of Justice, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1998; to the Committee on the Judiciary.

EC-2615. A communication from the Assistant Secretary of State for Legislative Affairs, transmitting, pursuant to law, a report relative to the danger pay allowance for the United Nations Transitional Administration for Eastern Slavonia (UNTAES) in Vukovar, Croatia; to the Committee on Foreign Relations.

EC-2616. A communication from the Assistant Secretary of State for Legislative Affairs, transmitting, pursuant to law, a report relative to the danger pay allowance for Kampala, Uganda; to the Committee on Foreign Relations.

EC-2617. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC-2618. A communication from the Secretary of State, transmitting, pursuant to law, a reorganization plan and report; to the Committee on Foreign Relations.

EC-2619. A communication from the General Counsel of the United States Information Agency, transmitting, pursuant to law, the report of a rule entitled "Cultural Exchange Programs—22 CFR Part 514—Summer Work/Travel" (RIN3116-AA16) received on April 12, 1999; to the Committee on Foreign Relations.

EC-2620. A communication from the General Counsel of the United States Information Agency, transmitting, pursuant to law, the report of a rule entitled "Cultural Exchange Programs—22 CFR Part 514—Short-Term Scholar" (RIN3116-AA15) received on April 6, 1999; to the Committee on Foreign Relations.

EC-2621. A communication from the General Counsel of the United States Information Agency, transmitting, pursuant to law, the report of a rule entitled "Cultural Exchange Programs—22 CFR Part 514—Au Pair Regulations" (RIN3116-AA14) received on April 6, 1999; to the Committee on Foreign Relations.

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated on May 12, 1999:

EC-2980. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, a report of a technical violation of the Antideficiency Act; to the Committee on Appropriations.

EC-2981. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Rev. Rul. 99-22", received April 27, 1999; to the Committee on Finance.

EC-2982. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice 99-21—Weighted Average Interest Rate Update", received April 27, 1999; to the Committee on Finance.

EC-2983. A communication from the Director, Bureau of the Census, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "New Canadian Province Import Code for Territory of Nunavut" (RIN0607-AA32), received May 6, 1999; to the Committee on Finance.

EC-2984. A communication from the Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Cuban Assets Control Regulations: Sale of Food and Agricultural Inputs; Remittances; Educational, Religious and Other Activities; Travel-Related Transactions; U.S. Intellectual Property" (31 CFR Part 515), received May 10, 1999; to the Committee on Finance.

EC-2985. A communication from the Federal Register Certifying Officer, Financial Management Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Rules and Procedures for Funds Transfers" (AA38), received May 4, 1999; to the Committee on Finance.

EC-2986. A communication from the Secretary of Health and Human Services, transmitting a draft of proposed legislation entitled "Pediatric Asthma Demonstration Act of 1999"; to the Committee On Finance.

EC-2987. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting drafts of proposed changes to the Foreign Assistance Act of 1962 and the Arms Export Control Act; to the Committee on Foreign Relations.

EC-2988. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report of a proposed export license relative to Italy; to the Committee on Foreign Relations.

EC-2989. A communication from the Secretary of Defense, transmitting the reports of retirements; to the Committee on Armed Services.

EC-2990. A communication from the Director, Office of the Secretary of Defense, transmitting a report relative to acquisition and cross-servicing agreements with countries that are not part of the North Atlantic Treaty Organization or its subsidiary bodies; to the Committee on Armed Services.

EC-2991. A communication from the Assistant Secretary of Defense, transmitting, pursuant to law, the report of a plan for the redesign of the military pharmacy system; to the Committee on Armed Services.

EC-2992. A communication from the General Counsel, Department of Defense, transmitting a draft of proposed legislation relative to various management concerns regarding security cooperation programs; to the Committee on Armed Services.

EC-2993. A communication from the Under Secretary, Export Administration, Department of Commerce, transmitting, pursuant to law, a report of the imposition on Serbia of certain foreign policy-based export controls; to the Committee on Banking, Housing, and Urban Affairs.

EC-2994. A communication from the Assistant Secretary, Bureau of Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Exports To Serbia" (RIN0694-AB69), received May 4, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC-2995. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the annual report of the Exchange Stabilization Fund for fiscal year 1998; to the Committee on Banking, Housing and Urban Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

PO-111. A resolution adopted by the Legislature of the State of Nebraska; to the Committee on Energy and Natural Resources.

Legislative Resolution 69

Whereas, until 1993, the federal Natural Gas Policy Act of 1978 established the maximum lawful price that a natural gas producer could charge its pipeline customers for natural gas, providing under section 110 of the act that the producer could adjust the maximum price upward in order to recover from pipeline customers any state severance tax payments made by the producer; and

Whereas, in 1988, in the case of *Colorado Interstate Gas Co.* v. *the Federal Energy Regulatory Commission*, 850 F. 2d 769, the United States Court of Appeals for the District of Columbia Circuit ruled that the ad valorem tax levied by the State of Kansas was not a severance tax within the meaning of section 110 of the Natural Gas Policy Act and ordered natural gas producers to refund that portion of the payments received from the pipelines attributable to the cost of the Kansas ad valorem taxes paid plus interest; and

Whereas, upon remand of the matter to the Federal Energy Regulatory Commission, the commission ordered the refunds to be made on that portion of all purchases which had included Kansas ad valorem taxes which were charged after June 28, 1988, the date of the Appeals Court ruling in the *Colorado Interstate Gas Co.* case; and

Whereas, in 1996, in the case of *Public Service Company of Colorado* v. *the Federal Energy Regulatory Commission*, 91 F. 3d 1478, the United States Court of Appeals for the District of Columbia overruled the commission, holding that the refunds should commence from October 1983, when notice was filed in the Federal Register of the petition before the commission challenging the propriety of including the Kansas ad valorem taxes in the price charged for natural gas produced in Kansas; and

Whereas, as of November 1997, the consumers of natural gas in twenty-three states were entitled, pursuant to this ruling and the subsequent order of the Federal Energy Regulatory Commission, to refunds and accrued interest from natural gas producers for the period of October 1983 through June 1988, amounting to more than $334,840,000, with Nebraska consumers to receive approximately $34,360,000 (approximately ten percent of the total); and

Wheres, of those sums, over 60 percent of the total is accrued interest as of that date with additional interest being compounded quarterly on unpaid balances and on those sums not placed in escrow accounts pursuant to commission order; and

Whereas, the United States Senate and the United States House of Representatives in their individual versions of the Emergency Supplemental Appropriations Act for Fiscal Year 1999 (S. 544 and H.R. 1141) have provisions, added by amendment, which would amend the Natural Gas Policy Act of 1978 to prohibit the commission or any court from ordering the payment of any interest or penalties with respect to ordered refunds of rates or charges made, demanded, or received for reimbursement of State ad valorem taxes in connection with the sale of natural gas before 1989; and

Whereas, both acts were adopted by their respective houses of the Congress on March 25 of this year, immediately prior to their Easter adjournment and are pending consideration by a Joint Appropriations Conference Committee; and

Whereas, legislation for the same purpose (S. 626 in the Senate and H.R. 1117 in the House of Representatives) is currently pending; and

Whereas, the sole result of the final adoption of these amendments or these bills will be to mitigate or reduce the liability of natural gas producers for charges wrongfully imposed on consumers in the period of 1983 to 1988 by denying consumers interest on the amount of those charges and relieving the producers of any liability for future penalties flowing from the failure to make court-ordered payments in the prescribed manner; and

Whereas, the lost refunds to Nebraska natural gas consumers will amount to more than 10 percent of the total reduction, representing the fourth largest state loss of the twenty-four states receiving court-ordered refunds; and

Whereas, Nebraska has been urged to join with other states in petitioning Congress to reconsider the adoption of these ill-advised and possibly unconstitutional provisions and avoid future litigation at the expense of all parties involved.

Now, Therefore, be it Resolved by the Members of the Ninety-Sixth Legislature of Nebraska, First Session:

1. That the Legislature hereby petitions the Congress of the United States to oppose the enactment of S. 626 and H.R. 1117 or any version thereof which would have the effect of waiving interest or penalties of any kind with regard to natural gas producer refunds of state ad valorem taxes charged to consumers on the sale of natural gas before 1989.

2. That the Legislature hereby petitions the Congress of the United States to reconsider its actions with regard to S. 544 and H.R. 1141 in the adoption of the amendments which would have the effect of waiving interest or penalties of any kind with regard to natural gas producer refunds of state ad valorem taxes charged to consumers on the sale of natural gas before 1989 and urges that the ultimate version of the Emergency Supplemental Appropriations Act for Fiscal Year 1999 as reported by the conference committee and adopted by the Congress not include any provision having this effect.

3. That the Legislature urges the members of the Nebraska House and Senate delegations to vote against and to take such actions as necessary to prevent the passage of any amendments or legislation which would have the effect of waving interest or penalties of any kind with regard to natural gas producer refunds of state ad valorem taxes charged to consumers on the sale of natural gas before 1989.

4. That the Clerk of the Legislature transmit copies of this resolution to each member of the Nebraska Congressional delegation and that copies be transmitted to the Speaker of the United States House of Representatives and the President of the United States Senate with the request that it be officially entered into the Congressional Record as a memorial to the Congress of the United States.

POM-112. A resolution adopted by the Council of the City of Cincinnati, Ohio relative to the Social Security Act; to the Committee on Health, Education, Labor, and Pensions.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CHAFEE, from the Committee on Environment and Public Works, without amendment:

S. 559. A bill to designate the Federal building located at 33 East 8th Street in Austin, Texas, as the "J.J. 'Jake' Pickle Federal Building."

S. 858. A bill to designate the Federal building and United States courthouse located at 18 Greenville Street in Newnan, Georgia, as the "Lewis R. Morgan Federal Building and United States Courthouse."

EXECUTIVE REPORT OF A COMMITTEE

The following executive report of a committee was submitted:

By Mr. CHAFEE, for the Committee on Environment and Public Works:

George T. Frampton, Jr., of the District of Columbia, to be a Member of the Council on Environmental Quality.

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SCHUMER (for himself, Mr. Sarbanes, Mr. Bryan, and Mr. Johnson):

S. 1015. A bill to require disclosure with respect to securities transactions conducted "online", to require the Securities and Exchange Commission to study the effects on online trading on securities markets, to prevent online securities fraud, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DEWINE (for himself, Mr. GREGG, Mr. WELLSTONE, and Mrs. MURRAY):

S. 1016. A bill to provide collective bargaining for rights for public safety officers employed by States or their political subdivisions; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MACK (for himself, Mr. GRAHAM, Mr. SANTORUM, Mr. SARBANES, Mr. CHAFEE, Mr. BRYAN, Mr. MURKOWSKI, Mr. BREAUX, Mr. JEFFORDS, Mr. KERREY, Mr. COVERDELL, Mr. ROBB, Mr. CRAIG, Mr. CONRAD, Mr. SHELBY, Mr. ROCKEFELLER, Mr. ALLARD, Mr. DODD, Mr. GRAMS, Mr. JOHNSON, Mr. HAGEL, Mr. SCHUMER, Mr. CRAPO, Mr. LIEBERMAN, Mr. HELMS, Mr. EDWARDS, Mr. ABRAHAM, Mrs. LINCOLN, Mr. SESSIONS, Mrs. BOXER, Mr. HUTCHINSON, Mrs. FEINSTEIN, Mr. LUGAR, Mr. WELLSTONE, Ms. SNOWE, Mr. TORRICELLI, Mr. SPECTER, Mr. DORGAN, Mrs. HUTCHISON, Mr. HOLLINGS, Mr. THOMAS, Mr. DASCHLE, Mr. LAUTENBERG, Mr. KERRY, Mrs. MURRAY):

S. 1017. A bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on the low-income housing credit; to the Committee on Finance.

By Mr. EDWARDS:

S. 1018. A bill to provide for the appointment of additional Federal district judges in the State of North Carolina, and for other purposes; to the Committee on the Judiciary.

By Mr. GRASSLEY:

S. 1019. A bill for the relief of Regine Beatie Edwards; to the Committee on the Judiciary.

By Mr. GRASSLEY (for himself and Mr. FEINGOLD):

S. 1020. A bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts; to the Committee on the Judiciary.

By Mr. KOHL:

S. 1021. A bill to provide for the settlement of claims of the Menominee Indian Tribe of Wisconsin; to the Committee on the Judiciary.

By Mr. DORGAN (for himself, Mr. CONRAD, and Mr. WELLSTONE):

S. 1022. A bill to authorize the appropriation of an additional $1,700,000,000 for fiscal year 2000 for health care for veterans; to the Committee on Veterans' Affairs.

By Mr. MOYNIHAN (for himself, Mr. KENNEDY, Mr. SCHUMER, Mr. HELMS, Mr. KERRY, Mr. TORRICELLI, Mr. DURBIN, Mr. SANTORUM, Mr. LIEBERMAN, Mr. KERREY, Mr. LEVIN, Mrs. MURRAY, Mr. SPECTER, Mr. CLELAND, and Mr. EDWARDS):

S. 1023. A bill to amend title XVIII of the Social Security Act to stabilize indirect graduate medical education payments; to the Committee on Finance.

By Mr. MOYNIHAN (for himself, Mr. SCHUMER, Mr. SPECTER, Mr. KERRY, Mr. KERREY, Mr. SANTORUM, Mr. DURBIN, Mr. CLELAND, and Mr. CHAFEE):

S. 1024. A bill to amend title XVIII of the Social Security Act to carve out from payments to Medicare+Choice organizations amounts attributable to disproportionate share hospital payments and pay such amounts directly to those disproportionate share hospitals in which their enrollees receive care; to the Committee on Finance.

By Mr. MOYNIHAN (for himself, Mr. BREAUX, Mr. DASCHLE, Mr. SANTORUM, Mr. DURBIN, Mr. SCHUMER, Mr. KERRY, Mr. SPECTER, Mr. CONRAD, Mr. BAUCUS, Mr. CHAFEE, Mr. KERREY, and Mr. CLELAND):

S. 1025. A bill to amend title XVIII of the Social Security Act to ensure the proper payment of approved nursing and allied health education programs under the medicare program; to the Committee on Finance.

By Mr. DODD:

S. 1026. A bill to amend title XVIII of the Social Security Act to prevent sudden disruption of medicare beneficiary enrollment in Medicare+Choice plans; to the Committee on Finance.

By Mr. SMITH of Oregon (for himself, and Mr. WYDEN):

S. 1027. A bill to reauthorize the participation of the Bureau of Reclamation in the Deschutes Resources Conservancy, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BROWNBACK (for himself, Mr. HELMS, Mr. INHOFE, Mr. SANTORUM, Mr. ASHCROFT, Mr. ENZI, Mr. MCCAIN, Mr. SMITH of New Hampshire, and Mr. NICKLES):

S. Res. 100. A resolution reaffirming the principles of the Programme of Action of the International Conference on Population and Development with respect to the sovereign rights of countries and the right of voluntary and informed consent in family planning programs; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MACK (for himself, Mr. GRAHAM, Mr. SANTORUM, Mr. SARBANES, Mr. CHAFEE, Mr. BRYAN, Mr. MURKOWSKI, Mr. BREAUX, Mr. JEFFORDS, Mr. KERREY, Mr. COVERDELL, Mr. ROBB, Mr. CRAIG, Mr. CONRAD, Mr. SHELBY, Mr. ROCKEFELLER, Mr. ALLARD, Mr. DODD, Mr. GRAMS, Mr. JOHNSON, Mr. HAGEL, Mr. SCHUMER, Mr. CRAPO, Mr. LIEBERMAN, Mr. HELMS, Mr. EDWARDS, Mr. ABRAHAM, Mrs. LINCOLN, Mr. SESSIONS, Mrs. BOXER, Mr. HUTCHINSON, Mrs. FEINSTEIN, Mr. LUGAR, Mr. WELLSTONE, Ms. SNOWE, Mr. TORRICELLI, Mr. SPECTER, Mr. DORGAN, Mrs. HUTCHISON, Mr. HOLLINGS, Mr. THOMAS, Mr. DASCHLE, Mr. LAUTENBERG, Mr. KERRY, and Mrs. MURRAY):

S. 1017. A bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on the low-income housing credit; to the Committee on Finance.

AFFORDABLE HOUSING OPPORTUNITY ACT OF 1999

Mr. MACK. Mr. President, I rise today to introduce the Affordable Housing Opportunity Act of 1999. My colleague from my home state, BOB GRAHAM, my colleague from Pennsylvania, Senator SANTORUM, and 42 other members of the Senate join me as original cosponsors of this effort to make sure that the Low Income Housing Tax Credit is not undercut by the effects of inflation.

The Low Income Housing Tax Credit is one federal housing program that works. It works to produce affordable rental housing by allowing states to distribute tax credits to those who invest in apartments for low income families. It works because it is decentralized, it is market-oriented, and it relies on the private sector.

The Low Income Housing Tax Credit works because it is based on sound economics. This is in stark contrast to the alternative government approach to the problem of a scarcity of privately owned, affordable housing units, the approach of rent control. Under rent control, owners are restricted in the price they can charge for their apartments. Since this dramatically reduces the return on their investment in housing, potential owners of rental units take their money elsewhere. The result, confirmed in a study of rent control in California in the early 1990s, is that rent control actually reduces the number of rental units available for low income families.

There is a better way. The Low Income Housing Tax Credit is that way. Under this program, tax credits are allocated by states and their localities to investors in low income housing. In return for agreeing to charge low rents for the units produced, the investors receive a tax credit that makes up for the financial risk of the investment. Instead of mandating low rents, the program provides an incentive for property owners to charge low rents.

And, as Adam Smith would have predicted, this incentive does the job. Since 1987, state agencies have allocated over $3 billion in Housing Credits to help finance nearly one million apartments for low income families, including 70,000 apartments in 1997. In my own state of Florida, the Credit is responsible for helping finance over 52,000 apartments for low income families, including 3,300 apartments in 1997. The demand for Housing Credits nationwide currently outstrips supply by more than three to one.

Despite the success of the Housing Credit in meeting affordable rental housing needs, the apartments it helps finance can barely keep pace with the nearly 100,000 low cost apartments which are demolished, abandoned, or converted to market rents each year.

This is because the credit has been set at an annual amount of $1.25 per resident of each state, since its creation in 1986. To make up for the loss in value of the credit due to inflation, we propose to increase this amount to $1.75 per resident and to index the amount for future inflation. It has been estimated that this will increase the stock of critically needed low income apartments by 27,000 each year.

There has long existed in this body a dedication to affordable housing, an interest that knows no party lines. One of the major, early proponents of federally supported affordable housing was Senator Robert A. Taft of Ohio, known in his day as Mr. Republican, whose monument chimes regularly just a few hundred yards from here. With this strong, bipartisan pedigree, I have no hesitation in asking my colleagues on both sides of the aisle to join me to enact this proposal—which is similar to one contained in the President's budget and is supported by the nation's governors and mayors and the affordable housing community—to ensure the continued vitality of a program that works.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1017

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Affordable Housing Opportunity Act of 1999".

SEC. 2. INCREASE IN STATE CEILING ON LOW-INCOME HOUSING CREDIT.

(a) IN GENERAL.—Clause (i) of section 42(h)(3)(C) of the Internal Revenue Code of 1986 (relating to State housing credit ceiling) is amended by striking "$1.25" and inserting "$1.75".

(b) ADJUSTMENT OF STATE CEILING FOR INCREASES IN COST-OF-LIVING.—Paragraph (3) of section 42(h) of such Code (relating to housing credit dollar amount for agencies) is amended by adding at the end the following new subparagraph:

"(H) COST-OF-LIVING ADJUSTMENT.—

"(i) IN GENERAL.—In the case of a calendar year after 2000, the dollar amount contained in subparagraph (C)(i) shall be increased by an amount equal to—

"(I) such dollar amount, multiplied by

"(II) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting 'calendar year 1999' for 'calendar year 1992' in subparagraph (B) thereof.

"(ii) ROUNDING.—If any increase under clause (i) is not a multiple of 5 cents, such increase shall be rounded to the next lowest multiple of 5 cents.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years after 1999.

Mr. GRAHAM. Mr. President, I rise today with my good friend and colleague, Senator MACK to introduce the Affordable Housing Opportunity Act of 1999. This legislation would raise the annual limit on state authority to allocate low-income housing tax credits from $1.25 to $1.75 per capita, and to index the cap to inflation.

Since its creation in the Tax Reform Act of 1986, the low income housing tax credit program has been a tremendous success that has generated nearly a million units of housing for low and moderate income families. In my home state of Florida the tax credit has produced over 52,000 affordable rental units, valued at over $2.2 billion, including 3,300 apartments in 1997.

This housing tax credit is a valuable incentive for developers to build and rehabilitate low-income housing. It encourages the construction and renovation of low income housing by reducing the tax liability placed on developers of affordable homes. The credit is based on the costs of development as well as the percentage of units devoted to low-income families.

The low income housing tax credit not only helps developers but also benefits families. Those families that get up and go to work every day to earn their rent and mortgage payments, the low income housing tax credit provides families with an important stake in maintaining self-sufficiency. By supporting this credit we make the American dream more available to all Americans.

This credit has succeeded as a catalyst in bringing new sources of funding to low income housing development. This is particularly important at a time when decreasing appropriations for federally-assisted housing and the elimination of other tax incentives for rental housing production have only grown. While this success is gratifying, we should not take for granted the continued growth of this program.

Under the current formula used to fund this program, each state is located $1.25 multiplied by the State's population. Unlike other provisions of the Tax Code, this formula has not been adjusted since the credit was created in 1986. During the same period, inflation has eroded the credit's purchasing power by nearly 45 percent, as measured by the Consumer Price Index. This cap is strangling state capacity to meet the pressing low income housing needs.

By increasing the cap on this credit to $1.75, we will free the 12 year cap on housing credit from it current limitations, as requested by our Nation's governors, and we will liberate states' capacity to help millions of Americans who still have no decent, safe, affordable place to live.

A brief look at the history of the housing credit provides ample evidence of why we need our legislation. Nationwide, demand for housing credits outstrips supply by a ratio of three to one. In 1998, states received applications requesting more than 1.2 billion in housing credits—far surpassing the $365 million in the credit authority available to allocate that year. This trend coupled with the fact that every year nearly 100,000 low cost apartments are demolished, abandoned, or converted to market rate use makes clear the need for this legislation. Increasing the cap as I propose would allow states to finance approximately 27,000 more critically needed low income apartments each year using the housing credit.

In the last Congress, sixty seven Senators cosponsored this legislation, including nearly two-thirds of the Finance Committee, raising the low income housing tax credit to $1.75 and indexing it for inflation. Nearly 70 percent of the House Ways and Means Committee and a total of 299 House Members cosponsored legislation proposing the same increase.

That indicates just how much support this program has in the Congress. Also, the Administration, the nation's governors and mayors, other state and local government groups, and the affordable housing community strongly support this increase. I am confident with all this support that this measure will finally pass this year. I urge all my colleagues to embrace this important legislation.

By Mr. EDWARDS:

S. 1018. A bill to provide for the appointment of additional Federal district judges in the State of North Carolina, and for other purposes; to the Committee on the Judiciary.

JUSTICE FOR WESTERN NORTH CAROLINA ACT

Mr. EDWARDS. Mr. President, I rise to introduce the Justice for Western North Carolina Act—legislation that will create an additional permanent district court judgeship and an additional temporary district court judgeship in the Western District of North Carolina.

The Western District of North Carolina is one of the most overworked districts in the United States. And it is strained almost to the breaking point. The statistics tell the tale: its judges have the heaviest caseload of all the district courts in the Fourth Circuit. That means of all the district court judges working in Maryland, Virginia, West Virginia, North Carolina, and South Carolina—no other judges have a more crushing workload. Indeed, they deal with a caseload almost twice that recommended for any federal judge. The nonpartisan Judicial Conference of the United States, the principal policy-making body for the federal court system, believes that no judge should handle more than 430 weighted case filings. Well, the judges in the Western District have a weighted filing per judge of 703.

The people of western North Carolina feel the impact of this burden. Criminal felony cases take longer to deal with in western North Carolina than any other district in the country but two. And businesses have to wait almost two years to have their lawsuits heard before a jury. Business disputes, Social Security claims, civil rights disputes—all of them are needlessly delayed when we in the Senate fail to fulfill our responsibility to ensure the prompt administration of justice.

Three able Western District Court judges are doing their utmost to deal with this deluge. But they need our help. And we have failed to address the need sooner. It has been more than twenty years since Congress authorized the Western District's third judgeship. In 1978, there were 775 raw case filings. Last year, there were more than 7,000. It is folly to think that three judges should be able to handle the nearly tenfold increase in case filings in the Western District.

Nor is there any relief from a growing caseload in sight. North Carolina is in the midst of a population boom. Since the 1990 census, the state's population grew by 12%. The Charlotte metropolitan area, which is in the western district of North Carolina, grew by 19 percent since 1990, making it the tenth fastest growing region in the country during this period. This growth in population, business, and industry translates into more commercial, corporate, and criminal law cases.

Mr. President, more than any other justice system in the world, ours provides fair and equal administration of justice. We put this at risk when we do not have enough judges. When judges are overworked, they may be unable to give each case the attention it deserves. The maxim that "justice delayed is justice denied" is absolutely true. Slow justice does not just affect the litigants. With commercial cases involving major corporations, it can also hurt employees and consumers, as well. Moreover, we cheapen the Constitution when we fail to authorize the resources necessary for the federal judiciary—one of the three, coequal branches of government—to adequately serve society. Congress must respect the principle of an independent federal judiciary by ensuring that federal judges are not so consumed by the backlog of cases that they are not able to give the cases that come before them the attention they deserve.

The legislation I propose puts into effect the recent recommendation made by the Judicial Conference. The Judicial Conference works to ensure that the federal judiciary delivers equal justice under law. On March 16 of this year, it recommended that we add one permanent and one temporary judgeship in the Western District of North Carolina. The Chief Justice serves as the presiding officer of the nonpartisan Judicial Conference. The membership of the Conference includes the chief judges of the 13 courts of appeals, a district judge from each of the 12 geographic circuits, and the chief judge of the Court of International Trade.

No one, at least no one I know, disagrees that the Western District is overworked. But some people have proposed the misguided solution of eliminating a judgeship from the Eastern District of North Carolina and transferring it to the Western District. I think that eliminating a judge from the Eastern District would be a real mistake, as big a mistake as not creating new judgeships in the Western District. The proposal is simply robbing Peter to pay Paul.

Eliminating a judgeship from the Eastern District would leave it in the same painful position that the Western District is in now. Last year, the Eastern District had 2056 weighted filings, or 514 for each of its four judgeships, easily above the national average of 484. Taking away a judgeship from the Eastern District would result in a weighted caseload per judge of 685. Transferring a judgeship from the Eastern to the Western District would do no more than switch the problem from the west to the east.

I am also very concerned about the effect this elimination would have on Raleigh and the many people and companies who are based there and depend on the federal judiciary. For the last twenty years, at least one Eastern District judgeship has been filled by a judge presiding in Raleigh. Today, however, the three active judges in the Eastern District reside in Elizabeth City, Greenville, and Wilmington, and most of the Eastern District's court sessions are held in those cities. It is important that those areas have judges, but it is also important that there be a judge in Raleigh. If we transfer the unfilled judgeship to the west, we will do serious harm to our state capital.

Raleigh is the home of the main offices of the U.S. Attorney, the Federal Public Defender for the Eastern District, the Clerk of Court, the United States Probation Office, the Federal Bureau of Investigation for the Eastern District, and the North Carolina Department of Justice. In addition, many private lawyers who handle civil and criminal cases in the Eastern District come from Raleigh. Finally, the Raleigh metropolitan area, which has more than one million people, is the fifth fastest growing urban area in the nation—swelling by 26 percent since 1990. Eliminating a judgeship based in Raleigh would create unnecessary obstacles to the pursuit of fair administration of justice in that city.

Mr. President, the marble facade on the Supreme Court building says, "Equal Justice Under Law." We in the Congress must not jeopardize this principle by failing to provide the judiciary the resources it needs to do its work. Therefore, I urge your support of the Justice for Western North Carolina Act.

I ask unanimous consent that a copy of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1018

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Justice for Western North Carolina Act of 1999".

SEC. 2. DISTRICT JUDGES FOR THE NORTH CAROLINA DISTRICT COURTS.

(a) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate, 1 additional district judge for the western district of North Carolina.

(b) TEMPORARY JUDGESHIP.—

(1) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate, 1 additional district judge for the western district of North Carolina.

(2) FIRST VACANCY NOT FILLED.—The first vacancy in the office of district judge in the western district of North Carolina, occurring 7 years or more after the confirmation date of the judge named to fill a temporary judgeship created by this subsection, shall not be filled.

(c) TABLES.—In order that the table contained in section 133 of title 28, United States Code, will reflect the changes in the total number of permanent district judgeships authorized as a result of subsection (a) of this section, the item relating to North Carolina in such table is amended to read as follows:

"North Carolina:

Eastern	4
Middle	4
Western	4.".

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, including such sums as may be necessary to provide appropriate space and facilities for the judicial positions created by this Act.

By Mr. GRASSLEY:

S. 1019. A bill for the relief of Regine Beatie Edwards; to the Committee on the Judiciary.

PRIVATE RELIEF LEGISLATION

• Mr. GRASSLEY. Mr. President, today I am introducing legislation to allow Regine Beatie Edwards, an 18 year old German-born legal resident of the United States, to realize her lifelong dream of becoming a United States citizen.

Miss Edwards is the adopted daughter of Mr. Stan Edwards, a U.S. citizen who married Regine's mother while engaged in military service in Germany. Regine moved to the United States with her mother on October 16th, 1994. In 1997, Mr. Edwards contacted the INS on several occasions, attempting to obtain the proper form to apply for Regine's naturalization. The INS sent Mr. Edwards form N-643, Application for Certificate in Behalf of an Adopted Child. The INS informed Mr. Edwards that the adoption had to be completed by the time Regine turned 18. The adoption was completed on January

13th, 1997, when Regine was 16½ years of age. Mr. Edwards delivered Regine's application to the INS office in Omaha, Nebraska on March 27, 1998.

The INS reported in January of 1998 that the application was to be denied since the adoption of Ms. Edwards had not been completed prior to her 16th birthday, and therefore form N–643 was the incorrect form for application. Previously, the INS had told Mr. Edwards that the adoption need only be completed by Regine's 18th birthday. The INS then refunded to Mr. Edwards the application fee and informed him that, because of her age, Regine met only three of four qualifications to apply for citizenship. Had the INS told the Edwards that Regine needed to be adopted by the age of 16 in order to qualify for citizenship, the Edwards would have expedited the adoption process, and Regine would be closer to her dream of citizenship.

This bill, passed during the last Congress by the Senate but not acted on by the House, would reclassify Regine as a child pursuant to section 101(b)(1) of the Immigration and Naturalization Act, thereby allowing the processing of her citizenship application.

Regine has stated that it has always been a goal of hers to live in the United States, and to become a citizen of, as she puts it, "a land of freedom and individual opportunity to seek out your dreams and realize them." It would be tragic if we were to let a simple mistake on the part of the INS prevent such a promising young woman from becoming a U.S. citizen. I urge my fellow colleagues to support Regine by allowing her to make her dream of U.S. citizenship a reality.•

By Mr. GRASSLEY (for himself and Mr. FEINGOLD):

S. 1020. A bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

MOTOR VEHICLE FRANCHISE CONTRACT ARBITRATION FAIRNESS ACT

• Mr. GRASSLEY. Mr. President, today, along with my colleague from Wisconsin, Senator FEINGOLD, I am introducing the Motor Vehicle Franchise Contract Arbitration Fairness Act.

Over the years, I have been in the forefront of promoting alternative dispute resolution (ADR) mechanisms to encourage alternatives to litigation when disputes arise. Such legislation includes the permanent use of ADR by federal agencies. Last year we also passed legislation to authorize federal court-annexed arbitration. These statutes are based, in part, on the premise that arbitration should be voluntary rather than mandatory.

While arbitration often serves an important function as an efficient alternative to court some trade offs must be considered by both parties, such as limited judicial review and less formal procedures regarding discovery and rules of evidence. When mandatory binding arbitration is forced upon a party, for example when it is placed in a boiler-plate agreement, it deprives the weaker party the opportunity to elect any other forum. As a proponent of arbitration I believe it is critical to ensure that the selection of arbitration is voluntary and fair.

Unequal bargaining power exists in contracts between automobile and truck dealers and their manufacturers. The manufacturer drafts the contract and presents it to dealers with no opportunity to negotiate. Increasingly these manufacturers are including compulsory binding arbitration in their agreements, and dealers are finding themselves with no choice but to accept it. If they refuse to sign the contract they have no franchise. This clause then binds the dealer to arbitration as the exclusive procedure for resolving any dispute. The purpose of arbitration is to reduce costly, time-consuming litigation, not to force a party to an adhesion contract to waive access to judicial or administrative forums for the pursuit of rights under state law.

I am extremely concerned with this industry practice that conditions the granting or keeping of motor vehicle franchises on the acceptance of mandatory and binding arbitration. While several states have enacted statutes to protect weaker parties in "take it or leave it" contracts and attempted to prevent this type of inequitable practice, these state laws have been held to conflict with the Federal Arbitration Act (FAA).

In 1925, when the FAA was enacted to make arbitration agreements enforceable in federal courts, it did not expressly provide for preemption of state law. Nor is there any legislative history to indicate Congress intended to occupy the entire field of arbitration. However, in 1984 the Supreme Court interpreted the FAA to preempt state law in Southland Corporation versus Keating. Thus, state laws that protect weaker parties from being forced to accept arbitration and to waive state rights (such as Iowa's law prohibiting manufacturers from requiring dealers to submit to mandatory binding arbitration) are preempted by the FAA.

With mandatory binding arbitration agreements becoming increasingly common in motor vehicle franchise agreements, now is the time to eliminate the ambiguity in the FAA statute. The purpose of the legislation Senator FEINGOLD and I are introducing is to ensure that in disputes between manufacturers and dealers, both parties must voluntarily elect binding arbitration. This approach would continue to recognize arbitration as a valuable alternative to court—but would provide an option to pursue other forums such as administrative bodies that have been established in a majority of states, including Iowa, to handle dealer/manufacturer disputes.

This legislation will go a long way toward ensuring that parties will not be forced into binding arbitration and thereby lose important statutory rights. I am confident that given its many advantages arbitration will often be elected. But it is essential for public policy reasons and basic fairness that both parties to this type of contract have the freedom to make their own decisions based on the circumstances of the case.

I urge my colleagues to join Senator FEINGOLD and myself in supporting this legislation to address this unfair franchise practice.•

• Mr. FEINGOLD. Mr. President, I rise today to introduce, with my distinguished colleague from Iowa, Senator GRASSLEY, the "Motor Vehicle Franchise Contract Arbitration Fairness Act of 1999."

While alternative methods of dispute resolution such as arbitration can serve a useful purpose in resolving disputes between parties, I am extremely concerned by the increasing trend of stronger parties to a contract forcing weaker parties to waive their rights and agree to arbitrate any future disputes that may arise. Earlier this Congress, I introduced S. 121, the Civil Rights Procedures Protection Act, to amend certain civil rights statutes to prevent the involuntary imposition of arbitration to claims that arise from unlawful employment discrimination and sexual harassment.

It has come to my attention that the automobile and truck manufacturers, which often present dealers with "take it or leave it" contracts, are increasingly including mandatory and binding arbitration clauses as a condition of entering into or maintaining an auto or truck franchise. This practice forces dealers to submit their disputes with manufacturers to arbitration. As a result, dealers are required to waive access to judicial or administrative forums, substantive contract rights, and statutorily provided protection. In short, this practice clearly violates the dealers' fundamental due process rights and runs directly counter to basic principles of fairness.

Franchise agreements for auto and truck dealerships are typically not negotiable between the manufacturer and the dealer. The dealer accepts the terms offered by the manufacturer, or it loses the dealership. Plain and simple. Dealers, therefore, have been forced to rely on the states to pass laws designed to balance the manufacturers' far greater bargaining power and to safeguard the rights of dealers. The first state automobile statute was enacted in my home state of Wisconsin in 1937 to protect citizens from injury caused when a manufacturer or distributor induced a Wisconsin citizen to invest considerable sums of money in dealership facilities, and then canceled the dealership without cause. Since then, all states except Alaska have enacted substantive law to balance the enormous bargaining power enjoyed by manufacturers over dealers and to safeguard small business dealers from unfair automobile and truck manufacturer practices.

A little known fact is that under the Federal Arbitration Act (FAA), arbitrators are not required to apply the particular federal or state law that would be applied by a court. That enables the stronger party—in this case the auto or truck manufacturer—to use arbitration to circumvent laws specifically enacted to regulate the dealer/manufacturer relationship. Not only is the circumvention of these laws inequitable, it also eliminates the deterrent to prohibited acts that state law provides.

The majority of states have created their own alternative dispute resolution mechanisms and forums with access to auto industry expertise that provide inexpensive, efficient, and nonjudicial resolution of disputes. For example, in Wisconsin mandatory mediation is required before the start of an administrative hearing or court action. Arbitration is also an option if both parties agree. These state dispute resolution forums, with years of experience and precedent, are greatly responsible for the small number of manufacture-dealer lawsuits. When mandatory binding arbitration is included in dealer agreements, these specific state laws and forums established to resolve auto dealer and manufacturer disputes are effectively rendered null and void with respect to dealer agreements.

Besides losing the protection of federal and state law and the ability to use state forums, there are numerous reasons why a dealer may not want to agree to binding arbitration. Arbitration lacks some of the important safeguards and due process offered by administrative procedures and the judicial system: (1) arbitration lacks the formal court supervised discovery process often necessary to learn facts and gain documents; (2) an arbitrator need not follow the rules of evidence; (3) arbitrators generally have no obligation to provide factual or legal discussion of the decision in a written opinion: and (4) arbitration often does not allow for judicial review.

The most troubling problem with this sort of mandatory binding arbitration is the absence of judicial review. Take for instance a dispute over a dealership termination. To that dealer—that small business person—this decision is of commercial life or death importance. Even under this scenario, the dealer would not have recourse to substantive judicial review of the arbitrators' ruling. Let me be very clear on this point; in most circumstances an arbitration award cannot be vacated, even if the arbitration panel disregarded state law that likely would have produced a different result.

The use of mandatory binding arbitration is increasing in many industries, but nowhere is it growing more steadily than the auto/truck industry. Currently, at least 11 auto and truck manufacturers require some form of such arbitration in their dealer contracts.

In recognition of this problem, many states have enacted laws to prohibit the inclusion of mandatory binding arbitration clauses in certain agreements. The Supreme Court, however, held in *Southland Corp.* v. *Keating*, 104 S. Ct. 852 (1984), that the FAA by implication preempts these state laws. This has the effect of nullifying many state arbitration laws that were designed to protect weaker parties in unequal bargaining positions from involuntarily signing away their rights.

The legislative history of the FAA indicates that Congress never intended to have the Act used by a stronger party to force a weaker party into binding arbitration. Congress certainly did not intend the FAA to be used as a tool to coerce parties to relinquish important protections and rights that would have been afforded them by the judicial system. Unfortunately, this is precisely the current situation.

Although contract law is generally the province of the states, the Supreme Court's decision in Southland Corp. has in effect made any state action on this issue moot. Therefore, along with Senator GRASSLEY, I am introducing this bill today to ensure that dealers are not coerced into waiving their rights. Our bill, the Motor Vehicle Franchise Contract Arbitration Fairness Act of 1999 would simply provide that each party to an auto or truck franchise contract would have the choice to select arbitration. The bill would not prohibit arbitration. On the contrary, the bill would encourage arbitration by making it a fair choice that both parties to a franchise contract may willingly and knowingly select. In short, this bill would ensure that the decision to arbitrate is truly voluntary and that the rights and remedies provided for by our judicial system are not waived under coercion.

In effect, if small business owners today want to obtain or keep their auto or truck franchise, they may be able to do so only by relinquishing their statutory rights and foreclosing the opportunity to use the courts or administrative forums. Mr. President, I cannot say this more strongly—this is unacceptable; this is wrong. It is at great odds with our tradition of fair play. I therefore urge my colleagues to join in this bipartisan effort to put an end to this invidious practice.●

By Mr. KOHL:

S. 1021. A bill to provide for the settlement of claims of the Menominee Indian Tribe of Wisconsin; to the Committee on the Judiciary.

MENOMINEE TRIBAL FAIRNESS ACT OF 1999

Mr. KOHL. Mr. President, today I am introducing bipartisan legislation that would give a Congressional "stamp of approval" to a settlement for which the Menominee Indian Tribe of Wisconsin has long awaited—a settlement that, in my opinion and in the opinion of the Federal Court that approved it last year, is long overdue.

Specifically, this bill—the "Menominee Tribal Fairness Act of 1999"—would enforce a settlement owed to the Menominee Tribe by the Federal government, whose termination of the Tribe's federal trust status resulted in enormous damage to the Menominee from 1954 to 1973. Six years ago, Congress passed a congressional reference that ordered the U.S. Claims Court to report back regarding what damages, if any, were owed the Tribe. Last year, the Court approved a $32 million settlement, and now that we have settled the merits of the case, we simply need congressional approval to conclude this 45-year-old matter once and for all. Let me tell you why this legislation is crucially needed.

When Congress passed the Menominee Termination Act of June 13, 1954, it ended the Tribe's federal trust status, effective in 1961. As a result of termination, the Menominee Tribe plunged into years of severe impoverishment and community turmoil. Indeed, according to a 1965 BIA study of conditions on the former reservation, the economic and social effects were disastrous. Unemployment was 26 percent, compared to Wisconsin's 5 percent rate. The school dropout rate was 75 percent, and the per capita income was less than one-third of the state average. The local hospital, which was built with tribal funds, was shut down because it could not meet state standards, effectively eliminating local health care services which in turn increased mortality rates.

Twelve years after termination, Congress recognized the economic and social devastation this Act had caused for the Tribe by passing the Menominee Restoration Act of 1973, which reinstated the Tribe's federal trust status. Clearly, though, BIA mismanagement and termination threatened to devastate the Tribe for generations to come, and the Tribe subsequently sought relief for its recuperation.

The Menominee Tribe took this matter to the courts, and though it obtained favorable trial court judgments on the merits of its claims, the Tribe encountered a series of technical roadblocks that prevented it from ever really having its case heard.

The Tribe then came to Congress for help. But it was not until 1993 that Congress passed my proposal to settle this matter by sending it to the Court of Claims and ordering the court to report back what damages the Tribe was owed.

After extensive negotiation, the Federal government and the Menominee Tribe agreed upon a settlement of the Tribe's claims for a sum of $32,052,547. The Claims Court, on August 12, 1998, reported back to Congress, concluding that the Tribe has stated legitimate claims and endorsing this settlement.

Now, to compensate the Tribe for damages and implement the decision of the Court of Claims, we must pass this legislation that authorizes the payment of this agreed-to settlement. And the money does not have to be appropriated—it will simply be taken from a Treasury Department "judgment fund" account.

Mr. President, the congressional reference procedure is designed so that the court may examine claims against the United States based on negligence or fault, or based on less than fair and honorable dealings, regardless of "technical" defenses that the United States may otherwise assert, especially the statute of limitations.

In other words, it is to be used for precisely the types of circumstances surrounding the Menominee Tribe. The tribe and its members suffered grievous economic loss through legislative termination of its rights and from BIA mismanagement of its resources. Indeed, the Federal governments' actions brought the Menominee Tribe to the brink of economic, social, and cultural disaster. In 1973, the tribe was restored to Federal recognition and tribal status by action of the Congress. But the Tribe has yet to be compensated for the damages it suffered.

Mr. President, I urge my colleagues to approve the Court's ruling, support this bill, and settle this case once and for all. And don't take my word for it—this measure has been endorsed by the Chairman of the Indian Affairs Committee, BEN NIGHTHORSE CAMPBELL, and Representative MARK GREEN, who represents the district where the Menominee reservation is located.

I ask unanimous consent that the full texts of my bill, the U.S. Court of Federal Claims Report of the Review Panel, Court Order, and Stipulation for Recommendation of Settlement, along with Chairman CAMPBELL's letter of support for this measure, be printed in the RECORD.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

S. 1021

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PAYMENT.

The Secretary of the Treasury shall pay to the Menominee Indian Tribe of Wisconsin, out of any funds in the Treasury of the United States not otherwise appropriated, $32,052,547 for damages sustained by the Menominee Indian Tribe of Wisconsin by reason of—

(1) the enactment and implementation of the Act entitled "An Act to provide for a per capita distribution of Menominee tribal funds and authorize the withdrawal of the Menominee Tribe from Federal jurisdiction", approved June 17, 1954 (68 Stat. 250 et seq., chapter 303); and

(2) the mismanagement by the United States of assets of the Menominee Indian Tribe held in trust by the United States before April 30, 1961, the effective date of termination of Federal supervision of the Menominee Indian Tribe of Wisconsin.

SEC. 2. EFFECT OF PAYMENT.

Payment of the amount referred to in section 1 shall be in full satisfaction of any claims that the Menominee Indian Tribe of Wisconsin may have against the United States with respect to the damages referred to in that section.

SEC. 3. REQUIREMENTS FOR PAYMENT.

The payment to the Menominee Indian Tribe of Wisconsin under section 1 shall—

(1) have the status of a judgment of the United States Court of Federal Claims for the purposes of the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1401 et seq.); and

(2) be made in accordance with the requirements of that Act on the condition that after payment of attorneys fees and expenses of litigation, of the remaining amount—

(A) not less than 30 percent shall be distributed on a per capita basis; and

(B) not more than 70 percent shall be set aside and programmed to serve tribal needs, including—

(i) educational, economic development, and health care programs; and

(ii) such other programs as the circumstances of the Menominee Indian Tribe of Wisconsin may justify.

[In the United States Court of Federal Claims, No. 93–649X (Filed: August 12, 1998)]

MENOMINEE INDIAN TRIBE OF WISCONSIN, PLAINTIFF, *v.* THE UNITED STATES, DEFENDANT

REPORT OF THE REVIEW PANEL

Pending before the review panel in this congressional reference is the order of the hearing officer of August 11, 1998, adopting the stipulated settlement of the parties. The parties have agreed to resolve this matter without further litigation. The hearing officer carefully reviewed the basis of the settlement and satisfied himself that it was well grounded in fact and law. The parties have waived by stipulation the normal period for filing exceptions to the report.

This panel hereby affirms and adopts the order of the hearing officer in its entirety. After reviewing the order of August 11, 1998, it is the judgment of this panel that the stipulated agreement between the parties is a just and equitable resolution of the lengthy dispute that it resolves. It is the view of the panel that there is a basis in law and in equity to support the payment to the Tribe of the settlement amount and that such payment would not constitute a gratuity.

Accordingly, the review panel recommends that Congress adopt legislation paying to the Menominee Tribe of Wisconsin $32.052.547 in settlement of the claims embraced in this congressional reference.

Because the parties have waived the normal period for requesting reconsideration, the Clerk is directed promptly to forward this order and supporting materials to Congress.

Done this twelfth day of August, 1998.

ROBERT H. HODGES, Jr.,
Presiding Officer.
MOODY R. TIDWELL,
Panel Member.
BOHDAN A. FUTEY,
Panel Member.

[In the United States Court of Federal Claims, No. 93–649X (Filed: August 11, 1998)]

MENOMINEE INDIAN TRIBE OF WISCONSIN, PLAINTIFF, *v.* THE UNITED STATES, DEFENDANT

Charles A. Hobbs, with whom were Jerry C. Straus, Frances L. Horn, Marsha Kostura Schmidt, and Joseph H. Webster, all of Washington, D.C. for plaintiff.

James Brookshire, with whom was Glen R. Goodsell, U.S. Department of Justice, General Litigation Section, Environment & Natural Resources Division, Washington, D.C., for defendant.

ORDER

On August 6, 1993, Senate Resolution 137 referred to the Court of Federal Claims a proposed bill, S. 1335, for the relief of the Menominee Indian Tribe of Wisconsin, and requested the Chief Judge to proceed in accordance with the provisions of 28 U.S.C. §§1492 and 2509 regarding congressional references. The Resolution requested that the court "report back to the Senate . . . providing such findings of fact and conclusions that are sufficient to inform the Congress of the nature, extent, and character of the damages referred to in such bill as a legal or equitable claim against the United States or a gratuity, and the amount, if any, legally or equitably due from the United States to the Menominee Indian Tribe of Wisconsin by reason of such damages."

The proposed bill if enacted would authorize the payment, "out of any money in the Treasury of the United States not otherwise appropriated," of "a sum equal to the damages sustained by the Menominee Tribe of Wisconsin by reason of "(a) the enactment and implementation of the Act of June 17, 1954 (68 Stat. 250), as amended, and (b) the mismanagement by the United States of the Menominee assets held in trust by the United States prior to April 30, 1961, the effective date of Termination of Federal supervision of the Menominee Indian Tribe of Wisconsin."

The Menominee Tribe filed with this court a complaint alleging injury and damages that arose from the enactment and implementation of the Menominee Termination Act, as well as for various acts of mismanagement by the Bureau of Indian Affairs (BIA) during the period to Termination, 1951–1961. Specific claims alleged were: Count (I) Congressional Breach of Trust ("Basic" claim); (II) Forest Mismanagement; (III) Mill Mismanagement; (IV) Loss of Tax Exemption; (V) Loss of Hospital; (VI) Highway Rights-of-Way; (VII) Power Lines; (VIII) Public Water and Sewage Systems; (IX) Mismanagement of Tribal Funds (Accounting); (X) Loss of Government Programs; (XI) Imposition of Bond Debt; and (XII) Loss of Tribal Property.

This case has a long history before this court. Many of the claims at issue in this congressional reference were litigated previously before the U.S. Court of Claims in the case of *Menominee Tribe of Indians* v. *United States*, Nos. 134–67–A through -I, originally filed in April 1967. The case concerned breach of trust and taking claims related to the Termination of the Menominee Tribe and certain claims for mismanagement of tribal assets during the period prior to Termination (1951–1961). It has been the subject of seven trial court decisions and four decisions before the appellate court. *Manominee Tribe* v. *United States*, 607 F.2d 1335 (Ct. CL. 1979) (congressional breach of trust or "Basic" claim); *Menominee Tribe* v. *United States*, 223 Ct. Cl. 632 (1980) (tax exemption statute of limitations); *Menominee Tribe* v. *United States*, 726 F.2d 712 (Fed. Cir. 1983) (deed restrictions); *Menominee Tribe* v. *United States*, 726 F.2d 718 (Fed. Cir. 1984) (forest mismanagement). All of the dockets were ultimately dismissed in 1984, seventeen years after they were filed, on statute-of-limitations and jurisdictional grounds.

Relying on the substantial record developed in that earlier case as well as on substantial supplemental evidence in the current case, the parties in the present congressional reference filed briefs with the court on the issue of liability as to the first three counts of the Tribe's complaint, as well as on the issue of whether there was good cause for removing the bar of the statute of limitations. In an opinion dated October 30, 1997, this hearing officer held that the claims for Congressional Breach of Trust and forest Mismanagement were not equitable claims for which damages could be recommended; rather, payment of damages for these claims would constitute a gratuity. See *Menominee Indian Tribe* v. *United States*, 39 Fed. Cl. 441, 460–62 (1997). This hearing officer held as to the Mill Mismanagement claim that the issues presented were grounded in equity, but reserved to a later time a decision on the merits and damages, if any, as to each of the particular acts of mill mismanagement alleged by the Tribe. *See id*. at 471. Finally, the hearing officer held that there was good cause to remove the bar of the statute of limitations, which had barred some of the claims in the earlier case. *See id*. The Tribe has stated in the stipulation filed by the parties its disagreement with the hearing officer's holdings on the merits of Count I and II and its intention, if the case were not settled, to appeal the ruling to the review panel. The United States has reserved the right to challenge the hearing officer's good-cause ruling.

After those decisions were rendered, the parties entered into settlement discussions and on August 11, 1998, the parties filed with the hearing officer for approval a stipulated settlement agreement, attached hereto, asking the hearing officer to report to Congress that it has approved the stipulation and recommends that Congress adopt it.

The parties have stipulated that the reference overall includes proper equitable claims appropriate for settlement, and though each side contests certain aspects of the case and aspects of the decisions rendered by this hearing officer, the parties have agreed that the case overall is appropriate for compromise and settlement.

The stipulation of the parties, attached hereto, details the claims and the damage award sought by the Tribe in this reference for the twelve claims. The Tribe claims a total value of $141 million on all of its claims. Although the government does not concur in the Tribe's assessment of the individual claims, it has negotiated terms of a settlement with the Tribe that the parties believe to be fair, just, and equitable. Although the parties did not agree on a settlement value to each claim in the case, the parties have stipulated, in compromise and settlement of the reference overall, that the Menominee Tribe should be compensated in the amount of $32,052,547 in total for its claims as a whole.

In issuing its opinion in 1997 with respect to the first three counts, this hearing officer read all the findings and conclusions of the prior litigation, as well as the appellate opinions. In addition the hearing officer read all the expert reports, irrespective of whether they were directed solely to issues raised in the first three counts, and reviewed virtually all the remaining documentary and testimonial evidence. Because the settlement agreement encompasses not only the three claims that were the subject of the prior opinion, however, but also the remaining claims that have not yet been heard on the merits in the present case, as well as other claims that could have been alleged in the reference, the hearing officer considered additional documentary evidence and citations to the record as well as other information to satisfy himself that the reference overall includes claims equitable in nature. This evidence includes documentary exhibits and an expert report bearing on the Tribe's claim for mismanagement of funds. The government reviewed this evidence as well and provided to the hearing officer its position as to the claims.

Upon careful review of the evidence and consideration of the legal issues, and without withdrawing my 1997 opinion, I am satisfied that the reference overall includes substantial equitable claims appropriate for settlement. I have reviewed the evidence in support of the remaining nine counts, as well as the evidence supporting the damages assertions, and believe that there is ample basis in the record to support a settlement on the grounds that these counts embrace equitable claims that could be the subject of an affirmative recommendation by the hearing officer. I also am satisfied that the amount of the settlement proposed is in line with my assessment of a potential recovery, particularly when recognizing that the tribe does not concede the correctness of the 1997 opinion with respect to counts I and II. Further, while recognizing that the United States disagrees, I conclude that, based on my prior good-cause ruling in this matter, there is a proper basis to find that the bar of the statute of limitations, to the extent applicable, should be removed.

Based on the facts presented in the stipulation, and the evidence that the hearing officer has independently reviewed after consideration of the legal issues, the hearing officer hereby reports that:

a. The reference overall states equitable claims against the United States as set forth in the bill referred to this court.

b. The amount agreed by the parties to be equitably due the Menominee Indian Tribe in full settlement of the aforesaid equitable claims, namely $32,052,547, appears fair and reasonable to the hearing officer, and the hearing officer recommends that Congress appropriate this amount to the Tribe.

c. there is good cause to remove the bar of the statute of limitations to the extent it applies to any of the claims.

d. The parties have stipulated that they waive the right they would otherwise have under RCFC appendix D, paragraph nine, to a thirty-day period in which to accept or reject this recommendation. They have stipulated to its acceptability. They have also stipulated, in the event that the review panel accepts this recommendation, to waive the right to reconsideration under RCFC appendix D, paragraph eleven.

ERIC G. BRUGGINK,
Hearing Officer.

[Congressional Reference to the United States Court of Federal Claims, Congressional Reference No. 93–649X (Judge Bruggink)]

MENOMINEE INDIAN TRIBE OF WISCONSIN, PLAINTIFF, *v.* UNITED STATES OF AMERICA, DEFENDANT

STIPULATION FOR RECOMMENDATION OF SETTLEMENT

1. On August 6, 1993, the Senate enacted Resolution 137 which referred to this court a proposed bill, S. 1335, for the relief of the Menominee Indian Tribe of Wisconsin, and requested the Chief Judge to proceed in accordance with the provisions of 28 U.S.C. §§1492 and 2509 regarding Congressional References. The Resolution requested that the court "report back to the Senate . . . providing such findings of fact and conclusions that are sufficient to inform the Congress of the nature, extent, and character of the damages referred to in such bill as a legal or equitable claim against the United States or a gratuity, and the amount, if any, legally or equitably due from the United Stats to the Menominee Indian Tribe of Wisconsin by reason of such damages."

2. The proposed bill, S. 1335, sets forth the claims Congress requested the court to consider as follows:

"Section 1. The Secretary of the Treasury is authorized and directed to pay to the Menominee Indian Tribe of Wisconsin, out of any money in the Treasury of the United States not otherwise appropriated, a sum equal to the damages sustained by the Menominee Indian Tribe of Wisconsin by reason of—

"(a) the enactment and implementation of the Act of June 17, 1954 (68 Stat. 250), as amended, and

"(b) the mismanagement by the United States of the Menominee assets held in trust by the United States prior to April 30, 1961, the effective date of termination of Federal supervision of the Menominee Indian Tribe of Wisconsin.

"Section 2. Payment of the sum referred to in section 1 shall be in full satisfaction of any claims that the Menominee Indian Tribe of Wisconsin may have against the United States with respect to the damages referred to in such section."

3. Many of the claims at issue in this Congressional Reference were litigated previously before the United States Court of Claims in the case of *Menominee Tribe of Indians* v. *United States*, Dkt. Nos. 134–67 A through I, originally filed in 1967. That case concerned breach of trust and taking claims related to the Termination of the Menominee Tribe and certain claims for mismanagement of tribal assets prior to Termination. It was the subject of seven trial court decisions and four decisions before the appellate court. All of the dockets were ultimately dismissed in 1984, seventeen years after they were filed, on statute of limitations and jurisdictional grounds; none were dismissed on the merits. The Congressional Reference asks this court to make a recommendation under the principles applicable in Congressional Reference cases as to whether the claims are legal or equitable or a gratuity.

4. The Tribe has alleged twelve claims in this Congressional Reference as follows:

(I) *Congressional Breach of Trust*.—The Tribe claims that the United States breached its trust duty to the Tribe by enacting and implementing the Termination Act of June 17 1954, which terminated federal supervision over the Menominee Tribe. The nature of the alleged wrong was that the Tribe was not prepared for Termination and that, though Congress has the power to terminate a Tribe, it cannot without breaching its trust responsibilities terminate the Tribe prematurely or in a manner that would result in unreasonable harm to the Tribe. The Tribe claims this was the circumstance in 1954 when the Termination Act was enacted and later in 1961 when the Termination Act was implemented. It is alleged that after the Termination Act was implemented, the economy on the reservation collapsed, and tribal members suffered from poverty, serious lack of health care and education, disruption of tribal institutions and customary ways of making a living, causing severe economic and psychological hardship, so that the once thriving Menominee reservation became a pocket of poverty and despair. In the Tribe's view, the loss of tribal status left tribal members disenfranchised and shorn of their tribal identity and culture.

The Tribe's federal trust status was later restored in 1973. In enacting the Restoration Act, 25 U.S.C. §903, members of the enacting Congress repudiated the policy of Termination as applied to the Menominee as a "mistake", a "failure" and "an experiment that has had tragic and disheartening results." 119 Cong. Rec. 34308 (Oct. 16. 1973) (statements of Rep. Froehlich, Nelson and Kastenmeier). President Nixon also stated that "This policy of forced Termination is wrong . . . ." 6 Pres. Doc. 894 (1970), reprinted in, 116 Cong. Rec. S23258-23262 (July 8, 1970).

In the original "Basic" proceeding the trial court held that the United States had breached its trust duties to the Tribe by terminating it. However,on appeal, the Court of Claims held that the court had no jurisdiction to determine if an act of Congress was a wrong subject to judicial remedy. *Menominee Tribe* v. *United States.* 607 F.2d 1335 (Ct. Cl. 1979). Following the reasoning of the Court of Claims, the hearing officer in this Congressional Reference has also held that even though "the decision to end the Government's relationship with the Tribe when it did was a serious mistake of judgment," acts of Congress cannot serve as a source of a wrong even as an equitable claim in a Congressional Reference context.

Whether this conclusion has been, and remains, correct is a subject of contention between the parties. In any event, the Tribe has the right to seek review of this decision by the Review Panel when it becomes final. The Government agrees with the hearing officer's ruling. Despite their differing positions, the parties nevertheless agree the claim is appropriate for inclusion in an overall compromise and settlement of all the Reference claims. The Tribe's valuation of this claim is $60 million.

(II) *Forest Mismanagement.*—This is a claim for beach of trust in the mismanagement of the Menominee Tribe's valuable forest between 1951 and 1961, prior to Termination. The claim springs from the alleged failure of the BIA to seek an amendment to the congressionally imposed but (according to the Tribe) outdated statutory cutting limit which seriously impaired the ability of the agency to properly manage the forest. In the original case the trial court found the BIA had breached its trust duty and awarded damages in the amount of $7.2 million. The decision was overturned when the Federal Circuit ruled the claim was barred by the statute of limitations. *Menominee Tribe* v. *United States*, 726 F.2d 718 (Fed. Cir. 1984).

In the Congressional Reference action, this claim was briefed before the hearing officer, who held that the claim could not be an equitable one because the Tribe was actually challenging an act of Congress. As such the claim was dismissed for reasons similar to those set forth under Count I—i.e., an act of Congress may not constitute a wrong, even for an "equitable" claim. The Tribe strenuously disagrees with that assessment because it believes the wrongdoer was the BIA for not warning Congress of the damage being done by the outmoded cutting limit. The Tribe has the right to review of this decision by the Review Panel when it becomes final. The Government disagrees with the Tribes's legal and factual basis for this claim. Despite their differing positions, the parties nevertheless agree the claim is appropriate for inclusion in an overall compromise and settlement of all the Reference claims. The Tribe's valuation of the Forest claim is $6.6 million.

(III) *Mill Mismanagement.*—This claim is for breach of trust in the mismanagement of the Menominee Mill between 1951 and 1961. In the Tribe's view, the Mill and Forest were the heart of the economy on the Reservation. The claim focuses on the BIA's alleged failure to make repairs and to maintain the Mill, as well as update the equipment to make it efficient and safe. The claim is made up of 13 subclaims which deal with specific acts of mill mismanagement. In the original case, the trial court awarded $5.5 million in damages, but the claim was later dismissed by stipulation based on the Federal Circuit's ruling on statute of limitations in the forest mismanagement case.

In this Congressional Reference, the hearing officer ruled that the claim is an equitable claim but has reserved judgment as to liability and damages on each of the 13 subclaims to a later proceeding. The hearing officer also ruled that there is reason to remove the statute of limitations bar. The Government disputes this and has the right to seek review of both rulings. Despite their differing positions, the parties nevertheless agree the claim is appropriate for inclusion in an overall compromise and settlement of all the Reference claims. The Tribe's valuation of this claim is $5.9 million.

(IV) *Tax Exemption Taking.*—This claim alleges the taking of the Tribe's tax exemption with the passage of the Termination Act. The Tribe claims that, at the time of Termination, it held a valuable property right in its tax immunity. According to the Tribe, this immunity from taxes was based on (a) the Tribe's political status as a sovereign entity; (b) the related doctrine that a state has no jurisdiction over a tribe; and (c) the Tribe's treaty-guaranteed right that its land would "be held as Indian lands are held," and hence implied tax exemption. Treaty of 1854, 10 Stat. 1065, Art. 2. The Tribe alleges that this immunity from taxation is a property right protected by the Fifth Amendment. See *Choate* v. *Trappe*, 224 U.S. 665 (1912).

When the Termination Act was passed, it envisioned specifically subjecting the assets and income of the Tribe's successor corporation (Menominee Enterprise, Inc. or MEI) to federal and state taxation. 25 U.S.C. §§898, 899. While Congress has the power to take away the Tribe's immunity from tax, the Tribe contends that immunity is a valuable property right and that the Tribe is constitutionally entitled to just compensation for its taking (*Choate* v. *Trappe*, supra).

In the original case the taking claim was subject to trial and briefing but was ultimately dismissed on statute of limitations grounds. *Menominee Tribe* v. *United States*, 223 Ct. Cl. 632 (1980). The Tribe maintains that, as a taking claim, the claim is an equitable one and that there is a substantial argument that the statute of limitations should be removed. The United States does not concur in the Tribe's assessment of this claim. The hearing officer has not heard this claim. The Tribe's valuation of this claim is $12,675,910 including principal and interest.

(v) *Hospital Breach of Trust.*—The Tribe claims that the BIA breached its trust duty in managing tribal funds which were negligently spent by the BIA in remodeling the Tribe's hospital. The Tribe alleges that the BIA was required to ensure that any renovations to the hospital be in the best interest of the Tribe. In the Tribe's view, this necessarily included bringing the hospital up to state standards when the BIA knew that the hospital would become subject to state laws upon Termination. The Tribe alleges that the BIA failed in this duty by spending hundreds of thousands of dollars of tribal money on major renovations to the Tribe's hospital, though it knew that the renovations would be inadequate under State codes to allow the hospital to continue operating after Termination. Further, according to the Tribe, the BIA failed to remedy these problems in the months before Termination despite the BIA's actual knowledge that the hospital could not be licensed due to numerous violations of State codes. Allegedly as a result, the hospital was forced to close and the tribal money spent on renovations was wasted.

The Tribe alleges that such conduct is a clear violation of the BIA's trust duty to manage tribal funds prudently and is a proper basis for an equitable claim. The original court proceeding did not address this claim directly and it was dismissed by stipulation along with the other unadjudicated claims, in the wake of the unfavorable rulings on the Basic and Forest claims in 1979 and 1984. The Tribe contends that the Court of Claims did however recognize, in dicta, this claim as a potential breach of trust claim. 607 F.2d 1335, 1346-47. The hearing officer has not heard this claim. The United States does not concur in the Tribe's assessment of the facts or law underlying this claim. Despite their differing positions, the parties nevertheless agree the claim is appropriate for inclusion in an overall compromise and settlement of all the Reference claims. The Tribe's valuation of this claim is $3,952,307 including principal and lost interest.

(VI) *Road Right-of-Way Taking.*—Under the Treaty of 1854, the United States held, in trust for the Menominee Tribe, fee title to all land within the Menominee Reservation. The State of Wisconsin built two highways and smaller roads throughout the reservation in the early 1920's. As the 1961 Termination date approached, the State requested and the BIA agreed that the roads on the reservation be brought up to State standards and transferred to the State, and to the future Menominee Town and County. On April 26, 1961, the United States transferred by quitclaim deed for $1.00, a right-of-way over the existing road system on the Reservation as well as additional acreage for the widening of the roads as requested by the State. The Secretary allegedly obtained no compensation for the transfer of the easement or the timber located on the additional right-of-way, nor did the Secretary reserve to the Tribe the right to log that timber.

The Tribe claims that this transfer was a taking under the Fifth Amendment. In the original claim, the trial judge found the transfers were a taking but reserved damages to a later date. The claim was subsequently dismissed by stipulation. As a taking claim, the Tribe maintains that the claim constitutes an equitable claim within the context of the Congressional Reference. The United States does not concur in the Tribe's assessment of this claim. Despite their different positions, the parties nevertheless agree the claim is appropriate for inclusion in an overall compromise and settlement of all the Reference claims. The hearing officer has not heard this claim. The Tribe's valuation of thjs claim is $1,664,996 including principal and interest.

(VII) *Power Contract and Right-of-Way Breach of Trust.*—This claim is properly considered included as one of the subclaims in the Mill Mismanagement (count III) count and damages are included in that total figure.

(VIII) *Water and Sewer Breach of Trust.*—This is a claim that BIA failed to ensure that adequate water and sewer facilities were in place on the Reservation between the period 1951 and 1961. In the original claim, the trial judge found the BIA had breached its fiduciary duty to maintain properly and to upgrade these facilities but reserved damages to a later time. The government disagrees with that ruling. Despite their differing positions, the parties nevertheless agree the claim is appropriate for inclusion in an overall compromise and settlement of all the Reference claims. The hearing officer has not yet heard this claim. The Tribe examined the claim in the context of the current case and decided to drop the claim.

(IX) *Mismanagement of Funds Breach of Trust.*—This is a breach of trust claim for the improper expenditure of tribal trust funds by the BIA between 1951 and 1961 and the loss of interest on the money removed from the trust funds. The Tribe claims there were four types of improper expenditure, and asserts the following arguments in support of its position:

(1) The BIA used tribal funds to pay for the BIA's own agency administrative expenses. Since administrative expenses are considered to be for the benefit of and therefore the responsibility of the Government, use of tribal funds for these expenses was a breach of the Secretary's trust duty to manage the Tribe's funds as a trustee would. *Sioux Tribe* v. *United States*, 105 Ct.Cl. 725 (1946). Moreover, by expending these funds, the Tribe lost interest it would otherwise have earned.

(2) Tribal funds were also used to pay for law and order expenses on the reservation. These expenses are also the responsibility of the Government and not the tribe, and [illegible]e also not allowed. *Blackfeet Tribe* v. *United States*, 32 Ind. Cl. Comm. 65 (1973); *Red Lake Band* v. *United States*, 17 Ct.Cl. 362 (1989).

(3) Tribal funds were used for the expenses of the tribal council in administering Termination. Since Termination was for the benefit of the Government, the Government should have borne the expense based on the same principles stated in (1) and (2) above;

(4) Tribal funds were used to pay for tribal health, education, and welfare expenses while the Government routinely paid for these services for other tribes with Government funds. The Tribe alleges that it was a breach of trust to spend the Tribe's money on such expenses particularly when the Tribe's funds were depleted far below the amount necessary for the Tribe to operate its mill and forest profitably before Termination, and to have the necessary capital on hand to make repairs and rehabilitation after Termination.

The total amount of funds the Tribe alleges were imprudently spent in these four claims is $2,553,180. Had those funds remained in the Tribe's trust fund, and had the Secretary invested those funds as required by 15 U.S.C. 162a, the Tribe alleges that it would have received additional interest. In the Tribe's view, the lost interest is a valid claim. *Cheyenne-Arapahoe Tribes* v. *United States*, 206 Ct.Cl. 340 (1975). The Tribe's valuation of lost interest to date is $27,388,973. Its total valuation on the accounting claim is therefore $29,942,153. The Tribe maintains that the claim for improper expenditures would be an equitable claim within the context of a reference. The government disagrees with the Tribe's assessment of this claim. Despite their differing positions, the parties nevertheless agree the claim is appropriate for inclusion in an overall compromise and settlement of all the Reference claims. The hearing officer has not heard this claim.

(X) *Loss of Government Programs.*—The Tribe considers that the damages of this claim are properly included within the damages of Count I. No separate claim is stated herein.

(XI) *Imposition of Bond Debt.*—As part of the Termination Plan approved by the Secretary of the Interior, each tribal member received an income bond at $3,000 face value bearing four percent interest. The Tribe argues that, while normally bonds are issued in return for financial capital, in MEI's case a debt was incurred but it received no corresponding funds or assets. Furthermore, the Tribe argues that there was no practical way for MEI to avoid paying the interest on the bonds even when it did not have the funds to do so. The Tribe argues that, although tribal revenues had been sufficient to make stumpage payments to tribal members before Termination, the Secretary knew that MEI would become subject to a massive tax burden, as well as other new expenses after Termination, and that the Secretary also knew, or should have known, that the imposition of such a massive debt burden in addition to these other expenses would undermine the viability of MEI and cause great hardship to the Menominee.

The Tribe argues that the Secretary was required to ensure that the provisions of the Termination Plan which he approved were in the best interest of the Tribe and its members. See *Cheyenne Arapaho Tribes* v. *United States*, 512 F.2d 1390, 1396 (1975) (BIA required to make "an independent judgment that the tribe's request was in its own best interest"); *Oglala Sioux Tribe* v. *United States*, 21 Cl. Ct. 176, 193 (Cl. Ct. 1990) (BIA not permitted to place responsibility for poor decisions on Tribe, since tribal decisions subject to final BIA approval).

For these reasons, the Tribe argues, the Secretary breached his duty to the Menominee Tribe by approving the bond provisions of the Termination Plan. If the Secretary breached his trust duty to the Tribe as alleged, it would, in the Tribe's view, be the proper basis for a equitable claim. The hearing officer has not heard this claim. The United States disputes the legal and factual bases for this claim. Despite their differing positions, the parties nevertheless agree the claim is appropriate for inclusion in an overall compromise and settlement of all the Reference claims. The Tribe's valuation of this claim is $20,574,000.

(XII) *Taking of Tribal Property.*—Upon Termination, the tribal office building was transferred to Menominee County by the Secretary of the Interior. The Tribe alleges that The Termination Act, which required the Secretary to approve and put into effect a plan for the management of tribal assets after Termination, contemplated that such transfers of property from control of the Tribe to other entities would take place. The Secretary issued a deed transferring title to the tribal office building to the County. Despite restoration of the Tribe to federal status in 1973, this property was never returned to the Tribe. Further, according to the Tribe, at no time has the Tribe received any compensation for this property taken by the United States, despite the fact that recognized tribal title, including land and buildings, is protected by the Fifth Amendment, and cannot be taken by the Government without just compensation. The United States does not concur in the Tribe's assessment of this claim. Despite their differing positions, the parties nevertheless agree the claim is appropriate for inclusion in an overall compromise and settlement of all the Reference claims.

This claim, then an undefined part of the accounting claim, was not heard in the original case and it has not been heard by the hearing officer in this Congressional Reference. The Tribe's valuation of this claim is $87,688 including principal and interest.

In summary, the Tribe values its 12 claims at $141 million. The United States does not concur in the Tribe's assessment of the claims. However, as mentioned above, both parties agree that the Reference overall is appropriate for settlement.

5. There has been a full and extensive development of the record in the prior adjudication before the Court of Claims as to many of these claims. Further extensive development of the facts occurred before the hearing officer in the present proceeding including the filing of supplemental evidence in the record of additional plaintiff expert reports, affidavits, and depositions. The parties agree that, after over thirty years of dispute, including seventeen years of litigation in the first case and some thirteen more years of seeking and litigating this Congressional Reference, there has been a sufficient development of all of the claims to support a compromise and settlement. Further, while the parties are each confident in their positions, they each recognize that the outcome with respect to each claim, if fully litigated, is not certain.

6. The hearing officer issued a detailed opinion on the first three claims as well as on the issue of whether the statute of limitations should be removed. This opinion prompted the parties to enter into extensive settlement negotiations.

7. The stipulations herein are based upon an exhaustive review of the evidence by the parties and these stipulations are justified and supported by competent evidence.

Now therefore the parties stipulate and agree,

(a) That the Congress directed the Court through this Reference to determine whether the Menominee Tribe has legal or equitable claims against the United States as a result of "(a) the enactment and implementation by the United States of the Menominee assets held in trust by the United States prior to April 30, 1961 . . .";

(b) That this Reference overall is a proper one for compromise and settlement, given the extensive development of the legal and factual record that has already occurred in this and prior litigation between the parties, and given the parties' careful consideration and negotiation of the legal and factual issues in this matter;

(c) That, recognizing that the parties reserve their positions on these matters, the legal and factual record developed with respect to the Menominee in this and prior litigation establishes a basis for equitable claims against the United States within the scope of this Reference, including a potential basis for removal of the bar of the statute of limitations;

(d) That it would be fair, just, and equitable, under the terms of the Reference, to pay the Menominee Tribe of Wisconsin the sum of $32,052,547 as a final settlement of all claims that the Tribe has stated in this action, and that that amount is supported by the record in this and prior litigation;

(e) That, as demonstrated by the record in this and prior litigation, and as acknowledged by President Richard Nixon and members of Congress, the policy of forced termination as applied to the Menominee Tribe, was "wrong";

(f) That the hearing officer in this matter, the Review Panel, and the Chief Judge should approve this Stipulation and recommend to Congress the above-stated sum as the appropriate amount to be paid to the Menominee Tribe;

(g) That the compromise and settlement of these claims include any and all claims which were, or could have been, alleged—either directly or indirectly—pursuant to S. 1355, including, but not limited to, claims for attorney's fees and other expenses;

(h) That any and all claims encompassed by S. 1335 will, consistent with Paragraph (i), below, be fully and finally resolved upon a recommendation of payment of $32,052,547 as consistent with the overall merit of the claims;

(i) That, upon the tendering of a recommendation by the hearing officer in approving the compromise and settlement of any and all claims encompassed by S. 1335 for the amount agreed to by the parties, and the transmission to Congress by the Chief Judge of the Court's Report to the same effect, the Reference under S. 1335 to the Court of Federal Claims shall be fully and finally resolved; and

(j) That this compromise and settlement derives from the unique circumstances of the Menominee Tribe with respect to the Act of June 17, 1954, and the Tribe's continuous effort since 1967 to obtain relief, and that this compromise and settlement shall not be cited for, and does not constitute, precedent in any fashion with respect to any other dispute.

(k) That, if this stipulation is accepted by the hearing officer, the parties waive their right under RCFC Appendix D ¶9 to file within 30 days a notice of acceptance or exception to the hearing officer's report. They herewith accept such a report.

(l) That, if the hearing officer accepts this stipulation and so reports to the review panel, and if the review panel adopts the report of the hearing officer, the parties waive the right under Appendix D ¶11 to seek rehearing within ten days, and instead request that the matter be promptly filed with the Clerk for transmission by the Chief Judge to Congress.

Stipulated and signed this 11th day of August, 1998.

CHARLES A. HOBBS,
Attorney for the plaintiff.
JAMES BROOKSHIRE,
Attorney for the United States.

U.S. SENATE,
COMMITTEE ON INDIAN AFFAIRS,
Washington, DC, April 22, 1999.

Hon. ORRIN G. HATCH,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.
Hon. PATRICK LEAHY,
Ranking Member, Committee on Judiciary, U.S. Senate, Washington, DC.

DEAR CHAIRMAN HATCH AND SENATOR LEAHY: This letter concerns a Congressional reference made by the United States Senate during the 103rd Congress concerning the Menominee Tribe of Wisconsin. Through Senate Resolution 137, the Senate directed the United States Court of Federal Claims to hear a series of claims of the Menominee Tribe and, based on its findings, make recommendations to Congress.

Senator Kohl has indicated that he will soon introduce legislation based upon the findings, recommendations, and conclusions reached by the Court of Federal Claims on August 11, 1998. I understand that the proposed legislation would authorize the settlement of all of the claims referred by Congress in return for a payment of approximately $32 million. This settlement amount is based on an agreement reached between the Menominee Indian Tribe of Wisconsin and the United States Department of Justice.

On August 12, 1998, the U.S. Court of Federal Claims reported to the Senate that it "recommends that Congress adopted legislation paying to the Menominee Tribe of Wisconsin $32,052,547 in settlement of the claims embraced in this congressional reference." It is significant that the hearing officer independently concluded that the settlement was "fair and reasonable" and that the Court's Review Panel concluded that "the stipulated agreement between the parties is a just and equitable resolution of the lengthy dispute that it resolves.

Accepting the recommendations of the Court of Claims provides a means for brining closure to this painful chapter in our Nation's treatment of the Menominee Tribe. The legislative and judicial path to restitution has been a long road for this Tribe. This journey can and should be brought to an appropriate conclusion during the 106th Congress.

After reviewing this matter, it is clear that the settlement proposal is consistent with past practices and precedents.

Sincerely,
BEN NIGHTHORSE CAMPBELL.

By Mr. DORGAN (for himself, Mr. CONRAD, and Mr. WELLSTONE):

S. 1022. A bill to authorize the appropriation of an additional $1,700,000,000 for fiscal year 2000 for health care for veterans; to the Committee on Veterans' Affairs.

VETERANS EMERGENCY HEALTH CARE ACT OF 1999

Mr. DORGAN. Mr. President, this country made a promise years ago to the men and women who risked their lives in defense of this nation. They were promised that their health care needs would be provided for by a grateful nation. That promise is not being kept, and it is time to stop paying lip service to those who served this country so well.

The current state of veterans' health care funding is shameful. Spending on veterans' health care has seen no significant increase for three consecutive years, at the very time that more and more of our World War II and Korean war veterans are relying on the VA health care system.

In a memo to VA Secretary Togo West, Under Secretary for Health Dr. Kenneth Kizer expressed concern that a fourth year with a stagnant health care budget "poses very serious financial challenges which can only be met if decisive and timely actions are taken." If increased funding is not secured even deeper cuts will be required such as "mandatory employee furloughs, severe curtailment of services or elimination of programs, and possible unnecessary facility closures."

Today, veterans' health care facilities are laying off care-givers and other critical staff.

It is unlikely that the Senate will increase normal appropriations for veterans health care funding enough to correct three years of neglect. That is why Senator CONRAD and I are proposing an additional $1.7 billion in emergency spending to address the health care needs of our country's veterans. We need to keep our promises to those who have served our country and risked their lives to preserve our freedoms. This bill is a step in the right direction.

This legislation will help the Veterans' Administration keep up with medical inflation, provide cost of living adjustments for VA employees, allow new medical initiatives that the VA wants to begin (Hepatitis C screenings and emergency care services), address long-term health care costs, provide funding for homeless veterans, and aid compliance with the Patients Bill of Rights.

In light of other emergency measures this Congress is considering, it is our opinion that preventing a health care catastrophe for our veterans is of equal, if not greater, importance than funding items like the NATO infrastructure fund and overseas military construction projects. Congress is debating right now, many new emergencies, new programs, and new initiatives. I'm not passing judgment on those decisions.

What I am saying, is that because of insufficient funding, and unforeseen health care needs, we have an emergency right now, in our ability to honor our commitment to this nation's veterans. We must not break our promise.

Mr. President, I urge my colleagues to swiftly approve this legislation. The veterans who proudly served their country deserve no less.

Mr. CONRAD. Mr. President, I am very pleased to join my distinguished colleague from North Dakota, in introducing legislation to authorize $1.7 billion in emergency funding for FY 2000

Veterans Health Administration programs. Since the release of the Administration's FY 2000 budget for the Department of Veterans Affairs, I have been deeply concerned by the level of funding—$17.3 billion—for the Veterans Health Administration.

This concerned was heightened by comments in an internal memo by Dr. Kenneth Kizer, VA Undersecretary for Health, in February, regarding the FY 2000 veterans health care budget. In that memo, Dr. Kizer warned VA Secretary Togo West that the Administration budget for FY 2000 "poses very serious challenges which can only be met if decisive and timely actions are taken."

Dr. Kizer went on the say that unless the VA acts soon, "* * * we face the very real prospect of far more problematic decisions, e.g. mandatory employee furloughs, severe curtailment of services or elimination of programs and possible unnecessary facility closures"

Indeed, Mr. President, I can confirm, that concern over VA health care funding in FY 2000, and the possibility of severe curtailment of services, and the furlough VA employees is a very real concern for North Dakota veterans and DVA officials at the Fargo VA Medical Center in North Dakota. Veterans health care funding in FY 2000, and the hope that funding can be authorized this year to under take critical environmental improvements at the Fargo DVA Medical Center are high priorities for North Dakota veterans. These key priorities were discussed during a visit to the Fargo DVA Medical Center earlier this year, at my request, by Deputy Secretary Hershel Gober. In fact, so concerned are members of the Disabled American Veterans nationwide, including North Dakota members, about funding for VA medical programs, that a rally has been scheduled on May 30th at the Fargo DVA Medical Center to heighten public awareness of the FY 2000 budget for veterans medical care and to press for additional funds.

Mr. President, over the past few months, Members of the Senate Committee on Veterans' Affairs and many of my colleagues have been working hard to increase funding for veterans medical care in FY 2000. I have strongly supported these efforts. During consideration of the FY 2000 budget resolution in committee, and when the resolution was reported to the Senate for consideration, I voted to increase funding for VA medical care by $3 billion, the figure recommended in the FY 2000 Independent Budget supported by the AMVETS, Disabled American Veterans, the Veterans of Foreign Wars, and the Paralyzed Veterans of America. House and Senate conferees eventually agreed to increase veterans health care funding by $1.66 billion in FY 2000. Most recently, I cosigned a letter to Members of the Senate Appropriations Committee urging the committee to provide $1.7 billion above the administration's request for the Veterans Health Administration. Although Senate appropriators have not made a decision on how much to increase funding for veterans medical care, initial reports for a significant increase are not encouraging.

Because of concerns that the FY 2000 appropriations for veterans health are not expected to be adequate, and may result in unnecessary furloughs and disruptions of health care services for veterans, Senator Dorgan and I are introducing legislation to provide an emergency authorization of $1.7 billion in funding above the administration's request for $17.3 billion for the Veterans Health Administration. This figure also represents the level of additional health care funding recommended for the VA to Senate appropriators by Senate Veterans' Committee Chairman Arlen Specter and Ranking Member John D. Rockefeller. We must make every effort to find these emergency FY 2000 funds for veterans medical care, and to include them in appropriate legislation to avoid disruptions in critical health care. We can do no less for our veterans.

Mr. President, I ask unanimous consent that additional material be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Department of Veterans Affairs,

Date: Feb. 8, 1999
From: Under Secretary for Health (10)
Subj: FY 99/2000 VHA Budget
To: Secretary (00)

1. As you know, current VHA program projections indicate that the FY 99 budget is adequate to meet demands. However, the President's FY 2000 requested budget, and especially the 1.4 billion of management efficiencies, pose very serious financial challenges which can be met only if decisive and timely actions are taken.

2. Strategic planning initiatives undertaken by VHA networks over the past year are culminating in recommendations for a variety of program adjustments, including facility integrations, bed reductions, program consolidations and mission changes, which reflect necessary shifts in patient care service delivery and practices.

3. In most cases, these changes are, or will be, accompanied by requests for reductions-in-force and staffing adjustments which will better configure our workforce to meet the changing needs of our patients and programs. While difficult, these changes are absolutely essential if we are to prepare ourselves for the limitations inherent in the proposed FY 2000 budget.

4. Please know that I believe we are in a serious and precarious situation and that if we do not institute these difficult changes in a timely manner, then we face the very real prospect or far more problematic decisions, e.g., mandatory employee furloughs, severe curtailment of services or elimination of programs, and possible unnecessary facility closures.

5. In short, the earlier we act in this fiscal year to take the necessary steps to position ourselves for next year's budget, the less likely we will be to face far more drastic and untenable actions in FY 2000.

6. I therefore request that we quickly establish a protocol for rapidly processing requests for actions to right-size the VHA healthcare system. Such a process should identify specific steps and associated timelines for assessing such requests, ensuring proper Congressional notification and issuing approval so that implementation actions can begin.

7. Again, I cannot overstate the need for timely action so as to avoid far more severe actions in the next fiscal year. I am prepared to discuss this with you at your convenience.

Kenneth W. Kizer, MD., M.P.H.

Administrators Warn of VA Hospital Closings

(By Katherine Rizzo, Associated Press, February 25, 1999)

Washington (AP)—Veterans' hospitals may have to reduce staff and services next year unless Congress comes up with more money than the president has proposed, say administrators and interest groups.

"When your drug costs go up 15 percent a year and employee salaries go up 4 percent a year and our employees are 70 percent of our budget, at some point there are choices that have to be made," said Laura Miller, who oversees hospitals in Ohio and northern Kentucky.

"Administering this budget would be like trying to build a house of cards in an Oklahoma tornado," added recently retired Veterans Health Administration official Tom Trujillo.

Trujillo, Miller and other administrators appeared before the House Veterans' Affairs subcommittee on health Wednesday to answer lawmakers' questions about a spending request that all present deemed was insufficient.

Miller said the no-growth budget proposal has her bracing for a cut of 200 positions next year, most likely achieved by closing hospital wards and suspending plans for new outpatient clinics.

Other administrators said they either expected to reduce staff in 2000 or had requests pending to start reducing staff this year.

James Farsetta, director of the VA region that operates seven medical centers in New Jersey and southern New York, said he has already submitted a request to eliminate 400 jobs.

William Galey, who oversees services in Alaska, Washington, Oregon and Idaho, told the subcommittee he's considering staff reductions of anywhere from 300 to 800.

Veterans groups offered their own denunciations.

"It is unfair that in the presence of the largest budget surplus in recent history, while other federal agencies will have double-digit increases, veterans are being asked to once again sacrifice," said the Veterans of Foreign Wars.

The Paralyzed Veterans of America accused the Clinton administration of crafting a budget that kills the VA health system "through intentional budget strangulation."

"Nobody on either side of the aisle likes this budget," said Rep. Mike Doyle, D-Pa. "I don't know how we can flat-line a budget from 1997 to 2002 and not expect the system to collapse."

Deputy Under Secretary for Health Thomas Garthwaite said the administration was aware of "significant financial challenges ahead" but that plans still was being made to prepare for the possibility that Congress might not add money to the administration's spending request.

The veterans' organizations made public an internal Department of Veterans Affairs memo written by Under Secretary Kenneth Kizer, who heads the hospital system.

"I believe we are in a serious and precarious situation and that if we do not institute these difficult changes in a timely manner, then we face the very real prospect of far more problematic decisions, e.g. mandatory employee furloughs, severe curtailment of services or elimination of programs, and possible unnecessary facility closures," Kizer wrote.

The veterans' groups did not say how they obtained the memo, but Garthwaite did not dispute its authenticity. He said he believed it was intended to outline the importance of moving quickly because "it will cost more later if we don't take the administrative actions early."

By Mr. MOYNIHAN (for himself, Mr. KENNEDY, Mr. SCHUMER, Mr. HELMS, Mr. KERRY, Mr. TORRICELLI, Mr. DURBIN, Mr. SANTORUM, Mr. LIEBERMAN, Mr. KERREY, Mr. LEVIN, Mrs. MURRAY, Mr. SPECTER, Mr. CLELAND, and Mr. EDWARDS):

S. 1023. A bill to amend title XVIII of the Social Security Act to stabilize indirect graduate medical education payments; to the Committee on Finance.

GRADUATE MEDICAL EDUCATION PAYMENT RESTORATION ACT OF 1999

By Mr. MOYNIHAN (for himself, Mr. SCHUMER, Mr. SPECTER, Mr. KERRY, Mr. KERREY, Mr. SANTORUM, Mr. DURBIN, Mr. CLELAND, and Mr. CHAFEE):

S. 1024. A bill amend title XVIII of the Social Security Act to carve out from payments to Medicare+Choice organizations amounts attributable to disproportionate share hospital payments and pay such amounts directly to those disproportionate share hospitals in which their enrollees receive care; to the Committee on Finance.

MANAGED CARE FAIR PAYMENT ACT OF 1999

By Mr. MOYNIHAN (for himself, Mr. BREAUX, Mr. DASCHLE, Mr. SANTORUM, Mr. DURBIN, Mr. SCHUMER, Mr. KERRY, Mr. SPECTER, Mr. CONRAD, Mr. BAUCUS, Mr. CHAFEE, Mr. KERREY, and Mr. CLELAND):

S. 1025. A bill to amend title XVIII of the Social Security Act to ensure the proper payment of approved nursing and allied health education programs under the medicare program; to the Committee on Finance.

NURSING AND ALLIED HEALTH PAYMENT IMPROVEMENT ACT OF 1999

• Mr. MOYNIHAN. Mr. President, today I am introducing three bills that will provide much needed financial support for America's 144 accredited medical schools and 1,250 graduate medical education (GME) teaching institutions. These institutions are national treasures; they are the very best in the world. Yet today they find themselves in a precarious financial situation as market forces reshape the health care delivery system in the United States.

The growth of managed for-profit care combined with GME payment reductions under the Balanced Budget Act of 1997 (BBA) have put these hospitals in dire financial straits. Hospitals are losing money—millions of dollars every year. And these losses are projected to increase, as additional scheduled Medicare payment reductions are phased in. Many of the teaching hospitals that we know and depend on today may not survive—including those in my state of New York—if these additional GME payment reductions are not repealed.

To ensure that this precious public resource is maintained and the United States continues to lead the world in the quality of its health care system, the three bills I am introducing today—the Graduate Medical Education Payment Restoration Act of 1999, the Managed Care Fair Payment Act of 1999, and the Nursing and Allied Health Payment Improvement Act of 1999—will provide critically required funding for teaching hospitals.

Everyone in America benefits from the research and medical education conducted in our medical schools and affiliated teaching hospitals. They are what economists call public goods—something that benefits everyone but which is not provided for by market forces alone. Think of an army. Or a dam.

The Medicare program is the nation's largest explicit financier of GME, with annual payments of about $7 billion. In the past, other payers of health care have also contributed to the costs of GME. However, in an increasingly competitive managed care health care system, these payments are being squeezed out.

Earlier this year, I reintroduced the Medical Education Trust Fund Act of 1999. This legislation requires the public sector, through the Medicare and Medicaid programs, and the private sector, through an assessment on health insurance premiums, to contribute broad-based and equitable financial support for graduate medical education. I hope that one day Congress will see the wisdom of enacting such a measure. However, our teaching hospitals need help now.

We are in the midst of a great era of discovery in medical science. It is certainly no time to close medical schools. This great era of medical discovery is occurring right here in the United States, not in Europe like past ages of scientific discovery. And it is centered in New York City.

It started in the late 1930s. Before then, the average patient was probably as well off, perhaps better, out of a hospital as in one. Progress since that point sixty years ago has been remarkable. The last few decades have brought us images of the inside of the human body based on the magnetic resonance of bodily tissues; laser surgery; micro surgery for reattaching limbs; and organ transplantation, among other wonders. Physicians are now working on a gene therapy that might eventually replace bypass surgery. One can hardly imagine what might be next—but we do know that much of it will be discovered in the course of ongoing research activities in our teaching hospitals and medical schools. That is a process which is of necessity unplanned, even random—but which regularly produces medical breakthroughs. To cite just a few examples:

At Memorial Sloan-Kettering Cancer Center, the world renowned teaching hospital in New York City, researchers in 1998 discovered among many other things a surgical biopsy technique that can predict whether breast cancer has spread to surrounding lymph node tissue. This technique will spare 60,000 to 80,000 patients each year from having to undergo surgical removal of their lymph nodes.

In 1997, at Mount Sinai-NYU Medical Center, it was discovered that malignant brain tumors in young children can be eradicated through the use of high-dose chemotherapy and stem-cell transplants.

And in May of last year, a doctor at Children's Hospital in Boston created a global media sensation with his discovery that a combination of the drugs endostatin and angiostatin appeared to cure cancer in mice by cutting off the supply of blood to tumors. Although the efficacy of this therapy in humans is not yet known, the research holds great promise that a cure for cancer may actually be within reach. And it was discovered in a teaching hospital.

The Graduate Medical Education Payment Restoration Act, with a total of 15 cosponsors, will freeze the current schedule of BBA reductions to the indirect portion of GME funding. Congressman RANGEL today is introducing a similar bill in the House. Under the BBA, the indirect payment adjustor is scheduled to be reduced from 7.7 percent to 5.5 percent by FY 2001. This bill will maintain the current payment adjustor at its current level of 6.5 percent, thereby rolling back about half of the indirect GME funding cuts in the BBA. In total, this provision restores about $3 billion over 5 years and $8 billion over 10 years in indirect GME funding for teaching hospitals.

The Managed Care Fair Payment Act, with nine cosponsors, will redirect more than $2.5 billion over 5 years of Medicare Disproportionate Share Hospital (DSH) funds from the Medicare managed care payment rates to the more than 1,900 hospitals that qualify for DSH funding. Congressman RANGEL introduced a similar bill in the House this past March. More than two-thirds of teaching hospitals also qualify for DSH funds. Under the current payment method, payments to managed care plans include these DSH funds, but unfortunately, these funds are not necessarily passed-on to DSH hospitals. Managed care plans often do not contract with DSH hospitals, and when they do the negotiated payment rates often do not include these DSH payments. Like GME funding under current law, this bill would carve out DSH funds from the managed care rates and require the Health Care Financing Administration to pass them on directly to qualifying hospitals.

The third bill I am introducing today, which has 13 cosponsors, is the Nursing and Allied Health Payment Improvement Act. This bill was introduced by Congressmen CRANE and BENTSEN on April 20 of this year. While Congress in the BBA of 1997 recognized the need to carve-out GME funding from managed care rates, it unintentionally did not carve out the funding for the training of nurses and allied health professionals. Like DSH funds, without the carve-out, funding for these education programs is unlikely to reach the more than 700 hospitals that provide training to these vitally important health professionals. This bill seeks to correct this problem by carving out the funding for the training of nurses and other allied health professionals and directing them to the hospitals that provide these training programs.

Combined, these three bills will strengthen our nation's teaching hospitals and ensure that the United States will continue to be in the forefront of developing new cures, new medical technology, and training of the worlds finest medical professionals. Without these bills, the state of our nation's teaching hospitals and the delivery of health care will remain in jeopardy.

I ask that the text of the bills, along with two articles from the New York Times, be included in the RECORD.

The material follows:

S. 1023

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Graduate Medical Education Payment Restoration Act of 1999".

SEC. 2. TERMINATION OF MULTIYEAR REDUCTION OF INDIRECT GRADUATE MEDICAL EDUCATION PAYMENTS.

Section 1886(d)(5)(B)(ii) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(B)(ii)) is amended—

(1) by adding "and" at the end of subclause (II); and

(2) by striking subclauses (III), (IV), and (V) and inserting the following:

"(III) on or after October 1, 1998, 'c' is equal to 1.6.".

S. 1024

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Managed Care Fair Payment Act of 1999".

SEC. 2. CARVING OUT DSH PAYMENTS FROM PAYMENTS TO MEDICARE+CHOICE ORGANIZATIONS AND PAYING THE AMOUNTS DIRECTLY TO DSH HOSPITALS ENROLLING MEDICARE+CHOICE ENROLLEES.

(a) IN GENERAL.—Section 1853(c)(3) of the Social Security Act (42 U.S.C. 1395w-23(c)(3)) is amended—

(1) in subparagraph (A), by striking "subparagraph (B)" and inserting "subparagraphs (B) and (D)";

(2) by redesignating subparagraph (D) as subparagraph (E); and

(3) by inserting after subparagraph (C) the following:

"(D) REMOVAL OF PAYMENTS ATTRIBUTABLE TO DISPROPORTIONATE SHARE PAYMENTS FROM CALCULATION OF ADJUSTED AVERAGE PER CAPITA COST.—

"(i) IN GENERAL.—In determining the area-specific Medicare+Choice capitation rate under subparagraph (A) for a year (beginning with 2001), the annual per capita rate of payment for 1997 determined under section 1876(a)(1)(C) shall be adjusted, subject to clause (ii), to exclude from the rate the additional payments that the Secretary estimates were made during 1997 for additional payments described in section 1886(d)(5)(F).

"(ii) TREATMENT OF PAYMENTS COVERED UNDER STATE HOSPITAL REIMBURSEMENT SYSTEM.—To the extent that the Secretary estimates that an annual per capita rate of payment for 1997 described in clause (i) reflects payments to hospitals reimbursed under section 1814(b)(3), the Secretary shall estimate a payment adjustment that is comparable to the payment adjustment that would have been made under clause (i) if the hospitals had not been reimbursed under such section.".

(b) ADDITIONAL PAYMENTS FOR MANAGED CARE ENROLLEES.—Section 1886(d)(5)(F) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(F)) is amended—

(1) in clause (ii), by striking "clause (ix)" and inserting "clauses (ix) and (x)"; and

(2) by adding at the end the following:

"(x)(I) For portions of cost reporting periods occurring on or after January 1, 2001, the Secretary shall provide for an additional payment amount for each applicable discharge of any subsection (d) hospital that is a disproportionate share hospital (as described in clause (i)).

"(II) For purposes of this clause, the term 'applicable discharge' means the discharge of any individual who is enrolled with a Medicare+Choice organization under part C.

"(III) The amount of the payment under this clause with respect to any applicable discharge shall be equal to the estimated average per discharge amount (as determined by the Secretary) that would otherwise have been paid under this subparagraph if the individual had not been enrolled as described in subclause (II).

"(IV) The Secretary shall establish rules for an additional payment amount for any hospital reimbursed under a reimbursement system authorized under section 1814(b)(3) if such hospital would qualify as a disproportionate share hospital under clause (i) were it not so reimbursed. Such payment shall be determined in the same manner as the amount of payment is determined under this clause for disproportionate share hospitals.".

S. 1025

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nursing and Allied Health Payment Improvement Act of 1999".

SEC. 2. EXCLUSION OF NURSING AND ALLIED HEALTH EDUCATION COSTS IN CALCULATING MEDICARE+CHOICE PAYMENT RATE.

(a) EXCLUDING COSTS IN CALCULATING PAYMENT RATE.—

(1) IN GENERAL.—Section 1853(c)(3)(C)(i) of the Social Security Act (42 U.S.C. 1395w-23(c)(3)(C)(i)) is amended—

(A) by striking "and" at the end of subclause (I);

(B) by striking the period at the end of subclause (II) and inserting ", and"; and

(C) by adding at the end the following new subclause:

"(III) for costs attributable to approved nursing and allied health education programs under section 1861(v).".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) apply in determining the annual per capita rate of payment for years beginning with 2001.

(b) PAYMENT TO HOSPITALS OF NURSING AND ALLIED HEALTH EDUCATION PROGRAM COSTS FOR MEDICARE+CHOICE ENROLLEES.—Section 1861(v)(1) of such Act (42 U.S.C. 1395x(v)(1)) is amended by adding at the end the following new subparagraph:

"(V) In determining the amount of payment to a hospital for portions of cost reporting periods occurring on or after January 1, 2001, with respect to the reasonable costs for approved nursing and allied health education programs, individuals who are enrolled with a Medicare+Choice organization under part C shall be treated as if they were not so enrolled.".

[From the New York Times, May 6, 1999]

TEACHING HOSPITALS BATTLING CUTBACKS IN MEDICARE MONEY

(By Carey Goldberg)

BOSTON, May 5—Normally, the great teaching hospitals of this medical Mecca carry an air of whitecoated, best-in-the-world arrogance, the kind of arrogance that comes of collecting Nobels, of snaring more Federal money for medical research than hospitals anywhere else, of attracting patients from the four corners of the earth.

But not lately. Lately, their chief executives carry an air of pleading and alarm. They tend to cross the edges of their palms in an X that symbolizes the crossing of rising costs and dropping payments, especially Medicare payments. And to say they simply cannot go on losing money this way and remain the academic cream of American medicine.

Dr. Mitchell T. Rabkin, chief executive emeritus of Beth Israel Hospital, says, "Everyone's in deep yogurt."

The teaching hospitals here and elsewhere have never been immune from the turbulent change sweeping American health care—from the expansion of managed care to spiraling drug prices to the fierce fights for survival and shotgun marriages between hospitals with empty beds and flabby management.

But they are contending that suddenly, in recent weeks, a Federal cutback in Medicare spending has begun putting such a financial squeeze on them that it threatens their ability to fulfill their special missions: to handle the sickest patients, to act as incubators for new cures, to treat poor people and to train budding doctors.

The budget hemorrhaging has hit at scattered teaching hospitals across the country, from San Francisco to Philadelphia. New York's clusters of teaching hospitals are among the biggest and hardest hit, the Greater New York Hospital Association says. It predicts that Medicare cuts will cost the state's hospitals $5 billion through 2002 and force the closing of money-losing departments and whole hospitals.

Dr. Samuel O. Thier, president of the group that owns Massachusetts General Hospital, says, "We've got a problem, and you've got to nip it in the bud, or else you're going to kill off some of the premier institutions in the country."

Here in Boston, with its unusual concentration of academic medicine and its teaching hospitals affiliated with the medical schools of Harvard, Tufts and Boston Universities, the cuts are already taking a toll in hundreds of eliminated jobs and pockets of miserable morale.

Five of Boston's top eight private employers are teaching hospitals, Mayor Thomas M. Menino notes. And if five-year Medicare cuts totaling an estimated $1.7 billion for Massachusetts hospitals continue, Mayor Menino says, "We'll have to lay off thousands of people, and that's a big hit on the city of Boston."

Often, analysts say, hospital cut-backs, closings and mergers make good economic sense, and some dislocation and pain are only to be expected, for all the hospitals' tendency to moan about them. Some critics say the hospitals are partly to fault, that for all their glittery research and credentials, they have not always been efficiently managed.

"A lot of teaching hospitals have engaged in what might be called self-sanctification—'We're the greatest hospitals in the world and no one can do it better or for less'—and that may or may not be true," said Alan Sager, a health-care finance expert at the Boston University School of Public Health.

But the hospital chiefs argue that they have virtually no fat left to cut, and warn that their financial problems may mean that the smartest edge of American medicine will get dumbed down.

With that message, they have been lobbying Congress in recent weeks to reconsider the cuts that they say have turned their financial straits from tough to intolerable.

"Five years from now, the American people will wake up and find their clinical research is second rate because the big teaching hospitals are reeling financially," said Dr. David G. Nathan, president of the Dana-Farber Cancer Institute here.

In a half-dozen interviews, around the Boston medical-industrial complex known as the Longwood Medical Center and Academic Area and elsewhere, hospital executives who normally compete and squabble all espoused one central idea: teaching hospitals are special, and that specialness costs money.

Take the example of treating heart-disease patients, said Dr. Michael F. Collins, president and chief executive of Caritas Christi Health Care System, a seven-hospital group affiliated with Tufts.

In 1988, Dr. Collins said, it was still experimental for doctors to open blocked arteries by passing tiny balloons though them; now, they have a bouquet of expensive new options for those patients, including springlike devices called stents that cost $900 to $1,850 each; tiny rotobladers that can cost up to $1,500, and costly drugs to supplement the reaming that cost nearly $1,400 a patient.

"A lot of our scientists are doing research on which are the best catheters and which are the best stents," Dr. Collins said. "And because they're giving the papers on the drug, they're using the drug the day it's approved to be used. Right now it's costing us about $50,000 a month and we're not getting a nickel for it, because our case rates are fixed."

Hospital chiefs and doctors also argue that a teaching hospital and its affiliated university are a delicate ecosystem whose production of critical research is at risk.

"The grand institutions in Boston that are venerated are characterized by a wildflower approach to invention and the generation of new knowledge," said Dr. James Reinertsen, the chief executive of Caregroup, which owns Beth Israel Deaconess Medical Center. "We don't run our institutions like agribusiness, a massively efficient operation where we direct research and harvest it. It's unplanned to a great extent, and that chaotic fermenting environment is part of what makes the academic health centers what they are."

"There wouldn't have been a plan to do what Judah Folkman has done over the last 20 years," Dr. Reinertsen said of the doctor-scientist at Children's Hospital in Boston who has developed a promising approach to curing cancer.

Federal financing for research is plentiful of late, hospital heads acknowledge. But they point out that the Government expects hospitals to subsidize 10 percent or 15 percent of that research, and that they must also provide important support for researchers still too junior to win grants.

A similar argument for slack in the system comes in connection with teaching. Teaching hospitals are pressing their faculties to take on more patients to bring in more money, said Dr. Daniel D. Federman, dean for medical education of Harvard Medical School. A doctor under pressure to spend time in a billable way, Dr. Federman said, has less time to spend teaching.

The Boston teaching hospitals generally deny that the money squeeze is affecting patients' care (a denial some patients would question), or students' quality of medical education (a denial some students would question), or research—yet.

The Boston hospitals' plight may be partly their fault for competing so hard with each other, driving down prices, some analysts say. Though some hospitals have merged in recent years, Boston is still seen as having too many beds, and virtually all hospitals are teaching hospitals here.

Whatever the causes, said Dr. Stuart Altman, professor of national health policy at Brandeis University and past chairman for 12 years of the committee that advised the Government on Medicare prices, "the concern is very real."

"What's happened to them is that all of the cards have fallen the wrong way at the same time," Dr. Altman said, "I believe their screams of woe are legitimate."

Among the cards that fell wrong, begin with managed care. Massachusetts has an unusually large quotient of patients in managed-care plans. Managed-care companies, themselves strapped, have gotten increasingly tough about how much they will pay.

Boston had already gone through a spate of fat-trimming hospital mergers, closings and cost cutting in recent years. Add to the troublesome complaints that affect all hospitals: expenses to prepare their computers for 2000, problems getting insurance companies and the Government to pay up, new efforts to defend against accusations of billing fraud.

But the back-breaking straw, hospital chiefs say, came with Medicare cuts, enacted under the 1997 balanced-budget law, that will cut more each year through 2002. The Association of American Medical Colleges estimates that by then the losses for teaching hospitals could reach $14.7 billion, and that major teaching hospitals will lose about about $150 million each. Nearly 100 teaching hospitals are expected to be running in the red by then, the association said last month.

For years, teaching hospitals have been more dependent than any others on Medicare. Unlike some other payers, Medicare has compensated them for their special missions—training, sicker patients, indigent care—by paying them extra.

For reasons yet to be determined, Dr. Altman and others say the Medicare cuts seem to be taking an even greater toll on the teaching hospitals than had been expected. Much has changed since the 1996 numbers on which the cuts are based, hospital chiefs say; and the cuts particularly singled out teaching hospitals, whose profit margins used to look fat.

Frightening the hospitals still further, President Clinton's next budget proposes even more Medicare cuts.

Not everyone sympathizes, though. Complaints from hospitals that financial pinching hurts have become familiar refrains over recent years, gaining them a reputation for crying wolf. Critics say the Boston hospitals are whining for more money when the only real fix is broad health-care reform.

Some propose that the rational solution is to analyze which aspects of the teaching hospitals' work society is willing to pay for, and then abandon the Byzantine Medicare cross-subsidies and pay for them straight out, perhaps through a new tax.

Others question the numbers.

Whenever hospitals face cuts, Alan Sager of Boston University said, "they claim it will be teaching and research and free care of the uninsured that are cut first."

If the hospitals want more money, Mr. Sager argued, they should allow in independent auditors to check their books rather than asking Congress to rely on a "scream test."

For many doctors at the teaching hospitals, however, the screaming is preventive medicine, meant to save their institutions from becoming ordinary.

Medical care is an applied science, said Dr. Allan Ropper, chief of neurology at St. Elizabeth's Hospital, and strong teaching hospitals, with their cadres of doctors willing to spend often-unreimbursed time on teaching and research, are essential to helping move it forward.

"There's no getting away from a patient and their illness," Dr. Ropper said, "but if all you do is fix the watch, nobody ever builds a better watch. It's a very subtle thing, but precisely because it's so subtle, it's very easy to disrupt."

[From the New York Times, May 6, 1999]

New York Hospitals Braced for Cuts

(By Randy Kennedy)

The fiscal knife that has begun to cut into teaching hospitals in Boston and other cities has not yet had the same dire effects—lay-offs or widespread operating deficits—in hospitals around New York State.

But hospital executives and health-care experts alike say that if the Federal cuts to Medicare are not softened, the state will lose much more than any other—$5 billion and

23,000 medical jobs—by 2002. And they warn that those cuts, a result of the Balanced Budget Act, pose a huge economic threat to New York, which has the nation's greatest concentration of medical schools and teaching hospitals and trains about 15 percent of the nation's medical residents.

"The carnage which is created by the Balanced Budget Act," said Kenneth Raske, president of the Greater New York Hospital Association, a trade group of 175 hospitals and nursing homes, "will totally disrupt the health care system in New York when it's fully implemented. It goes at the heart of the infrastructure."

The cuts, now in their second year, come at the same time as sharp increases in uninsured patients and the growing dominance of managed care, which have prompted all hospitals in the New York region to brace for what they say will be one of the most difficult fiscal years ever.

But with critics complaining that New York still has too many hospital beds and administrative fat that should be trimmed, those who run the prestigious teaching hospitals in the city find it hard to make their case that the Medicare cuts put them in real peril.

"I know this sounds like wolf, wolf, wolf because of the successes generally in the health care industry," said Dr. Spencer Foreman, president of Montefiore Hospital in the Bronx, which lost $24 million in Medicare money in fiscal 1999. "But New York teaching hospitals are in trouble."

His own hospital did $750 million in business in 1993 and ended that year with a $3 million profit margin. This year, it will do $1 billion in business and end with a $6 million margin.

"Those are supermarket margins," Dr. Foreman said, adding that the hospital has "managed to keep a razor-thin margin every year by every year cutting costs and cutting again."

"But you can only cut so far before things begin to happen," he said. "The industry is touching bottom in a lot of areas, and the difference between profit and loss in this atmosphere is an eyelash. This is not the way normal billion-dollar enterprises are conducted."

Because the teaching hospitals have traditionally served a high percentage of poor patients, the threat to their future is even more important, Dr. Foreman and others said.

While he and other teaching hospital administrators avoid talking about it, the only way to keep from going into the red is to cut jobs and either shrink or close money-losing departments—which usually means emergency rooms, outpatients clinics, psychiatric and rehabilitation departments and maternity wards, among others.

"The so-called low-hanging fruit has all been picked," said Dr. David B. Skinner, the chief executive of New York Presbyterian Hospital, where every department has been asked to cut spending by 5 percent. The Greater New York Hospital Association projects that New York Presbyterian will lose more money over the courts of the Balanced Budget Act than any other American hospital—about $320 million.

Dr. Skinner said that as the Hospital plans its year 2000 budget "we're going to have to look very closely at staffing ratios."

"Something's got to give here," he said. "You then look at where can you downsize departments that are losing money. And we're looking at that now. I don't want to say which ones because I don't want to unnecessarily panic the troops."

While the refrain in health-care politics in New York is usually for hospitals to cry poverty and many experts and budget analysts to cry hyperbole, experts said yesterday that the teaching hospitals were probably not exaggerating their problems much.

"This certainly appears to be putting real strains on teaching hospitals throughout the country and especially in New York," said Edward Salsberg, director of the Center for Health Workforce Studies at the State University in Albany. "They seem to be building a case that this year it is more real than other years."●

● Mr. LEVIN. Mr. President, I am proud to be an original cosponsor of the bill introduced today by Senator MOYNIHAN which will help to reduce some of the financial strain that teaching hospitals are currently experiencing due to Graduate Medical Education (GME) cuts put in place under the Balanced Budget Act of 1997 (BBA).

The teaching hospitals in this nation are the very best in the world. There are over 1,200 teaching hospitals in the United States, 57 of which are in my own state of Michigan. Although these hospitals are providing excellent care while training residents, they are currently facing dire financial circumstances brought about by the growth of managed care combined with GME payment reductions. Additional Medicare payment reductions are currently scheduled to be phased in as per the BBA.

A major teaching hospital in my own state, the Detroit Medical Center (DMC), trains over 1,100 residents each year. The DMC stands to lose a total of $53.8 million from IME reductions for Fiscal Years 1998–2002. It is important that we continue to support the DMC and other teaching hospitals, not turn our back on them.

I believe that the survival of our valuable teaching hospitals is at stake if we do not act now which is why I have cosponsored this legislation. This bill will freeze the Indirect Medical Education (IME) adjustment factor (the IME is the part of the GME payment that reflects the higher costs, such as more intensive treatments, of caring for patients at teaching hospitals) at the FY 1999 level of 6.5 percent, thereby rolling back about half of the IME funding cuts in the BBA. In total, this provision restores about $3 billion over 5 years and $8 billion over 10 years in IME funding for teaching hospitals.

Our medical schools and affiliated teaching hospitals conduct a great deal of the research and medical education which benefits everyone in America. The University of Michigan is one of the most prominent teaching institutions in the country. The UM is currently doing important prostate cancer research while providing health care to citizens from every county in the state. It is imperative that we allow this research to continue while we are on the verge of new discoveries in medical science.

Mr. President, I hope the Senate will pass this important legislation.●

By Mr. SMITH of Oregon (for himself and Mr. WYDEN):

S. 1027. A bill to reauthorize the participation of the Bureau of Reclamation in the Deschutes Resources Conservancy, and for other purposes; to the Committee on Energy and Natural Resources.

DESCHUTES RESOURCES CONSERVANCY REAUTHORIZATION ACT OF 1999

● Mr. SMITH. Mr. President, today I am introducing legislation, cosponsored by my colleague from Oregon, to reauthorize participation by the Bureau of Reclamation in the Deschutes Resources Conservancy for an additional five years.

The Deschutes Resources Conservancy, also known as the Deschutes Basin Working Group, was authorized in 1996 as a five-year pilot project designed to achieve local consensus around on-the-ground projects to improve ecosystem health in the Deschutes River basin. This river is truly one of Oregon's greatest resources. It drains Oregon's high desert along the eastern front of the Cascades, eventually flowing into the Columbia River. It is the state's most intensively used recreational river. It provides water to both irrigation projects and to the city of Bend, which is one of Oregon's fastest growing cities. The Deschutes Basin also contains hundreds of thousands of acres of productive forest and rangelands, serves the treaty fishing and water rights of the Confederated Tribes of Warm Springs, and has Oregon's largest non-federal hydroelectric project.

By all accounts, the Deschutes Basin Working Group has been a huge success. It has brought together diverse interests within the basin, including irrigators, tribes, ranchers, environmentalists, an investor-owned utility, local businesses, as well as local elected officials and representatives of state and federal agencies. Together, the Working Group was able to develop project criteria and identified a number of water quality, water quantity, fish passage and habitat improvement projects that could be funded. Projects are selected by consensus, and there must be a fifty-fifty cost share from non-federal sources.

From October 1998 to March 1999, the Deschutes Resources Conservancy has leveraged 272,180 dollars of its funds to complete 777,680 dollars in on-the-ground restoration projects. These projects include: piping irrigation district delivery systems to prevent loss; securing water rights to be left instream to restore flows to Squaw Creek; providing riparian fences to protect riverbanks; working with private timberland owners to restore riparian and wetlands areas; and seeking donated water rights to enhance instream flows in the Deschutes River Basin. They have been very successful at finding cooperative, market-based solutions to enhance the ecosystem in the basin.

The existing authorization provides for up to one million dollars each year for projects. Funding is provided through the Bureau of Reclamation, the group's lead federal agency. The group did not actually receive federal funding until this fiscal year, but it has already successfully allocated these funds. The Deschutes Resources Conservancy enjoys widespread support in Oregon. It has very committed board members who represent diverse interests in the basin. The high caliber of their work, and their pragmatic approach to ecosystem restoration have been recognized by others outside the region.

I am convinced this pilot project needs to continue. That is why the legislation I am introducing today would extend the authorization for federal funds through fiscal year 2006, and increases the authorization for fiscal years 2002 through 2006 to two million dollars each year. I urge my colleagues to support this project. Not only is it important to central Oregon, but the Deschutes Recources Conservancy can serve as a national model for cooperative watershed restoration at the local level.●

ADDITIONAL COSPONSORS

S. 14

At the request of Mr. COVERDELL, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 14, a bill to amend the Internal Revenue Code of 1986 to expand the use of education individual retirement accounts, and for other purposes.

S. 37

At the request of Mr. GRASSLEY, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 37, a bill to amend title XVIII of the Social Security Act to repeal the restriction on payment for certain hospital discharges to post-acute care imposed by section 4407 of the Balanced Budget Act of 1997.

S. 387

At the request of Mr. MCCONNELL, the name of the Senator from Nevada (Mr. BRYAN) was added as a cosponsor of S. 387, a bill to amend the Internal Revenue Code of 1986 to provide an exclusion from gross income for distributions from qualified State tuition programs which are used to pay education expenses.

S. 409

At the request of Mr. DOMENICI, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from Minnesota (Mr. GRAMS) were added as cosponsors of S. 409, a bill to authorize qualified organizations to provide technical assistance and capacity building services to microenterprise development organizations and programs and to disadvantaged entrepreneurs using funds from the Community Development Financial Institutions Fund, and for other purposes.

S. 424

At the request of Mr. COVERDELL, the names of the Senator from Minnesota (Mr. GRAMS) and the Senator from Arizona (Mr. KYL) were added as cosponsors of S. 424, a bill to preserve and protect the free choice of individuals and employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 472

At the request of Mr. GRASSLEY, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 472, a bill to amend title XVIII of the Social Security Act to provide certain medicare beneficiaries with an exemption to the financial limitations imposed on physical, speech-language pathology, and occupational therapy services under part B of the medicare program, and for other purposes.

S. 542

At the request of Mr. ABRAHAM, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 542, a bill to amend the Internal Revenue Code of 1986 to expand the deduction for computer donations to schools and allow a tax credit for donated computers.

S. 566

At the request of Mr. LUGAR, the names of the Senator from Kansas (Mr. ROBERTS), the Senator from Nebraska (Mr. KERREY), and the Senator from Minnesota (Mr. GRAMS) were added as cosponsors of S. 566, a bill to amend the Agricultural Trade Act of 1978 to exempt agricultural commodities, livestock, and value-added products from unilateral economic sanctions, to prepare for future bilateral and multilateral trade negotiations affecting United States agriculture, and for other purposes.

S. 573

At the request of Mr. LEAHY, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 573, a bill to provide individuals with access to health information of which they are a subject, ensure personal privacy with respect to health-care-related information, impose criminal and civil penalties for unauthorized use of protected health information, to provide for the strong enforcement of these rights, and to protect States' rights.

S. 577

At the request of Mr. ROBB, his name was added as a cosponsor of S. 577, a bill to provide for injunctive relief in Federal district court to enforce State laws relating to the interstate transportation of intoxicating liquor.

S. 637

At the request of Mr. SCHUMER, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 637, a bill to amend title 18, United States Code, to regulate the transfer of firearms over the Internet, and for other purposes.

S. 659

At the request of Mr. MOYNIHAN, the names of the Senator from New York (Mr. SCHUMER) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 659, a bill to amend the Internal Revenue Code of 1986 to require pension plans to provide adequate notice to individuals whose future benefit accruals are being significantly reduced, and for other purposes.

S. 660

At the request of Mr. BINGAMAN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 660, a bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the medicare program of medical nutrition therapy services furnished by registered dietitians and nutrition professionals.

S. 664

At the request of Mr. CHAFEE, the name of the Senator from Nebraska (Mr. KERREY) was added as a cosponsor of S. 664, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence.

S. 676

At the request of Mr. CAMPBELL, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 676, a bill to locate and secure the return of Zachary Baumel, a citizen of the United States, and other Israeli soldiers missing in action.

S. 679

At the request of Mr. GRAMS, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of S. 679, a bill to authorize appropriations to the Department of State for construction and security of United States diplomatic facilities, and for other purposes.

S. 757

At the request of Mr. LUGAR, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Illinois (Mr. FITZGERALD) were added as cosponsors of S. 757, a bill to provide a framework for consideration by the legislative and executive branches of unilateral economic sanctions in order to ensure coordination of United States policy with respect to trade, security, and human rights.

S. 781

At the request of Mrs. FEINSTEIN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 781, a bill to amend section

2511 of title 18, United States Code, to revise the consent exception to the prohibition on the interception of oral, wire, or electronic communications that is applicable to telephone communications.

S. 783

At the request of Mrs. FEINSTEIN, the name of the Senator from Nebraska (Mr. KERREY) was added as a cosponsor of S. 783, a bill to limit access to body armor by violent felons and to facilitate the donation of Federal surplus body armor to State and local law enforcement agencies.

S. 796

At the request of Mr. DOMENICI, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 796, a bill to provide for full parity with respect to health insurance coverage for certain severe biologically-based mental illnesses and to prohibit limits on the number of mental illness-related hospital days and outpatient visits that are covered for all mental illnesses.

S. 820

At the request of Mr. CHAFEE, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 820, a bill to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent motor fuel excise taxes on railroads and inland waterway transportation which remain in the general fund of the Treasury.

S. 866

At the request of Mr. CONRAD, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 866, a bill to direct the Secretary of Health and Human Services to revise existing regulations concerning the conditions of participation for hospitals and ambulatory surgical centers under the medicare program relating to certified registered nurse anesthetists' services to make the regulations consistent with State supervision requirements.

S. 926

At the request of Mr. DODD, the names of the Senator from Rhode Island (Mr. REED), the Senator from California (Mrs. FEINSTEIN), and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 926, a bill to provide the people of Cuba with access to food and medicines from the United States, and for other purposes.

S. 931

At the request of Mr. MCCONNELL, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 931, a bill to provide for the protection of the flag of the United States, and for other purposes.

S. 955

At the request of Mr. WARNER, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 955, a bill to allow the National Park Service to acquire certain land for addition to the Wilderness Battlefied in Virginia, as previously authorized by law, by purchase or exchange as well as by donation.

S. 980

At the request of Mr. BAUCUS, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 980, a bill to promote access to health care services in rural areas.

SENATE JOINT RESOLUTION 21

At the request of Ms. SNOWE, the names of the Senator from Indiana (Mr. BAYH), the Senator from Florida (Mr. MACK), the Senator from Alabama (Mr. SHELBY), the Senator from Nebraska (Mr. KERREY), the Senator from Kentucky (Mr. BUNNING), the Senator from New Mexico (Mr. BINGAMAN), the Senator from North Carolina (Mr. EDWARDS), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Massachusetts (Mr. KERRY), the Senator from Texas (Mrs. HUTCHISON), the Senator from South Dakota (Mr. JOHNSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Arkansas (Mrs. LINCOLN), and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of Senate Joint Resolution 21, a joint resolution to designate September 29, 1999, as "Veterans of Foreign Wars of the United States Day."

SENATE CONCURRENT RESOLUTION 19

At the request of Mr. CAMPBELL, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of Senate Concurrent Resolution 19, a concurrent resolution concerning anti-Semitic statements made by members of the Duma of the Russian Federation.

SENATE CONCURRENT RESOLUTION 26

At the request of Mr. ASHCROFT, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of Senate Concurrent Resolution 26, a concurrent resolution expressing the sense of the Congress that the current Federal income tax deduction for interest paid on debt secured by a first or second home should not be further restricted.

SENATE RESOLUTION 34

At the request of Mr. TORRICELLI, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of Senate Resolution 34, a resolution designating the week beginning April 30, 1999, as "National Youth Fitness Week."

SENATE RESOLUTION 92

At the request of Mrs. BOXER, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of Senate Resolution 92, a resolution expressing the sense of the Senate that funding for prostate cancer research should be increased substantially.

SENATE RESOLUTION 96

At the request of Mr. LEAHY, the names of the Senator from Rhode Island (Mr. CHAFEE), the Senator from New Jersey (Mr. TORRICELLI), and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of Senate Resolution 96, a resolution expressing the sense of the Senate regarding a peaceful process of self-determination in East Timor, and for other purposes.

AMENDMENT NO. 319

At the request of Mrs. BOXER the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of amendment No. 319 intended to be proposed to S. 254, a bill to reduce violent juvenile crime, promote accountability by rehabilitation of juvenile criminals, punish and deter violent gang crime, and for other purposes.

SENATE RESOLUTION 100—REAFFIRMING THE PRINCIPLES OF THE PROGRAMME OF ACTION OF THE INTERNATIONAL CONFERENCE ON POPULATION AND DEVELOPMENT WITH RESPECT TO THE SOVEREIGN RIGHTS OF COUNTRIES AND THE RIGHT OF VOLUNTARY AND INFORMED CONSENT IN FAMILY PLANNING PROGRAMS

Mr. BROWNBACK (for himself, Mr. HELMS, Mr. INHOFE, Mr. SANTORUM, Mr. ASHCROFT, Mr. ENZI, Mr. MCCAIN, Mr. SMITH of New Hampshire, and Mr. NICKLES) submitted the following resolution; which was referred to the Committee on Foreign Relations.

S. RES. 100

Whereas the United Nations General Assembly has decided to convene a special session from June 30 to July 2, 1999, in order to review and appraise the implementation of the Programme of Action of the International Conference on Population and Development;

Whereas chapter II of the Programme of Action, which sets forth the principles of that document, begins: "The implementation of the recommendations contained in the Programme of Action is the sovereign right of each country, consistent with national laws and development priorities, with full respect for the various religious and ethical values and cultural backgrounds of its people, and in conformity with universally recognized international human rights.";

Whereas section 7.12 of the Programme of Action states: "The principle of informed [consent] is essential to the long-term success of family-planning programmes. Any form of coercion has no part to play.";

Whereas section 7.12 of the Programme of Action further states: "Government goals for family planning should be defined in terms of unmet needs for information and services. Demographic goals . . . should not be imposed on family-planning providers in the form of targets or quotas for the recruitment of clients."; and

Whereas section 7.17 of the Programme of Action states: "[g]overnments should secure conformity to human rights and to ethical and professional standards in the delivery of family planning and related reproductive health services aimed at ensuring responsible, voluntary and informed consent and also regarding service provision"; Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) no bilateral or multilateral assistance or benefit to any country should be conditioned upon or linked to that country's adoption or failure to adopt population programs, or to the relinquishment of that country's sovereign right to implement the Programme of Action of the International Conference on Population and Development consistent with its own national laws and development priorities, with full respect for the various religious and ethical values and cultural backgrounds of its people, and in conformity with universally recognized international human rights;

(2)(A) family planning service providers or referral agents should not implement or be subject to quotas, or other numerical targets, of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning;

(B) subparagraph (A) should not be construed to preclude the use of quantitative estimates or indicators for budgeting and planning purposes;

(3) no family planning project should include payment of incentives, bribes, gratuities, or financial reward to any person in exchange for becoming a family planning acceptor or to program personnel for achieving a numerical target or quota of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning;

(4) no project should deny any right or benefit, including the right of access to participate in any program of general welfare or the right of access to health care, as a consequence of any person's decision not to accept family planning services;

(5) every family planning project should provide family planning acceptors with comprehensible information on the health benefits and risks of the method chosen, including those conditions that might render the use of the method inadvisable and those adverse side effects known to be consequent to the use of the method;

(6) every family planning project should ensure that experimental contraceptive drugs and devices and medical procedures are provided only in the context of a scientific study in which participants are advised of potential risks and benefits;

(7) the United States should reaffirm the principles described in paragraphs (1) through (6) in the special session of the United Nations General Assembly to be held between June 30 and July 2, 1999, and in all preparatory meetings for the special session; and

(8) the United States should support vigorously with its voice and vote the principle that meetings under the auspices of the United Nations Economic and Social Council, including all meetings relating to the Operational Review and Appraisal of the Implementation of the Programme of Action of the International Conference on Population and Development, be open to the public and should oppose vigorously with its voice and vote attempts by the United Nations or any member country to exclude from meetings legitimate nongovernment organizations and private citizens.

AMENDMENTS SUBMITTED

VIOLENT AND REPEAT JUVENILE OFFENDER ACCOUNTABILITY AND REHABILITATION ACT OF 1999

BROWNBACK (AND OTHERS) AMENDMENT NO. 329

Mr. BROWNBACK (for himself, Mr. HATCH, Mr. LIEBERMAN, Mr. ABRAHAM, Mr. MCCAIN, Mr. KOHL, and Mr. DEWINE) proposed an amendment to the bill (S. 254) to reduce violent juvenile crime, promote accountability by rehabilitation of juvenile criminals, punish and deter violent gang crime, and for other purposes; as follows:

On page 151, between lines 13 and 14, insert the following:

"SEC. 248. STUDY OF VIOLENT ENTERTAINMENT.

"(a) REQUIREMENT.—The National Institutes of Health shall conduct a study of the effects of violent video games, and music on child development and youth violence.

"(b) ELEMENTS.—The study under subsection (a) shall address—

"(1) whether, and to what extent, violence in video games, and music adversely affects the emotional and psychological development of juveniles; and

"(2) whether violence in video games, and music contributes to juvenile delinquency and youth violence.

On page 176, beginning on line 8, strike "this title," and all that follows through line 11 and insert "this title—

"(A) of which $20,000,000 shall be for evaluation research of primary, secondary, and tertiary juvenile delinquency programs; and

"(B) $2,000,000 shall be for the study required by section 248;

TITLE V—VOLUNTARY MEDIA AGREEMENTS FOR CHILDREN'S PROTECTION

SEC. 501. SHORT TITLE.

This title may be cited as the "Children's Protection Act of 1999".

SEC. 502. FINDINGS.

Congress makes the following findings:

(1) Television is seen and heard in nearly every United States home and is a uniquely pervasive presence in the daily lives of Americans. The average American home has 2.5 televisions, and a television is turned on in the average American home 7 hours every day.

(2) Television plays a particularly significant role in the lives of children. Figures provided by Nielsen Research show that children between the ages of 2 years and 11 years spend an average of 21 hours in front of a television each week.

(3) Television has an enormous capability to influence perceptions, especially those of children, of the values and behaviors that are common and acceptable in society.

(4) The influence of television is so great that its images and messages often can be harmful to the development of children. Social science research amply documents a strong correlation between the exposure of children to televised violence and a number of behavioral and psychological problems.

(5) Hundreds of studies have proven conclusively that children who are consistently exposed to violence on television have a higher tendency to exhibit violent and aggressive behavior, both as children and later in life.

(6) Such studies also show that repeated exposure to violent programming causes children to become desensitized to and more accepting of real-life violence and to grow more fearful and less trusting of their surroundings.

(7) A growing body of social science research indicates that sexual content on television can also have a significant influence on the attitudes and behaviors of young viewers. This research suggests that heavy exposure to programming with strong sexual content contributes to the early commencement of sexual activity among teenagers.

(8) Members of the National Association of Broadcasters (NAB) adhered for many years to a comprehensive code of conduct that was based on an understanding of the influence exerted by television and on a widely held sense of responsibility for using that influence carefully.

(9) This code of conduct, the Television Code of the National Association of Broadcasters, articulated this sense of responsibility as follows:

(A) "In selecting program subjects and themes, great care must be exercised to be sure that the treatment and presentation are made in good faith and not for the purpose of sensationalism or to shock or exploit the audience or appeal to prurient interests or morbid curiosity.".

(B) "Broadcasters have a special responsibility toward children. Programs designed primarily for children should take into account the range of interests and needs of children, from instructional and cultural material to a wide variety of entertainment material. In their totality, programs should contribute to the sound, balanced development of children to help them achieve a sense of the world at large and informed adjustments to their society.".

(C) "Violence, physical, or psychological, may only be projected in responsibly handled contexts, not used exploitatively. Programs involving violence present the consequences of it to its victims and perpetrators. Presentation of the details of violence should avoid the excessive, the gratuitous and the instructional.".

(D) "The presentation of marriage, family, and similarly important human relationships, and material with sexual connotations, shall not be treated exploitatively or irresponsibly, but with sensitivity.".

(E) "Above and beyond the requirements of the law, broadcasters must consider the family atmosphere in which many of their programs are viewed. There shall be no graphic portrayal of sexual acts by sight or sound. The portrayal of implied sexual acts must be essential to the plot and presented in a responsible and tasteful manner.".

(10) The National Association of Broadcasters abandoned the code of conduct in 1983 after three provisions of the code restricting the sale of advertising were challenged by the Department of Justice on antitrust grounds and a Federal district court issued a summary judgment against the National Association of Broadcasters regarding one of the provisions on those grounds. However, none of the programming standards of the code were challenged.

(11) While the code of conduct was in effect, its programming standards were never found to have violated any antitrust law.

(12) Since the National Association of Broadcasters abandoned the code of conduct, programming standards on broadcast and cable television have deteriorated dramatically.

(13) In the absence of effective programming standards, public concern about the

impact of television on children, and on society as a whole, has risen substantially. Polls routinely show that more than 80 percent of Americans are worried by the increasingly graphic nature of sex, violence, and vulgarity on television and by the amount of programming that openly sanctions or glorifies criminal, antisocial, and degrading behavior.

(14) At the urging of Congress, the television industry has taken some steps to respond to public concerns about programming standards and content. The broadcast television industry agreed in 1992 to adopt a set of voluntary guidelines designed to "proscribe gratuitous or excessive portrayals of violence". Shortly thereafter, both the broadcast and cable television industries agreed to conduct independent studies of the violent content in their programming and make those reports public.

(15) In 1996, the television industry as a whole made a commitment to develop a comprehensive rating system to label programming that may be harmful or inappropriate for children. That system was implemented at the beginning of 1999.

(16) Despite these efforts to respond to public concern about the impact of television on children, millions of Americans, especially parents with young children, remain angry and frustrated at the sinking standards of television programming, the reluctance of the industry to police itself, and the harmful influence of television on the well-being of the children and the values of the United States.

(17) The Department of Justice issued a ruling in 1993 indicating that additional efforts by the television industry to develop and implement voluntary programming guidelines would not violate the antitrust laws. The ruling states that "such activities may be likened to traditional standard setting efforts that do not necessarily restrain competition and may have significant procompetitive benefits... Such guidelines could serve to disseminate valuable information on program content to both advertisers and television viewers. Accurate information can enhance the demand for, and increase the output of, an industry's products or services.".

(18) The Children's Television Act of 1990 (Public Law 101-437) states that television broadcasters in the United States have a clear obligation to meet the educational and informational needs of children.

(19) Several independent analyses have demonstrated that the television broadcasters in the United States have not fulfilled their obligations under the Children's Television Act of 1990 and have not noticeably expanded the amount of educational and informational programming directed at young viewers since the enactment of that Act.

(20) The popularity of video and personal computer (PC) games is growing steadily among children. Although most popular video and personal computer games are educational or harmless in nature, many of the most popular are extremely violent. One recent study by Strategic Record Research found that 64 percent of teenagers played video or personal computer games on a regular basis. Other surveys of children as young as elementary school age found that almost half of them list violent computer games among their favorites.

(21) Violent video games often present violence in a glamorized light. Game players are often cast in the role of shooter, with points scored for each "kill". Similarly, advertising for such games often touts violent content as a selling point—the more graphic and extreme, the better.

(22) As the popularity and graphic nature of such video games grows, so do their potential to negatively influence impressionable children.

(23) Music is another extremely pervasive and popular form of entertainment. American children and teenagers listen to music more than any other demographic group. The Journal of American Medicine reported that between the 7th and 12th grades the average teenager listens to 10,500 hours of rock or rap music, just slightly less than the entire number of hours spent in the classroom from kindergarten through high school.

(24) Teens are among the heaviest purchasers of music, and are most likely to favor music genres that depict, and often appear to glamorize violence.

(25) Music has a powerful ability to influence perceptions, attitudes, and emotional state. The use of music as therapy indicates its potential to increase emotional, psychological, and physical health. That influence can be used for ill as well.

SEC. 503. PURPOSES; CONSTRUCTION.

(a) Purposes.—The purposes of this title are to permit the entertainment industry—

(1) to work collaboratively to respond to growing public concern about television programming, movies, video games, Internet content, and music lyrics, and the harmful influence of such programming, movies, games, content, and lyrics on children;

(2) to develop a set of voluntary programming guidelines similar to those contained in the Television Code of the National Association of Broadcasters; and

(3) to implement the guidelines in a manner that alleviates the negative impact of television programming, movies, video games, Internet content, and music lyrics on the development of children in the United States and stimulates the development and broadcast of educational and informational programming for such children.

(b) Construction.—This title may not be construed as—

(1) providing the Federal Government with any authority to restrict television programming, movies, video games, Internet content, or music lyrics that is in addition to the authority to restrict such programming, movies, games, content, or lyrics under law as of the date of the enactment of this Act; or

(2) approving any action of the Federal Government to restrict such programming, movies, games, content, or lyrics that is in addition to any actions undertaken for that purpose by the Federal Government under law as of such date.

SEC. 504. EXEMPTION OF VOLUNTARY AGREEMENTS ON GUIDELINES FOR CERTAIN ENTERTAINMENT MATERIAL FROM APPLICABILITY OF ANTITRUST LAWS.

(a) Exemption.—Subject to subsection (b), the antitrust laws shall not apply to any joint discussion, consideration, review, action, or agreement by or among persons in the entertainment industry for the purpose of developing and disseminating voluntary guidelines designed—

(1) to alleviate the negative impact of telecast material, movies, video games, Internet content, and music lyrics containing violence, sexual content, criminal behavior, or other subjects that are not appropriate for children; or

(2) to promote telecast material that is educational, informational, or otherwise beneficial to the development of children.

(b) Limitation.—The exemption provided in subsection (a) shall not apply to any joint discussion, consideration, review, action, or agreement which—

(1) results in a boycott of any person; or

(2) concerns the purchase or sale of advertising, including (without limitation) restrictions on the number of products that may be advertised in a commercial, the number of times a program may be interrupted for commercials, and the number of consecutive commercials permitted within each interruption.

SEC. 505. EXEMPTION OF ACTIVITIES TO ENSURE COMPLIANCE WITH RATINGS AND LABELING SYSTEMS FROM APPLICABILITY OF ANTITRUST LAWS.

(a) Exemption From Antitrust Laws.—

(1) In general.—The antitrust laws shall not apply to any joint discussion, consideration, review, action, or agreement between or among persons in the motion picture, recording, or video game industry for the purpose of and limited to the development or enforcement of voluntary guidelines, procedures, and mechanisms designed to ensure compliance by persons and entities described in paragraph (2) with ratings and labeling systems to identify and limit dissemination of sexual, violent, or other indecent material to children.

(2) Persons and entities described.—A person or entity described in this paragraph is a person or entity that is—

(A) engaged in the retail sales of motion pictures, recordings, or video games; or

(B) a theater owner or operator, video game arcade owner or operator, or other person or entity that makes available the viewing, listening, or use of a motion picture, recording, or video game to a member of the general public for compensation.

(b) Report.—Not later than 12 months after the date of the enactment of this Act, the Antitrust Division of the Department of Justice, in conjunction with the Federal Trade Commission, shall submit to Congress a report on—

(1) the extent to which the motion picture, recording, and video game industry have developed or enforced guidelines, procedures, or mechanisms to ensure compliance by persons and entities described in subsection (b)(2) with ratings or labeling systems which identify and limit dissemination of sexual, violent, or other indecent material to children; and

(2) the extent to which Federal or State antitrust laws preclude those industries from developing and enforcing the guidelines described in subsection (b)(1).

SEC. 506. DEFINITIONS.

In this subtitle:

(1) Antitrust laws.—The term "antitrust laws" has the meaning given such term in the first section of the Clayton Act (15 U.S.C. 12) and includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

(2) Internet.—The term "Internet" means the combination of computer facilities and electromagnetic transmission media, and related equipment and software, comprising the interconnected worldwide network of computer networks that employ the Transmission Control Protocol/Internet Protocol or any successor protocol to transmit information.

(3) Movies.—The term "movies" means motion pictures.

(4) Person in the entertainment industry.—The term "person in the entertainment industry" means a television network,

any entity which produces or distributes television programming (including motion pictures), the National Cable Television Association, the Association of Independent Television Stations, Incorporated, the National Association of Broadcasters, the Motion Picture Association of America, each of the affiliate organizations of the television networks, the Interactive Digital Software Association, any entity which produces or distributes video games, the Recording Industry Association of America, and any entity which produces or distributes music, and includes any individual acting on behalf of such person.

(5) TELECAST.—The term "telecast" means any program broadcast by a television broadcast station or transmitted by a cable television system.

Subtitle B—Other Matters

SEC. 511. STUDY OF MARKETING PRACTICES OF MOTION PICTURE, RECORDING, AND VIDEO/PERSONAL COMPUTER GAME INDUSTRIES.

(a) STUDY.—

(1) IN GENERAL.—The Federal Trade Commission and the Attorney General shall jointly conduct a study of the marketing practices of the motion picture, recording, and video/personal computer game industries.

(2) ISSUES EXAMINED.—In conducting the study under paragraph (1), the Commission and the Attorney General shall examine—

(A) the extent to which the motion picture, recording, and video/personal computer industries target the marketing of violent, sexually explicit, or other unsuitable material to minors, including whether such content is advertised or promoted in media outlets in which minors comprise a substantial percentage of the audience;

(B) the extent to which retail merchants, movie theaters, or others who engage in the sale or rental for a fee of products of the motion picture, recording, and video/personal computer industries—

(i) have policies to restrict the sale, rental, or viewing to minors of music, movies, or video/personal computer games that are deemed inappropriate for minors under the applicable voluntary industry rating or labeling systems; and

(ii) have procedures compliant with such policies;

(C) whether and to what extent the motion picture, recording, and video/personal computer industries require, monitor, or encourage the enforcement of their respective voluntary rating or labeling systems by industry members, retail merchants, movie theaters, or others who engage in the sale or rental for a fee of the products of such industries;

(D) whether any of the marketing practices examined may violate Federal law; and

(E) whether and to what extent the motion picture, recording, and video/personal computer industries engage in actions to educate the public on the existence, use, or efficacy of their voluntary rating or labeling systems.

(3) FACTORS FOR DETERMINATION.—In determining whether the products of the motion picture, recording, or video/personal computer industries are violent, sexually explicit, or otherwise unsuitable for minors for the purposes of paragraph (2)(A), the Commission and the Attorney General shall consider the voluntary industry rating or labeling systems of the industry concerned as in effect on the date of the enactment of this Act.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Commission and the Attorney General shall submit to Congress a report on the study conducted under subsection (a).

(c) AUTHORITY.—For the purposes of the study conducted under subsection (a), the Commission may use its authority under section 6(b) of the Federal Trade Commission Act to require the filing of reports or answers in writing to specific questions, as well as to obtain information, oral testimony, documentary material, or tangible things.

BOXER (AND OTHERS) AMENDMENT NO. 330

Mrs. BOXER (for herself, Mr. KENNEDY, Mr. DURBIN, and Mr. LAUTENBERG) proposed an amendment to the bill, S. 254, supra; as follows:

At the end, add the following:

SEC. . STUDY OF MARKETING PRACTICES OF THE FIREARMS INDUSTRY.

(a) IN GENERAL.—

The Federal Trade Commission and the Attorney General shall jointly conduct a study of the marketing practices of the firearms industry, with respect to children.

(b) ISSUES EXAMINED.—In conducting the study under subsection (a), the Commission and the Attorney General shall examine the extent to which the firearms industry advertises and promotes its products to juveniles, including in media outlets in which minors comprise a substantial percentage of the audience.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Commission and the Attorney General shall submit to Congress a report on the study conducted under subsection (a).

LAUTENBERG (AND OTHERS) AMENDMENT NO. 331

Mr. LAUTENBERG (for himself, Mr. SCHUMER, Mrs. BOXER, Mr. KOHL, Mrs. FEINSTEIN, and Mr. LEVIN) proposed an amendment to the bill, S. 254, supra; as follows:

At the appropriate place, insert the following:

SEC. . EXTENSION OF BRADY BACKGROUND CHECKS TO GUN SHOWS.

(a) FINDINGS.—Congress finds that—

(1) more than 4,400 traditional gun shows are held annually across the United States, attracting thousands of attendees per show and hundreds of Federal firearms licensees and nonlicensed firearms sellers;

(2) traditional gun shows, as well as flea markets and other organized events, at which a large number of firearms are offered for sale by Federal firearms licensees and nonlicensed firearms sellers, form a significant part of the national firearms market;

(3) firearms and ammunition that are exhibited or offered for sale or exchange at gun shows, flea markets, and other organized events move easily in and substantially affect interstate commerce;

(4) in fact, even before a firearm is exhibited or offered for sale or exchange at a gun show, flea market, or other organized event, the gun, its component parts, ammunition, and the raw materials from which it is manufactured have moved in interstate commerce;

(5) gun shows, flea markets, and other organized events at which firearms are exhibited or offered for sale or exchange, provide a convenient and centralized commercial location at which firearms may be bought and sold anonymously, often without background checks and without records that enable gun tracing;

(6) at gun shows, flea markets, and other organized events at which guns are exhibited or offered for sale or exchange, criminals and other prohibited persons obtain guns without background checks and frequently use guns that cannot be traced to later commit crimes;

(7) many persons who buy and sell firearms at gun shows, flea markets, and other organized events cross State lines to attend these events and engage in the interstate transportation of firearms obtained at these events;

(8) gun violence is a pervasive, national problem that is exacerbated by the availability of guns at gun shows, flea markets, and other organized events;

(9) firearms associated with gun shows have been transferred illegally to residents of another State by Federal firearms licensees and nonlicensed firearms sellers, and have been involved in subsequent crimes including drug offenses, crimes of violence, property crimes, and illegal possession of firearms by felons and other prohibited persons; and

(10) Congress has the power, under the interstate commerce clause and other provisions of the Constitution of the United States, to ensure, by enactment of this Act, that criminals and other prohibited persons do not obtain firearms at gun shows, flea markets, and other organized events.

(b) DEFINITIONS.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

"(35) GUN SHOW.—The term 'gun show' means any event—

"(A) at which 50 or more firearms are offered or exhibited for sale, transfer, or exchange, if 1 or more of the firearms has been shipped or transported in, or otherwise affects, interstate or foreign commerce; and

"(B) at which 2 or more persons are offering or exhibiting 1 or more firearms for sale, transfer, or exchange.

"(36) GUN SHOW PROMOTER.—The term 'gun show promoter' means any person who organizes, plans, promotes, or operates a gun show.

"(37) GUN SHOW VENDOR.—The term 'gun show vendor' means any person who exhibits, sells, offers for sale, transfers, or exchanges 1 or more firearms at a gun show, regardless of whether or not the person arranges with the gun show promoter for a fixed location from which to exhibit, sell, offer for sale, transfer, or exchange 1 or more firearms."

(c) REGULATION OF FIREARMS TRANSFERS AT GUN SHOWS.—

(1) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by adding at the end the following:

"§ 931. Regulation of firearms transfers at gun shows

"(a) REGISTRATION OF GUN SHOW PROMOTERS.—It shall be unlawful for any person to organize, plan, promote, or operate a gun show unless that person—

"(1) registers with the Secretary in accordance with regulations promulgated by the Secretary; and

"(2) pays a registration fee, in an amount determined by the Secretary.

"(b) RESPONSIBILITIES OF GUN SHOW PROMOTERS.—It shall be unlawful for any person to organize, plan, promote, or operate a gun show unless that person—

"(1) not later that 30 days before commencement of the gun show, notifies the Secretary of the date, time, duration, and location of the gun show and any other information concerning the gun show as the Secretary may require by regulation;

"(2) not later than 72 hours before commencement of the gun show, submits to the Secretary an updated list of all gun show vendors planning to participate in the gun show and any other information concerning such vendors as the Secretary may require by regulation;

"(3) before commencement of the gun show, verifies the identity of each gun show vendor participating in the gun show by examining a valid identification document (as defined in section 1028(d)(1)) of the vendor containing a photograph of the vendor;

"(4) before commencement of the gun show, requires each gun show vendor to sign—

"(A) a ledger with identifying information concerning the vendor; and

"(B) a notice advising the vendor of the obligations of the vendor under this chapter; and

"(5) notifies each person who attends the gun show of the requirements of this chapter, in accordance with such regulations as the Secretary shall prescribe;

"(6) not later than 5 days after the last day of the gun show, submits to the Secretary a copy of the ledger and notice described in paragraph (4); and

"(7) maintains a copy of the records described in paragraphs (2) through (4) at the permanent place of business of the gun show promoter for such period of time and in such form as the Secretary shall require by regulation.

"(c) RESPONSIBILITIES OF TRANSFERORS OTHER THAN LICENSEES.—

"(1) IN GENERAL.—If any part of a firearm transaction takes place at a gun show, it shall be unlawful for any person who is not licensed under this chapter to transfer a firearm to another person who is not licensed under this chapter, unless the firearm is transferred through a licensed importer, licensed manufacturer, or licensed dealer in accordance with subsection (e).

"(2) CRIMINAL BACKGROUND CHECKS.—A person who is subject to the requirement of paragraph (1)—

"(A) shall not transfer the firearm to the transferee until the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(A); and

"(B) notwithstanding subparagraph (A), shall not transfer the firearm to the transferee if the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(B).

"(d) RESPONSIBILITIES OF TRANSFEREES OTHER THAN LICENSEES.—

"(1) IN GENERAL.—If any part of a firearm transaction takes place at a gun show, it shall be unlawful for any person who is not licensed under this chapter to receive a firearm from another person who is not licensed under this chapter, unless the firearm is transferred through a licensed importer, licensed manufacturer, or licensed dealer in accordance with subsection (e).

"(2) CRIMINAL BACKGROUND CHECKS.—A person who is subject to the requirement of paragraph (1)—

"(A) shall not receive the firearm from the transferor until the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(A); and

"(B) notwithstanding subparagraph (A), shall not receive the firearm from the transferor if the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(B).

"(e) RESPONSIBILITIES OF LICENSEES.—A licensed importer, licensed manufacturer, or licensed dealer who agrees to assist a person who is not licensed under this chapter in carrying out the responsibilities of that person under subsection (c) or (d) with respect to the transfer of a firearm shall—

"(1) enter such information about the firearm as the Secretary may require by regulation into a separate bound record;

"(2) record the transfer on a form specified by the Secretary;

"(3) comply with section 922(t) as if transferring the firearm from the inventory of the licensed importer, licensed manufacturer, or licensed dealer to the designated transferee (although a licensed importer, licensed manufacturer, or licensed dealer complying with this subsection shall not be required to comply again with the requirements of section 922(t) in delivering the firearm to the nonlicensed transferor), and notify the nonlicensed transferor and the nonlicensed transferee—

"(A) of such compliance; and

"(B) if the transfer is subject to the requirements of section 922(t)(1), of any receipt by the licensed importer, licensed manufacturer, or licensed dealer of a notification from the national instant criminal background check system that the transfer would violate section 922 or would violate State law;

"(4) not later than 10 days after the date on which the transfer occurs, submit to the Secretary a report of the transfer, which report—

"(A) shall be on a form specified by the Secretary by regulation; and

"(B) shall not include the name of or other identifying information relating to any person involved in the transfer who is not licensed under this chapter;

"(5) if the licensed importer, licensed manufacturer, or licensed dealer assists a person other than a licensee in transferring, at 1 time or during any 5 consecutive business days, 2 or more pistols or revolvers, or any combination of pistols and revolvers totaling 2 or more, to the same nonlicensed person, in addition to the reports required under paragraph (4), prepare a report of the multiple transfers, which report shall be—

"(A) prepared on a form specified by the Secretary; and

"(B) not later than the close of business on the date on which the transfer occurs, forwarded to—

"(i) the office specified on the form described in subparagraph (A); and

"(ii) the appropriate State law enforcement agency of the jurisdiction in which the transfer occurs; and

"(6) retain a record of the transfer as part of the permanent business records of the licensed importer, licensed manufacturer, or licensed dealer.

"(f) RECORDS OF LICENSEE TRANSFERS.—If any part of a firearm transaction takes place at a gun show, each licensed importer, licensed manufacturer, and licensed dealer who transfers 1 or more firearms to a person who is not licensed under this chapter shall, not later than 10 days after the date on which the transfer occurs, submit to the Secretary a report of the transfer, which report—

"(1) shall be in a form specified by the Secretary by regulation;

"(2) shall not include the name of or other identifying information relating to the transferee; and

"(3) shall not duplicate information provided in any report required under subsection (e)(4).

"(g) FIREARM TRANSACTION DEFINED.—In this section, the term 'firearm transaction' includes the exhibition, sale, offer for sale, transfer, or exchange of a firearm.".

(2) PENALTIES.—Section 924(a) of title 18, United States Code, is amended by adding at the end the following:

"(7)(A) Whoever knowingly violates section 931(a) shall be fined under this title, imprisoned not more than 5 years, or both.

"(B) Whoever knowingly violates subsection (b) or (c) of section 931, shall be—

"(i) fined under this title, imprisoned not more than 2 years, or both; and

"(ii) in the case of a second or subsequent conviction, such person shall be fined under this title, imprisoned not more than 5 years, or both.

"(C) Whoever willfully violates section 931(d), shall be—

"(i) fined under this title, imprisoned not more than 2 years, or both; and

"(ii) in the case of a second or subsequent conviction, such person shall be fined under this title, imprisoned not more than 5 years, or both.

"(D) Whoever knowingly violates subsection (e) or (f) of section 931 shall be fined under this title, imprisoned not more than 5 years, or both.

"(E) In addition to any other penalties imposed under this paragraph, the Secretary may, with respect to any person who knowingly violates any provision of section 931—

"(i) if the person is registered pursuant to section 931(a), after notice and opportunity for a hearing, suspend for not more than 6 months or revoke the registration of that person under section 931(a); and

"(ii) impose a civil fine in an amount equal to not more than $10,000.".

(3) TECHNICAL AND CONFORMING AMENDMENTS.—Chapter 44 of title 18, United States Code, is amended—

(A) in the chapter analysis, by adding at the end the following:

"931. Regulation of firearms transfers at gun shows."; and

(B) in the first sentence of section 923(j), by striking "a gun show or event" and inserting "an event"; and

(d) INSPECTION AUTHORITY.—Section 923(g)(1) is amended by adding at the end the following:

"(E) Notwithstanding subparagraph (B), the Secretary may enter during business hours the place of business of any gun show promoter and any place where a gun show is held for the purposes of examining the records required by sections 923 and 931 and the inventory of licensees conducting business at the gun show. Such entry and examination shall be conducted for the purposes of determining compliance with this chapter by gun show promoters and licensees conducting business at the gun show and shall not require a showing of reasonable cause or a warrant.".

(e) INCREASED PENALTIES FOR SERIOUS RECORDKEEPING VIOLATIONS BY LICENSEES.—Section 924(a)(3) of title 18, United States Code, is amended to read as follows:

"(3)(A) Except as provided in subparagraph (B), any licensed dealer, licensed importer, licensed manufacturer, or licensed collector who knowingly makes any false statement or representation with respect to the information required by this chapter to be kept in the records of a person licensed under this chapter, or violates section 922(m) shall be fined under this title, imprisoned not more than 1 year, or both.

"(B) If the violation described in subparagraph (A) is in relation to an offense—

"(i) under paragraph (1) or (3) of section 922(b), such person shall be fined under this title, imprisoned not more than 5 years, or both; or

"(ii) under subsection (a)(6) or (d) of section 922, such person shall be fined under this title, imprisoned not more than 10 years, or both.".

(f) Increased Penalties for Violations of Criminal Background Check Requirements.—

(1) Penalties.—Section 924 of title 18, United States Code, is amended—

(A) in paragraph (5), by striking "subsection (s) or (t) of section 922" and inserting "section 922(s)"; and

(B) by adding at the end the following:

"(8) Whoever knowingly violates section 922(t) shall be fined under this title, imprisoned not more than 5 years, or both.".

(2) Elimination of certain elements of offense.—Section 922(t)(5) of title 18, United States Code, is amended by striking "and, at the time" and all that follows through "State law".

(g) Effective Date.—This section and the amendments made by this section shall take effect 180 days after the date of enactment of this Act.

CRAIG AMENDMENT NO. 332

Mr. CRAIG proposed an amendment to the bill, S. 254, supra; as follows:

On page 265, after line 20, add the following:At the end, add the following:

TITLE —GENERAL FIREARM PROVISIONS

SEC. 01. SPECIAL LICENSEES; SPECIAL REGISTRATIONS.

(a) Definitions.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

"(35) Gun show.—The term 'gun show' means a gun show or event described in section 923(j).

"(36) Special license.—The term 'special license' means a license issued under section 923(m).

"(37) Special licensee.—The term 'special licensee' means a person to whom a special license has been issued.

"(38) Special registrant.—The term 'special registrant' means a person to whom a special registration has been issued.

"(39) Special registration.—The term 'special registration' means a registration issued under section 923(m).".

(b) Special Licenses; Special Registration.—Section 923 of title 18, United States Code, is amended by adding at the end the following:

"(m) Special Licenses; Special Registrations.—

"(1) Special licenses.—

"(A) Application.—A person who—

"(i) is engaged in the business of dealing in firearms by—

"(I) buying or selling firearms solely or primarily at gun shows; or

"(II) buying or selling firearms as part of a gunsmith or firearm repair business or the conduct of other activity that, absent this subsection, would require a license under this chapter; and

"(ii) desires to have access to the National Instant Check System:

may submit to the Secretary an application for a special license.

"(B) Effect of paragraph.—Nothing in this paragraph—

"(i) requires a license for conduct that did not require a license before the date of enactment of this subsection; or

"(ii) diminishes in any manner any right to display, sell, or otherwise dispose of firearms or ammunition, make repairs, or engage in any other conduct or activity, that was otherwise lawful to engage in without a license before the date of enactment of this subsection.

"(C) Contents.—An application under subparagraph (A) shall—

"(i) contain a certification by the applicant that—

"(I) the applicant meets the requirements of subparagraphs (A) through (D) of subsection (d)(1);

"(II)(aa) the applicant conducts the firearm business primarily or solely at gun shows, and the applicant has premises (or a designated portion of premises) that may be inspected under this chapter from which the applicant conducts business (or intends to establish such premises) within a reasonable period of time; or

"(bb) the applicant conducts the firearm business from a premises (or a designated portion of premises) of a gunsmith or firearms repair business (or intends to establish such premises within a reasonable period of time); and

"(III) the firearm business to be conducted under the license—

"(aa) is not engaged in business for regularly buying and selling firearms from the applicant's premises;

"(bb) will be engaged in the buying or selling of firearms only—

"(AA) primarily or solely for a firearm business at gun shows; or

"(BB) as part of a gunsmith or firearm repair business;

"(cc) shall be conducted in accordance with all dealer recordkeeping required under this chapter for a dealer; and

"(dd) shall be subject to inspection under this chapter, including the special licensee's (or a designated portion of the premises), pursuant to the provisions in this chapter applicable to dealers;

"(ii) include a photograph and fingerprints of the applicant; and

"(iii) be in such form as the Secretary shall by regulation promulgate.

"(D) Compliance with State or local law.—

"(i) In general.—An applicant under subparagraph (A) shall not be required to certify or demonstrate that any firearm business to be conducted from the premises or elsewhere, to the extent permitted under this subsection, is or will be done in accordance with State or local law regarding the carrying on of a general business or commercial activity, including compliance with zoning restrictions.

"(ii) Duty to comply.—The issuance of a special license does not relieve an applicant or licensee, as a matter of State or local law, from complying with State or local law described in clause (i).

"(E) Approval.—

"(i) In general.—The Secretary shall approve an application under subparagraph (A) if the application meets the requirements of subparagraph (D).

"(ii) Issuance of license.—On approval of the application and payment by the applicant of a fee prescribed for dealers under this section, the Secretary shall issue to the applicant a license which, subject to the provisions of this chapter and other applicable provisions of law, entitles the licensee to conduct business during the 3-year period that begins on the date on which the license is issued.

"(iii) Timing.—

"(I) In general.—The Secretary shall approve or disapprove an application under subparagraph (A) not later than 60 days after the Secretary receives the application.

"(II) Failure to act.—If the Secretary fails to approve or disapprove an application within the time specified by subclause (I), the applicant may bring an action under section 1361 of title 28 to compel the Secretary to act.

"(2) Special registrants.—

"(A) In general.—A person who is not licensed under this chapter (other than a licensed collector) and who wishes to perform instant background checks for the purposes of meeting the requirements of section 922(t) at a gun show may submit to the Secretary an application for a special registration.

"(B) Contents.—An application under subparagraph (A) shall—

"(i) contain a certification by the applicant that—

"(I) the applicant meets the requirements of subparagraphs (A) through (D) of subsection (d)(1); and

"(II)(aa) any gun show at which the applicant will conduct instant checks under the special registration will be a show that is not prohibited by State or local law; and

"(bb) instant checks will be conducted only at gun shows that are conducted in accordance with Federal, State, and local law;

"(ii) include a photograph and fingerprints of the applicant; and

"(iii) be in such form as the Secretary shall by regulation promulgate.

"(C) Approval.—

"(i) In general.—The Secretary shall approve an application under subparagraph (A) if the application meets the requirements of subparagraph (B).

"(ii) Issuance of registration.—On approval of the application and payment by the applicant of a fee of $100 for 3 years, and upon renewal of valid registration a fee of $50 for 3 years, the Secretary shall issue to the applicant a special registration, and notify the Attorney General of the United States of the issuance of the special registration.

"(iii) Permitted activity.—Under a special registration, a special registrant may conduct instant check screening during the 3-year period that begins with the date on which the registration is issued.

"(D) Timing.—

"(i) In general.—The Secretary shall approve or deny an application under subparagraph (A) not later than 60 days after the Secretary receives the application.

"(ii) Failure to act.—If the Secretary fails to approve or disapprove an application under subparagraph (A) within the time specified by clause (i), the applicant may bring an action under section 1361 of title 28 to compel the Secretary to act.

"(E) Use of special registrants.—

"(i) In general.—A person not licensed under this chapter who desires to transfer a firearm at a gun show in the person's State of residence to another person who is a resident of the same State, may use (but shall not be required to use) the services of a special registrant to determine the eligibility of the prospective transferee to possess a firearm by having the transferee provide the special registrant at the gun show, on a special and limited-purpose form that the Secretary shall prescribe for use by a special registrant—

"(I) the name, age, address, and other identifying information of the prospective transferee (or, in the case of a prospective transferee that is a corporation or other business entity, the identity and principal and local places of business of the prospective transferee); and

"(II) proof of verification of the identity of the prospective transferee as required by section 922(t)(1)(C).

"(ii) ACTION BY THE SPECIAL REGISTRANT.—The special registrant shall—

"(I) make inquiry of the national instant background check system (or as the Attorney General shall arrange, with the appropriate State point of contact agency for each jurisdiction in which the special registrant intends to offer services) concerning the prospective transferee in accordance with the established procedures for making such inquiries;

"(II) receive the response from the system;

"(III) indicate the response on both a portion of the inquiry form for the records of the special registrant and on a separate form to be provided to the prospective transferee;

"(IV) provide the response to the transferor; and

"(V) follow the procedures established by the Secretary and the Attorney General for advising a person undergoing an instant background check on the meaning of a response, and any appeal rights, if applicable.

"(iii) RECORDKEEPING.—A special registrant shall—

"(I) keep all records or documents that the special registrant collected pursuant to clause (ii) during the gun show; and

"(II) transmit the records to the Secretary when the special registration is no longer valid, expires, or is revoked.

"(iv) NO OTHER REQUIREMENTS.—Except for the requirements stated in this section, a special registrant is not subject to any of the requirements imposed on licensees by this chapter, including those in section 922(t) and paragraphs (1)(A) and (3)(A) of subsection (g) with respect to the proposed transfer of a firearm.

"(3) NO CAUSE OF ACTION OR STANDARD OF CONDUCT.—

"(A) IN GENERAL.—Nothing in this subsection—

"(i) creates a cause of action against any special registrant or any other person, including the transferor, for any civil liability; or

"(ii) establishes any standard of care.

"(B) EVIDENCE.—Notwithstanding any other provision of law, except to give effect to the provisions of paragraph (3)(vi), evidence regarding the use or nonuse by a transferor of the services of a special registrant under this paragraph shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity for the purposes of establishing liability based on a civil action brought on any theory for harm caused by a product or by negligence.

"(4) IMMUNITY.—

"(A) DEFINITION.—In this paragraph:

"(i) IN GENERAL.—The term 'qualified civil liability action' means a civil action brought by any person against a person described in subparagraph (B) for damages resulting from the criminal or unlawful misuse of the firearm by the transferee or a third party.

"(ii) EXCLUSIONS.—The term 'qualified civil liability action' shall not include an action—

"(B) IMMUNITY.—Notwithstanding any other provision of law, a person who is—

"(i) a special registrant who performs a background check in the manner prescribed in this subsection at a gun show;

"(ii) a licensee or special licensee who acquires a firearm at a gun show from a nonlicensee, for transfer to another nonlicensee in attendance at the gun show, for the purpose of effectuating a sale, trade, or transfer between the 2 nonlicensees, all in the manner prescribed for the acquisition and disposition of a firearm under this chapter; or

"(iii) a nonlicensee person disposing of a firearm who uses the services of a person described in clause (i) or (ii);

shall be entitled to immunity from civil liability action as described in subparagraph (B).

"(C) PROSPECTIVE ACTIONS.—A qualified civil liability action may not be brought in any Federal or State court—

"(i) brought against a transferor convicted under section 922(h), or a comparable State felony law, by a person directly harmed by the transferee's criminal conduct, as defined in section 922(h); or

"(ii) brought against a transferor for negligent entrustment or negligence per se.

"(D) DISMISSAL OF PENDING ACTIONS.—A qualified civil liability action that is pending on the date of enactment of this subsection shall be dismissed immediately by the court.

"(5) REVOCATION.—A special license or special registration shall be subject to revocation under procedures provided for revocation of licensees in this chapter.".

(b) PENALTIES.—Section 924(a) of title 18, United States Code, is amended by adding at the end the following:

"(7) SPECIAL LICENSEES; SPECIAL REGISTRANTS.—Whoever knowingly violates section 923(m)(1) shall be fined under this title, imprisoned not more than 5 years, or both.".

SEC. 3. CLARIFICATION OF AUTHORITY TO CONDUCT FIREARM TRANSACTIONS AT GUN SHOWS.

Section 923 of title 18, United States Code, is amended by striking subsection (j) and inserting the following:

"(j) GUN SHOWS.—

"(1) IN GENERAL.—A licensed importer, licensed manufacturer, or licensed dealer may, under regulations promulgated by the Secretary, conduct business at a temporary location, other than the location specified on the license, described in paragraph (2).

"(2) TEMPORARY LOCATION.—

"(A) IN GENERAL.—A temporary location referred to in paragraph (1) is a location for a gun show, or for an event in the State specified on the license, at which firearms, firearms accessories and related items may be bought, sold, traded, and displayed, in accordance with Federal, State, and local laws.

"(B) LOCATIONS OUT OF STATE.—If the location is not in the State specified on the license, a licensee may display any firearm, and take orders for a firearm or effectuate the transfer of a firearm, in accordance with this chapter, including paragraph (3) of this subsection.

"(C) QUALIFIED GUN SHOWS OR EVENTS.—A gun show or an event shall qualify as a temporary location if—

"(i) the gun show or event is one which is sponsored, for profit or not, by an individual, national, State, or local organization, association, or other entity to foster the collecting, competitive use, sporting use, or any other legal use of firearms; and

"(ii) the gun show or event has 20 percent or more firearm exhibitors out of all exhibitors.

"(D) FIREARM EXHIBITOR.—The term 'firearm exhibitor' means an exhibitor who displays 1 or more firearms (as defined by section 921(a)(3)) and offers such firearms for sale or trade at the gun show or event.

"(3) RECORDS.—Records of receipt and disposition of firearms transactions conducted at a temporary location—

"(A) shall include the location of the sale or other disposition;

"(B) shall be entered in the permanent records of the licensee; and

"(C) shall be retained at the location premises specified on the license.

"(4) VEHICLES.—Nothing in this subsection authorizes a licensee to conduct business in or from any motorized or towed vehicle.

"(5) NO SEPARATE FEE.—Notwithstanding subsection (a), a separate fee shall not be required of a licensee with respect to business conducted under this subsection.

"(6) INSPECTIONS AND EXAMINATIONS.—

"(A) AT A TEMPORARY LOCATION.—Any inspection or examination of inventory or records under this chapter by the Secretary at a temporary location shall be limited to inventory consisting of, or records relating to, firearms held or disposed at the temporary location.

"(B) NO REQUIREMENT.—Nothing in this subsection authorizes the Secretary to inspect or examine the inventory or records of a licensed importer, licensed manufacturer, or licensed dealer at any location other than the location specified on the license.

"(7) NO EFFECT ON OTHER RIGHTS.—Nothing in this subsection diminishes in any manner any right to display, sell, or otherwise dispose of firearms or ammunition that is in effect before the date of enactment of this subsection, including the right of a licensee to conduct firearms transfers and business away from their business premises with another licensee without regard to whether the location of the business is in the State specified on the license of either licensee.".

SEC. 4. "INSTANT CHECK" GUN TAX AND GUN OWNER PRIVACY.

(a) PROHIBITION OF GUN TAX.—

(1) IN GENERAL.—Chapter 33 of title 28, United States Code, is amended by adding at the end the following

"§ 540B. Prohibition of background check fee

"(a) IN GENERAL.—No officer, employee, or agent of the United States, including a State or local officer or employee acting on behalf of the United States, may charge or collect any fee in connection with any background check required in connection with the transfer of a firearm (as defined in section 921(a)(3) of title 18).

"(b) CIVIL REMEDIES.—Any person aggrieved by a violation of this section may bring an action in United States district court for actual damages, punitive damages, and such other remedies as the court may determine to be appropriate, including a reasonable attorney's fee.".

(2) CONFORMING AMENDMENT.—The analysis for chapter 33 of title 28, United States Code, is amended by inserting after the item relating to section 540A the following:

"540B. Prohibition of background check fee.".

(b) PROTECTION OF GUN OWNER PRIVACY AND OWNERSHIP RIGHTS.—

(1) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by adding at the end the following:

"§ 931. Gun owner privacy and ownership rights

"(a) IN GENERAL.—Notwithstanding any other provision of law, no department, agency, or instrumentality of the United States or officer, employee, or agent of the United States, including a State or local officer or employee acting on behalf of the United States shall—

"(1) perform any national instant criminal background check on any person through the system established under section 103 of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) (referred to in this section as the "system") if the system does not require and result in the immediate destruction of all information, in any form whatsoever or through any medium, concerning the person if the person is determined, through the use of the system, not to be prohibited by subsection (g) or (n) of section 922 or by State law from receiving a firearm; or

"(2) continue to operate the system (including requiring a background check before the transfer of a firearm) unless—

"(A) the National Instant Check System index complies with the requirements of section 552a(e)(5) of title 5, United States Code; and

"(B) does not invoke the exceptions under subsection (j)(2) or paragraph (2) or (3) of subsection (k) of section 552a of title 5, United States Code, except if specifically identifiable information is compiled for a particular law enforcement investigation or specific criminal enforcement matter.

"(b) APPLICABILITY.—Subsection (a)(1) does not apply to the retention or transfer of information relating to—

"(1) any unique identification number provided by the national instant criminal background check system pursuant to section 922(t)(1)(B)(i) of title 18, United States Code; or

"(2) the date on which that number is provided.

"(c) CIVIL REMEDIES.—Any person aggrieved by a violation of this section may bring an action in United States district court for actual damages, punitive damages, and such other remedies as the court may determine to be appropriate, including a reasonable attorney's fee.".

(2) CONFORMING AMENDMENT.—The analysis for chapter 44 of title 18, United States Code, is amended by adding at the end the following:

"931. Gun owner privacy and ownership rights.".

(c) PROVISION RELATING TO PAWN AND OTHER TRANSACTIONS.—

(1) REPEAL.—Section 655 of title VI of the Treasury and General Governmental Appropriations Act, 1999 (112 Stat. 2681–530) is repealed.

(2) RETURN OF FIREARM.—Section 922(t)(1) of title 18, United States Code, is amended by inserting "(other than the return of a firearm to the person from whom it was received)" before "to any other person".

SEC. 5. EFFECTIVE DATE.

(a) SECTIONS 2 AND 3.—The amendments made by sections 2 and 3 shall take effect on the date that is 90 days after the date of enactment of this Act.

(b) SECTION 4.—The amendments made by section 4 take effect on the date of enactment of this Act, except that the amendment made by subsection (a) of that section takes effect on October 1, 1999.

McCAIN AMENDMENT NO. 333

Mr. McCAIN proposed an amendment to the bill, S. 254, supra; as follows:

At the appropriate place, insert the following:

SEC. . FIREARMS PENALTIES.

(a) STRAW PURCHASE PENALTIES.—

(1) IN GENERAL.—Section 924(a) of title 18, United States Code, is amended by adding at the end the following:

"(7)(A) Notwithstanding paragraph (2), whoever knowingly violates section 922(a)(6) for the purpose of selling, delivering, or otherwise transferring a firearm, knowing or having reasonable cause to know that another person will carry or otherwise possess or discharge or otherwise use the firearm in the commission of a violent felony, shall be—

"(i) fined under this title, imprisoned not more than 15 years, or both; or

"(ii) imprisoned not less than 10 and not more than 20 years and fined under this title, if the procurement is for a juvenile.

"(B) In this paragraph—

"(i) the term 'juvenile' has the meaning given the term in section 922(x); and

"(ii) the term 'violent felony' means conduct described in subsection (e)(2)(B).".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect 180 days after the date of enactment of this Act.

(b) JUVENILE WEAPONS PENALTIES.—

(1) IN GENERAL.—Section 924(a) of title 18 United States Code, is amended—

(A) in paragraph (4), by striking "Whoever" and inserting "Except as provided in paragraph (6), whoever"; and

(B) in paragraph (6), by striking subparagraph (B) and inserting the following:

"(B) A person other than a juvenile who knowingly violates section 922(x)—

"(i) shall be fined under this title, imprisoned not more than 1 year, or both; or

"(ii) if the person sold, delivered, or otherwise transferred a handgun or ammunition to a juvenile, knowing or having reasonable cause to know that the juvenile intended to carry or otherwise possess or discharge or otherwise use the handgun or ammunition in the commission of a violent felony, shall be imprisoned not less than 10 and not more than 20 years and fined under this title.

"(C) In this paragraph—

"(i) the term 'juvenile' has the meaning given the term in section 922(x); and

"(ii) the term 'violent felony' means conduct described in subsection (e)(2)(B).".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect 180 days after the date of enactment of this Act.

FRIST AMENDMENT NO. 334

(Ordered to lie on the table.)

Mr. FRIST submitted an amendment intended to be proposed by him to the bill, S. 254, supra; as follows:

At the appropriate place, insert the following:

SEC. . AMENDMENT TO INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

Section 615(k) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(k)) is amended—

(1) in paragraph (1)(A)(ii)(I), by inserting "(other than a firearm)" after "weapon";

(2) by redesignating paragraph (10) as paragraph (11);

(3) by inserting after paragraph (9) the following:

"(10) AUTHORITY OF SCHOOL PERSONNEL REGARDING FIREARMS.—Notwithstanding any other provision of this Act, school personnel with the authority to discipline students may discipline a child with a disability who intentionally possesses a firearm at a school, on school premises, or at a school function, in the same manner that such personnel may discipline a child without a disability, including ceasing educational services. For purposes of this paragraph, a determination concerning whether possession of a firearm is intentional shall not be the subject of a review under paragraph (4)."; and

(4) in paragraph (11), as redesignated in paragraph (2), by adding at the end the following:

"(E) FIREARM.—The term 'firearm' has the meaning given the term in section 921 of title 18, United States Code.".

HATCH (AND LEAHY) AMENDMENT NO. 335

Mr. HATCH (for himself and Mr. LEAHY) proposed an amendment to the bill, S. 254, supra; as follows:

On page 265, below line 20, add the following:

SEC. 402. PROVISION OF INTERNET FILTERING OR SCREENING SOFTWARE BY CERTAIN INTERNET SERVICE PROVIDERS.

(a) REQUIREMENT TO PROVIDE.—Each Internet service provider shall at the time of entering an agreement with a residential customer for the provision of Internet access services, provide to such customer, either at no fee or at a fee not in excess of the amount specified in subsection (c), computer software or another filtering or blocking system that allows the customer to prevent the access of minors to material on the Internet.

(b) SURVEYS OF PROVISION OF SOFTWARE OR SYSTEMS.—

(1) SURVEYS.—The Office of Juvenile Justice and Delinquency Prevention of the Department of Justice and the Federal Trade Commission shall jointly conduct surveys of the extent to which Internet service providers are providing computer software or systems described in subsection (a) to their subscribers.

(2) FREQUENCY.—The surveys required by paragraph (1) shall be completed as follows:

(A) One shall be completed not later than one year after the date of the enactment of this Act.

(B) One shall be completed not later than two years after that date.

(C) One shall be completed not later than three years after that date.

(c) FEES.—The fee, if any, charged and collected by an Internet service provider for providing computer software or a system described in subsection (a) to a residential customer shall not exceed the amount equal to the cost of the provider in providing the software or system to the subscriber, including the cost of the software or system and of any license required with respect to the software or system.

(d) APPLICABILITY.—The requirement described in subsection (a) shall become effective only if—

(1) 1 year after the date of the enactment of this Act, the Office and the Commission determine as a result of the survey completed by the deadline in subsection (b)(2)(A) that less than 75 percent of the total number of residential subscribers of Internet service providers as of such deadline are provided computer software or systems described in subsection (a) by such providers;

(2) 2 years after the date of the enactment of this Act, the Office and the Commission determine as a result of the survey completed by the deadline in subsection (b)(2)(B) that less than 85 percent of the total number of residential subscribers of Internet service providers as of such deadline are provided such software or systems by such providers; or

(3) 3 years after the date of the enactment of this Act, if the Office and the Commission determine as a result of the survey completed by the deadline in subsection (b)(2)(C) that less than 100 percent of the

total number of residential subscribers of Internet service providers as of such deadline are provided such software or systems by such providers.

(e) INTERNET SERVICE PROVIDER DEFINED.—In this section, the term "Internet service provider" means a "service provider" as defined in section 512(k)(1)(A) of title 17, United States Code, which has more than 50,000 subscribers.

REED AMENDMENT NO. 336

(Ordered to lie on the table.)

Mr. REED submitted an amendment intended to be proposed by him to the bill, S. 254, supra; as follows:

At the appropriate place, insert the following:

SEC. . GUN DEALER RESPONSIBILITY.

(a) DEFINITIONS.—In this section:

(1) DEALER.—The term "dealer" has the meaning given such term in section 921(a)(11) of title 18, United States Code.

(2) FIREARM.—The term "firearm" has the meaning given such term in section 921(a)(3) of title 18, United States Code.

(3) LAW ENFORCEMENT OFFICER.—The term "law enforcement officer" means any officer, agent, or employee of the United States, or of a State or political subdivision thereof, who is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of law.

(b) CAUSE OF ACTION; FEDERAL JURISDICTION.—Any person suffering bodily injury as a result of the discharge of a firearm (or, in the case of a person who is incapacitated or deceased, any person entitled to bring an action on behalf of that person or the estate of that person) may bring an action in any United States district court against any dealer who transferred the firearm to any person in violation of chapter 44 of title 18, United States Code, for damages and such other relief as the court deems appropriate. In any action under this subsection, the court shall allow a prevailing plaintiff a reasonable attorney's fee as part of the costs.

(c) LIABILITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), the defendant in an action brought under subsection (b) shall be held liable in tort, without regard to fault or proof of defect, for all direct and consequential damages that arise from bodily injury or death proximately resulting from the illegal sale of a firearm if it is established by a preponderance of the evidence that the defendant transferred the firearm to any person in violation of chapter 44 of title 18, United States Code.

(2) DEFENSES.—

(A) INJURY WHILE COMMITTING A FELONY.—There shall be no liability under paragraph (1) if it is established by a preponderance of the evidence that the plaintiff suffered the injury while committing a crime punishable by imprisonment for a term exceeding 1 year.

(B) INJURY BY LAW ENFORCEMENT OFFICER.—There shall be no liability under paragraph (1) if it is established by a preponderance of the evidence that the injury was suffered as a result of the discharge, by a law enforcement officer in the performance of official duties, of a firearm issued by the United States (or any department or agency thereof) or any State (or department, agency, or political subdivision thereof).

(e) NO EFFECT ON OTHER CAUSES OF ACTION.—This section may not be construed to limit the scope of any other cause of action available to a person injured as a result of the discharge of a firearm.

(f) APPLICABILITY.—This section applies to any—

(1) firearm transferred before, on, or after the date of enactment of this Act; and

(2) bodily injury or death occurring after such date of enactment.

NOXIOUS WEED COORDINATION AND PLANT PROTECTION ACT

AKAKA AMENDMENT NO. 337

(Ordered referred to the Committee on Agriculture, Nutrition, and Forestry.)

Mr. AKAKA submitted an amendment intended to be proposed by him to the bill (S. 910) to streamline, modernize, and enhance the authority of the Secretary of Agriculture relating to plant protection and quarantine, and for other purposes; as follows:

On page 55, between lines 17 and 18, insert the following:

SEC. 405. FEDERAL AGENCY ACTION AFFECTING INVASIVE SPECIES.

(a) IN GENERAL.—Each Federal agency, an action of which may affect the status of invasive species, shall, to the maximum extent practicable—

(1) identify the action;

(2) use relevant programs and authorities to—

(A) prevent the introduction of invasive species;

(B) detect, respond rapidly to, and control populations of invasive species in a cost-effective and environmentally sound manner;

(C) monitor invasive species populations accurately and reliably;

(D) provide for restoration of native species and habitat conditions of ecosystems that have been invaded;

(E) conduct research on invasive species;

(F) develop technologies to prevent introduction and provide for environmentally sound control of invasive species; and

(G) promote public education on invasive species; and

(3) not authorize, fund, or carry out an action that the agency determines is likely to cause or promote the introduction or spread of invasive species in the United States or elsewhere unless, under guidelines prescribed by the agency, the agency has determined and made public the determination that—

(A) the benefits of the action clearly outweigh the potential harm caused by the invasive species; and

(B) all feasible and prudent measures to minimize the risk of harm shall be taken in conjunction with the action.

(b) DUTIES.—Each Federal agency shall pursue the duties under this section—

(1) in consultation with the Invasive Species Council established under section 402;

(2) in accordance with the National Invasive Species Action Plan established under section 404;

(3) in cooperation with stakeholders, as appropriate; and

(4) with the approval of the Department of State, in cases in which the Federal agency is working with international organizations or foreign nations.

VIOLENT AND REPEAT JUVENILE OFFENDER ACCOUNTABILITY AND REHABILITATION ACT OF 1999

BIDEN (AND OTHERS) AMENDMENT NO. 338

(Ordered to lie on the table.)

Mr. BIDEN (for himself, Mr. SCHUMER, Mr. KOHL, and Mrs. BOXER) submitted an amendment intended to be proposed by them to the bill, S. 254, supra; as follows:

At the end of the bill, insert the following:

TITLE V—21ST CENTURY COMMUNITY POLICING INITIATIVE

SEC. 501. 21ST CENTURY COMMUNITY POLICING INITIATIVE.

(a) COPS PROGRAM.—Section 1701(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(a)) is amended by—

(1) inserting "and prosecutor" after "increase police"; and

(2) inserting "to enhance law enforcement access to new technologies, and" after "presence,".

(b) HIRING AND REDEPLOYMENT GRANT PROJECTS.—Section 1701(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(b)) is amended—

(1) in paragraph (1)—

(A) by striking "and" at the end of subparagraph (B);

(B) by striking the period at the end of subparagraph (C) and inserting "; and"; and

(C) by adding at the end the following:

"(D) promote higher education among in-service State and local law enforcement officers by reimbursing them for the costs associated with seeking a college or graduate school education."; and

(2) in paragraph (2) by striking all that follows SUPPORT SYSTEMS.—" and inserting "Grants pursuant to paragraph (1)(C) may not exceed 20 percent of the funds available for grants pursuant to this subsection in any fiscal year.".

(c) ADDITIONAL GRANT PROJECTS.—Section 1701(d) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(d)) is amended—

(1) in paragraph (2)—

(A) by inserting "integrity and ethics" after "specialized"; and

(B) by inserting "and" after "enforcement officers";

(2) in paragraph (7) by inserting "school officials, religiously-affiliated organizations," after "enforcement officers";

(3) by striking paragraph (8) and inserting the following:

"(8) establish school-based partnerships between local law enforcement agencies and local school systems, by using school resource officers who operate in and around elementary and secondary schools to serve as a law enforcement liaison with other Federal, State, and local law enforcement and regulatory agencies, combat school-related crime and disorder problems, gang membership and criminal activity, firearms and explosives-related incidents, illegal use and possession of alcohol, and the illegal possession, use, and distribution of drugs;";

(4) in paragraph (10) by striking "and" at the end;

(5) in paragraph (11) by striking the period that appears at the end and inserting "; and"; and

(6) by adding at the end the following:

"(12) develop and implement innovative programs that bring together a community's sheriff, chief of police, and elderly residents to address the public safety concerns of older citizens.".

(d) TECHNICAL ASSISTANCE.—Section 1701(f) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(f)) is amended—

(1) in paragraph (1)—

(A) by inserting "use up to 5 percent of the funds appropriated under subsection (a) to" after "The Attorney General may";

(B) by inserting at the end the following: "In addition, the Attorney General may use up to 5 percent of the funds appropriated under subsections (d), (e), and (f) for technical assistance and training to States, units of local government, Indian tribal governments, and to other public and private entities for those respective purposes.";

(2) in paragraph (2) by inserting "under subsection (a)" after "the Attorney General"; and

(3) in paragraph (3)—

(A) by striking "the Attorney General may" and inserting "the Attorney General shall";

(B) by inserting "regional community policing institutes" after "operation of"; and

(C) by inserting "representatives of police labor and management organizations, community residents," after "supervisors,".

(e) MATCHING FUNDS.—Section 1701(i) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(i)) is amended by adding after the first sentence the following: "The Attorney General shall waive the requirement under this subsection of a non-Federal contribution to the costs of a program, project or activity that hires law enforcement officers for placement in public schools.".

(f) TECHNOLOGY AND PROSECUTION PROGRAMS.—Section 1701 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) is amended by—

(1) striking subsection (k);

(2) redesignating subsections (f) through (j) as subsections (g) through (k); and

(3) striking subsection (e) and inserting the following:

"(e) LAW ENFORCEMENT TECHNOLOGY PROGRAM.—Grants made under subsection (a) may be used to assist police departments, in employing professional, scientific, and technological advancements that will help them—

"(1) improve police communications through the use of wireless communications, computers, software, videocams, databases and other hardware and software that allow law enforcement agencies to communicate more effectively across jurisdictional boundaries and effectuate interoperability;

"(2) develop and improve access to crime solving technologies, including DNA analysis, photo enhancement, voice recognition, and other forensic capabilities; and

"(3) promote comprehensive crime analysis by utilizing new techniques and technologies, such as crime mapping, that allow law enforcement agencies to use real-time crime and arrest data and other related information—including non-criminal justice data—to improve their ability to analyze, predict, and respond pro-actively to local crime and disorder problems, as well as to engage in regional crime analysis.

"(f) COMMUNITY-BASED PROSECUTION PROGRAM.—Grants made under subsection (a) may be used to assist State, local or tribal prosecutors' offices in the implementation of community-based prosecution programs that build on local community policing efforts. Funds made available under this subsection may be used to—

"(1) hire additional prosecutors who will be assigned to community prosecution programs, including (but not limited to) programs that assign prosecutors to handle cases from specific geographic areas, to address specific violent crime and other local crime problems (including intensive illegal gang, gun and drug enforcement projects and quality of life initiatives), and to address localized violent and other crime problems based on needs identified by local law enforcement agencies, community organizations, and others;

"(2) redeploy existing prosecutors to community prosecution programs as described in paragraph (1) of this section by hiring victim and witness coordinators, paralegals, community outreach, and other such personnel; and

"(3) establish programs to assist local prosecutors' offices in the implementation of programs that help them identify and respond to priority crime problems in a community with specifically tailored solutions.

At least 75 percent of the funds made available under this subsection shall be reserved for grants under paragraphs (1) and (2) and of those amounts no more than 10 percent may be used for grants under paragraph (2) and at least 25 percent of the funds shall be reserved for grants under paragraphs (1) and (2) to units of local government with a population of less than 50,000.".

(g) RETENTION GRANTS.—Section 1703 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd–2) is amended by inserting at the end the following:

"(d) RETENTION GRANTS.—The Attorney General may use up to 5 percent of the funds under subsection (a) to award grants targeted specifically for retention of police officers to grantees in good standing that demonstrate financial hardship or severe budget constraint that impacts the entire local budget and may result in the termination of employment for police officers funded under subsection (b)(1).".

(h) HIRING COSTS.—Section 1704(c) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd–3(c)) is amended by striking "$75,000" and inserting "$125,000".

(i) DEFINITIONS.—

(1) CAREER LAW ENFORCEMENT OFFICER.—Section 1709(1) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd–8) is amended by inserting after "criminal laws" the following: "including sheriffs deputies charged with supervising offenders who are released into the community but also engaged in local community policing efforts.".

(2) SCHOOL RESOURCE OFFICER.—Section 1709(4) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd–8) is amended—

(A) by striking subparagraph (A) and inserting the following:

"(A) to serve as a law enforcement liaison with other Federal, State, and local law enforcement and regulatory agencies, to address and document crime and disorder problems including gangs and drug activities, firearms and explosives-related incidents, and the illegal use and possession of alcohol affecting or occurring in or around an elementary or secondary school;

(B) by striking subparagraph (E) and inserting the following:

"(E) to train students in conflict resolution, restorative justice, and crime awareness, and to provide assistance to and coordinate with other officers, mental health professionals, and youth counselors who are responsible for the implementation of prevention/intervention programs within the schools;"; and

(C) by adding at the end the following:

"(H) to work with school administrators, members of the local parent teacher associations, community organizers, law enforcement, fire departments, and emergency medical personnel in the creation, review, and implementation of a school violence prevention plan;

"(I) to assist in documenting the full description of all firearms found or taken into custody on school property and to initiate a firearms trace and ballistics examination for each firearm with the local office of the Bureau of Alcohol, Tobacco, and Firearms;

"(J) to document the full description of all explosives or explosive devices found or taken into custody on school property and report to the local office of the Bureau of Alcohol, Tobacco, and Firearms; and

"(K) to assist school administrators with the preparation of the Department of Education, Annual Report on State Implementation of the Gun-Free Schools Act which tracks the number of students expelled per year for bringing a weapon, firearm, or explosive to school.".

(j) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(11) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(11)) is amended—

(1) by amending subparagraph (A) to read as follows:

"(A) There are authorized to be appropriated to carry out part Q, to remain available until expended—

"(i) $1,300,000,000 for fiscal year 2000;

"(ii) $1,300,000,000 for fiscal year 2001;

"(iii) $1,300,000.000 for fiscal year 2002;

"(iv) $1,300,000,000 for fiscal year 2003;

"(v) $1,300,000,000 for fiscal year 2004; and

"(vi) $1,300,000,000 for fiscal year 2005."; and

(2) in subparagraph (B)—

(A) by striking "3 percent" and inserting "5 percent";

(B) by striking "85 percent" and inserting "$600,000,000"; and

(C) by striking "1701(b)," and all that follows through "of part Q" and inserting the following: "1701(b) and (c), $150,000,000 to grants for the purposes specified in section 1701(d), $350,000,000 to grants for the purposes specified in section 1701(e), and $200,000,000 to grants for the purposes specified in section 1701(f).".

BYRD (AND KOHL) AMENDMENT NO. 339

(Ordered to lie on the table.)

Mr. BYRD (for himself and Mr. KOHL) submitted an amendment intended to be proposed by them to the bill, S. 254, supra; as follows:

At the appropriate place, insert the following:

SEC. . TWENTY-FIRST AMENDMENT ENFORCEMENT.

(a) SHIPMENT OF INTOXICATING LIQUOR INTO STATE IN VIOLATION OF STATE LAW.—The Act entitled "An Act divesting intoxicating liquors of their interstate character in certain cases", approved March 1, 1913 (commonly known as the "Webb-Kenyon Act") (27 U.S.C. 122) is amended by adding at the end the following:

"SEC. 2. INJUNCTIVE RELIEF IN FEDERAL DISTRICT COURT.

"(a) DEFINITIONS.—In this section—

"(1) the term 'attorney general' means the attorney general or other chief law enforcement officer of a State, or the designee thereof;

"(2) the term 'intoxicating liquor' means any spirituous, vinous, malted, fermented, or other intoxicating liquor of any kind;

"(3) the term 'person' means any individual and any partnership, corporation, company, firm, society, association, joint stock company, trust, or other entity capable of holding a legal or beneficial interest in property, but does not include a State or agency thereof; and

"(4) the term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States.

"(b) Action by State Attorney General.—If the attorney general of a State has reasonable cause to believe that a person is engaged in, is about to engage in, or has engaged in, any act that would constitute a violation of a State law regulating the importation or transportation of any intoxicating liquor, the attorney general may bring a civil action in accordance with this section for injunctive relief (including a preliminary or permanent injunction or other order) against the person, as the attorney general determines to be necessary to—

"(1) restrain the person from engaging, or continuing to engage, in the violation; and

"(2) enforce compliance with the State law.

"(c) Federal Jurisdiction.—

"(1) In general.—The district courts of the United States shall have jurisdiction over any action brought under this section.

"(2) Venue.—An action under this section may be brought only in accordance with section 1391 of title 28, United States Code.

"(d) Requirements for Injunctions and Orders.—

"(1) In general.—In any action brought under this section, upon a proper showing by the attorney general of the State, the court shall issue a preliminary or permanent injunction or other order without requiring the posting of a bond.

"(2) Notice.—No preliminary or permanent injunction or other order may be issued under paragraph (1) without notice to the adverse party.

"(3) Form and scope of order.—Any preliminary or permanent injunction or other order entered in an action brought under this section shall—

"(A) set forth the reasons for the issuance of the order;

"(B) be specific in terms;

"(C) describe in reasonable detail, and not by reference to the complaint or other document, the act or acts to be restrained; and

"(D) be binding only upon—

"(i) the parties to the action and the officers, agents, employees, and attorneys of those parties; and

"(ii) persons in active cooperation or participation with the parties to the action who receive actual notice of the order by personal service or otherwise.

"(e) Consolidation of Hearing With Trial On Merits.—

"(1) In general.—Before or after the commencement of a hearing on an application for a preliminary or permanent injunction or other order under this section, the court may order the trial of the action on the merits to be advanced and consolidated with the hearing on the application.

"(2) Admissibility of evidence.—If the court does not order the consolidation of a trial on the merits with a hearing on an application described in paragraph (1), any evidence received upon an application for a preliminary or permanent injunction or other order that would be admissible at the trial on the merits shall become part of the record of the trial and shall not be required to be received again at the trial.

"(f) No Right to Trial by Jury.—An action brought under this section shall be tried before the court.

"(g) Additional Remedies.—

"(1) In general.—A remedy under this section is in addition to any other remedies provided by law.

"(2) State court proceedings.—Nothing in this section may be construed to prohibit an authorized State official from proceeding in State court on the basis of an alleged violation of any State law.".

STEVENS AMENDMENT NO. 340

(Ordered to lie on the table.)

Mr. STEVENS submitted an amendment intended to be proposed by him to the bill, S. 254, supra; as follows:

At the appropriate place insert the following new section:

"SEC. . LOCAL ENFORCEMENT OF LOCAL ALCOHOL PROHIBITIONS THAT REDUCE JUVENILE CRIME IN REMOTE ALASKA VILLAGES.

(a) Congressional Findings.—The Congress finds the following:

(1) Villages in remote areas of Alaska lack local law enforcement due to the absence of a tax base to support such services and to small populations that do not secure sufficient funds under existing state and federal grant program formulas.

(2) State troopers are often unable to respond to reports of violence in remote villages if there is inclement weather, and often only respond in reported felony cases.

(3) Studies conclude that alcohol consumption is strongly linked to the commission of violent crimes in remote Alaska villages and that youth are particularly susceptible to developing chronic criminal behaviors associated with alcohol in the absence of early intervention.

(4) Many remote villages have sought to limit the introduction of alcohol into their communities as a means of early intervention and to reduce criminal conduct among juveniles.

(5) in many remote villages, there is no person with the authority to enforce these local alcohol restrictions in a manner consistent with judicial standards of due process required under the state and federal constitutions.

(6) Remote Alaska villages are experiencing a marked increase in births and the number of juveniles residing in villages is expected to increase dramatically in the next five years.

(7) Adoption of alcohol prohibitions by voters in remote villages represents a community-based effort to reduce juvenile crime, but this local policy choice requires local law enforcement to be effective.

(b) Grant of Federal Funds.

(1) The Attorney General is authorized to provide to the State of Alaska funds for state law enforcement, judicial infrastructure and other costs necessary in remote villages to implement the prohibitions on the sale, importation and possession of alcohol adopted pursuant to state local option statutes.

(2) Funds provided to the State of Alaska under this section shall be in addition to and shall not disqualify the State, local governments, or Indian tribes (as that term is defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (P.L. 93-638, as amended; 25 U.S.C. 450b(e) (1998)) from federal funds available under other authority.

(c) Authorization of Appropriations.

(1) In General.—There are authorized to be appropriated to carry out this section

(A) $15,000,000 for fiscal year 2000;

(B) $17,000,000 for fiscal year 2001; and

(C) $18,000,000 for fiscal year 2002.

(2) Source of sums.—Amounts authorized to be appropriated under this subsection may be derived from the Violent Crime Reduction Trust Fund.".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the full Committee on Armed Services be authorized to meet at 9:30 a.m. on Wednesday, May 12, 1999, in executive session, to mark up the fiscal year 2000 Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the full Committee on Armed Services be authorized to meet at 2:00 p.m. on Wednesday, May 12, 1999, in executive session, to mark up the FY 2000 Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, May 12, for purposes of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this oversight hearing is to receive testimony on damage to the national security from Chinese espionage at DOE nuclear weapons laboratories.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. BROWNBACK. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Wednesday, May 12, 1999 beginning at 10:00 a.m. in room 215 Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on "ESEA: Title I: Evaluation and Reform" during the session of the Senate on Wednesday, May 12, 1999, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday May 12, 1999 at 9:30 a.m. to conduct an Oversight Hearing on HUBZones Implementation in Indian Country. The Hearing will be held in room 485 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, May 12, 1999 at 2:30 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS SUBCOMMITTEE

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Communications Subcommittee of the Senate Committee on Commerce, Science, and Transportation be allowed to meet on Wednesday, May 12, 1999, at 9:30 a.m. on S. 800—Wireless Communication and Public Safety Act of 1999.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HOUSING AND TRANSPORTATION

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Transportation of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, May 12, 1999, to conduct a hearing on "The Low-Income Housing Tax Credit."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON IMMIGRATION

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Subcommittee on Immigration, of the Senate Judiciary Committee, be authorized to meet during the session of the Senate on Wednesday, May 12, 1999 at 2:00 p.m. to hold a hearing in room 226, Senate Dirksen Office Building, on: "Meeting the Workforce Needs of American Agriculture, Farm Workers, and the U.S. Economy".

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE TECHNOLOGY AND SPACE

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Science, Technology, and Space Subcommittee of the Senate Committee on Commerce, Science, and Transportation be allowed to meet on Wednesday, May 12, 1999 at 2:30 p.m. on emerging technologies.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TECHNOLOGY, TERRORISM, AND GOVERNMENT INFORMATION

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Subcommittee on Technology, Terrorism and Government Information of the Committee on the Judiciary be authorized to hold an Executive Business Meeting during the session of the Senate on Wednesday, May 12, 1999 at 10:00 a.m., in room 226 of the Senate Dirksen Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WESTERN HEMISPHERE

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Subcommittee on Western Hemisphere, Peace Corps, Narcotics and Terrorism be authorized to meet during the session of the Senate on Wednesday, May 12, 1999 at 3:00 p.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

ON THE CITADEL'S GRADUATION

• Mr. HOLLINGS. Mr. President, early on in this decade The Citadel in Charleston, South Carolina was challenged and lost the fight for the admission of women to the Corps of Cadets. It was a stormy event, but on Saturday last with dignity and prestige the first woman cadet, Nancy Mace, a gold star honor student, was graduated. The commentator, Pat Buchanan, rendered the graduation address. It was a challenge not only to the graduating class, but for the Nation as well. I ask that the Buchanan address be printed now in the RECORD.

The address follows:

A REPUBLIC, NOT AN EMPIRE

(By Patrick J. Buchanan)

General Grinalds, distinguished guests, and friends of the Citadel. It is truly an honor to address this last graduating class of the 20th century—and a truly unique class it is, of an institution whose name is synonymous with patriotism, courage, and a code of honor.

I must tell you, I was profoundly moved by yesterday's parade, and the Scottish bagpipes playing "Auld Lang Zyne" to the Class of '99. I was moved, in part, because we Buchanans are of Scotch ancestry. Indeed, an historian once told me the Buchanans were a Highland warrior clan that had fought at Agincourt, where England's Henry V achieved immortality.

And as I was basking in the reflected glory of my ancestors, however, the historian added, "Unfortunately, Pat, the Buchanans all fought on the side of the French."

Now, as my two great grandfathers on the Buchanan side were from Mississippi, and fought with the Confederacy, we Buchanans have an established tradition of Lost Causes. Unfortunately, in 1992 and 1996, I made my own contributions to that family tradition.

My wife Shelley tells me that if I don't win this time, she is going to pack it in—and run for the Senate from New York.

This is not my first trip to the Citadel; in 1995, I was invited to address the student body in its lecture series on the great issues of the day. On the bookshelf in my living room, if you come to visit, you will find in a place of honor what is known as the Brick—a miniature replica of the original Citadel.

Friends of the Citadel, we live in an age of self-indulgence where the values embodied in your code of honor—"A cadet does not lie, cheat, or steal, or tolerate those who do," are considered by some to be out of fashion.

But all over this troubled country of ours, people hunger for a restoration of the values which I believe will soon be both relevant and respected again. For this country is not only about to cross over into a new century, we are entering upon a new and potentially dangerous decade.

Indeed, as this era that the historians have already designated "the American Century," approaches an end, it may be instructive to look back to the close of the 19th century, when the British empire was the world's preeminent power.

For the Diamond Jubilee of Queen Victoria, Rudyard Kipling was asked to pen some verses to the greatness and glory of his nation. As he wrote of Britannia's "(d)ominion over palm and pine," Kipling struck a note of unease, of apprehension, that the mighty empire on which the sun never set might itself also pass away. Let me recite a few lines from his poem "Recessional":

"Far-called our navies melt away—
On dune and headland sinks the fire—
Lo, all our pomp of yesterday
Is one with Nineveh and Tyre!
Judge of the Nations, spare us yet,
Lest we forget, lest we forget."

Kipling proved prophetic. In two decades, the British empire was fighting for its life on the fields of France. In half a century, that empire had vanished from the earth.

And so it was with all the great nations that had strode so confidently onto the world's stage at the start of this bloodiest of centuries—all except America. The Austro-Hungarian, German, Russian, and Ottoman empires perished in World War I. Japan's was destroyed in World War II; the British and French expired soon after.

When the Berlin Wall came down in 1989, in that triumph of human freedom and American perseverance, the empire of Lenin and Stalin collapsed, leaving the United States as the world's sole superpower. In the phrase of our foreign policy elite, we have become the world's "indispensable nation."

But it is just such hubristic rhetoric that calls forth apprehension, for it reflects a pride that all too often precedes a great fall.

Long ago, Teddy Roosevelt admonished us: "Speak softly and carry a big stick." Today, we have whittled down the stick, even as we raised the decibel count.

My apprehension is traceable, too, to a belief that our republic has begun to retrace, step by step, the march of folly that led to the fall of the British and every other great empire.

Today, America has become ensnared in a civil war in a Balkan peninsula where no U.S. army ever fought before, and no president ever asserted a vital interest. Daily, we plunge more deeply in.

Our motives were noble—to protect an abused people—but most now concede that we failed to weigh the risks of launching this war.

Among the lessons America should have learned from Vietnam, said General Colin Powell, is that before you commit the army, you must first commit the nation. We did not do that.

Now, it is said that as the credibility of NATO cannot survive defiance by tiny Serbia, we must do whatever needs to be done to win, even if it means ordering 100,000 U.S. ground troops into the Balkans. This sentiment was expressed by a columnist at the New York Times:

"It should be lights out in Belgrade; every power grid, water pipe, bridge, road . . . has to be targeted. Like it or not, we are at war with the Serbian nation . . . and the stakes have to be very clear: Every week you ravage Kosovo is another decade we will set you back by pulverizing you. You want 1950. We can do 1950. You want 1389. We can do 1389 too."

One cannot read that passage without recalling to mind the phrase, "the arrogance of power."

Now, Milosevic is a tyrant and a war criminal. But does America have the right to "pulverize" a nation that never attacked the United States? Did the Founding Fathers dedicate their lives, fortunes and sacred honor to the cause of liberty, so that the republic they would create could emulate the empire they overthrew? Is it America's destiny to be the policemen of the world?

In his Farewell Address, our greatest president implored us to stay out of Europe's endless quarrels: "Why quit our own to stand upon foreign ground?" Washington asked. "Why . . . entangle our peace and prosperity in the toils of European Ambition, Rivalship, Interest, Humour, or Caprice?"

When the Greeks rose in rebellion against the Ottoman Turks in a Balkan war, John Quincy Adams, our greatest Secretary of State advocated America's non-intervention.

"Wherever the standard of freedom and independence has been or shall be unfurled," said Adams, "there will [America's] heart, her benedictions, and her prayers be. But she goes not abroad in search of monsters to destroy."

Now that America is at war, all of us pray for the success and safe return of the men and women we have sent into battle. They are some of the best and bravest of our young. And no matter our disagreements, those are our sons and our daughters out there. But all of us, as citizens of a republic, must debate the decisions as to when, where, and whether to put their lives at risk.

This Balkan war is not the first time America has heard the siren's call to empire. A century ago, we heeded it, and annexed the Philippines. In the fall of 1898, leaders from Grover Cleveland to Sam Gompers implored us to resist the temptation.

"The fruits of imperialism, be they bitter or sweet," said William Jennings Bryan, "must be left to the subjects of monarchy. This is one tree of which citizens of a republic may not partake. It is the voice of the serpent, not the voice of God, that bids us eat."

America did not listen. And hard upon the annexation of the Philippines came the declaration of an Open Door policy in China, that plunged us into the politics of Asia, out of which would come war with Japan, war in Korea, and war in Vietnam.

Today, this generation is facing the same question. Quo vadis, America? Whither goest thou, America?

Will we conscript America's wealth and power to launch utopian crusades to reshape the world in America's image? Or shall we again follow the counsel of Washington and Adams, and keep our lamp burning bright on the Western shore?

Every citizen needs to take part in deciding the destiny of this republic, for we have now undertaken foreign commitments that no empire in history has ever sustained. We have assumed the role of German empire in keeping Russia out of Europe, of the Austrian empire in policing the Balkans, of the Ottoman empire in keeping peace in the Middle East, of the Japanese empire in containing China, of the British empire in patrolling the Gulf and maintaining freedom of the seas.

How long can America continue to defend scores of countries around the world on a defense budget that has fallen to the smallest share of the U.S. economy since before Pearl Harbor?

As we see a limited air war in the Balkans stretch U.S. power to where F–16s are cannibalized for spare parts, our Air Force runs low on laser-guided munitions, our Apache helicopters take weeks to be deployed, and our Pacific fleet is stripped of carriers, it is clear: The long neglect of America's military must come to an end.

We must restore this nation's military power, or we are headed for humiliations such as have marked the fall of every great nation that has ever embarked on the imperial course we now pursue.

America must retrench; and America must rearm. To make up for this lost decade, let us restore America's defenses to what they were when the decade began. Let us make our country, again, invincible on land, sea, and air, and build the missile defense that a great president, Ronald Reagan, sought as his legacy to America.

To be prepared for war, Washington reminded us, is the best guarantee of preserving peace.

But if there is cause for apprehension over what lies ahead, there is also cause for confidence and hope. That confidence, that hope, rests not only on the boundless resources of this providential land, but on the almost infinite capacity of the American people to rise and overcome any challenge with which history confronts them.

We, after all, are the heirs of the heroes who launched the world's first revolution for liberty. We are the sons and daughters of the great generation that brought us through the Depression and crushed fascism in Europe and Asia. We are the men and women who persevered and triumphed in a half century of Cold wAr against the most monstrous tyranny mankind has ever known.

Now the time of testing is coming for you. The America that this Class of '99 shall inherit is rich and prosperous and powerful, but also envied and resented.

And whether America retains into this new century what she carries out of this old on, depends now on your generation. Fifty years from now, at the end of your lives, you will look back, and say one of two things: Yes, we, too, made our contribution to the preservation of the greatest republic the world has ever seen. Or you will say that it was during your custodianship that the lamp began to flicker, that we began to follow inexorably in the footsteps of all the other great nations, down the staircase of history.

All, then, will come to depend on the character, and courage of this generation, for, as Churchill said, courage is the greatest of all virtues, because it alone makes all the others possible.

Last night at dinner, General Grinald's wife told me that when members of the graduating classes are asked what they will take away from the Citadel, almost invariably they say, "After going through the Citadel, I believe that I can do anything."

That is the spirit the Citadel instills, and that is the spirit America needs. Because you have gone through this Citadel that has always cherished duty, honor and country, you are more prepared than most of your generation for what lies ahead.

And the debt you owe the Citadel, the debt you owe your parents, the debt you owe your teachers, and all those who have gone before, is to be able to say, at the end of your lives: We, too, were faithful to the Citadel; we, too, did our duty; we, too, gave over to our children and their children the greatest country the world has ever known.

God bless the Citadel, and God bless the Class of '99.●

A MILESTONE FOR NEW MEXICO ACEQUIAS

● Mr. DOMENICI. Mr. President, since my early days as a Senator, I have worked with Northern New Mexicans who have irrigated apple orchards, chile crops, beans, and other subsistence commodities by using a unique system of irrigation that is native to New Mexico's high desert plateaus of the Rocky Mountains. For hundreds of years, Hispanics have channeled Rio Grande River water for their crops through a complex system of ditches. I first started working with these "acequia" associations in 1976, when we first brought their needs to the attention of the Bureau of Reclamation.

Water from the Rio Grande River has been carefully syphoned off to provide a basis for Hispanic life and culture for centuries. The annual rituals of cleaning, operating, and sharing this precious water have become an integral part of northern New Mexico's cultural life. Irrigators have formed alliances and cooperative agreements to meet the many water needs of the area. "Acequias," as they are known in Spanish, are the irrigation ditches that have given rise to centuries of critical life support systems.

Much of the beauty of cottonwood trees and apple orchards between Espanola and Taos was created by these man-made acequias. In addition to watering the orchards and fields, the acequias are a vital source of precious water for the old trees that also live off this water system.

The historic value of this system of cooperative watering is well known in northern New Mexico. In fact, when the acequia associations and I agreed to improve this system, our suggestions were resisted by State of New Mexico agencies on the grounds that concrete lining, for example, would alter the historic value of these acequias.

Of course, the state agency did not want to help with the expensive and frequent repairs and annual maintenance. They wanted the subsistence farmers to do this themselves, at their own expense.

Working with Las Nueve Acequias Steering Committee, and their excellent Chairman Wilfred Gutierrez, we are now celebrating a quarter century of overcoming bureaucratic barriers and making real improvements to this vast system of acequias. In the past twenty five years, I have been able to convince my colleagues in the Senate of the value of acequias to the economy and culture of northern New Mexico.

The Congress has been accepting of my proposals. At my urging, the Congress authorized a special program to make the needed physical improvements to acequias, while maintaining the traditional cooperative relationships. The traditional leader of an acequia is the "mayordomo." Mike Martinez, the current mayordomo of the Chicos ditch in Velarde was on hand to christen the latest section of improvements in late April. This event was a milestone that marks a quarter century of a vital partnership with the federal government to keep these acequias operable for the next century.

We are still a couple of years away from completing $30 million worth of improvements in the Velarde area of New Mexico. Miles of acequias have been greatly improved in the past quarter century. I have been fortunate to have the support of my colleagues for many appropriations over all these years. In gratitude for the consistent support of my colleagues for funding these acequia projects, I would like them to see the attached newspaper article from the Rio Grande Sun, May 6, 1999, by Cynthia Miller, entitled, "After 25 Years, Acequia Project Finally Finished". This article gives us important insights into the value of the acequias to thousands of northern New Mexicans. After a quarter century of improvements, the acequia users and associations can continue to rely on this essential source of water for their lifestyles, and their livelihood.

I ask that this article be printed in the RECORD.

The article follows:

[From the Rio Grande Sun, May 6, 1999]

AFTER 25 YEARS, ACEQUIA PROJECT FINALLY FINISHED

(By Cynthia Miller)

When the Chicos ditch in Velarde was opened April 28 during a ceremony to celebrate the completion of 3000 feet of improvement work, Las Nueve Acequias Steering Committee Chairman Wilfred Gutierrez said he witnessed not only the one ditch's progress that day, but also the past 25 years of progress on a $20 million federal project covering nine ditches in the area.

The 3000 feet of concrete piping from a Rio Grande dam up the Chicos marks one of the last stages of the project, Gutierrez said, estimating $15 million in federal funds has been spent on the project so far.

He said the ditch was christened by acequia mayordomo Mike Martinez and several federal Bureau of Reclamation officials who gathered April 28 to watch as water was released from the newly lined dam for the first time this spring.

The pricey nine-ditch project was initiated in the 1970s, Gutierrez said, when residents of Velarde and surrounding communities rebelled against a $28 million federal plan to build a canal from the Rio Grande to the Santa Cruz River.

The group successfully stopped the canal from going in and the community's irrigation water supply from going out, he said, and then members got some ideas of their own. "People started asking me why couldn't we use some of that money to rehabilitate our acequias?"

Gutierrez said the farmers in the area were always putting time, money and labor into rebuilding dams and ditches which were washed away by heavy river flows, and fixing spots where muskrats, crawfish and other wildlife dug holes.

Rather then constantly rebuild the acequias just to see them destroyed again, the community members wanted to improve the ditches in a way that would be more permanent and would require less strenuous maintenance efforts, he said.

In 1976 officers from the nine acequias organized into the Las Nueve Acequias Steering Committee and asked Gutierrez to serve as chairman, he said. The group then sought U.S. Sen. Pete Domenici's help in securing Bureau of Reclamation funds for their ditch improvement projects.

Following a Bureau of Reclamation feasibility study around 1980, he said, it was determined that the work would cost about $20 million. Funds began to come in and plans were made to get started.

The first and most crucial phase was to build new dams, Gutierrez said. "Before that, it was just the old ones that the Spanish and the Indians built. Literally, we were just washing money down the river."

With each heavy rain, he said, the dams just washed away and had to be rebuilt.

Seven new permanent dams were built by Las Nueve Acequias and the Bureau of Reclamation to replace the nine previous dams, he said, and then work was started on lining ditches and creating other structures.

He explained the group is set up so that each ditch has its own officers to make decisions on what work it wants done.

"What's nice about this project is that it's up to the people in the acequias to determine what they want. They have to make the request," he said, adding he has served from the start as an at-large representative of the steering committee.

He represents no individual acequia, he said, and works instead for the good of all nine.

Part of his work has included overcoming obstacles standing in the way of ditch improvements, such as the state Environment Department and the state Game and Fish Department's objections to ditch work, Gutierrez said.

The departments wanted the ditches to remain in their more natural states.

"They wanted the acequias to exist like before, but they didn't realize how expensive it was. And they didn't want to help fix them," he said. "They wanted the acequia groups to be burdened with the expense of keeping the acequias as they had existed."

Gutierrez said he was glad to see the project is nearing its completion.

"When we started it, we thought we could finish it in eight years," he said, "and it's taken 25. . . . We'd like to finish this project in the next two years."

Gutierrez said Las Nueve Acequias has plans to do more work on its ditches this fall.•

AMERICAN HOSPITAL ASSOCIATION AWARD WINNER

• Mrs. FEINSTEIN. Mr. President, the week of May 9, 1999 is National Hospital Week, when communities across the country celebrate the people that make hospitals the special places they are. This year's theme sums it up nicely: "People Care, Miracles Happen." It recognizes the health care workers, volunteers and other health professionals who are there 24 hours a day, 365 days a year, curing and caring for their neighbors who need them.

An example of this dedication is the Sexual Assault Response of Antelope Valley Hospital in Lancaster, California. The program won the American Hospital Association's prestigious Hospital Award for Volunteer Excellence for 1999, which highlights special contributions of hospital volunteers.

The Sexual Assault Response Service is a team of hospital volunteers that offers specialized assistance to sexual assault victims, families, hospital personnel and law enforcement agencies. To meet the program's high standards, volunteers get more than 60 hours of training.

Responding to a call from any area hospital emergency department, they provide support to victims while helping to solicit histories, preparing evidence collection kits, assisting with medical and legal examinations, and overseeing the completion of state forms. Volunteers work with the district attorney's office throughout the court process and offer one-on-one counseling, a referral service, a lending library and community education.

Mr. President, I want to congratulate Antelope Valley Hospital for this award-winning effort and for their generous contributions to their community.•

IN RECOGNITION OF CFIDS AWARENESS DAY

• Mr. SANTORUM. Mr. President, I rise today to recognize the efforts of the Chronic Fatigue Syndrome Association of Lehigh Valley in fighting Chronic Fatigue and Immune Dysfunction Syndrome (CFIDS), or Chronic Fatigue Syndrome (CFS).

Through a tireless effort, the CFS Association of Lehigh Valley is committed to finding a cure for CFIDS, increasing public awareness and providing support for victims of this disease. Public education is an integral part of the association's mission, and the Lehigh Valley organization works to raise awareness through the International CFIDS Awareness Day, which is held on May 12 each year. In addition, the Lehigh Valley organization is actively involved in CFS-related research and regularly participates in seminars to train health care professionals. It is also important to note that the CFS Association of Lehigh Valley received the CFIDS Support Network Action Award in 1995 and 1996 for their public advocacy initiatives.

Although some progress has been made in the study of CFIDS, this condition is largely still a mystery. With no known cause or cure for the disease, victims experience a variety of symptoms including extreme fatigue, fever, muscle and joint pain, cognitive and neurological problems, tender lymph nodes, nausea and vertigo. The Centers for Disease Control has given CFIDS "Priority 1" status in the new infectious disease category which also includes cholera, malaria, hepatitis C and tuberculosis. The Lehigh Valley organization will persistently continue its research and education campaigns until this disease is obliterated.

Mr. President, I urge my colleagues to join me in commending the Lehigh Valley organization and in supporting the following proclamation:

PROCLAMATION

Whereas, on May 12, 1999 the Chronic Fatigue Syndrome (CFS) Association of Lehigh Valley joined the Chronic Fatigue and Immune Dysfunction Syndrome (CFIDS) Association of America, the largest organization dedicated to conquering CFIDS, in observing International Chronic Fatigue and Immune Dysfunction Syndrome Awareness Day; and

Whereas, CFIDS is a complicated disease which is characterized by neurological, rheumatological and immunological problems, incapacitating fatigue, as well as a number of other symptoms that can persist for months or years and can be severely debilitating; and

Whereas, estimates suggest that hundreds of thousands of American adults already have CFIDS; and

Whereas, the medical community, as well as the public should receive more information and develop a greater awareness of the effects of CFIDS. While much has been done at the national, state and local level, more must be done to support patients and their families; and

Whereas, research has been enhanced by the efforts of the Centers for Disease Control, the National Institutes of Health and other private institutions, the CFS Association of Lehigh Valley recognizes that there is still much more to be done to encourage further research so that the mission of conquering CFIDS and related disorders can be achieved;

Therefore, the United States Senate commends the efforts of the CFS Association of Lehigh Valley, as well as those battling the disease and applauds the designation of May 12, 1999 as CFIDS Awareness Day.●

COLORADO BOYS RANCH

● Mr. ALLARD. Mr. President, I would like to take a moment to draw attention to an anniversary. Forty years ago yesterday, the Colorado Boys Ranch Foundation was incorporated. Yesterday they celebrated forty years as a leader in the field of youth work.

The Colorado Boys Ranch places emphasis upon youth, especially those who are vulnerable to or troubled by the negative influences and pressures of our society. Their motto is "It's easier to build a boy than mend a man."

Thirty eight years ago, my predecessor, Senator John Carroll of Colorado, spoke on this floor on the merits of the then still new Ranch, and I am here to echo the spirit of his comments.

Colorado Boys Ranch was created through volunteer labor and public and private contributions. This ranch is located just north of La Junta, Colorado. In 1959 the La Junta Chamber of Commerce and the Colorado County Judge's Association had a vision to build a treatment center for wayward youth coming from broken and unloving homes. The City of La Junta had received from the United States Government an abandoned WWII air field, and they gave the Foundation the civilian housing area from that field. Businesses and volunteers immediately came forth with offers to help remodel this facility to accommodate plans for the Ranch.

Of the committee of ten that started the ball rolling, two are still alive. Of the four judges that were involved personally, only one remains. Their volunteerism inspired others over the past forty years, and the overall efforts have been great and still continue strong to help the Ranch in its great efforts.

Over the past forty years, 4,000 plus youth have been treated at Colorado Boys Ranch and over 85% have continued on to be productive citizens. The Ranch is accredited with commendation by the Joint Commission on Accreditation of Healthcare Organizations, and is certified and licensed by the Colorado Department of Human Services, Mental Health and Education.

The Colorado Boys Ranch program is based upon the following beliefs: That preserving families and family ties takes continual effort and a spirit of renewal. That youth require essential life experiences and skills to maximize their growth and development. That something special happens when the lives of youth and animals connect. And, that CARING BRINGS RESULTS.

Recently, the Ranch received the Samaritan Institute Award for Ethics. This prestigious award is presented annually to a non-profit organization that best illustrates the importance of ethical values through its chartered work and its partnership with the business community.

I commend the goals of the ranch, and its purpose as a leader in the field of working with vulnerable youth and helping them find their role in modern society. I invite you to visit the Colroado Boys Ranch should you ever be in the state—over its forty year history, it has served youth from over twenty states across our nation.

Mr. President, the fortieth anniversary of the Colorado Boys Ranch Foundation would be special any day that it happened to fall upon, but today it is especially notable. We debate today on youth violence and youth crime, and ways to curb that horrible scourge. The Ranch has found a solution, a solution that will not perhaps work across the whole nation, but is certainly working for those it serves.

Following also in the path of Senator Carroll, I ask that an article from the Denver Post on the Ranch and its good works be printed in the RECORD.

The article follows.

[From the Denver Post, Jan. 23, 1999]

BOYS RANCH HELPS TROUBLED YOUTH

(By Keith Coffman)

Those seeking testimonials about how the horsemanship program helps troubled youth at the Colorado Boys Ranch don't need to look far. Current ranch residents will gladly oblige, thank you very much.

"Before I came here, I was living on the street, taking drugs and didn't care about anything, even myself," said George, a 17-year-old who's been at the ranch for six months. "Now I've learned responsibility by taking care of my horse and focusing on one objective at a time."

George is one of 60 youth at the ranch, a residential treatment center for troubled boys ages 12 to 18. He was facing jail time for a variety of petty crimes in Nevada. But after six months in Colorado, he now thanks his probation officer for giving him a second chance by suggesting the ranch.

"I still show a little stubbornness, but I've gotten better at listening to people," he said.

Located on 320 acres near La Junta in southeastern Colorado, the private, nonprofit Colorado Boys Ranch offers therapy, education and pre-vocational training to its residents, many of whom are referred by courts and social service agencies nationwide.

A handful of residents and staff participated in several activities at this year's National Western Stock Show and Rodeo as part of the ranch's animal-assisted therapy program.

Boys in the program trained three roping, or heading, horses for entries by Colorado Boys Ranch ranch hands in the pre-circuit team roping event earlier in the show. They also showed a 4-year-old donated quarter horse in the halter competition.

Although insurance regulations prohibit residents from competing in rodeo and other events, the boys took pride in seeing their contributions to a major event like the National Western, said Jim Kerr, director of the horsemanship program for the Boys Ranch.

"They also get a chance to see our staff and other professionals as positive role models, which I think is very important," Kerr said.

But the horsemanship program isn't just about playing cowboy, Kerr said. The ranch teaches its charges all facets of horsemanship, from riding to the less-glamorous task of cleaning corrals,. Classroom instruction also is incorporated into real world experience on the ranch.

For instance, Kerr said, students apply their math skills to calculate correct feed amounts for the animals they tend, or watch a mare give birth to a foal to get a valuable biology lesson. He said therapists also have found that many boys are more forthcoming in counseling sessions done during a leisurely horseback ride at the ranch, than those held in more formal office settings.

For many of the youth, relating to animals often helps them relate to people and prepare them for mainstream society, Kerr said.

That's the case for Thurman, 17, who was skipping school and getting into fights in his native Detroit before coming to the ranch 18 months ago.

Raising and halter breaking an orphaned filly named Sweet Pea, he said, has taught him to become disciplined enough to get on track for his high school equivalency diploma, with a goal of one day becoming an animal trainer.

"When my mom comes to visit me, she sees how I've changed," he said. "I used to be very angry and aggressive, and couldn't sit still."

But none of the ranch's success stories surprise Kerr, a former public school teacher.

"I witness a miracle a day here," he said.•

TRIBUTE TO ARLENE SIDELL

• Mr. McCAIN. Mr. President, I would like to pay tribute to Ms. Arlene Sidell, who will soon be retiring from a long and distinguished career in the U.S. Senate.

Ms. Sidell is the Director of the Senate Commerce Committee Public Information Office. She first came to the Committee 36 years ago, in March of 1963. Ms. Sidell is an extraordinary public servant, who has consistently served all the Members and staff on the Committee with total dedication and commitment.

The Commerce Committee, at a recent Executive Session, expressed its gratitude to Ms. Sidell for all she has done for the Committee and the Senate with extended applause.

Mr. President, I ask that the text of my statement made on Ms. Sidell's behalf at the Commerce Committee Executive Session held on May 5, 1999, be printed in the RECORD.

The statement follows:

ACKNOWLEDGMENT OF ARLENE SIDELL

Before we begin to consider items on today's agenda for our Executive Session, I would like to take a moment to acknowledge and extend my heartfelt thanks to Arlene Sidell. Arlene, sitting before us, is the Director of the Commerce Committee Public Information Office, and our official clerk for Committee Executive Sessions. This will be the last time we will see Arlene at one of our mark-ups, as she will soon be retiring from an exemplary career in public service.

Arlene began her tenure with the Commerce Committee 36 years ago, in March of 1963. She has served the Senate and our Committee with distinction ever since, and will certainly be missed. Again, Arlene, please know how grateful I am for your dedication, commitment and tireless efforts on behalf of the Members, both past and present, of this Committee.•

TRIBUTE TO ERNIE AND MICHELLE LOPEZ, FATHER-DAUGHTER TEAM

• Mr. DOMENICI. Mr. President, I want to commend a most unique father-daughter team of New Mexicans for their excellent science and engineering accomplishments. Ernie Lopez, a teacher at Taos New Mexico Middle School and science coordinator for the Taos Municipal Schools, has consistently inspired Taos students to excel in science and engineering. That inspiration is best characterized by his record of having at least one of his students at the Intel International Science and Engineering Fair for 23 of the past 25 years.

I know Mr. Lopez was especially proud this year when his own daughter, Michelle Lopez, won one of the top prizes in this year's fair for the project judged to be the best zoology project at this year's Fair.

I want to add my enthusiastic congratulations to Michelle for the dedication and hard work that she has invested in her winning project. That work should lay a solid foundation for a future career marked by major contributions in her chosen fields.

Ernie Lopez was also honored at the International Fair, for "outstanding accomplishment as a science educator," one of seven teaching awards handed out at this year's Fair.

It's with great pleasure that I salute this superb father-daughter team from New Mexico. They serve as great inspiration to students and teachers in my home State.•

IN MEMORY OF LT. WILFRID "BILL" DESILETS

• Mr. SMITH of New Hampshire. Mr. President, I rise to pay tribute to Lt. Wilfrid Desilets, a U.S. Army Air Corps P-47 pilot from Worcester, Massachusetts who was lost over New Guinea on August 18, 1943. His remains were recently located and identified, and I was privileged and deeply honored to assist his family—including one of his sisters, Therese Auger of Portsmouth, New Hampshire—with efforts to bring this case to resolution. I was also proud to attend the military funeral for Lt. Desilets this past weekend and to present the Flag of the United States to the surviving family members. Lt. Desilets was an American hero and a patriot who loved his country, loved his family, and loved to fly. He made the ultimate sacrifice for the cause of freedom during the Second World War, and I am pleased to have this opportunity to recognize his unselfish service to his country.

But no words of mine can match the moving eulogy delivered by Therese's husband, Lt. Col. Elvin C. Auger, USAF-ret. Mr. President, I therefore ask that a copy of the eulogy, as delivered by Colonel Auger, appear in the RECORD.

The eulogy is as follows:

FLIGHT OFFICER WILFRID DESILETS: EULOGY BY LT. COL. RET. ELVIN C. AUGER, MAY 8, 1999

I would like to welcome all of you here today, a day this family has waited so long for.

I want to begin by thanking you, Senator Smith, for all the assistance you have given this family. Senator Bob Smith is from New Hampshire. He's my Senator. We thank you for being here today.

I have written this eulogy with the hope that all of you but especially our sons, daughters, and now our grand-children will get to know the Bill that we knew.

I would like to start by saying that I did know Bill and his family before he left for the service and I am proud to say that I have been a member of this family for 55 years.

Now Bill grew up in this family with both loving and caring parents. He was the only boy with 7 sisters. To put it mildly these 7 sisters simply adored him, or as my wife would say today, "Bill was simply the best". Bill was a very handsome young man, very religious, started many a day in the service by going to early Mass. He was a good athlete, loved sports and played most all of them.

Now I'm not sure where Bill was on that Sunday, Pearl Harbor Day, but I can tell you for sure where he was very early the next morning. He, with a very good buddy called Kip would be at the Army Recruiting Office to volunteer and serve. Both men knew exactly what they wanted. Bill had to be a pilot and Kip wanted to be a gunner. Hopefully that day they thought Bill's gunner. Incidentally that young man Kip was not only Bills good buddy, he was my big brother.

Now Bill was so good at writing letters home that to read them today is like reading a diary of his military career. In fact the first days in the service when he was issued his uniforms he would write, today I am a soldier.

Now Bill was off to basic training and as he completed it he would be devastated for the Army was sending him to radio operator school not pilot training. Though you know his heart was broken he would write, at least I'll be flying on a crew. Bill did go and complete radio school but then someone somewhere would decide that this young man should be given a chance for pilot training. Now you can imagine how high the morale would be and how his letters home would sound.

Now Bill was off for the pilot training program, preflight primary flying school, basic flying school, and then advance. Now advance being the final phase would terminate with Bill's graduation. We were all so proud of Bill for he was going to be an Army Air Corps pilot.

Two of Bill's very pretty younger sisters would go to Florida to be with him. They would be there the night before graduation to attend the squadron dance with Bill and his buddies and be there the following day with him for the ceremonies to pin the bars and coveted silver wings on Bill. I know for sure how very proud Bill felt that day, not only for completing his pilot traing but also for having those two sisters there with him. I know for sure how he felt for in a couple of years later one of those sisters would be my wife and be there with me at my graduation to pin my wings on.

Now Bill must have finished high in his class for his first assignment would be to the 342 Fighter Squadron. Here he would be flying the P47 Thunderbolt. At that time it was one of our most modern and powerful fighter aircraft we had. Now what was even nicer, Bill would do his transition flying at the old Bedford Airport just 50 miles from home. This would be the happiest time for Bill and his family for when Bill had a little time off we could drive down and bring him home for visits. He was also close enough that on some of his local flights he might do just a little buzzing. What a thrill it was for me to see Bill and his fighter come screaming in low and pull up and away. At that time I would soon be old enough to join and I made up my mind that I had to be a pilot like Bill.

It was a also at this time that Bill would marry his sweetheart Ann. Two short days after the wedding Bill and his squadron would have their orders and be on their way overseas. At the time it seemed like the cruelest, harshest thing that could happen. And it was, but now when I think back I would like to believe that at least Bill had some days of great happiness and he left knowing that his bride Ann would be here waiting for him to come home. How these had to be wonderful thoughts and memories for Bill to take with him.

Now during the war the boys could not tell us where they were stationed overseas but Bill did write he had seen his first Kangaroo. Years later reading a book on Australian airfields during the war I would read where Bill and his squadron with their aircraft would come to Australia by ships. Here the aircraft would be offloaded, reassembled, test flown and on to New Guinea.

Now in New Guinea in about one month Bill would fly his last mission. It was a big one. 16 of those fighters were in that formation. They were flying a protective cover for some air transports. That flight would enter into a box canyon where the mountains went up to 10 and 12 thousand feet. The weather deteriorated so badly that the flight could not turn and exit that canyon. The pilots all had to break their formation and climb blindly up through the clouds. Bill never came up. In the days that followed, his good buddy then Capt. Roddy would fly search missions over that area but the jungle was not ready to give up its secret.

Now I was with the family that Sunday evening when the notice of a telegram came. You can imagine the thoughts, the fear, and the prayers that went through that family that long night for a war time telegram was most always bad news. Very early the next morning I drove Bill's dad to get that telegram. I will never forget the look on his face and what he said as he came back to the car.

He said, "It's Bill, it's Bill, he is missing in action. This will kill my wife." We had to take this news back home. I can still see Mom and all the sisters on the back porch as we drove in the yard. I guess they knew by his face that it was bad news. All that poor man could do was to keep trying to tell them that Bill was not dead, Bill was not dead, Bill was missing in action.

Two years later the second telegram came. Bill was presumed dead.

In the years that followed we lost Dad, Mom, and a sister, Jean. I can assure you that their thoughts, their hopes and their prayers were that someday Bill would be coming home.

Many, many years later while reading a book of the air wars in New Guinea, I would read in this book that Flight Officer Wilfrid Desilets was lost in the jungles of New Guinea forever. That's the way it remained for 53 long years. Then into our lives came the most amazing young man that I have ever had the opportunity to meet and call a friend. He is a successful businessman, a great writer, a fellow pilot but most of all he was an adventurer and a man with a quest. This man's quest was to find an aircraft that a great uncle had been lost in during this war. The uncle's body had been recovered some 14 years later. This man knows well what a family goes through. On his second trip to New Guinea high up in the mountains and deep in the jungle, he, with the natives, would find Bill and his aircraft. Now he notified the proper authorities and he knew that they could take years to make a recovery identification, and then notify a family. And he so rightfully thought that if Bill still had a family that they would be aging and should know. So upon his return he learned that Bill was probably from the Worcester area so he, with his secretary Arlean, started a massive telephone search for the surname Desilets. They were finally successful and notified Yvette, one of the sisters. Now when we first heard what this stranger said he had done it was unbelievable, but we learned he had done it.

Now as all of you might well expect there are not adequate words to express the feelings that this family has for this man, the gratitude, the great respect, yes the love we feel for this man, so for today I am simply going to say thank you. Yes, thank you Fred Hagen, for without you we would never have had our day today. I guess Fred it is your day too for I have the feeling that you have adopted this family and I know we have adopted you.

We have met and made such wonderful new friends during this time. We have with us Colonel Roddy and a Colonel Benz, two men, fighter pilots who were in that flight with Bill on his last mission. You can imagine the honor it was for me to meet these men and talk and learn of Bill's last mission. We were recently invited to Bill's fighter squadron reunion. We went there as guests and came home honored members. We heard such wonderful stories and memories of Bill. One I would like to share with you today. It is from a letter that a Sergeant Iddings had written to Colonel Roddy when he learned Bill had been found. In his letter he expressed the great sorrow that the maintenance and ground support boys felt when Bill was missing. He also said that in his mind Bill's tombstone should be engraved with a blue ribbon and on it, it should say that Bill was a blue ribbon gentleman and a blue ribbon pilot. How I wish the Sergeant was with us today that we may thank him but he to passed away last year.

To you sisters if I may. We have lived with this tragedy most all of our lives. Now that we have what some may call closure I would hope that when you think of Bill or look at his pictures maybe your hearts may be just a little lighter and remember too Bill will always remain that handsome young man. He will never grow old as we have. I know too that each of you have your own special memories of growing up with Bill. Cherish them for they are yours forever.

I, for one, will always honor Bill for he was the type of young man who, as his country was going to war, would be among the first to volunteer and serve.

Bill was my hero for as a young man watching him fly his fighter made me want to be a pilot like him.

Now if we had to lose Bill during this war, then I am grateful that it would be while Bill was fulfilling his greatest dream, for Bill was a fighter pilot.

Today from here, Bill will be taken to rest with his Mom and Dad. Bill is no longer lost in that jungle. Bill is now home, home with his family truly forever.●

REREFERRAL OF S. 28

Mr. SESSIONS. Mr. President, I ask unanimous consent that S. 28 be discharged from the Energy Committee and referred to the Committee on Indian Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

REREFERRAL OF S. 785

Mr. SESSIONS. Mr. President, I ask unanimous consent S. 785 be discharged from the Committee on Armed Services and referred to the Committee on the Judiciary.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDING THE PEACE CORPS ACT

Mr. SESSIONS. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 107, H.R. 669.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 669) to amend the Peace Corps Act to authorize appropriations for fiscal years 2000 through 2003 to carry out that Act, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. SESSIONS. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements related to the measure appear in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 669) was read the third time and passed.

APPOINTMENT

The PRESIDING OFFICER. The Chair announces, on behalf of the Secretary of the Senate, pursuant to Public Law 101–509, the appointment of James B. Lloyd, of Tennessee, to the Advisory Committee on the Records of Congress.

ORDERS FOR THURSDAY, MAY 13, 1999

Mr. SESSIONS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m., Thursday, May 13. I further ask consent that on Thursday, immediately following the prayer, the routine requests through the morning hour be granted, the time for the two leaders be reserved for their use later in the day, and that the Senate immediately resume consideration of the juvenile justice crime bill, S. 254. I further ask consent that at 9:30 a.m. there be 6 minutes of debate on the Hatch-Leahy amendment, equally divided in the usual form, with no amendments to the amendment in order prior to a vote at 9:40 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SESSIONS. For the information of all Senators, the Senate will convene on Thursday at 9:30 a.m. and immediately resume consideration of the Hatch-Leahy amendment, with a vote to take place at 9:40 a.m. Following that vote, the Senate will resume consideration of the Hollings amendment on TV violence for the remaining 2 hours of debate. Senators can therefore expect votes throughout the morning session of the Senate, with the first vote occurring tomorrow morning at 9:40.

I further ask that immediately following the 9:40 a.m. vote, Senator BRYAN be recognized for up to 12 minutes for a morning business statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. SESSIONS. If there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order at the conclusion of the remarks of Senator DORGAN, which he will commence at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR—S. 254

Mr. SESSIONS. Mr. President, if I could, before he begins his remarks, I ask unanimous consent that Kristi Lee, my staff member for the Judiciary Committee, be granted the privilege of the floor through the consideration of this legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

VIOLENT AND REPEAT JUVENILE OFFENDER ACCOUNTABILITY AND REHABILITATION ACT OF 1999

The Senate continued with the consideration of the bill.

AMENDMENT NO. 328

Mr. DORGAN. Mr. President, I rise as a cosponsor, along with my colleague from South Carolina, Senator HOLLINGS, of the amendment he has just introduced, the Children's Protection From Violent Programming Act amendment.

That is kind of a long title. What it means is Senator HOLLINGS and I would like to restore in television broadcasting a period of time during the evenings when children are likely to be watching television, where the television programming would not be containing excess violence.

The reason we feel that way is study after study, year after year—in fact, for decades—studies have shown the excessive violence in television programming hurts our children. Yet, if you evaluate television programming during what would normally be considered family viewing hours in this country, you will find the language has become more coarse, words are used that were previously not used, that are not suitable for children. You will also find substantial amounts of programming violence, gratuitous violence, during those shows.

Some would say, what about censorship? I think there are times when it is appropriate for the Federal Communications Commission to establish a family viewing period in the evening where the television broadcasting would be more appropriate, more suitable for our children, when children are watching those programs. We already have an instance dealing with obscenity, and the Supreme Court has upheld the opportunity and the responsibility given the Federal Communications Commission to carve out a period in which certain kinds of words and obscenities cannot be used because it is inappropriate for them to be used at a time when we expect children to be watching television.

We believe the same ought to be true with respect to television violence. One might say, this is much ado about nothing; television violence is nothing new; it is really not very important. Yet that is in defiance of all the conclusions of virtually all the studies. By the time young children graduate from high school in our country, they will have gone to school in classrooms for about 12,500 hours of their lives. But they will have watched television for about 20,000 hours. They have sat in a classroom 12,500 hours and sat in front of a television set 20,000 hours. Regrettably, too many of them are more a product of what they have watched than what they have read.

What is it they are watching? Some years ago I sponsored a project with a college on the North Dakota-Minnesota border that created a television violence report card. Volunteers at that college watched television programs for an entire week and cataloged each and every program and produced a report card on what kind of violence on television was being portrayed to our children. If you simply condense what our children are watching on television—yes, even during what would be considered family viewing hours—it is quite remarkable.

Imagine if someone came to your door tomorrow and said: You know, you have two children. They are age 6 and 9. We would like to put on a dramatic play for them. We have a group of actors out here in our van and we have some stage props. We would like to come into your home, into your living room, and we would like to put on a little play for your children.

So they come in. In the living room they put on a play. In this dramatic play they shoot each other, stab each other, beat each other up. Blood runs freely. There is screaming, there is horror.

You would probably say to those actors: You are just committing child abuse in my living room, doing that in front of my children. What on Earth can you be thinking of? Yet that is exactly what happens in our living rooms with that electronic box, with programming coming to our children at times when children are watching television, programming that is not fit for children.

So the response they have is, turn the television set off. Easy to say. Of course, most homes have a good number of television sets, probably two or three in different parts of the homes. In many homes there are circumstances where the parents are attentive parents, good parents, who try very hard to supervise the children's viewing habits, but it is very, very hard to do.

In fact, if you were watching, one day recently, a television set that depicted the unspeakable horror that was visited upon those students in Littleton High School, in the middle of the live reports with SWAT teams and students running out of school, with the understanding that children had been murdered, in the middle of all that one television network took a break and on came a commercial—of course, louder than everything else because commercials are always louder—advertising that you really needed to pay attention to their next big program. The next program was "Mr. Murder." You really needed to watch "Mr. Murder" because this was going to be exciting.

All of this, coming at our children in television programming, study after study points out, hurts our children. This is not helpful to children. It is hurtful to children.

Newton Minow, many, many years ago—1961 in fact—said, "Television is a vast wasteland of blood, thunder, mayhem, violence, sadism and murder." He said, "In 1961 I worried that my children would not benefit much from television. But in 1991 I worry that my children will actually be harmed by it."

Television executives produce some wonderful programming as well. You can turn to certain programs on television and be struck by the beauty and the wonder and the information. I have sat with my children watching the History Channel, for example, or certain programs on the Discovery Channel. I should not begin naming them. There are some wonderful, beautiful things from time to time on television. But there are some ugly, grotesque things on television as well, some of which come through our television sets during times children are expected to be watching.

What the Senator from South Carolina proposes is very simple: to go back to a time when we had in this country a period described by the FCC as a "family viewing period" that would be relatively free of gratuitous violence being displayed in those programs.

Is that so extreme, so radical? Do we really believe that we have to hurt our children in order to entertain our adults? I do not think so. It does not make any sense to me. There is plenty of opportunity in a lot of areas to entertain adults in this country, but it seems to me perfectly reasonable that at certain times when you expect families to be watching with children in the household that we could try to reduce the amount of violence on television.

I understand that some will portray this as a terrible idea. They will say we now have some ratings systems, and the ratings will give parents the capability of better supervising their children's viewing habits. That is true. I commend the broadcasting industry for having ratings. Not all do. One of the major networks has declined. The ratings themselves have not been used very much.

We have a V-chip that is coming in all new television sets. I offered the first V-chip bill in the Senate some years ago. That is now law, and that will help parents sort out the programming with certain violent scenes.

The fact is, we need to do more. The Senator from South Carolina and I have offered an amendment that we think will be helpful. We do not believe it has constitutional problems. This is not about free speech. You can say pretty much what you want to say and you can depict violence, but we are saying during a certain period of time, you cannot do it in a way that injures children.

I thought it might be useful to go over a couple of the pieces of evidence that most all of us have become acquainted with in all of the studies and hearings that we have had. I guess I have been involved in this issue for 7, 8 years. We have had hearings in the Commerce Committee and elsewhere.

I have a couple of young children who are now age 12 and age 10. We try very hard to make certain that we monitor their viewing habits. Our 12-year-old said to us: Well, friends of ours are able to go to movies that are PG–13 movies.

We say: That might be something their parents let them do, but we don't. We don't want you to see material that is inappropriate.

Movies have ratings, and so you make affirmative decisions whether you are going to go out or allow your child to go out with someone else and see a movie. But television is different. Television is in our family rooms, in our homes. When we turn that dial on the television, the programming that is shown on that television set is programming that is offered for entertainment and for profit.

The first amendment allows people to produce all kinds of programming. As I mentioned before, there are some wonderful, wonderful things on television. There is also some trash on television. It seems to me it would be helpful for parents to have the assistance of the Federal Communications Commission and broadcasters in complying with an amendment of this sort adopted by the Congress that will give parents the feeling that during certain periods, they will not have to worry about what kind of violent scenes are going to be displayed to their children on that television set.

I have a fair amount of things I want to say about the amendment in addition to this, but we have a conference committee meeting. The appropriations conference committee is ongoing in the basement of this building, and I am a conferee, so I must return. I know Senator HOLLINGS and I will be back on the floor tomorrow morning and will be speaking on behalf of this amendment.

My hope is between now and then we will be able to encourage other Members of the Senate to be supportive of this amendment. I know others have come out. I have been in the conference committee, and I have not been here for much debate on the juvenile justice bill.

Also tomorrow, I want to take a moment to describe a visit I just made to the Oakhill Detention Center in Laurel, MD. I went out there because I wanted to sit down and talk with juvenile offenders. I wanted to try to understand from judges who were there, from prosecutors and from public defenders, and from the juvenile offenders themselves: What is going on?

I sat with a young boy who had been in a gang and shot three times and sold drugs at age 12.

I sat with a girl who was 15 years old. She had a baby 2 years previous to that. She was abused by her mother. She sold drugs at age 13.

I sat with another young boy who was selling drugs at age 12 who had been involved with guns and very serious offenses.

These are kids who shot people, kids who committed armed robbery, kids who were in a lot of trouble.

One of the boys said something that was quite remarkable—most all of them came from circumstances of really difficult conditions, no parental supervision. In fact, the young girl said her mother was a drug addict and told her, from the moment she was able to understand what her mother was saying, that she would never amount to anything. She told this girl: You will never amount to anything and I never wanted you in the first place. That was from a drug-addict mother. This young girl is now locked up and has been convicted of selling drugs and other criminal acts. She has a baby and is only 15 years old.

We talked about supervision, how do you get your life straight? Who cares about you? Somebody said: But you need to have a parent check up on you once in a while, don't you?

This young boy said: No, you don't need a parent to check up on you once in a while. That's the problem.

If you have maybe a grandparent or uncle and aunt and someone checks in once in a while, once in a while is not enough for children. Children need help, need parental supervision, not once in a while.

I spent a half day out at the Oakhill Detention Center just talking with kids to try to understand. I should also say—I will talk a bit about it tomorrow—there is another part of that Oakhill Detention Center that left me feeling a little buoyant and hopeful.

There were some young men—in this case it was older young boys, some young boys who had committed horrible crimes, who had been drug addicts from age 12 on to about 17, 18, young boys in a program to shed themselves of their drug addiction and to turn their lives around. One young boy was going to be released the Friday I was there. This is a couple weeks ago, and he had a job. He had gone out for an interview and had gotten himself a job.

This young guy had gone through the drug program. He has become straight. It is fascinating to listen to him describe his background, where he wants to go, and what he now knows he needs to do to get his life back in order.

The reason I want to talk about it is part of this issue of juvenile justice is, yes, detention and protection and law enforcement, and another part of it is to say there is something else here that we need to do to help. I know that is a debate that has occurred on this floor now for many, many hours. But mentoring programs, afterschool programs—there are a lot of programs that can make a difference in young people's lives, especially programs dealing with drugs. Drugs were at the root of a lot of the troubled lives of the young children whom I saw at this detention center.

I hope we can come back tomorrow and talk a little bit about the Juvenile Justice Act.

Mr. SESSIONS. Will the Senator yield?

Mr. DORGAN. I will be pleased to yield.

Mr. SESSIONS. Mr. President, it is wonderful that the Senator has done that. I feel as if we are two trains passing in the night on this bill. I hope the Senator will understand something that is extremely, extremely important: that the juvenile accountability block grant—which has been referred to as nothing but a "lock them up" program and that what we need is prevention money—is to encourage just the kind of situation the Senator is talking about because had those children just been released again, and not been sent to a well-run, well-organized drug treatment school, detention facility, in which they were removed from their community, they probably would be on the streets now, maybe committing a more serious crime or a victim themselves of a serious crime.

So I think there is a false contrast between what is prevention and what is not. I would say that a child who is already running into trouble with the law—as these children are—has to be confronted. There has to be an effective intervention in a life going wrong. And these kinds of facilities are going on around the country.

I visited one in Illinois. Judge Grossman gave us a tour. The county and the State, and some Federal moneys, have helped create a panoply of options when a young person comes before him for sentencing. He has a number of options. Instead of the juvenile going to where there are a few bed spaces in the State pen or released with nothing, the judge has a series of things right there in the community he can do. The accountability block grant, with graduated sanctions, provides that opportunity.

So I would hope the Senator, as he studies this, would realize that the prevention money that we put in would not go to support that, but the block grant accountability money would support the judiciary as it seeks to intervene. Sometimes you have to be tough—some of these kids have really been on a bad road a long time—to intervene effectively.

Thank you for taking the time to personally visit and study one of those centers.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate now stands adjourned until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 6:42 p.m., adjourned until Thursday, May 13, 1999, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 12, 1999:

DEPARTMENT OF STATE

JOSEPH LIMPRECHT, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ALBANIA.

IN THE COAST GUARD

THE FOLLOWING INDIVIDUAL FOR PERMANENT APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 211:

To be lieutenant

JAMES W. SEEMAN, 6042

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 624 AND 628:

To be major

DONNA R. SHAY, 5371

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 531, 624, AND 628:

To be major

JOSEPH B. HINES, 4702
*JOYCE J. JACOBS, 9885
*PETER J. MOLIK, 0249

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTIONS 624 AND 628:

To be lieutenant colonel

TIMOTHY P. EDINGER, 5970

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTIONS 624 AND 1552:

To be lieutenant colonel

CHRIS A. PHILLIPS, 9579

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTIONS 624 AND 628:

To be lieutenant colonel

ROBERT B. HEATHCOCK, 2216
JAMES B. MILLS, 9927

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 531, 624, 628 AND 3064:

To be colonel

PAUL B. LITTLE, JR., 7559

To be lieutenant colonel

*THEODORE A. DORSAY, 7272
JOHN M. SHEPHERD, 4812

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AS CHAPLAIN UNDER TITLE 10, U.S.C. SECTIONS 624 AND 3064:

To be lieutenant colonel

BRYAN D. BAUGH, 9065
DAVID J. COLWELL, 0732
THOMAS C. CONDRY, 9630
THOMAS E. DRAKE, 0136
PATRICK O. EASLEY, 6506
GORDON G. GROSECLOSE, 8519
JEFFERY S. HARTMAN, 5978
HARDIE M. HIGGINS, 4993
CHARLES E. JACKSON, 6651
RICHARD C. JACKSON, 8958
KENNETH L. KERR, 4070
RICHARD D. KING, 7170
LARRY R. LAWRENCE, 5627
THOMAS A. MACGREGOR, 5353
MARC A. MINTEGUI, 9727
DAVID C. MORAN, 4150
MARKKU J. NURMESVIITA, 2184
STEPHEN R. PAINE, 1584
DANIEL M. PARKER, 9050
JAMES J. PUCHY, 3320
KENNETH B. RATLIFF, 5916
JOHN D. READ, 3624
GARY K. SEXTON, 1437
CHARLES E. SMITH, 3605
JAMES R. STEPHEN, 8786
THOMAS C. VAIL, 6804
CHARLES R. WALKER, 7098
JACK A. WOODFORD, 7102

IN THE MARINE CORPS

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

DALE A. CRABTREE, JR., 4689
JOHN C. HOLT, JR., 6275
ALLEN M. JACOBS, 2323
WILLIAM E. JENNINGS, 3691
LAWRENCE KOCIAN, 2562
JAMES J. KRAUS, 0214
THOMAS R. LASHBROOK, 1097
JAY H. LIETZOW, 4848
MATTHEW J. O'DONNELL, 4452
CARLOS L. SANDERS, 3402
JAMES B. SCRUGGS, JR., 0324
ROGER STEPHENS, 9448
KEVIN P. TOOMEY, 5573

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

JAMES C. ADDINGTON, 2442
THOMAS E. BECKER, JR., 9204
MITCHELL D. BLACK, 4716
TONY W. BRILL, 5403
MICHAEL E. BROWN, 6414
WILLIAM J. BUDDS, 2347
LEO E. CAMPBELL, 5603
ROBERT L. CAMPBELL, 2256
RICHARD A. CLARK, 8940
RONALD W. COCHRAN, 6075
DONALD E. DAVIS, 3590
BRIAN R. DUVAL, 8246
DONALD A. DYKSTRA, 9766
DONALD E. EVANS, JR., 5209
JAY E. FERRISS, 2319
DARYLL E. FULFORD, 1876
JAMES A. GAVITT, 4313
GARY P. GONTHIER, 0296
CYNTHIA A. GREENLEE, 0305
GERALD J. GRIFFIN, 9024
WILLIAM E. HIDLE, 5736
DANNY A. HURD, 3244
JOHN F. IRVING, 7636
LARRY D. JOHNSON, 8193
JOEL F. JONES, 7603
MICHAEL J. KOEHLER, 1639
LYLE G. LAYHER, 4607
DAN M. MIELKE, 2167
TERRANCE W. MORROW, 0045
JOHN C. MOTT, 9742
MICHAEL S. NISLEY, 2370
DARRYL S. PHILLIPS, 1501
WALTON S. PITCHFORD, 9453
RONALD K. POSEY, 6944
CHRISTOPHER A. PROSSER, 1478
EDWARD R. RANES, 1507
BRENDA L. ROBERTS, 3235
CHARLES A. ROTONDA, 2287
JOHN J. SCHWARZEL, 4935
JOHN F. SISSON, JR., 4207
MICHAEL P. SMITH, 9211
KENNETH O. SPITTLER, 9825
DAVID M. TIFFT, 6402
ROBERT J. TURPIN, 3397
EARNEST R. WALLS, 7793
JAMES A. WALTER, JR., 6640
DAVID J. WILSON, 6365

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JAMES C. ANDRUS, 3651
FRANK A. BALESKIE, 7147
GARY L. BEAVER, 5383
JOHN W. BERKLEY, 7587
BARRY L. BOULTON, 0156
WILLIAM H. BUCKLEY, 2582
ANITA E. BURGESS, 7278
STEPHEN W. CLAYTON, 5883
THOMAS V. COLELLA, 0219
JEFFREY A. CORY, 6238
MICHAEL N. DAILY, 2749
MARY A. DEVLIN, 9695
TERESA L. DILLON, 4647
WILLIAM V. GALLO, 1679
RODNEY J. GERDES, 5337
BRUCE A. GIRON, 0758
LEON J. HASKINS, 0667
ROBERT N. HERING, JR., 1818
KEVIN P. HUGHES, 3520
ROBERT A. JAKUCS, 9107
TIMOTHY J. KAMINSKI, 3628
JOHN F. KAYSER, JR., 6727
KENNETH R. KNAPP, 9766
GEORGE S. KOVACK, 0262
JOHN T. LARSON, 9500
PAUL S. LOSCHIAVO, 1398
PATRICK W. MC DONOUGH, 7760
PAUL F. MC HALE, JR., 1831
CHARLES R. MIZE, JR., 1756
STEVEN W. MYHRE, 3315
DONNA J. NEARY, 1522
JAMES J. NEUBAUER, 8130
FRANK D. OGORZALY, 3172
ROBERT D. PAPAK, 0671
ROBERT E. PARCELL, 6341
JONATHAN D. PEARL, 5141
JERRY L. PHILLIPS, 2331
MARK A. PILLAR, 7408
DAVID E. PRUETT, 8549
WILLIAM A. RADTKE III, 7812
CURTIS G. RAETZ, 7048
MARK W. ROGERS, 0343
EDWARD P. RUSSELL, JR., 0061
CRAIG R. SCOTT, 6427
DENNY G. SEABOLT, JR., 8352
GREGORY L. SMITH, 2957
MARGARETE A. VINSKEY, 3621
CHARLES E. WARD, 9591
ROBERT E. WARD, JR., 4989
RAYMOND W. WERSEL, 2584
ARTHUR E. WHITE, 3629
PHILIP A. WILSON, 4271

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE U.S. NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

To be lieutenant commander

NORBERTO G. JIMENEZ, 6293

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

NEIL R. BOURASSA, 0913
ANN P. FALLON, 3373
JEROME L.D. REID, 5779
STEPHEN C. SHOEN, 6295

To be lieutenant commander

JOHN R. COOPER, 2634
RICHARD J. JEHUE, 9325
STEVEN D. TATE, 9189

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

To be lieutenant commander

BASILIO D. BENA, 8085
KEVIN P. BOYLE, 3703
THOMAS R. BUCHANON, 0391
SCOTT R. COUGHLIN, 5725
MICHAEL R. DARGEL, 7077
JOSEPH R. DARLAK, 2939
BRIAN L. DAVIES, 1635
ROBERT B. DUMONT III, 6642
ROBERT C. DUNN, 1340
JOHN P. ECKARDT, 8188
ROMMEL M. ESTEVES, 6308
WILLIAM E. FIERY, 6608
MATTHEW G. FLEMING, 6105
KENDALL GENNICK, 3774
LAWRENCE A. JONES, 4082
PATRICK J. KIMERLE, 3324
TIMOTHY P. KOLLMER, 7168
DOUGLAS M. LEMON, 0490
DAVID A. LOTT, 4060
JAMES P. MCGRATH III, 7508
BRIAN C. MOUM, 8129
STEPHEN H. MURRAY, 5631
JOHN P. NEWTON, JR., 6882
DANIEL L. PACKER, JR., 4337
DAVID L. PETERSON, 5598
JAMES D. RAULSTEN, 0598
GARY A. ROGENESS, 2833
CHRISTOPHER L. SAAT, 9373
SCOTT D. SILK, 8692
TIMOTHY G. SPARKS, 7189
SCOTT A. TUPPER, 4456
WILLIAM R. WOOD, 2523
HAROLD T. WORKMAN, 9871

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTIONS 531, 5582(A), AND 5582(B):

To be lieutenant commander

SEVAK ADAMIAN, 7223
LACY H. BARTEE, 9108
WILLIAM C. BEUTEL, 9001
JEAN A. BLANKS, 4208
STEPHEN L. CHRISTOPHER, 6306
ROBERT N. DOBBINS, 8804
THOMAS V. FONTANA, 8178
DAVID P. JOHNSON, 5425
MARK S. LARSEN, 6029
MARISA LEANDRO, 0649
GARY D. LEASURE, 3752
CATHERINE J. MCDONALD, 4836
MICHAEL D. THOMAS, 2225
MYRON YENCHA, 6470

To be lieutenant

ERIC M. ACOBA, 3008
ALAN L. ADAMS, 7158
HORACE D. ALEXANDER, 2398
THERESA M. ANTOLDI, 5917
JESS W. ARRINGTON, 7416
JAMES J. BEIER, 2242
WILLIAM M. BOLAND, 1765
LISA A. BOSIES, 8582
NEIL M. BRENNAN, 0867
REBEKAH R. BROOKS, 2535
CHRISTINE Y. BUZIAK, 0443
DAVID A. BYMAN, 3921
GILBERT T. CANIESO, 5232
JEFFREY C. CASLER, 8865
ROBIN L. CASSIDY, 0980
BETTY CLAUSS, 5185
KATHRYN CLUNE, 4797
SHERI R. COLEMAN, 3907
SUSAN D. CONNORS, 4243
CEDRIC M. CORPUZ, 1251
JOHN N. CRANE, 2054
JAMES H. CRAWFORD, 2897
SARA A. DAHLSTROM, 0073
BRIAN M. DANIELSON, 7693
DERRICK M. DAVIS, 4039
ERIC J. DAVIS, 0293
JANET L. DAVIS, 7672
JANET L. DEWEES, 2528
GLENDON B. DIEHL, JR., 2844
THOMAS S. DIVITO, 5212
JOEL A. DOOLIN, 9507
GREGORY D. DUNNE, 9199
JENNIFER K. EAVES, 0895
JENNIFER L. EICHENMULLER, 7411
KARL P. EIMERS, 6595
STEPHEN C. ELGIN, 5030
JOSEPH B. ESSEX, 9096
BRIAN M. FERGUSON, 8468
WALDO F. FERRERAS, 0955
SUSAN K. FIACCO, 5346
JUSTIN S. FINE, 1003
MICHAEL A. FLUDOVICH, JR., 5815
WILLIAM L. FOSTER, 4131
CHRISTOPHER C. FRENCH, 7345
HARRY L. GANTEAUME, 4815
JAY M. GEHLHAUSEN, 3173
JAMES B. GINDER, 4956
KEITH R. GIVENS, 5463
GWENDOLYN M. GRAVES, 5937
BRUCE P. GRIMSHAW, 3450
DAVID M. GROOM, 3982
RICHARD J. GRUENHAGEN, 0862
THINH V. HA, 0228
STEVEN D. HALL, 8821
BRENDA R. HAMILTON, 8342
MATTHEW M. HAMILTON, 0912
JOHN S. J. HAN, 4872
DALE O. HARRIS, 0878
LAURA M. HARTMAN, 0429
SAMUEL HAVELOCK, JR., 9705
KATY M. HAWKINS, 3943
ANDREW H. HENDERSON, 6066
GEOFFREY G. HERB, 1507
BENJAMIN L. HEWLETT, 4235
SCOTT M. HIELEN, 3288
DANIEL J. HIGGINS, 3677
ANGELA B. HIGHBERGER, 7253
EDWARD J. HILYARD, 7376
SHELBY L. HLADON, 9467
DAVID F. HOEL, 2941
STEVEN T. HUDSON, 2499
JAMES C. HUNT, 3457
KEITH L. HUTCHINS, JR., 7754
SCOTT D. INGALLS, 1939
MARY K. JACKSON, 8909
KELLEY C. JAMES, 8070
WILLIAM K. JAMES, 4334
DEBBIE R. JENKINS, 0028
ROBERT F. JOHNSON, 6665
MICHAEL S. KAVANAUGH, 6301
JOHN P. KENDRICK, 8122
ROBERT J. KILLIUS, 7673
NANETTE KINLOCH, 5453
SUSAN M. KRAMER, 9244
JAMES C. KRASKA, 0972
RICHARD F. KUTSCHMAN, 4297
MARY J. LARSEN, 2951
ROBERT L. LAWRENCE, 5106
BILLY R. LEDBETTER, JR., 3896
LAURA J. LEDYARD, 3870
LORI A. LEE, 2416
STEVEN W. LIGLER, 2528
JENNIFER M. LITTLE, 0178
MARK W. LOPEZ, 5438
DEREK L. MACINNIS, 0939
JAMES T. MAHONEY, 9056
GATHA L. MANNS, 5894
MICHAEL L. MARAVILLA, 0430
RALPH J. MARRO, 1765
CHARLES R. MARSHALL, 8549
ERIK R. MARSHBURN, 3645
ADONIS R. MASON, 8814
JACQUELINE A. MATELLI, 9296
SHIRLEY A. MAXWELL, 3044
COLLEEN L. MCCORQUODALE, 3048
JEROLD P. MCMILLEN, 1304
ANDRES MEDINA, 6293
JOSEPH B. MICHAEL, 5603
JEFFREY A. MILLER, 5752
MONTE G. MILLER, JR., 4336
STEVEN M. MINER, 6867
MICHELE M. MINGRONE, 0504
JO A. MOLDENHAUER, 7458
JILLIAN L. MORRISON, 0734
TODD R. MOTLEY, 9895
ANNE J. NANS, 2419
JAMES R. NASH, 1766
BRIAN C. OHAIR II, 3720
ORLANDO J. OLMO, 6918
ROBERT J. ONEILL, 8560
SUSAN B. OTTO, 4036
DEIDRA M. PARKER, 6648
JOSEPH W. PARRAN, 5777
LAURENCE M. PATRICK, 9206
DAVID R. PENBERTHY, 4275
DEAN W. PIERSON, 3759
DUSTINE PIERSON, 0480
MICHAEL C. PREVOST, 8224
DOUGLAS E. PUTTHOFF, 8329
SANDRA H. RAY, 2988
KAREN E. REILLY, 4333
MANUEL REYES, 5225
JOSHUA S. REYHER, 4517
VALERIE J. RIEGE, 4932
HEIDI Y. ROBERTS, 3120
SHARLEEN L. ROMER, 1669
LANA R. ROWELL, 9958
ROME RUIZ, 8213
FLOYD I. SANDLIN III, 9763
ROBERT M. SCANLON, JR., 1421
DYLAN D. SCHMORROW, 7860
JEOSALINA N. SERBAS, 2141
MICHAEL D. SHANE, 7025
MICHAEL L. SHEPARD, 0394
BRIAN G. SCHORN, 0092
CHRISTIE A. SIERRA, 9276
MICHAEL D. SMITH, 5799
RICHARD S. SMITH, 5517
STEVEN R. SOURCE, 5322
STEPHEN E. SPRATT, 3312
ANTHONY D. STARKS, 3643
GUY H. STURDIVANT, 2406
SCOTT A. SUAZO, 9932
DANIEL J. SULLIVAN IV, 2435
JEREMIAH J. SULLIVAN, 0994
ROHINI SURAJ, 4578
AMY K. SYKES, 2988
SCOTT F. THOMPSON, 0087
JOSUE TORO, 7028
GERARDO A. TUERO, 4736
RUSSELL J. VERBY, 0316
PAULO B. VICENTE, 3691
MACHELLE A. VIEUX, 4204
JESSE L. VIRANT, 5945
AMY E. WAGAR, 4123
JACK H. WATERS, 7276
THOMAS J. WELSH, 4372
STEVEN M. WENDELIN, 8179
GERARD J. WOELKERS, 0812
JANINE Y. WOOD, 0315

To be lieutenant (Junior Grade)

BRIAN J. ANDERSON, 2812
JEFFREY G. ANDERSON, 2453
EDMOND A. ARUFFO, 7154
CHARLES H. AUGUSTUS, 1109
JOHN F. BAEHR, 0067
THURRAYA S. BARNWELL, 8454
GLENN A. BEISERT, 3469
TRACI L. BROOKS, 3018
KURT A. BROWER, 3392
GREGORY D. BUCHANAN, 2003
MARK S. BUDELIER, 1495
KEVIN P. BUSS, 7399
ALISON J.C. CALLOWAY, 6470
DOUGLAS R. CAMPBELL, 4747
STANFORD P. COLEMAN, 2013
DENNIS W. CONNORS, 1785
SCOTT M. CORRIGAN, 8929
JONATHAN W. COTTON, 9552
JEFFREY A. DAMASCHKE, 0576
MERRYL DAVID, 1454
DAVID DESANTOS, 4135
JAMES W. DICKINSON, 0608
MICHAEL E. DIGMAN, 9960
DAVID A. FEATHERBY, 6711
NICOLA M. GATHRIGHT, 3465
JESSIE GEE, 4722
KEITH J. GOLDSTON, 3956
TRAVIS N. GOODWIN, 8888
JOSEPH D. HENDERSON, JR., 9139
KRISTEN M. HERR, 8440
MALCOLM L. HILL, 9877
ANNE E. HOWELL, 4783
THOMAS M. HUNT, 8427
MOONI JAFAR, 0807
CELESTINE D. JOHNSON, 7586
WYATTE B. JONESCOLEMAN, 9229
TRENT C. KALP, 2926
ERIK J. KARLSON, 5911
ROBERT M. KERNER, 0711
MARTIN W. KERR, 8873
DEVERY L. KINDER, 3602
MICHAEL E. KRAUS, 8557
KAREN R. KRULL, 4777
JOSEPH B. LAWRENCE, 9621
CRAIG M. LEAPHART, 8060
BRIAN T. LINDOERFER, 0472
JESSE L. MAGGITT, 7392
JULIA A. MCDADE, 1727
CECIL L. MCQUAIN, 0589
BERNARD T. MEEHAN II, 0991
CHRISTOPHER K. MERCER, 4079
SHERYL A. NEWSTRUM, 6292
CHRISTOPHER J. NICHOLS, JR., 7543
MICHAEL L. OBERMILLER, 6935
DANIEL A. OGDEN, 2870
CHRISTOPHER OUDEKERK, 9301
ARVIS OWENS, 8191
ALVIN T. PAYNE, 2703
KEVIN N. QUINETTE, 1175
CYNTHIA A. RAMSEY, 8786
DAVID M. REED II, 5865
VERNON R. RICHMOND, 8302
JENNIFER E. RUHLMAN, 0886
MICHAEL K. RUNKLE, 9875
KEVIN A. SCHNITTKER, 0182
STEVEN C. SCHOENECKER, 7136
STEVEN R. SHINDLER, 7529
KATHALEEN L. SIKES, 5557
MATTHEW J. SMITH, 6472
TODD L. SMITH, 5348
DENNIS L. SPENCE, 1779
ERIC J. STPETER, 9116
STANLEY STYK, 0428
DEAN A. TEAGUE, 7968
WILLIAM P. TEALEY, 6903
TIMOTHY W. TERRY, 5846
HEATH A. THOMAS, 5945
VAN T. WENNEN, 9271
CLINT WEST, 6073
BARBARA C. WHITESIDE, 4897
JOHNNETTA N. WIDER, 1516
ANTHONY R. WILLIAMS, 6331
DEACQUANITA R. WILLIAMS, 9104
BERNIE WILLIAMSMCGUIRE, 4152
ROBERT L. WING, 9943
ALEXANDER Y. WOLDEMARIAM, 3466

AMY E. WOOTTEN. 9741
ALEJANDRO YBARRA. 5671
ROBERT W. ZURSCHMIT. 2497

To be Ensign

MICHAEL D. APRICENO. 7104
CRAIG A. ARGANBRIGHT. 0032
DEANGELO ASHBY. 8110
BRETT A. BALAZS. 5911
FRANK J. BANTELL. 3920
MICHAEL BARNES. 2804
BRIAN C. BASTA. 2923
MATTHEW L. BETIT. 7056
TIMOTHY C. BOELKE. 5496
CHRISTOPHER G. BOHNER. 6308
WILLIAM E. BOUCEK. 2805
ANDREW F. BRACKENRIDGE. 1811
KEVIN F. BRAVOFERRER. 8227
CHARLES A. BROWN. 5449
TIMOTHY A. BROWN. 4059
IAN W. BRUCE. 9400
RAOUL J. BUSTAMANTE. 5670
JEFFERY W. CARMODY. 9566
JEFFREY A. CARROLL. 5824
ROBERT CARTER. 7318
CHRIS D. CASTLEBERRY. 2959
JOHN C. CHAUVIN. 6078
ANDREW J. CLARK IV. 4393
NATHAN D. CLARK. 4551
WILLIAM CLARK. 3078
JAMES N. COLSTON. 8158
BRENNA C. CONWAY. 7904
DANIEL J. COREY. 9406
JOHN D. CRADDOCK. 2479
RUSSEL CZACK. 4047
EDWARD E. DAVIS. 9662
JEFFREY P. DAVIS. 5536
LIBERTY P. DELEON. 4385
ADRIAN C. DELL. 4261
RICHARD J. DIXON, JR., 3898
KRISTIAN M. DORAN. 0182
ANTHONY S. DUTTERA. 6878
CHARLES DWY. 2688
ANDREW A. EATON. 0748
MICHAEL D. EBERLEIN. 0150
SHANE ELLER. 0901
JOSEPH P. ESPIRITU. 6022
JEFFREY J. FLOGEL. 9793
BRIAN G. FRECK. 6211
DAVID P. FRIEDLER. 6288
TERREL L. GALLOWAY. 8015
JOSEPH D. GOLDBACH. 3085
MICHAEL S. GUILFORD. 9978
MICHAEL D. HALTOM, JR., 6794
ALEXANDER F. HARPER. 5881
FERNANDO HARRIS. 7589
SCOTT HERMON. 2899
MATTHEW D. HOLMAN. 7689
JULIE HUDDLESTON. 4238
BRIAN D. HUNTLEY. 4323
FRANK INGULLI. 7524
MATTHEW P. JEFFERY. 8450
SCOTT D. KEENAN. 5973
BENJAMIN L. KELSEY. 5819
JOHN J. KOBLE. 2729
ROGER L. KOOPMAN. 2921
ANDREW G. KREMER. 0158
DAVID KRITSCHGAU. 6733
KEITH A. LANZER. 4855
JOSHUA J. LAPENNA. 4257
BRIAN LEDDEN. 1555
JEREMY T. LEGHORN. 9501
ARON LEWIN. 0751
ORLANDO LORIE. 6474
MANUEL X. LUGO. 2045
MICHAEL R. LUM. 6098
CHRISTIAN M. MAHLER. 4829
RALPH J. MAINES. 4411
RICHARD L. MARCHAND. 3425
WILLIAM J. MARTZ. 6575
MATTHEW N. MCCALL. 4472
KEVIN MCHUGH. 5108
KENT A. MEYER. 5844
RANDALL L. MILLER. 0310
JEFFREY C. MITCHELL. 7066
JOHN G. MIX. 8567
JOAQUIN J. MOLINA. 1772
NATHAN A. MORGAN. 4083
JOHN S. MORTELLARO. 0901
JAMES H. MURPHY. 6717
HAIT NGUYEN. 9840
ROGER K. ONAGA. 7338
CHUN H. PARK. 6163
LEE A. PARKER. 9499
RICHARD A. PHILLIPS. 4932
RICHARD C. PLEASANTS. 6966
JUSTIN J. PLUNKETT. 4279
JESSIE A. PORTER. 5863
LYNN J. PRIMEAUX. 6452
HOMERO RAMOS. 4678
BRIAN E. REINHART. 9080
JOHN M. RHODES. 7952
GREGORY D. RILEY. 6716
NANCY B. RODDA. 0126
BRIAN S. SCHLICHTING. 6587
MARK SHEFFIELD. 4805
ROLF B. SPELKER. 1003
THOMAS A. STEPHEN. 1206
JAMES J. TERRY. 9529
DAVID A. TONINI. 7515
TAWNYA R. TSCHACHE. 7428
ALSANDRO H. TURNER. 0965
RICHARD J. TWILLEY. 9796
TARAIL VERNON. 0947
DAWN WARREN. 8521
MICHAEL J. WAUTLET. 2696
JOHN F. WEBB. 9753
PHILIP K. WESSEL. 5600
JOSEPH WHEELER. 0796
SCOTT C. WIECZOREK. 5757
DANIEL E. WILBURN. 8345
WILLIAM E. WREN, JR., 9931
PHILLIP J. YALE, JR., 6749
MICHAEL YORK. 4590
JOHN E. YOUNG. 6600

HOUSE OF REPRESENTATIVES—*Wednesday, May 12, 1999*

The House met at 10 a.m.

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

O almighty God, creator of heaven and earth, we pray that in all the seasons of life we can have trust and confidence in Your word. In times of plenty, give us grateful hearts; in times of sadness or worry, grant us hope; in times of need, hear our petitions; in times of anxiety, give us serenity; in times of discouragement, grant us faith; and in times of loneliness may we have a full measure of Your love and Your grace. This is our earnest prayer. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New York (Mr. QUINN) come forward and lead the House in the Pledge of Allegiance.

Mr. QUINN led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Lundregan, one of its clerks, announced that the Senate has passed a bill of the following title, in which the concurrence of the House is requested:

> S. 900. An act to enhance competition in the financial services industry by providing a prudential framework for the affiliation of banks, securities firms, insurance companies, and other financial service providers, and for other purposes.

The message also announced that pursuant to Public Law 105–292, the Chair, on behalf of the President pro tempore, upon the recommendation of the Majority Leader, appoints Michael K. Young, of Washington, D.C., to the United States Commission on International Religious Freedom, vice William Armstrong.

The message also announced that pursuant to the provisions of Public Law 105–186, the Chair, on behalf of the Majority Leader, appoints the Senator from Oregon (Mr. SMITH) to the Presidential Advisory Commission on Holocaust Assets in the United States, to fill a vacancy thereon.

The message also announced that pursuant to Public Law 94–304, as amended by Public Law 99–7, the Chair, on behalf of the Vice President, appoints the Senator from Arkansas (Mr. HUTCHINSON) to the Commission on Security and Cooperation in Europe (Helsinki).

CUBAN POLITICAL PRISONERS EVENT

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, on Wednesday, May 19, the members of this body will have an opportunity to hear the testimonials of former political prisoners and prisoners of conscience who have survived Castro's gulags.

For over 40 years, the brutal Castro regime has systematically violated the basic human rights and civil liberties of the Cuban people. During the 4 decades it has been in power, thousands of innocent people have been executed or subjected to beatings, torture or arbitrary detentions.

For some lucky enough to have survived, the opportunity to inform the international community about the Cuban reality has become a mission. Their stories are graphic, compelling and horrific examples of the oppressive, violent and diabolical nature of the Castro regime.

Next Wednesday, we will hear these firsthand accounts of the physical and psychological torture of those who are willing to risk life and limb for freedom, liberty and democracy for Cuba.

I invite all of my colleagues to meet some of Cuba's true heroes, the survivors of Castro's gulags, on Wednesday, May 19, at 12 p.m. in room 2200 in the Rayburn Building.

BIG TOBACCO MONEY SEEMS MORE IMPORTANT THAN OUR NATION'S KIDS

(Mr. MEEHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MEEHAN. Mr. Speaker, 5 million kids who are now under the age of 18 are likely to die from smoking-related illness. Decisive Federal action is needed now to address the historically high levels of smoking among our Nation's children.

Yet, this Congress is on the verge of waiving the Federal Government's portion of the tobacco settlement monies to the States without ensuring that any of these funds be spent to protect our kids. We are simply closing our eyes to the number one preventable cause of death in America. That is unacceptable.

Frankly, I am not surprised. Big tobacco gave an astonishing $4.5 million in soft money contributions to the Republican party during the 1997–1998 elections cycle, effectively killing the leading tobacco reform legislation.

The fact of the matter is that public health groups simply cannot compete with big tobacco when it comes to soft money contributions. The pro-tobacco language in the supplemental bill is just another example of what happens when we allow big money to talk louder than kids' lives on Capitol Hill.

CHINESE INFLUENCE FOR SALE TO THE HIGHEST BIDDER

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, I listened with great interest to the gentleman from Massachusetts (Mr. MEEHAN), and I think there are goals that all Members of this House share in terms of public health policy. But when the gentleman from Massachusetts starts talking about campaign finance, the gentleman from Massachusetts and many on that side of the aisle would do well to heed the testimony yesterday of one Johnny Chung and would do well to connect the dots because of the relationship of the People's Republic of China to the Clinton-Gore campaign in 1996.

Mr. Speaker, there may be those who smile wistfully, but I do not believe our national security is something to be toyed with and to fiddle around with while this Nation is in danger of burning.

The fact is we should stand up, remain vigilant, have the Cox committee report released and get to the bottom of Chinese influence for sale to the highest bidder, sadly, it seems at the other end of Pennsylvania Avenue.

GUN SAFETY

(Mrs. JONES of Ohio asked and was given permission to address the House for 1 minute.)

Mrs. JONES of Ohio. Mr. Speaker, I rise as a wife, mother, former judge and former prosecutor to urge the Speaker to bring to the floor the debate on the issue of gun safety and gun control before Father's Day.

As women, mothers and grandmothers, our goal is to prevent any more gun-related deaths. I joined with other members of the Women's Caucus to send a letter to the Speaker prior to Mother's Day seeking him to set the debate prior to Father's Day.

Our children are killing one another with guns at an ever-increasing rate. From 1993 to 1997, the death rate by guns increased 182 percent for children. To stop the death of our children, we urge the Speaker to bring this issue to the floor for debate prior to Father's Day.

VIOLENCE BEGETS VIOLENCE

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, after the terrible tragedy in Littleton, Colorado, there has been much soul-searching and hand-wringing in America's public circles and in the media about violence and our youth. It has led to the President holding a conference Monday at the White House to discuss these topics. But are we truly surprised as a Nation about the atmosphere of violence that surrounds our children when our children are taught by our society that it is all right to kill the innocent unborn?

A Nation that allows the lives of babies to be taken for convenience will breed a disrespect for all life in our children. But where is the discussion about the effects of abortion on our society? I did not hear from the White House yesterday, and I have not heard it from one talk show that discussed this matter.

If we ignore the violence of abortion as a society, who really has the trouble of discerning fantasy from reality, our children or the adults in this Nation?

TAXPAYERS ARE STILL TAXED OFF

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, we have taxes on income, death, gifts, investment, fuel and energy, capital gains. We have excise taxes, surtaxes, retroactive taxes, old taxes, new taxes. Unbelievable. Is it any wonder the American people are taxed off?

I say today, tax this. It is time to abolish the IRS, abolish income taxes and pass the National Retail Sales Tax Plan. It is time to reward work and savings for a change. Think about that.

I yield back what freedom and liberty we have left as taxpayers.

TAX FREEDOM DAY 1980–1999

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, in line with what the previous speaker had to say, the chart here is labeled "Tax Freedom Day 1980–1999." But maybe a better title for this chart would be "President Clinton's Road to the 21st Century."

He was elected in 1992. In 1993, Tax Freedom Day was April 30. Tax Freedom Day is the day when the average taxpayer has finished off paying what he owes to Uncle Sam and begins to work for himself.

In 1994, Tax Freedom Day was May 2. In 1995, it was May 3. In 1996, it was May 5. In 1997, it was May 7. Last year, it was May 10. This year, yesterday, May 11 was the day when taxpayers begin working for themselves.

This is the road to the 21st century under a Democrat administration. Ronald Reagan was able to push back Tax Freedom Day from May 4 to April 27. But since then we have lost ground.

It is considered progress to the tax and spenders in this body; but for middle-class taxpayers, it just means less freedom and more power in Washington.

GUN SAFETY

(Ms. CARSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. CARSON. Mr. Speaker, Mother's Day just passed, a day for celebration for some and, unfortunately, a day of mourning for too many women who no longer have a child to call them mother.

In Indianapolis, a young mother named Michelle Miller mourned her young son who was killed while playing with a loaded firearm.

In Littleton, Colorado, 12 mothers mourned their children, killed by two teens who found access to deadly firepower all too easy.

We have a number of good proposals pending before this 106th Congress on gun safety. I have a common-sense bill, H.R. 515, that has already been joined with 49 cosponsors, that will require child safety devices on handguns and establish standards for those devices.

We can move now to enact common-sense gun regulations that does not violate anybody's constitutional rights to bear arms but does protect the lives of a lot of innocents.

Mr. Speaker, let us celebrate Father's Day in a more profound way, by passing gun safety legislation.

NATIONAL SECURITY EMERGENCY CREATED BY CUTTING DEFENSE BUDGET

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, the Clinton administration has created a national security emergency by cutting the defense budget while spreading our troops all around the world.

Between 1960 and 1991, the Army conducted 10 operational events. In the past 8 years, the Army has conducted an astonishing 26 operational events. Strangely enough, this increased activity has occurred during a period in which our military has been shrunk by 40 percent.

This misguided policy is playing itself out in Yugoslavia. Already the President has had to call up thousands of reserves and divert planes from the strategically important Iraqi No-Fly Zone to carry out strikes on Milosovic's regime.

Mr. Speaker, it is time for Congress to replenish our national defense which has been substantially weakened by the Clinton administration. The Republican majority stands ready to provide the resources to address the problems related to troop morale and readiness. I implore my colleagues on both sides of the aisle to join in this effort.

DEMONSTRATE PEACE WITH 72-HOUR CEASE-FIRE IN KOSOVO

(Mr. CLEMENT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLEMENT. Mr. Speaker, I am as concerned as we all are about what is going on in Kosovo. This conflict bothers me more than the Persian Gulf, Haiti, Bosnia and many of the crises that we have had.

I think it is time for us to have a 72-hour cease-fire. Let us let the Russians try to work out a peace settlement. I support the mission. I support our troops. I support NATO. I have seen firsthand the hostility, the destruction of lives and the destruction of property in my visits to Bosnia and Macedonia. I know the ethnic Albanians have suffered greatly. I want them to have the opportunity to go home.

I realize the United States now is the only superpower. But the United States and NATO need to show some real courage, some humility, and do what the gentleman from Illinois (Mr. BLAGOJEVICH) has done. He showed real leadership by going to Belgrade and demonstrating to the world that we want peace. The best way to demonstrate peace is to have a 72-hour cease-fire, and let us do it now.

NATIONAL POLICE WEEK

(Mr. QUINN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. QUINN. Mr. Speaker, I wanted to take some time today during National Police Week to pay tribute to the men and women who serve our country in law enforcement. This is a time when we are given the opportunity to thank our friends in law enforcement for their commitment to our safety and to honor them for the sacrifices they have made.

Unfortunately, police officers are often called upon to make the ultimate sacrifice so that the rest of us may remain safe. Police officers risk their lives every day of the week to ensure safety in our communities.

I just want to take a moment to recognize and pay tribute to the tens of thousands of law enforcement officers that have given their lives to protect our families and communities. We do not take enough time often enough to honor the lives of fallen law enforcement officials.

☐ 1015

I was proud to vote yesterday, as the whole House did, on a resolution that officially expresses the sense of the Congress that all police officers slain in the line of duty be honored and recognized.

On May 15, more than 15,000 law enforcement officers and their families will gather in the Capitol to honor their comrades that have fallen in the line of duty. We are honored to join our voice with theirs in paying respect to the great men and women who have served our country.

ULTIMATE SACRIFICE MADE BY RUSSELL STALNAKER

(Ms. McKINNEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. McKINNEY. Mr. Speaker, peace officers across the country make the choice to serve our communities in order to enhance the good and protect us from evil. Tragically, senseless actions of violence directed against our peace officers can and do happen at any time.

The family of Russell Stalnaker, who served on the Atlanta Police Department, know all too well the painful reality of the dangers confronting the men and women on the police force. Several weeks ago Mr. Stalnaker was shot while trying to protect the citizens of Atlanta. He and his family paid the ultimate price so that we all might live in a society that values order and discipline. Sadly, as our country violates international law in Europe, cities across the United States are plagued by violence and lawlessness.

Yesterday, I cast my vote in support of H. Res. 165 in honor of Russell Stalnaker and his family. The resolution states that peace officers killed in the line of duty should be honored. We will never forget the sacrifice Russell made in protecting the people of Atlanta. He is a shining example of a good police officer and his sacrifice deserves to be remembered.

THE TAX MAN HAS MOVED OUT, BUT NOT SOON ENOUGH

(Mr. FOSSELLA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOSSELLA. Mr. Speaker, there is a guy who has been living in my house from January 1 until yesterday. He has not paid any rent, has not paid for food, has not paid for boarding, has not paid for gas. Heck, he does not even take us out to dinner. That guy was the tax man. And he finally moved out. Each year it gets worse. He overstays his welcome.

Now, I do not mind him stopping by from time to time, but the time has come to get him out of my house. And it is not just my house, it is every American who pays taxes across this country. Every American who works hard every single day and sees less and less of their paycheck because of this guy who stays in their house.

It is unbelievable that we have to work from January 1 to May 11 just to pay the tax man. The time has come for broad-based tax cuts for the American people so they can have the opportunity and the freedom to spend the money as they see fit and to get that unwanted guest out of their house.

REAUTHORIZE COPS PROGRAM

(Mr. HOLT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOLT. Mr. Speaker, later today the Department of Justice will award a grant for its 100,000 new police officers hired under the COPS program.

For 6 years, in neighborhoods all across the Nation, the COPS program and the idea of community-oriented policing have been creating a breakthrough in law enforcement. COPS have helped local police fight crime, upgrade their equipment and crack down on school violence. COPS has empowered citizens and made our streets safer and more livable.

In New Jersey, the COPS program has helped hire over 3,500 police officers and contributed $213 million to our law enforcement agencies. In my own district, communities in Hunterdon, Monmouth, Mercer, Middlesex, and Somerset Counties have all benefited from the COPS program.

Most importantly, COPS has created a partnership between citizens and police joining them together in efforts to fight and prevent crime.

Mr. Speaker, community policing has been a tremendous success for our Nation and the people we represent. Congress should reauthorize the COPS program.

REPUBLICAN BUDGET PROPOSAL PUTS MORE ASIDE FOR SOCIAL SECURITY THAN ADMINISTRATION BUDGET

(Mr. HERGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HERGER. Mr. Speaker, the Republican budget proposal puts more money aside for Social Security and Medicare than does the Clinton administration's plan. Let me repeat that. Our budget proposal puts more money aside for Social Security and Medicare than does the Clinton administration plan.

In fact, the President spends $52 billion of the Social Security surplus in 2000 and $247 billion of that same Social Security surplus over the 5 years. But do not just take my word for it. I urge concerned American citizens to verify for themselves the truth of these facts.

The Republican proposal puts 100 percent of the retirement surplus aside for Social Security and Medicare. Our proposal puts that money aside in a lock box so that 100 percent of that money goes for Social Security and Medicare. The President's proposal, on the other hand, puts only 62 percent surplus aside for Social Security. American seniors deserve better.

STOP THE SNEAK ATTACKS AGAINST OUR ENVIRONMENT

(Mr. BONIOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONIOR. Mr. Speaker, we have seen this before. At the last minute, when they think nobody is looking, the special interests are launching a sneak attack on our environment.

A bill that is supposed to provide support for our pilots overseas is being hijacked in a secret assault on our environment here at home. These so-called riders could never pass on their own.

These so-called riders would open up the pristine waters of Alaska's Glacier Bay National Park to destructive commercial fishing; another would throw open the American west to more giant strip mines, with the dangers of chemically bleached waste leaching into our waters and the specter of cyanide poisoning in our rivers and streams. And the list goes on and on.

These anti-environment riders have no place in the emergency supplemental conference report. We need to pass the bill to support our troops this week, not drag it down with a series of unpopular, unrelated and unacceptable anti-environmental riders.

TAX FREEDOM DAY

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, today is the first day of the rest of our life. Kind of an old 1960s pop culture saying that Jonathan Livingston Seagull was very proud of.

If we look at this week, today is the first day of the rest of our taxpaying year to be tax free, because as of yesterday we start working for ourselves. We have paid off our debt as a serf for Uncle Sam and big government. We will all continue to pay lots of taxes here and there, but generally speaking we are through. From now on we get to keep our money.

Think about the tax burden just in income tax. Today, the average American family pays 24 percent. In the 1970s, it was 16 percent. In the 1950s, it was 5 percent.

Now, what does that mean? Everybody is busy. Everybody is busy as heck in the 1990s. I know, I have four kids, and all my friends are running around. It is nothing but a treadmill. Because of that, we do not have enough time as families to sit down and impart information to each other, to train our kids, to help them with their homework and bring them up with the good moral values we need to run a country.

One of the by-products becomes tragedies such as what happened in Littleton. Families need to spend more time with each other, particularly with their children, and our tax burden prohibits it right now. We need to lower taxes.

INTELLIGENCE SERVICES DO NOT NEED MORE MONEY

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, on the other side they are talking about lower taxes. That means saving money. On the other side they are talking about dumping more money into the intelligence services, who already have a $30 billion a year budget. Sometimes this place reminds me of Alice in Wonderland.

Think of a parallel. When our kids fail the achievement tests, what do they say, more money for education? They say, no, we need to reorganize, we need to overhaul, we need to revitalize, we need vouchers, we need change. Now, when the CIA fails in its most basic mission on a multibillion dollar budget, they say they need more money.

Guess what? Here is the information they needed. Where did I get it? This came from the Congressional Research Service. It is publicly available. Maps of Belgrade on line. Here is the embassy. That is where it has been for 5 years. Here is where it used to be 5 years ago.

Well, maybe they did not know the current address. They could have gone to the web site, which is put up by the City of Belgrade and the government of Yugoslavia, which has the address. They could have got a phone book, but they probably do not have anybody who can read Serbian. I guess that is why they need more money. Maybe they need more money to go down to the bookstore and pay $19.95 for a Michelin map.

They do not need more money. They need to spend it better, they need to be reorganized, and some people need to be fired.

WILL CHINESE ESPIONAGE SCANDAL BE DISMISSED AS EASILY AS OTHER SCANDALS

(Mr. SCHAFFER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHAFFER. Mr. Speaker, I can only guess what the response of the knee-jerk Clinton defenders will be as the whole country learns just how bad the Communist Chinese espionage scandal is. Will they dismiss this scandal, too, claiming, "Everyone lies about treason."

We have heard so many excuses so many times about so many scandals during the most unethical administration in history. It does not matter, they say. Everyone does it.

The President stated he was unaware of any Chinese espionage and that it had taken place on his watch. But now we have Energy Secretary Bill Richardson admitting that, in fact, a report was prepared and delivered to the President on exactly that subject in November of 1998.

Even more amazing is that the President's and the Vice President's first reaction to the news of this Chinese spying scandal was to, that is right, blame it on Ronald Reagan.

Then we find out the most serious stuff occurred during the Clinton years of 1994 and 1995. Why? Why, I ask, did the Justice Department sit on its hands for 3½ years, 3½ years, while Americans have to rely on a New York newspaper to get to the bottom of it?

NUCLEAR WASTE AND THE ATOMIC TRAIN MOVIE

(Ms. BERKLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BERKLEY. Mr. Speaker, not only are the nuclear power industry lobbyists trying to conquer common sense with dollars in Congress, they are trying to do the same thing to the entertainment industry.

I was shocked and dismayed to read in The Washington Post TV column that NBC has caved in to nuclear industry pressure and politely changed the name of the atomic train's cargo from nuclear waste to hazardous materials. What semantic nonsense.

If anyone is able to tell the difference between the two, it would be the people of the State of Nevada, who are fighting a bill that would dump all of the Nation's nuclear waste in our backyard, 77,000 tons of it.

This just is not Nevada's fight. Most of America would be put at risk by H.R. 45, the Nuclear Waste Transport bill. On April 28 I sent a "Dear Colleague" letter to my fellow Members of Congress, pointing out that although the movie is fiction, the threat is real.

Let me ask my colleagues this: When the first inevitable crash occurs, where would they want to be living? Would they want to be living in that neighborhood?

I challenge NBC to stand up for public health and safety rather than caving in to the nuclear power industry lobbyists.

REPUBLICANS STAND FOR EMPOWERING INDIVIDUALS BY LOWERING TAX BURDEN

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, I have been listening to some of the speeches from my very distinguished colleagues on the other side of the aisle, and I have yet to hear anyone talk about this issue of tax freedom day.

I was stunned when I first saw the chart the gentleman from Staten Island, New York (Mr. Fossella) used during his speech, which sees this continued increase in the time during which people have to work for the government before they can keep even a nickel for themselves.

We in this Congress stand firmly for empowering individuals and making sure that they can make choices for themselves. How better can we do that than by allowing them to keep more of their own hard-earned dollars?

I have introduced legislation calling for a reduction in the top rate on capital gains. We are considering a complete overhaul of the Internal Revenue Code, whether we go towards a flat rate tax or a consumption tax. We want to make sure that rather than May 11, that people much, much earlier will be able to begin saving some of their own dollars rather than having to work to keep this Federal Government going.

So we stand, on this side, firmly for reducing that tax burden on working families. Unfortunately, my friends want to talk about all kinds of other stuff.

GUNS AND JUVENILE CRIME

(Mr. BLAGOJEVICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLAGOJEVICH. Mr. Speaker, today the Senate will debate a series of measures aimed at keeping firearms out of the hands of juveniles and convicted criminals.

As the original House sponsor of three of these measures requiring background checks at gun shows, raising the minimum age for possession of handguns from 18 to 21, and preventing violent juveniles from being able to buy guns when they turn 21, I call on the House leadership to allow a full debate on these important public safety measures.

□ 1030

It is not often that gun control advocates and the gun industry see eye to eye; but in the wake of last month's tragedy in Littleton, Colorado, a consensus is emerging that our gun laws need to be stronger.

The American Shooting Sports Council, the National Alliance of Stocking Gun Dealers and leading gun manufacturers now agree we need to close the deadly loophole that allows kids and criminals to purchase firearms at gun shows.

The lack of background checks at gun shows have made them prime targets for criminals and gun traffickers, where kids and dangerous criminals can purchase guns with no questions asked.

Mr. Speaker, making it harder for kids and criminals to get guns are not cure-alls. But Elizabeth Dole had it right when she said, it is time for the Republican party to stop allowing the National Rifle Association to dictate the Congressional agenda.

BASIC STEPS FOR IMPROVING OUR CULTURAL ENVIRONMENT

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, 3 weeks ago, America learned a terrible lesson: Our culture is producing teenagers who are capable of unspeakable violence. We, as a country, must come together to address this complex problem. It is one that requires several answers.

We have students who attend schools without guidance counselors. We have children exploring violent websites alone at night. We have handguns sold and resold without basic safety features or background checks. Our children grow up in a world that is unlike the one that I grew up in.

We need to take basic steps to improve our cultural environment. Families must embrace their children's questions, ideas, hopes and dreams. Adolescence is a difficult time. Our schools must be safe without becoming prisons. Classrooms should be small enough for strong discipline and individual attention. Schools must have guidance counselors and mental health services that presently are shamefully lacking.

Handguns should come with safety locks. Firearms should not be sold to children under 21. Background checks at gun shows, period. The entertainment industry must clean itself up and stop marketing violence to our children.

Let us take these steps together and invest in a stronger America.

NATIONAL COMMISSION ON TERRORISM

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, in the last Congress, the Congress voted to have a national commission to study terrorism; and to date the Congress has not acted on the funding on that commission.

Today I will be offering an amendment in the supplemental to have the funding for that commission. With all the terrorist activity that is taking place, the CIA killings in my congressional district, the World Trade bombing, the bombing of embassies by Osama Bin Laden and others, for Congress not to act on putting the funding in at this time would absolutely be a disgrace.

This is so important that we ought to have a bipartisan commission that looks to making sure that everything that possibly can be done to deal with the issue of terrorism is being done.

AMERICAN PEOPLE WANT OPEN DEBATE ON GUN VIOLENCE

(Mrs. MCCARTHY of New York asked and was given permission to address the House for 1 minute.)

Mrs. MCCARTHY of New York. Mr. Speaker, a number of us here today are talking about trying to save our children.

The tragedy that happened in Littleton, Colorado, last month certainly struck this Nation. What a lot of people do not know is that we lose 13 children every single day. That is a classroom every 2 days. I am hoping that here, in Congress, we will address this in a bipartisan way.

Because the American people want their children to be safe. There are solutions that we can come to. There are solutions that we can work together on to try to save our children on a daily basis.

Mr. Speaker, I am asking the people of America to call and e-mail all their Congressmen and say, "We want an open debate." Let this not be a fight. Let us do the right thing. Let us have the debate. Let us talk about all the things that we see going wrong and try to make a correction.

That is why I came to Congress. That is why I am here, to try to reduce gun violence in this country.

TEEN SMOKING IN AMERICA IS A CRISIS

(Mr. HANSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HANSEN. Mr. Speaker, teen smoking is a crisis which threatens the health and lives of thousands of our youth every day.

As a result of the recent settlement between the individual States and the tobacco industry, a marvelous opportunity presented itself to this Congress, an opportunity to show our dedication to our children by assuring that part of the billions of dollars that will be paid to the States would be spent on teenage smoking. Sadly, many in this body on both sides of the aisle are unwilling to assure that even one penny of this clearly anti-tobacco money is spent to stop smoking amongst our youth.

Why is it important? One, $78 billion is spent every year on tobacco-related health expenses; $35 billion in extra tax burden faces American taxpayers every year as a result of smoking-related costs; 1.1 million kids begin smoking every year. And the list goes on and on.

Now, contrary to what some might say, this is not a partisan issue. This most recent battle against teen smoking has seen Members of both parties fighting both for and against tobacco control. As one who has been fighting to end teen smoking for many years, I applaud Members from both parties for their support of tobacco control and express my disappointment that leaders from both parties have refused to take a stand against teenage smoking.

Mr. Speaker, if there was ever a time we need strong leadership in this area, it is now.

JUVENILE VIOLENCE AND GUN SAFETY

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, it is time for this House to schedule a vote on gun safety legislation, legislation to keep guns out of the hands of children.

Often children are their very worst enemy, especially when a gun is involved. Yet, only 16 States have child access prevention laws. In fact, in most

States, there are no laws requiring proper firearm storage.

Unlocked guns present an irresistible temptation to young adults and curious children. That is why we must pass legislation like the Children's Violence Prevention Act, to reduce children's access to guns, impose criminal penalties on adults who do not keep firearms out of the reach of children, and require manufacturers to make safe and child-proof guns.

Gun safety legislation alone will not solve the problem of juvenile violence or make our schools islands of safety overnight, because our children's safety must be protected on many fronts. But our children and their schools will be much safer when guns are not available.

CHILDREN'S VIOLENCE PREVENTION ACT

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, there is violence all around us; and I think it is important that we address the question head-on as the Members of the United States Congress and the legislating body that the American people look to.

Guns do kill. And even if there are those who argue against the fact that people kill, guns do not, people use guns to kill. And our children have used guns to kill, so that 13 children die every day by the use of guns.

It is time now to pass the Children's Violence Prevention Act, the simple and direct way of showing the American people that we mean business in saving our children.

I call upon the Speaker to have a debate. I call upon him to review the gun laws across this Nation and find out, where States have enforced gun safety laws, and how children's deaths have come down.

And then, Mr. Speaker, I refer you to the conflict that is going on, in Kosovo, although I support our troops, and I have been to the refugee camps, and I want to see the refugees go home. I think it is now time to have a pause in the bombing and for the allies to seek a negotiated settlement to end the Kosovo conflict and to make sure that the refugees go home sooner rather than later. The longer we wait the more delayed will be the refugees return with a secured place to their homeland. It is time now to seek peace in the Kosovo conflict, that will only begin if we stop the bombing for a period of time to allow the peace process to begin.

DEBATE ON GUN SAFETY LEGISLATION

(Ms. SCHAKOWSKY asked and was given permission to address the House for 1 minute.)

Ms. SCHAKOWSKY. Mr. Speaker, before Mother's Day, I joined with congressional women House Members to call on the gentleman from Illinois (Mr. DENNIS HASTERT) to schedule a debate on gun safety legislation by June 20th, Father's Day.

What I am hearing from mothers and fathers in my district is, "It is the guns, stupid." The tragedy in Littleton is just another grim reminder that gun violence is rampant, that our children are in danger, and that no community is immune from senseless violence.

In my suburban community of Evanston, Illinois, alone I have been to three funerals in the last 2 years of children killed by guns in the hands of our children.

For the sake of the millions of parents who see their children off to school every day, Congress must act. And there are sensible bills that we can act on. It is time to strengthen our laws to keep firearms out of the hands of children and to break the cycle of juvenile violence.

I feel that I owe it to my granddaughter, Isabelle, and to all the children in the United States and urge Americans everywhere to send a message to the Speaker: Let us debate this issue.

FUNDING FOR 2000 CENSUS

(Mrs. MALONEY of New York asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MALONEY of New York. Mr. Speaker, I rise today to discuss funding for the 2000 census, a constitutionally mandated activity that will be the largest peacetime mobilization ever undertaken by this country.

Mr. Speaker, funding for the Census Bureau will cease on June 15 unless Congress acts to change current law. Let me say that I welcome the Republican leadership's recognition of the need to eliminate that funding deadline and agree with it entirely.

Republicans and Democrats disagree on the best way to conduct the 2000 census, but I think we can all agree on one thing, we should not shut down the government in little more than 4 weeks over this disagreement.

The Republican leadership has hinted that it may be interested in a truce on the census. Let us start by doing something we all agree on. Elimination of the June 15 deadline can easily be inserted in the supplemental appropriation measure this House will consider shortly.

I urge all Members of this body, both Republican and Democratic, to support such a measure.

COPS PROGRAM

(Mr. WISE asked and was given permission to address the House for 1 minute.)

Mr. WISE. Mr. Speaker, there are lots of reasons, and the good news is, of course, that the crime rate has been dropping across the country. And there are lots of reasons.

There are two reasons I think I would like to talk about briefly today. The first is the COPS program that this Congress passed several years ago, putting 100,000 new police officers on the street, hundreds of them in West Virginia; and I believe that that has made a very powerful difference.

But there is another reason, too. Regardless of how that police officer puts on the uniform, whether the COPS program or whatever way they are funded, the important thing is the police officer themselves, the men and women who wear the uniform.

What we need to recognize in this Congress is still, while the crime rate is dropping, the danger that they face is still there, whether they are walking up on a deserted car on a highway, whether they are answering a call in a rural area, whether they are in the city. We need to remember their needs fundamentally and, most importantly, to say "thank you."

PROVIDING FOR CONSIDERATION OF H.R. 775, YEAR 2000 READINESS AND RESPONSIBILITY ACT

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 166 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 166

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 775) to establish certain procedures for civil actions brought for damages relating to the failure of any device or system to process or otherwise deal with the transition from the year 1999 to the year 2000, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill, modified by the amendments printed in part 1 of the report of the Committee on Rules accompanying this resolution. That amendment in the nature of a substitute shall be considered as read. No amendment to that amendment in the nature of a substitute shall be in order except those printed in part 2 of the report of the Committee on Rules. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the first time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follow another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1045

The SPEAKER pro tempore (Mr. EWING). The gentleman from California (Mr. DREIER) is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to my terrific colleague, the gentleman from South Boston (Mr. MOAKLEY) pending which I yield myself such time as I may consume. During consideration of the resolution, all time yielded will be for debate purposes only.

Mr. Speaker, the pending resolution provides for the consideration of H.R. 775, the Year 2000 Readiness and Responsibility Act, under a structured rule with 1 hour of general debate divided equally between the chairman and ranking minority member of the Committee on the Judiciary.

The rule makes in order as an original bill for the purpose of amendment the Committee on the Judiciary amendment in the nature of a substitute now printed in the bill, modified by the amendments printed in part 1 of the Committee on Rules report. The rule also makes in order only those amendments printed in part 2 of that report.

Mr. Speaker, the rule provides that amendments made in order may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole.

The rule allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce voting time to 5 minutes on a postponed question if the vote follows a 15-minute vote. Finally, Mr. Speaker, the rule provides one motion to recommit, with or without instructions.

This is a fair rule that provides for full and meaningful debate on all of the key issues relating to this very important legislation. There were 17 amendments submitted to the Committee on Rules. Of them, seven were made in order. Five of those seven amendments were authored by Democrats, including an amendment in the nature of a substitute, which as I recall was the first request made of me by the distinguished ranking member the gentleman from Massachusetts. It is the substitute offered by the gentleman from Michigan (Mr. CONYERS), the ranking Democrat on the full committee, and the gentleman from Virginia (Mr. BOUCHER) and the gentlewoman from California (Ms. LOFGREN), two other very able members of the committee.

Then I see my friend the gentlewoman from Texas (Ms. JACKSON-LEE) here. We were very pleased that we were able to make an amendment of hers in order. We have made amendments in order from the gentleman from Virginia (Mr. MORAN), who is an original cosponsor of the legislation, and the gentleman from Virginia (Mr. SCOTT) and the gentleman from New York (Mr. NADLER) as well. I believe that this rule is worthy of strong bipartisan support just as the bill itself is.

Mr. Speaker, uncertainty is the first word in any serious discussion of the year 2000, Y2K computer problem. The reality is no one, no one is certain what will happen in our digitally interconnected world if some computers and electronic machinery fail to deal with the year 2000 issue. Now, I pride myself on not being an alarmist, and I hope very much that we will not suffer any problems at all. But that does not mean that we can sit back and ignore this issue. As we move forward, we need to realize that the Y2K problem is not a partisan issue at all. In fact, I underscore, this is a very, very bipartisan issue. We all share the same priority.

I am in fact with the people, I will say. We want to solve potential problems that affect all the people before they occur. We need to do everything that we can to ensure that Americans can deal worry-free with such mundane tasks as making telephone calls or getting a car repaired or having a package delivered on time. I am very confident that we can all agree on that overall goal, to make sure that those things are able to work out.

There is absolutely no question that in today's digital economy, many private sector business operations involve multiple companies and numerous hardware and software systems. Therefore, being sure that systems will operate in the year 2000 demands teamwork. Companies need to work together in a positive way.

Mr. Speaker, I believe that the American private sector, the most energetic, creative and powerful force for positive change in the world, is up to the challenge of tackling these problems. In particular, our computer and software companies are the world's best and brightest. We should get this done, but we cannot have hurdles thrown up along the way. The reality today is that unbridled Y2K litigation is jeopardizing coordination and teamwork. This adversarial mentality hampers private sector efforts to solve Y2K problems. Adding another whole layer of uncertainty, and there is that word again, uncertainty, to Y2K planning is the wrong thing to do. It is discouraging cooperation at the very time that we desperately need as much teamwork as possible. While we need to do everything we can to solve Y2K problems before they happen, we also need to head off the temptation to scapegoat our vibrant high tech industries in the event of some failures.

This technology problem was set in place decades ago, many years ago. It is absolutely appropriate to expect high tech companies to marshal their abilities to solve Y2K problems, but we all lose if they are bankrupted by lawsuits.

Mr. Speaker, the bipartisan Year 2000 Readiness and Responsibility Act will replace the adversarial blame game with the kind of private sector cooperation needed to get Y2K problems solved. It is critical for everyone to understand just how broad the coalition supporting this legislation is. It goes far beyond high tech companies that produce computers and software. Instead, it includes a myriad of industries, big businesses, small businesses. They are the ones who use those products and see themselves as potential plaintiffs as well as potential defendants. Let me repeat. Most of them see themselves both as potential plaintiffs and potential defendants. That is why this legislation does not eliminate anyone's right to their day in court.

Mr. Speaker, at the end of the day, there is a basic difference of opinion dividing people on this bill. Some people claim that the fear of lawsuits is a good thing, that this threat drives companies to solve their Y2K problems. I totally disagree with that. I believe that line of reasoning represents a fundamental misunderstanding of our great private sector economy. It misses the point behind why our economy is the strongest in the world. Our system works because private sector businesses, entrepreneurs, want to succeed. They want to provide goods and services that consumers want. That same incentive is working to solve the Y2K problem. Remarkably, American businesspeople want to be in business in the year 2000. There is no greater incentive for business to find Y2K solutions than next year's bottom line. Legal uncertainty is a hurdle standing in the way of teamwork and problem solving. This bill lowers that hurdle.

Mr. Speaker, I urge my colleagues to support this rule in a bipartisan way, and I urge them to support the bill. We look forward anxiously to a full and very vigorous debate on some of the changes that my colleagues are offering.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I thank my colleague, my dear friend, my chairman for yielding me the customary half-hour, and I yield myself such time as I may consume.

Mr. Speaker, I oppose this rule, and I oppose this bill in its current form. A number of responsible and well-crafted amendments were submitted to the Committee on Rules but are not allowed under this rule. Mr. Speaker, in 7 months the year 2000 will be upon us, and we will find out just how bad the Y2K problem really is. This seemingly small technical problem could have very serious effects on our everyday life. But hopefully it will not. High tech companies all over the country are doing what they can to prepare for it. They are making corrections in their programs, and they are preparing for the possibilities that their technical glitches could threaten medical care, food expiration dates and environmental safety. But, Mr. Speaker, this bill may change all that. I am not saying we should not prepare for the lawsuits related to the Y2K problem. The high tech community wants some legislative solutions. They want narrow legislative goals, and we should pass them. But we are not. My Republican colleagues are using Y2K fears and exaggerated predictions of lawsuits to bring this bill to the floor today, which can be summed up in one word, Mr. Speaker: Overkill. My Republican colleagues are using millennium fears to bring up the most far reaching tort reform legislation ever to come to the floor.

Mr. Speaker, again this is nothing but the widest, most severe tort reform legislation ever to come before us. What they are really doing is swatting a fly with a sledgehammer. This tort reform bill discourages corporate responsibility, it robs consumers of their ability to seek relief, it poses a disadvantage to small businesses, and it is hiding behind the skirts of the Y2K fears because it could not pass on its own.

If my Republican colleagues want tort reform so badly, they should bring a separate bill to the floor of the House and label it accordingly.

Mr. Speaker, the high tech companies did not ask for a broad tort reform bill, they did not ask for an overhaul of the American legal system, but that is exactly what we are giving them today. Although my Republican colleagues feel strongly about States rights, this bill would supersede most State law.

Mr. Speaker, this bill will not resolve Y2K problems. In fact, it may even make companies less likely to correct the problems that they have. Under this bill, companies really have no incentive to fix things. Why repair the problem today if they are protected from any significant legal action tomorrow?

Both the Justice Department and the administration oppose this bill, as do consumer groups, environmental groups, and many doctors. As this April 26 New York Times editorial stated graphically: This legislation is misguided and potentially unfair. It could even lessen the incentive for corrective action. A potential crisis is no time to abrogate legal rights. Those are not my words. Those come right from the April 26 New York Times editorial page.

Mr. Speaker, I include that editorial in the RECORD at this point.

[From the New York Times, Apr. 26, 1999]

LIABILITY FOR THE MILLENNIUM BUG

With 249 days to go until the year 2000, many experts are alarmed and others are only midly concerned about the danger of computer chaos posed by the so-called millennium bug. One prediction seems safe, however. Whatever the damage, there will be lots of lawsuits. In anticipation, some in Congress, mainly Republicans, want legislation to limit the right of people and businesses to sue in the event of a Y2K disaster. Their reasoning is that the important thing is to get people to fix their computer problems now rather than wait and sue. But the legislation is misguided and potentially unfair. It could even lessen the incentive for corrective action.

As most people know by now, the millennium bug arises from the fact that chips and software have been coded to mark the years with only two digits, so that when the date on computers moves over to the year 2000, the computers may go haywire when they register 1900 instead. A recent survey by a Senate Special Committee on the Year 2000 found that while many Government agencies and larger companies have taken action to correct the bug, 50 percent of the country's small- and medium-size businesses have not. The failure is especially worrisome in the health sector, with many hospitals and 90 percent of doctors' offices unprepared.

If hospitals, supermarkets, utilities and small businesses are forced to shut down because of computer problems, lawsuits against computer and software manufacturers will certainly result. Some experts estimate that liabilities could reach $1 trillion. Legislation to protect potential defendants, sponsored by Senator John McCain of Arizona, is expected to be voted on in the Senate this week. The bill would impose caps on punitive damages and tighter standards of proof of liability, and provide for a 90-day waiting period in which the sued company would be allowed to cure the problem. The bills would also suspend "joint and several liability," under which wealthy defendants, like chip or software companies, could have to pay the full cost of damages if other parties could not be sued because they were overseas or unable to pay.

These provisions would curtail or even suspend a basic protection, the right to sue, that consumers and businesses have long enjoyed. The White House and the Congressional Democratic leadership are right to view such a step as unnecessary. Existing liability laws offer plenty of protections for businesses that might be sued. Proponents of the legislation argue, for example, that companies that make good-faith efforts to alert customers of Y2K problems should not be punished if the customers ignore the warning, or if the companies bear only a small portion of the responsibility. But state liability laws already allow for these defenses. The larger worry is that the prospect of immunity could dissuade equipment and software makers from making the effort to correct the millennium-bug problem.

It might make sense to have a 90-day "cooling off" period for affected businesses to get help to fix as many problems as possible without being able to file lawsuits. But it would be catastrophic if stores, small businesses and vital organizations like hospitals and utilities were shut down for 90 days. They should have the same recourse to relief from the parties that supplied them with faulty goods that any other customer has.

Government can certainly help by providing loans, subsidies and expertise to computer users and, perhaps, by setting up special courts to adjudicate claims. Congress can also clarify the liability of companies once it becomes clear how widespread the problem really is. But before the new year, the Government should not use the millennium bug to overturn longstanding liability practices. A potential crisis is no time to abrogate legal rights.

Mr. Speaker, I urge my colleagues to support the Lofgren/Conyers/Boucher substitute which will make companies more likely to fix the millennium bug, weed out frivolous Y2K claims and encourage alternatives to lawsuits. I also urge my colleagues to oppose this very restrictive rule and this bill. It is just tort reform under another name. It will hurt ordinary citizens and small businesses who may find themselves facing some very, very serious problems in the millennium.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume to say that we have just begun the battle of the Times.

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The New York Times, which is in a great part of the country, very nice part of the country, it is a State that is well represented by my colleague from upstate, has come out with an editorial which is criticizing this bill. I am very proud that this morning's Los Angeles Times, which is actually the place where most of the work is going to be done that will solve the Y2K problem for the American people, has editorialized strongly in support. So when it comes to picking the New York Times versus the Los Angeles Times it is a no-brainer for me.

This L.A. Times editorial says it believes that protections against frivolous lawsuits are vital to dissemination of the honest information about Y2K readiness that the Nation needs. It goes on, in particular, the Congress must set limits on damages, encourage or mandate mediation as an alternative, and set grace periods giving companies time to fix Y2K problems, and there must be penalties in place for those who institute spurious lawsuits. All of these provisions are intact in the Y2K Readiness Act that we are going to be considering today.

So, Mr. Speaker, comes between those two newspapers, it is an easy call for me.

Mr. Speaker, I insert the LA Times editorial for the RECORD:

[From the Los Angeles Times, May 12, 1999]

THE BUG'S LEGAL BITE

What figures to be the most costly aspect of the so-called year 2000 bug? Well, it could be an onslaught of Y2K-related lawsuits, many of which might use the Y2K hook to seek damages for frivolous or unrelated problems. That, should it come, could well surpass the costs of real Y2K problems. Clearly, temporary liability protections should be in place.

The computer glitch involves short-sighted programming in which two digits were used to denote a year. What will happen when the 99 that designates the current year rolls over to 00? If computers think it's 1900, not 2000, serious problems could arise, and many of them would surely find their way into the courts.

Congress is awash in bills intended to protect businesses against Y2K-related lawsuits. This is serious stuff. A rash of suits by aggrieved customers and suppliers could damage the economy. The bills in Congress set forth a number of protections, from caps on punitive damage awards and required mediation to grace periods to allow defendants the time to fix the problem—anything from disrupted supply to computer crashes. The California Legislature too is looking for legal solutions.

Unfortunately, the strongest congressional bills, which were by no means perfect to begin with, have been greatly watered down or will be. Generally, the legislation is opposed by public-interest groups and trial lawyers and others who fear it as a back-alley path to permanent limitations on the right to sue. They worry that legitimate lawsuits could be crippled.

The Times believes that protections against frivolous lawsuits are vital to dissemination of the honest information about Y2K readiness that the nation needs. President Clinton and Congress pushed through legislation designed to encourage large businesses to own up to their Y2K problems, but its success has been mixed at best. As of February, the Securities and Exchange Commission reported, companies had filed only limited information on their Y2K readiness.

Every business relies on others. True Y2K readiness extends to a company's suppliers and vendors. Currently, when businesses ask associated companies whether they are prepared for the year 2000 glitch, they are too often greeted with foot-shuffling silence.

For obvious reasons, many companies are unwilling to talk. If a supplier is inclined to acknowledge that it is not or might not be ready, it is deterred because its vendors surely will look for another source. If a supplier claims it is Y2K-ready and it turns out that it wasn't, the supplier figures it will be sued. Unless strong protections against frivolous lawsuits are in place, this stalemate will continue and companies will lack the confidence they need to work with those that are not fully prepared.

The Congress must set limits on damages, encourage or mandate mediation as an alternative and set grace periods giving companies time to fix Y2K problems. And there must be penalties in place for those who institute spurious lawsuits. The Congress has enough options before it to fashion comprehensive and fair legislation.

These bills should not represent a long-term abrogation of legal rights. Y2K liability protection is a necessary short-term fix for a once-in-a-modern-civilization problem, and new laws must have a strict time limit. Proper legislation can and should prevent billions of dollars in unnecessary lawsuits.

Mr. DREIER. Mr. Speaker, with that, I yield such time as he may consume to the gentleman from Buffalo, New York (Mr. REYNOLDS), my friend and very able member of the Committee on Rules who is going to tout the arguments of the Los Angeles Times.

Mr. REYNOLDS. Mr. Speaker, to my colleagues, the gentleman from California (Mr. DREIER) and the gentleman from Massachusetts (Mr. MOAKLEY), I must say that editorials are supposed to be thought-provoking, and while I am a daily reader of the New York Times and their editorial pages have given me great opportunities to reflect on their comments and some of my views, it is true that the gentleman from California (Mr. DREIER) has pointed out the bug's legal bite which appeared in today's in Los Angeles Times has also given me thought-provoking aspects of a message that I think the gentleman has outlined. But I think the first paragraph really sets the tenor for my cosponsorship and support of this legislation, what figures to be the most costly aspect of the so-called Year 2000 bug.

Mr. Speaker, it could be an onslaught of Y2K-related lawsuits, many of which might use the Y2K hook to seek damages for frivolous or unrelated problems. That, should it come, could well surpass the cost of real Y2K problems. Clearly, temporary liability protections should be in place.

It is clear to me that uncertainty must be the first word in Y2K discussions. No one is certain what will happen in our digitally-interconnected world should some computers and electronic machinery fail to deal with the year 2000. The threat of Y2K legislation, replacing coordination and teamwork with the threat of adversarial litigation is hampering the private-sector effort to solve the Y2K problems by adding another whole layer of uncertainty to Y2K planning and discouraging cooperation.

H.R. 775 is focused on replacing the adversarial blame game with the kind of private-sector cooperation needed to get Y2K problems solved. The bill enjoys bipartisan support and is backed by a very broad coalition of private sector groups, the private sector coalition, far beyond high-tech companies that produce computers and software. Instead, it includes industries, big businesses and small that use these products and see themselves as potential plaintiffs as well as potential defendants.

Finally, the threat of lawsuits is not driving companies to solve their Y2K problems. Instead, business simply wants to be in business in the year 2000. There is no greater incentive for business to find Y2K solutions than next year's bottom line. Legal uncertainty is a hurdle that stands in the way.

In summary, Mr. Speaker, this legislation reduces excessive litigation; it encourages mediation and for businesses to solve its problems; and, finally, it protects everyone's right to a day in court.

Mr. Speaker, the rule that is before us is fair, it is bipartisan, it gives a clear opportunity for debate today. I urge passage of the rule.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the ranking member for yielding this time to me.

Mr. Speaker, as we debate this particular legislation, the House Committee on Science meets today and announces that the Y2K will not affect our satellite system. That is good news. But we also recognize that the Y2K is a viable concern for most Americans. In fact, throughout our districts we are holding Y2K hearings and meetings to inform our constituents of the impact of Y2K.

So, I am appreciative of the fact that we are debating this question, and might I say to the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules and my friend, I am certainly appreciative of the wisdom of the Committee on Rules and his generosity in making one of my amendments in order. I believe, however, that we have a serious problem with this legislation.

As a member of the Committee on Science, I heard hearings in that committee and, as well, in the House Committee on the Judiciary, and much of the testimony opposed this bill. Although some of you have disagreed with the New York Times editorial, which opposes this bill also, I think one sentence is really relevant to this legislation. It states that this legislation or these provisions in this legislation "would curtail or even suspend a basic protection, the right to sue that consumers, that businesses have long enjoyed."

The N.Y. Times opinion is not saying that it prevents litigants from being litigious and frivolous. It says that they will be denied the basic protection of the right to sue; and, frankly, Mr. Speaker, that is what is wrong with this legislation. We are not talking about one big business versus another. We are actually talking about hospitals and supermarkets, utilities and small businesses which are forced or may be forced to shut down if they need to sue over their Y2K problem and this bill tip the scales of justice against them. They are going to be less able to pursue their problems in terms of litigation.

I am concerned about this rule. I wish it was an open rule because two of my amendments were denied. One of those amendments was an important one that I drafted, which would have sunsetted the provisions of the bill after 2 years in line with the statute of limitations in most States, including my home State of Texas. If this bill is designed to bring certainty to our legal system, then the best thing we can do is to make certain that its provisions will be stricken from the books after a predetermined amount of time. We should not allow its provisions to be borrowed or referenced by new statutes passed by this House several years down the line. This is not automatic tort reform. This is especially true of some of the more extreme provisions in this bill that affect class action status, put caps on punitive damages and eliminate joint and several liability.

Let me refer my colleagues to the remarks by Mr. Thomas Donohue that this is, in fact, a special case bill, meaning that it is based on a unique problem posed by the Y2K bug. Because of that, it is reasonable that it should be sunsetted. The President and CEO of the United States Chamber of Commerce as I mentioned, the main proponents of the bill, have testified that this bill is different from others simply because of its magnitude. When questioned by a Congresswoman at our science hearing earlier this year, he stated that "this bill is different because everybody is in the same boat at a very, very challenging time. It is choppy waters. We look for a way not to upset the very fine balance in our economy. I think that needs special consideration."

So, Mr. Speaker, the emphasis on special consideration I think argues for the point that a sunset provision is a viable provision, it is a fair provision. It says we have a problem dealing with Y2K, the year 2000, but this bill is narrowly focused on that and does not then characterize the whole legal justice system, and should not have extended life.

We should take Mr. Donohue's testimony at its face value. This problem is a temporary and special one, and therefore we should ensure that none of the dangerous pro-defendant provisions in this bill that unbalances the scale of justice outlives the Y2K bug.

A second amendment that I would have liked to have offered was an attempt to bring equity back to the table in this difficult and contentious time. During the Committee on the Judiciary's sole hearing on this bill just a few weeks ago, I noted there was a series of provisions that heavily tipped the delicate balance of justice to defendants. Many of these provisions are procedural in nature.

My amendment would remove one of the procedural obstacles that remains for plaintiffs in the current version of this bill, the provision that deals with the ability to collect punitive damages. Under section 304 a plaintiff must prove by clear and convincing evidence that the conduct of the defendant was reckless, indifferent to the rights of others and that the defendant's behavior was the proximate cause of the plaintiff loss.

Mr. Speaker, my amendment does not change the two prongs that the plaintiff must prove to gain access to punitive damages. It does change the procedural standard that must be met in order for them to win their case. The change is from the heightened standard of clear and convincing evidence to the common standard used in other cases, preponderance of the evidence.

Mr. Speaker, I started out by saying this is a special case piece of legislation. In addition, it deals with the everyday citizen, the supermarket owner, the hospital worker, the small business owner. Why are we putting an onerous burden of clear and convincing evidence on the guy that just needs his supermarket cash register to work.

Like one of the witnesses said: "My grocery store shut down when I had a Y2K problem." Are we going to put the burden of clear and convincing evidence on this small business person who is simply trying to make a living?

Mr. Speaker, I wish the rule was an open rule. I thank the chairman of the Committee on Rules for his generosity in allowing one of my amendments in. However, I oppose the rule because this is an important issue that should be addressed more deliberatively and should not be as imbalanced against the consumer as H.R. 775 is.

Mr. Speaker, I rise to speak in opposition to this rule, which sets the debate for H.R. 775, the Year 2000 Readiness and Responsibility Act of 1999.

This is an important bill that will help us transition into the Year 2000. It is a dangerous bill because its provisions are far reaching, perhaps far-more-reaching than is demanded by this problem. Perhaps because this bill is not the result of an honest attempt to remedy the Y2K problem, but rather an attempt to gain the favor of the high tech industry. What is important to note, however, is that this bill does much more than what the high-tech community needs, and far more than what they have asked for. If we are to tackle the Y2K bug in earnest—and pass a meaningful Y2K bill, we need a full and robust debate under an open rule. Therefore, I would like to urge my colleagues to reject this rule.

I also oppose the recommended rule because a great number of solid and deserved amendments were not made in order. One of those amendments was an important one that I drafted which would have sunsetted the provisions of this bill after two years—in line with the statutes of limitations in most states, including my home State of Texas.

If this bill is being designed to bring certainty to our legal system, then the best thing we can do is make certain that its provisions will be stricken from the books after a pre-determined amount of time. We should not allow its provisions to be borrowed or referenced by new statutes, passed by this House several years down the line. This is especially true of some of the more extreme provisions in this bill that affect class action status, put caps on punitive damages, and eliminate joint and several liability.

Additionally, by adding a sunset provision to this bill, we could have encouraged further remediation as we transition into the year 2002. Defendants who, up until December of 2001, had still not fixed an existing Y2K defect, would have known that they must act quickly to remediate the problem before they could no longer invoke the protections of this bill.

This is supposed to be a "special case" bill, meaning that it is based on the unique problem posed by the Y2K bug. Even Mr. Thomas Donohue, the President and CEO of the United States Chamber of Commerce, whom are the main proponents of the bill, has testified that this problem is different from others simply because of its magnitude. When questioned by Congresswoman RIVERS at a Science hearing earlier this year, he stated that this bill is different because "everybody is in the same boat at a very, very challenging time. It is choppy water. We ought to look for [a] way not to upset the very fine balance in our economy. I think that needs your special consideration."

We should take this testimony as its face value—this problem is a temporary and special one, and therefore, we should ensure that none of the dangerous pro-defendant provisions in this bill outlive the Y2K bug. We should send this rule back to the Rules Committee so that we can have a meaningful debate on a sunset provision.

A second amendment that I would have like to have offered was an attempt to bring equity back to the table in this difficult and contentious time.

During the Judiciary Committee's sole hearing on this bill just a few weeks ago, I noted that there were a series of provisions that heavily tipped the delicate balance of justice to defendants. Many of those provisions are procedural in nature—requiring that the plaintiff overcome huge obstacles in order to win a case against an entrenched defendant.

My amendment would remove one of the most significant procedural obstacles that remains for plaintiffs in the current version of this bill—the provision that deals with the ability to collect punitive damages. Under Section 304, a plaintiff must prove by "clear and convincing evidence" that the conduct of the defendant was recklessly indifferent to the rights of others, and that the defendant's behavior was the proximate cause of the plaintiff's loss.

While my amendment does not change the two prongs that the plaintiff must prove to gain access to punitive damages, it does change the procedural standard that must be met in order for them to win their case. The change is from the heightened standard of "clear and convincing evidence" to the common standard used in other cases—"preponderance of the evidence".

We must remember, damages that are punitive are dealt as punishment for behavior that is reprehensible. I believe that most, if not all of you would agree, that in the cases of the Produce Palace and Medical Manager, both of which were the subject of significant discussion during the Judiciary Committee's deliberations, punitive damages should have been awarded had a judgment been rendered. In both cases, vendors of computer systems were sued for selling non-Y2K compliant systems even after questioning on that issue by the plaintiffs. And in both cases, the defendants were incredibly delinquent in their responsiveness to their customer's needs, ignoring hundreds of phone calls, and in the Medical Manager case, holding back a simple "patch" solution that would have cleared all of the plaintiff's misery in minutes—just so that they could extort more money out of the plaintiffs.

If we are to provide a deterrent for this type of behavior, then we ought to make sure that punitive damages are realistically achievable. This bill, as currently written, does not provide that. And under this rule, we will not have a chance to fix it.

The Y2K bug is a formidable foe for us to grapple with, I agree, but that does not mean we ought to trammel upon the rights of business-owners and individuals all over the country to defeat it. Furthermore, we should not abdicate Y2K solution providers of responsibility for their own actions, especially when they engage in egregious behavior, no matter how noble the cause.

This bill is a step in the wrong direction, and we should have every opportunity to improve it. I urge you all to reject this rule, and give this House the opportunity to show their support for each of the amendments that were offered at the Rules Committee.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentlewoman from Texas wishes it were an open rule but thanks me for my generosity. I will take that one.

Let me say that we have just gotten a news flash, and that is the fact that the Fairfax Journal has now joined the Los Angeles Times in editorializing in strong support of this measure.

Mr. Speaker, I yield such time as he may consume to the gentleman from Fairfax, Virginia (Mr. DAVIS), my friend and the prime sponsor of the measure who has been our leader on this and done a terrific job.

Mr. DAVIS of Virginia. Mr. Speaker, let me also thank the gentleman for making the amendment offered by the gentlewoman from Texas in order. He can see the gratitude he gets, the vote on the rule, but we have tried to try to streamline this and make this an appropriately structured rule where both sides to this argument get their substitutes, they get their amendments in, and we can have an honest debate here on the House floor over exactly how to best remedy this Y2K situation.

Let me make a couple of comments going in:

First of all, the fastest growing part of the American economy today is our technology sector. They are leading the way in the stock market, in terms of job production, in terms of producing tax revenues, and we are threatening this area with Y2K lawsuits over something that, in many cases, these companies are doing everything they can to rectify, and sometimes it is beyond their means to control.

For example, one can have their system perfectly cleaned up, they can have tested it, it can work, and then somehow someone who they never interacted with because of the interconnectivity of this ends up connecting with them, communicating with them, and it brings their system down. And under this legislation, even though they really had nothing to do with the problem except having a computer modem where someone could talk to them, could communicate with them, they could be held liable for all of the damages that may ensue, plus punitive damages of an unlimited amount.

That is not fair. But not only is it not fair, it threatens the fastest-growing part of the American economy. In a time when our technology sector is leading the way in a world economy, we threaten to burden it down, so instead of investing their profits in new products where we can remain competitive, these products, the products would not be invested in, and, in fact, money would have to be tied up in litigation, in lawsuits, in settlements, in attorney fees.

Mr. Speaker, what that does to America on the world marketplace is it moves us down, makes us less competitive, costs Americans' jobs and will have long-term effects on the American economy. And, of course, the administration that opposes this legislation and others would find it will not be here at the time when we see what results are ensuing.

Now we have talked a little bit about these are extreme provisions I heard from the other side that we have in this provision. Some of these extreme provisions have been voted out of this House by pretty substantial margins in other legislation before by both Republicans and Democrats, but let me talk about one of the extreme provisions.

We talk in class actions. If an attorney comes forward and makes me part of a class, maybe he bought a set of toasters that malfunctions because the microchip in there was not Y2K compliant and purports to represent me. All we require is for that attorney who purports to represent me, who can settle on my behalf, cut off my access to legal system, be required to notify me so that I can have an opportunity to opt out or get my attorney if I want. That is one of the extreme provisions that they discuss from the other side because it revises existing law in some States.

It does deal in some cases a little bit differently with the Uniform Commercial Code, but we have to remember we are in an information age, and a lot of the old rules are going to fall by the wayside if we are indeed going to remain competitive.

Joint and several liability is an issue that even the administration has been willing to address. Their concern has been that if we go to proportional liability we may not have the real culprits and be able to hold them in line and the consumer may not be able to get their full damages. Under our legislation, if one causes only part of the problem, they are only held to part of the damages in this case, and I think that is fair. If one has a company and they try to come in and fix an information technology system and during that time they make it better but it is still not corrected and someone is damaged, they can be punished for trying to fix that.

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That is having an effect today on companies coming forward and being willing to fix some of these systems because they know that just by touching a system if something should go wrong downstream they can be held under the doctrine of joint and several liability, liable for all of the damages.

As a result of that, companies who come in and try to fix problems are really putting down some very burdensome rules and regulations in terms of the systems they are trying to fix on the people who are trying to get the systems fixed and that hurts hospitals, it hurts small businesses, it hurts grocery manufacturers, and other groups like that.

That is why the National Federation of Independent Businesses support this legislation. That is why the Chamber of Commerce and any number of business organizations who are potential plaintiffs as well as defendants support this legislation, because under this legislation, if someone is damaged by a Y2K problem they get their full damages. In fact, they can get three times their damages in punitive of the actual economic harm. They can get three times that in punitive damages, or $250,000, whichever is least.

So they can move ahead and get it, but what we take away are these long-term, high end, without-cap punitive damages that some jury in some jurisdiction can bring down some of the fastest growing and productive companies that we have in this country. That is what we are trying to fix. It is a one-time problem.

The Y2K problem applies to the year 2000. We will not see this problem again for another 1,000 years, at best. That is why this does not go to the heart of tort reform and we have constructed this legislation in a way that we are not trying to rewrite tort law for any and all claims, for any and all instances. We even exempt bodily harm and death and disability and those kind of issues that pertain to this.

For product liability and the like, if someone causes the problem they ought to pay, but we should not jeopardize the fastest growing part of the American economy.

Mr. Speaker, I support the rule on this. I think it has been fair to all sides. I would be happy to support it and would urge my colleagues to do likewise.

Mr. MOAKLEY. Mr. Speaker, I yield 4 minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. MOAKLEY), the ranking member of the Committee on Rules, for yielding me this time.

Mr. Speaker, I rise today in opposition to the rule on our debate of H.R. 775, the Year 2000 Readiness and Responsibility Act. I do this, I think, probably to the surprise of many Members on both sides of the aisle because I have the privilege of representing what I think is one of the most distinguished congressional districts in the country, the home of high technology in Silicon Valley. This is an issue that certainly worries them and can have an overall impact and effect on them.

The Y2K liability problem certainly is a serious one. We here in the Congress have the responsibility to shape something that is both reasonable and effective, that will really touch on all of the bases that the companies and many of their customers are concerned about.

I oppose 775 for the following reasons: I believe it is overreaching and so I think that we need to pull in in several areas to make it a more effective bill that will not be vetoed by the White House; nor a response that is simply going to fail on the floor to secure the right amount of support on both sides of the aisle.

So in order to reach, I think, the ultimate bipartisan compromise on this issue, we need to look to proportionate liability, the punitive damages areas and the attorneys fees that are in the bill.

As I said, I think the bill goes too far. It would set up a rigid system of proportionate liability. The plaintiff would have to institute a separate lawsuit against every possible wrongdoer.

Now to those that look to me for some kind of leadership on these issues, I know something about proportionate liability. I shaped a bill that ultimately was supported with bipartisan broad support. I shaped something in private securities litigation reform where companies were joint and severally liable only in certain situations. Even then, it created a more proportionate way of determining the share of liability.

The cap on punitive damages in H.R. 775 is also troubling.

Thirdly, the reasonable efforts defense contained in the bill that is going to be debated is opposed strongly by the Department of Justice because it sets up a new standard for businesses to avoid lawsuits.

I applaud anyone that wants to come forward to help speak to the problem that our country faces with Y2K and the liabilities that might ensue as a result of it. I do not believe, in my best judgment, my fair judgment, that H.R. 775 answers that. I believe the other body is moving toward consensus, especially in the areas that I just outlined.

I will work with Members from both sides of the aisle. I do not think that we should advance something that we clearly know the White House is going to veto. Nor do I think simply bringing something to the floor, where we know it is going to fail here on the floor, is the answer. We really need something that is reasonable and effective and I stand ready to do that. For the reasons that I outlined, and others that I did not, I will not only oppose the rule but I oppose 775.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as I said, just to quote the New York Times editorial, April 26 of this year, this legislation is misguided and potentially unfair. It could even lessen the incentive for corrective action. A political crisis is no time to abrogate legal rights.

Mr. Speaker, I think that says it all. Also, the Attorney General of the United States is going to recommend to the President of the United States to veto this bill if it is passed in its present form.

Mr. Speaker, I yield back the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this is very important legislation. We have gone through, over the past several years, securities litigation reform which was very, very critical, but I happen to believe that dealing with this Y2K issue is something that not a lot of people are focused on but quite frankly needs to be addressed, because the ramifications are overwhelming.

We have our colleagues here in the House, the gentleman from California (Mr. HORN) and the gentlewoman from Maryland (Mrs. MORELLA), who are working on the governmental involvement with Y2K. This is a measure that we are going to be addressing here today that impacts the private sector primarily, but obviously it has an impact that will be very, very far-reaching.

Now, as we have listened to this debate, some are trying to argue that this is special interest legislation, special interest legislation which is designed to simply help those who created some sort of problem.

Nothing could be further from the truth. We have to recognize that this legislation is being supported by those who will be both plaintiff, potentially plaintiff, and defendant.

If we look at the organizations that have come out in support of this measure, they are not organizations that are simply in the business of trying to find a solution. They are the organizations which are potentially impacted by it, groups like the National Federation of Independent Business; the Chamber of Commerce; the National Association of Manufacturers; one of the largest organizations, which we all want to address, the League of Cities, they potentially could be imposing lawsuits on this thing.

We have the National Retail Federation, the National Restaurant Association, and actually we have over here the list. My eyes glazed over when I started to look at it, because we have energy companies all over this Nation, we have organizations that are supportive of this measure.

So if there is, in fact, a special interest it is the interest that is opposed to this measure.

My brother-in-law is a trial lawyer in Chicago, Illinois. I will say that we often have interesting family discussions because while I have been supportive, and I want to make sure that everyone has a right to their day in court and there is nothing in this legislation that denies their day in court, but the colleagues of my brother-in-law from around the country are unfortunately in the process of developing what is really a cottage industry, a cottage industry getting ready to strike.

Our goal here is very simple. We want to mitigate rather than litigate. We want to take care of this problem before it takes place. There is so much common sense to that.

This is a one-time effort. We are not changing this in perpetuity. It is a one-time effort so that we can deal with this Y2K problem, so that the everyday lives of people can continue; so that they can make telephone calls, they can make sure that the flow of their electricity continues. We want to do it as early as possible, and that is why this is a bipartisan measure.

I know some people have tried to describe it as partisan. Upstairs in the press gallery, my colleagues, the gentleman from Virginia (Mr. DAVIS) and the gentleman from California (Mr. COX) joined me on the Republican side, and on the Democrat side we have the gentleman from Virginia (Mr. MORAN), my fellow Californian, the gentleman from California (Mr. DOOLEY), the gentleman from Alabama (Mr. CRAMER), three Republicans and three Democrats moving ahead with this.

We have had consistent opposition from the administration until we received the news this morning that they are willing to work with us on it.

So it is a very important measure. I am proud of the rule. As I said, we have made in order amendments from the gentleman from Michigan (Mr. CONYERS), the ranking member of the full committee, and he is joined by the gentleman from Virginia (Mr. BOUCHER), and my fellow Californian, the gentlewoman from California (Ms. LOFGREN).

We have also been able to make in order amendments that were proposed by the gentleman from New York (Mr. NADLER), and by our friend, the gentlewoman from Texas (Ms. JACKSON-LEE). So of the 7 amendments we made in order of the 17 that were filed, 5 of them have been offered by Democrats.

This stresses the fact that we want to have a full debate, allowing for consideration of amendments from both sides of the aisle, but when it gets to the end I hope that we will pass very positive legislation which will ensure that we can keep the lives of the American people going on track just as smoothly as possible.

I urge support of the rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. EWING). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MOAKLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 236, nays 188, not voting 9, as follows:

[Roll No. 123]

YEAS—236

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boucher
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dooley
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Holt
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Moran (VA)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thune
Tiahrt
Toomey
Traficant
Upton
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—188

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Edwards
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Skelton
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Strickland
Stupak
Tanner
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—9

Barton
Brown (CA)
Engel
McIntosh
Napolitano
Peterson (PA)
Scarborough
Slaughter
Thornberry

□ 1147

Mr. MALONEY of Connecticut changed his vote from "yea" to "nay."

Mr. FORD changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 775.

The SPEAKER pro tempore (Mr. EWING). Is there objection to the request of the gentleman from Virginia?

There was no objection.

YEAR 2000 READINESS AND RESPONSIBILITY ACT

The SPEAKER pro tempore. Pursuant to House Resolution 166 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 775.

□ 1152

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 775) to establish certain procedures for civil actions brought for damages relating to the failure of any device or system to process or otherwise deal with the transition from the year 1999 to the year 2000, and for other purposes, with Mr. LAHOOD in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Virginia (Mr. GOODLATTE) and the gentlewoman from California (Ms. LOFGREN) each will control 30 minutes.

The Chair recognizes the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Chairman, I yield myself such time as I may consume.

As we all know, the end of the millennium is rapidly approaching, and rather than looking ahead to the promise and possibility of the 21st century, Americans are approaching it with concern.

They are fearful because January 1, 2000, will bring with it the Y2K computer bug, a result of the decision made in the 1960s by computer programmers to design software that recognized only the last two digits rather than the full four digits of dates in order to conserve precious computer memory.

When the clock turns from December 31, 1999, to January 1, 2000, some computers will interpret "00" to mean that the date is 1900 rather than 2000. With dates being critical to almost every layer of our economy and across vast numbers of industries, systems that are noncompliant will disrupt the free flow of information that forms the underpinnings of our Nation's economy.

Many Y2K computer failures could occur weeks and months before January 1, 2000, and the barrage of Y2K lawsuits has already begun. CNETnews.com has reported over 80 Y2K lawsuits already filed, with 790 demand letters for new Y2K suits issued.

These legal obstacles are preventing good-faith efforts toward fixing Y2K computer problems. We are fighting the clock; we should not also be fighting an unnecessarily hostile legal environment.

It has been estimated that Y2K litigation could cost $2 to $3 for every dollar spent on actually fixing the problem. Y2K litigation cost predictions range from $300 billion to $1 trillion, compared to just $15 billion for 1990's asbestos suits and $18.4 billion for Superfund suits.

These enormous costs could cripple our high-tech sector, diverting billions into litigation that should go to work force training, research and innovation and global competition.

Fear of lawsuits is stifling efforts to fix the Y2K problem. Corrective efforts by software engineers must be scrutinized and pre-approved by corporate legal divisions. Software consultants think twice before offering help for fear of incurring complete, joint and several, liability for systems they try to fix. Small business entrepreneurs face the impossible choice between spending funds for expensive Y2K fixes or saving cash for the potentially bankrupting litigation to come.

The Y2K glitch is not a partisan issue. It is a problem that could impact all Americans. Congress must act to address the problems that are currently discouraging businesses from addressing the Y2K problem and that will ultimately harm consumers.

The legislation we are considering today will continue the efforts which we initiated with the administration in the 105th Congress through the passage of the Year 2000 Information and Readiness Disclosure Act that furnished the first steps towards facilitating year 2000 remediation and testing.

Mr. Chairman, H.R. 775 is designed to implement a reform framework that will encourage a fair, fast and predictable mechanism for both plaintiffs and defendants for resolving Y2K disputes, ensuring that litigation will become the avenue of last resort, rather than the first option for settling institutes.

While it is estimated that American businesses have poured hundreds of billions of dollars into making the transaction to the year 2000, the simple reality is that some problems will go unresolved because of fear of litigation.

A basic premise of the bill is that contracts between suppliers and users will be fully enforceable in a court of law. All economic losses suffered by an individual or business as a result of a year 2000 failure, provided that their duty to mitigate damages was fulfilled, will be compensable. Claims brought by individuals or businesses based on personal injury are outside the scope of this legislation.

Further, the Act creates a pre-filing notification period intended to encourage potential plaintiffs and defendants to work together to reach a solution before they reach the courtroom. The pre-filing notification period requires potential plaintiffs to give written notice identifying their Y2K concerns and provide potential defendants with an opportunity to fix the Y2K problem outside of the courtroom.

□ 1200

After receipt of this notice, the potential defendant would have 30 days to respond to the plaintiff stating what actions will be taken to fix the problem. At that point, the potential defendant has 60 days to remedy the problem. If the defendant fails to take responsibility for the failure at the end of the 30-day period, the potential plaintiff can file a Year 2000 action immediately. If the injured party is not satisfied once the 60 days have passed, he or she still retains the right to file a lawsuit.

There are also provisions encouraging alternative dispute resolution and offers in compromise language for nonclass-action suits. As a result, we expect that there will be more attention given to Y2K remediation and an elimination of many Y2K lawsuits.

Also included are provisions that apply a proportionate liability standard to damages caused by multiple actors, some of whom may not necessarily be parties to a Year 2000 action. A defendant found to be only 5 percent liable in causing a Year 2000 problem would only be responsible for 5 percent of the damages, not 100 percent liable.

Furthermore, the legislation minimizes the opportunities for those who may try to exploit the unknown value of potential Y2K failures and pursue litigation as a first resort rather than permit the parties to resolve problems.

This bill contains provisions that will make sure that businesses are confident that they can spend their dollars fixing the Y2K problem rather than reserving those dollars for costly lawsuits that will increase costs for consumers, push small innovative businesses into extinction, and endanger, and in some instances eliminate, many American jobs.

The bill grants original jurisdiction to Federal District Courts for any Year 2000 class action where certain diversity requirements are met. Punitive damages in a Year 2000 action are capped at $250,000, or three times the amount of actual damages, whichever is greater, except for businesses with fewer than 25 employees, including State and local government units or individuals whose net worth is no greater than $500,000, wherein punitive damages are capped at the lesser of $250,000, or three times the amount of actual damages.

Since 1996, there have been more than 50 bipartisan hearings in the Congress examining a wide-ranging array of issues that are directly related to the Y2K challenge that is facing our global economy. We have listened to computer users and to industry, and what we have consistently heard is that small and large businesses are eager to solve the Y2K problem. Yet many are not doing so primarily because of the fear of liability and lawsuits. The potential for excessive litigation, and the negative impact on targeted industries are already diverting precious resources that could otherwise be used to help fix the Y2K problem.

My substitute aims to eliminate those fears and hasten the repair of Y2K problems while we still have time to resolve them. I should say the bill that is now on the floor. I urge my colleagues to support this important legislation.

Mr. Chairman, I provide for the RECORD a letter dated May 10, 1999, to the chairman of the Committee on the Judiciary from the chairman of the Committee on Commerce regarding H.R. 775:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON COMMERCE,
Washington, DC, May 10, 1999.

Hon. HENRY J. HYDE,
Chairman, Committee on the Judiciary,
Washington, DC.

DEAR HENRY: I am writing with regard to H.R. 775, the Year 2000 Readiness and Responsibility Act.

Although the Committee on Commerce did not receive a named additional referral of H.R. 775 upon introduction, the Speaker has nevertheless granted my Committee a sequential referral of the bill. This sequential referral results from provisions in the introduced legislation within the Commerce Committee's jurisdiction pursuant to Rule X of the Rules of the House of Representatives. As you know, during the markup of H.R. 775, your Committee adopted amendments which eliminate the Commerce Committee's jurisdictional concerns over these provisions.

Because of the importance of this legislation, I recognize your desire to bring it before the House in an expeditious manner. I will therefore agree to discharge the Commerce Committee from further consideration of H.R. 775. By agreeing to waive its consideration of the bill, however, the Commerce Committee does not waive its jurisdiction over H.R. 775. In addition, the Commerce Committee reserves its right to seek conferees during any House-Senate conference that may be convened on Y2K legislation. I ask for your commitment to support any such request with respect to matters within the Rule X jurisdiction of the Commerce Committee.

I request that a copy of this letter be included as part of the record during consideration of the legislation on the House floor.

Sincerely,

TOM BLILEY,
Chairman.

Mr. Chairman, I reserve the balance of my time.

Ms. LOFGREN. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri (Mr. GEPHARDT), the minority leader.

Mr. GEPHARDT. Mr. Chairman, the technology industry has been a prime driver in the robust economic growth that we have seen in the last several years. I think it is our responsibility to see that the Y2K problem does not slow down this engine of growth in our economy.

Democrats have put forward a substitute bill cosponsored by the gentlewoman from California (Ms. ZOE LOFGREN), the gentleman from Michigan (Mr. JOHN CONYERS), and the gentleman from Virginia (Mr. RICK BOUCHER) which addresses the Y2K litigation problem in a responsible, sensible, and adequate manner. The Clinton administration supports this substitute.

We need to do something but we do not need to take steps that will dismantle key protections for consumers and small businesses that is represented in H.R. 775. The Lofgren-Conyers-Boucher substitute is a responsible alternative that would allow businesses to take the necessary steps to enhance readiness and assist customers to deal with the Y2K bug. The Democratic substitute would create incentives for Y2K compliance, weed out frivolous Y2K claims while allowing meritorious ones to go forward, and encourage alternatives to litigation.

I applaud the gentlewoman from California (Ms. ANNA ESHOO), who is a key leader on technology issues, who understands that H.R. 775 is not the solution to the problem and who is trying to find a compromise that will provide the protections that both industry and consumers deserve.

Some Republicans are using the sledgehammer approach to this issue. Instead of trying to fashion a responsible solution to a real problem, they are trying to create a divisive issue where one need not exist. We do not need a campaign issue, which I am afraid is the way some of my Republican colleagues are approaching the problem. We need a real bipartisan solution that the President will sign.

We can come up with a better way than H.R. 775. Let us address the problem, not make it worse. Vote against H.R. 775 and support the common sense Lofgren-Conyers-Boucher substitute.

Ms. LOFGREN. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Chairman, I thank the gentleman from Virginia (Mr. GOODLATTE), the manager of this bill, for his courtesy in allowing me to speak at this time.

Mr. Chairman, I rise to urge that the words of the minority leader, the gentleman from Missouri (Mr. GEPHARDT), be considered.

The problem, essentially, is that the committee-passed version of this bill goes way beyond the stated needs of the high-technology community and is probably being used as a precedent for more broad-ranging tort reform.

The problems are these: The bill eliminates the possibility of damage recovery whenever a defendant exercises "reasonable efforts" to fix a computer defect, even if his efforts are unsuccessful.

Secondly, the limits and caps on punitive damages are unnecessary and unrequired. We put caps on officers' and directors' liabilities. We federalize class actions. We eliminate joint and several liability and then further mandate a loser-pay mechanism.

I want to suggest to my colleagues that the wave of 80 lawsuits already filed is not a flood of litigation that we need to be unduly concerned about.

I also want to say that I have regretted that the amendment of my colleague, the gentleman from Michigan (Mr. EHLERS) was not put in order. It cut off any claims against Y2K compliance from 1995 forward, because the damage has been known for many, many years. The potential damage. I think this has been overmagnified.

I want to praise the gentlewoman from California (Ms. LOFGREN) and my colleague, the gentleman from Virginia (Mr. RICK BOUCHER) for the work they have done in helping carve out a reasonable substitute that will escape administration veto.

Now, inadvertently, the bill eliminates incentives to remediate Y2K problems and the bill now sweeps in millions, potentially, of consumers into the Y2K litigation relief package. So, please, let us all be as reasonable as possible.

We are proud to support the high-tech community in their problems, and we want to work them out, but let us not overdo it. Support the substitute and let us hope, then, we will get a bill that will pass administration muster.

Again, Mr. Chairman, I thank the gentleman from Virginia and I compliment the gentlewoman from California (Ms. LOFGREN) that is managing the bill on our side.

As presently written, "The Y2K Readiness and Responsibility Act," which I prefer to call the "Y2K Industry Overreaching Act," is nothing more than another poorly crafted product liability reform effort, disguised as legislation to address the Y2K problem. Much of the bill is left over from the discredited "Contract with America," which has already been rejected by Congress and the American people.

I am not averse to legislation that specifically and narrowly addresses the problems faced by the high tech community. However, the bill reported by the committee goes well beyond reasonable reform. In fact, Assistant Attorney General Eleanor D. Acheson has testified that ". . . this bill would be by far the most sweeping litigation reform ever enacted. This bill would harm technology users, and is bad for consumers and small businesses. Worst of all, instead of creating positive incentives to fix problems, it creates new reasons to avoid remediation.

First, the legislation would harm technology users because by providing across the board caps and limitations on liability, H.R. 775 will make it more difficult for businesses suffering computer failures to obtain compensation. Kaiser Permanente has written that the legislation "unfairly prejudices (or completely bars) the ability of the health care community to recover costs associated with any potential personal injury or wrongful death award from the entity primarily at fault for the defect that caused the injury." Those businesses who have had the foresight to cure their own Y2K problems will also be negatively impacted, since the bill will allow their competitors to obtain the same legal benefits without incurring remediation costs.

The legislation is also bad for consumers and small businesses. Even though the Y2K problem has been overwhelmingly described as a business to business issue, H.R. 775 sweeps in tens of millions of individual consumers with little opportunity to protect themselves by contract. Further, the "loser pays" provision is totally inconsistent with the notion of equal justice and will also work to the significant disadvantage of individuals and small businesses. This is because in order to bring their case to trial, an individual or small business must risk reimbursing a large corporation for its legal fees. Under this provision, if a harmed party guesses wrong by a mere $1, even if he or she wins the case, they could be liable to pay the wrongdoers legal fees.

The legislation also eliminates incentives to remediate Y2K problems. The "reasonable efforts" defense is so broad it would even cover intentional wrongdoing or fraud, so long as the misconduct was eventually papered over by any sort of post-hoc reasonable effort. Even if a defendant takes minimal steps to remedy a Y2K problem, it will serve as a complete defense against a tort action, thereby undercutting incentives to prepare for and prevent Y2K errors. In addition, the bill's punitive damage restrictions provide the greatest amount of liability protection to the worse offenders and those who have done the least to solve their Y2K problems, while the limitations on directors and officers liability will protect irresponsible and reckless behavior.

Given the evidence we have so far, it is impossible to justify such a complete reworking of our state civil justice system to accommodate a single industry. I would remind the Members that a recent New York Times article noted that "so far the cases offer little support for the dire predictions that courts will be choked by litigation over Y2K." Even high tech executives have questioned the magnitude of the problem, with Jim Clark, the co-founder of Netscape Communications and Silicon Graphics stating, "I consider [Y2K] a complete ruse promulgated by consulting companies to drum up business . . . the problem is way overblown [and is] a good example of press piling on."

However, I do believe it is possible to achieve a reasonable middle ground on this issue. Democrats have a long track record of working with the high tech community in order to maintain American leadership in information technology and preserve and foster American jobs. We have been out front in supporting copyright reform, patent reform, encryption reform and state tax reform, to name but a few recent initiatives. Just last Congress we strongly supported the Readiness Disclosure Act, which protected high tech companies from Y2K disclosure liability.

We are ready, willing and able to work with the interested parties on the Y2K problem as well—but only if all sides are willing to be more realistic and practical in their goals. A substitute Ms. LOFGREN, Mr. BOUCHER, and I plan to offer today will be a good faith effort to achieve this goal. But I cannot support the bill as it is presently written, and I must urge a No vote.

Mr. GOODLATTE. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. DOOLEY).

Mr. DOOLEY of California. Mr. Chairman, I rise in strong support for H.R. 775, the Y2K Readiness and Responsibility Act. The Y2K transition presents a very unique set of challenges, and that is why I am pleased to be a cosponsor of this legislation which has developed a very specifically and narrowly crafted piece of legislation targeted to address this one-time situation.

H.R. 775 embodies a few key principles: Accountability, fairness and predictability. It represents a strong bipartisan effort targeted at addressing the potential Y2K challenges facing our Nation's businesses, consumers and public agencies by providing incentives and resources to ensure that businesses continue with their mitigation efforts. The bill also develops a roadmap for navigating potential Y2K glitches that may occur after December 31, 1999.

The reason we need to do this is because some people have estimated that it might cost over $50 billion to fix Y2K problems. We need to continue to see these efforts move forward, but we also need to have a process put in place to ensure that we can resolve disputes should they occur.

Since cosponsoring this legislation, I have had the opportunity to meet with constituent groups and business leaders representing all sectors of our economy, including representatives from the financial service sector in New York and high-tech leaders in Silicon Valley in Seattle. And whether I was talking to small business owners or consumers, technology executives or Wall Street traders, they all delivered the same message and expressed the same concerns regarding Y2K challenges: First, they are committed to fixing any potential problems associated with Y2K and are investing all necessary resources to prevent Y2K failures.

Second, they want to be treated fairly. Many of them are both potential plaintiffs and defendants. They want assurances that potential problems will be fixed quickly and with minimal disruptions. They also want to ensure that they will be accountable for remedying their share of potential problems that develop and not expected to cure problems which they have no responsibility for.

And third, they are looking for some level of predictability. Businesses and consumers alike are troubled by the current atmosphere of uncertainty and are looking for a predictable process to remedy potential Y2K problems and to mediate Y2K disputes.

The high tech industry, which has been the driving force in our nation's unprecedented economic growth, is solidly supporting this legislation. Every major technology association, including: the Information Technology Industry Council; the Information Technology Association of America; the Semiconductor Industry Association; the Software Information Industry Association; the Business Software Alliance; the Telecommunication Industry Association; The American Electronics Association; the Computing Technology Industry Association; Technology Network; the National Association Computer Consultant Business; and the Semiconductor Equipment and Materials International have endorsed H.R. 775. These associations represent a broad section of companies, ranging from the smallest start-ups to industry leaders, but they are unified in support of our legislation because it will encourage mitigation above litigation, and will ensure the continued robust growth of the U.S. economy.

I am also concerned that some may resort to litigation alleging Year 2000 failures against parties that truly bear no responsibility for any Y2K failure in a consumer product. I know that sometimes plaintiffs will sue parties for their deep pockets, and even when there is no liability, defendants wind up absorbing the cost of the litigation. I believe the legislation before us takes sound steps to curb this problem. In particular, it seems to me that when a retail seller or lessor of a computer product does no more than sell the product in the packaging in which it was received, and does not do anything to that product that affects the Year 2000 compliance, that seller or lessor should not be subject to liability in a Year 2000 case. I believe that the language of the legislation addressing the case where the defendant has sole control of the product, Section 301(1), properly provides for such a result.

Make no mistake. The Y2K Readiness and Responsibility Act holds businesses and individuals responsible for their products and their actions. It ensures that individuals and companies who experience Y2K problems have their problems fixed as quickly and orderly as possible, and that they recover any economic loss that results from Y2K failures. There are no limits on economic damages, so plaintiffs are eligible to receive all potential economic losses resulting from Y2K problems.

Like the securities litigation reform legislation that was enacted in the last Congress, the Y2K Readiness and Responsibility Act makes sure people are responsible for the share of any Year 2000 problem they cause, not problems caused by others. The Y2K Readiness and Responsibility Act would assign proportional liability for Y2K problems and failures.

Our legislation encourages mitigation and remediation over litigation by creating a 90 day cure period to fix the problem before resorting to litigation. The legislation would require the submission of a written notice outlining the Y2K problem, give the defendant 30 days to propose a remedy to the problem, and would allow the plaintiff to sue if a plan had not been put forward within the 30 day period or within 90 days if they were not satisfied with the defendant's remediation offer. In addition, the bill promotes the use of Alternative Dispute Resolution.

Some have argued that there is no demonstrated need for the legislation. In fact, Y2K litigation is already on the rise. According to a recently published story in Time magazine, the filing of Y2K lawsuits has increased dramatically with at least 78 suits filed to date and nearly 800 legal disputes in the process of formal negotiation. Lloyds of London insurance has projected that worldwide claims could exceed $1 trillion, which would prove to be a considerable drain on our strong economy by diverting resources from investment, research and income growth.

We all hope that when the New Year comes that the investment in Y2K fixes will have paid off and that we will be faced with relatively few problems. The Y2K Readiness and Responsibility Act simply establishes a set of ground rules to minimize the potential effects of Y2K problems of businesses and consumers alike if failures do occur.

Mr. Chairman, I urge my colleagues to join me in supporting this legislation.

Ms. LOFGREN. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. BOUCHER).

Mr. BOUCHER. Mr. Chairman, I thank the gentlewoman from California for yielding me this time.

Today, Mr. Chairman, we will debate the approach that should be taken by the Congress to address the problems associated with the Y2K computer transition. These problems are real, and those on this side of the aisle share the concerns of the technology community that an addressing of these concerns by the Congress should be provided.

I think the national interest will be well served through the adoption by the Congress of a framework through which Y2K problems can be presented and repairs made. Where repairs cannot be made, that framework should lead to the provision of appropriate damage payments.

As we build that framework for the Y2K transition, it is important that we keep our focus on the actual unique circumstance that has been presented to the Congress. We must avoid the temptation to use the Y2K problem for the creation of a template to enact overly-broad legislative restrictions on litigation that would then be applied by future Congresses in other subject matter areas.

I would ask the Members to bear in mind that we have a limited amount of time within which to pass this measure. For most legislation we have a longer time horizon, but this measure will only carry the protections we hope to extend if it is in place before the end of this year.

Given the press of appropriation bills, which are immediately pending, we really have a very narrow window within which to act. And to act within that narrow time calls for a narrow measure, one that meets the legitimate needs of the companies that will be the subject of Y2K suits and one that is limited just to those legitimate needs.

I have been pleased to work closely over the course of the past month with the gentlewoman from California (Ms. LOFGREN) and the gentleman from Michigan (Mr. CONYERS) as we have structured a substitute that does meet those legitimate needs. Today, we will be offering that substitute.

□ 1215

Our substitute will be a major help to all of the affected parties in making the Y2K transition. It is narrowly targeted to meet the needs that have been presented. It will not impose overly broad limits on litigation. It can be signed into law within the narrow window of opportunity that is present to us.

As the Members consider H.R. 775, as reported from the committee, which, in my opinion, is overly broad, I will urge the Members on both sides of the aisle to also carefully consider the substitute that we are putting forward and to choose that approach that is best structured to solve the actual problems that have been presented and that can be enacted at the earliest possible time. Only our substitute meets that test.

Mr. GOODLATTE. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Chairman, on December 31, 1999, as that big ball comes down in Times Square, we will be faced with a very real problem that demands a real response from the business community. Knowing of these potential disasters and the time constraint with which we are faced, one would assume that businesses are now laboring feverishly to correct the problem that may result with a single-minded focus. But this has not been the case, unfortunately.

Instead of taking a more active approach to solving the Y2K problem, many businesses find themselves expending time and energy on liability issues. In large corporations, the work of software engineers has to be rigorously examined and approved by legal departments. Small entrepreneurs, on the other hand, are faced with the dilemma of funding extensive Y2K-compliant changes or saving for potentially bankrupting legislation and litigation.

Given these circumstances, American society could be confronted by an extended period of challenging technological and economic issues; and that is why I have cosponsored this legislation, H.R. 775, and why I rise today in support of its passage.

This bipartisan legislation creates incentives for businesses to address the impending Year 2000 problem by creating a legal framework in which Y2K-related disputes will be resolved. The emphasis is placed on mediation and cooperation over litigation. Businesses are encouraged to help each other solve potential problems, rather than sue over something that could have been averted.

Finally, the legislation provides entrepreneurs and small businesses with access to small business administration loans for Y2K modification projects. We must not permit a climate to foster in which businesses paralyzed by a fear of unrestrained lawsuits fail to take action that would adequately address the problem. And this bill allows businesses to focus their efforts on finding real solutions, rather than anticipating out-of-control lawsuits that only serve to aggravate the situation.

The Year 2000 Readiness and Responsibility Act is critical in helping consumers and businesses that may be impacted negatively if the Y2K problem is not resolved in a timely and efficient manner. The Congressional Budget Office indicates that this would save money for the government if we pass this and for the taxpayers. Therefore, I urge my colleagues to vote for its passage today.

Mr. BOUCHER. Mr. Chairman, I am pleased to yield such time as he may consume to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Chairman, well, here we go again, crafting public policy without a clue as to why or what we are really doing; and the American people should be aware of it.

Just last week, we passed a bankruptcy reform bill based on dubious assertions by the credit card industry that the bill would result in lower costs to consumers. One industry-funded study said that the bill would save the average household over $400 per year; and this figure found its way into every witness statement and "Dear Colleague" letter, as though it were an established fact.

It was also routinely cited in press accounts, even after the study was flatly contradicted by a chorus of consumer advocates and bankruptcy experts, even after the Congressional Budget Office and the General Accounting Office were unable to substantiate the figure, even after every witness at a subcommittee hearing admitted that corporate cost savings would not be passed on to consumers in the form of lower interest rates.

And today we are at it again. We are considering legislation that would exempt large businesses from any liability for Year 2000 failures for which they are, in fact, responsible. And, once again, we are presented with a headline-grabbing assertion, "pass this legislation or American companies will face $1 trillion in litigation costs."

Well, $1 trillion is serious money, Mr. Chairman. But where is the evidence? Where does that estimate come from? I asked that question repeatedly in committee; and I never received an answer, never. But, later on, I asked one of our witnesses who looked into the matter; and I want to read into the RECORD his account of where that number came from.

> The one-trillion-dollar figure emanated from the testimony of Ann Coffou, Managing Director of Giga Information Group, before the U.S. House of Representatives Science Committee on March 20, 1997, during which Ms. Coffou estimated that the Year 2000 litigation costs could perhaps top $1 trillion. Ms. Coffou's estimate was later cited at a Year 2000 conference hosted by Lloyds of London and immediately became attributable to the Lloyds organization rather than the Giga Group.
>
> Obviously, those who want to use the trillion-dollar estimate for their own legislative purposes prefer to cite Lloyds of London rather than the Giga Group as the source of this estimate. There has been no scientific study and there is no basis other than guesswork as to the cost of litigation. This so-called trillion-dollar estimate by the Giga Group is totally unfounded but once it achieved the attribution to Lloyds of London, the figure became gospel and is now quoted in the media and legislative hearings as if this unscientific guess by this small Y2K group should be afforded the dignity of scientific data.

A guess, Mr. Chairman. That is what this legislation is based on, a guess, a guess that has acquired the status of an accepted fact through nothing more than repetition.

Now, I know this is old fashioned, but before we proceed to confer blanket immunity on those who fail to act responsibly, I think we should have something more than a guess. And before we deprive consumers and small businesses of compensation for the losses they will sustain if their computers do not work, I think we should have something more than a guess. And before we override centuries of common law, both at the State and Federal level, both substantive and procedural, I think we should have something more than a guess.

We are told that this bill is necessary to encourage businesses to take the necessary steps to avert or minimize the Year 2000 problem. The Lofgren-Boucher-Conyers substitute does just that. Yet the underlying bill, by removing the threat of liability, discourages and undermines the incentive that companies have to do so to bring their problems into compliance. And it is the American people who will be left holding the bag on January 1.

The bill discourages compliance. It benefits the large multinational corporations, to the detriment of small business and the individual consumer. This bill ought not to pass, and I urge support for the substitute offered by the gentleman from Virginia (Mr. BOUCHER), by the gentlewoman from California (Ms. LOFGREN), and by the gentleman from Michigan (Mr. CONYERS), the ranking member on the committee.

Mr. GOODLATTE. Mr. Chairman, I yield 30 seconds to the gentleman from Virginia (Mr. DAVIS), the author of the bill.

Mr. DAVIS of Virginia. Mr. Chairman, just to clear a couple things up, small businesses support this legislation. The National Federation of Independent Businesses is scoring this as a key vote. They represent both potential plaintiffs and defendants in these actions.

Secondly, nothing here we are doing disallows a consumer or an injured party from suing for full damages. What they do not get are massive punitive damages. They can get up to $250,000 in non-economic damages and three times actual damages. But they are not barred, as some State legislatures do, from collecting damages. Some States treat this almost as an act of God where they get nothing. So I think that clarification is important.

Mr. GOODLATTE. Mr. Chairman, I yield 3 minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Chairman, I rise to speak today in favor of House Resolution 775, the Year 2000 Readiness and Responsibility Act; and I commend the gentlemen from Virginia for their leadership on the Y2K liability issue.

In my former life in the Illinois State Legislature, I also drafted a liability bill for the Year 2000. When I came to Congress, I thought I had left Y2K behind. However, as they say, the more things change, the more they stay the same.

As the Vice Chairman of the Subcommittee on Government Management, Information and Technology, I have participated in a series of hearings on Y2K compliance at Federal agencies. I believe that, largely because of congressional attention, our Federal agencies will be ready for the Year 2000 date change. But will our Nation's small and large businesses be ready?

Many of our Nation's lawyers are gambling that they will not. Dozens of Y2K-related lawsuits already have been filed in the United States, and estimates of the total costs associated with the Y2K litigation approach $1 trillion. Comparatively, the total annual direct and indirect costs of all civil actions in the United States is estimated at $300 billion.

The Y2K computer date change will affect every business, consumer, local government and school. When we wake up on January 1 of the year 2000, we need the continued computer capacity of water and sewage plants, utilities, gas stations, pharmaceutical companies, hospitals and local traffic lights.

Absent this bill, I strongly believe that the threat of Y2K liability has the potential to discourage effective actions on Y2K compliance. We must, instead, encourage plaintiffs and defendants in Y2K legal actions to work together to find solutions to the Y2K problem. The bill encourages Y2K fixes but discourages Y2K lawsuits by encouraging alternative dispute resolution, placing limitations on damages and requiring pretrial notice.

American businesses are already investing up to $1 trillion to ready their computers so that we can enter our new millennium as smoothly as we leave the old. Instead of preparing for liability, small businesses especially need to work together, share information and solve Y2K problems before the end of the year. For, as we all know, the year 2000 will not wait.

I urge my colleagues to support this legislation on behalf of workers, consumers and businesswomen and men.

Mr. BOUCHER. Mr. Chairman, I ask of the Chair the amount of time remaining for both sides?

The CHAIRMAN (Mr. LAHOOD). The gentleman from Virginia (Mr. BOUCHER) has 15 minutes remaining. The gentleman from Virginia (Mr. GOODLATTE) has 13½ minutes remaining.

Mr. BOUCHER. Mr. Chairman, I am pleased to yield such time as he may consume to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Chairman, I represent the Central Texas area, where high technology has really provided the engine for the unprecedented economic growth that we have experienced.

I want to support reasonable legislation that will benefit that industry and our community, but I really do not believe that this is it. I have the greatest respect for my colleague (Mr. DAVIS of Virginia), with whom I am in general agreement on technology issues. But on this particular issue, I believe that there is a bit of overreaching that gets us into some really serious problems.

□ 1230

The exclusion by the Committee on Rules in this debate of the amendment by our Republican colleague Mr. EHLERS and of several proposals by the gentleman from Virginia (Mr. SCOTT) suggests that the debate is designed to force an up or down vote on a version of this bill that does much more than is necessary to protect the technology community.

As a former State court judge, I am particularly concerned by the unequivocal rejection of provisions of this bill by the Judicial Conference of the United States. That is a body composed largely of Federal judges appointed by Presidents Reagan and Bush. This bill takes what the Judicial Conference describes as a "radically different approach" with "the potential of overwhelming Federal resources and the capacity of the Federal courts to resolve not only Y2K cases, but other causes of action as well."

The United States Department of Justice has likewise opposed this extreme measure, noting that "even a defendant who recklessly disregarded a known risk of Y2K failure could escape liability." The Department of Justice also opposes this bill because it "would preclude federal and state agencies from imposing civil penalties on small businesses for first-time violations of federal information collection requirements."

Most of the reasonable provisions of this proposal, and there are a number of reasonable provisions, are so reasonable that they are already the law in Texas and in most other places: penalties against anyone who brings a frivolous lawsuit, a requirement of adequate notice to someone who is going to be sued, a cooling-off period, an opportunity for a wrongdoer to cure the wrong, a duty for the victim to undertake reasonable steps to mitigate or minimize damage, and the use of mediation or alternative dispute resolution to avoid a lengthy jury trial. To the extent that there may be some deficiency in the laws of the States, the State legislatures are the place to deal with these kind of problems, and they are dealing with them.

That is why we have legislatures convene in places like Austin, Texas, where the Texas Legislature is sitting today. And only last week, the Texas Legislature unanimously sent to Governor George W. Bush a proposal that he supports that deals in a much less expansive way with this whole Y2K issue. I increasingly hear that my Republican colleagues are pretty enamored with George W., and I would just ask if he is good enough for you, why is his Y2K bill not good enough for them? Instead, by preempting Texas law, by overriding and essentially saying to the Texas legislature and our Texas governor that on Y2K, you are nuts, we are suggesting in this legislation that the good people of Texas or Florida or Minnesota or anywhere else in the country should yield to the alleged wiser wisdom of Washington. I think that that is the false premise of this bill.

As we look back over history a thousand years to the beginning of the current millennium, there were many apocalyptic visions of what might happen about this world. Today, a variety of people are approaching the new millennium with similar grave concern. Jerry Falwell, who believes the end is near, is predicting "a possibility of catastrophe." There is a dark vision of the millennium at the Planet Art Network where you can get your galactic signature decoded and learn the real cause of Y2K. And there are a group of people, including some not far from where I live in Texas, that are stocking up on canned goods and bottled water, heading for the hills and abandoning the community in anticipation of all the ill that will flow in the millennium change.

Today we see the legislative view of this survivalist approach to Y2K. This is law making, which really fails to build on a bipartisan approach, but instead employs a measure that is opposed by every Democrat and one Republican and supported by every other Republican on the Judiciary Committee. Rather than trying to come together and find some true middle ground on addressing this Y2K issue, this bill really is attempting to set a precedent for undermining in other types of civil cases trial by jury, which represents one of the most valued rights shared by American citizens. This bill will encourage irresponsibility rather than responsibility; it does not represent the appropriate way to address the Y2K issue.

Mr. GOODLATTE. Mr. Chairman, will the gentleman yield?

Mr. DOGGETT. I yield to the gentleman from Virginia.

Mr. GOODLATTE. I thank the gentleman for yielding. My question is, the gentleman is not suggesting that the governor of Texas is opposed to this legislation, is he?

Mr. DOGGETT. I am suggesting that the governor of Texas has fulfilled his responsibility in calling for Y2K action in Texas, in building a consensus that produced a bipartisan bill approved unanimously by the legislature. If he provided such good leadership, why do we not follow that leadership in Texas instead of as your bill does, preempting, overriding and disregarding that action?

Mr. GOODLATTE. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. GARY MILLER).

Mr. GARY MILLER of California. Mr. Chairman, I am not here today to talk about the Book of Revelation or the end of time. I rise in strong support of H.R. 775, the Year 2000 Readiness and Responsibility Act.

I want to thank the gentleman from Virginia (Mr. DAVIS), the gentleman from Virginia (Mr. MORAN), the gentleman from California (Mr. DREIER), the gentleman from Alabama (Mr. CRAMER), the gentleman from California (Mr. COX) and the gentleman from California (Mr. DOOLEY) for their leadership on this issue.

This bipartisan bill is our opportunity to provide critically needed protections for consumers and businesses to ensure that Y2K computer problems are addressed quickly and that precious resources are not squandered on needless litigation. To minimize the impact of the Y2K bug, American businesses are currently investing $600 billion and working diligently towards reprogramming and replacing their affected computer systems. Unfortunately there is no easy technological fix for this problem. Each computer must be meticulously fixed, tested and retested. Opportunistic individuals are only adding to an already almost insurmountable task by diverting attention and needed resources away from fixing the problem, with litigation.

To date, over 80 Y2K lawsuits have been filed and there are 790 letters demanding new Y2K litigation. It is estimated that unrestrained litigation could cost $1.4 trillion. That would only serve to line the pockets of greedy opportunists at the expense of American jobs.

H.R. 775 is a very reasonable approach to preventing an explosion of Y2K litigation. This bill favors remediation over litigation by encouraging parties to resolve their differences outside of the expensive court system through alternative dispute resolution. It also places the focus of Y2K problem solvers on a solution rather than fighting in court. At the same time H.R. 775 does not eliminate the normal legal options. Americans who suffer economic or physical injuries as a result of Y2K can still recover 100 percent of their actual damages. Many Y2K computer failures could occur weeks and months before January 1, 2000. That is why it is so important that we pass this legislation immediately and remove the legal obstacles that are preventing good faith efforts toward fixing the Y2K computer problem.

Mr. BOUCHER. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Chairman, I thank the gentleman for yielding me the time. I rise in strong support of this legislation. We are just 200 days now away from the turn of the century. A lot of concern is being brought about what happens then. But sadly there are some folks that are, I think, unfortunately looking for ways to make money off the turn of the century. Today this bill is designed to keep that from happening.

This legislation we are voting on will reduce frivolous Y2K lawsuits by promoting remediation instead of litigation. In other words, it encourages people to work out their legitimate problems and claims outside of the courthouse, whenever possible, and still preserve the right of folks who suffer real injuries associated with the Y2K problem to file suits and to go through our judicial system when necessary. The bill also creates incentives to fix problems before they happen.

This meets what I like to call the west Texas tractor seat, common sense approach to a very real problem. I encourage my colleagues to support this legislation.

Mr. GOODLATTE. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Chairman, I rise in strong support of this legislation. If we expect American businesses to continue their global leadership in innovation, productivity and success to drive our economy and create new jobs, they must be given the tools to allow them to compete. One of the fundamental tools of success and competition in the American economy and the high tech community is being free from the burdens of opportunistic lawsuits which are clearly designed to harm American businesses. H.R. 775 does this by placing caps on punitive damages, creating a waiting period on lawsuit filings and establishing a loser pay system.

Unless we establish liability protections, many if not most of American businesses will be hesitant to solve any Y2K problems for fear of lawsuits. Let us do what is the right thing here, Mr. Chairman, and pass this bill overwhelmingly.

Mr. BOUCHER. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Chairman, I thank the gentleman for yielding me this time. I will not consume all that time, but I felt it necessary to respond to the primary sponsor for whom I have great respect, the gentleman from Virginia (Mr. DAVIS), when he talks about small businesses.

I would like to point out just one particular aspect of this proposal that will hurt small businesses. This goes to the issue of economic loss. If a small business under the provisions of this bill should incur a disruption in the course of its business because of the negligence of another party because of the Y2K bug issue, that small business will not be entitled to losses such as lost profits, such as business interruption and other such consequential damages. I am not talking about frivolous lawsuits here. I am talking about lawsuits that are meritorious.

What this bill will do will disadvantage small businesses, because they do not in many cases have the financial wherewithal to take on the giants. Clearly the damages that they will be seeking is because their business will be hurt, in many cases will be devastated, and in many cases might very well end up in bankruptcy. So maybe the NFIB is scoring this, but I suggest a careful reading of this language will show that this bill harms small business as well as the consumer.

In addition, for those that have meritorious claims, we have changed the standard, we have changed the burden of proof on small businesses in their attempt to recover their legitimate and valid remedies. We have changed it from a mere preponderance of the evidence to now a totally different standard, one that is more akin to the criminal law. It is just a short way from beyond a reasonable doubt, and, that is, clear and convincing evidence.

Let me suggest that the substitute offered by the gentleman from Virginia and the gentlewoman from California and the ranking member will address the issues that they are concerned about.

Mr. GOODLATTE. Mr. Chairman, I yield myself 45 seconds. I have some bad news for the gentleman from Massachusetts. The provisions of the Conyers-Boucher-Lofgren substitute related to economic losses are very similar. In fact, ours are more limited than theirs are with regard to that position. In addition, the White House in a letter that they submitted yesterday, signed by Bruce Lindsey and Gene Sperling, states,

> Many States have legal rules limiting the recovery of economic loss damages in certain tort lawsuits. These rules are designed to bar parties to contracts from avoiding contract limitations on liability by suing in tort. We would support statutory recognition of this rule as a way to limit frivolous Y2K claims, provided that the rule is limited appropriately so that it would not effectively prevent recovery in cases of fraud.

Ours is more limited than theirs.

☐ 1245

Mr. Chairman, I yield 5 minutes to the gentleman from Virginia (Mr. DAVIS), the principal sponsor of this legislation and my good friend.

Mr. DAVIS of Virginia. Mr. Chairman, I thank my friend for yielding this time to me, and I have great respect for my colleagues on the other side in trying to get together on this issue because I think they recognize, and even the White House has come to recognize just in the last couple of days, that the fastest growing segment of the American economy, our technology sector, is jeopardized by an occurrence of an infusion of litigation on Y2K liability in this.

This is complicated. We can have a computer system that is Y2K compliant, but because it is so interconnected to other areas, even when we test it we will end up talking to other areas over the long term. We could not test that it could disrupt that system.

A clear and convincing standard is needed, frankly. I would make that argument as opposed to the old preponderance of the evidence where somebody is hurt and somebody pays.

That is what makes this so unique. That is why we are not trying to rewrite tort law in its entirety.

Mr. Chairman, I just address a few of the issues that have been raised on the other side.

We have heard the usual arguments about a sledgehammer approach, about extreme measures, but these are approaches that this House has voted for before, Members of both parties. We talked about a real bipartisan solution. What that means is something the President will sign, something the Trial Lawyers Association will agree to, something that they can try to please everyone.

But that does not solve the problem. The problem of those solutions is it does not get to the heart of what American companies are about to face. We are in a borderless economy, worldwide economy, today. Fastest growing segment of our economy: the technology sector that is jeopardized by lawsuits; and this jeopardizes whether it is a trillion dollars or whether it is tens of billions of dollars, which is what asbestos is. These are profits that could be channeled into new products to continue to keep American companies competitive in the global market place, and instead they are going to be bogged down in protracted litigation, in attorneys' fees and settlement costs that do not need to be.

Under our legislation, everybody who is injured gets their damages. They can prove it, they get their damages. They can even get three times their economic loss in punitive damages, or $250,000, whichever is the most. We are not depriving anyone of anything.

The gentleman from Michigan made a comment that reasonable efforts by the defendant will bar the incurrence of damages. That does not happen at all. It just caps punitive damages. It just takes away a doctrine, joint and several liability, that in this very interconnected world where we have embedded chips and the like and it is very difficult to place, allocate, blame, will not bring down large companies because they happen to have the deep pockets and because somebody else might have messed up a problem 25 years ago and they cannot find them today.

Even the administration in their letter recognizes that perhaps some use of proportional liability may be appropriate in this as long as the defendant could get full damages from the defendants that they could find. The language: We have to escape an administration veto.

We are not running cover for anybody here. We are trying to pass legislation. If we have this language, we never would have gotten the securities litigation damage where this House overrode an administration veto, or just a couple of years ago. What we want is commonsense litigation against the heart of this problem, and that is we are taking the fastest growing part of our economy, we are putting it in jeopardy, and what that does on the worldwide marketplace wherein other countries, they do not face the litigious society that we do here, where they can continue to grow and prosper and produce jobs and keep the economy humming.

Ironically, many of the individuals who oppose this legislation in the administration will not be here when we see the results of not enacting this legislation down the road. They will be blaming people who are then in office because of legislation that is passed today.

Our job is not to necessarily escape an administration veto, particularly in a bill that goes through the House for the first time. We overrode the administration on securities' legislation. We are not going to let the trial lawyers or any single interest group write this bill. Our job is not to provide cover to any political entity in this. It is to write a commonsense bill that gets the job done.

Small businesses are both plaintiffs and defendants in this. Small businesses are hurt if they cannot sue and get damages under the instances described by the gentleman from Massachusetts, but they can sue here and get full damages. They get their economic damages. They can get a modicum of punitive damages as well.

That is why the National Federation of Independent Business, the largest small business organization in the country, endorses this legislation. That is why the U.S. Chamber of Commerce, made up of large and small organizations, endorse this legislation. That is why I asked unanimous consent this be placed into the RECORD.

The credit unions now endorse this legislation, H.R. 775, because they are small businesses that recognize that, without this kind of relief, their businesses can be brought down, they can go bankrupt, and their customers and their employees are then out on the street.

I also will put into the RECORD a number of Chambers of Commerce and business entities and local groups from National League of Cities on.

CUNA & AFFILIATES
Washington, DC

MEMORANDUM

To: Governmental Affairs and Political Specialists.
From: Richard Gose and Karen Ward.
Re: Late Breaking News on Y2K and Gaps Conference Call, Wednesday, May 12th
Date: May 11, 1999.

LATE BREAKING DEVELOPMENT—HOUSE TO VOTE ON Y2K LIABILITY LEGISLATION TOMORROW, MAY 12TH

Today, the House Leadership decided to put H.R. 775, the Year 2000 Readiness and Responsibility Act, on the floor May 12th. According to the Rules Committee, the legislation will be considered under a "modified closed rule." Six amendments will be voted on—CUNA urges Yes votes on three amendments: Davis (VA) which defines the types of damages recovered under the bill and changes the effective date of the legislation to January 1, 1999; Moran (VA) which exempts all claims arising from a personal injury suit; Jackson-Lee (TX) which clarifies language regarding notification; and a Yes vote for final passage.

Due to the very technical nature of this legislation, we feel that it would be most appropriate for league staff and only selected credit union leaders to lobby their legislators for passage of this bill. Any calls that can be placed to House members' offices tomorrow morning would be very helpful.

GAPS CALL ON SENATE BANKRUPTCY VOTE

As you saw in this afternoon's Call to Action, bankruptcy reform is headed for a floor vote in the Senate possibly, as soon as next Monday. We will be holding a GAPS call tomorrow, May 12th at 1:30 pm Eastern Time to discuss our lobbying and grassroots strategy for this bill. We hope that you will be able to join us for this call which we expect to be relatively brief, with the first half used for an update from our lobbying team and the second half reserved for questions and discussion.

The call-in number for the call is: 1-888-243-0810.

The confirmation number is: 1551181.

MAY 11, 1999.

Hon.
House of Representatives
Washington, DC.

DEAR REPRESENTATIVE: As leaders of America's information and high technology industry associations—representing a broad cross-section of companies, ranging from the smallest start-ups to the industry leaders—we are writing to express our strong support for HR 775, bipartisan legislation, to provide a framework under which year 2000 (Y2K)-related disputes can be resolved without costly lawsuits.

Our industry wants Congress to pass and the President to sign legislation that will encourage all businesses to continue efforts to fix, rather than litigate, Y2K-related problems. H.R. 775 creates powerful incentives for companies to remediate Y2K problems, while preserving the rights of those who suffer real injuries to pursue legal recourse. It is essential that everyone in the supply chain of the American economy work together to prevent the unique situation of the century date change from triggering chaos in our legal system and the entire economy.

Congress, the White House and the business community worked together last year to unanimously enact the Year 2000 Information and Readiness Disclosure Act. That important legislation has helped encourage information-sharing to enhance Y2K readiness throughout all sectors of the American economy. H.R. 775 will provide additional tools and incentives to enable businesses and their customers to concentrate their efforts, attention and resources on preventing year 2000-related problems.

The companies we represent, together with their customers and suppliers, support HR 775 legislation to ensure the continued robust growth of the American economy, through an investment in remediation not litigation efforts.

Sincerely,

Rhett B. Dawson, President, Information Technology Industry Council (ITI).

Harris N. Miller, President, Information Technology Association of America (ITAA).

George Scalise, President, Semiconductor Industry Association (SIA).

Ken Wasch, President, Software Information Industry Association (SIIA).

Robert Holleyman, President, Business Software Alliance (BSA).

Matthew Flanigan, President, Telecommunications Industry Association (TIA).

William Archey, President, American Electronics Association (AEA).

John Venator, President, Computing Technology Industry Association (CompTIA).

Reed Hastings, President, Technology Network (TechNet).

Don McLaurin, President, National Association Computer Consultant Business (NACCB).

Stanley Myers, President, Semiconductor Equipment and Materials International (SEMI).

Mr. BOUCHER. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Chairman, I think it is important to state for the RECORD when the gentleman speaks that a litigant in a suit when punitive damages are awarded under the provisions of this bill does not receive those punitive damages, that it goes to a special fund.

Now, if I am misstating the language of the bill, maybe the gentleman can educate me.

Mr. GOODLATTE. Mr. Chairman, will the gentleman yield?

Mr. DELAHUNT. I yield to the gentleman from Virginia.

Mr. GOODLATTE. As a part of the self-executing rule that was just passed by this House those provisions were taken out.

Mr. DELAHUNT. Mr. Chairman, I am very pleased to hear that.

Mr. GOODLATTE. Maybe that would have changed the gentleman from Massachusetts' vote on the rule, had he known that.

Mr. DELAHUNT. Mr. Chairman, it would not have changed my vote on the rule, but it certainly takes a bill from being very bad to simply bad.

Mr. GOODLATTE. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee (Mr. BRYANT), a member of the Committee on the Judiciary.

Mr. BRYANT. Mr. Chairman, I rise in support of H.R. 775 and certainly want to commend both sides of this debate and certainly the level of the debate. I think it simply shows that, in both cases, reasonable minds can disagree.

I think we all recognize the potential problem out there with Y2K litigation, the uniqueness that it would provide to us all, the challenge here, and I think that is why many of us want to look to a special bill here that would give incentives to people rather than go the traditional adversarial route in the courts and bog down in litigation and get into that adversarial situation where neither side does anything for awhile until the court system operates.

We, many of us, feel the need to have this procedure that would encourage people to settle, to work quickly to get the computer systems and networks back up, to get our commerce system to the extent that it has been slowed down back up to full speed.

As my colleagues know, it has been mentioned that 98 percent of the businesses in this country are small businesses. What we are also failing to mention here, though, is that these small businesses employ 60 percent of the work force. We are talking about a lot of people here and an awful lot of jobs at stake, and that is why these issues of alternative dispute resolution, of new forms of offers of judgment where people, if they do not better their offer of judgment, then they have to pay the other side's attorneys' fees. Whether the cooling off period that we provide here, these are all very solid legal procedures that would encourage people to sit down and work it out in a businesslike manner.

There is provision in this bill for fair compensation, but, on the other hand, there is provision in this bill for remedial action, which is what we have talked about all along and, again, due to just the special circumstances that we could be facing on January 1, Year 2000, because of the uniqueness of this potential legal matter and because of the possible ramifications across our society and, again, 98 percent of the small businesses and 60 percent of the work force.

I would ask that this not be a business-as-usual situation.

Mr. BOUCHER. Mr. Chairman, I yield back the balance of my time.

Mr. GOODLATTE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I urge my colleagues to support this important legislation. We have the reforms in it that were contained in the Contract with America 4 years ago, including caps on punitive damages so that no one unelected jury in some part of the country can give a multi-million-dollar award that can wipe out a business, change national public policy without the Congress or other State legislative bodies having the ability to do that. We limit the effect of joint and several liability by making it proportionate liability so that if one is 1 percent at fault they are not held responsible for a hundred percent of the damages in a case which is under current law. We change that so that if one is 1 percent at fault they only pay 1 percent of the liability.

In addition, we have reforms here of class action lawsuits so that one cannot go forum shopping in a particular State, to a particular county, to a particular court, to a particular judge that may be favorable to bringing what is otherwise a frivolous class action lawsuit. There are States in this country that have certified a great many nationwide class action lawsuits; in fact, more than the entire Federal judiciary has certified in some years, and that reform is badly needed.

This legislation encourages parties to get together, work out their problems, solve the Y2K problem without first filing a lawsuit; and they do that by encouraging alternative dispute resolution. We do that by discouraging the filing of frivolous lawsuits because, if we do that, they may wind up paying some of their opposing side's attorney fees if their suit is deemed nonmeritorious. And I encourage my colleagues to support this legislation and to oppose the amendments that are going to be offered by the gentleman from New York (Mr. NADLER) and the gentleman from Virginia (Mr. SCOTT) which we will address shortly.

Mr. BLILEY. Mr. Chairman, I rise in support of H.R. 775, the Year 2000 Readiness and Responsibility Act. With just over seven months to go until the new millennium, it is important for the Congress to move forward with this legislation. This year, the Commonwealth of Virginia enacted its own legislation on Year 2000 problems. As the bill we have on the floor today goes to conference, I will be watching to see whether the provisions of Virginia's Year 2000 law will remain operative.

I thank the sponsors of the bill for their hard work.

Mr. COX. Mr. Chairman, whatever its other consequences, the Y2K bug may crash the nation's justice system—not for days or weeks but for years. Our justice system, already plagued by intolerable delays and expense, could be submerged under a deluge of cases—both meritorious and frivolous—sparked by Y2K. Though estimates of legal liability have ranged as high as a trillion dollars (Lloyd's of London), no one can confidently predict the scale of the liability crisis because no consensus has developed—even among the best informed experts on the subject—about how serious and widespread the underlying Y2K problems will be.

The scale of the legal problem can be guessed at by the scope of remediation efforts: The Gartner Group, a consulting firm, has estimated costs of $400–600 billion worldwide to fix the problem. Federal Express will spend $500 million; Citibank will spend $600 million; Merrill Lynch has 80 people working in shifts, 24 hours a day, seven days a week.

These efforts are focused on two main problems: first, the potential inability of programming in both software and hardware to accurately process date-related codes after 2000 because, to conserve memory, programmers in the past used a two-digit rather than four-digit date field; and second, the potential inability of embedded chips in every sort of mechanical device imaginable to function accurately because they, too, use two-digit date fields.

Even the best-informed Y2K experts differ as to the scope of the problem and the success of the massive public and private remediation efforts now going on around the world. We can be sure, however, that our Dickensian legal system, which cannot address even 20th-century legal problems, will be wholly unequal to dealing with the millennium bug.

Fear of the impending litigation is already seriously impeding remediation of Y2K problems, causing businesses to limit their own internal reviews and external disclosure and cooperation so that they can avoid being accused of making inaccurate statements or engaging in "knowing" misconduct.

Even President Clinton, who has steadfastly opposed civil justice reform and even vetoed the bipartisan 1995 law suit reform bill—it was evaded anyway, over his veto—has accepted the need for a specific Y2K reform when he signed Mr. DREIER's "Y2K Information and Readiness Disclosure Act" in October 1998. This bill, which I cosponsored, is designed to encourage businesses to disclose the status of their Y2K readiness (and thereby encourage cooperation on remediation) without fear that their disclosures will lead to a securities suit.

But much more remains to be done: Fear of unfair liability is continuing to chill proactive remediation efforts, and in any case Congress must put in place a framework now to control the avalanche of litigation that we can see coming.

Y2K will exacerbate all the existing flaws in our legal system. Y2K lawsuits began to be filed in mid-1997, two and a half years before the millennium, and trial lawyers are now holding workshops and symposia on how to run Y2K class actions. Unless Congress acts quickly, we will soon see the same kind of abusive class actions that led Congress to act in 1995 and again in 1998 to curb securities strike suits—but this time, on a vastly larger scale, affecting virtually every sector of the economy. Enterprising lawyers will bring meritless suits to shake down deep-pockets defendants, or will run meritorious claims for their own benefit rather than their clients'—raking off hundreds of millions and even billions of dollars in fees that should have gone to redress their clients' injuries.

In the tobacco cases, for example, billions of dollars in fees have already been diverted from tobacco victims to their counsel: in Texas, they will receive some $92,000 an hour.

Tobacco lawyers fees in just two settled cases, Texas and Minnesota, amount to $2.8 billion; attorney's fees under all existing state contingent-fee contracts have been estimated to run to $14–19 billion; private tobacco suits have been estimated to generate more than $30 billion in lawyers' fees, and could soon average $3–8 billion a year.

Our legal system does no better at handling non-class action, business-to-business litigation, which the millennium bug will also generate in vast quantities. Lawsuits between software and hardware vendors and their customers will be only the top level of Y2K litigation that could cascade through every economic relationship in the economy.

It's vital that Congress act now to set sensible limits on this potential avalanche of litigation.

H.R. 775, the Year 2000 Readiness and Responsibility Act, was introduced in late February 1999 by Republican Representatives DAVIS, DREIER, and COX and by Democratic Representatives MORAN, CRAMER, and DOOLEY. This balanced, pro-consumer legislation will help remove the current disincentives to proactive remediation of Y2K problems. It will help people by focusing on fixing the Y2K problems in advance—not affixing blame for them afterwards.

If failures occur, its innovative procedural reforms will encourage constructive alternatives to long, drawn-out lawsuits. It strengthens pleading standards to help winnow out meritless cases. It adopts the Fair Share Rule of proportionate liability for year 2000 claims. It sets reasonable parameters for punitive damages. And it adopts important pro-consumer class-action reforms in Y2K cases. I'm delighted to have cosponsored this important, common-sense reform, which will help consumers and preserve our country's high-tech edge in the global economy.

Mr. CRAMER. Mr. Chairman, the year 2000 is only a little over 7 months away.

We've all heard the dire predictions—airplanes will fall out of the sky, or the nation's power grid will go down, or the world's financial markets will crash. Our nation's business community has heard these predictions as well. That's why as we get closer and closer to the year 2000, the business community is accelerating its already massive effort to bring their computer systems into Y2K compliance. And Mr. Chairman, it is a massive effort. It has been estimated that by the time all is said and done, American businesses will have spent $50 billion on addressing Y2K problems.

However, Mr. Chairman, we must all admit that despite their best efforts, and despite the extraordinary amount of money invested in bringing their computer systems up to speed, something, somewhere will go wrong. It's inevitable. Today our world economy is so interdependent and tied to computers that a major Y2K failure almost anywhere in the world has the potential to result in minor or major disruptions everywhere.

Mr. Chairman, when this day comes we must have in place an effective legal framework for dealing with all the litigation that will surely result from these expectant Y2K failures or disruptions. The Y2K special committee in the Senate has stated that litigation could cost as much as one trillion dollars. I don't know about my colleagues, but I would like to see our nation's business community spend their resources on fixing the problem rather than litigating it. Indeed, despite the fact that we are 7 months away from the year 2000, more than 80 Y2K lawsuits have already been filed. Can you imagine how many frivolous lawsuits will be filed once we've had the first failure or disruption?

That is why I am supporting H.R. 775. This bill sets in place an effective legal framework that will sift through the frivolous lawsuits while allowing the meritorious lawsuits to precede.

H.R. 775 encourages a fast, fair and predictable mechanism for resolving Y2K related disputes. It encourages resolutions outside of the courtroom so that problems can be fixed quickly.

What this bill will not do, as some of my colleagues will argue it does, is encourage people not to fix the problem. In fact, there are no protections for people or businesses that act irresponsibly or negligenfly in preparing for the Y2K problem.

This bill makes sure that businesses that attempt to fix their Y2K problems are not unfairly punished by being exposed to frivolous lawsuits. But, it still holds people accountable if they are negligent or irresponsible. If someone intends to sue a company for damages related to Y2K, the bill would give the company 90 days to fix the problem before a lawsuit could be filed. In addition, defendants would only be liable for their portion of the damages—if the court says a company is responsible for 10 percent of the problem, then the company pays 10 percent of the damages.

I represent a high-tech district in the state of Alabama where the Y2K issue is at the forefront of a lot of people's minds. State officials in Alabama have recently announced that our state is behind schedule on the Y2K problem. Businesses in my District are concerned, not with the possibility of experiencing Y2K failures—because the large majority of these businesses have made the good-faith effort to commit the resources necessary to reach compliance—but rather these companies are concerned with the threat of frivolous lawsuits. In a recent letter to me, one company wrote, "At very considerable expense to us, our company has gone to great lengths to make sure that we are Y2K compliant, but we do expect problems will be passed on to us. A mountain of litigation could create untold amounts of time and expense which could be the hole that 'sinks the ship' ".

Mr. Chairman, the American people are looking for leadership on this issue—not just empty rhetoric. H.R. 775, is a responsible step in the right direction. It allows our legal system to work as it should—meritorious lawsuits will precede and frivolous lawsuits will be stopped.

Mr. Chairman, as I said earlier, the year 2000 is only a little over 7 months away. The clock is ticking and time is running out. It's time for this Congress to act and provide the protection that our business community needs. We need to create an environment where responsible firms can concentrate on solving their Y2K problems, rather than spending their time working on legal defense strategies. H.R. 775 does this.

Therefore, I urge my colleagues to support passage of H.R. 775.

Mrs. MINK of Hawaii. Mr. Chairman, I rise to express my opposition to the passage of H.R. 775, the Year 2000 Readiness and Responsibility Act. I will vote "no" on final passage because H.R. 775 rewards companies' inadequate response and irresponsible behavior in light of the Year 2000 computer problem. This bill is more appropriately characterized as tort restructuring legislation, limiting the basic right of wronged parties to find redress through the legal system.

Computer technology facilitates virtually all the activities that pervade our daily lives. The threat of computer failure in relation to the Year 2000 problem has been looming over our heads for many years. In previous sessions, Congress focused on means to overcome this defect and provided funding for emergency situations that may arise. These are positive, constructive ways of handling this critically important issue. On the contrary, the legislation before us merely places the burden of counteracting difficulty caused by computer technology malfunctions on the consumer, rather than the manufacturer. This is a patently unfair proposition.

H.R. 775 strikes at the heart of tort law, removing basic rights which secure redress for wronged individuals. The most untenable portion of H.R. 775 is the establishment of the "reasonable efforts" defense. According to the bill's provisions, even if a defendant company was grossly negligent or intentionally at fault, as long as they make "reasonable efforts" to solve the problem the defendant bears no liability for the defect.

Instead, the consumer bears the burden for the defective product. This holds true despite the extent of the plaintiff's resultant damage. Small business owners, Mom and Pop stores, struggling entrepreneurs, these are the individuals who will lose if H.R. 775 becomes law.

Although technology producers have known about the Y2K computer glitch for many years, H.R. 775 severely limits punitive damages for Y2K defects. Why do technology producers merit this special benefit when they are presently on notice that their products could contain flaws and have the opportunity to rectify them now? Situations may exist where it is financially prudent for companies to ignore their products' Y2K defects. Why, then, should we release these companies from punitive liability for their intentional omissions?

In addition, H.R. 775 removes the right to claim joint and several liability. If a plaintiff maintains that a product created by several defendants is faulty, the plaintiff must pursue each defendant individually to prove their percentage of responsibility instead of shifting this burden to the defendant. This section of the bill makes people harmed by Y2K glitches less likely to recoup their losses and deprives them of a fundamental, legal benefit.

Representatives CONYERS, LOFGREN, and BOUCHER offered a substitute bill which balances the interests of economic stability and a consumer's right to redress. The Conyers amendment sought to curb frivolous, damaging lawsuits, but did not do so at the expense of a plaintiff's essential rights. It established a "cooling off" period to allow parties to settle their differences outside of court, relieved defendants of joint and several liability if they were responsible for only a small portion of the defect, and encouraged alternative dispute resolution. It left the basic tenets of tort law unchanged while providing special rules for this unique, critical situation. I supported the Conyers, Lofgren, Boucher substitute. I cannot support the extant H.R. 775.

Mr. POMEROY. Mr. Chairman, I am voting today against H.R. 775, the Year 2000 Readiness and Responsibility Act, and am voting in favor of the Conyers substitute.

Both alternatives fall short of providing the proactive measured relief warranted on this unique issue, but the flaw in H.R. 775 is fatal in its character, while the Conyers substitute offers a platform for further refinement in conference committee.

The fatal flaw in H.R. 775 is the "loser pays" provision which holds a litigant liable to pay the other side's attorneys' fees if the plaintiff rejects a pre-trial settlement offer, and then ultimately secures a less favorable verdict from the court.

The "loser pays" provision (Section 507) is drastic overkill which could actually discourage companies from fixing their computer systems in advance of the problem. The "loser pays" provision will create a particular problem for small businesses and middle income victims of Y2K failures because these groups have far less financial resources than large defendant corporations and cannot afford the risk of paying a large corporation's legal fees based on the outcome of a trial.

In effect, the possibility of an adverse verdict will deter small businesses from pursuing even the most egregious claims to court. The provision is so onerous that it would even apply to a harmed party that prevails in a Y2K action so long as they obtain less than a pretrial settlement. This would have the perverse effect of rewarding a negligent or reckless defendant and punishing an innocent victim.

I do not believe, however, the Conyers substitute does enough to address joint and several liability exposure. I am concerned that many high technology firms will be held accountable for an entire damage award simply because they played some small role in designing a system several years ago, even when the principal party responsible makes little or no effort to update their systems into Y2K compliance. H.R. 777's proportionate liability provision makes a defendant liable solely for the portion of the judgment that corresponds to the percentage of responsibility of that company, and if amended to address responsibility for orphan shares, represents reform I could support.

Mr. Chairman, I truly hope that we can address these outstanding issues and work together to strike the proper legal balance that addresses the Y2K liability question. Unfortunately the vote today does not represent an acceptable package. I vote "no" and hope further legislative activity on this issue will create an appropriate response that I will be able to support.

Mr. PACKARD. Mr. Chairman, as we prepare to enter the new millennium, this is a time of anxious anticipation for what the next century will bring. However, as eager as we may be for the new millennium, we are also apprehensive over problems that may be looming around the corner with the Year 2000.

We only have 233 days left until the computer-related doomsday commonly known as the Y2K problem strikes. The Y2K Computer problem derived from the time when the first computers were developed, and programmers decided to denote a year using two digits instead of four. In other words, without a solution to this problem, computers may read all dates as "1900" instead of "2000" which could cause mayhem around the world. Just think about all the normal daily activities that will be affected, airlines reservations, ATM accounts, e-mail, even your VCR.

Not surprisingly, the Y2K computer problem has spurred several lawsuits. It has been reported that for every $1 spent trying to fix this glitch, $2–$3 are spent on litigation. This sends a clear message that this system is in desperate need of repair. It is absurd that we spend more money battling lawsuits rather than fixing the problem.

The Year 2000 Readiness and Responsibility Act will curb the costs of litigation associated with the Y2K computer problem. H.R. 775 will establish a $250,000 limit on punitive damages awarded in Y2K lawsuits, and mandate a 90-day waiting period before potential plaintiffs may file a Y2K claim to allow businesses to correct the problem. This is important legislation, which will allow experts who can fix the Y2K computer problem to actually do so without fear of liability for other problems they did not create.

Mr. Chairman, I think it is clear the time has come to focus our efforts on solving this obstacle, not creating additional costly hurdles. We need to fix Y2K related problems, rather than litigate them. I urge my colleagues to support H.R. 775 and fix this broken system.

Mr. SHAYS. Mr. Chairman, I strongly support H.R. 775, the Year 2000 Readiness and Responsibility Act. This bill is a balanced approach to prevent a slew of frivolous lawsuits from being visited upon businesses who made a good faith effort to fix their Y2K problems, while at the same time holding truly negligent businesses responsible for not correcting theirs.

The extent of the Y2K problem won't be known until January 1, 2000. But there's one thing we can already be certain of: lawyers are lining up to sue everyone whose operations are even slightly hampered by the computer bug.

Today, companies in my district, and all over this country, are working overtime to fix their Y2K problems. Let's face it: they're doing so because it is in their economic self-interest. No company wants to lose business because of an inability to fix a computer bug. And no company wants computer systems that cannot operate in the next millennium.

But even while companies take proper steps to fix their computer glitches, problems may still arise, and that is why this legislation is necessary.

H.R. 775 takes a number of common sense steps to reduce the number of law suits that stem from computer problems. The bill limits punitive damages to the higher of $250,000 or three times the amount awarded for compensatory damages, in addition to allowing for the recovery of 100 percent of economic damages.

The bill also mandates a 90-day waiting period before potential plaintiffs may file a Y2K claim to allow businesses time to correct the problem, makes defendants liable only for the proportion of the judgment for which they are at fault, and creates a "loser-pays" mechanism when a plaintiff rejects a settlement offer higher than the amount eventually awarded by the court.

Today's economy is growing rapidly. But we mustn't lose sight that the quality of life of all Americans would be negatively affected if we allow the Year 2000 bug to impose excessive financial costs on American businesses.

On May 6, Federal Reserve Chairman Alan Greenspan stated that our nation's "phenomenal" economic performance can be credited in large part to leaps in technology, which have made our economy more efficient. The lawsuits that would result if we don't pass this bill will substantially hamper our nation's economic progress. Fear of litigation and its excessive costs will prevent U.S. companies from realizing their economic potential, and that means less jobs for all Americans.

H.R. 775 is vital to American businesses, which pay taxes and create jobs. It will allow them to use their resources to fix their Y2K problems—not fend off frivolous law suits.

We need solutions—not lawsuits. We need to pass this bill.

Mr. CONYERS. Mr. Chairman, I insert the following correspondence for printing in the RECORD:

APRIL 19, 1999.

DEAR REPRESENTATIVE: The undersigned organizations are writing to alert you to serious problems in proposed Year 2000 (Y2K) legislation that could result in far-reaching environmental consequences. the Y2K liability bill sponsored by Representative Tom Davis (H.R. 775) threatens to remove important incentives for companies to fix potentially devastating Y2K computer processing problems before they occur. The bill also would undermine the ability to individuals and communities injured by Y2K environmental accidents to seek full redress in the courts. We ask you to vote against this bill and any similar legislation which would remove incentives and shield companies that have failed to fix their Y2K problems from legal accountability for any environmental damage.

Y2K processing problems in mainframe computers and embedded chip systems have the potential to harm the environment and affect public health. Although the full extent of environmental problems that may result from Y2K failures is not known, the Environmental Protection Agency has said that "[d]evastating effects could occur through such problems as accidental contamination of drinking water, the release of harmful pollutants into the air, and the inappropriate distribution of chemicals and toxins into the community." A recent report from the U.S. Chemical Safety and Hazard Investigation Board stressed special concern that the Y2K readiness efforts of small to medium-sized chemical facilities are "less than appropriate."

We join the House of Representatives in encouraging companies whose computer failures could harm the environment to act now to make their systems Y2K compliant, but we believe the proposed bill would have the opposite effect. Rational businesses facing potential liability for environmental harm will attempt to limit their liability by implementing measures to avoid causing such harm. We believe the threat of extensive liability has already done much to induce companies to become Y2K compliant. By passing bills like H.R. 775, Congress would send the opposite message. The proposed legislation would provide the greatest rewards for inaction to those companies that have done the least to resolve Y2K issues. Passage of this bill may make environmental accidents from Y2K failures more likely, not less.

The bill defines a "Y2K claim" as *any* case in which a plaintiff asserts a claim for damages directly or indirectly caused by an actual or potential Y2K failure, or a defendant asserts an actual or potential Y2K failure as a defense in a civil suit. Although the bill exempts claims for physical injury to individuals, this sweeping definition would impede civil actions to recover compensation for damage to personal property and to bring citizens enforcement actions against companies that violate federal or state environmental laws by releasing pollutants into the air or water. The definition of Y2K action in the bill is so sweeping it appears that any time defendants in a civil action wish to avail themselves of the liability limitations in the bills (for example, for environmental violations or community contamination), the defendants need only assert that a computer date processing error was the cause, and procedural hurdles for plaintiffs, new legal excuses for defendants and liability limitations could automatically apply.

We urge you to oppose this bill and any others that would shield defendants from full accountability for environmental harm caused' by their Y2K failures, interfere with enforcement of state and federal environmental laws and make it more difficult for individuals and communities to seek full and fair redress from Y2K-related environmental releases.

Sincerely,

STEPHAN KLINE,
Alliance for Justice.
DANIEL J. BARRY,
Americans for the Environment.
MARK SHAFFER,
Defenders of Wildlife.
COURTNEY CUFF,
Friends of the Earth.
JEFF WISE,
National Environmental Trust.
GREG WETSTONE,
Natural Resources Defense Council.
DAVID LOCHBAUM,
Union of Concerned Scientists.
ALLISON LAPLANTE,
U.S. PIRG.

Chemical Safety Board Presents Y2K Report to Senate Special Committee

(Washington, D.C.—March 15, 1999) Citing 'significant gaps' in awareness, surveillance and communications, members of the U.S. Chemical Safety and Hazard Investigation Board (CSB) today presented their report on potential Y2K problems among chemical manufacturers, handlers and users to the Senate Special Committee on the Year 2000 Technology Problem.

CSB Chairman and Chief Executive Officer Dr. Paul L. Hill, Jr. accompanied by Board Members and Y2K project coordinator Dr. Gerald V. Poje, presented the report to Senate Committee Chairman Robert Bennett (R–Utah). The report indicated intense efforts among the nation's large chemical producers and handlers, but warned of a lack of information on the readiness of small and medium-sized companies in the chemical industry.

"We're pleased that with encouragement from the Senate Special committee we were able to assemble a diverse group of experts from labor, industry, government and environmental groups to discuss the challenges to chemical safety presented by the Y2K technology problem," Hill said. "Now it is up to those same groups to ensure that chemical safety systems work into and beyond the Year 2000."

The report, prepared at the request of the Senate Special Committee, was the result of a collaborative effort between the CSB and industry, labor, government and environmental group representatives who met in a CSB-organized round table discussion of the problem last December.

"We want to be sure that Y2K doesn't become an explosive catalyst for system failures in the chemical industry," Bennett said. "This industry is already accustomed to dealing with dangerous chemicals, and although I am hopeful there won't be Y2K-related accidents in the chemical industry, the risks are too great to chance the possibility of failures that threaten human lives."

The following findings were presented in the CSB report:

Large chemical companies with sufficient awareness, leadership, planning and resources to address the Y2K problem are unlikely to experience catastrophic failures—unless there are widespread power failures.

There is a lack of information about small- and medium-sized chemical businesses, but readiness efforts appear to be "less than appropriate."

Current federal safety rules provide valuable guidance for risk management, but no specific Y2K guidelines for the chemical industry have been provided by the federal agencies, and there are no plans to do so.

The CSB recommended that the administration convene an urgent meeting of federal agencies to plan public awareness campaigns, develop local and state emergency response and preparedness plans, and contingencies for emergency shutdowns and manual operation of chemical facilities. The report also stresses the importance of preserving the national power grid and local utility continuity.

The Chemical Safety Board is an independent federal agency with the mission of ensuring the safety of workers and the public by preventing or minimizing the effects of industrial and commercial chemical incidents. Congress modeled it after the National Transportation Safety Board (NTSB), which investigates aircraft and other transportation accidents for the purpose of improving safety.

Like the NTSB, the CSB is a scientific investigatory organization. CSB is responsible for finding ways to prevent or minimize the effects of chemical accidents at industrial facilities and in transport; the Board is not an enforcement or regulatory body, but can make recommendations to the Congress and other federal agencies.

[From the Public Citizen, May 10, 1999]

SUMMARY OF H.R. 775, THE ANTI-CONSUMER, ANTI-REMEDIATION Y2K BILL

H.R. 775 unfairly limits defendants' liability for injuries to consumers and small businesses that result from computer failures due to the Year 2000 date processing problem. Rather than promoting "readiness and responsibility," H.R. 775 gives special protections to corporations whose actions result in serious harm to consumers and small companies. This removes one of the primary motivating factors for the Y2K remediation efforts—the threat of legal accountability offered by a strong civil justice system.

Every section of the bill benefits corporate wrongdoers at the expense of injured consumers and small businesses. These one-sided, unfair provisions would:

Cap punitive damages at $250,000 or three times compensatory damages, whichever is greater. For individuals with a net worth of $500,000 or less or businesses or units of local government with fewer than 25 employees, the cap would be whichever amount is smaller. This provision gives the most protection to the most irresponsible companies and is a strong disincentive to quick remediation before failures occur.

Create a new and unprecedented federal standard for punitive damages in Y2K cases. The bill dictates to the States unprecedented new requirements for imposing punitive damages, mandating that punitive damages may only be assessed in Y2K cases if the plaintiff shows by clear and convincing evidence that the defendant's conduct showed a conscious, flagrant indifference to the rights or safety of others and was the proximate cause of the harm or loss at issue in the case. These requirements are in addition to any others imposed by state law for awards of punitive damages—State standards that are already very difficult for plaintiffs to meet. Taken together, these requirements could virtually wipe out punitive damages in Y2K cases. The proximate cause requirement itself is unprecedented in punitive damages law and is tantamount to a bar on these damages in cases where it is not possible to prove a direct causal link between the defendant's egregious acts and the plaintiff's injury.

Require that plaintiffs wait up to 90 days before they can file suit. Plaintiffs must give defendants notice of their intent to sue, and all defendants must do is respond to the notice in 30 days to say what measures they will take—if any—during the next 60 days to fix the problem. But there is no requirement that defects be corrected even though a plaintiff company could suffer substantial losses or go out of business during the waiting period.

Limit Recovery for Economic Losses. H.R. 775 prevents recovery for economic losses unless such losses are provided for by contract or incidental to personal injury or property damages, in addition to other requirements already in State law. Under this provision, a small business forced to close because of Y2K failures could be left without compensation for economic losses such as lost profits or sales.

Eliminate Joint and Several Liability. The bill makes it federal policy to leave innocent consumers and small businesses injured by Y2K failures uncompensated rather than to make wrongdoers jointly pay for the full amount of the injuries they caused. This means that injured plaintiffs run the risk of remaining partially uncompensated for their Y2K economic and non-economic damages if one or more defendants is judgment-proof. The elimination of joint liability applies even to defendants that were reckless or deliberately injured consumers and small businesses.

Cap the liability of corporate officers and executives. Total liability for corporate officers and executives would be limited to the greater of $100,000 or the person's annual compensation—no matter how knowing or delinquent the corporate officers' or executives' acts were, or how many people were harmed.

Add onerous requirements for more specific information in the pleading document that initiates a case. Normally plaintiffs are required to just give notice of what product or action injured them, not provide evidentiary details backing up their allegations at the outset. Then the discovery process allows the plaintiffs' attorneys to uncover facts and evidence about the defendant's actions and state of mind. This bill requires plaintiffs to provide facts about elements such as the defendant's state of mind before the discovery process ever begins.

Allow most class actions to be removed to federal court, allowing the defendants to choose the most favorable forum. Any claim with aggregated damages of $1 million could be removed from State to federal court even if the suit is based on State law. Plaintiffs must also show that the defect was material for the majority of the class (necessitating individual contact with and assessment of each class member before bringing the case, a requirement that doesn't exist under most, if any, current State laws).

Allow defendants to disclaim implied warrants of fitness. In most States, products are warranted to be fit for the purposes for which they are sold. This bill would allow small print disclaimers and consumers probably never read to keep consumers from recovering for defective products and the losses they cause unless the enforcement of the disclaimer would "mainifestly and directly" contravene State law.

The unfairness of H.R. 775 is revealed not only by its one-sided, anti-consumer provisions but also by its one-way preemption of State law. Proponents of this bill say that it would standardize laws across 50 States. However, in several key areas, the bill would not standardize the law but would only preempt state laws that are more pro-consumer than the federal bill. For example, the limits of corporate officer and executive liability only overrides State laws where officers and executives are potentially liable for greater amounts; it leaves in place State laws that cap officer liability at an amount lower than in this federal legislation. The proposal is carefully crafted to provide the most protection for the industries lobbying for it, and the least for those who are injured.

MEDIA ALERT

Who: U.S. Senator Robert F. Bennett (R-Utah), Chairman, Senate Special Committee on the Year 2000 Technology Problem.

What: Tour of Sybron Chemicals Inc., Birmingham, NJ.

Field Hearing on Chemical Industry Y2K Preparedness, Trenton, NJ.

When: Monday, May 10, 1999.

Where: Birmingham, NJ—Trenton, NJ.

Plant Tour and Press Availability, 10 am., Sybron Chemicals, Inc., Birmingham Road, Birmingham, NJ.

Field Hearing, 12 noon, New Jersey Statehouse Annex, 125 West State Street, 4th Floor—Room 11, Trenton, NJ.

SCHEDULED WITNESSES

Charles Jeffress, Assistant Secretary of Labor, U.S. Occupational Safety and Health Agency (OSHA).

Dr. Gerald Poje, Board Member, U.S. Chemical Safety and Hazard Investigation Board.

Paul Couvillion, Global Y2K Director, DuPont.

Jamie Schleck, Executive Vice President, Jame Fine Chemicals, Inc., Bound Brook, NJ.

James Makris, Director, Office of Chemical Emergency Preparedness and Prevention, U.S. Environmental Protection Agency (EPA).

Charlie Martin, Jr., Site Safety Director, Hickson DanChem Corporation, Danville, VA.

Robert Wages, Executive Vice President, Paper, Allied-Industrial, Chemical and Energy Workers (PACE) International Union.

Captain Kevin Hayden, Assistant State Director of Emergency Management, State of New Jersey.

Jane Nagoki, Board Member, Work Environment Council of New Jersey.

BACKGROUND

A report release in March by the U.S. Chemical Safety Board found the chemical production industry among those vulnerable to Y2K-related problems. the report divided the potential for "catastrophic" events at U.S. Chemical process plants into three parts:

Failures from software or embedded chips.

External Y2K failures such as power loss.

Multiple accidents that may strain emergency response organizations.

The report found that Y2K assessments on small and medium-sized chemical facilities are "indeterminate."

There are approximately 278,000 facilities in the U.S. that generate, transport, treat, store or dispose of hazardous chemicals such as chlorine, propane, and ammonia.

According to the EPA, 85 million Americans live and work within a 5-mile radius of 66,000 facilities handling regulated amounts of high hazard chemicals.

Mr. BOYD. Mr. Chairman, it is estimated that the Year 2000 computer problem could generate up to $1 trillion in litigation costs. This figure is staggering, particularly when we consider the billions of dollars that companies have already invested in trying to correct the crisis before it strikes. While we certainly want to guarantee the court system is open to small businesses who have genuine claims as a result of Y2K failures, we must ensure the Y2K crisis does not lead to a flood of frivolous lawsuits which will only tie up our courts, hampering the timely consideration of legitimate cases, and inhibit our Nation's economic prosperity.

For these reasons, I support Congress' consideration of legislation to lessen the economic impact of the Y2K problem and encourage businesses to correct the problem before January 1 arrives so the court system is not bogged down with unmeritorious claims. I believe H.R. 775, the Year 2000 Fairness and Responsibility Act, addresses many of these problems, and I support this legislation because I believe it is critical for this Congress to pass legislation dealing with Y2K problems before they occur.

However, I do have concerns about certain provisions included in H.R. 775, and I hope these problems with the bill will be addressed during the amendment process in the House and in conference committee negotiations. Most notably, I do not support the Committee passed "loser pays" provision which would require a litigant who was offered a settlement before trial to pay the other parties' attorney fees if the trial verdict is less favorable to the litigant than the settlement conditions. In such a case, a small business who actually wins a suit against a large software provider would be forced to pay that provider's attorney fees if the final award is $1 less than the proposed settlement figure.

In addition, I feel the "reasonable efforts" defense which the bill establishes for the defendant goes too far in overriding current contract and tort law. It is my hope that as Congress continues to consider this important legislation, we can develop a workable compromise which addresses these legislative problems and ensures both the plaintiffs and defendants in Y2K cases are treated fairly and guaranteed their day in court.

Mr. MOORE. Mr. Chairman, I rise to explain my votes cast today on H.R. 775, the Year 2000 Readiness and Responsibility Act.

I have heard from a number of businesspeople from Kansas' Third Congressional District who are concerned over the potential for liability over Year 2000 computer failures or for the cost of remediation. I agree that we should provide incentives to make Y2K systems compliant before a problem occurs, and that we should encourage resolution of Y2K problems without litigation, wherever possible. Therefore, I support a legislative solution that discourages frivolous litigation, while ensuring that the courts remain available for legitimate claims.

I am very concerned, however, that the bill before us today goes too far. Enactment in its current form will lessen the incentive for corrective action by businesses.

I have several specific problems with the language in H.R. 775 that is before us today:

The legislation includes "loser pays" language providing that, if a plaintiff damaged by a Y2K defect rejects a plaintiff's offer to settle a case, and wins a verdict for even $1 less than the settlement offer, the plaintiff would be forced to pay the defendant's costs and attorneys' fees from the time of the offer. This proposal would fundamentally alter the American rule that each side should pay its own legal costs, and would impose a tremendous burden on small businesses harmed by Y2K defects.

Small businesses also often must resort to class action suits in order to pool the resources necessary to seek remediation through the judicial system. This legislation would impose federal standards on class action lawsuits excluding potential members of a class action who have been damaged by a Y2K defect from the class if they fail to respond to notices sent through the mail. The bill also adds additional burdens to our overtaxed federal court system by allowing the removal of state class action suits to federal court if the amount the defendant is being sued for is greater than $1 million.

The legislation also would limit punitive damages—assessed for the most outrageous misconduct—to the greater of three times the compensatory damages or $250,000. When the defendant is an individual with a net worth of less than $500,000 or a business with fewer than 25 employees, the arbitrary limit would be the lesser of three times the actual damages or $250,000. I am unconvinced of the need to eliminate the option of assessing a greater level of punitive damages against a defendant capable of paying such damages, if his or her conduct was so flagrantly abusive that our judicial system finds additional penalties are warranted.

Mr. Speaker, the Kansas Legislature considered, but did not enact, legislation to shield our state's businesses from Y2K liability. For this reason, I believe federal action in this area is appropriate. I supported the substitute amendment offered by Representative Lofgren, which addresses the legitimate needs of the high technology community without depriving harmed businesses and consumers of their basic rights. The Lofgren substitute encourages mediation, through a 90 day cooling off period and alternative dispute resolution procedures. It helps eliminate frivolous litigation, through special pleading requirements and mitigation of damages. It increases certainty within the legal process, by preserving the defenses of impossibility and commercial impracticability, and eliminating economic damages not covered by contract. Additionally, it limits joint and several liability.

I know that the legislation before the House today will be substantially revised before being presented to the President for his signature. The companion measure has not yet passed the Senate; both versions would then be considered, and redrafted, by a House-Senate conference committee before being submitted to the House for a final vote. I hope the final version of this measure will include the kind of moderate, common sense reforms that my constituents and I can support. I will continue to work with my House and Senate colleagues toward achievement of this goal.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill, modified by the amendments printed in part 1 of House Report 106–134, is considered as an original bill for the purpose of amendment and is considered read.

The text of the committee amendment in the nature of a substitute, as modified, is as follows:

H.R. 775

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Year 2000 Readiness and Responsibility Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The Congress seeks to encourage businesses to concentrate their attention and resources in the short time remaining before January 1, 2000, on addressing, assessing, remediating, and testing their year 2000 problems, and to minimize any possible business disruptions associated with year 2000 issues.

(2) It is appropriate for the Congress to enact legislation to assure that year 2000 problems do not unnecessarily disrupt interstate commerce or create unnecessary case loads in Federal and State courts and to provide initiatives to help businesses prepare and be in a position to withstand the potentially devastating economic impact of the year 2000 problem.

(3) Year 2000 issues will affect practically all business enterprises to some degree, giving rise to a large number of disputes.

(4) Resorting to the legal system for resolution of year 2000 problems is not feasible for many businesses, particularly small businesses, because of its complexity and expense.

(5) The delays, expense, uncertainties, loss of control, adverse publicity and animosities that frequently accompany litigation of business disputes can only exacerbate the difficulties associated with the year 2000 date change, and work against the successful resolution of those difficulties.

(6) The Congress recognizes that every business in the United States should be concerned that widespread and protracted year 2000 litigation may threaten the network of valued and trusted business relationships that are so important to the effective functioning of the world economy, and which may put unbearable strains on an overburdened judicial system.

(7) A proliferation of frivolous year 2000 actions by opportunistic parties may further limit access to courts by straining the resources of the legal system and depriving deserving parties of their legitimate rights to relief.

(8) The Congress encourages businesses to approach their year 2000 disputes responsibly, and to avoid unnecessary, time-consuming and costly litigation based on year 2000 failures. Congress supports good faith negotiations between parties when there is a dispute over a year 2000 problem, and, if necessary, urges the parties to enter into voluntary, non-binding mediation rather than litigation.

SEC. 3. DEFINITIONS.

In this Act:

(1) Contract.—The term "contract" means a contract, tariff, license, or warranty.

(2) Defendant.—The term "defendant" means any person against whom a year 2000 claim has been asserted.

(3) Economic loss.—The term "economic loss"—

(A) means any damages other than damages arising out of personal injury or damage to tangible property; and

(B) includes, but is not limited to, damages for lost profits or sales, for business interruption, for losses indirectly suffered as a result of the defendant's wrongful act or omission, for losses that arise because of the claims of third parties, for losses that must be pleaded as special damages, and consequential damages (as defined in the Uniform Commercial Code or analogous State commercial law).

(4) Governmental entity.—The term "governmental entity" means an agency, instrumentality, other entity, or official of Federal, State, or local government (including multijurisdictional agencies, instrumentalities, and entities).

(5) Material defect.—The term "material defect" means a defect in any item, whether tangible or intangible, or in the provision of a service, that substantially prevents the item or service from operating or functioning as designed or intended. The term "material defect" does not include a defect that has an insignificant or de minimis effect on the operation or functioning of an item, that affects only a component of an item that, as a whole, substantially operates or functions as designed, or that has an insignificant or de minimis effect on the efficacy of the service provided.

(6) Person.—The term "person" means any natural person and any entity, organization, or enterprise, including but not limited to corporations, companies, joint stock companies, associations, partnerships, trusts, and governmental entities.

(7) Personal injury.—The term "personal injury" means any physical injury to a natural person, including death of the person, and mental suffering, emotional distress, or like elements of injury suffered by a natural person in connection with a physical injury.

(8) Plaintiff.—The term "plaintiff" means any person who asserts a year 2000 claim.

(9) Punitive damages.—The term "punitive damages" means damages that are awarded against any person to punish such person or to deter such person, or others, from engaging in similar behavior in the future.

(10) State.—The term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States, and any political subdivision thereof.

(11) Year 2000 action.—The term "year 2000 action" means any civil action of any kind brought in any court under Federal or State law, or an agency board of contract appeal proceeding, in which a year 2000 claim is asserted.

(12) Year 2000 claim.—The term "year 2000 claim"—

(A) means any claim or cause of action of any kind, other than a claim based on personal injury, whether asserted by way of claim, counterclaim, cross-claim, third-party claim, defense, or otherwise, in which the plaintiff's alleged loss or harm resulted, directly or indirectly, from a year 2000 failure;

(B) includes a claim brought in any Federal or State court by a governmental entity when acting in a commercial or contracting capacity; and

(C) does not include a claim brought by such a governmental entity acting in a regulatory, supervisory, or enforcement capacity.

(13) Year 2000 failure.—The term "year 2000 failure" means any failure by any device or system (including, without limitation, any computer system and any microchip or integrated circuit embedded in another device or product), or any software, firmware, or other set or collection of processing instructions, however constructed, in processing, calculating, comparing, sequencing, displaying, storing, transmitting, or receiving year 2000 date-related data.

SEC. 4. APPLICATION OF ACT.

(a) General Rule.—This Act applies to any year 2000 claim brought after February 22, 1999, including any appeal, remand, stay, or other judicial, administrative, or alternative dispute resolution proceeding with respect to such claim.

(b) No New Cause of Action Created.—Nothing in this Act creates a new cause of action, and, except as otherwise explicitly provided in this Act, nothing in this Act expands any liability otherwise imposed or limits any defense otherwise available under Federal or State law.

(c) Exclusion of Personal Injury Claims.—None of the provisions of this Act shall apply to any claim based on personal injury.

(d) Preemption of State Law.—Except as otherwise provided in this Act, this Act supersedes State law to the extent that it establishes a rule of law applicable to a year 2000 claim that is inconsistent with State law.

TITLE I—UNIFORM PRE-LITIGATION PROCEDURES FOR YEAR 2000 ACTIONS

SEC. 101. NOTICE PROCEDURES TO AVOID UNNECESSARY YEAR 2000 ACTIONS.

(a) Notification Period.—Before filing a year 2000 action, except an action that seeks only injunctive relief, a prospective plaintiff shall send by certified mail to each prospective defendant a written notice that identifies, with particularity as to any year 2000 claim—

(1) any symptoms of any material defect alleged to have caused harm or loss;

(2) the harm or loss allegedly suffered by the prospective plaintiff;

(3) the facts that lead the prospective plaintiff to hold such person responsible for both the defect and the injury;

(4) the relief or action sought by the prospective plaintiff; and

(5) the name, title, address, and telephone numbers of any individual who has authority to negotiate a resolution of the dispute on behalf of the prospective plaintiff.

Except as provided in subsection (c), the prospective plaintiff shall not commence an action in Federal or State court until the expiration of 90 days after the date on which such notice is received. Such 90-day period shall be excluded in the computation of any applicable statute of limitations.

(b) Response to Notice.—

(1) In general.—Not later than 30 days after receipt of the notice specified in subsection (a), each prospective defendant shall send by certified mail with return receipt requested to each prospective plaintiff a written statement acknowledging receipt of the notice and describing any actions it has taken or will take by not later than 60 days after the end of that 30-day period, to remedy the problem identified by the prospective plaintiff.

(2) Inadmissibility.—A written statement required by this subsection is not admissible in evidence, under Rule 408 of the Federal Rules of Evidence or any analogous rule of evidence in any State, in any proceeding to prove liability for, or the invalidity of, a claim or its amount, or otherwise as evidence of conduct or statements made in compromise negotiations.

(3) Presumptive time of receipt.—For purposes of paragraph (1), a notice under subsection (a) is presumed to be received 7 days after it was sent.

(c) Failure To Respond.—If a prospective defendant fails to respond to a notice provided pursuant to subsection (a) within the 30-day period specified in subsection (b) or does not describe the action, if any, that the prospective defendant has taken or will take to remedy the problem identified by the prospective plaintiff within the subsequent 60 days, the 90-day period specified in subsection (a) shall terminate at the end of that 30-day period as to that prospective defendant and the prospective plaintiff may thereafter commence its action against that prospective defendant.

(d) Failure To Provide Notice.—If a defendant determines that a plaintiff has filed a year 2000 action without providing the notice specified in subsection (a) and without awaiting the expiration of the 90-day period specified in subsection (a), the defendant may treat the plaintiff's complaint as such a notice by so informing the court and the plaintiff in its initial response to the complaint. If any defendant elects to treat the complaint as such a notice—

(1) the court shall stay all discovery in the action involving that defendant for the applicable time period provided in subsection (a) or (c), as the case may be, after filing of the complaint; and

(2) the time for filing answers and all other pleadings shall be tolled during such applicable period.

(e) Effect of Contractual Waiting Periods.—In cases in which a contract or a statute enacted before January 1, 1999, requires notice of nonperformance and provides for a period of delay prior to the initiation of suit for breach or repudiation of contract, the period of delay provided in the contract or the statute is controlling over the waiting period specified in subsections (a) and (d).

(f) Sanction for Frivolous Invocation of the Stay Provision.—In any action in which a defendant acts pursuant to subsection (d) to stay the action, and the court subsequently finds that the defendant's assertion that the suit is a year 2000 action was frivolous and made for the purpose of causing unnecessary delay, the court may award sanctions to opposing parties in accordance with the provisions of Rule 11 of the Federal Rules of Civil Procedure or the equivalent applicable State rule.

(g) Computation of Time.—For purposes of this section, the rules regarding computation of time shall be governed by the applicable Federal or State rules of civil procedure.

(h) Special Rule for Class Actions.—For the purpose of applying this section to a year 2000 action that is maintained as a class action in Federal or State court, the requirements of the preceding subsections of this section apply only to named plaintiffs in the class action.

SEC. 102. ALTERNATIVE DISPUTE RESOLUTION TO AVOID UNNECESSARY YEAR 2000 ACTIONS.

(a) In General.—(1) At any time during the 90-day period specified in section 101(a), either party may request the other to use alternative dispute resolution. If, based upon that request, the parties enter into an agreement to use alternative dispute resolution, they may also agree to an extension of the 90-day period.

(2) At any time after expiration of the 90-day period specified in section 101(a), whether before

or after the filing of a complaint, either party may request the other to use alternative dispute resolution.

(b) PAYMENT OF MONEYS DUE.—If the parties resolve their dispute through alternative dispute resolution as provided in subsection (a), the defendant shall pay all moneys due within 30 days, unless another period of time is agreed to by the parties or established by contract between the parties.

(c) FORECLOSURE OF FURTHER PROCEEDINGS ON RESOLVED ISSUES.—Resolution of the issues by the parties prior to litigation through negotiation or alternative dispute resolution shall foreclose any further proceedings with respect to those issues.

SEC. 103. PLEADING REQUIREMENTS.

(a) APPLICATION WITH RULES OF CIVIL PROCEDURE.—This section applies exclusively to year 2000 claims and, except to the extent that this section requires additional information to be contained in or attached to pleadings, nothing in this section is intended to amend or otherwise supersede applicable rules of Federal or State civil procedure.

(b) NATURE AND AMOUNT OF DAMAGES.—With respect to any year 2000 claim that seeks the award of money damages, the complaint shall state with particularity the nature and amount of each element of damages, and the factual basis for the damages calculation.

(c) MATERIAL DEFECTS.—With respect to any year 2000 claim in which the plaintiff alleges that a product or service was defective, the complaint shall identify with particularity the symptoms of the material defects and shall state with particularity the facts supporting the conclusion that the defects are material.

(d) REQUIRED STATE OF MIND.—With respect to any year 2000 claim as to which the plaintiff may prevail only on proof that the defendant acted with a particular state of mind, the complaint shall, with respect to each element of the year 2000 claim, state with particularity the facts giving rise to a strong inference that the defendant acted with the required state of mind.

(e) MOTION TO DISMISS; STAY OF DISCOVERY.—

(1) DISMISSAL FOR FAILURE TO MEET PLEADING REQUIREMENTS.—In any year 2000 action, the court shall, on the motion of any defendant, dismiss the complaint without prejudice if the requirements of subsection (a), (b), or (c) are not met with respect to any year 2000 claim asserted therein.

(2) STAY OF DISCOVERY.—In any year 2000 action, all discovery shall be stayed during the pendency of any motion to dismiss, unless the court finds upon the motion of any party that particularized discovery is necessary to preserve evidence or prevent undue prejudice to that party.

(3) PRESERVATION OF EVIDENCE.—

(A) IN GENERAL.—During the pendency of any stay of discovery entered pursuant to this subsection, unless otherwise ordered by the court, any party to the action with actual notice of the allegations contained in the complaint shall treat all documents, data compilations (including electronically stored or recorded data), and tangible objects that are in the custody or control of such person and that are relevant to the allegations, as if they were a subject of a continuing request for production of documents from an opposing party under applicable Federal or State rules of civil procedure.

(B) SANCTION FOR WILLFUL VIOLATION.—A party aggrieved by the willful failure of an opposing party to comply with subparagraph (A) may apply to the court for an order awarding appropriate sanctions.

SEC. 104. DUTY OF ALL PERSONS TO MITIGATE YEAR 2000 COMPUTER FAILURES AND RESULTING DAMAGES.

Damages awarded for any year 2000 claim shall exclude compensation for damages the plaintiff could reasonably have avoided in light of any disclosure or other information of which the plaintiff was, or reasonably should have been, aware, including information made available by the defendant to purchasers or users of the defendant's product or services concerning means of remedying or avoiding the year 2000 failure.

TITLE II—YEAR 2000 ACTIONS INVOLVING CONTRACTS

SEC. 201. CERTAINTY OF CONTRACT TERMS FOR PREVENTION OF YEAR 2000 DAMAGES.

(a) IN GENERAL.—Subject to subsection (b), in resolving any year 2000 claim, any written contractual term, including a limitation or an exclusion of liability, or a disclaimer of warranty, shall be fully enforced unless the enforcement of that term would manifestly and directly contravene applicable State law embodied in any statute in effect on January 1, 1999, specifically addressing that term.

(b) INTERPRETATION OF CONTRACT.—In resolving any year 2000 claim as to which a contract to which subsection (a) applies is silent with respect to a particular issue, the interpretation of the contract with respect to that issue shall be determined by applicable law in effect at the time the contract was executed.

SEC. 202. APPLICATION OF EXISTING IMPOSSIBILITY OR COMMERCIAL IMPRACTICABILITY DOCTRINES.

(a) DOCTRINE OF IMPOSSIBILITY AND COMMERCIAL IMPRACTICABILITY.—With respect to any year 2000 claim for breach or repudiation of contract, the applicability of the doctrines of impossibility and commercial impracticability shall be determined by the law in existence on January 1, 1999. Nothing in this Act shall be construed as limiting or impairing a party's right to assert defenses based upon such doctrines.

(b) REASONABLE EFFORTS.—To the extent that impossibility or commercial impracticability is raised as a defense against a claim for breach or repudiation of contract, the party asserting the defense shall be allowed to offer evidence that its implementation of the contract, or its efforts to implement the contract, were reasonable in light of the circumstances.

SEC. 203. PROTECTION OF PERSONS FROM LIABILITY NOT ANTICIPATED IN YEAR 2000 CONTRACTS.

With respect to any year 2000 claim involving a breach of contract or a claim related to the contract, no party may claim or be awarded any category of damages unless such damages are allowed by the express terms of the contract or, if the contract is silent on such damages, by operation of the applicable Federal or State law that governed interpretation of the contract at the time the contract was entered into.

TITLE III—YEAR 2000 ACTIONS INVOLVING TORT AND OTHER NONCONTRACTUAL CLAIMS

SEC. 301. PROPORTIONATE LIABILITY.

(a) IN GENERAL.—A person against whom a final judgment is entered with respect to a year 2000 claim, other than a claim for breach or repudiation of contract, shall be liable solely for the portion of the judgment that corresponds to the percentage of responsibility of that person, as determined under subsection (b).

(b) DETERMINATION OF RESPONSIBILITY.—

(1) IN GENERAL.—With respect to any year 2000 claim, the court shall instruct the jury to answer special interrogatories, or if there is no jury, shall make findings, with respect to each defendant and plaintiff, and each of the other persons claimed by any of the parties to have caused or contributed to the loss incurred by the plaintiff, including (but not limited to) persons who have entered into settlements with the plaintiff or plaintiffs, concerning the percentage of responsibility of the defendant, the plaintiff, and each such person, measured as a percentage of the total fault of all persons who caused or contributed to the total loss incurred by the plaintiff.

(2) CONTENTS OF SPECIAL INTERROGATORIES OR FINDINGS.—The responses to interrogatories, or findings, as appropriate, under paragraph (1) shall specify the total amount of damages that the plaintiff is entitled to recover and the percentage of responsibility of each person found to have caused or contributed to the loss incurred by the plaintiff or plaintiffs.

(3) FACTORS FOR CONSIDERATION.—In determining the percentage of responsibility under this subsection, the trier of fact shall consider—

(A) the nature of the conduct of each person alleged to have caused or contributed to the loss incurred by the plaintiff; and

(B) the nature and extent of the causal relationship between the conduct of each such person and the damages incurred by the plaintiff or plaintiffs.

(4) NONDISCLOSURE TO JURY.—The standard for allocation of damages under paragraph (1) shall not be disclosed to members of the jury.

SEC. 302. LIMITATION ON BYSTANDER LIABILITY FOR YEAR 2000 FAILURES.

(a) IN GENERAL.—With respect to any year 2000 claim for money damages in which—

(1) the defendant is not the manufacturer, seller, or distributor of a product, or the provider of a service, that suffers or causes the year 2000 failure at issue,

(2) the plaintiff is not in substantial privity with the defendant, and

(3) the defendant's actual or constructive awareness of an actual or potential year 2000 failure is an element of the claim under applicable law,

the defendant shall not be liable unless the plaintiff, in addition to establishing all other requisite elements of the claim, proves by clear and convincing evidence that the defendant actually knew, or recklessly disregarded a known and substantial risk, that such failure would occur.

(b) SUBSTANTIAL PRIVITY.—For purposes of subsection (a)(2), a plaintiff and a defendant are in substantial privity when, in a year 2000 claim arising out of the performance of professional services, the plaintiff and the defendant either have contractual relations with one another or the plaintiff is a person who, prior to the defendant's performance of such services, was specifically identified to and acknowledged by the defendant as a person for whose special benefit the services were being performed.

(c) CERTAIN CLAIMS EXCLUDED.—For purposes of subsection (a)(3), claims in which the defendant's actual or constructive awareness of an actual or potential year 2000 failure is an element of the claim under applicable law do not include claims for negligence but do include claims such as fraud, constructive fraud, breach of fiduciary duty, negligent misrepresentation, and interference with contract or economic advantage.

SEC. 303. REASONABLE EFFORTS DEFENSE.

With respect to any year 2000 claim seeking money damages, except with respect to claims asserting breach or repudiation of contract—

(1) the fact that a year 2000 failure occurred in an entity, facility, system, product, or component that was sold by, leased by, rented by, or otherwise within the control of the party against whom the claim is asserted shall not constitute the sole basis for recovery; and

(2) the party against whom the claim is asserted shall be entitled to establish, as a complete defense to the claim, that it took measures that were reasonable under the circumstances to prevent the year 2000 failure from occurring or from causing the damages upon which the claim is based.

SEC. 304. DAMAGES LIMITATION.

(a) STANDARD FOR AWARDS.—With respect to any year 2000 claim for which punitive damages may be awarded under applicable law, the defendant shall not be liable for punitive damages unless the plaintiff proves by clear and convincing evidence that conduct carried out by the defendant showed a conscious, flagrant indifference to the rights or safety of others and was the proximate cause of the harm or loss that is the subject of the year 2000 claim. This requirement is in addition to any other requirement in applicable law for the award of such damages.

(b) CAPS ON PUNITIVE DAMAGES.—

(1) IN GENERAL.—With respect to any year 2000 claim, if a defendant is found liable for punitive damages, the amount of punitive damages that may be awarded to a plaintiff shall not exceed the greater of—

(A) 3 times the amount awarded to the plaintiff for compensatory damages; or

(B) $250,000.

(2) SPECIAL RULE.—

(A) IN GENERAL.—Notwithstanding paragraph (1), with respect to any year 2000 claim, if the defendant is found liable for punitive damages and the defendant—

(i) is an individual whose net worth does not exceed $500,000,

(ii) is an owner of an unincorporated business that has fewer than 25 full-time employees, or

(iii) is—

(I) a partnership,

(II) corporation,

(III) association,

(IV) unit of local government, or

(V) organization,

that has fewer than 25 full-time employees,

the amount of punitive damages shall not exceed the lesser of 3 times the amount awarded to the plaintiff for compensatory damages, or $250,000.

(B) APPLICABILITY.—For purposes of determining the applicability of this paragraph to a corporation, the number of employees of a subsidiary of a wholly owned corporation shall include all employees of a parent corporation or any subsidiary of that parent corporation.

(3) APPLICATION OF LIMITATIONS BY THE COURT.—The limitations contained in paragraphs (1) and (2) shall be applied by the court and shall not be disclosed to the jury.

SEC. 305. RECOVERY OF ECONOMIC DAMAGES FOR YEAR 2000 CLAIMS.

(a) LIMITATION ON RECOVERY OF ECONOMIC LOSSES.—Subject to subsection (b), a plaintiff making a year 2000 claim alleging a nonintentional tort may recover economic losses only upon establishing, in addition to all other elements of the claim under applicable law, that any one of the following circumstances exists:

(1) The recovery of such losses is provided for in a contract to which the plaintiff is a party.

(2) Such losses are incidental to a year 2000 claim based on damage to tangible personal or real property caused by a year 2000 failure (other than damage to property that is the subject of a contract between the parties involved in the year 2000 claim).

(b) RECOVERY MUST BE PERMITTED UNDER APPLICABLE LAW.—Economic losses shall be recoverable under this section only if applicable Federal law, or applicable State law embodied in statute or controlling judicial precedent as of January 1, 1999, permits the recovery of such losses.

SEC. 306. LIABILITY OF OFFICERS AND DIRECTORS.

(a) IN GENERAL.—A director, officer, or trustee of a business or other organization (including a corporation, unincorporated association, partnership, or nonprofit organization) shall not be personally liable with respect to any year 2000 claim in his or her capacity as a director or officer of the business or organization for an aggregate amount that exceeds the greater of—

(1) $100,000; or

(2) the amount of cash compensation received by the director or officer from the business or organization during the 12-month period immediately preceding the act or omission for which liability was imposed.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be deemed to impose, or to permit the imposition of, personal liability on any director, officer, or trustee in excess of the aggregate amount of liability to which such director, officer, or trustee would be subject under applicable State law in existence on January 1, 1999 (including any charter or bylaw authorized by such State law).

TITLE IV—YEAR 2000 CLASS ACTIONS

SEC. 401. MINIMUM INJURY REQUIREMENT.

(a) IN GENERAL.—In any year 2000 action involving a year 2000 claim that a product or service is defective, the action may be maintained as a class action in Federal or State court as to that claim only if it satisfies all other prerequisites established by applicable Federal or State law and the court also finds that the alleged defect in the product or service was a material defect as to a majority of the members of the class.

(b) DETERMINATION BY COURT.—As soon as practicable after the commencement of a year 2000 action involving a year 2000 claim that a product or service is defective and that is brought as a class action, the court shall determine by order whether the requirement set forth in subsection (a) is satisfied. An order under this subsection may be conditional, and may be altered or amended before the decision on the merits.

SEC. 402. NOTIFICATION.

(a) NOTICE BY MAIL.—In any year 2000 action that is maintained as a class action, the court, in addition to any other notice required by applicable Federal or State law, shall direct notice of the action to each member of the class by United States mail, return receipt requested. Persons whose actual receipt of the notice is not verified by the court or by counsel for one of the parties shall be excluded from the class unless those persons inform the court in writing, on a date no later than the commencement of trial or entry of judgment, that they wish to join the class.

(b) CONTENTS OF NOTICE.—In addition to any information required by applicable Federal or State law, the notice described in this subsection shall—

(1) concisely and clearly describe the nature of the action;

(2) identify the jurisdiction whose law will govern the action and where the action is pending;

(3) identify any potential claims that class counsel chose not to pursue so that the action would satisfy class certification requirements;

(4) describe the fee arrangements with class counsel, including the hourly fee being charged, or, if it is a contingency fee, the percentage of the final award which will be paid, including an estimate of the total amount that would be paid if the requested damages were to be granted; and

(5) describe the procedure for opting out of the class.

(c) SETTLEMENT.—The parties to a year 2000 action that is brought as a class action may not enter into, nor request court approval of, any settlement or compromise before the class has been certified.

SEC. 403. DISMISSAL PRIOR TO CERTIFICATION.

Before determining whether to certify a class in a year 2000 action, the court may decide a motion to dismiss or for summary judgment made by any party if the court concludes that decision will promote the fair and efficient adjudication of the controversy and will not cause undue delay.

SEC. 404. FEDERAL JURISDICTION IN YEAR 2000 CLASS ACTIONS.

(a) JURISDICTION.—Except as provided in subsection (b), a year 2000 action may be brought as a class action in the United States district court or removed to the appropriate United States district court if the amount in controversy is greater than the sum or value of $1,000,000 (exclusive of interest and costs), computed on the basis of all claims to be determined in the action.

(b) EXCEPTION.—A year 2000 action shall not be brought or removed as a class action under this section if—

(1)(A) the substantial majority of the members of the proposed plaintiff class are citizens of a single State of which the primary defendants are also citizens; and

(B) the claims asserted will be governed primarily by the laws of that State; or

(2) the primary defendants are States, State officials, or other governmental entities against whom the United States district court may be foreclosed from ordering relief.

TITLE V—CLIENT PROTECTION IN CONNECTION WITH YEAR 2000 ACTIONS

SEC. 501. SCOPE.

This title applies to any year 2000 action asserted or brought in Federal or State court.

SEC. 502. DEFINITIONS.

In this title:

(1) ATTORNEY.—the term "attorney" means any natural person, professional law association, corporation, or partnership authorized under applicable State law to practice law.

(2) ATTORNEY'S SERVICES.—The term "attorney's services" means the professional advice or counseling of or representation by an attorney, but such term shall not include other assistance incurred, directly or indirectly, in connection with an attorney's services, such as administrative or secretarial assistance, overhead, travel expenses, witness fees, or preparation by a person other than the attorney of any study, analysis, report, or test.

(3) CONTINGENT FEE.—The term "contingent fee" means the cost or price of an attorney's services determined by applying a specified percentage, which may be a firm fixed percentage, a graduated or sliding percentage, or any combination thereof, to the amount of the settlement or judgment obtained.

(4) HOURLY FEE.—The term "hourly fee" means the cost or price per hour of an attorney's services.

(5) RETAIN.—The term "retain" means the act of a client in engaging an attorney's services, whether by express or implied agreement, by seeking and obtaining the attorney's services.

SEC. 503. CONSUMER'S RIGHT TO UP-FRONT DISCLOSURE OF INFORMATION REGARDING FEES AND SETTLEMENT PROPOSALS.

Before being retained by a client with respect to a year 2000 claim or a year 2000 action, an attorney shall disclose to the client the client's rights under this title and the client's right to receive a written statement of the information described under sections 504 and 505.

SEC. 504. INFORMATION AFTER INITIAL MEETING.

(a) WRITTEN DISCLOSURE OF FEES.—Within 30 days after the disclosure described under section 503, an attorney retained by a client with respect to a year 2000 claim or a year 2000 action shall provide a written statement to the client setting forth—

(1) in the case of an attorney retained on an hourly basis, the attorney's hourly fee for services in pursuing the year 2000 claim or year 2000

action and any conditions, limitations, restrictions, or other qualifications on the fee, including likely expenses and the client's obligation for those expenses; and

(2) in the case of an attorney retained on a contingent fee basis, the attorney's contingent fee for services in pursuing the year 2000 claim or year 2000 action and any conditions, limitations, restrictions, or other qualifications on the fee, including likely expenses and the client's obligation for those expenses.

(b) Consumer's Right to Timely Updated Information About Fees.—In addition to the requirements contained in subsection (a), in the case of an attorney retained on an hourly basis, the attorney shall also render regular statements (at least once each 90 days) to the client containing a description of hourly charges and expenses incurred in the pursuit of the client's year 2000 claim or year 2000 action by each attorney assigned to the client's matter.

SEC. 505. CONSUMER'S RIGHT TO TIMELY UPDATED INFORMATION ABOUT SETTLEMENT PROPOSALS AND DETAILED STATEMENT OF HOURS AND FEES.

An attorney retained by a client with respect to a year 2000 claim or a year 2000 action shall advise the client of all written settlement offers to the client and of the attorney's estimate of the likelihood of achieving a more or less favorable resolution to the year 2000 claim or year 2000 action, the likely timing of such resolution, and the likely attorney's fees and expenses required to obtain such a resolution. An attorney retained by a client with respect to a year 2000 claim or a year 2000 action shall, within a reasonable time not later than 60 days after the date on which the year 2000 claim or year 2000 action is finally settled or adjudicated, provide a written statement to the client containing—

(1) in the case of an attorney retained on an hourly basis, the actual number of hours expended by each attorney on behalf of the client in connection with the year 2000 claim or year 2000 action, the attorney's hourly rate, and the total amount of hourly fees; and

(2) in the case of an attorney retained on a contingent fee basis, the total contingent fee for the attorney's services in connection with the year 2000 claim or year 2000 action.

SEC. 506. CLASS ACTIONS.

An attorney representing a class or a defendant in a year 2000 action maintained as a class action shall make the disclosures required under this title to the presiding judge, in addition to making such disclosures to each named representative of the class. The presiding judge shall, at the outset of the year 2000 action, determine a reasonable attorney's fee by determining the appropriate hourly rate and the maximum percentage of the recovery to be paid in attorney's fees. Notwithstanding any other provision of law or agreement to the contrary, the presiding judge shall award attorney's fees only pursuant to this title.

SEC. 507. AWARD OF REASONABLE COSTS AND ATTORNEY'S FEES AFTER AN OFFER OF SETTLEMENT.

(a) Offer of Settlement.—With respect to any year 2000 claim, any party may, at any time not less than 10 days before trial, serve upon any adverse party a written offer to settle the year 2000 claim for money or property, including a motion to dismiss the claim, and to enter into a stipulation dismissing the claim or allowing judgment to be entered according to the terms of the offer. Any such offer, together with proof of service thereof, shall be filed with the clerk of the court.

(b) Acceptance of Offer.—If the party receiving an offer under subsection (a) serves written notice on the offeror that the offer is accepted, either party may then file with the clerk of the court the notice of acceptance, together with proof of service thereof.

(c) Further Offers Not Precluded.—The fact that an offer under subsection (a) is made but not accepted does not preclude a subsequent offer under subsection (a). Evidence of an offer is not admissible for any purpose except in proceedings to enforce a settlement, or to determine costs and expenses under this section.

(d) Exemption of Claims.—At any time before judgment is entered, the court, upon its own motion or upon the motion of any party, may exempt from this section any year 2000 claim that the court finds presents a question of law or fact that is novel and important and that substantially affects nonparties. If a claim is exempted from this section, all offers made by any party under subsection (a) with respect to that claim shall be void and have no effect.

(e) Petition for Payment of Costs, Etc.—If all offers made by a party under subsection (a) with respect to a year 2000 claim, including any motion to dismiss the claim, are not accepted and the dollar amount of the judgment, verdict, or order that is finally issued (exclusive of costs, expenses, and attorneys' fees incurred after judgment or trial) with respect to the year 2000 claim is not more favorable to the offeree with respect to the year 2000 claim than the last such offer, the offeror may file with the court, within 10 days after the final judgment, verdict, or order is issued, a petition for payment of costs and expenses, including attorneys' fees, incurred with respect to the year 2000 claim from the date the last such offer was made or, if the offeree made an offer under this section, from the date the last such offer by the offeree was made.

(f) Order To Pay Costs, Etc.—If the court finds, pursuant to a petition filed under subsection (e) with respect to a year 2000 claim, that the dollar amount of the judgment, verdict, or order that is finally issued is not more favorable to the offeree with respect to the year 2000 claim than the last such offer, the court shall order the offeree to pay the offeror's costs and expenses, including attorneys' fees, incurred with respect to the year 2000 claim from the date the last offer was made or, if the offeree made an offer under this section, from the date the last such offer by the offeree was made, unless the court finds that requiring the payment of such costs and expenses would be manifestly unjust.

(g) Amount of Attorney's Fees.—Attorney's fees under subsection (f) shall be a reasonable attorney's fee attributable to the year 2000 claim involved, calculated on the basis of an hourly rate which may not exceed that which the court considers acceptable in the community in which the attorney practices law, taking into account the attorney's qualifications and experience and the complexity of the case, except that the attorney's fees under subsection (f) may not exceed—

(A) the actual cost incurred by the offeree for an attorney's fee payable to an attorney for services in connection with the year 2000 claim; or

(B) if no such cost was incurred by the offeree due to a contingency fee agreement, a reasonable cost that would have been incurred by the offeree for an attorney's noncontingent fee payable to an attorney for services in connection with the year 2000 claim.

(h) Inapplicability to Equitable Remedies.—This section does not apply to any claim seeking an equitable remedy.

(i) Inapplicability to Class Actions.—This section does not apply with respect to a year 2000 action brought as a class action.

SEC. 508. ENFORCEMENT OF CONSUMER PROTECTION RULES IN YEAR 2000 CLAIMS AND ACTIONS.

A client whose attorney fails to comply with this title may file a civil action for damages in the court in which the year 2000 claim or year 2000 action was filed or could have been filed or other court of competent jurisdiction. The remedy provided by this section is in addition to any other available remedy or penalty.

The CHAIRMAN. No amendment to that amendment shall be in order except those printed in part 2 of House Report 106–134. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered read, debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

It is now in order to consider amendment No. 1 printed in part 2 of House Report 106–134.

AMENDMENT NO. 1 OFFERED BY MR. DAVIS OF VIRGINIA

Mr. DAVIS of Virginia. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. DAVIS of Virginia:

Page 4, add the following after line 23 and redesignate succeeding paragraphs accordingly:

(2) DAMAGES.—The term "damages" means punitive, compensatory, and restitutionary relief.

Page 8, line 18, strike "February 22, 1999" and insert "January 1, 1999".

The CHAIRMAN. Pursuant to House Resolution 166, the gentleman from Virginia (Mr. DAVIS) and the gentleman from Virginia (Mr. BOUCHER) each will control 10 minutes.

The Chair recognizes the gentleman from Virginia (Mr. DAVIS).

Mr. DAVIS of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment does several things.

First of all, it changes the effective date of the legislation from the arbitrary date of February 22, 1999, the date of the final draft, to January 1, 1999. We think this makes sense. Sections 201(a) and 202(a) of the bill addresses a Year 2000 action involving contracts as of the date of January 1, 1999, as the effective date of those actions. This language would make all such actions consistent with that date. Changing the effective date of the overall legislation simply makes H.R. 775 consistent within itself.

In addition, the Senate version of the legislation, S. 96, has already changed its effective date to January 1, 1999. So this action will aid in the consistency and ease for enactment as the two Houses get together and iron out any difficulties in the legislation, so we would make that consistent.

The second part of this amendment completes a needed definition to the term "damages" that was left out of the bill.

□ 1300

The amendment defines damage to mean punitive, compensatory and restitutionary relief. The bill clearly proposes to require detailed pleading of the bases of Year 2000 lawsuits to reduce claims that could have been avoided by a plaintiff's own timely actions and to curtail the recovery of money damages in designated circumstances.

The intent here is to be broad, but there is a type of monetary relief that the term "damages" generally does not include. Many States allow awards that are restitutionary in nature, allowing plaintiffs to recover money that is not based on a proven loss but on what it will take to make the plaintiff whole.

This language is more inclusive and allows a broader definition of damage, something I would hope the other side would accept.

This amendment will clarify that restitution and damages accomplish the same purpose for the purposes of this bill. This will clarify the point for courts on down the line so that a bill that is designed to limit litigation does not spawn more of it because of confusion over definitions, and it makes it consistent.

Mr. Chairman, I reserve the balance of my time.

Mr. BOUCHER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the amendment. My principal concern with the amendment offered by the gentleman from Virginia (Mr. Davis) is that it moves the retroactive date for the effectiveness of the provisions contained in H.R. 775 to January 1, 1999, and all lawsuits filed since January 1, 1999 that fall within the general ambit of H.R. 775 would then be subjected to these new rules.

In addition to the general constitutional and fairness questions that concern applying new legal restrictions to lawsuits that have already been brought, I think this amendment raises a whole host of legal uncertainties.

For example, what happens to suits that have been filed which did not undergo the 90-day cooling off period? What about class actions that have already been filed and certified? What about cases that have been filed that did not meet the heightened pleading standard that is set forth in the bill? How would this early date affect settlements that have been achieved and that are now pending court approval?

I have worked in the years that I have been in the House of Representatives on a number of tort reforms and have supported the enactment of several of them that are law today. These include the General Aviation Liability Act and the Volunteer Protection Act. These bills were carefully crafted. They were very bipartisan and we always sought to avoid the very problems concerning retroactivity that I am raising at this time.

So while I understand the motivation of the gentleman from Virginia (Mr. Davis) and I commend him for the leadership that he has shown in bringing a whole set of important concerns here today, it is with reluctance but with determination nonetheless that I rise in opposition to this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. DAVIS of Virginia. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, many of the issues that have been brought to mind by my friend, the gentleman from Virginia (Mr. Boucher), apply to the February 22 date as well, which is currently in the legislation. Any litigation that commenced after that date, the same concerns that the gentleman from Virginia (Mr. Boucher) raises would apply to that. So whether it is February 22 or January 1 really does not make any difference for the majority of those concerns.

What this does do is that litigation that is filed between January 1 and February 22 would come under the ambit of this legislation, and it is that window of 6 weeks or 7 weeks where there may be pending legislation that would be affected under this, but as to the other concerns, regardless of whether this amendment passes or not, his concerns I think remain.

We, of course, need an enactment date. We are trying to make it internally consistent so we do not have one day for enactment for contracts that were entered into and another for tort. We just think this makes it more internally consistent at this point. Again, it is consistent with the Senate version that is currently pending there.

In addition to that, I would hope the gentleman would not have any problem with the second part of this amendment that talks about the term "damages" and broadens that in a way that I think clarifies it with existing State law.

Mr. DAVIS of Virginia. Mr. Chairman, I yield back the balance of my time.

Mr. BOUCHER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. Davis).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in part 2 of House Report 106–134.

AMENDMENT NO. 2 OFFERED BY MR. MORAN OF VIRGINIA

Mr. MORAN of Virginia. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. Moran of Virginia:

Page 9, strike lines 3 through 5 and insert the following:

(c) Exclusion of Personal Injury Claims.—None of the provisions of this Act shall apply to any claim based on personal injury, including any claim asserted by way of claim, counterclaim, cross-claim, third-party claim, or otherwise, that arises out of an underlying action for personal injury.

Page 9, insert the following after line 9:

(e) Certain Other Actions.—A person who is liable for damages, whether by settlement or judgment, in a claim or civil action to which this Act does not apply by reason of subsection (c) and whose liability, in whole or in part, is the result of a year 2000 failure may pursue any remedy otherwise available under Federal or State law against the person responsible for that year 2000 failure to the extent of recovering the amount of those damages. Any such remedy shall not be subject to this Act.

The CHAIRMAN. Pursuant to House Resolution 166, the gentleman from Virginia (Mr. Moran) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Virginia (Mr. Moran).

Mr. MORAN of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment clarifies and ensures the intent of the sponsors of this bill regarding the exemption of personal injury claims. The amendment addresses possible unintended liability for defendants, including doctors and other health care providers.

Under the existing legislation, personal injury actions are excluded from the scope of the act, but there is some uncertainty regarding its impact on defendants in such claims. So this proposed amendment would clarify that defendants, including physicians or other health care providers, who incur personal injury liability caused by a Y2K defect would be able to recover from the manufacturer of the malfunctioning product to the extent of those damages.

The amendment makes it clear that none of the provisions of H.R. 775 shall apply to any claim based on personal injury, including any claim asserted by way of counterclaim, cross claim or third party claim, and will make sure that third party defendants brought into Y2K personal injury claims are not provided with the liability protections of this legislation.

The amendment further clarifies the original intent of the legislation, and that is why I do not believe there is any opposition to it. I think it strengthens and balances it, and I would ask my colleagues to support it.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does any Member claim the time in opposition to the amendment?

The Chair recognizes the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. BOUCHER).

Mr. BOUCHER. Mr. Chairman, I thank the gentleman from Virginia (Mr. MORAN) for yielding me this time.

Mr. Chairman, I rise for the purpose of encouraging support for his amendment. I think it represents a step forward in clarifying that actions for personal injuries are excluded from the provisions of the bill. It is a worthwhile provision and I encourage support for it.

Mr. MORAN of Virginia. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. DAVIS).

Mr. DAVIS of Virginia. Mr. Chairman, let me just commend the gentleman for offering this amendment. I think it is not only just a clarification, it is in the spirit. I think the most obvious example was the case of malfunctioning equipment in a hospital that injures a patient. If a defendant's doctor or hospital made a claim against a responsible third party, this amendment makes sure that that party would not be able to claim the liability protections under this legislation that are available to the doctor or the hospital.

It is a good clarification. I commend the gentleman and ask my colleagues to support it.

Mr. MORAN of Virginia. Mr. Chairman, I yield myself my remaining time to make a general statement on the bill, having decided previously that it may be more efficient to make the statement while I was speaking on my amendment.

Mr. Chairman, unless this legislation is enacted, the costs associated with year 2000 lawsuits will pose a very serious threat to our Nation's continued economic prosperity as we enter the new millennium. It is absolutely essential that individuals and companies that suffer legitimate economic injuries due to Y2K disruptions retain the right to sue. Left unchecked, strident litigators could discourage preventative action by businesses and stifle innovation and economic growth.

That is why I believe that this is reasonable, bipartisan legislation that will lessen the economic impact of this Y2K potential problem, encourage businesses to fix their problems now and help to ensure a balanced, fair and efficient outcome to Y2K litigation.

Excessive litigation and the potential negative impact on targeted industries threaten the jobs of American workers and the position of American industries in the world market. Unless legislation is enacted quickly, Y2K-related problems could result in more than a trillion dollars in litigation expenses.

It has been estimated by one technology association that the amount of litigation associated with Y2K will be two to three dollars for every dollar that will actually be spent fixing the problem. In fact, a panel of experts at the American Bar Association's last annual meeting predicted that legal costs associated with Y2K suits could exceed that of litigation over asbestos, breast implants, tobacco and Superfund liability combined.

Think about that. That is more than three times the total annual estimated cost of all civil litigation in the United States. It is inconceivable that this could occur without serious long-term damage to the United States economy.

Currently, American businesses, governments and other organizations are tirelessly working to correct potential Y2K failures, but as diligently as we work on this problem it is nevertheless a daunting task. It involves reviewing, testing and correcting billions of lines of computer code.

It has been estimated by the Federal Reserve that the U.S. Government will spend over $30 billion to correct its computers and American businesses will spend an estimated $50 billion to reprogram theirs. Regardless of all the efforts and all the money, some failures are bound to occur.

This legislation does not protect companies that have reason to know they will have failures and do nothing to correct them. Even companies that simply run out of time will still be liable for economic damages that they cause. We have to understand that many of the Y2K computer failures will occur because of the interdependency of the United States in world economies. Every Y2K failure will have a compounding effect on other organizations that are dependent upon it.

Those disruptions, in turn, cause further disruptions to other interdependent organizations and individuals. In other words, we will have an exponential domino effect. That is what we have to worry about.

Many of those organizations, whether they are compliant or noncompliant, will nevertheless find themselves suing and being sued for the entire amount of damages caused by the business interruptions. That will create a substantial drag on our economy if we do not intervene, at least with this legislation.

Every dollar that is spent on litigation and frivolous lawsuits is a dollar that cannot be used to invest in new equipment, pay skilled workers, train them or pay dividends to shareholders.

In addition to the potentially huge costs of litigation, there is another unique element to this Y2K problem. In contrast to other problems that affect some businesses or even entire industries engaging in damaging activity, this Y2K problem affects all aspects of the economy, especially our most productive high tech industries.

In the words of Robert Atkinson of the Progressive Policy Institute, it is a unique one-time event, best understood as an incomparable societal problem rooted in the early stages of this entire Nation's transformation to the digital economy.

This is something we can see coming. We need to act now so that it does not have the kind of adverse consequences that it potentially could have.

This bill, I emphasize, does not prevent economic damage recoveries. Injured plaintiffs will still be able to recover all of their damages and defendant companies will still be held liable for the entire amount of economic damages they cause. In addition, all personal injury claims are totally exempt from this legislation.

So it is time for Congress to protect American jobs and industry with this legislation. It has been endorsed by impressive coalitions of over 300 organizations, including the Information Technology Industry Council, the Business Software Alliance, the National League of Cities, the Information Technology Association of America. It is a very wide array of public and private sector organizations representing both likely plaintiffs and defendants.

On May 7, Alan Greenspan was quoted in the Post as saying that an unexpected leap in technology is primarily responsible for the Nation's phenomenal economic performance and the current extraordinary combination of strong growth, low unemployment, low inflation, high corporate profits and soaring stock prices.

The goal of this Congress should be to encourage economic growth and innovation, not to foster predatory legal tactics that will only compound the damage of this one-time national crisis.

Congress owes it to the American people to do everything we can to lessen the economic impact of the worldwide Y2K problem, lead the rest of the world and not let it unnecessarily become a litigation bonanza.

In his State of the Union address, President Clinton urged Congress to find solutions that would make the year 2000 computer program the last headache of the 20th century rather than the first crisis of the 21st.

The Year 2000 Readiness and Responsibility Act is an important part of the solution. By promoting remediation over unnecessary litigation, we can help bring in the next millennium with continued economic growth and prosperity. That is why I support this fair bipartisan bill, and I urge the support of my colleagues for this bill as well as for the amendment immediately before us.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. MORAN).

The amendment was agreed to.

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The CHAIRMAN. It is now in order to consider amendment No. 3 printed in part 2 of House Report 106-134.

AMENDMENT NO. 3 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Ms. JACKSON-LEE of Texas:

Page 10, line 10, strike "Except" and insert the following: "The notice under this subsection does not require descriptions of technical specifications or other technical details with respect to the material defect at issue. Except".

The CHAIRMAN. Pursuant to House Resolution 166, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me thank my committee members for considering this amendment, and particularly I ask my colleagues to join me in supporting the amendment that I offer this afternoon.

Mr. Chairman, this amendment is a simple and noncontroversial one, I would hope, supported by both the U.S. Chamber of Commerce and the American Trial Lawyers Association, and one which I hope this House can support unanimously.

My amendment simply clarifies the notification provisions in this bill, which regulate the filing of claims brought against defendants by the Y2K bug-related transgressions.

Under section 101 of H.R. 775, a plaintiff who is filing a year 2000 action must notify each perspective defendant of their impending action before their lawsuit can actually be filed. This is called a cooling off provision.

Under the terms of that provision, the notification must contain, stated with particularity, the symptoms of the material defect, the alleged harm, the facts that show causation, the relief sought, and a contact person who has the authority to mediate the dispute.

My amendment merely makes it crystal clear that in this initial notification document, that the particularity requirement does not exclude the use of layman's terms when providing notification to the defendant.

Mr. Chairman, in one of our hearings on this particular legislation in the Committee on the Judiciary, and I also participated in some in the Committee on Science, we heard from a storekeeper who ran a fruit grocery store, if you will, and his expressions were very instructive to me. It is the day-to-day businesses that have to deal with this issue. It is the flower shop, the bakery shop, the grocery store, it is the small law office or physician's office. We think it is extremely important that those laymen not have the burden of talking in technologese in order to make their point.

As a Member who sits on both the Committee on the Judiciary and the Committee on Science, and who has sat through numerous hearings on the Millennium bug, I know issues relating to the Y2K bug can be very complex. I know not everybody is a Y2K expert. I understand that not everyone can be expected to tell the difference between a flashable BIOS and firmware, or between an embedded chip and integrated chipset.

That is why many businesses have decided, rather than to tackle the Y2K bug on their own, to hire a Y2K specialist to help them work through this rough transition. If, when all is said and done, they realize that their equipment or software is not Y2K compliant, the first problem they will face is trying to figure out what went wrong. This will be a difficult problem to solve if the entity they are seeking a response from is not cooperating and they do not have the technical wherewithal to solve the problem themselves.

This problem can only be exacerbated if a court were to interpret the particularity requirement in the notification provision in this bill to mean that plaintiffs who bring causes of action must provide technical details about what caused the failure of their computer system, something that most will be unable to do without hiring another Y2K bug expert.

We can fix this problem, Mr. Chairman, and save these claimants a great deal of money by passing this amendment today.

The language in my amendment will also save individuals and businesses the additional expenses of hiring a technically savvy attorney before they can bring this type of action. As an attorney, Mr. Chairman, I am not looking to put attorneys out of business, but I certainly think it is important to speak on behalf of our small businesses across America and let them write out what they think the problem is, the machine just does not work, and have that be sufficient notice. It will also save them a great deal of trouble if they live or do business in an area where such lawyers are tough to find.

This amendment protects small businesses by letting them give their notification in their own straightforward terms, no technical experts needed. Maybe later on, but not at this juncture.

This is a commonsense and bipartisan amendment that truly improves this bill. I urge all of my colleagues to vote aye. I hope we can stand up for the small businesses of America.

Mr. Chairman, today I rise to offer an amendment to H.R. 775, the Year 2000 Readiness and Responsibility Act of 1999. This amendment is a simple and non-controversial one, supported by both the U.S. Chamber of Commerce and the American Trial Lawyers Association, and one which I hope can be accepted by this House unanimously.

My amendment simply clarifies the notification provisions in this bill, which regulate the filing of claims brought against defendants for Y2K bug-related transgressions. Under Section 101 of H.R. 775, a plaintiff who is filing a Year 2000 action, must notify each prospective defendant of their impending action before their lawsuit can actually be filed. This is the so-called "cooling off" provision. Under the terms of that provision, the notification must contain, stated "with particularity"—the (1) symptoms of the material defect; (2) the alleged harm; (3) the facts that show causation; (4) the relief sought, and (5) a contact person who has the authority to mediate the dispute.

My amendment merely makes it crystal clear that in this initial "notification" document, that the "particularity requirement" does not exclude the use of layman's terms when providing notification to the defendant.

As a Member who sits on both the Judiciary and Science Committees, and who has sat through numerous hearings on the Millennium Bug, I know that issues related to the Y2K bug can be very complex. I know that not everybody is a Y2K expert. I understand that not everyone can be expected to tell the difference between a flashable BIOS and firmware, or between an embedded chip and an integrated chipset.

That is why many businesses have decided, rather than to tackle the Y2K bug on their own, to hire a Y2K specialist to help them work through this rough transition period. If when all is said and done, they realize that their equipment or software is not Y2K complaint, the first problem they will face is trying to figure out what went wrong. This will be a difficult problem to solve if the entity that they are seeking a response from is not cooperating—and they do not have the technical wherewithal to solve the problem themselves.

This problem can only be exacerbated if a court were to interpret the "particularity" requirement in the notification provision in this bill to mean that plaintiffs who bring causes of action must provide technical details about what caused the failure of their computer system—something that most will be unable to do without hiring another Y2K bug expert. We can fix this problem, and save these claimants a great deal of money, by passing this amendment today.

The language in my amendment will also save individuals and businesses the additional expense of hiring a technically savvy attorney before they can bring this type of action. And it will also save them a great deal of trouble if they live or do business in an area where such lawyers are tough to find. This amendment protects small businesses by letting them give their notification in their own straightforward terms—no technical experts needed.

This is a common sense and bi-partisan amendment that truly improves this bill, and I urge all of you to support it with an "aye" vote.

Mr. GOODLATTE. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Virginia.

Mr. GOODLATTE. Mr. Chairman, I thank the gentlewoman for yielding. I commend her for her amendment, which I think is a positive addition to the legislation. I support it. We will accept the amendment.

Mr. BOUCHER. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Virginia.

Mr. BOUCHER. Mr. Chairman, I thank the gentlewoman for yielding to me, and I want to commend her for bringing this amendment to the House. This makes important changes that assure that commonly-used, everyday language can be embodied in the notice that is sent that would trigger the cooling-off period. I think it definitely improves the bill, and would encourage support for it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to thank both gentlemen from Virginia for their leadership on this issue. I also thank the gentlewoman from California (Ms. LOFGREN) and the gentleman from Michigan (Mr. CONYERS) for the amendment they will offer and I intend to support.

Let us try to work together to ensure that we do the very best in this instance for Y2K.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in part 2 of House Report 106–134.

AMENDMENT NO. 4 OFFERED BY MR. SCOTT

Mr. SCOTT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. SCOTT:

Page 23, strike line 1 and all that follows through page 25, line 8, and redesignate succeeding sections, and references thereto, accordingly.

The CHAIRMAN. Pursuant to House Resolution 166, the gentleman from Virginia (Mr. SCOTT) and the gentleman from Virginia (Mr. GOODLATTE) each will control 10 minutes.

The Chair recognizes the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Chairman, I yield myself such time as I may consume.

This amendment would eliminate section 304 of the bill. That section, if it is not removed, would overturn the discretion of States to determine when and how punitive damages should be paid, and prescribes an inflexible Federal standard and process for arbitrarily limiting such awards.

The bill overturns State punitive damage laws without any findings that they are inadequate or inappropriate. In fact, States have found punitive damages to be an effective tool in preventing and correcting reckless or wanton actions on the part of designers, manufacturers, and distributors of products sold to their citizens.

One of the usual rationales for federalizing an area of the law that has been historically left to the States is that we want to promote uniformity in State laws across the Nation. However, this rationale is violated in this very case because States which do not allow punitive damages are not required to adopt them, and those with lower limits are not required to raise them to a uniform level. Therefore, wide differences in punitive damages will continue under this bill.

There is no indication that there are too many punitive damages awarded. The standards in States for awarding punitive damages, those standards are very high as it is. Generally, they require intentional, reckless, and wanton behavior which threatens the health and safety of innocent people.

In fact, between 1965 and 1990, one study only found 355 such awards across the country in product liability cases, and more than half of those were reduced or overturned on appeal.

States provide for punitive damages because they know that the mere threat of a large punitive damages award discourages reckless or malicious harm to consumers. Moreover, limiting punitive damages awards could cause reckless and malicious defendants to conclude that it is more cost-effective to risk paying limited amounts than to prevent or correct the problems that they are causing in the first place.

This was precisely the rationale employed by the Ford Motor Company regarding its Pinto. In Grisham vs. Ford Motor Company, it was found that the company determined that it would be cheaper to sell the defectively-designed car and risk paying damage awards to injured consumers than it would be to make the car significantly safer at a cost of $11 per car.

Or we have another example where in 1980 a 4-year-old girl received permanent scars, second- and third-degree burns, when the pajamas she was wearing caught fire, and it was only after punitive damages were assessed that the company stopped manufacturing flammable pajamas.

Clearly, the threat of punitive damages protects consumers from such profit-oriented calculations. In fact, in nearly 80 percent of the product liability cases in which punitive damages were awarded, the manufacturer made safety changes which subsequently protected future customers. Without this amendment, the bill will serve to protect those who would act irresponsibly because there is less incentive for them to take corrective action.

Whatever Members' views are on the merits of limiting the discretion of States to determine their punitive damage laws, there is no justification for singling out the information technology industry for such treatment.

It is clear that efforts to limit punitive damage awards and other provisions of the bill, such as limitations on joint and several liability, have more to do with pushing a general tort reform agenda than it does with addressing Y2K problems.

Unfortunately, Congress is again allowing itself to be used by the most powerful side of a legal dispute in jerryrigging laws in their favor. Congress should not act as an alternative appellate court only available to those whose political clout is effective enough to cause a legislative change quickly enough to benefit their case.

We have done that frequently in the past, and this amendment will allow us to continue to rely upon the States to know what is best to protect their consumers and the interests of businesses, and to balance those interests. Of all the pressing needs of Congress today, we should not be limiting the discretion of States to protect consumers.

I urge my colleagues to allow States to continue to deter intentional, reckless, wanton, and fraudulent behavior by supporting this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. GOODLATTE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am in strong opposition to this amendment. The punitive damage caps that are contained in this legislation are badly needed and entirely reasonable. They provide for $250,000 in punitive damages in each case, in each instance of liability, or three times the amount of economic loss that the plaintiff may have suffered, whichever is greater, except in the case of very small businesses with fewer than 25 employees, in which case, they can still suffer $250,000 in punitive damages or three times their economic loss, whichever is lesser.

The reasonable limits on punitive damages contained in H.R. 775 are very important. In many instances, the pleading of punitive damages amounts to an extortion threat to companies. Unfortunately, many companies settle those cases, although the company was not responsible for the damages alleged by the plaintiff.

The settlement occurs because the company does not want to take a chance in a legal lottery that could make it liable for millions of dollars in punitive damages when the actual harm alleged by the plaintiff is several orders of magnitude less.

Let me give an example. The May 11, 1999, editions of the Wall Street Journal and the Washington Times illustrate what can happen when a company decides to take a case to trial. A jury in Alabama has awarded $580 million in punitive damages against Whirlpool Corporation for a satellite dish loan program. The satellite dishes cost $1,124. In addition to the punitive damages, the two plaintiffs were awarded $975,000 for mental anguish. This type of outrageous award is what this legislation is trying to curtail.

Punitive damages are awarded primarily as punishment to a defendant. They are intended to deter a repeat of the offensive conduct. Punitive damages are not awarded to compensate losses or damage suffered by the plaintiff. But Y2K cases are unusual in that the conduct is not likely to occur again. That is because Y2K is going to resolve itself here with time. Thus, there is little deterrent value to awarding punitive damages. Without a deterrent effect, punitive damages serve only as a windfall to plaintiffs and attorneys.

Additionally, since we have eliminated personal injuries from coverage of the bill, the only harm caused by defendants will be economic damage, which can be appropriately compensated without the need for punitive award. Furthermore, excessive punitive damage awards will simply compound the economic impact of Y2K litigation, and the cost will be passed along to the public and consumers through higher prices.

In this situation, punitive damages truly become a lottery for the plaintiff. Thus, they should be limited. Our limitations of $250,000 or three times the economic loss cap are entirely reasonable. I urge my colleagues to oppose the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. SCOTT. Mr. Chairman, I yield 3 minutes to my colleague, the gentleman from Virginia (Mr. BOUCHER).

Mr. BOUCHER. Mr. Chairman, I thank the gentleman for yielding time to me, and I am pleased to rise in support of the amendment offered by the gentleman from Virginia (Mr. SCOTT) which strikes the bill's cap on punitive damages.

Punitive damages impose punishment for conduct that is outrageous and deliberate, and it deters others from engaging in similar behavior. But the bill would cap punitive damages in Y2K actions at the greater of three times the amount of actual damages, or $250,000, and the lesser of these two amounts would be applicable if the defendant is a small business.

□ 1330

In addition, a plaintiff would have to prove by clear and convincing evidence that conduct carried out by the defendant showed a conscious, flagrant indifference to the rights or safety of others and was the proximate causes of the harm or the loss that is the subject of the Y2K claim.

Collectively, these restrictions on punitive damages are likely to completely eliminate not only the incentive for seeking punitive damages but any realistic possibility of obtaining them. These restrictions are counterproductive in that they provide the greatest amount of liability protection to the worst offenders, those who have done the least to resolve their Y2K problems.

In addition, absolute caps send a message to wrongdoers that it does not matter how harmful or malicious their behavior, they will never be liable for more than a set limit. These restrictions allow companies to ignore Y2K problems knowing that they can never be subjected to punitive damages for completely reckless and irresponsible behavior.

This is clearly not the signal that we ought to be sending during this crucial time for the making of Y2K remediation efforts. This is yet another issue that has very little to do with the Y2K problem.

While caps on punitive damages are not needed to address the genuine concerns of the Y2K transition, if the provision imposing the caps remains as a part of this bill, the bill will be vetoed. Given the limited amount of time that we have to put these changes and some genuinely needed protections into effect, the punitive damages cap seriously threatens our ability to provide as a legislative matter the protections that truly are needed.

So I am pleased to rise in support of the amendment offered by the gentleman from Virginia (Mr. SCOTT). In adopting this amendment, we will improve the product and enhance greatly the opportunity to provide the protections that really are needed to address the Y2K transition.

Mr. GOODLATTE. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia (Mr. DAVIS).

Mr. DAVIS of Virginia. Mr. Chairman, I rise in strong opposition to this amendment of the gentleman from Virginia (Mr. SCOTT). I think this guts the purpose of the bill. Without a punitive damage cap, one lawsuit can bring down some of the major emerging technology companies in this country.

The argument that it will be vetoed and, therefore, we have to let the White House write the bill I think is strained at best. How many times have my friends from the other side of the aisle heard this language and then heard the administration, whether it be Republican or Democrat, withdraw and end up signing a bill?

We overturned the administration on one tort liability issue in securities litigation. We overturned them because we had the votes here to do that as well.

If we start thinking about whatever the White House says we are going to do, then I think we can pack it up and go home, and we can forget about the separation of powers.

I think at the end of the day we are going to have a bill that the White House can sign. I think we will have a bill that will be good for American consumers, but we are also going to have a bill that protects American business.

One lawsuit without a cap on punitive damages can bring a major company down. It can bring them down. It can throw their employees out on the street, as they would have to fold up their tent. It will drive up the cost of insurance and drive up the cost of settlements. In driving up the cost of settlements on these suits, it spurs more lawsuits.

So where are we? We are where a number of groups and individuals who testified before these committees talked about. Estimates of anywhere between tens of billions to hundreds of billions of dollars, upwards of a trillion dollars of profits from these companies, instead of going to their employees, instead of going to get new products so we can compete in the global marketplace, can be tied up in litigation, lawsuits and attorneys fees, bringing down the fastest-growing segment of American economy. That is what this is about.

This amendment just guts the purpose of this bill. We may as well pack it up without some kind of punitive damage cap.

But I think the most disturbing thing about this amendment is the fact that, for small businesses, we offer the protection of a $250,000 punitive damage cap. For small businesses, they take that out as well, and small business would be subjected to very high caps.

This jeopardizes every small business in America, which I think is why the National Federation of Independent Businesses, the Chamber of Commerce representing large and small businesses, are so adamantly opposed to this amendment.

Mr. SCOTT. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, this is an important provision to protect consumers. The bill provides problems for consumers by making them chase around every possible person that may have had anything to do with it, rather than the person they bought the product from.

It has a loser-pays provision where, if they do not accept an offer that is given and in court gets just less than that, then they owe the other side's attorneys fees. So they have to sometimes bet their house on whether or not they can get compensation. The limit on punitive damages in the bill makes it more difficult to prove the punitive damages.

It is interesting that my colleague points out the case in Alabama where the punitive damage judgment was hundreds of millions of dollars. I would only point out that that case is still going on. It is subject to appeal.

But it is also interesting to note the allegations in that particular case, where the allegation was that the company was just systematically overcharging consumers, just ripping them off. That is exactly the kind of company that is going to benefit with this bill if this amendment is not adopted. Those who rip-off consumers, those who act with a reckless and wanton disregard for the safety of others, those are the ones who will benefit by this bill if the amendment is not adopted.

Mr. Chairman, I would hope that we would protect consumers and adopt this amendment.

Mr. GOODLATTE. Mr. Chairman I yield myself the balance of my time.

Mr. Chairman, it is the consumers who benefit from a cap on punitive damages. A $580 million punitive damage award against the Whirlpool Corporation that I cited earlier reported in the May 11, that is yesterday's, edition to the Wall Street Journal and Washington Times gets passed on to every single consumer who buys products manufactured by the Whirlpool Corporation, washers and dryers and dishwashers and refrigerators and freezers and everything else that they manufacture.

All of them have to pay more when one unelected jury in the State of Alabama gives a $580 million punitive damage award. The company has to spread that cost over every single item that they sell to consumers.

Punitive damages represent a large and growing percentage of total damages awarded in all financial injury verdicts, rising from 44 percent to 59 percent of total awards between 1985 and 1989 and 1990 to 1994. In Alabama, the figure was 82 percent.

In the jurisdictions studied for 1985 to 1994, the total amount awarded for punitive damages nearly doubled, from $1.2 billion in 1985 to 1989 to $2.3 billion in 1990 to 1994. This does not relieve any plaintiff of any injury. It is simply a windfall.

We do need to deter future action of bad actors. Y2K is a particularly good area to have caps on punitive damages because of the fact that there is not going to be, in most instances, any future action related to Y2K cases because, once we get passed next year, there are not going to be any more new actions or new suits related to this.

I urge my colleagues to oppose this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. SCOTT).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. GOODLATTE. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 166, further proceedings on the amendment offered by the gentleman from Virginia (Mr. SCOTT) will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT NO. 5 OFFERED BY MR. NADLER

Mr. NADLER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. NADLER:

Strike title IV and redesignate title V, sections therein, and references thereto, accordingly.

The CHAIRMAN. Pursuant to House Resolution 166, the gentleman from New York (Mr. NADLER) and the gentleman from Virginia (Mr. GOODLATTE) each will control 10 minutes.

The Chair recognizes the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment would strike the sections of the bill which place severe limits and, I would say, gut any possibility of class-action suits in Y2K situations.

The bill's unnecessary class action provisions will do nothing to address the Y2K problem and serve only to restrict the rights of millions of consumers who may be negatively affected by the negligence of some. In addition, they will burden the Federal courts, and it will impede justice for many others as well.

Some of the provisions that would do this, one provision would require plaintiffs to prove in a class-action suit that there was a material defect as to a majority of the members of the class. This provision places a huge burden on the plaintiffs and on the court and is totally unnecessary.

Plaintiffs would now be required to interview and document the same type of damage on thousands of people with identical injuries. For example, in a case involving 17,000 doctors, a recent case, about 8,500 doctors would have had to document that they were all harmed in the same way because they all had the same defective computer program. This is a total waste of money.

The only reason for this provision is to make it more difficult for people to file class-action lawsuits. After all, why are there class-action lawsuits in the first place? Class actions are used by large groups of people who have suffered the same injury from a single defendant or group of defendants. When more than a million people were cheated out of $150 each because of fraud by Sears Roebuck a couple of years ago, it did not make sense for all of them to sue individually for $150. It could not have been done. Without a class-action proceeding, Sears Roebuck would have profited from its fraud to the tune of $168 million.

By joining together, the victims, individuals or small businesses who are victimized by intentional or by negligent torts, can seek their damages collectively and hold the tort-feasors responsible. Class actions let the little guys sue the big guys, which, as I understand, is why some people want to eliminate them.

They also help the courts. Why should the courts be forced to hear the same story over and over again?

Second, the bill would limit access to the courts by requiring notice of the action to be sent by mail, return receipt requested. That would cost, according to the Post Office, $2.65 plus postage for each individual. So that means, for those 17,000 doctors cases, it would have cost $51,000 just to send a one-page notice. What a waste of money.

What if there were more than 17,000 plaintiffs? What if, as in the Sears case, there were over a million? It would have cost over $3 million just for notice to institute the lawsuit.

This is simply ridiculous and is another attempt to prevent class-action lawsuits, which is the only way for the powerless victims to hold the powerful accountable. It sends a message in the context of this bill that large companies do not have to make any real efforts to prepare for Y2K problems. After all, most victims of their negligence in failing to prepare will not be able to sue them because it would cost hundreds of thousands or millions of dollars just for the notice provision.

The bill also removes almost all Y2K class-action lawsuits to Federal court. It overrides State law. It would require that any amount in controversy over a million dollars, which in any class-action almost all are for over a million dollars, it would go to Federal court.

It would provide that if there is one diversity of citizenship, if a million people in New York claimed damages and one in New Jersey, that goes to Federal court.

This overburdens the Federal courts. Judge Stapleton of the Court of Appeals for the Third Circuit testified on behalf of the Judicial Conference that this class-action provision in this bill would significantly disrupt the administration of justice in the Federal courts, which are overburdened.

Of course, we hear from the other side of the aisle all the time in favor of not infringing on the rights of the States. That is what we were told in the bankruptcy debate last week. We could not have a ceiling on the homestead exemptions because a couple States would not like that.

This bill infringes on the traditional authority of States to manage their own judicial business. By shifting all these State-created causes of action to Federal court, the bills confront the Federal courts with the time-consuming responsibility of engaging in a lot of choice-of-law decisions.

Finally, I will mention that the State courts provide most of the Nation's judicial capacity, so we should not limit access to this capacity in the face of the burden that Y2K litigation may impose.

Contrary to the stated goals of this litigation, the class-action provisions, by essentially eliminating class actions and federalizing those that would remain, would seriously impair our ability to efficiently resolve Y2K disputes and again says to major companies, "Do not bother fixing the Y2K problem. The cost will be passed on to your customers and consumers because they will not be able to sue you because of the normal cost of litigation. We will not let them consolidate those costs in a class action, which is the only way small customers, small consumers ever can sue big tort-feasors." This provision should be called the "Tort-feasors Rights Act of 1999."

Mr. Chairman, I reserve the balance of my time.

Mr. GOODLATTE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong opposition to this amendment. The class-action reform contained in this bill is entirely reasonable. It is strongly supported by a large number of bipartisan folks. In fact, legislation very similar to what is provided here will be introduced by myself, the gentleman from Virginia (Mr. BOUCHER) and others next week which will deal with class-action reform in a broader sense.

But the principle is very simple. Nobody should be able to go forum shopping in one county, in one State and bring a nationwide class-action suit before a judge that is predisposed to certify such class-action suits when the case considered on a larger scale would not be brought.

□ 1345

There are judges in this country who have certified large numbers of class action lawsuits and, in fact, far more than the entire Federal Judiciary combined. And so this is simply a reasonable reform.

The gentleman from New York makes reference to not wanting to hear cases over and over and over again. That is exactly what this legislation will do, because if it is truly a diverse class action with plaintiffs from across the country, the case will be removed to Federal Court and only heard once, whereas a class action could be brought in a number of States and retried a number of times under different legal theories. This is a sensible way to address that.

The provisions of this section of the bill are also very reasonable and, in fact, some of them are included in both the substitute offered by the gentleman from Michigan (Mr. CONYERS) and are supported by the White House, including the minimum injury requirement.

This provision simply states that where it is claimed in a class action that a product or service is defective, one can file a class action only where the court finds that the alleged defect was material as to a majority of the class members. The provision simply says that an individual should not be able to file a class action unless the majority of people on whose behalf the action is brought have allegedly suffered some sort of real injury.

The notice provision is also entirely reasonable. It is impossible to see how this provision can be controversial. It simply requires that class members in a Y2K class action must be notified directly that they are parties to a lawsuit, that they have claims that are going to be resolved, that they have certain rights in the lawsuit, and that they may opt out of the lawsuit if they wish. Such notice is critical to a fair litigation system.

Some class members may want to opt out of a class action and insert their claims individually. In other instances, class members may object to having litigation brought on their behalf without their permission and for that reason may likewise wish to opt out.

What justifying could there be for not providing such information to the class members who are being represented in the case, the people on whose behalf the litigation supposedly has been brought?

The dismissal prior to certification provision merely provides that a court may rule on a motion to dismiss or a summary judgment motion before deciding whether a case may be prosecuted on behalf of a class. This provision should also not be controversial. Under present law both Federal and State courts engage in this practice every day.

The Federal jurisdiction provisions, to me, are most important. H.R. 775 would not make any changes where individual Year 2000 actions may be filed. If the cases are meeting Federal jurisdictional requirements, they may be filed in Federal District Court, otherwise they may be filed in an appropriate State court. However, H.R. 775 does provide that larger Year 2000 class actions, that is cases in which the total of all claims asserted exceed $1 million, may be brought in Federal Court or may be removed to such court by the defendant.

There are two exceptions: Local class actions. The bill does not create Federal jurisdiction for Year 2000 class actions in which a substantial majority of the members of the proposed class are citizens of a single State of which the primary defendants are also citizens and to the claims asserted will be by the laws of that State.

Also, State action cases. The bill creates no Federal jurisdiction over Year 2000 class actions in which the defendants are States or State entities against which a Federal District Court may be foreclosed from ordering relief.

Defendants wishing to remove Year 2000 cases to Federal Court under these provisions would simply employ the existing removal statutes as they apply to Federal question matters. The bill does not alter existing removal procedures.

The creation of Federal jurisdiction over certain larger Year 2000 class actions is appropriate for several reasons:

First, H.R. 775 is prompted in part by a concern that a proliferation of Year 2000 actions by opportunistic parties may further limit access to the courts by straining the resources of the legal system and depriving deserving parties of their legitimate right to relief.

To address that concern, the bill would establish certain subsequent prerequisites in bringing Year 2000 class actions, particularly the material defect requirement I mentioned earlier. In the interest of consistent, rigorous enforcement of these important provisions, it is critical most such matters be heard by our Federal courts.

Second, overlapping class actions asserting similar claims on behalf of the same persons undoubtedly will be filed in numerous different State courts nationwide. In the interest of consistent, efficient adjudication of such class actions they should be consolidated before a single court.

That consolidation is not possible if those claims remain in State courts. Only our Federal courts can achieve sump consolidation through their multi-district litigation authority. Thus, allowing these cases access to Federal courts is critical to the fair, orderly adjudication of such claims.

Third, as drafted, the bill makes proper use of Federal question jurisdiction. Even though State law typically will apply to many aspects of Year 2000 class action claims, the bill will be supplying important new Federal substantive law to such cases, as mentioned above. Thus, there is a basis for Federal question jurisdiction.

There is precedent for the use of Federal question jurisdiction in such circumstances, such as the Magnuson-Moss Warranty Act that authorizes certain claims be asserted in Federal Court, even though many aspects thereof are governed by State laws.

Fourth, the bill includes appropriate limits on the available Federal question jurisdiction over Year 2000 class actions to avoid having small or local disputes heard in Federal Court. For example, for many years, until 1980, the general Federal question statute contained a jurisdictional amount requirement.

Finally, by enacting H.R. 775, Congress will be declaring Year 2000 litigation to warrant priority attention. It is thus appropriate for our Federal courts to be empowered to hear the largest Year 2000 cases that will touch the most Americans; the inevitable class actions asserting Year 2000 claims.

Mr. Chairman, for these reasons I oppose this amendment and strongly urge my colleagues to vote against it.

Mr. Chairman, I reserve the balance of my time.

Mr. NADLER. Mr. Chairman, how much time do I have and how much time does the gentleman from Virginia have?

The CHAIRMAN. The gentleman from New York (Mr. NADLER) has 4½ minutes remaining, and the gentleman from Virginia (Mr. GOODLATTE) has 2½ minutes remaining.

Mr. NADLER. Mr. Chairman, I yield 2¼ minutes to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Chairman, I rise in support of this amendment offered by the gentleman from New York (Mr. NADLER) which strikes the class action section of the bill.

Class action procedures offer valuable mechanisms for the little guy to get into court where a defendant may have gained a substantial benefit through injuries to a large number of persons. I think H.R. 775 creates an undue burden on this important proconsumer procedure.

We have had a discussion of some of the issues, but I think it is worth pointing out that some of the procedural issues are enormously burdensome in terms of notification. For example, one of the persons who argued against this in committee said if a party has to, in writing, deliver the notice of an offer to every member of the class every time an offer is made, that party could end up with a situation where opposing counsel may offer $10, and then that offer has to be mailed to everyone; and then the next hour an offer of $11 is made, and that offer has to be mailed to everyone in the class. It is really quite unworkable, and I do not see that it is really on point to the grit of the Y2K issue.

The elimination of the complete diversity requirement for Y2K is also a problem. The Judicial Conference has told us that in their judgment this will swamp the Federal courts and prove to be impossible. That is a concern we ought to listen to, because access to courts is important to everyone, but it is also enormously important for businesses to have access to courts. If our high-tech industries cannot get into court to litigate infringement cases because the courts are crippled by taking over all class action lawsuits in America on Y2K, that will be a problem for all of us.

Finally, and I do not want to be too nit-picky about it, but I do think it is worth pointing out that there are some provisions in the section that I think none of us know what they mean; for example, on page 29, line 20, "the substantial majority of the members of the proposed plaintiff class." What does that mean? And "governed primarily by the laws of that state."

The laws of conflict of laws are very particular, and I think that should this pass this will prove to be a complete mystery to courts who try to interpret it.

Mr. GOODLATTE. Mr. Chairman, I yield myself such time as I may consume.

In response to the contention that we are going to flood the Federal courts with class action lawsuits, that assertion is disproved by the U.S. Judicial Conference's own statistics.

According to those data, the number of diversity jurisdiction cases being filed in Federal Court is going down dramatically. During the 12-month period ending March 31, 1998, diversity of citizenship filings fell 6 percent to 54,547 cases, accounting for less than 20 percent of the civil cases filed in Federal Court during that period. For the 12-month period ending December 31, 1998, the downward trend is even more dramatic.

The Judicial Conference's position fails to take account of the impact of class action on our entire national judicial system, particularly the fact that many State courts face even greater burdens and are less equipped to deal with complex cases like class actions. Many State courts have crushing caseloads. And as a group, State courts have had a much more rapid growth in civil case filings than have Federal courts. Civil filings in State trial courts of general jurisdiction have increased 28 percent since 1984 versus only a 4 percent increase in the Federal courts.

For that reason, and the reasons that I outlined earlier, I urge my colleagues to object to the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. NADLER. Mr. Chairman, how much time do we each have, please?

The CHAIRMAN. The gentleman from New York (Mr. NADLER) has 2½ minutes remaining, and the gentleman from Virginia (Mr. GOODLATTE) has 1 minute remaining.

Mr. NADLER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentleman from Virginia gave the game away a few minutes ago when he said that he is going to be introducing a bill, along with others, on embracing most of these same provisions on class action suits in general. And that is the proper forum to discuss these issues.

Why here, only with respect to Y2K? Well, why not get away with it where one can? Why not make a different rule for Y2K? There is no justification for that.

I disagree with the gentleman's positions on class actions, but the proper forum to debate those is in general for class actions. If it is proper to require these specific notice provisions in a class action suit in Y2K, it is proper to require them in all class actions and we ought to debate that separately.

But let us talk for a moment about the effect on Y2K. These provisions will eliminate 95 percent of class action suits. How many people will be able to afford the tens of thousands or the hundreds of thousands or the millions of dollars up front just for the notice provisions? That is why we have notice provisions in the law now, but not overly burdensome notice provisions.

What the gentleman's bill would do, without this amendment, would be to say an individual cannot start a class action suit unless they can come up with all this money up front. And the intention is, little guys should not sue big guys. Big guys should do whatever they want and not be subject to justice in our courts. And that is what this bill would do.

The Judicial Conference said the Federalization provisions would clog the courts. The gentleman says diversity cases are going down. Yes, they went down by 6 percent, but this would open up almost all cases to Federal diversity jurisdiction now, and that would clog the courts. One person in the class lives in a different State, we have diversity jurisdiction under this bill, which means essentially every class action suit will be in Federal Court. That will clog the Federal courts.

I would remind everybody that most judicial personnel, better than 95 percent of judicial personnel, are in State courts, not Federal courts.

□ 1400

This would make the victim pay. It is another whole discussion whether we should turn our American justice system upside down and make the victim pay if he loses the lawsuit, pay all the court costs. This is a discussion for a general bill. It is not a discussion for the Y2K bill.

In summary, these provisions do not belong in this bill and they would say, essentially, to big businesses, do not bother getting themselves into shape for Y2K because nobody except another big business is going to be able to sue them because we are eliminating class actions here. And if that is the intent, then we ought to be up front about it and say we do not believe that the courts are for little people to sue big people, because that is what this bill does.

Mr. GOODLATTE. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, we are not trying to eliminate class-action lawsuits. We are simply saying that, if they are diverse, they ought to be heard in Federal court and not recognize that the current forum shopping that takes place where they find a judge in one small county in one State who likes to certify nationwide class-action suits, those class-action suits that have merit will be treated fairly by the entire 600-judge Federal judiciary and those that are appropriately certifiable will be certified and go forward.

Y2K is a particularly good issue in which to reform class action because it is limited and because it will only proceed for a limited period of time.

So in order to avoid a mass of class-action suits in a whole host of States, let us be practical, let us make sure that those that are truly diverse are removed to Federal court and heard in a more orderly, efficient, and economical fashion.

I urge my colleagues to oppose this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. NADLER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. GOODLATTE. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 166, further proceedings on the amendment offered by the gentleman from New York (Mr. NADLER) will be postponed.

The point of no quorum is considered withdrawn.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 166, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Amendment No. 4 offered by the gentleman from Virginia (Mr. SCOTT), and amendment No. 5 offered by the gentleman from New York (Mr. NADLER).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 4 OFFERED BY MR. SCOTT

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. SCOTT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 192, noes 235, not voting 6, as follows:

[Roll No. 124]

AYES—192

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Coble
Conyers
Costello
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Doyle
Duncan
Engel
English
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frost
Ganske
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Graham
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lazio
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moakley
Mollohan
Moore
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Skelton
Snyder
Spratt
Stabenow
Stark
Strickland
Stupak
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOES—235

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cramer
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Dickey
Dooley
Doolittle
Dreier
Edwards
Ehlers
Ehrlich
Emerson
Eshoo
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Gallegly
Gekas
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Moran (KS)
Moran (VA)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Tiahrt
Toomey
Turner
Upton
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—6

Barton
Brown (CA)
Cox
Dunn
Napolitano
Slaughter

☐ 1422

Messrs. THOMAS, TANCREDO, GILLMOR, Mrs. JOHNSON of Connecticut and Mr. MINGE changed their vote from "aye" to "no."

Messrs. ROTHMAN, DAVIS of Illinois, ABERCROMBIE, ORTIZ and FATTAH changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Ms. DUNN. Mr. Chairman, on rollcall No. 124, I was inadvertently detained. Had I been present, I would have voted "no."

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 166, the Chair announces that he will reduce to 5 minutes the period of time within which a vote by electronic device will be taken on the next amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 5 OFFERED BY MR. NADLER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. NADLER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 180, noes 244, not voting 9, as follows:

[Roll No. 125]

AYES—180

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Bonior
Borski
Brady (PA)
Brown (FL)
Brown (OH)
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Crowley
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Duncan
Edwards
Engel
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Ganske
Gejdenson
Gephardt
Gonzalez
Green (TX)
Gutierrez
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Hoyer
Hulshof
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Phelps
Price (NC)
Pryce (OH)
Rahall
Rangel
Reyes
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Strickland
Stupak
Sweeney
Thompson (CA)
Thompson (MS)
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOES—244

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Castle
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cramer
Crane
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLay
DeMint
Dickey
Dooley
Doolittle
Dreier
Dunn
Ehlers
Ehrlich
Emerson
English
Eshoo
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rivers
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Toomey
Upton
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—9

Barton
Brown (CA)
Cox
Doyle
Herger
Napolitano
Slaughter
Walsh
Weldon (PA)

☐ 1430

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 6 printed in part 2 of House Report 106–134.

AMENDMENT NO. 6 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment No. 6 in the nature of a substitute offered by Mr. CONYERS:

Strike all after the enacting clause and insert the following:

SECTION. 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Y2K Readiness and Remediation Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Findings, purposes, and scope.
Sec. 3. Definitions.
Sec. 4. Preemption of State law.

TITLE I—COOLING OFF PERIOD

Sec. 101. Notice and opportunity to cure.
Sec. 102. Out of court settlement.

TITLE II—SPECIFIC PLEADINGS AND DUTY TO MITIGATE

Sec. 201. Pleading requirements.
Sec. 202. Duty to mitigate damages.

TITLE III—YEAR 2000 CIVIL ACTIONS INVOLVING CONTRACTS

Sec. 301. Contract preservation.
Sec. 302. Impossibility or commercial impracticability.

TITLE IV—YEAR 2000 CIVIL ACTIONS INVOLVING TORT AND OTHER NONCONTRACTUAL CLAIMS

Sec. 401. Fair share liability.
Sec. 402. Economic losses.

TITLE V—EFFECTIVE DATE

Sec. 501. Effective date.

SEC. 2. FINDINGS, PURPOSES, AND SCOPE.

(a) FINDINGS.—Congress finds the following:

(1) Many information technology systems, devices, and programs are not capable of recognizing certain dates in 1999 and after December 31, 1999, and will read dates in the year 2000 and thereafter as if those dates represent the year 1900 or thereafter or will fail to process those dates.

(2) If not corrected, the year 2000 problem described above and the resulting failures could incapacitate systems that are essential to the functioning of markets, commerce, consumer products, utilities, Government, and safety and defense systems, in the United States and throughout the world.

(3) It is in the national interest that producers and users of technology products concentrate their attention and resources in the time remaining before January 1, 2000, on assessing, fixing, testing, and developing contingency plans to address any and all outstanding year 2000 computer date change problems, so as to minimize possible disruptions associated with computer failures.

(4) The year 2000 computer date change problems may adversely affect businesses and other users of technology products in a unique fashion, prompting unprecedented litigation and the delays, expense, uncertainties, loss of control, adverse publicity, and animosities that frequently accompany litigation could exacerbate the difficulties associated with the Year 2000 date change and compromise efforts to resolve these difficulties.

(b) PURPOSES.—Based upon the power contained in article I, section 8, clause 3 of the Constitution of the United States, the purposes of this Act are—

(1) to establish uniform legal standards that give all businesses and users of technology products reasonable incentives to

solve year 2000 computer date-change problems before they develop;

(2) to encourage the resolution of year 2000 computer date-change disputes involving economic damages without recourse to unnecessary, time consuming, and wasteful litigation; and

(3) to lessen burdens on interstate commerce by discouraging insubstantial lawsuits, while also preserving the ability of individuals and businesses that have suffered real injury to obtain complete relief.

(c) SCOPE.—Except as provided in section 201(c) or other provisions of this Act, this Act applies only to claims for commercial loss.

SEC. 3. DEFINITIONS.

In this Act:

(1) PERSON.—The term "person" means any natural person and any entity, organization, or enterprise, including any corporation, company (including any joint stock company), association, partnership, trust, or governmental entity.

(2) PLAINTIFF.—The term "plaintiff" means any person who asserts a year 2000 claim.

(3) DEFENDANT.—The term "defendant" means any person against whom a year 2000 claim is asserted.

(4) CONTRACT.—The term "contract" means a contract, tariff, license, or warranty.

(5) YEAR 2000 CIVIL ACTION.—The term "year 2000 civil action"—

(A) means any civil action of any kind brought in any court under Federal, State, or foreign law, in which—

(i) a year 2000 claim is asserted; or

(ii) any claim or defense is related to an actual or potential year 2000 failure;

(B) includes a civil action commenced in any Federal or State court by a department, agency, or instrumentality of the United States government or of a State government when acting in a commercial or contracting capacity; but

(C) does not include any action brought by a Federal, State, or other public entity, agency, or authority acting in a regulatory, supervisory, or enforcement capacity.

(6) YEAR 2000 CLAIM.—The term "year 2000 claim" means any claim or cause of action of any kind, whether asserted by way of claim, counterclaim, cross-claim, third-party claim, or otherwise, in which the plaintiff's alleged loss or harm resulted from an actual or potential year 2000 failure.

(7) YEAR 2000 FAILURE.—The term "year 2000 failure" means any failure by any device or system (including any computer system and any microchip or integrated circuit embedded in another device or product), or any software, firmware, or other set or collection of processing instructions, however constructed, in processing, calculating, comparing, sequencing, displaying, storing, transmitting, or receiving year 2000 date related data, including failures—

(A) to administer accurately or account for transitions or comparisons from, into, and between the 20th and 21st centuries, and between 1999 and 2000;

(B) to recognize or process accurately any specific date, or to account accurately for the status of the year 2000 as a leap year, including recognition and processing of the correct date on February 29, 2000.

(8) MATERIAL DEFECT.—

(A) IN GENERAL.—The term "material defect" means a defect in any item, whether tangible or intangible, or in the provision of a service, that substantially prevents the item or service from operating or functioning as designed or intended.

(B) EXCLUSIONS.—The term does not include any defect that—

(i) has an insignificant or de minimis effect on the operation or functioning of an item;

(ii) affects only a component of an item that, as a whole, substantially operates or functions as designed; or

(iii) has an insignificant or de minimis effect on the efficacy of the service provided.

(9) ECONOMIC LOSS.—The term "economic loss"—

(A) means any damages other than damages arising out of personal injury or damage to tangible property; and

(B) includes damages for—

(i) lost profits or sales;

(ii) business interruption;

(iii) losses indirectly suffered as a result of the defendant's wrongful act or omission;

(iv) losses that arise because of the claims of third parties;

(v) losses that are required to be pleaded as special damages; or

(vi) items defined as consequential damages in the Uniform Commercial Code or an analogous State commercial law.

(10) PERSONAL INJURY.—The term "personal injury" means physical injury to a natural person, including —

(i) death as a result of a physical injury; and

(ii) mental suffering, emotional distress, or similar injuries suffered by that person in connection with a physical injury.

(11) STATE.—The term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States, and any political subdivision thereof.

(12) ALTERNATIVE DISPUTE RESOLUTION.—The term "alternative dispute resolution" means any process or proceeding, other than adjudication by a court or in an administrative proceeding, to assist in the resolution of issues in controversy, through processes such as early neutral evaluation, mediation, minitrial, and arbitration.

(13) COMMERCIAL LOSS.—The term "commercial loss" means any loss or harm incurred by a plaintiff in the course of operating a business enterprise that provides goods or services for remuneration, if the loss or harm is to the business enterprise.

SEC. 4. PREEMPTION OF STATE LAW.

Except as otherwise provided in this Act, this Act supersedes State law to the extent that it establishes a rule of law applicable to a year 2000 claim that is inconsistent with State law.

TITLE I—COOLING OFF PERIOD

SEC. 101. NOTICE AND OPPORTUNITY TO CURE.

(a) NOTICE OF COOLING OFF PERIOD.—

(1) IN GENERAL.—Before filing a year 2000 claim, except an action for a claim that seeks only injunctive relief, a prospective plaintiff shall be required to provide to each prospective defendant a verifiable written notice that identifies and describes with particularity, to the extent possible before discovery—

(A) any manifestation of a material defect alleged to have caused injury;

(B) the injury allegedly suffered or reasonably risked by the prospective plaintiff; and

(C) the relief or action sought by the prospective plaintiff.

(2) COMMENCEMENT OF ACTION.—Except as provided in subsections (c) and (e), a prospective plaintiff shall not file a year 2000 claim in Federal or State court until the expiration of the 90-day period beginning on the date on which the prospective plaintiff provides notice under paragraph (1).

(b) RESPONSE TO NOTICE.—Not later than 30 days after receipt of the notice specified in subsection (a), each prospective defendant shall provide each prospective plaintiff a written statement that—

(1) acknowledges receipt of the notice; and

(2) describes any actions that the defendant will take, or has taken, to address the defect or injury identified by the prospective plaintiff in the notice.

(c) FAILURE TO RESPOND.—If a prospective defendant fails to respond to a notice provided under subsection (a)(1) during the 30-day period prescribed in subsection (b) or does not include in the response a description of actions referred to in subsection (b)(2)—

(1) the 90-day waiting period identified in subsection (a) shall terminate at the expiration of the 30-day period specified in subsection (b) with respect to that prospective defendant; and

(2) the prospective plaintiff may commence a year 2000 civil action against such prospective defendant immediately upon the termination of that waiting period.

(d) FAILURE TO PROVIDE NOTICE.—

(1) IN GENERAL.—Subject to subsections (c) and (e), a defendant may treat a complaint filed by the plaintiff as a notice required under subsection (a) by so informing the court and the plaintiff if the defendant determines that a plaintiff has commenced a year 2000 civil action—

(A) without providing the notice specified in subsection (a); or

(B) before the expiration of the waiting period specified in subsection (a).

(2) STAY.—If a defendant elects under paragraph (1) to treat a complaint as a notice—

(A) the court shall stay all discovery and other proceedings in the action for the period specified in subsection (a) beginning on the date of filing of the complaint; and

(B) the time for filing answers and all other pleadings shall be tolled during the applicable period.

(e) EFFECT OF WAITING PERIODS.—In any case in which a contract, or a statute enacted before March 1, 1999, requires notice of nonperformance and provides for a period of delay before the initiation of suit for breach or repudiation of contract, the contractual period of delay controls and shall apply in lieu of the waiting period specified in subsections (a) and (d).

(f) SANCTION FOR FRIVOLOUS INVOCATION OF THE STAY PROVISION.—If a defendant acts under subsection (d) to stay an action, and the court subsequently finds that the assertion by the defendant that the action is a year 2000 civil action was frivolous and made for the purpose of causing unnecessary delay, the court may impose a sanction, including an order to make payments to opposing parties in accordance with Rule 11 of the Federal Rules of Civil Procedure or applicable State rules of civil procedure.

(g) COMPUTATION OF TIME.—For purposes of this section, the rules regarding computation of time shall be governed by the applicable Federal or State rules of civil procedure.

(h) SINGLE PERIOD.—With respect to any year 2000 claim—

(1) to which subsection (c)(2) regarding commencement of actions applies, or

(2) to which subsection (d)(2) requiring stays applies,

only one waiting period, not exceeding 90 days, shall be accorded to the parties.

(i) APPLICABILITY OF STATUTES OF LIMITATIONS.—Any applicable statute of limitations shall toll during the period during which a claimant has filed notice under subsection (a).

SEC. 102. OUT OF COURT SETTLEMENT.

(a) Requests Made During Notification (Cooling Off) Period.—At any time during the 90-day notification period under section 101(a), either party may request the other party to use alternative dispute resolution. If, based upon that request, the parties enter into an agreement to use alternative dispute resolution, the parties may also agree to an extension of that 90-day period.

(b) Request Made After Notification Period.—At any time after expiration of the 90-day notification period under section 101(a), whether before or after the filing of a complaint, either party may request the other party to use alternative dispute resolution.

(c) Payment Date.—If a dispute that is the subject of the complaint or responsive pleading is resolved through alternative dispute resolution as provided in subsection (a) or (b), the defendant shall pay any amount of funds that the defendant is required to pay the plaintiff under the settlement not later than 30 days after the date on which the parties settle the dispute, and all other terms shall be implemented as promptly as possible based upon the agreement of the parties, unless another period of time is agreed to by the parties or established by contract between the parties.

TITLE II—SPECIFIC PLEADINGS AND DUTY TO MITIGATE

SEC. 201. PLEADING REQUIREMENTS.

(a) Nature and Amount of Damages.—In any year 2000 civil action in which a plaintiff seeks an award of money damages, the complaint shall state with particularity to the extent possible before discovery with regard to each year 2000 claim—

(1) the nature and amount of each element of damages; and

(2) the factual basis for the calculation of the damages.

(b) Material Defects.—In any year 2000 civil action in which the plaintiff alleges that a product or service was defective, the complaint shall, with respect to each year 2000 claim—

(1) identify with particularity the manifestations of the material defects; and

(2) state with particularity the facts supporting the conclusion that the defects were material.

(c) Material Defects in Class Action Minimum Injury Requirement.—In any year 2000 civil action involving a year 2000 claim that a product or service is defective, the action may be maintained as a class action in Federal or State court with respect to that claim only if—

(1) the claim satisfies all other prerequisites established by applicable Federal or State law; and

(2) the court finds that the alleged defect in the product or service was a material defect with respect to a majority of the members of the class.

This subsection applies to year 2000 claims for commercial loss and to year 2000 claims for loss or harm other than commercial loss.

(d) Motion to Dismiss; Stay of Discovery.—

(1) Dismissal for failure to meet pleading requirements.—In any year 2000 civil action, the court shall, on the motion of any defendant, dismiss without prejudice any year 2000 claim asserted in the complaint if any of the requirements under subsection (a), (b), or (e) is not met with respect to the claim.

(2) Stay of discovery.—Subject to the 90-day single period provisions of section 101(h), in any year 2000 civil action, all discovery and other proceedings shall be stayed during the pendency of any motion pursuant to this subsection to dismiss, unless the court finds upon the motion of any party that particularized discovery is necessary to preserve evidence or prevent undue prejudice to that party.

(3) Preservation of evidence.—

(A) In general.—

(i) Treatment of evidence.— During the pendency of any stay of discovery entered under paragraph (2), unless otherwise ordered by the court, any party to the action shall treat the items described in clause (ii) as if they were a subject of a continuing request for production of documents from an opposing party under applicable Federal or State rules of civil procedure.

(ii) Items.—The items described in this clause are all documents, data compilations (including electronically stored or recorded data), and tangible objects that—

(I) are in the custody or control of the party described in clause (i); and

(II) are relevant to the allegations.

(B) Sanction for willful violation.—A party aggrieved by the willful failure of an opposing party to comply with subparagraph (A) may apply to the court for an order awarding appropriate sanctions.

SEC. 202. DUTY TO MITIGATE DAMAGES.

Damages awarded for any year 2000 claim shall exclude any amount that the plaintiff reasonably should have avoided in light of any disclosure or information provided to the plaintiff by defendant.

TITLE III—YEAR 2000 CIVIL ACTIONS INVOLVING CONTRACTS

SEC. 301. CONTRACT PRESERVATION.

(a) In general.—Subject to subsection (b), in resolving any year 2000 claim each written contractual term, including any limitation or exclusion of liability or disclaimer of warranty, shall be strictly enforced, unless the enforcement of that term would contravene applicable State law as of January 1, 1999.

(b) Interpretation of Contract.—In any case in which a contract under subsection (a) is silent with respect to a particular issue, the interpretation of the contract with respect to that issue shall be determined by applicable law in effect at the time that the contract was entered into.

SEC. 302. IMPOSSIBILITY OR COMMERCIAL IMPRACTICABILITY.

(a) In General.—In any year 2000 civil action in which a year 2000 claim is advanced alleging a breach of contract or related claim, in resolving that claim applicability of the doctrines of impossibility and commercial impracticability shall be determined by applicable law in existence on January 1, 1999.

(b) Rule of Construction.—Nothing in this Act shall be construed as limiting or impairing a party's right to assert defenses based upon the doctrines referred to in subsection (a).

TITLE IV—YEAR 2000 CIVIL ACTIONS INVOLVING TORT AND OTHER NONCONTRACTUAL CLAIMS

SEC. 401. FAIR SHARE LIABILITY.

(a) General Rule.—Subject to subsection (d), in any year 2000 civil action, the liability of each tort feasor or noncontractual defendant shall be joint and several, subject to the court's equitable discretion to determine, following upon a finding of proportional responsibility, that the liability of a tort feasor or noncontractual defendant (as the case may be) of minimal responsibility shall be several only and not joint.

(b) Amount of Liability.—Each defendant that is severally liable in a year 2000 civil action shall be liable only for the amount of loss allocated to the defendant in direct proportion to the percentage of responsibility of the defendant (determined in accordance with subsection (c)) for such harm.

(c) Determination of Responsibility.—

(1) In general.—In any year 2000 civil action, the court shall instruct the jury to answer special interrogatories, or if there is no jury, make findings, with respect to each defendant and plaintiff, and each of the other persons claimed by any of the parties to have caused or contributed to the loss incurred by the plaintiff, including persons who have entered into settlements with the plaintiff or plaintiffs, concerning the percentage of responsibility of that person, measured as a percentage of the total fault of all persons who caused or contributed to the total loss incurred by the plaintiff.

(2) Contents of special interrogatories or findings.—The responses to interrogatories, or findings, as appropriate, under paragraph (1) shall specify—

(A) the total amount of damages that the plaintiff is entitled to recover; and

(B) the percentage of responsibility of each person found to have caused or contributed to the loss incurred by the plaintiff or plaintiffs.

(3) Factors for consideration.—In determining the percentage of responsibility under this paragraph, the trier of fact shall consider—

(A) the nature of the conduct of each person alleged to have caused or contributed to the loss incurred by the plaintiff; and

(B) the nature and extent of the causal relationship between the conduct of each such person and the damages incurred by the plaintiff or plaintiffs.

(d) Special Rules for Joint Liability.—

(1) In general.—Notwithstanding subsection (a), in any case the liability of a defendant to which subsection (a) applies in a year 2000 civil action is joint and several if the trier of fact specifically determines that the defendant —

(A) acted with specific intent to injure the plaintiff; or

(B) knowingly committed fraud.

(2) Knowing commission of fraud described.—For purposes of paragraph 1(B), a defendant knowingly committed fraud if the defendant—

(A) made an untrue statement of a material fact, with actual knowledge that the statement was false;

(B) omitted a fact necessary to make the statement not be misleading, with actual knowledge that, as a result of the omission, the statement was false; and

(C) knew that the plaintiff was reasonably likely to rely on the false statement.

(3) Recklessness.—For purposes of paragraph (1), reckless conduct by the defendant does not constitute either a specific intent to injure, or the knowing commission of fraud, by the defendant.

(e) Contribution.—A defendant who is a jointly and severally liable for damages in a year 2000 civil action may recover contribution for such damages from any other person who, if joined in the original action, would have been liable for the same damages. A claim for contribution shall be determined based on the percentage of responsibility of the claimant and of each person against whom a claim for such contribution is made.

(f) Statute of Limitations for Contribution.—An action for contribution under subsection (e) in connection with a year 2000 civil action may not be brought later than six months after the entry of a final, nonappealable judgment in the year 2000 civil action.

SEC. 402. ECONOMIC LOSSES.

(a) IN GENERAL.—Subject to subsection (b), a party to a year 2000 civil action may not recover economic losses for a year 2000 claim advanced in the action that is based on tort unless the party is able to show that at least one of the following circumstances exists:

(1) The recovery of these losses is provided for in the contract to which the party seeking to recover such losses is a party.

(2) If the contract is silent on those losses, and the application of the applicable Federal or State law that governed interpretation of the contract at the time the contract was entered into would allow recovery of such losses.

(3) These losses are incidental to a claim in the year 2000 civil action based on personal injury caused by a year 2000 failure.

(4) These losses are incidental to a claim in the year 2000 civil action based on damage to tangible property caused by a year 2000 failure.

(b) TREATMENT OF ECONOMIC LOSSES.—Economic losses shall be recoverable in a year 2000 civil action only if applicable Federal law, or applicable State law embodied in statute or controlling judicial precedent as of January 1, 1999, permits the recovery of such losses in the action.

TITLE V—EFFECTIVE DATE

SEC. 501. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on the date of enactment of this Act.

The CHAIRMAN. Pursuant to House Resolution 166, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Tennessee (Mr. BRYANT) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California (Ms. LOFGREN) to speak on behalf of this very important substitute.

Ms. LOFGREN. Mr. Chairman, I represent San Jose, California, that calls itself the capital of Silicon Valley, and, as my colleagues can imagine, addressing the issues posed by Y2K liability is something of interest to me. At home among high tech CEO's there is a division of opinion on whether Y2K will be a huge deal or a little tiny deal. Some people, some CEO's and high tech-ers think that it will be a large problem. Others think it has been much overrated.

For myself, I think the possibility of extensive litigation is sufficient for this body to take an act. In a way I think about it as I think about the Titanic. The chances of the Titanic running into the iceberg were very small, but when it happened it was catastrophic, and so I do think it is appropriate for us to put in place some life rafts and some rowboats so that the economy of the United States is not impaired by litigation that is frivolous or unnecessary.

On the other hand, I am anxious that we move expeditiously and that we come to common ground on this matter.

How do we legislate here in Congress? Too often, people see us arguing and disagreeing, but in truth we know that we come to a conclusion by reaching out to each other and finding out what we can agree on; Democrats and Republicans, what can we agree on; House and Senate, what can we agree on; and Congress and the White House, what can we agree on; because it takes all of those parties to make a law. And because the Y2K issue is coming at us, it is important that we go through this extended process of finding common ground more quickly than is ordinarily the case.

If I can just briefly relate a conversation I had with Scott Cook, the founder of Intuit, in San Jose just on Friday. As my colleagues know, he thanked me for my efforts on behalf of Y2K and also pointed out we cannot wait until the year 2003 to get a bill; we need it this spring.

That is why we have offered up this substitute. I believe that it offers those things that we can agree upon, Democrats and Republicans, House and Senate, White House and Congress, and that it offers up elements that will provide the essential life raft for high tech in our economy.

Specifically Title I allows for a cooling-off period and incentives to settle for alternative dispute mechanisms just as does the underlying bill. It also requires for a specific and particular pleading, which is an important issue, and requires the duty to mitigate damages. It also includes, requires, that material defects must be the basis for lawsuits, not immaterial material defects, but material defects, and finally does provide for an alteration of joint and several liability so that those defendants who have minimal liability cannot be held totally responsible for the cost unless their conduct constituted fraud.

I must say that although this bill, this amendment, may not be perfect, it will get the job done, and it is something that we can agree on.

The Justice Department in defining the underlying Davis bill said this: by far the most sweeping litigation reform measure ever considered. The bill makes, and I quote again, extraordinarily dramatic changes in both Federal procedure, in substantive law and in State procedural and substantive laws. The class-action removal is just one situation that we have already discussed in the last amendment. We cannot come to an agreement on that, and as the gentleman from Virginia (Mr. GOODLATTE) said in closing under the hour of general debate, much of what is in the underlying Davis bill was in the Contract with America. Reasonable people can and do disagree on many of those provisions, and that argument can be had another day.

What I am saying is we cannot and we should not tie up this essential Y2K matter over those things that we cannot agree on, so I highly recommend this.

Mr. CONYERS. Mr. Chairman, I reserve the balance of my time.

Mr. BRYANT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Conyers amendment would neither encourage Y2K remediation nor discourage frivolous litigation. This substitute recognizes the seriousness of the Y2K litigation problem and, as well, the necessity of a legislative response. But the amendment waters down key provisions of H.R. 775 in a way that would make the bill markedly less effective in screening out insubstantial litigation and encouraging remediation. This amendment should be rejected.

Among its most serious defects are, one, the amendment would allow vague and unsupported allegations of fraud to survive a motion to dismiss. Two, the amendment does not impose a meaningful duty to mitigate damages and, therefore, does not encourage remediation. Three, the amendment does not impose meaningful limits on joint and several liability and thus does nothing to prevent strike suits against defendants with deep pockets. Four, the substitute does nothing to advance reasonable efforts to remediate Y2K problems. Five, the substitute does not limit punitive damages and, therefore, does nothing to discourage abusive suits by lawyers who seek to win litigation jackpots. And finally, six, the substitute would keep national class actions involving out-of-state defendants in State courts.

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia (Mr. BOUCHER), who has worked very diligently on this alternative substitute.

Mr. BOUCHER. Mr. Chairman, I thank the gentleman from Michigan (Mr. CONYERS) for yielding me this time.

It is my pleasure to rise in support of the amendment in the nature of a substitute offered by the gentleman from Michigan and the gentlewoman from California with whom I am pleased to be co-authoring this measure. I also urge opposition to the overly broad provisions of H.R. 775 as reported from the House Committee on the Judiciary.

Mr. Chairman, our substitute addresses in a straightforward and in a targeted fashion the genuine concerns that arise from the Y2K transition. The substitute provides for a cooling-off period. Before a suit is filed, plaintiffs would be required to give notice to potential defendants of a claim. Defendants would then have 30 days to respond to that notice and to provide a plan for how they would intend to repair the problem. They would then have an additional 60 days within which to affect those repairs.

The substitute encourages alternative dispute resolution so as to avoid expensive litigation. The 90-day cooling-off period can be extended while any alternative dispute resolution process is in progress.

The substitute requires that, if suit is filed, the plaintiff must state with particularity the problem he is having and the reason that the defendant or the defendants are responsible for that harm. This pleading requirement is designed to overcome the notice pleading rules that are currently in effect in some State courts.

The substitute prohibits frivolous class-action suits. To sustain a Y2K class-action suit, the plaintiff would have to meet all of the normal class-action certification rules and, in addition, demonstrate that there is a material defect in the product or the service with respect to every member of the class. Every member of the class would have to show that he is affected by a material defect. This minimum injury requirement would go a very long way indeed toward avoiding and precluding frivolous or insubstantial class-action suits.

The substitute imposes a clear duty on plaintiffs to mitigate damages. It codifies the economic loss doctrine now applied in many States for cases that involve a combination of contract and tort causes of action. Under that doctrine, damages are limited to those allowable under the contract claim unless there is also a personal injury or property damage shown. Economic losses, such as lost profits or business interruption, will not be permitted unless explicitly provided for in the contract itself. The tort cause of action will simply not extend to these elements of loss in the normal case.

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Very importantly, the substitute gives the court the ability to protect defendants who have a small proportionate share of the overall liability. The substitute says that the court can apply equitable principles and make sure that defendants who have a very small part of the responsibility for causing harm will have only a very small liability, and their liability will be directly proportional to the harm that they cause. We do have in this substitute an important proportional liability provision.

The substitute truly meets the needs of the companies that will have Y2K liabilities. It is carefully targeted to meet the problem that has been presented. Our substitute does not contain the broader litigation restrictions that are a part of H.R. 775.

Unlike H.R. 775, our substitute does not place a cap on damage awards. Unlike H.R. 775, our substitute does not introduce into American law a loser pays principle. Unlike H.R. 775, our substitute does not create a more rigorous standard of proof for plaintiffs to receive damages, and unlike H.R. 775, our substitute does not reduce the liability of corporate officials.

These overly broad provisions of H.R. 775 are not necessary to address the genuine concerns that are presented in the Y2K transition. A measure that contains these overly broad provisions will not be signed into law. Our substitute would be signed into law if passed.

Given the severely limited time that Congress has to put a Y2K transition measure into place before the start of the year, given the fact that H.R. 775 cannot become law, given that our substitute meets the real needs of the Y2K concern that has been presented and can in fact become law, I strongly urge the passage of our substitute and the defeat of the underlying bill unless it is amended with this substitute.

Mr. BRYANT. Mr. Chairman, I yield myself 30 seconds to respond briefly to the Conyers amendment containing joint and several liability relief.

Mr. Chairman, I might point out to my colleagues that this relief only applies in circumstances where the judge does not change it. The judge has the opportunity under this substitute amendment to come in and do away with the joint and several liability or not do away with the joint and several liability, which actually causes more confusion than the existing law. So, again, I would urge my colleagues to vote against this amendment.

Mr. Chairman, I yield 4 minutes to my friend, the gentleman from Virginia (Mr. DAVIS).

Mr. DAVIS of Virginia. Mr. Chairman, when I hear them saying let us come to common ground, it means give us our way. There is nothing common about it.

I had hoped that by the time we had passed this in the Senate we could all sit down and work with the administration, who until 2 days ago was saying publicly there was no problem. John Koskinen, the administration's guru on Y2K, said we do not need any legislation, and just in the last 24 hours they have come forward and admitted, yes, there is a problem and they are trying to find a political fig leaf to cover it. This substitute, the Conyers amendment, does not do the job.

Joint and several liability is an important concept. Companies like Intel, NetScape, Oracle, companies in the Silicon Valley, this legislation, I might add, is supported by the semiconductor industry, the Software Information Industry Association, Business Software Alliance, the Technology Network, TechNet, the Semiconductor Equipment and Materials Information, Information Technology Association of America. They want real legislation, not a fig leaf that does not do the job, that is feel good.

What has happened in this case is the larger companies, the Intels, the Oracles, if they touch the problem, if they make it better than it is now, they can still be held liable for the full amount in a class action suit with joint and several liability, because they are held as a defendant.

Proportional liability, I think, is a much better range. If someone touches a problem and makes it better, they should not be held liable for the full amount just because they happen to be the deep pockets, just because they happen to have the cash on hand.

To take the money from these companies that they should be investing in new products so that they compete on a global marketplace, and instead put it into litigation, into settlement, into attorneys fees, really undermines where we have gone as a country in this new economy and where we are in the global marketplace.

This guts the bill altogether, this amendment.

They talk about this being a part of the Contract with America. Actually, this is a laser shot that goes after a problem that exists once every 1,000 years. The Y2K problem is unique because of the interconnectibility of computer systems, and the fact that someone can have their whole system, they can flush it, they can test it, it can be 100 percent clean and then some other group gets into it and talks to it that is not Y2K compliant, that they never could have conceived of could have used it, comes in and messes it up, and yet the group that is actually innocent can be held liable for the total amount. That is what this amendment is, it holds companies who are trying to improve it.

In addition to that, this makes companies reluctant to fix the problem because if they fix the problem, if they come in and help a computer system and it is still not 100 percent functional, if they happen to be the deep pocket and they are a defendant, under joint and several liability they can be liable for the whole thing.

What that means is the problem is not getting fixed or if they are getting fixed the larger companies are going to the smaller companies and having them write off indemnities and the like that just do not make any sense in the ordinary marketplace.

Make no mistake about what this amendment does. It guts the bill and it is a political fig leaf.

They talk too about the amendment does not impose a meaningful duty to mitigate damages. This amendment does not. This amendment provides that a plaintiff cannot obtain damages that it could have reasonably avoided in light of information that it received from the defendant. Unlike the bill, the substitute does not create a mitigation requirement if the plaintiff becomes or should have become aware of the information from other sources.

That is a loophole one can drive a mack truck through. It does nothing in terms of mitigation in this case, unless there is a formal notification, which so often is many months later, even though they can go publicly and acknowledge these things over television, the media and other areas.

If someone could easily avoid damage by taking a simple step which he or she should be aware, it is perverse to allow that person to avoid taking those steps and to suffer damage and then to sue a third party for compensation when they should have known, and probably knew, because they were not officially notified.

This is a bad substitute.

Mr. CONYERS. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, the gentleman from Virginia (Mr. DAVIS) will be delighted now to find out how much the Lofgren-Conyers-Boucher substitute leaves in from the original bill. One, we encourage mediation with a 90-day cooling off period. That is in the bill.

We help eliminate frivolous lawsuits by special pleading requirements in mitigation of damages. That is in the bill.

We increase legal certainty for Y2K defendants, contracts fully enforceable, preserving defensive impossibility and commercial impracticability.

So relax. This is good material from the bill.

Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the ranking member, the gentleman from Michigan (Mr. CONYERS), for yielding me this time.

Mr. Chairman, I know some people think that debate is not often instructive but I just learned from the gentleman from Virginia (Mr. DAVIS) that the companies that will be the beneficiaries of this bill support it. That is something people might not have taken for granted.

Beyond that, however, I want to pay tribute to the great work of the gentleman from Virginia, the gentlewoman from California and the chairman, or the ranking member but chairman to be. The gentleman from Virginia and the gentlewoman from California have, in particular, distinguished themselves by thoughtful advocacy of the legitimate concerns of the high technology community. They have the vehicle that is the only one that can become law.

The administration has changed its position. It has been in part because of the work of these individuals who have said to them that they are wrong to just stonewall; let us work out a reasonable position.

Now, there is one other thing I do want to notice. I know there are Members who talk about how government always gets it wrong and the private sector always gets it right. One of our leaders of the House says government is dumb and the markets are smart. I think the markets obviously are wonderful in their work, but I do have to note that in this case it was not the government that forgot that 1999 would become 2000. That was the private sector. We all make mistakes.

The private sector is now coming to that stupid government and saying can we get a little help? I think we should. I think that is an appropriate role for government but we ought to understand what has happened here.

What this amendment does is to deal sensibly and try to find a compromise. I do not agree with everything. I am against unlimited punitive damages. I voted against the amendment of my friend, the gentleman from Virginia (Mr. SCOTT). I hope if we get to conference we will put back a cap on punitive damages, but on the whole this bill takes a sensitive and thoughtful approach.

I voted for the legislation passed over the President's veto, and I voted to override his veto limiting suits based on stocks. In this case, the companies that the gentleman from Virginia (Mr. DAVIS) enumerated need to be saved from themselves because if they insist on getting every single thing on their wish list, if they get everything that could mean they would almost never be sued under any circumstances, there will be no bill.

Yes, I think there are things about the American legal system that ought to be changed but it is fair to note that these companies we are talking about that are so afraid of this legal system grew in this legal system. If it was so terrible, if it was so obstructive, how did they get where they are? Did they all parachute in here from Mars?

The fact is that this same legal system allowed them to grow and what we now have is a sensible, thoughtful, specific compromise, worked out by people who have a great deal of understanding and knowledge of this industry and they are trying to get a bill.

We have a choice now. Some Members think a political issue would serve them better. Some Members think that legislation that gets signed into law would do a better job for the country, and I think that the substitute that is pending reflects that latter view.

I urge Members to vote for this substitute and set the basis for a sensible bill.

Mr. BRYANT. Mr. Chairman, I yield 3 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Chairman, I thank the gentleman from Tennessee (Mr. BRYANT) for yielding me this time.

Mr. Chairman, I rise today in support of H.R. 775, the Y2K Readiness and Responsibility Act, and against the amendment that has been offered.

As the cochair of the House Y2K working group made up of my Subcommittee on Technology of the Committee on Science, the Subcommittee on Government Management, Information and Technology of the Committee on Government Reform, chaired by the gentleman from California (Mr. HORN), we have been reviewing for over the past 3 years virtually every facet of the impact of the year 2000 computer problem on our public and private sectors.

In fact, one of our first joint hearings which was held in March of 1997 was held really to deal with the consequences of legal liability in litigation, upon the ability of private industries to fix the problem. At that hearing and at others, we discovered that the fear of potential legal liability created a disturbing chilling effect that froze private industry from sharing important Y2K information with each other and with the American public.

Mention was also made of the concept of the total corrective cost. It was estimated ranging from the J. P. Morgan figure of $200 billion to the Gartner Group forecast of $300 billion to $600 billion. The Giga Group estimates that the total cost could amount to several trillion dollars if there are Y2K disruptions.

So it should come as no surprise to us that certain industries have refused to acknowledge or to share year 2000 information for fear that such disclosure could ultimately leave them vulnerable to negligence and warranty suits.

That is why, remember last year we did pass the Year 2000 Information Readiness Disclosure Act as an attempt to encourage the widest possible dissemination of Y2K information by providing limited immunity from lawsuits to companies that share information about the problem in good faith.

Now that was great, but now we need to move further. That act was narrowly tailored to address just the issue of information exchange. It did not affect the greater liability questions. So I believe we must do more, and that is what H.R. 775 does.

It is a positive step, without exempting businesses from their responsibility to correct the year 2000 problem. It provides a framework for helping to resolve claims from damages that may result because of Y2K failures.

Additionally, it provides some protection for those who have made good faith efforts to address the problem. It encourages alternative dispute resolutions and settlement negotiations, instead of costly and protracted judicial litigation.

Mr. Chairman, just this past March, the Y2K working group held a first House hearing in this Congress on the liability issue. I have cited in my testimony, which will be presented for the record, statements made by, for example, Mr. Walter Andrews and Mr. Tom Donohue.

I just want to also state that the High Technology Council of Maryland has strongly supported this bill and urge that all the Members of the House vote for it.

Mr. Walter Andrews of the law firm Wiley, Rein and Fielding stated that:

> In addition to the current litigation against software developers and other developers of information technology, we can expect eventually to see suits brought against suppliers, vendors and service businesses at every level of the chain of distribution. And the legal claims that eventually may be pursued under the rubric of the Year 2000 problem span the range from contract and tort law to statutory claims.

Mr. Tom Donohue, the President and Chief Executive Officer of the United States Chamber of Commerce, testified that:

> Unlike other national emergencies that hit without any warning, we now have an opportunity to directly address the Y2K problem before it hits. The business community is willing to do its part in fixing the Y2K problem, and to compensate those who have suffered legitimate harms . . . (we must work) to ensure that our precious resources are not squandered and that our focus will be on avoiding disruptions.

HIGH TECHNOLOGY
COUNCIL OF MARYLAND,
Rockville, MD, May 12, 1999.

Members of the House of Representatives,
U.S. Congress,
Washington DC.

On behalf of the High Technology Council of Maryland, I urge you to support the legislation that provides some protections from liability for companies that have made good faith efforts to address the Y2K problem.

We think this legislation will be very beneficial to companies as it addresses in a positive way some of the legal problems that may result from the Y2K problem. Y2K is a unique situation that was only brought to light for most businesses and individuals in the last few years.

The legislation does provide a framework for helping to resolve claims from damages that may result because the Y2K issue caused products to fail. It also provides some protection for those who have made "good faith" efforts to address the problem and encourages dispute resolution to resolve the problems, instead of expensive litigation.

It is important to remember that this legislation does not exempt businesses from their responsibility. It gives companies guidelines for what they should be doing and recognizes the good efforts of the many businesses who are trying to solve a problem not of their making.

We urge you to support legislation that will help companies do their best to be in compliance for Y2K.

Sincerely,

DYAN BRASINGTON,
President.

□ 1500

Mr. CONYERS. Mr. Chairman, I yield 1½ minutes to the gentleman from Massachusetts (Mr. DELAHUNT). No one has worked harder in our Committee on the Judiciary than the gentleman.

Mr. DELAHUNT. Mr. Chairman, I thank the ranking member for yielding time to me.

Mr. Chairman, I just want to set the record straight. I think that my friend and colleague, the gentleman from Virginia (Mr. DAVIS) unintentionally misstated the position of the administration in this regard, because back on April 13, which is certainly not several days ago, in her testimony before the Committee on the Judiciary Assistant Attorney General for Policy Development, Eleanor Acheson, was very, very clear. Let me read from her statement.

"We are committed to working with the committee to formulate mutually agreeable principles that would form the basis for a needed, targeted, responsible, and balanced approach to Y2K litigation reform."

So this is not a fig leaf. In fact, it was this testimony that prompted the gentlewoman from California (Ms. LOFGREN) and the gentleman from Virginia (Mr. BOUCHER) and the gentleman from Michigan (Mr. CONYERS) to come in with this substitute which I would submit is balanced and reasonable, and answers the problem without denying due process to small businesses and many, many Americans.

Mr. BRYANT. Mr. Chairman, I yield 15 seconds to the gentleman from Virginia (Mr. DAVIS).

Mr. DAVIS of Virginia. Mr. Chairman, I thank my friend for yielding time to me.

Mr. Chairman, I guess the administration has been at odds with itself, because just up to a month ago Mr. Koskinen, who is their Y2K guru, was saying there was no need for the legislation. So we have the Justice Department saying one thing, the Y2K guru at OMB saying something else.

But we are just happy to have them engaged in this. We look forward to working with them at the conference.

Mr. BRYANT. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Virginia (Mr. MORAN), one of the original cosponsors of this bill.

Mr. MORAN of Virginia. Mr. Chairman, I thank the distinguished chairman, the gentleman from Tennessee (Mr. BRYANT) for yielding time to me.

Mr. Chairman, I rise in opposition to this amendment and in support of the underlying bill. I know that this is a well-intended effort to come up with a compromise solution that will get the White House on board, but it needs to be stated explicitly and definitively on this floor that none of the organizations that need this help endorse this amendment.

There are over 300 organizations that are directly affected by the Y2K problem that understand the liability involved that support the underlying bill. That includes the National League of Cities, which is hardly a foil for the Republican Party. They discussed it at length, mayors and county board members. They concluded that this bill, the underlying bill, not the alternative amendment, is what they need.

Mr. Chairman, how important is this? It has been estimated that $2 to $3 will be spent in litigation for every $1 that will be spent on fixing the problem. But it is actually more serious than that. The Federal Government, according to the Federal Reserve, will spend about $30 billion fixing its Y2K computer problem. The private sector, private industry, will spend about $50 billion. But it is also estimated that nearly $1 trillion will be spent in litigating the problem.

What kind of an allocation of resources is that? That is insane. In fact, and I want every Member in this body to listen to this, a panel of experts that studied the Y2K problem of the American Bar Association came up with the conclusion that there could be more litigation involved in Y2K than asbestos, breast cancer implants, tobacco, and Superfund liability combined. This could be the greatest liability expense this Nation will have experienced. Imagine, asbestos, breast cancer implants, tobacco, and Superfund liability combined may equal the amount of litigation involved in Y2K.

The problem is, there are no really bad actors here. Nobody deliberately wants to keep their computer programmed in a way that is not useful for the 21st century. That would be nuts. Everybody is trying to fix this. The problem is that some people have seen a disincentive to fix it because of the potential liability.

The underlying bill fixes the problem. I do not think the alternative amendment does. I will vote against the alternative amendment and for the underlying bill.

Mr. CONYERS. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, this from the San Jose Mercury News:

> Y2K bills are buggy themselves . . . the legislation is still evolving, but the trend so far is that Congress is slighting consumers of hardware and software in its desire to protect the high-tech industry.

The New York Times:

> . . . the legislation is misguided and potentially unfair. It could even lessen the incentive for corrective action . . . the government should not use the Millenium bug to overturn longstanding liability practices. A potential crisis is no time to abrogate legal rights.

The Washington Post:

> The fear of significant liability is a powerful incentive for companies to make sure that their products are Y2K compliant and that they can meet the terms of the contracts that they have entered.

So this substitute, Mr. Chairman, seeks to repair the tremendously one-sided advantages that are granted in Y2K. I believe that many responsible computer organizations will have no problem whatsoever working with the Lofgren-Conyers-Boucher substitute.

In addition, this substitute increases legal certainty for the defendants in Y2K by specifying that their contracts shall be fully enforceable, by preserving their ability to assert the defense of impossibility or commercial impracticability.

The substitute also helps to ensure that defendants who are responsible for only a small portion of their damages are not held responsible for damages caused by other tort feasors.

So here we have it. Do we really want to go down in flames by resisting a well-crafted substitute and risk a veto, or do we want to accept something that has many of the elements of the original bill, the underlying bill in it?

I think the smarter, wiser, more correct legislative course is to follow the substitute, and let us all work together and get this through the Senate and signed by the President into law.

Mr. Chairman, I reserve the balance of my time.

Mr. BRYANT. Mr. Chairman, I am pleased to yield 2 minutes to my colleague, the gentleman from Missouri (Mr. TALENT).

Mr. TALENT. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I want to speak in support of the underlying bill and against the substitute. I certainly hope we can work something out. I am glad that there is some consensus that we need to do something.

Here is my concern. A small business has done everything it can to become Y2K compliant. It has gotten ready. It is Y2K compliant, but one of its suppliers is not. That may not even be a domestic supplier, it could be a foreign supplier.

So as a result, that small business is not able to deliver on time to maybe a big business, so the big business sues. It just seems to me the underlying bill, which has some commonsense things in it, says, look, you cannot recover punitive damages that are greater than three times your actual damages. There should be some relationship between the damage award you get and the actual damages you suffer. That seems to me to make sense.

I also very much like the provisions in the underlying bill that are designed to discourage fraudulent or nuisance actions, strike actions. When you file a lawsuit and you really know you cannot win if you go to trial, but you know that small business does not want to spend $40,000 or $50,000 or $60,000 or $70,000 defending itself, so you file the thing. You have this big punitive damages award hanging over the small business. You go and say, well, for $20,000 or $25,000, we will dismiss the lawsuit. That is what we call a strike action, a nuisance action.

The underlying bill has a safeguard. It says, if you think there is fraud, state the basis for believing there is fraud in your lawsuit. What is wrong with that? One of my concerns about the substitute is that it does not have that in there. You should not be able to file a lawsuit alleging fraud without having a basis for it, and then go on a fishing expedition trying to find it that is costly for the small business defending the action.

I like the underlying bill. I think it is better than the substitute. I urge the House to oppose the substitute. I hope we can work something out and get a consensus measure. Certainly the bill has bipartisan support. I would like something the President could sign.

Y2K is a difficult enough problem for the small business community without having to be concerned about nuisance actions, so I would urge the House to oppose the substitute and support the underlying bill.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I believe, with many of my colleagues, that frivolous litigation is already a real concern to the business community and needs to be addressed by Congress.

But the legislation, the underlying bill that is before us, would make dramatic changes in Federal, procedural, and substantive law at both the Federal and State levels. This example just given by the previous speaker is the perfect example. There is no other kind of lawsuit where you have to plead fraud in the way that the underlying bill contemplates. Why should we do it just for one class of lawsuits?

We need to make sure that year 2000 liability legislation we pass does not undercut incentives that will encourage companies to fix year 2000 problems. The amendment that we have before us would encourage entities to fix year 2000 problems now, and would also provide a method for weeding out any future frivolous lawsuits, while providing an outlet for legitimate claims.

I also think that it would be foolish to establish an unwarranted precedent to limit damage awards in product liability cases, yet another example of how we are changing jurisprudence. I think it is important to discourage frivolous lawsuits that may come as a result of the year 2000 glitch, but this body should not pass overbroad legislation that will hurt both businesses and consumers who have legitimate claims.

One of the most important provisions in the substitute specifies that those defendants determined to be only minimally liable for the year 2000 consumer problem will be held to be only proportionally liable by the court. This is a far more palatable alternative to completely eliminating joint and several liability altogether, which is what the underlying bill does.

The substitute provides that the court will have discretion to determine whether a defendant that is minimally liable will be held jointly and severally liable. There is little disagreement about encouraging resolution of year 2000 problems without resorting to litigation. The amendment strikes the needed balance, and it can pass and it can be signed into law.

The year 2000 is just a little over 6 months away. Congress needs to act now to pass a law everybody can agree with, instead of dithering around for the next 6 months trying to figure out how we are going to expedite resolution of the year 2000 glitch, and expedite this resolution for the business community and the consumer as well.

Mr. GOODLATTE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong opposition to the Conyers substitute. I commend the gentleman from Michigan, the gentlewoman from California, and the gentleman from Virginia for their efforts to work in this area, but this amendment, this substitute, simply does not address the problems that are addressed in the bill offered by the gentleman from Virginia (Mr. DAVIS), and as a result, I must support the bill.

Let me point out what those differences are. First, the amendment would allow vague and unsupported allegations of fraud to survive a motion to dismiss.

Like H.R. 775, the Conyers amendment recognizes that heightened pleadings standards are necessary to screen out frivolous suits at the motion to dismiss stage before defendants and plaintiffs run up huge litigation costs.

Unlike H.R. 775, however, the substitute would not require plaintiffs to plead with particularity the facts supporting allegations of fraud. This is a major omission. Prior to the enactment of the Private Securities Litigation Reform Act in 1995, abusive fraud suits were a major problem.

Similar suits inevitably will be brought in the Y2K area, yet it is fundamentally unfair for a plaintiff to accuse a defendant of acting with a fraudulent state of mind unless the plaintiff is able to articulate some factual basis for that allegation.

The substitute does not impose a meaningful duty to mitigate damages, and therefore does not encourage remediation. The Conyers amendment provides that a plaintiff may not obtain damages that it could reasonably have avoided in light of information that it received from the defendant, but unlike H.R. 775, the substitute does not create a mitigation requirement if the plaintiff becomes or should have become aware of the information from other sources.

Surely, however, if someone could easily avoid damage by taking simple steps of which he or she is or should be aware, it is perverse to allow that person to avoid taking those steps to suffer the damage and then sue a third party for compensation.

□ 1515

The amendment does not impose meaningful limits on joint and several liability and thus does nothing to prevent strike suits against defendants with deep pockets.

Proportionate liability is an essential response to the threat of abusive litigation. Without proportionate liability, plaintiff's lawyers always will name a deep-pocketed defendant in their suits so long as there is any chance that the people who are really responsible for the injury are judgment-proof.

The lawyers will know that the deep pocket will have to pay the entire judgment so long as a jury can be persuaded to find it even 1 percent responsible. As was true in the securities context prior to enactment of the PSLRA, that kind of scheme simply encourages strike suit litigation by giving lawyers the leverage to bring abusive suits that the defendant will have no choice but to settle.

The Conyers amendment, however, does not impose a real limit on joint and several liability. It makes joint and several liability the rule unless a judge exercises his or her discretion to order otherwise. This scheme offers no protection in State courts with plaintiff-friendly judges. Because the outcome in every case will be uncertain, defendants who will not know until after trial whether they face joint and several liability will have to pay coercive settlements even when they did nothing wrong.

Indeed, the amendment would make the law considerably worse than it is now by preempting the many State laws that depart from pure joint and several liability.

Also, this substitute does nothing to advance reasonable efforts to remediate Y2K problems. It does not limit punitive damages and, therefore, does nothing to discourage abusive suits by lawyers who seek to win the litigation jackpot.

The substitute would keep national class actions involving out-of-State defendants in State court, an abuse that we have attempted to correct in this legislation and is one of the main reasons why I cannot join in supporting this substitute.

I urge my colleagues to oppose it and to support H.R. 775.

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, how much time remains on each side, sir?

The CHAIRMAN. The gentleman from Michigan (Mr. CONYERS) has 11 minutes remaining, and the gentleman from Virginia (Mr. GOODLATTE) has 11¾ minutes remaining.

Mr. CONYERS. Mr. Chairman, I yield myself 30 seconds.

This question of fraud has to be looked at a lot more carefully than the gentleman from Virginia (Mr. GOODLATTE) has put forward. The pleadings around fraud have been established over generations of litigation in the American court system.

The requirement for particularity that he finds missing in our bill is missing because that is the state of the law. But we added materiality. The base bill talks about fraud.

Mr. Chairman, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman from Michigan for yielding me this time.

Mr. Chairman, I would like to pick up where the gentleman from Michigan (Mr. CONYERS) was raising several points, and I appreciate the points he was making on this.

I rise in strong support for the Conyers-Boucher-Lofgren substitute. I have spoken to the gentleman from Virginia (Mr. GOODLATTE) on the floor and thanked him for his leadership on this issue, and I think the temperament or the tone of the debate suggests that it is not acrimonious debate. I think we all agree that we have a problem that we should face collectively in dealing with Y2K.

I think the key element is preparedness. But as I heard the gentleman from Virginia (Mr. GOODLATTE) refuting the amendment, he was refuting it by suggesting the things that were not in it or the things that the amendment was reestablishing, the joint and several liability, the lack of a cap on punitive damages.

But what he was saying is that the state of the law in America now is not good enough. That is the concern we have with the underlying bill and why I am supporting the Y2K substitute or this legislation that is being offered.

The substitute was put together in cooperation with the high-tech industry and without the assistance of another theme, which is tort reform, which I think we can all debate and have our opinions. We can agree and disagree. But this is not legislation that is dealing with tort reform.

It is an isolated, portended problem that will come up, or we believe will come up, with the Y2K pending crisis. We realize that we must address it, but the concern we have in dealing with this legislation, the Y2K problem, is that we need to have solutions, as the gentleman from Michigan (Mr. CONYERS) has said, that can bring about bipartisan support and frankly will, if you will, withstand a veto. Why not accept the substitute which clearly responds to some of the concerns we have?

The underlying legislation, for example, for instance, it keeps the enhanced pleading requirements, but it jettisons the reasonable efforts defense. That defense basically gives carte blanche protection to any Y2K solution provider who provides only the bare minimum of assistance to their clients.

This is unprecedented in American law. This is what the underlying bill does, which provides ample statutory and common law defenses in legal relationships.

Mr. Howard Nations, a well-respected scholar from my hometown of Houston, when he was testifying before both the Committee on Science and the House Committee on the Judiciary, repeatedly pointed out that the Uniform Commercial Code and State-developed common law were more than adequate to handle the problem of the Year 2000 transition.

I am concerned at the negative stereotypes of State court systems. I believe many lawyers practice in those courts, defendants' and plaintiffs' lawyers, and find a fair and balanced judicial system.

Those legal sources include a wide assortment of defenses available to named defendants, like the business judgment rule, the statute of limitations and the obligation of plaintiff to mitigate damages.

This substitute saves the cooling-off provisions but reforms the provisions on joint and several liability.

Mr. Chairman, I would simply say that there are so many features in this underlying bill that the amendment that is now being offered is a fair response to the capping of punitive damages, and it is a fair response to bipartisanship.

I hope, Mr. Chairman, that we can vote on this amendment in a bipartisan manner and get a bill that can pass and that will serve the American people.

Mr. Chairman. I rise in strong support of this substitute, which is the product of a great deal of hard work by Congressmen CONYERS and BOUCHER, and Congresswoman LOFGREN, who represents the high-tech community in California.

This substitute was put together in cooperation with the high-tech industry, and without the "assistance" of the powerful tort-reform lobby. As a result, it is a substitute that is narrowly tailored to do the job it is needed to do—help people and businesses solve their Y2K problems with minimal discomfort.

It is a substitute that focuses H.R. 775 on the Y2K problem and its solutions, and stays away from controversial changes that may change the face of our legal system forever. For instance, it keeps the enhanced pleading requirements, but jettisons the "reasonable efforts" defense. That defense basically gives carte blanche protection to any Y2K solution provider who provides only the bare minimum of assistance to their clients. This is unprecedented in American law, which provides ample statutory and common law defenses in legal relationships. Mr. Howard Nations, a well-respected legal scholar from my home town of Houston, when testifying before both the House Science and Judiciary Committees repeatedly pointed out that the Uniform Commercial Code (UCC) and state-developed common law were more than adequate to handle the problem of the Year 2000 transition. Those legal sources include a wide assortment of defenses available to named defendants, like the "business judgment rule", the statute of limitations, and the obligation of the plaintiff to mitigate damages.

This substitute saves the "cooling off period", but reforms the provisions on joint and several liability. Joint and several liability was developed by courts and legislatures over our history to take the burden of innocent plaintiffs who have been wronged by many defendants. It allows them to receive satisfaction without having to track down every defendant that may have wronged them. The unamended version of this bill basically eliminates this well-established principle, and puts the onerous burden of plaintiffs to seek justice, perhaps all over the globe. This substitute vastly improves the provisions on joint and several liability by allowing only those defendants who have had minimal involvement with the facts in question to escape complete liability.

This substitute eliminates much of the tort-reform clutter that pervades this bill. It eliminates the caps on punitive damages, which it sets at $250,000. It strikes the provisions that federalize state class action laws. But at the same time, this substitute brings relief to consumers who might otherwise be caught under the auspices of this onerous legislation. It also keeps the provisions that will allow courts to discriminate against frivolous lawsuits.

Furthermore, because of the impending veto threat, I urge each of you to give the House a chance to pass a bill that can actually be signed into law by voting for this Democratic Substitute. This substitute shows that we can address this difficult and complex Y2K problem without upsetting the delicate balance that has been slowly developed and nurtured by our system. We can do right by the American people—vote "aye" on the Conyers/Lofgren/Boucher substitute.

Mr. GOODLATTE. Mr. Chairman, I yield myself 2 minutes, and I yield to the gentleman from Michigan (Mr. EHLERS) for the purpose of a colloquy.

Mr. EHLERS. Mr. Chairman, I want to thank the gentleman from Virginia (Mr. GOODLATTE) for yielding time for purposes of this colloquy; and I commend him for all the hard work he has done to address the Y2K litigation issue in this bill.

As the gentleman knows, I have expressed a deep concern to him and others about the bill's failure to distinguish between Y2K defects that originated before the issue was widely recognized as a problem and the Y2K defects that originated after the issue was commonly known. I believe this is a critical distinction to make if we are going to responsibly modify the laws governing liability in Y2K-related matters.

Further, I am concerned about the absence in the bill of affirmative incentives for manufacturers to fix defective consumer products in an expeditious manner should they fail because of a Y2K problem.

It is especially important to explicitly address the liability and damages issues raised by the extensive use of embedded chips or microprocessors. These are widely used in consumer products, and Y2K defects in these chips can greatly inconvenience and perhaps damage the businesses and property of the owners of common consumer products.

It was my desire to address what I see as a deficiency in the bill with an amendment to exempt from the bill those products manufactured after the beginning of 1995.

While I was prohibited by the Committee on Rules from offering my amendment on the floor today, I am pleased that the gentleman from Virginia and I have made some progress in arriving at a mutually agreeable solution to these issues. I am encouraged by the gentleman's pledge, as well as the assurances from other bill sponsors, to attempt to specifically address these matters as work on the bill continues in conference.

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman from Michigan and appreciate hearing his concerns about the additional issues that this legislation could be expanded to address. As he accurately stated, I have agreed to attempt to specifically address these matters as work on the bill continues in conference.

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. LOFGREN), the major author of our substitute.

Ms. LOFGREN. Mr. Chairman, although we do not have time to go into a full debate on everything, I do think it is important to clarify a couple of points that have been discussed.

First, there is a provision in the substitute on page 14, on line 13, relative to material defects that must be applied with particularity; and I think that is very specific and does put requirements on the pleaders.

There was a comment made that the intent or the drift was that a court might just remove the provisions relative to joint and several for a reason that was frivolous. It is only fraud that would allow a court to do that if there was minimal negligence.

The definition of fraud found on page 21 is standard definition of fraud. I mean, it is not something new. If it is less than perfect, I do not know if it is, but certainly we can work on it. But I thought it was important to clarify those.

Mr. GOODLATTE. Mr. Chairman, it is my pleasure to yield 3 minutes to the distinguished gentleman from California (Mr. DREIER), chairman of the Committee on Rules, a leader on this and other technology issues.

Mr. DREIER. Mr. Chairman, I rise in strong opposition to the measure and strong support of the bill. But before I speak about it, I would like to especially compliment the distinguished gentleman from Virginia (Mr. GOODLATTE), who has been doing a superb job on this measure. I would also like to say that it has been a pleasure to work with the gentleman from Virginia (Mr. DAVIS), who successfully brought the Fairfax Journal editorial endorsement of our position in this morning.

Let me say that, this morning, as I closed the debate on the rule, I talked about the fact that both plaintiffs and defendants are very supportive of the overall measure. I think it is important to underscore that there are a wide range of high-tech organizations out there, associations, which are opposed to the Conyers substitute and supportive of our underlying bill.

They include the American Electronics Association, the Business Software Alliance, Computing Technology Industry Association, the Information Technology Association of America, the Information Technology Industry Council, the Semiconductor Industry Association, and the Software and Information Industry Association.

Also, the coalition supporting our bill is basically well beyond high-tech companies. The single largest small business organization in this country is the National Federation of Independent Business. They have hundreds of thousands of members, I know, all over the country. In fact, I was an NFIB member before coming to this institution. I will say that they are strongly supporting our measure and opposing this substitute.

We have also big businesses involved supporting this thing. So it really is a collection of entrepreneurs, small and large, who are supportive of the underlying bill and opposed to this substitute which is being proposed.

This legislation does not eliminate anyone's right to sue. It is very important that their day in court is maintained. Instead, the common-sense legislation prevents the threat from litigation from stifling good-faith efforts to address potential Y2K problems before they happen.

I reluctantly oppose the substitute. I have enjoyed working with my good friends on the other side of the aisle and will continue in the months and years to come to do that. But I believe that the underlying bill is the best approach for us to take.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 4 minutes to the gentleman from Michigan (Mr. BONIOR), the minority whip.

Mr. BONIOR. Mr. Chairman, last week on the floor, we dealt with the bankruptcy bill, and my Republican colleagues talked about personal responsibility and, indeed, past legislation to deal with personal responsibility on the question of bankruptcy.

Today, we have a bill that exempts corporations from that same responsibility. Last week, responsibility; this week, exemption from responsibility.

This bill strips consumers of their right to seek justice in the courts. The bill, instead of addressing legitimate concerns of the high-tech industry, which the Lofgren-Conyers-Boucher substitute does, this bill is an example of gross excess. It is radical. It is extreme in its approach.

□ 1530

It deprives, as we have heard from several speakers here, consumers and small businesses of their right to seek full damages. And for the life of me, I say to my friend, the gentleman from California (Mr. DREIER), who just spoke, if the NFIB really cares about the small business folks, I do not for the life of me understand where they are on this. It even deprives them of these rights to seek full damages in cases of deliberate and malicious misconduct.

It limits the ability of consumers to join together in class action suits. Of course, then we empower big corporations to divide and conquer. It discourages consumers and small businesses from going to court in the first place because they risk the burden of massive court costs if they lose their case against wealthy corporations.

Yes, Y2K is a serious problem, but this is not a serious solution. All corporations should be held responsible for their actions. This bill sets up a double standard. It absolves special groups of corporations from their responsibilities. This act would effectively strip consumers of their rights to pursue justice in the courts and it would send a terrible message that some corporations can defraud consumers and just walk away.

Mr. Chairman, I urge my colleagues to support the Lofgren-Conyers-Boucher substitute. They strike a good balance between the legitimate concerns of the high-tech industry and the critical need to maintain strong protection for consumers and small businesses.

Mr. GOODLATTE. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. ARMEY), our distinguished majority leader.

Mr. ARMEY. Mr. Chairman, I thank the gentleman for yielding me this time.

Colleagues on both sides of the aisle ought to take a quick look at where we are today and say what is this really all about and what is our responsibility as a legislative body, indeed the Congress of the United States.

Well, what it is about, my colleagues, is the Year 2000 and the extent to which the American people do not fully realize how their year can be affected by this wonderful New Year's Eve celebration when the clocks turn over if the computer chips do not. This is a big deal.

My nightmare about Y2K is sitting at home, as I do with my wife on New Year's Eve, watching the celebration in Times Square as we have always done on New Year's Eve, watching that ball begin to drop, and participating as we do with the countdown, 5, 4, 3, 2, 1, and then blackness. The TV goes off, the ball does not hit the bottom and we have people stranded all over Times Square. Their watches have stopped working. They cannot get to an ATM to give them cash. They cannot get a cab. Their electricity does not work. Their water has stopped running. Lord have mercy if they do get home. They cannot get up the next morning because their alarm does not go off. We could have all kinds of confusion. This is a big, big, big deal.

Now, I have to tell my colleagues that all those wonderful people in the computer industry that are so concerned about the quality of their work, as they are, want to solve this problem. But they are like the good Samaritan. Or perhaps they are not. The good Samaritan had no fear. He stopped and helped. But we know today that there are many potential good Samaritans, we talk about them in the medical profession, where they do not stop and help because they are afraid of the ensuing lawsuit.

Now, we have documentation right now of millions, hundreds of thousands of young, skilled, able people with the technical ability to solve this problem on behalf of all of America, wherever it presents itself, who are saying, unlike the good Samaritan, I do not dare stop to help; I do not dare get involved: I cannot afford the risk of the lawsuit exposure that I face under current law. What a shame.

We cannot in good conscience in this body allow that to be the case. Our responsibility is to help those with the ability to solve the problem before the year gets here. Let them be free to understand that they should engage and, if they do engage, they will not be subjected to unreasonable, excessive, greedy lawsuits.

We should have a system of law that addresses this problem in such a way as to reward cooperation and does not reward confrontation. We should protect the problem solvers, not those that are sitting on the sidelines now licking their chops hoping the problem will not be solved so they can move in like a bunch of buzzards and vultures and feed off the carcasses. That is not, my colleagues, what responsibility is all about in America.

I know the lawyers have been planning on this day. We all know about the training sessions they have had. And, unfortunately, all those bright young technicians with all that great ability know about it, too. So all of the visibility that the legal profession has had in terms of their preparing themselves to swoop down on the carcasses of our dead toasters and create a lawsuit has said to these young people, I am staying out of harm's way. I will not get involved.

We have to look at ourselves and our responsibility and we have to recognize one very simple thing, and we can address it with this simple question. If we vote "yes" on this legislation, we will have found the right answer to this question. Do we want to live in a world between now and January 1 where Y2K is faced by a more well-prepared legal profession than a well-prepared America? I do not believe that is what our objective should be.

Let us reward those who would cooperate and fix the problem. Let us insulate them from frivolous lawsuits, and let us stop the needless, senseless confrontation that is just designed to line the lawyers' pockets over somebody else's misfortune and failure.

We can solve this problem. We are a great Nation. Our young people are outstanding. How many of them do we know that are doing things now in this electronic and computer field that many people my age do not even understand. They are wizards. They are wonderful. They ought not to be beset even by the fears of lawyers. Let them do their thing, let them be free.

And on New Year's Eve, I promise my colleagues, if we leave it to the technicians and keep the lawyers out of the way, as this bill would do, we will sit there and we will count 5, 4, 3, 2, 1. And in the bright light of our TV and living room lights, I will get that kiss from my wife that I ought to get on New Year's Eve.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. SANCHEZ), and I say to the majority leader that if we do not get the substitute, there will be that gloomy prediction.

Ms. SANCHEZ. Mr. Chairman, I rise today in support of the Democratic alternative. If we do not do the Democratic alternative, we are about to squander the ability to do a bipartisan bill for the problem of the Year 2000.

Joined by the ranking member, the gentleman from Michigan (Mr. JOHN CONYERS) and the gentleman from Virginia (Mr. RICK BOUCHER), Democrats on the Committee on the Judiciary sought to resolve the three most important problems identified by the high-tech community by offering:

Number one, a cooling-off period so that parties might settle their differences out of court; secondly, additional pleading requirements tailored to the Year 2000 problem to discourage frivolous lawsuits; and, throw, a fair way for the parties with Year 2000 claims to share the liability.

The Democratic substitute is narrowly tailored to address Y2K concerns. Nothing else, only what is necessary. And, therefore, it actually is a very good start.

My colleagues have found a fair and effective solution so that those who are negligent are held responsible, while those who have little to do with the bug are not punished for something they did not do.

Mr. GOODLATTE. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I know people on both sides of the aisle have got good motives, but I would like to just once have a bill that comes to the House floor that does not benefit the trial lawyers.

If we look at some health care bills, they are a boon to trial lawyers. And they will raise the cost of health care because there are no caps on punitive damages, and lawsuits will drive health care costs up. Tobacco makes the trial lawyers rich. And now we look at this amendment, and it is always the trial lawyers that benefit in these things. Why?

In my opinion, it is because they give 90 percent of their campaign funds to Democrats. This substitute would mean a boon for trial lawyers. Let us set the trial lawyers apart and let us work for the betterment of people, not the trial lawyers but for the people. Oppose this substitute, and support this important bill.

Mr. CONYERS. Mr. Chairman, how much time remains?

The CHAIRMAN. The gentleman from Michigan (Mr. CONYERS) has 2½ minutes remaining, and the gentleman from Virginia (Mr. GOODLATTE) has 4 minutes remaining.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

This is not a matter about what is going to happen on New Year's Eve and it is not a matter of what will happen to trial lawyers. I am sure somebody here besides me in the Hall must know that punitive damages are regularly set aside by judges who object to large amounts.

The high-tech community itself has made it clear that they are interested in a bill that specifically addresses liability issues unique to Y2K, but they are not interested in a far-reaching tort reform proposal. They want a narrowly tailored bill that will address the problem of frivolous lawsuits. We do that.

The base bill, H.R. 775, goes well beyond reasonable reform by failing to protect consumers. They shield grossly negligent defenders and they harm innocent plaintiffs. Instead of creating a positive incentive, this creates new reasons to avoid remediation. H.R. 775 should not be supported by ourselves and it will not be signed by the President.

We have the real deal. We have the way out for both the high-tech community and those who have been unfortunately affected by it. The Y2K problem, as the gentlewoman from California (Ms. LOFGREN) stated earlier, is a legitimate issue, but has, in my judgment, been turned into a political tool. It is unfortunate that the information technology community, with its legitimate concerns, are being used as pawns in this political game.

The base bill goes well beyond reasonable reform. It is unprecedented and unjustified and is also going nowhere. So vote for the substitute for a realistic response to a potentially serious problem without overreaching.

Mr. Chairman, I urge each of my colleagues to join me in voting for this good faith effort to deal with the Y2K problem. Support the Lofgren-Conyers-Boucher substitute.

Mr. Chairman, I yield back the balance of my time.

Mr. GOODLATTE. Mr. Chairman, I yield myself 45 seconds.

Mr. Chairman, in a moment I will yield the remaining time to the gentleman from Virginia (Mr. DAVIS), the sponsor of the legislation, to close our arguments against this substitute and for the bill.

Before I do that, I think it is only appropriate that we recognize some people. I particularly want to commend the gentleman from Virginia (Mr. DAVIS), as well as the chief cosponsor of the legislation, the gentleman from Virginia (Mr. MORAN), the gentleman from California (Mr. DOOLEY) and the gentleman from Alabama (Mr. CRAMER) of the Democratic side, the gentleman from California (Mr. DREIER) and the gentleman from California (Mr. COX) on our side of the aisle for their chief cosponsorship of this legislation.

In addition, I want to recognize the staff, who worked very, very hard on this; particularly Diana Schacht of the Committee on the Judiciary; Ben Kline of my office; Trey Hardin, Amy Heering and Melissa Wojak from the office of the gentleman from Virginia (Mr. DAVIS); as well as John Flannery, from the office of the gentlewoman from California (Ms. LOFGREN); Perry Apelbaum and Semora Ryder of the office of the gentleman from Michigan (Mr. CONYERS); Ben Cohen of the office of the gentleman from California (Mr. COX); and Brian Bieron, and Don Freeman. They all worked very hard. This has been done in the spirit of comity.

Mr. Chairman, I yield the balance of my time to the gentleman from Virginia (Mr. DAVIS).

Mr. DAVIS of Virginia. Mr. Chairman, just to set the record straight, the high-tech industry rejects the substitute amendment offered by the gentleman from Michigan (Mr. CONYERS) and they support the underlying bill H.R. 775. That has been signed and put into the record by a number of representatives of the software industry and the information technology industry.

In addition to that, I want to thank the Chamber of Commerce, the National Association of Manufacturers, and the NFIB for putting together a coalition of groups that have helped us in lobbying and getting support for this legislation and making Members aware of the consequences if we do not act in this body on this legislation in a timely manner.

□ 1545

Now, we have heard a lot of talk today about we need to solve this on a bipartisan basis, and I agree with that. This is the beginning of a long trek. It is not the end. And we look forward to working with our colleagues that maybe could not find themselves able to support this legislation and hope we can bring them on board and the administration on board as we move forward.

But we have a bipartisan bill. It is H.R. 775. There are numerous Democratic and Republican sponsors and cosponsors of this legislation. What we have before us now is a partisan substitute. If we are really going to solve this problem together, we need to work together and bring Members of both parties together.

The whip from the other side talked about taking personal responsibility. Our legislation takes personal responsibility. Under the underlying bill, if they are damaged in a Y2K suit, they get their full economic damages. In fact, they can get three times their economic damages in punitive damages or $250,000, whichever is larger.

We do not take that away. What we do take away is one of the three legs of this legislation, and that is unlimited damages, for whatever reason, for punitive damages that drive up insurance costs, damages that drive up the cost of settlement and encourage more lawsuits and discourage companies from trying to fix the problems right now that we are attempting to solve in Y2K. Because companies will not fix a problem if they can be held liable down the road, even if they better that product should it fail.

Joint and several liability also would pick the pockets of people who are improving these because they happen to be a little wealthier and easier to reach. Our legislation keeps proportional liability. This is a key underpinning of this legislation, to reward companies for making products better, to reward companies for trying to come in and make a product better so that it will deliver on Y2K, as complex or as messed up as it might have been when they initially visited it.

And finally, the third leg is notification. And this is a consumer issue. If I am going to be represented in a Y2K suit, I ought to be told by that attorney I am being represented in court before they cut a deal on my behalf and decide what kind of damages I get.

Our legislation simply says that if an attorney is going to represent me in a class-action suit, I ought to be notified of that and have the opportunity to opt out of that. That is fair consumer legislation. That is not radical tort reform. That is something that every consumer ought to have. And we require that, as well.

I want to commend my colleagues from both sides of the aisle for working together with this in a bipartisan way. I want to continue to invite the administration, the President, and the Vice President to work with us on this legislation to make it work for everyone, and again, thank the business groups, particularly the Chamber of Commerce, which represent small businesses and large businesses nationally that will be plaintiffs and defendants in this legislation, for helping us put this together.

I ask for rejection of the fig leaf of a partisan substitute and support of bipartisan H.R. 775.

Mr. FORD. Mr. Chairman, I rise today in support of the Conyers substitute because I do think that there is a need for reasonable legislation that addresses this once-in-a-lifetime problem.

I am a cosponsor of this legislation, but I cannot support it in its current form for a number of reasons:

The use of a "reasonable efforts" standard for the sole defense in Y2K litigation exceeds the burden of proof in most federal and state court civil proceedings. Normally, plaintiffs must meet the less onerous "preponderance of the evidence" standard.

In addition to setting up a new legal standard, this term is at best ambiguous. How will the courts know how to interpret this language?

Finally, the supporters of this legislation are inconsistent. Just last week this Chamber passed a bankruptcy reform bill with the cries of "personal/corporate responsibility". In its current form, this legislation would permit some of these same entities to evade any sort of responsibility.

This Democratic substitute is narrowly tailored to address Y2K concerns. Like the base bill, it provides for a cooling off period, has additional pleading requirements to discourage frivolous lawsuits, and provides for a fair way for the parties with Y2K claims to chair the liability.

I urge my colleagues to support the Conyers substitute.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. CONYERS).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. CONYERS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 190, noes 236, not voting 8, as follows:

[Roll No. 126]

AYES—190

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clyburn
Conyers
Costello
Coyne
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doyle
Duncan
Edwards
Engel
English
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Ganske
Gejdenson
Gephardt
Gilman
Gonzalez
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Phelps
Pomeroy
Price (NC)
Rahall
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Scott
Serrano
Sherman
Shows
Skelton
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Strickland
Stupak
Terry
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOES—236

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cramer
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doggett
Dooley
Doolittle
Dreier
Dunn
Ehlers
Ehrlich
Emerson
Eshoo
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Moran (VA)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Schakowsky
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Toomey
Upton
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—8

Barton
Brown (CA)
Cox
Jefferson
Napolitano
Rangel
Slaughter
Weller

□ 1610

Mr. EWING and Mr. CLEMENT changed their vote from "aye" to "no."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute made in order as original text, as modified, as amended.

The committee amendment in the nature of a substitute, as modified, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BURR of North Carolina) having assumed the chair, Mr. LAHOOD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 775) to establish certain procedures for civil actions brought for damages relating to the failure of any device or system to process or otherwise deal with the transition from the year 1999 to the year 2000, and for other purposes, pursuant to House Resolution 166, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. CONYERS. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Conyers moves to recommit the bill H.R. 775 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendment:

Add after section 104 the following:

SEC. 105. YEAR 2000 ACTIONS INVOLVING FOREIGN PRODUCTS OR SERVICES.

(a) GENERAL RULE.—In any year 2000 action for damages or other relief that is sustained in the United States and that relates to the purchase or use of a product or service manufactured or distributed outside the United States by a foreign seller or manufacturer, the Federal court in which such action is brought shall have jurisdiction over such seller or manufacturer if the seller or manufacturer knew or reasonably should have known that the product or service would be imported for sale or use in the United States.

(b) ADMISSION.—If a foreign seller or manufacturer of a product or service involved in a year 2000 action fails to furnish any testimony, document, or other thing upon a duly issued discovery order by the court in the action, such failure shall be deemed an admission of any fact with respect to which the discovery order relates.

(c) PROCESS.—Process in an action described in subsection (a) may be served wherever the foreign seller or manufacturer involved in the action is located, has an agent, or transacts business.

Mr. CONYERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

□ 1615

Mr. CONYERS. Mr. Speaker, this motion to recommit provides for jurisdiction, service of process and discovery in Y2K actions brought against corporate defendants located outside of the United States. It is based on the same amendment I offered on the product liability bill in another Congress which twice passed the House by overwhelming bipartisan votes.

Currently, my amendment responds to a couple of problems. It is inordinately difficult for United States citizens and businesses to bring legal actions against foreign defendants to obtain compensation for harm inside the United States. We correct it with this motion to recommit.

We respond to the problem, first, by creating a nationwide context test whenever a foreign defendant is sued in Federal court if it knew or reasonably should have known that its conduct would cause harm in this country. This type test has repeatedly been upheld by the Federal courts and is a part of the law in the Foreign Sovereign Immunities Act.

The second thing the amendment would do is provide for worldwide service of process. Presently, a major problem with service is that each of our States requires different and varying methods of process. Uniform worldwide service of process will fix this problem and is consistent with other Federal laws, including the Clayton Act and securities laws, permitting service wherever the defendant may be found.

Third, my amendment ensures that the foreign persons are subject to the same rules of discovery as our own citizens and corporations when they are sued for wrongdoing. This is a particular problem in the context of Y2K litigation.

In the late 1980's and early 1990's, the percentage of foreign-made computer components and U.S. computers was as high as 65 percent. The most recent information supplied by the Commerce Department predicts Asian computer suppliers have now announced their intentions to wrest control away from U.S. rivals and pose a challenge in high-performance computer systems and PCs. If they succeed, the very least we can do is make sure they are subject to the rules of our legal system.

So, with a record trade deficit last year of $165 billion, a deficit last month of $20 billion, our Nation can no longer afford to favor foreign defendants in court. Please join us on both sides of the aisle in voting for this important amendment.

Mr. Speaker, I yield back the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore (Mr. BURR of North Carolina). The gentleman from Virginia is recognized for 5 minutes.

Mr. GOODLATTE. Mr. Speaker, I commend the gentleman from Michigan (Mr. CONYERS) for the comity in which this debate has taken place, and I extend my compliments to other Members on his side of the aisle as well, including a number who are supporting this legislation, but I must rise in strong opposition to his motion to recommit.

The motion raises significant constitutional and international law concerns, represents a serious potential irritant in our bilateral relations with other countries and raises a specter of foreign retaliation against American firms, and that is the matter on which I am most strongly opposed.

If we were to go ahead and enact this provision, we would be opening U.S. companies all over the world to treatment different than they are receiving now because they are receiving it under international treaty obligations that would expose them to treatment in courts elsewhere that would jeopardize their position.

Mr. Speaker, one of the provisions of this motion to recommit would subject foreign corporations to trial in U.S. courts without their ever having to be in the courtroom, and if the same provision were applied to U.S. companies in countries all over the world, one can only guess what kinds of denial of due process would occur for U.S. companies and U.S. businessmen and women treated with this same consideration in the courts of other countries who today comply with international treaty obligations that do not expose our corporations and businessmen and women to those considerations.

The amendment implicates the fifth amendment and international law, and it is possible that it would compromise the due process rights of a foreign defendant. The extent to which American statutes apply to foreign nationals already is a point of contention in our foreign relations. We should proceed very cautiously in this area, especially since the gentleman's motion to recommit was not the subject of hearings. The amendment's requirement to force a foreign defendant to comply with U.S. discovery requirements failed to accord appropriate deference to the sensibilities and prerogatives of other countries.

Mr. Speaker, because the motion to recommit would invite retaliation against U.S. companies doing business overseas and might affect the level of foreign investment in the U.S., thereby creating unemployment, the business community and others in this country are strongly opposed to this amendment, and I encourage my colleagues to vote against the motion to recommit.

Mr. Speaker, I yield to the gentleman from Virginia (Mr. DAVIS).

Mr. DAVIS of Virginia. This is a deal killer. The gentleman knows that. I would ask if the administration supports this amendment. They have opposed it in the past.

Mr. CONYERS. Mr. Speaker, will the gentleman yield?

Mr. GOODLATTE. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, this is already the law. They do not have to support the amendment. This is an existing law in the United States Code Annotated as we speak.

Mr. DAVIS of Virginia. Mr. Speaker, I thank the gentleman very much.

Mr. CONYERS. The gentleman from Virginia is welcome.

Mr. DAVIS of Virginia. Because as a signatory to the Hague Convention, the United States is bound to follow its procedure rules, and in this particular case we do not think this rule is necessary if it is already in the law. Why would we put this in if it is already in the law?

The Commission of the European Communities and its member states have expressed strong objections to this in the past because it ignores the rights of defendants in countries outside the jurisdictions of business and in litigation. It ignores the sovereign rights of countries which have different procedural rules than we do; and, if it is enacted, it is likely that other countries will also ignore the provisions of the Hague Convention and begin applying their own procedural rules to American companies whose products entered the stream of commerce abroad. American businesses stand to lose, not gain, from this provision.

This makes mischief of what has been, I think, a pretty good debate and bill up to this point; and I urge that we reject this motion to recommit.

Mr. GOODLATTE. Mr. Speaker, this is an outstanding bill; and I urge my colleagues to oppose the motion to recommit and support this reform legislation which will truly help us enter the new millennium and deal with the potential Y2K bugs in a way that resolves these problems without encouraging the massive explosion of litigation that many have predicted.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. CONYERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on the question of the passage of the bill.

The vote was taken by electronic device, and there were—ayes 184, noes 246, not voting 4, as follows:

[Roll No. 127]

AYES—184

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clyburn
Conyers
Costello
Coyne
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Dixon
Doggett
Doyle
Duncan
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Skelton
Spratt
Stabenow
Stark
Strickland
Stupak
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOES—246

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Dreier
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Moran (VA)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Upton
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—4

Barton
Brown (CA)
Napolitano
Slaughter

☐ 1643

Mr. CHAMBLISS changed his vote from "aye" to "no."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. BURR of North Carolina). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CONYERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 236, noes 190, not voting 8, as follows:

[Roll No. 128]

AYES—236

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boyd
Brady (TX)
Bryant
Burr

Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Castle
Chabot
Chambliss
Chenoweth
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cramer
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
Dickey
Dooley
Dreier
Dunn
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Gekas
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Moran (VA)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Sisisky
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Udall (CO)
Upton
Velázquez
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—190

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capuano
Cardin
Carson
Clay
Clayton
Clyburn
Conyers
Costello
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Doolittle
Doyle
Duncan
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Ganske
Gejdenson
Gephardt
Gibbons
Gonzalez
Graham
Green (TX)
Gutierrez
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Hoyer
Inslee
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Skelton
Snyder
Spratt
Stabenow
Stark
Strickland
Stupak
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (NM)
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—8

Barton
Brown (CA)
Cox
DeMint
Napolitano
Riley
Skeen
Slaughter

☐ 1652

Mr. RANGEL and Mr. MCINTYRE changed their vote from "aye" to "no."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. DEMINT. Mr. Speaker, on rollcall no. 128, I was unavoidably detained. Had I been present, I would have voted "yes."

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Speaker, I was unable to be present for rollcall votes 123, 124, 125, 126, 127 and 128.

Had I been present, I would have voted "yes" or "aye" on rollcall votes 124, 125, 126 and 127 and "no" or "nay" on rollcall votes 123 and 128.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1555, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2000

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 106-136) on the resolution (H. Res. 167) providing for consideration of the bill (H.R. 1555) to authorize appropriations for fiscal year 2000 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT OF INTENTION TO OFFER ON TOMORROW MOTION TO INSTRUCT CONFEREES ON H.R. 1141, 1999 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT

Mr. UPTON. Mr. Speaker, pursuant to clause 7(c) of rule XXII, I hereby notify the House of my intention tomorrow to offer the following motion to instruct House conferees on H.R. 1141, the emergency supplemental appropriations bill.

The form of the motion is as follows:

Mr. UPTON Moves that the managers on the part of the House at the conference on the disagreeing votes of the 2 Houses on the Senate amendment to the bill H.R. 1141 be instructed to insist that no provision—

(1) not in H.R. 1141, when passed by the House,

(2) not in H.R. 1664 when passed by the House or directly related to H.R. 1664,

(3) not in the Senate amendment to H.R. 1141, as passed by the Senate,

be agreed to by the managers on the part of the House.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 329.

Mr. SHOWS. Mr. Speaker, I ask unanimous consent to remove my name as cosponsor of H.R. 329.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

MOTION TO INSTRUCT CONFEREES ON H.R. 1141, 1999 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT

Mr. DEUTSCH. Mr. Speaker, I offer a motion to instruct conferees on the bill (H.R. 1141) making emergency supplemental appropriations for the fiscal year ending September 30, 1999, and for other purposes.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. DEUTSCH moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill H.R. 1141 be instructed to insist on the funding level of $621 million contained under the heading "Central America And The Caribbean Emergency Disaster Recovery Fund" of the House bill for necessary expenses to address the effects of hurricanes in Central

America and the Caribbean and the earthquake in Colombia.

The SPEAKER pro tempore. The gentleman from Florida (Mr. DEUTSCH) will be recognized for 30 minutes, and the gentleman from Florida (Mr. DIAZ-BALART) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. DEUTSCH).

Mr. DEUTSCH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Central America has been an American foreign policy success story, probably one of the great success stories in this country. We have actively supported or helped take countries from dictatorships to democracies, from conflict to peace, and from closed to opened economies.

But along the way in October a disaster occurred, a disaster which actually I was told today as a factual statement is actually the worst disaster in recorded history in the Western Hemisphere; an incredible historical statement to make, but a factual statement. That is the hurricane that devastated this area, Hurricane Mitch.

The devastation that occurred, the equivalent destruction, had it occurred in the United States of America, would have been 80,000 people dead, 25 million people made homeless. It is hard to conceive of what that would mean on a scale in our country, 25 million people homeless.

The issue of the hurricane was that it was not a localized damage, it was not a localized effect. The hurricane was over Honduras for 6 days. These are just incredible statistics, but accurately, I think, ascertained through AID sources.

In Honduras, 77 percent of the people in Honduras were directly affected by the hurricane, "directly affected" defined as either a family member died, was severely injured, was displaced in their home, lost their job, or their crop was lost, 77 percent of a country.

□ 1700

In Nicaragua, that number was 20 percent.

To give you a sense again just of the scope of the destruction, from 1961 to 1998, AID spent a total of $298 million in the western hemisphere for aid in terms of natural disasters. That is from 1961 to 1998, during that entire period of time, a total of $298 million. We have already spent, already expended, $312 million in terms of Hurricane Mitch restoration efforts.

This is a region in the world which truly is our neighbor. It is also a huge trading partner, $18 billion a year in U.S. exports, which is actually more than all of the former Soviet Union and Eastern Europe combined.

This House has passed previously funding, actually $621 million in direct funding for reconstruction assistance. The House I think wisely actually increased this number above the Senate number, and this motion to recommit is to substantiate, to support the House position.

This funding is mostly through, really, AID in terms of projects like schools, health units, bridges, really infrastructure of the countries that were devastated by the storm.

If we do not do this, if we do not do this, what will occur? On a human level, what is already occurring is really the health issues, severe health issues of dysentery. Luckily, we were able to reprogram money, actually $30 million, $30 million of the 50 million additional dollars that this Congress appropriated for world children's health. We appropriated in the last Congress $50 million for children's survival for the entire world. $30 million of that $50 million had wisely been spent to avoid a public health disaster in Central America. But that disaster can still occur.

So on a human level, we really are talking about health issues really in a sense whether we are going to do this or deal with increasing assistance or seeing starvation. But we are also dealing with a planting season which hopefully we will able to do this supplemental and reach the time when the planting season will occur, which is before the start of the summer. So, on a human level, there are incredible human issues that we need to deal with.

But I would say to my colleagues that there are two direct issues. What we have seen previously is that this truly is our neighborhood, and these are our neighbors. Literally, our neighbors have the ability to walk to our homes, and we have seen this occur. If we give no hope to these people, I think what is overdetermined and what we know will happen is we will have another issue to deal with. It is an issue which I do not think this Congress directly wants to face, but it is an issue that will come to us.

On a second level, I think we need to remind ourselves, before the success stories, what was Central America. It was a place, from the changes we discussed, of dictatorships, of conflict, of war, and of closed economies. I can think of nothing worse than us not supporting this funding than the action, the likely or the possible action that this could literally encourage that type of instability in that region.

There is a donors' conference that the administration has been very active in creating of many countries around the world that are pledging an additional over $5 billion to the restoration efforts in Central America. If we do not participate, and this donors' conference is at the end of this month, if the United States does not take the lead in our commitment, we have already asked other countries around the world, France, Germany, England, Japan, the Scandinavian countries to come up with their participation, what will happen?

This is not something we support as a Congress; we support as a country to help in this region. But I think all of us know the reality is that if we do not help, no one will help. The accompanying disaster that we can foresee will be on our shoulders as well.

Mr. Speaker, I reserve the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume.

We have a number of speakers who have asked on our side of the aisle to join this motion to instruct conferees, which is very timely and a very good idea, and I commend the gentleman from Florida (Mr. DEUTSCH) for it.

We have been working very diligently, Mr. Speaker, and will continue to do so on this project. I am hopeful, we are hopeful, that we will meet with success with regard to this very important foreign policy initiative, which, in addition to its importance to U.S. foreign policy, because our neighbors are our friends and we must not forget our best friends and neighbors, in addition to that, there is a very definite humanitarian aspect to what we are doing that calls us to make sure that this aid package is carried forth and included, the Central American aid, in the appropriations supplemental bill that is being at this time finalized.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Florida (Ms. ROS-LEHTINEN), one of my distinguished friends, colleagues, and the chairman of the Committee on International Relations Subcommittee on International Economic Policy and Trade.

Ms. ROS-LEHTINEN. Mr. Speaker, I thank the gentleman from Florida (Mr. DIAZ-BALART) for the leadership which he has shown on all of the issues pertaining to Central America.

I also want to congratulate another colleague, the gentleman from Florida (Mr. DEUTSCH), whose motion we are debating today. He is very attuned to the needs of our hemispheric neighbors and also on the impact that this has on our South Florida region. So I commend the gentleman from Florida (Mr. DEUTSCH) and the gentleman from Florida (Mr. DIAZ-BALART) for their leadership.

Mr. Speaker, over 6 months ago, our Central American neighbors were ravaged by Hurricane Mitch. The death and destruction of homes, of farms, entire communities were broadcast for the world to see: small children displaced from their homes, families divided, the entire livelihood of thousands washed away with the rains and the flood that followed the eye of the hurricane.

Our district, the gentleman from Florida (Mr. DEUTSCH), the gentleman from Florida (Mr. DIAZ-BALART) and my district in South Florida, has experienced the wrath of a hurricane. We know what that destruction is like.

In 1992, Hurricane Andrew swept through our portion of the State, leaving behind a trail of destruction. Seven years later, we have recovered physically and economically. However, the emotional scars that are left long after the homes have been rebuilt have still not healed. The communities have been restored somewhat, but those difficulties remain.

But, Mr. Speaker, in Central America, these scars run even deeper, as thousands of lives were lost following what seemed to be endless days of floods and rains.

In Central America, the healing process has yet to begin. As Congress holds up these much-needed funds to provide regional fund and relief to the regions, families continue to go without shelter, to go without safe drinking water, and their children are going without education.

The bill before us would provide the necessary funds to help our neighbors begin to rebuild their infrastructures, their families, their economies, their communities.

Currently, our inability to reach an agreement on the relief package has significantly delayed the reconstruction of roads, schools, and health clinics; but we know that our leadership is working toward that final end that is going to be very positive. We congratulate them for their leadership on this issue.

But the more that we delay, Mr. Speaker, these are the things that will happen. USAID has said that the health situation in Honduras and Nicaragua in particular will continue to deteriorate because of a lack of medical resources and facilities to monitor and care for those who have been affected by the outbreaks of malaria, of cholera, of dengue, and other infectious diseases that have resulted following the hurricane.

Also, close to 200,000 children will continue to go without adequate schools, without their facilities, without their supplies. Food shortages will result as 100,000 small-scale farms will not receive credit and inputs for their first crops.

Let us not help to prolong the suffering of our hemispheric neighbors by continuing to not pass this critical funding package because the support of the revitalization of Central America region will be helped by us voting in favor of this bill.

The Central American countries have been long-time allies of the United States. Notwithstanding the lamentable decisions of Guatemala and El Salvador to abstain from voting in the recent U.N. vote in Geneva, which correctly condemned the human rights violations in Cuba, these nations routinely stand with the U.S. in our battle in favor of freedom, of democracy in our hemisphere. Parenthetically, these countries could demonstrate their solidarity with the Cuban people by not participating in the November summit in Havana.

But Central America has survived revolutions. They have survived natural disasters to become symbols of democracy in our hemisphere. Let us help them to further solidify their freedom-loving institutions by aiding them with these much-needed funds.

They are our hemispheric neighbors, and we need to help them get back on their feet. This is not a bailout. It is a helping hand. Let us not turn our backs on Central America now. They need us. We will be there for them.

Mr. DEUTSCH. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. BECERRA) who has been active on this issue, has traveled with the President to Central America.

Mr. BECERRA. Mr. Speaker, I thank the gentleman from Florida (Mr. DEUTSCH) for yielding me this time and also for making that trip as well to Central America to view some of the destruction that had gone on.

The people of Kosovo and the people of Central America have one important element in common, their lives have been uprooted and disrupted due to forces outside of their control. Because of this, their destinies in many ways are no longer in their own hands.

For these reasons, we have had to step into Kosovo to help people that are no longer able to defend themselves. In March, 2 months ago, when we voted to help the victims of one of the worst natural disasters in the recorded history of this hemisphere, we made a similar commitment in Central America, one we are duty bound to fulfill now.

There is no reason why we should treat the victims of a man-made disaster any different than we would treat those who are victims of a natural disaster. The supplemental funding for Kosovo that the House passed last week included $566 million in humanitarian aid for refugees from Kosovo.

Yet, the Congress is still saying that it needs offsets to provide the assistance to the Central American countries that have more than a million refugees waiting for that humanitarian assistance that the President said would be forthcoming at the end of last year and that this Congress in March said it would send as well.

In Kosovo, we see some 700,000 refugees, people who have been displaced, uprooted from their homes. Hurricane Mitch, when it hit Central America at the end of October, cost the lives of at least 9,000 people. There are still some 9,000 to 10,000 Central Americans who are missing and at this point now, after 6 months, are presumed dead. Over 1 million people, about 1.3 million people were displaced. Some 1 million still remain homeless in Central America.

Clearly, the situations in both Kosovo and Central America are humanitarian emergencies. Both should be funded in the same way, without cuts in critical and domestic foreign international programs that this government funds.

□ 1715

We need to keep in mind the magnitude of destruction caused by Hurricane Mitch. What would we all think if we were to hear that the entire States of Texas and New Jersey had just been left homeless; that the entire populations of those two States or that the entire population of Orlando, Florida, or Dayton, Ohio was either dead or missing and now presumed dead? In the United States that would be considered a disaster of catastrophic proportions. This is the equivalent of what happened in Central America given the relative size of those countries this past year.

The cost in Central America is not just human. It is estimated that 40 percent of the infrastructure and 60 percent of the roads were destroyed by the hurricane. Some think it will take 25 to 50 years for Central America to recover, to get back to where it was. And as it was, it was already one of the poorest regions in the world.

NATO is involved in a crisis in Kosovo because we understand the fate of Europe is intertwined with the fate of the Balkans. We in this hemisphere need to understand that our fate is intertwined with that of our neighbors in the Americas as well. I urge my colleagues to vote for this motion sponsored by the gentleman from Florida (Mr. DEUTSCH).

Mr. DIAZ-BALART. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina (Mr. BALLENGER), one of the few Members of our House who has, through the years, assisted more, given more of his time and his efforts to help the people throughout Central America.

Mr. BALLENGER. Mr. Speaker, I thank the gentleman for yielding me this time, and I appreciate the time to speak today in support of the full funding levels for Central America and the Caribbean emergencies, part of the supplemental bill that is currently being negotiated between the House and Senate conferees.

As we all know, H.R. 1141 passed the House over a month ago. But, unfortunately, no money has been released to assist the devastated countries in Central America because Congress has yet to approve the supplemental. It is really disgraceful.

I was able to visit Honduras just 2 weeks after Hurricane Mitch wreaked its havoc, and also Armenia, Colombia, after the earthquake, a town of 300,000 that was devastated. I do not know about the rest of my colleagues, but I thought Armenia was a small town until I visited it. Stop and think of a town of 300,000 in our country where half the whole town is just wiped away. It is unbelievable.

In Honduras alone, 25,000 people lost their jobs in the banana fields, because not only was the banana crop destroyed but the plants that grow the bananas were washed away, the topsoil was washed away, and there is now just a bunch of sand there. It will be at least 3 years before they can ever start really growing banana crops again. Over a million people lost their homes and at least 7,000 people lost their lives.

Luckily, through donations from various and sundry steel manufacturers and Rotary International, I was able to provide 100 tons of galvanized steel to supply roofing for housing in Honduras. These houses are 20 by 20, on a concrete slab. A concrete block, two windows and a door. No plumbing, no nothing, just a roof. And this steel was for that. One hundred tons of steel will roughly supply roofs for 1500 houses. That is roughly speaking 1 percent of the need they have down there.

Now, if my colleagues can believe it, AID is running out of money. AID is running out of money to build the houses. We have the roof now, but we cannot continue without some money for AID to help us build the houses.

I believe that now rather than later is the time for the United States to come to the aid of our neighbors to the south. Too much time has been wasted in negotiation. We simply need to release the funding by passing a clean supplemental. And I mean clean. This will ensure struggling nations that the United States is willing and ready to help.

In the month that the U.S. Government has been inactive in sending relief funding to these disaster areas just miles from our borders, other countries from all over the world, not as rich and not as close in proximity to Central America, have sent money, supplies, aid and their nation's support. It is time for the United States to stop playing political games, step up to the plate and assist our disadvantaged neighbors to the south.

I urge my colleagues to support full funding for the relief aid to the countries of Central America.

Mr. DEUTSCH. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, first I would like to thank the gentleman from Florida (Mr. DEUTSCH) for yielding me this time and also for his very hard and diligent work on this issue.

It is very important that we pass this motion to instruct conferees on 1141 because we have got to help the victims of this massive hurricane so they can be relieved of some of the harsh misery they have experienced in Central America.

The supplemental appropriation of $621 million is badly needed to restore the vital infrastructure and to meet public health emergencies. In addition to responding to humanitarian needs, this infusion of emergency funds will also help to revive weakened economies by allowing more goods to flow and more jobs to be created.

Hurricane Mitch occurred over 6 months ago, but people displaced by Hurricane Mitch are still in unhealthy camps and in shelters and they must be relocated to housing, and housing must be built. There must be a return to social and economic viability and normalcy.

I am especially sensitive and aware of the dislocation and trauma associated with disasters. My district has experienced fires and earthquakes, and our recovery efforts have actually required a large commitment, much compassion and many resources from the Federal Government.

We must keep our commitment to hemispheric stability and fulfill the expressions of concern and sympathy that we made in the aftermath of Hurricane Mitch. These promises are worthless if we do not give this basic assistance when needed. Our neighbors in Central America need this assistance, and they need it now.

Mr. DIAZ-BALART. Mr. Speaker, may I inquire as to how much time remains on this side of the aisle?

The SPEAKER pro tempore. The gentleman from Florida (Mr. DIAZ-BALART) has 20½ minutes remaining, and the gentleman from Florida (Mr. DEUTSCH) has 18 minutes remaining.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am in full agreement with all that has been said by each and every one of my distinguished colleagues who have risen in support of the need for us to insist upon the House position that aid to Central America be provided forthwith.

It would be a grave foreign policy mistake for the United States, while taking care of undoubted needs that we have with regard to the operation in Kosovo, and there is no doubt that it is absolutely indispensable that our men and women in uniform not be further abandoned and that every assistance must be provided to our Armed Forces due to the operation that has been going on now for almost 2 months in Kosovo, and while we do that, our eyes are focused upon Europe in a most humane way and necessary way, but it would be a mistake if we forgot to look at and if we forgot the importance of our closest friends and neighbors in their hour of need.

Central America was hit in a devastating way by the natural disaster known as Hurricane Mitch. The United States made a commitment to Central America, rooted in humanitarian reasons, that we would go to the aid of our friends and neighbors in Central America. It is necessary, therefore, not only for humanitarian reasons but because of the foreign policy interests of the United States, that we not ignore this hemisphere. A wrong message would be going out to our friends and neighbors in this hemisphere if at the time that we address concerns in Europe that we fail to address even the most elemental and needed of concerns here in this hemisphere in Central America.

Mr. Speaker, I want to thank publicly the Speaker of the House, the gentleman from Illinois (Mr. HASTERT), for his leadership on this issue. He has reiterated his support of what we are advocating this evening. I also would like to especially thank the gentleman from Florida (Mr. YOUNG), chairman of the Committee on Appropriations, who has committed, along with the gentleman from Alabama (Mr. CALLAHAN), of the appropriation subcommittee, who have also publicly and privately committed to making sure that this issue is resolved as soon as possible. They are demonstrating leadership, they are demonstrating their concern, they are demonstrating their compassion and their understanding not only of the humanitarian interests involved in this issue but also the foreign policy concerns of the United States that are involved in this matter.

I am confident, Mr. Speaker, that we will soon be seeing, even in this package that is being negotiated right now, fundamentally rooted toward the needs in Europe as a consequence of the operation in Kosovo, in that same appropriations vehicle, I am fully confident that we will see the issue that we are addressing this evening fully addressed.

But, again, I commend my colleague, the gentleman from Florida (Mr. DEUTSCH), who has been very persevering and demonstrated great interest and leadership on this issue for bringing forth the motion to instruct, which I think is an appropriate reminder that many of us in this Congress feel very strongly about this issue.

Honduras was destroyed by Mitch, Salvador was hit very hard, as was Guatemala and as was Nicaragua. Fortunately, Costa Rica was not hit hard and Panama was not as well. But so many of our friends and neighbors were hit directly by this tragedy that we must in this hour of need remember them.

I think it is important we take this opportunity to remind the people of those countries and their governments that we do not forget them; that we continue to work for what is essentially in the national interest of the United States and also very much a humanitarian necessity; that we extend our hand of assistance to our neighbors.

I also want to address an issue that my colleague, the gentlewoman from Florida (Ms. ROS-LEHTINEN) touched on that I think is very important. We are very grateful to the Central American countries for their consistent support of United States foreign policy on so many issues through the years.

As the gentleman from Florida (Mr. DEUTSCH) pointed out, Central America, in this hemisphere, is somewhere that we can point to as an obvious and genuine success story. Central America was challenged by wars and by dictatorships and by totalitarian aggression just a decade ago, and the success story is there for all of us to see. There are democracies in all of those countries. They need our help, they need our support, they need our solidarity, and in this hour of need they need this very concrete assistance that we will be sending them.

We were disappointed, as the gentlewoman from Florida (Ms. ROS-LEHTINEN) stated, with the vote of just a few days ago by Guatemala and El Salvador with regard specifically to the resolution that was introduced by the Czech Republic in the United Nations Human Rights Commission.

□ 1730

It was a very appropriate and very necessary and very human resolution at this time, calling upon the international community to recall, to take note of, and to express its concern for the human rights violations in Cuba for the political prisoners, for the fact that the four best-known political prisoners in Cuba were now re-sentenced, in effect, to long prison terms for publishing a document calling for free elections.

That resolution, filed at the United Nations Human Rights Commission by the Government of President Havel of the Czech Republic, cosponsored by the Polish Government, succeeded, it passed, but only by one vote.

And it was very disappointing to see the Government of Guatemala and the Government of El Salvador abstain in something that broke tradition with them. It certainly broke with the spirit of solidarity toward a neighboring people in this hemisphere that have been suffering a dictatorship for 40 years.

And so, while I express my disappointment, very strong disappointment, I ask President Flores of Honduras and President-Elect Flores, a young statesman who I have not had the pleasure of meeting personally but I have seen him and read of him and he is most impressive, President-Elect Flores of El Salvador, as well as President Arzu of Guatemala and President Rodriguez of Costa Rica and all of our neighbors who are part of the so-called Ibero-American Summit, to please think about what it means to attend a summit at a place, at a country, that has been suffering a dictatorship for 40 years, a totalitarian dictatorship that has increased its repression in the last 6 months, flaunting its intention not to permit any sort of political opening even after a visit by His Holiness the Pope.

And so, I would ask the presidents of Honduras and of all our neighbors of El Salvador and Guatemala to follow the example already set by President Aleman of Nicaragua, who very courageously has stated that he will not attend that summit because it will take place at a place where there has been a 40-year-old dictatorship.

And I ask then that our other neighbors follow the example of President Aleman and his courage and his statesmanship and also to follow the example of President Rodriguez of Costa Rica, who has not made a decision on whether to attend or not but has been very forthright and very public in his condemnation of the human rights situation being suffered by the Cuban people.

Now, of course, this matter should demonstrate, despite my disappointment and the disappointment of a number of us here in Congress on this issue, the fact that we are pushing as resolutely and as intensely for this aid package to Central America that shows, number one, that we know that, over and above decisions of governments, the interests of people are even more important, in this case the suffering people of Central America, and that we also hope that the governments of friendly nations, such as the ones that we have mentioned, will utilize this upcoming opportunity to reconsider their attendance at a summit such as the one that we have made reference to.

And so, I join all of my colleagues again in reiterating the need that this aid to Central America be included in the appropriations vehicle that is now being negotiated and again commend the gentleman from Florida (Mr. DEUTSCH) for bringing forth this motion to instruct.

Mr. Speaker, I reserve the balance of the time.

Mr. DEUTSCH. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. RODRIGUEZ), who has been a leader on issues regarding Central America and has been very sensitive and very effective in making sure that that part of the region of the world continues to receive our partnership with the United States.

Mr. RODRIGUEZ. Mr. Speaker, let me, first of all, congratulate the gentleman from Florida (Mr. DEUTSCH) on his efforts; and I want to thank him for taking this lead. And I want to also congratulate the gentleman from Florida (Mr. DIAZ-BALART) on his efforts also.

As we debate this motion and this motion to support and ask the conferees to consider the disaster aid, we look at the fact that there are tens of thousands of Central Americans that still face each day this disaster.

The numbers are striking. Over 9,000 dead. Over 9,000 missing. Over 3 million displaced individuals from their homes. Death and injury continues some 6 months after the deadly hurricane has hit.

I think we need to recognize, if we look at our infrastructure in our own country, we realize that in countries such as Honduras, one of the poorest countries in Central America, has been hit and they do not even have the infrastructure now so they are having to deal with dysentery and a whole bunch of other problems. Even now, inadequate supplies of clean drinking water and damaged infrastructure help spread disease among the population.

The administration has acted quickly to provide some $300 million in emergency assistance. But more is clearly needed, and this additional assistance is far overdue. Congress has not risen to the challenge. We have allowed politics to stand in the way of providing the disaster aid that our neighbors in Central America desperately need.

And let me remind my colleagues that there are neighbors and there are neighbors, and we have a moral obligation and a responsibility. Their suffering is our suffering. But if moral duty is not enough, we also have a self-interest reason for helping. The continued loss of life and economic desperation will only encourage more migration from this region in Central America to the United States.

Our borders are already seeing greater numbers of Central Americans trying to enter, and the numbers will swell if we do not act quickly. The money we seek today will provide basic infrastructure: roads, schools, and clinics. It is a helping hand to those who suffer from natural disaster. It gives them the tools to rebuild and move forward. Let us stop wasting the time and let us move forward.

Even countries such as Costa Rica who were not directly hit have been impacted by the number of refugees that have gone over. We had over 300,000 that have gone into that country. That is equivalent to over 25 million refugees that would come into this country by just the numbers that we are referring to.

At this point, I would ask that we seriously consider that and move forward. And, again, I thank the gentleman from Florida (Mr. DEUTSCH) for his efforts.

Mr. DEUTSCH. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. CROWLEY) who, as a freshman Member, has shown real leadership on all sorts of issues but including our concern on foreign policy issues in this hemisphere.

Mr. CROWLEY. Mr. Speaker, I rise today in strong support of the motion to instruct conferees on H.R. 1141 offered by the gentleman from Florida (Mr. DEUTSCH).

This motion would instruct the conferees to insist on the full funding level of $621 million for the Central American and Caribbean Emergency Disaster Recovery Fund, as passed in the House version.

Mr. Speaker, it is unconscionable that the majority of this House has continued to delay efforts to provide emergency hurricane disaster relief to Central America and the Caribbean and emergency earthquake assistance to Colombia by playing partisan politics.

Mr. Speaker, I have seen firsthand the devastation and suffering in Colombia, where a January earthquake left thousands dead and thousands more without shelter, running water, electricity, medicine, and clothing. The resources provided in this legislation are critical to our ability to continue our humanitarian activities and to provide much-needed relief for those coping with these disasters.

Clearly, we must not delay efforts that can greatly alleviate the devastating impact that this disaster has had on these countries. And I would point out that I agree with the comments of the gentleman from Florida (Mr. DEUTSCH) earlier about the fact that if we do nothing about these disasters, these disasters will not walk away, they will simply walk to the north and to our country.

Mr. Speaker, as the human suffering from these disasters continues, we must not allow the partisanship to hamper our ability to provide for those in need. Now is the time to act, and I strongly urge my colleagues to support this motion.

Just one other point. This is not helping our situation in terms of the drug war in Colombia, as well. We are giving fodder to drug lords who are taking advantage of people who are in a desperate situation. And desperate times calls for desperate measures. And, unfortunately, we are hearing stories of more and more individual men and women being used as mules to transport illicit drugs to this country. And it is another additional example of the terrible blow that this hurricane and this earthquake have plagued upon the people of South America and Colombia.

Mr. DEUTSCH. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. REYES), who also has actually witnessed firsthand some of the devastation in Central America on more than one occasion with the President as well as additional trips down there.

Mr. REYES. Mr. Speaker, I thank my colleague for yielding me the time; and I congratulate both my colleagues for leading this effort on behalf of Central America.

Mr. Speaker, I rise in support of this motion to instruct the conferees on H.R. 1141, the supplemental appropriations bill, which will provide critical assistance for Central America.

This motion to instruct conferees is important because it reflects our need to act now and to provide full funding of $621 million in disaster assistance for Central America. Already 6 months have passed since Hurricane Mitch. Every day that we delay is another day of suffering for our neighbors in Honduras, Nicaragua, El Salvador, and Guatemala.

During my recent visit to the area with President Clinton, I saw firsthand the terrible, terrible devastation. Entire roads and villages were literally washed away. Millions of people were merely surviving, lacking adequate shelter, food, and water. Their livelihoods have been completely destroyed, and they are suffering from inadequate health care.

The situation is growing worse, and I can tell my colleagues that our failure to act is simply inexcusable.

Mr. Speaker, we must act now to stop the partisan wrangling and push forward this assistance. Conditions there remain bleak; and, with the upcoming rainy season, things will only get dramatically worse. The $621 million in the supplemental will allow for the critical repair and reconstruction of roads, bridges, and schools. Moreover, critical health care and prevention resources will, hopefully, avert a looming epidemic of diseases such as malaria, cholera, dengue fever, and other killer diseases.

Finally, this aid will begin the process of resurrecting the agriculture economies of these nations, providing hope and restoration of these people's lives and an orderliness in their countries.

This is a matter of humanitarian assistance that should not be held up by political posturing. Our Nation can and should take decisive action immediately to alleviate the misery that is now occurring in Central America. This is simply the right thing to do, and it is long overdue for action from this House.

I ask this House to send a strong message that help is on the way and that help will provide and eliminate the suffering in Central America.

Mr. Speaker, I, therefore, urge this House to vote in favor of H.R. 1141.

Mr. DEUTSCH. Mr. Speaker, how much time is remaining?

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The gentleman from Florida (Mr. DEUTSCH) has 10 minutes remaining. The gentleman from Florida (Mr. DIAZ-BALART) has 9 minutes remaining.

Mr. DEUTSCH. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. FILNER), whose district borders Mexico and who understands the implications of this issue probably as well as anyone in this House.

Mr. FILNER. Mr. Speaker, I thank the gentleman for his efforts.

We are in Europe today, in Kosovo, because of humanitarian concerns for the people of Kosovo. Surely, we should have some humanitarian concerns for those people who live in our hemisphere who 6 months ago were subject to one of the greatest disasters in our recorded history.

Let us be humanitarian in our hemisphere, as well. Let us pass this motion to instruct on the emergency supplemental, which will give money to our hemisphere in order to do what we must do now.

If we do not do it now, our Central American neighbors will lose hope. They move backwards from the progress they have made in political and economic stability. Their infrastructure repairs will be delayed. Displaced persons will remain stranded. School construction refurbishment will be stalled.

It is time to be a humanitarian in the western hemisphere. Please support this motion to instruct.

□ 1745

Mr. DEUTSCH. Mr. Speaker, I yield 1 minute to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

Mr. FALEOMAVAEGA. Mr. Speaker, I would like to certainly endorse and second the efforts made by our good friends the gentlemen from Florida for their efforts in gaining support from the Members to secure the $621 million that is critically needed for the people in Central America. Mr. Speaker, it is ironic that years ago we had a very basic fundamental foreign policy. It was called the Monroe Doctrine. We tell other nations in the world, "Don't tread on the Western Hemisphere because we'll take care of the people in the Western Hemisphere."

So what happens now is that we are going to Europe, having this crisis in Kosovo, and all of a sudden we seem to be readily available to provide the funding for the people in Kosovo, which I am not taking anything away from the fact that some 800,000 people, refugees, have become as a result of the crisis in Kosovo. But we have completely forgotten that there was a hurricane called Mitch that severely affected the lives of some 7 million people in Central America, 1 million people directly affected. Some 7 million people, as I am told, have no drinkable water.

All this piece of legislation proposes is that the Congress do the right thing. We need the money, it should be brought out, and this institution should support the $621 million for the good of our friends and neighbors in the Western Hemisphere, those who live in Central America.

Mr. DEUTSCH. Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. MENENDEZ), the vice chairman of the Democratic Caucus and a leader in the foreign policy area in the entire Congress.

Mr. MENENDEZ. Mr. Speaker, I want to start off by thanking the distinguished gentleman from Florida for bringing this motion to instruct the conferees. I think it is necessary and it is fitting and it is appropriate to do so, and I really regret that he finds himself as we find ourselves in the necessity of having to instruct conferees and that in fact conferees are finally meeting on this when they should have been meeting quite a long time ago and when in fact those conferees should have been appointed quite a while ago. Now, on the issue at hand, the fact of the matter is, is that it is in the national interest of the United States to assist the Central American countries as it relates to this disaster assistance. I am not speaking about humanitarian purposes, which in and of itself would be more than enough reason to be of assistance as a good neighbor. No, I am talking about interests that are far more significant. I would like to tell our colleagues what some of those are.

The fact of the matter is, is that when you have 1 million people in Central America who in fact have no place to call home, because I walked after the hurricane on what in essence were the rooftops, now caked in mud from the landslides and the mud slides that took place after the hurricane, on the rooftops of what were people's homes, some of the greatest cultivated fields for production of food and agricultural products now caked over in mud. When you have 1 million people who have no place to call home, when you have 1 million people who have no place to be gainfully employed for their families, in essence when you have no hope, then ultimately it seems to me that what we find ourselves in is a situation in which they will seek to go to a place in which there might be some hope and that means coming northward, and that means illegal immigration, something that has been a great topic in this body.

We would prefer to see those million people continue to reside in their homeland, continue to try to rebuild their homes and their lives and their countries and not come northward. So we have a national interest in terms of stemming the tide of those people coming, we have a national interest in the disease that is generated by a million people being exposed to the elements, in tuberculosis, in other diseases, not coming northward to the United States and in trying to help the people with their health consequences. We have a national interest in trying to ensure that drug trafficking does not now take a foothold in Central America, which for the most part it has not had in Central America. But if you have a million people who have no other form of employment, ultimately the drug traffickers can try to elicit them to be mules, to try to engage them in the trafficking, they can try to move into territorial areas. That is of course of great consequence. And we also have the fact that we spent billions in Central America to try to promote democracy. Finally, when we have those countries moving in the democratic movement forward, what are we going to do, have them destabilized because of a natural hurricane? And we find it offensive that the majority insists on having offsets on this issue, the $625 million, when they have no offsets on over $13 billion, 6 to $7 billion more than the President requested for Kosovo, yet for that there are no offsets. But to help our Central American neighbors in which we have all of these national interests at stake, there must be offsets.

What are we telling the community in this country? What are we telling Americans of Hispanic descent? We have a two-tiered process here. It is simply unfair, unjust, unconscionable. We need to help these people now. The rainy season is coming upon us. We need this money in this supplemental. We should not be debating about offsets at a time when you care about no other offsets. It is time to move forward now and to preserve our national interests and to help our Central American neighbors because it is not only in our interest but it is also in their interest to do so.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume. I was in total agreement with everything that was said until my last distinguished colleague spoke. I think that it is most unfortunate that this be utilized for partisan purposes, this topic, because if there is one topic that should not be utilized for partisan purposes, it is a disaster. When we had a disaster in the Midwest not long ago, in order to comply with the budget agreement signed by the Congress and the White House, there were offsets. At this point there is debate in the conference committee with regard to how much and in order to comply with the budget agreement entered into between the Congress and the White House, there may be the need to offset. What that means is that other programs, future spending may be looked at in order to comply with an agreement between the House, the Senate and the White House. But I do not want to get further into that.

What I want to say is what there is consensus on is what we have heard for the most part this evening, and that is the need to help our friends and neighbors in Central America and, secondly, that we will help our friends and neighbors in Central America and that there is a commitment from the Speaker of the House and the chairman of the Committee on Appropriations and the chairman of the Subcommittee on Foreign Operations of the Committee on Appropriations to accomplish this in the vehicle that is being negotiated right as we speak, the supplemental appropriations legislation, which is commonly known as the Kosovo supplemental appropriations, because of the fact the Kosovo conflict has gone on for as long as it has gone on and there are dire needs that our military have, extraordinary needs that our Armed Forces have as a consequence of that operation that must be taken care of immediately, that must be addressed forthwith.

I am glad that there is consensus, that we will be moving forward on this issue, that there is the commitment that exists from our leadership rooted in the national interest of the United States as well as in humanitarian grounds to resolve this issue forthwith. I am grateful to our leadership for committing to resolve this issue, and I will continue working with all intensity to do everything I can so that the issue of our assistance that we have committed to our friends and neighbors in Central America that we will be providing is in fact provided.

I would again reiterate my gratitude to the distinguished gentleman from Florida (Mr. DEUTSCH) for bringing forth this motion to instruct, which has given us the opportunity to focus upon an issue of consensus, the need to help our neighbors and our friends in Central America.

I would simply remind our friends and neighbors in Central America, distinguished friends, I think they know who their best friends are as we know who our best friends are. I remind the President of El Salvador and the President of Guatemala that they did not act a few weeks ago as our best friends when they abstained on a motion, a resolution introduced by the government of President Havel of the Czech Republic to remember the only people in this hemisphere, our neighbors as well, the only people who remained in effect bound and gagged and oppressed for 40 years. That was a most unfortunate vote by Guatemala and by El Salvador which deeply disappointed us, but as we stated before, we are hopeful that as that summit approaches in November the ethical conduct, the ethical path will be embarked upon.

Again I thank the gentleman from Florida. This House is united on this issue. We have a leadership that I believe is united on this issue. I know the gentleman has been extremely interested and has exerted great leadership on it. It has been my privilege to work with him, and it will be my privilege to continue working with him to see it through and to make certain that this aid which we have committed to our neighbors and our friends will forthwith in fact be provided.

Mr. Speaker, I yield back the balance of my time.

Mr. DEUTSCH. Mr. Speaker, I yield myself such time as I may consume. I too want to congratulate the gentleman from Florida (Mr. DIAZ-BALART), who really has shown an incredible amount of leadership and ability on this issue. We really have been a team effort and this really has been a bipartisan effort by a number of Members in this Congress to really explain to our colleagues the importance of this issue, that this is really clearly in America's national interest and our financial interest and in our moral interest to support and make sure this bill occurs.

I actually look forward to the day when our roles are reversed and I am in the majority helping on these types of issues and my good friend and colleague from Florida is in the minority helping us on these issues and each of us will have a chance to replay some of these thoughts. But really in closing, I guess I would just reiterate what my colleagues have said over the last hour or so, but I will mention one specific thing.

As has been mentioned, I had the opportunity to view some of the devastation. Words truly cannot describe the level of devastation. I mentioned some things in my opening statement, statistics, facts, historical analogies of what has occurred, and they are significant. It is hard to comprehend the pictures on television of the devastation that really did not match in any way in numbers of thousands killed or millions displaced. They do not, I think, give us that sense. We attempt to use those numbers to try to explain to us, but witnessing mud slides that literally wiped out entire villages, there is not a trace, not a building, not a street at all, where literally thousands of people are buried under 40 feet of mud is an incredible sight, the devastation that has occurred. That is really the component, the sort of humanitarian component to show what the United States must do to lend a hand, that we need to, that we did not choose to be in this situation but we are in that situation. If we do not help, the reality is no one will. These economies are not in a position to rebuild on their own in any short period of time.

□ 1800

The number has been mentioned, 25 years. That is not an unfair or unlikely scenario.

Finally in closing, as I mentioned, this really is in our interest. This has been a success story in terms of American foreign policy. As my colleague from Florida has mentioned, we have, unfortunately, only one country in our hemisphere that has not taken the road to democracy and open economies, and hopefully relatively soon that will change as well. But to continue that record we are going to need to pass this bill.

Mr. Speaker, I urge the support of the motion to instruct.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. EWING). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Florida (Mr. DEUTSCH).

The motion to instruct was agreed to.

A motion to reconsider was laid on the table.

REQUEST FOR FUNDS FOR CONTINUED OPERATIONS OF U.S. FORCES IN BOSNIA AND HERZEGOVINA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and the Committee on Armed Services, and ordered to be printed:

To the Congress of the United States:

Section 1203 of the Strom Thurmond National Defense Authorization Act For Fiscal Year 1999, Public Law 105–261 (the Act), requires submission of a report to the Congress whenever the President submits a request for funds for continued operations of U.S. forces in Bosnia and Herzegovina.

In connection with my Administration's request for funds for FY 2000, the attached report fulfills the requirements of section 1203 of the Act.

I want to emphasize again my continued commitment to close consultation with the Congress on political and military matters concerning Bosnia and Herzegovina. I look forward to continuing to work with the Congress in the months ahead as we work to establish a lasting peace in the Balkans.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 12, 1999*.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

McCAFFREY COVERS UP CASTRO'S PARTICIPATION IN DRUG TRAFFICKING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. DIAZ-BALART) is recognized for 5 minutes.

Mr. DIAZ-BALART. Mr. Speaker, I rise for two reasons this evening.

First, I want to say, I would like to say, how embarrassed I was for the drug czar, Mr. McCaffrey, recently when I read wire reports that he continues to cover up the well-known, established, reiterated, longstanding participation by the Castro dictatorship in drug trafficking. This is an extremely serious reality, but the drug czar and other officials of this administration continue to cover it up. And so I make reference once again to the letter that, along with the gentleman from Indiana (Mr. BURTON) and the gentlewoman from Florida (Ms. ROS-LEHTINEN), I sent General McCaffrey in November of 1996 in detail relating the evidence that has been made public; it is not classified, it is well known; of the longstanding and reiterated participation of the Cuban dictatorship in facilitating the importation of tons of Columbian cartel cocaine into the United States. And I asked that he answer, the drug czar, Mr. McCaffrey, our letters, that letter and subsequent letters, with the seriousness that this issue deserves.

CLINTON ADMINISTRATION REFUSES TO RETURN "THE HUMAN RIGHTS"

Mr. DIAZ-BALART. I also rise, Mr. Speaker, because a very distinguished friend of mine in South Florida at this point is on a hunger strike. He is the leader of a movement known as the Democracy Movement. It is a peaceful movement that advocates change, democratic change, in Cuba.

And they have two vessels, and on December 10 they were heading south, and, pursuant to an executive order issued by the President, the Coast Guard boarded the vessel. It is known, it is called, The Human Rights, and it was the day that the Universal Declaration of Human Rights was being commemorated, the anniversary of it, the 50th anniversary, in fact, of the Universal Declaration of Human Rights. And the Coast Guard boarded it and found some documents that referred to the Universal Declaration of Human Rights, and since that day dissidents within Cuba had announced that they were going to attempt to demonstrate peacefully in commemoration of the 50th anniversary of the Declaration of Human Rights.

This vessel, The Human Rights, was boarded by the Coast Guard and confiscated, and to this date the Clinton administration refuses to give it back.

Mr. Speaker, it is really unconscionable. More than even unfortunate, it is unconscionable.

So I asked the administration to note the hunger strike by Ramon Saul Sanchez to return The Human Rights vessel that was confiscated, as I say, for the crime, in quotes, of being found on the high seas with documents in support of the Universal Declaration of Human Rights, and here is the official communication of the Department of Treasury.

The Coast Guard received information; this is to Mr. Sanchez; that you planned to disembark in Cuba, received information, by the way, from the Castro government, and that you planned to join a demonstration in support of the Universal Declaration of Human Rights. During the boarding it was determined that there was sufficient evidence indicating that the vessel was intending to enter Cuban waters, and a decision was made to seize the vessel.

By the way, the evidence that the Clinton administration says existed with regard to intent to enter Cuban waters was finding documents that contained the Universal Declaration of Human Rights. That is happening in this country at this time because of this administration. It is shameful, and it is time to release the vessel The Human Rights.

MOURNING THE PASSING OF REVEREND CLARENCE E. STOWERS, SR.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, leadership can be defined in many ways: the position or office of a leader, capacity or ability to lead, giving guidance and/or direction. The definition which I like best is that leadership is the ability to get others to do what you want them to do but because they want to do it.

Such has been the life and such is the legacy left by the Reverend Clarence E. Stowers, Sr., former pastor of the Mars Hill Missionary Baptist Church in Chicago who recently passed away.

Reverend Stowers grew up in Mason, Tennessee, married his childhood sweetheart, Miss Margaret Malone Stowers, and they were blessed to produce five children, one of whom has succeeded him, the Reverend Clarence E. Stowers, Jr., who is now pastor of Mars Hill.

In 1963, Reverend Stowers and 17 members of his family, friends and associates founded the Mars Hill Church and located it at 3311 West Roosevelt Road. However, within 2 years, the church outgrew that facility and relocated to a larger one at 2809 West Harrison Street. Twelve years later, the church acquired its current facility at 5916-22 West Lake Street, a massive structure which seats over 2,000 parishioners, houses their own elementary school and space for other programs and activities.

As Reverend Stowers' congregation grew, so did he. He earned both his Bachelors and Master of Arts degrees in religion and theology from the Chicago Baptist Institute and Trinity Evangelical Seminary.

Reverend Stowers recognized that being involved beyond the sanctuary of his church was vitally important to his ministry. Therefore, he helped to organize and served as President of the Illinois Baptist State Convention for 8 years. He also served as Recording Secretary of the National Missionary Baptist State Convention of America, President of the West Side Ministers' Conference and the Religious Council on Urban Affairs.

Reverend Stowers had a powerful preaching style and delivered messages not only throughout America but also preached in Israel, Jordan, Egypt and in Rome, Italy. He was actively involved in his local community and hosted many of the large rallies during the Harold Washington political era in Chicago history.

He led Mars Hill in the development of its own school, the Musical Acres Resort in Adams, Wisconsin, a housing development of new homes near the church, and the establishment of a health ministry where people learn how to care for themselves and to make the most effective use of health resources within their community.

Mrs. Margaret Stowers, Reverend Clarence Stowers, Jr., Sharron Lynn, Robin Denise, Shawinette Michelle and Marcie, as well as the entire Mars Hill family can take pride in the leadership and accomplishments of their pastor, husband, father, friend, mentor and leader, the Reverend Clarence Edward Stowers, Sr. His work stands as a living testament, and his legacy shall continue through the life and works of those whom he has left behind.

BILLION DOLLAR BLACK HOLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah (Mr. HANSEN) is recognized for 5 minutes.

Mr. HANSEN. Mr. Speaker, it is amazing to me that many in the environmental movement believe that we as a society do not spend enough money on implementation of the Endangered Species Act. They constantly blame the problem with the ESA on lack of funding. While a convenient excuse, it is simply is not true.

When measured by how many species are recovered under its draconian rules and regulations, the ESA is a total failure. The rate of recovery has been minimal, and some listed species continue to go extinct. However, we continue to throw money at the ESA in the hope that somehow funding might recover species. This approach will not work.

Let us look at the numbers and how the ESA forces the Federal Government, the State and local governments and countless private citizens to waste money on a system that is broken. It is almost impossible to figure out how much money is being spent under the auspices of endangered species protection, but the figure is nearing a billion dollars a year by many estimates.

In 1998, Congress, concerned about rising ESA costs and seeking better information on how we were spending, required the Secretary of the Interior to report to Congress how much the Federal Government is spending directly on endangered species.

□ 1815

Any Federal agency that undertakes activity on behalf of a listed species is required to document expenses and create an annual report to the Fish and Wildlife Service.

The Fish and Wildlife Service is then required to compile that information into an annual accounting to Congress. The Service stays several years behind, but we now have accounting records for the years of 1989 through 1995; annual direct expenditures from $43 million in 1989 to over $330 million in 1995. However, these figures do not tell the whole story. It does not get into administrative costs and overhead. For example, over 400 units of our National Wildlife Refuge System have at least one threatened or endangered species during some part of the year. A total of 58 refuges have been established specifically to protect threatened and endangered species, and 36 contain areas defined as critical habitat.

The cost of acquiring refuges and other public lands for protection of endangered species is absolutely staggering. We recently completed the acquisition of the Headwaters Forest at a cost of $250 million to the Federal taxpayer, and another $130 million to the California taxpayer, all to protect spotted owls and marbled murrelets.

The administration's budget request includes funds for the Archie Carr National Wildlife Refuge, which will cost $105 million; the Attwater Prairie Chicken National Wildlife Refuge which will cost $25 million; the Balcones Canyonlands National Wildlife Refuge which will cost $71 million; the Oahu Forest National Wildlife Refuge at $23 million, and the list goes on and on, millions and millions of dollars.

In addition, every State in the Union has been forced to pay. California just paid $38 million. Even more troubling is that most of the costs of endangered species protection is passed on to private citizens, businesses, local communities and then we get into mitigation, which costs millions and millions of dollars. To get permission to use private or public land or to allow important local projects to continue, the landowner or local government must agree to buy and mitigate lands. It is an awesome amount of money.

In California, they had to plant 5 trees for the beetle, the longhorn beetle, at a cost of millions of dollars. In addition, changes in projects required by the Fish and Wildlife Service can add millions to the project. We have examples of that for a fly that cost $3.5

million building this hospital in a different place. That is $441,000 per fly.

We have an example in my State of Utah where we spend on children in Washington County, the weighted pupil unit is $3,554, but for the desert tortoise, which is not threatened incidentally, it is only threatened in the Mojave, not up in that area, we spend $33,000 per tortoise to take care of the tortoise, which has never been threatened since I was a kid in that area, but we have still put the money out.

The administration likes to brag about the 200 habitat conservation plans that have been negotiated. Again, almost all of these are in the West. These HCPs, as they are called, can be very expensive to prepare and biologists have to be brought in and people that cost all kinds of money. It is hard to calculate how much money we use.

Should we be concerned about these costs? Of course we should. We pay these costs one way or another, either in Federal taxes, local taxes or from mitigation or whatever it may be.

Now let us talk about the great success stories of which there are none. They like to talk about the bald eagle and the peregrine falcon. Guess what really happened? Biologists took them in, bred them in captivity and out of that they were able to return them to the environment. Let us face it, Mr. Speaker, the EAS has been a dismal, dismal, costly failure. It sounds good but it does not work. We need a new approach to this problem that does not drain our American economy and truly takes care of endangered species. The way we are doing it does not work.

It is amazing to me that many in the environmental movement seem to believe that we as a society don't spend enough money on implementation of the Endangered Species Act. They constantly blame the problems with the ESA on not enough money.

While a convenient excuse, it simply is not true. The ESA when measured by how many species have recovered under it's draconian rules and regulations, is a total failure. Very few species have recovered and some have been removed from the list of species because after being listed under the ESA, they went extinct.

However, we continue to throw money at the ESA in the hope that some how money might recover species. This approach won't work. Let's look at the numbers and at how the ESA forces the federal government, the state and local governments and countless private citizens to throw money at a system that is irretrievably broken.

It is almost impossible to figure out how much money is being spent under the auspices of endangered species protections, but the figure is nearing a billion dollars a year by many estimates.

In 1988, Congress, concerned about raising ESA costs and seeking better information on how much we were spending, required the Secretary of the Interior to begin reporting to Congress, how much the federal government is spending directly on endangered species. Every federal agency that undertakes any activity on behalf of any listed species is supposed to keep track of those expenses and make an annual report to the Fish and Wildlife Service. The Fish and Wildlife Service was then supposed to compile that information into an annual accounting to Congress. Now, the Service stays several years behind, but we now have accounting records for the years 1989 through 1995. We have gone from an annual direct expenditures in 1989 of $43 million to over $330 million in 1995.

However, these figures don't really tell the whole story because these figures don't include general overhead and administrative expenses associated with direct spending on the species itself. Nor do these figures tell the story of the amount of land that has been acquired for endangered species. For example, over 400 units of our National Wildlife Refuge System have at least one threatened or endangered species during some part of the year. A total of 58 refuges have been established specifically to protect threatened and endangered species, and 36 contain areas defined as designated critical habitat. Refuges are often the major part of a recovery plan for an individual species. In fiscal year 1999 we will spend more than $237 million dollars just to operate and maintain our vast wildlife refuge system.

The costs of acquiring refuges and other public lands for protection of endangered species is staggering. We just recently completed the acquisition of the Headwaters Forest at a cost of $ to the federal taxpayer and another to the California taxpayer, all to protect spotted owls and marbled murrelets. The Administration's budget request include funds for the Archie Carr National Wildlife Refuge which will ultimately cost over $105 million; the Attwater Prairie Chicken National Wildlife Refuge which will cost over $25 million; the Balcones Canyonlands National Wildlife Refuge which will cost over $71 million; the Oahu Forest National Wildlife Refuge at $23 million; the Lower Rio Grande Valley National Wildlife Refuge Complex at $135 million; and last but certainly not least is the San Diego National Wildlife Refuge which is expected to cost over $560 million. And this is just a partial list.

In addition, every state in the union has jumped on the bandwagon and each state spends it own state funds to protect various endangered species within their own borders. Those range from a high in California of $38 million on down.

But even more troubling is that most of the cost of endangered species protection is passed along to private citizens, businesses and local communities by threatening lawsuits and prosecution if those citizens don't agree to undertake costly mitigation projects. Why is mitigation running up costs? Mitigation is the cost of doing business with the Fish and Wildlife Service where there are endangered species. As one of my colleagues recently said in a hearing, you can get anything you want from the Fish and Wildlife Service if you put enough money on the table.

To get permission to use private or local land or to allow important local projects to continue, the landowner or local government has to agree to either buy mitigation land to be set aside in perpetuity or pay into a mitigation fund to buy land. Almost all of this mitigation requirement is occurring in the west. It adds millions of dollars to many projects. For example, the Resources Committee held hearings on why flood control levees weren't being promptly repaired in California. We learned that in order to protect the elderberry longhorn beetle, local flood control agencies were being required to "mitigate" on a 5 to 1 ratio for the beetle. This meant that they were required to obtain land for planting elderberry trees—not just 5 trees for each tree removed from levees, but 5 trees for every branch on each elderberry tree.

In addition, changes in projects required by the Fish and Wildlife Service can add millions to the cost of the project. In San Bernadino, California the presence of eight Delhi Sands Flower Loving Flys added over $3.5 million to the cost of building a public hospital—that is over $441,243 per fly. The Fish and Wildlife Service made the project planners move the hospital after it was already planned for construction to save fly "habitat."

Let me give you an example from my own district in Washington County, Utah where we have been forced to develop a Habitat Conservation Plan for the Desert Tortoise which happens to reside in one of the fastest growing areas of the nation. The County, the City of St. George and the private landowners have responsibly participated in this process but at an incredible cost. For example, within Washington County Utah we spend $3,554.00 dollars per student in the public school system and this County has a great school system with all of the modern necessities. However, when it comes to the desert tortoise we spend a lot more. There are approximately 7,000 to 8,000 tortoises within the preserve. We are going to spend in excess of $250 million on these tortoises. That is over $33,000 per tortoise! Is it not incredible that we are spending almost ten times the amount of public funds on a tortoise than what we are spending on the education of our children! If the American public understood that tortoises, flies and beetles were more important to this Administration than our children, there would be even more outcry for reform.

The Administration likes to brag about the over 200 habitat conservation plans that they have negotiated. Again, almost all of these are in the west. These HCP's as they are called can be very expensive to prepare, with private landowners bearing the cost of paying for their development and implementation. Some of these cost over a million dollars just to propose because the private landowner must pay biologist to conduct surveys and develop plans to avoid the take of the species on the property.

How much is the ESA costing? The real cost is incalculable. The cost includes lost jobs to loggers in the Pacific Northwest and in the southwest where the logging industry and its taxes have been totally destroyed. It includes ranchers and farmers in the southwest who are having to cut back their herds because of an avalanche of lawsuits filed by radical groups with nothing better to do than file lawsuits against the people who are the back bones of these communities. It includes farmers who don't have enough water for their crops. It includes over a billion dollars spent on salmon with nothing to show for it according to the General Accounting office.

Should we be concerned about these costs? You bet we should be concerned. We all pay these costs in one way or another and yet all this money has resulted in almost no recoveries of endangered species because of actions taken under the ESA. The bald eagle and peregrine falcon did not recover because of ESA. They recovered because of the actions of a few dedicated ornithologists who were able to breed them in captivity and return them to the wild after we removed DDT from our environment. That was not done because of ESA.

ESA has been a dismal, costly failure. We need a new approach that works, but doesn't drain our American economy and create impoverished rural communities throughout the west.

FIBROMYALGIA, IT IS A DISABLING CONDITION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

Mr. FILNER. Mr. Speaker, I rise this evening in honor of National Fibromyalgia Awareness Day and the suffering that those with this disorder endure. In honor of this day, I just introduced the Access to Disability Insurance Act with the hopes of ending the suffering that those with this disorder experience at the hands of insurance companies.

It is estimated that 6 to 12 million people suffer from fibromyalgia. 75 percent of those with this disease are women. The illness affects people between the ages of 20 to 60, often striking people in their 20s and 30s.

Although nearly all of those with the disorder suffer from both muscular pain and fatigue, the vast majority also experience insomnia, joint pain and headaches. For many, the suffering they experience with fibromyalgia is just the beginning. When they try to collect on their private disability insurance because their symptoms are debilitating and prevent them from working, they are denied by their insurance company. To add insult to injury, they are then denied the ability by law to appeal their denial.

This denial is easy and is commonplace by insurance companies because of the way that the Employee Retirement Income Security Act is written. This act, known as ERISA, prevents an individual from appealing an insurance company's denial of a claim unless the person can prove that the insurance company, and I quote, abused its discretion.

That is difficult to do because insurance companies have often stated that physician diagnoses of fibromyalgia are, in their words, subjective because the doctor had to rule out a number of disorders in order to arrive at this fibromyalgia diagnosis.

My bill, the Access to Disability Insurance Act, would allow appeals of insurance company decisions without having to demonstrate the hard to prove standard of abuse of discretion.

Picture this: You and your employer have paid into disability insurance for years, hoping that you will never have to use it. Then you do get sick and fight to get well, but are unable, constantly dealing with uncontrollable pain and fatigue. Then you have to stop working. All the while, your physician is struggling to determine what has gotten you sick. In many cases, it takes 5 years, 5 years, for accurate diagnoses. After all of this, your disability insurance company denies your claim.

Under current law, there is no recourse, no ability to appeal that denial.

Why should a doctor's painstaking diagnosis be brushed off by an insurance company claims administrator? Because, I believe that patients have a right to appeal that decision, the same right they would have if they applied for governmental Social Security disability benefits, I am introducing this legislation tonight.

This is not an isolated problem. Approximately 30 to 40 percent of fibromyalgia patients have paid into long-term disability plans while they were working, hoping as we all do that we will never need to use this insurance.

It is bad enough that people have to suffer from this illness. They should not have to suffer through a disability process that closes the door on them before even hearing an appeal.

I urge all of my colleagues to join me in cosponsoring the Access to Disability Insurance Act and to celebrate National Fibromyalgia Awareness Day.

ENSURING PROPER COMPENSATION FOR THE NUCLEAR CLAIMS, RELOCATION AND RESETTLEMENT COSTS OF THE PEOPLE OF THE REPUBLIC OF THE MARSHALL ISLANDS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from American Samoa (Mr. FALEOMAVAEGA) is recognized for 5 minutes.

Mr. FALEOMAVAEGA. Mr. Speaker, yesterday, the House Committee on Resources held a hearing on a subject that I feel is critically important, and I wanted to take this opportunity to share it with our colleagues and to our Nation.

Mr. Speaker, I deeply commend the gentleman from Alaska (Mr. YOUNG), the House Committee on Resources chairman, and the gentleman from California (Mr. GEORGE MILLER), the committee's ranking Democrat for convening a hearing to review the long-term effects of America's nuclear testing program on our close friends and long time allies, the good people of the Republic of the Marshall Islands.

Mr. Speaker, our great Nation owes an immense debt to the Marshallese people for their tremendous sacrifices that directly contributed to and continues to contribute to our Nation's nuclear deterrent and ballistic missile defense capability.

Mr. Speaker, the United States in the 1950s detonated 67 nuclear bombs in the homeland of the Marshallese people, directly facilitating development of America's nuclear arsenal while poisoning the environment and the people in the Marshall Islands.

Today the Marshallese people continue to contribute to America's security by providing U.S. testing facilities at Kwajalein Atoll. This atoll, Mr. Speaker, happens to be the largest atoll in the world, for development of our Nation's ballistic missile defense against rogue states possessing weapons of mass destruction.

I want to share a little bit of data with my colleagues, Mr. Speaker. The total amount of TNT that was exploded at the Nevada nuclear test site was about 1.1 megatons. Now, the amount of TNT that we exploded in the Marshall Islands was 93 megatons. If I could give another example, Mr. Speaker, the hydrogen bomb that was dropped in the Marshall Islands in 1954 was 15 megatons, which is about 1,000 times more powerful than the two bombs that we exploded at Hiroshima and Nagasaki, Japan, in World War II.

Mr. Speaker, the actions of the United States Government have caused the people of the Republic of the Marshall Islands immense harm, which continues to this day. With some 67 underwater surface and atmospheric tests of atomic and thermonuclear weapons tested in the Marshalls we have rendered uninhabitable, due to nuclear radiation, much of these people's homelands. We have disrupted their lives by removing them from their homelands and in some cases they have yet to return out of fear of radiation contamination should they return.

On top of that, numerous Marshallese have suffered from cancers, leukemia and other life-threatening diseases directly connected to nuclear radiation poisoning.

Mr. Speaker, because of the recent declassification by the Department of Energy of previously classified documents, we now know that our government has not always been candid and forthright with the people of the Marshall Islands. Because of what some would consider callous disregard and perhaps duplicity for the well-being of the residents of the Marshall Islands, they no longer trust our government to do the right thing.

After a preliminary review of the facts, Mr. Speaker, I submit I can understand why our Marshallese friends feel this way.

Mr. Speaker, I regret to report that this whole process has taken too long and has been woefully underfunded. In this time of expected U.S. budget surpluses from which the House of Representatives last week ad hoc allocated some $12.9 billion for Kosovo and defense concerns, Mr. Speaker, we really have no excuse for not addressing completely these serious problems which our great Nation has caused for the good people of the Marshall Islands.

Mr. Speaker, I would urge our colleagues to support full and timely compensation for the nuclear-related injuries sustained by the Marshallese people when this matter comes before us. This is the very least we can do in recognition and repayment of the sacrifices made by the people of the Marshall Islands that have ensured that the United States remains strong, remains free and remains protected.

Mr. Speaker, I include the following for the RECORD:

U.S. NUCLEAR TESTS IN THE MARSHALL ISLANDS

Test No.	Date	Site	Type	Yield (kt.)	Operation	Test
1	6/30/46	Bikini	Airdrop	21.00	CROSSROADS	ABLE
2	7/24/46	Bikini	Undrwtr	21.00	CROSSROADS	BAKER
3	4/14/48	Enewetak	Tower	37.00	SANDSTONE	XRAY
4	4/30/48	Enewetak	Tower	49.00	SANDSTONE	YOKE
5	5/14/48	Enewetak	Tower	18.00	SANDSTONE	ZEBRA
6	4/7/51	Enewetak	Tower	81.00	GREENHOUSE	DOG
7	4/20/51	Enewetak	Tower	47.00	GREENHOUSE	EASY
8	5/8/51	Enewetak	Tower	225.00	GREENHOUSE	GEORGE
9	5/24/51	Enewetak	Tower	45.50	GREENHOUSE	ITEM
10	10/31/52	Enewetak	Surface	10,400.00	IVY	MIKE
11	11/15/52	Enewetak	Air Drop	500.00	IVY	KING
12	2/28/54	Bikini	Surface	15,000.00	CASTLE	BRAVO
13	3/26/54	Bikini	Barge	11,000.00	CASTLE	ROMEO
14	4/6/54	Bikini	Surface	110.00	CASTLE	KOON
15	4/25/54	Bikini	Barge	6,900.00	CASTLE	UNION
16	5/4/54	Bikini	Barge	13,500.00	CASTLE	YANKEE
17	5/13/54	Enewetak	Barge	1,690.00	CASTLE	NECTAR
18	5/2/56	Bikini	Air Drop	3,800.00	REDWING	CHEROKE
19	5/4/56	Enewetak	Surface	40.00	REDWING	LACROSSE
20	5/27/56	Bikini	Surface	3,500.00	REDWING	ZUNI
21	5/27/56	Enewetak	Tower	0.19	REDWING	YUMA
22	5/30/56	Enewetak	Tower	14.90	REDWING	ERIE
23	6/6/56	Enewetak	Surface	13.70	REDWING	SEMINOLE
24	6/11/56	Bikini	Barge	365.00	REDWING	FLATHEAD
25	6/11/56	Enewetak	Tower	8.00	REDWING	BLACKFOOT
26	6/13/56	Enewetak	Tower	1.49	REDWING	KICKPOO
27	6/16/56	Enewetak	Air Drop	1.70	REDWING	OSAGE
28	6/21/56	Enewetak	Tower	15.20	REDWING	INCA
29	6/25/56	Bikini	Barge	1,100.00	REDWING	DAKOTA
30	7/2/56	Enewetak	Tower	360.00	REDWING	MOHAWK
31	7/8/56	Enewetak	Barge	1,850.00	REDWING	APACHE
32	7/10/56	Bikini	Barge	4,500.00	REDWING	NAVAJO
33	7/20/56	Bikini	Barge	5,000.00	REDWING	TEWA
34	7/21/56	Enewetak	Barge	250.00	REDWING	HURON
35	4/28/58	Nr Enewetak	Balloon	1.70	HARDTACK I	YUCCA
36	5/5/58	Enewetak	Surface	18.00	HARDTACK I	CACTUS
37	5/11/58	Bikini	Barge	1,360.00	HARDTACK I	FIR
38	5/11/58	Enewetak	Barge	81.00	HARDTACK I	BUTTERNUT
39	5/12/58	Enewetak	Surface	1,370.00	HARDTACK I	KOA
40	5/16/58	Enewetak	Undrwtr	9.00	HARDTACK I	WAHOO
41	5/20/58	Enewetak	Barge	5.90	HARDTACK I	HOLLY
42	5/21/58	Bikini	Barge	25.10	HARDTACK I	NUTMEG
43	5/26/58	Enewetak	Barge	330.00	HARDTACK I	YELLOWWD
44	5/26/58	Enewetak	Barge	57.00	HARDTACK I	MAGNOLIA
45	5/30/58	Enewetak	Barge	11.60	HARDTACK I	TOBACCO
46	5/31/58	Bikini	Barge	92.00	HARDTACK I	SYCAMORE
47	6/2/58	Enewetak	Barge	15.00	HARDTACK I	ROSE
48	6/8/58	Enewetak	Undrwtr	8.00	HARDTACK I	UMBRELLA
49	6/10/58	Bikini	Barge	213.00	HARDTACK I	MAPLE
50	6/14/58	Bikini	Barge	319.00	HARDTACK I	ASPEN
51	6/14/58	Enewetak	Barge	1,450.00	HARDTACK I	WALNUT
52	6/18/58	Enewetak	Barge	11.00	HARDTACK I	LINDEN
53	6/27/58	Bikini	Barge	412.00	HARDTACK I	REDWOOD
54	6/27/58	Enewetak	Barge	880.00	HARDTACK I	ELDER
55	6/28/58	Enewetak	Barge	8,900.00	HARDTACK I	OAK
56	6/29/58	Bikini	Barge	14.00	HARDTACK I	HICKORY
57	7/1/58	Enewetak	Barge	5.20	HARDTACK I	SEQUOIA
58	7/2/58	Bikini	Barge	220.000	HARDTACK I	CEDAR
59	7/5/58	Enewetak	Barge	397.00	HARDTACK I	DOGWOOD
60	7/12/58	Bikini	Barge	9,300.00	HARDTACK I	POPLAR
61	7/14/58	Enewetak	Barge	LOW	HARDTACK I	SCAEVOLA
62	7/1/58	Enewetak	Barge	255.00	HARDTACK I	PISONIA
63	7/22/58	Bikini	Barge	65.00	HARDTACK I	JUNIPER
64	7/22/58	Enewetak	Barge	202.00	HARDTACK I	OLIVE
65	7/26/58	Enewetak	Barge	2,000.00	HARDTACK I	PINE
66	8/6/58	Enewetak	Surface	FIZZ	HARDTACK I	QUINCE
67	8/18/58	Enewetak	Surface	0.02	HARDTACK I	FIG

Sources: U.S. Department of Energy, United States Nuclear Tests: July 1945 through September 1992. Document No. DOE/NV–209 (Rev. 14). December 1994. RMI Nuclear Claims Tribunal. Annual Report to the Nitijela For the Calendar Year 1996. Majuro: 1997.

TABLE I.—CUMULATIVE DOSES BY EVENT AND LOCATION

(Finite Dose to Next Event)—mr

EVENT	BRAVO	ROMEO	KOON	UNION	YANKEE	NECTAR	TOTAL
Days between events	26	11	19	9	9	10	
	AERIAL MONITORING						
Lae	5.5	12	12	7.5	78	95	125
Ujae	6	32	17	9.5	48	1.4	114
Wotho	250	270	110	55	95	4	784
Ailinginae	[1]60,000	3,400	3,300	8	600	70	67,000
Rongelap	[1]180,000	11,000	6,000	3,400	1,700	300	202,000
Rongerik	[1]190,000	9,000	5,000	550	1,400	280	206,000
Taongi	280	60	9.5	10	10	....	370
Bikar	[1]60,000	3,000	1,200	650	1,700	150	67,000
Utirik	[1]22,000	1,200	700	100	330	50	24,000
Taka	[1]15,000	800	1,000	120	380	50	17,000
Ailuk	5,000	410	110	100	500	20	6,140
Jemo	1,200	410	130	18	200	20	1,978
Likiep	1,700	170	80	30	200	16	2,196

TABLE I.—CUMULATIVE DOSES BY EVENT AND LOCATION—Continued

(Finite Dose to Next Event)—mr

EVENT	BRAVO	ROMEO	KOON	UNION	YANKEE	NECTAR	TOTAL
Days between events	26	11	19	9	9	10	
Namu	1.8	90	100	0	25	0	216
Ailinglapalap	7.2	140	100	8	0	0	255
Namorik	20	160	70	2	0	0	252
Ebon	20	250	50	8	25	0	353
Kili	20	200	70	0	0	1.3	291
Jaluit	20	300	70	8	0	2.6	401
Mili	60	160	200	20	0	1.3	441
Arno	60	200	300	8	25	1.3	594
Majuro	200	200	50	20	0	1.3	471
Aur	40	200	50	8	40	2.6	341
Maledlap	350	120	50	0	25	4.0	549
Erilaib	390	200	50	0	0	6.5	647
Wotje	1,800	300	200	13	220	10	2,543

[1] Based on arrival estimated from Rongerik data.

TEEN PREGNANCY MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland (Mrs. MORELLA) is recognized for 5 minutes.

Mrs. MORELLA. Mr. Speaker, I am pleased to be here this evening, because it is Teen Pregnancy Awareness Month, to address this epidemic of teen pregnancy in our country. It is a reality that affects our entire society and it deserves not only our attention but it also deserves a series of remedies.

Teens are often a group invisible to health policymakers and providers because they are generally in good physical health and they have limited contact with health care providers. Parents and health care providers often believe that young equals healthy.

Unfortunately, the United States not only leads the Western industrialized world in teen sexual activity and teen pregnancy but there is double the rate of these activities in the United States than in other industrialized nations. That is shocking.

Teen sexual activity has led to 3 million teens acquiring sexually transmitted diseases each year along with one of the fastest rising rates of AIDS cases. The National Institute of Allergy and Infectious Diseases reports that 25 percent of new HIV infections are occurring to people between the ages of 13 and 20. Teen mothers are less likely to graduate from high school and nearly 80 percent of teen mothers turn to welfare.

These circumstances have had a detrimental effect on our children and obviously on our society as a whole.

The problem is apparent. But now what can we do? Teens who engage in risky behaviors such as sex at an early age may be attempting to mask or cope with emotional school or family problems, and these behaviors may be a call for help. By understanding and valuing the concerns of young people, adults can help develop and encourage safer options that are attractive to adolescents and teens.

For the past few years, we have seen a slow decline in our Nation's teen pregnancy rates. We can be grateful for that. Communities all over the country have reached out to their teens by providing information and support.

□ 1830

But what we need to know is we need to know what works. I am pleased to be a sponsor of H.R. 1636, the Teen Pregnancy Reduction Act introduced by the gentleman from Delaware (Mr. CASTLE) and supported and endorsed by many of the people who will be speaking this evening, including the gentlewoman from North Carolina (Mrs. CLAYTON), who is involved with this special order.

That legislation calls for an evaluation of the best methods of communicating with our youth about sex, and uses these programs as models for areas that are in need around the country. It is a nonpartisan approach, and it would include experts who would collaborate on the most effective method of getting in touch with teens and therefore decreasing teen pregnancy rates.

Some of the organizations leading this effort in battling teen pregnancy that would be called on in this legislation are the Centers for Disease Control and Prevention, the Office of Population Affairs, the National Institute of Child Health and Human Development, and the National Campaign to Prevent Teen Pregnancy.

It is obvious that a cookie cutter approach to teaching our teens about sex and how to reduce risky behavior will not be enough to minimize pregnancy rates. Now we as policymakers need to provide methods that work.

As a cosponsor of that Teen Pregnancy Reduction Act and a member of the House Advisory Panel to the National Campaign to Prevent Teen Pregnancy, and as a mother and as a grandparent, I urge our colleagues to join with us to combat this epidemic of teen pregnancy in our country.

PASS THE HATE CRIMES PREVENTION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. MCGOVERN) is recognized for 5 minutes.

Mr. MCGOVERN. Mr. Speaker, I rise today to commend Deputy Attorney General Eric Holder, who yesterday correctly testified before Congress that current Federal hate crime laws are inadequate in the fight against crimes of hate. Present laws do not prohibit crimes against individuals based on their sexual orientation or gender. Deputy Attorney General Holder urged Congress to pass legislation that would expand Federal authority to prosecute those responsible for such crimes.

On May 3, 1999, I hosted a community discussion at Clark University in Worcester, Massachusetts, on this timely and important piece of legislation, H.R. 1082, the Hate Crimes Prevention Act of 1999.

The forum brought together scores of community leaders and organizations, including the National Conference for Community and Justice, the Human Rights Campaign, the Safe Homes Project, the Massachusetts Rehabilitation Center, and the Jewish Federation of Central Massachusetts.

Over the past few months we as a country have witnessed horrific crimes motivated by hate. Last year James Byrd, Junior, a 49-year-old black man, was murdered in a brutal attack in Jasper, Texas. His alleged assailants, three white men, dragged him for 2 miles while he was chained to the back of a truck.

Four months later Matthew Shepard, an openly gay student at the University of Wyoming, was kidnapped, robbed, beaten, and burned by two men on a cold October night. This young man, with a promising future, died 6 days later.

Recently in Littleton, Colorado, certain high school students appeared to have been specifically targeted and murdered because of their race and chosen faith. In my own district, the Jewish Community Center in Worcester, Massachusetts, experienced the evils of anti-Semitism when Nazi swastikas were painted throughout the facilities.

Those who participated in the community meeting last week shared moving accounts on the effects of intolerance. These crimes attack the very democratic foundation of our country.

The Hate Crimes Prevention Act would expand the situations where the

Department of Justice can prosecute defendants for violent crimes committed because of the victim's race, color, religion, or national origin.

It would also authorize the Department of Justice to prosecute individuals who commit violent crimes against others because of the victim's sexual orientation, gender, or disability. Current Federal law does not cover crimes with these motives.

In 1997, the latest year for which FBI figures are available, over 8,000 hate crime incidents were reported. That is nearly one hate crime every hour. Clearly the time to pass the Hate Crimes Prevention Act is now.

Over 40 States have hate crimes statutes, including, I am proud to say, my home State of Massachusetts. However, only 21 cover sexual orientation, 22 cover gender, and 21 cover disability. By strengthening the Federal law, State and local authorities will be able to utilize Federal personnel and investigative resources.

Hate knows no boundaries. We need a law to protect all Americans. Tough Federal hate crimes legislation would give our justice system the tools and authority to recognize acts of violence committed on the basis of a person's gender, race, ethnicity, sexual orientation, or religion.

By recognizing these incidents and punishing those responsible, we can begin to eradicate these acts of hate from our schools, our neighborhoods, and our country.

Dr. Martin Luther King, Junior, believed that injustice anywhere is a threat to justice everywhere. By passing this legislation, Congress will send a clear and powerful message that we will not tolerate these violent acts which not only change the life of the victim, but affect the entire community. The ripple effect caused by these crimes sends shock waves throughout the targeted community, often leaving fear, despair, and loneliness in its wake.

We all need to join together to break down the walls of ignorance and to build a community founded on tolerance, justice, and compassion. The allies of hate are not just the perpetrators. Silence and complacency are allies, as well. The enemy of hate is a community and a Congress that does not tolerate hateful messages, words, or deeds.

We must take a stand and pass the Hate Crimes Prevention Act of 1999 now; not next year or sometime in the future, but now.

ENCOURAGING MEMBERS TO SUPPORT THE TEENAGE PREGNANCY PREVENTION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Mrs. CLAYTON) is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, I want to thank all of those who have joined me, and the gentlewoman from Maryland (Mrs. CONNIE MORELLA) who has spoken earlier, and several others. The gentleman from Delaware (Mr. CASTLE) is here, and the gentlewoman from California (Mrs. CAPPS) is here, who are all taking active time out to speak.

Mr. Speaker, we are here this evening because we care about our young people. We are here because we recognize that May has been designated as Teenage Pregnancy Month.

We are here to acknowledge the success of efforts that have been made as a result of communities working together and a variety of communities doing different things, pulling together parents, schools, communities, churches; understanding that there are no easy answers to teenage pregnancy, but understanding that it is a serious problem that indeed deserves our concentration and a concentrated effort on the part of all of us.

Abstinence certainly is the main program that we advocate, and feel that it is one sure method that young people can be assured of, if indeed they have that and practice that. Abstinence certainly would not only reduce and prevent teenage pregnancy, but it also will reduce and prevent many of the transmitted disease as they relate to being sexually active, none more drastically than the spread of AIDS, which takes too many lives.

However, abstinence alone will not do it, because too many young people, obviously, are involved. So we also advocate that there should be Planned Parenthood, there should be contraceptives, there should be a variety of educational counseling, health clinics.

There should be the community, the church, faith-based activities that encourage young people's development. We believe that if young people have a strategy for the future and have hope about their career and have economic security, they are more likely to be about developing themselves, rather than getting involved in behavior that is self-destructive, including premature sex.

Once a young person is pregnant, there are no good choices. Indeed, we know, because there is research that shows without a doubt teenage pregnancy not only brings stress to the teenage mother or the teenage father and their family, and the young person that is born, but also it is costly to society.

Research has shown that a teenaged daughter giving birth to a daughter, that daughter grows up and is 83 percent more likely to be a teenage mother herself. A son who is given birth by a teenage mother, that young man has a likelihood 2.7 times greater to get in trouble and to either have as his hope for the future going to prison or death. Those are not statistics that we can look and think that this is an easy answer by saying that that is just one approach. Several approaches must be used.

This is a serious problem because we think that teenage destructive behavior eventually is a continuum, whether it is getting involved with premature sexual activities or involved in drugs or involved in crime, all of the things that do not allow that young person to be the person that he or she has the potential of being and making a contribution. Society loses, not only through the costs to imprison that young man or the costs for sexual disease and transmission of those diseases, but the loss of the contribution that those young people could make is even more severe.

So we are here tonight to tell young people and adults that this is a serious problem. We are here to reinforce their value to us, and how we care about them.

I just want to mention things that we do in our district. We have now had several forums. This year alone we have had two. We had one last Saturday, where we had more than 50 young people and adults to come. We had ministers, we had counselors, we had health professionals, we had young people who were engaged with other young people. They had a teen summit where they talked to each other. It is surprising what teenagers say to themselves and to each other. They indeed can give some of the best wisdom.

I urge all of our colleagues to engage themselves with young people. Again, I want to thank all the Members who have come to speak on this important subject.

TEENAGE PREGNANCY, A CONCERN FOR EVERYONE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Delaware (Mr. CASTLE) is recognized for 5 minutes.

Mr. CASTLE. Mr. Speaker, I will be brief, but I did want to join in the participation of what we have seen here tonight.

I am the cochair person of the Congressional Advisory Committee to Prevent Teen Pregnancy. But I think we all should be cochairs of that. I think that is a subject of huge importance to everybody in America today.

We still in America have the highest rate of teen pregnancy, higher than some of the Third World countries, in the world, which is pretty amazing when we consider the advances which have been made in American society in so many other ways, because I consider this to be, frankly, a high negative.

We are doing better. Our statistics in the last 3 or 4 years indicate that we are starting to go down in the rate of teenage pregnancy. It is a tremendous problem, obviously, because we have a lot of unwed very young mothers with absolutely no income sources whatsoever; with young men out there who do not have a clue about how to do anything about a family, or earn any income or whatever it may be. So it is almost a direct descent into some sort of economic help from the government in the form of welfare or something else.

In fact, the statistics are something like that if you graduate from high school and you wait until 20 to get married and you never have a criminal record, the chances are something like 80 percent you will never be in poverty. But if indeed any of those things happen, if you get pregnant early or do not graduate from high school or have a criminal record, the chances are almost overwhelming that you are going to live in poverty at some time during the course of your life.

So it is very evident, with perhaps a few exceptions, it is evident that we are all far better off if we indeed wait with respect to the concept of giving birth and getting pregnant. Obviously, I guess we would preach abstinence first.

That has a lot of good tones to it in terms of what it means in the sense that you do not have any of the mental concerns of having been sexually involved, and of course you are going to prevent disease because you have not been involved, and obviously no pregnancies are going to take place. But at some point it often goes beyond that with our young people, and they do get involved.

At that point we need to talk about planning and contraceptives. I think we have a more open approach. The idea is to avoid pregnancy. By avoiding pregnancy, you avoid all of those problems, and of course avoid the horrible problem of abortion, which is something that is abhorred by practically everybody in the country, whether they are pro-choice or pro-life.

□ 1845

So we have to do these things. I see it. I see it in my State of Delaware. I have seen it in Dover High School at a wellness center just last week, last Friday. I talked to four or five kids who are going through programs there to help deal with the subject of pregnancy. They are talking with each other.

We have wellness programs in all but one high school in the State of Delaware now that we did not have before. They have sessions in which they can actually get together and begin to talk about these issues.

That is why I think we are starting to make an impact with respect to the rate of teen pregnancy in the United States of America, which again is a positive sign. But there are still, as I said, other things that we have to do to continue to build on this recent record of success.

So I know a lot of the Members of Congress are vitally interested in this subject, and we thank them for their time and attention on it. Hopefully, the public will weigh in as well. If we do, we can prevent a lot of the hardship, a lot of the problems, a lot of the stress and strain on individuals and families that occur in this country because of teenage pregnancy that takes place across the United States. I think we can do it, and I am pleased to help be a part of this effort.

TEEN PREGNANCY PREVENTION MONTH

The SPEAKER pro tempore (Mr. SHIMKUS). Under a previous order of the House, the gentlewoman from California (Mrs. CAPPS) is recognized for 5 minutes.

Mrs. CAPPS. Mr. Speaker, I rise today to pledge my full support to efforts across this country to reduce teen pregnancy. It is a pleasure to speak today in cooperation with my colleagues, the gentleman from Delaware (Mr. CASTLE), the gentlewoman North Carolina (Mrs. CLAYTON), the gentlewoman from Maryland (Mrs. MORELLA), all of us working here in the Congress on this goal.

Before I came here, I spent 20 years working as a school nurse in my community of Santa Barbara, California, in the central coast. During that time, for a large portion of that time, I was the director of a program at one of our largest high schools for teen parents and their children. So I know about this topic firsthand.

This program, which I fully support, encourages teenage parents, both mothers and fathers, to stay in school for their own success and the success of their young families. It provides child care, parenting education, gives them access to support services in addition to a high school diploma and further. It is a strong intervention program.

While I was with these young moms and dads, I learned firsthand the struggles that they face on a daily basis to survive and to make something of their lives. It turns out that teenage parents are some of the strongest advocates for preventing teen pregnancy. They did and do this still in my community in a very dramatic and loving way with their peers.

They know that prevention is the key, and parents are the key to prevention. Parents need to be reminded, we all do as parents, that, first and foremost, parental guidance is the best deterrence for teenage pregnancy. Teens want to learn and hear more at home. They want to hear about values and have value role models for them in their homes and to have personal responsibility discussed.

We need to work as a community to prevent teen pregnancy with child care programs and after school programs so that our teens are busy and engaged and their energy is used in productive, supervised activities. Most importantly, we need to give them goals for the future.

Class reduction in our schools is a good thing for preventing teen pregnancy. So are partnerships that I have seen in my community between businesses and our schools that provide mentorship that light a fire in the students and give them motivation to know that they have a future for themselves and they can begin to set meaningful goals.

Some want adults in the community to talk with them about their goals and to support them in reaching these goals. This is really good pregnancy prevention that I watched and was part of firsthand.

I am very proud of all that the PACE center has achieved, the teen parent program that I was so much involved with so long and from whom I learned so much, and that these programs are alive and well and thriving in my community.

I strongly support them and other groups around the country that work with young parents helping them to keep their lives on track and teaching them to be nurturing and good parents.

But I look forward to the time when we will not need so many of these programs. We know now as we have watched pregnancy prevention programs and parents and communities, religious leaders working together that our teenage pregnancy rate has declined. But we must continue to strive.

That is why I am so pleased to be the newest member actually of the House Advisory Panel for the National Campaign to Prevent Teen Pregnancy. We have a job to do here in Congress, and my colleagues have spoken to this today.

It is an honor for me to be a cosponsor of the Teen Pregnancy Reduction Act by pulling together the best of ideas from around the country, interactions in our communities with young people taking the lead, and their families and community leaders, the ideas that are working, model programs that we can hold up for the rest of the country to follow.

Together we can demonstrate that, when our families lead the way, that we can do something in our community to make sure that each child born is born to a loving and a family able to care for them; and that teenage pregnancy can continue to see a decline in enrollment, in numbers; and that we can support young parents where we need to. It is a pleasure and an honor to be a part of this program.

STRENGTHENING U.S.-INDIA ECONOMIC TIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, the recent disputes between the United States and India over nuclear and missile testing issues have not only resulted in political and diplomatic setbacks in our bilateral relationship. One of the major casualties of this year of antagonism has been the economic relationship between our two countries.

The historic free-market economic reforms that India initiated at the beginning of this decade have created vast opportunities for American participation in India's economic future. India's huge middle class represents a significant market, while India's infrastructure development needs offer opportunities for cooperation that will benefit both countries.

Unfortunately, Mr. Speaker, this past year has seen us lose some of the momentum of the previous 6 or 7 years. I am hoping to contribute to putting the U.S.-India economic relationship back on track, and I would like to offer some ideas on how we can do that.

Today I am introducing legislation to suspend all of the unilateral sanctions that the United States has imposed on India. Last year, Members of Congress, working on a bipartisan basis, approved a provision in the fiscal year 1999 Omnibus Appropriations bill that gave President Clinton authority to waive the sanctions during the fiscal year. But I think that a more permanent and less discretionary approach is now necessary.

There are some other legislative initiatives being proposed in this body and in the other body, the Senate; and this progress is encouraging, although some of the proposals may not go far enough.

My bill is drafted in such a way as to remove the current discretionary approach for waiving sanctions on a selective basis or an exchange for certain concessions by India. In a response to a letter I sent him earlier this year, President Clinton indicated that his administration will pursue an incremental approach to lifting sanctions in exchange for nonproliferation steps by India. But I do not think that this is the way to go.

I have been calling for months for a U.S. policy that turns away from the current stance of confrontation with India and towards recognition of India's legitimate security needs and the prospects for greater Indo-U.S. cooperation in both strategic and economic areas. Negotiations over our disagreements concerning nuclear issues should not destroy the burgeoning economic relations between America and India.

I am not only pushing for this legislation because of my concerns for how the sanctions impact on the people of India, although that is extremely important to me. As a U.S. Congressman, I am concerned that the remaining sanctions are causing American companies to lose opportunities to do business in India, while our economic competitors in Europe and Japan gain a major foothold in this great, emerging market.

Mr. Speaker, India is the fifth largest economy in the world. The private sector accounts for 75 percent of GDP. The country has 22 stock exchanges, over 9,000 listed companies, as well as the commercial banking network of over 63,000 branches. It has had stable democratic government since 1947. It has an independent judicial system and positive foreign investment policies. There is a skilled work force, including professional and managerial personnel. English is, of course, the preferred language for business and is spoken widely and fluently.

During a recent congressional delegation visit to India, the leadership of the Confederation of Indian Industry, considered to be India's major business organization, presented a wish list to radically improve our economic ties. Foremost on the list was, of course, the lifting of the sanctions.

CII's newly installed president has called on India's government to speedily approve economic reform legislation.

Prime Minister Atal Behari Vajpayee currently leads a caretaker government, and new parliamentary elections are not scheduled until September. But the caretaker government is empowered to push through 11 key pieces of economic legislation that have been introduced in Parliament and vetted by the relevant committees. They include bills governing insurance regulatory authority, money laundering and foreign exchange management, securities contract and export/import. CII is also calling for reform in 19 key sectors of the economy, ranging from the financial sector and capital markets, to infrastructure and agriculture, to continued privatization.

It is clear that the leaders of India's private sector are intent on promoting an improved climate for trade and investment and are encouraging their government to do everything possible to achieve this.

I have spoken with many American business leaders, and it is clear that the U.S. business community is concerned about improving relations, and that lifting the sanctions is also on the top of their list.

Mr. Speaker, we must finally get beyond the unproductive approach of confrontation and work towards policies that will promote improved opportunities for cooperation between the world's two largest democracies. I hope that the legislation I am introducing today will contribute to that process.

FRAMEWORK FOR NEGOTIATED SETTLEMENT WITH KOSOVO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WELDON) is recognized for 5 minutes.

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today to describe a plan that we have been working on for the past 5 weeks in cooperation with the various parts of the administration to provide a framework for a negotiated settlement of the Kosovo crisis.

Today, for approximately 1 hour, 11 members of this body who traveled with me to Vienna, Austria, 2 weekends ago to meet with our Russian counterparts in the Duma met with the Secretary of State Madeleine Albright in her office. She was accompanied by the Under Secretary of State, Tom Pickering.

It was a very constructive discussion with Members on both sides of the aisle engaged in a constructive way to let the Secretary know that our ultimate objectives and purpose are identical to what the President and what she wants to achieve, and that is an honorable settlement that is done in line with the five principles that the NATO countries have agreed to.

We spent a great deal of time outlining the process that we have used, and we cited the fact that we were asked to get involved by our Russian Duma counterparts approximately 5 weeks ago.

We explained to the Secretary that tomorrow, in the Committee on International Relations, there will be a public hearing where all 11 Members of Congress from the far right to the far left will present an overview of why this particular framework should move forward and why this Congress and this House should go on record in sync with the work of the Russian Duma to provide a process whereby the U.S. and Russia can assist in getting the objectives that NATO wants, and that is to bring Milosovic to understand that the world community is coming together in an effort to solve this crisis quickly.

Timing is of the essence, Mr. Speaker. Russia is going through turmoil right now. I just got off the phone with my second conversation with the Duma leadership today. As you know, they have sacked Primakov. On Saturday of this week, the Duma will vote on whether or not to impeach Yeltsin as the President of Russia.

We need to understand that we have a significant opportunity here, an opportunity to work constructively with the Russians, using their leverage to bring Milosovic to terms that our government, that our President, that our Secretary of State want to see achieve.

I encourage all of our colleagues on both sides of the aisle to support the bipartisan work of the 11 Members of Congress who are reaching out to provide a framework that will allow this conflict to be ended.

I am more optimistic than ever. The Russians are faxing us a letter at this very hour expressing their desire to pass the same document in the Russian Duma. Let us not lose this opportunity to show Milosovic that Russian leaders across the spectrum, American leaders across the political spectrum are coming together with a common agenda which says Milosovic must in the end agree to the conditions that NATO has established to end this conflict. Together I think we can finally end this crisis.

TEEN PREGNANCY PREVENTION MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. BARRETT) is recognized for 5 minutes.

Mr. BARRETT of Wisconsin. Mr. Speaker, I am honored to be here tonight to discuss the problem of teen pregnancy. May is Teen Pregnancy Prevention Month, and it is a perfect time to focus our attention on this problem.

Let me start by saying that teen pregnancy prevention is a classic case of good news/bad news. The good news is that we are making progress, but the bad news is there is still much to be done.

Let me begin by focusing on the good news. Teen pregnancy rates have dropped, and we should congratulate those who are working hard on this problem. There are many, many programs of all different kinds out there making a real difference.

In Milwaukee, Wisconsin, the area I represent, our community has responded to the problem of teen pregnancy by mobilizing residents, community-based organizations, the faith community, government, and the private sector in a results-based consortium designed to reduce teen pregnancy and promote programs and services for teen parents and their families.

We also cannot overlook the efforts of parents who are taking the time to have those difficult discussions with kids about responsibility and teen pregnancy. Studies show that teens want to hear from their parents and that this has had a positive effect. We need to congratulate those teens who are making responsible choices in a very pressured world.

□ 1900

All of this has helped bring the rate of teen pregnancies down from a peak of 117 for every 1,000 young women from ages 15 to 19 in 1990 to 101 in 1995. This is a 14 percent drop, which brings the rate to its lowest level since 1975. It dropped again 4 percent between 1995 and 1996.

In this decade, the birthrate for these teens has dropped 16 percent and it has dropped among all races, and the birthrate among 15 to 17-year-olds declined faster than 18 to 19-year-olds. In Wisconsin, my home State, there has been a 16 percent drop in the teen birthrate from 1991 to 1996.

This is real progress, but this in no way means the problem is solved. We have a long way to go and we cannot give up. We must support programs that work. For that reason, I am proud to be an original cosponsor of the bill sponsored by the gentlewoman from New York (Mrs. LOWEY), which would arrange for evaluation of public and private prevention programs for effectiveness and feasibility of replication and would give grants for effective programs.

If we let up, then the bad news of this story gets bigger and our kids lose. If our kids lose, then all of society loses. And here is the bad news. The United States still has the highest teen birth rates in the developed world. Four out of 10 American girls become pregnant at least once by the age of 20.

In Wisconsin, we still have a teen birthrate of 37 per 1,000 females, and in Wisconsin 84 percent of these occur to unmarried teens, while 21 percent of teen births are repeat births.

Children born to teenage parents are more likely to be of low birth weight, to suffer from inadequate health care. They are more likely to leave high school early without graduating. They are more than 10 times more likely to be poor than children born to women age 20 and over. They are more likely to continue a cycle in their family of poverty and lack of choices. And they are twice as likely to be abused and neglected as are children of older mothers. Nearly 80 percent of teen mothers eventually receive public assistance, and two-thirds never finish high school. And let us not forget one of the most important statistics: Girls of teen mothers are 22 percent more likely to get pregnant as teens themselves.

So what are we to do? First, we have to find programs that work and make sure they are funded. Again, to that extent, the bill of the gentlewoman from New York should be passed. We need to keep our eyes and ears open in our communities to find out what works, for example, after-school activities, and then come back here and integrate that into policymaking.

Most importantly for young girls, they have to have hope in their lives. They have to have a dream. They have to be able to look beyond their teenage years and know that there is a reason to wait before becoming a mother. And the same is true for young boys. We have to include boys in this discussion as well.

As parents, we need to talk to our kids. Again, studies show that teens want to hear from their parents. The National Campaign presented figures last year that show that one-fourth of parents say that the biggest barrier to talking to their kids about sex is that they are uncomfortable talking about it. Only 17 percent of teens feel this is the biggest barrier. As parents, we just need to get over this. The positives so outweigh any uncomfortableness that we may feel.

We have to make sure that there is adequate, effective information out there for teens. Some teens cannot or will not ever get the information from their parents. We need to support the organizations that get the materials out there, so that when teens rely on other teens for information, it is correct and positive.

Most importantly, we must never stop loving our teens, we must never stop loving our children and we must never give up.

INTRODUCTION OF H.R. 1512, THE FIREARM CHILD SAFETY LOCK ACT OF 1999

The SPEAKER pro tempore (Mr. SHIMKUS). Under a previous order of the House, the gentlewoman from California (Ms. MILLENDER-MCDONALD) is recognized for 5 minutes.

Ms. MILLENDER-MCDONALD. Mr. Speaker, children are killing children. This madness, this destructive behavior must stop. Gun-related violence has plagued our Nation and jeopardized the safety of our children.

According to statistics from the Centers for Disease Control, more than 5,000 innocent boys and girls have lost their lives due to unintentional firearms related deaths. Between 1983 and 1994, 5,523 males between the ages of 1 and 19 were killed by the unintentional discharge of a firearm.

Currently, a child dies from gunfire every 100 minutes in America, 12 times the rate of the next 25 industrialized nations combined. Each day in America, 14 children die from gunfire, a classroom full every 2 days.

Mr. Speaker, it is our responsibility, no, it is in fact our obligation as parents and leaders to protect our Nation's children from the senseless deaths caused by the unintentional and intentional discharge of firearms.

To address this problem, I have reintroduced my bill, the Firearm Child Safety Lock Act of 1999. My bill, H.R. 1512, the Firearm Safety Lock bill, will prohibit any person from transferring or selling a firearm in the United States unless it is sold with a child safety lock. In addition, this legislation will prohibit the transfer or sale of firearms by federally licensed dealers and manufacturers unless a child safety lock is part of the firearm.

A child safety lock, when properly attached to the trigger guard of a firearm, would prevent a firearm from unintentionally discharging. Once the safety lock is properly applied it cannot be removed unless it is unlocked. This legislation will protect our children and increase the safety of firearms.

The bill also has an education provision, which provides for a portion of the firearm's tax revenue to be used for education on the safe storage and use of firearms.

This bill in no way prohibits a buyer from purchasing a firearm unless it is sold without a child safety lock. A child safety lock will be included in the firearm when it is purchased.

Knowing that many citizens are concerned about gun laws, because they believe these laws may affect their constitutional rights, I would like to make it clear that this bill does not interfere with a citizen's constitutional rights. It only gives our children the right to life without the fear of another Jonesboro, Edinboro, Fayetteville, Springfield, Richmond, West Paducah and Littleton.

We must create a safe environment in our Nation's urban, rural and suburban areas for our children. We must avoid the continued senseless bloodshed and loss of life of children around this country. We must be proactive, Mr. Speaker, and address this problem. This bill does just that. It protects our children and it protects their future.

COPS PROGRAM GOOD FOR COMMUNITIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. STUPAK) is recognized for 5 minutes.

Mr. STUPAK. Mr. Speaker, this week is National Police Week. Today I was at the White House Rose Garden for the unveiling of the COPS program, which calls for an additional 50,000 police officers. I want to thank President Clinton for his efforts in bringing community-oriented policing services to towns and cities all across America.

I have served as both a city police officer and a Michigan State police trooper for approximately 12 years. When I was elected to the Michigan Legislature in 1988, I authored legislation to bring community policing to Michigan. I have always advocated bringing police officers and citizens together, coming together, working together to solve neighborhood and community problems.

As a police officer and as a Congressman of an extremely rural district, I would like to thank the President for the 195 police officers the COPS program has brought to my northern Michigan communities, 28 counties in the northern part of Michigan.

The COPS program's harshest critics are the people it searches, the chiefs of police and the local sheriffs. Yet no matter what their party affiliation, whether they be Democrat, Republican or Independent, they have all praised the ease of handling of the COPS program and the one-page grant application.

Nationally, we are witnessing a dramatic decrease in crime rates. More cops on the street, coupled with a booming economy, helps to decrease crime. Yet, we are haunted by recent events of unforeseen violence in our Nation's schools. I hope and pray that today's COPS initiative becomes a commitment not just for our Nation but also for our schools through the School Resource Officer Program, COPS in schools.

COPS working in partnership with our teachers and our students to solve crime can stop the unprecedented violence. COPS and School Resource Officers cannot be a 1-year program, a 3-year program, or a 5-year program. It must be a commitment of our generation to save future generations. It is with this COPS initiative and a commitment to the School Resource Officer program that we can duplicate the success of the COPS program to reduce violence in schools.

I have brought my years of service as a police officer to the Congress. One of the things I did when I first got here was to form a Congressional Law Enforcement Caucus to start a dialogue between Members of Congress and police officers. President Bill Clinton has always joined in our dialogue, and we appreciate this administration's continued commitment to law enforcement.

Together, the Law Enforcement Caucus and this administration have looked out for the health and safety of law enforcement officers throughout the Nation. Together, we have passed legislation to provide education benefits for dependents of slain and disabled police officers, appropriated grant monies so local law enforcement officers can purchase bulletproof vests, waived the Federal income tax on pension benefits of slain officers, and of course initiated the School Resource Officer program.

So I would like to thank the President not just for caring about reducing the Nation's crime rate but helping to take care of America's crime fighters.

But no matter how much we do, no matter how much we try to ensure the safety of the men and women in law enforcement, we know that death is possible and it strikes suddenly and swiftly, without warning.

Approximately 1 year ago today I was on this floor arguing for more bulletproof vests for more law enforcement officers when Sergeant Dennis Finch lay on the front porch dying, shot by a deranged gunman, who kept other fellow officers and paramedics from going to Dennis' aid. Sergeant Dennis Finch of the Traverse City Police Department died the next day.

Tomorrow night I will join Dennis' family, fellow officers, and other officers from all around this Nation at the Police Memorial in Judiciary Square here in Washington, D.C. at a candlelight vigil to honor Dennis and 157 other fallen law enforcement officers who were killed in 1998.

Every other day a law enforcement officer in the United States is killed. So as I advocate for the new COPS program, as I advocate for greater benefits for fallen officers and their families, and greater protections for all law enforcement officers, I am pleased to say that as a cop I know what it means to have a good partner: That is one you can count on. And we in law enforcement have no better partners in our fight against crime than President Bill Clinton and Vice President AL GORE and the Democratic party.

I salute all current and past law enforcement officers and our fallen officers. May God grant them and their families peace.

SUCCESS OF UNITED STATES SOFTWARE INDUSTRY IS JEOPARDIZED

The SPEAKER pro tempore (Mr. RYUN of Kansas). Under a previous order of the House, the gentleman from Washington (Mr. INSLEE) is recognized for 5 minutes.

Mr. INSLEE. Mr. Speaker, I came to the podium today to talk about technology, but hearing the eloquent statement by the gentleman from Michigan (Mr. STUPAK), I want to associate myself with his comments, particularly since I lost my cousin, Mark Brown, of the Kent County Sheriff Department, who died in the line of duty several weeks ago.

I just want to tell my colleagues there are many things we can do for our law enforcement officers, but I want to say that it has made me a person who stops when I can and thank our uniformed police officers for their duty of getting up every day and wondering if they are coming home, and I know other Members feel as I do.

Mr. Speaker, I would like to address some good news in our economy, and that is the incredible success of our software industry. None of us can turn around without reading of a new brilliantly creative and dynamic invention by the software industry. There is plentiful good news in this segment of our economy. But there are two things that this Congress needs to help this industry with that I would like to address tonight.

The first thing is that the U.S. Congress and the U.S. Executive needs to be more aggressive to make sure that our trading partners across the seas stop stealing software from American software workers. We have a lot more software workers than we used to. In 1990, we had 290,000 employees in software.

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We now have over 60,000 Americans involved in developing software, and they put their hard-earned efforts and their creative genius in it. And then all too frequently, people across the waters, our good trading partners, steal that software that they have designed with their hard-earned labor. And we are making an effort, the administration, and I laud the administration for their efforts to try to get some of our trading partners to agree to stop those practices, to have more vigorous enforcement of copyright protections and intellectual property rights.

But now that we have just started to get some of those agreements on paper, it is time to get them in reality. And during the upcoming WTO talks in Seattle this fall, we are encouraging the administration and all of our trading partners to join us in making sure that we shine a spotlight on some of those agreements to find out if those agreements indeed are being honored, to help our trading partners recognize that, while we go forward on trade, we are going to go forward on protecting intellectual property; that, while we have got agreements in writing, now we have to have them in reality. Obviously, we hope, with our growing relationship with China, we will have this discussion.

Recently, I spoke with the ambassador from China, was in the audience, and reminded the ambassador that we are happy about the progress that we have made in our agreements with China in the hopes that they would help stop some of this piracy of intellectual property rights but that we wanted to use our future discussions to make sure that we help China move forward in reality to prevent the piracy that has gone on.

And I do not mean to single out China. This has been a difficult situation in many parts of the world. I simply think that we have got to be more aggressive in asserting our rights.

Secondly, Mr. Speaker, I want to talk about what I think is one of the saddest failures of American public policy recently, and that is we have been abject failures at training people to fill high-tech and software jobs.

We have had tens of thousands of jobs go begging every year, go begging, because we have not educated our youth to take these jobs in a very high-paying industry, a very dynamic industry. And we ought to, in this Congress, look for every single way we can to develop the opportunities for our children so that they can take the jobs in the high-tech industry and, in fact, we do not have to go offshore, where we have been forced to go.

It is time for us to recognize our responsibility to our children and to our economic futures to make every child have access to training so that they can go into the software industry and the high-tech industry.

One little project we are working on in my district in the north Seattle area is with Edmunds and Shoreline Community College to try to build a tech center, the Puget Sound Technology Center, to try to get thousands of kids who now want access to this training to give them that opportunity to help fill these spots.

Mr. Speaker, these are the two things. This Congress can help truly the most dynamic industry perhaps in human history since the invention of the wheel, stop piracy of the hard-earned work of our software workers and let us make sure that our children can get into the industry.

TEEN PREGNANCY PREVENTION MONTH—MAY 1999

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Mrs. MEEK) is recognized for 5 minutes.

Mrs. MEEK of Florida. Mr. Speaker, I rise to commend my colleague, Congresswoman EVA CLAYTON, for addressing a major concern in our society—teen pregnancy. The care and protection of children is, first and foremost, a family concern. When teenagers have babies, the consequences are felt throughout society.

Children born to teenage parents are more likely to be of low birth-weight and to suffer from inadequate health care, more likely to leave high school without graduating, and more likely to be poor, thus perpetuating a cycle of unrealized potential.

Despite a 20-year low in the teen pregnancy rate and an impressive decline in the teen birth rate, the United States still has the highest teen pregnancy rate of any industrialized country. About 40 percent of American women become pregnant before the age of 20.

The result is about 1 million pregnancies each year among women ages 15 to 19. About half of those pregnancies end in births, often to young women and men who lack the financial and emotional resources to care adequately for their children.

When parents are financially and emotionally unprepared, their children are more likely to be cared for either by other relatives, such as grandparents, or by taxpayers through public assistance.

We must have a goal that requires an unwavering commitment and aggressive action by both communities and families. It must be recognized that there is no magic solution to reducing teen pregnancy, childbearing, and STD rates, nor will a single intervention work for all teens. Because the decline from 1990 to 1996 is attributable to many factors, it is essential to continue and expand a range of programs that embrace many strategies. Experts agree that holistic, comprehensive, and flexible approaches are needed.

Taken as a whole, society has to view the dangerous consequences of teenage sexual activity as an ongoing challenge. We should want to protect our teenagers from the risk of premature parenthood and from disease, and we should want to protect the children they would struggle to raise. If we are serious about breaking the cycles of poverty and underachievement that, too often, result from kids having kids, then we must not be satisfied with the recent downward trends.

We must expand our efforts to help those teens who are at the greatest risk. Rather than becoming complacent because of the recent downturn, we must be more aggressive in implementing the positive lessons that contributed to the downswing and redouble our efforts to cut the teen birth rate even more significantly.

We must begin to speak up and out to our young ladies about sex at an early age to prevent teen pregnancy. I thank my dear colleague for her leadership.

TECHNOLOGY ISSUES FACING CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. HOLT) is recognized for 5 minutes.

Mr. HOLT. Mr. Speaker, I appreciate the opportunity to talk a little bit tonight on technology issues.

But first I would like to commend the preceding speakers, the gentleman from Washington (Mr. INSLEE) and the gentleman from Michigan (Mr. STUPAK), for their important remarks about our police officers.

I was pleased to be with the President earlier today when he announced that, as of today, we are announcing grants for the officers that will bring the total up to 100,000 officers on the streets, in the neighborhoods, in the schools as part of the community-oriented policing program. I think it has been a great success, and today is a fine day to pay tribute to our police officers.

I would now like to turn to the subject of technology in our society and science and research and development. I am a scientist and a teacher, and before coming to Congress, I was Assistant Director at the Princeton Plasma Physics Laboratory. I hold a patent for a solar energy device.

I have been using computers since the days that they were room-sized mainframes; and that is why I feel strongly about the role that technology plays in our lives, whether in education, in medicine, or in trade; and that is why I have spent a good deal of time in my first 4 months here on the job in Washington working on science and technology issues.

We live in a world where investment capital races around the globe at the touch of a key; where cars that we drive have more computing power than an Apollo spacecraft; where, in our economy today, there are no unskilled jobs.

Technology advances our society and opens up exciting new worlds of opportunity. Over the past century, Federal investments in computing, information, communications, and other sorts of R&D have yielded spectacular returns. Yet our Nation is underinvesting in long-term, fundamental research.

The fact is that, on the whole, Federal support and corporate support for research in technology and in science is seriously underfunded. Research programs intended to maintain the flow of new ideas and to train the next generation of researchers are funded at only a fraction of what is needed, turning away hundreds of excellent proposals.

Compounding this problem, Federal agency managers are often faced with insufficient resources to meet all the research needs and, as a result, they are naturally favoring research that has short-term goals rather than long-term, high-risk investigations. While this is undoubtedly the correct short-term decision, the short-term strategy for each agency, the sum of these decisions threatens the long-term welfare of our Nation.

In one area, the President's Information Technologies Advisory Committee recommends that Federal investment in information technologies research and development be increased by more than $1 billion over the next 5 years, something that I support.

We need to invest in our future and in our citizens. For example, there are today more than 340,000 high-paying information technology jobs open. They are open right now in the United States despite efforts in the past year to relax our immigration regulations in large part to fill those positions. We cannot seem to fill these jobs fast enough. Our educational system has not caught up to the demand for high-technology workers.

As a member of the Committee on Education and the Workforce and the Committee on the Budget, I have begun work to enhance our Nation's technology education programs so we can have students who are ready to enter the workforce with the skills they need and to have teachers who know how to teach them.

Only 20 percent of teachers say they feel qualified to use modern technology and to teach using the computers that are available to them. Only 20 percent. How can we expect students to learn if teachers are not up-to-date on what to teach?

I make a point of visiting schools in my district, schools like the Hi Tech High in Monmouth County that I visited last week. I know that we are making progress, but we have a ways to go.

I believe when it comes to technology, and for just about any other issue, the Federal Government should help, not hamper, innovation.

One of my first acts after taking office was to round up the New Jersey delegation and, together with my Republican colleague, the gentleman from New Jersey (Mr. FRELINGHUYSEN), send a letter to the House Committee on Ways and Means chairman, the gentleman from Texas (Mr. ARCHER), supporting the Federal R&D tax credit, the permanent extension of that tax credit.

How can we in Congress expect business to plan for the future, especially in a technology-driven State like New Jersey, unless they know that they can count on this deduction permanently? We have renewed the R&D tax credit nine times. It is high time now that we make it permanent.

Mr. Speaker, this is important. Making these crucial investments will help our people in areas like education in the workplace and in solving the problems in everyday life.

WHAT IS GOING RIGHT WITH YOUNG PEOPLE OF AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Colorado (Mr. McINNIS) is recognized for 60 minutes as the designee of the majority leader.

Mr. McINNIS. Mr. Speaker, this evening I would like to address two different areas.

The first area I would like to talk a little bit about is, I have been back to my district, which is the State of Colorado. I go back to my district every weekend. But, obviously, with the tragic situation that took place there a couple weeks ago, that is a large topic of discussion; and, of course, it should be. So this evening I would like to talk a little bit about our young people, our young men and women, of that generation, that age group, the situation out there in Colorado.

Then I would like to shift focus and cover a second area that I think should be of keen interest to all of us, an area in which we have a lot of interest right now, whether by choice or not, we do have a lot of interest, and that is in Kosovo, and talk in some detail about what do we do now in Kosovo.

Let me say that, in regards to the situation at the Columbine High School in Colorado and parents and teenagers and adult relationships with their children, there are a few areas that I would like to cover.

First of all, I want to stress about what is going right. Obviously, what has gone wrong has been the front news story in all of our national newspapers and our national publications and our topics of discussions; and sometimes we seem to focus a little more on what is going wrong than what is going right. So I want to talk a little bit about that this evening.

I want to move from that to talk about the TV shows, Jenny Jones, some of these other people in the talk shows. I will move from that to talk a little on moments of silence in schools. We will talk a little about video violence. We will talk a little bit about what the responsibilities are of Hollywood, of the Internet and, finally, what the responsibility should be of our law enforcement and, of course, things like gun shows and so on.

Let me, first of all, start out with, and I think it is very important that I precede the extent of my comments with what is going right with these young people.

I have for years since I have been in the United States Congress had the privilege of going to a variety of schools throughout my district. Now, my colleagues have got to picture the Third Congressional District. It is a very interesting district in the State of Colorado.

First of all, geographically, it is larger than the State of Florida. Second of all, there are lots of economic diversity within that congressional district. For example, some of the wealthiest communities in the United States are in the congressional district that I represent, Aspen, Colorado; Vail, Colorado; Beaver Creek, Steamboat, Telluride, Durango, Crested Butte, a number of communities like that that have a great deal of wealth.

But at the same time, down in the southern part of the district that I represent, we have the poorest area of the State of Colorado: the San Luis Valley community, San Luis Castilla, Conejos, and so on. So there is a lot of diversity.

But I teach in schools regardless of the economic diversity. I teach in schools throughout the district. And I wanted to relate to my colleagues a few of the things that I find when I go out there and talk to these young people and listen to these young people and visit with these young people.

Let me say this, and I want to make it very, very clear: Despite what has happened in the last couple of weeks, we all should remember that, with this generation, these young men and women, that there is a lot more going right with that generation than there is going wrong.

This situation that we had in Colorado is much like a horrible plane crash. The morning after, we get up; and we are suspicious of all airplanes; we are suspicious of the industry. And the same thing happens here, and we focus on the disaster that took place.

Clearly, it is appropriate that we focus on that so we can hope to avoid that in the future. But do not let it darken the cloud about how many good kids we have out there, good young men and women, and good parents, by the way.

It is amazing when I go to these classes, class after class after class, they are not a bunch of rotten kids out there. Sure, we came up with a couple rotten apples down there at Columbine. They did a horrible thing. These are bad kids. And I am not one of these people reluctant to say that these two young men that shot and murdered all those people were bad kids.

But, in my opinion, that is not reflective of that generation. That generation has some of the brightest and most capable individuals of any generation this country has ever had. There is a lot that we can look forward to in this country. There is a lot that that generation can look forward to with our country.

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First of all, obviously the United States of America has more freedoms than any other country in the world. We have more to offer this generation than any other country has to offer their similar generations. We also have a lot of other things going. We do have the strongest educational system in the world in this country.

I have had the privilege and the good fortune to travel the world throughout my years in political office and so on, and I can tell you that having been in contact with the leaders, what you would call in some countries the upper echelon of those particular countries, it is interesting that these families who can pretty well choose to send their children anywhere in the world they would like to send them, when it comes to education, a lot of them send their kids, their young people, to this country for their education.

In fact, when it comes to health issues, if one of their young people or anybody in their family gets sick, they send them to the United States for their health care, because this country has some of the best health care if not the best health care throughout the entire world. This country does more for its young people than any other country in the world in my opinion.

Now, that is not to discount at all, it is not to discount in any regards the situation that occurred at Columbine. But it is to highlight, in fact, what is going right with these young men and women. I have now been in Congress long enough to have one of the highlights of any congressional person's service in the United States Congress, and that is to witness and get to see some of the young people that you have nominated to go to our service academies, the Air Force Academy, West Point, the Naval Academy, the Merchant Marine Academy, to watch these young people graduate. I have been in Congress 7 years, so I have now gotten to see some of these young people graduate. Every year I get involved in the nomination process of this generation that is applying to go to our military academies. It is amazing to me, because every year it appears to me that these young people are brighter and more capable than even just the year before, and the year before was the cream of the crop. You have got a lot to be proud of with this generation.

Let me talk about parents for a minute. I have talked about how fortunate I think we are in this country to have this young generation. I have lots of confidence in them. And I think that the reflection of this last 2 weeks is unfortunate because I think by far, by far that generation of young men and women, the same generation that lost their lives in Littleton and those people, they have got so much to offer and contribute to this country, but as I said, I want to talk about parents for a minute. I do not think that we need to go on an apology mission. There are a lot of good parents in this country. There are a lot of parents who have done a good job, have done a terrific job, have shown a lot of love, have shared a lot of time, have been very proud of their children. There are a lot of good parents in this country. There are a lot of good parents at the Columbine High School. There are a lot of good parents at any school in this country.

I have seen some talk shows and some news articles and some people talking about how parents do not care about their children anymore and about this disaster in Colorado is a result of parents not paying enough attention to their children and parents dropping the ball. In some cases that might be true. I guess in every generation in the history of the world we will find parents who did not give appropriate attention to their children. But our focus cannot be entirely on that and we should not beat ourselves on our back because some parents drop the ball. Clearly we want to figure out how we can improve that. How can we take parents who are not close to their children, who are not spending the appropriate time with their children, how can we bring them closer and mold that together, how can we stress the importance of that?

This evening a previous speaker talked about the importance of single parenthood, about the problems that it has caused, about the importance of stressing to our young people that single parenthood is not the way to go. So we can figure out ways to bring that together. But at the same time I am standing here tonight to thank my colleagues here and to thank parents throughout this country and to commend you.

A lot of you are good parents. In fact, probably a lot of you have been able to spend more time with your children than maybe your parents or grandparents were able to spend with you. We have made a lot of progress. I do not want that progress to be hidden by this horrific tragedy that we had in Colorado.

I would like to mention a couple of other facts that I think are important. Last year in this country about 2,300,000 young people graduated from our high schools. Between 1979 and 1997, here are a few statistics that we can be darn proud of. As parents, as educators, as lawmakers, as citizens, we can be proud of these statistics. The percentage of students completing high school, getting their high school degree went up from 78 percent to 87 percent, a 10 percent jump. Remember, you are at the very high end of the scale. So that 10 percent is a huge jump. It is not like you are way down here and you jump 10 percent. It is you are up here and you jump that final 10 percent. Actually the final 22 percent that remained that were not getting high school diplomas, we cut that in half. In this period of time, we took half of the students that were not getting their high school degrees and were not completing high school, we have gotten them now to go through high school, to get that high school degree.

The percentage of high school graduates with some college, that went up almost 20 percentage points, from 44 to 65 percent. You can be proud of that. That is a good statistic. That means something. That means these young people are getting the opportunity to go on to college. The percentage of high school students who got 4 or more years in college, that rose 10 percent, from 22 percent to 32 percent. These are good jumps. These are fairly dramatic jumps. And in 1996, 50 percent of the students in grades 6 through 12, half of the students out there in junior high and high school participated in community service. I think in the last few years, to a large extent and in many different ways, our communities have been strengthened.

Now, remember the dynamics have changed in the last 25 to 30 or 40 years. We do have more families where both parents have to work outside the home, driven by economic necessity, some driven by choice. We have different factors. Instead of having one TV per home, we have several TVs. We used to be critical of watching too much TV. Now we are not even watching TV as a family because there are two or three different TVs in the house. Those kind of dynamics have changed. But on the whole take a look at the positive aspects. The positive aspects are, parents, there are a lot of you out there that ought to be very proud of the mission that you have accomplished. For that generation, that young generation in high school right now and the one behind them and the ones that have just graduated, I want you to know, we are darn proud of you.

By far, as I said earlier, most of you are going to go on and you are going to make something of yourselves. Most of you have the dedication and the focus to know that there is personal responsibility, there is discipline and that if you exercise a little knowledge and you exercise a little energy, you are going to find out that in this country, it is not so bad. There are a lot of great things that you can do.

Let me move on to a couple of areas where I think we do need to focus a little more, where society needs to say, all right, we acknowledge what the Congressman says, we acknowledge that a lot of things are going right. But let us focus on that little part of it where things are going wrong. There are some areas in our society where we can accept more responsibility or those parts of our society can accept more responsibility?

I am not a plaintiff's lawyer. I do not get too excited about plaintiff's lawyers. I think in fact our society, there is a statement I saw the other day where in Japan they have this many lawyers and this many engineers. In our country it is just the reverse. We have this many lawyers and this many engineers. But I was pleased last week to see a case handed down by a jury where they awarded $25 million in damages against the talk show, the TV by ambush Jenny Jones. That show is simply entertainment by humiliation and that is exactly what the lawsuit was about. Do you have the right to entertain to the extent that it could cause physical harm by humiliation? Is that what entertainment is about? Have the talk shows gotten out of hand? Well, Jenny Jones did.

What was interesting to me is I read some newspaper articles about this that said it puts a chilling effect out there on the first amendment. Number one, it does not take away the rights of the first amendment. But sometimes society needs to speak out and sometimes society says, we need to douse this with a little cold water. We need to put a chilling effect on this. Should we have TV talk shows based on humiliation? Should we have TV based on ambush? What does it do to a society? So as you hear and as you read in the periodicals, the weekly periodicals that will come out next week, take a look at what happened in the Jenny Jones case and see if you do not feel pretty comfortable with the way our courts are going in some regards.

Some courts get a little out of line. We had a court this week that awarded $581 million in punitive damages for a satellite worth $1800, a satellite disc that was sold to somebody. I am not talking about the extremes. I do not want to talk about the extremes. But I do want to talk about situations like the Jenny Jones. I think society, and I think in the light if there is anything that could come out of the Columbine school situation that might be good is, one, I think we will spend even more time with our children and that cannot hurt things, but I think society as a whole is also going to look at things like the Jenny Jones talk show.

I think they are going to take a look at the Internet. I think they are going to take a look at Hollywood, and I think they are going to take a look at gun shows and laws that are being broken. Let me for a moment talk about something that I cannot figure out. It has confused me. I have studied history. I have been around the bend a couple of times. I cannot figure out for the life of me why we have such a strict prohibition against moments of silence in our schools. Do you know that in our schools you can go into the hallway of a school, you can do what Jenny Jones did, you can tease other students, you can talk about Hitler, you can do a lot of things that I would say are on the verge of misconduct, and you can get away with it under freedom of speech or other issues. But the minute you pull out a Bible, the minute you hold another one of your student's hands and say a prayer on school property, boy, does everything come loose. And I think we have got to take a look at that.

I am not a religious zealot. I am not a part of any kind of organization that is advocating, a one issue person that is thinking about prayer in school or things like that. But I do think that our society has to say, have we come too far in prohibiting even moments of silence between two students? If the students want to get together on the football field and hold their hands and say a prayer in common, what is wrong with that? What do we accomplish by trying to break up the one peaceful and loving situation that may have been the only one that occurred that day between a group that large?

I will give you an idea of the extremes. We have got a case in New York City, we have a schoolteacher there. One of the students in the class drowned, that morning had drowned. Tragic, tragic death. Needless to say, the deceased students, the deceased person's fellow students were all beside themselves. They were horrified, they were crying, they were sad, depressed, and their schoolteacher got them all together in the classroom and said, let's say a prayer for Annie or whatever the small child's name was that drowned. So they said a prayer. The teacher did not lead them in prayer. They said let's just get together and hold hands, let's give some thought in prayer. You pick your own prayer, but let's say something. And what happened? They fired the teacher. One of the quotes was, look, we pay this teacher to teach, not preach.

Come on. One factor that would help our society as much as anything that I can think of is a little common sense, a little common sense in your gut right here. What does common sense tell you about that kind of situation? Should you fire the teacher that allows the students to hold hands and have a moment of silence when they have just lost one of their fellow students in a tragic accident? Is that so appalling to our society that we should fire the teacher? Is it so appalling to our society, is it so counter to common sense that we should go to a baccalaureate ceremony or we should go into the hallways of a school or we should go onto the sports field and say to the student athletes who voluntarily hold hands and have their own moment of silence that they cannot do that, that it is somehow a prohibition against the freedom, or separation between church and state? That is something we ought to assess. That is something we ought to think about. Have we gone too far?

There are other areas we ought to think about. I think Columbine demonstrates it, the Columbine disaster. Let us take a serious look at Hollywood. There were two tremendous individuals last year, they were honest, they had lots of integrity, they were wholesome, they delivered a message to America that was really wholesome. It was down to earth.

□ 1945

They were in their times some of the most popular people in the United States, and we lost them last year. They passed away. What happened to some of those days? Hollywood did not have to do what it does today. I will give my colleagues examples:

Jimmy Stewart and Gene Autry.

Jimmy Stewart; remember Jimmy Stewart? How often did Jimmy Steward have to say a four-letter word on the film? How often did Jimmy Stewart have to do some of the things that we see demonstrated, use some of the vulgar tactics, just as soon the language, to sell that movie? Jimmy Stewart did not have to do that.

And how about Gene Autry's music? How often did the lyrics of his music have to be vulgar, or talk about shooting cops or doing other things that common sense tells us, look, we do not need that; we do not need that out there for entertainment; it is not necessary.

Take a look at what these two tremendous entertainers offered to our society.

I think Hollywood has a responsibility to look out there and say:

Look, constitutionally we may be protected, constitutionally we have the right to put out something like the movie Basketball Diaries where, by the way, somebody walks into a classroom in a trench coat, shoots people with sawed-off shotguns, just like the Columbine school; constitutionally, we should fight for this, we have the right of freedom of speech to do these kind of things.

Granted, I will give it to you; let us not argue the Constitution, let us argue common sense. Let us argue what is good for this country. My colleagues do not need to test the Constitution with these movies. It is not necessary. Let us do the Jimmy Stewart kind of thing. Let us try and send a message out to America. Let us send out a good, loving message to America.

Those films I saw, my colleagues, do not need to go to that extent. I really truly believe some of these films are produced just to see how vulgar they can get, to see how horrible they can make the movie, to see whether or not it can be pushed to the edge or the boundary of the Constitution.

Well, in my opinion there are not a lot of people that want to debate us on that issue. Hollywood, but they are saying: Hollywood, give us some good movies, and you have got a lot of them, a lot of great movies out there that you have produced.

Let us take those few movies; and, by the way, I think most of the movies produced by Hollywood are good movies; and I think most of the people involved in Hollywood really would agree with me that common sense ought to dictate how close to that boundary of vulgarity and tragedy and so on we ought to make these movies. So Hollywood, I think, will also.

And I think we will also reassess, and I think a lot of the reassessment will be self-reassessment. I do not think the government is going to need to come down on Hollywood. I think there are enough professionals in Hollywood, enough family people in Hollywood, enough people that know the difference between right and wrong in Hollywood, enough people that can accept personal responsibility in Hollywood. I think they are going to self-enforce. I think we are going to see the movies like The Basketball Diaries and some of these songs that have been put out by the music industry, I think we are going to find they are in disfavor.

It was interesting the other day. I saw that the poll numbers, or the rating numbers I guess is the appropriate way to describe it, on these talk shows are dropping. People are going to be getting to realize that common sense tells us it is not the way to go in the future, it is not what we need to do to a movie, it is not what we need to do to music to sell it. In other words, they can have good, heart-filled music or a movie with a good theme to it, and it is going to sell.

Let us talk about the Internet. That is a whole new responsibility, and there is a lot of responsibility on the Internet that falls on the individuals who use the Internet. Those of us who use the Internet should not patronize those Internet web sites that do things like tell people how to make bombs.

In fact, every time one of us who uses the Internet spots a web site that is offensive in its nature or does something like tell us how to make a bomb or how to machine gun somebody or how to make a legal weapon illegal, we ought to complain about it. My colleagues and I have a responsibility to write or to contact the provider of those Internet services and say: Here is a web site we object to. This web site should not be on your service. Do something about it.

We ought to boycott some of those things. We boycott it simply by a letter of one. Even one letter sometimes makes the difference. And I can say to the providers of Internet services out there: You, too, as a provider, you, too, have a responsibility, a personal responsibility, a professional responsibility to take off your Internet services web sites that might provide people with information of how to make bombs or web sites that have some kind of fantasy involved in killing people and so on and so forth.

Granted, like with the movies, like with music, they have a constitutional right, perhaps freedom of speech, to put this on the provider service. But I do not think they need to do it. We do not need to do it.

My colleagues think that bomb site on the web service that these two young murderers out there at the Columbine school, my colleagues think those two young murderers, think that web site to make a bomb was necessary for the profit for that Internet provider? My colleagues think it was necessary for that Internet provider to grow, for that Internet provider to become more popular, that that bomb site be put on there? No, it was not. It is not. Common sense tells us that. And the Internet providers, a lot of them do exercise common sense, but it is going to take more self-enforcement within their own industry.

So the Internet cannot escape this either.

I do want to mention, because I am a strong, and I know this is controversial out there, I am a strong believer in the second amendment. I am a strong believer in the right to possess firearms. But I also believe that there are a lot of people out there or some people out there who are not exercising responsibility, and as a result they are putting a very dark cloud over those of us who enjoy the right to bear arms, who enjoy hunting, who enjoy the right to protect ourselves.

And let me say I just saw in the news today, they showed some people at a gun show, some gun show here in the country where they went in and they broke up the gun show, and they found some illegal weapons. The portrayal of that gun show, frankly, was that anybody that is at a gun show is there illegally, that all they do at these gun shows are sell illegal weapons. That is unfortunate. What they should have said, made it very clear, the people that were at that gun show who were selling these weapons illegally should not have been there, they were breaking the law, and they should have arrested them immediately.

I think I advocate the position of a lot of people who believe in these rights, and that is if one has got somebody breaking the law, prosecute them to the fullest extent of the law. We do not want people out there breaking those laws. We do not want people like these young murderers at Columbine walking around with sawed-off shotguns. We do not want them making bombs. We do not want them breaking the laws. If we got somebody breaking the law, let us go after it.

On the other hand, let us respect the rights of the people who obey the laws. Let us not penalize the possession, let us penalize the misuse. And let us do not automatically say that the misuse equates to simple possession.

But I think that we are going to have, maybe we will have an opportunity to close some loopholes. If there are some loopholes that exist out there, I think even those in the gun business, the feeling or the protectors of the second amendment right, they also have a responsibility. If we have got a loophole, let us close it up because we want to retain a right, a constitutional right. But, once again, as I said about the Internet and Hollywood and so on, we have got to use some common sense.

But let me wrap up this subject before I move on to the next one, because I think the next one is going to be very important for all of us. Let me just summarize it by saying this.

In the last 20 minutes or so I have spoken about the tragedy in Colorado, about some of the things I think we can do as a society to help bring families closer together to help avoid these disasters. But I hope that colleagues saw that the primary focus on my comments regarding that tragedy in Colorado were to say that this should not overshadow the good things in our society that are going on, the right things that our parents are doing, the amount of involvement that parents have today in this country, the amount of involvement that parents have with their children prior to this tragedy, the fact that it is just a very, very minute percentage of these young people that went out and would go out and do what these two young murderers did.

So the focus here is remember in this country what that generation, what that young generation, those fine young men and women, that there is a lot more that goes right with that generation than there is that goes wrong, and we have a lot of reasons to be proud of that generation.

Let me shift gears. I want to spend the next or the balance of my time talking about Kosovo and the situation in Yugoslavia.

Let me start out by saying I noticed recently in a local newspaper in my district there was a letter to the editor. It was not directed at me, but it was directed to Congress, and it questioned whether or not the votes or the debate back here on the policy, it did not question. It really implied that anybody who would dare stand up and question the policy or vote on the question of whether we put ground troops in or to what extent we give the President authority to conduct whatever kind of military operations he wants to, that the simple expression of that would somehow signify a lack of support for our American ground troops.

At the very beginning of my comments, let me dash that very quickly, let me strike that down, and the easiest way to do it is to tell my colleagues that on March 24, on March 24 there was a vote, there was a resolution, and let me read the bill or the resolution.

This bill expressed support, expressed support from the House of Representatives for the members of the United

States Armed Forces engaged in military operations against the Federal Republic of Yugoslavia. This resolution was to show our support for those military troops. Do my colleagues know what that vote was? I do; 424 in favor of the resolution; one vote against it; one vote against it.

I need to make it very clear to my colleagues here that when you stand up and disagree with the policy, that should not be interpreted as a lack of support for the troops that are over there serving us so well. As indicated by this vote, 424 of us on this floor, 424 of us voted to support the troops. One person in the facility voted against it.

There is strong, unified, bipartisan support for our military troops, frankly, wherever they are in the world. We want them to have the best equipment. We want them to have the best conditions we can give them. We want them to be safe. They have a mission to carry out.

But do not let anybody put a guilt feeling on any of us because we support the troops that, therefore, we should blindly follow a policy as set forth by an administration or set forth by some other purpose. We need to question those policies. That is the checks and balances that our forefathers put into our Constitution and our originating documents in this country. We need checks and balances. We want debate on whether or not the policy is the right policy to follow especially, especially in the time of war.

I want to visit a little on Kosovo here. We are going to talk about the results, what kind of results we are getting as a result, because of this action. The refugee problem, the destruction that is going on out there, the cost to rebuild, what is our clear-cut mission? What is our national interest in this regard? And who is picking up the load?

Let me begin by pointing out something that I think is very, very important on Kosovo, this sentence:

Do not measure by intentions, measure by results.

The intentions here, the intentions, I think, were good. There were some tragedies, there were some atrocities going on over in Yugoslavia, so the intentions were good. I have not heard anybody who really questioned the intentions of going over there and trying to save some lives, but we cannot measure by intention. We have to measure by results.

What are the results? What are those results as a result of us being over there in Kosovo? In Yugoslavia? We know, for example, we have had hundreds of thousands of refugees who have now left their homes. They are in countries that are not their home country. We know that we have caused massive destruction in Kosovo as a result of NATO bombing, and we are not the only ones. Do not forget on the other side; I am not. This Milosevic is a murderer, but the Kosovo Liberation Army, which is a side we seem to have taken, was listed by our own State Department as terrorist a year ago.

This incident started about the latest flare-up over in Yugoslavia, which, by the way, is a sovereign country, but the dispute with its citizens within their own boundaries arose when some members of what is called the Kosovo Liberation Army started shooting and assassinating Serbian citizens, and then Milosevic took his troops and went in there to settle the score and started shooting innocent Kosovo people. But they are all Yugoslavian citizens.

What are the results that we have to measure by? Everyone of us in these Chambers have a responsibility and obligation to sit down and take a look at what has happened in the last 3 weeks or so of bombing and ask ourselves a couple things.

□ 2000

Number one, what is the national interest? What really is the national interest that we have here? Is it a security threat to the United States of America? No, it is not. Is it an economic threat? No. Is it really truly a threat to the European continent? I say no, but if someone else says yes then why are not the Europeans carrying the biggest share of the load here?

Who is carrying the biggest share of the load? The United States of America. Who has the heaviest backpack on their back? The United States of America. Whose taxpayers are going to end up paying, in my belief, in excess of $100 billion to rebuild everything that has been bombed? The United States of America.

Whose problem is it? I think the United States of America has a problem. I think it is called a humanitarian problem. Our country was made great because we were able to go out and help people in need of assistance, and I think in this particular situation the question we ought to ask is should not the United States be focused on humanitarian aid and let the Europeans shoulder the responsibility of the military aid?

Furthermore, when we ask about the last three or four weeks, question what is the legal right. We went to war with Iraq because Iraq invaded Kuwait. We went to war because they invaded the sovereign boundaries of another country. Now NATO, for the first time in its history, has gone across the sovereign boundaries of another country to resolve a dispute by the citizens within the boundaries of that country, in other words, a civil war. We need to ask those kind of questions.

Then we need to ask the question, how do we get out of it? I will say an article that I read, and I want to recommend it, I am going to put it in the RECORD, this is Newsweek, May 17, so it is the most recent Newsweek. In fact, it has Star Wars on the front so it is one that probably would be pretty popular to purchase. Take a look at page 36. There is an article by a gentleman named Fareed Zakaria, I think is the correct pronunciation. The article is titled, What Do We Do Now? What Do We Do Now?

There are several things in this article. I hope everyone has an opportunity to go out and buy this. I think this article is one of the finest articles that I have read. It is bipartisan. I think it is a very fair article. It is one of the best articles I have read about the situation we now have in Yugoslavia. Go out and buy this. If not, I want to read just a couple of things.

First of all, I will start with the very last sentence, the very last sentence of the article. The author says, why should we be involved in this crisis? Why should we be involved in this crisis? Because we made it worse. That is what the author says, why should we be involved in this crisis? Because we made it worse. That sentence says a lot.

Let us visit for a minute here. Let me read this, the start of the end game, how do you start the end game? How do you get out of Yugoslavia? How are we going to resolve this thing? First of all, we risk a lot of human lives. We have diluted our military. I talked about that at some length last week. And what is the end game? The start of the end game would, however, and I am quoting from the article, bring several unpleasant questions back to the forefront.

For 7 weeks, NATO and the media have been obsessed with how the Yugoslavia war has been going, how many targets were being hit, what planes were being used and so on. Now they must ask again, why exactly we went to war, why exactly we went to war. Only if we are clear about our interests and our goals can we know whether we have achieved them. Otherwise, we have stumbled into an ill-considered war and will preside over an unworkable peace.

That is exactly on point. Until we can define exactly what our interests were, we have taken this country, the administration has taken this country, into an ill-considered war. If we reach some kind of resolution, we are about to, as this article says, preside over an unworkable peace.

We talked about ground troops. There is a lot of discussion out there about it and it is covered in this article. There is discussion about ground troops. I want to quote on the ground troops because I think that is important, too.

If only we would use ground troops, some hawks now respond, none of this would have happened and certainly the decision to go to war carelessly and in haste before amassing ground troops in Albania and Macedonia was a historic blunder. Ground troops would have proved a potent threat but even with the troops the war would have begun with days of air strikes and it would have been near impossible to invade Kosovo while hundred of thousands of refugees were swarming across its roads, bridges and mountain passes.

Those today who still advocate the use of ground troops speak of its military benefits which are real. They do not, however, mention its costs, which are political. A ground invasion would fracture NATO. Germany, Italy and Greece are strongly opposed to the use of ground troops. A majority of Italians and more than 95 percent of the Greeks are opposed to even air strikes. An invasion would probably split Germany's governing coalition. Russia and China would both actively oppose it and veto any U.N. involvement with Kosovo.

So when people talk about ground troops, think of the reality of being able to put ground troops in there. Number one, we do not have them amassed on the border. Number two is a logistical challenge and it takes a lot of time. It would take weeks, at best, months more likely, to move the kind of ground force which by the way would not be a European ground force in majority, it would be United States troops under the auspices of NATO, it would take a great deal of effort to be able to put those in location. Then we have to find a country that would allow us to stage our ground troops in that country. Albania probably would be willing to do that, one of the few countries over there that would be, but Albania is so poor they do not even have cranes at their harbor capable of taking a tank off a ship. My understanding is their airport does not even have radar.

Ground troops simply are not a feasible alternative at this point. We should have amassed the ground troops, as this article I think accurately points out, prior to the air strikes but now to amass them and move them over there would be somewhat of a real stretch for us to do that.

Even more than that, take a look at the ramifications to NATO as a whole. It would fracture NATO. It could perhaps throw the coalition government in Germany into chaos. So ground troops, for all practical purposes, are not any kind of an immediate answer to force peace.

Some people argue, and I think this article does a good job of addressing it, what about American credibility? What America has at risk in Yugoslavia is its credibility. I think this article addresses that better in two or three paragraphs, which I will quote in just a moment. I think this article does the best job of addressing that of any editorial or any type of assessment that I have read.

Let me read it and then think about the words as I talk. What about American credibility? Concerns about American reputation and resolve are serious, which is why we must end this intervention with some measure of success, but credibility is often the last refuge of bad foreign policy. When policy is no longer justifiable on its merits, people shift gears and say, well, if we do not win at all costs we will lose face. But what about the loss of face in continuing a failing mission?

A variant of credibility logic holds that dictators around the world would be emboldened if America does not win decisively. But would they?

America won a spectacular victory in the Gulf War, televised live across the globe. It did not seem to deter the Serbs, the Croats, the Somalians, the Sudanese, among others. Whether America wins or loses a particular contest, the world will keep turning, bringing forth new dictators and new crises.

Global deterrence against instability is a foolish and futile goal. It sets America up for failure. Those two paragraphs accurately address that situation, or that question, what about America's credibility?

Let me reemphasize one point that I think is important for us to consider, and that is what about our partners? If any of us had a business partnership, or even their own personal partnership which would be their marriage, we do not see a lot of successful marriages where one spouse carries out 90 percent of the obligation and the other spouse kicks in about 10 percent, and we are not going to have a successful business partnership, generally speaking, when one partner carries almost all of the load and the other partner does not, the other partner almost skates.

Why are not the Europeans carrying a fairer load? Well, some would say because the United States has the military capability to carry out the air strikes; we are the ones with the airplanes, we are the ones with the carriers, we are the ones with the technical expertise. I grant that that is probably true, but at some point this administration has to come forward and say, all right, America has done its share. Now America is going to shift from a military mission to a humanitarian mission. That is what we do pretty darn well.

We know how to take care of people. We can move a lot of supplies, medicine, food, clothing. In fact, throughout a lot of grocery stores in this country we will see boxes today asking for food contributions for the refugees, for food contributions to the people that are oppressed over in Yugoslavia. So at some point, especially as I think this thing, I hope, heads towards some type of resolution, America needs to step forward and say to our European partners, hey, you are good partners and you are going to have to carry your fair share and your fair share starts today. America shifts from military to humanitarian aid and the Europeans shift from minimal involvement to oversight of the resolution of this and carrying forth the military mission from that point forward.

In my opinion, it should be a European force that goes into Kosovo to enforce any kind of peace accord that is made.

Let me stress once again, because I think it is so excellent, for those and for our students out there, for our college students, anybody really that wants to learn or is learning all they can about the situation in Yugoslavia, pick up this week's Newsweek. Again, it is the May 17. It is an easy one to figure out. It has Star Wars on the front, and take a look at that article in there about what we are doing in Yugoslavia. I think it addresses the situation very well.

Let me talk about a couple of other issues that I think are important for us to consider in Yugoslavia, and that is I want people out there to understand that we have not entered into a fight between a good guy and a bad guy. We have entered into a domestic dispute contained within the boundaries of a sovereign country, and if we study the history of what has gone on here, and history is so, so important for us because it reflects a very accurate picture of what we are really facing over in Yugoslavia, what we are facing over there, in my opinion, from the leadership point of view, not from the people, not from the average citizen, the average citizen over there on both sides of this battle are innocent citizens, but the leadership and their military hierarchies and the Kosovo Liberation Army and the Yugoslavia Army under Milosevic, both of those characters, I mean, in my opinion, they are criminals.

In our country, as I said earlier in my comments, last year alone for the Kosovo Liberation Army, which is the ones that we are now talking about arming, which are the ones we are giving shield and food to and we are allowing supplies to go to them, we listed them as terrorists a year ago. What we are beginning to see in this country is a spin. Instead of being labeled as terrorists, as I think the Milosevic people are as well, they are now starting to call the Kosovo Liberation Army freedom fighters, or rebels. We are beginning to see this evolution here in our country.

The same thing is going to happen, I think, once this thing heads towards a peaceful resolution, which I hope it does in the not too distant future. We are going to see the same thing happening as far as trying to commit the United States to rebuild all the destruction that has taken place over in

Yugoslavia, some of which we caused, a good deal of which we caused, through NATO bombing.

□ 2015

Remember that prior to the NATO bombing, there were about 40,000 refugees in Albania and Macedonia and the surrounding countries. Today there are hundreds of thousands. Their economy was not a great economy, but they had an economy before NATO began its action.

Today there is no economy. It will require a massive commitment from somebody in this world to take those refugees back to rebuild their economy, rebuild their bridges, rebuild their roads, rebuild their buildings, put drinking water back in, heating facilities back in place.

What we have to be careful of is that the spin does not end up on the backs of the American taxpayers. I am afraid it will. That is why my prediction is that the American taxpayers will pay over $100 billion by the time this is all over.

I know here in Congress in the last couple of weeks we have been debating among ourselves whether we should do a $6 billion supplemental or a $13 billion supplemental. I am advising my colleagues, in my opinion, and I have some background in this area, in my opinion the $13 billion, which is the higher of the two figures that we debated, is simply a down payment, is simply a down payment that the taxpayers of this country will end up, as I just mentioned, paying somewhere close to $100 billion.

We also need to talk about the continuing test. I think as elected officials in this country, every day we are involved in this military action we need to ask ourselves if the national interest of this country, as elected officials, can provide us with the justification to look at a set of parents whose child, young child, young man or woman, are serving in the military forces, or the spouses of some man or woman that is serving in our military forces, if our national interest gives us the justification to look these people right in the eye and say, the loss of your son or your daughter or your spouse's life was necessary for the best interests of this country.

The day that Members do not think they can look them right in the eye and meet the standards of that test is the day that Members ought to stand with me at this podium and say, Mr. President, Mr. NATO, we need to bring this thing to a close. We need to find a resolution. We need to do it as quickly as we can.

Unfortunately, this mission was begun, I think, with not the kind of preparation, not with the kind of anticipation, not the kind of planning that was necessary. But it is time to bring it to a closure if we can do it. It is time for the United States to say to its partners, you, too, have a responsibility. You, too, are going to have to carry your fair load.

Let me wrap this up and summarize it by reminding all of my colleagues here on the House floor, when we talk about Yugoslavia or when we talk about any action that we take, we cannot measure by our intentions. Do not measure by intentions. It is kind of like Federal programs. We see a lot of Federal programs that have become boondoggles in our system back here, in our government. They all started out or almost all of them started out with good intentions.

But we do not measure those programs by the good intentions. We cannot. We need to measure them by the results. That is what we ought to be doing in Yugoslavia. Let us measure by the results. What are the results we have today of 4 weeks of bombing, of human lives being expended, of bombing the Chinese embassy and creating an international flak, pulling Russia and China even more into this very complicated web? What are the results we should be measuring, and what do those measurements tell us, and do those measurements support the continuation of this type of policy, or should NATO come to some kind of resolution that can give us the kind of results we feel comfortable with when we read the measurements?

Mr. Speaker, I include for the RECORD the article from the May 17, 1999, issue of Newsweek.

The article referred to is as follows:

[From Newsweek, May 17, 1999]

WHAT DO WE DO NOW?

(By Fareed Zakaria)

NATO was having a bad day. Friday morning a stray cluster bomb hit a hospital and market in the southern Yugoslav city of Nis. Serb officials said 15 civilians had died. Then, just before midnight, three bombs slammed into the Chinese Embassy in Belgrade, killing four and wounding at least 20 others. As smoke poured out of the embassy, Zelijko Raznjatovic, the indicted war criminal known as Arkan, bounded in front of the TV cameras assembled at the embassy. The Hotel Jugoslavia, which sits about 300 yards away from the embassy, is said to house his infamous paramilitary henchmen, the Tigers. The hotel was also hit, but an outraged Arkan told reporters, "Luckily we didn't have any casualties."

The alliance of nations fighting Slobodan Milosevic could use some of that luck. In the hours that followed the embassy attack, NATO officials confessed that it had mistakenly targeted the building and scored a direct hit. Newsweek has learned that targeters believed the embassy building was the Federal Directorate for Supply and Procurement, an arms-trading company known by the initials SDPR. The SDPR, part of the military-industrial complex the bombing campaign has been seeking to destroy, is about 250 yards from the Chinese Embassy.

Friday's accidents are tragic reminders of the hollowness of NATO's policy in Yugoslavia—its desire to wage a war whose cardinal strategic objective is the safety of its own pilots. From the start of this campaign, Western leaders have hoped that they could get the benefits of war .without its costs. They have delighted in standing tall, speaking in Churchillian tones and issuing demands to Milosevic. But leaving aside ground troops, they have been reluctant even to order the military to fly low, risky missions against Serb forces in Kosovo. This combination of lofty goals and puny means will have to change to bring a decent end to our Balkan misadventure. At last week's meeting of G–8 foreign ministers, the yawning gap between NATO's rhetoric and reality began inching smaller. Western leaders stopped insisting that after the war Kosovo could be policed only by NATO forces and agreed to an international "civil and military presence," involving Russia, neutral countries and the United Nations. (The latter will be possible only with Chinese support.) At the same time, NATO is waging a more intense bombing campaign—Friday's raids were the heaviest so far.

The start of an endgame would, however, bring several unpleasant questions back to the fore. For seven weeks NATO and the media have been obsessed with how the Yugosla war has been going—how many targets were being hit, what planes were being used and so on. Now they must ask again why exactly we went to war. Only if we are clear about our interests and goals can be know whether we have achieved them. Otherwise, having stumbled into an ill-considered war, we will preside over an unworkable peace.

The debate over whether America has interests in the Balkans is now somewhat irrelevant. Our commitments have created interests, even though in foreign policy it should usually be the other way around. We have two sets of concerns relating to Kosovo, humanitarian and strategic. Sadly, in both our goals will end up being to undo the consequences of the war. The humanitarian goal is to reverse the flow of refugees out of Kosovo. The strategic goal is to stabilize the region—particularly Macedonia and Albania—which is straining under the weight of the refugees and the war.

NATO began bombing, let us remember, not for the refugees but to get Yugoslavia to sign the Rambouillet accords. And once the war began, several Western leaders, most prominently Britain's Tony Blair, suggested that their war aims had expanded to include Milosevic's head. Milosevic has been strengthened at home and even abroad, where most countries see him as the victim of an arbitrary exercise of Western power. The Rambouillet accords are dead. The Kosovo Liberation Army announced last Friday that it rejects them because they do not provide for an independent state. For their part, the Serbs are unlikely to agree to a referendum on independence in three years, and NATO is no longer even demanding that they do so. The requirement that NATO disarm the KLA seems increasingly farfetched. Providing Kosovars with some protection and autonomy is now the best NATO can hope for.

The Clinton administration's overriding objective is to stop the exodus of refugees and have them return to Kosovo in safety. This does not figure in any of the original statements on the war, and for a simple reason. There was no refugee exodus until the bombings began. NATO angrily denies the connection, but the facts are clear. The United Nations High Commissioner for Refugees estimated that there were 45,000 Kosovars in Albania and Macedonia the week before the bombing. Today they number about 640,000.

As the Serbian sweep through Kosovo began and tens of thousands of refugees poured into Albania and Macedoma, Secretary of Defense William Cohen asserted, "We are not surprised," making one wonder why NATO was so utterly unprepared for something it had expected. In fact, a high-ranking administration official admits frankly, "Anyone who says that we expected the kinds of refugee flows that we saw is smoking something.

What Milosevic planned was a campaign called Operation Horseshoe. It was to be a larger version of a brutal offensive in 1998 that attacked and destroyed KLA strongholds and killed, terrorized and expelled civilians in areas that supported the group. Most Western observers—including the CIA and the United Nations—estimated that this ugly action would result in an outflow of a maximum of 100,000 refugees abroad.

The decision to wage an air war against Milosevic involved a fateful preliminary move. The 1.375 international observers posted in Kosovo had to abandon the province, as did all Western journalists and diplomats. Brussels and Washington may not have recognized what this meant, but people on the ground did. As one Kosovar said to a departing British journalist: "From now on it's going to be a catastrophe for us, because the [observers] have gone."

The human tragedy that resulted should teach a sobering lesson to all those who goaded the administration to stop planning and start bombing, who urge that force be used as a first resort in such crises and who want military might used as an expression of moral outrage. Being righteous, it turns out, does not absolve one of the need to set clear and attainable political goals, relate your means to them and make backup plans. The philosopher Max Weber once noted that a statesman is judged not by his intentions but by the consequences of his actions. It is well and good to clamor for a blood-and-guts foreign policy, but until now it has been Western guts and Kosovar blood.

If only we would use ground troops, some hawks now respond, none of this would have happened. And certainly the decision to go to war carelessly and in haste, before massing ground troops in Albania and Macedonia, was a historic blunder. Ground troops would have proved a potent threat. But even with troops, the war would have begun with days of airstrikes. And it would have been near impossible to invade Kosovo while hundreds of thousands of refugees were swarming across its roads, bridges and mountain paths.

Those who still advocate the use of ground troops today speak of its military benefits, which are real. They do not, however, mention its costs, which are political. A ground invasion would fracture NATO. Germany, Italy and Greece are strongly opposed to the use of ground troops. A majority of Italians and more than 95 percent of Greeks are opposed even to the airstrikes. An invasion would probably split Germany's governing coalition. Russia and China would both actively oppose it and veto any U.N. involvement with Kosovo.

These are staggering obstacles, and not because Washington should pander to Chinese or Russian prerogatives. The eventual settlement in Kosovo—even after an invasion—will have to be a political one, involving Yugoslavia, its neighbors and other major powers. (Remember the strategic goal was to bring stability to the region.) It will be a more durable, lasting settlement if it is not a unilateral American fiat. Even in the gulf war, even in World War II, the endgame was as much political as it was military.

Of course, Washington could just go ahead and do whatever it wanted. It is certainly powerful enough. But it would mean not just as American invasion of Yugoslavia itself, but also its occupation—it used to be called colonialism. The problem, of course, is that as America gets sucked deeper and deeper into the Balkans, one has to ask, is it worth it? Even if we have "self-created" interests in the Balkans, are they of a magnitude to justify a full-scale war, massive reconstruction and perpetual peacekeeping? Sen. John McCain urges that we fight the war "as if everything were at stake." But everything is not at stake. One cannot simply manufacture a national emergency. For seven weeks now the war has been going badly, during which time the stock market has hit record highs, a powerful indication that most Americans do not connect even a faltering war in the Balkans with their security. (By contrast, markets everywhere reeled last July when Russia announced merely that it was defaulting on its debts.)

What about American credibility? Concerns about America's reputation and resolve are serious—which is why we must end this intervention with some measure of success. But credibility is often the last refuge of bad foreign policy. When policy is no longer justifiable on its merits, people shift gears and say, well, if we don't win at all costs we will lose face. But what about the loss of face in continuing a failing mission? A variant of the credibility logic holds that dictators around the world will be emboldened if America does not win decisively. But would they? America won a spectacular victory in the gulf war, televised live across the globe. It didn't seem to deter the Serbs, the Croats, the Somalis, the Sudanese, the Azerbaijanis, among others. Whether America wins or loses a particular contest, the world will keep turning, bringing forth new dictators and new crises. Global deterrence against instability is a foolish and futile goal. It sets America up for failure.

In the weeks ahead, despite the Chinese disaster, NATO must intensify the air war—and hit tanks and troops. It must also intensify its negotiations. The careful use of diplomacy might well resolve what the careless use of force has not. (If the Senate acts speedily on his nomination as U.N. ambassador, Richard Holbrooke's considerable skills could prove invaluable.) During this intervention, many have made analogies to the Vietnam War. Some are more appropriate than others. What is most relevant, however, is not how we entered that war but rather how we left it. After four presidents had made commitments to the people of South Vietnam, in 1973 Washington abruptly abandoned them to a terrible fate. This time let us be clear; our obligations now are not to vague notions of credibility and deterrence. We have a specific commitment to the people of Kosovo to negotiate a decent settlement for them and help rebuild their country. Western nations will have to provide assistance to the southern Balkans as a whole (minus Serbia for now). America having paid for most of the war, Europe should pay for most of the peace, but it must happen in any case. It is not a commitment that requires that we send in ground troops or pay any price, but it is one we cannot walk away from. There is an answer to the legitimate question: why should we be involved in this crisis? Because we made it worse.

THE 2000 CENSUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Texas (Mr. GONZALEZ) is recognized for 60 minutes as the designee of the minority leader.

Mr. GONZALEZ. Mr. Speaker, it is a great privilege tonight to address a very important matter that seems to have been forgotten with the current crisis in Kosovo and some of the pressing matters before the Congress. That is the Census. Today is May 12, 1999. We are just 10 months and 19 days away from the official beginning of the 2000 Census.

Article 1, Section 2 of the United States Constitution requires the Census to be conducted every 10 years for the purpose of reapportioning seats in Congress among the States. Since the Supreme Court's decision in 1962, one man-one vote, the ruling in Baker versus Carr, censure data has also been used for redrawing legislative boundaries to seek equal population and fair representation in each legislative district.

This country has come a long way since the first Census was conducted in 1790. Back then there were no address lists, no maps, not even a mailout questionnaire. Instead, the U.S. Marshals traveled on horseback as they individually counted the population of the original 13 States.

The 2000 Census will be the 22nd national census, and it will be the largest peacetime mobilization in the United States since the Great Depression. The 2000 Census will consist of counting 275 million United States residents at 120 million households, more than half a million Census takers, 500 local Census offices, with 12 regional Census centers and four data processing centers, 500 local area networks with 6,000 personal computers, 8 million maps, 79 million questionnaires, and 8 to 9 million blocks across the country.

With the annual fate of $180 billion Federal dollars resting on the accuracy of the 2000 Census, the importance of this historic undertaking is all too clear. The 1990 Census 10 years ago resulted in 26 million errors. Thirteen million people were counted in the wrong place, 4.4 million people were counted twice, and 8.4 million were missed. The majority of those that were missed were poor people, children, and minorities.

The national net undercount was 1.6 percent of the total population. That is 4 million Americans, 4 million people, who simply did not count. Minorities were undercounted at levels considerably above the national average. Five percent of Hispanics were missed, 4.5 percent of American Indians, 4.4 percent of African Americans, and 2.3 percent of Asian and Pacific Islanders were not counted.

Even more unfortunate is the fact that children were missed nearly twice as often as adults, and again, minority children had the highest undercounts, and later we will discuss the repercussions.

We cannot and should not allow this to happen again. That is why I agree with President Clinton, that improving the Census should not be a partisan issue. It is not about politics, it is about people. It is about making sure that every American really, literally counts.

We must support the Census Bureau and its plan to incorporate the use of modern scientific methods and an aggressive enumeration process to provide the most accurate count possible. Otherwise, the voiceless will continue to have no voice in this country, the unrepresented will continue to be unrepresented, and the American dream will remain just that, just a dream, never a reality, for those who are not counted.

Joining me tonight in this effort is my neighbor and my colleague, and my good friend, the gentleman from Texas (Mr. CIRO RODRIGUEZ). I yield to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Speaker, I thank the gentleman very much for yielding to me. It is a pleasure to be with him tonight. I want to congratulate him on his efforts as we move forward on this important issue.

As the gentleman well indicated, we recognize that every 10 years this country has an obligation to make sure that everyone gets counted. I want to share with the Members in terms of where we find ourselves now.

The gentleman from Illinois (Speaker HASTERT) recently submitted a proposal that indicated that he wanted to move forward on the Census and to let the courts resolve the remaining issues.

Why should we let the courts resolve the issues? I was real pleased to see Democratic leader, the gentleman from Mississippi (Mr. GEPHARDT) offer a counterproposal that includes three components of a compromise on the Census. I want to share these three components.

The first one is to completely lift the current June 15 cutoff of funding for 1999, Commerce, Justice, State appropriations at the earliest possible opportunity. We need to allow this agency to move forward. For us to cut the funding on June 15 is going to have a detrimental effect on the Census and being able to do an accurate Census, thereby allowing full funding for the rest of the fiscal year. It is only the most appropriate thing we can do.

Secondly, we should provide full funding for the year 2000 Census Bureau activities within the normal 2000 Commerce-Justice-State appropriations process without limiting or any other conditions. We should not wait on the court. We have an obligation to do the count as quickly as possible and as accurately as possible.

Thirdly, to also incorporate into a single compromise authorization bill those elements of the act, which is the America Counts Today, and initiatives proposed by Republicans that are consistent with what the Census Bureau has determined is necessary to conduct an accurate and complete 2000 Census. So it becomes important that we do not play politics with the Census, and that we make sure that everyone gets counted in the process.

Members heard earlier the gentleman from Texas (Mr. GONZALEZ) indicate the disparities that occurred in the 1990 Census and how individuals were left behind. As a direct result of this undercount, many individuals were effectively denied government representation and many communities were adversely affected on Federal and State resources by schools, crime prevention, health care, and transportation.

One of the things that we need to recognize is that the count, the 2000 count, just like the 1990 count, is utilized for the purposes of distribution of resources, as well as reapportionment and determination of the number of Congressmen, for example, that each of the States will entail.

Based on projections now, Texas has indicated we might have up to two additional Congressmen. If we look at an appropriate count, and if we look at the number that we lost last time, there is a possibility that we might even get a third congressman. Texas was the one that had one of the highest figures of individuals that were undercounted, so it becomes really important for us to recognize the importance of this issue.

I also want to take this opportunity to appeal to the churches, the organizations, the neighborhood groups, the PTAs, the schools, the advocacy groups, to participate, to make sure that everyone gets counted as we move forward to the year 2000.

All of the groups and a lot of the experts that we have have indicated the importance of utilizing the most advanced methods to assure that this count can be the most accurate. If we do not utilize those methods, then we are bound to have even a worse situation before us than we had in the 1990s.

I want to share a couple of quotes. One comes from the Report of the Panel on Census Requirements in the Year 2000 and Beyond, Committee on National Statistics. This is the National Academy of Sciences.

They are quoted as saying: "Physical enumeration or pure 'counting' has been pushed well beyond the point at which it adds to the overall accuracy of the census. . . Techniques of statistical estimation can be used, in combination with the mail questionnaire and reduced scale of follow-up of nonrespondents, to produce a better census at reduced costs."

Remember, this sampling only occurs in those areas where, after everyone has had an opportunity to receive the mail and be able to respond, these are the areas of the nonrespondents, where they have a process of calling them, of visiting them, and continuing to visit them, and then doing a sample.

One of the things that I also want to mention, of the undercount, one of the biggest populations that is undercounted is children. So in those areas, especially urban areas and rural areas that are poor areas, usually they are the ones that are undercounted.

In areas of people that are a little more wealthy, that have several households, usually we have an overcount there, so there is a need for estimates and statistical data to be used in order to get a.more accurate count.

Grassroot campaigns need to be undertaken to make sure we educate everyone in this process, but we as a Congress have an obligation to move now, before June 15, to make sure that we fund it appropriately. Not to move now is negligent on our part. To wait for the courts to make a decision, they did not elect us for that purpose. They elected us to make the decisions as we see fit, and to do the right thing. That is to move forward on the year 2000.

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I want to thank the gentleman from Texas (Mr. GONZALEZ) for allowing me to make a few comments today on this very key issue that has an impact on everyone, not only just for some individuals but the entire community and the entire United States.

This particular issue of the 2000 Census once again has an impact on the number of resources that come into the community, the representation that we get, and also in terms of the redistricting that occurs.

Mr. GONZALEZ. Mr. Speaker, I also wish to point out something that the gentleman from Texas (Mr. RODRIGUEZ) touched on, and that is that numerous organizations support the Census Bureau's plan to utilize the modern scientific method. These are proven, reliable means.

Some of these organizations are as follows: the Leadership Conference on Civil Rights, the National Association of Latino Elected Officials, the Mexican-American Legal Defense Fund, the Rainbow Push Coalition, the NAACP, the National Puerto Rican Coalition, the National Congress of American Indians, the America Federation of Teachers, the National Education Agency, the American Civil Liberties Union, the Asian Pacific American Labor Alliance, the National Council of Senior Citizens, and many more organizations recognize the importance of an accurate census. Of course, they are making their voices heard.

Congress, by the same token, has a duty and obligation to listen to all of the people and these organizations.

I am glad that, again, we have another voice that is sounding loud and clear, and that is the gentleman from Texas (Mr. REYES).

Mr. Speaker, I yield to the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Speaker, I thank the gentleman from Texas for yielding to me.

Mr. Speaker, the census should not be a political game. The census should not be used as a political football to decide who is up and who is down. The stakes are too high in this issue.

As we all know, the census is the basis for almost all demographic information about the United States. Our government uses census data to decide which local communities need Federal funding for WIC, Head Start, Safe and Drug Free school funding, Medicaid, and other important programs.

Each of our communities will be hurt if there is an unfair and inaccurate census. Equally important, minorities across the Nation will be hurt by an inaccurate and unfair census.

In my State of Texas, 486,028 people were not counted in the last census. This undercount cost the State of Texas more than $934 million in Federal funds alone. My district, El Paso County, had an undercount of more than 25,000 and perhaps as high as 40,000 people that were not counted. Nationwide, my congressional district ranks 17th out of all the congressional districts which were undercounted.

As we have heard many times, the 1990 census, which used the conventional head count method, missed over 8 million people. Mr. Speaker, over 8 million people were missed in the last census; 4.4 percent of African Americans, 5 percent of Hispanic, 4.5 percent of Native Americans, 2.3 percent of Asian Americans, and 3.2 percent of children were missed in the last census.

Democrats want a fair, accurate, and complete census that counts everyone. To accomplish this, Democrats, the scientific community, and the Census Bureau favor using both the conventional head count method and the modern scientific method of statistical sampling in the 2000 Census.

It appears, however, that Republicans do not want an accurate census. They seem to be worried that it will endanger a fragile majority in Congress.

As I have said earlier, the census is too important to be used as a political football. This should not be a Democrat versus Republican issue.

Experts support the use of sampling. The National Academy of Sciences recently released the first report from the fourth panel to review the Census Bureau's plans for the 2000 Census. Once again, the experts convened by the Academy endorse the Census Bureau's plan to use scientific evaluation and to provide a correct census as a basis for their counts.

Mr. Speaker, it is time that we stop playing games and start taking care of those who need an accurate count, those in Texas, New Mexico, Arizona, and California. It has become common knowledge that those communities that suffer most are those communities along our border. We owe all Americans this basic right to be counted in the next census.

Mr. GONZALEZ. Mr. Speaker, we keep going back to the undercount, and it is quite serious for certain States more so than others, but this is an American problem because we are talking about Americans not being counted, and we are talking about individuals not being represented.

It is not just Texas, though I am going to dwell on Texas a little longer since I am from San Antonio and it has impacted my community more so than many others. But it is Arizona. The 1990 census missed more than 89,000 people in Arizona. In Florida, they missed 258,900 people. In New York, 271,500 people. California, 834,000 people were missed.

In a minute, I will tell my colleagues why that is so important, which has already been touched on by my colleagues. But let me go ahead and expand a little bit on some of the specifics.

The 1990 census resulted in an undercount of 482,000 Texans. Texas trailed only California as the State with the highest undercount. Of those 382,000 missed individuals, 228,300 children were missed in Texas. In my hometown of San Antonio, there were 38,100 people missed. Nearly half, 16,600 of those were children. That is enough, a number of children, to fill 29 schools with a total of 1,042 teachers. That is in San Antonio alone.

If we estimate as $650 in Federal resources annually per child, San Antonio unjustly lost $10,790,000 that should have gone to educate our children. We keep talking about money; and people say, oh, is this just about money? Maybe it is, in large measure. What is so unfair about that?

These are our tax dollars that flow from San Antonio, that flow from the State of Texas to the Federal Government. The Federal Government then devises a method of which they then allocate back to the States and to the cities. But if they are not counting us, we will never get what is justly ours. It is our contribution. This is what we should be getting back from the Federal Government as an investment in what we have put out.

The 1990 undercount cost Texas $1 billion in Federal funds. If the 2000 Census results in an equally unfair count, Texas stands to lose an additional $2.18 billion in population-based Federal funds. This is simply not fair to Texans. It is not fair to San Antonians. Beyond that, it is not fair to our children.

I keep saying Texans and San Antonians, but it really is all Americans. This is not a country that should, for whatever reason, whether we attribute it to political gain or to extract some sort of political advantage, that we should elevate that to the cost and the expense of educating our children, also funds for hospitals, for medical care, for our farmers, for our ranchers. It goes on and on.

I will be happy in a minute to highlight and explain to my colleagues how census figures translate to proportional amounts of money being deprived of those individuals who actually contribute to the Federal Government.

Mr. Speaker, I yield to the gentleman from San Antonio, Texas (Mr. RODRIGUEZ) to engage in a dialogue. I know I have gone over some points especially when it comes to children. I know how dedicated the gentleman is to education and education issues. I am aware that the gentleman taught for over 10 years. He was an educator. I am also aware that his wife is also an educator.

Mr. RODRIGUEZ. Mr. Speaker, the gentleman from Texas (Mr. GONZALEZ) is right. I have been an educator. I taught at Our Lady of the Lake University at the university level. My wife teaches first grade.

One of the key things to remember is that the census did not count the largest number of youngsters that were missed, that were the students and those youngsters. When we look at the amount of resources that come in based on what they call ADA, Average Daily Attendance, and other figures, they utilize the population figures to determine some resources for those areas. So if those youngsters are not counted, then we lose out on that, those resources that would go directly to those individuals in the form of access to health care, in the form of access to education, in the form of access to extracurricular types of programs that youngsters can participate in.

Let me just share, what is at question is the whole concept of trying to do the most accurate, complete 2000 Census. That should be our objective. I know the gentleman from Texas (Mr. GONZALEZ) would agree with me that that is what we need to do, to make sure everyone gets counted.

We also recognize, and all the people that have been involved in it, from the Academy of Science to all, they recognize that there is a need to use sampling and statistical method to determine that.

The Carter administration, the Bush administration, the Clinton administration all concluded that the Constitution permits the use of sampling and other methods or statistical methods as part of the census. They utilized that in the past.

In addition, one of the other things that is also important is that all courts that have considered the question have concluded that the Census Bureau may use sampling and other statistical methods to prove the accuracy and good faith and direct accounting of individuals.

Again, what is at question is to make sure that everyone gets counted and as accurately as possible. What the fight seems to be all about is politics and trying to determine that maybe certain States should not get as many congressmen as they are getting, to determine whether certain areas, as we draw the lines for the year 2000, as we draw the lines for every congressional district and all the other elected officials' districts, that that population utilization, if it is the areas that are poor areas that do not get counted, then those areas are going to be overrepresented in comparison to some of the other areas that have some of the more middle to upper income brackets, so that we will have congressional districts that will be way over the population figures than some of the others.

So that will create a disparity, not only in terms of representation, but a disparity as it deals with the funding. So the gentleman from Texas (Mr. GONZALEZ) has hit it right on the nail in terms of the fact that we need to make sure that we get the appropriate consensus.

Now the other thing that really we need to bring to light is the fact that we should not drag our feet, and we should be funding the census now. We should not be waiting and try to just fund them the next 6 months and the next 6 months, because that is creating some real serious problems; and that is definitely going to have an impact on whether we do a good job or not. I know the gentleman from Texas would agree with me.

The Census Bureau has been moving to try to streamline. In fact, we have been told that, for the Year 2000, the standard census form will be the shortest in 150 years. So they are already trying to streamline it to make it simpler. It will only have six questions. So that becomes important. Each individual is going to be getting that.

Where we have the difficulty is the nonrespondents. When we talk about the census, everything that we have done in the past, and that is the direct mail, the follow-up, the calls, the visits to those household that are nonrespondent, all that is going to be done.

But when all that is said and done, one of the key things is that we still had a problem in the 1990 census, and we want to make sure that we try to correct that as much as possible. That is why the statistical sampling is one of the areas that we need to make sure that is utilized so that we can get a more accurate count. I know that the gentleman from Texas (Mr. GONZALEZ) would agree with me.

Mr. GONZALEZ. Mr. Speaker, that is the important thing about this whole debate. We debated in the past in this Chamber on the floor here, and I do not think we have ever had a legitimate debate questioning the methodology that is to be utilized by the Census Bureau. This is a methodology that has been endorsed, accepted, approved, certified by the National Academy of Science.

It is not a question of legitimacy of the application of the methods. No one is really going to be attacking that. The reason they are not going to is because they surely will adopt it and want to use it in other areas. It is not a legitimate, well-founded and valid argument. So my colleagues are not going to hear that.

What it really comes down to, and I know that the American people would like to think there are certain issues that rise above political considerations. Kosovo is one of them, and it is important to us. It is not a Democratic issue, and it is not a Republican issue. The census is one when we are talking about the lives, the well-being, the quality of life, a standard of living for all Americans. It is not Republican. It is not Democratic. It is a people issue.

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It is a people issue, and we should not do harm and injustice to it by somehow politicizing it and extracting partisan advantage, or perceived partisan advantage, because I do not believe that there really is any partisan advantage to either kind of fight on some of these issues, and the census does not lend itself to it.

Over and above the methodology that is going to be utilized by the Census Bureau, I also wish to touch on the community outreach, what the Census Bureau is doing to engage local communities, to gain the input of the local governments to assist them in making sure we have an accurate count early on. Because as the gentleman has indicated, if we drag our feet on this we cannot meet the certain deadlines. We will not have an accurate census count.

So I do want to go over some of the partnerships. Many of these effective partnerships have already been established with the Census Bureau and the following organizations. The American Association of Retired Persons, the Mexican-American Legal Defense Fund, the National Association for the Advancement of Colored People, the National Congress of American Indians, the National League of Cities, and dozens more have joined forces with the Census Bureau and other cities' governments across the Nation to educate people about the census.

This year the Census Bureau is looking to build upon the success of its previous partnership programs. Just last week the Census Bureau announced its partnership with Goodwill Industries, a national nonprofit organization who trained 320,000 people last year. Goodwill Industries has become known for training and placing former welfare recipients that will now assist the Census Bureau in its efforts to hire and train some of the nearly 850,000 census workers needed to conduct the 2000 Census.

We all need to work to assist the Census Bureau in establishing these partnerships with governments, organizations and businesses in our own districts. There is more to this effort by the Census Bureau, and I commend the Census Bureau for going out there in their outreach effort. There is also what is referred to as Census in the Schools, and it is a project that will strive to educate students about the census, its importance to them, their education, their families and their communities, and it is a darned good place to start in terms of education.

The goal is to increase participation by involving schools, teachers and students and engaging the parents. And there is no better way to get a parent's attention than to work it through the children and what is in their best interests.

In addition, the Census in the Schools project will serve as another tool to recruit some of the nearly 850,000 workers that will be needed to conduct the 2000 Census. Many of the schools across the country have already received information about the project, and I know that we will be visiting San Antonio and going to the schools and promoting the partnership program. For those who have not received the information, the education materials are available on the Census Bureau's web page, and that is www.census.gov, for government.

Mr. RODRIGUEZ. If the gentleman will yield, I wanted to indicate also the importance of the role that the community plays, and that is that every church, every minister, every organization out there has a role and a responsibility.

And I am glad the gentleman mentioned in terms of the involvement of the schools. I think there is going to be a need for all of us to make sure we all have that obligation, to make sure we all get counted. And when that form comes in, the sooner we can send it in, the better.

There is no doubt that if we do not send it in, we are going to get called, we are going to get mailed again, we are going to get visited, and we are going to get visited. So I think it is important that when we get the particular mail out on the census that we fill it out as quickly as possible and send it in.

Neighborhood groups can play a very significant role. Earlier the gentleman was mentioning about the importance of what the experts are saying, and I want to quote a couple of things. This particular quote is from the U.S. General Accounting Office and it says, "Sampling households that fail to respond to questionnaires produces substantial cost savings and should improve final data quality." That is the U.S. General Accounting Office in support of the use of statistical methods.

I also want to quote a little bit from the U.S. Department of Commerce, the Honorable Frank DeGeorge, Inspector General, that says, "The Census Bureau has adopted a number of innovations to address the problem of past censuses; declining accuracy and rising costs. One innovation, which we fully support, is the use of statistical sampling for non-response follow-up." Those individuals that do not respond to those questionnaires initially.

Let me also quote from the American Statistical Association, where they say, "Because sampling potentially can increase the accuracy of the count while reducing costs, the Census Bureau has responded to the Congressional mandate by investigating the increased use of sampling. We endorse the use of sampling for these purposes; and it is consistent with the best statistical practice."

There are some additional individuals that have continued to indicate, and I want to read from the panel that evaluates alternative census methodologies, the National Research Council, and they state, "Change is not the enemy of an accurate and useful census; rather, not changing methods as the United States changes would inevitably result in a seriously degraded census." So we run the risk of having one of the worst censuses ever in the Year 2000 if we do not allow both the appropriate funding to go as quickly as possible.

We need to move forward, instead of just putting a stop to it in June. We need to try to move it quickly, and also to allow the census itself to work. Politicians should not be involved in trying to dictate to them as to what they should or should not do. They should know what some of the best approaches are and they are the ones that should be able to do the job that needs to be done, and that is to make sure that every American gets counted.

Again, if we ask why it is so important, this is one of the constitutional obligations, as the gentleman well knows, that we have as a Congress, to make sure that every 10 years everyone gets counted. So it becomes real important.

Mr. GONZALEZ. I could not agree with the gentleman more.

We have gone over about the proven scientific method. I do not think there is any real legitimate attack on it. But I want to assure Members of the House, of course, that every effort will be made to go to the neighborhoods, to make sure the questionnaires are returned and they are answered. We will do everything that is humanly possible for an accurate head count.

But beyond that, we already know that is not accurate, and it is not going to result in accurate numbers for us. Knowing that, we have a proven, reliable method of establishing accurate numbers. There are many things that are out there now, and people may question, they may be worried when they hear the word "sampling", "scientific method", but I have already gone over that the National Academy of Sciences has approved it. This is something that the Bush administration even approved and sanctioned.

Even on the floor of this House, does anyone think that the writers of the Constitution, the framers of the Constitution, those individuals, those great geniuses, ever envisioned that we would be casting our votes electronically; that we would use this card that I hold in my hand; that we would put it in a slot and vote "yes", "no" or "present", and it would be going up on some electronic board; that these numbers would be calculated? I am sure there would be individuals that would question that alone, that advance in technology, which speeds things along in this House. No doubt. The reason we trust it is because it is proven. It is reliable. We have tested it. And that is all we can ask of any method or any manner that we utilize today; that it be based on the best scientific method that is available to us; that it is proved correct and accurate time and time again.

Many individuals do not understand how important it is to have an accurate census and how it affects their individual lives. I am going to enumerate how these numbers are used year in and year out, and the most important thing to remember is that the census is decennial in nature. That means every 10 years. If we do not get it right that year, we have to live with those numbers for 10 years, just as Texas has lived with them for 10 years at a cost of a billion dollars to our children, our farmers, our ranchers and our citizens. We cannot repeat those mistakes.

Census numbers are required to enforce provisions under the Civil Rights Act, which prohibits discrimination based upon race, sex, religion and national origin. They are used by the Department of Veterans Affairs for State projections on the need for hospitals, nursing homes, cemeteries and other benefits for veterans. State and county agencies use the data to plan for eligibility under Medicare and Medicaid programs. Census data is used to determine the distribution of funds to develop programs for people with disabilities and the elderly under the rehabilitation act. Census data is used in evaluating the impact of immigration on the economy and the job market. The Small Business Administration uses census data to distribute funds for small business development centers. So important to our economy, since we know that over 85 percent of all businesses are truly small in nature.

Census data is used to help determine the effects of bank mergers under the Community Reinvestment and Bank Holding Company Acts. Census data is used by local governments to project the need for services such as fire and police services.

These are just a few of the number of ways census data is used.

Mr. RODRIGUEZ. Let me share with the gentleman, and what the gentleman just indicated is correct, that for those individuals that were not counted, for each individual, the figures are different for each State, but it has been estimated that in Texas if an individual was not counted, we lost $1900 for that individual for that year. So when we look at the whole decade, we can see a tremendous amount of dollars for each individual that was not counted. So that it adds up.

The gentleman was mentioning each of the programs. It is over a total of $180 billion of Federal funds that are at stake in terms of distribution and how that should go out. So that what is before us is not only in terms of resources and programs, but also, again, the whole issue of reapportionment.

And reapportionment means we have 435 Congressmen, so many from each State based on population. And I know that for those States that are growing it is important, and for the other States it is also important to know how many people reside in those States. I know that that is one of the biggest problems that some of the people have with their areas, and it should not be political, it should be about making sure people get counted appropriately and accurately.

So, again, in Texas we are scheduled to receive two additional Congressmen, if not three, and that would be based on the count. From the preliminary figures we have seen, we will gain at least two additional Congressmen because of the increase in population. I think that has a direct impact on representation in the State of Texas as well as throughout the country, California and the other States that are also impacted.

One of the things I wanted to share was that when we talk to people, we are not saying that we should not go and not do the traditional things. The census is still going to go out there and make sure that everyone gets their mail out, makes sure that everyone is followed up with a call if they do not respond, and if they still do not respond, that everyone gets a knock on their door. It is an effort that is extremely costly, but we also recognize that statistical methods work in determining a better accuracy.

In addition to that, there is going to be some additional advertising resources that are going to be utilized to make sure that people understand the importance of getting counted. And again, remember, if an individual does not get counted, we lose resources because of that. And for all practical purposes, that individual does not exist. And I think it is important that all individuals recognize that they have an obligation not only for themselves and for their families, but for their entire community, to make sure that everyone gets counted.

That is why organizations come into play, the ministers, the churches, and everyone has a role to play in educating ourselves about the importance of getting counted.

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I want to also share with my colleagues that the same methods that have been utilized in the past are going to be utilized but, in addition to that, to get that better accurate count is sampling statistical methods and to look at going to the courts to try to throw that out just means that the 2000 census will even be worse than the 1990 census that lost a large number of individuals that were not counted. And my colleagues heard some of those figures.

Now, we also recognize that the Hispanic population is one of the ones that was the most undercounted, with about 5 percent, the African-American population with 4.4, the Asian population with 4.5. And again, low-income individuals, whether they are minority or not, are the ones that are least likely to get counted. And those that are above in the economic bracket usually get over counted because of the fact they have several households.

So it becomes important that we look at that as seriously as possible and we ask that the Congress seriously look at this and move forward and assure that the funding comes directly to the Census Bureau and that the politicians stay away from dictating as to what should be happening and the Census Bureau and the individuals that have been doing that and have the education and have the expertise in that area should be the ones dictating what should happen.

Mr. GONZALEZ. Mr. Speaker, I could not agree with the gentleman from Texas (Mr. RODRIGUEZ) more on that observation.

In summary, I just want to reemphasize some things. I do not believe there is any legal impediment to the utilization of the modern scientific method for the purposes of redistricting and, of course, the distribution of Federal funds. That goes unquestioned. If people want to take it to the courts, that is a right, as we enjoy so many in our democracy.

But again, if it is done for the wrong purposes, if it is just done to delay, to frustrate and thwart an accurate census so we have inaccurate numbers for 10 years, that is wrong. I do not believe it is American and I think it is abuse of the system. And if we ever had frivolous litigation, that is frivolous litigation.

I am going to wrap this up by going over other uses of these numbers because they truly are numbers that translate and affect the lives of human beings, though. Community agencies use the census data to target areas that need special programs, such as Meals on Wheels. The data is also used to allocate funds for programs that promote educational equality for women and girls under the Women's Educational Equity Act. And it creates prevention of violence against women's programs dealing with, of course, prevention and post-trauma assistance.

The Department of Health and Human Services uses data in its assistance program. Census data is used by State governments to support juvenile justice and create delinquency prevention programs. The Department of Education uses the information for preparing a report to Congress on the social and economic status of children served by different local school districts.

If they have faulty underlying data, they are not getting accurate information on which Congress can act. And local governments use the data to implement programs such as Head Start.

As we can see, virtually no one in this country goes untouched by the effects of an accurate or an inaccurate census, for that matter. We have all been elected to represent our constituencies and to represent their best interests. An accurate census is in our constituents' best interest.

It reminds me, of course, as everyone thinks of an accurate census, "how will that affect me?" It reminds me of Hemingway's "For Whom the Bell Tolls." And I will tell my colleagues now, if we do not realize an accurate census, that bell tolls for them, for me, our children, our constituents, and their children.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. FILNER) to revise and extend their remarks and include extraneous material:)

Mr. LIPINSKI, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mrs. CAPPS, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. FALEOMAVAEGA, for 5 minutes, today.

Mr. RUSH, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. MCGOVERN, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Mr. HOLT, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

Mr. BARRETT of Wisconsin, for 5 minutes, today.

Mr. TOWNS, for 5 minutes, today.

Mrs. MEEK of Florida, for 5 minutes, today.

(The following Members (at the request of Mr. DIAZ-BALART) to revise and extend their remarks and include extraneous material:)

Mr. HERGER, for 5 minutes, on May 13.

Mr. BURTON of Indiana, for 5 minutes, on May 19.

Mr. HANSEN, for 5 minutes, today.

Mr. WELDON of Pennsylvania, for 5 minutes, today.

Mr. HILL of Montana, for 5 minutes, on May 18.

Mrs. MORELLA, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. CASTLE, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. INSLEE, for 5 minutes, today.

ADJOURNMENT

Mr. RODRIGUEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 3 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, May 13, 1999, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2049. A letter from the Administrator, Commodity Credit Corporation, Department of Agriculture, transmitting the Department's final rule—Dairy Market Loss Assistance Program (RIN: 0560–AF67) received May 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2050. A letter from the Administrator, Agricultural Marketing Service, Department Of Agriculture, transmitting the Department's final rule—Dried Prunes Produced in California: Undersized Regulation for the 1999–2000 Crop Year [Docket No. FV99–993–2 FR] received May 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2051. A letter from the Administrator, Agricultural Marketing Service, Department Of Agriculture, transmitting the Department's final rule—Melons Grown in South Texas; Change in Container Regulation [Docket No. FV99–979–1 IFR] received May 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2052. A letter from the Director, Administrative Office Of The United States Courts, transmitting a proposed emergency supplemental request for fiscal year 1999 to provide for a necessary level of security for judges, support personnel of the federal Judiciary, and the public; to the Committee on Appropriations.

2053. A letter from the Under Secretary, Acquisition and Technology, Department of Defense, transmitting Certification with respect to the Patriot PAC–3 Major Acquisition Program, pursuant to 10 U.S.C. 2433(e)(2)(B)(i); to the Committee on Armed Services.

2054. A letter from the Executive Director, Presidential Advisory Commission on Holocaust Assets In The United States, transmitting a draft of proposed legislation to extend the Presidential Advisory Commission on Holocaust Assets in the United States by one year and to authorize additional appropriations for the Commission; to the Committee on Banking and Financial Services.

2055. A letter from the Chairman, National Endowment for the Arts and Member Federal Council on the Arts and the Humanities, National Foundation on the Arts and the transmitting the Federal Council on the Arts and the Humanities' twenty-third annual report on the Arts and Artifacts Indemnity Program for Fiscal Year 1998, pursuant to 20 U.S.C. 959(c); to the Committee on Education and the Workforce.

2056. A letter from the Acting Assistant Secretary for Environmental Management, Department of Energy, transmitting the Department's report on remediation of the radioactive Waste Management Complex located at the Idaho National Engineering and Environmental Laboratory; to the Committee on Commerce.

2057. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Priorities List for Uncontrolled Hazardous Waste Sites [FRL–6338–5] received May 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2058. A letter from the Director, Office of Regulatory Managment and Information, Environmental Protection Agency, transmitting the Agency's final rule—Technical Amendment to the Finding of Significant Contribution and Rulemaking for Certain States for Purposes of Reducing Regional Transport of Ozone (RIN: 2060–AH10) [FRL–6338–6] received May 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2059. A letter from the Director, Office of Congressional Affairs, Office of Nuclear Reactor Regulation, transmitting the Office's final rule—Initial Licensed Operator Examination Requirements [RIN 3150–AF62] received April 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2060. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Law 5-11 "To adopt the form and content for a personal financial disclosure statement for members of the District of Columbia Retirement Board" received May 4, 1999, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

2061. A letter from the District of Columbia Retirement Board, transmitting the personal financial disclosure statements of Board members, pursuant to D.C. Code section 1–732 and 1–734(a)(1)(A); to the Committee on Government Reform.

2062. A letter from the District of Columbia Retirement Board, transmitting the personal financial disclosure statements of Board members, pursuant to D.C. Code section 1–732 and 1–734(a)(1)(A); to the Committee on Government Reform.

2063. A letter from the Director, Office Of Management And Budget, transmitting the Office's final rule—discussing specific paperwork reduction accomplishments that these agencies have targeted for FY 1999 and FY 2000; to the Committee on Government Reform.

2064. A letter from the President and Chief Executive Officer, Overseas Private Investment Corporation, transmitting the FY 2000 Annual Performance Plan for the Overseas Private Investment Corporation, pursuant to Public Law 103–62; to the Committee on Government Reform.

2065. A letter from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Sablefish Managed under the Individual Fishing Quota Program [I.D. 030999C] received April 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2066. A letter from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Tuna Fisheries; Atlantic Bluefin Tuna [I.D. 021299E] received March 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2067. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the Clean Water Act Regulatory Definition of "Discharge of Dredged Material" [FRL–6338–9] received May 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2068. A letter from the Acting General Counsel, Department of Defense, transmitting a draft of proposed legislation that addresses certain tax consequences for members of the Armed Forces; to the Committee on Ways and Means.

2069. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Weighted Average Interest Rate Update [Notice 99–21] received April 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2070. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Method of valuing farm real property—received April 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2071. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—last-in, first-out inventory methods [Revenue Ruling 99–22] received April 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2072. A letter from the Secretary of Labor and Executive Director of the Pension Benefit Guaranty Corporation, Pension Benefit Guaranty Corporation, transmitting Administration of the Toxic Substances Control Act—the Corporation's financial statements a of September 30, 1998, pursuant to 15 U.S.C. 2629; jointly to the Committees on Commerce and Ways and Means.

2073. A letter from the Acting Secretary, Department Of State, transmitting the annual report for 1998 on voting practices at the United Nations, pursuant to Public Law 101–167; jointly to the Committees on International Relations and Appropriations.

2074. A letter from the Secretary of Defense, transmitting the unclassified version of the report "Theater Missile Defense Architecture Options in the Asia-Pacific Region"; jointly to the Committees on International Relations and Armed Services.

2075. A letter from the Director, National Marine Fisheries Service, National Oceanic And Atmospheric Administration, transmitting a report on bluefin tuna for 1997–1998, pursuant to 16 U.S.C. 971; jointly to the Committees on Resources and International Relations.

2076. A letter from the Principal Deputy Assistant Secretary for Congressional Affairs, Department of Veterans Affairs, transmitting a draft of proposed legislation to provide a temporary authority for the use of voluntary separation incentives by the Department of Veterans Affairs to reduce employment levels, restructure staff, and for other purposes; jointly to the Committees on Veterans' Affairs and Government Reform.

2077. A letter from the Acting General Counsel, Department of Defense, transmitting a draft of proposed legislation that addresses various management concerns of the Department of Defense; jointly to the Committees on Armed Services, the Judiciary, and Government Reform.

2078. A letter from the Acting General Counsel, Department of Defense, transmitting a draft of proposed legislation that addresses various management concerns of the Department of Defense; jointly to the Committees on Armed Services, International Relations, Government Reform, Intelligence (Permanent Select), Education and the Workforce, and Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 441. A bill to amend the Immigration and Nationality Act with respect to the requirements for the admission of nonimmigrant nurses who will practice in health professional shortage areas (Rept. 106–135). Referred to the Committee of the Whole House on the State of the Union.

Mr. GOSS: Committee on Rules. House Resolution 167. Resolution providing for consideration of the bill (H.R. 1555) to authorize appropriations for fiscal year 2000 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. 106–136). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

[Omitted from the Record of May 11, 1999]

Pursuant to clause 5 of rule X the Committee on Commerce discharged. H.R. 775 referred to the Committee of the Whole House on the State of the Union.

The Committee on Armed Services discharged. H.R. 1555 to the Committee of the Whole House on the State of Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CALVERT:

H.R. 1763. A bill to amend the Endangered Species Act of 1973 to provide that the cost of mitigation required under that Act for a public construction project may not exceed 10 percent of the total project costs; to the Committee on Resources.

By Mr. EVANS (for himself, Mr. Bilirakis, Mr. Filner, Mr. Gutierrez, Ms. Brown of Florida, Ms. Carson, Mr. Reyes, Mr. Rodriguez, Mr. Shows, Mr. Meehan, Mr. Oberstar, Ms. Rivers, Mr. Farr of California, Ms. McKinney, Mr. Green of Texas, Mr. Pomeroy, Mr. Frost, and Ms. Kilpatrick):

H.R. 1764. A bill to amend title 10, United States Code, to provide limited authority for concurrent receipt of military retired pay and veterans' disability compensation in the case of certain disabled military retirees who are over the age of 65; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUMP (for himself, Mr. Evans, Mr. Quinn, and Mr. Filner):

H.R. 1765. A bill to increase, effective as of December 1, 1999, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ABERCROMBIE:

H.R. 1766. A bill to amend the Internal Revenue Code of 1986 to increase the amount of the deduction allowed for meal and entertainment expenses associated with the performing arts; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 1767. A bill to amend the Elementary and Secondary Education Act of 1965 to provide for the allocation of any limitation imposed on school construction bonds with respect to which the holders are allowed a credit under the Internal Revenue Code of 1986, and to apply the wage requirements of the Davis-Bacon Act to projects financed with such bonds; to the Committee on Education and the Workforce.

By Mr. CONYERS (for himself, Mrs. Morella, Mr. Nadler, Ms. Lofgren, Ms. Jackson-Lee of Texas, Ms. Waters, Mr. Meehan, Mr. Delahunt, Mr. Wexler, Mr. Rothman, Mr. Weiner, Mr. Ackerman, Mr. Andrews, Mr. Barrett of Wisconsin, Mr. Blagojevich, Mr. Crowley, Mr. Cummings, Ms. DeGette, Ms. DeLauro, Mr. Dixon, Mr. Farr of California, Mr. Hoeffel, Mr. Kennedy of Rhode Island, Mrs. McCarthy of New York, Mr. Markey, Ms. Norton, Mrs. Tauscher, Mrs. Jones of Ohio, Mr. Vento, and Mr. Waxman):

H.R. 1768. A bill to strengthen America's firearms and explosives laws; to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CUMMINGS:

H.R. 1769. A bill to eliminate certain inequities in the Civil Service Retirement System and the Federal Employees' Retirement System with respect to the computation of benefits for law enforcement officers, firefighters, air traffic controllers, nuclear materials couriers, and their survivors, and for other purposes; to the Committee on Government Reform.

By Mr. CUMMINGS (for himself, Mr. Davis of Virginia, and Mrs. Morella):

H.R. 1770. A bill to amend title 5, United States Code, to revise the overtime pay limitation for Federal employees, and for other purposes; to the Committee on Government Reform.

By Mrs. EMERSON:

H.R. 1771. A bill to amend title II of the Social Security Act to provide for an improved benefit computation formula for workers affected by the changes in benefit computation rules enacted in the Social Security Amendments of 1977 who attain age 65 during the 10-year period after 1981 and before 1992 (and related beneficiaries) and to provide prospectively for increases in their benefits accordingly; to the Committee on Ways and Means.

By Mrs. EMERSON:

H.R. 1772. A bill to amend the Internal Revenue Code of 1986 to allow a refundable credit to certain senior citizens for premiums paid for coverage under Medicare Part B; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FILNER (for himself and Mrs. Emerson):

H.R. 1773. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to provide that any participant or beneficiary under an employee benefit plan shall be entitled to de novo review in court of benefit determinations under such plan; to the Committee on Education and the Workforce.

By Mr. GALLEGLY:

H.R. 1774. A bill to amend the Immigration and Nationality Act to not count work experience as an unauthorized alien for purposes of admission as an employment-based immigrant or an H–1B nonimmigrant; to the Committee on the Judiciary.

By Mr. GILCHREST (for himself, Mrs. Tauscher, Mr. Forbes, Mr. Goss, Mr. Bilbray, Mr. Shays, Mr. Cardin, Mr. Price of North Carolina, Mrs. Morella, Mr. Saxton, Mr. Foley, Mr. Bentsen, Mr. McDermott, Mr. Metcalf, Mr. Smith of Washington, Mr. Greenwood, Mr. Inslee, Mr. Dicks, Ms. DeLauro, Mrs. Lowey, Mr. English, Mrs. Kelly, Mr. Tauzin, and Mr. Lampson):

H.R. 1775. A bill to catalyze restoration of estuary habitat through more efficient financing of projects and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LAZIO (for himself and Mr. Leach):

H.R. 1776. A bill to expand homeownership in the United States; to the Committee on Banking and Financial Services.

By Mr. UPTON (for himself, Mr. Towns, and Mrs. Emerson):

H.R. 1777. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to assure access to covered emergency hospital services and emergency ambulance services under a prudent layperson test under group health plans and health insurance coverage; to the Committee on Commerce, and in addition to the Committees on Ways and Means, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GILLMOR (for himself, Mr. Tanner, Mrs. Kelly, Mr. Price of North Carolina, Mr. Duncan, Mr. Etheridge, Mr. Chabot, Mr. Clement, Mr. Hobson, Mrs. Tauscher, Mr. Franks of New Jersey, Mr. Gordon, Mr. Frelinghuysen, Mr. Minge, Mr. Taylor of North Carolina, Mr. Berry, Mr. Oxley, Mr. Pastor, Mr. Bryant, Mr. Kildee, Mr. Walden of Oregon, Mr. Goode, Mr. Houghton, Mr. Smith of Washington, Mr. Hefley, Mr. Phelps, Mr. Tancredo, and Ms. Stabenow):

H.R. 1778. A bill to prohibit certain election-related activities by foreign nationals; to the Committee on House Administration.

By Mr. GOODLING:

H.R. 1779. A bill to amend title 10, United States Code, to make changes to the overseas special supplemental food program; to the Committee on Armed Services, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GREEN of Wisconsin:

H.R. 1780. A bill to provide for the settlement of claims of the Menominee Indian Tribe of Wisconsin; to the Committee on Resources.

By Mr. HINCHEY:

H.R. 1781. A bill to amend the Child Nutrition Act of 1966 to prohibit the donation of competitive foods of minimal nutritional value in schools participating in Federal meal service programs before the end of the last lunch period of the schools; to the Committee on Education and the Workforce.

By Mr. HOYER:

H.R. 1782. A bill to clarify the categories of children eligible for enrollment at the Library of Congress day care center; to the Committee on House Administration.

By Mr. ISAKSON:

H.R. 1783. A bill to amend the Internal Revenue Code of 1986 to extend the deadline for filing estate tax returns from 9 months to 24 months after a decedent's death; to the Committee on Ways and Means.

By Mr. PALLONE:

H.R. 1784. A bill to terminate certain sanctions with respect to India and Pakistan; to the Committee on International Relations, and in addition to the Committee on Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RANGEL:

H.R. 1785. A bill to amend title XVIII of the Social Security Act to stabilize indirect graduate medical education payments; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. **ROTHMAN** (for himself and Mrs. Roukema):

H.R. 1786. A bill to enable America's schools to use their computer hardware to increase student achievement and prepare students for the 21st century workplace; to the Committee on Education and the Workforce.

By Mr. **WALDEN** of Oregon:

H.R. 1787. A bill to reauthorize the participation of the Bureau of Reclamation in the Deschutes Resources Conservancy, and for other purposes; to the Committee on Resources.

By Mr. **ISTOOK** (for himself, Mr. Armey, Mr. Campbell, Mr. Coburn, Mr. Cox, Mrs. Cubin, Mr. DeMint, Mr. Doolittle, Mrs. Emerson, Mr. Goode, Mr. Hall of Texas, Mr. Herger, Mr. Hoekstra, Mr. Sam Johnson of Texas, Mr. LaHood, Mr. McCrery, Mr. McIntosh, Mr. Peterson of Pennsylvania, Mr. Petri, Mr. Pitts, Mr. Sanford, Mr. Schaffer, Mr. Shimkus, Mr. Talent, Mr. Terry, Mr. Burton of Indiana, and Mr. Tancredo):

H.J. Res. 53. A joint resolution proposing an amendment to the Constitution of the United States to provide for a balanced budget for the United States Government and for greater accountability in the enactment of tax legislation; to the Committee on the Judiciary.

By Ms. **DANNER** (for herself and Mr. Bereuter):

H.J. Res. 54. A joint resolution granting the consent of Congress to the Missouri-Nebraska Boundary Compact; to the Committee on the Judiciary.

By Mr. **FRANKS** of New Jersey:

H. Con. Res. 105. Concurrent resolution authorizing the Law Enforcement Torch Run for the 1999 Special Olympics World Games to be run through the Capitol Grounds; to the Committee on Transportation and Infrastructure.

By Mr. **HASTINGS** of Florida:

H. Con. Res. 106. Concurrent resolution expressing the regret and apologies of the Congress for the accidental bombing by the North Atlantic Treaty Organization (NATO) of the Chinese Embassy in Belgrade; to the Committee on International Relations.

By Mr. **SALMON** (for himself, Mr. DeLay, Mr. Pitts, and Mr. Weldon of Florida):

H. Con. Res. 107. Concurrent resolution expressing the sense of Congress rejecting the conclusions of a recent article published by the American Psychological Association that suggests that sexual relationships between adults and children might be positive for children; to the Committee on Education and the Workforce.

By Mr. **GILMAN** (for himself, Mr. Gejdenson, and Mr. Smith of New Jersey):

H. Res. 168. A resolution recognizing the Foreign Service of the United States on the occasion of its 75th anniversary; to the Committee on International Relations.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

66. The **SPEAKER** presented a memorial of the Senate of the State of New Jersey, relative to Senate Concurrent Resolution No. 107 memorializing the Congress of the United States to pass, and the President of the United States to sign into law, H.R. 351 or similar legislation which would ensure that the federal government will not seek to recoup any monies recovered by the states from the tobacco companies as a result of the national tobacco settlement or individual state settlements; to the Committee on Commerce.

67. Also,a memorial of the Legislature of the State of Nebraska, relative to Legislative Resolution 27 requesting that the Congress of the United States appropriate the necessary funds to complete the Wood River Flood Control Project; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 3: Mr. Graham and Mr. Barr of Georgia.

H.R. 7: Mr. Forbes.

H.R. 14: Mr. Lucas of Oklahoma.

H.R. 27: Mr. Lucas of Kentucky and Mr. Kuykendall.

H.R. 38: Mrs. Emerson.

H.R. 47: Mrs. Emerson.

H.R. 48: Mr. McKeon.

H.R. 49: Mrs. Emerson and Mr. Mica.

H.R. 110: Ms. Woolsey, Ms. Lee, Ms. Baldwin, and Mr. Towns.

H.R. 116: Mr. Udall of New Mexico.

H.R. 126: Mr. Pallone.

H.R. 212: Mr. McDermott, Mr. Lucas of Oklahoma, Mr. Hall of Ohio, Mr. Rangel, Mr. Luther, and Mr. Blunt.

H.R. 274: Mr. LaHood, Mr. Gilchrest, Ms. Pelosi, Mr. Menendez, Mr. Pastor, Mr. Lucas of Kentucky, Mr. Sessions, Ms. Hooley of Oregon, Mr. Martinez, Mr. Delahunt, Mr. Ortiz, and Mr. Price of North Carolina.

H.R. 288: Mrs. Emerson.

H.R. 417: Mr. Saxton.

H.R. 457: Ms. Berkley, Ms. DeLauro, and Mr. Watt of North Carolina.

H.R. 483: Mr. Clyburn, Mr. Andrews, and Mr. Gejdenson.

H.R. 486: Mr. Wicker and Mr. Kucinich.

H.R. 488: Mr. Dixon.

H.R. 516: Ms. Rivers.

H.R. 518: Ms. Rivers.

H.R. 541: Mr. Gutierrez.

H.R. 555: Mr. Vento and Mrs. Maloney of New York.

H.R. 557: Mr. English and Mr. Murtha.

H.R. 614: Mr. Schaffer.

H.R. 625: Ms. Kilpatrick.

H.R. 685: Ms. McCarthy of Missouri and Ms. Berkley.

H.R. 693: Mr. Phelps.

H.R. 716: Mr. Duncan and Mr. McInnis.

H.R. 730: Mr. Luther.

H.R. 735: Mr. LaHood and Mr. Gary Miller of California.

H.R. 743: Mr. Barr of Georgia.

H.R. 764: Mr. Bonior, Mr. Pitts, Mr. Bliley, and Mr. Gary Miller of California.

H.R. 827: Ms. Pelosi and Mr. Matsui.

H.R. 828: Mr. Hoekstra.

H.R. 840: Mr. McGovern, Mrs. Mink of Hawaii, Mr. Rush, and Mr. Underwood.

H.R. 845: Mr. Engel.

H.R. 853: Mr. Linder and Mr. Barr of Georgia.

H.R. 872: Mr. Meehan and Mr. Gutierrez.

H.R. 883: Mr. Pease, Mr. Thune, Mr. Holden, Mr. Chambliss, Mr. Hansen, Mr. McCollum, and Mr. Gekas.

H.R. 895: Mr. Houghton, Mr. Jefferson, and Mr. Luther.

H.R. 900: Mr. Rush, Mr. Pallone, Mr. Dixon, Mr. Lantos, Mr. Meeks of New York, Mr. Waxman, Mr. Wynn, Mr. Hinojosa, Mr. Stenholm, and Mrs. Meek of Florida.

H.R. 937: Mr. Largent.

H.R. 957: Mr. Sessions, Mr. Boehlert, Mr. Pease, and Mr. Green of Wisconsin.

H.R. 1001: Mr. Cooksey, Mr. Thomas, and Mr. Bateman.

H.R. 1012: Mrs. Northup’ Mr. Wynn, Mr. Ehrlich, Mr. Tancredo, Mr. DeMint, Mr. Souder, Mr. Sam Johnson of Texas, and Mr. Hall of Texas.

H.R. 1052: Mrs. Meek of Florida, Mr. Andrews, Mr. Payne, Mr. Boehlert, Mr. Holt, Mr. Green of Texas, Mr. Capuano, and Mr. Rohrabacher.

H.R. 1057: Mr. Bonior, Ms. Woolsey, Mr. Abercrombie, Mr. Olver, Ms. Rivers, and Mr. Ackerman.

H.R. 1070: Mr. Sweeney, Mr. Ose, Mr. Lucas of Kentucky, Mr. Portman, Ms. Dunn, Mr. Udall of New Mexico, Mr. Blumenauer, Mr. LaFalce, and Mr. Moran of Virginia.

H.R. 1071: Mr. Pastor and Ms. Stabenow.

H.R. 1098: Mr. McIntosh.

H.R. 1130: Mrs. Christensen, Mr. Luther, and Mr. Quinn.

H.R. 1154: Mrs. Tauscher and Mr. Goode.

H.R. 1168: Mrs. Mink of Hawaii, Mr. DeFazio, Mr. Price of North Carolina, Mr. Weiner, and Mrs. Emerson.

H.R. 1180: Ms. Berkley, Ms. DeLauro, Mr. Green of Wisconsin, and Mr. Moran of Virginia.

H.R. 1194: Mr. Kolbe and Ms. Kilpatrick.

H.R. 1205: Mr. Upton.

H.R. 1214: Ms. Kilpatrick and Mr. Luther.

H.R. 1217: Mr. Lucas of Kentucky, Mr. John, Mr. Deutsch, Mr. Barcia, Mr. Maloney of Connecticut, Mr. Weiner, Mr. Cramer, Mr. Baird, Ms. Schakowsky, Mr. Blumenauer, Mr. Holt, Ms. Carson, and Mr. Saxton.

H.R. 1222: Mr. Gonzalez.

H.R. 1259: Mr. Foley, Mr. Terry, and Mr. Ryan of Wisconsin.

H.R. 1298: Mrs. Emerson.

H.R. 1300: Mr. Dixon, Mrs. Fowler, Mr. Smith of Washington, Mr. Hastings of Florida, Mr. Roemer, and Mr. Chambliss.

H.R. 1320: Mr. Underwood.

H.R. 1329: Mr. Bilbray and Mr. Houghton.

H.R. 1332: Mr. Gutierrez.

H.R. 1349: Mr. Green of Wisconsin and Mr. Condit.

H.R. 1350: Mrs. Kelly, Mr. Hastings of Florida, Mr. Rangel, Mr. Conyers, and Mr. Dixon.

H.R. 1385: Mr. Oberstar, Mr. Blunt, Mr. Cooksey, Mrs. Tauscher, Mr. Boyd, and Mr. Delahunt.

H.R. 1402: Mr. Wamp, Mr. Kildee, Mrs. Northup, Mr. Hayworth, Mr. Gonzalez, Mr. Gordon, Mr. Green of Texas, Mr. Traficant, Mr. Brady of Texas, Mr. Clay, Mr. Hill of Montana, Mr. Largent, Mr. Goodlatte, and Mr. Neal of Massachusetts.

H.R. 1408: Mr. Royce and Mr. Jefferson.

H.R. 1445: Mr. Sherman, Mr. Neal of Massachusetts, Mr. Barrett of Nebraska, Mr. Kennedy of Rhode Island, and Mrs. Kelly.

H.R. 1476: Ms. Carson.

H.R. 1484: Mr. Green of Texas.

H.R. 1491: Mr. McGovern.

H.R. 1496: Mrs. Emerson, Mr. Moore, and Mr. McKeon.

H.R. 1507: Mr. Hayworth and Mr. Salmon.

H.R. 1514: Mr. Bonior and Ms. Stabenow.

H.R. 1590: Mr. Obey and Mrs. Christensen.

H.R. 1620: Mr. Armey, Mr. Bachus, Mr. Canady of Florida, Mr. Ehlers, Mr. Hefley, Mr. Hobson, Mr. Ryun of Kansas, Mr. Sessions, Mr. Souder, Mr. Tiahrt, and Mr. Weldon of Florida.

H.R. 1622: Mrs. Morella, Mr. Waxman, Mr. Dicks, Mr. Capuano, Mr. Doyle, Mr. Farr of

California, Mr. BLUMENAUER, Mr. MORAN of Virginia, and Mr. DEFAZIO.

H.R. 1627: Mrs. CHRISTENSEN.

H.R. 1676: Mr. BARRETT of Wisconsin, Mr. SANDERS, Mr. FROST, Ms. KILPATRICK, and Mrs. JONES of Ohio.

H.R. 1678: Mr. MCHUGH, Mr. MCNULTY, and Mr. WALSH.

H.R. 1679: Mr. MCHUGH and Mr. WALSH.

H.R. 1710: Mr. GILMAN.

H.R. 1751: Mr. FARR of California.

H. Con. Res. 60: Mr. TANCREDO, Mr. BISHOP, and Mr. SHAYS.

H. Con. Res. 75: Ms. KILPATRICK, Mr. VENTO, and Mr. OBERSTAR.

H. Con. Res. 78: Mr. LANTOS, Ms. HOOLEY of Oregon, Mr. SABO, Mr. TIERNEY and Mr. HOYER.

H. Res. 41: Mr. DEMINT.

H. Res 62: Mr. WOLF.

H. Res. 90: Ms. KILPATRICK, Ms. NORTON, Ms. FROST, and Mr. UNDERWOOD.

H. Res. 92: Mr. NCNULTY.

H. Res. 109: Mr. REYES, Mr. LUCAS of Kentucky, Mr. CLEMENT, Mr. LUCAS of Oklahoma, Mr. SIMPSON, and Mr. SUNUNU.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 329: Mr. SHOWS.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 1555

OFFERED BY: MR. BARR OF GEORGIA

AMENDMENT NO. 1: At the end of title III (page 10, after line 2), insert the following new section:

SEC. 304. REPORT ON LEGAL STANDARDS APPLIED FOR ELECTRONIC SURVEILLANCE.

(a) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Director of Central Intelligence, the Director of the National Security Agency, and the Attorney General shall jointly prepare, and the Director of the National Security Agency shall submit to Congress a report in unclassified form describing the legal standards employed by elements of the intelligence community in conducting signals intelligence activities, including electronic surveillance.

(b) MATTERS SPECIFICALLY ADDRESSED.—The report shall specifically include a statement of each of the following legal standards:

(1) The legal standards for interception of communications when such interception may result in the acquisition of information from a communication to or from United States persons.

(2) The legal standards for intentional targeting of the communications to or from United States persons.

(3) The legal standards for receipt from non-United States sources of information pertaining to communications to or from United States persons.

(4) The legal standards for dissemination of information acquired through the interception of the communications to or from United States persons.

(c) INCLUSION OF LEGAL MEMORANDA AND OPINIONS.—The report under subsection (a) shall include a copy of any legal memoranda, opinions, and other related documents with respect to the conduct signals intelligence activities, including electronic surveillance by elements of the intelligence community, prepared by the Office of the General Counsel of the National Security Agency or by the Office of General Counsel of the Central Intelligence Agency.

(d) DEFINITION.—As used in this section:

(1) The term "intelligence community" has the meaning given that term under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(2) The term "United States persons" means a citizen of the United States or an alien lawfully admitted for permanent residence in the United States.

H.R. 1555

OFFERED BY: MR. BARR OF GEORGIA

AMENDMENT NO. 2: At the end of title III (page 10, after line 2), insert the following new section:

SEC. 304. REPORT ON LEGAL STANDARDS APPLIED FOR ELECTRONIC SURVEILLANCE.

(a) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Director of Central Intelligence, the Director of the National Security Agency, and the Attorney General shall jointly prepare, and the Director of the National Security Agency shall submit to the appropriate congressional committees a report in classified and unclassified form describing the legal standards employed by elements of the intelligence community in conducting signals intelligence activities, including electronic surveillance.

(b) MATTERS SPECIFICALLY ADDRESSED.—The report shall specifically include a statement of each of the following legal standards:

(1) The legal standards for interception of communications when such interception may result in the acquisition of information from a communication to or from United States persons.

(2) The legal standards for intentional targeting of the communications to or from United States persons.

(3) The legal standards for receipt from non-United States sources of information pertaining to communications to or from United States persons.

(4) The legal standards for dissemination of information acquired through the interception of the communications to or from United States persons.

(c) INCLUSION OF LEGAL MEMORANDA AND OPINIONS.—The report under subsection (a) shall include a copy of all legal memoranda, opinions, and other related documents in unclassified, and if necessary, classified form with respect to the conduct of signals intelligence activities, including electronic surveillance by elements of the intelligence community, utilized by the Office of the General Counsel of the National Security Agency, by the Office of General Counsel of the Central Intelligence Agency, or by the Office of Intelligence Policy Review of the Department of Justice, in preparation of the report.

(d) DEFINITION.—As used in this section:

(1) The term "intelligence community" has the meaning given that term under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(2) The term "United States persons" has the meaning given such term under section 101(i) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(i)).

(3) The term "appropriate congressional committees" means the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives, and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate.

H.R. 1555

OFFERED BY: MR. ENGEL

AMENDMENT NO. 3: At the end of title III (page 10, after line 2), insert the following new section:

SEC. 304. REPORT ON KOSOVA LIBERATION ARMY.

(a) REPORT.—Not later than 30 days after the date of the enactment of this Act, the Director of Central Intelligence shall submit to the appropriate congressional committees a report (in both classified and unclassified form) on the organized resistance in Kosova known as the Kosova Liberation Army. The report shall include the following:

(1) A summary of the history of the Kosova Liberation Army.

(2) As of the date of the enactment of this Act—

(A) the number of individuals currently participating in or supporting combat operations of the Kosova Liberation Army (fielded forces), and the number of individuals in training for such service (recruits);

(B) the types, and quantity of each type, of weapon employed by the Kosova Liberation Army, the training afforded to such fielded forces in the use of such weapons, and the sufficiency of such training to conduct effective military operations; and

(C) minimum additional weaponry and training required to improve substantially the efficacy of such military operations.

(3) An estimate of the percentage of funding (if any) of the Kosova Liberation Army that is attributable to profits from the sale of illicit narcotics.

(4) A description of the involvement (if any) of the Kosova Liberation Army in terrorist activities.

(5) A description of the number of killings of noncombatant civilians (if any) carried out by the Kosova Liberation Army since its formation.

(6) A description of the leadership of the Kosova Liberation Army, including an analysis of—

(A) the political philosophy and program of the leadership; and

(B) the sentiment of the leadership toward the United States.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES.—As used in this section, the term "appropriate congressional committees" means the Committee on International Relations and the Permanent Select Committee on Intelligence of the House of Representatives, and the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate.

H.R. 1555

OFFERED BY: MR. HINCHEY

AMENDMENT NO. 4: At the end of title III (page 10, after line 2), insert the following new section:

SEC. 304. REPORT ON ACTIVITIES OF THE CENTRAL INTELLIGENCE AGENCY IN CHILE.

(a) IN GENERAL.—By not later than 120 days after the date of the enactment of this Act, the Director of Central Intelligence shall submit to the appropriate congressional committees a report describing all activities of officers, covert agents, and employees of all elements in the intelligence community with respect to the following events in the Republic of Chile:

(1) The assassination of President Salvador Allende in September 1973.

(2) The accession of General Augusto Pinochet to the Presidency of the Republic of Chile.

(3) Violations of human rights committed by officers or agents of former President Pinochet.

(b) Documentation.—(1) The report submitted under subsection (a) shall include copies of unedited documents in the possession of any such element of the intelligence community with respect to such events.

(2) Any provision of law prohibiting the dissemination of classified information shall not apply to documents referred to in paragraph (1).

(c) Definition.—In this section, the term "appropriate congressional committees" means the Permanent Select Committee on Intelligence and the Committee on Appropriations of the House of Representatives, and the Select Committee on Intelligence and the Committee on Appropriations of the Senate.

H.R. 1555

Offered By: Mr. Ryun of Kansas

Amendment No. 5: At the end, add the following new title:

TITLE VI—ESTABLISHMENT OF COUNTERINTELLIGENCE PROGRAM AT NATIONAL LABORATORIES OF THE DEPARTMENT OF ENERGY

SEC. 601. COUNTERINTELLIGENCE PROGRAM.

(a) Establishment at Each Laboratory.—The Secretary of Energy, acting through the Director of the Office of Counterintelligence of the Department of Energy, shall establish a counterintelligence program at each of the national laboratories. The counterintelligence program at each such laboratory shall have a full-time staff assigned to counterintelligence functions at that laboratory, including such personnel from other agencies as may be approved by the Director. The counterintelligence program at each such laboratory shall be under the direction of, and shall report to, the Director.

(b) Prohibition on Entry on Certain Individuals.—

(1) In general.—Subject to paragraph (2), a counterintelligence program carried out under subsection (a) shall prohibit the entrance to a national laboratory of any individual who is a citizen of a nation that is named on the sensitive countries list maintained by the Department. Such prohibition shall apply during the one-year period beginning on the date of the enactment of this Act.

(2) Waiver authority.—The Director may waive the prohibition in paragraph (1) on a case-by-case basis with respect to specific individuals whose admission to a national laboratory is determined by the Secretary to be necessary for the national security of the United States. In the case of a waiver granted by the Director under this paragraph, by not later than five days after granting the waiver, the Director shall submit to the appropriate committees a report describing the waiver and including such information as the Director determines appropriate.

(c) Investigation of Past Security Breaches.—The Director shall require that the counterintelligence program at each laboratory include a specific plan to investigate any breaches of security discovered after the date of the enactment of this Act that occurred at that laboratory before the establishment of that program at that laboratory.

(d) Required Background Checks on All Foreign Visitors.—Before an individual who is a citizen of a foreign nation is allowed to enter a national laboratory, the Director shall require that a security clearance investigation (known as a "background check") be carried out on that individual.

(e) Report to Congress.—The Secretary, after consultation with the Director, shall submit to the appropriate committees a report on the status of counterintelligence activities at each of the national laboratories. The report shall be submitted not earlier than the end of the six-month period beginning on the date of the enactment of this Act and shall include the recommendation of the Secretary as to whether subsection (b) should be repealed.

(f) Definitions.—

For purposes of this section:

(1) The term "national laboratory" means any of the following:

(A) The Lawrence Livermore National Laboratory, Livermore, California.

(B) The Los Alamos National Laboratory, Los Alamos, New Mexico.

(C) The Sandia National Laboratories, Albuquerque, New Mexico.

(2) The term "sensitive countries list" means the list prescribed by the Secretary of Energy known as the Department of Energy List of Sensitive Countries.

(3) The term "appropriate committees" means the Select Committee on Intelligence and the Committee on Armed Services of the Senate, and the Permanent Select Committee on Intelligence and the Committee on Armed Services of the House of Representatives.

H.R. 1555

Offered By: Mr. Sanders

Amendment No. 6: At the end of title I, add the following new section:

SEC. 106. LIMITATION ON AMOUNTS AUTHORIZED TO BE APPROPRIATED.

(a) Limitation.—Except as provided in subsection (b), notwithstanding the total amount of the individual authorizations of appropriations contained in this Act, including the amounts specified in the classified schedule of Authorizations referred to in section 102, there is authorized to be appropriated for fiscal year 2000 to carry out this Act not more than the total amount authorized to be appropriated by the intelligence Authorization Act for Fiscal Year 1999.

(b) Exception.—Subsection (a) does not apply to amounts authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund by section 201.

H.R. 1555

Offered By: Mr. Sanders

Amendment No. 7: At the end of title I (page 8, after line 17), insert the following new section:

SEC. 106. LIMITATION ON AMOUNTS AUTHORIZED TO BE APPROPRIATED; REPORT.

(a) Limitation.—

(1) In general.—Except as provided in paragraph (2), notwithstanding the total amount of the individual authorizations of appropriations contained in this Act, including the amounts specified in the classified Schedule of Authorizations referred to in section 102, there is authorized to be appropriated for fiscal year 2000 to carry out this Act not more than the total amount authorized to be appropriated by the Intelligence Authorization Act for Fiscal Year 1999.

(2) Exception.—Paragraph (1) does not apply to amounts authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund by section 201.

(b) Report.—

(1) Study.—Not later than one year after the date of the enactment of this Act, the Director of Central Intelligence shall submit to Congress a detailed, comprehensive report in unclassified form on the matter described in paragraph (2).

(2) Matters studied.—(A) The bombing in March 1991 by the Armed Forces of the United States during the Persian Gulf War of a weapons and nerve gas storage bunker in Khamisiyah, Iraq, and errors committed by the agency with respect to the location and contents of such bunker and the failure to disclose the proper location and contents to the Secretary of Defense.

(B) Errors with respect to maps of the Aviano, Italy, area prepared by the Central Intelligence Agency and used by aviators in the Armed Forces of the United States which may have resulted on February 3, 1998, in the accidental severing of a cable car device by a United States military aircraft on a training mission, which resulted in the deaths of twenty civilians.

(C) Errors with respect to maps of the Belgrade, Yugoslavia, area which resulted on May 7, 1999, in the accidental bombing of the Embassy of the People's Republic of China by forces under the command of North Atlantic Treaty Organization and the deaths of three civilians.

H.R. 1555

Offered By: Mr. Sanders

Amendment No. 8: At the bill, add the following new title:

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 601. LIMITATION ON AMOUNTS AUTHORIZED TO BE APPROPRIATED.

(a) Limitation.—Except as provided in subsection (b), notwithstanding the total amount of the individual authorizations of appropriations contained in this Act, including the amounts specified in the classified Schedule of Authorizations referred to in section 102, there is authorized to be appropriated for fiscal year 2000 to carry out this Act not more than the total amount authorized to be appropriated by the Intelligence Authorization Act for Fiscal Year 1999.

(b) Exception.—Subsection (a) does not apply to amounts authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund by Section 201.

SEC. 602. REPORT ON EFFICACY OF THE CENTRAL INTELLIGENCE AGENCY.

(a) Report.—Not later than one year after the date of the enactment of this Act, the Director of Central Intelligence shall submit to Congress a detailed, comprehensive report in unclassified form on the matters described in subsection (b).

(b) Matters Studied.—Matters studies for the report under subsection (a) shall include the following:

(1) The bombing in March 1991 by the Armed Forces of the United States during the Persian Gulf War of a weapons and nerve gas storage bunker in Khamisiyah, Iraq, and errors committed by the Central Intelligence Agency with respect to the location and contents of such bunker and the failure to disclose the proper location and contents to the Secretary of Defense.

(2) Errors with respect to maps of the Aviano, Italy, area prepared by the Central Intelligence Agency and used by aviators in the Armed Forces of the United States which may have resulted on February 3, 1998, in the accidental severing of a cable car device by

a United States military aircraft on a training mission, which resulted in the deaths of twenty civilians.

(3) Errors with respect to maps prepared by the Central Intelligence Agency of the Belgrade, Yugoslavia, area which resulted on May 7, 1999, in the accidental bombing of the Embassy of the People's Republic of China by forces under the command of North Atlantic Treaty Organization and the deaths of three civilians.

(c) Recommendations.—The report under subsection (a) shall contain recommendations for such legislation and administrative actions as the Director determines appropriate to avoid similar errors by the Central Intelligence Agency.

H.R. 1555

Offered By: Mr. Sweeney

Amendment No. 9: At the end of title III (page 10, after line 2), insert the following new section:

SEC. 304. PROTECTION OF IDENTITY OF RETIRED COVERT AGENTS.

Section 606(4)(A) of the National Security Act of 1947 (50 U.S.C. 426(4)(A)) is amended—

(1) by striking "an officer or employee" and inserting "a present or retired officer or employee"; and

(2) by striking "a member" and inserting "a present or retired member".

H.R. 1555

Offered By: Mr. Sweeney

Amendment No. 10: At the end of title III (page 10, after line 2), insert the following new section:

SEC. 304. PROTECTION OF IDENTITY OF RETIRED COVERT AGENTS.

(a) In General.—Section 606(4)(A) of the National Security Act of 1947 (50 U.S.C. 426(4)(A)) is amended—

(1) by striking "an officer or employee" and inserting "a present or retired officer or employee"; and

(2) by striking "a member" and inserting "a present or retired member".

(b) Imposition of Minimum Prison Sentences for Violations.—Section 601 of the National Security Act of 1947 (50 U.S.C. 421) is amended—

(1) in subsection (a), by inserting "not less than five and" after "or imprisoned";

(2) in subsection (b), by inserting "not less than 30 months and" after "or imprisoned"; and

(3) in subsection (c), by inserting "not less than 18 months and" after "or imprisoned".

H.R. 1555

Offered By: Mr. Sweeney

Amendment No. 11. At the end of title III (page 10, after line 2), insert the following new section:

SEC. 304. PROTECTION OF IDENTITY OF COVERT AGENTS THROUGH IMPOSITION MINIMUM PRISON SENTENCES FOR UNAUTHROIZED DISCLOSURE OF THAT IDENTITY.

Section 601 of the National Security Act of 1947 (50 U.S.C. 421) is amended—

(1) in subsection (a), by inserting "not less than five and" after "or imprisoned";

(2) in subsection (b), by inserting "not less than 30 months and" after "or imprisoned"; and

(3) in subsection (c), by inserting "not less than 18 months and" after "or imprisoned".

H.R. 1555

Offered By: Mr. Thornberry

Amendment No. 12. At the end of the matter proposed to be added by the amendment, add the following new section:

SEC. 602. REPORTS TO CONGRESS ON FOREIGN VISITORS TO NATIONAL LABORATORIES.

(a) Background Checks on All Foreign Visitors.—(1) Notwithstanding any other provision of this Act relating to counterintelligence programs for a national laboratory, before any individual who is a citizen of a foreign nation may enter a national laboratory, the Director of the Office of Counterintelligence of the Department of Energy shall determine whether a security clearance investigation (known as "background check") is required to be carried out on that individual.

(2) The Director shall have sufficient opportunity to review all such individuals and sufficient time to conduct background checks and other investigative checks as appropriate before entry to a national laboratory may take place.

(3) The Director shall submit to the chairmen and ranking members of the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate by the 15th of each month a report on the foreign visitors program that includes the following information:

(A) The identity of each such individual allowed to enter a national laboratory during the previous month.

(B) The nature and duration of the visit to the laboratory.

(C) Whether a background check was performed on that individual.

(b) Additional Provisions Regarding Foreign Visitors.—Notwithstanding any other provision of this Act relating to counterintelligence programs for a national laboratory, the following provisions apply:

(1) Moratorium.—Subject to paragraphs (2) and (3), the Secretary of Energy may not allow the admittance to any facility of a national laboratory of any individual who is a citizen of a nation that is named on the current Department of Energy sensitive countries list.

(2) Waiver authority.—The Secretary may waive the prohibition in paragraph (1) on a case-by-case basis with respect to specific individuals whose admission to a national laboratory is determined by the Secretary to be necessary for the national security of the United States. In the case of a waiver granted by the Secretary under this paragraph, by not later than five days after granting the waiver, the Secretary shall submit to the appropriate committees a report describing the waiver and including such information as the Secretary determines appropriate.

(3) Termination of moratorium.—(A) The moratorium under paragraph (1) shall cease to be in effect when the Secretary of Energy, after consultation with the Director of the Federal Bureau of Investigation, submits to the chairmen and ranking members of the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate a certification in writing of the following:

(i) That a fully functioning counterintelligence program is implemented and operating at each national laboratory as required in this section, and that each such counterintelligence program complies with the requirements of Presidential Decision Directive number 61.

(ii) That all personnel of the Department of Energy with access to classified information have been trained in appropriate security measures, including, secure computer operations.

(iii) That a system has been established by which the Secretary will act promptly to address any suspected compromise of classified information.

(B) If, at any time after the enactment of this Act, the Secretary determines that proper counterintelligence safeguards are not in place at the national laboratories, or if the Secretary determines that foreign visitors detract in any way from a completely functional counterintelligence program at the national laboratories, the Secretary shall suspend all foreign visits to the national laboratories in accordance with the paragraph (1). In the case of any suspension under this paragraph, the Secretary shall submit notice to the chairmen and ranking members of the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate.

H.R. 1555

Offered By: Ms. Waters

Amendment No. 13: At the end, add the following new title:

TITLE VI—PROHIBITION ON DRUG TRAFFICKING BY EMPLOYEES OF THE INTELLIGENCE COMMUNITY

SEC. 601. PROHIBITION ON DRUG TRAFFICKING BY EMPLOYEES OF THE INTELLIGENCE COMMUNITY.

(a) Purposes.—It is the purpose of this section—

(1) to prohibit the Central Intelligence Agency and other intelligence agencies and their employees and agents from participating in drug trafficking activities, including the manufacture, purchase, sale, transport, or distribution of illegal drugs; conspiracy to traffic in illegal drugs; and arrangements to transport illegal drugs; and

(2) to require the employees and agents of the Central Intelligence Agency and other intelligence agencies to report known or suspected drug trafficking activities to the appropriate authorities.

(b) Prohibition on Drug Trafficking.—No element of the intelligence community, or any employee of such an element, may knowingly encourage or participate in drug trafficking activities.

(c) Mandate to Report.—Any employee of an element of the intelligence community having knowledge of facts or circumstances that reasonably indicate that any employee of such an element is involved with any drug trafficking activities, or other violations of United States drug laws, shall report such knowledge or facts to the appropriate official.

(d) Definitions.—As used in this section:

(1) Drug trafficking activities.—

(A) In general.—The term "drug trafficking activities" means the possession, distribution, manufacture, cultivation, sale, transfer, or the attempt or conspiracy to possess, distribute, manufacture, cultivate, sell or transfer illegal drugs (as those terms are applied under section 404(c) of the Controlled Substances Act (21 U.S.C. 844(c)).

(B) Inclusions.—Such term includes arrangements to allow the use of federally owned or leased vehicles, or other means of transportation, for the transport of illegal drugs.

(2) Illegal drugs.—The term "illegal drugs" means controlled substances (as that term is defined section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)) included in schedule I or II under part B of title II of such Act.

(3) Employee.—The term "employee" means an individual employed by an element of the intelligence community, and includes the following individuals:

(A) Employees under a contract with such an element.

(B) Covert agents, as that term is defined in paragraph (4) of section 606 of the National Security Act of 1947 (50 U.S.C. 426).

(C) An individual acting on behalf, or with the approval, of an element of the intelligence community.

(4) INTELLIGENCE COMMUNITY.—The term "intelligence community" has the meaning given that term under paragraph (4) of section 3 of the National Security Act of 1947 (50 U.S.C. 401a).

(5) APPROPRIATE OFFICIAL.—The term "appropriate official" means the Attorney General, the Inspector General of the element of the intelligence community (if any), or the head of such element.

EXTENSIONS OF REMARKS

A BILL TO AUTHORIZE THE PAYMENT OF A FEDERAL COURT SETTLEMENT TO THE MENOMINEE INDIAN TRIBE OF WISCONSIN

HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1999

Mr. GREEN of Wisconsin. Mr. Speaker, today I have introduced before this House a bill I hope will finally bring an end to a decades-long legal struggle and also provide much-needed financial assistance to one of the most impoverished areas of my Congressional District and, indeed, the entire state of Wisconsin.

Specifically, the bill I've introduced authorizes the U.S. government to finally make good on a $32 million court settlement with the Menominee Indian Tribe in my district. The history of this settlement can be traced back to 1954, when the federal government terminated the tribe's federal trust status and the Bureau of Indian Affairs grossly mismanaged many of the tribe's assets.

In 1967, the tribe filed a lawsuit in federal court challenging this termination and seeking damages. After decades of litigation, in 1993 Congress passed a congressional reference directing the U.S. Claims Court to determine what damages, if any, were owed to the tribe.

In August of last year, following three decades of lengthy court trials and appeals, the tribe finally settled its claim against the federal government for $32 million.

As the members of this House are aware, Congress must authorize the payment of this court settlement before any U.S. funds can be released. The court has done its job and the tribe has waited long enough. Now it is time for Congress to do its job and agree to this settlement.

Mr. Speaker, I'd like to briefly spell out four key reasons why this proposal is worthy of support:

First, I believe it is our responsibility to make good on public commitments that have been made by representatives of our government in federal court proceedings. In this case, both sides negotiated this settlement in good faith, and it was approved by the court. Now it is our duty to finalize the court actions in this matter and award the settlement as agreed to.

Second, I believe this legal battle has gone on long enough, and the taxpayers should be relieved of the ongoing cost burden of this litigation. The first lawsuit dealing with this matter was filed in 1967—more than 31 years ago. After numerous trials and appeals over the last three decades, we have finally reached the light at the end of the tunnel. It is time for Congress to close the book on this matter once and for all and approve the release of these funds.

Third, the Menominee Indian Tribe needs and deserves this settlement. The Menominee are one of the most economically troubled Indian nations in America. This is due in part to the Menominee Termination Act and the Bureau of Indian Affairs' mismanagement of Menominee tribal resources from 1961 to 1973.

Finally, this settlement will provide a boost to the local economies of northeastern Wisconsin—a part of my state in need of help due to the recent farm crisis and other economic factors. This settlement will provide at least a small amount of relief to communities throughout this area.

One final note. Today, Senator KOHL has introduced nearly identical legislation in the Senate. I am pleased to be working with him and I applaud his years of hard work in trying to improve the economic situation on the Menominee Reservation.

I would also like to thank Menominee Chairman Apesanahkwat for his willingness to work with me to ensure these funds, if approved, won't be used to take any land off the tax rolls. These dollars will be used to improve education, health care and economic opportunities for the tribe.

I encourage my colleagues to join me in an effort to being this matter to a speedy and successful vote on the floor of this House. For the sake of our country's credibility, for people of northeastern Wisconsin, and for the Menominee Nation, now is the time for this matter to be closed.

INTRODUCTION OF THE FEDERAL EMPLOYEES' OVERTIME PAY LIMITATION AMENDMENTS ACT OF 1999

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1999

Mr. CUMMINGS. Mr. Speaker, along with my colleagues, Representatives DAVIS and MORELLA, I am pleased to introduce the Federal Employees' Overtime Pay Limitation Amendments Act of 1999.

The overtime cap for federal managers and supervisors has not changed for thirty years. Under current law, their overtime pay is limited to that given to a General Schedule level 10 step 1 employee. As the result, managers and supervisors, the majority of whom rank above that level, earn less on overtime than they do for work performed during the regular work week.

When this issue was raised at a civil service reform hearing last year, the Director of the Office of Personnel Management (OPM) testified that the cap was unfair and warranted looking into. My response was, "When are you going to look into it." Like the rest of us, federal managers and supervisors only have their kids and families for a certain amount of time. They deserve to be fairly compensated so that they can adequately provide for their loved ones. They want to send their kids to college, they want to give them violin lessons, they want to move into a new house, and if we wait 10 to 15 years, then they have missed out on a whole lot of life.

Representatives DAVIS and MORELLA, and I kept the pressure on OPM until it drafted overtime legislation to address this issue. It is this legislation that I am pleased to introduce today. The legislation would change existing law so that no federal employee would receive less than his or her hourly rate of pay for overtime work.

Please join me by cosponsoring this legislation for federal managers and supervisors and their families.

SAVE THE SOCIAL SECURITY SURPLUS—COSPONSOR H.J. RES. 53, THE BALANCED BUDGET AMENDMENT THAT PROTECTS THE TRUST FUND

HON. ERNEST J. ISTOOK, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1999

Mr. ISTOOK. Mr. Speaker, I rise today to urge my colleagues to cosponsor H.J. Res. 53, the Balanced Budget Amendment that protects the Social Security Trust Fund.

Many years ago, the Congress made a promise. We promised to take a portion of every American's paycheck and keep it in a special trust fund. From that trust fund, the government would send a check to every American over the age of 65 so that no American would have to worry about growing old without someone to care for them. We called that promise Social Security.

We should keep our promise. Most of us now realize Congress has used the trust fund as a slush fund to finance other programs. Taking Social Security "off-budget" is meaningless. Congress did it in 1983, 1985, and 1990, and then later quietly ignored the "off-budget" rules. An ordinary law can't restrain future Congresses. An ordinary law can be overturned whenever "convenient."

There is only one way to make certain future Congresses devote that money to Social Security—to take it away from them so that they can't spend it on anything else. We must pass an amendment to the Constitution which would guarantee that all Congresses, present and future, will protect Social Security.

The only protection is to require a balanced budget that does not use the Social Security surplus. To do that, we must add to the proposed Balanced Budget Amendment the requirement that a surplus in Social Security cannot be counted as revenue.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

We can still consider other reforms to Social Security, but first things first. Let's finally make a bond that we cannot break, and use the Social Security dollars only for Social Security.

It's the only right and honorable thing to do. To cosponsor this version of the Balanced Budget Amendment that protects the Social Security Trust Fund, call Dr. Bill Duncan on Mr. Istook's staff at 5–2132,-or Charlie DeWitt on Mr. Campbell's staff at 5–2631.

HONORING IDUS "BABE" CONNER

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1999

Mr. DUNCAN. Mr. Speaker, just a few weeks ago, a good friend of mine, Idus "Babe" Conner, was honored for his service to the citizens of Lenoir City and Loudon County, Tennessee.

For the last 21 years, Babe Conner has been an active member of the Lenoir City Council. Babe is, no doubt, one of the most respected leaders in Loudon County and indeed throughout East Tennessee.

Before Mr. Conner was elected to the City Council, he served as a Loudon County Commissioner for 20 years. He even spent time as a Justice of the Peace, marrying many couples without charging a fee for his services.

Mr. Speaker, above all of this, Babe Conner is a family man. In 1946, he married Juanita Jennings and enjoyed 51 years of marriage until her death in 1997. That marriage produced a beautiful family. Babe and Juanita have one son and one daughter and four grandchildren.

Mr. Speaker, Babe Conner is also a God-fearing man who has served in many leadership positions in the First Presbyterian Church since its formation on October 13, 1957. He has even served as an Elder longer than any other church member. Mr. Conner is truly an outstanding role model for our children today.

Mr. Speaker, I know that I join with the citizens of Loudon County and Lenoir City in congratulating Idus "Babe" Conner for his service and devotion to the citizens of East Tennessee. I am proud to call him a friend, and I wish him well in the years to come.

Mr. Speaker, I would like to thank Idus "Babe" Conner for his service to the citizens of East Tennessee and the rest of our thankful Nation. I have included a copy of a Lenoir City Resolution honoring Babe Conner that I would like to call to the attention of my fellow members and other readers of the RECORD.

Whereas, the governing body of the City of Lenoir City has adopted a policy of recognizing and honoring outstanding individuals living in Lenoir City, Tennessee, and

Whereas, Idus "Babe" Conner will celebrate his 80th birthday on April 1999, being born in the year of our Lord 1919; and

Whereas, Idus "Babe" Conner was married in 1946 to Juanita Jennings and was devoted husband to her for 51 years until she went to be with our Lord in 1997; and

Whereas, Idus "Babe" is the proud father of one son, Gary, and one daughter, Susan, and the grandfather of two grandsons, Richard and Cory, and two granddaughters, Angela, and Hannah, whom he loves dearly; and

Whereas, Idus "Babe" was born upstairs in a house on Kingston Street and has lived in Lenoir City all of his life. He was educated in the school of Lenoir City, where he participated in all sports activities. Upon graduating from high school, he enlisted in the Air Force, where he served four and a half years in Ground Forces; and

Whereas, Idus "Babe" Connor became a Justice of the Peace in 1960. He married between 75 and 100 couples during his tenure without charging for the service. If a donation was given, he gave it back to the bride. He loves to tell humorous stories about the couples he encountered who were seeking his services to get married. In 1978 Conner was elected to the City Council, from which he will retire this month. He has been a strong supporter of our school system, both supporting the Lenoir City School system as well as sponsoring the motion to construct the present Loudon High School during his tenure as County Commissioner. We shall always be grateful for his sincere dedication and service to the citizens of Lenoir City; and

Whereas, Idus "Babe" Conner retired from Martin Marietta in 1983 after over 33 years of continuous service; and

Whereas, Idus "Babe" Conner has been a Presbyterian all of his life and has been a pillar in the First Presbyterian Church since its formation October 13, 1957. He was the church's first choir director and song leader and has served as Sunday school teacher and Deacon. He has served as Elder longer than any other church member.

Now, therefore, I Charles T. Eblen, Mayor of the City of Lenoir City, Tennessee, do hereby PROCLAIM that Idus "Babe" Conner be recognized and singularly honored April 19, 1999 on Idus "Babe" Conner Day in Lenoir City, Tennessee.

Be it further proclaimed that a copy of this proclamation, signed by the Mayor, attested by the City Recorder, and bearing the great seal of the City be presented to Idus "Babe" Conner.

TRIBUTE TO THE AMERICAN FUJIAN ASSOCIATION OF COMMERCE AND INDUSTRY

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1999

Mr. WEINER. Mr. Speaker, I rise today to invite my colleagues to pay tribute to the American Fujian Association of Commerce and Industry on the occasion of its 7th Anniversary Annual Banquet.

The members of the American Fujian Association of Commerce and Industry have long been known for their commitment to community service and to enhancing the quality of life for all New York City residents.

This banquet is not only a festive happening, it is a chance for all of us to celebrate and pay tribute to a group of individuals who have dedicated their lives to helping others.

The American Fujian Association of Commerce and Industry is a not for profit corporation whose membership is entirely composed of business owners who have immigrated to the United States from the Fujian Province of China. The Association, which was established in 1992, enjoys a membership of approximately 1,000 business leaders throughout the city of New York.

The Association's membership, ever mindful of the rigors of immigration, have devoted their efforts to the integration of new immigrants from China into American society as productive citizens. The American Fujian Association of Commerce and Industry fosters programs that are designed to introduce immigrants to the American way of life and our country's economic and political system so that they may become productive citizens. Members of the Association have also devoted themselves to the development of the trade and commerce between the state of New York and the provinces of Fujian, Shandong, Jiangsu, Guangdong, Hepei, Liaoling, and Anhui Sichuan China.

Under the dedicated leadership of its Chairman, William P. Chiu, the American Fujian Association of Commerce and Industry have embraced the belief that trade breeds mutual understanding and respect which in turn promotes peace between the United States and China.

The members of the American Fujian Association of Commerce and Industry have long been known as innovators and beacons of good will to all those with whom they come into contact. Through their dedicated efforts, they have each helped to improve my constituents' quality of life. In recognition of their many accomplishments on behalf of my constituents, I offer my congratulations to the American Fujian Association of Commerce and Industry on the occasion of it's 7th Anniversary Annual Banquet.

STATEMENT ON NATIONAL TEEN PREGNANCY PREVENTION MONTH

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1999

Mr. CASTLE. Mr. Speaker, as Co-Chair of the House Advisory Panel to the National Campaign to Prevent Teen Pregnancy, I would like to recognize May as National Teen Pregnancy Prevention Month. According to new data recently released by the U.S. Department of Health and Social Services, both the teen birth rate and the teen pregnancy rate in the United States have shown another decline. And while this is good news, the United States still has the highest rates of teen pregnancy and births in the western industrialized world—53 births out of every 1,000 births is to a teenage girl. More than 4 out of 10 young women become pregnant at least once before they reach the age of 20—resulting in nearly 1 million births per year. While many government officials would take the fact that the numbers are dropping as good news, I think this is only a small step in the right direction.

We need to continue to work toward lowering these numbers. Representative LOWEY and I have introduced the Teenage Pregnancy Reduction Act of 1999, legislation to authorize Federal dollars to be used to conduct a study of effective teen pregnancy prevention programs. The study emphasizes determining the factors contributing to the effectiveness of the programs and methods for replicating successful programs in other locations. It also would call for the creation of a clearinghouse to collect, maintain and disseminate information on prevention programs which would develop an effective network of prevention programs.

Far too many of our children spend the hours following school unsupervised and engaging in delinquent or unproductive behavior. Studies tell us that unsupervised children are at a significantly higher risk of truancy, stress, receiving poor grades, substance abuse and risk taking behaviors, including engaging in sexual activity. That is why I have introduced my ACE Act—After School Children's Education Act—it is another initiative that will go far in preventing teen pregnancy. This legislation aims to study how after school programs can be expanded and improved to keep our children safe and help them learn between the hours of 3 p.m. and 6 p.m.

Helping our communities prevent teen pregnancy is an important mission. Unmarried teenagers who become pregnant face severe emotional, physical, and financial difficulties. The children born to unmarried teenagers will struggle to fulfill the promise given to all human life, and many of them simply will not succeed. Many of them will remain trapped in a cycle of poverty, and unfortunately may become part of our criminal justice system.

However, sometimes no matter what we do here in Washington and what parents do at home, kids have the most impact on each other. Young people can be and are positive influences on each other. Parents and other adults can encourage positive peer influence and mitigate negative peer influence. We must do all we can to encourage teens to take advantage of the potential positive influence of peers.

Our goal to reduce teen pregnancy is challenging and difficult. But if we work together, we can make a difference.

EXPOSING RACISM

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1999

Mr. THOMPSON of Mississippi. Mr. Speaker, in my continuing efforts to document and expose racism in America, I submit the following articles into the CONGRESSIONAL RECORD.

PLAN TO CHANGE CONFEDERATE PARK TO CANCER MEMORIAL DRAWS COMPLAINTS

MEMPHIS, TENN.—The Civil War battle that surrendered Memphis to Northern hands took place just below bluffs on the Mississippi River.

For 90 years, a 2½-acre city park atop the bluffs has served as a memorial to the Confederacy. But now, a squabble is brewing over a plan to rename the park in honor of cancer survivors.

The R.A. Bloch Cancer Foundation of Kansas City, MO, which finances parks to honor cancer survivors and encourage cancer sufferers, has offered the city $1 million to fund such a memorial, plus $100,000 for maintenance.

John Malmo, Park Commission chairman, said the city needs the money to improve and maintain the park, which is in the right location for what the Bloch Foundation wants.

Civil War and Southern heritage buffs are less than pleased. "I don't think we're just going to take it lying down," said John T. Wilkinson III, a Memphis lawyer and member of the Tennessee Division, Sons of Confederate Veternas.

The General Nathan Bedford Forrest Camp, Sons of Confederate Veterans and the United Daughters of the Confederacy, have announced a rally at the park on May 19.

The Park Commission has a meeting the following day but is not expected to make a final decision on the proposal until next month.

The park has been part of the Memphis parks system for 170 years. It originally was part of the Public Promenade, 36 acres along the riverfront dedicated in March 1829 as open space for public use.

It was named Confederate Park in 1907 and was placed on the National Register of Historic Places in 1982.

The park sits close to where a Northern armada launched a spirited, but brief, battle on June 6, 1862 that ended with Memphis' surrender.

Ed Williams, Shelby County historian, said the park offered a good vantage point for citizens to watch the Battle of Memphis, and a Union contingent reportedly docked below the bluffs on the way to accept the city's surrender.

In the early 1900s, reunions of Confederate veterans were held on the site, Williams said.

The park includes several plaques honoring Civil War heroes and a statute of Confederate president Jefferson Davis. It also has memorials unrelated to the Confederacy, including a Ten Commandments tablet.

Still, Judith Johnson, executive director of Memphis Heritage Inc., said the park holds an important place in the city's past and changing it should be approached with care.

"I know a lot of people at the end of the 20th Century feel the Confederacy is not someting we can hold up as a value we can embrace, but we can't erase our history," Johnson said.

AUTO-PARTS MAKER MAKING PROGRESS AS SPINOFF FROM GM NEARS

(By Brian S. Akre)

TROY, MICH.—Delphi Automotive Systems Corp., the auto-parts manufacturer with locations in Mississippi and soon to be independent from General Motors Corp., has no more money-losing plants, is getting cooperation from its unions to cut costs and is winning more non-GM business, its chairman said Monday.

As the world's largest parts-maker, Delphi also plans to be a major player in the industry's consolidation through an aggressive acquisition drive, J.T. Battenberg III told reporters before departing on a worldwide roadshow to raise his company's profile among investors.

Delphi was once a disparate collection of parts operations that, with parent GM, was near bankruptcy in the early 1990s. Though it lost $93 million last year because of several one-time costs, Delphi earned $284 million in the first quarter this year.

GM is cutting Delphi loose to focus on its core business: building cars and trucks. Delphi executives say they expect their business to grow as other automakers no longer have to fear working with a supplier owned by their biggest competitor.

There's evidence that's already happening, even though the spinoff won't be completed until May 28. In the first quarter, Delphi won $4 billion in new contracts with GM and a surprising $2 billion worth of non-GM contracts. Delphi stock price increased 18 percent in its first three months.

"The stock has performed well," said analyst Jonathan Lawrence of Bear, Stearns & Co. "They're certainly winning business, and that's picked up since their announcement of the spinoff."

Delphi, based in Troy, Mich., and Battenberg will face their first big test come summer when they will work out details of a new contract with the company's largest union, the United Auto Workers. Talks already are under way with some UAW locals and Battenberg said there has been progress.

UAW it Delphi with two strikes last summer that shut down GM's North American assembly plants and cost Delphi $450 million. Both companies are trying to repair their long-contentious relationship with the union.

Battenberg declined to comment in detail on that relationship but said he was in "personal touch" with UAW leaders. Though company insiders say UAW president Stephen P. Yokich has been cooperative, publicly he has criticized the spinoff and urged GM to retain 51 percent of the company.

The Delphi-UAW talks will coincide with the union's triennial contract negotiations with GM, Ford Motor Co. and the Chrysler unit of DaimlerChrysler AG. The UAW is expected to demand that Delphi's hourly workers get virtually the same deal as GM's hourly workers.

Delphi no longer has any plants that are unprofitable, in some cases because its unions agreed to relax restrictive work rules, Battenberg said. In Kokomo, Ind., for example, the UAW agreed to work rule changes to allow the electronics plant to operate 24 hours a day, seven days a week.

Battenberg said Delphi plans to focus on acquiring companies that can supply future technology, especially in the area of high-tech electronics as computers and satellite telecommunications become more integrated into the design of car and truck interiors.

"I look at Delphi becoming an electronics company that makes products for vehicles, which is a lot more attractive than a traditional auto-parts company," Lawrence said.

Though Delphi has been trimming its work force through attrition, the company may end up adding workers if it meets its goals to increase new business, Battenberg said.

Later this month, Delphi will debut a $1 million TV-and-print advertising campaign to coincide with the Indianapolis 500 auto race. The campaign and 20-city roadshow are intended to make Delphi a brand known outside the auto industry.

BILOXI NOT SURE WHAT TO DO WITH HISTORIC HOUSE

(By Tom Wilemon)

BILOXI, MS.—The home of Glenn and June Swetman is like a time capsule with a paradox.

Inside the home, uranium glassware glows magically form display cases. Underneath the home, the stark cement walls of a fallout shelter stand dark and dank.

The Swetmans were living the American dream during the early 1960s, but they knew that a nuclear nightmare could destroy everything.

Coping with the Cold War is only one chapter in the history of this house, which is a virtual treasure chest of fascinating objects.

But its new owner and caretaker, the city of Biloxi, does not yet know what to do with it. Biloxi assumed control of the house in January after the death of June Swetman last year.

June Swetman and her husband envisioned their home becoming a city museum or a residence for the mayor when they arranged in 1982 to donate it to the city. Either use is unlikely.

Setting up an official residence for the mayor is not a priority for Mayor A.J. Holloway or the City Council. Nor are city officials planning to open another museum.

The Georgian Revival home sits on a quiet street near the beach, has no public parking and is in an area zoned for residential use.

"Originally, the house was slated to be a historic museum dedicated to telling the story of a day in the life of a country banker," said Lolly Barnes, historical administrator for Biloxi.

"That was the original purpose Mr. Glenn Swetman had in mind. Whether or not that will be the purpose I don't know," Barnes said.

Glenn Swetman was the owner of The Peoples Bank and one of the Coast's most respected civic leaders. He had a penchant for collecting things.

The collections include valuable antiques, whimsical walking canes, uranium glassware and Japanese woodblock prints. Virtually every piece has an interesting story.

The prints once belonged to the architect Frank Lloyd Wright. A Victorian dining table came from the estate of 19th-century social reformer Dorothea Dix.

The house, which is on the National Register of Historic Places, has been offered as a headquarters for some Coast performing arts organizations.

The Gulf Coast Opera is in process of setting up an office in one of the second-story bedrooms. But that does not mean the public will get to go inside.

"We don't anticipate a lot of foot traffic," said David Daniels, president of Gulf Coast Opera "What we mainly need is a phone line and computer space. It's mainly a place where people can call and make reservations for performances. That space is ideal for that."

Two of Swetmans children, Chevis Swetman and Nancy Breeland, said they were pleased that the opera will use the house because their parents avidly supported the performing arts.

Their parents established a trust fund that now totals $85,000 to pay for maintenance and repairs at the house. An assessment of the house by the city's risk manager found no major structural damages or problems.

The property has a value of $183,000. "We are looking at some preventive maintenance and some minor repairs," said Vincent Creel, public affairs manager for Biloxi. "The city is still assessing its long-term options for use of the property. The antique and art collections inside the house belong to the Peoples Heritage Trust, a foundation the Swetmans set up at Peoples Bank to preserve and protect the Coast's historical properties.

"As far as I know, the uranium glass collection is one of the more extensive in the country," said Chevis Swetman "Years ago, people didn't know what it was that made it glow. The opalescent glass, which glows under black lights, was created by adding uranium to a glass mixture with a high arsenic content."

Outside the home, Chevis Swetman pointed to the fallout shelter and noted that his father was a survivalist as well as a collector of fine things.

"The fallout shelter has four escape hatches in case some of them got blocked by rubble," he said. "They were all built at right angles because radiation travels in a straight line. We were prepared for the big one."

JUCO CAMPUSES HOLD JOINT GRADUATION

BILOXI, MS.—Sean and Stephanie Harris of Lucedale graduated from separate campuses of Mississippi Gulf Coast Community College, but took part in the same graduation ceremony.

For the first time since 1968, the Jackson County, Jefferson Davis and Perkinston campuses of Mississippi Gulf Coast Community College united Monday night for a joint graduation ceremony.

A few months ago, the Harris couple worried about having to miss each other's graduation.

"I was very relieved to find out it was on the same day in the same place," Stephanie Harris, 25, said Monday night as she and her husband prepared for the processional at the Mississippi Coast Coliseum.

"We both wanted to go to each other's graduation," said 28-year-old Sean, who completed the paramedic program at the Jefferson Davis campus.

Stephanie Harris finished at the Jackson County campus with an associate of arts degree.

With increasing enrollments and record-high graduating classes, the three campuses of Mississippi Gulf Coast Community College have grown too large to hold separate ceremonies in their gyms. More than 800 students took part in the Monday night ceremony.

NATIONAL HOSPITAL WEEK--1999

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1999

Mr. EHLERS. Mr. Speaker, I rise today to recognize National Hospital Week during the week of May 9–15. This year's theme, "People Care. Miracles Happen," recognizes the health care workers, volunteers and other health professionals who are there 24 hours a day, 365 days a year, curing and caring for their neighbors who need them.

An example of this dedication is the Universal Infant Hearing Screening program of Spectrum Health's Downtown Campus in my hometown of Grand Rapids, Michigan. The program won the American Hospital Association's prestigious Hospital Award for Volunteer Excellence, which highlights special contributions of hospital volunteers.

The Universal Infant Hearing Screen program identifies potential hearing loss in all babies at or transferred to Spectrum Health's Downtown Campus. Early identification and intervention can prevent a hearing problem from being a handicap.

Volunteers undergo extensive training to prepare for this program. After volunteers administer the screening, audiologists review the test results to identify infants with potential problems. Those with abnormal results are referred for re-screening or diagnostic testing. Without the work of volunteers, it would be impossible to provide this vital service to the thousands of babies at Spectrum Health every year.

Mr. Speaker, I ask my colleagues to join me in congratulating the staff at Spectrum Health for their dedication and their award-winning program.

IN MEMORY OF THE LATE LAWRENCE BANKOWSKI

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1999

Ms. KAPTUR. Mr. Speaker, I rise today to pay tribute to an outstanding craftsman and labor leader in my District. Lawrence Bankowski, retired President of the American Flint Glass Workers Union (AFGWU), left this world on April 10, 1999 at the age of 68 after a long and valiant struggle with cancer.

Born in Mt. Clemens, MI, Larry grew up in North Toledo, graduating from Woodward High School and attending the University of Toledo. He often worked up to three jobs at a time, and joined the AFGWU in 1955 when he went to work as a moldmaker for Ohio Permanent Mold Company, where he remained until 1973 when he was elected international union representative. He rose through the ranks in 25 years of dedicated service to the union, retiring as its International President in 1999. In representing the 121 year old AFGWU and its 18,000 members, Larry traveled to other countries, met with President Clinton, and served on the U.S. Department of Labor's Advisory Committee on Trade Negotiations. He always championed the cause of working people, constantly urging that U.S. companies' production remain in the United States and that trade laws benefit workers everywhere.

A very wise leader, Larry was diligent in his life long efforts and embodied the men and women he represented in the AFGWU. Throughout his years of service in the international union, he kept his focus on the needs of the rank and file, never losing sight that the men and women making up the AFGWU and their futures were what mattered most. He understood that union working men and women can unite to fight for their economic, social and political best interests.

Larry Bankowski was also a dedicated family man, relishing time spent with his wife, children, and grandchildren. In the years I have been privileged to know him, his wife Betty, or one of his children or grandchildren always accompanied him. There is no way to adequately express our heartfelt condolences to Betty, their children Carol, Kathy, and Karen, his sisters and brother and grandchildren. May you find comfort in knowing Larry is at peace, and lives in the light he left shining in each of you, and of us. His kindness, dedication, and gentlemanly demeanor make our community and world finer and more humane.

SPECIAL RECOGNITION AND COMMENDATION FOR PRESIDENT DEBOW FREED OF OHIO NORTHERN UNIVERSITY

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1999

Mr. OXLEY. Mr. Speaker, today I rise to spotlight a very special individual who has unselfishly given of his time, energy, and spirit to others in the Fourth Congressional District of Ohio. The month of August will pose many a challenge to Ohio Northern University since it will be losing its President to a well deserved retirement. His shoes will be very difficult to fill.

President Freed has been with ONU in Ada, Ohio since 1979. Before serving as Ohio Northern's President, Dr. Freed was the president of Monmouth College. Dr. Freed has served in all aspects of university life. He has been a teacher, administrator, dean, and president. He knows inside and out how to guide a university to academic and financial success.

Besides being a top notch administrator, Dr. Freed is a great academian. It's not every college which can boast that is has a Doctor of Nuclear Science and Engineering as president. Over the years I have witnessed how DeBow Freed cares very deeply for his university family. Students and faculty have perhaps been a bit spoiled with how good a president he has been. Though he will no longer work as president for ONU, he will never be far from it in mind and body. Moreover, the Freed Center of Fine Arts stands as a lasting tribute to his leadership abilities and the commitment he and his wife have made to the university.

I wish Dr. Freed and his wife, Catherine, all the best as they approach this new adventure of retirement together.

TRIBUTE TO THE VETERANS OF FOREIGN WARS OF THE UNITED STATES 100TH ANNIVERSARY

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1999

Mr. BONIOR. Mr. Speaker, I am honored to recognize the Centennial Anniversary of a proud organization. Today, the Veterans of Foreign Wars of the United States, Tenth District in the State of Michigan will celebrate the VFW's 100th Anniversary. The members will gather at the Charles Schoor Post 796 in Port Huron Michigan in honor of this historic occasion.

The Veterans of Foreign Wars dates back to the time of the Spanish-American War of the late 1800's. The first local organizations were founded by veterans in 1899 to secure rights and benefits for their service. Three separate groups were founded in Ohio, Colorado, and Pennsylvania, and later banded together to become known as the Veterans of Foreign Wars of the United States.

Today, the organization has over two million members, and includes veterans from World War I through Bosnia. Each new generation of members adds to the strength and focus of the VFW. However, the VFW has remained committed to recognizing military service and remembering those who gave their lives for freedom.

Under the motto, "Honor the dead by helping the living," the VFW has provided assistance to countless veterans across the United States. The VFW has more than 15,000 trained service officers who assist veterans and their families with government services, discharge upgrades, and other much-deserved benefits awarded to Veterans. Through national programs, the Veterans of Foreign Wars is able to provide members with information, scholarship, safety programs, and youth involvement activities.

On the 100th Anniversary of the Veterans of Foreign Wars, we celebrate the people who have made this organization successful. I would like to extend my congratulations on this historic occasion and best wishes for the future.

BANKRUPTCY REFORM ACT OF 1999

SPEECH OF

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 833) to amend title II of the United States Code, and for further purposes:

Mr. CROWLEY. Mr. Chairman, while I believe that H.R. 833 is an important step towards ending the abuse and restoring responsibility to our nation's bankruptcy system, I believe that the effectiveness of this legislation could be improved by adjusting the homestead exemption for bankruptcy filers to more adequately reflect the current costs of housing in the United States.

Mr. Chairman, in my home State of New York, the homestead exemption for individuals is just $10,000 while couples are limited to only a $20,000 exemption. Clearly this amount is woefully inadequate when compared to the current high costs of housing faced by the residents of New York.

Mr. Chairman, while I think that H.R. 833 sets a reasonable cap on homestead exemptions at $250,000, I believe it is imperative that the homestead exemption for individuals and couples in New York be raised to sufficiently reflect the prevailing costs of housing in New York so that while consumers are working to meet their financial obligations and get back on their feet, they are not burdened with the prospect of losing their homes.

HONORING THE SILAS AND ELLA LEWIS FAMILY REUNION

HON. RONNIE SHOWS

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1999

Mr. SHOWS. Mr. Speaker, I rise today to honor the Family of Silas and Ella Lewis as they plan to celebrate their first Family Reunion from July 2nd through July 4th, 1999 in Monticello, Mississippi.

Silas Lewis was one of the first African-Americans to own land and a horse-drawn buggy in the early 1900's. Descendants of Silas and Ella Lewis continue to live in the area and have become productive and prominent members of the community.

All Americans come together as a family to honor our national heritage on the Fourth of July. It is a fitting tribute to Silas and Ella Lewis that so many members of their family have made the commitment to come together during the Fourth of July holiday to celebrate their personal heritage. Silas and Ella Lewis are role models for modern Americans. The principles of hard work and determination they instilled in their children and grandchildren continue to represent the strong family values we need to foster as we prepare to begin a new millennium.

Mr. Speaker, I am proud to rise today to honor the memory of Silas and Ella Lewis. I am proud of their family for coming together to celebrate their noble heritage. And I am most proud that I am able to rise before this Congress—the People's House—to share their story and praise Silas and Ella Lewis.

MARKING THE 300TH ANNIVERSARY OF THE TOWN OF PLAINFIELD, CONNECTICUT

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1999

Mr. GEJDENSON. Mr. Speaker, I rise today to mark the 300th anniversary of the incorporation of the Town of Plainfield, Connecticut. I join the residents of the community in celebrating this special occasion.

Within only a few decades of landing at Plymouth Rock, citizens of the Massachusetts Bay Colony were migrating into the "hollowing wilderness" of eastern Connecticut and settling along the banks of the Quinebaug River. Today, it is hard to believe that Connecticut was once considered "frontier" territory, but the families who began to develop towns east of the Connecticut River in the 1640s and 1650s were pioneers well before the first Conestoga wagon set off along the Oregon trail. The Winthrop and Fitch families began to establish settlements on the Quinebaug in the mid-1650s. The Winthrop settlement on the eastern side of the River would ultimately become the Town of Plainfield when its inhabitants were granted the "powers and privileges of a township" on May 11, 1699. The name Plainfield—bestowed by Governor Fitz-John Winthrop in 1700—can be directly traced to the topography of the area which is dominated by fertile meadows and fields.

The development of Plainfield over the past three centuries is a microcosm of the history of New England and the nation as a whole. Plainfield was an agrarian community throughout the 1700s dotted by small family farms growing corn, rye, barley and other crops in the fertile lands surrounding the Quinebaug. Men from Plainfield joined colonists from across Connecticut and New England to fight for our independence during the Revolutionary War. The Community hosted 6,000 troops under the command of French General Rochambeau as they traveled from Newport, Rhode Island to Yorktown, Virginia to participate in the decisive campaign of the Revolution.

Beginning in the first decade of the nineteenth century, Plainfield began a fundamental transition which would forever reshape its character, population, economy and culture. In many respects, the history of this community, and many others throughout New England, is defined by the development and expansion of the textile industry. And Plainfield was an ideal place for this industry to grow. The rivers which run through Plainfield, including the Moosup and Quinebaug, offered an ideal source of power for early mills. The Hartford-Providence Turnpike, the major transportation route between the state capitals, ran through town. Moreover, Plainfield benefitted from its close proximity to Rhode Island—the birthplace of the factory-based textile industry in the United States. The early mills received important financial support from Rhode Island investors and utilized technology developed by Samuel Slater.

The first textile mill was established in the community by the Plainfield Union Manufacturing Company in 1809 along the Moosup River. Within a decade, the company employed 74 people who produced shirts, sheets, bedding and other products. In the years following 1809, which author Christopher Bickford describes as "those frenetic first years of growth of the textile industry," several other mills were established along the Moosup and Quinebaug Rivers, including one owned by the Moosup Manufacturing Company. By 1820, the character of Plaifield had changed significantly as the textile industry became more and more widespread.

Over the coming decades, the textile industry would grow exponentially, remaking the community into an industrial center in Connecticut. The mills built during this period were multiple stories and incorporated the latest technological innovations. By 1840, Plainfield was home to seven cotton and five woolen mills. The cotton mills produced 3.2 million yards of cloth and employed 512 people. The woolen factories produced 110,500 yards of cloth using nearly 300 employees. In 1840, the railroad began to provide service to Plainfield. This linked Plainfield to communities throughout New England and provided another boost to the growing textile sector. Using the railroad, producers could distribute their products to new markets more cheaply than ever before. Moreover, the coming of the railroad helped to encourage the development of larger and larger industrial facilities. The original Wauregan Mill, built in 1853, was 250 feet long by 50 feet wide making it the largest mill in Plainfield by far. By 1860, this mill was the largest in Windham County with 425 employees who produced 3.9 million yards of various cloth products.

The history of Plainfield continued to be defined in large part by the textile industry through the 1920s. New mills continued to be constructed, including facilities built by the Plainfield Woolen Company and another by the Central Worsted Company. The last major mill was built by Harold Lawton between 1906 and 1912. This was the largest facility ever constructed during more than a century dominated by continuous growth in the textile industry. The original structure was three stories, measured more than 250 feet long and had a 150-foot smokestack rising above its steam generators. Over the next six years, the original building was expanded twice and employment grew to 1,200. These developments in the early part of this century prompted the Providence Sunday Journal to write in 1912 that "Plainfield has been transformed from a quiet farming community into one of the busiest mill villages hereabouts." The transformation of Plainfield from a frontier outpost into an industrial center was complete.

The residents of Plainfield have triumphed over a series of challenges throughout the twentieth century. They survived the Great Depression which dramatically reduced employment in the Town's mills. Young men from the Town served their nation bravely in two world wars, Korea, Vietnam and other military actions around the world. The community developed new industries in the 1950s and 1960s during a period in which economic forces beyond its control shifted textile manufacturing to the southern United States and overseas. During this period, new manufacturers, including Kaman Corporation and C&M Wire, moved to old mill buildings and contributed to economic diversification and revitalization.

Mr. Speaker, a yet to be published book documenting Plainfield's long history is appropriately titled: "Plainfield Transformed: Three Centuries of Life in a Connecticut Town." Over the past three hundred years, the community has been transformed from a frontier outpost to a center of textile manufacturing to the town we see today. As the residents celebrate their past, they look to the future with optimism and a strong sense of community. I know that our grandchildren and their children will mark Plainfield's 400th Anniversary with the pride we feel today.

TRIBUTE TO JOSEPH E. DeVOY

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1999

Mr. WEINER. Mr. Speaker, I rise today to invite my colleagues to pay tribute to Joseph E. DeVoy on the occasion of the Forest Hills Community and Civic Association's Testimonial Luncheon in recognition of his thirty-five years of service to the Association and to the Forest Hills community.

Joe DeVoy, a strong believer in community and coalition building, was selected as Community Board Six's first Chairman and continues to serve as a member of the Board. He has served as the President of the Central Queens Allied Council, a forerunner of Civic Alliances in Queens.

Joe DeVoy's strong interest and focus on community service led him to be one of the founding members of the Forest Hills Volunteer Ambulance Corps where he served as an EMT for six years. Through his dedicated efforts, the North Forest Park Branch of the Queens Borough Library was completed and opened to the public providing neighborhood residents with a haven to read and learn about their community and the world. In addition, Joe DeVoy was the driving force behind the designation and development of Remsen Park as a historic landmark and protected area and currently serves as the President of the Remsen Park Coalition.

Joe DeVoy routinely works with neighborhood community groups and local elected officials to ensure the quality of life of his friends and neighbors in Forest Hills. Under Joe DeVoy's leadership, the Forest Hills Community and Civic Association has developed a broad array of services for people of all ages. Today, the members of the Forest Hills Community and Civic Association still enjoy the benefits of Joe's guidance and leadership in finding ways to resolve problems which affect the Forest Hills community.

Joe DeVoy has long been known as an innovator and beacon of good will to all those with whom he has come into contact. Through his dedicated efforts, he has helped improve my constituents' qualify of life. In recognition of his many accomplishments on behalf of my constituents, I offer my congratulations to Joseph E. DeVoy on the occasion of the Forest Hills Community and Civic Association's Testimonial Luncheon in honor of his thirty-five years of service to the Association and to the Forest Hills community.

WE THE PEOPLE . . . THE CITIZEN AND THE CONSTITUTION

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1999

Mr. CASTLE. Mr. Speaker, it is with great pride that I rise today to congratulate the young scholars of Woodbridge High School from Bridgeville who represented my home state of Delaware in the We the People . . . The Citizen and the Constitution program. They were part of a group of 1200 students from across the country who were in Washington, D.C. from May first to the third to compete in the national finals of this program. These young scholars worked diligently and persistently to reach the national finals and through this program have gained a deeper knowledge and understanding of the fundamental principles and values of our constitutional democracy.

The names of the students are: Derek Bowman, Mike Clendaniel, Lisa Culver, Joy Diogo, Laura Divver, Shawanda Garrison, Krsitine Haring, Cassie Hartzell, Brooke Hearn, Lina Hertzog, Heather Holmes, Jared Judy, Michele Keough, Matt McCoy, Josh Miller, Blake Moore, Andrew Morozowich, Jessica Parkinson, Willie Savage, Crystal Short and Lefeisha Williamson.

I would also like to extend my congratulations to their teacher, Barbara Hudson, who deserves much of the credit for the success of the team.

The We the People . . . The Citizen and the Constitution program is the most extensive educational program in the country developed specifically to educate young students about the Constitution and the Bill of Rights. The three-day final competition they participated in consisted of hearings modeled after those in the United States Congress. The students made oral presentations before a panel of adult judges and testified as constitutional experts before a "congressional committee." A panel of adult judges representing various regions of the country and a variety of appropriate professional fields served on the congressional committees. These judges followed up the testimonies with a series of questions designed to test the students' depth of understanding and their ability to apply constitutional knowledge to given situations.

The We the People program is administered by the Center for Civic Education, and has provided curricular materials at upper elementary, middle and high school levels for more than 26.5 million students nationwide. This program has promoted civic competence and responsibility among young students as well as awareness for contemporary relevance of the Constitution and Bill of Rights.

The team from Woodbridge High School conducted research in preparation for the national competition here in Washington, D.C. I congratulate them for their fine work that enabled them to come so far in this competition and to visit our nation's capital.

THE INTRODUCTION OF THE FEDERAL EMPLOYEES' BENEFITS EQUITY ACT OF 1999

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1999

Mr. CUMMINGS. Mr. Speaker, on behalf of the President of the United States, William Jefferson Clinton, I am pleased to introduce the "Federal Employees' Benefits Equity Act of 1999." This proposal eliminates certain inequities under the Civil Service Retirement System (CSRS) and the Federal Employees Retirement System (FERS), with respect to computation of benefits for certain employees. The legislation also corrects an inequity created by the court decision. Wassenaar v. OPM, that affects benefits for survivors of law enforcement officers and fire fighters who die as federal employees.

Under current CSRS and FERS law, certain employees (i.e. air traffic controllers, fire fighters, law enforcement officers, and nuclear materials couriers) qualify for an immediate enhance annuity if separated from service after reaching age 50 and completing 20 years of service. The enhanced annuity, however, requires that they make retirement contributions that are 0.5 percent higher than employees generally.

The legislation addresses an inequity that occurs when an employee in one of these occupations is forced to retire because of a disability, or is involuntarily separated (not for cause), before reaching age 50, the employee only receives a regular annuity (and not the enhanced annuity), even if he or she has had 20 years of service in the occupation.

The bill fixes this problem by providing the enhanced annuity to employees, who after 20 years of qualifying service, regardless of age, are forced to retire due to involuntary separation, or for disability. The measure also provides for a refund of the additional 0.5 percent retirement contribution, with interest, when employees in these occupations retire or die before attaining eligibility for the enhanced annuity.

By supporting this legislation, you support federal firefighters, law enforcement officers, and others, who work in these very demanding occupations.

INTRODUCTION OF THE LIBRARY OF CONGRESS CHILD CARE CENTER ACT OF 1999

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1999

Mr. HOYER. Mr. Speaker, today I have introduced a bill designed to ensure the continued ability of the Library of Congress to provide quality child care services to those who so ably serve that fine institution and other elements of the Legislative Branch, as well as to other federal government employees and private sector employees when space is available.

Similar to the general law applying to other federal child care facilities, this legislation would amend the Library of Congress Child Care Center's authorizing language to specify that the Center must have at least 50 percent of its enrollees from families of federal employees. The legislation also establishes priorities for enrollment in the Center: first priority would go to children (and grandchildren and dependents) of Library employees; second priority would go to children of other employees of the Legislative Branch; and third priority would go to children of employees of other federal agencies. Children of non-federal employees would then be admitted as space allows, subject to the 50 percent limit.

The 1991 law creating the Library's Child Care Center is ambiguous on the point of permitting the Center to admit children whose parents are employed outside of the Legislative Branch. The Library's General Counsel and the independent Library of Congress Child Care Association Board believe the clear authority provided in the bill I introduce today is needed to continue the ability of the Library to provide affordable child care to Capitol Hill staff.

The proportion of Library and other Legislative Branch children enrolled in the Library's Child Care Center has steadily increased since the Center opened its doors in 1993. With nearly 50 percent of the Library's workforce becoming eligible for retirement by the year 2003, Library employees will have an even greater need for quality, convenient child care. Meanwhile, in order to remain self-sustaining, the Library's Center needs the same flexibility provided to other federal centers to admit a small proportion of children from families not employed by the federal government.

TRIBUTE TO ALEX AND SHIRLEY FAHN

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1999

Mr. MATSUI. Mr. Speaker, I rise today in honor of Alex and Shirley Fahn, of Sacramento, California.

Mr. Speaker, the Sacramento community, and especially the community of the Kenesset Israel Torah Center understand why Alex and Shirley deserve our recognition and our heartfelt thanks.

These extraordinary individuals display the inspiration of the Talmud and serve as examples to those near them. Alex and Shirley show us by their faith and commitment that this kind of courage is possible and they surround us with their strength.

Perhaps the most remarkable example of Alex and Shirley's commitment to build in our community is their belief in the Kenesset Israel Torah Center. Mr. Speaker, Alex and Shirley's work to take a dream and make it a reality touched so many people that they will be honored with a gala dinner in Sacramento later this week. I know I speak for those back home when I say that one evening of recognition could not possibly repay Alex and Shirley for their constant sacrifice.

The Talmud say, "Every blade of grass has an angel that bends over it and whispers, 'Grow, Grow.'" Alex and Shirley have been the angels of the Kenesset Israel Torah Center—dedicating their time and enthusiasm to every aspect of creating the Center. Since the initial planning stages, they never hesitated to offer their home to host meetings and events. They served on the Center's Board of Directors and began a tradition of generosity by donating to the building fund and dedicating classrooms. This amazing couple unconsciously grew into a leadership position in the development and life of Kenesset Israel.

We are grateful for Alex and Shirley's involvement as congregational and community leaders in a variety of organizations and capacities. Their leadership experience and personal integrity provide an example for the rest of us trying to navigate a true course.

Over the course of their service in Sacramento, Alex has served as president of both the Jewish Federation and Mosaic Law Congregation. Shirley has been active in the philanthropic sorority Theta Delta Xi.

Mr. Speaker, I am grateful for the constant contributions from Alex and Shirley Fahn and their commitment to truly give all they can. It is with great pleasure that I honor them today and offer my most heartfelt gratitude and best wishes for the future.

TRIBUTE TO STANLEY "SKEETER" SHIELDS

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1999

Mr. DUNCAN. Mr. Speaker, the citizens of East Tennessee are losing a true statesman.

After 32 years of successful service, Stanley "Skeeter" Shields is retiring from his post as Mayor of the City of Maryville, Tennessee. Few people in the entire Nation have served one community for so long and with such dedication.

A lifelong member of the Blount County community, Skeeter Shields has spent his career making life better for the citizens of Maryville and indeed all of Blount County. After graduating from Maryville High School, he attended Maryville College and went on to graduate from the University of Tennessee.

Mayor Shields has a beautiful family. He and his wife, Mary Frances, have two wonderful children and three grandchildren. Those who know Skeeter know that he is a true family man.

Skeeter Shields has been a devout member of the First United Methodist Church for many years. In fact, he has taught Sunday school for 44 years and is the past Chairman of the Church Board.

Mayor Shields is a model public servant. He was a member of the Maryville School board for 12 years, helping to improve the lives of young people through the education process. He was elected to the Maryville City Council in 1955, and in 1967 he was elected Mayor. He has served in that position ever since.

During his tenure, Mayor Shields demonstrated the true potential of a public servant. He was instrumental in getting several large industries to establish facilities in the Maryville area. Additionally, he helped develop a regional wastewater treatment plant, three public parks, two fire station facilities, as well as many other things that have greatly benefitted the citizens of Maryville.

Throughout the last 32 years, Mayor Shields has worked tirelessly to improve the quality of life for members of the Maryville and Blount County communities. I know that I join with everyone in East Tennessee in thanking Mayor Stanley "Skeeter" Shields for his outstanding service to this Nation.

Mr. Speaker, I have included a copy of a Resolution adopted by the Tennessee General Assembly honoring Mayor Shields that I would like to call to the attention of my fellow Members and other readers of the RECORD.

A RESOLUTION TO HONOR STANLEY SHIELDS, MAYOR OF MARYVILLE, ON THE OCCASION OF HIS RETIREMENT

Whereas, it is fitting that the members of this legislative body should recognize those citizens who in their years of work have performed with extraordinary dedication and unprecedented devotion; and

Whereas, Stanley Shields is one such outstanding person who has served with alacrity and acuity as the Mayor of Maryville, Tennessee for 32 outstanding years; and

Whereas, Mayor Shields exemplifies the spirit and dedication that is characteristic of a great Tennessean; and

Whereas, he is a graduate of Maryville High School, attended Maryville College and graduated from the University of Tennessee in 1938; and

Whereas, Mayor Shields was a member of the Maryville School Board from 1952 to 1964, serving astutely as chairman for four years; and

Whereas, his career in city government began in 1955 when he was elected as a member of the Maryville City Council. He was elected Mayor in 1967 and has served with distinction in that important position ever since; and

Whereas, during Mayor Shields' tenure, the city of Maryville has seen numerous improvements and great progress, including the development of a regional wastewater treatment plant; three public parks; two fire station facilities; a new library facility; an industrial park; Broadway Towers, a high rise elderly housing complex; and Maryville's Foothills Mall; and

Whereas, Mayor Shields' has also been instrumental in securing the location of several large industries in Maryville, including Denso Manufacturing and Ruby Tuesday Inc; and

Whereas, his illustrious service to his fellow citizens was appropriately recognized when he was selected Tennessee Mayor of the Year by the Tennessee Municipal League in 1979; and

Whereas, he has continued to serve adroitly the community in addition to his duties as mayor, as evidenced by his service on the Maryville Planning Commission, Recreation and Parks Commission, East Development District Board, Governor's Board, Maryville Rotary Club and Metropolitan Planning Organization for Knox and Blount counties; and

Whereas, throughout all his endeavors, Mayor Shields has shown his unwavering commitment to improving the quality of life for the citizenry of Maryville and Blount County; and

Whereas, he is most appreciative of the love and support he received from his wife, Mary Frances, their children, Steve and Karen, and grandchildren, Stephanie, Steve and Whitney; and

Whereas, Mayor Shields has evinced his devout faith as a member of the First United Methodist Church, where he has taught Sunday school for 44 years and is the past chairman of the church board; and

Whereas, the good people of Maryville are most grateful for Mayor Shield's devoted service and the sterling legacy he has built from Shields Stadium to the Greenbelt; now, therefore, be it

Resolved by Senate of the One Hundred First General Assembly of the State of Tennessee (the House of Representatives concurring). That we extend to Mayor Stanley Shields of Maryville our best wishes for a happy and fulfilling retirement and continued success in his future endeavors. Be it further

Resolved, That an appropriate copy of this resolution be prepared for presentation with this final clause omitted from such copy.

TRIBUTE TO THE GREATER WOODHAVEN DEVELOPMENT CORPORATION

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1999

Mr. WEINER. Mr. Speaker, I rise today to invite my colleagues to pay tribute to the Greater Woodhaven Development Corporation on the occasion of its 20th Anniversary Celebration.

The members of the Greater Woodhaven Development Corporation have long been known for their commitment to community service and to enhancing the quality of life for all New York City residents.

This event is not only a festive happening, it is a chance for all of us to celebrate and pay tribute to a group of individuals who have dedicated their lives to helping their friends and neighbors. This year's honorees truly represent the best of what our community has to offer.

As a member of the Board of Directors for the American Cancer Society, Queens Division, Douglas A. Gerowski helped raise more than $50,000 in a five-year period through the organization's "Stepping Out Against Cancer" fund-raising campaigns. Douglas has served as a Chairman of the Greater Woodhaven Development Corporations Board of Directors and coined the slogan "Taking Care of BIDness" as the Woodhaven Business Improvement District's first 3rd Vice President. He currently serves as the President of the Merillon Athletic Association of Hew Hyde Park and is actively involved in coaching his children's baseball, basketball and hockey teams.

Born a few months after Pearl Harbor, Jeffrey Lewis grew up in Woodhaven and attended local public schools. At that time, Jeffrey's family already owned and operated a small store, Lewis' of Woodhaven, on Jamaica Avenue and 85th Street. While in high school, Jeffrey helped his family celebrate the opening of Lewis' of Woodhaven's second store on Jamaica Avenue between 90th and 91st Streets. Following his graduation from the University of Denver in 1963, Jeffrey got married and started working full time at Lewis' of Woodhaven. Within a few short years, Jeffrey and his loving wife Marlin were blessed with two daughters. Even though he moved his family to Westchester, Jeffrey's roots and time were all in Woodhaven. In 1989, Jeffrey became involved with the Woodhaven Business Improvement District Feasibility Committee and became the first President of the Woodhaven Business Improvement District in 1993 upon its creation. While most of Jeffrey Lewis' time is still spent running the family business, he makes sure to enjoy the time he has with each of his children and grandchildren.

Today's honorees have long been known as innovators and beacons of good will to all those with whom they come into contact. Through their dedicated efforts, they have each helped to improve my constituents' quality of life. In recognition of their many accomplishments on behalf of my constituents, I offer my congratulations on their being honored by the Greater Woodhaven Development Corporation.

NATIONAL LABOR RELATIONS BOARD

HON. ERNEST J. ISTOOK, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1999

Mr. ISTOOK. Mr. Speaker, I rise today to urge my colleagues to cosponsor H.R. 1620, a bill to free the National Labor Relations Board from being overburdened because bracket creep has forced them to accept cases from very small employers in this nation. Here is a copy of my "Dear Colleague" and a report from the Labor Policy Association that outlines the problem and why it is important to small businesses in America to correct this problem.

FREE THE NATIONAL LABOR RELATIONS BOARD (NLRB). HELP REDUCE UNNECESSARY BURDEN ON SMALL BUSINESS

DEAR COLLEAGUE: This Congress, Mr. Istook is introducing legislation to help the NLRB manage their huge caseload. Each year the NLRB requests additional funding to help them administer and manage their caseload. This legislative reform simply makes adjustments for inflation in the financial jurisdictional thresholds of the NLRB, most of which were set in 1959. The NLRB can still adjudicate special cases below these thresholds, just as they can do today. It is crucial that we provide the NLRB with this freedom. We urge you to cosponsor this bill. Two former NLRB Chairs support this change.

The National Labor Relations Board (NLRB) is the government agency designed to settle labor disputes between unions and management. In 1959, Congress passed a law to give NLRB jurisdiction over businesses based on gross receipts. Once a business passes that threshold of gross receipts, it is subject to intervention by the NLRB. Businesses below the threshold are subject to actions brought in state courts, instead of the NLRB.

Without an adjustment for inflation, businesses and the NLRB have been caught in "bracket creep," as inflation has increased since 1959, the NLRB has acquired jurisdiction over much smaller businesses than was ever intended, escalating the expense and workload for the NLRB as well as for business. These now include very small businesses, for whom the cost of such intervention is unbearable. Up to 20% of the NLRB's workload now is these very small businesses. For example, NLRB has jurisdiction over non-retail businesses with gross receipts over $50,000, an inflation adjustment would raise that threshold to $275,773. NLRB has jurisdiction over retail businesses and restaurants doing more than $500,000 worth of business, but adjusting for inflation since 1959 would raise this to $2.7 million. Congress never intended to subject smaller businesses to such a heavy regulatory hammer.

The NLRB is powerless to change its jurisdiction without an act of Congress. So this legislation will do exactly that. By indexing the jurisdiction to the rate of inflation, the NLRB could again focus upon the larger businesses for whom the law was originally written. Small businesses have been severely burdened by dealing with the far-off NLRB instead of their local state courts (Examples on Reverse).

This bill's simple adjustment both frees NLRB to deal with significant cases truly affecting interstate commerce, and also removes the problems very small businesses have with NLRB oversight (See Example on the Reverse). If you have any questions, please call Mr. Istook's office and speak with Dr. Bill Duncan at (202) 225-2132.

Tom DeLay, Bill Young, John Boehner, John Porter, Jim Talent, Henry Bonilla, Ernest Istook, Dan Miller, Jay Dickey, Roger Wicker, Anne Northup, Randy "Duke" Cunningham, John Hostettler, Chris Cannon.

EXAMPLES OF SMALL BUSINESS NLRB CASES

Larry Burns, of Houston, Texas, (8 employees), had 2 charges filed against his business by the NLRB. One was thrown out, the other settled for $160 (1 days pay). Larry Burns spent $11,000 in attorneys fees and wasted time fighting the NLRB when these problems could have been solved cheaper and easier in state courts. Also, Mr. Burns, under state law, could have recovered ½ of his attorney's fees under loser pays (which helps eliminate frivolous charges).

Randall Borman, of Evansville, Indiana (4 employees). Three charges were filed with the NLRB. All were dismissed. He could have recovered all of his legal fees under Indiana state law. Instead he lost $7,500 in attorney's fees and lost revenue and had to lay off workers to cover this expense.

EXAMPLES OF DELAYS IN PROCESSING NLRB CASES

Julian Burns, of Charlotte, North Carolina, (23 employees). His case should be heard by the NLRB. However, the NLRB's workload is so overloaded with cases from very small businesses that it took 2½ years to hear his case. Rather than getting his day in court, he settled for $10,000, after paying $35,000 in attorney's fees, and $250,000 for losses in manpower and reduced workforce, for a total cost of $295,000.

ACHIEVING NLRB BUDGET SAVINGS BY UPDATING SMALL BUSINESS THRESHOLDS

The National Labor Relations Board[1] (NLRB or Board) exercises exclusive jurisdiction over all labor disputes that are considered to be of significant national interest. The Board, itself, has set the standards for determining which labor disputes reach this threshold. Unfortunately, most of these standards are based on 1959 dollar figures that have not been adjusted for inflation over time. The result is that the Board's method for asserting jurisdiction has become outdated and should be changed to reflect present economic realities. Such a change could result in substantial savings to the U.S. Government.

The NLRB's jurisdiction, in both representation and unfair labor practice cases, extends to all enterprises that "affect" interstate commerce.[2] This expansive statutory grant of authority has been held by the Supreme Court to mean that the Board's jurisdiction extends to "the fullest . . . breadth constitutionally permissible under the commerce clause."[3]

Traditionally, however, the Board has never exercised its full authority. Since its establishment, the Board has considered only cases that, in its opinion, "substantially affect" interstate commerce. In 1959, Congress endorsed this practice in the Labor-Management Reporting and Disclosure Act. The act specifically allowed the Board to "decline to assert jurisdiction over any labor dispute . . . where . . . the effect of such labor dispute on commerce is not sufficiently substantial to warrant the exercise of its jurisdiction."[4] Congress did not leave the Board total discretion, however. It instructed that the Board "shall not decline to assert jurisdiction over any labor dispute over which it would assert jurisdiction under the standards prevailing upon August 1, 1959."[5]

Thus, although Congress recognized that the board needed to exercise discretion in interpreting the term "affecting commerce," it clearly did not want the Board to establish lower thresholds than were already in place. In 1959, however, the Board's prevailing jurisdictional thresholds were based on raw dollar amounts. The difficulty with this jurisdictional approach is that it fails to take inflation into account.

The problem with not adjusting jurisdictional thresholds is clearly illustrated in the following example. In 1959, the Board exercised jurisdiction over non-retail businesses that sold or purchased goods in interstate commerce totaling $50,000 or more annually. In other words, in 1959, $50,000 of interstate business "substantially affected commerce." Today, the Board continues to exercise jurisdiction using the $50,000 threshold, but the effect on commerce of $50,000 today is not nearly what it was in 1959. The value of $50,000 today is equivalent to $9,065 in 1959. Thus, just as $9,065 did not warrant the Board's jurisdiction in 1959, $50,000 should not warrant the Board's jurisdiction today.

Since 1959, the Board has established separate thresholds for particular types of businesses that did not fall into the 1959 categories. Although these thresholds are more recent, they nonetheless suffer from the same major flaw—they fail to consider inflation.

Figure 1, below, lists the Board's current jurisdictional thresholds for various business sectors along with the year in which those thresholds were established. These sums are then converted into their present value—making it clear that the Board's present procedure for asserting jurisdiction is both unrealistic and outdated. Consequently, 29 U.S.C. § 164(c)(1) should be amended to reflect the present value of these jurisdictional thresholds.

A second flaw in basing jurisdiction solely on the volume of the employer's business is that such a method fails to consider the size of the bargaining units involved. As a result, the Board spends scarce federal resources pursuing relatively small benefits. Figure 2 clearly illustrates this position. In 1994, the Board expended nearly 20% of its representation effort on bargaining units of 9 persons or less. Yet, this 20% effort reached less than 2% of the total number of employees involved in representation elections that year (3,393 out of a total of 188,899). In other words, the Board could have reduced its effort by 20% while maintaining 98% effectiveness had it declined to assert jurisdiction over these small units.

What is even more surprising is that the NLRB conducts elections in units as small as two workers. The Board refuses to release statistics on this point to the public, but such statistics would be available to the Appropriations Committee.

Leaving jurisdiction over these small units to the states would be the most efficient use of federal resources and could result in significant savings to the Federal Government.

FOOTNOTES

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[1] This analysis was prepared by the staff of the Labor Policy Association.

[2] 29 U.S.C. § 160.

[3] NLRB v. Reliance Fuel Oil Corp., 371 U.S. 224 (1963).

[4] 29 U.S.C. § 164(c)(1). Parties involved in labor disputes that did not meet the Board's jurisdictional requirements were not left without recourse by Congress. The act specifically provided that agencies or state courts could assert jurisdiction over these claims. 29 U.S.C. § 164(c)(2). Of course, state courts would have to be empowered by state law to do so.

[5] 29 U.S.C. § 164(c)(1).

FIGURE 1.—PRESENT VALUE OF NLRB JURISDICTIONAL THRESHOLDS BY BUSINESS ACTIVITY

Business activity	Jurisdictional threshold	Present value
Non-retail enterprises; enterprises that combined retail and wholesale; and architectural firms	[1] $50,000 (1959)	$275,773
Retail enterprises; restaurants; automobile dealers; taxicab companies; country clubs; and service establishments	[2] 500,000 (1959)	2,757,732
Instrumentalities, links, and channels of interstate commerce	[3] 50,000 (1959)	275,773
Public utilities; transit companies	[4] 250,000 (1959)	1,378,870
Printing; publishing; radio; television; telephone; and telegraph companies	[5] 200,000 (1959)	1,103,093
Office buildings; shopping centers; and parking lots	[6] 100,000 (1959)	551,546
Day care centers	[7] 250,000 (1976)	705,185
Health care facilities:		
nursing homes	100,000	298,327
hospitals	[8] 250,000 (1975)	745,818
Hotels and motels	[9] 500,000 (1971)	1,981,481
Law firms	[10] 250,000 (1977)	662,129

[1] Figure represents annual interstate sales or purchase. Siemons Mailing Serv., 122 NLRB 81 (1958); Wurster, Bernardi and Emmons, Inc., 192 NLRB 1049 (1965).

[2] Figure represents annual volume of business including sales and taxes. Red and White Airway Cab Co., 123 NLRB 83 (1959); Carolina Supplies and Cement Co., 122 NLRB 723 (1958); Bickford's, Inc., 110 NLRB 1904 (1954); Claffery Beauty Shoppes, 110 NLRB 620 (1954); Wilson Oldsmobile, 110 NLRB 534 (1954); Walnut Hills Country Club, 145 NLRB 81 (1963).

[3] Figure represents annual income derived from furnishing interstate passenger or freight transportation. HPO Serv., Inc., 202 NLRB 394 (1958).

[4] Figure represents total annual volume of business. Public utilities are also subject to the $50,000 non-retail threshold. Charleston Transit Co., 123 NLRB 1296 (1959); Sioux Valley Empire Elec. Ass'n. 122 NLRB 92 (1958).

[5] Figure represents total annual volume of business. Belleville Employing Printers, 122 NLRB 92 (1958); Raritan Valley Broadcasting Co., 122 NLRB 90 (1958).

[6] Figure represents total annual income. Mistletoe Operating Co., 122 NLRB 1534 (1958).

[7] Figure represents gross annual revenues. Salt & Pepper Nursery School, 222 NLRB 1295.

[8] Figure represents gross annual revenues. East Oakland Health Alliance, Inc., 218 NLRB 1270 (1975).

[9] Figure represents total annual volume of business. Penn-Keystone Realty Corp., 191 NLRB 800 (1971).

[10] Figure represents gross annual revenues. Foley, Hoag, & Eliot, 229 NLRB 456 (1977).

RECOGNIZING WASHINGTON REGIONAL MEDICAL CENTER

HON. ASA HUTCHINSON

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1999

Mr. HUTCHINSON. Mr. Speaker, I rise today in recognition of National Hospital Week and applaud the efforts of our nation's hospitals. In particular, I want to call attention to the Washington Regional Medical Center, and its efforts to serve the community.

Washington Regional—located in Fayetteville, Arkansas—has recently been awarded the 1999 NOVA award by the American Hospital Association. This award recognizes hospitals for their initiatives for and interaction with the local community. This year, Washington Regional is a recipient of the NOVA award for its commitment to the children of Washington County.

Many community ills occur due to circumstances that are beyond an individual's control. Unfortunately, many of these problems result in chronic disease, disability and often death. Washington Regional is working to reverse that trend through the Kids for Health program. Through this program, the medical center partners with the Washington County school system to teach more than 8,000 children about self-esteem, general health, nutrition, fitness, hygiene, and safety.

The Kids for Health program is so successful that it received a five-year grant from the Harvey and Beatrice Jones Charitable Foundation. This critical program is proving that an ounce of prevention is worth a pound of cure. Mr. Speaker, I am very pleased and proud to recognize the Washington Regional Medical Center for its achievements. It is a stellar example of a hospital that makes a difference in its community.

PROVIDING WIC BENEFITS TO OVERSEAS MILITARY PERSONNEL

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1999

Mr. GOODLING. Mr. Speaker, today I am introducing legislation that will put an end to unfair treatment of military personnel stationed overseas and their families. These dedicated personnel who are performing invaluable service to the nation, along with their families, are currently ineligible for supplemental nutrition services which we provide for other citizens.

The Department of Defense estimates that 46,658 women, infants, and children are currently denied benefits under the Supplemental Nutrition Program for Women, Infants, and Children (WIC). That means that military personnel and their families, to whom our nation owes substantial gratitude, are being treated as second-class citizens. They are denied basic services which would be available to them had they not volunteered to serve their country.

As a nation, we are better than that. We are already asking men and women who serve in the military to make significant sacrifices. Those sacrifices should not include the health and well being of their families.

Since its inception, we have seen very clear evidence that participation in WIC has reduced the number of low birthweight babies and birth defects caused by poor nutrition during pregnancy. In addition, the nutritional supplements received by infants and young children help prevent health problems related to poor nutrition. This small investment in nutritional assistance for individual participants saves our country a great deal in health care costs and costs related to special education services.

The WIC program also includes an education component which is key to the program's success. These nutrition and education benefits should be available to all U.S. citizens, regardless of where they are residing.

Present law authorizes the Secretary of Defense to carry out a program similar to WIC to provide special supplemental food benefits to military personnel overseas. However, current law relies heavily on the transfer of funds and commodities from the Secretary of Agriculture to operate this program. These funds have never been made available. Therefore, the legislation I am introducing today would call on the Secretary of Defense to use funds available for the Department of Defense to carry out this program. It would also require the Department of Agriculture to provide technical assistance to the Department of Defense to insure program quality.

Mr. Speaker, I believe very strongly that our military personnel overseas should have access to the same nutritional support as families residing in the United States. My legislation would enable the Department of Defense to provide these services. I would encourage my colleagues to cosponsor this legislation, which insures that our overseas military personnel and their families reap the same benefits from program participation.

TRIBUTE TO MARTIN L. VINGER OF DODGEVILLE, WISCONSIN

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1999

Ms. BALDWIN. Mr. Speaker, I rise today to recognize World War I veteran Martin L. Vinger, of Dodgeville, Wisconsin. Mr. Vinger has been recognized by the French government in solemn tribute to his World War I service. He valiantly served on French soil to aid in the liberation of France, and for his service he has been awarded The National Order of the Legion of Honor, the highest military honor that can be bestowed upon non-French soldiers.

With an extraordinary sense of dedication and commitment, Mr. Vinger enlisted in the U.S. Army on April 11, 1918 at the age of sixteen. He then departed for France in July of that year. He returned to the United States in February, 1919 and was discharged the following month.

At the time of his award, Mr. Vinger stated from his own wartime experiences that we Americans today must remember to keep our democracy alive, "because if we lose it, it will be a long time getting it back." One can only imagine what a different world we might be living in today had not Mr. Vinger and other brave young men and women served on the many fronts of the "war to end all wars." It is with sincere gratitude and the utmost respect that I rise today to ask that the Congress of the United States join with me in recognizing the selfless service of Mr. Martin L. Vinger.

A TRIBUTE TO DON KINGSTON

HON. DAVID D. PHELPS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1999

Mr. PHELPS. Mr. Speaker, I rise today to pay tribute to Don Kingston, who is retiring this year from Eldorado High School in Eldorado, Illinois. Donald J. Kingston was born on October 28, 1931, one of eight childen. His father passed away when he was just four years old leaving his mother with eight children during the Depression. Don felt strongly that President Franklin Delano Roosevelt's New Deal Programs were instrumental in pulling his family through the hard times. He also believes that the sports programs in his local high school were the only reason he completed high school, a very revealing fact when you look at how dedicated he has been to EHS sports over the last forty years.

Back in the fall of 1956, while in his last year of law school, EHS head football coach-Coach Adams, asked Don to be assistant coach for the EHS football team. Instead of going on to practice law, Don accepted the assistant coaching job. A year later when Coach Adams retired, Don became the head coach of the football team. Don Kingston has given the last forty-two years of his life to being both an outstanding educator and coach at Eldorado High School. Mr. Kingston has taught many subjects at Eldorado High School, including physical education, driver's education, English and geography. Mr. Kingston has also coached the football, basketball and track teams. The best teams he has ever coached, according to Don, were the 1968 Eagles Football Team and the 1976 Eagles Basketball Team, of which his son Kevin was a member.

Mr. Speaker, what is most special about my opportunity now to congratulate Don and his wife Wanda, is the fact that I have known them all of my life and truly appreciate their commitment to public service. They raised two wonderful children; Kevin and Valerie, who have served as role models to the community, and I know that if Kevin were still with us today he would be proud to see his father reach this stage in his life. Don has been my teacher, my fellow elected official, my supporter, professional colleague, but most importantly, my friend! Don, we wish you God's speed and congratulations on a fabulous career in shaping the lives of our young people.

FREMONT'S IRVINGTON HIGH SCHOOL NAMED 1999 DISTINGUISHED SCHOOL BY THE CALIFORNIA DEPARTMENT OF EDUCATION

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1999

Mr. STARK. Mr. Speaker, I rise today to pay tribute to Fremont's Irvington High School. The California Department of Education has named Irvington as a 1999 Distinguished School—the most prestigious award they bestow.

Consideration for this award does not come lightly. The California Department of Education uses a rigorous aggressive application model, which requires schools to be exemplary in their field. Irvington is a magnet school for the visual and performing arts, and currently 1,800 students are in attendance.

Irvington High School should also be very proud of its cutting edge requirement that students complete 40 hours of service learning, or community service, in order to graduate. Programs such as these are what make Irvington stand out from the rest.

I commend the faculty and students of Irvington High School for their dedication to excellence, and I congratulate them.

IN MEMORY OF JONATHAN PATRICK BIGONY II

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1999

Mrs. MEEK of Florida. Mr. Speaker, I rise today in happy memory of the late Jonathan Patrick Bigony II, on the third anniversary of his birth, which occurred on June 8, 1996. Blue-eyed with black, curly hair and a radiant smile, Jonathan was known as "J.P." to his friends, yet to his four devoted uncles in the DiGregory Family, he was affectionately nicknamed "Tater." He loved to laugh at the kitchen table with his Uncle Billy, to watch his Uncle Jimmy working in the garden, to play with his Uncle Johnny, and to watch his Uncle Dominic prepare detailed meals as a chef. Among J.P's first words were the names of his uncles.

As high spirited and good-natured as he was handsome, J.P. was a delight to those who met him. Whenever carrying him on their shoulders, his friends and family were prepared for J.P. to flip over backwards in laughter. He was the loving son of Jonathan and Marysanta Bigony of Bowie, Maryland, and was the younger brother of J.R. Bigony. J.R. and J.P. dearly loved each other, and the two boys enjoyed laughing together, day and night. Jonathan's loving Godparents were his friend, Patty Lowe, and his Uncle Dominic.

Nothing fascinated J.P. more than when he looked up on a roof one beautiful morning in May, 1997, and saw his uncles doing carpentry together with his friend, Raymond Lowe. From the high rafters, his beloved Uncle Johnny waved to him and his much-loved Uncle Jimmy called out an enthusiastic, "Tater!" And Jonathan, only 11 months old, fearlessly tried to climb the ladder to be with them. He knew what it meant to be loved.

Jonathan enjoyed many of his adventures in the company of his totally dedicated grandmother, Mrs. Dorothy McNamara DiGregory, whom he adored and who cleverly fashioned a safety-seat for him on her golf cart, so that he could accompany her during her strenuous work hours around the expansive family property. J.P. loved the outdoors, and he enjoyed helping her to do carpentry, to feed the horses and dog, to work in the garden, to landscape the lawns, and to trim branches along the creek.

Jonathan also enjoyed playing games with his loving grandmother, Mrs. Gertrude Bigony, of York, Pennsylvania, and with his cousins, Leigha and Danielle DiGregory. One of his earliest sentences was, "Hi, Leigha! How ya doing?"

In honor of the anniversary of Jonathan's birthday, it is a privilege to pay tribute to a wonderful child who brought so much joy. Today, the memories endure of a smiling J.P., enjoying cookies with his grandmother, snuggling on his devoted mother's shoulder, and beaming down happily from his Uncle Johnny's strong arms.

EMERGENCY AMBULANCE SERVICES ACCESS ASSURANCE ACT OF 1999

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1999

Mr. UPTON. Mr. Speaker, I rise today to join my colleagues, Representative ED TOWNS and Representative JO ANN EMERSON, in introducing H.R. 1777, the Emergency Ambulance Services Assurance Act of 1999. This legislation will ensure that health care plans reimburse for emergency ambulance services when individuals had every reason to believe that they were experiencing an extremely serious condition requiring immediate emergency care.

Some may ask why we are introducing this legislation when all of the major managed care reform bills that have been introduced in Congress already include emergency care provisions. But the fact is, these bills cover only what happens when the patient enters the emergency room. None of the bills ensures coverage for emergency ambulance services. It is our hope to use this separate bill to highlight this omission and to build support for including emergency ambulance services coverage in more comprehensive managed care reform proposals that may be moving through the legislative process.

This legislation would ensure that individuals suffering what they had every reason to assume to be a potentially life-threatening condition requiring immediate medical attention or their family or caretakers don't have to phone their insurance plan before they call for an ambulance and don't have to worry about paying for the ambulance services should the condition later prove to be not as serious as the patient thought.

TAX SIMPLIFICATION AND BURDEN REDUCTION ACT

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1999

Mr. HOUGHTON. Mr. Speaker, Congress can take great pride in changes we have made in tax law in recent years for small businesses, families and middle income Americans. Unfortunately, we cannot claim to have reduced the complexity of the tax code. A simple Constitutional amendment ratified in 1913 runs to 32 words: "The Congress shall have the power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration." The Revenue Act of 1913 which enacted the income tax was 15 pages long.

The copy of the Internal Revenue Code on the bookshelf in my office is printed on the tissue thin paper. It covers over 2300 pages. The regulations springing from the code fill many volumes. The court cases would fill a library.

Is it any wonder that 66 percent of respondents in a recent Associated Press poll said that the federal tax system is too complicated? The same poll showed that over half of those surveyed, 56 percent, pay someone else to complete their returns. When you consider that only 30 percent of taxpayers itemize, that is a good number of people who are paying someone else to fill out 1040s and 1040EZs. Something is wrong when so many taxpayers with relatively straightforward returns lack confidence in their ability to fill out a 1040 or a 1040EZ.

At the beginning of this year, the Ways and Means Subcommittee on Oversight heard from the Taxpayer Advocate in its first hearing of the 106th Congress. The Advocate presented some 39 legislative proposals for improving service or reducing the compliance burden. He told us that his recommendations came from a "groundswell of casework."

Later this month, the Oversight Subcommittee will hold a hearing on the need to simplify the tax code and reduce the compliance burden. I look forward to hearing from Treasury and from several professional organizations, also from practitioners who work in the field every day trying to help working men and women comply with our tax laws.

In the meantime, I am in the process of drafting legislation (The Tax Simplification and Burden Reduction Act). It includes several of the Advocate's recommendations, proposals developed by the Tax Section of the American Bar Association and the American Institute of Certified Public Accountants, also suggestions I have received from the people of New York's 31st Congressional District and from people across the United States who have written to the Subcommittee on Oversight.

My bill would include the following provisions:

Eliminate nonrefundable credits as adjustments to regular taxable income in calculating alternative minimum taxable income. No one should have to pay the alternative minimum tax (AMT) simply because he or she claimed a child credit or HOPE scholarship credit.

Exempt taxpayers from the AMT if their modified adjusted gross income is below a middle-income threshold ($85,000 for individuals, $120,000 for married, filing jointly). The AMT was never intended to penalize middle-income taxpayers who aren't using loopholes in the tax code.

Increase the AMT gross receipts exemption for small businesses from $7,500,000 to $10,000,000. By the same token, the AMT is an unnecessary and extraordinary burden for many small businesses.

Replace the current individual capital gains tax regime with a simple 50 percent deduction from gross income. The current form is 54 lines long and according to the Treasury Department takes an average of 6 hours and 41 minutes to complete. Many taxpayers have to fill out this form simply because they earned a few dollars from a mutual fund. The 50 percent calculation would completely eliminate this burden.

Allow a deduction for all refinancing mortgage points for personal residences in the year paid. It is simply too confusing to require these relatively small amounts to be amortized over the life of a long-term mortgage.

Increase the exclusion for group-term life insurance purchased for employees from $50,000 to $100,000. Taking modest life insurance coverage into income is a needless inconvenience for many taxpayers.

Repeal the percent limitation on contributions to defined contribution retirement plans. The current law restriction is not only confusing, it limits the ability of lower income workers to save for retirement.

Simplify the safe harbor for payment of estimated income taxes. Under current law, the safe harbor changes from year to year. My bill would eliminate the fluctuation.

Allow expensing of off-the-shelf computer software by small businesses. Depreciating such small investments is hardly cost-effective considering the compliance burden for the taxpayer.

Allow expensing of personal property (e.g. carpeting, refrigerators, washers) purchased for use in connection with residential rentals. this would eliminate a common error and result in increased compliance.

Simplify Subchapter S rules. The Subchapter S regime has become a maze of complex requirements and a snare for even the most experienced taxpayers. A major overhaul is needed.

Increase the gross receipts threshold for the cash method of accounting from $5,000,000 to $10,000,000. We are forcing far too many small businesses to use the accrual method of accounting.

Extend the $10,000,000 gross receipts threshold for the uniform capitalization (UNICAP) rules to all small business activity. Compliance with the UNICAP rules is particularly complex if not impossible for small businesses.

Reduce recordkeeping requirements. Under current law taxpayers are required to keep indefinitely all records that may become material. The bill would require taxpayers to keep only primary records after six years if there is no audit in progress.

Increase from $10 to $25 the threshold for dividend and interest payments that must be reported on form 1099. Requiring savings institutions and other payors to report such minimal amounts is an inefficient use of private sector resources.

Treat the postmark date as the filing date on all returns. Under current law, the postmark date is material only when the return is filed on time. Considering the postmark date as the filing date for all returns would eliminate confusion.

Mr. Speaker, several of my colleagues, including the gentleman from Pennsylvania (Mr. Coyne) and the gentleman from Massachusetts (Mr. Neal), both of whom serve on the Oversight Subcommittee, have introduced simplification bills of their own. My immediate predecessor, the gentlelady from Connecticut (Mrs. Johnson), established a compelling hearing record when she chaired the Subcommittee. I applaud their efforts and look forward to working with them on this tremendous important challenge.

In the coming days, I will be approaching my colleagues to ask them to join me as original co-sponsors of the Tax Simplification and Burden Reduction Act.

HONORING VINCENT STANLEY

HON. THOMAS M. REYNOLDS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1999

Mr. REYNOLDS. Mr. Speaker, I rise today to honor the achievements of Vincent J. Stanley, Jr., who will be honored on May 18th with the Annual Rotary Award of the Rochester Rotary Club.

Mr. Speaker, Rotary International's motto, "Service Above Self," aptly applies to Vince Stanley.

In addition to his success in business as founder and President of V.J. Stanley, Inc., Vince Stanley's leadership and generosity has improved the quality of life of countless people in his community.

Through his work with the Rochester Rotary Club, he has made it possible for hundreds of school children to attend summer camp. As a former President of the Rochester Red Wings baseball team, Vince initiated special handicapped seating within the stadium and continues to provide thousands of underprivileged children with tickets to baseball and hockey games and LPGA events.

Vince's generosity aided in the formation of Hope Hall, a school that serves children with special learning needs.

Through his involvement with the National Federation of Independent Businesses (NFIB), Vince continues to make a difference for small businesses in his community, and throughout our nation.

Mr. Speaker, I ask that this House of Representatives join me in congratulating Vince Stanley, on the occasion of his being honored by the Rochester Rotary Club with its annual award, and for his continued generosity and dedication to community service.

CRISIS IN KOSOVO (ITEM NO. 3) REMARKS BY DAN PLESCH DIRECTOR, BRITISH AMERICAN SECURITY INFORMATION COUNCIL

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1999

Mr. KUCINICH. Mr. Speaker, on April 29, 1999, I joined with Representative Cynthia A. McKinney and Representative Michael E. Capuano to host the second in a series of

Congressional Teach-In sessions on the Crisis in Kosovo. If a peaceful resolution to this conflict is to be found in the coming weeks, it is essential that we cultivate a consciousness of peace and actively search for creative solutions. We must construct a foundation for peace through negotiation, mediation, and diplomacy.

Part of the dynamic of peace is a willingness to engage in meaningful dialogue, to listen to one another openly and to share our views in a constructive manner. I hope that these Teach-In sessions will contribute to this process by providing a forum for Members of Congress and the public to explore alternatives to the bombing and options for a peaceful resolution. We will hear from a variety of speakers on different sides of the Kosovo situation. I will be introducing into the CONGRESSIONAL RECORD transcripts of their remarks and essays that shed light on the many dimensions of the crisis.

This presentation is by Dan Plesch, Director of the British American Security Information Council (BASIC). Mr. Plesch discusses a number of options for resolving the crisis, and emphasizes the importance of non-military solutions and looking ahead to the need for massive reconstruction aid for the Balkans. Following his presentation is a Washington Post column by Mr. Plesch and Julianne Smith describing their concept of "Civilian Intervention Units" to help avoid tense situations deteriorating into war. I commend these documents to my colleagues.

PRESENTATION BY DAN PLESCH TO CONGRESSIONAL TEACH-IN ON KOSOVO

My organization has been involved in advocating, lobbying, coaxing, and cajoling political leaders and the alliance itself for the best part of a decade now in how to avoid and prevent situations like the one we are in now. These horrors are tragically not the last in this part of the world and certainly we know that these issues are presented to us as immensely complicated problems. I will sketch out a rather simple description, which will lead from that into how NATO leaders were handling these issues at last week's summit.

If you can take leave of imagination with me, and think of the Balkans as some of our own troubled inner cities, and if you think of trying to manage law and order in Washington, DC, or somewhere else, the only tool available to you is the SWAT team of a private security force, which is about equivalent of the NATO military. Not under the town council, if you will, the United Nations, but a private security force that does not come when you call 911 unless you've got a credit card to go with it. In this case, neighborhoods would be burning and all over DC, without neighborhood programs, without community policing, without the whole infrastructure.

We have learned in our cities that relying on the SWAT teams and police cruisers is not the way forward. If you look at models in Boston or other places in this country we can see that it is the complex, much derided social work model that provides security. That helps to dispense with the SWAT team approach and permits other tools in the tool box. The political actions of our leaders in this country in particular speak to the current situation at hand.

What this country does, many others follow. My own country, the United Kingdom and other countries in Europe, has so far followed the U.S. in ensuring that when policy makers, politicians, parliamentarians wish to take action to prevent and manage conflict, virtually the only tool available to us is military force.

In Kosovo today we are using air power, which is largely ineffective. We are told that Serbian military forces are arriving in Kosovo in larger quantities than we are destroying, even with the best efforts of Allied aircraft. The other possibility on the table are ground forces, which are virtually unusable as a political tool. So we have limited our options in the first place to the NATO alliance, a private security organization involved in the international community and then limited our military force options. That was the position we put ourselves in the Rambouillet talks. And the position that the administration led the Alliance and European security to with all deliberate speed. Kosovo, if you recall, was to be, as Richard Holbrook put it, the prototype within NATO, for military actions outside of NATO's borders without U.N. authority. There was great pride that Russian participation could be dispensed with, and nobody even mentioned the two words, United Nations, for almost six months in public.

Ground war as proposed is a fantasy akin to the air war—the fantasy being that we might be able to be involved without the war spreading. Proponents of a ground war need to answer the question of how we could contain the ground war, how they would limit Milosovic's options to broaden it. Those people who want to drive tanks through Hungary should explain how they would intend to do it without creating a similar situation we have here for the 300,000 Hungarians living in northern Serbia.

If, as in Bosnia, we decide to unleash the Croat army against the Serbs, which is one of the main options, and indeed an arms program for Croatia was one of the less publicized decisions of the summit. If we decide to allow the Croats do our fighting for us, then we risk massive, long-term escalation of the conflict. Privately NATO officials believe that either we take the opportunity over the next few weeks to negotiate our way out of this, and those options have been discussed here in the media and the congressmen who are to take part in some of these peace discussions in Vienna, or the race is on between a peace deal and a ground war driven by pride and machismo. That is why of course we still continue the air war. Nobody wants to fail. That same logic will lead us to start using a wider range of artillery in our actions in a week or so and from that into a ground war, which [I learned from] talking to officials at the margins of the NATO summit meetings. Despite the possible escalation, there has been a deafening silence from NATO about the fate of the remaining Kosovars in Kosovo right now.

Nothing has been said by the Alliance for one or two weeks now about the hundreds of thousands of displaced people. That will change. When that changes, on the propaganda front, I will regard it as a signal for a major escalation of the conflict, because it will be used to escalate the public mood to support an escalation of the conflict. The strategic shift in policy that could have been made at any time in the last eight years away from the SWAT team, heavily armed only approach to international security towards resourcing other aspects of security, is beginning to be supported more strongly from the Europeans.

At the summit there was a welcome endorsement by the United States of the European plan for long-term economic stabilization of the region. (Some of this analysis is on our web site (http://www.basicint.org/). Very broadly we advocate a long overdue economic and security plan. Such a plan was used very successfully in Eastern Europe after the Cold War. States must put aside their longstanding political differences and take the necessary human rights, election law, and other legal measures between themselves. Then the European Union should put a lot of money into subsidizing the building of a modern infrastructure in the countries of the Balkans, including Yugoslavia, including Serbia. This proposal is very seriously put forward by the German government and others and has full European Union backing. And there is enlightened self-interest in this very clearly.

Now those plans of the Europeans got lukewarm support here. But as the legislation that comes before you to support this war, I would urge you to look very seriously at supporting non-military strategies, which are beginning to come out of the Alliance and the Europeans.

I could spend my time talking more negatively about the summit, but let me outline the strategy and some views on the immediate future. I would just like to close with a number of elements that need close attention and support.

The first is that we should support antifascist dissidents, as we supported anticommunist dissidents during the Cold War. Secondly, we should indict Milosovic as a war criminal, and the United States must join the international criminal court. Thirdly, the moment the United States puts in $10 million into support of all operations on regular basis of the Organization for Security and Cooperation in Europe, move the decimal point to $100 million or $1 billion. Believe me, the OSCE could use that money incredibly usefully in the region in a minute to professionalize the sort of functions that we saw in verifying in Kosovo. Very few people realized that the mission that drove around in orange jeeps was temporary help. The reason that monitoring in a permanent capacity in Europe and elsewhere was because policy makers and geostrategists dismiss it as social work that should not be funded. That was inexcusable in 1990 and a tragedy today.

Finally, to ensure that the ideas contained in the concept to open up a whole new range of arms control and reduction measures in Europe are fully fleshed out and the administration is made to bring detailed proposals to the table, we must make sure that the rhetoric of war is not simply used to rearm former communist militaries in countries from Eastern Europe to the Caucuses to the Chinese border and to train militaries underneath the rubric of arming them with the cause of democracy. Programs such as these are carried out with no congressional supervision under the provision that military training programs don't have to be authorized by the Congress. This strategy will bring about a series of problems akin to those we've already seen across the region.

[From the Washington Post, Feb. 7, 1999]

MORE THAN BOMBS AND 'VERIFIERS'

(By Daniel Plesch and Julianne Smith)

The United States is once again considering sending troops abroad, this time as part of a NATO peacekeeping force that would attempt to bring order to Kosovo in the Balkans. The Clinton administration has been reluctant to commit to such an effort, but the recent massacre there has created an impetus for intervention. This crisis might have been averted altogether if either NATO or Europe's primary security organization had a professional "intervention force" that could be used to defuse such situations.

As things stand now, the United States and its allies have only two choices when ethnic massacres occur overseas. One is to issue warnings to the warring parties, which are often ignored. The second is to respond with some kind of military force. But that comes with its own problems, including casualties and an ever-expanding and never-ending mission. What we are suggesting is a third option of nonmilitary intervention.

We need to create a new type of unit to intervene before military action is necessary. The requirements for this new formation, which might be called "Civilian Intervention Units," would include both a permanent core of workers and the capability to draw on larger numbers as needed. Operations would vary from election monitoring to disaster relief to peacekeeping.

A permanent unit would be an alternative to the team of "verifiers" that the Organization for Security and Cooperation in Europe (OSCE) created and sent to Kosovo in an effort to resolve tensions between warring Serbs and Albanian separatists. The verifiers are not part of any permanent unit and most of them have no prior experience in peacekeeping. Indeed, the "verifiers" label was invented for use in Kosovo. The ad hoc nature of the OSCE mission was itself a problem: In the weeks that it took for the participating governments to gather a group of retired military officers and diplomats to send to the region, the deal they were trying to preserve began to erode.

The OSCE "help wanted" advertisement for the verifiers is telling: It had such minimal requirements—essentially, a knowledge of English and computers and a drivers' license—that it could be mistaken for an attempt to hire unskilled office help. But the 700 verifiers are now involved in complex, difficult work—mediating disputes, building democracy, investigating war crimes and preparing elections. These tasks should be carried out by a highly skilled unit with several thousand members to draw upon. The need is not just in Kosovo, but in other parts of the world, too.

A permanent unit of trained monitors is needed to observe elections, oversee the control and destruction of armaments, conduct forensic investigations of war crimes, mediate and arbitrate. These requirements are too frequent and too specialized to continue to rely on temporary missions—which once over, are essentially cast aside. The administration did not even debrief the monitors it sent to recent elections in Bosnia.

Tough security backup would be essential, but that could consist of a police force accustomed to interacting with civilians. Paramilitary police units with light armored vehicles—such as the German border guards and Italian carabinieri—exist in several European states and could serve as prototypes.

Coordination of humanitarian relief is also needed. Governments and nonprofits are comparatively well prepared to supply food, medicine, clothing and shelter, but its management is often poor and should be overseen by these new units.

Creating a permanent unit would not be easy. There is no precedent and the bureaucracies in Washington and Europe seem to lack imagination as they wrestle with the crises that dominate the modern age. The corporate cultures of Foggy Bottom, the Pentagon and Capitol Hill dismiss nonmilitary intervention as "social work." The United States has opposed proposals from Sweden and Argentina in the United Nations for a standby civil intervention unit. Those who follow the U.S. lead get the message. As a result, military spending is increasing, while the budget for nonmilitary intervention is relatively meager: The OSCE's entire budget is less than $100 million, compared with NATO's $400 billion for military spending. The OSCE cannot be blamed for recruiting "temps" when the United States and other nations have denied it the resources it needs.

With only military means available to tackle security issues, is no surprise that crises deteriorate until the military is needed. It should also be no surprise that NATO's "SWAT" team is of limited use in complex situations. In domestic law-and-order policy, the value of investing in cops in the beat, youth employment programs, mediation, counseling and gun control is understood. But international security policy is overwhelmingly military.

Secretary of State Madeleine K. Albright should both encourage the Europeans to develop this new force and ask Congress to support its creation. Nonmilitary tasks are not NATO's job, but the alliance should favor any policy shift that would reduce the calls on its military might.

Europe, and the world, needs something more than SWAT teams and untrained verifiers.

Daniel Plesch is director of the British American Security Information Council an independent research organization. Juliane Smith is BASIC's senior analyst.

SOME QUALIFICATIONS

Here is the OSCE's job posting for the Kosovo Verification Mission. Words in bold are as they appeared in the ad, along with the phrase, "POSTS ARE OPEN UNTIL FILLED".

ESSENTIAL: Several years experience in the area of work; knowledge of written and spoken English; computer literacy (Microsoft applications); excellent physical condition with no chronic health problems that limit physical activity; possession of a valid driver's license and capability to drive standard transmission vehicles; ability to establish contact and develop confident relations with local population as well as the ability to work with government officials and institutions; flexibility and adaptability to difficult living conditions; willingness to be deployed in different Field Offices; ability to perform in a crisis environment.

DESIRABLE: Knowledge of local languages; prior experience in peacekeeping, international operations, or another international organization.

VETERANS' COMPENSATION EQUITY ACT OF 1999

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1999

Mr. EVANS. Mr. Speaker, today, I am introducing H.R. 1764, the "Veteran's Compensation Equity Act of 1999". This legislation will provide more equitable treatment to approximately 100,000 older veterans who receive service-connected disability compensation and who are also eligible to receive retirement pay based upon their military service.

Under current law, the amount of military retirement pay received by a military retiree is reduced on a dollar-for-dollar basis by the amount of service-connected disability compensation the military retiree receives. This reduction in military retirement pay when the military retiree is in receipt of service-connected disability compensation is intended to prevent dual compensation. The notion of dual compensation is erroneous. Service-connected disability benefits are paid to compensate a veteran for an injury or illness incurred or aggravated during military service. Retirement benefits are paid to provide an income to military retirees who have spent at least 20 years of their lives working for and serving our country as members of the Armed Forces. These two programs are completely different and payments made by these programs should not be considered duplicative.

This treatment of military retirees is simply inequitable. A veteran receiving service-connected disability compensation could become eligible for civil service retirement pay based on his or her subsequent work as a civilian employee of the federal government. This individual, unlike the military retiree, can receive the full amount of both of the retirement benefit which has been earned and the service-connected disability compensation for which he or she may be eligible.

The "Veteran's Compensation Equity Act of 1999" will reduce and then eliminate the reduction in military retirement benefits for veterans who are entitled to both military retirement pay and service-connected compensation benefits. This bill will limit the reduction in military retirement pay to 50 percent when the military retiree attains age 65. The reduction in military retirement pay would be completely eliminated when the retiree reaches age 70.

Retired military personnel who were fortunate enough to have emerged from military service unscathed receive military retirement pay, but do not qualify for service-connected disability benefits. In many cases, these retirees are able to earn additional income through non-military employment and thereby accrue Social Security or other retirement income benefits. These retirement benefits are not reduced by receipt of service-connected disability benefits.

Military retirees who were not so fortunate, are required to forfeit all or a portion of their military retirement pay in order to receive service-connected compensation benefits due to illnesses or injuries that were incurred or aggravated during their military careers. These veterans, as a result of their service-connected medical conditions, face diminished employment possibilities and, therefore, a diminished ability to earn additional income through non-military employment. They therefore lose the opportunity to accrue Social Security or other retirement income benefits.

In general, Social Security disability benefits received by retirees are offset by monies received under state Worker's Compensation laws. However, the Social Security statute provides that this offset ends when the worker attains 65 years of age. Furthermore, while recipients of Social Security benefits who earn income have their Social Security benefits reduced as a result of their earnings, this offset is reduced at age 65 and eliminated entirely at age 70.

While all veterans who are subject to the concurrent receipt offset are unfairly penalized, my bill would begin to rectify the injustice which falls most heavily on our older veterans. This bill will promote fairness and equity between military retirees and Social Security retirees by reducing the amount of this offset by 50 percent at age 65 and eliminating it entirely at age 70.

Military retirees who have given so much to the service of our country and suffered disease or disabilities as a direct result of their military service do not deserve to be impoverished in their older years by the concurrent receipt penalty.

I commend Mr. BILIRAKIS, an original cosponsor of this bill, for his efforts to address the problems caused to our military retirees by the statutory prohibition on concurrent receipt of military retirement pay and benefits from the Department of Veterans Affairs. I urge my other colleagues to support this bipartisan effort to promote fairness for our Nation's older military retirees.

SELMA GOMEZ—WHITE HOUSE FELLOW FOR 1998–1999

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1999

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to congratulate my constituent, Ms. Selma Gomez of Miami, Florida for her service as a prestigious White House Fellow for 1998–1999.

The daughter of Cuban refugees in Miami, Ms. Gomez has an outstanding record of academic achievement, business leadership and community service which made her well qualified for this high honor. She earned four degrees from Harvard University including a PhD in decision sciences and has taught at the University of Miami's engineering department. In addition to extensive community service, Dr. Gomez also excelled in the business world as the president and founder of Applied Consulting Services Corp. after serving as a senior manager at KPMP Peat Marwick LLP.

Assigned to the State Department, Dr. Gomez specialized in the critical Y2K issue. She has traveled around the world on fact-finding missions regarding the Y2K problem, as well as representing our nation at the G–8 Year 2000 Working Group and the Year 2000 meeting of international Y2K coordinators at the United Nations. A leading highlight of her fellowship was briefing Secretary of State Madeleine Albright and other top State Department officials on Year 2000 Challenges and Responses.

I am honored to recognize Selma Gomez for her outstanding work as a White House Fellow. Her service in this position makes all of us in South Florida very proud.

INTRODUCING LEGISLATION TO STOP FINANCIAL HEMORRHAGE OF NATION'S PREMIER TEACHING HOSPITALS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1999

Mr. RANGEL. Mr. Speaker, I am today introducing legislation to stop the cuts in Medicare's indirect medical education (IME) program. Identical legislation is being introduced in the Senate today by Senator MOYNIHAN of the Senate Finance Committee.

IME payments are extra payments made to teaching hospitals for the fact that they are training the next generation of doctors, and that the cost of training a young doctor—like any apprenticeship or new person on the job—is more expensive than just dealing with experienced, older workers. The young person requires mentoring, orders more tests, and makes mistakes unless closely supervised. It is natural that a group of young residents in a hospital will reduce a hospital's efficiency and increase its costs. Medicare should help pay for these extra "indirect" costs, if we want—as we surely do—future generations of competent, highly skilled doctors.

The Balanced Budget Act took the position that the extra adjustment we pay a hospital per resident should be reduced from 7.7 percent in FY 1997 to 5.5 percent in FY 2001. This provision was estimated to save about $6 billion over 5 years and $16 billion over ten—in addition to about another $50 billion in hospital cuts in other portions of the BBA.

Mr. Speaker, these cuts are too much. The nation's teaching hospitals, which do so much to serve the uninsured and poor, and which are the cradle of new clinical research and technical innovation, are hemorrhaging red ink.

Our bill stops further scheduled cuts in the IME, freezing the adjustment factor at 6.5 percent rather then letting it fall to 5.5 percent, and saving teaching hospitals about $8 billion over ten years that would otherwise be taken from them.

I hope this legislation will receive early consideration. The situation is, as a hospital ER would say, STAT.

Mr. Speaker, I would also note that we should pass other legislation to help our Nation's hospitals: HR 1103 is a bill I introduced to 'carve out' disproportionate share hospital payments from the amount we pay HMOs and give that money directly to the DSH hospitals when an HMO uses those hospitals. Today, Medicare HMOs are paid as if they use DSH hospitals, but they frequently avoid the hospitals that serve the uninsured because they are more expensive hospitals—thus pocketing the DSH payment and leaving the DSH hospital with empty beds.

We must also correct a technical error in the BBA which capped the amount we pay psychiatric and rehabilitation hospitals (so-called TEFRA hospitals) but failed to adjust the cap for higher wage costs in urban areas. The result is severe hardship for such hospitals in urban areas. At the first opportunity, I will try to amend the BBA to correct this drafting error.

COMMENDING WHITE HOUSE FELLOW, DR. STEPHEN ENGLAND OF ST. PAUL, MINNESOTA

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1999

Mr. VENTO. Mr. Speaker, I rise to pay tribute to Dr. Stephen England of St. Paul, Minnesota. Dr. England has served this year as a distinguished White House Fellow.

The White House Fellowship Program was created in 1965 to employ the talents of outstanding individuals in various areas of public service. White House Fellows explore issues of both global and nationwide significance while working closely with influential leaders in government. The nearly 500 alumni of the program have gone on to become leaders in all fields of endeavor, fulfilling the fellowship's mission to encourage active citizenship and service to the nation. This program is extremely competitive, choosing individuals who have demonstrated excellence in community service, leadership, academic and professional achievement. It is the nation's most prestigious fellowship for public service and leadership development.

As a White House Fellow for the U.S. Department of Education, Dr. England assists in the Safe and Drug-Free School program. This program provides support to governors for a variety of drug and violence prevention activities focused primarily on school-age children. He also oversees the creation and implementation of Project SERV, a federal program designed to assist states and local education agencies in managing school crises attributable to violence. In addition, Dr. England assists in a new federal coordinated grants program that distributes community-wide grants for safer schools and communities.

Dr. England is a pediatric orthopedic surgeon at Gillette Children's Specialty Health Care and the Shriners' Hospital in St. Paul, where he focuses on children with special health care needs. He is also an assistant professor of orthopedic surgery at the University of Minnesota. Dr. England lectured nationally and internationally on pediatric and adolescent health topics. He serves on numerous state commissions addressing the health issues of children with disabilities. As part of a medical mission in Ecuador, Dr. England has made a lasting impact on many lives by operating on children with cerebral palsy. He has also demonstrated his commitment to public service by founding the Children's Health Enrichment Program in St. Paul, which teaches African-American teenagers about health topics and provides mentoring and academic guidance. Dr. England received a BA in biology from the University of Minnesota, an MD from Cornell University Medical College and an MA in public health from Johns Hopkins University.

Mr. Speaker, I urge my colleagues to join me today in commending Dr. Stephen England for his distinguished leadership in community endeavors and for his service as a White House Fellow. His accomplishments and civic contributions have earned him recognition as an outstanding member of the St. Paul community.

RECOGNIZING MAY AS TEXAS MOHAIR MONTH

HON. HENRY BONILLA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1999

Mr. BONILLA. Mr. Speaker, May has been recognized by the Governor of Texas as Mohair Industry Month. More than one million Angora goats are raised in Texas and the lion's share of them are raised in the 23d Congressional District, that I represent.

The mohair industry in Texas traces its roots back to 1849 with the arrival of a small flock of seven does and two bucks. The goats were originally from Turkey, near the city of Nakara. Angora goats were highly regarded and jealously protected from exportation by Turkey until the 16th century when they were exported to Spain and France.

Today the United States is the second-leading mohair producer in the world and more than 90 percent of that production is in Texas. In 1998 Texas produced more than 4.654 million pounds of mohair. This hair was shipped to more than 10 countries around the world and provided a $12 million infusion into the state's economy.

Mohair is said to be the fabric of kings. The rich luster and soft texture of the fiber, in combination with the durability, make it a highly valued textile. Because of its durability Mohair is used to decorate many public places such as symphony halls and theaters.

I encourage all of my colleagues to seek out and wear clothes made of mohair. Biblical wise men once wore robes made of this special fabric. It has endured over time and fashion trends. I am proud to honor Texas mohair producers.

HONORING THE AMERICAN FUJIAN ASSOCIATION OF COMMERCE AND INDUSTRY

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1999

Ms. VELÁZQUEZ. Mr. Speaker, I rise today in honor of the American Fujian Association of Commerce and Industry, an organization that has become an integral part of our diverse community in New York. It is an organization that understands the importance of diversity, and seeks to tap into the vast spectrum of talent and initiative of the Chinese-American community. The association has always worked to strengthen families and businesses throughout our city.

Started in 1992, the American Fujian Association of Commerce and Industry has been dedicated to helping Chinese-American business owners who immigrated to this country. The Association's 1,000 members truly epitomize the American Dream. They came to America from poverty. Once in the land of opportunity, they seized their chance and worked to make their dreams a reality. Through hard work, discipline, and sacrifice, they have become successful and productive American citizens.

Their efforts have helped build strong families and strong communities. The association takes a dynamic approach to their mission. Though they focus on business and economic development, they do a great deal of work in other key areas. The American Fujian Association understands that economic development must be accompanied by many important attributes.

For this reason, the American Fujian Association is active in the community in humanitarian efforts, immigration support, job training, and health services for families. By ensuring that these services are available, the association gives back to their communities and America.

I would urge my colleagues to join me in congratulating the American Fujian Association for Commerce and Industry for their contribution and the efforts they make on behalf of Chinese-Americans and all Americans in the New York community.

RECOGNIZING THE FOREIGN SERVICE OF THE UNITED STATES ON OCCASION OF ITS 75TH ANNIVERSARY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1999

Mr. GILMAN. Mr. Speaker, today I am pleased to introduce House Resolution 168, recognizing the Foreign Service of the United States on the occasion of its 75th anniversary. I am joined by Representative SAM GEJDENSON, the Ranking Democrat on the Committee on International Relations and Representative CHRIS SMITH, Chairman of the Subcommittee on International Operations and Human Rights.

Mr. Speaker, only when unrest or tragedy strike abroad do some Americans become aware of the work of the thousands of men and women who serve in the Foreign Service of the United States. The members of the Foreign Service take responsibility for helping Americans in danger. As we saw this past summer in Kenya and Tanzania, Foreign Service members and their families sometimes also become the victims of violence, along with other Americans stationed abroad and their families. We need to do more, and we will do more, to protect all the Americans we ask to work for us overseas.

Indeed, more American Ambassadors than American Generals have been killed abroad since the end of the Second World War, and many in the rank-and-file of the Foreign Service—and their families—have, tragically, fallen victim to terror or to the more mundane hazards of life abroad in the service of their country.

But every day, these dedicated individuals stand ready to promote the interests of the United States. They do this by carrying out tasks such as protecting the property of an American who dies overseas, reporting on political developments, screening potential entrants to the United States, promoting the sale of American goods, or securing American personnel and facilities overseas. They and their families often live in dangerous circumstances and are separated from their extended families and friends.

At home, the men and women of the foreign service perform essential functions in the Departments of State, Commerce, and Agriculture, in the United States Information Agency and in the Agency for International Development.

The modern Foreign Service was established by the Rogers Act of 1924. We are quickly approaching the 75th anniversary of its enactment, on May 24. It is fitting at this time to congratulate the men and women of the Foreign Service and commemorate the sacrifices they have made in the service of their Nation.

Mr. Speaker, I submit the text of the Resolution to be printed in the RECORD at this point.

H. RES. 168

Whereas the modern Foreign Service of the United States was established 75 years ago on May 24, 1924, with the enactment of the Rogers Act, Public Law 135 of the 68th Congress;

Whereas today some 10,300 men and women serve in the Foreign Service at home and abroad;

Whereas the diplomatic, consular, communications, trade, development, administrative, security, and other functions the men and women of the Foreign Service of the United States perform are crucial to the United States national interest;

Whereas the men and women of the Foreign Service of the United States, as well as their families, are constantly exposed to danger, even in times of peace, and many have died in the service of their country; and

Whereas it is appropriate to recognize the dedication of the men and women of the Foreign Service of the United States and, in particular, to honor those who made the ultimate sacrifice while protecting the interests of the United States: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the Foreign Service of the United States and its achievements and contributions of the past 75 years;

(2) honors those members of the Foreign Service of the United States who have given their lives in the line of duty; and

(3) commends the generations of men and women who have served or are presently serving in the Foreign Service for their vital service to the Nation.

SEC. 2. The Clerk of the House of Representatives shall transmit a copy of this resolution to the President of the United States.

A TRIBUTE TO MR. BRYAN SWILLEY, OF PORTAGEVILLE, MISSOURI, WWI VETERAN AND CENTENARIAN

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1999

Mrs. EMERSON. Mr. Speaker, on Saturday, May 15, 1999, the American Legion Post 595 in New Madrid, Missouri, will be honoring Mr. Bryan Swilley at their annual Armed Forces Day Ceremony. At the age of 102, Mr. Swilley is the sole World War I veteran in Missouri's

Eighth Congressional District, and his name will be added to the World War I veterans wall being constructed in Poplar Bluff, MO.

Mr. Swilley was born on December 27, 1897, to Tib and Louise Swilley in Portageville, New Madrid County, MO. During the over 100 years of his life, Mr. Swilley lived within a five mile radius of his current home in Portageville. He attended the local schools where he competed on the Country Track team and learned to play the violin.

After graduating high school, Mr. Swilley spent a few months in St. Louis with a high school friend. Mr. Swilley then returned home to New Madrid County to pick cotton. He usually picked 400 pounds of cotton in a day—placing it in a nine foot sack on which he had written his name with pencil in Old English. Through this experience, Mr. Swilley became so skilled in identifying the grades of cottons that in 1927 he won a $10 gold piece for his high rank in cotton classing contests held in New Madrid, Caruthersville, and Kennett. Mr. Swilley also worked as a night watchman for Swift and Co. Oil Mill and taught at two local schools where he was beloved and respected by his students. During World War I, Mr. Swilley served at the Student Army Training Corps military camp located on the campus of Washington University in St. Louis.

Perhaps Mr. Swilley's greatest achievement was his 76 year marriage to Lena Frizzell. Mr. Swilley and Ms. Frizzell were married on September 8, 1920, and the couple had six children, Mozart, Neva, Bryan "Bo," J.K., B.W., and Donald. The Swilleys observed their 75th wedding anniversary the year before Lena's passing on February 20, 1996.

Mr. Swilley is truly a wonderful example of an American dedicated to family, country, and the rural way of life. I want to thank Mr. Swilley for the contributions he selflessly made to our country during the Great War. May he be in our thoughts and in our prayers on this Armed Forces Day.

A DANGEROUS TIME FOR AMERICA

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1999

Mr. SCHAFFER. Mr. Speaker, this is a dangerous time for America. Our nation has absolutely no defense against ballistic missile attack and our enemies are well-aware of this vulnerability. North Korea, Iran, Iraq, Libya and other rogue nations are currently developing long-range ballistic missiles to deliver chemical, biological, and nuclear warheads to our shores.

Communist China already has this capability. Just last year, the Central Intelligence Agency (CIA) confirmed 13 of China's 18 long-range nuclear-tipped missiles were targeted at U.S. cities. In 1996, China threatened to launch those missiles on American targets, including Los Angeles, if our country intervened on behalf of Taiwan during China's threatening missile "tests" over that country. China's Lt. General Xiong Guang Kai remarked that Americans "care more about Los Angeles than they do Tai Pei." Communist China still has over 100 CSS–6 missiles pointed at Taiwan and the number is expected to grow to 600 in the coming years.

Revelations China has been actively stealing U.S. nuclear warhead secrets from Los Alamos is no comfort either. The information China acquired concerns advanced, miniaturized nuclear warheads which will allow China to place multiple warheads on new intercontinental ballistic missiles (ICBMs). If China launches these missiles at the United States, Los Angeles could be but a fly-over mark on the way to Washington, Chicago, New York, and other "target-rich" cities.

China is aware the United States cannot defend against ballistic missile attack and actively exploits this weakness. Rather than investing resources in modern aircraft and warships, China is instead fully funding its missile programs. Over the next several years, China can be expected to field a new mobile intercontinental ballistic missile. China is also developing an impressive and advanced reconnaissance-strike complex utilizing satellite technology to provide precise targeting data to its highly accurate ballistic missiles.

While temporarily less aggressive, Russia remains a serious ballistic missile threat as well. Russia still maintains over 20,000 nuclear weapons and in 1993 issued a national security policy placing even greater reliance upon nuclear deterrence do to economic crisis and a sharp decline in conventional military capabilities. Not only do such economic and political difficulties enhance the threat of an intentional launch, but they heighten the prospects for an unintentional launch. The United States remains helpless and defenseless against any launch.

In response to the confirmed and escalating threats to our nation, both the House and Senate in March 1999 overwhelmingly passed legislation establishing U.S. policy to deploy a National Missile Defense. At the same time, the Clinton administration has taken every conceivable stop to oppose such a defense, to the point of championing an Anti-Ballistic Missile (ABM) treaty the U.S. signed in 1972 with a country that no longer exists—the Soviet Union. Mr. Speaker, President Clinton has decided, as a matter of affirmative policy, not to field a defense against long-range ballistic missiles.

Despite the stark differences between the Congress and the president in commitment and accomplishment relating to missile defense, however, President Clinton's National Security Council Advisor on April 12, 1999 was quoted in Aviation Week & Space Technology as remarking that lawmakers have been less productive than the president in advancing an effective missile defense. In the article, Robert G. Bell "assail[ed] [Congress'] focus on rhetoric, deadlines and parochial interests, while avoiding the hard work of helping guide the architecture of a National Missile Defense system."

Mr. Speaker, President Clinton's National Security Council Advisor is dead wrong on the record of National Missile Defense. Therefore, I hereby submit for the RECORD, the full text of the letter I have today posted to Mr. Bell in response to his comments.

APRIL 30, 1999.

MR. ROBERT G. BELL,
National Security Council, Advisor, The White House, Washington House, DC.

DEAR MR. BELL: Aviation Week & Space Technology (April 12, 1999, page 21) reported your admission the Clinton administration was late to recognize the threat posed by long-range ballistic missiles, and inaccurately downgraded in definition our previous ballistic missile defense program to a technology demonstration program. The article also indicated you graded lawnmakers ever worse than the Clinton administration, "assailing their focus on rhetoric, deadlines and parochial interests, while avoiding the hard work of helping guide the architecture of a National Missile Defense system."

THREAT

Your admission the Clinton administration was late to recognize the threat of ballistic missiles is a positive development. Recent events have reinforced to Congress the knowledge that long-range ballistic missiles are indeed a clear and present threat to the national security of the United States. The high visibility of long-range ballistic missile threats, highlighted by North Korea's recent test of a missile capable of striking the United States, the warnings from Chairman Donald Rumsfeld and the Commission To Assess the Ballistic Missile Threat to the United States, and the transfer of critical ballistic missile and nuclear warhead technology to China, argue persuasively for the deployment of a comprehensive National Missile Defense (NMD) system.

In response to the growing threat from long-range ballistic missiles, both the House and Senate in March 1999 overwhelmingly passed legislation making it the policy of the United States to deploy a National Missile Defense. This legislation establishes definitive policy for deployment and sets the stage for follow-on legislation providing for a specific NMD architecture. Clearly, the Congress is actively working to ensure our country is protected from threat of ballistic missile attack.

Yet the Clinton administration, including Secretary of Defense William Cohen, has failed to acknowledge the United States has a need to deploy a National Missile Defense, even while recognizing the growing threat from long-range ballistic missiles. When the Clinton administration cannot even acknowledge the need to deploy a National Missile Defense, how can it credibly assail Congress for "avoiding the hard work of helping guide the architecture of a National Missile Defense System?"

The Clinton administration, hinging the very security of our nation on a single National Missile Defense "readiness deployment program," refuses to acknowledge the existence of a threat warranting deployment and our technological capability to proceed with deployment. It appears the Clinton administraton is waiting until nuclear-tipped ballistic missiles are aimed and inbound to the United States before it will concede the need for an effective missile defense system. The Clinton administration is negligent in its duty to protect the citizens of the United States.

RHETORIC

Defense Secretary William Cohen's January 20, 1999 comments regarding ballistic missile defense were highly suggestive of a new willingness of the Clinton administration to amend or abrogate the outdated and non-binding Anti-Ballistic Missile (ABM) Treaty. Yet, the Clinton administration's position has been refuted in practice by the

Ballistic Missile Defense Organization's position of using the ABM Treaty as a reason to block development of effective ballistic missile defenses, particularly space-based ballistic missile defenses.

Why does the Clinton administration, publicly willing on the one hand to amend or abrogate the ABM Treaty, find itself on the other hand unwilling to develop ballistic missile defenses which may exceed ABM Treaty limits?

It has been documented Russia constructed a national missile defense system which violated the ABM Treaty. Furthermore, in April 1991, the author of the ABM Treaty, Henry Kissinger, recognized a changed atmosphere following the end of the Cold War, writing: "Limitations on strategic defenses will have to be reconsidered in light of the Gulf War experience. No responsible leader can henceforth leave his civilian population vulnerable."

It would appear President Clinton is indeed irresponsible by intentionally leaving our civilian population vulnerable to ballistic missile attack.

ARCHITECTURE

In 1993, the Clinton administration inherited a sophisticated ballistic missile defense providing global coverage utilizing Space Based Interceptors known as Brilliant Pebbles (which would have been ready for near-term deployment in roughly 4-5 years), Space Based Lasers, Space Based Infrared Sensors (SBIRS), and theater ballistic missile defenses, including Navy Upper Tier (Navy Theater Wide). Shortly after taking office in 1993, the Clinton administration canceled our space-based ballistic missile defense programs, including Brilliant Pebbles, and cut the Space Based Laser program to a token, not even equal to a technology readiness demonstration. These cuts have yet to be reversed by the administration, despite an acknowledgement of the inherent advantages of space-based ballistic missile defenses.

You clearly recognize the inherent advantages of such a defense, as quoted in Aviation Week & Space Technology (December 4, 1995, page 110): "At the other end of the scale is the Defense Dominance Model. It is central to High Frontier and the original vision that president Ronald Reagan had in articulating the Strategic Defense Initiative. Under this approach, if both sides build very tall defensive walls, including maximum use of the technical advantages that accrue from deployments in space [emphasis added], you achieve stability through counterpoised defenses, with requirements for offensive arms quite minimal."

Today, however, rather than seeking the "maximum use of the technical advantages that accrue from deployments in space," the Clinton administration instead proposes a National Missile Defense architecture devoid of space-based deployments. The National Missile Defense system proposed by this administration will be inherently less effective and decidedly more costly than a National Missile Defense utilizing space-based deployments.

There is no reason for, nor intention of, the Congress to agree with a proposal for a National Missile Defense architecture of inferior design, particularly when the administration is aware it is deliberately compromising the defense of the American people.

SUMMARY

The Clinton administration is mistakenly attacking Congress for "avoiding the hard work of helping guide the architecture of a National Missile Defense system" at the same time it fails to even acknowledge the need for our nation to deploy a National Missile Defense. Furthermore, the administration's only proposed system architecture is of a notably inferior design.

It is the responsibility of the Executive Branch and Commander in Chief of he Armed Forces of the United States to present a coherent and effective National Missile Defense architecture. The Executive Branch is led by a single individual capable of providing guidance for a National Missile Defense designed by a single architect, rather than by 535 architects in Congress.

Rather than providing for the common defense, rather than being vigilant in protecting the American people, rather than preparing the United States to counter the growing global threat of long-range ballistic missiles, President Clinton is willfully and deliberately leaving the United States defenseless, helpless, and vulnerable to long-range ballistic missiles. I take vehement exception to your remarks as quoted in Aviation Week & Space Technology.

We must defend our freedom. The United States must deploy a National Missile Defense which includes "the maximum use of the technical advantages that accrue from deployments in space."

Very truly yours,

BOB SCHAFFER,
Member of Congress.

A TRIBUTE TO MRS. MATRICE ELLIS-KIRK

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1999

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise to acknowledge the accomplishments and work of Mrs. Matrice Ellis-Kirk of Dallas.

Mrs. Kirk is of course known as our city's first lady, wife of Dallas Mayor Ron Kirk. However, it is an understatement when I say that she is a respected individual in her own right. Dallasites hold her in high esteem and regard because while being the Mayor's closest and strongest political ally, she is an Executive Search Consultant for an international executive search firm in Dallas and the mother of two beautiful children.

I join many men and women in Dallas in being particularly impressed by her commitment to serving the greater Dallas area community. She is focused in strengthening our city as she is in strengthening opportunities in her field and for her family.

Amid her great accomplishments as an executive, mother and first lady, Mrs. Kirk's personality is as such that she would not like us to focus on her contributions and service to Dallas. This attitude was instilled in her by her family growing up in Cleveland, Ohio and to this day, she continues to adhere to the qualities of humility, style and class. In this case, she is truly a good example of this city which is inherent of style and class.

Mr. Speaker, in addition to those qualities, she took the lessons of achievement and excellence with her to the University of Pennsylvania, double majoring in Economics and Finance. Keenly focused on success as a woman in our society, she moved to a city that is a blueprint of success in Dallas. Before coming to Dallas, she spent time in New York until she learned where the real "first-class" city was in America.

Mr. Speaker, since that move, she has been a vigorous advocate of many community and social causes. Not only has Mrs. Kirk made her mark in her career, she has given back to a city that has yielded her opportunities. She recently chaired the 15th Annual African-American Museum Gala, which was a successful event under her stewardship.

She is also Chair Elect of the Texas Business Hall of Fame, an organization that awards scholarships to MBA's. As a model to young women in our area, she is a member of the Advisory Board of Girls, Inc. and recently completed service on the YWCA Board.

Mr. Speaker, Mrs. Kirk was recently the cover story of an area magazine that focused on her three-pronged approach to life: Family, service and career excellence. In the article, Mrs. Kirk mentioned that she is blessed and has a lot to give. It is clear through seeing her great children, community involvement and strong support of her husband and this city, that Mrs. Kirk has truly given back to us and blessed us with a great example for all women.

HONORING AND RECOGNIZING SLAIN LAW ENFORCEMENT OFFICERS

SPEECH OF

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. MOORE. Mr. Speaker, I rise today in support of H. Res. 165, and to recognize and honor Sergeant Richard Asten, a fourteen year veteran of the Kansas City, Kansas, police department, who on June 11, 1998, was struck down in the line of duty.

On that fateful morning, just after 8 a.m., Sergeant Asten was filling in for a colleague who had taken sick when he was called to help stop a stolen vehicle. When Sergeant Asten placed a stop stick in the path of the vehicle, according to eyewitness accounts, the driver intentionally swerved to run him over. Sergeant Asten left behind his family: his wife, Margie Asten; and their three children, Lief Ray, Theresa Ray, and Scott Ray, who currently is serving our country in the U.S. Marine Corps.

Mr. Speaker, supporting this resolution affirms the invaluable service provided to our communities by police officers and their families. Sergeant Asten and his fellow peace officers form the thin blue line that stands between us and those would do us harm. Passage of H. Res. 165 is the least we can do to honor and recognize police officers and families who have made the ultimate sacrifice so that we may enjoy freedom, safety and security.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 13, 1999 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 14

9:30 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2000 for the Department of Defense.
SD–192

MAY 18

9:30 a.m.
Environment and Public Works
Clean Air, Wetlands, Private Property, and Nuclear Safety Subcommittee
To hold hearings on the Environmental Protection Agency's proposed sulfur standard for gasoline as contained in the proposed Tier Two standards for automobiles.
SD–406

Commerce, Science, and Transportation
To hold hearings on television violence and safe harbor legislation.
SR–253

10 a.m.
Finance
To resume oversight hearings on United States Customs, focusing on commercial operations.
SD–215

Foreign Relations
East Asian and Pacific Affairs Subcommittee
To resume hearings on the policies between the United States and China, focusing on the human rights component.
SD–562

Health, Education, Labor, and Pensions
To resume hearings on proposed legislation authorizing funds for programs of the Elementary and Secondary Education Act.
SD–628

2:30 p.m.
Energy and Natural Resources
Energy Research, Development, Production and Regulation Subcommittee
To hold hearings on S.924, entitled the "Federal Royalty Certainty Act".
SD–366

MAY 19

9:30 a.m.
Indian Affairs
To hold hearings on S. 614, to provide for regulatory reform in order to encourage investment, business, and economic development with respect to activities conducted on Indian lands; and S. 613, to encourage Indian economic development, to provide for the disclosure of Indian tribal sovereign immunity in contracts involving Indian tribes, and for other purposes.
SR–485

Health, Education, Labor, and Pensions
To resume hearings to examine medical records privacy issues.
SD–628

Energy and Natural Resources
Business meeting to consider pending calendar business.
SD–366

2 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold oversight hearings on the status of Youth Conservation Corps and other job programs conducted by the National Park Service, Bureau of Land Management, Forest Service, and the U.S. Fish and Wildlife Service.
SD–366

Intelligence
To hold closed hearings on pending intelligence matters.
SH–219

MAY 20

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on S. 97, to require the installation and use by schools and libraries of a technology for filtering or blocking material on the Internet on computers with Internet access to be eligible to receive or retain universal service assistance.
SR–253

Health, Education, Labor, and Pensions
Employment, Safety and Training Subcommittee
To hold hearings to examine mine safety and health issues.
SD–628

Environment and Public Works
Clean Air, Wetlands, Private Property, and Nuclear Safety Subcommittee
To resume hearings on the Environmental Protection Agency's proposed sulfur standard for gasoline as contained in the proposed Tier Two standards for automobiles.
SD–406

10 a.m.
Governmental Affairs
Business meeting to consider S. 746, to provide for analysis of major rules, to promote the public's right to know the costs and benefits of major rules, and to increase the accountability of quality of Government; S. 59, to provide Government-wide accounting of regulatory costs and benefits; S. 468, to improve the effectiveness and performance of Federal financial assistance programs, simplify Federal financial assistance application and reporting requirements, and improve the delivery of services to the public; the nomination of Eric T. Washington, of the District of Columbia, to be an Associate Judge of the District of Columbia Court of Appeals; the nomination of Stephen H. Glickman, of the District of Columbia, to be an Associate Judge of the District of Columbia Court of Appeals; the nomination of Hiram E. Puig-Lugo, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia; and the nomination of John T. Spotila, of New Jersey, to be Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget.
SD–342

2 p.m.
Energy and Natural Resources
Energy Research, Development, Production and Regulation Subcommittee
To hold hearings on S. 348, to authorize and facilitate a program to enhance training, research and development, energy conservation and efficiency, and consumer education in the oilheat industry for the benefit of oilheat consumers and the public.
SD–366

2:30 p.m.
Energy and Natural Resources
Energy Research, Development, Production and Regulation Subcommittee
To hold joint oversight hearings with the House Committee on Government Reform's Subcommittee on National Economic Growth, Natural Resources and Regulatory Affairs, on the Administration's fiscal year 2000 budget request for climate change programs and compliance with various statutory provisions in fiscal year 1999 appropriations acts requiring detailed accounting of climate change spending and performance measures for each requested increase in funding.
SD–366

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on issues relating to commercial space.
SR–253

MAY 25

9:30 a.m.
Energy and Natural Resources
To hold oversight hearings on state progress in retail electricity competition.
SD–366

10 a.m.
Finance
To resume oversight hearings on United States Customs, focusing on commercial operations.
SD–215

2:15 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on S. 140, to establish the Thomas Cole National Historic Site in the State of New York as an affiliated area of the National Park System; S. 734, entitled the "National Discovery Trails Act of 1999"; S. 762, to direct the Secretary of the Interior to conduct a feasibility study on the inclusion of the Miami Circle in Biscayne National Park; S. 938, to eliminate restrictions on the acquisition of certain land contiguous to Hawaii Volcanoes National Park; S. 939, to correct spelling errors in the statutory designations of Hawaiian National Parks; S. 946, to authorize the Secretary of the Interior to transfer administrative jurisdiction

over land within the boundaries of the Home of Franklin D. Roosevelt National Historic Site to the Archivist of the United States for the construction of a visitor center; and S. 955, to allow the National Park Service to acquire certain land for addition to the Wilderness Battlefied in Virginia, as previously authorized by law, by purchase or exchange as well as by donation.

SD–366

MAY 26

9:30 a.m.

Indian Affairs

To hold oversight hearings on Native American Youth Activities and Initiatives.

SR–485

MAY 27

2 p.m.

Energy and Natural Resources

Water and Power Subcommittee

To hold hearings on S. 244, to authorize the construction of the Lewis and Clark Rural Water System and to authorize assistance to the Lewis and Clark Rural Water System, Inc., a nonprofit corporation, for the planning and construction of the water supply system; S. 623, to amend Public Law 89-108 to increase authorization levels for State and Indian tribal, municipal, rural, and industrial water supplies, to meet current and future water quantity and quality needs of the Red River Valley, to deauthorize certain project features and irrigation service areas, to enhance natural resources and fish and wildlife habitat; and S. 769, to provide a final settlement on certain debt owed by the city of Dickinson, North Dakota, for the construction of the bascule gates on the Dickinson Dam.

SD–366

JUNE 9

9:30 a.m.

Environment and Public Works

Transportation and Infrastructure Subcommittee

To resume hearings on the implementation of the Transportation Equity Act for the 21st century.

SD–406

JUNE 17

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings on mergers and consolidations in the communications industry.

SR–253

SEPTEMBER 28

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Legion.

345 Cannon Building

HOUSE OF REPRESENTATIVES—*Thursday, May 13, 1999*

The House met at 9 a.m.

The Reverend Dr. Richard Camp, Director of Ministry in Public Parks, Boston, MA, and former Chaplain at West Point Military Academy, offered the following prayer:

We stand tall in these moments to applaud You, O God. You are an awesome God, creator and sustainer of the universe. In a world uncertain about many things, we pause in this hushed moment of prayer, sure of Your goodness and mercy, certain that Your truth endures forever.

This morning in the presence of many former Members, we are conscious of echoes from the past that resound through the corridors of time, words of truth and deeds of courage. May the faithfulness of these leaders have a ripple effect, touching not only family and friends and colleagues, but also a ripple that will spill out and make history. May their presence here today serve as a cordon of encouragement to the women and men of this Congress.

And Father, we ask again this morning that You give wisdom and courage to all who serve here, that they might chart a course in accord with Your will.

In Your powerful name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Illinois (Mr. PHELPS) come forward and lead the House in the Pledge of Allegiance.

Mr. PHELPS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOME TO REVEREND DR. DICK CAMP

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, I would like to welcome my second Chaplain at West Point, the Reverend Dr. Dick Camp, who served West Point from 1973 to 1996, a total of 23 years.

Dr. Camp is currently the Director of a Christian ministry in the National Parks. Together with my current House Chaplain, Jim Ford, they have served a total of 41 years at West Point in serving the country and the Corps of Cadets.

To those of us who have had the great opportunity for their counsel, advice and prayers and their thoughts of duty, honor and country, I say thank you, God bless you, and beat Navy.

RECESS

The SPEAKER. Pursuant to the order of the House of Thursday, May 6, 1999, the Chair declares the House in recess subject to the call of the Chair to receive the former Members of Congress.

Accordingly (at 9 o'clock and 5 minutes a.m.), the House stood in recess subject to the call of the Chair.

RECEPTION OF FORMER MEMBERS OF CONGRESS

The SPEAKER of the House presided.

The SPEAKER. On behalf of the Chair and this Chamber, I consider it a high honor and certainly a distinct personal privilege to have the opportunity to welcome so many of our former Members and colleagues as may be present here for this occasion. Thank you very much for being here.

I especially want to welcome Matt McHugh, President of the Former Members Association, and John Erlenborn, Vice President and presiding officer, here this morning.

This is my first Former Members Day since becoming Speaker in January, and since that time I have gained an even greater appreciation for the traditions and the rules of the House. I appreciate all the efforts of the members of the association who spend so much time enhancing the reputation of the House of Representatives.

The House is the foremost example of democracy in this world. The debates we have here are important to the future of our Nation. I hope that my tenure as Speaker reflects the best traditions of this House and the best hopes of the American people.

Once again, I want to thank all the former Members for their good work in promoting the history and enhancing the reputation of the United States House of Representatives. Thank you very much for being here today.

The Chair recognizes the distinguished gentleman from Texas (Mr. ARMEY), the majority leader.

Mr. ARMEY. Thank you, Mr. Speaker.

I, too, would like to welcome you all back home.

I see so many good friends here. I see my friend and neighbor, Jim Wright. It was not long after we took the majority and I had the privilege of assuming these duties, Jim Wright called me up and said, "Dick, how are you getting along? Have you learned anything in your new role?" I said, "Yes, I learned I should have had more respect for Jim Wright."

It was a tough job. We all have undertaken hard work and good work here. We have all made our commitment in this body on behalf of things we believed in, not always in agreement with one another.

I remember my good friend Ron Dellums. At one time I was so exasperated with Ron, I said, "You know Ron, you are so misguided, you think I am misguided." He acknowledged I was probably correct on that. But we did I think for a very good part of the time manage our differences of opinion in a gentlemanly fashion.

I see Billy Broomfield there, my mentor, trying to teach me. Jim, you do not realize how much time Bill Broomfield spent trying to teach me to mind my manners.

But we did that sort of thing for one another, did we not? Encourage, restrain, sometimes advise, sometimes scold, but I think all of us can look back. You have an advantage. You have a way of looking back and saying how proud you were for what you were able to do for the vision you have held.

I think if I can speak for all of us here, I certainly know the Speaker made reference to it, we want to do our job now, and we will do it with rigor, and we will probably do it with excessive vigor, but always we want to do it in such a way that when you turn on your TV sets and you look in, you remember the honor you feel and felt that you see us, and we find that you are not embarrassed by the way we conduct business in your House.

So welcome back, and I hope you have a good day.

The SPEAKER. It is a great pleasure to introduce the gentleman from Michigan (Mr. BONIOR), a good friend of mine, who usually sits on the other side of the aisle, the minority whip of the U.S. House of Representatives.

Mr. BONIOR. Good morning. It is nice to see so many familiar faces.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. Speaker, thank you for giving me the time to express my welcome to so many dear friends who I have not seen in such a long time.

DICK GEPHARDT wanted me to extend to you his very best. He is at a very special occasion today as well. His daughter is graduating from Vanderbilt, the last of his children to graduate from college, so hé is down in Tennessee today on that joyous occasion. He wanted me to let you know how much he appreciates your service to this country and how honored he is that you would come back and share in this special day today.

Let me just say something about the Speaker while I am here, because I think it is appropriate. You would not be here if you did not love this institution in a very special way, and all who have served here over the years have a very special feeling for this place.

I am just very honored to serve with Speaker DENNIS HASTERT. He is a person that has brought stability to this institution in the time that he has been serving as Speaker of the House. He is trusted on our side of the aisle. He is respected. He conducts himself in a way that serves this institution proud. You can have a conversation with him, and he levels with you in a way that allows you to continue to do business. That is refreshing, and it is something that those of us on our side of the aisle appreciate.

I just wanted him to know that, and I wanted you to know that, because we have had some rough days around here, as you undoubtedly know, in the last decade. As DICK ARMEY said, we want to get on with the business of the country, and I think he is providing a chance for us to do that. I wanted the Speaker to know that and you to know that we appreciate the fact that he is leading us in a way that shows respect and decorum and respect for the other side's views on issues.

I am reminded of the enormous debt we owe to those with whom we serve and to those who came before us, because it is this continuity that this Congress provides over time that really is the fiber and the strength that endows our democracy with its resilience.

So to all of you, let me say thank you for your sacrifices that you have made, for the energy that you have devoted, for the ideas and the passions that you have brought to this institution.

Let me also at this time also thank my dear friend and my mentor, someone whom I would not be here in the position that I have today if it was not for, Jim Wright.

Mr. Speaker, I have always been inspired by your courage, by your passion, by your commitment, your idealism, your statesmanship, and I just want you to know how much I feel indebted to your service to our Nation, to this institution, and I want you to know how deeply my colleagues feel, particularly those who have served with you.

Your commitment to justice, not only in America but in Central America and other places around the world that we worked on, is something I will always remember and cherish for the rest of my life. So we thank you so much.

Let me just say in conclusion, Mr. Speaker, that we wish you all the best. We look forward to, hopefully, getting to say hello during the day and hope you have a good day with us. Thank you.

The SPEAKER. The Chair now has the great privilege to introduce and recognize the honorable gentleman from Illinois, John Erlenborn, the Vice President of the Association, to take the Chair.

Mr. ERLENBORN (presiding). Thank you, Mr. Speaker.

The Chair directs the Clerk to call the roll of former Members of Congress.

The Clerk called the roll of the former Members of Congress, and the following former Members answered to their names:

ROLLCALL OF FORMER MEMBERS OF CONGRESS ATTENDING 29TH ANNUAL SPRING MEETING, MAY 13, 1999

Bill Alexander of Arkansas;
J. Glenn Beall of Maryland;
Tom Bevill of Alabama;
David R. Bowen of Mississippi;
William Broomfield of Michigan;
Donald G. Brotzman of Colorado;
Jack Buechner of Missouri;
Albert G. Bustamante of Texas;
Elford A. Cederberg of Michigan;
Charles E. Chamberlain of Michigan;
R. Lawrence Coughlin of Pennsylvania;
N. Neiman Craley, Jr. of Pennsylvania;
Robert W. Daniel, Jr. of Virginia;
E. Kika de la Garza of Texas;
Joseph J. Dioguardi of New York;
James Dunn of Michigan;
Mickey Edwards of Oklahoma;
John Erlenborn of Illinois;
Louis Frey, Jr. of Florida;
Robert Giaimo of Connecticut;
Kenneth J. Gray of Illinois;
Gilbert Gude of Maryland;
Orval Hansen of Idaho;
Dennis Hertel of Michigan;
George J. Hochbruechner of New York;
Elizabeth Holtzman of New York;
William J. Hughes of New Jersey;
John W. Jenrette, Jr. of South Carolina;
David S. King of Utah;
Herbert C. Klein of New Jersey;
Ray Kogovsek of Colorado;
Peter N. Kyros of Maine;
Larry LaRocco of Idaho;
Claude "Buddy" Leach of Louisiana;
Marilyn Lloyd of Tennessee;
Catherine S. Long of Louisiana;
M. Dawson Mathis of Georgia;
Romano L. Mazzoli of Kentucky;
Matt McHugh of New York;
Robert H. Michel of Illinois;
Abner J. Mikva of Illinois;
Norman Y. Mineta of California;
John S. Monagan of Connecticut;
G.V. "Sonny" Montgomery of Mississippi;
Thomas G. Morris of New Mexico;
Frank Moss of Utah;
John M. Murphy of New York;
Dick Nichols of Kansas;
Mary Rose Oakar of Ohio;
Stan Parris of Virginia;
Howard Pollock of Alaska;
Marty Russo of Illinois;
Ronald A. Sarasin of Connecticut;
Bill Sarpalius of Texas;
Dick Schulze of Pennsylvania;
Carlton R. Sickles of Maryland;
Paul Simon of Illinois;
Jim Slattery of Kansas;
Lawrence J. Smith of Florida;
James V. Stanton of Ohio;
James W. Symington of Missouri;
Robin Tallon of South Carolina;
Harold L. Volkmer of Missouri;
Charles W. Whalen, Jr. of Ohio;
Alan Wheat of Missouri;
Jim Wright of Texas;
Joe Wyatt, Jr. of Texas.

The SPEAKER pro tempore. From the calling of the roll, 55 Members of the Association have registered their presence.

The Chair recognizes the gentleman from Florida, the Honorable Matthew McHugh, President of our Association—excuse me, who wrote this script? I know it is New York. The gentleman is recognized for such time as he may consume and to yield to other Members for appropriate remarks.

Mr. McHUGH. Thank you very much, Mr. Speaker. You are a very distinguished leader, and I am ready for retirement in Florida, I suppose.

It is a delight for all of us and a real honor to be here to present our 29th annual report to the Congress.

GENERAL LEAVE

Mr. McHUGH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

Mr. ERLENBORN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. McHUGH. Mr. Speaker, we want to especially thank the Speaker for being here to greet us and to thank the Minority Leader and all the Members of Congress in fact for giving us the privilege to be here in this institution that we know and love.

We were pleased also to hear the remarks not only of the Speaker but of the Majority Leader and Minority Whip, Mr. BONIOR, not only because they welcomed us so warmly but because the positive tone of those remarks is encouraging to many of us. I think we have been concerned about the increasing partisanship that has characterized much of the debate in Congress in recent times. Strong arguments on policy differences are healthy, and we expect that, but the negative tone has at times seemed excessive. This, together with some of the negative campaigning, I think has contributed to some of the public displeasure with politics and government.

I say that because, in this context, it was very encouraging to many of us when the Speaker and the Minority Leader opened the Congress. I am sure many of you watched this on TV, or perhaps were here yourselves personally, but they were eloquent really in pledging to work cooperatively to establish a much more positive climate in the Congress. They did not disavow their contrasting views, which was appropriate, but they did commit to restoring a more congenial spirit in which lively debate and legislative action could proceed.

I mention this in part because the Association of Former Members subsequently joined with the Council for Excellence in Government in publicly commending the leaders for getting the new Congress off to such a positive start, and we also offered to work in some constructive way with them to foster this positive climate.

For example, we proposed that we cosponsor with them a joint town meeting, perhaps on a college campus, at which the Speaker and the Minority Leader could appear together and talk about this Congress and the agenda that they will be pursuing. This was just one idea, and it is entirely up to them as to whether they want to take us up on that offer. But I think the point we want to make is that as an Association, on a bipartisan basis, we want to encourage them not to agree on all of the issues they have legitimate disagreements on, but we want to encourage them to promote even further this climate of positive debate in terms of the issues.

We discussed this issue, if you recall, at our last Association annual meeting a year ago, and at that time we talked about ways in which we might come up with some concrete proposals to help the leadership in this respect, and I report to you on this as a follow-up to that discussion.

Our most important activity perhaps is our Congress to Campus Program, which continues to reach out to citizens across the country, particularly to our college students. We believe that this effort conveys important insights about the Congress and promotes a much more positive view on the part of the public of the institution of the Congress.

As you know, what we do is send out bipartisan teams, a Republican and a Democrat who served in the Congress, to make 2½ days of meetings available to not only students on college campuses but to others in the community; and through these formal and informal meetings we share our firsthand experiences of the operations of the Congress and our democratic form of government.

Since this was initiated in 1976, 113 former Members of Congress have reached more than 150,000 students through 259 visits to 177 campuses in 49 States and the District of Columbia.

Beginning with the 96–97 academic year, the Congress to Campus Program has been conducted jointly with the Stennis Center for Public Service in Mississippi. The former Members of Congress donate their time to this program, the Stennis Center pays transportation costs, and the hosting institution provides room and board for the visiting former Members.

This is something which I know some of you have participated in. We certainly encourage others of you to let us know if you would like to do that. Those of us who have done it have enjoyed it very much, and I am sure all of you would as well.

What I would like to do at this point is yield to the gentleman from Missouri, Jack Buechner, and to the gentleman from Idaho, Larry LaRocco, who will discuss briefly their recent visits to college communities under this program. Jack.

Mr. BUECHNER. I thank our current President, Mr. McHugh, for giving you an outline about the program that has been so successful, and it has been successful not just for the students at the various colleges and universities that we have been able to meet with but also I think for us, because it gives us an opportunity to find out what the current pulse is on the campuses of America.

It is kind of funny, I just returned from Macalester College, where I worked with Jerry Patterson from California. While we were there, there was an anti-war demonstration, with American flags upside down and peace signs and body bags painted with red paint. It sort of was "deja vu all over again," as Yogi Berra would say, to think back into the sixties. But it was students expressing their opinions, and they were politically active.

For 2½ days we sat down with various members of the Political Science Department, the Geography Department, the Social Studies Department, student government leaders, leaders of the Young Democrats and the two members of the Young Republicans, and we discussed the various issues that are currently before Congress, before our executive branch, talking about Kosovo, talking about why we choose to intervene in central Europe and not in Africa. But there was a vibrancy and interest in current affairs that I think would belie what a lot of people in America would consider to be a generation more interested in computers, more interested in a lot of different things, perhaps too much metooism and not enough our-ism.

I think that perhaps is just one campus in Minnesota that I can report on, but I found the same thing last year when we went down to Florida International University.

This is such a good program that I would just tell every member of the Association that you should get involved in it. The problem, of course, is that we have got more campuses want to have Members attend than we have Members to attend and finances to cover those.

But it really is a fantastic program. As we stayed up late talking with the students, we found out that there are many questions that are not being answered by our leaders today to the interests that these students have, and they are looking for a forum in which to express it.

One forum they expressed it in was a recent election in Minnesota where we saw the election of the only Reform Party Governor. I was tempted, and I succumbed to it, to buy a bumper strip as I left the airport that said "Our Governor Can Beat Up Your Governor."

□ 0930

But these students had basically said that the two political parties, the mainstream parties, had not offered to them either the chance to participate, and I think that was the interesting thing, the chance to be active in the campaign, not just handing out fliers, but truly active and going and getting other people involved, either working on an Internet web site program in answering responses, to going to rallies in a fashion that was more participatory than just observatory.

These students taught me a lot about why Jesse won in Minnesota, and they weren't all Minnesotans, but they were involved in that campaign, and there is a lesson for us to learn there. But we do not learn unless we talk to people like that, whether they are our children, whether they are our neighbors, whether they are our old constituents, or whether we are visiting a college somewhere else.

With that, I would like to yield to the gentleman from Idaho (Mr. LaRocco). I notice that all of these people in the gallery came here thinking that they were going to see the Indy 500, but they are seeing a used car lot.

But I yield to the gentleman.

Mr. LAROCCO. I thank the gentleman from Missouri for yielding. It is my pleasure and honor today to report to my colleagues on one example of the Association's Congress to Campus Program. The Congress to Campus Program is an innovation of the Association to send bipartisan teams of two former Members of Congress to campuses across the country to meet with students and local residents to speak about the Congress and the rewards of public service.

One such engagement took former Congressman John Erlenborn of Illinois, the gentleman in the chair, and myself to Denison University outside of Columbus, Ohio last October. This was not the first visit of our Members to Denison University, nor will it be the last, I am sure.

The visit to this outstanding institution was arranged in several ways that I would like to explain to the Members. First, many former Members express their interest to the Association in traveling to campuses across the country. They just sort of tell the Association that they are willing to pack their bags and go, and then our Association Executive Director, Linda Reed, matches the dates of the Members' availability with the dates for the visit requested by the host campus, assuring the bipartisan composition of the team.

Second, the logistics in scheduling are coordinated by William "Brother" Rogers at the Stennis Center for Public Service at Mississippi State University. He works with the college administrators on campuses such as Denison to ensure that our time is productively used and, indeed, it was on this occasion.

Third, someone such as Professor Emmett Buell, Jr. at Denison University coordinates the on-site visit. Professor Buell is no stranger to our Congress to Campus Program as the founder of the Lugar College Intern Program, and this program is named after Senator LUGAR of Indiana, a Denison graduate.

The Denison University visit is a premier example of what takes place on campus during such a visit. Our stay was by no means a quick one and our schedule looked a lot like schedules that we have all experienced. You get up early in the morning, you have your dates, and we go to classes all day, meeting with large classes and small classes, making arrangements to go out and meet with the residents, having interviews, for example, with the local newspaper and also the campus newspaper.

I think that our visit to Denison University could best be characterized as one where we acted a little bit like our Chaplain mentioned today, Dr. Camp, about the ripple effect, that we have served and been in public service and have been part of our government, and that ripple effect, it is our responsibility to go out and talk about public service, and we did that all day long for a day and a half.

I am reminded of our former Speaker Carl Albert's book, The Little Giant, where he was driven to public service and to serve in Congress because of a visit by a Congressman when he was in grammar school. I think that is the purpose of our visits, to go out to these campuses and make sure that people know that public service is indeed a great calling.

Now, the questions that we got at Denison University ranged all the way from campaign finance reform to, of course, the bipartisanship that is needed in Congress to effectively run the government, and the concerns about some of the lack of civility that they were observing here in the House of Representatives and in the Congress in general. We had challenges to meet those questions, but the two of us, meeting together on a bipartisan basis, I think showed that there was a way that we could come together and work together and explain our government to them.

Our experiences were totally different. John Erlenborn's experience, for example, in going to Congress, where a Democrat had never served in that seat, and my experience in Idaho, being from a marginal district, was totally different. I think the students at Denison University appreciated that, knowing that there are different districts in the United States and people come to Congress with different experiences.

This was my second Congress to Campus Program that I participated in. I have been out to Claremont, McKenna University in earlier years, and I hope to do many more. So I encourage my colleagues to look into this program, to go out and use the ripple effect that we have been admonished and encouraged to do so today by our chaplain, and let us go out and spread the word that public service is indeed a very high calling, that this Congress and this House of Representatives is the best democratic institution in the world, and that we are proud to have served here, as I know we all are.

I yield back to our President, Matt McHugh.

Mr. McHUGH. Thank you very much, Larry and Jack. As most of you know, the Association is not funded by the Congress, and therefore, in order to conduct our educational programs, programs like the Congress to Campus Program and others, we need to initiate fund-raising efforts and raise the money ourselves. As part of that effort, in 1998, we initiated an annual fundraising dinner and auction which we repeated earlier this year on February 23. Both of these dinners, if my colleagues attended, they know were quite successful, both socially and financially, and we owe much of that success to the chair of those two dinners, the gentleman from Florida, Lou Frey, who is our former President of the Association as well.

So I would like to invite the gentleman from Florida (Mr. Frey) to not only tell us about this year's dinner, but also to alert us to next year's dinner.

I yield to the gentleman from Florida.

Mr. FREY. I am delighted you are now a resident of Florida, Matt.

We did have a very successful Second Annual Statesmanship Award Dinner at Union Station. We had about 400 people there, including sitting Members of Congress, and it was a great evening. The auctions are fun, a lot of stuff there that people buy, which always amazes us, but a lot of things we have in our closets are really valuable, and we did something unique for the first time. Cokie Roberts was named the first honorary member of the Association. She has been wonderful working with us. We surprised her. I think it is the first time she did not know a secret up on the Hill, but she was given the award.

Lee Hamilton, who many of us served with over the years, was given the award. Lee made about a 20-minute speech. I think he told more jokes in those 20 minutes than he did in the last 35 years in the House. It was a great speech, and really again, a lot of fun.

The main beneficiary of this dinner is our Congress to Campus Program, and the University of Mississippi helps us and works with us and does some things, but it is really up to us to raise the bulk of the money. We donate our time, because there are expenses and everything involved, so this dinner is crucial to our success. I have the good fortune to tell my colleagues that the next dinner will be on the 22nd of February at the Willard Hotel.

We need your help. We really need your help. We had a great committee last time to work with it. Jack Buechner and Jim Slattery were the chairs of the dinner. Larry LaRocco chaired the auction, helped by Dick Schulze who, by the way, it was Dick's idea to get this thing going. He was the one who came up with it, and we owe a great deal to Dick for doing that.

Matt McHugh and Dennis Hertel worked on the Steering Committee. We also have, by the way, if you ever need somebody, call on Larry or Jimmy Hayes to do your auctions. They are great. They run the live auction. We do not understand what they say, but they really sold a bunch of stuff.

Tom Railsback, for instance, gave us a gavel that was used in the impeachment of Richard Nixon that Peter Rodino had given him, and that was really quite a thing. We had a picture taken at the Bush Library taken of the Presidents and all the First Ladies there, and it was autographed by every one of those people. It took us a year to get it, and that was auctioned off. We had baseballs and footballs by everybody. So look in your attics for me, will you, or your basements and find something, at least just one thing. I do not want coffee cups, I do not want key chains, and I do not want a picture of you alone. As much as I love you, I do not want it of you alone. I want it with somebody, preferably a President, or unless it is you, Sonny, your picture I can put on my wall. Big red machine, right?

It is really important that we do it, and it is important you get some tickets. We have 10 months to do this thing. Bell Atlantic, Tom Tauke of our Members, was a prime sponsor, which was a great thing, but if you would all just sell a couple of tickets it would make our job really a lot easier, and it is really key.

One other thing I would like to mention we have been working on for three years and I will just throw in, maybe some of you know or do not know, some of you have written chapters for it, we have a book we have written which will be published in October, and there are about 20 Members of the Association already who have gotten chapters in. Liz Holtzman just promised me that she would get her chapter in, and that is on the record now, Liz, and we have time if anybody else wants to do it. We have a publisher. This is not something that is not going to happen.

The need for this book came about in some of our Congress to Campus Program visits where we have great books. Jim Wright has written a great book, we have a number of people who have done it, but there is not any book that is a compendium of the Congress looking at it from a personal standpoint. All of the political science professors said hey, we really need something like this. So it is there. You have about 30 to 60 days to get a chapter written. If you want to grab me after this, please do that.

One last thing I would just like to say. I think it is just great that Speaker Wright is here. I really enjoyed the remarks that were made by the Speaker, the majority leader and the minority leader. I think like you, I love this place. It has been a real privilege to serve here, and you know, I am proud of it as you are, and it is just fun to see so many old friends. Thank you very much.

Mr. McHUGH. Thank you very much, Lou. We hope that all of you will be at the dinner next year, February 22. Lou really has done a magnificent job in heading up that dinner for two years in a row, and it is a fun time.

We have talked about our Congress to Campus Program, which is our most important domestic activity, and we have also engaged in a wide variety of international activities which many of you have participated in and have enjoyed. We facilitate interaction and dialogue between leaders of other nations and the United States. We have arranged more than 380 special events at the Capitol for distinguished international delegations from 85 countries and the European parliaments. We have programmed short-term visits of Members of those parliaments and long-term visits here of parliamentary staff. We have hosted 45 foreign policy seminars in nine countries involving more than 1,000 former and current Members of the U.S. Congress and foreign parliamentarians, and we have conducted 17 study tours abroad for Members of Congress and former Members of Congress.

We also serve, as many of you know, as the secretariat for the Congressional Study Group on Germany, which is the largest and most active exchange program between the United States Congress and the parliament of another country. This was founded in 1987 in the House of Representatives and the following year in the Senate. It involves a bipartisan group of more than 135 Members of the House and Senate. It provides opportunities for Members of Congress to meet with their counterparts in the German Bundestag and to enhance understanding and greater cooperation between the two bodies.

Ongoing study group activities include conducting a distinguished visitors' program at the United States Capitol for guests from Germany; sponsoring annual seminars involving Members of the Congress and the German Bundestag; providing information about participation in the Youth Exchange Program that we cosponsor with the Bundestag and the Congress; and arranging for Members of the Bundestag to visit congressional districts in our own country with Members of the current Congress.

This is a program which is active and growing. The Congressional Study Group on Germany is funded primarily by the German Marshall Fund of the United States, and we have now gotten support, financial support from six corporations that serve as a Business Advisory Committee as well.

I would like to invite now and yield to the gentleman from Kansas (Mr. Slattery) to report on the most recent meeting in Kreuth, Germany, which was held on March 30 to April 2 for the Study Group.

Mr. SLATTERY. Mr. President, thank you very much. Let me just say that our friend from New York and our friend from Florida, Lou Frey, deserve a lot of recognition and appreciation from all of us for the work they have done with the Former Members Organization. Lou Frey, you have been relentless, relentless in this Annual Statesmanship Award Dinner in making that a success, and I think we ought to give him a round of applause, because you all do not know what he does to make that a success. And Matt McHugh, you are doing a super job as President too. We really appreciate that.

It is great to see you all. I am particularly glad to see Bob Michel here, who I think was one of the great Members of Congress in the 12 years that I had an opportunity to serve here. Bob, it is great to see you. You are looking wonderful. Former Speaker Wright I know has had a tough last few weeks with surgery, and Speaker Wright, you are an inspiration to me, you always have been and to many of us here, and I would just associate myself with the remarks of DAVE BONIOR earlier. It is great to see you, and we look forward to your involvement here in a few minutes.

From March 28 to April 2 of this year, the Congressional Study Group on Germany sponsored a delegation of five current and two former Members of Congress to travel to Germany to have meetings with German State and Federal officials and Members of the German Bundestag. The current Members of Congress in the delegation were BILL MCCOLLUM from Florida, who is this year's chairman of the Congressional Study Group on Germany in the House, and OWEN PICKETT of Virginia, who was last year's chairman and the 1998 chairman of the Study Group. GIL GUTKNECHT of Minnesota and CARLOS ROMERO-BARCELÓ of Puerto Rico and LOUISE SLAUGHTER of New York were the current Members participating in this year's event, and Scott Klug, a former Member from Wisconsin and myself represented the former Members.

The first part of the trip took the delegation to Berlin for three days where we had meetings with State and Federal officials, and in addition to that, we had dinner one evening with U.S. Ambassador John Kornblum and the President of the State Parliament of Brandenburg at Cecilienhof Manor, which was the site of the 1945 Potsdam Conference concluding World War II that was attended by Stalin and Truman and Churchill and later Attlee, and it was a very memorable evening, that evening out at the Cecilienhof Manor.

As you may know, the United States is currently involved in a debate with the government of Berlin as to the placement of our new U.S. embassy. The plans are to reconstruct the U.S. embassy on the site of the embassy where it was located prior to World War II on Pariser Platz next to the Brandenburg Gate. Unfortunately, however, because of security concerns now, some of the streets may have to be moved to accommodate the construction of the U.S. embassy, and as you might imagine, this is not something that the government of Berlin enjoys dealing with, the relocation of streets to accommodate the U.S. embassy. But hopefully, if both sides continue to visit on this, a compromise can be reached.

We also spent some time with the worldwide director of public policy for DaimlerChrysler, and it was particularly interesting to hear from them firsthand the kind of problems they are encountering in trying to merge this huge German corporation with a huge American corporation, and it was even more interesting, the site of this meeting, because we were meeting at the DaimlerChrysler new building in Potsdamer Platz.

As recently as 10 years ago, of course, this area was an area that was divided with the wall and armed guards on both sides, and it was remarkable just to be there and see the kind of construction that is going on in the heart of Berlin. It has got to be one of the greatest, if not the largest construction sites in the world, and there are reportedly some 3,000 cranes at work in downtown Berlin rebuilding the city in preparation for the return of the German government to Berlin this summer.

So it is really a remarkable time in Berlin. If you have the opportunity to travel there on any occasion, I would urge you to do it. It is truly a remarkable city.

Later on in the trip we went down to a small village south of Munich in the foothills of the Alps called Kreuth, and there we spent several days, actually four days with members of the German Bundestag, former members of the German Bundestag, American business leaders, German business leaders and talked about ongoing problems in the European Union, problems with the Euro, problems with the European Union, the role that Europe and Germany in particular will be playing in the world community as we go forward, and at the time we were there the problems in Kosovo were just starting. We had just deployed, or just commenced the bombing activity and our troops had been captured, and it was particularly interesting for me to observe the united front of all of the German political parties in their support of NATO and NATO's actions against Slobodan Milosevic. So that was particularly encouraging to me.

I believe very strongly that this activity with the German Bundestag and this exchange program, the Congressional Study Group, is a very important effort to keep communication alive between the United States, Members of this body, Members of the other body here, and the Members of the German Bundestag through this rather historic time that we are going through. I would encourage other Members, more Members, more current Members to become more actively involved in the German Congressional Study Group.

So Mr. President, I hope that is an adequate report, and again, I appreciate your leadership. Nice to see you all.

Mr. MCHUGH. Thank you very much, Jim. We hope that this is of interest to you because we are involved in a wide variety of these international-related programs and we think that is something that at one time or another you can participate in productively.

We would like to say a few words about a number of these, and I understand that we are flexible in terms of timing. So the most important thing we are doing this morning is honoring Speaker Jim Wright and we want to leave adequate time for that, but we will cover a few of these additional items since we have the time available.

One of the things that we do is act as a secretariat for the Congressional Study Group on Japan, which, similar to the Study Group on Germany, brings together Members of the U.S. Congress and the Japanese Diet and enables former Members of Congress to participate as well in these discussions of common interest. We find that to be very productive and helpful, especially at times when there is a little tension between the two countries on issues like trade.

We are in the process of trying to expand our activities as well by creating exchange programs with China and with Mexico. These are obviously two countries of great interest to the United States and the Congress in particular, and given our experience with the Study Group on Germany and the Study Group on Japan, we think that we are well positioned to serve as a secretariat for these programs as well.

In the aftermath of the political changes in Europe, the Association began a series of programs in 1989 to assist the emerging democracies in Central and Eastern Europe. With funding from the USIA, the Association sent bipartisan teams of former Members, accompanied by either a congressional or a country expert to the Czech Republic, to Slovakia, Hungary and Poland for up to two weeks. They conducted workshops and provided instruction in legislative issues for the new Members of parliament in these emerging democracies. We also worked with their staffs and other people involved in the legislative process. Public appearances were also made by Members of our delegations in these emerging democracies also.

The Association arranged briefings with Members of Congress and their staffs, meetings with other U.S. Government officials, and personnel at the Congressional Support Service organizations. Visits to congressional districts to give them the opportunity to observe the operation of district offices in our home towns.

Also with the funding of USIA the Association sent a technical adviser to the Hungarian Parliament in 1991 to 1993. With financial support from the Pew Charitable Trust in 1994, the Association assigned technical advisors to the Slovak and Ukrainian Parliaments. The initial support was supplemented by grants from the Rule of Law Program, the Mott Foundation, the Eurasia Foundation, the U.S. Agency for International Development, and we had a Congressional Fellow in Slovakia until 1996.

Our program in the Ukraine has been quite successful, and since 1995 we have managed an intern effort there, which has provided assistance to the legislators in the Ukraine Parliament, something which they would not otherwise have had without our support.

I would like to yield briefly to the gentleman from Michigan (Mr. Hertel) to report on the program in Ukraine.

Mr. HERTEL. I thank the gentleman from New York, and I will be brief in the interest of time. I do want to congratulate so many former Members of Congress for staying so very active in public affairs and taking of their time in donating it. It gives me great pleasure to report on the Association's very successful assistance program to the Ukrainian Parliament in the last 5 years. Our commitment to the Ukraine is in full recognition that this country, one of the largest in Europe with 55 million people, plays a critical role in the future stability and growth of democracy in East Europe. The recent NATO summit in Washington underscored the important role the Ukraine can play in the evolving Euro-Atlantic community.

Our program with the Ukrainian Parliament has evolved over time from its initial work as a source of technical advice to the development of a young leaders program. The staff intern program was established in the fall of 1995, following discussions with parliamentary leaders who indicated that increased staff support would be the most valuable assistance that could be provided. The initial group of 35 young Ukrainians who served as staff interns were in the 22 to 36-year age group and were drawn primarily from graduate schools in law, government, and economics. In subsequent years the age range has been slightly younger, from 22 to 28. In 1998 and 1999, with funding from the Eurasia Foundation, our program supported 60 interns. An additional 7 interns have been included in the program as a result of private sector support.

The staff interns have been placed primarily in committees where they serve as permanent staff and engage in mainline staff duties, including drafting legislation, analyzing and researching reports on potential legislation, reporting on committee deliberations, and translating vital Western documents. They also participate in a regular evening educational program.

The intern graduates, who now number approximately 200, represent a new generation of young political leaders. We have helped nurture the creation of an organization knitting together a group as a de facto Association of Young Ukrainian Political Leaders, many of whom have returned to the Parliament as permanent staff. Others are in increasingly responsible positions in the Ukrainian government, and the emerging private business sector, with nongovernmental organizations, think tanks, and the academic community.

We have now reached the point where we are seeking to increase the degree of Ukrainian management of the program to ensure its long-term viability while maintaining the high standards of the nonpartisan selection process. Recent negotiations in Kiev have resulted in the formulation of a transition plan over the next 18 months to independent Ukrainian supervision by two outstanding organizations, one academic and the other the Association of Ukrainian Deputies. The latter is a counterpart to our Association, was established with our assistance, and includes 320 former deputies of the Ukrainian Parliament. The Association is chaired by the former vice-chair of the Parliament who, in a meeting last year with the chairman of our House Committee on International Relations, Ben Gilman, said that the intern program "is now training clerks for future competent politicians." He is committed to ensuring that the intern program maintains its high standards and continues to train an emerging new generation of Western-oriented young democratic leaders. I am visiting there during the next two weeks to meet with those interns and leaders of the program and to offer your congratulations for all of the successes that they have had under your leadership. Thank you.

Mr. McHUGH. Thank you very much, Dennis.

One of the most significant study missions that we have done in recent years has been to Cuba. In December of 1996, the Association sent a delegation of current and former Members of Congress to Cuba on this study mission to assess the situation there and to analyze the effectiveness of U.S. policies toward Cuba. Upon its return, the delegation wrote a report of its findings which was widely disseminated through print and visual media, and was made available to Members of the House and the Senate, as well as to officials in the executive branch. There was also a follow-up to this initial study mission which was conducted in January of this year. Again, the delegation was bipartisan; it made a report upon its return, and that report has gotten widespread dissemination, and hopefully some attention as well. We expect that there will be two additional bipartisan teams of former Members of Congress who will travel to Cuba this fall and will hold workshops in regional centers on topics of particular concern to the leaders in those areas. This program with Cuba is funded by the Ford Foundation.

At this point I would like to yield to the gentleman from Missouri (Mr. Wheat) to report on this year's study mission, and he was a participant in that.

Mr. WHEAT. Thank you, Mr. President.

Recently, as the chairman noted, I had the privilege of participating in our delegation to Cuba, sponsored by the Former Members Association, and the delegation included some very distinguished former Members, Senator DeConcini, Senator Pressler, Senator Kasten, and, of course, we were led by our former chairman, Lou Frey.

During my time in the House, I participated in numerous of these delegations all over the world, led by many capable leaders, including my former Rules Committee chairman, Claude Pepper. Unfortunately, I had to leave Congress to find out a Republican can lead a delegation as well as a Democrat. I am referring to the outstanding chairmanship of Chairman Lou Frey, whose enthusiasm, his intelligence, his insight, his probing commentary, enriched the quality of our delegation's experience and led to some very important rapport with bipartisan conclusions about steps we might take to improve our relationship with the Cuban people.

Like many aspects of our relationship with Cuba, there were difficulties with some of the things we went down to talk about. But, since our trip, some of you may have noticed a small change in our relationship, specifically, a baseball game, or rather games.

The Baltimore Orioles twice played the Cuban National Team, both in Cuba and in Baltimore. The results of these games were, well, not much. The Cubans won one, and we won one.

More importantly, international order was not threatened, and our domestic policy was not derailed. Honestly, not even that many people paid attention. It was not the World Series. Sure, 40,000 people came to the game in Camden Yards, but many of them left after the rain delay in the first inning.

Perhaps future historians will say that this game was of tremendous national importance and improved the relationship between the United States and Cuba, but, for now, it was just a baseball game, and like many other aspects of our relationship with Cuba, the negotiations leading up to it were arduous and fraught with misunderstanding and misperception.

Let me tell you just one quick thing about it. One of our main goals in our trip to Cuba was to examine the misperceptions between the two countries. To do that we met with members of the Cuban government, political dissidents, representatives of the very limited private sector, human rights groups and members of the Catholic Church, and we took a little time out for recreation.

We went to a Cuban baseball game. We found that their love of the game was very similar to ours, but everything else was different. The stadium was old and in disrepair. The 10 or 12 cars in the parking lot were of a vintage that is no longer seen in the United States. They were from the 1950s. The top players make $8 to $10 a month, a change some of us think might be good here, and we paid the admission price of 4 cents to get in the stadium.

You may remember that the negotiations about this game were hung up for a long time on what to do with the proceeds. Now, 40,000 people in Cuba at 4 cents each totals $1,600. Well, in Cuba $1,600 may be a lot of money, but you can understand that the Cuban government officials drew a little concern about whether the United States was making a real offer or commitment or whether this was just a public relations ploy.

If this game did not occur as a result, so what? It was only a baseball game. But suppose similar attitudes affected other areas of our relations with Cuba? Suppose relatives were kept apart because there were no flights between the two countries? Suppose lifesaving medical techniques and medicines were not allowed to be transported to and from Cuba? Suppose the policy of noncooperation kept illegal drugs flowing into the United States?

When our delegation returned from Cuba, we met with officials at the State Department to discuss the mixed signals that we were sending to Cuba. We do not know whether our conversations made a difference or not, but we do know the two games were played.

Let us hope similar results occur for the 12 substantive policy recommendations that we proposed. I will not bore you with them this morning, but let me just sum them up by saying they are designed to encourage greater communication and exchange between the Cuban people and the American people.

If each and every one of our recommendations made on a bipartisan basis were implemented, international order would not be threatened, our domestic policy will not be derailed, the Cubans might win a little, the United States might win a little and, hopefully, future baseball games could occur in the context of a real world series.

Thank you.

Report by the Delegation of the U.S. Association of Former Members of Congress: Visit to Cuba, January 10–16, 1999

Members of Delegation: Hon. Louis Frey, Jr., Chairman; Hon. Dennis DeConcini; Hon. Robert W. Kasten, Jr.; Hon. Larry Pressler; Hon. Alan Wheat; Mr. Walter Raymond, Jr.; Mr. Oscar Juarez

SUMMARY

The U.S. Association of Former Members of Congress sent a seven-member, bipartisan delegation to Cuba from 10 to 16 January 1999 to see first hand current political, economic and social conditions in Cuba and to engage in a series of frank discussions concerning U.S.-Cuban relations. The delegation was composed of former Representative Louis Frey, Jr., Chairman; former Senator Dennis DeConcini; former Senator Robert Kasten, Jr.; former Senator Larry Pressler; and former Representative Alan Wheat. They were accompanied by Walter Raymond, Jr., Senior Advisor of the Association and Oscar

Juarez. The trip was funded by a grant to the Association from the Ford Foundation.

The delegation pursued its objectives through formal meetings with Ministers, bureaucrats, political dissidents, independent journalists, foreign diplomats, Western businessmen and informal meetings with a cross-section of individual Cubans. Three members of the delegation had participated in a similar fact-finding mission to Cuba in December 1996 and were able to observe changes in conditions in Cuba over the past two years.

The delegation's approach was based on the realities of the current relationship of Cuba to national security objectives as well as the sensitivities of the Cuba issue in political circles in the United States. In addition, the concomitant interests of the Cuban people to meet basic human needs and to work for the development of an open society, as well as their desire to be respected according to their sense of Cuba and their national identity, were taken into consideration by the delegation in making their recommendations.

Policy Background

U.S. policy to Cuba is based on a series of long-standing Congressional and Executive Actions. The essential ingredient is the long-standing embargo, designed to put maximum pressure on Castro. This policy, which began in 1960, was in direct response to the establishment of Communism in Cuba and the development of a close security relationship with the Soviet Union. The Cuban Democracy Act of 1992 and the Cuban Liberty and Democratic Solidarity (Libertad) Act of 1996 sought to further strengthen Cuba's isolation and to take advantage of that to force major political change. These policies over almost 40 years showed to the world the U.S. resolve to protect its borders and the Western Hemisphere as well as opposition to Castro and his communist dictatorship.

Times have changed. The end of the Soviet subsidy in 1992, which totaled between $5 to 8 billion per year, and the collapse of the Soviet Union have changed the strategic equation. Moscow no longer is subsidizing Cuba, the island does not represent a base of military operations against the Untied States and Cuba is not a national security threat to the United States. Increasingly, Cuba is out of step with the entire Western Hemisphere which has been engulfed by a democratic wave. On the international level, Cuba is increasingly irrelevant: the communist revolution has failed and Castro is an anachronism. On the domestic level in the United States, Cuba continues to be an important issue. The only national security threat would be a chaotic transition of power in Cuba that could lead to a mass exodus of Cuban citizens to the United States mainland.

Cuba Today

A review of Cuba begins with the understanding that the Castro regime remains very much a police state and suppresses any independent political expression. The country is controlled by Castro through the military, the Ministry of Interior and the police. There is little regard for human rights, no freedom of the press and few political dissidents because of the pressures applied by Castro. Despite U.S. policies over the past years, pending unforeseen circumstances, Castro will remain in control until his death.

Economic belt-tightening is the order of the day. The delegation was briefed on economic restructuring affecting various state-run industries designed to increase the efficiency of the state economy. At the same time, heavy taxes and other pressures have resulted in a decrease in the number of small self-employed enterprises. The management of a number of state enterprises has been taken over by former military officers. These officers are positioned to be part of a post-Castro elite. The ruling class in Cuba, while not guilty of conspicuous consumption, live comfortably and have benefited within the parameters of the controlled economy. The overall impact of developments in the past two years suggests that prospects for the economy are slightly better—but this is a result of a significant growth of tourism and the close to $1 billion of remittances sent by Cuban-Americans living in the United States to their families and friends in Cuba. Remittances have been the biggest boost to the economy at this time.

The Pope's visit made some impact and appears to have given the Catholic Church more operating space. Although the percentage of Catholics in Cuba is significantly less than Poland, the Pope's visit had an invigorating effect. Church attendance, while still comparatively moderate, has risen and the Church has been able to increase its support activities including the distribution of humanitarian assistance. Castro has been forced *de facto* to accept humanitarian assistance in a manner which reaches the Cuban people. On the basis of informal conversations, it appears that another consequence of the visit is that it has given Cuban citizens more of a sense of connection with the "outside world" and a greater willingness to interact. In other words, a potential key impact of the Pope's visit is that it has started a process of opening things up.

The United States is receiving only limited cooperation from its allies, including those in Europe, on key issues such as workers' rights. Foreign enterprises continue to pay the Cuban government for work performed, and the Cubans in turn pay the workers in pesos at an artificially low exchange rate. The Europeans continue to press for greater respect for human rights to be observed but with little demonstrable success.

The Cuban people retain a great deal of pride in their homeland—even those who are not happy with Castro. There is a concern about the lack of respect for Cuba by the United States which goes back to the 19th Century. The Cubans had been fighting for many years against the Spanish, yet the Americans entered the war later and called it the Spanish-American War. Little acknowledgment was given to the many Cubans who died for their country's freedom.

Much of the U.S. policy toward Cuba recently has been dictated by domestic politics. For instance, compare the difference in the current U.S. approach to three communist countries, China, Vietnam and Cuba. China has been given most favored nation trade status. Vietnam has been recognized officially, trade has been encouraged and a trade agreement is in progress. However, with Cuba there is an embargo that is close to 40 years old and continues despite the changed geopolitical circumstances resulting from the demise of the Soviet Union.

Policy Considerations

In order to understand the delegation's recommendations, it is necessary to start with a clear definition of policy objectives. The first question from the United States' standpoint should be what is in the best national security interests of the United States. Assuming that the assessment is correct that whatever the United States does will not drive Castro from office, the concentration should be on what can be done to help the Cuban people in the short term by meeting certain basic human needs and by helping enfranchise economically an ever larger group of independent Cubans. In the longer term, these steps will contribute to laying a framework for a peaceful transition toward an open society compatible with the emerging democratic world throughout the Western Hemisphere.

The United States can not let Castro dictate its actions on non-actions; U.S. policy must be determined on its own merits. Some actions may be taken unilaterally that could benefit the United States or actions could be designed to benefit the Cuban people without expecting any concessions from the Castro government. However, there may be some proposed actions, such as those set forth in the Helms-Burton Act, which should be taken only if the Castro government acts or reciprocates.

U.S. leaders must endeavor to do away with a schizophrenic approach to Cuba. U.S. policy has been stated expressly as designed to help Cuban political development by supporting the growth of an independent sector and a middle class. The delegation supports this. At the same time, U.S. policies also should strive to meet certain basic needs of the Cuban people. For instance, if it makes sense to send medical supplies or food to Cuba, a maze of rules and regulations should not be attached which often result in supplies not ever reaching Cuba. Castro is given a public relations victory and, more importantly, vital assistance does not reach the Cuban people. The same can be said in many other areas, including travel where the delegation believes U.S.-imposed bureaucratic limitations hamper the maximization of people-to-people contact programs. Some of these specific areas will be discussed in the body of this report. If policy were consistent with the rhetoric and the United States we intended to isolate Castro totally, then all contact should be ended, including the massive number of remittances sent from the Cuban-American community. This does not make sense—and the delegation does not favor such a drastic step—but it does illustrate the strange position that exists.

The common sense rule should be applied regarding the use of rhetoric. For instance what is important to the United States? Is it more important that a certain act be taken to accomplish a specific result, or is it more important that rhetoric be used to talk about the certain act? In some cases both may be done; in other cases it will be counterproductive to conduct foreign policy encased in domestic-focused rhetoric. As an example, political dissidents, independent journalists, representatives of religious organizations and NGOs all express concern about the way in which Washington rhetoric links NGOs and the construction of civil society in Cuba with the removal of Castro, as stated in 1992 and 1996 legislation. The rhetoric lays dissidents and independents open to the charge of being "tools of subversion against the Castro regime."

Conclusion

In conclusion, it is time to deal with Cuba as it is today not in terms of the Cold War which dominated post-war politics for 40 years. Does this mean the embargo should be lifted? If the sole purpose of the embargo is to drive Castro out, it has not worked and it is not going to work. And is has not impacted on Castro's leadership elite. If other legitimate ends are being accomplished, then it should be left in place. Should the Helms-Burton Act be changed? While it continues to put pressure on the Cuban Government to resolve issues of the confiscation of property, Titles I and II of the Helms-Burton Act should be liberally interpreted as this provides help directly to the Cuban people. On this point there are differences within the delegation. The delegation does agree that Titles I and II of the Helms-Burton Act should be more liberally interpreted as this provides help directly to the Cuban people. Further consideration should be given to modifications of Title IV if EU nations provide greater recognition to U.S. property claims. Policy modifications are recommended with the full realization that Cuba continues to be a communist dictatorship. Policy adjustments which the delegation are proposing are in the interests of the United States and the Cuban people, not Castro.

The United States should exhibit a greater sense of confidence that increased contacts between the United States and Cuba will work to the advantage of the development of a more open society rather than to help Castro. People-to-people contacts, increased travel, an unlimited supply of food and medicines are not viewed by the Cuban people as an aid to Castro, but rather as support to the Cuban people.

Recommendations

1. *Remaining impediments to exchange programs should be removed. People-to-people contacts should be greatly expanded, including on a two-way basis.* The issuance of general licenses should be expanded to a wide range of fields including educational, cultural, humanitarian, religious and athletic exchange. Cuban-American residents in the United States should be included under a general licensing provision with no limit to the number of visits to Cuba per year. The two-way aspect of this program is important, permitting Cubans (including Cuban officials) to have an increased exposure to the United States so they have a shared educational and cultural experience to help dispel stereotypes. Such exchanges are not a threat to US national security. If the Cuban Government is reluctant to sanction such exchanges to the United States, it could reflect concern over defections resulting from dissatisfaction with conditions in Cuba.

2. *Direct, regularly scheduled flights between the United States and Cuba should be authorized and established.* This is the best way to maximize person-to-person contacts and to facilitate humanitarian assistance. The delegation recognizes that such a move may necessitate a Civil Air agreement. the gains outweigh concerns about enhanced recognition that this may give Castro. An alternative could be the approval of foreign airlines to make stops in the United States enroute to Cuba, a step that could be pursued through IATA.

3. *Pressures should be sustained on Cuba to release political prisoners and to ameliorate prison conditions. The delegation recommends continued contacts with the International Committee of the Red Cross and other Human Rights Groups in Latin America and Europe to press them to seek prison visits and to pressure the Castro regime to recognize basic human rights standards for prisoners of conscience.* There has been no perceptible change in human rights conditions since the Pope's visit, despite an initial release of some prisoners.

4. *All restrictions on the sales and/or free distribution of medicines and medical supplies should be removed.* A general license should be given for donations and sales to non-governmental organizations and humanitarian institutions, such as hospitals. Considerations should be given to identifying a U.S. purchasing agent who could serve as an expediter and independent bridge between the U.S. pharmaceutical firms and Cuban "customers" to facilitate sales and to monitor delivery.

5. *Unrestricted sales of food and agricultural inputs should be authorized.* This policy, if unencumbered by regulations that undercut the effectiveness of this initiative, will help the Cuban people. Even operating within the parameters of the Presidential Statement, there are steps that can be taken to increase agricultural production and the capabilities of the farmers. The delegation has commented on this in some detail in the report and believes that creative ways can be found to accomplish the objectives.

6. *Commercial shipping carrier companies (such as DHL, UPS or other shippers) should be authorized regular delivery stops in Cuba.* Accompanying arrangements would need to be made in Cuba for safe delivery to meet carrier standards, including a contractual arrangement with a Havana-based representative organization. *Regular sea transportation also should be authorized.* Expanded air and sea shipping will facilitate the delivery of gifts of food, agricultural supplies, medicines and medical equipment. These new transportation links also would facilitate humanitarian efforts by private Americans to ship larger "care packages" directly to Cuban citizens and thus supplement support from remittances.

7. *The delegation supports a policy to expand remittances in amounts allowed and to permit all U.S. residents, not just those with families in Cuba, to send remittances to individual Cuban families.* Greater utilization of the Western Union office in Havana should be considered as a means to expand the number and diversity of remittances.

8. *The delegation believes a regional effort should be studied to reduce the flow of pollutants into the Gulf of Mexico* with its concomitant impact on sea wildlife environmental damage to the shores of various countries affected by raw sewage outflows from Cuba.

9. *An independent group should review Radio Marti broadcasting to insure that the news package is balanced, meets all required professional standards and covers major international stories.* This is the second Association trip to Cuba in which the delegates found no independent Cuban citizens who had seen TV Marti. It is recommended that funds supporting TV Marti be redirected to an enrichment of Radio Marti or dedicated to an expansion of telecommunications linkages. (See Recommendation 10)

10. *Technical breakthroughs in the telecommunications industry should be explored to increase information links to Cuba.* Internet, e-mail, cell phones and other state-of-the-art communications slowly are bringing information and ideas to the country. *It is recommended that the U.S. Government and Congress consider authorizing U.S. telecommunications companies to explore possibilities for establishing more open and diverse communications between the United States and Cuba.*

11. *Consideration should be given to opening property settlement discussions and establishing a process with a payment schedule, even if actual funding is deferred to a future date.* The Cubans acknowledged that this is an outstanding issue in the bilateral relationship and they claimed that they were prepared to discuss settlement. There may be a role for a third party arbitrator to facilitate this negotiation.

12. *Policy steps which are just pinpricks should be avoided, as they accomplish little and impact negatively on a policy to open Cuba up to change.* As an example, the proposal for a baseball exchange is a positive step, but the U.S. announcement explicitly dictates how proceeds for games in both Baltimore and Havana are to be used. Each country should decide how the proceeds will be spent. The ticket price in Havana is approximately four cents, so the issue is largely irrelevant.

BACKGROUND TO POLICY RECOMMENDATIONS AND OTHER OBSERVATIONS BY THE DELEGATION

Political Conditions

Cuba remains very much a police state under the tight domination of a single ruler. The post-Castro era could involve a conflict between nomenklatura elements (younger, middle-to-senior level officials), who have vested interests in the system and are prepared to consider steps toward economic reform, and a law-and-order wing, largely housed in the military and the Ministry of Interior. Equally possible, however, could be the lack of an effective leadership to fill the space, largely as a result of Castro's failure to allow reasonable political development in the country as a preparatory step for a peaceful and constructive transition. An alternative course, however, might occur if time and circumstances permit the growth of an increasingly independent economic infrastructure in which more citizens become economically enfranchised and a broader segment of society has a vested interest in a stable transition.

The lack of a political opening was palpable. Castro remains opposed to any alternative system or actions independent of the system. Internal crackdowns against crime are designed to improve the command economy, not to change it. In meetings with a number of intellectuals, independent journalists and political activists, several interesting points were raised. However, among these representatives of the political opposition there were some differences of opinion. The political dissidents underscored in very personal terms that there was a continued crackdown. They said the probability was very real that, although they had spend time in jail in the past, this might happen again in the upcoming year. They also described the regime's procedure of arresting people and detaining them for up to 30 days without trial and then releasing them. They added that Cuban authorities are aware that trials may draw major Western press and that they seek to make their message known by selective detention. They acknowledged the lack of coordination among the dissidents. They may represent a moral force but, at this point, they do not occupy significant political space.

The political independents did not see much, if any, improvement in living or working conditions as a result of the Pope's visit, although independent journalists thought there was a bit more flexibility vis-a-vis journalists. All agreed that the economy is in bad shape. The dissidents described the existence of two embargoes—the one imposed by the U.S. Government and the other imposed by the Cuban Government against its own people. They were underwhelmed by support from the EU and noted that some workers had tried unsuccessfully to block Western investments unless the Europeans pressed for adherence to the Arcos principles. At the same time, they said that there were more than 300 foreign businesses in Cuba, that this increases foreign influence and in the long run could be a plus.

The delegation was rebuffed in its efforts to visit four leading dissidents, who were seized without charges in 1997 and still have not been brought to trial. The dissidents in question were Marta Beatrix Roque, Rene

Gomez Manzano, Felix Bonne and Vladimiro Roca. The delegation had a particular interest in meeting with them as the earlier Association delegation had met the four dissidents in Havana in 1996. The delegation also pressed the Cuban authorities to allow the International Committee of the Red Cross to make prison visits. Although some other groups have, on occasion visited Cuban prisons, the ICRC has not been allowed into Cuba for ten years. ICRC visits—with their subsequent confidential report to the host government—would be a positive step.

It is hard to evaluate the degree to which the Pope's visit has emboldened the local population to exercise more independence, but the delegation sensed that the post-Pope visit atmosphere was somewhat more positive. There is active interest in more contacts and communications. Some looked to President Clinton's declarations on January 5 as a potentially important step to expand contacts and access. Others thought increased possibilities exist for telecommunications breakthroughs, including internet, which will permit more extensive communications with persons outside of Cuba. Representatives of NGOs also believe that they have developed more operating space, a potentially encouraging sign for the future.

Economics—Cuban Style

The delegation was given a comprehensive review of the Cuban Economy by Economics Minister Jose Rodriguez. Rodriguez came from the academic world and his presentation did not include a self-defeating propagandistic spin. The 1996 Association delegation met with Rodriguez and his earlier analysis has substantively held up quite well. He underscored that growth recorded in 1996 and 1997 had flattened out in 1998 to 1.2 percent. The Government is engaged in a major restructuring of the industrial sector, seeking to increase productivity by cutting subsidies to unprofitable state-owned enterprises. This causes unemployment and other adjustment problems. A number of state-owned companies are being taken over and operated by former military officers.

Rodriguez claimed that 81 percent of the state enterprises now are profitable, as opposed to 20 percent in 1993.

An exception to the pattern has been the critical sugar industry, where production lags because of poor production techniques and devastating weather. A reorganization of the production capacity is underway and some less productive mills will be closed. This will cause labor dislocation and the need for labor retraining to demonstrate how to increase unit yield. This reorganization also includes a shift from a vertical to a horizontal system. Instead of all instructions and all infrastructural support coming from one central point, the reorganization gives self-supporting industrial elements, such as shipping and packing units, greater ability to make decisions.

The Minister indicated that incentives programs were being installed in agriculture and other areas. He suggested there was a role for farmers with an entrepreneurial flair but that such people—the emerging independent cooperative farmers—need to understand about incentives and to be motivated to work for them. He said that by appreciating their role, these independent farmers can strive to earn foreign currency and sales. The farmers need new modern equipment to replace the old, obsolete and often broken Soviet agricultural equipment. The question was raised about the free market. Rodriguez referred to incentives within the socialist system where quotas were provided to the enterprise and the worker and once they achieved that quota, the additional production could be taken to the market for sale. Returns would be shared by the workers and the enterprise which would keep a portion of the funds received to enhance further production rather than turn revenue over to the State. However, Castro tends to undercut some of the potentially positive aspects of this trend by trying to eliminate or minimize the "middle men" who help the independent farmers send their product to the markets.

Tourism is the largest income producer for Cuba. Rodriguez said that there were 1.4 million tourists in 1998, a 17 percent growth is expected in 1999 and a total tourist inflow of two million is anticipated in 2000. He said tourism helped compensate for the sharp decline in sugar exports. He made no reference to the decisive impact that accelerated remittances from the United States have had on the Cuban economy. The delegation raised the question of the tourist industry—such as foreign owned or operated hotels—paying the government for the salaries of its employees. He responded that this was the way the socialistic system works. He added, however, that there might be some alterations to the payments system, but the state would continue to monitor and control it. The delegation stated that such procedures were unacceptable to most businessmen and disadvantaged the employee.

Rodriguez maintained that the private sector is growing, but it has to react to stiffer competition. Paladares (private restaurants) continue to be active, although some have closed because of competition. Others have opened. Castro continues to hinder each effort to establish even the rudiments of a private sector. For example, the paladares not only are limited to only 12 customers a night, but they also are not allowed to sell lobster or steak, although some do. The delegation expressed concern that the number of small private enterprises had dropped; Rodriguez said the private sector was growing. Our figures indicated that the number had gone down from approximately 215,000 to about 150,000. He acknowledged small private activities were heavily taxed, noting that private rooms—totaling 8,000 according to Rodriguez—can be rented if the owner receives a license and pays a tax. Cuban officials do not see these as punitive taxes, underscoring that the taxes are essential to provide dollars to the state. They state that clearly the private sector would not continue to rent rooms and open paladares if they did not think it provides economic gain for them.

In a subsequent discussion, a senior official of the Ministry for Foreign Investment emphasized that there is a new Cuban law concerning foreign investment which reportedly will make it easier for foreign investors. He stated that now there are about 360 joint ventures in the country. While the Helms Burton Act has retarded investment, the official believes that foreign investment now is increasing. He cited recent foreign investments in the development of an electric generation plant, financial commitments to joint ventures to establish business centers—principally to be occupied by foreign companies—condominiums, free trade zones and industrial parks.

In addition to the massive infusion of remittance dollars, ordinary Cuban citizens are finding other ways to receive dollars. People appeared to be coping, possibly a bit better than two years ago. Western companies have found ways to supplement the salaries which they pay to workers via the state by a system of hard currency bonuses. Castro's desperate need for dollars means that he is prepared to look the other way and let dollars come from these various sources. However, through severe taxation and the construction of a shopping mall selling Western goods to Cuban citizens, Castro seeks to gain access to some of the dollars flowing into the island.

The construction of a major new modern airport (with Canadian funding) and a large shipping terminal to berth cruise ships are two additional examples of steps that will increase travel to Cuba and contact between the Cuban population and visitors. These facilities also will increase the amount of dollars in circulation, some of which will reach the Cuban citizens. Tourism is the number one income producer for the regime. At the same time, some farms and industries have established a greater profit share with workers receiving dollar bonuses and farmers, many of whom now are defined as "independent" farmers, are able to sell on the market an increasing share of their production. It should be noted that everything is relative in Cuba and the standard of living and the infrastructure lag far behind its potential and/or its place in the Caribbean compared to where it was 40 years ago.

In a conversation with the Chairman of the National Assembly's Foreign Relations Committee, the delegation raised the question of the restoration of confiscated properties and asked if there were any movement within the Cuban Government to address this issue. The Chairman said that, under the law nationalizing property, every country has been paid except the United States. He stated that Cuba was prepared to discuss settlement of the property. The problem is the retroactivity of the Helms-Burton Act which gives the right to Cuban citizens, who have been nationalized as Americans, to claim property with the help of the U.S. Government. It would cost the Cuban Government over $6 billion, an amount beyond their capabilities. The delegation asked whether a third party—possibly a Latin American country—might serve as an arbitrator to resolve these claims.

Cuban Comments about the Helms-Burton Act

During discussions in Havana with non-official Cubans, the delegation raised the question of U.S. policy with specific reference to the Helms Burton Act. The delegation said that political realities in the United States suggest that the Helms-Burton Act will remain in place for the foreseeable future and planning should be developed with this reality in mind. It should be recorded, however that most of those queried argued in favor of a basic change in the Helms-Burton Act. For example, the Catholic Church, echoing the Pope, urged that the embargo be terminated. Western businessmen thought that the future was discernible, economic prospects were encouraging and the United States should decide if it were to be a player or not. The U.S. embargo, at this juncture, was a strong moral statement and *de facto* it aided foreign business access. They did not understand why the United States did not want to be a player in Cuba's future which could be better achieved with normal economic and social relations.

Dissident and NGO representatives took particular exception to the way in which the Helms-Burton Act and the recent Presidential announcements have been wrapped in a rhetorical package which has the effect of labeling all efforts to build "civil society" as a move to overthrow Castro. As one Western

NGO representative said, the NGOs are identified as tools of subversion against Castro and this backfires on the NGOs. The dissidents are, to some degree, divided. The majority believe that the Helms-Burton Act gives Castro an excuse for everything that goes wrong in Cuba and by lifting it, the world (and the Cuban people) could see the bad management, corruption and failure of the Cuban regime. Several said, however, that modification of the embargo would need to be made in a way that does not take the pressure off Castro.

Policy formulations need to reflect sensitivity to the Cuban mind set. Even men-on-the-street Cubans have some support for Cuban nationalism, as distinct from Castro's regime. Dissidents repeated a view heard in several circles that they were concerned about substituting Miami for Havana. They would like to participate in democratic change and welcome close relations with the United States, they do not want foreign dominance which played too large a part in their past.

In sum, the delegation recognizes that Cuba remains a repressive society, but believes that the state system will undergo major changes after Castro dies. The experiences reflected in the many transitions that have taken place in the past ten years in Central and East Europe, as well as the states formerly composing the USSR, indicate that changes can take many different directions ranging from democracy to domestic instability to authoritarianism. It is in both the Cuban and U.S. national interest to encourage peaceful evolution to an open society. The delegation believes steps should be initiated to reduce Cuba's isolation and to communicate with many different elements of Cuban society. Further, pain and suffering on the island should be eased through humanitarian support, particularly in the areas of flood and medicine. The delegation does not believe it either politically possible to challenge the Helms-Burton Act, nor does it believe it is warranted in light of continued political oppression by Castro, but further practical policy and program steps are possible during this interim phase of history.

Food and Agriculture

The delegation favors unrestricted sales of food and agricultural equipment. Food sales and gifts do not strengthen Castro. They may give him a limited propaganda stick, but they give the Cuban people food.

The policy announced by the White House on January 5, 1999 on food sales places a very sharply focused emphasis on the independent agricultural sector in Cuba. The language of the announcement is unnecessarily circumscribed and the potential benefit of this policy initiative will be effected by the manner in which the implementing regulations are drafted. Very restrictive drafting could make this initiative virtually meaningless. The delegation observed food shortages and is aware that supply is very tight in Cuba. It believes that the sales of food and equipment to independent nongovernmental entities is desirable and should be pressed where practicable. It should not be restrictive. The delegation does not favor sales at subsidized concessionary rates—no U.S. Government underwriting should be engaged in these transactions. Even if one works through the state trading system, the food will still reach the Cuban people—and the ultimate purpose is to help the Cuban people—even if some of the cash proceeds end up with the Cuban Government. Realistically speaking that is where most of the remittances sent by Cuban-Americans to their families ultimately end up. The delegation believes that gifts of food to needy persons and groups should be continued through responsible humanitarian channels, such as Caritas. Such gifts do benefit directly the Cuban people.

The delegation used the January 5 policy statement as a starting point for discussions on this subject with Cuban officials and with representatives from the private sector, foreign and domestic. A number of important points emerged in these conversations.

A large number of Cubans are defined as "independent" by the Cuban Government and by Western businessmen and NGO representatives. The key is how to define the so-called independent farmers who are in cooperatives where the land is owned by the state but who, after meeting a production quota for the state, have the freedom to sell their own produce. These farmers need enhanced fertilizers, pesticides and equipment, but they have a serious cash shortfall. There is a skepticism in Cuba as to whether these "private" farmers will be able to buy many supplies and equipment. For this proposal to have any positive impact, it is essential to have a broad rather than a legalistic interpretation of what is an independent farmer.

The establishment of at least a quasi-independent agricultural sector is key to the success of the policy and it will be necessary to design creative ways to sell agricultural supplies. The implementers of the policy should be flexible and should consider the development of agricultural machinery cooperatives to service many farms and/or independent farmers. Caritas currently is developing an agricultural project in conjunction with the semi-official Association of Small Farmers (ANEP). Under this project, the feed, fertilizer and equipment purchases are made through a state enterprise, but an agreement is made that the farmers, who actually make the purchases, will be able to sell a portion of the produce on the private market. This is a constructive and realistic approach as it does not attempt to circumvent the Cuban Government, which would not work in this situation, but finds a formula that develops a quid pro quo by operating, at least in part, through the Cuban foreign trade system.

Other arrangements paralleling this pilot should be possible and might be of interest to certain U.S. agricultural companies. The feed, fertilizer and equipment purchases by farmers are facilitated by funds provided by Caritas. U.S. agricultural firms, if they become involved, initially would need to play a similar charitable role.

The policy of supporting the gifts of food should continue. Representatives of charitable organizations, such as Caritas maintain that the receipt of food as gifts is easier for them to handle than the purchase of food supplies. They have negotiated arrangements with the Cuban Government to verify the majority of its distributions of humanitarian assistance—food and medicine, but it will not be possible to replicate the same process if these supplies were to be bought by Caritas. Even under current arrangements, Caritas has to engage in extensive negotiations with the Cuban Government regarding each shipment received.

Medicines and Medical Supplies

U.S. policy should be to eliminate all restrictions on the sale and/or free distribution of medicines and medical supplies.

The current program, supported primarily by Caritas but also by several other international NGOs, has developed an extensive distribution system to over 100 hospitals throughout the country. In consultation with the Cuban Government, a viable system of monitoring the distribution of the medicines and insuring that they are used for the purposes intended has been established. Caritas prefers to receive medicines and medical supplies as gifts. From their operational point of view, purchases would necessitate establishing an artificial and counter productive process. Outside charities, primarily the Catholic Relief Service, would need to supply the funds to make the purchases. Caritas then would need to work through the Cuban foreign trade system to gain access to the goods and to arrange procedures for further sales and/or distribution. Regardless of what happens vis-a-vis sales, medical gifts should continue to be supplied to Cuba via Caritas and other NGOs.

The issue of sales is extremely complicated. Officials in the Castro Government repeatedly stated that they are prepared to buy medicinal drugs but the process is hindered by the regulatory maze imposed upon the Cuban Government and Western pharmaceutical companies. In addition, they allege that the United States does not respond to specific requests. The delegation is aware that U.S. spokesmen, both at the U.S. Interests Section and in the Department of State, believe that the United States has removed all impediments, that the licensing process is straight forward for U.S. pharmaceutical companies and that, in the last analysis, the Cuban Government either does not have the funds to make the purchases or for political reasons does not want to make the purchases. In a personal meeting with National Assembly President Ricardo Alarcon, the delegation requested that the Cubans provide specific examples where the Cubans have sought medicines or medical supplies and the U.S. Government has been an obstacle.

While a protracted argument could take place as to whether there is a bureaucratic problem from the U.S. side, the delegation believes this is not the basic issue. All restrictions should be lifted for the sale of medicines and medical equipment. The delegation does not believe that this will result in any particular economic or political gain for Castro, but it could help the Cuban people. Without being too quick to judge, the delegation believes the threat of medicines and medical supplies being diverted for "apartheid medical treatment" has been somewhat overstated. It would appear that at least some of these cases are for specialized treatment and may not be competing for resources that could go to the local population. While the delegation members do not accept at face value the more modest numbers that the Cubans say are treated this way nor the protestation that all such revenues go into the Cuban medical system, they do believe that, in the main, increased medicines and medical supplies will have positive benefits to the Cuban people. This is one of the policy objectives of the delegation.

An alternative would be to simplify the regulatory process from the U.S. side by reworking the key control paper, the "Guidelines of Sales and Donations for Medicines and Medical Supplies to Cuba." In discussions, Paragraph 24 appeared to be a particularly troubling paragraph. This will, inter alia, make it easier for pharmaceutical companies and make the Cuban market somewhat less bureaucratic and potentially more attractive.

Under any circumstance, the delegation believes consideration should be given to establishing a general license for donations and sales of medicines and medical supplies to non-governmental organizations and humanitarian institutions, such as hospitals.

The delegation suggests, if the alternative were pursued, that a general license be developed outlining a few basics including: where the medicine is going; types of people for whom intended; certification from the sending/receiving organization of us. Consideration should be given to identifying a U.S. purchasing agent who could serve as an expediter and independent bridge between the U.S. pharmaceutical firms and Cuban "customers" to expedite sales and monitor delivery.

The delegation does not accept the statement that the impact of the embargo has severely harmed the Cuban health system, as argued by Castro's spokesmen, but accepts the fact of shortages. Further, it is recognized that U.S. policy does make the purchase of materials for U.S. producers more difficult. The procedure now in place is sufficiently cumbersome and bureaucratic resulting in diminishing interest in the U.S. companies selling to Cuba. A particular problem is the acquisition in the United States of spare parts, a very specialized need that a purchasing agent could help solve. The U.S. Department of Treasury's Office of Foreign Assets Control (OFAC) needs to examine how money transfers of sales can be expedited. The licensing process must be made unambiguous and clear.

Under current circumstances, the bulk of the deliveries of food and medicines are handled today by the Catholic Relief Services. With the new executive actions in Washington, additional suppliers may increase their assistance and/or sales. Means of access to Cuba remain limited. Although the Administration has suggested that licensed goods could be eligible for transit on charter flight, the delegation has recommended steps be taken to permit more direct transportation, including by DHL, UPS or other air shippers and by U.S. ships that could be authorized—without penalty—to make Cuban port calls. The current system that requires Caritas to haul medicines, medical supplies and food from U.S. points of collection—particularly from Florida sources—to Canada for shipment to Havana verge on the absurd.

Remittances

Remittances are an extremely valuable support mechanism for the Cuban people. They should be supported not only for delivery to individual Cubans but also to independent humanitarian organizations. I should be recognized that the ultimate beneficiaries will be both the individual recipients and the Cuban Government. Such funds will be used to meet basic human needs. The purchase of necessary items in Cuba will result in some portion of the cash remittances flowing into state controlled economic outlets. In this sense, Castro does make some gains. Nevertheless, the delegation believes this is a very important step not only to help Cuban citizens but also to start the economic enfranchisement of a larger number of Cubans.

According to information received, remittances sent from Dade County can not go directly to the Western Union office in Havana. If true, this restriction should be lifted, as it would facilitate remittances and be less costly for the sender.

Counter Narcotics Programs

The delegation has not listed this issue as a recommendation because the facts concerning the recent report of Cuban drug running by the Colombian police at the port of Cartagena are not clear. During the visit, the delegation raised the drug question with the Foreign Ministry and it was, in turn, raised with the delegation by the Minister of Justice, who is the Chair of the Cuban National Commission on Drugs. The delegation believes that, at the appropriate moment, a more energetic effort should be made to test Cuban willingness to engage in counter-narcotics programs. U.S. representatives have proposed an experts meeting to discuss specifics as a preface to any formal agreement. The delegation understands the importance of proceeding on a step-by-step basis but believes that the United States should be flexible in its approach to this issue. The recent crackdown against prostitutes, drug pushers and crime in Havana is an indication that Castro recognizes that steps are necessary to stop drugs. The United States should seek the right time to introduce an agenda item that is in the best interests of both countries. The Cubans have indicated interest in a formal agreement and U.S. officials could present this as a bargaining chip. There may be some value in considering Caribbean narcotics flows in a broader multinational context as well.

Environmental Cooperation

A number of environmental issues could be the basis for cooperation. The delegation focused on one specific issue during the January visit: the pollution of the Gulf of Mexico and states such as Florida adjoining the Gulfstream caused by raw sewage pouring into the Gulf from Havana and under north shore sites. A number of scientific studies are being considered and/or are underway examining pollution issues in the Gulf, including near Cuba. The delegation believes this subject requires further study with the purpose of determining whether an action plan can be crafted of mutual interest to the United States and to Cuba.

Radio

The political dissidents as well as several Cubans with whom the delegation had chance encounters in the countryside said Radio Marti was an important medium. An independent journalist said he and his colleagues regularly passed stories to Radio Marti and it was the biggest "megaphone" for their articles. Nevertheless, the delegation received considerable criticism about Radio Marti's program content. As one dissident said, "Radio Marti does not need to belabor the Cuban people with what is wrong in Cuba. We live here. We know that." There was also a frustration, by a leading human rights activist, that the "people who went to Miami do not speak for Cubans and should not dominate the radio." Another said the radio was unnecessarily polemical.

There was interest in more balanced news and commentary. Listeners are anxious to have solid comprehensive reporting on world affairs, as well as comment on developments in science, the arts and other things that are of interest but from which they are cut off. They also would favor more cultural and music programs. For the second time (the first being the Association's trip in December 1996), no one in the independent sector was found who had ever seen TV Marti.

Telecommunications

The Cuban phone company ETECSA was formed as a state monopoly in 1994 and is complete controlled by the Cubans, although the Italian company, STET, has a 29 percent interest. STET and ETECSA have a 20-year concession from the Cuban Government and a 12-year exclusive concession. A target is to have the Cuban phone system "modernized" by the year 2005. Penetration levels are about 1 telephone for 27 Cubans; the 2005 target is a 1 to 10 ratio. STET reportedly made an initial investment of $200 million and is scheduled to send an additional $800 million over the course of the contract. The funds are provided from Italy's foreign aid program; STET reportedly receives special tax considerations for this investment.

The Cuban Minister of Communications and the Director of Telecommunications expressed a strong interest in more foreign investments in all areas of telecommunications. They are, however, reluctant to give the citizens complete access to Internet. As an example, while cellular phones are being developed under the rubric CUBACEL with a Mexican partner, security concerns significantly have slowed this effort.

Castro and his Minister of Interior have succeeded in implementing a program of very tight control of Cuba's access to the Internet and are opposed to expanding the telecommunications sector and Internet. The Cubans also completely control the Internet server provider (ISP). The Cubans have an intra-island Internet with which university-approved people and others have access. In addition, there are several Internet sites within Cuban which are available. In terms of international internet, individual Cubans can access only those sites approved for them. For example, a medical university may have access to certain medical sites, but each is encrypted, monitored and recorded.

At the same time, the rapid technical advances in the world telecommunications industry create a serious dilemma for the Cuban regime. They need to have their key people on Internet for scientific and educational reasons, but are hesitant to grant unlimited access. To restrict this, they have worked with a German encryption and monitoring firm to keep track of "who does what" on Internet in Cuba. The Castro regime is making a strong effort to record all e-mail and all other computer transmissions. The delegation was advised that while Cubans now eagerly exchange e-mail transmissions—each delegation member received calling cards with e-mail addresses—all e-mail is monitored and recorded through one central server. While Cuban officials would not acknowledge this, the delegation was advised that only about 200 Cubans have complete, unfettered access to the Internet. *The Cuban government has not resolved the basic conflict of how it can aspire to being a modern technological state without allowing more of its people access to the complete international internet* With—technological advances proceeding to mind-numbing speed, it is reasonable to assume that Castro will not be able to deter major information flows arriving in Cuba. It should be U.S. policy to foster this information revolution.

There is, however, an immediate threat to expanding telecommunications links to Cuba stemming from a decision by a U.S. District Court to award $187 million in damages to the families of the aborted 1996 "Brothers to the rescue" mission. These funds are frozen Cuban assets in the United States. The Cubans have threatened that if these assets are seized that they would cut direct telephone service between the United States and Cuba. This would clearly set back the many faceted opportunities that are just now emerging in terms of telecommunication links to Cuba and the provision of a rich and diversified body of information to the Cuban people. Such action would neither be in U.S. national interests nor helpful to Cuban citizens.

Vignettes and Personal Experiences

The delegation's strong endorsement for a more simplified system by which Americans can travel to Cuba is founded on personal experience. Armed with all necessary travel documents—from the Department of Treasury (OFAC) and from the Cuban Government (a visa)—the delegation sought the simplest and most direct travel route. All options were explored. Direct Miami charter flights were the first option. Only four flights were scheduled per week—now it is up to 11 and rising—with three leaving Miami at 8:00 in the morning with a requested check in time of 3:00 a.m. Logistics, red-tape and over bookings prompted the concerned travel agency to recommend close attention to the recommended check-in time. At the time of request, flights only went on Monday, Friday and Saturday. Aside from the fact that the delegation was scheduled to fly on a Sunday, no seats were available for Saturday or Monday. The delegation passed up this option, made available by the March 20 Presidential action, and traveled from Miami to Cancun, changed planes and flew onward to Havana. The elapsed time from Washington was nine hours. The return was a similar nine hours. This is not an efficient system and totally unnecessary. Of more importance then the delegation's inconvenience is that this type of an awkward system impacts negatively on expanded travel between the two countries, as called for in the January 5 declaration.

The 50,000 seat baseball stadium is an excellent place to meet Cubans in an informal basis. There is much congeniality and beer drinking in the stands. The four cent seat price makes the fight about the exhibition game revenues for the home game with Baltimore an absurdity. Even if the price is tripled for the game, the gate receipts in Cuba will be minimal.

The delegation visited Pinar del Rio Province, the capital by the same name and the small town of Vinales. The visit was undertaken in an unstructured and unofficial capacity and in a relaxed atmosphere. Although the following comments appear random, they do provide a general commentary concerning conditions, as seen by the delegation.

The delegation learned that bookings for the bus from Vinales to Havana during the time of the Pope's visit were made many days in advance and could not meet the demand. The Government found eight extra buses from somewhere and each was filled for the trip to Havana to see the Pope. The Catholic Church in Vinales has grown some since the Pope's visit, although now only has a congregation of 50 persons. There is a Spanish priest assigned to Vinales. Several delegates walked into the cultural center and were briefed by a bilingual Cuban program director who welcomed the chance to show his center to Americans. Responding to a delegation suggestion, the Cuban program director took three delegation members into a computer center where four computers were being used by ten year olds in an after school program. Such computer training is integrated into school activities. The group also visited a repair center where all sorts of electronic equipment—TV, radio, computers—were being repaired. When spare parts did not exist, they were being created. Several of the young service man in the electronics shop had engineering degrees and one also had a CPA and business degree. Several of the Cuban technicians accepted the delegation's invitation for a further discussion in a local bar where an active exchange occurred. As an example of progress. As one example of progress beer which was largely imported several years ago, now is produced in Cuba and at each restaurant visited, Cuban beer was sold. It is competitive in quality to the various imported beers.

The young technicians described that each had or would have compulsory military service: two years are required if the Cuban has had no college training and one year, if college educated. One of the engineers said that he was living in a house given him by the government that was empty but had been the house of a Cuban now in exile. He did not want to give up his house—the exiles are history, he said.

The young men thought that conditions were better now than in 1991, a theme heard repeated in several other informal conversations. In the country, the people neither look downtrodden or undernourished. Tourism has helped. They all listen to Radio Marti but do not find it interesting: the radio appears to assume the listeners are stupid. They would prefer music and real news. The delegation offered the Cubans an opportunity to ask questions and the young men responded with tough questions about Vietnam, Iraq, Israel and Impeachment. After two hours of open dialogue during which no animosity to Americans was displayed, they expressed their appreciation for the candid talk because they only receive one side of the news and they wanted to hear the American side.

Despite the appearance of more goods in the countryside, an arrival of a shipment of shoes at a local store in the Pinar del Rio capital city resulted in a mad scramble by the local citizens to buy new inexpensive shoes. This suggests a certain lack of everyday clothing in that provincial center. At the same time, the pharmacy was stocked fully with medicines and a hardware store had all the needed paint and building supplies that one would see in an American suburb—the only problem is that only licensed people could buy in this store.

Driving to Pinar del Rio from Havana demonstrated the shortage of transportation. Individuals or groups waited along the road—much of the 80 mile stretch—for a lift. Buses are infrequent and always filled to capacity. Open-back trucks always could be seen hauling between 3 to 20 people. It is the law to stop to collect passengers. Police check points were every 10 to 15 miles. In the Pinar del Rio area and in Vinales, a town eight kilometers away, the principal means of transportation was bicycle, although walking and hitchhiking were very popular "modes of transportation." An occasional car, or an even less frequently old decrepit Soviet tractor would be seen.

An interesting footnote: Che is the national ikon. Handsome dashing portraits, T-shirts and other reproductions of a chic 32 year old revolutionary cult figure abound. No personality cult of Castro is evident.

The delegation was advised by Church figures that the high abortion rates were primarily a result of poverty and used as population control.

A spontaneous stop at a tobacco firm was very revealing. The farm was totally self-sufficient. A family of at least three, possibly four generations, all living under one roof—with no electricity, indoor plumbing or telephone—yet all appeared healthy and happy. The nine children (in all age groups) were well dressed and engaged actively in school. Beginning in fifth grade, many students learn English and they practice their new skills on the Association visitors. They were positive about their education and free medical treatment. A doctor visits to the house whenever needed. The delegation was told that "Fidel not only helps the Cubans but gives medicines and doctors to the world." The farm is a family operation. Pesticides are state supplied and the land is owned by the government. Wood plows are pulled by cattle or oxen. Tobacco production netted the farmer visited about $113 per year, but he and his family accepted their existence. It is easy to overstate need when our finds subsistence farmers who can care for themselves, have the basics and have education and medicine provided. One would think the young students would receive a broader perspective through their educational experience, but it was not immediately apparent in a short visit.

A Final Note

The delegation believes that the contacts developed, the on-the-ground discussions and general observations have provided each of the members with valuable insights into Cuban realities. The delegation members will seek to contribute their views to the public debate concerning U.S. policy to Cuba. The bipartisan quality of the group, its liberal to conservative construction, and its ability to be one step removed from direct domestic political pressure may permit the group as a whole, and individuals speaking from the basis of their own unique insights, to contribute to a greater national understanding of this critical subject. The time is right for such a discussion.

Representative Louis Frey, Jr., Republican-Florida (1969–1979), Chairman of Delegation; Senator Dennis DeConcini, Democrat-Arizona (1977–1995); Senator Robert Kasten, Republican-Wisconsin, House 1975–1979; Senate 1981–1993; Senator Larry Pressler, Republican-South Dakota (1979–1997); Representative Alan Wheat, Democrat-Missouri (1983–1999); February 22, 1999.

SCHEDULE OF CUBAN PROGRAM ACTIVITY, 10–16 JANUARY 1999

Sunday 10 January

10:15 PM: Arrive Joe Marti International Airport (Havana), via Miami and Cancun. Welcome by Cuban Ministry of Foreign Affairs official Raul Averhoff.

Monday 11 January

10:00 AM: Roundtable with MPs of the National Assembly, chaired by Jorge Lezcano Perez, Chairman of the International Relations Commission. Three other MPs participated including Ramon Pex Ferro, Vice Chair of the International Relations Commission and Jose Luis Toledo Santander who is also the Dean of the Law School at Havana University. The roundtable also included Miguel Alvarez, Advisor to the President of the Parliament and Julio Espinosa, the Coordinator General of the International Relations Commission.

11:30 AM: Meeting with Roland Suarez, Director, Caritas Cubana.

1:00 PM: Visit to Havana City Planning Office with briefing by Director Mario Coyula Cowley.

2:30 PM: Meeting with Vice Minister of Foreign Affairs Carlos Fernandez de Cossio.

4:00 PM: Meeting with Papal Nuncio Benjamino Stella at the Residence of the Apostolic Nuncio.

7:00 PM: Dinner at a Paladares.

Tuesday 12 January

8:15 AM: Breakfast with Western journalists including representatives or stringers representing CNN, ABC, BBC, US News and World Report, Sun Sentinel and Clarin.

9:30 AM: Meeting with Jose L. Rodriguez, Minister of Economy and Planning.

11:00 AM: Visit to the William Soler Children's Hospital. Briefed by Dr. Diana Martinez, Director; Ramond E. Diaz, Deputy Minister of Health and Dr. Paulino Nunez Castanon, cardiovascular surgeon.

12:30 PM: Luncheon with Western businessmen hosted by US Interests Section Principal Officer Mike Kozak, including Konrad Hieber (Mercedes Benz), Ian Weetman (Caribbean Finance Investments, Ltd), Hans Keyser, (Danish Consul) and Jan Willem Bitter (Dutch international lawyer).

4:00 PM: Meeting with Miguel Figueras, Advisor to the Minister, Ministry for Foreign Investment and Economic Cooperation.

5:30 PM: Discussion at US Deputy Chief of Mission John Boardman's residence with diplomatic representatives from Portugal, France, the UK, Italy, Sweden, Spain, Germany and the Netherlands.

8:00 PM: Baseball game at Latinoamericano Stadium.

10:00 PM: Dinner at Hemingway favorite—Bodgueda del Medio.

Wednesday 13 January

9:30 AM: Tour of historical sites of Old Havana, inspected docks and terminals for cruise ships, informal discussions and conversations in old city.

12:30 PM: Luncheon with independent democrats in local restaurant.

2:30 PM: Visit and tour of Carlos J. Finlay Institute (split delegation).

3:00 PM: Tea with independent journalists (split delegation).

5:00 PM: Meeting with Robert Diaz Sotolongo, Minister of Justice.

7:00 PM: Reception at US Interest Section residence in honor of three visiting US groups including students, unviersity officials and cultural groups.

Thursday 14 January

Day trip to Pinar del Rio and Vinales. Series of impromptu meetings with a broad cross range of local citizens, including sugar farmers, church attendants, computer technicians, engineers and store keepers.

Friday 15 January

AM: Free time in Havana. An opportunity to see shops, small craft stores and museums.

12:00 noon: Briefing at US Interests Section by Mike Kozak and a cross-section of mission officers.

3:00 PM: Meeting with Minister of Communications Silvano Colas Sanchez, Vice Minister Oswaldo Mas Pelaez and Director of Telecommunications Hornedo Rodriguez Gonzalez (partial delegation).

5:00 PM: Meeting with Oxfam/Canada representatives.

7:00 PM: Meeting with National Assembly President Ricardo Alarcon and the group of parliamentarians who met the delegation on Monday 11 January.

Saturday 16 January

7:15 AM: Depart Havana by air to Cancun enroute to Miami, Orlando and Washington.

Mr. McHUGH. Thank you very much, Alan.

As I mentioned earlier, one of the things we do is organize study tours to a variety of countries in which Members and their spouses at their own expense participate in educational and cultural experiences. We have had a number of very interesting study tours, including ones to Canada, China, Vietnam, Australia, New Zealand, the former Soviet Union, Western and Eastern Europe, the Middle East and South America.

I want to alert the membership that later this year in the fall we are going to be planning a study tour to Italy. This should be fascinating, not only because of Italy itself, but we have three former Members of Congress who are presently in Rome as ambassadors. Tom Foglietta is our Ambassador to Italy; Lindy Boggs, a former Chair of our Association, is the Ambassador to the Holy See at the Vatican; and George McGovern is our Ambassador to the Food and Agriculture Association. So we anticipate we will be well treated and that the study tour will be a very interesting one when we go in the fall.

In September of 1998 the Association conducted a study tour of Vietnam, and I would like to invite the gentleman from Virginia, Bob Daniel, to report briefly on that trip.

Mr. DANIEL. Thank you, President McHugh.

This fall, as was mentioned, a delegation of four former Members of Congress visited Vietnam for 6 days. In Hanoi, meetings were held with former Representative, now U.S. Ambassador, Pete Peterson and the embassy staff, representatives of the U.S. Missing in Action Office, members of the Vietnamese Foreign Ministry and Assembly, representatives of the non-governmental organizations and others in leadership positions.

In Ho Chi Minh City, the former Saigon, the delegation met with American and Vietnamese businessmen, bankers and lawyers, the head of the International Relations Department at the Vietnam National University, the publisher of a major newspaper and staff at the U.S. consulate. Time also was provided to visit cultural attractions and observe Vietnamese people and their lifestyle in everyday settings. In addition, trips were taken away from the city to the Mekong River and its Delta and to other rural and industrial areas.

We found Vietnam a difficult country to understand. There is no question that it is a poor third world country with minimal infrastructure and tremendous economic problems.

It is in many ways a land of contrasts. It has a Communist government whose importance seems to diminish the farther one goes into the countryside or the farther one goes away from Hanoi. The average yearly income in the North is $300 a year. In the South, it is $1,000 a year. However, a great many people in Vietnam own expensive motorbikes that cost up to $2,500. Obviously, there must be a large underground economy.

The Vietnamese seem to want foreign investment, especially from the United States, but the many rules, huge bureaucracy and rampant corruption sent out a different message.

There is relatively little investment from the United States and very little U.S. aid of any kind. Vietnam is probably 5 to 10 years away from being attractive to many foreign investors, although the large number of literate workers and the very low pay scale have attracted some companies.

Despite the poverty, most people have the basic essentials such as food, mainly rice, and minimal housing. While there is dissatisfaction, the economic problems appear to be accepted as a normal part of life.

Sixty percent of the population is 26 years of age or under. Eighty percent is under the age of 40. The Vietnamese are working to establish a banking and legal system and are attempting to privatize basic industries. Government representatives are cooperating with the U.S. Embassy and the Missing in Action Office to identify the remains of 1,564 Americans still missing in action.

Vietnam is the fourth largest country in Southeast Asia with a population of 77 million people. It seems to be a low priority in terms of U.S. foreign policy. It appears that a small amount of interest, exchange programs and aid money could go a long way in building relations with a country that, despite the war, does not harbor strong anti-U.S. feelings.

Report of Study Tour To Vietnam October 8–14, 1998

(By Louis Frey, Jr., Immediate Past President)

INTRODUCTION

A delegation of former Members of Congress, their spouses and guests visited Vietnam from Thursday, October 8 through Wednesday, October 14, 1998. The delegation included: former Representative Robert Daniel and Linda Daniel, former Representative Louis Frey and Marcia Frey, former Senator Chic Hecht, former Representative Shirley Pettis-Roberson and Ben Roberson, and Irene and Teryl Koch (friends of the Robersons). The group was accompanied by Edward Henry of Military Historical Tours, who arranged the visit. The trip focused on Hanoi in the northern part of Vietnam and Ho Chi Minh City in the south. Three days were spent in each area.

In Hanoi, meetings were held with: former Representative now U.S. Ambassador Pete Peterson and staff of the U.S. Embassy; representatives of the U.S. MIA office; members of the Vietnamese Foreign Ministry and Assembly; members of the American-Vietnamese Friendship Society; the Executive Vice President of the Vietnam Chamber of Commerce: local business leaders; and Tom Donohue, President of the American Chamber of Commerce, who was speaking in Hanoi.

In Ho Chi Minh City, the delegation met with: American and Vietnamese business leaders, bankers and lawyers; staff of the U.S. Consulate; members of the American Chamber of Commerce in Vietnam; an American hotel manager; Vice Chairman of the Red Cross in Vietnam; head of the International Relations Department at the Vietnam National University; and the publisher of a major Ho Chi Minh City newspaper. Time also was provided to visit the cultural and war museum and to observe Vietnamese people and their lifestyle in everyday settings. In addition, trips were taken outside the city to the Delta area and the Mekong

River, to small villages that produced pottery and to an industrial area that had factories producing, among other items, Nike shoes.

A list of people the delegation met in Vietnam is appended to this report.

OVERALL IMPRESSIONS

Vietnam is a difficult country to understand. There is no question that it is a poor Third World country, with minimal infrastructure and tremendous economic problems. It is, in many ways, a land of contrasts.

It has a Communist government, whose importance seems to diminish the farther one goes into the countryside or the farther one is from Hanoi.

The average yearly income in the North is U.S. $300; in the south it is U.S. $1,000. However, a great many people in Vietnam own motorbikes that cost from U.S. $1,000 to U.S. $2,500. Obviously, there is a large underground economy.

The Vietnamese seem to want foreign investment, especially from the United States, but the many rules, huge bureaucracy and corruption send out a difference message. There is relatively little investment from the United States and very little U.S. aid of any kind. Vietnam probably is five to ten years away from being attractive to many foreign investors, although the large number of literate workers and the very low pay scale have attracted some companies.

Despite the poverty, most people have the basic essentials, such as food (rice) and minimal housing. While there is dissatisfaction, the economic problems appear to be accepted as a normal part of life.

Sixty percent of the population is 26 years of age or under; 80 percent is under the age of 40.

The Vietnamese are working to establish a banking and legal system, and are attempting to privatize basic industries.

Government representatives are cooperating with the U.S. Embassy and the U.S. MIA office to identify the remains of the 1,564 Americans still missing in action.

Vietnam is the fourth largest country in Southeast Asia (77 million people), but seems to be a low priority in terms of U.S. foreign policy. It appears that a small amount of interest, exchange programs and aid money could go a long way in building relations with a country that, despite the war, does not harbor strong anti-U.S. feelings.

U.S. EMBASSY BRIEFING

Ambassador Peterson assembled all the key members of his staff to brief the delegation. The Ambassador indicated at the beginning that one of the primary missions of the Embassy is to find any Vietnam veterans who are alive, or the remains of the MIAs. They have found 50 sets of remains in the last 17 months that have been repatriated to the United States. There are 1,564 Americans missing in Vietnam, 2,081 in Southeast Asia. The U.S. MIA office has concentrated on 196 cases that are called "last known alive cases." They have reduced these cases to 43. U.S. volunteers go to Vietnam periodically to help excavate crash sites. Young people from Vietnam and the United States do much of the work. Ambassador Peterson said he is proud of the job that is being done. He said the United States also aids Vietnam in identifying their missing. The Vietnamese have over 300,000 MIAs, a fact which the Ambassador believes is not generally recognized. It is important that the veteran groups in the United States understand what is being done. At the present time, it appears there is a split in the veteran groups regarding the effectiveness of this process. There is no question in the Ambassador's mind that this is the number one priority, and that it must be resolved satisfactorily before the United States can move ahead in other areas with Vietnam. As Ambassador Peterson stated, "Never before in the history of mankind has any nation done what we are doing. The efforts of the Joint Task Force Full Accounting to honor the U.S. commitment to our unaccounted-for-comrades, their families and the nation are unprecedented."

The Political Counselor has four officers. The main thrust in the political area is on human rights in an attempt to move the Vietnamese in the right direction and encourage them to initiate people-to-people programs. The problems created by Agent Orange still are talked about and must be addressed. Environmental matters also are being discussed with Vietnamese officials. Vietnam does not have a nuclear power plant, although apparently they want such a facility. The Vietnamese want many high-tech items, but do not have training even on the basics.

Embassy officials stated that there basically is no aid program in Vietnam, but suggested that the United States should help economically and work to keep Vietnam healthy. Major responsibilities of the Economic Counselor are to promote U.S. exports to Vietnam and to arrange trade shows and missions. Three economic officers are working on the trade agreement, which is the key to U.S.-Vietnamese economic relations. Limited progress has been made so far. The copyright agreement is completed, and a narcotics agreement is in process.

The Vietnamese are working on economic reforms and are attempting to improve the legal code. They are trying to convert from a government-controlled economy to a market economy and to encourage the private sector and discourage state-owned businesses. However, many of the major industries, such as telephone and electricity, still are state-owned. Vietnam has a graduated income tax system with 10 percent tax on the first U.S. $200, 20 percent on the first U.S. $500 and 25 percent on all income over U.S. $10,000. Because of the underground economy, many people do not pay taxes. There also is a sales tax.

Agriculture is the major industry in Vietnam, with 80 percent of the people involved. They need help with genetics, bulk feed and livestock. Agricultural research can help, especially in the soybean area. Senator Thad Cochran (R-MS) sponsors a program that has brought 32 Vietnamese to the United States to learn more about agriculture. The state of Florida is reviewing the possibility of opening an office in Vietnam and initiating a college extension program. Land has been returned to the farmers, but in typical communist fashion, i.e. they own the land, but they do not. Land can be passed on to family members and apparently be leased for up to 40 years, but the state still owns the land.

The Consular Office handles the normal jobs of overseeing U.S. citizens and helping with passports and visas. This section has 11 full-time U.S. employees and six part-time local employees. They deal with many non-immigrant visas, mostly for students. They also handle health issues. Medical needs are basic, such as latex gloves, clean sheets and sterile items. The health care system is poor, with little sanitation. If an Embassy staff member has a broken bone or a serious ailment, he or she must leave the country for care.

The Embassy is located in a nine-story building that resembles a mine shaft, it has one elevator that does not always work. The Ambassador would like to have a different or new Embassy.

The Ambassador concluded the briefing by stating that there are few U.S. exchange programs and that the United States could do more in Vietnam. He believes it is in the U.S. interest to keep the population healthy and educated. The bottom line is that Ambassador Peterson thinks progress is being made and that, in ten years, the U.S. relationship with Vietnam should be as strong as it presently is with South Korea.

VIETNAM GOVERNMENT MEETINGS

The Vietnam Assembly, which has 450 Members, began in 1956 with a single house. Assembly Members meet twice per year for one month. There is a standing committee that conducts business when the Assembly is out of session. There are 120 female Members (26.7 percent), which they claim is one of the six best percentages of female representation in the world. There are 54 ethnic groups represented in the Assembly. Vietnam has 61 provinces, each of which is represented by five Members. In addition, there are Members who are former South Vietnamese military officers. Assembly Members stated that there is a great deal of discussion and dissension within the Assembly, and that it is not a rubber stamp for the government. Recommendations by the government have been defeated. Assembly Members are nominated by the national party, but the commune villages or trade unions can reject them. It is interesting that, even in Vietnam, all politics truly are local.

The Vice President of Vietnam is a woman. Fifty-four percent of the population is female. Women head 16 percent of the 40,000 businesses in Vietnam. This particularly is interesting because Confucianism does not accept women as equal. However, Vietnam was influenced by Ho Chi Minh, who declared equality between the sexes and had that fact written into the 1945 Constitution.

Education is important in Vietnam. Vietnamese government officials stated that there is a literacy rate of 90 percent, with 87 percent of the female population being literate.

The head of the Vietnam-U.S. Friendship Society (Viet My Society) is a woman who is a seasoned political veteran. She personally feels friendship with the United States even though her son was born in a shelter during the U.S. bombing raids in 1972. She believes that most people in the United States do not understand Vietnam. They have a wartime vision of Vietnam that has long since changed. In the delegation's opinion, this is an accurate observation. She believes that the U.S. veteran groups visiting Vietnam are helpful, as they personally have the opportunity to see a different and new Vietnam. It is interesting to note that many of her complaints are the same as those of politicians and voters in the United States, e.g., that there is not enough money in the budget for education—only 15 percent, that environmental problems are great and that the situation is one of the industrialist versus the environmentalist.

Vietnamese government officials stated that the population growth rate is 2.1 percent. However, it does not appear that there is any population control. In the villages, everyone wants a male child, so many families have three, four or five children until they have a son. Confucianism teaches that the job of the man is to take care of the woman. For instance, the father takes care of a daughter until she is married. Then the husband takes care of his wife until the husband dies. Then it is the job of the son to take care of his mother. As one Vietnamese said regarding birth control, one of the problems is that in rural areas there is no television or radio. People go to bed early and do not have much else to do.

There is a tremendous problem with unemployment in Vietnam, especially as the young population ages. The government states that the unemployment rate is 6.7 percent and that the underemployment rate is 36 percent. Inflation several years ago in Vietnam was 775 percent, but was down to 3.6 percent in 1997. The Vietnamese government has issued 4,200 licenses for foreign investment. Officials stated that domestic saving has increased to 20 percent of the GDP. The GDP had a growth rate of seven to nine percent between 1991 and 1997. The problems in Asia have slowed this growth rate down to a reported 6.4 percent during the first half of 1998. Observing what is happening in Vietnam, one questions these figures. The officials were honest when they said that economic reform and political reform are necessary. They indicated that it is essential to establish a rule of law and to streamline the government apparatus. They also demonstrated how a poor infrastructure and inadequate competition between their industries have stifled growth. They have the same concern that exists in many parts of the world with the tremendous gap between the few rich and the many poor. Their goal is to privatize over 1,503 presently state owned enterprises by 2002. The economic slowdown has caused them to suspend some major projects, such as highways that require a great deal of capital.

There is a drug problem in Vietnam, mainly heroin and cocaine. The government believes that the answer is education, and they rely on families to solve the problem. Of course, they claim that drugs are not much of a problem, but admit usage is growing.

In Vietnam, a welfare system basically is nonexistent. The government will give money to help, i.e., to buy a pig to start a farm or buy some tools to help start a trade, but there is no welfare payment for food or housing. Officials' main complaint is that there is not much U.S. investment—only $1 billion—which ranks it eighth in the world in terms of foreign investment in Vietnam. A minor irritation is that Vietnamese business representatives are having problems receiving visas from the U.S. Embassy.

The Vietnamese are proud of their policy of independence. They stated that they want to have peaceful cooperation with every region of the world. They presently have friendly relations with 167 countries and diplomatic relations with 120 countries, including Russia, the United States, China and Japan. The Vietnamese are making serious efforts to promote friendship and cooperation in Asia and will host the Sixth Asian Summit in 1999 in Hanoi. Vietnam also will be a full member of APEC in 1999. There are historical problems with China, including land-related problems which they indicated should be solved by the year 2000. In addition, there are disputes over islands in the South China Sea. These problems extend beyond China to Malaysia and other Southeast Asian countries. Vietnam has agreed to settle these problems peacefully, without the use of force.

Their trade with China of $1 billion is about equivalent to their trade with the United States. They hope to improve their relations with the major powers in the world and want to become a member of the World Trade Organization. The Vietnamese have established a consulate in San Francisco and are hoping that the current modest trade with the United States will increase. They also hope that direct U.S. investment will grow from the 70 projects that presently are underway. Specifically, they desire U.S. investment in oil exploration, computers and food processing. Their focus is on improving internal economics and normalizing trade with the United States, putting the war in the past. All Vietnamese officials concur that they need a trade agreement with the United States, as the 40 percent tariff imposed by the United States hurts Vietnam-U.S. trade.

Vietnamese officials claim that military spending, which is a government secret, is reasonable. The delegation attempted to discover what "reasonable" meant, and the best conclusion was that it was somewhere between 30 and 40 percent of the budget.

U.S MIA OFFICE BUILDING

One of the most important parts of the trip was the visit to the U.S. MIA office in Hanoi, called the "Ranch." The mission of the office was defined by President Ronald Reagan when he said, "I renew my pledge to the families of those listed as missing in action that this nation will work unceasingly until a full accounting is made. It is our sacred duty. We will never forget that." The MIA office coordinates and executes all U.S. DOD efforts in Vietnam to achieve the fullest possible accounting for Americans still missing as a result of the conflict in Southeast Asia. There are two ways of accomplishing this goal. The first is to return living Americans; the second is to return identifiable remains. The total number of Americans unaccounted for in Vietnam is 1,564. Of the 1,564, it has been determined that no further action will be taken in 565 cases, including many where pilots went down at sea.

The MIA office began its work at Barbers Point, Hawaii in January 1973. The MIA office in Hanoi was opened in July 1991. The Joint Task Force Full Accounting started in January 1992, There are four detachments: one located in Thailand, one in Laos, one in Cambodia and one in Hanoi headquarters, only four full-time active duty military personnel are allowed, with the commanding officer being a Lieutenant Colonel in the Army. Lt. Colonel Charles Martin, the current commander of the office, indicated that there still are 954 active cases, which would keep the office busy until 2004. (He compared this number to the 8,100 Americans lost in Korea.)

The Recovery Elements conduct jointly filed activities approximately five times per year. During a joint field activity conducted between June 23 and July 25, 1998, 50 cases were investigated in seven provinces, the research team investigated seven cases in ten provinces and there were six recovery elements where eight cases were excavated in six provinces. Another recovery activity was conducted during September 1998. From January 23, 1992 to the time of the delegation's visit, there have been 281 remains repatriated, and identifications have been completed on 104 of the 281. The Pentagon has not announced the results of a number of cases that have been sent back to Washington when identification is possible. Since January 23, 1992, there have been 97 live sighting investigations; however, the number of reports is diminishing. As the Colonel said, "Not one investigation had led to any credible evidence of a live American from the conflict in Southeast Asia being held against his will." The MIA office is now down to the priority cases of the last known alive. They repeated what the Ambassador told the delegation that there initially were 196 individuals on this list but only 43 remain.

It is important to know that Vietnam has cooperated with the U.S. search for MIAs. The MIA office has reviewed over 28,000 documents and artifacts and has conducted 200 oral history interviews, including one with Ambassador Peterson.

HO CHI MINH AREA

Ho Chin Minh City and the south have much more energy and action than the Hanoi area. Ho Chin Minh City has seven million people, five million bicycles and three million motorcycles. Negotiating busy intersections is an incredible experience, as there are very few traffic lights. Cars are in the minority and are extremely expensive: a 1997 American car costs U.S. $120,000. Most motocycles are Hondas from Japan. They cost U.S. $2,000 to $3,000 new and U.S. $300 to $1,000 used. The average annual income in the south is approximately U.S. $1,000, compared to U.S. $300 in the north. Signs of the underground economy are everywhere, with street barbers, shops, markets and even row upon row of "Dog" restaurants.

The Chinese are predominant in the Choulan section of Ho Chin Minh City. In 1978, the Chinese population was one million. However, many Chinese were forced to leave because of the problems between Vietnam and China so that now there are approximately 500,000 Chinese in Choulan. Before 1975, the Chinese controlled the economy in the south. They still are important, especially in areas of finance and currency.

Economic problems do exist in the south. For instance, the delegation stayed in a five-star hotel, which has 21 floors but only 47 guests! A former employee of a Sheraton Hotel said that it took two years to build the hotel and everyone had been hired. Yet, the day before the opening, Sheraton decided it did not make economic sense, closed the hotel and fired all the people.

Religion is divided in the south, the same as it is in the north, with the majority being Buddhist, four to ten percent being Catholic and the remainder with no religious preference. Many believe in reincarnation. In a number of cases, a body is buried for three years in one place and then is exhumed and buried elsewhere, as they believe that the soul finally has left the body.

As explained to the delegation, there is a difference philosophically between the people in the north and the south. The people in the north live for the future. If they acquire some money, they save it or invest in land or a business. The people in the south live for today. They acquire money, spend it and do not worry about tomorrow.

Schools are terribly crowded because of the youthful population. There are three sessions of school per day. Education is free for the frist six years. Then all students take an exam: if they pass, their education continues to be free; if they fail and wish to remain in school, their family must pay. In the rural areas, most students only attend school for the first six years. Since 1990, English has been the major foreign language taught. Prior to that, it was Russian. The Vietnamese believe English is easy, especially the written part. When students have completed high school, they must take an exam to continue on to university. Again, depending on how they do, university is free or they must pay.

The Vietnamese love to gamble. As you walk along the street, you seek workers sitting and playing cards. There is a daily lottery. They believe that nine is a lucky number for women and seven for men.

As mentioned previously, agriculture is the primary industry in Vietnam, with 80 percent of the population involved. In the south, they harvest three rice crops per year, in the north, two crops per year. Much of the land is fertile, as in the Mekong Delta, which has a population of 25 million in six provinces. The Mekong River is extremely long, starting in China and going 4,200 kilometers through Vietnam with nine branches flowing into the sea. The delegation visited the town of My Tho on the river, which was founded in 1618 by the Chinese and taken over by the French in late 1800s. It has a population of 150,000 with its commerce centered around the river. Further up the river, which was brown with silt, is Unicorn Island, which served as headquarters for the Vietcong during the war. The inhabitants of the island live on and by the river. They are fishermen and farmers, with three or four children to a family. This area receives 90 inches of rainfall per year. One opinion all of the delegation members had after seeing this area was how tragic it was to have put young Americans in such miserable conditions during the war.

It was interesting to see the importance of tourism. Even in the Mekong Delta, the tourist business is thriving. After a walk through the jungle, you find restaurants where you can sit and eat a decent meal. Tourism has slowed down considerably because of the Asian financial problems, but it still is important to the economy.

At a dinner in Ho Chi Minh City, the delegation had the opportunity to talk with some U.S nationals. One of the individuals said that the Vietnamese desperately want and need U.S technology. For instance, a Vietnamese oil well pumps 400 barrels of oil per day. Nearby, there is an oil well owned and operated by another country that pumps 4,000 barrels of oil per day. The contract the Americans have with the Vietnamese government is to pump 1,000 barrels of oil per day, which they say is easy to fulfill. All oil drilling is offshore. These Americans confirmed the statements heard before by the delegation that Vietnam is five to ten years away from much investment potential and that it is a poor, developing Third World country with a long way to go.

The Vietnamese seem to have put the war behind them. For instance, five years ago, the only job former members of the South Vietnamese army would be hired for was peddling a moped. Most of the army officers were required to go through re-education camps—the higher the rank, the longer they remained. Now, most jobs are open to everyone and there are three former South Vietnamese army officers in the Vietnam Assembly. Although this number is not large, the symbolism is important. Also, the extremely young age of the population means that many Vietnamese were not involved in nor even born during the war. The main evidence of the war is the mines and unexploded ordnance that kill at least 700 persons per year, usually farmers.

The American expatriates in Vietnam are typical, happy to be "a big fish in a small pond." Some have strong negative feelings about the war and the U.S. participation in it. One of the expatriates involved in the oil business said Vietnam does not need an oil refinery because they cannot produce enough oil for it to make economic sense, i.e., their oil reserves are relatively small when compared to other sources. He said the only reason the Vietnamese want an oil refinery is the prestige that would result internationally.

There are textile mills, cement and steel factories, with 70 percent of the invested money coming from Asia. During a visit to a Nike facility, which is a joint venture with Korea and which employs 8,000 people, the manager said the Koreans are in Vietnam because of the low wages, which are set by the Vietnamese government. The delegation was told that the government had a problem with the Koreans four years ago and sued the management of the Nike plant over abusing workers. Korean supervisors allegedly were beating women workers, and the defense was that this was the way operations were conducted in Korea. The delegation was not allowed to enter the plant, even after repeated requests.

There are miles and miles of industrial parks in the area called Dong Nai. They look similar to U.S. industrial parks, but many of the buildings were vacant. There also is an industrial park just south of Ho Chi Minh City, which is called Saigon South and which they like to compare to Reston, Virginia, However, after two or three years, they are just beginning to entice businesses to locate in the park.

Similarly, a shopping mall (Cora) recently opened south of Ho Chi Minh City, but there were many vacant shops and few customers. Supermarkets are beginning to install electronic scanners. People must shop every day because they do not have refrigerators.

The roads, except those built by the United States, are terrible. There is road construction everywhere. The road the delegation took to the Delta was built on dikes and was very narrow, but incredibly had two-way traffic. It took close to three hours to travel 40 kilometers. There is a railroad that connects Hanoi and Ho Chi Minh City. The train takes about 39 hours to complete the trip. There are three classes of service on the railroad, including luxury cars. The cost is fairly inexpensive, with a one-way fare costing U.S. $62. Additional railroad lines running east and west are being built by the government. Internal air travel is subsidized by tourists. For instance, it cost U.S. $120 to fly between Hanoi and Ho Chi Minh City for a tourist, but only U.S. $30 or $40 for a Vietnamese citizen. There is not sufficient money in the budget to improve the infrastructure on a short-term basis.

The greatest asset of Vietnam is its intelligent workers who are paid extremely low wages. At an evening meeting with representatives of the U.S. business community, the delegation heard repeatedly that Vietnam has a long way to go. A banker said the only way his bank ever would loan any money in Vietnam is if the parent organization outside Vietnam guaranteed the loan. A developer who plans to construct some beachfront condominiums in Vietnam claimed that instead of the normal 70 percent foreign/30 percent Vietnamese split, he had negotiated 100 percent foreign ownership. The project was priced at $276.3 million, with $67.5 million needed to start. However, he has been unable to obtain any investors.

The Vice Chairman of the Red Cross in Vietnam with whom the delegation met made an impassioned plea for help from the United States in treating dengue fever. This disease is dramatically on the rise in Vietnam and Southeast Asia.

A Vietnamese newspaper editor the delegation met at a dinner claimed that there was a free press, although television and radio are state-owned. Interestingly enough, the next day an article appeared in a non-Vietnamese newspaper that stated the press in Vietnam is controlled totally by the government. The same problem exists in Vietnam as it did in Eastern Europe, i.e., the outside world and its economic success and political freedom cannot be hidden forever. Some Vietnamese have computers with access to the Internet and there also are televisions with satellite hookups that include programs from the United States.

An observation made by the delegation is that the Vietnamese have a great deal of ingenuity. Several stories illustrate this point.

Several years ago, there was a rat epidemic in Vietnam. The government agreed to give a cash bounty for each rat tail brought to a government office. The gestation period for rats is 30 days. Rather than killing the rats, the Vietnamese began breeding them all across the country so that instead of having fewer rats, there were more. It was a good cash crop!

There also is a scheme involving antiques. It is forbidden to take antiques out of the country. However, in some stores they say it is all right and give documentation that they state is correct. The dealer then tells a friend in customs about the antique purchased so that it is confiscated and returned to the store to be sold once again!

The underground economy of Vietnam provides a second and third income for families. The delegation met one family where the breadwinner is an accountant with a government agency. He is supporting 29 other family members who have no official jobs. Apparently, this is not unusual.

CONCLUSION

The United States should pay more attention to Vietnam. It has the fourth largest population in Southeast Asia and is growing rapidly. Older members of the government are retiring and being replaced with a younger generation who want to change the system. Even though there is only one political party, there is some dissension and discussion among the various factions of the Assembly.

The United States should enter into exchange programs, assist with health problems and eventually bring Vietnam into a trade status equal to that of most other countries in the world. This appears to be a country where a minimum amount of extra effort and money on the part of the United States could pay large dividends in the future. It may take from five to ten years to bring the political and economic machinery in Vietnam to a point where private investments from the United States increase dramatically, yet much can be done in that period of time.

Ambassador Peterson is well respected throughout the country. He has a good team, which the delegation believes is realistic in its appraisal of the tough job they face.

The Vietnamese truly are assisting with U.S. MIA cases. It appears that there is not the ill will one would expect after a long war. A major reason for this is that the population is so young. Furthermore, Vietnam's history shows that it has fought foreigners for the last thousand years. The United States is just one in a series of invaders. The Vietnamese are attracted by the Yankee dollar and know-how. One Member of the Vietnam Assembly summed it up when he said, "What is past is past. We need to look forward and build a better future for both countries."

PERSONS MET BY THE U.S. ASSOCIATION OF FORMER MEMBERS OF CONGRESS DELEGATION STUDY TOUR TO VIETNAM OCTOBER 8–14, 1998

Hanoi

Tom Donohue, Head of the American Chamber of Commerce.

Ambassador and Mrs. Pete Peterson (Vi Le), U.S. Embassy—Hanoi, No. 7 Lang Ha, Hanoi, Vietnam.

Nguyen Van Hieu, Member of the National Assembly, 35 Ngo Quyen Street, Hanoi, Vietnam.

Vu Viet Dzung, Chief Officer of the Americas Desk, Ministry of Foreign Affairs, 1 Ton That Dam Street, Hanoi, Vietnam.

Tran Quoc Tuan, Vice Chairman, Office of the National Assembly, Van Phong Quoc Hoi, 35 Ngo Quyen Street, Hanoi, Vietnam.

Vu Mao, Chairman, National Assembly Office, Member of the National Assembly, Van Phong Quoc Hoi, 35 Ngo Quyen Street, Hanoi, Vietnam.

Ms. Pham Chi Lan, Executive Vice President, Vietnam Chamber of Commerce, 33 Ba Trieu Street, Hanoi, Vietnam.

Hoang Cong Thuy, Deputy Secretary General, *Viet-My Society* (Vietnam-USA Association), 105/A Quan Thanh Street, Hanoi, Vietnam.

Ho Chi Minh City

Truong Quang Giao, Vietnam News Agency, Manager, Quoc Te International Hotel, 19 Vo Van Tan Street, District 3, Ho Chi Minh City, Vietnam.

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Ronald Kiel, Managing Director, 3M Representative Office, 55 Cao Thang Street, District 3, Ho Chi Minh City, Vietnam.

Nguyen Ba Hung, Baker & McKensie International Lawyers, 10 Harcourt Road, Hong Kong.

Chuyen D. Uong, Branch Manager, Citibank, N.A., 115 Nguyen Hue Blvd., 15–F, Ho Chi Minh City, Vietnam.

William Yarmey, Senior Marketing Officer, U.S. and Foreign Commercial Service, U.S. Department of Commerce, 65 Le Loi Blvd., Ho Chi Minh City, Vietnam.

Mr. McHUGH. Thank you very much, Bob.

Mr. Speaker, as you can see, the Association conducts a wide variety of programs, some of which we have touched on this morning and which we hope to expand. This would not be possible without the support and active work of a number of people, and I would like to acknowledge the support we have had from our Board of Directors and our Counselors.

In particular, I would like to thank the officers of the Association, John Erlenborn, who is chairing this session today and is our Vice President; Larry LaRocco, who is our Treasurer; and Jack Buechner, who is our Secretary. They have done a fantastic job. As others have said, Lou Frey, as our former Chair, also serves on our Executive Board.

We also want to thank the Auxiliary, whose members have been instrumental, among other things, in making our Life After Congress seminars successful, in helping Members make the transition from the Congress to life after Congress.

We would not be able to do anything if we did not have a very capable staff, and many of you are familiar with our staff and I know are grateful for their work. I would like to acknowledge their support: Linda Reed, our Executive Director; Peter Weichlein, our Program Officer, with special responsibility for the Study Group on Germany; Victor Kytasty, who is our Congressional Fellow in Ukraine; and Walt Raymond, who many of you know is our Senior Advisor for International Programs and works to put together many of these international efforts.

We also maintain relations as an Association with the Association of Former Parliamentarians in other countries, and we are very pleased at lunch today we are going to have Barry Turner once again representing the former parliamentarians in Canada. We will hear a few words from Barry, for those of you who will join us for lunch.

Now, Mr. Speaker, it is my sad duty to inform the House of those persons who have served in Congress and have passed away since our report last year. The deceased Members of Congress are the following:

Watkins Abbitt of Virginia;
Thomas Abernethy of Mississippi;
E.Y. Berry of South Dakota;
Gary Brown of Michigan;
Lawton Chiles of Florida;
James McClure Clarke of North Carolina;
Jeffrey Cohelan of California;
George Danielson of California;
David W. Dennis of Indiana;
Charles Diggs, Jr., of Michigan;
Carl Elliott of Alabama;
Dante B. Fascell of Florida;
Barry Goldwater, Sr., of Arizona;
Albert Gore, Sr., of Tennessee;
Robert A. Grant of Indiana;
Floyd K. Haskell of Colorado;
Roman L. Hruska of Nebraska;
Muriel Humphrey of Minnesota;
Albert W. Johnson of Pennsylvania;
Joe M. Kilgore of Texas;
Walter Moeller of Ohio;
Wilmer D. Mizell of North Carolina;
Abraham Ribicoff of Connecticut;
Will Rogers, Jr., of California;
D.F. Slaughter of Virginia;
Gene Taylor of Missouri;
Morris K. Udall of Arizona;
Prentiss Walker of Mississippi;
Compton L. White of Idaho;
Chalmers Wylie of Ohio; and
Sam Yorty of California.

I would respectfully ask all of you to rise for just a moment of silence in the memory of our deceased Members.

Thank you very much.

Mr. Speaker, we have now reached the highlight of our presentation this morning. As you know, the Association presents a Distinguished Service Award to an outstanding public servant each year. The award rotates between the parties, as do the officers in our Association.

Last year, the award was presented jointly to two exceptional former Republican Senators, Nancy Kassebaum Baker and Howard Baker. This year, as you know, we are pleased to be honoring the former House Speaker, Jim Wright.

Jim Wright was born in Fort Worth, Texas, a city he represented in Congress from 1955 through 1989. He completed public school in 10 years and was on his way to finishing college in 3 years when Pearl Harbor was attacked. Following enlistment in the Army Air Corps, Jim received his flyer's wings and a commission at 19. He flew combat missions in the South Pacific and was awarded the Distinguished Flying Cross and Legion of Merit.

After the war, Jim was elected to the Texas legislature at age 23. At age 26 he became the youngest mayor in Texas when voters chose him to head their city government in Weatherford, his boyhood home.

Elected to Congress at the age of 31, Jim served 18 consecutive terms and authored major legislation in the fields of foreign affairs, economic development, water conservation, education, energy and many others.

Speaker Wright received worldwide recognition for his efforts to bring peace to Central America. He served 10 years as majority leader before being sworn in as Speaker on January 6, 1987. He was reelected as Speaker in January of 1989. A member of Congress for 34 years, Jim served with eight U.S. presidents and has met and come to know many foreign heads of state and current leaders of nations. A prolific writer, he has authored numerous books.

He currently serves as a Senior Political Consultant to American Income Life Insurance Company and Arch Petroleum. He writes a frequent newspaper column, which I hope many of you have had the chance to read. I have. They are very insightful. And he occasionally appears on network television news programs. In addition, he is a visiting professor at Texas Christian University where he teaches a course entitled "Congress and the Presidents."

This is a particularly difficult time for Jim. Among other things, he is moving his residence now, and that is why Betty, his wife, could not be with us. But we are really delighted that his daughter Ginger has come with him from Texas to be with us for this occasion.

Jim, if you would come up, I have two presentations to make. The first is a plaque. I am sure Jim has no plaques at home any more. I am going to read the inscription on this plaque, Jim; and I am going to read it from the paper since my eyes cannot read the inscription on the plaque. But I hope you can.

It says: "Presented by the U.S. Association of Former Members of Congress to the Honorable Jim Wright for his exemplary service to the State of Texas and the Nation as a combat pilot in World War II and recipient of the Distinguished Flying Cross, as a mayor and State legislator, and as a Member of the United States Congress for 34 years, including his distinguished leadership as Majority Leader and Speaker of the House of Representatives. Washington, D.C., May 13, 1999."

On a more personal note, I am presenting Jim on behalf of all of us a scrapbook, which includes personal letters from many of us here and others who feel so strongly that Jim has contributed to the Congress and the country in ways which cannot be fully expressed but for which we are all deeply grateful.

So, Jim, these are some of the letters, and I am sure there will be others coming in the mail. We would invite you, Jim, to say whatever you would like. We are delighted you are here, and we are very proud of your service.

Mr. WRIGHT. Thank you so very much, Matt, and thanks to each of you, my former colleagues. I shall treasure and cherish these mementoes for as long as I live.

I guess I am lucky to be here in a way today. Two months ago yesterday I was fortunate to have some rather complicated surgery. Good surgeons removed this jaw, and it was cancerous, and then they reached down to my lower left leg, for the fibula bone, from which they carved a new jawbone, and this is it, and it works.

They also removed about one-fourth to one-fifth of my tongue, and that frightened my wife and others when they heard of it. I did not know about it at the time.

But in addition to that bit of modern alchemy, they took a piece of skin from the upper part of my left leg and attached it, grafted it, to the tongue, and I hope you can understand me.

All of this occasioned a comment from my long-time friend and former administrative assistant, Marshall Lynam, who said, "You know, Mr. Speaker, we spent 40 years trying to keep your foot out of your mouth, and now it seems you got your whole leg in it."

Words would fail me were I to try to express adequately how much I appreciate this, particularly coming from those of you, almost all of you I served with, and whom I knew and became so attached to during all of those years.

Like most of you, I guess, I had a lot more financial success before and after I served in Congress, but this experience of serving in this body will forever be professionally for me the outstanding achievement in my life. I enjoyed it thoroughly—most of the time. I think that would be true of all of us, truth to tell.

I do want to encourage our Association and encourage individuals among us to participate in these splendid activities by which we spread knowledge and understanding of this peculiar institution, so peculiarly human, maybe the most human institution on earth.

You know, the House and Congress can rise to heights of sparkling statesmanship and we can sink to levels of mediocrity, because we are human, prone to human error. But the more people are able to understand it, people abroad with whom our Nation must deal and youngsters on the college campuses, the stronger and firmer will be our hold upon the future.

Since I left Congress in 1989, almost 10 years ago, I have been on between 45 and 50 different college campuses throughout the country, and that is the most fun I have, aside from being with my grandchildren. I guess it is second, because they are so vibrant, they are so alive, they are so quizzical, they are so questioning, all over the country. I have had the privilege of being at the University of Maine and the University of San Diego State. I have had the opportunity to visit Gonzaga University and the University of Miami. So it is spread across the country, and all of them, all of them, are interesting. They are all worth spending some time with. I would encourage that.

I would hope that we, wherever we go and whatever we say and do, will have the grace to glorify this institution, so human, so imperfect, and yet so fraught with great opportunities, to uphold its standards and defend its honor, so often attacked, so frequently misunderstood, to the end that there might be a better and firmer appreciation of this hallowed form of government that was endowed by those who wrote our Constitution. Because I am convinced that, with all of its faults and flaws and human imperfections, it still is, just as it was in Abraham Lincoln's time, and may it forever remain, the last, best hope of earth.

Thank you for this great honor.

Mr. MCHUGH. It is very clear that Jim Wright is as eloquent with his second jaw as he was with his first.

Jim, we are truly proud of you and take joy in your being with us today and giving us the opportunity to honor you for your many years of service.

I would like at this point sort of extra-record to invite our former distinguished minority leader and friend, Bob Michel, to say a word.

Mr. MICHEL. Mr. Speaker and my colleagues, thank you so much for the opportunity to say just a few things, particularly prompted by our Association's giving the award this year to our former Speaker, Jim Wright. When I got the notice of it, I thought there could be no better choice and am so appreciative he has been so well received and under the conditions.

I tell you, I have been privy to several of the columns that Jim has written, very descriptive, and they move you just about to emotional tears with his eloquence.

I hope those of you who have not yet maybe had the opportunity to express your feelings in the letters that we find in the book that we have given Jim that you will do that. You can always add letters to that. It is a nice package of mementoes to keep.

You know with what sincerity Jim appeared here today with his very nice remarks, and I just want to join in congratulating him and the Association, particularly, for their choice in selecting our former Speaker to receive this honor today.

Thank you again, Jim, all the best to you.

Mr. MCHUGH. Thank you very much, Bob. Thanks to all of you for being with us today and participating, especially since it was a special opportunity to honor Jim Wright.

We have a program for the rest of the day. We hope that many of you will be able to participate in it. Of course, tonight we have our dinner.

So, again, thank you for being with us. This does conclude the 29th Annual Report of the U.S. Association of Former Members of Congress. Thank you.

Mr. ERLENBORN (presiding). The Chair again wishes to thank the members of the United States Association of Former Members of Congress for their presence here today.

Before terminating these proceedings, the Chair would like to invite any former Members who did not respond when the role was called to give their names to the reading clerks for inclusion on the role. Good luck to you all.

The Chair announces that the House will reconvene at 10:45 a.m.

Accordingly (at 10 o'clock and 28 minutes a.m.), the House continued in recess.

□ 1047

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. ROGERS) at 10 o'clock and 47 minutes a.m.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 669. An act to amend the Peace Corps Act to authorize appropriations for fiscal years 2000 through 2003 to carry out that Act, and for other purposes.

The message also announced that pursuant to Public Law 101-509, the Chair, on behalf of the Secretary of the Senate, announces the appointment of James B. Lloyd, of Tennessee, to the Advisory Committee on the Records of Congress.

PRINTING OF PROCEEDINGS HAD DURING RECESS

Mr. KNOLLENBERG. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the CONGRESSIONAL RECORD and that all Members and former Members who spoke during the recess have the privilege of revising and extending their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

SUPPORT TAKE-HOME PAY INCREASE FOR AMERICANS

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, this year Federal taxes will consume almost 22 percent of the Gross Domestic Product, which means the Federal tax burden is at an all-time high.

With the economy strong and the Federal Government running a surplus, there is no excuse for taxing the American people at a higher rate than was needed to win World War II.

On the opening day of the 106th Congress, I introduced a bill to cut taxes across the board by 10 percent. The plan is the fairest and the simplest way to cut taxes because it benefits everybody who pays Federal income taxes.

An across-the-board tax cut would save the average American family some $1,000 a year, money they can use for anything, for a down payment on a home, or to put aside for retirement. Either way, I know it would be better spent and better used by the family who earned it than by the Washington bureaucrat who yearns for it.

I urge my colleagues to support this common sense plan and increase the take-home pay of all Americans.

TRIBUTE TO NATION'S POLICE OFFICERS

(Ms. SANCHEZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SANCHEZ. Mr. Speaker, I rise today to salute the police officers of this Nation, especially those of the 46th Congressional District of California, Orange County police officers.

Seven hundred thousand police officers serve the United States each day. Most Americans probably do not know that our Nation loses on an average one officer every other day. That does not include the ones that are assaulted and injured each year.

More than 14,000 officers have been killed in the line of duty. The sacrifice for California officers is the greatest: 1,205.

The calling to serve in law enforcement comes with bravery and sacrifice. The thin blue line protecting our homes, our businesses, our families, our communities pay a price. So do the loved ones that they leave behind when the tragedy strikes.

We cannot replace the officers we lose. We cannot bring them back to their families or departments. All we can do is grieve their loss.

Today we fulfill the most solemn part of our obligation to America's police officers. We promise that, when they do make the sacrifice, that he or she earns a place of the highest national distinction and respect from the United States Government.

TRIBUTE TO DUANE MASENGILL, FAVORITE TEACHER

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMEY. Mr. Speaker, last week was Teacher Appreciation Week, and I missed my opportunity to pay my respect to a favorite teacher we have in my district in Coppell, Texas. Duane Masengill teaches world geography and current events.

Duane drives 25 miles to work every day. While that puts an extra burden on his family, his wife Jennifer says she does not mind because he is so happy doing what he does.

I have had the opportunity to visit Duane and his students. I have seen the rapport he has with his students.

Duane, while you still need a haircut, and I think the youngsters will agree with me, you are in fact a devoted teacher.

I always believe that we can tell a great deal about the quality of the effort, the quality of the commitment made by a teacher when we see the quality of morale and preparation when we stand before a classroom. Duane's students are always bright, energetic, enthusiastic, and able. They quiz us hard.

So, Duane, let me just say congratulations. Some people spend a lifetime building a career. You are spending a career building lifetimes.

BRING GOD BACK TO OUR SCHOOLS AND OUR NATION

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, a Federal court ruled in Texas that a school program that allowed clergy that counsel troubled students was unconstitutional. Another Federal court ruled that a Florida policy of allowing prayer at graduation ceremonies was unconstitutional. Unbelievable.

These book-smart, street-stupid judges better look in the mirror of a troubled America, because it is clear, students can be counseled by convicts in our schools, not clergy. Students can read about devil worship, not God. Students can burn a flag at a school, but cannot say a prayer. Beam me up.

It is time to amend the Constitution of this country and not only bring God back into the schools, but bring God back into our Nation.

MARRIAGE IS A GOOD THING; ABOLISH MARRIAGE TAX PENALTY

(Mr. SCHAFFER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHAFFER. Mr. Speaker, marriage is a good thing. This Congress has an historic opportunity to do something it should have done long ago, abolish the marriage tax penalty.

Many young couples are surprised to learn the government actually penalizes people for getting married an average of $1,400 per year for middle income families.

The people have long known the government does a lot of foolish things. Even liberals have to admit the government has thousands of stupid taxes and regulations, programs that actually make things worse instead of better, and inefficiencies that seem to be immune to reform.

The marriage tax penalty is just so wrong that it stands among the ugliest symbols of everything wrong about a government that is too big, too arrogant, and too oblivious to the concerns of the average people who struggle every day to get ahead, make ends meet, and raise their children in peace.

Why does the government make it so much harder for people who want to get married? I urge Members on both sides of the aisle to right this terrible wrong. It is high time we abolish the tax on marriage.

IN HONOR OF CZECH REPUBLIC AND POLAND FOR CONDEMNING HUMAN RIGHTS VIOLATIONS IN CUBA

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, tonight the Cuban American community honors the Czech Republic and Poland for their recent successful efforts to condemn the ongoing human rights violations in Cuba before the United Nations Commission on Human Rights.

The Czech President said recently that both the Czechs and the Cubans encountered similar political fates, suffering the multiple adverse effects of the same ideology still advanced by the government of Cuba.

The Center for a Free Cuba event tonight will also serve to commemorate Cuban independence, which will be celebrated during the month of May, and the role of women in the struggle for freedom in Cuba.

Because of that, Elena Diaz Verson Amos will be honored for her commitment to the cause of freedom and democracy and human rights.

I urge my colleagues to join us tonight at 6 p.m. in room 106 of the Dirksen building for the Center for Free Cuba reception.

NATIONAL MISSILE DEFENSE

(Mr. WICKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WICKER. Mr. Speaker, as Members of Congress, we have an obligation to report that the United States is vulnerable to a missile attack. That is right. Some of the world's most dangerous and unstable dictatorships are developing weapons which could reach the United States mainland.

The bipartisan Rumsfeld Commission has said we could soon face a missile strike with little or no warning. Yet, our President is still reluctant to act on this important issue.

The North Korean missile tests last summer forced administration officials to admit grudgingly that this threat is real. But the President's response has been weak. It includes support for only a limited ground-based system with questionable value. The administration also worries that a defense shield might violate the ABM Treaty, the same pact the Soviets violated for years.

Mr. Speaker, each day we delay, the threat of a missile attack increases. Congress is taking action to deploy an effective missile defense system. I urge the President to join us in addressing this critical matter of national security.

NATIONAL POLICE OFFICERS WEEK

(Mr. FOSSELLA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOSSELLA. Mr. Speaker, this is National Police Officers Week. I rise today to pay tribute and offer my thanks to the law enforcement officers throughout our Nation who stand at the front line protecting the American people.

These brave men and women risk their lives every day so that our community may be safe, that our children, parents, and grandparents need not live in fear of criminals.

All too often, we see the tragic consequences that come with such awesome responsibility. Hundreds of times each year, America is forced to confront the horror that one of our finest has lost his or her life.

We mourned as a Nation last year when two officers who worked right here, Officers Gibson and Chestnut, were killed trying to protect innocent tourists when a madman entered the United States Capitol with his guns blazing.

Where I live, on Staten Island, we experienced loss twice last year, and our community still grieves for Police Officer Sal Mosomillio and Officer Gerald Carter, both of whom made the ultimate sacrifice.

I can use words like hero, courage and bravery to describe these two men, but the truth is that no words can truly do them justice. In fact, I think both officers would be embarrassed by such descriptions because, in their minds, they were only doing their job.

The same could be said of Police Officer Matthew Dziergowski, a dedicated official who was killed earlier this year and has left one son and his wife who was pregnant at the time he lost his life.

Mr. Speaker, the New York City Police Department right now and the men and women who serve our city every day are under constant attack. The morale is at an all-time low. But let them know and let them stand assured that there are a lot of people out there who appreciate the job they do, the fact that they are willing to risk their life every day to protect us.

PROVIDING FOR CONSIDERATION OF H.R. 1555, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2000

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 167 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 167

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1555) to authorize appropriations for fiscal year 2000 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Permanent Select Committee on Intelligence now printed in the bill. The committee amendment in the nature of a substitute shall be considered by title rather than by section. Each title shall be considered as read. Points of order against the committee amendment in the nature of a substitute for failure to comply with clause 7 of rule XVI are waived. No amendment to the committee in the nature of a substitute shall be in order except those printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII and except pro forma amendments for the purpose of debate. Each amendment so printed may be offered only by the Member who caused it to be printed or his designee and shall be considered as read. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendments the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1100

The SPEAKER pro tempore (Mr. ROGERS). The gentleman from Florida (Mr. GOSS) is recognized for 1 hour.

Mr. GOSS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to my colleague and friend, the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate on this issue only.

Mr. Speaker, House Resolution 167 is a modified open rule providing for the consideration of H.R. 1555, the Intelligence Authorization Act for fiscal year 2000. What makes the rule modified is the requirement that Members wishing to offer amendments were asked to have them preprinted in the CONGRESSIONAL RECORD prior to the consideration of this bill by the House. Notice of this restriction was given to Members last week prior to the filing of the report on this bill, and at the time of the filing, when we asked for the UC, we also reminded Members of the requirement.

This requirement makes good sense, given the unique nature of the matters covered by the bill. In the past, we have found it works well to allow the Permanent Select Committee on Intelligence the opportunity to review potential amendments ahead of time in order to work with Members to ensure that no classified information is inadvertently disclosed during our floor debate. This is not about shutting out any debate on the bill but, rather, about an extra degree of caution and making sure sensitive material is properly protected.

As is customary, the rule provides 1 hour of general debate divided equally between the chairman and the ranking member, the gentleman from California (Mr. DIXON), of the Permanent Select Committee on Intelligence. The rule makes in order the amendment in the nature of a substitute recommended by the Permanent Select Committee on Intelligence as an original bill for the purpose of amendment. The amendment in the nature of a substitute shall be considered by title, and each title shall be considered as read.

The rule further waives points of order against the amendment in the nature of a substitute for failure to comply with clause 7 of Rule XVI, which prohibits nongermane amendments. This is necessary because, again, the introduced bill was more narrow in scope, as it usually is, than the product reported out by the committee.

Specifically, this provision in the rule pertains to title V of the reported bill regarding the Freedom of Information Act exemption for the National Imagery and Mapping Agency, NIMA, which is, I believe, a noncontroversial provision which makes a technical correction.

As I mentioned earlier, the rule makes in order only those amendments that have been preprinted in the CONGRESSIONAL RECORD and provides that each amendment that has been so printed may be offered only by the Member who caused it to be printed or his designee. Each amendment shall be considered as read.

The rule allows the Chair of the Committee of the Whole to postpone votes during consideration of the bill and to reduce voting time to 5 minutes on a postponed questioned, if a vote follows a 15-minute vote. Nothing new there.

Finally, the rule provides the traditional motion to recommit with or without instructions. Again, a guarantee for the minority.

Mr. Speaker, this is certainly a fair rule and one without any controversy that I am aware of, but I am aware that the ranking member, the gentleman from California (Mr. DIXON), my colleague, friend and close working partner on the Permanent Select Committee on Intelligence, had hoped that we could delay consideration of this bill until next week, to give Members even more time to familiarize themselves with the provisions of this bill, especially its classified components. I know that every effort was made to be sensitive to his request. I agreed with it. But given forces beyond any one Member's control, particularly relating to other legislation that is still under discussion, we in fact were asked to be on the floor with this bill today.

That said, I encourage Members to vote for this fair rule and to support the underlying legislation, which I think is well prepared.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the rule providing for the consideration of H.R. 1555, the Intelligence Authorization for fiscal year 2000. I would, however, like to make the House aware of the concerns raised by the ranking member of the Permanent Select Committee on Intelligence with respect to the timing of the consideration of this bill and the preprinting requirement for amendments.

The gentleman from California (Mr. DIXON) does not oppose the preprinting of amendments for this bill. And, in fact, Mr. Speaker, the gentleman is generally supportive of such a requirement because of the sensitive nature of much of the bill and the need to protect its classified contents. And, in fact, Mr. Speaker, the House has considered intelligence authorizations under this kind of rule for the past 6 years. What concerns the gentleman from California, as well as the Democrats on the Committee on Rules, is the timing of the consideration of this important legislation.

Since the House conducted no business on Monday, few Members were here to read the classified portions of the bill in order that they might determine if any amendments might be appropriate. Mr. Speaker, we do not object to this rule, only to the timing of the consideration of the bill and would, as has the gentleman from California, ask that the leadership consider giving Members ample time in the future to examine this legislation prior to its consideration on the floor.

Mr. Speaker, the bill itself is not controversial and was, in fact, reported by a unanimous vote. The funding levels in the bill are approximately 1 percent above the administration request for the activities of the intelligence community, but the committee bill focuses on the future needs of our intelligence capabilities and the priorities associated with those needs in a rapidly changing but increasingly dangerous world.

Mr. Speaker, I commend my colleague from Florida (Mr. GOSS) for his work on this important matter.

Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, I have one concern with the bill. However, I will support the bill and I want to commend the efforts of the authors of the bill.

I have been concerned about a massive trade deficit in America, and I am concerned about espionage as far as it relates to our patents, our technology, our industry, and our trade secrets. And with that, I would like to see that we can buoy up this bill in that particular regard.

I would like the Members of Congress to realize that there is a projected $250 billion trade deficit this year. Japan and China are taking $5 billion apiece, $10 billion a month out of our economy, or a quarter of a trillion dollars a year.

I am pleased that the committee will work with me on this issue, and I want to thank our distinguished leader from Texas for yielding me this time.

Mr. FROST. Mr. Speaker, I yield back the balance of my time.

Mr. GOSS. Mr. Speaker, I urge favorable consideration of this resolution to support this fair bill.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

MAKING IN ORDER TRAFICANT AMENDMENT TO H.R. 1555, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2000

Mr. TRAFICANT. Mr. Speaker, I ask unanimous consent that the Traficant amendment to H.R. 1555 at the desk be made in order to the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The text of the amendment is as follows:

At the end of title III (page 10, after line 2), insert the following new section:

SEC. 304. REPORT ON EFFECTS OF FOREIGN ESPIONAGE ON UNITED STATES TRADE SECRETS.

By not later than 270 days after the date of the enactment of this Act, the Director of Central Intelligence shall submit to Congress a report describing the effects of espionage against the United States, conducted by or on behalf of other nations, on United States trade secrets, patents, and technology development. The study shall include an analysis of the effects of such espionage on the trade deficit of the United States and on the employment rate in the United States.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2000

The SPEAKER pro tempore (Mrs. WILSON). Pursuant to House Resolution 167 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1555.

The Chair designates the gentleman from Ohio (Mr. LATOURETTE) as Chairman of the Committee of the Whole, and requests the gentleman from Kentucky (Mr. ROGERS) to assume the chair temporarily.

□ 1110

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1555) to authorize appropriations for fiscal year 2000 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, with Mr. ROGERS, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Florida (Mr. GOSS) and the gentleman from California (Mr. DIXON) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. GOSS).

Mr. GOSS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am very pleased to bring to the attention of the House H.R. 1555, the Intelligence Authorization Act for fiscal year 2000, backed by the unanimous bipartisan recommendation of the Permanent Select Committee on Intelligence.

I would say that our committee worked diligently to conduct rigorous oversight of the programs and the activities that fall within our jurisdiction and, indeed, they are extensive responsibilities. We held numerous full committee hearings and briefings, backed up by literally hundreds of staff briefings about specific programs and items in this budget.

As Members know, we are required by law to provide an annual authorization for any intelligence or intelligence-related activity. That is because of the seriousness with which we take our oversight responsibility, making sure we understand what is going on in the intelligence community.

Because of the sensitivity of the material we deal with within this bill, and its direct implications for our national security, many of the specifics of our work and the recommendations we have made must remain secret. However, as I announced upon the filing of this bill, the entirety of our work is available to any Member wishing to review it in the committee's secure facility upstairs. Because of this arrangement and the reality of Members' schedules, all of us on the committee recognize the special responsibility that we have assumed and the trust our colleagues place in us.

I am pleased to report that we have had Members upstairs pursuing the opportunity to understand all the details, sensitive as they are, in this bill.

We know that we have the added burden of assuring our colleagues and the public that the programs and projects in this bill are worthwhile, legitimate, well-designed, properly managed, and critical to our national security. Our colleagues and our constituents trust us to conduct our oversight carefully, thoroughly and with a critical eye. I believe we have done our job, and I hope we have done it well.

Mr. Chairman, this is a solid bill. It recommends funding for the Nation's intelligence community at a rate slightly less than 1 percent higher than what the President requested. This is a very modest increase and is, frankly, the bare minimum needed to continue our effort of rebuilding our capabilities started in the 105th, and ensuring that we are best positioned to meet the diverse challenges that the century holds for American interests, as varied as they are.

We have, for the last few years, been on a course toward that goal and we are making progress, but we have had to reverse a very serious inherited trend of decline and atrophy in the core programs of some of our intelligence capabilities; of signals intelligence, of human intelligence, of imagery intelligence, of analysis and covert action.

□ 1115

These are areas where we need help. These are disciplines that require long-term investment and consistent commitment. We cannot simply turn them on and off like a light switch. We have for too long taken shortcuts and underfunded and undervalued our intelligence capabilities, and our entire defense posture, as a matter of fact.

We see this in stark terms in the world today, currently in Kosovo, but also in Iraq, North Korea, Iran, China, India, Pakistan, perhaps a number of places in the African continent, just to mention a string of other hot spots that have not yet flared up but could at any moment. I know Members can fill in their own blanks.

I know that some believe and state that we have no more use for intelligence, that investment in eyes, ears and brains has become unnecessary because the world is at peace. I adamantly reject that point of view. Intelligence is arguably the best investment we have to protect ourselves. Because good information, timely and on point, is a force multiplier and a force protector that can help us avoid crises altogether.

Recently Americans have heard about so-called intelligence failures. Specifically, just last weekend, we saw what happens when information is wrong, when a missile is directed at the wrong target. Rather than simply blaming our intelligence entities for a bad call, we on the committee have to look further and ask, how did this actually happen?

In part, this is unfortunately a predictable outcome of stretching our finite resources too thin. We have had to juggle and divert our limited assets to address the multitude of far-flung foreign policy initiatives and transnational threats that are the reality of the world today. And as a result, we have asked our intelligence community to do with less in more places, for more time, and under more complicated circumstances.

It is a formula for mistake. And this is a formula that we have been trying to rewrite these past 3 years and again in this bill today, and that is why it is so important that we have Members' support.

Mr. Chairman, we have emphasized several important themes this year. In general terms, they include recapitalizing signals intelligence. And no one should be in any way surprised by this need to spend money given the rapid advance of technology, correcting the imbalance between collection on the one hand and processing the information on the other. This has been a serious problem which we have reversed, but we have a long way to go to get more analysis involved; innovating paradigms for imagery, to include commercial resources, a great opportunity for the intelligence communities; and building a stronger and more extensive clandestine human intelligence capability worldwide and putting new tools into our covert action toolbox so that the choices our President has range more robustly and are not limited to doing nothing or bombing.

Although it is true that we may be at less risk in today's world of a direct all-out nuclear confrontation, we nevertheless face enormously complex challenges from rogue interests who continue to seek nuclear capabilities, not to mention the very real threat of chemical or biological agents that are continuing to proliferate around the world, the "cheap nukes" as they are called.

We also are increasingly threatened by terrorists, who do not play by the same "Marquess of Queensbury" rules that Americans are used to and by a whole new generation of narcotraffickers, whose deadly wares threaten the health and safety of our kids. And, tragically, that is a war that we are not doing well enough on.

The only certainty in this uncertain world, as far as I am concerned, is that the threats are out there and they are getting more dangerous and more widespread, and that is why most agree that we need to rebuild our intelligence capability.

I do not want to think of intelligence as the 9–1–1 of our defenses. To me we should strive to prevent bad things from happening in the first place so we do not have to call 9-1-1 at all. That is what good intelligence should be about. And we have had some successes stopping bad things from happening to good people. Regrettably, those are the ones we do not read about in the paper.

Finally, Mr. Chairman, the headlines these past weeks have been replete with stories about an issue of grave concern and one that we have addressed in our bill. I am speaking about our counterintelligence capabilities, our defense, as it were, of our Nation's secrets, specifically with respect to aggressive efforts by the Chinese and others to target our crown jewels, the secrets of our nuclear program housed in our national labs.

We have addressed that in this bill. We authorized the significant funding increase to enhance DOE's counterintelligence, CI programs those would be, specifically cyber security, and to enhance the Department of Energy's ability to conduct comprehensive intelligence analysis of foreign nuclear weapons programs and proliferation, which need to be done.

We have taken strong steps to better challenge our analysts and to improve the counterintelligence abilities at FBI, DOD, Department of Defense so we can better meet the threat of nations like China who, not surprisingly, seek to steal our secrets.

In sum, Mr. Chairman, I urge my colleagues to support this bill; and I thank all members of our committee, especially my ranking member, the gentleman from California (Mr. DIXON) for their diligent, applied work, unquestioned commitment, and great wisdom to help us in our quest to improve our national security.

Mr. Chairman, I reserve the balance of my time.

Mr. DIXON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to begin by commending the gentleman from Florida (Mr. GOSS) on the efforts he has made to ensure that the Permanent Select Committee on Intelligence operates in a bipartisan manner. While the unanimous vote reporting this legislation is an indication of the success of his efforts, those of us who serve on the committee know that on a daily basis, on matters large and small, the gentleman from Florida (Mr. GOSS) ensures that the views of the Democrats are solicited and considered.

The bill as reported, in the aggregate, is less than one percent more than requested by the administration. Although the committee recommends slightly more for certain programs, like those managed by the National Security Agency, and slightly less for others, like those managed by the National Reconnaissance Office, the fact remains that the total authorized for intelligence in this bill is not significantly different than that sought by the President.

This result reflects budgetary realities, but it also reflects a judgment about what the intelligence agencies can effectively and efficiently spend next year. Investments in the kind of intelligent capabilities the Nation will need in the years to come requires a steady commitment over time of resources. This legislation, as has been the case in the past, should be seen as an installment in that effort, not as its end.

H.R. 1555 provides a substantial amount of money for intelligence and intelligence-related activities. How much, even in the aggregate, is classified. I believe that no harm to the national security would be caused by making the aggregate budget request, the aggregate authorization, or the aggregate appropriations public.

The arguments for retaining the classification of these amounts, which focus on the utility of the aggregate information to the average American are irrelevant to security considerations, and the arguments which deal with the utility of the information to foreign governments are, in my judgment, not persuasive. I have in the past supported amendments to make certain budget information public, and I will do so again when presented with an opportunity.

I believe the Director of Central Intelligence was right in October of 1997 and March of 1998 when he disclosed the appropriated amounts for intelligence. I hope he will reconsider his current position with respect to additional annual disclosures.

Regrettably, publicity about intelligence activities normally centers on problems rather than successes. Problems, however, need to be acknowledged and corrected.

I want to mention my concerns in two areas, although these concerns do not affect my support for this bill. Both concerns involve the People's Republic of China. The counterintelligence shortcomings at the Department of Energy's national laboratories have over the past 20 years or so provided valuable information to the PRC and may, more recently, have allowed the PRC access to extremely sensitive information about our nuclear weapons.

The bill contains significant increases in funding for counterintelligence activities at the Department of Energy requested by the President, including additional amounts sought by the President for computer security. The bill also contains additional, more modest amounts for analytic activities related to the PRC. There may be more that needs to be done to make sure that the national labs are secure, either initiatives recommended by the Cox Committee or other proposals.

I believe that we have ample time before we go to conference on this bill to consider these matters in a deliberative way and endorse those which make sense and which will not produce unintended consequences of greater harm than the problems they seek to correct. I do not believe we know enough today about what more should be done beyond those steps already taken or proposed by the President and Secretary Richardson.

The accidental bombing of the PRC embassy in Belgrade at this point defies understanding. To be of use to policymakers and military commanders intelligence needs to be reliable. The intelligence which confused a military target with the embassy most certainly failed to meet that essential standard. Explanations which, in some cases, seem more like excuses have been offered, but it is clear that a serious mistake was made. We need to be sure we know why and take corrective action expeditiously.

The responsibility for congressional oversight of intelligence extends beyond the drafting of the authorization bill. It must vigorously review the manner in which the activities authorized each year are managed. We need to be able to assure the public that a degree of care commensurate with the importance of, and risks associated with, these activities is constantly present. Determining the cause of problems once they are identified is essential to the provision of that type of assurance. I look forward to working with our chairman, as I have in the past, to provide this kind of oversight.

In closing, I want to mention a matter concerning the committee's access to information. I am disturbed by the fact that the intelligence agencies that are funded by the national foreign intelligence program budget pursue a large number of programs and activities requiring special access which are not systematically reported to the Select Committee on Intelligence or the Committee on Appropriations. I do not mean to suggest that the intelligence community refuses to brief the committee on individual programs or activities. Rather, I mean that there appear to be many special access programs, and the executive branch does not rigorously ensure that each of them is routinely reported to Congress.

The Committee on Armed Services faced a similar situation in the Defense Department's handling of special access programs, and years ago required in law that the Department provide Congress with a written report on every program that the Secretary of Defense decided was important and sensitive enough to warrant special handling.

My impression is that this reporting system works very well and that we may need similar legislation for the intelligence community. I intend to examine this matter in more detail in the coming months and may even decide to pursue it further in the conference committee.

Mr. Chairman, H.R. 1555 will, in my judgment, enhance the ability of the intelligence community to respond to the national security challenges we face now and which we will face in the future. I urge its adoption by the House.

Mr. Chairman, I reserve the balance of my time.

Mr. GOSS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the ranking member for his fine statement and particularly my full support and agreement on the last point he made with the special access programs.

Mr. Chairman, let me note that there is a mistake in the printed committee report concerning the CBO estimate. That is not an intelligence failure. This is a printing mistake.

The CBO letter provided to the Select Committee on Intelligence states that the unclassified portion of the bill "would not affect direct spending or receipts, thus pay-as-you-go procedures would not apply." In the process of printing the committee report, the GPO omitted the final "not," making it appear as if pay-as-you-go procedures would apply.

I would like the RECORD to reflect accurately the CBO estimate and, therefore, will submit at the appropriate time the CBO letter for inclusion in the RECORD.

Likewise, Mr. Chairman, in our review of the materials in preparation for floor action today, we also noted the inadvertent inclusion of language in the committee report that does not accurately reflect the committee's position in one instance. The offending language is found at page 15 of the published committee report and concerns the Joint Airborne's SIGINT program.

This language also indicates a cut to the program office of $1.6 million. This, too, is not an accurate accounting of the committee's intent on this program.

Mr. Chairman, I yield to my distinguished ranking member for any comment he may wish to make on this point.

Mr. DIXON. Mr. Chairman, I thank the gentleman for yielding.

As the gentleman from Texas (Mr. FROST) noted in the adoption of the rule, I felt that we should have had more time before we got to the floor, and the gentleman from Florida (Mr. GOSS) worked hard to at least allow us a few more days. Regardless of that, the errors that the gentleman from Florida (Mr. GOSS) talked about did occur, and it is appropriate to correct them. Specifically, with respect to the Joint Airborne SIGINT Program, the committee's intention is not accurately reflected in page 15 of the report as printed.

Mr. Chairman, I insert the following correspondence for the RECORD:

HOUSE OF REPRESENTATIVES, PERMANENT SELECT COMMITTEE ON INTELLIGENCE,
Washington, DC, May 4, 1999.

Mr. DAN L. CRIPPEN
Director, Congressional Budget Officer, Washington, DC

DEAR MR. CRIPPEN: In compliance with the Rules of the House of Representatives, I am writing to request a cost estimate of H.R. 1555, the "Intelligence Authorization Act for Fiscal Year 2000," pursuant to sections 308 and 403 of the Congressional Budget Act of 1974. I have attached a copy of the bill as approved by the House Permanent Select Committee on Intelligence on April 28, 1999.

As I hope to bring this legislation to the House floor in the very near term, I would very much appreciate an expedited response to this request by the CBO's staff. Should you have any questions related to this request, please contact Patrick B. Murray, the Committee's Chief Counsel, at 225-4121. Thank you in advance for your assistance with this request.

Sincerely,

PORTER J. GOSS,
Chairman.

Attachment.

CONGRESSIONAL BUDGET OFFICE,
U.S. CONGRESS,
Washington, DC, May 5, 1999.

Hon. PORTER J. GOSS,
Chairman, Permanent Select Committee on Intelligence, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1555, the Intelligence Authorization Act for Fiscal Year 2000.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Dawn Sauter, who can be reached at 226-2840.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

H.R. 1555—Intelligence Authorization Act for Fiscal Year 2000

Summary: H.R. 1555 would authorize appropriations for fiscal year 2000 for intelligence activities of the United States government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System (CLARDS). The bill would also authorize such sums as may be necessary to fund an emergency supplemental appropriation for fiscal year 1999.

This estimate addresses only the unclassified portion of the bill. On that limited basis, CBO estimates that enacting H.R. 1555 would result in additional spending of $194 million over the 2000–2004 period, assuming appropriation of the authorized amounts. CBO has no basis for determining the cost of an emergency supplemental appropriation for fiscal year 1999. The unclassified portion of the bill would not affect direct spending or receipts; thus, pay-as-you-go procedures would not apply.

The Unfunded Mandates Reform Act (UMRA) excludes from application of that act legislative provisions that are necessary for the national security. CBO has determined that the unclassified provisions of this bill either fit within that exclusion or do not contain intergovernmental or private-sector mandates as defined by UMRA.

Estimated cost to the Federal Government: The estimated budgetary impact of the unclassified portions of H.R. 1555 is shown in the following table. CBO cannot obtain the necessary information to estimate the costs for the entire bill because parts are classified at a level above clearances held by CBO employees. For purposes of this estimate, CBO assumes that H.R. 1555 will be enacted by October 1, 1999, and that the authorized amounts will be appropriated for fiscal year 2000.

[By fiscal year, in millions of dollars]

	1999	2000	2001	2002	2003	2004
Spending subject to appropriation						
Spending Under Current Law for Intelligence Community Management						
Budget Authority[1]	102	0	0	0	0	0
Estimated Outlays	104	39	9	2	0	0
Proposed Changes						
Authorization level	0	194	0	0	0	0
Estimated Outlays	0	120	58	12	4	0
Spending Under H.R. 1555 for Intelligence Community Management						
Authorization level	102	194	0	0	0	0
Estimated Outlays	104	159	67	14	4	0

[1] The 1999 level is the account appropriated for that year.

Outlays are estimated according to historical spending patterns. The costs of this legislation fall within budget function 050 (national defense).

The bill would authorize appropriations of $194 million for the Intelligence Community Management Account, which funds the coordination of programs, budget oversight, and management of the intelligence agencies. In addition, the bill would authorize $209 million for CIARDS to cover retirement costs attributable to military service and various unfunded liabilities. The payment to CIARDS is considered mandatory, and the authorization under this bill would be the same as assumed in the CBO baseline.

Section 501 of the bill would allow the Director of the National Imagery and Mapping Agency (NIMA), in coordination with the Director of the Central Intelligence Agency (CIA), to exempt certain documents from provisions of the Freedom of Information Act (FOIA). The bill would allow exemptions for files concerning the activities of NIMA that, prior to its creation in 1996, were performed by the National Photographic Interpretation Center (NPIC) within the CIA and that document the means by which foreign intelligence or counterintelligence is collected through scientific and technical systems. H.R. 1555 would also require a decennial review under rules and procedures similar to those governing operational files of the CIA.

CBO believes this section could result in discretionary savings from reduced administrative and legal costs the NIMA might otherwise incur to respond to FOIA requests. These potential savings could be partially offset by any future legal costs arising from the limited judicial review that H.R. 1555 would permit. (Judicial review would allow legal challenges of NIMA's decisions to exempt certain files.) H.R. 1555 would also require NIMA to review the exempt status of operational files every 10 years, but CBO believes that the resulting cost would be small, considering the classification reviews that occur under current law. CBO cannot estimate the budgetary impact of section 501 because we have no information about the number of files that this section would affect or the unit cost for NIMA to review them.

Pay-as-you-go considerations: None.

Intergovernmental and private-sector impact: The Unfunded Mandates Reform Act (UMRA) excludes from application of the act legislative provisions that are necessary for the national security. CBO has determined that the unclassified provisions of this bill either fit within that exclusion or do not contain intergovernmental or private-sector mandates as defined by UMRA.

Estimate prepared by: Federal Costs: Dawn Sauter. Impact on State, Local, and Tribal Governments: Teri Gullo. Impact on the Private Sector: Eric Labs.

Estimate approved by: Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

Mr. GOSS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New York (Mr. BOEHLERT) a valued member of the committee.

Mr. BOEHLERT. Mr. Chairman, I rise in strong support of H.R. 1555, the Intelligence Authorization Act for Fiscal Year 2000.

Mr. Chairman, the chairman, the gentleman from Florida (Mr. GOSS), and the ranking minority member, the gentleman from California (Mr. DIXON), are to be commended for the outstanding work that they have done to lead our committee to make the appropriate investments in the intelligence community in these difficult and demanding times.

□ 1130

I am now serving in the second term of my service on the Permanent Select Committee on Intelligence. Let me clear up a mystery that many might point to as we deliberate. I have never seen a committee act in a more responsible manner without regard to partisanship, and I am proud to serve under the gentleman from Florida (Mr. GOSS) and the gentleman from California (Mr. DIXON). They have the best interest of our Nation at heart. We work in a truly bipartisan fashion. That does us all proud.

Let me focus in particular on one portion of our bill which will fund a substantial increase in the language training that our intelligence community will need as it rebuilds its presence around the world and rebuilds the analytic capability to cover more than just the hot spots of the day.

The need for more language skill within the intelligence community, as my colleagues on the committee are aware, is a subject of special concern to me. It is critically important that we have our people, our best talent, our most dedicated officers scattered around the world working on our behalf. It is also important that they be fluent in the language in the country in which they find themselves. I think that there is room for improvement in that area.

But we have made a step this year. I intend to help ensure that it is one of a number of steps along the path to the fluency our intelligence assets need to operate as we approach the next century and as we find ourselves with a desperate need for a presence all over the globe.

As a member of the Permanent Select Committee on Intelligence, I have closely followed the issues that have made unusual demands upon the intelligence community and the problems that have produced headlines that we sometimes would rather not see. Much has been said about these problems. That is to be expected, and I think it certainly is in order. But let me add a thought.

Central to every intelligence operation is a balance between risk and benefit. Within the committee, we are aware of the often unbelievable benefit our government derives from the operations of our clandestine service. We are aware as well of risk and, on occasion, the damage that comes from some of our operations. Given the full picture of the benefits and of the risks, we come to understand that we will inevitably hear a news report and see in the headlines the acronym CIA and sort of wince at what we read or the report on the radio. We will also appreciate as we hear this news sometimes on occasion, not news we want to hear, that intelligence officers are overseas scattered around the world putting oftentimes their very lives at risk to get the President and our policymakers the intelligence they must have to make responsible public policy.

I encourage Members to put the unfortunate headline about the bombing—and, boy, it was unfortunate—of the Chinese embassy in Belgrade in that context. I know as well as my colleagues that a mistake was made that was avoidable. I also know and encourage my colleagues to consider that hundreds of intelligence officers are overseas hard at work as we discuss that. We will never read about them, we will never know much about them, but they are doing something critically important for all of us each and every day. We should recognize that.

This bill is an attempt to give them the resources they need as this dedicated talent is scattered around the world working around the clock often under very adverse conditions to assure a safe and secure America.

Mr. DIXON. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Chairman, the Washington Times headline said, Greenspan's Warning Sends Stocks Reeling. Chairman Greenspan said that our economic expansion could end badly because of a ballooning trade deficit. He further said, somewhere in the future, unless reversed, our growing international imbalances are apt to create significant problems for America.

Now, I know that the trade matter is under the jurisdiction of another committee. But we all realize that there have been nations buying and spying their way into our trade secrets, our patents, our technology with a powerful impact and influence on our productivity and competitiveness. I want to thank the committee for allowing an amendment to be made in order by me that would require a report describing the effects of espionage against America conducted by other nations relative to our trade secrets, our patents, our technology development and basic competitiveness. It shall also include an analysis of the effects of such espionage on our trade deficit and on the employment rate in the United States.

This bill handles the intelligence community's needs quite well, but I think that we take a passive role when we do not look at spying and buying into our economic viability. It is not just the military aspects that produce a great national security threat. I believe a great national security threat is also present through our economic activity.

With that, I want to thank them for allowing the amendment to be made in order.

Mr. GOSS. Mr. Chairman, I am happy to yield 4 minutes to the distinguished gentleman from Florida (Mr. MCCOLLUM), a more than highly valued member of the committee, chairman of one of our subcommittees, a member who has led the task force on drug efforts that have been ongoing these years, a man whose contributions through the Committee on the Judiciary and his value from that position on the committee is extraordinary.

Mr. MCCOLLUM. Mr. Chairman, I rise in support of the Intelligence Authorization Act for Fiscal Year 2000. As chairman of the Subcommittee on Human Intelligence, Analysis and

Counterintelligence, I am very pleased to report that this bill continues four key investments we must make in order for our government to be more effective against narcotics traffickers, terrorists, proliferators and rogue states.

The first investment we must make is in human intelligence. Mr. Chairman, the unintentional bombing of the Chinese embassy in Belgrade underscores what our combat pilots and our diplomats have been telling us all along. On-the-ground, human intelligence is as essential to the targeting of our bombs as it is to the drafting of our demarches. To wage an effective war or to maintain an effective peace, we must deploy intelligence officers overseas to penetrate the war rooms and the boardrooms of our adversaries.

This bill, Mr. Chairman, helps us get there. It will indeed help put more eyes and ears out into the problem areas of the world to get us the intelligence that we need to win wars, to keep the peace and to protect our national interests.

The second investment we must make is in the all-source analyst. Intelligence is the enabler of policy. The all-source analyst must provide our policymakers and our military with finished intelligence and assessments on matters from Kosovo to the Congo, from Pyongyang to Papua New Guinea.

In that light, Mr. Chairman, I am particularly pleased to report that the authorization bill continues the rebuilding of our analyst cadre. In the bill we provide for better training of our analysts, for more competitive analysis and for broader and longer term assessments than are done at present. Finally, as in past years, we provide more support for the efforts of our analysts to integrate overt with covert information and to determine what information must, in fact, be collected clandestinely.

The third investment is in counterintelligence. This bill provides more funding for the counter-intelligence programs of the FBI and the Department of Defense.

We are all aware of the serious espionage case involving the Department of Energy. For some time the committee has urged the Department of Energy to improve its counterintelligence program. In this bill we provide for better monitoring of foreign visitors to the labs, for better support of FBI investigative activities, for better cyber security and personnel security, and for better analysis of foreign intelligence threats. Those threats are real, they are growing, and they will be present with us for a long time to come. We really need to improve counter- intelligence with whatever support resources we can.

This bill takes steps in that direction. We will need to take more in future years.

Finally, Mr. Chairman, this bill invests in a major way in a matter of deep and long-standing personal interest to me, the war on international crime and on narcotics trafficking. In drafting this bill, we have worked closely with the House Committee on Armed Services in order to rebuild our intelligence community's capabilities against the world's most dangerous criminal organizations, from the United Wa State Army in Burma to the Colombia drug cartels to the Tijuana cartel in Mexico.

It strikes me that if we are going to make the efforts we did in legislation the President signed into law last year in the Western Hemisphere Drug Elimination Act come to life and be real, we need to properly support that legislation in our budget and in our funding programs both in intelligence and in terms of programs for Customs, for DEA and for the Coast Guard. We need more planes to survey the region. We need the kind of radar we do not have now. We need to have chase planes. We need to have more vessels and ships. We need to have alternative crop programs. We need to interdict drugs as well as, of course, get at the education side of this.

Intelligence is a very important part of that. If we do not have the right intelligence apparatus in place in Central and Latin America in particular, we will never be able to do what the bill calls for and that is to reduce the flow of drugs into this country by 80 percent over a 3-year period of time. I believe that can be done. I believe the intelligence component of that is in this bill, and it is very important.

In sum, this bill supports our eyes and ears overseas, assists our analysts back home and revitalizes our counterintelligence and counter-narcotics efforts throughout the intelligence community. The bill is one part of a coordinated effort against the evils of international crime.

I thank the gentleman for yielding me this time and congratulate him on a bill well done.

Mr. DIXON. Mr. Chairman, I yield 5 minutes to the distinguished gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I thank our ranking member for yielding me this time and commend both the gentleman from California (Mr. DIXON) and the gentleman from Florida (Mr. GOSS) for their leadership on our committee and in conducting the proceedings, in the gentleman from Florida's case as our chairman, in a very fair and nonpartisan way.

I as one from the left of the spectrum came to the committee to subject the budget to the very harshest scrutiny, to declassify as many documents as was possible in our national interest, and also to hopefully see more diversity among the people who work in the community. I think that is important because we should have the community tap the talents of all the people in our society. I think it will lead to better intelligence because we will have resources far beyond those that we have now.

Today, I wanted to address a couple of issues which are current in my remarks about the bill, and because we may be called into the appropriations supplemental conference at any moment, I am going to talk about some of the amendments in my remarks here today. But on two issues, Chinese espionage and the mistaken bombing of the Chinese embassy in Belgrade, I wanted to make a couple of observations.

In terms of the alleged espionage at our labs, I think this is a very, very serious problem. I believe it is unfortunate that the safeguards were not in place to protect our critical advantage, our competitive advantage in terms of national security and the weapons that are at our disposal. I think that what is happening in Kosovo is a demonstration that war should be obsolete as an option. But that not being the case, we have to protect the investment we are making in our national defense and we have to, as our chairman has said, have a force multiplier in the intelligence that we have to prevent conflict and to equip our President with the best possible information.

But in dealing with the espionage issue, I hope that we will be careful not to impugn the good reputations of the many Asian Americans who are so excellent in the field of mathematics and science and who have provided great service to our country, our Asian American community. We must be very, very careful about how we deal with that issue in those terms.

We must also not impede the free flow of scientific information. I am not talking about our secrets. I am talking about that kind of information that should flow freely among scientists and it should flow internationally. I think every person and every country in the world benefits from that.

We also must not demoralize all of the scientists at the labs. We must recognize the service they have all provided to our country and not investigate any one of them because of their national origin, that we must have real cause, and it be directed toward programs that they are working on rather than, as I say, national origin.

In terms of the air strike, there are accidents that happen in war. This was not an accident. This was a stupid mistake. I think that the Chinese government—and I have never been one to pull a punch in my criticism of the Chinese government as everyone here knows—deserves the apology which it has received from the President of the United States. I think the Chinese government deserves an inquiry into how this happened to allay any suspicions that they may have that it was anything but a mistake or an accident.

I also think that our country should make reparations to the families of those who died and those who were injured in that tragedy.

□ 1145

I do not think that we should, as some in China and the China Business News have suggested, hatch some economic favors for the Chinese to make up for the bombing of the embassy, and I do think that the Chinese, in respect for all the catering to the Chinese that President Clinton has done, owed him the courtesy and the respect of showing his apology to the Chinese people far earlier so as not to inflame the sentiments of the Chinese people against the United States.

It is interesting to me to see these young people driven up in buses, corralled by the Chinese military to the front of our embassy where they threw pieces of sidewalk over a number of days at our embassy with our ambassador inside. I did not see anybody being taken away by the police except to be escorted to safety where young people 10 years ago, almost to the day, when they demonstrated peacefully in Tiananmen Square were rolled over by tanks.

So I would hope that in addition to our apology, our reparations and our inquiry that the Chinese would also look into the perpetrators of that demonstration, that violent demonstration, against the American embassy in China.

Since I do not have very much time, I am going to go on to the amendments since I might have to go to committee and I will not be here to speak on them. I think that most of the amendments offered by our colleagues should be accepted by the committee, specifically that of the gentleman from Georgia (Mr. BARR), and the gentleman from New York (Mr. ENGEL) relating to the Kosovo Liberation Army. I hope the committee will be able to accept the amendment of the gentleman from New York (Mr. HINCHEY), which I think is very well founded, about the investigation of the assassination of President Allende. I understand the gentleman from Kansas (Mr. RYUN) may or may not offer his, but I hope we can work out the amendment of the gentleman from Vermont (Mr. SANDERS), the gentleman from California (Mr. STARK) and the gentleman from Oregon (Mr. DEFAZIO), which I think is a valuable addition to the bill. I hope that the committee will accept the recommendation of the gentleman from New York (Mr. SWEENEY), and I certainly support the recommendation of the gentlewoman from California (Ms. WATERS), and I hope that that will be worked out.

With that I again commend the gentleman from Florida (Mr. GOSS) for the way he conducts our meetings and the proud leadership of our ranking member, the gentleman from California (Mr. DIXON).

Mr. GOSS. Mr. Chairman, I yield 2 minutes to the gentlewoman from New Mexico (Mrs. WILSON), a new member of our committee, who has already established her credentials in helping us with the matters in Los Alamos, which happens to be in her district.

Mrs. WILSON. Mr. Chairman, I want to thank the chairman of the Permanent Select Committee on Intelligence, and the ranking member and the staff for their hard work on this authorization bill. I would like to take a few moments to talk about Chinese espionage directed at the Department of Energy and at our national laboratories, including Los Alamos and Sandia, which are in my home State of New Mexico.

Since the gentleman from California (Mr. COX) and the gentleman from Washington (Mr. DICKS) completed their extensive review of this issue last fall, we have been reviewing the evidence, and listening to experts and thinking about what we should do. Some facts are clear.

First, the Chinese have obtained classified information on our nuclear weapons program that has endangered American national security.

Second, while public attention has focused on a few individuals and principally Los Alamos National Lab, this was not a single instance of a lucky break by the Chinese. It is just one piece in a mosaic of Chinese espionage activity.

Likewise, the failure to protect these secrets was not just a failure of an individual, but of institutions, lousy communication between agencies, lost files, weak procedures, inadequate resources and just plain poor judgment show up again and again in the history of this incident.

Now it is up to Congress to begin to correct these failures, and let us be clear from the beginning. There are not going to be any simple solutions.

There are several elements of this authorization bill that begin to address these deficiencies.

The bill includes additional funds to subject the China-Taiwan Issues Group at the CIA to rigorous external competitive analysis, to challenge thinking more aggressively, and to report to the Congress biannually on this effort.

Second, the committee is recommending a substantial funding increase to the Department of Energy for analysis of foreign nuclear weapons programs. Special emphasis will be on the Chinese and Russian programs as well as proliferation.

The bill authorizes substantial increase in funding for the DOE Office of Counterintelligence, including new counterintelligence computer information security programs, and we increase funding for the FBI for counterintelligence and investigative training.

Finally, the committee has added substantial funding for language training to correct a serious shortage of linguists in the intelligence community.

These efforts are only the beginning of what must be done to improve our national counterintelligence activity. I believe that we need further comprehensive legislation to remedy this problem and have been working in a bipartisan way with my colleagues to begin the drafting of that legislation. There are at least a dozen recommendations that we have developed thus far, and I will include those recommendations at the appropriate point for the RECORD.

Mr. Chairman, we will be dealing with the consequences of this situation for a long time. The bill before us is the beginning of that process. I look forward to working with my colleagues to that end.

1. We must create a special set of security requirements for DOE and DOE contractor employees who have access to nuclear information. Those who have physical access to sensitive area must all be investigated, cleared and readily identifiable. As difficult as it is to believe, there are people with rather superficial background checks that have physical access to sensitive facilities who are not allowed to have access to the information in them.

2. The FBI, no contractors, should handle all Q clearances background checks.

3. Sensitive employees, as a condition of clearance must agree to take polygraphs, which would then trigger further investigation if the polygraph indicates deception.

4. The government must be allowed to monitor e-mail and telephone traffic into and out of the national laboratories an nuclear weapons plants.

5. The FBI must be allowed to search ad monitor computers and telephones within national laboratories, something we don't allow now, as incredible as that sounds.

6. Compel the FBI to inform the DOE office of counter-intelligence and the Assistant Secretary for Defense Programs within fifteen days of the initiation of an espionage investigation of any DOE or DOE contractor employee. In one of the Los Alamos cases, no notification was made for four years.

7. Require the DOE official responsible for Q clearances to be informed of all issues that might impact the issuance of a clearance, even when such issues fail to rise to the level of an indictment.

8. Improve timely communication of all such matters to the leadership of Congress and the appropriated committees of jurisdiction.

9. Set clear conditions and procedures for unclassified and classified visits to our national laboratories by foreign visitors from sensitive countries.

10. Require that DOE develop and maintain a comprehensive counterintelligence plan which must be reviewed and certified as adequate annually by the FBI to the President and the relevant committees of the Congress.

11. Establish vulnerability assessment group with responsibility or assessing and evaluating the vulnerability of DOE and the labs to espionage, including conducting classified operational tests of lab security. The group will report annually to the relevant Congressional Committees.

12. Establish in law a special assistant for counter intelligence reporting to the Secretary of Energy with responsibility for management and oversight of the DOE counter-intelligence program. This individual must have professional experience in intelligence and counter-intelligence matters. The bill that is before us today is the beginning of that process.

Mr. Chairman, we will be dealing with the consequences of this situation for some time. It is my hope that we can develop a bi-partisan consensus bill in the House that will provide real protection of America's secrets.

We have a serious problem and we need to address it. But, at the same time, we must be careful. The national laboratories are tremendous national assets which employ some of the most brilliant scientific talent in America. In our eagerness to solve a problem, we must make sure that we do not damage that which we are trying to protect.

I look forward to working with my colleagues to that end.

Mr. DIXON. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. ROEMER), a very valuable member of our committee.

Mr. ROEMER. Mr. Chairman, I want to, first of all, thank my good friend, the ranking member, the gentleman from California (Mr. DIXON) and applaud him forever his hard work on the committee and also our chairman, the gentleman from Florida (Mr. GOSS) for the way that the majority and the minority parties work together.

With that preface, Mr. Chairman, I voted for this bill, to send it to the floor, but I do have a host of hesitations, caveats, concerns and reservations. I will vote for this bill today, but I hope these reservations and hesitations and caveats are addressed between now and the conference report. I will also vote for this bill because I think it is important for our intelligence community and our intelligence assets to cooperate with our military at a time that we find ourselves at war not only in Kosovo but at war in Iraq, and that cooperation is vital.

But my concerns are fivefold, Mr. Chairman:

One, the Chinese embassy bombing. I disagree strongly with Senator SHELBY, who has stated that this is a funding priority concern and we are not spending enough money. This is an individual mistake, this is a system mistake, this is a CIA mistake, and not updating the maps I think is a failure of the CIA to provide some basic information in this instance, and I am hopeful that the gentleman from Florida (Mr. GOSS) as our chairman will have not only a hearing on this but an open hearing followed by possibly a closed hearing.

Secondly, I am concerned about the string of failures in our missile launches and our access to space. The gentleman from Delaware (Mr. CASTLE) and the gentleman from Georgia (Mr. BISHOP) have shown their concern on this issue, and that is something that we are following up on.

Thirdly, I am concerned about the security of the national laboratories, and I hope that this is not a partisan political and wedge issue that the parties will get into. This again, Mr. Chairman, is a failure of institutions, it is a failure of administrations, and it is a failure of systems.

Fourthly, Mr. Chairman, I am concerned about something that the chairman is very, very concerned about and trying to address, and that is the ongoing need for hiring more linguists and analysts, and it is something he is very devoted to and something we need to continue to work on.

And lastly, and our ranking member said this better than I did or I could, we have concerns about the SAPs, or the special access programs, are not being systematically reported to the Permanent Select Committee on Intelligence. We do need to address this between now and the conference, and this is something that I think is important to a host of different members on the committee on both sides. We need more oversight of the SAPs, we need more reporting of the SAPs, we may even need a person in charge of this process.

So those are the five concerns I have, Mr. Chairman, and I hope that we will address those in the ensuing months with the Senate Intelligence Committee in conference and again applaud the chairman and the ranking member for their working relationship.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would remind all Members to avoid personal references to Members of the United States Senate.

Mr. GOSS. Mr. Chairman, I yield myself such time as I may consume.

Let me assure the gentleman from Indiana (Mr. ROEMER) that all five of the points he made are very much on my schedule.

Mr. Chairman, I yield 4½ minutes to the gentleman from Delaware (Mr. CASTLE), another subcommittee chairman of our subcommittee system on the Permanent Select Committee on Intelligence who has served us very well and recently addressed one of the points about missiles which we may hear more about.

Mr. CASTLE. Mr. Chairman, I thank the gentleman from Florida for yielding this time to me, and, Mr. Chairman, I do rise in very strong support for this bill, and I really do commend the gentleman from Florida (Mr. GOSS), our chairman of the committee, and the gentleman from California (Mr. DIXON), our ranking member, for their efforts and the other members of this committee. They are a pleasure to work with as well as the staff which works so well together in a truly bipartisan sense, and I think that today together we have brought to the floor a good bipartisan bill that continues to work toward rebuilding our intelligence capabilities, and, Mr. Chairman, these capabilities have been seriously and dangerously hollowed out. We have been saying this for 4 years now, and unfortunately there are now stark reminders of the risks we have taken.

Mr. Chairman, our chairman has discussed the intelligence issues that contributed to the errors that related to the bombing of the Chinese embassy in Belgrade. Therefore I do not want to dwell on this except to say that I also view this issue as a result of past policies and emphasize collection at the expense of processing and analysis and emphasize tactical intelligence at the expense of strategic intelligence, and I emphasize at the expense because there is an issue of imbalance here. We cannot do one and not the other. If we collect data but do not have the wherewithal to analyze it expertly, the value of the collection is diminished regardless of how much users say it is needed.

Tactical intelligence gives a pilot the information that tells him or her when life-threatening missiles may be in the area of operations, but strategic intelligence gives us the data to know the types of missiles in the area in the first place and gives the data that distinguishes an embassy from a storage facility.

Put simply, we cannot do one without the other and be successful in protecting our security and reducing the chance of mistakes.

But there are other issues that are just as important in this debate that point to the fragility of our intelligence community.

As the chairman of the Subcommittee on Technical and Tactical Intelligence, I face some of the most perplexing and costly problems in front of the committee. I would like to mention two such problems. First is the issue that I mentioned briefly before relating to that imbalance between collection on the one side and processing and analysis on the other. This is an area of great concern to the committee and one that we specifically highlight in this bill.

Put simply: We have new imagery collection systems coming down the pike, and the administration has done virtually nothing by way of preparing for the processing and analysis of the images taken. There is supposedly a plan that is under development, but there is no budget for it. Yet experts have privately indicated that the cost over the next 5 or so years could be in the billions.

Without this investment in processing and analysis the collected imagery will be almost useless. Without this investment mistakes will continue to be made. There will be more misidentified buildings, especially as we learn from one foreign policy crisis to the next around the globe. In this bill we have not only sent a warning shot to the administration but have also begun an investment, although modest, to try and fix this imbalance between collection and analysis.

A second area of concern is the recapitalization of our signals intelligence capabilities. Again put simply, I am afraid that we run the risk of going deaf to the worldwide explosion of communications technologies. Obviously, Mr. Chairman, I cannot go into the details in this area, but suffice it to say that there is a very serious issue here, and again we address that issue in this bill.

One last area of concern to me is our ability to launch satellites into space. The gentleman from Indiana (Mr. ROEMER) mentioned this moments ago. As many of as my colleagues know from reading recent press reports, we are having a crisis of confidence in our launch systems based on a series of failures within the past year. This is an issue that we are looking into now, and we have had a series of discussions with various experts on this particular subject already that will probably go to the hearing stage next.

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This is an issue that we must continue to look into, but it points to the fact that intelligence resources cannot be taken for granted. Without the proper care and investment in the infrastructure, we place our resources at risk.

Mr. Chairman, the concerns that I have addressed are not the only ones we need to address. There are many more, some large, some small. It is clear, however, that a long-term commitment to investment in intelligence is needed. The administration is not doing it, so we have to.

The adds proposed in this bill are fairly modest, especially compared to the need, but it is a start. It invests in the recapitalization of our signals intelligence capabilities, it begins the process of investment for processing and analysis, and it provides the guidance and support that the Director of Central Intelligence needs but seems only to be getting from Congress.

The bill addresses the most urgent needs that get us going in the process of rebuilding our capabilities. It is a good bill. It works to both balance and invest in our national security future. It is a must, and I ask the Members of the House to give it our full support.

Mr. DIXON. Mr. Chairman, I yield 30 seconds to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I thank our distinguished ranking member, the gentleman from California (Mr. DIXON), for affording me a little bit of time to clarify my position on the Sweeney amendment, which I said earlier that I had hoped the committee could accommodate.

It was more in the spirit of what the amendment says about the willful identification of U.S. intelligence agents also including such protections to cover former agents. I think there should be a stern penalty for those who would be involved in the willful identification. I do not think that, as the Sweeney amendment says, there should be minimum mandatory penalties but that should be left up to the judges.

These people put themselves in harm's way. They deserve our protection, but the minimum mandatory sentence is not what it should be.

Mr. DIXON. Mr. Chairman, I yield 5 minutes to the gentleman from Georgia (Mr. BISHOP), the ranking member of the Subcommittee on Technical and Tactical Intelligence of the Permanent Select Committee on Intelligence.

Mr. BISHOP. Mr. Chairman, I thank the gentleman from California (Mr. DIXON) for yielding me this time.

Mr. Chairman, I rise in strong support of H.R. 1555, the Intelligence Authorization Act for Fiscal Year 2000.

I would note, first of all, that this legislation was approved unanimously in the committee, a reflection of the efforts of the gentleman from Florida (Mr. GOSS), the chairman, and ranking Democrat member, the gentleman from California (Mr. DIXON), to produce a bipartisan bill.

This year I became the ranking member of the Subcommittee on Technical and Tactical Intelligence, and in plain language this subcommittee is responsible for oversight of the ways in which intelligence is collected using machines like satellites and airplanes, rather than human beings.

The subcommittee is also responsible for intelligence systems and activities that support our military forces tactically. These systems are critically important for virtually all of the intelligence community's missions, from combatting terrorism and narcotics trafficking to supporting our troops in combat in the Balkans and the Persian Gulf.

This bill is very consistent with the request submitted by the President. In several areas, the committee recommends modest increases in the amount requested by the President.

In general, I am very supportive of these decisions. For example, this bill adds funds to help the National Security Agency reshape itself to keep pace with the incredible growth in the size and complexity of the global telecommunications network.

The committee is concerned that NSA needs some organizational and management reforms as well as some engineering expertise from industry to sustain its remarkable record in defense of the Nation.

The committee also recommends additional funding in selected areas of the National Imagery and Mapping Agency, or NIMA. NIMA faces a very large shortfall in its capacity to exploit the volume of imagery that we will be able to collect in the near future for intelligence needs and for mapmaking. The committee has recommended increased funds for NIMA to begin this expansion and to increase its productivity.

The committee has also recommended funds for additional procurement of pictures and products from the commercial sector.

On the debit side, the committee recommends a relatively modest reduction in the budget for the National Reconnaissance Office, or NRO, which builds, launches and operates the Nation's intelligence satellites. Included in the committee's recommended actions is a proposal to defer a decision until conference with the Senate on whether to continue production of an NRO satellite or to initiate a new design.

I believe that this proposal was a reasonable compromise, and I appreciate the chairman's willingness to accommodate the concerns of Democrats on it.

The committee bill also contains recommendations for increases in several important tactical intelligence missions and systems, including the RC-135 signals intelligence aircraft, the Predator and Global Hawk unmanned aerial vehicles, and tactical antisubmarine warfare programs.

Since the committee marked up this bill, there have been three successive satellite launch failures to go along with another three suffered just since last August. The Subcommittee on Technical and Tactical Intelligence held its first briefing yesterday on this very disturbing string of failures, and the gentleman from Delaware (Mr. CASTLE), the chairman of the subcommittee, along with the gentleman from Indiana (Mr. ROEMER) have pledged to continue the subcommittee's examination of this potentially serious problem over the coming months.

Mr. Chairman, this bill would provide the funds that are needed to sustain our efforts to combat terrorism, narcotics trafficking and weapons proliferation and to support our military forces. It is a responsible and prudent measure, and I am pleased to support this bill, and I urge my colleagues across the aisle, on both sides of the aisle, to support it as well.

Mr. UNDERWOOD. Mr. Chairman, there has a flurry of news articles, exposés and anti-China speeches in recent weeks over the Los Alamos Labs Espionage Case. But it didn't start with that. For months politicans have been making fantastic accusations of Chinese smuggling AK–47s into the port of Los Angeles, PLA owned businesses acquiring warehouses in Long Beach, California, Chinese bases at either entrance of the Panama Canal, Chinese campaign donations to the Democratic party and Chinese theft of dual-use technologies. These are only some of the more outrageous of stories.

This takes us to our current crisis, recently stoked by the accidental and unfortunate bombing of the Chinese embassy in Belgrade by NATO forces. No doubt the collective sum of our concerns with Chinese, both true and imagined, have led to the souring of U.S.-China relations. The Chinese, in all likelihood do indeed spy against the United States. Just, as I would suspect, many other nations both friendly and adversarial. We should not be so alarmed, so offended. This is the reality that nation-states must accept and must employ for their own security. Accusations of Chinese espionage notwithstanding, security weaknesses in our weapons labs are a serious concern. However, these problems can and will be corrected. And they must be corrected responsibly. Legislation aimed at destroying the free exchange of scientific knowledge through our foreign visitors program would do more harm to our national security than.good. We can stem the illegal flow of classified information in other, non-draconian ways. Indeed we are capable of such feats.

For the past couple of months now, committees and subcommittees have held hearings on the Los Alamos case and the allegations of Chinese espionage. As we discuss today's Intelligence Reauthorization legislation, we have to ensure that the current rash of stories and the current state of our relationship with China has no impact upon the lives and the employment or economic opportunities of individual Asian Americans around the country. We in Congress have a special responsibility to make sure that our sentiments about these matters of espionage, these matters of our relationship with China or any Asian or Pacific country in clearly separate from any reflection upon the ethnic communities in our country. As we deal with the Cox Report, as we deal with the Department of Energy revelations, let us remember that there is a very deal danger of stereotyping and stigmatizing all members of our Asian American communities.

Let us also remember the contributions Asian Pacific Americans have made to our nation. May is Asian Pacific American Heritage Month, and I encourage my colleagues to participate in the month-long activities held in honor of the Asian Pacific Americans in our districts and in our nation. Especially at this time when allegations of espionage and relations with countries like China are scrutinized and questioned, as Members of Congress, we must take measures and assure our Asian Pacific American communities that their professional advancement and employment in federal agencies will not be impeded and obstructed, that their diligence and dedication will not be erased and forgotten in the face of mere speculation.

Mr. BEREUTER. Mr. Chairman, this Member rises in support of the rule for H.R. 1555, the Intelligence Authorization Act for Fiscal Year 2000. The distinguished gentleman from Florida [Mr. GOSS] Chairman and the distinguished gentleman from California [Mr. DIXON] Ranking member of the House Intelligence Committee are to be commended for their leadership and fine work on this bill.

Intelligence, Mr. Chairman, is an enabler of policy. On occasion, where its sources and methods take us where diplomacy cannot go, intelligence is the sole enabler of policy.

Let me give you an example. Some time ago, in what used to be called the Third World, a large rebel force invaded and occupied almost a third of a country with whom we enjoyed good relations. From way back here, in Washington, it looked as if a rogue state had precipitated that invasion. Some back here, in fact, were so convinced that the invasion was the doing of that rogue state that they decried the lack of proof as an "intelligence failure" on the part of CIA. Only later, after looking at the Agency's reporting, did Washington realize that the facts in the field did not fit the preconception here at home: The invasion was fundamentally indigenous in cause and in makeup. This affected our actions against the rogue state and shaped our policy toward the friendly nation.

The better the intelligence, the better the policy. Our ambassadors around the world, especially those in unstable or underdeveloped countries, understand that and urge our help in obtaining or retaining an intelligence presence in their countries. In those countries, particularly, intelligence can reach beyond the bounds of diplomacy and provide the ambassador and the Department of State with the understanding they must have to make sound policy. Secretary Albright recently visited the CIA at the Bush Center for Intelligence to give the rank-and-file there this same message.

As an alumnus of the Intelligence Committee and the Vice Chairman and subcommittee chairman in the International Relations Committee, this Member well knows how important intelligence can be to the formation of policy. H.R. 1555 will help put more intelligence officers out in the field to collect the intelligence that policymakers must have. The bill will help hone the skills of the analysts who interpret and asses that intelligence for our policymakers. In short, H.R. 1555 will continue the process of rebuilding the capability of our intelligence community to support the policymaking process. This bill, and the hours of care and guidance from the Chairman and Ranking Member that produced it in its present form, deserve your support.

Finally, after hearing much in recent days about what went wrong over Belgrade last week, this Member would like to end his remarks with a recent quote from President Bush during the dedication of the Bush Center for Intelligence at Langley:

"Some people think, 'what do we need intelligence for?' My answer to that is we have plenty of enemies. Plenty of enemies abound. Unpredictable leaders willing to export instability or to commit crimes against humanity. Proliferation of weapons of mass destruction, terrorism, narco-trafficking, people killing each other, fundamentalists killing each other in the name of God. These and more. Many more. As your analysts know, as our collectors know—these are our enemies. To combat them, we need more intelligence, not less.

* * * * *

"And when it comes to the mission of CIA and the Intelligence Community, Director George Tenet has it exactly right. Give the President and the policymakers the best possible intelligence product and stay out of the policymaking or policy implementation except as specifically decreed in the law."

President Bush then closed with this:

"It has been said that 'patriotism is not a frenzied burst of emotion, but rather the quiet and steady dedication of a lifetime.' To me, this sums up CIA—Duty, Honor, Country. This timeless creative service motivates those who serve at Langley and in intelligence across the world.

"It is an honor to stand here and be counted among you."

Mr. Chairman, this Member agrees with those words and urges support for the rule for H.R. 1555.

Mr. DIXON. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. GOSS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule by title, and each title shall be considered read.

No amendment to the committee amendment is in order unless printed in the CONGRESSIONAL RECORD and pro forma amendments for the purpose of debate.

The chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment and may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device in the first in any series of questions shall not be less than 15 minutes.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Intelligence Authorization Act for Fiscal Year 2000".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.
Sec. 102. Classified schedule of authorizations.
Sec. 103. Personnel ceiling adjustments.
Sec. 104. Community Management Account.
Sec. 105. Authorization of emergency supplemental appropriations for fiscal year 1999.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.

TITLE III—GENERAL PROVISIONS

Sec. 301. Increase in employee compensation and benefits authorized by law.
Sec. 302. Restriction on conduct of intelligence activities.

Sec. 303. Sense of Congress on intelligence community contracting.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

Sec. 401. Two-year extension of CIA central services program.

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

Sec. 501. Protection of operational files of the National Imagery and Mapping Agency.

The CHAIRMAN. Are there any amendments to section 1?

If not, the Clerk will designate title I.

The text of title I is as follows:

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2000 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Central Intelligence Agency.

(2) The Department of Defense.

(3) The Defense Intelligence Agency.

(4) The National Security Agency.

(5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(6) The Department of State.

(7) The Department of the Treasury.

(8) The Department of Energy.

(9) The Federal Bureau of Investigation.

(10) The National Reconnaissance Office.

(11) The National Imagery and Mapping Agency.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL CEILINGS.—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 2000, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the bill H.R. 1555 of the One Hundred Sixth Congress.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the Executive Branch.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR ADJUSTMENTS.—With the approval of the Director of the Office of Management and Budget, the Director of Central Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 2000 under section 102 when the Director of Central Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed two percent of the number of civilian personnel authorized under such section for such element.

(b) NOTICE TO INTELLIGENCE COMMITTEES.—The Director of Central Intelligence shall promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever he exercises the authority granted by this section.

SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of Central Intelligence for fiscal year 2000 the sum of $193,572,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for the Advanced Research and Development Committee shall remain available until September 30, 2001.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Community Management Account of the Director of Central Intelligence are authorized 348 full-time personnel as of September 30, 2000. Personnel serving in such elements may be permanent employees of the Community Management Staff or personnel detailed from other elements of the United States Government.

(c) CLASSIFIED AUTHORIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Community Management Account by subsection (a), there are also authorized to be appropriated for the Community Management Account for fiscal year 2000 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a). Such additional amounts shall remain available until September 30, 2001.

(2) AUTHORIZATION OF PERSONNEL.—In addition to the personnel authorized by subsection (b) for elements of the Community Management Account as of September 30, 2000, there are hereby authorized such additional personnel for such elements as of that date as are specified in the classified Schedule of Authorizations.

(d) REIMBURSEMENT.—Except as provided in section 113 of the National Security Act of 1947 (50 U.S.C. 404h), during fiscal year 2000, any officer or employee of the United States or a member of the Armed Forces who is detailed to the staff of the Community Management Account from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

(e) NATIONAL DRUG INTELLIGENCE CENTER.—

(1) IN GENERAL.—Of the amount appropriated pursuant to the authorization in subsection (a), the amount of $27,000,000 shall be available for the National Drug Intelligence Center. Within such amount, funds provided for research, development, test, and evaluation purposes shall remain available until September 30, 2001, and funds provided for procurement purposes shall remain available until September 30, 2002.

(2) TRANSFER OF FUNDS.—The Director of Central Intelligence shall transfer to the Attorney General of the United States funds available for the National Drug Intelligence Center under paragraph (1). The Attorney General shall utilize funds so transferred for the activities of the National Drug Intelligence Center.

(3) LIMITATION.—Amounts available for the National Drug Intelligence Center may not be used in contravention of the provisions of section 103(d)(1) of the National Security Act of 1947 (50 U.S.C. 403–3(d)(1)).

(4) AUTHORITY.—Notwithstanding any other provision of law, the Attorney General shall retain full authority over the operations of the National Drug Intelligence Center.

SEC. 105. AUTHORIZATION OF EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 1999.

(a) AUTHORIZATION.—Amounts authorized to be appropriated for fiscal year 1999 under section 101 of the Intelligence Authorization Act for Fiscal Year 1999 (Public Law 105–272) for the conduct of the intelligence activities of elements of the United States Government listed in such section are hereby increased, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization were increased by an emergency supplemental appropriation in a supplemental appropriations Act for fiscal year 1999 that is enacted after May 1, 1999, for such amounts as are designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

(b) RATIFICATION.—For purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414), any obligation or expenditure of those amounts deemed to have been specifically authorized by Congress in the Act referred to in subsection (a) is hereby ratified and confirmed.

The CHAIRMAN. Are there any amendments to title I?

If not, the Clerk will designate title II.

The text of title II is as follows:

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2000 the sum of $209,100,000.

The CHAIRMAN. Are there any amendments to title II?

If not, the Clerk will designate title III.

The text of title III is as follows:

TITLE III—GENERAL PROVISIONS

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 303. SENSE OF CONGRESS ON INTELLIGENCE COMMUNITY CONTRACTING.

It is the sense of Congress that the Director of Central Intelligence should continue to direct that elements of the intelligence community, whenever compatible with the national security interests of the United States and consistent with operational and security concerns related to the conduct of intelligence activities, and where fiscally sound, should competitively award contracts in a manner that maximizes the procurement of products properly designated as having been made in the United States.

The CHAIRMAN. Are there amendments to title III?

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT:

At the end of title III (page 10, after line 2), insert the following new section:

SEC. 304. REPORT ON EFFECTS OF FOREIGN ESPIONAGE ON UNITED STATES TRADE SECRETS.

By not later than 270 days after the date of the enactment of this Act, the Director of Central Intelligence shall submit to Congress a report describing the effects of espionage against the United States, conducted by or on behalf of other nations, on United States trade secrets, patents, and technology development. The study shall include an analysis of the effects of such espionage on the trade deficit of the United States and on the employment rate in the United States.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, our intelligence community, even though they have made mistakes, is basically not patted on the back and rewarded for thousands of good things they accomplish; and I want to commend the chairman, who is a former intelligence agent and has done a great job educating many of us who have our concerns about the intelligence community, and the gentleman from California (Mr. DIXON) on the bill.

While I feel we do a great job looking at the national security aspects through military activities, we can buoy up and should buoy up our efforts to look at buying and spying of foreign interests into our competitive industrial trade scenario. With that, the Traficant amendment calls for a report from the CIA to describe the effects to Congress of buying and spying against the United States by other nations relative to our trade secrets, our patents, our technology development and our industrial competitiveness.

It also states that the study shall include an analysis of the effects of such buying and spying on our trade deficit, which is approaching one quarter trillion dollars this next year, $250 billion, with China and Japan now taking $5 billion a month each out of our economy. Unbelievable. I want to know how much of it is buying and spying.

With that, the report shall also give us an analysis of not only the negative balance of payments in the trade deficit but on the impact on employment and competitiveness of our Nation.

With that, I would hope that I would have the support of the committee. If I do not, I ask that the chairman overrule them on my behalf.

In all seriousness, I believe it is necessary. It buoys up a part of this bill that makes us look at the domestic industrial side, and I would seek and ask for the support of our chairman and ranking member.

Mr. GOSS. Mr. Chairman, I rise in support of the amendment.

Mr. DIXON. Mr. Chairman, will the gentleman yield?

Mr. GOSS. I yield to the gentleman from California.

Mr. DIXON. Mr. Chairman, I thank the gentleman from Florida (Mr. GOSS) for yielding me this time.

Mr. Chairman, on this side, we will accept the amendment. I think it is a good amendment.

I want to just point out one mistake that the gentleman from Ohio (Mr. TRAFICANT) made, that inadvertently he made, in that there is a lot of confusion in the terminology as it relates to the intelligence community. He used the term "agent." I understand the gentleman from Florida (Mr. GOSS) was an employee of the CIA, and his title was a "case officer."

There is confusion about "agent," "asset," and "case officers." In the future, this reference may be made, and I know the gentleman from Ohio (Mr. TRAFICANT) did not understand that. It just goes to show how easily, even those of us who are involved in Congress, can make a mistake.

Mr. GOSS. Mr. Chairman, I thank the gentleman from California (Mr. DIXON), the distinguished ranking member, for making that point. It actually is a very important one. It may be subtle to some, but it is extremely important, and I appreciate it.

Mr. Chairman, I am very much prepared to accept the amendment of the distinguished gentleman from Ohio (Mr. TRAFICANT). I think it is a good amendment. I think it adds substance to an area that we have already signalled an interest in, and it gets specific in some areas that, in fact, we have had some select committees working on as representative of this institution.

So I think the gentleman is on target. I am very much supportive of the amendment and happy to accept it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title III?

AMENDMENT NO. 10 OFFERED BY MR. SWEENEY

Mr. SWEENEY. Mr. Chairman, I offer amendment number 10, which is printed in the RECORD.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. Sweeney:

At the end of title III (page 10, after line 2), insert the following new section:

SEC. 304. PROTECTION OF IDENTITY OF RETIRED COVERT AGENTS.

(a) IN GENERAL.—Section 606(4)(A) of the National Security Act of 1947 (50 U.S.C. 426(4)(A)) is amended—

(1) by striking "an officer or employee" and inserting "a present or retired officer or employee"; and

(2) by striking "a member" and inserting "a present or retired member".

(b) IMPOSITION OF MINIMUM PRISON SENTENCES FOR VIOLATIONS.—Section 601 of the National Security Act of 1947 (50 U.S.C. 421) is amended—

(1) in subsection (a), by inserting "not less than five and" after "or imprisoned";

(2) in subsection (b), by inserting "not less than 30 months and" after "or imprisoned"; and

(3) in subsection (c), by inserting "not less than 18 months and" after "or imprisoned".

Mr. SWEENEY. Mr. Chairman, before addressing my amendment, allow me to first express my strong support for the intelligence authorization bill and commend the gentleman from Florida (Mr. GOSS) and the gentleman from California (Mr. DIXON), the ranking member, for their great work on this important bill.

Mr. Chairman, our intelligence community is truly our first line of defense; and we must do everything in our power to ensure that our counterintelligence operations are as strong as our potential enemies. The amendment I am offering today is intended to complement this fine bill on an important national security issue, the protection of our intelligence agents.

Mr. Chairman, my amendment simply increases the criminal penalty for individuals who expose covert agents and expands the Intelligence Identities Protection Act to protect the identities of former agents as well.

First and foremost, my amendment establishes a minimum mandatory penalty for the willful identification of a United States intelligence agent. The existing criminal penalties against such an offense are woefully inadequate. While several lesser criminal offenses require mandatory minimums, few are as consequential to the interests of our national security as the protection of those who serve our country in this capacity.

Secondly, the amendment extends the scope of these protections to former covert agents as only current agents are now covered by the law. By increasing the criminal penalties for disclosing identities for existing agents and by including former agents, my amendment accomplishes several important national security objectives and appropriately emphasizes the high priority with which we make national security. It protects agents and former agents from possible harm as a result of the disclosure of their true identities and past locations and activities. It also protects the entire intelligence network that often remains in place after an individual agent leaves his or her assignment.

□ 1215

By protecting retired agents, the amendment protects those active operatives who may have assumed the former agents' positions.

Through the Freedom of Information Act people obtain information relevant to U.S. intelligence operations. Currently no statutory protection exists to prohibit identification of retired intelligence agents. This initiative strengthens the penalties against disclosing the information that identifies covert agents. Penalties in my amendment are proportional, yet tougher to those which exist under current law.

The majority of our current and former intelligence agents serve or have served the United States at considerable risk, Mr. Chairman, and there is absolutely no justification for exposing them to danger.

Identifying current or former agents warrants serious criminal liability, and my amendment does just that. Ensure the safety of our intelligence community and provide adequate penalties to those who jeopardize America's national security by voting yes on the Sweeney amendment to H.R. 1555.

AMENDMENT OFFERED BY MR. GOSS TO AMENDMENT NO. 10 OFFERED BY MR. SWEENEY

Mr. GOSS. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. Goss to amendment No. 10 offered by Mr. Sweeney:

Strike subsection (b) of section 304, as proposed to be added by the amendment and insert the following:

(b) Imposition of Minimum Prison Sentences for Violations.—Section 601 of the National Security Act of 1947 (50 U.S.C. 421) is amended—

(1) in subsection (a), by striking "shall be fined not more than $50,000 or imprisoned not more than ten years, or both." and inserting "shall be imprisoned not less than five years and not more than ten years and fined not more than $50,000.".

(2) in subsection (b), by striking "shall be fined not more than $25,000 or imprisoned not more than five years, or both." and inserting "shall be imprisoned not less than 30 months and not more than five years and fined not more than $25,000.".

(3) in subsection (c), by striking "shall be fined not more than $15,000 or imprisoned not more than three years, or both." and inserting "shall be imprisoned not less than 18 months and not more than three years and fined not more than $15,000.".

Mr. GOSS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment to the amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. GOSS. Mr. Chairman, the perfecting amendment to the Sweeney amendment that I have offered I am told makes a technical correction. The amendment filed contained a drafting error, and as a result, would not impose a true mandatory minimum sentencing requirement, which was the intent. Whether we agree or not, the intent was to make it mandatory.

The amendment clarifies the intent of the amendment to toughen the sentencing standards and impose mandatory minimums. I understand, in plain English, it is both a penalty and mandatory time.

I would ask the gentleman from New York, is my understanding correct?

Mr. SWEENEY. Mr. Chairman, will the gentleman yield?

Mr. GOSS. I yield to the gentleman from New York.

Mr. SWEENEY. That is correct, Mr. Chairman, that was my intent.

Mr. GOSS. Reclaiming my time, then, Mr. Chairman, and going to what that would leave us with on the Sweeney amendment if the secondary amendment is considered and approved is that we would have an amendment which would in fact deal with the Agent Identities Protection Act and put some more teeth into it.

I would point out that Mr. Solomon, our colleague from New York, former chairman of the Committee on Rules, offered a similar amendment in 1981 which I am told passed the House by some 300 votes and then disappeared in conference, as sometimes happens.

As Members will recall, the Intelligence Identities Protection Act penalizes the unauthorized disclosure of identities of covert employees and assets of the United States. This is willful disclosure, we are talking about here. We are not talking about an accident or a slip of the tongue or leaving a document someplace by a mistake. Those are bad things. We are talking about setting out to deliberately expose classified information that can result in harm to an individual, serious harm.

Mr. Chairman, I understand originally that the act was offered in 1979 by Chairman Boland in response to the disclosure of identities of CIA officers and assets by Philip Agee, Louis Wolf, and others. The Act is sharply focused upon present and former cleared employees and upon those who publish deliberate and repeated disclosures of the type found in the Covert Action Information Bulletin.

The Act has been an useful tool for prosecutors and the intelligence community, although it has not been applied aggressively, as some prefer, including me. The U.S. government has charged some current and former employees, and as an apparent consequence of that, the disclosures have been abated. But it has been a pretty weak tool. It has not been able to be used as it was originally intended.

I honestly believe that the amendment of the gentleman from New York (Mr. Sweeney) does add extra strength, and does it in a reasonable way. We are not throwing out all the rules of judicial protection or anything like that. What we are basically doing is putting people on notice that for willful disclosure of agent identities, there is a penalty. It is a serious penalty, because it is a serious crime.

Having said that, I will urge acceptance of the Sweeney amendment, as perfected by our secondary amendment.

Mr. DIXON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to congratulate the gentleman from New York (Mr. Sweeney) on his amendment. I will not object to it, but I do have some concerns with it.

As I understand the amendment and the perfecting amendment, basically it does two things. It covers retired agents, but the concern I have is the decision to make penalties, whether they be incarceration or money fines, mandatory without hearings. Generally speaking, I am opposed to mandatory sentences. I have great faith in the Federal judiciary.

I do not think that we should move this fast without some hearings on this to find out if this type of activity should be in the class of mandatory sentences. I would tell the gentleman from New York, I will not object to it, but I would like to reserve to discuss this further at the conference.

Mr. SWEENEY. Mr. Chairman, will the gentleman yield?

Mr. DIXON. I yield to the gentleman from New York.

Mr. SWEENEY. Mr. Chairman, I appreciate the gentleman's remarks. The gentleman is correct in saying that what the bill essentially does is extend the protection to retired agents.

Also, in establishing mandatory minimums, my intent was to raise the level of Section 601 to the highest levels and the highest priorities, which I believe our national security interests dictate.

I will point out that what the mandatory minimum sentences that I have prescribed in my amendment do is cut in half the mandatory maximums, so I think proportionately, it is very reasonable.

Let me also just say that in relationship to Federal mandatory minimums, there are hundreds, literally hundreds, as I am sure the gentleman knows, of Federal crimes, including food stamp fraud, including bribery of meat inspectors, that have mandatory minimum sentences.

I think in order for this Congress to send a very strong message about the protection of agents and former agents, the inclusion of the mandatory minimum is an essential part.

Mr. DIXON. Reclaiming my time, Mr. Chairman, I may ultimately agree with the gentleman from New York. I just think it is worth more than 5 minutes of time on the floor, and I will reserve to address this issue in conference.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. Goss) to the amendment offered by the gentleman from New York (Mr. Sweeney.)

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. Sweeney), as amended.

The amendment, as amended, was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. HINCHEY

Mr. HINCHEY. Mr. Chairman, I offer amendment No. 4.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. HINCHEY:

SEC. 304. REPORT ON ACTIVITIES OF THE CENTRAL INTELLIGENCE AGENCY IN CHILE.

(a) IN GENERAL.—By not later than 120 days after the date of the enactment of this Act, the Director of Central Intelligence shall submit to the appropriate congressional committees a report describing all activities of officers, covert agents, and employees of all elements in the intelligence community with respect to the following events in the Republic of Chile:

(1) The assassination of President Salvador Allende in September 1973.

(2) The accession of General Augusto Pinochet to the Presidency of the Republic of Chile.

(3) Violations of human rights committed by officers or agents of former President Pinochet.

(b) DOCUMENTATION.—(1) The report submitted under subsection (a) shall include copies of unedited documents in the possession of any such element of the intelligence community with respect to such events.

(2) Any provision of law prohibiting the dissemination of classified information shall not apply to documents referred to in paragraph (1).

(c) DEFINITION.—In this section, the term "appropriate congressional committees" means the Permanent Select Committee on Intelligence and the Committee on Appropriations of the House of Representatives, and the Select Committee on Intelligence and the Committee on Appropriations of the Senate.

Mr. HINCHEY. Mr. Chairman, because of recent activities by a certain member of the Spanish judiciary, the attention of the world has once again been directed at the events which took place in Chile beginning in September of 1973 with the assassination of the duly-elected president of that country, Salvador Allende, and the subsequent ascension to power of General Augusto Pinochet to become the President of the Republic of Chile.

In the course of those events, it has been alleged in responsible venues over and over again in the intervening now more than 25 years that very inappropriate actions were taken by members of the Chilean military, assisted by others, including members of the military of the United States.

I have an amendment which requires that no later than 120 days after the date of the enactment of this act, the director of the Central Intelligence Agency shall submit to the appropriate congressional committees which are mentioned in the amendment a report describing all activities of officers, covert agents, and employees of all elements of the intelligence community with respect to the following events in the Republic of Chile:

One, the assassinations of President Salvador Allende in September of 1973;

Two, the ascension of General Augusto Pinochet to the presidency of the Republic of Chile; and

Three, the violations of human rights committed by officers or agents of former President Pinochet.

The report submitted under this subsection shall include copies of unedited documents in the possession of any such element of the intelligence community with respect to such events.

Mr. Chairman, I think that after the passage of all of this time, it is appropriate that the United States Congress and the people of the United States and the people of the world understand with much greater clarity than they have been able to up to this moment the specific events which took place in Chile which led to the assassination of the duly-elected president and the ascension of power by a military junta.

It is important for us to understand these events because it is important for us to take action to ensure that these kinds of illegal activities do not occur in the future.

So therefore, I offer this amendment with all respect in the hopes that the Members of the House and the chairman particularly, the chairman of the Permanent Select Committee on Intelligence, will see fit to look upon it favorably.

Mr. GOSS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I appreciate the intent of the amendment very much, but I must say, I have some misgivings about the effect and the cost, and I want to take a minute to explain that.

First, with regard to the purpose, let me say that our committee is trying, I think through its mark on the budget and through its oversight, to help our intelligence community focus on the challenges we have got today and coming in the next century. They are incredible challenges of a sort that we are really not organized to deal with, as we are seeing, unfortunately.

We are in the process of getting that done, but we understand the Warsaw Pact is gone, and in its place we have the Osama Bin Ladens, the Milosevics, the Tijuana cartels, that type of problem.

This amendment would, I think, have us take a break from the reality we are faced with today and go back and start sifting through some history of things that happened at a different time, really under a different agency that was operating under different rules and certainly under different oversight.

That can be beneficial if it is going to yield us some lessons, but I think we ought to understand that if we are going to do this, it is going to take energy, effort, and dollars, and we want to make sure where we are prioritizing those relative to the lessons from history and whatever else we might glean from this effort.

I am a little confused with regard to the extensive ongoing effort by the administration to respond to a request by the Spanish government under its mutual legal assistance treaty with the U.S. for documents, roughly in this same period. I presume these searches are related, but I do not know whether there is any formal coordination and how this amendment would fit into it.

Going to the cost factor, legislation directing special searches, as I have said, is disruptive to the normal course of business, and the normal course of business in the intelligence communities these days, it is exceptionally challenging.

I would also point out that when we have these special searches, that they sometimes delay requests of our own constituents under the Freedom of Information Act. I do not say that to say that we should not have special requests. I think we only need to point out that that sometimes happens.

We have had considerable conversation with the head of the community, the intelligence community, about how we go about dealing with the classification and declassification process. That is ongoing. There is very definite bona fide concern about how much dollars and time and personnel we direct to that effort relative to other things that the intelligence community is being asked to provide for today's decisionmakers, to get us through the day. Of course, we have to figure out, where does the money come from.

These are not new thoughts. I am only putting these on the record and getting them out of there because I do not want the gentleman to think that we are just knee-jerk reacting negatively. There are negative consequences to this amendment, in part.

□ 1230

The amendment would provide no new information to the public as far as I know, the people who are interested in the abuses of the Pinochet years. I think instead we are going to get lots of boxes going into a closed committee review, and I am not sure where that is going to lead us.

So I am concerned about, if the purpose is to get at the truth and the history and where we are doing it, I would like to do that in a reasonable way. I share the desire of the gentleman from New York (Mr. HINCHEY) to do that.

If the way we can do it passes muster with the community, and the costs are reasonable, and the expectations are reasonable given the personnel that we have, then I would possibly be in a position to accept this amendment with those understandings.

So I ask to the gentleman from New York (Mr. HINCHEY) to accept a second-degree amendment which would strike paragraph (2) of the section 304(b) in its entirety. If so, and the House agrees to the amendment amending the gentleman's amendment in that way, I would accept his amendment.

The reason I say that is the amendment I would propose would cure the constitutional problem that I see in the provision which would have overridden all the laws authorizing the DCI and the President to protect sources of national security information from disclosure and compromise. We just accepted an amendment from the gentleman from New York (Mr. SWEENEY) to strengthen that. So I do not want to now turn right around and undercut it.

So with the offending provision omitted, any threat of the veto would be removed, we would be consistent, and I think I could see my way to supporting what the gentleman is trying to get done.

Mr. Chairman, I yield to the gentleman from New York (Mr. HINCHEY) for response on my proposal amendment.

Mr. HINCHEY. Mr. Chairman, I thank the gentleman for yielding to me. As I understand it, the gentleman is offering an amendment to my amendment which would strike paragraph (2) of section 304(b) as proposed to be added by the amendment; is that correct?

The CHAIRMAN. The time of the gentleman from Florida (Mr. GOSS) has expired.

(By unanimous consent, Mr. GOSS was allowed to proceed for 1 additional minute.)

Mr. GOSS. Mr. Chairman, the gentleman from New York (Mr. HINCHEY) is correct.

Mr. HINCHEY. Mr. Chairman, I thank the gentleman from Florida (Mr. GOSS), the chairman of the Permanent Select Committee on Intelligence, and I am happy to accept his amendment to my amendment.

AMENDMENT OFFERED BY MR. GOSS TO AMENDMENT NO. 4 OFFERED BY MR. HINCHEY

Mr. GOSS. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. GOSS to amendment No. 4 offered by Mr. HINCHEY:

Strike paragraph (2) of section 304(b), as proposed to be added by the amendment.

Mr. GOSS. Mr. Chairman, that is the amendment we have had the discussion on. I have nothing further.

Ms. PELOSI. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the Hinchey amendment and commend the distinguished gentleman from Florida (Mr. GOSS), the chairman of our committee, for his accommodation of the Hinchey amendment.

But I want this amendment to survive the conference because I think the gentleman from New York (Mr. HINCHEY) has provided some great leadership to us today in presenting this amendment. That is why I am very grateful to the gentleman from Florida (Chairman GOSS) for his amendment to accommodate the gentleman from New York (Mr. HINCHEY).

Our distinguished chairman laid out some important considerations in his observation of this amendment, and they are important. There are other equities to be balanced, and I am glad that my colleagues have come to an agreement on the amendment. But, again, I want it to survive the conference. I want to commend the gentleman from New York (Mr. HINCHEY).

Our President was in Guatemala a few months ago, or was it weeks? So much happens so fast around here. I was very proud of the statement that he made. Latin America had been in turmoil for a couple of generations, as we all know, some of it, sad to say, and in Guatemala in particular, with the involvement of the Central Intelligence Agency and other American entities there.

The President, I think very courageously, recognized what happened there and, in doing so, I think began to open the door to a better future for the intelligence community.

In Central America and in Latin America the expression "nunca mas" is so famous, because in Argentina, in Chile, and Central America, people are revisiting their sad recent past. An important bridge to the future has been truth commissions which have identified, not to find revenge, but to seek some level of justice and some level of openness and admission about what happened to clear a way for the future.

If we, the United States and specifically the Central Intelligence Agency, had a role in the death of President Allende, just as if any Chilean had a role in it, putting it behind us requires facing the truth about it.

So I think that, as far as Chile is concerned, this is a very important amendment, but I think it also will build credibility for us if we are not in a state of denial about the CIA's involvement but of acceptance of what the reality was. We will find out what that is as a result of the amendment of the gentleman from New York (Mr. HINCHEY).

I also, though, want to say that, unless we are forthcoming on our role, it is very hard to see why Latin Americans will be forthcoming about what their role is. I think that we can lead by example in this way.

I also would like to take the occasion to thank the gentleman from California (Mr. GEORGE MILLER) for his leadership and activity in trying to persuade our government in making the documents available for the Pinochet case to the Spanish government. I hope that this will be a message to repressive dictators everywhere that a day of reckoning comes, and that they just cannot commit these atrocities and then say, well, let us put it all behind us.

As I say again, this is not about revenge, it is about truth. It is about justice. It is about opening the way for a better future and building credibility for what we do.

I agree with the gentleman from Florida (Chairman GOSS). We should not jeopardize the safety of our sources and methods. I think that his amendment is a constructive one. These people risk their lives just the way our young people do in the military. We are proud of the military. We are proud of the people who put themselves in harm's way to gather intelligence for us.

So while we are not condoning any activities that were not legal, we cannot proceed with reasonable intelligence gathering if those who are called upon to do so are in jeopardy because of unintentional identification.

This is especially true at a time when we want more women, we want more minorities, we want more diversity, we want more language skills, we want more cultural understanding into the Central Intelligence Agency. We want them to have the same level of protection that others have had in the past.

Building that diversity with an openness and an admission of what our past has been I think will build more support for what we need to have, which is the best possible intelligence to avoid conflict and to supply whoever the President of the United States is with the information he needs to lead.

With that, again I commend the gentleman from New York (Mr. HINCHEY) and the gentleman from Florida (Mr. GOSS), our chairman, and the gentleman from California (Mr. DIXON), our ranking member, for their leadership on this issue.

Mr. DIXON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think the gentleman from New York (Mr. HINCHEY) is absolutely correct. The minority has no problem with this amendment.

Mr. SANDERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to applaud the gentleman from New York (Mr. HINCHEY) on his amendment. It is no great secret that over the years, there have been many aspects of American foreign policy which have been wrong. It is no secret that the United States over the years has been involved in the overthrow of a number of democratic governments.

In the case of Chile in 1973, there was a democratic government elected by the people. The President of that government was Salvador Allende. His policies antagonized corporate interests in the United States. A great deal of pressure was brought to bear in seeing him overthrown.

I think it is a very positive step as we develop ideas for the future, as we try to develop a democratic foreign policy that we in fact know what we did in the past.

So I think the amendment of the gentleman from New York (Mr. HINCHEY) is a very important one. I think we should let the truth come out, and I strongly support his efforts.

Mr. GEORGE MILLER of California. Mr. Chairman, I rise in strong support of Mr. HINCHEY's amendment to require a report to Congress on information held by the United States pertaining to human rights violations in Chile carried out by Gen. Augusto Pinochet and his forces.

The 1973 military coup in Chile was a tragic interruption of Chile's proud democratic history. Thousands of innocent people were killed. Many more were tortured and imprisoned. American citizens are among the dead.

The military coup in Chile also represents a tragic chapter in American history.

It is now widely understood that the United States supported the violent overthrow of a democratically elected government. But the full details of U.S. support for the coup are still not known.

We need to know the full details.

In addition, the full details of U.S. information concerning the actions of the coup's leader, Gen. Augusto Pinochet, are not fully known.

It is widely understood that Gen. Pinochet directed the coup and the mass killings and torture that occurred during his nearly two decade long reign. But the American people deserve to know and would be better off knowing the full details of Gen. Pinochet's actions.

Only the United States at this point has the ability to fully inform its citizens of this ruthless dictator's actions.

Along with my colleagues, I have been demanding that the United States supply information about Gen. Pinochet's murderous actions to a court in Spain that has brought charges against Gen. Pinochet for violations of international law, including torture, murder and kidnapping.

The United States is believed to house records that would corroborate the charges against Gen. Pinochet.

Those records should be reviewed, declassified and turned over to the court in Spain. Some information has been turned over and after much delay the United States has established a task force to oversee this request. It is a slow process and many believe that some in the Administration would prefer that the information never see the light of day.

Without objection, I would like to submit into the RECORD a series of letters between myself, my colleague, JOHN CONYERS, and other members, including Mr. HINCHEY, and the Administration.

These letters explain the nature of the information we seek and the importance of providing the information to the Spanish court.

The actions in the 1970s of the U.S. intelligence community and the then Secretary of State, Henry Kissinger, toward Chile and other dictators in the southern cone are a disgrace that should never be forgotten by American citizens who wish to think honorably about their country and their government.

A journalist, Lucy Kosimar, recently uncovered a memo that describes how Secretary of State Kissinger coddled Pinochet after the coup.

In a recent article, Kosimar wrote:

> The memo describes how Secretary of State Kissinger stroked and bolstered Pinochet, how—with hundreds of political prisoners still being jailed and tortured—Kissinger told Pinochet that the Ford Administration would not hold those human rights violations against him. At a time when Pinochet was the target of international censure for state-sponsored torture, disappearances, and murders. Kissinger assured him that he was a victim of communist propaganda and urged him not to pay too much attention to American critics.

This is what Kissinger reportedly told Pinochet in a private meeting in 1976, according to Lucy Kosimar:

> In the United States, as you know," Kissinger told Pinochet, "we are sympathetic with what you are trying to do here. I think that the previous government was headed toward communism. We wish your government well.
>
> A little while later, Kissinger added: "My evaluation is that you are a victim of all left wing groups around the world, and that your greatest sin was that you overthrew a government which was going Communist.

Kissinger decided that the international fight against communism justified the rape and torture of Chilean women, justified their mutilation. Justified their execution.

More than 20 years later new information about the U.S. role in the coup and U.S. knowledge about human rights violations by Pinochet are still coming to light. Clearly there is more information that is housed in the intelligence communities' warehouses and that information should be made public.

In 1976, an American citizen, Ronnie Moffitt, was blown up on the streets of Washington with her Chilean colleague, Orlando Letelier. Pinochet is widely suspected of having personally ordered their deaths.

This act of terrorism should never be forgotten, in the hopes that it will never be repeated. Pinochet is living in London right now, awaiting the fate of an extradition hearing for trial in Spain.

Whatever information the United States can provide on the deaths of Ronnie Moffitt and Orlando Letelier in Washington should be made available so the truth can be known once and for all and justice can be rendered in this ugly, ugly chapter of American and Chilean history.

CONGRESSIONAL LETTERS TO THE CLINTON ADMINISTRATION ON THE CASE AGAINST GEN. AUGUSTO PINOCHET

(1) November 23, 1998 Letter from Rep. George Miller to Attorney General Janet Reno.

(2) October 21, 1998 Letter from 36 Members of Congress to President Clinton.

(3) March 17, 1998 Letter from Reps. George Miller and John Conyers to President Clinton, and the President's June 3 response.

(4) April 15, 1997 Letter from Reps. Miller and Conyers to Attorney General Reno and Mr. John Shattuck, Department of State, and the Justice Department's May 23, 1997 response.

NOVEMBER 23, 1998.

Hon. JANET RENO,
U.S. Attorney General,
Department of Justice, Washington, DC.

DEAR ATTORNEY GENERAL: I am writing to follow up on our telephone conversation on the afternoon of Friday, November 13 concerning the United States response to the arrest of Gen. Augusto Pinochet. I sincerely appreciate your taking the time to speak with me about this issue.

As you may recall, I raised three issues with you during our conversation. First, I expressed my belief that the United States still has not turned over to the judges in Spain all materials in its possession that are relevant to the cast against Gen. Pinochet. Second, I expressed my belief that the United States should make available to Spain Michael Townley for questioning, but that it had not yet done so. And finally, I asked if you would grant a request for a meeting that I understood was made by the widow and widower of the Letelier-Moffitt assassinations, and their attorney.

With regard to the meeting request for Isabel Letelier, Michael Moffitt and their attorney, Sam Buffone, you informed me that you were seriously considering such a meeting. I sincerely appreciate your efforts in that regard.

With regard to Michael Townley, you told me that you were looking into the status of the request to make him available. I wish to again urge that he be made available to the Spanish judges for the purposes of questioning him about Gen. Pinochet's association to criminal and terrorist activities. As you probably know, Michael Townley was formerly in the Witness Protection Program and his whereabouts are known to the F.B.I. I would also urge you to make available Fernandez Larios, a known terrorist who plead guilty to criminal charges in the United States and can provide important information about Gen. Pinochet. I would hope that the F.B.I. and the Department of Justice have kept track of Mr. Larios at least to the extent that he can be located for purposes of serving a subpoena. It is my understanding that Judge Garzon is prepared to come to the United States at any reasonable time upon notice that Mr. Larios and/or Mr. Townley are available.

And finally, with regard to the materials requested by Spain, you asked me to provide you with information about any materials that may not yet already have been provided to the judges. I am providing to you in this letter details of materials that I believe are of interest to Spain and relevant to their investigation of Gen. Pinochet but that have not yet been made available.

As you know, and as we discussed on the phone, the Spanish judges conducting the Pinochet investigation have made requests of the United States Government, through the Spanish Ministry of Justice, for the production of testimony and documents pursuant to the Mutual Legal Assistance in Criminal Matters Treaty between the Spanish and U.S. Governments. It is my understanding that a new request has just been made.

While you and your staff are already familiar with the treaty, I thought it would be important to raise a number of points here to help clarify the responsibilities of the United States in this area. There are several important provisions in the MLAT that bear on the Spanish request for cooperation. First, under Article I, Section 3, assistance is to be provided without regard to whether the act giving rise to the request for assistance is a crime in the requested country. Accordingly, so long as the Spanish court has confirmed its jurisdiction to investigate the claims against Pinochet, it is irrelevant whether or not they would be valid claims under U.S. law. The only requirement under the MLAT for dual criminality is in cases of claims for forfeiture or restitution. Under Article IV, a request for documents requires only a generalized description of what is sought for production. Under Section 3 of Article IV, additional specificity should be provided to the extent necessary and where possible. These provisions require specificity regarding individuals to be questioned, but do not contain any additional requirement of specification as to the description of evidence or documents. Article V, Section 6, requires that the requested country respond to reasonable inquiries concerning the progress towards full compliance with the request.

Confidentiality is governed in part by Article VII which would permit the U.S. to require that any information or evidence furnished under the Treaty be kept confidential or used only under specific terms and conditions by the Spanish court. Classification is further covered by Article IX which provides for the production of records of government agencies. Under Subsection 1, all publicly available documents must be provided. Subsection 2 permits the requested state to provide copies of any documents in its possession which are not publicly available to the same extent and under the same condition as copies would be made available in Spain to judicial authorities or in the United States "to its own law enforcement and judicial authorities." The requested state is, however, permitted to deny a request pursuant to these provisions entirely or in part. Accordingly, while the Treaty does not deal directly with classified information, the U.S. is granted broad discretion to produce or withhold classification and should do so to the same extent that it would provide such information to domestic law enforcement or judicial authorities. Article XII requires that the U.S. use its best efforts to ascertain the location or identity of persons or items specified in a request.

As I said on the phone, there are serious questions raised as to whether the U.S. has complied with both the spirit and letter of the Mutual Legal Assistance Treaty. Despite the long pendency of several letters of request, it is my understanding that the U.S. has not discharged its obligations under Article XII to use its best efforts to ascertain the location of either persons or documents. The U.S. has failed to produce key individuals for testimony and has not conducted a complete search of documents in the possession of government agencies, including the Central Intelligence Agency, Department of Defense, and the FBI. Further, it is my understanding the U.S. has refused to produce classified documents when the letter and spirit of Article IX should permit, if not require, production to the same extent that documents were provided to the U.S. Attorneys Office during the initial Letelier-Moffitt investigation.

The Justice Department, as the convening authority, should also reassess the extent and vigor of its effort to locate and produce documents. There are certain classes of identifiable records that should be searched for and if available, immediately produced:

1. *Defense Intelligence Agency Reports*, such as "Directorate of National Intelligence (DINA) Expands Operations and Facilities," April 15, 1975 along with referenced "IRs" and all other cables and reports from the U.S. Defense Attache's office in Santiago during the mid-1970's that relate to the Chilean Secret police, the chain of command, human rights abuses, and international terrorism.

2. *Defense Intelligence Agency Biographic Data*, the yearly commentary and career summaries on military commanders done by the DIA—in this case on General Pinochet and Col. Gen. Manual Contreras between 1974–78.

3. *State and NSC Documents* identified in "Disarray in Chile Policy," July 1, 1975. This document states that "a number of officers in the Embassy at Santiago have written a dissent" cable arguing that all U.S. assistance to Chile be cut off "until the human rights situation improved." This cable was discussed at a "pre-IG (Interagency Group) meeting—presumably in June 1975. It was supported by the Policy Planning Office of the Bureau of Inter-American Affairs.

A specific paper trail can be ascertained, including but not limited to:

a. the "Dissent" cable from the U.S. Embassy officers;

b. minutes/notes/briefing papers for/of the "pre-IG meeting;"

c. all position papers relating to this discussion prepared by the Policy Planning Office at the Bureau of Inter-American Affairs.

4. *Bureau of Intelligence and Research*, Department of State, reports, summaries, and briefing papers on the Chilean military, DINA, and human rights violations, 1973–80.

5. *The Chile Files of the Office of the Assistant Secretary of State for Human Rights*, Patricia Derian, 1977–80. These files, kept by Ms. Derian's Deputy Marc Schneider, likely contain a wealth of information on Chile's human rights atrocities, and also on the Letelier case and the issue of U.S. extradition of Chilean officials, and sanctions against Pinochet's government for lack of cooperation in the case.

In addition to the above records and document groups identified by the Spanish court, U.S. cooperation under MLAT should include reviews of other relevant files. These include:

1. A critical document on General Pinochet's role in the Letelier bombing, read by Justice Department prosecutor Eugene Propper during the federal investigation into the crime.

2. CIA Reports between 1973 and 1979 by the Agency's Office of African and Latin American Affairs (A/LA) on Chile's military, chain of command, DINA, Operation Condor, General Pinochet and human rights violations, assassination of General Carlos Prats in September 1975, and Orlando Letelier in September 1976.

3. CIA Directorate of Operations cables and reports on Operation Condor—including Chile's attempt to establish an Operation Condor office in Miami in 1974; the assassination of Carlos Prats, and Orlando Letelier, and other human rights abuses.

4. A review by the Gerald Ford Presidential Library staff (Karen Holzhausen) of the still classified Kissinger-Scowcroft files relating to Chile, terrorism and human rights violations.

5. A review by the Jimmy Carter Presidential Library staff for the still classified Bzrezinski files on Chile, human rights violations, and sanctions against Chile for the Letelier assassination; and the files of National Security Council advisor on Latin America, Robert Pastor, for similar documentation.

6. A search by the CIA-FBI Center for Counter terrorism for files, including those of the predecessor to that agency, on Chilean involvement in international terrorism.

7. A re-review of heavily censored NSC and State Department documents released during legal discovery in the Letelier-Moffitt civil suit.

A thorough review and collection of relevant U.S. documents is critical to the Spanish judges' investigation. But I hope you would agree that it is also critical for the United States to gather this material to help our own government decide whether it too should take legal action against Gen. Pincochet.

As I expressed to you on the phone, I have a long history of involvement with Chile, beginning with my participation in a congressional investigation in Chile in 1976, prior to the assassination of Orlando Letelier and Ronnie Moffitt. In fact, Mr. Letelier had helped to facilitate the congressional trip to Chile. Chile has a long and proud history of democracy. Gen. Pinochet's military coup was an aberration in Chile's history. His rule was marked by extreme violence, total disregard for human and civil rights, and by international act of terrorism, including the assassination on U.S. soil of an American citizen and a Chilean exile.

Given this Administration's stated commitment to promoting human rights and democracy and to curbing global terrorism, I consider the legal fate of Gen. Pincochet to be a matter of utmost concern for the United States Government.

Again, I sincerely appreciate your time and attention to this matter and I will appreciate being appraised of the status of these requests.

Sincerely,

GEORGE MILLER, M.C.

OCTOBER 21, 1998.

Hon. WILLIAM JEFFERSON CLINTON,
President,
The White House, Washington, DC.

DEAR MR. PRESIDENT: The October 17 arrest of General Augusto Pinochet in London is a good example of how the goals you outlined in your anti-terrorism speech at the United Nations can be put into practice. Indeed, when the rule of law is applied to combat international lawlessness, humanity's agenda gains.

We are writing to urge you to reinforce your eloquent words at the recent United Nations General Assembly session by joining with the British government in fully cooperating with the precedent-setting case against Chilean General Augusto Pinochet in Spain. Specifically, we call upon you to ensure that the U.S. government provides Spanish Judge Baltasar Garzon material related to Pinochet's role in international terrorism—material and testimony that the U.S. government has thus far withheld.

You will recall that on June 3, in response to a congressional request, you wrote to assure us that the United States would "continue to respond as fully as we can to the request for assistance from the Government of Spain" for information on the case against General Pinochet and other Chilean military officials accused of international terrorism and crimes against humanity.

It is our understanding that the United States has materials and other critical information that will help link Pinochet directly to acts of international terrorism. These materials and information were obtained during the U.S. investigation of the assassination of Orlando Letelier, a Chilean exile, and Ronni Karpen Moffitt, his American colleague. They were brutally murdered in Washington, D.C., in 1976 when a bomb exploded under their car while driving around Sheridan Circle on their way to work. The assassination was determined to be the work of the Chilean secret police. It was also alleged, but unproven at the time, that Pinochet was directly involved in the killings.

Unfortunately, we have been informed that the U.S. Justice Department has given only public documents to the Spanish judge, and has not ordered any classified material to be delivered. In addition, the Assistant United States Attorney assigned to obtain testimony from key witnesses in the case against Pinochet and other former military leaders has not elicited key testimony from people convicted in the Letelier-Moffitt killings.

We have also learned that the Spanish judge is planning to submit an expanded Rogatory Commission requesting in detail the documents and witness testimony the U.S. government should provide.

We urge you to direct the Justice Department and other relevant agencies to act with haste in delivering the appropriate solicited material. Your involvement now will send a clear signal that you plan to take all steps necessary to stop international terrorism and bring to justice those responsible for heinous crimes against humanity, including the killing of an American citizen on American soil.

We note that the Spanish judge's petitions are based on the European Convention on Terrorism that requires signatories to cooperate with each other's judicial processes in cases of terrorism. Certainly, the United States has a stake in becoming part of this process. In addition, the Justice Department previously determined that Spain properly requested documents from the United States based on the Mutual Legal Assistance Treaty, signed by Spain and the United States.

We appreciate your commitment to stop international terrorism. We strongly believe, however, that without concrete actions to back up your commitment, international terrorism will continue unabated. The case against Pinochet and his allies presents a significant opportunity to work with the world community to punish those responsible for international crimes in Chile, the United States, and elsewhere. We strongly urge you to support Britain and Spain by releasing critical information to the Spanish judge as quickly as possible. We understand that some of the materials in question are of a classified nature. We believe steps can be taken to comply with Spain's request without compromising U.S. security interests and that these steps must be taken immediately. The world is watching closely as you consider this request. Absent our firm response, terrorists will continue to believe they can act with impunity.

Sincerely,

George Miller; John Conyers; Nancy Pelosi; John Olver; Maurice D. Hinchey; Alcee L. Hastings; Cynthia A. McKinney; Howard L. Berman; Bob Filner; Anna G. Eshoo; Henry A. Waxman; Jim McDermott; George E. Brown, Jr.; Neil Abercrombie; Barbara Lee; Sam Gejdenson; Bernard Sanders; Lane Evans; John F. Tierney; Martin Olav Sabo; Rosa L. DeLauro; Lynn C. Woolsey; Carolyn B. Maloney; Barney Frank; Lloyd Doggett; Frank Pallone; Charles B. Rangel; David E. Bonior; Nita M. Lowey; Danny K. Davis; James P. McGovern; Pete Stark; Jesse L. Jackson, Jr.; Lucille Roybal-Allard; Marcy Kaptur; Elijah E. Cummings.

MARCH 17, 1998, (REVISED MARCH 19, 1998).
Hon. WILLIAM JEFFERSON, CLINTON,
President of the United States,
Washington, DC.

DEAR MR. PRESIDENT, Late last year, Justice Department officials assured us that they would cooperate with a Spanish judge investigating charges against General Augusto Pinochet, former President and Commander in Chief of Chile, for terrorism, genocide and crimes against humanity. Despite the assurances of cooperation under the MLTA, it is our understanding that the Justice Department effectively stonewalled the judge when he visited the United States in January, seeking to interview witnesses and retrieve documents pursuant to his investigation.

Instead of producing the witnesses and documents, as called for under the MLTA, and despite the desire of the former prosecutors (Eugene Propper and Larry Barcella) to communicate substantive information which they had but which was still classified, we have been informed that the *Administration prevented Propper and Barcella from reviewing their notes and file material before testifying,* did not try to make confessed murders Michael Townley and Fernando Larios available, and handed over virtually no documents. Their reasoning, according to people who had talked to officials at the State Department and National Security Council, was that they were processing materials which were difficult to find and were not likely to lead to useable evidence. They would formally comply but only when the component agencies processed the materials. In private, we are told, they note that by not turning over the documents promptly and ultimately by not offering much that is useful "the U.S. had nothing to lose."

They assess the possible damage to your impending visit to Chile next month from not cooperating to be very low. Apparently, U.S. Embassy sources believes that the anti-Pinochet opposition does not have enough strength to mount effective demonstrations to interfere with your visit. They also assume that the Chilean press will not ask you tough questions about the U.S. refusal to hand over documents and produce witnesses. Apparently at the Justice Department and the State Department, the belief is that the United States can "get away with" not cooperating and receive minimum public relations damage.

The motives for not cooperating with the Spanish judge included fears that an indictment of Pinochet could put the Chilean government in a precarious position on—and we find this particularly difficult to believe at this time—that the Chilean military might initiate a military coup.

We also find incomprehensible U.S. non-cooperation in a case that involves international terrorism, specifically the most horrendous act of extraterritorial violence Washington, D.C. has witnessed in the last fifty years—the car-bombing of Orlando Letelier and Ronni Karpen Moffitt on September 21, 1976. As you know, the U.S. government indicted the head of Chile's Intelligence and Secret Police agency, who recently asserted in Chile what U.S. officials always believed: Pinochet gave the order to kill Letelier in Washington.

It seems to us that the Administration will force Members of Congress to consider changing the terms of the NAFTA debate. The assumption for admitting Chile to NAFTA membership is that she is a functioning democracy. By allowing the Chileans to put Pinochet beyond the reach of any investigation, even U.S. compliance with a Spanish request, the Administration is jeopardizing the integrity of other treaty obligations under the anti-terrorism treaties. The Administration and Congress should be alarmed at the willingness of the Chilean government to ignore the growing evidence about Pinochet's involvement in the Letelier assassination.

We will propose to our colleagues that before we debate the merits of the new NAFTA and fast track agreements vis a vis Chile, we should air the U.S. government's passivity when it comes to investigating terrorism on our own soil and crimes against humanity elsewhere.

The U.S. should either work actively to deliver the most complete set of declassified documents and witnesses to Spanish judge Garcia Castellon, or face a more profound debate on NAFTA, one that goes to the democratic nature of our partners and the critical responsibilities that must accompany any trade agreement.

We respectfully request that you look seriously and expeditiously into this troubling matter.

Sincerely,

GEORGE MILLER, M.C.
JOHN CONYERS, M.C.

THE WHITE HOUSE,
Washington, DC, June 3, 1998.

DEAR GEORGE: Thank you for your letter regarding our cooperation with a Spanish judge investigating allegations that General Augusto Pinochet and other former Chilean officials are responsible for human rights abuses against Spanish citizens as well as others.

As you know, the Spanish judge's request was made under a mutual legal assistance treaty (MLAT) we have with Spain. The Department of Justice coordinates the execution of such requests with the appropriate U.S. Government agencies. Contrary to the information you may have received, the Spanish authorities have indicated to the Justice Department that they are very pleased with the extent of our cooperation in responding to their request. The Department has facilitated for Spanish authorities the depositions of several individuals in the United States and has itself deposed several other witnesses in whom the Spanish indicated interest. While certain limits were placed on the testimony that could be offered by two of these witnesses, this was due to the fact that some of the information known by these witnesses remains classified.

In addition, the Justice Department has requested that the relevant agencies conduct a search for documents responding to the Spanish court's request. It has already transmitted four boxes of materials relating to the prosecutions of those responsible for the bombing of Orlando Letelier and Ronni Moffitt as well as numerous additional documents from the Department of State. Other agencies are continuing to conduct their searches for relevant documents and will respond in the near future.

Our cooperation on this case is consistent with the extensive efforts the United States Government has undertaken to bring to justice those responsible for the Letelier-Moffitt murders. As you know, the United States Government has successfully prosecuted several individuals responsible for these killings and indicted several others. Two of these individuals are now serving time in a Chilean prison for this crime. I believe that the efforts the United States Government has taken on this case show our resolve to deal quickly and decisively with acts of terrorism on our soil.

Finally, I want to assure you that we will continue to respond as fully as we can to the request for assistance from the Government of Spain.

Thank you again for writing to me about this important matter.

Sincerely,

BILL CLINTON.

Mr. CONYERS. Mr. Chairman, I rise in support of the Hinchey amendment.

General Augusto Pinochet rose to power in a bloody coup d'etat in 1973 that overthrew the democratically elected government of Salvador Allende. This ushered in seventeen years of military dictatorship accompanied by the death of thousands of activists, journalists and ordinary citizens.

According to the Church Committee Report of December 1975, "The CIA attempted, directly, to foment a military coup in Chile." Before Allende was inaugurated, it passed weapons to coup plotters. When that failed, it undertook a massive effort to undermine the government. Senator Church found that "Eight million dollars was spent in the three years between the 1970 election and the military coup in 1973. Money was furnished to media organizations, to opposition political parties and, in limited amounts, to private sector organizations."

Much of this is history in the sense that the repression in Chile has stopped, and that country has made a remarkable transition to democracy over the last decade. However, many are still forced to live with the pain of General Pinochet's legacy and there is still far too much information still being withheld from the public record about the American role in Chile during those dark years.

The arrest of Pinochet in England last year was a tremendous step forward for international law, reconciliation and human rights. Much of the power to keep justice moving forward lies in the hands of the CIA, the Department of Justice and other agencies of the U.S. government who have been asked by the Spanish Judge prosecuting Pinochet, Garcia Castellon, to provide information about Pinochet's reign of terror.

Even before the arrest of Pinochet, the Department of Justice assured Congressman GEORGE MILLER and I that they were cooperating fully with Judge Castellon's inquiry. I am inserting into the RECORD an article from the New York Times of June 27, 1997 which makes this point clear.

I am neither satisfied with the Department of Justice's response thus far nor with the CIA's outright refusal to cooperate with the inquiry. This is simply inconsistent with the American commitment to the promotion of human rights.

This is especially remarkable since along with the Chileans and Europeans who were murdered by Pinochet's hand were several Americans. Ronni Moffit, a fellow at the Institute for Policy Studies, and the former Chilean ambassador, Orlando Letelier were killed in one of the worst domestic terrorism incidents ever in Washington, DC. The attack was carried out by DINA, the Chilean intelligence agency whose director has stated that Pinochet personally ordered the bombing. Even Elliot Abrams, Ronald Reagan's Assistant Secretary of State for Latin American Affairs, has suggested in the conservative journal Commentary that if Pinochet is responsible for the Letelier-Moffit bombing he should be extradited to the United States for trial. Section 304, Paragraph (a)(3) of the Hinchey Amendment and will help shed much needed light on who is responsible for this and other brutal murders.

The American people will never know the truth unless their government expresses greater enthusiasm for prosecuting the Pinochet case both in London and in Washington. The Hinchey Amendment is a critical step in that direction and I urge my colleagues to support it.

[From the New York Times, June 27, 1999]

U.S. WILL GIVE SPANISH JUDGE DOCUMENTS FOR PINOCHET INQUIRY

MADRID, June 26.—The United States has agreed to provide Government documents to a Spanish judge investigating terrorism and human-rights violations in Chile during the right-wing dictatorship of Gen. Augusto Pinochet from 1973 to 1990.

It is the first investigation of crimes against humanity in the death or disappearance of people during the Pinochet era. The judge, who functions as a prosecutor under Spanish law, is seeking evidence of genocide against Spanish citizens and descendants of Spaniards.

But the case is even broader, and could delve into abuses against at least 3,000 people of various nationalities, including Charles Horman, an American whose disappearance in Chile was depicted in the film "Missing," said Juan E. Garces, a Madrid lawyer representing relatives of the victims.

The Madrid judge, Manuel Garcia Castellon, began the criminal investigation last year, and in February requested all pertinent documents from United States Government agencies. Washington will cooperate "to the extent permitted by law," said a letter signed by Assistant Attorney General Andrew Fois on May 23.

The letter, addressed to Representative John Conyers, Democrat of Michigan, was also sent to the national security adviser, Sandy Berger, the State Department and ranking members of the House International Relations Committee.

Spain stands a good chance of getting useful American documents about General Pinochet's Government because the request came under a 1990 legal assistance treaty that allows a wider sweep in searching for information, said Richard J. Wilson, a law professor at American University in Washington.

The Judge has not yet charged anyone, but might seek the extradition to Spain of General Pinochet, who is still commander of the Chilean Army, Mr. Garces said.

Mr. Garces was an assistant to President Salvador Allende Gossens of Chile, a Socialist, who died in September 1973 when General Pinochet led a coup that overthrew the elected Marxist Government.

In a separate action, another Madrid judge is investigating human rights abuses against 320 Spaniards under military rule in Argentina from 1976 to 1983. The judge, Baltasar Garzon, has also requested United States Government documents for his inquiry.

The Chilean Government last month termed Spain's investigation a "political trial" of Chile's transition to democracy that began with elections in 1990. On Wednesday, it said the American cooperation with the Spanish judge was "positive" but "would not lead anywhere."

The Madrid court and the American Embassy said today that they had not received official confirmation of Washington's agreement to provide documents.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. GOSS) to the amendment offered by the gentleman from New York (Mr. HINCHEY).

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. HINCHEY), as amended.

The amendment, as amended, was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. BARR OF GEORGIA

Mr. BARR of Georgia. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. BARR of Georgia:

At the end of title III (page 10, after line 2), insert the following new section:

SEC. 304. REPORT ON LEGAL STANDARDS APPLIED FOR ELECTRONIC SURVEILLANCE.

(a) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Director of Central Intelligence, the Director of the National Security Agency, and the Attorney General shall jointly prepare, and the Director of the National Security Agency shall submit to the appropriate congressional committees a report in classified and unclassified form describing the legal standards employed by elements of the intelligence community in conducting signals intelligence activities, including electronic surveillance.

(b) MATTERS SPECIFICALLY ADDRESSED.—The report shall specifically include a statement of each of the following legal standards:

(1) The legal standards for interception of communications when such interception may result in the acquisition of information from a communication to or from United States persons.

(2) The legal standards for intentional targeting of the communications to or from United States persons.

(3) The legal standards for receipt from non-United States sources of information pertaining to communications to or from United States persons.

(4) The legal standards for dissemination of information acquired through the interception of the communications to or from United States persons.

(c) INCLUSION OF LEGAL MEMORANDA AND OPINIONS.—The report under subsection (a) shall include a copy of all legal memoranda, opinions, and other related documents in unclassified, and if necessary, classified form with respect to the conduct of signals intelligence activities, including electronic surveillance by elements of the intelligence community, utilized by the Office of the General Counsel of the National Security Agency, by the Office of General Counsel of the Central Intelligence Agency, or by the Office of Intelligence Policy Review of the Department of Justice, in preparation of the report.

(d) DEFINITION.—As used in this section:

(1) The term "intelligence community" has the meaning given that term under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(2) The term "United States persons" has the meaning given such term under section 101(i) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(i)).

(3) The term "appropriate congressional committees" means the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives, and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate.

Mr. BARR of Georgia. Mr. Chairman, I had the honor of serving this great land back in the 1970s, including those years in which the government of our country, in an effort to institutionalize proper oversight of our intelligence agencies, enacted public laws that established the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence.

In the intervening generation, these committees, including under the current leadership of the gentleman from Florida (Chairman Goss), have provided very, very essential oversight of the intelligence activities of our government.

Hopefully in so doing, we have avoided any excesses that have given rise to some of the incidents in the past that have troubled our intelligence gathering capabilities and hurt the credibility of these great institutions such as the CIA.

However, Mr. Chairman, the oversight with which the gentleman from Florida (Mr. Goss) and many others have worked so diligently to both implement and then preserve over the last 24 years is under attack right now, and the survivability of that oversight mechanism is threatened.

I speak particularly, Mr. Chairman, of efforts by the intelligence community to deny proper information for the House Permanent Select Committee on Intelligence to conduct oversight, meaningful oversight responsibilities.

For example, in recent communications between the chairman and the NSA, the general counsel of the NSA interposed what, by any stretch of the imagination, is a bogus claim of attorney/client privilege in an effort to deny the chairman and the committee members proper information with which to carry out their oversight responsibilities.

In particular, the gentleman from Florida (Chairman Goss) was seeking very important information that goes to the standards whereby the intelligence community and the agencies comprising the intelligence community gather intelligence and gather information on American citizens.

One such project in particular that has recently come to light, Mr. Chairman, is a project known as Project Echelon, which has been in place for several years and which, by accounts that we have recently seen in the media, engages in the intercession of literally millions of communications involving United States citizens over satellite transmissions, involving e-mail transmissions, Internet access, as well as mobile phone communications and telephone communications.

This information apparently is shared, at least in part, and coordinated, at least in part, with intelligence agencies of four other countries: the UK, Canada, New Zealand, and Australia.

As part of our effort here in the Congress, both on the Select Committee on Intelligence, which the gentleman from Florida (Mr. Goss) chairs, as well as others of us, while not serving on that committee, are concerned about the privacy rights for American citizens and whether or not there are constitutional safeguards being circumvented by the manner in which the intelligence agencies are intercepting and/or receiving international communications back from foreign nations that would otherwise be prohibited by the prohibitions and the limitations on the collection of domestic intelligence.

We have been trying to get information with regard to Project Echelon and others. The amendment that I propose today simply would require the intelligence community, and that is specifically the Department of Justice, the National Security Agency, and the CIA to provide to the Congress within 60 days of the enactment this Intelligence Authorization Act a report setting forth the legal basis and procedures whereby the intelligence community and the agencies comprising intelligence community gather intelligence.

This will enable the intelligence community and the Committee on the Judiciary of both Houses to properly evaluate whether or not these procedures are being implemented properly according to proper legal and constitutional standards.

It would be very interesting to see, Mr. Chairman, if the administration or the Senate opposes this very straightforward amendment, which simply requires a report on the legal basis for such interceptions to be furnished within 60 days to the Select Committee on Intelligence of both Houses and to the Committee on the Judiciary of both Houses.

I ask Members on both sides of the aisle to support this very straightforward amendment, which not only will help guarantee the privacy rights for American citizens, but will protect the oversight responsibilities of the Congress which are now under assault by these bogus claims that the intelligence communities are making. I ask for the adoption of the amendment.

Mr. GOSS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to say I very much appreciate the remarks of the distinguished gentleman from Georgia (Mr. Barr). He has characterized an ongoing vigilance of oversight matters that we carry on every day. I am certainly prepared to accept his amendment. I think it is useful and indeed helpful to some problems we are having directly now.

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I also think that it is helpful in the area of the very delicate balancing act that we have to do on HPSCI, and I hope we do it well. I think we do it well.

It is, on the one hand, absolutely accepting no compromise on the rights of American citizens and, on the other hand, not tying the hands of our law enforcement people who are trying to catch people who are trying to work mischief against the United States of America. And it is not always as clear as it might be which it is at the beginning of a process involving individuals.

So this is a very difficult judgment area for us. Nobody would want us, particularly in light of the news coming out of the weapons labs today, to release or relax our efforts to catch people who are trying to steal our secrets or penetrate our appropriately applied security arrangements. On the other hand, it is intolerable to think of the United States Government, of big brother, or anybody else invading the privacy of an American citizen without cause.

I believe that the amendment offered by the gentleman from Georgia (Mr. Barr) will help in that debate, and I am prepared to accept it. I know that it is offered in that spirit, and I know that it will also be helpful to me in my current problems, making sure the intelligence community understands that penetrating oversight is here to stay. I think most of them are getting the message.

Mr. DIXON. Mr. Chairman, I move to strike the last word.

The minority will accept this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. Barr).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title III?

If not, the Clerk will designate title IV.

The text of title IV is as follows:

TITLE IV—CENTRAL INTELLIGENCE AGENCY

SEC. 401. TWO-YEAR EXTENSION OF CIA CENTRAL SERVICES PROGRAM.

Section 21(h)(1) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403u(h)(1)) is amended by striking out "March 31, 2000." and inserting "March 31, 2002.".

The CHAIRMAN. Are there amendments to title IV?

If not, the Clerk will designate title V.

The text of title V is as follows:

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

SEC. 501. PROTECTION OF OPERATIONAL FILES OF THE NATIONAL IMAGERY AND MAPPING AGENCY.

(a) IN GENERAL.—Subchapter I of chapter 22 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 446. Protection of operational files

"(a) EXEMPTION OF CERTAIN OPERATIONAL FILES FROM SEARCH, REVIEW, PUBLICATION, OR DISCLOSURE.—(1) The Director of the National Imagery and Mapping Agency, with the coordination of the Director of Central Intelligence, may exempt operational files of the National Imagery and Mapping Agency from the provisions of section 552 of title 5 (Freedom of Information Act), which require publication, disclosure, search, or review in connection therewith.

"(2)(A) Subject to subparagraph (B), for the purposes of this section, the term 'operational files' means files of the National Imagery and Mapping Agency (hereinafter in this section referred to as 'NIMA') concerning the activities of NIMA that before the establishment of NIMA were performed by the National Photographic Interpretation Center of the Central Intelligence Agency (NPIC), that document the means by which foreign intelligence or counterintelligence is collected through scientific and technical systems.

"(B) Files which are the sole repository of disseminated intelligence are not operational files.

"(3) Notwithstanding paragraph (1), exempted operational files shall continue to be subject to search and review for information concerning—

"(A) United States citizens or aliens lawfully admitted for permanent residence who have requested information on themselves pursuant to the provisions of section 552 of title 5, or section 552a of title 5 (Privacy Act of 1974);

"(B) any special activity the existence of which is not exempt from disclosure under the provisions of section 552 of title 5; or

"(C) the specific subject matter of an investigation by any of the following for any impropriety, or violation of law, Executive order, or Presidential directive, in the conduct of an intelligence activity:

"(i) The Permanent Select Committee on Intelligence of the House of Representatives.

"(ii) The Select Committee on Intelligence of the Senate.

"(iii) The Intelligence Oversight Board.

"(iv) The Department of Justice.

"(v) The Office of General Counsel of NIMA.

"(vi) The Office of the Director of NIMA.

"(4)(A) Files that are not exempted under paragraph (1) which contain information derived or disseminated from exempted operational files shall be subject to search and review.

"(B) The inclusion of information from exempted operational files in files that are not exempted under paragraph (1) shall not affect the exemption under paragraph (1) of the originating operational files from search, review publication, or disclosure.

"(C) Records from exempted operational files which have been disseminated to and referenced in files that are not exempted under paragraph (1) and which have been returned to exempted operational files for sole retention shall be subject to search and review.

"(5) The provisions of paragraph (1) may not be superseded except by a provision of law which is enacted after the date of enactment of this section, and which specifically cites and repeals or modifies its provisions.

"(6)(A) Except as provided in subparagraph (B), whenever any person who has requested agency records under section 552 of title 5, alleges that NIMA has withheld records improperly because of failure to comply with any provision of this section, judicial review shall be available under the terms set forth in section 552(a)(4)(B) of title 5.

"(B) Judicial review shall not be available in the manner provided for under subparagraph (A) as follows:

"(i) In any case in which information specifically authorized under criteria established by an Executive Order to be kept secret in the interests of national defense or foreign relations is filed with, or produced for, the court by NIMA, such information shall be examined ex parte, in camera by the court.

"(ii) The court shall, to the fullest extent practicable, determine the issues of fact based on sworn written submissions of the parties.

"(iii) When a complainant alleges that requested records are improperly withheld because of improper placement solely in exempted operational files, the complainant shall support such allegation with a sworn written submission based upon personal knowledge or otherwise admissible evidence.

"(iv)(I) When a complainant alleges that requested records were improperly withheld because of improper exemption of operational files, NIMA shall meet its burden under section 552(a)(4)(B) of title 5, by demonstrating to the court by sworn written submission that exempted operational files likely to contain responsible records currently perform the functions set forth in paragraph (2).

"(II) The court may not order NIMA to review the content of any exempted operational file or files in order to make the demonstration required under subclause (I), unless the complainant disputes NIMA's showing with a sworn written submission based on personal knowledge or otherwise admissible evidence.

"(v) In proceedings under clauses (iii) and (iv), the parties may not obtain discovery pursuant to rules 26 through 36 of the Federal Rules of Civil Procedure, except that requests for admissions may be made pursuant to rules 26 and 36.

"(vi) If the court finds under this paragraph that NIMA has improperly withheld requested records because of failure to comply with any provision of this subsection, the court shall order NIMA to search and review the appropriate exempted operational file or files for the requested records and make such records, or portions thereof, available in accordance with the provisions of section 552 of title 5, and such order shall be the exclusive remedy for failure to comply with this subsection.

"(vii) If at any time following the filing of a complaint pursuant to this paragraph NIMA agrees to search the appropriate exempted operational file or files for the requested records, the court shall dismiss the claim based upon such complaint.

"(viii) Any information filed with, or produced for the court pursuant to clauses (i) and (iv) shall be coordinated with the Director of Central Intelligence prior to submission to the court.

"(b) DECENNIAL REVIEW OF EXEMPTED OPERATIONAL FILES.—(1) Not less than once every ten years, the Director of the National Imagery and Mapping Agency and the Director of Central Intelligence shall review the exemptions in force under subsection (a)(1) to determine whether such exemptions may be removed from the category of exempted files or any portion thereof. The Director of Central Intelligence must approve any determination to remove such exemptions.

"(2) The review required by paragraph (1) shall include consideration of the historical value or other public interest in the subject matter of the particular category of files or portions thereof and the potential for declassifying a significant part of the information contained therein.

"(3) A complainant that alleges that NIMA has improperly withheld records because of failure to comply with this subsection may seek judicial review in the district court of the United States of the district in which any of the parties reside, or in the District of Columbia. In such a proceeding, the court's review shall be limited to determining the following:

"(A) Whether NIMA has conducted the review required by paragraph (1) before the expiration of the ten-year period beginning on the date of the enactment of this section or before the expiration of the ten-year period beginning on the date of the most recent review.

"(B) Whether NIMA, in fact, considered the criteria set forth in paragraph (2) in conducting the required review.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of chapter 22 of title 10, United States Code, is amended by adding at the end the following new item:

"446. Protection of operational files.".

The CHAIRMAN. Are there amendments to title V?

Are there additional amendments to the bill?

AMENDMENT NO. 8 OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer amendment No. 8 printed in the May 12, 1999, CONGRESSIONAL RECORD.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. SANDERS: At the bill, add the following new title:

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 601. LIMITATION ON AMOUNTS AUTHORIZED TO BE APPROPRIATED.

(a) LIMITATION.—Except as provided in subsection (b), notwithstanding the total amount of the individual authorizations of appropriations contained in this Act, including the amounts specified in the classified Schedule of Authorizations referred to in section 102, there is authorized to be appropriated for fiscal year 2000 to carry out this Act not more than the total amount authorized to be appropriated by the Intelligence Authorization Act for Fiscal Year 1999.

(b) EXCEPTION.—Subsection (a) does not apply to amounts authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund by Section 201.

SEC. 602. REPORT ON EFFICACY OF THE CENTRAL INTELLIGENCE AGENCY.

(a) REPORT.—Not later than one year after the date of the enactment of this Act, the Director of Central Intelligence shall submit to Congress a detailed, comprehensive report in unclassified form on the matters described in subsection (b).

(b) MATTERS STUDIED.—Matters studied for the report under subsection (a) shall include the following:

(1) The bombing in March 1991 by the Armed Forces of the United States during the Persian Gulf War of a weapons and nerve gas storage bunker in Khamisiyah, Iraq, and errors committed by the Central Intelligence Agency with respect to the location and contents of such bunker and the failure to disclose the proper location and contents to the Secretary of Defense.

(2) Errors with respect to maps of the Aviano, Italy, area prepared by the Central Intelligence Agency and used by aviators in the Armed Forces of the United States which may have resulted on February 3, 1996, in the accidental severing of a cable car device by a United States military aircraft on a training mission, which resulted in the deaths of twenty civilians.

(3) Errors with respect to maps prepared by the Central Intelligence Agency of the Belgrade, Yugoslavia, area which resulted on May 7, 1999, in the accidental bombing of the Embassy of the People's Republic of China by forces under the command of North Atlantic Treaty Organization and the deaths of three civilians.

(c) RECOMMENDATIONS.—The report under subsection (a) shall contain recommendations for such legislation and administrative actions as the Director determines appropriate to avoid similar errors by the Central Intelligence Agency.

Mr. SANDERS. Mr. Chairman, this amendment is basically about two issues. Number one, the issue is about priorities in how we spend our national wealth: and, secondly, the issue is about accountability and what we do when an agency is not performing up to the level that we want it to perform.

Mr. Chairman, it is no secret that in our great country we are spending large sums of money where we should not be spending it and we are not spending money where we should be spending it.

Today, in the United States, 43 million Americans have no health insurance, but we do not have the money to help those people. Today, in the United States, millions of senior citizens cannot afford their prescription drugs and they suffer and they die because the United States Government does not do what other countries around the world do and help seniors with their prescription drugs. Today, in the United States, at VA hospitals all over this country, veterans who have put their lives on the line defending this country are not getting the quality of care they need because the United States Congress is not adequately funding the Veterans Administration.

I believe that within that context and the fact that we are underfunding many other important social needs we should not be increasing funding for the intelligence agencies. And what this to the amendment basically says is that we should level fund the intelligence agencies. That is the first reason.

The second part of this to the amendment is equally important, and here we are talking about accountability and responsibility on the part of our intelligence agencies. I know, and my colleagues know, that almost by definition much of what the intelligence agencies do is quiet. I expect they do a lot of good work which we do not hear about, and I applaud them for what they do which is positive.

But it is no secret that in area after area there have been major deficiencies and very, very poorly performed operations, and it is important that we talk about that and that we demand accountability.

Let me just give my colleagues a few of the examples that I think need to be talked about and that we need from the Director of the CIA an understanding of how these things occurred and an understanding that they will never occur again.

Everybody in the Congress and everybody in the United States was shocked when we heard recently about the bombing of the Chinese embassy in Belgrade. And many of us at first thought, well, it was a mistake; the pilot aimed for another building, and he hit the Chinese embassy, and those things happen. It is terrible, but it was a mistake.

But then we learned that the pilot hit what he was supposed to hit, and that was altogether shocking.

We found that the information, which was available virtually on the worldwide web, which was probably available in the Yugoslavian telephone directory, that the Chinese embassy was located at that location was apparently not available to the CIA, and their action has caused a major international crisis. We want to know how that mistake could have taken place.

Furthermore, as someone who is involved with the issue of the Gulf War illness, I, and I know all of our Members, are concerned about the explosion that took place in Kamisiyah, which is where the United States blew up an Iraqi arms depot which contained chemical weapons.

Let me quote from the April 12, 1997, New York Times. “The report issued this week by the CIA shows that the agency actually had detailed information, including geographical coordinates, during the war to suggest that chemical weapons are at Kamisiyah, information that was not passed on to the soldiers who later blew up the depot and may have been exposed to nerve gas.”

In other words, our soldiers were exposed to nerve gas because the CIA did not communicate the information that it had.

Thirdly, we are all familiar with the terrible accident that took place in Italy regarding an American plane that went into lines that keep the gondolas moving in a ski area. I will quote from News Day. This is February 1, 1999. “Although the gondola had been traversing the ski area for 30 years, there was no hint of it on the Prowler's crew map. While the horizontal hazard to aviation was clearly marked on Italian Air Force charts, the Pentagon agency somehow missed it.”

So our intelligence agencies were not providing our pilots with an up-to-date map, and so they had a terrible accident which could have been avoided.

Mr. Chairman, these are just three examples. The fact of the matter is, there are many more.

The CHAIRMAN. The time of the gentleman from Vermont (Mr. SANDERS) has expired.

(By unanimous consent, Mr. SANDERS was allowed to proceed for 1 additional minute.)

Mr. SANDERS. Mr. Chairman, it seems to me that in light of these instances, and many more which I have not gone into, there is no reason why this body should not pass this conservative, simple amendment.

We are calling for, as part of this to the amendment, a study of these three specific events; and we are also requesting recommendations from the intelligence community as to how these catastrophes could be avoided in the future.

So that is what this to the amendment does. It says level fund; and, second of all, we want some accountability on the part of the intelligence agency.

AMENDMENT OFFERED BY MR. DIXON TO AMENDMENT NO. 8 OFFERED BY MR. SANDERS

Mr. DIXON. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. DIXON to amendment No. 8 offered by Mr. SANDERS:

On page 1, line 13 of the amendment, delete “1999” and insert in lieu thereof “1998”.

Mr. DIXON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment to the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DIXON. Mr. Chairman, first of all, I want to make clear what the situation is here. I admire what the gentleman from Vermont (Mr. SANDERS) is trying to do as it relates to the reports. I have no problems with that. In fact, many of us have talked today about the mistake that has been made with the bombing of the embassy. There is no apparent legitimate excuse for that. The committee is going to get to the bottom of it.

As it relates to the other two instances, I think that he is right, that we should find out exactly what happened.

However, through an inadvertent, and I stress inadvertent, error, the amendment before us, as introduced, says that the authorization will be frozen at the 1999 level. In an effort to have a full debate on this, I am offering an amendment that substitutes 1998, with the consent of the author. That is because the 1999 figure is not the appropriate figure. It would be the 1998 figure, because the 2000 authorization that we are now talking about is, in fact, lower than the 1999.

So in an effort to accommodate this debate on these issues that are very important, I am offering this perfecting amendment, but I want to make it very clear that I am opposed to the authorization reduction part of the Sanders amendment.

Mr. SANDERS. Mr. Chairman, will the gentleman yield?

Mr. DIXON. I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, I want to thank my good friend, and I am happy to accept his amendment for the reasons that he gave, but I think the situation here tells us about another problem, and that is year after year the Members of the Congress are forced to debate the intelligence appropriation without having that concrete information out on the table.

I know that year after year Members come up and say, gee, The New York Times has the information, the Congressional Quarterly has the information, but the American people do not have it from the Congress.

So I thank the gentleman for his amendment to my amendment, and I am prepared to accept it, but I do raise that question again, that the day should come when we are public and open about how much money there is in the intelligence budget.

Mr. DIXON. Reclaiming my time just for a minute, Mr. Chairman, in my opening statement I indicated that I disagreed with the Director of Central Intelligence in his reversal of a public position he took two years ago, and that is to make the aggregate number of the appropriations public. I have indicated that I support that idea, that it should be public, and hope that he would reconsider.

Mr. GOSS. Mr. Chairman, I move to strike the last word.

With regard to the situation we have on the floor, I am very happy to accommodate the ranking member on his secondary to the amendment. I think that is the right way to perfect the intent of what the gentleman from Vermont is trying to get done. We wish to cooperate in that because we think it is an important issue; and I think this is the right way, in a parliamentary way, to go about it.

The concern I have about some of the points that the gentleman has raised, in defense of his amendment, is one of puzzlement, a little bit. We have invited Members to come upstairs and take a look, and it is there. The numbers are there, and the staff is there, and the staff will assist Members.

I wish to assure the gentleman that the staff will assist him, in whatever his effort is. The staff will assist Members. They may or may not agree with a Member; it does not matter. If a Member has a legitimate thing they wish to accomplish as a Member of Congress to bring to the other Members, that is why our staff is there. We offer that invitation, and I want to again extend that invitation to the gentleman for next year.

Mr. SANDERS. Mr. Chairman, will the gentleman yield?

Mr. GOSS. I yield to the gentleman from Vermont.

Mr. SANDERS. First of all, Mr. Chairman, I want to thank the gentleman very much for accepting the amendment of the gentleman from California (Mr. DIXON) to my amendment. I appreciate that.

The reason that I personally, and I think a number of other Members, do not walk into that room, frankly, is that we do not want to be encumbered upon if we make a statement and somebody says, "My goodness, you are revealing a national secret." I do know the room is there, and I am sure that the gentleman's staff will be very helpful. I have not gone in there for precisely that reason, so that nobody can say that I am revealing something which, in fact, I have never seen.

Mr. GOSS. Reclaiming my time, Mr. Chairman, I understand. We do not want anybody to be intimidated, and we can generally make pretty clear what is classified and what is not. But, in any event, we can certainly help Members craft an amendment.

With regard to the three areas the gentleman mentioned, obviously, I think if the gentleman read the newspapers yesterday, he saw that I spoke on behalf of the committee in saying that we intend to pursue further the events of the unpleasant matter of the Chinese embassy.

I can tell the gentleman that there have been reports, I think they have now been made fully public, I think staff tells me on Kamisiyah and certainly on Aviano. And I would point out that that is not necessarily a CIA problem, although it is an intelligence community problem. Actually, I believe the maps were produced by NIMA, as was the case in Belgrade.

Now, that is a distinction that does not matter. It is the intelligence community. But, again, in an abundance of trying to be helpful with the vernacular and the terminology of the intelligence community, every time somebody says CIA, it does not necessarily mean CIA. It is just sort of a handy way to say something we do not know about and, apparently, it has to do with intelligence.

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The intelligence community is very varied. It has many different functions. It has a lot of accountability and a lot of responsibility. And I will tell my colleagues that the reason that I will oppose the amendment, the underlying amendment for the cut, I believe to just take an across-the-board cut, which is I believe what the intention of the gentleman is and what has now been made in order once the perfecting amendment of the gentleman from California (Mr. DIXON) is in place, really undoes all the work that the committee does to go through the many agency budgets and go line by line, which we have to do, because we are probably the only committee that operates on the basis of having to go forward to the floor and our colleagues and say, look, we have looked at this stuff, we know we cannot talk about it publicly, we have looked at it and we think we have got it at about the right level and we are prepared to defend what is in there.

If we take an across-the-board cut, it seriously disrupts that process and it hurts things that will have consequences that go well beyond a small proportionate cut. It is very hard to explain if we have an across-the-board cut like this, whatever the level is, what the consequences will be.

I would prefer to let the committee work its will and try very hard to let every member of the committee identify what they think is unnecessary and debate it upstairs. That is the process we go through. We have many briefings, many hearings, much testimony. And then when we are all through and we unanimously, in a bipartisan way, pass this out, we have the material upstairs, and anybody who wants to come upstairs and second guess us is welcome. That is always the way we have done it.

Mr. SANDERS. Mr. Chairman, will the gentleman yield?

Mr. GOSS. I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, I am not arguing with the proposition that my colleague has just put forward. But what he is not dealing with is the issue of priorities of a Nation as a whole.

What I am raising the question is whether we need more money for the intelligence agencies or more money for prescription drugs for our senior citizens or college education for our middle-class families.

The CHAIRMAN. The time of the gentleman from Florida (Mr. GOSS) has expired.

(By unanimous consent, Mr. GOSS was allowed to proceed for 1 additional minute.)

Mr. GOSS. Mr. Chairman, to answer the gentleman, we are within our budget allocation, within our caps. We are playing by the rules. We are doing this the way we should be doing it.

There has been a great debate about reinvesting to rebuild our intelligence capability in the country. I do not think it has been just fired by some of the headline events we have seen. I would say that those are tragedies. Things have happened that we do not want to happen, bad surprises where people have been killed, embassies blowing up, nuclear testing in India, which we did not catch. It turns out probably we could not have done anything about it. Nevertheless, we should have been on top of it, the things we have been reading about lately, the penetration of the laboratories.

It seems to me that the way to deal with that is to look at it forthrightly and say, there are problems here and we need to fix them. Now, we do not fix all problems by throwing money at them. But we do need to have some resources. We need to go out and get the personnel. We need to spot, identify, train, build, education, get the right languages.

We are expected in the intelligence community to be the eyes and the ears around the world for anything we can read about anytime, anywhere. That is, basically, what the intelligence community does this day and that is a huge order. And doing that, we are not going to get there by cutting money. We have to do a reasonable amount of investing.

Mr. Chairman, I insert the following for printing in the RECORD:

DECLARATION OF GEORGE J. TENET

INTRODUCTION

I, George J. Tenet, hereby declare:

1. I am the Director of Central Intelligence (DCI). I was appointed DCI on 11 July 1997. As DCI, I serve as head of the United States intelligence community, act as the principal adviser to the President for intelligence matters related to the national security, and serve as head of the Central Intelligence Agency (CIA).

2. Through the exercise of my official duties, I am generally familiar with plaintiff's civil action. I make the following statements based upon my personal knowledge upon information made available to me in my official capacity, and upon the advice and counsel of the CIA's Office of General Counsel.

3. I understand that plaintiff has submitted Freedom of Information Act (FOIA) requests for "a copy of documents that indicate the amount of the total budget request for intelligence and intelligence-related activities for fiscal year 1999" and "a copy of documents that indicate the total budget appropriation for intelligence and intelligence-related activities for fiscal year 1999, updated to reflect the recent additional appropriation of 'emergency supplemental' funding for intelligence." I also understand that plaintiff alleges that the CIA has improperly withheld such documents. I shall refer to the requested information as the "budget request" and "the total appropriation," respectively.

4. As head of the intelligence community, my responsibilities include developing and presenting to the President an annual budget request for the National Foreign Intelligence Program (NFIP), and participating in the development by the Secretary of Defense of the annual budget requests for the Joint Military Intelligence Program (JMIP) and Tactical Intelligence and Related Activities (TIARA). The budgets for the NFIP, JMIP, and TIARA jointly comprise the budget of the United States for intelligence and intelligence-related activities.

5. The CIA has withheld the budget request and the total appropriation on the basis of FOIA Exemption (b)(1) because they are currently and properly classified under Executive Order 12958, and on the basis of FOIA Exemption (b)(3) because they are exempted from disclosure by the National Security Act of 1947 and the Central Intelligence Agency Act of 1949. The purpose of this declaration, and the accompanying classified declaration, is to describe my bases for determining that disclosure of the budget request or the total appropriation reasonably could be expected to cause damage to the national security and would tend to reveal intelligence methods.

6. I previously executed declarations in this case that were filed with the CIA's motion for summary judgment on 11 December 1998. Those two declarations described my bases for withholding the budget request only. Since the CIA filed its motion for summary judgment, plaintiff has filed an amended complaint seeking release of the total appropriation also. For the Court's convenience, the justifications contained in my earlier declarations are repeated and supplemented in this declaration and the accompanying classified declaration and describe my bases for withholding both the budget request and the total appropriation for fiscal year 1999.

PRIOR RELEASES

7. In October 1997, I publicly disclosed that the aggregate amount appropriated for intelligence and intelligence-related activities for fiscal year 1997 was $26.6 billion. At the time of this disclosure, I issued a public statement that included the following two points:

"First, disclosure of future aggregate figures will be considered only after determining whether such disclosure could cause harm to the national security by showing trends over time.

"Second, we will continue to protect from disclosure any and all subsidiary information concerning the intelligence budget: whether the information concerns particular intelligence agencies or particular intelligence programs. In other words, the Administration intends to draw the line at the top-line, aggregate figure. Beyond this figure, there will be not other disclosures of currently classified budget information because such disclosures could harm national security."

8. In March 1998, I publicly disclosed that the aggregate amount appropriated for intelligence and intelligence-related activities for fiscal year 1998 was $26.7 billion. I did so only after evaluating whether the 1998 appropriation, when compared with the 1997 appropriation, could cause damage to the national security by showing trends over time, or otherwise tend to reveal intelligence methods. Because the 1998 appropriation represented approximately a $0.1 billion increase—or less than a 0.4 percent change—over the 1997 appropriation, and because published reports did not contain information that, if coupled with the appropriation, would be likely to allow the correlation of specific spending figures with particular intelligence programs, I concluded that release of the 1998 appropriation could not reasonably be expected to cause damage to the national security, and so I released the 1998 appropriation.

9. Since the enactment of the intelligence appropriation for fiscal year 1998, the budget process has produced: (1) the fiscal year 1998 supplemental appropriation; (2) the Administration's budget request for fiscal year 1999 (a subject of this litigation); (3) the fiscal year 1999 regular appropriation (a subject of this litigation); and (4) the fiscal year 1999 emergency supplemental appropriation (a subject of this litigation). Information about each of these figures—some of it accurate, some not—has been reported in the media. In evaluating whether to release the Administration's budget request or total appropriation for fiscal year 1999, I cannot review these possible releases in isolation. Instead, I have to consider whether release of the requested information could add to the mosaic of other public and clandestine information acquired by our adversaries about the intelligence budget in a way that could reasonably be expected to damage the national security. If release of the requested information adds a piece to the intelligence jigsaw puzzle—even if it does not complete the picture—such that the picture is more identifiable, then damage to the national security could reasonably be expected. After conducting such a review, I have determined that release of the Administration's intelligence budget request or total appropriation for fiscal year 1999 reasonably could be expected to cause damage to the national security, or otherwise tend to reveal intelligence methods. In the paragraphs that follow, I will provide a description of some of the information that I reviewed and how I reached this conclusion. I am unable to describe all of the information I reviewed without disclosing classified information. Additional information in support of my determination is included in my classified declaration.

10. At the creation of the modern national security establishment in 1947, national policymakers had to address a paradox of intelligence appropriations: the more they publicly disclosed about the amount of appropriations, the less they could publicly debate about the object of such appropriations without causing damage to the national security. They struck the balance, in favor of withholding the amount of appropriations. For over fifty years, the Congress has acted in executive session when approving intelligence appropriations to prevent the identification of trends in intelligence spending and any correlation between specific spending figures with particular intelligence programs. Now is an especially critical and turbulent period for the intelligence budget, and the continued secrecy of the fiscal year 1999 budget request and total appropriation is necessary for the protection of vulnerable intelligence capabilities.

CLASSIFIED INFORMATION

FOIA exemption (b)(1)

11. The authority to classify information is derived from a succession of Executive orders, the most recent of which is Executive Order 12958, "Classified National Security Information." Section 1.1(c) of the Order defines "classified information" as "information that has been determined pursuant to this order or any predecessor order to require protection against unauthorized disclosure." The CIA has withheld the budget request and the total appropriation as classified information under the criteria established in Executive Order 12958.

Classification authority

12. Information may be originally classified under the Order only if it: (1) is owned by, produced by or for, or is under the control of the United States Government; (2) falls within one or more of the categories of information set forth in section 1.5 of the Order; and (3) is classified by an original classification authority who determines that its unauthorized disclosure reasonably could be expected to result in damage to the national security that the original classification authority can identify or describe.[1] The classification of the budget request and the total appropriation meet these requirements.

13. The Administration's budget request and the total appropriation are information clearly owned, produced by and under the control of the United States Government. Additionally, the budget request and the total appropriation fall within the category of information listed at section 1.5(c) of the Order: "intelligence activities (including special activities), intelligence sources or methods, or cryptology."

14. Finally, I have made the determination required under the Order to classify the budget request and the total appropriation. By Presidential Order of 13 October 1995, "National Security Information", 3 C.F.R. 513 (1996), reprinted in 50 U.S.C. §435 note (Supp. I 1995), and pursuant to section 1.4(a)(2) of Executive Order 12958, the President designated me as an official authorized to exercise original Top Secret classification authority. I have determined that the unauthorized disclosure of the budget request or the total appropriation reasonably could be expected to cause damage to the national security. Consequently, I have classified the budget request and the total appropriation at the Confidential level. In the paragraphs below, I will identify and describe the foreseeable damage to national security that

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[1] The severity of the damage to the national security affects the level of classification assigned to the information: information reasonably expected to cause exceptionally grave damage is classified TOP SECRET; information reasonably expected to cause serious damage is classified SECRET; and information reasonably expected to cause damage is classified CONFIDENTIAL.

reasonably could be expected to result from disclosure of the budget request or the total appropriation.

Damage to national security

15. Disclosure of the budget request or the total appropriation reasonably could be expected to cause damage to the national security in several ways. First, disclosure of the budget request reasonably could be expected to provide foreign governments with the United States' own assessment of its intelligence capabilities and weaknesses. The difference between the appropriation for one year and the Administration's budget request for the next provides a measure of the Administration's unique, critical assessment of its own intelligence programs. A requested budget decrease reflects a decision that existing intelligence programs are more than adequate to meet the national security needs of the United States. A requested budget increase reflects a decision that existing intelligence programs are insufficient to meet our national security needs. A budget request with no change in spending reflects a decision that existing programs are just adequate to meet our needs.

16. Similar insights can be gained by analyzing the difference between the total appropriation by Congress for one year and the total appropriation for the next year. The difference between the appropriation for one year and the appropriation for the next year provides a measure of the Congress' assessment of the nation's intelligence programs. Not only does an increased, decreased, or unchanged appropriation reflects a congressional determination that existing intelligence programs are less than adequate, more than adequate, or just adequate, respectively, to meet the national security needs of the United States, but an actual figure indicates the degree of change.

17. Disclosure of the budget request or the total appropriation would provide foreign governments with the United States' own overall assessment of its intelligence weaknesses and priorities and assist them in redirecting their own resources to frustrate the United States' intelligence collection efforts, with the resulting damage to our national security. Because I have determined it to be in our national security interest to deny foreign governments information that would assist them in assessing the strength of United States intelligence capabilities, I have determined that disclosure of the budget request or the total appropriation reasonably could be expected to cause damage to the national security. I am unable to elaborate further on the bases for my determination without disclosing classified information. Additional information in support of my determination is included in my classified declaration.

18. Second, disclosure of the budget request or the total appropriation reasonably could be expected to assist foreign governments in correlating specific spending figures with particular intelligence programs. Foreign governments are keenly interested in the United States' intelligence collection priorities. Nowhere are those priorities better reflected than in the level of spending on particular intelligence activities. That is why foreign intelligence services, to varying degrees, devote resources to learning the amount and objects of intelligence spending by other foreign governments. The CIA's own intelligence analysts conduct just such analyses of intelligence spending by foreign governments.

19. However, no intelligence service, U.S. or foreign, ever has complete information. They are always revising their intelligence estimates based on new information. Moreover, the United States does not have complete information about how much foreign intelligence services know about U.S. intelligence programs and funding. Foreign governments collect information about U.S. intelligence activities from their human intelligence sources; that is, "spies." While the United States will never know exactly how much our adversaries know about U.S. intelligence activities, we do know that all foreign intelligence services know at least as much about U.S. intelligence programs and funding as has been disclosed by the Congress or reported by the media. Therefore, congressional statements and media reporting of the fiscal year 1999 budget cycle provide the minimum knowledge that can be attributed to all foreign governments, and serve as a baseline for predictive judgments of the possible damage to national security that could reasonably be expected to result from release of the budget request or the total appropriation.

20. Budget figures provide useful benchmarks that, when combined with other public and clandestinely-acquired information, assist experienced intelligence analysts in reaching accurate estimates of the nature and extent of all sorts of foreign intelligence activities, including covert operations, scientific and technical research and development, and analytic capabilities. I expect foreign intelligence services to do no less if armed with the same information. While other sources may publish information about the amounts and objects of intelligence spending that damages the national security, I cannot add to that damage by officially releasing information, such as the budget request or the total appropriation, that would tend to confirm or deny these public accounts. Such intelligence would permit foreign governments to learn about United States' intelligence collection priorities and redirect their own resources to frustrate the United States' intelligence collection efforts, with the resulting damage to our national security. Therefore, I have determined that disclosure of the budget request or the total appropriation reasonably could be expected to cause damage to the national security. I am unable to elaborate further on the bases for my determination without disclosing classified information. Additional information in support of my determination is included in my classified declaration.

21. In addition, release of both the budget request and the total appropriation would permit one to calculate the exact difference between the Administration's request and Congress' appropriation. It is during the congressional debate over the Administration's budget request that many disclosures of specific intelligence programs are reported in the media. Release of the budget request and total appropriation together would assist our adversaries in correlating the added or subtracted intelligence programs with the exact amount of spending devoted to them.

22. And third, disclosure of the budget request or the total appropriation reasonably could be expected to free foreign governments' limited collection and analysis resources for other efforts targeted against the United States. No government has unlimited intelligence resources. Resources devoted to targeting the nature and extent of the United States' intelligence spending are resources that cannot be devoted to other efforts targeted against the United States. Disclosure of the budget request or the total appropriation would free those foreign resources for other intelligence collection activities directed against the United States, with the resulting damage to our national security. Therefore, I have determined that disclosure of the budget request or the total appropriation reasonably could be expected to cause damage to the national security.

23. In summary, I have determined that disclosure of the budget request or the total appropriations reasonably could be expected to provide foreign intelligence services with a valuable benchmark for identifying and frustrating United States' intelligence programs. For all of the above reasons, singularly and collectively, I have determined that disclosure of the budget request or the total appropriation for fiscal year 1999 reasonably could be expected to cause damage to the national security. Therefore, I have determined that the budget request and the total appropriation are currently and properly classified Confidential.

INTELLIGENCE METHODS

FOIA exemption (b)(3)

24. Section 103(c)(6) of the National Security Act of 1947, as amended, provides that the DCI, as head of the intelligence community, "shall protect intelligence sources and methods from unauthorized disclosure." Disclosure of the budget request or the total appropriation would jeopardize intelligence methods because disclosure would tend to reveal how and for what purposes intelligence appropriations are secretly transferred to and expended by intelligence agencies.

25. There is no single, separate appropriation for the CIA. The appropriations for the CIA and other agencies in the intelligence community are hidden in the various annual appropriations acts. The specific locations of the intelligence appropriations in those acts are not publicly identified, both to protect the classified nature of the intelligence programs themselves and to protect the classified intelligence methods used to transfer funds to and between intelligence agencies.

26. Because there are a finite number of places where intelligence funds may be hidden in the federal budget, a skilled budget analyst could construct a hypothetical intelligence budget by aggregating suspected intelligence line items from the publicly-disclosed appropriations. Release of the budget request or the total appropriation would provide a benchmark to test and refine such a hypothesis. Repeated disclosures of either the budget request or total appropriation could provide more data with which to test and refine the hypothesis. Exhibit 1 is an example of such a hypothesis. Confirmation of the hypothetical budget could disclose the actual locations in the appropriations acts where the intelligence funds are hidden, which is the intelligence method used to transfer funds to and between intelligence agencies.

27. Sections 5(a) and 8(b) of the CIA Act of 1949 constitute the legal authorization for the secret transfer and spending of intelligence funds. Together, these two sections implement Congress' intent that intelligence appropriations and expenditures, respectively, be shielded from public view. Simply stated, the means of providing money to the CIA is itself an intelligence method. Disclosure of the budget request or the total appropriation could assist in finding the locations of secret intelligence appropriations, and thus defeat these congressionally-approved secret funding mechanisms. Therefore I have determined that disclosure of the budget request or the total appropriation would tend

to reveal intelligence methods that are protected from disclosure. I am unable to elaborate further on the bases for my determination without disclosing classified information. Additional information in support of my determination is included in my classified declaration.

CONCLUSION

28. In fulfillment of my statutory responsibility as head of the United States intelligence community, as the principal adviser to the President for intelligence matters related to the national security, and as head of the CIA, to protect classified information and intelligence methods from unauthorized disclosure, I have determined for the reasons set forth above and in my classified declaration that the Administration's intelligence budget request an the total appropriation for fiscal year 1999 must be withheld because their disclosure reasonably could be expected to cause damage to the national security and would tend to reveal intelligence methods.

I hereby certify under penalty of perjury that the foregoing is true and correct.

Executed this 6th day of April, 1999.

GEORGE J. TENET,
Director of Central Intelligence.

Mr. OWENS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Sanders amendment.

Mr. Chairman, I think the last speaker was correct when he said we need to revamp the CIA. I think what the Sanders amendment says is that revamping should not involve additional money.

The CIA budget is estimated to be somewhere around $30 billion. We are only spending about $23 billion on elementary and secondary education. It is important that it be revamped. And I am not sure that the intelligence community that exists now is capable of revamping it. We need an independent commission of some kind to revamp the CIA. It needs to be improved. It needs to have accountability. The long history of blunders in the last 10 years are such that it is obviously a defunct, incompetent, decaying agency. Something needs to happen.

I am not sure the President is in charge, either. The President's first choice for CIA Director was not accepted by the intelligence community. The intelligence community protects this incompetence.

Our history with respect to Haiti was that the CIA was determined to get the duly-elected President of Haiti, Jean Bertrand-Aristide. They did everything they could to smear him. All kinds of false things were generated out of the CIA. When they were later proven to be untrue, nobody later apologized, nobody was held accountable.

In one of the major diplomatic moves made by the envoy to Haiti, where we had a delegation going in with Canadian police and a number of other things to start a process of peace in Haiti, there was a big demonstration on the docks in Haiti which turned all that around and threatened the U.S. Embassy personnel with gunshots; and, it turned out that that demonstration was financed by the CIA. Emmanuel Constanz, the head of the organization that staged the violent demonstration was on the payroll of the CIA.

We cannot fully get the story of all the things Emmanuel Constanz had going with the CIA because they refuse to give us the records. They will not let the nation of Haiti try Emmanuel Constanz for the crimes that he has committed.

Then there is the Aldrich Ames affair, where the man in charge of the Russian spy operation managing our assets was on the payroll of the Soviet Union. He was on the payroll of the Soviet Union, and he exposed those assets. At least 10 of the people who were working for this nation were executed as a result of Aldrich Ames, the guy who was in charge at the CIA, having sold them out for quite a number of millions of dollars.

And now we have the blunder at the Chinese Embassy in Yugoslavia. It is not funny at all. It is not humorous at all to me. I heard some Members in the elevator say, "Do you want to establish a special map fund for the CIA?" I do not think this is funny at all. These people have life-and-death power over large numbers of people, and to talk about a mapping error which could have been corrected by a tourist map, a mapping area that was reinforced by somebody on the ground. They said they had assets on the ground. Was the asset on the ground drunk? What kind of operation is this?

And when are we, as American people first of all, going to get to see what the budget is? But more important than that, an independent commission to revamp it? And before that happens, there should not be a single additional penny spent. Throwing money at the CIA is certainly not going to solve the problem. And money is not the problem. They have far more than they need right now.

My colleagues will recall several years ago that the CIA accountants lost $4 billion in their budget. They could not find out where $4 billion had gone. They just could not. We know it was not spent. They lost it and kept applying for, of course, new funds every year. And we never got a full explanation as to what happened to lose $4 billion in the budget of the CIA.

So we very much need to have a better accounting of this life-and-death powerful agency. The incompetence is deadly. The incompetence of the CIA is deadly. The incompetence of the CIA is such that it destroys the foreign policies of the United States.

My constituents were all in favor of supporting the President on the actions taken against Slobodan Milosevic. But now, the war has been conducted in such a sloppy manner. And with the Chinese Embassy bombing, there seems to be a turnaround in public opinion in my area because they do not want to be a part of anything that is as sloppy as this, a life-and-death operation, that tells us that they bombed an embassy that has been existing for several years because the maps were not correct.

The CIA should be revamped, and we should start with all new people in the intelligence community. If intelligence community means members of the committee, then maybe members of the committee ought to take a hard look at themselves and say, we need some fresher voices. If the committees in the House and the Senate are going to be advocates for the CIA, we need an objective committee that will be an oversight committee to really look at the CIA and revamp the CIA. But, certainly, do not spend an additional dime on the CIA until that happens.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, not only the United States, but I truly believe this is a very, very dangerous world. I believe, from my experience, that it is even more so than during the Cold War.

Sandy Berger, with the CIA, told me that their assets around the world are spread very, very thin. I think one of our biggest threats is terrorist threats, not only in the United States but abroad. And he said their assets are not adequate to do that. Whether it is gaining information to protect our embassies, whether it is terrorist movements, whether it is just gathering intelligence on China or Russia, or whatever, those assets are spread very thin.

Sandy Berger also told us that, with Kosovo, with those assets so thin, that they are having to draw those intelligence assets to Kosovo, which leaves us very, very vulnerable. And, in his words he said, an attack from Osama bin Laden was imminent. To me, that means fairly quick.

It grieves me that we are in the situation that we are in right now in Kosovo. But the last thing we need to do is cut our intelligence. It means life and death, not only for the people here in the United States.

Let me give my colleagues a good example. In Vietnam, we had intelligence in a place just south of Hanoi that said there were no surface-to-air missiles there. We lost four airplanes because of faulty intelligence.

And when my colleague talked about the maps, I agree with him. But I went and looked at the map that they are using. Do my colleagues know what is in the map where the Chinese Embassy was? A vacant lot. And we cannot lie to the American people. We cannot spin things to make ourselves look good, either. That is wrong.

I would ask my colleagues to go over and look at the maps that they were using where the Chinese Embassy was. It was a vacant lot. So this is the kind of information we need, not to destroy. We have a military force and we have a foreign policy and we have the protection of the United States, the national security of this country. They are all tied together.

The intelligence we get enables us to direct our foreign policy, our foreign policy, using the vehicle of the military and enables us to stay safe and it enables our military to stay safe. And I feel from the bottom of my heart, with my experience, that to cut the intelligence budget is cutting the lifeline of the American people in our military. That is why I would oppose the amendment of the gentleman.

Mr. SANDERS. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, I thank my colleague for yielding.

Let me ask my colleague a question: Does he believe that it is a question of funding that our intelligence people did not know where the Chinese Embassy was? Is this a question of putting billions of dollars more into the CIA? Or is this gross mismanagement of the process?

Mr. CUNNINGHAM. Mr. Chairman, reclaiming my time, I think probably both.

I would say to the gentleman from Vermont, when we have people that are spread so thin, it is like many of us in our offices where they give us more to do and we cannot keep up with all that we have got to do, there are things that slip through the crack. When we have limited assets and we are trying to do things in an ad hoc way which, in my opinion, and I agree with the gentleman, it has not been planned well, and when we are doing these ad hoc and we are making these decisions and we have got people picking these targets to do that and the oversight was disastrous.

So, yes, it is because of a lack of personnel, which was also caused by a lack of budget to hire people. That would be my answer to the gentleman. And I feel strongly. I am not being partisan with this. I believe it with all my heart.

And please, look at what our military is going through right now, I mean we are running them into the ground, and the assets of the intelligence agency, both the service intelligence, the CIA, and the FBI. Although, I believe that in many cases it is defunct in certain areas. But please do not cut those assets, because it is a lifeline for us here in the United States and our military, as well.

Mr. DEFAZIO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this is what the public knows about the total aggregate budget of our intelligence agencies. We are told somehow this figure needs to be kept secret.

What solace would U.S. enemies or potential enemies abroad take from knowing that we lavish more money on our intelligence agencies than the entire gross national product of their countries and many of our other enemies combined around the world? None. They would probably be scared to death to think of the amount of money we are spending. It is kept secret for a reason. It is kept secret because of the extraordinary waste and incompetence.

We had some discussion just now about the lack of human intelligence. They are right. They are lavishing so many billions on geegaws and satellites and things that bring down so much data that is never, ever to be analyzed because there are not humans there to analyze it. They do not have people. They do not have agents.

They are wasting tens of millions, hundreds of millions, billions of dollars annually on these things instead of investing in agents and intelligence.

□ 1315

A much smaller, more effective post-cold war, post-gadgetry type intelligence service could serve our Nation well.

The failings have been well documented, but I want to go into this most extraordinary recent failing for a moment. These are maps which I obtained through the Congressional Research Service, whose budget for an annual basis is equivalent to about one day's spending of our intelligence services. They were able to provide the maps. They provided two maps, in fact, where the Chinese embassy used to be and where the Chinese embassy is now. It is about four miles apart.

The gentleman before me really puzzled me because he said we targeted an empty lot. We have already admitted we targeted a building and blew it up. We did not target an empty lot. And it just happened to be the Chinese embassy. Maybe they did not have access to the same database as CRS even though CRS has a budget a tiny fraction of theirs, but they certainly did have a map.

They could have accessed the Yugoslav web site. Maybe they thought it was disinformation, but they have a web site for tourists, and on the web site they have the new address of the Chinese embassy which my staff pulled down from the World Wide Web. Certainly, they have 486 computers and modems at these intelligence agencies. Or maybe we do not allow them to have those because we have wasted so much money on these extraordinary spy systems flying around up there in space that provide very little benefit to us.

The funny thing to me is, my colleagues on the other side of the aisle, as soon as we have an extraordinary failing of our intelligence agencies, say this proves the case for more money. Many of the same people stand up in the floor of this House and say the education system of the United States is failing our children. Do they say that needs more money? I think it needs more money for smaller class size. No, they say it needs to be reformed, dismantled, reorganized, vouchered, everything but more money for education. But when it comes to the failings of our intelligence services, the only answer, the answer every time is more money, more money, more money, more billions.

Why? Why not apply that same critical viewpoint, that same scrutiny to these agencies? Why not reveal the budget to the light of day? There is nothing in the Constitution that provides for hiding this budget. It is not a national security issue. It is a national waste and incompetence issue that is being kept from the American people. It is being kept from Members of Congress.

Yes, I could go upstairs and read all that stuff. That is great. But the minute I came to the floor of the House I could not talk about it. I would be crippled to talk about the waste. If I actually had facts about the waste, I could not use them. If I had the actual aggregate number, I could not use it.

So we have to come here and have this absurd debate every year because we are covering up an incompetent number of bureaucracies and disasters, and we have a bunch of people who are on a little committee who go into a room and exert some light degree of scrutiny and are even stonewalled at times by the agencies.

It is time for a major overhaul of these intelligence services because of the major failings, from the most recent failings here at the Chinese embassy back to being unable to predict the collapse of the Soviet Union, the invasion of Kuwait, the explosion of nuclear weapons by India, failing after failing after failing. There is no other part of the government where Congress would take it, lay down and say, "Here is more money. Waste it."

Mr. STARK. Mr. Chairman, I rise in support of the Sanders-Stark-DeFazio amendment to freeze the Intelligence Budget at the 1998 level of spending.

Without openness regarding the level of intelligence spending, there is no accountability.

Without full accountability, I am not prepared to increase funds for intelligence.

On Saturday, May 8, the U.S. bombed the Beijing embassy in Belgrade. The blame is being placed on the Central Intelligence Agency (CIA) for using an outdated map. Now, China is breaking off diplomatic ties with the U.S. on human rights and arms control.

Many of my colleagues will attribute this fatal error—killing three Chinese journalists and wounding twenty other people—to shortfalls in intelligence spending on maps. However, in truth, this mistake was made by human error and the bombing should not be used as an excuse to spend more.

There is no reason for the Intelligence Budget to be classified information. How can we justify a multi-billion blank check every year without disclosure of that amount to the American taxpayer?

If this Congress is serious about saving Social Security and Medicare, we should not throw money into an unaccountable hole. Since almost all of the intelligence spending is hidden within the defense budget, we are misled about the real amount of intelligence spending through false line items in the defense budget. We must have budget integrity.

The media, without compromising national security, routinely estimates the intelligence budget. When the government keeps this open secret clandestinely hidden, the American public grows increasingly cynical about their government.

The Cold War is over. The specter of Communism no longer lurks on the horizon. While we face new challenges in this new age, the Intelligence community must share in the burden of fiscal accountability and discipline. I support the Sanders-Stark-DeFazio Amendment to freeze the Intelligence Authorization spending at the Fiscal Year 1998 level.

Reports show that the U.S. spends more than twice the combined Intelligence budgets of our supposed hostile nations—North Korea, Iraq, Iran, Syria, Libya and Cuba. It is also more than the Intelligence budgets of the United Kingdom, Australia, Germany and Canada combined.

Where has all of this secrecy gotten us?

We bombed a Chinese Embassy in Belgrade, killing three and wounding others.

We flew into a gondola in Italy, killing 20 unsuspecting civilians.

And we destroyed a weapons and nerve facility in Iraq causing Gulf War illness in our military personnel serving in the Persian Gulf.

The American taxpayer deserves to know what mistakes the CIA made and how they will be corrected. The Sanders-Stark-DeFazio Amendment calls for a CIA report on the accidents that have occurred over the past decade.

I cannot, in good conscience, allow any type of spending increase when mistakes in U.S. Intelligence occur far too often and endanger innocent lives.

For these tragedies, I urge my colleagues to support the Sanders-Stark-DeFazio amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. DIXON) to the amendment offered by the gentleman from Vermont (Mr. SANDERS).

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is the amendment offered by the gentleman from Vermont (Mr. SANDERS), as amended.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SANDERS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 167, further proceedings on the amendment offered by the gentleman from Vermont (Mr. SANDERS), as amended, will be postponed.

Are there further amendments to the bill?

AMENDMENT NO. 13 OFFERED BY MS. WATERS

Ms. WATERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Ms. WATERS:

At the end, add the following new title:

TITLE VI—PROHIBITION ON DRUG TRAFFICKING BY EMPLOYEES OF THE INTELLIGENCE COMMUNITY

SEC. 601. PROHIBITION ON DRUG TRAFFICKING BY EMPLOYEES OF THE INTELLIGENCE COMMUNITY.

(a) PURPOSES.—It is the purpose of this section—

(1) to prohibit the Central Intelligence Agency and other intelligence agencies and their employees and agents from participating in drug trafficking activities, including the manufacture, purchase, sale, transport, or distribution of illegal drugs; conspiracy to traffic in illegal drugs; and arrangements to transport illegal drugs; and

(2) to require the employees and agents of the Central Intelligence Agency and other intelligence agencies to report known or suspected drug trafficking activities to the appropriate authorities.

(b) PROHIBITION ON DRUG TRAFFICKING.—No element of the intelligence community, or any employee of such an element, may knowingly encourage or participate in drug trafficking activities.

(c) MANDATE TO REPORT.—Any employee of an element of the intelligence community having knowledge of facts or circumstances that reasonably indicate that any employee of such element is involved with any drug trafficking activities, or other violations of United States drug laws, shall report such knowledge or facts to the appropriate official.

(d) DEFINITIONS.—As used in this section:

(1) DRUG TRAFFICKING ACTIVITIES.—

(A) IN GENERAL.—The term "drug trafficking activities" means the possession, distribution, manufacture, cultivation, sale, transfer, or the attempt or conspiracy to possess, distribute, manufacture, cultivate, sell or transfer illegal drugs (as those terms are applied under section 404(c) of the Controlled Substances Act (21 U.S.C. 844(c)).

(B) INCLUSIONS.—Such term includes arrangements to allow the use of federally owned or leased vehicles, or other means of transportation, for the transport of illegal drugs.

(2) ILLEGAL DRUGS.—The term "illegal drugs" means controlled substances (as that term is defined section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)) included in schedule I or II under part B of title II of such Act.

(3) EMPLOYEE.—The term "employee" means an individual employed by an element of the intelligence community, and includes the following individuals:

(A) Employees under a contract with such an element.

(B) Covert agents, as that term is defined in paragraph (4) of section 606 of the National Security Act of 1947 (50 U.S.C. 426).

(C) An individual acting on behalf, or with the approval, of an element of the intelligence community.

(4) INTELLIGENCE COMMUNITY.—The term "intelligence community" has the meaning given that term under paragraph (4) of section 3 of the National Security Act of 1947 (50 U.S.C. 401a).

(5) APPROPRIATE OFFICIAL.—The term "appropriate official" means the Attorney General, the Inspector General of the element of the intelligence community (if any), or the head of such element.

Ms. WATERS. Mr. Chairman, I rise in favor of my amendment to H.R. 1555, the Intelligence Authorization Bill for Fiscal Year 2000.

My amendment prohibits the employees of the Central Intelligence Agency, the CIA, and other intelligence agencies, from participating in drug trafficking activities. My amendment clearly defines drug trafficking activities to include the manufacture, the purchase, the sale, the transport or distribution of illegal drugs and conspiracy. to traffic in illegal drugs. My amendment also requires CIA employees and covert agents to report known or suspected drug trafficking activities to the appropriate authorities.

Most Americans would assume that the CIA would never traffic in illegal drugs and would take all necessary actions to prosecute known drug traffickers. History, however, has proven that this is not the case. For 13 years, the CIA and the Department of Justice followed a memorandum of understanding that explicitly exempted the CIA from requirements to report drug trafficking by CIA assets, agents and contractors to Federal law enforcement agencies. This allowed some of the biggest drug lords in the world to operate without fear that their activities would be reported to the Drug Enforcement Agency or other law enforcement authorities. This remarkable and secret agreement was in force from February of 1982 until August of 1995.

I have been investigating the allegations of drug trafficking by the Nicaraguan Contras during the 1980s. My investigation has led me to the conclusion that the United States intelligence agencies knew full well about drug trafficking by the Contras in south central Los Angeles and throughout the United States and chose to continue to support the Contras without taking any action to stop the drug trafficking.

Last year, the CIA Inspector General released a report of investigation on drug trafficking by the Contras which confirms allegations of CIA knowledge of and support for drug trafficking in the United States by the Contras. The report provides extensive details of the evidence available to the CIA regarding drug trafficking by Contra rebels and their supporters.

Even more remarkable is the fact that there is evidence that the CIA was actually participating in drug trafficking activities. In the late 1980s, the CIA began to develop intelligence on Colombian drug cartels. To infiltrate the cartels, the CIA arranged an undercover drug smuggling operation with the Venezuelan National Guard. More than 1.5 tons of cocaine were smuggled from Colombia to Venezuela and then stored in a CIA-financed Counternarcotics Intelligence Center in Venezuela. The Center's commander and the CIA's agent in Venezuela was General Ramon Guillen, who was also the head of the anti-drug unit of the Venezuelan National Guard.

Now we know that; in certain circumstances, the Drug Enforcement Agency arranges controlled shipments of illegal drugs in which the drugs are allowed to enter the United States, then tracked to their destination and seized. However, the CIA was more interested in keeping the drug lords happy than confiscating the drugs and prosecuting the traffickers.

The CIA asked the DEA for permission to let the dope walk, that is, allow the drugs to be sold on our Nation's streets. The DEA refused them, turned them down flat. But the CIA ushered this shipment of drugs into the United States, and it got lost on the streets of New York and south central Los Angeles and in our neighborhoods and our communities. The CIA let the drugs walk into our communities.

On November 19, 1990, part of that shipment, 800 pounds of cocaine, was seized by the U.S. Customs Service at the Miami International Airport. Customs traced the cocaine right back to the Venezuelan National Guard and General Guillen and the CIA. General Guillen's top civilian aide, Adolfo Romero Gomez, was convicted of conspiracy to possess and distribute cocaine in September of 1997.

The CHAIRMAN. The time of the gentlewoman from California (Ms. WATERS) has expired.

(By unanimous consent, Ms. WATERS was allowed to proceed for 1 additional minute.)

Ms. WATERS. Mr. Chairman, on December 10, 1997, he was sentenced to almost 20 years in prison. Federal prosecutors have also charged General Guillen with a broad conspiracy to smuggle up to 22 tons of cocaine through Venezuela to the United States and Europe while he was head of the anti-drug unit of the Venezuelan National Guard between 1988 and 1992. Since Venezuela does not extradite its citizens, General Guillen is still at large.

We may never know precisely how much cocaine entered the United States through the CIA's pipeline or how much eventually reached our Nation's streets. No one at the CIA was ever charged.

The CIA should not be allowed to bring cocaine or other illegal drugs into our country. Intelligence agencies should be working to stop the harmful trafficking in illegal drugs that is destroying our communities. They should not be assisting the drug traffickers.

I urge my colleagues to support this very reasonable amendment to stop the drugs that are used in covert operations from seeing their way into our cities and our towns. I ask for an "aye" vote on my amendment.

Mr. GOSS. Mr. Chairman, I move to strike the last word.

As I understand the gentlewoman's amendment, it would prohibit the engagement in any illegal drug activity by employees, agents or other sources of the CIA. Is that essentially correct?

Ms. WATERS. Mr. Chairman, will the gentleman yield?

Mr. GOSS. I yield to the gentlewoman from California.

Ms. WATERS. That is correct, Mr. Chairman.

Mr. GOSS. Mr. Chairman, I obviously support wholeheartedly the spirit of that. I think that, in fact, it is already a fact, that it is against the law for employees, agents or sources of the CIA to break the law, as it should be.

The only problem I have with the gentlewoman's amendment is one I think we can resolve very easily, and that is the definition of what an employee is, whether or not it perhaps is so broad that in some unanticipated or unintended way it actually could limit the intelligence community's efforts to wage war on those involved in illegal narcotic trafficking and illegal drug activity. I know that the gentlewoman would not want that.

With that one simple reservation, I would be simply in a position to accept the amendment, certainly in the spirit it is offered, and join the gentlewoman in saying very obviously we would not tolerate in any way any incidents, and we will seek out, as the gentlewoman has suggested, any reports we have about wrongdoing in the areas of illegal drug activity by not just the CIA but anybody in the intelligence community over which we have oversight authority.

Having said that, I would also point out that actually some progress has been made by the committee since last year we had this conversation, and we do have some reporting, and we will soon have some more on some of these matters of interest to the gentlewoman.

I will accept the amendment subject to those remarks.

Mr. DIXON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this amendment and in particular section 2 which says it requires the employees and agents of the Central Intelligence Agency and other intelligence agencies to report known or suspected drug traffickers' activities to the appropriate authorities. Clearly, in the past and based on the CIA Inspector General's public report on this matter there has been a mixed record as it relates to the reporting of suspected drug activities. I think that this amendment perhaps would go a long way toward clearing up that ambiguity, although the CIA has taken effective steps to correct past problems in this area.

I agree with the chairman of the committee as it relates to the definition of "employees," and we accept the amendment on the minority side.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. WATERS).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to the bill?

AMENDMENT NO. 3 OFFERED BY MR. ENGEL

Mr. ENGEL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Is the gentleman referring to amendment No. 3?

Mr. ENGEL. Yes.

The CHAIRMAN. Title III was closed. The gentleman will need to proceed with unanimous consent to designate the amendment.

Mr. ENGEL. Mr. Chairman, I ask unanimous consent that we proceed with the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. GOSS. Mr. Chairman, reserving the right to object, and I will not object, I wish to explain why I will not object.

I respect the gentleman from New York. He has worked hard and means well to bring forward a meaningful amendment. It is an amendment in fact which I think I am prepared to accept if I understand it properly.

☐ 1330

Mr. Chairman, given the technicalities of this particular rule for this particular subject for this particular permanent select committee, I think that there is a little extra work involved for our members, and we try and bend over backwards to accommodate our members, and it is in that spirit that I am not going to object.

Equally, I am very mindful that this year the gentleman from California (Mr. DIXON) specifically asked if we could have as much time as possible so every member would be able to be fully lined up, and as a courtesy to my ranking member, I am prepared not to object.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The gentleman from New York (Mr. ENGEL) may offer amendment No. 3.

Mr. ENGEL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. ENGEL:

At the end of title III (page 10, after line 2), insert the following new section:

SEC. 304. REPORT ON KOSOVO LIBERATION ARMY.

(a) REPORT.—Not later than 30 days after the date of the enactment of this Act, the Director of Central Intelligence shall submit to the appropriate congressional committees a report (in both classified and unclassified form) on the organized resistance in Kosovo known as Kosovo Liberation Army. The report shall include the following:

(1) A summary of the history of the Kosovo Liberation Army.

(2) As of the date of the enactment of this Act—

(A) the number of individuals currently participating in or supporting combat operations of the Kosovo Liberation Army (fielded forces), and the number of individuals in training for such service (recruits);

(B) the types, and quantity of each type, of weapon employed by the Kosovo Liberation Army, the training afforded to such fielded forces in the use of such weapons, and the sufficiency of such training to conduct effective military operations; and

(C) minimum additional weaponry and training required to improve substantially the efficacy of such military operations.

(3) An estimate of the percentage of funding (if any) of the Kosovo Liberation Army that is attributable to profits from the sale of illicit narcotics.

(4) a description of the involvement (if any) of the Kosovo Liberation Army in terrorist activities.

(5) A description of the number of killings of noncombatant civilians (if any) carried out by the Kosovo Liberation Army since its formation.

(6) A description of the leadership of the Kosovo Liberation Army, including an analysis of—

(A) the political philosophy and program of the leadership; and

(B) the sentiment of the leadership toward the United States.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES.—As used in this section, the term "appropriate congressional committees" means the Committee on International Relations and the Permanent Select Committee on Intelligence of the House of Representatives, and the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate.

Mr. ENGEL. Mr. Chairman, first of all I want to thank the chairman of the committee, my classmate, the gentleman from Florida (Mr. GOSS); we came to Congress the same year together; and the ranking member, the gentleman from California (Mr. DIXON) for their kindness, and I rise to offer this amendment which is very, very simple.

I was at a speech that the President gave this morning on the current hostilities in Yugoslavia, and the President said that he feels very strongly that we must stay the course and must put an end to the ethnic cleansing and the atrocities being committed. I concur wholeheartedly. I think it is very important that we do that.

Mr. Chairman, I have a bill which I am sponsoring along with my colleague, the gentleman from South Carolina (Mr. SANFORD) which provides money to arm and train the KLA, the Kosovo Liberation Army. It is identical to the McConnell-Lieberman bill which is in the Senate, and I believe very strongly about it because I think that in order for the bombing to be successful we need to have a counterbalance on the ground, and the Kosovo Liberation Army is right now the only counterbalance to the Serb atrocities on the ground, and I think that in Bosnia, when we had the bombing, we had the Croatian Army on the ground to help, and I think it would be helpful for us to arm and trade and aid the Kosovo Liberation Army.

There have been a series of reports in papers talking about the Kosovo Liberation Army, and they have unidentified sources, I think, of dubious veracity saying all kinds of negative things about the Kosovo Liberation Army. In my discussions with people, with the intelligence community and others, there seems to be no substantiation whatsoever about negatives being put forward trying to, I believe, smear the Kosovo Liberation Army.

So I think it would be very helpful, and what my amendment does is it says that not later than 30 days after the date of the enactment of this act the director of the CIA shall submit to Congress, to the appropriate congressional committees, both in classified and unclassified form, everything it knows on the organized resistance in Kosovo known as the Kosovo Liberation Army. The report shall include a summary of the history of the KLA, the number of individuals currently participating in or supporting combat operations of the KLA, the types and quantity of each type of weapons that they have, minimum additional weaponry and training required to improve substantially the efficacy of such military operations.

Talking about the smears, and I believe they are smears and there is no substantiation to them, but I want to know that somehow or other there are members participating in terrorist activities or illicit narcotics. Again, there seems to be no scintilla of evidence, but I think it is important that we know a description of their leadership, their political philosophy, and the sentiment of their leadership towards the United States and other things that are relative. I think that that would go a long way in helping this Congress to understand what the KLA is, and who they are and whether or not it will help us to decide whether or not to help them.

Again, Mr. Chairman, I think that they are a force on the ground in opposition to the Serb atrocities of ethnic cleansing, and I believe we should aid them, and that is simply what my amendment does.

Mr. GOSS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to commend the gentleman from New York (Mr. ENGEL) for his efforts in this area. Obviously this is a pathway the oversight committee has already started down, and I believe the amendment is supportive to interests that we all have. The purpose of the intelligence community is to provide the best possible factual information we can get on a timely basis for our decision makers. We have to make some very tough decisions involving this part of the world these days, and I cannot see anything but good coming out of having the right information at the right time.

Mr. Chairman, I believe this amendment takes us that way, and I wish I knew more about all of the things that the gentleman is speaking about, I think we all wish that, but I think that trying to get that information is exactly the right thing for us to be doing.

Mr. Chairman, I will be supporting the gentleman's amendment.

Mr. DIXON. Mr. Chairman, will the gentleman yield?

Mr. GOSS. I yield to the gentleman from California.

Mr. DIXON. Mr. Chairman, we have no problem with the amendment on the minority side. Be glad to accept it also.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. ENGEL).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to the bill?

AMENDMENT NO. 8 OFFERED BY MR. SANDERS, AS AMENDED

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Vermont (Mr. SANDERS), as amended, on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 68, noes 343, not voting 22, as follows:

[Roll No. 129]

AYES—68

Abercrombie
Allen
Baldacci
Baldwin
Blumenauer
Bonior
Brown (OH)
Capuano
Chenoweth
Clay
Conyers
Cummings
Danner
Davis (IL)
DeFazio
Delahunt
DeLauro
Duncan
Evans
Farr
Filner
Frank (MA)
Gejdenson
Hilliard
Holt
Hooley
Jackson (IL)
Jackson-Lee (TX)
Jones (OH)
Kanjorski
Kucinich
Lee
Luther
Markey
McCarthy (MO)
McCarthy (NY)
McGovern
McKinney
Meehan
Meeks (NY)
Minge
Mink
Nadler
Oberstar
Olver
Owens
Pastor
Paul
Payne
Peterson (MN)
Ramstad
Rivers
Rohrabacher
Sanders
Schakowsky
Serrano
Stabenow
Stark
Stearns
Stupak
Tierney
Towns

Udall (NM)
Velázquez
Vento
Waters
Woolsey
Wu

NOES—343

Ackerman
Aderholt
Andrews
Archer
Armey
Bachus
Baird
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Carson
Castle
Chabot
Chambliss
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crowley
Cubin
Cunningham
Davis (FL)
Davis (VA)
Deal
DeGette
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Everett
Ewing
Fattah
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Klink
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)
Manzullo
Martinez
Mascara
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Moakley
Mollohan
Moore
Moran (KS)
Murtha
Myrick
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pease
Pelosi
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Regula
Reyes
Reynolds
Riley
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Udall (CO)
Upton
Visclosky
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—22

Becerra
Brown (CA)
Cardin
Coyne
Doggett
Gephardt
Greenwood
Jefferson
Kleczka
Levin
Lewis (GA)
Matsui
McDermott
Miller, George
Moran (VA)
Morella
Neal
Rahall
Rangel
Slaughter
Tanner
Thurman

□ 1357

Messrs. GANSKE, BAIRD and WATT of North Carolina, Ms. PRYCE of Ohio, Mrs. KELLY, and Mrs. MEEK of Florida changed their vote from "aye" to "no."

Mr. ROHRABACHER and Ms. STABENOW changed their vote from "no" to "aye."

So the amendment, as amended, was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. CARDIN. Mr. Chairman, I was unavoidably detained and could not be here to vote on the amendment offered by the gentleman from Vermont (Mr. SANDERS) to the Intelligence Authorization Appropriation. If I had been present, I would have voted no.

Mr. McDERMOTT. Mr. Chairman, I missed the vote today (rollcall No. 129) on the Sanders amendment to freeze all Intelligence spending at the FY 1999 level because I was in a meeting with the President. If I had been here, I would have voted against it.

The CHAIRMAN. Are there other amendments to the bill?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

□ 1400

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. CAMP) having assumed the chair, Mr. LATOURETTE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1555) to authorize appropriations for fiscal year 2000 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, pursuant to House Resolution 167, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1555, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2000

Mr. GOSS. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 1555, just passed, that the Clerk be authorized to make such technical and conforming changes as necessary to reflect the actions of the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

GENERAL LEAVE

Mr. GOSS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1555, the bill just considered and passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

MOTION TO INSTRUCT CONFEREES ON H.R. 1141, 1999 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT

Mr. UPTON. Mr. Speaker, under section 7(c), rule XXII, I offer a motion to instruct conferees on the bill (H.R. 1141) making emergency supplemental appropriations for the fiscal year ending September 30, 1999, and for other purposes.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. UPTON moves that the managers on the part of the House at the conference on the disagreeing votes of the 2 Houses on the Senate amendment to the bill H.R. 1141 be instructed to insist that no provision—

(1) not in H.R. 1141, when passed by the House,

(2) not in H.R. 1664 when passed by the House or directly related to H.R. 1664,

(3) not in the Senate amendment to H.R. 1141, as passed by the Senate,

be agreed to by the managers on the part of the House.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. UPTON) and the gentleman from Florida (Mr. DEUTSCH) each will be recognized for 30 minutes.

The Chair recognizes the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Speaker, I yield myself such time as I may consume.

Over the last couple of weeks this House has passed two supplemental appropriations bills. I voted for each of the two bills. I thought that they were very important and truly emergency spending resolutions that we needed to agree on and pass.

Mr. Speaker, we passed both these resolutions here in the House, and clearly they were urgent, and clearly they were necessary. Many of us in the last week or two, when we supported particularly the second resolution, helping our readiness, helping our troops all over the world, decided that that was the wisest course to take. When we passed those two bills, we did not include the traditional pork barrel projects that are sometimes, more often than not, added onto these bills.

But sadly, the other body took a different course. Yesterday when I introduced this resolution, we indicated that we should not exceed the scope of the bills passed in the House and Senate. This is a step in the right direction.

Frankly, I would like to do a lot more. I would like to get all of the pork, all of these pork barrel projects that are not emergency, out of the bill. But lo and behold when I get home at night, as I did last night, and I turn on C-Span, it is really a big bazaar. It is Members of Congress in the House or the Senate, it does not matter which party, trading projects back and forth, back and forth.

Mr. Speaker, I can remember the staffer in the Reagan administration looking at some of these appropriation conference bills. The House would pass a bill at this level, the Senate would be a little higher, and we would end up with a bill that was higher than both of them. The same thing is happening again.

This has got to stop. This is taking money away from social security. This clearly has an impact on the surplus or the deficit, the long-term debt. It is wrong.

This is an emergency. We need only to deal with the emergency items, whether they be the tornado, the awful tornado that struck in Oklahoma, whether they be Hurricane Mitch, whether it be our readiness. All of those things I can understand, and I think the taxpayers across the country can understand.

But when they start seeing a bridge here, an armory here, some special environmental rider here or there, lots of things added to this bill, none of which were ever intended, particularly by the leaders of this House when we passed those bills, both in March and April, we have to draw the line.

What this resolution does, Mr. Speaker, is say, they have got to go. This is our instructions to our conferees that have now been working for some 3 weeks, that it is time to put their feet to the fire and say no to these special interests, no to these special projects, bring a bill back for the House and Senate to agree to that does not include all of these pork barrel items.

Mr. Speaker, we have a number of speakers that want to speak on this issue this afternoon, so I reserve the balance of my time.

Mr. DEUTSCH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the effort of the gentleman from Michigan (Mr. UPTON) in this area. This House is the people's House, and we are here to do the people's business. For any of the people of America who were watching C-Span last night and watching the conference report, I do not think they were watching the people's business. I think it was an unfortunate public example of what we know goes on privately many, many times.

There is a statute which talks about emergencies. We are literally dealing with the most serious things this Congress can talk about and deal with, literally, a military operation going on in Kosovo, American men and women whose lives are in harm's way today, and then by I guess it is just the arrogance of power, just absolute arrogance is the only way I can describe some of my colleagues, particularly in the Senate, in the other body, that want to put in just absolutely awful, obscure, terrible, self-centered special interest riders onto legislation dealing with a true crisis.

Think about how outrageous what is going on in this building today is. In the 7 years that I have been here, this is the worst example. We have seen special interests, we have seen pork barrel stuff, but what hypocrisy, what tragic, absolutely beyond-the-pale arrogance, when men and women of our armed forces are in harm's way, to play these games.

This is not a game. There are some of my colleagues who might believe that it is a game, but it is not a game. Yet, that is exactly what is going on. Shame on those Members, and hopefully more people are watching on C-Span and more people are seeing what they are going to do, and guarantee that those people who are involved in this shameful activity never return to this Congress or to the United States Senate.

Mr. Speaker, I reserve the balance of my time.

Mr. UPTON. Mr. Speaker, I yield 3 minutes to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Speaker, let me first associate myself with the comments of the gentleman from Michigan when he opened this legislation, and with the gentleman from Florida. I am as concerned as they are, and perhaps even more so. I think the process that we have adopted with respect to these so-called emergency spending bills is itself a disaster. Frankly, I think we need to do something about it in a hurry.

First of all, we do not, in the Congress of the United States, unlike virtually every State in the country now, have any kind of an emergency spending process by which we set aside money in case there are emergencies. It is ad hoc. You come in here, you declare something to be an emergency, if you can get a majority of your brethren to agree with you, then you can get a vote on it.

The problem is, it goes through the Senate and then it goes into conference. What we have seen in recent days in the conference, with behavior from both sides of the aisle, particularly in the Senate, is to try to put everything in it you possibly can. It happens on every single emergency spending bill that goes through here. They become Christmas trees automatically. Everyone tries to put their own particular ornament on that Christmas tree. That process simply must stop.

This is a wonderful idea that the gentleman from Michigan (Mr. UPTON) has put forward. That is that we will take what passed in the House, we will take what passed in the Senate, and we will cut off everything else. We will just say no more, no mas, that is it, we are not going to do it. I think we should pass it as soon as we possibly can.

Just remember, every time we add another dollar here, we are taking a dollar away from helping with the social security problem, because now we cannot retire the debt of the social security with those dollars that we are putting into some of these projects which come along.

Mr. Speaker, I personally believe that the caps are a problem. I personally believe there is some spending we need to do in the area of education, particularly defense, and some things that are not being addressed, and we should not try to do it in emergency legislation.

These are very good causes, but they should not be part of an emergency spending package, as we have seen here in the House so far. To add these things on is a terrible tragedy.

□ 1415

Some of the riders that are being considered are parochial by nature. They are not of an emergency nature. They do not benefit the country generally. There is just absolutely no excuse to include them in legislation such as this other than one is dealing usually with a powerful Senator who one needs in order to get it through. That is a terrible way to do business.

So we should change the process. We should certainly pass these instructions that the gentleman from Michigan (Mr. UPTON) has put forward. We should stand united that we are going to make absolutely sure that we are putting an end to this, to go about doing what we have the money to do now, balancing our budget, taking care of the problems of Social Security and Medicare, and perhaps even providing for a tax cut, and making sure that our soldiers and sailors and Air Force and all our other military people are provided for, as they should be.

It can be done if we sit down and do it together. But do not do it through this emergency bill. Follow these motions to instruct.

Mr. DEUTSCH. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Speaker, I want to rise very quickly in support of the Upton motion to instruct. Regardless of whether we are fighting for deficit reduction or to reduce the debt or to save Social Security or just trying to save dollars for other worthy purposes, this motion makes a lot of sense.

We should not stack nonemergency items onto an emergency bill and try to boggard them through the process without giving them all of the consideration that the committee process requires. I want to congratulate the gentleman from Michigan (Mr. UPTON) on his motion. I strongly urge my colleagues to support the motion.

Mr. UPTON. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. BOEHLERT) to engage in a colloquy.

Mr. BOEHLERT. Mr. Speaker, I want to congratulate the gentleman from Michigan (Mr. UPTON) for offering this motion which would strengthen the House position in conference. The House leadership and the House Committee on Appropriations I think have done an excellent job on holding the line on extraneous matters, and this motion should help. So the gentleman's motion will be helpful.

I note, however, that, for drafting reasons, the gentleman's motion deals only with one set of problems we are facing in conference; namely, the addition of items that were never passed by either body.

But we also face another set of problems in conference because the Senate-passed version of the supplemental also contains numerous extraneous detrimental riders, many of them dealing with sensitive environmental matters.

I ask the gentleman from Michigan (Mr. UPTON) what does he believe our posture should be toward those items?

Mr. Speaker, I yield to the gentleman from Michigan (Mr. UPTON) for a response.

Mr. UPTON. Mr. Speaker, I thank the gentleman from New York for his comments, and I believe that the House in the conference must oppose all detrimental riders, including those that were passed by the other body.

I would just like to add as well that we were really under the gun when we introduced this motion yesterday. Under the House Rules, it has to be introduced when we are in session. Because the legislative activity yesterday went a little bit faster than usual, and we were in fear that the conference would be finished even last night or today, we had to be very quick in drafting this.

I view this as a first step. I think we ought to go a lot further and take a lot of the junk out that the Senate put in. I would completely agree with the gentleman from New York with regard to the environmental riders and would hope that they would be stripped out. I know for me, as a Member, if they are not, I will be voting "no" when this bill comes back.

Mr. BOEHLERT. Mr. Speaker, reclaiming my time, I thank the gentleman from Michigan for clarifying this point, the supplemental which deals mainly with legitimate emergencies and gives an appropriate response. But I think that is going to be in jeopardy if it is used as a way to pass major policy decisions which normally would be subjected to greater scrutiny and fuller debate here this the people's House.

I know that our leadership is well aware of that and has been working hard to keep the supplemental clean. They must succeed. I urge the support of the motion.

Mr. DEUTSCH. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman from Florida yielding me this time.

One of the low points for me in my tenure in Congress is what we have visited as the Congress adjourned last fall. We dealt with an omnibus spending bill. I think people on both sides of the aisle, people of all different philosophical orientations were frustrated that we were doing the people's business in this fashion with billions of dollars, nobody really knowing what was in it; and it was something that none of us would be proud of back home in the smallest city or county.

I personally feel that we need to take each opportunity to recommit ours to a thoughtful, reasonable, effective bipartisan approach to dealing with the people's money. I strongly support the motion to instruct by the gentleman from Michigan. I am pleased to hear that he does not think it goes quite far enough. I appreciated the colloquy clarifying the intent on some of these very destructive environmental riders.

My sincere hope is that this will be the beginning in this Congress of our having a bipartisan approach to make sure that we do handle the budget in a more thoughtful fashion.

I commend the gentleman from Michigan (Mr. UPTON) for his efforts. I like the spirit of bipartisanship that has been advanced. I hope that we can take every opportunity in the days ahead to follow up on this, because I think we can do a better job of discharging our responsibilities, getting more out of the tax dollar, and making people feel better about this institution.

I think this is a very important part in this effort, and I look forward to it leading to new steps for our being able to work together to put more integrity in the budgetary process.

Mr. UPTON. Mr. Speaker, I appreciate the statement of the gentleman from Oregon (Mr. BLUMENAUER).

Mr. Speaker, I yield 2 minutes to the gentleman from New Hampshire (Mr. BASS).

Mr. BASS. Mr. Speaker, I congratulate the gentleman from Michigan (Mr. UPTON) for this very timely motion. I see this as a motion to support our conferees, to give them the kind of support that they need dealing with what is, in effect, a pork fest going on over in the Senate.

It is a question of priorities. Are we for saving Social Security? Are we for tax relief for working Americans or eliminating the marriage tax penalty? Are we for tax dividend, or all the other issues that we have been dealing with? Are we for special education funding, these types of priorities? Or are we for a system that sets caps that are possibly unreasonably low, and then have individual Senators come in with their own pet projects in the name of an emergency in order to boost the budget? Is that the way we are going to set priorities in 1999? Shame on the process for doing that.

I would suggest to the Congress that if we cannot move forward on this emergency supplemental as it has been sent to the Senate, that we throw it out and we start all over again because there is no way that we are going to accede to an emergency supplemental that contains 99 and counting pieces of special legislation for Senators.

If this is the charade that we have to play in the name of looking like budget hawks, I do not want to have any part of it.

So I commend the gentleman from chigan (Mr. UPTON) for his courage bringing this motion to our atten- on. I hope it receives a unanimous te.

Mr. DEUTSCH. Mr. Speaker, I yield yself such time as I may consume.

Mr. Speaker, I am going to try to aybe point out specific things. I actu- y wonder about commercial fishing Glacier Bay, if that really fits the teria of emergency criteria under e statute that we have. To hold off nding our troops in Kosovo, bringing at as an issue, I do not know, I just d it shocking. I mean, that is the ly words that I can think of. I use ddish on the floor, chutzpah. I mean really is chutzpah.

Everybody in America knows what utzpah is. One does not have to eak Yiddish to understand. It is azing that they would have that.

Mr. Speaker, I yield 2 minutes to the ntleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, I thank e gentleman from Florida for yield- me this time.

congratulate the gentleman from chigan (Mr. UPTON) on this motion instruct. It is a good start to begin strip out some of the extraordinary cial interest riders that have been gybacked on an ostensible emer- ncy spending bill.

Now I have got to depart from the jority of my colleagues here in that oted against the entire package. The ney for the military should come of the Pentagon. The money for er purposes should come out of the propriate budgets. We should not be nding the Social Security Trust nd, which is what we are dipping o here, which both the Republican ders and the President promised to eguard for these purposes.

ut absent that, even worse than the t that we went from $7 billion to $11 ion, and all these other things were ded into the bill, even worse, we e an attack on the environment in s legislation. The 1872 mining law is enough of a giveaway?

Multinational mining companies ac- re land in the western United States rth billions of dollars for $2.50 an e with not a penny in royalties to Federal taxpayers. That is running ernment like a business? But that not bad enough. We cannot reform t law here. We know that. There is majority that supports the continued eaways.

ut this bill goes even further. It ves provisions that have ridiculous, dequate, antiquated law so that an n pit mine, heap leach mining, can forward in Washington State. Cut the top of a mountain and for every 00 tons of ore, one dumps cyanide it, which it tends to get into the er table, and one gets an ounce of d. This is prospecting, modern es.

But that requires a waiver, and the waiver is in this bill. What does that have to do with emergencies? What does is it have to do with Kosovo? Nothing. It has to do with the fact that Senators can do whatever they want behind closed doors and try and muscle the House and intimidate the President into signing the bill.

I certainly know that President Clinton will stand strong against these environmental riders as he has stood so steadfast in the past against similar riders. I urge him to veto this bill if we are not successful in our efforts today.

Mr. UPTON. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, I like the analogy of the gentleman from Florida (Mr. DEUTSCH). It does take chutzpah to have something that is truly an emergency and to pile riders and special interest just so that we have to vote for it to get it through is absolutely wrong. I support and I thank the gentleman.

None of us mind paying our tax dollars when we have farmers in trouble, we have an earthquake, we have floods. We support that. But this is wrong. I think most of us that watched television last night were appalled. It made the term "good government" an oxymoron. It is bad government when this comes to pass.

But what we are trying to do is fund our men and women and the needs. When the White House does have our people go into war, then we need to provide the equipment, the training, so that they can not only do their job, but win and come back safely. That is what the initial bill was for, not to pile on this stuff.

But I would also like to say, why are we paying so high? General Clark told me we are fighting 86 percent of all the missions. Ninety percent of the ordnance dropped is from the United States at a million and 2 million and half a million apiece.

There are 18 other Nations. Our supplemental should be a check from NATO to have them pay their fair share in the first place, not our taxpayers, and not cut money out of Social Security. The President, when he gets us into this thing, every penny of this comes out of the supplemental.

Both sides said for different reasons that they want to support Social Security and Medicare and education. I want to double medical research, and I want a tax relief for working families.

But by having us in Kosovo and extended, we paid $16 billion in Bosnia. We are still spending $25 million a year in Haiti building roads and schools. Enough is enough.

I support the gentleman's motion, and I will vote against the bill if it ends up with this pork, and I am one of the biggest supporters of the military.

Mr. DEUTSCH. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, I rise in vigorous support for this motion. Perhaps I will give my colleagues a new Member's perspective. I have only been here for about 3 months now, and I have learned that, in all human perceptions and endeavors, sometimes one can get worn down. One can get worn down by some of the worst habits in American democracy.

But I want to tell my colleagues I am not worn down. As a new Member, I stand here freshly outraged at the most grievous abuse of the democratic process I have seen since I got here 3 months ago.

For the other Chamber, noble as it is, to try to land a sucker punch on the environment in the middle of the night, to hold hostage our fighting men and women, is an outrage. All of us ought to come forward, whether we have been here 3 months or 30 years and say that.

It is an outrage because the American people have got to know, and they have heard about this bill. This bill is starting to have a certain odoriferous character about it, because the American people have learned that it has been larded up with various pork projects.

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I want the American people to know it is not just lard, it is going backwards on the environment. Not just in one little district here or there, where a particular Senator had an interest. On the mining law, under the cover of darkness, under the cover of this war, folks who want to besmirch the environment have tried to rewrite the entire 1872 Mining Act, not to go forward in time but back to the previous millennium in time and have more giveaways to the mining industry. This is broad based.

I want to say one more thing. I am happy we are standing here on a bipartisan basis. Because I think no matter what we think of issues like the environment or the war or whatever, as House Members we have something at stake here, and that is our ability to stand up and be counted, which is going to be stripped away from us by the other Chamber if we yield on this.

Congratulations to the makers of this amendment. Let us pass it.

Mr. UPTON. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Mr. Speaker, I thank the gentleman from Michigan for yielding me this time.

I rise in strong support of the motion to instruct conferees by the gentleman from Michigan.

The idea behind this motion is simple, and it deserves our support. When a conference committee is meeting they should not insert provisions into the bill before them that were not in either the House or the Senate bills.

We are a deliberative body that demands debate. To subvert this process by inserting provisions into a conference agreement not properly considered for the House or Senate is clearly wrong.

These emergency supplementals are important and have my full support. We cannot allow disaster relief and the support for our troops in the Balkans to be delayed in any way. But if riders are going to be inserted into these emergency bills that were not considered by either side of Congress we are doing a great disservice to the American people.

The big oink the American public hears is not coming from the House or Senate vote. I ask my colleagues on both sides of the aisle to join me in support of this stand we are taking to ensure that the legislative process is not subverted.

Mr. DEUTSCH. Mr. Speaker, I yield 4 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Speaker, I thank the gentleman from Florida for yielding me this time and for his leadership on this issue.

I also rise in support of this resolution and commend my friend, the gentleman from Michigan (Mr. UPTON) for bringing this at a very timely moment.

I would have phrased the resolution a little bit differently however. I understand why my friend from Michigan had to file the resolution and the phraseology in the resolution the way he did. I would have phrased it a little bit differently and would have gone a little farther. I would have indicated that no issues unrelated to our troops' mission in Kosovo, the disaster relief for the victims of Hurricane Mitch or the disaster that is happening throughout rural America on our farms would be appropriate or made in order or accepted in this emergency supplemental bill.

Those are the three areas that we should be dealing with and those are the three areas we should keep our eye on, rather than loading it up with extraneous, nonemergency, unrelated matters, as is happening right now in conference and jeopardizing its chances to pass.

I am still relatively new in this place, just in my second term. I have experienced just a couple of emergency spending bills before. What I have seen, quite frankly, has been a joke. It is an ugly process. It is one that does not make any sense, and it is something that repeats itself time and time again.

One would think that this institution, in matters of war and peace, life and death, dealing with natural disasters, we could play it straight, we could get it right and get it done efficiently, in a bipartisan fashion, with very little controversy and in an expeditious manner. One would think that that is the least that we can do for the American people, those who we are here to represent.

But time and time again we fail that call, we fail that obligation, especially in emergency situations, and that is unfortunate.

I will not be here if the supplemental happens to come up later tonight or sometime tomorrow. I have to go back home to western Wisconsin to help bury Chief Warrant Officer Kevin Reichert who, along with Officer David Gibbs, lost their lives during their training mission with an Apache helicopter last week in Albania. It is the hardest thing that I have had to do thus far in Congress.

If this place wants to truly honor those officers who gave their lives in the call of duty, performing their mission under dangerous circumstances, then we should get this emergency supplemental right. We should be able to do this in a noncontroversial fashion by keeping our eye on the ball and by getting whatever supplies and resources that our troops need to carry out this mission in Kosovo as soon as possible. That is what we can do in honor of those two officers, in honor of their families and, perhaps most importantly, to do right by those troops who are in harm's way right now in Kosovo and their families, so they can carry out their mission effectively and as safely as possible.

We are still trying to determine the cause of the Apache crash last week. There is some indication that it might have been mechanical failure. I do not know if I could or if my colleagues could live with ourselves if, because of a dispute in an emergency spending bill, that we are not able to get the supplies or the needed parts or the maintenance that is required to prevent future accidents like the one last week. That would be uncalled for. And shame on all of us if that, in fact, were to be the case.

I beseech my colleagues: We still have time to do this right, to pare down the supplemental bill. Let us focus on the real issue here, and that is the troops in Kosovo, the disaster relief that is needed for both Hurricane Mitch and on the farms, and let us try to get this straight. Let us try to play it straight for the sake of war and peace, for the sake of life and death, and for the sake of Officer Reichert and Officer Gibbs, who answered their call to duty and paid the supreme sacrifice for their country.

Mr. UPTON. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. BILBRAY), and I want to say that we all appreciate the statement of the gentleman from Wisconsin.

Mr. BILBRAY. Mr. Speaker, I rise in support of the Upton motion to instruct the conferees.

The instruction is very, very moderate in this motion. In fact, it does not go as far as most of us would like to go.

I think all of us agree that the other House has taken an emergency funding bill and added on so many items to it that it looks more like a Christmas tree than an emergency funding source.

Mr. Speaker, I stand here asking us both on the Democratic side and the Republican side to use this resolution in an effort to send a clear message from the House of Representatives not just to the Senate but also to the entire United States that this body will no longer stand by and allow anybody to be able to take an emergency funding bill and use it for special interest legislation.

Our chance here is now to have a bipartisan message, very clear to the conferees, both House and Senate, that we are no longer going to tolerate utilizing emergency spending bills as a trough in which to pour pork into.

I ask us all to look at this resolution and say it may not be all we want, but it is our one chance to send a clear message to those conferees that if they bring back a bill to this floor that is loaded with pork, it will be dead on arrival.

Mr. DEUTSCH. Mr. Speaker, I yield 3 minutes to the gentleman from Colorado (Mr. UDALL).

Mr. UDALL of Colorado. Mr. Speaker, I, too, want to extend my thanks to my colleague, the gentleman from Michigan (Mr. UPTON), and thank the gentleman from Florida (Mr. DEUTSCH) for yielding me time to speak on the emergency supplemental.

The gentleman from California (Mr. BILBRAY) misspoke briefly and mentioned referees rather than conferees, and I thought at the time maybe we need more referees over there than conferees to get us back on track.

The conferees have been working to combine two emergency supplemental appropriations bills, one to fund our ongoing military activities in the Balkans and another that will provide humanitarian relief to the victims of Hurricane Mitch as well as vital assistance to hard-pressed farmers here at home. These are important purposes. But, once again, there has been an attempt to take them hostage by some who want to load up the bill with unrelated riders that would not pass alone.

The list is long, but I wanted to mention a couple of these riders, just two examples of egregious things that should not be in the bill and should not be approved.

One rider would overturn a court decision reducing by millions of dollars the refunds that natural gas companies now owe to consumers in 23 States, including Colorado. Another would reverse a Department of the Interior decision that says the mining law of 1872 should limit the amount of materials that a mine can dump on adjacent public lands.

In other words, both of these provisions would legislatively override current law to benefit certain well-connected parties at the expense of the ublic, the public that we represent ere; and in the case of the mining law der, apparently at the expense of the nvironment as well.

To add a note of irony, in this case e would be overriding part of the 1872 ining law that is backed by some of ne people who have repeatedly opposed attempts to reform that statute, hich is antique at best.

Mr. Speaker, we do not yet know just hat the conference report will in-ude, but this we do know: Humani-rian assistance is one thing, sweet-eart deals are another. Holding aid oney hostage in order to deliver this ind of deal is bad policy, and we nould reject it.

Mr. UPTON. Mr. Speaker, I yield 2 inutes to the gentleman from Mary-nd (Mr. GILCHREST).

Mr. GILCHREST. Mr. Speaker, I nank the gentleman from Michigan r yielding me this time.

Mr. Speaker, at this point the Amer-an people are asking: "Is it business usual in Congress?"

I am proud of serving this institu-on. I am proud of doing what is right r the country, what is right for my tate, and what is right for my dis-ict. I am not necessarily proud of the merican public viewing this process nd saying it is business as usual, nere political influence and seniority ill supersedes rigorous mental effort nd accountability.

The American people want a think-g Congress, not a self-serving Con-ess. We are looked upon in Congress, general, as the lower House. Well, on is particular issue, Mr. Speaker, we e really on the high side.

The democratic process, which I ex-ain to my constituents every time I home, is an exchange of informa-on, with a sense of tolerance for mebody else's opinion, and then we te. Well, on this particular motion e House of Representatives, I urge, ll send a strong, clear, unanimous te to the conferees that this emer-ncy supplemental is for military nergencies, people suffering from hur-cane devastation, and the hard-essed American farmers that have perienced a very, very difficult year.

I urge my colleagues to vote for this otion, and I am proud of the gen-eman from Michigan for bringing this our attention.

Mr. DEUTSCH. Mr. Speaker, I yield yself such time as I may consume.

Mr. Speaker, one of my colleagues on e other side of the aisle, I think the ntleman from California (Mr. LBRAY), used the expression of a ristmas tree. I think what we have re is not just a Christmas tree but a ristmas tree forest. This is beyond e Christmas tree.

Again, I appreciate the gentleman om Michigan (Mr. UPTON) bringing is as a motion to instruct, because I ink what is going on in the conference at this point does not really withstand the light of day. And the more the light of day that we in this Chamber put on this, the less chance this will occur.

This morning's New York Times editorial read, "Trifling With Humanitarian Aid." I think that really is a headline of a story which we need to think about, "Trifling With Humanitarian Aid."

We have had some, I think, very thoughtful and very emotional statements by some of my colleagues. I cannot think of anything more powerful than the statement by my colleague and my good friend, the gentleman from Wisconsin (Mr. KIND). This is serious business. This is not a joke.

Are we going to be able to get our friend, our campaign supporter, a little more money by changing the mining laws or by giving them some additional fishing rights in Glacier Bay or by doing some kickback in terms of loan guarantees for certain mining interests? Literally, I think we should all think about what is going on here. It is absurd.

I wish there was someone here against the bill, to try to defend this in a public setting really. Because what we are talking about are the types of things that cannot be defended in a public setting. They cannot be defended in a public setting.

And let no one forget or misinterpret what is going on here. This is a gamesmanship thing. People understand that we need to support the operation in Kosovo in terms of our men and women who are in harm's way; and, in fact, two of whom have literally lost their lives in this operation already to this date; and we have been blessed that we have not lost more in terms of the operations that have been going on.

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So there is this incredible understanding that we need to do something, that the way in passing the supplemental not just on Kosovo but the three issues which truly are emergencies, now I think there is a clear consensus that fit the criteria of emergency. One this House passed literally over a month ago, the October Hurricane Mitch that devastated Central America that we have talked about, that we understand that if we do not deal with that emergency the repercussions are severe not just for the people that live in Central America but for ourselves in terms of our borders, in terms of what will happen, in terms of what has happened, the positive things in Central America, and the farmers who are also dealing with the crisis across this country.

These other issues are not emergencies. And to use the leverage, because that is what it is, to use the leverage of a power position in the dark of night to put them into a bill and then come to the floor, because we can write the script today, we know what the script is, the script is that it is going to come to the floor with some of these, hopefully none of them, but the script that is being written by the conferees is that it is going to come to the floor with some of these items. And although none of us are going to say we like these items and in a sense we do not know where they came from, they came by magic, by thin air, or by individual Senators who have a specific interest that in their State it is okay. But from a national perspective, it is totally inappropriate, that now we have a choice, we are going to be faced with a choice. We can accept this pork, that trifling with humanitarian aid, or we can reject it and reject the operation and the need to deal with that.

And I would tell my colleagues, I say to them that we need to tell them, and the President needs to be clear on this, that we cannot let our process of this Government be used as a game, that the President has the ability to draw the line right now and say he will not accept that, that in 1 hour, if he vetoes this, we will sustain that veto, we can come back in 1 hour and take the junk out and pass a clean bill that deals with true emergencies that the American people want to see happen.

Mr. Speaker, I reserve the balance of my time.

Mr. UPTON. Mr. Speaker, I yield 2 minutes to my friend from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, I thank the gentleman for yielding me the time, and I also thank him for offering this motion. I also thank my colleague on the other side of the aisle, the gentleman from Florida (Mr. DEUTSCH) for his support of this motion.

It is unusual but extraordinarily satisfying to be part of a bipartisan House effort that involves not just Democrats and Republicans, but liberal, moderate, and conservative Members, who I am glad to say are repulsed by what they are seeing take place in a conference that is spending money that we have not in any way authorized in either bill that has passed in the House or the Senate.

This is a bipartisan resolution that should be a matter of law and House rules: that no authorization or appropriation can become part of a conference report that is not part of either the House or Senate bill that caused the conference report.

It boggles my mind that we are inventing things that neither passed the House nor the Senate and tying them into two bills that are absolutely essential, the Hurricane Mitch supplemental and the Kosovo supplemental.

So, again, I thank my colleagues on both sides of the aisle. I thank particularly the gentleman from Michigan (Mr. UPTON) for coming forward with this resolution. And I hope that it not only passes unanimously, but that if we are sent a conference report that does not abide by what we are saying here, that we vote against it and defeat it.

Mr. UPTON. Mr. Speaker, I yield 2 minutes to my colleague, the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Speaker, I thank the gentleman from Michigan for yielding me the time.

Mr. Speaker, we sent a clear bill through this chamber. Through this House, we sent to the other body a clean bill that was focused on making certain that our troops had the munitions that they would need in the field. We were told that our troops were short on issues like cruise missiles, that our fighter pilots needed precision bombs. We were told there are plenty of dumb bombs, there are plenty of cluster bombs in the arsenal but to give them the weapons that will cause least collateral damage in these operations, to give them the weapons that are safest for them to use, that we needed to pass out a supplemental bill, an emergency bill, which we did in this House, a clean bill to make certain that our troops had every piece of weaponry and every bit of training they needed for this operation.

And now, after sending that message that our troops were our first priority, we find that the other body and in conference included provisions in this bill having nothing to do with true emergencies, having nothing to do with support of our troops in the field, that they had added pork in this bill.

Well, I rise today to support the motion of the gentleman from Michigan. I rise to support the motion which instructs the conferees not to accept any provisions not already in the House or Senate passed supplemental bills and to put this House on record against any new projects or other type of non-emergency spending.

I urge all my colleagues in this Chamber to support this motion today.

Mr. DEUTSCH. Mr. Speaker, I yield myself such time as I may consume.

As we are debating this at this moment, conferees are still meeting and maybe brainstorming more things that they can put into this bill before it finally gets to the floor. It is not the way things should be, and it is not the way they have to be, and we have the power to stop them. And on occasion, as a Chamber, we have stopped it. We have rejected these types of things before. And if it comes to us, as has been said by several of my colleagues, we ought to reject it today.

I am just going to read through some things that, again through press accounts or other accounts, are still being talked about or being discussed.

Extending a freeze on the pending regulation on environmental and reclamation standards at mines on Federal land. I would challenge any of my colleagues in this Chamber to come to this floor to defend that as an issue related to emergency spending. I would challenge anyone in a public setting to even attempt to say that that belongs on this bill. And it very well might be on this bill.

A delay in the Clinton administration's plan to reclaim the value of royalties paid on oil and gas production on Federal lands. Again, on the Kosovo funding bill, on the emergency funding bill, allowing States to keep all of the $246 billion promised by tobacco companies in settlements of lawsuits. The transfer of a $100 million from Forest Service wildfire management operations to an Agriculture Department fund for restoration of national forestlands.

I am sure someone wants that. I am sure they can articulate a policy reason for it. But does it really belong on this piece of legislation and is it really the right policy?

I guess maybe because it is simple to understand and apparently, according to press accounts, it is actually in the bill, is the Glacier Bay commercial fishing issue. That one, I mean, it is simple. Maybe sometimes when we stop talking about billions of dollars or tens of billions of dollars or trillions of dollars we can understand this process maybe a little bit more.

My understanding is that the conferees have actually agreed to restrict commercial or actually to allow commercial fishing in Glacier Bay, which had been stopped by previous negotiations and rulings by the Forest Service and they have actually provided $26 million, again small by our standard in a bill of $13 billion or $14 billion, but $26 million literally that was not in either bill that just came in to provide, to buy up some of the people that might not be making as much money as they could have been because of the policy ruling regarding Glacier Bay. And men and women are in harm's way in Kosovo.

As again at this point, my understanding is the conferees have agreed to accept Senator BYRD's amendment regarding steel subsidies in the hundreds of millions. So now we are not talking about 26 million anymore, we are talking about hundreds of millions of dollars.

My understanding also is there is an issue, which I still do not understand, about livestock reindeer that is either in the bill or about to be put in the bill or it is being discussed as an additional rider to provide funding issues for livestock reindeer.

And what also has been reported as part of the supplemental issue is the so-called general's aircrafts.

I urge my colleagues to support the Upton amendment. But I think more than just supporting the Upton amendment, I think that all of us need to not just be on record as a vote today but as a message to our conferees and to the Senate conferees that there are many of us, and I would hope a majority of us, on this floor who will reject a bill, who will not allow this thing to be gamed, who will say that the issues that we are dealing with are significant enough. And I really urge the President, because he holds many of the cards in this whole thing and he has the ability to take the high road and he has the ability to say and to stare down those people and those individual Senators who are trying to do this outrageous activity and say to them they cannot and he will not let them.

And I guarantee to the President that, on both sides of the aisle, and this is I think one of the really good days in the Congress in a sense, that this is totally a bipartisan issue, that I think a clear majority from both sides of the aisle do not want to see this legislation happen in this way.

I will tell the President, I will tell him again directly, that that will not occur, that we will be able to sustain a veto like that.

Mr. Speaker, I yield back the remainder of my time.

Mr. UPTON. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, first of all, I want to commend my friend, the gentleman from Florida (Mr. DEUTSCH) and all the speakers who have spoken this afternoon on both sides of the aisle. We know what the right vote is. That is a "yes" vote on this resolution. We have had enough.

Frankly, the appropriators I think all of us wish had depleted their work a long time ago. The emergencies are well-known. Many of these pork barrel projects should have been stripped from the very beginning. And I would hope that today's vote not only will pass but will send a very strong signal to those conferees that enough is enough, no more of this pork ought to be added to bills that really must pass.

My friend, the gentleman from Wisconsin (Mr. KIND) talked about going to the funeral this weekend or maybe perhaps tonight or tomorrow with regard to the brave helicopter pilot who died from Wisconsin. As I think about his message, I think about my weekend this weekend when I am going to go visit some almost 200 reservists who are leaving from Kalamazoo Battle Creek and will be leaving this weekend, Air Force reservists, to go to the Balkans.

And as I talk to other military folks from around the world, the Air Force colonel who just came back from a tour in Hungary 6 months, living in a tent that was so old that the fire retardant was not good anymore and they were wondering how it was going to last another winter with the heater that they might have in it.

The mother that I talked to this last weekend in Michigan, whose son is a 'rident submarine trainee who does ot have the books or can pay literally or the uniform they need to wear. I hink about the woman that I talked o from Oklahoma City the other day vho, after surviving the tornado, alked to me a little bit about her ex- erience there and how it came so close o Tinker Air Force Base. And my com- ient was, boy, they must have looked ke Chicago O'Hare with all those lanes taking off so that we did not end p with a complete disaster there. And er response was, "No, they do not ave enough crews to fly those planes ut. It could have been another Pearl Iarbor, even worse than the situation here."

☐ 1500

We need to help our troops as they repare for whatever lies ahead of hem, that their life is as good as we an make it with housing and every- hing else. For this bill to come back luttered from the Senate, filled with hese items, whether they be environ- iental or other junk, is not right. It ould be a travesty for us to recede to he Senate in a number of these issues. would hope we could pass this resolu- on to send it back to both chambers lean, and that the emergency meas- res in both bills that all of us agree to ere, Republicans and Democrats, ould come back unfettered, that we ould be proud to vote for this thing.

I think the signal that we are send- ig to our leadership and really to the est of the country is if it does come ack with a lot of these projects, then i fact the vote that I cast a couple of eeks ago, a "yes" vote for this, will in ct be reversed and I will vote "no."

Mr. Speaker, I ask my colleagues to ote for this motion.

Mr. Speaker, I yield back the balance my time.

NNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. EASE). The Chair reminds all Members iat it is not in order to cast personal spersions on the Senate or its Mem- ers, individually or collectively, and at they must address the Chair and ot the President.

Without objection, the previous ques- on is ordered on the motion to in- ruct.

There was no objection.

The SPEAKER pro tempore. The estion is on the motion to instruct fered by the gentleman from Michi- n (Mr. UPTON).

The question was taken; and the eaker pro tempore announced that e ayes appeared to have it.

Mr. UPTON. Mr. Speaker, I object to e vote on the ground that a quorum not present and make the point of der that a quorum is not present.

The SPEAKER pro tempore. Evi- ntly a quorum is not present.

The Sergeant at Arms will notify ab- nt Members.

The vote was taken by electronic device, and there were—yeas 381, nays 46, answered "present" 1, not voting 5, as follows:

[Roll No. 130]

YEAS—381

Abercrombie
Ackerman
Allen
Andrews
Archer
Armey
Bachus
Baird
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Ewing
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Moore
Morella
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Olver
Ortiz
Ose
Owens
Oxley
Pallone
Pascrell
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Radanovich
Ramstad
Rangel
Regula
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn

NAYS—46

Aderholt
Baker
Berman
Boyd
Callahan
Chenoweth
Clyburn
Cramer
Dicks
Everett
Farr
Gallegly
Hastings (WA)
Hilliard
Hoyer
Jones (OH)
Kilpatrick
Kucinich
Lewis (CA)
Lewis (KY)
McCrery
Meek (FL)
Mollohan
Moran (KS)
Moran (VA)
Murtha
Oberstar
Obey
Packard
Pastor
Payne
Pelosi
Pombo
Rahall
Riley
Ryun (KS)
Sabo
Serrano
Stupak
Tiahrt
Traficant
Vento
Visclosky
Waters
Wise
Young (AK)

ANSWERED "PRESENT"—1

Young (FL)

NOT VOTING—5

Boucher
Brown (CA)
Gephardt
Quinn
Ros-Lehtinen

☐ 1525

Ms. KILPATRICK, Mrs. JONES of Ohio and Messrs. PAYNE, RYUN of Kansas and EVERETT changed their vote from "yea" to "nay."

Messrs. GEJDENSON, GREENWOOD and PICKETT changed their vote from "nay" to "yea."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. ROS-LEHTINEN. Mr. Speaker, I was unavoidably detained and wish to be recorded as a "yes" vote on the motion to instruct conferees on the Emergency Supplemental Appropriations for FY 1999 H.R. 1141, rollcall 130.

LEGISLATIVE PROGRAM

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, I ask for this 1 minute to inquire of the distinguished majority leader the schedule for today and the remainder of the week.

Mr. Speaker, I yield to the gentleman from Texas (Mr. ARMEY).

Mr. ARMEY. I thank the gentleman from Michigan for yielding, and I appreciate the opportunity to advise the Members.

As my colleagues know, of course this week was scheduled to proceed through tonight and through tomorrow. It is true that we have had our last vote of the day for today, and we will probably go into either special orders or recess as we continue to work with the conference committee on the supplemental. Members of both bodies are working together and working, I think, quite diligently. It is still our expectation that sometime this evening they will complete their work, we will be able to file that bill, process the rule in order to begin consideration early tomorrow morning and move on with the completion of the work by the originally scheduled departure time for a Friday departure.

Mr. BONIOR. Mr. Speaker, I thank my colleague, and I would just add to his comments that because of the necessity to deal with this bill, the tornado relief, the hurricane relief for those who have been waiting for 6 months as a result of Mitch as we have just heard in the last debate, our troops in the field, and, of course, the agricultural crisis that we have in the country, I hope that we can have this bill before the body and that it will be there without extraneous riders, particularly environmental riders and other riders that have been added in both bodies, and we can get this work done, and I hope we can do this expeditiously.

Mr. Speaker, I yield to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I would simply observe that the last vote that we just had was to instruct the conferees to reject any items that were not in either the House or the Senate bill. I find that interesting, but the fact is that the hang up in the conference is over items that were in the Senate bill or in the House bill, and I know of no progress that has been made through the remainder of this day so far on this bill. We are presently marking up appropriations for the coming fiscal year right now.

□ 1530

We are supposed to be, as soon as we finish the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, we are supposed to be going into a Treasury Post Office markup, but I do not know of any progress that has been made in resolving the outstanding issues before us.

I guess, I think, there is at least a 50/50 chance Members will be kept here tomorrow only to discover that there will be nothing to vote on. So I guess what I would ask the gentleman from Texas (Mr. ARMEY), the distinguished majority leader, is if we are going to be held around here, why do we not simply bring a clean bill to the floor that takes the items that we know are agreed upon by everybody and pass legislation which is a truly clean bill, rather than waiting around here for a miracle to happen on a bill that has so many barnacles that it is not likely to sail any time soon?

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, I thank the gentleman from Michigan (Mr. BONIOR) for yielding.

Mr. Speaker, let me thank the gentleman from Wisconsin (Mr. OBEY) for his remarks. I must say I thought the gentleman from Michigan (Mr. BONIOR) made the point so clearly well that, one, this is a very, very important piece of legislation on such a wide range of fronts. The Members of Congress have worked hard on it and have a lot of commitment to this proposition.

Obviously, it is no inconvenience for any of us to stay within the bounds of the regularly-scheduled work week, as we are, in fact, today, to complete our work. So as we continue this week through our normal time for closing the week, I am sure all the Members are very pleased to be able to look forward to completing this work.

The gentleman from Wisconsin (Mr. OBEY) reminds me of the gratitude that all of the Members of this body might have for the workmanship of the House appropriators, as they did, indeed, provide through this body a clean supplemental bill, showing the kind of commitment to the express purposes of the bill and discipline in fulfilling that commitment that we are so proud of in the House. And, yes, indeed, even while this conference committee is doing its hard work, dealing in conference between the two bodies, the continued excellent, committed, disciplined work of our House appropriators goes on even as they mark up some of the first of the 13 appropriations bills.

So if the gentleman from Wisconsin (Mr. OBEY) would allow me, I think the body might take a moment to give a round of applause and appreciation to our appropriators for their hard work and their commitment.

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Florida, one of those appropriators who is doing this magnificent job that the majority leader referred to.

Mr. YOUNG of Florida. Mr. Speaker, I thank the gentleman from Michigan (Mr. BONIOR) for yielding.

Mr. Speaker, I have not had a chance to talk with the gentleman from Wisconsin (Mr. OBEY) about this so this will be new, but we are going to reconvene the conference in about 15 minutes. We believe that we have worked out a resolution to settle the differences. We expect to have the paperwork done later this evening, early enough to file tonight, and possibly have the Committee on Rules meet tonight, which would possibly give us the opportunity to have a vote on the floor tomorrow.

We have broken through some of the obstacles that were there, so we will reconvene in about 15 minutes; and, hopefully, we can get this good bill to the President.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, let me simply ask the gentleman from Florida (Mr. YOUNG) two questions.

First of all, would he be kind enough to tell us, if that is the case, what is the fate of the two markups now going on? We are both supposed to be attending both of those.

Mr. YOUNG of Florida. Mr. Speaker, yes, we are.

I would respond that we completed the legislative markup several days ago. We are almost through with the agriculture markup. We would go back to the ag markup probably at about 4:30 or 5:00 at the latest and complete that. We will postpone the markup of the Treasury Postal until the Chair calls for a new markup schedule because of the lateness of the ag bill now, because we do not want to mark up both of them at the same time.

Mr. OBEY. Mr. Speaker, could I simply ask the gentleman, if there is a breakthrough which would enable the bill to pass, God help us given some of the provisions that are now in it, but if it does nonetheless pass, so be it, but could I also ask the gentleman to entertain the possibility of also, as a backup, preparing a stripped-down bill so that if this does not go anywhere that we, in fact, have something for Members to vote on tomorrow if they are going to be here, something which will not get jammed up in a filibuster in the Senate?

Mr. YOUNG of Florida. Mr. Speaker, I would simply say that if we do not have something to vote on tomorrow early enough tonight to get a rule, the leadership would be advised of that and advise the Members about tomorrow. That would be a leadership decision.

AMENDING THE RULES OF THE HOUSE, 106TH CONGRESS

Mr. DREIER. Mr. Speaker, I ask nanimous consent that the Com-ittee on Rules be discharged from urther consideration of the resolution I. Res. 170) amending House Resolu-on 5, One Hundred Sixth Congress, as mended, and ask for its immediate onsideration in the House.

The Clerk read the title of the resolu-on.

The SPEAKER pro tempore (Mr. EASE). Is there objection to the re-uest of the gentleman from Cali-rnia?

There was no objection.

The Clerk read the resolution, as fol-ws:

H. RES. 170

Resolved,

CTION 1. AMENDMENT OF HOUSE RESOLUTION 5.

Section 2(f)(1) of House Resolution 5, One undred Sixth Congress, agreed to January 1999, as amended, is amended by striking Лay 14, 1999" and inserting "May 31, 1999".

The resolution was agreed to.

A motion to reconsider was laid on e table.

NNOUNCEMENT REGARDING AMENDMENT PROCESS ON H.R. 883, AMERICAN LAND SOV-EREIGNTY PROTECTION ACT

Mr. DREIER. Mr. Speaker, the Com-ittee on Rules is planning to meet e week of May 17 to grant a rule hich may limit the amendment proc-s on H.R. 883, the American Land overeignty Protection Act.

The rule may, at the request of the ommittee on Resources, include a ovision requiring amendments to be eprinted in the amendment section of e CONGRESSIONAL RECORD. Amend-ents to be preprinted should be gned by the Member and submitted to e Speaker's table. Amendments ould be drafted in the text of the bill reported by the Committee on Re-urces. Members should use the Office Legislative Counsel to ensure that eir amendments are properly drafted d should check with the Office of the rliamentarian to make sure their endments comply with the rules of e House.

NNOUNCEMENT OF INTENTION TO OFFER ON TOMORROW MOTION TO INSTRUCT CONFEREES ON H.R. 1141, 1999 EMERGENCY SUP-PLEMENTAL APPROPRIATIONS ACT

Mr. DEUTSCH. Mr. Speaker, pursu-t to clause 7(c) of rule XXII, I hereby tify the House of my intention to-rrow to offer the following motion instruct House conferees on H.R. l1, the 1999 Emergency Supplemental propriations Act.

The form of the motion is as follows:

Mr. DEUTSCH moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 1141 be instructed to disagree to any provision not contained in, or directly related to, the following: (1) H.R. 1141, as passed by the House; (2) H.R. 1664, as passed by the House.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1342

Mrs. McCARTHY of New York. Mr. Speaker, I ask unanimous consent to remove the name of the gentleman from Kansas (Mr. RYUN) as a cosponsor of H.R. 1342.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TRIBUTE TO JADONAL FORD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, a few days ago the gentlewoman from Ohio (Mrs. JONES) and I participated in a discussion relative to fraternity and sorority hazing and their overall value to society, especially in the African community. I think we both agreed that physical violence, mental abuse and degradation have no place in a civilized world and certainly should not be used as part of an intake process for new members of any organization or group.

However, in my estimate, fraternities and sororities continue to play valuable roles and have contributed greatly to improving the quality of life for African Americans in particular and for society as a whole.

In my own fraternity, Alpha Phi Alpha, I think of the contributions of individuals like Dr. W.E.B. Dubois, Dr. John Hope Franklin, Dr. Carter G. Woodson, Dr. Charles Wesley, Dr. Martin Luther King, Jr., Duke Ellington, Langston Hughes and countless others whose contributions are legendary.

I also think of the contributions of brothers that we seldom hear of, like a member of my local chapter, Mu Mu Lambda, brother Jadonal E. Ford, who recently passed away. Jadonal E. Ford, or Jay as we called him, was born in Lakeview, South Carolina, in 1935. He graduated from Columbus High School in Lakeview in 1952, earned a Bachelors degree from Virginia State University in 1956, served in the United States Army until 1959 and received his Master's degree in social work at Boston University in 1961.

Mr. Ford began his professional career as a psychiatric social worker at Cleveland State Hospital in Cleveland, Ohio, prior to moving to Chicago in 1963 to become program administrator at the Chicago Youth Centers. From 1963 until 1971, he served as program director at United Cerebral Palsy in greater Chicago and from 1971 until 1973 as administrator at comprehensive care centers in Chicago.

In 1973, Jay Ford began work at Catholic Charities of the Archdiocese of Chicago and remained there until his death. He began in the Foster Care Department and by 1993 was appointed Senior Associate Division Manager for Nonresidential Services for children and youth.

Jay Ford was an outstanding professional in his chosen field of work, but it was in his volunteer activities, especially through the Mu Mu Lambda chapter of Alpha Phi Alpha fraternity, that he truly excelled. He was instrumental in designing, orchestrating and implementing several programs for African American youth, especially males, on the local, State and national levels.

Warren G. Smith, a fraternity brother and friend of Jay's, made this observation. Jay was a take-charge, get-the-job-done, very responsive fraternity brother. He made things happen and created an environment where everyone could succeed. He mentored hundreds of fraternity brothers and high school students. He was indeed a role model and someone everyone wanted to emulate.

For 10 years, Warren continued, Jay chaired the Beautillion, a scholarship fund-raiser for high school students who are college bound. Each year, this event has raised approximately $150,000 and presented to society 20 young men ready for college as well as presenting scholarships to these students and others.

Jay was a member of Catholic Charities USA, the National Association of Social Workers, the National Association of Black Social Workers, the National Black Child Development Institute, the Academy of Certified Social Workers, the Childcare Association of Illinois and the Catholic Conference of Illinois.

□ 1545

He was a co-founder, charter member, and former president of Virginia State University's Chicago Area Alumni Organization.

Other organizations include the Henry Booth House Board of Directors, the Black Infant Task Force, the Chicago Urban League, the National Association for the Advancement of Colored

People, State of Illinois Foster Care, the Adoption Task Force, the Adoption Advisory Council, the Child Care Association, the African American Round Table, the Association of Directors, the Minority Recruitment Committee, and the Dean's Search Committee, both at Loyola School of Social Work.

Mr. Ford was a member of the Congregational Church of Park Manor, and served as chairman of its Board of World Missions. He was Mu Mu Lambda's Man of the Year several times, Illinois State Alumni Brother of the Year, Midwest Region Brother of the Year, and as Kenneth Watkins, president of Mu Mu Lambda, said, "Jay Ford truly understood the Alpha motto: First of all; Servants of all; We shall transcend all."

There was relevance in Jay Ford and there is still relevance in fraternities and sororities.

TRANSFER OF SPECIAL ORDER TIME

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask unanimous consent to use the time of the gentlewoman from Indiana (Ms. CARSON).

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentlewoman from Texas?

There was no objection.

CALLING ON THE SPEAKER TO CONVENE A STUDY SESSION ON YOUTH VIOLENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, over the last couple of weeks, this Congress has confronted a very tragic event dealing with our children. The American people have heard us speak in many different ways. We have raised our voices in sympathy, in fear, in apprehension.

We have raised our voices, reaching out for solutions. We have even spoken in outrage, and we have also expressed pain for those parents who lost their children, and for those whose children are still mending from wounds suffered in Littleton, Colorado.

There have been a number of hearings, Mr. Speaker. Today, in fact, I thank the gentleman from Illinois (Chairman HYDE) of the Committee on the Judiciary and the ranking member, the gentleman from Michigan (Mr. CONYERS), for holding such a hearing in the Committee on the Judiciary.

I made up my mind, Mr. Speaker, upon hearing of the enormous tragedy, feeling a deeply embedded pain, but yet not being able to stand in the shoes of those parents who had actually lost their child or being involved by being part of that community, but I did make a commitment to say that I would not expend any more words about the tragedy if I could not do something constructive.

I have the honor and pleasure of having founded the Congressional Children's Caucus, with a number of exciting issues that we have had to confront, and Members who have committed themselves by being a participant of that caucus in promoting children as a national agenda item.

We have decided to work on the question of confronting a child's inability to cope. In the hearing today, I was somewhat disturbed because I kept hearing the very well-versed witnesses seem to suggest it was the other fellow's fault. We had representatives from the media, we had faith-based representatives, we had those who talked about gun regulation, others who talked about the need for morality in schools. I think it is important, Mr. Speaker, that we acknowledge that all of us can help, and there are many solutions to this problem.

I am going to today ask the Speaker of the House to convene those Members of this Congress who have expressed a particular interest in children, either by way of the caucuses and task forces they belong to or other expressions of that interest, so that, like the White House, we can convene a study session to promote action on these issues.

I would propose that we not be fearful of addressing the President's initiative on gun regulation, because we have already heard that several leaders of the gun lobby, if you will, or organizations, would agree with holding adults responsible if children get guns in their hands, a part of his initiative, or not allowing individuals who are 18 and under or 21 and under to get handguns, and having a safety lock on guns.

Why would we be apprehensive about regulating guns, when we have over 260 million guns, and 13 children die every day? I am aghast that the other body would not want to support an initiative that would have an instant gun check at gun shows, when so many people have indicated that things happen wrong when we do not determine who is trying to get a gun.

I am looking at another perspective, Mr. Speaker, one where I advocate the involvement of the faith-based community. I welcome that. I hope our schools, in keeping with the first amendment and separation of church and State, will not turn away individuals, ministers, as we do in Houston, where we have a Ministers Against Crime organization. We welcome them into the schools.

Tomorrow I will hold a town hall meeting at Scarborough High School in my district with the Secretary of Education on school violence. We will be inviting the ministers. We will be listening to students.

We should not sit back and say what we cannot do. What I am hearing, what is being pled for by students who say they have no one to talk to, they want action now, Mr. Speaker. Why are we pointing the finger at each and every person, the international games, the video games?

Lastly, Mr. Speaker, let me say that we cannot deny that we do not have mental health services for our children K through 12, intervention, at an early stage. So I propose an omnibus bill on children's mental health in which I will look to ensure that all of the pieces are in place.

I hope my colleagues will join me at the offering of that legislation, because we all can be a part of the solution and not part of the problem. Let us stop pointing the finger, let us get to work.

CONCERNS ABOUT THE ADMINISTRATION'S APPROACH TO THE WAR IN YUGOSLAVIA AND KOSOVO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. SOUDER) is recognized for 5 minutes.

Mr. SOUDER. Mr. Speaker, earlier this week I was discussing the war supplemental, and some of my concerns about this Administration's approach to the war in Yugoslavia and Kosovo. I found the most disturbing thing underneath the premise that the administration is pushing, and why I have such deep concerns about this entire effort.

Sandy Berger, the National Security Adviser, told our Republican conference during some questioning that, he said, we want to teach the world a new way to live in peace. They also said they wanted to show the world a new way to fight the war.

My concern is that the undergirding of this entire foreign policy is a kind of a liberal, humanitarian, what would be, with quotes around it, a "secular humanist" approach that we can somehow teach people to live together, ironically, through bombing them; and I do not fully understand, but that was not our intent.

But we look at the evils that were going on with Milosevic, much like the evils that were going on in Croatia and other ethnic cleansing efforts, not only in the Balkans but in Africa and other parts of the world, and we say, correctly, people should not live that way.

But then we think, based on kind of our humanitarian tradition in the United States, that we can just walk in and say, you know, for 700 years, for 1,000 years, for 2,000 years, you have been wrong. We want you to change. If you do not change, we are going to bomb you into change.

Mr. Speaker, life does not work that way. If this is the supposition under our foreign policy, that somehow we can walk into Africa and say, change the way you have behaved for all these years; if we can walk into Haiti and

ay. we are going to put a government
n, and now you are going to change; if
e can walk into Bosnia and say, now
e are going to do a Dayton line, and
e want you all to behave; and if we
re going to go into Serbia and say,
his is terrible, we want you to live in
eace together, it simply is not going
o work.

I was in the camp near Skopje, Mon-
enegro, and talked to many of the
osovars. As one of the Senators asked
hem, they said, will you go back and
ve at peace in Yugoslavia under the
erbians? Absolutely not. We are going
o get rid of Milosevic.

Milosevic will not be there. They
aid, all Serbs are Milosevic. What do
ou mean, all Serbs? You lived with
hem before. Yes, but they slit my
eighbor's throat. They burned my
ouse. They raped my daughters. You
eard all kinds of the variations of sto-
es. They are not interested in living
ith peace.

The idea that suddenly we are going
o wave a wand, have a sitdown con-
erence here, and everybody in the
orld is going to live in peace, is a very
angerous undergirding, pressure, for
reign policy.

Just yesterday in the Washington
imes, based on a Senate hearing, Sec-
etary Cohen said, "We have got to find
way to either increase the size of our
rces, or decrease the number of our
issions." Now, in the standard collo-
uial phrase right now in the United
tates, you would say, well, duh.

I mean, we have to find a way to ei-
her increase the size of our forces, or
ecrease the number of our missions.
o we mean it is finally dawning on
is administration that we cannot
ke a declining armed forces and send
em all over the world to try to
ange people through exhortation
hen we are not willing to stand up,
hich it is not necessary that this
ould work, either, but it is the only
ay we would get peace, is that if we
elieve, as the Judeo-Christian prin-
ples teach, that man is born of sin
d of self-interest, and unless there is
transforming power in their hearts
ey are not going to suddenly change,
ing in and saying, it is in your self-
terest not to have war, that is not
cessarily true.

It is not necessarily good for
osovars to let the Serbians have
istina and the mineral rights in the
rth part of this country. It is not
cessarily in the self-interest of the
rbians to let the Kosovars have the
ineral rights and the seminaries in
istina for their heritage. They both
gue over that.

You cannot just use the pleasure-
in principles or positivist principles
some kind of humanist principles.
rthermore, if we are going to get
ck to that, the renaissance did not
cur in a lot of the parts of the world
ere we have our humanist tradi-

tions. Unless you have whatever religious tradition it is that reforms people's hearts and people's thinking that there is a higher power, we are not going to have a real peace.

If we are not going to have a real peace, we certainly are not going to force it through bombing, and the danger of our current foreign policy is that we are going around the world threatening and trying to reform it when we do not have the traditional criteria of how and when we wage war: Was there a sovereign Nation invading another sovereign Nation? Was there a threat to the national interest of the United States? Was there a tie-in that we can actually deal with and win?

These are deep religious and moral questions, and they are not going to be solved by the type of bombing we are doing.

POLICE OFFICER APPRECIATION DURING NATIONAL POLICE WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. MALONEY) is recognized for 5 minutes.

Mr. MALONEY of Connecticut. Mr. Speaker, I rise today to express my strong support and appreciation of our nation's police officers. This week we celebrate National Police Week, in honor of law enforcement officers who have given their lives in the course of their duty, and in honor of those who are giving us their lives in service now.

On Tuesday this House marked National Police Week by unanimously passing House Resolution 165, a resolution recognizing police officers killed in the line of duty. Tonight there is a candlelight vigil at the National Law Enforcement Memorial where the names of those officers killed in the line of duty will be read.

Later this week, the Capitol Police Force is hosting the 18th annual National Police Officers Memorial Service at the Capitol. Police officers from my district in Connecticut will be playing a prominent role in those services, and I want to especially thank them for their participation.

These commemorative events, coupled with the administration's announcement yesterday that we have reached our national goal of providing 100,000 additional police officers to the streets through the COPS program, and also coupled with our call for a further 50,000 police officers on the beat over the next 5 years, strongly signify the important and dedicated role that the law enforcement community plays in our lives.

Community policing in particular represents a shift from the reactive approach of policing to a proactive approach which emphasizes the prevention of crime before it starts, and partnership between law enforcement and the community.

Since our bill in 1994, since that legislation passed, violent crime has gone down substantially, a 7 percent decrease in the 1996–1997 period, over 20 percent in total since the passage of that legislation. Murder rates, for example, in 1996–1997 are down 8 percent, and are now at their lowest level in three decades.

□ 1600

Testimonials from law enforcement agencies around the country reveal that community policing efforts have had a critical impact on the recent drop in crime. Community policing efforts have also expanded beyond the neighborhood to our schools as well.

The recent tragedy at Columbine High School in Littleton, Colorado has left our Nation in shock and disbelief once again and serves as a potent reminder that school violence can happen anywhere and that, unfortunately, violence and crime, although down, are still very real fears and concerns in our communities.

To combat school violence, school districts and law enforcement agencies have formed partnerships to place a specially trained police officer, known as a school resource officer, or SRO, in schools to protect students, to educate students about violence prevention, and to act as a counselor and mentor.

I introduced legislation last year which was enacted to codify the definition of school resource officers and in support of our first dedicated school resource officer funding.

That effort was later expanded to become the COPS in Schools program, which provides funding. Approximately $60 million was dedicated for that program. The first round of grants were offered just last month.

National Police Week reminds us of the vital service that our Nation's law enforcement officers provide to us through their hard work and dedication in keeping our neighborhoods, our communities, and our schools safe.

I am also reminded of the important role that community policing initiatives have played in reducing crime and in offering our communities access to resources necessary to hire and train these police officers to continue their dedicated efforts within our communities.

I applaud the dedication and hard work of our Nation's police officers, and I look forward to working with my colleagues and with the law enforcement community to ensure that our officers continue to receive the support and recognition that they so clearly deserve.

SOLUTIONS TO KOSOVO CRISIS

The SPEAKER pro tempore (Mr. PEASE). Under a previous order of the House, the gentleman from California (Mr. CUNNINGHAM) is recognized for 5 minutes.

Mr. CUNNINGHAM. Mr. Speaker, once again this country finds itself at war. Many of my colleagues expressed the problems that we go through, and I would like to offer in my opinion what are some of the options, some of the solutions.

I met with the Reverend Jesse Jackson, and I gained a new insight on Reverend Jesse Jackson. He has the ability not only to express his views but to listen as well. I laud Reverend Jackson, not only for bringing our POWs back, but for looking for a peaceful solution, which I think is much more possible than just bombing a nation into the stone age to get what we want.

First of all, it is easy to kill. I flew in Vietnam, and I flew in Israel. But it is difficult to work to live. That is where the rubber meets the road, and it is very difficult to work out those solutions.

But I think some of these solutions, which I have discussed with foreign policy experts, like Mr. Eagleburger and others, and I think that they are an option outside of just bombing in an air war in which the Pentagon told the President would not work, they told the President that it would not achieve our goals, it would only make them worse; that we would kill innocent men and women and that we would cause the forced evacuation of many of the Albanian people, like you have in most wars. This one has become more extreme.

But Mr. Jackson also has the ability to put himself in the shoes of both parties, to understand what is in their mind. What are they afraid of? What are the Serbs afraid of? What are the Albanians afraid of? What is the KLA afraid of? What are their goals?

Before one ever starts in a diplomatic mission, history shows that one has to understand both sides, not just one side. I think that is the fault of this White House.

First of all, halt the bombing. Halt the bombing. Over 70 percent of Russian military supports the overthrow of the current administration, the Yeltsin administration. The leaders are the group of Communists, adverse Communists that support Milosovic. They want the former Soviet Union to go back to a Communist style of government, and this is giving them that excuse. That is one of the reasons why Russia has been a problem, not part of the solution in this.

Then let us have Russian troops. Let us let them become part of the solution. Let us stabilize the Russian government itself. We saw today where Chernomyrdin was fired and other shake-ups by Yeltsin. It is potential disaster.

Let the Russians, the Greeks who also support the Serbs, Scandinavians, and Italians and, yes, maybe even some from the Ukraine serve as peacekeepers. But Rambouillet said that you are going to have German troops in there. The Yugoslavians absolutely loath and hate Germans. They put 700,000 of them on April 5, 1941, and one in every third Serb died to German Nazis and fought on the side of the allies.

One cannot put Britain, United States, and German troops in there. Put the people in there that can separate the forces. Have Milosovic remove his equipment prior to Rambouillet and establish some kind of at least stability.

It is going to be years before we can bring Albanian people back into Kosovo. Do my colleagues know that there is over 200,000 Albanians that live in Belgrade peacefully?

Our emissary with Jesse Jackson went to a service with the Albanians in the Muslim Temple and had worship. They have not left. They work in harmony.

Has there been killing on both sides in Kosovo? Absolutely. The total number of people killed in Kosovo prior to our bombing was a little over 2,000. One-third of those were Serbs killed by the KLA.

So is there fighting? Are there atrocities on both sides? Yes. But one has got to get into the minds of both sides.

The issue of the KLA having Mujahedin and Hamas, we got a brief and said, yes, there are. There are not significant numbers. But the President has got to demand that those people leave. There is about 20 other events.

CENSUS 2000

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California, Mr. MARTINEZ, is recognized for 5 minutes.

Mr. MARTINEZ. Mr. Speaker, I have heard the debate on Census 2000, and cannot help but come to one conclusion—this is simply a matter of common sense. It is common sense that we should not except counting our population from the advancements that have improved every aspect of our national life, from communicating with each other, to growing our food.

It is not common sense, in the midst of the Internet revolution, to even consider horse and buggy methods of census reporting. How can it be that 1990 was the first year that census reporting was not improved since 1940? Can you think of any other aspect of our daily lives in which that was the case? That innovation and improvement ceased? That we have actually grown worse?

What makes all this especially galling is that innovation in this field already exists. Just ask those who know best how to conduct this effort—the Census Bureau. These trained professionals have alerted us to improved technology that is faster, cheaper, and more accurate—statistical sampling. We must use whatever method is most effective to ensure that all Americans are counted. The Census Bureau tells us that this is sampling.

It is not common sense for Congress to instruct a bureau to avoid programs proven so effective. This is not a political battleground—this is a means of counting our population. We must use the best available means to do that. This is simply a matter of common sense.

STAY TO COURSE IN KOSOVO

The SPEAKER pro tempore (Mr. SAXTON). Under a previous order of the House, the gentleman from New York (Mr. ENGEL) is recognized for 5 minutes.

Mr. ENGEL. Mr. Speaker, on Saturday night, I was at JFK airport in New York to welcome the first group of Kosovar-Albanian refugees who were coming to the United States to be reunited with their families. A number of those families reside in my district in Bronx, New York; and a number of those families have told me about the atrocities that have gone on in a first-hand basis.

This morning I had the pleasure of listening to President Clinton deliver a speech on the whole situation in Yugoslavia. It was an excellent speech. Essentially what the President said was that we will stay the course, as we must, and that we have already told Mr. Milosevic what he needs to do in order for us to stop the bombing.

I cannot understand some of our colleagues who say that we ought to unilaterally stop the bombing when ethnic cleansing and genocide is still going on, when people are being raped and murdered and ordered from their homes, when an entire people is trying to be wiped out.

They want to make Kosovo free of Albanians when Albanians have lived there for years and years and years.

I will include for the RECORD President Clinton's speech. I want to particularly read a couple of things that the President said, because some of my colleagues previously have said certain things.

The President said: "There are those who say Europe and its North American allies have no business intervening in the ethnic conflicts of the Balkans. They are the inevitable result, these conflicts, according to some, of centuries-old animosity which were unleashed by the end of the Cold War restraints in Yugoslavia and elsewhere."

The President says, "I, myself, have been guilty of saying that on an occasion or two, and I regret it now more than I can say. For I have spent a good deal of time in these last 6 years reading the real history of the Balkans. And the truth is that a lot of what passes for common wisdom in this area is a gross oversimplification and misreading of history.

"The truth is that for centuries these people have lived together in the Balkans and Southeastern Europe with greater or lesser degree of tension, but often without anything approaching the intolerable conditions and conflict hat exist today. And we do no favors or ourselves or the rest of the world vhen we justify looking away from this ind of slaughter by oversimplifying nd conveniently, in our own way, de- ionizing the whole Balkans by saying hat these people are simply incapable f civilized behavior with one an- ther."

He goes on, "There is a huge dif- erence between people who can't re- olve their problems peacefully and ght about them, and people who re- ort to systematic ethnic cleansing and laughter of people because of their re- gious and ethnic background. There is difference. There is a difference."

I say to my colleagues there abso- itely is a difference. We need to show Ir. Milosevic that ethnic cleansing ill not be tolerated. We need to stay ne course. We need to keep the bomb- ng until he agrees to the demands of ATO. All options ought to be on the able, including the options of troops n the ground. We ought not to tell nis dictator what we will or will not o. We ought not to give him a plan of hat we intend to do. All options nould be on the table.

We must win this war. It goes beyond hat is happening in the Balkans oday. It goes beyond the ethnic eansing. The entire credibility of the nited States and NATO is at stake. If ATO is to have any relevance in the orld, we need to show that NATO can in this war.

Mr. KENNEDY of Rhode Island. Mr. peaker, will the gentleman yield?

Mr. ENGEL. I yield to the gentleman om Rhode Island.

Mr. KENNEDY of Rhode Island. Mr. peaker, I just want to commend the entleman from New York (Mr. ENGEL) r his persistence on this matter. I can ecall well before the Milosevic ever in- aded Kosovo it was the gentleman om New York (Mr. ENGEL) who was lking to this Congress about the im- ending problems that we were going have with Mr. Milosevic.

He is clearly the greatest authority this issue in the United States Con- ress. When he speaks, he speaks from ng-held experience and belief in this sue. I want to commend him for all ie good work that he does.

Mr. ENGEL. Mr. Speaker, I thank ie gentleman from Rhode Island for s kind words, and I appreciate his omments very, very much.

My colleague previously, the gen- eman from California (Mr. UNNINGHAM) said, "What are the osovars afraid of?" That is an easy iestion. They are afraid of being lled. They are afraid of being eth- cally cleansed. The are afraid of their omen being raped. They are afraid of iping out their whole history, burning eir villages, shooting children, de- roying any kind of papers that they ve so they are a people that do not ist. That is what they are afraid of. We thought we saw an end to that in the Nazi era. We are seeing it again.

Let me just say in conclusion, I think we must stay the course. I think we must win this war. I am proud of the United States of America. I am proud of President Clinton for standing up and saying we will not tolerate ethnic cleansing. We will not stand idly by while genocide is going on.

Mr. Speaker, the President's speech that I referred to is as follows:

WASHINGTON, May 13/U.S. Newswire—Following is a transcript of remarks made by President Clinton today to veterans groups on the Kosovo situation (Part 1 of 2):

EISENHOWER HALL FT. MCNAIR

The PRESIDENT: Good morning, ladies and gentlemen. Thank you, Commander Pouliot. I am grateful to you and to Veterans of Foreign Wars for your support of America's efforts in Kosovo.

General Chilcoat, Secretary Albright, Secretary Cohen, Secretary West, National Security Advisor Berger, Deputy Secretary Gober, General Shelton and the Joint Chiefs, and to the members of the military and members of the VFW who are here. I'd also like to thank Congressman ENGEL and Congressman QUINN for coming to be with us today.

I am especially honored to be here with our veterans who have struggled for freedom in World War II and in the half-century since. Your service inspires us today, as we work with our allies to reverse the systematic campaign of terror, and to bring peace and freedom to Kosovo. To honor your sacrifices and fulfill the vision of a peaceful Europe, for which so many of the VFW members risked your lives, NATO's mission, as the Commander said, must succeed.

My meeting last week in Europe with Kosovar refugees, we allied leaders, with Americans in uniform, strengthened my conviction that we will succeed. With just seven months left in the 20th century, Kosovo is a crucial test: Can we strengthen a global community grounded in cooperation and tolerance, rooted in common humanity? Or will repression and brutality, rooted in ethnic, racial and religious hatreds dominate the agenda for the new century and the new millennium?

The World War II veterans here fought in Europe and in the Pacific to prevent the world from being dominated by tyrants who use racial and religious hatred to strengthen their grip and to justify mass killing.

President Roosevelt said in his final Inaugural Address: "We have learned that we cannot live alone. We cannot live alone at peace. We have learned that our own well-being is dependent on the well-being of other nations far away. We have learned to be citizens of the world, members of the human community."

The sacrifices of American and allied troops helped to end a nightmare, rescue freedom and lay the groundwork for the modern world that has benefited all of us. In the long Cold War years, our troops stood for freedom against communism until the Berlin Wall fell and the Iron Curtain collapsed.

Now, the nations of Central Europe are free democracies. We've welcomed new members of NATO and formed security partnerships with many other countries all across Europe's East, including Russia and Ukraine. Both the European Union and NATO have pledged to continue to embrace new members.

Some have questioned the need for continuing our security partnership with Europe at the end of the Cold War. But in this age of growing international interdependence, America needs a strong and peaceful Europe more than ever as our partner for freedom and for economic progress, and our partner against terrorism, the spread of weapons of mass destruction, and instability.

The promise of a Europe undivided, democratic and at peace, is at long last within reach. But we all know it is threatened by the ethnic and religious turmoil in Southeastern Europe, where most leaders are freely elected, and committed to cooperation, both within and among their neighbors.

Unfortunately, for more than 10 years now, President Milosevic has pursued a different course for Serbia, and for much of the rest of the former Yugoslavia. Since the late 1980's he has acquired, retained, and sought to expand his power, by inciting religious and ethnic hatred in the cause of greater Serbia; by demonizing and dehumanizing people, especially the Bosnian and Kosovar Muslims, whose history, culture and very presence in the former republic of Yugoslavia impede that vision of a greater Serbia.

He unleashed wars in Bosnia and Croatia, creating 2 million refugees and leaving a quarter of a million people dead. A decade ago, he stripped Kosovo of its constitutional self-government, and began harassing and oppressing its people. He has also rejected brave calls among his own Serb people for greater liberty. Today, he uses repression and censorship at home to stifle dissent and to conceal what he is doing in Kosovo.

Though his ethnic cleansing is not the same as the ethnic extermination of the Holocaust, the two are related—both vicious, premeditated, systematic oppression fueled by religious and ethnic hatred. This campaign to drive the Kosovars from their land and to, indeed, erase their very identity is an affront to humanity and an attack not only on a people, but on the dignity of all people.

Even now, Mr. Milosevic is being investigated by the International War Crimes Tribunal for alleged war crimes, including mass killing and ethnic cleansing. Until recently, 1.76 million ethnic Albanians—about the population of our state of Nebraska—lived in Kosovo among a total population of 2 million, the others being Serbs.

The Kosovar Albanians are farmers and factory workers, lawyers and doctors, mothers, fathers, school children. They have worked to build better lives under increasingly difficult circumstances. Today, most of them are in camps in Albania, Macedonia and elsewhere—nearly 900,000 refugees—some searching desperately for lost family members. Or they are trapped within Kosovo itself, perhaps 600,000 more of them, lacking shelter, short of food, afraid to go home. Or they are buried in mass graves dug by their executioners.

I know we see these pictures of the refugees on television every night and most people would like another story. But we must not get refugee fatigue. We must not forget the real victims of this tragedy. We must give them aid and hope. And we in the United States must make sure—must—make sure their stories are told.

A Kosovar farmer told how Serb tanks drove into his village. Police lined up all the men, about 100 of them, by a stream and opened fire. The farmer was hit by a bullet in the shoulder. The weight of falling bodies all around him pulled him into the stream. The only way he could stay alive was to pretend to be dead. From a camp in Albania, he said, my daughter tells me, "Father, sleep. Why don't you sleep?" But I can't. All those dead bodies on top of mine.

Another refugee told of trying to return to his village in Kosovo's capital, Pristina. "On my way," he said, "I met one of my relatives. He told me not to go back because there were snipers on the balconies. Minutes after I left, the man was killed—I found him. Back in Pristina no one could go out, because of the Serb policemen in the streets. It was terrible to see our children, they were so hungry. Finally, I tried to go shopping. Four armed men jumped out and said, we're going to kill you if you don't get out of here. My daughters were crying day and night. We were hearing stories about rape. They begged me, please get us out of here. So we joined thousands of people going through the streets at night toward the train station. In the train wagons, police were tearing up passports, taking money, taking jewelry."

Another refugee reported, "the Serbs surrounded us. They killed four children because their families did not have money to give to the police. They killed them with knives, not guns."

Another recalled, "The police came early in the morning. They executed almost a hundred people. They killed them all, women and children. They set a fire and threw the bodies in."

A pregnant woman watched Serb forces shoot her brother in the stomach. She said, "My father asked for someone to help this boy, but the answer he got was a beating. The Serbs told my brother to put his hands up, and then they shot him ten times. I saw this. I saw my brother die."

Serb forces, their faces often concealed by masks, as they were before in Bosnia, have rounded up Kosovar women and repeatedly raped them. They have said to children, go into the woods and die of hunger.

Last week in Germany, I met with a couple of dozen of these refugees, and I asked them all, in turn, to speak about their experience. A young man—I'd say 15 or 16 years old—stood up and struggled to talk. Finally, he just sat down and said, "Kosovo, I can't talk about Kosovo."

Nine of every 10 Kosovar Albanians now has been driven from their homes; thousands murdered; at least 100,000 missing; many young men led away in front of their families; over 500 cities, towns and villages torched. All this has been carried out, you must understand, according to a plan carefully designed months earlier in Belgrade. Serb officials prepositioned forces, tanks and fuel and mapped out the sequence of attack: what were the soldiers going to do; what were the paramilitary people going to do; what were the police going to do.

Town after town has seen the same brutal procedures—Serb forces taking valuables and identity papers, seizing or executing civilians, destroying property records, bulldozing and burning homes, mocking the fleeing.

We and our allies, with Russia, have worked hard for a just peace. Just last fall, Mr. Milosevic agreed under pressure to halt a previous assault on Kosovo, and hundreds of thousands of Kosovars were able to return home. But soon, he broke his commitment and renewed violence.

In February and March, again we pressed for peace, and the Kosovar Albanian leaders accepted a comprehensive plan, including the disarming of their insurgent forces, though it did not give them all they wanted. But instead of joining the peace, Mr. Milosevic, having already massed some 40,000 troops in and around Kosovo, unleashed his forces to intensify their atrocities and complete his brutal scheme.

Now, from the outset of this conflict, we and our allies have been very clear about what Belgrade must do to end it. The central imperative is this: The Kosovars must be able to return home and live in safety. For this to happen, the Serb forces must leave; partial withdrawals can only mean continued civil wars with the Kosovar insurgence.

There must also be an international security force with NATO at its core. Without that force, after all they've been through, the Kosovars simply won't go home. Their requirements are neither arbitrary nor overreaching. These things we have said are simply what is necessary to make peace work.

There are those who say Europe and its North American allies have no business intervening in the ethnic conflicts of the Balkans. They are the inevitable result, these conflicts, according to some of centuries-old animosity which were unleashed by the end of the Cold War restraints in Yugoslavia and elsewhere. I, myself, have been guilty of saying that on an occasion or two, and I regret it now more than I can say. For I have spent a great deal of time in these last six years reading the real history of the Balkans. and the truth is that a lot of what passes for common wisdom in this area is a gross oversimplification and misreading of history.

The truth is that for centuries these people have lived together in the Balkans and Southeastern Europe with greater or lesser degree of tension, but often without anything approaching the intolerable conditions and conflicts that exist today. And we do no favors to ourselves or to the rest of the world when we justify looking away from this kind of slaughter by oversimplifying and conveniently, in our own way, demonizing the whole Balkans by saying that these people are simply incapable of civilized behavior to one another.

Second, there is—people say, okay, maybe it's not inevitable, but look there are a lot of ethnic problems in the world. Russia has dealt with Chechnya, and you've got Abkhazia and Ossetia on the borders of Russia. And you've got all these ethnic problems everywhere, and religious problems. That's what the Middle East is about. You've got Northern Ireland. You've got the horrible, horrible genocide in Rwanda. You've got the war, now, between Eritrea and Ethiopia. They say, oh, we've got all these problems, and therefore, why do you care about this?

I say to them there is a huge difference between people who can't resolve their problems peacefully and fight about them, and people who resort to systematic ethnic cleansing and slaughter of people because of their religious or ethnic background. There is a difference. There is a difference.

And that is the difference that NATO—that our allies have tried to recognize and act on. I believe that is what we saw in Bosnia and Kosova. I think the only thing we have seen that really rivals that, rooted in ethnic or religious destruction, in this decade is what happened in Rwanda. And I regret very much that the world community was not organized and able to act quickly there as well.

Bringing the Kosovars home is a moral issue, but it is a very practical, strategic issue. In a world where the future will be threatened by the growth of terrorist groups; the easy spread of weapons of mass destruction; the use of technology including the Internet, for people to learn how to make bombs, and wreck countries, this is also a significant security issue. Particularly because of Kosovo's location, it is just as much a security issue for us as ending the war in Bosnia was.

Though we are working hard with the international community to sustain them, a million or more permanent Kosovar refugees could destabilize Albania, Macedonia, the wider region, become a fertile ground for radicalism and vengeance that would consume Southeastern Europe. And if Europe were overwhelmed with that, you know we would have to then come in and help them. Far better for us all to work together, to be firm, to be resolute, to be determined to resolve this now.

If the European community and its American and Canadian allies were to turn away from, and therefore reward, ethnic cleansing in the Balkans, all we would do is to create for ourselves an environment where this sort of practice was sanctioned by other people who found it convenient to build their own political power, and therefore, we would be creating a world of trouble for Europe and for the United States in the years ahead.

I'd just like to make one more point about this, in terms of the history of the Balkans. As long as people have existed there have been problems among people who are different from one another, and there probably always will be. But you do not have systematic slaughter and an effort to eradicate the religion, the culture, the heritage, the very record of presence of the people in any area unless some politician thinks it is in his interest to foment that sort of hatred. That's how these things happen—people with organized political and military power decide it is in their interest that they get something out of convincing the people they control or they influence to go kill other people and uproot them and dehumanize them.

I don't believe that the Serb people in their souls are any better—I mean, any worse—than we are. Do you? Do you believe when a little baby is born into a certain ethnic or racial group that somehow they have some poison in there that has to, at some point when they grow up, turn into some vast flame of destruction? Congressman ENGEL has got more Albanians than any Congressman in the country in his district. Congressman QUINN's been involved in the peace process in Ireland. You think there's something about the Catholic and Protestant Irish kids that sort of genetically predisposes them to—you know better than that, because we're about to make peace there, I hope—getting closer.

Political leaders do this kind of thing. You think the Germans would have perpetrated the Holocaust on their own without Hitler? Was there something in the history of the German race that made them do this? No.

We've got to get straight about this. This is something political leaders do. And if people make decisions to do these kinds of things, other people can make decisions to stop them. And if the resources are properly arrayed it can be done. And that is exactly what we intend to do.

Now, last week, despite our differences over the NATO action in Kosovo, Russia joined us, through the G–8 foreign ministers, in affirming our basic condition for ending the conflict, in affirming that the mass expulsion of the Kosovars cannot stand. We and Russia agreed that the international force ideally should be endorsed by the United Nations, as it was in Bosnia. And we do want Russian forces, along with those of other nations, to participate, because a Russian presence will help to reassure the Serbs who live in Kosovo—and they will need some protection, too, after all that has occurred.

NATO and Russian forces have served well side-by-side in Bosnia, with forces from many other countries. And with all the difficulties, the tensions, the dark memories that still exist in Bosnia, the Serbs, the Muslims, the Croats are still at peace, and still working together. Nobody claims that we can make everybody love each other overnight. That is not required. But what is required are basic norms of civilized conduct.

Until Serbia accepts these conditions, we will continue to grind down its war machine. Today, our allied air campaign is striking at strategic targets in Serbia, and directly at Serb forces in Kosovo, making it harder for them to obtain supplies, protect themselves, and attack the ethnic Albanians who are still there. NATO actions will not stop until the conditions I have described for peace are met.

Last week, I had a chance to meet with our troops in Europe—those who are flying the missions, and those who are organizing and leading our humanitarian assistance effort. I can tell you that you and all Americans can be very, very proud of them. They are standing up for what is right. They are performing with great skill and courage and sense of purpose. And in their attempts to avoid civilian casualties, they are sometimes risking their own lives. The wing commander at Spangdahlem Air Force Base in Germany told me, "Sir, our team wants to stay with this mission until it's finished."

I am grateful to these men and women. They are worthy successors to those of you in this audience who are veterans today.

Of course, we regret any casualties that are accidental, including those at the Chinese Embassy. But let me be clear again: These are accidents. They are inadvertent tragedies of conflict. We have worked very hard to avoid them. I'm telling you, I talked to pilots who told me that they had been fired at with mobile weapons from people in the middle of highly-populated villages, and they turned away rather than answer fire because they did not want to risk killing innocent civilians.

That is not our policy. But those of you who wear the uniform of our country and the many other countries represented here in this room today, and those of you who are veterans, know that it is simply not possible to avoid casualties of noncombatants in this sort of encounter. We are working hard. And I think it is truly remarkable—I would ask the world to note that we have now flown over 19,000 sorties, thousands and thousands of bombs have been dropped, and there have been very few incidents of this kind. I know that you know how many there have been because Mr. Milosevic makes sure that the media has access to them.

I grieve for the loss of the innocent Chinese and their families. I grieve for the loss of the innocent Serbian civilians and their families. I grieve for the loss of the innocent Kosovars who were put into a military vehicle that our people thought was a military vehicle, and they've often been used as shields.

But I ask you to remember the stories I told you earlier. There are thousands of people that have been killed systematically by the Serb forces. There are 100,000 people who are still missing. We must remember who the real victims are here and why this started.

It is no accident that Mr. Milosevic has not allowed the international media to see the slaughter and destruction in Kosovo. There is no picture reflecting the story that one refugee told of 15 men being tied together and set on fire while they were alive. No, there are no pictures of that. But we have enough of those stories to know that there is a systematic effort that has animated our actions, and we must not forget it.

Now, Serbia faces a choice. Mr. Milosevic and his allies have dragged their people down a path of racial and religious hatred. This has resulted, again and again, in bloodshed, in loss of life, in loss of territory, and denial of the Serbs' own freedom—and now, in an unwinnable conflict against the united international community.

But there is another path available—one where people of different backgrounds and religions work together, within and across national borders; where people stop redrawing borders and start drawing blueprints for a prosperous, multiethnic future.

This is the path the other nations of Southeastern Europe have adopted. Day after day, they work to improve lives, to build a future in which the forces that pull people together are stronger than those that tear them apart. Albania and Bulgaria, as well as our NATO ally, Greece, have overcome historical differences to recognize the independence of the Former Yugoslav Republic of Macedonia, Romania, Bulgaria, Macedonia and others have deepened freedoms, promoted tolerance, pursued difficult economic reforms. Slovenia has advanced democracy at home, and prosperity; stood for regional integration, increased security cooperation, with a center to defuse land mines left from the conflict in Bosnia.

These nations are reaffirming that discord is not inevitable, that there is not some Balkan disease that has been there for centuries, always waiting to break out. They are drawing on a rich past where peoples of the region did, in fact, live together in peace.

Now, we and our allies have been helping to build that future, but we have to accelerate our efforts. We will work with the European Union, the World Bank, the IMF and others to ease the immediate economic strains, to relieve debt burden, to speed reconstruction, to advance economic reforms and regional trade. We will promote political freedom and tolerance of minorities.

At our NATO Summit last month we agreed to deepen our security engagement in the region, to adopt an ambitious program to help aspiring nations improve their candidacies to join the NATO Alliance. They have risked and sacrificed the support of the military and humanitarian efforts. They deserve our support.

Last Saturday was the anniversary of one of the greatest day in American history and in the history of freedom—VE Day. Though America celebrated that day in 1945, we did not pack up and go home. We stayed—to provide economic aid, to help to bolster democracy, to keep the peace—and because our strength and resolve was important as Europe rebuilt, learned to live together; faced new challenges together.

The resources we devoted to the Marshall Plan, to NATO, to other efforts, I think we would all agree have been an enormous bargain for our long-term prosperity and security here in the United States—just as the resources we are devoting here at this institution—to reaching out to people from other nations, to their officers, to their military, in a spirit of cooperation are an enormous bargain for the future security of the people of the United States.

Now, that's what I want to say in my last point here. War is expensive; peace is cheaper. Prosperity is downright profitable. We have to invest in the rebuilding of this region. Southeastern Europe, after the Cold War, was free but poor. As long as they are poor, they will offer a less compelling counterweight to the kind of ethnic exclusivity and oppression that Mr. Milosevic preaches.

If you believe the Marshall Plan worked, and you believe war is to be avoided whenever possible, and you understand how expensive it is and how profitable prosperity is, how much we have gotten out of what we have done—then we have to work with our European allies to rebuild Southeastern Europe, and to give them an economic future that will pull them together.

The European Union is prepared to take the lead role in Southeastern Europe's development. Russia, Ukraine, other nations of Europe's East are building democracy—they want to be a part of this.

We are trying to do this in other places in the world. What a great ally Japan has been for peace and prosperity, and will be again as they work to overcome their economic difficulty. Despite our present problems, I still believe we must remain committed to building a long-term strategic partnership with China.

We must work together with people where we can, as we prepare—always—to protect and defend our security if we must. But a better world and a better Europe are clearly in America's interests.

Serbia and the rest of the Balkans should be part of it. So I want to say this one more time: Our quarrel is not with the Serbian people. The United States has been deeply enriched by Serbian Americans. Millions of Americans are now cheering for some Serbian Americans as we watch the basketball play-offs every night on television. People of Serbian heritage are an important part of our society. We can never forget that the Serbs fought bravely with the allies against fascist aggression in World War II; that they suffer much; that Serbs, too, have been uprooted from their homes and have suffered greatly in the conflicts of the past decade that Mr. Milosevic provoked.

But the cycle of violence has to end. The children of the Balkans—all of them—deserve the chance to grow up without fear. Serbs simply must free themselves of the notion that their neighbors must be their enemies. The real enemy is a poisonous hatred unleashed by a cynical leader, based on a distorted view of what constitutes real national greatness.

The United States has become greater as we have shed racism, as we have shed a sense of superiority, as we have become more committed to working together across the lines that divide us, as we have found other ways to define meaning and purpose in life. And so has every other country that has embarked on that course.

We stand ready, therefore, to embrace Serbia as a part of a new Europe—if the people of Serbia are willing to invest and embrace that kind of future; if they are ready to build a Serbia, and a Yugoslavia, that is democratic, and respects the right and dignity of all people; if they are ready to join a world where people reach across the divide to find their common humanity and their prosperity.

This is the right vision, and the right course. It is not only the morally right thing for America, it is the right thing for our security interests over the long run. It is the vision for which the veterans in this room struggled so valiantly, for which so many others have given their lives.

With your example to guide us, and with our allies beside us, it is a vision that will prevail. And it is very, very much worth standing for.

Thank you, and God bless you. (Applause.)

OPPOSE RENEWAL OF WHALING BY MAKAH TRIBE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. METCALF) is recognized for 5 minutes.

Mr. METCALF. Mr. Speaker, I rise to speak on an issue that millions of our people in our Nation seriously care about. Since the close of the worldwide whaling era at the end of the last century, it has been U.S. policy to oppose killing whales.

But today we have a real problem. The Clinton-Gore administration is quietly changing this policy by authorizing the hunting and killing of whales by the Makah Indian tribe in northwest Washington State.

The victims of course are the gray whales, the major focus of whale watching on the northwest coast of Washington State and the United States. These whales are local to the northwest coast, and they do not fear boats. They are used to the boats. They see boats all the time, and they have no fear.

Whales do have a commercial value and there are interests just waiting to cash in, even as they did in the glory days of worldwide commercial whaling. If we allow whaling to begin in America again, what can we say to Japan and Norway whose whaling we have opposed for years? We tried to get them to stop. Now we are going to allow commercial whaling again.

The real problem is, once we open the door to new worldwide commercial whaling, how do we ever close it again? Most Americans believe that we have risen above the wanton slaughter of the buffalo for their hides or the whales for the value of their body parts.

□ 1615

I urge my colleagues to join me in opposition to the renewal of whaling by the Makah Tribe of Northwest Washington State.

SAVE OUR CHILDREN FROM GUN VIOLENCE

The SPEAKER pro tempore (Mr. SAXTON). Under a previous order of the House, the gentlewoman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

Mrs. MCCARTHY of New York. Mr. Speaker, yesterday the Senate voted down a loophole that could have been closed as far as guns being sold at gun shows. This was a very moderate request so that people, people with felonies, criminals, could not go to gun shows and buy guns that could possibly be used or sold to our young people.

Last month when we had the shooting in Littleton, Colorado, it was something that all of us as victims were dreading. We always knew it was not a matter of if there would be another shooting in our schools, it all came down to a matter of when. How did I know that? I knew that because we have had five committee hearings here in the House. We have brought in all the experts. We were trying to analyze from the five shootings in our schools what could be done, what can we do.

After Littleton, the American people said, we have to do something, and yet we hear silence here in the halls of Congress and now, obviously, in the Senate. What people forget is that every single day in this country 13 of our young people die through homicide, accidental deaths and suicides. People forget about those young people on a daily basis. Here they say there is nothing we can do.

I do not believe that. I believe with sensible, moderate changes on how our young people get guns we can make a big difference. I know we will not be able to save all our children, but we certainly should do everything that we can to save as many as we can.

I also know if the American people, the mothers, the fathers, students, teachers, if they do not become involved in this debate, we will not do anything here in the House. There are many of us that want to fight to save our children, to make sure our children feel safe when they go to the schools, but we need help. We need help because we have to hear from the American people. We need grass-root organizations. We need people to call here in Congress, call their Senator, e-mail them and say, "We want something done."

When there is such a high percentage of Americans willing to make the sacrifice of being inconvenienced, inconvenienced to hopefully have more safety for our children, they are willing to do it. And yet those in the Senate and here in the House we hear nothing from. It is wrong.

All we want is to try and have safe schools, to save our children. That is something that we are supposed to be doing here. That is why I came to Congress, to reduce gun violence, not to take away the right of someone to own a gun. I have never intended that.

All I am saying is, if someone owns a gun, they are responsible for it and they have to make sure that our young people do not get into it.

I know everyone is talking about the media, videos, mental health. These are all important issues. But responsibility with the parents, that is important also. We can deal with all these things. We have all the information. Anyone can go to the Committee on Education and the Workforce, and we will give them all the information they need.

There was one thing in common in every single one of the school shootings, the easy access of guns to our young people. I do not know what it will take to have the Members here and the Senate wake up. I do not know what it will take. I dread what it might take.

We can make a difference. The American people have said enough is enough. We should listen to them.

Why won't this Congress listen to the American people and allow us to pass common sense laws to keep guns out of the hands of our children?

Instead of listening to the American people, the Senate listened to the NRA leadership. Instead of making the laws stronger to stop kids and criminals from buying guns, the Senate has made the laws weaker. As a mother, grandmother and Member of Congress, I am deeply saddened by the Senate's vote.

The American people don't want this to be about politics but that's exactly what it is. How many more children will have to die before Congress wakes up and passes laws to save young lives?

We will not give up. We will fight harder for what the American people want—common sense measures to keep guns away from our kids and off our school campuses. My office alone has heard from thousands of people throughout this country who support legislation to address the deadly combination of children and guns.

Now more than ever, we need to hear from every school and from every parent in this nation. Call, write, e-mail—flood the halls of Congress with your demands—let this Congress know that you want meaningful legislation passed to save our children from gun violence. Every day that goes by with more silence from this Congress, we lose 13 more kids.

CONSUMERS NEED PATIENT PROTECTION LEGISLATION TO PROTECT THEM FROM HMO ABUSES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Iowa (Mr. GANSKE) is recognized for 60 minutes as the designee of the majority leader.

Mr. GANSKE. Mr. Speaker, I have taken to the well of this Chamber many times to talk about the need to enact meaningful patient protection legislation. There is a compelling need for Federal action, and I am far from alone in holding that view.

Last week, for example, Paul Elwood gave a speech at Harvard University on health care quality. Paul Elwood is not a household name, but he is considered the father of the HMO movement. Elwood told a surprised group that he did not think health care quality would improve without government-imposed protections. Market forces, he told the group, "will never work to improve quality, nor will voluntary effort by doctors and health plans."

Elwood went on to say, and I quote, "It doesn't make any difference how powerful you are or how much you know. Patients get atrocious care and can do very little about it. I have increasingly felt we've got to shift the power to the patient. I'm mad, in part because I have learned that terrible care can happen to anyone."

Mr. Speaker, this is not the commentary of a mother whose child was injured by her HMO's refusal to authorize care. It is not the statement of a doctor who could not get requested treatment for his patient. No, Mr. Speaker, those words, suggesting that consumers need real patient protection legislation to protect them from HMO abuses, come from the father of managed care.

I am tempted to stop here and let Dr. Elwood's words speak for themselves, but I think it is important to give my colleagues an understanding of the flaws in the health care market that led Dr. Elwood to reach his conclusion. Cases involving patients who lose their limbs or even their life are not isolated examples. Mr. Speaker, they are not mere anecdotes.

In the past, I have spoken about James Adams, an infant who lost both his hands and both his feet when his mother's health plan made them drive past one emergency room after another n order to go to an authorized emergency room. Unfortunately, enroute, James suffered an arrest, and because of that arrest he lost both hands and eet because of the delay in treatment.

On Monday, May 4, USA Today ran an excellent editorial on that subject. t was entitled: "Patients Face Big Bills as Insurers Deny Emergency Claims." After citing a similar case involving a Seattle woman, USA Today made some telling observations: "Paients facing emergencies might feel hey have to choose between putting heir health at risk and paying a huge ill they may not be able to afford;" or, All patients are put at risk if hositals facing uncertainty about payment are forced to cut back on medical are."

And this is hardly an isolated probem. The Medicare Rights Center in ew York reported that 10 percent of omplaints for Medicare HMOs related o denials for emergency room bills. he editorial noted that about half the tates have enacted prudent layperson efinitions for emergency care this ecade, and Congress has passed such rotection for Medicare and Medicaid ecipients. Nevertheless, the USA oday editorial concludes that this atchwork of laws would be much trengthened by passage of a national prudent layperson standard that apies to all Americans.

The final sentence of the editorial eads, "Patients in distress should not ave to worry about getting socked ith big health bills by firms looking nly at their bottom line."

Mr. Speaker, I include the full text of his editorial for the RECORD:

[From USA Today, May 4, 1999]

PATIENTS FACE BIG BILLS AS INSURERS DENY EMERGENCY CLAIMS

Early last year, a Seattle woman began suffering chest pains and numbness while driving. The pain was so severe that she pulled into a fire station seeking help, only to be whisked to the nearest hospital, where she was promptly admitted.

To most that would seem a prudent course of action. Not to her health plan. It denied payment because she didn't call the plan first to get "pre-authorized," according to an investigation by the Washington state insurance commissioner.

The incident is typical of the innumerable bureaucratic hassles patients confront as HMOs and other managed care companies attempt to control costs. But denial of payment for emergency care presents a particularly dangerous double whammy:

Patients facing emergencies might feel they have to choose between putting their health at risk and paying a huge bill they may not be able to afford.

All patients are put at risk if hospitals, facing uncertainty about payment, are forced to cut back on medical care.

Confronted with similar outrages a few years ago, the industry promised to clean up its act voluntarily, and it does by and large pay up for emergency care more readily than it did a few years ago. In Pennsylvania, for instance, denials dropped to 18.6% last year from 22% in 1996.

That's progress, but not nearly enough. Several state insurance commissioners have been hit with complaints about health plans trying to weasel out of paying for emergency room visits that most people would agree are reasonable—even states that mandate such payments. Examples:

Washington's insurance commissioner sampled claims in early 1998 and concluded in an April report that four top insurers blatantly violated its law requiring plans to pay for ER care. Two-thirds of the denials by the biggest carrier in the state—Regence BlueShield—were illegal, the state charged, as were the majority of three other plans' denials. The plans say those figures are grossly inflated.

The Maryland Insurance Administration is looking into complaints that large portions of denials in that state are illegal. In a case reported to the state, an insurance company denied payment for a 67-year-old woman complaining of chest pain and breathing problems because it was "not an emergency."

Florida recently began an extensive audit of the state's 35 HMOs after getting thousands of complaints, almost all involving denials or delays in paying claims, including those for emergency treatments.

A report from the New York-based Medicare Rights Center released last fall found that almost 10% of those who called the center's hotline complained of HMO denials for emergency room bills.

ER doctors in California complain that Medicaid-sponsored health plans routinely fail to pay for ER care, despite state and federal requirements to do so. Other states have received similar reports, and the California state Senate is considering a measure to toughen rules against this practice.

The industry has good reason to keep a close eye on emergency room use. Too many patients use the ER for basic health care when a much cheaper doctor's visit would suffice.

But what's needed to address that is better patient education about when ER visits are justified and better access to primary care for those who've long had no choice other than the ER, not egregious denials for people with a good reason to seek emergency care.

Since the early 1990s, more than two dozen states have tried to staunch that practice with "prudent layperson" rules. The idea is that if a person has reason to think his condition requires immediate medical attention, health plans in the state are required to pay for the emergency care. Those same rules now apply for health plans contracting with Medicare and Medicaid.

A national prudent layperson law covering all health plans would help fill in the gaps left by this patchwork of state and federal rules.

At the very least, however, the industry should live up to its own advertised standards on payments for emergency care. Patients in distress should not have to worry about getting socked with big health bills by firms looking only at their own bottom line.

Mr. Speaker, there are few people in this country who have not had difficulty getting health care from their HMO. Whether we are talking about extreme cases like little Jimmy Adams or routine difficulties in obtaining care that seem all too common, the public is getting frustrated by managed care. In fact, the HMO industry has earned a reputation with the public that is so bad that only tobacco companies are held in lower esteem.

Let me cite a few statistics. By more than two to one, Americans support more government regulation of HMOs. Last month, the Harris Poll revealed that only 34 percent of Americans think managed care companies do a good job of serving their customers. That is down sharply from the 45 percent who thought that a year ago.

Maybe more amazing were the results when Americans were asked whether they trusted a company to do the right thing if they had a serious safety problem. By nearly two to one Americans would not trust HMOs in such a situation. That level of confidence was far behind other industries such as hospitals, airlines, banks, automobile manufacturers, and pharmaceutical companies. In fact, the only industry to fare worse than the managed care industry on the trust issue was the tobacco companies.

Anyone who still needs proof that managed care reform is popular with the public just needs to go to the movie "As Good As It Gets." Audiences clapped and cheered during the movie when Academy Award winner Helen Hunt expressed an expletive about the lack of care her asthmatic son was getting from their HMO. No doubt the audiences' reactions were fueled by dozens of articles and news stories documenting the problems with managed care.

In September, 1997, the Des Moines Register ran an op-ed piece entitled, "The Chilly Bedside Manner of HMOs," by Robert Reno, a Newsweek writer.

The New York Post ran a week-long series on managed care. Headlines included, "HMO's Cruel Rules Leave Her

Dying for the Doc She Needs." Another headline blared out, "Ex New Yorker is Told, Get Castrated So We Can Save Dollars." Or how about this one? "What His Parents Didn't Know About HMOs May Have Killed This Baby." Or how about the 29-year-old cancer patient whose HMO would not pay for his treatments. Instead, the HMO bureaucrat told him to hold a fundraiser. A fundraiser. Mr. Speaker, this is about patient protections, not about campaign finance reform.

To counteract this, some health plans have even taken to bashing their own colleagues. Here in Washington one ad read: "We don't put unreasonable restrictions on our doctors. We don't tell them they can't send you to a specialist." In Chicago, Blue Cross ads proclaimed, "We want to be your health plan, not your doctor." In Baltimore, an ad for Preferred Health Network assured customers, "At your average health plan, cost controls are regulated by administrators. But at PHN, doctors are responsible for controlling costs."

Advertisements like these demonstrate that even the HMOs know that there are more than a few rotten apples at the bottom of that barrel.

□ 1630

In trying to stave off Federal legislation to improve health care quality, many HMOs have insisted that the free market will help cure whatever ails managed care.

And I am a firm believer in the free market, but the health care market is anything but a free market. Free markets generally are not dominated by third parties providing first-dollar coverage. Free markets generally do not reward companies who give consumers less of what they want. And free markets usually do not feature limited competition either geographically or because an employer offers them only one choice, take it or leave it.

The Washington Business Group on Health recently released its fourth annual survey report on purchasing value in health care. Here are a few examples of how the market is working: "To improve health care, 51 percent of employers," this is employers, "51 percent of employers believe cost pressures are hurting quality. In evaluating and selecting health plans, 89 percent of employers consider cost. Less than half consider accreditation status. And only 39 percent consider consumer satisfaction reports.

"Employees are given limited information about their health plans. Only 23 percent of companies tell employees about appeals and grievance processes. And in the last 3 years, the percentage of businesses giving employees consumer satisfaction results has dropped from 37 percent to 15 percent. Over half of employers offer employees an incentive to select plans with lower costs. Only about 15 percent offer financial incentives to choose a plan with higher quality."

Mr. Speaker, the recent Court of Appeals decision in the case "Jones v. Kodak" demonstrates just how dangerous the "free market" is to health plan patients.

Mrs. Jones received health care through her employer, Kodak. The plan denied her request for in-patient substance abuse treatment, finding that she did not meet their protocol standards. The family took the case to an external reviewer who agreed that Mrs. Jones did not qualify for the benefit under the criteria established by the plan. But that reviewer observed that "the criteria are too rigid and do not allow for individualization of case management." In other words, the criteria were not appropriate for Mrs. Jones's condition.

So, in denying Mrs. Jones's claim, the 10th Circuit Court of Appeals held that ERISA, the Employment Retirement Income Security Act, does not require plans to state the criteria used to determine whether a service is medically necessary. On top of that, the court ruled that unpublished criteria are a matter of plan design and structure rather than implementation and, therefore, not reviewable by the judiciary.

Well, Mr. Speaker, the implications of this decision are breathtaking. "Jones v. Kodak" provides a virtual road map to enterprising health plans on how to deny payment for medically necessary care. Under "Jones v. Kodak" health plans do not need to disclose to potential or even current enrollees the specific criteria they use to determine whether a patient will get treatment. There is no requirement that a health plan use guidelines that are applicable or appropriate to a particular patient's case.

And most important to the plans, the decision assures HMOs that if they follow their own criteria, then they are shielded from court review. It makes no difference how inappropriate or inflexible those criteria can be since, as the court in "Jones" noted, this is a plan design issue and, therefore, not reviewable under ERISA.

Well, if Congress, through patient protection legislation, does not address this issue, many more patients will be left with no care and no recourse to get that care. "Jones v. Kodak" sets a chilling precedent, making health plans and the treatment protocols untouchable.

For example, a plan could promise to cover cleft lip surgery for those born with this birth defect but they could put, under "Jones," in undisclosed documents that the procedure is only medically necessary once the child reaches the age of 16 or that coronary bypass operations are only medically appropriate for those who have previously survived two heart attacks.

Logic and principles of good medical practice would dictate that is not sound health care. But the "Jones" case affirms that health plans do not have to consider good health care, all they have to look at is the bottom line.

Unless Federal legislation addresses this issue, patients will never be able to find out what criteria their health plan uses to provide care and external reviewers who are bound by current law will be unable to find out what those policies are and to reach independent decisions about the medical necessity of a proposed treatment using generally accepted principles of standards of care. And the Federal ERISA law will prevent courts from engaging in those inquiries, too.

The long and the short of the matter is that sick patients will find themselves without proper treatment and without recourse.

Mr. Speaker, I have introduced legislation, H.R. 719, the Managed Care Reform Act, which addresses the very real problems in managed care. It gives patients meaningful protections. It creates a strong and independent external review process. And it removes the ERISA shield which health plans have used to prevent State court negligence actions by enrollees who are injured as a result of the plan's negligence.

This bill has received a great deal of support and has been endorsed by consumer groups like the Center for Patient Advocacy, the American Cancer Society, the National Association of Children's Hospitals, the National Multiple Sclerosis Society.

It has also been supported by many health care groups, such as the American Academy of Family Physicians, whose members are on the front lines and who see how faceless HMO bureaucrats thousands of miles away, bureaucrats who have never even seen the patient, deny needed medical care because it does not fit their criteria.

I would like to focus on one small aspect of my bill, especially the way in which it addresses the issue of the Employment Retirement Income Security Act, ERISA. It is alarming to me that ERISA combines a lack of effective regulation of health plans with a shield for health plans that largely gives them immunity from liability for their negligent actions.

Mr. Speaker, personal responsibility has been a watchword for this Republican Congress, and this issue should be no different. Health plans that recklessly deny needed medical service should be made to answer for their conduct. Laws that shield entities from their responsibility only encourage them to cut corners. Congress created the ERISA loophole, and Congress should fix it.

My bill has a compromise on the issue of health plan liability. I continue to believe that health plans that make negligent medical decisions should be accountable for their actions. But winning a lawsuit is little consolation to a family that has lost a loved one. The best HMO bill ensures that health care is delivered when it is needed. And I also believe that the liability should attach to the entity that is making that medical decision.

Many self-insured companies contract with large managed care plans to deliver care. If the business is not makng those discretionary decisions, then in my bill, they would not face liability. But if they cross that line and determine whether a particular treatment is medically necessary in a given case, then they are making medical decisions and they should be held accountable for their actions.

However, to encourage health plans o give patients the right care without having to go to court, my bill provides or both an internal and an external appeals process that is binding on the plan.

Mr. Speaker, that is where it varies with what passed this House last year. Sure, there was an external appeals process in last year's bill, but it was not binding on the plan. An external eview could be requested in my bill by ither the patient or by the health plan.

I can see some circumstances where a patient is requesting an obviously inappropriate treatment, like laetrile for ancer, and the plan would want to ake that case to an external review. That would back up their decision and t would give them an effective defense f they were ever dragged into court to efend that decision.

So when I was discussing this idea with the President of Wellmark Iowa Blue Cross/Blue Shield, he expressed upport for the strong external review. n fact, he told me that his company is nstituting most of the recommendaions of the President's Commission on Health Care Quality and that he did ot foresee any premium increases as a esult. Mostly what it meant, he told me, was tightening existing safeguards nd policies already in place.

This CEO also told me that he could upport a strong independent external eview system like the one in my bill. ut he said, if we do not make that deision and we are just following the ecommendation of that external review panel, then we should not be liable for punitive damages. And I agree ith that.

Punitive damage awards are meant o punish outrageous and malicious beavior. If a health plan follows the recommendation of an independent review board composed of medical experts, it tough to figure out how that health an has acted with malice.

So my bill provides health plans with complete shield from punitive damages if they promptly follow the recmmendations of that external review anel. And that I think is a fair compromise to the issue of health plan liability.

I certainly suspect that Aetna wishes they had had an independent peer panel available, even with a binding decision on care, when it denied care to David Goodrich. Earlier this year, a California jury handed down a verdict of $116 million in punitive damages to his widow, Teresa Goodrich. If Aetna or the Goodriches had had the ability to send the denial of care to an external review, they could have avoided the courtroom, but more importantly, David Goodrich probably would have received the care that he needed and he might still be alive today.

And that is why my plan should be attractive to both sides. Consumers get a reliable and quick external appeals process which helps them get the care they need. But if the plan fails to follow the external reviewer's decision, the patient can sue for punitive damages.

And health insurers whose greatest fear is that $50 million or $100 million punitive damages award can shield themselves from those astronomical awards but only if they follow the recommendations of an independent review panel, which is free to reach its own decision about what care is medically necessary.

Now, the HMOs say that patient protection legislation will cause premiums to skyrocket. There is ample evidence, however, that that is not the case.

Last year, the Congressional Budget Office estimated that a similar proposal, which did not include the punitive damages relief that is in my bill, would have increased premiums around 4 percent cumulative over 10 years. And when Texas passed its own liability law 2 years ago, the Scott and White health plan estimate, that premiums would have to increase just 34 cents per member per month to cover the costs.

Now, Mr. Speaker, those are hardly alarming figures. And the low estimate by Scott and White seems accurate since only one suit has been filed against a Texas health plan since that law was passed. That is far from the flood of litigation that the opponents to that legislation predicted. I have been encouraged by the positive response my bill has received, and I think that this is the basis for what could be a bipartisan bill this year.

In fact, the Hartford Courant, a paper located in the heart of insurance country, ran a very supportive editorial on my bill by John MacDonald.

□ 1645

Speaking of the punitive damages provision, MacDonald called it "a reasonable compromise" and he urged insurance companies to embrace the proposal as "the best deal they see in a long time."

Mr. Speaker, I ask that the full text of the editorial by John MacDonald be included in the RECORD at this point.

[From the Hartford Courant, Mar. 27, 1999]

A COMMON-SENSE COMPROMISE ON HEALTH CARE

(By John MacDonald)

U.S. Rep. Greg Ganske is a common-sense lawmaker who believes patients should have more rights in dealing with their health plans. He has credibility because he is a doctor who has seen the runaround patients sometimes experience when they need care. And he's an Iowa Republican, not someone likely to throw in with Congress' liberal left wing.

For all those reasons, Ganske deserves to be heard when he says he has found a way to give patients more rights without exposing health plans to a flood of lawsuits that would drive up costs.

Ganske's proposal is included in a patients' bill of rights he has introduced in the House. Like several other bills awaiting action on Capitol Hill, Ganske's legislation would set up a review panel outside each health plan where patients could appeal if they were denied care. Patients could also take their appeals to court if they did not agree with the review panel.

But Ganske added a key provision designed to appeal to those concerned about an explosion of lawsuits. If a health plan followed the review panel's recommendation, it would be immune from punitive damage awards in disputes over a denial of care. the health plan also could appeal to the review panel if it thought a doctor was insisting on an untested or exotic treatment. Again, health plans that followed the review panel's decision would be shielded from punitive damage awards.

This seems like a reasonable compromise. Patients would have the protection of an independent third-party review and would maintain their right to go to court if that became necessary. Health plans that followed well-established standards of care—and they all insist they do—would be protected from cases such as the one that recently resulted in a $120.5 million verdict against an Aetna plan in California. Ganske, incidentally, calls that award "outrageous."

What is also outrageous is the reaction of the Health Benefits Coalition, a group of business organizations and health insurers that is lobbying against patients' rights in Congress. No sooner had Ganske put out his thoughtful proposal than the coalition issued a press release with the headline: Ganske Managed Care Reform Act—A Kennedy-Dingell Clone?

The headline referred to Sen. Edward M. Kennedy, D-Mass., and Rep. John D. Dingell, D-Mich., authors of a much tougher patients' rights proposal that contains no punitive damage protection for health plans.

The press release said: "Ganske describes his new bill as an affordable, common sense approach to health care. In fact, it is neither. It increases health care costs at a time when families and businesses are facing the biggest hike in health care costs in seven years."

There is no support in the press release for the claim of higher costs. What's more, the charge is undercut by a press release form the Business Roundtable, a key coalition member, that reveals that the Congressional Budget Office has not estimated the cost of Ganske's proposal. The budget office is the independent reviewer in disputes over the impact of legislative proposals.

So what's gong on? Take a look at the coalition's record. Earlier this year, it said it was disappointed when Rep. Michael Bilirakis, R-Fla., introduced a modest patients'

> rights proposal. It said Sen. John H. Chafee, R-R.I., and several co-sponsors had introduced a "far left" proposal that contains many extreme measures. John Chafee, leftist? And, of course, it thinks the Kennedy-Dingall bill would be the end of health care as we know it.
>
> The coalition is right to be concerned about costs. But the persistent No-No-No chorus coming from the group indicates it wants to pretend there is no problem when doctor-legislators and others know better.
>
> This week, Ganske received an endorsement for his bill from the 88,000-member American Academy of Family Physicians. "These are the doctors who have the most contact with managed care," Ganske said. "They know intimately what needs to be done and what should not be done in legislation."
>
> Coalition members ought to take a second look. Ganske's proposal may be the best deal they see in a long time.

It is also important to state what this bill does not do to ERISA plans. It does not eliminate ERISA or otherwise force large, multiState health plans to meet benefit mandates of each and every State.

Now, this is an exceedingly important point. Just 2 weeks ago, I had representatives of a major employer from the upper Midwest in my office. They urged me to rethink my legislation because they alleged it would force them to comply with benefit mandates of each State and that the resulting rise in costs would force them to discontinue covering their employees. Frankly, Mr. Speaker, I was stunned by their comments, because their fears are totally unfounded.

It is true that my bill would lower the shield of ERISA and allow plans to be held responsible for their negligence, but it would not—let me repeat, Mr. Speaker—it would not alter the ability of group health plans to design their own benefit package. I want to be totally clear on this. The ERISA amendments in my bill would allow States to pass laws to hold health plans accountable for their actions, but it would not allow States to subject ERISA plans to a variety of State benefit mandates.

Before closing, Mr. Speaker, I also want to address something that should not be in patient protection legislation. I am speaking specifically of extraneous provisions that could bog down the bill and severely weaken its chances for passage. In particular, there have been reports in the press and elsewhere that the managed care reform legislation will at some point be married with a bill to increase access to health insurance. Let me be clear about this. While I strongly believe that Congress should consider ways to make health insurance more affordable, it would be a tremendous mistake to try to join these two issues together. It would present too many opportunities for needed patient protections to become sidetracked in fights over tax policy or the future of the employer-based system.

There are many reforms to improve access to health care that I support. I have long advocated Medical Savings Accounts. In fact, Mr. Speaker, I wrote a White Paper about their potential benefits in 1995; and I was very pleased to see them created first for small businesses and the uninsured and then 2 years ago for Medicare recipients.

I also support changing the tax law so that individuals receive the same tax treatment as large businesses when buying health insurance. It does not make sense to me why a big business and its employees can deduct the cost of health benefits but an employee of a small company that does not offer health insurance has to pay all the cost with after-tax dollars.

But ideas like Association Health Plans, also known as Multiple Employer Welfare Associations, and HealthMarts could, in my opinion, destroy the individual market by leaving it with a risk pool that is sicker and more expensive.

Simply put, an Association Health Plan is a pool of individuals or employers who band together and form a group that self-insures. By doing so, they remove themselves from regulation by State insurance commissioners and instead subject themselves to regulation, or I would say lack of regulation, by the Federal ERISA law.

While Association Health Plans may provide a measure of efficiency for employers, they leave employees without any real safeguards against the less honorable practices of health insurers.

In a very real sense, ERISA remains the "wild west" of health care. Unlike State laws, which regulate quality, ERISA contains only minimal safeguards.

Among its many shortcomings, ERISA does not impose any quality assurance standards or other standards for utilization review. ERISA does not allow consumers to recover compensatory or punitive damages if a court finds against the health plan in a claims dispute. ERISA does not prevent health plans from changing, reducing or terminating benefits. And, with few exceptions, ERISA does not regulate the design or content, such as covered services or cost sharing, of a plan. Remember from the Jones case how important that issue can be. And ERISA does not specify any requirements for maintaining plan solvency.

I confess, I cannot understand why some Members would want to place more employees in health plans regulated by ERISA. If anything, we should be moving in the opposite direction and returning regulatory authority to State insurance commissioners.

In a letter to Congress in June, 1997, the American Academy of Actuaries wrote:

> While the intent of the bill is to promote Association Health Plans as a mechanism for improving small employers' access to affordable health care, it may only succeed in doing so for employees with certain favorable risk characteristics. Furthermore, this bill contains features which may actually lead to higher insurance costs.

That letter is in reference to the bill that passed the House last year.

The Academy went on to explain how those plans could undermine State insurance reforms:

> The resulting segmentation of the small employer group market into higher and lower cost groups would be exactly the type of segmentation that many State reforms have been designed to avoid. In this way, exempting them from State mandates could defeat the public policy purposes intended by State legislatures.

The Academy also pointed out that these plans "weaken the minimum solvency standards for small plans, relative to the insured marketplace, which may increase chances for bankruptcy and fraud."

These concerns were echoed in a jointly signed letter by the National Governors Association, the National Conference of State Legislatures, and the National Association of Insurance Commissioners. They argued that Association Health Plans, and I might add HealthMarts, "substitute critical State oversight with inadequate Federal standards to protect consumers and to prevent health plan fraud and abuse."

Mr. Speaker, attempting to attach Association Health Plans or HealthMarts to patient protection legislation poses two very real dangers. First, Association Health Plans undermine the insurance market and can leave consumers without meaningful protections from HMO abuses. Second, I am very concerned that the opposition to AHPs and HealthMarts, if they are added to a patient protect bill, will bog down patient protection legislation and lead it to suffer the same death that it did last year. In other words, Mr. Speaker, Association Health Plans, HealthMarts, these are real poison pills.

Mr. Speaker, on behalf of patients like Jimmy Adams, who lost his hands and feet because an HMO would not let his parents take him to the nearest emergency room, I promise that I will fight efforts to derail managed care reform by adding these sorts of untested and potentially harmful provisions to patient protection legislation. And I pledge to do whatever it takes to ensure that opponents of reform are not allowed to mingle these issues in order to prevent passage of meaningful patient protections.

Finally, Mr. Speaker, time is flying. It is already the middle of May. The gentleman from Virginia (Mr. BLILEY), the chairman of the Committee on Commerce, and the gentleman from Florida (Mr. BILIRAKIS) the chairman of the Subcommittee on Health, now have a draft of patient protection legislation prepared by the gentleman from

ɔklahoma (Mr. COBURN), the gen-
leman from Georgia (Mr. NORWOOD)
nd myself. That draft should serve as
he basis for the chairman's mark.

The American Medical Association
as just written me a letter that con-
ains high praise for this draft. Mr.
peaker, I ask that the full text of this
etter be included in the RECORD at this
oint.

AMERICAN MEDICAL ASSOCIATION,
Chicago, IL, May 12, 1999.

on. GREG GANSKE,
ongworth House Office Building, House of Representatives, Washington, DC

DEAR REPRESENTATIVE GANSKE: On behalf
the 300,000 physician and student members
the American Medical Association (AMA),
would like to thank you for your efforts in
afting a compromise patient protection
ackage for the Commerce Committee. The
aft proposal, developed by Representatives
om Coburn, MD (OK) and Charles Norwood,
DS (GA), and you, is a significant mile-
one in the advancement of real patient pro-
ctions through the Congress. We look for-
ard to working with you to perfect the
aft bill through the committee process and
pass a comprehensive, bipartisan patient
otection bill this year.

It is imperative that a patient protection
ll be reported out of committee and be con-
dered on the floor prior to the July 4th re-
ss. The AMA stands ready to help further
lvance these important patient protections
rough the committee process, the House
oor and final passage.

The AMA applauds the inclusion of "med-
al necessity" language that is fair to pa-
ents, plans and physicians alike. We are
rticularly pleased with the non-binding
t of medical necessity considerations that
u have incorporated into the draft bill.

The AMA is pleased with the incorporation
the "state flexibility" provisions that
low patient protections passed by various
ates to remain in force. Allowing pre-
isting patient protection laws to remain in
rce is critical to the success of federal pa-
ent protection legislation such as the draft
ll.

The draft bill also offers patients a real
oice by incorporating a "point of service"
tion provision. The AMA supports this im-
rtant patient protection because it puts
e full power of the free market to work to
otect consumers.

We applaud your inclusion of a comprehen-
ve disclosure provision that allows con-
mers to make educated decisions as they
mparison shop for health care coverage.
ie AMA also notes with great appreciation
e many improvements that the draft bill
akes over last year's Patient Protection
t.

The draft bill expands consumer protec-
ons with a perfected "emergency services"
ovision. By eliminating the cost differen-
l between network and out-of-network
ergency rooms, the draft bill offers ex-
nded protection for patients who are at
eir most vulnerable moments.

We support the strides the draft bill takes
protecting consumers with a comprehen-
e ban on gag practices. This is an impor-
nt consumer protection that the AMA has
en seeking for more than six years.

Ve commend the improvements incor-
rated in the "appeals process" provisions
the draft bill. The bill represents a major
p toward guaranteeing consumers the
ht to a truly independent, binding and fair
view of health care decisions made by their
IO.

The April 22nd draft copy of the bill makes a strong beginning for the Commerce Committee and the 106th Congress on the issue of patient protection and reaffirms the leadership role that you have assumed in the process. While you have raised some concerns about the process, the AMA stands ready to assist in completion of this legislative task. The AMA wishes to thank you for your efforts and work with you and the minority to pass a comprehensive, bipartisan patient protection bill this year. We look forward to working with you toward this goal.

Respectfully,

E. RATCLIFFE ANDERSON, Jr., MD.

Mr. Speaker, I sincerely hope that the chairmen of the committees of jurisdiction will not substantively change this draft and that they will keep it clean. It is also important that we move expeditiously on this issue. A strong patient protection bill should be debated under a fair rule on the floor by July 4.

On the floor by July 4.

Mr. Speaker, on the floor by July 4.

I look forward to working with you and with all of my colleagues to see real HMO reform signed into law this Congress.

SETTING RECORD STRAIGHT ON GAMING

The SPEAKER pro tempore (Mr. SAXTON). Under a previous order of the House, the gentlewoman from Nevada (Ms. BERKLEY) is recognized for 5 minutes.

Ms. BERKLEY. Mr. Speaker, I am dismayed about the news articles this week erroneously reporting on the gaming industry. For the benefit of my colleagues, I want to set the record straight. I offer my comments on behalf of the more than 700,000 Americans who are employed by legal and well-regulated gaming.

One recent article alleged that the gaming industry has caused major problems in our society and that it exploits the public. Another article includes the allegation that the only people who go to casinos are elderly Social Security recipients. These unfounded and outrageous allegations are a product of what objective researchers call the circle of disinformation about the gaming industry, disinformation spawned by a clique of antigaming zealots.

Unfortunately, this disinformation finds its way into the press, misleading the public and hurting the reputation of each of the 700,000 Americans employed by the industry.

Gaming must be the most studied industry in the United States, and study after study shows that the industry's customers come from all age groups, all geographic areas and from all walks of life. They choose legal gaming as a part of their leisure activities. And study after study shows that, by a large margin, Americans firmly believe that people should be allowed to participate in gaming if they so choose to do so.

Academic studies also show that legal gaming does not cause society's problems. To the contrary, the research on the benefits of the industry to the communities are lengthy and convincing. Tens of thousands of gaming employees are in good jobs rather than being on welfare and on food stamps. Two-thirds of the gaming employees report they have better health care because of their jobs in gaming. More than 40 percent say they have better access to day care as a result of employment in the gaming industry.

The industry has a payroll approaching $9 billion, generating tremendous community economic benefits. Gaming employees buy houses and cars and appliances. In many areas, they have ignited economic booms. For example, my hometown of Las Vegas now ranks in the top three best cities to start up a business because of favorable taxes, a lower crime rate, job growth and recreational facilities and civic pride, all stimulated by a robust gaming economy.

I encourage my colleagues to look closely at the well-documented facts about the gaming industry, rather than being influenced by the distortions that come from a circle of disinformation. I can use myself as an example, having been raised in Las Vegas. My family moved there 38 years ago. My dad was able to get a job and, because of the robust economy that the gaming industry provided Las Vegas, he managed to put a roof over our head, food on the table, clothes on our back and two daughters through college and law school. The reason for that was a robust economy fueled by the gaming industry. I ask my colleagues to look to me as an example, look to my family, look to my parents, and look to my children as cited as examples of what good community gaming can foster.

INTRODUCTION OF COMPREHENSIVE RETIREMENT SECURITY AND PENSION REFORM ACT OF 1999

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. PORTMAN) is recognized for 5 minutes.

Mr. PORTMAN. Mr. Speaker, I rise this evening to discuss an issue of great importance to so many Americans, and that is financial security in retirement. It is an important issue that has made the headlines a lot lately because of the retirement squeeze that our country faces.

We have more and more people who are going to be retiring, the baby boom generation, 76 million Americans, including myself, beginning to retire in 10 short years. We have people living much longer in this country, which is a good thing. But it is a huge demographic shift, this combination of this big generation retiring and people living longer, that is putting a lot of pressure on our retirement systems.

The Social Security system is not ready for it. Most of us know that now. But also our private retirement system, the employer-sponsored pension system, is not ready for it. Social Security needs to be a top priority of this Congress and this President.

I would love to see Social Security reform this year. I am pushing hard for it. But Social Security is only one component of a secure retirement for Americans. It was never intended to meet all the financial needs of retirement and for most Americans, of course, it does not, as this chart shows.

In fact, retirement security has often been called the three-legged stool, because people depend on three aspects of retirement savings. One is Social Security, one is personal savings and another one, a very important one, is employer-provided pensions.

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The fourth part of this pie, of course, is people's earnings after they retire from a full-time job, but it is employer provided pensions that 19 percent of people's retirement that I would currently like to focus on today.

This is 401(k) plans. This is profit sharing plans. This is all of the plans that people who have a comfortable retirement have to supplement their Social Security.

It is interesting when we look at pensions as compared to Social Security benefits. It is already a very important part of the retirement for so many Americans. In fact, last year more money was paid out through employer provided pensions than was paid out under Social Security.

But all is not well with our pension system, not well at all in fact. Fewer than half of Americans who are working today have pensions. This is a major problem.

Madam Speaker, in 1983 about 48 percent of Americans had pensions. One would think that by 1993 we would have improved that and said it was only about 50 percent. It remains there. Sixty million American workers do not have access to one of the most important means of a comfortable, secure retirement, and that is pension savings. Half of all workers do not have it, and actually it is worse than that among those employees of small businesses. Among our smaller businesses where so many of our jobs are being created in our economy today fewer than half of the workers have pensions. In fact when we combine those companies between 1 and 10 employees and those between 10 and 25 employees, the average for those smaller companies, and again this the companies that are creating most of the new jobs out there, is that only 19 percent of them offer any kind of pension program at all today. So those employees with smaller businesses even have less of an opportunity to be able to get the kind of retirement security that they deserve.

Why is that? Madam Speaker, it is because setting up these plans, these pension plans, 401(k)s and so on, has become so costly and so burdensome, maintaining them has become so costly and there is so much liability that small businesses cannot afford to do it. Not enough workers have pension coverage at a time when our overall savings rate in this country also is terribly low. In fact, it is at historically low levels, and this is a real problem. Economists will tell us, whether they are liberal, centrist or conservative economists, we have got to increase the savings rate in this country if we want to continue to have the kind of economic prosperity we have enjoyed over the last several years.

We have a plan to solve these problems. It is called the Comprehensive Retirement Security and Pension Reform Act of 1999. I have introduced it this year with my colleague and friend the gentleman from Maryland (Mr. CARDIN). It is designed to dramatically increase personal savings rate and overall retirement security for millions of Americans by expanding the availability of pensions. It knocks down barriers to savings by raising limits and allowing workers to set more aside tax free for their retirement. It also untangles the complex and irrational rules and cuts through the red tape that burdens retirement plans and their participants, and it creates new incentives for small businesses to establish these pension plans. It has a wonderful catch-up provision where older workers who are coming back into the work force can put even more aside for their pensions. This is particularly important for working moms who have been out of the work force but coming back after age 50 and want the opportunity to get more in the nest egg for their retirement. It responds to the needs of the increasingly mobile work force we have in this country by allowing people to vest faster in their pension plans and allowing portability so you can move your pension plan from job to job, which is so important to many, Americans. We believe that changing jobs should not mean that you get short changed on your retirement savings and your sense of security in retirement.

If enacted, these changes will expand savings, and they will make the difference between mere subsistence in retirement and retirement security for millions of workers nationwide.

I urge my colleagues to cosponsor the legislation, H.R. 1102.

FORMULATING A RATIONAL DRUG POLICY

The SPEAKER pro tempore (Mrs. BONO). Under the Speaker's announced policy of January 6, 1999, the gentleman from Florida (Mr. MICA) is recognized for 60 minutes.

Mr. MICA. Madam Speaker, I come before the House again tonight to talk primarily about one of the major issues I am involved in in the United States Congress and as a Member of the House of Representatives.

I have the privilege and opportunity to serve as the Chair during the 106th Congress of the Subcommittee on Criminal Justice, Drug Policy and Human Resources, and in that capacity it is my responsibility to help formulate a rational drug policy both for the House of Representatives, for the United States Congress and, hopefully, for the American people, to deal with a problem that is epidemic and devastating across our land. We do not fail to pick up a newspaper across the United States today or in my local community in central Florida and not read about some tragedy, particularly among our young people, some faceless, some unknown, some celebrities, some stars; one last week, I believe Mark Tuinei of the Dallas Cowboys. A 39-year-old healthy successful athlete died tragically from the results of a heroin overdose. I understand it was one of the first times he had ever used heroin. I understand it was also possibly in conjunction with another drug, possibly ecstacy. I am sure all this is to be investigated, but nonetheless he did die a tragic death, and we lost another young athletic star.

But, Madam Speaker, it is my concern that we cannot get attention to this problem.

This past couple of weeks the Nation has been focused and riveted on the tragedy at Columbine High School in Colorado, and certainly this horrific act in Colorado and Littleton did cause all of us pause and concern about the state of violence in our school system and education and with our young people.

But, Madam Speaker, there are three Columbine High Schools or the equivalent of the death and destruction among our population every single day in America. There are three Columbine High School tragedy equivalents across our land on Monday, Tuesday, Wednesday, Thursday, Friday, Saturday, Sunday and every one of the 365 days. Last year over 14,000 Americans lost their lives to drug-related deaths. The statistics are mind-boggling when you stop and think that in the last 6 years of this administration over 100,000 Americans, the equivalent of cities of significant population have been entirely wiped out by drug-related deaths, and what is more disturbing is some of the policies of this administration which were instituted in the first 2 years when they controlled the United States House of Representatives, the other body, the United States Senate, and the White House, that in fact we are still reeling from the devastating effects of those policies on our country and particularly in the area of illegal narcotics deaths.

We have seen a dramatic increase in both the use and abuse of very hard drugs including heroin. A heroin epidemic exists and rages across this land, in my own community. Our young people, our teenage population in the last 5 years, has experienced an 875 percent increase in heroin use. Now I am talking about our teen population, our youngest victims in again this epidemic of heroin.

What has also caused the record number of deaths and I am sure will be attributed to the deaths we have read about just in the past few days in my ocal community and the death I cited of a Dallas Cowboys athlete is the high purity of heroin that is entering the United States. People today have no dea of the deadly effects of high purity heroin, and particularly when they are used with any other substance the results are devastating.

In my local community, and I represent central Florida from Orlando to Daytona Beach, a very prosperous area, an area that has a high education level, high income level, again relatively high prosperity across the district, we have a situation of heroin deaths now xceeding homicides in that, again, ranquil part of central Florida, and his is no longer a problem of one rban addiction population, a hardcore use in, again, center cities probem; this is a problem that now extends o every income level and, again, paricularly is violent and prevalent among our young people and our teenge population.

The cost of this epidemic is staggering. We have filled our prisons across this great land with almost 2 million Americans incarcerated. Estimates are now that 60 to 70 percent of hose behind bars in our jails, in our prisons, in our Federal penitentiaries re there because of some drug-related ffense. And many of these individuals re there because they committed a ery serious crime, not small usage of llegal narcotics, but very serious feloies, and sometimes because they were n drugs or sometimes they were dealng in illegal narcotics, but the results re 60 to 70 percent of our prison popuation across this land is now again inolved and has been involved with illeal narcotics.

If my colleagues want to take an exmple of a human tragedy, take the rea we are in, Madam Speaker, the Nation's Capital, an area that is visited y thousands and thousands of tourists aily. It should be the pride of every American, and unfortunately, my coleagues, Washington, because of illegal narcotics, has become a sad commentary on the abuse and misuse of illegal narcotics. Three hundred fifty to 400 young men in most instances, and mostly black males, in our nation's capital have died annually the past 6 or 7 years, tragic deaths, and most of them related to illegal narcotics. The situation is even worse when you look at the effect again on the minority population, the young black males who have so much potential in our society. In the District of Columbia nearly 50 percent of the male population is part of the judicial system on probation or behind bars, again an incredible human tragedy and much of it linked to the abuse and misuse and trafficking in illegal narcotics.

□ 1715

The cost in dollars, not to mention the human tragedy that I just mentioned, is phenomenal. As chair of the subcommittee, we are now trying to work with others in the Congress to formulate a package to address in dollars the direct cost of illegal narcotics, and we do not have all of the costs combined in this figure but we will be somewhere in the neighborhood of $18 billion that Congress is about to pass a supplemental appropriations, of which $6.9 billion can be attributed to the war in Kosovo and we are looking at double to triple of that direct cost in our budget to the war on drugs, which again is an expensive proposition.

Madam Speaker, these are only the direct costs that I am referring to, this $18 billion we will consider for the next fiscal year. There are a quarter of a trillion dollars in additional costs, in lost wages, in incarceration, in costs to the judicial system, in welfare and support systems and social systems and the loss, the tremendous loss, of people involved and victims of illegal narcotic trafficking.

So the loss in lives and direct human lives is incredible. The loss in dollars and cents to the taxpayers and the costs that the Congress must cover in expenses for, again, this situation and illegal narcotics is phenomenal.

Again, some of the problems that we are facing today emanated from a change in policy. It may have been well intended. During the Reagan administration, and I had the opportunity to serve with Senator Paula Hawkins who initiated many of the anti-narcotics legislative and administrative efforts working with the Reagan administration in the early eighties, Florida was inundated with cocaine and other illegal narcotics trafficking, but a strategy to stop drugs at their source, a strategy to interdict illegal narcotics as they came from their source, a strategy to employ the military, the Coast Guard and other United States assets before the illegal narcotics ever got to our shores, all of these programs were put in place.

Additionally, we had a First Lady who developed a program working with legislative leaders and the President and others. It was a simple program. She developed a program that said, just say no, to our young people. The results were pretty dramatic.

If we look in the early eighties, we had high drug usage. We had increasing narcotics trafficking, and those statistics and figures went down steadily through the Reagan administration of the 1980s into the early 1990s when President Bush continued those policies.

It was not until 1993, with this administration, that they began dismantling, first of all, the drug czar's office. We cannot fight a national or international effort without the proper resources, without the proper direction, and certainly with so many Federal agencies involved and responsible for various elements of combatting illegal narcotics, whether it is the Department of Education, HHS, the Department of Justice, the DEA, our Drug Enforcement Administration, the Coast Guard, which is under transportation and other agencies, unless there was a good coordinating operation which was established again under the Reagan administration, and with the position of drug czar, can you have an effective anti-narcotics, illegal narcotics, operation or administration at the Federal level. So the first mistake that was made was dismantling that office and cutting dramatically their resources.

Next, the Clinton administration, and this is now history, cut the source country operations. If we look at how to stop illegal narcotics in huge quantities from entering the United States, we merely look at the sources. Now, if we had cocaine growing in every backyard or if we had cocaine coming from every nation on earth, it might be impossible to stop cocaine and coca production in every one of these sources, but, in fact, we have known that the three countries involved in the production of coca were Bolivia, Peru and Colombia. Ninety percent of the cocaine and coca was actually produced in Bolivia and Peru. However, again, changes from this administration have now made Colombia the major producer of coca and cocaine in the entire world, now exceeding what Peru and Bolivia had captured as the major source of production.

So we had, again, a dramatic decrease, a cut of the source country programs that cost effectively stopped the production of illegal narcotics. We knew cocaine was coming from there. We knew heroin and other things, tough narcotics, were trafficking through Mexico, and we stopped programs to, again, stop drugs at their production source and then stop drugs at the second most cost effective stage, which is interdicting them before they ever get to the country, as they are leaving the source country. Dramatic cuts were made in these interdiction programs.

Most of the military activities were sharply cut back, and additionally we cut the Coast Guard budget. When I say "we," the Congress that was controlled, again, by the other side of the aisle, the Democrats, in 1993 to 1995. Again, they controlled both the legislative and executive branches of government when they made these cuts in the military, in the Coast Guard, in the eradication and interdiction programs.

Now, they did dramatically increase the treatment programs, but if we fought a battle and we only fought the battle by treating the wounded, it is not much of a battle. If we did that in any of our conflicts, we would be decimated. We have been, in fact, decimated in the war on drugs, because basically this administration, through the direction of President Clinton, dismantled what we had in place as a war on drugs. That is how we got to the situation where we have seen an incredible increase in narcotics, particularly heroin and cocaine and methamphetamine, coming into the United States.

Our subcommittee has looked at some of the problems relating to stopping drug trafficking, and I am pleased to inherit the responsibility I have for helping to develop this national drug strategy from the gentleman from Illinois (Mr. HASTERT), who is now the Speaker of the House of Representatives.

Speaker HASTERT, in his capacity as chair of the Subcommittee on National Security, Veterans Affairs and International Relations and the Subcommitee on Criminal Justice Drug Policy and Human Resources, on which I served in the last Congress, led the fight and the effort to put our real war on drugs back together; to restore the interdiction programs; to restore the eradication, again, at the source country programs; to bring the military and the Coast Guard back in to this battle so that, again, we have a real war and effort to stop the incredible supply and quantity of hard narcotics coming into the United States.

If that is not a responsibility of the Federal Government to deal with the international problem, the supply coming into the country, I do not know what is a national responsibility for any Federal Government.

I do want to give credit to Speaker HASTERT, who in his capacity as chair of the subcommittee on which I served with him in the last Congress helped put together again these programs that were decimated by the Clinton administration and by the policy of the democrat controlled Congress from 1993 to 1995. He did an admirable job.

Not only did Speaker HASTERT restore some of the areas that are so important, eradication at the source, interdiction, use of the military, the Coast Guard and getting those resources to enforcement, he also shepherded through dramatic increases in education, because if we do not have a solid education program and make young people in particular, and all Americans, aware of the potential danger of these hard narcotics, then we cannot be successful in stopping drug abuse and the stream of illegal narcotics coming into the country.

Nearly a billion dollars in increase in funding was appropriated, a very dramatic increase, to bring us up to the levels not even of 1992 when they started dismantling some of these programs, but starting back to restore again and have an effective war on drugs.

I hear some of the critics saying the war on drugs has failed. Well, Madam Speaker, there has been no war on drugs since 1993, with this administration. It is only in the last 2 years that we have again put the adequate resources to cost effectively stop these huge quantities of deadly narcotics from entering this country. So we have begun that effort and we need to pick that effort up.

Another incredible mistake made by this administration was a decision to cut aid to Colombia. The Congress has provided aid to Colombia. Now, why should the United States provide aid, and what interest do the taxpayers and others have in providing aid to Colombia?

As I said, there are two sources of cocaine where 90 percent of the cocaine came from in all the world; it was from Peru and Bolivia. This administration stopped resources, aid, assistance, ammunition, helicopters, spare parts, despite numerous protests from Congress, from going to Colombia. They stopped the shipment and supply.

In that period of time in the last few years, 3, 4 years, now we have to understand there was almost no coca produced in Colombia some 5 years ago, with the policy of this administration and stopping again that assistance from getting there, Colombia is now the major producer in the world of coca, the raw material, and the major producer of cocaine. Not only is it a producer of the raw material, and the major processor in the entire world, again through a very direct policy of this administration, which was to cut off assistance, again, despite countless protests, despite letters, despite communications, despite pleas from Members of Congress, and I know this because I participated in this with Speaker HASTERT, the gentleman from New York (Mr. GILMAN), who chairs the Committee on International Relations, and numerous other Members of Congress who joined us in saying do not make this mistake, do not cut off this assistance to Colombia, so now we have, again, made Colombia, through an incorrect policy, the number one producer of cocaine.

In the same period of time, since President Clinton took office, Colombia produced almost no heroin. There was almost zero heroin, zero poppies and opiates produced from the country of Colombia. What has happened, Madam Speaker, is absolutely incredible in this 5, 6 year period of this administration. The largest source of heroin, and not the heroin of the 1960s or 1970s or even the 1980s, but high quality, high purity heroin, the largest source, 75 percent of all the heroin entering the United States, devastating children and people of all ages in Florida and across this Nation, 75 percent is now coming from Colombia.

Again, Colombia was not a producer of heroin of any quantity 6 years ago, and this policy of this administration has now made actually heroin so readily available its purity exceeds that of any other available drug, hard drug.

The price has dropped. The supply is so great. It is available as now a drug that can be marketed to our young people, probably lower than the price of cocaine on our streets. So we have seen a deadly brand of heroin being grown from that country.

It would be nice if people on my side of the aisle stood up and said what they have done and are doing about this situation, and it is incumbent on me not to just criticize the Clinton administration or my colleagues on the other side for their failed policies, but I think it is important that we state for the record what we have done.

In fact, I cited that Speaker HASTERT, who shared the responsibility for developing and putting back together our drug strategy, began that process, putting resources into, again, source country eradication programs, interdiction, getting funds and resources to the military and to the Coast Guard and others to fight this tremendous battle.

Additionally, we put in over a billion dollars in education funding, $191 million last year, to begin public information education and a media campaign, which will be matched by private sector donations. So we should have close to half a billion dollars before we are through this effort to educate folks.

On the front of Colombia, which has become our major source of production, it has been my pleasure to meet with President Pastrana, both in the United States here, soon after he took office, the end of last year, and visiting with him also in Colombia with other Members of Congress, to seek his cooperation, to seek Colombia's cooperation, and we are doing just that. He faces a very difficult challenge now that the Marxist guerillas, the FARC and ELN and others, have taken control of a large portion of the land area of Colombia, have dug their heels in and have now created an incredible war.

If we think the problem in Kosovo is a tragedy, thousands and thousands of

Colombians have died in this civil conflict, and certainly if we look at the national interest, if we looked at Kosovo and we looked at Colombia, our national interest with this being the source of the death of 14,000 Americans, the majority of 14,000 Americans who died, I am sure we could trace the narcotics right to Colombia.

In Colombia, dozens and dozens of elected officials, 11 members of their Supreme Court, have been murdered, killed; over 3,000 of the national police have died in a conflict giving their lives trying to combat the narcoterrorists, which are again related to a Marxist effort and narcoterrorist effort to take over Colombia, but we stopped, again, any resources going down there, ammunition, helicopters, equipment, spare parts, and we now see again this leftist-initiated civil war that has killed tens of thousands of Colombians, thousands of officials, created terror and allowed narcoterrorism to flourish in that country.

I might say that, again, we have begun to put this whole program and effort back together to deal with that situation. Several weeks ago I was so pleased to join with the gentleman from Indiana (Mr. BURTON), who is chairman of the Committee on Government Reform, the full committee of which we are a subcommittee. I also had the pleasure of joining with the gentleman from New York (Mr. GILMAN), who is the Chair of our Committee on International Affairs, two individuals who have fought for years to get resources to Colombia so we would not be in the situation we are in.

I participated with them by going to a factory in Connecticut, near New Haven, Connecticut, for delivery of Black Hawk helicopters, 6 Black Hawk helicopters, which will be supplied in the war and effort against illegal narcotics, both the production and also going after traffickers. These 6 helicopters are long overdue. There should be 16, as I said in my remarks there at the ceremony in which they were turned over. Unfortunately, it will take some months before the pilots are fully trained and before they are in the air. We are doing our part, as a majority. Speaker HASTERT again in his capacity began this initiative to make certain that now that those helicopters and those parts and that ammunition are delivered that we have a war on drugs, so that we have a cost effective operation at the source.

Madam Speaker, if we know where the majority of cocaine and coca is produced and processed, and that is Colombia, and if we know where 75 percent of the heroin coming in to the United States, and we know that without question because we have signature programs like DNA programs that can almost trace the heroin to the poppy fields where they are grown, if we know that 75 percent of this deadly heroin is coming from Colombia, why in heaven's name would we not be sending the adequate resources there?

I am here to say tonight that we are sending some of those resources on their way, and I hope that this time that this administration will not block those resources from getting to where they can do the most cost effective job in stopping deadly heroin, deadly cocaine, from coming into the United States. There is no cheaper way of stopping the supply than stopping it at its source; again, hopefully to help in the resolution of a civil war that has taken thousands of lives, and which we know is directly financed by the proceeds of this narcoterrorism.

So, again, I congratulate the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations, for his assistance and leadership, the gentleman from Indiana (Mr. BURTON), our chair of the full Committee on Government Reform, for their efforts and persistence in getting the resources to where they can be most cost effective.

Madam Speaker, again, we try to address the issues dealing with drugs as they come into the United States and before they come into the United States in a cost effective manner. In that regard, last week my subcommittee held a hearing on the question of Panama, and the effects of the United States losing its flight operations and basically being kicked out of the Panama Canal Zone as far as any forward surveillance operations dealing with narcotics.

On May 1, the United States was prohibited from launching any flights, any narcotics surveillance missions, from the Republic of Panama. This is an incredible blow to our capability to find drugs as they come from, again, their source country. Again, we have to think of the most cost effective way to stop drugs and we have to think of where these illegal narcotics are produced, where they are processed and where the beginning of the trafficking comes from. Our ability to deal with that has been as through an operation that has been found for a number of years in Panama, particularly at Howard Air Force base where we have had various surveillance aircraft, including AWACS and others tracking and monitoring illegal narcotics flights, trafficking, doing surveillance work in cooperation with countries.

□ 1730

Most Americans are not aware of it, but again, we were kicked out May 1. The reason we were kicked out deals back to the Carter administration and the truth agreements that the United States must vacate. However, our subcommittee in Congress was led to believe that this administration was moving forward with negotiations with Panama so that we could, at a minimum, keep our narcotics surveillance operations from that base, which is just ideally located, again for the purpose of interdicting close to the source, illegal narcotics.

Unfortunately, there is no other way to put it, but the State Department bungled the negotiations and this went on until the very last minute. We were in Panama in January hoping that there could be some resolution. Unfortunately, the negotiations failed. The United States lost all access.

In fact, the United States stopped all flights from Panama on May 1. We had 15,000 flights, and we covered 100 percent of the area that needed to be covered to conduct surveillance of illegal narcotics trafficking and production.

In the hearing that we conducted last week, unfortunately we could not be told as to how many operations have been relocated.

Now, it would not be bad enough that we got kicked out and the negotiations were bungled, but part of the $18 billion that the administration has come to Congress to ask for to deal in the drug war, part of that, a large part of it, is $73 million to relocate what we had been not paying for in Panama, but to relocate operations to Aruba or Curacao with the Netherlands, and also to Ecuador.

So what has been patched together, we learned through this hearing, are interim agreements, and we have no long-term agreements, not a single long-term agreement to replace our base operations in Panama, but at a cost of $73 million, which was originally proposed to us to move these operations, which now we cannot even tell how many flights are taking off from that area, but we know that they are less than 50 percent of the coverage we had on May 1, or prior to May 1.

We know it is costing us money, and we also know that a request came to our subcommittee in Congress for an additional $40-some million. I believe it was $45 million, on top of the $73 million that we are being asked to foot the bill for for dealing with, again, a failed negotiation.

And we now have, again, less than 50 percent coverage, and it may be several years before we have any hope of having the coverage that we had from our Panama location. All this will be paid for by the taxpayers, and unfortunately, this is only the tip of the iceberg. We are also told that it may cost as much as $200 million to upgrade some facilities and some airstrips in some of these countries.

□ 1745

Unfortunately, again, we only have interim agreements, no long-term agreements. We also have a very short-term interim agreement with Ecuador, which is of concern because Ecuador has had very difficult political problems, economic instability.

If we are to house a forward operating location there and expend money, we want some assurance that taxpayers' money would be properly expended.

But we have really witnessed a small disaster, which has not been properly recorded by the press in the loss of our operations. The cost is phenomenal. It will probably be a half a billion dollars to replace these operations before we are through.

We have lost over 5,600 buildings, not to mention Howard Air Force Base and its use for these surveillance operations. We lost $10 billion in assets that the American taxpayers paid for in the Canal Zone, all quietly closed down and again leaving an incredible gap in the area that needs protection and surveillance and overflight information.

So we find ourselves in a very difficult situation trying to put this South American strategy and interdiction strategy back together. But, again, we are trying to do our best and do it in a cost-effective manner as we consider the appropriations in this budget.

So we put some of the helicopters into place in Colombia. We have got equipment going back to Colombia as an initiative of the majority, the Republican side, and efforts again by those who fought these cuts, which have had such serious implications for us.

We now are trying to piece together a forward-operating location for surveillance and interdiction of drugs at their source and do that again in a cost-effective manner, picking up the shred of disastrous negotiations by this administration as we quietly make our way from the Panama Canal Zone and pay for access to other countries.

So those are a couple of the agenda items that our subcommittee has been involved in in trying to restore our war on drugs and our efforts to curtail this major national illegal narcotics problem.

One of the other concerns that I have had, as a Member of Congress and also dealing with this drug issue, is try to come up with some solution to address what I will term the Mexican problem.

Now, in addition to Colombia, and we have now cooperation equipment going there, we look at a strategy that deals from a national perspective, an international perspective, again stopping drugs at their source. I have already cited Peru, Colombia, Bolivia and their role in providing both the production and trafficking of illegal narcotics.

The next biggest offender and really the biggest problem that we have facing us is the problem with Mexico. Unfortunately, this administration certified Mexico some weeks ago as fully cooperating in our efforts and with their efforts to stop the production and trafficking of illegal narcotics.

Nothing could probably be further than the truth. Nothing could encourage a country to just kick sand in the face of the United States and ignore the will of the United States Congress and the American people than an action to certify Mexico as fully cooperating.

Our subcommittee held a hearing on Mexican certification and decertification, and today we held another one on the question of extradition and particularly what Mexico has been doing to extradite major drug traffickers.

Let me say, if I may, for way of explanation to Members of Congress, for the Speaker's edification, that the certification law which was passed in the 1980s is a simple law. It says that no country that is not fully cooperating with the United States will be eligible to receive foreign aid or foreign assistance if they do not take steps again to fully cooperate in an effort to curtail illegal narcotics production and trafficking. Simple law, simple concept. No assistance in stopping illegal narcotics and the trafficking and production, no foreign assistance.

Again, this administration, for the past several years, has certified Mexico as fully cooperating. Why would anyone certify a country as fully cooperating who performed as follows: Mexico, first of all, in the last calendar year had a decrease in the number of seizures of heroin. Mexico had a decrease in the number of seizures of cocaine. Mexico also had a decrease in the number of vessels that were seized in narcotics trafficking.

Mexico has ignored every request of the United States Congress and Members of Congress to deal with the hard narcotics. And 50 percent of the narcotics coming into the United States can be traced either as produced or trafficked through Mexico. That is 50 percent of the death and destruction, the 14,000 Americans last year, the 100,000 Americans in the last 6 years who have lost their lives to the effects of illegal narcotics. We can trace them, again, to inaction by Mexico.

Not only do we have inaction and lack of cooperation, lack of effort on their part, we have had actually difficulty in trying to conduct any operations to stop money laundering and illegal narcotics with Mexico.

I bring to the floor and to the attention of my colleagues and the Speaker the situation with Operation Casa Blanca. We asked for cooperation in Operation Casa Blanca, which was a multimillion dollars, in fact one of the largest money laundering operations ever uncovered in the Western Hemisphere, and it involved Mexican bankers.

What did the Mexican officials do? Even though we know that they were alerted and aware of this operation, they threatened to arrest United States Customs officials who were involved in that operation.

This is not fully cooperating by any standards. This is a close ally to which the United States, the Congress, and many Members on both sides of the aisle extended incredible trade benefits through NAFTA, extended incredible finance underwriting when their currency was failing.

When their economy was faltering several years ago, we helped bolster and we do bolster through our international cooperation and finance, financing and the structure of support for international finance for Mexico. We give incredible benefits to that country, which, again, has not in any sense and in any term fully cooperated in meeting requests.

I have tonight from the hearing that we conducted several little posters, wanted posters. We have Ramon Eduardo Arellano-Felix, who has pending U.S. criminal charges dealing with conspiracy to import cocaine and marijuana. He is a fugitive, a United States fugitive. He has not been arrested by Mexico.

I used him as one example in the hearing we held just a few hours ago on extradition. We found again the request of Congress and repeated requests of the House of Representatives in particular has been for Mexico to cooperate in extraditing even one major narcotics trafficker.

Through the hearing that we held this afternoon, we learned that in fact Mexico has been requested to extradite over 270 Mexican nationals. There are over 40 major drug traffickers that we are trying to extradite. To date not one single individual major drug trafficker, not one drug kingpin has been extradited from Mexico.

We heard a tale today from the Department of Justice, Department of State how these drug lords with their oodles of death money are now subverting even the Mexican process and hiring legal experts and doing everything possible to avoid extradition.

But this individual is only one of numerous requests that we have made of Mexico year after year for extradition. This Congress and this House of Representatives passed, 2 years ago March, several simple requests of Mexico. First was extradition of major drug traffickers, even one. Again, to date, nothing has transpired.

Additionally, this House of Representatives 2 years ago asked Mexico to enter into a maritime agreement. That is so important because many of the drug traffickers use the sea lanes and water to transport and also as escape routes. It is so important that we have a maritime agreement. Still to date no maritime agreement with Mexico, another request of this House of Representatives.

Additionally, we had asked for radar to be placed in the south of Mexico, because we knew that from Colombia and from South America illegal narcotics were coming in through Mexico. To date, no progress and radar to the south of Mexico. Another request completely ignored.

We asked additionally that our DEA agents, our drug enforcement agents that are located in Mexico, be given the ability to protect themselves, in some cases arm themselves, because they are at incredible personal risk in this war there and exposed on every front in Mexico. To date, those requests have still been ignored.

Then we asked that some of the laws that Mexico had passed to deal with illegal narcotics, trafficking and money laundering, we asked that those laws be enforced. Rather than enforcement, what the Mexicans have done, as I just cited, was kick dirt in our face in Operation Casa Blanca, threaten to arrest our United States Customs agents who uncovered multimillion dollar illegal narcotics trafficking.

So by any measure, all of the requests that we have made as a House of Representatives, as individual Members, as members of the subcommittee have been ignored.

Again we have this wanted poster. We had dozens of these at the committee hearing this afternoon of major drug lords, traffickers who have not been extradited, requests that have been pending year after year; and Mexico has ignored time and again the extradition of any of these Mexican nationals to the United States where they know and our DEA agents and our head of DEA has said that there is nothing that these traffickers fear more than coming to the United States where they will face justice, where they will face a jail term, and they will face punishment.

In these countries, many of those who we have asked for extradition after we have indicted them have fled. Many of them are free and in Mexico.

What is unfortunate, Madam Speaker, what is incredible as I conclude this evening is that this situation with Mexico again has rained tremendous damage on the United States of America who has tried to be a good friend, a good ally, and a good trading partner.

□ 1800

When a country which is a close ally and neighbor, and we have millions of great Mexican Americans in the United States who bring great diversity and tremendous contributions to our society, when we have this ally of Mexico not cooperating, it is a tragedy.

What concerns me is that we are on the verge now of seeing Mexico become a narcoterrorist state. It is unfortunate, but the reports that we have is that the entire Baja Peninsula, all the Mexican territory of the Baja Peninsula below California, is now under narcoterrorist control. They control the police, they control the local government, they control the military. Basically, the entire Baja region has become a narcoterrorist state.

Over 300 Mexicans were killed last year. Some 20 of them my colleagues may have read about were machine-gunned down, women and children, in violence we had only seen when the drug lords were in power in Cali and Medellin. So Mexico is about to lose the Baja Peninsula, or has lost the Baja Peninsula.

Additionally, Mexico has lost the Yucatan Peninsula. When we met with Mexican officials and the Attorney General, who told us they were doing everything to bring the situation under control, we cited the corruption of the governor of Quintana Roo, the Yucatan Peninsula, that state where President Clinton went down and met with President Zedillo just a few months ago.

They met in another narcoterrorist state, controlled by a governor who was corrupt, who we knew was corrupt and the Mexicans knew was corrupt. In fact, the Mexicans told us the only reason they had not arrested him is because in Mexico public officials have a certain immunity while they are in office, and they were waiting for him to leave office and then he would be arrested. And what took place there just a few days before the governor of Quintana Roo, the Yucatan Peninsula, was to leave office, he fled and is now a fugitive. So we did not even get one of the major traffickers in the Yucatan Peninsula. So another major land area in Mexico is now lost to narcoterrorism.

Additionally, we have reports of mountain regions and other states and locales in Mexico being completely overtaken by narcoterrorism, and it is a different kind of activity than we have seen before with just corruption. Now we see real terrorism, where they are killing local officials and others who cross them in this incredible war that has been fueled by illegal narcotics trafficking.

So tonight, as I close, I am disappointed with the Clinton administration and the problems they have created through their policies of 1993 to 1995, but I am pleased that we have taken a new direction and, with some help from folks on both sides of the aisle, Democrat and Republican, we now have more resources going into cost-effective source country programs, to interdiction, as again we know where these drugs are coming from; for law enforcement, which is a tough way to go, but we must enforce the laws of our land and try to bring illegal narcotics trafficking under control; and also for education, so our young people know about the dangers and about the deadly heroin, cocaine and methamphetamine that is on our streets.

WHERE'S THE BEEF

The SPEAKER pro tempore (Mrs. BONO). Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Madam Speaker, where's the beef? May 13, today, marks the day in which the European Union is set to respond to its loss of the beef hormone dispute.

The 11-year-old ban on American beef has prohibited our ranchers from exporting to Europe an estimated $500 million worth of beef each year. U.S. cattle producers have won each and every decision of the World Trade Organization to open European markets. It is now time for the European Union to comply with international trading laws and to eliminate its ban on American beef.

Rarely has European protectionism been so soundly defeated. In this case, the U.S. was not alone. Argentina, Canada, Australia, and New Zealand all joined in filing complaints to open markets. The countries have won, and it is time to begin shipments of beef to Europe.

Yet again we hear that the EU will not open its markets, will not allow beef imports, and will continue to defy the World Trade Organization. Perhaps trade barriers may be lowered on other products, perhaps tariffs reduced on goods and services, but no relief will be afforded the U.S. rancher.

Access to European beef markets is the objective. Compensation is not an acceptable alternative. The Clinton administration, its Departments of Agriculture and State and its trade ambassador must aggressively retaliate to force market access. Anything less than the shipment of fresh U.S. beef is unacceptable.

Madam Speaker, where's the beef? It should be on the tables of European families and in the restaurants of France and Germany.

PAKISTANI SUPPORT FOR MILITANTS IN KASHMIR CONTINUES TO CAUSE INSTABILITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Madam Speaker, once again the annual State Department report on international terrorism has acknowledged official Pakistani support for militants operating in India's state of Jammu and Kashmir. Yet once again the State Department has refused to designate Pakistan's government as a sponsor of international terrorism.

The report, "Patterns of Global Terrorism 1998," which was released 2 weeks ago, stated, and I quote, "As in previous years, there were continuing credible reports of official Pakistani support for Kashmiri militant groups that engage in terrorism."

Still quoting from this report, "Pakistani officials stated publicly that while the government of Pakistan provides diplomatic, political and moral support for 'freedom fighters' in Kashmir, it is firmly against terrorism, and provides no training or material support for Kashmiri militants. Kashmiri militant groups continued to operate in Pakistan, however, raising funds and recruiting new cadre. These activities create a fertile ground for the operations of militant and terrorist groups in Pakistan, including the HUA (Harkat-ul-Ansar)."

Madam Speaker, I should point out that the HUA is the terrorist organization that has been blamed for the 1995 kidnapping of five western tourists in Kashmir, including two Americans. One of the American hostages managed to escape. One of the other hostages, a Norwegian, was brutally murdered; and the fate of the remaining hostages, including an American, Donald Hutchings of Spokane, Washington, is still unknown, despite what the State Department has said is "ongoing cooperative efforts between U.S. and Indian law enforcement."

Even if we accept the argument that there has not been official Pakistani training or material support for the militants, and there has been evidence to cast doubt on this assertion, but if we accept that argument, still it is clear that our State Department recognizes, at a minimum, that Pakistan is a base for various militant groups, and that there are credible reports of official Pakistani support. Pakistan admits to diplomatic, political, and moral support for the militants. And we have to wonder, Madam Speaker, how anyone can use the word moral to describe support for a movement that has caused the deaths of thousands of civilians and the dislocation of hundreds of thousands of people from their homes.

Madam Speaker, the issue of Kashmir frequently gets mentioned in the geopolitical calculations over the larger India-Pakistan conflict. There has been an ongoing Pakistani effort to internationalize this issue by bringing the United States or other world powers into the negotiations. The one aspect of this tragedy that frequently is overlooked is the plight of the Hindu community of this region, the Kashmiri Pandits. The Kashmiri Pandits have suffered doubly, from the atrocities committed by the militants and the indifference of the world community.

I have urged our government, India's government, and various U.N. bodies to accord more attention to the plight of the Kashmiri Pandits, and I will continue these efforts until this tragic situation starts to receive the attention it deserves.

Last month, I had the opportunity to raise some of these issues in a meeting with Chief Minister Farooq Abdullah of Jammu and Kashmir, who was in Washington on a working visit. I have to say that Dr. Abdullah had some important ideas on how the U.S. can help promote investment and international lending to rebuild the economy of Jammu and Kashmir. He also mentioned the importance of lifting the U.S. unilateral sanctions on India.

Chief Minister Abdullah appealed to both the administration and to Congress to do all in our power to get Pakistan to end its proxy war against India, which it wages by means of its support for the insurgency in Kashmir.

Sadly, Madam Speaker, the same May 7, 1999, edition of the newspaper "India Abroad" that included coverage of the "Patterns of Global Terrorism" and the visit of Chief Minister Abdullah also had this headline, "Terrorists Gun Down Eight of a Family." The article said that in the northwest Kashmir district of Kupwara, that terrorists surrounded the home of Muhammad Maqbool Ganai, a middle-aged resident of the village of Krishipora, and fired indiscriminately at the occupants, killing five men and three women. Apparently, this gentleman was helping security forces in their campaign against the terrorists.

Killing people who cooperate with the police is a tactic that has become widespread recently. The terrorists have also been targeting former militants who have surrendered and their families. In the past few months, these attacks have claimed more than 100 lives. According to a police official quoted in the "India Abroad," "The state police is receiving tremendous support from the locals, and that has made the militants nervous."

Madam Speaker, there are indications that leading, moderate Pakistani officials have convinced the State Department not to designate Pakistan a sponsor of international terrorism for fear it would provoke anti-American sentiment and embolden the radicals. The question is, given the continuing pattern of Pakistani support for the militants in Kashmir, what has been accomplished by our refusal to state the obvious?

ANNUAL REPORT OF NATIONAL INSTITUTE OF BUILDING SCIENCES FOR FISCAL YEAR 1997—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Banking and Financial Services:

To the Congress of the United States:

In accordance with the requirements of section 809 of the Housing and Community Development Act of 1974, as amended (12 U.S.C. 1701j-2(j)), I transmit herewith the annual report of the National Institute of Building Sciences for fiscal year 1997.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 13, 1999.*

COMMUNICATION FROM DEPUTY DISTRICT DIRECTOR OF THE HONORABLE DAVID MINGE, MEMBER OF CONGRESS

The SPEAKER pr tempore laid before the House the following communication from Alana Christensen, the Deputy District Director of the Honorable David Minge, Member of Congress:

Washington, DC, May 13, 1999.

Hon. NEWT GINGRICH
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a grand jury subpoena ad testificandum issued by the United States District Court for the District of Columbia.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

ALANA CHRISTENSEN,
Deputy District Director.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 6 o'clock and 13 minutes p.m.), the House stood in recess subject to the call of the Chair.

☐ 2208

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DREIER) at 10 o'clock and 8 minutes p.m.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. MCCARTHY of New York) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. CARSON, for 5 minutes, today.

Mr. MALONEY of Connecticut, for 5 minutes, today.

Mr. ENGEL, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. GANSKE) to revise and extend their remarks and include extraneous material:)

Mr. JONES of North Carolina, for 5 minutes, today.

Mr. MORAN of Kansas, for 5 minutes, today.

Mr. METCALF, for 5 minutes, today.

Mr. SOUDER, for 5 minutes, today.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. BERKLEY, for 5 minutes, today.

BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, a bill of the House of the following title:

H.R. 432. To designate the North/South Center as the Dante B. Fascell North-South Center.

ADJOURNMENT

Mr. MOLLOHAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordngly (at 10 o'clock and 9 minutes .m.), the House adjourned until Friday, May 14, 1999, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2079. A letter from the Chief Counsel, FinCEN, Department of Treasury, transmiting the Department's final rule—FinCEN Advisory, Issue 11, Enhanced Scrutiny for Transactions Involving Antigua and Baruda—received April 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

2080. A letter from the Legal Advisor, Cable Services Bureau, Federal Communicaions Commission, transmitting the Commission's final rule—Implementation of Cable Act Reform Provisions of the Telecommunications Act of 1996 [CS Docket No. 6-85] received April 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2081. A letter from the Special Assistant to he Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Munds Park, Arizona) [MM Docket No. 98-27 RM-9188] received May 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to he Committee on Commerce.

2082. A letter from the Associate Bureau hief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting the Commission's final rule—mendment of Parts 13 and 80 of the Commission's Rules to Implement the Global Maritime Distress and Safety System (GMDSS) to Improve the Safety of Life at Sea [PR Docket No. 90-480] received April 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2083. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the Commission's final rule—Standards for Business Practices of Interstate Natural Gas Pipelines [Docket No. RM96-1-011; Order No. 587-K] received April 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2084. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Listing of Color Additives for Coloring Sutures; [Phthalocyanianto(2-)] Copper [Docket No. 98C-0041] received May 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2085. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Investigational New Drug Applications; Clinical Holds; Confirmation of Effective Date [Docket No. 98N-0979] (RIN: 0910-AA84) received April 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2086. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Carbohydrase and Protease Enzyme Preparations Derived From Bacillus Subtilis or Bacillus Amyloliquefaciens; Affirmation of GRAS Status as Direct Food Ingredients [Docket No. 84G-0257] received April 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2087. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

2088. A letter from the Assistant Secretary of Commerce, Export Admin., Department of Commerce, transmitting the Department's final rule—Exports to Serbia [Docket No. 990422104-9104-01] (RIN: 0694-AB91) received May 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

2089. A letter from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting the Administration's final rule—Researcher Registration and Research Room Procedures (RIN: 3095-AA69) received April 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

2090. A letter from the the Chief Administrative Officer, the U.S. House of Representatives, transmitting a quarterly report of the Statement of Disbursements of the House of Representatives covering receipts and expenditures of appropriations and other funds for the period January 1, 1999 through March 31, 1999, pursuant to 2 U.S.C. 104a; (H. Doc. No. 106-63); to the Committee on House Administration and ordered to be printed.

2091. A letter from the Assistant Secretary, for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Importation, Exportation, and Transportation of Wildlife (User Fee Exemptions for qualified fur trappers) (RIN: 1018-AE08) received Aril 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2092. A letter from the Acting Director, Office of Sustainable Fisheries National Marine Fisheries Service, Department of Commerce, transmitting the Department's final rule—Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Trip Limit Adjustments [Docket No. 981231333-8333-01; I.D. 042299A] received May 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2093. A letter from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery of the Gulf of Mexico; Extension of Effective Date and Amendment of Bycatch Reduction Device Certification [Docket No. 980505118-8286-02; I.D. 110598B] (RIN: 0648-AL14) received April 27,1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2094. A letter from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Amendments for Addressing Essential Fish Habitat (EFH) Requirements [I.D. 100698A] (RIN: 0648-AL40) received April 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2095. A letter from the Chief, Regs and Admin Law, USCG, Department of Transportation, transmitting the Department's final rule—Vessel Identification System; Effective Date Change [CGD 89-050] (RIN: 2115-AD35) received April 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2096. A letter from the Chairman, Surface Transportation Board, Surface Transportation Board, transmitting the Board's final rule—Regulations for the Publication, Posting and Filing of Tariffs for the Transportation of Property by or with a water carrier in the Noncontiguous Domestic Trade [STB Ex Parte No. 580] received April 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2097. A letter from the Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Commercial Space Transportation Licensing Regulations [Docket No. 288851; Amdt. Nos. 401-01, 411-01, 413-01, 415-01 and 417-01] (RIN: 2120-AF99)received April 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

2098. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Claims and Effective Dates for the Award of Educational Assistance (RIN: 2900-AH76) received May 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

2099. A letter from the Director, Office of Regulations Management (02D), Department of Veterans Affairs, transmitting the Department's final rule—Estimated Economic Impact Due to Implementation of Reasonable Charges—received April 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

2100. A letter from the Deputy Executive Secretariat, Department of Health and Human Services, transmitting the Department's final rule—Implementation of Section 403(a)(2) of Social Security Act Bonus to Reward Decrease in Illegitimacy Ratio (RIN: 0970-AB79) received April 19, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calender, as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 66. A bill to preserve the cultural resources of the Route 66 corridor and to authorize the Secretary of the Interior to provide assistance; with an amendment (Rept. 106–137). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 658. A bill to establish the Thomas Cole National Historic Site in the State of New York as an affiliated area of the National Park System; with an amendment (Rept. 106–138). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 659. A bill to authorize appropriations for the protection of Paoli and Brandywine Battlefields in Pennsylvania, to direct the National Park Service to conduct a special resource study of Paoli and Brandywine Battlefields, to authorize the Valley Forge Museum of the American Revolution at Valley Forge National Historic Park, and for other purposes; with an amendment (Rept. 106–139). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 747. A bill to protect the permanent trust funds of the State of Arizona from erosion due to inflation and modify the basis on which distributions are made from those funds (Rept. 106–140). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1104. A bill to authorize the Secretary of the Interior to transfer administrative jurisdiction over land within the boundaries of the Home of Franklin D. Roosevelt National Historic Site to the Archivist of the United States for the construction of a visitor center (Rept. 106–141). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 883. A bill to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands (Rept. 106–142). Referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 10 Referral to the Committee on Commerce extended for a period ending not later than June 11, 1999.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. FRANKS of New Jersey (for himself, Mr. Frelinghuysen, and Mr. Lantos):

H.R. 1788. A bill to deny Federal public benefits to individuals who participated in Nazi persecution; referred to the Committee on the Judiciary, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL:

H.R. 1789. A bill to restore the inherent benefits of the market economy by repealing the Federal body of statutory law commonly referred to as "antitrust law", and for other purposes; to the Committee on the Judiciary.

By Mr. BLILEY (by request):

H.R. 1790. A bill to provide for public disclosure of accidental release scenario information in risk management plans, and for other purposes; referred to the Committee on Commerce, and in addition to the Committees on Government Reform, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELLER (for himself, Mr. Rothman, and Mr. Chabot):

H.R. 1791. A bill to amend title 18, United States Code, to provide penalties for harming animals used in Federal law enforcement; to the Committee on the Judiciary.

By Mr. THOMPSON of Mississippi (for himself, Mr. Hutchinson, Mr. Shows, Mr. Etheridge, and Mr. Holden):

H.R. 1792. A bill to provide crime-fighting scholarships to certain law enforcement officers; to the Committee on the Judiciary.

By Mr. KOLBE (for himself, Mr. Stenholm, Mr. Smith of Michigan, Mr. Dooley of California, Mr. Sanford, Ms. McCarthy of Missouri, and Mr. Greenwood):

H.R. 1793. A bill to amend title II of the Social Security Act to provide for individual security accounts funded by employee and employer Social Security payroll deductions, to extend the solvency of the old-age, survivors, and disability insurance program, and for other purposes; referred to the Committee on Ways and Means, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROWN of Ohio (for himself and Mr. Chabot):

H.R. 1794. A bill concerning the participation of Taiwan in the World Health Organization (WHO); to the Committee on International Relations.

By Mr. BURR of North Carolina (for himself and Ms. Eshoo):

H.R. 1795. A bill to amend the Public Health Service Act to establish the National Institute of Biomedical Imaging and Engineering; to the Committee on Commerce.

By Mr. CARDIN (for himself, Mr. Coyne, Mr. Levin, Mr. Stark, and Mrs. Thurman):

H.R. 1796. A bill to amend part B of title XVIII of the Social Security Act to provide for a chronic disease prescription drug benefit under the Medicare Program; referred to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DAVIS of Illinois (for himself and Mr. Gutierrez):

H.R. 1797. A bill to amend section 203 of the National Housing Act to require properties that are subject to mortgages insured under the FHA single family housing mortgage insurance program to be inspected and determined to comply with the minimum property standards established by the Secretary of Housing and Urban Development; to the Committee on Banking and Financial Services.

By Mr. GREENWOOD (for himself, Mrs. Lowey, Mrs. Johnson of Connecticut, Mr. Brown of Ohio, Mr. Burr of North Carolina, Mr. Waxman, Mr. Pickering, Mr. Deal of Georgia, Mrs. Morella, Mr. Frank of Massachusetts, Ms. DeLauro, Mr. Nethercutt, Mr. Leach, Mr. English, Mr. Towns, Mr. Coyne, Mr. Lewis of Georgia, Mr. Nadler, Mr. Wicker, Mr. Filner, and Ms. Pelosi):

H.R. 1798. A bill to amend the Public Health Service Act to provide additional support for and to expand clinical research programs, and for other purposes; to the Committee on Commerce.

By Mr. GUTIERREZ:

H.R. 1799. A bill to amend title 38, United States Code, to revise and improve the authorities of the Secretary of Veterans Affairs relating to the provision of counseling and treatment for sexual trauma experienced by veterans; to the Committee on Veterans' Affairs.

By Mr. HUTCHINSON (for himself and Mr. Scott):

H.R. 1800. A bill to amend the Violent Crime Control and Law Enforcement Act of 1994 to ensure that certain information regarding prisoners is reported to the Attorney General; to the Committee on the Judiciary.

By Mr. HYDE (for himself, Mr. Conyers, Mrs. Christensen, Mr. Faleomavaega, Ms. Norton, Mr. Romero-Barcelo, and Mr. Underwood):

H.R. 1801. A bill to make technical corrections to various antitrust laws and to references to such laws; referred to the Committee on the Judiciary, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. JOHNSON of Connecticut (for herself and Mr. Cardin):

H.R. 1802. A bill to amend part E of title IV of the Social Security Act to provide States with more funding and greater flexibility in carrying out programs designed to help children make the transition from foster care to self-sufficiency, and for other purposes; referred to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KASICH (for himself and Mr. Ryan of Wisconsin):

H.R. 1803. A bill to preserve and protect the surpluses of the Social Security trust funds by reaffirming the exclusion of receipts and disbursement from the budget, by setting a limit on the debt held by the public, and by amending the Congressional Budget Act of 1974 to provide a process to reduce the limit on the debt held by the public; referred to the Committee on the Budget, and in addition to the Committees on Rules, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LATOURETTE (for himself, Ms. BERKLEY, Mr. BERMAN, Mr. BILBRAY, Mr. BLAGOJEVICH, Mr. BLILEY, Mr. BLUNT, Mr. BOEHLERT, Mr. BORSKI, Mr. BOUCHER, Mr. BRADY of Pennsylvania, Mr. BROWN of Ohio, Mrs. CHRISTENSEN, Mr. COOK, Mr. CRAMER, Mr. CROWLEY, Mr. CUNNINGHAM, Mr. DAVIS of Illinois, Mr. DEAL of Georgia, Mr. DIAZ-BALART, Mr. DIXON, Ms. DUNN, Mrs. EMERSON, Mr. ENGLISH, Mr. FOSSELLA, Mrs. FOWLER, Mr. FROST, Mr. GIBBONS, Mr. GILLMOR, Mr. GONZALEZ, Mr. GOODLING, Mr. GUTKNECHT, Mr. HALL of Ohio, Mr. HILL of Indiana, Mr. HOLDEN, Ms. NORTON, Ms. HOOLEY of Oregon, Mr. HORN, Mr. HOYER, Mr. INSLEE, Mr. KENNEDY of Rhode Island, Ms. KILPATRICK, Mr. KING, Mr. KUCINICH, Mr. LAHOOD, Mr. LIPINSKI, Mrs. MCCARTHY of New York, Mr. MCGOVERN, Mr. MCHUGH, Ms. MCKINNEY, Mr. MARTINEZ, Mr. MASCARA, Mr. MEEHAN, Mrs. MEEK of Florida, Mr. METCALF, Ms. MILLENDER-MCDONALD, Mr. GARY MILLER of California, Mrs. MYRICK, Mr. NEY, Mr. NORWOOD, Mr. PALLONE, Mr. PASCRELL, Mr. PITTS, Ms. PRYCE of Ohio, Mr. RAHALL, Mr. REYES, Mr. ROHRABACHER, Mr. ROMERO-BARCELO, Mrs. ROUKEMA, Mr. SAWYER, Mr. SCHAFFER, Mr. SENSENBRENNER, Mr. SHERMAN, Mr. SHIMKUS, Mr. SHOWS, Mr. SMITH of Washington, Mr. SNYDER, Mr. SPRATT, Mr. STUPAK, Mr. TAYLOR of Mississippi, Mrs. THURMAN, Mr. TRAFICANT, Mr. UNDERWOOD, Ms. VELÁZQUEZ, Mr. WOLF, Mr. WYNN, and Mr. YOUNG of Florida):

H.R. 1804. A bill to authorize the Pyramid
Remembrance Foundation to establish a
emorial in the District of Columbia or its
virons to soldiers who have lost their lives
ring peacekeeping operations, humani-
rian efforts, training, terrorist attacks, or
vert operations; to the Committee on Re-
urces.

By Mrs. LOWEY (for herself and Mr. GILMAN):

H.R. 1805. A bill to amend the Internal Rev-
ue Code of 1986 to allow a capital loss de-
ction with respect to the sale or exchange
a principal residence; to the Committee on
ays and Means.

By Mrs. LOWEY (for herself and Mr. LAZIO):

H.R. 1806. A bill to amend the Public
alth Service Act, the Employee Retire-
ent Income Security Act of 1974, and the
ternal Revenue Code of 1986 to require that
oup and individual health insurance cov-
age and group health plans provide ade-
ate access to providers of obstetric and
necological services; referred to the Com-
ttee on Commerce, and in addition to the
mmittees on Education and the Work-
rce, and Ways and Means, for a period to be
bsequently determined by the Speaker, in
ch case for consideration of such provi-
ons as fall within the jurisdiction of the
mmittee concerned.

By Mr. MCINNIS:

H.R. 1807. A bill to establish a matching
ant program to help State and local juris-
ctions purchase bullet resistant equipment
use by law enforcement departments; to
e Committee on the Judiciary.

By Mr. MENENDEZ (for himself, Mr. MATSUI, and Mr. GEJDENSON):

H.R. 1808. A bill to provide an exemption
om certain import prohibitions; to the
mmittee on Ways and Means.

By Mr. NADLER (for himself, Mr. WEINER, Mr. RUSH, Mrs. JONES of Ohio, Ms. DEGETTE, Mr. MEEHAN, Mr. WAXMAN, Mr. LIPINSKI, Mr. MCDERMOTT, Mr. WEXLER, Ms. LOFGREN, Mr. GEORGE MILLER of California, Ms. SCHAKOWSKY, Mr. TIERNEY, Ms. KILPATRICK, and Mr. DAVIS of Illinois):

H.R. 1809. A bill to prohibit the importation of dangerous firearms that have been modified to avoid the ban on semiautomatic assault weapons; to the Committee on the Judiciary.

By Mr. NUSSLE (for himself and Mr. BOSWELL):

H.R. 1810. A bill to amend the Internal Revenue Code of 1986 to exempt small issue bonds for agriculture from the State volume cap; to the Committee on Ways and Means.

By Mr. PASTOR:

H.R. 1811. A bill to amend the Indian Gaming Regulatory Act to provide adequate and certain remedies for sovereign tribal governments, and for other purposes; referred to the Committee on Resources, and in addition to the Committees on the Judiciary, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL (for himself, Mr. ROHRABACHER, Mr. METCALF, Mr. CLAY, Mr. DEFAZIO, and Mr. STARK):

H.R. 1812. A bill to amend the Military Selective Service Act to suspend the registration requirement and the activities of civilian local boards, civilian appeal boards, and similar local agencies of the Selective Service System, except during national emergencies, and to require the Director of Selective Service to prepare a report regarding the development of a viable standby registration program for use only during national emergencies; to the Committee on Armed Services.

By Mr. SWEENEY:

H.R. 1813. A bill to prohibit the export to Hong Kong of certain high-speed computers; to the Committee on International Relations.

By Mr. VISCLOSKY (for himself, Mr. ISTOOK, Mr. SANDLIN, Mr. LAHOOD, Mr. ROEMER, Mr. MCINTOSH, Mr. SKELTON, Mr. COBLE, Mr. SOUDER, Mrs. MYRICK, Mr. HOSTETTLER, Mrs. EMERSON, Mr. NEY, Mr. NETHERCUTT, Mr. HILL of Montana, Mr. SESSIONS, Mr. TANCREDO, Mr. BURTON of Indiana, Mr. ROTHMAN, Mr. BUYER, Mr. GRAHAM, and Mr. CANADY of Florida):

H.R. 1814. A bill to provide incentives for Indian tribes to collect and pay lawfully imposed State sales taxes on goods sold on tribal lands and to provide for penalties against Indian tribes that do not collect and pay such State sales taxes; to the Committee on Resources.

By Mr. YOUNG of Alaska:

H.R. 1815. A bill to rename Mount McKinley in Alaska as Denali; to the Committee on Resources.

By Ms. SLAUGHTER (for herself, Mrs. MORELLA, Mr. SISISKY, and Mr. HASTINGS of Florida):

H.R. 1816. A bill to require coverage for colorectal cancer screenings; referred to the Committee on Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. VENTO (for himself and Mr. SMITH of New Jersey):

H. Res. 169. A resolution expressing the sense of the House of Representatives with respect to democracy, free elections, and human rights in the Lao People's Democratic Republic; to the Committee on International Relations.

By Mr. COX (for himself and Mr. DICKS):

H. Res. 170. A resolution amending House Resolution 5, One Hundred Sixth Congress, as amended; to the Committee on Rules.

By Ms. DELAURO:

H. Res. 171. A resolution expressing the sense of the House of Representatives with respect to the National Conference of Law Enforcement Emerald Societies for their services in honoring slain Detective John Michael Gibson and Private First Class Jacob Chestnut of the United States Capitol Police; to the Committee on the Judiciary.

By Mr. GILMAN (for himself, Mr. TAYLOR of Mississippi, Mr. TALENT, and Mr. ROHRABACHER):

H. Res. 172. A resolution to authorize and direct the Archivist of the United States to make available for public use the records of the House of Representatives Select Committee on Missing Persons in Southeast Asia; to the Committee on House Administration.

MEMORIALS

Under clause 3 of rule XII,

68. The SPEAKER presented a memorial of the House of Representatives of the State of Washington, relative to House Joint Memorial 4011 urging the Federal Communications Commission to address promptly the matters raised in the Department of Information Service's Petition for Reconsideration, and find that schools and libraries may participate with independent colleges in consortia to procure telecommunictions services at below-tariffed rates without losing their eligibility for universal services discounts; to the Committee on Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 8: Mr. SPENCE, Mr. SHIMKUS, Mr. CAMP, Mr. THUNE, Mr. TOOMEY, and Mr. SOUDER.

H.R. 36: Mr. JACKSON of Illinois and Mr. SANDERS.

H.R. 49: Mr. ACKERMAN.

H.R. 113: Mr. JONES of North Carolina and Mr. SCHAFFER.

H.R. 148: Mr. RYAN of Wisconsin and Mr. SMITH of Washington.

H.R. 152: Mr. GUTIERREZ.

H.R. 220: Mr. HERGER.

H.R. 262: Mr. CONYERS, Mr. FORD, Mr. KIND, Mr. CLAY, Mr. TOWNS, Mr. DELAHUNT, Mr. MEEKS of New York, Mr. OLVER, Mr. PAYNE, and Ms. KILPATRICK.

H.R. 315: Mr. PASTOR.

H.R. 357: Ms. LEE and Mr. GILCHREST.

H.R. 372: Mr. DICKS, Mr. MALONEY of Connecticut, and Ms. SCHAKOWSKY.

H.R. 382: Mr. STENHOLM, Mr. JEFFERSON, Mr. CUMMINGS, and Mr. LUTHER.

H.R. 405: Mr. GILMAN and Mr. EVANS.

H.R. 406: Mr. BAIRD.

H.R. 417: Mr. UNDERWOOD.

H.R. 425: Ms. HOOLEY of Oregon, Mr. QUINN, Mr. RUSH, Mr. NEY, Mr. BROWN of Ohio, and Mr. GUTKNECHT.

H.R. 443: Mr. ENGEL.

H.R. 456: Mr. Dixon.

H.R. 488: Ms. Eshoo.

H.R. 505: Mr. Pastor.

H.R. 517: Ms. Rivers.

H.R. 541: Mr. Holt.

H.R. 544: Mr. Moore and Mr. Thompson of Mississippi.

H.R. 556: Mr. Schaffer.

H.R. 576: Mr. Luther.

H.R. 583: Mr. Camp.

H.R. 584: Mr. Condit.

H.R. 590: Mr. Metcalf.

H.R. 595: Mr. Gilman, Mrs. Meek of Florida, Mrs. Christensen, Mr. Hinojosa, and Mr. Engel.

H.R. 599: Mr. Luther, Mr. Davis of Illinois, and Mr. Gutierrez.

H.R. 601: Mr. Bilbray, Mr. LoBiondo, and Mr. Everett.

H.R. 629: Mr. Frank of Massachusetts, Mr. Barrett of Wisconsin, Ms. DeGette, and Mr. Brown of California.

H.R. 648: Mr. Jones of North Carolina.

H.R. 670: Mr. Jefferson, Mr. Wynn, and Mr. Hoeffel.

H.R. 675: Mr. Udall of Colorado, Mr. Gutierrez, Mr. Brady of Pennsylvania, Mr. Lantos, and Mr. Brown of Ohio.

H.R. 689: Mr. Nethercutt, Mr. Frost, and Mr. Camp.

H.R. 701: Mr. Wise, Mr. Upton, Mr. Pastor, Mr. Gallegly, and Ms. Danner.

H.R. 716: Mr. Moran of Kansas.

H.R. 721: Mrs. McCarthy of New York and Mr. Hilleary.

H.R. 742: Mrs. Lowey and Mr. Olver.

H.R. 760: Mr. Gary Miller of California, Mr. Minge, and Ms. Kilpatrick.

H.R. 765: Mr. Kolbe.

H.R. 777: Mr. Hastings of Florida, Ms. Lee, and Mr. Thompson of Mississippi.

H.R. 785: Ms. Eshoo and Ms. Kilpatrick

H.R. 804: Mr. LaTourette.

H.R. 827: Ms. Woolsey, Mr. Hinchey, and Mr. Shows.

H.R. 838: Mr. Strickland.

H.R. 844: Mr. Bachus, Mr. Portman, Mr. Isakson, Mr. Mascara, Mr. Klink, and Mr. Smith of Washington.

H.R. 854: Mr. Strickland.

H.R. 860: Ms. Lofgren and Mrs. Maloney of New York.

H.R. 864: Mr. Weldon of Pennsylvania, Mr. Terry, Mr. Fletcher, Mrs. Meek of Florida, Mr. Porter, Mr. Peterson of Pennsylvania, Mr. Thomas, Mr. Pascrell, Mr. Smith of New Jersey, Mr. Fattah, Mr. Hunter, Mr. Towns, Ms. Baldwin, Ms. DeLauro, Mr. Shuster, Mr. Talent, Mr. Kildee, and Mr. Hutchinson.

H.R. 883: Mr. Skelton, Mr. Turner, Mr. Jenkins, Mr. Isakson, Mr. Sununu, Mr. Ehrlich, and Mr. Camp.

H.R. 904: Mr. Blumenauer.

H.R. 943: Mr. Davis of Illinois.

H.R. 979: Mr. Boehlert, Mr. Allen, and Mr. Luther.

H.R. 997: Mr. Berman, Mr. Condit, Mrs. McCarthy of New York, Ms. Lofgren, and Mr. Strickland.

H.R. 1044: Mr. Nethercutt, Mr. Green of Wisconsin, Mr. McHugh, and Mr. Barcia.

H.R. 1053: Mr. DeFazio.

H.R. 1080: Mr. Forbes.

H.R. 1083: Mrs. Emerson, Mr. Houghton, Mr. Hutchinson, and Mr. Brady of Texas.

H.R. 1095: Mr. Dixon, Mrs. Meek of Florida, Mr. Metcalf, and Mr. Rangel.

H.R. 1102: Mr. Boehlert, Mr. Talent, Mr. Rahall, Mr. Lewis of Kentucky, and Mr. Gilman.

H.R. 1123: Ms. Velázquez, Mr. Delahunt, and Mr. McGovern.

H.R. 1130: Mr. McNulty and Mr. Rush.

H.R. 1172: Ms. Lee, Mr. Gutierrez, and Mr. Cook.

H.R. 1180: Mr. Towns, Mr. Maloney of Connecticut, Mr. Kildee, Mr. Filner, Mr. Terry, and Ms. Lee.

H.R. 1188: Ms. Eddie Bernice Johnson of Texas.

H.R. 1202: Mr. Borski, Mr. McDermott, Mr. Abercrombie, Mr. Greenwood, Mr. Dicks, and Mr. Davis of Illinois.

H.R. 1216: Mr. Taylor of Mississippi, Mr. Capuano, Mr. McGovern, Mr. Engel, and Ms. Carson.

H.R. 1226: Mr. Olver, Mr. Rahall, Mr. Underwood, Ms. Rivers, Mr. Gejdenson, Mr. Frank of Massachusetts, Mr. Wynn, Mrs. Thurman, Ms. Danner, Mrs. Mink of Hawaii, Mr. Gutierrez, Mr. Kleczka, Ms. Eddie Bernice Johnson of Texas, and Ms. Kilpatrick.

H.R. 1227: Mr. Gutierrez.

H.R. 1256: Mr. King, Mr. Quinn, and Mr. Houghton.

H.R. 1261: Mrs. Kelly, Mr. Deutsch, and Mr. Walden of Oregon.

H.R. 1274: Mr. Lantos, Mrs. Christensen, Mrs. Thurman, Mr. Dixon, Mr. Bonior, Mr. Frost, Mr. Weiner, Mr. English, Mr. Wynn, and Mr. Jefferson.

H.R. 1287: Mr. Ryan of Wisconsin.

H.R. 1292: Mr. Camp and Mr. Frank of Massachusetts.

H.R. 1301: Mr. Ryun of Kansas, Mr. Ortiz, Mrs. Northup, Mr. Holden, and Mr. Weller.

H.R. 1304: Mr. Riley, Ms. Baldwin, Mr. Thompson of Mississippi, Mr. Canady of Florida, Mr. Radanovich, Ms. DeLauro, Mr. Mica, Mr. Pascrell, and Mr. Berman.

H.R. 1333: Mr. Kuykendall, Mr. Sandlin, and Mr. Kucinich.

H.R. 1342: Ms. McCarthy of Missouri, Ms. Velázquez, and Mr. Hall of Ohio.

H.R. 1349: Mr. Weldon of Florida.

H.R. 1350: Mr. DeFazio, Mr. Shays, Mr. Martinez, and Mr. Jackson of Illinois.

H.R. 1355: Mr. Luther, Mr. Baldacci, and Mr. Rothman.

H.R. 1358: Mr. McIntosh.

H.R. 1399: Mr. Underwood, Mr. Pastor, Ms. Eddie Bernice Johnson of Texas, Mr. Green of Texas, Mr. Brown of California, Mr. Weygand, Mr. Filner, Ms. Kilpatrick, and Mr. Ortiz.

H.R. 1443: Mr. Rothman.

H.R. 1477: Mr. Forbes, Ms. Kilpatrick, and Mr. Tierney.

H.R. 1485: Mr. Meehan, Mrs. Christensen, and Mr. Jackson of Illinois.

H.R. 1491: Ms. Kilpatrick.

H.R. 1495: Mr. Strickland.

H.R. 1496: Mr. Smith of Washington, Mr. Gary Miller of California, Mr. Hill of Montana, and Mr. Sweeney.

H.R. 1511: Mr. Sweeney, Mr. Combest, Mr. Sam Johnson of Texas, and Mrs. Emerson.

H.R. 1522: Mr. Peterson of Pennsylvania and Mr. Taylor of North Carolina.

H.R. 1523: Mr. Metcalf, Mr. Graham, and Mr. Gibbons.

H.R. 1524: Mr. Nethercutt, Mr. Schaffer, Mr. Peterson of Pennsylvania Mr. Hill of Montana, Mr. Walden of Oregon, and Mr. Taylor of North Carolina.

H.R. 1536: Mr. Barcia.

H.R. 1592: Mr. Linder, Mr. Hayes, Mr. Thornberry, Mr. Clement, Mr. Stump, Mr. Lewis of Kentucky, Mr. Hulshof, Mr. Turner, and Mr. Chambliss

H.R. 1598: Mr. Wexler.

H.R. 1601: Mr. Graham, Mrs. Cubin, Mr. Bilbray, Mr. Udall of New Mexico, Ms. DeGette, Mr. Holt, Mr. Hastings of Washington, and Mr. Rodriguez.

H.R. 1624: Mr. Rangel, Mr. Nadler, and Mr. Sandlin.

H.R. 1631: Mr. Meeks of New York, Ms. Kilpatrick, Mr. Cummings, and Ms. Lee.

H.R. 1634: Mrs. Kelly, Ms. Pryce of Ohio, Mr. McCrery, Mr. Sessions, Mr. Isakson, Mr. Hilleary, Mr. Wamp, Mr. Royce, Mr. Duncan, Mr. Linder, Mr. John, and Mrs. Emerson.

H.R. 1644: Mr. Baldacci, Mr. Conyers, Mr. Ford, Mr. Kind, Mr. LaTourette, Mr. Taylor of Mississippi, Mr. Traficant, Mr. Towns, Mr. Vento, Mr. Jefferson, Mr. Lantos, Mr. Bishop, Mr. Payne, Mrs. Tauscher, Mr. Lewis of Georgia, Mr. Berry, Mr. DeFazio, Mr. Luther, Mr. Blagojevich, Mr. Clyburn, Mrs. McCarthy of New York, and Mr. Becerra.

H.R. 1645: Mr. Matsui, Mr. Hastings of Florida, and Mr. Inslee.

H.R. 1654: Mr. Brown of California, Mr. Gordon, Mr. Weldon of Florida, Mr. Cook, Mr. Nethercutt, and Mr. Etheridge.

H.R. 1658: Mr. Walden of Oregon, Mr. Wamp, Mr. Canady of Florida, Mrs. Christensen, Mr. King, Mr. Phelps, and Mr. Rahall.

H.R. 1691: Mr. English, Mr. Cook, Mr. Stump, Mr. Taylor of Mississippi, Mrs. Emerson, and Mrs. Morella.

H.R. 1706: Mr. Hilleary.

H.R. 1710: Mr. Baker.

H.R. 1718: Mr. Duncan, Mr. Wamp, and Mr. Jenkins.

H.R. 1750: Mr. Dixon, Mr. Hill of Indiana, Mr. Mollohan, Mr. Murtha, Mr. Neal of Massachusetts, Mr. Taylor of Mississippi, Mr. Wu, Mr. Delahunt, and Mr. Weiner.

H.J. Res. 9: Mr. Hilleary and Mr. Castle.

H.J. Res. 25: Mr. Gonzalez and Mr. Goodlatte.

H.J. Res. 33: Mr. Armey.

H.J. Res. 47: Mr. Udall of Colorado, Mr. Green of Wisconsin, Ms. Kilpatrick, and Mr. Brown of Ohio.

H. Con. Res. 8: Mr. Tauzin.

H. Con. Res. 34: Mr. Dicks, Mr. Smith of Washington, and Mr. Rush.

H. Con. Res. 60: Mr. Moran of Virginia, Mrs. Meek of Florida, Ms. Velázquez, Mr. Tierney, Ms. DeLauro, and Mr. Gejdenson.

H. Con. Res. 87: Mr. Vento, Mr. Waxman, Mr. George Miller of California, Mr. Pallone, Mr. Istook, Ms. Eddie Bernice Johnson of Texas, Mr. Inslee, Mr. Lucas of Oklahoma, and Mr. Ackerman.

H. Con. Res. 99: Mr. Rohrabacher, Mr. McHugh, Mrs. Myrick, and Mr. Coburn.

H. Res. 161: Mr. Smith of New Jersey, Mr. Lantos, Mr. Gallegly, Mr. Crowley, Mr. Rohrabacher, Mr. McGovern, Mr. Blagojevich, Mr. Hastings of Florida, Mr. Faleomavaega, Mr. Campbell, Mr. Cooksey, Mr. Hutchinson, and Mr. Pickering.

DELETION OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1342: Mr. Ryun of Kansas.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 883

Offered By: Mr. Young of Alaska

Amendment No. 1: On page 9, line 12, strike "2000" and insert instead "2003."

SENATE—*Thursday, May 13, 1999*

The Senate met at 9:30 a.m. and was alled to order by the President pro empore [Mr. THURMOND].

The PRESIDENT pro tempore. To- lay's prayer will be offered by our uest Chaplain, Pastor Lonnie Shull, First Baptist Church, West Columbia, SC.

We are very pleased to have you with s.

PRAYER

The guest Chaplain, Pastor Lonnie Shull, First Baptist Church, West Co- umbia, SC, offered the following pray- r:

God be merciful to us, and bless us; ause Your face to shine upon us.—Psalm 67:1. Gracious Father, we praise You today. You have blessed America, nd we are so thankful. You have made s the greatest Nation on Earth. Ac- ept, O Father, our sincere gratitude. May we be a gracious demonstration of he freedom and opportunity, right- ousness and justice, You desire for all ations.

I pray that You will empower our Senators with Your wisdom. Give hem, I pray, a divine vision for the United States of America. May they be iven double portions of courage, hon- sty, and humility as Your dedicated ervants. Save us, I pray, from the en- mies who would destroy us. Deliver us rom internal strife, selfish arrogance, nd moral disintegration.

Today, we especially pray for those who serve this Nation in our Armed Forces overseas. Keep them safe in Your loving care and bring them safely ack to their homeland soon. Help us o reach out in love to our fellow citi- ens whose lives have been devastated y violence and by storms.

O God, please bless America and keep er true as You have kept her free. We sk these things in the name and the uthority of the Prince of peace. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The ble chairman of the Judiciary Com- ittee is recognized.

Mr. HATCH. I thank the Chair.

SCHEDULE

Mr. HATCH. This morning the Sen- te will resume consideration of the ju- enile justice legislation. Pending is he Hatch-Leahy amendment with a ote to take place at approximately 40 a.m. Following the disposition of he Hatch-Leahy amendment, Senator OLLINGS will resume debate of his television violence amendment with 2 hours of debate remaining on the amendment, with the time for a vote to be determined. It is hoped that significant progress can continue to be made on this important legislation. Therefore, Senators can expect votes throughout today's session of the Senate.

I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. CRAPO). Under the previous order, the leadership time is reserved.

VIOLENT AND REPEAT JUVENILE OFFENDER ACCOUNTABILITY AND REHABILITATION ACT OF 1999

The PRESIDING OFFICER. The Senate will now resume consideration of S. 254 which the clerk will report.

The legislative assistant read as follows:

A bill (S. 254) to reduce violent juvenile crime, promote accountability by rehabilitation of juvenile individuals, punish and deter violent gang crimes, and for other purposes.

Pending:

Hatch-Leahy amendment No. 335, relating to the availability of Internet filtering and screening software.

Hollings amendment No. 328, to amend the Communications Act of 1934 to require that the broadcast of violent video programming be limited to hours when children are not reasonably likely to comprise a substantial portion of the audience.

Mr. President, I ask unanimous consent to add Senator MCCAIN as a cosponsor of the Hatch-Leahy amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask unanimous consent to have my full 5 minutes as previously reserved.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LEAHY. Mr. President, the Hatch-Leahy amendment is a good one. I hope everybody will support it. I have talked for years about empowering users of the Internet to control and limit access to material they did not want to see and that could be found on line. This could be any type of material. Parents may not want their children buying things. There may be obscene material. It could be types of sites parents are against.

We also know there is a lot of amazing and wonderful material on the Internet. While I oppose efforts in Congress to regulate content of the Internet, I do want to make sure children can be protected, that parents have the ability to do that, and this gives them a chance to do it.

I have always believed the power to control what people see belongs to the users and the parents, not the Government. The amendment the chairman and I offer requires large on-line service providers to offer their subscribers filtering software and systems to stop objectionable materials from reaching their computer screens. I am supportive of voluntary industry efforts to come together and provide Internet users with one-click-away information resources on how to protect children when they go on line. Senator CAMPBELL and I joined Vice President Gore at the White House last week to hear about this one-click-away amendment. Our amendment helps promote the use of filtering technologies. It is better than Government censorship. It is a fall-back provision, if the companies do not do it themselves.

NOTE FROM SENATOR SASSER

Mr. LEAHY. Mr. President, I wonder if my distinguished friend from Utah will indulge me. I ask unanimous consent for 1 minute to read a note that I just received from our former colleague, Senator Sasser.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, many of us served here with Jim Sasser, the very distinguished former chairman of the Budget Committee, now our Ambassador to China at a very difficult time.

We have seen the photographs of Ambassador Sasser under siege in the Chinese Embassy. I faxed him a note the other day, saying how proud I was, and I mentioned the comments of many Senators saying how proud they were, of his grace under fire and the fact that he would not leave the American Embassy that is under siege. When there were Embassy staff there, in the true and best tradition of the State Department and the Senate and the Marine

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Corps and everything else, he said he would stay until it was safe. So I faxed him this note.

This morning I got back this note from him, and I will read it for my colleagues. It is handwritten. It says:

> Dear Pat: My sincere thanks for your wonderful note. Please tell all my former colleagues that Mary and I are well and safe. Things have stabilized after a turbulent few days. Last night I got a good night's sleep in a real bed. All the best, Jim.

I just wanted everybody to hear that. I thank my friend from Utah.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I am glad my friend from Vermont read that letter. I visited with Senator Sasser a couple of years ago over there. He is doing a very good job in China.

VIOLENT AND REPEAT JUVENILE OFFENDER ACCOUNTABILITY AND REHABILITATION ACT OF 1999

The Senate continued with the consideration of the bill.

Mr. HATCH. Mr. President, I strongly urge my colleagues to support this Hatch-Leahy amendment, which is aimed at limiting the negative impact violence and indecent material on the Internet have on children.

As I noted last evening, this amendment does not regulate the content. Instead, it encourages the larger Internet service providers, the ISPs, if you will, to provide, either for free or at a fee not exceeding the cost to the service providers, filtering technologies that will empower parents to limit or block the access of minors to unsuitable materials on the Internet. We simply cannot ignore the fact that the Internet has the ability to expose children to violent, sexually explicit, and other inappropriate materials with no limits.

A recent Time/CNN poll found that 75 percent of teenagers from 13 to 17 believe the Internet is partly responsible for the crimes that occurred in Littleton, CO, at Columbine High School. The amendment respects the first amendment of the Constitution by not regulating content but ensures that parents will have the adequate technological tools to control access of their children to unsuitable material on the Internet.

I honestly believe that the Internet service providers that do not already provide filtering software to their subscribers will do so voluntarily. They will know it is in their best interests, and I believe the market will demand it.

A recent survey reported in the New York Times yesterday found that almost a third of on-line American households with children use blocking software.

In a study by the Annenberg Public Policy Center of the University of Pennsylvania, 60 percent of parents said they disagreed with the statement that the Internet was a safe place for their children. According to yesterday's New York Times, after the shootings in Colorado, the demand for filtering technologies has dramatically increased. This indicates that parents are taking an active role in safeguarding their children on the Internet. That is what this amendment is all about—using technology to empower parents.

I urge my colleagues to support the amendment, and I yield the floor and hope we can go to a vote.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to amendment No. 335. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 113 Leg.]

YEAS—100

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

The amendment (No. 335) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. HATCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. SANTORUM). Under the previous order, the Senator from Nevada, Mr. BRYAN, is recognized for up to 12 minutes for a morning business statement.

The Senator from Nevada.

DANGERS OF NUCLEAR WASTE TRANSPORTATION

Mr. BRYAN. Mr. President, next Sunday and Monday, NBC is scheduled to air a miniseries entitled "Atomic Train." The plot of this movie includes a runaway train carrying nuclear weapons and high-level nuclear waste causing a massive accident and catastrophe in Denver.

The movie is obviously fiction. Let me just tell you how the network initially described the scenario:

> A runaway train carrying armed nuclear weapons and deadly nuclear waste suddenly careens out of control down the Rocky Mountains.

All of this made the nuclear power industry very nervous, because although the scenario is fictional, much of what is depicted, in part, is a scenario that is entirely possible, given the proposed legislation I will describe that this Congress is considering.

Earlier this week, just days before this was to air, all of a sudden NBC changes the story line of the television miniseries, and now we have:

> A runaway train carrying a Russian atomic weapon and hazardous materials, suddenly careening out of control.

All reference to high-level nuclear waste is dropped. The Nuclear Energy Institute, which is the lobbying arm of the atomic energy lobby, was forced to go into high gear. They sent out what they called an "Info Wire." They were very concerned. They say, in effect:

> NEI, in consultation with industry communicators and representatives of the U.S. Department of Energy and the American Association of Railroads, has adopted a containment strategy for the upcoming movie. We do not want to do anything to provide additional publicity for this movie prior to the airing. The containment strategy is not a passive one, in that it envisions an aggressive effort prior to the broadcast.

It is the belief of this Senator that indeed it was a very aggressive effort, and the Nuclear Energy Institute put pressure on the network to drop all references to dangerous high-level nuclear waste. The last thing this industry wants the American people to understand is that legislation which has been supported in previous Congresses, and in this Congress, would result in the shipment of 77,000 metric tons of high-level nuclear waste within a mile or less of a total population of 50 million residing in 43 States.

The blue lines depict rails, and indeed there is a transportation corridor going through the State of Colorado, as well as others.

So why did NBC do an "el foldo"? NBC is owned by General Electric and, surprise, General Electric has a nuclear division, and one of its senior officers is a member of the board of directors of NEI.

I acknowledge it is a fictional scenario. But what is very real is that in point of fact the proposal is to transport high-level nuclear waste through all these rail corridors that are depicted on this map. That is not fictional. That is real.

It is, in fact, real that high-level nuclear waste is deadly, as NBC first described it. In fact, it is deadly for tens of thousands of years. In point of fact, as we know, every year there are thousands of train accidents in America. A runaway train is not a fictional scenario. That is something that occurs, sadly, from time to time. It is not a fictional scenario for a train and an automobile or a truck to collide at an at-grade crossing. That occurred tragically earlier this year in Illinois. It is not fictional for trains to be derailed.

The last thing this industry wants the American people to know and to understand is that, indeed, the shipment of high-level nuclear waste, proposed to be sent to a temporary—allegedly temporary—storage area in my own State, at the Nevada Test Site, is a scenario that would involve the transshipment of 77,000 metric tons of high-level nuclear waste, with all of the risks that are inherent therein.

What is even more outrageous is that it is totally unnecessary. The Nuclear Waste Technical Review Board tells us it is unnecessary. The Department of Energy has indicated it is unnecessary. The President has indicated he would veto such legislation. All the risks depicted in this scenario with high-level nuclear wastes could be a reality if there was a tragic train accident and, indeed, the canisters were compromised and high-level nuclear waste was scattered along the route.

I think this is a very dangerous proposal. I think the fact the network would cave in is equally dangerous, because the American people have a right to know what is being proposed. In Nevada, we understand the risk. Sadly, there are hundreds of millions of Americans in this country who are not familiar with the nuclear industry's proposal to make their backyards the corridor by which high-level nuclear waste s to pass.

I must say, with tongue in cheek, if this is to be the standard, one might contemplate that the cruise line industry might have put pressure upon the producers of "Titanic": Please do not make any reference to the fact that the hip is sinking. This may be bad for business. Or the producers of "Planet Of The Apes" might have been subected to pressure from PETA, People or the Ethical Treatment of Animals, aying: Look, we object to the way in which these apes are being treated in he film; please make changes. Or if ome of the advocates of my own State pproached the producers of "Casino" nd said: Look, we don't want you to make any references to "Casino" in his story line; please delete that.

In my judgment, the circumstantial vidence is powerful here. The descripion I have given, namely of deadly nulear waste, was the network's own decription just days ago. The NEI goes nto a full court press, what they call a ontainment strategy—what we all now is damage control—and, miracuously, days before this miniseries is scheduled to air, the story line is changed and all references to deadly nuclear waste are deleted.

I hope the American people will not be misled, that they will understand the risks that affect them and their neighborhoods. Mr. President, 43 different States are affected in this scenario. This map I have here depicts essentially the States. Because, by their nature, highway corridors and rail corridors connect the major metropolitan communities of our country, this high-level nuclear waste would in fact go through major cities in America. That fact is largely unknown.

Last year, I had occasion to travel with my senior colleague to the two communities of Denver and St. Louis, and to share with those communities the risks that are involved. Most people in the community did not have any understanding that this scenario is not fictional and far-fetched but, indeed, it is contemplated that those shipments will occur.

I regret NBC felt it was necessary to respond to the pressure of the nuclear power industry. Having been involved in this battle for the last 17 years, I am not unmindful of what a powerful force they are, not only in Washington but around the country. They have every right to advocate their point of view. As to their concern that somehow their industry would be exposed for what it is, a high-risk industry that threatens the health and safety of many Americans with this ill-conceived and unnecessary plan to ship nuclear waste to a temporary nuclear waste facility in my own State, at least this movie would have made the public aware that high-level nuclear waste is dangerous, to use the description NBC initially gave; that it was indeed going to pass through major cities such as Denver; and that indeed the health and safety of citizens of those communities and many others across the country could be compromised.

Mr. President, I yield the floor and the remainder of my time.

VIOLENT AND REPEAT JUVENILE OFFENDER ACCOUNTABILITY AND REHABILITATION ACT OF 1999

The Senate continued with the consideration of the bill.

AMENDMENT NO. 328

The PRESIDING OFFICER. Under the previous order, the Senate resumes consideration of the HOLLINGS amendment, No. 328, for the remaining 2 hours of debate, which is to be equally divided in the usual form. Who yields time?

The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I yield such time as I may consume.

The PRESIDING OFFICER. The Senator is recognized.

Mr. HOLLINGS. I thank the distinguished Chair.

Mr. President, this amendment is nothing more than reinstituting the family hour or the family viewing period. We had it during the seventies, but we set it aside, just like the distinguished Senator from Nevada was talking about with respect to censoring and making sure these producers and broadcasters don't interfere with the creative impulses of a writer or a producer in Hollywood. But when it comes to the bottom line, they change that around. That is what we have, and it is very, very difficult to make an overwhelming case.

We are again facing the same stonewalling that we viewed Sunday on "Meet the Press," when the representative of the Motion Picture Association, who has been doing this for 30-some years, said he did not know the effect of TV violence on children and asked for another study. We pointed out, of course, that is the way we started with Senator Pastore, back in 1969, 30 years ago, and that is when we had the Surgeon General's study. It has become worse and worse and worse over the years.

Again this morning, in the Washington Post, an article says: "Movie Mogul Defends Hollywood." Mr. Edgar Bronfman states:

> Violence "is not an entertainment problem". . . .

Mr. President, all we have to do is go to the May 3 issue of Newsweek. I ask unanimous consent to print the article, "Loitering on the Dark Side" in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LOITERING ON THE DARK SIDE—THE COLUMBINE HIGH KILLERS FED ON A CULTURE OF VIOLENCE THAT ISN'T ABOUT TO CHANGE

(By Steven Levy)

Now for the recriminations. Was the Colorado tragedy a legacy of our technoculture: Doom, "Natural Born Killers," hate-amplifying Web sites and pipe-bomb plans from the Net? Or simply two teenage killers' ability to collect enough ordnance to sustain a small army? Gathering the potential culprits seems less an exercise in fixing liability than tossing random darts at the violence-fixated cultural landscape. After the massacre, there were calls to cancel two upcoming Denver events: a Marilyn Manson concert and the NRA's annual convention. Guilt has to be spread pretty widely to make bedfellows of the androgynous Goth crooner and Charlton Heston.

Still, we've got to look for answers to prevent further massacres, if not to clear up the mystery in Littleton. The Internet has been getting heat not only as a host for some of the sick enthusiasms of the Trenchcoat Mafia, but as a potential source of explosive information. Defenders of the New rightfully note that criticizing the reach of the increasingly pervasive Web is like blaming paper for bad poetry. Still, it's undeniable that cyberspace offers unlimited opportunity to network with otherwise unreachable creepy people. What's worse is how the Net makes it easy to succumb to the temptation to post anything—even Ubermensch song lyrics or murderous threats—without the sure sanctions that would come if you tried that in your geographical community. The Internet credo is empowerment, and unfortunately that also applies to troubled teens sticking their toes into the foul water of hatemongering. As parents are learning, the Net's easy accessibility to the netherworlds is a challenge that calls, at the least, for a measure of vigilance.

Hollywood is also a fat target. From Oliver Stone's lyric depiction of random murder (rabidly viewed by the Columbine killers) to stylish slaughter in "The Matrix," violence is the main cource on our entertainment menu. We are a nation that comfortably embraces Tony Soprano, a basic-values type of guy who not only orders hits but himself performs the occasional whacking. The industry's defense is summarized by Doug Richardson, who's scripted "Die Hard II" and "Money Train." "If I were to accept the premise that the media culture is responsible," he says, "then I would be surprised that the thousands of violent images we see don't inspire more acts of violence." In other words, the sheer volume of carnage is proof of its harmlessness.

Mr. HOLLINGS. It says:

> Hollywood is also a fat target. Oliver Stone's lyric depiction of random murder (rabidly viewed by the Columbine killers) to stylish slaughter in "The Matrix," violence is the main course on our entertainment menu.

I ask unanimous consent that a Time magazine article, again this month, entitled "Bang, You're Dead," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Bang, You're Dead

REVENGE FANTASIES ARE PROLIFERATING IN MOVIES AND ON TV. BUT SHOULD THEY BE BLAMED FOR LITTLETON?

(By Richard Corliss)

The young and the older always eye one another across a gaping chasm. Gray heads shake in perplexity, even in a week of mourning, even over the mildest expressions of teen taste. Fashion, for example. Here are these nice kids from suburban Denver, heroically documenting the tragedy for TV, and they all seem to belong to the Church of Wearing Your Cap Backward. A day later, as the teens grieve en masse, oldsters ask, "when we were kids, would we have worn sweats and jeans to a memorial service for our friends?" And of course the trench-coat killers had their own distinctive clothing: Johnny Cash by way of Quentin Tarantino. Should we blame the Columbine massacre on haberdashery?

No, but many Americans want to pin the blame for this and other agonizing splatter fests on pop culture. Adults look at the revenge fantasies their kids see in the 'plexes, listen (finally) to the more extreme music, glance over their kids' shoulders at Druid websites and think, "Seems repulsive to me. Maybe pop culture pulled the trigger."

Who wouldn't want to blame self-proclaimed Antichrist superstar Marilyn Mason? Listen to Lunchbox, and get the creeps: "The big bully try to stick his finger in my chest/ Try to tell me, tell me he's the best/ But I don't really give a good goddamn cause/ I got my lunchbox and I'm armed real well / Next motherf***** gonna get my metal/ . . . Pow pow pow." Not quite Stardust.

Sift through teen movies of the past 10 years, and you could create a hindsight game plan for Littleton. Peruse Heathers (1989), in which a charming sociopath engineers the death of jocks and princesses. Study carefully, as one of the Columbine murderers reportedly did, Natural Born Killers (1994), in which two crazy kids cut a carnage swath through the Southwest as the media ferociously dog their trail. Sample The Basketball Diaries (1995), in which druggy high schooler Leonardo DiCaprio daydreams of strutting into his homeroom in a long black coat and gunning down his hated teacher and half the kids. The Rage: Carrie 2 (now in theaters) has jocks viciously taunting outsiders until one girl kills herself by jumping off the high school roof and another wreaks righteous revenge by using her telekinetic powers to pulverize a couple dozen kids.

Grownups can act out revenge fantasies too. In Payback, Mel Gibson dishes it out (pulls a ring out of a punk's nose, shoots his rival's face off through a pillow) and takes it (gets punched, switch-bladed, shot and, ick, toe-hammered). The Matrix, the first 1999 film to hit $100 million at the box office, has more kung fu than gun fu but still brandishes an arsenal of firepower in its tale of outsiders against the Internet droids.

In Littleton's wake, the culture industry has gone cautious. CBS pulled an episode of Promised Land because of a plot about a shooting in front of a Denver school. The WB has postponed a Buffy the Vampire Slayer episode with a schoolyard-massacre motif. Movie-studio honchos, who furiously resist labeling some serious adult films FOR ADULTS ONLY, went mum last week when asked to comment on any connection between violent movies and violent teen behavior. That leaves us to explain things.

Revenge dramas are as old as Medea (she tore her sons to pieces), as hallowed as Hamlet (seven murders), as familiar as The Godfather. High drama is about the conflict between shades of good and evil, often within the same person. But it's easier to dream up a scenario of slavering evil and imperishable good. This is the moral and commercial equation of melodrama: the greater the outrage suffered, the greater the justification for revenge. You grind me down at first; I grind you up at last. This time it's personal.

Fifty years ago, movies were homogenous, meant to appeal to the whole family. Now pop culture has been Balkanized: it is full of niches, with different groups watching and playing their own things. And big movies, the ones that grab $20 million on their first weekend, are guy stuff. Young males consume violent movies, in part, for the same reason they groove to outlaw music: because their parents can't understand it—or stand it. To kids, an R rating for violence is like the Parental Advisory on CDs: a Good Housebreaking Seal of Approval.

The cultural gap, though, is not just between old and young. It is between the haves and the self-perceived have-nots of teen America. Recent teen films, whether romance or horror, are really about class warfare. In each movie, the cafeteria is like a tiny former Yugoslavia, with each clique its own faction: the Serbian jocks, Bosnian bikers, Kosovar rebels, etc. And the horror movies are a microcosm of ethnic cleansing.

Movies may glamorize mayhem while serving as a fantasy safety valve. A steady diet of megaviolence may coarsen the young psyche—but some films may instruct it. Heathers and Natural Born Killers are crystal-clear satires on psychopathy, and The Basketball Diaries is a mordant portrait of drug addiction. Payback is a grimly synoptic parody of all gangster films. In three weeks, 15 million people have seen The Matrix and not gone berserk. And Carrie 2 is a crappy remake of a 1976 hit that led to no murders.

Mr. HOLLINGS. Reading one sentence:

> Sift through teen movies of the past 10 years, and you could create a hindsight game plan for Littleton.

Another interesting article, "Gunning for Hollywood," appeared in U.S. News & World Report on May 10. I ask unanimous consent that the column by John Leo be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Gunning for Hollywood

(By John Leo)

Every time a disaster like the Colorado massacre occurs, Democrats want to focus on guns and Republicans want to talk about popular culture. Much of this comes from actual conviction, but economic interest often disguises itself as principle. The Republicans can't say much about the gun lobby, because they accept too much of its money. The Democrats can't talk about Hollywood and the rest of the entertainment industry, because that's where so much of their funding comes from.

The gun and entertainment executives tend to patrol the same familiar borders. Charlton Heston, head of the National Rifle Association, offered some dubious arguments: An armed guard at Columbine High School would have saved lives; legalizing concealed weapons tends to lower crime rates. Gerald Levin, the equally adamant head of Time Warner, said he feared "a new season of political opportunism and moral arrogance intended to scapegoat the media." He raised the specter of censorship, noting that Oliver Cromwell, "the spiritual forebear of Rev. Falwell," shut down the theaters of 17th-century England on moral grounds.

Surely we can do better than this. We can talk about the importance of gun control, and we can talk about the impact on behavior of violence portrayed in the media without suggesting that censorship is any kind of solution.

This time around, a center of sorts seems to be forming. Bill Bennett and Sen. Joseph Lieberman, familiar social conservative voices on this issue, have been joined by Sens. John McCain and Sam Brownback and, it seems, by the Clintons and the Gores. Tipper Gore said that the entertainment media bear some responsibility for the killings in Colorado. In a radio address, President Clinton urged parents to "refuse to buy products" which glorify violence."

If more Republicans will talk about guns, maybe more Democrats will ask their favorite media moguls to start thinking harder about the social impact of the many awful products they dump on the market.

"We want to appeal to their sense of responsibility and citizenship and ask them to look beyond the bottom line," said Lieberman. There is talk of some sort of "summit meeting" on violence. McCain plans a hearing this week on how violence is marketed to children. For the long term, we need a campaign appealing to pride and accountability among media executives. Shame, too, says Lieberman.

Pointless violence is an obvious topic. In the dreadful Mel Gibson movie Payback, a nose ring is yanked off, bringing some of the nose with it. A penis is pulled off in the new alleged comedy Idle Hands. Worse are the apparent connections between screen and real-world violence. Michael Carneal's shooting rampage in a Kentucky school was similar to one in a movie he saw, The Basketball Diaries. In the film, the main character dreams of breaking down a classroom door and shooting six classmates and a teacher while other students cheer. In Manhattan in 1997, one of the men who stomped a parade watcher to death on St. Patrick's Day finished with a line almost exactly like the one uttered by a killer in the movie A Bronx Tale: "Look at me—I'm the one who did this to you."

A damaging kind of movie violence is currently on display in a very good new movie, The Matrix. Keanu Reeves's slaughter of his enemies is filmed as a beautiful ballet. Thousands of shells fall like snow from his helicopter and bounce in romantic slo-mo off walls and across marble floors. The whole scene makes gunning people down seem like a wonderfully satisfying hobby, as if a brilliant ad agency had just landed the violence account. What you glorify you tend to get more of. Somebody at the studio should have asked, "Do we really need more romance attached to the act of blowing people away?"

Sadism for the masses. A generation or two ago, movie violence was routinely depicted as a last resort. There were exceptions, of course. But violence was typically something a hero was forced to do, not something he enjoyed. He had no choice. Now, as the critic Mark Crispin Miller once wrote, screen violence "is used primarily to invite the viewer to enjoy the feel of killing, beating, mutilating."

We are inside the mind and emotions of the shooter, experiencing the excitement. This is violence not as a last resort but as deeply satisfying lifestyle. And those who use films purely to exploit and promote the lifestyle ought to be called on it.

Some years ago, Cardinal Roger Mahony, Roman Catholic archbishop of Los Angeles, was thought to be preparing a speech calling for a tough new film-rating code. Hollywood prepared itself to be appalled. But instead of calling for a code, the cardinal issued a pastoral letter defending artistic freedom and appealed to moviemakers to think more about how to handle screen violence. When violence is portrayed, he wrote, "Do we feel the pain and dehumanization it causes to the person on the receiving end, and to the person who engages in it? . . . Does the film cater to the aggressive and violent impulses that lie hidden in every human heart? Is there danger its viewers will be desensitized to the horror of violence by seeing it?"

Good questions. Think about it, Hollywood.

Mr. HOLLINGS. Mr. President, Mr. Leo's column cites that TV violence as a definite effect on children.

Turning to the New Republic of May 7, Gregg Easterbrook in the New Reublic wrote another relevant article ntitled, "Watch and Learn." I ask nanimous consent that this article be rinted in the RECORD.

There being no objection, the article as ordered to be printed in the RECORD, as follows:

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Section: Pg. 22.
Length: 3724 words.
Headline: Watch and Learn.
Byline: Gregg Easterbrook.
Highlight: Yes, the media do make us more olent.

Body: Millions of teens have seen the 1996 move Scream, a box-office and home-rental hit. Critics adored the film. The Washington Post declared that it "deftly mixes irony, self-reference, and social wry commentary." The Los Angeles Times hailed it as "a bravura, provocative send-up." Scream opens with a scene in which a teenage girl is forced to watch her jock boyfriend tortured and then disemboweled by two fellow students who, it will eventually be learned, want revenge on anyone from high school who crossed them. After jock boy's stomach is shown cut open and he dies screaming, the killers stab and torture the girl, then cut her throat and hang her body from a tree so that Mom can discover it when she drives up. A dozen students and teachers are graphically butchered in the film, while the characters make running jokes about murder. At one point, a boy tells a big-breasted friend she'd better be careful because the stacked girls always get it in horror films; in the next scene, she's grabbed, stabbed through the breasts, and murdered. Some provocative send-up, huh? The move builds to a finale in which one of the killers announces that he and his accomplice started off by murdering strangers but then realized it was a lot of more fun to kill their friends.

Now that two Colorado high schoolers have murdered twelve classmates and a teacher—often, it appears, first taunting their pleading victims, just like celebrity stars do in the movies!—some commentators have dismissed the role of violence in the images shown to the young, pointing out that horrific acts by children existed before celluloid or the phosphor screen. That is true—the Leopold-Loeb murder of 1924, for example. But mass murders by the young, once phenomenally rare, are suddenly on the increase. Can it be coincidence that this increase is happening at the same time that Hollywood has begun to market the notion that mass murder is fun?

For, in cinema's never-ending quest to up the ante on violence, murder as sport is the latest frontier. Slasher flicks began this trend; most portray carnage from the killer's point of view, showing the victim cowering, begging, screaming as the blade goes in, treating each death as a moment of festivity for the killer. (Many killers seek feelings of power over their victims, criminology finds; by revealing in the pleas of victims, slasher movies promote this base emotion.) The 1994 movie Natural Born Killers depicted slaying the helpless not only as a way to have a grand time but also as a way to become a celebrity; several dozen onscreen murders are shown in that film, along with a discussion of how great it makes you feel to just pick people out at random and kill them. The 1994 movie Pulp Fiction presented hit men as glamour figures having loads of interesting fun; the actors were mainstream stars like John Travolta. The 1995 movie Seven, starring Brad Pitt, portrayed a sort of contest to murder in unusually grotesque ways. (Screenwriters now actually discuss, and critics comment on, which film's killings are most amusing.) The 1995 movie The Basketball Diaries contains an extended dream sequence in which the title character, played by teen heartthrob Leonardo DiCaprio, methodically guns down whimpering, pleading classmates at his high school. A rock soundtrack pulses, and the character smiles as he kills.

The new hollywood tack of portraying random murder as a form of recreation does not come from schlock-houses. Disney's Miramax division, the same mainstream studio that produced Shakespeare in Love, is responsible for Scream and Pulp Fiction. Time-Warner is to blame for Natural Born Killers and actually ran television ads promoting this film as "delirious, daredevil fun." (After it was criticized for calling murder "fun," Time-Warner tried to justify Killers as social commentary; if you believe that, you believe Godzilla was really about biodiversity protection.) Praise and publicity for gratuitously violent movies come from the big media conglomerates, including the newspapers and networks that profit from advertising for films that glorify murder. Disney, now one of the leading promoters of violent images in American culture, even feels that what little kids need is more violence. Its Christmas 1998 children's movie Mighty Joe Young begins with an eight-year-old girl watching her mother being murdered. By the movie's end, it is 20 years later, and the killer has returned to stalk the grown daughter, pointing a gun in her face and announcing, "Now join your mother in hell." A Disney movie.

One reason Hollywood keeps reaching for ever-more-obscene levels of killing is that it must compete with television, which today routinely airs the kind of violence once considered shocking in theaters. According to studies conducted at Temple University, prime-time network (non-news) shows now average up to five violent acts per hour. *In February, NBC ran in prime time the movie Eraser, not editing out an extremely graphic scene in which a killer pulls a gun on a bystander and blasts away.* The latest TV movie based on The Rockford Files, which aired on CBS the night of the Colorado murders, opened with a scene of an eleven-year-old girl in short-shorts being stalked by a man in a black hood, grabbed, and dragged off, screaming. The Rockford Files is a comedy. Combining television and movies, the typical American boy or girl, studies find, will observe a stunning 40,000 dramatizations of killing by age 18.

In the days after the Colorado slaughter, discussion of violent images in American culture was dominated by the canned positions of the anti-Hollywood right and the mammon-is-our-God film lobby. The debate missed three vital points: the distinction between what adults should be allowed to see (anything) and what the inchoate minds of children and adolescents should see; the way in which important liberal battles to win free expression in art and literature have been perverted into an excuse for antisocial video brutality produced by cynical capitalists; and the difference between censorship and voluntary acts of responsibility.

The day after the Colorado shooting, Mike De Luca, an executive of New Line Cinema, maker of The Basketball Diaries, told USA Today that, when kids kill, "bad home life, bad parenting, having guns in the home" are "more of a factor than what we put out there for entertainment." Setting aside the disclosure that Hollywood now categorizes scenes of movies stars gunning down the innocent as "entertainment," De Luca is correct: studies do show that upbringing is more determinant of violent behavior than any other factor. But research also clearly shows that the viewing of violence can cause aggression and crime. So the question is, in a society already plagued by poor parenting and unlimited gun sales, why does the entertainment industry feel privileged to make violence even more prevalent?

Even when researchers factor out other influences such as parental attention, many peer-reviewed studies having found causal links between viewing phony violence and engaging in actual violence. A 1971 surgeon general's report asserted a broad relationship between the two. Studies by Brandon Centerwall, an epidemiologist at the University of Wisconsin, have shown that the postwar murder rise in the United States began roughly a decade after TV viewing became common. Centerwall also found that, in South Africa, where television was not generally available until 1975, national murder rates started rising about a decade later. Violent computer games have not existed long enough to be the subject of many controlled studies, but experts expect it will be shown that playing such games in youth also correlates with destructive behavior. There's an eerie likelihood that violent movies and violent games amplify one another, the film and television images placing thoughts of carnage into the psyche while the games condition the trigger finger to act on those impulses.

Leonard Eron, a psychologist at the University of Michigan, has been tracking video violence and actual violence for almost four decades. His initial studies, in 1960, found that even the occasional violence depicted in 1950s television—to which every parent would gladly return today—caused increased aggression among eight-year-olds. By the adult years, Erons' studies find, those who watched the most TV and movies in childhood were much more likely to have been arrested for, or convicted of, violent felonies. Eron believes that ten percent of U.S. violent crime is caused by exposure to images of violence, meaning that 90 percent is not but that a ten percent national reduction in violence might be achieved merely by moderating the content of television and movies. "Kids learn by observation," Eron says. "If what they observe is violent, that's what they learn." To cite a minor but telling example, the introduction of vulgar language into American public discourse traces, Eron thinks, largely to the point at which stars like Clark Gable began to swear onscreen, and kids then imitated swearing as normative.

Defenders of bloodshed in film, television, and writing often argue that depictions of killing don't incite real violence because no one is really affected by what they see or read; it's all just water off a duck's back. At heart, this is an argument against free expression. The whole reason to have a First Amendment is that people are influenced by what they see and hear: words and images do change minds, so there must be free competition among them. If what we say, write, or show has no consequences, why bother to have free speech?

Defenders of Hollywood bloodshed also employ the argument that, since millions of people watch screen mayhem and shrug, feigned violence has no causal relation to actual violence. After a horrific 1992 case in which a British gang acted out a scene from the slasher movie Child's Play 3, torturing a girl to death as the movie had shown, the novelist Martin Amis wrote dismissively in The New Yorker that he had rented Child's Play 3 and watched the film, and it hadn't made him want to kill anyone, so what was the problem? But Amis isn't homicidal or unbalanced. For those on the psychological borderline, the calculus is different. There have, for example, been at least two instances of real-world shootings in which the guilty imitated scenes in Natural Born Killers.

Most telling, Amis wasn't affected by watching a slasher movie because Amis is not young. Except for the unbalanced, *exposure to violence in video "is not so important for adults; adults can watch anything they want," Eron says. Younger minds are a different story. Children who don't yet understand the difference between illusion and reality may be highly affected by video violence. Between the ages of two and eight, hours of viewing violent TV programs and movies correlates closely to felonies later in life;* the child comes to see hitting, stabbing, and shooting as normative acts. The link between watching violence and engaging in violence continues up to about the age of 19, Eron finds, after which most people's characters have been formed, and video mayhem no longer correlates to destructive behavior.

Trends in gun availability do not appear to explain the murder rise that has coincided with television and violent films. Research by John Lott Jr., of the University of Chicago Law School, shows that the percentage of homes with guns has changed little throughout the postwar era. What appears to have changed is the willingness of people to fire their guns at one another. Are adolescents now willing to use guns because violent images make killing seem acceptable or even cool? Following the Colorado slaughter, The New York Times ran a recounting of other postwar mass murders staged by the young, such as the 1966 Texas tower killings, and noted that they all happened before the advent of the Internet or shock rock, which seemed to the Times to absolve the modern media. But *all the mass killings by the young occurred after 1950—after it became common to watch violence on television.*

When horrific murders occur, the film and television industries routinely attempt to transfer criticism to the weapons used. Just after the Colorado shootings, for instance, TV talk-show host Rosie O'Donnell called for a constitutional amendment banning all firearms. How strange that O'Donnell didn't call instead for a boycott of Sony or its production company, Columbia Tristar—a film studio from which she has received generous paychecks and whose current offerings include 8MM, which glamorizes the sexual murder of young women, and The Replacement Killers, whose hero is a hit man and which depicts dozens of gun murders. Handguns should be licensed, but that hardly excuses the convenient sanctimony of blaming the crime on the weapon, rather than on what resides in the human mind.

And, when it comes to promoting adoration of guns, Hollywood might as well be the NRA's marketing arm. An ever-increasing share of film and television depicts the firearm as something the virile must have and use, if not an outright sexual aid. Check the theater section of any newspaper, and you will find an ever-higher percentage of movie ads in which the stars are prominently holding guns. Keanu Reeves, Uma Thurman, Laurence Fishburne, Geena Davis, Woody Harrelson, and Mark Wahlberg are just a few of the hip stars who have posed with guns for movie advertising. *Hollywood endlessly congratulates itself for reducing the depiction of cigarettes in movies and movie ads. Cigarettes had to go, the film industry admitted, because glamorizing them gives the wrong idea to kids. But the glamorization of firearms, which is far more dangerous, continues.* Today, even female stars who otherwise consider themselves politically aware will model in sexualized poses with guns. Ads for the new movie Goodbye Lover show star Patricia Arquette nearly nude, with very little between her and the viewer but her handgun.

But doesn't video violence merely depict a stark reality against which the young need be warned? American society is far too violent, yet the forms of brutality highlighted in the movies and on television—prominently "thrill" killings and serial murders—are pure distortion. Nearly 99 percent of real murders result from robberies, drug deals, and domestic disputes; figures from research affiliated with the FBI's behavioral sciences division show an average of only about 30 serial or "thrill" murders nationally per year. Thirty is plenty horrifying enough, but, at this point, each of the major networks and movie studios alone depicts more "thrill" and serial murders annually than that. By endlessly exploiting the notion of the "thrill" murder, Hollywood and television present to the young an entirely imaginary image of a society in which killing for pleasure is a common event. The publishing industry, including some TNR advertisers, also distorts for profit the frequency of "thrill" murders.

The profitability of violent cinema is broadly dependent on the "down-rating" of films—movies containing extreme violence being rated only R instead of NC–17 (the new name for X)—and the lax enforcement of age restrictions regarding movies. *Teens are the best market segment for Hollywood; when moviemakers claim their violent movies are not meant to appeal to teens, they are simply lying.* The millionaire status of actors, directors, and studio heads—and the returns of the mutual funds that invest in movie companies—depends on not restricting teen access to theaters or film rentals. Studios in effect control the movie ratings board and endlessly lobby it not to label extreme violence with an NC–17, the only form of rating that is actually enforced. Natural Born Killers, for example, received an R following Time-Warner lobbying, despite its repeated close-up murders and one charming scene in which the stars kidnap a high school girl and argue about whether it would be more fun to kill her before or after raping her. Since its inception, the movie ratings board has put its most restrictive rating on any realistic representation of lovemaking, while sanctioning ever-more-graphic depictions of murder and torture. In economic terms, the board's pro-violence bias gives studios an incentive to present more death and mayhem, confident that ratings officials will smile with approval.

When r-and-x battles were first fought, intellectual sentiment regarded the ratings system as a way of blocking the young from seeing films with political content, such as Easy Rider, or discouraging depictions of sexuality; ratings were perceived as the rubes' counterattack against cinematic sophistication. But, in the 1960s, murder after murder after murder was not standard cinema fare. The most controversial violent film of that era, A Clockwork Orange, depicted a total of one killing, which was heard but not on-camera. (Clockwork Orange also had genuine political content, unlike most of today's big studio movies.) In an era of runaway screen violence, the '60s ideal that the young should be allowed to see what they want has been corrupted. In this, trends in video mirror the misuse of liberal ideals generally.

Anti-censorship battles of this century were fought on firm ground, advocating the right of films to tackle social and sexual issues (the 1930s Hays office forbid among other things cinematic mention of cohabitation) and free access to works of literature such as Ulysses, Story of O, and the original version of Norman Mailer's The Naked and the Dead. Struggles against censors established that suppression of film or writing is wrong.

But to say that nothing should be censored is very different from saying that everything should be shown. Today, Hollywood and television have twisted the First Amendment concept that occasional repulsive or worthless expression must be protected, so as to guarantee freedom for works of genuine political content or artistic merit, into a new standard in which constitutional freedoms are employed mainly to safeguard works that make no pretense of merit. In the new standard, the bulk of what's being protected is repulsive or worthless, with the meritorious work the rare exception.

Not only is there profit for the performers, producers, management, and shareholders of firms that glorify violence, so, too, is there profit for politicians. Many conservative or Republican politicians who denounce Hollywood eagerly accept its lucre. Bob Dole's 1995 anti-Hollywood speech was not followed up by anti-Hollywood legislation or campaign-funds strategy. After the Colorado murders, President Clinton declared, "Parents should take this moment to ask what else they can do to shield children from violent images and experiences that warp young perceptions." But Clinton was careful to avoid criticizing Hollywood, one of the top sources of public backing and campaign contributions for him and his would-be successor, Vice President Al Gore. The president has nothing specific to propose on film violence—only that parents should try to figure out what to do.

When television producers say it is the parents' obligation to keep children away from the tube, they reach the self-satire point of warning that their own product is unsuitable for consumption. The situation will improve somewhat beginning in 2000, by which time all new TVs must be sold with the "V chips"—supported by Clinton and Gore—which will allow parents to block violent shows. But it will be at least a decade before the majority of the nation's sets include the chip, and who knows how adept young minds will prove at defeating it? Rather than relying on a technical fix that will take many years to achieve an effect, TV producers could simply stop churning out the gratuitous violence. Television could dramatically reduce its output of scenes of killing and still depict violence in news broadcasts, documentaries, and the occasional show in which the horrible is genuinely relevant. Reduction in violence is not censorship; it is placing social responsibility before profit.

The movie industry could practice the same kind of restraint without sacrificing profitability. In this regard, the big Hollywood studios, including Disney, look craven and exploitative compared to, of all things, the porn-video industry. Repulsive material occurs in underground porn, but, in the products sold by the mainstream triple-X distributors such as Vivid Video (the MGM of the erotica business), violence is never, ever, ever depicted—because that would be irresponsible. Women and men perform every conceivable explicit act in today's mainstream porn, but what is shown is always consensual and almost sunnily friendly. Scenes of rape or sexual menace never occur, and scenes of sexual murder are an absolute taboo.

It is beyond irony that today Sony and Time-Warner eagerly market explicit depictions of women being raped, sexually assaulted, and sexually murdered, while the mainstream porn industry would never dream of doing so. But, if money is all that matters, the point here is that mainstream porn is violence-free and yet risque and highly profitable. Surely this shows that Hollywood could voluntarily step back from the abyss of glorifying violence and still retain its edge and its income.

Following the Colorado massacre, Republican presidential candidate Gary Bauer declared to a campaign audience, "In the America I want, all of these producers and directors, they would not be able to show their faces in pubic" because fingers "would be pointing at them and saying, 'Shame, shame.'" The statement sent chills through anyone fearing right-wing though-control. But Bauer's final clause is correct—Hollywood and television do need to hear the words "shame, shame." The cause of the shame should be removed voluntarily, not to stave off censorship, but because it is the responsible thing to do.

Put it this way. The day after a teenager guns down the sons and daughters of studio executives in a high school in Bel Air or Westwood, Disney and Time-Warner will stop glamorizing murder. Do we have to wait until that day?

Mr. HOLLINGS. Mr. President, we include by reference—not printed in the RECORD of course—the hearings of 1993, 1995, and 1997 which are relevant today. In fact, they have been exacerbated by the events we have not only seen in Colorado, but in Kentucky and Arkansas in the various schools, but more particular, it has supported our case about the industry, the broadcasters, the producers—by Hollywood.

Let's understand first the putoff we had and the stonewalling back in 1990 when Senator Paul Simon said: What we have to do really—let's not rush into this.

We have been rushing in since 1969. But in 1989 and 1990, we could not rush in, and we had to have a code of conduct. The reason they could not get it was because of the antitrust laws. So we put in an estoppel to the antitrust laws applying to this particular endeavor. We had the standards for depiction of violence and television programs issued by ABC, CBS, and NBC in 1992.

Mr. President, this is what the programmers themselves said:

> However, all depictions of violence should be relevant and necessary to the development of character or to the advancement of theme or plot.

Going further:

> Gratuitous or excessive depictions of violence are not acceptable.

Mr. President, that is word for word our amendment. What we try to bar is excessive, gratuitous violence during the family hour. It works in the United Kingdom. It works in Belgium and in Europe. It works down in Australia. It is tried and true and passes constitutional muster.

We had this problem develop with respect to indecency. Finally, the Congress acted and we installed in law the authority and responsibility for the Federal Communications Commission to determine the time period of family hour, which has been determined from 6 in the morning to 10 in the evening, and they barred showing of indecency on television in America. That has worked. It was taken to the courts. The lawyers immediately went to work, but the lower court decision has been upheld by the Supreme Court.

The Attorney General of the United States appeared at our hearing before the Commerce, Science and Transportation Committee and said she thought it definitely would pass constitutional muster. We also had a plethora of constitutional professors come in. The record is replete. It is not haphazard.

Let me quote entertainment industry executives and apologists saying just exactly what we say in our law:

> Programs should not depict violence as glamourous—

I quote that from their own particular code of conduct—

> Realistic depictions of violence should also portray the consequences of that violence to its victims and its perpetrators.

That was 1992. Let's find out what they did with the code of conduct.

In 1998, there was a study sponsored by the National Cable Television Association. This is one of the most recent authoritative documents on the entire subject. It includes not only the National Parent-Teachers Association, Virginia Markel, the American Bar Association, Michael McCann, the National Education Association, Darlene Chavez, but—listen to this—Belva Davis, American Federation of Television and Radio Artists; Charles B. Fitzsimmons, Producers Guild of America; Carl Gotlieb, Writers Guild of America West; Ann Marcus, Caucus for Producers, Writers and Directors; Gene Reynolds, Directors Guild of America.

What do they say? I cannot print the entire document in the RECORD, in deference to economy in Government. I read from the findings on page 29:

> Much of TV violence is still glamorized.

This was their code in 1992. There is no "glamorized." Six years later, they themselves—the producers, the writers, Hollywood itself—say:

> Much of TV violence is still glamorized. Good characters are frequently the perpetrators of violence and rarely do they show remorse. Viewers of all ages are more likely to emulate and learn from characters who are perceived as attractive. Across the 3 years of this study, nearly 40 percent of the violent incidents on television are initiated by characters who possess qualities that make them attractive.

Heavens above. They prove our case for the amendment.

Again reading from the study:

> Another aspect of glamorization is that physical aggression on television is often condoned. For example, more than one-third of violent programs feature bad characters who are never punished. Therefore, violence that goes unpunished in the shortrun poses serious risk to children.

Edgar Bronfman in the morning news said this is not something with the entertainment industry. But it is producers, it is writers, it is guilds, managers in Hollywood. I know if he had been in the liquor business, he would tell him to go on out there and find out what is going on.

Reading further from their report:

> Violent behavior on television is quite serious in nature. Across the 3-year study, more than half of the violent incidents feature physical aggression that would be lethal or incapacitating if it were to occur in real life. In spite of very serious forms of aggression, much of this violence is undermined by humor. At least 40 percent of the violent scenes on television include humor.

And on and on, from this particular report. It is really noteworthy that they prove our case. And to come up at this time saying that it does not have any effect, like they said on "Meet the Press" on Sunday, they would like to join in another study—and I understand the distinguished manager, the chairman, is going to ask for another study by the Surgeon General; and my distinguished chairman, the Senator from Arizona, he has joined in with the Senator from Connecticut to get another study.

Whereas the broadcasters, they know the history of broadcasting. We ought to send them all this three-volume set. I quote from page 23. Writers receive numerous plot instructions. This is back in 1953, 46 years ago. I quote:

> It has been found that we retain audience interest best when our story is concerned with murder. Therefore, although other crimes may be introduced, somebody must be murdered, preferably early, with the threat of more violence to come.

That is how you make money. They can put out all the language just like we do. I guess we are emulating them because we all talk about a surplus, a surplus, a surplus, when we have a deficit. They talk again and again and again how they are against this violence, and yet they continue, under their own study, to spew it out and have a definite effect out there in Colorado.

Mr. President, I call my colleagues' attention to Senate Commerce Committee Report on "Children's Protection From Violent Programming Act," S. 363, Report No. 105–89 and the report on the "Children's Protection From Violent Programming Act of 1995," S. 470, Report No. 104–117.

Mr. President, let me agree, though, with Mr. Bronfman on this. And I quote Mr. Bronfman from this morning's Washington Post.

> "It's unfortunate that the American people, who really look to their government for leadership, instead get finger-pointing and chest-pounding," he said.

I will read that again, because I agree with him. "It's unfortunate that the American people, who really look to their government for leadership, instead get finger-pointing and chest-pounding."

There it is. We are experts at it when we call the $100 billion more we are spending this year on a deficit a surplus. When we say it is a legitimate gun dealer, and you have to have a background check, a waiting period, it has sidelined 60,000 felons. It is working. But yesterday, due to the stonewalling and influence of the NRA, we said no, you can go to a gun show and there is no background check.

Can you imagine the Congress that has no shame whatever? I wish I were a lawyer outside practicing. I would take that case immediately up on the 14th amendment and the equal protection clause for the gun dealers and say that is an unconstitutional provision when you do not require it at the gun shows. I would easily win that case. So we are going to set that aside or hope it is brought immediately so we will do away with that. Maybe then they will sober up and we will get enough votes.

Here today we are going to be faced again with the same stonewalling. They go down again and again and again, and they will say: There is no problem. We ought to have further studies.

There is one other result I want to mention to my distinguished colleagues here in the Senate. I have already put in the 1972 report. But I ask unanimous consent the American Medical Association article "Television and Violence" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Journal of the American Medical Association, June 10, 1992]

TELEVISION AND VIOLENCE: THE SCALE OF THE PROBLEM AND WHERE TO GO FROM HERE

(By Brandon S. Centerwall, MD, MPH)

In 1975 Rothenberg's Special Communication in JAMA, "Effect of Television Violence on Children and Youth," first alerted the medical community to the deforming effects the viewing of television violence has on normal child development, increasing levels of physical aggressiveness and violence.[1] In response to physicians' concerns sparked by Rothenberg's communication, the 1976 American Medical Association (AMA) House of Delegates passed Resolution 38: "The House declares TV violence threatens the health and welfare of young Americans, commits itself to remedial actions with interested parties, and encourages opposition to TV programs containing violence and to their sponsors."[2]

Other professional organizations have since come to a similar conclusion, including the American Academy of Pediatrics and the American Psychological Association.[3] In light of recent research findings, in 1990 the American Academy of Pediatrics issued a policy statement: "Pediatricians should advise parents to limit their children's television viewing to 1 to 2 hours per day."[4]

Rothenberg's communication was largely based on the findings of the 1968 National Commission on the Causes and Prevention of Violence[5] and the 1972 Surgeon General's report, Television and Growing Up: The Impact of Televised Violence.[6] Those findings were updated and reinforced by the 1982 report of the National Institute of Mental Health, Television and Behavior: Ten Years of Scientific Progress and Implications for the Eighties, again documenting a broad consensus in the scientific literature that exposure to television violence increases children's physical aggressiveness.[7] Each of these governmental inquiries necessarily left open the question of whether this increase in children's physical aggressiveness would later lead to increased rates of violence. Although there had been dozens of laboratory investigations and short-term field studies (3 months or less), few long-term field studies (2 years or more) had been completed and reported. Since the 1982 National Institute of Mental Health report, long-term field studies have come into their own, some 20 having now been published.[8]

In my commentary, I discuss television's effects within the context of normal child development; give an overview of natural exposure to television as a cause of aggression and violence; summarize my own research findings on television as a cause of violence; and suggest a course of action.

TELEVISION IN THE CONTEXT OF NORMAL CHILD DEVELOPMENT

The impact of television on children is best understood within the context of normal child development. Neonates are born with an instinctive capacity and desire to imitate adult human behavior. That infants can, and do, imitate an array of adult facial expressions has been demonstrated in neonates as young as a few hours old, ie, before they are even old enough to know cognitively that they themselves have facial features that correspond with those they are observing.[9, 10] It is a most useful instinct, for the developing child must learn and master a vast repertoire of behavior in short order.

Whereas infants have an instinctive desire to imitate observed human behavior, they do not possess an instinct for gauging a priori whether a behavior ought to be imitated. They will imitate anything,[11] including behaviors that most adults would regard as destructive and antisocial. It may give pause for thought, then, to learn that infants as young as 14 months of age demonstrably observe and incorporate behaviors seen on television[12, 13] (Looking ahead, in two surveys of young male felons imprisoned for committing violent crimes, eg, homicide, rape, and assault, 22% to 34% reported having consciously imitated crime techniques learned from television programs, usually successfully.[14])

As of 1990, the average American child aged 2 to 5 years was watching over 27 hours of television per week.[15] This might not be bad, if young children understood what they are watching. However, up through ages 3 and 4 years, many children are unable to distinguish fact from fantasy in television programs and remain unable to do so despite adult coaching.[16] In the minds of such young children, television is a source of entirely factual information regarding how the world works. Naturally, as they get older, they come to know better, but the earliest and deepest impressions were laid down when the child saw television as a factual source of information about a world outside their homes where violence is a daily commonplace and the commission of violence is generally powerful, exciting, charismatic, and efficacious. Serious violence is most likely to erupt at moments of severe stress—and it is precisely at such moments that adolescents and adults are most likely to revert to their earliest, most visceral sense of what violence is and what its role is in society. Much of this sense will have come from television.

Not all laboratory experiments and short-term field studies demonstrate an effect of

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*See footnotes at end of article.

nedia violence on children's behavior, but
nost do.[17,18] In a recent meta-analysis of ran-
lomized, case-control, short-term studies,
xposure to media violence caused, on the
verage, a significant increase in children's
ggressiveness as measured by observation of
heir spontaneous, natural behavior fol-
owing exposure ($P<.05$).[19]

NATURAL EXPOSURE TO TELEVISION AS A CAUSE OF AGGRESSION AND VIOLENCE

In 1973, a small Canadian town (called
'Notel" by the investigators) acquired tele-
ision for the first time. The acquisition of
elevision at such a late date was due to
roblems with signal reception rather than
ny hostility toward television, Joy et al[20]
nvestigated the impact of television on this
irgin community, using as control groups
wo similar communities that already had
elevision. In a double-blind research design,
cohort of 45 first- and second-grade stu-
ents were observed prospectively over a pe-
iod of 2 years for rates of objectively meas-
red noxious physical aggression (eg, hit-
ing, shoving, and biting). Rates of physical
ggression did not change significantly
mong children in the two control commu-
ities. Two years after the introduction of
elevision, rates of physical aggression
mong children in Notel had increased by
60% ($P<.001$).

In a 22-year prospective study of an age co-
ort in a semirural US county (N=875),
uesmann[21] observed whether boys' tele-
ision viewing at age 8 years predicted the
eriousness of criminal acts committed by
ge 30. After controlling for the boys' base-
ne aggressiveness, intelligence, and socio-
conomic status at age 8, it was found that
ne boys' television violence viewing at age 8
gnificantly predicted the seriousness of the
rimes for which they were convicted by age
) ($P<.05$).

In a retrospective case-control study,
ruttschnitt et al[22] compared 100 male fel-
ns imprisoned for violent crimes (eg, homi-
ide, rape, and assault) with 65 men without
history of violent offenses, matching for
ge, race, and census tract of residence at
ge 10 to 14 years. After controlling for
chool performance, exposure to parental vi-
lence, and baseline level of criminality, it
as found that the association between adult
riminal violence and childhood exposure to
elevision violence approached statistical
gnificance ($P<.10$).+

All Canadian and US studies of the effect
prolonged childhood exposure to television
years or more) demonstrate a positive re-
tionship between earlier exposure to tele-
sion and later physical aggressiveness, al-
ough not all studies reach statistical sig-
ficance.[8] The critical period of exposure to
levision is preadolescent childhood. Later
ariations in exposure, in adolescence and
lulthood, do not exert any additional ef-
ct.[23,24] However, the aggression-enhancing
fect of exposure to television is chronic,
tending into later adolescence and adult-
ood.[8,25] This implies that any interventions
ould be designed for children and their
regivers rather than for the general adult
pulation.

These studies confirm what many Ameri-
ns already believe on the basis of intui-
on. In a national opinion poll, 43% of adult
mericans affirm that television violence
lays a part in making America a violent
ciety," and an additional 37% find the the-
s at least plausible (only 16% frankly dis-
lieve the proposition).[26] But how big a role
es it play? What is the effet of natural ex-
sure to television on entire populations?
address this issue, I took advantage of an historical experiment—the absence of television in South Africa prior to 1975.[8,25]

TELEVISION AND HOMICIDE IN SOUTH AFRICA, CANADA, AND THE UNITED STATES

The South African government did not permit television broadcasting prior to 1975, even though South African whites were a prosperous, industrialized Western society.[8] Amidst the hostile tensions between the Afrikaner and English white communities, it was generally conceded that any South African television broadcasting industry would have to rely on British and American imports to fill out its programming schedule. Afrikaner leaders felt that that would provide an unacceptable cultural advantage to the English-speaking white South Africans. Rather than negotiate a complicated compromise, the Afrikaner-controlled government chose to finesse the issue by forbidding television broad-casting entirely. Thus, an entire population of 2 million whites—rich and poor, urban and rural, educated and uneducated—was nonselectively and absolutely excluded from exposure to television for a quarter century after the medium was introduced into the United States. Since the ban on television was not based on any concerns regarding television and violence, there was no self-selection bias with respect to the hypothesis being tested.

To evaluate whether exposure to television is a cause of violence, I examined homicide rates in South Africa, Canada, and the United States. Given that blacks in South Africa live under quite different conditions than blacks in the United States, I limited the comparison to white homicide rates in South Africa and the United States and the total homicide rate in Canada (which was 97% white in 1951). Data analyzed were from the respective government vital statistics registries. The reliability of the homicide data is discussed elsewhere.[8]

Following the introduction of television into the United States, the annual white homicide rate increased by 93%, from 3.0 homicides per 100,000 white population in 1945 to 5.8 per 100,000 in 1974; in South Africa, where television was banned, the white homicide rate decreased by 7%, from 2.7 homicides per 100,000 white population in 1943 through 1948 to 2.5 per 100,000 in 1974. As with US whites, following the introduction of television into Canada the Canadian homicide rate increased by 92%, from 1.3 homicides per 1,000 population in 1945 to 2.5 per 100,000 in 1974.

For both Canada and the United States, there was a lag of 10 to 15 years between the introduction of television and the subsequent doubling of the homicide rate. Given that homicide is primarily an adult activity, if television exerts its behavior-modifying effects primarily on children, the initial "television generation" would have had to age 10 to 15 years before they would have been old enough to affect the homicide rate. If this were so, it would be expected that, as the initial television generation grew up, rates of serious violence would first begin to rise among children, then several years later it would begin to rise among adolescents, then still later among young adults, and so on. And that is what is observed.[8]

In the period immediately preceding the introduction of television into Canada and the United States, all three countries were multiparty, representative, federal democracies with strong Christian religious influences, where people of nonwhite races were generally excluded from political power. Although television broadcasting was prohibited prior to 1975, white South Africa had well-developed book, newspaper, radio, and cinema industries. Therefore, the effect of television could be isolated from that of other media influences. In addition, I examined an array of possible confounding variables—changes in age distribution, urbanization, economic conditions, alcohol consumption, capital punishment, civil unrest, and the availability of firearms.[8] None provided a viable alternative explanation for the observed homicide trends. For further details regarding the testing of the hypothesis, I refer the reader to the published monograph[8] and commentary.[25]

A comparison of South Africa with only the United States could easily lead to the hypothesis that US involvement in the Vietnam War or the turbulence of the civil rights movement was responsible for the doubling of homicide rates in the United States. The inclusion of Canada as a control group precludes these hypotheses, since Canadians likewise experienced a doubling of homicide rates without involvement in the Vietnam War and without the turbulence of the US civil rights movement.

When I published my original paper in 1989, I predicted that white South African homicide rates would double within 10 to 15 years after the introduction of television in 1975, the rate having already increased 56% by 1983 (the most recent year then available).[8] As of 1987, the white South African homicide rate and reached 5.8 homicides per 100,000 white population, a 130% increase in the homicide rate from the rate of 2.5 per 100,000 in 1974, the last year before television was introduced.[27] In contrast, Canadian and white US homicide rates have not increased since 1974. As of 1987, the Canadian homicide rate was 2.2 per 100.000, as compared with 2.5 per 100,000 in 1974.[28] In 1987, the US white homicide rate was 5.4 per 100.000, as compared with 5.8 per 100,000 in 1974.[29] (Since Canada and the United States became saturated with television by the early 1960s, it was expected that the effect of television on rates of violence would likewise reach a saturation point 10 to 15 years later.)

It is concluded that the introduction of television in the 1950s caused a subsequent doubling of the homicide rate, i.e., long-term childhood exposure to television is a causal factor behind approximately one half of the homicides committed in the United States, or approximately 10,000 homicides annually. Although the data are not as well developed for other forms of violence, they indicate that exposure to television is also a casual factor behind a major proportion—perhaps one half—of rapes, assaults, and other forms of interpersonal violence in the United States.[8] When the same analytic approach was taken to investigate the relationship between television and suicide, it was determined that the introduction of television in the 1950s exerted no significant effect on subsequent suicide rates.[30]

To say that childhood exposure to television and television violence is a predisposing factor behind half of violent acts is not to discount the importance of other factors. Manifestly, every violent act is the result of an array of forces coming together—poverty, crime, alcohol and drug abuse, stress—of which childhood exposure to television is just one. Nevertheless, the epidemiologic evidence indicates that if, hypothetically, television technology had never been developed, there would today be 10,000 fewer homicides each year in the United States, 70,000 fewer rapes, and 700,000 fewer injurious assaults.[25,31]

WHERE TO GO FROM HERE

In the war against tobacco, the tobacco industry is the last group from whom we expect any meaningful action. If someone were to call on the tobacco industry to cut back tobacco production as a matter of social conscience and out of concern for the public health, we would regard that person as being at least simple-minded, if not frankly deranged. Oddly enough, however, people have persistently assumed that the television industry operates by a higher standard of morality than the tobacco industry—that it is useful to appeal to its social conscience. This was true in 1969 when the National Commission on the Causes and Prevention of Violence published its recommendations for the television industry.[32] It was equally true in 1989 when the US Congress passed a television antiviolence bill that granted television industry executives the authority to confer on the issue of television violence without being in violation of antitrust laws.[33] Even before the law was fully passed, the four networks stated that they had no intention of using this antitrust exemption to any useful end and that there would be no substantive changes in programming content.[34] They have been as good as their word.

Cable aside, the television industry is not in the business of selling programs to audiences. It is in the business of selling audiences to advertisers. Issues of "quality" and "social responsibility" are entirely peripheral to the issue of maximizing audience size within a competitive market—and there is no formula more tried and true than violence for reliably generating large audiences that can be sold to advertisers. If public demand for tobacco decreases by 1%, the tobacco industry will lose $250 million annually in revenue.[35] Similarly, if the television audience size were to decrease by 1%, the television industry would stand to lose $250 million annually in advertising revenue.[35] Thus, changes in audience size that appear trivial to you and me are regarded as catastrophic by the industry. For this reason, industry spokespersons have made innumerable protestations of good intent, but nothing has happened. In over 20 years of monitoring levels of television violence, there has been no downward movement.[36, 37] There are no recommendations to make to the television industry. To make any would not only be futile but create the false impression that the industry might actually do something constructive.

The American Academy of Pediatrics recommends that pediatricians advise parents to limit their children's television viewing to 1 to 2 hours per day.[4] This is an excellent point of departure and need not be limited to pediatricians. It may seem remote that a child watching television today can be involved years later in violence. A juvenile taking up cigarettes is also remote from the dangers of chronic smoking, yet those dangers are real, and it is best to intervene early. The same holds true regarding television-viewing behavior. The instruction is simple: For children, less TV is better, especially violent TV.

Symbolic gestures are important, too. The many thousands of physicians who gave up smoking were important role models for the general public. Just as many waiting rooms now have a sign saying, "This Is a Smoke-Free Area" (or words to that effect), so likewise a sign can be posted saying, "This Is a Television-Free Area." (This is not meant to exclude the use of instructional videotapes.) By sparking inquiries from parents and children, such a simple device provides a low-key way to bring up the subject in a clinical setting.

Children's exposure to television and television violence should become part of the public health agenda, along with safety seats, bicycle helmets, immunizations, and good nutrition. One-time campaigns are of little value. It needs to become part of the standard package: Less TV is better, especially violent TV. Part of the public health approach should be to promote child-care alternatives to the electronic baby-sitter, especially among the poor who cannot afford real baby-sitters.

Parents should guide what their children watch on television and how much. This is an old recommendation[32] that can be given new teeth with the help of modern technology. It is now feasible to fit a television set with an electronic lock that permits parents to preset which programs, channels, and times they wish the set to be available for; if a particular program or time of day is locked, the set won't turn on for that time or channel.[38] The presence of a time-channel lock restores and reinforces parental authority, since it operates even when the parents are not at home, thus permitting parents to use television to their family's best advantage. Time-channel locks are not merely feasible, but have already been designed and are coming off the assembly line (eg, the Sony XBR).

Closed captioning permits deaf and hard-of-hearing persons access to television. Recognizing that market forces alone would not make closed-captioning technology available to more than a fraction of the deaf and hard-of-hearing, the Television Decoder Circuitry Act was signed into law in 1990, requiring that, as of 1993, all new television sets (with screens 33 cm or larger, ie, 96% of new television sets) be manufactured with built-in closed-captioning circuitry.[39] A similar law should require that eventually all new television sets be manufactured with built-in time-channel lock circuitry—and for a similar reason. Market forces alone will not make this technology available to more than a fraction of households with children and will exclude poor families, the ones who suffer the most from violence. If we can make television technology available that will benefit 24 million deaf and hard-of-hearing Americans,[30] surely we can do not less for the benefit of 50 million American children.[35]

Unless they are provided with information, parents are ill-equipped to judge which programs to place off-limits. As a final recommendation, television programs should be accompanied by a violence rating so parents can gauge how violent a program is without having to watch it. Such a rating system should be quantitiative and preferably numerical, leaving aesthetic and social judgments to the viewers. Exactly how the scale ought to be quantified is less important than that it be applied consistently. Such a rating system would enjoy broad popular support: In a national poll, 71% of adult Americans favor the establishment of a violence rating system for television programs.[40]

It should be noted that none of these recommendations impinges on issues of freedom of speech. That is as it should b. It is not reasonable to address the problem of motor vehicle fatalities by calling for a ban on cars. Instead, we emphasize safety seats, good traffic signs, and driver education. Similarly, to address the problem of violence caused by exposure to television, we need to emphasize time-channel locks, program rating systems, and education of the public regarding good viewing habits.

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Mr. HOLLINGS. Mr. President, I am limited in time so I am going along:

> Following the introduction of television in the United States, the annual white homicide rate increased by 93 percent from 1945 to 1974. In Canada during that same period, the homicide rate increased 92 percent.

This is really the clincher, Mr. President:

> In South Africa, where television was not introduced until 1975, the white homicide rate decreased 7 percent between 1943 and 1974; but by 1987, 12 years after television was introduced in South Africa, the white homicide rate there had increased by 130 percent.

Mr. Bronfman says it has nothing to do with television. Come on. Give us a break. For those who come around now and say: We are going to have content, V-chip, and everything else, and we want everything else, we have the content, we all agree—we did not all agree. In fact, NBC, the premium television network, they didn't agree to a content-based rating system; it is voluntary. They said: I do not agree with that, and we are not going to do it. And they do not do it. But they are talking about content.

BET, Black Entertainment Television, another responsible network group, said: We are not going along with that.

But let's see what the Kaiser Family Foundation found out since they have put in now, for a couple years, the so-called content rating system. A 1999 study by the Kaiser Family Foundation found that 79 percent of shows with moderate levels of violence do not receive the content descriptor "V" for violence. Of course, NBC and BET do not go along with it.

There is the program, "Walker, Texas Ranger," which appears on the USA cable channel at 8 p.m. in the Washington, DC, area. It included the stabbing of two guards on a bus, an assault on a church by escaped convicts who take people hostage and threaten to rape a nun, and an episode ending where one escapee is shot and another is beaten unconscious. But the show did not receive the content descriptor "V" for violence.

This is all in the most recent Kaiser Family Foundation study.

The Kaiser study also found that no programs rated TV-G receive a "V" rating for violence. Moreover, 81 percent of the children's programming containing violence did not even receive the "FV" rating for fantasy violence.

And then a question. Let me quote this one:

> The bottom line is clear.

This is from the Kaiser report:

> Parents cannot rely on the content descriptors as currently employed to block all shows containing violence. There is still a significant amount of moderate to high-level violence in shows without content descriptors. And with respect to children's programming, the failure to use the "V" descriptor and the rare use of the "FV" descriptor leads to the conclusion that there is no effective way for parents to block out all children's shows containing violence, V-chip or no V-chip.

Then finally the Kaiser Family Foundation study says:

> Children would still be woefully unprotected from television violence because content rating V is rarely used.

So much for: Content, content; give it time; give it time to work; and everything else like that. They have no idea of that working. What about the V-chip?

If you want to really spend an afternoon and tomorrow, try to toy with this one. I have a V-chip in my hand. I hold it up. You can get them there at Circuit City for $90.

Who is going to spend the time to learn how to use this? Well, they are not. And 70 percent of those polled who use the rating system say they will not buy a V-chip. They are going to trust the children.

How are you going to go through the average home that has three sets? Can't you see that mother in the morning chasing around—she has 64 channels in Washington. It is all voluntary; it is not required. She does not know which channel is which. She has this thing. And, wait a minute, she has her 18 pages of instructions. So she chases around from the kitchen to the bedroom, down to the children's room, and she has the 64 programs, and she has her 18 pages of instructions, and it is complicated because they do not want the children to be able to work it. Well, by gosh, they have succeeded with me. I don't know how to work it. We tried yesterday afternoon when we had a little time. We are going to work on it some more. But I bet you my boots that my grandchildren will learn quicker than I. I can tell you that right now. They will know how to work this blooming thing. It is not going to happen. That was another sop in the 1996 telecommunications act. Those on the House side wanted the V-chip. It was another putoff, another stonewall. We knew it was impractical. We know it is easier to trust your children than to go through this charade and this expense and race around and try to figure out all of these things.

When you have a dial on there, just turn that off. You don't need a chip. Just turn it off. Tell the children they cannot use it.

Well, you say, the children are going to do it anyway. I tell you the truth, with all these rating things, if I was a kid and found out that something was naughty and it was rated where I couldn't see it, just being a child, I would say, well, wait a minute, we are going to go to Johnny's house. My parents got me, but there is nobody home at Johnny's. We'll see this thing.

I mean, you really induce, excite, interest children with the rating system. It is counterproductive to begin with. But then the V-chip they talk about is just next to impossible.

Let us go to the constitutional question, Mr. President. It is not the least restrictive. The family hour is the least restrictive. Under the court decisions with respect to this interference on free speech, it is not that we have an overwhelming public interest established, which we have in the record, but it has to be the least restrictive. The least restrictive, of course, is that that has been tried and true, the family hour approach that we have now submitted in the amendment.

I hope they have enough pride to go along with what they have all voted. We voted this out in 1995, with only one dissenting vote. We voted it out in 1997, with one dissenting vote. I remember in 1995, the distinguished majority leader then, Senator Dole of Kansas, he went out there and he gave Hollywood—I hate to use the word "hell," but that is what it is; that is what the newspapers said. He came back on the floor all charged up.

So I went to him and I said: Bob, I got the bill in. It is on the calendar. You put your name on it, if there is some interest in the authorship or whatever it is, or make any little changes you want to make. I am trying to get something done. I have been trying with John Pastore since 1969, 30 years now, to get something done, get a vote.

I said: Let's go ahead with it. But, no, no, the overwhelming influence of Hollywood, it stops us in our tracks. The overwhelming influence of the NRA, it stops us in our tracks.

I agree with Mr. Bronfman. Mr. Bronfman is right on target: It is unfortunate when the American people, who really look to their government for leadership, they don't find it, because they are bought and sold.

It is a tragic thing. You cannot get anything done around here. I have got a one-line amendment to the Constitution to get rid of this cancer: The Congress of the United States is hereby empowered to regulate or control spending in Federal elections. With that one line we go back to the 1974 act. We limit spending per voter. No cash; everything on top of the table; no soft money. One line says we can go back. We passed it in a bipartisan fashion back in the 1974 act, almost 25 years ago. We were like a dog chasing its tail.

But if we don't get rid of that cancer, you are not going to get any Congress. This Congress, instead of responding to the needs of the people with respect to spending and paying the bill in the budget, with responding to the gun violence around here where we take legitimate dealers and say you have to have a background, but the illegitimate shows, you say, yesterday afternoon, forget about it, and where today they want to move to table an amendment that works in England and Europe, down under, New Zealand, Australia and everything else. Why not? Because we want that support from out there with that group.

Of course, I think they own the magazines, the broadcasters, the Internet; they own each other. I can't keep up with the morning paper, who owns everything, but they are all owning each other. There is a tremendous, overwhelming influence for money, money, money. It is tragic, but it is true.

We have to sober up here and start passing some good legislation that people have been crying out for—the Parent-Teacher Association, National Education Association, American Medical Association, American Psychiatric Association, with the 18 hearings that we have had, 300 formative studies, over 1,000 different articles. Yet they say, well, wait a minute, that is on content. Let's see with the V-chip that is coming in July. They know it is a stonewall.

Mr. President, I yield such time as necessary to the distinguished Senator from North Dakota.

Mr. DORGAN. Mr. President, I am pleased and proud to join my colleague, Senator HOLLINGS of South Carolina, as a cosponsor of this amendment. I have worked with Senator HOLLINGS since 1992 on this subject in the Commerce Committee. We have had hearing after hearing. This is a very big issue. We are proposing a baby step on a very big issue. It is likely that this baby step that we propose to take will be turned down by the Senate. We will see. Maybe I will be surprised today. I hope I will. But if the past is prologue, we will likely see the Senate decide it is not time or the amendment is not right or any one of 1,000 excuses.

If ever there was an example of when all is said and done, more is said than done, if ever there was an example of that, it is on this subject. We have thousands of studies. We have had hundreds of hours of debate, many proposals. Almost nothing happens.

Will Rogers said something once instructive, it seems to me. He said: When there is no place left to spit, you either have to swallow your tobacco juice or change with the times.

On this subject, I say to my colleagues, it is time to swallow your tobacco juice. There is no place left to spit on this issue.

Let me give you some statistics. As a parent, I am pretty acutely aware, but I have a 12-year-old son and a 10-year-old daughter. We have a couple television sets, and they have switches on the sets. We try very hard to make sure they are not watching inappropriate television programming, but I tell you, it is hard. There is a lot coming through those sets at all hours of the day and night.

Senator HOLLINGS and I say, let us at least describe a block of time or have the Federal Communications Commission describe a period of time during which children are expected to be watching television, during family hour, and describe that that period will not contain excessive amounts of violence on television. Surely we can entertain adults without hurting our children. That is all this amendment says.

Is it old-fashioned? Yes, it goes back to a time when we actually had a sort of understanding. During certain periods of the evening, during family time, during times when you would expect children to watch television, you won't have excessive acts of violence on television programming. Is that so extreme? Is that censorship? No, of course not.

Let me read you some information. Before I do, let me mention, I said last night that by the time a young person graduates from high school, they have watched 12,500 hours of television. Excuse me, let me change that. They have sat in a classroom, 12,500 hours in a school classroom, and they have watched 20,000 hours of television. They are, regrettably, in many cases much more a product of what they have seen than what they have read. Let me read some statistics about what they are seeing on these television programs.

By the end of elementary school, the American Medical Association reports from their studies, the average American child has watched 8,000 murders on television and 100,000 acts of aggressive violence. That is by the end of elementary school. By age 18, these numbers, of course, have jumped, 112,000 acts of violence, and by age 18, the average young American has watched 40,000 murders on television.

Now, one can make the point that it doesn't matter, it is irrelevant, and this doesn't affect anybody. I am not saying that just because when somebody sees an act on violence on television, they rush out the door and commit an act of violence on somebody else. But I am saying that the media have a profound influence on our lives. People spend $200 billion a year advertising precisely because they feel it makes a difference—it makes a difference in terms of what people wear, what songs they sing, how they act, what kind of chewing gum they buy. It works—except when it comes to violence, we are told it is irrelevant and it doesn't matter.

I would like to call my colleagues' attention to one little community in Canada. I have never been there; I never heard of it before, in fact. But a fascinating study was done in this town. It is a town called Notel, Canada. In 1973, this small community acquired television for the first time. It wasn't because this little Canadian town never wanted television; that wasn't the problem. The problem was that they had signal reception problems that could not be solved and so they didn't get television until much, much later. They didn't have any hostility to television; they just didn't get it. You had this little "island," this little town with no television. Somebody decided to do a study. They did a study concurrent with this community never having had television now receiving television for the first time. They did a double blind study and selected two other towns and then this community. Then they measured young people's behavior.

I want to describe to you what they learned because it is exactly what you would expect: Television affects behavior. Violent television affects behavior.

In the double blind research design, first and second grade students were observed prospectively over a period of 2 years for rates of objectively measured noxious physical aggression, such as hitting, shoving, biting, et cetera. The rates of aggression did not change in the two communities who had had television all along. Their rate of aggression was the same. But that community that just received television in 1973, which had been dark all those years because they could not get reception, they get television now, it is a new thing, and guess what happens? The rates of physical aggression among their children increased by 160 percent. The other two communities didn't change. The community that just began to receive television had a substantial increase in the rate of aggression among their children.

What does that say? It says what we all know: Television affects behavior.

At one of our hearings, we had testimony that said—do you remember the old "Teenage Mutant Ninja Turtles" program? There was Leonardo, Donatello, Michelangelo and—perhaps the Senator from South Carolina can name the fourth. It's Raphael, I think. So you have four turtles, and they have sticks and they are beating up each other. It is interesting.

We had testimony before the Commerce Committee that "Teenage Mutant Ninja Turtles" had to be produced two ways. One, with all of the full flavor of the hitting and the sticks and all of the things they were doing. And, second, they had to clean it up and tone it down because in some foreign markets they would not allow it to be imported into their television sets with that level of violence because they didn't want the kids to see that. So you make it at one level of aggression and violence for the U.S. market and then clean it up a bit so some of the foreign children aren't exposed to that.

I thought that was interesting because it describes, it seems to me, an attitude here. The attitude has been: Let's keep pushing the limits. I think, as I said yesterday, television has some wonderful things on it. I laud those people who produce it. Some things I see are so wonderful and beautiful. I watch some of these channels. I have mentioned Discovery, the History Channel, and so many other things. Yes, the broadcast channels produce things I believe are wonderful as well. But I also have the right, believing that and saying that, to say there is also a lot of trash. The first amendment gives people a right to produce trash as well. But is the first amendment an impediment for us to say to broadcasters that there are certain times in our living rooms, when our children are going to be expected to be watching television, that we ought to be able to expect a menu of television programming that is free from excessive violence? Is that an unreasonable proposition? I don't think so.

The evidence, as described by the Senator from South Carolina, is so clear. After a couple of decades of research, the National Institutes of Mental Health concluded:

> The great majority of studies link television violence and real life aggression.

The American Psychological Association's review of research was conclusive. They said:

> The accumulated research clearly demonstrates a correlation between viewing violence and aggressive behavior.

You can throw these studies away and say it doesn't matter, that it is psychobabble. But, of course, we all know it is not. Every parent here unerstands that this is real.

I mentioned last evening that if omeone came to the door of my coleague, the Senator from Kentucky, or he Senator from South Carolina, and you had children in your living room playing and you had a television set that was turned off and somebody knocked on the door and said: We have some entertainment for your kids; I have a rental truck here and we have props and some set designs and I have some actors; I would like to bring them into your living room and put on a little play for your children. So you invite them into your living room and they put on a play. They pull knives and stab each other, they pull pistols and shoot each other, and they beat each other bloody—all in the context of this dramatic play, this mayhem and violence. And your children are watching with eyes the size of dinner plates. Would you, as a parent, sit there and say that it doesn't matter, that is fine, thanks for bringing this play into my living room? I don't think so. I think you would probably call the police and say: I have a case of child abuse in my living room. Shame on you for bringing that into my living room.

Well, it is brought into our living rooms every day, in every way, with the touch of a button. Some say, well, the solution to that is to turn the TV set off. Absolutely true. There isn't a substitute for parental responsibility. But as a parent, I can tell you it is increasingly difficult to supervise the viewing habits of children.

I introduced the first legislation in the Senate on the V-chip. I introduced it twice, in 1993 and in 1994. It is now law. The V-chip will be on television sets, but it will be a while before almost all television sets have them. Hopefully, that will be one tool to help parents, but it will not be the solution, just a tool.

It seems to me that we ought to decide now, to the extent that we can help parents better supervise children's viewing habits, that we can tell broadcasters, and tell the FCC that we want broadcasters to know, there is a period of time when they are broadcasting shows into our living rooms that we want the violence to be reduced in that programming so as not to hurt our children. That is not unreasonable. That is the most reasonable, sensible thing in the world. We did it before in this country; we ought to do it now. We have done it for obscenity, and we ought to do it for violence. The Supreme Court has ruled that there is a period of time when certain kinds of obscenities and language ought not to be allowed to be broadcast because children will be watching or listening. And the Supreme Court has upheld that. The Supreme Court will uphold this. Again, I say, this is a baby step forward.

Now, let me quote, if I might, the Attorney General of the United States, who testified at the Senate Commerce Committee hearing.

She said:

> I am not at this hearing as a scientist. I am here as Attorney General who has been concerned about the future of this country's children and as a concerned American who is fed up with excuses and hedging in the face of an epidemic of violence. When it comes to these studies about television violence, I think we are allowed to add our common sense into the mix.

She continues:

> Any parent can tell you how their children mimic what they see everywhere, including what they watch on television. Studies show children literally acting out and imitating what they watch. The networks themselves understand this point very well. They have run public service announcements to promote socially constructive behavior. They announce that this year's programs featured a reduced amount of violence, and they boosted episodes encouraging constructive behavior in each instance. Then they endorse the notion that television can influence how people act.

She says, further quoting her:

> As slogans go, I fear that "Let the parents turn off the television" may be a bit naive as a response to television violence, especially when you consider the challenge that parents face in trying to convince children to study hard, behave and stay out of trouble. Supreme Court Justice John Paul Stevens compared this argument to saying that the remedy for an assault is to run away after the first blow. Indeed, many parents don't want to have to turn the television set off. They want to expose their children to the good things television can offer, like education and family-oriented programs.

I have watched television for a long time and have seen much good and much that concerns me. I have seen in most recent years an increasing desire to create sensationalized violence and intrigue in entertainment, most notably the shows about the police and the rescue missions.

When I turn it on these days, there is one network that is particularly egregious. They have all kinds of shows where they get their television cameras and put them in the cop's car. I guess what they are doing is probably contracting with the police someplace, and then they are off and showing traffic arrests and drug arrests. The other night, I saw a case where a fellow was in the front seat of the police car with a camera for a television show. And they engaged in a high-speed chase of a drunk driver. The result, of course, was that at the end of the chase there was a dead, innocent driver coming the other direction hit by the drunk.

My mother was killed by a drunk driver. My mother was killed in a high-speed police chase.

I have spent years in the Congress proposing legislation dealing with drunk driving with high-speed pursuits and other things. I have also prepared legislation recently dealing with this question of whether our police departments should contract with television stations, having people with television cameras riding in the police car, of which the conclusion, incidentally, to a high-speed chase must be, it seems to me, to go "get their man" because that is going to make a good conclusion to the television program. The answer to me, though, is absolutely not.

If they want to put a television camera in a police car for the entertainment of people on some television network, then I think we ought to subject them to a very substantial liability when somebody gets hurt as a result of it.

I am, frankly, a little tired of turning on television and seeing television news cameras moving down the highways and above the highway recording high-speed chases, because they think it is excitement that people want to see. I am flat sick of seeing programs in which television network programs are riding with members of the police force because they can maybe record some violence for people who want to see. That is not entertainment, in my judgment. That is just more trash on television. I know some people like to watch it. But I happen to think people die as a result of it. Innocent people die as a result of it, and I think it ought to stop.

But this issue of violence on television is something that Senator HOLLINGS from South Carolina has been at it for a long time. We just had a man come to the Chamber a bit ago, Senator Paul Simon from Illinois. He is not a member of this body anymore. He retired. But he also joined us years ago. In fact, he was one of the earliest ones who talked about this issue. This issue has been around since the 1960s, and has been discussed among families for all of this decade.

With respect to the efforts of the Senator from South Carolina, and, as I indicated, the proposal that he and I offer today to simply allow the FCC the authority to describe a period of time in the evening that would be described as family viewing hours is a baby step forward. Those who come to this Chamber and say that they can't take this baby step, you can make excuses forever. You can make excuses for the next 10 years, as far as I am concerned. You defy all common sense if you say you can't take this baby step. The only reason you can't take this step is because there are a bunch of other big interests out there pressing on you saying we want to make money continuing to do what we are doing. What they are doing is hurting this country's kids.

As I said when I started, surely we ought to be able to entertain adults in this country without hurting our children. And this is one sensible step that we can take. We did it before some years ago. We ought to do it again. It does no violence to the first amendment. It seems to me that it offers common sense to American families.

Mr. President I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. Mr. President, I ask the distinguished Senator from Utah to yield to me 10 minutes.

Mr. HATCH. I would be happy to yield 10 minutes to the distinguished Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I have talked with the distinguished sponsor of this amendment, the Senator from South Carolina, Mr. HOLLINGS, with whom I have had the privilege to serve for 25 years—he has been here longer than that—and also with my distinguished friend from North Dakota, who has just spoken.

Mr. President, as I told the distinguished Senator from South Carolina, I will have to oppose the amendment because of an agreement I made with a number of the industry groups a couple of years ago. I believe that agreement is still appropriate today. It is an agreement that brought about a compromise between Senators and industry to try to work them out, as we have with a number of other things, in a cooperative way, whether it is with legislation or legislative fiat. It involved a V-chip. I wanted to give the V-chip a fair chance to work in the marketplace, because I felt that technology was rapidly changing, and working in the marketplace might be a lot better than legislation that almost fixes technology where it is. I am enough of the old school that having made a commitment I am not going to go back on it.

The American Medical Association, the American Academy of Pediatrics, the National PTA, the National Education Association, the Center for Media Education, the American Psychological Association, the National Association of Elementary School Principals, the Children's Defense Fund, and others agreed in writing on July 10, 1997, to allow the V-chip system to proceed unimpeded by new legislation so that we could see how it works.

Just last week, the Kaiser Family Foundation released a poll showing that 77 percent of parents said that if they had a V-chip in their home they would use the technology. With the rating system and the V-chip, each family can create their own individualized family viewing system.

I think that would work a lot better in protecting children than the amendment we are considering.

Mr. DORGAN. Mr. President, will the Senator from Vermont yield for a question?

Mr. LEAHY. Certainly.

Mr. DORGAN. It is a very brief question.

As the Senator knows, I was the original sponsor of the V-chip that was first introduced in the Senate. The Senator from Vermont is describing an agreement. I am curious. The Senator mentioned a few of the outside groups who are party to the agreement. Which Senators were a part of that agreement? I was the original sponsor of the V-chip. I wasn't a part of that agreement.

Mr. LEAHY. One of the reasons I didn't want to interrupt the Senator when he was speaking was that I wanted to hear his whole statement. If he would allow me to finish so that he may hear——

Mr. DORGAN. Will the Senator yield for a question?

Mr. LEAHY. I will indicate who the Senators were, because the Senator knows all of them well: Senator HATCH, the distinguished chairman of the Judiciary Committee; Senator LOTT, the distinguished majority leader; Senator DASCHLE, the distinguished Democratic leader; Senator MCCAIN, and others. I will give the Senator all of the names, but those are the ones who come to mind initially.

Mr. DORGAN. I wonder. Could I have a dialogue about that following the statement? I don't intend to interrupt the statement. The Senator from Vermont mentioned five. There are 100 Senators. It would be good to have a dialog about that following the Senator's statement.

Mr. LEAHY. I will be glad to put it in the RECORD. I ask unanimous consent to have printed in the RECORD the letter of July 8, 1997, signed by Senators, MCCAIN, BURNS, LEAHY, Moseley-Braun, DASCHLE, Coats, HATCH, BOXER, LOTT, as well as the numerous names I mentioned, such as the American Academy of Pediatrics, the National Association of Elementary and School Principals, and others who signed. I will give copies to the distinguished Senator from North Dakota.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, July 8, 1997.

DEAR COLLEAGUE: The television industry and leading parent groups have agreed on a series of improvements to the Television Parental Guidelines System that will substantially enhance the ability of parents to supervise their children's television viewing.

Given human subjectivity and the sheer volume of television programming, no system will ever be perfect. However, we do believe this revised system more closely approximates what the Congress and American parents had in mind when the V Chip legislation became the law of the land.

It must also be remembered that development of a ratings system is only the first installment of the promise the Congress made to American parents. Until the V Chip is readily available in the marketplace, parents will have information, but not the means to act on it by blocking from their homes programs they consider inappropriate for their children. Therefore:

(1) We will recommend to the FCC that it move expeditiously to find the revised guidelines to be "acceptable" as defined by the Telecommunications Act. Moreover, we believe this should be the FCC's universally mandated system for television set manufacturers to follow in putting V Chips into television sets sold in this county;

(2) To allow prompt and effective implementation of the revised parental guidelines

system, we believe there should be a substantial period of governmental forbearance during which further legislation or regulation concerning television ratings, content or scheduling should be set aside. Parents, the industry, and television set manufacturers will need time for this revised system to take hold in the marketplace. The industry will need time to adjust to the new guidelines and then apply them in a consistent manner across myriad channels. Set manufacturers will need to design user friendly, V Chip equipped sets and bring them to market. And most important, parents will need several years to utilize all the tools given to them so that they may act to control their children's television viewing. Additional government intervention will only delay proper implementation of the new guideline system.

This has been a long and difficult process. We acknowledge that any system should indeed be voluntary and consistent with the First Amendment. That is why we believe the voluntary agreement that has been reached, coupled with forbearance on further governmental action as described above, is the best way to proceed in order to balance legitimate First Amendment concerns while giving American parents the information they need in order to help them supervise their children's television viewing.

Sincerely,

John McCain; Conrad Burns; Patrick Leahy; Carol Moseley-Braun; Tom Daschle; Dan Coats; Orrin Hatch; Barbara Boxer; Trent Lott.

JULY 10, 1997.

The attached modifications of the TV Parental Guideline System have been developed collaboratively by members of the industry and the advocacy community. We find this combined age and content based system to be acceptable and believe that it should be designated as the mandated system on the V-chip and used to rate all television programming, except for news and sports, which are exempt, and unedited movies with an MPAA rating aired on premium cable channels. We urge the FCC to so rule as expeditiously as possible.

We further believe that the system deserves a fair chance to work in the marketplace to allow parents an opportunity to understand and use the system. Accordingly, the undersigned organizations will work to: educate the public and parents about the V-chip and the TV Parental Guideline System; encourage publishers of TV periodicals, newspapers and journals to include the ratings with their program listings; and evaluate the system. Therefore, we urge governmental leaders to allow this process to proceed unimpeded by pending or new legislation that would undermine the intent of this agreement or disrupt the harmony and good faith of this process.

Motion Picture Association of America
National Association of Broadcasters
National Cable Television Association
American Medical Association
American Academy of Pediatrics
American Psychological Association
Center for Media Education
Children's Defense Fund
Children Now
National Association of Elementary School Principal
National Education Association
National PTA

MAY 12, 1999.

Hon. TOM DASCHLE,
Minority Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR DASCHLE: We are contacting you on an urgent matter regarding the Juvenile Justice Bill now before the Senate. Senator Hollings' "safe harbor" amendment runs counter to the television ratings/V-Chip approach developed two years ago.

In July, 1997 together with members of the non-profit and advocacy community we developed the combined age and content based rating system. At that time, you and a number of your colleagues agreed to a substantial period of governmental forbearance so that the V-Chip television rating system could have a chance to work in the marketplace. There is evidence that this strategy is paying off. Just this week, the Kaiser Family Foundation released a poll showing that 77% of parents said that if they had a V-Chip in their home, they would use the technology.

Since the first V-Chip television set will arrive on the marketplace in July, we should allow parents an opportunity to understand and use the system before moving too quickly on further legislation. We hope you will support the freedom of parents to use their own discretion—and the V-chip—when deciding what programs are appropriate for their families. Therefore, we urge you to vote to table the Hollings amendment.

Sincerely,

JACK VALENTI,
President & CEO, Motion Picture Association of America.
DECKER ANSTROM,
President & CEO, National Cable Television Association.
EDWARD O. FRITTS,
President & CEO, National Association of Broadcasters.

CENTER FOR MEDIA EDUCATION,
Washington, DC, May 12, 1999.

Hon. TOM DASCHLE,
Minority Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR DASCHLE: In July, 1997, together, with members of the entertainment industry, we developed the combine age and content based rating system. I favor this system and believe that it deserves a fair chance to work in the marketplace.

This week, the Center for Media Education announced a national campaign to educate parents about the V-Chip TV Ratings system. The first V-chip televisions will arrive in the marketplace in July. I urge governmental leaders to allow parents an opportunity to understand and use the V-chip system. I continue to believe that legislation such as S. 876 would undermine the intent of the agreement we signed on July 10, 1997.

Sincerely,

KATHRYN MONTGOMERY, Ph.D,
President.

Mr. LEAHY. Obviously, our signing such a letter does not bind the distinguished Senator from North Dakota nor the distinguished Senator from South Carolina, as he and I have discussed. I do feel having stated my commitment binds me. As the Senator from North Dakota knows, I have a reputation of once having given a commitment I never go back on it. I do not suggest that he or anybody else is bound by the agreement that we worked out to give the V-chip a chance. I am suggesting that I assume the Senators who did sign on to that would feel that way.

What we want to do is what I still want to do. I commend the Senators who worked on developing the V-chip, to allow families to create their own individualized family viewing system. I did this when my children were young by reading reviews and determining what they should or should not watch or read.

Now 50 percent of the new TVs will have the V-chip by July 1 of this year; 100 percent of the new TVs will have the V-chip by January of next year. That is why Senators HATCH, LOTT, DASCHLE, MCCAIN, and others signed this letter, so we can ensure that the industry has guidelines and ratings and TV manufacturers will install V-chips. By doing that we move the ball forward very quickly. The TV manufacturers, as they promised us, are getting the job done.

I want to live up to my signed commitment with the other Senators. I want to live up to the expectations of the AMA, the National PTA, the Children's Defense Fund, and the other groups I mentioned. TV parental guidelines and the V-chip give parents the tools to determine the programming children may watch.

In addition, Charles Ergen, the CEO of EchoStar, said this could have serious unintended impacts. Echo-Star gives parents who subscribe to satellite service a powerful tool. His V-chip not only allows parents to block out R-rated shows, but they can block out shows based on specific concerns about language, drug use, violence, graphic violence, sexuality, or other considerations they might have.

Under this amendment, even though they have done all that to cooperate with us, Echo-Star would be punished because they use national feeds and they transmit signals across time zones. They transmit not only into Kentucky or Vermont but in California, Oregon, Ohio, and everywhere in between. They go across the three time zones of this country. They provide the programming for multiple time zones at once on a national basis. I assume they probably do it in the time zones of Alaska and Hawaii, which goes even beyond the three in the Continental United States.

Under the longstanding law, satellite carriers cannot alter the signals they are given which are authorized under a compulsory license. Depending on how long the family time period is, it may be impossible for satellite carriers to comply because they are required to use a national feed from distant stations. For example, on the west coast, the time is earlier than the east coast, where a lot of the programming originates. With the uplink of station WOR in New York or WGN in Chicago, an hour later, they are going to be in noncompliance with this amendment on the west coast.

One option for them would be for satellite TV carriers to black out programming on the west coast or simply take the programming in the east coast and shift it to very late hours, extremely late hours for east coast viewers, which is the allowed hour for west coast viewers.

Frankly, I think use of the V-chip allows parents to block out what they want and will work much better than blocking out entire time zones in the United States.

I want to also note that two-thirds of American households have no children under the age of 18. If this amendment were enacted, American television viewers of all ages would lose control over the programming available to them. I repeat, two-thirds of American households have no children under the age of 18.

There are, I believe, serious constitutional problems with this amendment. I get very concerned about the Federal Government or any Federal Government agency policing the content of TV programming.

For example, there would be a $25,000 fine for each day there is violent video programming. Is one gunshot in a show considered violent programming? What about two? What if it is a history show that shows the assassination of a President or a world leader? Is that violence?

I am reminded of the old joke of religious leaders of different faiths getting together and they wanted to start the meeting with a prayer, but they couldn't agree on a prayer so they had to cancel the conference.

I worry once again that we denigrate the role of parents, especially the amendment which considers parents almost irrelevant to the development of children. I have been blessed to be married for 37 years this year, and I have three wonderful children. My wife and I took a very serious interest in what movies they saw, what TV programs they watched, what books they read. We tried to guide them the right way. I like the idea that both my wife and I were making those decisions and not somebody else. Someone else might have different moral values, might have a different sense of what was appropriate and what is not appropriate. I really didn't want to turn it over to the hands of a government agency—local, State, or Federal. I felt that was my responsibility, a responsibility that I considered one of the most important roles I had as a parent.

I also think if we let the government do it, let the government take over the parenting, then if something goes wrong, we blame them. It is harder to deal with issues such as bad parenting and lack of parental supervision if we can only blame ourselves, but that should be our responsibility as parents, first and foremost. It was the responsibility of my parents when I grew up in Vermont and the responsibility of my wife and I as our children grew up.

I don't know how the government steps into the shoes of parents by involving our government in the day-to-day regulation of the contents of television shows, movies, or other forms of speech. I recently visited a country which is one of the last of the countries with such restrictions. I prefer we make those choices. Parents should be able to use the V-chips offered by satellite TV providers and by TV manufacturers to block out programming they consider offensive for their children.

Anything any parents want to block out for their child, I don't care what it is—it could be C-SPAN, with me speaking now; if they can even get the children to watch it, they may want to block that out—that is fine; parents should have that right.

I want to remind everyone that the Supreme Court has noted:

> Laws regulating speech for the protection of children have no limiting principle, and a well-intentioned law restricting protected speech on the basis of content is, nevertheless, state-sponsored censorship.

So, while I do not support this amendment, I do not want my comments to be interpreted as backing off at all in my pride in the work of Senator HOLLINGS and Senator DORGAN on these issues. They are concerned, and rightly so, about the content of some of the things we see. There are some things, even if they are shown late at night, I would not watch and I am 59 years old. I was a prosecutor for 9 years. I went to murder scenes. I saw some of the most violent conduct ever. I still have nightmares remembering some of those scenes. I do not want to see them replayed.

There are some, because of their offensive nature, I am not interested in. I do not want to see them, but I will make that decision. But for parents, for their help, we would not have the V-chip without the work of the Senator from South Carolina, the work he and his colleagues have done. It is not only work, it is agitation, I might say. I can almost repeat some of the speeches the Senator gave to push them that far forward. He gives new meaning to the term "stentorian tones." They are stentorian tones in a clarion call, rarely heard anymore in these halls.

I consider myself privileged, over the years, not only to have had the Senator from South Carolina as a close personal friend—both he and his wife are very close personal friends of my wife and myself—he has been a mentor to me. So I commend him for what he has done.

I mention all this because he is not a newcomer to the debate. He has been a parent of this debate. I do not want anybody to lose sight that we all are in this together in this regard. If we have young children—mine are now grown, but I assume it would be the same attitude as towards grandchildren—there are things on television, just as there are in the movies, that we do not want our children to see. Most of us do not want to see them ourselves, but we certainly do not want the children to see them. I think the system we have set up is one that is working. I would love to see something done in a cooperative way.

It is moving rapidly forward. If that could be done without the hand of Government on it, it would make the Senator from Vermont far more comfortable. If they are unable to move forward, if they do not utilize the breathing spell they were given, that is one thing. But they seem to be moving forward during that breathing spell, and I would like to see that work without a heavy hand.

I yield the floor.

Mr. HOLLINGS. I yield such time as necessary to the Senator from North Dakota.

Mr. DORGAN. Mr. President, I have great respect for the Senator from Vermont. I would not suggest he go back on an agreement he made with anybody. But I do want to make this point clearly. On January 31, 1994, I introduced legislation in the Senate calling for the V-chip. It was the first legislation introduced in the Senate on the V-chip. Within a year or so, with myself, my colleague and others, including Senator CONRAD especially, and Senator LIEBERMAN, the V-chip passed the Senate and became law. There is nothing, no agreement at all for most Members of the Senate about some V-chip versus any other restriction on legislative action.

The letter that was read earlier, that might have been from some people who were not necessarily involved in the V-chip issue. I am the one who introduced it. There might have been some people who made some commitments to somebody else that they would not do something. That is their business. If there are 6 or 8 or 10 of them, that is their business. But that is not the business of the other 90 Senators. They have made no such agreement.

This proposal complements the V-chip. This proposal works with the V-chip. This proposal is not at odds with the V-chip, and there is no such agreement I am aware of with almost all Members of the Senate that we should not take this baby step forward on this sensible proposition.

One more point: This is not content-based Government involvement. We already have a description that says if you are a television broadcaster you cannot, at 7:30 in the evening, broadcast the seven dirty words. You cannot do that. Why? Because we have decided certain things are inappropriate and the Supreme Court has upheld our capability of doing that through the Federal Communications Commission.

It is also inappropriate, and we used to think as a country that it was, to broadcast excessively violent programs in the middle hours of the evening when children are watching. The Senator from South Carolina and I simply want to go back to that commonsense standard. Suggesting somehow that we have no capability or no interest in determining what some broadcaster somewhere throws into America's living rooms is just outside the debate about what is real. What is real is we have a real responsibility. That is what is being addressed by the amendment offered here by the Senator from South Carolina.

Again, it is a baby step. I do not want anybody to be confused that somehow this is at odds with the V-chip. I introduced the V-chip. This is not at odds with the V-chip. It complements the V-chip, and this Congress and this Senate ought to agree to this amendment and we ought to do it this morning.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 11 minutes and 16 seconds.

Mr. HOLLINGS. I yield 3 minutes to the distinguished Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 3 minutes.

Mr. WELLSTONE. Mr. President, first of all, I just came down after listening to the debate. I want to ask both my colleagues to put me on as an original cosponsor.

The second thing I want to say is in this debate we have been having on this juvenile justice bill, part of the context for this has been the nightmare of Littleton, CO. That is always, ever present.

I read a piece the other day—I don't even remember the author, I say to my colleague from South Carolina—but I thought it was very balanced. The author made the point: Yes, you want to go after the guns, but you also want to go after the culture of violence. I think we have to do both. Yes, you want to do much more for prevention for kids before they get in trouble in the first place. Yes, I argue, you want to have support services and mental health services. All these pieces go together.

But if I could ask my colleague very briefly, will he just describe this amendment? Will my colleague just briefly describe the very essence of this amendment? Because it seems to me to be very, very mild. I want to be sure I am correct in my understanding.

Mr. HOLLINGS. The essence of the amendment is to reinstitute the family hour, and during that time have no excessive, gratuitous violence. That is all it is. We do that right now with indecency, constitutionally, at the FCC level. Just say that excessive, gratuitous violence be treated similarly. It is working in the United Kingdom, it is working Europe and it is working down in Australia. It is tried and true. They want to restore it. To those people who say they want to restore family values, here is the family hour.

Mr. WELLSTONE. I think it needs to be repeated one more time what a moderate, commonsense proposal we have here. This is constitutional. This is the right thing to do. As far as I am concerned, any steps we can take, albeit small steps, but significant steps that can reduce this violence, that can deal with this cultural violence, I think is absolutely the right thing to do. I add my support.

I heard my colleague from Vermont speaking as a grandfather. Our children are all older, but we have children, and now grandchildren: 8, 5 and almost 4. This is the right thing to do. There should be overwhelmingly strong support for this proposal.

The PRESIDING OFFICER. Who yields time? The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I want to retain a little time here for the closing, but let me go right to the point with respect to the remarks of my distinguished friend from Vermont.

We were not part of any agreement. That was another one of those so-called stonewalls. The significant part of the agreement was the two leaders were on it, and the agencies and entities at that time were told that was all they were going to get. You learn in this town to go along with what you can get from the leadership.

Don't come down to the floor and say it's a leadership vote, because the leader himself has voted this particular measure out of the Commerce Committee on two occasions. He knows the need of the V-chip being in all sets, 100 percent. Wait a minute. The average person holds onto his or her television set at least, they say in the hearings, between 8, 10, 12 years—or an average of 10 years. So you have a 10-year period here. They are not going to replace all the sets. We know this with the digital television problem we have.

In that light, we want to make absolutely sure we do something, as my distinguished friend from North Dakota says, that is consonant, helpful, and a part of the V-chip, if it will work. We have shown how complicated it is. It is going to be a delayed good, if any at all.

I retain the remainder of our time.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I should put all Senators on notice that we are just about out of time for debate with regard to the Hollings amendment on his side and I have somewhere near 42 minutes on our side. I intend to yield back some of that time so we can go to a vote on this matter.

I understand Senator COCHRAN wants to take about 10 minutes to speak on this amendment. I will take a few minutes now.

I rise to explain why I will ultimately move to table the Hollings amendment today. I struggled with this decision because there is much to be commended in my dear friend's amendment. I have a lot of respect for him. He knows that. I think it is important we work to make our culture safer for our families and for children, and that we make entertainment choices more family friendly. No question about it. We should certainly work to make television entertainment, which is so ubiquitous, less coarse, especially when children are watching.

Having said that, I do have a number of concerns with this amendment. Members of the satellite television industry, which we are working to make more competitive with cable, have expressed concerns with this amendment. Because much of the fare on satellites is delivered nationally, they will have difficulty complying. If a satellite carrier picks up programming on the east coast, where much programming originates, it will likely be out of compliance, given that fare appropriate for later hours on the east coast will be beamed simultaneously across the time zones to viewers on the west coast, and across the country, where obviously it will be earlier.

Additionally, opponents of this amendment have raised constitutional concerns. Although I have not had an opportunity to review or visit all of these constitutional issues, I do not believe that the constitutional concerns are clearly right or that opponents have an open-and-shut constitutional case. I do believe the issues bear careful consideration.

Most of all, I must vote to table this amendment because of a commitment I made to my colleagues in 1997 in connection with getting the voluntary television ratings and V-chip systems in place. At that time, I was approached by a number of colleagues to sign a Dear Colleague letter taking a stand against regulating television ratings, content, or scheduling until those systems had time to get underway.

That Dear Colleague letter is dated July 8, 1997, and was signed by Senators LOTT, DASCHLE, McCAIN, LEAHY, as well as myself, and other Republicans and Democrats. I made that commitment then and I believe I need to honor it now.

Some may believe that an earlier amendment which I supported had a similar impact. The Brownback-Hatch-Lieberman amendment allowed the industry to develop a voluntary code of conduct but did not impose any regulations on the industry. It also was a comprehensive amendment and had much greater application than the television ratings, content, and scheduling at issue in the V-chip and ratings process. It applied to television, movies, music, video games, and the Internet. At that time yesterday, I recognized my earlier commitment and raised and distinguished it.

Therefore, although I find much to commend in the amendment of the Senator from South Carolina, because of my prior commitment to forbear from supporting legislation or recommendation concerning television ratings, content, or scheduling, I believe I must honor that pledge to my colleagues and vote to table the Hollings amendment.

There is a lot of very bad programming on television in our country today. I think the satellite viewership problem is a big problem. To make someone liable because they have to carry the satellite transmission at a time that fits within the time constraints of this amendment on the west coast—coming from the east coast, it may be in compliance, but the west coast may not be, and the satellite transmitter will be liable—is a matter of great problematic concern to me.

I share the same concern my friend from South Carolina shares with regard to what is being televised and on the airwaves today, especially during times when young people are watching. On the other hand, I have a very strong commitment to uphold the first amendment and to be very reticent to start dictating what can and cannot be done on network television or on television, period.

As for cleaning up the media, we did have the Brownback-Hatch-Lieberman amendment. Senators BROWNBACK and LIEBERMAN have worked long and hard to come up with some solutions that hopefully will be voluntary, that hopefully will resolve these questions.

That amendment yesterday was adopted overwhelmingly. It requires the FTC and Department of Justice to do a comprehensive study of the entertainment industry. It seems to me that is a very reasonable, important thing to do and we ought to get that information before we make any final decisions in this area.

Also, it had a provision asking the National Institutes of Health to study the impact of violence and unsuitable material on children and child development. That brought a lot of angst to a number of people. Having the FTC look into these things brought a lot of angst to a lot of people. I might add, having the Department of Justice do it has caused a lot of concern.

I think that amendment, including its other provisions on antitrust, will go a long way toward cleaning up the exposure of minors to violent material. I would like to see that work and I would like to see these studies done before we go this drastically to a solution in the Senate.

At the appropriate time I will move to table the amendment, and I hope my colleagues will support the motion to table with the commitment from me—and I think others will make it, too—that we will continue to revisit this area, because we are all concerned. It is not only the province of those who are for this amendment; all of us are concerned about what is happening to our children in our society today.

I see that Senator COCHRAN has arrived. I yield 10 minutes to Senator COCHRAN.

Mrs. BOXER. Will the Senator put me on that list for 10 minutes when Senator COCHRAN has finished?

Mr. HATCH. I will be happy to do that. I suppose the Senator from South Carolina wants to end the debate, and then I will yield back whatever time I have remaining at that time.

Mr. President, I ask unanimous consent that Senator COCHRAN be given 10 minutes; immediately following Senator COCHRAN, Senator BOXER be given 10 minutes; and immediately following Senator BOXER, Senator SESSIONS be given 10 minutes. Then I will be prepared to yield back the remainder of our time as soon as the Senator from South Carolina is through.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I ask unanimous consent that I may proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. I thank the Chair.

(The remarks of Mr. COCHRAN pertaining to the introduction of S. 1029 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. COCHRAN. Mr. President, I thank my distinguished friend from Utah for yielding me time from his debate.

The PRESIDING OFFICER. The Senator from California is recognized for 10 minutes under unanimous consent.

Mrs. BOXER. Thank you very much, Mr. President.

It is rare that I disagree with my wonderful friend, FRITZ HOLLINGS, and my wonderful friend, BYRON DORGAN, but I do on this particular amendment that is pending before us. I think the debate is about this: Do we believe there is violence in the entertainment industry? Yes. So there is agreement there. Does it upset all of us when we see it, when we know kids are seeing it? Yes.

But how should we deal with it? Should Government become parents and decide what our kids watch or should Government give parents the tools to decide what their kids should watch? And I come down on the side of making sure Government gives parents the tools to decide what their children should watch, and not on the side of those who in essence want the Government, through the bureaucracy, the FCC, to determine what shows should or should not be on television.

Again, I do not know who is in the FCC. I think I know the chairman. I think he is a terrific person. But I do not want to say that the FCC members know more about our country's children than the parents do. So if Government can play the role of giving parents the power to determine what their kids watch, I think we are doing the right thing. As a matter of fact, 2 years ago that is what we did do. We required that all new television sets have a V-chip installed. And 50 percent of all the new sets will have the V-chip by July 1; and all the new sets will have it by January 1. So we are moving to the point where all TV sets will have the V-chip when you buy it.

I think it is a smart answer, the V-chip, to dealing with the issue of violence on television. It is a chip that allows the parents to program what shows their children can and cannot see. There you have it. Very simply, it is government doing what I think is the right thing, giving parents this tool, this powerful tool, putting the parents in charge, not the government in charge.

I worry about going down that path of giving the FCC or any other agency or, frankly, any Senator the power to decide what show goes on at what time. It is very subjective; it is a path that I think we should avoid.

Now, the Center for Media Education, which helped develop the TV rating system and is undertaking a national campaign to educate parents about the V-chip, they do not like this particular proposal that is before us. They say "it would undermine the intent" of the voluntary rating system and the V-chip.

So why would we, 2 years ago, work very hard, all of us together, to develop this V-chip and then, in the stroke of a vote, if we were to pass the Hollings amendment, undermine what the purpose was of that V-chip?

Also, the Senate yesterday adopted the Brownback amendment, and we know that is going to launch into an investigation of the entertainment industry to see whether it is marketing to kids violent programming. An amendment of mine would also extend that to investigate the gun manufacturers.

I was very happy to see the Senate accept that, because, as I said yesterday, to point the finger of blame at one industry is outrageous. To point the finger of blame at one person or one group of people is outrageous. There is not one of us who can walk away from the issue of our violent culture and say: It has nothing to do with me. I am just perfect. It is the other guy.

So we undertook this issue 2 years ago. We passed this V-chip proposal. Senator BROWNBACK, yesterday, encouraged the entertainment industry to step up to the plate and develop solutions by giving an antitrust exemption to the entertainment industry so they can sit down together to come up with even more solutions than the V-chip, because, frankly, they need to talk to one another. If it means they say at a certain time we are not going to show these violent shows, that would be terrific. That would be helpful, and that would mean that the parents' job is easier. They don't have to worry as much as they do now. I agree, they have to worry plenty now.

I also want to do this because it is very easy to get up here and blast an industry. In every industry, there are some positive steps. Even the gun manufacturers, which I believe are marketing to children, and many of them are not responsible, there are some who are selling their guns with child safety locks, and they are doing it on a voluntary basis. I praise them. As a matter of fact, the President had those companies to the White House, and he praised them.

I think we ought to look at some of the good things the entertainment industry is doing for our children. Viacom, through the Nickelodeon channel, periodically airs programs to help children work through violence-related issues. In this example that I am going to give you, all these examples, I am not going to mention PBS, because they are incredible as far as producing programs for our children that are wonderful.

I was sitting watching one of the programs with my grandchild the other day, and kids were talking to each other, young kids, about 10, 11, about the pressures in their lives. It was terrific. I enjoyed it. I think my little grandson was too young to understand t. But for the 9-year-olds, the 8-year-olds, the 10-year-olds, there are some good things.

MTV has "Fight For Your Rights, Take a Stand Against Violence." It is a program that gives young people advice on reducing violence in their communities. Now, they also do some things on there that do not give that message. I agree. But are we just going to bash and bash and bash? Let's at east recognize there are some efforts here.

The Walt Disney Company has produced and aired numerous public servce announcements on issues such as school violence and has featured in its evening TV shows various antiviolence themes.

We want more of that, and if we don't get more of that, we are going to just make sure that parents can, in fact, program their TVs so the kids do not see the garbage and the violence and the death and all of the things that Senator HOLLINGS is right to point out are impacting and influencing our children.

There are shows and episodes that glorify violence, and there are shows and episodes that denounce violence.

I think we need to be careful in this amendment of the slippery slope we could go down if we decide in our frustration and our worry about our children that government should step in and become the parents. The V-chip, the Brownback amendment, those two things give parents the tools they need and lets the industry sit down together and focus on the issue of violence.

So we have some efforts underway that are very important. I do not want to see us short circuit those efforts.

This is a difficult issue because we know we have a problem here. When we have a problem, let us take steps that don't lead us into another problem. We had a debate in front of the Commerce Committee. I was there and had the opportunity to testify before my friend. It had to do with ratings. There was a big debate over whether government should rate these movies and TV shows or whether the industry should undertake it. I will never forget this. One Congressman came up and he said: I can't believe what I just saw on TV.

The PRESIDING OFFICER. The Senator's 10 minutes have expired.

Mrs. BOXER. I ask unanimous consent for 1 additional minute.

Mr. HATCH. That would be fine.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized.

Mrs. BOXER. I remember what happened then. This Congressman came over from the other side and testified that he couldn't believe that "Schindler's List" was put on TV and that he felt "Schindler's List" had obscenity in it. A big debate ensued, because many thought "Schindler's List" was one of the best things that was shown on TV, that it taught our young people about the Holocaust. There were some rough scenes in it that were historically accurate.

All it proved to me is that the eye of the beholder is so important here. Here was someone saying that was one of the best things you could put on TV to teach our children, and here is somebody else saying it was one of the worst things.

Keep government out of these subjective decisions. Give parents the tools. Let them decide if "Schindler's List" is right for their children, or any other program.

I yield the floor.

Mr. LEVIN. Mr. President, violence in television shows, video games, and movies horrifies us as parents and grandparents. However, I support the tabling of the Hollings amendment because, in my judgment, it would have gone too far in giving the Government the responsibility for keeping violent television programming away from our children. The principal responsibility belongs in the hands of parents and grandparents. Putting this responsibility in an agency like the FCC to determine what is too violent and what is not is not only of questionable constitutionality, it would foster the idea that the Government should be doing this job. That confuses and defuses the clear message to parents that the principal responsibility is theirs. We should give parents the tools to do this as we have tried to do through the "V-chip" filtering technology. The first V-chip equipped televisions are expected to become available this summer. We should also focus the principal responsibility on parents, so that the V-chip is effectively used.

Mr. ASHCROFT. Mr. President, the advent of the television began the extraordinary advance in video technology. Families came together to witness such great programs as: The Andy Griffith Show, I Love Lucy, Leave it to Beaver, and Father Knows Best. The television revolutionized technology and media, and replaced the radio as the main source of family entertainment. The television is an instrumental part of American society, it provides us with news, education, and entertainment and will likely continue to do so.

In recent years, however, the entertainment industry has promoted programming unfit for the children of the next generation. No longer can families come together to watch television without having to see material unfit for their children. In the wake of recent events, it has become clear that exposure to violent programming does in fact play an influential role in children's behavior. It is regrettable that it has come to the point where it may be necessary for Congress to take action in the oversight of television programming. The Children's Protection from Violent Programming Act creates a "safe harbor" and eliminates the broadcast of violent programming aired during hours when children are likely to be a substantial portion of the viewing audience.

While I have reservations with this amendment, I am willing to stand in support of it. Admittedly, this amendment gives the Federal Communications Commission additional power to regulate television programming—even when two-thirds of American households have no children under the age of 18. Clearly this amendment will restrict the programming available to viewers of all ages. I also have reservations since the TV rating system, already in place, will provide parents with specific information about the content of a television program. V-chips will be incorporated into all new television sets by January 1, 2000. In addition, I am concerned that by passing this legislation, we will be giving the Federal Communications Commission additional authority to define violent programming far beyond that which is necessary.

The fact of the matter is that to date the entertainment industry has not yet taken responsibility for themselves. Television programs of an adult nature are undermining and contradicting the virtues parents are trying to teach. Likewise, research from more than ten thousand medical, pediatric, psychological, and sociological studies show that television violence increases violent and aggressive behavior in society. Astonishingly, the murder rate in the United States doubled within 15 years after television was introduced into American homes.

It pains me to stand before you today and say that the federal government may need to regulate yet another industry. What we need is smaller, smarter government. Without the cooperation of television networks, however, Congress has no choice but to give the FCC the authority to impose itself upon the entertainment industry. Each of us, Congress, television networks, and parents need to come together for the sake of our children. Our children are the future of this country, and if we as a nation are going to live together in peace, each of us must take the responsibility to teach our children the difference between right and wrong.

Mr. DODD. Mr. President, it is my intention to vote to table the Hollings amendment regarding television programming and I wanted to say a few words about why I am going to cast this vote. Television can be a valuable entertainment and educational tool and I commend my good friend, Senator HOLLINGS for his work in this important area. I share his concern for the impact that violent programming has on children.

However, I have concerns about a government entity, the FCC, determining for everyone what is deemed "violent programming". This amendment has critical free speech implications. What would constitute violent programming? Would a documentary or an historical piece be deemed as such because it depicted violent acts or victims of violence? These determinations are best made by parents—the people who know their children best. The impact of this amendment would be overly broad. In fact, two-thirds of American households have no children under the age of 18. Further, I have concerns about the government mandating another solution before current technology practices have been given a chance. Most television broadcast and cable networks have implemented a voluntary ratings system that gives advance information about program content. The TV Parental Guidelines were designed in consultation with advocacy groups and approved for use by the Federal Communications Commission last year. These voluntary systems are an important step in the right direction, because it allows us to think more carefully about what we watch and what our children watch.

Congress also required that an electronic chip, called a V-chip, be included in newly manufactured television sets to allow parents to screen out material that they find inappropriate for their children. The first television sets equipped with V-chips will arrive in stores July 1, 1999; all new sets will contain a V-chip by July 1, 2000. I support the use of this valuable and innovative technology which enhances our ability to make careful choices.

Just this week, FCC Commissioner William Kennard announced the creation of a task force to monitor and assist in the roll-out of the V-chip. Special emphasis will be given to educate parents about the availability and use of the technology. In fact, the Kaiser Family Foundation recently released a poll stating that 77 percent of parents said that if they had a V-chip in their home, they would use it.

We need to give the integrated V-chip and ratings system a chance to work. It is time to honor the commitment that was made in 1997—to allow this system to proceed unimpeded.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I thank the Chair.

Mr. President, I am intrigued by the Hollings amendment.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. SESSIONS. I will.

Mr. HATCH. We said that after you finished we would go to Senator HOLLINGS. With Senator HOLLINGS' permission, I will yield 5 minutes, if I have it, or the remainder of my time, to the distinguished Senator from Montana, and then Senator HOLLINGS.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, this fits along with the general view of mine. We are both lawyers, and Senator HOLLINGS is a better lawyer than I, but I think we have made television prime time movies too much a matter of first amendment freedoms, and not enough of a matter of common sense. To say that you have to meet certain standards during certain hours of the day when our children may be impacted by that does not, in a significant way, prohibit a person from exercising what we generally understood to be free speech when we founded this country. Speech was generally understood, at the most fundamental level, as a communication about ideas and issues, and that you would be able to articulate and defend and promote your issues. It did not mean—and I don't think the Founding Fathers contemplated—that every form of video of vicious murder or sexual relations or obscenity could be published in print and in our homes.

In fact, we have laws all over America that flatly prohibit certain degrees of obscenity. Indecency cannot be prohibited, but things that are determined as a matter of law to be obscene are flatly prohibited anywhere in America. So, therefore, they say that on the public airwaves, which we license people to use, they have to be committed to the public service. They have to give so many hours of public service advertisements, and we monitor the stations to make sure that they do so. To say there is no Government agency that can say certain things can't be shown during limited periods of time, to me, is strange law. I don't think it is quite right.

In addition, I know a lot of people who have spoken on the floor here today—and over the last several days, are worried. Also, the President has spoken about his concern that in the afterschool hours children are not supervised. Many children have parents who work swing shifts or parents who have to be out in the yard or doing other things while they are inside watching TV, and they may not have a V-chip yet. Do we have no responsibility to those children? Is it sufficient to just say it is their parents' fault?

Some say if you are a parent, you can control whatever your children watch. Those of us who are parents know that is not precisely accurate. We can work at it hard, and if you are a parent who is home most of the time, you can do a fairly good job. But even then a determined young person can pretty well watch what they want. The point is, the showing of any one violent scene is not going to cause a normal child to become a murderer. The point is, what happens if every night kids who maybe are not healthy are seeing on their television images of violence—and in years gone by, they have gotten more graphic—and at the same time they get in their car and they play an audio or CD of Marilyn Manson, who has extremely violent lyrics, or they turn on the computer and play computer games. I was looking at one and the pointer was a chopped-off hand with blood dripping off it. That is humorous to some degree, but where you have it constantly, it is a problem.

First of all, in my wrestling with the Hollings amendment, is it appropriate for the Government to do so? The FCC does all kinds of other limitations on programming. Is it appropriate for them to analyze the content for violence? I have had my staff do some research of the law on it.

First of all, my general opinion is that the current state of the law is too restrictive on the ability of the Government to contain what is shown in the homes of America. I think it is too restrictive. I don't think the Constitution does that. But the current state of the law, I believe, is too restrictive, and these are some of the things I have discovered.

Under the Hollings amendment, we would perhaps be considered to be pushing the envelope a little bit. But I am not sure that we would because it would prohibit distribution of violent video programming during hours when children are reasonably likely to comprise a substantial portion of the audience. It would require the FCC to reach a definition of what violent programming is and determine the timeframe for it. It would permit the FCC to exempt news and sports programming, and it would have penalties for those who violate that.

The closest law we can find on point is on the FCC's regulation of indecent programming, which has survived challenge in the courts. Obscene material is the kind of material that is illegal, where the Supreme Court has stated that this material can be so obscene and so lacking in any merit, that communities in the country can ban it from being distributed in their communities. Indecent material is the kind of material that is less than obscene. So what do we do about indecent material? The FCC defines indecent material—and I am paraphrasing—as this: Patently offensive descriptions based on local community standards of sexual and excretory functions or organs.

Government regulation of indecent material is possible, but it has to survive a standard of strict scrutiny. The courts are going to look at it very strictly to make sure the first amendment is not being undermined.

In Action for Children's Television v. FCC, a 1995 case decided in the District of Columbia, the DC court of appeals—which is one step from the U.S. Supreme Court—upheld the FCC safe harbor regulation of indecent material, provided the regulation was the least restrictive means to achieve the Government's compelling interest in protecting young people from indecent programming.

It didn't deal with violence. The original ban on indecent programming between 6 a.m. and midnight contained an exception for public programmers to broadcast indecent material between 10 p.m. and midnight.

A lot of public broadcasters quit at midnight. So the law is a compromise that if you are a public programmer, you can show this material at 10 o'clock and you don't have to wait until midnight like everybody else.

The court found that this exception was not narrowly drawn—not the most narrowly drawn restriction and mandated that you have this kind of law and everybody has the 10 o'clock rule. Some of them can't have 10 and some have midnight. But it upheld it. The Supreme Court upheld that restriction and that rule by the FCC. It was appealed to the U.S. Supreme Court, the final arbiter. They affirmed the ruling without opinion. They did not hear the case, but they did not overrule, and they allowed to stand the opinion of the district court.

So I think the difference we have here is that we are dealing with violence as opposed to what may be defined under the law as indecent.

I think we are raising a very good point. I am seriously considering this amendment. I understand those who have concerns about it. My basic inclination is to say that we ought to care about children. We know for a fact that many children are at home and unsupervised. We have a responsibility and it is not in violation of the first amendment to deal with this and have some restrictions on it.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I hope that Americans will look upon this debate. I think it is indicative of how hard and how difficult it is to deal with this issue. One cannot paint with a broad brush, whether we are talking about firearms or entertainment programming or games, or anything else. We cannot paint with a broad brush.

We are under the heels of tragedies such as Littleton, CO. We are very quick to blame. We are also reluctant to admit our own shortcomings in assuming our responsibilities as citizens, as parents, as schoolteachers, and as members of a community.

This particular amendment pretty much says, let no good deed go unpunished. It is too broad. We may table this amendment, and it should be tabled. But I hope that those who are in the business of entertainment and providing programming in its many forms, I hope this message gets to downtown Burbank and Hollywood and Vine.

This basically, if you look at the amendment, is pretty much a lawyer's amendment. It says:

> We shall define the term "hours" when children are reasonably likely to comprise a substantial portion of the audience, and the term "violent video programming."

I will tell you that argument will go on for just a little more than a moon, because we know that long hours of television are experienced just after school when they first get home. Then "prime time," we would have to define "prime time" as somewhere between 8 o'clock and midnight.

It also includes maybe the Internet. You could interpret this to say the Internet, because it says in this section the term:

> "Distribute" means to send, transmit, retransmit, telecast, broadcast, or cablecast, including by wire, microwave or satellite.

You can also interpret that as the Internet.

We have never to this point put restrictions on the Internet. There may be a day coming when, if the ISPs and the programmers don't show some kind of responsibility, Government will.

It is almost unenforceable. In fact, it is unenforceable. I have never seen a section like this that says if any part of this amendment is found unconstitutional, then the remainder stays in. I think again that is pretty much full employment for our legal profession.

The amendment runs counter to the meaning that we had when we all sat down and worked out the V-chip. There were some of us who said the V-chip will probably not work unless we have responsible parents who are in charge of the television, basically. We were told at that time that the V-chip people were ready to go for it.

Do you know that the first television to have a V-chip in it—this was an agreement 2 years ago, back in July of 1997. Guess what. We have yet to see the first television set to have a V-chip in it—2 years later. That television won't be on the market until July of this year.

Let's give it a chance to work, as far as the V-chip is concerned.

I want to send a strong message to those who will provide entertainment. You should get the message right away. There are people looking, and there are people willing to take some steps, if they show no responsibility at all in programming to our young people.

I thank the Chair. I thank the floor leader for the time.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, the distinguished Senator from Montana is the chairman of our Subcommittee on Communications. He questions now: Is the amendment too broad? It sounds to him like a lawyer's amendment. But the distinguished Senator did vote for something identical in 1995 and in 1997, because he voted for exactly that when we reported out the "lawyer's amendment," or however he wants to describe it right now. I appreciated his vote at that time. I am sorry I didn't get to talk to him this morning when he came in, because I think I could have gotten him back around to where he was. So much for that.

My distinguished colleague from California talks about "Schindler's List." Heavens above. We said, "Excessive, gratuitous violence." You have "Schindler's List." You have "Civil War." You have "Saving Private Ryan." It just couldn't apply under this amendment. So let's not raise questions like that.

With respect to pointing the finger at one industry, no. We pointed the finger yesterday—almost a majority, but half the Senate, almost—to the gun industry. We are trying at every angle we possibly can to do something rather than to just talk about it, because that is what we have been doing with respect to television violence. Now they come, of course, with the wonderful putoff, that "shall the Government decide," and "let the parents," "power to the parents," and everything else like that. Heavens above.

I haven't seen an amendment yet to repeal the FCC authority over indecency. In fact, the decision—going up before the courts, finding it to be constitutional—by Judge Edwards, who said violence would be even again more appropriately controlled, but he ruled again on the authority of the Government, the heavy hand of Government, rather than the parent, namely the FCC, to come down and control indecency during the family hour that we have today for indecency.

What this boils down to is to merely extend the family hour for indecency, to violence, to television violence. We brought the Attorney General of the United States, the Justice Department, and she attested to the fact of its constitutionality as well as the outstanding force of constitutional law by professors from the various campuses.

Mr. President, we have had that study. It came out again by the voluntary effort of the industry itself back in 1992. We put that one in the RECORD. Then 6 years later, what does Hollywood say?

I repeat the various letters that we have here, Mr. President. We had the American Federation of Television and Radio Artists finding this, the Producers Guild of America finding this, the Writers Guild of America finding this, the Caucus for Producers, Writers and Directors, and the Directors Guild of America—all finding this. When I say "finding this," I mean that much of TV violence is still glamorized. It is trivialized. So we know what the industry does with a study and an investigation in the Brownback amendment.

Mr. President, if we value family values, listen to this one.

Out in Ohio, a 5-year-old child started a fire that killed his younger sister. The mother attributed the fact that he was fascinated with fire to the MTV show Beavis & Butt-Head, in which they often set things on fire. The show featured two teenagers on rock video burning and destroying things. The boy watched one show that had the cartoon character saying "fire is fun." From that point on, the boy has been playing with fire, the mother said. It goes on to say the mother was concerned enough that she took the boy's bedroom door off the hinges so she could watch him more closely, the fire chief said.

Let's give the mothers of America a break. Yes, we can put in the V-chip; yes, we can do all the little gimmicks. But we know one thing is working: They don't shoot 'em up in London schools. They don't shoot 'em up in European schools. They don't shoot 'em up in Australian schools. They have a family hour with respect to television violence. It is working.

In this country, why doesn't the family values crowd have the family hour with respect to TV violence?

Mr. DORGAN. Will the Senator yield?

Mr. HATCH. I yield 2 minutes to the Senator.

Mr. DORGAN. Mr. President, I have listened to this debate. It reminds me of the three stages of denial: The fellow says I wasn't there when it happened; if I was there, I didn't do it; if I did it, I didn't mean it.

I have listened to the denial on this issue. We finally come to the point after three decades of debate, especially in the last 6 or 8 years, where the denial is to say we can't take a baby step forward on this important issue because somebody has reached an agreement somewhere with someone else.

I didn't reach an agreement with anybody. We have a V-chip. I introduced the first V-chip bill in the Senate January 31, 1994. We have a V-chip in law. But don't anybody stand up here and say that because we have a V-chip in law there was some deal someplace with somebody that prevents Members from doing what we ought to do now. Don't anybody say that, because I was not part of a deal. The Senator from South Carolina was not part of a deal, and I daresay that 90 other Senators in this Chamber were part of no deal with anybody about these issues.

This is common sense. This makes sense.

It seems to me that we ought not have anybody ever come to the floor of the Senate again to talk about this issue if Members are not willing to take this baby step in the right direction.

I am pleased to join the Senator from South Carolina in offering this amendment today to say we have had a lot of discussion, hundreds of studies, a lot of debate. Now we come to the time where we choose. Don't make excuses. Don't talk about some deal that doesn't exist for most Senators. Vote for this legislation.

Mr. HOLLINGS. I thank the distinguished Senator for his leadership.

Mr. HATCH. Mr. President, I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. FITZGERALD). Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 328. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

The result was announced—yeas 60, nays 39, as follows:

[Rollcall Vote No. 114 Leg.]

YEAS—60

Allard
Baucus
Bayh
Bennett
Boxer
Breaux
Brownback
Bunning
Burns
Campbell
Chafee
Cleland
Cochran
Collins
Craig
Crapo
Daschle
Dodd
Domenici
Enzi
Feingold
Fitzgerald
Frist
Gorton
Gramm
Grams
Hagel
Hatch
Hutchinson
Inhofe
Jeffords
Kennedy
Kerrey
Kerry
Kyl
Leahy
Levin
Lott
Lugar
Mack
McCain
McConnell
Moynihan
Murkowski
Murray
Nickles
Reed
Robb
Roberts
Roth
Santorum
Schumer
Shelby
Smith (NH)
Smith (OR)
Specter
Thomas
Thompson
Torricelli
Voinovich

NAYS—39

Abraham
Akaka
Ashcroft
Biden
Bingaman
Bond
Bryan
Byrd
Conrad
Coverdell
DeWine
Dorgan
Durbin
Edwards
Feinstein
Graham
Grassley
Gregg
Harkin
Helms
Hollings
Hutchison
Johnson
Kohl
Landrieu
Lautenberg
Lieberman
Lincoln
Mikulski
Reid
Rockefeller
Sarbanes
Sessions
Snowe
Stevens
Thurmond
Warner
Wellstone
Wyden

NOT VOTING—1

Inouye

The motion was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATCH. Mr. President, I ask unanimous consent that following the disposition of amendment No. 335, Senator FEINGOLD be recognized for up to 8 minutes to make a statement on debate, the Senator from Minnesota be recognized for up to 10 minutes, and then Senator ASHCROFT be recognized to offer an amendment regarding guns, and that there be 45 minutes equally divided for debate prior to the vote on or in relation to the amendment, with no amendments in order to the amendment prior to that vote.

I further ask consent that following the debate, the amendment be laid aside and Senator FEINSTEIN be recognized to offer an amendment regarding gun control, with the debate limited to ~~90~~ minutes and under the same parameters outlined above.

The PRESIDING OFFICER (Mr. VOINOVICH). Is there objection?

Mr. LEAHY. Reserving the right to object——

Mr. HATCH. Let me finish. Following that debate, the Senate proceed to vote in the order in which the amendments were offered, with 5 minutes prior to each vote for explanation.

Mr. LEAHY. Reserving the right to object, and I will not object, I assume then that 5 minutes would be divided in the usual fashion.

Mr. HATCH. Therefore, for the information of all Senators—do I have the unanimous consent?

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HATCH. Therefore, for the information of all Senators, the next votes will occur at approximately 3:30 p.m. and approximately 4 p.m. today.

Mr. LEAHY. Unless time is yielded back.

Mr. McCAIN. Mr. President, reserving the right to object, following the disposition of those amendments, is it then your intention to move to a Hatch-Craig amendment?

Mr. HATCH. Yes; following that, we intend to move to the Hatch-Craig amendment on firearms.

Mr. LEAHY. That is not part of the unanimous consent request.

Mr. HATCH. That is not part of the unanimous consent request.

Mr. McCAIN. I ask unanimous consent that we move to the Hatch-Craig amendment immediately following the disposition of those amendments.

Mr. LEAHY. Mr. President, at this time I object.

Mr. McCAIN. Then I object to the unanimous consent request.

Mr. LEAHY. We already have that.

Mr. HATCH. Let me ask the Senator——

The PRESIDING OFFICER. The unanimous consent agreement has been agreed to, and the Senator from Wisconsin has 8 minutes.

Mr. HATCH. Would the Senator from Arizona——

The PRESIDING OFFICER. The Senator from Wisconsin has 8 minutes.

(The remarks of Mr. FEINGOLD pertaining to the introduction of S. 1035 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

THE CRISIS IN KOSOVO

Mr. WELLSTONE. Mr. President, I have spoken a number of times on the floor of the Senate about the crisis in Kosovo. I think it is important, under the circumstances, that I do so again in order to pose some critical questions that have emerged recently about United States and NATO policy there.

I saw a window of opportunity for diplomacy. I was really optimistic given the direction of the G–8 countries. I thought we were then going to be going to the United Nations, and we had an opportunity perhaps through diplomacy to bring this conflict to an end.

I think that given what has happened over the weekend, and given the very delicate discussions now underway involving NATO, the U.N. Secretary General, Russia, China, and other key players, it is time to reconsider a proposal that I made 10 days ago: a brief, conditional pause in the airstrike campaign to allow for a de-escalation of this military conflict.

Let me be clear. I continue to support the basic military, political and humanitarian goals that NATO has outlined: the safe return of refugees to their homes; the withdrawal of Serb security forces; the presence of robustly armed international forces capable of protecting refugees and monitoring Serb compliance; full access to Kosovo for nongovernmental organizations aiding the refugees; and Serb willingness to participate in meaningful negotiations on Kosovo's status.

These goals must be met. But in the wake of the Chinese Embassy accident, NATO needs to be even more focused on diplomacy, and I think we have to be very careful to not appear to be belligerent in our public statements—to be strong in terms of the goals that have to be met but be creative in our diplomacy.

I don't really know what there is to the withdrawal of some of the Serb military. Secretary Cohen has raised some very important questions. But on the floor of the Senate, I do want to point out that contrary to some published reports of United States and public statements that suggest that we intend to continue the airstrikes even against Serb forces who may actually be beginning to withdraw, I believe we and NATO should reiterate what we have been saying earlier—that NATO will not strike at Serbian troops who are actively pulling out of Kosovo.

How can we expect even the Serbs to withdraw their troops if we have made it clear that we will bomb them on the way out unless they have agreed to full withdrawal and outlined a timetable for it? Is this seeming new emphasis on continuing the airstrikes even if the troops are withdrawing a change in emphasis, or tone, or is it a substantive change? What precisely would the NATO rules of engagement be if substantial numbers of Serb troops begin to actually withdraw from Kosovo? What did Milosevic's statement on a return to "peacetime troop levels" mean? If he means a return to prewar levels, that is a nonstarter. What small token Serb forces, if any, would NATO allow to stay, as long as an armed international presence was allowed?

While I understand NATO's decision to remain silent, or to leave some ambiguity on some of these questions, it has created an unnecessarily confusing, and sometimes conflicting, set of policy prescriptions from NATO.

Mr. President, while I think a diplomatic solution is the best way to resolve this crisis, I want to make clear that I have no illusions about Milosevic and what he has done. My disgust with his actions was only increased yesterday when I read some of the information in the new State Department report entitled "Erasing History: Ethnic Cleansing in Kosovo."

The report catalogs the horrific events that continue to unfold in Kosovo. Interviews with thousands of refugees have revealed brutalities which boggle the mind and sicken the soul. I shudder to think what else we will learn in the months and years to come after looking at forensic evidence within Kosovo. It is clear that even while the bombing campaign has raged Kosovo has been emptied, and it has been burned.

Mr. President, let me just make it clear that I know why we have been involved, and I think we have launched our military actions with the best intentions and with what I truly believe was sound moral authority. But I am troubled now by some actions by NATO, including the so-called "collateral" damage we have wrought, and the embassy bombing, which I believe may undermine that sense of moral legitimacy.

The embassy incident is only the latest of targeted errors which have caused civilian casualties. We have seen errant strikes on a refugee convoy, a civilian train, a bus and other incidents. While I understand clearly the difference between the brutal, deliberate and systematic attacks of Serb forces, which have resulted in the deaths of thousands and displacement of over a million more, and the accidental death of civilians caused by our wayward missiles, any serious moral reflection requires us to consider the impact of our actions on innocent civilians. Taken together, I fear these incidents are beginning to erode the moral authority of our efforts in Kosovo.

I do not mean to suggest in any way a moral equivalence between the two. But as the number of civilian casualties mounts, it will become increasingly difficult to justify as we try to balance these regrettable losses against whatever progress we are making toward our goal.

One way to put an end to Milosevic's atrocities and to the recurring cycle of collateral damage and NATO apologies may be to pursue a more creative coupling of our military, political and diplomatic goals.

Last week, I called for a brief, conditional and reciprocal pause in our military action. I wish we had done so. On NATO's part, this would entail a bombing pause of perhaps 48 hours. Such a pause—if it can be worked out in a way which would protect NATO troops and would not risk Serb resupply of their war machine—could help to reinvigorate—and I think we need to now—diplomatic efforts and halt the steady movement toward bombing that we have now seen which could lead to a deeper involvement and a wider war. Mr. President, we need to reinvigorate our diplomatic efforts, and we need to halt the steady movement in the bombing. We need to figure out a way that we can involve critical parties and countries in a diplomatic effort.

While my proposal is not the proposal that comes from the Chinese and Russians, it is more qualified. And it would require a more immediate reciprocal response from Milosevic.

I believe we need to take this step. I am not naive about whether we can trust Milosevic. We have seen him break his word too many times with that. We may even be seeing that again now in what NATO leaders have called a "feint" of a partial withdrawal. I am not proposing an open-ended halt in our efforts, but I am talking about a temporary pause of 48 hours or so offered on condition that Milosevic not be allowed to use the period to resupply his troops, or to repair his air defenses, and that he immediately order his forces in Kosovo to halt their attacks and to begin to actually withdraw. It would not require his formal prior assent to each of these conditions. But if our intelligence and other means of verification concludes that he is taking military advantage of such a pause by doing any of these things, we should resume the bombing.

I believe, however, that we need to take this first step, a gesture, in order to move diplomacy forward and bring these horrors to an end.

Let me conclude by saying that as a Senator I have been so impressed by the heroic efforts of nongovernmental organizations to bring humanitarian supplies by convoy to hundreds of thousands of homeless and starving misplaced refugees still wandering in the mountains of Kosovo. I believe a pause might very well serve their interests. It might enable these aid organizations and other neutrals in the conflict to more easily airlift or truck in and then distribute relief supplies to them without the threat of their humanitarian mission being halted by the Serbian military. A Serb guarantee of their safe conduct would be an important reciprocal gesture on the part of Milosevic. These people must be rescued. My hope is that a temporary bombing pause might help to enable aid organizations to get there.

Mr. President, I intend to press these questions that I have raised with the administration officials later today. I think we have an opportunity still for diplomacy. We must not allow this window of opportunity provided by the Russians and others to close.

I thank my colleagues for their graciousness.

I urge the President and his foreign policy advisers to consider steps to deescalate this military conflict, and to work with our allies, with the U.N. Secretary General, with the Russians and others to take advantage of whatever opportunities present themselves to forge a just and lasting peace which restores the Kosovar Albanians to their home, provides for their protection and for their secure futures, allows aid groups access to them, and provides for negotiation on their political status.

We must move forward now. I wish that we could have had this pause that I called for 10 days ago. I am extremely worried about the repercussions of the bombing of the embassy in China. I am worried about the events in Russia. I am worried about a window of opportunity for diplomacy closing and more escalation in this military conflict.

I think it is important that we take this step under the conditions that I have outlined.

I am going to continue to press forward with this proposal. I hope that in the Senate next week we will again have a discussion and debate about the events in Kosovo, about our military involvement, about where we are, about where NATO is, and what we need to do to achieve our objective.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

AMENDMENT NO. 342

(Purpose: To amendment chapter 44 of Title 18, United States Code, to enhance penalties for the unlawful use by or transfer to juveniles of a handgun, ammunition, large capacity ammunition feeding devices or semiautomatic assault weapons, and for other purposes)

Mr. ASHCROFT. Mr. President, I thank you for recognizing me. It is my understanding that in accordance with the previous consent that I have the opportunity to present an amendment to the juvenile bill.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. ASHCROFT] proposes an amendment numbered 342.

Mr. ASHCROFT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

To be inserted at the appropriate place:

TITLE . RESTRICTING JUVENILE ACCESS TO CERTAIN FIREARMS

SECTION 1. PENALTIES FOR UNLAWFUL ACTS BY JUVENILES.

(a) JUVENILE WEAPONS PENALTIES.—Section 924(a) of title 18, United States Code, is amended—

(1) in paragraph (4) by striking "Whoever" at the beginning of the first sentence, and inserting in lieu thereof, "Except as provided in paragraph (6) of this subsection, whoever"; and

(2) in paragraph (6), by amending it to read as follows:

"(6)(A) A juvenile who violates section 922(x) shall be fined under this title, imprisoned not more than 1 year, or both, except—

"(i) a juvenile shall be sentenced to probation on appropriate conditions and shall not be incarcerated unless the juvenile fails to comply with a condition of probation, if—

"(I) the offense of which the juvenile is charged is possession of a handgun, ammunition, larger capacity ammunition feeding device or a semiautomatic assault weapon in violation of section 922(x)(2); and

"(II) the juvenile has not been convicted in any court of an offense (including an offense under section 922(x) or a similar State law, but not including any other offense consisting of conduct that if engaged in by an adult would not constitute an offense) or adjudicated as a juvenile delinquent for conduct that if engaged in by an adult would constitute an offense; or

"(ii) a juvenile shall be fined under this title, imprisoned not more than 20 years, or both, if—

"(I) the offense of which the juvenile is charged is possession of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon in violation of section 922(x)(2); and

"(II) during the same course of conduct in violating section 922(x)(2), the juvenile violated section 922(q), with the intent to carry or otherwise possess or discharge or otherwise use the handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon in the commission of a violent felony.

"(B) A person other than a juvenile who knowingly violates section 922(x)—

"(i) shall be fined under this title, imprisoned not more than 1 year, or both; and

"(ii) if the person sold, delivered, or otherwise transferred a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon to a juvenile knowing or having reasonable cause to know that the juvenile intended to carry or otherwise possess or discharge or otherwise use the handgun, ammunition, large capacity ammunition feeding device or semiautomatic assault weapon in the commission of a violent felony, shall be fined under this title, imprisoned not more than 20 years, or both.

"(C) For purposes of this paragraph a 'violent felony' means conduct as described in section 924(e)(2)(B) of this title.

"(D) Except as otherwise provided in this chapter, in any case in which a juvenile is prosecuted in a district court of the United States, and the juvenile is subject to the penalties under clause (ii) of paragraph (A), the juvenile shall be subject to the same laws, rules, and proceedings regarding sentencing (including the availability of probation, restitution, fines, forfeiture, imprisonment, and supervised release) that would be applicable in the case of an adult. No juvenile sentenced to a term of imprisonment shall be released from custody simply because the juvenile reaches the age of 18 years.".

(b) UNLAWFUL WEAPONS TRANSFERS TO JUVENILES.—Section 922(x) of title 18, United States Code, is amended to read as follows:

"(x)(1) It shall be unlawful for a person to sell, deliver, or otherwise transfer to a person who the transferor knows or has reasonable cause to believe is a juvenile—

"(A) a handgun;

"(B) ammunition that is suitable for use only in a handgun;

"(C) a semiautomatic assault weapon; or

"(D) a large capacity ammunition feeding device.

"(2) It shall be unlawful for any person who is a juvenile to knowingly possess—

"(A) a handgun;

"(B) ammunition that is suitable for use only in a handgun;

"(C) a semiautomatic assault weapon; or

"(D) a large capacity ammunition feeding device.

"(3) This subsection does not apply to—

"(A) a temporary transfer of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon to a juvenile or to the possession or use of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon by a juvenile—

(i) if the handgun, ammunition, large capacity ammunition feeding device or semiautomatic assault weapon are possessed and used by the juvenile—

"(I) in the course of employment,

"(II) in the course of ranching or farming related to activities at the residence of the juvenile (or on property used for ranching or farming at which the juvenile, with the permission of the property owner or lessee, is performing activities related to the operation of the farm or ranch),

"(III) for target practice,

"(IV) for hunting, or

"(V) for a course of instruction in the safe and lawful use of a firearm.

"(ii) Clause (i) shall apply only if the juvenile's possession and use of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon under this subparagraph are in accordance with State and local law, and the following conditions are met—

"(I) except when a parent or guardian of the juvenile is in the immediate and supervisory presence of the juvenile, the juvenile shall have in the juvenile's possession at all times when a handgun, ammunition, large capacity ammunition feeding device or semiautomatic assault weapon is in the possession of the juvenile, the prior written consent of the juvenile's parent or guardian who is not prohibited by Federal, State, or local law from possessing a firearm or ammunition; and

"(II) during transportation by the juvenile directly from the place of transfer to a place at which on activity described in clause (i) is to take place the firearm shall be unloaded and in a locked container or case, and during the transportation by the juvenile of that firearm, directly from the place at which such an activity took place to the transferor, the firearm shall also be unloaded and in a locked container or case; or

"(III) with respect to employment, ranching or farming activities as described in clause (i), a juvenile may passes and use a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault rifle with the prior written approval of the juvenile's parent or legal guardian, if such approval is on file with the adult who is not prohibit by Federal, State or local law from possessing a firearm or ammunition and that person is directing the ranching or farming activities of the juvenile.

"(B) a juvenile who is a member of the Armed Forces of the Unites States or the National Guard who possess or is armed with a handgun, ammunition, large capacity ammunition feeding device or semiautomatic assault weapon in the line of duty;

"(C) a transfer by inheritance of title (but not possession) of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon to a juvenile; or

"(D) the possession of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon taken in lawful defense of the juvenile or other persons in the residence of the juvenile or a residence in which the juvenile is an invited guest.

"(4) A handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon, the possession of which is transferred to a juvenile in circumstances in which the transferor is not in violation of this subsection, shall not be subject to permanent confiscation by the Government if its possession by the juvenile subsequently becomes unlawful because of the conduct of the juvenile, but shall be returned to the lawful owner when such handgun, ammunition, large capacity ammunition feeding device or semiautomatic assault weapon is no longer required by the Government for the purposes of investigation or prosecution.

"(5) For purposes of this subsection, the term "juvenile" means a person who is less than 18 years of age.

"(6)(A) In a prosecution of a violation of this subsection, the court shall require the presence of a juvenile defendant's parent or legal guardian at all proceedings.

"(B) The court may use the contempt power to enforce subparagraph (A).

"(C) The court may excuse attendance of a parent or legal guardian of a juvenile defendant at a proceeding in a prosecution of a violation of this subsection for good cause shown."

(7) For purposes of this subsection only, the term "large capacity ammunition feeding device" has the same meaning as in section 921(a)(31) of title 18 and includes similar devices manufactured before the effective date of the Violent Crime Control Law Enforcement Act of 1994.

SEC. 2. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect 180 days after the date of enactment of this Act.

Mr. ASHCROFT. Mr. President, all of us are concerned and deeply so about what we think is a changing landscape in American culture. We are concerned about the fact that young people whom we once felt were the repository for the innocence of the culture are no longer that repository. We find ourselves being outraged and stunned when we find activity in juvenile quarters which are really threatening to all of us. That is why the whole juvenile justice topic is before us. We are amazingly aware, painfully aware, of the fact that we need to take steps to improve the way we deal with young people and to curtail the amount of criminal activity and behavior among those who are the young people of our culture.

It is important that we debate this issue in the Senate. It is important that we offer legislative responses to this serious challenge to the public safety and security of people and their families. But we shouldn't try to telegraph or to communicate the fact that we are addressing this, that we think that we can do everything that is necessary for a safer and saner approach to life by all of our citizens including young people.

There is much that simply can't be done by government. The resources of the State are inadequate to shape the culture totally and completely and to bring the kind of result that we want.

The fact that we are here to talk about things that we can do doesn't mean we believe that what we can do will totally accommodate or otherwise remediate the problem. We should do what we can do. I believe it is important to look around and ask how can we improve the situation and the legal framework.

One of the aspects of juvenile justice that we are discussing today is the access that juveniles have to firearms. In my hometown of Springfield, MO, and towns and cities across Missouri and across the United States, parents have long played an active and crucial role in teaching children the safe and responsible use of firearms.

However, Federal law already recognizes that certain firearms involve a higher level of responsibility than others. Handguns, for instance, have long been recognized as requiring greater restrictions than other firearms. Of course, any restriction must respect the second amendment rights of American citizens, one of the fundamental rights enjoyed under the Bill of Rights under the U.S. Constitution.

The amendment I propose today does exactly that. It simply extends the recognition of the need for increased responsibility to certain military-style semiautomatic assault weapons such as AK-47s and Uzis. In part, this mirrors a bill which I introduced recently in the Senate, Senate bill 994. The amendment which I have sent to the desk restricts the acquisition and possession of semiautomatic assault rifles and high-capacity ammunition-feeding devices—those holding over 10 rounds of ammunition—by juveniles.

Let me say again what this amendment does. This amendment restricts juveniles from acquiring semiautomatic assault weapon rifles and high-capacity ammunition-feeding devices—meaning those feeding devices which hold over 10 rounds of ammunition. It says juveniles do not have the authority to acquire, to purchase, or to possess those rifles generally.

Let me be clear about what this amendment does not do. This amendment does not affect the lawful ownership or possession of semiautomatic hunting or target rifles or semiautomatic shotguns, the kind of firearms that are routinely used responsibly by young people and American citizens across our country in hunting. It does restrict the possession and purchase of semiautomatic assault weapons and the high-capacity ammunition-feeding devices associated with them.

Current Federal gun law can be awfully complicated, but this amendment is not complicated. It is a straightforward commonsense amendment. Let me refer to a chart which shows the existing law. Already, the law requires elevated levels of responsibility in terms of handguns so that a juvenile individual is prohibited from purchasing a handgun from a federally licensed dealer, prohibited from purchasing a handgun in a private transaction or sale, and must have the permission of a parent in order to possess or use the handgun. I repeat, cannot buy from a licensed dealer, cannot buy in a private sale, and must have permission to use or possess.

Current Federal law in regard to semiautomatic assault rifles prohibits the sale by a federally licensed dealer to a juvenile, but permits juveniles to purchase semiautomatic assault rifles from individuals in private sales, and does not require a juvenile to have parental permission in order to possess or use such a firearm.

We have a disparity. Handguns have been prohibited for sale both privately and through licensed dealers and require parental permission; semiautomatic assault rifles, or AKs or Uzis, although prohibited for sale by a licensed dealer, juveniles are permitted to purchase at private sales; and juveniles require no parental permission. What we are proposing takes care of this disparity.

It says we will treat semiautomatic assault weapons as we treat handguns, that we will prohibit the acquisition of these weapons and firearms by juveniles from private sales just as they have been prohibited from federally licensed dealers, and we would require any possession by a juvenile of such a firearm to be an acknowledged and permitted possession of that firearm by the adult or the guardian parent of the juvenile.

It is pretty clear that what we have done here is to simplify the law by saying the same basic rules that apply to juveniles on handguns will apply to juveniles in semiautomatic assault weapons or assault rifles.

The law currently says in regard to a handgun you can teach your child to shoot a handgun but he can't shoot it without your permission. Basically, this would harmonize semiautomatic assault rifles with the law regarding handguns.

Now, there are under existing law some permitted uses of handguns by juveniles. If a juvenile is in the military service or if a juvenile is in lawful defense of himself against an intruder into his house, he is allowed to use a handgun—eminently reasonable. Those basic exceptions ought to be transferred or ought to exist for other firearms, as well.

Transfer of title to a firearm like this to a juvenile is permitted by inheritance, though the juvenile may not take possession until age 18, absent the kind of permission which would be required not only for this but for handguns.

My amendment simply treats semiautomatic assault weapons such as the AK-47s and the Uzis, street-sweeper shotguns, and high-capacity ammunition-feeding devices the same way for juveniles that we treat handguns. Private parties can no longer sell them to juveniles, and the juvenile needs parental permission to possess one unless he is in the military or uses it for self-defense.

What kind of weapons are we talking about that have been permitted to be sold to juveniles but would be prohibited under this amendment? The list includes: the AK-47, the Uzis, the Galil, Beretta AR 70, Colt AR-15, Fabrique Nationale FN or FAL, SWD M 10, M-11, M-11 1/9, the Steyr Aug, the TEC-9, street-sweeper shotgun, Striker-12 shotgun, and other semiautomatic rifles and shotguns with at least two military features, such as folding stocks, pistol grips, bayonet gloves, and grenade launchers.

These are serious firearms. Because they are serious, they create some new serious penalties. This amendment creates a new penalty of up to 20 years' incarceration for possession of handgun ammunition or semiautomatic assault weapon or high-capacity ammunition-feeding device with the intent to possess, carry, or use it in a crime of violence in a school zone. It raises the penalty for transferring a firearm to a juvenile, knowing that it will be used in a crime of violence or drug crime, to 20 years.

Mr. SESSIONS. Will the Senator yield?

Mr. ASHCROFT. I am happy to yield to the Senator.

Mr. SESSIONS. Mr. President, as chairman of the Youth Violence Subcommittee, I very much appreciate Senator ASHCROFT's leadership on this particular issue. But not just this one, on the entire package of legislation we have put together today. He has conducted hearings in Missouri, which I was pleased to be able to attend. We heard from victims of crime. We heard from police officers. We heard from young people. We went out and met with law enforcement officers who were breaking up drug labs. In the course of that, one of the things we dealt with was adult criminals using young people to commit crimes for them. Senator ASHCROFT has prepared that part of our bill in particular, which I think is invaluable, because young people do get treated less severely, and older adults are using them to commit crimes.

Zeroing in on some weapons that young people do not need to be able to receive in any fashion is good legislation. As chairman of that subcommittee, I appreciate Senator ASHCROFT, former attorney general of the State of Missouri, former Governor of the State, for his leadership throughout this process. I have enjoyed working with him and look forward to continuing to do so as we move this bill through to success.

Mr. ASHCROFT. I thank the Senator. I appreciate his work, coming to Missouri to participate in the hearing.

It became clear to us that adults using children to commit crimes—hoping the children would be excused because of their youth and they would all escape penalty—brings children into a criminal environment. It starts them down a path of crime. That is very dangerous, and this proposal which we are considering today obviously would elevate the penalties for that about threefold. I am delighted.

Again, let me refer to this amendment that really harmonizes the law so the same kinds of prohibitions apply to semiautomatic assault weapons as apply to handguns. There are a few clarifying changes in the existing law. It makes it clear that parental permission allows possession, either with parental supervision or with prior written permission of a parent. Even with this parental permission, juveniles can only possess these weapons for three narrow purposes: For target shooting; for gun safety courses; or if required for their employment in ranching, farming, or lawful hunting. Such a firearm being transported by a juvenile must be unloaded and in a locked case, under this amendment. So for a juvenile, even if he was transporting for one of these lawful purposes—that also relates to handguns, I might add—the law requires the weapon be unloaded and in a locked case.

Likewise, this amendment allows prior written permission to be retained by a parent instead of carried by the juvenile in the case of juvenile possession incident to employment, ranching, or farming activities. In other words, if on a ranch a youngster is carrying a pistol, obviously the written permission can exist in the ranch house while the youngster is doing chores or away from the house with the pistol.

Finally, the amendment clarifies the self-defense provision of the law by permitting possession in lawful defense of self or others in a residence against any threat to the life of the individuals there. I think it is only reasonable to conclude it should not be illegal for a young person to pick up a handgun to defend himself and his family in the event he is in his home and is the victim of a threat to his own life.

If parents want to teach children to use firearms responsibly, the law should not stand in the way. This law encourages parents to play an active role in the lives of their children and respects the judgment of parents. It does not suggest we in Washington know best and are better equipped than parents to make decisions. But it does say, as it relates to semiautomatic assault rifles and weapons, the provisions that relate to handguns ought to be the provisions that relate to semiautomatic rifles. That means this amendment would prohibit the private sale of a semiautomatic assault rifle to a juvenile and the possession of any assault rifle or similar weapon by a juvenile, absent the specific permission of a parent.

With that in mind, I think we take another step forward. We do not cure all the problems attendant to our society related to law-abiding responsibilities of young people. But we do take a step forward to bring the law to a place of rationality and to prohibit possession of semiautomatic assault rifles where pistols or handguns would be prohibited, and to prohibit such possession without the permission of a parent in a similar way to the way in which it has been prohibited for handguns.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I rise to comment on the amendment the Senator has just submitted before the body. I believe directly following this amendment, I will be introducing an amendment. Last week, I announced I would be introducing an amendment which had essentially all the parts that Senator ASHCROFT has just introduced, plus one additional part. Let me comment on how his amendment differs from mine in the sense of the parts he has just talked about.

He has added exceptions relating to employment, ranching, farming, hunting, inheritance, target practice, and training. The exceptions in my amendment are military and law enforcement.

He also creates a new penalty of up to 20 years for a juvenile who uses these weapons with the intent to commit a violent felony. I think that is a very positive addition.

He does not make any transfer a felony, so the penalty would still be only up to 1 year. That is, if you transfer an assault weapon to a juvenile, the penalty is only up to 1 year. That is part of the problem. The penalty is so low, it is difficult to sustain or even make prosecutions. But I am very pleased he has seen fit to offer this amendment.

I want for a moment to talk about what is missing from the amendment, which I will talk about more deeply on my own time. What is missing from the amendment is plugging a major loophole in the assault weapons legislation which I presented to this body in 1993 as an amendment to the crime bill and which is now law.

When the amendment came before the body and we were standing down in the well, another Senator approached me and said: Would you mind if there were an amendment which would permit the continued grandfathering of big clips into this country, particularly for those that have bills of lading on them already and are in transit? I said no. The amendment went in and got broadened in the course of what turned out to be a rather cantankerous debate on the subject, back and forth between the two Houses.

This is significant because the failsafe in the assault weapons legislation has to do with clips, in that the domestic manufacture of clips, drums, or strips of more than 10 bullets is prohibited in the United States subsequent to enactment of the assault weapons legislation. That is now the law. The loophole is that these clips are coming in from all around the world.

Let me give a few examples. Between March of 1998 and July of 1998, BATF approved permits for over 8 million of these clips. They came in from countries all over—from Austria to Zimbabwe.

Let me tell you some of the things that come in from Great Britain: 826,000 clips, drums or strips, 250-round magazines, 177-round magazines, 71-round magazines, 50-round magazines; from Germany, 426,300; from Italy, 5,900,000, and on and on.

What is the significance of this? What gives an assault weapon the firepower is, first, you can hold it at your hip with two hands and spray fire; secondly, most of them are capable of having a very light trigger which you can pull very rapidly, and being semiautomatic, each time you pull it, it dispenses a bullet; and the clips are very big. The bigger the clip, the less the opportunity somebody has to disarm you.

Hence, they have become the weapon of choice of grievance killers, of drive-by shooters, of gangs, and of drug dealers. None of these big clips are necessary for hunting.

It always puzzles me why there is an exception. As a matter of fact, overwhelmingly, the great bulk of States prohibit more than seven bullets in a clip for hunting. Therefore, why you need to make an exception for hunting—I used to use a bow and arrow. I was pretty good at it. At least there was some sport in it. If you come along with a spray-fire assault weapon and you are hunting some poor deer, my goodness, I am rooting for the deer, that's for sure.

I really question why we cannot plug this loophole. I tried last year. We received 44 votes. I was told some people did not like the timing of it and, therefore, I am trying at a time now when the juvenile justice bill is before this body.

Unless we close this loophole, we will continue to build a nation that is awash with the kind of equipment that wreaks the devastation that is occurring all over this country.

What the Senator has done is commendable. He has put forward certainly some improvements. I have done the same thing with not as many exceptions and added one other item.

I will probably vote for that amendment. I will also, though, press my amendment because, as one who has lived this assault weapons issue now for the past 6 years, unless we close some of these loopholes, the point of the legislation, which is to dry up the huge supply of assault weapons as well as these big clips, essentially will not happen. This is an important loophole to be closed. That is essentially the difference between our two amendments.

How much time remains on our side, Mr. President?

The PRESIDING OFFICER. Fourteen minutes, 52 seconds.

Mrs. FEINSTEIN. Mr. President, I want to take this time, if I may, to do something I have never done before, certainly on the floor of the Senate, and share with you my personal experience with guns and why I feel as strongly as I do with what is happening in this Nation with respect to them.

In 1976, I was president of the board of supervisors in San Francisco. There was a terrorist group by the name of the New World Liberation Front that was operating in the far west. They had blown up power stations throughout the West. They targeted me and placed a bomb in a flower box outside my house. The bomb had a construction-grade explosive which does not detonate below freezing. It never drops below freezing in San Francisco. It was set to detonate at 1:30 in the morning.

It did detonate, but the explosive washed up the side of the building and it did not explode. The timer went out in the street, and the next morning, we found the explosive on the side of the house. It was a very sobering thing because it was right below my daughter's window. Then this same group shot out about 15 windows in a beach house my husband and I owned.

I went to the police department and asked for protection, and I asked if I could learn to carry a weapon. So I received, in 1976, a concealed weapon permit to carry a weapon. I was trained at the police range. The weapon I carried was a chief's special 38, five shots. I practiced regularly.

My husband was going through cancer surgery at this time, and I remember walking back and forth to the hospital feeling safer because I had this small gun in my purse. A year later, arrests were made, and I returned the gun and, as a matter of fact, it was melted down with about eight others into a cross which I was able to present to the Holy Father in Rome in the early 1980s.

Subsequent to that time, a direct contradictory incident changed my life dramatically, when a colleague of mine on the board of supervisors smuggled a gun in, a former police officer, and shot and killed the mayor and shot and killed a colleague.

I spoke about this very briefly on the floor once before, but I was the one who found my colleague's body and put a finger through a bullet hole trying to get a pulse. I became mayor as a product of assassination in a most difficult time in my city's history.

Between those two incidents, I have seen the reassurance, albeit false, that a weapon can give someone under siege. With a terrorist group, one does not know when they will strike. I was very frightened. I decided I would try to fight back, if I could, and did the legal things to be able to do it. So I understand that reassurance.

On the other hand, I have seen the criminal use of weapons. Then I began to see very clearly, between the late seventies and today, the evolution of the gun on the streets of America and seeing these very high-powered weapons striking hard and killing innocent people. I actually walked a block in Los Angeles where, in 6 months, 30 people were mowed down by drive-by shooters carrying these weapons.

I went to 101 California Street and saw the devastation that an aggrieved man brought about when he walked in with assault weapons and mowed down innocent people.

Let me tell you a couple of the characteristics of some of these weapons. I will begin with the weapon that was used in Littleton.

The Intratech TEC–9, TEC-DC9, TEC–22 is a favorite weapon of drug dealers, according to BATF gun data. One out of every five assault weapons traced from a crime is a TEC–9, according to BATF. It comes standard with a 30- to 36-round ammunition magazine capable of being fired as fast as the operator can pull the trigger. It is one of the most inexpensive semiautomatic assault weapons available. The original pistol version, called KG–9, was so easily converted to fully automatic it was reclassified by the BATF in 1982 as a machine gun.

The TEC–22 is very similar to the TEC–9 and TEC-DC9 and fires .22 caliber ammunition, manufactured in the United States.

The other one widely used is the AK–47. It is the most widely used assault weapon in the world, now manufactured in many countries. An estimated 20 to 50 million have been produced. It comes standard with a 30-round ammunition magazine capable of being fired as fast as the operator can pull the trigger. Some models are available with collapsible stock to facilitate accountability, developed in 1947 in the Soviet Union.

These are two of the weapons most used—banned by the assault weapons legislation.

What is the problem? The problem is the gun manufacturers are so craven that whatever you write, they find a way to get around it, to produce a thumb-hole stock or some other device, but to continue the basics of the weapon—that it can be held in two hands, that it can be spray fired. And what enables it to be so lethal and used in grievance killings and used by drive-by shooters and used by gangs is the big clips. No one can get to you to disarm you if you have a 70-round clip, a 90-round clip, or two 30-round clips strapped together.

So the purpose of the assault weapons legislation was to dry up that supply, not to take one away from anybody but over time dry up the supply. Today, no one in this country can manufacture a clip, drum, or strip of more than 10 bullets. No one can sell it legally. No one can possess it legally if it is made postban. The loophole is that they are pouring in from 20 different nations.

I went to the President, and I said: Can you use your executive authority to stop it? Just as he did with the foreign importation of assault weapons. What I was told by Justice was, no, we need legislation to close the loophole.

So I say to the Senator, where my legislation differs from yours is in exceptions and plugging this loophole. I very much hope we can plug the loophole. I very much hope the intent of your legislation isn't to submarine my legislation, isn't to prevent the closure of this loophole, which, as submitted to me right down there—I will never forget where it happened—was simply a grandfather clause to permit those weapons that had bills of lading on them in transport coming into this country. And I believe it should be closed. I believe the supply should be dried up.

Let me talk about the school killings and how these clips come into it for a moment.

I sent my staff to buy some of these clips. Let's see if it is easy; let's see if it is hard.

On the Internet, no questions asked. It is $8, $10 for a clip; no questions asked. Give your mother's credit card and you get it in the mail within a couple of days. We bought a 75-round magazine for an AK–47. And we bought several 30-round clips for $7.99, $8. And then if it slips into the weapon, you have a gun that can kill 30 people before you can be disarmed. That is why I so desperately want to plug this loophole.

As I believe the time is up, I yield the floor and will continue this on my own time. I thank the Chair.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. ASHCROFT. I am happy to yield such time to the Senator from Idaho as he might consume.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I thank the Senator from Missouri for yielding.

I stand in support of what I think is a very needed piece of legislation. While I stand always in defense of the constitutional right of law-abiding citizens to own guns, I also recognize the tremendously valuable linkage between rights and responsibilities and the ability of people to understand what those responsibilities are and to perform them in law-abiding ways.

The Senator from Missouri has recognized that in the laws we currently have, there is the potential, if not the reality, where we say to juveniles they cannot own handguns, up to a certain age, and that in fact we have seen there is a possibility, by definition of "semiauto," that they could own one.

Certainly, in the case of Littleton, CO, the acts were illegal. That does not make the point. The point is, the law needs to be specific. That is what the Senator from Missouri is doing at this moment. He is making it very clear, as it relates to semiauto assault weaponry and the loading devices, that they be appropriately prescribed under the law as it relates to juveniles and that which we prohibit juveniles from possessing.

So I stand certainly in support of this. I encourage my colleagues to vote for it. I think it is the refinement of the laws of our country relating to gun ownership that clearly is deserving and appropriate in this legislation.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. I inquire how much time remains.

The PRESIDING OFFICER. The Senator from Missouri has 3½ minutes.

Mr. ASHCROFT. Mr. President, I thank the Senator from California for her kind remarks about the intent that is expressed in making sure we provide the same kind of restrictions for semiautomatic assault weapons that we provide for handguns.

I just say this is an important amendment. This is the subject of legislation I have previously filed in the Senate. I think this is appropriate because this addresses the subject matter of this bill, which is the juvenile justice framework. This is not, obviously, a comprehensive approach to such weapons but it is very clear and specific in terms of its reference to juveniles and their possession of not only the weapons but the kind of expanded or substantial clips or magazines, and it simply says juveniles are ineligible to possess those kinds of expanded clips or magazines.

So I believe this measure is appropriate and it will harmonize the law to say that juveniles do not have greater authority to possess semiautomatic assault rifles than they do to possess handguns. This harmonizes the law and brings it into a place of reasonability.

I am grateful for the opportunity to present this amendment. I appreciate, and will appreciate, the support of colleagues who intend to vote on behalf of this amendment.

I yield the floor and reserve the remainder of my time.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. How much time remains on both sides, please?

The PRESIDING OFFICER. There is 1 minute 29 seconds for Senator

ASHCROFT; and 4 minutes 27 seconds in opposition.

Mr. DURBIN. I thank the Chair.

Mr. President, I rise in support of the amendment to be offered by the Senator from California, Mrs. FEINSTEIN.

Let me tell you two things that happened yesterday on Capitol Hill which most people across America would find nothing short of incredible. We had a chance on the floor of the Senate to say that if you went to a gun show and bought a gun, you would be subject to the same law as anyone who walked into a gun dealer. In other words, we would check your background. Are you a felon; do you have a criminal record; do you have a history of violent mental illness?

Before we sell a gun at a gun show, we wanted to make sure there was less likelihood that people would walk in with those problems and walk out with a gun. We were defeated. The National Rifle Association defeated that amendment. Despite the best efforts of Senator FRANK LAUTENBERG of New Jersey and many of us, we were defeated.

Instead, this Senate passed an amendment by the Senator from Idaho which went in the opposite direction and made it easier for people to buy guns without background checks. In fact, the amendment offered by the Senator from Idaho, adopted by this Senate, said you could walk into a pawn shop and buy your gun back without any background check.

What is wrong with that? Five times as many criminal felons put their guns in pawn shops as regular citizens. So what the National Rifle Association did with this amendment by the Senator from Idaho was make it easier for those who use guns in crime to get those guns without a background check.

America has to be standing back and saying: Did the Senate learn anything from what happened in Littleton, CO? Can we do anything to deal with gun violence?

Then, last night, I went to a conference committee on the emergency supplemental bill, and I said to the gathered members of the House and Senate, please, we are considering a bill worth billions of dollars. Can we put some money in to help our schools—$265 million so we can hire more counselors in schools to help troubled children; $100 million for more afterschool programs so that kids can be in a constructive, positive, safe environment. They said no, not a penny. In this emergency supplemental bill, not one penny for America's schools, but $6 billion more for military spending than President Clinton asked for, billions of dollars to be spent around the world for problems which the United States is involved in, but not a penny to be spent on safety in schools.

What a message. What a message coming out of Capitol Hill yesterday. If these are truly representative bodies in the Senate and the House of Representatives, to whom have they been listening? They haven't been listening to the families across America who want us to stand up and do something about gun violence. They have been listening to the National Rifle Association. They haven't been listening to the kids that we met with this morning from all across the United States, who came in and talked about their worries and their concerns about safety in schools. And they sure haven't been listening to the parents, worried to death about another school year and more violence.

If this Senate is going to be truly representative of the people who sent us here, if we are going to do something to show leadership instead of powerlessness to groups like the National Rifle Association, we should pass the amendment of Senator DIANNE FEINSTEIN.

Stop these ammunition clips. Who on God's green Earth needs an ammunition clip with 250 bullets in it? If you need that kind of ammunition to go out and shoot a deer, you ought to stick to fishing.

The bottom line is, this amendment is sensible. She is trying to stop those who are buying ammunition clips that are designed to do one thing—kill human beings. Yet, the National Rifle Association says it is our constitutional right to buy these. Ridiculous.

Ask the families across America whether the Dianne Feinstein amendment makes sense and they will say yes. Ask them whether Senator FRANK LAUTENBERG's amendment, to make sure that we check the backgrounds of people before they buy these guns at gun shows, is the sort of thing we want to make certain it is safe for all Americans. They will say yes; that makes sense.

Time and again, we are going to give our colleagues, Democrats and Republicans, on the Senate floor a chance to stand up and decide whether they are going to be for the families across America who want safety in schools or whether they are going to shrink away in cowardice because of the National Rifle Association. Let us do the right thing. Let us adopt Senator FEINSTEIN's amendment.

The PRESIDING OFFICER. All time in opposition has expired. The Senator from Missouri has a minute and a half.

Mr. ASHCROFT. Mr. President, this is a simple amendment. It simply says that what we ought to do in regard to semiautomatic assault weapons in our schools, for young people, is to require them to have the same kind of rules we have for handguns. Most people think that a semiautomatic assault weapon is much more dangerous than a handgun. Yet, under current law, you are permitted to buy one as a juvenile. You don't have to have your parents' permission like you do with a handgun, where you are prohibited and you do have to have your parents' permission.

So what we are talking about in this law is, for semiautomatic weapons, you are prohibited from buying them as a juvenile. And you cannot even possess one unless you have a clear indication of your parents' permission.

We have also dealt with juveniles in these clips that are being spoken of and simply said that they are not eligible to possess these clips, that this kind of automatic ammunition-feeding device is not appropriate for and, therefore, is prohibited, in terms of selling to, in the same way that we would prohibit the sales to young people of semiautomatic assault weapons. It does not include traditional hunting weapons, and we are not talking about these kind of things that are mentioned as spray-firing weapons. As a matter of fact, semiautomatic is not spray firing. Spray firing is a machine gun.

We are simply making the rules for semiautomatic assault weapons the same as they are for handguns. It a change that ought to be made. I urge my colleagues to vote in favor of the amendment.

The PRESIDING OFFICER. All time has expired.

The Senator from California is recognized to offer an amendment.

AMENDMENT NO. 343

(Purpose: Relating to assault weapons)

Mrs. FEINSTEIN. I thank the Chair. I send an amendment to the desk on behalf of myself and Senators CHAFEE, KENNEDY, SCHUMER, TORRICELLI, DURBIN, LEVIN, LANDRIEU, MURRAY, and INOUYE.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California (Mrs. FEINSTEIN), for herself, Mr. CHAFEE, Mr. KENNEDY, Mr. SCHUMER, Mr. TORRICELLI, Mr. LEVIN, Mr. DURBIN, Ms. LANDRIEU, Mrs. MURRAY, and Mr. INOUYE, proposes an amendment numbered 343.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 276, below the matter following line 3, add the following:

TITLE V—ASSAULT WEAPONS

SEC. 501. SHORT TITLE.

This Act may be cited as the “Juvenile Assault Weapon Loophole Closure Act of 1999”.

SEC. 502. BAN ON IMPORTING LARGE CAPACITY AMMUNITION FEEDING DEVICES.

Section 922(w) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking “(1) Except as provided in paragraph (2)” and inserting “(1)(A) Except as provided in subparagraph (B)”;

(2) in paragraph (2), by striking “(2) Paragraph (1)” and inserting “(B) Subparagraph (A)”;

(3) by inserting before paragraph (3) the following new paragraph (2):

"(2) It shall be unlawful for any person to import a large capacity ammunition feeding device."; and

(4) in paragraph (4)—

(A) by striking "(1)" each place it appears and inserting "(1)(A)"; and

(B) by striking "(2)" and inserting "(1)(B)".

SEC. 503. PROHIBITION ON TRANSFER TO AND POSSESSION BY JUVENILES OF SEMIAUTOMATIC ASSAULT WEAPONS AND LARGE CAPACITY AMMUNITION FEEDING DEVICES.

Section 922(x) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking "or" at the end;

(B) in subparagraph (B), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(C) a semiautomatic assault weapon; or

"(D) a large capacity ammunition feeding device.";

(2) in paragraph (2)—

(A) in subparagraph (A), by striking "or" at the end;

(B) in subparagraph (B), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(C) a semiautomatic assault weapon; or

"(D) a large capacity ammunition feeding device."; and

(3) in paragraph (3)—

(A) in subparagraph (B), by inserting ", semiautomatic assault weapon, or large capacity ammunition feeding device" after "handgun"; and

(B) in subparagraph (D), by striking "or ammunition" and inserting ", ammunition, semiautomatic assault weapon, or large capacity ammunition feeding device".

SEC. 504. ENHANCED CRIMINAL PENALTIES FOR TRANSFERS OF HANDGUNS, AMMUNITION, SEMIAUTOMATIC ASSAULT WEAPONS, AND LARGE CAPACITY AMMUNITION FEEDING DEVICES TO JUVENILES.

Section 924(a)(6)(B) of title 18, United States Code, is amended—

(1) in clause (i), by striking "1 year" and inserting "5 years"; and

(2) in clause (ii)—

(A) by inserting ", semiautomatic assault weapon, large capacity ammunition feeding device, or" after "handgun" both places it appears; and

(B) by striking "10 years" and inserting "20 years".

SEC. 505. DEFINITION OF LARGE CAPACITY AMMUNITION FEEDING DEVICE.

Section 921(a)(31) of title 18, United States Code, is amended by striking "manufactured after the date of enactment of the Violent Crime Control and Law Enforcement Act of 1994".

SEC. 506. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect 180 days after the date of enactment of this Act.

Mrs. FEINSTEIN. I thank the Chair.

Mr. President, this amendment is designed to close several loopholes in laws that allow juveniles to obtain big guns. The amendment will ban juvenile possession of semiautomatic assault weapons. It will ban juvenile possession of large-capacity ammunition magazines. It will ban future importation of large-capacity ammunition magazines, and it makes the transfer of a handgun, semiautomatic assault weapon or high-capacity clip to a juvenile a felony, punishable by up to 5 years in prison.

It increases the maximum penalty for transferring a handgun to a juvenile, with knowledge that it will be used to commit a crime, from 10 to 20 years. It does that same thing for transfer of a semiautomatic assault weapon to a juvenile.

I think we have had a good discussion on the first part of the amendment with Senator ASHCROFT's legislation; that is, the amendment banning juvenile possession of a semiautomatic assault weapon. Current law already prohibits any person under the age of 18 from owning or possessing a handgun, with certain very limited exceptions. Yet, the law does nothing to prevent a juvenile from possessing the deadliest of assault weapons, those banned by our legislation of 1994. This would close that loophole.

Secondly, the amendment bans juvenile possession of large-capacity ammunition-feeding devices.

Now, what is a large-capacity ammunition-feeding device? It is something like this, where 30 rounds go into this clip. The clip goes up into the weapon, and you can use the weapon and spray fire, having a large number of bullets. Most assault weapons come standard with 20- or 30-round clips. These big drums or clips are the tools that allow a person to rapidly fire shot after shot after shot with no opportunity to be disarmed.

As I said earlier, they have no sporting purpose. Anybody who sees somebody deer hunting with one of these, root for the deer because you don't have much of a hunter if it takes 30 bullets in an assault weapon to take down a deer.

For both of these two provisions, the ban on juvenile possession of assault weapons and high-capacity clips, there are two exceptions. A juvenile may still use or possess a handgun, assault weapon, or high-capacity ammunition magazine if he or she is a member of the Armed Forces or the National Guard, and the use of such items is in the line of duty. Secondly, a juvenile may still use or possess a handgun, assault weapon, or high-capacity ammunition if these items are temporarily being used to defend a home. So, in other words, if there is one in the home and the home is invaded by a number of masked gunmen, the youth can certainly legally pick up that weapon to defend himself or herself. Throughout my amendment, a juvenile is defined as a person under the age of 18.

The third provision I have offered would finally stop the importation of large-capacity ammunition-feeding devices, and that is what the other side of the aisle wants to permit to continue to happen. As I mentioned earlier when we passed the legislation in 1994, a grandfather clause was in it to permit those shipments that have bills of lading on them to come into the country. What a mistake I made at that time. I should have fought it tooth and nail. It was then expanded, and you have the loophole that exists today. It has now been more than 4 years, and I believe anybody who has made pre-1994 assault weapons and clips has had an opportunity to import them into this Nation. My goodness, BATF, in 6 months, approves permits for 8.6 million of them. Now, look at the number of years that have gone by already. If you multiply every 6 months by 8.6 million, you will get a sense of the number that are coming in.

Let me say, once again, it is illegal to manufacture them domestically, sell them domestically, and possess them domestically, if they were made after the ban. The problem is, BATF has no way of knowing whether the clip, once it is in, was made before or after the ban because BATF can't go to Austria, or Great Britain, or Italy, or Zimbabwe, or Czechoslovakia, or East Germany, or any of these other places where these big clips are made and brought into this country.

Last year, the President stopped the importation of most copycat assault weapons into this country with an executive order. The Justice Department has advised that the President doesn't have the authority to ban the big clips and close the loophole. That is why the legislation is before us today.

Mr. President, I ask unanimous consent that a document entitled "Firearms and Explosives Import Branch, High-Capacity Magazine Import Totals, 3/98 to 7/98" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FIREARMS AND EXPLOSIVES IMPORTS BRANCH, HIGH CAPACITY MAGAZINE IMPORT TOTALS, BY COUNTRY OF EXPORT, 3/98–7/98

[This does not reflect the country of manufacture]

	No. of magazines per country	Total rounds approved
Austria:		
20 round magazines	300,000	6,000,000
Totals	300,000	6,000,000
Belgium:		
15 round magazines	3200	48,000
30 round magazines	500	15,000
Totals	3700	63,000
Chile:		
15 round magazines	30,700	460,500
20 round magazines	2,234	44,680
30 round magazines	35,482	1,064,460
32 round magazines	1,008	32,256
Totals	69,424	1,601,896
Costa Rica:		
15 round magazines	6,000	90,000
Totals	6,000	90,000
Czech Republic:		
15 round magazines	20,000	300,000
20 round magazines	25,000	500,000
70 round magazines	5,000	350,000
Totals	50,000	1,150,000
Denmark:		
32 round magazines	238	7,616

IREARMS AND EXPLOSIVES IMPORTS BRANCH, HIGH CAPACITY MAGAZINE IMPORT TOTALS, BY COUNTRY OF EXPORT, 3/98–7/98—Continued

[This does not reflect the country of manufacture]

	No. of magazines per country	Total rounds approved
36 round magazines	840	30,240
Totals	1,078	37,856
ngland:		
20 round magazines	644,800	12,896,000
25 round magazines	27,500	687,500
30 round magazines	101,650	3,049,500
32 round magazines	28,490	911,680
50 round magazines	500	25,000
71 round magazines	3000	213,000
177 round magazines	200	35,400
250 round magazines	20,000	5,000,000
Totals	826,140	22,818,080
ermany:		
15 round magazines	10,000	150,000
16 round magazines	800	12,800
20 round magazines	34,500	690,000
30 round magazines	230,000	6,900,000
40 round magazines	100,000	4,000,000
75 round magazines	50,000	3,750,000
100 round magazines	1,000	100,000
Totals	426,300	15,602,800
eece:		
30 round magazines	6,062	181,860
32 round magazines	55,900	1,788,800
Totals	61,962	1,970,660
ungary:		
20 round magazines	20,800	416,000
30 round magazines	20,800	624,000
70 round magazines	500	35,000
71 round magazines	200	14,200
Totals	42,300	1,089,200
donesia:		
30 round magazines	100,000	3,000,000
Totals	100,000	3,000,000
rael:		
20 round magazines	65,900	1,318,000
25 round magazines	17,000	425,000
30 round magazines	80,000	2,400,000
32 round magazines	2,000	64,000
35 round magazines	7,000	245,000
50 round magazines	65,900	1,318,000
Totals	172,900	4,502,000
ly:		
11 round magazines	20,000	220,000
12 round magazines	506,318	6,075,816
13 round magazines	1,151,264	3,049,500
15 round magazines	1,940,556	14,966,432
17 round magazines	1,308,696	22,247,832
20 round magazines	1,000,000	20,000,000
Totals	5,962,834	46,559,580
caragua:		
20 round magazines	10,000	200,000
50 round magazines	500	25,000
Totals	10,500	225,000
uth Africa:		
20 round magazines	54,360	1,087,200
25 round magazines	23,500	587,500
Totals	77,860	1,674,700
itzerland:		
20 round magazines	300	9,000
Totals	300	9,000
wan:		
30 round magazines	1,000	30,000
Totals	1,000	30,000
nbabwe:		
30 round magazines	32,000	960,000
32 round magazines	42,874	1,307,968

Mrs. FEINSTEIN. Once again, this
escribes the countries—Austria, Bel-
um, Chile, Costa Rica, Czech Repub-
:, Denmark, England, Germany,
reece, Hungary, Indonesia, Israel,
aly, Nicaragua, South Africa, Swit-
rland, Taiwan, and Zimbabwe—where
ring this 6-month period these big
ips received permits.

The final provision in this amend-
ent will increase penalties on any
rson who sells or transfers a hand-
in, assault weapon, or high-capacity ammunition magazine to a juvenile. Any transfer of a handgun, assault weapon, or one of these clips to a juvenile, under my legislation, would become a felony punishable by up to 5 years in prison. And any person who transfers to a juvenile, knowing that it is going to be used to commit a crime, is subject to a maximum penalty of 20 years. As I said earlier, the legislation applies the handgun prohibition to assault weapons as well.

Now, let me just speak for a moment about what we have seen happen in the last 3 years. Since I became, I might say, gun-sensitive in 1976, I have watched incidents develop in the United States. It is not hard for any of us to see that what has happened is a combination of things. In the first place, there are parents that, apparently, don't teach their youngsters values; schools that are too big; counselors that are too rare; the burgeoning group of youngsters who feel aggrieved or not accepted or not "one of them," or is jealous, is going to essentially have the last laugh by going in and really taking out a large number of students. We saw it in Moses Lake, WA; Bethel, AK; Pearl, MS; West Paducah, KY; Jonesboro, AR, which involved 2 killers, one of them just 11 years old; Edinboro, PA; Fayetteville, TN; Springfield, OR; and now Littleton, CO. All of these took place not in Los Angeles, New York, Detroit, Chicago, Cleveland, or San Francisco, but in small suburban communities, many of them deeply religious, most of them middle to upper-class socioeconomically.

So what has happened? I believe that what happened is we have seen the fomenting of a culture of violence surrounding youngsters. I have used this before and I will use it again. I would like to read directly from the Washington Post article dated Monday, May 11:

> Angry 5-year-old Took Gun to School. Memphis. Five-year-old kindergartner was arrested after bringing a loaded pistol to school because he wanted to kill his teacher for punishing him with a "time out," according to police records. The .25 caliber semiautomatic pistol in the child's backpack was confiscated by teacher Maggie Foster on Friday after another pupil brought her a bullet. "He said he wanted to shoot and kill several pupils as well as a teacher," the arrest ticket said. He stated he was going to shoot Ms. Foster for putting him in "time out," a form of discipline for young children.
>
> The boy was charged with carrying a weapon. It was unclear if he would be prosecuted. "A five-year-old is not capable of forming criminal intent," juvenile court Judge Kenneth Turner said. "The boy got the gun from atop his grandfather's bedroom dresser," said Jerry Manassass, juvenile director of court services. The boy and his mother live with the grandfather. "The State's Department of Children Services will investigate the boy's home situation," officials said.

And that's that.

Doesn't that frighten you? Doesn't it make you think that this Nation is so awash with guns that it has even trickled down to a five-year-old who knows enough to pick up a gun and take it to school? It frightens me, and I believe it concerns the dominant majority of American people. We have a chance to do something about it.

We can't entirely change the culture. We can pass, as we have, certain pieces of legislation. We can use the bully pulpit. We can talk about parents keeping their guns safe. We can use trigger locks. We can make parents responsible—all of which I think we should do. But the one thing we can and we must do is keep large firepower out of the hands of juveniles. The more you proliferate these weapons and make it easy for youngsters to obtain the ammunition feeding devices, just by using their computer, just by punching in their family's credit card, we create the situation where more lives can be taken.

Almost 1 in 12 high school students report having carried a gun in the last 30 days. This is despite Senator DORGAN and my gun-free schools bill. In 1996, 2,866 children and teenagers were murdered with guns, 1,309 committed suicide with guns, and 468 died in unintentional shootings. Gunshot wounds are now the second leading cause of death among people aged 10 to 34. What a commentary on this Nation. The firearm epidemic in this country is now 10 times larger than the polio epidemic of earlier this century.

In the 1996–1997 school year alone, more than 6,000 students across this Nation were caught with firearms in school. Is there a Member of this body who saw guns in their classrooms as they were growing up? I don't think so. I sure didn't. But I will tell you this: I addressed the fourth grade class in Hollywood and I said: What is your greatest fear? And that fourth grade said being shot. I said: How many of you have heard shots? And every single hand in the class went up in Hollywood, CA, as having heard shots. What kind of a nation are we becoming when our youngsters have to be reared in this kind of environment?

I notice the distinguished Senator, my cosponsor of this amendment, Senator CHAFEE of Rhode Island, is on the floor. If I might, I would like to yield time to him, as much time as he requires.

Mr. CHAFEE. I thank the distinguished Senator from California.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. I thank the Chair.

Mr. President, I am pleased to cosponsor Senator FEINSTEIN's amendment, which is designed to keep assault weapons and large capacity ammunition feeding devices out of the hands of children. Also, I am grateful to Chairman HATCH for the opportunity to discuss this important matter.

For years, Senator FEINSTEIN has been an ardent proponent of banning assault weapons and large capacity ammunition clips. In 1994, Congress wisely enacted legislation to prohibit domestic production of assault weapons and large capacity ammunition feeding devices. Regrettably, it took a terrible tragedy to give us that wisdom.

In January 1989, our nation was stunned when Patrick Purdy murdered 5 children and injured 30 others in a schoolyard in Stockton, CA. With the horror of that slaughter fresh in our minds and hearts, Congress enacted the assault weapons ban as part of the Violent Crime Control and Law Enforcement Act of 1994.

That legislation, principally proposed and fought for by the distinguished Senator from California, Mrs. FEINSTEIN, prohibits the manufacture, possession, and transfer of semiautomatic weapons and large-capacity ammunition clips that were not lawfully owned prior to enactment of the 1994 act. Regrettably, there are gaping loopholes in that law.

The amendment Senator FEINSTEIN and I have offered today is designed to close the loophole in the law that enables children to gain access to assault weapons and large capacity ammunition clips. It is intended to close the loophole that allows large capacity ammunition clips, which are manufactured abroad, to flood the United States. And it is designed to increase penalties on adults who provide children with handguns, deadly assault weapons, and large capacity clips.

This amendment is a matter of common sense. Common sense led us to prohibit possession of handguns by children. Nevertheless, we permit children to possess assault weapons and large clips. These are not weapons intended for hunting or recreational purposes. These are lethal weapons designed to make it easy to kill. Yet, the law says it's just fine for children to possess them.

There is a lot of discussion on the floor of this Chamber about the culture of violence.

We are asked to blame the "culture of violence" for the rash shootings that have rocked our nation and our schools. Children watch too much TV, therefore they are violent. Children go to violent movies, therefore they act out what they see. Children play video and computer games with violent themes, therefore they become killers. Perhaps there is truth in these conclusions, but there is a much simpler truth. It is foolhardy and irresponsible to allow children to possess assault weapons.

In America, a 15-year-old child can't drive a car, but he can own an assault weapon. An 18-year-old can't buy a beer, but he can own an assault weapon. There are age requirements for buying cigarettes or attending certain movies, but there are no age limits when it comes to assault weapons. The age requirements for certain activities are meant to keep children out of harm's way. That's what this amendment is meant to do, too.

We have an opportunity today to say enough is enough. We have an opportunity to use our common sense and take assault weapons and large capacity clips away from children. We have an opportunity to learn from the horror that all of American has witnessed in our nation's schools.

Assault weapons and large capacity magazines were used in two of the horrific shootings we all watched on the evening news. At Thurston High School in Springfield, OR, a 15-year-old, who was suspended for bringing a gun to school, returned the next day and opened fire in a crowded cafeteria. He killed two students and wounded 22 others, using a large capacity ammunition clip. Most recently, two boys in Littleton, CO, devastated their community by storming their school, murdering 12 schoolmates and a teacher, and finally killing themselves. One of the weapons the boys used was a Tec-9 assault pistol.

It's time to end the madness. It's time to take common sense steps to keep guns, particularly assault weapons and large capacity clips, out of the hands of children. We teach our children not to play with matches; to look both ways before crossing the street; we tell them not to talk to strangers. We teach them lessons to keep them safe, but we allow them access to the deadliest of weapons. It doesn't make sense. It is unjustifiable.

We have a chance today to close the loophole in the assault weapons ban that permits what our common sense tells us is insane.

Mr. President, clearly, it will be argued on the floor of this Senate that we have a host of laws on the books—I think somebody said 40,000 laws. I don't know whether that is accurate or not. But if it is, there is a mass of laws on the books, and all we have to do is enforce these laws and we wouldn't have these troubles.

There is no law dealing with assault weapons in the hands of children—certainly no Federal law. There ought to be one along with passage of these laws on the floor of this Chamber. Certainly, there should be greater enforcement than there is.

But, first of all, let's have the law making it illegal, not only to own one of these weapons—for a minor to or for a child to—but also the clip that goes with it.

It should not be lawful for children to possess assault weapons and large capacity ammunition clips. It should not be possible for foreign manufacturers to flood the United States with a product domestic manufacturers are forbidden to produce. Adults who provide these deadly weapons to children should be punished.

That is part of the legislation for which the distinguished Senator from California has pushed. Senator FEINSTEIN's amendment is about children and safety.

I urge my colleagues to rely on their common sense and vote to take assault weapons away from children.

I thank the Chair. I thank the distinguished proponent of this amendment.

Mrs. FEINSTEIN. Mr. President, I think the distinguished Senator from Rhode Island knows I hold him in very high regard, but I want him to know that my fondness for him has just increased exponentially.

Thank you very much for that very compelling statement.

Mr. CHAFEE. I am delighted to be associated with her. I want to say, regrettably, we haven't passed much gun control legislation on the floor of this Senate, but because the Senator from California was so dogged and determined in, I believe, 1994, some 5 years ago, we were able to take a big step forward. Now she has come up with legislation to eliminate some of the loopholes in that bill.

I thank the Chair and I thank the distinguished Senator from California.

Mrs. FEINSTEIN. Mr. President, I yield 5 minutes to the distinguished Senator from Michigan.

Mr. LEVIN. I thank my good friend from California, and I commend her and the Senator from Rhode Island and others who are actively pursuing this very important amendment.

Mr. President, I believe that the tragedy in Littleton, Colorado struck a chord with every American. Three weeks ago, we watched in disbelief as children turned violent against other children, and we asked ourselves why. There is no single answer to that question. The violence in movies, on television, and in video games alarms us all. Our culture is surely far too violent. But, in these school shootings, we see one crucial common denominator: guns.

Guns kill some 35,000 people in the United States each year. We've grown so accustomed to the carnage that guns cause that only the most horrific acts of violence are capable of shaking us from our slumber. We paused in the Senate to observe a moment of silence to pay tribute to those who died at Columbine High School and to express our sympathy for their loved ones. But now with this latest tribute for the victims in Littleton behind us, we need to be anything but silent.

There is no one cause of youth violence, the causes are many. But among them there is one that cannot be ignored or denied: the easy access our young people have to deadly weapons.

Violence in television shows, video games and movies horrifies us as parents and grandparents. But these same programs and those same games are the predominant entertainment in

nany other countries, as well, which
ave a small fraction of our gun mur-
er rate. Look at our border with Can-
da. In 1997, the U.S. death rate involv-
ng firearms was about 14 per 100,000
eople. The rate for Canada was less
nan one-third of that, about 4. Cana-
ian towns on our border watch exactly
ne same T.V. and movies we do. Their
ids play the same video games as
urs. In 1997, there were 354 firearm
omicides in Detroit; across the river
Windsor, Ontario, one fifth its popu-
tion, there were only 4. The crucial
fference is the easy availability of
rearms in the U.S. If we equate the
opulations, that would mean that on
apples and apples basis, Windsor
ould have had 20 firearm homicides.
hey watch the same television, they
atch the same movies, and they play
ne same video games. We had 354 fire-
rm homicides in Detroit; Windsor has
on a comparable basis.

The crucial difference isn't, then, the
mosphere of violence which pervades
o much of our environment; the crit-
al, crucial difference is the easy
ailability of firearms in the United
ates.

No matter how severe this plague of
n violence is for society as a whole,
r the young it is far worse. For young
ales, the firearm death rate is nearly
ice that of all diseases combined.
ne hundred and thirty-five thousand
ns are brought into U.S. schools
ery day, according to an estimate by
e National School Board Associa-
on—135,000 guns every day brought
to our schools. Guns are not the
use of violent emotion, but guns are
e predominant cause of violent
llings and murders when such violent
notions are acted out.

There are numerous loopholes in the
deral gun laws which I think would
rprise most Americans. The Fein-
ein amendment before the Senate ad-
esses loopholes which allow youth
cess to, for instance, the assault
apons which have been discussed.
ost of these are commonsense pro-
sals.

Ten years ago, maybe now a little
nger than that, former Senator Barry
ldwater first heard that a madman
lked into a schoolyard in Stockton,
, with a rapid-firing AK–47 and shot
100 rounds in 2 minutes, killing 5
ildren and wounding 30. Senator
ldwater said, "I'm completely op-
sed to selling automatic rifles, and I
ve been a member of the NRA. I col-
t, make, and shoot guns. I've never
ed an automatic or semiautomatic
hunting. There is no need to. They
ve no place in anybody's arsenal."

Senator Goldwater was right when he
d that assault weapons have no
orting purpose. How many more
gedies will it take before, at a bare
nimum, we take assault weapons
d large ammunition clips out of the
nds of children?

This amendment does that. I hope this Senate will give its support. I commend the Senators from California and Rhode Island.

Mrs. FEINSTEIN. Mr. President, I thank the distinguished Senator from Michigan. A while back, a former Vice President said he is one of the great minds of the Senate. I certainly agree with that. I think you know that.

Thank you very much.

I see the distinguished Senator from New Jersey on the floor. I yield 5 minutes of my time to Senator TORRICELLI.

Mr. TORRICELLI. I thank the Senator from California for yielding.

Mr. President, all of us, after Littleton, grieved together. I believe all of those prayers and condolences were sincere. But we also pledged to finally take the issue of gun violence and young people in America seriously. Those pledges may not have been as sincere.

It was my hope in this debate that we would deal with some very fundamental issues—restricting the ability to buy handguns to one a month; stopping the wholesale transfer of these guns into our cities and small towns in States like my own of New Jersey.

I hoped we would extend the Brady period to give a cooling off period to people who buy these weapons. I hoped to regulate firearms like any other consumer product.

We decided not to do these things because we wanted to meet our opponents, those who are advocates for the gun lobby, halfway. So we restricted ourselves to the most reasonable, the least controversial. It might have been a mistake, because even those commonsense initiatives, which I think most Americans would subscribe to, are not succeeding.

Yesterday, this Senate failed in an effort to restrict sales at gun shows without background checks—4,000 gun shows that operate outside of the current checks for mental illness and previous legal convictions. Now we return again with another provision that should be equally noncontroversial. Most people in America wouldn't believe this provision is necessary. I would have a hard time convincing most people in New Jersey that this amendment is required, because most people would believe it was already law: That an 18- or 19-year-old can buy an assault rifle; that any child can buy a rifle or shotgun, including assault rifles such as the infamous street-sweeper; that any youth 18 to 21 can privately buy an assault pistol such as the TEC–9 used in Littleton.

Our country has recognized that there is an age of maturity to drive an automobile. We recognize there is an appropriate age of maturity to consume alcohol, to exercise the right to vote—the basic sovereignty of our people. Yet, with the power to take a human life by the exercise of the extraordinary power in these weapons, young people like those in Littleton who consumed so many lives operate without restrictions.

I believe those who responded to the massacre in Littleton were sincere in wanting to deal with this problem. But it requires more than words. It requires the one area of political life that I most admire and is in the shortest supply in our country—courage—the courage to go to those few advocates who believe they are so right and their privileges are so important that the larger good of the public must be compromised. I suggest to them they must compromise for the sake of the Nation.

That is the moment in which we now find ourselves. Senator FEINSTEIN has offered an amendment that would interfere with the rights of no parents who want to teach their child to use a firearm responsibly or want to have a firearm in their home. It deals only with that class of weapons for which there is no hunting purpose, no legitimate function for which any teenager in any school of America should want to own an assault rifle or a multibullet clip. That is all we deal with. Inexplicably, I do not know if we will succeed.

Last year, we lost over 3,500 young people to gunfire; 3,500 deaths. This is no perfect answer. It will not eliminate all of those deaths. It may not eliminate a majority of those deaths. But no one on this Senate floor can credibly argue that with the adoption of the Feinstein amendment some lives will not be saved; that the chances of a Littleton are not measurably reduced.

The Senate has a choice. Senator ASHCROFT has also offered an amendment and it would also restrict to minors access to some of these weapons.

The PRESIDING OFFICER. The Senator has spoken for 5 minutes.

Mrs. FEINSTEIN. Mr. President, I yield the Senator an additional minute.

Mr. TORRICELLI. I thank the Senator for yielding an additional minute.

But only the Feinstein amendment offers not only restricting this class of weapon to young people, but also closes the loophole that allows these multibullet clips that allow the rage of a child who would take a single life to destroy a school, an entire group of people—to commit a mass murder.

I do not argue this alone will stop these tragedies. No one here can argue that any one formula, any one idea will eliminate this problem. But I will tell you this, Senator FEINSTEIN has the one proposal that can address the rage, the inexplicable rage that must be dealt with—by families and schools and churches and synagogues, exploding on such a level—by taking both these weapons of mass destruction and these multibullet clips out of circulation.

I congratulate her for her amendment. I ask the Senate, with all the rage you felt after Littleton, with all the conviction you felt to solve this problem, and all the compassion you felt for those children, have that strength, that courage and that conviction now. For once, at long last, let's take a stand and cast a vote so, as the years pass, we will have real pride that we made some contribution. Just as we ask those parents, those schools, those churches, those synagogues to play their role and be part of this solution, let the Senate be part of this solution, too.

I yield the floor.

The PRESIDING OFFICER (Mr. FITZGERALD). The Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank the distinguished Senator from New Jersey for his thinking. I very much appreciate it. It seems to me, those of us who have big cities in our States really understand what a lot of this is about. I think it is very important. When we get back here I think we forget what it is like out there, the ease with which youngsters can obtain these high-powered implements which are capable of killing so many people at one time. So I thank the Senator very much for his support in this.

Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator has 6 minutes 50 seconds.

Mrs. FEINSTEIN. Mr. President, let me once again state what is the fundamental difference between the amendment proposed by the distinguished Senator from Missouri and my amendment. My amendment has one thing that his does not. It closes the loophole in the 1994 assault weapons legislation.

Today, it is illegal for anyone, domestically, to manufacture these big clips. It is illegal for them to sell them. It is illegal for people to possess them. But it is not illegal to bring them in from abroad. So why wouldn't we straighten this out? Why would we disadvantage our domestic manufacturers and allow all of this stuff, these big clips, up to 250 rounds, to come in from abroad? It makes no sense. What is sauce for the goose is sauce for the gander. In a simple equity argument, we have closed the supply off domestically. Why permit these clips to come in from foreign countries?

Mr. President, I believe as soon as Senator SCHUMER comes he would like some time on this amendment as well. But I think we have an opportunity today for both parties to come together and do something important for our Nation. I deeply believe this legislation is supported by 80 percent to 90 percent of the American people. Why would we not enact it? Both of us want the same thing. We want to keep these weapons out of the hands of juveniles and we want to keep these big clips out of the hands of juveniles.

Does it make sense, then, to continue to increase the supply? I do not believe it does.

I suggest the absence of a quorum and reserve the remainder of my time.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I ask that the Senator from New York be recognized for the remainder of my time.

Also, I ask unanimous consent the junior Senator from Rhode Island, Mr. JACK REED, be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from New York.

Mr. SCHUMER. I thank the Chair, and I thank the Senator from California, not only for the time but, far more important, for her leadership on this issue.

We were the coauthors of the assault weapons ban of 1994. She carried it bravely in the Senate, and then I followed in the House.

We still have unfinished work to do. That is what this amendment is all about. The Senator from California has well documented the need for this legislation. But let me say that this is such a simple, carefully drawn, and modest measure that to take half a loaf or a quarter of a loaf is not good enough, particularly in light of the tragedy in Littleton and the tragedies which have occurred throughout America.

The Senator from Missouri has tried to deal with a part of the Feinstein amendment, but it still leaves a giant exception for young people to get these clips for hunting, for employment, for a group of other exceptions.

I say, if we believe these clips are unnecessary—unnecessary for hunting, unnecessary for self-defense—because they kill far too many people, then why are we making such an exception? So I ask my colleagues, if you really believe in rational laws on guns, if you really believe that young people should not have the kinds of clips—30-round—from all across the world sent to this country for no other purpose than to harm and maim—no legitimate purpose—then how can you believe it is OK half of the time or a quarter of the time or three-quarters of the time?

So I urge my colleagues to pass this amendment, not to shy away from it with a modification that does not really do the job, but to take this well-thought-out and modest step.

Let me say something else about the climate around here as it relates to this amendment and all of the amendments that are here.

What a bitter disappointment it is that the response to Littleton is that a loophole which allows criminals to get guns just gets wider. The American people are scratching their collective heads and saying, What is going on in this Senate of the United States? There is the blood of young children on our schoolhouse floors, and not only do we fail to take the modest step of closing the gun show loophole, we actually make it wider. I don't get it. I am new in the Senate, but I just don't get it.

As the entire Nation turns its eyes towards the Senate to do something to keep guns out of the hands of criminals, we give criminals a new special pawnshop exemption, one that did not exist even in the months before Littleton. Shame on us.

On the amendment of the Senator from Idaho, there was some discussion between him and me about it yesterday, but now it seems that all of the provisions I mentioned that were in that amendment seem to be true. And, frankly, the Senator from Idaho was gracious enough to admit that to me in the well of this Chamber this morning.

Let me tell you what we passed into law yesterday.

A violent felon gets out of jail and has little cash, so he pawns some of his guns. At this point, he is not even allowed to own a gun by law. Later, he raises money—maybe through a job, maybe through a crime; who knows—and he goes to redeem his gun. And now there will be no background check because of the amendment of the Senator from Idaho.

In 1994, of the 5,405 people who redeemed their own gun at a pawnshop, 294 were caught in the Brady net. When America begged the Senate to do something about guns, they were not asking us to bring back the pawnshop loophole. Why are we back-peddling? And other places, too.

The PRESIDING OFFICER. The Senator from Utah controls 45 minutes.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. I ask unanimous consent for 20 seconds.

The PRESIDING OFFICER. Is there objection?

Mr. SCHUMER. Will the Senator from California yield for a question?

Mrs. FEINSTEIN. Of course.

Mr. SCHUMER. Will the Senator from California ask unanimous consent that I be recognized for an additional minute, just to finish my point?

Mrs. FEINSTEIN. I ask unanimous consent the Senator from New York be recognized for an additional minute.

The PRESIDING OFFICER. Is there objection?

Mr. HATCH. Mr. President, we yield a minute to each, if it is all right. Do you want more?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. I thank the Senator for his generosity.

Mrs. FEINSTEIN. You finish, and hen I will go.

Mr. SCHUMER. I thank the Senator rom California.

There were two other exceptions in he Craig amendment, two other loopoles that, again, made it easier for eople—children, criminals—to get uns. One is an exemption from liabilty for certain gun dealers; another vould allow gun dealers to actually set p shop out of State, something uneard of since 1968. I would caution my olleagues in the Senate, evidently the raig amendment had other loopholes s well, which we will talk more about ter.

So please, let us, everyone, if we are fraid to take a step forward—and I ray that we are not—not take three teps backwards, which up to now the enate has done.

I yield back.

AMENDMENT NO. 343, AS MODIFIED

Mrs. FEINSTEIN. Mr. President, I sk unanimous consent to submit a mall technical correction to my nendment at the desk.

The PRESIDING OFFICER. Is there bjection?

Without objection, it is so ordered.

The amendment (No. 343), as modied, is as follows:

On page 276, below the matter following ne 3, add the following:

TITLE V—ASSAULT WEAPONS

C. 501. SHORT TITLE.

This Act may be cited as the "Juvenile Asult Weapon Loophole Closure Act of 1999".

C. 502. BAN ON IMPORTING LARGE CAPACITY AMMUNITION FEEDING DEVICES.

Section 922(w) of title 18, United States de, is amended—

1) in paragraph (1), by striking "(1) Except provided in paragraph (2)" and inserting 1)(A) Except as provided in subparagraph)";

2) in paragraph (2), by striking "(2) Paraaph (1)" and inserting "(B) Subparagraph)";

3) by inserting before paragraph (3) the lowing new paragraph (2):

"(2) It shall be unlawful for any person to port a large capacity ammunition feeding vice."; and

4) in paragraph (4)—

A) by striking "(1)" each place it appears d inserting "(1)(A)"; and

B) by striking "(2)" and inserting "(1)(B)".

C. 503. PROHIBITION ON TRANSFER TO AND POSSESSION BY JUVENILES OF SEMIAUTOMATIC ASSAULT WEAPONS AND LARGE CAPACITY AMMUNITION FEEDING DEVICES.

Section 922(x) of title 18, United States de, is amended—

1) in paragraph (1)—

A) in subparagraph (A), by striking "or" the end;

B) in subparagraph (B), by striking the ped at the end and inserting a semicolon; l

C) by adding at the end the following:

(C) a semiautomatic assault weapon; or

(D) a large capacity ammunition feeding vice.";

2) in paragraph (2)—

A) in subparagraph (A), by striking "or" the end;

(B) in subparagraph (B), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(C) a semiautomatic assault weapon; or

"(D) a large capacity ammunition feeding device."; and

(3) in paragraph (3)—

(A) in subparagraph (B), by inserting ", semiautomatic assault weapon, or large capacity ammunition feeding device" after "handgun"; and

(B) in subparagraph (D), by striking "or ammunition" and inserting ", ammunition, semiautomatic assault weapon, or large capacity ammunition feeding device".

SEC. 504. ENHANCED CRIMINAL PENALTIES FOR TRANSFERS OF HANDGUNS, AMMUNITION, SEMIAUTOMATIC ASSAULT WEAPONS, AND LARGE CAPACITY AMMUNITION FEEDING DEVICES TO JUVENILES.

Section 924(a)(6)(B) of title 18, United States Code, is amended—

(1) in clause (i), by striking "1 year" and inserting "5 years"; and

(2) in clause (ii)—

(A) by inserting ", semiautomatic assault weapon, large capacity ammunition feeding device, or" after "handgun" both places it appears; and

(B) by striking "10 years" and inserting "20 years".

SEC. 505. DEFINITION OF LARGE CAPACITY AMMUNITION FEEDING DEVICE.

Section 921(a)(31) of title 18, United States Code, is amended by striking "manufactured after the date of enactment of the Violent Crime Control and Law Enforcement Act of 1994".

SEC. 506. EFFECTIVE DATE.

This Act and the amendments made by this Act except sections 502 and 505 shall take effect 180 days after the date of enactment of this Act.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I yield myself such time as I might consume in opposition to the Feinstein amendment.

Mr. President, the Senator from California and I over our years together here in the Senate have remained good friends even though we find ourselves on occasion in disagreement. This is one of those occasions.

I wish I could join with the Senator from California and the Senator from Michigan and those who have spoken on the floor, in the most sincere of ways, in creating a magic wand that would take violence out of our schools and violence off our streets, and proclaim that our Nation is a violence-free nation. If we could do that together, then we would not be here debating this and our Nation would react differently than it is at this moment.

All of us have mourned the loss of those marvelous young people in Littleton, CO. But it would be unfair for anybody to stand on this floor and portray that passage of the Feinstein amendment will solve that problem. It will not. It will not solve the problem of violence in our youth today or the feeling of disillusionment or the frustration which has produced these episodes of extreme violence in juveniles that this society has never seen in its history.

I stand in opposition to the Feinstein amendment today because it would undo a provision of the law that was created in an interest of fairness, because in July of last year, when the Senator brought this to the floor, we argued it and 55 Senators said we ought not change this provision of the law. That is because, in 1994, Congress debated banning the future importation and manufacturing of high-capacity clips with more than 10 rounds of ammunition. Frankly, I was one of those who opposed banning this ammunition because I felt it had nothing whatsoever to do with controlling crime.

Enforcement controls crime: Cops on the street with the ability to make sure, when they arrest somebody who uses a gun in the commission of a crime, that some attorney will not plea bargain them back to the street. Adult crime is going down today because we are locking people up, in part. And yet we are going to have a bill on the floor in the next few minutes which is going to make it even tougher for Federal prosecutors to walk away from their responsibility under the law; and that is to put people away who use guns in the commission of a crime. That is how you make the streets safer.

Well, at least that is how you make the streets safer in relation to also protecting a private citizen's right to own and to collect.

I think, however, even the sponsor has acknowledged it would be unfair to outlaw existing clips or some clips. She did in 1994. In all fairness to her, she has honestly said on the floor she made a mistake. I do not think she made a mistake at that time. I supported her in that, and we voted on it, and it became the law of the land. The ATF proceeded to do everything in its power to frustrate the law we had created. Specifically, it held up imports of legal clips for years, claiming that Congress only intended to grandfather domestic clips. This reading of the statute was obviously so wrong that even the Justice Department went to ATF and said: Sorry, it is unenforceable. So ATF had to give in; they couldn't jawbone their way outside the law.

As a result of that, that importation was allowed as the law had designed. Consequently, the legal magazines finally were allowed to be imported years after the ban went into effect.

Today, those who wrote the law are now trying to undo it. Of course, that is the right of Congress—I do not dispute that—to change the law if they wish. But I hope they would have good grounds to do so.

I think the first provision of the Senator's law is the right thing to do. It is what the Senator from Missouri is doing, to tighten up on juvenile ownership and therefore force a greater level of juvenile responsibility. But hers is much broader than that, and I simply have to oppose it.

History is not the only reason that this amendment is unfair, however. It also is unfair because it would overnight make certain legal, lawfully owned firearms obsolete. These magazines are still being imported because there is a market for them, yes. She has spoken to that market. I think that is fair and responsible because of the character in which we have tried to shape this particular market.

It was unfair in 1994 to ban these magazines, I believe. It is unfair today. Again, I hope the Senator and I can find that magic wand. Congress is struggling mightily at this moment, and this Senate is, with the juvenile crime bill, to change the definition of how we treat juveniles in our society and to change the law, to treat them more like adults, to look at other dimensions that we believe are causing these levels of frustration and violent outbursts, from movies to videos.

I wish we could even take our magic wand, if we found it, and make the parents of our society more responsible, but that won't happen either. We will try. In the end, I hope we can succeed.

It is my judgment, I believe a fair judgment, to suggest that the Feinstein amendment will not make the Littletons go away, or any other act of violence in this country, unless we bring a whole combination of things and change the way our culture thinks and reacts, as it relates to its children and its future.

I hope my colleagues will join with me this afternoon in opposing the Feinstein amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, as I understand it, for the benefit of our colleagues, these next two votes will begin at about 3:45. We anticipate having a vote at 3:45, but that may be delayed in order to accommodate our Appropriations Committee conference. We will know within the next 10 minutes. If we don't begin voting at 3:45, then, if we can get the time yielded back from the distinguished Senator from Idaho and the distinguished Senator from California, we would then move to the Hatch-Craig amendment with the debate to continue for an hour evenly divided.

I ask unanimous consent that——

Mr. KOHL. Reserving the right to object——

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. As I understand it, all time has been yielded back on the part of the minority. Can we get the majority, Senator CRAIG——

Mr. CRAIG. Mr. President, I yield back the remainder of my time.

AMENDMENT NO. 344

(Purpose: To make an amendment with respect to effective gun law enforcement, enhanced penalties, and facilitation of background checks at gun shows)

Mr. HATCH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. All time having been yielded back, the clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. HATCH], for himself, Mr. CRAIG and Mr. MCCAIN, proposes an amendment numbered 344.

Mr. HATCH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. HATCH. Mr. President, for the benefit of our colleagues, it appears as though we don't know whether there will be a vote at 3:45 or not. It doesn't look like there will be, in my opinion. Those votes may be deferred for approximately an hour and 15 or 20 minutes. We will announce if we do have votes beginning at that time.

We are going to move ahead, keep moving on these amendments. This is the Hatch-Craig amendment. We would like to limit debate to an hour, but the minority needs to examine the amendment. We will certainly wait until they do before we ask for a limited period of time.

Mr. President, I ask unanimous consent that the previously scheduled votes now occur at 5:00 p.m. under the same conditions as stated earlier.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. I also ask that no second-degree amendments be in order prior to the scheduled votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I ask unanimous consent that Senator MCCAIN be placed as a cosponsor of the Hatch-Craig amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, in discussing several proposals with my colleagues over the last 2 days and nights, I am offering a package of amendments that will increase the effectiveness of S. 254 by sharpening the bill's focus on punishing criminals who use guns illegally, while protecting law-abiding people who use guns lawfully for traditional sporting and self-defense purposes. We want to punish the criminal without burdening law-abiding people.

Our amendment package has four parts: one, more aggressive prosecution; two, enhanced targeted penalties; three, expanded protection for children; and, four, enhanced background checks.

First, we propose an improved version of a program for the aggressive prosecution of the criminal use of firearms by felons or a program that is commonly known as CUFF, C-U-F-F. It is one thing to talk about putting criminals behind bars, and it is another thing to actually do it. We in the Senate must recognize that all the gun laws we could ever pass mean absolutely nothing if the Attorney General does not enforce them.

The Clinton administration talked about the Brady bill and stopping criminals from obtaining and using guns. The Attorney General talked about being tough on criminals, but the record shows otherwise. The chart that we are going to show to you shows that in the last 3 years the Democratic Department of Justice has had a dismal record in protecting the very crimes that the Democratic administration and Democrats in Congress said were an essential part of their program.

This chart shows the prosecutions of Federal firearms laws, cases reported, Executive Office, U.S. Attorney, requested firearms sections, counts charged, calendar years 1996–1998.

Now, for example, between 1992 and 1997, gun prosecutions under Operation Triggerlock—a proven gun crime prosecution program, started under President Bush—dropped nearly 50 percent, from 7,045 to 3,765. Now, these are prosecutions of defendants who use a firearm in the commission of a felony. They had been cut by 50 percent between the years 1992 and 1997. The Executive Office of the U.S. Attorney reports that between 1996 and 1998 the Clinton Justice Department prosecuted a grand total of one criminal who illegally attempted to purchase a handgun, but was stopped by the instant check system.

It is a Federal crime to possess a firearm on school grounds. However, the Clinton Justice Department prosecuted only eight cases under this law in 1998, even though they admit that more than 6,000 students illegally brought guns to school last year.

The Clinton administration had prosecuted only five such cases in 1997. Many believe that the actual number of kids who bring guns to school is much higher than the 6,000, but I think it is pretty pathetic when you stop and think that, in 1998, there were only eight cases prosecuted and in 1997 only five.

It is a Federal crime to transfer a firearm to a juvenile. However, the Clinton Justice Department prosecuted only six cases under this law in 1998, and only five in 1997. Think about it. It is illegal—illegal—to transfer a firearm to a juvenile yet only six cases were prosecuted in 1998 and only five in 1997.

Now, it is a Federal crime to transfer or possess a semiautomatic assault weapon. However, the Clinton Justice Department prosecuted only four cases under this law in 1998 and only four in 1997. Think about it.

In addition, the Clinton administration has requested only $5 million to prosecute gun crimes. We have a lot of rhetoric from this administration about gun crimes and how effective the Brady law has been. They claim hundreds of thousands of people are stopped from purchasing guns, many of whom they believed were felons. Please note that it costs $1.5 million to fund an effective project in the city of Philadelphia alone—just one city, $1.5 million—and they only requested $5 million for prosecuting gun crimes. Thus, not only has the Clinton administration failed to prosecute gun crimes in the past; it apparently has no plan to do better in the future.

This chart lists the prosecuted cases reported by the Executive Office of the U.S. Attorney.

Providing firearm to a prohibited person, unspecified category: 17 in 1996, 20 in 1997, and 10 in 1998.

Providing a firearm to a felon: 20 in 1996, 13 in 1997, and 24 in 1998.

Possession of a firearm by a fugitive: 30 in 1996, 30 in 1997, and 23 in 1998. That is an important category.

Possession of a firearm by a drug addict or illegal drug user: 46 in 1996, 69 in 1997, 129 in 1998.

Possession of a firearm by a person committed to a mental institution, or an adjudicated mental incompetent: 1 in 1996, 4 in 1997, 5 in 1998.

Possession of a firearm by an illegal alien, and we have millions of them coming into this country: 72 in 1996, 96 in 1997, and 107 in 1998.

Possession of a firearm by a person dishonorably discharged from the Armed Forces: 0 in 1996, 0 in 1997, 2 in 1998.

Possession of a firearm by a person under a certain kind of restraining order provision: 3 in 1996, 18 in 1997, 22 in 1998. Even though this administration has been complaining about domestic violence and the use of handguns and guns in domestic violence. Just think about it. This is the whole country. This is all the Justice Department has done. OK.

Possession of a firearm by a person convicted of a domestic violence misdemeanor: 0 in 1996, 21 in 1997, 56 in 1998.

Look at this.

Possession or discharge of a firearm in a school zone: 4.

Look at that. We have 6,000 kids that they admit came into schools with firearms in this country, and we know it is many more thousands than that; they know it, too. But there were only 4 in 1996, 5 in 1997, and 8 in 1998.

Now, we have heard a lot of mouthing off about the Brady bill and 100,000 cops in the streets. Let's talk about the Brady bill. According to them, hundreds of thousands of people have been prohibited from getting guns because of the Brady Act. Really, it is the check system that we insisted on that is causing these people to be caught.

Look at this: All violations under the Brady Act, first phase: 0 in 1996, 0 in 1996, and 1 in 1998.

Think about that, OK.

All violations under the Brady Act, instant check phase: 0 in 1996, 0 in 1997, 0 in 1998.

How about the hundreds of thousands of people they claim violated the law that they have caught:

Theft of a firearm from a Federal firearms licensee: 52 in 1996, 51 in 1997, and 25 in 1998.

Manufacturing, transferring, or possessing a nongrandfathered assault weapon: 16 in 1996, 4 in 1997, and 4 in 1998.

Transfer of a handgun, or handgun ammunition to a juvenile. We have thousands of cases like this: 9 in 1996, 5 in 1997, 6 in 1998.

Possession of a handgun, or handgun ammunition, by a juvenile: 27 in 1996, 3 in 97, and only 8 in 1998. Think about that.

Unspecified violations: 46 in 1996, 26 in 1997, and 21 in 1998.

Enhanced penalty use of a firearm or destructive device during a crime of violence or drug-related crime prosecutable in Federal Court: 1,987 in 1996, 1,885 in 1997, and 1,763 in 1998. Those are very small numbers compared to the number of people who they claim are misusing firearms.

Possession of a firearm by a prohibited person, unspecified category: 683 in 1996, 752 in 1997, 603 in 1998.

Possession of a firearm by a felon. Think about all these complaints about firearms causing everything in our society. They prosecuted 1,213 in 1996, 1,366 in 1997, 1,550 in 1998.

Who is kidding whom here? The fact of the matter is, this administration hasn't been serious about prosecuting gun cases, and now they want a lot more gun laws. Well, we are going to give them some on this bill, and we are going to give them some that some gun owners don't particularly care for. We are going to see if they do a better job in the future. We have to turn this around.

The CUFF amendment would fund—and we offer it in this amendment—an aggressive firearms prosecution program modeled after Operation Triggerlock, which was so successful during the Bush administration. It focuses on prosecuting gun criminals and obtaining tough sentences on the use of firearms in the commission of crimes of violence.

Mr. LEAHY. Will the distinguished Senator yield for a question?

Mr. HATCH. I am happy to yield for a question.

Mr. LEAHY. The distinguished Senator said the Republican package will offer some things gun owners won't like. Anything that I have seen in the Republican package, including a whole lot of things that were in legislation I had introduced, have been supported by virtually all gun owners. What were the ones the gun owners aren't going to like?

Mr. HATCH. Let me get to that.

Mr. LEAHY. I just didn't see any.

Mr. HATCH. The CUFF amendment, of course, they would like. Anybody who wants to do anything about crime would like that. In contrast to the $5 million requested by the Clinton administration to fund gun crimes, our plan provides $50 million to hire additional Federal prosecutors to prosecute gun crimes. This is just in the area of juvenile justice.

Our program expands to other cities a successful Richmond, Virginia program in which federal prosecutors prosecute as many local gun-related crimes as possible in federal court. Homicides have fallen 50 percent in Richmond since the program was implemented. This program works.

In addition to encouraging aggressive prosecution, our plan requires the Attorney General to report to Congress on the number of possible gun crimes and, if the crimes are not prosecuted, to explain why. I initially hesitated to support such a statute. However, after years of little enforcement of existing laws and after years of holding hearings at which the Attorney General consistently provides no satisfactory explanation, we have no choice.

If Congress passes a law to make an act a crime, it is the duty of the Attorney General to enforce that law. This reporting provision is a necessary step to ensure that the Clinton Justice Department does its duty and prosecutes the illegal use of guns by criminals.

Second, this package of amendments includes several penalty enhancements that I, Senator ASHCROFT, Senator MCCAIN, and Senator CAMPBELL have worked on. These enhancements target the illegal use of guns by criminals.

This proposal would impose the following mandatory minimum sentences:

Five years for the transfer of a firearm to another who the transferor knows will use the firearm in the commission of a crime of violence or a drug trafficking offense.

Ten years for criminals, including straw purchasers, that illegally transfer a firearm to a juvenile who they have reasonable cause to know will use the firearm to commit a violent felony.

Twelve years for discharging a firearm during the commission of a crime of violence or a drug trafficking crime.

Fifteen years for injuring a person in the commission of a crime of violence or a drug trafficking crime.

The proposal would also increase the mandatory minimums for distributing drugs to minors and for selling drugs in or near a school to 3 years for the first offense and 5 years for repeat offenders.

Our proposal would also increase the maximum penalty for knowingly transporting or transacting in stolen firearms, stealing a firearm from a dealer, and stealing a firearm that has moved in interstate commerce to 15 years.

This is strong medicine for the worst criminals that illegally use guns and drugs to harm elderly people, women, and children.

Third, our proposal would protect our children.

After reviewing Senator LEAHY's proposal, I must give the good Senator from Vermont and his colleagues on the Democratic side of the aisle credit. His proposal to expand the Youth Crime Gun Interdiction Initiative is a proposal that we can agree on.

This proposal would facilitate the identification and prosecution of gun traffickers that illegally peddle guns to our children.

The proposal would also facilitate the sharing of information between federal and State law enforcement authorities to stop gun trafficking.

The proposal would also provide grants to State and local governments to assist them in tracing firearms and hiring personnel to stop illegal gun trafficking.

I am glad that on this provision, we can reach a bipartisan agreement to protect our youth from illegal gun trafficking.

This proposal would also prohibit possession of firearms by violent juvenile offenders. This is the juvenile Brady provision, another provision they weren't particularly happy of in the eyes of some people in our society. But it is in this bill, and in this amendment.

It extends the current ban on firearm ownership by certain felons to certain juvenile offenders.

Under this proposal, juveniles who are adjudicated delinquent for serious crimes will not be able to own a firearm—ever.

When they reach maturity, they will not be able to own a firearm.

To ensure that this law will be enforceable, however, we make it effective only after records of such offenses are made available on the Instant Check System.

Finally, this proposal would aid in the overall enhancement of the Instant Check System. Senator DEWINE has played an instrumental role in drafting this provision that will help bring the Instant Check System into the 21st century, something that all on our side have been for from the beginning, and it is the only thing that really is working.

This amendment will fund a feasibility study on the development of a single-fingerprint computer system and database for identifying convicted felons who attempt to purchase handguns.

Under this system, a person will be able to voluntarily put his thumb or index finger onto a scanner at a gun store and a computer would instantly compare his finger print to a national digital database of finger prints for convicted felons. This would provide a truly accurate and truly instant check of a potential purchaser. This would prevent criminals with false identification credentials from purchasing a handgun.

The amendment would also close a loophole in current law. It would require the Attorney General to establish procedures to provide the Instant Check system with access to records not currently on the database. This would include records of domestic violence restraining orders. This will help protect vulnerable women from abusive spouses.

After the shooting at the library in Utah by a mentally disturbed person, I have been in contact with the representatives of mental health organizations to discuss this important problem. My constituents in Utah are very concerned about this issue and so am I, and everybody else is as well who reflects on this matter.

This proposal takes a small but important step on this issue. It directs the Attorney General to establish procedures for including public records of adjudications of mental incompetence and involuntary commitments to mental institution in the Instant Check database. This provision would protect the public, but would also respect the legitimate privacy interests and treatment needs of those with mental health problems.

Mr. President, this package of amendments will increase the prosecution of firearm crimes, increase penalties on criminals that illegally use guns and drugs, protect our children from gun trafficking, and expand the availability of background checks to stop convicted felons from illegally purchasing guns. The package accomplishes this without overburdening the lawful and traditional use of firearms by law abiding citizens for sporting purposes and by our most vulnerable citizens for self-defense purposes. Mr. President, I strongly support this package of amendments as an excellent addition to S. 254.

In addition, Mr. President, this amendment would also punish the solicitation of the violation of federal gun laws over the Internet. It would not require advertisers who do not actually sell a firearm over the Internet to become federally licensed firearms dealers.

The amendment provides that if a person knows or has reason to know that his Internet advertisement offering to transfer a firearm or explosives in violation of existing federal criminal statutes, he will be punished severely.

The amendment imposes fines and prison sentences that escalate for repeat offenders.

The amendment also provides an affirmative defense. If the advertiser is a licensed dealer, he can avoid the penalty imposed by this statute by posting a notice stating that sales of the firearm will be in accordance with federal law and will be made through a licensed dealer.

If the advertiser is a non-licensed individual, he can avoid the penalty imposed by this statute by:

(1) Sending a notice to the solicited party stating that the sale will be made in accordance with federal law; and

(2) Providing that as a term of the sale, the sale will be consummated through a licensed federal firearms dealer. Thus, there will be a background check before the firearm is transferred.

Mr. President, this amendment solves the problem of a non-licensee soliciting an illegal transfer of a firearm over the Internet. It punishes the knowing solicitation of a criminal transaction, and it allows an affirmative defense if the ultimate transaction includes an agreement to transfer the firearm through a licensed firearms dealer. Under current law, a licensed firearms dealer is required to run the buyer's name through the Instant Check system before transferring the firearm. This is a far superior alternative to requiring advertisers who do not sell firearms to become federally licensed firearms dealers and to act as middlement in the sale of firearms.

This amendment would punish those who solicit violations of federal law, but would not over burden law abiding citizens who lawfully advertise legal products.

Yesterday the Senate did two things related to background checks at gun shows. First, it rejected, on a bipartisan basis, the Lautenberg amendment. This proposal was unacceptable to many Members because of the incredible regulatory burden it would have imposed and because of the privacy implications for lawful citizens. Specifically, members were concerned with:

(1) excessive costs of the proposed background check system;

(2) centralized record keeping of lawful gun transactions; and

(3) a new bureaucracy for regulating gun shows designed to do far more than perform background checks.

Second, the Senate passed, on a bipartisan basis, the Craig amendment which represents a great step forward for gun safety while protecting the rights of lawful gun owners: It gave access for the first time to the instant check system, the NICS system, to nonlicensed individuals who want to sell their firearms; ensured there will be no unlawful recordkeeping by the FBI; established means for people to become licensed dealers of firearms if they want to sell them at a gun show; and provided liability protection when the instant check system tells a seller that a perspective purchaser is eligible to purchase.

Today, we include in our omnibus gun prosecution control package improvements to the Hatch amendment which will ensure that all gun sales at gun shows pass the muster of an instant check background check. This is due to the efforts of the distinguished Senator from Oregon, Mr. SMITH; the distinguished Senator from Arizona, Mr. McCAIN; Senator CRAIG, and myself.

We want all gun sellers to have the peace of mind that they are selling their firearm to a lawful purchaser. We want gun shows to be a place for legitimate business transactions and for collectors to enjoy their hobby, but never at the expense of public safety.

I ask unanimous consent that Senator SMITH of Oregon be added as an original cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. I yield to my colleague from Arizona, Senator McCAIN.

Mr. McCAIN. Mr. President, I thank the distinguished Senator from Utah, Mr. HATCH, for his stewardship and his incredible efforts today on this issue. This package and this amendment that I intend to address briefly would not have been possible without his effort. I thank also Senator CRAIG and my colleagues, Senators SMITH, COLLINS, SNOWE, ABRAHAM and many others who have taken an active role in this legislation today that would establish background checks in a manner which is fair and workable.

To start with, I want to point out that this amendment closes a loophole, and it requires instant background checks at all events at which at least 10 exhibitors are selling firearms, or at least 20 percent of the exhibitors are selling guns. This prevents any sale of a gun or a weapon at one of these shows without an instant background check. That is the effect of this amendment.

Specific language says a person not licensed under this section desiring to transfer a firearm at a gun show in his State of residence to another person who is a resident of the same State and not licensed under this section:

> Shall only make such a transfer through a licensee who can conduct an instant background check at the gun show or directly to the perspective transferee if an instant background check is first conducted by a special registrant at the gun show on a perspective transferee.

These background checks must be completed within 24 hours. This is not an overly burdensome requirement in the face of the Columbine High School tragedy; rather, it is a responsible means of lessening the likelihood of unlawful gun purchases. I believe this is something every Member of the Senate should be able to support.

It is my understanding this amendment has been cleared by every Member on this side of the aisle. I hope it will be cleared by Members on the other side. If they desire a rollcall vote on this, that would be fine. I think it should receive the unanimous support that it deserves.

I repeat one more time: This now provides for instant background checks at gun shows, and it effectively closes a loophole that was created. I am very appreciative of the Senator from Idaho for his cooperation in closing this loophole. It is a very strongly held belief on his part. I think he showed great statesmanship today.

I thank so many of my colleagues under the leadership of Senator HATCH, Senator COLLINS, Senator SNOWE, and especially my friend from Oregon, Senator GORDON SMITH.

Mr. SMITH of Oregon. Mr. President, I join in thanking those who have submitted this amendment today. I especially thank Senator HATCH for his indulgence and his leadership; Senator CRAIG, for allowing this to go forward; Senator McCAIN, for his doggedness and determination to help a number of Members to make sure that what we began yesterday to close this loophole, we, in fact, closed today.

I am proud to stand on the floor of the Senate and proclaim myself a defender of the second amendment. I say that and also qualify it only in this respect: I defend the second amendment for law-abiding citizens to bear arms—not for nuts and crooks. I think it is possible to defend this constitutional right and also defend kids in the school cafeteria. But to do that, we need to make this technical amendment today.

I am proud to stand with my colleagues. I hope the other side will allow this to clear. This is something our country needs. It is something I am proud to be a part of.

I yield the floor.

Mr. CRAIG. Mr. President, the Hatch-Craig amendment package is a very broad-based package bringing greater enforcement, aggressive prosecution that this administration has been very reluctant in pursuing. It enhances penalties across a broad cross section of illegal activities to assure that the criminal simply is not going to fall through the cracks.

As my colleagues from Arizona and Oregon indicated, once we were able to defeat the Lautenberg amendment and establish some very clear parameters for creating the permanency of the national instant check system and the funding of that check system and assuring that we were not creating extraordinary liability for private citizens who wish to involve themselves in sales, then I thought it was right and appropriate that we begin to move to clarify and define gun shows and how guns are sold at those gun shows.

That is exactly what we have done this afternoon. I think it is a major step on an issue that has brought a great expression of concern across our country.

What is important to understand is that there is no placebo. Many would rush to the floor hoping we can pass a myriad of laws. As I said with the Senator from California a few moments ago, the world would become instantly and dramatically safer. We hope what we do today will change the thinking in America. Law-abiding citizens have and will always have constitutional rights to own and bear arms for a variety of reasons. What we don't want to do is create a huge Federal bureaucracy that has so many tentacles in its webs that private law-abiding citizens get caught up in them.

That is what would have happened in the Lautenberg amendment. Along with that was the fear that a promoter could be almost anyone who said they were in support of a gun show. They would have to become a licensed Federal firearms dealer. That is not the case nor should it be the case.

Like many people know, when you go to the local drug store today and you want to charge it, you bring out your Visa card, they pass it through the machine and tell you nearly instantly if your credit is good, if you can charge against the card.

What we want to be able to do to free up law-abiding citizens and to catch the criminal in the web, is to make sure that this instant background check is embodied in the law, and that the Justice Department and the politics of any Justice Department—be it Janet Reno or someone else, cannot manipulate the law. That is to assure an instant computerized check system which assures that felons are on it and adjudicated others are on it, those who find themselves defined by the law as being not sufficiently responsible for the ownership of guns. That is what it is all about. That is what we are about here today—in the area of gun shows, that this be done.

Somehow, gun shows have been cast as some bazaar in which illegal criminal activity goes on. That is not true and everybody but a few politicians knows it is not true. Less than 2 percent of the guns sold through gun shows find themselves in criminal activity. We would argue that is too much. We are now asking law-abiding citizens to become involved with us in making sure that guns at gun shows, now that law-abiding citizen is protected, will not be sold to a criminal or to a juvenile. So we do that and I think we strengthen the provisions by doing so.

We also deal with another area my colleague from New York will be dealing with, potentially, later, and that is Internet sales. We are suggesting Internet transactions that are known to be legal activities or that could be legal activities are against the law. What we are not saying is you cannot advertise on the Internet. That is a first amendment right and I do not think the Senator from New York would want to infringe on the right of commerce, to speak out.

Let me correct for the RECORD a dialog that the Senator from New York, who is now on the floor, and I had yesterday. He felt, reading my amendment that was agreed to yesterday, there was a problem. That problem dealt with the potential of interstate transactions, that are now prohibited, being opened up. In all fairness—I said he was wrong. As he read my bill, he was reasonably accurate, because the bill had been mishandled in its typing. What we were trying to define was the temporary situation of a gun show, because when we do tracking and when we do background checks and records, we are dealing with addresses, permanent locations—permanent locations of a business, a dealer of guns. A gun show is not permanent, it is temporary. It is at the convention hall or the fairgrounds. In doing the typing, legislative counsel misqueued the wrong paragraph.

I must say, in all fairness, the Senator from New York was right. He found it. I agreed with him. We corrected it. We are now clearly back to Federal law being absolutely as it is. Interstate sales of guns are banned. Only under certain conditions of the Federal law can that happen. So we have corrected that also in this omnibus amendment, the Hatch-Craig amendment, that we think is right and responsible to do.

Mr. SCHUMER. Will the Senator yield for a question?

Mr. CRAIG. I will be happy to yield for a brief explanation by the Senator from New York.

Mr. SCHUMER. I thank the Senator from Idaho for yielding.

First, I thank him for his graciousness in correcting the RECORD of yesterday, which I very much appreciate.

Second, I say to the Senator, we have received this new amendment about 45 minutes ago. My copy is a little warm, but I think that is because of our Xerox machine, not because of his. We are in the process of analyzing it and hope to very shortly be able to either agree or disagree. But given what happened yesterday, we want to make sure we know what is in the bill and that it is the same thing the Senator from Idaho thinks is in the bill. I appreciate his indulgence.

But I do appreciate his words. They are meaningful to me, and I am glad we can conduct this debate, where we disagree so strongly, in a civil and fine tone.

Mr. CRAIG. I thank my colleague from New York.

Mr. DURBIN. Will the Senator yield for a question?

Mr. LEAHY. Will the Senator yield for a question?

Mr. CRAIG. I will not yield for a moment. Let me correct another area the Senator from New York and I had a disagreement on, but that is a gentlemanly disagreement. We still disagree. That deals with pawnshops.

In the Brady environment—that was the period of time in which we were building the national background check—a 3-day period was instituted, not to keep the gun from a person, but to check a person's background for the purpose of finding out whether it was legal for that person to own a firearm, whether the person was a felon or not. If, during that period of time, you pawned your gun at a pawnshop and then you went back to retrieve it, the pawnshop owner gave it back to you, no questions asked. It was your gun, your name was on it, you had the pawnshop ticket; as long as you could show ID, you got your gun back.

ATF and this administration are now interpreting this differently through instant check. They are saying you have to go through a background check again, and there are lawsuits out there in the marketplace today because of that.

It is very important for the RECORD to show what happens. If I am the person who takes a gun to a pawnshop and I pawn my gun, if I have my pawn ticket, within 24 hours the pawnshop owner must not only report the pawning of that gun to the local law enforcement authority with the serial numbers of the gun and my name—that is what goes on today in the law. So there is a background check, per se, because if my name happens to come up the name of a felon, I will never get that gun back; the law enforcement can go and collect it.

But what is happening now is that I go in 3 months later to get my gun. I have my money and my ticket and my record is clear. The ATF, and this administration, are saying: Foul. You have to go through a background check.

We are saying that is wrong. We are reinstating the Brady environment during the period of the 3-day waiting period.

Mr. SCHUMER. Will the Senator yield for a question?

Mr. CRAIG. I am happy to yield to my colleague from New York.

Mr. SCHUMER. Again, I want to go over the language. I agree with much of what the Senator said on the factual situation, but I would make one correction. The pawnshop exception was not part of Brady; it was added in. I remember this because I fought with then Chairman Brooks of the Judiciary Committee about it. It was added in the 1994 crime bill. Brady would have required the background check as is required today. The Brooks amendment exempted pawnshops from that check. And now, with the Craig amendment, we would go back to where the Brooks amendment was. Am I correct in that?

Mr. CRAIG. To the Brooks amendment, yes. I was not in the House at that time. Of course, I knew Jack Brooks was a strong defender of second amendment rights. That sounds like a pretty reasonable rendition.

Mr. SCHUMER. Just one point on the pawnshop exception. The reason it was put in Brady, no exception, the closing of the exception—the reason the administration went ahead and said that instant check required it was that, without the recheck, many people who were felons would get guns.

Of the 5,000-some-odd people who went to pawnshops in this period between the Brooks amendment and the ATF's regulation, over 300 were found to be felons. In other words, they were missed in the first check and the second check found them.

So I say to the Senator—and on this one we do not have to wait for the language because the Senator from Idaho has said the pawnshop exception in the language of yesterday will stay in the bill. I think that is a serious mistake. It will take us, in my judgment at least, a step back because many, many, many—in this case, close to 300; 294 people who were missed in the first check—were stopped in the second check. These are felons. These are not people whom the Senator from Idaho or I generally bend over backwards to help get guns.

So what is wrong with the second check when it is working? I urge the Senator from Idaho to reconsider and take the pawnshop exception out of this amendment.

I yield my time. I appreciate the Senator's courtesy.

Mr. CRAIG. I thank the Senator for his discourse on this. We believe pawnshops are now effectively regulated and their gun pawning activity is fully reported on a 24-hour basis to local law enforcement officers and that check goes forward. We think that is adequate and appropriate and right. That is the way it ought to be. I am not saying people who pawn guns ought not be checked, because they currently are.

Mr. LEAHY. Will the Senator yield for a question?

Mr. CRAIG. I will yield to the Senator from Vermont.

Mr. LEAHY. Mr. President, yesterday I questioned the Senator from Idaho on his exclusion, which at that time was to "determine qualified civil liability actions should not include an action—" and then there was nothing further until we got down to "immunity."

Now he has added a couple of other sections in there which were not in the bill yesterday.

Mr. CRAIG. Will the Senator yield?

Mr. LEAHY. If I might complete my question, I suggested yesterday, the way it was written we were giving immunity against suits. In fact, the court-stripping part further on would actually include suits against gun manufacturers.

The Senator from Idaho suggested I was wrong in that, but I notice now it has been changed. Is that because I was right?

Mr. CRAIG. No, it is not because you were right. It is because there was a section misqueued that was not included that was intended to be included.

If I can go forward, because you deserve this explanation and you deserve this clarification because you raised the question in all fairness and honesty, all the immunity and exceptions within this section are tied to gun show transactions. It is very important to understand that. We are not talking about an environment outside gun shows; we are talking about an environment inside gun shows.

The pending exceptions that the Senator from Vermont raised in question is a unique situation at a gun show. You and I go to a gun show. You are from Vermont, and I am from Idaho. We wish to transact the sale of a gun, but the gun is not there. It is at home in Vermont. You are selling it to me. You and I cannot do that under the law, because we cannot transact business interstate. So we go to a dealer at the gun show, and we agree that the dealer will handle the transaction. That dealer will do a background check on me, the purchaser, because you are selling it. You send the gun to the dealer, and the dealer sends it to me.

That is the way it is currently being done in a voluntary way so that you and I do not find ourselves astraddle the Federal law on interstate transactions. That is what this section deals with.

Mr. LEAHY. I am aware of that. I have purchased both handguns and long guns that way. I have had them shipped from out of State to a gun dealer in my own State.

What I am concerned about—and the question I raised yesterday and the Senator from Idaho, apparently by this redrafting, feels I raised a valid question yesterday—at the end of this, you say:

> A qualified civil liability action that is pending on the date of enactment of this subsection shall be dismissed immediately by the court.

Does this contemplate some cases that are now pending?

Mr. CRAIG. It is possible at the time we get the law enacted that there could be pending litigation within this section of operation.

Mr. LEAHY. Is the Senator aware of litigation now pending?

Mr. CRAIG. I am not.

Mr. LEAHY. But if there is some in any Federal or State court, whether it is Idaho or Vermont or Ohio or anywhere else, does not the Senator's legislation take out, not just Federal court, but even if there is a State court where there is a case pending, it would simply dismiss it?

Mr. CRAIG. In these categories where people have found themselves immune if they do the following things—background check, through the registrant, under the conditions—it is important, do not think beyond the box. Think of the box of a gun show and gun show activities and the definitions therein of a special registrant and a new licensee. I am suggesting that we are trying to encourage people to become active in background checks and become increasingly legal by that.

Mr. LEAHY. I understand this, and I find sometimes I am frustrated, but I accept that any time I purchase a weapon in Vermont, even though I am probably as well known as anybody in Vermont, they have to go through the usual record check. That is fine. I accept that.

Mr. CRAIG. They better.

Mr. LEAHY. They do, I can assure you, just as I accept easily the fact that I have to go through metal detectors and x ray machines when I get on an airplane. I am for that. I think it makes a great deal of sense.

What concerns me, I tell my friend from Idaho, is that what this is saying, in this court-stripping part, this says my State of Vermont is being told, even if they have a case, a qualified civil liability action pending, it will be dismissed by this. We do not even know whether there are such cases pending around the country, but we are telling the 50 States of this country and their legislatures: If you have a case pending, tough, the Senate has just decided it for you.

I am wondering, for example, whether this is covering current city lawsuits that are based, in part, on gun show sales. Some cities have brought some lawsuits based on gun show sales. Are we throwing their suits out?

Mr. CRAIG. Let me reclaim my time to discuss that briefly, and then I will yield the floor because others wish to debate.

Mr. LEAHY. Does the Senator understand my question? I think it is a valid question.

Mr. CRAIG. Here is what we are saying. We are saying in this law that the people who abide by the law have done nothing wrong. If they go through the background check and do all the legal things, they have done nothing wrong; they are within the law. If the gun happens to fall into the hands of a criminal and is used in a crime and somebody wants to trace it back to them and make them liable, we are saying, no, no; you were a law-abiding citizen. You cannot say that they were wrong because their gun at sometime in the future fell into the hands of a criminal and was used. The Senator knows today those kinds of lawsuits are going on out there.

Mr. LEAHY. Do we also dismiss the lawsuit against the manufacturers?

Mr. CRAIG. No.

Mr. LEAHY. It is hard to read it otherwise.

Mr. CRAIG. I read it that way because of the transaction within the gun show. Think inside the box. Everybody likes to find the bogeyman outside the gun show. We are talking about a unique class of operatives inside a gun show. We are encouraging them to become increasingly more legal by using background checks. Legal in this sense: Law abiding citizens like you and me who might own a gun——

Mr. LEAHY. I own a lot of guns.

Mr. CRAIG. Want to make darn sure it does not fall into the hands of criminals. If we go through the background check as we sell it and the guy or gal is pure, we are OK. What if down the road the gun falls into the hands of a criminal and here comes your city or a city that says: You are liable because you are the seller we can trace to because of your record. I can say to you under this: Because you did it in a legal way, you are not liable. That encourages you to pursue legal activities. It does not deal with manufacturer liability. That is another issue for another day, not addressed anywhere in these amendments.

Mr. President, that is as thorough as I can get with the Senator from Vermont. Let me conclude, because there are others who wish to debate.

Mr. DURBIN. Will the Senator yield for a question?

Mr. CRAIG. No, I will not. I will let the Senator seek the floor to debate on his time.

I suggest that the Hatch-Craig amendments are a major step toward the enforcement of gun laws in this Nation, of stopping criminals who use a gun in the commission of a crime, to make sure that the transaction does not result in guns falling into the hands of criminals, and still recognizing that the Internet is a fair and first amendment-protected expression as long as those expressions are not found to be illegal.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I see the following people on the floor who want to speak and want to be factored into this.

On our side is Senator COLLINS, Senator DEWINE, and Senator SESSIONS. Can I ask how much time they want.

Ms. COLLINS. Five minutes.

Mr. SESSIONS. Ten minutes.

Mr. HATCH. Five minutes for Senator COLLINS; 10 minutes for Senator SESSIONS; 10 minutes for Senator DEWINE.

We have Senator DURBIN, Senator SCHUMER, and Senator LAUTENBERG on the other side.

Mr. LEAHY. If I might, I say to the distinguished chairman, if he will yield to me——

Mr. HATCH. Yes.

Mr. LEAHY. Some of these amendments, at this point particularly, that have just arrived—I think the Senator from New York described it as being still warm from the copying machine. We have several Senators in the Cloakroom who are just looking at it, who have just received it. We are getting calls. My beeper is going off here. I am reading: Somebody wants to check this one, wants to check this one. Let's let the debate continue here for a bit while we try to do it.

Mr. HATCH. Yes. But I want to figure out how we do it. I think we should go back and forth.

Mr. LEAHY. I agree with that.

Mr. HATCH. Can I ask the Senators on this side, how much time would you like, at least initially?

Mr. LEAHY. We do not know.

Mr. SCHUMER. Will the Senator yield?

Mr. HATCH. Sure. I yield to know how much time.

Mr. SCHUMER. In response to his question, I say to the Senator that probably, when at least my staff's analysis of the proposal is finished, I would like to speak for maybe 10 minutes on it, maybe a little more. But I say to the Senator that I could not agree to any kind of time limit until we analyze the bill.

The Senator from Idaho came over to me early this morning and said that I had been right in some of my complaints, I guess, about his proposal. I said, fine. Get me language and I will analyze it and I will not delay in any way.

Mr. HATCH. We understand.

Mr. SCHUMER. We got the language at 3:30, or maybe a little before that. It takes a little while to analyze. I do not think any of us want to go through the same problems we went through yesterday where we did not understand what was in the bill.

Mr. HATCH. Let me put you down temporarily for 10 minutes, or more if you need it. I want an idea of the time.

Mr. DURBIN. Will the Senator yield?

Mr. HATCH. Yes.

Mr. DURBIN. I really have questions that get down to the basics of whether or not the Craig amendment replaces yesterday's amendment or is added to yesterday's amendment. That is it. He left the floor, I am sorry, because it was a question I had.

Mr. HATCH. I will try to answer those questions if I can. And Senator LAUTENBERG has indicated to me that he will need some extensive time here.

Would you have any objection to allowing Senator COLLINS to go first for her 5 minutes?

Mr. LAUTENBERG. Will the Senator yield?

Mr. HATCH. Yes.

Mr. LAUTENBERG. Is it a gun-related issue?

Mr. HATCH. I am afraid it is.

Mr. LAUTENBERG. It is.

Mr. HATCH. It is on this amendment. She just wants to speak to this amendment for debate only.

Ms. COLLINS. For 5 minutes.

Mr. HATCH. Is there any objection to that?

Mr. LAUTENBERG. I would be happy to yield to the Senator.

Mr. HATCH. We can get some of these shorter remarks over, and then you could have adequate time. Could I then go to Senator SESSIONS for 10 minutes?

Mr. LAUTENBERG. I do think we need some time on this side to respond, but I do not want to close down the debate, very honestly, because we have patiently, or impatiently, listened to a fairly extensive debate.

Mr. LEAHY. Mr. President, let's go back and forth from each side, as the Senator from Utah suggested, without locking down the time. One of the reasons why we have a concern, I say to my friend from Utah, is that yesterday we were trying to rush some of these votes forward. I raised the problem with the distinguished Senator from Idaho. I said: I thought there was a whole part of the bill missing. Basically, my argument was dismissed.

Let's go on with the vote.

This afternoon, they say: Oh, by the way, this part you said was missing, yes, it was. Now we have added it back in.

I did not raise it nonchalantly. I thought it was serious. So I think that we ought to at least, if we have just gotten a hot piece of legislation still warm from the Xerox machine, get a chance to see it. It would be a lot easier to take a few minutes longer and make sure it is done correctly and we know what we are voting on than we go through as we did yesterday when the concerns that Senator SCHUMER and I raised were sort of dismissed, and now we find, yes, we were right, and we are back into the thing.

Let's make sure everybody understands where we are going.

I say to the Senator from Utah, maybe during the votes at 5 o'clock he and I might meet with interested parties to see if we can work times out.

Mr. HATCH. Let me make this suggestion. I hope it will be found acceptable to colleagues on the other side. Since they are studying this amendment—and have had it for over an hour—since they are studying this amendment and need to finish their studies, I ask unanimous consent that Senator COLLINS be permitted to proceed for 5 minutes and that Senator SESSIONS be permitted to proceed for 10 minutes, and if Senator DEWINE is here, let him get his until 5 o'clock.

Mr. LEAHY. Can anybody on this side speak?

Mr. HATCH. Sure. If they need more time to study it—

Mr. LEAHY. Couldn't we go side to side as we normally do?

Mr. HATCH. That is fine. We would start with Senator COLLINS on our side for 5 minutes, and then on your side, and then back on our side.

Mr. LAUTENBERG. Just to be sure.

Mr. HATCH. Let the Senator go, and then Senator SESSIONS.

Mr. LAUTENBERG. If the distinguished manager would yield, we are talking about a sequence including the Senator from Maine for 5 minutes, then over here?

Mr. HATCH. Sure.

Mr. LAUTENBERG. Then back to the other side? I have no problem with that as long as the time that we get over here is a reasonable slot of time.

Mr. HATCH. I ask unanimous consent that the time between now and 5 o'clock, when the votes start, be divided equally.

The PRESIDING OFFICER (Mr. DEWINE). Is there objection?

Mr. LEAHY. Between the two leaders?

Mr. HATCH. Between the two leaders.

Mr. LAUTENBERG. Reserving the right to object.

Mr. HATCH. There will be more time afterwards.

Mr. LAUTENBERG. If you eat crow, you have to do it when it is warm.

Mr. LEAHY. I yield to you.

Mr. LAUTENBERG. Thank you. Because what happened is we had an extensive delivery by the distinguished Senator from Idaho. And if we are now going to divide up the time, it is a little out of balance. So I say this to the Senator from Utah, that if we agree to give up 10 minutes now, and reserve, perhaps, 15 for our side, just to get a little bit of balance in here, and we are going to continue the debate——

Mr. HATCH. That is fine.

Mr. LAUTENBERG. Let's divide it equally.

Mr. HATCH. OK. And I ask unanimous consent that the first speaker be Senator COLLINS.

The PRESIDING OFFICER. Is there objection to dividing the time equally?

Mr. LEAHY. Between now and 5?

The PRESIDING OFFICER. Between now and 5.

The Chair hears none, and it is so ordered.

The Senator from Maine.

Mr. HATCH. Our first speaker is the Senator from Maine.

Ms. COLLINS. I thank the distinguished chairman for his patience in working this out. And I also thank the Senators from Vermont and New Jersey for agreeing to this arrangement.

Mr. President, I rise to support the provisions in the Hatch-Craig amendment requiring background checks at gun shows. I believe we have very carefully crafted provisions that strike the right balance. I support the requirement that sales of firearms at gun shows pass the muster of an instant background check. Gun shows are a popular mechanism for buying and selling guns, and these legitimate business transactions should be made with the knowledge that the sellers are selling their firearms to lawful purchasers.

What I opposed yesterday is something I will always oppose—and that is the creation of a Federal centralized recordkeeping system of gun owners. That would be a heavy regulatory burden that would seriously infringe on the privacy rights of millions of law-abiding American citizens who own guns. That is why I voted against the amendment offered by the Senator from New Jersey.

I would like to make one brief comment regarding gun shows. I am very concerned that the publicity surrounding this issue has created the false impression that gun shows are somehow gathering places for criminals, anarchists, and mercenaries. Nothing could be further from the truth. In reality, thousands of Americans go to gun shows every weekend in this country. People who attend these shows live in every State in the Union. They come from all walks of life. They share a common interest in a part-time hobby that is deeply ingrained in our American culture. Many are sportsmen or target shooters; many others are collectors who enjoy showing, buying and selling their antique firearms.

These are people who enjoy the tradition of responsible gun ownership in this country. This is a tradition—and a right—that we need to preserve.

Our gun laws should be directed at the illegal misuse of firearms, not the lawful ownership of guns by law-abiding citizens. The first step we should take is to address the concerns the Senator from Alabama will speak on shortly that gun laws are not being strictly enforced. The Senator from Alabama has documented an appalling drop in prosecutions of gun-related offenses, gun control laws under this administration.

That should be our first step.

Second, the Republican package puts together reasonable restrictions that will ensure that guns do not fall into the hands of criminals through the mechanism of a gun show.

I know the people who attend gun shows across America want to make sure they are selling to people who will use firearms in a responsible way that is the American tradition.

This legislation before us strikes the right balance, and I urge support of the amendment. I commend those who have worked on this to respond to the concerns we raised yesterday.

I yield back the remainder of my time to the chairman of the committee.

Ms. SNOWE. Mr. President, I rise today in support of the Hatch-Craig amendment to S. 254, the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act. This amendment provides four important components in the efforts of combating juvenile violence and crime.

I also want to thank the Majority Leader, Senator LOTT, Senators HATCH, CRAIG and MCCAIN for listening to my concerns and working with me to ensure the National Instant Check System applies to all sales made at gun shows.

This amendment provides for more aggressive prosecution of criminals who use guns to commit crime, enhances penalties on criminals who use guns, increases protection of children from gun violence. Most importantly, this amendment mandates that individuals purchasing weapons at gun shows must undergo a background check through the National Instant Check System. This is the same requirement currently in place for purchases made at gun shows, when buying a weapon from a licenced gun dealer.

Mr. President, gun shows are community events, usually held over a weekend at State Fairgrounds, convention centers, or exhibit halls. These shows have been going on for years and attract a wide cross section of gun owners. At the shows, people not only buy, sell, or trade firearms, they also exchange tips on hunting, gunsmithing, and firearm history.

By implementing an instant check system at gun shows, law abiding gun buyers can receive their background check within minutes and be able to obtain the firearm they wish to add to their collection. On the other hand, criminals and other people who are not allowed to possess firearms can be identified and arrested for trying to purchase a weapon, in violation of the law.

Mr. President, this amendment, of which I am a co-sponsor, provides a good balance between allowing law-abiding citizens to purchase weapons at gun shows without burdensome regulations and preventing criminals from obtaining weapons from individuals at gun shows.

The PRESIDING OFFICER (Mr. THOMAS). Who yields time?

Mr. LEAHY. Mr. President, parliamentary inquiry: What time is the vote scheduled for?

The PRESIDING OFFICER. Five.

Mr. LEAHY. How much time is there for the Senator from Vermont?

The PRESIDING OFFICER. The Senator has 12 minutes.

Mr. LEAHY. I yield to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. I thank the Senator from Vermont, and I thank the Chair.

If the audience here or out there is mystified, I wouldn't be surprised, because I think we, too, are mystified. We are buried under a volume of language and words, and we are not addressing the point.

The point is whether or not we are willing to say, if guns are sold, there has to be a measure of identification of the buyer. That is the question. Ask the parents in Littleton, CO, what they think. Should we have identified everybody who walks into a gun show? Describe the gun show as you will, we will talk about that in a minute. Should everybody who buys a gun at a gun show be identified? I think yes.

The shallow arguments about, we have 40,000 laws on the books and therefore why do we need one more—well, you tell me what happened when Terry Nichols and Timothy McVeigh were out at a gun show selling guns to raise money for their terrorist operation. What is the point?

Obviously, the laws that we have do not cover all of the situations. I say this. I just heard the distinguished Senator from Maine say it, I have heard the Senator from Idaho say it and others. There is no blanket accusation here that says everybody who goes to a gun show is a felon, an anarchist, a crook, a thug—not at all. But we want to protect those families who do go to gun shows with an earnest interest in seeing what is around and maybe buying a hunting rifle or what have you. Why should they be ashamed? Why should anybody be ashamed or unwilling to leave their name behind when they take this lethal weapon and stick it in their pocket? That is the problem. No matter how much language is thrown out here, we ought to try to cut through it and see what the mission is.

The mission is to try to protect the NRA, not to protect the people of our country, the innocents who send their kids to school every day of the week and now pray that the children come back not only learned but safe and sound. That is the message we are trying to get across here.

We hear this obfuscational language: Well, if they had this and they had that and they didn't have measles and they had some other condition, then it is all right.

Stop with the loopholes. I offered an amendment yesterday which was clear and concise, which said that everybody who buys a gun ought to be identified and that those dealers who are unlicensed dealers, call them what you will, who can sell guns out of the trunk of their car in any quantity they want, to anybody they want, without getting so much as a name, except the cash on the barrelhead, walk away, someone buys 10 guns, there is not an ounce of suspicion raised about that.

We heard the Senator from Idaho yesterday say, well, a measly 2 percent, that is all, 2 percent of the guns sold in these gun shows, only 2 percent, are unlicensed. Then he was gentleman enough and sincere enough to say, I made a mistake; it wasn't 2 percent; it is 40 percent. Forty percent. Two percent. That is a significant difference.

So he said he realized only too late that 40 percent of the people who bought guns at gun shows bought them from unlicensed dealers—or 40 percent of the guns sold, forgive me, were from unlicensed dealers.

Well, that is pretty significant. That is a lot of guns floating out there that nobody has any record of, unless someone volunteers to leave their name. I do not see a lot of volunteers coming up throwing their photo ID on the counter and saying, hey, give me a dozen guns, will you. You don't see that happening.

We ought to clear the air, clear the language here, tell the American people, as they were told yesterday—I want everybody within earshot to remember this—yesterday there were 47 of us who voted to close a loophole. There were 51 people who voted to leave it open, to make sure that those who want to buy a gun without identifying themselves could still have the liberty to do so.

We hear all kinds of specious arguments—another bureaucratic imposition on free citizens in this country. We have laws in this country. We are a country of laws. It says so in our Constitution. If you have laws, you have to have a structure. You have to have an orderly process by which those laws are developed and enforced. Our job here is to develop them.

So what is wrong with having people enforce laws that we think otherwise might bring harm and injury to innocent people? I do not want my grandchildren going to school with other kids who might be able to get their hands on a gun because a father or a relative left the gun unattended. I think it is terrible. I think they ought to be responsible for the actions that that child who takes the gun brings upon his or her classmates or friends.

So we ought to clean up the language here so the American people know what we are talking about. Some of us are for closing the loophole and some of us are for leaving it open.

The vote yesterday was quite a revelation. It should have been for the American public. Yesterday 51 percent of the people in this room said: Do not close the loophole. Do not take away the rights of someone who wants to be unidentified, anonymous, buying guns out there. Permit them to do it, because otherwise it is an infraction of their rights. If a neighbor wants to sell a gun to a neighbor, why shouldn't he be able to do it without having to go through the trouble of identifying him?

Try to give your neighbor your car and not take note of the transfer. If that neighbor has that car and it still has your name on it, you are responsible for it, whatever it is that happens.

We see immediately now in the presentation today some apologies. The apology is not for the American people. The apology is to those who might be inconvenienced because they have to identify themselves when they buy a gun. We ought not to be apologizing to them. We ought to apologize to every parent, to every family, to everyone who might be injured by a gun that is bought, 40 percent of those guns that come out of gun shows without any identification. That is what we are talking about. We are clearly divided on the issue.

Now what has happened, there is kind of a fail-safe that has developed, because yesterday not only brought the picture into focus, but it also said to the American people, who are enraged by what is happening in these schools, enraged, pained—87 percent of the people in this country said close the loophole. But in this Senate, 51 percent said: No, don't close the loophole; we want to protect the rights of those who would buy guns as if it was in the dark of night.

So today we see an attempt at a legislative redress for the error that was made yesterday that was caught by the newspapers. It was caught by television. It was caught by the public at large, who are indignant. We hear it couched in flowery phrases—I didn't know there was that exception, or I didn't know there was this exception—when they heard from their constituents and the constituents were angry and mortified by the fact that their representative voted to keep open the loophole.

So now we are trying to figure out what it is exactly that is being proposed. If we are cynical and suspicious, we should be, because yesterday the vote was one way and today it suddenly dawns on them that maybe people who buy guns ought to really leave their name behind, regardless of whether the dealer is a federally licensed dealer or just someone who throws up a table and pays a $10 fee at a gun show. We are talking about the definition of "gun show" and the definition of "dealer." Nonsense. We ought to talk about the lives that we can save, about the children that we can protect. I hope that the debate is going to get into that area before this discussion is over.

I hope that we look carefully at what is being proposed and study it because it came up all of a sudden—suddenly, to have an agreement that, OK, some people ought to have their names identified with their purchase but not for others.

Mr. President, I yield back my time with the understanding that we are going to be discussing this after the votes we are going to take.

Mr. HATCH. Mr. President, I yield such time as remains to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. DEWINE. Mr. President, all of us agree we need to do a better job of keeping track of guns that might fall into vulnerable young hands. That is why I support the amendment offered by the distinguished chairman of the Judiciary Committee, Senator HATCH, which contains several measures that I have developed that would help to achieve these goals.

Mr. President, the most effective method to assure that gun sellers and dealers are selling their products to law-abiding citizens is the background check. In 1993, Congress passed the Brady bill, which is designed, in part at least, to move us toward the National Instant Check System for gun sales. Due to this initiative, we have expanded and made more accessible the National Instant Criminal Background Check System, also known as NICS. Now, could this system be improved? The answer is, yes, it could be. For example, today, handgun checks are "name only" checks, which frequently come back inconclusive because a potential purchaser may have a similar name as a convicted offender, or that potential purchaser could be using a false name, or an alias. When this happens, a manual check has to be performed.

Mr. President, one way we can improve the instant check system is through technology that is now available, which can check a purchaser's fingerprint against a single print database. The time has come for this idea; it is an idea worth exploring. Our amendment would direct the Attorney General of the United States to study the feasibility of creating a single print instant check system and database to enable a voluntary, rapid, and accurate search of potential gun purchasers. Currently, there are 40 million fingerprint cards in the master criminal fingerprint file from which convicted offender prints could be placed online for an instant search. With a single print database, firearm dealers could facilitate the completion of a gun sale. A single print system could reduce the potential for felons to obtain firearms through the use of false identification. It would close a major loophole.

Mr. President, we can also improve the system by ensuring that our records are accurate and up to date. I have often said that type of information is absolutely critical and vital to good police work. Information can and does save lives. Mr. President, our background check system is only as good as the information that is in it. The unfortunate fact is that serious record backlogs exist in many States.

Many of our State databases are simply incomplete, and many are very inaccurate. We have improved it over the years but we have a long way to go. Since the instant check system became effective last November, over 900 individuals who have been convicted for class one felonies—murder, rape, serious assaults—were able to buy guns because the appropriate records were simply not available.

Mr. President, States desperately need financial help to eliminate this dangerous records gap and to plug this loophole. Our amendment would provide $25 million to central repository directors to facilitate logging in, dispositions, including assistance to courts to automate their current records systems.

Everybody will benefit from this more-thorough criminal history—law enforcement and the public, in general. We can improve our background check system by expanding it to include records of those who have not broken the law, but who are still prohibited under current law from possessing firearms. These people include involuntary commitments to mental health institutions and those subject to domestic restraining orders. Those are the people who, many times, are also falling through the cracks of our current system.

This amendment would direct the Attorney General of the United States to develop procedures by which nonconviction and other data can be available for the instant check system, stopping people who are currently prohibited from possessing a firearm, but who the current system is not watching. This amendment would fully fund the National Instant Check System to pay for the operation costs of background checks. The FBI would be provided operations costs of performing instant checks, and also States serving as point of contact States will be reimbursed by up to $7 per background check.

Finally, we need to better provide information not just on the lawbreakers, but on the guns they use to commit crimes. To accomplish this goal requires a strong investment in the national integrated ballistic identification network. This system combines the ballistic and forensic capabilities of the FBI and ATF to create one enhanced ballistic system for State and local law enforcement agencies. This amendment before us would provide funds, much-needed funds, to expedite this process.

Mr. President, a greater investment of innovative thinking and resources is urgently needed to improve the National Instant Check System. This amendment would provide that investment. It would make the system more responsive, more accurate and, yes, more thorough. Most important, it would make our efforts to keep guns out of hands of children and criminals more effective. Mr. President, this amendment will save lives.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. Mr. President, how much time remains?

The PRESIDING OFFICER. The remaining time is 1 minute 46 seconds controlled by the Senator from Utah.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, may I inquire of the state of time?

The PRESIDING OFFICER. There are 15 seconds remaining before the 5 o'clock time for voting, and there will be 5 minutes equally divided between the two sides. At this point, the Senator controls 2½ minutes.

Mr. ASHCROFT. It is my understanding that I am eligible to spend the 2½ minutes in favor of the Ashcroft amendment at this time.

The PRESIDING OFFICER. The Senator is correct.

Mr. ASHCROFT. Thank you, Mr. President.

The Ashcroft amendment is a very simple amendment. It recognizes that in addition to handguns, which require some special responsibility and, therefore, are prohibited for sale to minors, and are even prohibited in private sales to minors, and for them to be in the possession of a minor requiring the permission of parents, that the same kind of rules ought to apply to semiautomatic assault rifles as apply to handguns as it relates to minors.

Right now, where handgun sales to minors are prohibited, semiautomatic assault rifle sales to minors are permitted. Where a minor, in order to have a handgun, has to have parental permission, a minor can own an assault rifle, a semiautomatic assault rifle without parental permission.

The Ashcroft amendment simply wants to remove this disparity, because it expresses a belief that a semiautomatic assault rifle, assault weapon, ought to have the same level of responsibility attendant to it as a handgun.

The Ashcroft amendment would prohibit private sales of semiautomatic assault rifles to minors, and it would require that they have parental permission in order for one even to be in the possession of a minor.

This really makes the rules about handguns and semiautomatic assault weapons identical for all basic intents and purposes. There are some exceptions in the law for purposes of the possession of handguns that relate to employment. There are some minors, for instance, who are required in their employment to be involved with a handgun. Those exceptions would be the same basically as well.

The thrust of this amendment is to say that this situation where semiautomatic assault weapons were not required to have the level of responsibility that we had assigned to handguns for juveniles, that should be changed so that assault rifles and the semiautomatic assault weapons have the same kind of responsibility requirements that had previously been applied to handguns resulting in the requirement that there be parental permission before there can even be possession, and that there would not be a potential for purchase in private sales.

I urge my colleagues to vote in favor of this reasonable and simple change in the law.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator's time has expired. Who yields time in opposition to the amendment?

Mr. LEAHY. Mr. President, I will take this side's time.

I have listened to the debate and read the amendment. It is deja vu. It is very similar to the Leahy law enforcement amendment that the Republican majority voted down yesterday. The Leahy amendment, which was the Democratic consensus position on gun control, included the enhanced parental penalties for the transfer of handguns, assault weapons, and high-capacity ammunition clips to juveniles and the ban on the juvenile possession of handguns, assault weapons and high-capacity ammunition clips. This amendment has a couple of changes. It increases the exceptions for such transfers.

But if imitation is the highest form of flattery, then I guess I should be flattered where all the Democrats signed onto the one amendment that was voted down by the Republicans yesterday. Of course, I am going to support this amendment, because it is so similar to the form of what we had yesterday.

I just wish it had adopted a couple of other consensus positions. I wish it included our gun ban for life for dangerous juvenile offenders. For the life of me, I cannot understand why the other side opposes my proposal, the Democrat proposal, that if you have a juvenile who is convicted of assault with a deadly weapon, is convicted of murder, or attempted murder, why that person should not be banned for life from owning a gun.

I wish it had the money that we put into mine that was dedicated just to Federal prosecution of the firearms violations. I wish it had the resources for firearm tracing that we put under the youth crime interdiction initiative. But perhaps when they look at the rest of my amendment that will be in the next Republican package. I hope it is.

To the extent that this primarily includes a number of the things that I had in my amendment yesterday, of course, I will be consistent enough to vote for it again this time.

Ralph Waldo Emerson once said: "A foolish consistency is the hobgoblin of little minds." There are no hobgoblins on the other side. They don't mind being inconsistent in voting for it today when they voted for it yesterday.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I ask unanimous consent Ms. COLLINS be added as cosponsor of the Hatch-Craig-McCain-DeWine-Smith amendment that is pending.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. HATCH. I ask for the yeas and nays on both amendments.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 342. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) and the Senator from New York (Mr. MOYNIHAN), are necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mr. MOYNIHAN), would vote "aye."

The result was announced—yeas 96, nays 2, as follows:

[Rollcall Vote No. 115 Leg.]

YEAS—96

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NAYS—2

Enzi
Smith (NH)

NOT VOTING—2

Inouye
Moynihan

The amendment (No. 342) was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. I thank the Chair.

Mr. President, I know all the Senators are interested in what the schedule might be. It is that time of the week when we begin to have to make some decisions. I would like for us to finish this bill tonight. There have been a dozen or more amendments that have been considered and others I am sure have been accepted. We still have a large number of amendments, though, that are pending.

I hope Senators will consider either not offering their amendments or agreeing to put them in a package of amendments. We are encouraging Senators on this side of the aisle to do that, and we have at least one that has been done that way.

If we finish the bill tonight, then we will not have any votes tomorrow. If we do not finish it tomorrow, then it is essential we stay in tomorrow. This is important legislation. A lot of amendments have been offered. Others will be offered that are critical amendments and very important to Members on both sides. I have discussed this with Senator DASCHLE, and I know Senators on both sides and the managers are trying to work through a list of amendments that probably is still in the range of 40 or 50. We have to work very fast and hard to get through those.

With that in mind, I say, again, that we will go as late as we can tonight. I know we have a delegation of eight or so Senators that is supposed to leave for Kosovo at 6:30 in the morning. We will have to ask them to delay that. We can keep going tomorrow and we can keep going, if it is the desire of the Senate, even into Saturday. I have to check with Senator HATCH and Senator LEAHY. They are committed to getting this bill done.

The reason we have to complete it this week is that next week we have to deal with supplemental appropriations, which I hope will be ready then. We hope to have something we can vote on concerning Y2K next week. We have the bankruptcy bill. We also have State Department authorization, defense authorization and defense appropriations and a satellite bill, all of which we would like to consider and get done before the Memorial Day recess.

It is not a question of not wanting to complete this bill. It is just we do not have time next week. So we will either have to work through these amendments quickly or we will have to keep going tonight and over into tomorrow. Please work with the managers. They are trying to do the job and they need your cooperation. I say to those of you who are looking to leave tonight or tomorrow morning, right now it looks as if we will not be able to finish tonight and we will have to be in session tomorrow. We cannot even give you assurances that we will finish by noon. We will just have to keep going until we get it done.

If we really cooperate with these managers, which happens quite often, I believe we can finish tonight. I looked down the list, and I think there are maybe four to six amendments that we really need to have discussion and votes on. I think we can find a way to complete that tonight or early in the morning.

I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from California is recognized.

AMENDMENT NO. 343, AS FURTHER MODIFIED

Mrs. FEINSTEIN. I thank the Chair. Mr. President, it is my understanding that I have 2½ minutes to wrap up the amendment.

The PRESIDING OFFICER. The Senator is correct.

Mrs. FEINSTEIN. Mr. President, in light of the action the Senate just took in adopting the ban on juvenile possession of assault weapons and large clips, I ask unanimous consent to modify my amendment by striking sections 503 and 504 which will do essentially the same thing.

The PRESIDING OFFICER. Is there objection?

Mr. CRAIG. Can the Senator from California clarify for us—we have all studied her original amendment, but what are you changing in your amendment that would be subject to a vote?

Mrs. FEINSTEIN. I will be very happy to answer that question. Essentially, a part of my amendment was also Senator ASHCROFT's amendment, with some technical changes, particularly in the exemptions. What we are doing by this is accepting Senator ASHCROFT's amendment and separating out the part of my amendment which would close the loophole in the assault weapons legislation and ban the importation of the big clips, just as these clips are now prohibited from domestic manufacture in this country.

Mr. CRAIG. Will the Senator yield for an additional question?

Mrs. FEINSTEIN. I will be happy to yield.

Mr. CRAIG. In the original amendment, the Senator bans a class of firearm that is used in schools and colleges for professional target shooting and target practice. Has she taken that particular provision out?

Mrs. FEINSTEIN. That is correct.

Mr. CRAIG. All right.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as further modified, is as follows:

On page 276, below the matter following line 3, add the following:

TITLE V—ASSAULT WEAPONS

SEC. 501. SHORT TITLE.

This Act may be cited as the "Juvenile Assault Weapon Loophole Closure Act of 1999".

SEC. 502. BAN ON IMPORTING LARGE CAPACITY AMMUNITION FEEDING DEVICES.

Section 922(w) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking "(1) Except as provided in paragraph (2)" and inserting "(1)(A) Except as provided in subparagraph (B)";

(2) in paragraph (2), by striking "(2) Paragraph (1)" and inserting "(B) Subparagraph (A)";

(3) by inserting before paragraph (3) the following new paragraph (2):

"(2) It shall be unlawful for any person to import a large capacity ammunition feeding device."; and

(4) in paragraph (4)—

(A) by striking "(1)" each place it appears and inserting "(1)(A)"; and

(B) by striking "(2)" and inserting "(1)(B)".

SEC. 505. DEFINITION OF LARGE CAPACITY AMMUNITION FEEDING DEVICE.

Section 921(a)(31) of title 18, United States Code, is amended by striking "manufactured after the date of enactment of the Violent Crime Control and Law Enforcement Act of 1994".

SEC. 506. EFFECTIVE DATE.

This Act and the amendments made by this Act except Secs. 502 and 505 shall take effect 180 days after the date of enactment of this Act.

Mrs. FEINSTEIN. Mr. President, if I may then discuss what is in the division of the question. When we passed the assault weapons legislation in 1994, there was a grandfather clause which permitted the continued importation of shipments of clips, drums and strips of large size, large size being defined here by more than 10 bullets.

In the legislation passed in 1994, the domestic manufacture of these same clips and the sale of these same clips and the possession of these same clips was made illegal. The loophole is permitting the importation of foreign clips while we close off the manufacture of them domestically, the sale of the domestic clip. These new clips, manufactured after the ban, the fact of the matter is, are coming in.

I submitted for the record BATF statistics that in 6 months 8.6 million clips are approved for entry from 20 different countries, many of them as big as 250 rounds, 90 rounds, 70 rounds, 50 rounds, by the hundreds of thousands. We are trying to cut off that loophole.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. I will be very brief.

I do stand in opposition. Last year, we had the same vote on the floor, and it was to overturn the 1994 law that creates some exceptions. It is the exception that the Senator disagrees with now as it relates to the importation of a form of automatic loading device, better known as a clip.

The vote last year was 54 to 44 in opposition to that amendment on a tabling motion. I hope we can continue to maintain that position. I think it is consistent with the law that we passed in 1994.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as further modified. The yeas and nays have been ordered.

Mr. SMITH of New Hampshire addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. I move to table the Feinstein amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 343, as further modified. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) and the Senator from New York (Mr. MOYNIHAN) are necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mr. MOYNIHAN) would vote "no."

The result was announced—yeas 39, nays 59, as follows:

[Rollcall Vote No. 116 Leg.]

YEAS—39

Allard
Ashcroft
Baucus
Bingaman
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Cochran
Craig
Crapo
Enzi
Gorton
Gramm
Grams
Hagel
Hatch
Helms
Hutchison
Inhofe
Kyl
Leahy
Lott
Mack
McCain
McConnell
Murkowski
Roberts
Santorum
Shelby
Smith (NH)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond

NAYS—59

Abraham
Akaka
Bayh
Bennett
Biden
Boxer
Bryan
Byrd
Chafee
Cleland
Collins
Conrad
Coverdell
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Feingold
Feinstein
Fitzgerald
Frist
Graham
Grassley
Gregg
Harkin
Hollings
Hutchinson
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Levin
Lieberman
Lincoln
Lugar
Mikulski
Murray
Nickles
Reed
Reid
Robb
Rockefeller
Roth
Sarbanes
Schumer
Sessions
Smith (OR)
Torricelli
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—2

Inouye
Moynihan

The motion was rejected.

Mr. LEAHY. I ask unanimous consent that we vitiate the yeas and nays on the underlying amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of Senator FEINSTEIN.

The amendment (No. 343), as further modified, was agreed to.

Mr. HATCH. Mr. President, I ask unanimous consent that Senator SNOWE be added as a cosponsor to the Hatch-Craig amendment.

Mr. LAUTENBERG. Mr. President, the Chamber is not in order. I was unable to hear the request. I would like to hear it before it is agreed to.

The PRESIDING OFFICER. Will the Senator renew his request?

Members in the well will take their conversations to the cloakroom.

The Senator from Utah.

Mr. HATCH. Mr. President, I ask unanimous consent that Senator SNOWE be added as a cosponsor to the Hatch-Craig amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HATCH. Mr. President, I want to call to the attention of the Senate that we have possible Democrat amendments of 51 and possible Republican amendments of 22. We have disposed of 12 or 13.

Look, this is ridiculous. We have been very fair. Both sides have had an opportunity to present what they wanted to present. We have had some terrible amendments here from one side or the other, and we fought them through and we have done what is right.

Let me tell you something. I would like to move through this matter as quickly as we can. I would like to have colleagues on both sides reduce the number of amendments. If you absolutely don't have to have the amendment, let's withdraw it. This is a very, very important bill. We are talking about kids all over this country who are getting away with murder.

We are talking about vicious, violent juveniles who are wrecking our country and wrecking our schools and creating gangs and doing things that are really causing this country chaotic conditions.

We have a bill here that is bipartisan that really will do something about that. There have been wins on both sides, and I think to the betterment of this bill. I think it is time for us to get down and start working on it and get it done.

I can't imagine why anybody in this body wouldn't want to get this bill done, especially with 2 years of work and all kinds of effort and work here on the floor by both sides.

I want to compliment my Democratic leader on this bill for the good work he has done on this, and the work we have been able to do together. It is clear we can't pass this bill with 77 amendments.

Mr. LEAHY. Mr. President, the Senate is not in order, and the Senator from Utah is going to be heard, especially if he is going to be praising me. I want him to be heard.

The PRESIDING OFFICER (Mr. BROWNBACK). We will please have order in the body.

The Senator from Utah.

Mr. HATCH. We clearly can't pass this bill if we have to have 73 amendments. There is just no way we have time in this legislative session to do it.

This bill has virtually everything in it to help us to resolve these problems. We all have pet projects in the amendments that we bring up. It is time to start restraining ourselves and quit delaying this particular bill.

I am getting to the point—we are not there yet, but we are getting to the point where I am going to start moving to table every doggone amendment that will come up. I am going to table them right off the bat, because I think we have gone way too far here. If we had a big partisan thing here where your side or our side was being mistreated, that is another matter, but this has been very fairly conducted, and everybody knows it.

I think it is time to get serious about solving these juvenile justice problems in our society. This bill has been improved to a large degree. Some of us believe it has been hurt a little bit, but that is the process. Now it is time to sit down and get this done.

Look, we have the Hatch-Craig amendment. Admittedly, our side has had more time on that amendment.

I would like to get a time agreement. The minority has had that amendment for well over 2½ hours, maybe 3½ hours. I can't remember, but it has been a long time. We have had major, major amendments from them. But we have taken one-half hour to get it prepared. It is time to argue it. It is time to get it over with. We are willing to grant most of the time to the distinguished Senator from New Jersey, or others on the minority side. But I would suggest we set a time to vote on this amendment. I would like to get that over with, because I believe this is an amendment that virtually everybody in this body ought to support, because we have made real efforts to try to accommodate people on both sides of the floor. And we have incorporated Democrat ideas in this amendment as well. We have done it to try to bring this matter to an effective and decent conclusion.

I know this: The majority leader means it. We are going to be in here all week, and it is just ridiculous to do that, especially when we have come this far and we have had this kind of an open debate. We have debated some of the more controversial and difficult issues, and both sides have been given every chance to speak on it.

I suggest we come to a time agreement that gives most of the time to the distinguished Senator from New Jersey and those who are on the minority side who deserve a right to debate this amendment. We are willing to go ahead and do that.

I just would like to get a time limit on it and then move on from there, and move to the similar amendment, which we would get a time agreement on.

Mr. LAUTENBERG. Mr. President, if the manager will yield.

Mr. HATCH. I yield for a question only.

Mr. LAUTENBERG. Mr. President, this is a fairly complicated change, as I see it, from the original Lautenberg amendment. But certainly it has to be considered, in all due respect to the Senator from Utah. I know how hard he worked and how serious he is about it. We have great respect and friendship. But I wonder, because we are not able to reach an immediate time agreement, whether or not we could put it aside so that we can discuss our differences and see if we can come any closer together to try to resolve it. I, too, like everyone else, wish to see this bill moved, but I think we have not had enough time to really debate it.

Mr. HATCH. If I could respond to the Senator, we have people on our side who are going to move to table this amendment. I would like to avoid that by having a reasonable time for the Senator from New Jersey to argue this amendment. There is nothing complicated about it. We explained it in detail. It is easy to understand. Frankly, there is not one thing in here that is new and that can't be understood readily.

I would be happy to sit down with the Senator and go over the detail of this amendment. I think he would be pleased with most all of it. But I would like to avoid a motion to table. I would like the Senator to have time to debate this amendment. But the way things are going, he is going to be cut off on his time. I don't want to have that happen, nor do I want this to evolve into a situation—we have been trying to be cooperative and trying to make this thing work. And it is apparent some people around here are trying to delay it.

I am not accusing the distinguished Senator from New Jersey, but I believe we could get this bill finished tonight if we would sit down and get it finished. I don't see any reason we shouldn't. The sooner we get it finished, the sooner the kids in our society are going to understand what the game is and that we are going to stop some of this violent juvenile crime in this country. We are giving the tools to law enforcement to be able to do it. We have $50 million in here for additional juvenile prosecutors, just to name one thing out of that $1.1 billion in this bill. I would like to get a time limit. I am willing to give the Senator all of the time, but let's get a time limit on this and go from here.

Mr. LEAHY. Mr. President, will the Senator yield?

Mr. HATCH. I am glad to yield to my friend.

Mr. LEAHY. Mr. President, let's be realistic.

First, I yield to nobody in this body in my support of good strict law enforcement. I would like to see this bill wrapped up and voted up or voted down. There are different suggestions I made to the distinguished Senator from Utah that might do that. But what I would suggest is that we be serious on this. Unfortunately, on something that should be a nonpartisan issue—juvenile crime—there are some things that have delayed us unnecessarily.

Wednesday, Senate Republicans voted against a Democratic package, and then today voted for the exact same thing when it was introduced on the other side.

For example, the Leahy amendment, which proposed stiffer penalties for the transfers to or possession of handguns and assault weapons, or high-capacity ammunition clips to juveniles, was voted down by the Republicans yesterday, and voted up by the Republicans today.

Moreover, the Leahy amendment also proposed the ban of juvenile possession of handguns, assault weapons and high-capacity ammunition clips, which was again voted down by the Republicans yesterday, and voted up by the Republicans today.

Mr. HATCH. Will the Senator yield on that point? The reason is it was part of an overall package that the Republicans couldn't accept. So we can certainly accommodate.

Mr. LEAHY. Almost everything that was in that Leahy package is now being proposed on the Republican side. The $50 million for more vigorous enforcement of gun laws, "juvenile Brady," the lifetime ban on gun ownership by dangerous juvenile offenders, the youth crime gun initiative on gun tracing, increased number of cities eligible for grants under the YCG–II. All the Democratic proposals of yesterday are now in the Hatch-Craig amendment of today.

Mr. HATCH. Will the Senator yield?

Mr. LEAHY. Let me finish that one sentence, if I might. And I mention this one. I am pleased that when you voted it down yesterday that you are willing to vote it up today when you bring it up. That is OK. I will support a number of those things that come back. But that is what we have to avoid.

I think, frankly, one way out of this—I just suggest it and I have suggested it to others—is that we debate the Craig-Hatch amendment, and the amendment of the distinguished Senator from New York, Mr. SCHUMER is going to have—we debate those as the Members want, set that vote for an early hour tomorrow morning, and when that debate is finished, let the Senator from Utah and the Senator from Vermont stay here and try to get through as many amendments either on the Republican or on the Democratic side that can be handled by voice vote, even if we have to stay here all night long to do that, so we then have a very clear shot of finishing.

It is one suggestion.

Mr. HATCH. If the Senator will yield.

Mr. LEAHY. Of course, I yield.

Mr. HATCH. First of all, those suggestions you had were in the $1.4 billion comprehensive amendment you made that had less than 9 percent for accountability. We have 45 percent on this bill on the money for accountability and 55 percent for prevention.

I said at the time, many of those amendments we could accept and that we would present them later, which is what we have done. We have tried to do it in a reasonable, short period of time. It is to the Senator's credit that we all agree on those particular amendments.

What I would like to do is finish the Hatch-Craig amendment. Assuming we do need a little bit more time on that, I suggest we set that aside so the Senator can have a little bit more time, and go to the Schumer amendment, which I believe we can do in 30 minutes equally divided.

Mr. SCHUMER. Or more.

Mr. HATCH. We will try for 30 minutes. If we need more, we will certainly give it every consideration.

Mr. SCHUMER. Will the Senator yield?

Mr. HATCH. I am happy to yield to the Senator.

Mr. SCHUMER. Just a couple of points here.

Mr. McCAIN. Regular order, Mr. President.

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. HATCH. Thirty minutes equally divided on Schumer, and then we can be back with a time agreement on——

Mr. SCHUMER. Will the Senator yield?

Mr. HATCH. Of course.

Mr. SCHUMER. First of all, two questions. One, the Hatch-Craig amendment is a major overhaul of the way we license gun dealers in this country. The provision of special registrants, which is brand-new, could create——

Mr. HATCH. That was in the underlying amendment. Hatch-Craig basically does the four things I discussed, and that is not a major——

Mr. SCHUMER. We did not have any opportunity to address this special registrants issue. As I understand it, Hatch-Craig elaborates on the reporting requirements of special registrants and other important things. Let me say to my good friend from Utah, it is a major new way of dealing with firearm licenses.

I understand the urgency that my friend from Utah places on the $50 million for more juvenile prosecutors. It is something I share, because lives might be saved.

How can we rush through a whole new way of dealing with firearm dealers, something that we first saw at 3:30, something we are vetting? That is my concern. We could rush it through and find that this type of provision has totally changed things.

For instance, as I understand it——and I want to know about it before giving any permission for time limits——these special registrants don't have to keep any records. Someone could go to a gun show, be a special registrant, sell a gun, and there would be no way to see to whom they sold the gun, why, and where.

That, to me, is extremely serious. I don't think it is fair, given that this is a major change, admittedly, to a gun show provision. I want to move this bill, but I would like to know more about that.

Mr. HATCH. Yesterday, the Senator voted for the special registrant.

Mr. SCHUMER. I voted against it.

Mr. HATCH. You voted aye. We would like to make it mandatory, which we think corrects the problem.

I worked hard to get that done and to resolve that because there was such a conflict between both sides.

Mr. SCHUMER. Will the Senator yield?

Let's rehearse the history. The Craig amendment was added at the last minute. I asked the Senator from Idaho whether it had these provisions in it. He said no. He said I didn't understand the amendment.

It was then voted on with the feeling by many Members, if not most, that those provisions weren't in the bill.

Then this morning we hear—in all consideration, the Senator from Idaho was very gentlemanly, saying he was wrong—those new provisions were in the bill.

So we have never had a serious debate on one of the most fundamental changes in the way we sell guns in this country.

Mr. HATCH. Will the Senator yield?

I am prepared to do that. We argued it on our side. What I am suggesting is that your side has had this amendment now for a lot longer than we have had any amendment of yours and some of your amendments were much more extensive than this.

I suggest we set aside the Hatch-Craig amendment, move to your amendment at this time, with 30 minutes equally divided, and then agree to a time agreement as soon as we are through with yours.

We can stack the votes. That would be fine with me.

Mr. SCHUMER. I say to the Senator, I have no problems with moving——

Mr. HATCH. Then why don't we do that?

Mr. SCHUMER. Again, I think it is significant. We ought to move. Would we vote on it immediately after the debate?

Mr. HATCH. Let's make that determination then.

Mr. SCHUMER. I would like to get a commitment that we would have a vote immediately after the debate on the Schumer amendment, and then I would like to take a little more time on it.

Mr. HATCH. Mr. President, let me suggest to the Senator we work with the Senator on when the vote should take place. We are talking about protecting some Senators, we are talking about——

Mr. SCHUMER. In all due respect, I cannot set a time limit until I have some assurance as to when we would vote on that amendment.

Mr. HATCH. I will move to table everything that comes up. I am getting sick of it. If we can't get some reasonable time agreements, which we have done time after time after time, this could go into the quagmire that defeats the bill. I am not going to put up with that kind of stuff, after what we have done here for 3 days in a row on a bill that everybody should want.

Look, I am trying to be reasonable. If the Senator insists on having votes when the Senator wants the vote, and I am trying to protect Democrat Senators, I think that is the wrong thing to do. I am prepared to table everything that comes up. I don't care. I will table Republican amendments, too, if that is what it takes. I will be fair to both sides; I will table everything.

Mr. SCHUMER. If the Senator will yield, I am not trying to delay, but I think we should have a vote.

Mr. HATCH. That is what it looks like to me.

Mr. SCHUMER. I spent a lot of time on this amendment. It is a significant vote.

Mr. HATCH. Then give me a vote on my amendment. Go to my amendment. I will give you all the time on your side. We have debated it. We won't even make a point on our side. We will give you the time and vote on mine, bring yours up and vote on yours; or we will stack them together to accommodate Senators here, some of whom are Democrats.

Mr. SCHUMER. The Senator made a proposal to me on my amendment. I think it involves discussion with some of my colleagues. If the Senator would yield on the whole package——

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. HATCH. I yield the floor.

Mr. McCAIN. Mr. President, I move to table the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 344.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii, (Mr. INOUYE), the Senator from Wisconsin, (Mr. KOHL), and the Senator from New York, (Mr. MOYNIHAN) are necessarily absent.

I further announce that, if present and voting, the Senator from New York, (Mr. MOYNIHAN) would vote "no."

The result was announced—yeas 3, nays 94, as follows:

[Rollcall Vote No. 117 Leg.]

YEAS—3

Enzi
Inhofe
Smith (NH)

NAYS—94

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—3

Inouye
Kohl
Moynihan

The motion was rejected.

Mr. LOTT. Mr. President, I move to reconsider the vote.

Mr. HATCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. HUTCHINSON). The question is on agreeing to the amendment.

Mr. LEAHY. Mr. President, the question is on which amendment? Is it the Hatch-Craig amendment?

The PRESIDING OFFICER. Yes.

Mr. LEAHY. Have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. LOTT. Mr. President, if I could say this so Members will understand how we are going to proceed and how we are going to deal with this issue and others, I regret that we have had that much time on this vote. We had been trying to work out some way to make progress on this bill tonight and, hopefully, even get some amendments done tonight or complete it. At this point, it is obvious we are not getting enough movement to achieve that tonight. I know there are a lot of Senators who have commitments tomorrow and hoped we could complete it tonight. At this juncture, sufficient progress is not being made and it is unrealistic to attempt that.

I have a unanimous consent request to deal with two of the amendments that are in line now, and we would have the two votes in the morning at 9:30. After that, during the process of the night, hopefully more amendments can be accepted, combined, or even worked out, where we could have more than just the two votes in the morning, or the next couple of amendments would be in order.

What I am saying here is, with this consent request, we would expect two votes at 9:30 a.m., and we would expect to keep going, and we will see where we are in the morning. Something short of that has not been achievable at this point.

Mr. President, I ask unanimous consent that with respect to amendment No. 344—that is the Hatch-Craig amendment—debate be limited to 2 hours equally divided in the usual form with no amendments in order to the amendment prior to the vote, and following that debate the amendment be laid aside.

I ask consent that Senator SCHUMER be recognized to offer an amendment regarding Internet firearms, and that the debate be limited to 1 hour, that following that debate the amendment be laid aside and the Senate proceed to a vote in the order in which the amendments were offered, with 5 minutes prior to each vote for explanation.

So we will come in at 9:30, have 5 minutes of explanation on the amendments, equally divided, and the votes will begin at 9:40 a.m. Friday.

Mr. DASCHLE. Reserving the right to object, and I will not because I think this is a very good proposal, I wish we could actually be asking for more than this. I appreciate the managers' efforts to get us to this point. As I have noted to the majority leader, we started with 89 amendments and we went down from there to about 40 amendments. I thank Senators REID and DORGAN on our side. We are now down to around 20 amendments. But those 20 are amendments where the authors have waited patiently for the opportunity to present them and have a debate. I hope they will do it tonight and tomorrow, and I hope we can do it on Monday. I believe we ought to use those days to have the remaining debate about these amendments. They are good amendments and they ought to be voted on. Senators have waited patiently.

We also have a right to expect Senators to come forward and present their amendments in good faith and have debate. We are going to be here tomorrow, I assume, and I hope we will continue to conduct ourselves the way we have all week. This has been a good debate. We have had about the same number of amendments on both sides, Republican and Democrat. We have had good votes. Nobody has been playing political games here. We offer the amendments and have the debate in good faith. I hope we can continue to do that. I have no objection to the unanimous consent request.

Mr. REID. Mr. President, reserving the right to object, I say to the two leaders that Senator DORGAN and I have worked very hard. As a suggestion, I think we are to a point on this side where we can lock in the full breadth of all the amendments in numbers and probably, with rare exception, as to time. So that is something the two leaders should look at tomorrow morning.

Mr. LOTT. Mr. President, if I could respond, I encourage Senator REID to continue that effort, and I ask Senators HATCH and NICKLES, who will work with him on that, to continue. I urge the managers, Senator LEAHY and Senator HATCH, during the debate tonight, to sit down and see if we can't squeeze this down. Some of you are thinking that if we just stay with it and keep working tonight, we might actually see this thing concluded at 11, 12, 1, or 2. We have been thinking in those terms, but we have not been able to get an agreement beyond what we have right here. It is going to take, apparently, 3 hours of debate to get through these two amendments, which will put us to 10:15 or 10:30. At that point, it would be physically impossible to complete this action.

So I hope we can complete it tonight, but I think there is no choice other than to be in session on Friday and have votes, which we have told the Members we would do up until at least noon on Friday. In this case, it could actually go beyond noon. The good news is, as we announced some time ago, there will not be recorded votes next Monday or Friday because of conflicts which we identified to the Members 2 months ago. But that also makes it difficult for us to do the other things we have to do next week, including the supplemental appropriations, Y2K liability, and bankruptcy reform. We must conclude this bill either tomorrow or Saturday or sometime before we have to go to these other bills.

Mr. LEAHY. Mr. President, reserving the right to object, and I shall not object, as the leader knows, this is a resolution which I and others had suggested earlier this evening. The leaders know that the Senator from Utah and I have talked probably a dozen times every hour on this, trying to get it through. I have worked with the leadership staff and the whip on this side, our leader, and others, as Senator HATCH has with those on the Republican side, trying to get these numbers down. I tell my friend from Mississippi that we have knocked down the numbers considerably. The Senator from Utah and I will be here this evening to try to get it down more. It is a difficult bill. The last crime bill took 11 days. We have a number of things on which we are unified, and we have some things that are going to require votes because they do divide us. But with good faith it can be done and should be done.

I support the unanimous consent request.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I wasn't going to say anything—reserving the right to object, and I will not, but listening to this discussion, can I reinforce—I as one Senator don't want to delay tonight and going into tomorrow, but can I reinforce the remarks of Senator DASCHLE?

Some of us have amendments that are on point on this piece of legislation. We have patiently waited for days and were glad to do so. We don't intend to trivialize our amendments. We don't intend to trivialize the debate. We think these are important issues. That is why we are in the Senate, and we intend to go forward.

I will tell you something else. It probably will be hard in the future to get cooperation from Senators who wait, and all of a sudden we find the debate relegated to midnight and on weekends with most Senators gone. That doesn't seem really acceptable to me.

We will see what we agree to tomorrow. But I want to express my reservations about the direction of this. There is a whole lot of substantive debate that needs to take place, that hasn't taken place, and will take place.

The PRESIDING OFFICER. Is there objection?

The Senator from Utah.

Mr. HATCH. Mr. President, one reason I wanted the Hatch-Craig amendment voted on this evening is because all day long the President has been bad-mouthing the Republicans and the Attorney General has been bad-mouthing the Republicans, and I think taking unfair political advantage because of some of the votes we had yesterday. One of the things they are bad-mouthing the Republicans on is because we have closed that loophole with regard to gun shows. Today, the Hatch-Craig amendment does it. Then we find ourselves unable to vote on it.

I am happy we are going to vote in the morning, but I suggest we move on ahead this evening. We have the unanimous consent agreement locked in. I suggest we line up some more votes for tomorrow right after we finish those two votes.

If Senator WELLSTONE has an amendment he would like to bring up tonight, let's do it, and we will see what we can do. We will try to alternate between the two sides.

If you are serious about your amendments, let's go at it tonight. We have about 3 hours of debate ahead of us right now. We will go from there.

I ask unanimous consent that Senator MCCONNELL be the next one to lay his amendment down, following the debate on these two, and then—could I have the minority leader's attention, and also Senator LEAHY?

I ask unanimous consent that we go with the McConnell amendment right after we debate the two that we have the unanimous consent agreement on.

Mr. LEAHY. I want to make sure I understand. What is the Senator from Utah requesting?

Mr. HATCH. We have a unanimous consent to proceed to the debate on these two amendments tonight. As soon as that is completed, I suggest Senator MCCONNELL be able to lay down his amendment, and we debate that tonight and schedule that for a vote tomorrow.

Mr. LEAHY. For how long?

Mr. HATCH. I think we can do that in a half hour or less; I ask unanimous consent.

Mr. LEAHY. Why don't we start this debate, and we can interrupt the debate to make that request. Let me see what the amendment is.

Mr. HATCH. All right. Let's just proceed.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I would like to urge the two managers, if you would tonight, to work to get a McConnell and a Kohl—or what other amendments are in order—get those two locked in, and a vote, and do it tonight. The Members would like to know what the timeframe is going to be tomorrow morning. If you could get that locked in tonight during the process of the debate, that will help facilitate moving forward.

Having said that, then, we have had the last vote of the night. The next votes will be the two votes stacked in the morning at 9:40.

The PRESIDING OFFICER. Who yields time?

Several Senators addressed the Chair.

The PRESIDING OFFICER. The time is under the control of the Senator from Utah and the Senator from Vermont.

Who yields time?

Several Senators addressed the Chair.

Mr. KENNEDY. Will the Senator from Utah yield? Are we under controlled time?

The PRESIDING OFFICER. We are under 2 hours of debate.

Mr. KENNEDY. On which amendment?

The PRESIDING OFFICER. Amendment No. 344.

Mr. KENNEDY. That is fine. I had indicated to the floor manager that after the disposition or the general debate, I would wish to address the Senate on the underlying bill. I am glad to yield an hour, or do it tomorrow afternoon. I am glad to do whatever.

Mr. HATCH. How much time does the Senator desire?

Mr. KENNEDY. I would say 15 minutes. If other Senators have amendments and want to debate them, I will wait until they conclude that. If I can just have the assurance that I do it at the end of the debate on amendments tomorrow, that is fine with me.

Mr. HATCH. That is fine with me.

Mr. KENNEDY. I thank the Senator.

Mr. LEAHY. Mr. President, I yield the time under my control to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. I thank the Senator from Vermont.

Mr. President, just to put some order to the debate, to confirm that there is an hour available on each side, I ask what happens in the event of a quorum call in the debate?

The PRESIDING OFFICER. A quorum call is charged to the side that suggests the quorum call. If no one speaks, the time is charged.

Mr. LAUTENBERG. Thank you, Mr. President.

Mr. President, if we could have order, we can get this debate started.

The PRESIDING OFFICER. The Senator is correct. The Senate will be in order.

Mr. LAUTENBERG. Mr. President, I heard the distinguished Senator from Utah say that the loopholes have been closed in what was initially the Lautenberg amendment request to close the loopholes and now the redesign of the Craig-Hatch response. It says that they closed the loopholes, that they have taken care of the problem.

I submit the problems are not taken care of. Maybe it is viewed by those who would like to just get this out of the way that the problems have been dealt with.

What were the problems initially? Mr. President, the problem was simply around whether or not there were loopholes through which lots of determinations would be made as to who is the purchaser of a gun.

The Senator from Idaho has said his revised amendment is going to close the gun show loophole. But it won't. And I think what we are seeing this evening is a response to what happened yesterday after the public had the chance to see the result of the vote count. It was 51 to 47 against closing the loopholes that derive from gun shows. We had a strong debate. There were six Republicans who joined in with all but two Democrats to say close the loopholes. We don't want people to be able to buy guns. We don't want people to be able to be induced by a so-called dealer at a gun show.

Over 4,000 gun shows a year are held, by the way. We don't want a dealer selling guns, someone selling guns who doesn't ask for your name, doesn't have to ask for your name, doesn't have to ask for your address, doesn't have to talk about anything that identifies this buyer. We are talking about buyers anonymous. That is what we are talking about—gun buyers anonymous. That is a pretty horrible specter to contemplate—gun buyers anonymous.

Mr. President, I want to make sure everyone understands what is happening here.

Yesterday, we had a vote that was defeated on an amendment that I wrote, a vote of 51-47. The 47 votes included all but two Democrats and did include six Republicans.

The fact of the matter is, when all was said and done, not enough was done because we lost the opportunity to close a loophole that applies especially to gun shows.

Let me take a moment to describe what a gun show is for those who don't know. It is fairly popular across this country. The President, in an address he made a couple of weeks ago, talked about how as a child he would go to gun shows. It was a family event. People would go to see what was being offered. They were curious.

I want to remove any suggestion, innuendo, or insinuation that says that gun shows are the gathering place for the degenerates, the thugs, the criminals. That is not suggested at all.

There are over 4,000 gun shows a year across this country. That is pretty significant. That is 80 a week, on average. There are lots of legitimate hunters, sports persons, et cetera, who go to these shows.

There is, however, an enormous loophole that should scare the life out of everybody in this country. That is the anonymous buyer, the buyer who can go in, step up to an exhibitor's table and say: I want to buy some guns.

The person on the other side of the table says: How many?

Give me 25. What do you have? Some nice sporting models, small ones with a comfortable pistol grip, those that we can trigger off a lot of shells? Because I like to do some target shooting.

The seller doesn't have to say: Who are you? All he has to say is: These 25 guns will cost you $2,500. The man says: OK, here are 25 fresh, hundred dollar bills, take these.

They shake hands. The guy gathers up his 25 guns and off he goes, we know not where. We don't know who he is; we don't know what town he comes from; we don't know whether he just got out of a mental institution or, worse, a prison. We do not know anything about this man. Why in the world would there be resistance to closing that loophole? I do not understand it, I must tell you.

I come from New Jersey. Maybe we do have different cultural views about how life functions. We do not have much room for hunting and we do not have as many hunters as in our great wide open Western States. But all of us—whether from the East, West, North, South—respect life. I never saw a family whose principal interest was not the safety of their children, the education of their children, the caring for those children. Yet they are willing, in this house of the people, the U.S. Senate, to say: Listen, one thing you have to do is you have to protect citizens' rights to buy guns. Why do we need more bureaucratic interference with that process?

I don't understand, says one. Another says: Why should you have to wait a couple of days to get a gun? If you want to buy a gun, you ought to be able to buy it like a postage stamp—go to the store and buy it and get out of here.

Frankly, I think that is the wrong way to go. I am smart enough to know we are not about to propose legislation to take away everybody's gun. There is a serious debate about how guns should be managed. I think it is an earnest debate that ought to be carried on here. But to simply dismiss it because they say it is a bureaucratic intrusion, it is yet another law? I remind everybody that America, this country of ours, is a nation of laws. That is what makes this society as great as it is. When you have laws, you have to have law enforcers, whether it is police, whether it is drug agents, whether it is the FBI, whether it is the Army; we enforce our laws. To deny that is something that ought to be done because we want to protect the anonymous buyer who walks up and says, "Give me a couple of guns, here is the money" and not think about protecting the well-being of the children is not to look at Littleton, CO.

By the way, that is not a phenomenon that just existed there—Pearl, MS; West Paducah, KY; Oregon; Illinois. It has been throughout our society. School violence—we all tremble at the thought that our children are in a classroom where other kids have a gun, where other students are bent on violence, where they may be deranged, on drugs, psychotic. We all worry about that. I saw one of the parents from Columbine High School who said: This gun-toting society of ours is out of control. The worst thing is the accessibility of guns.

We get into a perennial argument here about whether or not it is the gun or the person who does the killing. It is not just criminals, unfortunately, who do the killing—until sometimes they become criminals for the first time—an enraged husband; a mentally deranged person, young, old, who suddenly, in a fitful moment, takes out a gun and commits his or her first crime with the murder of another person.

So what are we talking about? Frankly, I think at times we are talking gibberish, because the American public will not understand it. In a recent poll, 87 percent said it is necessary to close the loophole of anonymous buying at gun shows. That is what we are talking about. We failed to agree to that yesterday. Honestly, it was a very sorry defeat for us. Not for me personally—the fact that I authored the law. I authored the law with people's faces in mind, with an understanding about how much I love my children, four of them, and my six grandchildren. Heaven forbid anything ever happens to them.

I know there is not a parent who can hear me who does not feel the same way about his or her children. There is no asset more valuable than our children—money, jewelry, houses—nothing means anything when it comes to our children.

Why do we insist that the buyer, the anonymous buyer of a gun, has to have protected his right or her right to be free from this bureaucratic society, this great country that everybody loves? Everybody wants to move to America, but we call it the great bureaucracy at times, instead of the great democracy. It is foul language, as far as I am concerned.

So we are offered a substitute. It is a substitute produced by two distinguished Senators, one from Utah and one from Idaho, who say they are going to close the loophole. But it does not. It does not require a background check for all gun sales at gun shows. Some licensees, Federal licensees, on a special form, do not require a background check. The provision for people who are not licensed would enable them to sell guns without, again, going through a background check.

There is another loophole. There is a category now called "special licensees," that the Hatch-Craig amendment would create—a new bureaucracy, by the way, strangely enough. They are willing to concede a bureaucracy that would issue these special licenses is OK. But other bureaucracies are dangerous, dangerous to your individual rights. They would not have to conduct background checks. He did not change his original position, which makes background checks voluntary for special licensees. So, if you want to sell a gun and you are a special licensee, you can do it if you feel like it. But you do not do it unless you feel like it. You do not have to go through that nonsense—background check. It could take 10 minutes for a background check. Who wants to waste 10 minutes when you have a hot deal and you have other people there?

What happens at the gun shows, as I understand it—and I have never been, but this is as I hear it—is that there are often discounts by these unlicensed dealers who have acquired their guns—who knows how in many cases. They could say: We are special collectors. It has been established some of these collections are from criminals. Special collector? Hey, we will give you a cheap deal on these guns. Where a legitimate licensed dealer has a price, it is out there, it is public. They do have some expenses in maintaining their license—not a lot, but the unlicensed dealer: Here, I'll give you a real discount. Come here young man. You want to buy some nice guns?

It ought not be that way. These loopholes are still available.

It would not cover a flea market where there are tables with 100 or 200 or even more guns. It would not cover a gun show that had 10 exhibitors or fewer. Ten exhibitors could sell 500 guns, but they would not be covered. That is, if you will forgive me, a nonsensical hurdle. A couple of people could get together and say: You know what, let's put up one table. I have some of these to sell, she has some of those to sell, he has some of these to sell, and we will sell at one table, and that gets rid of two others, and we can reduce ourselves to 10 tables. Then we do not have to worry about those bureaucrats who want our names. Who are they? Imagine, those guys want our names, while we buy these lethal weapons.

Then there is another category. It says that if firearm exhibitors are not more than 20 percent of all exhibitors, they are exempt as well. So you have to have more than 20 percent of the materials being exhibited—it could be sporting materials, could be lifeboats, could be all kinds of things, skis, you name it—but if the firearms people do not have more than 20 percent, they do not have to do anything to get these people registered who are buying these guns.

It creates other loopholes. Even though prohibited persons are five times more likely to pawn their guns at a pawnshop than other citizens, this proposal from that side, those who say they are closing the loopholes, would say that anyone who has a claim ticket—whether they borrowed the money, they borrowed $200 for the gun—if they have the claim ticket, even if they do not show up for 60 days, if they pay the interest, they say the pawnshop dealer/owner has to just give them their gun without any questions—no questions asked.

This bird may have been in jail for 60 days, but they are not allowed to ask: Where have you been for the last 60 or 90 days?

Oh, no, that is a bureaucratic imposition; we do not want that. Another loophole. I do not, frankly, understand that.

Why are we protecting those who might be criminals who want to redeem their guns when the ordinary citizen who goes to buy a gun from a legitimate licensed dealer has to identify himself and undergo a background check?

There have been so many suggestions that the people who man this agency, the Bureau of Alcohol, Tobacco, and Firearms, are some kind of ogres, they are out to rob you of your independence, rob you of your thought. That is not true. They are there because we want them there to enforce the law.

The right to own a gun is one that is often debated, but so far I have not seen anything that confirms the fact that every citizen has a right to bear arms. We are not considering that question now, but the Court has ruled many times since 1939 that in order to have a well-regulated militia, the citizenry shall have the right to bear arms. That is quite a qualification.

In addition to the pawnshop loophole, there is another loophole, and that is, now suddenly federally licensed gun dealers who may be in the State of Massachusetts or the State of New Jersey or the State of Illinois—you name it—now can only sell firearms at a gun show in the same State as that specified on the dealer's license. The Craig amendment will give dealers an out-of-State license. It will broaden the geography of where that license can be used to all across the country without any checking. Without any further discussion, that license now is a lot broader than what was intended.

That is not closing a loophole to me; It is creating another one. It will make it harder for law enforcement people to crack down on shady dealers, and we do have some.

Years ago, there were more gun dealers than there were gas stations in this country. Not too many years ago, there were over 250,000; now it is slightly over 100,000. What we did was change the fee for licensed gun dealers from $30 for 3 years—$30 for 3 years, $10 a year and you never were checked or asked any questions—to $200 for 3 years, and that includes some kind of a check and some kind of a test you must pass in order to get that license. While we have reduced the number of dealers, the Craig amendment will open it up.

Everyone knows what the NRA response is going to be. That is the National Rifle Association. Their views were represented amply on the floor of the Senate. They say gun laws do not work; otherwise we would not have the kinds of killings that we do.

I do not think it is the gun law. I think it is the accessibility of guns. But I do point out that the number of murders by guns have reduced somewhat, not significantly enough, but they have been reduced. This country of ours, this wonderful democracy in which we live, sees 35,000 people a year die from handguns—35,000; 13,000 of them are murdered. Thirteen kids die every day from handguns, 4,000 a year. In 20 years, over 75,000 children will have died from gunshots. We have 18,000 suicides. We have 3,000 accidents from guns—guns, guns, guns, guns, guns, and people are dying from them.

Yet, I hear this cry through this place: Protect the liberty of the gun owner. I want to hear them say one time: My God, we are sorry about what happened in Littleton, CO. Our hearts bleed for them. When we look at the families, when we look at the children who lost their schoolmates, when we look at those who were so frightened, we have to ask: What kind of protection are they entitled to? I think they are entitled to a lot of protection, but we continue here with loophole heaven.

I thought that Littleton would shock some of our friends into the realization that the public is sick and tired of it. They do not want it, and I do not understand why it is that the NRA insists that this is an encroachment on their freedom just to say: Put your name down if you want to buy a gun. If you want to buy a car, you better put your name down or you are not going to buy the car.

Yet, that rage, that sense of grief, that sense of anguish has not yet reached this place. Mr. President, 87 percent of the people in America in a poll said they want these loopholes closed. We lost that vote yesterday, and now they come back with this wolf in sheep's clothing wanting to pretend that the loopholes are closed. But they are not.

I hope we will be able to get some control of gun violence in our society. There are a couple of ways we can do it: make parents responsible for what their kids do. If you give your child who is underage a car and he or she goes out and kills somebody, do you know who is responsible? It is the parent. Why then shouldn't a parent be responsible when a child takes a gun and kills his brother or his sister or his friend accidentally? We ought to get ahold of these things. This is an opportunity to show good faith to the American people, but we failed to take advantage of that opportunity to close it down. This will not take away their guns, except those we know do not qualify.

We hear complaints about the Brady bill. The Brady bill stopped over 250,000 unfit persons from fulfilling their desire to buy a gun—250,000. That is a lot to me.

I see my friend and colleague from Illinois is on the floor. If he wants to make some remarks, I will be happy to yield 10 minutes to the Senator.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I thank the Senator from New Jersey.

To recount where we are in this arduous debate over gun control in light of the Littleton tragedy, yesterday my colleague from the State of New Jersey, Mr. LAUTENBERG, offered a very clear amendment that said: If you want to purchase a gun at a gun show, you are going to be held to the same standards as a person who buys it from a licensed firearms dealer.

In other words, we will do a background check and make sure that you are not a prohibited person under the law, make certain you do not have a criminal record, a history of violent mental illness or something of that nature.

It was a very good amendment, and I commend my colleague from New Jersey for his leadership. He envisioned this problem long before many of us did and, frankly, put before us a very straightforward option. I was happy to support him.

Unfortunately, it did not receive a majority of support in the Senate. The sad reality is that 6 of the 55 Republican Senators voted for it and 41 of the 45 Democratic Senators voted for it—2 were absent—and it was not enough, so the Lautenberg amendment went down in defeat.

That was a bitter disappointment. But even worse was the fact there was an amendment offered by the Senator from Idaho, Mr. CRAIG, which he purported to offer as an alternative to Senator LAUTENBERG's amendment.

Let me tell you what has happened in the 24 hours since the Senate adopted that amendment. People have seen through it. It is transparent. It not only did not deal with the problem of gun shows and stopping the sale of guns to people who should not own them, it took a step backwards and made it easier for those sales to be made.

So there has been a mad scramble in the last 48 hours from the other side of the aisle. Once the public had an opportunity to look at this Craig amendment, there has been a mad scramble to undo what the Craig amendment sought to accomplish.

The NRA, the National Rifle Association, shot the Republican Senate leadership in the foot yesterday, and they have been hopping around all day today trying to figure out how they are going to salvage this mess. So they have come up with another amendment. It is unclear to me what they are thinking about, because they took a bad amendment, the Craig amendment, and added another bad amendment to it.

In this case, two wrongs will not make a right. What we have now in this so-called Hatch-Craig amendment is an abomination. It doesn't address the gun show problem. Senator LAUTENBERG did that clearly.

Let me tell you how bad this bill is, this Hatch-Craig second bill. This is Senator CRAIG's Thursday bill.

This bill, sadly, sets up at least two, maybe three different categories under the law for sales at gun shows. In his original bill, he had some special licensee category, voluntary category, that you could sell a gun at a gun show under that category. No background check was necessary; it was not necessary, of course, to send the name and address and gun serial number into any group that might check to see if it had any criminal history, if that weapon might have been used in a crime to kill someone or in a drug deal that went bad. No.

Then he came back today, and in this amendment they have created some more categories of how to sell guns at gun shows and they are just as difficult to follow.

One says, licensed gun dealers at gun shows can sell a gun. I do not have a problem with that. That is what we are seeking here. That is what Senator LAUTENBERG is seeking here, so that the background check is accomplished.

Then they had a provision in there that violates the Brady law we have lived under for so many years. Instead of giving law enforcement 3 days to check on the background of a would-be purchaser at a gun show, they give them 24 hours. And if they don't get the completed inquiry back in 24 hours, they sell the gun. The presumption is on the side of the purchaser. We are saying to those in law enforcement: Take a back seat. We want to keep these guns moving. This is big business.

Is that really what America wants? I do not think so.

So we have these categories of who can sell guns at gun shows. It is a labored attempt by the National Rifle Association to accomplish nothing—nothing—other than to take away from law enforcement their authority to do what American people ask for under the Brady law.

In this country what they said under the Brady law is, do not sell a gun to someone who has a history of having committed a felony or has a violent mental illness. The NRA has never liked that. They have tried to keep this gun show loophole alive. And they do it with this latest Republican amendment.

What a sad, sad situation, where those with serious mental illness, fugitives, stalkers, straw purchasers can still run to these gun shows, and under this Hatch-Craig amendment they can find a way to get their hands on the guns. Is it a problem? There are 4,000 gun shows a year across America. They are in my home State of Illinois, and over 200 in the year 1998.

When they had an investigation into these gun shows to find out who they were selling guns to without background checks, they found out it included a lot of felons prohibited from acquiring firearms who have been able to buy them at gun shows.

In fact, the Department of Treasury and the Department of Justice found that felons buying or selling firearms were involved in more than 46 percent of the investigations involving gun shows. This is a loophole that is producing guns right and left.

We are still trying to trace the guns used by those two kids in Littleton, CO. At least three, if not all four of them, came out of gun shows. Is it important that we know how they were bought or sold? Of course it is. You go to any police department in America—start with Chicago; pick your hometown—and ask them whether tracing a firearm is an important part of a criminal investigation. They will tell you it is critical. Where did that gun come from? Who sold it to them?

Let's try to establish a chain of purchase here and get down to the root cause of crime in America. The National Rifle Association talks about the second amendment and what they want to protect. And yet they come in with this amendment which literally takes away the power of law enforcement to try to enforce the laws and reduce crime.

That isn't the end of it. One of the most insidious aspects of this amendment was put in that would exempt pawnshops from doing a background check on a gun that is resold to someone who pawns it.

Picture this: A person needs money, picks up a handgun, walks into a pawnshop, hands it to the pawnshop owner, and says: How much are you going to give me? $20. He takes the ticket and the $20 and leaves.

That pawnshop owner may, but is not required to, report to law enforcement where that gun came from, the source of it, as well as the serial number. If they do not, under the current law, when the person walks back in and says: Here is the $20 and the ticket; I want my gun back, they are required to say: First, we have to check and make sure you are qualified under Brady. If you have a criminal history of mental illness, we will not sell it back to you.

The National Rifle Association, in this amendment, takes out that requirement. So the pawnbroker turns around and hands that gun back to the street.

Is it important in a pawnshop? Consider this: It is five times more likely that criminals are going into pawnshops with guns than those who have not committed crimes—five times more likely. And the National Rifle Association, which insists they want to keep guns out of the hands of criminals, puts this provision in the law, which many on that side of the aisle are now lauding as a great improvement. It is not. It is a step backwards.

Then there is the question about all the records of these gun purchases. If these records are not kept, we are basically tying the hands of law enforcement. It is no wonder to me that law enforcement across this country cannot understand the amendment that is being offered on the Republican side of the aisle.

This is a sad situation. We have a national tragedy on our hands—270 million Americans, 200 million guns, more gun crime than any country on Earth. We stiffen the penalties right and left. We are determined to reduce gun violence. Yet, when it comes to the most basic thing, to keep guns out of the hands of people who do not need them and should not have them, to keep them out of the hands of kids, we face amendments such as this.

It is really, in my estimation, unsettling. I cannot understand where a notion like background checks at gun shows—which enjoys the support of 87 percent of the American people—has such a tough time passing. Senator LAUTENBERG deserved 87 votes at a minimum on his amendment, an honest straightforward amendment to deal with gun shows. We could not get half of the Members of the Senate to vote for it.

The best thing for us to do is to defeat the Hatch-Craig amendment. It is a step in the wrong direction. We are going backwards instead of forwards.

The NRA, incidentally, put in one provision which they now put in everything. If you get involved in one of these purchases, and you sell a gun to somebody who kills another person, the National Rifle Association said, well, you should not be sued for that, should you? Of course you should be liable and accountable for that, as we all are for our actions.

They build immunity into this law from civil prosecution, immunity in the law. Who is immune from prosecution in America? Foreign diplomats and some health insurance companies. That is it. And now the National Rifle Association says, and, of course, the people who sell guns at gun shows, make them immune from liability, too. That is so far over the line it is hard to explain, let alone defend.

I salute my friend from New Jersey for his leadership on this issue. I hope my colleagues in the Senate will not be misled by this new Hatch-Craig amendment. If this is an effort to undo the damage done to those who voted for Mr. CRAIG's original amendment, they did not accomplish it. This second amendment compounds the problem. It makes it that much worse.

Let's get back to the basics. Let's support Senator LAUTENBERG's amendment—a straightforward amendment, supported by law enforcement and families across America who are sick of school violence, sick of gun violence, and expect this Senate to meet its constitutional responsibility to pass laws to accomplish these goals and make America a safer place to live.

I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. FITZGERALD). Who yields time?

The Senator from Idaho.

Mr. CRAIG. Mr. President, I yield myself such time as I may consume.

A lot of people have had a lot to say since the shooting in Littleton, CO. Much of it was sad, but some of it was thoughtful and even inspirational. So it was particularly unfortunate when a couple of weeks ago President Clinton added some comments to the mix that were not just unfair but outrageous and downright unforgivable. I bring this up this evening because even though his rhetoric and some of the rhetoric here on the floor has changed in the last 2 weeks, his sentiments are alive and well and regrettably evident on the floor of the Senate in this debate.

I am referring to the President's comments on April 27, when he laid the blame for the Columbine High School tragedy on our culture. Except the President was not talking about the same cultural crisis that we are talking about here today and tonight—the breakdown of families, the powerlessness of communities, the alienation of young people, and the violence and brutality promoted by the entertainment industry. No, what the President chose to blame was, and I quote from the speech that was later released by the White House and printed on its web page, "the huge hunting and sport shooting culture of America."

He proceeded to talk about "Americans' rights to responsible hunting and sport shooting" and said that the:

> movement will evaporate [w]hen people from rural Pennsylvania and rural West Virginia and rural Colorado and Idaho start calling their congressmen and saying, hey, man, we can live with this, this is no big deal, you know?. . .We would gladly put up with a little extra hassle, a little wait, a little this, a little that, because we want to save several thousand kids a year.

That was the President's quote. Now, where do you begin to list what is wrong with those comments? Well, let's start with the concept that all gun owners live in rural parts of the country or that the second amendment protects the right of hunting and sport shooting. Excuse me. I misspoke. The President limited it to responsible hunting and shooting. I am not sure what that means, but it probably involves new Federal regulations. What is more clear is the President's suggestion that those who take their individual civil liberties seriously are ignorant rubes who need reeducating in their responsibility to what he calls "the larger community."

All of this would have been merely insulting to the tens of millions of Americans who own and use firearms for legitimate reasons, but then he gets to the truly unforgivable part. What is truly unforgivable is that he insinuated that law-abiding Americans are somehow responsible for what happened in Littleton and, worse, that if they refuse to tolerate encroachment upon their liberties, they do not care about the lives of children.

It is a sad day in America when a President of the United States speaks to and implies that thought. That is right. The leader of the free world accused those who uphold the law as being responsible for those who flaunt the law. He accused those who would passionately defend their civil liberties as being bad citizens. He accused those who may have a firearm for the sole purpose of defending themselves and their families, accused these people of not wanting to save children's lives. Now, that is what is unbelievable.

I can only say shame on him for attacking decent, law-abiding citizens, and shame on any in this Chamber who would follow his lead. To say that the hunters and sport shooters of America are responsible for what happened in Littleton is to say that safe drivers are responsible for the road-crazed, road-raged killers who drive others off the road. But it is worse than the automobile analogy, because unlike an automobile, a gun has the capacity to save lives as well as take lives. A firearm is a tool. In the hands of a criminal, it is used for evil. But in the hands of a law-abiding citizen, it can save lives. And it does save lives—an estimated 2.1 million times per year, generally without a shot even being fired. Of the 65 million Americans who own firearms, more than a fair number purchase them not for hunting, not for sport shooting purposes, but self-protection.

They live in parts of the country where they really feel they need protection, and they have an American right of self-defense. They arm themselves for that purpose in a legal, law-abiding way. While hunters may do it for sport or they may do it to put food on their tables still in rural America, there are many Americans who own guns to protects themselves. It is in this area of self-protection that the question of encroachment on second amendment rights becomes not just a political question but one of life and one of death.

Unlike President Clinton, the woman in a crime-ridden inner city does not have a personal security force protecting her night and day. Some choose, and women are choosing in increasing numbers, to obtain a firearm in a legal way to protect themselves. The obstacles to firearm ownership the President talks about—"a little wait, a little this, a little that, a little extra hassle," are to the woman, to the oftentimes single woman of America who chooses to go out and buy a gun for her self-protection.

Think about it. She is doing it to prevent harm to herself and, if she is a single mother in a crime-ridden neighborhood, she may be doing it to protect her children. If you are wondering why law-abiding gun owners think gun control is a big deal, that is why. It is not because they are ignorant, nor have they been duped by the NRA or stampeded into making up horror stories. It is because they understand the purpose, the legitimate purpose, the constitutional right and purpose of the legal and appropriate use of firearms.

A gun is a great equalizer. It enables the feeble, the disabled, the old, the small to defend themselves against a more powerful aggressor. But with the right to keep and bear arms comes a solemn, a very solemn responsibility to use those arms safely and within the law.

Those who do should be celebrated for their exercise of civil liberties in the great tradition of our country—not make the tragedy one of a cowardly cheap shot from the White House and the President.

Let me say this about hunters and sports shooters in America, not to mention the collectors and the skilled crafts people who enjoy the history and artistry of firearms as a hobby: They have already been plundered, in some instances, by gun laws. Again and again in the past, when some effort to grab headlines was made, lawmakers reacted with another restriction, and another and another and another. Yesterday, when the Senator from New Jersey and I were debating an important issue, I talked about 40,000 gun laws. Many of those were the result of an illegal action and a political reaction.

I am not saying that all of them are bad. But 40,000 at the city, county, State, and Federal levels? Do these 40,000 gun laws, stacked one upon another, make America a safer place? Well, in Littleton, CO, tragically enough, 20 of those 40,000 gun laws were violated by those 2 young men, and some by other people who got guns for them. Some of those people have been arrested. Some of those are working, as they should, and those are the kinds of laws I support; law-abiding citizens support them, and guns rights defender organizations support them. But we haven't stopped violent crime and we have only piled all of these problems one on top of another.

Perhaps it is time for a sea change in our thinking. Instead of forcing law-abiding citizens to put up with inconveniences, as our President might suggest, or outright erosion of their civil liberties, perhaps we should demand that this administration's inconveniences are the armed criminal. By prosecuting them, by going at them, as the juvenile crime bill does, and as the Hatch-Craig amendment does, to strengthen the hands of the law enforcement officers to make sure we enforce at least some of the 40,000 gun laws we have—that is what we should be doing, and that is what the chairman of the Judiciary Committee of the Senate is trying to do—to build on and strengthen the body of law that can be enforced, and to say to our U.S. attorneys: Enforce the law. Get out in the field and put those people behind bars who are breaking the law with the use of a firearm.

So as we move through this debate, let's not follow the President's lead. Judging by the calls and letters and visits I am getting in the wake of the President's speech, the movement to secure the second amendment is not going to evaporate anytime soon. Law-abiding gun owners in America flatly reject the argument that the only way to control crime is through putting more burden on the exercise of their rights.

Any Senator who takes his or her constitutional responsibility seriously should carefully consider what a vote for more gun control is going to do. What is it going to do? Prevent crime? On rare occasions, it might. But it will be a political pill, so that we can go home and say we did the right thing. Yet, Littleton happened. I suggest that we have the opportunity to make changes, and they are here tonight, they are here in the juvenile crime bill. It is outrageous and unforgivable to suggest that anybody in this body needs to vote in favor of more gun control in order to prove that he or she cares.

Why don't we make changes in what our children are doing, in the access they have to violence on television, in the movies, in videos. That is what we are trying to do in ensuring that those who would prey upon others with the use of a gun in the commission of a crime be locked up and put behind bars. That is the message I am told Americans want to hear. That is the message my citizens in Idaho want to hear. They want to know that those who violate the laws will be arrested and, most assuredly, that the criminal element will be denied access to firearms.

If you vote for the Hatch-Craig amendment, that is what you vote for. If you vote for the juvenile crime bill, as amended, you broaden the entire arena of changing the way we have done business in the past in dealing with violent juveniles and crime in America. We turn to this administration and we turn to the Attorney General and we say: Enforce the law. Go after the criminal. Make this country safe for those who are willing to defend their civil liberties and who believe strongly in their constitutional rights.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. Mr. President, I yield such time as he needs to the distinguished Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I thank the Chair and the chairman of the Judiciary Committee, who is managing this bill.

Mr. President, I want to say how much I have admired his skill, ability, and knowledge in moving this important juvenile crime package forward. It makes positive steps in every area that deals with juvenile crime and violence.

We were shocked and saddened by the events in Colorado. It caused us all to rethink and rededicate ourselves to making improvements. We have been working for 2 years to try to get this bill up for a final vote. Maybe now we can have that become a reality.

I hope we can continue to debate the issues and debate the amendments and vote. I just hope we don't have a group of Members who, for one reason or another, would rather not see a bill pass. If that is so, I think some people need to be held accountable for that. I am willing to debate and hear the amendments, vote on them, and put my record on the line and do what we can to pass this legislation. Without any doubt, there is a major step forward in putting additional regulations on gun shows, which has been discussed here today. We have several other amendments and provisions in this bill that crack down on the illegal use of guns, including substantially increasing penalties for a lot of different gun violations.

Mr. President, I had the occasion to be a Federal prosecutor for 12 years, a U.S. attorney. I served, before that, as an assistant U.S. attorney. I also was attorney general of Alabama. What I have been hearing in the last few weeks about what we need to do about law enforcement and what is wrong in this country really frustrates me. The President of the United States, after this tremendous tragedy in Colorado, proposes that we need to do something about it. As I recall, his basic solutions were that we need a juvenile Brady bill, which was already in our juvenile crime bill pending at that time. He said we need to step up liability for parents whose children go out and commit crimes, which is a very difficult thing to do if you adhere to the traditional rules of American and English criminal law: you have to have criminal intent to be guilty of a crime. We have never made people guilty of crimes unless they had reason to be responsible criminally for somebody else's crime. Maybe we can make progress and the States will make progress, but there is not a lot you can do there. The President proposed a couple of other matters that dealt with guns, and they are minor, not a realistic way to deal with what is happening with crime in America.

I want to say that I have, from my experience, noted a real shortcoming in President Clinton and Attorney General Janet Reno's Department of Justice.

They have not prosecuted the laws effectively. They simply have not done so.

In 1992, before President Clinton took office, President Bush had a program called Project Triggerlock. It enhanced, increased, and intensified the prosecution of criminals who use guns illegally, felons who possess firearms, people who carry firearms in the commission of a drug offense, or other criminal activity, people who traffic in stolen guns, people who have sawed-off shotguns and fully automatic weapons. They were prosecuted intensely.

In 1992, there were 7,048 cases of prosecutions under those laws that existed at that time.

I direct your attention to this chart. It is the Executive Office of U.S. Attorneys' statistical data, which the Department of Justice lives by, which shows the number of prosecutions that have been going on in this country. In 1992, there were 7,048.

I know that number, because I had a trigger lock prosecution team in my office. I was directed by the President and the Attorney General to do that. I was delighted to comply.

I sent out a newsletter to share it with the chiefs of police. It was dedicated solely to laws and information on how to be more productive in prosecuting these criminals who are using guns and killing people, because I knew then and I know today that can save lives.

Since this administration has been in office, look what has happened with those numbers. They have gone down now to 3,807, a 40-percent decline in prosecutions. That is a dramatic number.

It really offends me. I consider it astounding that the President of the United States and the Attorney General of the United States would go around and say, "Oh, we are the toughest people in America about guns; we want to do more about guns, and if you Republicans in Congress won't pass every law that we can think of to make some other event criminal." They do not care about prosecuting criminals. I have a record of it.

In my tenure, we increased dramatically the number of gun prosecutions. I don't take a backseat to anyone over my commitment to prosecute people who use guns.

This administration wants to prosecute innocent people with guns, people who have no criminal motive whatsoever, while they are allowing the serious cases to erode dramatically.

They have more prosecutors today than they had in 1992, and they have a 40-percent reduction. It is just an offensive thing to me.

I will also pull these charts, because I know how to read the U.S. attorney's manual. I did it for 12 years. They had to have several new laws, and some of them are pretty good. I am supportive of them. These are going to fight crime, they said.

Look at this chart. This is shocking. Here is one:

"Possession of firearms on school grounds"—922(q).

There are a lot of subparts: 922(c), for carrying a firearm in the commission of a crime by a felon carries 5 years without parole, if you are convicted of that.

This is 922(q): "Possession of a firearm on school grounds."

It was reported, I believe, that the First Lady at this press conference, when they wailed about gun laws and gun shows, said there were 6,000 incidents last year of firearms on school grounds.

That is what they said.

In 1997, this Department of Justice—and every U.S. attorney in America is appointed by the President of the United States—prosecuted five cases. In 1998, eight. That is nationwide. That is for the whole country.

How is that stopping crime and making our communities safer? That is what I am saying. Is that making us safer?

"Unlawful transfer of firearms to juveniles"—that is a pretty good law—922(x)(1). That law passed and closed a little problem there, a loophole. It was closed several years ago.

"Unlawful transfer of firearms to juveniles." In 1997, this Department of Justice, which makes guns its priority, only prosecuted five cases; in 1998, six.

Look at this one: "Possession or transfer of a semiautomatic weapon"—that is the assault weapon ban that was allowed. There have been a lot of disputes about it, and a lot of debate about it, because it is really a semiautomatic weapon, but it looks bad. So they banned it.

In 1997, there were 34 prosecutions; and, in 1989, 84.

I think that begins to make a point.

We don't need to be dealing in symbolism or politics. There is a Second Amendment right to bear arms. It is in my Constitution. I don't know. Somebody else may read in certain amendments they like and certain ones that they don't. But it is in the Constitution. And it gives the people the right to keep and bear arms. That is not going to be given away.

We passed a lot of rules that are considered to be reasonable restraints on that. I prosecuted gun dealers for violation of regulations. So we expect them to adhere to the regulations we passed.

But I will just say with regard to these cases that what we are suggesting: what we are hearing today, or in the last day or so, is an attempt to distract attention from the merits of a good, sound, tough, compassionate juvenile justice bill, and derail it on the basis of whether or not we have a sufficient bureaucracy at a gun show, where I will assure you that probably not more than 1 out of 1,000 guns in America are bought at gun shows, as if that is going to save crime. It is not going to save crime anymore than this law did, or this law did, or that law did.

Next year, we will probably come in here and they will have a half dozen prosecutions under that law, and they want to have that kind of thing.

What we need to do is go back to a serious prosecution, back to the seven, or maybe 10,000 prosecutions under the gun laws that are already in existence, and focus on them.

I would just share this story with you because I think it is revealing.

I have been raising this very issue with this very chart for over a year—this chart which I have been holding up for the Attorney General, the Chief of the Criminal Division, and the Associate Attorney General of the U.S. Department of Justice, and I have been asking why they are not doing their job. They don't have a very good answer, if you want to read the transcript.

What has happened? Early this year we held a hearing. We set it for Monday, March 22, just a few months ago. It had been set for some time. We had asked the administration to come and testify, because we were going to ask them about this failure, this collapse, in Federal efforts on prosecutions.

We had heard that U.S. attorney Helen Fahey, down in Richmond, was doing a triggerlock-type program, and being very successful. The chief of police in Richmond was just delighted. They had a 41-percent reduction in murder and a 21-percent reduction in violent crime. We wanted to highlight this.

So we had a hearing. It made the administration nervous. We said: We are going to ask you about these numbers. We are going to ask you why you quit President Bush's Project Triggerlock, and why aren't you replicating and repeating what you are doing successfully down in Richmond?

That was going to be on a Monday.

On Saturday, March 20, the President of the United States—I guess the word got up to them that they had a little problem.

So he had a radio address to the Nation. He focused it on gun prosecutions. He had the United States attorney Helen Fahey in his office, and the chief of police in his office. She was going to testify on Monday. And he talked about the very thing we talked about.

I thought: Wasn't that interesting. Maybe we have finally gotten through to somebody.

This is what he said:

> Today I am directing Treasury Secretary Robert Rubin and Attorney General Janet Reno to use every available tool to increase the prosecution of gun criminals and shut down illegal gun markets. I am asking them to work closely with local, State, and Federal law enforcement officials, and to report back to me with a plan to reduce gun violence by applying proven local strategies to fight gun crime nationwide. My balanced budget——

He always says that—"my balanced budget."

What that has to do with this, I don't know.

> My balanced budget will help to hire more Federal prosecutors and ATF agents so we can crack down on even more gun criminals and illegal gun trafficking all across America.

That was his radio address.

On Monday, U.S. Attorney Helen Fahey testified that

> Project Exile [what they called the project in Richmond] is essentially triggerlock with steroids.

They basically took the Project Triggerlock activities and enhanced it.

> Plus community involvement and advertising . . . Project Exile is simple and straightforward in its execution and requires relatively limited prosecution and law enforcement resources. The program's focus and message is clear, concise and easily understood, and most importantly, unequivocal. The message: An illegal gun gets you 5 years in Federal prison.

That was President Clinton's U.S. attorney in the Eastern District of Virginia.

On May 5 we had oversight hearings with the Department of Justice in the Judiciary Committee. I asked Attorney General Reno if she had gotten this directive, and what she was doing about it. She indicated:

> The prosecution by Federal Government of small gun cases that can be better handled by the State court . . . doesn't make such good sense.

I cross-examined her a good bit about that because it was stunning to me. I said: Did you get a directive from the President? Did he send it to you in writing or did he call you on the phone or were you supposed to listen to the radio? How did you get this message? Are you going to do it?

She steadfastly refused to make a commitment to replicate and reproduce the Project Exile in Richmond, VA, and to use that around the country—even though her own people are telling her of the 41-percent reduction in the murder rate and a 20-percent reduction overall of violent crime.

This bill provides money for that. We have a proposal to increase substantially, perhaps as much as $10 million or $50 million to the Justice Department to replicate this project. We are going to insist on it. We believe it will save lives.

The chart shows from 7,000 to 3,000 prosecutions, a 40-percent reduction. There are those who talk about caring about innocent victims of crime and doing something about crime. There are innocent people in America who have died because those cases weren't prosecuted, those criminals using guns were not prosecuted. They have gone on and killed other people. It is a shame and a tragedy.

I believe what we have to do first and foremost is to create a climate and a mentality in this Department of Justice that they are going to use the laws they have been given and not to excuse themselves by discussing some new law that they have little or no intent on prosecuting effectively.

That is the true fact of the matter. We are talking about thousands of cases.

My view is if it is a good law and it is not unconstitutional and it is not too burdensome and we can figure a way to make it work, I am all supportive of it. I voted for and support several.

The real problem is cracking down on the criminals who are using guns. The laws already on the books are the ones that are going to be used 99 percent of the time when those cases are prosecuted. If used effectively, we can remove dangerous criminals from our streets, reduce violent crime and murder, and save the lives of innocent people.

I thank Chairman HATCH for all the work he has done, the leadership he has given, and the patience he as demonstrated in moving this legislation forward.

Mr. HATCH. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. The Senator has 19 minutes 44 seconds and the minority has 22½ minutes.

Mr. HATCH. I yield 8 minutes to the distinguished Senator from Missouri.

Mr. ASHCROFT. Mr. President, I thank the chairman of the Senate Judiciary Committee, the Senator from Utah.

I rise to address a number of provisions in the Hatch-Craig amendment that I am particularly concerned with, provisions that I have sought to move forward over the last several months and in the last several years, provisions that set or increase mandatory minimum sentences for gun crimes and drug crimes which endanger juveniles.

First, we need to address federal firearms offenses and impose substantial penalties on violent firearms offenses. Those who misuse firearms to commit crimes impose a tremendous cost on American society and on our culture. They destroy lives, they destroy families, they destroy businesses, they destroy neighborhoods. We need to have a Federal policy with a zero tolerance for those who are misusing firearms to perpetrate violent crimes or to traffic in drugs—the kind of criminal activities that are destroying the very fabric of our culture.

An essential part of this zero tolerance policy are mandatory minimum sentences that creates a serious deterrent for those who commit Federal violent and drug crimes, including carjacking and violent crimes on school grounds.

In order for mandatory minimum sentences to provide such a deterrent, they need to be long enough to make the offenders think about committing these crimes. They need to think twice about what they are going to do. Those sentences also need to be long enough to protect our law-abiding citizens from these criminals for a long time, by putting the criminals away for substantial period of time.

Current Federal law provides mandatory minimum sentences for possessing or using a firearm in the commission of a Federal crime of violence or drug trafficking. The current minimum sentence for possessing a firearm during such a crime is 5 years. This is a serious penalty for simply having a gun, not even showing it or firing it; just having it on your person. My amendment doesn't increase this penalty. We think it is sufficient as it is, particularly because there is truth in sentencing in the Federal system.

We do, however, seek in this amendment to change the current minimums for using a firearm during such crimes. The current minimum sentence for brandishing a firearm in a violent Federal crime or drug trafficking crime is 7 years. In this amendment we raise that penalty to 10 years. We would raise the penalty for discharging a firearm and thereby endangering life and limb from a 10 year minimum to 12 years. The law does not presently provide any mandatory minimum for wounding, injuring or maiming with a firearm. We create a minimum 15-year penalty for those who actually cause physical harm with a firearm.

Finally, the law currently provides a maximum penalty of 10 years imprisonment for knowingly transferring a firearm, knowing that it will be used in the commission of a crime. We would impose a mandatory minimum sentence of 5 years for knowingly facilitating gun violence by transferring a firearm to someone whom you knew was going to commit a crime.

These penalties are serious, but the problem is serious. These penalties will help create a real set of incentives to tell criminals they better leave their guns at home.

Let me also address mandatory minimum sentences for federal drug crimes. The current penalties for adults who target vulnerable juveniles by distributing drugs to minors or by selling drugs in or near schools are the same—both of these crimes currently carry a 1-year mandatory minimum for both the initial and subsequent offenses. This amendment raises the mandatory minimum term for each of these crimes from 1 year to 3 years for the initial violation, and 5 years for subsequent offenses.

This amendment is similar to two other provisions in the core bill we are debating, S. 254. One provision already included in S. 254 increases the mandatory minimum penalties for adults who use minors to commit crimes. Adults should not be able to use minors to commit their crimes for them in order to escape penalty. Another provision in S. 254 increases the penalties on adults who use juveniles to commit crimes of violence. Penalties are doubled for first-time offenders and trebled for repeat offenders.

Together, these provisions send a clear message to adults who would prey on our children, attempting to ensnare them in the dangerous life of committing crimes, and often in the violent world of illegal drugs.

Last year, I introduced all of these provisions in a package designed to target adults who use and exploit juveniles to commit crimes. It is time for us to send an unmistakably clear message that we will not, as a culture, tolerate those who use juveniles, who lead them or point them in the direction of lives of crime in an effort to avoid penalties for their own criminal action. The system already lets young people off with a slap on the wrist and a clean slate when they turn 18. Why should any adult risk serious jail time by committing the crimes themselves? Instead, have a juvenile commit it for them. I think it is time to make it clear that we will deal harshly with adults who use juveniles in the commission of crimes.

Sadly, our current treatment of juveniles gives adults an incentive to exploit children in this way. We need to make sure it cannot be done. If a store sold candy for $5 to adults, but $1 to children, there would be a lot of adults sending kids in to buy candy for them. The same is sadly true with the criminal justice system. Lenient treatment of juveniles has too frequently caused adults to think they can get juveniles to perpetrate the crimes for them. We must make it clear that no adult can escape crime by having a juvenile commit a crime on his or her behalf. It is no wonder that in my home State of Missouri, a 20-year-old in Poplar Bluff had her 16-year-old accomplice take the lead in a recent armed robbery. Why should she risk serious adult time in prison when she could have a juvenile do the crime for her? We cannot continue to encourage this intolerable behavior. Those who would corrupt our children deserve our stiffest sanctions. We need these enhanced penalties on adults who use juveniles to commit federal violent offenses and drug crimes.

The provisions in S. 254 and those in this amendment correct the perverse incentives in the current system by severely punishing adults who endanger our children and attempt to ensnare them in the world of drugs and crime.

Mr. President, I ask how much time is remaining?

The PRESIDING OFFICER. The Senator has 40 seconds remaining.

Mr. ASHCROFT. I thank the Chair. I yield the remainder of my time to the chairman.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I yield 10 minutes to my colleague from New York.

Mr. SCHUMER. Mr. President, I thank the Senator from New Jersey for the time and for his leadership. I understand there is movement on the other side to try to deal with the gun show loophole. I appreciate that. But I say to all my colleagues, if we pass the amendment sponsored by the Senators from Utah and Idaho, we will not close that loophole and we will be back here hearing about more tragedies from guns emanating from gun shows. There are six reasons for that which we should talk about.

First and most egregious, the amendment creates and deals with someone called a "special licensee," a person who would be licensed to sell in volume at gun shows who would not require background checks. This is overturning 31 years of having federally licensed firearms dealers with a new system that is as weak as a wet noodle. The licensees will not have to——

Mr. HATCH. Will the Senator yield on that? My gosh, they do not have any controls at all on gun shows. This puts controls on it. It actually does what those on your side of the floor wanted to do yesterday, and our side of the floor did not do. Now we are correcting that. But right now there is no limit at all. We put limits on. We do exactly what the President was bad-mouthing Republicans for not doing today.

Mr. SCHUMER. Reclaiming my time——

Mr. HATCH. I will be glad to give you some of ours for this, but, look, that just is not quite accurate.

Mr. SCHUMER. The point I make is this. We have always had the only people who can legitimately sell guns in quantity are federally licensed dealers. We are now creating an exception.

I ask my colleague, the Senator from Utah, why we exempt these people from any reporting requirements? When you talk to our law enforcement people in either the Justice Department or in the Treasury Department, they say if one of these new licensees—because they have no reporting requirements whatsoever—were to simply pass guns out, we would have no way to check.

My friend from Utah and many from the other side have talked about the need to enforce existing laws. This creates such a huge loophole we would never be able to enforce any existing laws.

Mr. HATCH. If the Senator will yield, actually now in intrastate sales they do not have to do anything. There is no gun check at all. There is no instant check at all; there is no requisite check at all. What we do is solve that problem and we do it better than what the Democrat amendment was yesterday. And when we do it—I just want to correct the record.

Mr. SCHUMER. Right now, for interstate, these people could go interstate. That is the basic problem. If these people, these federally licensed special licensees had to stay within their State, I would concede to the Senator from Utah that maybe it is nonexistent—but not a step backwards. But they can. So now for the first time we have people who can sell out of State who are not federally licensed dealers and who do not have any reporting requirements.

There is sort of a split, almost a schizophrenia in the logic of the other side, which is we must enforce. We do not need new laws to enforce. But we take away every single tool of enforcement.

Mrs. BOXER. Will the Senator yield on this point?

Mr. SCHUMER. I am happy to yield to the Senator from California.

Mrs. BOXER. I wanted to ask a question about the pawnshop loophole. Before I do, I want to thank my friend from New York because he does something around here that is very important. He reads every word of the bill.

Mr. SCHUMER. Thank you.

Mrs. BOXER. And he finds out some of the fine print. We had a situation on the floor with the Senator from Idaho. I was on the floor at the time. The Senator from New York said to the Senator from Idaho: With great respect, I think you have a problem in your bill—and he pointed it out. The Senator from Idaho at that point argued vociferously with the Senator from New York, who held his ground and happily everyone reached agreement that in fact what the Senator from New York said was true.

But what interests me is one of the loopholes that is not closed. That is this pawnshop loophole. I want to ask my friend from New York a question. Am I right in understanding that under current law, if someone goes back to retrieve a gun in a pawnshop, they must undergo an instant check?

Let's say somebody puts his gun in the pawnshop and then goes out and commits a crime with another weapon and they come back to retrieve their gun. It is my understanding there is no instant check on that person. It is further my understanding that people who retrieve their guns from pawnshops are five times as likely to be criminals as those who would go to an ordinary dealer; is that correct?

Mr. SCHUMER. The Senator from California is exactly correct. What we are doing now is making it easier because we take one of the barriers away for criminals to get their guns back at pawnshops. Why, for the love of God, are we making it easier for felons to get guns? It is an amazing thing. If the American people were all listening to this debate, they would be utterly amazed. Let me yield to the Senator from California.

Mrs. BOXER. I say to my friend, whom I respect so much and I thank so much for his leadership on this, I think what we have created with the Craig bill yesterday is essentially a safe deposit box for criminals to put their guns in—a pawnshop—and never have to answer to any instant check or anybody looking at them when they come back to get their gun.

Would that not be an accurate description of what the Craig amendment did yesterday, and it is not fixed in this amendment; am I correct in that?

Mr. SCHUMER. I say the Senator is exactly correct. If I were a clever criminal, I would use a pawnshop after this law passes.

Mrs. BOXER. It is very ironic, I say to my friend; we are doing a juvenile justice bill, and we are creating a tremendous injustice here because criminals will have a safe place to leave their guns and never have to undergo an instant check again when they pick their guns up from the pawnshop.

I thank my friend for yielding.

Mr. SCHUMER. I thank the Senator.

I say to my good friend from Utah, who I know is very sincere in this, if the sponsors of this legislation were to accept a provision that says let's have the same reporting requirements for the special licensees as we have for the Federal dealers, he might be making a step in the direction—it would not be as strong as the Lautenberg bill, but it would move in that direction.

I remind him of one other thing. Right now, the only people who can sell guns in large quantities at gun shows are federally licensed dealers. Under this legislation, for the first time—and that is what I was saying—we would have a new group of people allowed to sell guns in large quantities at gun shows. These are people who have not gone under the rigors of the check before becoming a Federal dealer. They are not people who have the licensing requirements. It is a loophole so wide you can drive a Mack truck through it.

Our law enforcement people tell us, again, if we are talking about enforcement, I am sure we want to trace guns that criminals have. Everyone on the other side is saying tougher penalties for the criminals. I agree with that. One of the reasons I believe I befuddled some of the folks on the other side is I am a tough guy on law and order. I believe in tough punishment and have worked for it. But tough punishment and gun laws are not contradictory.

The NRA and others always set up that straw man: Well, we need tough enforcement.

Yes, we do. If the two people who brought the guns into Littleton High had lived, I would have wanted the book thrown at them. But may I say to my friends and my fellow Americans, I would have also wanted them never to have been able to get a gun, because punishing after the crime, while important and necessary, does not save a life.

To say that we need tough laws and tough enforcement is correct. To say that that means we do not need gun laws is incorrect. And that is the basic illogic of the arguments I have heard made on the other side tonight. Tough punishment, yes; tough gun laws, yes.

The Senator from Idaho talked about where the American people are. I will tell you—I agree with you—they are for tough punishment, no question about it. They are also for tougher gun laws. In a recent CNN survey, 4 percent said they did not think the gun laws ought to be toughened. In another survey—I forget who did it—87 percent said close the gun show loophole. They did not say come up with a mechanism by which other people can sell quantities of guns and never report to whom they sold those guns at a gun show. That is what this amendment does.

Let's make no mistake about it. Is this a diluted version of the Lautenberg amendment? It is worse, because it gives the impression we are tightening the loophole.

The PRESIDING OFFICER. The time yielded to the Senator has expired.

Mr. SCHUMER. I ask the Senator if he will yield me 1 more minute to finish my point.

Mr. LAUTENBERG. One more minute, yes.

Mr. SCHUMER. I thank the Senator from New Jersey.

We are trying to give the impression that we are toughening things up, but, in a sense, not only are we not because of these special licensees—and I still have not heard a single good reason why they should not have reporting requirements—but at the same time, we are creating a new mechanism. And sure as we are sitting here—and I say this to the American people because the Senate seems unable to understand the pleas of the American people—they are going to start using special licensees as opposed to federally licensed dealers all across America.

Violence will increase, and we will be hearing calls for more tough punishment, which we will need because there will be more criminals and more gun deaths.

I urge rejection of the Hatch-Craig amendment. If you want to do something real, pass the Lautenberg amendment. We will have a chance, hopefully, to revote on it next week, and then we will see who wants to close the gun show loophole.

I thank my colleagues for their time.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, how much time do the two sides have left?

The PRESIDING OFFICER. The Senator from Utah has 11 minutes 25 seconds. The Senator from New Jersey has 10 minutes 37 seconds.

Mr. HATCH. Mr. President, the Hatch-Craig amendment we offered earlier this afternoon requires every nonlicensed individual who desires to sell a firearm at a gun show to have a background check. They can get a background check through a licensed Federal firearms dealer or through a special registrant, but he must get a background check.

The language in the amendment clearly states that a nonlicensed seller "shall only make" a sale at a gun show after getting a background check through the instant check system.

"Shall" means "shall." It does not mean "maybe," "sometimes," or "if you want to"; it means "shall."

The distinguished Senator from New Jersey says we are a nation of laws.

Mr. SCHUMER. Will the Senator from Utah yield for a brief moment?

Mr. HATCH. I will on your time because I only have a limited amount of time and I want to get through these points.

Mr. SCHUMER. I think we are out of time.

Mr. HATCH. Let me see if I have enough time at the end.

Mr. SCHUMER. I yielded a little to the Senator before.

Mr. HATCH. I will be happy to at the end if we have some time, but we are short on time.

The distinguished Senator from New Jersey says we are a nation of laws. He says we must close the loophole that allows nonlicensed individuals to buy a gun at a gun show.

The Senator from New Jersey says the definition of "gun show" used in the amendment would exempt gatherings of fewer than 10 firearms exhibitors and, he said, would exempt gatherings of firearm exhibitors and other exhibitors where the percentage of firearm exhibitors is less than 20 percent of the show. This is untrue. The amendment defines a "gun show" as an event at which we have either, A, 20 percent or more firearms exhibitors out of all the exhibitors at the show or, B, 10 or more firearms exhibitors. The language is "or," not "and."

Thus, if there are three exhibitors, one of which is a firearms exhibitor, this would constitute a "gun show" under the 20 percent rule—one out of three naturally being 33 percent, which is greater than 20 percent. The event need not satisfy the "10 or more" tests. It will be a gun show.

If there are 10 firearm exhibitors out of 100 exhibitors, that will be a gun show under the "10 or more" rule. The event need not also satisfy the 20 percent. It would be a gun show.

It is just that simple. There is no question about it. The threshold for what constitutes a gun show is low and it is certain: 20 percent firearms exhibitors or 10 or more firearms exhibitors.

What does that mean? In fact, the definition of "gun show" in the Hatch-Craig amendment is more strict than Senator LAUTENBERG's original definition. He required 50 firearms and 2 or more firearms sellers. Thus, if 1 of 3 exhibitors at a gathering is a firearms dealer and only brings 49 firearms, Senator LAUTENBERG's amendment would not classify it as a gun show. The Hatch-Craig amendment would classify it as a gun show.

The Republican amendment closes the loophole that the Democratic amendment left open. To talk about loopholes, we know a little bit about that. The Hatch-Craig amendment slams the door shut on the loophole and slams it hard. Unfortunately for my Democratic colleagues, however, our amendment slams this door without more regulation, and without more taxes and without much more Government and bureaucracy, which is what would have happened under the Lautenberg amendment.

Next, the Senator from New Jersey says that we on this side of the aisle do not believe that gun laws work. He is absolutely wrong on that. We just know they are not enforced by this administration.

For all the loudmouth talking that this administration does, look at this record of what they have done with regard to prosecutions of guns. I went through this early in the day.

Providing a firearm to a prohibited person, unspecified category—each number will be for 1996, 1997, 1998, in that order—17, 25, 10. It is pitiful.

Look at this. Providing firearms to a felon: 20, 13, 24; for 1996, 1997, 1998.

Possession of a firearm by a fugitive: 30, 30, and 23 for last year.

Possession of a firearm by a drug addict or illegal drug user—we know there are hundreds of thousands, at least, if not millions—46, 69, 129.

Possession of a firearm by a person committed to a mental institution or adjudicated mentally incompetent: 1 in 1996, 4 in 1997, and 5 prosecutions in 1998.

Tell me that this administration is enforcing gun laws that are on the books. And yet all we hear is crying and crying over spilled milk, that we need more gun laws. But they won't enforce them. There are lots of gun laws on the books, but they just will not enforce them.

It is just the phoniest doggone issue I have seen yet, when everybody in this Senate knows that these problems with our teenagers and our young people, what they come down to is a myriad of problems, many of which are caused by broken homes, broken families, single families where the parent has to work and cannot take care of the kids, a breakdown in society, a breakdown in religious values, a breakdown in family values, a breakdown in many other societal values, rotten movies, rotten music, rotten Internet things, rotten video games.

All of this is adding to this. Guns is one small part of it. But look at all these laws. And they are not being enforced by this very administration which continues to pop off every day about, we need more gun laws. Well, enforce the ones we have.

It is incredible to me that they get away with this. Sure, the polls will say that people are concerned about guns. Naturally they are. We all are. But they ought to be concerned about an administration that does nothing about the laws already on the books, that continually calls for more for political advantage. That is what bothers me about this outfit.

Possession of a firearm by a person dishonorably discharged from the armed services: 0, 0, 2; for 1996, 1997, 1998.

Possession of a firearm by a person under a certain kind of restraining order provision: 3 in 1996, 18 in 1997, 22 in 1998.

Possession of a firearm by a person convicted of a domestic violence misdemeanor: 0 in 1996, 21 in 1997, 56 in 1998.

A country of 250 million people, and this is the record we have?

Possession of a firearm by a person convicted of a domestic violence misdemeanor—think about it—0 in 1996, 21 in 1997, 56 in 1998.

Possession of a firearm or discharge of a firearm in a school zone—thousands of them—we had 4, 5, and 8 in the last 3 years. Think about it.

All violations under the Brady Act—we have heard nothing but Brady Act, Brady Act, Brady Act, and it has not done a thing compared to the instant check system which we insisted on. But look at this. All the violations under the Brady Act, first phase: No prosecutions in either 1996 or 1997; one prosecution under the Brady Act in 1998. And you would have thought the Brady Act was the last panacea for all gun problems on this Earth.

All violations under the Brady Act in the instant check phase—they are not even doing it under the instant check that we have done—0, 0, 0; for 1996, 1997, 1998. There is a point where you call it hypocrisy to continually try to make political points on guns when this administration ignores every law that is on the books and then says we need more laws to solve these problems.

My gosh, we know that the trigger lock cases have dropped an awful lot, from 7,500 under the Bush administration down to 3,500, because this administration does not take it seriously. Yet they go out every day and make these political points that we need more gun laws so that they have an opportunity not to enforce them, I guess.

Look at this. Theft of a firearm from a Federal firearms licensee: 52, 51, 25.

Manufacturing, transferring, or possession of a nongrandfathered assault weapon: 16, 4, 4. We heard how terrible assault weapons are. Hardly anything done about it.

Transfer of a handgun or handgun ammunition to a juvenile: 9, 5, 6, even though we know that is violated all over this country.

The fact of the matter is, these are laws we should be enforcing that are not being enforced. And I have only covered some of them. I do not have enough time to cover all of them.

But the fact is, this administration, for all of its talk about guns, isn't enforcing the laws that exist. Now they are asking for more laws. And they will not enforce those either.

The Hatch-Craig amendment slams the door on these loopholes. And, frankly, when are they going to enforce these laws the way they should be enforced?

It is one thing to talk about punishing the criminal use of firearms; it is another thing to mean it. It is one thing to talk about protecting innocent schoolchildren from violent juvenile offenders; it is another thing to actually pass a bill that will do it.

This bill will help. Yet we are in such a doggone logjam here, we might have to pull this bill down, because all the amendments that people are coming up with every day really are deterring the passage of this bill.

Republicans want to pass this bill and protect our children now. And I believe my colleague on the other side, who is managing his side, wants to do so as much as I do.

Let's stop talking. Let's start acting. If you really want to protect our schoolchildren, prove it by passing the juvenile crime bill. That is the best way to do it. And let's not just center on guns, which may be a problem, and probably is a whole series of problems, but that is only one small part of this. I am saying, a lot of things are not being done.

Senator SCHUMER criticizes this amendment by saying it would permit, for the first time, transactions of firearms at gun shows by individuals who are not Federal firearms licensees. But the entire justification of the gun show amendment—since the private sales are occurring at gun shows without any background checks whatsoever, we are putting in this bill, the Hatch-Craig amendment, instant checks on all sales. And it shall be done, according to this amendment. Senator SCHUMER's criticism suggests we are trying to address a problem that does not exist. Which is it? Is this a problem? Is there a problem with private sales at gun shows or not?

The PRESIDING OFFICER. All the time of the Senator has expired.

Mr. HATCH. I ask unanimous consent for 1 more minute, and I will finish with that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. This amendment does not allow more types of firearms transactions at gun shows. It does provide for a mandatory background check for all transactions at gun shows. Only those transactions where there is currently no check at all will be able to take advantage of a special registrant background check. Right now, we have hardly any protections.

This amendment will bring them to pass. This amendment will do what was asked for yesterday. I think you can criticize anything to do with this area, but this is the right way to go. We are going to solve this problem. That is why people should vote for the Hatch-Craig amendment.

I thank my colleagues for their forbearance.

Mr. LEAHY. Mr. President, I ask unanimous consent to speak for 90 seconds without it coming from anybody's time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, in many ways I feel that if the distinguished Senator from Utah and I were unconstrained by Senators on either side, we could write a bill that would be very helpful. But I hope we do not get carried away with partisan rhetoric here.

The fact of the matter is that there have been a number of issues the Democratic side of the aisle has brought up that have been voted down by the Republican side—not unanimously, I might say; in fact, I can think of a couple where the distinguished Presiding Officer voted differently than the majority of his party—and then those parts were then put into a Republican bill. That is fine. I am not interested who takes credit; I am interested in stopping juvenile crime.

In fairness, let's point out, when we talk about what the administration might or might not have done, in the past 6 years, the rate of violent crime has come down at a faster and greater level than at any time in my lifetime. I am 59 years old. That means through Republican and Democratic administrations, the rate of violent crime has come down faster than ever before in the 6 years of this administration. The rate of juvenile crime has done the same. We have stopped thousands and thousands of gun sales to those with felony records. Let's stop saying who has done it or who has not done it. Let's do what is best for our children. We are parents. We are grandparents.

The PRESIDING OFFICER. The Senator's 90 seconds have expired.

Mr. LEAHY. I intend that as a compliment to my friend from Utah.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. I am managing the time on our side. I yield myself such time as remains for my response to what we have heard.

Mr. President, I listened very carefully to the speeches. If I may say, the rhetoric that was used here—decrying the Federal Government's efforts to curb crime, incriminating crime fighting within the jurisdiction of the Federal Government, and saying that we are not doing our job—it is outrageous to listen to, I must tell you, because these things are concoctions. There are few people who I have more respect for in this place than the distinguished Senator from Utah, but that does not mean that I do not think he is wrong in some of the things he has just said. I am responding with admiration and respect.

When we look at the ATF investigations, I hold here the report that is "Gun Shows," issued January 1999, by the Bureau of Alcohol, Tobacco and Firearms, Department of Justice, Department of the Treasury. It says: Together ATF investigations paint a disturbing picture of gun shows as a venue for criminal activity and a source of firearms used in crimes. Felons, although prohibited from acquiring firearms, have been able to purchase firearms at gun shows. In fact, felons buying or selling firearms were involved in more than 46 percent of the investigations involving gun shows. Firearms involved in the 314 reviewed investigations numbered more than 54,000. A large number of these firearms were sold or purchased at gun shows.

What I hear here is concern about protecting average citizens from inconvenience. What a terrible thing. Why should they have this big brother looking over their shoulder? Why should we have speed limits? Why should we have laws against drugs? Why should we have laws against alcohol? Because this is a nation of laws. That is what we are about. That is what makes this society so distinctive. Instead, I haven't heard the pleas for the parents of those kids who have been killed by guns purchased, wherever they are. I haven't heard that. What I have heard is a nagging little complaint about, oh, what a pity, the infringement of the person who wants to go buy a gun who needs it in a hurry, sticks it in his pocket, walks out of the place without identifying himself.

Yes, the Hatch-Craig amendment does close some of the avenues for gun purchase, but it does not close them all, because if you are a special licensed purveyor, you don't have to do any checking at all. That is what the amendment says. Perhaps it is careless, perhaps it is deliberate, but it does not protect against that.

Then I hear a challenge to the President and his complaints about gun shows. He doesn't say that. He talks about gun shows with a degree of respect, but he says there are problems that have developed as a result of excesses available through gun shows.

I think we have to look at what is happening. Federal gun prosecutions: Overall violent and property crimes are down more than 20 percent each; the murder rate is down 28 percent, the lowest level in 30 years; homicides, robberies, and aggravated assaults committed with guns are down by an average of 27 percent. And yet, when we go ahead and talk about what we have to do to protect our citizens, we hear, get more enforcement out there, get more of a bureaucracy.

But when it comes to providing the money for ATF agents and Federal prosecutors, we have a heck of a time trying to get it. Despite the rhetoric, the NRA has never supported backing its tough talk with real money for State, local, and Federal law enforcement agencies to investigate, arrest, and prosecute gun criminals.

Well, the reason for the decline in prosecutions is that we work more now with State and local agencies than we ever did before. Overall, the rate of convictions and incarcerations has grown pretty steadily.

We are looking at what I will call straw men, reasons to find ways of not inconveniencing the gun buyer. Heaven forbid the gun buyer should have to obey the same laws that other people have to when they want to buy an automobile or buy liquor or what have you. There are regulations, and so it should be. That doesn't take away anybody's right to buy a drink or buy a car. You just have to fess up to it. If you want to buy a gun, in my view, you have to be able to say: This is my name; this is where I live; this is what I want to do.

If the audience was not obscured through a television camera or not away from the folks in front of you but, rather, were the parents and the families of the kids in Littleton, they would find that Americans blame the Littleton incident in significant measure on the availability of guns. They do not say there is too little prosecution. They don't say that the gun laws are cumbersome. What they say is there are too darned many guns in our society.

How much are each to blame for Littleton? Percentage responding, a great deal: availability of guns, 60 percent; parents, 51 percent; nearly all Americans support many gun control measures, particularly those aimed at kids; require background checks on explosives and gun show buyers, national poll, 87 percent.

In here we have 51 percent who went the other way just yesterday and today want to, in my view, set up a smokescreen, pretend we closed all the loopholes. There is nothing malicious in it. They just happen to be wrong in the approach, because if they looked at their own amendment they would see there are loopholes—whether they are requiring Federal agencies to get rid of records so they are not kept for too long a time, leaving the pawnshop opening that we just heard about for someone who is away. I just spoke to the Senator from Idaho. I said: What would happen if the claimant, to retrieve a gun that is in a pawnshop, comes back 4 months later? Are they required to say anything about where they have been during this period?

No. No, there is no requirement. The Senator from Idaho said there is no requirement. The guy could have been in jail for 90 days. But the fact is that he has come back. He has paid his interest. He has paid his $50 to retrieve his gun. Give him his gun back. Don't ask any questions.

I ask you, is that bordering on the absurd? I think so.

We, again, hear these lame arguments about why we couldn't adopt the Lautenberg amendment as it was originally. And today, shame has filled this place, embarrassment has filled this place, because calls have come in and newspapers have editorialized and said what is the matter with the Senate—87 percent of the people out there think that gun shows are a source of too many weapons.

But not here. Here we worry about not the victim, not the parent, not the brother, the sister, or the child. No, we worry about the inconvenience or the big bureaucracy that may be created to make it inconvenient or slow down the pace of gun acquisition.

Are there too few guns in this society? I ask anybody, too few guns? I doubt it. Something like over 200 million guns, that is enough to go around pretty well.

They blame our culture. We heard a story the other day from the Senator from Michigan who said that in Windsor, Canada, just across the river, they see the same television, are exposed to the same cultural elements, prefer the same music, everything else, yet they have so far fewer crimes with guns—about 30 or 40 times more in Detroit than they have in Windsor. It has to do with the availability of guns, nothing more and nothing less.

We ought to face up to it and not find different excuses for why it is that the gun wasn't involved. It is not the gun's fault, no; it is the trigger person's fault. But that trigger person would have had a heck of a time knifing the 13 or 15 people in the Columbine High School in the situation they were in. It was easy, however, with their weapons, with their explosives. It is time to face up to it.

I wish we would pay the same attention to the victims: 35,000 victims in a year of handgun death, 13,000 of murder, in rough numbers, 18,000 of suicides, 3,000 of accidents. When you compare us to the other societies with whom we associate and work, there is just no comparison. We are looking at societies that have less than 100 deaths a year from guns—the UK, Japan, and others. It just doesn't happen there. Why? These are similar people with the same kinds of problems we have. They have mixed societies and they have problems adjusting to conditions. But they don't have the guns laying around in every nook and cranny.

So I hope that the American people will watch what happens here and see who voted against the Lautenberg amendment yesterday because there are a couple loopholes that have been covered and yet many opened. I hope when we vote tomorrow, the public will be watching because the answers will have to be given to them.

The PRESIDING OFFICER. The time of the Senator has expired.

Under the previous order, the Senator from New York is to be recognized to offer an amendment.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senator from Illinois, Mr. DURBIN, be added as a cosponsor to this legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I thank the Chair. Before I get into this amendment, I would like to make one final point, which I thought was relevant to the Senator from Utah. I went over to him privately, but I think the RECORD should show it because he mentioned my name in the debate. I will discuss this after I send up my amendment.

AMENDMENT NO. 350

(Purpose: To amend title 18, United States Code, to regulate the transfer of firearms over the Internet, and for other purposes)

Mr. SCHUMER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York (Mr. SCHUMER), for himself, Mr. LAUTENBERG, Mr. KOHL, Mrs. FEINSTEIN, Mr. TORRICELLI, and Mr. DURBIN, proposes an amendment numbered 350.

Mr. SCHUMER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 265, after line 20, insert the following:

SEC. . INTERNET GUN TRAFFICKING ACT OF 1999.

(a) SHORT TITLE.—This section may be cited as the "Internet Gun Trafficking Act of 1999".

(b) REGULATION OF INTERNET FIREARMS TRANSFERS.—

(1) PROHIBITIONS.—Section 922 of title 18, United States Code, is amended by inserting after subsection (y) the following:

"(z) REGULATION OF INTERNET FIREARMS TRANSFERS.—

"(1) IN GENERAL.—It shall be unlawful for any person to operate an Internet website, if a clear purpose of the website is to offer 10 or more firearms for sale or exchange at one time, or is to otherwise facilitate the sale or exchange of 10 or more firearms posted or listed on the website at one time, unless—

"(A) the person is licensed as a manufacturer, importer, or dealer under section 923;

"(B) the person notifies the Secretary of the Internet address of the website, and any other information concerning the website as the Secretary may require by regulation; and

"(C) if any firearm posted or listed for sale or exchange on the website is not from the business inventory or personal collection of that person—

"(i) the person, as a term or condition for posting or listing the firearm for sale or exchange on the website on behalf of a prospective transferor, requires that, in the event of any agreement to sell or exchange the firearm pursuant to that posting or listing, the firearm be transferred to that person for disposition in accordance with clause (iii);

"(ii) the person prohibits the posting or listing on the website of, and does not in any manner disseminate, any information (including any name, nickname, telephone number, address, or electronic mail address) that is reasonably likely to enable the prospective transferor and prospective transferee to contact one another directly prior to the shipment of the firearm to that person under clause (i), except that this clause does not include any information relating solely to the manufacturer, importer, model, caliber, gauge, physical attributes, operation, performance, or price of the firearm; and

"(iii) with respect to each firearm received from a prospective transferor under clause (i), the person—

"(I) enters such information about the firearm as the Secretary may require by regulation into a separate bound record;

"(II) in transferring the firearm to any transferee, complies with the requirements of this chapter as if the firearm were being transferred from the business inventory of that person; and

"(III) if the prospective transferor does not provide the person with a certified copy of a valid firearms license issued to the prospective transferor under this chapter, submits to the Secretary a report of the transfer or other disposition of the firearm on a form specified by the Secretary, which report shall not include the name of, or any other identifying information relating to, the transferor.

"(2) TRANSFERS BY PERSONS OTHER THAN LICENSEES.—It shall be unlawful for any person who is not licensed under section 923 to transfer a firearm pursuant to a posting or listing of the firearm for sale or exchange on an Internet website described in paragraph (1) to any person other than the operator of the website.

"(3) INTERACTIVE COMPUTER SERVICE.—Nothing in this section may be construed to provide any basis for liability against an interactive computer service which is not engaged in an activity a purpose of which is to—

"(A) originate an offer for sale of one or more firearms on an Internet website; or

"(B) provide a forum that is directed specifically at an audience of potential customers who wish to sell, exchange, or transfer firearms with or to others.".

(2) PENALTIES.—Section 924(a) of title 18, United States Code, is amended by adding at the end the following:

"(7) Whoever willfully violates section 922(z)(2) shall be fined under this title, imprisoned not more than 2 years, or both.".

Mr. SCHUMER. Mr. President, the point I was about to make regarding the Orrin Hatch amendment, before we get into the substance of this debate—I doubt that we will take the whole hour on this one—is this: Under the Hatch-Craig amendment, there is a new category of people called "special licensees" who can sell at a gun show. They can sell guns en masse—lots of guns. Not only are they not required to do the paperwork, they are not required to do a background check. So when the Senator from Utah said before that they are toughening up the law, it is just not so.

It is true that federally licensed dealers would have to do a background check; it is true that the law is a little toughened up so that individuals who sell to one another might have to do a background check. But we create a whole new huge category of special licensees who can come to gun shows, sell en masse, do no background check and no paper recording. What a loophole.

That is why the Hatch-Craig amendment, more than any other reason, is a giant step not forward but backward. That is why the amendment of the Senator from New Jersey, Mr. LAUTENBERG, is what is needed. I ask my colleagues to look at that as part of the other debate.

Mr. President, we are here today to debate an amendment dealing with Internet sales of guns. I want to thank Chairman HATCH and Senator LEAHY for the opportunity to offer this amendment. We have known for a long time that gun shows are a loophole that have allowed people to buy guns without a background check. We know that. Well, there is another loophole that I believe is about to make a quantum change in the gun black market and is a disaster waiting to happen: At this moment, on your personal computer in your home, in your child's bedroom, there are thousands and thousands of guns available for sale by unlicensed dealers on the Internet.

These guns, including assault weapons, automatic weapons and cheap handguns, are listed for sale on a no-questions-asked, honor system basis, which leaves it up to anonymous buyers and sellers to comply with Brady and State and local firearms laws. Any computer novice can so readily and so easily find gun web sites that owning a personal computer means having a gun show in your home 24 hours a day.

Last month, for instance, a 17-year-old Alabama boy acquired a Taurus 9 millimeter semi-automatic pistol and 50 rounds of ammunition over the Internet. He was caught only because his mother was home and UPS dropped off the package. Who knows what crime may have been committed with that Internet gun.

Since 1968, it has been illegal for a felon to buy a gun. The reason we passed the Brady law is because enforcement had no mechanism to enforce that law. The Internet returns us to the pre-Brady period where disreputable people can get together and evade gun laws with little prospect of detection. Mark my words, if we don't pass an amendment such as this one, within a year or two, the Internet will be the method of choice by which kids, criminals, and mentally incompetents obtain guns. We will rue the day we don't pass this amendment. Passing this amendment now will save lives.

What does it do? My amendment simply requires that any web site that is set up to offer guns for sale on the Internet be a federally licensed firearm dealer who will make certain that criminal background checks occur with each sale. It just makes the Internet Brady compliant—no more, no less.

Let me show you what is available on the web by simply typing in key words like guns for sale, militia and AK-47. This is the Guns America Web site right here on this paper. Anybody can punch into it. Guns America boasts that it sells guns on the honor system, that there is "not an FFL dealer among the bunch of us," and that it will "grow to hundreds of thousands of new listings every month."

Guns America, at this very moment, has 21 AK-47s and AK-47 copies for sale, with no questions asked—not a soul watching, not a stitch of oversight. It is solely up to anonymous buyers and sellers to comply with all gun laws. Let me tell you, the chance of getting caught breaking the law is as likely as mom finding the gun in junior's bedroom.

Now, this one here is the Weapons Rack, another honor system weapons site. Since last week when I made this poster, the Weapons Rack has had 3,300 visitors to its site. We don't know anything about these visitors. Did they buy? Did they sell? Were they kids? Were they felons? What we do know is that the number of visitors is indicative that sales on the Internet are growing exponentially. Remember, 5 years ago, practically nobody bought stocks on the Internet. Today, 30 percent of all stocks are sold online.

The internet is about to change the entire way guns are bought and sold in America. And if we don't get on top of it now and create and ironclad enforcement mechanism to ensure Brady compliance, I promise you just as sure as I am standing here, it will cost lives and we will sorely regret it.

This is the Weapons Rack disclaimer: "It is the sole responsibility of the seller and buyer to conform to [firearms] regulations."

Not exactly a confidence booster, is it?

If either the seller or buyer don't want to comply, they go right through.

GunSource.com has 3,600 guns for sale. Their disclaimer says, "Because user authentication on the Internet is difficult, we cannot confirm that each user is who they claim to be."

Isn't that amazing?

Let me read that again. This is right on the Internet. "Because user authentication on the Internet is difficult, we cannot confirm that each user is who they claim to be."

This is a chilling admission. It is also an invitation to those who cannot buy a gun from a licensed dealer to use the cloak of the Internet to find illicit sellers and arms sellers.

Earlier this year eBay, the Nation's largest Internet auction site, put out this statement in conjunction with a directive banning the listing of guns on this web site. This is what eBay said. They said:

> The current laws governing the sale of firearms were created for the non-internet sale of firearms. These laws may work well in the real world, but they work less well for the online trading of firearms, where the seller and the buyer rarely meet face-to-face. The online seller cannot readily guarantee that the buyer meets all the qualifications and complies with the laws governing the sale of firearms.

Listen to the experts. eBay said selling guns on the web is too dangerous because they had no idea who was buying and who was selling; no way to find out; no way to ask; no way to verify—the guns are sold purely on faith.

My amendment is balanced, reasonable, and modest.

It replaces blind internet faith with fully Brady compliance, no more, no less.

It bans the unlicensed sale of guns on the internet by requiring websites clearly designed to sell guns to be federally licensed firearms dealers. It won't affect chat rooms. It won't affect newspaper want ads. It won't affect licensed firearms dealers.

It requires internet gun sites to become "middlemen" and act as conduits for all sales by forwarding all gun sales to the appropriate firearms dealer in the buyer's state who will perform the Brady background check. In this way, it is just like a mail-order sale. You have an intermediary. When the gun is sold, it is sent to a gun dealer who then does the background check and gives the gun to the buyer.

To prevent buyers and sellers from circumventing the website operator and from carrying out transactions which violate federal law—the amendment prohibits sites from listing information like an e-mail address or phone number that allows buyers and sellers to independently contact each other.

Sellguns.com does this already. They are an FFL. This is an auction site where buyers e-mail bids for a particular gun through the website operator. The seller sends the firearm, the shipper pays, and the buyer sends the bid, plus fees and shipping, and SellGuns.com makes the match and identifies the seller's item with the buyer's request. It works well. It is happening now. We would require this to happen in every sale. It doesn't interfere with the transaction of guns; it just makes sure that kids and criminals can't get them.

When a final bid is accepted, the buyer sends a check to SellGuns.com. The seller sends the gun to SellGuns.com. They trade, the check and the gun cross, and everybody is happy.

That is the model for how all internet gun sales will proceed if this amendment passes.

This amendment is also easy to enforce.

Since these websites operate on a volume basis they have to make their sites easily accessible. Most sites are linked to common words like "guns," "AK-47," and "militia." So gun sites are actually easy to find and easy to put into compliance or put out of business if they refuse to comply.

Some members have asked me about the difference between a gun ad in say, Guns and Ammo magazines or a newspaper want ad and gun sites on the internet.

Number one: volume. The number of guns for sale right now on the internet—20,000, 50,000, 100,000 guns—dwarfs anything available in any publication.

Number two: secrecy. Magazines are static publications. If the same individual keeps showing up selling guns, law enforcement can look at back issues and investigate. The internet is ephemeral. Sellers come and go. Ads appear and disappear.

Number three: access. Gun sellers are in my home and your home. They're in the bedrooms of my ten year old and my fourteen year old daughters. Owning a personal computer means having a gun show in your home.

All it takes is a curious and troubled teenager to cruise the web until they find someone willing to sell. At least with Guns and Ammo a kid has got to know the magazine exists and go to a magazine shop and buy it. This gun store is in your home whether you like it or not.

Number four: anonymity. The web allows kids and criminals to use e-mail to rapidly probe on-line sellers to see who is willing to bypass gun laws. And since it is impossible to monitor any transaction there is only the slimmest of chances that anyone would get caught.

In a magazine ad it would be enormously time consuming and frankly involve luck to figure out who is willing to sell under the table.

Number five: distance. The local want ads, are just that—local. The internet moves the transaction from a neighborhood market to a national market.

Commerce on the internet is in its infancy. I agree with those who say that we ought to be very careful before we prohibit certain activities on the net.

I believe that the internet is one of the reasons that American productivity is at an all-time high and growing at a remarkable pace.

But this is an area that cries out for common sense regulation. it is rare that Congress is ahead of the curve. We usually have to be prodded by crisis to act.

If we fail to close the internet loophole today—I promise you—it will not be the last time that we hear about this issue. A child, a criminal, a disturbed individual will exploit this loophole, evade a background check and commit a crime that will leave America in mourning.

In Alabama, where a juvenile succeeded in buying a gun on the internet an ATF agent said:

> The sale of guns on the internet is part of the growing cottage gun industry, replacing face-to-face firearms sales between dealers and individuals at local shops with e-mail messages and shipping orders.
>
> On the internet, the dealers don't know who they're dealing with on the other end. You could be dealing with a career criminal, a drug dealer or a high school student.

Do we really want to leave the sale of guns over the internet completely unregulated?

This bill I am presenting is a balanced, constitutionally sound bill which requires web sites that are clearly designed to offer guns for sale to be federally licensed firearm dealers—no more, no less.

We learned from the Brady bill that the honor system doesn't work for guns. It might for most people. It doesn't for criminals. And it doesn't for kids who want to buy them and to do something terrible.

Pass this amendment and we solve the major problem. Let it fail and we open a firearms cyberhighway that has no exit.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, let me clear up a point the Senator from New York made this evening before I discuss the amendment that is before us.

He has made the allegation that the special licensee we have created in our amendment for dealing with gun shows is somehow not going to have to do background checks. Language in the bill says, referring to the special licensee, "shall conduct his activities in accordance with all dealer record keeping required under this chapter for a dealer."

We go to that chapter, 18922, and he falls within that chapter, and that is the requirement of the background check.

So it is our intent. We believe we have covered that intent.

Let the record show that is what we believe the law to be as we proposed it in this form.

I am happy to sit down with the Senator tonight or tomorrow, but I believe we have covered it adequately. There is no question of our intent here. It is not a loophole. The special licensee is a dealer. We put him into the dealer section with all other gun dealers. We will leave it at that for the evening.

Very briefly; I want to get out of here.

Mr. SCHUMER. I don't blame the Senator. I appreciate the courtesy.

As I understand the special licensees, a background check would not be required; rather, the section of the law would require only certification.

Mr. CRAIG. That is not true. The licensee would become a dealer and falls under the dealer section of the law, 922 paragraph T(1). Check it out, read it tonight, see if you don't agree with us. If you don't, we will be happy to discuss it tomorrow.

Mr. SCHUMER. I appreciate that.

Mr. CRAIG. Let me talk about the Internet for a moment.

Somehow in the last day and a half we have heard this marvelous new word "loophole." Everything has a loophole in it. Somehow through a loophole we are cramming everything today. It is a great mantra. I think Bill Clinton coined it in one of his phrases lately—handgun control loophole. Tonight we have a loophole in the Internet. It is called "beam me up a gun, Scotty," except the Senator from New York, being the remarkable fellow he is, has not pioneered Star Trek technology to deal with guns.

The Internet is an advertising medium. It is not a medium of exchange. You advertise on the Internet.

Now, I am not a very good Internet surfer, but I know I can't push a button and see a gun come out from the screen. The Senator from New York knows it, too. In fact, he refers to Guns America Web Site. We pulled it up while he was talking. This is what it said:

> Please note, as a buyer you must first call the seller of the gun, confirm price and availability, and arrange for an FFL dealer in your State to receive shipment. Your FFL dealer must send a copy of their license to the seller.

My point is quite simple: If you buy a gun on the Internet, it somehow has to make contact with you.

He referenced a young fellow who acquired a gun on the Internet and his mother intercepted it because a common carrier had brought it to their home. The common carrier violated the law. It is against the law in America today to send a gun through the U.S. mail or to allow one to be transferred by common carrier to be delivered to a recipient.

I guess that is my point. He may not like the style of advertising or the rhetoric around the advertising, but there has to be a point of contact. How do you make the contact? How does the gun move from the seller to the buyer? Therein lies the issue here.

If I believed what is being said were true, I would be alarmed. I don't think any of us want a gun show in our kiddie's bedrooms. It is great rhetoric tonight. The gun show isn't in the kiddie's bedroom. There is advertising on the Internet. The child can access the Internet. The child can't touch the gun. He cannot receive the gun. And the example that he applied was a violation of the Federal law. Again, one of those laws that we stacked on the books and somehow somebody slipped through it. That is what happens with laws some of the time unless we have this huge web of law enforcement.

My guess is the common carrier is libel in this instance. I don't know the total story, but I do know the gun got delivered to the home and it had to come through some form of common carrier. We believe that to be a violation of the law.

The impact of this amendment is to simply restrict gun sellers to 19th century advertising technology. That is, newspapers and fliers.

On a more serious note, the amendment would be an extraordinary and unprecedented restriction on commercial speech. That is called a violation of the first amendment.

I am not a constitutional lawyer and I am not going to debate that this is a constitutional violation. But my guess, if it were to become law, it would rapidly get tested in the courts because I believe it could be that.

Our laws have never required an advertising medium to become part of the business that it advertises. For example, we don't require a newspaper to get a State liquor license before carrying alcohol ads. But in any event, that would be well beyond anything this Congress ever contemplated.

In fact, Federal law confirms exactly the opposite: The Firearms Owners Protection Act, which became law in 1986, specifically confirms the right of individuals to make occasional sales, exchanges, and/or purchases of firearms for the enhancement of a personal collection, for a hobby, or to sell all or part of a personal collection of firearms within their State or their residence.

I do not quite understand what the Senator from New York is talking about tonight about expanding beyond the boundary of a State. Yes, the Internet is national; it is international. But for a gun owner in New York to buy a gun out of California would be interstate activity, and that would be against the current law. I think the Senator from New York knows that.

What we are suggesting in our amendment, because we do address the issue of Internet activities, this Congress would not want anything illegal going on in the Internet. If you use the Internet to offer a firearm to a felon, and you know it, you broke the law. That is what we are saying. If your intent is to sell to anybody on the Internet and not require the checking, you are breaking the law. That is what we would say.

The Hatch-Craig amendment makes it a crime to knowingly solicit—that is what you are doing on the Internet, you are soliciting. You are not transporting guns, you are not putting them in the hands of kids, you are soliciting—to knowingly solicit an illegal firearm transaction through the Internet. That is what we do.

We go a step forward and talk about explosive materials. There is a very real concern on the Internet today about bombs—not material, because you can't transport it, again, but the diagrams to build a bomb. I am opposed to that, too. But at least you have to go out and acquire the material to build one because the Internet doesn't "beam it through to your home, Scotty," nor does it beam the gun.

That is the reality. Our amendment is simple. We think it addresses the issue. I hope our colleagues tomorrow would vote for the Hatch-Craig amendment that covers all of these issues very clearly, very succinctly.

I yield back the remainder of my time.

Mr. SCHUMER. Mr. President, I will answer a few points of the Senator from Idaho and maybe we can engage in a dialog.

The Senator is wrong in one sense. The Internet does not just do advertising. Some sites just do advertising, and if there were no efforts to transfer guns, we would agree.

How about when a web site offers guns and earns a fee when there is a sale? That is not an advertisement, it is a business. The more guns they sell, the more the web site makes.

The second point I make, and this is the most important point, the Senator from Idaho got up and he said they give each other the name and address, and it is their responsibility to contact a firearms dealer.

Say I am a 15-year-old and I want a gun, but I don't tell the seller that I want it, and I don't contact the firearms dealer. What is to stop me from doing that? That is the point here.

Sure, in a perfect world, the Senator from Idaho would be right. But then we wouldn't be debating a juvenile crime bill. The fact that there are criminals, young and old, means there are people who won't obey the law. All we are trying to do is make it easy for law enforcement or even possible for law enforcement to make sure people obey the law.

I guess I would ask my friend from Idaho if the 15-year-old has no intention of going through a licensed dealer, which is the law for an out-of-State sale, how do we stop him under present law? How do we stop him from getting the gun? That is the problem.

Mr. CRAIG. I will respond briefly. The hour is late.

Mr. SCHUMER. I appreciate that.

Mr. CRAIG. We can conduct more dialog on this tomorrow.

Under current law—in other words, we are talking about "the law," not a vacuum but the law, let me read what Guns America says: "As a buyer, you must first call a dealer."

The reason you have to do that is the gun is transferred through the dealer, not through the mail. Because the 15-year-old cannot——

Mr. SCHUMER. I ask the Senator, what if he doesn't call the dealer?

Mr. CRAIG. Then he will not get the gun.

Mr. SCHUMER. They will still mail him the gun. They don't know he is 15.

Mr. CRAIG. The U.S. Postal Service says it is illegal.

Mr. SCHUMER. But the U.S Postal Service doesn't open every package.

Mr. CRAIG. I can't dispute that. In other words, he broke a law.

Mr. SCHUMER. He got the gun.

Mr. CRAIG. But he broke a law. You are going to create another law to be broken. Why don't we enforce the law we have?

Mr. SCHUMER. Reclaiming my time——

Mr. CRAIG. You have it.

Mr. SCHUMER. The point is, the two gentlemen from Columbine High School broke the law. If we want to allow every kid to get a gun and we can then, after they create havoc, say they broke the law, we are in pretty sad shape.

What we want to do here is prevent them from getting guns. To simply say a 15-year-old who purchases a gun on the Internet broke the law is not very satisfying to most Americans. They want to stop them from getting the gun, prevent him from getting the gun.

So I suggest there in a nutshell is the whole argument. The Senator from Idaho says, since the law prohibits interstate gun sales, we should allow a 15-year-old who wants to violate the law to use the exact mechanism we have talked about, the Internet, to get that gun and then after he gets the gun we go after him.

Mr. CRAIG. I am going to have to ask the Senator to yield because that is a very improper portrayal of what I just said. Be accurate, please.

Mr. SCHUMER. Let me just finish my point and then I will be delighted to allow the Senator to respond.

The 15-year-old wants to break the law, sends for the gun, gets the gun, and because the Postal Service is not going to open every package ahead of time, there is nothing that prevents the 15-year-old from getting the gun. In fact, the Postal Service has no way of knowing that gun is being shipped to an underage person. So they cannot even—there is not even a suspicion. Then, after that person gets the gun, we say that person broke the law.

In fact, the only way we are going to know they broke the law is if they use that gun for a bad purpose. If there was ever a situation of closing the barn door after the cows got out of the barn, this is it.

I simply ask my colleague to rethink his opposition to this legislation based on his own statement. He broke the law. How do we know it? The only human way we can know it, that is humanly possible, is after the gun is used in a crime. If the Senator would like me to yield, I will. I do not have to if he does not want to respond. Please. It is on my time.

Mr. CRAIG. I will only comment this much further and then I am through for the evening. I have been sitting here adding up the laws that your description broke. The seller has broken the law tonight by your definition.

Mr. SCHUMER. No.

Mr. CRAIG. Absolutely, if he sold to a juvenile.

Mr. SCHUMER. The seller has no knowledge that the child is 15.

Mr. CRAIG. I think he says he wants the knowledge here.

Mr. SCHUMER. But the point is, if the child writes in "25," there is no way the seller knows.

Mr. CRAIG. If he doesn't check it out, he broke the law.

Mr. SCHUMER. How is he going to check it out?

Mr. CRAIG. Because it is his responsibility as a dealer.

Mr. SCHUMER. I submit, none of the dealers and none of the advertisers on the Internet actually go check. If someone says they are above 25——

Mr. CRAIG. It sounds like ATF isn't doing their job.

Mr. SCHUMER. It doesn't sound like that to me.

Mr. CRAIG. I counted that breaking the law. The juvenile is breaking the law.

Mr. SCHUMER. Clearly.

Mr. CRAIG. And the common carrier is probably breaking the law.

Mr. SCHUMER. I don't think the common carrier did.

But, again, my point is a simple one. They are all breaking the law, and there is no way to find out. This is not a question for the ATF. This is a question because the Senator would be one of the first if the ATF started opening every package to see if there were guns and knocking on the door of every person who ordered a gun to see what age they were, which is of course an absurd situation, we would all be in an outcry. So, to say that three people broke the law is not very satisfying. To say that Klebold and Harris broke the law in Littleton is not very satisfying to the parents who are grieving their children.

By this simple piece of legislation, we might have stopped it. Without impinging on anyone's rights, without changing anything else, we might have stopped it.

With that, I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Has all time been yielded back?

The PRESIDING OFFICER. It has.

Mr. LEAHY. Mr. President, Amendment No. 329 more than any other we have seen so far cobbles together a number of proposals that have been around for a long time. Let me start with the NIH study, the $2 million study required by the amendment.

I am concerned that this amendment singles out only a few potential influences on teen behavior. A better approach, in my view, would be to study all factors—the role of parents and schools, the existence of counseling and guidance efforts, the alienation of young from their peers, and media influences, among other things.

The President has called on the Surgeon General to conduct just that type of review. Perhaps we should include the NIH and other experts in the Surgeon General study which is now underway.

In our rush to respond to very real tragedies, we should take care to study all the factors, and to seek solutions that won't trample the First Amendment. To artificially limit the NIH study to only media influences may not be proper scientific design. The role of parents must be considered. Bad parenting can have devastating effects on the behavior of children. Just ask the child in an alcoholic family, or in a family where there is spouse abuse, or worse.

I am also concerned about the two sets of antitrust exemptions being proposed in this amendment.

I have spent a good deal of effort over the past several years working to eliminate unjustified antitrust exemptions from the law. The baseball antitrust amendment comes to mind as one that the Chairman of the Judiciary Committee and I worked on together for years until we finally succeeded last year.

Do we have the views of the Department of Justice Antitrust Division on either of these proposed antitrust exemptions?

Last time I examined this issue was when the Assistant Attorney General for Antitrust clarified that it would not violate the antitrust laws of television stations to agree on guidelines and viewer advisories to reduce the negative impact of violence on television. That was 1994. It was not illegal now. So, I do not understand the need for antitrust exemptions.

My fear is that any such exemption might be abused and used to immunize anti-competitive conduct to the detriment of consumers viewers and other companies in and around the entertainment industries.

I note that one of the exemptions tries at least to protect against legalizing group boycotts. Whether that language succeeds, I cannot tell as I read it here on the floor. But I do know that the language applies to only one of the two exemptions and does not reach all anticompetitive conduct.

Does that create the implication that boycotts are an acceptable way to "enforce" rules or act anti-competitively? The language mandates enforcement but does not say how.

Senators BROWNBACK and HATCH had initially provided me with two very different amendments, and I assumed that the fight would have been over which amendment would win over the other—since they are inconsistent.

It never occurred to me that they would simply slap them together into one inconsistent mass which will be impossible to interpret.

The combined amendment that passed yesterday has major flaws. It defines the Internet in a way that could have major unintended effects on other laws.

It hugely denigrates the role of parents—essentially the amendment considers parents almost irrelevant to the development of children into young adults. It blames most of the social problems of children on television, movies and music—an easy target even in the face of falling national crime statistics.

Television programming and movie content is a tempting subject for demagoguery. It is much harder to deal with issues such as bad parenting and lack of parental supervision because then we can only blame ourselves.

Contrary to the findings in the amendment, there is no substitute for parental involvement in the raising of our children.

I am also very nervous about involving government in the day-to-day regulation of the content of television shows or movies and other forms of speech. I do not see how the government can step into the shoes of parents.

The Supreme Court has noted that "laws regulating speech for the protection of children have no limiting principle, and a well-intentioned law restricting protected speech on the basis of content is, nevertheless, state-sponsored censorship."

Movies such as "Saving Private Ryan" or "Schindler's List" are violent. I admit it. But I do not think that such films should be discouraged because of any government enforced content standards.

If this amendment were voluntary we, of course, would not need to pass it since the entertainment industry leaders can already work together to develop guidelines, standards, ratings and label warnings. That is why I worked out a deal, and signed a dear colleague letter, with Senators HATCH, LOTT, DASCHLE, MCCAIN and others in July of 1997.

We agreed, based on clear guidance from the Justice Department, that entertainment industry leaders could meet to work out these guidelines and standards and that there would be no antitrust concerns.

Antitrust laws permit meeting to work out voluntary guidelines.

This slapped-together amendment goes way beyond that understanding.

Letters dated January 25, 1994, January 7, 1994, and November 29, 1993, from the Justice Department make it clear that industry leaders can work together to establish guidelines regarding violence in programming and movies.

One bedrock principle of our democratic government and one of the basic protections of freedoms to enjoy as Americans is the First Amendment's guarantee that the government will keep itself out of the regulation of speech.

When the Constitution says that "Congress shall make no law * * * abridging the freedom of speech," I believe it means what it says. That provision ought to be respected until it is repealed which I hope never, never, happens.

For years there have been crusades against the content of books and movies but government enforcement is not the answer—where do you draw the line?

This goes back to the old joke about a conference of ministers of different faiths getting together and trying to start the meetings. They could never agree on the opening prayer so that had to cancel the conference.

I know that some have fond memories of the days of content regulation when only separate beds could be shown on shows like Dick Van Dyke. One of the findings fondly looks back at these standards stating from page 6 of the amendment that "The portrayal of implied sexual acts must be essential to the plot and presented in a responsible and tasteful manner." What is "essential to the plot" and who decides that question? What is "tasteful" and should the government decide that?

National crime statistics show crime has declined in recent years. I know that Mayor Giuliani keeps talking about that reduction in crime. What does this drop in crime statistics mean in terms of this amendment?

Section 505 of the amendment allows for the "enforcement" of guidelines "designed to ensure compliance" with ratings and labeling systems. When you use words such as "enforcement" and "designed to ensure compliance" that does not sound voluntary to me. I hope that we take more time in conference to read this amendment and consider the possible problems posed by its language.

I know some want to permit government enforcement of vague standards on the content of TV shows and movies. No one will know what is allowed and what isn't allowed. That is chilling, it violates the Constitution, and it relegates the role of parents to mere observers.

Mr. GORTON. Mr. President, on April 20, 1999 two Columbine High School students in Littleton, Colorado, swept into that school with sawed-off shotguns, one pistol, one semiautomatic rifle, and as many as 60 homemade pipe bombs. Before they turned their guns on themselves, they killed 12 fellow students and 1 teacher and wounded 21 others. In doing so, they violated 17 separate federal and Colorado state statutes relating to guns and explosive devices, not to mention a host of criminal laws criminalizing their assaults and murders.

In a justified aftermath of horror and revulsion, wide-ranging public opinions across the United States demands that the federal government do SOMETHING, anything, to make this violence go away. The most prominent call is for more gun laws, many of which raise serious constitutional questions under the 2nd Amendment.

Other attack Hollywood and the Internet for the pervasive violence in movies, music and the Internet, all easily available to the most impressionable of our teenagers. Any controls of this nature clearly run afoul of the 1st Amendment.

Others blame parents, the lax law enforcement and the schools themselves. Few, curiously enough, recognize the reality of an evil that lurks in the minds of at least a handful of human beings and is clearly beyond the ability of any law to control.

It would be wonderful if we could just pass a law through Congress, another gun control measure or another limitation on free speech that could prevent another Littleton, Colorado, or Jonesboro, Arkansas. But who, in the calm aftermath of this tragedy, believes that two or three more gun laws, in addition to the dozen and a half violated by the two Colorado teenagers, would have made the slightest difference in Littleton?

The perpetrators of this violence were far beyond caring about adhering to human laws. They were bent on killing. The arena in which to reach and stop this evil is not Congress. It is in those places where the human heart can be touched; the home, the community and the church, and in the humility to recognize that no human efforts will ever eliminate all evil from human hearts.

My children were in high school 25 years ago and I am struck by the thought that this kind of extreme violence involving school kids did not happen in America then and in my own high school years more people may have owned guns than do so today. I can't help but ask: What has changed? Why does this happen now?

The Senate has begun a debate of a Juvenile Justice bill that will serve as a vehicle for a number of amendments relating to guns and explosives. At least eight different such proposals were submitted to Congress by President Clinton in the wake of the Littleton tragedy. This is the same President whose budget, bloated in so many other respects, makes drastic cuts in the field of effective law enforcement assistance. This year, for example, over President Clinton's objection, Congress will continue to fund a Byrne Grant program—a program that encourages cooperative drug enforcement and treatment mechanisms across the country and in my State of Washington. Last year Washington State received $10 million in Byrne Grants, without which our law enforcement officials would find it next to impossible to combat the biggest drug problem in our state—meth labs. Despite this success, the President proposes drastic cuts in this successful program.

Clinton's budget also zeroes out funding for a huge law enforcement program—the Local Law Enforcement Block Grant and the Violent Offender Incarceration and Truth in Sentencing Incentive Grants, which Washington state uses to help fund prison construction, was gutted in Clinton's budget—from $772.5 million in FY 1999 to $75 million in FY 2000.

Far better to fund anti-crime programs that have proven to be successful than to ignore those successes and substitute new statutes on the backs of statutes that have been unsuccessful in attaining their own goals. Why not enforce the gun laws we already have than add new ones to those the Administration ignores?

Let me make a point clearly here—I thrive on working as an elected official because I believe that sensible actions by government can have a positive impact on the lives of families and communities across America.

One positive role for government is in promoting a safer society. As Washington State Attorney General and now as Senator, I have supported laws to make safer products for consumers including safe food, clothes, cars and highways. I have worked nearly every day in the last three years on the issue of school safety to change federal rules to give more flexibility to local school districts to expel violent students. Individuals in our society cannot assure a safe food supply or safe products or safe roads, so taking sensible steps to make lives safer is a proper function of government.

Still, I am convince that more laws would not have prevented what happened in Littleton and, what is more important as we look forward—I believe that it is dangerous to promote legislation as a solution. What is wrong with the President's gun law proposal and any other legislation promoted under the banner of stopping violence? They are wrong because they are a mirage. We are repulsed by violence and the mirage of a federal government's answer to violence raises false hopes. The false hope that violence will be stopped by new federal laws is also wrong because it detracts attention from the need to fix what is wrong in individual families and communities the need to concentrate on those sick elements in our nation that promote violence and disrespect for life. This violence stemmed from an evil that found fertile ground in the hearts of two impressionable boys in Colorado and another federal law will not eradicate that evil.

There are things that government can do to make our society safer, including making our schools safer, and we have already passed one amendment to just that end, but the scope of evil which showed its face in Littleton is beyond the reach of government action. Controlling violence of this scope will come when people care more for each other and I, for one, will not join in any chorus of politicians promising that government will make that happen.

I know that there are people of goodwill who disagree with me. They want so desperately to do something about this horrible event. I understand that desire. If I agreed, I would have already introduced legislation. But I believe that actions closer to home are far more likely to be successful. I know that this is a radical concept, but most of what is good about America is not made so by federal legislation. People across our country are searching their hearts and their communities for answers. In hundreds of local papers you can see that nearly every school district in America has already called together teachers, parents and community members to see what can be done locally. Local people in their churches of all denominations are getting together to see how they can do more to reach kids in trouble. And every parent in America has considered carefully whether his or her children are at risk of committing violence.

We should allow this process of national soul searching to continue. If out of this process positive actions for the federal government emerge we should respond, but we should not hold not immediate federal action as false hope in place of the real actions and changes that will take place in communities, homes and schools across America.

It is difficult in this body to face the fact that we don't really need new laws as much as we need the enforcement of the laws we already have. Even more important than that, however, is a thorough examination of the culture of violence in our society and a broad base societal demand that those who profit from that violence, in the media and elsewhere, be brought to show more responsibility and more restraint.

I am concerned that the underlying Juvenile Justice bill suffers from the same defects. While it includes a few good ideas, it is another example of Washington, DC knows best. It spends money we don't have and tells every state and local government that we here in Washington, DC, know more about juvenile justice than those who spend their lives on the subject do.

Mr. LEAHY. Mr. President, my friend from Utah attacked the motion picture theater industry yesterday for not enforcing their voluntary rating.system. Though no system, voluntary or mandatory, can every be perfect, the fact is that the exhibition industry is doing an increasingly better job enforcing those movie ratings.

The National Association of Theater Owners, the industry trade association, and its members have made ratings enforcement a top priority. The association has developed a videotape training series on the ratings and their enforcement for theater managers and employees.

It has distributed hundreds of thousands of brochures through theaters to the public which explains the rating system.

It has published weekly bulletins to its members and newspapers on new ratings.

It has published educational articles for its members, and it has held industry-wide meetings twice a year in which code enforcement is emphasized.

Recently, the Motion Picture Association and the National Association of Theater Owners began developing slide presentations for display during intermissions about the ratings.

The motion picture theater industry may be the only industry in the country which voluntarily turns down millions of dollars in ticket sales to enforce a voluntary rating system. We should all encourage the industry to do more. But in our rush to judgement, let us remember to consider the facts.

Mr. BURNS. Mr. President, I rise today to lend my voice in support of the juvenile justice bill currently before the Senate. This is an extensive, thoughtful approach to try to decrease the juvenile crime rate and to try to intervene in today's high-risk youth.

I stand before you to tell you that this is not only an urban problem. In our largest city, Billings, we have about 80,000 people, small by most States' standards. However, we also have gangs. Size and closeness of community doesn't innoculate us from the effects of our society. Even our tribal population is affected by juvenile crime. Youth on our reservations are being solicited for gang enrollment at increasingly earlier ages. From Billings to Fort Belknap, from Helena to Havre, from Gallatin to Glasgow to Great Falls, no area of the state is immune from the problem of juvenile delinquency. This bill finally tries to provide a focused approach to both reach today's youth and to prosecute violent criminals.

I would like to say that I agree and support all provisions of this bill. However, like most major legislation, there are some minor issues that cause me concern. But what we are really trying to do here is to intervene early in a youth's criminal career. By stopping the spree early, we prevent a lifetime of crime and create a contributing member of society.

Let me highlight why this bill is so drastically different from any previous juvenile justice legislation. First and foremost, this bill establishes a $450 million block grant program for state and local governments to establish youth violence programs. This almost doubles the FY 99 spending in equivalent programs. These funds can be used for record keeping, detention facilities, restitution programs, anti-truancy programs, gang intervention, crime training programs, and vocational training. In addition, it encourages the establishment of programs that will punish adults who knowingly use juveniles to help commit crimes. This is a key provision, since often adults will use kids in crime specifically because they are exempt from some of the stiffer penalties that apply to adults.

I have long been a proponent of enforcing existing laws. Right now, there is little additional penalty for repeat juvenile offenders. This law provides for graduated penalties to put some real teeth into law enforcement. There is also a juvenile version of the "Brady bill," which prevents a person convicted of a violent felon of possessing a firearm.

Overall, this bill provides $1 billion specifically for juvenile crime programs. It covers everything from education to intervention. This comprehensive package will make significant strides in trying to keep our most precious commodity, our youth, out of harms way. I will be casting my vote in favor of this bill, and I encourage my colleagues to do the same.

MORNING BUSINESS

Mr. CRAIG. I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PASSING OF REAR ADMIRAL JAMES "BUD" NANCE

Mr. THURMOND. Mr. President, Admiral Bud Nance, the Staff Director of the Senate Foreign Relations Committee, passed away earlier this week and I rise to pay tribute to him and the service he rendered the nation.

Few others amassed the impressive record of public service that Bud did. He served the United States during times of war and during times of peace, and none can challenge that he was a man who loved the nation and who worked to protect her interests, security, and most importantly, citizens.

Born 77 years ago in the "Tarheel State", Bud Nance became involved in public service at an early age, attending and graduating from the United States Naval Academy. It was 1944 when Bud Nance became an ensign, and World War II was still a year away from ending, so the young officer was posted to the Battleship North Carolina where he began what was to be a long and illustrious career. Though many would point to his achieving the rank of Rear Admiral as a demonstration of his abilities as an officer, I would counter that it was his command of the aircraft carrier USS *Forrestal* that serves as the best illustration of his professionalism and abilities as a sailor and leader. Simply put, there are few more coveted or more selectively assigned duties than that of captain of a carrier.

I am sure that when Bud stowed his seabag at the end of his final tour and retired from the Navy, he thought his days of hard work, low pay, and government service were behind him. Nothing could be further from the truth. As is common with all those who enter public service, even more so with the World War II generation, devotion to duty and a desire to make a difference was at the core of what made Bud Nance "tick". I doubt that he hesitated for a moment when Senator HELMS called him in 1991 and asked him to become the "skipper" of the Senate Foreign Relations Committee.

For the past eight years, Bud Nance has worked tirelessly to promote American foreign policy and he made many important and significant contributions to international relations during his tenure as the staff director of the Foreign Relations Committee. Bud, more than most, understood that the policy and directives that emanate from Congress can have a powerful impact on the world beyond the Beltway. He knew from firsthand experience that there is a tremendous difference in how the world looks from the Senate Chamber and a foxhole in some remote part of the world. The advice and guidance that Bud gave Senator HELMS and other members of the Foreign Relations Committee was based on a lifetime of experience and a world view that was unique and insightful.

Bud leaves behind many who cared for and admired this man, not the least of whom is his widow, Mary. I know that each of us sends our deepest condolences to her, as well as the children and grandchildren of the Nances, for their loss.

Mr. President, with the passing of Admiral Bud Nance, the Senate has lost a dedicated and selfless staffer, the nation has lost a true patriot, and many of us—especially JESSE HELMS—have lost a good friend. I join my friend from North Carolina in mourning this man, and I wish Admiral James "Bud" Nance fair winds and following seas on his final voyage.

IN MEMORY OF MEG GREENFIELD

Mr. DASCHLE. Mr. President, Meg Greenfield has just passed away.

On behalf of all colleagues in the Senate, our hearts go out to the family, to all of those who were so close to Meg over these years. There are few giants in journalism who have the standing stature and the extraordinary influence that Meg Greenfield has had through the years.

Her contribution to journalism has been legendary. Her contribution to her country through journalism has been extraordinary. It has been our good fortune to follow her leadership in journalism, to be guided by her wisdom, and certainly to be influenced by her good judgment on many, many occasions over these extraordinary decades which she has been involved.

I express my condolences to her family and say farewell to someone who has made an extraordinary impact on our country and on her profession.

I yield the floor.

Mr. KENNEDY. Mr. President, I want to join with Senator DASCHLE in expressing our heartfelt thoughts to the members of her family. Meg Greenfield put up an extraordinary fight against cancer for a very long period of time and did so with incredible bravery and extraordinary elegance, style, and class.

For the past two decades, she was the editor of the editorial page at The Washington Post, and in her long and brilliant career, the editorial page set an unsurpassed standard of excellence on all the great issues of the day in the nation's foreign and domestic policy.

She earned a Pulitzer Prize and many other honors during her outstanding career. For a quarter century, her extraordinary columns in Newsweek Magazine were a consistent voice of insight and reason that we looked forward to and learned from.

I had the opportunity to visit her just about 2 weeks ago. She was always immensely understanding and respectful of the political process. She admired those who were part of the political process in the finest sense, and believed that those who were really committed to public life could make a difference in our society.

She was a hopeful, idealistic person who wrote with great clarity, great eloquence, and great passion about the state of our nation. She established a high standard by which political leaders of both parties could try to measure themselves.

She made an extraordinary difference with her life. She had scores of friends and was highly regarded and respected in her business. To those who knew her and respected her, she was a giant in the writing press. A graduate of Smith College, Meg Greenfield became one of the greatest women and greatest journalists or our time, and we will miss her very much.

Mr. LEAHY. Mr. President, my colleagues have spoken about Meg Greenfield. I also want to echo their sentiments.

I think what was most amazing about her was not just her great talent, her ability to write, her extraordinary breadth of knowledge and interest, but to watch her, especially in the last few months, when ravaged by disease, she continued that same interest. She continued her work.

When you spoke with her or saw her, she never spoke about her own illness; she spoke of her interest in others. I have never once during her long illness heard her complain about her illness, but rather she would talk of others.

This was an extraordinary woman who left much earlier than she should have left this Earth, but she left behind a legacy of the truest of professionalism and one that will be missed.

Mr. HATCH. Mr. President, let me say a few words also about Meg Greenfield. This was an extraordinary journalist, an extraordinary person, a person who anybody would have to look up to.

I remember as a young conservative meeting with her. She was fair and decent to me. It just about meant everything to me that she would take time to discuss some of the great issues of the day with me.

I have inestimable respect for her. My sympathy and the sympathy of my wife Elaine goes out to her family. They have real reason to be very proud of her. She set standards of journalism that were very high. What pleased me is that even though I know she disagreed with me on a number of issues, she was very fair, very frank, and very decent when we discussed them. She went out of her way to make me feel welcomed.

Whether you agree or disagree with the Washington Post—I personally believe it is one of the greatest newspapers in America—for her to rise to the pinnacle of her profession in that great newspaper and to make sure that the editorial page and other aspects she worked with in the Washington Post were done with integrity and decency always impressed me.

We will miss her. Our love and affection and hearts go out to the family. She deserves the respect of everybody in this body, and, frankly, many, many, more throughout the country.

Mr. LAUTENBERG. Mr. President, our sympathies go out to the family of Meg Greenfield. She was, indeed, an extraordinary person, a thoughtful and brilliant writer and reporter.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, May 12, 1999, the Federal debt stood at $5,578,150,283,470.74 (Five trillion, five hundred seventy-eight billion, one hundred fifty million, two hundred eighty-three thousand, four hundred seventy dollars and seventy-four cents).

One year ago, May 12, 1998, the Federal debt stood at $5,491,841,000,000

(Five trillion, four hundred ninety-one billion, eight hundred forty-one million).

Five years ago, May 12, 1994, the Federal debt stood at $4,577,406,000,000 (Four trillion, five hundred seventy-seven billion, four hundred six million).

Ten years ago, May 12, 1989, the Federal debt stood at $2,764,990,000,000 (Two trillion, seven hundred sixty-four billion, nine hundred ninety million) which reflects a doubling of the debt—an increase of almost $3 trillion—$2,813,160,283,470.74 (Two trillion, eight hundred thirteen billion, one hundred sixty million, two hundred eighty-three thousand, four hundred seventy dollars and seventy-four cents) during the past 10 years.

DEATH OF HOLLY SELF DRUMMOND

Mr. THURMOND. Mr. President, South Carolina recently lost one of its most prominent citizens, Holly Self Drummond, who was known and admired by many throughout the Palmetto State.

"Miss Holly" passed away at the age of 77, and though she led a full life, her death still came too soon. Each of us who knew Holly Drummond remember her as a vibrant, outgoing, and gracious lady who was a pillar of her community and an individual who embodied all that is good about the South.

This was a woman who distinguished herself in many ways throughout her life. She was active in any number of organizations that made her community and our State better places to live. She served as a member of the South Carolina Palmetto Cabinet; the Greenwood Woman's Club; the Sasanqua Garden Club of Ninety Six; and, on the Board of Visitors of Winthrop University and Piedmont Technical College. She was also active in her local church, and of course, was a fixture at the State House where her able husband has served for many years. Her contributions truly benefited others and served as an example of civic mindedness that others strove to emulate.

Holly Drummond's passing is saddening for many reasons. My grief is deepened for this woman was a loyal supporter, and more importantly, a valued friend. I had known Holly for more years than I can remember, and her family was well known to me.

Mr. President, Holly Self Drummond's passing leaves a tremendous void not only in the town of Greenwood and the State House of South Carolina, but in the lives of the many men and women who called her "friend." Holly Drummond will not soon be forgotten, and I am certain that all those who knew her would join me in sending condolences to her family.

DERAILING NBC'S ATOMIC TRAIN

Mr. CRAIG. Mr. President, scare tactics may boost your ratings, but they won't do much for your credibility—especially when you advertise fiction as fact. This weekend, NBC will air a miniseries that is so far from plausible it is indeed laughable. The plot for this hyped up film revolves around a horrifying nuclear accident stemming from the transportation of nuclear weapons and hazardous waste on a train from California to Idaho.

Could this really happen, as the network originally advertised? Should you be staying up late at night to worry if your daily commute will include a rendezvous with spilled nuclear waste and Rob Lowe? Unfortunately, this movie only perpetuates Hollywood's warped depiction of all things nuclear. Because of past hype, Americans envision nuclear waste as a glowing green mass causing human and environmental meltdown on contact—not unlike the demise of the Wicked Witch of the West in the The Wizard of Oz. However, nothing could be farther from the truth.

If and when Hollywood comes out with another "scary" nuclear waste film, they might remember a few lessons NBC forgot. First of all, nuclear weapons are not transported by train, nor are they ever armed en route. They are moved by specially crafted 18-wheelers with the latest security and safety technologies and armed Federal agents. Even if an accident should occur, U.S. nuclear weapons are all designed to survive without detonation if jolted or engulfed in flames.

The plot of Atomic Train originally depicted the mutual transportation of both a nuclear weapon and nuclear waste, but NBC has changed any references to nuclear waste in the movie to "hazardous" waste. Wrong again. Federal regulations prohibit hazardous waste and nuclear waste from traveling along with nuclear weapons.

Secondly, nuclear waste is not green, glowing, or horrific to look at and great care is taken in its transportation. Spent nuclear fuel is solid, irradiated uranium oxide pellets encased in metal tubes and is non-explosive. It is transported in metal casks which will survive earthquakes, train collision and derailment, highway accident or fire.

To give credit where credit is due, the movie's trailer was right on one count—nuclear waste is transported far more frequently than most Americans realize. This is because the threat to both public and environmental health has been minimized by stringent safety protocols and close to 34 years of fine tuning. The possibility of radioactive materials harming the public en route is slim to none. Since 1965, more than 2,500 shipments of spent nuclear fuel have been transported safely throughout the U.S. without injury or environmental consequences from radioactive materials. That's a pretty good track record to go on.

Materials contaminated by radiation are also transported across the country. In fact, the first shipment of transuranic nuclear waste was safely and uneventfully transported from Idaho's own National Engineering and Environmental Laboratory (INEEL) to the Waste Isolation Pilot Plant (WIPP) in Carlsbad, New Mexico last month. It was carried in DOE certified containers and tracked by satellite during the 1,400 mile trip. The Western Governors Association worked for years to develop the safest route possible and notify all emergency responders of shipment dates, routes, and even parking areas. Such shipments will become a routine matter in the years ahead.

INEEL celebrates its 50th Anniversary this year, and was the birthplace of harnessing the atom for electrical generation. Close to twenty percent of our electricity comes from nuclear energy, and remains one of the safest energy sources our country has available. Yes, nuclear waste requires special handling and precautions, but so do all of the chemical and industrial waste byproducts of our vibrant economy.

Due to the outcry over NBC's, "this could really happen," trailer, the broadcasting company has made the wise decision to pull the ads, make last minute script changes to fix some of the more blatant inaccuracies, and post a disclaimer at the beginning of the movie. Yes, this is a piece of fiction, and it is predictable that Hollywood would stray far from the truth, but it is downright irresponsible of the network to create mass hysteria to boost ratings. I can only hope that future films will promote a more intelligent plot line.

PROMOTING HEALTH IN RURAL AREAS ACT OF 1999

Mr. FRIST. Mr. President, I rise to speak in support of S.980, the "Promoting Health in Rural Areas Act of 1999," which my colleagues and I on the Senate Rural Health Caucus introduced on May 6,1999.

There is no single issue that unites rural Americans more than access to quality health care. It is one of the most important components of good quality of life in rural areas. The ability to receive high quality health care keeps people in and attracts them to small towns. Good health care services in a community can be both a source of great pride and security and many times local hospitals are a community's largest employer.

But some of that security is being threatened. Access to health care in rural areas can be problematic. Distances are greater. Some hospitals have closed. There are fewer choices of health plans than in urban areas. The

"Promoting Health in Rural Areas Act of 1999" will help to improve access for rural citizens, increase payments to providers in rural areas, and bring innovative technologies to rural areas.

Approximately 20 percent of the nation's population, or more than 50 million people, live in rural America. However, the rural population is disproportionately poor, experiences significantly higher rates of chronic illness and disability, and is aging faster than the nation as a whole. In rural areas, the elderly account for 18% of the population.

Poverty is more widespread in rural areas and in 1995 the poverty rate was 15.6% there. Poverty was especially high in minorities—affecting 35% of rural African Americans and 31% of rural Hispanics. 22.4% of rural children live in poverty.

Health insurance coverage is also a problem. In 1996, only 53.7% of residents in rural areas had private health insurance and in 1996 about 10.5 million rural residents were uninsured. Medicare beneficiaries are more likely than the general population to reside in rural areas. Medicare spends less on rural beneficiaries than on urban beneficiaries and Medicaid covered only 45% of the rural poor. The government has a responsibility to rural communities and a responsibility to support the safety net upon which so many rural communities depend.

Before coming to the Senate, I was a heart-lung transplant surgeon. In that capacity, much of my time was spent working with rural health care providers who were caring for trauma victims eligible for organ donation. I spent many late nights flying to remote areas to harvest organs for transplantation elsewhere in the country. In this situation, I entered into their communities and worked side-by-side with rural hospitals, and their physicians, nurses, and other health professionals. These providers do an excellent job. However they work under very difficult conditions and require special attention to their particular needs.

To address the unique attributes of the health needs of the rural areas of America, I joined my colleagues in introducing this important legislation. The Promoting Health in Rural Areas Act of 1999 contains a number of provisions designed to enhance rural health.

There are provisions in the legislation to assist rural hospitals. For example, our bill reinstates the Medicare Dependent Hospital program which expired last year. This special designation directs special Medicare payments to eligible hospitals. Medicare Dependent Hospitals include rural hospitals that are not Sole Community Hospitals, have 100 or fewer beds, and at least 60% Medicare patient discharges or days. The bill also protects the Sole Community Hospitals program which aids hospitals in remote areas that serve as the sole hospital in an area.

There are also provisions to expand wage index reclassification. This means that hospitals in areas that are classified as rural can apply to use an urban wage index if they can show that their wages are similar to prevailing wages in urban areas. The provision would also direct the Health Care Financing Agency (HCFA) to establish separate wage indices for home health agencies and skilled nursing facilities so that their payments will be fairer and more accurate.

This bill would exclude Critical Access Hospitals, Medicare Dependent Hospitals, and Sole Community Hospitals from the new Medicare outpatient prospective payment system (PPS) when it is implemented. The HCFA analysis has shown that these primarily small, rural hospitals would be disproportionately impacted by the outpatient PPS as proposed.

The bill would improve Medicare payments to rural health clinics and allow HCFA to institute a prospective payment system. Medicare currently pays Rural Health Clinics for their reasonable costs up to a per-encounter cap of $60.40. The equivalent cap for Federally Qualified Health Center services, which was set using more recent data and a different methodology, is significantly higher ($80.62). S. 980 updates the methodology used to calculate the per-encounter cap, which will improve payments to rural health clinics.

There are provisions in the legislation to enhance choice of health plans in rural areas. The payment formula for Medicare+Choice plans, as revised in the Balanced Budget Act of 1997 (BBA), contains substantial changes designed to lessen the variance in payments to health plans among geographic areas over time. Today, Medicare payments vary county to county by more than 350% because they had been tied to historical charges. This is not a true reflection of the cost of delivering health care and in fact penalizes rural areas with historically poor access to quality care. Therefore, S.980 adjusts the payment formulas for Medicare+Choice plans to help rural areas attract private health plans.

Attracting health professionals to rural areas, and having them remain in the those communities, has been an ongoing problem. But access to high quality medical care is improved when there is an adequate supply of practitioners who remain in the community. S. 980 improves the likelihood of attracting and retaining health care professionals in rural areas. S. 980 increases payments to practitioners serving in Health Professional Shortage Areas (HPSAs) and assists rural communities with recruiting efforts. Specifically a 10% bonus will be paid to physician assistants and nurse practitioners for outpatient services provided in these areas. Our bill also assists with recruitment of health professionals to serve rural areas. Currently a community is not allowed to recruit and hire a practitioner until the one being replaced has left. No longer would a community have to lose the practitioner, before the recruitment process could begin. In addition, tuition benefits provided as scholarships through the National Health Service Corps, would not be treated as taxable income. These changes help ensure that trained health care professionals are accessible to seniors and individuals with disabilities living in rural areas.

The bill also makes changes to assist with training of physicians in rural hospitals. S.980 would allow rural hospitals to get credit for residents who spend time training outside a hospital and in rural health clinics. It would also allow hospitals with only one residency program to add up to three residents to their limit. BBA froze the reimbursement for residents at 1996 levels. This was detrimental to rural areas. These changes will allow for the training of more physicians in rural areas

Mr. President, I am pleased that S. 980 would enhance telemedicine and telehealth. Under the Balanced Budget Act of 1997, Medicare has begun to pay for telemedicine consultations for patients living in rural areas that are designated as Health Professional Shortage Areas (HPSAs). The Promoting Health in Rural Areas Act would: (1) allow anything currently covered by Medicare to be reimbursed; (2) expand eligibility for telemedicine reimbursement to include all rural areas; and (3) state definitively that the referring physician need not be present at the time of the telehealth service, and clarify that any health care practitioner, acting on instructions from the referring physician or practitioner, may present the patient to the consulting physician.

In addition, the bill would formally authorize an existing group of Cabinet level and private sector members and instruct them to focus on identifying, monitoring, and coordinating federal telehealth projects. The provisions also authorize the development a grant/loan program for telemedicine activities in rural areas.

Mr. President, this bill was developed by the Senate Rural Health Caucus, of which I am a member. I am proud of the provisions directed towards rural health care providers and the benefits they will have for the citizens of rural communities.

This bill sends a strong message to rural America: Washington cares about your problems and wants to help ensure access to quality health care. This is accomplished by strengthening the Medicare program and by making the newest technology available to rural areas.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF THE ANNUAL REPORT OF THE NATIONAL INSTITUTE OF BUILDING SCIENCES FOR FISCAL YEAR 1997—MESSAGE FROM THE PRESIDENT—PM 28

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

In accordance with the requirements of section 809 of the Housing and Community Development Act of 1974, as amended (12 U.S.C. 1701j–2(j)), I transmit herewith the annual report of the National Institute of Building Sciences for fiscal year 1997.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 13, 1999.*

MESSAGES FROM THE HOUSE

At 2:08 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 775. An act to establish procedures for civil actions brought for damages relating to the failure of any device or system to process or otherwise deal with the transition from the year 1999 to the year 2000, and for other purposes.

MEASURES REFERRED

The following bill was referred the Committee on Armed Services, pursuant to section 3(b) of Senate Resolution 400, Ninety-fourth Congress, for a period not to exceed thirty days of session:

S. 1009. A bill to authorize appropriations for fiscal year 2000 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times and placed on the calendar:

H.R. 775. An act to establish procedures for civil actions brought for damages relating to the failure of any device or system to process or otherwise deal with the transition from the year 1999 to the year 2000, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committees were submitted:

By Mr. HELMS, for the Committee on Foreign Relations:

Treaty Doc. 105–1(A) Amended Mines Protocol (Exec. Rept. 106–2).

Text of the Committee-Recommended Resolution of Advice and Consent

Resolved (two-thirds of the Senators present concurring therein),

SECTION 1. SENATE ADVICE AND CONSENT SUBJECT TO A RESERVATION, UNDERSTANDINGS, AND CONDITIONS.

The Senate advises and consents to the ratification of the Amended Mines Protocol (as defined in section 5 of this resolution), subject to the reservation in section 2, the understandings in section 3, and the conditions in section 4.

SEC. 2. RESERVATION.

The Senate's advice and consent to the ratification of the Amended Mines Protocol is subject to the reservation, which shall be included in the United States instrument of ratification and shall be binding upon the President, that the United States reserves the right to use other devices (as defined in Article 2(5) of the Amended Mines Protocol) to destroy any stock of food or drink that is judged likely to be used by an enemy military force, if due precautions are taken for the safety of the civilian population.

SEC. 3. UNDERSTANDINGS.

The Senate's advice and consent to the ratification of the Amended Mines Protocol is subject to the following understandings, which shall be included in the United States instrument of ratification and shall be binding upon the President:

(1) UNITED STATES COMPLIANCE.—The United States understands that—

(A) any decision by any military commander, military personnel, or any other person responsible for planning, authorizing, or executing military action shall only be judged on the basis of that person's assessment of the information reasonably available to the person at the time the person planned, authorized, or executed the action under review, and shall not be judged on the basis of information that comes to light after the action under review was taken; and

(B) Article 14 of the Amended Mines Protocol (insofar as it relates to penal sanctions) shall apply only in a situation in which an individual—

(i) knew, or should have known, that his action was prohibited under the Amended Mines Protocol;

(ii) intended to kill or cause serious injury to a civilian; and

(iii) knew or should have known, that the person he intended to kill or cause serious injury was a civilian.

(2) EFFECTIVE EXCLUSION.—The United States understands that, for the purposes of Article 5(6)(b) of the Amended Mines Protocol, the maintenance of observation over avenues of approach where mines subject to that Article are deployed constitutes one acceptable form of monitoring to ensure the effective exclusion of civilians.

(3) HISTORIC MONUMENTS.—The United States understands that Article 7(1)(i) of the Amended Mines Protocol refers only to a limited class of objects that, because of their clearly recognizable characteristics and because of their widely recognized importance, constitute a part of the cultural or spiritual heritage of peoples.

(4) LEGITIMATE MILITARY OBJECTIVES.—The United States understands that an area of land itself can be a legitimate military objective for the purpose of the use of landmines, if its neutralization or denial, in the circumstances applicable at the time, offers a military advantage.

(5) PEACE TREATIES.—The United States understands that the allocation of responsibilities for landmines in Article 5(2)(b) of the Amended Mines Protocol does not preclude agreement, in connection with peace treaties or similar arrangements, to allocate responsibilities under that Article in a manner that respects the essential spirit and purpose of the Article.

(6) BOOBY-TRAPS AND OTHER DEVICES.—For the purposes of the Amended Mines Protocol, the United States understands that—

(A) the prohibition contained in Article 7(2) of the Amended Mines Protocol does not preclude the expedient adaptation or adaptation in advance of other objects for use as booby-traps or other devices;

(B) a trip-wired hand grenade shall be considered a "booby-trap" under Article 2(4) of the Amended Mines Protocol and shall not be considered a "mine" or an "anti-personnel mine" under Article 2(1) or Article 2(3), respectively; and

(C) none of the provisions of the Amended Mines Protocol, including Article 2(5), applies to hand grenades other than trip-wired hand grenades.

(7) NON-LETHAL CAPABILITIES.—The United States understands that nothing in the Amended Mines Protocol may be construed as restricting or affecting in any way non-lethal weapon technology that is designed to temporarily disable, stun, signal the presence of a person, or operate in any other fashion, but not to cause permanent incapacity.

(8) INTERNATIONAL TRIBUNAL JURISDICTION.—The United States understands that the provisions of Article 14 of the Amended Mines Protocol relating to penal sanctions refer to measures by the authorities of States Parties to the Protocol and do not authorize the trial of any person before an international criminal tribunal. The United States shall not recognize the jurisdiction of any international tribunal to prosecute a United States citizen for a violation of the Protocol or the Convention on Conventional Weapons.

(9) TECHNICAL COOPERATION AND ASSISTANCE.—The United States understands that—

(A) no provision of the Protocol may be construed as affecting the discretion of the United States to refuse assistance or to restrict or deny permission for the export of equipment, material, or scientific or technological information for any reason; and

(B) the Amended Mines Protocol may not be used as a pretext for the transfer of weapons technology or the provision of assistance to the military mining or military countermining capabilities of a State Party to the Protocol.

SEC. 4. CONDITIONS.

The Senate's advice and consent to the ratification of the Amended Mines Protocol is subject to the following conditions, which shall be binding upon the President:

(1) PURSUIT DETERRENT MUNITION.—

(A) UNDERSTANDING.—The Senate understands that nothing in the Amended Mines Protocol restricts the possession or use of the Pursuit Deterrent Munition, which is in compliance with the provisions in the Technical Annex.

(B) CERTIFICATION.—Prior to deposit of the United States instrument of ratification, the President shall certify to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and to the Speaker of the House of Representatives that the Pursuit Deterrent Munition shall continue to remain available for use by the United States Armed Forces at least until January 1, 2003, unless an effective alternative to the munition becomes available.

(C) EFFECTIVE ALTERNATIVE DEFINED.—For purposes of subparagraph (B), the term "effective alternative" does not mean a tactic or operational concept in and of itself.

(2) HUMANITARIAN DEMINING ASSISTANCE.—The Senate makes the following findings:

(A) UNITED STATES EFFORTS.—The United States contributes more than any other country to the worldwide humanitarian demining effort, having expended more than $153,000,000 on such efforts since 1993.

(B) DEVELOPMENT OF DETECTION AND CLEARING TECHNOLOGY.—The Department of Defense has undertaken a program to develop improved mine detection and clearing technology and has shared this improved technology with the international community.

(C) EXPANSION OF UNITED STATES HUMANITARIAN DEMINING PROGRAMS.—The Department of Defense and the Department of State have expanded their humanitarian demining programs to train and assist the personnel of other countries in developing effective demining programs.

(3) LIMITATION ON THE SCALE OF ASSESSMENT.—

(A) LIMITATION ON ASSESSMENT FOR COST OF IMPLEMENTATION.—Notwithstanding any provision of the Amended Mines Protocol, and subject to the requirements of subparagraphs (B) and (C), the portion of the United States annual assessed contribution for activities associated with any conference held pursuant to Article 13 of the Amended Mines Protocol may not exceed $1,000,000.

(B) RECALCULATION OF LIMITATION.—

(i) IN GENERAL.—On January 1, 2000, and at 3-year intervals thereafter, the Administrator of General Services shall prescribe an amount that shall apply in lieu of the amount specified in subparagraph (A) and that shall be determined by adjusting the last amount applicable under that subparagraph to reflect the percentage increase by which the Consumer Price Index for the preceding calendar year exceeds the Consumer Price Index for the calendar year three years previously.

(ii) CONSUMER PRICE INDEX DEFINED.—In this subparagraph, the term "Consumer Price Index" means the last Consumer Price Index for all-urban consumers published by the Department of Labor.

(C) ADDITIONAL CONTRIBUTIONS REQUIRING CONGRESSIONAL APPROVAL.—

(i) AUTHORITY.—Notwithstanding subparagraph (A), the President may furnish additional contributions for activities associated with any conference held pursuant to Article 13 of the Amended Mines Protocol which would otherwise be prohibited under subparagraph (A) if—

(I) the President determines and certifies in writing to the appropriate committees of Congress that the failure to make such contributions would seriously affect the national interest of the United States; and

(II) Congress enacts a joint resolution approving the certification of the President under subclause (I).

(ii) STATEMENT OF REASONS.—Any certification made under clause (i) shall be accompanied by a detailed statement setting forth the specific reasons therefor and the specific activities associated with any conference held pursuant to Article 13 of the Amended Mines Protocol to which the additional contributions would be applied.

(4) UNITED STATES AUTHORITY FOR TECHNICAL COOPERATION AND ASSISTANCE.—Notwithstanding any provision of the Amended Mines Protocol, no funds may be drawn from the Treasury of the United States for any payment or assistance (including the transfer of in-kind items) under Article 11 or Article 13(3)(d) of the Amended Mines Protocol without statutory authorization and appropriation by United States law.

(5) FUTURE NEGOTIATION OF WITHDRAWAL CLAUSE.—It is the sense of the Senate that, in negotiations on any treaty containing an arms control provision, United States negotiators should not agree to any provision that would have the effect of prohibiting the United States from withdrawing from the arms control provisions of that treaty in a timely fashion in the event that the supreme national interests of the United States have been jeopardized.

(6) LAND MINE ALTERNATIVES.—Prior to the deposit of the United States instrument of ratification, the President shall certify to Congress that—

(A) the President, in pursuing alternatives to United States anti-personnel mines or mixed anti-tank systems, will not limit the types of alternatives to be considered on the basis of any criteria other than those specified in subparagraph (B); and

(B) in pursuit of alternatives to United States anti-personnel mines, or mixed anti-tank systems, the United States shall seek to identify, adapt, modify, or otherwise develop only those technologies that—

(i) are intended to provide military effectiveness equivalent to that provided by the relevant anti-personnel mine, or mixed anti-tank system; and

(ii) would be affordable.

(7) CERTIFICATION WITH REGARD TO INTERNATIONAL TRIBUNALS.—Prior to the deposit of the United States instrument of ratification, the President shall certify to Congress that, with respect to the Amended Mines Protocol, the Convention on Conventional Weapons, or any future protocol or amendment thereto, the United States shall not recognize the jurisdiction of any international tribunal over the United States or any of its citizens.

(8) TACTICS AND OPERATIONAL CONCEPTS.—It is the sense of the Senate that development, adaptation, or modification of an existing or new tactic or operational concept, in and of itself, is unlikely to constitute an acceptable alternative to anti-personnel mines or mixed anti-tank systems.

(9) FINDING REGARDING THE INTERNATIONAL HUMANITARIAN CRISIS.—The Senate finds that—

(A) the grave international humanitarian crisis associated with anti-personnel mines has been created by the use of mines that do not meet or exceed the specifications on detectability, self-destruction, and self-deactivation contained in the Technical Annex to the Amended Mines Protocol; and

(B) United States mines that do meet such specifications have not contributed to this problem.

(10) APPROVAL OF MODIFICATIONS.—The Senate reaffirms the principle that any amendment or modification to the Amended Mines Protocol other than an amendment or modification solely of a minor technical or administrative nature shall enter into force with respect to the United States only pursuant to the treaty-making power of the President, by and with the advice and consent of the Senate, as set forth in Article II, section 2, clause 2 of the Constitution of the United States.

(11) FURTHER ARMS REDUCTIONS OBLIGATIONS.—The Senate declares its intention to consider for approval an international agreement that would obligate the United States to reduce or limit the Armed Forces or armaments of the United States in a militarily significant manner only pursuant to the treaty-making power as set forth in Article II, section 2, clause 2 of the Constitution of the United States.

(12) TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally-based principles of treaty interpretation set forth in condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and condition (8) of the resolution of ratification of the CFE Flank Document, approved by the Senate on May 14, 1997.

(13) PRIMACY OF THE UNITED STATES CONSTITUTION.—Nothing in the Amended Mines Protocol requires or authorizes the enactment of legislation, or the taking of any other action, by the United States that is prohibited by the Constitution of the United States, as interpreted by the United States.

SEC. 5. DEFINITIONS.

As used in this resolution:

(1) AMENDED MINES PROTOCOL OR PROTOCOL.—The terms "Amended Mines Protocol" and "Protocol" mean the Amended Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices, together with its Technical Annex, as adopted at Geneva on May 3, 1996 (contained in Senate Treaty Document 105-1).

(2) CFE FLANK DOCUMENT.—The term "CFE Flank Document" means the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe (CFE) of November 19, 1990, done at Vienna on May 31, 1996 (Treaty Document 105-5).

(3) CONVENTION ON CONVENTIONAL WEAPONS.—The term "Convention on Conventional Weapons" means the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects, done at Geneva on October 10, 1980 (Senate Treaty Document 103-25).

(4) UNITED STATES INSTRUMENT OF RATIFICATION.—The term "United States instrument of ratification" means the instrument of ratification of the United States of the Amended Mines Protocol.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HATCH:

S. 1028. A bill to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the United States Constitution, have been deprived by final actions of Federal agencies, or other government officials or entities acting under color of State law, and for other purposes; to the Committee on the Judiciary.

By Mr. COCHRAN (for himself, Mr. KENNEDY, Mr. LEVIN, and Mr. VOINOVICH):

S. 1029. A bill to amend title III of the Elementary and Secondary Education Act of 1965 to provide for digital education partnerships; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ENZI (for himself and Mr. THOMAS):

S. 1030. A bill to provide that the conveyance by the Bureau of Land Management of the surface estate to certain land in the State of Wyoming in exchange for certain private land will not result in the removal of the land from operation of the mining laws; to the Committee on Energy and Natural Resources.

By Mr. DURBIN:

S. 1031. A bill to amend the National Forest Management Act of 1976 to prohibit below-cost timber sales in the Shawnee National Forest; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BROWNBACK (for himself, Mr. HELMS, Mr. BURNS, Mr. ROBERTS, Mr. FITZGERALD, and Mr. LUGAR):

S. 1032. A bill to permit ships built in foreign countries to engage in coastwise trade in the transport of certain products; to the Committee on Commerce, Science, and Transportation.

By Mrs. FEINSTEIN:

S. 1033. A bill to amend title IV of the Social Security Act to coordinate the penalty for the failure of a State to operate a State child support disbursement unit with the alternative penalty procedure for failures to meet data processing requirements; to the Committee on Finance.

By Mr. AKAKA (for himself, Ms. SNOWE, Mrs. MURRAY, and Ms. COLLINS):

S. 1034. A bill to amend title XVIII of the Social Security Act to increase the amount of payment under the medicare program for pap smear laboratory tests; to the Committee on Finance.

By Mr. FEINGOLD (for himself and Mr. BINGAMAN):

S. 1035. A bill to establish a program to provide grants to expand the availability of public health dentistry programs in medically underserved areas, health professional shortage areas, and other Federally-defined areas that lack primary dental services; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KOHL (for himself, Mr. DODD, and Mr. ROCKEFELLER):

S. 1036. A bill to amend parts A and D of title IV of the Social Security Act to give States the option to pass through directly to a family receiving assistance under the temporary assistance to needy families program all child support collected by the State and the option to disregard any child support that the family receives in determining a family's eligibility for, or amount of, assistance under that program; to the Committee on Finance.

By Mrs. BOXER:

S. 1037. A bill to amend the Toxic Substances Control Act to provide for a gradual reduction in the use of methyl tertiary butyl ether, and for other purposes; to the Committee on Environment and Public Works.

By Mr. GRASSLEY (for himself, Mr. KERREY, Mr. CONRAD, and Mr. DASCHLE):

S. 1038. A bill to amend the Internal Revenue Code of 1986 to exempt small issue bonds for agriculture from the State volume cap; to the Committee on Finance.

By Mr. NICKLES:

S. 1039. A bill for the relief of Renato Rosetti; to the Committee on the Judiciary.

By Mr. SHELBY (for himself and Mr. CRAIG):

S. 1040. A bill to promote freedom, fairness, and economic opportunity for families by reducing the power and reach of the Federal establishment; to the Committee on Finance.

By Mr. FRIST:

S. 1041. A bill to amend title 38, United States Code, to permit certain members of the Armed Forces not currently participating in the Montgomery GI Bill educational assistance program to participate in that program, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. HUTCHISON (for herself, Mr. BREAUX, Mr. DOMENICI, Mr. BINGAMAN, Mr. LOTT, Ms. LANDRIEU, Mr. COCHRAN, Mr. THOMAS, Mr. BROWNBACK, and Mr. GRAMM):

S. 1042. A bill to amend the Internal Revenue Code of 1986 to encourage domestic oil and gas production, and for other purposes; to the Committee on Finance.

By Mr. MCCAIN:

S. 1043. A bill to provide freedom from regulation by the Federal Communications Commission for the Internet; to the Committee on Commerce, Science, and Transportation.

By Mr. KENNEDY:

S. 1044. A bill to require coverage for colorectal cancer screenings; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CHAFEE (for himself, Mr. BAUCUS, Mr. GRASSLEY, Mr. ROCKEFELLER, Mr. BREAUX, Mr. KERREY, and Mr. ROBB):

S. 1045. A bill to amend the Internal Revenue Code of 1986 to impose an excise tax on persons who acquire structured settlement payments in factoring transactions, and for other purposes; to the Committee on Finance.

By Mr. REED:

S. 1046. A bill to amend title V of the Public Health Service Act to revise and extend certain programs under the authority of the Substance Abuse and Mental Health Services Administration, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MURKOWSKI (for himself and Mr. BINGAMAN) (by request):

S. 1047. A bill to provide for a more competitive electric power industry, and for other purposes; to the Committee on Energy and Natural Resources.

S. 1048. A bill to provide for a more competitive electric power industry, and for other purposes; to the Committee on Finance.

By Mr. MURKOWSKI:

S. 1049. A bill to improve the administration of oil and gas leases on Federal land, and for other purposes; to the Committee on Energy and Natural Resources.

S. 1050. A bill to amend the Internal Revenue Code of 1986 to provide incentives for gas and oil producers, and for other purposes; to the Committee on Finance.

By Mr. MURKOWSKI (for himself and Mr. BINGAMAN) (by request):

S. 1051. A bill to amend the Energy Policy and Conservation Act to manage the Strategic Petroleum Reserve more effectively, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MURKOWSKI (for himself, Mr. AKAKA, and Mr. BINGAMAN):

S. 1052. A bill to implement further the Act (Public Law 94–241) approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FITZGERALD (for himself, Mr. GRASSLEY, Mr. ROBERTS, and Mr. ASHCROFT):

S. Res. 101. A resolution expressing the sense of the Senate on agricultural trade negotiations; to the Committee on Finance.

By Mr. LOTT:

S. Res. 102. A resolution appointing Patricia Mack Bryan as Senate Legal Counsel; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH:

S. 1028. A bill to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the United States Constitution, have been deprived by final actions of Federal agencies, or other government officials or entities acting under color of State law, and for other purposes; to the Committee on the Judiciary.

CITIZENS ACCESS TO JUSTICE ACT OF 1999

Mr. HATCH. Mr. President, I am pleased today to introduce the "Citizens Access to Justice Act of 1999," or CAJA. More precisely, I am reintroducing the same bill that was voted out of the Judiciary Committee last Congress, but was a victim of a filibuster by the left.

Why am I doing this? Some may say that it is fruitless. But even though Senator LANDRIEU, other supporters of the bill, and myself, were unsuccessful last Congress in passing this much needed bill, property owners of Utah, and, indeed, of all of our States, still feel the heavy hand of the government erode their right to hold and enjoy private property. To make matters worse, many of these property owners often are unable to safeguard their rights because they effectively are denied access to federal courts. Our bill was designed to rectify this problem. Let me explain.

In a society based upon the "rule of law," the ability to protect property and other rights is of paramount importance. Indeed, it was Chief Justice John Marshall, who in the seminal 1803 case of Marbury v. Madison, observed that the "government of the United States has been emphatically termed a government of laws, and not of men. It will cease to deserve this high appellation, if the laws furnish no remedy for the violation of a vested right."

Despite this core belief of John Marshall and other Founders, the ability of property owners to vindicate their rights in court today is being frustrated by localities which sometimes create labyrinths of administrative hurdles that property owners must jump through before being able to bring a claim in Federal court to vindicate their federal constitutional rights. They are also hampered by the overlapping and confusing jurisdiction of the Court of Federal Claims and the federal district courts over Fifth Amendment property rights claims. CAJA seeks to remedy these situations.

The purpose of the bill is, therefore, at its root, primarily one of fostering fundamental fairness and simple justice for the many millions of Americans who possess or own property. Many citizens who attempt to protect their property rights guaranteed by the Fifth Amendment of the Constitution are barred from the doors of the federal courthouse.

In situations where other than Fifth Amendment property rights are sought to be enforced—such as First Amendment rights, for example—aggrieved parties generally file in a single federal forum to obtain the full range of remedies available to litigants to make them whole. In property rights cases, property owners may have to file in different courts for different types of remedies. This is expensive and wasteful.

Moreover, unlike situations where other constitutional rights are sought to be enforced, property owners seeking to enforce their Fifth Amendment rights must first exhaust all state remedies with the result that they may have to wait for over a decade before their rights are allowed to be vindicated in federal court—if they get there at all. CAJA addresses this problem of providing property owners fair access to federal courts to vindicate their federal constitutional rights.

Let me be more specific. The bill has two main provisions to accomplish this end. The first is to provide private property owners claiming a violation of the Fifth Amendment's Taking Clause some certainty as to when they may file the claim in federal court. This is accomplished by addressing the procedural hurdles of the ripeness and abstention doctrines which currently prevent them from having fair and equal access to federal court. The bill defines when a final agency decision has occurred for purposes of meeting the ripeness requirement and prohibits a federal judge from abstaining from or relinquishing jurisdiction when the case does not allege any violation of a state law, right, or privilege. Thus, the bill serves as a vehicle for overcoming federal judicial reluctance to review takings claims based on the ripeness and abstention doctrines.

The second provision clarifies the jurisdiction between the Court of Federal Claims in Washington, D.C., and the regional federal district courts over federal Fifth Amendment takings claims. The "Tucker Act," which waives the sovereign immunity of the United States by granting the Court of Federal Claims jurisdiction to entertain monetary claims against the United States, actually complicates the ability of a property owner to vindicate the right to just compensation for a government action that has caused a taking. The law currently forces a property owner to elect between equitable relief in the federal district court and monetary relief in the Court of Federal Claims. Further difficulty arises when the law is used by the government to urge dismissal in the district court on the ground that the plaintiff should seek just compensation in the Court of Federal Claims, and is used to urge dismissal in the Court of Federal Claims on the ground that plaintiff should first seek equitable relief in the district court.

This division between law and equity is archaic and results in burdensome delays as property owners who seek both types of relief are "shuffled" from one court to the other to determine which court is the proper forum for review. The bill resolves this matter by simply giving both courts concurrent jurisdiction over takings claims, thus allowing both legal and equitable relief to be granted in a single forum.

I must emphasize that the bill does not create any substantive rights. The definition of property, as well as what constitutes a taking under the Just Compensation Clause of the Fifth Amendment, is left to the courts to define. The bill would not change existing case law's ad hoc, case-by-case definition of regulatory takings. Instead, it would provide a procedural fix to the litigation muddle that delays and increases the cost of litigating a Fifth Amendment taking case. All the bill does is to provide for fair procedures to allow property owners the means to safeguard their rights by having their day in court.

Mr. President, I am very well aware that this bill has been opposed by the Department of Justice, many localities, some interstate governmental associations, and certain environmental groups. I believe that there concerns that the bill would hinder local prerogatives and significantly increase the amount of federal litigation are highly overstated. The bill is carefully drafted to ensure that aggrieved property owners must first seek solutions on the local or state level before filing a federal claim. It just sets a limit on how many procedures localities may interpose.

Moreover, I seriously doubt that there will be a rush of new litigation, as some have contended, flooding federal courts. That there will be no significant increase was the conclusion of the nonpartisan Congressional Budget Office in its study of last year's bill.

It is extremely difficult to prove a takings claim, and this bill does not in any way redefine what constitutes a taking. These claims are also expensive to bring. Paradoxically, localities' need to defend federal actions may be lessened by the bill because localities already must litigate property rights claims on federal ripeness grounds, which take years to resolve.

Let me restate this. By providing certainty on the ripeness issue, the bill may very well reduce litigation costs to localities. Substantive takings claims, unless they are likely to prevail on the merits, are simply too hard to prove and too expensive to bring in federal court. And the issue of ripeness will have been removed by the bill from the already crowded court dockets.

Mr. President, it is interesting to note that once many state officials, localities, and state and trade organizations really examine the measure, many become the bill's supporters. Those supporting the bill and increased vigilance in the property rights arena include the Governors of Tennessee, Wisconsin, New Mexico, and North Dakota.

They also include the American Legislative Exchange Council, which represents over 3000 state legislators, and trade groups such as America's Community Bankers, the National Mortgage Association of America, the National Association of Home Builders, the National Association of Realtors, and the National Federation of Independent Businesses, the organ of small business in the United States. They also include agricultural interests such as the American Farm Bureau, the American Forest and Paper Association, the National Cattlemen's Beef Association, and the National Grange.

Just as important, let me point out that 133 House sponsors of the last year's House passed bill were former state and local officeholders. I do not believe that they would have voted for the bill if the bill would conflict with local sovereignty.

Mr. President, we have bent over backwards trying to accommodate those expressing concerns about the bill which passed out of the Senate Judiciary Committee last year. We met with city mayors, representatives of local governmental organizations, attorneys generals, and religious groups, to name just a few.

We held group meetings and asked for suggestions and changes to the bill which would alleviate opposition and concerns. These changes are incorporated in the present bill. These changes by and large alleviate municipalities' concerns that the bill would become a vehicle for frivolous and novel suits. They remove any incentive the bill may have for property owners to file specious suits against localities. They foster negotiations to resolve problems. And, they recognize the right of the states and localities to abate nuisances without having to pay compensation.

But I am under no illusion. I understand that many localities still oppose the bill. The process that we so fruitfully began last year should be continued. It is my hope that groups supporting property rights and those localities and governmental entities that oppose the bill should meet as soon as practicable. Let each side discuss their problems and concerns. I believe—in the best tradition of American pragmatic know how—that a solution to this problem can be worked out.

The bill I introduce today is a model. But it is a model that can be improved. I assure all those concerned that we will consider all reasonable suggested changes to the bill. After all, it is not pride of authorship that is important. What is important, instead, is a viable solution to a vexing and unfair problem.

Mr. President, I ask unanimous consent that the entire text of the bill be inserted in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1028

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Citizens Access to Justice Act of 1999".

SEC. 2. FINDINGS.

Congress finds that—

(1) property rights have been abrogated by the application of laws, regulations, and other actions by all levels of government that adversely affect the value and the ability to make reasonable use of private property;

(2) certain provisions of sections 1346 and 1402 and chapter 91 of title 28, United States Code (commonly known as the Tucker Act), that delineate the jurisdiction of courts hearing property rights claims, frustrate the ability of a property owner to obtain full relief for violation founded upon the fifth and fourteenth amendments of the United States Constitution;

(3) current law—

(A) has no sound basis for splitting jurisdiction between two courts in cases where constitutionally protected property rights are at stake;

(B) adds to the complexity and cost of takings and litigation, adversely affecting taxpayers and property owners;

(C) forces a property owner, who seeks just compensation from the Federal Government, to elect between equitable relief in the district court and monetary relief (the value of the property taken) in the United States Court of Federal Claims;

(D) is used to urge dismissal in the district court in complaints against the Federal Government, on the ground that the plaintiff should seek just compensation in the Court of Federal Claims;

(E) is used to urge dismissal in the Court of Federal Claims in complaints against the Federal Government, on the ground that the plaintiff should seek equitable relief in district court; and

(F) forces a property owner to first pay to litigate an action in a State court, before a Federal judge can decide whether local government has denied property rights safeguarded by the United States Constitution;

(4) property owners cannot fully vindicate property rights in one lawsuit and their claims may be time barred in a subsequent action;

(5) property owners should be able to fully recover for a taking of their private property in one court;

(6) certain provisions of section 1346 and 1402 and chapter 91 of title 28, United States Code (commonly known as the Tucker Act) should be amended, giving both the district courts of the United States and the Court of Federal Claims jurisdiction to hear all claims relating to property rights in complaints against the Federal Government;

(7) section 1500 of title 28, United States Code, which denies the Court of Federal Claims jurisdiction to entertain a suit which is pending in another court and made by the same plaintiff, should be repealed;

(8) Federal and local authorities, through complex, costly, repetitive and unconstitutional permitting, variance, and licensing procedures, have denied property owners their fifth and fourteenth amendment rights under the United States Constitution to the use, enjoyment, and disposition of, and exclusion of others from, their property, and to safeguard those rights, there is a need to determine what constitutes a final decision of an agency in order to allow claimants the ability to protect their property rights in a court of law;

(9) a Federal judge should decide the merits of cases where a property owner seeks redress solely for infringements of rights safeguarded by the United States Constitution, and where no claim of a violation of State law is alleged; and

(10) certain provisions of sections 1343, 1346, and 1491 of title 28, United States Code, should be amended to clarify when a claim for redress of constitutionally protected property rights is sufficiently ripe so a Federal judge may decide the merits of the allegations.

SEC. 3. PURPOSES.

The purposes of this Act are to—

(1) establish a clear, uniform, and efficient judicial process whereby aggrieved property owners can obtain vindication of property rights guaranteed by the fifth and fourteenth amendments to the United States Constitution and this Act;

(2) amend the Tucker Act, including the repeal of section 1500 of title 28, United States Code;

(3) rectify the unduly onerous and expensive requirement that an owner of real property, seeking redress under section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983) for the infringement of property rights protected by the fifth and fourteenth amendments of the United States Constitution, is required to first litigate Federal constitutional issues in a State court before obtaining access to the Federal courts;

(4) provide for uniformity in the application of the ripeness doctrine in cases where constitutional rights to use and enjoy real property are allegedly infringed, by providing that a final agency decision may be adjudicated by a Federal court on the merits after—

(A) the pertinent government body denies a meaningful application to develop the land in question; and

(B)(i) the property owner seeks available waivers and administrative appeals from such denial; and

(ii) such waiver or appeal is not approved; and

(5) confirm the proper role of a State or territory to prevent land uses that are a nuisance under applicable law.

SEC. 4. DEFINITIONS.

In this Act, the term—

(1) "agency action" means any action, inaction, or decision taken by a Federal agency or other government agency that at the time of such action, inaction, or decision adversely affects private property rights;

(2) "district court"—

(A) means a district court of the United States with appropriate jurisdiction; and

(B) includes the United States District Court of Guam, the United States District Court of the Virgin Islands, or the District Court for the Northern Mariana Islands;

(3) "Federal agency" means a department, agency, independent agency, or instrumentality of the United States, including any military department, Government corporation, Government-controlled corporation, or other establishment in the executive branch of the United States Government;

(4) "owner" means the owner or possessor of property or rights in property at the time the taking occurs, including when—

(A) the statute, regulation, rule, order, guideline, policy, or action is passed or promulgated; or

(B) the permit, license, authorization, or governmental permission is denied or suspended;

(5) "private property" or "property" means all interests constituting property, as defined by Federal or State law, protected under the fifth and fourteenth amendments to the United States Constitution; and

(6) "taking of private property", "taking", or "take" means any action whereby restricting the ownership, alienability, possession, or use of private property is an object of that action and is taken so as to require compensation under the fifth amendment to the United States Constitution, including by physical invasion, regulation, exaction, condition, or other means.

SEC. 5. PRIVATE PROPERTY ACTIONS.

(a) IN GENERAL.—An owner may file a civil action under this section to challenge the validity of any Federal agency action as a violation of the fifth amendment to the United States Constitution in a district court or the United States Court of Federal Claims.

(b) CONCURRENT JURISDICTION.—Notwithstanding any other provision of law and notwithstanding the issues involved, the relief sought, or the amount in controversy, the district court and the United States Court of Federal Claims shall each have concurrent jurisdiction over both claims for monetary relief and claims seeking invalidation of any Act of Congress or any regulation of a Federal agency affecting private property rights.

(c) ELECTION.—The plaintiff may elect to file an action under this section in a district court or the United States Court of Federal Claims.

(d) WAIVER OF SOVEREIGN IMMUNITY.—This section constitutes express waiver of the sovereign immunity of the United States with respect to an action filed under this section.

(e) APPEALS.—The United States Court of Appeals for the Federal Circuit shall have exclusive jurisdiction of any action filed under this section, regardless of whether the jurisdiction of such action is based in whole or part under this section.

(f) STATUTE OF LIMITATIONS.—The statute of limitations for any action filed under this section shall be 6 years after the date of the taking of private property.

(g) ATTORNEYS' FEES AND COSTS.—In issuing any final order in any action filed under this section, the court may award costs of litigation (including reasonable attorneys' fees) to any prevailing plaintiff.

SEC. 6. JURISDICTION OF UNITED STATES COURT OF FEDERAL CLAIMS AND UNITED STATES DISTRICT COURTS.

(a) UNITED STATES COURT OF FEDERAL CLAIMS.—

(1) JURISDICTION.—Section 1491(a) of title 28, United States Code, is amended—

(A) in paragraph (1) by amending the first sentence to read as follows: "The United States Court of Federal Claims shall have jurisdiction to render judgment upon any claim against the United States for monetary relief founded either upon the Constitution or any Act of Congress or any regulation of an executive department or upon any express or implied contract with the United States, in cases not sounding in tort, or for invalidation of any Act of Congress or any regulation of an executive department under section 5 of the Citizens Access to Justice Act of 1999.";

(B) in paragraph (2) by inserting before the first sentence the following: "In any case within its jurisdiction, the Court of Federal Claims shall have the power to grant injunctive and declaratory relief when appropriate."; and

(C) by adding at the end the following new paragraphs:

"(3) In cases otherwise within its jurisdiction, the Court of Federal Claims shall also have supplemental jurisdiction, concurrent with the courts designated under section 1346(b), to render judgment upon any related tort claim authorized under section 2674.

"(4) In proceedings within the jurisdiction of the Court of Federal Claims which constitute judicial review of agency action (rather than de novo proceedings), the provisions of section 706 of title 5 shall apply.

"(5)(A) Any claim brought under this subsection to redress the deprivation of a right or privilege to use and enjoy real property as secured by the Constitution, shall be ripe for adjudication upon a final decision rendered by the United States, that causes actual and concrete injury to the party seeking redress.

"(B) For purposes of this paragraph, a final decision exists if—

"(i) the United States makes a definitive decision regarding the extent of permissible uses on real property that has been allegedly infringed or taken; and

"(ii) one meaningful application as defined by applicable law to use the property has been submitted but has not been approved within a reasonable time, and the party seeking redress has applied for one appeal and one waiver which has not been approved within a reasonable time, where the applicable law of the United States provides a mechanism for appeal to or waiver by an administrative agency.

"(C)(i) The party seeking redress shall not be required to submit any application or apply for any appeal or waiver required under this section, if the district court determines that such action would be futile.

"(ii) In this subparagraph, the term 'futile' means the inability of an owner of real property to seek or obtain approvals to use such real property, and the hardship endured by such inability, as defined under applicable land use, zoning, and planning law.

"(D) Nothing in this paragraph alters the substantive law of takings of property, including the burden of proof borne by the plaintiff.".

(2) PENDENCY OF CLAIMS IN OTHER COURTS.—

(A) IN GENERAL.—Section 1500 of title 28, United States Code is repealed.

(B) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 91 of title 28, United States Code, is amended by striking out the item relating to section 1500.

(b) DISTRICT COURT JURISDICTION.—

(1) CITIZEN ACCESS TO JUSTICE ACTION.—Section 1346(a) of title 28, United States Code, is amended by adding after paragraph (2) the following:

"(3) Any civil action filed under section 5 of the Citizens Access to Justice Act of 1999.".

(2) UNITED STATES AS DEFENDANT.—Section 1346 of title 28, United States Code, is amended by adding at the end the following:

"(h)(1) Any claim brought under subsection (a) to redress the deprivation of a right or privilege to use and enjoy real property as secured by the Constitution shall be ripe for adjudication upon a final decision rendered by the United States, that causes actual and concrete injury to the party seeking redress.

"(2)(A) For purposes of this subsection, a final decision exists if—

"(i) the United States makes a definitive decision regarding the extent of permissible uses on the property that has been allegedly infringed or taken; and

"(ii) one meaningful application as defined by applicable law to use the property has been submitted but has not been approved within a reasonable time, and the party seeking redress has applied for one appeal and one waiver which has not been approved within a reasonable time, where the applicable law of the United States provides a mechanism for appeal to or waiver by an administrative agency.

"(B)(i) The party seeking redress shall not be required to submit any application or apply for any appeal or waiver required under this section, if the district court determines that such action would be futile.

"(ii) In this subparagraph, the term 'futile' means the inability of an owner of real property to seek or obtain approvals to use such real property, and the hardship endured by such inability, as defined under applicable land use, zoning, and planning law.

"(3) Nothing in this subsection alters the substantive law of takings of property, including the burden of proof borne by the plaintiff.".

(c) DISTRICT COURT CIVIL RIGHTS JURISDICTION; ABSTENTION.—Section 1343 of title 28, United States Code, is amending by adding at the end the following:

"(c) Whenever a district court exercises jurisdiction under subsection (a), the court shall not abstain from or relinquish jurisdiction to a State court in an action if—

"(1) no claim of a violation of a State law or privilege is alleged; and

"(2) a parallel proceeding in State court arising out of the same core of operative facts as the district court proceeding is not pending.

"(d) A district court that exercises jurisdiction under subsection (a) in an action in which the operative facts concern the uses of real property may abstain where the party seeking redress—

"(1) has not submitted a meaningful application, as defined by applicable law, to use such real property; and

"(2) challenges whether an action of the applicable locality exceeds the authority conferred upon the locality under the applicable zoning or planning enabling statute of the State or territory.

"(e)(1) Where the district court has jurisdiction over an action under subsection (a) in which the operative facts concern the uses of real property and which cannot be decided without resolution of an unsettled question of State law, the district court may certify the question of State law to the highest appellate court of that State. After the State appellate court resolves the question certified to it, the district court shall proceed with resolving the merits.

"(2) In making a decision whether to certify a question of State law under this subsection, the district court may consider whether the question of State law—

"(A) will significantly affect the merits of the injured party's Federal claim; and

"(B) is patently unclear.

"(f)(1) Any claim or action brought under section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983) to redress the deprivation of a right or privilege to use and enjoy real property as secured by the Constitution shall be ripe for adjudication by the district courts upon a final decision rendered by any person acting under color of any statute, ordinance, regulation, custom, or usage, of any State or territory of the United States, that causes actual and concrete injury to the party seeking redress.

"(2)(A) For purposes of this subsection, a final decision exists if—

"(i) any person acting under color of any statute, ordinance, regulation, custom, or usage, of any State or territory of the United States, makes a definitive decision regarding the extent of permissible uses on the property that has been allegedly infringed or taken;

"(ii)(I) one meaningful application, as defined by applicable law to use the property has been submitted but has not been approved within a reasonable time, and the party seeking redress has applied for one appeal or waiver which has not been approved within a reasonable time, where the applicable statute, ordinance, custom, or usage provides a mechanism for appeal to or waiver by an administrative agency; or

"(II) one meaningful application, as defined by applicable law, to use the property has been submitted but has not been approved within a reasonable time, and the disapproval at a minimum specifies in writing the range of use, density, or intensity of development of the property that would be approved, with any conditions therefor, and the party seeking redress has resubmitted another meaningful application taking into account the terms of the disapproval, except that—

"(aa) if no such reapplication is submitted, then a final decision shall not have been reached for purposes of this subsection, except as provided in subparagraph (B); and

"(bb) if the reapplication is not approved within a reasonable time, or if the reapplication is not required under subparagraph (B), then a final decision exists for purposes of this subsection if the party seeking redress has applied for one appeal or waiver with respect to the disapproval, which has not been approved within a reasonable time, where the applicable statute, ordinance, custom, or usage provides a mechanism of appeal or waiver by an administrative agency; and

"(iii) in a case involving the uses of real property, where the applicable statute or ordinance provides for review of the case by elected officials, the party seeking redress has applied for but is denied such review.

"(B)(i) The party seeking redress shall not be required to submit any application or reapplication, or apply for any appeal or waiver as required under this subsection, upon determination by the district court that such action would be futile.

"(ii) In this subparagraph, the term 'futile' means the inability of an owner of real property to seek or obtain approvals to use such real property, and the hardship endured by such inability, as defined under applicable land use, zoning, and planning law.

"(3) For purposes of this subsection, a final decision shall not require the party seeking redress to exhaust judicial remedies provided by any State or territory of the United States.

"(g) Nothing in subsection (c), (d), (e), or (f) alters the substantive law of takings of property, including the burden of proof borne by the plaintiff.".

SEC. 7. ATTORNEYS FEES FOR LOCALITIES.

Section 722(b) of the Revised Statutes (42 U.S.C. 1988(b)) is amended—

(1) by striking "In any action" and inserting "(1) Subject to paragraphs (2) and (3), in any action"; and

(2) by adding at the end the following:

"(2) In an action arising under section 1979 of the Revised Statutes (42 U.S.C. 1983), where the taking of real property is alleged, a district court, in its discretion, may hold the party seeking redress liable for a reasonable attorney's fee and costs where the takings claim is not substantially justified, unless special circumstances make an award of such fees unjust. Whether or not the position of the party seeking redress was substantially justified shall be determined on the basis of any administrative and judicial record, as a whole, which is made in the district court adjudication for which fees and other expenses are sought.

"(3) In an action arising under section 1979 of the Revised Statutes (42 U.S.C. 1983) where the taking of real property is alleged, the district court shall decide any motion to dismiss such claim on an expedited basis. Where such a motion is granted and the takings claim is dismissed with prejudice, the nonmoving party may be liable for a reasonable attorney's fee and costs at the discretion of the district court, unless special circumstances make an award of such fees unjust.".

SEC. 8. DUTY OF NOTICE TO DEFENDANTS.

Section 1979 of the Revised Statutes (42 U.S.C. 1983) is amended—

(1) by inserting "(a)" before "Every person"; and

(2) by adding at the end the following:

"(b) A party seeking redress under this section for a taking of real property without the payment of compensation shall not commence an action in district court before 60 days after the date on which written notice has been given to any potential defendant.".

SEC. 9. DUTY OF NOTICE TO OWNERS.

Whenever a Federal agency takes an agency action limiting the use of private property that may be affected by this Act (including the amendments made by this Act), the agency shall give notice to the owners of that property explaining their rights under this Act and the procedures for obtaining any compensation that may be due to them under this Act.

SEC. 10. RULES OF CONSTRUCTION.

Nothing in this Act shall be construed to interfere with the authority of any State to create additional property rights.

SEC. 11. EFFECTIVE DATE.

This Act shall take effect on the date of enactment of this Act and shall apply to any agency action that occurs on or after such date.

By Mr. COCHRAN (for himself and Mr. KENNEDY)

S. 1029. A bill to amend title III of the Elementary and Secondary Education Act of 1965 to provide for digital education partnerships; to the Committee on Health, Education, Labor and Pensions.

DIGITAL EDUCATION ACT OF 1999

Mr. COCHRAN. Mr. President, today I am proud to introduce the Digital Education Act, a bill to amend title III of the Elementary and Secondary Education Act. I am pleased that the distinguished Senator from Massachusetts, Mr. KENNEDY, joins me in introducing this legislation to address some critical technology issues and the role of public broadcasting in education.

This bill expands Ready to Learn, a program of combined successful efforts in early childhood education. It expands MATHLINE, a proven model of teacher professional development, and it supports production of new digital educational material. The Digital Education Act includes innovative applications of progressive technology to promote the best practices in teaching and bring up to date information to classrooms throughout the country.

The Federal Government, State departments of education, local community businesses, and public television stations have made major investments in educational technology in recent years. These investments have focused on network infrastructure and computer hardware. It is time to invest in instructional resources that will make these new networks relevant and ensure that students and teachers are prepared to benefit fully from the new technology.

The Ready To Learn Television program, first authorized in 1994, has made a unique contribution to ensure that American children start school "ready to learn." The program has funded an unprecedented blending of services, including quality children's educational television programming broadcast by the Public Broadcasting Service, and a variety of outreach services for parents, teachers and other care givers.

Ready to Learn outreach programs have had tremendous success. Local public television stations that subscribe to Ready to Learn provide training and other services to parents and care givers of preschoolchildren. Ready to Learn has grown from 10 public television stations to 130, reaching approximately 94 percent of the country. Each month Ready to Learn distributes over 35,000 books to children and over 900,000 copies of a custom parent/care giver magazine, specifically designed to integrate programming with reading. Ready to Learn is providing the opportunities for children and parents to build that foundation for success. Over 330,000 parents and child care professionals have been trained in using television to encourage reading. Using Ready to Learn techniques, these adults have nurtured the reading of 4,331,829 children.

The Mississippi Educational Network in my home State, targets outreach services to high poverty populations who are particularly disadvantaged. The services include basic lessons in parenting, developmental benchmarks, health and nutrition, nurturing literacy in the home, and using the television programs children watch most to reinforce the lessons.

The families in these communities often have no reading material in their house. The first book given to a child by Mississippi Ready to Learn is quite likely to be the first book the child has ever owned. And, while Ready to Learn is designed for prekindergarten children, these families may have older children who may be equally in need. The local design of Ready to Learn allows the Mississippi director, Cassandra Washington, to tailor her workshops and even have a few older child books on hand for these families. Ms. Washington has been very resourceful in her outreach, finding non-traditional places for education, such as the Women Infants and Children Distribution Centers throughout Mississippi where families in need come regularly.

The International Reading Association stated recently, "By the time children are exposed to beginning reading instruction in kindergarten and first grade, they should have a foundation that assures them early success. Recent studies indicate just how critical those positive early experiences are to cognitive development and lifelong reading."

Congressionally authorized and Federally funded research at the National Institutes of Health found that when parents read to their young children, it literally stimulates the brain development of the children. A recent University of Alabama study found that Ready to Learn families: watch 40 percent less television, watch more education-oriented programming, read more often with their children, read longer at each sitting, read for more educational and informational purposes, and took their children to libraries and bookstores more often than others.

Using the best research tested information available, Ready To Learn has driven the development of two major, commercial-free broadcast series for young children. The first, "Dragon Tales," will begin airing this fall and will be integrated with carefully designed home and school resources to develop reading skills in young children.

The Digital Education Act will build on the early successes of Ready to

Learn. It will authorize funding to increase station grants, produce new outreach and training activities, and generate more services for parents and care givers, so that more children start school truly ready to learn.

The Digital Education Act provides for the demonstration of early childhood education digital applications with public television stations that are technologically ready. Currently, there are digital broadcast public television stations in Mississippi, Massachusetts, Missouri, Oregon, Pennsylvania, Virginia, Wisconsin, and Washington. These stations can transmit several programming services simultaneously. New applications include a dedicated channel for early childhood education and transmission of Internet accessible supplementary information text and video.

Today, children's programs produced by PBS and individual public broadcasting stations are among the television shows most watched by children and most used in classrooms. Many teachers and parents credit these programs for stimulating curiosity, educating, and encouraging continued learning through reading and other resources. The increased funding authorized in this bill will continue the investment of Ready to Learn resources in producing commercial-free children's programming of the highest educational quality.

Thirty years ago, Federal funding seeded the creation of Sesame Street. This carved out a meaningful place for educational children's programming as analog public television developed. The Digital Education Act stakes a new claim in the technological frontier for children and educational broadcasting and will ensure that this reinvention of television includes a major education component for children from the beginning.

The second element of the Digital Education Act concerns teacher professional development. In 1994, Congress authorized the "Telecommunications Demonstration Project for Mathematics," which has supported a project called MATHLINE. Through MATHLINE, PBS has pioneered a new model of teacher professional development, utilizing a blend of technologies, including online communications and video, to provide quality resources and services to teachers of mathematics.

Through public and private funding, PBS MATHLINE developed The Elementary School Math Project for teachers, grades K–5; The Middle School Math Project for teachers, grades 5–8; The High School Math Project: Focus on Algebra for teachers, grades 7–12; and The Algebraic Thinking Math Project for teachers, grades 3–8.

Over 5,000 math teachers in 40 States and the District of Columbia have participated in MATHLINE. These innovative teaching techniques have taught more than 1.3 million students.

Three separate external evaluators have certified that MATHLINE is making a positive impact on the way teachers teach. For example, an evaluation of the Middle School Math Project by Rockman, et al. found, "The impact of PBS MATHLINE is clear. It has influenced how teachers see themselves and helped them create a powerful and enriching mathematics environment in their classrooms . . . The gap between belief and performance is narrowing . . . The combination of viewing, communicating, and doing seems to have resulted in substantive changes in teaching."

The International Reading Association stated in February, "The most effective professional development programs are those planned by teachers themselves, based on their assessments of their needs as educators and their students' needs as learners." MATHLINE does just that. It is real teachers, teaching real students, and passing success on to more teachers. The MATHLINE demonstration has worked.

Our legislation would authorize the New Century Program for Distributed Teacher Professional Development. Under this new program, the successful MATHLINE model will expand to other core curriculum areas, such as literature, science and social studies. It will also connect the digitized public broadcasting infrastructure with digital education networks at schools, colleges and universities throughout the nation. Nearly every teacher in the United States will have access to the New Century Program.

The third element of our legislation would authorize the Digital Education Content Collaborative. As a nation, we have made tremendous progress in the last decade bringing our schools from the 19th Century to 21st Century technologically. However, there is still one major element that needs to be in place to make it all work. That is world-class educational content that rivals video games for students' attention, is tied to state standards, which teachers seamlessly integrate into daily learning activities.

Programs distributed by public broadcast stations are used by more classroom teachers than any other because of their high quality and relevance to the curriculum. A survey commissioned by the Corporation for Public Broadcasting in 1997, found that 92 percent of teachers use videos to improve their lessons and public broadcasting programs were the highest rated. However, single channel analog distribution limited station services to a few hours per day of linear video broadcasts.

Digital broadcasting will dramatically increase and improve the types of services local public broadcasting stations can offer schools. One of the most exciting is the ability to broadcast multiple video channels and data information simultaneously. A vast library of instructional video materials could be distributed on full time, continuous channels and it could be available on demand, when teachers and students need it. Digitally produced programs will allow local stations broadcast flexibility and new interactive content that matches state standards and fits local curriculums.

As Members of the United States Senate, working to reauthorize the programs our elementary and secondary schools depend upon, we are also looking for successful models that lead to true educational reform and improvement.

The Digital Education Act takes the best of educational technology programing; improves those proven to work; and places renewed confidence in education's most trusted and successful content development partners.

Mr. President, I am proud to be associated with the public broadcasting community, and I am proud of their commitment to our earliest learners. I hope more Senators will join us in supporting this important education legislation.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1029

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Digital Education Act of 1999".

SEC. 2. REVISION OF PART C OF TITLE III.

Part C of title III of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6921 et seq.) is amended to read as follows:

"PART C—READY-TO-LEARN DIGITAL TELEVISION

"SEC. 3301. FINDINGS.

"Congress makes the following findings:

"(1) In 1994, Congress and the Department collaborated to make a long-term, meaningful and public investment in the principle that high-quality preschool television programming will help children be ready to learn by the time the children entered first grade.

"(2) The Ready to Learn Television Program through the Public Broadcasting Service (PBS) and local public television stations has proven to be an extremely cost-effective national response to improving early childhood development and helping parents, caregivers, and professional child care providers learn how to use television as a means to help children learn, develop, and play creatively.

"(3) Independent research shows that parents who participate in Ready to Learn workshops are more critical consumers of television and their children are more active viewers. A University of Alabama study showed that parents who had attended a Ready to Learn workshop read more books and stories to their children and read more minutes each time than nonattendees. The parents did more hands-on activities related to reading with their children. The parents engaged in more word activities and for more minutes each time. The parents read less for entertainment and more for education. The parents took their children to libraries and bookstores more than nonattendees. For parents, participating in a Ready to Learn workshop increases their awareness of and interest in educational dimensions of television programming and is instrumental in having their children gain exposure to more educational programming. Moreover, 6 months after participating in Ready to Learn workshops, parents who attended generally had set rules for television viewing by their children. These rules related to the amount of time the children were allowed to watch television daily, the hours the children were allowed to watch television, and the tasks or chores the children must have accomplished before the children were allowed to watch television.

"(4) The Ready to Learn (RTL) Television Program is supporting and creating commercial-free broadcast programs for young children that are of the highest possible educational quality. Program funding has also been used to create hundreds of valuable interstitial program elements that appear between national and local public television programs to provide developmentally appropriate messages to children and caregiving advice to parents.

"(5) Through the Nation's 350 local public television stations, these programs and programming elements reach tens of millions of children, their parents, and caregivers without regard to their economic circumstances, location, or access to cable. In this way, public television is a partner with Federal policy to make television an instrument, not an enemy, of preschool children's education and early development.

"(6) The Ready to Learn Television Program extends beyond the television screen. Funds from the Ready to Learn Television Program have funded thousands of local workshops organized and run by local public television stations, almost always in association with local child care training agencies or early childhood development professionals, to help child care professionals and parents learn more about how to use television effectively as a developmental tool. These workshops have trained more than 320,000 parents and professionals who, in turn, serve and support over 4,000,000 children across the Nation.

"(7)(A) The Ready to Learn Television Program has published and distributed millions of copies of a quarterly magazine entitled 'PBS Families' that contains—

"(i) developmentally appropriate games and activities based on Ready to Learn Television programming;

"(ii) parenting advice;

"(iii) news about regional and national activities related to early childhood development; and

"(iv) information about upcoming Ready to Learn Television activities and programs.

"(B) The magazine described in subparagraph (A) is published 4 times a year and distributed free of charge by local public television stations in English and in Spanish (PBS para la familia).

"(8) Because reading and literacy are central to the ready to learn principle Ready to Learn Television stations also have received and distributed millions of free age-appropriate books in their communities as part of the Ready to Learn Television Program. Each station receives a minimum of 200 books each month for free local distribution. Some stations are now distributing more than 1,000 books per month. Nationwide, more than 300,000 books are distributed each year in low-income and disadvantaged neighborhoods free of charge.

"(9) In 1998, the Public Broadcasting Service, in association with local colleges and local public television stations, as well as the Annenberg Corporation for Public Broadcasting Project housed at the Corporation for Public Broadcasting, began a pilot program to test the formal awarding of a Certificate in Early Childhood Development through distance learning. The pilot is based on the local distribution of a 13-part video courseware series developed by Annenberg Corporation for Public Broadcasting and WTVS Detroit entitled 'The Whole Child'. Louisiana Public Broadcasting, Kentucky Educational Television, Maine Public Broadcasting, and WLJT Martin, Tennessee, working with local and State regulatory agencies in the childcare field, have participated in the pilot program with a high level of success. The certificate program is ready for nationwide application using the Public Broadcasting Service's Adult Learning Service.

"(10) Demand for Ready To Learn Television Program outreach and training has increased dramatically, with the base of participating Public Broadcasting Service member stations growing from a pilot of 10 stations to nearly 130 stations in 5 years.

"(11) Federal policy played a crucial role in the evolution of analog television by funding the television program entitled 'Sesame Street' in the 1960's. Federal policy should continue to play an equally crucial role for children in the digital television age.

"SEC. 3302. READY-TO-LEARN.

"(a) IN GENERAL.—The Secretary is authorized to award grants to or enter into contracts or cooperative agreements with eligible entities described in section 3303(b) to develop, produce, and distribute educational and instructional video programming for preschool and elementary school children and their parents in order to facilitate the achievement of the National Education Goals.

"(b) AVAILABILITY.—In making such grants, contracts, or cooperative agreements, the Secretary shall ensure that eligible entities make programming widely available, with support materials as appropriate, to young children, their parents, childcare workers, and Head Start providers to increase the effective use of such programming.

"SEC. 3303. EDUCATIONAL PROGRAMMING.

"(a) AWARDS.—The Secretary shall award grants, contracts, or cooperative agreements under section 3302 to eligible entities to—

"(1) facilitate the development directly, or through contracts with producers of children and family educational television programming, of—

"(A) educational programming for preschool and elementary school children; and

"(B) accompanying support materials and services that promote the effective use of such programming;

"(2) facilitate the development of programming and digital content especially designed for nationwide distribution over public television stations' digital broadcasting channels and the Internet, containing Ready to Learn-based children's programming and resources for parents and caregivers; and

"(3) enable eligible entities to contract with entities (such as public telecommunications entities and those funded under the Star Schools Act) so that programs developed under this section are disseminated and distributed—

(A) to the widest possible audience appropriate to be served by the programming; and

(B) by the most appropriate distribution technologies.

"(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant, contract, or cooperative agreement under subsection (a), an entity shall be—

"(1) a public telecommunications entity that is able to demonstrate a capacity for the development and national distribution of educational and instructional television programming of high quality for preschool and elementary school children; and

"(2) able to demonstrate a capacity to contract with the producers of children's television programming for the purpose of developing educational television programming of high quality for preschool and elementary school children.

"(c) CULTURAL EXPERIENCES.—Programming developed under this section shall reflect the recognition of diverse cultural experiences and the needs and experiences of both boys and girls in engaging and preparing young children for schooling.

"SEC. 3304. DUTIES OF SECRETARY.

"The Secretary is authorized—

"(1) to award grants, contracts, or cooperative agreements to eligible entities described in section 3303(b), local public television stations, or such public television stations that are part of a consortium with 1 or more State educational agencies, local educational agencies, local schools, institutions of higher education, or community-based organizations of demonstrated effectiveness, for the purpose of—

"(A) addressing the learning needs of young children in limited English proficient households, and developing appropriate educational and instructional television programming to foster the school readiness of such children;

"(B) developing programming and support materials to increase family literacy skills among parents to assist parents in teaching their children and utilizing educational television programming to promote school readiness; and

"(C) identifying, supporting, and enhancing the effective use and outreach of innovative programs that promote school readiness; and

"(D) developing and disseminating training materials, including—

"(i) interactive programs and programs adaptable to distance learning technologies that are designed to enhance knowledge of children's social and cognitive skill development and positive adult-child interactions; and

"(ii) support materials to promote the effective use of materials developed under subparagraph (B) among parents, Head Start providers, in-home and center-based daycare providers, early childhood development personnel, elementary school teachers, public libraries, and after- school program personnel caring for preschool and elementary school children;

"(2) to establish within the Department a clearinghouse to compile and provide information, referrals, and model program materials and programming obtained or developed under this part to parents, child care providers, and other appropriate individuals or entities to assist such individuals and entities in accessing programs and projects under this part; and

"(3) to coordinate activities assisted under this part with the Secretary of Health and Human Services in order to—

"(A) maximize the utilization of quality educational programming by preschool and elementary school children, and make such programming widely available to federally funded programs serving such populations; and

"(B) provide information to recipients of funds under Federal programs that have major training components for early childhood development, including programs under the Head Start Act and Even Start, and State training activities funded under the Child Care Development Block Grant Act of 1990, regarding the availability and utilization of materials developed under paragraph (1)(D) to enhance parent and child care provider skills in early childhood development and education.

"SEC. 3305. APPLICATIONS.

"Each entity desiring a grant, contract, or cooperative agreement under section 3302 or 3304 shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"SEC. 3306. REPORTS AND EVALUATION.

"(a) ANNUAL REPORT TO SECRETARY.—An eligible entity receiving funds under section 3302 shall prepare and submit to the Secretary an annual report which contains such information as the Secretary may require. At a minimum, the report shall describe the program activities undertaken with funds received under section 3302, including—

"(1) the programming that has been developed directly or indirectly by the eligible entity, and the target population of the programs developed;

"(2) the support materials that have been developed to accompany the programming, and the method by which such materials are distributed to consumers and users of the programming;

"(3) the means by which programming developed under this section has been distributed, including the distance learning technologies that have been utilized to make programming available and the geographic distribution achieved through such technologies; and

"(4) the initiatives undertaken by the eligible entity to develop public-private partnerships to secure non-Federal support for the development, distribution and broadcast of educational and instructional programming.

"(b) REPORT TO CONGRESS.—The Secretary shall prepare and submit to the relevant committees of Congress a biannual report which includes—

"(1) a summary of activities assisted under section 3303(a); and

"(2) a description of the training materials made available under section 3304(1)(D), the manner in which outreach has been conducted to inform parents and childcare providers of the availability of such materials, and the manner in which such materials have been distributed in accordance with such section.

"SEC. 3307. ADMINISTRATIVE COSTS.

"With respect to the implementation of section 3303, eligible entities receiving a grant, contract, or cooperative agreement from the Secretary may use not more than 5 percent of the amounts received under such section for the normal and customary expenses of administering the grant, contract, or cooperative agreement.

"SEC. 3308. DEFINITION.

"For the purposes of this part, the term 'distance learning' means the transmission of educational or instructional programming to geographically dispersed individuals and groups via telecommunications.

"SEC. 3309. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated to carry out this part, $50,000,000 for fiscal year 2000, and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(b) FUNDING RULE.—Not less than 60 percent of the amounts appropriated under subsection (a) for each fiscal year shall be used to carry out section 3303.".

SEC. 3. REVISION OF PART D OF TITLE III.

Part D of title III of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6951 et seq.) is amended to read as follows:

"PART D—THE NEW CENTURY PROGRAM FOR DISTRIBUTED TEACHER PROFESSIONAL DEVELOPMENT

"SEC. 3401. FINDINGS.

"Congress makes the following findings:

"(1) Since 1995, the Telecommunications Demonstration Project for Mathematics (as established under this part pursuant to the Improving America's Schools Act of 1994) (in this section referred to as 'MATHLINE') has allowed the Public Broadcasting Service to pioneer and refine a new model of teacher professional development for kindergarten through grade 12 teachers. MATHLINE uses video modeling of standards-based lessons, combined with professionally facilitated online learning communities of teachers, to help mathematics teachers from elementary school through secondary school adopt and implement standards-based practices in their classrooms. This approach allows teachers to update their skills on their own schedules through video, while providing online interaction with peers and master teachers to reinforce that learning. This integrated, self-paced approach breaks down the isolation of classroom teaching while making standards-based best practices available to all participants.

"(2) MATHLINE was developed specifically to disseminate the first national voluntary standards for teaching and learning as developed by the National Council of Teachers of Mathematics (NCTM). During 3 years of actual deployment, more than 5,800 teachers have participated for at least a full year in the demonstration. These teachers, in turn, have taught more than 1,500,000 students cumulatively.

"(3)(A) In the first 3 years of the MATHLINE project, the Public Broadcasting Service used the largest portion of the funds provided under this part—

"(i) to produce video-based models of classroom teaching;

"(ii) to produce and disseminate extensive accompanying print materials;

"(iii) to organize and host professionally moderated, year-long, online learning communities; and

"(iv) to train the Public Broadcasting Service stations to deploy MATHLINE in their local communities. In fiscal year 1998, the Public Broadcasting Service added an extensive Internet-based set of learning tools for teachers' use with the video modules and printed materials, and the Public Broadcasting Service expanded the online resources available to teachers through Internet-based discussion groups and a national listserv.

"(B) To extend Federal funds, the Public Broadcasting Service has experimented with various fee models for teacher participation, with varying results. Using fiscal year 1998 Federal funds and private money, participation in MATHLINE will increase by 10,000 MATHLINE scholarships to preservice and inservice teachers. The Public Broadcasting Service and its participating member stations will distribute scholarships in each congressional district in the United States, with teachers serving disadvantaged populations given priority for the scholarships.

"(4) Independent evaluations indicate that teaching improves and students benefit as a result of the MATHLINE program.

"(5) The MATHLINE program is ready to be expanded to reach many more teachers in more subject areas. The New Century Program for Distributed Teacher Professional Development will link the digitized public broadcasting infrastructure with education networks by working with the program's digital membership, and Federal and State agencies, to expand the successful MATHLINE model. Tens of thousands of teachers will have access to the New Century Program for Distributed Teacher Professional Development, to advance their teaching skills and their ability to integrate technology into teaching and learning. The New Century Program for Distributed Teacher Professional Development also will leverage the Public Broadcasting Service's historic relationships with higher education to improve preservice teacher training.

"SEC. 3402. PROJECT AUTHORIZED.

"The Secretary is authorized to make grants to a nonprofit telecommunications entity, or partnership of such entities, for the purpose of carrying out a national telecommunications-based program to improve teaching in core curriculum areas. The program authorized by this part shall be designed to assist elementary school and secondary school teachers in preparing all students for achieving State content standards.

"SEC. 3403. APPLICATION REQUIRED.

"(a) IN GENERAL.—Each nonprofit telecommunications entity, or partnership of such entities, desiring a grant under this part shall submit an application to the Secretary. Each such application shall—

"(1) demonstrate that the applicant will use the public broadcasting infrastructure and school digital networks, where available, to deliver video and data in an integrated service to train teachers in the use of standards-based curricula materials and learning technologies;

"(2) assure that the project for which assistance is sought will be conducted in cooperation with appropriate State educational agencies, local educational agencies, national, State or local nonprofit public telecommunications entities, and national education professional associations that have developed content standards in the subject areas;

"(3) assure that a significant portion of the benefits available for elementary schools and secondary schools from the project for which assistance is sought will be available to schools of local educational agencies which have a high percentage of children counted for the purpose of part A of title I; and

"(4) contain such additional assurances as the Secretary may reasonably require.

"(b) APPROVAL OF APPLICATIONS; NUMBER OF SITES.—In approving applications under this section, the Secretary shall assure that the program authorized by this part is conducted at elementary school and secondary school sites in at least 15 States.

"SEC. 3404. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part, $20,000,000 for the fiscal year 2000, and such sums as may be necessary for each of the 4 succeeding fiscal years.".

SEC. 4. ADDITION OF PART F TO TITLE III.

Title III of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6801 et seq.) is amended by adding at the end the following:

"PART F—DIGITAL EDUCATION CONTENT COLLABORATIVE

"SEC. 3701. FINDINGS.

"Congress makes the following findings:

"(1) Over the past several years, both the Federal and State governments have made significant investments in computer technology and telecommunications in the Nation's schools. Tremendous progress has been made in wiring classrooms, equipping the classrooms with multimedia computers, and connecting the classrooms to the Internet.

"(2) There is a great need for aggregating high quality, curriculum-based digital content for teachers and students to easily access and use in order to meet the State standards for student performance.

"(3) Under Federal Communications Commission policy, public television stations and State networks are mandated to convert from analog broadcasting to digital broadcasting by 2003.

"(4) Most local public television stations and State networks provide high quality video programs, and teacher professional development, as a part of their mission to serve local schools. Programs distributed by public broadcast stations are used by more classroom teachers than any other because of their high quality and relevance to the curriculum. However analog distribution has limited kindergarten through grade 12 services to a few hours per day of linear video broadcasts on a single channel.

"(5) The new capacity of digital broadcasting, can dramatically increase and improve the types of services public broadcasting stations can offer kindergarten through grade 12 schools.

"(6) Digital broadcasting can contribute to the improvement of schools and student performance as follows:

"(A) Broadcast of multiple video channels and data information simultaneously.

"(B) Data can be transmitted along with the video content enabling students to interact, access additional information, communicate with featured experts, and contribute their own knowledge to the subject.

"(C) Both the video and data can be stored on servers and made available on demand to teachers and students.

"(7) Teachers depend on public television stations as a primary source of high quality video material. The material has not always been as accessible or adaptable to the curriculum as teachers would prefer. Moreover, direct student interaction with the material was difficult.

"(8) Public television stations and State networks will soon have the capability of creating and distributing interactive digital content that can be directly matched to State standards and available to teachers and students on demand to fit their local curriculum.

"(9) Interactive digital education content will be an important component of Federal support for States in setting high standards and increasing student performance.

"SEC. 3702. DIGITAL EDUCATION CONTENT COLLABORATIVE.

"(a) IN GENERAL.—The Secretary is authorized to award grants to or enter into contracts or cooperative agreements with eligible entities described in section 3703(b) to develop, produce, and distribute educational and instructional video programming that is designed for use by kindergarten through grade 12 schools and based on State standards.

"(b) AVAILABILITY.—In making the grants, contracts, or cooperative agreements, the Secretary shall ensure that eligible entities enter into multiyear content development collaborative arrangements with State educational agencies, local educational agencies, institutions of higher education, businesses, or other agencies and organizations.

"SEC. 3703. EDUCATIONAL PROGRAMMING.

"(a) AWARDS.—The Secretary shall award grants, contracts, or cooperative agreements under this part to eligible entities to—

"(1) facilitate the development of educational programming that shall—

"(A) include student assessment tools to give feedback on student performance;

"(B) include built-in teacher utilization and support components to ensure that teachers understand and can easily use the content of the programming with group instruction or for individual student use;

"(C) be created for, or adaptable to, State content standards; and

"(D) be capable of distribution through digital broadcasting and school digital networks.

"(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant, contract, or cooperative agreement under subsection (a), an entity shall be a local public telecommunications entity as defined by section 397(12) of the Communications Act of 1934 that is able to demonstrate a capacity for the development and distribution of educational and instructional television programming of high quality.

"(c) COMPETITIVE BASIS.—Grants under this part shall be awarded on a competitive basis as determined by the Secretary.

"(d) DURATION.—Each grant under this part shall be awarded for a period of 3 years in order to allow time for the creation of a substantial body of significant content.

"SEC. 3704. APPLICATIONS.

"Each eligible entity desiring a grant under this part shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"SEC. 3705. MATCHING REQUIREMENT.

"An eligible entity receiving a grant under this part shall contribute to the activities assisted under this part non-Federal matching funds equal to not less than 100 percent of the amount of the grant. Matching funds may include funds provided for the transition to digital broadcasting, as well as in-kind contributions.

"SEC. 3706. ADMINISTRATIVE COSTS.

"With respect to the implementation of this part, entities receiving a grant under this part from the Secretary may use not more than 5 percent of the amounts received under the grant for the normal and customary expenses of administering the grant.

"SEC. 3707. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part, $25,000,000 for fiscal year 2000, and such sums as may be necessary for each of the 4 succeeding fiscal years.".

Mr. KENNEDY. Mr. President, it is a privilege to join Senator COCHRAN in sponsoring the "Digital Education Act of 1999." I commend him for his leadership in improving technology for children and families, so that more children come to school ready to learn.

In the early 1990's, Dr. Ernest Boyer, the distinguished former leader of the Carnegie Foundation, gave compelling testimony to the Senate Labor Committee about the appallingly high number of children who enter school without the skills to prepare them for learning. Their lack of preparation presented enormous obstacles to their ability to learn effectively in school, and seriously impaired their long-term achievement.

In response, Congress enacted the Ready-to-Learn program in 1992, and two years later its promise was so great that we extended it for five years. Because of the Department of Education and the Corporation for Public Broadcasting, the Ready-to-Learn initiative became an innovative and effective program. By linking the power of television to the world of books, many more children have been enabled to become good readers much more quickly.

Many children who enter school without the necessary basic skills are soon placed in a remedial program, which is costly for school systems. It is even more costly, however, for the students who face a bleaker future.

Today, by the time they enter school, the average child will have watched 4,000 hours of television. That is roughly the equivalent of four years of school.

For far too many youngsters, this is wasted time—time consuming "empty calories" for the brain. Instead, that time could be spent reading, writing, and learning. Through Ready-to-Learn television programming, children can obtain substantial education benefits that turn T.V. time into learning time.

As a result of Ready-to-Learn television, millions of children and families have access to high-quality television produced by public television stations across the country. Tens of thousands of parents and child-care providers have learned how to be better role models, to reinforce learning, and to be more active participants in children's learning from programs funded through Ready-to-Learn.

For many low-income families, the workshops, books, and television shows funded through this program are a vital factor in preparing children to read. These programs help parents and child-care providers teach children the basics, preparing them to enter school ready to learn and ready to succeed.

Ready-to-Learn provides 6.5 hours of non-violent educational programming a day. These hours include some of the best programs available to children, including Arthur, Barney & Friends, Mister Rogers' Neighborhood, The Puzzle Place, Reading Rainbow, and Sesame Street.

One of the most successful aspects of Ready-to-Learn is that it helps parents work more effectively with their children. Parents who participate in Ready-to-Learn workshops are more thoughtful consumers of television, and their children are more active viewers. These parents have more hands-on activities with their children, and they read more often with their children. They read less often for entertainment, and more often for education. They take their children more often to libraries and bookstores.

The workshops provided by the Ready-to-Learn program are considered the best of their kind. It also brings needed literacy services to parents and children at food distribution centers, homeless shelters, employment centers, and supermarkets.

Many of the innovations under Ready-to-Learn have come from local stations. WGBH in Boston is one of the nation's leaders in public broadcasting. It created the Reading Rainbow, and Where in the World is Carmen San Diego, which are leaders in educational programming across the country.

Last year, WGBH hosted 34 Ready-to-Learn workshops in Massachusetts. 1,100 parents and 265 child-care providers and teachers attended. These parents and providers in turn worked with 3,400 children, who are now better prepared to succeed in their schools.

WGBY of Springfield is the mainstay of literacy services for Western Massachusetts. This station trained 250 home day-care providers, who serve 2,500 children. A video lending library makes PBS materials available to teachers to use in their classroom.

Workshop participants receive training on using children's programs as the starting point for educational activities. Participants receive free books. For some, these are the only books they have ever owned. They receive the PBS Families magazine, in English or Spanish, and they also receive the broadcasting schedules. Each of these resources builds on the learning that begins with viewing the PBS programs.

Through partnerships with the Massachusetts Office of Child Care Services and community-based organizations such as Head Start, Even Start, and the Reach Out & Read Program at Boston Medical Center, Ready-to-Learn trainers are reaching many low-income families with media and literacy information.

In Worcester, the Clark Street Developmental Learning School offers a family literacy program that uses Reading Rainbow or Arthur in every session with families. In addition, the school has now expanded its efforts to create an adult literacy center in the school. Many of the parents involved in the Ready-to-Learn project now attend the adult education program there.

Similar successes are happening across the nation. Since 1994, the sponsors of Ready-to-Learn workshops have given away 1.5 million books. Their program has grown from 10 television stations in 1994 to 130 television stations today. They have conducted over 8,500 workshops reaching 186,000 parents and 146,000 child care providers, who have in turn affected the lives of over four million children.

The "Digital Education Act of 1999" we are introducing today will continue this high-quality children's television programming. Equally important, it will take this valuable service into the next century through digital television, a powerful resource for delivering additional information through television programs.

The Digital Education Act will also increase the authorization of funds for Ready-to-Learn programs from $30 million to $50 million a year, enabling these programs to reach even more families and children with these needed services.

The Digital Education Act also authorizes $20 million for high-quality teacher professional development. Building on the success of the MATHLINE program, the bill will expand the program to include materials for helping teachers to teach to high state standards in core subject areas.

Participating stations make the teachers workshops available through districts, schools, and even on the teachers' own television sets. In this way, at their own pace, and in their own time, teachers can review the materials, observe other teachers at work, and reflect on their own practices. They can consider ways to improve their teaching, and make adjustments to their own practices. Teachers will also receive essential help in integrating technology into their teaching.

Teachers themselves are very supportive of the contribution that television can make to their classrooms. 88% of teachers surveyed in 1997 by the Corporation for Public Broadcasting said that quality television used in the classroom helped them be more creative, 92% said that it helped them be more effective in the classroom.

Finally, the Act will create a new "Digital Education Content Collaborative," with an authorization of $25 million. Its goal is to stimulate quality content and curriculum through video and digital programs that will enable students to meet high state standards. Local public telecommunications agencies will create the programs, so that teachers can teach more effectively to the state standards and assess how well children are learning.

Again, I commend Senator COCHRAN for his leadership, and I urge my colleagues to join us in support of this important legislation, so that many more children can come to school ready to learn.

By Mr. BROWNBACK (for himself, Mr. HELMS, Mr. BURNS, Mr. ROBERTS, Mr. FITZGERALD, and Mr. LUGAR):

S. 1032. A bill to permit ships built in foreign countries to engage in coastwise trade in the transport of certain products; to the Committee on Commerce, Science, and Transportation.

FREEDOM TO TRANSPORT ACT OF 1999

• Mr. BROWNBACK. Mr. President, today I am reintroducing legislation that will expand capacity and increase competition within the domestic transportation system. This legislation, which will allow foreign built ships to transport bulk commodities, forest products, and livestock between U.S. ports, will help to expand the overall capacity by allowing ship operators to expand their fleets through obtaining affordable ships.

Currently, Section 27 of the Merchant Marine Act of 1920, commonly referred to as the Jones Act, requires that merchandise being transported on water between U.S. ports travel on U.S. built, U.S. flagged, and U.S. citizen owned vessels that are documented by the Coast Guard for such carriage. The bill I am introducing today, The Freedom to Transport Act of 1999, does not seek to repeal the Jones Act. Rather, it provides very targeted modification—to allow foreign built ships to carry bulk cargo in domestic trade. These ships would have to register in the United States and comply with all U.S. laws, including Jones Act ownership and crewing requirements.

The current law makes it infeasible for domestic coastwise shipments of agricultural commodities to occur on bulk shipping vessels. This is largely because the cost of purchasing a ship in the United States is as much as three times higher than it can be obtained on the world market. As a result, there has been little capital infusion into the domestic Jones Act fleet for many years. As a consequence, the cost of transport on bulk Jones Act vessels, if they are available at all, is prohibitively high.

Agriculture is a pillar to the Kansas economy, and an efficient transportation is critical to American agriculture. Laws that raise the cost of conducting business and impede efficient means for transporting product have a negative impact on farmers around the country, including Kansas. Moreover, the cost of transporting goods is always a proportionately high cost of the delivered product for bulk commodities, but especially now as grain prices are at the lowest levels seen in years. Having means to the most cost-effective and efficient means for transporting product is now, more than ever, critical to American farmers.

If ocean transportation between U.S. ports were more efficient, more product might be delivered to its destination by ocean rather than by rail. For example, the poultry and pork producers in the grain deficit southeastern

United States could bring in grain by ocean through the Great Lakes rather than by across the country by railroad. Since little of this type of trade currently occurs, this could have the effect of increasing the overall capacity of the domestic transportation infrastructure. That would make more railcars available for transport in places like Kansas, particularly during the harvest season when there is often a shortage of available cars. Furthermore, more efficient coastwise transportation would bring down prices for trade to Hawaii, Puerto Rico, and Alaska, which oftentimes find it less expensive to purchase products from other countries than to pay the inflated costs of shipping from the mainland U.S.

I am aware that the maritime industry has supported the Jones Act as a protection of domestic industry for many years, and resists any change to the current law. However, despite the "protective" nature of the Jones Act, it has protected very little. In the last 50 years the merchant marine has lost 40,000 jobs and over 60 shipyards have closed since 1987. In my view this legislation would not only benefit the customers of transportation services, but would also inject new life into an industry that has missed out on the unprecedented growth that the rest of the economy has enjoyed in the last generation. I want to work with the maritime industry to address their concerns and look forward to their eventual support of this legislation, which I envision will help them as much as it will help agricultural shippers.

I would like to point out that the legislation as introduced enjoys broad support not only in the agriculture industry, but also among many industries that ship bulk commodities—including oil, coal, clay, and steel. Additionally, those engaged in commerce with the non-contiguous U.S. are supportive, including the Puerto Rico Manufacturers Association, the Hawaii Shippers Council, and the Alaska Jones Act Reform Coalition. Finally, the National Taxpayers Union and Americans for Tax Reform support this as a measure that would save consumers over $14 billion annually.

A healthy maritime industry increases competitiveness, lowers costs, and improves service for customers of transportation. It creates jobs in the U.S. not only for the people who crew the ships, but for those who repair them, who own them, and who are employed by industries who buy transportation services. It is a win-win-win-win proposal.

I hope my colleagues will join me in reducing stifling government regulation and support this important bill.●

By Mrs. FEINSTEIN:

S. 1033. A bill to amend title IV of the Social Security Act to coordinate the penalty for the failure of a State to operate a State child support disbursement unit with the alternative penalty procedure for failures to meet data processing requirements; to the Committee on Finance.

CHILD SUPPORT PENALTY FAIRNESS ACT

Mrs. FEINSTEIN. Mr. President, today I am introducing the Child Support Penalty Fairness Act. This important legislation will remedy a flaw in federal child support laws that could cost California $4 billion annually.

On April 30, the Department of Health and Human Services announced its intent to reject the State of California's plan for child and spousal support because California does not have a centralized "State Disbursement Unit" that distributes child support collections to families. The mandatory penalty for this failure is loss of all federal child support administrative funding, which amounts to $300 million a year.

In addition, because the 1996 welfare reform law requires states to have an approved child support plan in order to receive the Temporary Assistance to Needy Families block grant, California could lose its entire TANF block grant of $3.7 billion a year.

In other words, California faces a $4 billion annual penalty for its failure to operate a State Disbursement Unit.

This so-called "nuclear penalty" is completely unjust and out of proportion. It will devastate the State of California's ability to serve low-income children and families—both families on welfare, and families who need child support so that they can stay off welfare. The penalty also will cripple the State's budget, seriously harming the largest economy in this nation.

I am not questioning the value of a State Disbursement Unit, or California's need to develop one. On the contrary, I am urging Governor Davis and the State legislature to come up with a plan to develop a State Disbursement Unit as quickly as possible. But I do not believe that poor families should be severely punished because the State has not gotten its act together.

Moreover, California's failure to develop a State Disbursement Unit is a direct result of its failure to develop a statewide computer system that tracks child support cases—and California is already paying a penalty for the computer failure.

The computer system penalty, which Congress established just last year, is fair and proportionate. More importantly, it rises over time, giving California a powerful incentive to get a computer system up and running. If California does not have a computer system in place by 2002, it will lose over $109 million annually in federal funds.

It is simply unfair to levy a $4 billion penalty against California for not having a State Disbursement Unit, when the State's failure to establish the unit is a direct result of a computer failure for which the State is already being penalized.

The Child Support Penalty Fairness Act would provide that States could not be penalized for failure to develop centralized disbursement units, if they are already paying a penalty for computer-related problems.

Under this bill, California would still have to pay a significant penalty for its computer-related troubles. Moreover, if California gets a statewide computer system in place, but still fails to operate a centralized disbursement unit, the State would be subject to additional severe penalties. This provides powerful incentive for the State to develop both a computer system, and a central disbursement unit, quickly.

I believe that this bill is proportionate and fair. It will prompt the State of California to develop a State Disbursement Unit in a timely fashion, without placing aid to low income children and families at risk. It is simply the right thing to do. I hope that my colleagues will take up and pass the Child Support Penalty Fairness Act as quickly as possible.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1033

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Support Penalty Fairness Act".

SEC. 2. ALTERNATIVE PENALTY PROCEDURE FOR FAILURE TO OPERATE STATE DISBURSEMENT UNIT.

(a) IN GENERAL.—Section 455(a)(4) of the Social Security Act (42 U.S.C. 655(a)(4)) is amended by adding at the end the following:

"(E) The Secretary may not disapprove a State plan under section 454 against a State with respect to a failure to comply with section 454(27) for a fiscal year as long as the State is receiving a penalty under this paragraph with respect to a failure to comply with either section 454(24)(A) or 454(24)(B) for the fiscal year."

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the amendments made by section 101 of the Child Support Performance and Incentive Act of 1998.

By Mr. AKAKA (for himself, Ms. SNOWE, Mrs. MURRAY, and Ms. COLLINS):

S. 1034. A bill to amend title XVIII of the Social Security Act to increase the amount of payment under the Medicare program for pap smear laboratory tests; to the Committee on Finance.

INVESTMENT IN WOMEN'S HEALTH ACT OF 1999

Mr. AKAKA. Mr. President, today marks the 116th birthday of Dr. George Papanicolaou, who developed one of the most effective cancer screening tests in medical history—the Pap smear. Cervical cancer was one of the leading causes of cancer deaths in women in the United States 50 years ago and it is still a major killer of women worldwide. I rise today to introduce the Investment in Women's Health Care Act, a bipartisan bill to increase the reimbursement for Pap smear laboratory tests under the Medicare program. I am pleased to be joined by my colleagues—Senators SNOWE, MURRAY and COLLINS.

The inadequacy of current lab test reimbursement was brought to my attention by pathologists who alerted me to the significant cost-payment differential for Pap smear testing in Hawaii. According to the American Pathology Foundation, Hawaii is one of the 23 States where the cost of performing the test greatly exceeds the Medicare payment. In Hawaii, the cost ranges between $13.04 and $15.80. Yet the Medicare reimbursement rate is only $7.15.

The large disparity between the reimbursement level and the actual cost of performing the test may force labs in Hawaii and around the Nation to discontinue Pap smear testing. The below-cost reimbursement may compel some labs to process tests faster and in higher volume to improve cost efficiency. This situation increases the risk of inaccurate results and can severely handicap patient outcomes.

This bill would increase the a reimbursement rate for Pap smear labwork from its current $7.15 to $14.60—the national average cost of the test. This rate is important because it establishes a benchmark for many private insurers.

Last year, we were successful in having language included in the omnibus appropriations conference report recognizing the large disparity between the costs incurred to provide the screening tests and the amount paid by Medicare. The conferees noted that data from laboratories nationwide indicates that the cost of providing the test averages $13.00 to $17.00, with the costs in some areas being higher. Accordingly, conferees urged the Health Care Financing Administration to increase Medicare reimbursement for Pap smear screening. Although HCFA has indicated a willingness to increase this payment, I am concerned that the adjustment the agency is considering may be significantly less than the costs incurred by most laboratories in providing this service. Therefore, my colleagues and I are compelled to reintroduce legislation that would implement what we believe to be an appropriate increase.

Mr. President, no other cancer screening procedure is as effective for early detection of cancer as the Pap smear. Over the last 50 years, the incidence of cervical cancer deaths has declined by 70 percent due in large part to the use of this cancer detection measure. Evidence shows that the likelihood of survival when cervical cancer is detected in its earliest stage is almost 100 percent, if treatment and follow-up is timely. If the Pap smear is to continue as an effective cancer screening tool, it must remain widely available and reasonably priced for all women. Adequate payment is necessary to ensure women's continued access to quality Pap smears.

I urge my colleagues to support this important bipartisan legislation. Mr. President, I also ask consent the text of my bill be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD as follows:

S. 1034

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Investment in Women's Health Act of 1999".

SEC. 2. INCREASE IN PAYMENT AMOUNT FOR PAP SMEAR LABORATORY TESTS.

(a) IN GENERAL.—Section 1833(h) of the Social Security Act (42 U.S.C. 13951(h)) is amended by adding at the end the following:

"(7) In no case shall payment under the fee schedule established under paragraph (1) for the laboratory test component of a diagnostic or screening pap smear be less than $14.60.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to laboratory tests furnished on or after January 1, 2000.

Ms. SNOWE. Mr. President, I rise today to join my colleague from Hawaii, Senator AKAKA, in introducing the Investment in Women's Health Act.

Today we celebrate the 116th birthday of Dr. George Papanicolaou, the physician who developed the Pap smear. In the 50 years since Dr. Papanicolaou first began using this test, the cervical cancer mortality rate has declined by an astonishing 70 percent. There is no question that this test is the most effective cancer screening tool yet developed. The Pap smear can detect abnormalities before they develop into cancer. Having an annual Pap smear is one of the most important things a woman can do to help prevent cervical cancer.

Congress has recognized the incomparable contribution of the Pap smear in preventing cervical cancer and nine years ago directed Medicare to begin covering preventive Pap smears. Medicare beneficiaries are eligible for one test every three years, although a more frequent interval is allowed for women at high risk of developing cervical cancer. And through the Balanced Budget Act of 1997, Congress expanded the Pap smear benefit to also include a screening pelvic exam once every 3 years.

But the Medicare reimbursement rate is artificially low and does not accurately reflect the true cost of providing this vital test. The current Medicare rate of reimbursement is $7.15, though the mean national cost of the test is twice that amount: $14.60 per test. The bill we introduce today, The Investment in Women's Health Act, will raise the Medicare reimbursement rate for Pap smears to at least $14.60 per test.

Women understand the usefulness and life-saving benefit of the Pap smear. The U.S. Centers for Disease Control and Prevention reported last year that 95 percent of women age 18 years old and over have received a Pap smear at some point in their lives. And 85 percent of women age 18 years and older across the country have received a Pap smear within the last 3 years.

Unfortunately, the artificially low reimbursement rate threatens both our country's local clinical laboratories and the health of women across the country. Pathologists are increasingly concerned that low Medicare reimbursement for Pap smears will force them to stop providing the service and to ship the slides to large out-of-state laboratories. Shipping the slides to non-local, large-scale laboratories—"Pap mills"—reduces quality control, brings up continuity of care issues, and puts women at risk of higher rates of "false positives" or "false negatives."

Providing Pap smears locally facilitates the likelihood of follow-up by a pathologist, comparison of a patient's Pap smear to cervical biopsy, and facilitates better communication and consultation between the patient's pathologist and attending physician or clinician. When Pap smears are shipped out of the local community these vital comparisons are much more difficult to complete and are more prone to inconsistencies and error.

Inadequate reimbursement for Pap smears provided through Medicare threatens not only a woman's health but the financial stability of the laboratory as well. If a lab is forced to continue to subsidize Medicare Pap smears they will eventually either stop providing the Medicare service or go out of business—and neither option is acceptable. Finally, local laboratories have a proven track record of providing better service for the patients. A Pap smear is less likely to get lost in a local lab than among the tens of thousands of other tests in a "Pap mill" and cytotechnicians have better supervision by a pathologist in smaller laboratories than in large volume operations.

The Pap test has contributed immeasurably to the fight against cervical cancer. We cannot risk erasing our advancements in this fight because of low Medicare reimbursement. I urge my colleagues to join us.

By Mr. FEINGOLD (for himself and Mr. BINGAMAN):

S. 1035. A bill to establish a program to provide grants to expand the availability of public health dentistry programs in medically underserved areas.

health professional shortage areas, and other Federally-defined areas that lack primary dental services; to the Committee on Health, Education, Labor, and Pensions.

DENTAL HEALTH ACCESS EXPANSION ACT

Mr. FEINGOLD. Mr. President, I rise today to introduce legislation to address a troubling—but little recognized—public health problem in this country, and that's access to dental health.

Unlike many public health problems, there are clinically proven techniques to prevent or delay the progression of dental health problems. These proven techniques are not only more cost-effective, but also are relatively simple if done early. I'm specifically referring to the use of fluoride and dental sealants. The combination of fluoride and sealants is so effective against tooth decay that it has been likened to a "magic potion." In fact, an article in Public Health Reports called the "one-two combination of fluoride and sealants . . . similar to that of vaccinations."

With such an effective prevention method in place, one might assume that dental disease is becoming increasingly rare in this country. But that's not the case, Mr. President, because, in order to receive these preventive treatments—this "magic potion" against dental disease—you need to see a dentist, and there simply are not enough dentists to provide these basic services to everyone who needs them. As of September 30 of last year, the United States had 1,116 dental health professions shortage areas, or Dental HPSA's according to the Health Resources and Services Administration. The chart I have here shows the counties in Wisconsin that have areas designated as shortage areas, but every single state in our Nation has a portion designated as a dental shortage area.

There are proven methods for preventing dental disease, yet 1,116 communities across our country—particularly underserved rural and inner-city communities—do not have enough dentists to provide simple preventive services. Barriers to dental care are particularly acute among lower income families, Medicaid enrollees, and the uninsured. Studies indicate that the prevalence of dental disease increases as income decreases. In many areas, there simply are not enough dentists to provide basic treatment to all who need them, and although there is a federal method for designating such areas as dental health professional shortage areas (DHPSA's) to become eligible for additional funding, the designation process can be so tedious that State dental directors simply lack the resources to complete the necessary documentation.

To illustrate this problem of undercounting shortage areas, as of September 30 of last year, only eight counties in Wisconsin had portions designated as DHPSA's according to the Health Resources and Services Administration (HRSA), but statewide only 23 percent of Medicaid enrollees had received dental care. As you can see from this chart, in 13 Wisconsin counties, fewer than 10 percent of Medicaid enrollees received dental care. According to Wisconsin's state dental director, Dr. Warren LeMay, 80 percent of tooth decay is found in the poorest 25 percent of children. Given the effectiveness of dental health care in preventing dental disease—particularly the combination of check-ups, fluoride, and sealants—the access problems are simply unacceptable.

And the impact of so many people going without dental care is devastating. Those of us who have ever had a toothache remember how excruciating that pain can be, making it difficult if not impossible to work, go to school or otherwise go about our business. For those Americans who lack access to dental services, however, the toothache is more than a bad memory—it is the here and now.

Mr. President, imagine you had a child, a daughter, in need of dental services. But you lack insurance, and cannot afford to pay out-of-pocket to see a dentist. Or you may have Medicaid, but the nearest dentist is more than 2 hours away, and you don't own a car. Since your child hasn't received the preventive care treatments, she has a lot of untreated tooth decay—decay that leads to infection, fevers, stomach aches, and, worst of all, debilitating pain, making it almost impossible for her to concentrate in school. She may also develop speech difficulties, since she may lack the teeth necessary to form certain words and sounds. When you try to get her emergency dental services, you find that the few dentists in the area have waiting lists of two months or more.

Mr. President, one mother, from Rhinelander, WI—which is in Oneida County in the northern part of my state—called me to tell me about her 8-year-old daughter in just that situation. He daughter was in excruciating pain because of a severe toothache, but the one dental provider in the area had a waiting list of several weeks, so that mother had no choice but to take her child to the nearest hospital emergency room, where the child was given painkillers to use until she could be seen by a dentist. Whereas routine primary dental care could have prevented this decay altogether, this mother had to take her young child to the hospital emergency room for prescription painkillers in order to make the wait before seeing the dentist bearable.

Mr. President, the unfortunate reality is that I hear such stories from my constituents on a regular basis, and I have heard enough to know that it's time to stop this needless suffering from dental disease by increasing access to dental care.

The legislation I am introducing today, the Dental Health Access Expansion Act, will establish take three important steps to promote access to dental health services:

First, the bill creates a federal grant program to be administered by the Health Resources and Services Administration through which community health centers and local health departments in designated dental health professionals shortage areas can apply for funding to assist in the hiring of primary care dentists. Strengthening locally run dental access programs ensures a safety net for these vitally important services.

The bill also creates a grant program to give bonus payments to dentists in shortage areas who devote at least 25 percent of their practice to Medicaid patients. More than 90 percent of America's dentists are in private practice, and incentive payments for dentists to increase their Medicaid practice helps to bring needy patients into the dental care mainstream.

Finally, the bill requires that HRSA work with the Association of State and Territorial Dental Directors and other organizations interested in expanding dental health access to simplify the process for designating dental shortage areas. Right now the system is so complicated that states simply don't have the resources to fill out the paperwork needed to get the designation.

Mr. President, the Dental Health Access Expansion Act is meant to complement existing initiatives—such as Health Professions Training Program expansions of general dentistry residencies, and the National Health Service Corps scholarship program—to increase access to primary care dental services in underserved communities. I have supported these and other programs in the past, and will continue to do so. My legislation is also meant to complement the excellent oral health initiatives proposed by my colleague, Senator BINGAMAN of New Mexico. I am thankful for the good work he has done in increasing awareness about this issue, and look forward to working with him to increase access to dental health services.

Through the legislation I am proposing, we can increase the number of dentists providing care to underserved communities, and in doing so strengthen our nation's existing network of Community Health Centers and local health departments.

Advances in dentistry have given us the tools to eradicate most dental diseases—what we need now is to provide people with access to dental care so that they can receive the simple preventive treatments they need, and that's what my legislation can help us achieve.

By Mr. KOHL (for himself, Mr. DODD, and Mr. ROCKEFELLER):

S. 1036. A bill to amend parts A and D of title IV of the Social Security Act to give States the option to pass through directly to a family receiving assistance under the temporary assistance to needy families program all child support collected by the State and the option to disregard any child support that the family receives in determining a family's eligibility for, or amount of, assistance under that program; to the Committee on Finance.

CHILDREN FIRST CHILD SUPPORT REFORM ACT OF 1999

Mr. KOHL. Mr. President, I rise today to introduce legislation, along with my colleagues Senator DODD of Connecticut and Senator ROCKEFELLER of West Virginia, to provide more resources to America's children and families by encouraging more parents to live up to their child support obligations. My legislation, the Children First Child Support Reform Act, would enhance the options and incentives available to states to allow more child support to be paid directly to the families to whom it is owed and not be counted against public assistance benefits. My legislation will help assure more noncustodial parents that the child support they pay will actually contribute to the wellbeing of their child, rather than the government, and also help reduce administrative burdens on the state.

As my colleagues know, since its inception in 1975, our Federal-State Child Support Enforcement Program has been tasked with collecting child support for families receiving public assistance and other families that request help in enforcing child support. Toward this end, the program works to establish paternity and legally binding support orders, while collecting and disbursing funds on behalf of families so that children receive the support they need to grow up in healthy, nurturing surroundings.

But on one crucial point, the current program does not truly work on behalf of families and, perhaps more importantly, actually works against families.

Under current law, if a family is not on public assistance, support collected by the Child Support Enforcement Program is generally sent directly to the family. However, and this is the crux of the problem, support collected on behalf of families receiving public assistance is kept by the State and Federal Governments as reimbursement for welfare expenditures. Thus, for families on public assistance, the child support program ends up benefiting the financial interests of the government, rather than their children.

The research shows that many noncustodial parents are discouraged from paying child support because they realize and resent the fact that their payments go to the government rather than benefiting their children directly. In addition, some custodial parents are skeptical about working with the child support agency to secure payments since the funds are generally not forwarded to them. Obviously, these builtin program obstacles to reliable, timely child support payments serve to undermine the program's intended goals of promoting self-sufficiency and personal responsibility.

Mr. President, we know that an estimated 800,000 families would not need public assistance if they could count on the child support owed to them. In addition, we know that 23 million children are owed more than $43 billion in outstanding support. Clearly, the vital importance of child support in keeping families off of assistance remains as true today as when the program began. In a world with TANF time limits, it has never been more important. And with these figures in mind, it is not unthinkable that some policymakers may have or might still consider this program as a means of recovering welfare expenditures.

But I am convinced that that thinking must change, if not be cast off entirely, because, simply put, times have changed. The welfare reform law of 1996, which I supported, paved the way for time limits and work requirements that provide clear and compelling incentives for families to enter the workforce and find a way to stay there. Open ended, unconditional public support is no longer a reality, and our goal and responsibility as policymakers, now more than ever before, is to give families the tools and resources they need to prepare for and ultimately survive the day when they are without public assistance.

We fundamentally changed welfare, now we fundamentally reexamine the central role of child support in helping families as they struggle to become and remain self-sufficient. To this end, we've made some, but not nearly enough, progress. Under the welfare reform law, states will eventually be required to distribute state-collected child support arrears owed to the family before paying off arrears owed to the state and Federal governments for welfare expenditures. In addition, states were provided with some ability to continue or expand the $50 passthrough that had been required under previous law. But only one state—my homestate of Wisconsin—has opted to let families retain all support paid. As you know, Wisconsin has been a leader and national model in the area of welfare reform. Under Wisconsin's welfare program, child support counts as income in determining financial eligibility for welfare assistance, but once eligibility is established, the child support income is disregarded in calculating program benefits. In other words, families are allowed to keep their own money. Non-custodial parents can be assured that their contribution counts and that their child support payments go to their children. And both parents are presented with a realistic picture of what that support means in the life of their child.

I worked with Wisconsin to secure the waivers necessary to pursue this innovative policy and want to provide the other states with additional flexibility and options so that they can follow Wisconsin's example.

In addition to helping families, the expanded passthrough and disregard approach also has significant benefits on the administrative side. The current distribution requirements place significant accounting and paperwork burdens on the states. They are also costly. Data from the Federal Office of Child Support demonstrates that nearly 20 percent of program expenditures are spent simply processing payments. States are required to maintain a complicated set of accounts to determine whether support collected should be paid to the family or kept by the government. These complex accounting rules depend on whether the family ever received public assistance, the date a family begins and ends assistance, whether the non-custodial parent is current on payments or owes arrears, the method of collection and other factors.

We know that we have already asked much of the states in the realm of automation, systems integration and welfare law child support enforcement adjustments. We hope and believe these improvements will lead to better collection rates. Now we have a chance to simplify and improve distribution of support. What could be simpler than a distribution system in which child support collected would automatically be delivered to the children to whom it is owed? A distribution system in which child support agencies would distribute current support and arrears to both welfare and non-welfare families in exactly the same way?

Mr. President, child support financing must be addressed in the near future. First, our current distribution scheme is out of step with the philosophy of current welfare policy. We must move the child support program from cost-recovery to service delivery for all families. Second, the current financing scheme is no longer workable. TANF caseloads are decreasing dramatically, even as overall child support caseloads are increasing. Therefore, while the system needs additional resources, the portion of the caseload that produces those resources is decreasing. We must put the child support program on a sound financial footing that confirms a strong Federal and state commitment to the program and gives states additional flexibility to put more resources into the hands of children and let families keep more of their own money.

Let me strongly affirm that by advocating an expanded passthrough and disregard approach, I am absolutely not advocating a disinvestment in our child support system by either the Federal government or the states. Our commitment to this program must remain strong and steadfast. I am working to expand the passthrough for the reasons that I've explained, but I am also committed to paying for it in a responsible way. Not knowing what the proposal will cost today necessarily requires that we keep ourselves open to adjustments as the debate proceeds.

That said, it is time for us to envision a child support program that truly serves families and works to advance, not undermine, the TANF policy goals of self-sufficiency and personal responsibility with which it is inextricably combined. Because assistance is now time-limited, we must give families the tools to survive in a world without public help, a world where they must rely on their own resources. In that equation, we all know that child support is fundamental. Letting as many as 5 years go by with child support payments either not being or accuring to the state rather than the family does nothing to advance those goals.

Mr. President, it's time to put our children first and envision a child support program that truly serves families. We can do that by passing this legislation to improve the public system, let families keep more of their own money, and make child support truly meaningful in the everyday lives of children on public assistance.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1036

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Children First Child Support Reform Act of 1999".

SEC. 2. DISTRIBUTION AND TREATMENT OF CHILD SUPPORT COLLECTED BY THE STATE.

(a) State Option To Pass All Child Support Collected Directly to the Family.—

(1) In general.—Section 457 of the Social Security Act (42 U.S.C. 657) is amended—

(A) in subsection (a), by striking "(e) and (f)" and inserting "(e), (f), and (g)"; and

(B) by adding at the end the following:

"(g) State Option To Pass Through All Support Collected to the Family.—

"(1) In general.—At State option, subject to paragraph (2), and subsections (a)(4), (b), (e), (d), and (f), this section shall not apply to any amount collected on behalf of a family as support by the State and any amount so collected shall be distributed to the family.

"(2) Income protection requirement.—A State may not elect the option described in paragraph (1) unless the State also elects (through an amendment to the State plan submitted under section 402(a)) to disregard any amount so collected and distributed for purposes of determining the amount of assistance that the State will provide to the family under the State program funded under part A pursuant to section 408(a)(12)(B).

"(3) Option to pass through amounts collected pursuant to a continued assignment.—At State option, any amount collected pursuant to an assignment continued under subsection (b) may be distributed to the family in accordance with paragraph (1).

"(4) Release of obligation to pay federal share.—If a State that elects the option described in paragraph (1) also elects to disregard under section 408(a)(12)(B) at least 50 percent (determined, at the option of the State, in the aggregate or on a case-by-case basis) of the total amount annually collected and distributed to all families in accordance with paragraph (1) for purposes of determining the amount of assistance for such families under the State program funded under part A, the State is released from—

"(A) calculating the Federal share of the amounts so distributed and disregarded; and

"(B) paying such share to the Federal Government.".

(2) Authority to claim passed through amount for purposes of TANF maintenance of effort requirements.—Section 409(a)(7)(B)(i)(I)(aa) of the Social Security Act (42 U.S.C. 609(a)(7)(B)(i)(I)(aa)) is amended by inserting ", and, in the case of a State that elects under section 457(g) to distribute any amount so collected directly to the family, any amount so distributed (regardless of whether the State also disregards that amount under section 408(a)(12) in determining the eligibility of the family for, or the amount of, such assistance)" before the period.

(b) State Option To Disregard Child Support Collected For Purposes of Determining Eligibility For, or Amount of, TANF Assistance.—Section 408(a) of the Social Security Act (42 U.S.C. 608(a)) is amended by adding at the end the following:

"(12) State option to disregard child support in determining eligibility for, or amount of, assistance.—

"(A) Option to disregard child support for purposes of determining eligibility.—A State to which a grant is made under section 403 may disregard any part of any amount received by a family as a result of a child support obligation in determining the family's income for purposes of determining the family's eligibility for assistance under the State program funded under this part.

"(B) Option to disregard child support in determining amount of assistance.—A State to which a grant is made under section 403 may disregard any part of any amount received by a family as a result of a child support obligation in determining the amount of assistance that the State will provide to the family under the State program funded under this part.".

(c) Maintenance of Effort Requirement.—Section 454 of the Social Security Act (42 U.S.C. 654) is amended—

(1) in paragraph (32), by striking "and" at the end;

(2) in paragraph (33), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(34) provide that, if the State elects to distribute support directly to a family in accordance with section 457(g), the State share of expenditures under this part for a fiscal year shall not be less than an amount equal to the highest amount of such share expended for fiscal year 1995, 1996, 1997, or 1998 (determined without regard to any amount expended that was eligible for payment under section 455(a)(3)).".

(d) Conforming Amendment.—Section 457(f) of the Social Security Act (42 U.S.C. 657(f)) is amended by striking "Notwithstanding" and inserting "Amounts Collected On Behalf of Children in Foster Care.—Notwithstanding".

(e) Effective Date.—The amendments made by this section take effect on October 1, 1999.

By Mrs. BOXER:

S. 1037. A bill to amend the Toxic Substances Control Act to provide for a gradual reduction in the use of methyl tertiary butyl ether, and for other purposes; to the Committee on Environment and Public Works.

Mrs. BOXER. Mr. President, today I am pleased to introduce legislation to nationally phase-out the use of the fuel oxygenate methyl tertiary butyl ether (MTBE). My bill provides for a priority phase-out schedule designed to immediately prohibit MTBE use in areas where it is leaking into ground and surface waters, to prevent the spread of MTBE to areas where its use is currently limited or nonexistent, and to set us on a course to removing MTBE in all other areas of the nation.

MTBE has been used in the blending of gasoline since the 1970s, but its use increased dramatically following the passage of the Clean Air Act Amendments of 1990. In regions of the country with particularly poor air quality, including Southern California and Sacramento, the Act required the use of reformulated gasoline.

Under the Act, reformulated gasoline must contain 2% oxygenate by weight.

Today, about 70% of the gasoline sold in California contains 2% oxygen by weight due to this requirement. While other oxygenates like ethanol may be used to meet this 2% requirement, the ready availability of MTBE and its chemical properties made it the oxygenate of choice among most oil companies.

While the oxygenate of choice, however, MTBE is also classified as a possible human carcinogen. Moreover, when MTBE enters groundwater, it moves through the water very fast and very far. Once there, MTBE resists degrading in the environment. We know very little about how long it takes to break down to the point that it becomes harmless. We do know that at even very low levels, MTBE causes water to take on the taste and odor of turpentine—rendering it undrinkable.

That is, it makes water smell and taste so bad that people won't drink it.

I first became aware of the significance of the threat MTBE posed to drinking water following the discovery that MTBE had contaminated drinking water wells in Santa Monica. Ultimately, Santa Monica was forced to close drinking water wells that supplied approximately half of its drinking water due to that contamination. Clean up of Santa Monica's drinking water supply continues today under the oversight of the Environmental Protection Agency (EPA) at significant cost.

Following that discovery, I held a California field hearing of the Senate Committee on Environment and Public Works, of which I am a member, on the issue of MTBE contamination. Based upon the testimony I received at that hearing, I became convinced that MTBE posed a significant threat to drinking water not only in California, but nationwide. Shortly after the hearing, I wrote what would be one of many letters to the Administrator of EPA urging her to take action to remove this threat to the nation's drinking water supply.

While EPA has taken many laudable actions to speed the remediation of MTBE contaminated drinking water, it has been slow to respond to my calls for a nationwide MTBE phase-out. EPA maintains that it lacks the legal authority to phase-out the use of this harmful gasoline additive.

In the face of this federal inaction, and since the discovery of MTBE contamination in Santa Monica and my hearing in California, revelations of MTBE contamination in California and the nation have proliferated. In June 1998, the Lawrence Livermore National Laboratory estimated that MTBE is leaking from over 10,000 underground storage tanks in California alone. Potential clean up costs associated with MTBE contamination in my state range between $1 to $2 billion. Reports of MTBE contamination in the northeastern United States are also now becoming more common, and several state legislatures have introduced legislation to phase-out or ban MTBE use.

This flurry of activity in the northeastern states follows upon the first state action to prohibit the use of MTBE. Specifically, on March 26, 1999, California Governor Gray Davis provided that MTBE use in California will be prohibited after December 31, 2002.

While the action in California and several other states to begin to address the MTBE problem is certainly to be commended, I believe it demonstrates a failure of federal policymakers to design a national solution to what is clearly a national problem.

The legislation I introduce today would provide that solution.

First, my bill empowers the Environmental Protection Agency (EPA) to immediately prohibit MTBE use in areas where the additive is leaking into ground or surface waters. In my view, we must swiftly stop the use of MTBE in areas where we know we've got leaking underground storage tanks. That's just common sense.

Second, my bill prohibits the use of MTBE after January 1, 2000 in areas around the nation where the use of oxygenates like MTBE is not required by law. It has been recently revealed that oil companies have been adding significant quantities of MTBE to gasoline in the San Francisco area even though oxygenates like MTBE are not required to be used in that area. Notwithstanding California's MTBE phase-out, such MTBE use may legally continue throughout California until the state phase-out deadline of December 31, 2002.

As we face an estimated $1 to $2 billion in MTBE clean up costs in California alone, I believe we must swiftly take steps to prevent the spread of MTBE contamination to areas where its use is currently limited and is in no sense required under the law.

Third, the bill prohibits MTBE use nationwide after January 1, 2003, and provides for specific binding percentage reductions of MTBE use in the interim. Finally, the bill requires EPA to conduct an environmental and health effects study of ethanol use as a fuel additive.

I am hopeful that my House and Senate colleagues can act quickly to ensure the passage of my legislation to provide a nationwide solution to the nationwide problem of MTBE contamination.

I ask unanimous consent that the full text of my legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1037

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. USE OF METHYL TERTIARY BUTYL ETHER.

Section 6 of the Toxic Substances Control Act (15 U.S.C. 2605) is amended by adding at the end the following:

"(f) USE OF METHYL TERTIARY BUTYL ETHER.—

"(1) PROHIBITION ON USE IN SPECIFIED NONATTAINMENT AREAS.—Effective beginning January 1, 2000, a person shall not use methyl tertiary butyl ether in an area of the United States that is not a specified nonattainment area that is required to meet the oxygen content requirement for reformulated gasoline established under section 211(k) of the Clean Air Act (42 U.S.C. 7545(k)).

"(2) PROHIBITION ON USE IN AREAS OF LEAKAGE.—If the Administrator finds that methyl tertiary butyl ether is leaking into ground water or surface water in an area, the Administrator may immediately prohibit the use of methyl tertiary butyl ether in the area.

"(3) UPGRADING OF UNDERGROUND STORAGE TANKS.—In enforcing the requirement that underground storage tanks be upgraded in accordance with section 280.21 of title 40, Code of Federal Regulations, the Administrator shall focus enforcement of the requirement on areas described in paragraph (2).

"(4) USE OF METHYL TERTIARY BUTYL ETHER IN GASOLINE.—

"(A) INTERIM PERIOD.—

"(i) PHASED REDUCTION.—

"(I) IN GENERAL.—The Administrator shall promulgate regulations to require—

"(aa) by January 1, 2001, a ⅓ reduction in the quantity of methyl tertiary butyl ether that may be used in gasoline; and

"(bb) by January 1, 2002, a ⅔ reduction in the quantity of methyl tertiary butyl ether that may be used in gasoline.

"(II) BASIS FOR REDUCTIONS.—Reductions under subclause (I) shall be based on the quantity of methyl tertiary butyl ether in use in gasoline in the United States as of the date of enactment of this subsection.

"(ii) LABELING.—During the period beginning on the date of enactment of this subsection and ending December 31, 2002, the Administrator shall require any person selling gasoline that contains methyl tertiary butyl ether at retail to prominently label the fuel dispensing system for the gasoline with a notice that the gasoline contains methyl tertiary butyl ether.

"(B) PROHIBITION.—Effective beginning January 1, 2003, a person shall not use methyl tertiary butyl ether in gasoline.".

SEC. 2. STUDY OF EFFECTS OF FUEL COMPONENTS.

Not later than July 31, 2000, the Administrator of the Environmental Protection Agency shall—

(1) conduct a study of the behavior, toxicity, carcinogenicity, health effects, and biodegradability, in air and water, of ethanol, olefins, aromatics, benzene, and alkylate; and

(2) report the results of the study to Congress.

By Mr. FRIST:

S. 1041. A bill to amend title 38, United States Code, to permit certain members of the Armed Forces not currently participating in the Montgomery GI Bill educational assistance program to participate in that program, and for other purposes; to the Committee on Veterans Affairs.

GI EDUCATION OPPORTUNITY ACT OF 1999

• Mr. FRIST. Mr. President, I rise today to offer legislation that will assist the men and women serving in our armed forces in attaining an education. The GI Education Opportunity Act is targeted at a group serving in our military that has been forgotten since the passage of the Montgomery GI Bill. Before the GI Bill was enacted in 1985, new servicemen were invited to participate in a program called the Veterans' Educational Assistance Program, or VEAP. This program offered only a modest return on the service member's investment and, as a consequence, provided little assistance to men and women in the armed services who wanted to pursue additional education. It was and is inferior to the Montgomery GI Bill that every new serviceman is offered today.

The GI Education Opportunity Act would allow active duty members of the armed services who entered the service after December 31, 1976 and before July 1, 1985 and who are or were otherwise eligible for the Veterans' Educational Assistance Program to participate in the Montgomery GI Bill. This group of military professionals largely consists of the mid-career and senior noncommissioned officer ranks of our services—the exact group that new recruits have as mentors and leaders. If we really believe in the importance of providing our servicemen and women with the education opportunities afforded by the Montgomery GI Bill, it is critical that we offer all service members the opportunity to participate of they choose.

It is important to remember that much of the impetus for the creation of the Montgomery GI Bill was that the Veterans' Educational Assistance Program was not doing the job. It was not providing sufficient assistance for young men and women to go to college. It was expensive for them to participate, and provided little incentive for young men and women to enter the military. The Montgomery GI Bill offers those serving in the military a significant increase in benefits over its predecessor and has been one of the most important recruiting tools over the last decade. It is essential that active military still covered under VEAP but not by the Montgomery GI Bill be brought into the fold.

The injustice that my bill attempts to address is that new recruits are eligible for a better education program than the noncommissioned officers responsible for their training and well-being. Expanding Montgomery Bill eligibility to those currently eligible for VEAP would, in many cases, help mid-career and senior noncommissioned officers, who are the backbone of our force and set the example for younger troops, become better educated. This legislation is modest in its scope and approach, but is enormously important for the individual attempting to better himself through education. Moreover, this legislation sends a meaningful message to those serving to protect the American interest that Congress cares. S. 4, the Soldiers, Sailors, Airmen, and Marines Bill of Rights Act which I was proud to cosponsor was an enormous step in this direction, and my legislation complements that effort.

Some of the common sense provisions of The GI Education Opportunity Act are: 1. Regardless of previous enrollment or disenrollment in the VEAP, active military personnel may choose to participate in the GI Bill. 2. Participation for VEAP-eligible members in the GI Bill is to be based on the same "buy in requirements" as are currently applicable to any new GI Bill participant. For example, an active duty member is required to pay $100 a month for twelve months in order to be eligible for the Montgomery GI Bill. The same would be required of someone previously eligible for VEAP. 3. Any active duty member who has previously declined participation in the GI bill may also participate. 4. There will be a one year period of eligibility for enrollment.

I believe that if we are to maintain the best trained, and most capable military force in the world, we must be committed to allowing the people that comprise our armed forces to pursue further education opportunities. I believe that this modest legislation will have a positive effect on morale and give our noncommissioned officers additional opportunities for self-improvement and life-long learning. I ask for my colleagues support in this effort.•

By Mrs. HUTCHISON (for herself, Mr. BREAUX, Mr. DOMENICI, Mr. BINGAMAN, Mr. LOTT, Ms. LANDRIEU, Mr. COCHRAN, Mr. THOMAS, Mr. BROWNBACK, and Mr. GRAMM):

S. 1042. A bill to amend the Internal Revenue Code of 1986 to encourage domestic oil and gas production, and for other purposes; to the Committee on Finance.

DOMESTIC ENERGY PRODUCTION SECURITY AND STABILIZATION ACT

• Mrs. HUTCHISON. Mr. President, I am pleased today to introduce with my colleague from Louisiana, Senator BREAUX, the Domestic Energy Production Security and Stabilization Act. This bill represents a necessary and workable proposal to ensure that the United States does not lose even more of its energy independence.

Mr. President, the oil and gas industry in this country is in a state of unprecedented crisis. Over the last year-and-a-half, oil and gas prices have been a historic lows. This has led to the closing of over 200,000 domestic oil and gas wells, has brought new exploration to a virtual standstill, and has cost an estimated quarter of a million American jobs.

Not only is this an economic issue, it is also a national security issue. We are importing more oil than we produce. This is not a healthy situation for shaping our foreign policy agenda. If our domestic industry is to survive, then Congress needs to act now to provide tax incentives to encourage energy production in America.

To reverse these trends and increase our energy independence, I have worked on a bipartisan basis to develop the Domestic Energy Production Security and Stabilization Act. The bill provides tax incentives in our significant areas to ensure that our domestic energy infrastructure is not decimated during prolonged periods of low energy prices.

First, the legislation would provide a $3 dollar a barrel tax credit, on the first three barrels that can offset the cost of keeping marginal wells operating during periods of critically low oil and gas prices. Marginal wells are those that produce 15 barrels a day or less. There are close to 500,000 such wells across the U.S. that collectively produce 20 percent of America's oil, more oil than we import from Saudi Arabia.

Second, the bill would provide some relief from the alternative minimum tax (AMT), again during prolonged periods of low energy prices. In a time of financial crisis for the oil and gas industry, this tax has had the effect of exacerbating the impact of low commodity prices and driving even more producers out of business. The AMT was enacted to ensure that companies reporting large financial income paid at least some level of taxes. Unfortunately, for the oil and gas industry, the AMT has only served to make a bad situation worse.

Third, Mr. President, this legislation would change the net income limitation on percentage depletion by eliminating the 65 percent taxable income limitation. Carried-over percentage depletion could also be carried back ten years. This would enable companies to fully utilize their percentage depletion allowance, which many have not been able to do since the onset of the oil and gas crisis.

Finally, Mr. President, this bill brings the U.S. Tax Code in line with the present-day realities of the oil and gas industry by allowing oil and gas exploration (geological and geophysical) costs to be expensed rather than capitalized, and by allowing delay rental lease payments to be deducted in the year in which they are paid, rather than when the oil is actually pumped. Even the Treasury Department has tacitly endorsed these proposed changes as making for sound economic and tax policy.

Taken together, these four major tax provisions will help the job-creating oil and gas sector of the economy to withstand the volatility of the international oil and gas markets. We simply must not allow our nation to become even more dependent on foreign oil. Nor can we afford to shut-down our domestic gas production capability, particularly since natural gas consumption is expected to grow rapidly in the near future, and, unlike oil, natural gas is not imported.

Mr. President, this legislation is long overdue, and I appreciate the support of Senator BREAUX and my other colleagues who are cosponsoring the bill. Most importantly, I urge my other colleagues, particularly those from non-energy producing states, to join with us in supporting this effort. America simply has too much at stake to stand by and let our domestic oil and gas industry jobs and infrastructure be lost to the whims of the world markets.•

• Mr. BREAUX. Mr. President, I am pleased to join with the distinguished Senator from the State of Texas, Senator HUTCHINSON, in introducing the Domestic Energy Production Security and Stabilization Act. I believe it is legislation all of our colleagues should support.

First, I'd like to outline the problem and then discuss how this legislation helps address it. Oil prices may be in the early stages of recovery, but over the last 17 months, a glut in the world market forced crude oil prices down to their lowest inflation-adjusted levels in

50 years. The Independent Petroleum Association of America estimates that, since November 1997, when the price of oil began to decline, more than 136,000 crude oil wells and more than 57,000 natural gas wells have been shut down.

The U.S. petroleum industry last year lost almost 30,000 jobs because of falling crude prices, according to the American Petroleum Institute's annual report. Despite the recent rise in oil prices, job losses continue. Another 3,600 jobs were lost between February and March. This brings the loss since December 1997 to about 54,400 jobs, a decline of 16 percent. In the first three months of 1999, losses amounted to about 24,000 jobs, or a drop of almost 8 percent.

Mr. President, independent producers account for almost a third of Gulf of Mexico oil production on the outer continental shelf (OCS), and almost half of natural gas production. According to the Minerals Management Service, on a per-day basis, the OCS accounts for 27 percent of the nation's natural gas production and 20 percent of the nation's crude oil production. In 1997, production on the federal OCS off Louisiana resulted in $2.9 billion or 83 percent of the $3.5 billion royalties received for all of the OCS. It is not difficult to see that as domestic production falls, so will federal royalty receipts.

And, let's not forget the thousands of jobs created in non-energy sectors to service the energy industry: computers, steel and other metals, transportation, financial and other service industries. When domestic oil and gas production increases, so does the number of jobs created in all these sectors.

This legislation will provide marginal well tax credits, alternative minimum tax relief, expensing of geological and geophysical costs and delay rental payments and other measures to encourage domestic oil and gas production. It is a safety net. The bill's provisions phase in and out as oil prices fall and rise between $17 and $14 per barrel and natural gas prices fall and rise between $1.86 and $1.56 per thousand cubic feet. It will provide a permanent mechanism to help our domestic producers cope with substantial and unexpected declines in world energy prices.

Let's examine how one aspect of this bill—marginal well production—affects this nation. A marginal well is one that producers 15 barrels of oil per day or 60,000 cubic feet of natural gas or less. Low prices hit marginal wells especially hard because they typically have low profit margins. While each well produces only a small amount, marginal wells account for almost 25 percent of the oil and 8 percent of the natural gas produced in the continental United States. The United States has more than 500,000 marginal wells that collectively produce nearly 700 million barrels of oil each year. These marginal wells contribute nearly $14 billion a year in economic activity. The marginal well industry is responsible for more than 38,000 jobs and supports thousands of jobs outside the industry.

The National Petroleum Council is a federal advisory committee to the Secretary of Energy. Its sole purpose is to advise, inform, and make recommendations to the Secretary of Energy on any matter requested by the Secretary with relating to oil and natural gas or to the oil and natural gas industries. The National Petroleum Council's 1994 Marginal Well Report said that:

> Preseving marginal wells is central to our energy security. Neither government nor the industry can set the global market price of crude oil. Therefore, the nation's internal cost structure must be relied upon for preserving marginal well contributions.

The 1994 Marginal Well Report went on to recommend a series of tax code modifications including a marginal well tax credit and expensing key capital expenditures. The Independent Petroleum Association of America estimates that as many of half the estimated 140,000 marginal wells closed in the last 17 months could be lost for good.

Mr. President, the facts speak for themselves. The U.S. share of total world crude oil production fell from 52 percent in 1950 to just 10 percent in 1997. At the same time, U.S. dependence on foreign oil has grown from 36 percent in 1973 (the time of the Arab oil embargo) to about 56 percent today. That makes the U.S. more vulnerable than ever—economically and militarily—to disruptions in foreign oil supplies. This legislation will provide a mechanism to help prevent a further decline in domestic energy production and preserve a vital domestic industry.•

• Mr. GRAMM. Mr. President, I am pleased to join Senator KAY BAILEY HUTCHISON and a number of other colleagues in the introduction of legislation which we believe will provide critically needed relief and assistance to our beleaguered domestic oil industry.

Our bill contains a number of incentives designed to increase domestic production of oil and gas. The decline in domestic oil production has resulted in the estimated loss of more than 40,000 jobs in the oil and gas industry since the crash of oil prices at the end of 1997. Our legislation will not only put people back to work, it will revitalize domestic energy production and decrease our dependence on imports.

I have sought relief for the oil and gas industry from a number of sources this year. As a member of the Senate Budget Committee, I strongly opposed the $4 billion tax which the Clinton budget proposed to levy on the oil industry. As my colleagues know, that tax is now dead.

Earlier this year I contacted Secretary of State Madeleine Albright and urged her to conduct a thorough review of our current policy which permits Iraq to sell $5.25 billion worth of oil every six months. The revenue generated from such sales is supposed to be used to purchase food and medicine but reports make it clear that Saddam Hussein has diverted these funds from their intended use and that they are being used to prop up his murderous regime. The United States should not be a party to such a counterproductive policy.

Senator HUTCHISON and I earlier this year introduced legislation which contained a series of tax law changes intended to spur marginal well production. The legislation which we introduce today contains those provisions as well as others, such as reducing the impact of the Alternative Minimum Tax (AMT) on the oil and gas industry and relaxing the existing constraints on use of the allowance for percentage depletion.

I am looking forward to working with my colleagues in an effort to enact the legislation as soon as possible.•

By Mr. McCAIN:

S. 1043. A bill to provide freedom from regulation by the Federal Communications Commission for the Internet; to the Committee on Commerce, Science, and Transportation.

THE INTERNET REGULATORY FREEDOM ACT

Mr. McCAIN. Mr. President, I rise today to introduce The Internet Regulatory Freedom Act of 1999. This legislation will help assure that the enormous benefits of advanced telecommunications services are accessible to all Americans, no matter where they live, what they do, or how much they earn.

Advanced telecommunications is a critical component of our economic and social well-being. Information technology now accounts for over one-third of our economic growth. The estimates are that advanced, high-speed Internet services, once fully deployed, will grow to a $150 billion a year market.

What this means is simple: Americans with access to high-speed Internet service will get the best of what the Internet has to offer in the way of online commerce, advanced interactive educational services, telemedicine, telecommuting, and video-on-demand. But what it also means is that Americans who don't have access to high-speed Internet service won't enjoy these same advantages.

Mr. President, Congress cannot stand idly by and allow that to happen.

Advanced high-speed data service finally gives us the means to assure that all Americans really are given a fair shake in terms of economic, social, and educational opportunities. Information

Age telecommunications can serve as a great equalizer, eliminating the disadvantages of geographic isolation and socioeconomic status that have carried over from the Industrial Age. But unless these services are available to all Americans on fair and affordable terms, Industrial Age disadvantages will be perpetuated, not eliminated, in the Information Age.

As things now stand, however, the availability of advanced high-speed data service on fair and affordable terms is seriously threatened. Currently, only 2 percent of all American homes are served by networks capable of providing high-speed data service. Of this tiny number, most get high-speed Internet access through cable modems. This is a comparatively costly service —about $500 per year —and most cable modem subscribers are unable to use their own Internet service provider unless they also buy the same service from the cable system's own Internet service provider. This arrangement puts high-speed Internet service beyond the reach of Americans not served by cable service, and limits the choices available to those who are.

If this situation is allowed to continue, many Americans who live in remote areas or who don't make a lot of money won't get high-speed Internet service anywhere near as fast as others will. And, given how critical high-speed data service is becoming to virtually every segment of our everyday lives, creating advanced Internet "haves" and "have nots" will perpetuate the very social inequalities that our laws otherwise seek to eliminate.

This need not happen. Our nation's local telephone company lines go to almost every home in America, and local telephone companies are ready and willing to upgrade them to provide advanced high-speed data service.

They are ready and willing, Mr. President, but they are not able—at least, not as fully able as the cable companies are. That's because the local telephone companies operate under unique legal and regulatory restrictions. These restrictions are designed to limit their power in the local voice telephone market, but they are mistakenly being applied to the entirely different advanced data market. And as a result, their ability to build out these networks and offer these services is significantly circumscribed.

Mr. President, it's very expensive for to build high-speed data networks. Unnecessary regulation increases this already-steep cost and thereby limits the deployment of services to people and places that might otherwise receive them—and many of them are people and places that won't otherwise be served. This legislation will get rid of this unnecessary regulation, thereby facilitating the buildout of the advanced data networks necessary to give more Americans access to high-speed Internet service at a cheaper price and with a greater array of service possibilities.

That's called "competition," Mr. President, and some people don't like it very much. AT&T, for example, owns cable TV giant TCI and its proprietary Internet service provider @Home. AT&T doesn't face the same regulatory restrictions as the telephone companies do, and AT&T will fight furiously to retain these restrictions so that it can continue to enjoy the "first-move" advantage it now has in the market for high-speed Internet service. So will other local telephone company competitors such as MCI/Worldcom, many of whom, like AT&T, prefer gaming the regulatory process to competing in the marketplace.

They're right about one thing, Mr. President—competition sure isn't nice. It's tough. Some companies win, and some companies lose. But the important thing to me is this: with competition, consumers win.

The 1996 Telecommunications Act effectively nationalized telephone industry competition. That's one of the many reasons I voted against it. As subsequent events have shown, the Act has been a complete and utter failure insofar as most Americans are concerned. All the average consumer has gotten are higher prices for many existing services, with little or no new competitive offerings. Most of the advantages have accrued to gigantic, constantly-merging telecommunications companies and the big business customers they serve.

Mr. President, we must not let this misguided law produce the same misbegotten results when it comes to making high-speed data services available and affordable to all Americans. The service is too important, and the stakes are too high.

Even the former Soviet Union managed to recognize that centralized planning was a flat failure, and abandoned it decades ago. It's time we started doing the same with centralized competition planning under the 1996 Act, and advanced data services are the best place to start. Unfettered competition, not federally-micromanaged regulation, is the best way of making sure that high-speed data services will be widely available and affordable. That's what I want, that's what consumers deserve, and that's what this legislation will do.

The first is the fact that the high-speed cable modem service being rolled out by AT&T on many of the nation's cable television systems favors its own proprietary Internet service provider, which limits consumer choice. Although AT&T's cable customers can access AOL or other Internet service providers of their own choice, they must first pass through, and pay for, AT&T's own Internet service provider, @Home. The fact that it typically costs around $500 a year to subscribe to @Home is a big disincentive to paying even more to access another service provider.

The second problem is every bit as troubling. Even though cable subscribers have only limited choice in accessing high-speed Internet service, 98 percent of Americans are even worse off, because they aren't served by any network that can carry high-speed Internet services.

Obviously, Mr. President, telephone networks serve almost everybody, and the large telephone companies very much want to convert their networks and make these services available to subscribers who might not otherwise get them, especially in rural and low-income areas, and also provide competitive alternatives for AT&T's cable modem subscribers. But, although AT&T can roll out cable modem service in a virtually regulation-free environment, federal regulation significantly impedes the ability of telephone companies to do the same thing.

Mr. President, this is blatantly unfair to the telephone companies—but that's not the worst of it. The benefits of business development, employment, and economic growth will go where the advanced data networks go. If these benefits go to urbanized, high-income areas first, the resulting disparities may well be difficult, if not impossible, to equalize.

Mr. President, I ask unanimous consent the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1043

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Internet Regulatory Freedom Act of 1999".

SECTION 2. PURPOSE.

The purpose of this Act is to eliminate unnecessary regulation that impedes making advanced Internet service available to all Americans at affordable rates.

SECTION 3. PROVISIONS OF INTERNET SERVICES.

Part I of title II of the Communications Act of 1934 (47 U.S.C. 201 et seq.) is amended by adding at the end thereof the following:

"SEC. 231. PROVISION OF INTERENT SERVICES.

"(a) POLICY.—Since Internet services are inherently interstate in nature, it is the policy of the United States to assure that all Americans have the opportunity to benefit from access to advanced Internet service at affordable rates by eliminating regulation that impedes the competitive deployment of advanced broadband data networks.

"(b) FREEDOM FROM REGULATION; LIMITATIONS ON COMMISSION'S AUTHORITY.—Notwithstanding any other provision, including section 271, of this Act, nothing in this Act applies to, or grants authority to Commission with respect to—

"(1) the imposition of wholesale discount obligations on bulk offerings of advanced services to providers of Internet services or telecommunications carriers under section

251(c)(4), or the duty to provide as network elements, under section 251(c)(3), the facilities and equipment used exclusively to provide Internet services;

"(2) technical standards or specifications for the provisions of Internet services; or

"(3) the provision of Internet services.

"(c) INTERNET SERVICES DEFINED.—In this section, the term 'Internet services' means services, other than voice-only telecommunication services, that consist of, or include—

"(1) the transmission of writing, signs, signals, pictures, or sounds by means of the Internet or any other network that includes Internet protocol-based or other packet-switched or equivalent technology, including the facilities and equipment exclusively used to provide those services; and

"(2) the transmission of data between a user and the Internet or such other network.

"(d) ISP NOT A PROVIDER OF INTRASTATE COMMUNICATION SERVICES.—A provider of Internet services may not be considered to be a carrier providing intrastate communication service described in section 2(b)(1) because it provides Internet services.".

By Mr. KENNEDY:

S. 1044. A bill to require coverage for colorectal cancer screenings; to the Committee on Health, Education, Labor, and Pensions.

THE ELIMINATE COLORECTAL CANCER ACT OF 1999

• Mr. KENNEDY. Mr. President, today we are introducing a bill that will require all private insurers to provide coverage for screening tests for colorectal cancer. More than 56,000 Americans die from colon cancer each year and we know that the vast majority of these tragedies could have been prevented by early detection and treatment.

Millions of Americans are at risk of contracting colon cancer during their lifetime. Persons over age 50 are particularly vulnerable, and so are family members of those who have had this illness. Effective treatments are well-established for this disease, but it must be detected early in order for the treatment to be successful.

Unfortunately, fewer than 20 percent of Americans take advantage of the routine screening tests that can identify those who have the disease or who are at risk. Too many physicians fail to recommend or even mention it. The cost of screening those at risk is minor compared to the savings gained by reducing the overall costs of treatment, suffering, lost productivity, and premature death.

As many colon cancer survivors have told us, early recognition and treatment are essential to winning this battle. Over 90% of people who have been diagnosed as a result of these screening tests and then treated for this cancer have resumed active and productive lives.

People on Medicare already have the right to these screening tests. The legislation we are introducing today will extend the same benefit to everyone else who has private insurance coverage. Under our proposal, coverage for screening tests will be available to anyone over age 50, and also to younger persons who are at risk for the disease or who have specific symptoms. The type of tests and frequency of tests would be determined by the doctor and the patient. This is a very reasonable and cost-effective measure that is essential to prevent thousands of unnecessary deaths.

Our bill has already received support and endorsements from all the major gastrointestinal professional organizations, the American Cancer Society, the American Gastroenterological Association, the Cancer Research Foundation of America, the American Society for Gastrointestinal Endoscopy, the American Society of Colon and Rectal Surgeons, STOP Colon and Rectal Cancer Foundation, the United Ostomy Association, the Colon Cancer Alliance, Cancer Care, Inc., and the American Association of Homes and Services for the Aging.

A companion bill is being introduced in the House with the bipartisan leadership of my respected colleagues, Congresswomen LOUISE SLAUGHTER and CONNIE MORELLA. They have rightly emphasized that this disease is one that affects women as much as men. I look forward to working with them and my colleagues here in the Senate to get this very important protective legislation passed.•

By Mr. CHAFEE (for himself, Mr. BAUCUS, Mr. GRASSLEY, Mr. ROCKEFELLER, Mr. BREAUX, Mr. KERREY, and Mr. ROBB):

S. 1045. A bill to amend the Internal Revenue Code of 1986 to impose an excise tax on persons who acquire structured settlement payments in factoring transactions, and for other purposes; to the Committee on Finance.

STRUCTURED SETTLEMENT PROTECTION ACT

Mr. CHAFEE. Mr. President, today I am introducing the Structured Settlement Protection Act, together with Senators BAUCUS, GRASSLEY, ROCKEFELLER, BREAUX, and KERREY of Nebraska. Companion legislation has been introduced in the House as H.R. 263, sponsored by Representatives CLAY SHAW and PETE STARK and a broad bipartisan group of Members of the House Ways and Means Committee.

The Act protects structured settlements and the injured victims who are the recipients of the structured settlement payments from the problems caused by a growing practice known as structured settlement factoring.

Structured settlements were developed because of the pitfalls associated with the traditional lump sum form of recovery in serious personal injury cases. All too often a lump sum meant to last for decades or even a lifetime swiftly eroded away. Structured settlements have proven to be a very valuable tool. They provide long-term financial security in the form of an assured stream of payments to persons suffering serious, often profoundly disabling, physical injuries. These payments enable the recipients to meet ongoing medical and basic living expenses without having to resort to the social safety net.

Congress has adopted special tax rules to encourage and govern the use of structured settlements in physical injury cases. By encouraging the use of structured settlements Congress sought to shield victims and their families from pressures to prematurely dissipate their recoveries. Structured settlement payments are non-assignable. This is consistent with worker's compensation payments and various types of federal disability payments which are also non-assignable under applicable law. In each case, this is done to preserve the injured person's long-term financial security.

I am very concerned that in recent months there has been sharp growth in so-called structured settlement factoring transactions. In these transactions, companies induce injured victims to sell off future structured settlement payments for a steeply-discounted lump sum, thereby unraveling the structured settlement and the crucial long-term financial security that it provides to the injured victim. These factoring company purchases directly contravene the intent and policy of Congress in enacting the special structured settlement tax rules. The Treasury Department shares these concerns and has included a similar proposal in the Administration's FY 2000 budget.

An article in the January 25 issue of U.S. News & World Report highlights the growing problem of structured settlement purchases. Orion Olson was bitten by a dog when he was three years old. The dog bite caused him vision and neurological problems. The settlement resulting from his lawsuit called for Mr. Olson to receive $75,000 in periodic payments once he turned 18. Unfortunately, Mr. Olson was lured into selling his payments for a lump sum payment of $16,100. Within six months this money was gone and Mr. Olson was living in a car.

Last year, the National Spinal Cord Injury Association wrote to the Chairman of the Finance Committee strongly supporting the legislation. They stated: [o]ver the past 16 years, structured settlements have proven to be an ideal method for ensuring that persons with disabilities, particularly minors, are not tempted to squander resources designed to last years or even a lifetime. That is why the National Spinal Cord Injury Association is so deeply concerned about the emergence of companies that purchase payments intended for disabled persons at drastic discount. This strikes at the heart of the security Congress intended when it created structured settlements."

The legislation we are introducing would impose a substantial penalty tax on a factoring company that purchases the structured settlement payments from the injured victim. This is a penalty, not a tax increase. Similar penalties are imposed in a variety of other contexts in the Internal Revenue Code to discourage transactions that undermine Code provisions, such as private foundation prohibited transactions and greenmail. The factoring company would pay the penalty only if it engages in the transaction that Congress has sought to discourage. An exception is provided for genuine court-approved hardship cases to protect the limited instances where a true hardship warrants the sale of future structured settlement payments.

This bipartisan legislation, which is supported by the Treasury Department, should be enacted as soon as possible to stem this growing nationwide problem.

Mr. President, I ask unanimous consent that a copy of the bill, a summary of the legislation and the article from U.S. News & World Report be printed in the RECORD.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

S. 1045

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the "Structured Settlement Protection Act".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 2. IMPOSITION OF EXCISE TAX ON PERSONS WHO ACQUIRE STRUCTURED SETTLEMENT PAYMENTS IN FACTORING TRANSACTIONS.

Subtitle E is amended by adding at the end the following new chapter:

"CHAPTER 55—STRUCTURED SETTLEMENT FACTORING TRANSACTIONS

"Sec. 5891. Structured settlement factoring transactions.

"SEC. 5891. STRUCTURED SETTLEMENT FACTORING TRANSACTIONS.

"(a) IMPOSITION OF TAX.—There is hereby imposed on any person who acquires directly or indirectly structured settlement payment rights in a structured settlement factoring transaction a tax equal to 50 percent of the factoring discount as determined under subsection (c)(4) with respect to such factoring transaction.

"(b) EXCEPTION FOR COURT-APPROVED HARDSHIP.—The tax under subsection (a) shall not apply in the case of a structured settlement factoring transaction in which the transfer of structured settlement payment rights is—

"(1) otherwise permissible under applicable law, and

"(2) undertaken pursuant to the order of the relevant court or administrative authority finding that the extraordinary, unanticipated, and imminent needs of the structured settlement recipient or the recipient's spouse or dependents render such a transfer appropriate.

"(c) DEFINITIONS.—For purposes of this section—

"(1) STRUCTURED SETTLEMENT.—The term 'structured settlement' means an arrangement—

"(A) established by—

"(i) suit or agreement for the periodic payment of damages excludable from the gross income of the recipient under section 104(a)(2), or

"(ii) agreement for the periodic payment of compensation under any workers' compensation act that is excludable from the gross income of the recipient under section 104(a)(1), and

"(B) where the periodic payments are—

"(i) of the character described in subparagraphs (A) and (B) of section 130(c)(2), and

"(ii) payable by a person who is a party to the suit or agreement or to the workers' compensation claim or by a person who has assumed the liability for such periodic payments under a qualified assignment in accordance with section 130.

"(2) STRUCTURED SETTLEMENT PAYMENT RIGHTS.—The term 'structured settlement payment rights' means rights to receive payments under a structured settlement.

"(3) STRUCTURED SETTLEMENT FACTORING TRANSACTION.—The term 'structured settlement factoring transaction' means a transfer of structured settlement payment rights (including portions of structured settlement payments) made for consideration by means of sale, assignment, pledge, or other form of encumbrance or alienation for consideration.

"(4) FACTORING DISCOUNT.—The term 'factoring discount' means an amount equal to the excess of—

"(A) the aggregate undiscounted amount of structured settlement payments being acquired in the structured settlement factoring transaction, over

"(B) the total amount actually paid by the acquirer to the person from whom such structured settlement payments are acquired.

"(5) RELEVANT COURT OR ADMINISTRATIVE AUTHORITY.—The term 'relevant court or administrative authority' means—

"(A) the court (or where applicable, the administrative authority) which had jurisdiction over the underlying action or proceeding that was resolved by means of the structured settlement, or

"(B) in the event that no action or proceeding was brought, a court (or where applicable, the administrative authority) which—

"(i) would have had jurisdiction over the claim that is the subject of the structured settlement, or

"(ii) has jurisdiction by reason of the residence of the structured settlement recipient.

"(d) COORDINATION WITH OTHER PROVISIONS.—

"(1) IN GENERAL.—In any case where the applicable requirements of sections 72, 130, and 461(h) were satisfied at the time the structured settlement was entered into, the subsequent occurrence of a structured settlement factoring transaction shall not affect the application of the provisions of such sections to the parties to the structured settlement (including an assignee under a qualified assignment under section 130) in any taxable year.

"(2) REGULATIONS.—The Secretary is authorized to prescribe such regulations as may be necessary to clarify the treatment in the event of a structured settlement factoring transaction of amounts received by the structured settlement recipient."

SEC. 3. TAX INFORMATION REPORTING OBLIGATIONS.

Subpart B of part III of subchapter A of chapter 61 is amended by adding at the end the following new section:

"SEC. 6050T. REPORTING REQUIREMENTS REGARDING STRUCTURED SETTLEMENT FACTORING TRANSACTIONS.

"(a) IN GENERAL.—In the case of a transfer of structured settlement payment rights in a structured settlement factoring transaction—

"(1) described in section 5891(b) and of which the person making the structured settlement payments has actual notice and knowledge, such person shall make such return and furnish such written statement to the acquirer of the structured settlement payment rights as would be applicable under the provisions of section 6041 (except as provided in subsection (c) of this section), or

"(2) subject to tax under section 5891(a) and of which the person making the structured settlement payments has actual notice and knowledge, such person shall make such return and furnish such written statement to the acquirer of the structured settlement payment rights at such time, and in such manner and form, as the Secretary shall by regulations prescribe.

"(b) COORDINATION WITH OTHER PROVISIONS.—The provisions of this section shall apply in lieu of any other provisions of this part to establish the reporting obligations of the person making the structured settlement payments in the event of a structured settlement factoring transaction. The provisions of section 3405 regarding withholding shall not apply to the person making the structured settlement payments in the event of a structured settlement factoring transaction.

"(c) DEFINITION.—For purposes of this section, the term 'acquirer of the structured settlement payment rights' shall include any person described in section 7701(a)(1)."

SEC. 4. EFFECTIVE DATE.

The amendments made by this Act shall be effective with respect to structured settlement factoring transactions (as defined in section 5891(c)(3) of the Internal Revenue Code of 1986, as added by this Act) occurring after the date of enactment of this Act.

SUMMARY OF THE STRUCTURED SETTLEMENT PROTECTION ACT

I. STRINGENT EXCISE TAX ON PERSONS WHO ACQUIRE STRUCTURED SETTLEMENT PAYMENTS IN FACTORING TRANSACTIONS

Factoring company purchases of structured settlement payments so directly subvert the Congressional policy underlying structured settlements and raise such serious concerns for the injured victims that it is appropriate to impose a stringent excise tax against the amount of the discount reflected in the factoring transaction (subject to a limited exception described below for genuine court-approved hardships). Accordingly, the Act would impose on the factoring company that acquires structured settlement payments directly or indirectly from the injured victim an excise tax equal to 50 percent of the difference between (i) the total amount of the structured settlement payments purchased by the factoring company, and (ii) the heavily-discounted lump sum paid by the factoring company to the injured victim.

Similar to the stiff excise taxes imposed on prohibited transactions in the private foundation and pension contexts—which can range as high as 100 to 200 percent—this stringent excise tax is necessary to address the very serious public policy concerns raised by structured settlement factoring transactions.

The excise tax under the Act would apply to the factoring of structured settlements in tort cases and in workers' compensation. A structured settlement factoring transaction subject to the excise tax is broadly defined under the Act as a transfer of structured settlement payment rights (including portions of payments) made for consideration by means of sale, assignment, pledge, or other form of alienation or encumbrance for consideration.

2. EXCEPTION FROM EXCISE TAX FOR GENUINE, COURT-APPROVED HARDSHIP

The stringent excise tax would be coupled with a limited exception for genuine, court-approved financial hardship situations. The excise tax would apply to factoring companies in all structured settlement factoring transactions except those in which the transfer of structured settlement payment rights (1) is otherwise permissible under applicable Federal and State law and (2) is undertaken pursuant to the order of a court (or where applicable, an administrative authority) finding that the extraordinary, unanticipated, and imminent needs of the structured settlement recipient or his or her spouse or dependents render such a transfer appropriate.

This exception is intended to apply to the limited number of cases in which a genuinely extraordinary, unanticipated, and imminent hardship has actually arisen and been demonstrated to the satisfaction of a court (e.g., serious medical emergency for a family member). In addition, as a threshold matter, the transfer of structured settlement payment rights must be permissible under applicable law, including State law. The hardship exception under this legislation is not intended to override any Federal or State law prohibition or restriction on the transfer of the payment rights or to authorize factoring of payment rights that are not transferable under Federal or State law. For example, the States in general prohibit the factoring of workers' compensation benefits. In addition, State laws often prohibit or directly restrict transfers of recoveries in various types of personal injury cases, such as wrongful death and medical malpractice.

The relevant court for purposes of the hardship exception would be the original court which had jurisdiction over the underlying action or proceeding that was resolved by means of the structured settlement. In the event that no action had been brought prior to the settlement, the relevant court would be that which would have had jurisdiction over the claim that is the subject of the structured settlement or which would have jurisdiction by reason of the residence of the structured settlement recipient. In those limited instances in which an administrative authority adjudicates, resolves, or otherwise has primary jurisdiction over the claim (e.g., the Vaccine Injury Compensation Trust Fund), the hardship matter would be the province of that applicable administrative authority.

3. NEED TO PROTECT TAX TREATMENT OF ORIGINAL STRUCTURED SETTLEMENT

In the limited instances of extraordinary and unanticipated hardship determined by court order to warrant relief under the hardship exception, adverse tax consequences should not be visited upon the other parties to the original structured settlement. In addition, despite the anti-assignment provisions included in the structured settlement agreements and the applicability of a stringent excise tax on the factoring company, there may be a limited number of non-hardship factoring transactions that still go forward. If the structured settlement tax rules under I.R.C. Sections 72, 130 and 461(h) had been satisfied at the time of the structured settlement, the original tax treatment of the other parties to the settlement—i.e., the settling defendant (and its liability insurer) and the Code section 130 assignee—should not be jeopardized by a third party transaction that occurs years later and likely unbeknownst to these other parties to the original settlement.

Accordingly, the Act would clarify that if the structured settlement tax rules under I.R.C. Sections 72, 130, and 461(h) had been satisfied at the time of the structured settlement, the section 130 exclusion of the assignee, the section 461(h) deduction of the settling defendant, and the Code section 72 status of the annuity being used to fund the periodic payments would remain undisturbed. That is, the assignee's exclusion of income under Code section 130 arising from satisfaction of all of the section 130 qualified assignment rules at the time the structured settlement was entered into years earlier would not be challenged. Similarly, the settling defendant's deduction under Code section 461(h) of the amount paid to the assignee to assume the liability would not be challenged. Finally, the status under Code section 72 of the annuity being used to fund the periodic payments would remain undisturbed.

The Act provides the Secretary of the Treasury with regulatory authority to clarify the treatment of a structured settlement recipient who engages in a factoring transaction. This regulatory authority is provided to enable Treasury to address issues raised regarding the treatment of future periodic payments received by the structured settlement recipient where only a portion of the payments has been factored away, the treatment of the lump sum received in a factoring transaction qualifying for the hardship exception, and the treatment of the lump sum received in the non-hardship situation. It is intended that where the requirements of section 130 are satisfied at the time the structured settlement is entered into, the existence of the hardship exception to the excise tax under the Act shall not be construed as giving rise to any concern over constructive receipt of income by the injured victim at the time of the structured settlement.

4. TAX INFORMATION REPORTING OBLIGATIONS WITH RESPECT TO A STRUCTURED SETTLEMENT FACTORING TRANSACTION

The Act would clarify the tax reporting obligations of the person making the structured settlement payments in the event that a structured settlement factoring transaction occurs. The Act adopts a new section of the Code that is intended to govern the payor's tax reporting obligations in the event of a factoring transaction.

In the case of a court-approved transfer of structured settlement payments of which the person making the payments has actual notice and knowledge, the fact of the transfer and the identity of the acquirer clearly will be known. Accordingly, it is appropriate for the person making the structured settlement payments to make such return and to furnish such tax information statement to the new recipient of the payments as would be applicable under the annuity information reporting procedures of Code section 6041 (e.g., form 1099-R), because the payor will have the information necessary to make such return and to furnish such statement.

Despite the anti-assignment restrictions applicable to structured settlements and the applicability of a stringent excise tax, there may be a limited number of non-hardship factoring transactions that still go forward. In these instances, if the person making the structured settlement payments has actual notice and knowledge that a structured settlement factoring transaction has taken place, the payor would be obligated to make such return and to furnish such written statement to the payment recipient at such time, and in such manner and form, as the Secretary of the Treasury shall by regulations provide. In these instances, the payor may have incomplete information regarding the factoring transaction, and hence a tailored reporting procedure under Treasury regulations is necessary.

The person making the structured settlement payments would not be subject to any tax reporting obligation if that person lacked such actual notice and knowledge of the factoring transaction. Under the Act, for purposes of the reporting obligations, the term acquirer of the structured settlement payment rights" would be broadly defined to include an individual, trust, estate, partnership, company, or corporation.

The provisions of section 3405 regarding withholding would not apply to the person making the structured settlement payments in the event that a structured settlement factoring transaction occurs.

5. EFFECTIVE DATE

The provisions of the Act would be effective with respect to structured settlement factoring transactions occurring after the date of enactment of the Act.

[From U.S. News & World Report, Jan. 25, 1999]

SETTLING FOR LESS

SHOULD ACCIDENT VICTIMS SELL THEIR MONTHLY PAYOUTS?

(By Margaret Mannix)

Orion Olson has had his share of hard knocks. When he was a 3 year old, a dog bite caused him vision and neurological problems, as well as injuries requiring plastic surgery. In his teens, he dropped out of high school and wound up homeless. But he had hope. On his 18th birthday, the Minneapolis man was to start receiving the first of five periodic payments totaling $75,000 from a lawsuit stemming from the dog attack. He received the first installment of $7,500, but the money didn't last long.

So when Olson saw a television ad for a finance company named J. G. Wentworth & Co. that provided cash to accident victims, he saw a way to get his life back on track. He agreed to sell his remaining future payments of $67,500 to Wentworth for a lump sum of $16,100. "I needed money," says Olson, now 20 years old. "If I could get the money out like they were saying on TV, I wouldn't have to worry about being on the street anymore." Within six months, however, Olson had spent all the money and was living in a car. He now wishes he had waited for his regular payments.

Olson may be financially unsophisticated, but he is also caught up in a burgeoning, and unregulated, new industry that specializes in converting periodic payments into fast cash. Also known as factoring companies, these firms can be a godsend to accident victims, lottery winners, and others who have guaranteed future incomes but need immediate funds. But like a modern-day Esau trading his inheritance for a bowl of soup, the unwary consumer may be selling future sustenance for cheap. A growing number of federal and state legislators, as well as several attorneys general, contend that factoring companies charge usurious interest rates, fail to properly disclose terms, and take advantage of desperate people. "It's unconscionable," says Minnesota Attorney General Mike Hatch. "They are really preying upon the vulnerable."

Frittering away. Critics further allege that factoring companies undermine the very law that Congress passed to help beneficiaries of large damage awards. In 1982, seeking to prevent accident victims from frittering away large sums intended to provide for them over their lifetimes, Congress instituted tax breaks for those who agreed to receive their money over a period of years. But now, contends Montana Sen. Max Baucus, a sponsor of that legislation, the careful planning that goes into the structuring of these payments "can be unraveled in an instant by a factoring company offering quick cash at a steep discount."

A number of advanced-funding companies compete for their share of future payments that include more than $5 billion in structured settlements awarded each year. The largest buyer is Wentworth, handling an estimated half of all such transactions. Based in Philadelphia, the firm began by financing nursing homes and long-term care facilities. In 1992 it started buying settlements that auto-accident victims were owed by the state of New Jersey. Since then, Wentworth has completed more than 15,000 structured-settlement transactions with an approximate total value of $370 million.

The deals work like this: A structured-settlement recipient who wants to sell, say, $50,000 in future payments, will not get a limp sum of $50,000. That's because, as a result of inflation, money schedule to be paid years from now is worth less today. Formulas based on such factors as inflation and the date that payments begin are used to determine the "present value" of the future payments. The seller is, in essence, borrowing a lump sum that is paid back with the insurance company payments. The interest on the borrowed sum is called the "discount rate."

Wentworth and other advanced-funding companies say they are providing a valuable service because structured settlements have a basic flaw: They are not flexible. Consumer needs change, they note, and a fixed monthly payment does not. Wentworth points to an Ohio woman who sold the company a $500 portion of her monthly payments for six years when her bills were piling up and her home mortgage was about to be foreclosed. She received instant cash of $21,000, at a discount rate of 15.8 percent. The customer, who did not wish to be identified, says she is grateful to Wentworth for advancing her the money when her insurance company would not. "The insurance companies just don't understand," she says, "When I needed their help, they were not there." Likewise, a New York quadriplegic, who also did not want to be named, says he secured funds from Wentworth at a 12 percent discount rate to expand his won business and, as a result, is more successful than ever. "It was definitely worth it for me," he ways.

But other customers are not as satisfied. New York City resident Raymond White lost part of one leg when we has struck by a subway train in 1990. A lawsuit led to a settlement that guaranteed White a monthly payment of $1,100, with annual cost-of-living increases of 3 percent. In 1996, White, who did not have a job, wanted cash to buy a car and pay medical bills. So he turned to Wentworth, selling portions of his monthly payments for the next 15 years in six different transactions.

Altogether White gave up future payments totaling $198,000. He received a total of $54,000 in return, but the money, which he used for living expenses, is now gone. He bought a car, but it has been repossessed. He bought a plot of land in Florida, but lost it to foreclosure. With debts mounting, he now relies partially on public assistance to get by. "Unfortunately I was so overwhelmed with debt and striving for a better life that I went along with it," says White. "In reality, what I was doing was accumulating more debt for myself."

Some Wentworth customers say they might have realized the repercussions of their transactions had the contracts been clearer about the long-term costs. Jerry Magee of Magnolia, Miss., who has filed a class action suit against the company, is one of them. In a mortgage contract, for instance, lending laws require that consumers see their interest rate and the total amount of money they will be paying over the life of the loan. By contrast, Magee's lawyer says, neither the effective interest rate nor the total amount of the transaction was clearly spelled out in the 13-page contract or in the 25 other documents Wentworth required him to sign. Wentworth says it has been revising its documents to make them easier to understand.

Change of address. While the factoring transaction itself is complex, the transfer of payments is simple. The structured settlement recipient instructs the insurance company to change his or her address to that of the factoring company. The check remains in the recipient's name, and the factoring company uses a power of attorney, granted by the recipient, to cash it.

This roundabout method is used because insurance companies say structured payments should not be sold. Most settlement contracts specify that payments cannot be "assigned," and the Internal Revenue Service says that payments "cannot be accelerated, deferred, increased or decreased." Selling payments, the insurance companies say, amounts to accelerating them. And that may threaten the claimant's tax break. Insurance companies say that if their annuitants start selling their payments, the social good that justifies the tax break disappears. Ironically, they make this argument even though some insurance companies themselves are not making counteroffers to factoring companies, accelerating payments to their own claimants. Berkshire Hathaway Life Insurance Co., for example, recently offered a claimant a lump sum of $59,000, beating Wentworth's offer of $45,000. The IRS has not formally addressed the tax issues, but the U.S. Department of the Treasury has recommended a tax on factoring transactions to discourage them.

Insurance companies also worry about having to pay twice. Last year, a judge ruled an insurance company was obligated to pay a workers' compensation recipient his monthly payments because the factoring transaction he entered into was invalid under Florida's workers' compensation statute. For their part, the factoring companies argue that even though the claimants do not own the annuities—the insurance companies do—the factoring companies can buy the "right to receive" the payments.

Insurance companies are getting wise to these factoring deals—CNA, a Chicago-based insurer, noticed that annuitants from all over the country were changing their addresses to Wentworth's Philadelphia post office box—and some are trying to stop the transactions. Some insurance companies, for example, refuse to honor change-of-address requests or redirect the payments back to the annuitant after the deal is done. But redirecting a payment can cause serious consequences for the claimant. In Wentworth's case, the company has each customer sign a clause called a "confession of judgment," which allows the factoring company to sue customers quickly for default when their payments are not received; customers also waive the right to defend themselves.

Christopher Hicks, a 20-year-old accident victim from Oklahoma City, learned the effects of that clause the hard way. In 1997, Hicks signed over to Wentworth half of his $2,000 monthly payments for the next 32 months and $1,500 for the 26 months after that. In exchange, Hicks received $37,500, which he admits he quickly spent on furniture, clothes, and other items. When Wentworth failed to receive a check from the insurance company that pays Hicks the annuity, it secured a judgment against him for the entire amount of the deal—$71,000.

No clue. To collect, Wentworth garnisheed Metropolitan Life, meaning that Metropolitan Life was supposed to start sending Hicks's monthly checks to Wentworth. It did not—the company won't say why—and Hicks, who was supposed to be getting $1,000 back from Wentworth, was left with nothing. "When the money stopped, I had no clue what was going on," says Hicks, who had to rely on family and friends until the two companies settled their differences in court. Hicks now wishes he had never gotten involved with Wentworth. "They make you think you are doing the right thing in the long run," says Hicks, "but you are really messing up your life."

Wentworth makes liberal use of confession-of-judgment clauses even though they are illegal in consumer transactions in the company's home state of Pennsylvania. The Federal Trade Commission also bans the clauses as an unfair practice in consumer-credit transactions. The clauses are allowable in business transactions in Pennsylvania if they are accompanied by a statement of business purpose. So in each case Wentworth certifies that the agreements "were not entered into for family, personal, or household purposes."

Such language is used in affidavits despite cases like that of Davinia Willis, a 24-year-old resident of Richmond, Calif., who entered into a transaction with Wentworth in 1996 to stop her house from being foreclosed upon and to repair wheelchair ramps—clearly, she says, personal uses. In a class action lawsuit against the company, she cites the confession of judgment as one reason why the contract is "illegal, usurious, and unconscionable." Wentworth says the clauses are necessary to keep its customers from reneging on their agreements.

In the end, the controversy over factoring companies comes down to a fundamental disagreement over the definition of their business. The factoring companies say they are not subject to usury or consumer-credit disclosure laws because they are not, in fact, lenders. "We don't make loans," declares Andrew Hillman, Wentworth's general counsel. "We buy assets." But some state attorneys general say these transactions differ very little, if at all, from loans and perhaps should be classified as such. That way, says Shirley Sarna, chief of the New York attorney general's consumer fraud and protection bureau, the law could prevent factoring companies from charging discount rates that she says in some cases have exceeded 75 percent. Wentworth says its average rate is 16 percent, and several factoring companies insist their rates would be much lower if insurance companies did not make it expensive from them to complete the deals. "By getting the insurance companies to process the address changes, it would overnight transform our discount rates from high teens to the single digits," says Jeffrey Grieco, managing director of Stone Street Capital, an advanced-funding firm in Bethesda, Md.

Who is right and who is wrong is being hammered out in courtrooms and statehouses across the country. The insurance companies were heartened last summer when a Kentucky judge denied four of Wentworth's garnishment actions, saying the purchase agreements the customers signed were neither valid nor legal. But other courts have ruled differently.

In Illinois, a new state law says that structured settlements can be sold as long as a judge approves the transaction. Wentworth notes that more than 100 such sales have been approved. At the same time, several state attorneys general are examining the factoring industry's practices. "You have got to worry about people who have a debilitating injury," says Joseph Goldberg, senior deputy attorney general for Pennsylvania. "The injury is never going away and they have no real means of income and probably no means of employment. . . . If they give that monthly payment up, it could have serious consequences." Voicing similar concerns, disability groups like the National Spinal Cord Injury Association, which now refuses to accept factoring companies' advertisements in its magazine, are warning members about the hazards of cashing out. The association is "deeply concerned about the emergency of companies that purchase payments intended for disabled persons at a drastic discount," says its executive director, Thomas Countee.

While opinions are divided about the validity of factoring transactions, both sides agree that regulation of the secondary market is necessary. As in Illinois, Connecticut and Kentucky have passed laws requiring a judge's approval of advanced-funding deals, as well as fuller disclosure of costs. Faced with mounting criticism, Wentworth this week will announce its pledge to submit every request for purchase of a settlement to a court for approval. Other states are expected to address the issue this year, and in Congress, Rep. Clay Shaw, a Florida Republican, has reintroduced a measure that would tax factoring transactions.

The factoring companies respond to all these efforts by also calling for better disclosure from the primary market—the insurance companies, attorneys, and brokers that set up the structured settlements in the first place. Factoring companies argue that structured settlements are not always as generous as they are represented to be. "We challenge insurance companies and their brokers to take the same pledge," said Michael Goodman, Wentworth's executive vice president.

Whatever the outcome of the debate, consumers thinking about selling their future payments are well advised to take a hard look at what they are getting into.

• Mr. BAUCUS. Mr. President, I am pleased to join today with Senator CHAFEE and a bipartisan group of our colleagues from the Finance Committee in introducing the Structured Settlement Protection Act.

Companion legislation has been introduced in the House (H.R. 263) by Representatives CLAY SHAW and PETE STARK. The House legislation is cosponsored by a broad bipartisan group of Members of the House Ways and Means Committee.

The Treasury Department supports this bipartisan legislation

I speak today as the original Senate sponsor of the structured settlement tax rules that Congress enacted in 1982. I rise because of my very grave concern that the recent emergence of structured settlement factoring transactions—in which favoring companies buy up the structured settlement payments from injured victims in return for a deeply-discounted lump sum—complete undermines what Congress intended when we enacted these structured settlement tax rules.

In introducing the original 1982 legislation, I pointed to the concern over the premature dissipation of lump sum recoveries by seriously-injured victims and their families:

> In the past, these awards have typically been paid by defendants to successful plaintiffs in the form of a single payment settlement. This approach has proven unsatisfactory, however, in many cases because it assumes that injured parties will wisely manage large sums of money so as to provide for their lifetime needs. In fact, many of these successful litigants, particularly minors, have dissipated their awards in a few years and are then without means of support. [CONGRESSIONAL RECORD (daily ed.) 12/10/81, at S15005.]

I introduced the original legislation to encourage structured settlements because they provide a better approach, as I said at the time: "Periodic payment settlements, on the other hand, provide plaintiffs with a steady income over a long period of time and insulate them from pressures to squander their awards." (Id.)

Thus, our focus in enacting these tax rules in section 104(a)(2) and 130 of the Internal Revenue Code was to encourage and govern the use of structured settlements in order to provide long-term financial security to seriously-injured victims and their families and to insulate them from pressures to squander their awards.

Over the almost two decades since we enacted these tax rules, structured settlements have proven to be a very effective means of providing long-term financial protection to persons with serious, long-term physical injuries through an assured stream of payments designed to meet the victim's ongoing expenses for medical care, living, and family support. Structured settlements are voluntary agreements reached between the parties that are negotiated by counsel and tailored to meet the specific medical and living needs of the victim and his or her family, often with the aid of economic experts. This process may be overseen by the court, particularly in minor's cases. Often, the structured settlement payment stream is for the rest of the victim's life to ensure that future medical expenses and the family's basic living needs will be met and that the victim will not outlive his or her compensation.

I now find that all of this careful planning and long-term financial security for the victim and his or her family can be unraveled in an instant by a factoring company offering quick cash at a steep discount. What happens next month or next year when the lump sum from the factoring company is gone, and the stream of payments for future financial support is no longer coming in? These structured settlement factoring transactions place the injured victim in the very predicament that the structured settlement was intended to avoid.

Court records show that across the country factoring companies are buying up future structured settlement payments from persons who are quadriplegic, paraplegic, have traumatic brain injuries or other grave injuries. That is why the National Spinal Cord Injury Association and the American Association of Persons With Disabilities (AAPD) actively support the legislation we are introducing today. The National Spinal Cord Injury Association stated in a recent letter to Chairman ROTH of the Finance Committee that the Spinal Cord Injury Association is "deeply concerned about the emergency of companies that purchase payments intended for disabled persons at drastic discount. This strikes at the heart of the security Congress intended when it created structured settlements."

As a long-time supporter of structured settlements and an architect of the Congressional policy embodied in the structured settlement tax rules, I cannot stand by as this structured settlement factoring problem continues to mushroom across the country, leaving injured victims without financial means for the future and forcing the injured victims onto the social safety net—precisely the result that we were seeking to avoid when we enacted the structured settlement tax rules.

Accordingly, I am pleased to join with Senator CHAFEE in introducing the Structured Settlement Protection Act. The legislation would impose a substantial penalty tax on a factoring company that purchases structured settlement payments from an injured victim. There is ample precedent throughout the Internal Revenue Code, such as the tax-exempt organization area, for the use of penalties to discourage transactions that undermine existing provisions of the Code. I would stress that this is a penalty, not a tax increase—the factoring company only pays the penalty if it undertakes the factoring transaction that Congress is seeking to discourage because the transaction thwarts a clear Congressional policy. Under the Act, the imposition of the penalty would be subject to an exception for court-approved hardship cases to protect the limited instances of true hardship of the victim.

I urge my colleagues that the time to act is now, to stem as quickly as possible these harsh consequences that structured settlement factoring transactions visit upon seriously-injured victims and their families.●

By Mr. REED:

S. 1046. A bill to amend title V of the Public Health Service Act to revise and extend certain programs under the authority of the Substance Abuse and Mental Health Service Administration, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

WRAP AROUND SERVICES FOR DETAINED OR INCARCERATED YOUTH ACT OF 1999

Mr. REED. Mr. President, I rise today to introduce legislation that would help local communities coordinate services for juvenile offenders who are leaving the juvenile justice system and returning to their communities. This provision was included in the Robb amendment to S. 254, the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999, which was unfortunately tabled earlier this week.

The problem of mental illness plagues an alarming number of youth, who too often find themselves caught up in the juvenile justice system. While overall crime rates in this country have been in decline for the past few years, we have seen alarming increases in the number of serious and violent crimes committed by minors. Each year, more than two million youngsters under the age of 18 are arrested. What's more, statistics show that thirty percent of these young people will commit another crime within a year of their initial arrest.

Often, society views these young people, who have turned to crime at such an early age, as a "lost cause" or simply beyond hope of rehabilitation. The said fact that often gets overlooked is that many of these youngsters are battling with a serious emotional or mental disorder that winds up manifesting itself in criminal behavior. We cannot condone this behavior, yet, we as a society have failed to dedicate the resources necessary to bring these children back from the edge of self-destruction.

The legislation I am introducing today would help local agencies to coordinate the array of mental health, substance abuse, vocational, and education services a youngster may need to successfully transition back into the mainstream. Once a youth has been through the juvenile or criminal justice system, we need to do all we can to prevent a similar incident. If these children have been identified as having a mental or emotional disorder, they need to have access to appropriate treatment and services while they are incarcerated, but perhaps more imperatively when they leave incarceration. Turning these young people out on the street with no services to facilitate their transition does not help these children and does not help society as a whole.

Studies have found the rate of mental disorder is two to three times higher among the juvenile offender population than among youth in the general population. According to a 1994 Department of Justice study, 73 percent of juvenile offenders reported mental health problems and 57 percent reported past treatment for their condition. In addition, it is estimated that over 60 percent of youth in the juvenile justice system have substance abuse disorders, compared to 22 percent in the general population.

In an effort to bring desperately needed mental health services to this terribly underserved population, my legislation would authorize the Substance Abuse and Mental Health Services Administration (SAMHSA), in collaboration with the Departments of Justice and Education, to administer a competitive grant program that responds to the array of social and educational needs of children who are leaving the juvenile justice system.

These cooperative "wrap-around services" would enable juvenile justice agencies to work together with educational and health agencies to provide transitional services for youth who have had contact with the juvenile justice system, in order to decrease the likelihood that these young people will commit additional criminal offenses.

These services, which would be targeted toward youth offenders who have serious emotional disturbances or are at risk of developing such disturbances, could include diagnostic and evaluation services, substance abuse treatment, outpatient mental health care, medication management, intensive home-based therapy, intensive day treatment services, respite care, and therapeutic foster care.

I think it is important for my colleagues to note that this proposal is modeled after existing programs with a proven record of success. For instance, my home state of Rhode Island is one of four states (the others include California, Wisconsin, and Virginia) that has sought to target teens who have been diagnosed with a serious emotional disturbance and provide them with the services they need to get back on track.

The Rhode Island Department of Youth and Families last year initiated a statewide program called "Project Hope", for youth ages 12 to 18 with serious emotional disturbances who are in the process of transitioning from the Rhode Island Training School back into their communities. The goal of the partnership is to develop a single, community-based system of care for these children to reduce the likelihood that they will re-offend. The program brings a core set of services to these young people that includes health care, substance abuse treatment, educational/vocational services, domestic violence and abuse support groups, recreational programs, and day care services. A key component in the program's strategy is to engage young people and their families in the planning and implementation of these transition services.

A similar program that has been in operation in Milwaukee, Wisconsin since 1994 has reported a 40 percent decline in the number of felonies committed and a 30% decrease in misdemeanors after providing comprehensive services to children with serious emotional disorders for one year.

This legislation would provide states with the resources and flexibility to start filing a critical service gap for youngsters who are leaving the juvenile justice system and re-entering their communities. The provisions of adequate transitional and aftercare services to prevent recidivism is essential to reducing the societal costs associated with juvenile delinquency, promoting teen health, and fostering safe communities.

I am pleased to introduce this legislation today. The provisions outlined in this bill will help community agencies to coordinate services, which will prevent these troubled juveniles from committing additional crimes and falling into a life on the fringes of society. It is in our best interest to take responsibility for these teens instead of turning our backs on them at such a critical stage.

By Mr. MURKOWSKI (for himself and Mr. BINGAMAN) (by request):

S. 1047. A bill to provide for a more competitive electric power industry and for other purposes; to the Committee on Energy and Natural Resources.

S. 1048. A bill to provide for a more competitive electric power industry, and for other purposes, to the Committee on Finance.

COMPREHENSIVE ELECTRICITY COMPETITION AND TAX ACTS

Mr. MURKOWSKI. Mr. President, at the request of the Administration, Senator BINGAMAN and I are introducing the President's proposed electricity legislation. The Administration's legislation is being introduced as two separate bills because Title X of their proposed legislation amends the Internal Revenue Code. I will speak first with respect to the restructuring portion of the Administration's legislation, Titles I through IX.

Mr. President, I am not introducing the restructuring portion of the Administration's legislation because I support it—I do not. Some of its provisions I agree with, but many of its key provisions I am opposed to. Instead, I am introducing the Administration's legislation in order to initiate the debate in the hope that through the legislative process Congress can craft legislation that will enjoy bipartisan support and will benefit consumers.

At the outset, let me observe that our electric power industry isn't broken. We have the finest electric system in the world bar none. Our electric utilities have done an excellent job supplying electricity to the consumers of this Nation. As a result, today electricity is both reliable and reasonably-priced. But that isn't to say that improvements cannot, and should not, be made. I believe that consumers will benefit through enhanced competition. The key question we face is: Should we try to enhance competition through increased reliance on the free market, or through increased use of government regulation? I think the answer is self evident.

Although deregulation is our goal, some regulation will remain necessary to protect consumers. However, such regulation should not be made the exclusive jurisdiction of the Federal government, as some have suggested. The retail market has traditionally been the jurisdiction of the States, and it should remain that way. States are the closest to the people, and are best able to determine what is in their consumers' best interests. Let me speak now about some of the key provisions of the Administration's legislation.

There are several important components of the Administration's legislation that I strongly support. For example, it proposes to repeal the Public Utility Holding Company Act (PUHCA) and the Public Utility Regulatory Policies Act of 1978 (PURPA), two anti-competitive laws that cost consumers billions of dollars every year in above-market electric rates. If we do nothing else, repeal of PUHCA and PURPA would materially advance competition and reduce electric rates to consumers.

The Administration's legislation also shows a clear interest in addressing several contentious issues left out in their bill in the last Congress. For example, the Administration's legislation includes provisions that will begin the debate on what to do about the Federal utilities—the Federal power marketing administrations and the Tennessee Valley Authority. The Administration's legislation also takes a significant step forward by addressing the very difficult issue of creating a level playing field between municipal and private utilities—the tax-exempt municipal bond issue. This is an issue that must be dealt with. The Administration's bill also addresses reliability and it makes all wholesale transmission open access, two very important matters. Also of note is the Administration's recognition of the need to deal with the high cost of electricity in rural communities. Senator DASCHLE and I have introduced legislation to deal with this problem, and the Administration's legislation incorporates part of our bill.

There are, however, several provisions in the Administration's legislation that I am opposed to. First, I do not support its Federal retail competition mandate which overrides State law. I see no need for this. The States are moving aggressively to implement retail competition in a manner and a time frame that benefits consumers. According to the DOE's Energy Information Administration, twenty States have already enacted restructuring legislation or issued a comprehensive regulatory order. More than half the U.S. population live in these twenty States. Again according to DOE's Energy Information Administration, twenty-eight of the remaining thirty States are in the process of deciding what is in the best interests of its residents. Accordingly I ask: With States making such good progress on retail competition what need is there for a Federal mandate—assuming such a mandate is Constitutional? Moreover, because the Administration's proposed mandate would apply even to the twenty States that have already acted, I am concerned that such a Federal mandate would upset the progress these States have made. In this connection, I am not convinced that the Administration's "opt-out" provision will in fact protect consumers from the adverse consequences of Federally-mandated retail competition.

Second, the bill's so-called "renewable portfolio mandate" is also a significant problem. For reasons that I do not understand, the Administration has decided to exclude hydroelectric power from the definition of renewable energy, even though hydro is this Nation's most significant renewable energy source. Without hydroelectric power being counted, to meet this new Federal mandate "renewable" generation would have to increase to 7.5 percent by the year 2010. Clearly, an impossibility.

Third, I am also troubled with the Administration's so-called "public benefits" fund. It puts a Federal $3 billion per year tax on electric consumers, that a Federal board gets to spend for vaguely defined public purposes. It also appears to require a matching $3 billion per year State expenditure. At the very outset, this eats up a very large share of the claimed consumer savings resulting from enactment of the Administration's bill.

Finally, the Administration's bill also contains numerous new Federal oversight, regulatory and environmental programs, many of which give the Federal Energy Regulatory Commission major oversight—much of which comes at the expense of the States. There are far too many of these in the Administration's legislation to identify and discuss here. Some of these may be worthwhile, but clearly many are not. Each will have to be carefully scrutinized and will have to be justified on their own merits if it is to be included in a final bill. I will speak now about the tax provisions of the Administration's proposed legislation which I am introducing as a separate measure.

Mr. President, at the request of the Administration I am also introducing the portion of their electricity restructuring bill that deals with tax-exempt debt issued by municipal utilities. This is Title X of the Administration's proposed legislation. In addiition, the Administration's bill clarifies the tax rules regarding contributions to nuclear decommissioning costs.

Mr. President, if consumers and businesses are to maximize the full benefits of open competition in this industry it will be necessary for all electricity providers to interconnect their families into the entire electric grid. Unfortunately, this system efficiency is significantly impaired because of current tax law rules that effectively preclude public power entities—entities that financed their facilities with tax-exempt bonds—from participating in State open access restructuring plans, without jeopardizing the exempt status of their bonds.

No one wants to see bonds issued to finance public power become retroactively taxable because a municipality chooses to participate in a state open access plan. That would cause havoc in the financial markets and could undermine the financial stability of many municipalities. At the same time, public power should be obtain a competitive advantage in the open marketplace based on the federal subsidy that flows from the ability to issue tax-exempt debt.

The Administration's proposal attempts to resolve this issue by prohibiting public power facilities from issuing new tax-exempt bonds for generating facilities and transmission facilities. However, tax exempt debt could be issued for new distribution facilities. In addition, the Administration's proposal ensures that outstanding bonds would not lose their tax-exempt status if transmission facilities violate the private use rules because of a FERC order requiring nondiscriminatory open access to such facilities. Outstanding debt for generation would not lose it's tax-exempt status if the private use rules were triggered simply because the entity entered into a contract in response to a marketplace based on competition.

Mr. President, I am not endorsing every concept in the tax portion of the

Administration's proposal. I believe it is a good starting point for discussion of how we transition from a regulated environment to a free market competitive landscape. It is my hope that the public power and the investor owned utilities will sit down and come to a reasonable compromise on how to resolve the tax issues affecting the industry. My door is always open to hear all sides on this issue and see whether we can fix the problems that exist in the tax code so that competition in the industry becomes a reality.

Mr. President, the introduction of the Administration's bill is just the beginning of a very long and arduous process. I hope to be able to work with the electric power industry, my Republican and Democratic colleagues to both the Finance Committee and the Energy and Natural Resources Committee, and DOE Secretary Richardson to craft legislation that will benefit consumers and our Nation.

Mr. President, I ask unanimous consent that the Administration's transmittal letter and section-by-section analysis be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

THE SECRETARY OF ENERGY,
Washington, DC, April 15, 1999.

Hon. AL GORE,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: Enclosed is proposed legislation, the Comprehensive Electricity Competition Act (CECA), that will reduce electricity costs, benefit the economy, and improve the environment by promoting competition and consumer choice in the electricity industry.

The basic Federal regulatory framework for the electric power industry was established with the enactment in 1935 of the Public Utility Holding Company Act and Title II of the Federal Power Act. These statutes are premised upon State-regulated monopolies rather than competition. Now, however, economic forces are beginning to forge a new era in the electricity industry, one in which generation prices will be determined primarily by the market rather than by legislation and regulation. Consequently, Federal electricity laws need to be updated so that they stimulate, rather than stifle, competition.

In this new era of retail competition, consumers will choose their electricity supplier. The Administration estimates that consumers will save $20 billion a year. Competition will also spark innovation in the American economy and create new industries, jobs, products, and services, just as telecommunications reform spawned cellular phones and other new technologies.

Competition also will benefit the environment. The market will reward a generator that wrings as much energy as possible from every unit of fuel. More efficient fuel use means lower emissions. In addition, competition provides increased opportunities to sell energy efficiency services and green power. Moreover, CECA's renewable portfolio standard and enhanced public benefit funding will lead to substantial environmental benefits.

The following are key provisions of CECA:

All electric consumers would be able to choose their electricity supplier by January 1, 2003, but a State or unregulated cooperative or municipal utility may opt out of retail competition if it believes its consumers would be better off under the status quo or an alternative retail competition plan.

States would be encouraged to allow the recovery of prudently incurred, legitimate, and verifiable retail stranded costs that cannot be reasonably mitigated.

The regions served by the Tennessee Valley Authority and the Federal Power Marketing Administrations would have greater access to alternative sources of power.

All consumers would have the opportunity to reap the full benefits of competition, because CECA would require retail suppliers to provide information regarding the service being offered; provide the Federal Trade Commission with the authority to prevent "slamming" and "cramming;" require States to consider implementing anti-redlining requirements; allow for aggregation; authorize the establishment of an electricity consumer database to help consumers compare various offers, and establish a Model Retail Supplier Code for States.

All users of the interstate transmission grid would be subject to mandatory reliability standards. The Federal Energy Regulatory Commission (FERC) would approve and oversee an organization that would develop and enforce these standards.

FERC would have the authority to require utilities to turn over operational control of transmission facilities to an independent regional system operator.

A Renewable Portfolio Standard would be established to ensure that by 2010 at least 7.5 percent of all electricity sales consist of generation from non-hydroelectric renewable energy sources.

A Public Benefits Fund would be established to provide matching funds of up to $3 billion per year to States and Indian tribes for low-income energy assistance, energy-efficiency programs, consumer information, and the development and demonstration of emerging technologies, particularly renewable energy technologies. A rural safety net would be created if significant adverse economic effects on rural areas have occurred or will occur as a result of electric industry restructuring.

Indian tribes would receive additional support through the creation of a grant's program, the establishment of an Energy Policy and Programs Office of the Department of Energy, and special incentives for renewable energy production on Indian lands.

Barriers would be removed in order to encourage combined heat and power and distributed power technologies.

The Environmental Protection Agency would be given authority for interstate nitrogen oxides trading to facilitate attainment of the ambient air quality standard for ozone in the eastern United States.

Federal electricity laws would be modernized to achieve the right balance of competition without market abuse by repealing outdated laws including the Public Utility Holding Company Act of 1935 and the "must buy" provision of the Public Utility Regulatory Policies Act of 1978 and by giving FERC enhanced authority to address market power.

A separate bill being transmitted today would change Federal tax law to address certain tax-exempt bonds, nuclear decommissioning costs, class life for distributed power facilities, and to provide a temporary tax credit for combined heat and power facilities.

We urge the prompt enactment of CECA to provide lower prices, a cleaner environment, and increased technical innovation and efficiency.

The Omnibus Budget Reconciliation Act requires that all revenue and direct spending legislation meet a pay-as-you-go (PAYGO) requirement. That is, no such bill should result in net budget costs: and if it does, it could contribute to a sequester if it is not fully offset. This proposal affects direct spending and receipts; therefore, it is subject to the PAYGO requirement. The net PAYGO effect of this bill is currently estimated to be a net cost of $60 million in FY 2000 and a net savings of $274 million from FY 2000 to FY 2004.

The proposals to provide an investment tax credit for combined heat and power and to deny tax-exempt status for new electric utility bonds except for distribution related expenses, are included in the President's FY 2000 Budget. The Budget contains proposals for mandatory spending reductions and increases in receipts that are sufficient to finance these proposals.

This estimate is preliminary and subject to change.

The pay-as-you-go effect of this draft bill is:

FISCAL YEAR

[In millions of dollars]

	1999	2000	2001	2002	2003	2004
Tax Provisions:						
Revenue Effect[1]	-1	-60	-88	-90	-22	34
Renewable Portfolio Standards:						
Offsetting receipts	....	-5	-9	-9	-9	-9
Outlays	....	5	9	9	9	9
Net Cost	....	....	....	....	....	....
Public Benefits Fund and Electricity Reliability Organization:						
Offsetting receipts	....	....	-3,005	-3,005	-3,005	-3,005
Outlays	....	....	2,505	3,005	3,005	3,005
Net Cost	....	....	-500	....	....	....
Total Net Cost	1	60	-412	90	22	-34

[1] For tax provisions, a "+" is a revenue gain: a "–" is a revenue loss. These proposals have been fully offset in the President's budget.

The Office of Management and Budget advises that there is no objection to the presentation of this legislation to the Congress and that its enactment would be in accord with the program of the President.

If you require any additional information, please call me or have a member of your staff contact Mr. John C. Angell, Assistant Secretary for Congressional and Intergovernmental Affairs, at (202) 586-5450.

Yours sincerely,

BILL RICHARDSON.

SECTION-BY-SECTION ANALYSIS OF THE COMPREHENSIVE ELECTRICITY COMPETITION ACT

TITLE I. RETAIL ELECTRIC SERVICE

Section 101. Retail competition

This provision would amend the Public Utility Regulatory Policies Act of 1978 (PURPA) to require each distribution utility to permit all of its retail customers to purchase power from the supplier of their choice by January 1, 2003, but would permit a State regulatory authority (with respect to a distribution utility for which it has ratemaking authority) or a non-regulated utility to opt out if it finds, on the basis of a public proceeding, that consumers of the utility would be served better by the current monopoly system or an alternative retail competition plan.

The section also would enunciate a Federal policy that utilities should be able to recover prudently incurred, legitimate, and verifiable retail stranded costs that cannot be mitigated reasonably, but States and non-regulated utilities would continue to determine whether to provide for retail stranded costs recovery. If States and non-regulated utilities are considering implementation of retail competition, they would also be required to consider providing assistance for electric utility workers who may become or have become unemployed as a result of the implementation of retail competition. If a State or non-regulated utility decides to impose a stranded cost charge, it would be required to consider reducing that charge if the charge results from the use of on-site efficient or renewable generation. This section does not retrocede to States authority over Federal enclaves.

Section 102. Authority to impose reciprocity requirements

This section would amend PURPA to permit a State that has filed a notice indicating it is implementing retail competition to prohibit a distribution utility that is not under the ratemaking authority of the State and that has not implemented retail competition from directly or indirectly selling electricity to the consumers covered by the State's notice. This section also would permit a non-regulated utility that has filed a notice of retail competition to prohibit any other utility that has not implemented retail competition from directly or indirectly selling electricity to the consumers covered by the non-regulated utility's notice.

Section 103. Aggregation for purchase of retail electric energy

This section would amend PURPA to ensure that electricity customers and entities acting on their behalf, subject to legitimate and non-discriminatory State requirements, would be allowed to acquire retail electric energy on an aggregate basis if they are served by one or more distribution utilities for which a notice of retail competition has been filed.

TITLE II. CONSUMER PROTECTION

Section 201. Consumer information

This section would amend PURPA to permit the Secretary of Energy to require all suppliers of electricity to disclose information on price, terms, and conditions; the type of energy resource used to generate the electric energy; and the environmental attributes of the generation, including air emissions characteristics. This requirement would be enforceable by the Federal Trade Commission and by individual States.

Section 202. Access to electric service for low-income consumers

This section would amend PURPA to require a State regulatory authority or non-regulated distribution utility that files a notice of retail competition to consider assuring that its low-income residential consumers have service comparable to its other residential consumers and that all retail electric suppliers in the State share equitably any costs necessary to provide such service.

Section 203. Unfair trade practices

This section would amend the Federal Trade Commission Act to establish slamming and cramming in supplying electricity as unfair trade practices punishable by the Federal Trade Commission (FTC). Under this section, a person may not submit or change, in violation of procedures established by the FTC, a retail electric customer's selection of a retail electric supplier. Also, a person may not charge a retail electric customer for a particular service, except in accordance with procedures established by the FTC.

Section 204. Residential electricity consumer database

This section would amend PURPA to authorize the Secretary of Energy to establish a database containing information to help residential electric consumers compare the offers of various retail electric suppliers.

Section 205. Model retail supplier code

This section would amend PURPA to authorize the Secretary of Energy to develop for State use a model code for the regulation of retail electricity suppliers for the protection of electric consumers.

Section 206. Model electric utility worker code

This section would amend PURPA to authorize the Secretary of Energy to develop for State use a model code setting standards for electric utility workers to ensure that electric utilities are operated safely and reliably.

TITLE III—FACILITATING STATE AND REGIONAL REGULATION

Section 301. Clarification of State and Federal authority over retail transmission services

Subsection (a) would clarify that the Federal Power Act (FPA) does not prevent States and nonregulated distribution utilities from ordering retail competition or imposing conditions, such as a fee, on the receipt of electric energy by an ultimate customer within the State. This section also would clarify the Federal Energy Regulatory Commission's (FERC) authority over unbundled retail transmission.

Subsection (b) would reinforce FERC's authority to require public utilities to provide open access transmission services and permit recovery of stranded costs. This section also would provide retroactive effect to Commission Order No. 888 and clarify FERC's authority to order retail transmission service to complete an authorized retail sale.

Subsection (c) would extend FERC's jurisdiction over transmission services to municipal and other publicly-owned utilities and cooperatives.

Subsection (d) would give the Secretary of Agriculture intervention rights in FERC rulemakings that directly affect a cooperative with loans made or guaranteed under the Rural Electrification Act of 1936.

Section 302. Interstate compacts on regional transmission planning

This section would amend the FPA to permit FERC to approve interstate compacts that establish regional transmission planning agencies if the agencies meet certain criteria relating to their governance.

Section 303. Backup authority to impose a charge on an ultimate consumer's receipt of electric energy

This section would amend the FPA to reinforce FERC's authority to provide a back-up for the recovery of retail stranded costs if a State or a non-regulated utility has filed a retail competition notice and concludes that such charges are appropriate but lacks authority to impose a charge on the consumer's receipt of electric energy.

Section 304. Authority to establish and require independent regional system operation

This section would amend section 202 of the FPA by permitting FERC to establish an entity for independent operation, planning, and control of interconnected transmission facilities and to require a utility to relinquish control over operation of its transmission facilities to an independent regional system operator.

TITLE IV—PUBLIC BENEFITS

Section 401. Public benefits fund

This section would amend PURPA by establishing a Public Benefits Fund administered by a Joint Board that would disburse matching funds to participating States and tribal governments to carry out programs that support affordable electricity service to low-income customers; implement energy conservation and energy efficiency measures and energy management practices; provide consumer education; and develop emerging electricity generation technologies. Funds for the Federal share would be collected from generators, which, as a condition of interconnection with facilities of any transmitting utility, would pay to the transmitting utility a charge, not to exceed one mill per kilowatt-hour. The transmitting utility then would pay the collected amounts to a fiscal agent for the Fund. States and tribal governments would have the flexibility to decide whether to seek funds and how to allocate funds among public purposes. In addition, a rural safety net would be created if the Secretary of Energy determines, in consultation with the Secretary of Agriculture, that significant adverse economic effects on rural areas have occurred or will occur as a result of electric restructuring.

Section 402. Federal renewable portfolio standard

This section would amend PURPA to establish a Federal Renewable Portfolio Standard (RPS) to guarantee that a minimum level of renewable generation is developed in the United States. The RPS would require electricity sellers to have renewable credits based on a percentage of their electricity sales. The seller would receive credits by generating power from non-hydroelectric renewable technologies, such as wind, solar, biomass, or geothermal generation; purchasing credits from renewable generators; or a combination of these, but would receive twice the number of credits if the power was generated on Indian lands. The RPS requirement for 2000–2004 would be set at the current ratio of RPS-eligible generation to retail electricity sales. Between 2005–2009, the Secretary of Energy would determine the required annual percentage, which would be greater than the baseline percentage but less than 7.5%. In 2010–2015, the percentage would be 7.5%. The RPS credits would be subject to a cost cap of 1.5 cents per kilowatt hour, adjusted for inflation.

Section 403. Net metering

This section would amend PURPA by requiring all retail electric suppliers to make available to consumers "net metering service," through which a consumer would offset purchases of electric energy from the supplier with electric energy generated by the consumer at a small on-site renewable generating facility and delivered to the distribution system. This section also would clarify that States are not preempted under Federal law from requiring a retail electric supplier to make available net metering service.

Section 404. Reform of section 210 of PURPA

This section would repeal prospectively the "must buy" provision of section 210 of PURPA. Existing contracts would be preserved, and the other provisions of section 210 would continue to apply.

Section 405. Interconnections for certain facilities

This section would amend PURPA to require a distribution utility to allow a combined heat and power or a distributed power facility to interconnect with it if the facility is located in the distribution utility's service territory and complies with rules issued by the Secretary of Energy and related safety and power quality standards.

Section 406. Rural and remote communities electrification grants

This section would amend the Rural Electrification Act of 1936 to authorize the Secretary of Agriculture, in consultation with the Secretary of Energy, to provide grants for the purpose of increasing energy efficiency, lowering or stabilizing electric rates to end users, or providing or modernizing electric facilities for rural and remote communities and Indian tribes.

Section 407. Indian tribe assistance

This section would amend the Energy Policy Act of 1992 to require the Secretary of Energy to establish a grant and technical assistance program to assist Indian tribes to meet their electricity needs. Among other things, the program could provide assistance in planning and constructing electricity generation, transmission, and distribution facilities.

Section 408. Office of Indian Energy Policy and Programs

This section would authorize the Secretary of Energy to establish an office within the Department of Energy to coordinate and implement energy, energy management, and energy conservation programs for Indian tribes.

Section 409. Southeast Alaska electrical power

This section would authorize appropriations as necessary to ensure the availability of adequate electric power to the greater Ketchikan area in southeast Alaska, including an intertie.

TITLE V—REGULATION OF MERGERS AND CORPORATE STRUCTURE

Section 501. Reform of holding company regulation under PUHCA

This section would repeal the Public Utility Holding Company Act of 1935 (PUHCA). In addition, FERC and State regulatory commissions would be given greater access to the books and records of holding companies and affiliates.

Section 502. Electric company mergers

This section would amend the FPA by conferring on FERC jurisdiction over the merger or consolidation of electric utility holding companies and generation-only companies. This section also would streamline FERC's review of mergers. In addition, this section would require that FERC consider the effect a merger could have on wholesale and retail electric generation markets.

Section 503. Remedial measures for market power

This section would amend the FPA to authorize FERC to remedy market power in wholesale markets. This section also would authorize FERC, upon petition from a State, to remedy market power in retail markets.

TITLE VI—ELECTRICITY RELIABILITY

Section 601. Electric reliability organization and oversight

This section would amend the FPA to give FERC authority to approve and oversee an Electric Reliability Organization to prescribe and enforce mandatory reliability standards. Membership in the organization would be open to all entities that use the bulk-power system and would be required for all entities critical to system reliability. The Electric Reliability Organization would be authorized to delegate authority to one or more Affiliated Regional Reliability Entities, which could implement and enforce the standards within a region.

Section 602. Electricity outage investigation

This section would amend the Department of Energy Organization Act to establish in the Department of Energy a board to investigate and determine the causes of a major bulk-power system failure in the United States.

Section 603. Additional transmission capacity

This section would amend PURPA to give the Secretary of Energy authority to call and chair a meeting of representatives of States in a region in order to discuss provision of additional transmission capacity and related concerns.

TITLE VII—ENVIRONMENTAL PROTECTION

Section 701. Nitrogen oxides cap and trade program

This section would clarify Environmental Protection Agency authority to require a cost-effective interstate trading system for nitrogen oxide pollutant reductions addressing the regional transport contributions needed to attain and maintain the National Ambient Air Quality Standards for ozone.

TITLE VIII—FEDERAL POWER SYSTEMS

Subtitle A—Tennessee Valley Authority (TVA)

Section 801. Definition

Section 802. Application of Federal Power Act

This section would subject TVA to relevant provisions of the FPA for purposes of TVA's transmission system, but would provide that any determination of the Commission would be subject to any other laws applicable to TVA, including the requirement that TVA recover its costs.

Section 803. Antitrust coverage

This section would subject TVA to the antitrust laws effective January 1, 2003, except that TVA would not be liable for civil damages or attorney's fees.

Section 804. TVA power sales

This section would permit TVA, effective January 1, 2003, to sell electric power at wholesale to any person. With regard to sales at retail, this section would permit TVA to sell (1) to existing customers or (2) to customers of an existing wholesale customer of TVA, if the distributor has firm power purchases from TVA of 50 percent or less of its total retail sales, or if the distributor agrees that TVA can sell power to the customer.

Section 805. Renegotiation of long-term power contracts

This section would require TVA to renegotiate its long-term power contracts with respect to the remaining term; the length of the termination notice; the amount of power a distributor may purchase from a supplier other than TVA beginning January 1, 2003, and access to the TVA transmission system for that power; and stranded cost recovery. This section would require that, if the parties are unable to reach agreement within the one year, they would submit the issues in dispute to the Federal Regulatory Commission for final resolution.

Section 806. Stranded cost recovery

This section would provide the Commission with the authority to provide TVA with stranded cost recovery

Section 807. Conforming amendments

This section would make conforming amendments to the Tennessee Valley Authority Act.

Subtitle B—Bonneville Power Administration

Section 811. Definitions

Section 812. Application of Federal Power Act

This section would subject Bonneville to relevant provisions of the FPA for purposes of Bonneville's transmission system, but would provide that any determination of the Commission would be subject to a list of conditions, including a requirement that the rates and charges are sufficient to recover existing and future Federal investment in the Bonneville Transmission System.

Section 813. Surcharge on transmission rates to recover otherwise nonrecoverable costs

This section would require the Commission to establish a mechanism that would enable the Administrator to place a surcharge on rates or charges for transmission services over the Bonneville Transmission System under limited circumstances in order to recover power costs unable to be recovered through power revenues in time to meet Bonneville's cost recovery requirements.

Section 814. Complaints

This section would clarify that the PMAs may file complaints with the Commission.

Section 815. Review of Commission orders

This section would clarify that the PMAs may file a rehearing request or may appeal a Commission order.

Section 816. Conforming amendments

This section would make conforming amendments to the FPA, the Federal Columbia River Transmission System Act, the Pacific Northwest Regional Preference Act, the Pacific Northwest Electric Power Planning and Conservation Act, and the Bonneville Project Act.

Subtitle C—Western Area Power Administration (WAPA) and Southwestern Power Administration (SWPA)

Section 821. Definitions

Section 822. Application of Federal Power Act

This section would subject SWPA and WAPA to relevant provisions of the FPA for purposes of the transmission systems of SWPA and WAPA, but would provide that any determination of the Commission would be subject to a list of conditions, including a requirement that the rates and charges are sufficient to recover existing and future Federal investment in the transmission systems.

Section 823. Surcharge on transmission rates to recover otherwise nonrecoverable costs

This section would require the Commission to establish a mechanism that would enable the Administrator to place a surcharge on rates or charges for transmission services over the SWPA or WAPA Transmission System when necessary in order to recover power costs unable to be recovered through power revenues in time to meet SWPA's or WAPA's cost recovery requirements.

Section 824. Conforming amendments

This section would make conforming amendments to the Department of Energy Organization Act and the Reclamation Reform Act of 1982.

TITLE IX—OTHER PROVISIONS

Section 901. Treatment of nuclear decommissioning costs in bankruptcy

This section would amend the Bankruptcy Act to provide that decommissioning costs be a nondischargeable priority claim.

Section 902. Energy Information Administration study of impacts of competition in electricity markets

This section would amend the Department of Energy Organization Act to direct the Energy Information Administration to collect and publish information on the impacts of wholesale and retail competition.

Section 903. Antitrust savings clause

This section would provide that nothing in this Act would supersede the operation of the antitrust laws.

Section 904. Elimination of antitrust review by the Nuclear Regulatory Commission

This section would eliminate Nuclear Regulatory Commission antitrust review of an application for a license to construct or operate a commercial utilization or production facility.

Section 905. Environmental law savings clause

This section would provide that nothing in this Act would alter environmental requirements of Federal or State law.

Section 906. Generating plant efficiency study

This section would amend the Department of Energy Organization Act to require the Secretary of Energy to issue a report on the efficiency of new and existing electric generating facilities before and after electric competition is in effect.

Section 907. Conforming amendments

TITLE X—AMENDMENTS TO INTERNAL REVENUE CODE

Section 1001. Treatment of bonds issued to finance output facilities

This section would amend the Internal Revenue Code to clarify the status of tax-exempt bonds used to finance utility facilities owned by municipalities. The section would grandfather current tax treatment for bonds that exist already, continue to permit public utilities to issue tax-exempt bonds in the future for new electricity distribution facilities, and eliminate their ability in the future to issue tax-exempt bonds for new transmission and generation facilities.

Section 1002. Nuclear decommissioning costs

This section would amend the Internal Revenue Code to clarify that an investor-owned utility could take a tax deduction for the amount paid into a qualified nuclear decommissioning fund for any taxable year, notwithstanding the elimination of "cost of service" ratemaking.

Section 1003. Depreciation treatment of distributed power property

This section would amend the Internal Revenue Code of 1986 to clarify that distributed power facilities have a tax life of 15 years.

Section 1004. Tax credit for combined heat and power system property

This section would amend the Internal Revenue Code to provide an 8 percent investment credit for qualified combined heat and power (CHP) systems placed in service in calendar years 2000 through 2002. The measure would apply to large CHP systems that have a total energy efficiency exceeding 70 percent and to smaller systems that have a total energy efficiency exceeding 60 percent.

• Mr. BINGAMAN. Mr. President, at the request of the administration, I am today joining with my good friend Senator MURKOWSKI, the Chairman of the Energy and Natural Resources Committee, to introduce the president's electricity restructuring legislation.

The administration has presented Congress a fully comprehensive set of legislative proposals. For the first time we have detailed provisions on every major issue affecting the electricity industry as it moves into the new world of competition. Significantly, the president's comprehensive proposals include a framework for the transition of the Bonneville Power Administration and the Tennessee Valley Authority into the new competitive arena.

In considering the administration's proposals, Congress should look to areas that complement the states' ongoing restructuring activities, while leaving the key decisions on retail competition to state and local authorities. Let me mention three areas for federal concern. First, I believe Congress should remove federal impediments to states that chose to implement retail competition. Second, we should take steps to improve the regulation of interstate transmission and assure the continued security and reliability of the nation's grid. And third, Congress should ensure that fair competition can operate at both the wholesale and retail levels. These are the issues that only Congress can address.

Mr. President, Congress should not dwell any longer on whether retail competition is good or bad, or whether or not it will benefit all consumers—the states are already making these decisions. It should be clear to all senators that retail competition for electric power generation is quickly becoming a reality. Nearly half of the states have now enacted restructuring legislation. Last month, New Mexico enacted restructuring legislation that will soon bring retail competition in electricity to my state.

The consensus is growing on the need for federal legislation focused narrowly on wholesale transactions, interstate transmission, and reliability. Mr. President, this is not a simple question of "de-regulation" versus "re-regulation;" this is about keeping America's high-tension grid system secure, reliable, and economical. The federal role in regulating interstate commerce in electric power is clear. I hope we will move forward soon to resolve, at a minimum, the critical federal issues.

Rather than commenting here on the pros and cons of any particular provision in the president's bill, I will wait until the administration has a fair opportunity to explain the bill to the Energy Committee in a legislative hearing. I know the committee already has a very full plate, but I hope the Chairman will find time to hold a hearing soon on this important topic.

Mr. President, Congress still has time to pass vital federal electricity legislation, but we've got to get the process underway promptly. I hope the administration's proposals will help fuel interest in the Senate. Today America has the world's best electric power system. Let's not wait until serious problems develop to begin making the needed changes in federal regulation. Electricity is too important to the nation to leave critical federal issues unresolved.•

By Mr. MURKOWSKI:

S. 1049. A bill to improve the administration of oil and gas leases on Federal land, and for other purposes; to the Committee on Energy and Natural Resources.

FEDERAL OIL AND GAS LEASE MANAGEMENT IMPROVEMENT ACT OF 1999

By Mr. MURKOWSKI:

S. 1050. A bill to amend the Internal Revenue Code of 1986 to provide incentives for gas and oil producers, and for other purposes; to the Committee on Finance.

ENERGY SECURITY TAX POLICY ACT OF 1999

Mr. MURKOWSKI. Mr. President, the production of oil and gas in the United States is fast becoming a thing of the past. I am introducing two bills today to halt, and if possible, reverse that trend.

The economic consequences of the 1973 oil embargo were severe and long lasting. Whole sectors of our economy underwent significant changes and dislocations. Parts of the United States were plunged into recession which remained for a decade as they adjusted to the fluctuations and insecurity of energy supplies in the 1970's. At the time of the embargo, imports made up 36% of our oil consumption.

Our foreign policy was modified to reflect our growing dependence and protecting oil-producing regions of the world took on a new importance. By the time of the Gulf War of 1990–91, oil imports were roughly 50%.

Today, the United States depends upon foreign sources for some 56% of our supply. This is despite Corporate Average Fuel Efficiency (CAFE) standards for cars which have almost doubled gas mileage. This is despite the creation of the Department of Energy. This is despite the untold billions of dollars which have been invested by U.S. industry in energy-saving equipment and processes in order to remain competitive in a world economy.

If no changes are made in federal policy to protect our domestic oil and gas industry—the "pilot light" of our nation's economy and security upon which all productive enterprise depends—our future indeed may be bleak. The Department of Energy predicts 68% dependency on foreign oil by the year 2010. This is just shy of a doubling of our oil imports since the embargo of 1973.

In two recent hearings the Senate Energy & Natural Resources Committee examined the state of the domestic oil and gas industries and their future. What we learned has been the impetus for my introduction of these bills today.

During the past 18 months, 136,000 U.S. oil wells and 57,000 gas wells have been shut in. 50,000 men and women throughout the United States have lost their jobs in these industries—15% of all employees. With operating oil rigs at an all-time low and new investment in the U.S. drying up, the future for domestic production of oil and gas is grim.

While the consumption of natural gas is favored by the Administration as a means to reduce emissions, unless changes are made now in federal policy to make production and delivery of natural gas easier, the projected 50% increase in the need for natural gas by the year 2010 will not be met without severe price shocks for American citizens.

The price of oil today is high enough for investment in the U.S. by those who will or can still invest in our domestic oil and gas economy. However, the fact is that the fundamentals for investment in America are not good. Access to prospective areas is severely restricted, environmental costs are extremely high and production rates from U.S. wells are liable to be quite low, in comparison to other areas in the world.

The U.S. is a mature and high cost oil producing region of the world. In response to a changing world-oil market, other producing countries are undertaking changes in their government policies to attract and retain economic investment in what they properly consider to be an important national industry.

For example, the United Kingdom has undertaken a significant regulatory reform effort to speed, simplify and provide certainty to investments in their energy industry. They are actively reviewing their tax and royalty systems to adjust them to the new realities of the world energy markets. Colombia, likewise, is undertaking major reductions in royalties to attract and retain investment. These nations and others have determined that they must compete with the rest of the world for investment capital, and are thus moving to make their nations more attractive to such investment. The U.S. lags far behind.

The first of the bills I am introducing is identical to a measure being introduced in the U.S. House of Representatives by Congresswoman BARBARA CUBIN, Chairman of the Subcommittee on Energy and Mineral Resources. It makes significant changes in the oil and gas leasing policies of the United States, by simplifying procedures and granting more certainty for those who choose to invest in our domestic energy business.

This legislation grants States the option of assuming federal regulation of oil and gas leases within their borders, after a federal decision to lease is made. States already perform identical functions on their lands, and this would standardize regulatory functions within a State's borders. The States are closer than the federal government to oil and gas leasing activities within their borders, and are best positioned to make timely and responsible regulatory decisions. In return for opting to assume the specified federal responsibilities for these activities, the States would receive payment of up to 50% of the costs currently assessed them by the federal government for these functions. Federal ownership of the lands would continue.

An important part of this legislation clarifies that the federal government can no longer charge States via the existing "net receipts sharing" program for the costs of programmatic planning activities on federal lands unrelated to mineral leasing activities. This would stop creative legal interpretations by the Department of Interior like that which charged Utah for the government's secret planning which resulted in the creation of an enormous National Monument in that State. This type of creative accounting undermines the respect of the citizenry in their governmental institutions, and with this bill, we will plug this leak in the public trust.

The legislation also assists States by dropping the requirement that their share of mineral leasing on federal lands within their borders be reduced by the government's costs of administering mineral leasing if a State opts to assume the federal government's responsibility for regulation of oil and gas activities.

In order to speed development of secure sources of domestic oil and gas by making federal practices more competitive with the rest of the world, I have included in the bill certain provisions which are intended to correct federal practices which are hastening the flight of oil and gas development capital to foreign shores.

One recurring criticism from those who would like to invest in America's domestic energy development is the uncertainty they encounter when they do business with their own federal government. In order to make investment decisions, they must have some certainty about when they might reasonably be expected to be able to actually take possession of, and invest capital in, a federal lease. Moreover, the government is increasingly charging potential lessees for governmental activities before they have any reasonable expectation of being granted a lease. This is akin to charging customers just to stand in line to buy a lottery ticket for a drawing which may never be held. This is absurd, and is a clear signal to potential investors that the U.S. cares little about whether the investment is made here or abroad. This legislation will reverse that signal and provide the certainty that investors need.

Additionally, my legislation would establish reasonable and responsible time frames for the government to respond to requests for permits. If legally-required analyses could not be undertaken by the government within a reasonable time, the applicant could be offered the opportunity to contract for such analyses by an independent party for the government's use. My bill would allow the applicant to receive a credit against royalties due from eventual production in the area for such costs, in recognition of the fact that the more rapidly lands are leased and put into oil or gas production, the more revenues the government will receive and the quicker it will receive it.

My legislation also sets fair but rigid performance deadlines for the completion of federal lease decision-making. One of the most frequent concerns I hear from small companies throughout the country in the oil and gas producing business is the snail-like pace of federal decision-making. Customers of government services deserve a "yes" or "no", instead of the endless series of "maybes" to which they have become accustomed. They deserve no less, and I seek to correct that deficiency before *all* oil and gas investment flees our shores.

Coordination among federal land management agencies over leasing policies is also long overdue. The bill requires the Secretaries of the Interior and Agriculture to report to Congress with recommendations explaining the most efficient means of eliminating duplication of effort and inconsistent policy between the Bureau of Land Management and the Forest Service with respect to the treatment of oil and gas leases.

The U.S. government and the public deserve to have the best knowledge possible about our domestic supplies of energy. The legislation I am introducing today initiates a modern, science-based energy inventory process to be undertaken by the Secretary of Interior and the Director of the U.S. Geological Survey. Technology for determining oil and gas availability has revolutionized the private sector; it is time for this quantum leap information to be used by the government.

I am particularly happy to include as Title 4 of the bill a provision that Senator DON NICKLES recently introduced as S. 924, concerning federal royalty certainty. This would put an end to the seemingly intractable problem that has sprung up between lessees and the Department of Interior over the issue of where oil is to be valued for royalty purposes. While other nations around the world are taking steps to become more competitive for energy investments by changing laws to encourage investment and provide certainty to possible investors, this recent backdoor royalty increase by the Administration has sent a strong signal to domestic producers that they are no longer welcome here. Title 4 merely clarifies what congress has been saying all along—that oil should be valued for royalty purposes at or near the lease. This clarification is absolutely essential if consumers are to receive the 30 trillion cubic feet of gas the Administration says they will demand in a decade at a cost they can afford.

The final title of the legislation will serve as a strong signal to our domestic industry that we value the jobs they provide for our neighbors and the investment they make right here at home. It recognizes that when world oil prices make investments in American energy production uncompetitive with foreign investments, the U.S. will adjust our take from the current direct royalty to a system which promotes jobs and investment in down times and increases royalty, and U.S. production later. Specifically, it calls for a 20% credit against royalties due the federal government against capital expenditures during times of lowered oil and gas prices. If a landlord discovered that his rental units were vacant because they were overpriced compared to the competition, he would drop the price to attract renters. The federal government should do the same.

The legislation would also adjust the definition of what constitutes a "marginal" oil well, and allow for suspensions of leases at the lessee's option when oil prices dip precipitously.

This bill is a comprehensive attempt to bring some of our mineral leasing laws and regulations up-to-date with the realities of today's world energy markets. Our domestic industry is dying on the vine because of a combination of governmental actions and inactions, complex regulation and outdated governmental approaches to this important part of our national economy. We need to take steps to make sure that the "pilot light" of our economy does not go out, and it is my belief that this legislation will go a long way to ensuring its continuing contributions to our nation's strength.

Mr. President, the second measure that I am introducing today will redress some of the unfair tax penalties that hinder the continued development and modernization of a domestic oil and gas industry. In particular the legislation focuses on aspects of the alternative minimum tax (AMT) that have a perverse effect on the industry, especially when energy prices are low.

Mr. President, in adopting the AMT in 1986, Congress stated that its purpose was to "serve one overriding objective: to ensure that no taxpayer with substantial economic income can avoid significant tax liability by using exclusions, deductions and credits." Yet the unintended consequence of the AMT is that companies with high fixed costs, such as the oil and gas industry, can face higher effective AMT tax rates when the price of oil is low than when the price is high. In other words, when oil and gas companies are struggling to cope with low world prices, the AMT serves to impose a tax penalty simply because prices are low.

Let me give you an example of the perverse effect of the AMT. If the price of oil is $10 a barrel and an oil and gas company sells 100,000 barrels of oil, the company's revenues would be $1 million. If its production costs were $500,000, its gross profits would be $500,000. If the company took advantage of percentage depletion and other oil and gas incentives, it could reduce it's taxable income to $100,000 and owe $35,000 in taxes. However, because the AMT takes back many of these oil and gas incentives, the same company would be subject to a $90,000 AMT. That is a 90 percent tax rate.

By contrast, assuming the same fixed costs and incentives, if the price of oil was $20 a barrel and the company had $1.1 million in taxable income, its regular tax rate would only be 35 percent and it's AMT liability would be only 26.4 percent. Mr. President, that is not the way the AMT was designed to work.

My bill tackles this problem head-on. It eliminates the AMT preferences for intangible drilling costs, percentage depletion, and the depreciation adjustment for oil and gas assets. In addition, it eliminates the impact of intangible drilling costs, depletion and depreciation on oil and gas assets from the adjusted current earnings adjustment. Finally, the proposal allows the enhanced oil recovery credit and the Section 29 credit to be used to offset the AMT.

In addition to trying to resolve the AMT problems that face the industry, I have adopted a portion of a bill introduced by Senator Kay Bailey Hutchison that attempts to maintain viable independent producers and ensure that marginal wells stay in operation. Marginal wells are those that produce less than 15 barrels a day. In reality they produce on average about 2.2 barrels of oil a day. While individually these wells may not seem like important components of our domestic energy supply, together they produce as much oil as the United States imports from Saudia Arabia. To maintain these marginal wells, the legislation includes a marginal well tax credit of $3.00 per barrel in order to prolong marginal domestic oil and gas well production.

Mr. President, in an effort to stimulate enhanced recovery of oil and thereby increase U.S. production, my legislation enlarges the definition of enhanced oil recovery by including horizontal drilling in areas of Alaska where the only feasible method of recovering some oil is to use such methods. In Alaska, it is just not economically feasible to search for oil by moving drilling platforms from area to area. Instead, the oil companies attempt to locate oil by using a single drilling platform and employing horizontal drilling techniques to search for oil. My legislation recognizes these economic realities and encourages further development of horizontal drilling techniques so that we can recover oil more feasibly.

Finally, Mr. President, this second measure addresses a problem that has recently arisen with natural gas gathering lines. These lines are used to transport natural gas from the wellhead to a central processing facility for processing before it can be transported via trunk lines to an end user such as a distribution facility. The Federal Energy Regulatory Commission (FERC) exempts gas processor gather lines from FERC jurisdiction because they are classified as gas gathering equipment that is part of the production facility, not pipeline transportation under FERC rules.

IRS has taken the position that these lines should be depreciated over a 15 year period if they are owned and operated by an entity that does not produce oil or gas transported in the line. However, if gas transported in the line is owned by the producer, the line can be depreciated over 7 years.

Mr. President, this rule does not make sense. The depreciable life of an asset should depend on the use of the asset and not who owns the asset. For that reason, my legislation clarifies that these gathering lines are depreciable over 7 years no matter who the owner of the pipeline is.

Mr. President, there are many other tax changes that have been proposed to assist the oil and gas industry. It is my view that the proposals I have offered will, over the long term, improve the health of the industry in the most cost-effective manner.

I ask unanimous consent that the text of the two bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 1049

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Federal Oil and Gas Lease Management Improvement Act of 1999".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.
Sec. 3. Definitions.
Sec. 4. No property right.

TITLE I—STATE OPTION TO REGULATE OIL AND GAS LEASE OPERATIONS ON FEDERAL LAND

Sec. 101. Transfer of authority.
Sec. 102. Activity following transfer of authority.

TITLE II—USE OF COST SAVINGS FROM STATE REGULATION

Sec. 201. Compensation for costs.
Sec. 202. Exclusion of costs of preparing planning documents and analyses.
Sec. 203. Receipt sharing.

TITLE III—STREAMLINING AND COST REDUCTION

Sec. 301. Applications.
Sec. 302. Timely issuance of decisions.
Sec. 303. Elimination of unwarranted denials and stays.
Sec. 304. Reports.
Sec. 305. Scientific inventory of oil and gas reserves.

TITLE IV—FEDERAL ROYALTY CERTAINTY
Sec. 401. Definitions.
Sec. 402. Amendment of Outer Continental Shelf Lands Act.
Sec. 403. Amendment of Mineral Leasing Act.
Sec. 404. Indian land.
TITLE V—ROYALTY REINVESTMENT IN AMERICA
Sec. 501. Royalty incentive program.
Sec. 502. Marginal well production incentives.
Sec. 503. Suspension of production on oil and gas operations.

SEC. 2. FINDINGS AND PURPOSES.

(a) Findings.—Congress finds that—

(1) State governments have a long and successful history of regulation of operations to explore for and produce oil and gas; the special role of the States was recognized by Congress in 1935 through its ratification under the Constitution of the Interstate Compact to Conserve Oil and Gas;

(2) under the guidance of the Interstate Oil and Gas Compact Commission, States have established effective regulation of the oil and natural gas industry and subject their programs to periodic peer review through the Commission;

(3) it is significantly less expensive for State governments than for the Federal Government to regulate oil and gas lease operations on Federal land;

(4) significant cost savings could be achieved, with no reduction in environmental protection or in the conservation of oil and gas resources, by having the Federal Government defer to State regulation of oil and gas lease operations on Federal land;

(5) State governments carry out regulatory oversight on Federal, State, and private land; oil and gas companies operating on Federal land are burdened with the additional cost and time of duplicative oversight by both Federal and State conservation authorities; additional cost savings could be achieved within the private sector by having the Secretary defer to State regulation;

(6) the Federal Government is presently cast in opposing roles as a mineral owner and regulator; State regulation of oil and gas operations on Federal land would eliminate this conflict of interest;

(7) it remains the responsibility of the Secretary of the Interior to carry out the Federal policy set forth in the Mining and Minerals Policy Act of 1970 (30 U.S.C. 21a) to foster and encourage private sector enterprise in the development of economically sound and stable domestic mineral industries, and the orderly and economic development of domestic mineral resources and reserves, including oil and gas resources; and

(8) resource management analyses and surveys conducted under the conservation laws of the United States benefit the public at large and are an expense properly borne by the Federal Government.

(b) Purposes.—The purposes of this Act are—

(1) to transfer from the Secretary to each State in which Federal land is present authority to regulate oil and gas operations on leased tracts and related operations as fully as if the operations were occurring on privately owned land;

(2) to share the costs saved through more efficient State enforcement among State governments and the Federal treasury;

(3) to prevent the imposition of unwarranted delays and recoupments of Federal administrative costs on Federal oil and gas lessees;

(4) to effect no change in the administration of Indian land; and

(5) to ensure that funds deducted from the States' net receipt share are directly tied to administrative costs related to mineral leasing on Federal land.

SEC. 3. DEFINITIONS.

In this Act:

(1) Application for a permit to drill.—The term "application for a permit to drill" means a drilling plan including design, mechanical, and engineering aspects for drilling a well.

(2) Federal land.—

(A) In general.—The term "Federal land" means all land and interests in land owned by the United States that are subject to the mineral leasing laws, including mineral resources or mineral estates reserved to the United States in the conveyance of a surface or nonmineral estate.

(B) Exclusion.—The term "Federal land" does not include—

(i) Indian land (as defined in section 3 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1702)); or

(ii) submerged land on the outer Continental Shelf (as defined in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331)).

(3) Oil and gas conservation authority.—The term "oil and gas conservation authority" means the agency or agencies in each State responsible for regulating for conservation purposes operations to explore for and produce oil and natural gas.

(4) Project.—The term "project" means an activity by a lessee, an operator, or an operating rights owner to explore for, develop, produce, or transport oil or gas resources.

(5) Secretary.—The term "Secretary" means—

(A) the Secretary of the Interior, with respect to land under the administrative jurisdiction of the Department of the Interior; and

(B) the Secretary of Agriculture, with respect to land under the administrative jurisdiction of the Department of Agriculture.

(6) Surface use plan of operations.—The term "surface use plan of operations" means a plan for surface use, disturbance, and reclamation.

SEC. 4. NO PROPERTY RIGHT.

Nothing in this Act gives a State a property right or interest in any Federal lease or land.

TITLE I—STATE OPTION TO REGULATE OIL AND GAS LEASE OPERATIONS ON FEDERAL LAND

SEC. 101. TRANSFER OF AUTHORITY.

(a) Notification.—Not before the date that is 180 days after the date of enactment of this Act, a State may notify the Secretary of its intent to accept authority for regulation of operations, as described in subparagraphs (A) through (K) of subsection (b)(2), under oil and gas leases on Federal land within the State.

(b) Transfer of Authority.—

(1) In general.—Effective 180 days after the Secretary receives the State's notice, authority for the regulation of oil and gas leasing operations is transferred from the Secretary to the State.

(2) Authority included.—The authority transferred under paragraph (1) includes—

(A) processing and approving applications for permits to drill, subject to surface use agreements and other terms and conditions determined by the Secretary;

(B) production operations;

(C) well testing;

(D) well completion;

(E) well spacing;

(F) communization;

(G) conversion of a producing well to a water well;

(H) well abandonment procedures;

(I) inspections;

(J) enforcement activities; and

(K) site security.

(c) Retained Authority.—The Secretary shall—

(1) retain authority over the issuance of leases and the approval of surface use plans of operations and project-level environmental analyses; and

(2) spend appropriated funds to ensure that timely decisions are made respecting oil and gas leasing, taking into consideration multiple uses of Federal land, socioeconomic and environmental impacts, and the results of consultations with State and local government officials.

SEC. 102. ACTIVITY FOLLOWING TRANSFER OF AUTHORITY.

(a) Federal Agencies.—Following the transfer of authority, no Federal agency shall exercise the authority formerly held by the Secretary as to oil and gas lease operations and related operations on Federal land.

(b) State Authority.—

(1) In general.—Following the transfer of authority, each State shall enforce its own oil and gas conservation laws and requirements pertaining to transferred oil and gas lease operations and related operations with due regard to the national interest in the expedited, environmentally sound development of oil and gas resources in a manner consistent with oil and gas conservation principles.

(2) Appeals.—Following a transfer of authority under section 101, an appeal of any decision made by a State oil and gas conservation authority shall be made in accordance with State administrative procedures.

(c) Pending Enforcement Actions.—The Secretary may continue to enforce any pending actions respecting acts committed before the date on which authority is transferred to a State under section 101 until those proceedings are concluded.

(d) Pending Applications.—

(1) Transfer to state.—All applications respecting oil and gas lease operations and related operations on Federal land pending before the Secretary on the date on which authority is transferred under section 101 shall be immediately transferred to the oil and gas conservation authority of the State in which the lease is located.

(2) Action by the state.—The oil and gas conservation authority shall act on the application in accordance with State laws (including regulations) and requirements.

TITLE II—USE OF COST SAVINGS FROM STATE REGULATION

SEC. 201. COMPENSATION FOR COSTS.

(a) In General.—Subject to the availability of appropriations, the Secretary shall compensate any State for costs incurred to carry out the authorities transferred under section 101.

(b) Payment Schedule.—Payments shall be made not less frequently than every quarter.

(c) Cost Breakdown Report.—Each State seeking compensation shall report to the Secretary a cost breakdown for the authorities transferred.

(d) Limitation on Amount.—

(1) In general.—Compensation to a State may not exceed 50 percent of the Secretary's

allocated cost for oil and gas leasing activities under section 35(b) of the Act of February 25, 1920 (commonly known as the "Mineral Leasing Act") (30 U.S.C. 191(b)) for the State for fiscal year 1997.

(2) ADJUSTMENT.—The Secretary shall adjust the maximum level of cost compensation at least once every 2 years to reflect any increases in the Consumer Price Index (all items, United States city average) as prepared by the Department of Labor, using 1997 as the baseline year.

SEC. 202. EXCLUSION OF COSTS OF PREPARING PLANNING DOCUMENTS AND ANALYSES.

Section 35 of the Act of February 25, 1920 (30 U.S.C. 191(b)) is amended by adding at the end the following:

"(6) The Secretary shall not include, for the purpose of calculating the deduction under paragraph (1), costs of preparing resource management planning documents and analyses for areas in which mineral leasing is excluded or areas in which the primary activity under review is not mineral leasing and development.".

SEC. 203. RECEIPT SHARING.

Section 35(b) of the Act of February 25, 1920 (30 U.S.C. 191(b)) is amended by striking "paid to States" and inserting "paid to States (other than States that accept a transfer of authority under section 101 of the Federal Oil and Gas Lease Management Act of 1999)".

TITLE III—STREAMLINING AND COST REDUCTION

SEC. 301. APPLICATIONS.

(a) LIMITATION ON COST RECOVERY.—Notwithstanding sections 304 and 504 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1734, 1764) and section 9701 of title 31, United States Code, the Secretary shall not recover the Secretary's costs with respect to applications and other documents relating to oil and gas leases.

(b) COMPLETION OF PLANNING DOCUMENTS AND ANALYSES.—

(1) IN GENERAL.—The Secretary shall complete any resource management planning documents and analyses not later than 90 days after receiving any offer, application, or request for which a planning document or analysis is required to be prepared.

(2) PREPARATION BY APPLICANT OR LESSEE.—If the Secretary is unable to complete the document or analysis within the time prescribed by paragraph (1), the Secretary shall notify the applicant or lessee of the opportunity to prepare the required document or analysis for the agency's review and use in decisionmaking.

(c) REIMBURSEMENT FOR COSTS OF NEPA ANALYSES, DOCUMENTATION, AND STUDIES.—If—

(1) adequate funding to enable the Secretary to timely prepare a project-level analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to an oil or gas lease is not appropriated; and

(2) the lessee, operator, or operating rights owner voluntarily pays for the cost of the required analysis, documentation, or related study;

the Secretary shall reimburse the lessee, operator, or operating rights owner for its costs through royalty credits attributable to the lease, unit agreement, or project area.

SEC. 302. TIMELY ISSUANCE OF DECISIONS.

(a) IN GENERAL.—The Secretary shall ensure the timely issuance of Federal agency decisions respecting oil and gas leasing and operations on Federal land.

(b) OFFER TO LEASE.—

(1) DEADLINE.—The Secretary shall accept or reject an offer to lease not later than 90 days after the filing of the offer.

(2) FAILURE TO MEET DEADLINE.—If an offer is not acted upon within that time, the offer shall be deemed to have been accepted.

(c) APPLICATION FOR PERMIT TO DRILL.—

(1) DEADLINE.—The Secretary and a State that has accepted a transfer of authority under section 101 shall approve or disapprove an application for permit to drill not later than 30 days after receiving a complete application.

(2) FAILURE TO MEET DEADLINE.—If the application is not acted on within the time prescribed by paragraph (1), the application shall be deemed to have been approved.

(d) SURFACE USE PLAN OF OPERATIONS.—The Secretary shall approve or disapprove a surface use plan of operations not later than 30 days after receipt of a complete plan.

(e) ADMINISTRATIVE APPEALS.—

(1) DEADLINE.—From the time that a Federal oil and gas lessee or operator files a notice of administrative appeal of a decision or order of an officer or employee of the Department of the Interior or the Forest Service respecting a Federal oil and gas Federal lease, the Secretary shall have 2 years in which to issue a final decision in the appeal.

(2) FAILURE TO MEET DEADLINE.—If no final decision has been issued within the time prescribed by paragraph (1), the appeal shall be deemed to have been granted.

SEC. 303. ELIMINATION OF UNWARRANTED DENIALS AND STAYS.

(a) IN GENERAL.—The Secretary shall ensure that unwarranted denials and stays of lease issuance and unwarranted restrictions on lease operations are eliminated from the administration of oil and gas leasing on Federal land.

(b) LAND DESIGNATED FOR MULTIPLE USE.—

(1) IN GENERAL.—Land designated as available for multiple use under Bureau of Land Management resource management plans and Forest Service leasing analyses shall be available for oil and gas leasing without lease stipulations more stringent than restrictions on surface use and operations imposed under the laws (including regulations) of the State oil and gas conservation authority unless the Secretary includes in the decision approving the management plan or leasing analysis a written explanation why more stringent stipulations are warranted.

(2) APPEAL.—Any decision to require a more stringent stipulation shall be administratively appealable and, following a final agency decision, shall be subject to judicial review.

(c) REJECTION OF OFFER TO LEASE.—

(1) IN GENERAL.—If the Secretary rejects an offer to lease on the ground that the land is unavailable for leasing, the Secretary shall provide a written, detailed explanation of the reasons the land is unavailable for leasing.

(2) PREVIOUS RESOURCE MANAGEMENT DECISION.—If the determination of unavailability is based on a previous resource management decision, the explanation shall include a careful assessment of whether the reasons underlying the previous decision are still persuasive.

(3) SEGREGATION OF AVAILABLE LAND FROM UNAVAILABLE LAND.—The Secretary may not reject an offer to lease land available for leasing on the ground that the offer includes land unavailable for leasing, and the Secretary shall segregate available land from unavailable land, on the offeror's request following notice by the Secretary, before acting on the offer to lease.

(d) DISAPPROVAL OR REQUIRED MODIFICATION OF SURFACE USE PLANS OF OPERATIONS AND APPLICATION FOR PERMIT TO DRILL.—The Secretary shall provide a written, detailed explanation of the reasons for disapproving or requiring modifications of any surface use plan of operations or application for permit to drill.

(e) EFFECTIVENESS OF DECISION.—A decision of the Secretary respecting an oil and gas lease shall be effective pending administrative appeal to the appropriate office within the Department of the Interior or the Department of Agriculture unless that office grants a stay in response to a petition satisfying the criteria for a stay established by section 4.21(b) of title 43, Code of Federal Regulations (or any successor regulation).

SEC. 304. REPORTS.

(a) IN GENERAL.—Not later than March 31, 2000, the Secretaries shall jointly submit to the President of the Senate and the Speaker of the House of Representatives a report explaining the most efficient means of eliminating overlapping jurisdiction, duplication of effort, and inconsistent policymaking and policy implementation as between the Bureau of Land Management and the Forest Service.

(b) RECOMMENDATIONS.—The report shall include recommendations on statutory changes needed to implement the report's conclusions.

SEC. 305. SCIENTIFIC INVENTORY OF OIL AND GAS RESERVES.

(a) IN GENERAL.—Not later than March 31, 2000, the Secretary of the Interior, in consultation with the Director of the United States Geological Survey, shall publish, through notice in the Federal Register, a science-based national inventory of the oil and gas reserves and potential resources underlying Federal land and the outer Continental Shelf.

(b) CONTENTS.—The inventory shall—

(1) indicate what percentage of the oil and gas reserves and resources is currently available for leasing and development; and

(2) specify the percentages of the reserves and resources that are on—

(A) land that is open for leasing as of the date of enactment of this Act that has never been leased;

(B) land that is open for leasing or development subject to no surface occupancy stipulations; and

(C) land that is open for leasing or development subject to other lease stipulations that have significantly impeded or prevented, or are likely to significantly impede or prevent, development; and

(3) indicate the percentage of oil and gas resources that are not available for leasing or are withdrawn from leasing.

(c) PUBLIC COMMENT.—

(1) IN GENERAL.—The Secretary of the Interior shall invite public comment on the inventory to be filed not later than September 30, 2000.

(2) RESOURCE MANAGEMENT DECISIONS.—Specifically, the Secretary of the Interior shall invite public comment on the effect of Federal resource management decisions on past and future oil and gas development.

(d) REPORT.—

(1) IN GENERAL.—Not later than March 31, 2001, the Secretary of the Interior shall submit to the President of the Senate and the Speaker of the House of Representatives a report comprised of the revised inventory and responses to the public comments.

(2) CONTENTS.—The report shall specifically indicate what steps the Secretaries believe are necessary to increase the percentage of land open for development of oil and gas resources.

TITLE IV—FEDERAL ROYALTY CERTAINTY

SEC. 401. DEFINITIONS.

In this title:

(1) MARKETABLE CONDITION.—The term "marketable condition" means lease production that is sufficiently free from impurities and otherwise in a condition that the production will be accepted by a purchaser under a sales contract typical for the field or area.

(2) REASONABLE COMMERCIAL RATE.—

(A) IN GENERAL.—The term "reasonable commercial rate" means—

(i) in the case of an arm's-length contract, the actual cost incurred by the lessee; or

(ii) in the case of a non-arm's-length contract—

(I) the rate charged in a contract for similar services in the same area between parties with opposing economic interests; or

(II) if there are no arm's-length contracts for similar services in the same area, the just and reasonable rate for the transportation service rendered by the lessee or lessee's affiliate.

(B) DISPUTES.—Disputes between the Secretary and a lessee over what constitutes a just and reasonable rate for such service shall be resolved by the Federal Energy Regulatory Commission.

SEC. 402. AMENDMENT OF OUTER CONTINENTAL SHELF LANDS ACT.

Section 8(b)(3) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(b)(3)) is amended by striking the semicolon at the end and adding the following:

"*Provided*: That if the payment is in value or amount, the royalty due in value shall be based on the value of oil or gas production at the lease in marketable condition, and the royalty due in amount shall be based on the royalty share of production at the lease; if the payment in value or amount is calculated from a point away from the lease, the payment shall be adjusted for quality and location differentials, and the lessee shall be allowed reimbursements at a reasonable commercial rate for transportation (including transportation to the point where the production is put in marketable condition), marketing, processing, and other services beyond the lease through the point of sale, other disposition, or delivery;".

SEC. 403. AMENDMENT OF MINERAL LEASING ACT.

Section 17(c) of the Act of February 25, 1920 (30 U.S.C. 226(c)) (commonly known as the "Mineral Leasing Act"), is amended by adding at the end the following:

"(3) ROYALTY DUE IN VALUE.—

"(A) IN GENERAL.—Royalty due in value shall be based on the value of oil or gas production at the lease in marketable condition, and the royalty due in amount shall be based on the royalty share of production at the lease.

"(B) CALCULATION OF VALUE OR AMOUNT FROM A POINT AWAY FROM A LEASE.—If the payment in value or amount is calculated from a point away from the lease—

"(i) the payment shall be adjusted for quality and location differentials; and

"(ii) the lessee shall be allowed reimbursements at a reasonable commercial rate for transportation (including transportation to the point where the production is put in marketable condition), marketing, processing, and other services beyond the lease through the point of sale, other disposition, or delivery;".

SEC. 404. INDIAN LAND.

This title shall not apply with respect to Indian land.

TITLE V—ROYALTY REINVESTMENT IN AMERICA

SEC. 501. ROYALTY INCENTIVE PROGRAM.

(a) IN GENERAL.—To encourage exploration and development expenditures on Federal land and the outer Continental Shelf for the development of oil and gas resources when the cash price of West Texas Intermediate crude oil, as posted on the Dow Jones Commodities Index chart is less than $18 per barrel for 90 consecutive pricing days or when natural gas prices as delivered at Henry Hub, Louisiana, are less than $2.30 per million British thermal units for 90 consecutive days, the Secretary shall allow a credit against the payment of royalties on Federal oil production and gas production, respectively, in an amount equal to 20 percent of the capital expenditures made on exploration and development activities on Federal oil and gas leases.

(b) NO CREDITING AGAINST ONSHORE FEDERAL ROYALTY OBLIGATIONS.—In no case shall such capital expenditures made on Outer Continental Shelf leases be credited against onshore Federal royalty obligations.

SEC. 502. MARGINAL WELL PRODUCTION INCENTIVES.

To enhance the economics of marginal oil and gas production by increasing the ultimate recovery from marginal wells when the cash price of West Texas Intermediate crude oil, as posted on the Dow Jones Commodities Index chart is less than $18 per barrel for 90 consecutive pricing days or when natural gas prices are delivered at Henry Hub, Louisiana, are less than $2.30 per million British thermal units for 90 consecutive days, the Secretary shall reduce the royalty rate as production declines for—

(1) onshore oil wells producing less than 30 barrels per day;

(2) onshore gas wells producing less than 120 million British thermal units per day;

(3) offshore oil well producing less than 300 barrels of oil per day; and

(4) offshore gas wells producing less than 1,200 million British thermal units per day.

SEC. 503. SUSPENSION OF PRODUCTION ON OIL AND GAS OPERATIONS.

(a) IN GENERAL.—Any person operating an oil well under a lease issued under the Act of February 25, 1920 (commonly known as the "Mineral Leasing Act") (30 U.S.C. 181 et seq.) or the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351 et seq.) may submit a notice to the Secretary of the Interior of suspension of operation and production at the well.

(b) PRODUCTION QUANTITIES NOT A FACTOR.—A notice under subsection (a) may be submitted without regard to per day production quantities at the well and without regard to the requirements of subsection (a) of section 3103.4-4 of title 43 of the Code of Federal Regulations (or any successor regulation) respecting the granting of such relief, except that the notice shall be submitted to an office in the Department of the Interior designated by the Secretary of the Interior.

(c) PERIOD OF RELIEF.—On submission of a notice under subsection (a) for an oil well, the operator of the well may suspend operation and production at the well for a period beginning on the date of submission of the notice and ending on the later of—

(1) the date that is 2 years after the date on which the suspension of operation and production commences; or

(2) the date on which the cash price of West Texas Intermediate crude oil, as posted on the Dow Jones Commodities Index chart is greater than $15 per barrel for 90 consecutive pricing days.

S. 1050

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Energy Security Tax Policy Act of 1999".

SEC. 2. ELIMINATION OF CERTAIN AMT PREFERENCES FOR OIL AND GAS ASSETS.

(a) DEPLETION.—Section 57(a)(1) of the Internal Revenue Code of 1986 (relating to depletion) is amended by striking the second sentence and inserting the following: "This paragraph shall not apply to any deduction for depletion computed in accordance with section 613A."

(b) INTANGIBLE DRILLING COSTS.—Section 57(a)(2)(E) of the Internal Revenue Code of 1986 (relating to exception for independent producers) is amended to read as follows:

"(E) TERMINATION OF APPLICATION TO OIL AND GAS PROPERTIES.—In the case of any taxable year beginning after December 31, 1998, this paragraph shall not apply in the case of any oil or gas property."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1998.

SEC. 3. DEPRECIATION ADJUSTMENT NOT TO APPLY TO OIL AND GAS ASSETS.

(a) IN GENERAL.—Subparagraph (B) of section 56(a)(1) of the Internal Revenue Code of 1986 (relating to depreciation adjustments) is amended to read as follows:

"(B) EXCEPTIONS.—This paragraph shall not apply to—

"(i) property described in paragraph (1), (2), (3), or (4) of section 168(f), or

"(ii) property used in the active conduct of the trade or business of exploring for, extracting, developing, or gathering crude oil or natural gas."

(b) DEPRECIATION ADJUSTMENT FOR PURPOSES OF ADJUSTED CURRENT EARNINGS.—Paragraph (4)(A) of section 56(g) of such Code (relating to adjustments based on adjusted current earnings) is amended by adding at the end the following new clause:

"(vi) OIL AND GAS PROPERTY.—In the case of property used in the active conduct of the trade or business of exploring for, extracting, developing, or gathering crude oil or natural gas, the amount allowable as depreciation or amortization with respect to such property shall be determined in the same manner as for purposes of computing the regular tax."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1998.

SEC. 4. REPEAL CERTAIN ADJUSTMENTS BASED ON ADJUSTED CURRENT EARNINGS RELATING TO OIL AND GAS ASSETS.

(a) INTANGIBLE DRILLING COSTS.—Clause (i) of section 56(g)(4)(D) of the Internal Revenue Code of 1986 (relating to certain other earnings and profits adjustments) is amended by striking the second sentence and inserting the following: "In the case of any oil or gas well, this clause shall not apply to amounts paid or incurred in taxable years beginning after December 31, 1998."

(b) DEPLETION.—Clause (ii) of section 56(g)(4)(F) of the Internal Revenue Code of 1986 (relating to depletion) is amended to read as follows:

"(ii) EXCEPTION FOR OIL AND GAS WELLS.—In the case of any taxable year beginning after December 31, 1998, clause (i) (and subparagraph (C)(i)) shall not apply to any deduction for depletion computed in accordance with section 613A."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1998.

SEC. 5. ENHANCED OIL RECOVERY CREDIT AND CREDIT FOR PRODUCING FUEL FROM A NONCONVENTIONAL SOURCE ALLOWED AGAINST MINIMUM TAX.

(a) ENHANCED OIL RECOVERY CREDIT ALLOWED AGAINST REGULAR AND MINIMUM TAX.—

(1) ALLOWING CREDIT AGAINST MINIMUM TAX.—Subsection (c) of section 38 of the Internal Revenue Code of 1986 (relating to limitation based on amount of tax) is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

"(3) SPECIAL RULES FOR ENHANCED OIL RECOVERY CREDIT.—

"(A) IN GENERAL.—In the case of the enhanced oil recovery credit—

"(i) this section and section 39 shall be applied separately with respect to the credit, and

"(ii) in applying paragraph (1) to the credit—

"(I) subparagraphs (A) and (B) thereof shall not apply, and

"(II) the limitation under paragraph (1) (as modified by subclause (I)) shall be reduced by the credit allowed under subsection (a) for the taxable year (other than the enhanced oil recovery credit).

"(B) ENHANCED OIL RECOVERY CREDIT.—For purposes of this subsection, the term 'enhanced oil recovery credit' means the credit allowable under subsection (a) by reason of section 43(a).".

(2) CONFORMING AMENDMENT.—Subclause (II) of section 38(c)(2)(A)(ii) of such Code is amended by inserting "or the enhanced oil recovery credit" after "employment credit".

(b) CREDIT FOR PRODUCING FUEL FROM A NONCONVENTIONAL SOURCE.—

(1) ALLOWING CREDIT AGAINST MINIMUM TAX.—Section 29(b)(6) of the Internal Revenue Code of 1986 is amended to read as follows:

"(6) APPLICATION WITH OTHER CREDITS.—The credit allowed by subsection (a) for any taxable year shall not exceed—

"(A) the regular tax for the taxable year and the tax imposed by section 55, reduced by

"(B) the sum of the credits allowable under subpart A and section 27."

(2) CONFORMING AMENDMENTS.—

(A) Section 53(d)(1)(B)(iii) of such Code is amended by inserting "as in effect on the date of the enactment of the Energy Security Tax Policy Act of 1999," after "29(b)(6)(B),".

(B) Section 55(c)(2) of such Code is amended by striking "29(b)(6),".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1998.

SEC. 6. TAX CREDIT FOR MARGINAL DOMESTIC OIL AND NATURAL GAS WELL PRODUCTION.

(a) CREDIT FOR PRODUCING OIL AND GAS FROM MARGINAL WELLS.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business credits) is amended by adding at the end the following new section:

"SEC. 45D. CREDIT FOR PRODUCING OIL AND GAS FROM MARGINAL WELLS.

"(a) GENERAL RULE.—For purposes of section 38, the marginal well production credit for any taxable year is an amount equal to the product of—

"(1) the credit amount, and

"(2) the qualified crude oil production and the qualified natural gas production which is attributable to the taxpayer.

"(b) CREDIT AMOUNT.—For purposes of this section—

"(1) IN GENERAL.—The credit amount is—

"(A) $3 per barrel of qualified crude oil production, and

"(B) 50 cents per 1,000 cubic feet of qualified natural gas production.

"(2) REDUCTION AS OIL AND GAS PRICES INCREASE.—

"(A) IN GENERAL.—The $3 and 50 cents amounts under paragraph (1) shall each be reduced (but not below zero) by an amount which bears the same ratio to such amount (determined without regard to this paragraph) as—

"(i) the excess (if any) of the applicable reference price over $14 ($1.56 for qualified natural gas production), bears to

"(ii) $3 ($0.33 for qualified natural gas production).

The applicable reference price for a taxable year is the reference price for the calendar year preceding the calendar year in which the taxable year begins.

"(B) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2000, each of the dollar amounts contained in subparagraph (A) shall be increased to an amount equal to such dollar amount multiplied by the inflation adjustment factor for such calendar year (determined under section 43(b)(3)(B) by substituting '1999' for '1990').

"(C) REFERENCE PRICE.—For purposes of this paragraph, the term 'reference price' means, with respect to any calendar year—

"(i) in the case of qualified crude oil production, the reference price determined under section 29(d)(2)(C), and

"(ii) in the case of qualified natural gas production, the Secretary's estimate of the annual average wellhead price per 1,000 cubic feet for all domestic natural gas.

"(c) QUALIFIED CRUDE OIL AND NATURAL GAS PRODUCTION.—For purposes of this section—

"(1) IN GENERAL.—The terms 'qualified crude oil production' and 'qualified natural gas production' mean domestic crude oil or natural gas which is produced from a marginal well.

"(2) LIMITATION ON AMOUNT OF PRODUCTION WHICH MAY QUALIFY.—

"(A) IN GENERAL.—Crude oil or natural gas produced during any taxable year from any well shall not be treated as qualified crude oil production or qualified natural gas production to the extent production from the well during the taxable year exceeds 1,095 barrels or barrel equivalents.

"(B) PROPORTIONATE REDUCTIONS.—

"(i) SHORT TAXABLE YEARS.—In the case of a short taxable year, the limitations under this paragraph shall be proportionately reduced to reflect the ratio which the number of days in such taxable year bears to 365.

"(ii) WELLS NOT IN PRODUCTION ENTIRE YEAR.—In the case of a well which is not capable of production during each day of a taxable year, the limitations under this paragraph applicable to the well shall be proportionately reduced to reflect the ratio which the number of days of production bears to the total number of days in the taxable year.

"(3) DEFINITIONS.—

"(A) MARGINAL WELL.—The term 'marginal well' means a domestic well—

"(i) the production from which during the taxable year is treated as marginal production under section 613A(c)(6), or

"(ii) which, during the taxable year—

"(I) has average daily production of not more than 25 barrel equivalents, and

"(II) produces water at a rate not less than 95 percent of total well effluent.

"(B) CRUDE OIL, ETC.—The terms 'crude oil', 'natural gas', 'domestic', and 'barrel' have the meanings given such terms by section 613A(e).

"(C) BARREL EQUIVALENT.—The term 'barrel equivalent' means, with respect to natural gas, a conversion ratio of 6,000 cubic feet of natural gas to 1 barrel of crude oil.

"(d) OTHER RULES.—

"(1) PRODUCTION ATTRIBUTABLE TO THE TAXPAYER.—In the case of a marginal well in which there is more than one owner of operating interests in the well and the crude oil or natural gas production exceeds the limitation under subsection (c)(2), qualifying crude oil production or qualifying natural gas production attributable to the taxpayer shall be determined on the basis of the ratio which taxpayer's revenue interest in the production bears to the aggregate of the revenue interests of all operating interest owners in the production.

"(2) OPERATING INTEREST REQUIRED.—Any credit under this section may be claimed only on production which is attributable to the holder of an operating interest.

"(3) PRODUCTION FROM NONCONVENTIONAL SOURCES EXCLUDED.—In the case of production from a marginal well which is eligible for the credit allowed under section 29 for the taxable year, no credit shall be allowable under this section unless the taxpayer elects not to claim the credit under section 29 with respect to the well."

(b) CREDIT TREATED AS BUSINESS CREDIT.—Section 38(b) of the Internal Revenue Code of 1986 (relating to current year business credit) is amended by striking "plus" at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting ", plus", and by adding at the end the following new paragraph:

"(13) the marginal oil and gas well production credit determined under section 45D(a).".

(c) CREDIT ALLOWED AGAINST REGULAR AND MINIMUM TAX.—

(1) IN GENERAL.—Subsection (c) of section 38 of the Internal Revenue Code of 1986 (relating to limitation based on amount of tax), as amended by section 5(a)(1), is amended by redesignating paragraph (4) as paragraph (5) and by inserting after paragraph (3) the following new paragraph:

"(4) SPECIAL RULES FOR MARGINAL OIL AND GAS WELL PRODUCTION CREDIT.—

"(A) IN GENERAL.—In the case of the marginal oil and gas well production credit—

"(i) this section and section 39 shall be applied separately with respect to the credit, and

"(ii) in applying paragraph (1) to the credit—

"(I) subparagraphs (A) and (B) thereof shall not apply, and

"(II) the limitation under paragraph (1) (as modified by subclause (I)) shall be reduced by the credit allowed under subsection (a) for the taxable year (other than the marginal oil and gas well production credit).

"(B) MARGINAL OIL AND GAS WELL PRODUCTION CREDIT.—For purposes of this subsection, the term 'marginal oil and gas well production credit' means the credit allowable under subsection (a) by reason of section 45D(a).".

(2) CONFORMING AMENDMENTS.—

(A) Subclause (II) of section 38(c)(2)(A)(ii) of such Code, as amended by section 5(a)(2), is amended by striking "or the enhanced oil recovery credit" and inserting "the enhanced oil recovery credit, or the marginal oil and gas well production credit".

(B) Subclause (II) of section 38(c)(3)(A)(ii) of such Code, as added by section 5(a)(1), is amended by inserting "or the marginal oil and gas well production credit" after "recovery credit".

(d) Coordination With Section 29.—Section 29(d) of the Internal Revenue Code of 1986 (relating to other definitions and special rules) is amended by adding at the end the following new paragraph:

"(9) Election not to take credit.—No credit shall be allowed under subsection (a) with respect to production from any marginal well (as defined in section 45D(c)(3)(A)) if the taxpayer elects to not have this section apply to such well."

(e) Clerical Amendment.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"45D. Credit for producing oil and gas from marginal wells."

(f) Effective Date.—The amendments made by this section shall apply to production in taxable years ending after the date of the enactment of this Act.

SEC. 7. ALLOWANCE OF ADDITIONAL ENHANCED OIL RECOVERY METHOD.

(a) In General.—Clause (i) of section 43(c)(2)(A) of the Internal Revenue Code of 1986 (defining qualified enhanced oil recovery project) is amended to read as follows:

"(i) which involves the application (in accordance with sound engineering principles) of—

"(I) one or more tertiary recovery methods (as defined in section 193(b)(3)) which can reasonably be expected to result in more than an insignificant increase in the amount of crude oil which will ultimately be recovered, or

"(II) a qualified horizontal drilling method which can reasonably be expected to result in more than an insignificant increase in the amount of crude oil which will ultimately be recovered or lead to the discovery or delineation of previously undeveloped accumulations of crude oil,"

(b) Qualified Horizontal Drilling Method.—Section 43(c)(2) of the Internal Revenue Code of 1986 (relating to qualified enhanced oil recovery project) is amended by adding at the end the following new subparagraph:

"(C) Qualified horizontal drilling method.—For purposes of this paragraph—

"(i) In general.—The term 'qualified horizontal drilling method' means the drilling of a horizontal well in order to penetrate hydrocarbon bearing formations located north of latitude 54 degrees North.

"(ii) Horizontal well.—The term 'horizontal well' means a well which is drilled—

"(I) at an inclination of at least 70 degrees off the vertical, and

"(II) for a distance in excess of 1,000 feet."

(c) Conforming Amendment.—Clause (iii) of section 43(c)(2)(A) of the Internal Revenue Code of 1986 is amended to read as follows:

"(iii) with respect to which—

"(I) in the case of a tertiary recovery method, the first injection of liquids, gases, or other matter commences after December 31, 1990, and

"(II) in the case of a qualified horizontal drilling method, the implementation of the method begins after December 31, 1998."

(d) Effective Date.—The amendments made by this section shall apply to taxable years ending after December 31, 1998.

SEC. 8. NATURAL GAS GATHERING LINES TREATED AS 7-YEAR PROPERTY.

(a) In General.—Subparagraph (C) of section 168(e)(3) of the Internal Revenue Code of 1986 (relating to classification of certain property) is amended by redesignating clause (ii) as clause (iii) and by inserting after clause (i) the following new clause:

"(ii) any natural gas gathering line, and".

(b) Natural Gas Gathering Line.—Subsection (i) of section 168 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(15) Natural gas gathering line.—The term 'natural gas gathering line' means the pipe, equipment, and appurtenances used to deliver natural gas from the wellhead to the point at which such gas first reaches—

"(A) a gas processing plant,

"(B) an interconnection with an interstate natural-gas company (as defined in section 2(6) of the Natural Gas Act (15 U.S.C. 717a(6))), or

"(C) an interconnection with an intrastate transmission pipeline."

(c) Effective Date.—The amendments made by this section shall apply to property placed in service before, on, or after the date of the enactment of this Act.

By Mr. MURKOWSKI (for himself and Mr. Bingaman (by request)):

S. 1051. A bill to amend the Energy Policy and Conservation Act to manage the Strategic Petroleum Reserve more effectively, and for other purposes; to the Committee on Energy and Natural Resources.

ENERGY POLICY AND CONSERVATION ACT AMENDMENTS

Mr. MURKOWSKI. Mr. President, pursuant to an executive communication referred to the Committee on Energy and Natural Resources, at the request of the Department of Energy, I introduce a bill cited as the "Energy Policy and Conservation Act Amendments." The bill would amend and extend certain authorities in the Energy and Policy Conservation Act which either have expired or will expire September 30, 1999. I would like to submit a copy of the transmittal letter and the text of the bill and ask that it be printed in the Record. I do this on behalf of myself and Senator Bingaman.

The Act was passed in 1975. Title I of the Act authorized the creation and maintenance of the Strategic Petroleum Reserve that would be used to mitigate shortages during an oil supply disruption. Title II contains authorities essential for meeting key United States obligations to the International Energy Agency.

The proposed legislation would extend the Strategic Petroleum Reserve and International Energy Program authorities to September 30, 2003. It would also delete or amend certain provisions which are outdated or unnecessary.

I ask unanimous consent that the bill and the executive communication which accompanied the proposal be printed in the Record.

There being no objection, the materials were ordered to be printed in the Record, as follows:

S. 1051

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. This Act may be cited as the "Energy Policy and Conservation Act Amendments".

Sec. 2. Section 2 of the Energy Policy and Conservation Act (42 U.S.C. 6201) is amended—

(a) in paragraph (1) by striking "standby" and ", subject to congressional review, to impose rationing, to reduce demand for energy through the implementation of energy conservation plans, and"; and

(b) by striking paragraphs (3) and (6).

Sec. 3. Section 3 of the Energy Policy and Conservation Act (42 U.S.C. 6202) is amended in paragraph (8) by inserting "or international" before "energy supply shortage".

Sec. 4. Title I of the Energy Policy and Conservation Act (42 U.S.C. 6211–6251) is amended—

(a) by striking section 102 (42 U.S.C. 6211) and its heading;

(b) by striking section 104(b)(1);

(c) in section 105 (42 U.S.C. 6213)—

(1) by amending subsection (e) to read as follows—

"On or after December 31, 2000, the Secretary shall establish a program for setting the terms of joint bidding by any person for the right to explore for and develop crude oil, natural gas, natural gas liquids, sulphur, and other minerals located on Outer Continental Shelf lands. The program shall consider the goals of ensuring a fair return, encouraging timely and efficient resource development, and other goals as the Secretary deems appropriate. Conditions under which joint bidding will be permitted or restricted will be established through regulation.";

(2) by adding subsection (f) to read as follows—

"(f) Subsections (a) though (d) of this section shall expire on the effective date of the program established by the Secretary pursuant to subsection (e).".

(d) by striking section 106 (42 U.S.C. 6214) and its heading;

(e) by amending section 151(b) (42 U.S.C. 6231) to read as follows:

"(b) It is the policy of the United States to provide for the creation of a Strategic Petroleum Reserve for the storage of up to 1 billion barrels of petroleum products to reduce the impact of disruptions in supplies of petroleum products, to carry out obligations of the United States under the international energy program, and for other purposes as provided for in this Act.";

(f) in section 152 (42 U.S.C. 6232)—

(1) by striking paragraphs (1), (3) and (7), and

(2) in paragraph (11) by striking ";such term includes the Industrial Petroleum Reserve, the Early Storage Reserve, and the Regional Petroleum Reserve".

(g) by striking section 153 (42 U.S.C. 6233) and its heading;

(h) in section 154 (42 U.S.C. 6234)—

(1) by amending subsection (a) to read as follows:

"(a) A Strategic Petroleum Reserve for the storage of up to 1 billion barrels of petroleum products shall be created pursuant to this part.";

(2) by amending subsection (b) to read as follows:

"(b) The Secretary, in accordance with this part, shall exercise authority over the development, operation, and maintenance of the Reserve."; and

(3) by striking subsections (c), (d), and (e);

(i) by striking section 155 (42 U.S.C. 6235) and its heading;

(j) by striking section 156 (42 U.S.C. 6236) and its heading;

(k) by striking section 157 (42 U.S.C. 6237) and its heading;

(l) by striking section 158 (42 U.S.C. 6238) and its heading;

(m) by amending the heading for section 159 (42 U.S.C. 6239) to read, "Development, Operation, and Maintenance of the Reserve";

(n) in section 159 (42 U.S.C. 6239)—

(1) by striking subsections (a), (b), (c), (d), and (e);

(2) by striking subsections (f), to read as follows:

"(f) In order to develop, operate, or maintain the Strategic Petroleum Reserve, the Secretary may:

"(1) issue rules, regulations, or orders;

"(2) acquire by purchase, condemnation, or otherwise, land or interests in land for the location of storage and related facilities;

"(3) construct, purchase, lease, or otherwise acquire storage and related facilities;

"(4) use, lease, maintain, sell or otherwise dispose of land or interests in land, or of storage and related facilities acquired under this part, under such terms and conditions as the Secretary considers necessary or appropriate;

"(5) acquire, subject to the provisions of section 160, by purchase, exchange, or otherwise, petroleum products for storage in the Strategic Petroleum Reserve;

"(6) store petroleum products in storage facilities owned and controlled by the United States or in storage facilities owned by others if those facilities are subject to audit by the United States;

"(7) execute any contracts necessary to develop, operate, or maintain the Strategic Petroleum Reserve;

"(8) bring an action, when the Secretary considers it necessary, in any court having jurisdiction over the proceedings, to acquire by condemnation any real or personal property, including facilities, temporary use of facilities, or other interests in land, together with any personal property located on or used with the land"; and

(3) in subsection (g)—

(A) by striking "implementation" and inserting "development"; and

(B) by striking "Plan";

(4) by striking subsections (h) and (i);

(5) by amending subsection (j) to read as follows:

"(j) If the Secretary determines expansion beyond 680,000,000 barrels of petroleum product inventory is appropriate, the Secretary shall submit a plan for expansion to the Congress."; and

(6) by amending subsection (l) to read as follows:

"(l) During a drawdown and sale of Strategic Petroleum Reserve petroleum products, the Secretary may issue implementing rules, regulations, or orders in accordance with section 553 of title 5, United States Code, without regard to rulemaking requirements in section 523 of this Act, and section 501 of the Department of Energy Organization Act (42 U.S.C. 7191).";

(o) in section 160 (42 U.S.C. 6240)—

(1) in subsection (a), by striking all before the dash and inserting the following—

"(a) The Secretary may acquire, place in storage, transport, or exchange";

(2) in subsection (a)(1) by striking all after "Federal lands";

(3) in subsection (b), by striking, "including the Early Storage Reserve and the Regional Petroleum Reserve" and by striking paragraph (2); and

(4) by striking subsections (c), (d), (e) and (g);

(p) in section 161 (42 U.S.C. 6241)—

(1) by striking "Distribution of the Reserve" in the title of this section and inserting "Sale of Petroleum Products";

(2) in subsection (a), by striking "drawdown and distribute" and inserting "draw down and sell petroleum products in";

(3) by striking subsections (b), (c), and (f);

(4) by amending subsection (d)(1) to read as follows:

"(d)(1) Drawdown and sale of petroleum products from the Strategic Petroleum Reserve may not be made unless the President has found drawdown and sale are required by a severe energy supply interruption or by obligations of the United States under the international energy program.";

(5) by amending subsection (e) to read as follows:

"(e)(1) The Secretary shall sell petroleum products withdrawn from the Strategic Petroleum Reserve at public sale to the highest qualified bidder in the amounts, for the period, and after a notice of sale considered appropriate by the Secretary, and without regard to Federal, State, or local regulations controlling sales of petroleum products.

"(2) The Secretary may cancel in whole or in part any offer to sell petroleum products as part of any drawdown and sale under this Section."; and

(6) in subsection (g)—

(A) by amending paragraph (1) to read as follows—

"(g)(1) The Secretary shall conduct a continuing evaluation of the drawdown and sales procedures. In the conduct of an evaluation, the Secretary is authorized to carry out a test drawdown and sale or exchange of petroleum products from the Reserve. Such a test drawdown and sale or exchange may not exceed 5,000,000 barrels of petroleum products.";

(B) by striking paragraphs (2) and (6A), striking the subparagraph designator "(B)" in paragraph (6), and by deleting the last sentence of paragraph (6);

(C) in paragraph (4), by striking "90" and inserting "95";

(D) in paragraph (5), by striking "drawdown and distribution" and inserting "test"; and

(E) in paragraph (8), by striking "drawdown and distribution" and inserting "test";

(7) insubsection (h)—

(A) in paragraph (1) by striking "distribute" and inserting "sell petroleum products from";

(B) in paragraph (2) by striking "In no case may the Reserve" and inserting "Petroleum products from the Reserve may not"; and

(C) in paragraph (3) by striking "distribution" each time it appears and inserting "sale";

(q) by striking section 164 (42 U.S.C. 6244) and its heading;

(r) by amending section 165 (42 U.S.C. 6245) and its heading to read as follows

"ANNUAL REPORT

"Sec. 165. The Secretary shall report annually to the President and the Congress on actions taken to implement this part. This report shall include—

"(1) the status of the physical capacity of the Reserve and the type and quantity of petroleum products in the Reserve;

"(2) an estimate of the schedule and cost to complete planned equipment upgrade or capital investment in the Reserve, including upgrades and investments carried out as part of operational maintenance or extension of life activities;

"(3) an identification of any life-limiting conditions or operational problems at any Reserve facility, and proposed remedial actions including an estimate of the schedule and cost of implementing those remedial actions;

"(4) a description of current withdrawal and distribution rates and capabilities, and an identification of any operational or other limitations on those rates and capabilities;

"(5) a listing of petroleum product acquisitions made in the preceding year and planned in the following year, including quantity, price, and type of petroleum;

"(6) A summary of the actions taken to develop, operate, and maintain the Reserve;

"(7) a summary of the financial status and financial transactions of the Strategic Petroleum Reserve and Strategic Petroleum Reserve Petroleum Accounts for the year.

"(8) a summary of expenses for the year, and the number of Federal and contractor employees;

"(9) the status of contracts for development, operation, maintenance, distribution, and other activities related to the implementation of this part;

"(10) a summary of foreign oil storage agreements and their implementation status;

"(11) any recommendations for supplemental legislation or policy or operational changes the Secretary considers necessary or appropriate to implement this part.";

(s) in section 166 (42 U.S.C. 6246) by striking "for fiscal year 1997.";

(t) in section 167 (42 U.S.C. 6247)—

(1) in subsection (b)—

(A) by inserting "for test sales of petroleum products from the Reserve," after "Strategic Petroleum Reserve,", and by inserting "for" before "the drawdown" and inserting ", sale," after "drawdown";

(B) by striking paragraph (1); and

(C) in paragraph (2), by striking "after fiscal year 1982"; and

(2) by striking subsection (e);

(u) in section 171 (42 U.S.C. 6249)—

(1) by amending subsection (b)(2)(B) to read as follows:

"(B) the Secretary notifies each House of the Congress of the determination and identifies in the notification the location, type, and ownership of storage and related facilities proposed to be included, or the volume, type, and ownership of petroleum products proposed to be stored, in the Reserve, and an estimate of the proposed benefits.";

(2) in subsection (b)(3), by striking "distribution of" and inserting "sale of petroleum products from";

(v) in section 172 (42 U.S.C. 6249a), by striking subsections (a) and (b);

(w) by striking section 173 (42 U.S.C. 6249b) and its heading; and

(x) in section 181 (42 U.S.C. 6251), by striking "September 30, 1999" each time it appears and inserting "September 30, 2003".

Sec. 5. Title II of the energy Policy and Conservation Act (42 U.S.C. 6211–6251) is amended—

(a) by striking Part A (42 U.S.C. 6261 through 6264) and its heading;

(b) by adding at the end of section 256(h), "There are authorized to be appropriated for fiscal years 1999 through 2003, such sums as may be necessary."

(c) by striking Part C (42 U.S.C. 6281 through 6282) and its heading; and

(d) in section 281 (42 U.S.C. 6285), by striking "September 30, 1999" each time it appears and inserting "September 30, 2003".

Sec. 6. The Table of Contents for the Energy Policy and Conservation Act is amended—

(a) by striking the items relating to sections 102, 106, 153, 155, 156, 157, 158, and 164;

(b) by amending the item relating to section 159 to read as follows: "Development, Operation, and maintenance of the Reserve.";

(c) by amending the item relating to section 161 to read as follows: "Drawdown and Sale of Petroleum Products"

(d) by amending the item relating to section 165 to read as follows: "Annual Report"

THE SECRETARY OF ENERGY,
Washington, DC, March 15, 1999.

Hon. AL GORE,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: Enclosed is a legislative proposal cited as the "Energy Policy and Conservation Act Amendments." This proposal would amend and extend certain authorities in the Energy Policy and Conservation Act (Act) which either have expired or will expire September 30, 1999. Not all sections of the current act are proposed for extension.

The Act was passed in 1975. Title I authorized the creation and maintenance of the Strategic Petroleum Reserve that would mitigate shortages during an oil supply disruption. Title II contains authorities essential for meeting key United States obligations to the International Energy Agency. This is our method of coordinating energy emergency response programs with other countries. These programs are currently authorized until September 30, 1999.

The proposed legislation would extend the Strategic Petroleum Reserve and International Energy Program authorities to September 30, 2003. It would also amend or delete certain provisions which are outdated or unnecessary.

The proposed legislation and a sectional analysis are enclosed.

The Office of Management and Budget advises that enactment of this proposal would be in accord with the program of the President. We look forward to working with the Congress toward enactment of this legislation.

Sincerely,

BILL RICHARDSON.

By Mr. MURKOWSKI (for himself, Mr. AKAKA, and Mr. BINGAMAN):

S. 1052. A bill to implement further the Act (Public Law 94–241) approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, and for other purposes; to the Committee on Energy and Natural Resources.

NORTHERN MARIANA ISLANDS COVENANT IMPLEMENTATION ACT

• Mr. MURKOWSKI. Mr. President, today I am introducing a modified version of legislation that the Committee on Energy and Natural Resources reported to the Senate last Congress to address various problems that have arisen in the Commonwealth of the Northern Mariana Islands. As reported by the Committee last Congress, the legislation would have created an industry committee to establish minimum wage levels similar to committees that had been created for other territories and that still exist for American Samoa. The legislation would also have established a mechanism for the extension of federal immigration laws if the government of the Northern Marianas proved unable or unwilling to adopt and enforce an effective immigration system. The legislation that I am introducing today does not include any provisions dealing with wages. I continue to believe that an industry committee is preferable to outright extension of federal wage rates, but the Northern Marianas, the Administration, and some of my cosponsors would prefer to have that debate on another vehicle.

Immigration, however, is at the heart of the problems facing the Northern Marianas. This legislation reflects the recommendation of the Committee on Energy and Natural Resources last Congress. What appears on the surface to be a prosperous diversified economy in the Northern Marianas, is in fact a far more fragile economy that is becoming ever more dependent on a system of imported labor. Unemployment among US residents remains high and the public sector is rapidly becoming the only source of employment for US citizens residing in the Marianas. The public sector workforce has doubled over the past several years and payroll is the largest expense of the government. The recent downturn in tourism as a result of economic problems in Asia has only served to aggravate the situation in the Marianas, increase the pressures on public sector employment, and tighten the dependence of the Marianas on imported labor for the private sector, mainly garment manufacturing.

The Commonwealth of the Northern Mariana Islands (CNMI) is a three hundred mile archipelago consisting of fourteen islands stretching north of Guam. The largest inhabited islands are Saipan, Rota, and Tinian. Magellan landed at Saipan in 1521 and the area was controlled by Spain until the end of the Spanish American War. Guam, the southernmost of the Marianas, was ceded to the United States following the Spanish-American War and the balance sold to Germany together with the remainder of Spain's possessions in the Caroline and Marshall Islands.

Japan seized the area during World War I and became the mandatory power under a League of Nations Mandate for Germany's possessions north of the equator on December 17, 1920. By the 1930's Japan had developed major portions of the area and begun to fortify the islands. Guam was invaded by Japanese forces from Saipan in 1941. The Marianas were secured after heavy fighting in 1944 and the bases on Tinian were used for the invasion of Okinawa and for raids on Japan, including the nuclear missions on Hiroshima and Nagasaki. In 1947, the Mandated islands were placed under the United Nations trusteeship system as the Trust Territory of the Pacific Islands (TTPI) and the United States was appointed as the Administering Authority. The area was divided into six administrative districts with the headquarters located in Hawaii and then in Guam. The TTPI was the only "strategic" trusteeship with review by the Security Council rather than the General Assembly of the United Nations. The Navy administered the Trusteeship, together with Guam, until 1951, when administrative jurisdiction was transferred to the Department of the Interior. The Northern Marianas, however, were returned to Navy jurisdiction from 1952–1962. In 1963, administrative headquarters were moved to Saipan.

With the establishment of the Congress of Micronesia in 1965, efforts to reach an agreement on the future political status of the area began. Attempts to maintain a political unity within the TTPI were unsuccessful, and each of the administrative districts (Kosrae eventually separated from Pohnpei District in the Carolines) sought to retain its separate identity. Four of the districts became the Federated States of Micronesia, the Marshalls became the Republic of the Marshall Islands, and Palau became the Republic of Palau, all sovereign countries in free association with the United States under Compacts of Free Association. The Marianas had sought reunification with Guam and US territorial status from the beginning of the Trusteeship. Separate negotiations with the Marianas began in December, 1972 and concluded in 1975.

In 1976, Congress approved a Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States (PL 94–241). The Covenant had been approved in a United Nations observed plebescite in the Northern Mariana Islands and formed the basis for the termination of the United Nations Trusteeship with respect to the Northern Mariana Islands in 1986 together with the Republic of the Marshall Islands and the Federated States of Micronesia. Prior to termination, those provisions of the Covenant that were not inconsistent with the status of the area (such as extension of US sovereignty) were made applicable by the US as Administering Authority. Upon termination of the Trusteeship, the CNMI became a territory of the United States and its residents became United States citizens. Under the terms of the Covenant certain federal laws would be inapplicable in the CNMI, including minimum wage to take into consideration the relative economic situation of the islands and their relation to other east Asian countries.

Although the population of the CNMI was only 15,000 people in 1976 when the Covenant went into effect, the population now exceeds 60,000 and US citizens are a minority. The resident population is probably about 24,000 with about 28,000 alien workers and estimates of at least 10,000 illegal aliens. Permits for non-resident workers were reported at 22,500 for 1994, the largest category being for manufacturing. Tourism has climbed from about 230,000 visitors in 1987 to almost 600,000 in 1994. Total revenues for the CNMI for 1993 were estimated at $157 million.

The 1995 census statistics from the Commonwealth list unemployment at 7.1%, with CNMI born at 14.2% and Asia born at 4.5%. Since no guest workers should be on island without jobs, the 4.5% suggests a serious problem in the CNMI. The 14.2% local unemployment suggests that either guest workers are taking jobs from local residents, or the wage rates or types of occupation are not adequate to attract local workers.

The Covenant established a unique system in the CNMI under which the local government controlled immigration and minimum wage levels and also had the benefit of duty and quota free entry of manufactured goods under the provisions of General Note 3(a) of the Harmonized Tariff Schedules. The Section by Section analysis of the Committee Report on the Covenant provides in part:

> Section 503.—This section deals with certain laws of the United States which are not now applicable to the Northern Mariana Islands and provides that they will remain inapplicable except in the manner and to the extent that they are made applicable by specific legislation enacted after the termination of the Trusteeship. These laws are:
>
> The Immigration and Naturalization Laws (subsection (a)). The reason this provision is included is to cope with the problems which unrestricted immigration may impose upon small island communities. Congress is aware of those problems. . . . It may well be that these problems will have been solved by the time of the termination of the Trusteeship Agreement and that the Immigration and Nationality Act containing adequate protective provisions can then be introduced to the Northern Mariana Islands. . . .
>
> The same consideration applies to the introduction of the Minimum Wage Laws. (Subsection (c)). Congress realizes that the special conditions prevailing in the various territories require different treatment. . . . In these circumstances, it would be inappropriate to introduce the Act to the Northern Mariana Islands without preliminary studies. There is nothing which would prevent the Northern Mariana Islands from enacting their own Minimum Wage Legislation. Moreover, as set forth in section 502(b), the activities of the United States and its contractors in the Northern Mariana Islands will be subject to existing pertinent Federal Wages and Hours Legislation. (S. Rept. 94-433, pp. 77-78)

The Committee anticipated that by the termination of the Trusteeship, the federal government would have found some way of preventing a large influx of persons into the Marianas, recognizing the Constitutional limitations on restrictions on travel. In part, the Covenant attempted to deal with that possibility by enacting a restraint on land alienation for twenty-five years, subject to extension by the CNMI. The minimum wage issue was more difficult, especially in light of the Committee's experience in the Pacific. The extension of minimum wage to Kwajalein was a proximate cause of the overcrowding at Ebeye in the Kwajalein Atoll as hundreds of Marshallese moved to the small island in hope of obtaining a job at the Missile Range. The CNMI, at the time the Covenant was negotiated, had a limited private sector economy and was under the overall Trust Territory minimum wage, which was considerably lower than the federal minimum wage. The Marianas also had been a closed security area until the early 1960's, further limiting development. Congress fully expected that the Marianas would establish its own schedule and would, within a reasonable time frame, raise minimum wages as the local economy grew. At the time of the Covenant, Guam's local minimum wage exceeded the federal levels, and the Committee anticipated that the Northern Marianas would mirror the history of Guam.

Shortly after the Covenant went into effect, the CNMI began to experience a growth in tourism and a need for workers in both the tourist and construction industries. Interest also began to grow in the possibility of textile production. Initial interest was in production of sweaters made of cotton, wool and synthetic fibers. The CNMI, like the other territories, except for Puerto Rico, is outside the U.S. customs territory but can import products manufactured in the territory duty free provided that the products meet a certain value added amount under General Note 3(a) of the Tariff Schedules (then called Headnote 3(a)). The first company began operation in October, 1983 and within a year was joined by two other companies. Total employment for the three firms was 250 of which 100 were local residents. At the time, Guam had a single firm, Sigallo-Pac, also engaged in sweater manufacture with 275 workers, all of whom, however, were U.S. citizens.

Attempts by territories to develop textile or apparel industries have traditionally met resistence from Stateside industries. The use of alien labor in the CNMI intensified that concern, and efforts began in 1984 to sharply cut back or eliminate the availability of duty free treatment for the territories. The concerns also complicated Senate consideration of the Compacts of Free Association in 1985 and led to a delay of several months in floor consideration when some Members sought to attach textile legislation to the Compact legislation. By 1986, conditions led the Assistant Secretary, Territorial and International Affairs of the Department of the Interior to write the Governor on the situation and that "[w]ithout timely and effective action to reverse the current situation, I must consider proposing Congressional enactment of U.S. Immigration and Naturalization requirements for the NMI".

By 1990, the population of the CNMI was estimated at 43,345 of whom only 16,752 had been born in the CNMI. Of the 26,593 born elsewhere, 2,491 had entered from 1980-1984, 2,591 had entered in 1985 or 1986, 6,438 had entered in 1987 or 1988, and 12,955 had entered in 1989 or 1990. Of the population in 1990, 21,332 were classified as Asian. The labor force (all persons 16+ years including temporary alien labor) grew from 9,599 in 1980 to 32,522 in 1990. Manufacturing grew from 1.9% of the workforce in 1980 to 21.9% in 1990, only slightly behind construction which grew from 16.8% to 22.2% in the same time frame. The construction numbers track a major increase in hotel construction. At the same time, increases in the minimum wage were halted although wages paid to U.S. citizens (mainly public sector and management) exceeded federal levels.

In 1993, in response to Congressional concerns, the CNMI stated that it proposed to enact legislation to raise the wage rates from $2.15 to federal levels by stages and that legislation would be enacted to prevent any abuse of workers.

Repeated allegations of violations of applicable federal laws relating to worker health and safety, concerns with respect to immigration problems, including the admission of undesirable aliens, and reports of worker abuse, especially in the domestic and garment worker sectors, led to the inclusion of a $7 million set aside in appropriations in 1994 to support federal agency presence in the CNMI. The Administration was not prepared to commit agency resources to the CNMI absent the funding, but with an agreement for reimbursement, the Department of the Interior reported to the Committee on April 24, 1995 that:

1) $3 million would be used by the CNMI for a computerized immigration identification and tracking system and for local projects;

2) $2.2 million would be used by the Department of Justice to strengthen law enforcement, including the hiring of an additional FBI agent and Assistant US Attorney;

3) $1.6 million would be used by Labor for two senior investigators as well as for training; and

4) $200,000 would be used by Treasury for assistance in investigating violations of federal law with respect to firearms, organized crime, and counterfeiting.

In addition, the report recommended that federal law be enacted to phase in the current CNMI minimum wage rates to the federal minimum wage level in 30 cent increments (as then provided by CNMI legislation), end mandatory assistance to the CNMI when the current agreement was fulfilled, continue annual support of federal agencies at a $3 million/year level (which would include funding for a detention facility that meets federal standards), and possible extension of federal immigration laws.

During the 104th Congress, the Senate passed S. 638, legislation supported by the Administration, that in part would have enacted the phase in of the CNMI minimum wage rate to US levels in 30 cent increments. No action was taken by the House, and, in the interim, the CNMI delayed the scheduled increases and then instituted a limited increase of 30 cents/hour except for the garment and construction industries where the increase was limited to 15 cents/hour. The legislation also required the Commonwealth "to cooperate in the identification and, if necessary, exclusion or deportation from the Commonwealth of the Northern Mariana Islands of persons who represent security or law enforcement risks to the Commonwealth of the Northern Mariana Islands or the United States." (Section 4 of S. 638) At the same time that Congress began to consider legislation on minimum wage and immigration issues, concern over the commitment of federal agencies to administer and enforce those federal laws already applicable to the CNMI led the Committee to include a provision in S. 638 that the annual report on the law enforcement initiative also include: "(6) the reasons why Federal agencies are unable or unwilling to fully and effectively enforce Federal laws applicable within the Commonwealth of the Northern Mariana Islands unless such activities are funded by the Secretary of the Interior." (Section 3 of S. 638)

In February, 1996, I led a Committee trip to the CNMI. We met with local and federal officials as well as inspecting a garment factory and meeting with Bangladesh security guards who had not been paid and who were living in substandard conditions. Their living conditions were intolerable. There was no running water, no workable toilets, the shack—and that is being kind—was in deplorable condition. As I said at the time, this was a condition that should never exist on American soil. It existed in the shadow of the Hyatt Hotel.

I raised my concerns with the Governor and with other officials in Saipan. We were assured that corrective action would be taken. Those assurances, especially those dealing with minimum wages, seem to have disappeared as soon as our plane was airborne. As a result of the meetings and continued expressions of concern over conditions, the Committee held an oversight hearing on June 26, 1996 to review the situation in the CNMI. At the hearing, the acting Attorney General of the Commonwealth requested that the Committee delay any action on legislation until the Commonwealth could complete a study on minimum wage and promised that the study would be completed by January. That timing would have enabled the Committee to revisit the issue in the April-May 1997 period after the Administration had transmitted its annual report on the law enforcement initiative. While the CNMI Study was not finally transmitted until April, the Administration did not transmit its annual report, which was due in April, until July. On May 30, 1997, the President wrote the Governor of the Northern Marianas that he was concerned over activities in the Commonwealth and had concluded that federal immigration, naturalization, and minimum wage laws should apply.

Given the reaction that followed the President's letter, I asked the Administration to provide a drafting service of the language needed to implement the recommendations in the annual report and informed the Governor of the Commonwealth of the request and that the Committee intended to consider the legislation after the Commonwealth had an opportunity to review it. The drafting service was not provided until October 6, 1997 and was introduced on October 8, 1997, shortly before the elections in the CNMI. The Committee deferred hearings so as not to intrude unnecessarily into local politics and to allow the CNMI an opportunity to review and comment on the legislation after the local elections.

The U.S. Commission on Immigration Reform conducted a site visit to the Northern Marianas in July 1997 and issued a report which, in general, supports the need to address immigration. The report, however, also raises some concerns with the extension of US immigration laws. The report found problems in the CNMI "ranging from bureaucratic inefficiencies to labor abuses to an unsustainable economic, social and political system that is antithetical to most American values" but "a willingness on the part of some CNMI officials and business leaders to address the various problems". The report expressed some concerns over the extension of federal immigration laws, but that absent the threat of federal extension, "the CNMI is unlikely on its own to correct the problems inherent in its immigration system". The report recommended that specific benchmarks for an effective immigration system be negotiated and that the "benchmarks should be codified in statute, with provision for immediate imposition of federal law if the benchmarks are not met within the prescribed time." Specifically the report recommended that "[s]hould the CNMI fail to negotiate expeditiously and in good faith, or renege on the negotiated agreements, we agree that imposition of federal law by Congress would be required." (Emphasis in original)

While the outright exception from the minimum wage provisions of federal law in the Covenant is an anomaly, so also was the direct phase in to federal levels contained in the legislation as transmitted by the Administration. Congress has generally recognized the different economic circumstances of the territories and provided for a "special industry committee". The objective of an industry committee is to set wage rates by industry "to reach as rapidly as is economically feasible without substantially curtailing employment the objective of the [federal] minimum wage rate" (29 U.S.C. 208(a)). The committees may make classifications within industries. Such committees were established for Puerto Rico and the Virgin Islands in 1940 and continued until Congress provided for step increases in 1977 for the remaining covered industries. An industry committee has been applicable in American Samoa since 1956. In 1992, the Department of the Interior provided formal Administration opposition to legislation that would have extended federal minimum wage rates to Samoa stating that "[i]mposition of the United States mainland minimum wage on American Samoa would have a serious, perhaps devastating effect on the territorial economy and jobs". The industry committee for Samoa set rates for 1996 that ranged from $2.45/hour for local government employees to $3.75/hour for the subclass of stevedoring and lighterage. Wages for the canneries was set at $3.10/hour.

While the economic situation of the CNMI is considerably different from that of American Samoa, it is not absolutely clear that all segments of all industries in the CNMI are capable of sustaining federal minimum wage rates. Unlike American Samoa, the minimum wage issue in the CNMI appears to involve only temporary nonimmigrant workers. All U.S. citizens resident in the CNMI appear to be earning at or above federal minimum wage levels. The CNMI completed a minimum wage analysis in April 1997 by the HayGroup. The analysis recommended against a change in current wage rates for at least three years and planning to accommodate growth. An industry committee would be able to assess the merits of claims by individual industries and structure a system that takes into account the individual needs of particular industries or sub-classes.

As I stated earlier, I believe that an industry committee is the proper approach. I have not included the provision in this legislation due to the opposition of the Northern Marianas, the Administration, and several of my colleagues. The Northern Marianas believes that it can avoid becoming entangled in the federal minimum wage legislation pending in Congress. I don't share their belief, but this is their choice.

The Committee conducted a hearing on March 31, 1998 on S. 1275 and S. 1100, similar legislation introduced by Senator AKAKA and others. The Committee heard from the Administration, the government of the CNMI, workers and representatives of the local industry, as well as public witnesses. At a business meeting of the Committee on May 20, 1998, the legislation was amended and then ordered to be favorably reported to the Senate. Unfortunately, the Senate did not take action on the measure prior to adjournment.

The portion of the Committee amendment that I am introducing today provides for full extension of the Immigration and Nationality Act contingent on the Attorney General finding that 1) the Northern Marianas does not possess the institutional capacity to administer an effective system of immigration control or 2) the Northern Marianas does not have a genuine commitment to enforce the system. Neither I nor the Committee question the commitment of the current administration of the Northern Marianas to attempt to rectify the problems that led to this legislation, but we are mindful that commitments have been made in the past and then ignored. We also recognized that the Commisssion on Immigration Reform and others have concluded that some of the problem is structural and that a local government simply may not have the capability to maintain an effective immigration program within our federal system. As a result, the Committee adopted a provision that will take effect without further Congressional action if the requisite findings are made. The Committee viewed this as a last opportunity for the local government and provided that the Attorney General must promptly issue standards so that the Marianas is on full notice of what will be required.

If, however, it does become necessary to extend federal law, the Committee also adopted amendments to the bill as introduced to ensure that those industries, especially construction, that depend on temporary workers for temporary jobs will have full access to alien labor as necessary. The Committee was mindful of the concern by the hotel industry over access to workers, and accordingly adopted a provision that would permit the transition provisions to be extended for additional five year periods as long as necessary. The Committee amendment required the Attorney General and the Secretary of Labor to consult with the Northern Marianas one year prior to the expiration of the transition period, and at 5-year intervals thereafter, to determine whether the provisions will continue to be needed. The Committee and I fully expect that any uncertainty be resolved in favor of the Northern Marianas. If the provisions are extended, a similar consultation will occur in the fourth year of the extension to decide if further extensions are warranted.

The Committee reluctantly adopted these provisions because it believes that conditions in the Northern Marianas leave no alternative. Extension of additional federal laws, however, will not resolve the problems if federal agencies do not maintain their present commitment to administration and enforcement of federal law. A continuation of local efforts by the present administration of the Northern Marianas will also be necessary.

Although the legislation contains the one-year grace period contained in the Committee amendment from last Congress, the one year has expired. The record of the Northern Marianas, and the status of local legislation, will determine whether and on what terms federal laws should be extended. The action earlier this year by the Northern Marianas to lift the moratorium on entry permits for new workers is particularly troubling.

There are legitimate questions concerning immigration and minimum wage. We should now have sufficient experience to assess whether the Marianas is capable of providing the preclearance for any persons who attempt to enter the Marianas. The Immigration Commission concluded that they are not capable of undertaking such prescreening and clearance because they do not have the resources of the federal government through the State Department. The United States routinely does prescreening in foreign countries as part of our visa process. The situation that I saw with the Bangladesh workers should never have happened and would not have happened had federal immigration laws and procedures been in place and enforced. Reports of other workers who arrive only to find no jobs would also never happen. A particularly troubling aspect of the current situation in the Northern Marianas is the level of unemployment among guest workers. There should be no unemployment among the guest workers. If there are no jobs, then the workers should not be present. These are legitimate immigration related issues. They do not necessarily lead to a federal takeover, but they are legitimate issues and it serves no purpose to distort history and pretend that the current situation was the goal of the Covenant negotiators. That does not make the Marianas corrupt, but if accurate, it points out that this Committee was correct when it stated that we would need to make changes in the immigration laws prior to termination of the Trusteeship so that they could be extended to the Marianas.

The report of the Immigration Commission also raises legitimate questions about the availability of asylum and the lack of civil rights since the Marianas is using temporary workers for permanent jobs, thereby denying workers the rights they would have if admitted into the US with a right of residency. That needs to be addressed. The Commission also expresses some grave concerns over outright extension of the Immigration laws and questions the willingness or commitment of the INS to devote the personnel or resources to effective administration. While I fully expect the INS to support the Administration position in our hearings on this legislation, I also share that concern. We do not need to make a bad local problem an equally bad federal one.

I also think that the focus on the garment industry by the Administration and most of the critics of the situation in the Northern Marianas is somewhat shortsighted. The advantages that the Marianas can provide garment manufacturers in terms of duty and quota free treatment expire with the implementation of the multifibre agreement. The suggestion in the Administration's task force report last year that these jobs will move to the mainland if the garment industry is curtailed in the Marianas is simply wrong. Those jobs in all likelihood are temporary until they move back to the Asian mainland in about five years. That, by the way, is well within the transition period contemplated under the legislation submitted by the Administration last year. The legislation will actually have little or no effect on the industry that the Administration is targeting. I should also note that the Bank of Hawaii, in its economic study also concluded that the garment industry in the Marianas was not likely to last. Other studies have also come to that conclusion. The Administration has made it clear that they hope the effect of this legislation will be the end of the garment industry in the Marianas. Given both the studies and the Administration's objective, I do have a question about why the President's budget claims about $187 million per year in additional revenues from the enactment of the amendments to General Note 3(a). If there is no industry, there will be no imports, and there will be no revenues.

The problem is that the Administration does not seem to comprehend that the Marianas is the United States. It is not a foreign country. The failure of the Administration to enforce federal laws has led to a climate conducive to worker abuse and to some sense within the Marianas that federal laws will not be applied. On the other side, a large population of workers without full civil rights also offers the opportunity for people to exploit the situation. I am not happy with either side of this debate. The cries for federal takeover are too strident and too partisan to ring true. The defense is simply unacceptable. In the middle are the workers who apparently no one cares about, except for their value in being put on display in the media.

Complicating consideration of this legislation, however, is the Administration's somewhat lackluster response to the flood of illegal entries into Guam from China. These individuals are being smuggled into Guam by boat. Most of the aliens come from the China mainland from Fujian Province, but some have sought entry from the Northern Marianas. So far this year, over 800 illegal aliens have been apprehended either in Guam or attempting to reach Guam.

Earlier this year I met with the Governor of Guam. He expressed his frustration with the Immigration and Naturalization Service for diverting revenues from Guam to the mainland. The result was that Guam had to assume the costs of incarceration for these aliens. An article in the Pacific Daily News on Sunday May 9 suggested that as many as 2,000 illegal aliens may already be in Guam. Only after the situation became even worse and the national media began to draw attention to what was happening, did the White House become involved. As a result of that involvement, the Administration has finally begun to pay some attention and is beginning to dedicate resources to the interdiction of these aliens. The Administration plans to send three more Coast Guard vessels and two C–130 aircraft to Guam and apparently will reimburse the local government for its expenditures on behalf of federal agencies. That response was too long in coming. Parenthetically, I would note that INS did not care about extending immigration laws to the Northern Marianas until after the Readers Digest and other publications began to question the Administration's commitment to human rights and the White House became concerned with its image.

A continuing concern for my Committee over the years has been the reluctance of Executive Branch agencies, specifically the INS, to treat the Marianas as part of the United States. Up until last Congress, the INS resisted any attempt to extend the immigration laws to the Northern Mariana Islands. That resistance was not based on policy grounds or from a belief that the Northern Marianas was operating an effective immigration system, but from the narrow administrative concern of not wanting to dedicate the personnel and resources. I must admit that I have some apprehension over how solid the recent conversion of the INS is. Last Congress, they testified in support of the Administration's proposal to extend the immigration laws. They promised the Committee that they would dedicate the necessary resources to ensure successful implementation. Now we see that they are unwilling to dedicate the resources in Guam, where federal immigration laws already apply, until they are directed to do so by the White House. The situation in the Marianas may be sufficiently problematic that we will have to go forward with the legislation despite my reservations. I intend to closely examine the INS when we schedule hearings on this legislation.

I also am concerned over the Administration's decision to use the Northern Marianas as a holding area for illegal aliens who are intercepted at sea. On May 8, the Coast Guard intercepted a Taiwanese vessel with 80 people suspected of trying to illegally enter Guam. The vessel was escorted to Tinian in the Northern Mariana Islands. Apparently the Administration made that decision because the federal immigration laws do not apply in the Marianas and that makes it easier to repatriate the aliens and prevent them from claiming asylum. If we extend the immigration laws, as one portion of the Administration wants, we will frustrate the interdiction and repatriation program being pursued by another portion of the Administration. The Committee will need to sort this out during our hearings. I also will look forward to an explanation of why the use of Tinian in the Northern Marianas avoids claims of asylum. The asylum requirements are matters of international obligation and federal policy. In fact, the failure of the Northern Marianas to deal with asylum issues as a matter of local legislation was one of the arguments that the Administration made in support of the extension of federal legislation. That contradiction will also need to be explored. It appears from press reports that the Administration plans to consider claims of asylum, but given the peculiar situation of refugees from mainland China, it will be interesting to see how those claims are processed.

I am also aware of suggestions in Guam that we need to amend the immigration laws to prevent the claim of asylum on Guam. Congressman Underwood has introduced legislation to that effect already. I think we need to be very careful in considering legislation to extend the immigration laws to the Northern Marianas that we do not create an even larger problem than the one we already have in Guam. Guam is a single island, about 33 miles by 12 miles. The Commonwealth of the Northern Mariana Islands is an archipelago of fourteen islands three hundred miles long. If we can not adequately patrol Guam, how are we going to patrol the entire Marianas? That also is a question that will need to be answered before we move this legislation.

Before the opponents of this legislation start their celebration, I want to repeat that I find the conditions and circumstances in the Northern Marianas to be unacceptable. I have serious concerns over this legislation, but something needs to be done. I am willing to consider modifications to the legislation. Last year I included provisions to guarantee both construction and tourism sectors access to sufficient workers, and I am willing to revisit those provisions or consider other changes to support the economy of the Northern Marianas. At some point, however, the Marianas needs to take a hard look at the structure of their economy. They can not continue indefinitely with the public sector being the only source of employment for US residents. They need to provide a future for their children. The federal government needs to ensure that federal laws are enforced and that they are applied in a manner that recognizes the unique circumstances of this island community. I support as much local authority and control as is possible. There are certain functions, however, that only the federal government can effectively perform. There are also certain rights that every individual who works and resides in the United States should expect to be guaranteed. This legislation will provide an opportunity for the Committee to see that those responsibilities are performed and that those rights are protected.●

ADDITIONAL COSPONSORS

S. 38

At the request of Mr. CAMPBELL, the names of the Senator from Pennsylvania [Mr. SANTORUM] and the Senator from Kentucky [Mr. BUNNING] were added as cosponsors of S. 38, a bill to amend the Internal Revenue Code of 1986 to phase out the estate and gift taxes over a 10-year period.

S. 39

At the request of Mr. STEVENS, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 39, a bill to provide a national medal for public safety officers who act with extraordinary valor above the call of duty, and for other purposes.

S. 61

At the request of Mr. DEWINE, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 61, a bill to amend the Tariff Act of 1930 to eliminate disincentives to fair trade conditions.

S. 219

At the request of Mr. MOYNIHAN, the name of the Senator from Montana [Mr. BAUCUS] was added as a cosponsor of S. 219, a bill to authorize appropriations for the United States Customs Service.

S. 313

At the request of Mr. SHELBY, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 313, a bill to repeal the Public Utility Holding Company Act of 1935, to enact the Public Utility Holding Company Act of 1999, and for other purposes.

S. 395

At the request of Mr. ROCKEFELLER, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 395, a bill to ensure that the volume of steel imports does not exceed the average monthly volume of such imports during the 36-month period preceding July 1997.

S. 409

At the request of Mr. KENNEDY, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 409, a bill to authorize qualified organizations to provide technical assistance and capacity building services to microenterprise development organizations and programs and to disadvantaged entrepreneurs using funds from the Community Development Financial Institutions Fund, and for other purposes.

S. 472

At the request of Mr. GRASSLEY, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 472, a bill to amend title XVIII of the Social Security Act to provide certain medicare beneficiaries with an exemption to the financial limitations imposed on physical, speech-language pathology, and occupational therapy services under part B of the medicare program, and for other purposes.

S. 566

At the request of Mr. LUGAR, the name of the Senator from South Dakota [Mr. JOHNSON] was added as a cosponsor of S. 566, a bill to amend the Agricultural Trade Act of 1978 to exempt agricultural commodities, livestock, and value-added products from unilateral economic sanctions, to prepare for future bilateral and multilateral trade negotiations affecting United States agriculture, and for other purposes.

S. 642

At the request of Mr. GRASSLEY, the names of the Senator from Maine [Ms. COLLINS] and the Senator from Ohio [Mr. DEWINE] were added as cosponsors of S. 642, a bill to amend the Internal Revenue Code of 1986 to provide for Farm and Ranch Risk Management Accounts, and for other purposes.

S. 676

At the request of Mr. CAMPBELL, the name of the Senator from Minnesota [Mr. GRAMS] was added as a cosponsor of S. 676, a bill to locate and secure the return of Zachary Baumel, a citizen of the United States, and other Israeli soldiers missing in action.

S. 687

At the request of Mr. HARKIN, the names of the Senator from Delaware [Mr. BIDEN], the Senator from North Dakota [Mr. CONRAD], the Senator from North Dakota [Mr. DORGAN], the Senator from Wisconsin [Mr. FEINGOLD], the Senator from South Dakota [Mr. JOHNSON], and the Senator from Nevada [Mr. REID] were added as cosponsors of S. 687, a bill to direct the Secretary of Defense to eliminate the backlog in satisfying requests of former members of the Armed Forces for the issuance or replacement of military medals and decorations.

S. 763

At the request of Mr. THURMOND, the name of the Senator from Arkansas [Mr. HUTCHINSON] was added as a cosponsor of S. 763, a bill to amend title 10, United States Code, to increase the minimum Survivor Benefit Plan basic annuity for surviving spouses age 62 and older, and for other purposes.

S. 765

At the request of Ms. COLLINS, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 765, a bill to ensure the efficient allocation of telephone numbers.

S. 783

At the request of Mrs. FEINSTEIN, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of S. 783, a bill to limit access to body armor by violent felons and to facilitate the donation of Federal surplus body armor to State and local law enforcement agencies.

S. 791

At the request of Mr. KERRY, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 791, a bill to amend the Small Business Act with respect to the women's business center program.

S. 820

At the request of Mr. CHAFEE, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 820, a bill to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent motor fuel excise taxes on railroads and inland waterway transportation which remain in the general fund of the Treasury.

S. 847

At the request of Ms. MIKULSKI, the name of the Senator from Louisiana [Ms. LANDRIEU] was added as a cosponsor of S. 847, a bill to amend title XVIII of the Social Security Act to exclude clinical social worker services from coverage under the medicare skilled nursing facility prospective payment system.

S. 881

At the request of Mr. BENNETT, the name of the Senator from New Hampshire [Mr. GREGG] was added as a cosponsor of S. 881, a bill to ensure confidentiality with respect to medical records and health care-related information, and for other purposes.

S. 903

At the request of Mr. KOHL, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 903, a bill to facilitate the exchange by law enforcement agencies of DNA identification information relating to violent offenders, and for other purposes.

S. 941

At the request of Mr. WYDEN, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 941, a bill to amend the Public Health Service Act to provide for a public response to the public health crisis of pain, and for other purposes.

S. 1007

At the request of Mr. JEFFORDS, the names of the Senator from Hawaii [Mr. AKAKA] and the Senator from California [Mrs. FEINSTEIN] were added as cosponsors of S. 1007, a bill to assist in the conservation of great apes by supporting and providing financial resources for the conservation programs of countries within the range of great apes and projects of persons with demonstrated expertise in the conservation of great apes.

SENATE CONCURRENT RESOLUTION 9

At the request of Ms. SNOWE, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of Senate Concurrent Resolution 9, a concurrent resolution calling for a United States effort to end restrictions on the freedoms and human rights of the enclaved people in the occupied area of Cyprus.

SENATE RESOLUTION 59

At the request of Mr. LAUTENBERG, the name of the Senator from Idaho [Mr. CRAPO] was added as a cosponsor of Senate Resolution 59, a resolution designating both July 2, 1999, and July 2, 2000, as "National Literacy Day."

AMENDMENT NO. 328

At the request of Mr. WELLSTONE, his name was added as a cosponsor of amendment No. 328 proposed to S. 254, a bill to reduce violent juvenile crime, promote accountability by rehabilitation of juvenile criminals, punish and deter violent gang crime, and for other purposes.

AMENDMENT NO. 335

At the request of Mr. HATCH, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of amendment No. 335 proposed to S. 254, a bill to reduce violent juvenile crime, promote accountability by rehabilitation of juvenile criminals, punish and deter violent gang crime, and for other purposes.

SENATE RESOLUTION 101—EXPRESSING THE SENSE OF THE SENATE ON AGRICULTURAL TRADE NEGOTIATIONS

Mr. FITZGERALD (for himself, Mr. GRASSLEY, Mr. ROBERTS, and Mr. ASHCROFT) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 101

Whereas the United States is the world's largest exporter of agricultural commodities and products;

Whereas 96 percent of the world's consumers live outside the United States;

Whereas the profitability of the United States agricultural sector is dependent on a healthy export market; and

Whereas the next round of multilateral trade negotiations is scheduled to begin on November 30, 1999: Now, therefore, be it

Resolved, That the Senate supports and strongly encourages the President to adopt the following trade negotiating objectives:

(1) The initiation of a comprehensive round of multilateral trade negotiations that—

(A) covers all goods and services;

(B) continues to reform agricultural and food trade policy;

(C) promotes global food security through open trade; and

(D) increases trade liberalization in agriculture and food.

(2) The simultaneous conclusion of the negotiations for all sectors.

(3) The adoption of the framework established under the Uruguay Round Agreements for the agricultural negotiations conducted in 1999 to ensure that there are no product or policy exceptions.

(4) The establishment of a 3-year goal for the conclusion of the negotiations by December 2002.

(5) The elimination of all export subsidies and tightening of rules for circumvention of export subsidies.

(6) The elimination of all nontariff barriers to trade.

(7) The transition of domestic agricultural support programs to a form decoupled from agricultural production, as the United States has already done under the Agricultural Market Transition Act (7 U.S.C. 7201 et seq.).

(8) The commercially meaningful reduction or elimination of bound and applied tariffs, and the mutual elimination of restrictive tariff barriers, on an accelerated basis.

(9) The improved administration of tariff rate quotas.

(10)(A) The elimination of state trading enterprises; or

(B) the adoption of policies that ensure operational transparency, the end of discriminatory pricing practices, and competition for state trading enterprises.

(11) The maintenance of sound science and risk assessment for sanitary and phytosanitary measures.

(12) The assurance of market access for biotechnology products, with the regulation of the products based solely on sound science.

(13) The accelerated resolution of trade disputes and prompt enforcement of dispute panels of the World Trade Organization.

(14) The provision of food security for importing nations by ensuring access to supplies through a commitment by World Trade Organization member countries not to restrict or prohibit the export of agricultural products.

(15) The resolution of labor and environmental issues in a manner that facilitates, rather than restricts, agricultural trade.

(16) The establishment of World Trade Organization rules that will allow developing countries to graduate, using objective economic criteria, to full participation in, and obligations under, the World Trade Organization.

• Mr. FITZGERALD. Mr. President, I rise today along with my colleagues, Senators GRASSLEY, ROBERTS, and ASHCROFT, to submit a resolution expressing the sense of the Senate regarding the next round of agricultural trade negotiations. As a member of the Senate Agriculture Committee, I am very concerned about U.S. agriculture's position in the next round of negotiations. This resolution establishes clear direction to the Administration as it enters the Seattle negotiations this November.

These process and procedural guidelines have been developed through a consensus process of the Seattle Round Agricultural Committee (SRAC). SRAC represents over 70 agricultural organizations—from the Farm Bureau to the National Oilseed Processors Association of Kraft Foods. This diverse group of agriculturalists have spent many hours developing these principles to ensure that our international agriculture markets remain strong, open and fair for our nation's farmers.

The U.S. agricultural sector is one of the only segments of our economy that consistently produces a trade surplus. In fact, our agricultural surplus totaled $27.2 billion in 1996. However, we must not rest on our laurels; the United States Department of Agriculture projects that our agricultural trade surplus in 1999 will dwindle to approximately $12 billion. We must not let this trend continue.

Free and open international markets are vital to my home state. Illinois' 76,000 farms cover more than 28 million acres—nearly 80 percent of Illinois. Our farm product sales generate nine billion dollars annually and Illinois ranks third in agricultural exports. In fiscal year 1997 alone, Illinois agricultural exports totaled $3.7 billion and created 57,000 jobs for our state. Needless to say, agriculture makes up a significant portion of my state's economy, and a healthy export market for these products is important to my constituents.

As you know, farm commodity prices have recently been in a slump. This situation makes open debate on agricultural trade and the Seattle round even more timely and necessary. While the average tariff assessed by the United States on agricultural products is less than five percent, the average agricultural tariff assessed by other World Trade Organization members exceeds 40 percent. This situation is clearly unfair and certainly depresses U.S. agricultural commodity prices. Accordingly, this issue must be addressed in the next round.

I look forward to working with my colleagues on policies to tear down international trade barriers and ensure that our agricultural trade surplus expands and remains strong. This resolution is the first step toward ensuring that agriculture is a top priority of the Administration during the next round of multilateral trade negotiations.

I want to recognize and commend my colleagues, Senators GRASSLEY, ROBERTS, and ASHCROFT, for joining me as original co-sponsors of this resolution. This resolution should enjoy bipartisan support, and I urge my colleagues to join me in co-sponsoring this legislation important to our nation's farmers.•

SENATE RESOLUTION 102—APPOINTING SENATE LEGAL COUNSEL

Mr. LOTT submitted the following resolution; which was considered and agreed to:

S. RES. 102

Resolved, That the appointment of Patricia Mack Bryan, of Virginia, to be Senate Legal Counsel, made by the President pro tempore of the Senate on May 13, 1999, shall become effective as of June 1, 1999, and the term of service of the appointee shall expire at the end of the 107th Congress.

AMENDMENTS SUBMITTED

VIOLENT AND REPEAT JUVENILE OFFENDER ACCOUNTABILITY AND REHABILITATION ACT OF 1999

LANDRIEU AMENDMENT NO. 341

(Ordered to lie on the table.)

Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill (S. 254) to reduce violent juvenile crime, promote accountability by rehabilitation of juvenile criminals, punish and deter violent gang crime, and for other purposes; as follows:

On page 129, strike lines 5 and 6, and insert the following: "ernment or combination thereof;

"(24) provide that juveniles alleged to be or found to be delinquent of an act that, if committed by an adult, would be a misdemeanor offense, and juveniles charged with or convicted of such an offense, will not be detailed or confined in any institution in which they have—

"(A) any physical contact (or proximity that provides an opportunity for physical contact) with juveniles who are alleged to be or found to be delinquent of an act that, if committed by an adult, would constitute a felony offense, or who are charged with or convicted of such an offense; or

"(B) the opportunity for the imparting or interchange of speech by or between such juveniles and juveniles described in subparagraph (A), except that this subparagraph does not include the imparting or interchange of sounds or noises that cannot reasonably be considered to be speech; and

"(25) to the extent that segments of the juve-".

ASHCROFT AMENDMENT NO. 342

Mr. ASHCROFT proposed an amendment to the bill S. 254, supra; as follows:

To be inserted at the appropriate place:

TITLE . RESTRICTING JUVENILE ACCESS TO CERTAIN FIREARMS

SECTION 1. PENALTIES FOR UNLAWFUL ACTS BY JUVENILES.

(a) JUVENILE WEAPONS PENALTIES.—Section 924(a) of title 18, United States Code, is amended—

(1) in paragraph (4) by striking "Whoever" at the beginning of the first sentence, and inserting in lieu thereof, "Except as provided

in paragraph (6) of this subsection, whoever"; and

(2) in paragraph (6), by amending it to read as follows—

"(6)(A) A juvenile who violates section 922(x) shall be fined under this title, imprisoned not more than 1 year, or both, except—

"(i) a juvenile shall be sentenced to probation on appropriate conditions and shall not be incarcerated unless the juvenile fails to comply with a condition of probation, if—

"(I) the offense of which the juvenile is charged is possession of a handgun, ammunition, larger capacity ammunition feeding device or a semiautomatic assault weapon in violation of section 922(x)(2); and

"(II) the juvenile has not been convicted in any court of an offense (including an offense under section 922(x) or a similar State law, but not including any other offense consisting of conduct that if engaged in by an adult would not constitute an offense) or adjudicated as a juvenile delinquent for conduct that if engaged in by an adult would constitute an offense; or

"(ii) a juvenile shall be fined under this title, imprisoned not more than 20 years, or both, if—

"(I) the offense of which the juvenile is charged is possession of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon in violation of section 922(x)(2); and

"(II) during the same course of conduct in violating section 922(x)(2), the juvenile violated section 922(q), with the intent to carry or otherwise possess or discharge or otherwise use the handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon in the commission of a violent felony.

"(B) A person other than a juvenile who knowingly violates section 922(x)—

"(i) shall be fined under this title, imprisoned not more than 1 year, or both; and

"(ii) if the person sold, delivered, or otherwise transferred a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon to a juvenile knowing or having reasonable cause to know that the juvenile intended to carry or otherwise possess or discharge or otherwise use the handgun, ammunition, large capacity ammunition feeding device or semiautomatic assault weapon in the commission of a violent felony, shall be fined under this title, imprisoned not more than 20 years, or both.

"(C) For purposes of this paragraph a 'violent felony' means conduct as described in section 924(e)(2)(B) of this title.

"(D) Except as otherwise provided in this chapter, in any case in which a juvenile is prosecuted in a district court of the United States, and the juvenile is subject to the penalties under clause (ii) of paragraph (A), the juvenile shall be subject to the same laws, rules, and proceedings regarding sentencing (including the availability of probation, restitution, fines, forfeiture, imprisonment, and supervised release) that would be applicable in the case of an adult. No juvenile sentenced to a term of imprisonment shall be released from custody simply because the juvenile reaches the age of 18 years.".

(b) Unlawful Weapons Transfers to Juveniles.—Section 922(x) of title 18, United States Code, is amended to read as follows:

"(x)(1) It shall be unlawful for a person to sell, deliver, or otherwise transfer to a person who the transferor knows or has reasonable cause to believe is a juvenile—

"(A) a handgun;

"(B) ammunition that is suitable for use only in a handgun;

"(C) a semiautomatic assault weapon; or

"(D) a large capacity ammunition feeding device.

"(2) It shall be unlawful for any person who is a juvenile to knowingly possess—

"(A) a handgun;

"(B) ammunition that is suitable for use only in a handgun;

"(C) a semiautomatic assault weapon; or

"(D) a large capacity ammunition feeding device.

"(3) This subsection does not apply to—

"(A) a temporary transfer of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon to a juvenile or to the possession or use of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon by a juvenile—

(i) if the handgun, ammunition, large capacity ammunition feeding device or semiautomatic assault weapon are possessed and used by the juvenile—

"(I) in the course of employment,

"(II) in the course of ranching or farming related to activities at the residence of the juvenile (or on property used for ranching or farming at which the juvenile, with the permission of the property owner or lessee, is performing activities related to the operation of the farm or ranch),

"(III) for target practice,

"(IV) for hunting, or

"(V) for a course of instruction in the safe and lawful use of a firearm.

"(ii) Clause (i) shall apply only if the juvenile's possession and use of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon under this subparagraph are in accordance with State and local law, and the following conditions are met—

"(I) except when a parent or guardian of the juvenile is in the immediate and supervisory presence of the juvenile, the juvenile shall have in the juvenile's possession at all times when a handgun, ammunition, large capacity ammunition feeding device or semiautomatic assault weapon is in the possession of the juvenile, the prior written consent of the juvenile's parent or guardian who is not prohibited by Federal, State, or local law from possessing a firearm or ammunition; and

"(II) during transportation by the juvenile directly from the place of transfer to a place at which a activity described in clause (i) is to take place the firearm shall be unloaded and in a locked container or case, and during the transportation by the juvenile of that firearm, directly from the place at which such an activity took place to the transferor, the firearm shall also be unloaded and in a locked container or case; or

"(III) with respect to employment, ranching or farming activities as described in clause (i), a juvenile may possess and use a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault rifle with the prior written approval of the juvenile's parent or legal guardian, if such approval is on file with the adult who is not prohibited by Federal, State or local law from possessing a firearm or ammunition and that person is directing the ranching or farming activities of the juvenile.

"(B) a juvenile who is a member of the Armed Forces of the United States or the National Guard who possesses or is armed with a handgun, ammunition, large capacity ammunition feeding device or semiautomatic assault weapon in the line of duty;

"(C) a transfer by inheritance of title (but not possession) of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon to a juvenile; or

"(D) the possession of a handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon taken in lawful defense of the juvenile or other persons in the residence of the juvenile or a residence in which the juvenile is an invited guest.

"(4) A handgun, ammunition, large capacity ammunition feeding device or a semiautomatic assault weapon, the possession of which is transferred to a juvenile in circumstances in which the transferor is not in violation of this subsection, shall not be subject to permanent confiscation by the Government if its possession by the juvenile subsequently becomes unlawful because of the conduct of the juvenile, but shall be returned to the lawful owner when such handgun, ammunition, large capacity ammunition feeding device or semiautomatic assault weapon is no longer required by the Government for the purposes of investigation or prosecution.

"(5) For purposes of this subsection, the term "juvenile" means a person who is less than 18 years of age.

"(6)(A) In a prosecution of a violation of this subsection, the court shall require the presence of a juvenile defendant's parent or legal guardian at all proceedings.

"(B) The court may use the contempt power to enforce subparagraph (A).

"(C) The court may excuse attendance of a parent or legal guardian of a juvenile defendant at a proceeding in a prosecution of a violation of this subsection for good cause shown."

(7) For purposes of this subsection only, the term "large capacity ammunition feeding device" has the same meaning as in section 921(a)(31) of title and includes similar devices manufactured before the effective date of the Violent Crime Control and Law Enforcement Act of 1994.

SEC. 2. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect 180 days after the date of enactment of this Act.

FEINSTEIN (AND OTHERS) AMENDMENT NO. 343

Mrs. FEINSTEIN (for herself, Mr. Chafee, Mr. Kennedy, Mr. Schumer, Mr. Torricelli, Mr. Levin, Mr. Durbin, Ms. Landrieu, Mrs. Murray, Mr. Inouye, and Mr. Reed) proposed an amendment to the bill, S. 254, supra; as follows:

On page 276, below the matter following line 3, add the following:

TITLE V—ASSAULT WEAPONS

SEC. 501. SHORT TITLE.

This Act may be cited as the "Juvenile Assault Weapon Loophole Closure Act of 1999".

SEC. 502. BAN ON IMPORTING LARGE CAPACITY AMMUNITION FEEDING DEVICES.

Section 922(w) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking "(1) Except as provided in paragraph (2)" and inserting "(1)(A) Except as provided in subparagraph (B)";

(2) in paragraph (2), by striking "(2) Paragraph (1)" and inserting "(B) Subparagraph (A)";

(3) by inserting before paragraph (3) the following new paragraph (2):

"(2) It shall be unlawful for any person to import a large capacity ammunition feeding device."; and

(4) in paragraph (4)—

(A) by striking "(1)" each place it appears and inserting "(1)(A)"; and

(B) by striking "(2)" and inserting "(1)(B)".

SEC. 503. PROHIBITION ON TRANSFER TO AND POSSESSION BY JUVENILES OF SEMIAUTOMATIC ASSAULT WEAPONS AND LARGE CAPACITY AMMUNITION FEEDING DEVICES.

Section 922(x) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking "or" at the end;

(B) in subparagraph (B), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(C) a semiautomatic assault weapon; or

"(D) a large capacity ammunition feeding device.";

(2) in paragraph (2)—

(A) in subparagraph (A), by striking "or" at the end;

(B) in subparagraph (B), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(C) a semiautomatic assault weapon; or

"(D) a large capacity ammunition feeding device."; and

(3) in paragraph (3)—

(A) in subparagraph (B), by inserting ", semiautomatic assault weapon, or large capacity ammunition feeding device" after "handgun"; and

(B) in subparagraph (D), by striking "or ammunition" and inserting ", ammunition, semiautomatic assault weapon, or large capacity ammunition feeding device".

SEC. 504. ENHANCED CRIMINAL PENALTIES FOR TRANSFERS OF HANDGUNS, AMMUNITION, SEMIAUTOMATIC ASSAULT WEAPONS, AND LARGE CAPACITY AMMUNITION FEEDING DEVICES TO JUVENILES.

Section 924(a)(6)(B) of title 18, United States Code, is amended—

(1) in clause (i), by striking "1 year" and inserting "5 years"; and

(2) in clause (ii)—

(A) by inserting ", semiautomatic assault weapon, large capacity ammunition feeding device, or" after "handgun" both places it appears; and

(B) by striking "10 years" and inserting "20 years".

SEC. 505. DEFINITION OF LARGE CAPACITY AMMUNITION FEEDING DEVICE.

Section 921(a)(31) of title 18, United States Code, is amended by striking "manufactured after the date of enactment of the Violent Crime Control and Law Enforcement Act of 1994".

SEC. 506. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect 180 days after the date of enactment of this Act.

HATCH (AND OTHERS) AMENDMENT NO. 344

Mr. HATCH (for himself, Mr. Craig, Mr. McCain, Mr. Smith of Oregon Ms. Collins, Mr. Abraham, and Ms. Snowe) proposed an amendment to the bill, S. 254, supra; as follows:

At the appropriate place insert:

TITLE —EFFECTIVE GUN LAW ENFORCEMENT

Subtitle A—Criminal Use of Firearms by Felons

SEC. 401. SHORT TITLE.

This subtitle may be referred to as the "Criminal Use of Firearms by Felons (CUFF) Act".

SEC. 402. FINDINGS.

Congress finds the following:

(1) Tragedies such as those occurring recently in the communities of Pearl, Mississippi, Paducah, Kentucky, Jonesboro, Arkansas, Springfield, Oregon, and Littleton, Colorado are terrible reminders of the vulnerability of innocent individuals to random and senseless acts of criminal violence.

(2) The United States Congress has responded to the problem of gun violence by passing numerous criminal statutes and by supporting the development of law enforcement programs designed both to punish the criminal misuse of weapons and also to deter individuals from undertaking illegal acts.

(3) In 1988, the Administration initiated an innovative program known as Project Achilles. The concept behind the initiative was that the illegal possession of firearms was the Achilles heel or the area of greatest vulnerability of criminals. By aggressively prosecuting criminals with guns in Federal court, the offenders were subject to stiffer penalties and expedited prosecutions. The Achilles program was particularly effective in removing the most violent criminals from our communities.

(4) In 1991, the Administration expanded its efforts to remove criminals with guns from our streets with Project Triggerlock. Triggerlock continued the ideas formulated in the Achilles program and committed the Department of Justice resources to the prosecution effort. Under the program, every United States Attorney was directed to form special teams of Federal, State, and local investigators to look for gang and drug cases that could be prosecuted as Federal weapon violations. Congress appropriated additional funds to allow a large number of new law enforcement officers and Federal prosecutors to target these gun and drug offenders. In 1992, approximately 7048 defendants were prosecuted under this initiative.

(5) Since 1993, the number of "Project Triggerlock" type gun prosecutions pursued by the Department of Justice has fallen to approximately 3807 prosecutions in 1998. This is a decline of over 40 percent in Federal prosecutions of criminals with guns.

(6) The threat of criminal prosecution in the Federal criminal justice system works to deter criminal behavior because the Federal system is known for speedier trials and longer prison sentences.

(7) The deterrent effect of Federal gun prosecutions has been demonstrated recently by successful programs, such as "Project Exile" in Richmond, Virginia, which resulted in a 22 percent decrease in violent crime since 1994.

(8) The Department of Justice's failure to prosecute the criminal use of guns under existing Federal law undermines the significant deterrent effect that these laws are meant to produce.

(9) The Department of Justice already possesses a vast array of Federal criminal statutes that, if used aggressively to prosecute wrongdoers, would significantly reduce both the threat of, and the incidence of, criminal gun violence.

(10) As an example, the Department of Justice has the statutory authority in section 922(q) of title 18, United States Code, to prosecute individuals who bring guns to school zones. Although the Administration stated that over 6,000 students were expelled last year for bringing guns to school, the Justice Department reports prosecuting only 8 cases under section 922(q) in 1998.

(11) The Department of Justice is also empowered under section 922(x) of title 18, United States Code, to prosecute adults who transfer handguns to juveniles. In 1998, the Department of Justice reports having prosecuted only 6 individuals under this provision.

(12) The Department of Justice's utilization of existing prosecutorial power is 1 of the most significant steps that can be taken to reduce the number of criminal acts involving guns, and represents a better response to the problem of criminal violence than the enactment of new, symbolic laws, which, if current Departmental trends hold, would likely be underutilized .

SEC. 403. CRIMINAL USE OF FIREARMS BY FELONS PROGRAM.

(a) In General.—Not later than 90 days after the date of enactment of this Act, the Attorney General and the Secretary of the Treasury shall establish in the jurisdictions specified in subsection (d) a program that meets the requirements of subsections (b) and (c). The program shall be known as the "Criminal Use of Firearms by Felons (CUFF) Program".

(b) Program Elements.—Each program established under subsection (a) shall, for the jurisdiction concerned—

(1) provide for coordination with State and local law enforcement officials in the identification of violations of Federal firearms laws;

(2) provide for the establishment of agreements with State and local law enforcement officials for the referral to the Bureau of Alcohol, Tobacco, and Firearms and the United States Attorney for prosecution of persons arrested for violations of section 922(a)(6), 922(g)(1), 922(g)(2), 922(g)(3), 922(j), 922(q), 922(k), or 924(c) of title 18, United States Code, or section 5861(d) or 5861(h) of the Internal Revenue Code of 1986, relating to firearms;

(3) require that the United States Attorney designate not less than 1 Assistant United States Attorney to prosecute violations of Federal firearms laws;

(4) provide for the hiring of agents for the Bureau of Alcohol, Tobacco, and Firearms to investigate violations of the provisions referred to in paragraph (2) and section 922(a)(5) of title 18, United States Code, relating to firearms; and

(5) ensure that each person referred to the United States Attorney under paragraph (2) be charged with a violation of the most serious Federal firearm offense consistent with the act committed.

(c) Public Education Campaign.—As part of the program for a jurisdiction, the United States Attorney shall carry out, in cooperation with local civic, community, law enforcement, and religious organizations, an extensive media and public outreach campaign focused in high-crime areas to—

(1) educate the public about the severity of penalties for violations of Federal firearms laws; and

(2) encourage law-abiding citizens to report the possession of illegal firearms to authorities.

(d) Covered Jurisdictions.—The jurisdictions specified in this subsection are the following 25 jurisdictions:

(1) The 10 jurisdictions with a population equal to or greater than 100,000 persons that

had the highest total number of violent crimes according to the FBI uniform crime report for 1998.

(2) The 15 jurisdictions with such a population, other than the jurisdictions covered by paragraph (1), with the highest per capita rate of violent crime according to the FBI uniform crime report for 1998.

SEC. 404. ANNUAL REPORTS.

Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Attorney General shall submit to the Committees on the Judiciary of Senate and House of Representatives a report containing the following information:

(1) The number of Assistant United States Attorneys hired under the program under this subtitle during the year preceding the year in which the report is submitted in order to prosecute violations of Federal firearms laws in Federal court.

(2) The number of individuals indicted for such violations during that year by reason of the program.

(3) The increase or decrease in the number of individuals indicted for such violations during that year by reason of the program when compared with the year preceding that year.

(4) The number of individuals held without bond in anticipation of prosecution by reason of the program.

(5) To the extent information is available, the average length of prison sentence of the individuals convicted of violations of Federal firearms laws by reason of the program.

SEC. 405. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the program under 403 $50,000,000 for fiscal year 2000, of which—

(1) $40,000,000 shall be used for salaries and expenses of Assistant United States Attorneys and Bureau of Alcohol, Tobacco, and Firearms agents; and

(2) $10,000,000 shall be available for the public relations campaign required by 403(c) of that section.

(b) USE OF FUNDS.—

(1) The Assistant United States Attorneys hired using amounts appropriated pursuant to the authorization of appropriations in subsection (a) shall prosecute violations of Federal firearms laws in accordance with section 403(b)(3).

(2) The Bureau of Alcohol, Tobacco, and Firearms agents hired using amounts appropriated pursuant to the authorization of appropriations in subsection (a) shall, to the maximum extent practicable, concentrate their investigations on violations of Federal firearms laws in accordance with section 403(b)(4).

(3) It is the sense of Congress that amounts made available under this section for the public education campaign required by section 403(c) should, to the maximum extent practicable, be matched with State or local funds or private donations.

(c) AUTHORIZATION OF ADDITIONAL APPROPRIATIONS.—In addition to amounts made available under subsection (a), there is authorized to be appropriated to the Administrative Office of the United States Courts such sums as may be necessary to carry out this subtitle.

Subtitle B—Apprehension and Treatment of Armed Violent Criminals

SEC. 411. APPREHENSION AND PROCEDURAL TREATMENT OF ARMED VIOLENT CRIMINALS.

(a) PRETRIAL DETENTION FOR POSSESSION OF FIREARMS OR EXPLOSIVES BY CONVICTED FELONS.—Section 3156(a)(4) of title 18, United States Code, is amended—

(1) by striking "or" at the end of subparagraph (B);

(2) by striking "and" at the end of subparagraph (C) and inserting "or"; and

(3) by adding at the end the following:

"(D) an offense that is a violation of section 842(i) or 922(g) (relating to possession of explosives or firearms by convicted felons); and".

(b) FIREARMS POSSESSION BY VIOLENT FELONS AND SERIOUS DRUG OFFENDERS.—Section 924(a)(2) of title 18, United States Code, is amended—

(1) by striking "Whoever" and inserting "(A) Except as provided in subparagraph (B), any person who"; and

(2) by adding at the end the following:

"(B) Notwithstanding any other provision of law, the court shall not grant a probationary sentence to a person who has more than 1 previous conviction for a violent felony or a serious drug offense, committed under different circumstances.".

Subtitle C—Youth Crime Gun Interdiction

SEC. 421. YOUTH CRIME GUN INTERDICTION INITIATIVE.

(a) IN GENERAL.—

(1) EXPANSION OF NUMBER OF CITIES.—The Secretary of the Treasury shall endeavor to expand the number of cities and counties directly participating in the Youth Crime Gun Interdiction Initiative (in this section referred to as the "YCGII") to 75 cities or counties by October 1, 2000, to 150 cities or counties by October 1, 2002, and to 250 cities or counties by October 1, 2003.

(2) SELECTION.—Cities and counties selected for participation in the YCGII shall be selected by the Secretary of the Treasury and in consultation with Federal, State and local law enforcement officials.

(b) IDENTIFICATION OF INDIVIDUALS.—

(1) IN GENERAL.—The Secretary of the Treasury shall, utilizing the information provided by the YCGII, facilitate the identification and prosecution of individuals illegally trafficking firearms to prohibited individuals.

(2) SHARING OF INFORMATION.—The Secretary of the Treasury shall share information derived from the YCGII with State and local law enforcement agencies through online computer access, as soon as such capability is available.

(c) GRANT AWARDS.—

(1) IN GENERAL.—The Secretary of the Treasury shall award grants (in the form of funds or equipment) to States, cities, and counties for purposes of assisting such entities in the tracing of firearms and participation in the YCGII.

(2) USE OF GRANT FUNDS.—Grants made under this part shall be used to—

(A) hire or assign additional personnel for the gathering, submission and analysis of tracing data submitted to the Bureau of Alcohol, Tobacco and Firearms under the YCGII;

(B) hire additional law enforcement personnel for the purpose of identifying and arresting individuals illegally trafficking firearms; and

(C) purchase additional equipment, including automatic data processing equipment and computer software and hardware, for the timely submission and analysis of tracing data.

Subtitle D—Gun Prosecution Data

SEC. 431. COLLECTION OF GUN PROSECUTION DATA.

(a) REPORT TO CONGRESS.—On February 1, 2000, and on February 1 of each year thereafter, the Attorney General shall submit to the Committees on the Judiciary and on Appropriations of the Senate and the House of Representatives a report of information gathered under this section during the fiscal year that ended on September 30 of the preceding year.

(b) SUBJECT OF ANNUAL REPORT.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall require each component of the Department of Justice, including each United States Attorney's Office, to furnish for the purposes of the report described in subsection (a), information relating to any case presented to the Department of Justice for review or prosecution, in which the objective facts of the case provide probable cause to believe that there has been a violation of section 922 of title 18, United States Code.

(c) ELEMENTS OF ANNUAL REPORT.—With respect to each case described in subsection (b), the report submitted under subsection (a) shall include information indicating—

(1) whether in any such case, a decision has been made not to charge an individual with a violation of section 922 of title 18, United States Code, or any other violation of Federal criminal law;

(2) in any case described in paragraph (1), the reason for such failure to seek or obtain a charge under section 922 of title 18, United States Code;

(3) whether in any case described in subsection (b), an indictment, information, or other charge has been brought against any person, or the matter is pending;

(4) whether, in the case of an indictment, information, or other charge described in paragraph (3), the charging document contains a count or counts alleging a violation of section 922 of title 18, United States Code;

(5) in any case described in paragraph (4) in which the charging document contains a count or counts alleging a violation of section 922 of title 18, United States Code, whether a plea agreement of any kind has been entered into with such charged individual;

(6) whether any plea agreement described in paragraph (5) required that the individual plead guilty, to enter a plea of nolo contendere, or otherwise caused a court to enter a conviction against that individual for a violation of section 922 of title 18, United States Code;

(7) in any case described in paragraph (6) in which the plea agreement did not require that the individual plead guilty, enter a plea of nolo contendere, or otherwise cause a court to enter a conviction against that individual for a violation of section 922 of title 18, United States Code, identification of the charges to which that individual did plead guilty, and the reason for the failure to seek or obtain a conviction under that section;

(8) in the case of an indictment, information, or other charge described in paragraph (3), in which the charging document contains a count or counts alleging a violation of section 922 of title 18, United States Code, the result of any trial of such charges (guilty, not guilty, mistrial); and

(9) in the case of an indictment, information, or other charge described in paragraph (3), in which the charging document did not contain a count or counts alleging a violation of section 922 of title 18, United States Code, the nature of the other charges brought and the result of any trial of such other charges as have been brought (guilty, not guilty, mistrial).

Subtitle E—Firearms Possession by Violent Juvenile Offenders

SEC. 441. PROHIBITION ON FIREARMS POSSESSION BY VIOLENT JUVENILE OFFENDERS.

(a) DEFINITION.—Section 921(a)(20) of title 18, United States Code, is amended—

(1) by inserting "(A)" after "(20)";

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(3) by inserting after subparagraph (A) the following:

"(B) For purposes of subsections (d) and (g) of section 922, the term 'act of violent juvenile delinquency' means an adjudication of delinquency in Federal or State court, based on a finding of the commission of an act by a person prior to his or her eighteenth birthday that, if committed by an adult, would be a serious or violent felony, as defined in section 3559(c)(2)(F)(i) had Federal jurisdiction existed and been exercised (except that section 3559(c)(3)(A) shall not apply to this subparagraph)."; and

(4) in the undesignated paragraph following subparagraph (B) (as added by paragraph (3) of this subsection), by striking "What constitutes" and all that follows through "this chapter," and inserting the following:

"(C) What constitutes a conviction of such a crime or an adjudication of an act of violent juvenile delinquency shall be determined in accordance with the law of the jurisdiction in which the proceedings were held. Any State conviction or adjudication of an act of violent juvenile delinquency that has been expunged or set aside, or for which a person has been pardoned or has had civil rights restored, by the jurisdiction in which the conviction or adjudication of an act of violent juvenile delinquency occurred shall not be considered to be a conviction or adjudication of an act of violent juvenile delinquency for purposes of this chapter,".

(b) PROHIBITION.—Section 922 of title 18, United States Code, is amended—

(1) in subsection (d)—

(A) in paragraph (8), by striking "or" at the end;

(B) in paragraph (9), by striking the period at the end and inserting "; or"; and

(C) by inserting after paragraph (9) the following:

"(10) has committed an act of violent juvenile delinquency."; and

(2) in subsection (g)—

(A) in paragraph (8), by striking "or" at the end;

(B) in paragraph (9), by striking the comma at the end and inserting "; or"; and

(C) by inserting after paragraph (9) the following:

"(10) who has committed an act of violent juvenile delinquency,".

(c) EFFECTIVE DATE OF ADJUDICATION PROVISIONS.—The amendments made by this section shall only apply to an adjudication of an act of violent juvenile delinquency that occurs after the date that is 30 days after the date on which the Attorney General certifies to Congress and separately notifies Federal firearms licensees, through publication in the Federal Register by the Secretary of the Treasury, that the records of such adjudications are routinely available in the national instant criminal background check system established under section 103(b) of the Brady Handgun Violence Prevention Act.

Subtitle F—Juvenile Access to Certain Firearms

SEC. 451. PENALTIES FOR FIREARM VIOLATIONS INVOLVING JUVENILES.

(a) PENALTIES FOR FIREARM VIOLATIONS BY JUVENILES.—Section 924(a) of title 18, United States Code, is amended—

(1) in paragraph (4), by striking "Whoever" and inserting "Except as provided in paragraph (6), whoever"; and

(2) by striking paragraph (6) and inserting the following:

"(6) TRANSFER TO OR POSSESSION BY A JUVENILE.—

"(A) DEFINITIONS OF VIOLENT FELONY.—In this paragraph—

"(i) the term 'juvenile' has the meaning given the term in section 922(x); and

"(ii) the term 'violent felony' has the meaning given the term in subsection (e)(2)(B).

"(B) POSSESSION BY A JUVENILE.—

"(i) IN GENERAL.—Subject to clauses (ii) and (iii), a juvenile who violates section 922(x) shall be fined under this title, imprisoned not more than 5 years, or both.

"(ii) PROBATION.—Unless clause (iii) applies and unless a juvenile fails to comply with a condition of probation, the juvenile may be sentenced to probation on appropriate conditions if—

"(I) the offense with which the juvenile is charged is possession of a handgun, ammunition, or semiautomatic assault weapon in violation of section 922(x)(2); and

"(II) the juvenile has not been convicted in any court of an offense (including an offense under section 922(x) or a similar State law, but not including any other offense consisting of conduct that if engaged in by an adult would not constitute an offense) or adjudicated as a juvenile delinquent for conduct that if engaged in by an adult would constitute an offense.

"(iii) SCHOOL ZONES.—A juvenile shall be fined under this title, imprisoned not more than 20 years, or both, if—

"(I) the offense of which the juvenile is charged is possession of a handgun, ammunition, or semiautomatic assault weapon in violation of section 922(x)(2); and

"(II) during the same course of conduct in violating section 922(x)(2), the juvenile violated section 922(q), with the intent to carry or otherwise possess or discharge or otherwise use the handgun, ammunition, or semiautomatic assault weapon in the commission of a violent felony.

"(C) TRANSFER TO A JUVENILE.—A person other than a juvenile who knowingly violates section 922(x)—

"(i) shall be fined under this title, imprisoned not less than 1 year and not more than 5 years, or both; or

"(ii) if the person sold, delivered, or otherwise transferred a handgun, ammunition, or semiautomatic assault weapon to a juvenile knowing or having reasonable cause to know that the juvenile intended to carry or otherwise possess or discharge or otherwise use the handgun, ammunition, or semiautomatic assault weapon in the commission of a violent felony, shall be fined under this title and imprisoned not less than 10 and not more than 20 years.

"(D) CASES IN UNITED STATES DISTRICT COURT.—Except as otherwise provided in this chapter, in any case in which a juvenile is prosecuted in a district court of the United States, and the juvenile is subject to the penalties under subparagraph (B)(iii), the juvenile shall be subject to the same laws, rules, and proceedings regarding sentencing (including the availability of probation, restitution, fines, forfeiture, imprisonment, and supervised release) that would be applicable in the case of an adult.

"(E) NO RELEASE AT AGE 18.—No juvenile sentenced to a term of imprisonment shall be released from custody solely for the reason that the juvenile has reached the age of 18 years.".

(b) UNLAWFUL WEAPONS TRANSFERS TO JUVENILES.—Section 922 of title 18, United States Code, is amended by striking subsection (x) and inserting the following:

"(x) JUVENILES.—

"(1) DEFINITION OF JUVENILE.—In this subsection, the term 'juvenile' means a person who is less than 18 years of age.

"(2) TRANSFER TO JUVENILES.—It shall be unlawful for a person to sell, deliver, or otherwise transfer to a person who the transferor knows or has reasonable cause to believe is a juvenile—

"(A) a handgun;

"(B) ammunition that is suitable for use only in a handgun; or

"(C) a semiautomatic assault weapon.

"(3) POSSESSION BY A JUVENILE.—It shall be unlawful for any person who is a juvenile to knowingly possess—

"(A) a handgun;

"(B) ammunition that is suitable for use only in a handgun; or

"(C) a semiautomatic assault weapon.

"(4) APPLICABILITY.—

"(A) IN GENERAL.—This subsection does not apply to—

"(i) if the conditions stated in subparagraph (B) are met, a temporary transfer of a handgun, ammunition, or semiautomatic assault weapon to a juvenile or to the possession or use of a handgun, ammunition, or semiautomatic assault weapon by a juvenile if the handgun, ammunition, or semiautomatic assault weapon is possessed and used by the juvenile—

"(I) in the course of employment;

"(II) in the course of ranching or farming related to activities at the residence of the juvenile (or on property used for ranching or farming at which the juvenile, with the permission of the property owner or lessee, is performing activities related to the operation of the farm or ranch);

"(III) for target practice;

"(IV) for hunting; or

"(V) for a course of instruction in the safe and lawful use of a handgun;

"(ii) a juvenile who is a member of the Armed Forces of the United States or the National Guard who possesses or is armed with a handgun, ammunition, or semiautomatic assault weapon in the line of duty;

"(iii) a transfer by inheritance of title (but not possession) of handgun, ammunition, or semiautomatic assault weapon to a juvenile; or

"(iv) the possession of a handgun, ammunition, or semiautomatic assault weapon taken in lawful defense of the juvenile or other persons against an intruder into the residence of the juvenile or a residence in which the juvenile is an invited guest.

"(B) TEMPORARY TRANSFERS.—Clause (i) shall apply if—

"(i) the juvenile's possession and use of a handgun, ammunition, or semiautomatic assault weapon under this paragraph are in accordance with State and local law; and

"(ii)(I)(aa) except when a parent or guardian of the juvenile is in the immediate and supervisory presence of the juvenile, the juvenile, at all times when a handgun, ammunition, or semiautomatic assault weapon is in the possession of the juvenile, has in the juvenile's possession the prior written consent of the juvenile's parent or guardian who is not prohibited by Federal, State, or local law from possessing a firearm or ammunition; and

"(bb) during transportation by the juvenile directly from the place of transfer to a place at which an activity described in item (aa) is to take place, the firearm is unloaded and in a locked container or case, and during the transportation by the juvenile of the firearm, directly from the place at which such an activity took place to the transferor, the firearm is unloaded and in a locked container or case; or

"(II) with respect to ranching or farming activities as described in subparagraph (A)(i)(II)—

"(aa) a juvenile possesses and uses a handgun, ammunition, or semiautomatic assault weapon with the prior written approval of the juvenile's parent or legal guardian;

"(bb) the approval is on file with an adult who is not prohibited by Federal, State, or local law from possessing a firearm or ammunition; and

"(cc) the adult is directing the ranching or farming activities of the juvenile.

"(5) Innocent transferors.—A handgun, ammunition, or semiautomatic assault weapon, the possession of which is transferred to a juvenile in circumstances in which the transferor is not in violation under this subsection, shall not be subject to permanent confiscation by the Government if its possession by the juvenile subsequently becomes unlawful because of the conduct of the juvenile, but shall be returned to the lawful owner when the handgun, ammunition, or semiautomatic assault weapon is no longer required by the Government for the purposes of investigation or prosecution.

"(6) Attendance by parent or legal guardian as criminal proceedings.—In a prosecution of a violation of this subsection, the court—

"(A) shall require the presence of a juvenile defendant's parent or legal guardian at all proceedings;

"(B) may use the contempt power to enforce subparagraph (A); and

"(C) may excuse attendance of a parent or legal guardian of a juvenile defendant for good cause.".

(c) Effective Date.—The amendments made by this section shall take effect 180 days after the date of enactment of this Act.

Subtitle G—General Firearm Provisions

SEC. 461. NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM IMPROVEMENTS.

(a) Expedited Action by the Attorney General.—

(1) In general.—The Attorney General shall expedite—

(A) not later than 90 days after the date of enactment of this section, a study of the feasibility of developing—

"(i) a single fingerprint convicted offender database in the Federal criminal records system maintained by the Federal Bureau of Investigation; and

(ii) procedures under which a licensed firearm dealer may voluntarily transmit to the National Instant Check System a single digitalized fingerprint for prospective firearms transferees;

(B) the provision of assistance to States, under the Crime Identification Technology Act of 1998 (112 Stat. 1871), in gaining access to records in the National Instant Check System disclosing the disposition of State criminal cases; and

(C) development of a procedure for the collection of data identifying persons that are prohibited from possessing a firearm by section 922(g) of title 18, United States Code, including persons adjudicated as a mental defective, persons committed to a mental institution, and persons subject to a domestic violence restraining order.

(2) Considerations.—In developing procedures under paragraph (1), the Attorney General shall consider the privacy needs of individuals.

(b) Compatibility of Ballistics Information Systems.—The Attorney General and the Secretary of the Treasury shall ensure the integration and interoperability of ballistics identification systems maintained by the Federal Bureau of Investigation and the Bureau of Alcohol, Tobacco, and Firearms through the National Integrated Ballistics Information Network.

(c) Forensic Laboratory Inspection.—The Attorney General shall provide financial assistance to the American Academy of Forensic Science Laboratory Accreditation Board to be used to facilitate forensic laboratory inspection activities.

(d) Relief From Disability Database.—Section 925(c) of title 18, United States Code, is amended—

(1) by striking "(c) A person" and inserting the following:

"(c) Relief From Disabilities.—

"(1) In general.—A person"; and

(2) by adding at the end the following:

"(2) Database.—The Secretary shall establish a database, accessible through the National Instant Check System, identifying persons who have been granted relief from disability under paragraph (1).".

(e) Authorization of Appropriations.—There are authorized to be appropriated for fiscal year 2000—

(1) to pay the costs of the Federal Bureau of Investigation in operating the National Instant Check System, $68,000,000;

(2) for payments to States that act as points of contact for access to the National Instant Check System, $40,000,000;

(3) to carry out subsection (a)(1), $40,000,000;

(4) to carry out subsection (a)(3), $25,000,000;

(5) to carry out subsection (b), $1,150,000; and

(6) to carry out subsection (c), $1,000,000.

(f) Increased Authorization.—Section 102(e)(1) of the Crime Identification Technology Act of 1998 (42 U.S.C. 14601(e)(1)) is amended by striking "this section" and all that follows and inserting "this section—

"(A) $250,000,000 for fiscal year 1999;

"(B) $350,000,000 for each of fiscal years 2000 through 2003.".

TITLE V—ENHANCED PENALTIES

SEC. 501. STRAW PURCHASES.

(a) In General.—Section 924(a) of title 18, United States Code, is amended by adding at the end the following:

"(7)(A) Notwithstanding paragraph (2), whoever knowingly violates section 922(a)(6) for the purpose of selling, delivering, or otherwise transferring a firearm, knowing or having reasonable cause to know that another person will carry or otherwise possess or discharge or otherwise use the firearm in the commission of a violent felony, shall be—

"(i) fined under this title, imprisoned not more than 15 years, or both; or

"(ii) imprisoned not less than 10 and not more than 20 years and fined under this title, if the procurement is for a juvenile.

"(B) In this paragraph—

"(i) the term 'juvenile' has the meaning given the term in section 922(x); and

"(ii) the term 'violent felony' has the meaning given the term in subsection (e)(2)(B).".

(b) Effective Date.—The amendment made by this section shall take effect 180 days after the date of enactment of this Act.

SEC. 502. STOLEN FIREARMS.

(a) In General.—Section 924 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking "(i), (j),"; and

(B) by adding at the end the following:

"(8) Whoever knowingly violates subsection (i) or (j) of section 922 shall be fined under this title, imprisoned not more than 15 years, or both.";

(2) in subsection (i)(1), by striking by striking "10 years, or both" and inserting "15 years, or both; and

(3) in subsection (l), by striking "10 years, or both" and inserting "15 years, or both".

(b) Sentencing Commission.—The United States Sentencing Commission shall amend the Federal sentencing guidelines to reflect the amendments made by subsection (a).

SEC. 503. INCREASE IN PENALTIES FOR CRIMES INVOLVING FIREARMS.

Section 924 of title 18, United States Code, is amended—

(1) in subsection (c)(1)(A)—

(A) in clause (iii), by striking "10 years." and inserting "12 years; and"; and

(B) by adding at the end the following:

"(iv) if the firearm is used to injure another person, be sentenced to a term of imprisonment of not less than 15 years."; and

(2) in subsection (h), by striking "imprisoned not more than 10 years" and inserting "imprisoned not less than 5 years and not more than 10 years".

SEC. 504. INCREASED PENALTIES FOR DISTRIBUTING DRUGS TO MINORS.

Section 418 of the Controlled Substances Act (21 U.S.C. 859) is amended—

(1) in subsection (a), by striking "one year" and inserting "3 years"; and

(2) in subsection (b), by striking "one year" and inserting "5 years".

SEC. 505. INCREASED PENALTY FOR DRUG TRAFFICKING IN OR NEAR A SCHOOL OR OTHER PROTECTED LOCATION.

Section 419 of the Controlled Substances Act (21 U.S.C. 860) is amended—

(1) in subsection (a), by striking "one year" and inserting "3 years"; and

(2) in subsection (b), by striking "three years" each place that term appears and inserting "5 years".

Subtitle C—Internet Prohibitions

SECTION 430. SHORT TITLE.

This Act may be cited as the "Internet Firearms and Explosives Advertising Act of 1999".

SEC. 431. FINDINGS; PURPOSE.

Congress finds the following:

(a) Citizens have an individual right, under the Second Amendment to the United States Constitution, to Keep and Bear Arms. The Gun Control Act of 1968 and the Firearms Owners Protection Act of 1986 specifically state that it is not the intent of Congress to frustrate the free exercise of that right in enacting federal legislation. The free exercise of that right includes law abiding firearms owners buying, selling, trading, and collecting guns in accordance with federal, state, and local laws for whatever lawful use they deem desirable.

(b) The Internet is a powerful information medium, which has and continues to be an excellent tool to educate citizens on the training, education and safety programs available to use firearms safely and responsibly. It has, and should continue to develop, as a 21st century tool for "e-commerce" and marketing many products, including firearms and sporting goods. Many web sites related to these topics are sponsored in large part, by the sporting firearms and hunting community.

(c) It is the intent of Congress that this legislation be applied where the Internet is being exploited to violate the applicable explosives and firearms laws of the United States.

SEC. 432. PROHIBITIONS ON USES OF THE INTERNET.

(a) In General.—Chapter 44 of title 18, United States Code, is amended by adding at the end the following:

"§931. Criminal firearms and explosives solicitations

"(a)(1) In General.—Any person who, in a circumstance described in paragraph (2), knowingly makes, prints, or publishes, or causes to be made, printed or published, any notice of advertisement seeking or offering to receive, exchange, buy, sell, produce, distribute, or transfer—

"(A) a firearm knowing that such transaction, if carried out as noticed or advertised, would violate subsection (a), (d), (g) or (x) of section 922 of this chapter, or

"(B) explosive materials knowing that such transaction, if carried out as noticed or advertised, would violate subsection (a), (d) and (i) of section 842 of this title: shall be punished as provided under subsection (b).

"(2) The circumstance referred to in paragraph (1) is that—

"(A) such person knows or has reason to know that such notice or advertisement will be transported in interstate or foreign commerce by computer; or

"(B) such notice or advertisement is transported in interstate or foreign commerce by computer.

"(b) Penalties.—Any individual who violates, or attempts or conspires to violate, this section shall be fined under this title or imprisoned not more than 1 year, and both, but if such person has one prior conviction under this section, or under the laws of any State relating to the same offense, such person shall be fined under this title and imprisoned for not more than 5 years, but if such person has 2 or more prior convictions under this section, or under the laws of any State relating to the same offense, such person shall be fined under this title and imprisoned not less than 10 years nor more than 20 years. Any organization that violates, or attempts or conspires to violate, this section shall be fined under this title. Whoever, in the course of an offense under this section, engages in conduct that results in the death of a juvenile, herein defined as an individual who has not yet attained the age of 18 years, shall be punished by death, or imprisoned for any term of years or for life.

"(c) Defenses.—It is an affirmative defense against any proceeding involving this section if the proponent proves by a preponderance of the evidence that:

"(1) the advertisement or notice came from—

"(A) a web site, notice or advertisement operated or created by a person licensed—

"(i) as a manufacturer, importer, or dealer under section 923 of this chapter: or

"(ii) under chapter 40 of this title, and

"(B) the site, advertisement or notice, advised the person at least once prior to the offering of the product, material or information to the person that sales or transfers of the product or information will be made in accord with federal, state and local law applicable to the buyer or transferee, and such notice includes, in the case of firearms or ammunition, additional information that firearms transfers will only be made through a licensee, and that firearms and ammunition transfers are prohibited to felons, fugitives, juveniles and other persons under the Gun Control Act of 1968 prohibited from receiving or possessing firearms or ammunitions; or

"(2) the advertisement or notice came from—

"(A) a web site, notice or advertisement is operated or created by a person not licensed as stated in paragraph (1); and

"(B) the site, advertisement or notice, advised the person at least once prior to the offering of the product, material or information to the person that the sales or transfers of the product or information—

"(i) will be made in accord with federal, state and local law applicable to the buyer or transferee, and such notice includes, in the case of firearms or ammunition, that firearms and ammunition transfers are prohibited to felons, fugitives, juveniles and other persons under the Gun Control Act of 1968 prohibited from receiving or possessing firearms or ammunition; and

"(ii) as a term or condition for posting or listing the firearm for sale or exchange on the web site for a prospective transferor, the web site, advertisement or notice requires that, in the event of any agreement to sell or exchange the firearm pursuant to that posting or listing, the firearm be transferred to that person for disposition through a federal firearms licensee, where the Gun Control Act of 1968 requires the transfer to be made through a federal firearms licensee.".

"(b) Technical and Conforming Admendments—The analysis for chapter 44 of title 18, United States Code, is amended by inserting after the item relating to section 930 the following:

"931. "§931. Criminal firearms and explosives solicitation.".

SEC. 433. EFFECTIVE DATE.—

The amendments made by Sections 430–432 shall take effect beginning on the date that is 180 days after of the enactment of this Act.

On page 65, after line 20, insert the following:

SEC. . APPLICATION OF SECTION 923 (j) AND (m).

Notwithstanding any other provision of this Act, section 923 of title 18, United States Code, as amended by this Act, shall be applied by amending in subsections (j) and (m) the following:

In subsection (j) amend—

(1) paragraph (2)(A) and (B) to read as follows:

"(A) In general.—A temporary location referred to in paragraph (1) is a location for a gun show, or event in the State specified on the license, at which firearms, firearms accessories and related items may be bought, sold, traded, and displayed, in accordance with Federal, State, and local laws.

"(B) Locations out of state.—If the location is not in the State specified on the license, a licensee may display any firearm, and take orders for a firearm or effectuate the transfer of a firearm, in accordance with this chapter, including paragraph (7) of this subsection.";

"(C) Qualified gun shows or events.—A gun show or an event shall qualify as a temporary location if—

"(i) the gun show or event is one which is sponsored, for profit or not, by an individual, national, State, or local organization, association, or other entity to foster the collecting, competitive use, sporting use, or any other legal use of firearms; and

"(ii) the gun show or event has (a) 20 percent or more firearm exhibitors our of all exhibitors; or (b) 10 or more firearms exhibitors.

(2) paragraph (3)(C) to read as follows:

"(C) shall be retained at the premises specified on the license."; and

(3) paragraph (7) to read as follows:

"(7) No effect on other rights.—Nothing in this subsection diminishes in any manner any right to display, sell, or otherwise dispose of firearms or ammunition that is in effect before the date of enactment of the Firearms Owners' Protection Act, including the right of a licensee to conduct firearms transfers and business away from their business premises with another licensee without regard to whether the location of the business is in the State specified on the license of either licensee.".

In subsection (m), amend—

(1) paragraph (2)(E)(i) to read as follows:

"(i) In general.—A person not licensed under this section who desires to transfer a firearm at a gun show in his State of residence to another person who is a resident of the same State, and not licensed under this section, shall only make such a transfer through a licensee who can conduct an instant background check at the gun show, or directly to the prospective transferee if an instant background check is first conducted by a special registrant at the gun show on the prospective transferee. For any instant background check conducted at a gun show, the time period stated in section 922(t)(1)(B)(ii) of this chapter shall be 24 hours in a calendar day since the licensee contacted the system. If the services of a special registrant are used to determine the firearms eligibility of the prospective transferee to possesses a firearm, the transferee shall provide the special registrant at the gun show, on a special and limited-purpose form that the Secretary shall prescribe for use by a special registrant—

"(I) the name, age, address, and other identifying information of the prospective transferee (or, in the case of a prospective transferee that is a corporation or other business entity, the identity and principal and local places of business of the prospective transferee); and

"(II) proof of verification of the identity of the prospective transferee as required by section 922(t)(1)(C)."; and

(2) paragraph (4) to read as follows:

"(4) Immunity.—

"(A) Definition.—In this paragraph:

"(i) In general.—The term 'qualified civil liability action' means a civil action brought by any person against a person described in subparagraph (B) for damages resulting from the criminal or unlawful misuse of the firearm by the transferee or a third party.

"(ii) Exclusions.—The term 'qualified civil liability action' shall not include an action—

"(I) brought against a transferor convicted under section 924(h), or a comparable State felony law, by a person directly harmed by the transferee's criminal conduct, as defined in section 924(h); or

"(II) brought against a transferor for negligent entrustment or negligence per se.

"(B) Immunity.—Notwithstanding any other provision of law, a person who is—

"(i) a special registrant who performs a background check in the manner prescribed in this subsection at a gun show;

"(ii) a licensee or special licensee who acquires a firearm at a gun show from a nonlicensee, for transfer to another nonlicensee in attendance at the gun show, for the purpose of effectuating a sale, trade, or transfer between the 2 nonlicensees, all in the manner prescribed for the acquisition and disposition of a firearm under this chapter; or

"(iii) a nonlicensee person disposing of a firearm who uses the services of a person described in clause (i) or (ii);

shall be entitled to immunity from civil liability action as described in subparagraphs (C) and (D).

"(C) PROSPECTIVE ACTIONS.—A qualified civil liability action may not be brought in any Federal or State court.

"(D) DISMISSAL OF PENDING ACTIONS.—A qualified civil liability action that is pending on the date of enactment of this subsection shall be dismissed immediately by the court.".

BOND AMENDMENT NO. 345

(Ordered to lie on the table.)

Mr. BOND submitted an amendment intended to be proposed by him to the bill, S. 254, supra; as follows:

At the appropriate place, insert the following:

SEC. . COMMISSION ON ACCOUNTABILITY OF THE MOTION PICTURE INDUSTRY.

(a) SHORT TITLE.—This section may be cited as the "Motion Picture Industry Accountability Act".

(b) PURPOSE.—The purpose of this section is to establish a commission to study the motion picture industry and make recommendations to Congress and the President to promote accountability in the motion picture industry in order to reduce juvenile access to violent, pornographic, or other harmful material in motion pictures.

(c) ESTABLISHMENT.—There is established a commission to be known as the "Motion Picture Industry Accountability Commission" (in this section referred to as the "Commission").

(d) COMPOSITION.—

(1) COMPOSITION.—The Commission shall be composed of 12 members appointed as follows:

(A) Four members shall be appointed by the President.

(B) Four members shall be appointed by the Speaker of the House of Representatives.

(C) Four members shall be appointed by the Majority Leader of the Senate.

(2) CHAIRPERSON.—The Chairperson of the Commission shall be jointly designated by the Speaker of the House of Representatives and the Majority Leader of the Senate from among the members of the Commission.

(3) QUALIFICATIONS.—At least one member of the Commission appointed by each of the President, the Speaker of the House of Representatives, and the Majority Leader of the Senate shall be the parent of a child under the age of 18 years.

(e) COMPREHENSIVE REVIEW.—

(1) IN GENERAL.—The Commission shall conduct a comprehensive review of the motion picture industry with a focus on juvenile access to violent, pornographic, or other harmful materials in motion pictures.

(2) ASSESSMENT.—In conducting the review, the Commission shall assess the following:

(A) How the Federal Government and State and local governments, through their taxing power or otherwise, subsidize, facilitate, or otherwise reduce the cost to the motion picture industry of producing violent, pornographic, or other harmful materials, and any changes that might curtail such assistance.

(B) How the motion picture industry markets its products to children and how such marketing can be regulated.

(C) What standard of civil and criminal liability currently exist for the products of the motion picture industry and what standards would be sufficient to permit victims of such products to seek legal redress against the producers of such products in cases where the content of such products causes, exacerbates, or otherwise influences destructive behavior.

(D) Whether Federal regulation of the content of motion pictures is appropriate.

(E) If and how an excise tax levied on violent, pornographic, or other harmful motion picture materials might be structured in order—

(i) to discourage viewership of such materials; and

(ii) to finance measures aimed at limiting access to such materials.

(F) What other actions the Federal Government might take to reduce the quantity of and access to motion pictures containing violent, pornographic, or other harmful materials.

(f) REPORTS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Commission shall submit to the President, the Speaker of the House of Representatives, and the Majority Leader of the Senate a report on the review conducted under subsection (e).

(2) RECOMMENDATIONS.—The report may include recommendations of the Commission only if approved by a majority of the members of the Commission.

(g) POWERS.—The Commission may for the purpose of carrying out this section—

(1) conduct hearings, take testimony, issue subpoenas, and receive such evidence, as the Commission considers appropriate;

(2) secure directly from any department or agency of the Federal Government such information as may be necessary for the Commission to carry out the duties of the Commission under this section;

(3) use the United States mails in the same manner and under the same conditions as the departments and agencies of the Federal Government; and

(4) receive from the Secretary of Commerce appropriate office space and such administrative and support services as the Commission may request.

(h) PROCEDURES.—The Commission shall meet on a regular basis or at the call of the Chairperson or a majority of the members of the Commission.

(i) PERSONNEL MATTERS.—The members of the Commission shall serve on the Commission without compensation, but shall be allowed travel expenses including per diem in lieu of subsistence, as authorized by section 5702 of title 5, United States Code, when engaged in the performance of the duties of the Commission.

(j) STAFF.—The Commission shall appoint a staff director and sufficient support staff, including clerical and professional staff, to carry out the duties of the Commission under this section. The total number of staff under this subsection may not exceed 10.

(k) DETAILED PERSONNEL.—At the request of the Chairperson of the Commission, the head of any department or agency of the Federal Government may detail, without reimbursement, any personnel of the department or agency to the Commission to assist the Commission in carrying out the duties of the Commission under this section.

(l) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $1,000,000 to carry out this section.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) shall remain available until expended.

(m) TERMINATION.—The Commission shall terminate 60 days after the date on which the Commission submits the reports required by subsection (f).

HELMS AMENDMENTS NOS. 346–347

(Ordered to lie on the table.)

Mr. HELMS submitted two amendments intended to be proposed by him to the bill, S. 254, supra; as follows:

AMENDMENT NO. 346

At the appropriate place, insert the following:

"SEC. . SAFE SCHOOLS.

"(a) AMENDMENT.—Section 14601(b) of part F of title XIV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8921(b0) is amended by adding at the end a new paragraph (3a) as follows:

"(3a) BACKGROUND CHECKS.—Each State receiving federal funds under this Act shall have in effect a State law requiring local educational agencies to conduct, for each of their employees (regardless of when hired) and prospective employees, a nationwide background check for the purpose of determining whether the employee has been convicted of a crime that bears upon his fitness to have responsibility for the safety or well-being of children, to serve in the particular capacity in which he is (or is to be) employed, or otherwise to be employed at all thereby."

"(b) COMPLIANCE DATE.—States shall have two years from the date of enactment of this Act to comply with the requirements established in the amendment made by subsection (a)."

AMENDMENT NO. 347

At the appropriate place, insert the following:

"SEC. . SAFE SCHOOLS.

"(a) AMENDMENTS.—Part F of title XIV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8921 et seq.) is amended as follows:

"(1) SHORT TITLE.—Section 14601(a) is amended by replacing "Gun-Free" with "Safe", and "1994" with "1999".

"(2) REQUIREMENTS.—Section 14601(b)(1) is amended by inserting after "determined" the following: "to be in possession of an illegal drug, or illegal drug paraphernalia, on school property under the jurisdiction of, or in a vehicle operated by an employee or agent of, a local educational agency in that State, or".

"(3) DEFINITIONS.—Section 14601(b)(4) is amended by replacing "Definition" with "Definitions" in the catchline, by replacing "section" in the matter under the catchline with "part", by redesignating the matter under the catchline after the comma as subparagraph (A), by replacing the period with a semi-colon, and by adding new subparagraphs (B) and (C) as follows:

"(B) the term "illegal drug" means a controlled substance, as defined in section 102(6) of the Controlled Substance Act (21 U.S.C. 802(6)), the possession of which is unlawful under the Act (21 U.S.C. 801 et seq.) or under the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), but does not mean a controlled substance used pursuant to a valid prescription or as authorized by law; and

"(C) the term "illegal drug paraphernalia" means drug paraphernalia, as defined in section 422(d) of the Controlled Substances Act (21 U.S.C. 863(d0), except that the first sentence of that section shall be applied by inserting "or under the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.)" before the period.".

"(4) REPORT TO STATE.—Section 14601(d)(2)(C) is amended by inserting "illegal drugs, illegal drug paraphernalia, or" before "weapons".

"(5) Repealer.—Section 14601 is amended by striking subsection (f).

"(6) Policy regarding criminal justice system referral.—Section 14602(a) is amended by replacing "served by" with "under the jurisdiction of", and by inserting after "who" the following: "is in possession of an illegal drug, or illegal drug paraphernalia, on school property under the jurisdiction of, or in a vehicle operated by an employee or agent of, such agency, or who".

"(7) Data and policy dissemination under idea.—Section 14603 is amended by inserting "current" before "policy", by striking "in effect on October 20, 1994", by striking all the matter after "schools" and inserting a period thereafter, and by inserting before "engaging" the following: "possessing illegal drugs, or illegal drug paraphernalia, on school property, or in vehicles operated by employees or agents of, schools or local educational agencies, or".

"(b) Compliance Date; Reporting.—

"(1) States shall have two years from the date of enactment of this Act to comply with the requirements established in the amendments made by subsection (a).

"(2) Not later than three years after the date of enactment of this Act, the Secretary of Education shall submit to Congress a report on any State that is not in compliance with the requirements of this part.

"(3) Not later than two years after the date of enactment of this Act, the Secretary of Education shall submit to Congress a report analyzing the strengths and weaknesses of approaches regarding the disciplining of children with disabilities."

ASHCROFT AMENDMENT NO. 348

(Ordered to lie on the table.)

Mr. ASHCROFT submitted an amendment intended to be proposed by him to the bill, S. 254, supra; as follows:

On page 228, line 11 strike "and".

On page 228, line 14 strike the period and insert "; and".

On page 228, between lines 14 and 15, insert the following:

"(4) Prosecution of juveniles as adults for certain offenses involving firearms.—The State shall prosecute juveniles who are not less than 14 years of age as adults in criminal court, rather than in juvenile delinquency proceedings, if the juvenile used, carrier or possessed a firearm during the commission of conduct constituting—

"(A) murder;

"(B) robbery while armed with a dangerous or deadly weapon;

"(C) battery or assault while armed with a dangerous or deadly weapon;

"(D) forcible rape; or

"(E) any serious drug offense that, if committed by an adult subject to Federal jurisdiction, would be punishable under section 401(b)(1)(A) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)(1)(A))."

ASHCROFT (AND OTHERS) AMENDMENT NO. 349

(Ordered to lie on the table.)

Mr. ASHCROFT (for himself, Mr. Frist, Mr. Helms, Mr. Coverdell, and Mr. Allard) submitted an amendment intended to be proposed by him to the bill, S. 254, supra; as follows:

At the appropriate place, insert the following:

SEC.——1. SHORT TITLE.

This subtitle may be cited as the "School Safety Act of 1999".

SEC.——2. AMENDMENTS TO THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

"(a) Placement in Alternative Educational Setting.—Section 615(k) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(k)) is amended—

(1) in paragraph (1)(A)(ii)(I), by inserting "(other than a gun or firearm)" after "weapon";

(2) by redesignating paragraph (10) as paragraph (11); and

(3) by inserting after paragraph (9) the following new section:

"(10) Discipline with regard to guns or firearms.—

"(A) Authority of school personnel with respect to guns or firearms.—

"(i) Notwithstanding any other provision of this Act, school personnel may discipline (including expel or suspend) a child with a disability who carries or possesses a gun or firearm to or at a school, on school premises, or to or at a school function, under the jurisdiction of a State or a local educational agency, in the same manner in which such personnel may discipline a child without a disability.

"(ii) Nothing in clause (i) shall be construed to prevent a child with a disability who is disciplined pursuant to the authority provided under clause (i) from asserting a defense that the carrying or possession of the gun or firearm was unintentional or innocent.

"(B) Free appropriate public education.—

"(i) Ceasing to provide education.—Notwithstanding section 612(a)(1)(A), a child expelled or suspended under subparagraph (A) shall not be entitled to continued educational services, including a free appropriate public education, under this title, during the term of such expulsion or suspension, if the State in which the local educational agency responsible for providing educational services to such child does not require a child without a disability to receive educational services after being expelled or suspended.

"(ii) Providing education.—Notwithstanding clause (i), the local education agency responsible for providing educational services to a child with a disability who is expelled or suspended under subparagraph (A) may choose to continue to provide educational services to such child. If the local educational agency so choose to continue to provide the services—

"(I) nothing in this title shall require the local educational agency to provide such child with a free appropriate public education, or any particular level of service; and

"(II) the location where the local educational agency provides the services shall be left to the discretion of the local educational agency.

"(C) Relationship to other requirements.—

"(i) Plan requirements.—No agency shall be considered to be in violation of section 612 or 613 because the agency has provided discipline, services, or assistance in accordance with this paragraph.

"(ii) Procedure.—Actions taken pursuant to this paragraph shall not be subject to the provisions of this section, other than this paragraph.

"(D) Firearms.—The term 'firearm' has the meaning given the term under section 921 of title18, United States Code.".

(b) Conforming Amendment.—Section 615(f)(1) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(f)(1)) is amended by striking "Whenever" and inserting the following: "Expect as provided in section 615(k)(10), whenever".

SEC.——03. AMENDMENT TO THE GUN-FREE SCHOOLS ACT OF 1994.

Subsection (c) of section 14601 of the Gun-Free School Act of 1994 (20 U.S.C. 8921) is amended to read as follows:

"(c) Special rule.—Notwithstanding any other provision of this section, this section shall be subject to section 615(i)(1) of the Individual with Disabilities Education Act (20 U.S.C. 1415(k)(10)).".

SEC.——04. APPLICATION.

The amendments made by sections ——01 through ——03 shall not apply to conduct occurring prior to the date of enactment of this title.

SCHUMER (AND OTHERS) AMENDMENT NO. 350

Mr. SCHUMER (for himself, Mr. Lautenberg, Mr. Kohl, Mrs. Feinstein, Mr. Torricelli, and Mr. Durbin) proposed an amendment to the bill, S. 254, supra; as follows:

On page 265, after line 20, insert the following:

SEC. . INTERNET GUN TRAFFICKING ACT OF 1999.

(a) Short Title.—This section may be cited as the "Internet Gun Trafficking Act of 1999".

(b) Regulation of Internet Firearms Transfers.—

(1) Prohibitions.—Section 922 of title 18, United States Code, is amended by inserting after subsection (y) the following:

"(z) Regulation of Internet Firearms Transfers.—

"(1) In general.—It shall be unlawful for any person to operate an Internet website, if a clear purpose of the website is to offer 10 or more firearms for sale or exchange at one time, or is to otherwise facilitate the sale or exchange of 10 or more firearms posted or listed on the website at one time, unless—

"(A) the person is licensed as a manufacturer, importer, or dealer under section 923;

"(B) the person notifies the Secretary of the Internet address of the website, and any other information concerning the website as the Secretary may require by regulation; and

"(C) if any firearm posted or listed for sale or exchange on the website is not from the business inventory or personal collection of that person—

"(i) the person, as a term or condition for posting or listing the firearm for sale or exchange on the website on behalf of a prospective transferor, requires that, in the event of any agreement to sell or exchange the firearm pursuant to that posting or listing, the firearm be transferred to that person for disposition in accordance with clause (iii);

"(ii) the person prohibits the posting or listing on the website of, and does not in any manner disseminate, any information (including any name, nickname, telephone number, address, or electronic mail address) that is reasonably likely to enable the prospective transferor and prospective transferee to contact one another directly prior to the shipment of the firearm to that person under clause (i), except that this clause does not include any information relating solely to the manufacturer, importer, model, caliber, gauge, physical attributes, operation, performance, or price of the firearm; and

"(iii) with respect to each firearm received from a prospective transferor under clause (i), the person—

"(I) enters such information about the firearm as the Secretary may require by regulation into a separate bound record;

"(II) in transferring the firearm to any transferee, complies with the requirements of this chapter as if the firearm were being transferred from the business inventory of that person; and

"(III) if the prospective transferor does not provide the person with a certified copy of a valid firearms license issued to the prospective transferor under this chapter, submits to the Secretary a report of the transfer or other disposition of the firearm on a form specified by the Secretary, which report shall not include the name of, or any other identifying information relating to, the transferor.

"(2) TRANSFERS BY PERSONS OTHER THAN LICENSEES.—It shall be unlawful for any person who is not licensed under section 923 to transfer a firearm pursuant to a posting or listing of the firearm for sale or exchange on an Internet website described in paragraph (1) to any person other than the operator of the website.

"(3) INTERACTIVE COMPUTER SERVICE.—Nothing in this section may be construed to provide any basis for liability against an interactive computer service which is not engaged in an activity a purpose of which is to—

"(A) originate an offer for sale of one or more firearms on an Internet website; or

"(B) provide a forum that is directed specifically at an audience of potential customers who wish to sell, exchange, or transfer firearms with or to others.".

(2) PENALTIES.—Section 924(a) of title 18, United States Code, is amended by adding at the end the following:

"(7) Whoever willfully violates section 922(z)(2) shall be fined under this title, imprisoned not more than 2 years, or both.".

NOTICE OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. BOND. Mr. President, I wish to announce that the Committee on Small Business will hold a hearing entitled "Education Success—Business Success." The hearing will be held on Tuesday, May 25, 1999, beginning at 10 a.m. in room 428A of the Russell Senate Office Building.

The hearing will be broadcast live on the Internet from our homepage address: http://www.senate.gov/sbc

For further information, please contact David Bohley at 224-5175.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. HATCH. Mr. President, I ask unanimous consent that the full committee on Armed Services be authorized to meet at 9:30 a.m. on Thursday, May 13, 1999, in executive session, to mark up the FY 2000 Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. HATCH. Mr. President, I ask unanimous consent that the full Committee on Armed Services be authorized to meet at 2 p.m. on Thursday, May 13, 1999, in executive session, to mark up the FY 2000 Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, May 13, for purposes of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this hearing is to receive testimony on S. 698, a bill to review the suitably and feasibility of recovering costs of high altitude rescues at Denali National Park and Preserve in Alaska, and for other purposes; S. 711, a bill to allow for the investment of joint Federal and State funds from the civil settlement of damages from the Exxon Valdez oil spill, and for other purposes; and S. 748, a bill to improve Native hiring and contracting by the Federal Government within the State of Alaska, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. HATCH. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a hearing on the Clean Water Act Plan, Thursday, May 13, 10 a.m., Hearing Room (SD-406).

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. HATCH. Mr. president, the Finance Committee requests unanimous consent to conduct a hearing on Thursday, May 13, 1999 beginning at 10 a.m. in room 215 Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, May 13, 1999 at 10 a.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on the Nomination of Richard McGahey during the session of the Senate on Thursday, May 13, 1999, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CRIMINAL JUSTICE OVERSIGHT

Mr. HATCH. Mr. President, I ask unanimous consent that the Subcommittee on criminal Justice Oversight, of the Senate Judiciary Committee, be authorized to meet during the session of the Senate on Thursday, May 13, 1999 at 2 p.m. to hold a hearing in room 226, Senate Dirksen Office Building, on: "The Clinton Justice Department's Refusal to Enforce the Law on Voluntary Confessions."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. HATCH. Mr. President, I ask unanimous consent that the Subcommittee on Forests & Public Land Management of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, May 13, for purposes of conducting a hearing Subcommittee on Forests & Public Lands Management hearing which is scheduled to begin at 2:30 p.m. The purpose of this oversight hearing is to receive testimony on fire preparedness on public lands. Specifically, what actions the Bureau of Land Management and the Forest Service are taking to prepare for the fire season; whether the agencies are informing the public about these plans; and ongoing research related to wildlife and fire suppression activities.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL POLICE WEEK

• Mr. GRAMS. Mr. President, I rise today to honor those police officers who devotedly and selflessly work to protect and serve the public on a daily basis. I also pay special tribute to those men and women who have given their lives in the line of duty.

According to the Federal Bureau of Investigation data, 138 law enforcement officers lost their lives while protecting our communities across America in 1998. Of this total, 61 law enforcement officers were slain in the line of duty. Our Capitol community was tragically affected last July when Capitol Police Officer Jacob Chestnut and Special Agent John Gibson were mortally wounded while they upheld their sworn duty to protect visitors, staff and Members of Congress.

All Americans should keep alive the memory of these two brave and heroic men, and recognize the contributions of the countless other law enforcement officers who have either been slain or disabled while performing their duties. For these reasons I am a proud cosponsor of S. Res. 22, which designates May 15, 1999, as "National Peace Officers Memorial Day."

Mr. President, during this week of poignant ceremonies, Minnesota remembers Corporal Timothy Bowe of the Minnesota State Patrol who was murdered while assisting the Chisago County Sheriff Department on June 7, 1997. Last year, Corporal Bowe's name was added to the National Law Enforcement Officers Memorial. Corporal Bowe was a devoted husband, father, trooper, and friend. More importantly, Corporal Timothy Bowe was a true Minnesota hero. This week, Corporal Bowe's name will be joined on the memorial by 155 other law enforcement officers who were killed in the line of duty.

Sadly, in our society today, unless we are personally affected by violence or disorder, we often do not realize the dedication of our law enforcement officers, and the sacrifices they make to keep our communities safe. "National Police Week" is an important time for all Americans to recognize the role law enforcement officers play in safeguarding the rights and freedoms we all enjoy daily and give thanks for their countless hours of service.

Mr. President, we owe a debt of gratitude not only to the slain officers who served their communities so courageously by preserving law and order, but also to their families, who have lost a spouse, parent or child. Our law enforcement officers are heroes and we must never forget their contributions and sacrifices—during "National Police Week," they are well remembered.●

RETIREMENT OF TREASURY SECRETARY RUBIN

● Mr. BIDEN. Mr. President, I rise today to share with my colleagues a few thoughts on the announcement that Treasury Secretary Rubin will be leaving his job in July.

It is hard to believe how far we have come in the six and a half years of Bob Rubin's tenure at the Treasury Department. Our most fundamental ideas of how the world works—at least the world of economics and finance—have been transformed during his leadership of President Clinton's economic team.

In our domestic finances, Mr. President, we have gone from a generation of seemingly intractable federal deficits to a new era of budget surpluses. It turns out that it is no easier to make budget policy now than it was before—in fact, it is probably harder. But the federal government is paying its own way now, and the payoff in the private economy—strong growth, low and stable interest rates, international confidence in the dollar—are there for everyone to see.

As someone who came to the Senate over a quarter of a century ago, I can tell my colleagues that there has been no more fundamental change in the way we do business around here.

And virtually everyone agrees that Bob Rubin's influence was the deciding factor in this Administration's successful fight to restore balance and responsibility to our federal budget. If that were his only legacy, it would put him in the pantheon of our greatest Treasury Secretaries.

But Bob Rubin has left his mark on the international economy as well. The United States—restored to its historic role as the strongest and most influential economy in the world—was the indispensable leader during the financial crisis that shook international markets in the last two years. And it was Secretary Rubin's credibility that was on the line as international financial institutions like the IMF scrambled to meet the first financial crisis of the new global economy.

Because he knew what key financial markets needed to see and hear from policy makers—and because he knew the strengths and the weaknesses of those markets first hand—his guidance was the essential ingredient that contained the damage from that crisis.

Today, in the calm after the storm, there is still a lot of rebuilding to do—and too much troubling weakness in too many economies to say that the crisis is over. But it is not too early to say that the crisis was a direct challenge America's leadership in the world's economy, and Bob Rubin kept us on top.

I might add that among the many facets of that financial crisis, Secretary Rubin had to invest his considerable energy, skills, and reputation to get this Congress to provide the funds necessary for the IMF to do its job. If they gave medals in his line of work, Mr. President, he would have one for that campaign, too.

Robert Rubin was the recognized leader—with all of the heat that can come in that position—in two of the biggest economy stories of this decade: the battle against the deficit and the global financial crisis. His decisiveness, clarity of purpose, and calm persistence made a difference in this history of our time.

I noticed, Mr. President, that the financial markets genuflected yesterday at the news of Secretary Rubin's impending departure. They dipped for a while at the initial disappointment, but inevitably they recovered because his replacement is an equally formidable—and tested—veteran of those same battles that have made Bob Rubin's reputation.

Larry Summers, as Deputy Treasury Secretary, has earned Bob Rubin's confidence as his envoy to key countries in critical negotiations in the global financial crisis and in many other important jobs. He inherits a healthy economy, sound federal finances, and a strong team at the Treasury Department. But if the past few years are any guide, Mr. President, he will not lack for challenges.

I noticed that he thanked his teachers today in accepting the new opportunity President Clinton has offered him. Surely he had no more valuable teacher than Bob Rubin. That should give us all confidence that the Treasury Department remains in good hands.●

HONORING GLORIA "PAT" HUTH

● Mr. ABRAHAM. Mr. President, I rise today to honor Mrs. Gloria "Pat" Huth upon her retirement which will be celebrated on May 18, 1999.

Gloria "Pat" Huth was born on St. Patrick's Day to Mary and Martin Halasz. Mr. and Mrs. Halasz immigrated to the United States from Hungary.

Pat Huth graduated from Bad Axe High School, and earned her Bachelor of Arts degree from Michigan State University. In 1962, she married her husband, Robert, Sr. She began teaching with the Van Dyke school system, taking time off from full-time teaching to raise her sons, Robert, Jr. and Jeff. Mrs. Huth always believed in the value of education and stressed that point to her students and her sons; her sons obtained Juris Doctor and Doctor of Medicine degrees, respectively.

After her boys began attending elementary school, Pat Huth returned to full-time teaching. In 1971, she began teaching at Neil E. Reid school in the L'Anse Creuse School District. In 1974, she was among eight teachers that left Neil E. Reid with their principal, Joseph Carkenord to open the new elementary school, Tenniswood, in Clinton Township, Michigan. Along the way, Pat obtained her Masters of Education Degree from Eastern Michigan University.

In 1979, she received an Educational Specialist Degree (EDS) from Oakland University. She was always continuing to attend school so that she could stay on top of trends and issues to help her students.

Mrs. Huth taught second grade for the L'Anse Creuse schools for 29 years and was a full-time teacher in Michigan for 33 years. Additionally, 8 years were spent as a substitute teacher for different school districts in Macomb County.

Among Pat's interests are serving in the Philanthropic Educational Organization (PEO). She has been a member of St. Louis Parish since 1973. Now Pat Huth considers among her hobbies enjoying three (and soon to be four) grandchildren and stressing the value of education for all those that are fortunate enough to have contact with her.

I want to express my congratulations to Pat Huth upon her retirement. Most importantly, I would like to thank her for her years of commitment to the education of children. Pat, you truly are an example for others to follow.

Mr. President, I yield the floor.●

A SALUTE TO LYTTLETON MACON YATES, SR.

• Mr. ROBB. Mr. President, I rise today to salute a member of our Senate family, and a fellow Virginian, Lyttleton Macon Yates, Sr.

Lyt Yates—of the Sergeant at Arms, Printing Graphics and Direct Mail Branch—will retire on July 25, 1999 after twenty-seven years of loyal service to the United States Senate. He started his career on May 15, 1972 as a Computer Operator with the Sergeant at Arms Computer Center, and has worked his way up the ladder to his current position as Supervisor. As a valuable member of the Computer Center team, he was instrumental in assisting with the creation of payroll forms, letterhead and other Senate forms still in use today.

Over the years, Lyt has enjoyed working with Senate staff—assisting with countless individual requests, solving problems, and seeing the job through to completion.

He is looking forward to retirement with his wife, Joanna, in Midland, Virginia. His future plans include, traveling, wood carving and spending time with his eight grandchildren.

On behalf of his Senate family, I thank Lyt Yates for nearly three decades of outstanding and dedicated service to the United States Senate—and I wish him well in the years ahead.•

BOSTON MILLS/BRANDYWINE SKI RESORT

• Mr. VOINOVICH. Mr. President, today I am pleased to recognize Boston Mills/Brandywine Ski Resort in Peninsula, OH. Boston Mills/Brandywine recently was awarded the Times Mirror Company's Silver Eagle Award for Environmental Excellence for their efforts in the area of energy conservation. In response to the local community's increasing energy demands during seasonal snowmaking operations, Boston Mills recently installed a $1.5 million advanced snowmaking system which monitors data from a nearby pumping station, weather stations, and snowmaking machines to provide for maximum snow production at maximum power efficiency. This effort has enabled the area to produce the same amount of snow in less time, and at a savings of 962,000 kilowatt hours of electricity, which represents 69.5 percent of the community's electricity consumption. In addition, by leasing new grooming vehicles which operate on 33 percent less fuel and reduce grooming time, the area was able to reduce diesel fuel consumption by 46.9 percent, or 9,404 gallons. I am proud to report on the positive impact that the Boston Mills/Brandywine Ski Resort has had on the local community in Peninsula and commend them for the example they have set in civic leadership on this front. I congratulate them on their award and believe the praise they have received for their efforts in environmental stewardship is well deserved.•

HONORING CALIFORNIA'S FALLEN LAW ENFORCEMENT OFFICERS

• Mrs. FEINSTEIN. Mr. President, I rise today to honor the memory of the heroic men and women of California law enforcement who have given their lives in the line of duty protecting the people of the Golden State.

This week, as part of National Police Week, the names of 35 peace officers from California are being added to the National Law Enforcement Officers Memorial here in Washington D.C. Seventeen of those officers lost their lives this past year.

We all know of the dangers faced on a daily basis by police officers, sheriff's deputies, and members of the highway patrol. Unfortunately, too many officers make the ultimate sacrifice in the course of doing their job: ensuring the safety and security of our homes, roads, and neighborhoods.

It is with the utmost respect for these fallen heroes and the loss suffered by their loved ones that I ask that their names be printed in the CONGRESSIONAL RECORD, along with the community they served. We owe these men and women a great deal. Please join me in honoring them.

The list follows.

Oscar A. Beaver—(8/6/1892) Tulare County Sheriff's Office.

John Jasper Bogard—(3/30/1895) Tehama County Sheriff's Department.

William A. Radford—(10/14/1897) Siskiyou County Sheriff's Department.

E.E. Dixon—(12/26/1898) Siskiyou County Sheriff's Department.

Lucius C. Smith—(10/10/1907) Fresno City Police Department.

William Lee Blake—(11/25/1911) Shasta County Sheriff's Department.

A.B. Chamness—(9/22/1917) Fresno County Sheriff's Department.

John W. Reives—(1/14/1921) Shasta County Marshals.

William Clarence Dodge—(10/2/1926) King City Police Department.

Joseph Clark—(8/30/1936) Siskiyou County Sheriff's Department.

Martin Clifford Lange—(8/30/1936) Siskiyou County Sheriff's Department.

Ross Clifford Cochran—(11/19/1951) Tulare County Sheriff's Office.

Harvey A. Varat—(10/20/1973) Ventura County Sheriff's Department.

Richard D. Schnurr—(11/26/1974) California Department of Parks & Recreation.

James Joseph Doyle—(3/23/1974) Ventura College Police Department.

Patricia M. Scully—(5/6/1976) California Department of Parks and Recreation.

Luella Kay Holloway—(1/3/1980) Coalinga Police Department.

George Kowatch III—(11/2/1987) California Department of Parks & Recreation.

Steven Gerald Gajda—(1/1/1998) Los Angeles Police Department.

Scott Matthew Greenly—(1/7/1998) California Highway Patrol.

James John Rapozo—(1/9/1998) Visalia Police Department.

Vilho O. Ahola—(2/1/1998) Petaluma Police Department.

Ricky Bill Stovall—(2/24/1998) California Highway Patrol.

Britt T. Irvine—(2/24/1998) California Highway Patrol.

Paul D. Korber—(3/15/1998) Ventura Port District.

James Leonard Speer—(4/10/1998) Cailpatria Police Department.

David John Chetcuti—(4/25/1998) Millbrae Police Department.

Christopher David Lydon—(6/5/1998) California Highway Patrol.

Claire Nicole Connelly—(7/12/1998) Riverside Police Department.

Filbert Henry Cuesta, Jr.—(8/9/1998) Los Angeles Police Department.

Lisa Dianne Whitney—(8/12/1998) Ventura County Sheriff's Department.

Brian Ernest Fenimore Brown— (11/29/1998) Los Angeles Police Department.

Sandra Lee Larson—(12/8/1998) Sacramento County Sheriff's Department.

Rick Charles Cromwell—(12/9/1998) Lodi Police Department.

John Paul Monego—(12/12/1998) Alameda County Sheriff's Office.•

HONORING OLIVER OCASEK

• Mr. DEWINE. Mr. President, I rise today to honor a great Ohioan and a good friend. On May 20, Oliver Ocasek will receive the YMCA of the USA's Volunteerism Award—in honor of his more than 50 years of service to youth organizations.

It was a great privilege for me to serve with Oliver Ocasek in the State Senate, and I can tell you from personal experience he was an extremely valuable legislator throughout his 28 years in the Senate.

He realized then, and realizes now, that one of the most important things we can do—as legislators, parents and citizens—is reach out to young people. That was a keystone of his Senate career, and indeed has been a central part of his whole life.

In addition to his work in the Senate, he has also been a distinguished professional educator, serving as teacher, principal, superintendent, college professor, and member of the State Board of Education.

Mr. President, I join all Ohioans in paying tribute to Oliver Ocasek on the occasion of this richly deserved award.•

PRIVATE FIRST CLASS WALTER WETZEL MEMORIAL

• Mr. ABRAHAM. Mr. President, I rise today to honor Private First Class Walter C. Wetzel, one of Macomb County's greatest war heroes, who will be honored Saturday, May 15, 1999. On that day, the lobby in the new Macomb County Administration Building will be dedicated as the Private First Class Walter Wetzel Memorial where a bronze bust of Private Wetzel will be unveiled.

On April 3, 1945, Private Wetzel, a Roseville resident, was serving as a member of an Army anti-tank unit, when they came under attack by a German offensive. As Wetzel warned his fellow soldiers of the attack, two live grenades were thrown through the window of the farmhouse where his unit was positioned; Wetzel then shielded his men by covering the grenades with his body, sacrificing his life to save the lives of the others in his unit.

As the ultimate recognition for his bravery and honor, the military posthumously awarded Private First Class Wetzel the Medal of Honor.

The memorial and sculpture are well-deserved tributes for the heroism of private Wetzel who made the ultimate sacrifice to protect the sacred values our country is founded upon.

Private Wetzel's commitment to fight and sacrifice to protect the United States and the freedoms Americans cherish is to be commended. He deserves both respect and admiration by everyone for his dedication to our country.●

HONORING JOHN FLORENO

● Mr. ABRAHAM. Mr. President, I rise today to honor Mr. John Floreno who has been named the Italian American of the Year by the Italian Study Group of Troy. The annual recognition is presented to those who make significant contributions in promoting and maintaining the importance of the Italian culture.

John Floreno dedicated himself for over 20 years to the Italian American Cultural Society in Warren, Michigan, in many ways, including raising funds to build the cultural center, arranging for the purchase of the center's property, and providing for significant repair costs for the center. Over the years, John has been recognized through many distinguished awards for his dedication to the Italian heritage.

It was through John's leadership that the construction of the center went forward. The Center is a central location where the community can gather to teach and preserve the Italian culture for future generations.

I am proud to say that Michigan is home to one of the most vibrant Italian communities in the United States. They have brought countless contributions to the Great Lakes State.

Our Italian community in Michigan has played an important role in enhancing the Italian culture, identity and pride of Italian-Americans, by teaching the importance of family, church and local community.

I want to express my congratulations to John Floreno for his years of dedication in keeping those traditions alive.

Mr. President, I yield the floor.●

HONORING FRANCO IADEROSA

● Mr. ABRAHAM. Mr. President, I rise today to honor Mr. Franco Iaderosa who has been named the Italian American of the Year by the Italian Study Group of Troy. The annual recognition is presented to those who make significant contributions in promoting and maintaining the importance of the Italian culture.

Franco Iaderosa has dedicated himself to many years of service to the rich heritage of the Italian-American community in Michigan through his outstanding leadership as Education Director of the N.O.I. Foundation which promotes the Italian Language curriculum in both public and private Detroit schools.

It is through Franco's commitment to the education of our children that Italian history, culture and traditions can be preserved and enhanced in our communities.

I am proud to say that Michigan is home to one of the most vibrant Italian communities in the United States. They have brought countless contributions to the Great Lakes State.

Our Italian community in Michigan has played an important role in enhancing the Italian culture, identity and pride of Italian-Americans, by teaching the importance of family, church, and local community.

I want to express my congratulations to Franco Iaderosa for his years of dedication in keeping those traditions alive.

Mr. President, I yield the floor.●

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 95–521, appointments Patricia Mack Bryan, of Virginia, as Senate Legal Counsel, effective as of June 1, 1999, for a term of service to expire at the end of the 107th Congress.

APPOINTING PATRICIA MACK BRYAN AS SENATE LEGAL COUNSEL

Mr. CRAIG. I ask unanimous consent the Senate now proceed to the immediate consideration of S. Res. 102, submitted earlier by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 102) appointing Patricia Mack Bryan as Senate Legal Counsel.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CRAIG. I ask unanimous consent the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 102) was agreed to, as follows:

Resolved, That the appointment of Patricia Mack Bryan, of Virginia, to be Senate Legal Counsel, made by the President pro tempore of the Senate on May 13, 1999, shall become effective as of June 1, 1999, and the term of service of the appointee shall expire at the end of the 107th Congress.

ORDERS FOR FRIDAY, MAY 14, 1999

Mr. CRAIG. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Friday, May 14. I further ask consent that on Friday, immediately following the prayer, the routine requests through the morning hour be granted and the time for the two leaders be reserved for their use later in the day, and that the Senate immediately resume consideration of the juvenile justice bill, S. 254.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. CRAIG. For the information of all Senators, the Senate will convene on Friday at 9:30 a.m. By previous consent, the Senate will then resume consideration of the Hatch-Craig amendment, with a vote to take place at approximately 9:40 a.m., followed by a vote on or in relation to the Schumer Internet firearms amendment. Other amendments are expected to be offered, including the McConnell public lands amendment, and therefore Senators can expect the first two votes at approximately 9:40 a.m., with the possibility of further votes during tomorrow's session of the Senate in an effort to finish the bill.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. CRAIG. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 10:09 p.m., adjourned until Friday, May 14, 1999, at 9:30 a.m.

NOMINATIONS

EXECUTIVE NOMINATIONS RECEIVED BY THE SENATE MAY 13, 1999:

DEPARTMENT OF THE TREASURY

JEFFREY RUSH, JR., OF VIRGINIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF THE TREASURY, VICE DAVID C. WILLIAMS.

DEPARTMENT OF STATE

PRUDENCE BUSHNELL, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF GUATEMALA.

DEPARTMENT OF DEFENSE

ARTHUR L. MONEY, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE EMMETT PAIGE, JR., RESIGNED.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. FRANK LIBUTTI, 7426.

EXTENSIONS OF REMARKS

NO BILLIONS IN APPROPRIATIONS CAN MAKE OUR PRESENT FOREIGN POLICY EFFECTIVE

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1999

Mr. PAUL. Mr. Speaker, I have come forward in the past to suggest that the history of this century has shown us that the foreign policy of so-called "pragmatic interventionists" has created a disastrous situation. Specifically, I have pointed to the unintended consequences of our government's interventions. Namely, I have identified how World War One helped create the environment for the holocaust and how it thus helped create World War Two and thermonuclear .war. And, I've mentioned how the Second World War resulted in the enslavement of much of Europe behind an iron curtain setting off the cold war, and spread the international communism and then our own disastrous foray into Vietnam. Yes, all of these wars and tragedies, wars hot and cold, were in part caused by the so-called "war to end all wars."

Today I do not wish to investigate yet again the details of this history but rather to examine, at a deeper level, why this sort of policy is doomed to fail.

The base reason is that pragmatism is illogical and interventionism does not work. The notion that we can have successes without regard to the ends to be sought is absurd.

It should be obvious to practical people that you cannot have "progress," for example, without progressing toward some end. Equally as apparent ought to be the fact that human effectiveness cannot occur without considering the ends of human beings. Peace, freedom and virtue are ends toward which we ought to progress, but all reference to ends is rejected by the so-called pragmatists.

Because of this lack of clarity of purpose we come to accept an equally unclear contortion of our language. Our military is "too thin," it has been "hollowed out" and it is "unprepared." But for what are we unprepared? And what policy is our army "too hollow" to carry out?

If we remain unprepared to conduct total warfare across the globe, we should be thankful of this fact. If we are unprepared to police the world or to project power into every civil war, or "to win two different regional conflicts," this is good.

We are distracted by these dilemmas which result from unclear thought and unclear language. We convince ourselves that we need to be effective without having a goal in mind. Certainly we have no just end in mind because our pragmatic interventionists deny that ends exist.

"Preparedness" is a word that has been thrown around a lot recently, but it begs the question "prepared for what?" No nation attacked ours, no nation has threatened ours, no sane leader would do so as it would be the death warrant of his own nation, his own people, and likely his own self. We are prepared to repel an attack and meet force with force but not necessarily to protect our nation and the populace. We are still vulnerable to a missile attack and have done little to protect against such a possibility.

Thus or contortions and distortions that have led to dilemmas in our thoughts and dilemmas in our policy have led also to real paradoxes. Because our policy of globaloney is so bad, so unprincipled and so bound up with the notions of interventionism, we now face this strange truth: we ought to spend less on our military but we should spend more on defense. Our troops are underpaid, untertrained and poorly outfitted for the tasks we have given them. We are vulnerable to missile attack, and how do we spend our constituents money? What priorities have we set in this body? We vote to purchase a few more bombs to drop over Serbia or Iraq.

Our policy is flawed. Our nation is at risk. Our defenses are weakened by those people who say they are "hawks" and those who claim they "support the troops." Our policy is the end to which we must make ourselves effective, and currently our policy is all wrong. Our constitution grants us the obligation to defend this nation, and the right to defend only this nation. I should hope that we will never be prepared to police the world. We should not be militarily prepared nor philosophically prepared for such a policy. We need to refocus our military force policy and the way to do that is clear. It is to return it to the constitutionally authorized role of defending our country. Again, this is not simply a question of policy, and not merely a political question. No Mr. Speaker, the source of our quandary is the minds and hearts of human beings. Bad philosophy will always lead to bad policy precisely because ideas do have consequences.

Here the bad idea to be found at the source of our malady is absurd pragmatism, a desire to be "effective" without having any idea what the end is that we trying to affect. It becomes evident in our policy and in our language.

"Now we are in it we must win it." But we know not what "win" means, other than "be effective." But we are "unprepared," but unprepared for what? Unprepared to be effective! But what is it, we are ineffective at achieving? "Well, winning," is the reply. Without ends our policies become tautological. And with the wrong policy, our execution becomes disastrous. We must reject this absurd pragmatism and reestablish a military policy based on the defense of our nation. Only then we will be able to take the steps necessary for effectiveness, and preparedness. No billions in appropriations can make our present policy effective.

TRIBUTE TO JOHN BENNETT

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1999

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to honor an individual who, for the last eight years as Mayor of Aspen, has provided a strong voice and dynamic leadership in Colorado. Former Mayor of Aspen, John Bennett, served with great distinction for four terms. It is this service, Mr. Speaker, that I would now like to pay tribute to.

Elected as mayor in Aspen, Colorado, John Bennett is completing his fourth term and has chosen to retire. During his time in office, Mayor Bennett focused his concerns on preservation of the culture and values of the small community that is under economic pressure to change and grow to meet it's demands. Through his leadership, Bennett has made the city of Aspen more livable to the local citizens. Mayor Bennett also worked to control growth of the city, as well as protect the environment, build affordable housing and still protect Aspen's historic heritage. He has also put great effort into creating a transportation system that would reduce the number of single person automobiles.

An intelligent man and graduate of Yale University, Mayor Bennett ran his office along the principle which he terms the New Governance. This principle involves the solving of community problems by direct citizen involvement in their own governance.

1999 marks the end to Mayor John Bennett's tenure in elected office and the state of Colorado has benefited from his leadership. There are few people who have served as selflessly and distinguishedly as Mayor Bennett. His career epitomized that of the citizen-legislator with such distinction that every official in elected office should seek to emulate. The citizens of Aspen owe Mayor John Bennett a debt of gratitude and I wish him well during the next phase of his life.

CELEBRATION OF THE 25TH ANNIVERSARY OF THE CREATIVE GROWTH ART CENTER, OAKLAND, CA

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1999

Ms. LEE. Mr. Speaker, I rise in celebration of the 25th Anniversary of Creative Growth Art Center in Oakland, California, This milestone was commemorated on May 7th with friends, distinguished guests, collectors and partners from many communities of the arts, business,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

educational, therapeutic and political, who joined in tribute to the organization's 25 years of community service.

Creative Growth Art Center was the first program of its kind in the country for people with disabilities. It provided national leadership in innovative programming in the fields of art and disabilities. Open to any adult who is physical, mentally or emotionally disabled and interested in art, it is internationally renowned for the quality of the art work by its studio artists, and is a model for many other programs throughout the country. The mission of the organization is to provide an environment where the visual arts can flourish, where people with disabilities have opportunities for creative expression and can achieve at the highest level. The organization also serves as an advocate for the arts and artists with disabilities.

Initiated with a National Endowment for the Arts grant, more than 4,000 people a year visit the art gallery, the first gallery in the country dedicated to the art produced by people with disabilities. The organization has been a trendsetter, featuring exhibitions which paired the work of well-known Bay Area artists beside that of severely disabled artists. Create Growth presented the first exhibition in the United States of Russian Outsider artists from the Humanitarian Center Museum in Moscow. In 1994, in conjunction with the Oakland Museum, it held the first Outsider Art symposium on the West Coast. The Center's enriched environment, as well as the creative process itself, provides beneficial results to program participants. Many studio artists have developed into award-winning artists whose works are exhibited and sought after by collectors the world over. Dwight Mackintosh, Gerone Spurill, William Scott, to name a few, are classic examples of Outsider artists who crossed over from the alternative gallery scene into mainstream art. A younger group of studio artists is carving out its own success with Camille Holvoet, featured in Truth from Darkness, a traveling exhibition of the work of people with mental illness. Creative Growth artists Juan Aguilera and Carmen Quinones were paired with Mexican artist Maria Luisa de Mateo in Arte Sin Fronteras, to demonstrate the artists' unique cultural influences. Studio artists just completed a 109 square foot tile wall mural at the Palo Alto city entrance. Adding Light is a limited edition print portfolio by able and disabled artists, a project cosponsored by the California arts Council. In San Francisco, the Grill of the Tenderloin, of the California Culinary Academy, is decorated with imaginative art by artists from Creative Growth Act Center.

Among its artists whose works have been immortalized in books are Dwight Machintosh and Judith Scott. Scott, who is deaf and has Downs Syndrome, has been in the studio for 11 years and creates wrapped sculptures of yarn and fabric, using armatures of discarded materials.

I build on the words of my predecessor, Congressman Ron Dellums, ". . . that creativity is a human quality that not only transcends boundaries presented by mental and physical disabilities but national boundaries as well." Creative Growth Art Center provides the opportunity for us to understand that people with disabilities enrich and revitalize the community's cultural life.

MAKE THE ADVISORY COMMITTEE ON MINORITY VETERANS PERMANENT

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1999

Mr. GUTIERREZ. Mr. Speaker, today I am introducing legislation that is vital to the interests of minority veterans in our nation. Current law mandates the termination of the Advisory Committee on Minority Veterans (ACMV) as of December 31, 1999. My bill would simply repeal the provision of law that discontinues this important committee's mandate so that its critical work on behalf of minority veterans can continue into the next century. Saving the Advisory Committee will require no additional taxpayer funding.

The Advisory Committee on Minority Veterans operates in conjunction with the VA Center for Minority Veterans. This committee consists of members appointed by the Secretary of Veterans Affairs and includes minority veterans, representatives of minority veterans and individuals who are recognized authorities in fields pertinent to the needs of minority veterans. The Advisory Committee on Minority Veterans helps the VA Center for Minority Veterans primarily by advising the Secretary on the adoption and implementation of policies and programs affecting minority veterans, and by making recommendations to the VA for the establishment or improvement of programs in the Department for which minority veterans are eligible.

The unique concerns of minority veterans will become increasingly important for our nation during the next decade. The majority of African-American, Hispanic-American, Asian-American and Native American veterans served in the armed forces during Vietnam and post-Vietnam eras. The percentage of U.S. veterans who are minorities is expected to continue to increase as we enter the 21st century.

The Advisory Committee on Minority Veterans has helped to ensure that our veterans programs address the unique concerns of these men and women. Outreach to diverse veterans communities, from Native American reservations to inner-city neighborhoods, has helped inform thousands of minority veterans about opportunities for assistance at the Department of Veterans Affairs. I believe that these tasks are essential to the success of the VA in serving all veterans in our nation.

Nevertheless, many specific issues of concern to minority veterans need to be addressed further. Minority veterans confront the debilitating effects of post-traumatic stress disorder (PTSD) and substance abuse in greater numbers. Minority veterans suffer from a higher incidence of homelessness. Access to health care for Native Americans is a common problem. In addition, access to adequate job training is a difficulty for many minority veterans, a high percentage of whom qualify as low-income, category A veterans. Unfortunately, discrimination and cultural insensitivity remain problematic for minority veterans at many VA facilities.

This is the only advisory committee in the VA that is not permanent. The Department of Veterans Affairs has a VA Center for Women Veterans and an advisory committee on women veterans. We should act now to assure that the VA Center for Minority Veterans maintains its own advisory committee.

Mr. Speaker, the specific issues of importance to minority veterans will not disappear on December 31, 1999. I ask my colleague to support this vital legislation.

H.R.—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF SUNSET PROVISION FOR ADVISORY COMMITTEE ON MINORITY VETERANS.

Subsection (e) of section 554 of title 38, United States Code, is repealed.

MISSING PERSONS IN SOUTHEAST ASIA

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1999

Mr. GILMAN. Mr. Speaker, I rise today to introduce legislation designed to declassify the records of the House Select Committee on Missing Persons in Southeast Asia. In doing so, I am joined by my colleagues: Mr. TAYLOR from Mississippi, Mr. TALENT from Missouri, and Mr. ROHRABACHER from California.

I served as a member of the Select Committee on Missing Persons in Southeast Asia during the committee's period of existence in the 1970's. At the time, the Select Committee was tasked with the responsibility of determining whether American servicemen had been left behind in Southeast Asia after the Vietnam War.

At the time the committee was dissolved, its records were subject to House classification rules, which mandated the material be kept classified for 50 years. Similar regulations covered the records of the Senate's counterpart committee.

Several years ago, the Senate agreed to reduce the period of secrecy to 20 years, and as a result, declassified all of their committee files. This legislation would simply make a change in House rules to open all of the Select Committee's files and boxes of material to the public.

Mr. Speaker, the end of the cold war has resulted in the discovery of literally hundreds of documents which had previously been out of reach behind the Iron Curtain. I see no need for the House to maintain a veil of secrecy over its Select Committee files. Therefore, I ask that my colleagues join in supporting this worthwhile legislation which would bring the House rules on this subject in line with those of our counterpart committee in the Senate.

H. RES.—

Resolved, That the Archivist of the United States is authorized and directed to make available for public use the records of the House of Representatives Select Committee on Missing Persons in Southeast Asia (94th Congress).

REMARKS OF BENJAMIN MEED ON THE HOLOCAUST

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1999

Mrs. MALONEY of New York. Mr. Speaker, I would like to share with my colleagues the remarks of Mr. Benjamin Meed who recently gave an exceptionally moving speech about Yom Hashoah, The Days of Remembrance, at the United States Capitol. Mr. Meed is Chairman of both The Days of Remembrance Committee, United States Holocaust Memorial Council and the Warsaw Ghetto Resistance Organization (WAGRO). He is also the President of The American Gathering of Jewish Holocaust Survivors. Mr. Meed is a champion of humanitarian causes around the world.

REMARKS BY BENJAMIN MEED, CHAIRMAN, DAYS OF REMEMBRANCE COMMITTEE, UNITED STATES HOLOCAUST MEMORIAL COUNCIL

REFUGE DENIED: THE VOYAGE OF THE SS ST. LOUIS

Members of the diplomatic corps, distinguished members of the United States Senate and House of Representatives, members of the United States Holocaust Memorial Council, distinguished guests, fellow survivors and dear friends.

Welcome to our 20th national Days of Remembrance commemoration.

For at least a decade, the magnificent flags that surround us now have been part of our annual observance here in the nation's Capitol. Every time the American flag, and the flags of the United States Army Divisions that liberated the concentration camps, are brought into this Hall for this commemoration, a special pride as an American citizen sweeps over me, as I am sure it must for all Holocaust survivors. These pieces of red, white and blue cloth were the symbols of freedom and hope for those of us caught in the machinery of death. Discovery of the German Nazi concentration camps by the Allied armies began the process that restored our lives. Although we have many dates this month to remember, we recall with special gratitude the date of April 11, 1945, when American troops, in their march to end the war in Europe, came across the Buchenwald concentration camp. We will always remain grateful to the American soldiers for their bravery, kindness and generosity. We will always remember those young soldiers who sacrificed their lives to bring us liberty.

Many revelations over the last half a century have unveiled the Holocaust as a story of massive destruction and loss. It has been shown to be the story of an apathetic world—world full of callous dispassion and moral insensitivity, with few individual exceptions. But more, it has been shown to be a tale of victory—victory of the human spirit, of extraordinary courage and of remarkable endurance. It is the story of life that flourished before the Shoah, that struggled throughout its darkest hours, and that ultimately prevailed.

And after the Holocaust, as we rebuilt our lives, we also built a nation--the State of Israel. This was our answer to death and destruction—new life, both family and national life—and Remembrance. Minister Ben-David, please convey to the people of Israel our solidarity with them as they, too, Remember today on this Yom Hashoah.

Today, our thoughts turn back sixty years. On May 13, 1939, the SS St. Louis sailed from Hamburg bound for Havana with more than nine hundred passengers, most of them Jews fleeing Nazism. For these passengers, it was a desperate bid for freedom that was doomed before it began. Politics, profit and public opinion were permitted to overshadow morality, compassion and common sense. It is so painful now to realize that not only Cuba but our own beloved country closed her doors and her heart to these People of the Book who could see the lights of Miami from the decks of the ship but were not allowed to disembark. This group of nine hundred could have been saved, but instead the voyage became a round-trip passage to hell for many of them. Less than three months after the St. Louis docked at Antwerp, the world was at war. And in less than three years, the "Final Solution of the Jewish Problem" in Europe was fully operational.

Could this happen today? Hopefully, not. But we—all of us—must be vigilant—ever mindful that once such a course of destruction of a people has been chartered, it can be followed again, and again, and again.

And what lessons did we derive from these horrible experiences? The most important lesson is obvious—it can happen again, the impossible is possible again. Ethnic cleansing, genocide, is happening as I speak. It can happen to any one or any group of people. The slaughter in Kosovo and in other places must be brought to an end.

Should there be another Holocaust, it may be on a cosmic scale. How can we prevent it? All of us must remain vigilant—always aware, always on guard against those who are determined to destroy innocent human life for no other reason than birthright.

There are some passengers of that unfortunate voyage of the SS St. Louis who are with us here today. Like most of us Holocaust survivors, they are in the winter of their lives. Even so, all of us look toward the future, because we believe that, in sharing our experiences—by bearing witness—there is hope of protecting other generations who might be abandoned and forgotten, robbed and murdered. The telling and retelling of the stories of the Holocaust with their profound lessons for humanity must become a mission for all humankind. In this way, future generations, particularly future generations of Americans, can Remember and can use the power of this knowledge to protect people everywhere.

In these great halls of Congress, we see symbols of the ideals that this country represents. It was the collective rejection of these ideals by many nations that made the Holocaust possible. Today, let us all promise to keep an ever-watchful eye for those who would deny the principles of liberty, equality and justice, and for those who would defy the rules of honorable and peaceful conduct between peoples, and nations. Together, let us remember. Thank you.

* * *

RECOGNIZING CATHERINE RODRIGUEZ

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1999

Mr. McINNIS. Mr. Speaker, I would like to take a moment to recognize the career of one of Colorado's leading ladies, and recipient of the Distinguished Service Award, Catherine Rodriguez. In doing so, I would like to honor this individual who, for many years, has exhibited dedication and experience to the court system of San Luis Valley.

As a District court reporter for the last 15 years, Ms. Rodriguez has been an active participant and leader for the Colorado's court reporters. Before becoming it's president in 1996–97, Catherine Rodriguez served on the Colorado Court Reporter's Assocation board for 7 years. She has proven to be valuable in creating a page-rate increase, as well as voicing Colorado's need for computer-integrated courtrooms.

Catherine Rodriguez has more than proven herself as a valuable asset to the court system of San Luis Valley, therefore, earning Colorado's highest honor for court reporters. This is a great achievement considering that she is only the second recipient in recent years.

It is with this, Mr. Speaker, that I say thank you to Catherine Rodriguez on a truly exceptional career as a Colorado court reporter. Due to Ms. Rodriguez's dedicated service, it is clear that Colorado is a better place.

* * *

50TH ANNIVERSARY OF TEMPLE BETH TORAH

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1999

Mr. BORSKI. Mr. Speaker, I rise today in recognition of the 50th anniversary of the Temple Beth Torah. This synagogue serves the Jewish community in Northeast Philadelphia as well as the surrounding suburban neighborhoods of Montgomery and Bucks Counties.

Boulevard Temple was the original name of the synagogue when it was formed in 1949. In 1965, it was necessary to change the location of the temple in order to better serve the Jewish community. Since this expansion, the synagogue has been known as the Temple Beth Torah.

Temple Beth Torah enriches the community in many ways. Beyond meaningful and significant services, the synagogue has formed and manages a highly regarded School of Religion and an excellent Nursery School. In addition, the members of Temple Beth Torah improve their community through a wide array of events and activities. The Sisterhood, Men's Club and PTA strive to develop programs that will engage and educate congregants of all ages.

I wish to sincerely honor the Temple Beth Torah for its many accomplishments and offer my congratulations on the 50th anniversary. I hope the Temple continues to help the Jewish community prosper, flourish and benefit for many more years into the future.

CONGRATULATING THE FAIR LAWN POLICE DEPARTMENT AND McDONALD'S ON "A SAFE PLACE FOR SMALL FRIES"

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1999

Mrs. ROUKEMA. Mr. Speaker, I rise to congratulate the Fair Lawn Police Department and the McDonald's Corp. for a pioneering new program intended to help young children contact police in times of need. This program is extremely worthwhile and I am certain it will serve as a model that will be copied by many communities throughout our northern New Jersey region if not nationwide. Nothing in the world is more priceless than our children.

The Fair Lawn police and the local McDonald's restaurant this weekend will begin operation of a new project called "A Safe Place for Small Fries." Under this program, children who are lost, injured or otherwise in trouble can come to the restaurant and receive help in calling the police. The police department and McDonald's are circulating flyers advising the public of the new service, and McDonald's staff are being trained in how to respond to requests for help.

This program was the idea of Fair Lawn Police Officer Glen Callons. Officer Callons and his family were walking along a Jersey Shore boardwalk last Father's Day when they encountered an obviously lost 3-year-old girl. After his own young children approached the girl, the off-duty officer took the youngster to a nearby police substation, where she was reunited with her family.

Officer Callons couldn't stop thinking about the girl in the days that followed, worried that other small children might now know where to go if lost. It then struck him that almost all small children recognize the golden arches trademark of the ubiquitous McDonald's restaurant chain. Callons, assigned to the community policing division in Fair Lawn, approached the manager of the local McDonald's and began to develop plans for the program. The program is carefully structured, with children urged to dial 911 from a public phone if not close to the restaurant, and not to pass up a police station, fire station or hospital in order to reach the restaurant. A special training video has been prepared for McDonald's employees by police, and workers are supplied with multi-language information cards to help them deal with children who don't speak English.

McDonald's Corp. officials say they are looking at the program as a pilot. If successful, the company may enter similar arrangements with other police departments, potentially establishing a similar program nationwide. The National Center for Missing and Exploited Children has supported the proposal, noting that the Boys and Girls Clubs of America have established similar "save havens" at their clubhouses.

If this program can save even a single child from being lost or worse, then it is worthwhile. I am glad there are people like Officer Callons thinking pro-actively about the safety of our children in today's dangerous world. Officer Callons, Acting Chief of Police Rodman D. Marshall, and McDonald's Regional Marketing Coordinator Teresa Monohan deserve special recognition. I offer my support and wish this program success.

ASSAULT WEAPON BAN ENHANCEMENT ACT

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1999

Mr. NADLER. Mr. Speaker, today I joined with several of my colleagues to introduce the Assault Weapon Ban Enhancement Act of 1999. This legislature is designed to strengthen the existing ban and to respond to efforts by gun manufacturers and importers to cosmetically alter their weapons to avoid the ban.

I was a proud cosponsor of the Assault Weapon Ban Enhancement Act that passed in 1994, and I remain a strong supporter of that law. It specifically prohibited nine categories of pistols, rifles, and shotguns. It also had a "features test": that is, it bans semiautomatic weapons with multiple features (e.g., detachable magazines, flash suppressors, folding rifle stocks, and threaded barrels for attaching silencers) that appear useful in military and criminal applications, but that are unnecessary in shooting sports.

The Department of Justice recently released a report on the "Impacts of the 1994 Assault Weapons Ban: 1994–96." Among the report's key findings are that "criminal use of the banned guns declined, at least temporarily, after the law went into effect." It said that further studies were needed to assess the long-term effects. It also stated that "evidence suggests that the ban may have contributed to a reduction in the gun murder rate and murders of police officers by criminals armed with assault weapons."

But the report also observed that the ban could be easily avoided by gun manufacturers and importers. It said that "shortening a gun's barrel by a few millimeters or 'sporterizing' a rifle by removing its pistol grip and replacing it with a thumbhole in the stock, for example, was sufficient to transform a banned weapon into a legal substitute."

That is why we have to do more. We have witnessed, in gun shows and advertisements on the Internet and in magazines, a new brand of assault weapon, specifically designed to avoid the ban, but still lethal and potentially harmful to the American public. The BATF has recently approved a new weapon—the VEPR. We fear that gun makers will use the VEPR as a prototype of a new generation of weapons that seek to avoid the ban and flood the U.S. market with high-powered deadly assault rifles—assault rifles in fact; but evading the 1994 legal definition.

Our gun import laws are like a series of sieves. The first sieve is the 1989 ban on the importation of assault weapons, and the 1994 ban on the domestic manufacture of assault weapons. But there are some holes in this sieve. The second sieve—the Clinton Administration's April, 1998 ruling—has slightly smaller holes and blocks a few more weapons, including some guns that were cosmetically altered to avoid the first ban. The final sieve is the Nadler bill, which has the smallest holes. It stops guns that would have been determined to be assault weapons except for the fact that they had a thumb hole stock instead of a pistol grip. It stops guns that can be easily modified to accept high capacity magazines, or that use .22 caliber ammunition. Now, some guns will still make it through the Nadler sieve. Regular sporting rifles, and weapons that can't be modified to accept large capacity magazines would still be able to be imported. But the Nadler bill is designed to strengthen an already good law and to prevent manufacturers from evading the assault weapons ban.

This legislation was designed to head off the influx of this next generation weapon, before these guns are used in the next round of deadly violence. This is a forward-looking bill, that will take strong preventive action now, so that we do not hear about another awful tragedy later. If we act quickly, we can do a world of good, and save countless lives.

A TRIBUTE TO COALINGA POLICE CHIEF LUELLA "KAY" HOLLOWAY

HON. CALVIN M. DOOLEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1999

Mr. DOOLEY of California. Mr. Speaker, I rise today to pay tribute to the induction of former Coalinga Police Chief, Luella "Kay" Holloway into the National Police Officer's memorial.

Chief Holloway's law enforcement career began when she was hired as a police matron and file clerk at the Torrance police Department in August 1963. In June 1964, she became a Los Angeles County Deputy Sheriff. The majority of her career was spent with the department until she relocated to the city of Coalinga as the Chief of Police.

Chief Holloway was the first woman Chief of Police in California history. At the time of her service in Coalinga, she was one of six female police chiefs in the country. During Chief Holloway's three and a half years in Coalinga, she was responsible for obtaining several important grants and initiating several new programs for the community.

On January 3, 1980, Chief Kay Holloway and her husband, California Highway patrol Officer Don Holloway, were killed in an airplane accident while returning home from a California P.O.S.T. training session in Sacramento. She died in the line of duty.

Mr. Speaker, I ask my colleagues to join me in recognizing the induction of former Coalinga Police Chief Luella "Kay" Holloway into the National Peace Officer's memorial.

HONORING THE LENOX HILL DEMOCRATIC CLUB

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1999

Mrs. MALONEY of New York. Mr. Speaker, I rise to salute the Lenox Hill Democratic Club. This month, the Lenox Hill Club celebrates 44 years of service to the community. Founded as part of the reform movement in Democratic politics, the Lenox Hill Club has developed a reputation for championing progressive causes and candidates.

The Lenox Hill Democratic Club is composed of a concerned group of citizens eager to assist their neighbors. For the tenant, the elderly, or the women facing discrimination, the Lenox Hill Club is a place to turn for help.

In addition to working on behalf of the community, the members of the Lenox Hill Club have helped ensure the election of numerous progressive leaders. Located in the "silk-stocking district" on the East side of Manhattan, the Lenox Hill Club has been a source of strength for many of the most prominent leaders of our era, including Ed Koch, Mario Cuomo and Jimmy Carter.

Since its founding, the Lenox Hill Club has been dedicated to reforming the political process and expanding citizen participation. For more than forty years, the Lenox Hill Club has championed education, the environment, civil rights, world peace and many other causes.

Through their efforts to assist individuals, the Lenox Hill Club has improved countless lives. Through their help in electing progressive leaders, Lenox Hill has helped transform the political landscape of our city, state and nation. This is indeed an admirable testament to the valuable contributions of the Lenox Hill Club.

HONORING ED HASTEY'S 46 YEARS OF PUBLIC SERVICE

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1999

Mr. FARR of California. Mr. Speaker, I rise today to honor Ed Hastey upon his retirement after 46 years of public service. Ed brought a new philosophy to the management of public lands in California and Northern Nevada through his astute leadership. His guidance has set a high standard for the stewardship of the 16 million acres of public lands managed by the California State office of the Bureau of Land Management.

Born in Pacific Grove, Ed is a fourth generation Californian. He joined the Bureau of Land Management in 1957 after service as a paratrooper in the Army Airborne. In the mid-1960's, Ed worked as an engineer building campgrounds, public access routes and other facilities throughout the state and was active in resolving personnel management issues in support of his employees. Ed then went to Washington, DC, serving first as a budget officer, then as assistant director and finally as associate director of BLM. When Ed was tapped to be California State Director, he began building the coalitions that have resulted in effective land use planning that now safeguard California's diverse natural resources.

In 1991, Ed founded the California Biodiversity Council, bringing state and federal agencies together to collaborate on resource management. Ed directed a land exchange and acquisition program in cooperation with the State and private land conservancies which has protected the King Range National Conservation Area; the Carrizo Plain; the Santa Rosa Mountains; the Cosumnes Preserve; and Headwaters Forest. He headed a four-state oversight management group on the threatened desert tortoise to facilitate the species recovery while minimizing the impact on public land use. Ed planned and implemented the California Desert Plan, coordinating with hundreds of organizations and agencies as well as thousands of interested citizens. Nearer home, Ed participated actively in the acquisition of 8,000 acres at the former Fort Ord Army base, opening it up to the public for parkland and wildlife habitat.

Ed Hastey's approach has been that of developing local solutions tailored to particular regional needs. His contributions have merited many awards including the Distinguished Presidential Rank Award, the highest honor in the elite Senior Executive Service; two Presidential Meritorious Service Awards; and the Departmental Distinguished Service Award.

Ed, you have my heartiest congratulations on your retirement! Your family—your wife Joyce, your sons Robert and Michael, and your grandchildren—will be pleased to take advantage, along with you, of the public spaces you have worked so hard to protect.

RECOGNIZING LEW FERGUSON

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1999

Mr. MORAN of Kansas. Mr. Speaker, today I would like to recognize Lew Ferguson for his dedication and service to the people of Kansas. On July 1, Mr. Ferguson will retire after 29 years of distinguished service as the Associated Press correspondent at the Statehouse in Topeka, Kansas.

Upon graduation from the University of Oklahoma, Mr. Ferguson began his career in journalism working as sports and wire editor for the Ponca City News in Oklahoma. He eventually joined the Associated Press staff and made his way to their Kansas City office. Although he had established a formidable career in sports journalism, Mr. Ferguson developed an interest in politics. In late 1970, he transferred to Topeka to cover Kansas state politics and government for the Associated Press.

During his tenure as the Associated Press correspondent in Topeka, Mr. Ferguson developed into a legend, earning a reputation for objectivity and impeccable integrity. For 29 years he faithfully informed Kansans of the issues and actions in state government that would affect their everyday lives. In recognition of his work, he received the Kansas Supreme Court's Justice Award in 1992. Lew Ferguson will be remembered for his impartiality and knowledge in reporting and his friendliness and enthusiasm in all aspects of his activities in the Statehouse. I wish Lew and his family the very best.

TOHONO O'ODHAM NATION CHILDREN'S DAY PROCLAMATION

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1999

Mr. PASTOR. Mr. Speaker, I rise today to applaud the wisdom and vision of the Tohono O'odham Nation for recognizing the need to set aside a special day to honor children. I believe, and the Tohono O'odham believe, that they are the first tribal nation to declare a day for children. Because the Children's Day Proclamation speaks so eloquently of its purpose, I have included the original text that others may be inspired to "recognize, protect and promote our children".

CHILDREN'S DAY PROCLAMATION

Whereas, our children encounter challenges to their spirit, emotional, mental and physical well being from sources that exist outside our O'odham culture and tradition: and

Whereas, the knowledge and wisdom necessary for our lives was passed forward from our Ancient Ones to our Elders to each successive generation; and

Whereas, our Ancient Ones and our Elders form our connecting bridge to our past and our present, but our O'odham children form our bridge to the future, and without our children we as Tohono O'odham would cease to exist; and

Whereas, we must recognize, protect, and promote our children for they are the only means for carrying on our traditions, our history, our language, our values, our culture for those generations yet to come.

Now, therefore, be it proclaimed that as Chairman and Vice-Chairman of the Tohono O'odham Nation, and by virtue of the power vested in us to protect Tohono O'odham children, we do hereby recognize that our children are our greatest resource and on Friday, the 23rd day of April of this year and the third Friday of April in every succeeding year shall be forever known as Children's Day, a day in which we as Tohono O'odham celebrate our children, our future. Done this 12th day of April, 1999.

EDWARD D. MANUEL,
Chairman.
HENRY A. RAMON,
Vice-Chairman.

NOTCH FAIRNESS ACT OF 1999

HON. ROBERT WEXLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1999

Mr. WEXLER. Mr. Speaker, I am here today to talk about fairness. I am here to talk about an injustice done to over 11 million senior citizens, who were born between the years 1917 and 1926. I am here to talk about the Notch Fairness Act of 1999, legislation which I have filed to correct a grievous wrong done to citizens known as Notch Babies.

These are the individuals who lived through the depression, served our country during World War II and Korea, and are the real architects of the vibrant nation we are today.

Unfortunately, an amendment to the Social Security Act in 1977 dramatically and unjustly rendered less Social Security benefits of this segment of our population. Although it was intended to help bolster the Social Security Trust Fund by re-computing the benefit formula for present and future beneficiaries, the amendment inadvertently paved the way for consequences which severely and negatively impacted Notch Babies. The new formula, along with unforeseen economic conditions in the late seventies, resulted in lower benefits for all members in the "Notch" group. On average, Notch Babies suffered significantly, receiving $1,000 less a year in Social Security benefits than those who came before and after them.

With Notch Babies now in their mid-to-late seventies and early eighties, it is more important than ever that we move quickly to compensate them for the economic hardships they continue to endure. Fortunately, conditions are right for us to act. With a current budget surplus of $70 billion, a predicted surplus of $107 billion for Fiscal Year 2000, and further surpluses expected for the next fifteen years, we have a tremendous economic opportunity to correct the injustices Notch Babies have been forced to bear to this day.

My legislation would provide Notch Babies with a one-time $5,000 lump sum settlement or an equivalent increase in benefits in future years. In an age when COLA disbursements are at an all-time low and the costs of prescription drugs are rising exponentially, Notch Babies would greatly benefit from these additional funds, to which they are rightfully entitled.

It is never too late to right wrongs committed in the past. This is the right time to pass the Notch Fairness Act of 1999 to make sure that Notch Babies receive the money they are legitimately due.

YEAR 2000 READINESS AND RESPONSIBILITY ACT

SPEECH OF

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 12, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 775) to establish certain procedures for civil actions brought for damages relating to the failure of any device or system to process or otherwise deal with the transition from the year 1999 to the year 2000, and for other purposes:

Mr. BENTSEN. Mr. Chairman, I rise today in strong opposition to H.R. 775, the Year 2000 Readiness and Responsibility Act. I believe that this legislation would overturn more than 200 years of legal precedent in our nation and would devastate our tort's system. I believe that the bill would hurt consumers and reduce the incentive for companies to address their Year 2000 computer problems in a timely manner.

The Year 2000 problem is a complex problem which we all need to work together to address. However, this legislation is the wrong answer to the problem. This bill would make it more difficult for consumers and small businesses to recover any damages if their computers or equipment fail. The effect of this bill would be to remove any incentive on the part of information technology companies for a problem they have known about for many years. This legislation would also encourage all class action lawsuits to be considered in federal court rather than state courts. Finally, this legislation would mandate that the loser of a lawsuit must reimburse the other plaintiff for all of the cost associated with the lawsuit and the attorneys' fees. For many consumers, this concept of a loser pays would present an obstacle and would discourage them to even filing a lawsuit. It would overturn a pillar of the American civil justice system in favor of the English system.

I believe that we must work to encourage parties to reach agreements through arbitration and dispute resolution. However, I do not believe that we should prevent consumers from seeking their day in court if they cannot reach agreement with the other party. I also support the inclusion of provisions in this bill that would encourage a 90-day cooling off period to allow companies time to correct any Year 2000 problems. However, if the 90-day cooling-off period is not successful, I believe we should err on the side of permitting consumers to have the right to seek legal redress.

I will support the Lofgren substitute amendment that would reasonably address this issue. The Lofgren substitute would provide the proper balance to encourage customers and business partners to fix the millennium bug. This substitute would provide an incentive for Y2K compliance and would discourage frivolous claims while allowing meritorious cases to be litigated. This substitute also includes a provision that would provide proportional liability for companies so that companies would only be liable for their portion of the fault. As a result, companies would not be required to pay large judgments. This proportional liability will ensure that all parties will pay their fair share associated with the economic losses from computer failures.

I also believe that we have rushed to judgment on this issue. As a member of the House Banking Committee, I have participated in several hearings to review our nation's banking system's efforts to address the Year 2000 computer problem. During these hearings, we have learned that financial institutions are subject to a strict compliance schedule to ensure that they will be ready when the new millennium begins. In fact, the federal bank regulators have assured us that they will require financial institutions to comply or they will lose their federal deposit insurance. I believe that these hearings have shown how Congress can work on a bipartisan basis to address a critical issue. In this case, Congress has not worked on a bipartisan basis. In fact, this legislation was rushed through the House Judiciary Committee and quickly considered in the House of Representatives. If the Republican majority had wanted to consider a bipartisan bill, there were several other options available. In the other body, the Republican majority has worked diligently with the Democratic minority to craft legislation. Regrettably, I believe that the Republican majority is more interested in voting on this issue rather than finding a reasonable compromise on this issue.

Mr. Chairman, I urge my colleagues to oppose this legislation and to support the Lofgren amendment that would protect consumers and encourage all companies to become Y2K compliant.

SENATE—*Friday, May 14, 1999*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, give us the patience that frees us to work with joy and peace. We affirm John Adams' words: "Patience, Patience, Patience! The first, and last, and the middle virtue of a politician." We agree, but we need Your spirit to develop patience within us. Many of us want everything yesterday. Some of us are distressed by people who are quick to speak and slow to change. Others of us chafe under the laborious process of progress. Still others are really impatient with themselves.

Today, remind us that this life is but a small part of eternity. Give us an acute sense of the shortness of time and the length of eternity. Reorder our priorities and help us to live with a relaxed trust in You. Since there is no panic in Heaven, replace our panic over little things with the peace of Your power to deal with the big things that truly matter. Today, guide the Senate to come to an agreement on legislation for gun control that is best for our Nation. Through our Lord. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able Senator, the chairman of the Judiciary Committee, is recognized.

SCHEDULE

Mr. HATCH. Mr. President, this morning the Senate will resume consideration of the juvenile justice legislation. There will be two back-to-back votes at approximately 9:40 a.m. The first will be on or in relation to the Hatch-Craig amendment, with a second vote on or in relation to the Schumer Internet firearms amendment immediately following. Additional amendments are anticipated, and therefore further votes are expected throughout today's session of the Senate. The cooperation of Senators is appreciated as the bill's managers work to finish this important legislation.

I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. CRAPO). Under the previous order, the leadership time is reserved.

VIOLENT AND REPEAT JUVENILE OFFENDER ACCOUNTABILITY AND REHABILITATION ACT OF 1999

The PRESIDING OFFICER. Also, under the previous order, the Senate will now resume consideration of S. 254, which the clerk will report.

The legislative assistant read as follows:

A bill (S. 254) to reduce violent juvenile crime, promote accountability and rehabilitation of juvenile criminals, punish and deter violent gang crime, and for other purposes.

Pending:

Hatch/Craig amendment No. 344, to provide for effective gun law enforcement, enhanced penalties, and facilitation of background checks at gun shows.

Schumer amendment No. 350, to amend title 18, United States Code, to regulate the transfer of firearms over the Internet.

AMENDMENT NO. 344

The PRESIDING OFFICER. Under the previous order, there will now be 5 minutes of debate on the Hatch-Craig amendment No. 344, the time to be equally divided in the usual form.

Who yields time?

Mr. HATCH. Mr. President, the Hatch-Craig amendment is an amendment that corrects a number of problems in this particular bill that people have complained about that we believe need to be corrected, but we also do a number of other things as well. We have more aggressive prosecution of violent minors who are going to continue to do violence unless we pass the accountability and the prevention efforts in this bill. It has enhanced penalties for the use of firearms, something that we need. It is probably the only thing that is going to make a real difference with regard to firearms. That is important. The amendment has increased maximum penalties for the use of firearms, and that is important as well. It has expanded protection for children.

For instance, we have the juvenile Brady bill within the underlying bill, but we are passing it again so everybody will know that all of this complaining by those who have tried to defeat this bill is just political posturing. The fact is we are going to prevent any juvenile who has used a gun in the commission of a crime from ever having a gun henceforth. That is the juvenile Brady bill.

Last, but not least, we are expanding the background checks. A couple of days ago Senator CRAIG tried to do a voluntary background check with incentives, which was a step forward in resolving this issue. However, the Democrats wanted a very bureaucratic, very Government-oriented bill to do these background checks. The Hatch-Craig amendment provides for mandatory background checks and provides for more background checks than the Democratic alternative. We have a more stringent amendment than what the Democrats came up with, and we have offered this amendment in order to try to resolve the animosities and the problems that have existed on this gun show issue.

Last, but not least, I may get a little uptight with people who try to make the whole juvenile justice issue an issue about guns. Guns may be a part of it, and there is no question they are, and we are doing the things that are right with regard to guns. However, anyone who tries to reduce all of these juvenile justice problems in our society to guns is not only exaggerating but they are misreading the American people. The people realize that juvenile justice encompasses a lot more than just gun issues.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Unfortunately, much of this has become about guns. As the distinguished chairman knows, one of the things in this amendment is a section that dismisses pending State and Federal lawsuits, overrides all the State legislatures, all the State courts, just dismisses them on behalf of gun sellers and manufacturers.

I yield 1 minute to the distinguished Senator from New York and the remaining time to the distinguished Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. I thank the Senator from Vermont.

This proposal is as riddled with loopholes as the previous Craig proposal. No. 1, you can buy guns at gun shows without any background check through the new provision of special licensees. No. 2, criminals can buy guns at pawnshops without any background check—a step backward. No. 3, there is still immunity in lawsuits. But most importantly, anyone who thinks that we close the gun show loophole with this amendment is mistaken, because special licensees neither have to make a background check nor file any reports.

Please do not think that we are closing the gun show loophole with this amendment. I urge my colleagues in strong terms to oppose it. We should pass the Lautenberg amendment. That

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

does close the gun show loophole. You cannot have it both ways. You cannot say you are closing it and leave a huge, wide open loophole. This is a Swiss cheese amendment.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I oppose the Hatch-Craig loophole amendment. I am calling it that deliberately. Unfortunately, this amendment goes exactly in the wrong direction. Instead of closing the gun show loophole, it creates several new loopholes that will help criminals get even more guns.

We look here on this chart at a licensed dealer: Background check? Voluntarily. Special license: They don't even have to ask whether or not there is any evidence that this individual shouldn't have any permit for a gun.

The first choice was my amendment to really close the gun show loopholes, and that is what the public wants. We see it all the time. We heard it all over TV, and last night on a show called "Extra," they showed how penetrable the rules are in a gun show where a 15-year-old and 17-year-old were able to buy guns under the table. I hope they will respond here today to the American people, 87 percent of whom said close the gun show loopholes. I hope we will do that and have the courage to stand up to the NRA.

The PRESIDING OFFICER. All time has expired.

Mr. HATCH. Mr. President, I ask unanimous consent that I be given an additional 2 minutes and also if the other side needs an additional 2 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. For both sides?

Mr. HATCH. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, that just plain is not true. The language does correct those loopholes he is talking about, but just to guarantee it, I send a modification to the desk that certainly clarifies and corrects those loopholes.

Mr. SCHUMER. Reserving the right to object.

Mr. HATCH. Do we want to get this done or don't we?

Mr. LEAHY. Let's let the Senate run this and not the gun lobbies run this Senate Chamber.

Mr. HATCH. This is not the gun lobby, this is Senator HATCH sending a modification to the desk.

Mr. SCHUMER. I object.

Mr. HATCH. You object to doing what is right here?

Mr. SCHUMER. I object until I have a chance to read it.

Mr. HATCH. You object to closing the so-called loophole?

Mr. SCHUMER. The Senator——

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. HATCH. I withdraw it. It is amazing to me——

Mr. LAUTENBERG. We object.

Mr. LEAHY. No one has seen it.

Mr. SCHUMER. I ask unanimous consent——

The PRESIDING OFFICER. The Senator from Utah has the floor at this point. Does the Senator yield?

Mr. SCHUMER. I do not.

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. HATCH. There will be 2 minutes on the other side.

Mr. LEAHY. I ask unanimous consent that the Senator from Utah be given time to read what his modification is, and whatever time that takes, this side be given equal time. Does that help the chairman?

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Utah.

Mr. HATCH. Let me tell you, I am so tired of this unnecessary argument. I want a juvenile justice bill. I have insisted on making these changes so we can get rid of these political arguments made on the other side, and I am tired of it.

What we are trying to do this morning is make it absolutely clear—even though we think it is clear in the bill as it is—with this modification. I hate to say this, but I really believe there is an effort by some in this body to never have a juvenile justice bill. I am going to do everything in my power to get it.

Under current law, anyone who engages in the business of selling firearms at a gun show must have a license. The loophole of current law lets gunsmiths and other individuals go to gun shows as nonlicensed individuals to sell guns with no instant check. That is current law. We are trying to solve that. Others are trying to exploit this issue, and I think very unfairly so.

As long as the gunsmiths do not sell so many firearms as to be engaged in the business of firearms dealing, they are not classified as firearms dealers. Thus, they can sell a limited number of firearms at a gun show without a license. This is also a loophole in existing law.

The Craig amendment which the Senate adopted on Wednesday provided that the gunsmiths who wanted to engage in the business of selling firearms, but just at gun shows, could do so, but have to be licensed to do so—a step in the right direction. It was not enough, apparently, and so we have been willing to change that.

The Craig amendment provided for a special license that would last for only 3 days. By becoming, in effect, a temporary dealer, the gunsmith was subject to all the provisions of the Gun Control Act to which dealers are subject, including the recordkeeping requirements, the requirement to be subject to inspection by Federal officials, and the requirement to perform background checks—a step in the right direction.

While the Craig amendment exempted special registrants who only conducted background checks and did not engage in the business of selling firearms from the dealer recordkeeping requirements, it expressly provided that the special licensee would be subject to the recordkeeping requirements of the Gun Control Act.

The Hatch-Craig amendment, which we are going to vote on in a few minutes, which we offered yesterday, simply changed the voluntary background check for individual sellers at gun shows to a mandatory background check. It did not affect the special licensing requirements. Thus, after the Hatch-Craig amendment, an individual who desires to obtain a firearm at a gun show must submit to a background check whether he purchases the firearm from a regular dealer, a special licensee, or another individual.

It is my desire to ensure that any gun sale that takes place at any gun show has a background check. That is what we are doing here, and we are doing it because of the complaining on both sides of the aisle, and I have insisted on it.

My colleague, Senator CRAIG, and I now agree on this. I believe the current language clearly, clearly accomplishes this, without this modification I have sent to the desk. However, if my colleagues want to make the language to the special licensee even more express, that is why I expressed a desire to work with them. I am glad to work with them. I sent a modification to the desk to make it absolutely superabundantly clear. Since we have the same goals here, there is no reason to play politics on this issue. Let's get the job done.

Last but not least, we have asked the Justice Department and others to cooperate with us and help to know what they want here. Not one word in 2 years, other than political crticism. The President bad-mouthed this all day yesterday for political purposes, and I am tired of that because I am one of those who is insisting on making these changes. I am one of those who wants to accommodate my colleagues on the other side. If they have any substantive problems, bring them to us, but their amendment certainly does not do as much as ours does. I cannot solve every problem here, but this I think we can solve.

The modification basically says:

> Notwithstanding any other provision of this Act, section 923 of title 18, United States Code, as amended by this Act, shall be applied by amending in subsection (m) the following: In subsection (m), amend paragraph 1 by adding the new subparagraph as follows: Subparagraph (f), except as provided in subparagraph (d) a special licensee shall—

Not may, shall—

> be subject to all the provisions of this chapter applicable to dealers, including, but not

limited to, the performance of an instant background check.

I do not think that is necessary, but my colleagues do, and I want to accommodate my colleagues on the other side. I cannot accommodate——

Mr. LAUTENBERG. Mr. President, what was the unanimous-consent agreement?

Mr. HATCH. Sufficient time to explain this amendment.

Mr. LEAHY. We will get equal time.

Mr. HATCH. They have equal time.

The PRESIDING OFFICER. The Senator from Utah has used 4 minutes.

Mr. HATCH. Right. Our colleagues have been complaining here for 2 days. We are doing what I think they and others on our side would like to have done. And the National Rifle Association has not had a thing to do with it. I don't care whether they accept it or don't accept it. These things are done by us. Frankly, to try to make them the terrible organization that some on the other side try to do bothers me. They represent millions of decent, law-abiding, honest sports people.

I think it is time to start talking about these things in earnest with clarity and with decency. I think, more important, this is not all about guns. Guns are a part of the juvenile justice bill, but it is not all about guns. There are so many other things this bill does that will help us in this society to resolve the problems of violent juveniles that it is a crying shame we have had to play around with this bill over the last number of days like we have. I have tried to move these amendments forward and will continue to do so, but there is only so much time this bill can be given.

Mr. MCCAIN. Will the Senator yield for a question?

Mr. HATCH. I will be happy to yield.

Mr. LEAHY. Let's stay somewhat within the unanimous consent agreement.

Mr. MCCAIN. Isn't it true that it has been brought to the attention of all that there is a loophole that needs to be closed and this is a good-faith effort to do that?

Mr. HATCH. This is a good-faith effort to accommodate our colleagues on the other side who I believe have raised legitimate objections. They have tried to make it look like our side is in frantic shape about doing it. I just want to get it done.

Mr. MCCAIN. Isn't it also true——

Mr. LEAHY. Regular order.

Mr. MCCAIN. I ask unanimous consent that I be allowed 3 minutes to question the Senator from Utah.

Mr. LEAHY addressed the Chair.

Mr. MCCAIN. Do you object or not object?

Mr. LEAHY. Mr. President, let the Senator from Arizona——

Mr. MCCAIN. I repeat my unanimous consent request.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Mr. President, I will not object if, following the earlier unanimous consent agreement to accommodate the Senator from Utah——

Mr. HATCH. He did.

Mr. LEAHY. At which time the Senator from Arizona was not on the floor and does not realize that we have equal time over here.

Mr. HATCH. He did.

Mr. MCCAIN. I withdraw my unanimous consent.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Let me just end with this. I believe my colleagues are sincere on the other side. I know the distinguished ranking member on the Judiciary Committee has been working diligently with me to get this bill passed. I compliment him and I honor him for that.

I believe the distinguished Senator from New Jersey is doing his best to try to make sure that loopholes are closed. I appreciate that. I have tried to accommodate him. I did not like his amendment because I thought it was too bureaucratic and too heavyhanded. On the other hand, he was sincere in presenting it. If he had not presented it, we probably would not be here today trying to accommodate him.

With regard to my friend from New York, there are very few people in this body who understand this issue any better than he does. And I respect him.

But I am serving notice, I am getting tired of the spurious arguments that have been made by some against what we are trying to do. And I am a little impatient because I think they are trying to artificially paint this gun show amendment like a National Rifle Association amendment. I can tell you right now, I did not talk to the National Rifle Association about this amendment; and I had a lot to do with changing the previous voluntary background check to a mandatory background check for sales at gun shows. And to his credit, Senator CRAIG has cooperated every step of the way.

Now, this mandatory gun show check is to accommodate our colleagues. This is to solve this gun show problem. We cannot solve every problem in this bill, but we are certainly trying to solve as many as we can. And this is a very small part of this total juvenile justice bill that we need to pass. We will never get it passed unless we get some cooperation from both sides of the aisle. I am asking for that.

We have been debating this juvenile justice bill for 3 days. This is a bill that should have been passed in 1 day. Every one of us should have been very, very happy to get this bill passed. Most everybody on this floor knows that this bill is a very, very well-thought-out bill. It is bipartisan, and it is time for us to get it passed. But we have to quit playing political games around here. Let's start worrying about the young people in this society, the families and our society as a whole.

That is all I need to say about it. I apologize if I have offended any of my colleagues on the other side, but I am tired of having arguments made that are not constructive when I am trying to meet the needs of the very people who have made these arguments.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Chair at this point will——

Mr. HATCH. Could I yield——

Mr. CRAIG. Very briefly, as a cosponsor of the bill, half a minute?

Mr. HATCH. I ask unanimous consent that he be given a half a minute.

Mr. LEAHY. And that be added to the time over here.

Mr. CRAIG. Of course.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. The Senator from New York has pointed out consistently through the bill where there might be corrections or where in some instances there were deletions that were not intended. Last night he expressed there was a loophole.

I pointed out in the law that we had placed this new category directly into the law to comply with all of the law which included background checks. They were apprehensive. We went back and reviewed it and confirmed with many attorneys exactly what we believe to be true.

But this morning, in good faith, we have offered this. You can accept it or reject it at your will. But it is very clear what we intend. I think the chairman of the Judiciary Committee has made that intention clear: Temporary licensees, for the purpose of convenience and also security at gun shows, will do background checks.

Thank you.

The PRESIDING OFFICER. The Chair will now explain the parliamentary situation based on the unanimous consent.

Based on the previous unanimous consent, the Senator from Utah has 1 minute 5 seconds; the Senator from Vermont has 12 minutes 53 seconds. That is arrived at by the 2 minutes the Senator from Vermont had previously from a previous unanimous consent, plus the 10 minutes 53 seconds the Senator from Utah consumed in explaining his position.

So to restate, the Senator from Utah has 1 minute 5 seconds; the Senator from Vermont has 12 minutes 53 seconds.

Who yields time?

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I think the modification I have sent to the desk does close the loophole in a way that hopefully will please my colleagues on the other side. I hope they will grant unanimous consent to do that. If they do not grant unanimous consent, then I will try to do that by amendment later, which we will have to vote on, I suppose.

But all I am trying to do is to accommodate them. I sometimes wonder if unfair political advantage isn't what is being sought here, instead of a bill. Everybody ought to be happy to have this additional language. The Hatch-Craig amendment closes the gun show background check loophole. This additional language makes it even more express than the bill makes it express at this time.

I hope my colleagues will permit the unanimous consent request to modify the amendment. To the degree we can work on other problems that they are concerned about, we will be happy to try to do that during the course of the debate on this bill.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, first, I commend the distinguished Presiding Officer for his usual fairness, something I have expressed before. I say to my good friend from Utah that nobody would ever accuse you of being uptight. I don't know where you ever got that idea. The Senator from Utah and I have worked very closely on this and will continue to do so.

But on this particular amendment, I do have some grave concerns. When it was first brought up, I said on this floor that there were serious problems with it, as did the Senator from New York. The proponents basically told us we didn't know what we were talking about, and it was rammed through on basically a party-line vote.

The next day they came back and said: Oh, by the way, you were right. We're really sorry about that. We want to do it over again.

Well, in my religion we believe in redemption, and I assume that is at least partial redemption. But it shows what can happen if they could get away with it. It was going to go through, but it was discovered. The objections that the Senators from New York and New Jersey and I raised were heard, and so they came back.

Now, at the eleventh hour, the last minute, they come out with another amendment which still does not close loopholes and does nothing to stop what I have raised on this floor for several days now; and that is the question of doing away with State courts and Federal courts—basically a court-stripping bill.

The Senator from Utah is right when he says there should be bipartisan concern on juvenile justice. And I believe there is. But if he is worried about what is taking a lot of time—when we have all of these provisions, and when presented by Democrats they are all voted down on a party-line vote, and then the next day they are brought up in a Republican amendment and now they are OK—maybe we would do it a little bit quicker if we would vote on them irrespective of which side brought them up and be able to vote on them only once.

How much time do I have, Mr. President?

The PRESIDING OFFICER. The Senator has 10 minutes 15 seconds.

Mr. LEAHY. I yield 5 minutes to the distinguished Senator from New Jersey, and then 5 minutes to the distinguished Senator from New York.

The PRESIDING OFFICER (Mr. BUNNING). The Senator from New Jersey.

Mr. LAUTENBERG. I thank the Senator from Vermont.

What we see here—and I apologize if we have exhausted the patience of the Senator from Utah, but we have been in this situation before where patience runs out. I heard the Senator from Utah, who is one of the most concerned people about children and family that I know. But he said: This isn't about guns; it is not all guns. I agree. It is about life. It is about saving people's lives. But we do not focus on that. The argument against the Lautenberg amendment, as originally presented, was: It is bureaucratic and we ought to do more law enforcement.

If we are going to do more law enforcement, I assume that means bigger government, I assume that means spending more money for the Bureau of Alcohol, Tobacco and Firearms personnel. Unfortunately, what we see is this persistent backpedaling, trying to make it up. Aha, the public caught us. They caught us with a mistake, with another error that protects those who want to avoid having background checks, so we had better fix it.

They worked like the devil to keep people from voting for the original Lautenberg amendment, which said: Close all the loopholes in the gun shows that permit people to buy guns without background checks.

I refer, just for 1 more minute, to the poll which says 87 percent of the people in the country say that all people who buy guns at the gun shows should have background checks.

Sixty percent of Americans blame the tragedy in Littleton in significant measure on the availability of guns. That is what we are talking about.

As mistakes were made in the presentation on the other side, nevertheless, before I leave the subject, six Republicans voted on the Lautenberg amendment positively, but now we see the errors creep in.

First, the statement was made that only 2 percent of the guns bought at gun shows were bought without background checks. Then there was a realization. The distinguished Senator from Idaho said, no, he was wrong. It was 40 percent. It is close—2 percent, 40 percent. How many guns is that? It is a lot when there are 4,000 gun shows a year.

Then we had another presentation yesterday that said we are closing the loopholes. Well, we have attempted to close one of the loopholes, but every time they get caught with an error or a decision not to close another loophole, they come back again, because it gets exposed on television. It gets exposed in the newspapers.

Last night, there was a program on ABC called "Extra," and they showed a film, a camera secreted in a hidden spot, of a 15-year-old girl and a 17-year-old boy buying guns. He said, I am 17; she said, I am 15. They were able to buy those guns.

Why can't we shut it down once and for all?

I have a letter here. The Senator from Utah said there was no response from the administration. It is addressed to Senator LOTT. It was sent by Secretary Rubin and Attorney General Reno. It says:

> This amendment would seriously impede the effectiveness of the national instant criminal background check system. It would reduce from 3 business days to just 24 hours the period of time that law enforcement has to ensure that firearms sold at gun shows are not being sold to felons and other prohibited persons.

There is flaw after flaw, and the Senator from Utah said that is why we are here; we are fixing them.

We will never fix it that way. Anyone who knows Senate procedure knows that you fix the flaws in the committee or you fix the flaws in a private discussion on the floor. You don't suddenly throw up an amendment and say, I ask unanimous consent to modify my amendment. If you are caught with your hand in the cookie jar, then, by goodness, step back and say, OK, let's find out what we did wrong. Let's find out if we can agree on closing all the loopholes.

This may be an exhausting procedure, but it is more exhausting for those people who are threatened by the casual presence of guns all over. We don't need to add to that quantity by not requiring background checks. We close one loophole, but there are others. There is the pawnshop loophole. There is the one that says all records have to be destroyed after 24 hours. What kind of a database do we have that we can refer to?

The PRESIDING OFFICER. The Senator has used his 5 minutes.

Mr. LAUTENBERG. Mr. President, I hope we will defeat this and have a chance to reconsider this proposition.

The PRESIDING OFFICER. The Senator from New York is recognized for the balance of the time.

Mr. SCHUMER. I thank the Chair and thank the Senators from Vermont and New Jersey for their consideration and leadership on this issue.

Let me say, again, even with the new Hatch-Craig amendment, which I understand the Senator from Utah has offered in the best of faith, there are three and possibly four major problems.

No. 1, it does not close the pawnshop loophole. Felons will flock to pawnshops and get guns. Why are we taking a step backward less than a month after Littleton? Why are we telling criminals around the country, you can go to a pawnshop, get a gun, no questions asked? How can this body vote for that given what just happened in Littleton? What is the justification? What is the reason to allow pawn dealers to give guns to criminals, no questions asked? There is absolutely none.

All of America is scratching its head and saying, what is going on in this Chamber? Some say it is not the gun lobby. Well, I would like to know what it is that is making us do the most irrational, ridiculous things that make it easier for criminals to get guns after what we have seen happen.

No. 2, this modification puts a stranglehold on the Brady law. It sets a 24-hour time limit for gun show sale background checks, only 24 hours. Do you know what the FBI says they need? They say they need 3 days. That is what Federal licensed dealers get. When the FBI says give us 3 days, they get it. But not at a gun show. So if they can't find the records within 24 hours, the gun will go right to a criminal. What kind of loophole is that? Why do we need it? Again, if it is not the gun lobby that is pushing us to do this, then who is it?

Finally—this is not even about the modification that was mentioned—the bill undermines the law by weakening prohibitions on interstate sales. Dealers would now be able to go to gun shows outside their States and sell firearms directly to residents of other States, even though they may not know the firearms law of that State. Why is that? Why are we allowing gun dealers who have been previously limited to their own State on the grounds that they know the laws of the State, that they know the people of the State, to go across the Nation to sell their guns? If it is not the gun lobby, my colleagues, then what is it?

So even with the modification that the Senator from Utah has so graciously offered—and I will get to that in a minute—you have pawnshops being able to sell guns to criminals with impunity. You have no kinds of checks when the FBI says it might be a criminal, give us the time, the 72 hours. And you allow gun dealers to go from one end of the country to the other and sell out of the State for the first time.

Then, finally, on the gun show loophole, if you really wanted to fix this, you would pass the bill we had before us 2 days ago, the bill that was sponsored by the Senator from New Jersey, cosponsored by me.

Let me say this: 2 days ago I brought up on the floor to the Senator from Idaho that there were mistakes in the bill. The next morning they said, yes, there were. They were corrected; some of them, not all. Last night, I went quietly over to the Senator from Utah in the hallway and said that you have a major loophole in this called "special licensees." If I or the Senator from New Jersey or the Senator from Vermont were trying to obfuscate, we would have just laid in wait, not brought that up to you and not looked at the correction.

I say this: It is only fair to give us some time to look at the language here, because twice what we were told was in the bill was not in the bill. I think something is going on here. We are trying to act as if we are being tough on gun control but then put so many loopholes in the bill that we can say to our friends on the other side, hey, see, we really didn't mean it. It is sort of a Dr. Jekyll and Mr. Hyde.

I am also told, in all fairness, by the Senator from Utah—and I don't know, because the language hasn't been analyzed—

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CAMPBELL. Mr. President, each year half a million guns are stolen and thousands of violent crimes are committed with stolen guns. Furthermore, approximately half of the juvenile gun related crimes in this country involve stolen guns.

To address this problem, I am pleased the amendment pending before the Senate to S. 254, includes provisions to increase the maximum prison sentence for existing stolen gun laws. This provision is based on S. 728, the Stolen Gun Penalty Enhancement Act of 1999, which I introduced on March 25, 1999.

The extent of this problem was recently underscored by several news reports and studies. Reports indicate that almost half a million guns are stolen each year. Each year, the Federal Bureau of Investigations alone receives an average of over 274,000 official reports of stolen guns. A large number of stolen guns also go unreported. Bureau of Alcohol, Tobacco and Firearms studies note that convicted felons often choose to steal firearms as a way to avoid mandatory background checks.

In my home State of Colorado, the Colorado Bureau of Investigation receives over 500 reports of stolen guns each month. As of this March, the Bureau had a total of 36,000 guns on its unrecovered stolen firearms list, with about one-third of them being handguns.

As I mentioned earlier, the stolen gun problem is especially widespread and alarming among young people. A Justice Department study of juvenile inmates shows that over 50 percent of them had stolen a gun.

Clearly, with half a million guns being stolen each year, those criminals and juveniles stealing guns must not be very deterred by the current penalties. A provision within the bill before us today would address this problem by increasing prison sentences for violating current stolen firearms law provisions from a maximum of 10 years to a maximum of 15 years imprisonment.

Specifically, under current federal law, it is illegal to steal a firearm from any person including licensed firearm collectors, dealers, importers, and manufacturers. It is also illegal to knowingly transport, ship, receive, possess, conceal, store, sell, or otherwise dispose of a stolen firearm or stolen ammunition. Current sentencing guidelines cap the penalty for violating these stolen gun laws at a maximum of 10 years imprisonment. My provision calls for increasing the maximum prison sentence from 10 years to 15 years, and directs the United States Sentencing Commission to revise the Federal sentencing guidelines with respect to these firearms offenses.

While I am a strong supporter of the rights of law abiding gun owners, I also firmly believe we need tougher penalties for criminals who steal guns or use stolen guns to commit crimes. This stolen gun penalty enhancement provision will send a clear signal to criminals that stealing or using stolen guns is something we take very seriously.

I urge my colleagues to join me in supporting this provision.

Thank you Mr. President. I yield the floor.

Mr. HATCH. Mr. President, let us see if I can bring some order to this. We did say last night we were going to try to come up with language that would address Senators' concerns.

I hesitate to say this, but the distinguished Senator from New York had the language before I did. It was only a matter of minutes, but he did. It is only a one-paragraph thing. But rather than continue the heated debate, I will ask my colleague, the distinguished Senator from Vermont, if he will work with me. Let us see if we can work out this language so that we can solve this, so that your side is happy with it. I am personally happy with the Hatch-Craig amendment. But to the extent we can do that, we will do that.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, the Senator from Utah and I have had a chance to discuss this during the debate. I think this is the wise way, to go ahead and vote on the amendment before us without the modification. The Senator from Utah and I will work during the morning. We are stuck here like everybody else this weekend so let us work on this. It has come in at such a late time and this is such a technical issue.

The PRESIDING OFFICER. All time has expired.

Mr. HATCH. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Utah.

The yeas and náys have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Oklahoma (Mr. INHOFE) is necessarily absent.

Mr. REID. I announce that the Senator Louisiana (Mr. BREAUX), the Senator from Hawaii (Mr. INOUYE), and the Senator from New York (Mr. MOYNIHAN) are necessarily absent.

I also announce that the Senator from Connecticut (Mr. DODD) is attending a funeral.

I further announce that, if present and voting the Senator from Connecticut (Mr. DODD) and the Senator from New York (Mr. MOYNIHAN) would each vote "no."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 47, as follows:

[Rollcall Vote No. 118 Leg.]

YEAS—48

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Byrd
Campbell
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Jeffords
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (OR)
Snowe
Specter
Stevens
Thurmond
Voinovich

NAYS—47

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Bryan
Chafee
Cleland
Conrad
Daschle
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Graham
Harkin
Hollings
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Smith (NH)
Thomas
Thompson
Torricelli
Warner
Wellstone
Wyden

NOT VOTING—5

Breaux
Dodd
Inhofe
Inouye
Moynihan

The amendment (No. 344) was agreed to.

Mr. GRAMM. Mr. President, I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXPLANATION OF VOTE

● Mr. INHOFE. Mr. President, I was absent from the Senate today in order to be a pallbearer at a funeral in Tahlequah, Okla. Had I been present, I would have voted "no" on the Hatch-Craig amendment. This position is consistent with my vote to table the same amendment on May 13. The tabling motion failed 3-97, thus leading to the today. I believe my presence would not have changed the outcome since determined efforts were being made to switch just enough votes to assure the amendment's passage.●

AMENDMENT NO. 350

The PRESIDING OFFICER. Under the previous order, there is now 5 minutes debate on the Schumer amendment, to be equally divided in the usual form. Who yields time?

Mr. LEAHY. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. Will Senators please clear the aisle and take their conversations off the floor.

The Senator from New York.

Mr. SCHUMER. Mr. President, this amendment is a very simple one. It requires Internet web sites which offer at least 10 guns for sale to be federally licensed firearm dealers—no more, no less. It closes the loophole which has allowed unlicensed, and only unlicensed, gun brokers to set up web sites offering thousands of guns for sale.

Right now, if you punch into the web you will see legitimate gun dealers who will continue just as they have been, and you will see lots of unlicensed gun dealers.

Mr. CRAIG. Mr. President, the Senate is not in order. The Senator from New York deserves to be heard on this issue, as will I.

The PRESIDING OFFICER. The Senate is not in order.

Mr. CRAIG. I thank the Presiding Officer.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Again, this bill has no effect on chat rooms, on newspaper want ads, or on licensed dealers in any way. It does not restrict advertising or the sale of guns on the Internet. It is a very simple and modest measure which says that unlicensed dealers cannot—cannot—sell guns on the Internet. If they wish to become a dealer, which is relatively easy, then they will be able to.

The entire nature of the black market in guns will make a quantum leap if we do not deal with this problem. The Internet has already become for some, and will become for many, the method of choice by which children, criminals, and the mentally incompetent get guns. Presently the unlicensed dealers sell their guns completely on the honor system. Let me quote one, GunSource.com:

> Because user authentication on the Internet is difficult, we cannot confirm that each user is who they claim to be.

That is how a 17-year-old Alabama boy got a semiautomatic last month.

The Weapons Rack:

> It is the sole responsibility of the seller and buyer to conform to regulations.

My colleague from Idaho said last night there are laws on the books. You can't enforce them on the Internet unless you have a dealer, because if somebody says on the Internet that he is 22 and gets a gun mailed to him and he is really 14, the post office is not going to open every piece of mail that might have a gun. We wouldn't want them to.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SCHUMER. I ask unanimous consent for 30 seconds to finish my point.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Just this morning we did not close the gun show loophole. Maybe we will, but we have not. Let us not say the same about the Internet loophole. We can easily close it by simply requiring everyone who sells to be a licensed dealer.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, Senators who just voted for the immediate past amendment have voted to clarify and limit advertising on the Internet, both for guns and explosive materials. Remember, the Internet is an advertising medium. Guns do not materialize through the screen of the computer if you order them. In fact, if you order a gun on the Internet, here is what American Guns says:

> Please note, a buyer must first call the seller of the gun, confirm the price available, arrange for a Federal-firearms-licensed dealer in your State to receive shipment. Your FFL dealer must send a copy of their license to the seller.

The Senator from New York mentioned the 17-year-old Alabama boy. If that happened—and I am not saying it did not happen; he has the news story—three laws were broken. Three laws were broken. The teenager attempting to buy the gun broke a law. The person who trafficked the gun, transported it, broke a law—you cannot transport a gun through the mail service, through a common carrier. There has to be contact in these relationships or laws are broken.

I must also tell you, although I am not a constitutional attorney, he walks all over commercial speech. This is advertising. We have corrected those kinds of things in our bill to make sure we keep the Internet clean, but we went one step further, we went after the explosive materials and the kinds of devices that were used in Littleton. I think all of us want that corrected. That is what you voted for. Let's not trample on the marketing that goes on, advertising on the Internet. Let's keep this bill and the Internet clean and protect those kinds of rights.

I yield my time.

Mr. HATCH. Mr. President, is all time yielded back?

The PRESIDING OFFICER. Thirty seconds remain.

Who yields time? The Senator from Utah.

Mr. HATCH. Mr. President, I do hope this amendment will be tabled. I intend to move to table it. I know my colleague is very sincere about it, but I am concerned about decent, law-abiding people and having these onerous burdens placed upon them.

Mr. President, I move to table. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is agreeing to the motion to table amendment No. 350.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Oklahoma (Mr. INHOFE), the Senator from Utah (Mr. BENNETT), and the Senator from Florida (Mr. MACK) are necessarily absent.

Mr. REID. I announce that the Senator from Louisiana (Mr. BREAUX), the Senator from Hawaii (Mr. INOUYE), and the Senator from New York (Mr. MOYNIHAN) are necessarily absent.

I also announce that the Senator from Connecticut (Mr. DODD) is absent attending a funeral.

I further announce that, if present and voting, the Senator from Connecticut (Mr. DODD) and the Senator from New York (Mr. MOYNIHAN) would each vote "no."

The result was announced—yeas 50, nays 43, as follows:

[Rollcall Vote No. 119 Leg.]

YEAS—50

Abraham
Allard
Ashcroft
Bayh
Bingaman
Bond
Brownback
Bunning
Burns
Campbell
Cochran
Collins
Coverdell
Craig
Crapo
Domenici
Edwards
Enzi
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Jeffords
Kyl
Landrieu
Lincoln
Lott
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond

NAYS—43

Akaka
Baucus
Biden
Boxer
Bryan
Byrd
Chafee
Cleland
Conrad
Daschle
DeWine
Dorgan
Durbin
Feingold
Feinstein
Fitzgerald
Graham
Harkin
Hollings
Johnson
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lugar
McCain
Mikulski
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Torricelli
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—7

Bennett
Breaux
Dodd
Inhofe
Inouye
Mack
Moynihan

The motion was agreed to.

Mr. CRAIG. I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXPLANATION OF VOTE

● Mr. INHOFE. Mr. President, I was absent from the Senate today in order to be a pallbearer at a funeral in Tahlequah, Okla. Had I been present, I would have voted "yes" on the vote to table the Schumer amendment.●

The PRESIDING OFFICER (Mr. BROWNBACK). The distinguished majority leader.

Mr. LOTT. Mr. President, for the information of all Senators—and I see there are a few still interested in what the schedule may be; a few have decided they will worry about it next week—I will propound a unanimous consent agreement now that would allow for a list of amendments to be locked in and passage time of this vital piece of legislation.

I know that Senator HATCH and Senator LEAHY, Senator BIDEN, and Senator SESSIONS have spent a lot of time trying to craft this legislation, and there are some good features in here. I am sure there are a lot of Senators who have agreed or disagreed with certain parts of it, but there are a lot of good things that have been included. If this agreement can be entered into, then this vote that would be coming up would be the last vote until Tuesday morning. If the agreement cannot be reached, then we have no other alternative but to keep going forward today and have votes to try to dispense with this legislation.

I think it is important that we get the list locked in and find a way to bring it to a reasonable conclusion, with Senators being able to offer amendments and have debate during the day today and on Monday, and then we would have votes on Tuesday and Tuesday night.

It is very hard for the leadership to try to honor all Senators' requests. First of all, all Senators knew that we would be having votes today, and yet a lot of them have complained about it and have now left. It is very hard to get amendments accommodated and voted on when Senators say: I do not want to vote Thursday night. Or when we have Senators that say: I have to be gone Friday. Or when we have Senators say: I have amendments I want to offer, but I don't want to do it Thursday night, Monday or Friday. I want to do it Tuesday afternoon when it is convenient for me, even though it may inconvenience 99 other Senators.

I am asking Senators, please, be reasonable. I know on both sides there has been an effort to narrow down the list and get a way that we could have votes on key amendments and bring it to a conclusion. But it is very hard when you have that kind of attitude with Senators saying: I don't want to do it on Thursday night or I don't want to do it on Friday or I don't want to do it on Monday. I would like to do it at my pleasure, Wednesday afternoon.

I hope we can at least lock in amendments where they won't continue to grow. We have had a lot of good debate and a lot of good amendments.

I now ask consent the following amendments be the only remaining first-degree amendments in order, with relevant second-degree amendments in order only after a vote on or in relation to the amendment and the amendments limited to time agreements where noted, all to be equally divided in the usual form.

I further ask that all first-degree amendments be offered and debated on Friday and Monday's session of the Senate, with votes stacked to occur in the order offered beginning at 9:45 a.m. on Tuesday, with 5 minutes for debate equally divided prior to each vote.

I further ask that following the disposition of the listed first-degree amendments, the bill be advanced to third reading and passage to occur, all without any intervening action or debate.

I do have a list of amendments and I need to, I believe, read and submit them. I will just send it to the desk.

I believe Senators REID and DASCHLE have a list of amendments on their side they would like—are you going to submit those to the desk now?

Mr. DASCHLE. Mr. President, if the majority leader has propounded a unanimous consent request, reserving the right to object, let me just respond first by sympathizing with his lament about scheduling votes. It is extraordinarily difficult, and both of us are confronted daily with requests for certain prerequisites with regard to votes that make it increasingly difficult for us to schedule legislative debate. There are people who are objecting to votes now even on Friday mornings. I remember Senator Mitchell once lamenting to me personally that the only time he could absolutely schedule a vote without any criticism was Wednesday afternoon. I think there is a lot of truth to that. Now I know fully what he meant. And that is before 7:00.

We have been on this bill for 3 days. We have had 15 amendments offered, and there have been good debates. There have been time limits associated, as I understand it, with each one of the amendments. There have been 14 rollcall votes. Our side alone began with a list of 89 amendments, and I do not in any way diminish the importance of any one of those amendments.

I think that they are all worthy amendments. Not one of them was dilatory, not one of them was irrelevant to this bill. The problem, however, is that with the extraordinary work of Senator REID and Senator DORGAN, we have now been able to persuade our colleagues to reduce that list. Many of them have waited patiently with the expectation that if they waited patiently, they would get their turn. In many cases, they have waited now 3 or 4 days to be able to offer their amendment.

Now what we are telling them is that we want you to offer them today or Monday, even though we have spent 3 days and we have only been able to get through 15 amendments. We have been able to get our list down to around 30 amendments, as I understand it. So it would be very difficult, without further cooperation on both sides, to accommodate the unanimous consent request that the majority leader has understandably propounded.

So we will have to object to his request. We would be more than willing to enter into an agreement that would require a complete listing of all the amendments to be offered with time limits. We will offer amendments today and Monday, filling the day today, and then on Monday, in an effort to move this legislation along, and then stack votes on Tuesday, as the majority leader has requested.

What we can't agree to, given where we are right now, is any time certain for final passage—recognizing the majority leader's desire to work through a number of other bills yet next week. At least right now, that is not something that we can agree to. I hope, at the very least, as the majority leader suggested, we can submit the list, work on that list, and we can even tighten up the time limits. I think that is all doable.

So I have to object to the request as it was propounded.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, I will have another suggestion on what we might be able to do in a moment. I want to remind Senators that next week we have the Y2K liability issue that we need to have concluded. The House has voted on that. The clock is running. This is not an issue we can leave unclarified any longer, because we are fast approaching the time when this liability question has to be known and dealt with in one way or the other because we are fast approaching the turn of the clock into the next millennium. We also have, after a lot of difficulty, the supplemental appropriations bill, which we have waiting in the wings. We need to bring that up. We also have the bankruptcy bill that is scheduled for next week—a bill that has overwhelming bipartisan support on both sides. That bill is beginning now to be squeezed out of the picture because of other bills.

I want to complete this bill. Two years of effort has been put into juvenile justice, and we need to have some decision made in that area. We have had amendments, and more will be offered, on violence in the schools and how we deal with it, and violence in the movies, and the gun issue. So we need to try to find a way to conclude it.

I will then propound another UC, the same as the earlier one, with votes occurring on Tuesday morning, stacked. Those amendments that had been debated on Friday and Monday, beginning at 9:45, with 5 minutes of debate; and instead of asking that following disposition of the listed first-degree amendments the bill be advanced to third reading and passage occur all without any intervening action or debate, I will modify that to say we will go to third reading and final passage at 5 o'clock on Tuesday. That way, we would have the debate on amendments the rest of today, on Monday, votes on Tuesday morning, more amendments and debate with time limits, and final passage to occur no later than 5 o'clock on Tuesday afternoon.

Then we would be prepared to have a vote on the Y2K liability issue and go to the supplemental on Thursday, hopefully completing it. Although the supplemental can't be completed probably in just a couple of hours; it will take a little longer. Then we would go to bankruptcy after that. I will make that request. The Senator suggested that we go ahead and use the bulk of Tuesday. I think that is fair, and I hope we can get this agreed to.

Remember, I made a commitment to call up this bill so we could have this debate, and I made a commitment to bring it up on last Tuesday, I guess. Actually, we started on Monday. We agreed we would work to try to complete it on Thursday. That effort has been made by Senator DASCHLE, along with Senator REID, and I appreciate that. We haven't been able to achieve that. So we will have other amendments and debate on Friday, Monday, votes on Tuesday morning, more debate, amendments and votes Tuesday afternoon, but finish it up Tuesday. That will have been a full week. That will have been 7 days we will have spent on it. I believe that we will have been able to craft, hopefully, a good bill, and we have all been able to make our case and get to a conclusion. I make that request.

Mr. DASCHLE. Mr. President, reserving the right to object, first of all, I failed to mention my admiration for our two managers and the excellent job they have done in getting us to this point. This has not been easy. They have worked diligently on both sides to bring us to this point. I want to reiterate my gratitude for the effort they have made to get us here.

In the 103rd Congress, we spent 11 days on a bill of this kind. It was a very important piece of legislation—I guess it was 12 days. So it is difficult to bring up a bill of this complexity and controversy without having the opportunity to spend some time on it. As the majority leader noted, he has brought this up, as he promised he would, open to amendment. I have indicated that if we were to do that, I would work as hard as I could to ensure that we stayed on the bill and worked diligently to ensure that it is completed in a reasonable time. My hope was that we could do it this week. I think we will get it done in a reasonable time early next week.

I am unable to agree to that time limit just because, again, we don't know what the circumstances will be Tuesday. But I will promise this: We will continue to make the effort we have made over the last few hours to lock in time limits on all of the amendments and to make sure there is no quorum call, or any other intervening time that would be dilatory. We want to back these up, one after the other. So we will agree to a list and time limits, but I will have to object to a time certain for final passage.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, I yield to the chairman.

Mr. HATCH. Mr. President, I have listened carefully to the minority leader, and I appreciate his usual courtesy. But just stop and think about this. There has been all this time on this bill. If we were to vote on it today, it would pass overwhelmingly. It would make a tremendous amount of difference to this country at a time when that tremendous amount of difference needs to be made.

We all know how this game works around here. If we don't put a finality to it—and our leader has tried to do that—in this very tight time-constrained situation, with Y2K and all the other bills that have to come up, defense bills, the supplemental appropriations bills, and other types of appropriations bills, we will wind up spending another 4 or 5 days, or maybe even 2 weeks, on this bill. I know the majority leader does not have that much time and neither do we on this side.

If we wind up without a juvenile justice bill this year after we have come this far, I think it would be catastrophic for this Nation. The next time we have another situation like the Columbine massacre, I wonder what kind of excuse we are going to use at that time if we didn't do the very best we could.

I hope my colleagues on the other side will think this through. We are seeing a situation that could bring this bill down because we don't have the time to play politics with it. To have everybody bring up their amendments—we could go on for years with amendments on juvenile justice. We have done that for 2 years now. I know the distinguished ranking member of the Judiciary Committee has worked closely with me to get this to a conclusion.

I think this is a pretty fair offer. I understand the minority leader may not be able to get his people together on this at this particular time. But let me tell you, I can't blame our majority leader if he has to pull this down and get the other bills done under these circumstances. I am very concerned.

Mr. LOTT. Mr. President, in view of the objection, I will get the amendments locked in.

I ask unanimous consent, then, that the following amendments be the only first-degree amendments in order, with relevant second-degree amendments in order, only after a vote on or in relation to the amendment and the amendments limited to time agreements, where noted, all to be equally divided in the usual form.

I have sent to the desk my list of amendments.

The list is as follows:

JUVENILE JUSTICE AMENDMENTS

B. Smith—relevant.
B. Smith—relevant.
B. Smith—judges/felons
B. Smith—gun lawsuits
Stevens—parenting; 20 minutes.
Stevens—brain dev.
Stevens—relevant.
Helms—relevant.
Helms—relevant.
Ashcroft—IDEA
Chafee—trigger lock.
Chafee—prevention.
Chafee—site and sound separation.
Chafee—title 1 of the bill.
Specter—prevention.
Bond—film industry.
Hatch/Feinstein—gangs.
Frist—victims rights
Santorum—Aimee's law; 20 minutes.
Craig—Fed Grants, gun safety.
Craig—self defense prevention.
B. Smith—2nd amdment right protection act.
McConnell—fed prop/violent movies; 30 minutes.
Ashcroft—try juvenile as adults; 20 mintues.
Inhofe—prohibit violent video games.
Gregg—ID for NC 17 movies.
Gregg—faith based intervention.
McCain/Lieberman—National YV Comm.
Abraham—locker searches; 20 minutes.
Sessions—disclaimer.
Allard—memorials school property; 30 minutes.
Lott—4 relevant.
Hatch—2 relevant.
Gramm—relevant.
Gramm—Family law.
Sessions—Hotline.

Akaka—gun registry.
Biden—Cops.
Bingaman—School security.
Boxer—After school programs.
Boxer—No guns until 18 years old.
Byrd—Sale of alcohol to minors.
Byrd—Relevant.
Daschle—Relevant.
Daschle—Relevant.
Daschle—Relevant.
Dodd—Truancy.
Dodd—Conflict resolution.
Dorgan—Son of Sam laws.
Durbin—Child access prevention.
Durbin—Waiting period.
Feinstein—Gun industry package.
Feinstein—Separation (w/Chafee).
Feinstein—Gangs (combined w/4 and 5 as 1 amdt)
Feinstein—body armor.
Feinstein—Bomb-making.
Harkin—School counseling.
Harkin—IDEA.
Kennedy—Labor.
Kerrey (NE)—Gun shows.
Kerrey (NE)—State advisory committees.
Kerry (MA)—Early childhood development demo project.
Kohl—Child safety locks.
Kohl—Prevention block grants.
Lautenberg—Juvenile mentoring program.
Lautenberg—Gun shows.
Leahy—Relevant—Managers amendment.
Leahy—Relevant.
Leahy—Relevant.
Leahy—Relevant.
Leahy—Relevant.
Levin—Semi automatic.
Lieberman—National youth violence commission.
Moynihan—black powder.
Moynihan—Explosives.
Reid—Relevant.
Schumer—Prohibition sales handguns, semiauto/large capacity.
Torricelli—Gun kingpin penalty act.
Torricelli—Explosives.
Wellstone—Mental health treatment.
Wellstone—Mental health treatment.
Wellstone—Access to legal representation.
Wellstone—Disproportionate minority requirement.
Wellstone—Welfare tracking.
Wellstone—Integration mental health into ESEA programs.
Wellstone—SEED money states for mental health providers school.

Mr. LOTT. Mr. President, do we have Senator Daschle's list of amendments?

Mr. DASCHLE. Yes. We submitted it.

Mr. ASHCROFT. Reserving the right to object, is there a list of amendments?

Mr. LOTT. Yes. Senator Ashcroft's amendment is on the list.

Mr. ASHCROFT. I have no objection.

Mr. WELLSTONE. Reserving the right to object, I want to make sure I know what is on the list.

The PRESIDING OFFICER. Is there objection to the request by the majority leader?

Without objection, it is so ordered.

Mr. LOTT. Thank you, very much, Mr. President. At least we have locked in the amendments where they will not continue to multiply. But I don't view this as a positive development. It is unfortunate. If Senators are waiting to see if there are any now, there will not be any further rollcall votes today. The next rollcall vote will occur probably at 9:30 Tuesday morning. But we will need to make sure, and we will make the Democratic leader aware of the exact time and the vote. I presume that vote will be on Y2K.

I yield to Senator Leahy.

Mr. LEAHY. Mr. President, I think the distinguished majority leader is saying it is not a positive development. Of course it is. We have cut back very substantially on the number of amendments. On this side, we cut out two-thirds of our amendments. We have worked very closely. I have not had a single Senator on the Democratic side who failed to agree to a time agreement every time the distinguished majority managing Senator wanted it. They have agreed, in fact, to each and every single one. In fact, we have had Senators who brought up amendments who took less time to debate the amendments than some of the rollcalls have taken while we have waited to see who had to leave.

Mr. LOTT. If I could respond, just to show you what I am talking about, at least this stops them from multiplying. But this is a pathetic accomplishment. There are 100 Senators, and we have about 75 amendments left. Please, let's get serious. Every Senator doesn't have to offer an amendment. We can make our case about what we think is positive juvenile justice and what is causing the violence in our country and the violence in our schools. I think it is a societal and a cultural problem. I don't think it is as a result of guns in this country. It is why these things are happening, not what and who.

This is very minimal. It is a very, very disappointing accomplishment. We will have to evaluate now how to proceed.

Mr. LEAHY. Mr. President, if the Senator could respond on that, he said there are 100 Senators, and they don't all have to put them in.

In 1994 we had the crime bill. It was on the floor for 12 days—over 3 weeks. There were 99 amendments. Maybe there was one Senator who did not have one. I mention that only because of what the Senator from Mississippi said. But there were 99 amendments, a great bulk of them coming from the other side. And in no way did the then Democrat majority seek to cut them down. It took 12 days—over 3 weeks. The predecessor to this is S. 10. The Judiciary Committee, under the distinguished leadership of the Senator from Utah, met in the summertime for over 6 weeks to work on 55 amendments.

Mr. LOTT. If I might respond.

Mr. LEAHY. We can clip through these things.

Mr. LOTT. If we have to spend a month on a bill, or 6 weeks on a bill, how many bills are we going to be able to take up that are important to our country? The defense authorization bill is one that we have to take up next week. It is extraordinarily important, because here we are with our troops engaged in combat at this very moment. We have to get that work done.

It is a very interesting crossfire you get into when we are saying, wait a minute, we have to have 99 amendments, we have to have 6 weeks, or 11 days, on this piece of legislation.

Mr. LEAHY. I am not suggesting that.

Mr. LOTT. Then the argument is, why aren't we doing more bills? You can't have it both ways.

Give it a reasonable time, give it full debate, have reasonable amendments, and then vote.

I, frankly, feel used and put upon. I thought we were going to have a good debate, have amendments, and complete this by Thursday night. I understood there was good effort being made. We said, OK, we will be in on Friday, debate all day on Friday, and debate all day on Monday, with votes Tuesday, and all day Tuesday. There has to be an end to this. There has to be some reasonableness.

But look, we made our point, and now that we have the amendments locked in, hopefully the managers and others can find a way to figure out how to end this. When they do, give me a call.

Mr. SESSIONS. Mr. President, will the majority leader yield?

Mr. LOTT. I would be glad to yield.

Mr. SESSIONS. I just want to say to the majority leader how much I appreciate his leadership, and that of Senator HATCH. One reason we ought not to have so many amendments is that Senator HATCH, in managing this bill, has worked to accomplish and accommodate as many amendments as there could possibly be. I am just concerned that we don't have a final time agreement. I think that reflects and suggests there are some in this body who do not want a bill passed. I think it would not be helpful. We need to pass this legislation. And we have accommodated greatly those who have differing views. I think it is a good bill, and it will be a tragedy if we do not complete it. I know you have to have at some point a time limit or we cannot continue with it. I hope the Members of the other party will agree to a time limit.

Thank you.

Mr. WELLSTONE. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. LOTT. Yes.

Mr. WELLSTONE. Mr. President, first of all, as the majority leader knows, there are some of us who have waited patiently. We have amendments that are right on point with this legislation. We are concerned about things like disproportionate minority confinement, some of the sort of sentencing that has to do with race, some of what is very weak in this bill in addressing that. My colleague from Alabama says it would be a tragedy if this bill didn't pass. Some of us think it would be a tragedy—let me finish if I could.

Mr. LOTT. I want to make it clear that I didn't yield the floor but I would be glad to yield to the Senator for his comments.

Mr. WELLSTONE. Thank you.

Some of us think it would be a tragedy if this bill passed in its present form without an opportunity to try to make this a much better bill. I gave one example. I can talk about the amendments that deal with juvenile justice and mental health. There has been very little focus on that. I think there has to be a full-scale debate and discussion about what it means when so many kids of color are disproportionately incarcerated. What does that mean in America? And what kind of legislation is this that does not allow States to do the kind of investigation they need to do, or that really doesn't give the States the encouragement to do that kind of investigation so we can understand it better?

There are a lot of key issues here that are directly relevant to this piece of legislation. Nobody is talking about 6 weeks. Nobody is talking about 1 month. But in all due respect, you brought the bill out. It is called the juvenile justice legislation.

I would like to have an opportunity to vote on this on the justice part. There are a lot of serious human rights abuses in some of these facilities. I have visited some of these facilities in this country, some of which are snake pits. I would like to make sure that these kids, even if incarcerated, are treated in such a way that it is correctional.

Don't tell me that the kinds of amendments I have in mind aren't on point. I think we would be willing to move forward on this legislation. I want the majority leader to know that it is not a question of 6 weeks, it is just a question of some of us refusing to essentially be squeezed and jammed, to be told: All right, now we don't focus on a lot of the substance of this legislation.

We have amendments. We are ready to debate these amendments. I will bet that if we even went another day, Tuesday, and we could offer amendments Tuesday as well when people are here and then we finish as soon as possible, that we would move forward—if I could just finish.

Mr. LOTT. Just one point.

Mr. WELLSTONE. If I could finish my statement; I have been patiently waiting here.

Let me just be crystal clear that when I hear colleagues from Utah and Alabama, both of my friends, say it is a great piece of legislation, it would be a tragedy if it didn't pass right now, that they have presupposed what is in doubt about a good piece of legislation. Aren't there places where it could be corrected? Aren't there things we could do better?

I give one example: the amendment I introduced with Senator KENNEDY which deals with the whole problem of disproportionate minority confinement. We need time to do that.

Mr. LOTT. If the Senator would, perhaps I could go ahead and do my work, and he could continue after that.

Mr. WELLSTONE. I said what I needed to say.

Mr. LOTT. The Senator from Minnesota suggested that if they could offer amendments on Tuesday and get votes, that would be positive and we could complete this bill. As a matter of fact, that is what I suggested and it was objected to.

Mr. WELLSTONE. What I thought I heard was no debate, and that all debate would be over.

Mr. LOTT. No. What I suggested was we have Senators—I realize it is hard for Senators to work on Fridays and Mondays. It is a real inconvenience. But what I suggested was the amendments be offered on Monday, on Friday, and debated, that amendments be offered all day Monday—the Senator could surely get his amendment offered on Monday, and I think it is one that ought to be offered and debated—have the debate, and then on Tuesday we would vote on all those amendments that had been offered up to that point, and have votes. Then we would go on to other amendments with time limits agreed to during Tuesday afternoon, and then have those voted on, and final passage by Tuesday afternoon.

That was objected to.

The problem is, Senators don't want to offer their amendments on Mondays or Fridays or Tuesday afternoons. It really makes me question whether they are serious about getting to a conclusion.

Mr. WELLSTONE. If I could respond to the majority leader, I have amendments that are on point. I am more than ready, willing and able to debate these amendments, but I believe what Senator DASCHLE was saying, and this was the point I was trying to make, in all due respect, the substance of this legislation, the juvenile justice legislation, you can't artificially say by the end of Tuesday that is it; surely, Senators don't have anymore amendments that deal with this topic; surely, we don't have anymore time to spend on this.

We are talking about kids. We are talking about how to prevent kids from getting into trouble. We are talking about the best kind of corrections for kids that get into trouble. We are talking about a lot of issues here.

I think Senator DASCHLE was saying you just can't simply say if it is not done by Tuesday, it is all over, period.

AMENDMENT NO. 351

(Purpose: To allow the erecting of an appropriate and constitutional permanent memorial on the campus of any public school to honor students and teachers who have been murdered at the school and to allow students, faculty and administrative staff of a public school to hold an appropriate and constitutional memorial service on their campus to honor students and teachers who have been murdered at their school)

Mr. LOTT. Mr. President, I send an amendment to the desk, No. 351. I am pleased to join Senator ALLARD from Colorado in offering this amendment.

It would allow the erecting of an appropriate and constitutional permanent memorial on the campus of any public school to honor students and teachers who have been murdered at the school and allow students, faculty, and administrative staff of the public school to hold an appropriate service on their campus to honor these students and teachers.

I am horrified to find, and I think the American people would be horrified to find, that there are those in this country who object to having appropriate memorial services on the school campuses for teachers and students who are murdered. This should clearly be included in this legislation.

I am pleased to join Senator ALLARD in that amendment.

The PRESIDING OFFICER (Mr. GREGG). The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for Mr. ALLARD, for himself and Mr. LOTT, proposes an amendment numbered 351.

Mr. LOTT. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. . CONSTITUTIONALITY OF MEMORIAL SERVICES AND MEMORIALS AT PUBLIC SCHOOLS.

(a) FINDINGS.—The Congress of the United States finds that the saying of a prayer, the reading of a scripture, or the performance of religious music as part of a memorial service that is held on the campus of a public school in order to honor the memory of any person slain on that campus does not violate the First Amendment to the Constitution of the United States, and that the design and construction of any memorial that is placed on the campus of a public school in order to honor the memory of any person slain on that campus a part of which includes religious symbols, motifs, or sayings does not violate the First Amendment to the Constitution of the United States.

(b) LAWSUITS.—In any lawsuit claiming that the type of memorial or memorial service described in subsection (a) violates the Constitution of the United States—

(1) each party shall pay its own attorney's fees and costs, notwithstanding any other provision of law, and

(2) the Attorney General of the United States is authorized to provide legal assistance to the school district or other governmental entity that is defending the legality of such memorial service.

Mr. ALLARD. Mr. President, first of all, I thank the majority leader for giving me an opportunity to participate more fully in this legislative process and for his profound concern for the people of Colorado. The majority leader has been especially sensitive to this tragedy as it affected the students, parents, teachers, administrators and the support staff at Columbine High School in Littleton, CO. I appreciate his willingness, along with the chairman of the Judiciary Committee, to work with me on possible solutions in the youth violence bill. There will be proposals to try and prevent future tragedies of this nature in our Nation's schools. There will be those who will try and take advantage of this tragedy for their own personal gain. Sadly, in some cases, some people have already sought to gain from this horror.

There will be those who will want to completely ignore the problem believing that it will go away on its own. There will be those who share the views of many editorial writers in Colorado that this is a very complicated issue and that no simple solutions are going to be forth coming. These writers echo my views that only a comprehensive examination of all the contributing factors will yield smart, effective policy.

The natural reaction is to seek simple solutions by laying blame. Was it inadequate laws? Inadequate enforcement? Do we blame parents, teachers, students themselves, administrators, politicians, organizations, the entertainment industry, churches, or the whole of society? Do we blame the Constitution of the United States?

We need to put all this finger pointing aside and realize that we didn't come to this point overnight, that no one-thing is culpable, and that finding sensible solutions will take some time. Now is the time to concentrate and focus on what can be done about the emerging violence we are seeing in our schools. This is the time for us to look for responsible solutions. Now is the time to try and come up with common sense solutions that will make schools more safe.

The Constitution of the United States is one of civilization's greatest documents. It has served magnificently as the basic governor of this nation, the world's greatest nation, as it has developed and thrived for over 200 years. The Constitution continues to serve us well and will serve us well as we go through dramatic change in the future.

It is the bedrock and the foundation that moves us through national crises while preserving individual freedom. It empowers and checks the government in thoughtful, humble, and timeless language. I would like to take this opportunity to briefly examine the Bill of Rights in the context of today's world and in light of the recent shootings in our schools.

During the most recent violent school crisis in Colorado and previously in Oregon, Arkansas, Kentucky, and Mississippi, we are suffered the sense of loss, pain, anger, and frustration from each event. We collectively witnessed the anguish of students, teachers, parents, administrators, and law enforcement through an intense and at time intrusive news media invasion. The wide and dramatic coverage of these events often inspires copycat crimes. But we do not throw out the first amendment.

We have seen what happens in societies where there is no freedom of the press. We have witnessed the danger of censorship and government control of the media most recently in Iraq and Yugoslavia: ruthless dictators shut off the free flow of information to strengthen their grip on people who don't enjoy the benefits of a free press! Yes, some who report the news can be insensitive, irritating and down-right rude, but the alternative is far worse. Most news reporting is responsible.

It seems as though we re flooded in today's world with acts of violence from guns, knives, and bombs. Anger wells-up inside us as we read and witness such senseless acts of violence, especially in our schools which are supposed to be safe havens for learning. There are many responsible, law-abiding Americans who own and use firearms today.

We have witnessed many cases where ruthless dictators have moved early in their reign to disarm their soon-to-be victims. Yes, of the 270 million people in this country there are a few who are a menace to society with the guns that they own, but we cannot forget the many responsible gun owners in the United States. Guns have sporting uses, but they also save lives. Let us not forget that guns have been used to protect people, and they will continue to do so in the future.

The third amendment to the Constitution talks about the excesses of the military in terms of the home. It recognizes the right of the citizen to have his own home and to have it as his sanctuary free from any soldier claiming a greater right than the citizen. In times of civil crisis we occasionally see the military used to ensure safety.

Most soldiers are dedicated and trustworthy servants of this country and it is only on the rare occasion that one is not. Throughout these crises in our schools we have seen a highly charged and emotional police force move to secure the area and conduct an investigation. People are calling for quick action, looking for people to blame, and being critical of every move. The fourth amendment protects students, teachers, administrators, and parents from unfounded accusations and unwarranted seizures. It protects them from the crafty criminal who may want to shift the focus and action to an innocent party. One does not have to look far to see that people in parts of Central America, Iraq, and Yugoslavia do not have this right. During these times of crisis in our schools, people in and around these institutions are protected by due process of law.

They cannot be deprived of their life, liberty, and property without due process of law; nor shall private property be taken for public use without just compensation. Some Americans want to disregard these provisions in a time of crisis. There are those who demand immediate resolution regardless of cost, but here we see the grandeur of the fifth amendment as it protects people from whims and the heat of a crisis.

In any time of urgent need or catastrophe, the innocent may fall victim to false accusations. This is particularly obvious when elected officials are trying to show the electorate that they can produce results. We have seen the innocent accused and then exonerated by the justice system in cases of violence in our schools, and for this we owe the sixth amendment to our Constitution.

During these troubling times in our schools there are claims of injury placed against those who have had a public responsibility. The vast majority of our public servants are good decent Americans who work to serve other people. There are a few, for one reason or another, who fail to carry out their responsibilities. The method for redress in these sad circumstances is provided in the seventh amendment.

In responding to the horrific events in our schools the justice system is required to balance bail and punishment with the crime committed. The eighth amendment provides for this process to be fair and judicious.

And what of rights not clearly enumerated in the Constitution? The ninth amendment expressly states that as sweeping and dedicated to liberty as the document is, it cannot provide for all freedoms. The ninth amendment allows for the protection of rights not clearly defined by the Constitution indicating a wisdom that we embrace as we approach any crisis.

The 10th amendment prevents the Federal Government in times of crisis from ignoring the role of the States. Our forefathers feared most of all not the military but a national police force. The individual states were given the basic responsibilities of law enforcement, and in times of school crisis we have witnessed the effectiveness of this provision. We have also witnessed through our history many nations terrorized by a national police force. In these cases isn't an armed citizenry capable of defending itself the preferred but not perfect solution?

My purpose for reviewing these vital amendments to our Constitution, this grand Bill of Rights, is to illustrate that in times of crisis, these rights are the layers of a foundation of liberty on which we live. This bedrock is the sacred strength of our nation. It is the bedrock that supports our churches, our homes, our businesses, and our schools. A natural tendency in times of crisis is to drive wedges into this bedrock in search of a solution. It is my hope that we conduct this debate upon the bedrock, and not within it.

I hope during this debate we keep in mind that we do not have the power to eliminate all violence in all schools. We must strive to restore a safe environment for learning within the bounds of individual freedom. A few must not be allowed to destroy that which the American people have prospered and come to appreciate over several centuries. Common sense and sensitivity must prevail.

In that light I believe there are things we can do to address school violence. There are no simple solutions and it will not happen overnight but I believe we can begin to move down that road by improving the safety in our schools. Even though schools will be our focus, the problems we face go far beyond the walls of any school, any community, any state, or for that matter any country. The laws we pass will have far reaching effects on numerous aspects of our society. I look forward to proceeding through this legislative agenda in a thoughtful manner, mindful of our sacred responsibility to the bedrock of our nation—the Constitution and the Bill of Rights.

I was recently given the honor and privilege of chairing a task force on Youth Violence. This task force, composed of twelve Senators, has thoughtfully deliberated over the problem of youth violence for the past two weeks. Our efforts are, in part, a response to the recent tragedies seen in our nation's schools. We support S. 254, the Juvenile Justice bill, and the efforts of Chairman HATCH and his committee who have labored for the past several years to draft careful reforms that will positively impact our juvenile justice system. In addition, we have come to a consensus on several themes which affect juvenile crime, education and our culture. This package of legislative proposals applies reasonable reforms which we hope will enhance the work of Senator HATCH and his committee.

The consensus of themes our task force will be working toward this week are:

Stengthening prevention and enforcement assistance to State and local government. This is the first step in a plan which infuses funds to State and local authorities to combat juvenile crime. The Federal government will assist states best by providing flexible block grants. Our plan includes juvenile crime grants; improving our management of juvenile crime records; targeted prevention funding; a plan for graduated sanctions which begin early—when the first signs of delinquent or antisocial behavior appear, and alternative education opportunities for at-risk or problem juveniles.

Another point is pushing back the influence of cultural violence by empowering parents and encouraging the public to be socially responsible. Our second step is to help our culture do more to limit the exposure of America's children to harmful and violent entertainment. Following the recent tragedy in my state, it seems clear that our culture's fascination with violence played some role in the thoughts and motivations of the cruel perpetrators of the crimes in Littleton. This includes enacting an entertainment industry code of conduct that allows for further development and enforcement of rating systems to limit exposure to children of material that the industry itself has deemed inappropriate for children. We include a plan to investigate the marketing practices of the entertainment industry where children are concerned. This plan also includes empowering Internet service providers to offer screening and filtering software that is designed to empower parents to limit access to material unsuitable for children. Our package also includes a plan to prohibit the posting of bomb making instructions on the Internet.

Last, I am offering two amendments which liberate students and faculty to hold memorial services or to construct a memorial on school property in the aftermath of a tragedy.

I will conclude my statement today with remarks on these amendments. The final theme of our package reinforces the theme that it is time to get tough on violent juveniles and firearms used by criminals. The Republican plan makes it more difficult for a juvenile to gain access to a firearm and insures that violent juveniles—teenagers who commit violent crimes—will be held accountable for their actions. We do this by ensuring the prosecution of those who abuse existing firearms laws. This means directing the Department of Justice to make firearms prosecutions a priority—something they have not been so far. We address gun show safety and firearms background checks, juvenile firearms possession, and penalties for firearms offenses across the board. We increase the penalty for theft of a firearm and we increase the mandatory minimum sentences for those who corrupt youth by selling them or encouraging them to sell drugs.

We also address safe and secure schools. Republicans want all children to receive a quality education. This experience should be a safe one. We propose numerous options for schools to use federal funds for better teacher training regarding violent students and school security. We provide for mandatory school discipline records disclosure for transferring students; we allow for all schools the opportunity to institute address code or school uniform policy; and we free up teachers and school administrators to adequately discipline students while at the same time giving them limited liability protection. Our bill establishes a national center to boost school security efforts and creates a national award for children with character.

In proposing this package, we do not pretend to believe our legislative actions will erase the harm already inflicted on too many Americans. Nor do we believe these laws will guard against all future threats of youth violence. But I do believe that the Congress has an opportunity today to strengthen and enhance our existing laws to empower families and communities to take action against this cultural virus seen in our youth.

Our responsibility is to apply reason and temperance to the decisions we make this week, holding close the dearly held principles of life and liberty which are expressed in our Bill of Rights. I am hopeful that the Senate will work together to accomplish this objective.

I would like to say a few words regarding my proposed amendments that will be before the Senate the first part of this next week. In the aftermath of the Littleton tragedy, I propose these amendments which will allow Congress to go on record with respect to the constitutionality of a permanent memorial or a memorial service that contains religious speech. Of course, the Allard amendments do not put Congress on record with respect to the kind of memorial that would be appropriate—that decision is for local schools and communities. The Allard amendments do, however, declare that a fitting memorial may contain religious speech without violating the Constitution.

As you approach Arlington National Cemetery, signs are posted which say:

> Welcome to Arlington National Cemetery, Our Nation's Most Sacred Shrine. Please Conduct Yourselves with Dignity and Respect at All Times. Please Remember these are Hallowed Grounds.

Similarly, Congress appropriates the funds to pay for chaplains who conduct memorial services not only at Arlington Cemetery but wherever they are needed to serve our departed men and women of the Armed Forces and their families. We recognize that paying for chaplains to conduct memorial services is not an establishment of religion by the Government, but a dignified and proper Government function. The Supreme Court has noted that the chaplaincies of the various branches of the service are constitutional. Likewise, no one could seriously contend that the signs identifying Arlington Cemetery as a sacred shrine and hallowed ground are establishments of religion.

So today I am offering an amendment which states that it is fitting and proper for a school to hold a memorial service when a student or teacher is killed on school grounds. And it is fitting and proper to include religious references, songs, and readings in such a service. Memorial services help the grieving process of students and faculty, bring a school together in the face of tragedy, and meet a need deeply felt by so many to see their friend given recognition in a dignified and solemn manner. My amendment allows students and faculty of a public school to hold a memorial service that includes prayer, reading of scripture, or the performance of religious music at a memorial service that is held on the campus of a public school in order to honor the memory of any person slain on that campus.

As a part of my proposed amendment there is a section that allows for the construction of a memorial that includes religious symbols or reference to God on school property. In either case, if a lawsuit is brought forth, parties are required to pay their own fees and costs and the Attorney General is authorized to provide legal assistance to defenders.

This is not the equivalent of a daily school prayer. A memorial service is a very specific response to an unusual circumstance, a circumstance I hope we will not have to revisit again. The amendments specifically mention that religious songs may be sung at such memorials without violating the Constitution. The two federal appeals courts that have taken up this issue both have ruled that school choirs may sing religious music. And the Fifth Circuit Court of Appeals held that it was constitutional for a public high school choir to have "The Lord Bless You and Keep You" as its signature song.

In the same way, erecting a memorial that contained religious references, such as a quote from scripture, or a religious symbol from the deceased's religious tradition, would not violate the establishment clause of the Constitution.

In any community visited by such a tragedy, a person who views such a memorial with religious symbols or references that were important to the deceased would certainly not see some sort of covert attempt to establish an official religion. Rather, they would see a fitting and proper memorial to a departed friend.

I urge my colleagues to support my modest proposal. This legislation does two things. It requires that if a school holds memorial services or puts up a memorial in response to a killing on school grounds, and the school is sued, then all parties will bear their own costs and attorneys fees. A school that has experienced a tragedy of this kind should not have to worry about someone bringing a suit and winning thousands and thousands of dollars in attorney fee awards just because the school decides to hold a memorial service or put up a memorial. Second, this legislation permits—but does not require—the Attorney General to aid a school in defending against these suits.

This is one small thing we can do to help our schools respond in a humane, compassionate, and constitutional way to the violence that has become far too common in our schools. If the people of Colorado believe that religious speech is necessary to memorialize the heroism and tragedy at Columbine High School, then let them express themselves with the most profound and durable expressions of the human heart. Let us adopt this amendment today, hoping an occasion for its use may never happen again.

I yield the floor.

Y2K ACT—MOTION TO PROCEED

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of S. 96 regarding the Y2K liability legislation.

Mr. REID. Mr. President, I object.

Mr. LOTT. Mr. President, I regret the objection has been heard from our Democratic friends. This is an important issue all over America. The clock is running.

CLOTURE MOTION

I move to proceed to S. 96, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 34, S. 96, the Y2K legislation.:

Trent Lott, John McCain, Jesse Helms, Rod Grams, Connie Mack, John H. Chafee, R. F. Bennett, Larry E. Craig, Craig Thomas, Pete Domenici, Richard G. Lugar, Sam Brownback, Ben Nighthorse Campbell, Pat Roberts, Chuck Hagel, and Spencer Abraham.

Mr. LOTT. For the information of all Senators, this cloture vote will occur on Tuesday, May 18.

I ask consent the vote occur at 9:45 a.m. on Tuesday, and the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER (Mr. ROBERTS). The distinguished Senator from Nevada is recognized.

ORDER OF PROCEDURE

Mr. REID. Will the Chair explain to the Senator what the parliamentary status is in the Senate today?

The PRESIDING OFFICER. The question before the Senate is a motion to proceed to S. 96, the Y2K legislation.

Mr. REID. I ask unanimous consent that we be allowed to offer amendments to S. 254, the bill we have been working on all week.

The PRESIDING OFFICER. Is there objection?

Mr. ALLARD. Mr. President, I object.

The PRESIDING OFFICER. An objection is heard.

Mr. REID. Mr. President, I really think that is unfortunate. We have worked all week trying to resolve this issue. I have worked personally with Senator DORGAN trying to whittle down these amendments. I have worked many hours these last couple of days.

We have now on our side and on the majority side worked to bring down the amendments to a fairly good number. For the life of me, I cannot understand why we cannot proceed working all day today offering amendments. We have people who are waiting to offer amendments. I have an amendment I will be happy to offer.

We have Senators who will talk into the night offering amendments. There is no effort on behalf of the minority to delay this matter. We have worked very hard to even get time limits on our amendments. We can complete this legislation very quickly. I have had the opportunity to look through some of the amendments the majority has locked in under a previous unanimous consent agreement. We can work today, all day Monday, and then Tuesday there would not be much left to do.

It is tremendously unfortunate that we are unable to proceed on this. I will tell you why, for a couple of reasons.

When I came home last night—I worked late on the emergency supplemental. I got home around 9:30 or 10 o'clock last night and looked through my mail. I was surprised to get a letter from a longtime friend.

As some of my friends know, I was born and raised in Searchlight, NV, a very small town. There are not a lot of people from Searchlight. But I received a letter from someone who was raised in Searchlight just like me, someone older than I am but someone I have known literally all my life.

I can remember when I was a 13-year-old boy. I moved from Searchlight to Henderson, NV, where there was a high school and I was living with an aunt.

Early one morning, we were all awakened because one of my uncles from Searchlight came to give us the very bad news that his stepdaughter had been shot while working at one of the hotels in Las Vegas by this crazed man who shot her for no reason. He did not know her. She was very, very attractive, and this man who should not have had a pistol shot her.

Much of what is in the letter is personal in nature—and not that this isn't personal in nature—but the other relates to my family. But, let me read the last paragraph. She closed this letter with:

> Hope you can feel free to support all legislation knocking down the strong gun lobby. I would like to personally shoot the crotch out of Moses, also known as Charlton Heston. I have 46 years of anger built up on this issue.

She is a paraplegic.

> I know it can be political suicide to go up against them, but they are rotten to the core and selfish in their interests. While I have the best of friends and have managed to live (have not really had a life) I dare them to follow me in my wheelchair tracks.

She closes by saying:

> Stay well, sweet boy [talking to me].

This legislation we are attempting to resolve needs to be resolved. People may disagree with my friend from Searchlight now living in Las Vegas, Jean McColl, who has spent 46 years in a wheelchair as a result of being shot by somebody that shouldn't have had a gun. But that is what we are debating in this Chamber.

We should have the opportunity to offer amendments. There is no reason in the world that we should not be able to offer the amendments. We have 30-plus amendments on this side. By Tuesday I bet we could get rid of 25 of them, leaving on Tuesday just a handful of amendments to work on.

I also not only indicate what was written by my friend, Jeannie McColl, a beautiful, wonderful woman, who shortly after she was injured by this crazed man, was divorced and has raised this little boy by herself; in addition to the letter from Jeannie, I received another letter from a man who was complaining about something he felt was somewhat improper. He lives in Reno.

> Dear Senator REID:
>
> I am writing in regards to the enclosed National Rifle Association membership that was mailed to my 13 year-old daughter. I am not a gun advocate and have never voiced an opinion and I certainly believe in our constitution and the right to bear arms but I am rather astonished that the membership application is addressed to my 13 year-old daughter.
>
> As we strive in our community to ensure that our schools are safe for our children, one of the biggest fears that parents have is a gun at school. We have been able to turn her particular school around from a very violent and non-academic oriented institution to one that we are all very proud and where the students are doing extremely well.
>
> I am absolutely amazed that the National Rifle Association would have the audacity to mail membership applications to children. At some point, I believe this must be part of our government regulations. Will my youngest 11-year-old daughter be contacted next with another outrageous suggestion that is only supporting violence?

It is signed: "David L. Brody, Registered Voter"—that is how he lists his signature—Reno, NV.

Mr. President, Jeannie McColl, David Brody—we need to move forward with this legislation.

I see the majority leader. I certainly want to yield the floor to the majority leader.

Mr. Leader, what I have said here is that we have some amendments. We have people standing by to offer amendments. We really would like to do that. One of the Senators on the majority side objected to the offering of amendments.

I will be very brief. As I said, we want to work our way through these, as I indicated before the leader got here. We have 30-plus amendments. I think we could get rid of 20 of these amendments by Tuesday morning if we had the opportunity to offer these amendments today and Monday.

Mr. LOTT. Mr. President, if I could respond.

The PRESIDING OFFICER. The distinguished majority leader.

Mr. LOTT. First of all, Senator HATCH and Senator LEAHY, the managers of the bill, are not on the floor at this time. I assume they are still in the area. And I have a call in to Senator HATCH so he will come back. And we can discuss how we might proceed and see what amendments we are talking about. Because you can certainly understand, it is hard to have the debate go forward without the managers knowing what amendments we are talking about, and that they are sort of in an order.

I understand the Kohl amendment, for instance, was next in order, and maybe even pretty much has been worked out. But I need to make sure that that is the case. And then, secondly, there may still be somebody opposed to it and have indicated they want to be able to be heard on the other side. So we have to make sure that Senators both for and against bills are protected in their desire to speak on an amendment. And that is basically it.

Senator KOHL is here. If there is no particular problem, then maybe we could go to that one and have him present it and make his statement. If there is a Senator opposed to it, he or she could come over. If not, we could go on. But there is a need to make sure that everybody knows what is happening. And both sides are aware that they should come to the floor and express themselves if they desire to.

The problem is, it is 12:15; it is Friday afternoon. As you know, it is very hard to work down this list of amendments when—once Senators realize basically the votes are over, they have commitments, and they are gone. But I will talk with Senator HATCH as soon as we get in touch with him and see if there is any problem with going forward with Senator KOHL. Then, of course, we need to go back and see if there is another amendment on this side. We will work through that. But we have to make sure everybody is notified we are going to be trying to do it.

I yield the floor.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The distinguished Democratic leader is recognized.

Mr. DASCHLE. Mr. President, let me commend the distinguished assistant Democratic leader for his efforts, again, and for comments he has just made. I am puzzled. I thought we were going to proceed today with additional amendments. We have submitted our list with that intention. We had indicated we were prepared to work this afternoon; we are prepared to work on Monday. But not having our managers here, it makes it difficult.

Senator LEAHY is here. And Senator LEAHY has indicated a willingness to come back and work through these amendments. You know, this points up the very problem our colleagues have raised with us when we talk to them about having the need to offer amendments on Fridays and Mondays.

If the Republican manager leaves, it is awfully hard for us to offer these amendments. We want to make the most of Friday and Monday. The only way we are going to do that is to have the Republican manager here so we can accommodate those Senators who want to cooperate. It is hard to ask for their cooperation if we do not have somebody on the other side to cooperate with.

So I am troubled by that and I hope we can make the most of this afternoon and make the most of Monday. I must say, Mr. President, I am also surprised at the motion to file cloture on the motion to proceed. That is tantamount to pulling this bill. That is what it means. If we get the motion to proceed we are on the Y2K bill. And I thought the majority leader said he wanted to finish this bill on Tuesday.

Mr. LOTT. Would the Senator yield?

Mr. DASCHLE. I would be happy to yield.

Mr. LOTT. On that particular point, I do not know what the vote would be on the cloture on the motion to proceed on Y2K. I suspect it may pass, maybe even pass unanimously. At that point we are on that unless we can get an agreement to come back to the juvenile justice bill, which I assume we could do, but with the understanding we get something worked out as to how we proceed.

I have been signaling all week that we wanted to go back to Y2K especially, and we need to get started early since we had to file a cloture motion on even the motion to proceed. But you know, if we can get a solid, overwhelming vote on that, rather than spending 30 hours on it, hopefully something could be worked out on that as to how we would proceed to that, maybe right after the juvenile justice bill, and that we could get agreement to come back to juvenile justice at that point.

It is just that I had to get that ball rolling. And I assume and I hope maybe that is just one vote in what could be a series of votes. But hopefully we will get something worked out on that. But I wanted to make sure that—I am certainly amenable to trying to work out an agreement to go back to juvenile justice after we have that vote Tuesday morning.

Mr. DASCHLE. I appreciate that clarification and assurance from the majority leader. As he knows, of course, that takes unanimous consent. There may be people who oppose going back to the juvenile justice bill, and so then we are, under regular order, on the Y2K bill. So a vote for cloture on the motion to proceed would be a vote to table, to put back on the calendar the juvenile justice bill.

I have indicated to the majority leader that we would be prepared, based upon the negotiations that have been going on all week, to maybe work some arrangement out with regard to the Y2K bill. We hadn't had any discussion about this. The motion was filed, and so there was no communication at all on that matter—this, ironically, at the same time we were trying to work with the majority leader to try to accommodate his need to move this juvenile justice bill along.

Surprises are never welcomed, and this was a surprise that was disappointing. Nonetheless, we will work through that. We will work to accommodate whatever other legislative schedule there may be this next week.

I will say this: At this point I am very concerned about voting on the motion to proceed under these circumstances. I think we could finish this bill and then perhaps go on to the Y2K bill. I might even be prepared to move to the motion to proceed and support it myself if we can get this juvenile justice bill done. But to put it back on the calendar and then ask unanimous consent to take it back off the calendar, if we vote for cloture on the motion to proceed—and that is what we would have to do—is a matter that is disturbing.

We have a circumstance here that is confusing, to say the least. The majority leader, for good reason, admonished all of us to make the most of Friday, to make the most of Monday, on the juvenile justice bill. Then he files cloture, effectively taking the bill off the calendar and denying the right to offer amendments and to work through these amendments on Friday and Monday. I am hopeful that we can make the most. Let us work on these bills today. Let us work on them Monday. Let us see if we can't work through the rest of the amendments before we divert our attention to other amendments and other bills.

This isn't a very orderly process we find ourselves in right now, unfortunately, because of some of these decisions. I am hopeful that we can figure out a way to accommodate the needs of the schedule but also accommodate the needs of Senators who are very hopeful to have their day in court and their opportunity to offer amendments on the juvenile justice bill.

I yield the floor.

Mr. REID. Before the Senator yields the floor, may I ask a question of the leader?

Mr. DASCHLE. I would be happy to entertain a question from the distinguished Democratic assistant leader.

Mr. REID. The Y2K legislation that has been talked about here today, is it not a fact that there has been significant progress made trying to arrive at a resolution of that issue?

Mr. DASCHLE. There has. Many people on both sides of the aisle have been involved in very intense and, I would say, productive negotiations this week. I am encouraged by the reports I have been receiving throughout the week on their discussions. I am hopeful that——

Mr. LOTT. Are you referring to the Y2K issue?

Mr. DASCHLE. Yes.

Mr. LOTT. I wasn't sure what you were talking about.

Mr. DASCHLE. The Senator is certainly correct.

Mr. LOTT. I wonder if the Senator would yield. Is there a possibility we could work out some agreement where we wouldn't have to have the vote on the motion to proceed? It is pretty hard to explain to people, when you are facing the threat of a filibuster even to take up a bill. So I wonder if we could maybe get some agreement to skip over that and then go on, if we had to have a cloture vote on the bill itself. I hope you will think about that or talk to the people who are involved to see if that would be a possibility. That would perhaps then vitiate the necessity of having to get this started next Tuesday in order to get it completed within a week's time. If we could get around that vote, that would help.

Mr. DASCHLE. I would be happy to consult with our colleagues and report back to the majority leader.

I yield the floor, Mr. President.

Mr. HATCH. Mr. President, may I ask the parliamentary situation?

The PRESIDING OFFICER. The distinguished Senator is informed that we are on a motion to proceed on S. 96, the Y2K bill.

Mr. HATCH. Mr. President, I ask unanimous consent that Senator KOHL be permitted to present the Hatch-Kohl trigger lock amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. I can't hear.

Mr. HATCH. I am asking that Senator KOHL be able to present the Hatch-Kohl trigger lock amendment, and we will proceed. We will have that, followed by the Hatch-Feinstein amendment on gangs.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The distinguished Senator from Wisconsin is recognized.

VIOLENT AND REPEAT JUVENILE OFFENDER ACCOUNTABILITY AND REHABILITATION ACT OF 1999

The Senate continued with the consideration of the bill.

AMENDMENT NO. 352

(Purpose: To amend chapter 44 of title 18, United States Code, to require the provision of a secure gun storage or safety device in connection with the transfer of a handgun)

Mr. KOHL. Mr. President, we have good news. We seem to have reached a bipartisan consensus on child safety locks, one which will result, we believe, in a lock being sold with every handgun. So I rise now, with my colleague, Senator HATCH, to offer the Safe Handgun Storage and Child Handgun Safety Act of 1999.

This measure is closely modeled on the Child Safety Lock Act which I introduced earlier this year, with Senators CHAFEE, FEINSTEIN, DURBIN, and BOXER. Senator CHAFEE is also a cosponsor of this amendment.

Briefly, our amendment will bring the entire industry up to the level of those responsible manufacturers who have already started including child safety locks with their handguns. It is a commonsense idea, not an extreme one, that will reduce gun-related accidents, suicides, and homicides by young people.

Don't take my word for it. Ask your own constituents. According to a recent Newsweek poll, 85 percent of the American people support this proposal.

Our amendment is simple, effective, and straightforward. While we want people to use child safety locks, our amendment doesn't mandate it. Instead, our measure simply requires that whenever a handgun is sold, a child safety device must also be sold.

These devices vary in form, and effective ones are available for less than $10. We have added a new section that gives limited liability to gun owners, but only if they store their handguns properly. This actually creates an incentive for more people to use safety locks.

Let me tell you briefly why this amendment is so much needed. Nearly 2,000 young people are killed each year in firearm accidents and suicides. This is not only wrong, it is unacceptable. While our proposal is certainly not a panacea, it will help prevent many of these tragedies.

Mr. President, safety locks will also reduce violent crime. Juveniles commit nearly 7,000 crimes each year with guns taken from their own homes. That doesn't include incidents like last year's school shooting in Jonesboro, AR, which involved guns taken from the home of one child's grandfather because most of the father's guns actually were locked up.

A few extremists on both sides may not agree, but this is clearly a step forward. It will help make children safer. It will help make mothers and fathers feel more secure leaving their children at a neighbor's home. Senator CRAIG, who worked with me in 1994 to author the ban on juvenile possession of handguns, deserves much credit today. When passed, this law will be a huge victory for our children and a victory for bipartisanship as well. I hope my colleagues can all support this bill.

At this point, Mr. President, I send the Kohl-Hatch-Chafee amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. KOHL], for himself, Mr. HATCH and Mr. CHAFEE, proposes an amendment numbered 352.

The amendment is as follows:

At the appropriate place in the bill, in Title—, General Provisions, insert the following new sections:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Safe Hand Gun Storage & Child Handgun Safety Act of 1999".

SEC. 2. PURPOSES.

The purposes of this Act are as follows:

(a) To promote the safe storage and use of handguns by consumers.

(b) To prevent unauthorized persons from gaining access to or use of a handgun, including children who may not be in possession of a handgun, unless it is under one the circumstances provided for in the Youth Handgun Safety Act.

(c) To avoid hindering industry from supplying law abiding citizens firearms for all lawful purposes, including hunting, self-defense, collecting and competitive or recreational shooting.

SEC. 3. FIREARMS SAFETY.

(a) UNLAWFUL ACTS.—

(1) MANDATORY TRANSFER OF SECURE GUN STORAGE OR SAFETY DEVICE.—Section 922 of title 18, United States Code, is amended by inserting after subsection (y) the following:

"(z) SECURE GUN STORAGE OR SAFETY DEVICE.—

"(1) IN GENERAL.—Except as provided in paragraph (2), it shall be unlawful for any licensed manufacturer, licensed importer, or licensed dealer to sell, deliver, or transfer any handgun to any person other than any person licensed under the provisions of this chapter, unless the transferee is provided with a secure gun storage or safety device, as described in section 921(a)(35) of this chapter, for that handgun.

"(2) EXCEPTIONS.—Paragraph (1) does not apply to the—

"(A)(i) manufacture for, transfer to, or possession by, the United States or a State or a department or agency of the United States, or a State or a department, agency, or political subdivision of a State, of a handgun; or

"(ii) transfer to, or possession by, a law enforcement officer employed by an entity referred to in clause (i) of a handgun for law enforcement purposes (whether on or off duty); or

"(B) transfer to, or possession by, a rail police officer employed by a rail carrier and certified or commissioned as a police officer under the laws of a State of a handgun for purposes of law enforcement (whether on or off duty);

"(C) transfer to any person of a handgun listed as a curio or relic by the Secretary pursuant to section 921(a)(13); or

"(D) transfer to any person of a handgun for which a secure gun storage or safety device is temporarily unavailable for the reasons described in the exceptions stated in section 923(e): *Provided*, That the licensed manufacturer, licensed importer, or licensed dealer delivers to the transferee within 10 calendar days from the date of the delivery of the handgun to the transferee a secure gun storage or safety device for the handgun.".

"(3) LIABILITY FOR USE.—(A) Notwithstanding any other provision of law, a person who has lawful possession and control of a handgun, and who uses a secure gun storage or safety device with the handgun, shall be entitled to immunity from a civil liability action as described in this paragraph.

"(B) PROSPECTIVE ACTIONS.—A qualified civil liability action may not be brought in any federal or State court. The term 'qualified civil liability action' means a civil action brought by any person against a person described in subparagraph (A) for damages resulting from the criminal or unlawful misuse of the handgun by a third party, where—

"(i) the handgun was accessed by another person who did not have the permission or authorization of the person having lawful possession and control of the handgun to have access to it; and

"(ii) at the time access was gained by the person not so authorized, the handgun had been made inoperable by use of a secure gun storage or safety device.

"A 'qualified civil liability action' shall not include an action brought against the person having lawful possession and control of the handgun for negligent entrustment or negligence per se.".

(b) CIVIL PENALTIES.—Section 924 of title 18, United States Code, is amended—

(1) in subsection (a)(1), by striking "or (f)" and inserting "(f), or (p)"; and

(2) by adding at the end the following:

"(p) PENALTIES RELATING TO SECURE GUN STORAGE OR SAFETY DEVICE.—

"(1) IN GENERAL.—

"(A) SUSPENSION OR REVOCATION OF LICENSE; CIVIL PENALTIES.—With respect to each violation of section 922(z)(1) by a licensed manufacturer, licensed importer, or licensed dealer, the Secretary may, after notice and opportunity for hearing—

"(i) suspend for up to six months, or revoke, the license issued to the licensee under this chapter that was used to conduct the firearms transfer; or

"(ii) subject the licensee to a civil penalty in an amount equal to not more than $2,500.

"(B) REVIEW.—An action of the Secretary under this paragraph may be reviewed only as provided in section 923(f).

"(2) ADMINISTRATIVE REMEDIES.—The suspension or revocation of a license or the imposition of a civil penalty under paragraph (1) does not preclude any administrative remedy that is otherwise available to the Secretary.".

(c) LIABILITY; EVIDENCE.—

(1) LIABILITY.—Nothing in this Act shall be construed to—

(A) create a cause of action against any federal firearms licensee or any other person for any civil liability; or

(B) establish any standard of care.

(2) EVIDENCE.—Notwithstanding any other provision of law, evidence regarding compliance or noncompliance with the amendments

made by this Act shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity, except with respect to an action to enforce paragraphs (1) and (2) of section 922(z), or to give effect to paragraph (3) of section 922(z).

(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to bar a governmental action to impose a penalty under section 924(p) of title 18, United States Code, for a failure to comply with section 922(z) of that title.

SEC. 4. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect 180 days after the date of enactment of this Act.

Mr. HATCH. Mr. President, I am prepared to accept the amendment. I am a cosponsor of it as well.

Mr. KOHL. We want a roll call vote.

Mr. HATCH. Can we put this over for a vote until next Tuesday?

Mr. KOHL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HATCH. Mr. President, I ask unanimous consent that the vote be postponed until the time set in an agreement of the two leaders.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KOHL. I thank the Chair.

Mr. HATCH. Mr. President, our understanding is that the next amendment will be the Hatch-Feinstein amendment.

Mr. REID. May I ask the manager of the bill a question?

Mr. HATCH. Yes.

Mr. REID. We have people who are ready to come and offer amendments. Could you give an indication as to how long your presentation will take?

Mr. HATCH. I think very little time. I feel badly that Senator FEINSTEIN is not here. She may want to say a few words right before the amendment comes up for a vote. We will offer some time there.

Mr. REID. What is "very little time" in Senate hours?

Mr. HATCH. I think I can explain the Feinstein amendment in probably less than 10 minutes.

Mr. REID. We want to make sure we have somebody ready when that is finished.

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 353

(Purpose: To combat gang violence and for other purposes)

Mr. HATCH. Mr. President, I send an amendment to the desk on behalf of myself and Senator FEINSTEIN and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. HATCH] for himself and Mrs. FEINSTEIN, proposes an amendment numbered 353.

Mr. HATCH. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. HATCH. Mr. President, I understand we will have time to debate this more at a future time.

This amendment, which I am pleased to offer with the Senator from California, Senator FEINSTEIN, is a much refined version of legislation we offered last Congress to address the serious and troubling issue of interstate and juvenile gangs. I want to commend Senator FEINSTEIN for her hard work and dedication on this issue.

Our amendment includes improvement to the current federal gangs statute, to cover conduct such as alien smuggling, money laundering, and high-value burglary, to the predicate offenses under the penalty enhancement for engaging in gang-related crimes, and enhances penalties for such crimes.

It criminalizes recruiting persons into a gang, with tough penalties, including a four year mandatory minimum if the person recruited is a minor.

It amends the Travel Act, 18 U.S.C. 1952, to include typical gang offenses in its predicate acts.

It includes the James Guelff Body Armor Act, which provides penalty enhancements for the use of body armor in the commission of a federal crime. This provision also prohibits the purchase, possession or use of body armor by anyone convicted of a violent felony, but provides an affirmative defense for bona fide business uses, and enhances the availability of body armor and other bullet-proof technology to law enforcement.

It includes penalties for teaching, even over the Internet, how to make or use a bomb, with the knowledge or intent that the information will be used to commit a federal crime.

Finally, our amendment enhances penalties under the Animal Enterprise Terrorism Act, 18 U.S.C. 43, to address the growing problem of attacks on businesses and research facilities, as well as establishes a clearinghouse to track such offenses. These crimes are increasingly being committed by some juvenile gangs, particularly in my state of Utah.

Gangs are an increasingly serious and interstate problem, affecting our crime rates and our youth. A 1997 survey of eighth graders in 11 cities found in 1997 that 9 percent were currently gang members, and that 17 percent said they had belonged to a gang at some point in their lives. These gangs and their members are responsible for as many as 68 percent of all violent crimes in some cities.

My home state of Utah continues to have a serious gang problem. In 1997, there were over 7,000 gang offenses reported to the police in Utah. Although we have seen some improvement from the unprecedented high levels of gang crime a couple of years ago, gang membership in the Salt Lake area has increased 209 percent since 1992. There are now about 4,500 gang members in the Salt Lake City area. Seven hundred and seventy of these, or 17 percent, are juveniles.

During 1998, there were at least 99 drive-by shootings in the Salt Lake City area. Also, drug offenses, liquor offenses, and sexual assaults were all up significantly over the same period in 1997. And in the first 2 months of 1999, there were 14 drive-by shootings in the Salt Lake City area.

An emerging gang in Utah is the Straight Edge. These are juveniles who embrace a strict code of no sex, drugs, alcohol, or tobacco, and usually no meat or animal products. Normally, of course, these are traits most parents would applaud. But these juveniles take these fine habits to a dangerous extreme, frequently violently attacking those who do not share their purist outlook.

There are 204 documented Straight Edgers in Salt Lake City, with an average age of 19 years old. Like most gangs, they adopt distinctive clothing and tattoos to identify themselves. Although not all Straight Edgers engage in criminal activities, many have become very violent prone. They have engaged in coordinated attacks on college fraternities, and a murder outside the Federal Building in downtown Salt Lake City last Halloween night was Straight Edge related. This crime, in which a 15-year-old youth named "Bernardo Repreza" occurred during a gang-related fight against the Straight-Edgers. Three Straight Edge gang members, have been charged with the murder.

Straight Edgers are also being recruited into, and more frequently linked to, the radical animal rights movement. For instance, in 1996, Jacob Kenison, then 16 and a Straight Edger, became so obsessed with animal rights that he set fire to a leather store and released thousands of animals from two Salt Lake County mink farms. In 1997, Kenison was charged in federal court for buying an assault rifle without disclosing he had been charged in state court. In December 1998, Kenison, now 20 years old, was sentenced to 9 months in jail for the mink release. The juveniles who committed the firebombing of a Murray breeders' co-op may have been Straight Edge, and have been linked to the Animal Liberation Front, a loose network of animal rights activists which advocates terrorist-like tactics.

And these gangs are learning some of their tactics on the Internet, which is why our amendment includes a provision making illegal to teach another how to make or use an explosive device intending or knowing that the instructions will be used to commit a federal crime, has passed the Senate on at least three separate occasions. It is time for Congress to pass it and make the law.

Sites with detailed instructions on how to make a wide variety of destructive devices have proliferated on the Internet. As many of my colleagues know, these sites were a prominent part of the recent tragedy in Littleton, Colorado.

Let me give my colleagues an example of one of these sites. The self-styled Animal Liberation Front has been linked to numerous bombings and arsons across the country, including several in my home State of Utah. Posted on their Internet site is the cyber-publication, The Final Nail #2. It is a detailed guide to terrorist activities. This chart shows just one example of the instructions to be found here—in this case, instructions to build an electronically timed incendiary igniter—the timer for a time bomb.

And how do the publishers intend that this information will be used? The suggestion is clear from threats and warnings in the guide. One page in the site shows a picture of an industry spokeswoman, warning her to "take our advice while you still have some time: quit your job and cash in your frequent flier points for a permanent vacation." Now, on this chart, which comes from The Final Nail #2, we have redacted the spokeswoman's address and phone number to protect her privacy. The publishers weren't so considerate. And this is just the beginning. This same document has a 59 page list of targets, complete with names and addresses from nearly every U.S. State and Canadian province.

Let there be no mistake—the publishers know what they're doing. For instance, the instructions on how to make milk jug firebombs comes with this caution: "Arson is a big time felony so wear gloves and old clothes you can throw away throughout the entire process and be very careful not to leave a single shred of evidence."

It is unfortunate that people feel the need to disseminate information and instructions on bombmaking and explosives. Now perhaps we can't stop people from putting out that information. But if they are doing so with the intent that the information be used to commit a violent federal crime—or if they know that the information will be used for that purpose, then this amendment will serve to hold such persons accountable.

Unfortunately, kids today have unfettered access to a universe of harmful material. By merely clicking a mouse, kids can access pornography, violent video games, and even instructions for making bombs with ingredients that can be found in any household. Why someone feels the need to put such harmful material on the Internet is beyond me—there certainly is no legitimate need for our kids to know how to make a bomb. But if that person crosses the line to advocate the use of that knowledge for violent criminal purposes, or gives it our knowing it will be used for such purposes, then the law needs to cover that conduct.

Mr. President, the Hatch-Feinstein Federal Gang Violence Act incorporated in this amendment is a modest but important in stemming the spread of gangs and violence across the country and among our juveniles. I urge my colleagues to support it.

Mrs. FEINSTEIN. Mr. President, I am very pleased to rise today in support of the Hatch-Feinstein amendment, a comprehensive package which contains no less than three different bills which I have introduced, which all seek to stem the steady tide of criminal violence in this country.

Specifically, it includes the following bills which I have introduced:

The Federal Gang Violence Act, a comprehensive package of measures which were recommended by law enforcement to increase their ability to combat the increasingly-violent criminal gangs which are spreading across the country. Senator HATCH and I introduced this legislation in the past two congresses, and some of its provisions have already been included in the bill before us today, as Title II of the bill.

The James Guelff Body Armor Act of 1999, which is designed to increase police and public safety by taking body armor out of the hands of criminals and putting it in the hands of police. I introduced this earlier this year as S. 783, and it has been co-sponsored by Senators SESSIONS, BOXER, REID, BRYAN, and KERRY. We also have incorporated S. 726, the Officer Dale Claxton Bullet Resistant Police Protective Equipment Act of 1999, which was introduced by Senators CAMPBELL and TORRICELLI.

Anti-bombmaking legislation, which is designed to do everything possible under the Constitution to take information about how to make a bomb off the Internet by criminalizing the distribution of such information for a criminal purpose. I have introduced it in the past as an amendment to other bills, with the support of Senator BIDEN, and introduced it earlier this year as part of S. 606, with Senators NICKLES, HATCH, and MACK.

This amendment also includes provisions drafted by Senator HATCH to address animal enterprise terrorism, which he introduced earlier this year as part of his omnibus crime bill, S. 899.

I want to express my great thanks to the distinguished chairman of the Judiciary Committee for working with me to put this package together, which is obviously of the highest priority to me.

Let me now describe what it does, in more detail:

GANGS

Gangs are no longer a local problem involving small groups of wayward youths. Rather, gang violence has truly become a problem of national scope.

The U.S. Justice Department issued a report which details the dramatic scope of this problem: there are over 23,000 youth gangs, in all 50 states; it will come as no surprise to you to learn that California is the number one gang state, with almost 5,000 gangs, and more than three times as many gang members as the next-most gang-plagued state; and overall, there are almost 665,000 gang members in the country, more than a ten-fold increase since 1975. [Source: U.S. Department of Justice, 1995 National Youth Gang Survey, released in August, 1997.]

In Los Angeles alone, nearly 7,300 of its citizens were murdered in the last 16 years from gang warfare, more people than have been killed in all the terrorist fighting in northern Ireland.

Today's gangs are organized and sophisticated traveling crime syndicates—much like the Mafia. They spread out and franchise across the country, many from California.

The Los Angeles-based 18th Street gang now deals directly with the Mexican and Colombian drug cartels, and has expanded its operations to Oregon, Utah, El Salvador, Honduras, and Mexico.

Local police and the FBI have traced factions of the Bloods and Crips to more than 119 cities in the West and Midwest with more than 60,000 members.

The Gangster Disciples, according to local authorities, is a Chicago-based 30,000 member multi-million dollar gang operation spanning 35 states, which traffics in narcotics and weapons, with income estimated at $300,000 daily.

A 1995 study of gang members by the National Gang Crime Research Center found: three-quarters of the gangs exist in multiple geographic areas; half of the gang members belonged to gangs which did not arise locally, but arose with contact from a gang from outside the area; and 61 percent indicated their gang was an official branch of a larger national gang.

Sgt. Jerry Flowers with the gang crime unit in Oklahoma City captured the migration instinct of these gangs when he said: "the gang leaders realized that the same ounce of crack cocaine they sold for $300 in Los Angeles was worth nearly $2,000 in Oklahoma City."

Gangs also steer at-risk youth into crime. A recently released study by the National Institute of Justice went about answering the question: "Are gangs really responsible for increases in crime or are youths who grow up in very difficult circumstances but do not join gangs committing just as many crimes?" To answer this, the Institute scientifically compared gang members with demographically similar at-risk youth in four cities.

The results were very revealing, and I think it's important to share these with the Senate:

> The research revealed that criminal behavior committed by gang members is extensive and significantly exceeds that committed by comparably at-risk but nongang youth.
>
> * * * * *
>
> Youths who join gangs tend to begin as 'wannabes' at about age 13, join about 6 months later, and get arrested within 6 months after joining the gang. By age 14 they already have an arrest record.
>
> * * * * *
>
> An important positive correlation exists between when these individuals joined gangs and when their arrest histories accelerated.
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> * * * * *
>
> [D]ata indicate that gang involvement significantly increases one's chances of being arrested, incarcerated, seriously injured, or killed.
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> * * * * *
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> [G]ang members are far more likely to commit certain crimes, such as auto theft; theft; assaulting rivals; carrying concealed weapons in school; using, selling, and stealing drugs; intimidating or assaulting victims and witnesses; and participating in drive-by shootings and homicides than nongang youths.
>
> * * * * *
>
> Gang members . . . are better connected to nonlocal sources than nongang drug traffickers.
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> * * * * *
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> [N]early 75 percent of gang members acknowledged that nearly all of their fellow gang members own guns. Even more alarming, 90 percent of gang interviewees reported that gang members favor powerful, lethal weapons over small caliber handguns.

Finally, the study noted, "By all accounts, the number of youth gangs and their members continues to grow."

To help stem this tide, my staff met for months with prosecutors, law enforcement officers, and community leaders to search for solutions to the problem of gang violence.

The Federal Gang Violence Act makes the federal government a more active partner in the war against violent and deadly organized gangs. Provisions which are already in the bill include:

Making it a federal crime to recruit someone to join a criminal gang, subject to a one year mandatory minimum if an adult is recruited, and a four year mandatory minimum if a minor is recruited.

One of the most insidious tactics of today's gangs is the way they target children to do their dirty work, and indoctrinate them into a life of crime.

For example, the 18th street gang which I described earlier, according to the Los Angeles Times, "resembles a kind of children's army," with recruiters who scout middle schools for 11- to 13-year-old children to join the gang. The gang's real leaders, however, are middle-aged veteranos, long-time gang members who direct its criminal activities from the background.

The establishment of a High Intensity Interstate Gang Activity Area program.

Efforts to combat gang violence have been hampered by jurisdictional boundaries. The Los Angeles Times has opined that,

> To date, that sort of 'in it for the long haul' anti-gang effort has not occurred among law enforcement authorities here. Local police agencies fail to share information and are unwilling to commit resources outside their boundaries; this is always a problem in multi-jurisdictional Southern California. Federal law enforcement agencies have come in, but only for limited times. Meanwhile, the outlaw force gets nothing more than a bloody nose.
>
> The growth, greed and brutality of the 18th Street gang demand a coordinated local, state and federal response, one prepared to continue for months and even years if necessary.

To remedy this situation, I crafted a program modeled after the popular High Intensity Drug Trafficking Area, or HIDTA, program. The HIIGAA program:

Adds $100 million per year for prosecutors and prevention programs, targeted to areas that are particularly involved in interstate criminal gang activity, for: Joint federal-state-local law enforcement task forces, "for the coordinated investigation, disruption, apprehension, and prosecution of criminal activities of gangs and gang members" in the areas; and community-based gang prevention programs in the areas.

These areas are designated by the Attorney General, who in so doing must consider: The extent to which gangs from the area are involved in interstate or international criminal activity; the extent to which the area is affected by the criminal activity of gang members who are located in or have relocated from other states or foreign countries; and the extent to which the area is affected by the criminal activity of gangs that originated in other states or foreign countries (e.g., by migration of Crips and Bloods).

I believe that this program could be tremendously helpful to the L.A. area in particular, as it is the leading source of interstate gang activity in the country, and could help bring together Los Angeles, Riverside, San Bernardino and other counties with the state and federal governments, in a coordinated, focused effort, balanced between enforcement and prevention, to beat back the gangs.

The amendment Senator HATCH and I are offering today would increase the emphasis upon prevention in this program by boosting that share from 25 to 40 percent, consistent with the committee's action last Congress. The recent NIJ study which I mentioned earlier concluded: "It is also important to address the brief window of opportunity for intervention that occurs in the year between the "wannabe" stage and the age at first arrest. It is vital that intervention programs that target gang members and successfully divert them from the gang are funded, developed, evaluated, improved, and sustained." This program, and the change we propose today, will help to do that.

This amendment also would add the following anti-gang provisions to the bill:

1. Increases sentences for gang members who commit federal crimes to further the gang's activities, by directing the Sentencing Commission to make an appropriate increase under the Sentencing Guidelines.

2. Makes is easier to prove criminal gang activity, by:

Reducing the number of members prosecutors have to prove are in a gang from five to three:

Changing the definition of a criminal gang from a group "that has as one of its primary purposes the commission of" certain criminal offenses to a group "that has as one of its primary activities the commission of" certain criminal offenses;

Adding the following federal offenses to the list of gang crimes: extortion, gambling, obstruction of justice (includes jury tampering and witness intimidation), money laundering, alien smuggling, an attempt or solicitation to commit any of these offenses, or federal violent felonies or drug crimes, which are already included in the current law), and gang recruitment;

Adding asset forfeiture

3. Amends the Travel Act, which passed in 1961 to address Mafia-type crime, to deal with modern gangs, by adding gang crimes such as: assault with a deadly weapon, drive-by shootings, and witness intimidation to its provisions. It also increases penalties under the Act, and helps prosecutors by adding a conspiracy provision to the Act.

4. Adds serious juvenile drug offenses to the Armed Career Criminal Act, which provides for a 15 year mandatory minimum sentence if a felon with three prior convictions for violent felonies or serious drug offenses is caught with a firearm.

5. Further targets gangsters who exploit children by adding a three-year

mandatory minimum sentence to the existing law against knowingly transferring a firearm for use in a violent crime or drug trafficking crime, where the gun is transferred to a minor.

6. Provision addressing clone pagers, which Sen. DEWINE has worked on, which would make it easier to investigate gang members by allowing law enforcement to obtain pagers which are clones of those possessed by gang members, under the lower standard which applies to pen registers, rather than the more difficult wiretap standard, which currently applies.

I want to note that we did not include the provision of last year's bill which was criticized for federalizing much gang crime.

Altogether, this anti-gang package gives federal law enforcement a set of powerful new tools with which to team up with state and local law enforcement and crack down on criminal gangs.

BODY ARMOR

The next piece of this comprehensive amendment is the James Guelff Body Armor Act of 1999, which is designed to increase police and public safety by taking body armor out of the hands of criminals and putting it in the hands of police. As I mentioned previously, I introduced this earlier this year as S. 783, and it has been cosponsored by Senators SESSIONS, BOXER, REID, BRYAN, and KERRY.

Currently, Federal law does not limit access to body armor for individuals with even the grimmest history of criminal violence. However, it is unquestionable that criminals with violent intentions are more dangerous when they are wearing body armor.

Many will recall the violent and horrific shootout in North Hollywood, California, just 2 years ago. In that incident, two suspects wearing body armor and armed to the teeth, terrorized a community. Police officers on the scene had to borrow rifles from a nearby gunshop to counteract the firepower and protective equipment of these suspects.

Another tragic incident involved San Francisco Police Officer James Guelff. On November 13, 1994, Officer Guelff responded to a distress call. Upon reaching the crime scene, he was fired upon by a heavily armed suspect who was shielded by a kevlar vest and bulletproof helmet. Officer Guelff died in the ensuing gun-fight.

Lee Guelff, James Guelff's brother, recently wrote a letter to me about the need to revise the laws relating to body armor. He wrote:

> It's bad enough when officers have to face gunmen in possession of superior firepower . . . But to have to confront suspects shielded by equal or better defensive protection as well goes beyond the bounds of acceptable risk for officers and citizens alike. No officer should have to face the same set of deadly circumstances again.

I couldn't agree with Lee more. Our laws need to recognize that body armor in the possession of a criminal is an offensive weapon. Our police officers on the streets are adequately supplied with body armor, and that hardened-criminals are deterred from using body armor.

This body armor amendment has three key provisions. First, it increases the penalties criminals receive if they commit a crime wearing body armor. Specifically, a violation will lead to an increase of two levels under the Federal sentencing guidelines.

Second, it makes it unlawful for violent felons to purchase, use, or possess body armor. Third, this bill enables Federal law enforcement agencies to directly donate surplus body armor to local police.

I will address each of these three provisions.

First, criminals who wear body armor during the commission of a crime should face enhanced penalties because they pose an enhanced threat to police and civilians alike. Assailants shielded by body armor can shoot at the police and civilians with less fear than individuals not so well protected.

In the North Hollywood shoot-out, for example, the gunmen were able to hold dozens of officers at bay because of their body armor. This provision will deter the criminal use of body armor, and thus deter the escalation of violence in our communities.

Second, this amendment would make it a crime for individuals with a violent criminal record to wear body armor. It is unconscionable that criminals can obtain and wear body armor without restriction when so many of our police lack comparable protection.

The bill recognizes that there may be exceptional circumstances where an individual with a brutal history legitimately needs body armor to protect himself or herself. Therefore, it provides an affirmative defense for individuals who require body armor for lawful job-related activities.

Another crucial part of this body armor amendment is that it speeds up the procedures by which Federal agencies can donate surplus body armor to local police.

Far too many of our local police officers do not have access to bullet-proof vests. The United States Department of Justice estimates that 25 percent of State, local, and tribal law enforcement officers, approximately 150,000 officers, are not issued body armor.

Getting our officers more body armor will save lives. According to the Federal Bureau of Investigation, greater than 30 percent of the 1,182 officers willed by guns in the line of duty since 1980 could have been saved by body armor, and the risk of dying from gunfire is 14 times higher for an officer without a bulletproof vest.

Last year, Congress made some inroads into this shortage of body armor by enacting the "Bulletproof Vest Partnership Grant Act of 1998." This act established a $25 million annual fund to help local and State police purchase body armor. This amendment will further boost the body armor resources of local and State police departments.

These body armor amendments have the support of over 500,000 law enforcement personnel nationwide. The Fraternal Order of Police, the National Association of Police Organizations, the National Sheriffs' Association, the National Troopers Coalition, the International Association of Police Chiefs, the Federal Law Enforcement Officers Association (FLEOA), the Police Executive Research Forum, the International Brother of Police Officers, the Major City Chiefs, and the National Association of Black Law Enforcement Executives, have all endorsed the legislation.

An additional piece of this body armor package is S. 726, the Officer Dale Claxton Bullet Resistant Police Protective Equipment Act of 1999 introduced by Senator CAMPBELL and cosponsored by Senator TORRICELLI.

Senator CAMPBELL's proposals are dedicated to the memory of Dale Claxton, a Colorado police officer who was fatally shot through the windshield of his police car. These proposals include:

Authorizing continued funding for the Bulletproof Vest Partnership Grant Act program at $25 million per year;

Second, creating a $40 million matching grant program to help State and local jurisdictions and Indian tribes purchase bullet resistant glass, armored panels for patrol cars, hand-held bullet resistant shield and other life saving bullet resistant equipment;

Third, authorizing a $25 million matching grant program for the purchase of video cameras for use in law enforcement vehicles; and

Finally, the amendment directs the National Institute of Justice to promote bullet-resistant technologies.

I am pleased that we were able to include these measures in our amendment as well. They strengthen the amendment's purpose to protect police and the public.

BOMBMAKING

Let me turn now to the bombmaking piece of this package.

According to authorities, the killers in Littleton learned how to make their 30-plus bombs form bombmaking instructions posted on the Internet.

Hundreds and hundreds of Web sites contain instructions on how to build bombs, such as this Terrorists' Handbook, which my staff downloaded from the Internet a week after the tragedy. This bombmaking manual contains detailed, step-by-step instructions for building devices such as pipe bombs, lightbulb bombs, and letter bombs, which have no legitimate, lawful purpose. It also tells the reader how to break into college labs to obtain useful chemicals, how to pick locks, and even contains a checklist for raids on laboratories.

INTERNET BOMBMAKING INCIDENTS CONTINUING AFTER LITTLETON

Unfortunately, in the short time since the tragedy in Littleton, Colorado, there has been a steady stream of incidents of youths using the Internet to build bombs and threaten their use at school:

Police arrested five students at McKinley Junior High School in Brooklyn for possessing a bomb-making manual, a day after the eighth-graders were caught allegedly plotting to set off a bomb at graduation. The arrested students, all 13, were charged with second-degree conspiracy after allegedly bringing bomb-making information found on the Internet to class, police and school officials said.

Salt Lake City School District has received about 10 reports of threats to kill or blow up schools, said Nancy Woodward, district director of student and family services. Many of the students making such threats have a history of violent threats and have written about such violence in notebooks or downloaded Internet information. [4/28/99 Deseret News]

Three Cobb County, Georgia boys arrested for possession of a pipe bomb on school property learned how to make the explosive by browsing the Internet, according to testimony at a court hearing.

One week after the high school killings in Colorado, authorities across Texas are reporting a spate of incidents that involve violent threats by students and crude efforts to manufacture bombs.

In Port Aransas, Texas, a 15-year-old boy who allegedly downloaded from the Internet information on bomb making and killing faced criminal charges after the was turned in to police by his father. The boy had threatened teachers and classmates.

At least seven teen-agers are being held in Wimberley and Wichita Falls alone, all of them on suspicion of making explosives, some of which officials say were to be used to attack a school.

A judge ordered four Wimberley, Texas junior high school students to remain in a juvenile detention center, accused of planning an attack on their own school. Sheriff's deputies questioned the four eighth-graders over the weekend and searched their homes, turning up gunpowder, crudely built explosives and instructions on making bombs on computer disks and downloanded from the Internet.

More than 50 threats of bombings and other acts of violence against schools have been reported across Pennsylvania over the last four days, which state officials attributed partly to last week's bombing in Littleton, Colo.

Elsewhere on the Web, the Columbine tragedy has triggered a kind of electronic turf warfare, as individuals snap up site addresses containing words reflecting the tragedy, such as the killers' names or the name of their clique, the Trench Coat Mafia. At least one such site, filled with images of guns and bomb-making instructions, was offered for sale to the highest bidder on eBay, an online auction. "When we became aware of it, we took it down immediately," an eBay spokesman said. "It is totally inappropriate."

And just 28 miles away from where we stand today, three students at Glen Burnie High School, in Maryland, were arrested for issuing bomb threats and possessing bomb-making components. One of those arrested had told another student, "You're on my hit list." A police search of the boys' homes found match heads, suitcases, wires, chemicals, and printouts from the Internet showing how to put it all together to make bombs. Graffiti at the school read, "if you think Littleton was bad, wait until you see what happens here."

DESCRIPTION OF THE LEGISLATION

I have been trying to do as much as I can under the First Amendment to get rid of this sort of filth for four years now. This amendment:

Makes it a federal crime to teach or distribute information on how to make a bomb or other weapon of mass destruction if the teacher: Intends that the information be used to commit a federal violent crime or knows that the recipient of the information intends to use it to commit a federal violent crime; and sets a maximum sentence of 20 years.

This legislation has been endorsed by both the explosives industry (Institute for Makers of Explosives) and the Anti-Defamation League.

HISTORY OF THE AMENDMENT

The substance of this amendment has passed the Senate or the Judiciary Committee in each of the past four years, without a single vote in opposition: in 1995, as an amendment to the anti-terrorism bill, by unanimous consent; in 1996, as an amendment to the Department of Defense authorization bill, again by unanimous consent; in 1997, again as an amendment to the Department of Defense authorization bill, this time by a vote of 94–0; and last year, in the Judiciary Committee, as an amendment to a private relief bill for Kerr-McGee Corporation, by unanimous consent.

Unfortunately, despite the unanimous support of the Senate, the House has killed the amendment in conference each time it has passed the Senate: On the terrorism bill, it was replaced by a directive to the Attorney General to study and report to Congress on six different issues related to the amendment; on the FY 97 Defense bill, it was eliminated because the Attorney General's study was then ongoing, and she had not yet issued her report; on the FY 98 Defense bill, it was eliminated because it falls within the jurisdiction of the Judiciary Committees, and the House objected to its not taking this usual course.

JUSTICE DEPARTMENT SUPPORT

I mentioned the Justice Department report earlier; that report found that the amendment was justified on each of the six factors the Department was asked to consider, and recommended that Congress finally pass this legislation:

Factor: "(1) the extent to which there is available to the public material in any medium (including print, electronic or film) that provides instruction on how to make bombs, destructive devices, or weapons of mass destruction."

DOJ Report: "It is readily apparent from our cursory examination that anyone interested in manufacturing a bomb, dangerous weapon or weapon of mass destruction can easily obtain detailed instructions for fabricating and using such a device."

Factor: "(2) the extent to which information gained from such materials has been used in incidents of domestic or international terrorism."

DOJ Report: "Recent law enforcement experience demonstrates that persons who attempt or plan acts of terrorism often possess literature that describes the construction of explosive devices and other weapons of mass destruction (including biological weapons)."

"[R]eported federal cases involving murder, bombing, arson, and related crimes, reflect the use of bombmaking manuals by defendants and the frequent seizure of such texts during the criminal investigation of such activities."

"Finally, information furnished by the Bureau of Alcohol, Tobacco and Firearms reveals that such literature is frequently used by individuals bent upon making bombs for criminal purposes."

The report connected "mayhem manuals" to numerous terrorist and criminal actions, including: The World Trade Center bombing; the Omega 7 group, who conducted terrorist bombings in the New York area; an individual attempting to bring enough ricin—one of the most toxic substances known—into the U.S. to kill over 32,000 people; and the "Patriots Council" began developing ricin to attack federal or local law enforcement officials.

Factor: "(3) the likelihood that such information may be used in future incidents of terrorism."

DOJ Report: "both the FBI and ATF expect that because the availability of such information is becoming increasingly widespread, such bombmaking instructions will continue to play a significant role in aiding those intent upon committing future acts of terrorism and violence."

Factor: "(4) the application of Federal laws in effect on the date of enactment of this Act to such material."

DOJ Report: "while there are several existing federal laws which could be applied to bombmaking instructions in some circumstances, "current federal law does not specifically address certain classes of cases."

Factor: "(5) the need and utility, if any, for additional laws relating to such material."

DOJ Report: "the Department of Justice agrees with [Senators FEINSTEIN and BIDEN] that it would be appropriate and beneficial to adopt further legislation to address this problem directly, in a manner that does not impermissibly restrict the wholly legitimate publication and teaching of such information, or otherwise violate the First Amendment."

Factor: "(6) an assessment of the extent to which the first amendment protects such material and its private and commercial distribution."

DOJ Report: "where such a purpose [to aid or cause a criminal result] is proved beyond a reasonable doubt, as it would have to be in a criminal case, the First Amendment should be no bar to culpability."

"[We] think these First Amendment concerns can be overcome, and that such a facilitation prohibition could be constitutional, if drafted narrowly."

I ask that the Justice Department's report be incorporated by reference as part of the RECORD.

The Justice Department proposed a slight re-draft of the original version of the Feinstein amendment. It is this redraft which we have included in this amendment with one further modification, removing state crimes from its scope, made at the request of Representative MCCOLLUM.

CONCLUSION

This is a powerful set of amendments, which I am convinced can do a great deal to reduce criminal violence in America. I urge my colleagues to join me in supporting this.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, is the bill open for my amendment now?

Mr. HATCH. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The pending legislation is the Hatch-Feinstein amendment.

Mr. BYRD. I ask unanimous consent that measure be temporarily laid aside so I may offer an amendment.

Mr. HATCH. Will the Senator yield?

Mr. BYRD. Gladly.

Mr. HATCH. I am trying to work out the details to see if we can proceed with the Senator's amendment. If the Senator will give me a little bit more time, I will see if we can get that worked out.

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. REID. Will the Senator yield?

Mr. BYRD. I am told I could offer the amendment. I am glad to yield, however.

Mr. REID. Mr. President, we want to do something on this bill. I have been asked personally by the majority leader and the minority leader to move this legislation along. I have pled with Members from the minority to narrow the amendment. We have done that. There are time limits on most every one.

We have spent 2 hours today trying to offer amendments. We want to offer amendments. We are being told we can't offer gun amendments, so we bring in the second most senior Member of the Senate to offer an amendment dealing with alcohol, and we are told we can't offer that.

What can we offer? I say to my friend from Utah, what can we offer? We want to move this thing along. I have been here since early this morning trying to move this bill along, and whatever we do we can't do it. You can't have it both ways. We can't be accused of trying to slow down the legislation and when we want to offer amendments we can't offer anything.

Mr. HATCH. Will the Senator yield?

Mr. BYRD. I would be glad to yield.

Mr. HATCH. We understand that most Senators have left. We also understand some of these amendments are controversial and they need debate on both sides. We also understand that some of us have to protect ourselves on both sides or protect our Senators.

We are moving ahead. I just put in a very important amendment for Senator FEINSTEIN and myself. We are submitting our statements for the RECORD today rather than taking the time of the Senate. We are moving ahead in a regular forum. We can move with some amendments today and some we can't. We do want to move ahead and we will certainly try to do so and accommodate Members. When it comes to protecting Members of the Senate, we have to do that. It is just a common courtesy that has been used in this body ever since I have been here for 23 years. I don't want to see that courtesy not extended at this time.

What I am hoping is that we can proceed with the Byrd amendment, which happens to be the bill that I filed on alcohol sales over the Internet. We know that the Senators from the States who are in opposition are not here today. We will try to work out an arrangement where this amendment can be filed and reserve time, an equivalent amount of time, for those who may be in opposition.

We have asked for just a few minutes for one of our distinguished Senators who has a direct interest in this to be able to read the amendment. It is not a long amendment. If we could just get a few more minutes of time.

As I now understand, the amendment is OK. Let's go ahead.

May I propose a unanimous consent request?

Mr. BYRD. Mr. President, may I speak for 1 minute?

This amendment has been printed in the RECORD. It is at the desk. So I have conformed with the request to get our amendments in. It was in yesterday's CONGRESSIONAL RECORD.

Mr. HATCH. Will the Senator yield for a unanimous consent request?

Mr. BYRD. It catches no one by surprise.

I yield to the Senator.

Mr. HATCH. Nobody is accusing anybody of surprise. The Senator has every right to call up his amendment and we are glad he is.

I ask unanimous consent whatever time the Senator takes on this amendment today, that those in opposition be permitted to take when they return on Monday.

Mr. REID. Reserving the right to object.

Mrs. FEINSTEIN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Nevada is recognized under his reservation.

Mr. BYRD. Do I still have the floor?

The PRESIDING OFFICER. The Senator from West Virginia continues to have the floor.

Mr. BYRD. I yield to the Senator from Nevada.

Mr. REID. Reserving the right to object, I say to my friend from Utah, of course people in opposition to this amendment can come and talk until the leader pulls the bill.

I don't understand why we can't move forward with amendments. If somebody wants to make an objection to the amendment in the form of a speech, they can come anytime they want. That is how we do business around here. When an amendment is offered, you don't have to have on the floor somebody on the other side to oppose it.

We are being accused of slowing down this bill. We are doing everything we can to move the bill along. I hope everyone understands who is slowing down this bill. It is not us.

Mr. LEAHY. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I wonder how this works. Does this mean if we have other amendments on either side that come up, just because somebody is not there to respond to it, does that mean this will now become the procedure to be followed? We will let the proponent speak, and then on Monday the opponents speak?

I ask that because we have to do something to move this on. It is frustrating to the Senator from Vermont, who has canceled all other plans today to be here into the evening, if necessary, to move forward on this bill, in keeping with what the majority leader said he wants done, if he suddenly finds he will be picking and choosing whether anybody can bring up an amendment or not.

If Senators are serious about the amendments, they can come here and offer them. It is more of a question to the distinguished Senator from Utah: Is this going to be the practice, if another Senator brings up an amendment and there is not somebody on the other side, will that Senator bring it up and speak about it, and the other Senator comes back and responds on Monday?

Mr. HATCH. Mr. President, I will try to protect Senators on our side who may not be here. I presume the distinguished Senator from Vermont will do the same for Senators on this side when we know they are in opposition or opposing a particular amendment.

I amend my unanimous consent request to request that, immediately following Senator BYRD's presentation of his amendment, Senators FRIST and ASHCROFT be permitted to call up their amendment.

Mrs. FEINSTEIN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, before I agree, I would like——

Mr. BYRD. May I say to the Chair, I am recognized.

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. BYRD. If the distinguished Senator from California wishes to say something, I would be glad to yield for a statement.

Mrs. FEINSTEIN. I thank the Senator. I wish to oppose your amendment and so I wish to see that there is an opportunity for me to do so.

Mr. BYRD. Mr. President, the Senator from California will certainly have an opportunity to oppose my amendment. Anybody else will certainly have an opportunity to do that.

Mr. HATCH. May I have a ruling on my unanimous consent request to get this order?

Mr. BYRD. Would the Senator remind repeating his request?

Mr. HATCH. I ask unanimous consent that there be given time to debate by opponents on Monday, if they are unable to be here at this time, to amendments that are called up today, and we give them the time to debate the equivalent used today—in the case of Senator FEINSTEIN, she is here so she can reply regarding Senator BYRD's amendment—but that Senator BYRD's amendment proceed, and immediately following the Byrd amendment, that Senators FRIST and ASHCROFT be permitted to call up their amendment, hopefully speaking for only 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from West Virginia.

Mr. BYRD. Mr. President I wasn't here when the consent order was entered. But do I understand that no amendment in the second degree can be offered today?

The PRESIDING OFFICER (Mr. HAGEL). No second-degree amendment can be offered and voted on until there has been a vote on or in relationship to the amendment.

Mr. BYRD. Mr. President, I do not seek any vote on my amendment today, but I have entered it earlier and I want to speak to it and officially call it up today. And it will be up on Monday for further debate and for amendment by other amendments.

AMENDMENT NO. 339

(Purpose: To provide for injunctive relief in Federal district court to enforce State laws relating to the interstate transportation of intoxicating liquor)

The PRESIDING OFFICER. The clerk will report the Senator's amendment.

Mr. BYRD. Mr. President, I want the clerk to report it in full.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself and Mr. KOHL, proposes an amendment numbered 339:

At the appropriate place, insert the following:

SEC. . TWENTY-FIRST AMENDMENT ENFORCEMENT.

(a) SHIPMENT OF INTOXICATING LIQUOR INTO STATE IN VIOLATION OF STATE LAW.—The Act entitled “An Act divesting intoxicating liquors of their interstate character in certain cases”, approved March 1, 1913 (commonly known as the “Webb-Kenyon Act”) (27 U.S.C. 122) is amended by adding at the end the following:

“SEC. 2. INJUNCTIVE RELIEF IN FEDERAL DISTRICT COURT.

“(a) DEFINITIONS.—In this section—

“(1) the term ‘attorney general’ means the attorney general or other chief law enforcement officer of a State, or the designee thereof;

“(2) the term ‘intoxicating liquor’ means any spirituous, vinous, malted, fermented, or other intoxicating liquor of any kind;

“(3) the term ‘person’ means any individual and any partnership, corporation, company, firm, society, association, joint stock company, trust, or other entity capable of holding a legal or beneficial interest in property, but does not include a State or agency thereof; and

“(4) the term ‘State’ means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States.

“(b) ACTION BY STATE ATTORNEY GENERAL.—If the attorney general of a State has reasonable cause to believe that a person is engaged in, is about to engage in, or has engaged in, any act that would constitute a violation of a State law regulating the importation or transportation of any intoxicating liquor, the attorney general may bring a civil action in accordance with this section for injunctive relief (including a preliminary or permanent injunction or other order) against the person, as the attorney general determines to be necessary to—

“(1) restrain the person from engaging, or continuing to engage, in the violation; and

“(2) enforce compliance with the State law.

“(c) FEDERAL JURISDICTION.—

“(1) IN GENERAL.—The district courts of the United States shall have jurisdiction over any action brought under this section.

“(2) VENUE.—An action under this section may be brought only in accordance with section 1391 of title 28, United States Code.

“(d) REQUIREMENTS FOR INJUNCTIONS AND ORDERS.—

“(1) IN GENERAL.—In any action brought under this section, upon a proper showing by the attorney general of the State, the court shall issue a preliminary or permanent injunction or other order without requiring the posting of a bond.

“(2) NOTICE.—No preliminary or permanent injunction or other order may be issued under paragraph (1) without notice to the adverse party.

“(3) FORM AND SCOPE OF ORDER.—Any preliminary or permanent injunction or other order entered in an action brought under this section shall—

“(A) set forth the reasons for the issuance of the order;

“(B) be specific in terms;

“(C) describe in reasonable detail, and not by reference to the complaint or other document, the act or acts to be restrained; and

“(D) be binding only upon—

“(i) the parties to the action and the officers, agents, employees, and attorneys of those parties; and

“(ii) persons in active cooperation or participation with the parties to the action who receive actual notice of the order by personal service or otherwise.

“(e) CONSOLIDATION OF HEARING WITH TRIAL ON MERITS.—

“(1) IN GENERAL.—Before or after the commencement of a hearing on an application for a preliminary or permanent injunction or other order under this section, the court may order the trial of the action on the merits to be advanced and consolidated with the hearing on the application.

“(2) ADMISSIBILITY OF EVIDENCE.—If the court does not order the consolidation of a trial on the merits with a hearing on an application described in paragraph (1), any evidence received upon an application for a preliminary or permanent injunction or other order that would be admissible at the trial on the merits shall become part of the record of the trial and shall not be required to be received again at the trial.

“(f) NO RIGHT TO TRIAL BY JURY.—An action brought under this section shall be tried before the court.

“(g) ADDITIONAL REMEDIES.—

“(1) IN GENERAL.—A remedy under this section is in addition to any other remedies provided by law.

“(2) STATE COURT PROCEEDINGS.—Nothing in this section may be construed to prohibit an authorized State official from proceeding in State court on the basis of an alleged violation of any State law.”.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I have not asked for any action on this amendment, but I did want to have it read for the information of the Senate, and I want to speak on it briefly, after which I shall return to my office.

Mr. President, over the past few days, many of my colleagues have come to this Chamber and, with heartfelt passion, offered proposals aimed at addressing the scourge of juvenile crime and violence. We have seen efforts to reduce the pervasiveness of violence and indecency on television and in the movies. We have seen efforts to provide the tools parents need in order to make the Internet a safe and educational environment for their children. We have observed proposals to increase criminal penalties for those who would seek to subvert our youth by introducing them to gangs or the drug culture; and we have had attempts to limit children's access to guns.

Each of these has been, I believe, an honest effort toward seeking a much-needed solution to this national problem. And yet, despite these proposals, I am deeply concerned that we have overlooked an important element of this crisis—the problem of teen alcohol use—the problem of teen, t-e-e-n, alcohol use—more appropriately, perhaps, alcohol abuse.

I have long been concerned about underage drinking.

As a matter of fact, I am not an advocate of drinking at any age, but I recognize that not everybody seeks to pattern their own viewpoints and lives after my viewpoints. But especially—especially—I speak with reference to underage drinking.

It takes an immense toll on our children and our society. The younger a child starts drinking, the more likely that child is to run into bad, bad trouble down the road. Research has shown, for example, that children who begin drinking before age 15 are four times more likely to develop alcohol dependence than those who abstain from such activity until the legal drinking age of 21. We also know that too many kids are drinking.

If one kid is drinking, that is too many. I am not saying that with reference to this legislation. Obviously, if one is drinking, that is one too many. But for the purposes of this statement, let it stand as I say. We also know that too many kids are drinking.

During the last month, approximately 34 percent of high school seniors, 22 percent of tenth graders, and 8 percent of eighth graders, have been drunk.

That is hard to imagine. I started school in a two-room schoolhouse. I have said that many times, but I like to repeat it because there are still some of us here who remember those times. When I was later in high school, that would not have been tolerated. The parents would not have tolerated it. The community would not have tolerated it. The school principal, the teachers would not have tolerated it.

Let me read that again.

During the last month, approximately 34 percent of high school seniors—now that is a third of high school seniors—22 percent of the tenth graders; in other words, one-fifth of the tenth graders, and 8 percent of the eighth graders—think of that, 8 percent of the eighth graders—have been drunk!

What is going on here? Drunk. How can that happen if there is a parent who observes the responsibilities of a parent? How can a drunk child avoid the observation of the parent?

Yes, I said drunk! And, in the most tragic of statistics, we know that, in 1996, 5,233 young people ages 15 to 20 died in alcohol-related traffic accidents—5,233 lives cut short for what? Mr. President, 5,233 young people ages 15 to 20 died, and that means for a long, long time—died in alcohol-related traffic accidents. These statistics should be a cause for great concern not just among Senators, but for everyone throughout this Nation. Everybody. The churches ought to be up in arms about it. Legislators ought to be up in arms about it. The administration ought to put forth a crusade, not just a word here and there, tippy-toeing around. There ought to be a real crusade like the crusade that has been effectively carried on against smoking. Why not have a national crusade against drinking and especially concerning young people in school? Something is wrong.

Mr. President, we should also be concerned that, with direct-to-consumer sale of alcohol, children can now get beer, wine, or liquor sent directly to their homes by ordering from catalogues or over the Internet.

What a shame. Again, I have to point my finger at the parents. What a shame. Children can now get beer, wine or liquor sent directly to their homes by ordering from catalogs or over the Internet.

Unfortunately, these direct-to-consumer sales work to undermine the extremely important controls currently in place in many of our States.

Consequently, I am offering this amendment, on behalf of myself and Senator KOHL, in an effort to give States the opportunity to close that loophole and go after those who sell alcohol illegally to children. The Webb-Kenyon Act, a Federal statute dating back to the early part of this century, makes clear that States have the authority to control the shipment of alcohol into the State. Unfortunately, recent court decisions have maintained that the statute provides no enforcement mechanism. In the 1997 case of Florida Department of Business Regulation v. Zachy's Wine and Liquor, for example, the State of Florida was prohibited from enjoining four out-of-State direct shippers on the grounds that neither the 21st amendment to the Constitution, nor the Webb-Kenyon Act, gave the State a Federal right of action for failure to comply with State liquor laws. Thus, as a result of this and other court decisions, the ability of States to vigorously enforce their prerogatives under the 21st amendment and the Webb-Kenyon Act against out-of-State defendants is extremely limited at the very time when illegal alcohol shipments are burgeoning.

This amendment would remedy this problem by stating unequivocally—no ands, ifs, or buts; unequivocally—that States have the right to seek an injunction in Federal court to prevent the illegal, interstate sale of alcohol in violation of State law.

I am not saying you cannot sell it. I am simply saying that we should obey State laws by not selling alcohol to children—or expect to pay the consequences.

This amendment is based on legislation originally introduced earlier this year by the distinguished Senator from Utah, Mr. HATCH. The distinguished Senator from Utah has been at the forefront of this issue, and I thank him for his leadership on this important matter. In addition, Senator KOHL is a cosponsor of my amendment and I sincerely thank him as well for his steadfast support.

Beyond my colleagues here in the Senate, though, this legislation has garnered diverse support. Organizations favoring this amendment include the American Academy of Pediatrics, the International Association of Chiefs of Police, the Wine and Spirits Wholesalers of America, the National Beer Wholesalers Association, the National Licensed Beverage Association and the National Alcohol Beverage Control Association.

Mr. President, let me be clear about what my amendment does. It simply clarifies that States may use the Federal courts to obtain an injunction to prevent the illegal shipment of alcohol. It does not overturn or interfere with any existing State law or regulation. It would have no impact on those companies that are selling alcohol products in accordance with State laws. It would not impede legal access to the marketplace. In fact, there are distributors who have offered to sell the products of any wine manufacturer, no matter how small that company might be. My amendment would have no impact on those who are using the Internet to sell alcohol products legally.

In sum, companies would remain free to utilize any marketing or sales process currently permitted under State law. That is why companies that legally sell alcohol over the Internet, such as Geerlings and Wade, have endorsed this legislation. The legislation would only impede those who use the Internet or other marketing techniques to avoid compliance with State alcohol laws.

Mr. President, as the Senate addresses the pernicious problem of youth crime and violence, I urge my colleagues to join me in addressing this important facet. We should not—indeed, we cannot—turn a blind eye to those who would, and do, violate State laws governing the sale of alcoholic beverages. The laws regulating alcoholic beverages are in place because such products can be—can be—a dangerous product. It should not be shipped to minors. It should not be shipped into States in violation of those States' laws. Congress should act now and ensure that the laws regulating the interstate shipment of alcohol are not rendered meaningless.

Mr. President, that completes my statement.

I yield the floor.

Mr. HATCH. Mr. President, if nothing else can be said about this issue, it is absolutely imperative that states have the means to prevent unlawful access to alcohol by our children.

If a 13-year-old is capable of ordering beer and having it delivered by merely "borrowing" a credit card and making a few clicks with her mouse, there is something wrong with the level of control that is being exercised over these sales and something must be done to address the problem.

I am a strong supporter of electronic commerce. But the sale of alcohol cannot be equated with the sale of a sweater or shirt. We need to foster growth in electronic commerce, but we also need to make sure that alcohol control laws are respected.

The growth of many of our nation's wineries is tied to their ability to achieve name recognition and generate sales nationwide—tasks the Internet is uniquely suited to accomplish. I do not want to preclude them from using the Internet; I want to ensure that they use it responsibly and in accordance with state laws.

If there is a problem with the system, we need to fix the system, not break the laws.

The 21st amendment gives states the right to regulate the importation of alcohol into their states. However, efforts to enforce laws relating to the importation of alcohol have run into significant legal hurdles in both state and Federal courts.

The scope of the 21st amendment is essentially a Federal question that must be decided by the Federal courts—and ultimately the Supreme Court. For that reason, among others, I believe a Federal court forum is appropriate for state enforcement efforts.

Most states do not permit direct shipping of alcohol to consumers. Therefore most Internet sales of alcohol are currently prohibited. If a state wants to set up a system to allow for the direct shipment of alcohol to consumers, such as New Hampshire and Louisiana have already done, then that is their right under the 21st amendment. But the decision to permit direct shipping, and under what conditions, is up to the states, not the purveyors of alcohol.

S. 577, the Twenty-First Amendment Enforcement Act was introduced by myself and Senator DEWINE on March 10, 1999. Senators BYRD and CONRAD have now cosponsored and Senator KOHL is to be added as a sponsor.

It is my understanding that Senator BYRD will offer the Twenty-First Amendment Enforcement Act as an amendment to S. 254, the Violent and Repeat Juvenile Offender Accountability Act of 1999. To my knowledge, only three Senators have gone on record opposing the bill—FEINSTEIN, DURBIN, ROCKEFELLER—and 57 Senators have given the bill tentative approval.

The bill is supported by a host of interests including, *inter alia*, Utah interests (Governor Leavitt, Attorney General Graham, Utah's Department of Alcoholic Beverage Control, the Utah Hospitality Association, numerous Utah Congressional Representatives and Senator BENNETT), SADD, the National Licensed Beverage Association, the National Beer Wholesalers Association, the Wine and Spirits Wholesalers, Geerlings and Wade (leading direct marketer of fine wines to 27 States and more than 81 percent of the wine consuming public) Americans for Responsible Alcohol Access, the National Association of Beverage Retailers, the National Alcohol Beverage Control Association, and the National Conference of State Liquor Administrators.

I had intended to offer this amendment. Senator FEINSTEIN asked that I withhold—and I was agreeable to working with her. I still wish to work with her. But, given Senator BYRD's decision to offer the amendment at this time I feel compelled to vote my conscience.

I have been working with Senator FEINSTEIN and others to try to come to an agreement on legislation which will balance the legitimate commercial interests involved with the rights of the states under the 21st amendment. However, I haven't seen any proposed amendments at this time which help alleviate the problems inherent in direct shipping while at the same time protecting the wineries' commercial interests.

I still want to work with the vineyards and those who have concerns. I hope we can keep working together.

SUMMARY OF BYRD AMENDMENT (S. 577, THE "TWENTY-FIRST AMENDMENT ENFORCEMENT ACT")

(1) Permits the chief law enforcement officer of a state to seek an injunction in federal court to prevent the violation of any of its laws regulating the importation or transportation of alcohol;

(2) Allows for venue for the suit where the defendant resides and where the violations occur;

(3) No injunctions issued without prior notice to the opposing party;

(4) Requires that injunctions be specific as to the parties, the conduct and the rationale underlying the issuance of the injunction;

(5) Allows for quick consideration of the application for an injunction; conserves court resources by avoiding redundant proceedings;

(6) Mandates a bench trial.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. I ask unanimous consent to send an amendment to the desk.

The PRESIDING OFFICER. Is there objection to the Senator's request?

Mr. BYRD. Mr. President, I certainly have no objection to the Senator sending her amendment to the desk. Wait, Mr. President. Is this amendment a second-degree amendment?

Mrs. FEINSTEIN. First degree.

Mr. ASHCROFT. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Is this an amendment to the amendment offered by the Senator from West Virginia or is this another amendment?

Mrs. FEINSTEIN. I say to the Senator, this is another amendment on the same subject. It is a first-degree amendment.

Mr. ASHCROFT. If I may ask, as a point of procedure, I thought we were operating under a unanimous consent that the next amendment to be offered was to be, according to the unanimous consent, an amendment sponsored by Senator FRIST and myself.

The PRESIDING OFFICER. The Senator is correct.

Mr. ASHCROFT. I do not mean to forestall other amendments, but it was just my understanding. I am happy to try to work out a unanimous consent which allows for the other amendment. But I think it would be appropriate to do that rather than set aside the amendment in place, and as a result, until we work that out, I object.

The PRESIDING OFFICER. Objection is heard.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Could I ask the distinguished Senator what her amendment is?

Mrs. FEINSTEIN. Yes. The amendment essentially would require that when one ships an alcoholic beverage, that there be a label on the shipping container that contains clearly and prominently an identification of the contents of the package. It would then require that upon delivery, an adult must show identification to receive it. It also would provide that it is a criminal charge to violate that, and with three violations, the BATF revokes the license.

Mr. HATCH. I ask the distinguished sponsor of the amendment, is this one of the amendments that has been approved by both sides under the unanimous consent agreement?

Mrs. FEINSTEIN. I do not believe it has been.

Mr. HATCH. If it has not been, the only way we can bring it up without objection would be to get one of the—I think there are nine reserved amendments that could be utilized for this purpose. If you can do that, if I have interpreted this correctly, you would like your amendment right after the Byrd amendment so there will be a contrast.

Mrs. FEINSTEIN. If possible, yes.

Mr. HATCH. I support the Byrd amendment, but I do not think that is an unreasonable request. I ask my colleagues on this side to allow it, as long as there is not a lot of intervening debate.

Mrs. FEINSTEIN. Thank you very much.

The PRESIDING OFFICER. Is there objection to the request of the Senator from California? Hearing none, it is so ordered.

The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank the distinguished Senator from Utah for doing that. It was a request similar to what I wanted. I agree with him. I happen to support the amendment by the distinguished Senator from California. I think it is a very reasonable and realistic one that should be passed.

Mr. HATCH. I do not know whether I was clear or not on my unanimous consent request, but she should be entitled to do it if she can use one of those nine amendments which have been reserved for things like this. We shouldn't have this if it is an additional amendment to all the ones we have on the RECORD.

Mr. LEAHY. I did not understand that to be the unanimous consent.

Mr. HATCH. That is what I meant to say.

Mr. LEAHY. I did not understand that to be the unanimous consent request that was agreed to.

Mr. HATCH. Let me rephrase the unanimous consent request. There are nine reserved amendments, five by the distinguished ranking member and four by the minority leader. The Senator should be allowed to call up this amendment utilizing one of those nine amendments, if she wants to. I do not want to expand the amendment list.

I ask unanimous consent that she be permitted to do that, utilizing one of the nine that aren't presently utilized.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Reserving the right to object, I make a parliamentary inquiry. What is the unanimous consent request the Senate just agreed to prior to this, as propounded by the distinguished senior Senator from Utah?

Mr. HATCH. Would the Senator acknowledge——

Mr. LEAHY. Could I get an answer?

Mr. HATCH. I do not know that I was clear. That is why I am trying to be clear now.

Mr. LEAHY. Well, all of us are unclear at times. I just want to be clear so I can understand how the Chair understands it.

Mr. HATCH. I did mention the nine amendments. That is clearly the import of what I wanted to do.

Mr. LEAHY. Well, except that that would not require, I would say to my friend from Utah, unanimous consent in any event, because we could just simply take one of those——

Mr. HATCH. I am prepared, but I think we should use one of the nine open amendments to be fair about it. But if you want to raise a technical objection and not use one, that is fine with me, because it is fair to the distinguished Senator from California, whom I oppose. That is why you kept those amendments. I think it is fairer to use one of them. That way, we do not expand the list. That is what I would do for you. If you won't, then I will accept whatever.

Mr. LEAHY. I tell my friend from Utah, I hope that I don't have to use them all in any event. But again, the reason I didn't object or anything, my understanding was that the distinguished Senator from Utah proposed a unanimous consent agreement which basically paralleled the unanimous consent agreement that the distinguished senior Senator from California had already made, which was to move forward, to be allowed to introduce her amendment. Now, that is why I am asking the distinguished occupant of the Chair, the Senator from Nebraska, just what it is we have agreed to.

Mr. HATCH. Let me say—

Mr. LEAHY. I am getting old, and it is Friday afternoon, Mr. President. I want to make sure I understand.

Mr. HATCH. I believe I was inarticulate. I believe I did not make it clear that one of these nine amendments should be used. If the Senator wants to be technical about it and not utilize one of those nine amendments, then let's quit debating and wasting time on it. We will just expand the amendment list by one in order to accommodate a Member of his side, but I would prefer, if he would, that he grant her the use of one of the nine which currently are not being used, as a courtesy to me and to her. And if he doesn't, we will do the other. I don't care, but I don't want a big debate on it. I want to get to the Ashcroft amendment, if we can.

Mr. BYRD. Will the Senator yield?

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I have two amendments that have been agreed upon for calling up. One of those I will not call up, if I may yield that slot to the distinguished Senator from California.

Mr. HATCH. If you will do that, that will be—

Mr. LEAHY. That takes care of everybody's problem, and it satisfies the Senator from Utah and the Senator from Vermont.

The PRESIDING OFFICER. Without objection, the request is modified and the request is agreed to.

The Senator from California.

Mrs. FEINSTEIN. I thank the Chair, and I thank the Senator from West Virginia whose intelligence is only exceeded by his gentility and courtliness. Thank you very, very much.

Mr. BYRD. I thank the Senator.

AMENDMENT NO. 354

(Purpose: To modify the laws relating to interstate shipment of intoxicating liquors)

Mrs. FEINSTEIN. If I may, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN] proposes an amendment numbered 354.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, add the following:

SEC. . INTERSTATE SHIPMENT AND DELIVERY OF INTOXICATING LIQUORS.

(a) IN GENERAL.—Chapter 59 of title 18, United States Code, is amended—

(1) in section 1263—

(A) by inserting "a label on the shipping container that clearly and prominently identifies the contents as alcoholic beverages, and a" after "accompanied by"; and

(B) by inserting "and requiring upon delivery the signature of a person who has attained the age for the lawful purchase of intoxicating liquor in the State in which the delivery is made," after "contained therein,"; and

(2) in section 1264, by inserting "or to any person other than a person who has attained the age for the lawful purchase of intoxicating liquor in the State in which the delivery is made," after "consignee,".

(b) REVOCATION OF BASIC PERMIT.—The Director of the Bureau of Alcohol, Tobacco, and Firearms shall revoke the basic permit of any person who has been convicted of 3 or more violations of the provisions of title 18, United States Code, added by this section.

Mrs. FEINSTEIN. Mr. President, what I believe we are in, to some extent, is a kind of interindustry beef, if I might use that vernacular. And it all deals with the shipment of alcohol or alcoholic beverages across State lines.

The amendment just submitted by the distinguished Senator from West Virginia is of major concern to the California wine industry. It is of major concern to the California wine industry, which makes 90 percent of the wine of this country, because small boutique wineries, which have wine tastings and then offer for sale a bottle of rather expensive wine over the Internet, are essentially affected by this amendment, which takes all State laws and essentially provides a Federal court venue.

We have had discussions in the Judiciary Committee; we had a full hearing in the the Judiciary Committee. The California Wine Institute testified as well as a vintner from Santa Cruz, CA. I thought there was going to be a delay. Senator **HATCH** had this amendment. He decided to let it sit for awhile so that we could put together some agreement.

Mothers Against Drunk Driving has been an original supporter of what the distinguished Senator from West Virginia proposes. However, at this time I will read from the text of a letter, dated May 13, from Mothers Against Drunk Driving, signed by Karolyn Nannalee, the national president.

> At the time MADD provided testimony no legislation had been drafted on the subject. The text of S. 577 has implications far beyond our concerns and is, in fact, a battle between various elements within the alcoholic beverages industry. It does not surprise us that the competing parties would like to have the support of the victims of drunk driving. It does, however, dismay us that they would go to such lengths to misrepresent our views on the subject.

I only say this because Mothers Against Drunk Driving does not, in fact support the legislation that has just been presented.

The allegation is, of course, that this legislation is directed against the wine industry, which is having increasing success in the United States as more and more Americans consume wine as opposed to other alcoholic beverages. For the small winery that may not have shelf space in a supermarket, the Internet has emerged as a source of sales of their products.

Now, let's address the question of teenage drinking. In this respect, I agree entirely, 100 percent, with what the distinguished Senator from West Virginia said. We ought to do everything we can to discourage teenage drinking. I do not have a problem with that. What I have a problem with is throwing all complicated laws with respect to alcoholic beverages into the Federal courts. I think that is unnecessary, and I think it is unwanted by many of us at least.

The amendment I have submitted—actually as an alternative, although it is a first-degree amendment—as an alternative to the amendment of the distinguished Senator from West Virginia, I believe, would solve the problem, because it would require that any package containing an alcoholic beverage that is shipped across State lines must be labeled clearly and its contents must be identified as alcoholic beverages.

Second, it would require that upon delivery the recipient must be of an age to lawfully purchase the beverage and must sign and identify himself or herself as such. It would require the invoice to state that an adult signature is required for delivery. It would require the deliverer not to deliver unless an adult signature is attached. It provides criminal penalties for violation, and with three violations the BATF, on a mandatory basis, must revoke the basic permit of any person who has been convicted of three or more violations of this section.

I think this gets at the basic problem by setting up safeguards so that particularly wine can be shipped across State lines by the purchaser.

This is complicated but is something that has arisen and has become a kind of folk art, if you will, and that is the wine tasting where people go to wine areas, where they go directly to the winery where there is a wine tasting, where they see a new bottle of wine, sometimes very limited supply, and they say: Oh, how can I buy it? And the vendor will say: You can buy it through my web site, and it is $90, $80, $70 a bottle. That is how this is done.

I believe my amendment, without throwing all of this into Federal court, essentially skins the cat without killing it. I would be hopeful that the Senate would see it as worthy.

I very much thank the distinguished Senator from West Virginia. I would like to thank the ranking member and those who made it possible for me to offer this amendment at this time.

I yield the floor.

Mr. FRIST addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

AMENDMENT NO. 355

(Purpose: To amend the Individuals with Disabilities Education Act and the Gun-Free Schools Act of 1994 to authorize schools to apply appropriate discipline measures in cases where students have firearms, and for other purposes)

Mr. FRIST. Mr. President, I call up the Frist-Ashcroft amendment as under the previous unanimous consent agreement.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee (Mr. FRIST), for himself, Mr. ASHCROFT, Mr. ALLARD, Mr. COVERDELL, Mr. HELMS, and Mr. NICKLES proposes an amendment numbered 355.

Mr. FRIST. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

Subtitle —School Safety

SEC. 1. SHORT TITLE.

This subtitle may be cited as the "School Safety Act of 1999".

SEC. 2. AMENDMENTS TO THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

(a) PLACEMENT IN ALTERNATIVE EDUCATIONAL SETTING.—Section 615(k) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(k)) is amended—

(1) in paragraph (1)(A)(ii)(I), by inserting "(other than a gun or firearm)" after "weapon";

(2) by redesignating paragraph (10) as paragraph (11); and

(3) by inserting after paragraph (9) the following new section:

"(10) DISCIPLINE WITH REGARD TO GUNS OR FIREARMS.—

"(A) AUTHORITY OF SCHOOL PERSONNEL WITH RESPECT TO GUNS OR FIREARMS.—

"(i) Notwithstanding any other provision of this Act, school personnel may discipline (including expel or suspend) a child with a disability who carries or possesses a gun or firearm to or at a school, on school premises, or to or at a school function, under the jurisdiction of a State or a local educational agency, in the same manner in which such personnel may discipline a child without a disability.

"(ii) Nothing in clause (i) shall be construed to prevent a child with a disability who is disciplined pursuant to the authority provided under clause (i) from asserting a defense that the carrying or possession of the gun or firearm was unintentional or innocent.

"(B) FREE APPROPRIATE PUBLIC EDUCATION.—

"(i) CEASING TO PROVIDE EDUCATION.—Notwithstanding section 612(a)(1)(A), a child expelled or suspended under subparagraph (A) shall not be entitled to continued educational services, including a free appropriate public education, under this title, during the term of such expulsion or suspension, if the State in which the local educational agency responsible for providing educational services to such child does not require a child without a disability to receive educational services after being expelled or suspended.

"(ii) PROVIDING EDUCATION.—Notwithstanding clause (i), the local educational agency responsible for providing educational services to a child with a disability who is expelled or suspended under subparagraph (A) may choose to continue to provide educational services to such child. If the local educational agency so chooses to continue to provide the services—

"(I) nothing in this title shall require the local educational agency to provide such child with a free appropriate public education, or any particular level of service; and

"(II) the location where the local educational agency provides the services shall be left to the discretion of the local educational agency.

"(C) RELATIONSHIP TO OTHER REQUIREMENTS.—

"(i) PLAN REQUIREMENTS.—No agency shall be considered to be in violation of section 612 or 613 because the agency has provided discipline, services, or assistance in accordance with this paragraph.

"(ii) PROCEDURE.—Actions taken pursuant to this paragraph shall not be subject to the provisions of this section, other than this paragraph.

"(D) FIREARM.—The term 'firearm' has the meaning given the term under section 921 of title 18, United States Code.".

(b) CONFORMING AMENDMENT.—Section 615(f)(1) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(f)(1)) is amended by striking "Whenever" and inserting the following: "Except as provided in section 615(k)(10), whenever".

Mr. FRIST. Mr. President, I offer on behalf of Senators ASHCROFT, ALLARD, COVERDELL, and HELMS an amendment which addresses an issue which is fundamentally central to the issues we have been discussing over the last several days; that is, of guns and bombs in schools. This amendment will address a problem that we in this body have created through good intent but created a loophole which allows students who have brought a bomb or a gun into a school to be allowed to return to the classroom.

The amendment very specifically ends what has become a mixed message that the Federal Government has sent and is sending to American students on the issue of guns and bombs in our schools. Under the Individuals with Disabilities Education Act, IDEA, a law that I have fought very hard for, supported and have worked hard to reform and improve in past Congresses, a student with a disability who is in possession of a firearm is treated differently than a regular education student because of the disability. Students in special education are treated differently than all other students, if both have brought a gun or a bomb into the school. That is wrong. It has to be fixed. It is a loophole that creates a huge danger, I believe, to the safety of our children and teachers in our schools.

How big a problem is it? Some people said it is a hypothetical problem. It is hard to get this data. But I want to share with my colleagues what I have been able to find.

If you look just last year, over the 1997-1998 school year, just in Nashville, just one community in this country, there were eight firearm infractions, where children have been found to have brought a gun or firearm into the school. That isn't how many came in, but only how many were actually discovered. Of those eight, six were special education students, protected under IDEA.

By the way, about 13 percent of all students, or one out of every eight, are in special education. What happened to the six special education students? Under the law as it is written, we basically determine whether or not bringing that gun into school was a manifestation, meaning was it related in any way to the disability. Of those six, three were found to have brought that firearm in for a reason that is unrelated to the disability, and were expelled but were still allowed to receive educational services. The other three special education students were found to have brought the firearm to the school because it was related to the disability.

The significance of this is that we take those three students and say, You can go back into the school. The other two regualr education students not protected under IDEA were expelled and were not required to receive educational services. They can't come back to the school. But because we created this special class, we are letting kids with bombs and firearms to come back into the school in as soon as 45 days later. It is no more complicated than that.

Our amendment fixes this dangerous, dangerous loophole. To look at just over the last 8 months, of nine firearm violations in Nashville, four have involved special education students. These statistics say that in one city, Nashville, it is a problem. But it is a snapshot, a microscopic picture of what goes on all over the country. It is wrong. Students should be subject to the exact same disciplinary action whether or not they happen to be in special education. It is our fault. We created this system which treats them differently.

We contend that when it comes to bombs and firearms, they should all be treated exactly alike. The issue of possession of a gun or firearm, I don't believe the Federal Government should tie the hands of our local education authorities, our principals and teachers, when it comes to protecting students and teachers from guns and bombs in schools.

I believe there is absolutely no excuse whatsoever for any student to intentionally possess or bring to school a gun. What we have done is create by previous legislation, which this amendment fixes, a means by which a special group of students, students in special education to hide behind the Individuals with Disabilities Education Act to avoid the same punishment that a regular education student would receive.

Our amendment says that the possession must be intentional. This would allow the principal to determine if the student with a disability unknowingly had the gun placed on him. This targets a student who comes to that schoolyard with a firearm or gun intentionally.

Again, it is a tight, focused amendment.

Since its inception in 1975, 24 years ago, IDEA has been gradually modified with the times and has been improved.

I believe this is a marked improvement. I think this amendment is necessary for the reasons that we have been discussing regarding this bill, with the catastrophes around my State and other States, and in Colorado most recently, which reflect the decline in safety in our Nation's schools.

Our amendment, very simply, ensures that school authorities at the local level have the ability to remove dangerous students, whoever they are, from the classroom regardless of their status. Today they can't. Our amendment fixes this problem.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, I want to commend the Senator from Tennessee, first of all, for his sensitivity to what is happening in the schools of America. His visiting the schools is something which I find to be very important. You can sit here in Washington for a long time and cook up all sorts of theories about how schools ought to be, but until you talk to the people in the schools—and in his case Nashville, Davidson County—until you talk to the principals and teachers and parents, you do not understand the problems created by our current Federal IDEA law. The Senator from Tennessee has found out that in a 1-year snapshot there were eight detected possessions of weapons in the schools, six of which were from students covered by individualized education plans, and three of which our law—the law that we made—says schools can't expel those students the way they ought to be able to expel them. He has pointed out we should fix the law.

What is interesting to me—and I commend the Senator from Tennessee. I have visited school districts all across the State of Missouri. I have gone to district after district to try and assert exactly what it is we should be doing. I have had school superintendents mention to me time after time this same problem. I talked to one small school district superintendent who talked about the dangers of not being able to have discipline in these settings. He talked about a student who threatened to kill other students seven times—threaten to shoot them.

Finally, the individual shot another student. Fortunately, the shot took place off the school premises so that the legal authorities incarcerated the student. They didn't have to go through the painful procedure of trying to discipline him within the confines of this law which makes it virtually impossible to exercise the kind of discipline necessary.

This bill is very simple. This bill is not designed to hurt any group of students. This is designed to secure the classroom. There isn't any class of students that is better off being favored and being able to bring guns or bombs to school. That is not in the interest of any group of students.

This bill basically takes off barriers that the Congress placed in the path of good school administrators, parents, teachers and local school boards. We erected barriers that kept from taking students who had guns in their possession out of schools—merely because they were determined to be in some way disabled.

This amendment simply says in spite of the fact that you are a student—of course, one out of every eight students nationally turns out to be disabled; one in seven in the State of Missouri—the fact that you are in this category called IDEA, doesn't mean you can bring a gun or a bomb to school with impunity.

We simply take the barriers, the roadblocks out of the system. We say to school administrators and principals: You are free to discipline these students uniformly, just like you would discipline other students.

I think that is a very important, profoundly simple point. It is the kind of correction which we only make when we get out and talk to people out there who are running the schools. When they tell you they can't discipline kids who are threatening over and over to kill other students, who eventually shoot other students, when they tell you they can't keep kids who brought guns to school out of school or from bringing guns back into school, and because of Federal procedures that say disciplines are more difficult the second time because we set up a Federal bureaucracy that keeps schools from being able to exercise discipline, it is time to say the most important thing for students—whether disabled, conventional, mainstream or not—the most important thing for that classroom is safety.

When you keep guns and bombs out of the school, you promote the safety of all students.

I am here to say how much I appreciate the opportunity to be able to sponsor this amendment that gives local schools, principals, teachers, parents and school boards the right to maintain gun-free, bomb-free schools, to have safe learning environments where students, without the feeling of threat and insecurity, can actually learn.

It is a pleasure to be a cosponsor of this amendment with Senator FRIST. I commend him. We all want to do everything we can for the education of all of our students. Our students who are disabled deserve our special compassion and attention, and more than any others, they deserve the protection that is afforded when we can have the ability to have secure, safe learning environments. We can do that when we allow our administrators to make sure that those individuals who bring guns to school can be disciplined.

One last point: The law that provides for expulsion of students who bring guns to schools gives principals discretion to allow students to reenter the school. That same discretion would apply to these kinds of students as it applies to conventional students.

This is a field leveler. It puts people on the same level and it puts the safety of our schoolchildren in first place—not part of our schoolchildren, all of them. Disabled children, other individuals, the entire school population must have the assurance that school officials have the capacity to enforce safe schools.

I thank the Senator from Tennessee and others for joining in this. I am honored to be an original cosponsor of this amendment.

Mr. HELMS. Mr. President, I am grateful to the able Senator from Missouri, Mr. ASHCROFT, and the able Senator from Tennessee, Mr. FRIST, for offering this amendment which corrects a glaring flaw in the Federal, disabilities law and, in my judgment, is among the most important amendments to the juvenile justice legislation when, again, it is pending.

This past Thursday morning, I was aghast when I noted an op-ed piece in the Washington Times written by Kenneth Smith. It was entitled "Disabled Educators." The article detailed a number of disturbing incidents of students threatening their teachers and peers with violence, bringing knives and guns to campus and even burning down their own schools. In the wake of the tragedy of Littleton, CO, these news items, of course, are particularly chilling.

What is most alarming about the column is not the individual stories of violence, it is that a well-intentioned Federal law nevertheless prevents local school officials from expelling these dangerous students from their schools for all but a short period of time.

Let me admit up front that I bear my share of the responsibility for this situation. Two years ago, I was one of 98 Senators who voted to reauthorize the Individuals with Disabilities Act, the so-called IDEA legislation.

Only the courageous and farsighted Senator from Washington, Mr. GORTON, voted against final passage of IDEA shortly after his commonsense amendment to address these discipline procedures failed by just three votes.

Two years later, Senator GORTON's warnings began to appear prophetic, and I certainly appreciate his crucial leadership on this issue, as well as the many others Senator GORTON has helped the Senate to follow.

In any case, I voted for IDEA because I believed then, and I continue to believe, that it is appropriate for the Federal Government to help local school districts bear the financial burden of attending to the special needs of disabled children. But it is unfair and it is unwise for the Federal Government to use these funds to mandate unreasonable and even dangerous discipline procedures on the local schools. I believe that the amendment which I hope will be pending shortly will be an important first step in correcting this flaw in the IDEA legislation.

There are 165,402 children in North Carolina classified as learning disabled. I believe that every one of these children is entitled to get an education. But under the IDEA legislation, if 1—even 1—of those 165,402 children brings a weapon to school, he or she must be returned to the classroom within 45 days if the school district wants to keep its IDEA funding. If a disabled student threatens violence or poses any other kind of general discipline problem, the student can be suspended for only 10 days. Worse, these limitations apply to disabled children even if their behavior is unrelated to the disability.

Clearly, this policy defies common sense. This amendment frees the hands of school administrators to use their discretion to discipline a learning-disabled student who brings a weapon to school or threatens violence. I believe the Senate should adopt this eminently reasonable position.

Anybody who does not want to take my word for it should listen to the experts. For example, North Carolina State University is home to a unique organization called the Center for the Prevention of School Violence. It is, as far as I know, one of the few public policy outlets devoted solely to the issue of school violence. Its director, Pam Riley, works tirelessly to collect statistics, analyze legislation, and suggest solutions to make our schools safer.

I called Dr. Riley and asked her to look over the amendment I am discussing and to let me know her opinion. With the Chair's permission, I shall read a paragraph from her reply to me, because she states the issue quite clearly and succinctly, as far as I am concerned. Let me quote her:

> I believe it is entirely appropriate—indeed, entirely necessary—for Congress to allow local schools the flexibility to discipline students who bring weapons to school or threaten violence on their teachers or peers, regardless of whether the student is classified as disabled. While I believe it is important to make sure disabled students receive quality education, the safety of our classrooms should be an overriding goal of federal education policy.

That says it all, as far as I am concerned. I know that Senator ASHCROFT and Senator FRIST share my appreciation for Dr. Riley's support of this amendment. I ask unanimous consent that her entire letter, dated May 11, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. HELMS. I thank the Chair.

Mr. President, the North Carolina School Boards Association, in a letter dated May 13, 1999, echoed Dr. Riley's sentiments:

> Being able to appropriately discipline all students is essential to maintaining safe schools.

Dr. Bob Bowers, superintendent of the Buncombe County Schools, wrote:

> [T]he Ashcroft amendment—

And it is now the Ashcroft-Frist-Helms amendment—

> is a necessary and proper response to student threats of violence in our schools made against teachers and [other students]. Moreover, weapons have no place in our schools and making exceptions erodes confidence regarding overall school safety.

I certainly agree. I ask unanimous consent that this letter from the North Carolina School Boards Association and the Buncombe County Public Schools be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 2.)

Mr. HELMS. I thank the Chair.

I hope those listening to this discussion are not misled into thinking that school administrators are suddenly discovering this problem as an aftermath of the Littleton tragedy. The fact is that schools have long been concerned about this aspect of IDEA.

This letter to my office dated April 2, 1998, from the Onslow County Schools in Jacksonville, NC, clearly indicates that discipline procedures have long been a problem for our school districts. More than a year ago, Superintendent Ronald Singletary wrote to me to say that under the IDEA law, "we convey [to students] that there are no real consequences for the serious misbehavior of a disabled student." I cannot imagine a more inappropriate message to send to our students.

The problems we are discussing are more than just a quirk in the law or a technical matter. It is clearly an ill-conceived mistake by Congress, in which I participated. And I hope Senators will ask themselves what possible reason the Federal Government would have to prevent local school officials from making sure that their students have safe classrooms. This is the real problem.

Our school boards and our administrators are asking for our help in correcting a part of IDEA that does not work. And I sincerely hope the Senate will listen.

Mr. President, I ask unanimous consent that the article "Disabled educators" to which I referred at the outset of my comments be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 3.)

Mr. HELMS. Mr. President, with that I thank the Chair for recognizing me and I yield the floor.

EXHIBIT NO. 1

CENTER FOR THE PREVENTION
OF SCHOOL VIOLENCE,
Raleigh, NC, May 11, 1999.

Hon. JESSE HELMS,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR HELMS: I appreciate your letting me know of Senator Ashcroft's school safety amendment, which would free the hands of local school districts to discipline dangerous students without regard to their status under the Individuals with Disabilities Education Act. I am certainly pleased to offer my support for this proposal, and I hope it will be swiftly adopted by the Senate.

I believe it is entirely appropriate—indeed, entirely necessary—for Congress to allow local schools the flexibility to discipline students who bring weapons to school or threaten violence on their teachers or peers, regardless of whether the student is classified as disabled. While I believe it is important to make sure disabled students receive quality education, the safety of our classrooms should be an overriding goal of federal education policy.

As Director of the Center for the Prevention of School Violence at North Carolina State University, I know our local officials are struggling to curb the worsening problem of violence in our schools. The Center's vision that "Every student will attend a school that is safe and secure, one that is free of fear and conductive to learning." I hope the federal government will take all proper steps to assist in obtaining this goal, and I believe the Ashcroft amendment is a step in the right direction.

Sincerely,

DR. PAMELA L. RILEY,
Executive Director.

EXHIBIT NO. 2

NORTH CAROLINA SCHOOL
BOARDS ASSOCIATION,
Raleigh, NC, May 13, 1999.

PUBLIC EDUCATION: NORTH CAROLINA'S BEST INVESTMENT

Hon. JESSE A. HELMS,
Dirkson Senate Office Building,
Washington, DC.

DEAR SENATOR HELMS: Thank you for sharing with me the Ashcroft School Safety Act, which seeks to amend the IDEA and the Guns Free Schools Act of 1994. The North Carolina School Boards Association strongly supports this Act. As you know, school safety is an issue of paramount concern for school districts. If we cannot maintain safety, it is impossible for us to teach children. Being able to appropriately discipline all students is essential to maintaining safe schools. The Ashcroft School Safety Act would give school systems more ability to discipline special education students the same as regular education students in specific situations. This would allow the entire school's safety to not be impaired by one individual student.

If I can be of further assistance to you, please let me know.

Sincerely,

LEANNE E. WINNER,
Director of Governmental Relations.

BUNCOMBE COUNTY PUBLIC SCHOOLS,
Asheville, NC, May 12, 1999.

Re Ashcroft amendment to IDEA.

Hon. JESSE HELMS,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR HELMS: Thank you for making this Board of Education aware of Senator Ashcroft's proposed amendment to the Individuals with Disabilities Education Act. This Board supports that law and is committed to providing an excellent education to all students attending the public schools in Buncombe County.

However, this Board is concerned about school violence and the ability of educators and administrators to deal with potential problems and protect the safety of everyone. To that end, we believe that the Ashcroft Amendment is a necessary and proper response to student threats of violence in our schools made against teachers and peers. Moreover, weapons have no place in our schools and making exceptions erodes confidence regarding overall school safety.

We are pleased to offer our support of this measure.

Sincerely,

DR. BOB BOWENS,
Superintendent, Buncombe County
Board of Education.

EXHIBIT NO. 3

[From the Washington Post, May 6, 1999]

DISABLED EDUCATORS

(By Kenneth Smith)

When Fairfax County school officials discovered that a group of students had somehow managed to get a loaded .357 magnum handgun on school property, they moved swiftly to deal with the offenders. They expelled five of the students and would have done so with the sixth, only to discover that federal law prohibited them from doing so.

Why? He was considered "learning disabled"—he had a "weakness in written language skills"—and according to federal disabilities laws, Fairfax County had to continue educating him. As Jane Timian, a county School Board official who oversees student disciplinary cases, later explained the matter, "The student was not expelled. The student later bragged to teachers and students at the school that he could not be expelled."

He wasn't alone. She reported that after five gang members used a meat hook in an assault on another student, only three of them were expelled; the other two were special-ed students. When then-Virginia Gov. George Allen dared to challenge the wisdom of using federal law to make schools safer for violent offenders, the Clinton administration responded by threatening to yank millions of dollars in federal education dollars from the state.

That was 1994. Five years' worth of reform later, parents shocked by the shootings at Columbine High School and elsewhere may be interested to know that a law known as the Individuals with Disabilities Education Act still limits the discretion of local school boards to provide children with the safest schools possible. At a meeting in San Francisco last month, the National School Boards Association urged federal lawmakers to amend the law to provide greater flexibility to suspend, expel, or reassign students whose misconduct jeopardizes safety or unreasonably disrupts classroom learning. In particular, it seeks the removal of federal restrictions on withholding educational services to disabled students "when their behavior, unrelated to their disability, endangers themselves or others."

One would have thought it one of the more uncontroversial requests ever made of Congress. But when Rep. Bob Livingston, chairman of the House Appropriations Committee before he unexpectedly left town, tried to tack an amendment onto an appropriations measure that would accommodate the concerns of school officials, the administration forced him to drop it. Safer schools would have to wait.

How a model program like the IDEA turned out to be so delinquent would keep a political science class at the chalkboard for a week. The point of the act, first passed in 1975 and reauthorized most recently in 1997, was to ensure that a disability, physical or otherwise, did not deny someone access to education that everyone else got. Among other things, it called for the least restrictive—most permissive, one might say—educational setting possible for the disabled student. The law also dictated that special education was to take place within the school and not be isolated in some outside annex.

In theory it sounded like a fine idea. If the handicapped were to lead the kind of independent lives everyone wanted for them, they would need at least as good an education as everyone else. The last thing anyone worried about was that a blind, retarded child in a wheelchair might bring a gun to school.

Today, school officials still aren't very worried about that particular child. What's changed is the definition of disabled. When mere "weakness in written language skills" or attention and learning disorders constitute a handicap, not only do the numbers of disabled grow, there is no physical impairment to limit the harm they could do. "No one thought," one school official says, "the disabled would be like us."

Louisiana officials who sought help from Mr. Livingston found out the hard way. Among the anecdotes they collected from across the state:

Two students, one of them a special-education student, severely beat a third student who was subsequently hospitalized. The non-special-ed attacker was expelled from school. The special-ed attacker was suspended for 10 days, then returned to an alternative school across the street from the school where the girl was beaten.

A 14-year-old special-ed girl, who had been suspended for threatening a class aide, attacked her school principal twice, knocking her unconscious, damaging vertebrae in her neck and causing permanent nerve damage. Police arrested the student, and school officials kept her out of school for 45 days, the maximum under the IDEA. The principal was out for eight months.

A special-ed student, already under an in-school suspension, threatened to burn his school down after being told his suspension was being extended. Days later the school did in fact burn down, and police arrested the student. His brother, also a special-ed student under suspension, subsequently threatened to shoot the principal. The school was forced to lock its doors, keeping students inside, until police could apprehend the student. The law permits the students to return to school in 45 days, but the school superintendent has vowed he will go to jail before he lets them back in.

School administrators say they are more than willing to educate disabled students, but not at the cost of the safety of everyone else in the school. And they worry that the federal government is teaching disabled students a terrible lesson—that there is one standard for them, and another for everyone else. What could be more disabling?

Mrs. LINCOLN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. Mr. President, I compliment my colleague from North Carolina. In the recent debates, certainly in the passage of the Ed-Flex bill, the great State of North Carolina showed what a great example it could be in its forward thinking and being able to look for innovative solutions for our children's education.

Mr. NICKLES. Mr. President, I wish to compliment my colleagues from Tennessee and from Missouri for an outstanding amendment, one that I hope will be overwhelmingly supported by all of our colleagues. It is important we not discriminate, in a way we would say if this child happens to be under the IDEA program, individuals with disabilities, that the laws or the rules and regulations say we will not discipline you if you happen to carry a gun or bomb to school.

Clearly, we want any student who is carrying a gun or a firearm or bomb to school to be disciplined—any student. We want safe schools. This amendment would provide for that. It is a commonsense amendment. It is an amendment that should be passed overwhelmingly.

I ask unanimous consent to be added as a cosponsor to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, I rise today to talk about an issue that is critical to saving children's lives. That issue is guns in the hands of our children. The events of Columbine have been a wake up call for the American people. Guns don't belong in the hands of kids. We must do everything we can to see to it that children cannot buy guns. We also need tougher penalties for illegal possession and crimes committed with guns. This is about America's children and getting behind our kids. This is about keeping our kids safer in their schools and safer on our streets.

I respect the Constitution and the right of law-abiding citizens to own guns. I understand that many people own a gun for self-protection. The fear of crime is a real issue for many Americans. I believe people should be able to protect themselves. I also know people enjoy using guns for sport. Many Americans enjoy hunting, and I do not want to interfere with lawful sport.

My support for reasonable steps to protect kids does not go against my support for people's right to protect themselves or their right to hunt. We can take measures to save lives without infringing on the Constitution.

One of my biggest concerns is the safe storage of guns in the home. I think it makes sense to require trigger locks for guns while children are in the home. There have been too many tragic accidents with children that could have been prevented.

Guns are too easily available to our young people. We must require gun show participants to comply with the same laws as gun shop owners. This would cut off a deadly supply of firearms to our Nation's children and dangerous criminals. The guns used in the Columbine massacre were purchased from gun shows. I was very disappointed that the Lautenberg amendment did not pass. This amendment would have closed the gun show loophole. What passed instead was an amendment giving a gun show participant the option of conducting a background check. Now, what gun show participant is going to choose to take the time and effort when the gun seller in the next booth is willing to sell a gun with no questions asked?

I was happy to support an amendment which would toughen the penalties for possession of semiautomatic assault weapons. The presence of semiautomatic weapons on our streets is a deplorable situation. Assault weapons have one purpose—to kill the largest number of people as quickly and efficiently as possible. They have no legitimate hunting or sporting use. I want to see them taken off our streets.

We must get behind our kids and teach them that character counts. We have to teach them respect for guns and respect for human life. We must listen carefully to them and help them when they are in trouble. We need to give them constructive goals to work toward. We must give them opportunities to live a rewarding life. Then they can respect themselves and others and not resort to guns and violence to demand the attention they need. We want kids to turn toward each other—not against each other.

Mr. LAUTENBERG. Mr. President, I send an amendment to the desk.

Mr. HATCH. Mr. President, I object.

Mr. LAUTENBERG. I ask unanimous consent to be permitted to do that.

The PRESIDING OFFICER. Is there objection? The Senator from Utah?

Mr. HATCH. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, 2 minutes ago the distinguished Senator from Utah had made the suggestion, another unanimous consent request, that Senators bring up things even if Senators were not available on the other side of an issue to speak, and that that Senator be given equal time on Monday or sometime prior to the vote. I might ask the Chair, is there such a unanimous consent pending? Am I perhaps stating it too broadly?

The PRESIDING OFFICER. There were two amendments authorized to be offered with the understanding, the proviso, that they would have adequate time on Monday. There was, further, an additional granting of the request of the Senator from California that her amendment to be considered. But it does take consent for further amendments to be offered at this time.

Mr. LEAHY. I thank the Chair. I note the Senator from New Jersey is within his rights to make such a request. The Senator from Utah is within his rights to object to it.

Mr. President, I note the distinguished majority leader was on the floor earlier, urging we move forward on this legislation, that we try to get as much done as possible today and Monday, a position both the distinguished Senator from Utah and I joined. I suspect the two of us have probably worked more hours than anybody else in this body to bring that about. But there are not an awful lot of Senators around here waiting to be heard. I urge the majority, they may well allow Senators like Senator LAUTENBERG or others who have amendments to bring them up, discuss them, have some debate on them, and then if there are those who wish to oppose those amendments, they would of course have an equal amount of time on Monday to do that. Otherwise, of course, the Senator from New Jersey can bring it up Monday.

But you cannot keep holding it off with the idea that maybe it will only come up at the time of the vote on Tuesday, because that would be, in effect, a debate cloture on the part of the Republican side that would say even if it was a serious matter they would only get 2.5 minutes of debate.

I know the distinguished senior Senator from Utah is a fair person. I think he would perhaps agree that 2.5 minutes debate is not quite enough on major amendments. I hope they will find in their heart to allow the distinguished senior Senator from New Jersey to bring up his amendment. Clearly, he is going to be allowed to bring it up sometime prior to the vote on it.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. BUNNING). The Senator from Utah.

Mr. HATCH. Mr. President, when I suggested equal time, it was on those particular amendments because of the need for certain Senators to be here on those particular amendments. Earlier this morning, Senator LAUTENBERG desired to call up his amendment and I respectfully requested that he reserve bringing it up until Monday because there are people gone who will not have an opportunity, who have asked me—who believed these amendments would not be brought up, who asked me to protect their right to be here when the amendments are brought up. As a courtesy, I ask him not to bring up the amendment. So I have no alternative other than to object to it.

We have had six amendments brought up. It is our turn on our side to present an amendment. I think we are making progress. But we should honor, to the best of our abilities on each side—the request of some of our colleagues that they might be here on amendments they consider to be important to them, especially since this is a Friday and almost everybody left believing we would not do much more today.

Be that as it may, that is why I have to object. I have objected and I will object to certain amendments where I have to protect people on our side, as I would expect the distinguished Senator from Vermont to object if we tried to bring up an amendment when Senators on his side could not be here to respond.

I have another amendment for our side to bring up at this time. It is an amendment on the part of Senator SESSIONS and Senator ROBB and Senator ALLARD. I send the amendment to the desk and ask for its immediate consideration.

Mr. LEAHY. I object.

The PRESIDING OFFICER. Objection is heard.

Several Senators addressed the Chair.

Y2K ACT—MOTION TO PROCEED

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I call for the regular order with respect to the motion to proceed to S. 96.

The PRESIDING OFFICER. The motion to proceed to S. 96 is the regular order.

The Senator from New Jersey.

ORDER OF PROCEDURE

Mr. LAUTENBERG. Mr. President, while we were on the motion to proceed, taking a cue from earlier speeches—the distinguished Senator from Colorado spoke at some length earlier. I would just like to take a few minutes.

Mr. LEAHY. Will the Senator yield to me?

Mr. LAUTENBERG. I will be happy to yield.

Mr. LEAHY. I just note two things. First is that even though the last amendment brought up by the Republican side is vehemently opposed by a Member on this side who could not be present, we made no objection to that, knowing he would have time to debate later on. Mr. President, we did this to try to comply with the request of the majority leader and the distinguished Senator from Utah, who said they wanted to move forward with this. We did it in good faith. Frankly, for one of the very few times in my 25 years in the Senate, I find my faith shaken because it is very obvious nobody intended to go forward; they just wanted to go right back to Y2K and block anything else.

If their side wants to bring up something even if our side is not here to debate it, that is fine. If our side wants something similar, that is not fine. It is like the Democratic amendments being voted down over here so a day or so later they can be brought up as Republican amendments and voted up over there. And in between we hear complaints about this is taking too long.

I will repeat what I have said before: Every single Democrat wants a juvenile justice bill with everything from the prevention of crime to education to helping our juveniles. I question whether the same thing can be said for the other side of the aisle.

The Senator from New Jersey had the floor. I yield back to him.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. HATCH. He can't yield the floor to another person—or did he have the floor? I don't know.

The PRESIDING OFFICER. The Senator can only yield for a question.

Mr. HATCH. Mr. President, let me just answer that and then I will be happy to yield to the distinguished Senator from New Jersey.

Look, the games are over as far as I am concerned. When a Senator stands on the floor and says he is protecting Members of his side and extends the same courtesy to the other side to protect Members on their side, all they have to do is tell us. If the distinguished Senator believes somebody on his side has to be protected, all he has to do to be protected is tell me and I will honor that. I asked for that same courtesy on our side because there are Senators who cannot be here who want to be here when Senator LAUTENBERG brings up his amendment. It is a fair request, a fair statement; it is a fair position. I really do not think people should try to make political points or political hay out of it.

I might also add, nobody wants this bill more than I do. I have been working on it for 2 solid years. I have been working on it every day on the floor. I am going to do everything in my power to get it passed. I have to admit I have had a lot of cooperation from our distinguished ranking minority leader on the Judiciary Committee, for which I am very grateful. But there is no reason to play these games here. It is unreasonable for anybody to suggest that because somebody is protecting his side, because I am protecting my side, there is something untoward about that. I would not suggest it if the Senator wanted to protect his side.

Naturally, I am going to yield the floor to my friend from New Jersey. I wish I could accommodate him, frankly, because I care for him. I know he is sincere on this amendment. But it is not unreasonable to ask that Senators, on something they feel very deeply about, since everybody left here today other than a few of us, that they be protected so they can be here when the amendment is brought up.

Also, I note the distinguished Senator from Arkansas is on the floor. She wants to make a statement that is unrelated to the bill, as I understand it, or to either of the bills—the current bill that is on the floor or the prior bill we were debating.

So I yield the floor for the distinguished Senator, and of course, hopefully the Senator from Arkansas will then make her statement.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I thank my colleague from Utah for his consummate interest in issues that matter, even though at times we differ. He did request a courtesy that I would like to have yielded to, except for the fact that we have allowed some on that side to be protected while not enabling this Senator to be able to obtain the same protection. I am bound, at 3:30, for Albania, Macedonia, Hungary, and Bulgaria.

I plan to visit with our people in Aviano, Italy, and Brussels headquarters and be back here Monday night. This is not intended to be a world endurance record. That is not why I am doing this. I am doing it because I have had a deep interest in what takes place there and am shocked by the horror of the deeds that the Serbian Government is perpetrating on these people.

I have had a chance to meet some of the refugees at Fort Dix. I was there last week with the First Lady to greet the first of the refugees who arrived in America. I did serve in World War II—not in this area, but I was in Europe during the war. The horrors we are witnessing are too much for a civilized world to bear.

I salute the leadership of the President, the courage and the commitment of our troops who are there for long hours each and every day working to the best of their ability, which ability is very good.

There have been mistakes made, and that happens in a wartime environment. Mistakes are made because we are trying to make sure our casualties are few.

That is where I am going, and I will not be here then on Monday to bring up this amendment. I would have offered the amendment without debate.

The fact of the matter is that everyone is pretty much aware of what my amendment is. It helps to further close the loopholes, which I know the Senator from Utah wanted to do. I do not think the amendment we voted on this morning does it. It does not close the loopholes. That is my judgment, and I am prepared to defend that judgment.

I want to correct it. I want to see all the loopholes closed, and so do the vast majority of Americans. Eighty-seven percent, as a matter of fact, in a national poll said they want the loopholes at the gun shows closed.

I take a second seat to no one in wanting to get a juvenile justice bill in place. I want to see if we can help our young people avoid the violence that seems to permeate our society. But the fact of the matter is that each of us in this parliamentary structure that we operate under is entitled to offer amendments.

I had hoped I would have been able to, as they say in the vernacular here, lay it down, put it at the desk and have it saved for debate at a later time. The Senator from Utah tried very hard to be cooperative, as he always does with me—we have a good relationship, and I respect that enormously—to say: All right, we can have some time. We will arrange not a lot of time on Tuesday for a discussion and a vote.

The inability to offer that amendment is decidedly a disadvantage, though it will be offered by one of my colleagues. I had hoped, since I authored it in the first place, to send it up. That may be a red flag to some over there, but the fact of the matter is that I know the Senator from Utah does not disagree with me in principle; in approach perhaps, in principle certainly not.

I ask once again if it is possible just to send it up. It does need unanimous consent. I will not force any objections. I take the liberty of asking the distinguished manager whether it is possible just to send it up and lay it down.

Mr. HATCH. We are no longer on that bill. I really cannot do that because of the courtesies I must extend to people on both sides. I am sorry I cannot accommodate the distinguished Senator from New Jersey. We are no longer on that bill. As I understand it, we are on the motion to proceed to the Y2K bill.

The PRESIDING OFFICER. The Senator from Utah is correct.

Mr. HATCH. Mr. President, I see some colleagues who want to speak at this time. I ask unanimous consent that Senator LINCOLN be recognized for 10 minutes and then Senator VOINOVICH, who will be on the floor shortly, be recognized for another 10 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

THE JUVENILE JUSTICE BILL

Mrs. LINCOLN. Mr. President, I rise today to speak on a bill that we have been addressing and that I think we have made some good progress on, the juvenile justice bill. But I rise today to encourage, to plead with both sides of the aisle, with all of my colleagues in the Senate, that we remember what it is we are here to address, and that is the well-being of our children; that we put down and put aside all of the other things to really focus on what it is we are here to do, and that is to address the well-being of our children in this country.

I think it is so important that we do not lose sight of the tragedies we have seen that have presented to us the agony which has brought us to this floor and to this debate to try to do something to correct those tragedies and, more importantly, to prevent any others from happening in the future.

It is so easy to lose sight of the forest for the trees. If we continue that in this debate on juvenile justice, we will have done a true disservice to the children of this Nation.

I will speak today on an amendment which will be offered, which I am joining two of my colleagues in offering, Senator HARKIN and Senator WELLSTONE. We think it will help to reduce crime and violence in our Nation's schools by preventing it before it ever happens, and that is exactly what can be the most important tool in this Nation in providing safety for our children.

It addresses the issues of the children's emotional well-being and providing schools with the necessary resources to help our children deal with the complicated problems that today society brings them.

Students bring more to school today than just backpacks and lunch boxes: they bring severe emotional problems. Our children in today's world come to school with problems far more severe than we can imagine, and certainly far more severe than we may have experienced ourselves. And 71 percent of the children ages 7 to 10 are worried whether they will be stabbed or shot while in their school. This is inexcusable in a country like ours, that that many children are frightened to go to school and they are frightened of what they will be up against.

The Department of Education reported that in 1997 there were approximately 11,000 incidents nationally of physical attacks or fights in which weapons were used. We can no longer continue to look for a solution which is only a Band-Aid. We must look at the source of the problem. Preventative medicine rather than a haphazard Band-Aid approach is something that is absolutely essential to the emotional well-being of our children today and the future of our country. Theodore Roosevelt said: To educate a man in mind and not in morals is to educate a menace to society.

It is so absolutely essential, in today's society where we are blessed with so much advanced technology, that we remind our children that their emotional well-being, that the friendships and the fellowships that they must build with their fellow students is essential to the safety of mankind and the future of this country. Isn't it great that my children and other people's children, one day when they are older, will be able to communicate on the Internet to children in France and other countries across the world?

But let us not forget that we must encourage them also to walk out the back door of the house and to talk over the back fence again with their neighbors and their neighbor's children so they know who their friends and their neighbors are and so they are less likely to violate them.

It is absolutely essential that we do not lose sight of what it is we are here to do on behalf of our children. Improvements, changes in accountability, are absolutely essential in our children's education. Metal detectors and surveillance cameras in schools won't get rid of the root of the problem. They will help us in dealing with what we have to deal with right now, but the most important thing we can do is provide our children with the kind of counseling and background to deal with the severity of problems they are coming to school with at a younger and younger age. We must minimize access to guns that can address the means to act out, but it doesn't address the illnesses that we begin with in our children's minds.

I have traveled across our State of Arkansas, and in absolutely every school I have visited, every teacher and administrator has said the same thing to me—we do not have adequate counselors and trained professionals to deal with the severity of problems our children are coming to school with today in K through 3. We do not have the appropriate resources to give to our teachers and our administrators to help them recognize the problem in these children.

It is absolutely essential that we give them that resource in counselors and professionally trained individuals. The National Institutes of Health estimates although 7.5 million children under the age of 18 require mental health services, fewer than one in five receives it.

All of us have our own personal stories to tell of a relationship or something we have heard through the education process. One of my older sisters was a teacher in the public schools. She had a classroom of 31 students, 6 and younger. She said that wasn't the biggest challenge in her classroom. The biggest challenge in her classroom was that those students came to school hungry and sick and, most importantly, frightened.

We have a severe crisis on our hands in the fact that we now, in our State of Arkansas and in other States, have no young people going into the teaching profession. Less than 25 percent of the teachers in the State of Arkansas are under the age of 40. We will hit a brick wall soon, because no one is going into the teaching profession. My sister is a great example. One of the reasons she got out of teaching was she said she couldn't handle bus duty when she had it, because there were students that clung to her leg and said, please, don't make me go home. It is essential that we deal with the emotional well-being of our children.

I rise today in support, with two other colleagues, of an amendment we will offer to this juvenile justice bill when we get beyond the forest and we start to recognize what it is we are here to do; that is, the details of dealing with the well-being of our children.

The details of the Harkin-Lincoln-Wellstone amendment are basically to put $100 million in authorizing funds for fiscal year 2000. The first $60 million must be spent for counseling services in elementary schools where the illness and the problem begins, before it grows into the problems that we deal with in terms of guns and violence in later grades. Only qualified mental health professionals may be hired with this funding. The funds are eligible to urban, suburban and rural local school districts, knowing that every school is suffering from these problems. Some more than others, but all of them equally in need.

It is absolutely essential. The benefits of what we are proposing are to treat the emotional problems before they are out of control, to work hand in hand with an advisory board of parents, teachers, administrators and community leaders to design and implement counseling services, because we know that the most important part of any child's well-being is their parental and family involvement. It is essential in what we are doing.

We know that when we involve the parents in the child's life, it is far more productive. But involve the parents of the children who receive services so that the parents can be more involved in the development and the well-being of their children, so it is not just one shot at trying to fix the problem, but a continuing of trying to fix the problem both through the counseling services to the children and assistance with the parents.

Teachers focus more on a student's skills at writing and arithmetic, rather than their potential for violence, because they do not have the support that they need, because their classroom sizes are too large, and they don't have the time to devote to it. I plead with my colleagues that we must get back to the business at hand, and that business is the well-being of the children of this country who are our future.

I urge Congress to act quickly, and I certainly want to devote the time to this important issue that we have begun to do and I hope we will continue. I just plead with my colleagues to remember that what we are dealing with in this legislation is our Nation's greatest resource—our children.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

AN ALTERNATIVE APPROACH ON JUVENILE CRIME

Mr. VOINOVICH. Mr. President, this week in the Senate, we are discussing legislation that is meant to address the seemingly ever-growing problem of juvenile crime. Before we despair, let us recognize that the overwhelming majority of young people in America are good kids and don't get into trouble with the law and are making a substantial contribution to our society. In fact, in my State of Ohio, the adjudications of young people are down as well as incarceration of young offenders.

However, most Americans cannot turn on television, read a newspaper, or pick up a magazine without being told about the crisis facing our society because of young people who have turned violent. The fact that this problem exists at all is a sad commentary on our modern society. However, it is a reality, and we have got to deal with it. The question is, How do we deal with it? As we in Congress try to answer that question we have to make sure that we take the time to deal with juvenile crime from the proper perspective.

We cannot expect there to be a silver bullet or a quick fix that will solve our problems, although the recent tragedy in Littleton, CO, has intensified the urgency and our search for answers.

Naturally, part of the solution to juvenile crimes is traditional crime prevention, penalties and sentences. However, these remedies, while important, only treat the symptoms of the disease and not the disease itself. I believe our focus should not only be on the symptoms of juvenile crime, but on the root causes as well.

Two or three years ago, Princeton University Professor John DiIulio lamented over the upcoming "predator generation" because projected demographics showed a marked increase in the amount of young people who were going to become violent in our society. Professor DiIulio commented that we would have a real problem around 2010 to 2015 As Professor DiIulio stated, we have a generation, it seems, growing up in moral poverty. And that is the poverty of being without loving, capable, responsible adults who teach kids right from wrong.

Concerned about his pronouncement, I convened a juvenile crime summit in 1997 in Ohio and again in 1998, as Governor. We found that it wasn't longer sentences or boot camps or harsher penalties that were required. What we found we needed to do was to get into the lives of our children at an early age, including while they are in their mother's womb, to give them the positive influences they need.

Within the next two weeks, I will be introducing legislation along with Senator BOB GRAHAM from Florida that will help us address the needs of our children in the most critical times of their lives—pre-natal to three.

When I was Governor, I often said that if I had a magic wand to solve Ohio's problems, I would reconstitute the family.

It's the dysfunction of the family and the lack of moral and religious values that causes so many problems in our nation today.

Too often our children are groundless—they have no honor nor fear of the Lord, nor any understanding of the 10 Commandments.

I believe the best place to catch problems and prevent them from ever occurring is when children are at their youngest, when parents and young children are forming life-long attachments and when parents and other care-givers have an opportunity to construct lasting values.

Government is a lousy substitute for the family. Unfortunately, there are circumstances where the government is the only alternative because there is no family in place.

In these situations, we must look for the most effective way to give them our assistance.

I truly believe there is something we can do to help in that respect.

Today, thanks to decades of research on brain chemistry and through the utilization of sophisticated new technologies, neuro-scientists are telling us that the experiences that fill a baby's first days, months, and years have a decisive impact on the development of the brain and on the nature and extent of one's adult capacities.

As a result of the research, we know that throughout the entire process of development, beginning before birth, the brain is affected by environmental conditions such as nourishment, nurturing and sensory stimulation; early childhood care has a decisive and long-lasting impact on how people develop their ability to learn, and their capacity to regulate their own emotions; there are times when negative experiences—or the absence of appropriate stimulation—are more likely to have serious and sustained effects, the period of prenatal to three is such a time in a child's development; the human brain has a remarkable capacity to change, but timing is crucial and the first three years of life appear to be the most influential period for growth and change.

To ensure that children prenatal to three have the best possible start in life, we must establish specific support mechanisms to help parents and other adult care-givers. We have to become better partners.

These include health care, nutrition programs, childcare, early intervention services, adoption assistance, education programs, and other support services.

We must also reach out to parents—our children's first teachers and care-givers—to help them understand that the day-to-day interaction with children helps them to develop cognitively, socially and emotionally.

A mother comforting her crying baby, a father holding and reading to his toddler and a care-giver singing and playing with an infant are not just involved in "feel-good" interactions.

They are involved in biological activities that exert a powerful, enduring impact on the young child's physical, intellectual, emotional and social development.

Mr. President, you know, with your large family, that these positive early childhood experiences give children a jump-start or a life-long learning opportunity.

It is imperative that our nationwide education agenda be geared toward ensuring that children enter school ready to learn. Otherwise, we put our children at a grave disadvantage of not being well-rounded and productive members of society.

In 1991, in my first State of the State Address, I drew a line in the sand in Ohio and said that this was going to be the last generation of children to go on welfare, go to jail, to get pregnant while they are teenagers.

We make a commitment to Head Start, to enroll as many eligible children as possible and increasing the funding for that program from $18.4 million in fiscal year 1990 to $181.3 million in fiscal year 1998.

And, the fact of the matter is that today in Ohio, we have a slot for every child who is eligible for Head Start, public school, pre-school or special needs. Ohio leads the nation—and does so primarily with state tax dollars.

In addition, we established Early Start, which was designed to provide early intervention services for children from pre-natal to three who are at significant risk of abuse, neglect or future developmental delay. It's just a fantastic program.

I believe a Federal investment in our children at the most critical juncture of their lives—pre-natal to three—will do more to end the cycle of crime and violence in America than anything else the Senate could do.

Studies looking at resiliency in adolescents are finding that a stable beginning contributes significantly to the youth's ability to take control and turn their life around.

During consideration of this juvenile justice legislation, we have considered, and may still consider, controversial proposals associated with this bill that elicit either solid support of deep opposition.

Yet, when it comes time to consider our legislation to provide enhanced prenatal-to-3 services, I am hopeful that proposal will receive support from both sides of the aisle.

I will speak again on this issue when I introduce our legislation in the next 2 weeks.

However, with the context of the floor debate, I could not pass up this opportunity to express my views on how best we can get to the root of juvenile crime in this country.

Thank you, Mr. President.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President. During the debate over juvenile crime, we have heard a lot about the negative activities that juveniles participate in—playing violent video games, viewing unseemly sites on the Internet, and watching objectionable movies. But little has been said about the constructive things that kids can be—and are—doing with their time. It seems, sometimes, that there are few alternatives to the pollution that modern culture often feeds to our children.

However, in my home state of Utah there are many programs that help children to focus their attention away from destructive activities. For example, the Police Athletic League in Ogden, Utah provides sports lessons and intramural teams for 325 kids. Police officers serve as mentors to children and supply much needed attention through athletic activities.

The Hispanic Cultural Youth Program in Utah holds dances and social events that present a safe place for youth to socialize. And the LDS church has an extensive youth program that provides social events, educational activities, mentoring and community service activities.

I want my colleagues to be aware of an excellent program in Arizona that gives juveniles positive alternatives to the destructive activities that contribute to juvenile crime. "Kid-Star" Radio 590 AM, in Phoenix, allows children to produce, broadcast, and promote their own radio shows. Perry Damone, son of my good friend Vic Damone, has founded this program that places radio stations in the public schools and allows the children to control the broadcast. The kids run the entire program and have had phenomenal success with it. Over 3,000 students throughout Arizona have participated in the program. Individual schools report an almost immediate improvement in over-all student responsibility, and better written and oral skills.

Under this program, the students have conducted numerous interviews with prominent individuals including country singer Garth Brooks, comedian Jay Leno and our esteemed colleague Senator JOHN MCCAIN. Children have emerged from this program with a better self-esteem, greater maturity, and life skills.

In S. 254, the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999, the Federal Government is required to disseminate data on prevention programs that are successful. This bill provides over $1 billion a year to the States to fight juvenile crime and prevent juvenile delinquency. This money will help the Department of Justice isolate and encourage successful prevention programs. Programs like the Police Athletic League, the Hispanic Cultural Youth Program, and "Kid-Star" should receive our special attention and be encouraged to continue the good work that they do.

As we continue to search for solutions to juvenile crime, let's remember the best solutions come from individuals working on a local level to make a difference. We can learn much from these initiatives on behalf of our children. I am extremely enthusiastic about the programs I have mentioned and hope the positive benefits of programs such as this can be extended to the entire Nation.

ARLINGTON, VIRGINIA DMV DEMONSTRATES IMPORTANCE OF THE NATIONAL MOTOR VEHICLE TITLE INFORMATION SYSTEM

Mr. LOTT. Mr. President, I rise to thank the Virginia Department of Motor Vehicles (DMV) and the American Association of Motor Vehicle Administrators for hosting a demonstration of the National Motor Vehicle Title Information System (NMVTIS) today in Arlington, Virginia.

Staff representing Senators from both sides of the aisle were shown how the national titling information system will allow participating states to track a motor vehicle from essentially birth to death. NMVTIS will let DMVs and consumers know where a vehicle was previously titled and which, if any, brands have been associated with the vehicle. It will also let law enforcement know if a vehicle being registered or titled is stolen. Again, this is crucial disclosure information for states, car buyers, and police forces across the country.

It is a system that is consistent with advances in technology. One that allows states to share information over the wire. NMVTIS makes a great deal of sense as state governments move to paperless systems and greater use of the Internet to share information with their citizenry.

Mr. President, Congress directed the establishment of NMVTIS as part of the Anti-Car Theft Act of 1992. In part, to curtail motor vehicle theft, but also to allow states to share "real time" up-to-date vehicle information.

It is clear though, that the effectiveness of a national titling information system depends on maximum state participation. Congress knew this when it authorized incentive grants to encourage states to use the system. A minimum of $300,000 is available to a state to offset its implementation costs.

Virginia, often a technology leader, embraced NMVTIS early and agreed to be the first state to pilot test the system. It will have the system online at all DMVs this June. Indiana, Massachusetts, Florida, and Arizona are also in the process of implementing NMVTIS. Kentucky and New Hampshire are not far behind. Both states submitted formal grant applications to the Department of Justice which oversees NMVTIS. Additionally, a number of states have also sent letters of interest and are hopeful to obtain startup funding this year. These include: Alabama, District of Columbia, Georgia, Hawaii, Idaho, Illinois, Louisiana, Maryland, Missouri, Nebraska, Nevada, New Jersey, New Mexico, New York, North Dakota, Ohio, Pennsylvania, Tennessee, Texas, and West Virginia.

It is expected that 21 states will be full partners in the national titling system by 2000 and that all states will choose to participate in the system by 2003.

Mr. President, I congratulate Virginia and the other participating states for leading the way. NMVTIS is one significant tool that will be used to combat title fraud and vehicle theft. With NMVTIS, and appropriate and workable uniform salvage vehicle titling definitions and standards, consumers across the country will have the kind of disclosure detail they need to make informed purchase decisions.

Somewhere down the road, consumers will be able to conduct vehicle queries and get "real time" vehicle history information from their home computers.

Mr. President, the 106th Congress does not need to put roadblocks in the way. My colleagues must reject any proposal that would jeopardize full nationwide implementation of this much needed system. Instead, this Congress must do everything it can to maintain the vitality of NMVTIS. For America's motorists, for car purchasers, and for all 50 states.

Mr. President, I ask unanimous consent to have printed in the RECORD an AAMVA news release and other background information on NMVTIS.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN ASSOCIATION OF
MOTOR VEHICLE ADMINISTRATORS,
Arlington, VA, May 14, 1999.

SALVAGE LEGISLATION KILLS TITLE WASHING RIDS ROAD OF UNSAFE VEHICLES

ARLINGTON, VA.—Senate staffers tomorrow at 10:30 a.m., get a first hand, real-time look at what could signal the end of automobile title theft and help rid our highways of unsafe vehicles.

At the Virginia Department of Motor Vehicles (DMV), 4150 South Four Mile Run Drive, Arlington, Virginia, members of the Committee on Commerce, Science, and Transportation will peek at the technology serving as the backbone for Senator Lott's S. 655.

This bill encourages the standardization of title laws combating the fraudulent resale of damaged and stolen vehicles. Under Lott's bill, federal incentives would be provided to those states enacting uniform state title branding laws. An opposing bill circulating through committee doesn't provide the federal incentives and increases the paper trail with salvaged vehicles.

"We support S. 655 and the standardization of title laws to combat fraud," said Kenneth M. Beam, president, American Association of Motor Vehicle Administrators (AAMVA). "Ridding our highways of unsafe vehicles and eliminating 'title washing' is of eminent importance to highway safety."

The Anti-Car Theft Act of 1992 required the U.S. Department of Transportation (DOT) to implement a National Motor Vehicle Title Information System (NMVTIS pronounced min-veet-us). The American Association of Motor Vehicle Administrators (AAMVA) undertook the responsibility of assisting states in complying with the new legislation. And in 1996, Congress mandated responsibility of the system to the U.S. Department of Justice (DOJ).

Currently five states are online with NMVTIS including; Virginia, Indiana, Massachusetts, Florida and Arizona. Lott's bill will reinforce the effort to implement NMVTIS nationwide.

PUBLIC RELATIONS OFFICE,
DEPARTMENT OF MOTOR VEHICLES,
Richmond, VA, May 14, 1999.

NATIONAL MOTOR VEHICLE TITLE INFORMATION SYSTEM (NMVTIS)

INTRODUCTION

NMVTIS is required by the Anti Car Theft Act of 1992, which was enacted to deter trafficking of stolen vehicles by strengthening law enforcement, combating automobile title fraud, preventing "chop shop" related thefts, and inspecting exports for stolen vehicles. Approximately $800,000 was appropriated to the National Highway Transportation Safety Administration (NHTSA) to develop a prototype system for a national clearinghouse of vehicle title information. The idea is to have a central file which, when polled, would tell a state where the vehicle is currently titled and verify the validity before a new title is issued. NHTSA allocated the funds to the American Association of Motor Vehicle Administrators (AAMVA) for AAMVAnet, the AAMVA non-profit entity that manages the network, to coordinate the project and to run a pilot of the program. Virginia developed a system design for the pilot program and was the first state to place all NMVTIS transactions into production. The other states participating in the pilot are Arizona, Florida, Indiana, Kentucky, Massachusetts, and New Hampshire.

AAMVA has contracted with the Polk Company to provide the Central File Operator (CFO) services for Manufacturer's Statement of Origin (MSO), VIN and State of Title (SOT) information. They have also contracted with NICB-Facta to provide similar services for the Brand and Theft files (to advise the inquiring state of any reported thefts and any brands on the vehicle). Also, Congress provided an additional $1,000,000 for the project to the Department of Justice, Federal Bureau of Investigation (FBI) and moved the project responsibility from NHTSA to the FBI.

This online, real-time system currently includes vehicle information from both pilot and non-pilot states. Non-repairable and salvage vehicle information from junkyards, salvage yards, and insurance carriers is also included. Manufacturers also enter Manufacturer's Certificate of Origin (MCO) information into the system.

The following types of data are exchanged between states, private sector service providers (i.e. salvage yards), and users:

Title

Registration

Brand

Theft

Detailed vehicle information

Vehicle information is also provided to:

Other states

Federal, state, and local law enforcement

Insurance carriers

Prospective purchasers

States use the system to determine:

Validity and status of a Manufacturers Certificate of Origin (MCO)

Validity and status of a title document

Current State of Title (SOT)

Title and registration history

If a vehicle is non-repairable, salvage, or otherwise branded

A vehicle's last recorded odometer reading

If a vehicle has been reported stolen

Detailed vehicle data from manufacturer and/or SOT

States update the system when:

A vehicle has been titled from an MCO or issued from an MCO in error

A vehicle has been re-titled from another state or re-titled from another state in error

Title data has changed

A title record has been deleted from a state's files

A vehicle has been registered or registered in error

A brand has been recorded on a title or has been recorded in error

The system notifies the states when another state has:

Titled a vehicle or titled a vehicle in error

Registered a vehicle or registered a vehicle in error

Examples of vehicle information maintained on NMVTIS are:

VIN

Make

Year

Model

Body type

Color

GVW (Gross Vehicle Weight)

The following information is not included in NMVTIS:

An individual's Social Security Number (SSN) or address

Non-electronic updates of brand data from junk yards, salvage yard, or insurance carriers

Pointers to the State of Registration (SOR)

Any guarantee that brand history is complete at the time of inquiry (Junkyards, salvage yards, and insurance carriers report monthly.)

The following vehicles (based on body type) are currently excluded from NMVTIS:

All trailers

Mopeds

Motor bikes

Manufactured homes

Equipment

NMVTIS will benefit states by allowing for:

A framework to promote uniformity in titling procedures among U.S. jurisdictions.

Titling jurisdictions to verify the vehicle and title information, obtain information on all brands ever applied to a vehicle, and obtain information on whether the vehicle has been reported stolen, prior to issuing a title.

The VIN to be checked against a national pointer file, which provides the last jurisdiction that issued a title on a vehicle and requests detail of the vehicle from the jurisdiction.

Law enforcement to create lists of vehicles, by junkyard, salvage yard, or insurance carrier that are reported as junk or salvage. The Act requires junkyard, salvage yards, and insurance carriers to report monthly to NMVTIS on all junk and salvage vehicles obtained. Law enforcement's inquiries to NMVTIS will further assist its investigations of vehicle theft and fraud.

Manufacturers to dramatically reduce the use of paper Manufacturer's Certificate of Origin. NMVTIS will incorporate the functionality of the AAMV Anet Paperless MCO application, which allows jurisdictions to inquire on an electronic MCO file for data necessary to create the vehicle's first title. The manufacturers reduce their use of the paper MCO, and the jurisdictions build their initial title records from the electronic data created by manufacturers, which will significantly reduce data entry errors.

The consumer, through a Prospective Purchaser Inquiry (PPI), to have access to any current or former title brands that relate to the value and condition of a particular vehicle. This allows consumers to make better-informed decisions on whether to buy a vehicle and at what purchase price.

NATIONAL MOTOR VEHICLE TITLE INFORMATION SYSTEM

EXECUTIVE SUMMARY

Background: Anti Car Theft Act of 1992

The Anti Car Theft Act of 1992 (the Act) was enacted to deter trafficking in stolen vehicles by strengthening law enforcement against auto theft (Title I), combating automobile title fraud (Title II), preventing "chop shop" related thefts (Title III), and inspecting exports for stolen vehicles (Title IV). Title II of the Act required the Department of Transportation (DOT) to implement a National Motor Vehicle Title Information System (NMVTIS).

Title II intent

The intent of Title II is to make it as difficult as possible for automobile thieves to obtain legitimate vehicle ownership documentation. Also, consumers will have ready access to vehicle information.

System capabilities

NMVTIS will allow jurisdictions to verify the validity of titles prior to issuing new titles. This will inhibit title fraud and auto theft by making it harder to title stolen vehicles. Law enforcement officials will be provided access to junk yard and salvage yard information, allowing them to identify illegal activities. The consumer will have access to the latest odometer reading and any current or former title brands that relate to the value and condition of a particular vehicle. This allows consumers to make better-informed decisions on whether to buy a vehicle and at what purchase price.

Authorized users of NMVTIS

The Act specifies that the information within NMVTIS shall be available to jurisdictions: federal, state and local law enforcement officials; insurance carriers and other prospective purchasers (e.g., individuals, auction companies, and used car dealers).

The NMVTIS pilot

AAMVA has developed a pilot NMVTIS. The design of the system was selected by the U.S. jurisdictions as one that posed the least burden on the states for creating, maintaining, and operating a system for the exchange of vehicle titling and brand data. The purpose of the pilot is to confirm the feasibility and benefits of the system's technical design and operational procedures. The pilot will allow for a fine-tuning of the technical and procedural issues prior to the national rollout of NMVTIS.

Pilot participants are Kentucky, Massachusetts, Indiana, Virginia, Florida, and Arizona.

The Anti Car Theft Improvements Act

To implement the National Motor Vehicle Title Information System (NMVTIS) nationwide (i.e., post-pilot), the states need Congressional authorization of funds for grants. The Anti Car Theft Improvements Act of 1996 was signed into law on July 2, 1996. It amends the Anti Car Theft Act of 1992 to:

authorize funding for states' development of NMVTIS,

remove the cap previously placed on state grant funding,

give the Department of Justice the responsibility for the information system, and

move the date of implementation of NMVTIS to December 1997.

Data available

Data supported by this system and available to its users include:

registration and title data,

brand history data,

detailed vehicle data.

Benefits of the system

NMVTIS will allow for:

Titling jurisdictions to verify the vehicle and title information, obtain information on all brands ever applied to a vehicle, and obtain information on whether the vehicle has been reported stolen. This information can be received prior to issuing a title, which allows the title jurisdiction to verify the data before creating the title.

The VIN is checked against a national pointer file, which provides the last jurisdiction that issued a title on a vehicle and requests details of the vehicle from that jurisdiction. The details include the latest odometer reading for the vehicle. This verification of title, brand, theft, and odometer data will allow for a reduction in the issuance of fraudulent titles and a reduction in odometer fraud. Once the inquiring jurisdiction receives the information, it can decide whether to issue a title; if so, NMVTIS notifies the last titling jurisdiction that another jurisdiction has issued a title. The old jurisdiction can then inactivate its title record. This will allow jurisdictions to identify and purge inactive titles on a regular basis.

Law enforcement to create lists of vehicles, by junk yard, salvage yard, or insurance carrier, that are reported as junk or salvage. The Act requires junk yards, salvage yards, and insurance carriers to report monthly to NMVTIS on all junk and salvage vehicles obtained. Law enforcement's inquiries will allow it to use NMVTIS to further its investigations of vehicle theft and fraud.

Manufacturers to dramatically reduce the use of paper Manufacturer's Certificate of Origin. NMVTIS will incorporate the functionality of the AAMVAnet Paperless MCO application, which allows jurisdictions to inquire on an electronic MCO file for data necessary to create the vehicle's first title. The manufacturers reduce their use of the paper MCO, and the jurisdictions build their initial title records from the electronic data created by the manufacturers, which will significantly reduce data entry errors.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, May 13, 1999, the federal debt stood at $5,579,720,008,674.59 (Five trillion, five hundred seventy-nine billion, seven hundred twenty million, eight thousand, six hundred seventy-four dollars and fifty-nine cents).

One year ago, May 13, 1998, the federal debt stood at $5,492,157,000,000 (Five trillion, four hundred ninety-two billion, one hundred fifty-seven million).

Five years ago, May 13, 1994, the federal debt stood at $4,579,502,000,000 (Four trillion, five hundred seventy-nine billion, five hundred two million).

Twenty-five years ago, May 13, 1974, the federal debt stood at $469,298,000,000 (Four hundred sixty-nine billion, two hundred ninety-eight million) which reflects a debt increase of more than $5 trillion—$5,110,422,008,674.59 (Five trillion, one hundred ten billion, four hundred twenty-two million, eight thousand, six hundred seventy-four dollars and fifty-nine cents) during the past 25 years.

NORTHERN MARIANA ISLANDS COVENANT IMPLEMENTATION ACT

Mr. AKAKA. Mr. President, last night, the Senator from Alaska and I introduced the Commonwealth of the Northern Mariana Islands Covenant Implementation Act, legislation to end immigration abuses in a U.S. territory know as the CNMI. This is a bipartisan reform bill, and the changes we propose were supported by the Clinton Administration during the 105th Congress.

I commend my colleague from Alaska, Senator MURKOWSKI, for his leadership on CNMI reform. He traveled more than 10,000 miles to get a first-hand understanding of this issue. Our bill responds to the profound problems that we witnessed while visiting the CNMI.

The Commonwealth of the Northern Mariana Islands is a group of islands located in the far western Pacific. Following World War II, the United States administered the islands under a U.N. Trusteeship.

In 1975, the people of the CNMI voted for political union with the United States. Today, the CNMI is a U.S. territory.

A 1976 covenant enacted by Congress gave U.S. citizenship to CNMI residents. The covenant also exempted the Commonwealth from U.S. immigration law. This exemption led to the immigration abuses that our bill will correct.

I don't represent the CNMI, but the Commonwealth is in Hawaii's backyard. I speak as a friend and neighbor when I say that conditions in the CNMI must change. The CNMI system of indentured immigrant labor is morally wrong, and violates basic democratic principles.

The CNMI shares the American flag, but it does not share our immigration system. When the Commonwealth became a territory of the United States, we allowed them to write their own immigration laws. After twenty years of experience, we know that the CNMI immigration experiment has failed.

Conditions in the CNMI prompt the question whether the United States should operate a unified system of immigration, or whether a U.S. territory should be allowed to establish laws in conflict with national immigration policy.

Common sense tells us that a unified system is the only answer. If Puerto Rico, or Hawaii, or Arizona, or Oklahoma could write their own immigration laws—and give work visas to foreigners—our national immigration system would be in chaos.

America is one country. We need a uniform immigration system, rather than one system for the 50 states and another system for one of our territories.

There is a mountain of evidence proving just how bad the CNMI situation has become. Let me cite a few examples:

Twenty years ago, the CNMI had a population of 15,000 citizens and 2,000 alien workers. Today, the citizen population has increased to 28,000. Yet the alien worker population has mushroomed to 42,000—a 2000 percent increase. Three to four thousand of these alien workers are illegal aliens.

The Immigration and Naturalization Service reports that the CNMI has no reliable records of aliens who have entered the Commonwealth, how long they remain, and when, if ever, they depart. A CNMI official testified that they have "no effective control" over immigration in their island.

The bipartisan Commission on Immigration studied immigration and indentured labor in the CNMI. The Commission called it "antithetical to American values," and announced that no democratic society has an immigration policy like the CNMI. "The closest equivalent is Kuwait," the Commission found.

The Department of Commerce found that the territory has become "a Chinese province" for garment production. The CNMI garment industry employs 15,000 Chinese workers, some of whom sign contracts that forbid participation in religious or political activities while on U.S. soil. China is exporting their workers, and their human rights policies, to the CNMI.

The CNMI is becoming an international embarrassment to the United States. We have received complaints from the Philippines, Nepal, Sri Lanka, and Bangladesh about immigration abuses and the treatment of workers.

Despite efforts by the Reagan, Bush and Clinton Administrations to persuade the CNMI to correct these problems, the situation has only deteriorated.

My colleagues, the Senator from Alaska and I have been patient. After years of waiting, the time for patience has ended. Conditions in the CNMI are a looming political embarrassment to our country. I urge the Senate to respond by enacting the reform legislation we have introduced.

AGRICULTURAL BOND ENHANCEMENT ACT

Mr. GRASSLEY. Mr. President, yesterday, Senator CONRAD, and Representatives NUSSLE and BOSWELL helped me stand up for American agriculture.

Agriculture is capital intensive. As a family farmer myself, I know you can't put your love of the land to work if you don't have the resources to get started.

My colleagues and I introduced a bipartisan bicameral bill that will expand opportunities for beginning farmers who are in need of low interest loans for capital purchases of farmland and equipment. This legislation is called the "Agricultural Bond Enhancement Act."

Back in the early 1980s, I realize the federal government needed to do more to provide young farmers an opportunity to start farming. In 1981, I pushed for pilot projects to establish the Aggie Bond program. After temporarily reauthorizing the program many times I succeeded in making the Beginning Farmer Loan Program permanent in the 103rd Congress.

Current law permits state authorities to issue tax exempt bonds and to loan the proceeds from the sale of the bonds to beginning farmers and ranchers to finance the cost of acquiring land, buildings and equipment used in a farm or ranch operation. The tax-exempt nature of the Aggie Bonds provides a below-market interest rate on the loan made to the farmer or rancher.

The program has been very successful, especially in my home state of Iowa. Since the beginning of the program in 1981, more than 2,600 Iowans have taken advantage of this opportunity. Iowa's program has provided over $260 million in qualified beginning loans and the default rate has only been 1.5% of the total number of loans. I believe most ag lenders would agree those are very good numbers.

We have an opportunity to make the Beginning Farmer Loan Program even better. Currently, Aggie Bonds are subjected to a volume cap. That puts them in competition with industrial projects for bond allocation. This is the problem we would like to remedy.

Aggie Bonds share few similarities to Industrial Revenue Bonds and should not be subjected to the same volume cap. Insufficient funding due to the volume cap limits the effectiveness of this program.

The solution: amend the Internal Revenue Code of 1986 to exempt small issue bonds for agriculture from the State volume cap.

During the past three years the Iowa Agricultural Development Authority has consistently used all of the $24 million bond allocation it was allowed. Some beginning farmers had to sit idle until the next year to close their loan, or pay a higher interest rate if they closed their loan without the bond.

We cannot afford to stand by and allow the next generation of family farmers to lose out on an opportunity to start farming. The average age of America's family farmers continues to climb.

Deserving young farmers should not be forced to compete against industry for reduced interest loans.

The "Agricultural Bond Enhancement Act" will open the door to more young farmers and help cultivate the next crop of family farmers in the 21st century.

KOSOVO REFUGEE REGISTRATION

Mr. GRAMS. Mr. President, we are all horrified by the human suffering that we are seeing every day as ethnic Albanians are being forced to flee Kosovo. The scope of this tragedy is overwhelming. Many of the refugees have not only lost their homes and other material possessions—they have been separated from their families and stripped of their identities, as documents were stolen and destroyed. While NATO and the United Nations are trying to manage the refugee crisis, there have been glaring shortcomings in their capacity to help refugees to be reunited with loved ones.

I am pleased the United Nations High Commissioner for Refugees (UNHCR) is looking to the private sector for assistance, and that the private sector is generously contributing equipment, funds, and expertise to help ease this horrible situation. UNHCR currently does not have the technological capability to furnish a registration system which could log and issue identification papers to over 400,000 displaced Kosovars who have taken refuge in Albania. So Microsoft, Hewlett-Packard, Compaq, Securit World Ltd, and ScreenCheck B.V., have offered to provide a registration system that will facilitate the distribution of relief supplies and assist in the reunification of family members. Clearly, this effort will make a substantial difference in helping the refugees in Albania to rebuild their lives. While we automatically rely on government agencies to respond to such a crisis, it is encouraging to see companies step up to the plate and volunteer assistance they can provide faster and more efficiently than the public sector. This kind of private sector involvement should serve as an example for other companies to follow.

UNITED STATES EMBASSY IN ISRAEL

Mr. BROWNBACK. Mr. President, yesterday, Israel marked 32 years since Jerusalem was united under Israeli control in the 1967 Mideast war. I rise today to strongly urge the President of the United States not to employ the waiver provision in the Jerusalem Embassy Act of 1995, but rather to fulfill the intent of that law by moving our embassy in Israel from Tel Aviv to Israel's capital city, Jerusalem.

The United States has diplomatic relations with 184 countries around the world. With only one of those countries—Israel—do we neither recognize the country's designated capital nor have our embassy located in the designated capital. That is as incredible as it is unacceptable. It is not only that Israel is one of our closet and most important allies. Nor is it only the obvious principle that every country has the right to designate its own capital. It is also that there is no other capital city anywhere whose history is more intimately associated than is Jerusalem's with the nation of Israel.

Jerusalem is the only city on earth that is the capital of the same country, inhabited by the same people who speak the same language and worship the same God as they did 3,000 years ago. No other city on earth can make that claim. Three thousand years ago, David, King of Israel, made Jerusalem his capital city and brought the Ark of the Covenant into its gates. Ever since, Jerusalem has been the cultural, spiritual, and religious center of the Jewish people. Twenty-five hundred years ago an anonymous Jewish psalmist living in forced exile wrote the following words: "By the rivers of Babylon, there we sat down and wept when we remembered Zion . . . If I forget the O Jerusalem, may my right hand lose its cunning; may my tongue cleave to the roof of my mouth if I do not remember thee, If I do not set Jerusalem above my chief joy."

Jerusalem has been a capital city of an independent country only three times in its history, and all three were under Jewish sovereignty: under the four hundred year rule of the House of Davids, under the restored Jewish commonwealth following the period of Babylonian exile (586–536 BC), and now under the reborn State of Israel. Jerusalem has been the capital of no other independent state, nor of any other people. It has had a continuous Jewish presence for three thousand years, and for the last hundred and fifty years, Jews have been the largest single part of its population.

In 1947, The United Nations General Assembly passed the Partition Resolution for Palestine to partition what is today Israel, the West Bank, and Gaza into what was supposed to become a Jewish state and a Palestinian Arab state. In the resolution, Jerusalem was to have been an international city under UN auspices. The Jewish community of Palestine accepted the partition proposal but the Arab community, along with the rest of the Arab world, refused. Instead, Arab armies invaded the nascent Jewish state intent on destroying it—a de facto rendering the Partition Resolution null and void.

Nevertheless, the United States established its embassy in Tel Aviv, where it sits to this day. But Jerusalem is Israel's capital: it is the seat of its government, its parliament, its supreme court. The President and Prime Minister reside there. Our ambassador travels daily from Tel Aviv to meetings with Israeli government officials in Jerusalem. All major political parties in Israel agree, moreover, that Jerusalem will remain Israel's undivided capital.

The United States Congress also agrees. Congress overwhelmingly passed legislation in 1995 that contained an official statement of US policy on Jerusalem: that it should remain united and be recognized as Israel's capital, and that our embassy should be located there by the end of May, 1999. If the embassy were not located in Jerusalem by that date, 50 percent of the State Department's budget for buildings and maintenance abroad would be withheld unless the President issued a national security waiver. That is the waiver which the President now considers issuing. I strongly believe that he should not do so, that instead he should do what is right by recognizing that Jerusalem is Israel's capital.

There are those who timidly argue that to do what is right will damage the peace process. How can that be possible? Is it not more harmful to fuel unrealizable expectations by pretending that Jerusalem is not Israel's capital or that it might someday be redivided? Would it not be better simply to finally do what we should have done fifty years ago by recognizing the only city that could ever be. Israel's capital, the one city that has always been Israel's capital, the eternal city of Jerusalem?

President Clinton stated when he was running for office on June 30, 1992 the following: "Whatever the outcome of the negotiations, . . . Jerusalem is still the capital of Israel, and must remain an undivided city accessible to all." He was right then, and he has the chance to do right now.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BOND:

S. 1053. A bill to amend the Clean Air Act to incorporate certain provisions of the transportation conformity regulations, as in effect on March 1, 1999; to the Committee on Environment and Public Works.

By Ms. COLLINS:

S. 1054. A bill to amend the Internal Revenue Code of 1986 to enhance various tax incentives for education; to the Committee on Finance.

By Mr. BROWNBACK (for himself and Mr. AKAKA):

S. 1055. A bill to amend title 36, United States Code, to designate the day before Thanksgiving as "National Day of Reconciliation"; to the Committee on the Judiciary.

By Mr. CHAFEE:

S. 1056. A bill to amend the Internal Revenue Code of 1986 to improve tax equity for the Highway Trust Fund and to reduce the number of separate taxes deposited into the Highway Trust Fund, and for other purposes; to the Committee on Finance.

By Mr. MACK (for himself, Mr. GRAHAM, Mr. HATCH, Mr. CONRAD, Mr. NICKLES, Mr. KERREY, Mr. GRAMM, Mr. BRYAN, Mr. CHAFEE, Mr. BAUCUS, Mr. MURKOWSKI, Mr. BREAUX, Mr. JEFFORDS, Mr. ROBB, Mr. COVERDELL, Mr. ROCKEFELLER, Mr. HELMS, Mr. TORRICELLI, and Mrs. HUTCHISON):

S. 1057. A bill to amend the Internal Revenue Code of 1986 to simplify certain provisions applicable to real estate investment trusts; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BOND:

S. 1053. A bill to amend the Clean Air Act to incorporate certain provisions of the transportation conformity regulations, as in effect on March 1, 1999; to the Committee on Environment and Public Works.

CLEAN AIR ACT AMENDMENTS

Mr. BOND. Mr. President, on March 2, 1999, the United States Court of Appeals for the District of Columbia issued its decision in the Environmental Defense Fund versus Environmental Protection Agency lawsuit whereby the EDF filed suit challenging several provisions of the EPA's air quality conformity rule. The court ruled in favor of the EDF.

This decision overturned a well-established EPA rule permitting previously approved transportation projects being "grandfathered" into transportation air quality conformity plans. The court decision eliminates any flexibility for local authorities to proceed with projects and protect them from disruptions caused by issues often beyond their control—including changes in federal regulations and standards. In addition, the court decision impacted use of submitted budgets, non-federal project flexibility, grace periods before SIP disapprovals, and SIP safety margins.

As of April 19, the Federal Highway Administration had identified ten areas in conformity lapse where transportation projects are impacted. The areas are: Ashland, Kentucky; Memphis, Tennessee; Raleigh, North Carolina; Winston-Salem, North Carolina; Atlanta, Georgia; Monterey, California; Santa Barbara, California; Knoxville, Tennessee; Paducah, Kentucky; and South Bend, Indiana.

Many people probably thought that would be the end of the list. To give another example of why this is such an important issue—one week ago today the United States Department of Transportation determined that the Kansas City metropolitan area's conformity plan had lapsed. The Kansas and Missouri Divisions of the Federal Highway Administration halted approval of transportation projects in the region. More and more areas could be faced with this situation.

If we do not address this issue, it could potentially bring to a halt transportation improvement projects around the country—further jeopardizing the safety of the traveling public, hindering economic growth, and in my opinion, doing nothing to improve the air quality situation in any of these areas.

Mr. President, I send a bill to the desk.

Mr. President, the only thing this legislation does is amend the Clean Air Act to reinstate those EPA rules which were struck down or remanded in the Environmental Defense Fund vs. Environmental Protection Agency lawsuit. No more. No less. This legislation has zero impact on the Clean Air Act of EPA's rules.

In 1997, in the EPA's information on the final conformity rule that incorporated the 1997 changes, EPA reported the following:

> The conformity rule changes promulgated today result from the experience that EPA, the Department of Transportation, and state and local air and transportation officials have had with implementation of the rule since it was first published in November of 1993. While these changes clarify the rule and in some cases offer increased flexibility, they will not result in any negative change in health and environmental benefits.

So the EPA got together with the stakeholders, issued a rulemaking, provided the public comment period, issued a final rule, practiced for several years, and defended the position in court. I want to take this position and codify it.

Mr. President—there will be some who will argue for more or less restrictive changes to the underlying conformity provision in the Clean Air Act. Should that discussion and debate occur? Yes. I might support some of those changes. However, we have an immediate situation where transportation projects around the country are or could be impacted by the court's ruling. States and metropolitan areas across the country are needing assistance with this issue. I urge my colleagues to cosponsor and support this common sense legislation that simply takes EPA's own regulations on conformity that the court overturned and puts them into law.

Mr. President, we must address the immediate situation and then continue the debate on conformity to address further needs.

By Ms. COLLINS:

S. 1054. A bill to amend the Internal Revenue Code of 1986 to enhance various tax incentives for education; to the Committee on Finance.

SAVINGS FOR SCHOLARS ACT

Ms. COLLINS. Mr. President, I rise today to introduce legislation, the Savings for Scholars Act, to help families save for college expenses. This bill would make education IRAs and State tuition plans more effective vehicles for families to use in saving for postsecondary education. I want to thank Senator ROTH and his staff on the Finance Committee for working with me and my staff in drafting this legislation. In the 3 years that he has chaired the Finance Committee, Senator ROTH has been a true champion for all of us who place a tremendous value on educating our nation's children and young adults.

When Congress created the education IRA 2 years ago, we took an important first step in the direction of encouraging families to save for their children's education. But, the law contains a very significant limitation—families cannot contribute more than $500 a year to these accounts. This restriction makes it difficult for a family to accumulate savings sufficient to pay the cost of a college degree. Even if parents start saving from the time their child is born, an investment in an education IRA of $500 a year, assuming an average annual return of 8 percent, will only yield about $19,000 when that child begins higher education. Today, the average cost of 4 years of higher education is about $30,000 at a public institution and about $75,000 at a private school. In short, the current limits are not nearly high enough to finance even today's college costs, much less the cost 18 years from now.

Raising the maximum contribution to $2,000 will allow a family to accumulate at least as much as the current average cost of attending a private school. This is money that many middle-class families and their children otherwise would need to borrow; it is tens of thousands of dollars in student loans that would burden graduates with a mountain of debt. Most important, raising the education IRA contribution limit would make a 4-year college education more accessible and less of a financial challenge for middle-income families.

In addition to increasing the education IRA contribution limit, this bill would make a technical change to remove a confusing inconsistently between the education IRA and the traditional IRA. The last date on which a contribution to an education IRA can be made is December 31 of any year. Traditional IRAs may receive contributions until April 15 of the year following the tax year. This bill changes the deadline for contributions to education IRAs to coincide with that of the traditional IRA. This modest change would eliminate a source of confusion that might cause a family planning to contribute to a child's IRA to inadvertently miss the deadline.

The second part of my bill deals with qualified State tuition plans. These are tax-deferred plans, administered by the individual states, that allow families to prepay college tuition or to accumulate tax-deferred savings for postsecondary education expenses. My bill makes two changes in the requirements of these plans that should make them more flexible and useful to families. The first is to require that all qualified State tuition plans allow at least three rollovers without any change in beneficiary. This change would guarantee that participants in one state's plan can transfer their assets to another state's plan. The need for this could be the result of a family moving from one state to another or of a change in a child's education plans. My bill will give greater flexibility in the choice of postsecondary education institutions to the beneficiaries of these plans.

The bill also proposes one additional change to the qualified tuition programs—a change that will make the plans more attractive to families. Under current law, the assets of a plan can be rolled over to specified members of a beneficiary's family. This allows the plan's assets to be used by a sibling if the original beneficiary cannot or does not use the plan. However, the definition of a family member does not include first cousins. Thus, a parent of a single child could not transfer the benefits to a niece or nephew if his or her child did not use the plan. Perhaps more significantly, this change would make the qualified state tuition plan more desirable for grandparents. They could be assured that a plan established for the benefit of one grandchild could be transferred to any of their grandchildren.

The final part of this bill corrects an unfair consequence of the interaction between the HOPE tax credits and the education IRA. Currently, a taxpayer is prohibited from claiming the HOPE tax credit in any year in which a withdrawal from an education IRA is made—regardless of the total amount the taxpayer spends on education. This bill allows the HOPE tax credit to be claimed to the extent that the cost of education exceeds the amount withdrawn from the IRA. It does not allow a double benefit, but it does prevent one benefit—the IRA withdrawal—from canceling another benefit. It also eliminates a potential trap for the unwary taxpayer who may accidentally claim both benefits and, as a result, incur a penalty.

Mr. President, investing in education is the surest way for us to build our country's assets for the future. We need to ensure that postsecondary education is affordable and that graduates do not accumulate crippling debts while attending school. Adopting this bill will help us to accomplish both of these goals. I urge my colleagues to support these efforts.

By Mr. BROWNBACK (for himself and Mr. AKAKA):

S. 1055. A bill to amend title 36, United States Code, to designate the day before Thanksgiving as "National Day of Reconciliation"; to the Committee on the Judiciary.

NATIONAL DAY OF RECONCILIATION LEGISLATION

Mr. BROWNBACK. Mr. President, today, I, along with Senator AKAKA, introduce the National Day of Reconciliation Bill. In this bill, the President will issue a yearly proclamation designating the day before Thanksgiving as a "National Day of Reconciliation." On this day, it is our hope that every person in the U.S. should seek out those individuals who have been alienated and pursue forgiveness and reconciliation from them. Historically, Thanksgiving is a time when we put all of our differences aside and give thanks for all that we have achieved and shared. I cannot think of a better day in which to reconcile than the day before Thanksgiving.

When considering the need for this piece of legislation, I was reminded of times when our nation was at war with itself, and the very fabric of our Constitution was held together by a few threads. The Civil War placed our democracy and national sovereignty in great jeopardy. However, Abraham Lincoln, one of our nation's greatest leaders, knew the importance of "binding" our nation together after civil war had ravaged our nation. It was through his wisdom and ability to forgive that he helped heal our nation's wounds. Once again, there is the absence of peace in America.

We live in a society where there is too much alienation, from one another and from God. We, in too many cases, have allowed our focus to shift from one another to ourselves. Lincoln recognized the need to reconcile with one another. He also knew that reconciliation efforts would never be successful without looking first to the divine authority.

In his second Inaugural speech, Lincoln said, "with malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive on to finish the work we are in, to bind up the nation's wounds * * * to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations."

The Rev. Dr. Martin Luther King, Jr. was yet another one of our nation's great leaders who knew the importance of focusing on a higher moral power to achieve peaceful reconciliation. Dr. King, through wisdom and sacrificial love, reconciled an entire nation with individuals who, through discrimination, were alienated from sections of our society. Dr. King said, "It is time for all people of conscience to call upon America to return to her true home of brotherhood and peaceful pursuits. * * * We must work unceasingly to lift this nation that we love to a higher destiny, to a new plateau of compassion, to a more noble expression of humaneness." Mr. President, we need to restore peace in our nation, we need to restore charity for one another, and we need to return our focus to a higher moral authority.

As we look at our culture today, we see images that influence not only our actions but the actions of young people as well. Our culture glorifies conflict, greed, and violence. It is no wonder that we see atrocities that seem impossible to imagine. It is time for our country to reconcile, and the "National Day of Reconciliation" will remind us of this solemn obligation.

If Americans hope to "bind up [our] nation's wounds," as Lincoln suggested, we must first make the commitment in the Congress. This bill makes that commitment by calling for a "National Day of Recognition"—a day that recognizes the need to move from alienation to reconciliation. In a "Letter From A Birmingham Jail," Dr. King expressed his hope for national reconciliation. I too hope "that the dark clouds of [misconceptions] will soon pass away and the deep fog of misunderstanding will be lifted from our fear-drenched communities and in some not too distant tomorrow the radiant stars of love and brotherhood will shine over our great nation with all their scintillating beauty." I urge all of my colleagues to support this much needed measure and begin to foster reconciliation throughout our country in order for us to once again be "one nation under God."

By Mr. CHAFEE:

S. 1056. A bill to amend the Internal Revenue Code of 1986 to improve tax equity for the Highway Trust Fund and to reduce the number of separate taxes deposited into the Highway Trust fund, and for other purposes; to the Committee on Finance.

HIGHWAY TAX EQUITY AND SIMPLIFICATION ACT OF 1999

Mr. CHAFEE. Mr. President, I am introducing today, the Highway Tax Equity and Simplification Act of 1999. This bill improves the equity among taxpayers paying into the Highway Trust Fund. Under current law, some users pay too much into the trust fund relative to the costs they impose on the nation's highway system, while other pay too little. This proposal more fairly apportions the tax burden to those who impose the greatest costs to our highway infrastructure.

In my statement today, I plan to briefly describe:

(1) Who pays too much and too little?

(2) Why the current tax structure fails?

(3) Why the current tax structure can't be just tinkered with and therefore needs radical change?

(4) A description of the plan I am introducing today.

Who pays too much and who pays too little?

If we look at the U.S. Department of Transportation's (DOT) latest cost allocation study of the highway system, it is clear that the current system does not fairly apportion the relative burden of taxes paid compared to costs imposed. At this time, I will submit for the RECORD a table which summarizes the relative burden among users based on analysis provided by the U.S. Department of Transportation.

As this table shows, some users are paying 150 percent of their share while some of the heaviest trucks are paying as low as 40 percent of their share. This is simply unfair and needs to be changed.

Another way to look at the unfairness of the current situation is to look at the per vehicle subsidies for heavy trucks that the U.S. DOT provided in their latest report to the Congress. In determining these subsidies, DOT simply subtracted what these vehicles should have paid in taxes, based on the costs they impose, from the amount of taxes they do pay. These subsidies are thousands of dollars per vehicle annually, with several above $5,000 per vehicle. At the end of my statement, I would like to enter into the RECORD a table showing a few examples of the subsidies summarized in the DOT report.

One of the reasons that the current tax structure fails so miserably at properly allocated costs is because neither the Congress nor the U.S. DOT has looked seriously at this issue for a very long time. The last significant cost allocation study was completed in 1982, more than 17 years ago. Without up-to-date analysis, it has been virtually impossible for the Congress to address this significant problem. I want to commend Secretary Slater for taking the initiative to have his Department provide an up-to-date analysis to the Congress. It is my understanding that DOT plans on keeping its analytical capability current regarding cost allocation so that the Congress doesn't have to wait every 17 years to address this issue.

Lack of good information is one of the reasons we have this unfair situation. The other reason deals more directly with basic engineering concepts. Highway pavement wear and tear imposed by a vehicle is related to two primary factors: how much you drive on the road and the weight of the vehicle.

Now, why is the weight of a vehicle so important?

It is important because pavement damage increases dramatically (actually exponentially) with weight. At this time, I will submit for the record information which shows the relationship between weight and pavement damage.

This chart shows that on a rural Interstate Highway, a single 100,000 pound standard tractor-trailer wears the equivalent of more than 1,700 automobiles. But, that truck certainly does not pay 1,700 times the amount of taxes.

On a rural arterial road, not built to Interstate standards, this dynamic is even worse, wearing the equivalent of 3,500 cars.

The problem with the current tax system is that it does not attempt to recover from trucks the dramatic pavement damage costs that are incurred as the weight of these vehicles increases. Until we address this fundamental principle, we will not have an equitable tax system.

Now, let's briefly look at each of the current taxes and how well they contribute to tax equity.

Excise Tax—Under current law, we impose a 12 percent excise tax on the purchase of new trucks. This tax raises more than $2 billion annually. However, it has no relationship to either road usage or pavement damage and therefore does not contribute to tax equity.

Tire Tax—the exist tax imposed on tires is moderately helpful for improving tax equity because it varies by miles driven and, to some extend by weight. However, it raises a relatively small amount of money (about $400 million per year or less than 5 percent of truck taxes) and therefore has a small effect on cost allocation.

Diesel Tax—currently, diesel fuel is taxed at 24 cents per gallon. Although diesel taxes paid do vary by mileage, diesel taxes do a poor job of recovering pavement damage related to the weight of the vehicle. When the weight of a truck is increased, fuel use increases only marginally. However, the pavement damage imposed by that same vehicle goes up exponentially. Increasing diesel tax rates does not resolve this fundamental problem and actually exacerbates the unfairness of the current system. I would submit for the RECORD information which illustrates the problem.

Heavy Vehicle Use Tax—this tax sounds like it might be the right place to address concerns related to weight, but it also falls well short of the mark. Even the name is deceiving. First, this tax does not vary by use. A truck that travels 10,000 miles annually and another that travels 100,000 miles pay the same tax. Secondly, although the name implies it applies to Heavy Vehicles, this tax is capped at 75,000 pounds, the point at which pavement damage goes up dramatically. I will also submit information which compares pavement damage and the Heavy Vehicle Use tax.

In summary, our review of the current taxes led me to conclude that they do a poor job of aligning taxes paid with road damage. In other words, they just can't get the job done. We need a new mechanism.

The bill I introduce today eliminates 3 of the separate taxes and replaces them with a straightforward tax that more fairly distributes the tax burden among highway users.

Specifically, the bill eliminates the tire tax, the 12 percent excise tax on new trucks, and the Heavy Vehicle Use Tax. It also eliminates the so-called "diesel differential," the additional 6 cents per gallon imposed on diesel fuel compared to gasoline, which is taxed at 18.33 cents per gallon.

To replace the lost revenue from these repeals and tax reductions, and to improve the equity of the truck taxes paid, the bill establishes a new user fee, an axle-weight distance tax. This new tax varies based on the truck's axle-weight loads and the distance traveled, the exact same concepts that affect pavement damage.

The bill collects the same amount of tax revenue from trucks overall as current law, about $11 billion annually.

Overall, there are more winners than losers under this bill. The vast majority of trucks—more than 5.9 million—will see a tax reduction. This compares to roughly 1.5 million who will see an increase.

The bill also reduces double taxation on toll roads by allowing a credit against the axle-weight distance tax for travel on a toll facility such as the Oklahoma or Florida Turnpikes.

This new axle-weight tax has long been recognized in the transportation community as the best way to tax trucks. As an example, the American Association of State Highway Transportation Officials, the association representing State Transportation Departments, policy resolution on this matter finds:

> . . . truck taxes based upon a combination of the weight of vehicles and the distance they travel more equitably distribute financing responsibility proportional to costs imposed on the system than other tax alternatives.

In fact, AASHTO policy calls for substituting a weight-distance tax for the heavy vehicle use tax and all other federal user fees on trucks except for a federal fuel tax—a perfect description of the proposal we are introducing today.

Now, I would like to briefly touch upon a few areas where I expect opponents of this effort may focus.

Some may argue that this is an anti-truck proposal and will impose new costs on consumers. My response to this assertion is that overall truck taxes are held constant and most of the trucking industry benefits from this proposal. Unfortunately, this benefit is at the expense of the portion of the industry that is doing damage to our nation's roadways without paying for it, and they will probably fight hard to keep their undeserved subsidies. The trick for the rest of the industry and for all roadway users is to recognize that virtually all of these arguments are attempts to distract us from the real issue—should heavy trucks pay their fair share?

Heavy truck operators will try to argue about all sorts of ancillary items to distracts us from this fundamental issue. They will argue about tax evasion, administrative burden, additional record keeping and the like. Anything but the core issue of whether these trucks should pay their fair share.

As the Congress considers, this issue, I hope we can remain focused on this fundamental question and not be distracted by arguments that are not intended to squash efforts to address the unfair system we have today.

I urge my colleagues to support this effort.

Mr. President, I ask unanimous consent that the text of the bill, a summary of the legislation, and the materials previously cited be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1056

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Highway Tax Equity and Simplification Act of 1999".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) Congress should enact legislation to correct the distribution of the tax burden among the various classes of persons using the Federal-aid highways, or otherwise deriving benefits from such highways;

(2) the most recent highway cost allocation study by the Department of Transportation found that owners of heavy trucks significantly underpay Federal highway user fees relative to the costs such vehicles impose on such highways, while owners of lighter trucks and cars overpay such fees;

(3) pavement wear and tear is directly correlated with axle-weight loads and distance traveled, and to the maximum extent possible, Federal highway user fees should be structured based on this fundamental fact of use and resulting cost;

(4) the current Federal highway user fee structure is not based on this fundamental fact of use and resulting cost; to the contrary—

(A) the 12-percent excise tax applied to the sales of new trucks has no significant relationship to pavement damage or road use and does the poorest job of improving tax equity,

(B) the heavy vehicle use tax does not equitably apply to heavy trucks (such tax is capped with respect to trucks weighing over 75,000 pounds) and does not vary by annual mileage, thus 2 heavy trucks traveling 10,000 miles and 100,000 miles, respectively, pay the same heavy vehicle use tax, and

(C) diesel fuel taxes do a poor job recovering pavement costs because such taxes only increase marginally with weight increases while pavement damage increases exponentially with weight, and increasing the rates for diesel fuel will not resolve this fundamental flaw;

(5) truck taxes based on a combination of the weight of vehicles and the distance such trucks travel provide greater equity than a tax based on either of these 2 factors alone; and

(6) the States generally have in place mechanisms for verifying the registered weight of trucks and the miles such trucks travel.

(b) PURPOSES.—The purposes of this Act are—

(1) to replace the heavy vehicle use tax and all other Federal highway user charges (except fuel taxes) with a Federal weight-distance tax which is designed to yield at least equal revenues for highway purposes and to provide equity among highway users; and

(2) to provide that such a tax be administered in cooperation with the States.

SEC. 3. REPEAL AND REDUCTION OF CERTAIN HIGHWAY TRUST FUND TAXES.

(a) REPEAL OF HEAVY VEHICLE USE TAX.—Subchapter D of chapter 36 of the Internal Revenue Code of 1986 (relating to tax on use of certain vehicles) is repealed.

(b) REPEAL OF TAX ON HEAVY TRUCKS AND TRAILERS SOLD AT RETAIL.—Section 4051(c) of the Internal Revenue Code of 1986 (relating to termination) is amended by striking "October 1, 2005" and inserting "July 1, 2000".

(c) REPEAL OF TAX ON TIRES.—Section 4071(d) of the Internal Revenue Code of 1986 (relating to termination) is amended by striking "October 1, 2005" and inserting "July 1, 2000".

(d) REDUCTION OF TAX RATE ON DIESEL FUEL TO EQUAL RATE ON GASOLINE.—Section 4081(a)(2)(A)(iii) of the Internal Revenue Code of 1986 (relating to rates of tax) is amended by striking "24.3 cents" and inserting "18.3 cents".

(e) CONFORMING AMENDMENTS.—

(1) Section 4221(a) of the Internal Revenue Code of 1986 (relating to certain tax-free sales) is amended by striking "October 1, 2005" and inserting "July 1, 2000".

(2) Subchapter A of chapter 62 of such Code (relating to place and due date for payment of tax) is amended by striking section 6156.

(3) The table of sections for subchapter A of chapter 62 of such Code is amended by striking the item relating to section 6156.

(4) Section 9503(b)(1) of such Code (relating to transfer to Highway Trust Fund of amounts equivalent to certain taxes) is amended by striking subparagraphs (B) and (C) and by redesignating subparagraphs (D) and (E) as subparagraphs (B) and (C), respectively.

SEC. 4. TAX ON USE OF CERTAIN VEHICLES BASED ON WEIGHT-DISTANCE RATE.

(a) IN GENERAL.—Chapter 36 of the Internal Revenue Code of 1986, as amended by section 3(a), is amended by adding at the end the following:

"Subchapter D—Tax on Use of Certain Vehicles

"Sec. 4481. Imposition of tax.

"Sec. 4482. Definitions.

"Sec. 4483. Exemptions.

"Sec. 4484. Cross references.

"SEC. 4481. IMPOSITION OF TAX.

"(a) IMPOSITION OF TAX.—

"(1) IN GENERAL.—A tax is hereby imposed on the use of any highway motor vehicle (either in a single unit or combination configuration) which, together with the semitrailers and trailers customarily used in connection with highway vehicles of the same type as such highway motor vehicle, has a taxable gross weight of over 25,000 pounds at the rate of—

"(A) the cents per mile rate specified in the table contained in paragraph (2), or

"(B) in the case of a highway motor vehicle with a taxable gross weight in excess of the weight for the highest rate specified in such table for such vehicle, the cents per mile rate specified in paragraph (3).

"(2) RATE SPECIFIED IN TABLE.—The table contained in this paragraph is as follows:

Taxable Gross Weight in Thousands of Pounds	Cents Per Mile								
	2-axle single unit	3-axle single unit	4-axle+ single unit	3-axle combination	4-axle combination	5-axle combination	6-axle combination	7-axle combination	8-axle+ combination
Over 25 to 30	0.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Over 30 to 35	1.00	0.25	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Over 35 to 40	3.00	0.50	0.00	0.50	0.00	0.00	0.00	0.00	0.00
Over 40 to 45	5.00	1.50	0.50	1.00	0.00	0.00	0.00	0.00	0.00
Over 45 to 50	8.00	3.00	1.00	1.50	0.25	0.00	0.00	0.00	0.00
Over 50 to 55	12.00	6.00	2.00	2.50	0.50	0.25	0.00	0.00	0.00
Over 55 to 60	21.00	10.00	4.00	3.50	1.00	0.50	0.00	0.00	0.00
Over 60 to 65	30.00	17.00	7.00	5.00	2.50	1.00	0.25	0.00	0.00
Over 65 to 70	....	25.00	10.00	7.50	4.00	2.00	0.50	0.00	0.00
Over 70 to 75	....	33.00	14.00	11.00	5.50	3.00	1.25	0.00	0.00
Over 75 to 80	....	41.00	19.00	17.00	7.50	3.75	2.00	0.00	0.00
Over 80 to 85	....	50.00	24.00	25.00	13.00	7.00	4.00	0.50	0.00
Over 85 to 90	....	....	30.00	....	19.00	11.00	6.00	1.00	0.00
Over 90 to 95	....	....	36.00	....	25.00	15.00	8.50	1.50	0.25
Over 95 to 100	....	....	42.00	....	....	20.00	11.00	2.00	0.50
Over 100 to 105	....	....	50.00	....	....	25.00	14.00	3.50	1.00
Over 105 to 110	....	....	....	....	....	30.00	17.00	5.00	2.00
Over 110 to 115	....	....	....	....	....	35.00	20.00	7.00	3.00
Over 115 to 120	....	....	....	....	....	....	23.00	9.00	4.00
Over 120 to 125	....	....	....	....	....	....	26.00	11.00	6.00
Over 125 to 130	....	....	....	....	....	....	29.00	13.00	8.00
Over 130 to 135	....	....	....	....	....	....	32.00	15.00	10.00
Over 135 to 140	....	....	....	....	....	....	35.00	17.00	12.00
Over 140 to 145	....	....	....	....	....	....	....	19.00	14.00
Over 145 to 150	....	....	....	....	....	....	....	21.00	16.00

“(3) Rate specified in paragraph.—The cents per mile rate specified in this paragraph is as follows:

“(A) In the case of any single unit highway motor vehicle with 2 or more axles or any combination highway motor vehicle with 3 or 4 axles, the highest rate specified in the table contained in paragraph (2) for such vehicle, plus 10 cents per mile for each 5000 pounds (or fraction thereof) in excess of the taxable gross weight for such highest rate.

“(B) In the case of any combination highway motor vehicle with 5 or 6 axles, the highest rate specified in the table contained in paragraph (2) for such vehicle, plus 5 cents per mile for each 5000 pounds (or fraction thereof) in excess of the taxable gross weight for such highest rate.

“(C) In the case of any combination highway motor vehicle with 7 or more axles, the highest rate specified in the table contained in paragraph (2) for such vehicle, plus 2 cents per mile for each 5000 pounds (or fraction thereof) in excess of the taxable gross weight for such highest rate.

“(b) Determination of Number of Axles.—For purposes of this section—

“(1) In general.—The total number of axles with respect to any highway motor vehicle shall be determined without regard to any variable load suspension axle, except if such axle meets the requirements of paragraph (2).

“(2) Eligibility requirements.—The requirements of this paragraph are as follows:

“(A) All controls with respect to the variable load suspension axle are located outside of and inaccessible from the driver's compartment of the highway motor vehicle.

“(B) The gross axle weight rating of all such axles with respect to the highway motor vehicle shall conform to the greater of—

“(i) the expected loading of the suspension of such vehicle, or

“(ii) 9,000 pounds.

“(3) Variable load suspension axle defined.—The term ‘variable load suspension axle’ means an axle upon which a load may be varied voluntarily while the highway motor vehicle is enroute, whether by air, hydraulic, mechanical, or any combination of such means.

“(4) Termination of exception.—The exception under paragraph (1) shall not apply after June 30, 2004.

“(c) Determination of Miles.—

“(1) Use of certain toll facilities excluded.—For purposes of this section, the number of miles any highway motor vehicle is used shall be determined without regard to the miles involved in the use of a facility described in paragraph (2).

“(2) Toll facility.—A facility is described in this paragraph if such facility is a highway, bridge, or tunnel, the use of which is subject to a toll.

“(d) By Whom Paid.—The tax imposed by this section shall be paid by the person in whose name the highway motor vehicle is, or is required to be, registered under the law of the State or contiguous foreign country in which such vehicle is, or is required to be, registered, or, in case the highway motor vehicle is owned by the United States, by the agency or instrumentality of the United States operating such vehicle.

“(e) Time for Paying Tax.—The time for paying the tax imposed by subsection (a) shall be the time prescribed by the Secretary by regulations.

“(f) Period Tax in Effect.—The tax imposed by this section shall apply only to use before October 1, 2005.

“SEC. 4482. DEFINITIONS.

“(a) Highway Motor Vehicle.—For purposes of this subchapter, the term ‘highway motor vehicle’ means any motor vehicle which is a highway vehicle.

“(b) Taxable Gross Weight.—For purposes of this subchapter—

“(1) In general.—Except as provided in paragraph (2), the term ‘taxable gross weight’ means, when used with respect to any highway motor vehicle, the maximum weight at which the highway motor vehicle is legally authorized to operate under the laws of the State in which it is registered.

“(2) Special permits.—If a State allows a highway motor vehicle to be operated for any period at a maximum weight which is greater than the weight determined under paragraph (1), its taxable gross weight for such period shall be such greater weight.

“(c) Other Definitions and Special Rule.—For purposes of this subchapter—

“(1) State.—The term ‘State’ means a State and the District of Columbia.

“(2) Use.—The term ‘use’ means use in the United States on the public highways.

“SEC. 4483. EXEMPTIONS.

“(a) State and Local Government Exemption.—Under regulations prescribed by the Secretary, no tax shall be imposed by section 4481 on the use of any highway motor vehicle by any State or any political subdivision of a State.

“(b) Exemption for United States.—The Secretary may authorize exemption from the tax imposed by section 4481 as to the use by the United States of any particular highway motor vehicle, or class of highway motor vehicles, if the Secretary determines that the imposition of such tax with respect to such use will cause substantial burden or expense which can be avoided by granting tax exemption and that full benefit of such exemption, if granted, will accrue to the United States.

“(c) Certain Transit-Type Buses.—Under regulations prescribed by the Secretary, no tax shall be imposed by section 4481 on the use of any bus which is of the transit type (rather than of the intercity type) by a person who, for the last 3 months of the preceding year (or for such other period as the Secretary may by regulations prescribe for purposes of this subsection), met the 60-percent passenger fare revenue test set forth in section 6421(b)(2) (as in effect on the day before the day of the enactment of the Energy Tax Act of 1978) as applied to the period prescribed for the purposes of this subsection.

“(d) Termination of Exemptions.—Subsections (a) and (c) shall not apply on and after October 1, 2005.

“SEC. 4484. CROSS REFERENCES.

“(1) For penalties and administrative provisions applicable to this subchapter, see subtitle F.

“(2) For exemption for uses by Indian tribal governments (or their subdivisions), see section 7871.”

(b) Administration of Tax.—To the maximum extent possible, the Secretary of the Treasury shall administer the tax imposed by section 4481 of the Internal Revenue Code of 1986 (as added by this section)—

(1) in cooperation with the States and in coordination with State administrative and reporting mechanisms, and

(2) through the use of the International Registration Plan and the International Fuel Tax Agreement.

SEC. 5. COOPERATIVE TAX EVASION EFFORTS.

The Secretary of Transportation is authorized to use funds authorized for expenditure under section 143 of title 23, United States Code, and administrative funds deducted under 104(a) of such title 23, to develop automated data processing tools and other tools or processes to reduce evasion of the tax imposed by section 4481 of the Internal Revenue Code of 1986 (as added by section 4(a)). These funds may be allocated to the Internal Revenue Service, States, or other entities.

SEC. 6. STUDY.

(a) In General.—The Secretary of Transportation, in consultation with the Secretary of the Treasury, shall conduct a study of—

(1) the tax equity of the various Federal taxes deposited into the Highway Trust Fund,

(2) any modifications to the tax rates specified in section 4481 of the Internal Revenue Code of 1986 (as added by section 4(a)) to improve tax equity, and

(3) the administration and enforcement under subsection (e) of the tax imposed by section 4481 of the Internal Revenue Code of 1986 (as so added).

(b) Report.—Not later than July 1, 2002, and July 1 of every fourth year thereafter, the Secretary of Transportation shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on the study conducted under subsection (a) together with—

(1) recommended tax rate schedules developed under subsection (a)(2), and

(2) such recommendations as the Secretary may deem advisable to make the administration and enforcement described in subsection (a)(3) more equitable.

SEC. 7. EFFECTIVE DATE AND FLOOR STOCK REFUNDS.

(a) Effective Date.—The amendments made by this Act shall take effect on July 1, 2000.

(b) Floor Stock Refunds.—

(1) In general.—If—

(A) before July 1, 2000, tax has been imposed under section 4071 or 4081 of the Internal Revenue Code of 1986 on any article, and

(B) on such date such article is held by a dealer and has not been used and is intended for sale,

there shall be credited or refunded (without interest) to the person who paid such tax (hereafter in this subsection referred to as the “taxpayer”) an amount equal to the excess of the tax paid by the taxpayer over the amount of such tax which would be imposed on such article had the taxable event occurred on such date.

(2) Time for filing claims.—No credit or refund shall be allowed or made under this subsection unless—

(A) claim therefore is filed with the Secretary of the Treasury before January 1, 2001, and

(B) in any case where an article is held by a dealer (other than the taxpayer) on July 1, 2000—

(i) the dealer submits a request for refund or credit to the taxpayer before October 1, 2000, and

(ii) the taxpayer has repaid or agreed to repay the amount so claimed to such dealer or has obtained the written consent of such dealer to the allowance of the credit or the making of the refund.

(3) Exception for articles held in retail stocks.—No credit or refund shall be allowed under this subsection with respect to any article in retail stocks held at the place where intended to be sold at retail.

(4) Definitions.—For purposes of this subsection, the terms “dealer” and “held by a dealer” have the respective meanings given to such terms by section 6412 of such Code;

except that the term "dealer" includes a producer.

(5) CERTAIN RULES TO APPLY.—Rules similar to the rules of subsections (b) and (c) of section 6412 of such Code shall apply for purposes of this subsection.

HIGHWAY TAX EQUITY AND SIMPLIFICATION ACT (HTESA) OF 1999

BILL SUMMARY

The Highway Tax Equity and Simplification Act of 1999 is designed to improve the equity among taxpayers paying into the Highway Trust Fund. In doing so, it eliminates 3 of the separate taxes paid into the Highway Trust Fund and replaces them with a straightforward tax that more fairly distributes the tax burden among highway users.

TEA 21 restructured the Highway Trust Fund's budgetary treatment to ensure that transportation taxes would be spent for transportation purposes. Congress did not, however, take any steps to improve the allocation of transportation taxes among highway users. Under current law, some users pay too much into the trust fund relative to the costs they impose on the nation's highway system while others pay too little. This proposal more fairly apportions the tax burden to those who impose the greatest costs to our highway infrastructure.

SPECIFIC POINTS

Tax Simplification—3 Taxes Replaced with 1.

This bill eliminates three taxes (the 12% sales tax on new trucks, the tire tax, and the Heavy Vehicle Use Tax) and replaces it with a straightforward and fair axle-weight distance tax. The taxes that are eliminated are either poor surrogates for user impact or raise relatively small amounts of money and are duplicative of the new axle-weight distance tax.

Direct Correlation Between Taxes and Road Damage.

Pavement and bridge damage imposed by trucks is directly correlated to axle-weight loads and distance traveled. This bill recognizes this clear and direct relationship and imposes user fees based on this principle.

No Tax Increase for Trucks Overall.

The bill collects the same amount of tax revenue from trucks overall as current law. The U.S. Department of Transportation estimates that transportation taxes paid by trucks total $11 billion annually, the same as under the bill.

Overwhelming More Winner than Losers.

Under the bill, the vast majority of trucks—more than 5.9 million trucks—will see a tax reduction. This compares to roughly 1.5 million who will see an increase.

Eliminates "Corporate Welfare" for Heavy Trucks.

By reforming the Highway Trust Fund taxes, this legislation substantially reduces the subsidy provided to the heaviest trucks using our nation's roadways. Most heavy trucks pay less into the Highway Trust Fund than the costs they impose on roads. The heaviest trucks pay less than half of the costs of damage they inflict.

Eliminates Perverse Provisions in Current Law.

The Heavy Vehicle Use Tax (HVUT) under current law doesn't apply to "heavy trucks". The HVUT is capped at 75,000 pounds—meaning that "heavy trucks" don't pay any more in taxes as their weight increases even though the extra weight does exponentially more damage to the nation's roads and bridges.

Secondly, the HVUT has no mileage component meaning that a truck registered at 70,000 lbs traveling 10,000 miles per year pays the same HVUT tax as an identical 70,000 pound truck traveling 100,000 miles per year—not a fair or sensible result.

Administrative Burden.

Under the bill, taxes are paid according to the distance you traveled and your registered weight. The process is no more complicated than reading your odometer and your truck registration.

Current Mileage Filing Requirements for Interstate Carriers.

Under current law, all Interstate trucks are required to file with their "base state" mileage logs that report mileage driven in individual states. This existing requirement of the International Fuel Tax Agreement (IFTA) is more detailed than what is required for the axle-weight tax included in this bill, which only requires the aggregate total of all mileage driven.

Reduces Double Taxation on Toll Roads.

This bill reduces double taxation on toll roads by allowing a credit against the axle-weight distance tax for travel on a toll facility. (e.g., the Oklahoma Turnpike, the Pennsylvania Turnpike, Ohio Turnpike, Florida Turnpike, etc.).

Eliminates "Diesel Differential".

The bill also eliminates the so-called "diesel differential", where diesel is taxed at a higher rate than gasoline. Under this proposal, the diesel fuel tax is lowered from 24.3 cents to 18.3 cents, the same rate as gasoline.

Overall Tax Equity Still Short by $4 Billion Annually.

Proposal does not achieve perfect equity among all contributors to the Highway Trust Fund. Although the bill equalizes the relative tax burden among trucks, the trucking sector as a whole will still underpay its fair share of transportation taxes by $4 billion annually.

State Transportation Departments Support Weight-Distance Taxes.

The American Association of State Highway and Transportation Officials (AASHTO), the association representing State Transportation Departments, supports weight-distance taxes. AASHTO's policy resolution on this matter finds:

"Truck taxes based upon a combination of the weight of the vehicles and the distance they travel more equitably distribute financing responsibility proportional to costs imposed on the system than other tax alternatives."

AASHTO policy call for substituting a weight-distance tax for the heavy vehicle use tax and all other federal user fees on trucks except for a federal fuel tax—(the HTESA proposal).

Cost allocation for cars and trucks

[Revenue to cost ratio—Current law]

Automobiles	1.0
Pickups/Vans	1.5
Single-unit trucks:	
<25,000 lbs	1.5
25,001–50,000 lbs	0.7
>50,000 lbs	0.4
Combination trucks:	
<50,000 lbs	1.5
50,000–70,000 lbs	1.0
70,001–75,000 lbs	0.9
75,001–80,000 lbs	0.8
80,001–100,000 lbs	0.5
>100,000 lbs	0.4

ANNUAL PER VEHICLE SUBSIDIES

[Comparing taxes paid to pavement costs imposed]

	5-axle semitrailer	6-axle semitrailer
Registered weight:		
90,000	−$3,864	−$2,188
100,000	−5,176	−4,985
110,000	−6,022	−7,746

PAVEMENT DAMAGE—CARS VS. TRUCKS

Underlying Principle—Pavement damage goes up dramatically with weight.

On a rural Interstate highway, a 100,000 lb standard tractor-trailer wears the equivalent of more than 1,700 cars.

On a rural arterial road, the same truck is equivalent to 3,500 cars.

DIESEL FUEL TAX

Diesel Tax meets one of the two guiding principles discussed earlier, because the amount paid by trucks varies by mileage.

However, because diesel fuel usage only rises marginally with weight increases, while pavement damage increases *exponentially*, it also is a poor mechanism to align costs and payments.

Increasing rates for diesel, as is sometimes advocated by the trucking industry in reaction to concerns about truck underpayment, will not resolve this fundamental flaw.

HEAVY VEHICLE USE TAX (HVUT)

HEAVY VEHICLE USE TAX DOESN'T LIVE UP TO ITS NAME

1. The HVUT is a poor surrogate for cost responsibility as shown by the widening gap between the red and blue lines to the right. HVUT taxes go up slightly with weight while pavement damage goes up dramatically.

2. Although the word use is in its name—this tax does not vary by use or mileage. A truck traveling 100,000 miles per year and another of the same weight traveling 10,000 per year will pay the same tax.

3. Although, the name implies it is targeted at heavy vehicles, it does not increase with truck weight. Incredibly, the tax is capped at 75,000 lbs, the point at which pavement damage goes up dramatically.

By Mr. MACK (for himself, Mr. GRAHAM, Mr. HATCH, Mr. CONRAD, Mr. NICKLES, Mr. KERREY, Mr. GRAMM, Mr. BRYAN, Mr. CHAFEE, Mr. BAUCUS, Mr. MURKOWSKI, Mr. BREAUX, Mr. JEFFORDS, Mr. ROBB, Mr. COVERDELL, Mr. ROCKEFELLER, Mr. HELMS, Mr. TORRICELLI, and Mrs. HUTCHISON):

S. 1057. A bill to amend the Internal Revenue Code of 1986 to simplify certain provisions applicable to real estate investment trusts; to the Committee on Finance.

REAL ESTATE INVESTMENT TRUST MODERNIZATION ACT OF 1999

Mr. MACK. Mr. President, today Senator BOB GRAHAM and I, along with 17 of our colleagues, are introducing legislation to modernize the tax rules that apply to real estate investment trusts ("REITs").

This legislation is designed to remove barriers in the tax laws that impose unnecessary administrative burdens and make it more difficult for

REITs to compete in an evolving marketplace. Our bill is similar to a proposal included in the President's Fiscal Year 2000 budget that permits REITs to establish a new type of subsidiary called a "taxable REIT subsidiary" ("TRS"). As with the President's proposal, the legislation we introduce today would permit REITs to establish a TRS to provide non-customary services to their tenants and to provide services to third parties. In return for these new rules, the TRS would be subject to a number of rules designed to prevent any income from being shifted out of the taxable subsidiary to the REIT.

Congress created REITs in 1960 to enable small investors to invest in real estate. The REIT provisions were modeled after the rules that applied to mutual funds. If a number of requirements are met, a corporation electing to be a REIT may deduct all dividends paid to its shareholders. One of the major requirements for REIT status is that REITs must distribute virtually all of their taxable income to their shareholders. Thus, unlike other C corporations that tend to retain most of their earnings, the income tax burden for REITs is shifted to the shareholder level. Unlike partnerships, REITs cannot pass losses through to their investors.

REITs are subject to a number of rules to ensure their primary focus is real estate activities. For example, at least 75% of a REIT's assets must be comprised of rental real estate, mortgages, cash items and government securities. A REIT also must satisfy two income tests. First, at least 75% of a REIT's annual gross income must consist of real property rents, mortgage interest, gain from the sale of a real estate asset and certain other real estate-related sources. Second, at least 95% of a REIT's annual gross income must be derived from the income items from the above 75% test plus other "passive income" sources such as dividends and any type of interest. In addition, a REIT cannot own more than 10% of the voting securities of a non-REIT corporation, and the securities of a single non-REIT corporation cannot be worth more than 5% of the REIT's assets.

Although REITs were created in 1960, they did not really become a significant part of the real estate marketplace until the 1990s—partly because the original legislation did not permit REITs to manage their own property. The Tax Reform Act of 1986 changed this, by permitting REITs to manage their own properties through the provision of "customary services" to tenants.

The market capitalization of REITs grew from about $13 billion at the end of 1991 to over $140 billion today. The taxes generated from REITs similarly have increased, with dividends from public REITs increasing from about $1 billion in 1991 to more than $8 billion today. While REITs remain a small portion of the entire real estate sector—in the range of 10% nationally—they account for as much as half of some sectors that require immense amounts of capital, such as shopping centers. While the REIT industry has come a long way in recent years, it continues to fulfill its original mission: permitting small investors access to attractive real estate investments. Almost 90% of REIT shareholders are individuals either investing directly or through mutual funds.

Although REITs have seen remarkable growth in the 1990s, their ability to meet new competitive pressures in the real estate sector is in question as a result of tax law limitations on their activities. These rules limit the ability of REITs to provide full services to their tenants and to third parties. In general, REITs may only provide services to their tenants which the IRS has determined to be "customary" in the business, meaning services already provided by the typical real estate company in the market. REITs may only provide real estate-related services to third parties through preferred stock subsidiaries which they can own but not control. REITs are thus prohibited from offering leading edge, full service options to their tenants and limited in the use of their expertise to serve third parties. This presents competitive problems for REITs as the real estate marketplace has evolved and property owners have sought to provide a range of services to their tenants and other customers.

As a result, REITs increasingly have been unable to compete with privately-held partnerships and other more exclusive forms of ownership. Today, the rules prevent REITs from offering the same types of customer services as their competitors, even as such services are becoming more central to marketing efforts. Examples abound: (1) offering concierge services to office and apartment tenants to pick up tickets or dry cleaning, to walk pets, etc.; (2) offering a branded credit card at shopping malls, with rebates to be used as store credits at stores in the mall; (3) high speed Internet hook-ups, including enhanced telecommunications services (e.g., creating and maintaining a website) offered by a landlord's partner; (4) partnering with an office supply provider to offer reduced prices on office supplies; and (5) pick-up and delivery services at self-storage rentals.

Without greater flexibility to provide competitive services to tenants and other customers, REITs will become less and less competitive with others in the real estate marketplace. REITs will have to wait for services to be deemed "customary." As a practical matter, that means a REIT must wait until the IRS concludes that almost everybody else has been providing the service. If a REIT is forced to lag the market, it can be neither competitive nor provide its investors with a satisfactory return on their investment. Certainly, this is not consistent with what Congress intended when it created REITs, and when it modified the REIT rules over the years. In keeping with the Congressional mandate to provide a sensible and effective way for the average investor to benefit from ownership of income-producing real estate, REITs should be able to provide a range of services through taxable subsidiaries.

The Administration's proposed Fiscal Year 2000 Budget acknowledges this problem. The Administration proposes modernizing REIT rules to permit REITs, on a limited basis, to use taxable subsidiaries to provide the services necessary to compete in the evolving real estate marketplace. The Administration proposal is a good start, but I believe additional refinements would further promote competitiveness. The legislation that we are introducing today builds upon the Administration proposal. Our bill addresses the appropriate needs of the REIT industry and its investors in a manner consistent with the underlying rationale for REITs and the requirements of the highly competitive, evolving real estate marketplace.

This legislation would give greater flexibility to REITs by permitting them to establish "taxable REIT subsidiaries" ("TRSs") that could provide non-customary services to tenants and services to third parties. The 5% and 10% asset tests would not apply to the TRS. REITs would continue to be subject to the 75% asset tests so the value of their TRS, together with the value of other non-real estate assets, could not exceed 25% of the total value of a REIT's assets. In addition, the REIT would have to continue to satisfy the 95% and 75% income tests, with dividends or interest from a TRS to a REIT counting towards the 95% test, but not the 75% test. Accordingly, at least 75% of a REIT's gross income would continue to consist of rents, mortgage interest, real estate capital gains and the other miscellaneous real estate-related items already listed in the Code. The income a TRS would receive from both third parties and REIT tenants would be fully subject to corporate tax.

To ensure that a TRS could not inappropriately reduce its corporate tax liability by shifting income to the REIT, the bill includes a number of stringent rules that limit the relationship between the REIT and the TRS. To prevent the TRS from making excessive intra-party interest payments to its affiliated REIT, the proposal contains two safeguards. One, it would apply the current anti-earnings stripping provisions of Code section 163(j) to payments between a REIT and its TRS. This would prevent the TRS from deducting intra-party interest beyond a modest amount regulated by objective criteria in the Code. Two, a 100% excise tax would be imposed on any interest payments by a TRS to its affiliated REIT to the extent the interest rate was above a commercially-reasonable rate.

Also, to be certain that a TRS could not reduce its tax obligations by deducting rents to its affiliated REIT, our legislation would retain the current rules under which any payments to a REIT by a related party would not be considered qualified rents for purposes of the REIT gross income tests. The only exception would be when a TRS rents less than 10% of a REIT-owned property and pays rents to the REIT comparable to the rents the REIT charges to its unrelated tenants at the same property. Under this exception, any rents paid to the REIT that turn out to be above comparable rents would be subject to a 100% excise tax.

Under our bill, a 100% excise tax is also imposed on any rents a REIT charges its tenants that are inflated to disguise charges for services rendered to the tenant by its affiliated TRS. Limited exceptions would be made when: (1) the TRS charges the same amounts for its services to both REIT tenants and third parties; (2) rents for comparable space are the same regardless of whether the TRS provides a service to the tenant; and (3) the TRS recognizes income for its services at least equal to 150% of its direct costs of providing the service to an affiliated REIT's tenants.

To discourage a REIT from allocating its expenses to its TRS (which would reduce the TRS's corporate tax obligation), the proposal would impose a 100% excise tax on any improper cost allocations between a REIT and its TRS. The Treasury Department would issue guidance on proper ways to allocate such costs.

Finally, the bill proposes to eliminate the use of preferred stock subsidiaries by REITs. These subsidiaries, which have been established pursuant to IRS letter rulings since 1988, allow a REIT to provide services to third parties. While the asset test rules prevent a REIT from owning more than 10% of the voting securities of these subsidiaries, they typically own more than 95% of the value of the subsidiary. We propose to eliminate these subsidiaries by prohibiting REITs from owning more than 10% of the vote or the value in another corporation other than a TRS. REITs would be given three years to convert, tax-free, their preferred stock subsidiaries to taxable REIT subsidiaries.

In addition, the bill includes some miscellaneous changes to the REIT rules that were under consideration when Congress approved a REIT simplification package a few years ago. The first provision deals with health care property. Under current law, a REIT can conduct a trade or business using property acquired through foreclosure for 90 days after it acquired such property, if it makes a "foreclosure property" election. After this period, the REIT can only conduct the trade or business through an independent contractor from whom the REIT does not derive any income. A health care REIT faces special challenges in using these rules when its lease of a nursing home or other health care property expires.

To remedy these challenges and to ensure that care to patients remains uninterrupted, the proposal would make two technical changes to the REIT foreclosure rules. First, the foreclosure property rules would be extended to include leases that terminate (they already apply to leases that are breached). Second, for purposes of the foreclosure rules, a health care provider would not be disqualified as an independent contractor solely because the REIT receives rental income from the provider with respect to one or more other properties. For this purpose, other rules would be made to ensure that the terms of leases of other properties could not be manipulated to circumvent this rule.

Another provision deals with the 95% distribution rule. From 1960 through 1980, REITs and mutual funds shared a requirement to distribute at least 90% of their taxable income. Since 1980, REITs have had to distribute 95% of their taxable income. The proposal would restore the 90% distribution requirement.

Mr. President, I believe this is a major improvement in the REIT rules that preserves the original intent of Congress when it first created REITs in 1960, while permitting the industry to adapt to a changing marketplace. Most importantly, these REIT modernization rules would not expand the activities that can be conducted within the REIT, they simply give the REIT greater flexibility to establish fully-taxable subsidiaries that will enable the REIT to better serve its customers.

This legislation is supported by the American Resort Development Association, the International Council of Shopping Centers, the National Apartment Association, the National Association of Real Estate Investment Trusts, the American Seniors Housing Association, the Mortgage Bankers Association of America, the National Association of Industrial and Office Properties, the National Association of Realtors, the National Multi Housing Council, and the National Realty Committee.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1057

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the "Real Estate Investment Trust Modernization Act of 1999".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

TITLE I—TREATMENT OF INCOME AND SERVICES PROVIDED BY TAXABLE REIT SUBSIDIARIES

SEC. 101. MODIFICATIONS TO ASSET DIVERSIFICATION TEST.

Subparagraph (B) of section 856(c)(4) is amended to read as follows:

"(B)(i) not more than 25 percent of the value of its total assets is represented by securities (other than those includible under subparagraph (A)), and

"(ii) except with respect to a taxable REIT subsidiary and securities includible under subparagraph (A)—

"(I) not more than 5 percent of the value of its total assets is represented by securities of any 1 issuer,

"(II) the trust does not hold securities possessing more than 10 percent of the total voting power of the outstanding securities of any 1 issuer, and

"(III) the trust does not hold securities having a value of more than 10 percent of the total value of the outstanding securities of any 1 issuer."

SEC. 102. TREATMENT OF INCOME AND SERVICES PROVIDED BY TAXABLE REIT SUBSIDIARIES.

(a) INCOME FROM TAXABLE REIT SUBSIDIARIES NOT TREATED AS IMPERMISSIBLE TENANT SERVICE INCOME.—Clause (i) of section 856(d)(7)(C) (relating to exceptions to impermissible tenant service income) is amended by inserting "or through a taxable REIT subsidiary of such trust" after "income".

(b) CERTAIN INCOME FROM TAXABLE REIT SUBSIDIARIES NOT EXCLUDED FROM RENTS FROM REAL PROPERTY.—

(1) IN GENERAL.—Subsection (d) of section 856 (relating to rents from real property defined) is amended by adding at the end the following new paragraphs:

"(8) SPECIAL RULE FOR TAXABLE REIT SUBSIDIARIES.—For purposes of this subsection, amounts paid to a real estate investment trust by a taxable REIT subsidiary of such trust shall not be excluded from rents from real property by reason of paragraph (2)(B) if the requirements of subparagraph (A) or (B) are met.

"(A) LIMITED RENTAL EXCEPTION.—The requirements of this subparagraph are met with respect to any property if at least 90 percent of the leased space of the property is rented to persons other than taxable REIT subsidiaries of such trust and other than persons described in section 856(d)(2)(B). The preceding sentence shall apply only to the extent that the amounts paid to the trust as rents from real property (as defined in paragraph (1) without regard to paragraph (2)(B)) from such property are substantially comparable to such rents made by the other tenants of the trust's property for comparable space.

"(B) EXCEPTION FOR CERTAIN LODGING FACILITIES.—The requirements of this subparagraph are met with respect to an interest in real property which is a qualified lodging facility leased by the trust to a taxable REIT subsidiary of the trust if the property is operated on behalf of such subsidiary by a person who is an eligible independent contractor.

"(9) ELIGIBLE INDEPENDENT CONTRACTOR.—For purposes of paragraph (8)(B)—

"(A) IN GENERAL.—The term 'eligible independent contractor' means, with respect to any qualified lodging facility, any independent contractor if, at the time such contractor enters into a management agreement or other similar service contract with the taxable REIT subsidiary to operate the facility, such contractor (or any related person) is actively engaged in the trade or business of operating qualified lodging facilities for any person who is not a related person with respect to the real estate investment trust or the taxable REIT subsidiary.

"(B) SPECIAL RULES.—Solely for purposes of this paragraph and paragraph (8)(B), a person shall not fail to be treated as an independent contractor with respect to any qualified lodging facility by reason of any of the following:

"(i) The taxable REIT subsidiary bears the expenses for the operation of the facility pursuant to the management agreement or other similar service contract.

"(ii) The taxable REIT subsidiary receives the revenues from the operation of such facility, net of expenses for such operation and fees payable to the operator pursuant to such agreement or contract.

"(iii) The real estate investment trust receives income from such person with respect to another property that is attributable to a lease of such other property to such person that was in effect as on the later of—

"(I) January 1, 1999, or

"(II) the earliest date that any taxable REIT subsidiary of such trust entered into a management agreement or other similar service contract with such person with respect to such qualified lodging facility.

"(C) RENEWALS, ETC., OF EXISTING LEASES.—For purposes of subparagraph (B)(iii)—

"(i) a lease shall be treated as in effect on January 1, 1999, without regard to its renewal after such date, so long as such renewal is pursuant to the terms of such lease as in effect on whichever of the dates under subparagraph (B)(iii) is the latest, and

"(ii) a lease of a property entered into after whichever of the dates under subparagraph (B)(iii) is the latest shall be treated as in effect on such date if—

"(I) on such date, a lease of such property from the trust was in effect, and

"(II) under the terms of the new lease, such trust receives a substantially similar or lesser benefit in comparison to the lease referred to in subclause (I).

"(D) QUALIFIED LODGING FACILITY.—For purposes of this paragraph—

"(i) IN GENERAL.—The term 'qualified lodging facility' means any lodging facility unless wagering activities are conducted at or in connection with such facility by any person who is engaged in the business of accepting wagers and who is legally authorized to engage in such business at or in connection with such facility.

"(ii) LODGING FACILITY.—The term 'lodging facility' means a hotel, motel, or other establishment more than one-half of the dwelling units in which are used on a transient basis.

"(iii) CUSTOMARY AMENITIES AND FACILITIES.—The term 'lodging facility' includes customary amenities and facilities operated as part of, or associated with, the lodging facility so long as such amenities and facilities are customary for other properties of a comparable size and class owned by other owners unrelated to such real estate investment trust.

"(E) OPERATE INCLUDES MANAGE.—References in this paragraph to operating a property shall be treated as including a reference to managing the property.

"(F) RELATED PERSON.—Persons shall be treated as related to each other if such persons are treated as a single employer under subsection (a) or (b) of section 52.".

(2) CONFORMING AMENDMENT.—Subparagraph (B) of section 856(d)(2) is amended by inserting "except as provided in paragraph (8)," after "(B)".

SEC. 103. TAXABLE REIT SUBSIDIARY.

(a) IN GENERAL.—Section 856 is amended by adding at the end the following new subsection:

"(l) TAXABLE REIT SUBSIDIARY.—For purposes of this part—

"(1) IN GENERAL.—The term 'taxable REIT subsidiary' means, with respect to a real estate investment trust, a corporation (other than a real estate investment trust) if—

"(A) such trust directly or indirectly owns stock in such corporation, and

"(B) such trust and such corporation jointly elect that such corporation shall be treated as a taxable REIT subsidiary of such trust for purposes of this part.

Such an election, once made, shall be irrevocable unless both such trust and corporation consent to its revocation. Such election, and any revocation thereof, may be made without the consent of the Secretary.

"(2) 35 PERCENT OWNERSHIP IN ANOTHER TAXABLE REIT SUBSIDIARY.—The term 'taxable REIT subsidiary' includes, with respect to any real estate investment trust, any corporation (other than a real estate investment trust) with respect to which a taxable REIT subsidiary of such trust owns directly or indirectly—

"(A) securities possessing more than 35 percent of the total voting power of the outstanding securities of such corporation, or

"(B) securities having a value of more than 35 percent of the total value of the outstanding securities of such corporation.

The preceding sentence shall not apply to a qualified REIT subsidiary (as defined in subsection (i)(2)).

"(3) EXCEPTIONS.—The term 'taxable REIT subsidiary' shall not include—

"(A) any corporation which directly or indirectly operates or manages a lodging facility or a health care facility, and

"(B) any corporation which directly or indirectly provides to any other person (under a franchise, license, or otherwise) rights to any brand name under which any lodging facility or health care facility is operated.

Subparagraph (B) shall not apply to rights provided to an eligible independent contractor to operate or manage a lodging facility if such rights are held by such corporation as a franchisee, licensee, or in a similar capacity and such lodging facility is either owned by such corporation or is leased to such corporation from the real estate investment trust.

"(4) DEFINITIONS.—For purposes of paragraph (3)—

"(A) LODGING FACILITY.—The term 'lodging facility' has the meaning given to such term by paragraph (9)(D)(ii).

"(B) HEALTH CARE FACILITY.—The term 'health care facility' has the meaning given to such term by subsection (e)(6)(D)(ii).".

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 856(i) is amended by adding at the end the following new sentence: "Such term shall not include a taxable REIT subsidiary."

SEC. 104. LIMITATION ON EARNINGS STRIPPING.

Paragraph (3) of section 163(j) (relating to limitation on deduction for interest on certain indebtedness) is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", and", and by adding at the end the following new subparagraph:

"(C) any interest paid or accrued (directly or indirectly) by a taxable REIT subsidiary (as defined in section 856(l)) of a real estate investment trust to such trust.".

SEC. 105. 100 PERCENT TAX ON IMPROPERLY ALLOCATED AMOUNTS.

(a) IN GENERAL.—Subsection (b) of section 857 (relating to method of taxation of real estate investment trusts and holders of shares or certificates of beneficial interest) is amended by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively, and by inserting after paragraph (6) the following new paragraph:

"(7) INCOME FROM REDETERMINED RENTS, REDETERMINED DEDUCTIONS, AND EXCESS INTEREST.—

"(A) IMPOSITION OF TAX.—There is hereby imposed for each taxable year of the real estate investment trust a tax equal to 100 percent of redetermined rents, redetermined deductions, and excess interest.

"(B) REDETERMINED RENTS.—

"(i) IN GENERAL.—The term 'redetermined rents' means rents from real property (as defined in subsection 856(d)) the amount of which would (but for subparagraph (E)) be reduced on distribution, apportionment, or allocation under section 482 to clearly reflect income as a result of services furnished or rendered by a taxable REIT subsidiary of the real estate investment trust to a tenant of such trust.

"(ii) EXCEPTION FOR CERTAIN SERVICES.—Clause (i) shall not apply to amounts received directly or indirectly by a real estate investment trust for services described in paragraph (1)(B) or (7)(C)(i) of section 856(d).

"(iii) EXCEPTION FOR DE MINIMIS AMOUNTS.—Clause (i) shall not apply to amounts described in section 856(d)(7)(A) with respect to a property to the extent such amounts do not exceed the one percent threshold described in section 856(d)(7)(B) with respect to such property.

"(iv) EXCEPTION FOR COMPARABLY PRICED SERVICES.—Clause (i) shall not apply to any service rendered by a taxable REIT subsidiary of a real estate investment trust to a tenant of such trust if—

"(I) such subsidiary renders a significant amount of similar services to persons other than such trust and tenants of such trust who are unrelated (within the meaning of section 856(d)(8)(F)) to such subsidiary, trust, and tenants, but

"(II) only to the extent the charge for such service so rendered is substantially comparable to the charge for the similar services rendered to persons referred to in subclause (I).

"(v) EXCEPTION FOR CERTAIN SEPARATELY CHARGED SERVICES.—Clause (i) shall not apply to any service rendered by a taxable REIT subsidiary of a real estate investment trust to a tenant of such trust if—

"(I) the rents paid to the trust by tenants (leasing at least 25 percent of the net leasable space in the trust's property) who are not receiving such service from such subsidiary are substantially comparable to the rents paid by tenants leasing comparable space who are receiving such service from such subsidiary, and

"(II) the charge for such service from such subsidiary is separately stated.

"(vi) EXCEPTION FOR CERTAIN SERVICES BASED ON SUBSIDIARY'S INCOME FROM THE SERVICES.—Clause (i) shall not apply to any service rendered by a taxable REIT subsidiary of a real estate investment trust to a tenant of such trust if the gross income of such subsidiary from such service is not less than 150 percent of such subsidiary's direct cost in furnishing or rendering the service.

"(vii) EXCEPTIONS GRANTED BY SECRETARY.—The Secretary may waive the tax otherwise imposed by subparagraph (A) if the trust establishes to the satisfaction of the Secretary that rents charged to tenants were established on an arms' length basis even though a taxable REIT subsidiary of the trust provided services to such tenants.

"(viii) NO INFERENCE WITH RESPECT TO RENTS NOT WITHIN EXCEPTIONS.—In determining whether rents are subject to reduction upon distribution, apportionment, or allocation under section 482 for purposes of subparagraph (B), the fact that rents from real property do not meet the requirements of clauses (ii) through (vii) shall not be taken into account; and such determination, in the case of rents not meeting such requirements, shall be made as if such clauses had not been enacted.

"(ix) NO INFERENCE AS TO WHETHER REDETERMINED RENT IS RENT FROM REAL PROPERTY.—Rent received by a real estate investment trust shall not fail to qualify as rents from real property under section 856(d) by reason of the fact that all or any portion of such rent is determined to be redetermined rent.

"(C) REDETERMINED DEDUCTIONS.—The term 'redetermined deductions' means deductions (other than redetermined rents) of a taxable REIT subsidiary of a real estate investment trust if the amount of such deductions would (but for subparagraph (E)) be increased on distribution, apportionment, or allocation under section 482 to clearly reflect income as between such subsidiary and such trust.

"(D) EXCESS INTEREST.—The term 'excess interest' means any deductions for interest payments by a taxable REIT subsidiary of a real estate investment trust to such trust to the extent that the interest payments are in excess of a rate that is commercially reasonable.

"(E) COORDINATION WITH SECTION 482.—The imposition of tax under subparagraph (A) shall be in lieu of any distribution, apportionment, or allocation under section 482.

"(F) REGULATORY AUTHORITY.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this paragraph. Until the Secretary prescribes such regulations, real estate investment trusts and their taxable REIT subsidiaries may base their allocations on any reasonable method.".

(b) AMOUNT SUBJECT TO TAX NOT REQUIRED TO BE DISTRIBUTED.—Subparagraph (E) of section 857(b)(2) (relating to real estate investment trust taxable income) is amended by striking "paragraph (5)" and inserting "paragraphs (5) and (7)".

SEC. 106. EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by this title shall apply to taxable years beginning after the date of enactment of this Act.

(b) TRANSITIONAL RULES RELATED TO SECTION 101.—

(1) EXISTING ARRANGEMENTS.—

(A) IN GENERAL.—Except as otherwise provided in this paragraph, the amendment made by section 101 shall not apply to a real estate investment trust with respect to—

(i) securities of a corporation held directly or indirectly by such trust on April 28, 1999,

(ii) securities received by such trust (or a successor) in exchange for, or with respect to, securities described in clause (i) in a transaction in which gain or loss is not recognized, and

(iii) securities acquired directly or indirectly by such trust as part of a reorganization (as defined in section 368(a)(1) of the Internal Revenue Code of 1986) with respect to such trust if such securities are described in clause (i) or (ii) with respect to any other real estate investment trust.

(B) NEW TRADE OR BUSINESS OR SUBSTANTIAL NEW ASSETS.—Subparagraph (A) shall cease to apply to securities of a corporation as of the first day after April 28, 1999, on which such corporation engages in a substantial new line of business, or acquires any substantial asset, other than—

(i) pursuant to a binding contract in effect on such date and at all times thereafter before the acquisition of such asset,

(ii) in a transaction in which gain or loss is not recognized by reason of section 1031 or 1033 of the Internal Revenue Code of 1986, or

(iii) in a reorganization (as so defined) with another corporation the securities of which are described in paragraph (1)(A) of this subsection.

(2) TAX-FREE CONVERSION.—If—

(A) at the time of an election for a corporation to become a taxable REIT subsidiary, the amendment made by section 101 does not apply to such corporation by reason of paragraph (1), and

(B) such election first takes effect during the 3-year period beginning on the date of the enactment of this Act,

such election shall be treated as a reorganization qualifying under section 368(a)(1)(A) of such Code.

TITLE II—HEALTH CARE REITS

SEC. 201. HEALTH CARE REITS.

(a) SPECIAL FORECLOSURE RULE FOR HEALTH CARE PROPERTIES.—Subsection (e) of section 856 (relating to special rules for foreclosure property) is amended by adding at the end the following new paragraph:

"(6) SPECIAL RULE FOR QUALIFIED HEALTH CARE PROPERTIES.—For purposes of this subsection—

"(A) ACQUISITION AT EXPIRATION OF LEASE.—The term 'foreclosure property' shall include any qualified health care property acquired by a real estate investment trust as the result of the termination of a lease of such property (other than a termination by reason of a default, or the imminence of a default, on the lease).

"(B) GRACE PERIOD.—In the case of a qualified health care property which is foreclosure property solely by reason of subparagraph (A), in lieu of applying paragraphs (2) and (3)—

"(i) the qualified health care property shall cease to be foreclosure property as of the close of the second taxable year after the taxable year in which such trust acquired such property, and

"(ii) if the real estate investment trust establishes to the satisfaction of the Secretary that an extension of the grace period in clause (i) is necessary to the orderly leasing or liquidation of the trust's interest in such qualified health care property, the Secretary may grant 1 or more extensions of the grace period for such qualified health care property.

Any such extension shall not extend the grace period beyond the close of the 6th year after the taxable year in which such trust acquired such qualified health care property.

"(C) INCOME FROM INDEPENDENT CONTRACTORS.—For purposes of applying paragraph (4)(C) with respect to qualified health care property which is foreclosure property by reason of subparagraph (A) or paragraph (1), income derived or received by the trust from an independent contractor shall be disregarded to the extent such income is attributable to—

"(i) any lease of property in effect on the date the real estate investment trust acquired the qualified health care property (without regard to its renewal after such date so long as such renewal is pursuant to the terms of such lease as in effect on such date), or

"(ii) any lease of property entered into after such date if—

"(I) on such date, a lease of such property from the trust was in effect, and

"(II) under the terms of the new lease, such trust receives a substantially similar or lesser benefit in comparison to the lease referred to in subclause (I).

"(D) QUALIFIED HEALTH CARE PROPERTY.—

"(i) IN GENERAL.—The term 'qualified health care property' means any real property (including interests therein), and any personal property incident to such real property, which—

"(I) is a health care facility, or

"(II) is necessary or incidental to the use of a health care facility.

"(ii) HEALTH CARE FACILITY.—For purposes of clause (i), the term 'health care facility' means a hospital, nursing facility, assisted living facility, congregate care facility, qualified continuing care facility (as defined in section 7872(g)(4)), or other licensed facility which extends medical or nursing or ancillary services to patients and which, immediately before the termination, expiration, default, or breach of the lease of or mortgage secured by such facility, was operated by a provider of such services which was eligible for participation in the medicare program under title XVIII of the Social Security Act with respect to such facility."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of enactment of this Act.

TITLE III—CONFORMITY WITH REGULATED INVESTMENT COMPANY RULES

SEC. 301. CONFORMITY WITH REGULATED INVESTMENT COMPANY RULES.

(a) DISTRIBUTION REQUIREMENT.—Clauses (i) and (ii) of section 857(a)(1)(A) (relating to requirements applicable to real estate investment trusts) are each amended by striking "95 percent (90 percent for taxable years beginning before January 1, 1980)" and inserting "90 percent".

(b) IMPOSITION OF TAX.—Clause (i) of section 857(b)(5)(A) (relating to imposition of tax in case of failure to meet certain requirements) is amended by striking "95 percent (90 percent in the case of taxable years beginning before January 1, 1980)" and inserting "90 percent".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of enactment of this Act.

TITLE IV—CLARIFICATION OF DEFINITION OF INDEPENDENT CONTRACTOR

SEC. 401. CLARIFICATION OF DEFINITION OF INDEPENDENT CONTRACTOR.

(a) IN GENERAL.—Paragraph (3) of section 856(d) (relating to independent contractor defined) is amended by adding at the end the following flush sentence:

"In the event that any class of stock of either the real estate investment trust or such person is regularly traded on an established securities market, only persons who own, directly or indirectly, more than 5 percent of such class of stock shall be taken into account as owning any of the stock of such class for purposes of applying the 35 percent limitation set forth in subparagraph (B) (but all of the outstanding stock of such class shall be considered outstanding in order to compute the denominator for purpose of determining the applicable percentage of ownership)."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

TITLE V—MODIFICATION OF EARNINGS AND PROFITS RULES

SEC. 501. MODIFICATION OF EARNINGS AND PROFITS RULES.

(a) RULES FOR DETERMINING WHETHER REGULATED INVESTMENT COMPANY HAS EARNINGS AND PROFITS FROM NON-RIC YEAR.—Subsection (c) of section 852 is amended by adding at the end the following new paragraph:

"(3) DISTRIBUTIONS TO MEET REQUIREMENTS OF SUBSECTION (a)(2)(B).—Any distribution which is made in order to comply with the requirements of subsection (a)(2)(B)—

"(A) shall be treated for purposes of this subsection and subsection (a)(2)(B) as made from the earliest earnings and profits accumulated in any taxable year to which the provisions of this part did not apply rather than the most recently accumulated earnings and profits, and

"(B) to the extent treated under subparagraph (A) as made from accumulated earnings and profits, shall not be treated as a distribution for purposes of subsection (b)(2)(D) and section 855.".

(b) CLARIFICATION OF APPLICATION OF REIT SPILLOVER DIVIDEND RULES TO DISTRIBUTIONS TO MEET QUALIFICATION REQUIREMENT.—Subparagraph (B) of section 857(d)(3) is amended by inserting before the period "and section 858".

(c) APPLICATION OF DEFICIENCY DIVIDEND PROCEDURES.—Paragraph (1) of section 852(e) is amended by adding at the end the following new sentence: "If the determination under subparagraph (A) is solely as a result of the failure to meet the requirements of subsection (a)(2), the preceding sentence shall also apply for purposes of applying subsection (a)(2) to the non-RIC year."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning before, on, or after the date of the enactment of this Act.

Mr. GRAHAM. Mr. President, I am pleased to join my colleague, Senator MACK, in the introduction of the REIT Modernization Act, legislation that would modernize the tax rules that apply to real estate investment trusts ("REITs").

REITs were created in 1960 to give small investors the ability to invest in income producing real estate. But it was not until the early part of this decade that REITs emerged as a significant factor in real estate finance. Their repid growth then contributed in a major way to the development of real estate markets. The real estate industry is experiencing change today as owners seek to maximize returns by taking greater advantage of their employee expertise and tenant base. This bill will better enable REITS to expand their services to tenants and customers.

The Administration's Fiscal Year 2000 budget includes a proposal to change the rules governing REITs. The legislation that we are introducing today is largely based on that proposal. It would permit REITs to establish taxable subsidiaries to offer services that a REIT cannot offer directly to tenants and third parties. Stringent rules are included to ensure that the subsidiary would be fully subject to taxation. Current rules designed to ensure that REIT income is primarily earned from real estate activities would continue to apply. The bill also modifies the tratment of health care facilities to ensure that patients' lives are not disrupted in the event of an expired lease, and restores the 90% distribution rule that had previously applied to REITs.

REITs play a positive role in the real estate economy that has helped to stabilize property values and provide liquidity to the market. As long as the basic limitations on REIT activities are preserved, those tax rules which impose restraints on REIT activities must be modified. In my own state of Florida, REITs have invested more than $13 billion in the Florida economy, and are an important source of investment capital that has reinvigorated real estate markets.

I want to thank Senator MACK for his leadership on this issue and I welcome the bipartisan support this measure has received from members of the Senate Finance Committee, along with others, who have joined as cosponsors of the bill. I look forward to working with them in the months ahead.

Mr. MOYNIHAN. Mr. President: I commend the efforts of my respected colleagues from Florida, Senator MACK and Senator GRAHAM, as they work to modernize the tax rules that apply to Real Estate Investment Trusts (REITs). I have worked with the REIT industry over the years and have seen it grow to be a major contributor to the strength of the real estate sector in New York and nationally.

Congress first authorized REITs in 1960 so that investors of modest means could invest in income producing real estate assets. During the last four decades, REITs have provided not only real estate ownership opportunities for individual investors, but also an important source of capital for real estate investment.

As tax policy makers we have the responsibility to make sure that tax laws governing REITs are updated to reflect the realities of a dynamic market and to maintain a proper competitive balance between real estate owned through the REIT structure and through more traditional corporate and partnership structures. But because REITs are pass-through entities, we also have a responsibility to ensure that they are not used as vehicles for sheltering corporate taxes in a manner inconsistent with Congressional intent. In fact, twice in the last Congress the Finance Committee crafted legislation, later signed into law, to stop inappropriate use of the REIT structure in the case of so-called "stapled entities" and liquidating subsidiaries.

The Administration has included a proposal in its FY 2000 budget that would, among other things, allow REITs to own a taxable REIT subsidiary. The legislation introduced by Senators MACK and GRAHAM builds on the Administration proposal, and would expand the permissible business activities of REITs.

The approach taken in the proposals advanced by the Administration and by Senators MACK and GRAHAM warrant consideration. I have asked my staff to review the legislation and work with the authors of the bill. It is my hope that Congress can enact REIT modernization legislation this year.

ADDITIONAL COSPONSORS

S. 201

At the request of Mr. DODD, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 201, a bill to amend the Family and Medical Leave Act of 1993 to apply the Act to a greater percentage of the United States workforce, and for other purposes.

S. 247

At the request of Mr. BAUCUS, his name was added as a cosponsor of S. 247, a bill to amend title 17, United States Code, to reform the copyright law with respect to satellite retransmissions of broadcast signals, and for other purposes.

S. 335

At the request of Ms. COLLINS, the names of the Senator from Nevada (Mr. BRYAN), the Senator from Utah (Mr. HATCH), and the Senator from Delaware (Mr. ROTH) were added as cosponsors of S. 335, a bill to amend chapter 30 of title 39, United States Code, to provide for the nonmailability of certain deceptive matter relating to games of chance, administrative procedures, orders, and civil penalties relating to such matter, and for other purposes.

S. 459

At the request of Mr. BREAUX, the names of the Senator from Kentucky (Mr. BUNNING) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 459, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

S. 487

At the request of Mr. GRAMS, the names of the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 487, a bill to amend the Internal Revenue Code of 1986 to provide additional retirement savings opportunities for small employers, including self-employed individuals.

S. 512

At the request of Mr. GORTON, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 512, a bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the Department of Health and Human Services with respect to research on autism.

S. 526

At the request of Mr. GRAHAM, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 526, a bill to amend the Internal Revenue Code of 1986 to allow issuance of tax-exempt private activity bonds to finance public-private partnership activities relating to school facilities in public elementary and secondary schools, and for other purposes.

S. 577

At the request of Mr. HATCH, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 577, a bill to provide for injunctive relief in Federal district court to enforce State laws relating to the interstate transportation of intoxicating liquor.

S. 676

At the request of Mr. CAMPBELL, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 676, a bill to locate and secure the return of Zachary Baumel, a citizen of the United States, and other Israeli soldiers missing in action.

S. 763

At the request of Mr. THURMOND, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 763, a bill to amend title 10, United States Code, to increase the minimum Survivor Benefit Plan basic annuity for surviving spouses age 62 and older, and for other purposes.

S. 879

At the request of Mr. CONRAD, the names of the Senator from Louisiana (Mr. BREAUX) and the Senator from Nebraska (Mr. KERREY) were added as cosponsors of S. 879, a bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period for the depreciation of certain leasehold improvements

S. 1017

At the request of Mr. MACK, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 1017, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on the low-income housing credit.

S. 1034

At the request of Mr. AKAKA, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1034, a bill to amend title XVIII of the Social Security Act to increase the amount of payment under the medicare program for pap smear laboratory tests.

SENATE JOINT RESOLUTION 22

At the request of Mr. JEFFORDS, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of Senate Joint Resolution 22, a joint resolution to reauthorize, and modify the conditions for, the consent of Congress to the Northeast Interstate Dairy Compact and to grant the consent of Congress to the Southern Dairy Compact

AMENDMENTS SUBMITTED

VIOLENT AND REPEAT JUVENILE OFFENDER ACCOUNTABILITY AND REHABILITATION ACT OF 1999

ALLARD (AND OTHERS) AMENDMENT NO. 351

(Ordered to lie on the table.)

Mr. ALLARD (for himself, Mr. CRAIG, Mr. HELMS, and Mr. ENZI) submitted an amendment intended to be proposed by them to the bill (S.254) to reduce violent juvenile crime, promote accountability by rehabilitation of juvenile criminals, punish and deter violent gang crime, and for other purposes; as follows:

At the appropriate place in the bill, insert the following:

SEC. . CONSTITUTIONALITY OF MEMORIAL SERVICES AND MEMORIALS AT PUBLIC SCHOOLS.

(a) FINDINGS.—The Congress of the United States finds that the saying of a prayer, the reading of a scripture, or the performance of religious music, as part of a memorial service that is held on the campus of a public school in order to honor the memory of any person slain on that campus does not violate the First Amendment to the Constitution of the United States, and that the design and construction of any memorial that is placed on the campus of a public school in order to honor the memory of any person slain on that campus a part of which includes religious symbols, motifs, or sayings does not violate the First Amendment to the Constitution of the United States.

(b) LAWSUITS.—In any lawsuit claiming that the type of memorial or memorial service described in subsection (a) violates the Constitution of the United States—

(1) each party shall pay its own attorney's fees and costs, notwithstanding any other provision of law, and

(2) the Attorney General of the United States is authorized to provide legal assistance to the school district or other governmental entity that is defending the legality of such memorial service.

KOHL (AND OTHERS) AMENDMENT NO. 352

Mr. KOHL (for himself, Mr. HATCH, and Mr. CHAFEE) proposed an amendment to the bill, S. 254, supra; as follows:

At the appropriate place in the bill, in Title , General Provisions, insert the following new sections:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Safe Handgun Storage & Child Handgun Safety Act of 1999".

SEC. 2. PURPOSES.

The purposes of this Act are as follows:

(a) To promote the safe storage and use of handguns by consumers.

(b) To prevent unauthorized persons from gaining access to or use of a handgun, including children who may not be in possession of a handgun, unless it is under one the circumstances provided for in the Youth Handgun Safety Act.

(c) To avoid hindering industry from supplying law abiding citizens firearms for all lawful purposes, including hunting, self-defense, collecting and competitive or recreational shooting.

SEC. 3. FIREARMS SAFETY.

(a) UNLAWFUL ACTS—

(1) MANDATORY TRANSFER OF SECURE GUN STORAGE OR SAFETY DEVICE.—Section 922 of title 18, United States Code, is amended by inserting after subsection (y) the following:

"(z) SECURE GUN STORAGE OR SAFETY DEVICE.—

"(1) IN GENERAL.—Except as provided in paragraph (2), it shall be unlawful for any licensed manufacturer, licensed importer, or licensed dealer to sell, deliver, or transfer any handgun to any person other than any person licensed under the provisions of this chapter, unless the transferee is provided with a secure gun storage or safety device, as described in section 921(a)(35) of this chapter, for that handgun.

"(2) EXCEPTIONS.—Paragraph (1) does not apply to the—

"(A)(i) manufacture for, transfer to, or possession by, the United States or a State or a department or agency of the United States, or a State or a department, agency, or political subdivision of a State, of a handgun; or

"(ii) transfer to, or possession by, a law enforcement officer employed by an entity referred to in clause (i) of a handgun for law enforcement purposes (whether on or off duty); or

"(B) transfer to, or possession by, a rail police officer employed by a rail carrier and certified or commissioned as a police officer under the laws of a State of a handgun for purposes of law enforcement (whether on or off duty);

"(C) transfer to any person of a handgun listed as a curio or relic by the Secretary pursuant to section 921(a)(13); or

"(D) transfer to any person of a handgun for which a secure gun storage or safety device is temporarily unavailable for the reasons described in the exceptions stated in section 923(e), provided that the licensed manufacturer, licensed importer, or licensed dealer delivers to the transferee within 10 calendar days from the date of the delivery of the handgun to the transferee a secure gun storage or safety device for the handgun.".

"(3) LIABILITY FOR USE.—(A) Notwithstanding any other provision of law, a person who has lawful possession and control of a handgun, and who uses a secure gun storage or safety device with the handgun, shall be entitled to immunity from a civil liability action as described in this paragraph.

"(B) PROSPECTIVE ACTIONS.—A qualified civil liability action may not be brought in any federal or State court. The term 'qualified civil liability action' means a civil action brought by any person against a person describe din subparagraph (A0 for damages resulting from the criminal or unlawful misuse of the handgun by a third party, where—

"(i) the handgun was accessed by another person who did not have the permission or authorization of the person having lawful possession and control of the handgun to have access to it; and

"(ii) at the time access was gained by the person not so authorized, the handgun had been made inoperable by use of a secure gun storage or safety device.

"A 'qualified civil liability action' shall not include an action brought against the person having lawful possession and control of the handgun for negligent entrustment or negligence per se.

(b) Civil Penalties.—Section 924 of title 18, United States Code, is amended

(1) in subsection (a)(1), by striking "or (f)" and inserting "(f), or (p)"; and

(2) by adding at the end the following:

"(p) Penalties Relating to Secure Gun Storage or Safety Device.—

"(1) In general.—

"(A) Suspension or revocation of license; civil penalties.—With respect to each violation of section 922(z)(1) by a licensed manufacturer, licensed importer, or licensed dealer, the Secretary may, after notice and opportunity for hearing—

"(i) suspend for up to six months, or revoke, the license issued to the licensee under this chapter that was used to conduct the firearms transfer; or

"(ii) subject the licensee to a civil penalty in an amount equal to not more than $2,500.

"(B) Review.—An action of the Secretary under this paragraph may be reviewed only as provided in section 923(f).

"(2) Administrative remedies.—The suspension or revocation of a license or the imposition of a civil penalty under paragraph (1) does not preclude any administrative remedy that is otherwise available to the Secretary.".

(c) Liability; Evidence.—

(1) Liability.—Nothing in this Act shall be construed to—

(A) create a cause of action against any federal firearms licensee or any other person for any civil liability; or

(B) establish any standard of care.

(2) Evidence.—Notwithstanding any other provision of law, evidence regarding compliance or noncompliance with the amendments made by this Act shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity, except with respect to an action to enforce paragraphs (1) and (2) of section 922(z), or to give effect to paragraph (3) of section 922(z).

(3) Rule of construction.—Nothing in this subsection shall be construed to bar a governmental action to impose a penalty under section 924(p) of title 18, United States Code, for a failure to comply with section 922(z) of that title.

SEC. 4. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect 180 days after the date of enactment of this Act.

HATCH (AND FEINSTEIN) AMENDMENT NO. 353

Mr. HATCH (for himself and Mrs. Feinstein) proposed an amendment to the bill, S. 254, supra; as follows:

On page 47, strike line 4 and all that follows through page 48, line 9, and insert the following:

SEC. 204. CRIMINAL STREET GANGS.

(a) In General.—Section 521 of title 18, United States Code, is amended—

(1) in subsection (a), in the second undesignated paragraph—

(A) by striking "5" and inserting "3";

(B) by inserting ", whether formal or informal" after "or more persons"; and

(C) in subparagraph (A), by inserting "or activities" after "purposes";

(2) in subsection (b), by inserting after "10 years" the following: "and such person shall be subject to the forfeiture prescribed in section 412 of the Controlled Substances Act (21 U.S.C. 853)";

(3) in subsection (c)—

(A) in paragraph (2), by striking "and" at the end;

(B) in paragraph (3), by striking the period at the end and inserting a semicolon;

(C) by adding at the end the following:

"(3) that is a violation of section 522 (relating to the recruitment of persons to participate in criminal gang activity);

"(4) that is a violation of section 844, 875, or 876 (relating to extortion and threats), section 1084 (relating to gambling), section 1955 (relating to gambling), or chapter 73 (relating to obstruction of justice);

"(5) that is a violation of section 1956 (relating to money laundering), to the extent that the violation of such section is related to a Federal or State offense involving a controlled substance (as that term is defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)); or

"(6) that is a violation of section 274(a)(1)(A), 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1324(a)(1)(A), 1327, or 1328) (relating to alien smuggling); and

"(7) a conspiracy, attempt, or solicitation to commit an offense described in paragraphs (1) through (6).".

(b) Technical and Conforming Amendment.—Section 3663(c)(4) of title 18, United States Code, is amended by striking "chapter 46" and inserting "section 521, chapter 46,".

On page 51, line 12, strike "25 percent" and insert "40 percent".

On page 51,. line 10, strike "75 percent" and insert "60 percent".

On page 54, after line 16, add the following:

SEC. 207. INCREASE IN OFFENSE LEVEL FOR PARTICIPATION IN CRIME AS A GANG MEMBER.

(a) Definition of Criminal Street Gang.—In this section, the term "criminal street gang" has the meaning given that term in section 521(a) of title 18, United States Code, as amended by section 204 of this Act.

(b) Amendment of Sentencing Guidelines.—

(1) In general.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal Sentencing Guidelines to provide an appropriate enhancement for any Federal offense described in section 521(c) of title 18, United States Code as amended by section 204 of this Act, if the offense was both committed in connection with, or in furtherance of, the activities of a criminal street gang and the defendant was a member of the criminal street gang at the time of the offense.

(2) Factors to be considered.—In determining an appropriate enhancement under this section, the United States Sentencing Commission shall give great weight to the seriousness of the offense, the offender's relative position in the criminal gang, and the risk of death or serious bodily injury to any person posed by the offense.

(c) Construction With Other Guidelines.—The amendment made by subsection (b) shall provide that the increase in the offense level shall be in addition to any other adjustment under chapter 3 of the Federal Sentencing Guidelines.

SEC. 208. INTERSTATE AND FOREIGN TRAVEL OR TRANSPORTATION IN AID OF CRIMINAL GANGS.

(a) Travel Act Amendment.—Section 1952 of title 18, United States Code, is amended to read as follows:

"§ 1952. Interstate and foreign travel or transportation in aid of racketeering enterprises

"(a) Prohibited Conduct and Penalties.—

"(1) In general.—Whoever—

"(A) travels in interstate or foreign commerce or uses the mail or any facility in interstate or foreign commerce, with intent to—

"(i) distribute the proceeds of any unlawful activity; or

"(ii) otherwise promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on, of any unlawful activity; and

"(B) after travel or use of the mail or any facility in interstate or foreign commerce described in subparagraph (A), performs, attempts to perform, or conspires to perform an act described in clause (i) or (ii) of subparagraph (A);

shall be fined under this title, imprisoned not more than 10 years, or both.

"(2) Crimes of violence.—Whoever—

"(A) travels in interstate or foreign commerce or uses the mail or any facility in interstate or foreign commerce, with intent to commit any crime of violence to further any unlawful activity; and

"(B) after travel or use of the mail or any facility in interstate or foreign commerce described in subparagraph (A), commits, attempts to commit, or conspires to commit any crime of violence to further any unlawful activity;

shall be fined under this title, imprisoned for not more than 20 years, or both, and if death results shall be sentenced to death or be imprisoned for any term of years or for life.

"(b) Definitions.—In this section:

"(1) Controlled substance.—The term 'controlled substance' has the meaning given that term in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).

"(2) State.—The term 'State' includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

"(3) Unlawful activity.—The term 'unlawful activity' means—

"(A) any business enterprise involving gambling, liquor on which the Federal excise tax has not been paid, narcotics or controlled substances, or prostitution offenses in violation of the laws of the State in which the offense is committed or of the United States;

"(B) extortion, bribery, arson, burglary if the offense involves property valued at not less than $10,000, assault with a deadly weapon, assault resulting in bodily injury, shooting at an occupied dwelling or motor vehicle, or retaliation against or intimidation of witnesses, victims, jurors, or informants, in violation of the laws of the State in which the offense is committed or of the United States;

"(C) the use of bribery, force, intimidation, or threat, directed against any person, to delay or influence the testimony of or prevent from testifying a witness in a State criminal proceeding or by any such means to cause any person to destroy, alter, or conceal a record, document, or other object, with intent to impair the object's integrity or availability for use in such a proceeding; or

"(D) any act that is indictable under section 1956 or 1957 of this title or under subchapter II of chapter 53 of title 31.".

(b) AMENDMENT OF SENTENCING GUIDELINES.—

(1) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend chapter 2 of the Federal Sentencing Guidelines to provide an appropriate increase in the offense levels for traveling in interstate or foreign commerce in aid of unlawful activity.

(2) UNLAWFUL ACTIVITY DEFINED.—In this subsection, the term "unlawful activity" has the meaning given that term in section 1952(b) of title 18, United States Code, as amended by this section.

(3) SENTENCING ENHANCEMENT FOR RECRUITMENT ACROSS STATE LINES.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal Sentencing Guidelines to provide an appropriate enhancement for a person who, in violating section 522 of title 18, United States Code (as added by section 207 of this Act), recruits, solicits, induces, commands, or causes another person residing in another State to be or to remain a member of a criminal street gang, or crosses a State line with the intent to recruit, solicit, induce, command, or cause another person to be or to remain a member of a criminal street gang.

SEC. 209. PROHIBITIONS RELATING TO FIREARMS.

(a) SERIOUS JUVENILE DRUG OFFENSES AS ARMED CAREER CRIMINAL PREDICATES.—Section 924(e)(2)(A) of title 18, United States Code, is amended—

(1) in clause (i), by striking "or" at the end;

(2) in clause (ii), by adding "or" at the end; and

(3) by adding at the end the following:

"(iii) any act of juvenile delinquency that, if committed by an adult, would be an offense described in clause (i) or (ii);".

(b) TRANSFER OF FIREARMS TO MINORS FOR USE IN CRIME.—Section 924(h) of title 18, United States Code, is amended by inserting "and if the transferee is a person who is under 18 years of age, imprisoned not less than 3 years," after "10 years,".

SEC. 210. CLONE PAGERS.

(a) IN GENERAL.—Section 2511(2)(h) of title 18, United States Code, is amended by striking clause (i) and inserting the following:

"(i) to use a pen register, trap and trace device, or clone pager, as those terms are defined in chapter 206 of this title (relating to pen registers, trap and trace devices, and clone pagers); or";

(b) EXCEPTION.—Section 3121 of title 18, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

"(a) IN GENERAL.—Except as provided in this section, no person may install or use a pen register, trap and trace device, or clone pager without first obtaining a court order under section 3123 or 3129 of this title, or under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.).";

(2) in subsection (b), by striking "a pen register or a trap and trace device" and inserting "a pen register, trap and trace device, or clone pager"; and

(3) by striking the section heading and inserting the following:

"§3121. General prohibition on pen register, trap and trace device, and clone pager use; exception".

(c) ASSISTANCE.—Section 3124 of title 18, United States Code, is amended—

(1) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively;

(2) by inserting after subsection (b) the following:

"(c) CLONE PAGER.—Upon the request of an attorney for the Government or an officer of a law enforcement agency authorized to use a clone pager under this chapter, a provider of electronic communication service shall furnish to such investigative or law enforcement officer all information, facilities, and technical assistance necessary to accomplish the use of the clone pager unobtrusively and with a minimum of interference with the services that the person so ordered by the court provides to the subscriber, if such assistance is directed by a court order, as provided in section 3129(b)(2) of this title."; and

(3) by striking the section heading and inserting the following:

"§3124. Assistance in installation and use of a pen register, trap and trace device, or clone pager".

(d) EMERGENCY INSTALLATIONS.—Section 3125 of title 18, United States Code, is amended—

(1) by striking "pen register or a trap and trace device" and "pen register or trap and trace device" each place they appear and inserting "pen register, trap and trace device, or clone pager";

(2) in subsection (a), by striking "an order approving the installation or use is issued in accordance with section 3123 of this title" and inserting "an application is made for an order approving the installation or use in accordance with section 3122 or section 3128 of this title";

(3) in subsection (b), by adding at the end the following: "If such application for the use of a clone pager is denied, or in any other case in which the use of the clone pager is terminated without an order having been issued, an inventory shall be served as provided for in section 3129(e) of this title."; and

(4) by striking the section heading and inserting the following:

"§3125. Emergency installation and use of pen register, trap and trace device, and clone pager".

(e) REPORTS.—Section 3126 of title 18, United States Code, is amended—

(1) by striking "pen register orders and orders for trap and trace devices" and inserting "orders for pen registers, trap and trace devices, and clone pagers"; and

(2) by striking the section heading and inserting the following:

"§3126. Reports concerning pen registers, trap and trace devices, and clone pagers".

(f) DEFINITIONS.—Section 3127 of title 18, United States Code, is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by striking "or" at the end; and

(B) by striking subparagraph (B) and inserting the following:

"(B) with respect to an application for the use of a pen register or trap and trace device, a court of general criminal jurisdiction of a State authorized by the law of that State to enter orders authorizing the use of a pen register or a trap and trace device; or

"(C) with respect to an application for the use of a clone pager, a court of general criminal jurisdiction of a State authorized by the law of that State to issue orders authorizing the use of a clone pager;";

(2) in paragraph (5), by striking "and" at the end;

(3) in paragraph (6), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(7) the term 'clone pager' means a numeric display device that receives communications intended for another numeric display paging device.".

(g) APPLICATIONS.—Chapter 206 of title 18, United States Code, is amended by adding at the end the following:

"§3128. Application for an order for use of a clone pager

"(a) APPLICATION.—

"(1) FEDERAL REPRESENTATIVES.—Any attorney for the Government may apply to a court of competent jurisdiction for an order or an extension of an order under section 3129 of this title authorizing the use of a clone pager.

"(2) STATE REPRESENTATIVES.—A State investigative or law enforcement officer may, if authorized by a State statute, apply to a court of competent jurisdiction of such State for an order or an extension of an order under section 3129 of this title authorizing the use of a clone pager.

"(b) CONTENTS OF APPLICATION.—An application under subsection (a) of this section shall include—

"(1) the identity of the attorney for the Government or the State law enforcement or investigative officer making the application and the identity of the law enforcement agency conducting the investigation;

"(2) the identity, if known, of the individual or individuals using the numeric display paging device to be cloned;

"(3) a description of the numeric display paging device to be cloned;

"(4) a description of the offense to which the information likely to be obtained by the clone pager relates;

"(5) the identity, if known, of the person who is subject of the criminal investigation; and

"(6) an affidavit or affidavits, sworn to before the court of competent jurisdiction, establishing probable cause to believe that information relevant to an ongoing criminal investigation being conducted by that agency will be obtained through use of the clone pager.

"§3129. Issuance of an order for use of a clone pager

"(a) IN GENERAL.—Upon an application made under section 3128 of this title, the court shall enter an ex parte order authorizing the use of a clone pager within the jurisdiction of the court if the court finds that the application has established probable cause to believe that information relevant to an ongoing criminal investigation being conducted by that agency will be obtained through use of the clone pager.

"(b) CONTENTS OF AN ORDER.—An order issued under this section—

"(1) shall specify—

"(A) the identity, if known, of the individual or individuals using the numeric display paging device to be cloned;

"(B) the numeric display paging device to be cloned;

"(C) the identity, if known, of the subscriber to the pager service; and

"(D) the offense to which the information likely to be obtained by the clone pager relates; and

"(2) shall direct, upon the request of the applicant, the furnishing of information, facilities, and technical assistance necessary to use the clone pager under section 3124 of this title.

"(c) TIME PERIOD AND EXTENSIONS.—

"(1) IN GENERAL.—An order issued under this section shall authorize the use of a clone pager for a period not to exceed 30 days. Such 30-day period shall begin on the earlier of the day on which the investigative or law enforcement officer first begins use of the clone pager under the order or the tenth day after the order is entered.

"(2) EXTENSIONS.—Extensions of an order issued under this section may be granted, but only upon an application for an order under section 3128 of this title and upon the judicial finding required by subsection (a). An extension under this paragraph shall be for a period not to exceed 30 days.

"(3) REPORT.—Within a reasonable time after the termination of the period of a clone pager order or any extensions thereof under this subsection, the applicant shall report to the issuing court the number of numeric pager messages acquired through the use of the clone pager during such period.

"(d) NONDISCLOSURE OF EXISTENCE OF CLONE PAGER.—An order authorizing the use of a clone pager shall direct that—

"(1) the order shall be sealed until otherwise ordered by the court; and

"(2) the person who has been ordered by the court to provide assistance to the applicant may not disclose the existence of the clone pager or the existence of the investigation to the listed subscriber, or to any other person, until otherwise ordered by the court.

"(e) NOTIFICATION.—

"(1) IN GENERAL.—Within a reasonable time, not later than 90 days after the date of termination of the period of a clone pager order or any extensions thereof, the issuing judge shall cause to be served, on the individual or individuals using the numeric display paging device that was cloned, an inventory including notice of—

"(A) the fact of the entry of the order or the application;

"(B) the date of the entry and the period of clone pager use authorized, or the denial of the application; and

"(C) whether or not information was obtained through the use of the clone pager.

"(2) POSTPONEMENT.—Upon an ex-parte showing of good cause, a court of competent jurisdiction may in its discretion postpone the serving of the notice required by this subsection.".

(h) CLERICAL AMENDMENTS.—The table of sections for chapter 206 of title 18, United States Code, is amended—

(1) by striking the item relating to section 3121 and inserting the following:

"3121. General prohibition on pen register, trap and trace device, and clone pager use; exception.";

(2) by striking the items relating to sections 3124, 3125, and 3126 and inserting the following:

"3124. Assistance in installation and use of a pen register, trap and trace device, or clone pager.

"3125. Emergency installation and use of pen register, trap and trace device, and clone pager.

"3126. Reports concerning pen registers, trap and trace devices, and clone pagers."; and

(3) by adding at the end the following:

"3128. Application for an order for use of a clone pager.

"3129. Issuance of an order for use of a clone pager".

(i) CONFORMING AMENDMENT.—Section 704(a) of the Communications Act of 1934 (47 U.S.C. 605(a)) is amended by striking "chapter 119," and inserting "chapters 119 and 206 of".

Add the following at the end:

SEC. 402. CRIMINAL PROHIBITION ON DISTRIBUTION OF CERTAIN INFORMATION RELATING TO EXPLOSIVES, DESTRUCTIVE DEVICES, AND WEAPONS OF MASS DESTRUCTION.

(a) UNLAWFUL CONDUCT.—Section 842 of title 18, United States Code, is amended by adding at the end the following:

"(p) DISTRIBUTION OF INFORMATION RELATING TO EXPLOSIVES, DESTRUCTIVE DEVICES, AND WEAPONS OF MASS DESTRUCTION.—

"(1) DEFINITIONS.—In this subsection:

"(A) The term 'destructive device' has the same meaning as in section 921(a)(4).

"(B) The term 'explosive' has the same meaning as in section 844(j).

"(C) The term 'weapon of mass destruction' has the same meaning as in section 2332a(c)(2).

"(2) PROHIBITION.—It shall be unlawful for any person—

"(A) to teach or demonstrate the making or use of an explosive, a destructive device, or a weapon of mass destruction, or to distribute by any means information pertaining to, in whole or in part, the manufacture or use of an explosive, destructive device, or weapon of mass destruction, with the intent that the teaching, demonstration, or information be used for, or in furtherance of, an activity that constitutes a Federal crime of violence; or

"(B) to teach or demonstrate to any person the making or use of an explosive, a destructive device, or a weapon of mass destruction, or to distribute to any person, by any means, information pertaining to, in whole or in part, the manufacture or use of an explosive, destructive device, or weapon of mass destruction, knowing that such person intends to use the teaching, demonstration, or information for, or in furtherance of, an activity that constitutes a Federal crime of violence.".

(b) PENALTIES.—Section 844 of title 18, United States Code, is amended—

(1) in subsection (a), by striking "person who violates any of subsections" and inserting the following: "person who—

"(1) violates any of subsections";

(2) by striking the period at the end and inserting "; and";

(3) by adding at the end the following:

"(2) violates subsection (p)(2) of section 842, shall be fined under this title, imprisoned not more than 20 years, or both."; and

(4) in subsection (j), by striking "and (i)" and inserting "(i), and (p)".

Subtitle C—James Guelff Body Armor Act

SEC. 441. SHORT TITLE.

This subtitle may be cited as the "James Guelff Body Armor Act of 1999".

SEC. 442. FINDINGS.

Congress finds that—

(1) nationally, police officers and ordinary citizens are facing increased danger as criminals use more deadly weaponry, body armor, and other sophisticated assault gear;

(2) crime at the local level is exacerbated by the interstate movement of body armor and other assault gear;

(3) there is a traffic in body armor moving in or otherwise affecting interstate commerce, and existing Federal controls over such traffic do not adequately enable the States to control this traffic within their own borders through the exercise of their police power;

(4) recent incidents, such as the murder of San Francisco Police Officer James Guelff by an assailant wearing 2 layers of body armor and a 1997 bank shoot out in north Hollywood, California, between police and 2 heavily armed suspects outfitted in body armor, demonstrate the serious threat to community safety posed by criminals who wear body armor during the commission of a violent crime;

(5) of the approximately 1,200 officers killed in the line of duty since 1980, more than 30 percent could have been saved by body armor, and the risk of dying from gunfire is 14 times higher for an officer without a bulletproof vest;

(6) the Department of Justice has estimated that 25 percent of State and local police are not issued body armor;

(7) the Federal Government is well-equipped to grant local police departments access to body armor that is no longer needed by Federal agencies; and

(8) Congress has the power, under the interstate commerce clause and other provisions of the Constitution of the United States, to enact legislation to regulate interstate commerce that affects the integrity and safety of our communities.

SEC. 443. DEFINITIONS.

In this subtitle:

(1) BODY ARMOR.—The term "body armor" means any product sold or offered for sale, in interstate or foreign commerce, as personal protective body covering intended to protect against gunfire, regardless of whether the product is to be worn alone or is sold as a complement to another product or garment.

(2) LAW ENFORCEMENT AGENCY.—The term "law enforcement agency" means an agency of the United States, a State, or a political subdivision of a State, authorized by law or by a government agency to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of criminal law.

(3) LAW ENFORCEMENT OFFICER.—The term "law enforcement officer" means any officer, agent, or employee of the United States, a State, or a political subdivision of a State, authorized by law or by a government agency to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of criminal law.

SEC. 444. AMENDMENT OF SENTENCING GUIDELINES WITH RESPECT TO BODY ARMOR.

(a) SENTENCING ENHANCEMENT.—The United States Sentencing Commission shall amend the Federal sentencing guidelines to provide an appropriate sentencing enhancement, increasing the offense level not less than 2 levels, for any offense in which the defendant used body armor.

(b) APPLICABILITY.—No amendment made to the Federal Sentencing Guidelines pursuant to this section shall apply if the Federal offense in which the body armor is used constitutes a violation of, attempted violation of, or conspiracy to violate the civil rights of any person by a law enforcement officer acting under color of the authority of such law enforcement officer.

SEC. 445. PROHIBITION OF PURCHASE, USE, OR POSSESSION OF BODY ARMOR BY VIOLENT FELONS.

(a) DEFINITION OF BODY ARMOR.—Section 921 of title 18, United States Code, is amended by adding at the end the following:

"(35) The term 'body armor' means any product sold or offered for sale, in interstate or foreign commerce, as personal protective body covering intended to protect against gunfire, regardless of whether the product is to be worn alone or is sold as a complement to another product or garment.".

(b) PROHIBITION.—

(1) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by adding at the end the following:

"§931. Prohibition on purchase, ownership, or possession of body armor by violent felons

"(a) In General.—Except as provided in subsection (b), it shall be unlawful for a person to purchase, own, or possess body armor, if that person has been convicted of a felony that is—

"(1) a crime of violence (as defined in section 16); or

"(2) an offense under State law that would constitute a crime of violence under paragraph (1) if it occurred within the special maritime and territorial jurisdiction of the United States.

"(b) Affirmative Defense.—

"(1) In general.—It shall be an affirmative defense under this section that—

"(A) the defendant obtained prior written certification from his or her employer that the defendant's purchase, use, or possession of body armor was necessary for the safe performance of lawful business activity; and

"(B) the use and possession by the defendant were limited to the course of such performance.

"(2) Employer.—In this subsection, the term 'employer' means any other individual employed by the defendant's business that supervises defendant's activity. If that defendant has no supervisor, prior written certification is acceptable from any other employee of the business.".

(2) Clerical amendment.—The analysis for chapter 44 of title 18, United States Code, is amended by adding at the end the following:

"931. Prohibition on purchase, ownership, or possession of body armor by violent felons.".

(c) Penalties.—Section 924(a) of title 18, United States Code, is amended by adding at the end the following:

"(7) Whoever knowingly violates section 931 shall be fined under this title, imprisoned not more than 3 years, or both.".

SEC. 446. DONATION OF FEDERAL SURPLUS BODY ARMOR TO STATE AND LOCAL LAW ENFORCEMENT AGENCIES.

(a) Definitions.—In this section, the terms "Federal agency" and "surplus property" have the meanings given such terms under section 3 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472).

(b) Donation of Body Armor.—Notwithstanding section 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484), the head of a Federal agency may donate body armor directly to any State or local law enforcement agency, if such body armor is—

(1) in serviceable condition; and

(2) surplus property.

(c) Notice to Administrator.—The head of a Federal agency who donates body armor under this section shall submit to the Administrator of General Services a written notice identifying the amount of body armor donated and each State or local law enforcement agency that received the body armor.

(d) Donation by Certain Officers.—

(1) Department of justice.—In the administration of this section with respect to the Department of Justice, in addition to any other officer of the Department of Justice designated by the Attorney General, the following officers may act as the head of a Federal agency:

(A) The Administrator of the Drug Enforcement Administration.

(B) The Director of the Federal Bureau of Investigation.

(C) The Commissioner of the Immigration and Naturalization Service.

(D) The Director of the United States Marshals Service.

(2) Department of the treasury.—In the administration of this section with respect to the Department of the Treasury, in addition to any other officer of the Department of the Treasury designated by the Secretary of the Treasury, the following officers may act as the head of a Federal agency:

(A) The Director of the Bureau of Alcohol, Tobacco, and Firearms.

(B) The Commissioner of Customs.

(C) The Director of the United States Secret Service.

SEC. 447. FINDINGS; PURPOSE.

(a) Findings.—Congress finds that—

(1) Officer Dale Claxton of the Cortez, Colorado, Police Department was shot and killed by bullets that passed through the windshield of his police car after he stopped a stolen truck, and his life may have been saved if his police car had been equipped with bullet resistant equipment;

(2) the number of law enforcement officers who are killed in the line of duty would significantly decrease if every law enforcement officer in the United States had access to additional bullet resistant equipment;

(3) according to studies, between 1985 and 1994, 709 law enforcement officers in the United States were feloniously killed in the line of duty;

(4) the Federal Bureau of Investigation estimates that the risk of fatality to law enforcement officers while not wearing bullet resistant equipment, such as an armor vest, is 14 times higher than for officers wearing an armor vest;

(5) according to studies, between 1985 and 1994, bullet-resistant materials helped save the lives of more than 2,000 law enforcement officers in the United States; and

(6) the Executive Committee for Indian Country Law Enforcement Improvements reports that violent crime in Indian country has risen sharply despite a decrease in the national crime rate, and has concluded that there is a "public safety crisis in Indian country".

(b) Purpose.—The purpose of this chapter is to save lives of law enforcement officers by helping State, local, and tribal law enforcement agencies provide officers with bullet resistant equipment and video cameras.

SEC. 448. MATCHING GRANT PROGRAMS FOR LAW ENFORCEMENT BULLET RESISTANT EQUIPMENT AND FOR VIDEO CAMERAS.

(a) In General.—Part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ll et seq.) is amended—

(1) by striking the part designation and part heading and inserting the following:

"PART Y—MATCHING GRANT PROGRAMS FOR LAW ENFORCEMENT

"Subpart A—Grant Program For Armor Vests";

(2) by striking "this part" each place it appears and inserting "this subpart"; and

(3) by adding at the end the following:

"Subpart B—Grant Program For Bullet Resistant Equipment

"SEC. 2511. PROGRAM AUTHORIZED.

"(a) In General.—The Director of the Bureau of Justice Assistance is authorized to make grants to States, units of local government, and Indian tribes to purchase bullet resistant equipment for use by State, local, and tribal law enforcement officers.

"(b) Uses of Funds.—Grants awarded under this section shall be—

"(1) distributed directly to the State, unit of local government, or Indian tribe; and

"(2) used for the purchase of bullet resistant equipment for law enforcement officers in the jurisdiction of the grantee.

"(c) Preferential Consideration.—In awarding grants under this subpart, the Director of the Bureau of Justice Assistance may give preferential consideration, if feasible, to an application from a jurisdiction that—

"(1) has the greatest need for bullet resistant equipment based on the percentage of law enforcement officers in the department who do not have access to a vest;

"(2) has a violent crime rate at or above the national average as determined by the Federal Bureau of Investigation; or

"(3) has not received a block grant under the Local Law Enforcement Block Grant program described under the heading 'Violent Crime Reduction Programs, State and Local Law Enforcement Assistance' of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105-119).

"(d) Minimum Amount.—Unless all eligible applications submitted by any State or unit of local government within such State for a grant under this section have been funded, such State, together with grantees within the State (other than Indian tribes), shall be allocated in each fiscal year under this section not less than 0.25 percent of the total amount appropriated in the fiscal year for grants pursuant to this section except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands shall each be allocated 0.10 percent.

"(e) Maximum Amount.—A qualifying State, unit of local government, or Indian tribe may not receive more than 5 percent of the total amount appropriated in each fiscal year for grants under this section, except that a State, together with the grantees within the State may not receive more than 20 percent of the total amount appropriated in each fiscal year for grants under this section.

"(f) Matching Funds.—The portion of the costs of a program provided by a grant under subsection (a) may not exceed 50 percent. Any funds appropriated by Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of a matching requirement funded under this subsection.

"(g) Allocation of Funds.—At least half of the funds available under this subpart shall be awarded to units of local government with fewer than 100,000 residents.

"SEC. 2512. APPLICATIONS.

"(a) In General.—To request a grant under this subpart, the chief executive of a State, unit of local government, or Indian tribe shall submit an application to the Director of the Bureau of Justice Assistance in such form and containing such information as the Director may reasonably require.

"(b) Regulations.—Not later than 90 days after the date of the enactment of this subpart, the Director of the Bureau of Justice Assistance shall promulgate regulations to implement this section (including the information that must be included and the requirements that the States, units of local government, and Indian tribes must meet) in submitting the applications required under this section.

"(c) Eligibility.—A unit of local government that receives funding under the Local Law Enforcement Block Grant program (described under the heading 'Violent Crime Reduction Programs, State and Local Law Enforcement Assistance' of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 104–119)) during a fiscal year in which it submits an application under this subpart shall not be eligible for a grant under this subpart unless the chief executive officer of such unit of local government certifies and provides an explanation to the Director that the unit of local government considered or will consider using funding received under the block grant program for any or all of the costs relating to the purchase of bullet resistant equipment, but did not, or does not expect to use such funds for such purpose.

"SEC. 2513. DEFINITIONS.

"In this subpart—

"(1) the term 'equipment' means windshield glass, car panels, shields, and protective gear;

"(2) the term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands;

"(3) the term 'unit of local government' means a county, municipality, town, township, village, parish, borough, or other unit of general government below the State level;

(4) the term 'Indian tribe' has the same meaning as in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)); and

"(5) the term 'law enforcement officer' means any officer, agent, or employee of a State, unit of local government, or Indian tribe authorized by law or by a government agency to engage in or supervise the prevention, detection, or investigation of any violation of criminal law, or authorized by law to supervise sentenced criminal offenders.

"Subpart C—Grant Program For Video Cameras

"SEC. 2521. PROGRAM AUTHORIZED.

"(a) IN GENERAL.—The Director of the Bureau of Justice Assistance is authorized to make grants to States, units of local government, and Indian tribes to purchase video cameras for use by State, local, and tribal law enforcement agencies in law enforcement vehicles.

"(b) USES OF FUNDS.—Grants awarded under this section shall be—

"(1) distributed directly to the State, unit of local government, or Indian tribe; and

"(2) used for the purchase of video cameras for law enforcement vehicles in the jurisdiction of the grantee.

"(c) PREFERENTIAL CONSIDERATION.—In awarding grants under this subpart, the Director of the Bureau of Justice Assistance may give preferential consideration, if feasible, to an application from a jurisdiction that—

"(1) has the greatest need for video cameras, based on the percentage of law enforcement officers in the department do not have access to a law enforcement vehicle equipped with a video camera;

"(2) has a violent crime rate at or above the national average as determined by the Federal Bureau of Investigation; or

"(3) has not received a block grant under the Local Law Enforcement Block Grant program described under the heading 'Violent Crime Reduction Programs, State and Local Law Enforcement Assistance' of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119).

"(d) MINIMUM AMOUNT.—Unless all eligible applications submitted by any State or unit of local government within such State for a grant under this section have been funded, such State, together with grantees within the State (other than Indian tribes), shall be allocated in each fiscal year under this section not less than 0.25 percent of the total amount appropriated in the fiscal year for grants pursuant to this section, except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands shall each be allocated 0.10 percent.

"(e) MAXIMUM AMOUNT.—A qualifying State, unit of local government, or Indian tribe may not receive more than 5 percent of the total amount appropriated in each fiscal year for grants under this section, except that a State, together with the grantees within the State may not receive more than 20 percent of the total amount appropriated in each fiscal year for grants under this section.

"(f) MATCHING FUNDS.—The portion of the costs of a program provided by a grant under subsection (a) may not exceed 50 percent. Any funds appropriated by Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of a matching requirement funded under this subsection.

"(g) ALLOCATION OF FUNDS.—At least half of the funds available under this subpart shall be awarded to units of local government with fewer than 100,000 residents.

"SEC. 2522. APPLICATIONS.

"(a) IN GENERAL.—To request a grant under this subpart, the chief executive of a State, unit of local government, or Indian tribe shall submit an application to the Director of the Bureau of Justice Assistance in such form and containing such information as the Director may reasonably require.

"(b) REGULATIONS.—Not later than 90 days after the date of the enactment of this subpart, the Director of the Bureau of Justice Assistance shall promulgate regulations to implement this section (including the information that must be included and the requirements that the States, units of local government, and Indian tribes must meet) in submitting the applications required under this section.

"(c) ELIGIBILITY.—A unit of local government that receives funding under the Local Law Enforcement Block Grant program (described under the heading 'Violent Crime Reduction Programs, State and Local Law Enforcement Assistance' of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119)) during a fiscal year in which it submits an application under this subpart shall not be eligible for a grant under this subpart unless the chief executive officer of such unit of local government certifies and provides an explanation to the Director that the unit of local government considered or will consider using funding received under the block grant program for any or all of the costs relating to the purchase of video cameras, but did not, or does not expect to use such funds for such purpose.

"SEC. 2523. DEFINITIONS.

"In this subpart—

"(1) the term 'Indian tribe' has the same meaning as in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e));

"(2) the term 'law enforcement officer' means any officer, agent, or employee of a State, unit of local government, or Indian tribe authorized by law or by a government agency to engage in or supervise the prevention, detection, or investigation of any violation of criminal law, or authorized by law to supervise sentenced criminal offenders;

"(3) the term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands; and

"(4) the term 'unit of local government' means a county, municipality, town, township, village, parish, borough, or other unit of general government below the State level.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by striking paragraph (23) and inserting the following:

"(23) There are authorized to be appropriated to carry out part Y—

"(A) $25,000,000 for each of fiscal years 2000 through 2002 for grants under subpart A of that part;

"(B) $40,000,000 for each of fiscal years 2000 through 2002 for grants under subpart B of that part; and

"(C) $25,000,000 for each of fiscal years 2000 through 2002 for grants under subpart C of that part.".

(c) CLERICAL AMENDMENTS.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended—

(1) by striking the item relating to the part heading of part Y and inserting the following:

"PART Y—MATCHING GRANTS PROGRAMS FOR LAW ENFORCEMENT

"SUBPART A—GRANT PROGRAM FOR ARMOR VESTS"; AND

(2) by adding at the end of the matter relating to part Y the following:

"SUBPART B—GRANT PROGRAM FOR BULLET RESISTANT EQUIPMENT

"2511. Program authorized.
"2512. Applications.
"2513. Definitions.

"SUBPART C—GRANT PROGRAM FOR VIDEO CAMERAS

"2521. Program authorized.
"2522. Applications.
"2523. Definitions.".

SEC. 449. SENSE OF CONGRESS.

In the case of any equipment or products that may be authorized to be purchased with financial assistance provided using funds appropriated or otherwise made available under subpart B or C of part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as added by this chapter, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

SEC. 450. TECHNOLOGY DEVELOPMENT.

Section 202 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3722) is amended by adding at the end the following:

"(e) BULLET RESISTANT TECHNOLOGY DEVELOPMENT.—

"(1) IN GENERAL.—The Institute is authorized to—

"(A) conduct research and otherwise work to develop new bullet resistant technologies (i.e., acrylic, polymers, aluminized material, and transparent ceramics) for use in police equipment (including windshield glass, car panels, shields, and protective gear);

"(B) inventory bullet resistant technologies used in the private sector, in surplus military property, and by foreign countries;

"(C) promulgate relevant standards for, and conduct technical and operational testing and evaluation of, bullet resistant technology and equipment, and otherwise facilitate the use of that technology in police equipment.

"(2) PRIORITY.—In carrying out this subsection, the Institute shall give priority in testing and engineering surveys to law enforcement partnerships developed in coordination with High Intensity Drug Trafficking Areas.

"(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $3,000,000 for fiscal years 2000 through 2002.".

SEC. 451. MATCHING GRANT PROGRAM FOR LAW ENFORCEMENT ARMOR VESTS.

Section 2501(f) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ll(f)) is amended—

(1) by striking "The portion" and inserting the following:

"(1) IN GENERAL.—Subject to paragraph (2), the portion"; and

(2) by adding at the end the following:

"(2) WAIVER.—The Director may waive, in whole or in part, the requirement of paragraph (1) in the case of fiscal hardship, as determined by the Director.".

Subtitle D—Animal Enterprise Terrorism and Ecoterrorism

SEC. 461. ENHANCEMENT OF PENALTIES FOR ANIMAL ENTERPRISE TERRORISM.

Section 43 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A), by striking "under this title" and inserting "consistent with this title or double the amount of damages, whichever is greater,"; and

(B) by striking "one year" and inserting "five years"; and

(2) in subsection (b)—

(A) by redesignating paragraph (2) as paragraph (3);

(B) by inserting after paragraph (1) the following new paragraph (2):

"(2) EXPLOSIVES OR ARSON.—Whoever in the course of a violation of subsection (a) maliciously damages or destroys, or attempts to damage or destroy, by means of fire or an explosive, any building, vehicle, or other real or personal property used by the animal enterprise shall be imprisoned for not less than 5 years and not more than 20 years, fined under this title, or both."; and

(C) in paragraph (3), as so redesignated, by striking "under this title and" and all that follows through the period and inserting "under this title, imprisoned for life or for any term of years, or sentenced to death.".

SEC. 462. NATIONAL ANIMAL TERRORISM AND ECOTERRORISM INCIDENT CLEARINGHOUSE.

(a) IN GENERAL.—The Director shall establish and maintain a national clearinghouse for information on incidents of crime and terrorism—

(1) committed against or directed at any animal enterprise;

(2) committed against or directed at any commercial activity because of the perceived impact or effect of such commercial activity on the environment; or

(3) committed against or directed at any person because of such person's perceived connection with or support of any enterprise or activity described in paragraph (1) or (2).

(b) CLEARINGHOUSE.—The clearinghouse established under subsection (a) shall—

(1) accept, collect, and maintain information on incidents described in subsection (a) that is submitted to the clearinghouse by Federal, State, and local law enforcement agencies, by law enforcement agencies of foreign countries, and by victims of such incidents;

(2) collate and index such information for purposes of cross-referencing; and

(3) upon request from a Federal, State, or local law enforcement agency, or from a law enforcement agency of a foreign country, provide such information to assist in the investigation of an incident described in subsection (a).

(c) SCOPE OF INFORMATION.—The information maintained by the clearinghouse for each incident shall, to the extent practicable, include—

(1) the date, time, and place of the incident;

(2) details of the incident;

(3) any available information on suspects or perpetrators of the incident; and

(4) any other relevant information.

(d) DESIGN OF CLEARINGHOUSE.—The clearinghouse shall be designed for maximum ease of use by participating law enforcement agencies.

(e) PUBLICITY.—The Director shall publicize the existence of the clearinghouse to law enforcement agencies by appropriate means.

(f) RESOURCES.—In establishing and maintaining the clearinghouse, the Director may—

(1) through the Attorney General, utilize the resources of any other department or agency of the Federal Government; and

(2) accept assistance and information from private organizations or individuals.

(g) COORDINATION.—The Director shall carry out the Director's responsibilities under this section in cooperation with the Director of the Bureau of Alcohol, Tobacco, and Firearms.

(h) DEFINITIONS.—In this section:

(1) The term "animal enterprise" has the same meaning as in section 43 of title 18, United States Code.

(2) The term "Director" means the Director of the Federal Bureau of Investigation.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for fiscal years 2000, 2001, 2002, 2003, and 2004 such sums as are necessary to carry out this section.

FEINSTEIN AMENDMENT NO. 354

Mrs. FEINSTEIN proposed an amendment to the bill, S. 254, supra; as follows:

At the appropriate place, add the following:

SEC. . INTERSTATE SHIPMENT AND DELIVERY OF INTOXICATING LIQUORS.

(a) IN GENERAL.—Chapter 59 of title 18, United States Code, is amended—

(1) in section 1263—

(A) by inserting "a label on the shipping container that clearly and prominently identifies the contents as alcoholic beverages, and a" after "accompanied by"; and

(B) by inserting "and requiring upon delivery the signature of a person who has attained the age for the lawful purchase of intoxicating liquor in the State in which the delivery is made," after "contained therein,"; and

(2) in section 1264, by inserting "or to any person other than a person who has attained the age for the lawful purchase of intoxicating liquor in the State in which the delivery is made," after "consignee,".

(b) REVOCATION OF BASIC PERMIT.—The Director of the Bureau of Alcohol, Tobacco, and Firearms shall revoke the basic permit of any person who has been convicted of 3 or more violations of the provisions of title 18, United States Code, added by this section.

FRIST (AND OTHERS) AMENDMENT NO. 355

Mr. FRIST (for himself, Mr. ASHCROFT, Mr. HELMS, Mr. COVERDELL, Mr. ALLARD, and Mr. NICKLES) proposed an amendment to the bill, S. 254, supra; as follows:

At the appropriate place, insert the following:

Subtitle —School Safety

SEC. 1. SHORT TITLE.

This subtitle may be cited as the "School Safety Act of 1999".

SEC. 2. AMENDMENTS TO THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

(a) PLACEMENT IN ALTERNATIVE EDUCATIONAL SETTING.—Section 615(k) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(k)) is amended—

(1) in paragraph (1)(A)(ii)(I), by inserting "(other than a gun or firearm)" after "weapon";

(2) by redesignating paragraph (10) as paragraph (11); and

(3) by inserting after paragraph (9) the following new section:

"(10) DISCIPLINE WITH REGARD TO GUNS OR FIREARMS.—

"(A) AUTHORITY OF SCHOOL PERSONNEL WITH RESPECT TO GUNS OR FIREARMS.—

"(i) Notwithstanding any other provision of this Act, school personnel may discipline (including expel or suspend) a child with a disability who carries or possesses a gun or firearm to or at a school, on school premises, or to or at a school function, under the jurisdiction of a State or a local educational agency, in the same manner in which such personnel may discipline a child without a disability.

"(ii) Nothing in clause (i) shall be construed to prevent a child with a disability who is disciplined pursuant to the authority provided under clause (i) from asserting a defense that the carrying or possession of the gun or firearm was unintentional or innocent.

"(B) FREE APPROPRIATE PUBLIC EDUCATION.—

"(i) CEASING TO PROVIDE EDUCATION.—Notwithstanding section 612(a)(1)(A), a child expelled or suspended under subparagraph (A) shall not be entitled to continued educational services, including a free appropriate public education, under this title, during the term of such expulsion or suspension, if the State in which the local educational agency responsible for providing educational services to such child does not require a child without a disability to receive educational services after being expelled or suspended.

"(ii) PROVIDING EDUCATION.—Notwithstanding clause (i), the local educational agency responsible for providing educational services to a child with a disability who is expelled or suspended under subparagraph (A) may choose to continue to provide educational services to such child. If the local educational agency so chooses to continue to provide the services—

"(I) nothing in this title shall require the local educational agency to provide such child with a free appropriate public education, or any particular level of service; and

"(II) the location where the local educational agency provides the services shall be left to the discretion of the local educational agency.

"(C) RELATIONSHIP TO OTHER REQUIREMENTS.—

"(i) PLAN REQUIREMENTS.—No agency shall be considered to be in violation of section 612 or 613 because the agency has provided discipline, services, or assistance in accordance with this paragraph.

"(ii) PROCEDURE.—Actions taken pursuant to this paragraph shall not be subject to the provisions of this section, other than this paragraph.

"(D) FIREARM.—The term 'firearm' has the meaning given the term under section 921 of title 18, United States Code.".

(b) CONFORMING AMENDMENT.—Section 615(f)(1) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(f)(1)) is amended by striking "Whenever" and inserting the following: "Except as provided in section 615(k)(10), whenever".

SEC. 3. AMENDMENT TO THE GUN-FREE SCHOOLS ACT OF 1994.

Subsection (c) of section 14601 of the Gun-Free Schools Act of 1994 (20 U.S.C. 8921) is amended to read as follows:

"(c) SPECIAL RULE.—Notwithstanding any other provision of this section, this section shall be subject to section 615(k)(10) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(k)(10)).".

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Democratic leader, pursuant to Public Law 105–341, announces the appointment of the following individuals to the Women's Progress Commemoration Commission: Joan Doran Hedrick, of Connecticut; Lisa Perry, of New York; and Virginia Driving Hawk Sneve, of South Dakota.

SEQUENTIAL REFERRAL OF S. 1009

Mr. WARNER. Mr. President, pursuant to section 3(b) of S. Res. 400 of the 94th Congress, I request that S. 1009, the Intelligence Authorization Act for Fiscal Year 2000, which was reported out on May 11 by the Select Committee on Intelligence, be sequentially referred to the Committee on Armed Services for a period not to exceed 30 days.

ORDERS FOR MONDAY, MAY 17, 1999

Mr. VOINOVICH. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 12 noon on Monday, May 17. I further ask that on Monday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate then proceed to 1 hour of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. VOINOVICH. For the information of all Senators, it is expected that the Senate will resume debate on the juvenile justice bill on Monday afternoon. On Monday, it may be the intention of the leadership to postpone or vitiate the cloture vote with respect to Y2K, if an agreement can be reached regarding proceeding to the bill. However, until or if that vote is canceled, all Senators should be prepared to vote beginning at 9:45 on Tuesday.

Senators who have amendments on the list with respect to juvenile justice should be prepared to offer their amendments on Monday. However, no votes will occur on Monday.

As previously announced, the majority leader would like to consider the Y2K legislation later in the week, as well as the supplemental appropriations conference report and the bankruptcy reform bill. Therefore, next week, beginning Tuesday, it will be a busy week with rollcall votes throughout each day and evening, if necessary. Consequently, all Members' cooperation will be greatly appreciated.

ORDER FOR RECESS

Mr. VOINOVICH. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in recess under the previous order, following the remarks of Senator BAUCUS and Senator WYDEN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VOINOVICH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHINA, WTO, AND PERMANENT NORMAL TRADING RELATIONS

Mr. BAUCUS. Mr. President, on behalf of a bipartisan group of 30 Senators, this morning I sent a letter to President Clinton expressing our view that bilateral negotiations with China over accession to the World Trade Organization should be resumed immediately and finalized quickly. After completion of an agreement that clearly advances U.S. economic interests, we are committed to granting China permanent Normal Trading Relations (NTR) status.

It is critical, especially after the events in Belgrade and Beijing over this past week, that we understand what is in America's national interest. It is in our national interest to ensure that China is incorporated into the global trade community through membership in the WTO. It is in our national interest to make sure that China follows internationally accepted trade rules. It is in our national interest to improve market access and open China's markets to American agricultural products, services, and manufactured goods. And it is in our national interest to do what we can to help anchor and sustain the economic reform process currently underway in China.

As I look at the Senators who signed this letter, I see a broad representation of our country, our society, and our economy. The nature of this group, half Democrat and half Republican, demonstrates that there is strong and broad support in the Senate for us to focus on America's long-term national economic interests in developing our trading relationship with China. We cannot, we must not, and we will not, ignore the many problem areas in the broad U.S.-China relationship, from human rights to espionage to weapons proliferation. But the message is clear that we must look closely at every aspect of this relationship in an objective way, determine what is best for us as a nation, and act accordingly.

The agreements reached during Chinese Premier Zhu Rongji's recent visit to Washington are solid. We want no back-pedaling on those understandings. We want an early resumption of the trade negotiations and a rapid conclusion. We want to bring China into the global trade community, and to do so it is necessary to grant China permanent normal trading relations status. The broad bipartisan group of Senators who signed today's letter firmly supports that.

Let me be clear about the intended recipients of the message in this letter. We want the administration to know that a core bipartisan group in the Senate is behind resumption of negotiations and conclusion of a WTO agreement, and that group will support permanent NTR status for China. We want the most senior levels of the Chinese government to know that a good WTO agreement with the United States will lead rapidly to WTO accession and to permanent NTR status. We want the American public to understand that we in the Senate are taking strong leadership in promoting the long-term economic interests of this country.

And we want the American business community to know that they have responsibilities: first, to work ceaselessly to take advantage of the concessions China will make as it enters the WTO, second, to expand exports to China that will grow jobs in the United States, and, third, to educate the public and policymakers about the importance of integrating China into the global economy.

The terms negotiated by USTR, the Department of Agriculture, and others are excellent. These are structural changes, market opening measures, and trade concessions made by China, not by the United States. We, the United States, are giving up nothing and are obtaining immeasurable possibilities for the future.

I ask unanimous consent that this bipartisan letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, May 14, 1999.

President WILLIAM JEFFERSON CLINTON,
The White House, Washington, DC.

DEAR MR. PRESIDENT: We are writing to encourage you to finalize bilateral negotiations over Chinese accession to the WTO. For our part, upon conclusion of a market access agreement that clearly advances our economic interests in China, we are committed to granting China permanent Normal Trading Relations status.

Despite the events of this week in Belgrade and China, it is critical that we focus on what is important to America's national interest. Incorporating China into the global trade community through WTO membership; encouraging China to follow internationally accepted trade rules; opening Chinese markets to our manufactured goods, agricultural products, and services; and helping to anchor the economic reform process underway in China, all serve our national interest. The recent events in Belgrade and Beijing are reason neither to weaken those commitments made during Premier Zhu Rongji's visit last month nor to delay conclusion of the accession process.

We look forward to working with you to ensure an early conclusion of these negotiations and China's accession to the WTO.

Sincerely,

Max Baucus, John H. Chafee, Jay Rockefler, Don Nickles, John Breaux, Chuck Grassley, Dianne Feinstein, Ted Stevens, Tom Daschle, Frank Murkowski, Mitch McConnell, Larry Craig, Orrin Hatch, Conrad Burns, Chuck Hagel, Daniel Inouye, Patty Murray, Harry Reid, Sam Brownback, Bob Kerrey, Pat Roberts, Rod Grams, Daniel K. Akaka, George Voinovich, Ron Wyden, Jeff Bingaman, Richard H. Bryan, Gordon Smith, Slade Gorton, Craig Thomas.

RACE FOR THE CURE

Mr. BAUCUS. Mr. President, I rise today to recognize a very important event.

All over the country, women and men alike are preparing for the "Race for the Cure," a 5-kilometer foot race to raise money in the fight against breast cancer. Each year, the number of participants in the race has grown. Sixteen years after its inception, the Race for the Cure has become the largest 5-K in the world.

I believe this race is widely attended because breast cancer has affected so many people. One in 9 women and approximately 12,000 men are diagnosed with breast cancer every year. So, in some way, everyone—every man, woman, and child is affected by this disease. The Race for the Cure is important because it brings awareness to this disease that is so prevalent today.

This cause and this race are important to me for many reasons. There are several women who are very important to me who are survivors of this terrible disease. I have learned so much from these women; I have seen their courage and, believe me, I want to underscore that point—very courageous. I have seen their willingness to fight. Through them, I have learned more about the value of life.

We often take for granted the gifts that we have been given. We catch ourselves thinking about what will happen in an hour, or in a couple of days, and we forget to live for right now. The precious time that we have with our loved ones is invaluable. We take too little time with them. Through their struggles to fight breast cancer, these women have shown me the importance of a life lived well. And for that, I thank each of them.

This race is being held in over 95 cities in the United States over the next few weeks. I am proud to say that this weekend, on May 15, the Race for the Cure will be held in Helena, MT, my State's capital. Approximately 3,000 runners will participate. More important, over 300 breast cancer survivors will participate this weekend in the race for life.

Seventy-five percent of the race proceeds are used to provide mammography vouchers and grants for follow-up diagnostic tests for more than 600 women in Montana. Thirty-two health care facilities in my State participate in this program.

I extend my special thanks to the Montana Race organizers Connie Malcom and Bobbie Pomroy and the hundreds of volunteers working together to make this important event occur. Women like Jan Paulsen, a seven-year survivor who will represent my State at the National Race for the Cure here in Washington, DC, on June 5.

Congratulations to everyone involved in this important event and good luck to all!

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Y2K ACT

Mr. WYDEN. Mr. President, as the Senate prepares for a Tuesday cloture vote on the Y2K litigation reform legislation, I want to spend just a few minutes this afternoon trying to describe where I believe we are in the course of the Senate debate and all the bipartisan progress that has been made in the last few weeks on this issue. I especially emphasize the bipartisan focus that has been taking place in the Senate.

The House had a vote, as the Presiding Officer knows, this week. Regrettably, it was pretty much along partisan lines. There is certainly nothing partisan about this issue. If we have chaos early in the next century as a result of Y2K frivolous lawsuits, folks are not going to be sitting around asking whether Democrats or Republicans caused it. They are going to be saying: What was the problem? Why didn't the Congress deal with it?

Fortunately, the Senate, unlike the House, has been working in a bipartisan way to deal with this. On the Republican side, Chairman McCAIN and Chairman HATCH, Senator GORTON, Senator BENNETT, and a variety of Senators have worked with me and Senator DODD, who is the Democratic leader on this issue and has done such a good job on the Y2K committee. And Senator FEINSTEIN has made enormous contributions. She represents California, of course, a State that has a great interest in technology issues.

The most important thing, as the Senate goes to the important Y2K debate next week, is for all of us to recognize that we have taken a completely different approach from that of the House of Representatives. There was no evidence of bipartisanship in the House last week. That has not been the case in the Senate.

I also want to make it clear, both Senate Democrats and Republicans are interested in working with the White House on this legislation. For the White House to veto a responsible Y2K bill would be like throwing a monkey wrench into the technology engine that is driving this Nation's economic prosperity.

I cannot believe the White House would want to do that. I know there are many in the White House who have ideas and suggestions and are talking to Senators of both parties. We are anxious to hear from them, because the Senate is going to move next week to this debate and now is the time for them to come forward with their practical suggestions.

As the Presiding Officer knows, this is a topic that cannot wait. There are a variety of issues before the Senate where the immediacy may not be all that crucial. This is an issue that cannot wait, because if we do not deal with it now, I personally believe what will happen is, early in the next century we really will have chaos as a result of this Y2K situation. The Senate could find itself back in a special session at that time having to deal with it. It is much better to do it now and to do it in a bipartisan way.

I want to spend a few minutes talking about how this effort to make this issue bipartisan and ensure that it is fair to both consumers and business has evolved over the last few weeks.

The legislation that is coming before the Senate early next week is the legislation that began in the Senate Commerce Committee, led in that effort by Chairman McCAIN and Senator GORTON. Unfortunately, there was a strict party-line vote in the Senate Commerce Committee. I and others said there were a whole lot of features of that original Senate Commerce bill that were just unacceptable to us.

For example, it included language that would have provided what is called a "reasonable effort" sort of defense which just was not fair to the plaintiff and to the consumer, and I and others said that we could not support the bill at that time.

But after it came out of the Senate Commerce Committee, Chairman McCAIN, to his credit, with other leaders on the Republican side of the aisle, made it clear that they wanted to work with Senator DODD, Senator FEINSTEIN, Senator KERRY, myself, and others to fashion a truly bipartisan bill. I believe that is what the Senate has before it now.

For example, the legislation which is coming before the Senate on Tuesday, which we will vote on Tuesday morning, has a sunset provision in it. We have heard all this talk on the floor of the Senate about how Y2K litigation legislation is going to be changing the tort laws and our legal system for all time, that it is going to be making these changes that are just going to last for time immemorial.

The fact of the matter is, the Y2K legislation sunsets in 2003. It is for a short period of time, and for a period of time to deal with what we think will otherwise be a variety of frivolous lawsuits and unnecessary litigation.

Second, the legislation which will be before the Senate early next week does absolutely nothing to change the tort remedies that consumers would have if they were injured as a result of a Y2K-related problem.

For example, if an individual is in an elevator that falls as a result of a computer failure, and tragically falls, say, 10 floors in an office building, and that individual is badly injured or killed, in that instance all of the existing legal remedies, all of the existing tort remedies that are now on the books, would still apply. The legislation before the Senate now would not touch in any way, not in any way, those remedies for personal injuries that would come about as a result of a Y2K failure.

So those two consumer protections—the sunset provision and ensuring that tort remedies are available to injured consumers—are in place and there to protect the public, and it is important that the Senate know that as we go to the upcoming Tuesday vote.

Third, the legislation which is before the Senate now eliminates the new and vague Federal defense, "reasonable efforts," which was what was in the original Commerce Committee legislation. We think that was simply too mushy, too vague. It has been eliminated.

Fourth, after the legislation left the Commerce Committee, there were concerns about a new preemptive Federal standard for establishing punitive damages. Now, under the legislation before the Senate, the current standards as set out in our various States are going to prevail.

Fifth, after the legislation left the committee, we restored punitive damages in the most important cases. If a defendant is acting in bad faith, is engaged in egregious conduct that is offensive to consumers, all of the opportunities for punitive damages will lie. Also, if the defendant is insolvent, there will be a chance for the plaintiff to be made whole in those kinds of instances as well.

So the principle of joint liability for defendants in these key areas is in fact kept in place.

Next, we restore liability for directors and officers when they make misleading statements and withhold information regarding any actual or potential Y2K problem.

So all of that was essentially in the changes which Senator McCAIN and I brought to the Senate several weeks ago. We thought that that showed a good-faith effort to work with all sides, to work with the technology community, to work with consumer organizations. We consulted with the organizations representing trial lawyers. We thought it reflected a good balance.

After that effort, Senator DODD, the Democratic leader on the Y2K issue, presented a number of other very, very good suggestions, and those have been added as well.

So the Senate now has a Y2K reform bill in front of it where there have been 10 major changes made since this legislation left the Commerce Committee, changes that Senator McCAIN and I agreed to, that we thought did the job. Senator DODD came forward with some other additional and excellent changes. And Senator McCAIN, to his credit and effort to be bipartisan, accepted those as well.

So we have now, I think, addressed what has been the original concern of a number of Senators. We keep in place, for example, the States' standards with respect to evidence in these cases. There was a concern by some Senators that somehow this legislation had raised the bar in terms of the plaintiff having to meet higher standards of evidence in order to make their case. We kept the current State evidentiary standards.

So now in fact our standards with respect to evidence track the language in the securities litigation reform bill that was passed and signed into law as well as the 1992 Y2K Information Readiness Disclosure Act. So it is clear that there is precedent for the evidentiary standards we are using in this legislation.

These are major changes. They were put together by a bipartisan group and together, I think, reflect the kind of legislation that the Senate ought to pass and I think will pass when we get an opportunity to vote on the legislation on the merits.

I will also tell you that this makes the Senate bill a very, very different bill from the legislation the House of Representatives enacted a few days ago. The House legislation in fact had a vague reasonable-efforts defense. We got rid of that after it came out of the Senate Commerce Committee. Senator McCAIN and I and Senator FEINSTEIN and others looked at the legislation. We got rid of that. We said it is too vague, it is not fair to the plaintiff or the consumer. The House kept it earlier in the week.

The House legislation did not have a sunset date in it. Our legislation does. It says this is going to be for a short time window, until 2003.

A number of other changes which we think are not fair to the plaintiff or the consumer were areas that the House was unwilling to touch. On the directors and officers, they do not take the position that we take. They would limit liability for directors and officers. They do not take the position that we take on proportionate liability. And in fact they do have a higher evidentiary standard for the plaintiff and the consumer than we do.

So the fact is, the Senate will be voting on a very, very different bill. I am hopeful that the Senate will strongly endorse our approach, which we think is fair to both plaintiffs and defendants.

There have been other ideas floated in the last couple of days. I will wrap up just for a few minutes by talking about them, because I think if you look at what is being floated now, our legislation again falls right into the balanced, centrist kind of approach the Senate ought to be taking. I am going to wrap up just by briefly discussing some of these other ideas which have been circulated in the last couple of days.

There are some who would like to limit the legislation only to commercial laws. This would deny the consumer the chance to get a Y2K problem fixed in a timely manner. That is what we do in our legislation. But some who would limit the legislation only to commercial laws would force those who are least able to afford attorneys to go out and have to hire them. Under our bill, the consumer tells the manufacturer or the vendor how they want the problem fixed and they would be able to get the job done in 90 days or less.

I do not think the consumer wants to spend months and even years waiting in line after all the other frivolous lawsuits go forward before theirs. I think people want to get their problems solved and want to get them solved quickly. The fact is, under our legislation, if the consumer, if the plaintiff, is not treated fairly, if the consumers do not believe they get a fair shake, they can go out and file suit on the very first day—the very first day—and be in a position to have their issue aired immediately.

Some of the other proposals that have been offered would offer no protection for small business from punitive damages. Without some protection, a small business could be facing an avalanche of lawsuits. Putting a small business out of business is, in my view, an odd way to try to fix the Y2K problem. But what Senator DODD did, with the valuable additions that he made, was the kind of approach that I think really does protect the small business and deal with the issue of small businesses and punitive damages responsibly. Unlimited joint liability, and we have heard some who have advocated that, would declare open season on anybody in the wholesale or in the retail chain. You do that, and there is absolutely no protection for the small business mainstream retailer.

Now, what has been interesting is that some who have opposed the efforts that our bipartisan group has made on the Y2K issue have said that we are against small business and that small business does not get a fair shake under our legislation.

The fact of the matter is that hundreds of small business organizations have endorsed the bipartisan legislation that is before the Senate. I think the idea of having unlimited joint liability really would be inequitable to the small business. Certainly, we ought to make sure those small businesses that are most vulnerable get a fair shake.

Other approaches just do not offer the incentives to business that we think are necessary to help fix the Y2K problem. They just force the consumer into the courtroom, really give businesses no reason to help mitigate the Y2K situation.

This isn't a partisan issue. It affects every computer system that uses date information. Every piece of hardware, every piece of an operating support system, and every software program that uses date-related information may be affected. It is not a design flaw.

There has somehow been spread across the country the notion that all of this stems from design flaws in our computer systems. It was an engineering trade-off. To get more space on a disk and in memory, the precision of century indicators was abandoned. It is hard for all of us to believe today that disk and memory space used to be at a premium, but it was. In the early 1960s, for example, computer memory cost as much as $1 million for what today can be purchased for less than $100. No computer programmer thought that the programs written then would still be running in the year 2000, but they are.

The trade-off became the industry standard, and computers cannot work at all without industry standards. Those standards are the means by which programs and systems exchange information.

I guess you could try to solve the Y2K problem by just dumping all the old layers of computer code that have been accumulated in the last few decades, but that is not a realistic way to proceed. Everybody involved, from CEOs to all of the people doing basic programming, need to continue the painstaking process of making sure that all systems are Y2K compliant. Our goal ought to be to bring every information technology system into Y2K compliance as soon as possible. That ought to be our principal focus and, at the same time, we ought to make sure, as our legislation does, that there is a good safety net in place.

I am very hopeful that the Senate will pass this legislation. We all know that the economic good times that we have seen recently are being driven by technology. I have said repeatedly that if there is a veto of a bipartisan, responsible Y2K bill, that really would be like throwing a monkey wrench into the technology engine that is driving our Nation's prosperity. There is no other way to put it. We have to get a good bipartisan Y2K reform bill on the President's desk. We need to do it now.

I am hopeful that the White House will work with us constructively in the days ahead. I think the changes that have been made since this legislation originally came out of the Senate Commerce Committee do the job. I can tell you, having heard from Senator MCCAIN and Senator HATCH and Senator DODD and Senator FEINSTEIN, we are open to other ideas and suggestions as well. But we have to get this legislation moving. We have to get it signed. It is too important.

I hope our colleagues get a little bit of R&R over the weekend. This has been a long week with the juvenile justice legislation. That bill and Y2K and other subjects are coming up next week, which will be hectic as well. I am very hopeful our colleagues will support the bipartisan Y2K bill that we will have before us Tuesday at 9:45.

Mr. President, I yield the floor.

RECESS UNTIL MONDAY, MAY 17, 1999

The PRESIDING OFFICER. Under the previous order, the Senate now stands in recess until Monday, May 17, 1999.

Thereupon, the Senate, at 3:29 p.m., recessed until Monday, May 17, 1999, at 12 noon.

HOUSE OF REPRESENTATIVES—*Friday, May 14, 1999*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. THORNBERRY).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 14, 1999.

I hereby appoint the Honorable MAC THORNBERRY to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

Our hearts are full of thanksgiving, O God, when we meditate on the glories of Your promises to us and to all people. With Your gifts we can raise our eyes to see beauty and joy, to see new opportunities for service and a new vision of hope and peace in our world.

So we take this moment, gracious God, to offer our sincere prayers that we would be open to Your leading this day and grateful for all Your blessings. May Your peace that passes all human understanding be in our hearts now and evermore. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Kentucky (Mr. WHITFIELD) come forward and lead the House in the Pledge of Allegiance.

Mr. WHITFIELD led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

HALT THE BOMBINGS IN YUGOSLAVIA FOR CHANCE AT DIPLOMATIC PEACE

(Mr. WHITFIELD asked and was given permission to address the House for 1 minute.)

Mr. WHITFIELD. Mr. Speaker, how long must the bombings of Yugoslavia continue? NATO has dropped over 15,000 bombs on the country of Yugoslavia and is causing the same pain and suffering as caused by Mr. Milosovic.

Hundreds of innocent civilians, men, women, and children have been killed. The infrastructure of the country is being destroyed. People are losing jobs, homes, and educational opportunities. In order to strengthen the chance for a diplomatic peace, the bombings of Yugoslavia should be halted.

IN MEMORY OF LEON HESS

(Mrs. CHRISTENSEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, last week, while our Nation lost one of its premier business leaders with the passing of Leon Hess, the owner of the New York Jets, my district, the United States Virgin Islands, lost more. We lost a valued friend.

Hess Oil of the Virgin Islands, which he established in the 1960's as an important part of his larger conglomerate Amerada Hess, continues to play an important role in the economy of the Virgin Islands, employing hundreds of Virgin Islanders.

But beyond the jobs and support of our local business community, he contributed substantially to St. Croix, where the refinery is housed, and to the entire Virgin Islands.

In addition to scholarships and support of local charities, his contributions include the St. Croix Central Police Station and a major portion of the St. Croix Vocational High School. After the major hurricanes which hit our islands in the past 10 years, his help and support of some of the plant operations were integral to our recovery.

Mr. Hess' most important contribution, however, is the example of his life. We join the many, great and small, who mourn his passing, and send our prayers to his wife Norma, son John, and daughters Marlene and Connie.

He has left a legacy to our Islands which will never be forgotten.

NEVADANS TODAY DELIVERING DONATIONS TO OKLAHOMA TORNADO VICTIMS

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, when the fierce tornadoes recently ripped through Oklahoma and Kansas, many Americans stared in horror at the severe devastation tearing apart our Nation's heartland. In fact, many of us stopped to think what we could do just to help.

Such is the case with a dedicated group of people from my home State of Nevada. Four residents of Reno are presently gathering donations from area residents, such as clothes, blankets, baby diapers, and more, all loaded on triple trailer trucks, to be delivered in Oklahoma today as we speak.

Russell Rapon, his wife Holly, and Joey and Bonnie Blough have picked up donations all throughout the Truckee Meadows and Carson City so that they can show up with a message that Nevadans want to help.

Along with over 1,000 individual donations, local businesses have also chipped in to make this trip worthwhile for the Nevada foursome. This charitable spirit of the community volunteerism is certain to make the healing process of these tornado-ravaged victims just a bit easier.

I commend the efforts of these four Nevadans and wish upon them safe and prosperous travel this coming week. In speaking for the rest of my Nevada constituents, we wish for the strength and healing for all of those who were affected by this disaster.

CAMPAIGN FINANCE REFORM

(Ms. SCHAKOWSKY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SCHAKOWSKY. Mr. Speaker, I simply cannot understand why my Republican colleagues are so dead set against allowing a debate on campaign finance reform. One hundred and ninety-three Members have signed a discharge petition asking that we simply debate, only Democrats. Not one single Republican was willing to sign that discharge motion.

Americans know that special interest money unduly influences elections and policy. If my colleagues care about gun control, then campaign finance reform is their issue so that the NRA does not call all the shots. If health care is my colleagues' issue, campaign finance reform is for them so they can be heard over the HMOs and insurance companies.

Ordinary people are wondering what the heck we are doing here. I urge the

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Speaker and my colleagues to do something to debate campaign finance reform now. Let us do it next week and get this bill on the floor to debate it.

U.S. SETS EXAMPLE AGAINST ETHNIC CLEANSING

(Mr. EHLERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EHLERS. Mr. Speaker, I have been in the Congress just a bit over 5 years now, and what has impressed me is the breadth of issues we deal with and the number of troubles that we constantly are called to address, whether in this Nation or abroad. Some of them are heartbreaking.

Right now of course we have the situation in Kosovo, with over half a million and perhaps as many as a million refugees within Kosovo and outside its borders. It is heartbreaking to watch these people, to meet them, to talk to them.

We have had similar situations in Bosnia, where approximately 300,000 were killed in ethnic cleansing; in Haiti with the difficulties there; currently in the Sudan, with approximately 2 million people dead from either warfare or starvation and the situation getting worse.

Even in our Nation we have problems, whether it is the shooting in Littleton or a tornado in Oklahoma. Sometimes it is easy to get discouraged. But one thing that heartens me is this Nation and its faith in this country and its faith in God. We see evidences of that over and over again as we unite together to face adversity.

We do not engage in ethnic cleansing in this country. We try to learn about each other, to accommodate to each other, to help each other. We do not argue about our religions; we discuss them. We try to express our faith in the manner we best know how.

I believe that we set an example for many others, and I do thank every day the founders of this Nation and the God who guided them in the founding and forming of this Nation.

ADJOURNMENT TO MONDAY, MAY 17, 1999

Mr. WHITFIELD. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

HOUR OF MEETING ON TUESDAY, MAY 18, 1999

Mr. WHITFIELD. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, May 17, 1999, it adjourn to meet at 12:30 p.m. on Tuesday, May 18, 1999, for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. WHITFIELD. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

BASIC SCIENTIFIC RESEARCH FUNDING IMPORTANT FOR LIFE-SAVING DISCOVERIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. EHLERS) is recognized for 5 minutes.

Mr. EHLERS. Mr. Speaker, as the Members well know, I am a scientist. In fact, I am the first physicist ever elected to the Congress. That is not a particular badge of merit, but it does give me a different perspective.

I just want to elaborate a bit on some of the issues surrounding basic research, or fundamental research as it is sometimes called. I am frequently asked by my colleagues, and by the citizens of this land, why should we spend money for all this esoteric research? What good can it possibly do? What can come of it?

I want to just give my colleagues one little example that I think is interesting and important. When I was a graduate student at the University of California (Berkeley) in the 1950s, some of my fellow graduate students and some professors down the hall from my laboratory were working on nuclear magnetic resonance.

This was a method that they expected would allow them to measure the magnetic moments of nuclei very accurately. The immediate question that a layman might ask, "Who cares?" The nucleus is so tiny, we cannot see it. In fact if one magnified it 10,000 times, one could barely see it with the world's best microscope. Why do we want to know what the magnetic moment of the nucleus is?

The answer at that time was simply, "It is there, and we would like to measure it and see what we can find out."

My colleagues succeeded. Just a bit earlier, Felix Bloch at Stanford and Ed Purcell at Harvard also succeeded, and they won Nobel Prizes for their discovery of nuclear magnetic resonance. It was used to measure the magnetic moments of a number of nuclei, and we learned a great deal more about the nucleus and its structure as a result of that. But that was not the end, as I will get to in just a few moments.

Also while I was at Berkeley, they had the world's largest particle accelerator there, the Bevatron, which succeeded in accelerating protons to very, very high speeds, very close to the speed of light, thus giving them a great deal of energy. Then they would use these protons to smash into other particles, other protons or other nuclear particles. This generated many subnuclear particles, and detectors were built to observe all the different particles generated, and to measure their charge, mass and velocity.

The bubble chamber was invented, and was very useful for this purpose. Its inventer also won a Nobel Prize. Then the spark chamber was developed, and was also useful for observing nuclear reactions.

But then a new problem developed. There was so much data flowing in, it was hard to collect it all and analyze it. So the physicists developed very sophisticated, computerized methods of collecting and analyzing the data. They were successful, and we learned a lot about nuclear and subnuclear physics.

But so what? Well, I will tell my colleagues what is "so what." We have scientists who took those two very esoteric results of basic science, which had no conceivable everyday use and combined them. By using nuclear magnetic resonance and very rapid computerized data gathering and analysis techniques, we developed the MRI, magnetic resonance imaging, which is the greatest breakthrough in diagnostic medicine in a century, likely the greatest step forward in diagnostic medicine since the discovery of X rays, which incidentally also were discovered by a physicist doing basic research.

☐ 0915

So the next time someone asks about the importance of basic research, why should we do it, and why should we spend all this money on it, just ask them if they know someone who has had an x-ray or someone who has had an MRI, and ask them if they think this would have occurred if we had not invested money in basic research.

Basic research drives the engine of medicine, it drives the engine of our economy, and it is high time we recognize that investing in basic science is a good investment for the future, with a very good rate of return. Indeed is a very long-term investment, but, nevertheless, has a very good rate of return. And it is something that is very beneficial to our Nation, to our people, and to the peoples throughout the entire world.

RECESS

The SPEAKER pro tempore (Mr. THORNBERRY). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 9 o'clock and 15 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1458

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PEASE) at 2 o'clock and 58 minutes p.m.

CONFERENCE REPORT ON H.R. 1141, 1999 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT

Mr. WOLF submitted the following conference report and statement on the bill (H.R. 1141) making emergency supplemental appropriations for the fiscal year ending September 30, 1999, and for other purposes:

CONFERENCE REPORT (H. REPT. 106–143)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1141) "making emergency supplemental appropriations for the fiscal year ending September 30, 1999, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1999, and for other purposes, namely:*

TITLE I—EMERGENCY SUPPLEMENTAL APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

Office of the Secretary

EMERGENCY GRANTS TO ASSIST LOW-INCOME MIGRANT AND SEASONAL FARMWORKERS

For emergency grants to assist low-income migrant and seasonal farmworkers under section 2281 of the Food, Agriculture, Conservation, and Trade Act of 1990 (42 U.S.C. 5177a), $20,000,000: Provided, That the entire amount shall be available only to the extent an official budget request for $20,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

Agricultural Marketing Service

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY

(SECTION 32)

For an additional amount for the fund maintained for funds made available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), $145,000,000: Provided, That the entire amount shall be available only to the extent an official budget request for $145,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement under section 251(b)(2)(A) of such Act: Provided further, That the Secretary of Agriculture may waive the limitation established under the second sentence of the second paragraph of section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), on the amount of funds that may be devoted during fiscal year 1999 to any one agricultural commodity or product thereof.

Farm Service Agency

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $42,753,000, to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For additional gross obligations for the principal amount of direct and guaranteed loans as authorized by 7 U.S.C. 1928–1929, to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, $550,000,000, of which $350,000,000 shall be for guaranteed loans; operating loans, $370,000,000, of which $185,000,000 shall be for subsidized guaranteed loans; and for emergency insured loans, $175,000,000 to meet the needs resulting from natural disasters.

For the additional cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, to remain available until September 30, 2000, as follows: farm ownership loans, $35,505,000, of which $5,565,000 shall be for guaranteed loans; operating loans, $28,804,000, of which $16,169,000 shall be for subsidized guaranteed loans; and for emergency insured loans, $41,300,000 to meet the needs resulting from natural disasters; and for additional administrative expenses to carry out the direct and guaranteed loan programs, $4,000,000: Provided, That of the total amount appropriated, up to $29,998,000 may be transferred to the "Farm Service Agency Salaries and Expenses" account with prior notification to the House and Senate Committees on Appropriations: Provided further, That the entire amounts are designated by the Congress as emergency requirements pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Funds appropriated by this Act or by the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (Public Law 105–277) to the Agricultural Credit Insurance Program Account for farm ownership and operating direct loans and guaranteed loans may be transferred among these programs with the prior approval of the House and Senate Committees on Appropriations.

EMERGENCY CONSERVATION PROGRAM

For an additional amount for the "Emergency Conservation Program" for expenses resulting from natural disasters, $28,000,000, to remain available until expended: Provided, That funds made available under this heading by Public Law 105–174 to provide cost-sharing assistance to maple producers to replace taps and tubing that were damaged by ice storms in northeastern States in 1998 may be used to carry out any activity authorized under the Emergency Conservation Program: Provided further, That funds made available under this heading may be used for restoration of streambanks in the Northeast in non-flood prone areas as determined by the county committees: Provided further, That the entire amount shall be available only to the extent that an official budget request for $28,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

Commodity Credit Corporation Fund

LIVESTOCK INDEMNITY PROGRAM

An amount of $3,000,000 is appropriated to the Secretary to implement a livestock indemnity program. Such program shall be effective only for losses beginning on May 2, 1998, through the date of enactment of this Act from natural disasters declared pursuant to a Presidential or Secretarial declaration requested prior to the date of enactment of this Act. The Secretary shall, to the extent practicable, provide benefits at a level and in a manner similar to the Livestock Indemnity Programs carried out during 1997 and 1998: Provided, That in administering the program, the Secretary shall, to the extent practicable, utilize gross income and payment limitations conditions established for the Disaster Reserve Assistance Program for the 1996 crop year: Provided further, That the entire amount shall be available only to the extent an official budget request for $3,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

Natural Resources Conservation Service

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for "Watershed and Flood Prevention Operations" to repair damages to the waterways and watersheds resulting from natural disasters, $95,000,000, to remain available until expended: Provided, That the entire amount shall be available only to the extent that an official budget request for $95,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

Rural Economic and Community Development Programs

RURAL COMMUNITY ADVANCEMENT PROGRAM

For an additional amount for the cost of direct loans and grants of the rural utilities programs described in section 381E(d)(2) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009f), as provided in 7 U.S.C. 1926(a) and 7 U.S.C. 1926C for distribution through the national reserve, $30,000,000, of which $25,000,000 shall be for grants under such program: Provided, That the entire amount shall be available only to the extent an official budget request for $30,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

Rural Housing Service

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

For additional gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund to meet needs resulting from natural disasters, as follows: $10,000,000 for loans to section 502 borrowers, as determined by the Secretary; and $1,000,000 for section 504 housing repair loans.

For the additional cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, to remain available until expended, $1,534,000, as follows: section 502 loans, $1,182,000; and section 504 housing repair loans, $352,000: Provided, That the entire amount shall be available only to the extent that an official budget request for $1,534,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

RURAL HOUSING ASSISTANCE GRANTS

For an additional amount for grants for very low-income housing repair, as authorized by 42 U.S.C. 1474, to meet needs resulting from natural disasters, $1,000,000: Provided, That the entire amount shall be available only to the extent that an official budget request for $1,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 101. (a) Crop Loss Assistance for Certain Multiyear Losses.—From funds remaining in a reserve held under subsection (c) of section 1102 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (7 U.S.C. 1421 note; Public Law 105–277; 112 Stat. 2681–43), for errors, omissions, and appeals, the Secretary of Agriculture may use not more than 15 percent of the reserve funds to provide assistance to a producer described in subsection (b) who incurred losses to a commodity due to disasters in two crop years during the five crop year period beginning with the 1994 crop year.

(b) Eligibility Criteria.—A producer on a farm is eligible for assistance under subsection (a) only if—

(1) the producer received a federally insured indemnity payment for crop losses in two crop years of such five-crop year period;

(2) the producer acquired federally insured crop insurance in one additional crop year during such period, but did not receive a federally insured indemnity payment;

(3) the producer received a non-federally insured indemnity payment for crop losses in the crop year referred to in paragraph (2); and

(4) the producer does not receive a payment under subsection (b) or (c) of such section 1102.

(c) Crop Years Covered; Payment Rate.—Any payment to a producer under subsection (a) may be paid only for losses incurred during the crop years described in paragraph (1) of subsection (b). The payment rate may not exceed the payment rate used under subsection (c) of such section 1102.

(d) Effect on Existing Authority.—Nothing in this section authorizes the Secretary to delay the provision of crop loss assistance under such section 1102, and the Secretary shall complete the payment of multiyear assistance under subsection (c) of such section 1102 before making any payment under the authority of this section.

(e) Designation as Emergency Requirement.—Such sums as are necessary to carry out the amendments made by subsection (a): Provided, That such amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement under section 251(b)(2)(A) of such Act.

SEC. 102. Notwithstanding section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i), an additional $28,000,000 shall be provided through the Commodity Credit Corporation in fiscal year 1999 for technical assistance activities performed by any agency of the Department of Agriculture in carrying out the Conservation Reserve Program or the Wetlands Reserve Program funded by the Commodity Credit Corporation: Provided, That an additional $35,000,000 shall be provided through the Commodity Credit Corporation on October 1, 1999, for technical assistance activities performed by any agency of the Department of Agriculture in carrying out the Conservation Reserve Program or the Wetlands Reserve Program funded by the Commodity Credit Corporation: Provided further, That the entire amounts shall be available only to the extent an official budget request, that includes designation of the entire amounts of the request as emergency requirements as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amounts are designated by the Congress as emergency requirements pursuant to section 251(b)(2)(A) of such Act.

SEC. 103. Notwithstanding any other provision of law, monies available under section 763 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (Public Law 105–277), shall be provided by the Secretary of Agriculture directly to any State determined by the Secretary of Agriculture to have been materially affected by the commercial fishery failure or failures declared by the Secretary of Commerce in September, 1998 under section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act. Such State shall disburse the funds to individuals with family incomes below the Federal poverty level who have been adversely affected by the commercial fishery failure or failures: Provided, That the entire amount shall be available only to the extent an official budget request for such amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 104. For an additional amount for the Livestock Assistance Program under Public Law 105–277, $70,000,000: Provided, That for the purposes of section 1103 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (Public Law 105–277), notwithstanding any other provision of law or regulation, the definition of "livestock" shall include "reindeer": Provided further, That the entire amount shall be available only to the extent an official budget request for $70,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 105. Denali Commission. (a) The Denali Commission Act of 1998 (title III of division C of Public Law 105–277) is amended—

(1) in section 303(b)(1)(D) by striking in two instances "Alaska Federation or Natives" and inserting "Alaska Federation of Natives";

(2) in section 303(c) by striking "Members" and inserting "The Federal Cochairperson shall serve for a term of four years and may be reappointed. All other members";

(3) in section 306(a) by inserting after the first sentence the following: "The Federal Cochairperson shall be compensated at the annual rate prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code.";

(4) in section 306(c)(2) by striking "Chairman" and inserting "Federal Cochairperson";

(5) by inserting at the end of section 306 the following new subsections:

"(g) Administrative Expenses and Records.—The Commission is hereby prohibited from using more than 5 percent of the amounts appropriated under the authority of this Act or transferred pursuant to section 329 of the Department of Transportation and Related Agencies Appropriations Act, 1999 (section 101(g) of division A of this Act) for administrative expenses. The Commission and its grantees shall maintain accurate and complete records which shall be available for audit and examination by the Comptroller General or his or her designee.

"(h) Inspector General.—Section 8G(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App. 3, section 8G(a)(2)) is amended by inserting 'the Denali Commission,' after 'the Corporation for Public Broadcasting,'."; and

(6) in section 307(b) by inserting immediately before "The Commission" the following: "Funds transferred to the Commission pursuant to section 329 of the Department of Transportation and Related Agencies Appropriations Act, 1999 (section 101(g) of division A of this Act) shall be available without further appropriation and until expended.".

(7) in section 305 by inserting at the end a new section (d) as follows:

"(d) The Commission, acting through the Federal Cochairperson, is authorized to enter into contracts and cooperative agreements, award grants, and make payments necessary to carry out the purposes of the Commission. With respect to funds appropriated to the Commission for fiscal year 1999, the Commission, acting through the Federal Cochairperson, is authorized to enter into contracts and cooperative agreements, award grants, and make payments to implement an interim work plan for fiscal year 1999 approved by the Commission."

(b) Amounts made available by this section are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided, That such amounts shall be available only to the extent that an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

CHAPTER 2

DEPARTMENT OF JUSTICE

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

ENFORCEMENT AND BORDER AFFAIRS

For an additional amount for "Salaries and Expenses, Enforcement and Border Affairs" to support increased detention requirements for Central American criminal aliens and to address the expected influx of illegal immigrants from Central America as a result of Hurricane Mitch, $80,000,000, which shall remain available until expended and which shall be administered by the Attorney General: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 3

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

RESERVE PERSONNEL, ARMY

For an additional amount for "Reserve Personnel, Army", $8,000,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for $5,100,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for "National Guard Personnel, Army", $7,300,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for $1,300,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for "National Guard Personnel, Air Force", $1,000,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", $50,000,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy", $13,900,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", $2,400,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for $2,100,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", $8,800,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", $21,000,000, of which $20,000,000 is available only for the CINC initiative fund: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Army National Guard", $20,000,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for $20,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For an additional amount for "Overseas Humanitarian, Disaster, and Civic Aid", $37,500,000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

NEW HORIZONS EXERCISE TRANSFER FUND

(INCLUDING TRANSFER OF FUNDS)

For emergency expenses incurred by United States military forces to participate in the New Horizons Exercise programs to undertake relief, rehabilitation, and restoration operations and training activities in response to disasters within the United States Southern Command area of responsibility, $46,000,000, to remain available for transfer until September 30, 1999: Provided, That the Secretary of Defense may transfer these funds to operation and maintenance accounts: Provided further, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: Provided further, That the transfer authority provided in this paragraph is in addition to any other transfer authority contained in Public Law 105–262: Provided further, That the entire amount made available under this heading is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for $46,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 301. (a) The Secretary of each military department may designate not to exceed five eligible academy students from foreign countries for the purposes of this section. Each student so designated shall be considered, for purposes of a waiver of the foreign student reimbursement requirement, to be in addition to the number of persons for whom an unlimited waiver may otherwise be in effect at any one time.

(b) A person is an eligible academy student from a foreign country if the person is admitted from a foreign country during the period beginning on May 1, 1999, and ending on September 30, 1999, for instruction at a service academy under section 4344, 6957, or 9344 of title 10, United States Code (relating to selection of persons from foreign countries).

(c) For purposes of this section—

(1) The foreign student reimbursement requirement is the requirement under paragraph (2) of the applicable foreign student reimbursement statute that a foreign country from which a person is permitted to enroll for instruction under section 4434, 6957, or 9344 of title 10, United States Code, reimburse the United States for the cost of providing such instruction.

(2) An unlimited waiver is a waiver of the foreign student reimbursement requirement by the Secretary of Defense (as authorized by such paragraph (2)) without regard to the percentage limitation on such a waiver specified in paragraph (3) of the applicable foreign student reimbursement statute, and the number of persons for whom such a waiver may otherwise be in effect at any one time is the number of persons specified in such paragraph (3).

(3) The foreign student reimbursement statute is—

(A) section 4434(b) of title 10, United States Code, in the case of the United States Military Academy;

(B) section 6957(b) of such title, in the case of the United States Naval Academy; and

(C) section 9344(b) of such title, in the case of the United States Air Force Academy.

(4) The service academies are the United States Military Academy, the United States Naval Academy, and the United States Air Force Academy.

SEC. 302. Notwithstanding any other provision of law, a military technician (dual status) (as defined in section 10216 of title 10, United States Code) performing active duty without pay while on leave from technician employment under section 6323(d) of title 5, United States Code, may, in the discretion of the Secretary concerned, be authorized a per diem allowance under this title, in lieu of commutation for subsistence and quarters as described in section 1002(b) of title 37, United States Code.

SEC. 303. (a) DISPOSAL AUTHORIZED.—Subject to subsection (c), the President may dispose of the material in the National Defense Stockpile specified in the table in subsection (b).

(b) TABLE.—The total quantity of the material authorized for disposal by the President under subsection (a) is as follows:

Authorized Stockpile Disposal

Material for disposal	Quantity
Zirconium ore	17,383 short dry tons

(c) MINIMIZATION OF DISRUPTION AND LOSS.—The President may not dispose of material under subsection (a) to the extent that the disposal will result in—

(1) undue disruption of the usual markets of producers, processors, and consumers of the material proposed for disposal; or

(2) avoidable loss to the United States.

(d) RELATIONSHIP TO OTHER DISPOSAL AUTHORITY.—The disposal authority provided in subsection (a) is new disposal authority and is in addition to, and shall not affect, any other disposal authority provided by law regarding the material specified in such subsection.

(e) NATIONAL DEFENSE STOCKPILE DEFINED.—In this section, the term "National Defense Stockpile Transaction Fund" means the fund in the Treasury of the United States established under section 9(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(a)).

SEC. 304. Notwithstanding any other provision of law, from funds appropriated by Public Law 105-262, Public Law 105-56, and Public Law 104-208, under the heading "Aircraft Procurement, Air Force", $50,700,000 is available for recording, adjusting, and liquidating obligations incurred as of the date of this Act for the fiscal years 1995 and 1996 production quantities of Joint Surveillance Target Attack Radar System (JSTARS) aircraft: Provided, That the Secretary of the Air Force shall notify the congressional defense committees of all of the specific sources of funds to be used for the JSTARS obligations and follow normal reprogramming procedures.

CHAPTER 4

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for "International Disaster Assistance", $25,000,000, to remain available until expended.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For an additional amount for "Economic Support Fund", in addition to amounts otherwise available for such purposes, to provide assistance to Jordan, $50,000,000, to remain available until September 30, 2001.

CENTRAL AMERICA AND THE CARIBBEAN EMERGENCY DISASTER RECOVERY FUND

Notwithstanding section 10 of Public Law 91-672, for necessary expenses to address the effects of hurricanes in Central America and the Caribbean and the earthquake in Colombia, $621,000,000, to remain available until September 30, 2000: Provided, That the funds appropriated under this heading shall be subject to the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, and, except for section 558, the provisions of title V of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999 (as contained in division A, section 101(d) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277)): Provided further, That, notwithstanding any other proviso under this heading, up to $10,000,000 may be transferred to "Export-Import Bank of the United States, Subsidy Appropriation" for the cost of direct loans, loan guarantees, and insurance, subject to the terms and conditions applicable to funds made available under that heading in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999 (as contained in division A, section 101(d) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277)): Provided further, That up to $5,500,000 of the funds appropriated by this paragraph may be transferred to "Operating Expenses of the Agency for International Development", to remain available until September 30, 2000, to be used for administrative costs of USAID in addressing the effects of those hurricanes, of which up to $1,000,000 may be used to contract directly for the personal services of individuals in the United States: Provided further, That up to $1,500,000 of the funds appropriated by this paragraph may be transferred to "Operating Expenses of the Agency for International Development Office of Inspector General", to remain available until expended, to be used for costs of audits, inspections, and other activities associated with the expenditure of the funds appropriated by this paragraph: Provided further, That up to $500,000 of the funds appropriated by this paragraph shall be made available to the Comptroller General for purposes of monitoring the provision of assistance using funds appropriated by this paragraph: Provided further, That funds appropriated under this heading shall be obligated and expended subject to the regular notification procedures of the Committees on Appropriations: Provided further, That of the funds made available under this heading, not less than $2,000,000 should be made available to support the clearance of landmines and other unexploded ordnance in Nicaragua and Honduras: Provided further, That the funds appropriated under this heading, and the supplemental funds appropriated in this Act that are in addition to the funds made available under title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999 (as contained in division A, section 101(d) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277)), shall be subject to the funding ceiling contained in section 580 of that Act, notwithstanding section 545 of that Act: Provided further, That funds appropriated under this heading may be charged to finance obligations for which appropriations available for other accounts under part I of the Foreign Assistance Act of 1961, as amended, were charged after April 30, 1999, to finance obligations to address the effects of the hurricanes in Central America and the Caribbean and the earthquake in Colombia: Provided further, That the provisions of section 110 of the Foreign Assistance Act of 1961, as amended, shall not be applicable to any assistance furnished to address the effects of the hurricanes in Central America and the Caribbean and the earthquake in Colombia: Provided further, That none of the funds appropriated under this heading may be made available for nonproject assistance: Provided further, That the entire amount shall be available only to the extent an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for "International Narcotics Control and Law Enforcement", $23,000,000, for additional counterdrug research and development activities: Provided, That such amount shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

DEPARTMENT OF THE TREASURY

DEBT RESTRUCTURING

For an additional amount for "Debt Restructuring", $41,000,000, to remain available until expended: Provided, That up to $25,000,000 may be used for a contribution to the Central America Emergency Trust Fund, administered by the International Bank for Reconstruction and Development, subject to the regular notification procedures of the Committees on Appropriations.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for "Foreign Military Financing Program", for grants to enable the President to carry out section 23 of the Arms Export Control Act, in addition to amounts otherwise available for such purposes, for grants only for Jordan, $50,000,000, to remain available until September 30, 2001: Provided, That funds appropriated under this heading shall be nonrepayable, notwithstanding section 23(b) and section 23(c) of the Arms Export Control Act.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 401. The funds appropriated in this chapter are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SEC. 402. The value of articles, services, and military education and training authorized as of November 15, 1998, to be drawn down by the President under the authority of section 506(a)(2) of the Foreign Assistance Act of 1961, as amended, shall not be counted against the ceiling limitation of that section.

SEC. 403. For an additional amount for "Economic Support Fund", $6,500,000, to remain available until September 30, 2000, for assistance for election monitoring and related activities for East Timor: Provided, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

SEC. 404. Section 832(a) of the Western Hemisphere Drug Elimination Act (Public Law 105-277) is amended—

(1) in the first sentence—

(A) by striking "Secretary of Agriculture" and inserting "Secretary of State"; and

(B) by striking "the Agricultural Research Service of the Department of Agriculture" and inserting "the Department of State"; and

(2) by adding at the end the following:

"Any record related to a contract entered into, or to an activity funded, under this subsection shall be exempted from disclosure as described in section 552(b)(3) of title 5, United States Code.".

CHAPTER 5

DEPARTMENT OF THE INTERIOR

UNITED STATES FISH AND WILDLIFE SERVICE

CONSTRUCTION

For an additional amount for "Construction", $12,612,000, to remain available until expended, to repair damage due to rain, winds, ice, snow, and other acts of nature, and to replace and repair power generation equipment: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the amount provided shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

DEPARTMENT OF AGRICULTURE

Forest Service

RECONSTRUCTION AND CONSTRUCTION

For an additional amount for "Reconstruction and Construction", $5,611,000, to remain available until expended, to address damages from Hurricane Georges and other natural disasters in Puerto Rico: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the amount provided shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That funds in this account may be transferred to and merged with the "Forest and Rangeland Research" account and the "National Forest System" account as needed to address emergency requirements in Puerto Rico.

OTHER RELATED AGENCY

United States Holocaust Memorial Council

HOLOCAUST MEMORIAL COUNCIL

For an additional amount for "Holocaust Memorial Council", $2,000,000, to remain available until expended, for the Holocaust Museum to address security needs: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the amount provided shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

GENERAL PROVISION, THIS CHAPTER

Sec. 501. Glacier Bay. (a) Dungeness Crab Fishermen.—Section 123(b) of the Department of the Interior and Related Agencies Appropriations Act, 1999 (section 101(e) of division A of Public Law 105-277) is amended—

(1) in paragraph (1)—

(A) by striking "February 1, 1999" and inserting "August 1, 1999"; and

(B) by striking "1996" and inserting "1998"; and

(2)(A) by striking "of any Dungeness crab pots or other Dungeness crab gear, and of not more than one Dungeness crab fishing vessel,"; and

(B) by striking "the period January 1, 1999, through December 31, 2004, based on the individual's net earnings from the Dungeness crab fishery during the period January 1, 1991, through December 31, 1996." and inserting "for the period beginning January 1, 1999 that is equivalent in length to the period established by such individual under paragraph (1), based on the individual's net earnings from the Dungeness crab fishery during such established period. In addition, such individual shall be eligible to receive from the United States fair market value for any Dungeness crab pots, related gear, and not more than one Dungeness crab fishing vessel if such individual chooses to relinquish to the United States such pots, related gear, or vessel.".

(b) Others Affected by Fishery Closures and Restrictions.—Section 123 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (section 101(e) of division A of Public Law 105-277), as amended, is amended further by redesignating subsection (c) as subsection (d) and inserting immediately after subsection (b) the following new subsection:

"(c) Others Affected by Fishery Closures and Restrictions.—The Secretary of the Interior is authorized to provide $23,000,000 for a program developed with the concurrence of the State of Alaska to fairly compensate United States fish processors, fishing vessel crew members, communities, and others negatively affected by restrictions on fishing in Glacier Bay National Park. For the purpose of receiving compensation under the program required by this subsection, a potential recipient shall provide a sworn and notarized affidavit to establish the extent of such negative effect.".

(c) Implementation.—Section 123 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (section 101(e) of division A of Public Law 105-277), as amended, is amended further by inserting at the end the following new subsection:

"(e) Implementation and Effective Date.—The Secretary of the Interior shall publish an interim final rule for the federal implementation of paragraphs (2) through (5) of subsection (a) and shall provide an opportunity for public comment of no less than 45 days on such interim final rule. The final rule for the federal implementation of paragraphs (2) through (5) of subsection (a) shall be published in the Federal Register no later than September 30, 1999 and shall take effect on September 30, 1999, except that the limitations in paragraphs (3) through (5) of such subsection shall not apply with respect to halibut fishing until November 15, 1999 or salmon troll fishing until December 31, 1999. In the event that any individual eligible for compensation under subsection (b) has not received full compensation by June 15, 1999, the Secretary shall provide partial compensation on such date to such individual and shall expeditiously provide full compensation thereafter.".

(d) For the purposes of making the payments authorized in section 123 of the Department of the Interior and Related Agencies Appropriations Act, 1999, as amended by this section, an additional $26,000,000 is hereby appropriated to "Departmental Management, Department of the Interior", to remain available until expended, of which $3,000,000 shall be an additional amount for compensation authorized by section 123(b) of such Act, as amended, and of which $23,000,000 shall be for compensation authorized by section 123(c) of such Act, as amended. The entire amount made available in this subsection is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended (2 U.S.C. 901(b)(2)(A)), and shall be available only if the President transmits to the Congress an official budget request that includes designation of the entire amount as an emergency requirement as defined in such Act.

CHAPTER 6

INDEPENDENT AGENCY

Federal Emergency Management Agency

DISASTER RELIEF

For an additional amount for "Disaster relief" for tornado-related damage in Oklahoma, Kansas, Texas and Tennessee, and for other disasters, $900,000,000 to remain available until expended, which shall be available only to the extent that the President designates an amount as an emergency requirement as defined in section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to such Act.

DISASTER ASSISTANCE FOR UNMET NEEDS

For "Disaster assistance for unmet needs", $230,000,000, which shall remain available until September 30, 2001, for use by the Director of the Federal Emergency Management Agency (Director) only for disaster relief, buyout assistance, long-term recovery, and mitigation in communities affected by Presidentially-declared natural disasters designated during fiscal years 1998 and 1999, only to the extent funds are not made available for those activities by the Federal Emergency Management Agency (under its "Disaster relief" program), the Small Business Administration, or the Army Corps of Engineers: Provided, That in administering these funds the Director shall allocate these funds to States to be administered by each State in conjunction with its Federal Emergency Management Agency Disaster Relief program: Provided further, That each State shall provide not less than 25 percent in non-Federal public matching funds or its equivalent value (other than administrative costs) for any funds allocated to the State under this heading: Provided further, That the Director shall allocate these funds based on the unmet needs arising from a Presidentially-declared disaster as identified by the Director as those which have not or will not be addressed by other Federal disaster assistance programs and for which it is deemed appropriate to supplement the efforts and available resources of States, local governments and disaster relief organizations: Provided further, That the Director shall establish review groups within FEMA to review each request by a State of its unmet needs and certify as to the actual costs associated with the unmet needs as well as the commitment and ability of each state to provide its match requirement: Provided further, That the Director shall implement all mitigation and buyout efforts in a manner consistent with the intent of the hazard mitigation grant program as authorized by section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended: Provided further, That the Director shall publish a notice in the Federal Register governing the allocation and use of the funds under this heading, including provisions for ensuring the compliance of the states with the requirements of this program: Provided further, That 10 days prior to distribution of funds, the Director shall submit a list to the House and Senate Committees on Appropriations, setting forth the proposed uses of funds and the most recent estimates of unmet needs: Provided further, That the Director shall submit quarterly reports to said Committees regarding the actual projects and needs for which funds have been provided under this heading: Provided further, That to the extent any funds under this heading are used in a manner inconsistent with the requirements of the program established under this heading and any rules issued pursuant thereto, the Director shall recapture an equivalent amount of funds from the State from any existing funds or future funds awarded to the State under this heading or any other program administered by the Federal Emergency Management Agency: Provided further, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined by the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress:

Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

TITLE II—EMERGENCY NATIONAL SECURITY SUPPLEMENTAL APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

PUBLIC LAW 480 PROGRAM AND GRANT ACCOUNTS

For an additional amount for "Public Law 480 Program and Grant Accounts" for assistance under title II of Public Law 480, $149,200,000, to remain available until expended: Provided, That the entire amount shall be available only to the extent an official budget request for $149,200,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

CHAPTER 2

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

Notwithstanding section 15 of the State Department Basic Authorities Act of 1956, an additional amount for "Diplomatic and Consular Programs", $17,071,000, to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SECURITY AND MAINTENANCE OF UNITED STATES MISSIONS

Notwithstanding section 15 of the State Department Basic Authorities Act of 1956, an additional amount for "Security and Maintenance of United States Missions", $50,500,000, to remain available until expended, of which $45,500,000 shall be available only to the extent that an official budget request for a specific dollar amount that includes the designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

Notwithstanding section 15 of the State Department Basic Authorities Act of 1956, an additional amount for "Emergencies in the Diplomatic and Consular Service", $2,929,000, to remain available until expended, of which $500,000 shall be transferred to the Peace Corps and $450,000 shall be transferred to the U.S. Information Agency, for evacuation and related costs: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 3

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $2,920,000: Provided, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", $7,660,000: Provided, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", $1,586,000: Provided, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", $4,303,000: Provided, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE

OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Overseas Contingency Operations Transfer Fund", $5,007,300,000, to remain available until expended: Provided, That the entire amount made available under this heading is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That of such amount, $1,100,000,000 shall be available only to the extent that the President transmits to the Congress an official budget request for a specific dollar amount that: (1) specifies items which meet a critical readiness or sustainability need, to include replacement of expended munitions to maintain adequate inventories for future operations; and (2) includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the Secretary of Defense may transfer these funds only to military personnel accounts; operation and maintenance accounts, including Overseas Humanitarian, Disaster, and Civic Aid; procurement accounts; research, development, test and evaluation accounts; the Defense Health Program appropriation; the National Defense Sealift Fund; and working capital fund accounts: Provided further, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority available to the Department of Defense: Provided further, That such funds may be used to execute projects or programs that were deferred in order to carry out military operations in and around Kosovo and in Southwest Asia, including efforts associated with the displaced Kosovar population: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

PROCUREMENT

WEAPONS PROCUREMENT, NAVY

For an additional amount for "Weapons Procurement, Navy", $431,100,000, to remain available for obligation until September 30, 2000: Provided, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for $431,100,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft Procurement, Air Force", $40,000,000, to remain available for obligation until September 30, 2000: Provided, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for $40,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for "Missile Procurement, Air Force", $178,200,000, to remain available for obligation until September 30, 2000: Provided, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for $178,200,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for "Procurement of Ammunition, Air Force", $35,000,000, to remain available for obligation until September 30, 2000: Provided, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for $35,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

OPERATIONAL RAPID RESPONSE TRANSFER FUND

(INCLUDING TRANSFER OF FUNDS)

In addition to the amounts appropriated or otherwise made available in this Act and the Department of Defense Appropriations Act, 1999 (Public Law 105–262), $300,000,000, to remain available for obligation until September 30, 2000, is hereby made available only for the accelerated acquisition and deployment of military technologies and systems needed for the conduct of Operation Allied Force, or to provide accelerated acquisition and deployment of military technologies and systems as substitute or replacement systems for other U.S. regional commands which have had assets diverted as a result of Operation Allied Force: Provided, That funds under this heading may only be obligated after recommendations are made by the Joint Requirements Oversight Council to the Secretary of Defense and after the approval of the Secretary of Defense, or his designee: Provided further, That the Secretary of Defense shall provide written notification to the congressional defense committees prior to the transfer of any *amount in excess of $10,000,000 to a specific program or project: Provided further, That the Secretary of Defense may transfer funds made available under this heading only to operation and maintenance accounts, procurement accounts, and research, development, test and evaluation accounts: Provided further, That the transfer authority provided under this section shall be in addition to the transfer authority provided to the Department of Defense in this Act or any other Act: Provided further, That the entire amount made available in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for $300,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.*

GENERAL PROVISIONS, THIS CHAPTER

(TRANSFER OF FUNDS)

SEC. 2001. Section 8005 of the Department of Defense Appropriations Act, 1999 (Public Law 105–262), is amended by striking "$1,650,000,000" and inserting in lieu thereof "$2,000,000,000".

SEC. 2002. Notwithstanding the limitations set forth in section 1006 of Public Law 105–261, not to exceed $10,000,000 of funds appropriated by this Act may be available for contributions to the common funded budgets of NATO (as defined in section 1006(c)(1) of Public Law 105–261) for costs related to NATO operations in and around Kosovo.

SEC. 2003. Funds appropriated by this Act and in Public Law 105–277, or made available by the transfer of funds in this Act and in Public Law 105–277, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

SEC. 2004. Notwithstanding section 5064(d) of the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355), the special authorities provided under section 5064(c) of such Act shall apply with respect to all contracts awarded or modifications executed for the Joint Direct Attack Munition (JDAM) program from October 1, 1998 through September 30, 2000: Provided, That the Secretary of Defense may award JDAM contracts and modifications on the same terms and conditions as contained in the JDAM contract F08626–94–C–0003.

SEC. 2005. (a) EFFORTS TO INCREASE BURDENSHARING.—The President shall seek equitable reimbursement from the North Atlantic Treaty Organization (NATO), member nations of NATO, and other appropriate organizations and nations for the costs incurred by the United States government in connection with Operation Allied Force.

(b) REPORT.—Not later than September 30, 1999, the President shall prepare and submit to the Congress a report on—

(1) All measures taken by the President pursuant to subsection (a);

(2) The amount of reimbursement received to date from each organization and nation pursuant to subsection (a), including a description of any commitments made by such organization or nation to provide reimbursement; and

(3) In the case of an organization or nation that has refused to provide, or to commit to provide, reimbursement pursuant to subsection (a), an explanation of the reasons therefor.

(c) OPERATION ALLIED FORCE.—In this section, the term "Operation Allied Force" means operations of the North Atlantic Treaty Organization (NATO) conducted against the Federal Republic of Yugoslavia (Serbia and Montenegro) during the period beginning on March 24, 1999, and ending on such date as NATO may designate, to resolve the conflict with respect to Kosovo.

SEC. 2006. (a) Not more than thirty days after the enactment of this Act, the President shall transmit to Congress a report, in both classified and unclassified form, on current United States participation in Operation Allied Force. The report should include information on the following matters:

(1) A statement of the national security objectives involved in U.S. participation in Operation Allied Force;

(2) An accounting of all current active duty personnel assigned to support Operation Allied Force and related humanitarian operations around Kosovo to include total number, service component and area of deployment (such accounting should also include total numbers of personnel from other NATO countries participating in the action);

(3) Additional planned deployment of active duty units in the European Command area of operations to support Operation Allied Force, between the date of enactment of this Act and the end of fiscal year 1999;

(4) Additional planned Reserve component mobilization, including specific units to be called up between the date of the enactment of this Act and the end of fiscal year 1999, to support Operation Allied Force;

(5) An accounting by the Joint Chiefs of Staff on the transfer of personnel and materiel from other regional commands to the United States European Command to support Operation Allied Force and related humanitarian operations around Kosovo, and an assessment by the Joint Chiefs of Staff of the impact any such loss of assets has had on the war-fighting capabilities and deterrence value of these other commands;

(6) Levels of humanitarian aid provided to the displaced Kosovar community from the United States, NATO member nations, and other nations (figures should be provided by country and the type of assistance provided whether financial or in-kind); and

(7) Any significant revisions to the total cost estimate for the deployment of United States forces involved in Operation Allied Force through the end of fiscal year 1999.

(b) OPERATION ALLIED FORCE.—In this section, the term "Operation Allied Force" means operations of the North Atlantic Treaty Organization (NATO) conducted against the Federal Republic of Yugoslavia (Serbia and Montenegro) during the period beginning on March 24, 1999, and ending on such date as NATO may designate, to resolve the conflict with respect to Kosovo.

(INCLUDING TRANSFER OF FUNDS)

SEC. 2007. In addition to amounts appropriated or otherwise made available elsewhere in this Act for the Department of Defense or in the Department of Defense Appropriations Act, 1999, $1,124,900,000, to remain available for obligation until September 30, 2000, is hereby appropriated to the Department of Defense only for spare and repair parts and associated logistical support necessary for the maintenance of weapons systems and equipment: Provided, That the Secretary of Defense shall provide written notification to the congressional defense committees prior to the transfer of any funds: Provided further, That the Secretary of Defense may transfer funds made available in this section only to operation and maintenance accounts and procurement accounts: Provided further, That the transfer authority provided in this section shall be in addition to the transfer authority provided to the Department of Defense in this Act or any other Act: Provided further, That the entire amount made available in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for $1,124,900,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

(INCLUDING TRANSFER OF FUNDS)

SEC. 2008. In addition to amounts appropriated or otherwise made available elsewhere in this Act for the Department of Defense or in the Department of Defense Appropriations Act, 1999, $742,500,000, to remain available for obligation until September 30, 2000, is hereby appropriated to the Department of Defense only for depot level maintenance and repair: Provided, That the Secretary of Defense shall provide written notification to the congressional defense committees prior to the transfer of any funds: Provided further, That the Secretary of Defense may transfer funds made available in this section only to operation and maintenance accounts: Provided further, That the transfer authority provided in this section shall be in addition to the transfer authority provided to the Department of Defense in this Act or any other Act: Provided further, That the entire amount made available in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for $742,500,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

SEC. 2009. In addition to amounts appropriated or otherwise made available elsewhere in this Act for the Department of Defense or in the Department of Defense Appropriations Act, 1999, $100,000,000, to remain available for obligation until September 30, 2000, is hereby appropriated to the Department of Defense only for military recruiting and advertising initiatives, as follows:

"Operation and Maintenance, Army", $31,000,000;

"Operation and Maintenance, Navy", $12,700,000;

"Operation and Maintenance, Air Force", $23,600,000;

"Operation and Maintenance, Army Reserve", $19,000,000;

"Operation and Maintenance, Navy Reserve", $1,000,000; and

"Operation and Maintenance, Army National Guard", $12,700,000: Provided, That the entire amount made available in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for $100,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

(INCLUDING TRANSFER OF FUNDS)

SEC. 2010. In addition to amounts appropriated or otherwise made available elsewhere in this Act for the Department of Defense or in the Department of Defense Appropriations Act, 1999, $200,200,000, to remain available for obligation until September 30, 2000, is hereby appropriated to the Department of Defense only for military training, equipment maintenance, and associated support costs required to meet assigned readiness levels of United States military forces: Provided, That the Secretary of Defense shall provide written notification to the congressional defense committees prior to the transfer of any funds: Provided further, That the Secretary of Defense may transfer funds made available in this section only to operation and maintenance accounts: Provided further, That the transfer authority provided in this section shall be in addition to the transfer authority provided to the Department of Defense in this Act or any other Act: Provided further, That the entire amount made available in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for $200,200,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

SEC. 2011. In addition to amounts appropriated or otherwise made available elsewhere in this Act for the Department of Defense or in the Department of Defense Appropriations Act, 1999, $182,400,000, to remain available for obligation until September 30, 2000, is hereby appropriated to the Department of Defense only for base operations support costs at Department of Defense facilities, as follows:

"Operation and Maintenance, Army", $60,300,000;

"Operation and Maintenance, Navy", $23,800,000;

"Operation and Maintenance, Marine Corps", $27,500,000;

"Operation and Maintenance, Air Force", $47,700,000;

"Operation and Maintenance, Army Reserve", $9,700,000;

"Operation and Maintenance, Navy Reserve", $7,200,000;

"Operation and Maintenance, Marine Corps Reserve", $100,000; and

"Operation and Maintenance, Army National Guard", $6,100,000: Provided, That the entire amount made available in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for $182,400,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

SEC. 2012. (a) In addition to amounts appropriated or otherwise made available to the Department of Defense in other provisions of this Act, there is appropriated to the Department of Defense, to remain available for obligation until September 30, 2000, and to be used only for increases during fiscal year 2000 in rates of military basic pay and for increased payments during fiscal year 2000 to the Department of Defense Military Retirement Fund, $1,838,426,000, to be available as follows:

"Military Personnel, Army", $559,533,000;

"Military Personnel, Navy", $436,773,000;

"Military Personnel, Marine Corps", $177,980,000;

"Military Personnel, Air Force", $471,892,000;

"Reserve Personnel, Army", $40,574,000;

"Reserve Personnel, Navy", $29,833,000;

"Reserve Personnel, Marine Corps", $7,820,000;

"Reserve Personnel, Air Force", $13,143,000;

"National Guard Personnel, Army", $70,416,000; and

"National Guard Personnel, Air Force", $30,462,000.

(b) The entire amount made available in this section—

(1) is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended (2 U.S.C. 901(b)(2)(A)); and

(2) shall be available only if the President transmits to the Congress an official budget request for $1,838,426,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

(c) The amounts provided in this section may be obligated only to the extent required for increases in rates of military basic pay, and for increased payments to the Department of Defense Military Retirement Fund, that become effective during fiscal year 2000 pursuant to provisions of law subsequently enacted in authorizing legislation.

CHAPTER 4

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for "International Disaster Assistance", $163,000,000, to remain available until expended: Provided, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For an additional amount for "Economic Support Fund", $105,000,000, to remain available until September 30, 2000, for assistance for Albania, Macedonia, Bosnia-Herzegovina, Bulgaria, Montenegro, and Romania, and for investigations and related activities in Kosovo and in adjacent entities and countries regarding war crimes: Provided, That these funds shall be available notwithstanding any other provision of law except section 533 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999 (as contained in division A, section 101(d) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)): Provided further, That the requirement for a notification through the regular notification procedures of the Committees on Appropriations contained in subsection (b)(3) of section 533 shall be deemed to be satisfied if the Committees on Appropriations are notified at least 10 days prior to the obligation of such funds.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

For an additional amount for "Assistance for Eastern Europe and the Baltic States", $120,000,000, to remain available until September 30, 2000, of which up to $1,000,000 may be used for administrative costs of the U.S. Agency for International Development: Provided, That funds appropriated under this heading shall be obligated and expended subject to the regular notification procedures of the Committees on Appropriations.

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for "Migration and Refugee Assistance", $266,000,000, to remain available until September 30, 2000, of which not more than $500,000 is for administrative expenses: Provided, That funds appropriated under this heading that are made available for the Office of the United Nations High Commissioner for Refugees shall be obligated and expended subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the requirement for a notification through the regular notification procedures of the Committees on Appropriations contained in the preceding proviso shall be deemed to be satisfied if the Committees are notified at least 10 days prior to the obligation of such funds: Provided further, That the entire amount shall be available only to the extent an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For an additional amount for the "United States Emergency Refugee and Migration Assistance Fund", and subject to the terms and conditions under that heading, $165,000,000, to remain available until expended: Provided, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 2013. The funds appropriated in this chapter are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SEC. 2014. The value of commodities and services authorized by the President through March 31, 1999, to be drawn down under the authority of section 552(c)(2) of the Foreign Assistance Act of 1961, as amended, to support international relief efforts relating to the Kosovo conflict shall not be counted against the ceiling limitation of that section: Provided, That such assistance relating to the Kosovo conflict provided pursuant to section 552(a)(2) may be made available notwithstanding any other provision of law.

CHAPTER 5

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES

REFUGEE AND ENTRANT ASSISTANCE

For an additional amount for "Refugee and Entrant Assistance", such sums as necessary to assist in the temporary resettlement of displaced Kosovar Albanians, not to exceed $100,000,000, which shall remain available through September 30, 2001: Provided, That the entire amount shall be available only to the extent an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined by the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That Congress designates the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

CHAPTER 6

MILITARY CONSTRUCTION TRANSFER FUND

(INCLUDING TRANSFER OF FUNDS)

For emergency expenses incurred by United States military forces in support of overseas operations; $475,000,000, to remain available for transfer until September 30, 2003: Provided, That the Secretary of Defense may transfer these funds only to military construction accounts: Provided further, That the transfer authority provided in this paragraph is in addition to any other transfer authority contained in this or any other Act: Provided further, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out military construction projects not otherwise authorized by law: Provided further, That the entire amount made available under this heading is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1995, as amended: Provided further, That this amount shall be available only to the extent that the President transmits to the Congress an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1995, as amended.

CHAPTER 7

DEPARTMENT OF TRANSPORTATION

Coast Guard

OPERATING EXPENSES

For an additional amount for "Operating expenses", $200,000,000, to remain available until September 30, 2000: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for $200,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

TITLE III—SUPPLEMENTAL APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF COMMERCE AND RELATED AGENCIES

RELATED AGENCIES

Office of the United States Trade Representative

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $1,300,000.

DEPARTMENT OF COMMERCE

Bureau of the Census

PERIODIC CENSUSES AND PROGRAMS

For an additional amount for expenses necessary to conduct the decennial census, $44,900,000, to remain available until expended: Provided, That of this amount $10,900,000 is for costs associated with establishing 520 Local Census Offices; $4,200,000 is for preparation of training and field deployment kits for census enumerators; $2,000,000 is for costs associated with the Telephone Questionnaire Assistance program infrastructure; $9,100,000 is for automated data processing and telecommunications to support increased field enumeration activities; $3,700,000 is for administrative systems to support increased field enumeration activities; and $15,000,000 is for advertising and promotion programs: Provided further, That not later than June 1, 1999, the President shall submit to the Congress a revised budget request for fiscal year 2000 for the decennial census.

National Oceanic and Atmospheric Administration

OPERATIONS, RESEARCH, AND FACILITIES

For the necessary expenses of additional research, management, and enforcement activities in the Northeast Multispecies fishery, $1,880,000, to remain available until expended.

THE JUDICIARY

Supreme Court of the United States

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $921,000, to remain available until expended.

CHAPTER 2

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

WATER AND RELATED RESOURCES

For an additional amount for "Water and Related Resources", $1,500,000, to remain available until expended, under authority of the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2201 et seq.) to purchase water in accordance with such Act from the Central Arizona Project (or if no water is available for purchase from the Central Arizona Project from any other appropriate source) to maintain an appropriate pool of stored water for fish and wildlife purposes at the San Carlos Lake in Arizona.

CHAPTER 3

DEPARTMENT OF STATE

National Commission on Terrorism

For necessary expenses for the National Commission on Terrorism, as authorized by section 591 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999 (as contained in division A, section 101(d) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)), $839,500, to remain available until expended.

United States Commission on International Religious Freedom

For necessary expenses for the United States Commission on International Religious Freedom, as authorized by title II of the International Religious Freedom Act of 1998 (Public Law 105–292), $3,000,000, to remain available until expended.

DEPARTMENT OF THE TREASURY

International Affairs Technical Assistance

For an additional amount for "Department of the Treasury, International affairs technical assistance", $1,500,000, to remain available until September 30, 2000, for the operation and expenses of the International Financial Institution Advisory Commission and the International Monetary Fund Advisory Committee as authorized by sections 603 and 610(b) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999 (as contained in division A, section 101(d) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)).

CHAPTER 4

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

MANAGEMENT OF LANDS AND RESOURCES

Of the funds provided under this heading in prior Appropriations Acts for the Automated Land and Mineral Record System, $1,000,000 shall be available until expended to meet increased workload requirements stemming from the anticipated higher volume of coalbed methane Applications for Permits to Drill in the Powder River Basin: Provided, That unless there is a written agreement in place between the coal mining operator and the gas producer, the funds made available herein shall not be used to process or approve coalbed methane Applications for Permits to Drill for well sites that are located within an area, which as of the date of the coalbed methane Application for Permit to Drill, are covered by: (1) a coal lease; (2) a coal mining permit; or (3) an application for a coal mining lease. Nothing in this paragraph shall be construed or operate as a restriction on current resources appropriated to the Department of the Interior.

Bureau of Indian Affairs

OPERATION OF INDIAN PROGRAMS

(TRANSFER OF FUNDS)

For an additional amount for "Operation of Indian Programs", $1,136,000, to remain available until expended for suppression of western spruce budworm: Provided, That such funds shall be derived by transfer of funds provided in previous appropriations acts under the heading "Forest Service, National Forest System".

Office of the Special Trustee for American Indians

FEDERAL TRUST PROGRAMS

For an additional amount for "Federal Trust Programs", $21,800,000, to remain available until expended, of which $6,800,000 is for activities pursuant to the Trust Management Improvement Project High Level Implementation Plan and $15,000,000 is to support litigation involving individual Indian trust accounts: Provided, That litigation support funds may, as needed, be transferred to and merged with the "Operation of Indian Programs" account in the Bureau of Indian Affairs, the "Salaries and Expenses" account in the Office of the Solicitor, the "Salaries and Expenses" account in Departmental Management, the "Royalty and Offshore Minerals Management" account in the Minerals Management Service and the "Management of Lands and Resources" account in the Bureau of Land Management.

DEPARTMENT OF AGRICULTURE

Forest Service

WILDLAND FIRE MANAGEMENT

Of the funds made available under this heading for fire operations in previous Acts of Appropriation (exclusive of amounts for hazardous fuels reduction), $100,000,000 shall be transferred to the Knutson-Vandenberg fund established pursuant to section 3 of Public Law 71–319 (16 U.S.C. 576 et seq.) within 10 days of the enactment of this Act.

GENERAL PROVISIONS, THIS CHAPTER

Sec. 3001. The Department of the Interior and Related Agencies Appropriations Act, 1999 (as contained in division A, section 101(e) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)) is amended under the heading "Forest Service, Reconstruction and Construction" by inserting before the final period the following: "; Provided further, That notwithstanding any other provision of law, funds appropriated for Forest Service construction of a new forestry research facility at Auburn University, Auburn, Alabama, shall be available for a direct payment to Auburn University for this purpose: Provided further, That if within the life of the facility the USDA Forest Service needs additional space for collaborative laboratory activities on the Auburn University campus, Auburn University shall provide such laboratory space within the new facility constructed with these funds, free of any charge for rent".

Sec. 3002. None of the funds made available under this or any other Act may be used by the Secretary of the Interior to issue and finalize the rule to revise 43 CFR Part 3809, published on

February 9, 1999 at 64 Fed. Reg. 6421 or the Draft Environmental Impact Statement on Surface Management Regulations for Locatable Mineral Operations, published in February, 1999, unless the Secretary has provided a period of not less than 120 days for accepting public comment on the proposed rule after the report of the National Academy of Sciences' Committee on Hardrock Mining on Federal Lands, authorized and required by the Department of the Interior and Related Agencies Appropriations Act, 1999 (as contained in division A, section 101(e) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)) is submitted to the appropriate federal agencies, the Congress, and the Governors of the affected states in accordance with the requirements of that Act.

SEC. 3003. None of the funds in this or any other Act shall be used to issue a notice of final rulemaking with respect to the valuation of crude oil for royalty purposes, including a rulemaking derived from proposed rules published in 63 Federal Register 6113 (1998), 62 Federal Register 36030, and 62 Federal Register 3742 (1997) until October 1, 1999, or until there is a negotiated agreement on the rule.

SEC. 3004. Section 328 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (Public Law 105–277, division A, section 1(e), title III) is amended by striking "none of the funds in this Act" and inserting "none of the funds provided in this Act to the Indian Health Service or Bureau of Indian Affairs".

SEC. 3005. A payment of $800,000 from the total amount of $1,000,000 for construction of the Pike's Peak Summit House, as specified in Conference Report 105–337, accompanying the Department of the Interior and Related Agencies Appropriations Act for fiscal year 1998, Public Law 105–83, and payments of $2,000,000 for the Borough of Ketchikan to participate in a study of the feasibility and dynamics of manufacturing veneer products in Southeast Alaska and $200,000 for construction of the Pike's Peak Summit House, as specified in Conference Report 105–825 accompanying the Department of the Interior and Related Agencies Appropriations Act for fiscal year 1999 (as contained in division A, section 101(e) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)), shall be paid in lump sum and shall be considered direct payments, for the purposes of all applicable law except that these direct grants may not be used for lobbying activities.

SEC. 3006. MILLSITES OPINION. (a) PROHIBITION ON MILLSITE LIMITATIONS.—Notwithstanding the opinion dated November 7, 1997, by the Solicitor of the Department of the Interior concerning millsites under the general mining law (referred to in this section as the "opinion"), in accordance with the millsite provisions of the Bureau of Land Management Handbook for Mineral Examiners H–3890–1, page III–8 (dated 1989), and section 2811.33 of the Forest Service Manual (dated 1990), the Department of the Interior and the Department of Agriculture shall not limit the number or acreage of millsites based on the ratio between the number or acreage of millsites and the number or acreage of associated lode or placer claims with respect to the Crown Jewel project, Okanogan County, Washington for any fiscal year.

(b) EFFECT ON PRIOR APPROVALS AND RECORDS OF DECISION.—As soon as practicable after the date of the enactment of this Act, the Departments of the Interior and Agriculture shall approve the plan of operations and reinstate the record of decision for the Crown Jewel project.

(c) No patent application or plan of operations submitted prior to the date of the enactment of this Act shall be denied pursuant to the opinion of the Solicitor of the Department of the Interior dated November 7, 1997.

CHAPTER 5

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For an additional amount for "General departmental management", $1,000,000, to reduce the backlog of pending nursing home appeals before the Departmental Appeals Board.

DEPARTMENT OF EDUCATION

EDUCATION FOR THE DISADVANTAGED

For additional amounts to carry out subpart 2 of part A of title I of the Elementary and Secondary Education Act of 1965, $56,377,000, which shall be allocated, notwithstanding any other provision of law, only to those local educational agencies that received a Concentration Grant under the Department of Education Appropriations Act, 1998, but are not eligible to receive such a grant for fiscal year 1999: Provided, That the Secretary of Education shall use the funds appropriated under this paragraph to provide each such local educational agency an amount equal to the Concentration Grant the agency received in fiscal year 1998, ratably reduced, if necessary, to ensure that local educational agencies receiving funds under this supplemental appropriation receive no greater share of their hold-harmless amounts than is received by other local educational agencies: Provided further, That the funds appropriated under this paragraph shall become available on October 1, 1999 and shall remain available through September 30, 2000, for the academic year 1999–2000: Provided further, That the Secretary shall not take into account the funds appropriated under this paragraph in determining State allocations under any other program administered by the Secretary in any fiscal year.

HIGHER EDUCATION

(TRANSFER OF FUNDS)

Of the funds made available for the Education Research, Statistics, and Improvement account in section 101(f) of Public Law 105–277, $1,500,000 are transferred to the Higher Education account to provide additional funds to carry out part B of title III of the Higher Education Act.

RELATED AGENCY

CORPORATION FOR PUBLIC BROADCASTING

For an additional amount for the Corporation for Public Broadcasting, to remain available until expended, $30,700,000 to be available for fiscal year 1999, and $17,300,000 to be available for fiscal year 2000: Provided, That such funds be made available to National Public Radio, as the designated manager of the Public Radio Satellite System, for acquisition of satellite capacity.

GENERAL PROVISION, THIS CHAPTER

SEC. 3007. WHITE RIVER SCHOOL DISTRICT #47–1.—From any unobligated funds that are available to the Secretary of Education to carry out section 306(a)(1) of the Department of Education Appropriations Act, 1996, the Secretary shall provide not more than $239,000, under such terms and conditions as the Secretary determines appropriate, to the White River School District #47–1, White River, South Dakota, to be used to repair damage caused by water infiltration at the White River High School, which shall remain available until expended.

CHAPTER 6

CONGRESSIONAL OPERATIONS

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

SALARIES, OFFICERS AND EMPLOYEES

(RESCISSION)

Immediately upon the enactment of this Act, $3,521,000, appropriated under this heading in Public Law 105–275, are rescinded: Provided, That for replacement of the existing House of Representatives payroll system, $3,521,000 for the Chief Administrative Officer, to remain available until expended.

ARCHITECT OF THE CAPITOL

CAPITOL BUILDINGS AND GROUNDS

HOUSE OFFICE BUILDINGS

HOUSE PAGE DORMITORY

For necessary expenses for a House Page Dormitory, $3,760,000, to remain available until expended: Provided, That the Architect of the Capitol shall transfer to the Chief Administrative Officer of the House of Representatives such portion of the funds made available under this paragraph as may be required for expenses incurred by the Chief Administrative Officer, subject to the approval of the Committee on Appropriations of the House of Representatives: Provided further, That section 3709 of the Revised Statutes of the United States (41 U.S.C. 5) shall not apply to the funds made available under this paragraph.

O'NEILL HOUSE OFFICE BUILDING

For necessary expenses for life safety renovations to the O'Neill House Office Building, $1,800,000, to remain available until expended: Provided, That section 3709 of the Revised Statutes of the United States (41 U.S.C. 5) shall not apply to the funds made available under this paragraph.

ADMINISTRATIVE PROVISIONS—THIS CHAPTER

SEC. 3008. (a) The aggregate amount otherwise authorized to be appropriated for a fiscal year for the lump-sum allowance for the Office of the Minority Leader of the House of Representatives and the aggregate amount otherwise authorized to be appropriated for a fiscal year for the lump-sum allowance for the Office of the Majority Whip of the House of Representatives shall each be increased by $333,000.

(b) This section shall apply with respect to fiscal year 2000 and each succeeding fiscal year.

SEC. 3009. (a) Each office described under the heading "HOUSE LEADERSHIP OFFICES" in the Act making appropriations for the legislative branch for a fiscal year may transfer any amounts appropriated for the office under such heading among the various categories of allowances and expenses for the office under such heading.

(b) Subsection (a) shall not apply with respect to any amounts appropriated for official expenses.

(c) This section shall apply with respect to fiscal year 1999 and each succeeding fiscal year.

SEC. 3010. Effective on the date of the enactment of this Act, the lump sum allowance authorization amount for certain offices shall be adjusted as follows:

(1) The allowance for the Chief Deputy Majority Whips is increased by $25,000.

(2) The allowance for the Chief Deputy Minority Whips is increased by $25,000.

SEC. 3011. RUSSIAN LEADERSHIP PROGRAM. (a) PURPOSE.—It is the purpose of this section to establish, in accordance with the provisions of this section—

(1) a pilot program within the Library of Congress for fiscal year 1999, and

(2) a permanent program within the Executive agency designated by the President of the

United States for fiscal years 2000 and thereafter,

to enable emerging political leaders of Russia at all levels of government to gain significant, firsthand exposure to the American free market economic system and the operation of American democratic institutions through visits to governments and communities at comparable levels in the United States.

(b) GRANTS.—

(1) IN GENERAL.—The head of the administering agency shall annually award grants to government or community organizations in the United States that seek to establish programs under which those organizations will host eligible Russians for the purpose described in subsection (a).

(2) DURATION.—The period of stay in the United States for any eligible Russian supported with grant funds under this section shall not exceed 30 days.

(3) LIMITATION.—The number of eligible Russians supported with grant funds under this section shall not exceed 3,000 in any fiscal year.

(4) ADMINISTRATION.—

(A) IN GENERAL.—Subject to the availability of appropriations, the head of the administering agency—

(i) may contract with nongovernmental organizations having expertise in carrying out the activities described in subsection (a) for the purpose of carrying out the administrative functions of the program (other than the awarding of grants), and

(ii) may, without regard to the civil service laws and regulations (or, in the case of the Librarian of Congress, any requirement for competition in hiring), appoint and terminate an executive director and such other additional personnel as may be necessary to enable the administering agency to perform its duties under this section.

(B) WAIVER OF COMPETITIVE BIDDING.—The Librarian of Congress, after consultation with the Joint Committee on the Library of Congress, may enter into contracts under subparagraph (A)(i) to carry out the pilot program during fiscal year 1999 without regard to section 3709 of the Revised Statutes or any other requirement for competitive contracting or the providing of notice of contracting opportunities.

(c) USE OF FUNDS.—Grants awarded under subsection (b) shall be used to pay—

(1) the costs and expenses incurred by each program participant in traveling between Russia and the United States and in traveling within the United States;

(2) the costs of providing lodging in the United States to each program participant, whether in public accommodations or in private homes; and

(3) such additional administrative expenses incurred by organizations in carrying out the program as the head of the administering agency may prescribe.

(d) APPLICATION.—

(1) IN GENERAL.—Each organization in the United States desiring a grant under this section shall submit an application to the head of the administering agency at such time, in such manner, and accompanied by such information as such head may reasonably require.

(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

(A) describe the activities for which assistance under this section is sought;

(B) include the number of program participants to be supported;

(C) describe the qualifications of the individuals who will be participating in the program; and

(D) provide such additional assurances as the head of the administering agency determines to be essential to ensure compliance with the requirements of this section.

(3) WAIVER.—The Librarian of Congress may waive the requirement of this subsection in carrying out the pilot program during fiscal year 1999.

(e) ADVISORY BOARD.—

(1) IN GENERAL.—There is established a Russian Leadership Program Advisory Board which shall advise the head of the administering agency as to the carrying out of the permanent program during fiscal years 2000 and thereafter.

(2) MEMBERSHIP.—The Advisory Board under paragraph (1) shall consist of—

(A) 2 members appointed by the Speaker of the House of Representatives, of whom 1 shall be designated by the Majority Leader of the House of Representatives and 1 shall be designated by the Minority Leader of the House of Representatives;

(B) 2 members appointed by the President pro tempore of the Senate, of whom 1 shall be designated by the Majority Leader of the Senate and 1 shall be designated by the Minority Leader of the Senate;

(C) the Librarian of Congress;

(D) a private individual with expertise in international exchange programs, designated by the Librarian of Congress; and

(E) an officer or employee of the administering agency, designated by the head of the administering agency.

(3) TERMS.—Each member appointed under paragraph (2) shall serve for a term of 3 years. Any vacancy shall be filled in the same manner as the original appointment and the individual so appointed shall serve for the remainder of the term.

(f) REPORTING.—The head of the administering agency shall, not later than 3 months following the close of each fiscal year for which such agency administered the program, report to Congress with respect to the conduct of such program during such fiscal year. Such report shall include information with respect to the number of participants in the program and the cost of the program, and any recommendations on improvements necessary to enable the program to carry out the purposes of this section.

(g) FUNDING.—

(1) FISCAL YEAR 1999.—

(A) IN GENERAL.—Of funds made available under the heading "SENATE" under title I of the Legislative Appropriations Act, 1999 (Public Law 105–275; 112 Stat. 2430 et seq.), $10,000,000 shall be made available, subject to the approval of the Committee on Appropriations of the Senate, to the administering agency to carry out the program.

(B) USE OF FUNDS AT CLOSE OF FISCAL YEAR.—Funds made available under this paragraph which are unexpended and unobligated as of the close of fiscal year 1999 shall no longer be available for such purpose and shall be available for the purpose originally appropriated.

(2) FISCAL YEAR 2000 AND SUBSEQUENT FISCAL YEARS.—

(A) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the administering agency for fiscal years 2000 and thereafter such sums as may be necessary to carry out the program.

(B) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subparagraph (A) are authorized to remain available until expended.

(h) DEFINITIONS.—In this section:

(1) ADMINISTERING AGENCY.—The term "administering agency" means—

(A) for fiscal year 1999, the Library of Congress; and

(B) for fiscal year 2000, and subsequent fiscal years, the Executive agency designated by the President of the United States under subsection (a)(2).

(2) ELIGIBLE RUSSIAN.—The term "eligible Russian" means a Russian national who is an emerging political leader at any level of government.

(3) PROGRAM.—The term "program" means the grant program established under this section.

(4) PROGRAM PARTICIPANT.—The term "program participant" means an eligible Russian selected for participation in the program.

CHAPTER 7

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For an additional amount for "Military Construction, Army National Guard" to cover the incremental costs arising from the consequences of Hurricane Georges, $6,400,000, as authorized by 10 U.S.C. 2854, to remain available until September 30, 2003.

FAMILY HOUSING, ARMY

Notwithstanding any other provision of law, for an additional amount for "Family Housing, Army", to provide for the construction and renovation of family housing units at Fort Buchanan, Puerto Rico, $25,000,000, to remain available until September 30, 2003: Provided, That none of the funds appropriated in this or any other Act may be used for family housing initiatives at Fort Buchanan, Puerto Rico pursuant to 10 U.S.C. 2883.

CHAPTER 8

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses" for necessary expenses resulting from the crash of TWA Flight 800, $2,300,000: Provided, That the entire amount is available only for costs associated with rental of the facility in Calverton, New York.

CHAPTER 9

DEPARTMENT OF THE TREASURY

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco and Firearms, $4,500,000 is appropriated for the expansion of the National Tracing Center, to remain available until expended.

POSTAL SERVICE

PAYMENTS TO THE POSTAL SERVICE FUND

For an additional amount for "Payments to the Postal Service Fund" for revenue forgone reimbursement pursuant to 39 U.S.C. 2401(d), $29,000,000.

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, an additional $2,500,000 is appropriated for drug control activities: of which $750,000 shall be used specifically to expand the Southwest Border High Intensity Drug Trafficking Area for the State of New Mexico to include Rio Arriba County, Santa Fe County, and San Juan County, New Mexico, which are hereby designated as part of the Southwest Border High Intensity Drug Trafficking Area for the State of New Mexico; of which $500,000 shall be used for national efforts related to methamphetamine reduction efforts; of which $750,000 shall be used for the Southwest Border High Intensity Drug Trafficking Area for the State of Arizona, specifically to fund U.S. Border Patrol anti-drug assistance to border communities in Cochise County, Arizona; and of which $500,000 shall be for the Washington-Baltimore High Intensity Drug Trafficking Area for support of the Cross-Border Initiative: Provided, That no funds may be obligated or expended for the Southwest Border High Intensity Drug Trafficking Area for the State of Arizona without prior approval of the Committees on Appropriations of the House and the Senate.

CHAPTER 10

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT BLOCK GRANTS

Of any excess amounts appropriated for any fiscal year under this heading, $3,446,000 shall be made available for grants for service coordinators and congregate services for the elderly and disabled: Provided, That in distributing such amount, the Secretary of Housing and Urban Development shall give priority to public housing agencies that submitted eligible applications for renewal of fiscal year 1995 elderly service coordinator grants pursuant to the Notice of Funding Availability for Service Coordinator Funds for fiscal year 1998, as published in the Federal Register on June 1, 1998.

FEDERAL HOUSING ADMINISTRATION

FHA-MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

The limitation on commitments to guarantee loans to carry out the purposes of section 203(b) of the National Housing Act, as amended, is increased by an additional $30,000,000,000.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

The limitation on commitments to guarantee loans to carry out the purposes of section 306 of the National Housing Act, as amended, is increased by an additional $50,000,000,000.

MANAGEMENT AND ADMINISTRATION

OFFICE OF INSPECTOR GENERAL

Under this heading in Public Law 105–276, add the words, "to remain available until September 30, 2000," after "$81,910,000,".

INDEPENDENT AGENCY

NATIONAL CREDIT UNION ADMINISTRATION

CENTRAL LIQUIDITY FACILITY

During fiscal year 2000, gross obligations of the Central Liquidity Facility for the principal amount of new direct loans to member credit unions shall not exceed the amount authorized by title III of the National Credit Union Central Liquidity Facility Act (12 U.S.C. 1795).

GENERAL PROVISIONS, THIS CHAPTER

SEC. 3012. Notwithstanding the 6th undesignated paragraph under the heading "Community planning and development—Community development block grants" in title II of Public Law 105–276 and the related provisions of the joint explanatory statement of the committee of conference to accompany such Act (House Report 105–769) for the Economic Development Initiative (EDI) grants for targeted economic investments for Project Restore of Los Angeles, California and for the Southeast Rio Vista Family YMCA shall, notwithstanding such provision, be made available as follows:

(1) $250,000 shall be for a grant to the Los Angeles Civic Center Public Partnership, to revitalize and redevelop the Civic Center neighborhood; and

(2) $100,000 shall be for a grant to the Southeast Rio Vista Family YMCA, for development of a child care center in the city of Huntington Park, California.

SEC. 3013. Notwithstanding section 202 of the Housing Act of 1959, of the amounts appropriated for fiscal year 1999 under the Housing for Special Populations heading in title II of Public Law 105–276, $1,000,000 shall be made available to the Maryland Department of Housing and Community Development for work associated with the building of Caritas House and for expansion of the St. Ann Adult Medical Day Care facility as directed by the Senate Report and Conference Report for such Act.

SEC. 3014. Notwithstanding any other provision of law or other requirement, the Township of North Union, Fayette County, Pennsylvania, is authorized to retain any land disposition proceeds or urban renewal grant funds remaining from the Industrial Park Number 1 Urban Renewal Project (PA–R–325 and B–78–UR–42–0204) and to use such funds in accordance with the requirements of the community development block grant program as provided in title I of the Housing and Community Development Act of 1974, as amended, with respect to eligibility and national objectives of section 105 of such Act. The Township of North Union shall retain such funds in a lump sum and shall be entitled to retain and use past and future earnings from such funds, including any interest.

SEC. 3015. The $2,200,000 appropriated in Public Law 105–276 to meet sewer infrastructure needs associated with the 2002 Winter Olympic Games in accordance with House Report 105–769 shall be awarded to Wasatch County, Utah, for both water and sewer.

SEC. 3016. Of the amount appropriated under the heading "Environmental programs and management" in Public Law 105–276, $1,300,000 shall be transferred to the "State and tribal assistance grants" account for a grant for water and wastewater infrastructure projects in the State of Idaho.

SEC. 3017. The $3,045,000 appropriated in Public Law 105–276 for wastewater infrastructure needs for Grand Isle, Louisiana, in accordance with House Report 105–769, may also be used for drinking water supply needs for Grand Isle, Louisiana.

CHAPTER 11

GENERAL PROVISIONS, THIS TITLE

SEC. 3018. Division A, section 101(a), title XI, section 1122(c) of Public Law 105–277 is amended by inserting after "basis" ": Provided, That no administrative costs shall be charged against this program which would have been incurred otherwise".

SEC. 3019. (a) Section 339(b)(3) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1989(b)(3)) is amended—

(1) by striking the comma and the remainder of paragraph (3) following the comma; and

(2) by inserting a period after "(1)".

(b) Section 353(c)(3)(C) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2001(c)(3)(C)) is amended by striking "100 percent" and inserting "110 percent".

SEC. 3020. (a) LOAN DEFICIENCY PAYMENTS FOR CLUB WHEAT PRODUCERS.—In making loan deficiency payments available under section 135 of the Agricultural Market Transition Act (7 U.S.C. 7235) to producers of club wheat, the Secretary of Agriculture may not assess a premium adjustment on the amount that would otherwise be computed for club wheat under the section to reflect the premium that is paid for club wheat to ensure its availability to create a blended specialty product known as western white wheat.

(b) RETROACTIVE APPLICATION.—As soon as practicable after the date of the enactment of this Act, the Secretary of Agriculture shall make a payment to each producer of club wheat who received a discounted loan deficiency payment under section 135 of the Agricultural Market Transition Act (7 U.S.C. 7235) before that date as a result of the assessment of a premium adjustment against club wheat. The amount of the payment for a producer shall be equal to the difference between—

(1) the loan deficiency payment that would have been made to the producer in the absence of the premium adjustment; and

(2) the loan deficiency payment actually received by the producer.

(c) FUNDING SOURCE.—The Secretary shall use funds available to provide marketing assistance loans and loan deficiency payments under subtitle C of the Agricultural Market Transition Act (7 U.S.C. 7231 et seq.) to make the payments required by subsection (b).

SEC. 3021. Notwithstanding 50 U.S.C. App. 1989b et seq. and in addition to any funds previously appropriated for this purpose, the Attorney General may make available from any funds available to the Department of Justice not more than $4,300,000 for the purpose of paying restitution to individuals, (1) who are eligible for restitution under the Civil Liberties Act of 1988 (50 U.S.C. App. 1989b et seq.) and who have filed timely claims for restitution, or (2) who are found eligible under the settlement agreement in the case of Carmen Mochizuki et al. v. United States (Case No. 97–294C, United States Court of Federal Claims) and filed timely claims covered by the agreement.

SEC. 3022. Notwithstanding any other provision of law, the taking of a Cook Inlet beluga whale under the exemption provided in section 101(b) of the Marine Mammal Protection Act (16 U.S.C. 1371(a)) between the date of the enactment of this Act and October 1, 2000, shall be considered a violation of such Act unless such taking occurs pursuant to a cooperative agreement between the National Marine Fisheries Service and affected Alaska Native organizations.

SEC. 3023. Section 626 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999 (as contained in section 101(b) of division A of Public Law 105–277) is repealed.

SEC. 3024. Notwithstanding any other provision of law, the Director of the Office of Crime Victims of the Office of Justice Programs, Department of Justice, may make grants, as provided in the Victims of Crime Act of 1984, as amended, to victim service organizations and public agencies (including Federal, State, and local governments and non-profit organizations) that will provide emergency or on-going assistance to the victims of the bombing of Pan Am flight 103. These grants shall be used only to provide emergency relief (including compensation, assistance, and crisis response) and other related victim services.

SEC. 3025. Section 617 of the Department of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999 (as added by section 101(b) of division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)) is amended—

(1) by striking subsection (a) and inserting in lieu thereof the following:

"(a) None of the funds made available in this Act or any other Act hereafter enacted may be used to issue or renew a fishing permit or authorization for any fishing vessel of the United States greater than 165 feet in registered length, of more than 750 gross registered tons, or that has an engine or engines capable of producing a total of more than 3,000 shaft horsepower as specified in the permit application required under part 648.4(a)(5) of title 50, Code of Federal Regulations, part 648.12 of title 50, Code of Federal Regulations, and the authorization required under part 648.80(d)(2) of title 50, Code of Federal Regulations, to engage in fishing for Atlantic mackerel or herring (or both) under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), unless the regional fishery management council of jurisdiction recommends after October 21, 1998, *and the Secretary of Commerce approves, conservation and management measures in accordance with such Act to allow such vessel to engage in fishing for Atlantic mackerel or herring (or both)."; and*

(2) in subsection (b), by striking "subsection (a)(1)" and inserting "subsection (a)".

SEC. 3026. The Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999 (as contained in division A, section 101(b) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)) is amended—

(a) in title I, under the heading "Legal Activities, Salaries and Expenses, General Legal Activities", by inserting "and shall remain available until September 30, 2000" after "Holocaust Assets in the United States"; and

(b) in title IV, under the heading "Department of State, Administration of Foreign Affairs, Salaries and Expenses", by inserting "and shall remain available until September 30, 2000" after "Holocaust Assets in the United States".

SEC. 3027. (a) The American Fisheries Act (title II of division C of Public Law 105–277) is amended—

(1) in section 202(b) by inserting a comma after "United States Code";

(2) in section 207(d)(1)(A) by striking "Fishery Conservation and Management";

(3) in section 208(b)(1) by striking "615085" and inserting "633219";

(4) in section 209(4) by striking "Uoited" and inserting "United";

(5) in section 210(g), by striking the first sentence and inserting "The violation of any of the requirements of this subtitle or any regulation or permit issued pursuant to this subtitle shall be considered the commission of an act prohibited by section 307 of the Magnuson-Stevens Act (16 U.S.C. 1857), and sections 308, 309, 310, and 311 of such Act (16 U.S.C. 1858, 1859, 1860, and 1861) shall apply to any such violation in the same manner as to the commission of an act prohibited by section 307 of such Act (16 U.S.C. 1857).";

(6) in section 213(c)(1) by striking "title" and inserting "subtitle"; and

(7) in section 213(c)(2) by striking "title" and inserting "subtitle".

(b) Section 12122(c) of title 46, United States Code, is amended by inserting a comma after "statement or representations".

(c) The limitation on registered length contained in section 12102(c)(6) of title 46, United States Code, shall not apply to a vessel used solely in any menhaden fishery which is located in the Gulf of Mexico or along the Atlantic coast south of the area under the authority of the New England Fishery Management Council for so long as such vessel is used in such fishery.

SEC. 3028. Section 113 of the Department of Justice Appropriations Act, 1999 (section 101(b) of division A of Public Law 105–277) is amended by striking all after the second comma and inserting "the terms 'tribe', 'Indian tribe' or 'tribal' mean of or relating to an Indian tribe as that term is defined in section 4(e) of the Indian Self Determination and Education Assistance Act (Public Law 93–638, as amended; 25 U.S.C. 450b(e) (1998)).".

SEC. 3029. (a) AVAILABILITY OF SETTLEMENT AMOUNT.—Notwithstanding any other provision of law, the amount received by the United States in settlement of the claims described in subsection (b) shall be available as specified in subsection (c).

(b) COVERED CLAIMS.—The claims referred to in this subsection are the claims of the United States against Hunt Building Corporation and Ellsworth Housing Limited Partnership relating to the design and construction of an 828-unit family housing project at Ellsworth Air Force Base, South Dakota.

(c) SPECIFIED USES.—

(1) IN GENERAL.—Subject to paragraph (2), the amount referred to in subsection (a) shall be available as follows:

(A) Of the portion of such amount received in fiscal year 1999—

(i) an amount equal to 3 percent of such portion shall be credited to the Department of Justice Working Capital Fund for the civil debt collection litigation activities of the Department with respect to the claims referred to in subsection (b), as provided for in section 108 of Public Law 103–121 (107 Stat. 1164; 28 U.S.C. 527 note); and

(ii) of the balance of such portion—

(I) an amount equal to ⅞ of such balance shall be available to the Secretary of Transportation for purposes of construction of an access road on Interstate Route 90 at Box Elder, South Dakota (item 1741 of the table contained in section 1602 of the Transportation Equity Act for the 21st Century (Public Law 105–178; 112 Stat. 320)); and

(II) an amount equal to ⅛ of such balance shall be available to the Secretary of the Air Force for purposes of real property and facility maintenance projects at Ellsworth Air Force Base.

(B) Of the portion of such amount received in fiscal year 2000—

(i) an amount equal to 3 percent of such portion shall be credited to the Department of Justice Working Capital Fund in accordance with subparagraph (A)(i); and

(ii) an amount equal to the balance of such portion shall be available to the Secretary of Transportation for purposes of construction of the access road described in subparagraph (A)(ii)(I).

(C) Of any portion of such amount received in a fiscal year after fiscal year 2000—

(i) an amount equal to 3 percent of such portion shall be credited to the Department of Justice Working Capital Fund in accordance with subparagraph (A)(i); and

(ii) an amount equal to the balance of such portion shall be available to the Secretary of the Air Force for purposes of real property and facility maintenance projects at Ellsworth Air Force Base.

(2) LIMITATION ON AVAILABILITY OF FUNDS FOR ACCESS ROAD.—

(A) LIMITATION.—The amounts referred to in subparagraphs (A)(ii)(I) and (B)(ii) of paragraph (1) shall be available as specified in such subparagraphs only if, not later than September 30, 2000, the South Dakota Department of Transportation enters into an agreement with the Federal Highway Administration providing for the construction of an interchange on Interstate Route 90 at Box Elder, South Dakota.

(B) ALTERNATIVE AVAILABILITY OF FUNDS.—If the agreement described in subparagraph (A) is not entered into by the date referred to in that subparagraph, the amounts described in that subparagraph shall be available to the Secretary of the Air Force as of that date for purposes of real property and facility maintenance projects at Ellsworth Air Force Base.

(3) AVAILABILITY OF AMOUNTS.—

(A) ACCESS ROAD.—Amounts available under this section for construction of the access road described in paragraph (1)(A)(ii)(I) are in addition to amounts available for the construction of that access road under any other provision of law.

(B) PROPERTY AND FACILITY MAINTENANCE PROJECTS.—Notwithstanding any other provision of law, amounts available under this section for property and facility maintenance projects at Ellsworth Air Force Base shall remain available for expenditure without fiscal year limitation.

SEC. 3030. The Corps of Engineers is directed to reprogram $800,000 of the funds made available to that agency in fiscal year 1999 for the operation of the Pick-Sloan project to perform the preliminary work needed to transfer Federal lands to certain tribes and the State of South Dakota, and to protect invaluable Indian cultural sites, under the Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and State of South Dakota Terrestrial Wildlife Habitat Restoration Act.

SEC. 3031. PROHIBITION ON TREATING ANY FUNDS RECOVERED FROM TOBACCO COMPANIES AS AN OVERPAYMENT FOR PURPOSES OF MEDICAID. (a) AMENDMENT TO SOCIAL SECURITY ACT.—Section 1903(d)(3) of the Social Security Act (42 U.S.C. 1396b(d)(3)) is amended—

(1) by inserting "(A)" after "(3)"; and

(2) by adding at the end the following:

"(B)(i) Subparagraph (A) and paragraph (2)(B) shall not apply to any amount recovered or paid to a State as part of the comprehensive settlement of November 1998 between manufacturers of tobacco products, as defined in section 5702(d) of the Internal Revenue Code of 1986, and State Attorneys General, or as part of any individual State settlement or judgment reached in litigation initiated or pursued by a State against one or more such manufacturers.

"(ii) Except as provided in subsection (i)(19), a State may use amounts recovered or paid to the State as part of a comprehensive or individual settlement, or a judgment, described in clause (i) for any expenditures determined appropriate by the State.".

(b) PROHIBITION ON PAYMENT FOR ADMINISTRATIVE EXPENSES INCURRED IN PURSUING TOBACCO LITIGATION.—Section 1903(i) of the Social Security Act (42 U.S.C. 1396b(i)) is amended—

(1) in paragraph (18), by striking the period and inserting "; or"; and

(2) by inserting after paragraph (18) the following new paragraph:

"(19) with respect to any amount expended on administrative costs to initiate or pursue litigation described in subsection (d)(3)(B).".

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall apply to amounts paid to a State prior to, on, or after the date of the enactment of this Act.

SEC. 3032. (a) The treatment provided to firefighters under section 628(f) of the Treasury and General Government Appropriations Act, 1999 (as included in section 101(h) of division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)) shall be provided to any firefighter who—

(1) on the effective date of section 5545b of title 5, United States Code—

(A) was subject to such section; and

(B) had a regular tour of duty that averaged more than 60 hours per week; and

(2) before December 31, 1999, is involuntarily moved without a break in service from the regular tour of duty under paragraph (1) to a regular tour of duty that—

(A) averages 60 hours or less per week; and

(B) does not include a basic 40-hour workweek.

(b) Subsection (a) shall apply to firefighters described under that subsection as of the effective date of section 5545b of title 5, United States Code.

(c) The Office of Personnel Management may prescribe regulations necessary to implement this section.

SEC. 3033. HOWELL T. HEFLIN POST OFFICE BUILDING. (a) DESIGNATION.—The facility of the United States Postal Service under construction at Tuscumbia, Alabama is designated as the "Howell T. Heflin Post Office Building".

(b) LEGAL REFERENCES.—Any reference in a law, regulation, document, record, map, or other paper of the United States to the facility referred to in subsection (a) is deemed to be a reference to the "Howell T. Heflin Post Office Building".

Sec. 3034. (a) Consideration for Land Conveyance, San Joaquin County, California.—Subsection (c) of section 140 of division C of Public Law 105–277 is amended—

(1) by inserting "(1)" before "The purpose"; and

(2) by adding at the end the following new paragraph:

"(2) Notwithstanding subsection (a), the conveyance of the approximately 150-acre parcel described in paragraph (1) shall be without consideration. As consideration for the approximately 50-acre parcel intended for economic development, which shall be selected by the City, the City shall pay to the United States an amount equal to the fair market value of the parcel, as determined by an appraisal satisfactory to the Attorney General and the City.".

(b) Conditions on Use.—Subsection (d) of such section is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraph (3) as paragraph (2).

(c) Reversion.—Subsection (e) of such section is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraph (3) as paragraph (2).

(d) Time for Conveyance.—Subsection (a) of such section is amended by striking "120 days after the date of the enactment of this Act" and inserting "August 21, 1999".

Sec. 3035. Notwithstanding any other provision of law, the Administrator of General Services is directed to utilize resources in the Federal Buildings Fund to purchase, at fair market value, not to exceed $700,000, the United States Post Office and Federal Courthouse Building located on Mill Street in Fergus Falls, Minnesota: Provided, That such sums necessary to effect this provision are appropriated from the Federal Buildings Fund.

TITLE IV—RESCISSIONS AND OFFSETS

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

FOOD STAMP PROGRAM

(RESCISSION)

Of the amounts made available under this heading in division A, section 101(a), title IV of Public Law 105–277, $1,250,000,000 are rescinded.

DEPARTMENT OF STATE AND RELATED AGENCIES

RELATED AGENCIES

United States Information Agency

BUYING POWER MAINTENANCE

(RESCISSION)

Of the unobligated balances available under this heading, $20,000,000 are rescinded.

MULTILATERAL ECONOMIC ASSISTANCE

Funds Appropriated to the President

International Financial Institutions

Contribution to the International Bank for Reconstruction and Development

Global Environment Facility

(RESCISSION)

Of the funds appropriated under this heading in Public Law 105–277, $25,000,000 are rescinded.

Other Bilateral Economic Assistance

ECONOMIC SUPPORT FUND

(RESCISSION)

Of the funds appropriated under this heading in Public Law 105–277 and in prior acts making appropriations for foreign operations, export financing, and related programs, $5,000,000 are rescinded.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

MANAGEMENT OF LANDS AND RESOURCES

(RESCISSION)

Of the amounts appropriated under this heading in previous appropriations Acts, $6,800,000 are rescinded.

DEPARTMENT OF LABOR

Employment and Training Administration

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

Under this heading in section 101(f) of Public Law 105-277, strike "$3,132,076,000" and insert "$3,109,676,000" and strike "$180,933,000" and insert "$163,533,000".

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

FEDERAL CAPITAL LOAN PROGRAM FOR NURSING

(RESCISSION)

Of the funds made available under the Federal Capital Loan Program for Nursing appropriation account, $2,800,000 are rescinded.

DEPARTMENT OF EDUCATION

EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

(RESCISSION)

Of the funds made available under this heading in section 101(f) of Public Law 105–277, $6,500,000 are rescinded.

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

(RESCISSIONS)

Of the funds provided in the Military Construction Appropriations Act, 1999, the following funds are hereby rescinded as of the date of the enactment of this Act from the following accounts in the specified amounts:

"Military Construction, Army", $3,000,000;

"Military Construction, Navy", $2,000,000;

"Military Construction, Air Force", $3,000,000;

"Military Construction, Defense-Wide", $2,000,000;

"Family Housing, Army" for Construction, $1,000,000; for Operations and Maintenance, $7,000,000;

"Family Housing, Navy" for Construction, $1,000,000; for Operations and Maintenance, $2,000,000;

"Family Housing, Air Force" for Construction, $1,000,000; for Operations and Maintenance, $3,000,000; and

"Base Realignment and Closure Account, Part IV", $6,400,000.

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

Payments to Air Carriers

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the budgetary resources provided for "Small Community Air Service" by Public Law 101–508 for fiscal years prior to fiscal year 1998, $815,000 are rescinded.

FEDERAL HIGHWAY ADMINISTRATION

State Infrastructure Banks

(RESCISSION)

Of the available balances under this heading, $6,500,000 are rescinded.

FEDERAL TRANSIT ADMINISTRATION

Trust Fund Share of Transit Programs

(HIGHWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the budgetary resources provided for "Trust fund share of transit programs" in Public Law 102-240 under 49 U.S.C. 5338(a)(1), $665,000 are rescinded.

Interstate Transfer Grants—Transit

Of the available balances under this heading, $600,000 are rescinded.

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

Salaries and Expenses

(RESCISSION)

Of the funds made available under this heading in division A of the Omnibus Consolidated and Emergency Supplemental Appropriations, 1999 (Public Law 105–277) $4,500,000 for the expansion of the National Tracing Center are rescinded.

EXECUTIVE OFFICE OF THE PRESIDENT

FUNDS APPROPRIATED TO THE PRESIDENT

Unanticipated Needs

(RESCISSION)

Of the funds made available under this heading in Public Law 101–130, the Fiscal Year 1990 Dire Emergency Supplemental to Meet the Needs of Natural Disasters of National Significance, $10,000,000 are rescinded.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Public and Indian Housing

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(RESCISSION)

Of the amounts recaptured from funds appropriated under this heading during fiscal year 1999 and prior years, $350,000,000 are rescinded.

Community Planning and Development

COMMUNITY DEVELOPMENT BLOCK GRANTS

(RESCISSION)

Of the unobligated balances available under this heading in division B, of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277), $230,000,000 are rescinded.

GENERAL PROVISION, THIS TITLE

Sec. 4001. Of the amount made available under division B, title V, chapter 1 of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277) $22,466,000 are rescinded.

TITLE V—TECHNICAL CORRECTIONS

Sec. 5001. The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (as contained in division A, section 101(a) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)) is amended:

(a) in title III, under the heading "Rural Community Advancement Program (Including Transfer of Funds)", by inserting "1926d," after "1926c,"; by inserting ", 306C(a)(2), and 306D" after "381E(d)(2)" the first time it appears in the paragraph; and by striking ", as provided in 7 U.S.C. 1926(a) and 7 U.S.C. 1926C";

(b) in title VII, in section 718 by striking "this Act" and inserting "annual appropriations Acts";

(c) in title VII, in section 747 by striking "302" and inserting "203"; and

(d) in title VII, in section 763(b)(3) by striking "section 402(d) of Public Law 94–265" and inserting "section 116(a) of Public Law 104–297".

Sec. 5002. The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999 (as contained in division A, section 101(d) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)) is amended—

(a) in title II under the heading "Burma" by striking "headings 'Economic Support Fund' and" and inserting "headings 'Child Survival and Disease Programs Fund', 'Economic Support Fund' and";

(b) in title V in section 587 by striking "199–339" and inserting "99–399";

(c) in title V in subsection 594(a) by striking "subparagraph (C)" and inserting "subsection (c)";

(d) in title V in subsection 594(b) by striking "subparagraph (a)" and inserting "subsection (a)"; and

(e) in title V in subsection 594(c) by striking "521 of the annual appropriations Act for Foreign Operations, Export Financing, and Related Programs" and inserting "520 of this Act".

SEC. 5003. Subsection 1706(b) of title XVII of the International Financial Institutions Act (22 U.S.C. 262r–262r–2), as added by section 614 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999, is amended by striking "June 30" and inserting "September 30".

SEC. 5004. The Department of the Interior and Related Agencies Appropriations Act, 1999 (as contained in division A, section 101(e) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)) is amended:

(1) in the last proviso under the heading "United States Fish and Wildlife Service, Administrative Provisions" by striking "section 104(c)(50)(B) of the Marine Mammal Protection Act (16 U.S.C. 1361–1407)" and inserting in lieu thereof "section 104(c)(5)(B) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407)".

(2) under the heading "Bureau of Indian Affairs, Operation of Indian Programs", by striking "$94,010,000" and inserting in lieu thereof "$94,046,000", by striking in lieu thereof "$114,871,000" and inserting "$114,891,000", by striking "$387,365,000" and inserting in lieu thereof "$389,307,000", and by striking "$52,889,000" and inserting in lieu thereof "$53,039,000".

(3) in section 354(a) by striking "16 U.S.C. 544(a)(2))" and inserting in lieu thereof "16 U.S.C. 544b(a)(2))".

(4) The amendments made by paragraphs (1), (2), and (3) of this section shall take effect as if included in Public Law 105–277 on the date of its enactment.

SEC. 5005. The Departments of Labor, Health and Human Services, Education, and Related Agencies Appropriations Act, 1999 (as contained in division A, section 101(f) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)) is amended—

(a) in title I, under the heading "Federal Unemployment Benefits and Allowances", by striking "during the current fiscal year" and inserting "from October 1, 1998, through September 30, 1999";

(b) in title II under the heading "Office of the Secretary, General Departmental Management" by striking "$180,051,000" and inserting "$188,051,000";

(c) in title II under the heading "Children and Families Services Programs, (Including Rescissions)" by striking "notwithstanding section 640(a)(6), of the funds made available for the Head Start Act, $337,500,000 shall be set aside for the Head Start Program for Families with Infants and Toddlers (Early Head Start): Provided further, That";

(d) in title II under the heading "Office of the Secretary, General Departmental Management" by inserting after the first proviso the following: "Provided further, That of the funds made available under this heading for carrying out title XX of the Public Health Service Act, $10,831,000 shall be for activities specified under section 2003(b)(2), of which $9,131,000 shall be for prevention service demonstration grants under section 510(b)(2) of title V of the Social Security Act, as amended, without application of the limitation of section 2010(c) of said title XX:";

(e) in title III under the heading "Special Education" by inserting before the period at the end of the paragraph the following: ": Provided further, That $1,500,000 shall be for the recipient of funds provided by Public Law 105–78 under section 687(b)(2)(G) of the Act to provide information on diagnosis, intervention, and teaching strategies for children with disabilities";

(f) in title II under the heading "Public Health and Social Services Emergency Fund" by striking "$322,000" and inserting "$180,000";

(g) in title III under the heading "Education Reform" by striking "$491,000,000" and inserting "$459,500,000";

(h) in title III under the heading "Vocational and Adult Education" by striking "$6,000,000" the first time that it appears and inserting "$14,000,000", and by inserting before the period at the end of the paragraph the following: ": Provided further, That of the amounts made available for the Perkins Act, $4,100,000 shall be for tribally controlled postsecondary vocational institutions under section 117";

(i) in title III under the heading "Higher Education" by inserting after the first proviso the following: "Provided further, That funds available for part A, subpart 2 of title VII of the Higher Education Act shall be available to fund awards for academic year 1999–2000 for fellowships under part A, subpart 1 of title VII of said Act, under the terms and conditions of part A, subpart 1:";

(j) in title III under the heading "Education Research, Statistics, and Improvement" by inserting after the third proviso the following: "Provided further, That of the funds appropriated under section 10601 of title X of the Elementary and Secondary Education Act of 1965, as amended, $1,000,000 shall be used to conduct a violence prevention demonstration program:";

(k) in title III under the heading "Reading Excellence" by inserting before the period at the end of the paragraph the following: ": Provided, That up to 1 percent of the amount appropriated shall be available October 1, 1998 for peer review of applications";

(l) in title V in section 510(3) by inserting after "Act" the following: "or subsequent Departments of Labor, Health and Human Services, Education, and Related Agencies Appropriations Acts"; and

(m)(1) in title VIII in section 405 by striking subsection (e) and inserting the following:

"(2) OTHER REFERENCES TO TITLE VII OF THE STEWART B. MCKINNEY HOMELESS ASSISTANCE ACT.—The table of contents of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 et seq.) is amended—

"(1) by striking the items relating to title VII of such Act, except the item relating to the title heading and the items relating to subtitles B and C of such title; and

"(2) by striking the item relating to the title heading for title VII and inserting the following:

"'TITLE VII—EDUCATION AND TRAINING'.".

(2) The amendments made by subsection (m)(1) of this section shall take effect as if included in Public Law 105–277 on the date of its enactment.

SEC. 5006. The last sentence of section 5595(b) of title 5, United States Code (as added by section 309(a)(2) of the Legislative Branch Appropriations Act, 1999; Public Law 105–275), is amended by striking "(a)(1)(G)" and inserting "(a)(1)(C)".

SEC. 5007. Division B, title II, chapter 5 of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277) is amended under the heading "Capitol Police Board, Security Enhancements" by inserting before the period at the end of the paragraph ": Provided further, That for purposes of carrying out the plan or plans described under this heading and consistent with the approval of such plan or plans pursuant to this heading, the Capitol Police Board shall transfer the portion of the funds made available under this heading which are to be used for personnel and overtime increases for the United States Capitol Police to the heading "Capitol Police Board, Capitol Police, Salaries" under the Act making appropriations for the legislative branch for the fiscal year involved, and shall allocate such portion between the Sergeant at Arms of the House of Representatives and the Sergeant at Arms and Doorkeeper of the Senate in such amounts as may be approved by the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate".

SEC. 5008. Division B, title 1, chapter 3 of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277) is amended under the heading "Family Housing, Navy and Marine Corps" by striking the word "Hurricane" and inserting "Hurricanes Georges and".

SEC. 5009. The Department of Transportation and Related Agencies Appropriations Act, 1999, as contained in division A, section 101(g) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277), is amended in title I under the heading "Capital Investment Grants (Including Transfer of Funds)" within the project description of project number 127, by inserting the words "and bus facilities" after the word "replacements", and within the project description of project number 261 by striking the words "Multimodal Center" and inserting "buses and bus related facilities".

SEC. 5010. The Department of Transportation and Related Agencies Appropriations Act, 1999, as contained in division A, section 101(g) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277), is amended in title I under the heading "Federal-Aid Highways (Limitation on Obligations) (Highway Trust Fund)" by striking "not more than $38,000,000 shall be available for the implementation and execution of the Ferry Boat and Ferry Terminal Facility Program", and inserting "not more than $59,290,000 shall be available for the implementation and execution of the Ferry Boat and Ferry Terminal Facility Program".

SEC. 5011. Section 3347(b) of title 5, United States Code, as added by the Federal Vacancies Reform Act of 1998, is amended by striking "provision to which subsection (a)(2) applies" and inserting "provision to which subsection (a)(1) applies".

TITLE VI—GENERAL PROVISIONS, THIS ACT

SEC. 6001. Effective October 1, 1999, section 234 of the Foreign Assistance Act of 1961 (22 U.S.C. 2194) is amended by—

(1) striking the paragraph within subsection 234(g) that is currently designated as 234(c);

(2) in paragraph (g)(2), changing the title to read "Equity Authority Limited to Projects in Sub-Saharan Africa and Caribbean Basin and Marine Transportation Projects Globally" and inserting after the words "Caribbean Basin Economic Recovery Act" the following: "and in marine transportation projects in countries and areas eligible for OPIC support worldwide using United States commercial maritime expertise"; and

(3) inserting a new paragraph (g)(5) to read: "IMPLEMENTATION.—To the extent provided in advance in Appropriations Acts, the Corporation is authorized to create such legal vehicles as may be necessary for implementation of its authorities, which legal vehicles may be deemed non-Federal borrowers for purposes of the Federal Credit Reform Act of 1990. Income and proceeds of investments made pursuant to this section 234(g) may be used to purchase equity or quasi-equity securities in accordance with the provisions of this section, provided, however, that such purchases shall not be limited to the 4-year period of the pilot program; and provided further, that the limitations contained in section 234(g)(2) shall not apply to such purchases.".

SEC. 6002. (a) AUTHORIZATION OF APPROPRIATIONS.—Section 48103 of title 49, United States Code, is amended by striking "$1,607,000,000 for *the 8-month period beginning October 1, 1998." and inserting "$2,050,000,000 for the period beginning October 1, 1998 and ending August 6, 1999.".*

(b) OBLIGATIONAL AUTHORITY.—Section 47104(c) of such title is amended by striking "May 31, 1999," and inserting "August 6, 1999,".

(c) LIQUIDATION OF CONTRACT AUTHORIZATION.—The Department of Transportation and Related Agencies Appropriations Act, 1999, as amended, is further amended as follows: Delete the last proviso under the heading "Grants-in-Aid for Airports, (Liquidation of Contract Authorization), (Airport and Airway Trust Fund)" and insert "Provided further, That not more than $1,660,000,000 of funds limited under this heading may be obligated before the enactment of a law extending contract authorization for the Grants-in-Aid for Airports Program beyond August 6, 1999.".

(d) MILITARY AIRPORT PROGRAM.—Section 47117(e)(1)(B) of title 49 is amended by striking "for each of fiscal years 1997 and 1998".

(e) RELEASE OF MWAA FUNDING.—Section 9(a) of the Interim Federal Aviation Administration Authorization Act (Public Law 106–6) is amended by striking "(an application that is pending at the Department of Transportation on March 17, 1999) for expenditure or obligation of up to $30,000,000" and inserting "for expenditure or obligation of up to $60,000,000".

(f) EXTENSION OF AVIATION INSURANCE PROGRAM.—Section 44310 of title 49, United States Code, is amended by striking "May 31, 1999" and inserting "August 6, 1999".

SEC. 6003. TITLE 49 RECODIFICATION CORRECTION.—Effective December 31, 1998, section 4(k) of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 1370), as amended by section 7(a)(3)(D) of the Act of October 31, 1994 (Public Law 103–429, 108 Stat. 4329), is repealed.

SEC. 6004. Section 3027(d)(3) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5307 note; 112 Stat. 366) as added by section 360 of the Department of Transportation and Related Agencies Appropriations Act, 1999 (as contained in division A, section 101(g) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)) is redesignated as section 3027(c)(3).

SEC. 6005. It is the sense of the Congress that there should continue to be parity between the adjustments in the compensation of members of the uniformed services and the adjustments in the compensation of civilian employees of the United States.

This Act may be cited as the "1999 Emergency Supplemental Appropriations Act".

And the Senate agree to the same.

BILL YOUNG,
RALPH REGULA,
JERRY LEWIS,
JOHN PORTER,
HAROLD ROGERS,
JOE SKEEN,
FRANK R. WOLF,
JIM KOLBE,
RON PACKARD,
SONNY CALLAHAN,
JAMES T. WALSH,
CHARLES H. TAYLOR,
DAVID L. HOBSON,
JOHN P. MURTHA,
NORMAN D. DICKS,
ALLAN B. MOLLOHAN,
Managers on the Part of the House.

TED STEVENS,
THAD COCHRAN,
ARLEN SPECTER,
PETE V. DOMENICI,
CHRISTOPHER S. BOND,
SLADE GORTON,
MITCH MCCONNELL,,
CONRAD BURNS,
RICHARD SHELBY,
ROBERT F. BENNETT,
BEN NIGHTHORSE CAMPBELL,
LARRY CRAIG,
KAY BAILEY HUTCHISON,
JON KYL,
ROBERT C. BYRD,
DANIEL K. INOUYE,
ERNEST F. HOLLINGS,
PATRICK J. LEAHY,
FRANK R. LAUTENBERG,
BARBARA A. MIKULSKI,
HARRY REID,
HERB KOHL,
DIANNE FEINSTEIN,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1141) making emergency supplemental appropriations for the fiscal year ending September 30, 1999, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effects of the action agreed upon by the managers and recommended in the accompanying conference report.

Report language included by the House in the report accompanying H.R. 1141 (H. Rept. 106–64) which is not changed by the Senate in the report accompanying S. 544 (S. Rept. 106–8), and Senate report language which is not changed by the conference are approved by the committee of conference. The statement of managers while repeating some report language for emphasis, is not intended to negate the language referred to above unless expressly provided herein.

The conferees have agreed to include in this conference report on H.R. 1141 matters addressed in the House version of H.R. 1664 as an expedient approach to getting appropriations enacted into law for the important requirements related to the conflict in Kosovo and Southwest Asia (Operation Desert Fox).

TITLE I

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY

ADDITIONAL FARM ASSISTANCE

The conferees recognize the problems facing agricultural producers today and understand that the actual needs for disaster assistance funds provided last year likely will exceed the projections of the Department of Agriculture. The Department of Agriculture has projected that net farm income will decline $3 billion below last year. The conferees expect the administration to monitor the situation closely and if necessary, submit requests for additional funds to the Congress for consideration.

EMERGENCY GRANTS TO ASSIST LOW-INCOME MIGRANT AND SEASONAL FARMWORKERS

The conference agreement provides $20,000,000 for emergency grants to assist low-income migrant and seasonal farmworkers instead of $25,000,000 as proposed by the Senate. The House had no similar provision. This program will provide assistance to farmworkers in areas of California and Florida impacted by natural disasters.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

The conference agreement does not include language proposed by the Senate providing additional funding for the agricultural marketing assistance and the rural business enterprise grant programs. The House had no similar provision. The conferees encourage the Department to give consideration to rural business enterprise grant applications from those States in the Northeast where apples and onions are grown. The conferees strongly encourage the Agricultural Marketing Service to consider applications for grants from these States to assist in the development of successful marketing strategies for apples and onions.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY

(SECTION 32)

The conference agreement provides $145,000,000 for activities under section 32 instead of $150,000,000 as proposed by the Senate. The conference agreement also includes language proposed by the Senate as a general provision allowing the Secretary of Agriculture to waive the limitation established under section 32 on the amount of funds that may be devoted during fiscal year 1999 to any one agricultural commodity or product. The House had no similar provisions.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

The conference agreement provides an additional $42,753,000 for salaries and expenses for temporary employees of the Farm Service Agency as proposed by both the House and the Senate.

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides a total of $109,609,000 for additional farm ownership loans, farm operating loans, emergency loans, and administrative expenses as proposed by both the House and the Senate, to remain available until September 30, 2000, as proposed by the House. The conference agreement also includes language to facilitate the repayment of funds re-directed from the Farm Service Agency Salaries and Expenses account in anticipation of supplemental funding, and to permit transfers between the farm operating and ownership guaranteed and direct lending programs subject to the prior approval of the House and Senate Committees on Appropriations.

EMERGENCY CONSERVATION PROGRAM

The conference agreement provides $28,000,000 for the Emergency Conservation Program instead of $30,000,000 as proposed by the Senate. The House had no similar provision. The conference agreement also includes statutory language to allow previously appropriated funds not needed for cost-sharing assistance to maple producers to replace taps and tubing to be available for other Emergency Conservation Program activities, and to allow funds to be used for certain streambank restoration.

The conferees are aware of a recent fire in Nebraska for which these funds may be available.

COMMODITY CREDIT CORPORATION FUND

LIVESTOCK INDEMNITY PROGRAM

The conference agreement provides $3,000,000 for the livestock indemnity program as proposed by the Senate, modified to state that the program shall be effective only for certain losses. The House had no similar provision.

NATURAL RESOURCES CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

The conference agreement provides $95,000,000 for Watershed and Flood Prevention Operations instead of $100,000,000 as proposed by the Senate, and deletes language proposed by the Senate regarding debris removal. The House had no similar provision. The conferees understand that authority currently exists for such debris removal activities.

RURAL ECONOMIC AND COMMUNITY DEVELOPMENT PROGRAMS

RURAL COMMUNITY ADVANCEMENT PROGRAM

The conference agreement provides $30,000,000 for direct loans and grants to rural utilities, of which $25,000,000 shall be for grants, as proposed by the Senate. The House had no similar provision.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

The conference agreement provides a total of $1,534,000 for section 502 single-family housing loans and for section 504 housing repair loans to meet needs resulting from natural disasters as proposed by the Senate. The House had no similar provision.

RURAL HOUSING ASSISTANCE GRANTS

The conference agreement provides $1,000,000 for very low-income housing repair to meet needs resulting from natural disasters as proposed by the Senate. The House had no similar provision.

GENERAL PROVISIONS, THIS CHAPTER

Senate Section 1101. The conference agreement does not include a general provision proposed by the Senate regarding the limitation established under Section 32 on the amount of funds devoted in a fiscal year to any one agricultural commodity or product. The House had no similar provision. This matter is addressed in the conference agreement under the heading "Funds for Strengthening Markets, Income, and Supply (Section 32)".

Senate Section 1102. The conference agreement includes language to allow assistance for certain multiyear crop losses for the years in which established loss thresholds were met. The Senate provision would have made losses in additional years eligible. The House had no similar provision.

Senate Section 1103. The conference agreement includes language which provides $28,000,000 in fiscal year 1999 and $35,000,000 in fiscal year 2000 through the Commodity Credit Corporation for technical assistance activities in carrying out the Conservation Reserve Program and the Wetlands Reserve Program. The Senate provision addressed fiscal year 1999. The House had no similar provision.

Senate Section 1104. The conference agreement includes language proposed by the Senate regarding commercial fisheries. The House had no similar provision.

Senate Section 1105. The conference agreement provides $70,000,000 for the livestock assistance program as proposed by the Senate, and adds language providing that the definition of livestock shall include reindeer. The House had no similar provision.

Senate Section 1106. The conference agreement does not include Section 1106, as proposed by the Senate, to extend the sales closing date for producers who applied for crop revenue coverage plus. The House had no similar provision. Similar provisions are included in Public Law 106–7.

Senate Section 4013. The conference agreement includes language proposed by the Senate regarding the Denali Commission Act of 1998, modified to include a contingent emergency declaration. The House had no similar provision.

CHAPTER 2

DEPARTMENT OF JUSTICE

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

ENFORCEMENT AND BORDER AFFAIRS

The conference agreement includes $80,000,000, as an emergency appropriation, to remain available until expended, as proposed in the House bill, for 2,945 additional detention beds for the detention of criminal aliens from Central America and illegal aliens from Central America apprehended at or near the border. The conferees understand that these funds are necessary to prevent criminal aliens from Central America from being released into the community while awaiting deportation and to provide for detention space at or near the border for apprehended illegal aliens from Central America and direct the Attorney General to administer these funds. The detention of aliens along the Southwest border serves as a major deterrent to potential illegal border crossings and is necessary to prevent large numbers of Central Americans from traveling north and illegally entering the U.S.

The conferees share the concerns raised in the House and Senate reports and strongly urge INS to address its management failures to adequately identify its detention needs, to request the necessary funds to prevent criminal aliens from being released, and to support the border enforcement strategy. The conferees recognize that the fiscal year 1999 budget request from INS only included minimal contract and State and local beds, approximately 100, necessitating the resource requirement that this supplemental attempts to address.

The conferees direct the INS to promptly deliver all previously requested and overdue reports.

OTHER PROVISIONS

Emergency Steel Loan Guarantee Act of 1999.—The Conference agreement deleted, without prejudice, the emergency steel loan guarantee program, as proposed by the Senate. No similar provision was included in the House bill.

Emergency Oil and Gas Guaranteed Loan Program Act.—The Conference agreement deleted, without prejudice, the emergency oil and gas guaranteed loan program, as proposed by the Senate. No similar provision was included in the House bill.

CHAPTER 3

Chapter 3 of the conference agreement recommends a total of $215,900,000 in new budget authority for the Department of Defense, instead of $194,900,000 as proposed by the House and $209,700,000 as proposed by the Senate, for disaster relief efforts resulting from Hurricanes Mitch and Georges in Central America.

The conferees agree to retain and amend language, as requested by the President and proposed by the House, which designates all appropriations as emergency requirements.

The following table provides details of the emergency supplemental appropriations in this chapter for disaster assistance related to Hurricanes Mitch and Georges.

DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

[In thousands of dollars]

	Budget	House	Senate	Conference
Military Personnel:				
Army Reserve	2,900	8,000	2,900	8,000
Army National Guard	6,000	7,300	7,300	7,300
Air National Guard	1,000	1,000	1,000	1,000
Total.				
Total	9,900	16,300	11,200	16,300
Operation and Maintenance:				
Army	69,500	69,500	50,000	50,000
Navy	16,000	16,000	16,000	13,900
Marine Corps	300	300	0	2,400
Air Force	8,800	8,800	8,000	8,800
Defense-Wide	46,500	46,500	21,000	21,000
Army National Guard	0	0	20,000	20,000
Overseas Humanitarian, Disaster, and Civic Aid	37,500	37,500	37,500	37,500
New Horizons Exercise Transfer Fund	0	0	46,000	46,000
Total	178,600	178,600	198,500	199,600
Grand Total	188,500	194,900	209,700	215,900

MILITARY PERSONNEL

The conferees recommend $16,300,000 as proposed by the House, instead of $11,200,000 as proposed by the Senate, to support National Guard and Reserve participation in the Enhanced New Horizons readiness training exercises in Central America. In addition, the conferees agree to retain House language which would make certain appropriations available to the Guard and Reserve subject to receipt of an emergency budget request by the President to the Congress.

OPERATION AND MAINTENANCE

The conferees agree to provide $199,600,000 for Operation and Maintenance costs associated with hurricane relief efforts in Central America, instead of $178,600,000 as proposed by the House and $198,500,000 as proposed by the Senate.

New Horizons Transfer Fund.—The conferees agree to provide $46,000,000 for the "New Horizons Exercise Transfer Fund", a new appropriations account proposed by the Senate. The conferees direct that the Department of Defense provide a report to the House and Senate Committees on Appropriations not later than June 30, 1999, which describes the allocation of funding from this account to the military services and defense-wide activities, and explains the specific projects and programs supported by this funding.

Operation and Maintenance, Marine Corps.—The conferees agree to provide $2,400,000. This amount reflects a technical correction needed to properly distribute funding which was originally requested for "Operation and Maintenance, Navy".

Operation and Maintenance, Defense-Wide.—The conferees agree to retain language proposed by the Senate which directs that $20,000,000 within this appropriation is only for the CINC Initiative Fund. The conferees also agree to delete language proposed by the Senate which rescinds $217,000,000 due to changes in the price of bulk fuel.

GENERAL PROVISIONS, THIS CHAPTER

The conferees agree to delete language proposed by the Senate which earmarks funds previously appropriated to the Department of Defense.

The conferees agree to retain and amend section 301, as proposed by the Senate, which waives the requirement for reimbursement of expenses for five additional foreign students at the military service academies.

The conferees agree to delete language proposed by the Senate which earmarks funds for the settlement of claims arising from the U.S. Marine Corps accident near Cavalese, Italy.

The conferees agree to retain section 302, as proposed by the Senate, which would allow military technicians to receive a per diem expense while deployed on active duty.

The conferees agree to delete language proposed by the Senate which authorizes the Department to obtain operational support aircraft through a multiyear lease.

The conferees agree to retain section 303, as proposed by the Senate, which authorizes the sale of 17,383 tons of zirconium ore.

The conferees agree to include section 304, which allows the Joint STARS program to use current year funds to adjust, record, and liquidate obligations associated with aircraft procured in fiscal years 1995 and 1996. The Joint STARS program refurbishes used aircraft before installing the new mission electronics. Unfortunately, these aircraft have been more difficult to refurbish than originally anticipated. Since the capability offered by Joint STARS is urgently needed to support military operations, disruptions to the delivery schedule through lack of funds would be detrimental to U.S. military capabilities. The general provision caps the authority to use previously appropriated funds at $50,700,000, and requires the Air Force to notify the congressional defense committees of the specific sources to be used for Joint STARS obligations. The provision further requires the Air Force to follow all normal reprogramming procedures.

CHAPTER 4

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

INTERNATIONAL DISASTER ASSISTANCE

The conference agreement appropriates $25,000,000 for the International Disaster Assistance account as proposed by the House. The Senate proposed $35,000,000.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

The conference agreement appropriates $50,000,000 in the Economic Support Fund for Jordan, the same amount as proposed by both the House and the Senate.

CENTRAL AMERICA AND THE CARIBBEAN EMERGENCY

DISASTER RECOVER FUND

The conference agreement appropriates $621,000,000 for the Central America and the Caribbean Emergency Disaster Recovery Fund (CACEDRF), the same amount proposed by the House. The Senate proposed $611,000,000 for the CACEDRF. The conference agreement includes language requiring the President to submit to Congress a specific budget request designating the entire amount as an emergency. The funds are to remain available until September 30, 2000.

The conference agreement provides transfer authority from the CACEDRF to several other accounts for the administrative and oversight costs of implementing the emergency recovery program in the region. For Operating Expenses of the Agency for International Development, the conference agreement appropriates up to $5,500,000 to remain available until September 30, 2000. The House provided $5,000,000 and the Senate provided $6,000,000.

For Operating Expenses of the AID Inspector General, the conference agreement appropriates up to $1,500,000, as proposed by the Senate, to be used for costs of audits, inspections, and other activities associated with the use of funds in the CACEDRF. The House proposed up to $2,000,000. The conference agreement provides up to $500,000 for the General Accounting Office to audit and monitor the use of CACEDRF funds, as proposed by the Senate. The House bill contained no provision on this matter.

The conferees continue to seek to prevent any misuse of U.S. foreign aid and have, therefore, made available funds from this account for the AID Inspector General and the General Accounting Office. In addition, the conferees believe that AID and GAO should help recipient governments play a central role in ensuring that this emergency assistance is utilized properly. The conferees encourage AID to support the efforts of recipient governments to engage independent private sector organizations to help improve institutional capability to resist corrupt practices and to report on the possible misuse of funds.

The conference agreement provides that not less than $2,000,000 from within the CACEDRF should be used for landmine clearing and the removal of unexploded ordinance in Nicaragua and Honduras as proposed by the Senate amendment. The House bill contained no provision on this matter.

The conference agreement prohibits the use of non-project assistance from this account as proposed by the House. The Senate allowed non-project assistance subject to the regular notification procedures of the Appropriations Committee.

The managers concur with report language under this heading in both the Senate and House reports, and encourage OMB and AID to regularly consult with the Committees on implementation of recommendations and directives contained in the reports.

The Senate included bill language encouraging AID to promote reforestation and energy conservation. The House bill contained no similar provision. The conference report contains no bill language specifically related to these two issues, but the managers agree on the importance of energy and reforestation and believe that these priorities should be integrated into AID's overall relief and reconstruction efforts in the region. The conferees support funding to promote the critical energy sector through the use of energy-efficient services and technologies and, where feasible, renewable energy such as biomass. Prompt and full restoration of power generation facilities at the El Cajon Dam in Honduras is of special interest to the Conferees because of the foreign exchange and environmental costs of alternative sources. The managers expect the AID will undertake efforts to promote reforestation, with careful attention to the choice, placement, and management of species of trees consistent with watershed management objectives designed to minimize future storm damage. Further, the managers agree on the importance of technology transfers in support of reforestation and agro-forestry.

The Senate included bill language providing up to $10,000,000 from within the CACEDRF to establish a scholarship fund at Zamorano Agricultural University in Honduras for low-to-middle income students. The House bill contained no provision on this matter. The managers believe greater access to education is essential to long-term development in Central America and encourage AID to assist Central American governments in increasing lower income student enrollment in the region's colleges and universities, especially at Zamorano University.

The conferees encourage the use of the Pan American Health Organization for the implementation and coordination of regional infectious disease prevention programs funded in this account.

The conference agreement includes language waiving certain laws relating to expenditure of funds by AID. The Senate bill provided broad authority to waive existing laws related to contracts, subject to AID reporting to Congress. The House contained no similar provision. While the conference agreement contains no waiver for AID contracting authority, the conferees believe that existing AID contracting and procurement regulations already permit AID to exercise significant latitude in making and amending contracts in urgent and compelling situations. The assistance provided in this account is to respond to urgent and compelling needs in the region and, therefore, AID should exercise its contracting waivers to help reduce delays in AID's procurement processes so that these supplemental funds can reach those in need more rapidly. The managers expect AID to keep the Committees on Appropriations informed of the use of contract and procurement waivers for projects funded from CACEDRF funds. The conference agreement allows AID to charge to the CACEDRF certain financial obligations made from other AID development accounts after April 30, 1999. The managers expect that, to the extent practicable, contracts and grants should be awarded to U.S. private organizations and individuals, including those linked with indigenous Central American counterparts, provided that such a preference does not delay or hinder the delivery of assistance. The conferees encourage the use of the private sector, especially in such technical areas as mapping, to the maximum extent possible. New base maps that identify future flood hazards are urgently needed to help mitigate risks associated with proposed reconstruction efforts.

At the request of the Administration, the agreement also includes bill language making inapplicable section 110 of the Foreign

Assistance Act regarding host country contributions to certain U.S. development projects. The managers are aware that the governments of the affected nations bear the primary responsibility for their nations' reconstruction and have already dedicated enormous resources to relief and reconstruction efforts. These nations are expected to spend a considerable percentage of their annual government budget on reconstruction projects in upcoming years, making the need for section 110 cost sharing requirements unnecessary.

The conference agreement reiterates that all funds in the CACEDRF as well as funds appropriated in this Act which are in addition to funds made available under title II of the 1999 Foreign Operations Act, be subject to section 580 of the 1999 Foreign Operations Act, regarding the ceiling on overall population planning assistance. This is similar to the provision recommended by the House. The Senate bill contained no similar provision.

The conferees encourage AID to consider Costa Rica among those nations eligible for funds from this account as a result of the costs assumed by Costa Rica in providing refuge to hurricane victims from neighboring Central American nations.

The conference agreement also includes technical language to permit any transfer of funds to the Export-Import Bank to be used as subsidy credit authority under the Credit Reform Act of 1990.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

The conference agreement appropriates $23,000,000 for anti-narcotics drug research and development programs as proposed by the Senate. Further, the conference agreement makes the funds available only after the President transmits to Congress a budget request that includes a designation of the funds as an emergency need. The House bill contained no similar provisions. The conferees expect that any future funding for drug research programs will be funded through the Office of National Drug Control Policy.

The conferees are aware that Central American and Caribbean nations are facing budget shortfalls in government anti-narcotics and drug interdiction programs created due to the redirection of funding to urgent reconstruction efforts. Since these supplemental funds will increase the overall resources available for the State Department narcotics control programs for fiscal year 1999, the conferees encourage the State Department to consider dedicating additional anti-narcotics resources to nations affected by the hurricanes.

DEPARTMENT OF THE TREASURY

DEBT RESTRUCTURING

The conference agreement appropriates $41,000,000 for debt restructuring as provided by both the House and the Senate. The conference agreement requires that all funds for the Central America Emergency Trust Fund, administered by the World Bank, are subject to the regular notification procedures of the Committees.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

The conference agreement appropriates $50,000,000 for Foreign Military Financing grants for Jordan, as provided by the House and Senate.

GENERAL PROVISIONS—THIS CHAPTER

The conference agreement includes a general provision designating funds in this chapter as an emergency under the Balance Budget and Emergency Deficit Control Act of 1985.

The conference agreement includes a general provision providing a supplemental appropriation of $6,500,000 for the Economic Support Fund for election monitoring and related activities for East Timor.

The conference agreement includes a general provision, similar to a provision in the Senate amendment, that transfers responsibility for certain counternarcotics research and development activities from the Department of Agriculture to the Department of State.

CHAPTER 5

The managers understand that the estimates, which form the basis for the emergency construction appropriations herein, are based on preliminary damage determinations. Refinements and re-estimates, that result in allocations different from preliminary projections, may be necessary. The managers expect funds to be provided consistent with established priorities. Before proceeding with final allocations to the field, the managers expect the agencies to provide a report that identifies all of the projects considered for funding, including any changes from earlier estimates.

DEPARTMENT OF THE INTERIOR

UNITED STATES FISH AND WILDLIFE SERVICE

CONSTRUCTION

The managers have provided $12,612,000 for construction, contingent on a Presidential declaration of emergency, as proposed by the Senate instead of no funding as proposed by the House. The amount included herein provides funds for emergency repairs associated with Federally-declared emergencies in the Pacific Northwest and for the full cost of emergency replacement of generating equipment at Midway Atoll National Wildlife Refuge.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

RECONSTRUCTION AND CONSTRUCTION

The managers have provided $5,611,000, contingent on a Presidential declaration of emergency, for reconstruction and construction to address damages from hurricane Georges and other natural disasters in Puerto Rico as proposed by the House instead of no funding as proposed by the Senate.

OTHER RELATED AGENCY

UNITED STATES HOLOCAUST MEMORIAL COUNCIL

HOLOCAUST MEMORIAL COUNCIL

The managers have provided $2,000,000, contingent on a Presidential declaration of emergency, for the Holocaust Memorial Council to address security needs as proposed by the Senate instead of no funding as proposed by the House.

GENERAL PROVISION—THIS CHAPTER

Section 501.—The managers have modified language proposed by the Senate section 2319) dealing with compensation for Dungeness crab fishermen in Glacier Bay, Alaska and deferring National Park Service Construction funding. The deferral proposed by the Senate has been deleted. The modification to the compensation language is described below.

The managers have agreed to revisions to the Senate provision expanding the compensation program for those negatively affected by restrictions on commercial fishing. In addition, full funding of $26,000,000, contingent on a Presidential declaration of emergency, is provided to implement the compensation program. To provide a transition period for fishermen, crew, fish processors, communities, and others negatively affected, the managers have agreed to suspend the ban on commercial fishing through the upcoming fishing season to provide fishermen on additional season to fish. During the fishing season, the managers expect the Department of the Interior, after consulting fully with the State of Alaska, to expedite development of the compensation program so that compensation can be distributed no later than the end of the fishing season.

The managers have not included language as proposed by the Senate (section 1403) providing royalty reductions for oil and gas producers. The house had no similar provision.

CHAPTER 6

INDEPENDENT AGENCY

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

Deletes language proposed by the Senate which would have rescinded $10,000,000 for research through the Climate Change Technology Initiative.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

The conferees have agreed to provide $900,000,000 for disaster relief, instead of $372,000,000 as requested by the President in a letter dated may 10, 1999. This issue was not addressed by either the House or the Senate. Included in this amount are funds needed to allow FEMA to respond to the tornado-related damage in Oklahoma, Kansas, Texas, and Tennessee, including the repair and replacement of public buildings such as schools and public libraries. In addition, the amount provided should be sufficient to meet the immediate needs associated with any disaster events which occur in the remaining months of this fiscal year. The conferees are very troubled that the Congress was not notified in a timely manner of the fact that disaster close-out activities were resulting in a rate of obligation much faster than normal, which would have resulted in a year-end shortfall in the disaster relief fund absent supplemental appropriations. It is expected that the administration will monitor closely the obligation rate and provide timely and accurate data on the status of the disaster relief fund in the future. The amount provided is available only to the extent that an official budget request for a specific amount, which includes designation of the entire amount of the request as an emergency, is transmitted by the President to the Congress.

DISASTER ASSISTANCE FOR UNMET NEEDS

The conferees have provided $230,000,000 for disaster assistance for unmet needs instead of $313,600,000 as proposed by the Senate and no funds as proposed by the House. The conferees have included bill language intended to give the Director of the Federal Emergency Management Agency (FEMA) sufficient flexibility to respond to the unmet needs of Presidentially-declared disasters occurring during fiscal years 1998 and 1999.

Appropriations totaling $313,600,000 had previously been made to the Department of Housing and Urban Development (HUD) in order to address such unmet needs. However, the conferees are concerned with HUD's inability to move aggressively to implement an effective disaster relief program for such needs and have concluded that FEMA is the appropriate Federal agency to carry out this program. Accordingly, FEMA should make every effort to move expeditiously to provide for these unmet needs to the greatest extent possible.

In this regard, the conferees have provided flexibility beyond that normally available to FEMA to respond to Presidentially-declared events occurring during 1998 and 1999. Among these is the 1998 Northeast ice storm, which significantly damaged large areas of New York, Vermont, New Hampshire, and Maine. Except for Maine, the Director is urged to review promptly and respond to the needs of this area. In particular, the conferees are aware of the unprecedented impact of this storm on the electrical infrastructure of the region, and that the costs associated with restoring essential electric service constitutes the largest single unmet need.

In addition, FEMA is expected to work with Puerto Rico regarding the damage caused by Hurricane Georges, as well as the States of Mississippi and Kansas to address the damage resulting from recent floods in those states. The conferees understand that damage estimates provided by Mississippi total some $66,000,000 for buy-outs and other assistance. Similarly, the conferees note the devastation caused by the 1998 Halloween flood in Kansas, and strongly urge FEMA to provide sufficient funds for buy-out assistance and appropriate compensation for homeowners and businesses in Butler, Cowley, and Sedgwick counties. Such buy-out requirements have been estimated to be $20,000,000.

Finally, the conferees urge FEMA to respond promptly to the appropriate disaster needs of the City of Kelso, Washington.

TITLE II—EMERGENCY NATIONAL SECURITY SUPPLEMENTAL APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

PUBLIC LAW 480 PROGRAM AND GRANT ACCOUNTS

The conference agreement provides an additional $149,200,000 for assistance under title II of Public Law 480 for humanitarian food aid in the Balkans and other regions of need. The House and the Senate had no similar provision.

CHAPTER 2

DEPARTMENT OF STATE

ADMINISTRATIVE OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

The conference agreement includes $17,071,000, as an emergency appropriation, to remain available until expended, as proposed in the House bill.This amount provides for the costs of diplomatic efforts related to the Kosovo crisis, including the costs of shutting down embassy operations in Belgrade and enhancing security at posts in the region.

SECURITY AND MAINTENANCE OF UNITED STATES MISSIONS

The conference agreement includes $50,500,000, as an emergency appropriation, to remain available until expended, as provided in the House bill. Of this amount, $45,500,000 is provided above the request, and release of any portion of this funding is contingent upon a Presidential emergency designation. The amount above the request is provided for the costs of constructing fully secure State Department facilities in the Kosovo region, including, if applicable, costs of constructing Marine Security Guard quarters. Prior to the expenditure of any portion of the funds provided above the request, the Department is directed to submit a notification to the Senate and House Committees on Appropriations containing project spending plans. The conferees agree that any such spending plans shall address the highest priority security construction needs in the region and result in at least one embassy facility in the region that fully meets existing State Department security standards.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

The conference agreement includes $2,929,000, as an emergency appropriation, to remain available until expended, as proposed in the House bill. The conference agreement includes language transferring $500,000 to the Peace Corps and $450,000 to the U.S. Information Agency for the costs of evacuating personnel and dependents of those agencies.

CHAPTER 3

DEPARTMENT OF DEFENSE—MILITARY

Chapter 3 of the conference agreement recommends a total of $10,196,495,000 in new budget authority for the Department of Defense, for costs resulting from ongoing contingency operations in Southwest Asia and Kosovo, as well as other urgent high priority military readiness matters.

The following table provides details of the emergency supplemental appropriations in this Chapter for contingency operations and military readiness.

DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATIONS

[In thousands of dollars]

	Request	House	Conference
Military Personnel:			
Army	2,920	2,920	2,920
Navy	7,660	7,660	7,660
Marine Corps	1,586	1,586	1,586
Air Force	4,303	4,303	4,303
Total	16,469	16,469	16,469
Operation and Maintenance:			
Overseas Contingency Operations Transfer Fund:			
Readiness	3,907,300	3,907,300	3,907,300
Munitions	684,300	....	....
Readiness/Munitions	850,000	1,311,800	1,100,000
Total	5,441,600	5,219,100	5,007,300
Procurement:			
Weapons Procurement, Navy (Tomahawk)	....	431,100	431,100
Aircraft Procurement, Air Force (ALE-50)	....	40,000	40,000
Missile Procurement, Air Force (CALCM)	....	178,200	178,200
Procurement of Ammunition, Air Force (JDAM)	....	35,000	35,000
Subtotal	....	684,300	684,300
Operational Rapid Response Transfer Fund	....	400,000	300,000
Total	....	1,084,300	984,300
General Provisions:			
Sec. 2007 (Spare Parts)	....	1,339,200	1,124,900
Sec. 2008 (Depot Maintenance)	....	927,300	742,500
Sec. 2009 (Recruiting)	....	156,400	100,000
Sec. 2010 (Readiness Training/OPTEMPO)	....	307,300	200,200
Sec. 2011 (Base Operations)	....	351,500	182,400
Sec. 2012 (Personnel Programs)	....	1,838,426	1,838,426
Total	....	4,920,126	4,188,426
Grand Total	5,458,069	11,239,995	10,196,495

The conferees note that the funding provided in the conference agreement for Operation Allied Force will increase the deficit for fiscal year 1999 excluding the surpluses generated by the Social Security trust funds. The conferees urge the committees of jurisdiction to develop legislation that will provide that the first claim on any surplus generated by the Federal government excluding the Social Security trust funds, in fiscal years 2000 and 2001 be used to cover the fiscal year 1999 outlays resulting from the conference agreement for the cost of Operation Allied Force.

REPORTING REQUIREMENTS

The conferees agree to the reporting requirements directed in House Report 106–125 regarding obligation of funds provided in this chapter.

MILITARY PERSONNEL

The conferees agrees to provide $16,469,000, as recommended in the budget request and proposed by the House, for additional military personnel pay and allowances in support of contingency operations in Southwest Asia.

OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND

The conferees agree to provide $5,007,300,000, instead of $5,219,100,000 as proposed by the House, for the "Overseas Contingency Operations Transfer Fund" for costs relating to Operation Allied Force and related NATO activities concerning Kosovo, and operations in Southwest Asia. Of this amount, $3,907,300,000 is provided for personnel and operations costs stemming from these operations. An additional $1,100,000,000 is provided on a contingent emergency basis to meet expected munitions and readiness-related Kosovo expenses, and will be made available only to the extent funds are requested in a subsequent budget request by the President.

PROCUREMENT

The conferees agree to provide $984,300,000 instead of $1,084,300,000 as proposed by the House, for requirements associated with operations in Kosovo and Southwest Asia. Of this amount, the conferees agree to provide $684,300,000 to various procurement accounts, for programs specified in the President's request to Congress, to replenish inventories of munitions used during the conduct of these operations. An additional $300,000,000 is provided in a new account, the "Operational Rapid Response Transfer Fund", instead of $400,000,000 as proposed by the House.

READINESS ENHANCEMENT

The conferees agree to provide $2,350,000,000 in contingent emergency appropriations, instead of $3,081,700,000 as proposed by the House, to rectify emerging readiness concerns. This funding includes: $1,124,900,000 for spare parts and associated logistical support needed to improve the mission capable rates of various weapons systems: $742,500,000 for unfunded depot maintenance requirements; $100,000,000 necessary for recruiting initiatives; $200,200,000 for readiness related training programs; and $182,400,000 for unfunded expenses related to base operations support.

With respect to the funding provided for spare parts and logistics, depot maintenance, and readiness-related training programs, the conference agreement provides that these funds shall be allocated by the Secretary of Defense and is subject to prior notification to the congressional defense committees. The conferees are aware that out of area operations have caused our regional commanders to experience significant shortages and dislocations. The conferees expect the Secretary to give priority to meeting the unfunded requirements of the regional commanders in chief in allocating these amounts. The conferees recognize the dynamic nature of requirements in these areas, and believe it prudent to provide the Secretary with sufficient flexibility to meet time-urgent demands in order to ensure that overall readiness is not degraded. The conference agreement provides funding for these areas with authority to transfer the funds as required to the appropriate accounts. The conferees direct that the Secretary of Defense provide written notification to the congressional defense committees 15 days prior to the transfer of any funds provided by these sections.

PERSONNEL PROGRAMS

The conference agreement includes $1,838,426,000 for the military personnel accounts for military pay and retirement costs, as proposed by the House. The obligation of these funds would be subject to the enactment of subsequent authorizing legislation and the designation of the funds as an emergency appropriation by the President.

CLASSIFIED PROGRAMS

The conference agreement concerning classified activities is contained in a classified annex to this statement of managers.

GENERAL PROVISIONS—THIS CHAPTER

The conferees agree to retain and amend section 2001, as proposed by the House, which provides for an increase in the fiscal year 1999 transfer authority available to the Department of Defense.

The conferees agree to retain section 2002, as proposed by the House, which provides that $10,000,000 of the funds provided in this Act may be available to the common funded budgets of NATO.

The conferees agree to retain and amend section 2003, as proposed by the House which provides authorization for funds for intelligence activities.

The conferees agree to retain and amend section 2004, as proposed by the House, which extends special authorities for contracts awarded or modified for the Joint Direct Attack Munition (JDAM) program.

The conferees agree to retain section 2005, as proposed by the House, which requires the President to seek an equitable reimbursement from the North Atlantic Treaty Organization (NATO), member nations of NATO, and other appropriate organizations and nations for the costs incurred by the United States government in connection with Operation Allied Force.

The conferees agree to retain section 2006, as proposed by the House, which directs that within thirty days of enactment of this Act, the President shall transmit to Congress a report, in both classified and unclassified format, on current United States government operations involving Kosovo,

The conferees agree to retain and amend section 2007, as proposed by the House, which appropriates $1,124,900,000, designated as contingent emergency appropriations, only for urgent shortfalls in Department of Defense spare and repair parts and associated logistical support.

The conferees agree to retain and amend section 2008, as proposed by the House, which appropriates $742,500,000, designated as contingent emergency appropriations, only for urgent shortfalls in the depot level maintenance and repair requirements of the Department of Defense.

The conferees agree to retain and amend section 2009, as proposed by the House which appropriates $100,000,000, designated as contingent emergency appropriations, only for urgent shortfalls in Department of Defense recruiting programs.

The conferees agree to retain and amend section 2010, as proposed by the House which appropriates $200,200,000, designated as contingent emergency appropriations, only for urgent readiness related training and operations tempo requirements of the Department of Defense.

The conferees agree to retain and amend section 2011, as proposed by the House which appropriates $182,400,000, designated as contingent emergency appropriations, only for urgent base operations support requirements of the Department of Defense.

The conferees agree to retain section 2012, as proposed by the House which appropriates $1,838,426,000, designated as contingent emergency appropriations, for the military personnel accounts, only for military pay and retirement costs.

CHAPTER 4

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

INTERNATIONAL DISASTER ASSISTANCE

The conference agreement appropriates $163,000,000, as proposed by the House, for "International Disaster Assistance", to remain available until expended. The entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress. The Senate amendment did not address this matter.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

The conference agreement appropriates $105,000,000, as proposed by the House, for "Economic Support Fund", to remain available until September 30, 2000, for assistance for Albania, Macedonia, Bulgaria, Bosnia-Herzegovina, Montenegro, and Romaina, and for investigations and related activities in Kosovo and in adjacent entities and countries regarding war crimes. These funds shall be available notwithstanding any other provision of law except section 533 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999 (as contained in Division A, section 101(d) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277)). In addition, the requirement for a notification through the regular notification procedures of the Committees on Appropriations contained in subsection (b)(3) of section 533 shall be deemed to be satisfied if the Committees on Appropriations are notified at least 10 days prior to the obligation of such funds.

The House bill included the same language, except that the requirement for a notification was reduced to 5 days. The Senate amendment did not address this matter.

WAR CRIMES

The conference agreement includes authority to provide funding to the International Criminal Tribunal for the Former Yugoslavia for investigations and prosecutions of war crimes in Kosovo, and for related activities. The managers note that the number of victims of war crimes in Kosovo may far exceed what is currently known. The managers believe the Administration's request of $5,000,000 for the War Crimes Tribunal is inadequate, and strongly recommend that up to an additional $13,000,000 be made available to meet the full request of the Tribunal, in consultation and coordination with other donors. In addition, the managers strongly recommend that $10,000,000 be provided to the State Department's Human Rights and Democracy Fund, to promptly obtain information from fleeing refugee victims and witnesses, to assist in providing identity documents to refugees whose papers and property titles have been confiscated, to provide counseling to rape victims, and for related purposes. Funds for these purposes may be derived from other appropriation accounts provided under this chapter.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

The conference agreement appropriates $120,000,000 for "Assistance for Eastern Europe and the Baltic States", to remain available until September 30, 2000, of which up to

$1,000,000 may be used for administrative costs of the U.S. Agency for International Development. Funds appropriated under this heading are subject to the regular notification procedures of the Committees on Appropriations.

The House bill included the same language, but appropriated $75,000,000. The Senate amendment did not address this matter.

LONG-TERM DEVELOPMENT AND RECONSTRUCTION

The managers agree that none of the funds appropriated under this heading or in this chapter are to be used to implement a long-term, regional program of development or reconstruction in Southeastern Europe. These funds are appropriated for emergency support of refugees and displaced persons and the local communities directly affected by the influx of refugees. The appropriation for the Economic Support Fund is intended for short-term, emergency balance of payments support for the countries listed in the bill language, and for investigations of war crimes.

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

The conference agreement appropriates $266,000,000 for "Migration and Refugee Assistance", to remain available until September 30, 2000, of which not more than $500,000 is for administrative expenses. The entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress. In addition, funds made available for the Office of the United Nations High Commissioner on Refugees (UNHCR) are subject to the regular notification procedures of the Committees on Appropriations, but the regular requirement for a 15 day notification prior to the obligation of funds is reduced to 10 days. The managers' intent is that the notification requirement applies only to funds appropriated in this account by this Act.

The House bill included $195,000,000 for this account. The Senate amendment did not address this matter.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

The conference agreement appropriates $165,000,000 for "United States Emergency Refugee and Migration Assistance Fund". The entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

The House bill included $95,000,000 for this account. The Senate amendment did not address this matter.

GENERAL PROVISIONS—THIS CHAPTER

The conference agreement includes a general provision designating funds in this chapter as an emergency under the Balanced Budget and Emergency Deficit Control Act of 1985.

The conference agreement includes a general provision proposed by the House that provides that the value of commodities and services authorized by the President through March 31, 1999, to be drawn down under the authority of section 552(c)(2) of the Foreign Assistance Act of 1961 to support international relief efforts relating to the Kosovo conflict shall not be counted against the ceiling limitation of that section. In addition, such assistance may be made available notwithstanding any other provision of law.

The managers note that funds provided in this Act as supplemental appropriations for the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999, are subject to section 526 of said Act.

DONATED EQUIPMENT

The conferees are aware that a large number of computers and computer equipment have been donated to various international agencies and non-governmental organizations to assist with the refugee crisis in the Balkans. The conferees support the use of emergency supplemental funds to assist organizations such as the National Technology Alliance for on-site computer network development, hardware and software integration, and to assess the urgent on-site computer needs of organizations assisting refugees. In addition, the conferees encourage the use of these funds for the development and implementation of reliable systems to register refugees and provide identification cards and other document processing.

CHAPTER 5

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES

REFUGEE AND ENTRANT ASSISTANCE

The conference agreement includes an appropriation of not to exceed $100,000,000 for costs related to assisting in the temporary resettlement of displaced Kosovar Albanians who have recently come to this country. The agreement provides that the appropriation is designated an emergency requirement under the Budget Act. No funds were included for this in either the House or Senate bills. The conferees have included these funds in response to an unofficial request from the Administration to address the refugee emergency that has arisen as a result of the conflict in the Balkans.

CHAPTER 6

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

The conferees have established a "Military Construction Transfer Fund" in the amount of $475,000,000, contingent on the Presidential declaration of an emergency. This fund is to be used for construction of mission, readiness and force protection items in relation to the conflict in the Balkans, and other contingencies throughout the region. The Secretary of Defense is given the authority to determine the individual items to be provided by this appropriation and to transfer these funds only to the appropriate military construction accounts. The Under Secretary of Defense (Comptroller) is directed to submit an after the fact notification of transfers from this fund and the individual projects to be provided to the appropriate committees of Congress.

CHAPTER 7

DEPARTMENT OF TRANSPORTATION

COAST GUARD

OPERATING EXPENSES

The conference agreement provides an emergency appropriation of $200,000,000 for Coast Guard "Operating expenses", to address ongoing readiness requirements. The conferees expect the Coast Guard to use these funds for activities such as the military pay raise, compensation parity (basic allowance for housing), DOD authorization act entitlements, military health care, recruiting, workforce readiness tools, DOD parity, intermediate and depot-level maintenance, and additional staffing. These funds are made available until September 30, 2000, and are only available upon designation by the President of an emergency requirement. The conferees direct that requests to obligate these funds be submitted to the Congress under the normal reprogramming procedures. The House and Senate bills proposed no similar appropriation.

TITLE III—SUPPLEMENTAL APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

COUNTERTERRORISM FUND

TOPOFF Exercise.—The conferees understand the need for clarification of how the TOPOFF exercise should occur. In addition to the direction provided in previous Committee reports, contracting for this effort should be done with those organizations who have a known track record with Weapons of Mass Destruction (WMD) exercises. This exercise should be co-chaired and administered without notice by the Attorney General and the Director of the Federal Emergency Management Agency (FEMA). The no-notice feature of this exercise should be modeled on the manner in which such exercises have been conducted by the Department of Defense. In order to fairly and accurately represent an actual event, both the FBI and the Office of Justice Programs should have one representative participating in the planning of the exercise. This planning will not include the time and date of the exercise.

National Domestic Preparedness Office.—The effects of terrorism are felt at the local level. Local law enforcement and emergency first responders will be the first on the scene of any domestic terrorist event. The conferees are aware of the need expressed by State and local first responders to have a coordinated Federal preparedness effort to eliminate confusion, overlap and duplication among Federal programs. To address this need, the Department of Justice has proposed to create a new office, the National Domestic Preparedness Office (NDPO), to serve as the entity to coordinate the Federal efforts for assisting emergency responders in domestic preparedness. The NDPO is proposed to include representatives from the Department of Justice's Office of Justice Programs (OJP), the Departments of Defense, Health and Human Services, Energy and Transportation, FEMA, and the Environmental Protection Agency, as well as representatives of State and local government. The conferees believe that full participation among all Federal, State and local entities is critical, and that the NDPO must recognize and build upon, rather than re-invest, existing programs, structures and capabilities.

While the conferees commend the Attorney General for her leadership on this matter and support the creation of a single office to coordinate interagency activities to maximize domestic preparedness efforts and eliminate duplication, the conferees are aware that some confusion and concerns exist regarding the functions and responsibilities of this office, particularly in relation to ongoing efforts at the Federal, State and local levels. The conferees note that final approval has not yet been given for the creation of the NDPO, and believe it is important that these issues be resolved. Therefore, the conferees direct the Attorney General to submit a final blueprint for the

NDPO, developed in coordination with all other Federal, State and local participants, to the Committees on Appropriations no later than June 15, which clearly defines the roles of all agency participants in the office. In particular, the final blueprint shall include, but not be limited to, the following: (1) a detailed plan for consultation with the States in the development and implementation of a national strategy for domestic preparedness which builds on the existing all-hazard emergency management capabilities of local, State and Federal agencies, including designations of a single point of contact from each State and teirritory to interact with the NDPO; (2) establishment of a State and Local Advisory Group to provide input into program strategy and development which represents the various State and local disciplines involved in domestic terrorism response, including fire and rescue, HAZMAT, emergency medical and health services, emergency management, and State and local governments; and (3) a detailed plan outlining each Federal agency's role in the development and delivery of training and technical assistance, and their relationship to the NDPO. Such plan should fully utilize existing resources, programs and standards, including the National Domestic Preparedness Consortium, whenever possible. The conferees direct no further action be taken to augment the NDPO until approval has been given subject to standard reprogramming procedures.

State and local preparedness.—The consequences of terrorist acts, especially those involving chemical, biological, or unconventional explosive devices, may spread beyond the local community or city where the event occurred. A successful response to such an incident will depend upon the development of a closely coordinated and balanced local-State-Federal partnership. The conferees recognize the need for enhanced State-level involvement in consequence management and training preparedness activities, and urge that all Federally-funded activities be coordinated at both the local and State levels. To ensure effective coordination, the conferees expect the Attorney General to request that the Governor of each State designate a lead state agency or other entity to develop and coordinate a comprehensive State-level domestic preparedness plan that is consistent with the national strategy. Such State strategies should be developed with input from the State and local emergency management, fire, law enforcement, emergency medical services and public health disciplines. To ensure maximum coordination and use of resources, the conferees expect each such State to be based on a State-level needs assessment which both identifies the needs of local and State first responders, and assesses the resources currently available at the local, State, and Federal level.

The conferees note that the fiscal year 1999 Department of Justice Appropriations Act included significant new funding to assist State and local first responders in becoming equipped and trained. To ensure that these resources meet the needs of the maximum number of communities possible and to ensure no duplication of effort, funding also was provided to conduct a comprehensive needs assessment. This needs assessment has not yet been completed. The conferees reiterate the importance of this needs assessment, and urge the Department to continue its activities in this area. In the interim, the conferees expect the Office of Justice Programs to submit to the Committees on Appropriations, no later than June 1, 1999, a plan for the distribution of funding provided in fiscal year 1999 to provide the maximum number of communities with a basic defensive (Tier One) capability to respond to domestic terrorist incidents. Such plan shall, at a minimum, require that in order to qualify to receive equipment funds, a grant applicant must certify that: (1) their application has been coordinated and developed in consultation with the fire, EMS, HAZMAT and law enforcement agencies operating within the jurisdiction; and (2) equipment purchased with grant funds will be deployed consistent with all mutual aid agreements.

FEDERAL PRISON SYSTEM

BUILDINGS AND FACILITIES

It is the intent of the conferees that unobligated funding available from fiscal year 1999 and prior year appropriations not required for current construction projects shall be used for partial site and planning for three facilities to house non-returnable criminal aliens being transferred from the Immigration and Naturalization Service. It is expected that one of these facilities will be located in a state in the Mid-Atlantic region.

DEPARTMENT OF COMMERCE AND RELATED AGENCIES

RELATED AGENCIES

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

The conference agreement includes $1,300,000 for costs of the World Trade Organization Ministerial Meeting to be held in Seattle, Washington, from November 30–December 3, 1999. The House and Senate bill did not include this funding.

DEPARTMENT OF COMMERCE

BUREAU OF THE CENSUS

PERIODIC CENSUSES AND PROGRAMS

In response to a request, not formally transmitted, from the Administration, the conference agreement includes $44,900,000 for additional activities necessary to ensure that the Bureau is fully prepared to implement a full enumeration in the 2000 Census as mandated by the recent Supreme Court decision. The conference agreement designates funds to be provided for the following purposes: $10,900,000 is for additional costs to establish 520 Local Census Offices; $4,200,000 is for preparation of training and field deployment kits for census enumerators; $2,000,000 is for additional contract support and infrastructure costs for the Telephone Questionnaire Assistance program; $9,100,000 is for automated data processing and telecommunications to support increased field enumeration; $3,700,000 is for administrative systems to support additional field enumeration activities; and $15,000,000 is for increased advertising and promotion programs. Language is also included requiring the President to submit a revised budget for the fiscal year 2000 costs associated with the completion of the 2000 Census. The conferees continue to be concerned with the adequacy and timelessness of the budget justification materials previously provided by the Bureau to support their budget submissions for the decennial census. Therefore, the conferees expect the revised budget submission for fiscal year 2000 by June 1, 1999, to contain the detailed justification necessary to support the revised submission.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

The conference agreement includes $1,880,000 to support research, management and enforcement of new regulations in the Northeast Multispecies fishery, instead of $3,880,000 as proposed by the Senate, of which $1,880,000 was for this activity and $2,000,000 was for the acquisition of shoreline data, and instead of no funding as proposed by the House.

The conference agreement does not include bill language designating $2,000,000 for a regional applications program, which was proposed in the Senate bill. The House bill did not contain a similar provision.

THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

The conference agreement includes $921,000 to enhance the capacity of the Supreme Court Police, as proposed in both the House and Senate bills.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

The conferees reiterate that, of the total amount provided under this heading in Public Law 105–277, $2,000,000 shall be for the Office of Defense Trade Controls, as previously stated in the Statement of Managers accompanying that Act. As provided in that Statement of Managers, this funding shall support the hiring of additional senior personnel (GS–13 through GS–15) and support staff to improve scrutiny of export license applications.

CHAPTER 2

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

CONSTRUCITON, GENERAL

The conference agreement deletes language proposed by the Senate appropriating $500,000 for technical assistance related to shoreline erosion at Lake Tahoe, Nevada.

The conference agreement deletes language propose by the Senate rescinding $5,500,000 from the Lackawanna River, Scranton, Pennsylvania, project.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

WATER AND RELATED RESOURCES

The conference agreement deletes language proposed by the Senate appropriating $5,000,000 for repairs to the Headgate Rock Hydroelectric Project.

The conference agreement includes language appropriating $1,500,000 for the purchase of water to restore water levels at the San Carlos Lake in Arizona.

CHAPTER 3

DEPARTMENT OF STATE

NATIONAL COMMISSION ON TERRORISM

The conference agreement appropriates $839,500 for necessary expenses of the National Commission on Terrorism as authorized in the fiscal year 1999 Foreign Operations Act.

UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

The conference agreement appropriates $3,000,000 for necessary expenses of the United States Commission on International Religious Freedom as authorized by the International Religious Freedom Act of 1998 (Public Law 105–292).

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

The conference agreement appropriates $1,500,000 for the operation and expenses of the International Financial Institution Advisory Commission and the International Monetary Fund Advisory Committee as authorized in the fiscal year 1999 Foreign Operations Act. The funds are to remain available until September 30, 2000.

CHAPTER 4

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

The managers have agreed to a modification of the Senate language providing for the use of $1,000,000 in previously appropriated funds for management of lands and resources for the processing of permits in the Powder River Basin for coalbed methane activities. The modification requires a written agreement between the coal mine operator and the gas producer prior to permit issuance if the permitted activity is in an area where there is a conflict between coal mining operations and coalbed methane production. The House had no similar provision.

BUREAU OF INDIAN AFFAIRS

OPERATIONS OF INDIAN PROGRAMS

(TRANSFER OF FUNDS)

The managers have agreed to the transfer of $1,136,000 for operation of Indian programs for spruce bark beetle control in Washington State as proposed by the Senate but have identified a different funding source. The source of these funds is the Forest Service National Forest System account instead of the Forest Service Wildland Fire Management account as proposed by the Senate. The House had no similar provision.

The managers expect that these funds will be deducted from appropriations otherwise available for the Forest Service's Washington, DC headquarters general administration activity. The specific reductions must be approved, in advance, by the House and Senate Appropriations Committees. The managers suggest that the reduction should come from the recently proposed headquarters staffing increases in the office of communications and the financial analysis office.

OFFICE OF THE SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

The managers have provided $21,800,000 for Federal trust programs as proposed by the House instead of $6,800,000 as proposed by the Senate.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

WILDLAND FIRE MANAGEMENT

The managers have agreed to the use of $100,000,000 in fiscal year 1998 unobligated carryover funds from the Wildland Fire Management account to repay funds previously advanced from the Knutson-Vandenberg (KV) fund for firefighting emergencies. The balance owed to the KV fund for prior year borrowing will still be $393,000,000 after this partial repayment. The managers believe that the Administration should regularly transfer carryover funds from the wildland fire management account to the KV fund until the previously borrowed funds have been repaid in full.

GENERAL PROVISIONS—THIS CHAPTER

Section 3001.—The managers have modified language as proposed by the Senate authorizing the transfer of previously appropriated funds to Auburn University in Alabama for construction of a new forestry research facility. This language is a clarification of the fiscal year 1999 Forest Service reconstruction and construction appropriation. The modification removes the proviso that only $4,000,000 be transferred during fiscal year 1999. The House had no similar provision.

Section 3002.—The managers have included language as proposed by the Senate restricting the issuance of a final rule on hardrock mining on Federal lands pending completion of a study being conducted by the National Academy of Sciences and an ensuing period for public comment on the rule. The House had no similar provision.

Section 3003.—The managers have included language as proposed by the Senate extending the moratorium on the issuance of a final rulemaking on crude oil valuation until October 1, 1999 or until there is a negotiated agreement, whichever comes first. The House had no similar provision.

The managers have not included language as proposed by the Senate (section 2307) prohibiting implementation of a reorganization in the Office of the Special Trustee for American Indians for the balance of fiscal year 1999. The House had no similar provision.

The managers are concerned that the Department of the Interior may have strayed from the vision of the American Indian Trust Fund Management Reform Act of 1994, P.L. 103-412 (1994 Act) in a number of areas. The 1994 Act created the Office of the Special Trustee for American Indians in order to establish an "entity with the knowledge and authority to ensure that reform takes place and coordiantes that action."

On March 3, 1999, the Senate Committee on Indian Affairs and the Senate Committee on Energy and Natural Resources held a joint hearing on trust management practices in the Department and the reorganization of the Office of the Special Trustee by the Secretary of the Interior without consultation with the Special Trustee.

The managers are also concerned with the lack of consultation with individuals and Indian tribal account holders who were assured that the Special Trustee would provide an authoritative and independent voice representing their concerns within the Department.

The General Accounting Office (GAO) recently expressed strong concerns that the Department has also failed to accomplish one of the Act's goals: the creation of a "strategic plan for all phases of trust management to ensure the Secretary's trust responsibilities are properly discharged." Although the Secretary has indicated that the Department's July 1998 High Level Implementation Plan provides such a strategic plan, numerous individuals and entities have expressed strong reservations about the Plan.

Based on these concerns, the Chairman of the Committee on Indian Affairs has indicated that he intends to make continued monitoring and compliance with the 1994 Act a significant part of the Committee's oversight efforts. The managers, therefore, are reserving judgment on futures appropriations. The managers expect the Department to ensure that the resources dedicated for purposes of trust improvements are indeed well spent in compliance with the 1994 Act.

Section 3004.—The managers have included language as proposed by the Senate clarifying that the fiscal year 1999 moratorium on new and expanded self-determination contracts applies only to the Bureau of Indian Affairs and the Indian Health Service. The House had no similar provision.

The managers have not included language as proposed by the Senate (section 2323) regarding Class III Indian gaming. The House had no similar provision.

Section 3005.—The managers have included language as proposed by the Senate which requires that funds provided in fiscal year 1999 for the Borough of Ketchikan to participate in a cooperative study on the feasibility and dynamics of manufacturing veneer products in Southeast Alaska, including the establishment of a veneer operation in Ketchikan, shall be paid in lump sum and be considered a direct payment for the purposes of all applicable laws, but may not be used for lobbying. This section also includes language proposed by the Senate similarly treating payments to the City of Colorado Springs using funds previously appropriated for reconstruction of the Pike's Peak Summit House in Colorado. The House had no similar provisions.

The House managers have not agreed to language proposed by the Senate (section 2328) banning implementation of regulations restricting fishing in Glacier Bay National Park pending the resolution of the State of Alaska's anticipated lawsuit concerning ownership and jurisdiction relating to Glacier Bay waters, so that provision has been deleted.

Section 3006.—The managers have included a provisions restricting the implementation of the Department of the Interior Solicitor's opinion of November 7, 1997 concerning millsites under the general mining law with respect to the Crown Jewel project and to patent applications and plans of operation submitted prior to the date of enactment of this Act.

The managers are very concerned about the effect of the Solicitor's opinion dealing with the implementation of the Mining Law of 1872 in that it limits the number of millsites to one five-acre millsite per patent. Executive Departments typically implement laws through regulation. The regulatory process allows all affected parties to express their views through an open, public comment process. in the case of a solicitor's opinion, there is no public comment or appeal process before implementation.

This opinion is particularly troubling because both the Bureau of Land Management and the Forest Service have been approving patents with more than one five-acre millsite per patent based on procedures outlined in their operations manuals. To ascertain the impact of this opinion, the managers direct the Department of the interior and the Forest Service to provide a report to the House and Senate Committees on Appropriations no later than August 31, 1999. The report should detail by State all past, present and pending mining operations, including all grandfathered mineral patent applications and plans of operation, that could be impacted by the Solicitor's opinion of November 7, 1997.

The managers considered but did not adopt a provision that would have prohibited the listing of the Alabama sturgeon under the Endangered Species Act and the designation of critical habitat for the balance of fiscal year 1999. The Director of the United States Fish and Wildlife Service has assured the managers that neither she nor the Secretary of the Interior will accelerate the decision process for this candidate species. The managers understand, based on a letter from the Director, that there are several other species ahead of the Alabama sturgeon in the processing queue for listing consideration and that a decision with the respect to the Alabama sturgeon will not be made prior to March 2000. The mangers expect the Secretary and the Service to live up to those commitments and to work carefully with the State on conservation planning efforts for the Alabama sturgeon.

CHAPTER 5

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

The conference agreement includes $1,000,000 to reduce the backlog of pending nursing home appeals before the Departmental Appeals Board. The Senate bill included $1,400,000 for this purpose. The House did not include funding for this activity in its bill and the President did not request funding.

DEPARTMENT OF EDUCATION

EDUCATION FOR THE DISADVANTAGED

The conference agreement includes $56,377,000 for Concentration grants under the Title I program as a fiscal year 2000 advance appropriation to become available on October 1, 1999 for academic year 1999–2000.

The conferences understand that the Department of Education has interpreted a "hold harmless" provision included in the fiscal year 1999 appropriations bill to apply only to school districts that first quality for Concentration grants on the basis of the percentage or number of poor children within the school district. Only after a school district meets the eligibility criteria would the Department apply the hold harmless and award the Concentration grant. Under the Department's interpretation, over 1500 school districts would lost their Title I Concentration grant in academic year 1999–2000.

The conference agreement includes language that clarifies the fiscal year 1999 appropriations law to direct the Department of Education to hold harmless all school districts that received Title I Concentration grants in fiscal year 1998. The conference agreement further clarifies that the allocations made through applying this hold harmless will not be taken into account in determining allocations under other education programs that use the Title I formula as a basis for funding distribution. Neither the House nor the Senate bills contained these provisions.

HIGHER EDUCATION

(TRANSFER OF FUNDS)

The conference agreement transfers $1,500,000 from the Education Research, Statistics, and Improvement account to the Higher Education account to be used to provide funding for the University of the District of Columbia. UDC has recently qualified for funding under the Historically Black Colleges and Universities program and this funding level is the amount they are due under the HBCU funding formula.

RELATED AGENCY

CORPORATION FOR PUBLIC BROADCASTING

The conference agreement includes a total of $48,000,000 in fiscal years 1999 and 2000, the same as the President's request, to enable National Public Radio, through the Corporation for Public Broadcasting, to proceed with contract negotiations for replacement satellite services. The agreement provides $30,700,000 in fiscal year 1999 and $17,300,000 in 2000.

The House bill provided $48,000,000 for the replacement satellite, with $30,600,000 made available in fiscal year 1999 and the remainder in fiscal year 2000. The Senate provided $18,000,000 in fiscal year 1999 and report language stating that the balance of resources would be provided during the regular fiscal year 2000 appropriations process.

GENERAL PROVISION, THIS CHAPTER

WHITE RIVER SCHOOL DISTRICT, SOUTH DAKOTA

The conference agreement includes bill language directing the Secretary of Education to provide, from unobligated balances in the Impact Aid program, not more than $239,000 to the White River School District #47–1, White River, South Dakota to repair damage caused by water infiltration at the White River High School. This provision is the same as in the Senate bill.

The House bill contains no similar provision and the President did not request funding for this activity.

CHAPTER 6

LEGISLATIVE BRANCH

CONGRESSIONAL OPERATIONS

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

SALARIES, OFFICERS AND EMPLOYEES

(RESCISSION)

The conferees have included a rescission of funds of $3,521,000 and an appropriation of an identical amount to remain available until expended. This action will provide resources for replacing a House payroll system that cannot be completed in FY 1999.

ARCHITECT OF THE CAPITOL

CAPITOL BUILDING AND GROUNDS

HOUSE OFFICE BUILDING

HOUSE PAGE DORMITORY

The conferees have included $3,760,000 for the House Page Dormitory as contained in the House bill, amended to omit designation of a special location. If locations other than 501 1st St., S.E., are taken under serious consideration, the Architect of the Capitol is directed to inform the Committee on Appropriations concerning cost and related considerations. It is expected that, in addition to the House Office Building Commission and the Page Board, the Architect of the Capitol will consult with the Committee on Appropriations, the Committee on Transportation and Infrastructure, and the Committee on House Administration on matters within their jurisdiction regarding the Page Dormitory project.

O'NEILL HOUSE OFFICE BUILDING

The conferees have provided $1,800,000 for life safety renovations at the O'Neill House Office Building as contained in the House bill.

ADMINISTRATIVE PROVISIONS

The conferees have included two administrative provisions as contained in the House bill. The conferees have added a provision regarding certain lump sum House leadership allowances.

In addition, the conferees have established a pilot program in 1999 under the leadership of the Librarian of Congress to bring up to 3,000 emerging Russian political leaders to the United States for no more than 30 days each. The Senate is transferring $10 million of its own funds to finance the program during fiscal year 1999. The purpose of the program is to give Russian leaders from all levels of government first hand exposure to the American free market economic system and operation of American democratic institutions. Various local governments and organizations throughout the United States would be hosts to the Russians.

The Librarian is given the authority to administer the program in the first year to expedite the establishment of the program. The President would designate an executive branch agency to administer the program in subsequent years.

CHAPTER 7

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

The conferees have provided a total of $31,400,000 for storm related damage to facilities and family housing improvements. Offsets to cover the cost of these are included in Title IV of this Act. The projects are as follows:

[In thousands of dollars]

Army National Guard: Tennessee, Jackson: Limited Army Aviation Support Facility	$6,400
Family Housing, Army: Puerto Rico, Ft. Buchanan: Improve 215 units	25,000

CHAPTER 8

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

The conference agreement provides $2,300,000 for the National Transportation Safety Board for expenses resulting from the crash of TWA Flight 800. These funds will cover rental costs associated with the housing of the wreckage in Calverton, New York. The conferees do not plan to continue funding rental expenses at the Calverton facility in future fiscal years. The House and the Senate proposed no similar provision.

CHAPTER 9

DEPARTMENT OF THE TREASURY

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

The conferees agree to provide an appropriation of $4,500,000 for the Bureau of Alcohol, Tobacco and Firearms for the expansion of the National Tracing Center, to remain available until expended.

U.S. POSTAL SERVICE

PAYMENTS TO THE POSTAL SERVICE FUND

The conferees agree to provide an appropriation of $29,000,000 for reimbursements to the Postal Service as authorized by 39 U.S.C. 2401(d), as proposed by the House instead of no appropriation, as proposed by the Senate.

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING PROGRAMS

The conferees agree to provide an additional $2,500,000 for the High Intensity Drug Trafficking Areas Program, instead of no appropriation, as proposed by the House and $1,250,000, as proposed by the Senate. The conferees direct that these funds be targeted as follows: $750,000 to the New Mexico HIDTA for Rio Arriba County, Santa Fe County, and San Juan County, New Mexico; $500,000 for national anti-methamphetamine efforts; $750,000 for the Arizona HIDTA to be provided to the U.S. Border Patrol for assistance in counterdrug efforts related to illegal immigration along the border in southern Cochise County, Arizona, subject to prior approval of the Committees on Appropriations; and $500,000 for the Washington-Baltimore HIDTA for support of the Cross-Border Initiative between Washington, DC and Prince George's County, Maryland. The conferees emphatically support linking funding to a program's performance, and therefore support evaluation efforts underway at ONDCP. Therefore, the conferees expect that the performance of the HIDTAs funded through this appropriation will be subject to the same performance standards and measures to be applied to the HIDTA program overall.

CHAPTER 10

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Public and Indian Housing

HOUSING CERTIFICATE FUND

Deletes language proposed by the Senate delaying the availability of $350,000,000 for expiring or terminating section 8 contracts until October 1, 1999.

Community Planning and Development

COMMUNITY DEVELOPMENT BLOCK GRANTS

Inserts language reallocating $3,446,000 of unobligated, no-year funds in the CDBG account for which there is no identified use. HUD is directed to provide these funds for unfunded service coordinator programs that did not receive funding in the original Notice of Funding Availability (NOFA).

Federal Housing Administration

FHA—MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

Increases the commitment level for the Federal Housing Administration's Mutual Mortgage Insurance Fund from $110,000,000,000 to $140,000,000,000. The additional authority is needed because HUD projections indicate that the existing limitation could be exceeded before the end of the fiscal year

Government National Mortgage Association

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

Increases the commitment authority for the Government National Mortgage Association from $150,000,000,000 to $200,000,000,000. The additional authority is needed because 78 percent of the existing authority has been committed, and HUD projects that the existing limitation could be exceeded before the end of the fiscal year.

Management and Administration

SALARIES AND EXPENSES

Deletes language proposed by the Senate rescinding $3,400,000 from HUD's salaries and expenses account and transferring it to the CDBG account for service coordinators and congregate services.

Office of Inspector General

Deletes bill language as proposed by the Senate. The conferees direct the Office of Inspector General (OIG) and the General Accounting Office (GAO) to conduct an audit of HUD to assess the extent that HUD has been in compliance with the Department of Housing and Urban Reform Act of 1989 during the last two years. The conferees direct the OIG and GAO to produce a report on this matter within six months of enactment and a final report within 12 months of enactment, and to transmit them to the House and Senate Committees on Appropriations.

INDEPENDENT AGENCY

National Credit Union Administration

CENTRAL LIQUIDITY FACILITY

Inserts new language requiring that during fiscal year 2000, gross obligations of the Central Liquidity Facility (CLF) for the principal amount of new direct loans to member credit unions shall not exceed the statutory limitation. The conferees take this action only to deal with the unlikely scenario that credit unions could experience excessive withdrawals as a result of the millennium date change and may need additional liquidity resources. Furthermore, the conferees intend that prudent and appropriate administrative remedies should be devised as quickly as possible by the National Credit Union Administration, working with the Federal Reserve and the Department of the Treasury, to guarantee that a strong safety net is in place to deal with any potentially unusual Y2K circumstances.

GENERAL PROVISIONS—THIS CHAPTER

Inserts language proposed by the House for targeted economic initiatives to Project Restore and the Los Angeles City Civic Center Trust. The conferees have agreed to include a technical correction to language included in Public Law 105–276 which clarifies that $250,000 is for the Los Angeles Civic Center Public Partnership to revitalize the Civic Center neighborhood, and that $100,000 is for the Southeast Rio Vista Family YMCA to develop a child care center in Huntington Park, California. The Senate did not include a similar provision.

Inserts new language clarifying that funds made available in Public Law 105–276 shall be made available to the Maryland Department of Housing and Community Development for work associated with building Caritas House and with expanding the St. Ann Adult Medical Day Care facility.

Inserts new language allowing retention of land disposition proceeds associated with an Urban Renewal Project in the Township of North Union, Pennsylvania.

Inserts language proposed by the Senate which clarifies that funds appropriated in Public Law 105–276 under the Environmental Protection Agency, State and Tribal Assistance Grants to meet sewer infrastructure needs associated with the 2002 Winter Olympics shall be provided to Wasatch County, Utah, for both water and sewer infrastructure needs.

Inserts language proposed by the Senate which transfers $1,300,000 of funds appropriated in Public Law 105–276 under the Environmental Protection Agency, Environmental Programs and Management for Project SEARCH, to State and Tribal Assistance Grants for Project SEARCH water and wastewater infrastructure needs in the State of Idaho through the Region IV Development Association in Twin Falls, Idaho.

Inserts new language which clarifies that funds appropriated in Public Law 105–276 under the Environmental Protection Agency, State and Tribal Assistance Grants to meet wastewater infrastructure needs for Grand Isle, Louisiana, may also be used for drinking water supply needs.

CHAPTER 11

GENERAL PROVISIONS, THIS TITLE

Senate Section 2304. The conference agreement includes language proposed by the Senate clarifying administrative costs in the honey program, with a technical correction to a citation. The House had no similar provision.

Senate Section 2309. The conference agreement does not include language to extend chapter 12 bankruptcy authorization as proposed by the Senate. The House had no similar provision. Similar language was enacted as part of Public Law 106–5.

Senate Section 2310. The conference agreement includes language proposed by the Senate that amends the Consolidated Farm and Rural Development Act by deleting the statutory reference to the capital replacement reserve requirement for guaranteed farm loans, and by reinstating a statutory reference for a ten percent cash flow margin for restructuring direct farm loans. The House had no similar provision.

Senate Section 2318 and House Section 2002. The conference agreement includes language proposed by both the House and the Senate regarding loan deficiency payments for club wheat producers.

Senate Section. 2322. The conference agreement does not include Section 2322, as proposed by the Senate, expressing the Sense of the Senate regarding a pending sale of wheat to Iran. The House had no similar provision. Recent actions by the Administration have addressed sanctions policy on commercial sales of agricultural commodities to certain countries, including Iran.

Sec. 3021.—The conference agreement includes a provision, modified from language proposed in the Senate bill, allowing the Attorney General to transfer up to $4,300,000 from funds available to the Department of Justice to pay the remaining claims for restitution as required by the Civil Liberties Act of 1988, and as pursuant to the court order issued in the case of Carmen Mochizuki et al v. United States (case No. 97–294C, United States Court of Federal Claims). The conferees expect this provision to be implemented in accordance with sections 107 and 605 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999. The House bill did not address this matter.

Sec. 3022.—The conference agreement includes a provision, slightly modified from language included in the Senate bill, to prohibit the taking of Cook Inlet beluga whales under the Marine Mammal Protection Act prior to October 1, 2000, unless pursuant to a cooperative agreement between the National Marine Fisheries Service and affected Alaska Native organizations. The House bill did not contain a similar provision.

Sec. 3023.—The conference agreement includes a provision repealing Section 626 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999 to provide full year availability for appropriations provided in that Act. Neither the House nor Senate bills addressed this matter.

Sec. 3024.—The conference agreement includes a provision to allow the payment of available funds to facilitate the payment of grants to victim service organizations and public agencies that will provide emergency or ongoing assistance to the victims of the bombing of Pan Am flight 103 and their families. The provision would include assistance to family members for travel to the Netherlands for the trial of the defendants in the bombing case. Neither the House nor Senate bills addressed this matter.

Sec. 3025.—The conference agreement includes a provision, not included in the House bill, to modify section 617 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999, to make permanent the moratorium on the entry of new factory trawlers into the Atlantic herring and mackerel fishery until certain actions are taken by the appropriate fishery management councils.

The conference agreement includes a provision proposed in the House bill, and not included in the Senate bill, amending the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999, to extend the availability of funds included for the Commission on Holocaust Assets in the United States to September 30, 2000.

The conference agreement includes a provision, modified from language proposed in the Senate bill, making technical corrections to the American Fisheries Act (Title II, Division C of Public Law 105–277).

The conference agreement includes a provision, modified from language proposed in the Senate bill, which makes corrections to section 113 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999, relating to eligibility of Alaska Native organizations for Department of Justice grants.

The conferees agree to retain section 3029, as proposed by the Senate, which authorizes the use of funds received pursuant to housing claims for construction of an access road and for real property maintenance projects at Ellsworth Air Force Base.

DEPARTMENT OF DEFENSE—CIVIL

Corps of Engineers

OPERATION AND MAINTENANCE, GENERAL

The conference agreement includes language proposed by the Senate directing a statutory reprogramming of $800,000 for preliminary work associated with a transfer of Federal lands to certain tribes and the State of South Dakota and for cultural resource protection activities, amended to delete language proposed by the Senate providing funds to the Lower Brule Sioux Tribe and the Cheyenne River Sioux Tribe.

PROHIBITION ON TREATING ANY FUNDS RECOVERED FROM TOBACCO COMPANIES AS AN OVERPAYMENT FOR THE PURPOSES OF MEDICAID

The conference agreement includes language proposed by the Senate which amends section 1903(d)(3) of the Social Security Act (42 U.S.C. 1396b(d)(3)) to prohibit any Medicaid-related funds recovered or paid to a State as part of a settlement or judgment reached in litigation the State initiated or pursued against one or more tobacco companies being treated as a overpayment for purposes of the Medicaid statute. The House bill contained no similar provision.

The conferees recognize that, absent Congressional action, the issue of the Federal share of funds recovered under such settlements or judgments would be subject to litigation over the next several years, delaying the availability of these funds and putting planned State uses on hold. The conferees have adopted the Senate language in order to permit States which are delaying their plans for the use of these funds the certainty they need to plan their initiatives. The conferees encourage the States to use a significant portion of any tobacco settlement or judgment on smoking cessation and prevention programs, as well as other critical public health programs, such as expanding health care benefits to low income children and adults.

FINDINGS AND SENSE OF SENATE REGARDING SEQUENTIAL BILLING POLICY FOR HOME HEALTH PAYMENTS UNDER THE MEDICARE PROGRAM

The conference agreement does not contain a Sense of the Senate provision regarding the sequential billing policy for home health payments under Medicare as proposed by the Senate.

The Balanced Budget Act of 1997 shifted funding for certain home health visits under Medicare from part A (Hospital Insurance) to part B (Medical Insurance). In a Sense of the Senate resolution, included in the Senate bill, the Senate indicated that certain Health Care Financing Administration regulations and administrative decisions have slowed down claims processing resulting in the financial hardship and closing of home health agencies.

The House bill contained no similar provision.

FIREFIGHTERS PAY

The conferees agree to include a provision making a technical change to the treatment of firefighters under section 628(f) of the fiscal year 1999 Treasury and General Government Appropriations Act, as proposed by the Senate, instead of no provision, as proposed by the House.

HOWELL T. HEFLIN POST OFFICE BUILDING

The conferees agree to a provision designating a United States Postal Service facility under construction at Tuscumbia, Alabama as the "Howell T. Heflin Post Office Building".

SAN JOAQUIN, CALIFORNIA

The conferees agree to include language which corrects the terms of a land conveyance in San Joaquin, California that was included in Public Law 105–277.

FERGUS FALLS, MINNESOTA

The conferees agree to direct the Administrator of the General Services Administration to purchase from the Postal Service the building in Fergus Falls, Minnesota where the U.S. Bankruptcy Court and the U.S. District Court sit.

TITLE IV—RESCISSIONS AND OFFSETS

DEPARTMENT OF AGRICULTURE

Farm Service Agency

EMERGENCY CONSERVATION PROGRAM

The conference agreement does not include language proposed by the Senate rescinding $700,000 from amounts appropriated under this heading. The House had no similar provision.

Food and Nutrition Service

FOOD STAMP PROGRAM

(RESCISSION)

The conference agreement rescinds $1,250,000,000 of the balance of food stamp funds projected to remain unspent at the end of the fiscal year instead of $521,000,000 as proposed by the Senate. The House had no similar provision.

Foreign Assistance and Related Programs

PUBLIC LAW 480 PROGRAM AND GRANT ACCOUNTS

The conference agreement does not include language proposed by the House rescinding $30,000,000 from amounts appropriated under this heading. The Senate had no similar provision.

DEPARTMENT OF STATE AND RELATED AGENCIES

RELATED AGENCIES

United States Information Agency

BUYING POWER MAINTENANCE

(RESCISSION)

The conference agreement includes a rescission of $20,000,000 from unobligated balances under this heading, as proposed in the House bill. The balances in this account result from exchange rate gains over the past several years, and exceed the potential requirements on the fund prior to the consolidation of the Agency into the Department of State on October 1, 1999.

DEPARTMENT OF ENERGY

Atomic Energy Defense Activities

Other Defense Activities

The conference agreement deletes language proposed by the House rescinding $150,000,000 of the funding provided to the Department of Energy in Public Law 105–277 for Russian programs relating to the disposal of excess plutonium and uranium from nuclear weapons.

MULTILATERAL ECONOMIC ASSISTANCE

Funds Appropriated to the President

INTERNATIONAL FINANCIAL INSTITUTIONS

Contribution to the International Bank for Reconstruction and Development

GLOBAL ENVIRONMENT FACILITY

(RESCISSION)

The conference agreement includes a rescission of $25,000,000 from funds appropriated for the Global Environment Facility in Public Law 105–277.

Other Bilateral Economic Assistance

ECONOMIC SUPPORT FUND

(RESCISSION)

The conference agreement includes a rescission of $5,000,000 in funds appropriated to the Economic Support Fund in Public Law 105–277 and in prior acts making appropriations for foreign operations, export financing, and related programs.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

MANAGEMENT OF LANDS AND RESOURCES

(RESCISSION)

The managers have agreed to the rescission of $6,800,000 from management of lands and resources as proposed by both the House and the Senate.

DEPARTMENT OF LABOR

Employment and Training Administration

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

The conference agreement includes a reduction in this account of $22,400,000, instead of $21,000,000 as proposed by the House and $17,400,000 as proposed by the Senate.

The agreement includes a reduction of $17,400,000 from the Unemployment Insurance Contingency Account, the same level as the Senate. The House bill reduced this account by $16,000,000 and the President requested a reduction of $5,700,000.

The agreement also includes a reduction of $5,000,000 from the Unemployment Insurance Postage account, the same level as in the House bill. The President did not request a reduction in this account and the Senate did not include one in its bill.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

FEDERAL CAPITAL LOAN PROGRAM FOR NURSING

(RESCISSION)

The conference agreement includes a rescission of $2,800,000 from the Federal Capital Loan Program for Nursing, the same level as in the House bill. The President requested no rescission from this account and the Senate did not include a rescission in its bill. The amounts rescinded are unobligated balances in an account that has been inactive for more than eight years.

DEPARTMENT OF EDUCATION

Education Research, Statistics and Improvement

(RESCISSION)

The conference agreement rescinds $6,500,000 from this account, instead of $6,800,000 as proposed by the House and $8,000,000 as proposed by the Senate. The President proposed no rescission for this account. The $6,500,000 will be taken from funds which the Administration has indicated are in excess of what is necessary for an evaluation of voluntary national test development.

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

(RESCISSIONS)

The conferees recommend rescissions totaling $31,400,000 in fiscal year 1999 funds. These reflect inflation and foreign currency fluctuation savings of $25,000,000 and $6,400,000 from the Base Realignment and Closure Account, Part IV.

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

The conference agreement includes a rescission of $815,000 in contract authority provided for "Small community air service" by Public Law 101–508 for fiscal years prior to fiscal year 1998, as proposed by the House. The Senate bill contained no similar rescission.

FEDERAL HIGHWAY ADMINISTRATION

STATE INFRASTRUCTURE BANKS

(RESCISSION)

The conference agreement includes a rescission of $6,500,000 from the state infrastructure bank program, as proposed by the House. The Senate bill contained no similar rescission.

FEDERAL TRANSIT ADMINISTRATION

TRUST FUND SHARE OF TRANSIT PROGRAMS

(HIGHWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

The conference agreement includes a rescission of $665,00 in contract authority from the trust fund share of transit programs provided in Public Law 102–240 under 49 U.S.C. 5338(a)(1), as proposed by the House. The Senate bill contained no similar rescission.

INTERSTATE TRANSFER GRANTS—TRANSIT

The conference agreement includes a rescission of $600,000 in unobligated balances of interstate transfer grants—transit, as proposed by the House. The Senate bill contained no similar rescission. The conferees direct the Federal Transit Administration to reduce only those available balances for projects for which funds were allocated before fiscal year 1995.

DEPARTMENT OF THE TREASURY

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

The conferees agree to a provision rescinding $4,500,000 from amounts previously made available under this heading in Public Law 105–277 for the expansion of the National Tracing Center.

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

UNANTICIPATED NEEDS

The conferees agree to include a rescission of $10,000,000 from amounts previously appropriated under this heading in Public Law 101–130, the Fiscal Year 1990 Dire Emergency Supplemental to Meet the Needs of Natural Disasters of National Significance, as proposed by the House, instead of no rescission, as proposed by the Senate.

FEDERAL DRUG CONTROL PROGRAMS

SPECIAL FORFEITURE FUND

The conferees agree to include no rescission from the Special Forfeiture Fund, as proposed by the House, instead of a rescission of $1,250,000, as proposed by the Senate.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC AND INDIAN HOUSING

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(RESCISSION)

Inserts new language rescinding $350,000,000 in unobligated and unexpended section 8 recaptures. Because the section 8 renewal account was fully funded in fiscal year 1999, these funds are not necessary during the current fiscal year.

In fiscal year 2000, section 8 renewal needs are $13,522,000,000. As proposed by the President, these recaptured funds could offset the fiscal year 2000 request, thereby reducing the total appropriation for fiscal year 2000. Clearly, the conferees understand that the section 8 renewal account must be fully funded in order to protect the homes of those families who rely on this assistance.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT BLOCK GRANTS

(RESCISSION)

Rescinds $230,000,000 of unobligated balances for disaster relief instead of $313,600,000, as proposed by the Senate. The House did not include a similar provision. The conferees note that funds have included in FEMA's account to deal with issues relating to disaster relief. The Department is directed to award the remaining funds in accordance with announcements made heretofore by the Secretary, including allocations made pursuant to the March 10, 1999 notice published in the Federal Register, as expeditiously as possible.

GENERAL PROVISION—THIS TITLE

Senate Section 3001. The conference agreement does not include language proposed by the Senate repealing Division B, title V, chapter 1 of Public Law 105–277 providing emergency appropriations to the Agricultural Research Service for counter-narcotics research proposed by the Senate. The House had no similar provision. The conference agreement rescinds $22,466,000 of these funds, reflecting the obligation of $534,000 of these monies. Additional provisions regarding counter-narcotics research are included elsewhere in this report.

TITLE V

TECHNICAL CORRECTIONS

The conference agreement includes four technical corrections related to the Agriculture portion of Public Law 105–277 proposed by both the House and the Senate, with modifications.

House Section 3002. The conference does not include language proposed by the House extending the availability of counter-drug research funds. The Senate had no similar provision.

The conference agreement includes four technical corrections to the fiscal year 1999 Appropriations Act for the Department of the Interior and Related Agencies as proposed by the Senate. The House had similar provisions for three of these corrections. The Senate added a provision revising an earmark in the operation of Indian Programs account.

The conference agreement deletes a provision included in both the House and Senate versions of the bill regarding design of a CD ROM product.

The conferees have included two technical corrections as contained in the House bill and the Senate amendment for the Legislative Branch.

The conferees have included language, proposed by the Senate, which makes a technical correction to the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277) under the heading "Family Housing, Navy and Marine Corps" to include Hurricane George.

The conference agreement includes a provision proposed by the Senate that clarifies the scope of certain bus and bus facilities projects contained in the Federal Transit Administration's capital investment grants program in fiscal year 1999. The House bill contained no similar provision. The conferees direct that funds provided for the Canton-Akron-Cleveland commuter rail project in the Department of Transportation and Related Agencies Appropriations Act for fiscal year 1999 shall be available for the purchase of rights-of-way in addition to conducting a major investment study to examine the feasibility of establishing commuter rail service.

The conference agreement includes a provision proposed by the Senate that increases the obligation limitation for the federal-aid highways ferry boat and terminal program in fiscal year 1999 from $38,000,000 to $59,290,000 to reflect the sum of both fiscal years 1998 and 1999 program funding levels. The House bill contained no similar provision.

The conferees have agreed to include a technical correction to the Federal Vacancies Reform Act of 1998 as proposed by the Senate. The House had no similar provision.

TITLE VI—GENERAL PROVISIONS, THIS ACT

The conference agreement includes provisions which extend the Federal Aviation Administration's airport improvement program (AIP) and war risk insurance program through August 6, 1999 at the same rate as included in the Department of Transportation and Related Agencies Appropriations Act, 1999. Under current law, the authorization for the AIP program will expire on May 31, 1999.

It is the conferees' understanding that this provision will cause no increase in fiscal year 1999 budget authority or outlays. The conference agreement also includes provisions releasing an additional $30,000,000 in passenger facility fee airport development project grant funding to the Metropolitan Washington Airports Authority to continue the authority's capital development programs. The Senate bill proposed to extend the airport improvement program and the war risk insurance program through May 31, 1999. The house bill contained no similar provisions.

The conference agreement includes a provision proposed by the Senate that extends the Secretary of Transportation's authority to set Alaskan mail rates. The House bill contained no similar provision.

The conference agreement deletes a provision proposed by the House that would have made funds available to continue the national advanced driving simulator in fiscal year 1999 from funds previously appropriated to the National Highway Traffic Safety Administration. The Senate bill contained no similar provision. The provision is no longer necessary as funding to continue the national advanced driving simulator in fiscal year 1999 was addressed in a reprogramming recently approved by the House and Senate Committees on Appropriations.

The conference agreement includes a provision proposed by the House that re-designates a section number in the Transportation Equity Act for the 21st Century. The Senate bill contained no similar provision.

The conferees agree to retain section 6004, as proposed by the House, which expresses the sense of the Congress that there be parity in the adjustments to compensation between military personnel and civilian employees.

The conference agreement deletes language proposed by the Senate providing relief to certain natural gas producers in Kansas.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1999 recommended by the Committee of Conference, with comparisons to the fiscal year 1999 budget estimates, and the House and Senate bills for 1999 follows:

(In thousands of dollars)

Budget estimates of new (obligational) authority, fiscal year 1999	$7,796,524
House bill, fiscal year 1999	13,221,669
Senate bill, fiscal year 1999	−2,424,691
Conference agreement, fiscal year 1999	13,145,246
Conference agreement compared with:	
Budget estimates of new (obligational) authority, fiscal year 1999	+5,348,722
House bill, fiscal year 1999	−76,423
Senate bill, fiscal year 1999	+15,569,937

Bill Young,
Ralph Regula,
Jerry Lewis,
John Porter,
Harold Rogers,
Joe Skeen,
Frank R. Wolf,
Jim Kolbe,
Ron Packard,
Sonny Callahan,
James T. Walsh,
Charles H. Taylor,
David L. Hobson,
John P. Murtha,
Norman D. Dicks,
Allan B. Mollohan,
Managers on the Part of the House.

Ted Stevens,
Thad Cochran,
Arlen Specter,
Pete V. Domenici,
Christopher S. Bond,
Slade Gorton,
Mitch McConnell,
Conrad Burns,
Richard Shelby,
Robert F. Bennett,
Ben Nighthorse Campbell,
Larry Craig,
Kay Bailey Hutchison,
Jon Kyl,
Robert C. Byrd,
Daniel K. Inouye,
Ernest F. Hollings,
Patrick J. Leahy,
Frank R. Lautenberg,
Barbara H. Mikulski,
Harry Reid,
Herb Kohl,
Dianne Feinstein,
Managers on the Part of the Senate.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. WHITFIELD) to revise and extend their remarks and include extraneous material:)

Mr. JONES of North Carolina, for 5 minutes, on May 17.

Mr. WHITFIELD, for 5 minutes, on May 17.

Mr. EHLERS, for 5 minutes, today.

ADJOURNMENT

Mr. WOLF. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 59 minutes p.m.), under its previous order, the House adjourned until Monday, May 17, 1999, at 2 p.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports and amended reports concerning the foreign currencies and U.S. dollars utilized for official foreign travel during the fourth quarter of 1998 and the first quarter of 1999 by Committees of the House of Representatives, as well as a consolidated report of foreign currencies and U.S. dollars utilized for speaker-authorized official travel during first quarter of 1999, pursuant to Public Law 95–384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
FOR HOUSE COMMITTEES Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒											

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HENRY HYDE, Chairman, Apr. 26, 1999.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON NATIONAL SECURITY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Visit to the United Kingdom, Belgium, Russia and Czech Republic, November 30–December 10, 1998:											
Delegation expenses	12/2	12/4	Belgium						507.48		507.48
Committee total									507.48		507.48

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

FLOYD D. SPENCE, Chairman, Apr. 30, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1999

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Larry Combest	1/7	1/9	Venezuela		$553.50		(3)				$553.50

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1999—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	1/9	1/13	Chile		1,208.00		(3)				1,208.00
	1/13	1/16	Brazil		1,070.00		(3)				1,070.00
Tom Sell	1/7	1/9	Venezuela		553.50		(3)				553.50
	1/9	1/13	Chile		1,208.00		(3)				1,208.00
	1/13	1/16	Brazil		1,070.00		(3)				1,070.00
Hon. Collin Peterson	2/20	2/21	Marshall Islands		185.00		(3)				185.00
Hon. Bob Etheridge	2/12	2/14	United Kingdom		623.28		(3)				623.28
	2/14	2/16	Jerusalem		558.00		(3)				558.00
	2/16	2/17	Turkey		102.00		(3)				102.00
	2/17	2/19	Bahrain		490.64		(3)				490.64
	2/19	2/19	Kuwait				(3)				
	2/19	2/20	Turkey		228.31		(3)				228.31
	2/20	2/21	Ireland		264.00		(3)				264.00
Hon. Greg Walden	3/29	4/2	China		967.25		(3)				967.25
	4/2	4/3	Taiwan		409.50		(3)				409.50
Committee total					9,490.98						9,490.98

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

LARRY COMBEST, Chairman, Apr. 28, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1999

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Joseph Knollenberg	1/10	1/12	Finland		568.00		(3)				568.00
	1/12	1/14	Germany		508.00		(3)				508.00
	1/14	1/16	France		502.00		(3)				502.00
	1/16	1/18	Austria		480,000		(3)				480.00
Timothy L. Peterson	1/23	2/2	New Zealand		1,200.00		(3)				1,200.00
Commercial airfare							7,438.00				7,438.00
John T. Blazey	1/21	2/2	New Zealand		1,400.00						1,400.00
Commercial airfare							7,439.00				7,439.00
Richard E. Efford	1/23	2/2	New Zealand		1,200.00						1,200.00
Commercial airfare							7,458.40				7,458.40
Hon. Jay Dickey	1/7	1/9	Venezuela		553.50		(3)				553.50
	1/9	1/13	Chile		1,208.00		(3)				1,208.00
	1/13	1/16	Brazil		1,070.65		(3)				1,070.65
Hon. David L. Hobson	1/10	1/12	Hungary		497.00						497.00
	1/22	1/12	Bosnia-Herzegovina								
	1/12	1/13	Germany		192.00						192.00
	1/13	1/15	Belgium		582.00						582.00
Commercial airfare							5,184.77				5,184.77
Elizabeth C. Dawson	1/10	1/12	Hungary		497.00						497.00
	1/12	1/12	Bosnia-Herzegovina								
	1/12	1/13	Germany		192.00						192.00
	1/13	1/16	Belgium		873.00						873.00
Commercial airfare							3,877.89				3,877.89
Donald McKinnon	1/15	1/16	Bolivia		164.00						164.00
	1/16	1/18	Argentina		744.00						744.00
Commercial airfare							3,534.90				3,534.90
John G. Shank	1/24	1/26	Nicaragua		440.50						440.50
	1/26	1/28	Colombia		514.70						514.70
Commercial airfare							1,952.40				1,952.40
Scott Lilly	1/24	1/26	Nicaragua		452.00						452.00
	1/26	1/28	Colombia		770.00						770.00
Commercial airfare							1,952.40				1,952.40
Mark Murray	1/24	1/26	Nicaragua		452.00						452.00
	1/26	1/29	Colombia		770.00						770.00
Commercial airfare							1,952.40				1,952.40
Frank M. Cushing	2/14	2/17	Italy		1,221.92		(3)				1,221.92
	2/17	2/17	Bosnia-Herzegovina				(3)				
	2/18	2/19	Turkey		394.00		(3)				394.00
	2/20	2/21	Ireland		264.00		(3)				264.00
Hon. Martin O. Sabo	2/14	2/17	Italy		1,286.32		(3)				1,286.32
	2/17	2/17	Bosnia-Herzegovina				(3)				
	2/18	2/19	Turkey		394.00		(3)				394.00
	2/20	2/21	Ireland		264.00		(3)				264.00
Hon. Robert E. (Bud) Cramer, Jr.	2/14	2/17	Italy		1,221.92		(3)				1,221.92
	2/17	2/17	Bosnia-Herzegovina				(3)				
	2/18	2/19	Turkey		394.00		(3)				394.00
	2/20	2/21	Ireland		264.00		(3)				264.00
Elizabeth C. Dawson	2/14	2/17	Italy		1,221.92		(3)				1,221.92
	2/17	2/17	Bosnia-Herzegovina				(3)				
	2/18	2/19	Turkey		394.00		(3)				394.00
	2/20	2/21	Ireland		264.00		(3)				264.00
Hon. Todd Tiahrt	2/14	2/17	Italy		1,286.32		(3)				1,286.32
	2/17	2/17	Bosnia-Herzegovina				(3)				
	2/18	2/19	Turkey		394.00		(3)				394.00
	2/20	2/21	Ireland		264.00		(3)				264.00
Hon. David L. Hobson	2/14	2/17	Italy		1,286.32		(3)				1,286.32
	2/17	2/17	Bosnia-Herzegovina				(3)				
	2/18	2/19	Turkey		394.00		(3)				394.00
	2/20	2/21	Ireland		264.00		(3)				264.00
Hon. Roger F. Wicker	2/14	2/17	Italy		1,286.32		(3)				1,286.32
	2/17	2/17	Bosnia-Herzegovina				(3)				
	2/18	2/19	Turkey		394.00		(3)				394.00
	2/20	2/21	Ireland		264.00		(3)				264.00
Hon. Robert D. Aderholt	2/14	2/17	Italy		1,286.32		(3)				1,286.32
	2/17	2/17	Bosnia-Herzegovina				(3)				
	2/18	2/19	Turkey		394.00		(3)				394.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1999—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	2/20	2/21	Ireland		264.00		(3)				264.00
Hon. Sam Farr	2/14	2/17	Italy		1,221.92		(3)				1,221.92
	2/17	2/17	Bosnia-Herzegovina				(3)				
	2/18	2/19	Turkey		394.00		(3)				394.00
	2/20	2/21	Ireland		264.00		(3)				264.00
Charles Parkinson	2/14	2/17	Italy		1,221.92		(3)				1,221.92
	2/17	2/17	Bosnia-Herzegovina				(3)				
	2/18	2/19	Turkey		394.00		(3)				394.00
	2/20	2/21	Ireland		264.00		(3)				264.00
Hon. John W. Olver	2/14	2/17	Italy		1,221.92		(3)				1,221.92
	2/17	2/17	Bosnia-Herzegovina				(3)				
	2/18	2/19	Turkey		394.00		(3)				394.00
	2/20	2/21	Ireland		264.00		(3)				264.00
Thomas Forhan	2/14	2/17	Italy		1,221.92		(3)				1,221.92
	2/17	2/17	Bosnia-Herzegovina				(3)				
	2/18	2/19	Turkey		394.00		(3)				394.00
	2/20	2/21	Ireland		264.00		(3)				264.00
Hon. Frank R. Wolf	2/14	2/15	Albania		117.50						117.50
	2/15	2/16	Macedonia		117.50						117.50
	2/16	2/17	Kosovo		117.50						117.50
	2/17	2/18	Macedonia		117.50						117.50
Commercial airfare							2,237.96				2,237.96
Hon. Maurice D. Hinchey	2/16	2/17	Israel		116.00						116.00
	2/17	2/19	Bahrain		336.00						336.00
	2/19	2/20	Turkey (Istanbul)		133.00						133.00
	2/20	2/21	Ireland		264.00						264.00
Commercial airfare							2,945.64				2,945.64
Elizabeth C. Dawson	3/18	3/22	England		800.00						800.00
Commercial airfare							4,761.86				4,761.86
Brian L. Potts	3/19	3/21	England		150.00		(3)				150.00
Hon. David L. Hobson	3/19	3/21	England		150.00		(3)				150.00
Douglas Gregory	3/5	3/7	Honduras/Nicaragua/Cuba		364.00		(3)				364.00
Charles Flickner	3/5	3/7	Honduras/Nicaragua/Cuba		364.00		(3)				364.00
Elizabeth Dawson	3/5	3/7	Honduras/Nicaragua/Cuba		364.00		(3)				364.00
Hon. Sam Farr	3/5	3/7	Honduras/Nicaragua/Cuba		364.00		(3)				364.00
Hon. David L. Hobson	3/5	3/7	Honduras/Nicaragua/Cuba		364.00		(3)				364.00
Hon. Todd Tiahrt	3/5	3/7	Honduras/Nicaragua/Cuba		364.00		(3)				364.00
Hon. Roger Wicker	3/13	3/16	Russia		1,150.00		(3)				1,150.00
Hon. Robert E. (Bud) Cramer, Jr.	3/13	3/16	Russia		1,150.00		(3)				1,150.00
Total					45,614.39		50,735.62				96,350.01
Committee Appropriations, Surveys and Investigation Staff:											
R.W. Vandergrift, Jr	2/14	2/18	Italy		1,196.75		2,457.00		288.08		3,941.83
	2/18	2/20	Turkey		294.00						294.00
	2/20	2/21	Ireland		267.50						267.50
Committee total					1,758.25		2,457.00		288.08		4,503.33

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

BILL YOUNG, Chairman, Apr. 27, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1999

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Visit to Morocco, Kuwait, Saudi Arabia, Spain and Portugal, January 7–19, 1999:											
Hon. Floyd D. Spence	1/7	1/9	Morocco		530.00						530.00
	1/9	1/11	Bahrain		492.00						492.00
	1/11	1/13	Kuwait		704.00						704.00
	1/13	1/14	Saudi Arabia		246.00						246.00
	1/14	1/16	Spain		458.00						458.00
	1/16	1/19	Portugal		894.00						894.00
Hon. Solomon P. Ortiz	1/7	1/9	Morocco		530.00						530.00
	1/9	1/11	Bahrain		492.00						492.00
	1/11	1/13	Kuwait		704.00						704.00
	1/13	1/14	Saudi Arabia		246.00						246.00
	1/14	1/16	Spain		458.00						458.00
	1/16	1/19	Portugal		894.00						894.00
Hon. James V. Hansen	1/7	1/9	Morocco		530.00						530.00
	1/9	1/11	Bahrain		492.00						492.00
	1/11	1/13	Kuwait		704.00						704.00
	1/13	1/14	Saudi Arabia		246.00						246.00
	1/14	1/16	Spain		458.00						458.00
	1/16	1/19	Portugal		894.00						894.00
Hon. Owen B. Pickett	1/7	1/9	Morocco		530.00						530.00
	1/9	1/11	Bahrain		492.00						492.00
	1/11	1/13	Kuwait		704.00						704.00
	1/13	1/15	Germany								
	1/15	1/19	Portugal		1,192.00						1,192.00
Commercial airfair							1,330.87				1,330.87
Hon. John M. McHugh	1/7	1/9	Morocco		530.00						530.00
	1/9	1/11	Bahrain		492.00						492.00
	1/11	1/13	Kuwait		704.00						704.00
	1/13	1/14	Saudi Arabia		246.00						246.00
	1/14	1/16	Spain		458.00						458.00
	1/16	1/19	Portugal		894.00						894.00
Peter M. Steffes	1/7	1/9	Morocco		530.00						530.00
	1/9	1/11	Bahrain		492.00						492.00
	1/11	1/13	Kuwait		704.00						704.00
	1/13	1/14	Saudi Arabia		246.00						246.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1999—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	1/14	1/16	Spain		458.00						458.00
	1/16	1/19	Portugal		894.00						894.00
Maureen P. Cragin	1/7	1/9	Morocco		530.00						530.00
	1/9	1/11	Bahrain		492.00						492.00
	1/11	1/13	Kuwait		704.00						704.00
	1/13	1/14	Saudi Arabia		246.00						246.00
	1/14	1/16	Spain		458.00						458.00
	1/16	1/19	Portugal		894.00						894.00
Visit to China and Japan, January 11–16, 1999:											
Hon. Robert A. Underwood	1/11	1/15	China		1,118.00						1,118.00
	1/15	1/15	Japan								
Commercial airfare							5,585.06				5,585.06
Mieke Y. Eoyang	1/11	1/15	China		1,118.00						1,118.00
	1/15	1/16	Japan		313.00						313.00
Commercial airfare							6,617.20				6,617.20
Delegation expenses	1/11	1/15	China						399.38		399.38
Visit to Panama, Honduras and Costa Rica, January 13–18, 1999:											
Hon. Herbert H. Bateman	1/13	1/15	Panama		434.00						434.00
	1/15	1/15	Honduras								
	1/15	1/18	Costa Rica		678.00						678.00
Christian P. Zur	1/13	1/15	Panama		434.00						434.00
	1/15	1/15	Honduras								
	1/15	1/18	Costa Rica		678.00						678.00
Visit to Bosnia and Germany, January 13–16, 1999:											
Hon. Gene Taylor	1/13	1/15	Bosnia								
	1/15	1/16	Germany		49.10						49.10
Commercial airfare							4,286.48				4,286.48
Dudley L. Tademy	1/13	1/15	Bosnia								
	1/15	1/16	Germany		49.10						49.10
Commercial airfare							4,286.48				4,286.48
Visit to Honduras, Costa Rica, Panama, Equador, Curacao and Aruba, February 17–23, 1999:											
Hon. Gene Taylor	2/17	2/17	Honduras								
	2/17	2/18	Costa Rica		226.00						226.00
	2/18	2/20	Panama		434.00						434.00
	2/20	2/21	Equador		137.00						137.00
	2/21	2/22	Curacao		341.00						341.00
	2/22	2/23	Aruba		391.00						391.00
George O. Withers	2/17	2/17	Honduras								
	2/17	2/18	Costa Rica		226.00						226.00
	2/18	2/20	Panama		434.00						434.00
	2/20	2/21	Equador		137.00						137.00
	2/21	2/22	Curacao		341.00						341.00
	2/21	2/23	Aruba		391.00						391.00
Visit to the United Kingdom, Jerusalem, Turkey, Bahrain, Kuwait and Ireland, February 12–21, 1999:											
Hon. Bob Riley	2/12	2/14	United Kingdom		623.28						623.28
	2/12	2/16	Jerusalem		558.00						558.00
	2/16	2/17	Turkey		102.00						102.00
	2/17	2/19	Bahrain		490.64						490.64
	2/19	2/19	Kuwait								
	2/19	2/20	Turkey		228.31						228.31
	2/20	2/21	Ireland		264.00						264.00
Thomas M. Donnelly	2/12	2/14	United Kingdom		623.28						623.28
	2/14	2/16	Jerusalem		558.00						558.00
	2/16	2/17	Turkey		102.00						102.00
	2/17	2/19	Bahrain		490.64						490.64
	2/19	2/19	Kuwait								
	2/19	2/20	Turkey		228.31						228.31
	2/20	2/21	Ireland		264.00						264.00
Delegation expenses	2/16	2/20	Turkey				490.70		1,721.81		2,212.51
Visit to Italy, March 3–8, 1999:											
Hon. Herbert H. Bateman	3/5	3/8	Italy		828.00						828.00
Hon. Solomon P. Ortiz	3/5	3/8	Italy		828.00						828.00
Hon. James V. Hansen	3/5	3/8	Italy		828.00						828.00
Hon. Owen Pickett	3/5	3/8	Italy		828.00						828.00
Hon. Don Sherwood	3/5	3/8	Italy		828.00						828.00
Hon. Jim Turner	3/5	3/8	Italy		828.00						828.00
Peter M. Steffes	3/5	3/8	Italy		828.00						828.00
Dudldy L. Tademy	3/5	3/8	Italy		828.00						828.00
Joseph F. Boessen	3/5	3/8	Italy		828.00						828.00
Maureen P. Cragin	3/5	3/8	Italy		828.00						828.00
Diane W. Bowman	3/5	3/8	Italy		828.00						828.00
Visit to Russia, March 13–16, 1999:											
Hon. Curt Weldon	3/13	3/16	Russia		1,150.00						1,150.00
Hon. Roscoe G. Bartlett	3/13	3/16	Russia		1,150.00						1,150.00
Hon. John N. Hostettler	3/13	3/16	Russia		1,150.00						1,150.00
Hon. Jim Turner	3/13	3/16	Russia		1,150.00						1,150.00
Committee total					49,031.66		22,596.79		2,121.19		73,749.64

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

FLOYD SPENCE, Chairman, Apr. 30, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BANKING AND FINANCIAL SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1999

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Bruce Vento	1/10	1/12	Finland		568.00		(3)				568.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BANKING AND FINANCIAL SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1999—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	1/12	1/14	Germany		508.00		(3)				508.00
	1/14	1/16	France		502.00		(3)				502.00
	1/16	1/18	Austria		480.00		(3)				480.00
Hon. Carolyn Maloney	2/10	2/12	Netherlands		586.00		623.47				1,209.47
Hon. Joseph Engelhard	3/11	3/17	France		1,992.00		957.18				2,949.18
Committee total					4,636.00		1,580.65				6,216.65

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

JIM LEACH, Chairman, Apr. 29, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BUDGET, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1999

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]

FOR HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOHN R. KASICH, Chairman, Apr. 22, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1999

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Cliff Stearns	1/10	1/12	Finland		568.00		(3)				568.00
	1/12	1/14	Germany		508.00		(3)				508.00
	1/14	1/16	France		502.00		(3)				502.00
	1/16	1/18	Austria		480.00		(3)				480.00
Hon. Edward Markey	1/10	1/12	Finland		568.00		(3)				568.00
	1/12	1/14	Germany		508.00		(3)				508.00
	1/14	1/16	France		502.00		(3)				502.00
	1/16	1/18	Austria		408.00		(3)				480.00
Hon. Tom Sawyer	1/10	1/12	Finland		568.00		(3)				568.00
	1/12	1/14	Germany		508.00		(3)				508.00
	1/14	1/16	France		502.00		(3)				502.00
	1/16	1/17	Austria		240.00		[4] 2,852.79				3,092.79
Hon. Barbara Cubin	2/13	2/14	El Salvador		210.00		(3)				210.00
	2/14	2/15	Panama		217.00		(3)				217.00
	2/15	2/16	Peru		306.00		(3)				306.00
	2/16	2/18	Bolivia		328.00		(3)				328.00
	2/18	2/21	Mexico		852.00						852.00
Hon. Tom Coburn	3/18	3/19	Albania				5,439.16				5,439.16
	3/19	3/20	Greece		213.00						213.00
	3/20	3/22	Macedonia		380.00		202.00				582.00
Hon. Bart Gordon	2/14	2/17	England		1,095.00		(3)				1,095.00
	2/17	2/18	France		332.00		(3)				332.00
	2/18	2/20	Belgium		582.00		(3)				582.00
Hon. Joe Barton	2/18	2/21	Mexico		1,107.00		[4] 211.27				1,318.27
Hon. James Greenwood	1/10	1/11	Korea		136.00		(3)				136.00
	1/11	1/14	Indonesia		699.00		[4] 2,936.25				3,635.25
Hon. Peter Deutsch	3/8	3/9	Honduras				[4] 452.80				452.80
Committee total					12,391.00		12,094.27				24,485.27

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Military and commercial air transportation.

TOM BLILEY, Chairman, Apr. 30, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND THE WORKFORCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1999

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Bob Schaffer	3/11	3/16	Russia		1,150		(3)				1,150
Committee total					1,150						1,150

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

BILL GOODLING, Chairman, Apr. 29, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1999

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Tony P. Hall	1/8	1/18	Thailand, Burma, Laos		1,969.00		3,897.40				5,866.40
Hon. Sue Myrick	2/14	2/17	England		1,095.00		(3)				1,095.00
	2/17	2/18	France		332.00						332.00
	2/18	2/20	Belguim		582.00						582.00
Hon. Tony P. Hall[4]	11/7	11/15	S. Korea, N. Korea, Japan				11,200.00		700.00		11,900.00
Codel Solomon[5]	8/17	8/18	Mongolia						7,199.64		7,199.64
Committee total					3,978.00		15,097.40		7,899.64		26,975.04

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Additional expenditures to 4th (1998) quarter report.
[5] Additional expenditures to 3rd (1998) quarter report.

DAVID DREIER, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1999

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. F. James Sensenbrenner	2/13	2/18	England and the Netherlands		1,095.00		4,672.00				5,767.00
	3/27	3/31	Korea				4,816.00				4,186.00
Nick Smith	3/27	3/31	Korea				4,816.00				4,186.00
Todd Schultz	2/13	2/18	England and the Netherlands		1,095.00		4,672.00				5,767.00
	3/27	3/31	Korea				4,816.00				4,186.00
Committee total					2,190.00		21,902.00				24,092.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

F. JAMES SENSENBRENNER, Jr., Chairman, Apr. 27, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SMALL BUSINESS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND APR. 30, 1999

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]

FOR HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JAMES TALENT, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN 1 AND MAR. 31, 1999

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]

FOR HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

LAMAR SMITH, Chairman, Apr. 21, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1999

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Bill Archer	1/7	1/9	Venezuela		553.50		(3)				553.50
	1/9	1/13	Chile		1,208.00		(3)				1,208.00
	1/13	1/16	Brazil		1,070.65		(3)				1,070.65
Hon. Phil English	1/7	1/9	Venezuela		553.50		(3)				553.50
	1/9	1/13	Chile		1,208.00		(3)				1,208.00
	1/13	1/16	Brazil		1,070.65		(3)				1,070.65
Hon. E. Clay Shaw, Jr.	1/7	1/9	Venezuela		553.50		(3)				553.50
	1/9	1/13	Chile		1,208.00		(3)				1,208.00
	1/13	1/16	Brazil		1,070.65		(3)				1,070.65
Hon. William J. Jefferson	1/7	1/9	Venezuela		553.50		(3)				553.50
	1/9	1/12	Chile		906.00		[4] 1,776.20				2,682.20
Hon. Wes Watkins	1/7	1/9	Venezuela		553.50		(3)				553.50
	1/9	1/13	Chile		1,208.00		(3)				1,208.00
	1/13	1/16	Brazil		1,070.65		(3)				1,070.65
Hon. Karen Thurman	1/7	1/9	Venezuela		553.50		(3)				553.50
	1/9	1/13	Chile		1,208.00		(3)				1,208.00
	1/13	1/16	Brazil		1,070.65		(3)				1,070.65
Hon. Angela Ellard	1/7	1/9	Venezuela		553.50		(3)				553.50
	1/9	1/13	Chile		1,208.00		(3)				1,208.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1999—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	1/13	1/16	Brazil		1,070.65		(3)				1,070.65
Hon. Timothy Reif	1/7	1/9	Venezuela		553.50		(3)				553.50
	1/9	1/13	Chile		1,208.00		(3)				1,208.00
	1/13	1/16	Brazil		1,070.65		(3)				1,070.65
Hon. Karen Humbel	1/7	1/9	Venezuela		553.50		(3)				553.50
	1/9	1/13	Chile		1,208.00		(3)				1,208.00
	1/13	1/16	Brazil		1,070.65		(3)				1,070.65
Hon. Michael McNulty	1/10	1/12	Finland		568.00		(3)				568.00
	1/12	1/14	Germany		508.00		(3)				508.00
	1/14	1/16	France		502.00		(3)				502.00
	1/16	1/18	Austria		480.00		(3)				480.00
Hon. Ron Lewis	3/11	3/16	Russia		1,150.00		(3)				1,150.00
	2/12	2/14	United Kingdom		623.28		(3)				623.28
	2/14	2/16	Jerusalem		558.00		(3)				558.00
	2/16	2/17	Turkey		102.00		(3)				102.00
	2/17	2/19	Bahrain		490.64		(3)				490.64
	2/19	2/19	Kuwait				(3)				
	2/19	2/20	Turkey		228.31		(2)				228.31
	2/20	2/21	Ireland		264.00		(3)				264.00
Committee Total					29,590.93		1,716.20				31,367.13

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Commercial airfare.

BILL ARCHER, Chairman, Apr. 27, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON U.S. NATIONAL SECURITY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1999

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

FOR HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

CHRIS COX, Chairman, Apr. 26, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HOUSE DELEGATION TO GERMANY, BELGIUM, LITHUANIA, UNITED KINGDOM, AND IRELAND, EXPENDED BETWEEN MAR. 26 AND APR. 3, 1999

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Scott Palmer	3/27	3/29	Germany	1,325.87	741.00						
Bill Inglee	3/27	3/29	Germany	1,325.87	741.00						
Christy Surprenant	3/27	3/29	Germany	1,325.87	741.00						
Martha Morrison	3/27	3/29	Germany	1,325.87	741.00						
Ralph Hellmann	3/27	3/29	Germany	1,325.87	741.00						
Sam Lancaster	3/27	3/29	Germany	1,325.87	741.00						
John Feehery	3/27	3/29	Germany	1,325.87	741.00						
David Hobbs	3/27	3/29	Germany	1,325.87	741.00						
Mark Murray	3/27	3/29	Germany	1,325.87	741.00						
Dan Turton	3/27	3/29	Germany	1,325.87	741.00						
Dwight Comedy	3/27	3/29	Germany	1,325.87	741.00						
Tola Thompson	3/27	3/29	Germany	1,325.87	741.00						
Hon. J. Dennis Hastert	3/27	3/29	Germany	1,325.87	741.00						
Hon. David Obey	3/27	3/29	Germany	1,325.87	741.00						
Hon. Robert (Bud) Cramer	3/27	3/29	Germany	1,325.87	741.00						
Hon. Tom Ewing	3/27	3/29	Germany	1,325.87	741.00						
Hon. Mac Collins	3/27	3/29	Germany	1,325.87	741.00						
Hon. Peter King	3/27	3/29	Germany	1,325.87	741.00						
Hon. Carrie Meek	3/27	3/29	Germany	1,325.87	741.00						
Hon. Bobby Rush	3/27	3/29	Germany	1,325.87	741.00						
Hon. Ray LaHood	3/27	3/29	Germany	1,325.87	741.00						
Hon. Kay Granger	3/27	3/29	Germany	1,325.87	741.00						
Hon. Ed Pease	3/27	3/29	Germany	1,325.87	741.00						
Hon. John Shimkus	3/27	3/29	Germany	1,325.87	741.00						
Hon. J. Dennis Hastert	3/29	3/31	Lithuania	2,570	644.00						
Hon. David Obey	3/29	3/31	Lithuania	2,570	644.00						
Hon. Robert (Bud) Cramer	3/29	3/31	Lithuania	2,570	644.00						
Hon. Tom Ewing	3/29	3/31	Lithuania	2,570	644.00						
Hon. Mac Collins	3/29	3/31	Lithuania	2,570	644.00						
Hon. Peter King	3/29	3/31	Lithuania	2,570	644.00						
Hon. Carrie Meek	3/29	3/31	Lithuania	2,570	644.00						
Hon. Bobby Rush	3/29	3/31	Lithuania	2,570	644.00						
Hon Ray LaHood	3/29	3/31	Lithuania	2,570	644.00						
Hon. Kay Granger	3/29	3/31	Lithuania	2,570	644.00						
Hon. Ed Pease	3/29	3/31	Lithuania	2,570	644.00						
Hon. John Shimkus	3/29	3/31	Lithuania	2,570	644.00						
Scott Palmer	3/29	3/31	Lithuania	2,570	644.00						
Bill Inglee	3/29	3/31	Lithuania	2,570	644.00						
Christy Surprenant	3/29	3/31	Lithuania	2,570	644.00						
Martha Morrison	3/29	3/31	Lithuania	2,570	644.00						
Ralph Hellman	3/29	3/31	Lithuania	2,570	644.00						
Sam Lancaster	3/29	3/31	Lithuania	2,570	644.00						
John Feehery	3/29	3/31	Lithuania	2,570	644.00						
David Hobbs	3/29	3/31	Lithuania	2,570	644.00						

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HOUSE DELEGATION TO GERMANY, BELGIUM, LITHUANIA, UNITED KINGDOM, AND IRELAND, EXPENDED BETWEEN MAR. 26 AND APR. 3, 1999—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Mark Murray	3/29	3/31	Lithuania	2,570	644.00						
Dan Turton	3/29	3/31	Lithuania	2,570	644.00						
Dwight Comedy	3/29	3/31	Lithuania	2,570	644.00						
Tola Thomason	3/29	3/31	Lithuania	2,570	644.00						
Hon. J. Dennis Hastert	3/31	4/1	United Kingdom	223.50	365.00						
Hon. David Obey	3/31	4/1	United Kingdom	223.50	365.00						
Hon. Robert (Bud) Cramer	3/31	4/1	United Kingdom	223.50	365.00						
Hon. Tom Ewing	3/31	4/1	United Kingdom	223.50	365.00						
Hon. Mac Collins	3/31	4/1	United Kingdom	223.50	365.00						
Hon. Peter King	3/31	4/1	United Kingdom	223.50	365.00						
Hon. Carrie Meek	3/31	4/1	United Kingdom	223.50	365.00						
Hon. Bobby Rush	3/31	4/1	United Kingdom	223.50	365.00						
Hon. Ray LaHood	3/31	4/1	United Kingdom	223.50	365.00						
Hon. Kay Granger	3/31	4/1	United Kingdom	223.50	365.00						
Hon. Ed Pease	3/31	4/1	United Kingdom	223.50	365.00						
Hon. John Shimkus	3/31	4/1	United Kingdom	223.50	365.00						
Hon. Scott Palmer	3/31	4/1	United Kingdom	223.50	365.00						
Hon. Bill Ingles	3/31	4/1	United Kingdom	223.50	365.00						
Christy Surprerant	3/31	4/1	United Kingdom	223.50	365.00						
Martha Morrison	3/31	4/1	United Kingdom	223.50	365.00						
Ralph Hellmann	3/31	4/1	United Kingdom	223.50	365.00						
Sam Lancaster	3/31	4/1	United Kingdom	223.50	365.00						
John Feehery	3/31	4/1	United Kingdom	223.50	365.00						
David Hobbs	3/31	4/1	United Kingdom	223.50	365.00						
Mark Murray	3/31	4/1	United Kingdom	223.50	365.00						
Dan Turton	3/31	4/1	United Kingdom	223.50	365.00						
Dwight Comedy	3/31	4/1	United Kingdom	223.50	365.00						
Tola Thompson	3/31	4/1	United Kingdom	223.50	365.00						
Hon. J. Dennis Hastert	4/1	4/3	Ireland	370.33	512.00						
Hon. David Obey	4/1	4/3	Ireland	370.33	512.00						
Hon. Robert (Bud) Cramer	4/1	4/3	Ireland	370.33	512.00						
Hon. Tom Ewing	4/1	4/3	Ireland	370.33	512.00						
Hon. Mac Collins	4/1	4/3	Ireland	370.33	512.00						
Hon. Peter King	4/1	4/3	Ireland	370.33	512.00						
Hon. Carrie Meek	4/1	4/3	Ireland	370.33	512.00						
Hon. Bobby Rush	4/1	4/3	Ireland	370.33	512.00						
Hon. Ray LaHood	4/1	4/3	Ireland	370.33	512.00						
Hon. Kay Granger	4/1	4/3	Ireland	370.33	512.00						
Hon. Ed Pease	4/1	4/3	Ireland	370.33	512.00						
Hon. John Shimkus	4/1	4/3	Ireland	370.33	512.00						
Scott Palmer	4/1	4/3	Ireland	370.33	512.00						
Bill Ingles	4/1	4/3	Ireland	370.33	512.00						
Christy Surprenant	4/1	4/3	Ireland	370.33	512.00						
Martha Morrison	4/1	4/3	Ireland	370.33	512.00						
Ralph Hellmann	4/1	4/3	Ireland	370.33	512.00						
Sam Lancaster	4/1	4/3	Ireland	370.33	512.00						
John Feehery	4/1	4/3	Ireland	370.33	512.00						
David Hobbs	4/1	4/3	Ireland	370.33	512.00						
Mark Murray	4/1	4/3	Ireland	370.33	512.00						
Dan Turton	4/1	4/3	Ireland	370.33	512.00						
Dwight Comedy	4/1	4/3	Ireland	370.33	512.00						
Tola Thompson	4/1	4/3	Ireland	370.33	512.00						
Total					54,288.00						54,288.00

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[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

J. DENNIS HASTERT, May 3, 1999

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, TRAVEL TO BELGIUM AND ALBANIA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 3 AND APR. 8, 1999

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Frank Wolf		3/4	United States								
	4/4	4/4	Belgium								
	4/4	7/4	Albania		477.85						477.85
	7/4	8/4	Belgium								
	8/4		United States								
Total					477.85						477.85

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[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

FRANK R. WOLF, May 5, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL TO BELGIUM AND ALBANIA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 3 AND APR. 8, 1999

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Charles E. White		3/4	United States								
	4/4	4/4	Belgium								
	4/4	7/4	Albania		477.85						477.85
	7/4	8/4	Belgium								
	8/4		United States								
					477.85						477.85

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[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

CHARLES E. WHITE, Apr. 4, 1999.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2101. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Iprodione; Pesticide Tolerance [OPP-300807; FRL 6064-5] (RIN: 2070-AB78) received May 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2102. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Myclobutanil; Extension of Tolerance for Emergency Exemptions [OPP-300846; FRL-6074-9] (RIN: 2070-AB78) received May 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2103. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Glyphosate; Pesticide Tolerance [OPP-300835; FRL-6073-5] (RIN: 2070-AB78) received April 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2104. A letter from the the Comptroller General, the General Accounting Office, transmitting an updated report on the previous compilation of historical information and statistics regarding rescissions proposed by the exectuive branch and rescissions enacted by the Congress through October 1, 1998; (H. Doc. No. 106-65); to the Committee on Appropriations and ordered to be printed.

2105. A letter from the the Director, the Office of Management and Budget, transmitting Cumulative report on rescissions and deferrals, pursuant to 2 U.S.C. 685(e); (H. Doc. No. 106-64); to the Committee on Appropriations and ordered to be printed.

2106. A letter from the Administrator, Environmental Protection Agency, transmitting a report of a technical violation of the Anti-Deficiency Act, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

2107. A letter from the Office of General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Final Flood Elevation Determinations—received April 28, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

2108. A letter from the Office of General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determination—received April 28, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

2109. A letter from the Office of General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations—[Docket No. FEMA-7280]—received April 28, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

2110. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Ohio; Designation of Areas for Air Quality Planning Purposes; Ohio [OH121-2; FRL-6337-5] received May 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2111. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Approval and Promulgation of New Source Review Provisions Implementation Plan for Nevada State Clark County Air Pollution Control District [NV 030-0015; FRL-6336-5] received May 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2112. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Final Approval in Part and Final Disapproval in Part, Section 112(I), Program Submittal; State of Alaska; Amendment and Clarification [FRL-6316-7] received May 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2113. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins and Group IV Polymers and Resins and Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry [AD-FRL-6338-3] (RIN: 2060-AH47) received May 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2114. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Protection of Stratospheric Ozone; Listing of Substitutes for Ozone—Depleting Substance [FRL-6332-3] (RIN: 2060-AG12) received April 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2115. A letter from the Special Assistant Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Des Moines, Iowa and Bennington, Nebraska) [MM Docket No. 98-187 RM-9371] received May 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2116. A letter from the Special Assistant, Office of Bureau Chief, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b).FM Table of Allotments, FM Broadcast Stations. (Hamilton, Meridian, and Marble Falls, Texas) [MM Docket No. 97-174 RM-9146 RM-9262] received May 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2117. A letter from the Chief, Competitive Pricing Division, Federal Communications Commission, transmitting the Commission's final rule—Defining Primary Lines [CC Docket No. 97-181] received April 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2118. A letter from the Chief, Policy and Program Planning Division, Federal Communications Commission, transmitting the Commission's final rule—Policy and Rules Concerning the Interstate, Interexchange Marketplace [CC Docket No. 96-61] received April 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2119. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Codes and Standards: IEEE National Consensus Standard (RIN: 3150-AF96) received April 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2120. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Custody of Investment Company Assets Outside the United States; Extension of Compliance Date [Release Nos. IC023814; IS-1193; File No. S7-23-95] (RIN: 3235-AE98) received April 30, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2121. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Air Force's proposed lease of defense articles to New Zealand (Transmittal No. 08-99), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

2122. A letter from the Director, Defense Security Cooperation Agency, transmitting notice of proposed lease to the North Atlantic Treaty Organization for defense articles (Transmittal No. 11-99), pursuant to 22 U.S.C. 2776(a); to the Committee on International Relations.

2123. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to a joint venture between Norway, Ukraine, Russia, Cayman Islands, Denmark and the United Kingdom (Transmittal No. DTC-6-99), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

2124. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Procurement List Additions—received April 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

2125. A letter from the Secretary of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2126. A letter from the Secretary Of The Interior, transmitting the Department of the Interior's annual performance plan for FY2000; to the Committee on Government Reform.

2127. A letter from the Acting Director Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska, Pacific Cod in the Gulf of Alaska [Docket No. 990304063-9062-01; I.D. 033099B] received April 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2128. A letter from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Western Alaska Community Development Quota Program [Docket No. 981221311-9096-02; I.D. 113098C] (RIN: 0648-AL21) received April 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2129. A letter from the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Financial Assistance for Research and Development Projects in the Northeastern Coastal States; Marine Fisheries Initiative (MARFIN) [Docket No. 990309066-9066-01; I.D. 030299A] (RIN: 0648—ZA62) received April 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2130. A letter from the Chairman, Federal Maritime Commission, transmitting the Commission's final rule—Carrier Automated Tariff Systems [Docket No. 98-29] received May 3, 1999; to the Committee on Transportation and Infrastructure.

2131. A letter from the Program Support Specialist, Aircraft Certification Service, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Aerospatiale Model ATR42 and ATR72 Series Airplanes [Docket No. 99–NM–50–AD; Amendment 39–11152; AD 99–09–19] (RIN: 2120–AA64) received May 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2132. A letter from the Program Analyst, Office of the Chief Council, Department of Transportation, transmitting Establishment of Temporary Restricted Area, Idaho [Airspace Docket No. 98–ANM–22] (RIN: 2120–AA66) received May 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2133. A letter from the Program Analyst, Office of the Chief Council, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace, Toccoa, GA [Docket No. 99–ASO–3] received May 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2134. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class C Airspace and Revocation of Class D Airspace, Austin-Bergstrom International Airport, TX; and Revocation of Robert Mueller Muncipal Airport Class C Airspace; TX [Airspace Docket No. 97–AWA–4] (RIN: 2120–AA66) received May 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2135. A letter from the Program Support Speccialist, Aircraft Certification Service, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD–11 Series Airplanes [Docket No. 99–NM–100–AD; Amendment 39–11154; AD 99–09–51] (RIN: 2120–AA64) received May 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2136. A letter from the Program Support Specialist, Aircraft Certification Service, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F.28 Mark 0070 and Mark 0100 Series [Docket No. 98–NM–202–AD; Amendment 39–11151; AD 99–09–18] (RIN: 2120–AA64) received May 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2137. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Notice of Availability of Funds for Source Water Protection [FRL–6336–7] received May 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2138. A letter from the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Revised Allotment Formulas for State and Interstate Monies Appropriated Under Section 106 of the Clean Water Act [FRL–6332–1] received April 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2139. A letter from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, transmitting the Administration's final rule—Airworthiness Directives; Bell Helicopter Textron Canada (BHTC) Model 222, 222B, and 222U Helicopters [Docket No. 98–SW–49–AD; Amendment 39–11153; AD 99–09–20] (RIN: 2120–AA64) received May 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2140. A letter from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, transmitting the Administration's final rule—Establishment of the Cincinnati/Northern Kentucky International Airport Class B Airspace Area, and Revocation of the Cincinnati/Northern Kentucky International Airport Class C Airspace Area; KY [Airspace Docket No. 93–AWA–5] (RIN: 2120–AE97) received April 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2141. A letter from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, transmitting the Administration's final rule—Amendment to Class E Airspace; Des Moines, IA; Correction [Airspace Docket No. 98–ACE–55] received April 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2142. A letter from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, transmitting the Administration's final rule—Amendment to Class E Airspace; Newton, KS [Airspace Docket No. 99–ACE–3] received April 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2143. A letter from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, transmitting the Administration's final rule—Amendment to Class E Airspace; Springfield, MO [Airspace Docket No. 99–ACE–8] received April 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2144. A letter from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, transmitting the Administration's final rule—Amendment to Class E Airspace; Kirksville, MO [Airspace Docket No. 99–ACE–9] received April 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2145. A letter from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, transmitting the Administration's final rule—Amendment to Class E Airspace, West Union, IA [Airspace Docket No. 99–ACE–12] received April 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2146. A letter from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, transmitting the Department's final rule—Amendment to Class E Airspace; Cresco, IA [Airspace Docket No. 99–ACE–13] received April 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2147. A letter from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, transmitting the Administration's final rule—Amendment to Class E Airspace; Rock Rapids, IA [Airspace Docket No. 99–ACE–15] received April 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2148. A letter from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, transmitting the Administration's final rule—Amendment to Class E Airspace; Shenandoah, IA [Airspace Docket No. 99–ACE–16] received April 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2149. A letter from the Acting Associate Administrator For Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Administrative Revisions to the NASA FAR Supplement received April 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

2150. A letter from the Regulations Officer, Social Security Administration, transmitting the Administration's "Major" final rule—Old-Age, Survivors, and Disability Insurance and Supplemental Security Income for the Aged, Blind, and Disabled; Substantial Gainful Activity Amounts (RIN: 0960–AE98)—received April 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2151. A letter from the Deputy Under Secretary of Defense, Science and Technology, Office of the Director of Defense Research and Engineering, transmitting a report on the Strategic Environmental Research and Development Program, pursuant to Public Law 101–510, section 1801(a) (104 Stat. 1755); jointly to the Committees on Armed Services and Science.

2152. A letter from the Assistant Secretary for Civil Rights, Department of Education, transmitting Fiscal Year 1998 Annual Report to Congress covering significant accomplishments in civil rights enforcement in education; jointly to the Committees on Education and the Workforce and the Judiciary.

2153. A letter from the Administrator, Environmental Protection Agency, transmitting a report on the Environmental Protection Agency's (EPA) Fiscal Year 1998 implementation of the Waste Isolation Pilot Plant (WIPP) Land Withdrawal Act; jointly to the Committees on Commerce and Armed Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Florida: Committee of Conference. Conference report on H.R. 1141. A bill making emergency supplemental appropriations for the fiscal year ending September 30, 1999, and for other purposes (Rept. 106–143). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. GILMAN (for himself, Ms. ESHOO, and Mrs. MALONEY of New York):

H.R. 1817. A bill to improve cellular telephone service in selected rural areas and to achieve equitable treatment of certain cellular license applicants; to the Committee on Commerce.

By Mr. HOYER (for himself, Mr. FATTAH, and Mr. DAVIS of Florida):

H.R. 1818. A bill to amend the Federal Election Campaign Act of 1971 to improve the efficiency of the Federal Election Commission, to authorize appropriations for the Commission for fiscal year 2000, and for other purposes; to the Committee on House Administration.

By Mr. MCDERMOTT (for himself, Mr. ROGAN, Mr. STARK, Mr. GRAHAM, Mr. MATSUI, Mr. LEWIS of Georgia, Mr. NEAL of Massachusetts, Mrs. THURMAN, Mrs. EMERSON, Ms. KILPATRICK, Mr. FROST, Mr. INSLEE, Mr. SHOWS, Mr. MCHUGH, and Ms. PELOSI):

H.R. 1819. A bill to amend the Internal Revenue Code of 1986 to allow individuals who are not eligible to participate in employer-subsidized health plans a refundable credit for their health insurance costs; to the Committee on Ways and Means.

By Mr. OWENS:

H.R. 1820. A bill to amend title XII of the Elementary and Secondary Education Act of 1965 to provide grants to improve the infrastructure of elementary and secondary schools; to the Committee on Education and the Workforce.

By Mr. RANGEL (for himself, Mr. Romero-Barcelo, Mr. Barrett of Wisconsin, Mrs. Thurman, Mr. Frost, Ms. Kilpatrick, Mr. Blagojevich, Mr. Meeks of New York, Ms. Carson, Mr. Davis of Illinois, Mrs. Meek of Florida, Mr. Olver, Mr. Roemer, Mr. Jackson of Illinois, Ms. Berkley, Mr. Gephardt, Mr. Kennedy of Rhode Island, Ms. Velázquez, Mr. Phelps, Mrs. Clayton, Ms. Waters, Mr. Cummings, Mr. Dixon, Mr. Ford, Mr. Hilliard, Mr. Rush, Mr. Towns, Mrs. Jones of Ohio, Mr. Owens, and Ms. Brown of Florida):

H.R. 1821. A bill to authorize the President to award a gold medal on behalf of the Congress to Jesse L. Jackson, Sr. in recognition of his outstanding and enduring contributions to the Nation; to the Committee on Banking and Financial Services.

By Mr. REGULA (for himself, Mr. Ney, Mr. Callahan, and Mr. Aderholt):

H.R. 1822. A bill to establish an emergency loan guarantee program for steel and iron ore companies; to the Committee on Banking and Financial Services, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROGAN:

H.R. 1823. A bill to authorize the sponsor of the Burbank-Glendale-Pasadena Airport in California to impose noise restrictions on operations at the airport without the approval of the Federal Aviation Administration; to the Committee on Transportation and Infrastructure.

By Mr. TALENT (for himself, Mr. Wolf, Mr. Mascara, Mrs. Johnson of Connecticut, Mr. LaTourette, Mr. English, Mr. Peterson of Pennsylvania, Mr. Moore, Mr. Paul, Mr. Ehlers, Mr. Klink, Mr. Murtha, Mr. Wynn, Mr. Hall of Ohio, Mrs. Emerson, Mr. Manzullo, and Mr. Kolbe):

H.R. 1824. A bill to amend the Internal Revenue Code of 1986 to allow small business employers a credit against income tax for certain expenses for long-term training of employees in highly skilled small business trades; to the Committee on Ways and Means.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

69. The SPEAKER presented a memorial of the Legislature of the State of Washington, relative to House Joint Memorial No. 4014 praying that the members of Congress increase federal funding for stroke research; to the Committee on Commerce.

70. Also, a memorial of the Legislature of the State of Washington, relative to House Joint Memorial No. 4004 praying that the United States support increased federal funding for prostate cancer research; to the Committee on Commerce.

71. Also, a memorial of the Legislature of the Commonwealth of The Mariana Islands, relative to Public Law 11-22 creating minimum wage review committees for the Commonwealth of the Northern Mariana Islands; to the Committee on Resources.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. YOUNG of Florida:

H.R. 1825. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Lucky Dog*; to the Committee on Transportation and Infrastructure.

By Mr. YOUNG of Florida:

H.R. 1826. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *The Enterprize*; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 19: Mr. Metcalf.

H.R. 21: Mr. Shows, Mr. Rahall, Mr. Nethercutt, Mr. Thornberry, Mr. Cook, Mr. Matsui, Mr. Spence, Mr. Sessions, and Mr. Tanner.

H.R. 24: Mr. Forbes and Mr. King.

H.R. 175: Mr. Barrett of Wisconsin, Mr. Peterson of Pennsylvania, Mr. Thomas, Mr. Pascrell, Mr. Smith of New Jersey, Ms. Rivers, Mr. Campbell, Mr. Leach, Mr. Cook, Mr. Souder, Mr. Hunter, Mr. Shuster, Mrs. Morella, Mr. Talent, Mr. Strickland, Mr. Canady of Florida, Mr. Kildee, Mr. Payne, Mr. Cummings, Mr. Wise, and Mr. Davis of Virginia.

H.R. 351: Mr. Ortiz.

H.R. 444: Mr. Cook.

H.R. 519: Mrs. Emerson.

H.R. 531: Mr. Hoyer, Mr. Isakson, Mr. Canady of Florida, and Mrs. Thurman.

H.R. 580: Mr. McDermott and Mr. Ramstad.

H.R. 710: Mr. Gallegly, Mr. Gonzalez, Mr. Sweeney, Mr. Upton, Mr. Hutchinson, Mr. Sherman, Ms. Brown of Florida, and Mr. Sununu.

H.R. 724: Mr. Frank of Massachusetts and Mr. Wu.

H.R. 745: Mr. Thompson of Mississippi.

H.R. 750: Mr. Young of Florida.

H.R. 920: Mr. Wu.

H.R. 976: Mr. Lewis of Georgia, Mr. Romero-Barcelo, and Mr. Owens.

H.R. 980: Mr. Aderholt, Mr. Nussle, Mr. Dickey, Mr. Gary Miller of California, Mr. Hall of Texas, Mr. Meeks of New York, Mr. Jenkins, Ms. Schakowsky, Mr. Baird, Mr. Lewis of Kentucky, Mr. Cook, Mr. Abercrombie, Mr. Phelps, Mr. Simpson, Mr. Clement, Ms. DeGette, Mr. Weldon of Florida, Mrs. Northup, Mr. Blunt, Mr. Canady of Florida, Mr. Whitfield, Mr. Sununu, Mr. Wicker, Mr. Metcalf, Mr. Knollenberg, Mr. Sandlin, Mr. Gallegly, Mr. Nethercutt, Mr. Schaffer, Mr. Dixon, Mr. Rohrabacher, Ms. Pelosi, Mr. McCollum, Mrs. Morella, and Mr. Condit.

H.R. 1070: Mr. Norwood and Mr. Pickering.

H.R. 1073: Mr. Sessions and Mr. Bereuter.

H.R. 1092: Mr. Becerra and Mr. Green of Texas.

H.R. 1122: Mr. Manzullo, Mr. Hostettler, Mr. Goodlatte, Mr. Greenwood, and Mr. Meehan.

H.R. 1180: Mr. Gilchrest.

H.R. 1187: Mr. Gilchrest, Mr. Royce, Mr. Nethercutt, Mr. Skelton, Mr. Goodling, Ms. Kilpatrick, Mr. Gordon, Mr. Reyes, and Mr. Visclosky.

H.R. 1248: Mr. Green of Texas, Mr. Foley, Mr. LaFalce, Mr. Capuano, Mrs. Meek of Florida, Mr. Baldacci, and Mrs. Christensen.

H.R. 1299: Mr. John.

H.R. 1310: Mr. Ramstad, Mr. Camp, Mr. Bishop, Mr. Pastor, Mr. Rodriguez, Mr. Nethercutt, Mrs. Bono, Mr. Kolbe, Mr. Metcalf, Mr. Ehlers, Ms. Kilpatrick, Mr. Bereuter, Mr. Schaffer, and Mrs. Myrick.

H.R. 1311: Mr. Ramstad, Mr. Camp, Mrs. Thurman, Mr. Bishop, Mrs. Kelly, Mr. Waxman, Mr. Pastor, Mr. Nethercutt, Mrs. Bono, Mr. Kolbe, Mr. Metcalf, Mr. Ehlers, Mr. Davis of Florida, and Mr. Miller of Florida.

H.R. 1336: Mr. Hobson and Ms. Pryce of Ohio.

H.R. 1363: Mr. Peterson of Minnesota.

H.R. 1387: Mr. Luther.

H.R. 1388: Mr. Horn and Mr. Lazio.

H.R. 1485: Mrs. Napolitano.

H.R. 1491: Mr. Levin.

H.R. 1525: Mr. Owens, Mr. Brown of Ohio, and Mr. Berman.

H.R. 1567: Mr. Hobson.

H.R. 1579: Mr. Rogan and Mr. Jackson of Illinois.

H.R. 1594: Mr. Romero-Barcelo, Ms. Eshoo, Ms. Roybal-Allard, Ms. Lofgren, Mr. Cunningham, Mr. Campbell, Mr. Underwood, and Mr. Weiner.

H.R. 1622: Mr. Lampson.

H.R. 1734: Mr. Forst and Mr. Filner.

H.R. 1736: Mr. Matsui, Mr. Kleczka, Mr. Waxman, Mr. Levin, Mr. Brown of Ohio, and Mr. Farr of California.

H. Con. Res. 60: Mrs. Maloney of New York, Mr. Weiner, and Mr. Rothman.

H. Con. Res. 97: Mr. Frank of Massachusetts and Ms. Schakowsky.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

Under clause 2 of rule XV, the following Members added their names to the following discharge petition:

Petition 1 by Mr. Turner on House Resolution 122: Owen B. Pickett and Tim Holden.

EXTENSIONS OF REMARKS

HONORING STUDENTS IN FREE ENTERPRISE

HON. JAMES C. GREENWOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1999

Mr. GREENWOOD. Mr. Speaker, I rise today to pay tribute to an outstanding organization in our country called Students In Free Enterprise.

Students In Free Enterprise (SIFE), is a nonprofit organization located on over 600 college campuses across the United States. SIFE has continually encouraged the free enterprise system through educational programs since its inception more than 20 years ago. Students in the organization dedicate their time and resources to helping others. SIFE's mission is to provide college students the best opportunity to develop leadership, teamwork, and communications skills through learning, practicing and teaching the principles of free enterprise. SIFE is not only involved with the encouragement of free enterprise, but has also worked closely with international charitable organizations. Students involved in this organization gain valuable leadership, communication, and business skills by teaching others, especially at-risk youth.

The Students In Free Enterprise organization is a valuable asset to the citizens of our country. In honor of their many charitable and civil contributions, I join my colleagues in the House of Representatives in recognizing May 18, 1999 as the third annual National Students In Free Enterprise Day.

I especially congratulate the Bucks County Community College SIFE chapter as they continue their mission of helping people achieve their dreams through free enterprise education.

RECOGNIZING COLLIS PAUL CHANDLER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1999

Mr. McINNIS. Mr. Speaker, I would like to take a moment to recognize the exceptional life and significant achievements of one of Colorado's oil and gas executives, Collis Paul Chandler. After 72 years of life, Collis Paul Chandler passed away May 6, 1999. While family, friends and colleagues remember the truly exceptional life of Collis Paul Chandler, I, too, would like to pay tribute to this remarkable man.

Collis Paul Chandler started his oil company in Colorado in 1954. A third generation independent oil man, Mr. Chandler was also a self made man. In the Navy, he fought bravely in World War II and returned to graduate from Purdue University with a bachelor of science degree in 1948. Mr. Chandler later served on the Purdue University Alumni Association board of directors as president. He also served on the board for the Public Service Company of Colorado and the Colorado National Bank. Additionally, he was also on the board of "Up With People". Mr. Chandler also served as chairman of the National Petroleum Council, the Natural Gas Supply Association and the Rocky Mountain Oil and Gas Association.

In 1994 Collis Chandler was awarded the American Petroleum Institutes' highest award, the Gold Medal for distinguished achievement. He was also awarded the Secretary of Energy's distinguished service medal, as well as the Texas Mid-Continent Oil and Gas Association's Independent of the Year Award.

The rest of Collis Chandler's accomplishments are too numerous to list, but they comprise a long and impressive list. No doubt his accomplishments will be long remembered and admired. It is clear that the multitude of those who have come to know Collis Chandler will mourn his absence. However, Mr. Speaker, I am confident that, in spite of this profound loss, the family and friends of Collis Paul Chandler can take solace in the knowledge that each is a better person for having known him.

TRIBUTE TO LT. COL. SCOTT G. ANDERSON

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1999

Mr. WALSH. Mr. Speaker, on June 30, 1999, Lt. Col. Scott G. Anderson is retiring as the Vice Commander for the 174 Fighter Wing, New York Air National Guard in Syracuse, NY. He assumed this position on Aug. 12, 1997. Previously, he was the Air Force Advisor for the Wing, serving as the active duty personnel representative for the 9th Air Force Commander, as well as assisting the 174th Fighter Wing in preparing for mobilization while attaining the highest possible level of combat readiness. He assumed this position on March 1, 1996.

Lt. Col. Anderson was born on March 2, 1956 in Fargo, ND, but now calls Syracuse, NY, home. He graduated from the U.S. Air Force Academy in 1978 receiving a commission and Bachelor of Science degree in Mechanical Engineering. After earning his wings in June 1979 at Vance Air Force Base, OK, he was assigned to Hahn Air Base, Germany, as an operational F–4E fighter pilot, first with the 313th and then the 10th Tactical Fighter Squadrons.

Following Wild Weasel up-grade at George Air Force Base, CA, he was reassigned to Germany in the 81st Fighter Squadron, Spangdahlem Air Base in 1982. He served as Squadron Flight Scheduler and Weapons Officer and qualified as an Instructor Pilot in the F–4G. In April 1984 he was selected to attend the Air Force Fighter Weapons School at Nellis Air Force Base, NV, and following graduation returned to Spangdahlem as Chief of Weapons and Tactics for the 480th Fighter Squadron. In August 1985 he was assigned to the 4443rd Test and Evaluation Group, George Air Force Base, CA, as the Tactics Development and Evaluation Officer. Projects included HARM anti-radiation missile, Wild Weasel/F–16 mixed force tactics, and development of F–16 HASRM missile capability.

In August, 1990 he received his Masters of Business Administration from Golden Gate University, San Francisco, was selected for the U.S. Air Force Air Demonstration Squadron (Thunderbirds) as the Logistics Officer, and transitioned to the F–16. Flying the number "Seven" aircraft, he served as the Deputy Commander for Maintenance, flight check pilot, team evaluator, and safety observer for each air demonstration. He then served as Chief of Weapons and Tactics Documentation Division, 57th Test Group, Nellis Air Force Base, NV, responsible for developing Multi-Command tactics manuals while attached to the 422 Test and Evaluation Squadron as an F–16 Test and Evaluation pilot.

Prior to his current position with the 174 Fighter Wing, he was assigned to the Department of State as the Operational Program and Training Manager, Air Force Directorate, JUSMAG–K, Seoul, Korea, acting as in-country liaison and consultant between the United States Government, aerospace industry, and the Republic of Korea concerning defense acquisition projects. His programs included the Korean F–16 Fighter, airborne missiles and munitions, Early Warning and tactical intelligence acquisition systems, and interface for joint exercise and training programs.

Lt. Col. Anderson is a command pilot with over 3,400 flying hours. His military decorations include the Defense Meritorious Service Medal, the Meritorious Service Medal with two oak leaf clusters, the Air Force Commendation Medal with oak leaf cluster, and the Combat Readiness Medal with oak leaf cluster.

Lt. Col. Anderson is married to the former Theresa Garrison of Brooklyn Park, MN. They have four children: Clint, Jenny Lynn, Grant and Katie Rose.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

1999 INTERNATIONAL CFIDS/CFS/M.E. AWARENESS DAY

HON. PATRICK J. TOOMEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1999

Mr. TOOMEY. Mr. Speaker, I would like to submit the following proclamation for the CONGRESSIONAL RECORD.

PROCLAMATION

Whereas, the Chronic Fatigue Syndrome Association of the Lehigh Valley joins the CFIDS Association of America in observing May 12, 1999 as International Chronic Fatigue and Immune Dysfunction Syndrome Awareness Day; and

Whereas, the Chronic Fatigue Syndrome Association of the Lehigh Valley, a member of the CFIDS Support Network of the CFIDS Association of America, is celebrating their seventh year of service to the CFIDS community; and,

Whereas, the Chronic Fatigue Syndrome Association of the Lehigh Valley has been awarded The CFIDS Support Network Action Award for Excellence in Service in the area of CFIDS Awareness Day in 1996, and for Excellence in commitment and service to the CFIDS Community in the area of Public Policy in 1995; and,

Whereas, chronic fatigue and immune dysfunction syndrome (CFIDS), also known as chronic fatigue syndrome (CFS) is a complex illness which affects many different body systems and is characterized by neurological, rheumatological and immunological problems, incapacitating fatigue and numerous other symptoms that can be severely debilitating and can last for many years; and,

Whereas, it is imperative that education and training of health professionals regarding CFIDS be expanded, that further research be encouraged and that public awareness of this serious health problem be increased.

Now, therefore, Congressman Patrick J. Toomey recognizes May 12, 1999 as International Chronic Fatigue and Immune Dysfunction Syndrome Awareness Day, commends the Chronic Fatigue Association of the Lehigh Valley on its Seventh Anniversary, and pays tribute to its efforts to conquer CFIDS on behalf of those battling this disabling illness.

Signed and sealed this Twelfth Day of April, One Thousand, Nine Hundred and Ninety-Nine.

TRIBUTE TO AL MANN

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1999

Mr. BERMAN. Mr. Speaker, I rise today to salute my dear friend, Al Mann, who is being honored this year at a gala event hosted by the San Fernando Economic Alliance. Al is, to put it succinctly, one of the most extraordinary men I know. The story of his life and business ventures is one that epitomizes not only the spirit of a true entrepreneur, but a true humanitarian.

Al is a veritable one-man industry in the field of medical devices. His numerous and highly successful companies have included Siemens-Pacesetter, Inc., which manufactures cardiac pacemakers; Advanced Bionics Corporation, which is developing cochlear stimulation systems to restore hearing for the profoundly deaf; and MiniMed Inc., which develops, manufactures, and markets drug delivery devices including microinfusion pumps for treatment for various medical conditions.

Literally millions of people around the world lead lives that have been immeasurably improved by one of Al's products. He never, however, rests on his laurels. He is always thinking ahead, striving for another breakthrough in the ever-changing field of medical devices, combining his amazing creativity with his keen business acumen. Al is very much at home in a field filled with brilliant entrepreneurs.

Al's business career spans more than four decades. Long before anyone coined the term "high-tech", Al was involved with companies that fit that definition. In 1956, he started Spectrolab, an electro-optical and aerospace systems company, and four years later he launched Heliotek, a semiconductor and electro-optical components manufacturer. In 1972, he started Siemens-Pacesetter, which was his first foray into the medical device industry. In addition to the aforementioned companies, Al is Chairman of Second Sight LLC, which is in the process of developing a visual prosthesis for the blind.

Al is the quintessential civic-minded businessman, whose efforts to strengthen the biomedical industry in Southern California have received widespread praise. A few years ago Al made an extraordinarily generous donation from his personal funds to both USC and UCLA for the establishment of a Biomedical Engineering Institute at each of those universities. The institutes are part of the Al Mann Foundation, which was founded in 1986, and is devoted to the development of advanced medical devices in a variety of fields.

In yet another compartment of his remarkable life, Al has built three large projects under federal program supplying rent subsidized housing for the poor. His developments, in Granada Hills, Tustin and Huntington Beach, are model examples of low income housing. He has also developed tracts of ultra-expensive lots and built custom homes worth millions.

Al Mann is a true Renaissance Man. He is an engineer, an accomplished musician and a learned religious scholar conversant in art, music, literature, philosophy and almost any other topic. He is a tenacious and perfectionist workaholic, who pursues his business and humanitarian quests with boundless energy.

I ask my colleagues to join me in paying tribute to Al Mann. The dedication, integrity, hard work and commitment that he brings to every endeavor and his impressive record of service to mankind embody the ideals of excellence. I am very proud to be his friend.

TRIBUTE TO FELICIA WONG

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1999

Ms. LEE. Mr. Speaker, I rise today to pay tribute to Felicia Wong of Berkeley, California who has had the distinct honor of serving as a distinguished White House Fellow.

Last year, Ms. Wong became one of 17 outstanding citizens to join a long and prestigious list of former White House Fellows, including one of the Bay Area's most famous and successful businessmen, Robert D. Haas, Chairman and CEO of Levi Strauss and Company. Established in 1965, the White House Fellowship Program honors outstanding citizens across the United States who demonstrate excellence in community service, leadership, academic and professional endeavors. It is the nation's most prestigious fellowship for public service and leadership development. Over the past three decades, White House Fellows have promoted active citizenship and service to the nation. Additionally, the White House Fellowship Program has served as a "proving ground" for many of today's community, business and political leaders and will continue to do so for America's future leaders.

Ms. Wong currently serves as director of the Federal Support to Communities Initiative for the U.S. Department of Justice. The initiative, housed at the National Partnership for Reinventing Government, is an interagency project working with pilot cities around the country to respond more effectively to community needs, particularly in the area of youth development programming. She has played a leading role in this initiative, which works in partnership with communities, helping to provide better access to youth development funding and to furnish user-friendly information about the federal government to parents and families, community-based organizations, and state and local officials.

Ms. Wong has worked hard to achieve her standards of excellence. She received a bachelor's degree in English and Political Science, with honors and Phi Beta Kappa, from Stanford University, as well as a master's degree in Political Science from U.C., Berkeley. A recipient of a three-year National Science foundation graduate fellowship, Ms. Wong is a Ph.D. candidate in Political Science at U.C., Berkeley, where she is writing her dissertation on the politics of race and urban education reform. Ms. Wong is also a high school history and philosophy teacher at the College Preparatory School in Oakland, California. In her teaching position, she is a faculty advisor to a student group on a diversity and has launched an ethics program for the school's senior class. Ms. Wong is also the co-director of the school's Partner's Program, an academic summer school that serves low-income public students. She has also worked on nuclear nonproliferation issues at the Carnegie Endowment for International Peace and at the Arms Control Association.

Mr. Speaker, I am proud to stand here to recognize the accomplishments of Felicia Wong, and I hope my colleagues will join with me today in wishing Ms. Wong the very best as she continues her future endeavors.

HONORING KVEC RADIO

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1999

Mrs. CAPPS. Mr. Speaker, today I rise to extend my congratulations to everyone at San Luis Obispo radio station KVEC, which recently marked its 62nd year on the air. KVEC is a locally-owned and operated station featuring local news and talk show hosts who provide a forum of lively discussion of local issues as well as interesting and useful information on a wide range of topics. As such, KVEC provides an invaluable service to its listeners from throughout San Luis Obispo County.

As a frequent guest on the Dave Congalton Show, I have enjoyed the opportunity to hear from KVEC's listeners on a wide array of issues. I know that for many of the station's regular listeners, on-air hosts like Dave Congalton and Bill Benica are considered almost members of the family. I appreciate the entire KVEC family for their community spirit and the important job they have done so well for more than six decades. I extend to them my sincerest congratulations and gratitude.

RESTORATION OF DEMOCRACY AND HUMAN RIGHTS IN LAOS

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1999

Mr. VENTO. Mr. Speaker, today I am proud to introduce legislation that calls for democracy, free elections and basic human rights in the Lao People's Democratic Republic. This important resolution reaffirms and promotes our commitment to free and fair elections and basic human rights standards for the Lao people, especially the Lao-Hmong. While United States forces have departed Southeast Asia, the plight of the Lao-Hmong inside of Laos must not be forgotten.

The continuous allegations of persecution and abuse of the Lao people, especially the Lao-Hmong, must not be overlooked. The United States must investigate these allegations promptly. Lao-Hmong families are reported to be threatened daily under the Communist regime in Laos. We must focus public attention to address such allegations in attempt to finally bring a halt to this persecution.

I would like to remind my Colleagues that the service and contributions of the Lao-Hmong patriots had a major impact on achieving today's global order and the positive changes of the past decades. Extreme sacrifices were made by the Lao-Hmong in the jungles and in the highlands, whether in uniform or in the common clothing of the laborer. Thousands of U.S. soldier's lives were spared because of the Lao-Hmong patriots' support and help as they fought along side the United States forces in the Vietnam War. For their efforts, the Lao-Hmong deserve our thanks, our shelter and certainly fundamental human rights, freedoms, responsibility of democracy and openly-contested free and fair elections that will establish the right to self-determination in Laos.

Despite frequent statements about its commitment to the enforcement of human rights standards in the country, the Laotian government's actual practices deviate from such important principles. The Government may have learned to "talk the talk" and make paper promises, but they must be held accountable to "walk the walk." On a daily basis, the government violates the civil and political rights of Laotian citizens by denying them the basic freedoms of speech, assembly, and association. According to the State Department Country Reports on Human Rights Practices for 1998, the Laotian government has only slowly eased restrictions on basic freedoms and continues to significantly restrict the freedoms of speech, assembly and religion.

Moreover, Amnesty International reports that serious problems persist in the human rights record of the Government of Laos. Such reports include the continued detention of political prisoners and the treatment of such prisoners in a manner that is degrading, abusive and inhumane. In February of this year, one political prisoner, Thongsouk Saysanghi, died in a remote prison camp in Laos. In addition, an unknown number of other political prisoners still remain inside of Laotian prisons. Amnesty International has made repeated appeals to the Lao authorities to improve the conditions of the detentions of the prisoners. Such appeals have been ignored, resulting in this tragic death. That Thongsouk died and the unknown number of other prisoners still remain to be left in such critical conditions in the face of these many expressions of concern highlights not only the Lao Government's complete lack of care of its political prisoners, but its contempt for the opinion of the international community.

Specifically, my resolution calls upon the Laotian government to respect international norms of human rights and democratic freedoms as embodied in its constitution and international agreements; issue a public statement specifically reaffirming its commitment to protecting religious freedom and other basic human rights, fully institute a process of democracy, human rights openly and free and fair elections in Laos, and specifically ensures that the National Assembly elections, currently scheduled for 2002, are openly contested; and allow access for international human rights monitors, including the International Committee of the Red Cross and Amnesty International inside of Lao prisons and all regions of the country to investigate allegations of human rights abuse, especially those against the Lao-Hmong, when requested.

The United States must continue to ask the tough questions and not accept a blissful lack of knowledge as satisfactory. My resolution builds upon similar Senate action last Congress and amendments, which I have authored, that have been added to the State Department Authorization in previous House action, but have not been enacted into law due to other matters. Much more needs to be done in regards to this matter. U.S. policy and law must be changed if we expect results. Congress must ensure that the Lao Government is held accountable for their actions and inactions. Importantly, Laos is seeking normal trade and diplomatic relations with the United States and the global community. But, the policy and conduct of the Laotian government in regards to human rights must be transparent prior to putting in place such political and economic policy. We owe the people of Laos the moral obligation to remain diligent to their human rights circumstance and plight.

HONORING AND RECOGNIZING SLAIN LAW ENFORCEMENT OFFICERS

SPEECH OF

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. GILMAN. Mr. Speaker, I would like to take this opportunity to recognize Police Memorial Week. It is a time when the citizens of the United States join the families, friends and colleagues of our Nation's slain peace officers, to honor and remember the sacrifices they have made.

On September 24, 1789, Congress created the first federal law enforcement officer, the United States Marshal. Five years later, on January 11th, 1794, U.S. Marshal Robert Forsyth became the first officer, in a long list of men and women who have given their lives to protect and serve the communities of their beloved Nation. Since then, over 14,000 officers have died in the line of duty, including over 1,000 from the State of New York. The city of New York has lost more officers than any other department in the Nation, with more than 500 deaths. These heroes must never be forgotten, and their sacrifice must serve as a reminder that the price of a safer America, an America based on law and order, is being paid for by the blood and lives of our police officers.

Although our Nation's crime rate is at its lowest level in years, on average, one law enforcement office is killed somewhere in America nearly every other day. Over the past ten years, America has lost one police officer every 54 hours; over 1,500 men and women. Already in 1999, forty officers have given their lives in the line of duty, a poignant reminder that crime reduction comes at a stiff price.

Police Memorial Week is a time to remind us that when a police officer is killed, it is not a city that loses an officer, it is an entire nation. We must believe that the senseless murders and crimes against our Nation's bravest men and women will one day stop; until then we will do everything we can in order to remember and honor all of the law enforcement officers who have ever given their lives.

I would like to take this opportunity to recite the names of those fallen heroes from New York, who, in the name of duty, gave their lives over the past two years: Chief Constable Norman E. Carr Jr., Officer Robert McLellan, Officer Sean Carrington, Officer Gerard Carter, Officer Anthony Mosomillo, and Officer Mathew Dziergowski. I would also like us to remember an officer from my congressional district Vincent Guidice of Stony Point, NY., who died in the line of duty on May 22nd, 1996. To our fallen officers, we express our Nation's gratitude.

In your spirit, I will continue to fight for those laws that provide our Nation's peace officers with the tools needed to fulfill their mandate of making our communities a safer place in which to live.

I urge all Americans to visit the National Law Enforcement Officers Memorial in Washington. It is a tribute to the dedicated service of our law enforcement officers and their distinguished service and sacrifice.

SUPPORT THE VETERANS SEXUAL TRAUMA TREATMENT ACT

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1999

Mr. GUTIERREZ. Mr. Speaker, today I am introducing legislation to make permanent the sexual trauma counseling and treatment services offered by the Department of Veterans Affairs. The Veterans Sexual Trauma Treatment Act, which I also introduced during the 105th Congress, will enable more former military personnel who were subjected to sexual harassment or abuse during their military service to receive proper medical and psychological care.

A high incidence of sexual harassment and assault cases in the military have been reported in the past several years. While some of these cases have gained national attention, many more have gone unreported. What is often not discussed is the issue of treatment and counseling for the victims of these offenses. The current law does not provide medical and counseling services for victims of these abuses. The Veterans Sexual Trauma Treatment Act would permanently authorize sexual trauma and treatment for active military personnel, reservists and national guard personnel. My bill would also require the VA to report to Congress regarding the use of sexual trauma programs and their collaborative efforts with the Department of Defense to educate and inform our armed forces personnel about sexual trauma programs at VA facilities.

Mr. Speaker, a greater number of women are entering the military each year. These services are needed. I am hopeful that my colleagues will join me by supporting this bill. I look forward to working with them to provide all veterans with the health care they have earned and deserve.

A TRIBUTE TO ALEXANDER FRIEDMAN

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1999

Mrs. MALONEY of New York. Mr. Speaker, I would like to take a moment to salute a resident of New York who currently serves our country as a White House Fellow—Alexander Friedman.

Mr. Friedman is one of just 17 individuals nationwide to receive the White House Fellowship this year. Established in 1965, the fellowship allows outstanding citizens to participate in a once-in-a-lifetime experience by working hand-in-hand with leaders in government. Applicants are chosen based on demonstration of excellence in community service, academic achievement, leadership and professional experience. It is the nation's most prestigious fellowship for public service and leadership development.

Alexander Friedman co-founded Adventa.com, an Internet firm that provides business-to-business marketing information. He also founded Accelerated Clinical, a biotechnology service company dedicated to accelerating the clinical trial process for biotechnology firms. He earned his BA in politics from Princeton University and a JD/MBA from Columbia University. Mr. Friedman is also a founder of the 21st Century Roundtable, his generation's first civic venture-capital non-profit group. The organization pairs young leaders of non-profits with young professionals who can provide advice, services and financing. He has maintained his commitment to civic duties by founding Climb for the Cure, a national student effort that raised $1 million for AIDS research through a climb of Alaska's Mt. McKinley, and also by serving as a small-claims court and family mediator in Harlem and the South Bronx. His tireless efforts on behalf of the people of New York have earned him the honor of becoming a recipient of such a competitive fellowship.

As a White House Fellow, Mr. Friedman has been assigned to the Department of Defense. In this capacity, he serves as acting policy coordinator for the Cooperative Threat Reduction Office in the weapons protection, security and accounting effort, which is charged with protecting nuclear warheads in the former Soviet Union. He also analyzes and organizes the Department's and U.S. government's interagency assets to best respond to threats from Weapons of Mass Destruction. Further, Mr. Friedman created a prototype for the first Military-Business Leadership Fellowship and undertook a Marine Corps-wide analysis of organizational mission and implementation procedures.

Mr. Speaker, I am honored to recognize Alexander Friedman on the floor of the House of Representatives for his accomplishments and for being chosen to participate in the White House Fellowship Program. I ask my colleagues to join me in wishing Alexander Friedman many more years of success.

PERSONAL EXPLANATION

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1999

Mr. RILEY. Mr. Speaker, I was unavoidably detained for the vote on final passage of H.R. 755 (rollcall 128). Had I been present, I would have voted "aye."

A TRIBUTE TO FLORENCE WHITE

HON. DAVID D. PHELPS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1999

Mr. PHELPS. Mr. Speaker, I rise today to honor and pay tribute to an outstanding citizen of Illinois' 19th District; Flora White. I would like to recognize Florence White for her years of dedicated service in the Macon County Schools, as well as her everlasting interest and hard work in preserving the history of Macon County.

Florence has very deep roots in Macon County. She is a direct descendent of William Warnick, who was the first sheriff of Macon County. Her great-grandfather, William Austin, helped plot the city of Decatur.

It is clear why Florence has been honored for this important recognition. She started her teaching career in 1924, presiding over several one-room schools in Macon County. In 1955, she was appointed assistant superintendent in charge of elementary education in the Lakeview unit district. She subsequently became principal in the Brush College #2 School and Spence School. She frequently taught in the Macon County Historical Society's Salem one-room schoolhouse in the Society's Prairie Village. Florence is the author of "Rural Schools of Macon County" and "Memorial Windows." She has received numerous awards from Decatur philanthropic organizations. Florence received her masters degree from Millikin University.

Florence's life has been dedicated to the achievement of excellence in education and the preservation of the history and heritage of Macon County. For these reasons, I ask my colleagues to please join me in acknowledging a great American and Illinoisan, Mrs. Florence White.

HONORING WEST POINT CADET ALISON JONES

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1999

Mr. GILMAN. Mr. Speaker, I want to take this opportunity to honor the heroism of West Point Cadet 1st Class Alison M. Jones.

I was present at a recent dress parade at West Point when Cadet Jones was awarded the Soldier's Medal, the Army's highest peacetime award for bravery. According to the award citation, Cadet Jones was awarded the medal for "heroism above and beyond the call of duty following the terrorist bombing of the United States Embassy in Nairobi, Kenya, on 7 August 1998."

Cadet Jones was spending the summer interning in Kenya just a few blocks away from the embassy. Despite being nearly knocked down by the explosion, she rushed to the American Embassy and entered, searching for survivors and helping recover human remains. On her own initiative, she then "established a check point to control entry into the embassy and facilitate the restoration of security and the organization of rescue efforts."

In her search for victims, Cadet Jones discovered a Kenyan man whose leg had been crushed as a result of the explosion. She used pieces of a ceiling beam to make a splint for him and kept him calm so he would not pass out.

Cadet Jones is the first female West Point cadet to be awarded the Soldier's Medal, which was established in 1922 by the War Department to recognize acts of bravery committed during peacetime. While several West Point cadets have received the award, Ms. Jones is the first since 1992. The Soldier's Medal is amongst the highest honors that can be bestowed upon an individual, as the level of bravery the medal honors is equal to that needed to win the Distinguished Flying Cross.

Cadet Jones, 21, is a native of Baltimore, Maryland. Upon graduation, she plans to join the widely-deployed military police. This will allow her even more opportunities to exhibit her courage.

On May 29, 1999, West Point will graduate its final class of the 20th century. The sort of bravery exemplified by Cadet Jones is precisely what West Point training promotes. Actions such as those taken by Cadet Jones will enable our military forces to maintain their strong posture well into the next century.

While Cadet Jones' modesty may lead one to believe that her life-saving efforts were not unusual, it is obvious that such heroism is indeed extraordinary. Her leadership is to be honored and commended, not just through the presentation of the Soldier's Medal, but by a recognition of her efforts by all my colleagues today.

CONGRATULATIONS TO THE MT. CARMEL HIGH SCHOOL NATIONAL OCEAN SCIENCES BOWL TEAM

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1999

Mr. CUNNINGHAM. Mr. Speaker, I am proud today to pay tribute to the students, teachers, parents and supporters of the Mt. Carmel High School National Ocean Sciences Bowl team that recently visited Washington, DC, for the competition's finals and won second place for the entire United States.

This is the second consecutive year that the Consortium for Oceanographic Research and Education has hosted the National Ocean Science Bowl for high school students from across the country, the second time that Mt. Carmel High has won its regional competition and come to Washington for the semifinals, and the first time the team has made the finals. In doing so, these students demonstrated their immense dedication of months of after-school study and investigation of oceanographic sciences and the world around us.

I would like to recognize each of the student team members by name, to honor their work and their extraordinary national achievement.

Daniel Warren Heise is a sophomore (among seniors) on Mt. Carmel High School's competing NOSB team in San Diego. However, he also participates in the Speech and Debate program and in Mt. Carmel's Key Club. He has assisted at nursing homes and orphanages in recent years. He also plays soccer, football, baseball, and basketball in the community. Danny loves to bodyboard at the beach, go camping, sketch, and kickbox. While taking frequent odd jobs on the side, he also has a 4.06 GPA. He aspires to attend a university and eventually travel much of the world.

Jennifer (J.J.) Nielsen is Captain of the Mt. Carmel High School NOSB team. She has been working with the team since January 1998. she is very proud and excited to be a part of the competing team, and looks forward to representing Southern California at the National Competition in Washington, DC. Besides working with the Oceanography team, Jennifer is also a part of the Mt. Carmel's Yearbook staff, CSF, and Link Crew. Outside of school, Jennifer enjoys snowboarding, SCUBA diving, hiking and listening to music. She has also been a Girl Scout since she was six years old. After she graduates in June 1999, Jennifer will attend San Diego State University and will work towards a degree in astronomy and geology.

Newton Quoc Quan is a senior at Mt. Carmel High School. This is his first year on NOSB team. He is also one of the senior captains at his high school's Varsity Lacrosse Team. He is currently involved in CSF, Link Crew, and Math Club. Newton currently has a 4.03 GPA and hopes to attend UCSD. He would like to thank all of his friends and family for all the support they have shown him. Newton would also like to especially thank Atish Baidya and Kevin Splittgeber for their involvement in getting him to join the team.

Bradley Wilson Reddell is a senior at Mt. Carmel High School. He currently lives in San Diego California with his parents and his thirteen-year-old brother. He is a current member of the ceramics club and NOSB. His hobbies include reading Robert Jordan and Tolkien novels, creative writing and archery. He also enjoys playing computer games. Brad has found that studying for NOSB has been well worth the time and has come to enjoy the challenge. He plans to attend Community College for two years then plans to transfer into a university and pursue a major in biology.

Lynn Sun is a senior at Mt. Carmel High School and is concurrently enrolled in the University of California, San Diego. She maintains a 4.2 GPA and is a National Merit Scholarship Semifinalist. She is also a member of the California Scholarship Federation and competes in Science Olympiad. She hopes to become a physician someday. In her free time she enjoys playing the piano, sketching, and skiing. Lynn would like to thank her parents, Huai and Jie Lin Sun, her coach, Harold Dorr, and all of her teachers and friends for their support.

I also want to specifically mention a number of teachers, parents and others who have been instrumental in the success of Mt. Carmel High's National Ocean Sciences Bowl team.

Harold W. Dorr is the coach of the Mt. Carmel High School National Science Bowl team. He is a science teacher at Mt. Carmel High School in the San Diego area where he teaches Oceanography and Zoology to 11 and 12 grade students. He is also an adjunct professor at Palomar College where he has taught in both the Life Science and Earth Science departments and is presently teaching Physical Oceanography.

Mr. Dorr has a Bachelor of Science in biological sciences from San Diego State University and a Masters of Science in marine sciences from the University of San Diego. Prior to becoming a teacher, he enjoyed five years working as a biological technician (fisheries) for the National Marine Fisheries Service and five additional years conducting various activities including teaching SCUBA, working as a diver at an oceanarium, and collecting marine biological data on various research projects.

In Mr. Dorr's rare free moments he enjoys SCUBA diving, underwater photography, fishing, camping and motorcycling. He never gets his fill of sharing the ocean, mountains and deserts with his wife and three children.

Keith Gretlein is a student at Palomar College and a member of last year's NOSB team from Mt. Carmel High School who competed in the national finals last year. Keith spent many hours working as assistant coach and assisting the students as they mastered difficult topics and learned the game strategy. Keith brought the expertise of a former competitor and shared his insights regarding both academic material and how to have the most positive experience with the members of other teams. Keith emphasized that this is an opportunity to gain new and interesting friends!

Sean Nesbitt, a student at University of San Diego, was also a member of the previous year team with Keith. Sean also worked as assistant coach and spent many afternoons and evenings teaching and helping students on their game strategy. Sean was instrumental in helping Mr. Dorr select the most competent and compatible team. His experience in this competition last year was invaluable to the team.

Kara Lavender, a doctoral candidate at the Scripps Institution of Oceanography of the University of California San Diego, assisted this team by bringing the students up to date information about physical oceanography and assisting them as they grappled with topics that might be encountered as team challenge questions. Ms. Lavender demonstrated a gift for teaching as she brought complex concepts from her graduate courses and shared them in a very understandable way with the students.

Scott Fisher, the principal of Mt. Carmel High School, consistently supported this NOSB team and allowed them to take trips, try new activities, take a few risks, and grow. Mr. Fisher recognized the hours of hard work and the sacrifices these students have made throughout the year and awarded the team a school varsity letter for their efforts and successes.

And, of course, I want to recognize the hard work and sacrifice put forth by the parents of all of these Mt. Carmel High School NOSB team members, supporters and friends. Excellence in learning begins in the home. These parents deserve to be honored.

Last, I want to pay a special thanks to my good friend, Admiral James D. Watkins. Admiral Watkins is the president of the Consortium for Oceanographic Research and Education, CORE, that is the sponsor of this annual National Ocean Sciences Bowl. Having tirelessly given his life and his energy to America through service in the U.S. Navy and in several Executive Branch appointments, Admiral Watkins continues to aggressively advocate for excellence in scientific education and research as the means to build a better tomorrow. By his will and considerable persuasive abilities, the National Ocean Sciences Bowl is bigger and better every year for all of the student competitors and supporting and sponsoring institutions. I am proud to have Admiral Watkins as a friend.

Let the permanent RECORD of the Congress of the United States show that the National Ocean Sciences Bowl team of Mt. Carmel High School, in San Diego, California, has demonstrated the best of young America through vigorous study, teamwork, and good sportsmanship. They are champions of our community, and they exemplify what makes our country great.

HONORING TEACHERS HALL OF FAME INDUCTEE DOROTHY KITTAKA

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1999

Mr. SOUDER. Mr. Speaker, I rise today to honor Dorothy Kittaka, a music teacher at Haverhill Elementary School in Fort Wayne, IN, and one of only five teachers in the Nation to be inducted this year into the National Teachers Hall of fame.

Throughout her career Dorothy has been recognized with numerous awards for her accomplishment in the classroom. She is a two-time Southwest Allen County Schools teacher of the year and a finalist for Indiana teacher of the year. In addition, in 1997, Parents Magazine recognized her with their "As they Grow" award, given to people who have demonstrated an unwavering commitment to effecting positive change in the lives of children.

However, Dorothy's sphere of influence reaches well beyond her classroom walls and into the community. Dorothy Kittaka is cofounder of the Foundation for the Arts and Music in Elementary Education—known as FAME. She is involved with the Indiana-Purdue, Fort Wayne Community Advisory Council; Arts United; the Fort Wayne Children's Choir and the Fort Wayne Philharmonic.

Perhaps the best description of the unique gifts Dorothy Kittaka brings to her students was offered by Haverhill's principal: "Dorothy's entire life is an example of one who believes that the arts are a vital force in the education of children. Her enthusiasm for the importance of the arts ignites the spark of imagination, creativity and joy of learning in her students."

On behalf of the people of the Fourth District of Indiana, I want to thank Dorothy Kittaka for the countless contributions she has made to the lives of our young people.

INTRODUCTION OF A BILL TO RENAME MOUNT McKINLEY AS DENALI

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1999

Mr. YOUNG of Alaska. Mr. Speaker, today I am introducing legislation to correct one of the oldest and most controversial mistakes ever made in the naming of one of America's foremost natural geologic features, which is in the State of Alaska. I refer to Denali, which the federal government persistently and unjustly names Mount McKinley.

Denali is North America's tallest mountain, rising to 20,320 feet in the heart of the Alaska Range. Its vertical rise measured from its lowlands to the summit is greater than that of Mt. Everest, in effect making it the tallest mountain in the world. Denali is also one of the nation's most beautiful natural features and a fitting symbol of the largest state and most prolific and responsible developer of natural resources. Alaskans and visitors alike marvel at its stunning beauty and dominant presence on the landscape, and the massif has come to represent both Alaska's proud heritage and bright future.

On a clear day, one can see the giant peak looming on the horizon 140 miles away to the south in Alaska's largest city of Anchorage. It is no wonder that Athabascan Native people have always called the peak "Denali," which means the High One.

Through the State's history the peak has been known as "Denali" until it was discovered by a prospector who took it upon himself to name the mountain after President William McKinley. Rather than call the mountain what the Alaskan people had called it for hundreds if not thousands of years, one person arbitrarily changed the face of maps everywhere . . . everywhere except Alaska, that is.

In 1975 the Alaska Legislature formally named it Denali, and the mountain is known by that name within Alaska to this day. Differences between state and federal names of geographic features are rare, and in this care the anomaly deserves amending.

To this end, the State approached the federal Board of Geographic Names with the proposal to require the use of Denali in all maps nationwide; the Board was prepared to act favorably. However, the Board's hands were subsequently tied by the intervention of one Member from Ohio.

One Member from Ohio continuously introduces legislation to block the name change. By its own policy, the Board refuses to act on a name change of a geographic feature when there is pending legislation concerning it, even if the measure is never considered. Thus, one single Representative can block a name-change within a State sought by the State's duly elected representatives. Whatever happened to the principle of federalism?

Far from memorializing a president in an appropriate manner, the name Mt. McKinley is now the source of confusion for millions of visitors to Denali National Park, the correctly named park hosting the mountain with the misfit moniker. Congress in 1980 dispelled this confusion half-way by redesignating the former Mt. McKinley National Park as Denali National Park and Preserve. Consistency dictates we use the name Denali for the mountain at the heart of the park.

I have nothing against naming a natural landmark after a U.S. President; it is an appropriate and honorable way to memorialize this nation's Presidents. However, William McKinley's deepest roots were in the State of Ohio, which is why he's known as the Idol of Ohio.

I respectfully suggest the gentleman from the State of Ohio re-designate a federal forest or similar landmark of his district after President McKinley if he wishes to honor this great president's memory. I am more than willing to assist him in this task.

My bill formally redesignates Mount McKinley as Denali, and requires the Interior Department to reflect this correction in all maps, references, and products put out by the United States government. This bill is not symbolic. It will be moved and receive its due consideration in this Congress.

Congress should end a long-running, 26 year controversy and name the mountain after what the people of the State of Alaska want it to be called: Denali.

75TH ANNIVERSARY OF THE NORWIN HIGH SCHOOL BAND

HON. RON KLINK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1999

Mr. KLINK. Mr. Speaker, it is my distinguished honor to recognize on the House floor an exceptional group of people from one of the schools in my Congressional District. On May 14, 1999, the Norwin High School Band will celebrate its 75th anniversary. For three quarters of a century, this organization has dedicated itself to the pursuit of musical excellence and music education. Through classes, practices, and competitions, the Norwin High School Band has established itself as one of the premier high school bands in the country. Among its many accomplishments, the Norwin High School Band has multiple state championships and a 1982 Marching Bands of America Grand National Championship. To further its impressive resume, it is the only band in the nation to have won Bands of America Regional Championships in three consecutive decades, and we have every reason to believe that it will find its fourth victory in the new millennium.

Mr. Speaker, as we progress to the year 2000, it becomes ever more clear that investment in young people's education must remain our first priority. The Norwin High School Band has championed this philosophy for 75 years, and it will continue to lead by demonstration in the future. I ask my colleagues to join me in the recognition of this talented and gifted organization, and to thank its members and alumni for their contributions to the community, the state, and the nation.

TRIBUTE TO VETERANS OF WORLD WAR I AND WORLD WAR II FROM MOUNT PLEASANT, MICHIGAN

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1999

Mr. CAMP. Mr. Speaker, I rise today to pay tribute to the men and women from Mount Pleasant, Michigan, who served in World War I and World War II.

On May 15, the city's memorials will be rededicated. I am honored to be invited to the ceremony and have submitted for the Record my remarks, which follow:

It is my privilege to join as we pay tribute to the men and women who fought in World War I and World War II. Some have joined us today. Some died on the battlefield. All served with honor.

When these monuments were first dedicated a different group of people stood here. They were mothers and fathers, sweethearts, classmates, and childhood friends to those they came to honor. With swollen pride and teary eyes, they remembered these sons and daughters.

They could recount with detail the great battles led by our generals and the evil deeds committed by our enemies. They made do without at home to win the war abroad. They knew sacrifice, loyalty, and mission.

As time passes, it is inevitable that the bitter memories of war fade. The names of the dead are engraved on plaques, and whispered at night by widows in prayers that only God hears.

But because each new generation is faced with learning the value of freedom and the price it demands, they must turn to the past, to learn and remember.

The lessons of World Wars I and II, like these two monuments, still stand. They are honor, service, bravery, and patriotism.

The greatest memorial we can give to those who served in these wars is to keep the memories of these men and women in our hearts and minds, and to pass on their sacred values to our children.

EXPOSING RACISM

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1999

Mr. THOMPSON. Mr. Speaker, in my continuing efforts to document and expose racism in America, I submit the following articles into the CONGRESSIONAL RECORD.

STUDENTS WORK ON PLANS TO GET AROUND INITIATIVE 200

SEATTLE (AP)—In the wake of anti-affirmative action Initiative 200, some University of Washington students aren't waiting around for administrators to take steps to maintain the school's diversity.

They have formed what they call a "multicultural think-tank" to come up with their own list of proposals to encourage and prepare minority high school graduates to apply to the UW.

"The first year after something like Initiative 200 is the biggest time to decide what happens for the future," said Tyrone Porter, a doctoral student in bioengineering and think-tank member. "I didn't want to just sit around and not see things really going on."

I-200, passed by voters in November, prohibits the consideration of race and gender in state government contracting, hiring and college admissions. At the UW, which had considered race in admissions before I-200, preliminary figures show a decline in minority applications, and administrators fear that will translate into lower minority enrollments.

The think-tank members' ideas include sending teams of UW students to area high schools, teaching teen-agers good study habits, and helping them prepare for college-entrance tests.

"The biggest thing is students going out and being the primary ambassadors for the school," Porter said. "I don't think that's being done on a regular basis right now."

Porter has outreach experience. As an undergraduate at Prairie View A&M University in Texas, a historically black school, he regularly visited his old high school in Detroit to talk about opportunities at Prairie View. He is now a regional officer for pre-college initiatives in the National Society of Black Engineers.

Porter decided to use that experience by working with other students to develop student-driven solutions to maintaining minority enrollments at the UW.

Porter is pushing for a pool of money to pay for student outreach proposals and hire an outreach coordinator to keep the various programs working together.

Another group member, Tyson Marsh, has developed a proposed yearlong program designed to teach leadership skills to high school students and encourage them to work in their communities.

"I guess the overall hope is to develop conscious citizens, both outside the UW and within the UW community, while providing them with resources and educational opportunities and experience in organizing," Marsh said.

The think-tank members plan to present their ideas to UW regents on Friday.

The university is still developing its own outreach plan to maintain diversity among UW students. Ideas being considered include placing UW counselors in some high schools, recruitment mailings and working more closely with community groups.

The student proposals are part of the mix, said Ernest Morris, vice president for student affairs and chairman of a task force on diversity efforts.

"They're good ideas," Morris said. "We like the enthusiasm that they represent. We like the fact that the students are implicitly and explicitly committing themselves to working toward this shared goal."

SPOKANE POLICE STUMPED BY CROSS-BURNINGS

SPOKANE (AP)—Investigators have few clues into a string of our recent cross burnings, including two targeting an interracial couple from northeast Spokane.

In the front yard of the couple's home Tuesday, a blackened cross that had apparently been set on fire before dawn leaned on a fence.

Inside, a 13-year-old boy who was home sick from school—one of the couple's three children—punched his hand into the family's sofa and vented.

"If I catch who did this, I want to take them down," he said. The boy's mother comforted her son but suggested he shouldn't respond to a hate crime with more violence.

"I'm still angry, but not as mad as I was after the first one," she said.

The mother, who is white, and the father, who is black, believe the family has been targeted because of its racial makeup.

The wooden cross found Tuesday had been wrapped with a piece of cloth that may have been saturated with a flammable liquid.

It was similar to one left in the front yard Feb. 14, and to another left a week later that was burned outside Zion Temple Church. The predominantly black congregation is in Spokane's East Central neighborhood.

Investigators call the 2-foot-high crosses in those incidents "trunk" crosses because they are small enough to fit in a car's trunk.

The first of the recent series of cross-burnings occurred Feb. 11, when a larger cross—about 5-feet-high—was left by the northeast Spokane home of a 58-year-old white man.

Before this year, Spokane police hadn't recorded a cross-burning since such hate crimes became a specific reporting category in January 1993.

Police have no suspects in the recent incidents and aren't speculating about who's responsible.

Investigators are perplexed about the second incident at the interracial couple's home, in part because their name and address—even their specific neighborhood—were not publicly divulged in a newspaper account about the earlier cross-burning.

That means investigators can pretty much rule out a copy-cat crime carried out by someone motivated by media attention.

But it doesn't rule out neighbors—who may have a dispute with the family—or someone acting out of hatred, investigators say.

Police also will examine whether a secret racist group may be responsible for the cross-burnings, although there is no evidence to suggest that, investigators say.

TRENTON COUNCIL SELECTS BLACK AS MAYOR

TRENTON, NC (AP).—A town where a black never held elective office and that refused to annex three black neighborhoods now has a black woman mayor, succeeding a white man who quit after saying blacks are unfit to govern.

The town council selected Sylvia Willis as the town's newest temporary mayor in a special closed session Tuesday. The selection averted another boycott threatened by Mrs. Willis' husband, black activist Daniel J. Willis.

"They looked at everybody's qualifications and decided to go with her," said town attorney Christopher Henderson, adding that the vote was unanimous.

Mrs. Willis is the first black ever to serve in Trenton government and the town's first female mayor.

"This is the beginning of a coming together—or trying, anyway," Mrs. Willis said.

She will fill the remainder of former Mayor Joffree Leggett's term, which will expire in November. Leggett resigned in March after saying blacks did not belong in town government and were not leaders.

He made the comments amid criticism of Trenton's government by Willis and others for refusing to annex three black neighborhoods. Trenton, a town of about 200 located 90 miles southeast of Raleigh, at the time had only 50 blacks. Since then, the town council has agreed to annex the neighborhoods and their roughly 100 black residents.

Mrs. Willis' selection came less than 24 hours after a town council meeting at which councilmen Charles Jones and Odell Lewis exchanged angry words with Daniel Willis and others.

Nearly 30 black residents had signed a petition nominating Mrs. Willis for a seat on the council in the wake of Leggett's resignation and Lewis' appointment as mayor pro tem.

Jones said no vacancy existed since Lewis was holding a commissioner's seat and the mayor's post simultaneously because he had not resigned from the council.

Mrs. Willis stood after Jones' statement and volunteered to serve as mayor.

Her appointment ended a brief boycott of Trenton merchants that began Tuesday. A number of blacks met after Monday night's council meeting and agreed they would not shop at town businesses until a black was appointed to the council. All Trenton businesses are owned by whites.

Mrs. Willis will be sworn in at the council's next meeting May 10.

The new mayor is accustomed to breaking ground. She was the first black appointed to several postmaster jobs in towns in North Carolina and New York.

"It's like it was God's plan for my life in these situations," Mrs. Willis said. "When I look back, it wasn't anything I particularly went out to seek."

She expects to be able to work with council members. "I've had things thrown at me before, and I had to deal with it," she said. "You don't just strike out because someone talks ugly or looks dirty."

Minorities Making Few Gains on Newspaper Staffs

San Francisco (AP).—Newsrooms are still overwhelmingly white and male, despite efforts in recent years to attract minority journalists, a study says.

The percentage of Asian American, black, Hispanic and American Indian newsroom employees rose to 11.55 in 1998 from 11.46 the previous year, according to findings presented Wednesday at the annual convention of the American Society of Newspaper Editors.

For the first time, the survey also counted female journalists, finding they represent about 37 percent of news staffs.

"I still think there are a lot of editors who don't understand the importance of diversity," said Nancy Baca, president of the National Association of Hispanic Journalists and an assistant features editor at the Albuquerque Journal in New Mexico.

The survey also showed declines for members of minority groups receiving internships and getting a first full-time journalism job.

Catalina Camia, president of Unity: Journalists of Color, an alliance of Asian-American, Hispanic, black and American Indian journalists, found one unchanged statistic particularly troubling—9 percent of the newsroom supervisors are minorities.

"These are the positions of real decision-making," said Camia, a Washington correspondent for The Dallas Morning News. "Looking at the big picture, these numbers tell us that incredible efforts need to be taken if we are going to get young people of color interested in journalism."

At the Tuesday session, ASNE announced a series of initiatives, including creation of a national talent bank listing minority students looking for internships or their first jobs.

The board of the Associated Press Managing Editors ratified the list of initiatives. ASNE's goal is for newsrooms to reflect the racial and ethnic makeup of the general population by 2025.

"You can't sell newspapers to people if you don't reflect their communities," said N. Christian Anderson, publisher of the Orange County Register and incoming ASNE president. "It's a simple business equation, as well as the right thing to do."

Court: Witnesses Have Troubles Identifying Members of Other Races

(By Thomas Martello)

Trenton, NJ (AP)—The New Jersey Supreme Court has ruled that juries in some mixed-race criminal cases should be told that witnesses have a tougher time identifying defendants of another race.

Prosecutors had argued there isn't enough scientific evidence to prove witnesses have more difficulty identifying members of another race.

But the court rejected the argument Wednesday, saying there have been ample studies and that most jurisdictions accept the concept.

"Indeed some courtroom observers have commented that the ordinary person's difficulty of 'cross-racial recognition' is so commonplace as to be the subject of both cliche and joke: 'they all look alike,'" the court wrote.

The court ordered a new trial in the rape case of a white Rutgers University student who identified a black man, McKinley Cromedy, as her attacker. The court said the jury should have been given a "cross racial instruction" alerting jurors to pay close attention to the possible influence of race in identifying defendants.

The woman had not recognized a photograph of Cromedy that she was shown a few days after the rape. However, she alerted police eight months later when she spotted Cromedy on a street corner. She identified him as the rapist after he had been taken into custody.

No forensic evidence was admitted during the trial. Court documents said it was not possible to link Cromedy to the rape through blood and sperm samples, and no fingerprints were taken by police at the scene.

The trial court did not allow the jury to be advised that "cross racial identification" could affect the victim's ability to identify her assailant, a decision upheld by an appeals court and overturned this week.

"It's an important decision," said Sylvia Orenstein, who argued the case on behalf of Cromedy. "Science has shown, unfortunately, that most people tend to better recognize people of their own race. This is another factor a jury should be alerted to consider."

The court said a cross-racial instruction to juries should only be given when identification is critical to the case, and there are no other eyewitnesses to back up the victim's charges.

Police Brutality and Racial Profiling: Facts Are Scarce

(By Paul Shepard)

Washington (AP).—In Boston, cries of police brutality are relatively rare. A beefed-up internal affairs division seems to be working, experts says.

In New York, on the other hand, anyone who has ever heard of black immigrants Abner Louima and Amadou Diallo knows the nation's largest city has a problem when race and policing converge.

But whether these cities have the best and worst records in policing their police—or whether police brutality is on the rise in American cities—is difficult to say authoritatively.

No government agency keeps track, and few police departments collect information based on race.

The question has taken on crucial dimensions. Police shootings have taken the lives of blacks in Pittsburgh and Riverside, Calif. In New Jersey, Maryland and Florida, state troopers have come under fire for conducting traffic stops based on a driver's race—so-called racial profiling.

A picture can be cobbled together from hearsay and anecdotes but the lack of hard statistics riles civil rights advocates who believe black and brown people are more likely to end up unjustly facing a policeman's gun or billy club than whites.

"This is frustrating to me in large part because white America has refused to acknowledge a problem exists," said Rep. Gregory W. Meeks, D-N.Y. "Now in 1999, we are seeing some of the same police brutality we saw in the Jim Crow days, but white America just doesn't get it."

Meeks, said the Congressional Black Caucus task force on police brutality, which he co-chairs, plans hearings in several cities, including Baltimore, Chicago and Dallas.

"At least it will be a starting point," said Meeks, a former prosecutor.

Said Ron Daniels, head of the Center for Constitutional Rights, a New York-based civil rights group, "We know we have a bad problem out there. We just don't know exactly how bad."

"Anywhere I've gone in this country, 15 minutes into the conversation we are talking about some police brutality," Daniels said. He organized a national anti-police brutality march in Washington in early April after four officers from New York's elite street crimes unit fired 41 shots at Diallo, an unarmed West African immigrant, hitting him 19 times. The officers have been charged with second-degree murder.

For years, civil rights groups have urged the Justice Department to collect nationwide data on excessive force cases. The collection of data was authorized by the 1994 Crime Act but not funded.

"So far we only have anecdotal information," said NAACP President Kweisi Mfume.

On Wednesday, Rep. John Conyers, D-Mich., reintroduced a bill requiring the Justice Department to collect data on traffic stops by local police. "Stopping our citizens to be searched on account of their race is an unacceptable activity on the part of law enforcement," he said.

A bill before the Massachusetts Legislature would require the state attorney general to study the number of people stopped for routine traffic violations, their race or ethnicity, age, along with why they were stopped, if there was a search and whether an arrest was made.

San Diego requires that police record of race of people they stop in order to assess whether officers rely on racial profiling in making traffic stops. Some of the 35 police chiefs and activists who met with Attorney General Janet Reno last week discussed adopting such a plan elsewhere.

But, generally, police officials are wary. "If passed into law, the (Conyers) bill would place a burden on the police and lengthen traffic stops," said Robert Scully, executive director of the National Association of Police Organizations, which represent 4,000 police unions and associations. He said officers are vulnerable to attack during such stops and pausing to collect data "would make a dangerous situation worse."

"It's ironic that in the quest for a colorblind society, some people want us to keep track of people by race," said Jim Pasco, executive director of the Fraternal Order of Police, the nation's largest police labor organization, with 277,000 members. "We're opposed to any kind of racial tabulation," he said, opposing proposals to accumulate data on police brutality cases.

Pasco said that police brutality hasn't been increasing. He notes the number of federal prosecutions of abusive cops has stayed at about 30 a year while the number of officers has sharply increased.

Available information hints that along with Boston, the police departments of Minneapolis and San Francisco have done the best jobs in curbing such abuses, according to a study last year of 14 cities by Human Rights Watch, an international human rights organization.

New York, Washington, D.C., and New Orleans appear to have the most serious problems of abusive officers on their forces, according to the report.

Los Angeles, where the Rodney King police beating led to riots, was judged to be "slowly on the mend."

Allyson Collins, the report's author, said the FBI, U.S. attorneys and Justice Department all have some information that could shed light.

"Bits and pieces of information are scattered everywhere," Collins said. "Its not a priority until we get some high-profile case that gets everyone talking and then the public is lulled back to sleep on the topic."

INTRODUCTION OF H.R. 1625—THE HUMAN RIGHTS INFORMATION ACT

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1999

Mr. LANTOS. Mr. Speaker, recently I introduced in the House The Human Rights Information Act (H.R. 1625), and joining me as the principal cosponsor of this bill was Congresswoman CONNIE MORELLA, our distinguished Republican Colleague from the State of Maryland. Our legislation has already found strong bipartisan support with over 50 of our distinguished colleagues joining as original cosponsors of this bill. These men and women are leading voices in the defense of human rights throughout the world, and recently many of them joined me at a press conference announcing the introduction of this legislation.

Mr. Speaker, this legislation is similar to legislation which I introduced in the last Congress with the cosponsorship of Congresswoman MORELLA. Our bill—H.R. 2635 of the 105th Congress—was considered and favorably reported by the Subcommittee on Government Management, Information, and Technology of the Committee on Government Reform in the last Congress. I want to commend our colleague, Congressman STEPHEN HORN, who chairs that Subcommittee, for his thoughtful consideration of the legislation last year. I also want to thank Congressman DENNIS KUCINICH, who served as Ranking Democratic Member of the Subcommittee in the last Congress, for his help in the consideration of the legislation last year.

Mr. Speaker, three simple principles are at the heart of the Human Rights Information Act.

First, it is a fundamental obligation of our government to support and protect human rights and democracy. This principle is central to our democratic system of government. The constitutional codification of our commitment to human rights, our Bill of Rights, not only has domestic implications for Americans, but it also has inspired and encouraged countries around the world in their own quest for freedom, democracy, and human rights. Successive American Administrations have recognized our nation's strong national commitment to human rights as a guiding principle and as one of the highest obligations of our nation's foreign policy. The United States has freely accepted our obligation to protect human rights under international law by signing and ratifying various international human rights treaties and covenants. It is also fundamental to any democratic system of government that the public be fully informed about policies directly affecting these most fundamental rights in order for the people to make meaningful decisions with regard to their government and to participate fully in the democratic process. The timely declassification of documents pertaining to human rights violations abroad, therefore, ought to be a paramount obligation of any U.S. government agency.

Second, our nation's commitment to the promotion and protection of human rights and democracy around the world has led us to make tremendous diplomatic, economic, and military efforts to end systematic human rights violations abroad. The United States government's efforts are supported by numerous American and foreign non-governmental organizations (NGOs) in the promotion of human rights and democracy. These efforts would be in vain if we do not do all we can to uncover and legally prosecute those who commit human rights abuses with impunity. Only full investigation of human rights abuses in these areas can really bring about the full accountability needed to develop respect for human rights and to rebuild a peaceful and reconciled civil society after civil conflict.

Third, democracy and human rights can flourish only where information is fully available, and information is essential to the rule of law. Without information and the rule of law, we will see human rights violations and the erosion of democracy. Even in countries where progress has been made, there is danger of regression if full information and the rule of law are not scrupulously enforced.

A country currently facing this danger is Guatemala. As my colleagues may know, just a few weeks ago, three gunmen entered the house of Ronalth Ochaeta, the director of the Catholic Church's human rights office. They put a gun to the head of his 4-year old son and left a box with bricks behind. The bricks are an allusion to the assassination of Bishop Gerardi a year ago, who was killed by a brick only days after the Bishop issued his report on human right violations during the period of the Guatemalan Civil War. The investigation of the Bishop's death has not yet produced any results. In Guatemala recently, President Clinton gave his word that the United States will never forget its obligation to those people whose lives have been affected by our policies, and who are now rightfully seeking the most basic of all information which was not included in the recently released report by the Guatemalan Truth Commission—What happened to their relatives and loved ones, where are their bodies, and which individuals were responsible for the disappearances and deaths?

Mr. Speaker, let me briefly outline the provisions of H.R. 1625:

Our bill specifies that 120 days after enactment of the legislation, each U.S. government agency shall identify, review and organize all records and documents relating to human rights abuses in Guatemala and Honduras after 1944. The provisions of the legislation would also apply to human rights violations in other areas of the world, but because of the particularly serious problems of Guatemala and Honduras and the reconciliation efforts currently under way there, these two countries these are given particular focus in the bill.

The legislation would apply the declassification procedures of the previously enacted JFK Assassination Records Act to human rights records. This will assure that legitimate National Security concerns are protected, but at the same time it will also assure that human rights documents are given special priority. In order the assure that records are not withheld for trival reasons, those records which agencies seek to withhold would be reviewed by the Interagency Security Classification Appeals Panel (an organization which was established by Presidential Executive Order 12958) or any entity subsequently established which fulfills the same functions of the Appeals Panel. Our legislation would add two new members to the Appeals Panel (or the entity that replaces it). These two positions would be filled by the President with human rights experts who meet the security requirements for membership on the panel. The President would be required to invite recommendations for these positions from the human rights community.

Mr. Speaker, our legislation is an effort to assure that human rights records and documents—which are essential for the identification and prosecution of individuals involved in gross human rights abuses—are made available to other countries in their pursuit and punishment of human rights violators. At the same time the legislation recognizes and carefully balances the national security and intelligence needs of the United States.

I invite our colleagues in the House to join as cosponsors of this important piece of legislation.

THE TAX FAIRNESS FOR THE STATES ACT OF 1999

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1999

Mr. VISCLOSKY. Mr. Speaker, I rise today in support of bipartisan legislation that I am introducing with Representatives ISTOOK, SANDLIN, LAHOOD, and 17 of my colleagues. The Tax Fairness for the States Act of 1999 will restore millions of dollars of lost revenue for the states, and establish an incentive program for those Native Americans who play by the rules.

The Supreme Court has continuously upheld the states' power to levy taxes on non-tribal members within Native American Tribal Trust Lands. The problem that remains, however, is the mechanism to collect these taxes. Our bipartisan measure would solve this problem.

The Tax Fairness for the States Act would authorize the Secretary of the Interior to promulgate rules to remove those Native Americans lands from the Tribal Trust on which a retail establishment exists that is not collecting the proper state excise taxes. This is not a discriminatory piece of tax legislation aimed at harming Native Americans. Rather, it focuses on the collection of excise taxes that, according to the Supreme Court, should have been collected in the first place. This legislation does not affect transactions between tribal members; it would only impact those retail establishments that are not collecting and passing on these legal taxes on non-tribal members.

The Tax Fairness Act would protect the rights of Native Americans by requiring the Secretary of the Interior to promptly notify any tribe that is under investigation for not forwarding applicable state taxes and gives them a chance to respond. This notification would set out the time and manner in which a tribe has to answer the allegations, including a 90-day comment period in which interested parties could submit statements and request a formal hearing before the Department of the Interior. These important provisions will ensure due process for all tribal members.

Furthermore, our legislation contains incentives for tribes who operate establishments in accordance with the law. The Tax Fairness bill awards Native Americans who play by the rules by giving priority among Native American tribes competing for federal grants to those tribes that can certify their compliance with state law.

This measure ensures equity in the process of state taxation. This is not about Native American sovereignty, nor is it about discrimination. This measure will give back the hundreds of millions of dollars that states lose annually because these taxes are not collected. Support this measure, support tax equity for the states.

IN SUPPORT OF NATIONAL POLICE WEEK

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1999

Mr. QUINN. Mr. Speaker, I am honored to rise today on the floor of this House in recognition of National Police Week, which began May 9 and will run through May 15.

As you know, in 1962, President John F. Kennedy signed Public Law 87–726, designating May 15 as Peace Officers' Memorial Day, and the week in which it falls as National Police Week.

During this week, we not only pay tribute to the brave men and women who have given their lives in service to our community, but we show our unending gratitutde to the police officers who daily risk their lives for our protection.

It is important that we all know and understand the problems, duties and responsibilities of our police department, and that members of our police department recognize their duty to safeguarding life and property, by protecting them against violence or disorder, and by protecting the innocent against deception and the weak against oppression.

Mr. Speaker, I rise today to call upon all citizens of Western New York and the Nation, and upon all patriotic, civic, and educational organizations to observe this week as National Police Week, and join in commemoration of police officers, both past and present, who by their faithful and loyal devotion to their responsibilities have rendered a dedicated service to their communities and, in doing so, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens. I further call upon all citizens to observe Staturday, May 15, as Peace Officers' Memorial Day in honor of those peace officers who, through their courageous deeds, have lost their lives or have become disabled in the performance of duty.

THE MEDICARE CHRONIC DISEASE PRESCRIPTION DRUG BENEFIT ACT OF 1999

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1999

Mr. CARDIN. Mr. Speaker, I rise today to introduce legislation that addresses one of the most pressing problems facing America's older and disabled citizens today—access to comprehensive medical care. Medicare, the federal health insurance program for the elderly and disabled, covers a large number of medical services, Inpatient care, physician services, skilled nursing facilities, and home health and hospice care are all covered by the Medicare program. Despite the success of this program in eliminating illness as a potential cause of financial ruin, the burden of high prescription drug costs remains a source of hardship for many beneficiaries.

When Congress created Medicare in 1965, prescription drugs were not a standard feature of most private insurance policies. But health care in the United States has evolved considerably in the last 34 years. Now most private health plans cover drugs because they are an essential component of modern health care. They are viewed as integral in the treatment and prevention of diseases. But Medicare, for all its achievements, has not kept pace with America's health care system. It's time for Medicare to modernize.

Because Medicare does not pay for prescription drugs, Medicare beneficiaries, 80% of whom use a prescription drug every day, must either rely on Medicaid if they qualify, purchase private supplemental coverage, join a Medicare HMO that offers drug benefits, or pay for them out-of-pocket.

Medicaid does provide prescription drug coverage. But nearly 60% of Medicare beneficiaries with incomes below the federal poverty level were not enrolled in Medicaid as recently as 1997. And even Medicaid enrollees with drug benefits must forgo some medications. For example, eleven state Medicaid programs have imposed caps on the number of prescriptions covered each month.

The drug coverage available through Medigap leaves much to be desired. Only 3 of the 10 standardized Medigap plans offer drug coverage, and the plans that do have limits on the benefits and high cost sharing. Two plans have caps of $1250, and the third has a cap of $3000. In addition, all three policies require that beneficiaries pay a 50% coinsurance for prescription drugs. The high cost of Medigap policies puts them out of reach for most low-to-moderate income Medicare enrollees. In my home state of Maryland, a 70 year-old beneficiary buying a Medigap policy with drug benefits would have to pay between $1100 and $3550 per year.

Some beneficiaries get drug benefits through employer-sponsored retiree plans. Although between 60 and 70% of large employers offered retiree health benefits in the 1980s, fewer than 40% do so today. Of these, nearly one-third do not provide drug benefits to their retirees.

So that leaves Medicare HMOs. Nearly one-quarter of Medicare+Choice enrollees—1.5 million beneficiaries—do not have drug benefits today. Nine of ten plans that do offer drugs impose annual caps, some of which are as low as $600. In fact, some seniors in Medicare HMOs are relying on pharmaceutical samples from their physicians to get sufficient supplies of medications. Twenty-five percent of enrollees with drug coverage pay a monthly premium to join the HMO, and these premiums are certain to rise next year. Last October, four of the eight HMOs offering Medicare coverage in Maryland exited the program, abandoning 34,600 seniors. In all but the metropolitan areas, only one HMO was left and it went from a zero premium to $75 a month.

Finally, the benefits offered by Medicare+Choice plans are not permanent. Because they are not part of the basic Medicare benefit package, which by law must be included in Medicare+Choice plans, drug benefits are considered "extra" and as such can change from year to year. On July 1, just 50 days from now, HMOs will submit their proposals to the Health Care Financing Administration for 2000. HCFA estimates that 16 million seniors, or 40% of all beneficiaries, will lack drug coverage as of next year.

All of these statistics make us painfully aware of the gaping hole in Medicare's safety net. This Congress can move now to patch it before more elderly and disabled citizens fall through. Today, Mr. Speaker, I am introducing legislation to accomplish this. My bill, the Medicare Chronic Disease Prescription Drug Benefit Act, recognizes the importance of preventive care and provides coverage for drugs that have been determined to show progress in treating chronic diseases. Why chronic diseases? Because the average drug expenditures for elderly persons with just one chronic disease are more than twice as high than for those without any chronic conditions. And because we know from years of advanced medical research that treating these conditions will reduce costly inpatient hospitalizations and expensive follow-up care. Furthermore, this bill addresses those beneficiaries who need assistance with their medications: a review of the Medicare+Choice program reveals that seniors who join HMOs—whom HMOs market to—are younger and healthier than those in fee-for-service Medicare. This tells us that the older, sicker seniors are not getting drug benefits.

My bill addresses their needs. It begins with five chronic diseases that have high prevalence among seniors and whose treatment will show improvement in beneficiaries' quality of life and reduce Medicare's overall expenditures. This bill provides coverage after an annual $250 deductible is met, with no copayment for generics and a 20% copayment for brand-name drugs. The Agency for Health Care Policy and Research will review available data on the effectiveness of drugs in treating these conditions, and based on AHCPR's review, the Department of health and Human Services will determine the drugs to be covered. Pharmacy Benefit Managers (PBM) under contract on a regional basis with the Health Care Financing Administration will negotiate with pharmaceutical companies to purchase these drugs and will administer the benefit.

This bill covers five major chronic conditions, but we know that there are others that should be covered as well. The legislation provides a process for the Institute of Medicine to determine the effectiveness of this benefit and the Medicare savings it produces, and to recommend additional diagnoses and medications that should be considered for coverage.

Mr. Speaker, modern medicine has the capability of doing extraordinary things. But no medical breakthrough, no matter how remarkable, can benefit patients if they can't get access to it. This bill is a matter of common sense: if Medicare beneficiaries can secure the medications they need, they will be able to managed their conditions, and will be much less likely to require extended and costly inpatient care. This legislation is a first step, a major step, toward making this happen. I urge my colleagues to join me in providing a solid package of prescription drug benefits that will modernize Medicare for the 21st century for the millions of Americans who depend on it.

HAPPY 100TH ANNIVERSARY LUTHERAN CHILD AND FAMILY SERVICE OF MICHIGAN

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1999

Mr. BARCIA. Mr. Speaker, nothing is more precious than our children, and nothing is more important than our families. An organization that celebrates and assists both of these assets is one truly worthy of recognition. I am very happy to tell you that this Sunday, May 16th, Lutheran Child and Family Service of Michigan will hold its 100th Anniversary Worship Service in Frankenmuth, celebrating the organization's founding on May 9, 1899, and its century of accomplishment.

A resolution adopted by the Saginaw Valley Pastors' Conference of the Lutheran Church, Missouri Synod, led to the establishment of Lutheran Child and Family Service of Michigan. It was a response to the need for assistance to children who were left homeless by a terrible fires in the Thumb area of Michigan. This was the initial chapter in a proud history of serving tens of thousands of Michigan's children and families through twenty-two service sites in the Lower Peninsula.

During this past century of championship, Lutheran Child and Family Service of Michigan was developed specialized foster care services to assist children with intensive treatment needs, and has become one of the largest providers of foster care services throughout Michigan. It is the largest provider of intensive in-home family preservation through its "Families First" program. It maintains three residential facilities throughout the state for adolescent women, emotionally and mentally impaired boys and girls, and its Lutheran Home in Bay City that provides treatment for adolescent boys. It is the largest private provider in Michigan in the placement of state wards into permanent adoptive homes, having placed 200 children last year alone. It helps children with AIDS with out-of-home placement. The Lutheran Adoption Service was also chosen as a pilot agency for developing an automated client information system, the Integrated Information System.

There is no doubt that many people will face difficulties during their lives. At those times, responsible assistance coupled with sensitive caring go a long way towards helping to ease problems. Robert Miles, the Executive Vice President and Chief Operating Officer of Lutheran Child and Family Service, and all of the wonderful people associated with this fine organization can take pride in all that they have done, and all that they continue to do each and every day.

Mr. Speaker, I urge you and all of our colleagues to join me in wishing Lutheran Child and Family Service of Michigan a most joyous 100th anniversary, and many more happy ones to come.

SAVE OUR CHILDREN FROM GUN VIOLENCE

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1999

Mrs. McCARTHY of New York. Mr. Speaker, why won't this Congress listen to the American people and allow us to pass common sense laws to keep guns out of the hands of children?

I was optimistic when I first learned the other body would take-up amendments drafted to keep guns away from our children. I thought they may set an example for the House to follow by putting politics aside to save our children from gun violence.

But what happened? The other body defeated a simple, common sense measure that would have tightened regulations on the sale of guns at gun shows.

I ask you, why is this a political issue? How many more children will have to die before Congress wakes up and passes laws to save young lives?

I want you to know that we will not give up. We will only fight harder for what the American people want—common sense measures to keep guns away from our kids and off our school campuses. My office alone has heard from thousands of people throughout this country who support my legislation, the Children's Gun Violence Prevention Act. Today, a young student on Long Island let me know that her school sent a petition to the Speaker of this House, asking him to address the issue of children and guns.

Now more than ever, we need to hear from every school and from every parent in this nation. Call, write, e-mail—flood the halls of Congress with your demands—let this Congress know that you want meaningful legislation passed to save our children from gun violence. Every day that goes by with more silence, we lose 13 more kids.

THE FEC REFORM AND AUTHORIZATION ACT OF 1999

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, May 14, 1999

Mr. HOYER. Mr. Speaker, we tend to take our elections for granted, only briefly focusing attention when there is a disputed outcome or, more recently, to bemoan the lack of voter participation. This unfortunate detachment by the voting public is the result of many different factors, one of which is the lack of confidence in our election process. It is long past the time for Congress to recognize the vital importance of our election process and the need to shore up and strengthen our democratic election system. We can start by reforming the Federal Election Commission (FEC). I am confident that we can give the Federal Election Commission the necessary mandate and direction to better carry out its responsibilities.

As the ranking Democrat on the two House committees that directly oversee the Federal Election Commission, the House Administration Committee and the Treasury, Postal Service and General Government Appropriations Subcommittee, I feel a special responsibility to do everything I can to make sure this agency functions with maximum fairness and efficiency. As Congress prepares to wrestle with campaign finance reform, it is important to note that even the most promising reform is meaningless unless the FEC is able to carry it out. Hopeful that the 106th Congress will pass Shays-Meehan, I am determined to see that the FEC is equipped at the earliest practicable time to enforce both the letter and spirit of this much needed measure.

To that end I am today introducing the FEC Reform and Authorization Act of 1999.

This bill, which I think my colleagues on both sides of the aisle can support, does not propose radical changes at the FEC because, quite frankly, radical change is not needed. As my colleagues know, in January the respected firm of PricewaterhouseCoopers delivered to Congress the results of a $750,000 independent audit of the FEC that was ordered last year in the FY99 Treasury-Postal Appropriations Act. To many people's surprise, the audit concluded that the FEC is "a competently managed organization with a skilled and motivated staff" that executes its responsibilities "without partisan basis." The audit also found that "high ethical standards are espoused throughout the organization."

However, PricewaterhouseCoopers did recommend several common-sense actions that would improve the FEC's performance. "The FEC's continued success will require that the agency aggressively pursue both incremental and significant changes in organization, work process, technology, and management practice," the report said.

Several of these recommendations have since been formally endorsed by a majority of the FEC commissioners, making them truly bipartisan in nature. In addition, the FEC commissioners have themselves delivered to Congress a list of bipartisan recommendations, not explicitly included in the audit, that would help the agency do its job better.

Mr. Speaker, this bill incoporates 29 recommendations that were either included in the audit and endorsed by the FEC, or were supported by a bipartisan majority of the FEC commission members. Together they will improve the efficiency and productivity of the FEC.

Most of the recommendations included in this bill address such diverse areas as filing deadlines for campaign reports, eligibility rules for presidential campaign public financing, and FEC administrative procedures. Other can be regarded as more thorough campaign reform, like Section 201, which prohibits foreign nationals, who are now prohibited from making hard money contributions, from making soft money contributions as well.

Each of these technical changes would fine-tune current FEC practices and clarify inconsistencies in current law that have confused FEC officials, contributors, and candidates alike who have had every intention of fairly obeying the law, but have not always been sure just what that law is. I firmly believe that when the underlying statutes are clear to all affected parties, administering and enforcing the law becomes a much more efficient, inexpensive, and straight-forward process.

Mr. Speaker, I do, however, want to spotlight one of the centerpieces of my bill, electronic filing, which was the main audit recommendation and one of the first recommendations that all six FEC commissioners endorsed soon after the audit was released.

Section 101 of this bill instructs the FEC to develop a comprehensive, mandatory electronic data filing system for the major filers. Mandatory electronic filing has been discussed for several years now. Unfortunately, no compelling case has been made for it. After studying the audit and hearing from the FEC, I am convinced that mandatory electronic filing is one of the most important changes we can make. Not only would electronic filing speed up the time it takes for campaign financial reports to be posted on the Web and made available to the public, it would also set off a chain reaction that would allow FEC auditors to analyze campaign reports much more quickly than they presently can. This in turn would allow them to forward much more quickly to the FEC General Counsel's office alleged violations of the law, giving the General Counsel more time to investigate cases before they go stale. In recent years, my Republican colleagues have sharply critized the General Counsel's office for its slow pace and tendency to dismiss too many cases. Electronic filing will provide the FEC with the tools necessary to expedite it's business.

While it is important to look for cost-effective ways to make the FEC more efficient, it is also crucial that the agency be given the funds needed to thoroughly conduct their business. This bill would authorize the FEC budget at $38,516,000 which is identical to the President's budget request. This is $2 million more than the FEC's FY99 budget, a 5 percent increase.

Let me conclude by saying that Congress has not passed an FEC authorization bill in 19 years. There are many reasons for this, chiefly an absence of a coherent blueprint that both parties could accept. I regard the independent audit, and this legislation which I am introducing today, as that blueprint for bipartisan action and urge my colleagues on both sides of the aisle to support it.

IN HONOR OF MICHAEL LEGGIERO: NORTH HUDSON KIWANIS CLUB MAN OF THE YEAR

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, May 14, 1999

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Michael Leggiero for being named North Hudson Kiwanis Club Man of The Year. Mr. Leggiero's leadership has shaped the North Hudson Community Action Corporation (NHCAC) into an agency which provides health care, housing and/or child care for over 41,000 residents of North and West Hudson County.

In 1993, the NHCAC created their state-of-the-art Community Health Center which provides primary health care for thousands of underinsured and uninsured Hudson County residents. The Center provides services such as prenatal, women's, pediatric and adult care for over 400 patients a week.

In 1996, Michael Leggiero led NHCAC in the critical effort to build affordable housing in Hudson County. The joint venture he spearheaded led to the construction of 49 new affordable housing units and NHCAC now has plans to begin a second development project.

In their latest venture the NHCAC has collaborated with the town of West New York to create the Children First Infant and Toddler Childcare Center. This innovative child care center is located in one of West New York's housing developments.

Michael Leggiero has been a recipient of many awards and citations including: the Jersey City State College Business Leadership Award, the VFW Patriotic Service Award, and citations by both the New Jersey State Assembly and State Senate.

Again, I congratulate Michael Leggiero on being named North Hudson Kiwanis Club Man of The Year. Because of his leadership and tremendous service to Hudson County, I cannot think of anyone more deserving of this honor.

IN HONOR OF THE KIWANIS CLUB OF ASTORIA/LONG ISLAND CITY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, May 14, 1999

Mrs. MALONEY of New York. Mr. Speaker, I rise to pay tribute to the Kiwanis Club of Astoria/Long Island City and its honorees for this year: Roseanne and Tom Alafogiannis and Theresa and Jack Brucculeri.

The Kiwanis Club of Astoria/Long Island City was established 11 years ago with a primary emphasis on the community's youth. The Club's motto is "Children Priority I." This organization not only says it cares about children, it proves it.

The Club's projects include: college scholarships for high school seniors; an anti-graffiti program; support for the "Bring up Grades" program in the local elementary schools; sponsorship of the "Safe Haven" program for children who get lost or need assistance on the street; Thanksgiving turkey donations for the needy; and support of local groups such as Goliard Concerts and the Queens Autistic Children's Society.

On May 7, 1999, at its second annual dinner dance, the Kiwanis Club of Astoria/Long Island City will honor two couples who exemplify the heart and soul of the Kiwanis organization: Roseanne and Thom Alafogiannis and Theresa and Jack Brucculeri.

Thom Alafogiannis was born in Greece and followed his dream by immigrating to the United States. Thirty-five years ago he moved to Astoria, Queens, where he founded Alafogiannis Plumbing and Heating. He is also the president of the Greek American Homeowners Association and a member of the Board of Directors of the AHEPA (America Hellenic Educational Progressive Association) Hermes Chapter.

Roseanne and Tom has been married for 30 years and have four children: Paul, Jennie, Joe and Billy. Roseanne is the corresponding secretary of the Greek American Homeowners Association and a vital community worker.

Both Tom and Roseanne are active in other groups and fraternal organizations in Astoria.

Jack Brucculeri came to Astoria at the age of eight from Italy and has lived there since. Theresa moved to Astoria 24 years ago. They have two daughters. Jack, an entrepreneur and businessman, owns the JICC Industries Construction Company, the Pizza Palace and Portofino Restaurant. Along with Rocco Sacramore, he also owns the Trattoria L'Incontro in Astoria.

Jack has been a member of the Astoria Kiwanis Club since 1982 and has served as president of the Club. He is a member of the Italian American Club, the Forum Club, and Ditmars Restoration. Theresa has been a member of the Kiwanis since 1988 and she also serves as a Board of Directors member of the Ronald McDonald House. Both are also active in other groups and fraternal organizations.

Mr. Speaker, I wish to ask my colleagues to rise in tribute to this outstanding organization and their honorees. They truly represent the best of community spirit and values.

TRIBUTE TO DR. HERMAN AND GLADYS STURMAN

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 14, 1999

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to Dr. Herman and Gladys Sturman for their outstanding commitment to others that has done so much to improve the quality of life in our community.

The Talmud tells us that "He who does charity and justice is as if he had filled the whole world with kindness." The Jewish Community Centers of Greater Los Angeles has recognized both Herman and Gladys for their tireless dedication to the Jewish community and the community at large. Their philanthropy sets an example for us all.

Along with having been members of the Board of Directors of the Jewish Community Centers, Herman and Gladys have contributed immensely through an array of activities. Gladys was the founder of West Valley Kehillah, a group of 21 Jewish organizations that exemplifies leadership, volunteerism, and service throughout the greater Los Angeles area. In 1974, she was selected as the Most Outstanding Member of the Quarter Century by Temple Beth Ami. While she continues to serve as a member of numerous Jewish organizations, she still finds the time to contribute articles to several Jewish magazines.

Dr. Sturman is a past president of Temple Beth Ami and was a founding member of the Board of Humana Hospital. In addition to his charitable work, Dr. Sturman was the first practicing gynecologist and obstetrician in the West San Fernando Valley.

Aside from their devoted service to the community, Herman and Gladys' unwavering commitment to their family is praiseworthy in and of itself. Throughout their forty-nine years of marriage, they have maintained a Jewish home which is compassionate, accepting, moral, and intellectually alive. They have passed these values on as well to their four children and twelve grandchildren.

Mr. Speaker, distinguished colleagues, please join me in honoring Dr. Herman and Gladys Sturman, true role models for the residents of Los Angeles.

TRIBUTE TO CMDR. MARK M. LEARY, USN

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 14, 1999

Mr. YOUNG of Florida. Mr. Speaker, I rise today to recognize an outstanding Naval officer, Commander Mark M. Leary who for the past three years has served with distinction as the Assistant Secretary of the Navy, Financial Management and Comptroller as a Principal Assistant and Deputy in the Appropriations Matters Office. It is a privilege for me to recognize his many outstanding achievements and commend him for the superb service he has provided to the Navy, the Congress, and our great nation.

During his tenure in the Appropriations Matters Office, which began in January 1996, Commander Leary has provided members of the House Appropriations Subcommittee on Defense as well as our professional and personal staffs with timely and accurate support regarding Navy plans, programs and budget decisions. His valuable contributions have enabled the members of the Subcommittee, which I had the privilege to Chair the past four years, and the Department of the Navy to strengthen its close working relationship and to ensure the most modern, well trained and well equipped naval forces in the world for our great nation.

Mr. Speaker, Mark Leary and his wife Paula have made many sacrifices during his naval career and as they embark once again on that greatest adventure of a Naval aviator's career, commander of a helicopter squadron, I call upon my colleagues to wish him every success as well as fair winds and following seas.

SAN MATEO COUNTY POLICE CHIEFS' AND SHERIFF'S ASSOCIATION ENDORSES H.R. 1428

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 14, 1999

Mr. LANTOS. Mr. Speaker, I recently received a letter from Mr. John Stangl, Police Chief of the City of San Mateo, California, and the President of the San Mateo County Police Chiefs' and Sheriff's Association, informing me that "without reservation, the membership of the San Mateo County Policy Chiefs' and Sheriff's Association voted to endorse and support H.R. 1428, the David Chetcuti Firearm Modification Act."

Mr. Speaker, H.R. 1428, which I introduced earlier this year, would close the existing loophole which permits felons to have access to firearm components which they can use to assemble assault weapons. My legislation is simple and does not require any additional law enforcement effort than currently law requires. Quite simply, this legislation would extend the provisions of existing gun control legislation to those components which criminals can and do use to make assault weapons.

H.R. 1428 is called the David Chetcuti Firearm Modification Act, Mr. Speaker, in honor and in recognition of Officer Chetcuti who was killed one year ago by a felon who legally could not purchase a gun, but who was able to purchase a series of firearm components which he then used to assemble the kind of gun that he could not purchase.

Mr. Speaker, I urge my colleagues to join me in supporting this legislation, and I ask that the letter of Police Chief John Stangl be placed in the RECORD.

SAN MATEO COUNTY POLICE CHIEFS' AND SHERIFF'S ASSOCIATION,
San Mateo, CA, May 6, 1999.

Congressman TOM LANTOS,
San Mateo, CA.

DEAR CONGRESSMAN LANTOS: Without reservation, the membership of the San Mateo County Police Chiefs' and Sheriff Association voted to endorse and support H.R. 1428, the David Chetcuti Firearm Modification Act. In its unanimous decision, the association recognized the need to extend firearm laws to gun components and restrict the manner in which they can be acquired.

The use of firearms to resolve conflict or perform an illegal act has become a daily part of our lives. While it can be debated that no amount of legislation will eliminate this tragic reality, it does not make sense to provide an open market for high powered, multi round weapons.

It is obvious that the existing law must be amended to provide the protection to society that was originally intended. We thank you for your efforts and appreciate having the opportunity to work with you.

Respectfully,

JOHN STANGL,
Police Chief, City of San Mateo, President, San Mateo County Police Chiefs' And Sheriff's Association.

HONORING MR. RICHARD LANDIS

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, May 14, 1999

Mr. KILDEE. Mr. Speaker, It is a great honor for me to rise before my colleagues today and pay tribute to Mr. Richard Landis, of Davison, Michigan, who has received the American Ambulance Association's 1999 "Star of Life" award for his outstanding service as an Emergency Medical Services professional.

The remarkable thing about individuals who serve as emergency medical responders is that they are always on duty. No matter where they are or what they are doing—they may be called upon to assist another person. Their ability to be swift and precise at that moment is of utmost importance; it can be the difference between life or death.

Mr. Landis was in just such a situation while spending a leisurely afternoon at the Silverdome. When another individual also at the Silverdome suffered from a sudden heart attack, Mr. Landis stepped in and saved that individual's life. Due to Mr. Landis's immediate desire to help and his quick thoughts and actions, that cardiac arrest victim is alive today.

This truly amazing event exemplifies the characteristics of Mr. Landis. Not only is he a talented medical professional, but he also brings courage and compassion to his work. His colleagues have noted that they frequently turn to him for advice and support, and they can count on him for his kind and positive attitude.

Since this is Emergency Medical Services week, it is an appropriate time for all of us to think about the valuable role of EMS workers in our communities. I am grateful to have the opportunity to recognize the service that Mr. Landis delivers to communities in my district. His actions are an inspiration for us all and I am proud to represent him in Congress.

WHITE HOUSE FELLOW PROGRAM

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, May 14, 1999

Mr. GILMAN. Mr. Speaker, I rise today to commend Michelle Peluso, one of my constituents of New York City; New York for serving as a distinguished 1998–99 White House Fellow.

Established in 1965, the White House Fellowship Program honors outstanding citizens across the United States who demonstrate excellence in community service, leadership, academic initiative and professional achievement. It is the Nation's most prestigious fellowship for public service and leadership development. For more than three decades, White House fellows have been chosen on the merit of remarkable achievement early in their career. Each year, 500–800 applicants compete nationwide for 11–19 fellowships.

Ms. Peluso graduated summa cum laude from the Wharton School at the University of Pennsylvania, receiving her bachelor's degree in economics. As an undergraduate, she led volunteer programs in West Philadelphia, including a mentoring program, a campus community service group and a volunteer initiative at the Ronald McDonald House. Ms. Peluso received a master's degree in philosophy, politics and economics from Pembroke College at Oxford. Hired as a management consultant with the Boston Consulting Group in New York, she completed a one-year project to define the next frontier in health care and then traveled worldwide to present her ideas to members of the firm's global health care practice area. She founded A New Generation for Peace, a non-profit group that brought together 350 youths from 50 countries for seminars on global issues. Additionally, Ms. Peluso is a member of the board of directors of Christa House, which builds homes and provides care for end-stage aids patients.

As a White House fellow assigned to the U.S. Department of Labor, Ms. Peluso—has co-managed the Vice-President's summit on 21st Century Skills for 21st century jobs, where she was responsible for leading interagency steering committee meetings, writing speeches and working on new policy announcements. She also leads a team that addresses one of Labor Secretary Alexis Herman's top priorities, "out-of-school youth." In that capacity, Ms. Peluso is responsible for coordinating the Department's $2.5 billion portfolio of programs.

She is also responsible for developing new partnerships and a public awareness campaign for the initiative. Further, Ms. Peluso manages the Secretary's dislocated workers initiative, which is the Secretary's number two priority. Her working involves leading a team of senior program managers, economists and public affairs specialists to ensure effective management of programs, develop new strategies for worker dislocation, and help coordinate grants to communities and businesses affected by dislocations.

Mr. Speaker, I know my colleagues will join me in applauding Michelle Peluso for her achievements. I wish to congratulate Ms. Peluso for her distinguished service to White House Fellowship Program.

INTRODUCTION OF AMENDMENT

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 14, 1999

Ms. SANCHEZ. Mr. Speaker, I rise to report to my colleagues the actions of the House subcommittee on Military Personnel. Today I offered, and the subcommittee endorsed, an amendment that many of my colleagues will recognize as the Harman amendment.

I am proud to continue the good work of my friend and colleague, Congresswoman Jane Harman. Jane was one of my mentors. I am sure my colleagues on the subcommittee will join me in commending Jane's contribution to the quality of life for our military personnel and their families.

My amendment includes the identical language from the Harman amendment. It repeals a provision of the FY 1996 defense bill barring women serving overseas in the U.S. military from using their own funds to obtain legal abortion services in military hospitals. As the ranking woman Democrat on our Committee, I strongly feel that this policy must be overturned.

Women who volunteer to serve in our Armed Forces already give up many freedoms and risk their lives to defend our country. They should not have to sacrifice their privacy, their health, and their basic constitutional rights because of a policy with no valid military purpose.

This is a health care concern. Local facilities in foreign nations are often not equipped to handle procedures, and medical standards may be far lower. than those in the United States. Why are we putting our own soldiers at risk?

This is a matter of fairness. Servicewoman and military dependents stationed abroad do not expect special treatment, they only exprect the right to receive the same services guaranteed to American women under Roe v. Wade—at their own expense.

My amendment does not allow taxpayer-funded abortions at military hospitals, nor does it compel any doctor who opposes abortion on principle or as a matter of conscience to perform an abortion. My amendment reinstates the same policy that was in effect from 1973 until 1988, and again from 1993 to 1996.

My amendment has strong support from the House. Ninety Members—both Democrats and Republicans—have cosponsored my legislation to change this policy.

My amendment has strong support from health care provides; the American Public Health Association, the American Medical Women's Association, the American College of Obstetricians and Gynecologists, and the Planned Parenthood Federation of America have all indicated their support for this amendment.

And, as you can see from the letter I've provided, my amendment is supported by the Department of Defense. If the professionals who are responsible for our nation's armed services support this policy change, why wouldn't this Committee?

I am pleased that my fellow colleagues on the subcommittee voted to endorse my amendment with bipartisan support. Repealing this unfair prohibition will help keep our soldiers healthy and safe.

PREVENT THE EXPORT OF MILITARILY SIGNIFICANT TECHNOLOGY TO CHINA

HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, May 14, 1999

Mr. SWEENEY. Mr. Speaker, yesterday I introduced legislation that will prohibit the sale of the Cray SV1 supercomputer to Hong Kong, now a territory of Communist China. The export of this computer threatens our national security, and I urge you to join in co-sponsoring this bill.

In February of this year, a contract was awarded to supply the Hong Kong Observatory with the fastest computer the territory has ever seen. The Cray SV1 supercomputer runs at the speed of 21,000 million theoretical operations a second. If the battlefield and simulation capability of the system were to fall into the wrong hands, it could seriously undermine our national security. This should trigger a "red flag" for dual-use militarily significant technology transfers.

To think that China would use this computer for scientific purposes only is pure folly. Last month, a Hong Kong company went before local courts for allegedly :"selling a supercomputer to a Chinese advanced weapons institute." A separate Hong Kong company is also facing charges that it imported strategic commodities without a license. It diverted a dual-use computer to a mainland military research institute.

Officials from the departments of Defense, Commerce, Energy and State have raised objections to the sale of the Cray SV1, yet the export is still under consideration by the Clinton Administration. I urge all of my colleagues to please join in co-sponsoring my bill by contacting my office.

RECOGNIZING THE SUCCESS OF THE SEVENTH ANNUAL "STAMP OUT HUNGER" FOOD DRIVE IN NASHUA

HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Friday, May 14, 1999

Mr. BASS. Mr. Speaker, this past Saturday I had the opportunity to participate in the National Association of Letter Carriers annual food drive in my district. The seventh national "Stamp Out Hunger" event was sponsored by the National Association of Letter Carriers and was held in 10,000 cities throughout the United States. One of these cities was Nashua, New Hampshire, where myself and Postal Carrier Doug Mercier traveled throughout his

Postal Route #26 collecting donated, nonperishable food items. Although I was only along the route for a little less than two hours, I was absolutely amazed by the amount of generosity that was shown by the dozens of individuals who donated food. Not only did many people donate food, but some selflessly donated more than one item. The impact of this event was obvious to me when I found out that the residents of Nashua had succeeded in donating more than 36,000 pounds of food. That is 18 tons of donated food collected in one city, in one day!

Needless to say, I was extremely impressed with the effort, organization, and effectiveness of the National Association of Letter Carriers food drive in Nashua and its success throughout the country. I would like to commend the National Association of Letter Carriers and the United States Postal Service for their commitment to collecting food for the hungry and lending a helping hand to those who need it most. The food that was collected will help feed nearly 30 million needy people throughout the country. It is initiatives like this food drive that encourage people to participate in their community and assist those in need. I would encourage all of my colleagues, if they have not already done so, to participate in the national Stamp Out Hunger food drive next year. I know that I am already looking forward to participating again and I am greatly encouraged by the generosity and goodwill that I witnessed this past weekend.

REPUBLIC OF CHINA'S PRESIDENT LEE TENG-HUI'S THIRD ANNIVERSARY IN OFFICE

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 14, 1999

Mr. ROHRABACHER. Mr. Speaker, three years ago, voters in Taiwan rejected communist China's attempts at military intimidation and handed a landslide victory to Mr. Lee Teng-hui in an election that completed Taiwan's transition to a full-fledged democracy. Now, in 1999, President Lee has continued to make strides toward full democracy and is seeking to reduce tensions in the Taiwan Strait. He has repeatedly urged leaders on the communist mainland to discuss reunification issues under the premises of the need for democracy for all Chinese people. He has also shown leadership in helping neighboring Asian countries find solutions for the regional financial crisis.

On the eve of President Lee Teng-hui's third anniversary in office, I wish President Lee continued success. His election three years ago was the first time a Chinese society had democratically elected its leader. The election represents a victory for the people of Taiwan in their commendable development of full democracy.

Congratulations to the Republic of China on Taiwan.

PERSONAL EXPLANATION

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, May 14, 1999

Mr. QUINN. Mr. Speaker, I was honored by the American Red Cross in Buffalo, New York, and therefore was unable to cast my vote on the motion to instruct conferees (rollcall No. 130) regarding H.R. 1141, a bill making emergency supplementary appropriations for the fiscal year ending September 30, 1999. Had I been present, I would have voted "yea" in support of this motion.

INTRODUCTION OF THE WORKING UNINSURED TAX EQUITY ACT

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, May 14, 1999

Mr. McDERMOTT. Mr. Speaker, today I rise to share with you some ideas that both Representative ROGAN and I have about how to begin addressing the issue of the uninsured.

Many of us are stymied by the health care paradox of a booming economy. Our economy is booming. Unfortunately, parallel to this economic growth is the growing number of uninsured. There are now almost 44 million uninsured people in this country—an increase of more than 5 million since 1993.

Today, we are introducing legislation to help stop the increase by targeting a 30% health insurance tax credit to the working uninsured. To qualify for our partially refundable credit, taxpayers must not currently be offered health insurance through their employer and they must have an individual income below $30,000/yr or a joint income of less than $50,000/yr. To ease administration, these income limits have been designed to match those of traditional IRAs.

When the General Accounting Office evaluated a similar proposal last June, it found that almost 36 million individuals without employer-based coverage—roughly 75% of the uninsured—would be eligible for the full credit on the basis of their adjusted gross income. Additionally, under our proposal, the self-employed would have the opportunity to choose between our proposed credit or the 60% deduction allowed by current law.

The benefits of this proposal are not only that it provides a tax benefit for those who need it most, it also would encourage health care consumers to be cost-conscious when choosing their health insurance loans so that they could maximize the value of the credit.

As you consider our proposal, keep in mind three questions: (1) who the uninsured are, (2) how has the tax code impacted health insurance in this country, and (3) most importantly, what can the 106th Congress realistically do to address this important social policy issue.

First, who are the uninsured? Contrary to what many people might think, roughly 75% of the uninsured work full or part-time. The remaining 25% are split evenly between those who are unemployed and those who are not in the labor force.

There isn't enough time today to talk at length about the demographics of the working uninsured. If we did, we'd find that most of them are age 18–34, that a disproportionate number of them are minority, that working poor parents are twice as likely to be uninsured as poor parents who are unemployed, and that the highest rate of uninsurance impacts pre-seniors between the age of 62–64.

Second, how has the tax code impacted health insurance in this country? Since WW II, America has relied on employers to provide health insurance and has rewarded them accordingly through the tax code. But, a growing number of workers lack employer-based insurance which policy-makers once took for granted.

Let me give a practical example of how the working uninsured fall through the cracks of our current employer based system. It you make $6.50 an hour your after tax income is $11,500. If you tried to purchase an average health insurance plan it would cost you about $3000. It is obvious that if the working poor are going to get health insurance we are going to have to come up with a way to help them.

I think we should all find it unacceptable for a person who works full time in this country not to be able to afford health insurance.

Third question, how do we in the 106th Congress address the issue of the working uninsured?

As you all know, I am a strong believer in universal health insurance and that the most efficient way of providing it is through a single payer financing system. A system that would lift the prohibitive burden of health insurance administration from employers and replace it with a public premium that shares responsibility throughout society.

But, if there is a way for us to guarantee universal coverage without single payer—through a plan based on tax credits, Clinton-care, or Medicare for all—I am willing to look at the proposal, as long as the plan guarantees access to quality care that's affordable. My bottom line is quality care at an affordable price.

Unfortunately, just because something is efficient—such as a single payer system—doesn't always mean that it will pass anytime soon. The reality is that the political climate to have an honest debate about universal coverage was destroyed by partisan bickering in 1994.

As a policymaker, the next question for me then becomes, what can we do in the near term to help folks who need health insurance today.

The tax code is a good place to look. After all it is the foundation of our employer-based health insurance system.

For a number of years now, this issue for me has been about simple tax fairness. As many may know, Congress recently made matters worse by passing legislation to allow the self-employed to deduct 100 percent of the cost of health insurance from their taxes. Since 1995, I have attempted to equalize the tax treatment of health insurance benefits by offering amendments on the House floor and in the Ways and Means Committee, and by introducing H.R. 539 in the last Congress.

My rallying cry—which I am glad to see is starting to take hold—has been the rhetorical question: Why should a doctor or attorney who is self-employed be able to deduct a portion of the cost of his/her health insurance, while a secretary, who must buy his/her own health insurance policy, not be able to deduct one cent of the cost!

So as a simple matter of fairness, this inequity in the tax code needs to be fixed.

According to the DC-based Lewin Group, the average federal health benefits tax expenditure is $918 per family. That sounds pretty good until you realize that a family whose income is below $40,000 receives an average of $766 in tax benefits, a $30,000 family receives just $500 in tax subsidies—and the numbers get more depressing if I continue down the income scale.

The bulk of the tax subsidy is going to those who need it the least. If you make $100,000 or more, the tax code subsidizes your health insurance each year by more than $2,000.

So it seems to me that if Congress wanted to address the issue of tax fairness and assist a group of people who are in most need of health insurance, it would look at our proposal for a 30% credit. Our proposal is a reasonable and prudent approach to helping people who the system has forgotten about.

We are initiating the debate with a less is more approach. Our legislation will be less than 6 pages long.

I am hopeful that the sudden interest in tax code equalization will allow for thoughtful discussions and critiques of the wide range of proposals that will be offered this year.

In particular, as policymakers put forward proposals, they need to consider what the "take up rate" will be (will people use the credit if they are eligible), how does it impact existing employer health care contributions, and how much does the proposal cost.

I don't want to leave you with the impression that our limited proposal is the ultimate answer. I view it as a first step toward finding a solution for the uninsured.

I am proud of the fact that it is a moderate proposal because there are so many uncertainties about how it would work.

For example, we completely avoid the issue of market reforms because going down that route creates more divisions among political parties that can be realistically addressed in this Congress. By gently impacting the individual marketplace, I am hopeful that state legislatures will take steps to rationalize their individual markets and Congress can learn from both their successes and mistakes.

Conversely, more costly proposals that hope to dramatically influence the marketplace must include meaningful market reforms. Otherwise, such proposals will just be throwing large amounts of federal tax expenditures at an individual marketplace that is already overpriced. But there is no consensus around market reforms to be found.

I would also be especially cautious about more ambitious tax credit proposals because they run into serious financing problems. How do you pay for it without running a deficit? Even in this era of expected budget surpluses, a hefty price tag simply is prohibitive given our other national policy priorities.

More importantly, current comprehensive tax credit proposals may not be such a good deal for either the insured or the uninsured. If they appear too generous, employers will drop coverage and allow for their existing costs to be replaced with an inadequate government voucher, a voucher that would not come close to equaling their existing coverage.

Letting employers off the hook while increasing government and beneficiary costs would make the problem worse.

I am the first one to say that our credit should not replace the current system. If it did, it would be inadequate. That is not to say, however, that most of us in this room would not like to see the current system totally overhauled.

I view our proposal as a targeted effort to stop the current health insurance hemorrhaging, to induce some additional people to purchase health insurance before they get sick, as an achievable goal in a very divided Congress, and a stimulant of the necessary discussion we need to have about how this country can create an efficient means of providing universal health care coverage.

Chairman ARCHER has said he would like to mark-up tax legislation later this spring. JIM and I already have written him and Mr. THOMAS asking them to look closely at our proposal for its immediate benefits. We have also asked the White House to look at our proposal and I hope that they too will once again show leadership by joining us in attempting to tackle this difficult issue of the uninsured.

By bringing people together, I am confident that we can build momentum within the Congress to generate bipartisan support behind proposals that begin to address the needs of the uninsured. Passage of our credit would be a first step toward enlightening that discussion.

I urge my colleagues to join us in our bipartisan effort.

AVERAGE FEDERAL HEALTH BENEFITS TAX EXPENDITURE BY INCOME LEVEL IN 1996

Average Per Family $918:	
Less than $15,000	$63
$15,000 to $19,999	288
$20,000 to $29,999	497
$30,000 to $39,999	766
$40,000 to $49,999	1,177
$50,000 to $74,999	1,558
$75,000 to $99,999	1,767
$100,000 or more	2,059

Source: Lewin Group estimates using the Health Benefits Simulation Model (HBSM).

SUPPORTING NATIONAL POLICE WEEK

HON. GEORGE R. NETHERCUTT, JR.

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, May 14, 1999

Mr. NETHERCUTT. Mr. Speaker, I rise today in support of National Police Week. There have been ceremonies all around our country this week to recognize the service and dedication the men and women of law enforcement provide our community. In my own district, there will be a Law Enforcement Appreciation Breakfast this Friday.

Unfortunately, National Police Week is no joyous occasion. 158 peace officers killed in the line of duty this past year. It is important to note that the U.S. lost just a few more men and women during the entire Persian Gulf War. To date, there have been over 15,000 law enforcement officers killed in the line of duty. Virtually every community has lost someone special to it.

Mr. Speaker, each one of the heroes has stories to tell: of community service, dedication to job, and love for family. For the families and fellow officers, this week serves as a painful reminder that their lives will never be the same. We will put their loved one's name on a memorial wall and that is a good thing, but we shall never fully appreciate their grief. Our pledge to them should be that we will continue the work toward a safe community that their loved one sought and died to give us.

There are over 700,000 law enforcement officers at every level of government who put their life and mental well-being on the line every day to protect our community from forces that wish to undermine our safety. They deserve recognition as well this week. Law enforcement officers encounter every day the part of society that most of us are unwilling to confront. What is particularly tragic is many of them face violence or the threat of violence themselves and then face unfair criticism by individuals who either have no idea what it's like on the streets or are unwilling to make the same sacrifice. They are our friends and not our adversaries.

Mr. Speaker, National Police Week is a good beginning for showing support for our law enforcement officers. We should show appreciation to them every day by our prayers and words of encouragement. For all Eastern Washington officers, I personally say thank you for your dedication and protection of our communities.

THE POSITIVE ECONOMIC CONTRIBUTIONS OF THE CRUISE INDUSTRY

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 14, 1999

Mrs. MEEK of Florida. Mr. Speaker, I rise today to discuss a matter of importance to the nation and to my district in South Florida. A brochure prepared by PricewarehouseCoopers (PmC) provides considerable detail regarding the enormous positive economic contribution which the cruise industry provides throughout the United States.

This study concluded that the cruise industry is responsible for creating jobs in every state in the country. These are good jobs that provide families all over America with security and with the opportunity to prosper and to grow. Secondly, it is significant to our national economy that billions of dollars in U.S. products are purchased by the cruise industry each year. As this industry continues to grow and to prosper, more U.S. companies will benefit from expanded business.

The study concluded that the total economic impact of the cruise industry in 1997 was $11.6 billion. Of this, $6.6 billion was the direct spending of the cruise lines and their passengers on U.S. goods and services. An additional $5 billion was expended by cruise industry U.S.-based goods and service providers.

Therefore, each year the total impact of the U.S. cruise industry is $11.6 billion, and these purchases occur in every state in the country. This PwC study also revealed that the cruise industry, through its direct employment and the jobs attributable to its U.S. supplier base, totalled 176,433 jobs for U.S. citizens in 1997. The cruise industry has been growing by 6–10 percent every year. For Americans, that can mean 10,000–17,000 new jobs each year.

In my home state, where there are five major ports of cruise passenger embarkation, the industry employs 58,876 people. In addition, millions of dollars are spent in purchases of products as varied as air travel, land transportation, hotel and lodging, food and beverages, business services, banking services, longshore and port services, floral services, and tableware and linens.

The PwC study also revealed that the cruise industry in 1997 paid over $1 billion in various federal taxes and user fees, and local state fees and taxes.

In the past, cruising was perceived as a vacation available only to wealthy American families. But, in fact, last year over 909,000 Floridians took a cruise vacation, and these passengers included retirees, newlyweds, bank clerks, teachers, families and children from every income bracket. This is because the cruise industry has been able to provide a safe and enjoyable vacation experience at a price which is competitive with other land-based destinations.

In summary, Mr. Speaker, the cruise industry is good business for all of America. It creates jobs and generates significant revenue for the U.S. economy every year.

Finally, I want to introduce into the CONGRESSIONAL RECORD the following statistics which illustrate the cruise industry's revenues and expenditures in 1997. These figures represent the economic impact of the North American cruise industry.

Direct spending of the cruise lines and their passengers on goods and services produced in the United States in 1997: $6.6 billion.

Total economic impact of the cruise lines, their passengers, and their U.S. suppliers in 1997: $11.6 billion.

These expenditures generated jobs in the U.S.: $176,433 U.S. jobs.

Direct industry expenditures included purchases from major U.S. industries, such as airline transportation, food and beverages, business services, energy, and financial services.

This economic impact touched upon virtually every segment of the U.S. economy. Those industries most heavily impacted upon are summarized below:

Airline Transportation: $1.8 billion.
Transportation Services: $1.2 billion.
Business Services: $1.0 billion.
Energy: $988 million.
Financial Services: $698 million.
Food & Beverages: $607 million.

IN HONOR OF SGT. HERIBERTO (EDDIE) CARATTINI: AMERICAN POLICE HALL OF FAME LAW ENFORCEMENT OFFICER OF THE YEAR

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, May 14, 1999

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Sgt. Heriberto Carattini, a highly decorated 16-year police veteran, who is this year's American Police Hall of Fame Law Enforcement Officer of the Year.

In the early morning hours of February 8, 1998, Sgt. Carattini heroically defused a dangerous situation in which a gunman had taken control of a precinct station, saving the lives of fellow officers.

At about 2 a.m. Carattini arrived at Jersey City's West District station after volunteering to work a second consecutive shift. As he parked his squad car, he heard gunshots. Upon entering the lobby, Carattini saw a desk officer taking cover behind the front desk and heard the shift lieutenant yelling in pain.

First, Carattini motioned the uninjured desk officer to safety, then made his way to the lieutenant, who was bleeding profusely from two bullet wounds, to the abdomen and thigh. Carattini ended the situation by shooting the gunman once in the chest. The lieutenant, who had been shot with his own gun, eventually recovered, while the gunman was charged with multiple felony counts.

The recipient of more than 20 police awards, Carattini has distinguished himself as a top-flight detective. During the same month, his actions as a hostage negotiator were credited with saving seven lives. In addition, the Sergeant has been credited with over 5,000 narcotics arrests.

Sergeant Heriberto Carattini is a hero every day, just by performing the duties of a police officer. But the valor he exhibited in saving the lives of his fellow police officers last February 8, deserves the national recognition he has received by being honored by the American Police Hall of Fame. I am sure the entire Congress joins me in thanking Sergeant Carattini for his exceptional service.

IN HONOR OF THE 100TH ANNIVERSARY OF THE CHURCH OF THE HOLY TRINITY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, May 14, 1999

Mrs. MALONEY of New York. Mr. Speaker, I rise to pay tribute to The Church of the Holy Trinity, an Episcopal Church located in my district, as it celebrates 100 years of longstanding dedication to the community.

Well known for its expansive community outreach and excellent music, dance, and theater programs, Holy Trinity will celebrate this tradition with a year long Centennial Celebration which culminates with a weekend celebration on Friday, May 7, 1999, to Monday, May 9, 1999.

There will be many musical performers at the Centennial Procession, including: the New York Boy's choir, African Drummers, and The Holy Trinity Choir, to name a few, Holy Trinity's annual May Fair, benefiting the Church's outreach programs will also be held over the Centennial Weekend.

The festivities begin on Friday, with a cocktail reception and silent auction in the Church's auditorium. On Saturday the fair will fill the streets with an atmosphere reminiscent of an English Country Fair. Designed to appeal to families, the event will feature circus street performers and Morris Dancers joining with live music from the French Cookin' Blues Band.

On Sunday, former rectors Clark Oler and Reid Issac, former clergy assistants and parish staff, and past and present parishioners will celebrate the 100th Anniversary of the Consecration of the church. The sermon will be given by The Holy Trinity's Rector, The Reverend Herbert G. Draesel, Jr.; The Right Reverend Mark Sean Sisk, Bishop Coadjutor of New York will celebrate a Chorale Eucharist. Special guests will include Father Elias Tsabang, Rector of St. Andrews Church in Klerksdorp, South Africa, Holy Trinity's Companion Church.

The Centennial Procession will begin with a special peel of the Carillon Bells, followed by a Trooping of the Color, the New York Boy's Choir, the Holy Trinity Vestry, African Drummers and the Holy Trinity Choir and Clergy. After the service, a time capsule will be buried in the Church's Court Yard.

In addition to this celebration, the church will also have a Centennial Exhibit that offers a retrospective of the Church and its community over the past 100 years. The exhibit was prepared by and will be on display at the Republic National Bank. After its close, the exhibit will then become a permanent exhibit in Holy Trinity's St. Christopher House.

The Holy Trinity Neighborhood Center (HTNC) addresses the problems of the hungry and the homeless, the elderly and children. Together HTNC's programs serve nearly 2000 people annually. The Church has had a long standing tradition of serving its community and hopes to continue in the future.

Mr. Speaker, I wish to ask my colleagues to rise in tribute to The Church of the Holy Trinity. It truly represents the best of community spirit and values.

TRIBUTE TO RABBI SALLY OLINS

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 14, 1999

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to Rabbi Sally Olins for her outstanding contributions to the Jewish community and the community at large for many years.

The Talmud states that "He who does charity and justice is as if he had filled the whole world with kindness." In a unique and lasting bond, Rabbi Sally Olins and Temple B'nai Hayim have established a relationship which members of the temple and members of the community benefit greatly from. Temple B'nai Hayim is the only Conservative synagogue in Sherman Oaks and is now celebrating its 40th anniversary. Rabbi Sally Olins, the first female Conservative rabbi on the West Coast, now serves the members of Temple B'nai Hayim.

Rabbi Olins received master's degrees in kinesiology and dance therapy from UCLA. Later she attended the University of Judaism in Los Angeles and earned a master's degree in Jewish philosophy. After studying at New York's Academy for Jewish Religion, five years of in-depth study of the Talmud, the Torah, biblical and modern Hebrew, history, law and more, Rabbi Olins was ordained in 1989.

Temple B'nai Hayim appointed her as its first female rabbi. Rabbi Olins has been appointed to the executive committee of the Rabbinic Assembly of the Pacific Southwest Region, where she serves on the Bet Din (Court of Law) Committee of Conversions.

Rabbi Olins has been an integral figure in building a congregation and community at Temple B'nai Hayim. She spends countless hours making herself available to the fortunate members of the Temple. Today, we honor Rabbi Olins for her 10 years of service and not to be outdone, we also celebrate the 40th anniversary of Temple B'nai Hayim.

Mr. Speaker, distinguished colleagues, please join me in honoring Rabbi Sally Olins and Temple B'nai Hayim on this joyous and memorable day.

TRIBUTE TO LT. COL. CHESTER A. RILEY, USMC

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 14, 1999

Mr. YOUNG of Florida. Mr. Speaker, I rise today to recognize an outstanding Marine Corps officer, Lieutenant Colonel Chester A. Riley who for the past three years has served with distinction as the Commandant of the Marine Corps and the Assistant Secretary of the Navy, Financial Management and Comptroller as a Principal Assistant and Deputy in the Appropriations Matters Office. It is a privilege for me to recognize his many outstanding achievements and commend him for the superb service he has provided to the Marine Corps, the Department of the Navy, the Congress, and our great nation.

During this tenure in the Appropriations Matters Office, which began in October 1996, Lieutenant Colonel Riley has provided members of the House Appropriations Subcommittee on Defense as well as our professional and personal staffs with timely and accurate support regarding Marine Corps plans, programs and budget decisions. His valuable contributions have enabled the members of the Subcommittee, which I had the privilege to Chair the past four years, the Marine Corps and the Department of the Navy to strengthen its close working relationship and to ensure the most modern, well trained and well equipped fighting force and naval presence in the world for our great nation.

Mr. Speaker, Chet Riley and his wife Licia have made many sacrifices during his career in the United States Marine Corps and as they embark upon the next great adventure beyond their beloved Corps, I call upon my colleagues to wish him every success and to thank him for his long, distinguished and ever faithful service to God, country and Corps. Semper Fidelis Lieutenant Colonel Riley.

PROMOTING HUMAN RIGHTS IN THE PURSUIT OF PEACE—ADDRESS OF ASSISTANT SECRETARY OF STATE HAROLD KOH

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 14, 1999

Mr. LANTOS. Mr. Speaker, a few weeks ago I participated in an extremely interesting and important symposium entitled "Promoting Human Rights in the Pursuit of Peace: Assessing 20 Years of U.S. Human Rights Policy." This symposium was organized by the U.S. Institute of Peace to mark two decades since the creation of the Bureau of Human Rights at the Department of State. The conference focused on the implementation of human rights policies and ways in which the United States can improve its ability to promote the protection of human rights. This was just another example of the excellent work which the U.S. Institute of Peace under the outstanding leadership of Dick Solomon has done.

Mr. Speaker, the keynote address at this symposium was given by Harold Hongju Koh, the Assistant Secretary of State for Democracy, Human Rights, and Labor. His remarks were insightful and provocative in discussing the problems we face in the fight for human rights in the international context of the post-Cold War World and the information age. Assistant Secretary Koh provided an excellent summary of the Administration's goals and objectives as well as the means it is using to pursue them.

Among the participants at the conference were two other of our colleagues in the Congress: my fellow Californian, Congresswoman Nancy Pelosi, and my fellow co-chair of the Congressional Human Rights Caucus, Congressman John Porter of Illinois. Others who participated in the symposium were the Hon. Morton Halperin of the Department of State, the Hon. Charles H. Fairbanks, Jr., of the Central Asia-Caucus Institute, and the Hon. James Bishop of the American Council for Voluntary International Action.

I ask, Mr. Speaker, that key excerpts of Assistant Secretary Koh's remarks be placed in the Congressional Record, and I invite my colleagues to give thoughtful attention to his excellent statement.

Promoting Human Rights in the Pursuit of Peace: Assessing 20 Years of U.S. Human Rights Policy

* * * * *

* * * Human rights and democracy remain fundamental principles around which our world is now organized. Although much has changed in the 50 years since the Universal Declaration on Human Rights proclaimed that all human beings are "free and equal in dignity and rights," the fundamental fact is that the world today is more free than at any time in history. Ten years after the Cold War, we have seen not the end of history, but the beginning of a whole new set of challenges for human rights. From Bosnia to Burma, from Kosovo to Kigali, we are now witnessing the need for human rights policy, with national, intergovernmental, and transnational actors moving to adapt to changing developments and to try to stay one step ahead of the horror.

To understand the challenges that are now facing us, * * * let us speak in two parts: first about what I would call the human rights paradigm has evolved in the past 50 years and then * * * the evolution of this human fights paradigm. I will refer temporarily from bureaucrat to pedant. And then, second, I would indicate how our government ought to respond to the current paradigm as I see it now in this, the turn of the century, how we address what you could call the human rights Y2K problem.

In the early years of this half century, in the wake of World War II, the paradigmatic violation was genocide. To prevent future genocides, global human rights policy focused centrally on three key themes: first, accountability—as we saw at the Nuremberg and Tokyo Tribunals; second, standard-setting, through legal texts like the Universal Declaration and human rights covenants like the International Covenant on Civil and Political Rights; and third, institution-building, with the development of a network of intergovernmental organizations to deal with global and regional human rights problems.

In the second phase, the paradigm shifted, and the focal point of global human rights concern became political dissidents and prisoners of conscience. We can think about this as the Amnesty-Sharansky period, where response mechanisms began to focus more insistently upon mechanisms of monitoring and advocacy, coalition-building to achieve effective advocacy, and focused on the dramatic growth of nongovernmental organizations. * * *

In the third phase, which began roughly with the end of the Cold War, the focal point shifted again, to issues of group conflict and group dilemmas: ethnic struggles, massive refugee outflows, and a horrific renewal of genocide in Bosnia and Rwanda. The search for solutions began to turn toward questions of preventive diplomacy, and diplomacy backed by force, issues of humanitarian intervention, and development of transnational networks of national governments, intergovernmental organizations, nongovernmental actors, and what I have called in my academic work, transnational norm entrepreneurs: form Jimmy Carter to Vaclav Havel to Aung San Suu Kyi to Nelson Mandela, to Tom Lantos and John Porter to Mary Robinson, who have used their stature and governmental position, their international stature, to bring the message of human rights into the exercise of capacity-building with goal of creating a human rights response.

Now in the current phase of modern human rights policy, what I would call the fourth phase, we now have a very complex picture in which all of the elements that I have described are now present. We live in a world where, unfortunately, the threat of genocide has not been dispelled, in which prisoners of conscience remain imprisoned, in which ethnic and group conflict continues to rage and expand, but in which we now have a complex and somewhat unwieldy response mechanism that involves transnational networks but also new tools of accountability, standard setting, monitoring, advocacy, and preventive diplomacy. They work with differing degrees of effectiveness. Witness, for example, the struggle that we face now to deal with the preventive issues in Kosovo.

Well, if this is where the human rights paradigm stands at the end of this century, what are our challenges? Let me suggest three that have increasingly commanded my attention since I have assumed this position: what I call the challenge of globalization, the challenge of non-state actors, and the challenge of self-governance and democracy.

It is commonplace, of course, to say that we stand in an era of globalization and integration. Today, states are engaging with each other in a growing range of activities that transcend national borders. National economies are becoming increasingly intertwined. Trade, the environment, security, and population issues have become powerful forces for integration. New technologies of communication and transportation—fax machines, satellite and cell phones, satellite TV, and the Internet—are bringing people of different countries and cultures much closer together. Yet at the same time that we are moving closer together, we also are breaking down traditional vertical power structures. Breathtaking changes in technology are creating a world where information flows more and more freely. We are moving from a hierarchical, bi-directional model of authority to a non-hierarchical, multi-directional network model.

The result of this, as Congressman Lantos suggested, is the erosion of the traditional power of governments over information, which has had tremendous implications for the relationship between individuals and authority. These trends, in my view, can only benefit the movement toward greater freedom. And here I think we need to emphasize both human rights information and human rights standards, both of which I think have become much more widely promulgated as a result of globalization.

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At the same time that information has been expanding, this increasing global contact has created a renewed emphasis on universal human rights standards, particularly how the norms of the Universal Declaration and the International Bill of Rights can operate as a standard to guide conduct. It is surprising how far we have gone in conquering the debate over Asian values. As Aung San Suu Kyi of Burma has written, it is precisely because countries are coming into increasing contact that it is important for us to adhere to a common set of basic human rights standards in our dealings with other countries and in our own internal systems of government. Just as global Internet standards allow us to communicate with one another in the same language and computer code, the promulgation of universal human rights standards through global contacts allows us to communicate with one another in the language of rights.

One of the most striking things I have seen in my extensive dealings with the Chinese is the extent to which there has been progress in the sense that they now speak the language of universal human rights. Of course, we differ dramatically on its application. But in the sense of saying that they once did not believe in these universal values, they now believe in these values. And moreover, they make reference to these linguistic terms. The question then becomes how to bring the terms and standards to bear on conduct.

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Now these developments I also think have dramatic implications for our efforts at early warning and preventative diplomacy. And we have seen this at the State Department in regard to our efforts with regard to Kosovo. It is for this reason that we at the State Department are working with NGOs, intergovernmental entities, and national governments to hold a large conference of both public and private actors to begin developing a coordinated network on atrocities prevention and response, which will have the goal not just of collecting and sharing information, which is something that we sought to do through an announcement by the President on December 10 of the genocide early warning network, but also to develop coordinated mechanisms whereby this network can prevent and more effectively respond to crises as they evolve.

A second challenge is the role of non-state actors, for even as nation-states proliferate, we are seeing more dramatically the increasing importance of nongovernmental actors as both human rights violators and human rights defenders. Multinational corporations and financial institutions, non-governmental organizations, labor unions, indigenous and ethnic groups, and transnational moral organizations such as organized religious groups, all now represent critical nodes on a network of influence in human rights that rivals and at times dwarfs the power of individual states.

* * * * *

With regard to non-state actors, I believe the central challenge will be how to mobilize private incentives to create a race to the top, not a race to the bottom, in the development of these human rights standards

The third and perhaps most critical challenge we face at the millennium is the challenge of self-governance and democracy. Around the world, we are witnessing popular movements for independence and democracy. From Kosovo to East Timor, groups are demanding the right to determine their own future. But these developments are not necessarily coming at the cost of integration. Witness Europe, where entities such as Scotland and Catalonia have peacefully sought both greater autonomy and full participation in European institutions. The fundamental challenge facing policymakers is how to guide such movements away from the temptations of violence, separatism, and ethnic cleansing, and toward the promise of greater autonomy within a framework of democracy and human rights.

* * * * *

I think we need to recognize that the right to democracy is both a means and an end in the struggle for human rights. Freedom of conscience, expression, religion, and association are all bolstered in genuine democracies. In saying so, I think we have to acknowledge that the government of the people cannot be imposed from the outside. As Secretary Albright recently said, "[D]emocracy must emerge from the desire of individuals to participate in the decisions that shape their lives. * * * Unlike dictatorship, democracy is never an imposition; it is always a choice."

As we have learned through bitter experience, democracy also must be more than simply holding elections. The slow development of democracy over the past several years has demonstrated that our purpose is not just developing and holding elections but respect for human rights in a robust civil society characterized by the rule of law, healthy political institutions, constitutionalism, an independent judiciary with open and competitive economic structures, an independent media capable of engaging in informed debate with freedom of religion and belief, mechanism to safeguard minorities, and full respect for women's and worker rights. These principles—together with free and fair elections—form the basis for a culture of democracy. As my predecessor, John Shattuck, has said, building this culture is never easy, but the rewards make this effort profoundly worthwhile.

* * * * *

Well, if these are our challenges—globalization, non-state actors, and democracies—what should be our response? Here let me just mention four principles that I believe must guide our human rights policy into the next century. Those of you who have heard me speak since I have become Assistant Secretary have heard these principles before. I repeat them just to show that after four months, I still believe that they are the centerpieces of our policy. The first and most important task, I think, is to tell the truth about human rights conditions in our asylum profiles, in our investigations, in our country reports, in our monitoring. * * *

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The second basic principle is that I believe we ought to stand up for principles, particularly in taking consistent positions with regard to past, present, and future abuses. With regard to past abuses, we try persistently to promote the principles of accountability. To stop ongoing abuses, we use an "inside-outside" approach that combines strategies of internal persuasion with tools of external sanction. To prevent further abuses, we promote the principles of early warning and preventive diplomacy. The atrocities prevention network I've just discussed is an example of how we try to achieve that goal.

That brings me to my third basic principle: How do we continue to speak for fundamental freedoms? Let me mention four, which are going to be a central focus of our work over the next few years. The first, freedom of thought, conscience and religion, is in Article 18 of the Universal Declaration. Religious freedom is under attack around the world. We see it every day in the newspapers papers—in Indonesia, in China, in Sudan—against people of all faiths and beliefs. Yet here in the United States, I think too many people continue to view this as a partisan or ideological issue. I don't believe that this is something in which we should be selective in our advocacy. Having now met and talked to people of all faiths in many parts of the world who are experiencing violations of religious freedom, it is so core to the central notion of freedom of thought and consciousness that we must address these challenges, both with tools that we are given by the legislature and through other means, with the goal of combating all abuses of this fundamental freedom.

A second arena in which we hope aggressively to contend is worker rights. Our bureau's tile is the Bureau of Democracy, Human Rights and Labor. And, of course, Article 23 of the Declaration states that "everyone has the right to work, to free choice of employment, to just and favorable conditions." Traditionally, U.S. policy has sought to promote this goal by supporting free trade unions, but I think what we now need to do is to focus on core labor standards, freedom of association, the right to organize and bargain collectively, freedom from forced or compulsory labor, freedom from abusive child labor, and non-discrimination in employment. The President in his State of the Union address and again in his speech in San Francisco identified ILO standards and the child labor struggle as one which he intends to devote a high degree of personal energy in the balance of his term. We at DRL are committed to trying to develop new approaches to replace what has become an unnecessarily adversarial relationship between labor, business, and human rights groups and to try to move toward a more cooperative model. And there are many of you who were involved in the discussions over the apparel industry partnership, who took a step in the right direction and one that we hope to build on with the goal of developing even stronger partnerships, private partnerships of non-state actors around core labor standards.

Third, we must continue to promote the equal treatment of, and prevention of discrimination and violence against, women. Traditionally, we have sought to do this through a variety of means ranging from domestic legislation to international campaigns against trafficking, female genital mutilation, and to recognize that the women's rights issue cannot be ghettoized as a women's issue that is not of concern to the general human rights community. And our need here is again to heal gender divisions. And we are going to press as hard as we can in the next few years of this administration to bring about the long, delayed ratification of the UN Convention on the Elimination of Discrimination against Women.

Fourth and finally, another area in which I believe we must move forward is the area of economic, social, and cultural rights, and to recognize, as we said in Vienna, that these rights are "universal, indivisible, interdependent, and interrelated." Martin Luther King, I think, understood this idea well when he said "What good is it to have the right to sit at a lunch counter when you don't have enough money to buy anything to eat?" He also said "We must be 'cognizant of the interrelatedness of all [things]. * * * Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny.'" We need to take freedom from poverty, for example, and treat it not just as an economic right, but as something connected deeply to political repression. We need to understand that the right to organize means little without the right to food.

This brings me to my final principle, that no government working to promote human rights can work alone. We need to think of ourselves as members of a global human rights community that now extends beyond public and private lines, that now crosses national lines, that moves beyond institutional lines. Judges, executive branch officials, legislatures, intergovernmental organizations, and NGOs are all parts of this community, of which I think all of us here are part. It is vital that we recognize and embrace its common commitment to truth, justice, freedom, and democratic partnership. If that sounds suspiciously like a commitment to truth, justice, and the American way, I plead guilty because I do believe that in the next century, the real divide among nations will not be ideological divides, or between North and South or East and West, but rather between those nations that respect human rights and those that do not.

These are our challenges. These are the principles that ought to guide our response. These tasks are daunting, but I think that they are in slow, exacting measure attainable. I don't know how many of us thought that we could get as far as we have, even in the one lifetime that the human rights movement has lived.

When I was in Belgrade in December, I gave an interview to B92, which, as many of you know, is an independent radio station. They were somewhat demoralized, as they should be, by the repression of the media in Yugoslavia. And they said to me, "What can you say to us on the eve of Christmas that can give us some hope?" There was a moment of silence, and then I said: Madeleine Albright was born in Czechoslovakia. And she was exiled. Now she is Secretary of State. My family became political exiles from Korea. Now I am the Assistant Secretary of State for Human Rights. Now, both of our countries are free. A lot can change in one lifetime.

In 20 years of human rights policy, we have made progress. Although we have a long way to go, for myself, for my Secretary, for my family, I can think of no higher honor than to carry the banner of democracy, human rights, and labor into the next century. Thank you.

RURAL CELLULAR LEGISLATION

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, May 14, 1999

Mr. GILMAN. Mr. Speaker, I'm introducing legislation to improve cellular telephone service in three rural areas located in Pennsylvania, Minnesota, and Florida. Joining me as cosponsors are Reps. CAROLYN MALONEY and ANNA ESHOO.

Most rural areas of this country have two cellular licensees competing to provide quality service over their respective service territories. Competition between two licensees improves service for businesses, governments, and private users, at the same time, improves response times for emergency services.

Unfortunately, three rural service areas in Pennsylvania, Minnesota, and Florida do not enjoy the benefit of this competition. The Pennsylvania rural service area and the Florida rural service area each have two operators, but one of the operators in each area is operating under a temporary license and thus lacks the incentive to optimize service. The reason for this lack of competition is that in 1992 the FCC disqualified three partnerships that had won the licenses, after finding that they had not complied with its "letter-perfect" application rule under the foreign ownership restrictions of the Communications Act of 1934. Significantly, the FCC has allowed other similarly situated licensees to correct their applications and, moreover, Congress repealed the relevant foreign ownership restrictions in the Telecommunications Act of 1996.

In the 105th Congress, former Rep. Joe McDade, joined by Rep. ANNA ESHOO and former Rep. Scott Klug, introduced H.R. 2901 to address this problem. In September 1998, the Telecommunications Subcommittee of the Commerce Committee held a hearing on FCC spectrum management that included testimony on and discussion of H.R. 2901. Later that month, the full Commerce Committee incorporated a modified version of H.R. 2901 into H.R. 3888, the Anti-Slamming bill. In October 1998, the House approved H.R. 3888, incorporating a further modified version of H.R. 2901, by voice vote on suspension (Congressional Record, Oct. 12, 1998, H10606–H10615). Unfortunately, the bill died in the Senate in the last few days prior to adjournment for reasons unrelated to the rural cellular provision.

The legislation I am introducing today is based on the rural cellular provision contained in H.R. 3888, as approved by the House. The legislation would direct the FCC to allow the partnerships denied licenses to serve the Pennsylvania, Minnesota, and Florida rural services areas to resubmit their applications consistent with FCC rules and procedures. The partnerships would pay fees to the FCC consistent with previous FCC auctions and settlements with other similarly situated licensees. To ensure speedy service to cellular customers, the FCC would have 90 days from date of enactment to award permanent licenses, and if any company failed to comply with FCC requirements the FCC would auction the license. The licenses would be subject to a five-year transfer restriction, and the Minnesota and Florida licenses would be subject to accelerated build-out requirements.

I am submitting a copy of this legislation to be included in the RECORD.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REINSTATEMENT OF APPLICANTS AS TENTATIVE SELECTEES.

(a) IN GENERAL.—Notwithstanding the order of the Federal Communications Commission in the proceeding described in subsection (c), the Commission shall—

(1) reinstate each applicant as a tentative selectee under the covered rural service area licensing proceeding; and

(2) permit each applicant to amend its application, to the extent necessary to update factual information and to comply with the rules of the Commission, at any time before the Commission's final licensing action in the covered rural service area licensing proceeding.

(b) EXEMPTION FROM PETITIONS TO DENY.—For purposes of the amended applications filed pursuant to subsection (a)(2), the provisions of section 309(d)(1) of the Communications Act of 1934 (47 U.S.C. 309(d)(1)) shall not apply.

(c) PROCEEDING.—The proceeding described in this subsection is the proceeding of the Commission In re Applications of Cellwave Telephone Services L.P., Futurewave General Partners L.P., and Great Western Cellular Partners, 7 FCC Rcd No. 19 (1992).

SEC. 2. CONTINUATION OF LICENSE PROCEEDING; FEE ASSESSMENT.

(a) AWARD OF LICENSES.—The Commission shall award licenses under the covered rural service area licensing proceeding within 90 days after the date of the enactment of this Act.

(b) SERVICE REQUIREMENTS.—The Commission shall provide that, as a condition of an applicant receiving a license pursuant to the covered rural service area licensing proceeding, the applicant shall provide cellular radio-telephone service to subscribers in accordance with sections 22.946 and 22.947 of the

Commission's rules (47 CFR 22.946, 22.947); except that the time period applicable under section 22.947 of the Commission's rules (or any successor rule) to the applicants identified in subparagraphs (A) and (B) of section 4(1) shall be 3 years rather than 5 years and the waiver authority of the Commission shall apply to such 3-year period.

CALCULATION OF LICENSE FEE.—

(1) FEE REQUIRED.—The Commission shall establish a fee for each of the licenses under the covered rural service area licensing proceeding. In determining the amount of the fee, the Commission shall consider—

(A) the average price paid per person served in the Commission's Cellular Unserved Auction (Auction No. 12); and

(B) the settlement payments required to be paid by the permittees pursuant to the consent decree set forth in the Commission's order, In re the Tellesis Partners (7 FCC Rcd 3168 (1992)), multiplying such payments by two.

(2) NOTICE OF FEE.—Within 30 days after the date an applicant files the amended application permitted by sectfon 1(a)(2), the Commission shall notify each applicant of the fee established for the license associated with its application.

(d) PAYMENT FOR LICENSES.—No later than 18 months after the date that an applicant is granted a license, each applicant shall pay to the Commission the fee established pursuant to subsection (c) of this section for the license granted to the applicant under subsection (a).

(e) AUCTION AUTHORITY.—If, after the amendment of an application pursuant to section 1(a)(2) of this Act, the Commission finds that the applicant is ineligible for grant of a license to provide cellular radiotelephone services for a rural service area or the applicant does not meet the requirements under subsection (b) of this section, the Commission shall grant the license for which the applicant is the tentative selectee (pursuant to section 1(a)(1)) by competitive bidding pursuant to section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)).

SEC. 3. PROHIBITION OF TRANSFER.

During the 5-year period that begins on the date that an applicant is granted any license pursuant to section 1, the Commission may not authorize the transfer or assignment of that license under section 310 of the Communications Act of 1934 (47 U.S.C. 310). Nothing in this Act may be construed to prohibit any applicant granted a license pursuant to section 1 from contracting with other licensees to improve cellular telephone service.

SEC. 4. DEFINITIONS.

For the purposes of this Act, the following definitions shall apply:

(1) APPLICANT.—The term "applicant" means—

(A) Great Western Cellular Partners, a California general partnership chosen by the Commission as tentative selectee for RSA #492 on May 4, 1989;

(B) Monroe Telephone Services L.P., a Delaware limited partnership chosen by the Commission as tentative selectee for RSA #370 on August 24, 1989 (formerly Cellware Telephone Services L.P.); and

(C) FutureWave General Partners L.P., a Delaware limited partnership chosen by the Commission as tentative selectee for RSA #615 on May 25, 1990.

(2) COMMISSION.—The term "Commission" means the Federal Communications Commission.

(3) COVERED RURAL SERVICE AREA LICENSING PROCEEDING.—The term "covered rural service area licensing proceeding" means the proceeding of the Commission for the grant of cellular radiotelephone licenses for rural service areas #492 (Minnesota 11), #370 (Florida 11), and #615 (Pennsylvania 4).

(4) TENTATIVE SELECTEE.—The term "tentative selectee" means a party that has been selected by the Commission under a licensing proceeding for grant of a license, but has not yet been granted the license because the Commission has not yet determined whether the party is qualified under the Commission's rules for grant of the license.

HONORING THE RECIPIENTS OF THE SANTA ANA POLICE EMPLOYEE RECOGNITION AWARDS

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 14, 1999

Ms. SANCHEZ. Mr. Speaker, I rise today in honor of the recipients of the Santa Ana Police Employee Recognition Awards. It is because of their dedication and commitment to law enforcement that the City of Santa Ana is safer for all of its residents.

It is in honor of National Law Enforcement Week that I salute our nation's police officers, and especially those of the 46th Congressional District in Orange County.

Seven hundred thousand police officers serve the U.S. each day. Most Americans probably don't know that our nation loses an average of almost one officer every other day. And that doesn't include the ones who are assaulted and injured each year.

More than 14,000 officers have been killed in the line of duty. The sacrifice of California officers has given our state the highest number of police deaths: 1,205. In Santa Ana alone, we have lost three officers who bravely protected our community.

The calling to serve in law enforcement comes with bravery and sacrifice. The thin blue line protecting our homes, our families and our communities pays a price, and so do the loved ones they leave behind when tragedy strikes.

We cannot replace the officers we've lost. We can't bring them back to their families or departments. All we can do is grieve for their loss.

But as their federal representatives, we have a greater responsibility. We must ensure that our law enforcement agencies—and their officers and staff—have the resources they need to do their jobs safely.

And today, we fulfill the most solemn part of our obligation to America's police force: we promise that when an officer does make that sacrifice, he or she will earn a place of the highest national respect with all due honor from the U.S. government.

FIRE ADMINISTRATION AUTHORIZATION ACT OF 1999

SPEECH OF

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 11, 1999

Mr. CASTLE. Mr. Speaker, I rise today in strong support of H.R. 1550, the Fire Administration Authorization Act of 1999 because it embodies the proper role the federal government can play in the important area of fire prevention.

The U.S. Fire Administration (USFA) is charged with reducing the number of fires and fire deaths in the United States. In 1997, the number of fires reached 1.79 million, claimed 4,050 lives, and produced $8.5 billion in damages. Given these large numbers, sometimes the temptation is to forge ahead creating new programs and pouring billions of taxpayer dollars into grants with Federal strings attached despite the expertise and accountability found best at the local level. In my state of Delaware, most of the firefighters are volunteers. They serve as firefighters out of dedication to their communities. In addition, because they are taxpayers in these communities, they make careful, calculated decisions about what investments are really needed in fire prevention. The United States should encourage more of this style of government and less top-down, centralized control.

H.R. 1550 resists that temptation and maintains the proper role of the federal government in these affairs. It increases discretionary funding by $96 million to a total of $45.1 million in FY 2000 and $47.5 million in FY 2001 so USFA can improve its service as a research center and clearinghouse of information for state and local governments to draw upon.

Furthermore, the bill sets aside $6 million in FY 2000 and $8 million in FY 2001 to train fire crews for anti-terrorism and response activities. This goes beyond the Clinton Administration's budget request. One of the best areas the federal government can play a role in fire prevention, is in helping states respond to terrorist attacks. The federal government is best suited to provide training or anti-terrorism and response activities due to its expertise in national defense, its strong intelligence capabilities, and the often-international character of terrorism.

More work may be needed in training our state and local governments to respond to terrorism incidents. H.R. 1550 requires USFA to investigate the need for further counter-terrorism training programs. Last year, Congress passed the Rescue and Emergency Services Prepared for Our Nation's Defense Act. It created a commission to assess our nation's weapons of mass destruction domestic response capabilities. I am anxious to read these reports when they are completed and begin to implement the suggestions in a timely manner. As the world's only superpower, the United States is a big target for terrorist attacks. We must accept the reality that comes with being a world superpower and respond accordingly.

Again, I urge my colleagues to support this bill as a strong common sense, fiscally responsible measure that preserves the principles of federalism that have helped make the United States a world leader. Firefighting will always be predominantly a local responsibility carried out by dedicated members of the community. The federal government should not interfere in this effort, but provide appropriate support to help on national problems such as terrorism. This bill maintains that important balance.

RANGER IN THE BANKHEAD NATIONAL FOREST RETIRING

HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 14, 1999

Mr. ADERHOLT. Mr. Speaker, I rise today to pay tribute to James Ramey, District Ranger, Bankhead National Forest, Bankhead Ranger District, National Forests in Alabama.

Mr. Ramey has worked 34 years caring for the land and serving the public. He started his journey while attending school at Oklahoma State University, earning a degree in forestry while working on the Ouachita National Forest, Poteau Ranger District in 1965 and will end this journey on June 3, 1999. He served three years in the U.S. Army, earned the rank of 1st Lieutenant and served one year in Vietnam.

In April 1986, Mr. Ramey began working on the Bankhead National Forest as the District Ranger. During this time period he achieved a number of important accomplishments such as the success of using $700,000 provided by former Congressman Bevill to build a horse trail, multiple-use trail and hiking trail. He helped to manage stream side management zone practices that led to the protection of mussels and other aquatic species; he was instrumental in the design and layout of Clear Creek and Corinth Recreation Areas and also in trying to help operate additional recreational facilities during a time of increased use and decreased budgets. In April 1991, his leadership efforts led to the Bankhead Ranger District being recognized by the Southern Region of the National Forest Service as the best unit within the southeast.

As someone who grew up around the forest, I know how much his efforts have been appreciated and how he will be missed by everyone who cares about the Bankhead National Forest. I extend to Mr. Ramey, his wife Zondra, and his family best wishes for a job well done and hope he will have many years ahead to enjoy a well deserved retirement.

NATIONAL HOSPITAL WEEK

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 14, 1999

Mr. PACKARD. Mr. Speaker, this week America is celebrating the work of some of our finest citizens. This is National Hospital Week and I would like to express my gratitude to those whose daily job it is to save lives.

Seventy-seven years ago, National Hospital Week began as a way to honor our hospitals and the dedicated staff who save lives and keep our hospitals functioning. This week we extend our gratitude and thanks to the thousands of Americans nationwide whose job it is to care.

America's hospitals and their staffs work tirelessly to serve the communities in which they are based. Many of these dedicated men and women are on call 24 hours a day, seven days a week, caring for one and all.

Mr. Speaker, I salute the many men and women of our nation's hospitals. Their devotion is what keeps America strong and healthy.

IN MEMORIAM OF JOSEPH F. SMITH, FORMER MEMBER OF CONGRESS

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 14, 1999

Mr. BORSKI. Mr. Speaker, it is with a deep sense of loss that I rise today to inform the House of the passing of former Member of Congress Joseph Smith. The people of Philadelphia will sorely miss this great statesman who understood and related to his fellow citizens so well.

Born and raised in St. Anne's Parish, Philadelphia, Joe Smith remained supremely dedicated to serving his constituents; he was a man devoted to his roots. He started his career of service to this Nation as a sergeant in the United States Army, receiving a Purple Heart for his actions during World War II, and then as an assistant to U.S. Congressman James A. Byrne of Pennsylvania. He eventually served in the Pennsylvania State Senate from 1970 to 1981, and was elected to the Ninety-seventh Congress in 1981. Joe also worked at the forefront of the Democratic party as the Democratic City chairman in Philadelphia from 1983 to 1986.

Throughout his career the people of Philadelphia looked to him for leadership, and he immersed himself in understanding their needs. Joe understood that public service is most effective when one understands and closely reflects the convictions and beliefs of one's constituents. No matter what body he was serving in, his heart was always with Fishtown and the people who resided in its communities. After his retirement, Joe could still be found sharing wisdom and insight from his stoop to those who sought advice and kinship.

I am deeply saddened at the loss of an outstanding legislator, a great human being, and a distinguished American. My deepest sympathies are extended to his wife Regina, his daughter Gi and her family. He left a special mark on me, and I deeply mourn his passing. Joe will be profoundly missed.

THE WORKING UNINSURED TAX EQUITY ACT

HON. JAMES E. ROGAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 14, 1999

Mr. ROGAN. Mr. Speaker, I rise in support of important legislation my colleague Congressman JIM MCDERMOTT and I introduced today, the Working Uninsured Tax Equity Act. Many of the estimated 43 million Americans without health insurance are employed. The current Tax Code, however, discriminates against those workers if they choose to buy health insurance on their own.

Currently, employees with employer-sponsored health benefits enjoy those benefits tax free. This simple, straightforward proposal seeks to equalize the tax treatment between workers whose employer covers the cost of health care insurance premiums and those workers who must pay for their health insurance entirely from their own paychecks. The Tax Code should not punish these employees because their employer does not offer health benefits.

Our bill provides those workers paying for the entire cost of their health insurance a 30-percent partially refundable income tax credit to help defray the cost of those insurance premiums. The 30 -percent credit approximately equals the tax benefit enjoyed by workers with employer-provided tax benefits. The credit would be available to individuals with incomes to $30,000 and married couples, filing jointly with incomes to $50,000.

Our bill will not solve the crisis associated with the number of Americans who do not have health insurance. It does, however, provide a starting point for liberals and conservatives, state governments, insurance companies, and others to begin addressing health policy issues relating to uninsured Americans.

I encourage our colleagues from both sides of the aisle to join us in supporting the Working Uninsured Tax Equity Act.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2000

SPEECH OF

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 13, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1555) to authorize appropriations for fiscal year 2000 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

Mr. DAVIS of Illinois. Mr. Chairman, I rise to strike the last word. I rise in support of the gentlewoman of California's amendment to H.R. 1555. This Amendment prohibits the CIA and other intelligence agencies from participating in the manufacture, purchase, sale, transport, or distribution of illegal drugs. Let us not forget the history of the CIA and the suggestion that they have been involved in this behavior in the past. We must take action to rid the CIA and other intelligence agencies of any suggestion or taint of wrong doing and address the primary issue of drugs in America.

Drugs, in America, take a huge toll year in and year out. They move like a thief in the night and steal our children, our fathers, our mothers, and destroy families and lives. This problem plays itself out every day in my Congressional District. I walk the streets of Chicago's Westside and see the devastation and destruction that drugs leave in their wake. I see children with no parents and parents who mourn the loss of their children, all too soon, and no one can forget a visit to Cook County Hospital and seeing the torturous pain of seeing a baby born addicted to drugs. With these images burning in my mind, I know we must do everything in our power to rectify this situation.

In the past week, the media has reported the deaths of two celebrities from drugs, one of whom was a professional athlete in the prime of his life using drugs for the first time. These recent examples illustrate the deadly effect these nefarious substances have on people. We must understand no one is safe from this problem, this national problem.

My support of this amendment means that we must be clear in our image and the messages that we send by stating the manufacture, sale, transport, or distribution of illegal drugs is unacceptable at any level of the government. All law enforcement and defense must adhere to certain simple principles. The CIA and NSA (National Security Agency) are no different from the Chicago Police Department or the Illinois State Police or the U.S. Marshals. All must understand that the trafficking of drugs is not acceptable, we must restore faith and confidence in America's enforcement branches, and if intelligence agencies engage in such behavior they must understand the consequences of this behavior.

I can think of no better way to restore our confidence in the CIA and NSA than by supporting this amendment. It expresses, in clear and concise terms, what we, as representatives of the people, believe is right. That no intelligence agency shall, under any circumstances, engage in any behavior that facilitates the traffic of drugs.

TRIBUTE TO BOB BUSH

HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, May 14, 1999

Mr. GREEN of Wisconsin. Mr. Speaker, I would like to take this time to briefly say a few words in honor of Bob Bush—a man whose contributions to the Green Bay community over the past five decades have been enormous.

After 53 years with Schreiber Foods, my friend Bob Bush is finally stepping down as Chairman of the Board. During his time at Schreiber, Bob has built not only a great company, but a great team of 3,600 employees.

As one man, Bob Bush has done plenty to improve the quality of life in northeastern Wisconsin. But as a leader, Bob Bush has done even more. Bob serves as a shining example for the rest of us—someone who has been successful not only in his profession, but in his community life. The example he has set ensures that his long legacy of giving something back to the community will be carried on through the generations of people he has touched.

Bob's service and achievements are almost too numerous to be able to list here, but I'll try to provide a few highlights . . .

He's served as an officer, director, president, CEO and chairman of Schreiber Foods.

He's served on or chaired the boards of the Green Bay Packers, Firstar Bank, YMCA, Junior Achievement, United Way, National Cheese Institute, Marine Bank, St. Norbert College and many, many others.

He's served on the Allouez School Board and the Green Bay Water Commission.

And he and his wife Carol have given us four Bush children and fourteen grandchildren—all of whom are poised to continue his special legacy into the next millennium.

Bob, of course, managed all this in his "free time" while running one of the most successful companies in our area—think about all he'll be able to do now that he's retiring.

So, on behalf of all the people whose lives have been touched by Bob Bush, I'd like to say "thanks, Bob"—for all you've done and for all you'll do during this well-deserved retirement.

IN RECOGNITION OF MAY AS NATIONAL TEEN PREGNANCY PREVENTION MONTH

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, May 14, 1999

Mr. TOWNS. Mr. Speaker, I rise to address a subject I feel very passionate about; teen pregnancy prevention. When my colleague the gentle lady from North Carolina, Ms. CLAYTON called my office about participating in an effort to speak on this critically important topic I jumped at the opportunity.

As a member of the House Advisory Panel to the National Campaign to Prevent Teen Pregnancy I feel a strong responsibility to address this national problem. In dealing with the problem of teen pregnancy in the United States, it has always been my philosphy that we must deal with both the young women and the young men in these relationships. I realize that reproductive technology has gone far, but I believe we will need both women and men to make children. Many programs deal primarily with the young women and their children and do not emphasize the responsibility that young men should be taking in these relationships. We should focus on both parties in dealing with the problem of unplanned teen pregnancies.

We need to develop comprehensive plans to deal with this issue, plans, which include both young women and men in the solution of the problem. There also needs to be in place not only comprehensive programs, but we in Washington need to allocate the necessary monies for these programs to be successful. We know prevention programs work, and we need to continue to support them in their mission. The resources and programs should also be focused on areas, which have the highest rates of teen pregnancy.

Mr. Speaker and my colleagues from both sides of the aisle please join me in recognizing the month of May as "Teen Pregnancy Prevention Month" and let's join together to fight this national problem.

25TH ANNIVERSARY OF JOHN G. WOOD SCHOOL AT VIRGINIA HOME FOR BOYS

HON. TOM BLILEY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 14, 1999

Mr. BLILEY. Mr. Speaker, it is my pleasure to congratulate and honor Virginia Home for Boys' John G. Wood School on their 25th anniversary of service to Virginia's youth. I am personally involved with the Virginia Home for Boys. My father proudly served on their Board of Governors for fifty years, and I have served on the Board of Governors since 1996.

The John G. Wood School is a private special education school designed to help students who are having some difficulties in public school. Many of their students are frustrated with school and lack self-esteem and motivation. The John G. Wood School reaches out to those students through staff involvement and counseling to provide them with an opportunity to experience a constructive and meaningful education.

This school is based on the idea that these students can best succeed in a school environment where there is concern for the total individual. The faculty of the John G. Wood School believes that every student can be a success and tries to give these students every tool possible to help them reach their goals.

As it is apparent from the recent tragedy in Colorado that shocked our nation, meeting the education needs of today's children is becoming more and more difficult. The state of Virginia is fortunate to have the John G. Wood School to offer a place for students who otherwise would get lost in the system.

I congratulate the John G. Wood School, the staff, and all the students who were fortunate enough to attend this school. I wish the school and the Virginia Home for Boys much success in the future.

A TRIBUTE TO THE GARZA FAMILY

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 14, 1999

Mr. LAMPSON. Mr. Speaker, I rise today to honor the Garza family as they gather to hold their twenty-sixth family reunion. On June 12, 1999, the Garza family will convene in Katy, TX, to recognize outstanding family members, including those who have proudly served in the United States Armed Forces. The Garza family has entitled their reunion, "A Century of Pride and Honor."

As the Garza family gathers to recognize the service of its family members, it also will celebrate several qualities responsible for the family's success. Members of the Garza family strive to remain loyal to their heritage. Each individual hopes to make lasting contributions which will strengthen the family foundation. For the Garza family, instilling qualities such as bravery, loyalty, and service is essential to help ensure that future generations are prepared for their roles as our Nation's leaders.

Members of the Garza family who have served in the Armed Forces of the United States include: World War II veterans Sabas Garza, U.S. Navy (deceased); Serapio Garza, U.S. Navy; Pablo Garza Medina, U.S. Army; Luis Castillo, U.S. Marines; Defino Amaro, U.S. Army (deceased); Juan De La Rosa, U.S. Army/U.S. Air Force (deceased); and Adolfo Anzaldua, U.S. Army (deceased). Vietnam Veterans include: Alfonso Garza, U.S. Army (deceased); Fortuanato Garza Solis, U.S. Army and Marines; Adolfo Garza Villarreal, U.S. Air Force; Pablo Garza Villarreal, U.S. Army; George Estevan Solis, U.S. Army; Placido Solis, U.S. Army; Frank Nieves, U.S. Air Force. Army National Guard Reservists include: Pablo Anzaldua Garza, Sabas Garza Villarreal, Juan Carlos De La Rosa (active service), Jose Refugio Garza Villarreal, and Roman Palomares. Most recent members of the Armed Forces of the United States include: Michael Solis, U.S. Marines; Michael Anzaldua, U.S. Army; Gary Anzaldua, U.S. Army, and Greg De La Rosa, U.S. Navy.

Mr. Speaker, I am proud to rise today to honor the Garza family. I urge my colleagues to join me in recognizing the Garza family's dedication of military service to our country. The Garza family is an excellent example of a family that has made a difference to my community.

CELEBRATING 150 YEARS OF SERVICE TO THE COMMUNITY—THE MILFORD NATIONAL BANK AND TRUST COMPANY

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 14, 1999

Mr. NEAL of Massachusetts. Mr. Speaker, I would like to take this opportunity to recognize an impressive milestone in the history of The Milford National Bank and Trust Company. On April 30, 1999, The Milford National Bank and Trust Company began the celebration of the 150th Anniversary of its founding. The theme for this year long celebration, "Building the Future on a History of Excellence," reflects the long-standing dedication and clear vision of Milford National's officers.

The Milford National Bank and Trust Company is the oldest continually operating bank in Milford and holds one of the oldest national bank charters, still in force, in the country. The bank was founded on April 30, 1849, despite the lingering fear associated with recent financial panic. In 1865, as a response to the National Banking Act of 1864, the bank turned in its state charter and received National Charter 866. As the local economy began to flourish in the early to mid-1900s, The Milford National Bank helped create and sustain the growth of the area for generations of residents and businesses, both small and large.

In the early 1900s, The Milford National Bank enjoyed unprecedented growth and prosperity. After the closing of two local banks, President, Chairman, and CEO Shelley D. Vincent III made the decision to grow the bank into a full-service commercial bank. Mr. Vincent acquired new branch offices, reorganized his senior management team, and began a total upgrade of the bank's technology systems. Mr. Vincent passed away in February 1997 and was succeeded by Mr. Robert J. Lewis, whom he had selected to carry on his vision for the bank.

The bank was named "one of the top three small business lending banks in the Commonwealth of Massachusetts" in 1997 and has continued to add more services, products, and technological access to its repertoire. For 1999, there are plans to open a fifth banking office in Bellingham and add on-line internet banking for customers. The bank has created The Milford National Bank Charitable Foundation as a means to continue its long-standing support of local charities and civic activities, and awards four college scholarships to area students in memory of Shelley D. Vincent III.

Mr. Speaker, The Milford National Bank and Trust Company has been building the future on a history of excellence for 150 years. Its service to the residents and businesses of the Greater Milford area and the Commonwealth of Massachusetts has been unyielding and greatly beneficial. Please join me in recognition of the 150th Anniversary of The Milford National Bank and Trust Company, an institution that stands as a shining example of charitable, cultural, and community service.

COMMEMORATING THE INCLUSION OF SHERIFF JOSEPH GIBSON AND SHERIFF EVERETT GIBSON OF WAYNE COUNTY, KENTUCKY, ON THE NATIONAL LAW ENFORCEMENT OFFICERS MEMORIAL

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, May 14, 1999

Mr. ROGERS. Mr. Speaker, this week in the Nation's Capital we all stand humbled by the sacrifice of 312 brave Americans. The names of these Americans will be added to thousands of others engraved on the National Law Enforcement Officers Memorial. The panels of the memorial wall contain the names of officers killed in the line of duty, some dating back to the 1800's. The new names will be added this week at ceremonies here in Washington—a commemoration which traditionally attracts more than 10,000 police officers and survivors of fallen officers from across the country.

On the National Law Enforcement Officers Memorial there are stories of gallantry, bravery, sacrifice, honor and duty. There is also the tragic story of Wayne County, Kentucky, whose citizens I represent here in the United States Congress. The families of Wayne County have the sad distinction of losing their county sheriff to violence in late 1946, only to see his successor also shot down in cold blood over two years later. It's a tragedy made even more difficult with the knowledge that these two fine public servants, these two brave law officers, were also brothers.

Joseph Gibson was elected Wayne County Sheriff in 1945 by one of the largest majorities ever bestowed on a county official at that time. Elected while in his early 60's, Sheriff Joseph Gibson was noted for his fairness and determination. It was this determination which led Sheriff Joseph Gibson to his death: a dogged search for a fugitive ultimately led him into the path of a waiting sniper. His death on December 22, 1946, marked the first time a sheriff had been killed in the line of duty in the 146 year history of Wayne County.

Joseph Gibson's younger brother, Everett, took up the responsibility of chief law officer for Wayne County. Right after being sworn into office, Sheriff Everett Gibson continued his brother's work of seeking out bootleggers and destroying their stills. On July 25, 1949, Sheriff Everett Gibson and Deputy Bill Sexton were investigating reports of an illegal still when they were ambushed. Sheriff Everett Gibson was shot dead on the spot, but Deputy Sexton, although wounded, escaped. He recovered from his injuries and testified at the trial that convicted the killer and his accomplices.

Reporter Mitchell Gregory told the story of Sheriff Joseph Gibson and Sheriff Everett Gibson this past Wednesday, May 12th, in the Wayne County Outlook newspaper of Monticello, Kentucky. I have been encouraged by Outlook editor Melodie Phelps to include the full text of that article in the RECORD and ask for it to be printed at the conclusion of these remarks.

I want to extend my congratulations to retired police officer Mark Byers, whose determination resulted in the names of Sheriff Joseph Gibson and Sheriff Everett Gibson being included among the names of the other brave men and women listed on the National Law Enforcement Officers Memorial.

[Wayne County (KY) Outlook, May 12, 1999]

FORMER GIBSON BROTHER SHERIFFS TO BE HONORED

(By Mitchell Gregory)

EDITOR'S NOTE.—Names of the men accused in these deaths have been omitted and are only identified by initials. These events happened nearly half a century ago, and we did not write this article with the intention of dredging up hurtful memories for family members who may still reside in Wayne County. This article was written in honor of the two sheriffs who will receive recognition this week.

The late 1940's were trying times for law-abiding citizens in Wayne County. It was sorrowful times for the Gibson family, who lost two brothers who were slain while honoring their oath to uphold the law and provide security for the county they served.

This week in Washington, D.C. those brothers, Joseph and Everett Gibson, will be commemorated for their service to their profession and the stance they made which ultimately cost them their lives. The two will be included on the Police Memorial Wall in the nation's capitol during a ceremony on Saturday, May 15.

The Outlook was contacted several weeks ago by Mark Byers, a retired police officer who is a relative of the Gibson family. Byers was the one who noticed the omission of the Gibson brothers on the Memorial Wall and set the wheels in motion for their inclusion.

Joseph and Everett were sons of John and Belle Frogge Gibson. They both attended local schools and lived in Wayne County most all of their lives. Joseph was the oldest of the two, a poultry and fur business man.

Everett was a farmer most of his life before finishing the term of his elder brother.

According to a 1946 Wayne County Outlook article, "he (Joseph) was elected Sheriff of the county at the November election in 1945 by one of the largest majorities ever given a county official (at that point.)"

It seemed Gibson, who was in his early 60's, was a very well-liked politician in the county, even by the man who took his life on December 22, 1946. In fact, according to testimony from the murder trial, the accused had gone on a fugitive search with the sheriff prior to the shooting incident.

The accused was D.M., who was 28 years old at the time. He would eventually spend the rest of his life behind bars, though it took quite some time for this decision to be rendered. Court proceedings were held at the Monticello National Guard Armory where a jury sentenced him to death by the electric chair at Eddyville.

Attorneys for the accused, however, requested a change of venue. The trial was moved to Fayette County but the jury there issued the same sentence.

The Kentucky Court of Appeals, however, disagreed and said that the proceedings in Fayette County were too far away from Wayne County. Finally, the lasting decision came from a Pulaski County jury which ordered D.M. to life in prison.

It was Sunday night in December when the shooting occurred. Joseph Gibson and his family were getting ready for church, recalled Brook Gibson, son of the late sheriff. D.M.'s mother came to their home and said her son was drunk.

Brook Gibson, who was 28 years old at the time, offered to go with his father to investigate, but Joseph Gibson told his son to go on to church. By the time the service was over, news was spreading around town that the sheriff had been killed.

Following is part of The Outloook's account of that night.

Gibson and Chief of Police Charles Back responded to the call which led them to what was known as the Sheep Lot area of Monticello. Back arrested M.T. and took him to jail.

Sheriff Gibson captured J.T. and the two proceeded to look for D.M. when they heard a voice say, "Is that you, Joe?"

According to testimony, Gibson replied "Yes, is that you. (D.M.)?" A shot was then fired from the home.

Chief Back went back to Sheep Lot to aid Gibson, whom he could not find. "So he returned to town and picked up Policeman Wiley Gregory and returned and soon located Mr. Gibson's body lying in an alleyway," the news article stated.

The two police officers pursued D.M. who later fired at them from horseback. "The charge struck the ground between the men," The Outlook reported.

The accused was apprehended, taken to jail, and interrogated the rest of the day. When apprehended, he was in possession of a box of .22 caliber cartridges.

The Outlook article continued, "Investigating officers reported they found a discharged .22 caliber cartridge shell inside the home near the window from which J.T. said the fatal shot was fired. A .22 caliber bolt action rifle believed to have been the murder weapon was found at the home of (the accused's brother-in-law) who resided next door, the brother-in-law told the officers the gun belonged to him, but D.M. had borrowed it several times recently and that he had seen it in D.M.'s home earlier in the day."

On the stand, D.M. responded to his accusations. The Outlook paraphrased the testimony as so: "He said he carried a shotgun because he had helped the sheriff search for L.C., whom he identified as an escaped convict, and who, he said, had been hiding in nearby woods. He said he had been told that L.C. was mad at him. He said he didn't know the sheriff had been killed until he was removed from the City Jail to the County Jail. Several .22 rifle shells found in his pockets were explained by D.M. his business as a hog-killer. He said he started borrowing a rifle from his brother-in-law last November."

The defense had anticipated testimony that would provide D.M. with an alibi. J.C. was going to testify that he and D.M. "were together at the time of the shooting, several hundred yards from where it took place," according to an old newspaper article report.

J.C. did not show up in court. A state witness later testified that D.M. had said he "took a crack at Joe Gibson." There were over 100 witnesses in the trial.

In the 146 year history of Wayne County, this marked the first time a sheriff had been killed in the line of duty. But it would not be the last. Joseph's younger brother, Everett, took on the responsibility of Wayne County Sheriff and served the people until he was killed on July 25, 1949.

"Everett came in and took dad's place," said Brook Gibson.

Everett continued the term as his brother had before, seeking out and apprehending bootleggers and crushing stills. In the February 24, 1949 Outlook, an article reported, Sheriff E.M. Gibson and Chief of Police Russell Hill made a raid on the Shady Nook Service Station and arrested two men. The officers confiscated 17 cases of beer, one case of whiskey, and an automobile. A previous raid there the month before had netted 37 cases of beer and ten pints of whiskey.

On July 25, Sheriff Everett Gibson and Deputy Bill Sexton traveled toward Murl to investigate reports of a still. "When they entered a clearing where the still was located, they were fired on," reported The Outlook.

Gibson was hit three times, dying instantly, according to the article. Sexton was also hit three times but, "made his escape and got to the road where he was picked up and brought to town and then taken to the Somerset Hospital," the newspaper stated. Sexton recovered from his injuries.

Three men were indicted by Wayne Circuit Court and charged with murder, according to an August 1949 article.

The men pled not guilty and asked for a change of venue, which they were granted. The trial was moved to Lincoln County. In Stanford, H. R. was convicted of murder and sentenced to life in prison. The other two were convicted of manslaughter.

Brook Gibson said he was not aware that this father and uncle were omitted from the police memorial, until he was contacted by Byers several months ago. Byers sent Gibson paperwork that needed to be completed to include the brothers in the memorial.

"It's a nice gesture," said Gibson. "I think they deserve recognition the same as any veterans that were serving their countries."

HOUSE OF REPRESENTATIVES—*Monday, May 17, 1999*

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. PEASE).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 17, 1999.

I hereby appoint the Honorable EDWARD A. PEASE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

We long for peace in our hearts, O God, and we long for peace in our world. We pray that all people who have responsibility for the welfare of the nations will be surrounded with Your gifts of discernment and wisdom, with patience and understanding. May we be always fervent in our concern for those who suffer and diligent in our prayers for peace. Bless all Your people, O God, whatever their concern or need. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Nevada (Mr. GIBBONS) come forward and lead the House in the Pledge of Allegiance.

Mr. GIBBONS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

NBC MINI-SERIES, ATOMIC TRAIN

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, last night on national television, millions of Americans tuned in to watch the NBC mini-series, "Atomic Train." This movie attempts to portray how serious and potentially disastrous a nuclear waste carrying train accident would be for America.

Well, Mr. Speaker, just the prospect of this movie has made the nuclear power lobbyists more nervous than an alligator in a luggage factory.

So much so, that they pushed NBC into making script changes in an effort to hide the real dangers of transporting nuclear waste on trains.

So tonight, as this mini-series concludes, Americans should know the dangerous reality that exists in transporting nuclear waste through American neighborhoods.

Members of Congress should know that this type of disaster could be a reality in their district, in their hometowns, next to their children's schools and playgrounds. I urge my colleagues to oppose H.R. 45 and tell the special interests no to an atomic train coming through their districts.

Do not let them pull the wool over your eyes.

I yield back the balance of my time to NBC to tell the American people the truth about transporting nuclear waste.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

HOW LONG MUST THE BOMBING IN YUGOSLAVIA CONTINUE?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky (Mr. WHITFIELD) is recognized for 5 minutes.

Mr. WHITFIELD. Mr. Speaker, how long must the bombing of Yugoslavia continue? Fifty-four days of continuous bombing in Yugoslavia. For what purpose? The President, Vice President and Secretary Albright adopted a policy saying that we must stop the ethnic cleansing of Kosovo Albanians. They said that they must act to forestall a new round of ethnic cleansing by Mr. Milosevic, and that was the reason the bombing started.

The bombings have not worked. Today, there are nearly 800,000 refugees in Macedonia, another 500,000 internally displaced within Kosovo. Thousands have been murdered. Macedonia has been destabilized, and our foreign relations with Russia and China severely strained. It is difficult to imagine how the situation could be much worse than what it is today.

This administration, as part of its policy, and rightfully so, criticizes Milosevic for killing innocent civilians, and he has killed innocent civilians. However, our bombings are killing innocent civilians in Yugoslavia today.

Mr. Milosevic has destroyed the infrastructure of Kosovo, and that is a valid criticism. Our bombings are destroying the infrastructure in Yugoslavia today.

As Mr. Michael Dobbs wrote in yesterday's Washington Post, this administration's oversimplistic comparison between Kosovo and Bosnia or Milosevic and Hitler has helped transform what would otherwise have been a Balkan crisis into a global crisis, the ramifications of which are being felt not only in America, not only in Yugoslavia but also in Moscow and in Beijing.

NATO's senior military officer, General Klaus Naumann said this weekend, we are nibbling away night by night and day by day at Milosevic's military capabilities.

Paul Watson of the Los Angeles Times reported from Yugoslavia on some of NATO's nibblings. Bomblets from cluster bombs have been aimed in the middle of the night at military forces and a park and playground in the village of Stare Garko. At least three of the unexploded bomblets lay in the playground, where three empty bunkers suggested that soldiers may have been based. There were no signs of damage to any military vehicles. Instead, four-year-old Dragan Dimic was dead, along with his neighbors Bosko Jankovic and Mr. Jankovic's wife Jenverosima. Their bodies lay smeared with dried blood where they fell at the edge of their small front patio.

Mr. President, stop the bombings. Give negotiations an opportunity to work. Are we willing to continue bombing whatever the cost in human life, in pain and in suffering until Mr. Milosevic removes all of his forces from Kosovo? There must be some other way. Bombing is not the answer. How long must the bombing in Yugoslavia continue?

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1654

Mr. GORDON. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1654.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 7 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1739

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DREIER) at 5 o'clock and 39 minutes p.m.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 1141, 1999 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 106–144) on the resolution (H. Res. 173) waiving points of order against the conference report to accompany the bill (H.R. 1141) making emergency supplemental appropriations for the fiscal year ending September 30, 1999, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ADJOURNMENT

Mrs. MYRICK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 40 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, May 18, 1999, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2154. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Karnal Bunt; Reclassification of Regulated Areas [Docket No. 96–016–36] (RIN: 0579–AA83) received April 30, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2155. A communication from the President of the United States, transmitting his requests for FY 2000 budget amendments for the Departments of Agriculture, Defense, Energy, and Transportation, and International Assistance Programs, and the Legislative Branch, pursuant to 31 U.S.C. 1107; (H. Doc. No. 106—66); to the Committee on Appropriations and ordered to be printed.

2156. A letter from the Legal Advisor, Cable Services Bureau, Federal Communications Commission, transmitting the Commission's final rule—1998 Biennial Regulatory Review—"Annual Report of Cable Television Systems," Form 325, filed pursuant to Section 76.403 of the Commission's Rules [CS Docket No. 98–61] received April 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2157. A letter from the Legal Advisor, Cable Services Bureau, Federal Communications Commission, transmitting the Commission's final rule—1998 Biennial Regulatory Review—Streamlining of Cable Television Services Part 76 Public File and Notice Requirements [CS Docket No. 98–132] received April 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2158. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Howell, MI [Airspace Docket No. 99–AGL–6] received May 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2159. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Flint, MI [Airspace Docket No. 99–AGL–7] received May 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2160. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; and modification of Class E Airspace; Alpena, MI [Airspace Docket No. 99–AGL–11] received May 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2161. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Revocation of Class E airspace, Saginaw, Harry W. Browne Airport, MI; revocation of Class E Airspace, Saginaw, Tri-City Airport, MI; and establishment of Class E Airspace; Saginaw, MI [Airspace Docket No. 99–AGL–9] received May 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2162. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Marlette, MI [Airspace Docket No. 99–AGL–10] received May 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2163. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Detroit, MI [Airspace Docket No. 99–AGL–8] received May 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2164. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Fremont, OH [Airspace Docket No. 98–AGL–75] received May 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2165. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Waverly, OH [Airspace Docket No. 98–AGL–79] received May 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2166. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Cahokia, IL [Airspace Docket No. 99–AGL–4] received May 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2167. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; San Antonio, TX [Airspace Docket No. 98–ASW–54] received May 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2168. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Monroe, LA [Airspace Docket No. 98–ASW–55] received May 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2169. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Boonville, MO; Correction [Airspace Docket No. 99–ACE–6] received May 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2170. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; El Dorado, KS; Correction [Airspace Docket No. 99–ACE–5] received May 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2171. A letter from the Attorney General, Secretary of Health and Human Services, transmitting the Annual Report on the Health Care Fraud and Abuse Control Program for Fiscal Year 1998; jointly to the Committees on Commerce and Ways and Means.

2172. A letter from the Chairman, Federal Prison Industries, Inc., Department of Justice, transmitting the 1998 Annual Report of the Federal Prison Industries, Inc. (FPI), pursuant to 18 U.S.C. 4127; jointly to the Committees on the Judiciary and Government Reform.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mrs. MYRICK: Committee on Rules. House Resolution 173. Resolution waiving points of order against the conference report to accompany the bill (H.R. 1141) making emergency supplemental appropriations for the fiscal year ending September 30, 1999, and for other purposes (Rept. 106–144). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BURTON of Indiana (for himself, Mr. ARMEY, and Mr. OSE):

H.R. 1827. A bill to improve the economy and efficiency of Government operations by requiring the use of recovery audits by Federal agencies; to the Committee on Government Reform.

By Mr. BLILEY (for himself and Mr. DINGELL) (both by request):

H.R. 1828. A bill to provide for a more competitive electric power industry, and for other purposes; to the Committee on Commerce, and in addition to the Committees on Resources, Agriculture, Transportation and Infrastructure, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRAHAM:

H.R. 1829. A bill to amend title 10, United States Code, to improve the administration of the volunteer civilian auxiliary of the Air Force known as the Civil Air Patrol; to the Committee on Armed Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEVIN (for himself, Mr. ENGLISH, Mr. KLECZKA, Mr. HILLIARD, Mr. THOMPSON of Mississippi, Mr. KUCINICH, and Ms. SCHAKOWSKY):

H.R. 1830. A bill to enhance the Federal-State Extended Benefit program, to provide incentives to States to implement procedures that will expand eligibility for unemployment compensation, to strengthen administrative financing of the unemployment compensation program, to improve the solvency of State accounts in the Unemployment Trust Fund, and for other purposes; to the Committee on Ways and Means.

By Mr. MEEHAN:

H.R. 1831. A bill to authorize and request the President to award the Medal of Honor posthumously to Charles Richmond Metchear for his actions at Cienfuegos, Cuba during the Spanish-American War; to the Committee on Armed Services.

By Mr. OXLEY (for himself, Mr. ENGEL, Mr. MEEKS of New York, and Mr. KING):

H.R. 1832. A bill to reform unfair and anticompetitive practices in the professional boxing industry; to the Committee on Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FORBES:

H. Con. Res. 108. Concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued to raise public awareness of the serious problem of driving while intoxicated; to the Committee on Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 85: Ms. CARSON.

H.R. 241: Mrs. MINK of Hawaii and Mr. BEREUTER.

H.R. 306: Mr. GEPHARDT, Mr. LIPINSKI, Mr. COOK, and Mr. PETERSON of Minnesota.

H.R. 323: Mr. CRANE.

H.R. 348: Mr. BOEHLERT.

H.R. 353: Mr. JOHN, Mr. GOODLING, Mr. ADERHOLT, Mr. KIND, Mr. SAXTON, Mr. MCKEON, Mr. BLUMENAUER, and Mr. ROEMER.

H.R. 483: Mr. LUCAS of Kentucky.

H.R. 534: Mr. SMITH of Texas.

H.R. 607: Mr. MCCRERY and Mr. HERGER.

H.R. 684: Mr. MARKEY.

H.R. 902: Ms. CARSON, Mrs. MEEK of Florida, Mrs. JONES of Ohio, and Mr. BARRETT of Wisconsin.

H.R. 984: Mr. LEWIS of California, Mr. CANNON, Mr. BRADY of Texas, Mr. EHLERS, and Mr. NUSSLE.

H.R. 1041: Mr. BAKER.

H.R. 1071: Mr. MEEKS of New York.

H.R. 1093: Mrs. CHRISTENSEN, Mr. SMITH of New Jersey, Mrs. JONES of Ohio, and Mr. LARSON.

H.R. 1111: Mr. ENGLISH.

H.R. 1160: Mr. RODRIGUEZ.

H.R. 1219: Mr. FATTAH.

H.R. 1244: Mr. GREEN of Wisconsin, Mr. LEACH, Mr. THOMAS, Mr. MARTINEZ, Mr. BALLENGER, Mr. BATEMAN, and Mr. WALDEN of Oregon.

H.R. 1248: Mr. BERMAN and Mr. PAYNE.

H.R. 1269: Mr. LUTHER.

H.R. 1299: Mr. BAKER.

H.R. 1476: Mr. ABERCROMBIE and Ms. BERKLEY.

H.R. 1484: Ms. BERKLEY.

H.R. 1485: Mr. CROWLEY and Ms. SCHAKOWSKY.

H.R. 1515: Mr. MCNULTY, Mr. LATOURETTE, Mr. FRANK of Massachusetts, Mr. QUINN, Mr. HOEFFEL, Mr. HORN, Mr. MCGOVERN, Mrs. THURMAN, Mr. FILNER, Mr. RAHALL, and Mr. FARR of California.

H.R. 1549: Mr. VENTO, Mrs. JONES of Ohio, Mr. EHLERS, Mr. FORBES, and Mr. PALLONE.

H.R. 1560: Ms. SLAUGHTER.

H.R. 1631: Mr. PAUL and Mr. THOMPSON of Mississippi.

H.R. 1654: Mr. GARY MILLER of California.

H.R. 1661: Ms. SLAUGHTER.

H.R. 1717: Ms. CARSON.

H.R. 1764: Mr. CRAMER and Ms. BERKLEY.

DELETION OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1654: Mr. GORDON.

SENATE—*Monday, May 17, 1999*

(Legislative day of Friday, May 14, 1999)

The Senate met at 12 noon, on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Father, as we begin this new week, we make a solemn declaration of dependence. We depend on You for wisdom to confront soul-sized issues, strength to take the pressure of the busy week ahead, and patience to deal with our differences.

Sovereign of our beloved Nation, we are profoundly concerned about our culture. We ask You to bless and strengthen the families of our land. Today we want to praise You for mothers and fathers who take seriously their immense responsibility for the character development of their children. Especially we thank You for parents who exemplify the qualities and virtues they seek to engender in their children. We renew our commitment to the families You have given us and to the strategic role of the family in our Nation. Help us live our faith and communicate Your love, absolutes, and justice to the children. Through our Lord and Savior. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT, is recognized.

Mr. LOTT. I thank the Chair.

THANKING THE CHAPLAIN

Mr. LOTT. I thank the Chaplain for, as usual, a very appropriate and wonderful prayer.

SCHEDULE

Mr. LOTT. Today, the Senate will be in a period of morning business until 1 p.m., with Senators permitted to speak for up to 10 minutes each. It is expected the Senate will resume debate on the juvenile justice bill this afternoon. Senators who have amendments on the list with respect to the juvenile justice bill should be prepared to offer their amendments today. I understand at least three Senators are prepared to offer one or more amendments, so that will take up, I am sure, a considerable amount of time. I understand that Senator SANTORUM and Senator WELLSTONE and Senator McCONNELL have amendments they will be prepared to offer this afternoon. No rollcall votes will occur during today's session.

Also, today it is the intention of the leadership to debate the Y2K legislation for an hour or so at the end of the day, which would then, of course, take us over into tomorrow, when, under a previous unanimous consent agreement, there will be a cloture vote on a motion to proceed to Y2K at 9:45 a.m.

For the remainder of the week, the Senate will, hopefully, complete action on the juvenile justice bill and the Y2K legislation. Also, the Senate will turn to the supplemental appropriations conference report. I understand that may not be available until late tomorrow afternoon or perhaps even Wednesday. Exactly when that will be brought up will depend, in part at least, on the disposition of these other two bills. Senators should expect rollcall votes throughout each day and into the evening, if necessary, although I would not anticipate a late night on Tuesday, but we could have to go into late nights Wednesday and Thursday.

On Friday, we will not have any legislative business even though we may have a pro forma session. There is a Democratic retreat similar to the one the Republicans had last month, and that is scheduled for Friday. So we will not have any recorded votes so that they can attend this meeting.

Mr. President, I want to again ask for cooperation by Senators in offering amendments and also trying to complete action on these two very important bills. The Y2K liability issue is one of growing concern. If you read the newspapers Friday and Saturday, you learned that there is a growing problem with small businesses trying to become Y2K compliant. There is a great deal of consternation about the liability exposure, and this bill provides a way for these problems to be addressed without leading to a myriad of lawsuits. I have even seen one statement that the Y2K litigation costs could exceed the cost of asbestos, breast implants, and tobacco litigation. That is massive. I do not know whether that is accurate or not, but it is a problem with which we need to try to deal.

Also, on juvenile justice, this underlying bill has been in the making for 2 years. We have had amendments, and we will have other amendments offered with regard to violence in the schools, how you deal with that, with the impact of certain laws that we already have on the books as to schools and, of course, gun amendments. I hope we can come to a reasonable agreement of how we can complete both of these bills this week and then go to the supplemental appropriations bill and be prepared late this week or early next week to turn to the defense authorization bill. At a time when we have our men and women engaged in combat, we need to go ahead and move this very important piece of legislation.

So those, along with the DOD appropriations bill, I hope to have completed by a week from Thursday night before the Memorial Day recess.

With that, I yield the floor. Mr. President, and I observe the absence of a quorum.

The PRESIDING OFFICER (Mr. ROBERTS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. Acting in my capacity as a Senator from Kansas, I ask unanimous consent that the order for the quorum call be rescinded.

Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Acting in my capacity as a Senator from Kansas, I ask unanimous consent that the Senate stand in recess until 1 p.m.

There being no objection, at 12:17 p.m., the Senate recessed until 1:08 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. CHAFEE).

Mr. WELLSTONE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Y2K ACT—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the motion to proceed to S. 96, which the clerk will report.

The legislative assistant read as follows:

> Motion to proceed to the consideration of S. 96, a bill to regulate commerce between and among the several States by providing for the orderly resolution of disputes arising out of computer-based problems related to processing data that includes a 2-digit expression of that year's date.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I ask the Y2K bill be set aside and we return to the——

Mr. WELLSTONE. I object.

Mr. HATCH. It is my understanding——

The PRESIDING OFFICER. Objection is heard.

Mr. HATCH. Mr. President, notwithstanding the pendency of the current bill, I ask unanimous consent that the distinguished Senator from Minnesota be permitted to offer an amendment to the juvenile justice bill, after my opening remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I thank my colleague from Utah for his graciousness.

PRIVILEGE OF THE FLOOR

I ask unanimous consent that Rachel Gragg and Ben Highton be permitted privilege of the floor during the discussion of the juvenile justice bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

VIOLENT AND REPEAT JUVENILE OFFENDER ACCOUNTABILITY AND REHABILITATION ACT OF 1999

Mr. HATCH. Mr. President, the Senate today resumes consideration of the youth violence bill. As we resume debate on this measure let me quote from a recent New York Times editorial:

> In the past it was not hard to be struck by the way time seemed to roll over a tragedy like a school shooting, by the disparity between the enduring grief of parents who lost children in places like Paducah and Jonesboro and the swift distraction of the rest of us. This time, perhaps, things may be different. The Littleton shootings have forced upon the nation a feeling that many parents know all too well—that of inhabiting the very culture they are trying to protect their children from. * * * The urge to do something about youth violence is very strong * * * but it will require an urge to do many things, and to do them with considerable ingenuity and dedication, before symptomatic violence of the kind that occurred at Littleton begins to seem truly improbable, not just as unlikely as the last shooting.

While I may not agree with the New York Times on everything, I doubt that I could have described our task any better. I commend them for this editorial. This issue is a complex problem which requires dedication, a spirit of cooperation, and an agreed-upon set of objectives.

When I assumed chairmanship of the Senate Judiciary Committee, one of my first actions was the creation of the Youth Violence Subcommittee. The subcommittee made dealing with the problem of youth violence a priority, and our efforts on this front were paid greater attention in the wake of juvenile crime tragedies. Yet, as the editorial in the New York Times notes, the Nation's attention always seemed to be swiftly distracted. Still, we pushed forward with our legislative efforts.

Senator SESSIONS held hearings in nearly empty hearing rooms. We spent more than 6 weeks in committee marking up the predecessor to the bill we have before us today. Some questioned our political equilibrium. After all, juvenile justice is fundamentally a State matter, and our economy is robust. Why bother? That is what some felt. Well, we have worked on this bill and pushed for this bill because we think it is the right thing to do and because it will improve juvenile justice and deter youth violence.

Some of us have invested substantial time, effort and political capital in this bill. I have invested even more in this bill in these last few days by supporting measures which, at an earlier time, I may not have supported. I have put the goal of changing our culture of violence and helping our young people first. The question for us now, however, is: Do we have the political strength as an institution to come together and pass this bill promptly?

I firmly believe the work we have undertaken these last several days demonstrates that we, on this side of the aisle, are dedicated to addressing the problems of youth violence and that we are willing to put our children first. We have made significant progress on this bill to date. We have voted on 14 amendments and I plan to accept even more in the managers' amendment. We have spent 4 legislative days on this measure. As a result, this is a better, more comprehensive bill than when we began the debate. If we focus our effort on where we can agree, as opposed to where we may differ, I believe we can pass this bill expeditiously.

Mr. President, the problem of school violence and juvenile crime is not going to go away because we have debated the issue and voted on some divisive amendments. In fact, the problem continued this weekend in Michigan where four juveniles, ages 12 through 14, were arrested and charged with conspiracy to commit murder for plotting a school shooting similar to the massacre at Columbine High School. These four juveniles allegedly planned to kill their classmates by opening fire in the middle school assembly and then detonating a bomb on school grounds. Michigan prosecutors reported that the juveniles planned to kill more students than were killed at Columbine High School. A bomb that was discovered near the middle school campus on Thursday led school officials to conduct school-by-school inspections and cancel school activities.

Senator FEINSTEIN and I have filed our antibomb amendment. It is astounding to me—the hundreds of articles on the Internet that teach kids how to do violence and make bombs.

In addition, a 13-year-old boy was arrested in Indiana this weekend for planting seven pipe bombs in a car owned by one of his classmate's parents. One of the bombs exploded while the car was being driven. Reportedly, the juvenile stalked the family after their daughter told authorities that the boy had brought a gun to school.

Moreover, just days after the tragedy in Littleton, four junior high students in Wimberley, TX, were charged with plotting to kill students and teachers in a planned attack eerily similar to the one committed at Columbine High School. Gun powder, explosive devices, and bomb-making instructions downloaded from the Internet were found at the juveniles' homes. Incredibly, this was not a copycat plan. Rather, these 14-year-old boys had been planning the attack since the beginning of the year.

Mr. President, today, we believe and pray that the Columbine High School rampage will never be forgotten. Let's make sure that is the case. Let's pass this bill. Remember, we said the same about similar shootings in recent years in schools in Pearl, MS, which left two dead; West Paducah, KY, which left three dead; Jonesboro, AK, which left five dead; Edinboro, PA, which left one dead; and Springfield, OR, which left two dead.

These disturbing trends, which have occurred in every region of the country, provide further evidence that we should pass this legislation. No longer can we reasonably say that youth violence is a random or inconsequential problem. In reality, this legislation is needed now more than ever because juvenile crime and youth violence is unacceptably high by historical standards.

Given the magnitude of this problem—and the number of warning signs that future tragedies may be imminent—we cannot afford to delay passage of this bill through amendment. Instead, we should come together and reach unanimous consent to pass this bill tomorrow. For the sake of our children, let's wrap this bill up. This is a bipartisan bill. We have been open for suggestions from the administration and from the Justice Department. We haven't had any until this last week. But most of those suggestions we have embodied in the bill or will embody in the bill.

So let's pass this bill tomorrow. Let's get this bill enacted into law. Let's get the President to sign it, and let's do everything we can to prevent future tragedies like the one at Columbine High.

Elaine and I just had our 18th grandchild born a few days ago—a little girl named Madison Alysa. We are very concerned. We have 6 children and 18 grandchildren now. The 19th is on its way, and will be here sometime in August. I have to say that I want to leave this world a better place for them than it currently is. This bill is one magnificent attempt to get us there. Nothing we do is going to absolutely guarantee no future problems. But this bill will absolutely guarantee that there will be less of those future problems than we have today, and it may even, in the end, help us to guarantee that there are none of these types of problems again, although I fully confess that I am probably wishing for too much under today's circumstances, with the influences that are besetting our kids throughout our society today.

Our problems are primarily cultural today. They are cultural. There is no question that we need to have accountability where kids learn to be responsible for their actions, and learn that there is a price to be paid for actions that are denigrating to society. But we also need the prevention moneys in this bill that basically will help kids to realize that if they have made a mistake, we are going to help them to get back, we are going to help them to be able to resolve their problems in life.

We need the safe schools section of this bill. We need the section that will help to change our culture by giving the entertainment industry the tools by which they can voluntarily require compliance with their retailers and their wholesalers so these adult and mature materials are not sold and disseminated to children.

We have a study in this bill by the FTC, the Federal Trade Commission, to study just whether or not some of these industries are actually targeting kids. Of course, we have other provisions as well. We have the antitrust exemption, which would allow the companies to get together to voluntarily stop some of the things that are going on.

Last, but not least—I can talk about this all day—we need to get tough on violent juveniles. Some of these kids are every bit as bad as the Mafia. They kill at the drop of a hat. They don't have any conscience. They laugh at those who are righteous and decent and morally upright. And, frankly, we have to make sure that when they commit these heinous crimes, that they pay a price for it. Hopefully, we can rehabilitate them with the prevention moneys. But if we can't, they ought to be removed from society so they can't kill other people or maim other people or cause the problems that they are currently causing.

All of these things we can do with this bill. This is a bipartisan bill. We have good people on both sides of the aisle supporting it. I believe we need to get it done.

I appreciate the efforts of those who are here today willing to present their amendments so we can get this matter finished, and so we know, hopefully by the end of this day, just how many amendments we have and what we need to do.

I yield the floor.

Mr. WELLSTONE. Mr. President, I will be offering a number of amendments to this piece of legislation. First of all, I want to give these amendments a little bit of context. I came to the floor last week ready to offer these amendments. We had a whole series of other amendments, many of them dealing with gun control and other important amendments, we wanted to debate. I always said to my colleagues I was ready, willing, and able to go forward with amendments that I thought would dramatically improve this legislation.

I want to outline some of these amendments and then go to the amendment which is before the Senate.

The first amendment would allow States to use the new juvenile justice delinquency prevention block grant funds "for services to juveniles with serious mental and emotional disturbances in need of mental health services" before they land in the juvenile justice system.

This amendment also allows States to make the decision to use the JJDP block grant funds for "projects designed to provide support to State and local programs designed to prevent juvenile delinquency by providing for assessment by qualified mental health professionals of incarcerated juveniles who are suspected to be in need of mental health services" who need an individual treatment plan, and so forth.

Let me say to my colleagues on the other side of the aisle that this language is very similar to what is actually in the House bill. I am trying to say we ought to allow States to use the block grant funds for a couple of different things.

No. 1, on the front end of this system, you have a kid—and this happens to be an area in which I have done a fair amount of work—struggling with mental illness. You want to be in a position to be able to use this money to identify this child with this particular problem and get the child into the kind of treatment that is needed as an alternative to incarceration.

We have entirely too many kids locked up who probably shouldn't be—not probably; who shouldn't be—locked up in the first place. I met some of these kids, kids who stole a moped or kids charged with breaking and entering. They have never committed a violent crime, they have a whole history of struggling with mental illnesses, but these kids weren't identified. There was no way of assessing this and providing these kids with some treatment as an alternative.

We want to make sure we have specific language that provides funds for services to juveniles with serious mental and emotional disturbances, to juveniles in need of mental health services, before they land in the juvenile justice system. It seems to me that any piece of juvenile justice legislation would want to include this language.

The second thing, it is absolutely brutal, it is absolutely harsh, it is absolutely unconscionable, that there are so many kids locked up in these facilities ages 11, 12, and 13 who struggle with mental illness and don't get any treatment. Again, we want to make sure that we allow States to use these JJDP block funds to do a much better job of assessing the kid's needs once that kid is incarcerated, figuring out what kind of individualized treatment plan will make sense and make sure the kids are treated.

I am sick and tired of the stigma about mental illness. It is pretty horrible to see what can happen to kids. I think what many of my colleagues absolutely have to realize is that many children—and there are children who wind up in these facilities—really are brutalized. They are brutalized. They are not even in a position to defend themselves, and they receive no treatment at all.

I am going to go on and come back to this amendment.

The second amendment I will be introducing is an amendment which allows States to use block grant funds for implementation of the training of justice system personnel. This comes out of the Mental Health Juvenile Justice Act I introduced in January, a bill I have been working on for about a year.

Again, basically what this says to States is, if you want to use these block grant funds to make sure a lot of the individuals who are in our juvenile justice system—from the judges, to the probation officers, to school officials, to a whole bunch of other people—are trained so they can recognize kids who are struggling with these mental problems, then you should be able to do so. Often you do not have people within this juvenile justice system who have the training to recognize a child who is struggling with mental illness, who needs treatment for that illness. What this amendment says is let's allow States to use some of this block grant money for such training. Again, I will go into this amendment in detail later on, but I find it difficult to believe this is an amendment that would not be accepted to a piece of legislation called juvenile justice.

The third amendment I am going to introduce has to do with children who witness domestic violence. This area of work for me has become the opposite of academic. I do a lot of this work with my wife Sheila. It is based upon all sorts of women and children who have been victims of family violence.

As I said before on the floor of the Senate, roughly speaking, about every 15 seconds a woman is battered in her home. A home should be a safe place. All too often, children are battered as well. The connection to this legislation is that if you ask judges what the files look like of kids who appear in their court at 13, 14 years of age, quite often those judges will talk about the violence in the homes.

We have not done a good job. We are beginning to focus on the need to provide support for women. That was the Violence Against Women Act on which Senator BIDEN and Senator MURRAY and many others provided a tremendous amount of leadership as did Senator HATCH. But what we have not recognized is the effects of this violence against the parent—and all too often that is the woman—on the children. Even if the child himself or herself is not battered—and quite often that happens—they see it all the time. When they come to school, quite often they cannot do well. Often it is not recognized by school authorities.

So this amendment, which is extremely relevant to this legislation, would provide a comprehensive intersystem approach to limiting the effects of domestic violence on the lives of children. This is an amendment, again, on which I will go into great detail, that will provide the funds for our Nation to do a better job at the community level, to bring together all the different adults who come in contact with these children, and get some support to these children.

I do not know how to put it except this way: You can have the smallest class size, you can have the best teachers, you can have the best technology, but if that child has been in a home where that child has seen his mother beaten up over and over and over again, the chances are that child is in trouble. The chances are that child may not be able to do well in school. And the chances are right now we have a whole lot of people, from school officials to law enforcement officials, you name it, who will not recognize that. We need to figure out ways of enabling adults in the community to recognize children who are going through this, and we need to figure out a way to provide more support for these children.

The fourth amendment is an amendment of which I am very proud. I have a lot of different support for it, from the Conference of Mayors to the American School Health Association. This amendment would provide for 100,000 new school counselors, plus school psychologists and school social workers. This would be Federal funds matched by funds from States and local school districts.

It is very simple. There is no be-all, there is no end-all, but when I marshal evidence for this amendment I think my colleagues are going to be shocked at the extent to which we have really no infrastructure of support for so many of these kids when it comes to mental health services. We do not have enough counselors. We do not have enough school psychologists. We do not have enough social workers. We cannot even begin to help a lot of kids who need somebody to whom they can go. So, again, I think this amendment is right on point.

Finally, I will have an amendment that will take some time, which is indirect to this legislation, which is the welfare recipient accountability amendment. There are two other amendments.

Just to put colleagues on notice on this, what I want to say is—and I, unfortunately, will be able to marshal a lot evidence—now that we are beginning to get the fragmentary reports of what is going on with the welfare bill, we are finding, for the majority of women who are off welfare, a dramatic reduction in the welfare roll is not equal to a dramatic reduction in poverty. The majority of these women are working at jobs, the prevailing wage of which is less than they were receiving before. In a lot of cases, these children are not getting decent child care. Therefore, I have to worry about where these kids are going to go.

Let's at least call on Health and Human Services to require States to provide us with the data as to where these women and children are: What kind of jobs do they have at what kind of wages? What is the situation with their children? We ought to know. We ought to know.

Tomorrow, this amendment, I think, will cause a major debate. I hope there will be overwhelming support for it. There really were close to 400 votes in the House of Representatives, I believe.

One of the flaws of this legislation is to take out the language that deals with disproportionate minority confinement. I will spend a lot of time on the floor tomorrow, with Senator KENNEDY, on this question, because right now this piece of legislation takes us backwards. It takes us backwards from the current situation, or from what the House of Representatives has proposed, which is we want to know about the "why" of disproportionate minority confinement. We want to know why so many children of color are the ones who are picked up, so many children of color wind up in the court system, so many of them wind up in these so-called correctional facilities—all out of proportion to number of crimes committed. We do have to come to terms with race in America.

The fact of the matter is the disproportionate minority confinement language right now has enabled some States to do some very good work. States on their own—on their own because of Federal legislation—are doing some very good analysis of why we have so many of these kids of color in these facilities. This legislation would basically stop that effort. This legislation takes us backwards. It is a huge mistake. I have not seen the civil rights community more focused on trying to get an amendment agreed to than this amendment. I look forward to this debate. I think it is extremely important.

Mr. President, let me, then, introduce the first two amendments that I am hoping will be noncontroversial. They are drawn from the Mental Health Juvenile Justice Act. Again, this legislation I introduced several months ago received the support of over 40 organizations. They go all the way from the American Bar Association to the Children's Defense Fund, to district attorneys' offices, to State judges, probation, and police officers, you name it. Right now, S. 254 pays only lip service to the problem of children with mental illness in our juvenile justice system. These amendments have teeth, providing States with grants to fund programs to keep children who struggle with mental illness out of the juvenile justice system altogether and to identify and treat those who are in it.

Elie Wiesel once said:

> More than anything—more than hatred and torture—more than pain—do I fear indifference.

We must be diligent and not allow ourselves to be indifferent to children's misery, particularly those children who may be sick, difficult, and test our patience, our understanding and our compassion.

Yet, we have become in our country, I fear, deeply indifferent to how we treat juveniles in the justice system who live in this shadow of mental illness. Each year, more than 1 million youth come in contact with the juvenile justice system and more than 100,000 of these youth are detained in some type of jail or prison. These people are overwhelmingly poor and a disproportionate number of them are children of color.

By the time many of these children are arrested and incarcerated, they have a long history of problems in their very short lives. As many as two-thirds suffer from mental or emotional disturbance; 1 in 5, 20 percent, has a serious disorder; many have substance abuse problems and learning disabilities; most of them come from troubled homes.

The "crimes" of these children vary. While some have committed violent crimes—and we have to hold a child or an adult accountable for a violent crime—some have committed petty theft or skipped school. Still others have simply run away from home to escape physical or sexual abuse from parents or other adults.

The vast majority of children who are in these juvenile justice facilities have not committed a violent crime. In fact, despite popular opinion, most of the children who are locked up are not violent. Justice Department studies show that 1 in 20 youth in the juvenile justice system has committed a violent offense—1 in 20 of youth in the juvenile justice system has committed violent offenses.

Jails in the juvenile justice centers are often found unprepared to deal with the mentally ill. For instance, medication is not given when it should be given or it is not properly monitored or guards may not know how to respond to a disturbed youth who is just not capable of standing in line for orderly meals. As a result, many of these children are disciplined and put in solitary confinement.

What is happening to these troubled children—and this is why I want my colleagues to accept this amendment; this is why I have been waiting days for this amendment—is a national tragedy. All across the country, we are criminalizing mental illness of children, and we are dumping emotionally disturbed kids into juvenile prisons.

What this amendment says is we at least allow States to take the block grant money to do a better job of assessing these children when they get into trouble, and if these children are struggling with mental illness or struggling with emotional problems and they have not committed a violent crime, let us at least make sure we provide some diversionary programs, some community-based treatment, as opposed to incarcerating these children.

This comes right from this juvenile justice mental health legislation. We ought to pass this amendment, I say to my colleagues.

What is happening to these troubled children is a national tragedy. Why do so many youth with mental illness end up in the juvenile justice system? Children with mental disorders often behave in ways that bring them in conflict with family members, with authority figures and peers.

Over the last 10 years, the public attitude toward juvenile crime has grown tougher. Consequently, the juvenile justice system is casting a wider net. A growing fear and intolerance of children who misbehave or commit nonviolent offenses have pushed children into the juvenile justice system who would not have ended up there in earlier times.

At the same time, our country has failed to invest adequately in services and programs that can reduce the need for their incarceration. These include mental health services. The warning signs for delinquency are well known: School failure, drug and alcohol abuse, family violence and abuse, and poverty. Yet, we have failed to put in place community prevention, screening, and early intervention services for those children who are most at risk.

Proper mental health treatment can prevent or reduce the offending, but many, many, many communities do not have adequate services for children and their families. Let me read a couple of examples.

Matthew—and I am not going to use the full name—Matthew I. has a history of mental health problems. He has received services from the public mental health center and has been hospitalized several times in private psychiatric institutions.

One night in 1996, Matthew heard voices telling him to run away from home. He listened to the voices, and in the process of running away, he stole two bicycles. Matthew was arrested and charged with theft. He was sentenced to the Swanson Correctional Center for Youth. While in Swanson, Matthew was beaten and witnessed guards abusing other youths. Matthew received disciplinary tickets for falling asleep. His psychotropic medications made him sleepy, so he stopped taking his medicine. Without his medication, Matthew was impulsive and had difficulty following orders. So, again, he received disciplinary tickets.

Despite continued requests from his mother, Matthew did not receive an evaluation by a psychiatrist until he attempted suicide. After the suicide attempt, Matthew saw the psychiatrist in 6-week to several-month intervals. He did not receive mental health counseling services. Matthew made several suicidal attempts after the first one.

After almost 2 years of confinement in the juvenile prison, Matthew is now at home. That is one example. This is from Shannon Robshaw, executive director of the Mental Health Association in Louisiana.

Daron R. was physically and sexually abused by his babysitters from infancy to age 7. He has marks on his face where this couple threw rocks at him and hit him with a broom.

Daron is a brilliant child and categorized by the school as "gifted." Daron is explosive and has a hard time controlling his temper. He is impulsive and has difficulty following directions. Now 10 years old, Daron has a history of psychiatric hospitalization and is taking several medications.

In September 1998, he became uncontrollable at home and was sentenced to Jetson Correctional Center for Youth. At his mother's request, Daron's school psychologist attempted to assist him by participating in a telephone conference call. During this conference, she was told Jetson did not have to provide educational services for gifted children.

In Jetson, Daron had problems so the guards responded by throwing the 10-year-old against the wall. The psychologist asked if the guards were trained in passive restraint and was told no. Daron's mother and psychologist took pictures of the bruises on Daron's body. Daron was released to a State mental hospital last Christmas.

A final example—and when people come back tomorrow, I am going to get colleagues to listen before we vote on this amendment. These are children's lives.

Travis M. was charged with stealing a bicycle. I met him. Travis M. was charged with stealing a bicycle and sentenced to Tallulah Corrections Center for Youth for 3 months. Fourteen at the time, Travis had been hospitalized for psychiatric problems three times, the most recent only 1 month before being sentenced to Tallulah. Travis was labeled with attention deficit disorder, oppositional defiant disorder and mild mental retardation. Travis takes three psychotropic medications.

At Tallulah, Travis was unable to successfully complete the boot camp and received numerous disciplinary tickets for not following orders and for falling asleep. These tickets extended his sentence by a year and a half.

While at Tallulah, Travis was abused by guards and saw guards beat others. Travis witnessed guards putting a hit out on youths. While at Tallulah, Travis contemplated suicide and was told by a guard to "go ahead, that will be one less to deal with."

Eighteen months after being placed in Tallulah, Travis was released. Now he suffers from post-traumatic stress syndrome and has flashbacks of his violent experience in Tallulah.

(Mr. LUGAR assumed the chair.)

Mr. HATCH. Will the Senator yield for a question?

Mr. WELLSTONE. I am pleased to yield for a question.

Mr. HATCH. Will the Senator be amenable to having a time agreement on this amendment, because up to now we have been working on very short time agreements and going back and forth. We have an amendment over here that will be offered and then we can come back to the Senator for his next amendment. If we can work pursuant to time agreements, it will be very helpful to the managers of the bill.

Mr. WELLSTONE. Mr. President, I say to my colleague that I do not intend to take a long time. It depends on what my colleague means by a "time agreement."

Mr. HATCH. Can we agree to a unanimous consent time agreement of some limit so we know when we can get somebody over here to present his or her amendment? I understand the distinguished Senator has three amendments. We will be glad to come back to the distinguished Senator for his second one, and then we will go back over here again, and then come back again.

But I would like to be able to have some ability to know when I should have people here so we do not waste floor time, because we are pressured. We have worked all weekend to get our amendments down from the thirties to seven. The Democrat amendments are in the forties. I would like you to do the same, to work them down to seven. But it does mean some cooperation on both sides. I do not want people over here going on with any length either. And I will try to make sure they cooperate with reasonable time constraints.

Mr. WELLSTONE. Mr. President, let me ask my colleague. I would be pleased to accommodate him. Here is the question from me. In fact, I am almost surprised these first two amendments have not even been accepted. I have been working most of my adult life in this area, and I really want to talk about mental health and juvenile justice.

I think there are two amendments here. I don't want to rush through this and not give justice to what I think is an agonizingly important and painful question.

Mr. HATCH. Will the Senator yield?

Mr. WELLSTONE. But I have no intention of going on and on; so if we could get a reasonable time limit. Could I ask this: Since I have a lot of amendments here, how long are we allotting to different Senators? In other words, Senator SESSIONS has an amendment.

Mr. HATCH. Senator SESSIONS has an amendment.

Ten minutes equally divided on your side, so we can keep the time constraints here?

Mr. SESSIONS. I would like about 10 minutes.

Mr. HATCH. For yourself? So 20 minutes equally divided?

Mr. SESSIONS. Yes.

Mr. HATCH. If there is no one to argue on the other side, it would be a 10-minute amendment. Thus far, I do not know of anybody who is going to argue against it.

Mr. WELLSTONE. Mr. President, I would be pleased to finish up on my amendment in a short period of time. It sounds as if my colleague does not need a lot of time, but I would like to be able to offer my amendments here today.

Mr. HATCH. That is the purpose here. If I could bring to the Senator's attention, that is why we are listening to him, because we believe he is going to offer his amendments today. And we are certainly going to look at them.

I also tell the Senator, I am a strong supporter of mental health programs.

Mr. WELLSTONE. I know about that.

Mr. HATCH. We will have a major debate on mental health on the SAMHSA bill this year, and I am going to try to help him and others who feel deeply about it. Certainly mental health concerns are a part of this bill, because we provide, in one block grant, that mental health concerns can be part of that block grant. So we have not failed to consider that. But we left it up to the States to make those determinations rather than dictate to them or tell them what they have to do.

Now, I guess what I am saying——

Mr. WELLSTONE. I say to my colleague, this is why we may need more time. This actually just allows for the States, but it has the same language the House has which specifically lists mental health services so we make it clear this is part of what is to be done. We do not mandate this.

Mr. HATCH. I have no problem with the Senator bringing up his amendment. Could we, on this first amendment——

Mr. WELLSTONE. I say to my colleague, I can finish in 10 minutes and then we can go to another amendment.

Mr. HATCH. I ask unanimous consent that the distinguished Senator be granted 10 more minutes on his amendment and then we go to the Senator from Alabama for 10 minutes.

Mr. WELLSTONE. Reserving the right to object, after my colleague from Alabama is recognized, I ask that we then return to me and I can offer my next amendment.

Mr. HATCH. Could we determine a time limit on your next amendment? I do not know of anybody here who is going to speak in opposition at this point. They will probably wait until the 5 minutes before the amendments are called up for a vote. But could we have a time limit on your second amendment, as well? Then I will be able to tell the next Senator offering an amendment when to be here.

Mr. WELLSTONE. Mr. President, I am almost finished on the first one, but I cannot——

Mr. HATCH. Will the Senator give it some consideration, and we will talk about it?

Mr. WELLSTONE. Yes.

Mr. HATCH. Then I ask that my unanimous consent agreement be approved.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HATCH. I thank the Chair.

AMENDMENT NO. 356

(Purpose: To improve the juvenile delinquency prevention challenge grant program)

The PRESIDING OFFICER. Would the Senator from Minnesota send his amendment to the desk.

The clerk will report the amendment.

The legislative assistant read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 356.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 89, line 18, strike "or" at the end.

On page 89, line 21, add "or" at the end.

On page 89, between lines 21 and 22, insert the following:

"(H) to provide services to juveniles with serious mental and emotional disturbances (SED) who are in need of mental health services;

On page 90, between lines 7 and 8, insert the following:

"(4) projects that support State and local programs to prevent juvenile delinquency by providing for—

"(A) assessments by qualified mental health professionals of incarcerated juveniles who are suspected of being in need of mental health services;

"(B) the development of individualized treatment plans for juveniles determined to be in need of mental health services pursuant to assessments under subparagraph (A);

"(C) the inclusion of discharge plans for incarcerated juveniles determined to be in need of mental health services; and

"(D) requirements that all juveniles receiving psychotropic medication be under the care of a licensed mental health professional;

On page 90, line 8, strike "(4)" and insert "(5)".

On page 90, line 17, strike "(5)" and insert "(6)".

On page 91, line 1, strike "(6)" and insert "(7)".

On page 91, line 11, strike "(7)" and insert "(8)".

On page 91, line 17, strike "(8)" and insert "(9)".

On page 91, line 22, strike "(9)" and insert "(10)".

On page 92, line 6, strike "(10)" and insert "(11)".

On page 92, line 16, strike "(11)" and insert "(12)".

On page 92, line 24, strike "(12)" and insert "(13)".

On page 93, line 5, strike "(13)" and insert "(14)".

On page 93, line 13, strike "(14)" and insert "(15)".

On page 93, line 17, strike "(15)" and insert "(16)".

On page 93, line 20, strike "(16)" and insert "(17)".

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, just again, to summarize, this is not a mandate. The amendment allows States to use the new juvenile justice delinquency prevention block grant funds for "services to juveniles with serious mental and emotional disturbances . . . who are in need of mental health services" before they land in the juvenile justice system.

This is the language from the House legislation. And this is language which is critically important, because if we do not have, I say to my colleague from Utah, language with this kind of specificity, then I think once again these kids just get lost in the shuffle.

I say to my colleague from Alabama, the second thing this amendment does is it says that for those kids who are incarcerated, let's allow States—they do not have to do it—to use the block grant funds for programs which will enable them to do an assessment of these kids, once in these facilities, who are struggling with mental problems, and make sure that they can get some treatment to these kids.

That is what these two amendments do.

I will talk about my visit to Tallulah—it is but one example—a facility in Louisiana. The only thing I can tell you is that all across the country, unfortunately—and Tallulah is but one example—you have a lot of kids locked up who do not need to be. They stole a moped. They did not commit a violent crime. They have all sorts of mental problems. They are not getting the care they need. They could be treated in their community. You do not want to have them incarcerated. And then, God knows, for those who are incarcerated, you want to make sure they get the treatment.

That is what this amendment says. When I was in Tallulah, there were about 650 kids, and about 80 percent were African American—we will get to the whole problem of disproportionate minority confinement tomorrow in the amendment—as young as age 11; and many of them—I am sorry, too many of them—quite often are locked up in solitary confinement for up to 7 weeks, 23 hours a day, as young as age 11.

What I am saying is, at least let's allow States, with some clear language here, to provide mental health services to these kids who need services. That is what this amendment is all about. The way these children are treated is brutal; it is harsh; it is unconscionable; it is not right. I hope to get very strong support for this legislation.

While I am speaking, for those who may be watching, I thank the Chair personally, as opposed to reading or writing notes, for having the courtesy to listen to what I have to say as a Senator. I thank Senator LUGAR from Indiana for doing that. That is very important to me as a Senator when I am speaking about an issue that I think is important. I thank the Senator for his courtesy.

How much time do I have?

The PRESIDING OFFICER. The Senator has 7 minutes 55 seconds.

Mr. WELLSTONE. Are we going to try to see whether we can work this out? I would reserve time if I thought there was going to be debate. I am ready to debate amendments. Whatever you want to do.

Mr. HATCH. I think the Senator's statements are going to be the only ones until prior to the votes.

Mr. WELLSTONE. OK. Then I will yield the floor and come back with an amendment after my colleague.

Mr. HATCH. The Senator may put into the RECORD any additional comments that he cares to.

Mr. WELLSTONE. I would be pleased to do so. I just say to my colleague from Utah, whom I do not want to anger, not because I mind debating him—I appreciate the debates—but because I know how accommodating he can be, I am not going to come out here and talk and talk and talk, but I want to have the opportunity to give some context to these amendments. I think it is really important.

So I would like to ask unanimous consent that I follow Senator SESSIONS. And I will try to do it in as efficient a way as possible.

I do not think I can do every amendment in 10 minutes. I do not intend to. I just want to be honest with my colleague.

The PRESIDING OFFICER (Mr. ALLARD). Is there objection? Without objection, it is so ordered.

Mr. WELLSTONE. I thank my colleague.

Mr. SESSIONS. I thank the Senator from Utah for his leadership on crime issues of all kinds for quite a number of years. In particular, I have had the honor to work with him on this juvenile crime bill. He is a skilled legislator. He understands the criminal justice system in America and contributes significantly to it. He is also an outstanding spokesman on behalf of a rational and well-thought-out system of criminal justice in America.

Mr. President, I have an amendment that I believe will be accepted which is very important and can be an effective step in improving juvenile justice. It deals with a juvenile hotline.

A number of years ago, when I was a U.S. attorney in Alabama, 7or 8 years ago, not too long, we had a conference about young people carrying guns and committing crimes and what we could do about it. We came up with a plan—the chief of police, the district attorney, the probation officer, the Coalition for a Drug Free Mobile, and other groups—to encourage people who saw children in trouble or in danger to call. The police worked out their 911 number, and it can be boiled down to a bumper sticker. It said: "Kid with gun, call 911." The idea was to get people involved in that kind of program.

Just recently, the State of Alabama developed a program to call a statewide 1-800 number hotline. They have had some remarkable successes with that.

I would like to introduce as one of the permissible uses of the funds in this bill a program we call the CRISIS grant program. It is a confidential reporting of individuals suspected of imminent school violence. I will introduce this amendment to S. 254.

Hotlines are violence prevention tools. The establishment of confidential hotlines that parents, students, and teachers would call to alert State and local enforcement entities of threats of imminent school violence or other suspicious criminal acts is an important prevention tool that can save kids' lives and prevent other wrongdoing.

Early identification of and intervention with potentially violent juveniles before they commit a violent act is certainly to be supported. This amendment will allow the States to use this CRISIS grant money to support both the independent State development and State operation of hotline programs. It will ensure that State personnel who will be answering those calls are trained properly. It will allow the State to acquire technology necessary to enhance the hotline's effectiveness, including Internet web pages perhaps, enhance State efforts to offer appropriate counseling services to individuals who call the hotline threatening to do themselves or others harm, and to further State efforts to publicize the service so that people will know about it and will be encouraged to use it. No additional funds will be expended out of this program, but it will utilize funds that have already been considered part of our juvenile crime bill.

So this would be a program under the State, not Federal control. State governments are, I think, anxious in considering just these kinds of projects. I believe it will be something every State should give the most serious consideration to.

Let me tell you a recent Alabama example, really in response to the Littleton tragedy. People asked themselves, what could we do? How could we avoid that? Is there a communication problem? How can we respond to it? Alabama established this confidential free hotline. The program has the support of Alabama's Democratic Governor and Republican Attorney General. In the first 2 weeks of operation, the Department of Public Safety reports receiving over 800 phone calls from communities, large and small, urban and rural, throughout the State in Alabama. Each of these incidents reported to the hotline are forwarded to the appropriate local law enforcement for investigation and followup. The program grades these calls in terms of severity of threat.

Of the 800 calls that came in to the hotline, almost 50 percent were classified as an imminent threat, a possible threat, or a drug threat—the three most severe categories. Calls made in these threat categories are referred immediately to local law enforcement for investigation.

In addition to law enforcement, Alabama has someone available from the State Mental Health Department to counsel or refer individuals who call in who are threatening suicide or to hurt someone else. It will help States achieve both the goals of enhancing law enforcement and provide appropriate counseling to individual callers.

Additionally, the majority of the calls made to the State hotline occurred during the hours of 4 to 9 p.m. each day, and they came predominantly from parents of schoolchildren who are repeating or passing on things they heard from their children, perhaps some at the supper table. Parents are serving as filters of information. They are not likely to call in if they do not think there is any possibility of a problem.

Usually most of the calls are deemed to have been credible that are being received by the hotline. It allows for the identification of individuals who may have multiple complaints. So multiple calls about a particular individual could lead to a positive law enforcement response.

The Huntsville Times editorialized in favor of this and wrote an article about an incident in which five students at a junior high school in Russell County were charged with planning to bomb their school and who had created a hit list of teachers and administrators. In addition to the hit list, some witnesses reported seeing a detailed map of the school. It is the kind of information that could be brought in through a hotline.

I will quote from that editorial.

> Because of the Columbine shooting spree, we will never again be sure if threats are threats or merely false alarms . . . We don't recommend panic or paranoia. But if the threats come, they must be investigated. And if the evidence is found, it can't be ignored or assumed to be a prank.

I believe this is a good program. I thank Senator HATCH for his interest in supporting this. If I am not mistaken, I believe that Members on the other side are perhaps prepared to accept this as an amendment to our bill. I am pleased to note that.

The PRESIDING OFFICER. Will the Senator from Alabama please have his amendment reported to the desk?

Mr. SESSIONS. Mr. President, I will leave my remarks at this time. I am hopeful the managers will make that part of a managers' amendment.

AMENDMENT NO. 357

(Purpose: Relating to the placement of a disclaimer on materials produced, procured or disseminated as a result of funds made available under this Act)

Mr. SESSIONS. I did want to offer at this time another amendment, without objection, a disclaimer amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative assistant read as follows:

The Senator from Alabama [Mr. SESSIONS], for himself and Mr. INHOFE, proposes an amendment numbered 357.

Mr. SESSIONS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 265, between lines 20 and 21 insert the following:

SEC. 402. DISCLAIMER ON MATERIALS PRODUCED, PROCURED OR DISTRIBUTED FROM FUNDING AUTHORIZED BY THIS ACT.

(a) All materials produced, procured, or distributed, in whole or in part, as a result of Federal funding authorized under this Act for expenditure by Federal, State or local governmental recipients or other non-governmental entities shall have printed thereon the following language:

"This material has been printed, procured or distributed, in whole or in part, at the expense of the Federal Government. Any person who objects to the accuracy of the material, to the completeness of the material, or to the representations made within the material, including objections related to this material's characterization of religious beliefs, are encouraged to direct their comments to the office of the Attorney General of the United States."

(b) All materials produced, procured, or distributed using funds authorized under this Act shall have printed thereon, in addition to the language contained in paragraph (a), a complete address for an office designated by the Attorney General to receive comments from members of the public.

(c) The office designated under paragraph (b) by the Attorney General to receive comments shall, every six months, prepare an accurate summary of all comments received by the office. This summary shall include details about the number of comments received and the specific nature of the concerns raised within the comments, and shall be provided to the Chairmen of the Senate and House Judiciary Committees, the Senate and House Education Committee, the Majority and Minority Leaders of the Senate, and the Speaker and Minority Leader of the House of Representatives. Further, the comments received shall be retained by the office and shall be made available to the any member of the general public upon request.

Mr. SESSIONS. This amendment simply says that with regard to the materials that can be printed—and we expect a lot of materials will be printed as a result of the almost $900 million-plus that will be going forward for juvenile crime programs—that those materials be accountable to the American people. I ask that we simply print on those materials a disclaimer that will note that this material was produced by the Federal Government. It would say, in fact, this:

> This material has been printed, procured or distributed, in the whole or in part, at the expense of the Federal Government. Any person who objects to the accuracy of the material, the completeness of the material, or to the representations made within the material, including objections related to the material's characterization of religious beliefs, are encouraged to direct their comments to the office of Attorney General of the United States.

It further requires that the Attorney General designate one of her offices to receive the complaints, and to submit summaries of those complaints to the Congress, including the Senate and House Judiciary Committees, the majority leader, the Speaker, and minority leaders in the House and in the Senate.

We believe this would be a unique opportunity to allow persons who are receiving materials funded by the Federal Government to express concerns and provide information that may make those materials better. In addition, we believe like it would allow the Congress to be able to monitor the material, because what so often happens—and most people may not even realize it—this Congress proposes funds and they go out to various organizations who print material that can be very helpful, and some of it is excellent. Some of it is not good. Periodically, we receive complaints on materials that go against deeply held views of Americans, and which are inaccurate.

So this amendment would allow for a disclaimer on such materials. When people see it, they will know where to write. They would have a central place within the Department of Justice to receive it. Then they could, in fact, review the complaints and we could take steps to correct it.

Mr. President, how much time do I have left?

The PRESIDING OFFICER. There is no time limit on this amendment.

Mr. SESSIONS. I thank the Chair and yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I will send an amendment to the desk shortly.

I appreciate my colleague's heartfelt words. Again, I hope we will have a thorough debate about this legislation. I think there are some kids who commit really violent crimes, and they should be held accountable.

I want to say this very carefully to my colleague from Colorado, who is now in the Chair. From my own part, given what the Senator from Colorado has been through, and what his State has been through—I have said it before and I will say it again—I don't want to make any one-to-one correlation. I still very honestly and truthfully believe that every once in a while there is an act of violence that is such a nightmare, so God awful, it is so crazy, it is so sick, it is so incomprehensible that all of us should be very careful about doing any one-to-one correlation. I think there are many things we can do better in our country to reduce violence in the lives of children and in our communities. But I don't want my remarks to be correlated at least 100 percent to what happened at Columbine High School. I am not comfortable doing that.

Mr. President, where I would disagree with my colleague from Utah—this is why I was on the floor earlier; this is why I have been waiting patiently for days to become involved in this debate—is that again we need to understand that the vast majority of kids—I think over 90 percent of kids, as I read the statistic earlier—who are in these juvenile correctional facilities haven't committed a violent crime.

If this is juvenile justice legislation, then we ought to be talking about justice. I will say one more time that a lot of these "correctional facilities" don't correct, and that a lot of these kids, by the time they leave these facilities, are not on their way toward productive citizenship. These places basically become kind of a staging ground for them moving on to committing more crime and winding up in prison. That is one of the major flaws of this legislation.

If you do not look at this disproportionate minority confinement, and you want to sort of take us backward so that States no longer can really do a careful assessment of what is going on when so many of the kids who are winding up in prison are kids of color, not only is this not right, not only is this a matter of discrimination, not only should we not be allowing States and encouraging States to take a look at this, quite often when those kids leave, they are far worse off than when they got there.

I have talked about just this one visit to the Tallulah facility. I am sorry to pick on the facility, but I will tell you the truth—most of these kids, about 80 percent of them, are African American, as young as age 11, and 95 percent have committed nonviolent crimes.

I have done a lot of community organizing and a lot of low-income neighborhood work in my life. I probably would have been willing—I did a lot of work with young people before I came to the Senate. I still try to do that work. I would have been pleased to meet with any of them at 10 o'clock at night but not all of them, not after they were in Tallulah, not after they were in the facility.

I will not support a piece of legislation that doesn't deal with the disproportionate sentences of kids of color, or any piece of legislation that takes us backward, that really calls on us to turn our gaze away from this, any piece of legislation that allows, albeit incidental, contact between these kids and adults in some of these facilities, with, God knows, what consequences. I cannot support a piece of legislation that doesn't do better. I am hoping we can have some agreement on mental health services so that a lot of kids who should not be in these institutions who never committed a violent crime, can get treatment in their own communities as opposed to being incarcerated, or making sure if they are incarcerated, for God's sake, that they get treatment. Any piece of legislation that doesn't allow States to use the funding for that, or doesn't have explicit direction that States can use that funding is short on the justice part.

Let me also say, although this is not today's topic but it is related, the fact is we can build a million new prisons and we can fill all of them. We are never going to stop this cycle of violence in this country unless many more children in this country have hope. When we have, roughly speaking, close to one out of every four kids under the age of six growing up poor in America, and close to 60 percent of kids of color growing up poor in America, we have a whole agenda to deal with here. Nobody should dismiss that agenda.

The amendment I am going to be sending to the desk speaks directly to what my colleague from Utah was talking about. This is the 100,000 school counselors amendment.

The tragic school shootings in Littleton, CO—again, I don't want to do any one-to-one correlation; I don't want to be glib about this, but it certainly shows that we must do better by way of making sure that kids who have some fear problems are identified. There has to be a lot more infrastructure in our schools so we can do a better job of maybe seeing what could happen and getting to these kids earlier. There are no easy answers. There is no simple solution to the problem of school violence, but there are some steps we can take to make our schools safer and healthier.

I want to talk about expanding and improving the available mental health services in our Nation's schools as an essential step forward. For this reason, I rise to offer this amendment, the 100,000 school counselors amendment, to S. 254.

For months I have been receiving letters and calls—and I imagine other Senators have as well—from my constituents in Minnesota who have been asking for my help to find a way to get students the mental health services they desperately need. They call and ask, Is there a way we can hire more counselors to serve our schools in the State of Minnesota? I have a whole stack of letters I could hold up. Let me read from a few of them.

Betty Jo Braun, a school counselor from Cleveland public schools, a small town in Minnesota:

> In my 15 years as a counselor, I observe younger and younger students who feel that their only recourse is to repay violence with violence. If I could somehow get to all of them with violence prevention at an early age, we might have a better chance with positive outcomes in High School. But not at 767 students to 1 counselor unless overworked teachers do all the work and all I do is consult. The violent incidents that frighten me most are not the ones that I manage to avert (fights, suicide attempts, etc.); the scary ones are the ones I don't know about and that are waiting like the other shoe to drop into our mostly calm rural life, as they did in a neighboring school not too long ago. There a young man came into the school with a pistol and managed to shoot a police officer before being apprehended. Somehow I believe that a good school counselor with his ear to the ground could have avoided this incident by intervening with this young man along the way. Unfortunately, this district has a 1000 to 0 student to counselor ratio; they cut both counseling positions the year before this incident occurred.

There are schools all across this country that cry out for an infrastructure of counselors to be able to provide more support for kids who really need this additional help.

Across the country, counseling positions are being cut. It is incumbent upon the Federal Government, if we are going to talk about how we respond to some of the violence that has taken place in our schools across the country, to share in this responsibility to hire more counseling and mental health professionals.

Schools vary greatly in their support for counseling services. Due to current incentives under Federal law, schools often place a higher priority on the hiring of additional instructional staff than on the establishment of even modest counseling programs. Up until recently—maybe the world has changed since Colorado, but up until very recently the whole idea of school counselors was that counselors were like icing on the cake; they weren't part of the cake; they were not that essential to what goes on in schools. Well, they are.

The letter continues:

> We must make it affordable for schools to hire counselors, school social workers and school psychologists.

My State of Minnesota prides itself on being a great education State, but we fail those students who are in most need of our help because Minnesota has one of the worst counselor-to-student ratios in the country. California is dead last. Minnesota's student-to-counselor ratio is 1,011 to 1.

Mr. HATCH. Will the Senator yield?

Mr. WELLSTONE. I am pleased to yield.

Mr. HATCH. Has the Senator sent his amendment to the desk?

Mr. WELLSTONE. I am going to.

Mr. HATCH. Is the Senator prepared to enter into a time agreement?

Mr. WELLSTONE. Mr. President, I have an idea it will take me a while to make the case, because I think it is pretty darn important. So I can't say 10 minutes, 5 minutes. I will not go on all afternoon.

The Senator from Utah knows me. In very good faith, I have a statement to make and I will finish the statement. I will probably do it sooner if my colleague doesn't keep asking me when I will be done.

I think I will be done within the next 20 minutes or so, not much longer.

Mr. SESSIONS. Will the Senator yield?

Mr. WELLSTONE. I am pleased to yield for a question.

Mr. SESSIONS. My question is, Is the Senator aware of just how much flexibility the prevention funds, that make up 55 percent of this bill, have to expend for the kind of program that he mentioned? It goes on for many pages.

For example: One-on-one mentoring projects designed to link at-risk and juvenile offenders who commit serious crimes; provide for treatment of juvenile defendants who abuse alcohol or drugs; getting priority to juveniles who have been arrested; projects to provide leverage funds for scholarships; provide intake screening that may include drug testing; delinquency prevention activities that involve youth clubs, sports recreation, training, and so forth; family strengthening activities, such as mutual support groups for parents and children.

It goes from about page 75 through 93, and it concludes item in 16, "other activities likely to prevent juvenile delinquency."

About 55 percent of the funds available here can be used for that. I think the Senator is correct that we really need to do a good assessment right there at the beginning—whether it be drug problems, mental health problems, or anger problems.

I think this bill does more perhaps than the Senator realizes. I wonder if the Senator is aware of the breadth of some of the things we could spend the money on.

Mr. WELLSTONE. Mr. President, I say to my colleague I respond in three ways:

No. 1, while I, honestly and truthfully, this legislation is deeply flawed, there are some good things in this legislation and I know my colleague has worked hard on it. I appreciate his comments about ways in which we can do a better job on the upfront assessment for kids struggling with mental illness, some of whom probably really would be better off treated not in these facilities.

I appreciate what my colleague has said. Everything my colleague listed is important.

However, in my statement I will go into some of the training that is necessary for counselors. I am talking about an infrastructure in schools, specifically in the schools, and I am talking about an infrastructure that includes counselors, that includes social workers, and includes school psychologists.

The reason I am talking about 100,000 counselors and we are talking about a cost that becomes one-third Federal Government, one-third State, and one-third school district, I say to my colleague from Alabama we have a ratio—and I am talking about my own State—in Minnesota we have a student-counselor ratio of 1,000-1.

The truth of the matter is, we have to do a better job. I think the Federal Government can be a player. I understand this is not a substitute for what my colleague has talked about, but I want there to be a very specific focus on the need to have counselors and to have social workers and clinical psychologists in our schools.

That is the amendment.

Mr. SESSIONS. Will the Senator yield?

Mr. WELLSTONE. I am pleased to yield for a question.

Mr. SESSIONS. Will the Senator yield?

Mr. WELLSTONE. I will be pleased to yield for a question.

Mr. SESSIONS. I think those are matters of great importance. How many counselors? Is that the best way to spend money for our school systems? Having wrestled with this bill for over 2 years, in my view those are matters that need to come out of the education bill because they are dealing with education problems that may lead to crime later. We have tried to focus, as much as possible, on the crimes and with those children who are already in trouble, and how to fix and change their lifestyle.

I am just showing my colleague the theory of our bill. The amendment of the Senator may be worthwhile, but it simply goes beyond what we have had hearings on, and really should come out of the Education Committee. That would be my comment, with all due respect, because I know how deeply the Senator believes in these issues.

Mr. WELLSTONE. I thank my colleague. Mr. President, I understand what my colleague said. I think throughout this legislation, again, and we talked about truancy, we talked about the need for intervention, we talked about kids who are getting into trouble. Again, we just have to get more counselors in our schools and the Federal Government should be a real player. That is the "why" of this amendment.

I was mentioning that the Minnesota student/counselor ratio is 1,011 to 1. This means on average one counselor serves two times the number of House and Senate Members combined. So a great education State—in my opinion, the greatest progressive education environment and health care and family State in the country—in Minnesota, we have a ratio of 1000 to 1. That means on average, one counselor serves two times the number of House and Senate Members combined.

Minnesota is not the only State, however, that is in desperate need of school-based mental health services. Across America, schools are experiencing a shortage of qualified counselors, psychologists and school workers. My amendment would establish a funding program similar to the COPS Program that provides seed money to States that provide for more mental health service providers in the schools. And we need to do this.

Approximately 141,000 new counselors, social workers and psychologists are needed for our schools. My amendment would provide States and localities with the resources to meet these children's needs. It is on a one-third, one-third, one-third basis. America's students simply do not have adequate access to counseling services and other mental health services.

A student from Mahtomedi High School, in Mahtomedi MN, wrote about her counselor, Anne Melass. This student had a serious problem with cutting herself, and was admitted to a hospital for treatment. She writes:

> Since my return, I have been constantly working with the counselors. I am in a foster home. My mother killed my sister. . .

Can you believe what some kids have to go through?

> . . . and my dad was unfit to take care of me. I was in three different foster homes before I came to Joe and Michelle's.

She concludes by saying:

> A note to this is that (counselors) have so many people to listen to whom they truly care about, but if someone is in pain or needs help, they shouldn't have to wait in line. There are way too many children who are waiting in line in our schools. If we are serious about juvenile justice and we want to do something about truancy, we want to do something about kids at risk, we want to do something to help kids before they get into trouble, then clearly this is a direction we must go.

She is not alone. According to the National Institute of Mental Health, although 7.5 million children under the age of 18 require mental health services, only one in five receive them—only one in five. Yet another student writes of her frustration, because not enough counselors are in the school:

> I strongly feel that our school should have more counselors, we have a difficult time making appointments when we need to talk to someone.

Violence does not only happen in the schools and on the streets. Violence happens in homes. One young man writes:

> Earlier this year I was going through some hard times with my parents. My father especially.

He goes on to say that a counselor was able to give him the skills to prevent a fight with his father. He writes:

> Through my parents' talking with the counselor, we decided family counseling would be a good thing to try and we are currently involved in that and it is starting to help a little. With such high ratios, though, it can be difficult even to get an appointment.

A counselor helped this young man and several others. Hundreds, thousands of students are not that lucky and they do not get the help they deserve.

Anne Melass, a licensed school counselor, is one of those special school counselors who gives students the extra time. She explained what being a counselor was like. She writes:

> A typical work day for a school counselor is a new appointment every 15 minutes. The caseloads per counselor range from 400 to 1,800 students.
>
> I believe "school counselor" is interpreted many different ways but most people assume it is a non-threatening person you can go to for help with any concern you have in the school. I strongly believe that increasing school counseling services could very well change the community perception of public schools.

It could help a lot of kids. It could help a lot of kids before they get into trouble. It could prevent some of the violence we want to prevent.

The serious shortage of counselors, school psychologists and school social workers in America's schools has undermined our efforts to make schools safe, improve academic achievement, and assure bright futures for the youth of America.

I will never forget a gathering I was at in Minneapolis about 2 months ago, of about 50 principals, title I teachers, support staff. They said to me that by first grade—by first grade—if we don't have more counseling services for these kids, even as I have said before, with the best schools, smallest class size, best technology, these kids are not going to do well. We need to get the support services for the kids.

To respond to my colleague from Alabama, let me talk about the school counselors, who they are and what they do. They are highly trained professionals. They are credentialed by law or by regulation. In all 50 States and the District of Columbia, counselors are required to obtain graduate education in guidance and counseling for entry-level credentialing as a professional school counselor. Mr. President, 39 States and the District of Columbia require the attainment of a master's degree in counseling and guidance or a related field.

We are talking about an infrastructure of professionals to get this help to kids. School psychologists have obtained a master's degree or doctoral degree in school psychology, or a Ph.D. degree in counseling psychology, or a Ph.D. in school psychology or counseling psychology. All school psychologists are certified or licensed by the State in which they work, usually by the State department of education. School psychologists and counseling psychologists who practice in a private school, community agency, hospital, or clinic may be required to be licensed by the State Board of Psychology as well.

School social workers typically possess a master's degree in social work and are certified by the State's educational agency.

School counselors, school psychologists and social workers provide a number of importance services, designed to support students, parents and the teachers. They improve school functioning, school safety, the kids lives; they work to prevent school violence and to prevent a whole lot of other problems. They offer information and guidance on postsecondary education and training options. They provide consultation with teachers and parents about the student learning, behavior and emotional problems. They develop and implement prevention programs including school safety and behavior management. They deal with substance abuse, they set up peer mediation, they enhance problem solving in schools, and the fact of the matter is, we have done a terrible job as a nation of making sure we have the counselors, that we have the social workers, and we have the psychologists in our schools.

On the average in our country, there is only 1 counselor for every 513 students in our Nation's elementary and secondary education schools. In States like California or Minnesota, 1 counselor serves more than 1,000 students. Utah, Arizona, Illinois, Ohio, Mississippi, Michigan, Tennessee and Colorado are in the top 10 worst States in the country. In Colorado, the student-to-counselor ratio is 654 to 1. That is better than Minnesota. But it is real hard as a counselor to be able to help a lot of kids when you have 654 kids you are trying to deal with. In Mississippi, another State victim of a school shooting, the ratio was 635 to 1. Furthermore, more than 50 percent of full-time school psychologists are working in settings with a ratio of greater than 1 to 500.

I think I have made my point, but I want to just read a couple of other quotes. Then I will conclude. I would say to my colleagues, I actually could go on and on.

Margo Rothenbacker from Fridley Middle School, who is a counselor:

> I am writing to plead with you to reduce counselor students ratios for school counselors. My caseload is 475 and unless there is an observable crisis, I do not see many of these students. I only have time to deal with the students that surface due to behavior or intervention by the county or police. What about the students who need help desperately but are not able to come forward or express their need in a way to draw attention? As a former high school teacher I believe that every elementary school should have a counselor.

And she is right. Margo Rothenbacker is right.

> The counselor stays bonded with students as they transition from year to year from kindergarten through middle school through high school.

I have a letter about this 100,000 counselors amendment which I think is on the mark:

> Senator WELLSTONE: . . . Please share with your colleagues my dismay at their continued delay in moving toward increased funding for prevention initiatives in our Nation's schools. The basis of professional school counseling has always been on prevention—educating young people about sound decisionmaking skills in order to avoid poor choices later in life. This is particularly true when it comes to conflict mediation and violence prevention.
>
> In Minnesota during the past few weeks since the Littleton, CO, tragedy, much publicity has been focused on school districts spending large sums of money to have "tactical assessments" done on how to "retake" a school after such a Littleton-like scenario. Good God, Senator—what have we come to in our country? Have we so bankrupted our schools that they have given up the fight and mission of trying to prevent problems before they occur? Have our schools just decided that we can no longer prevent the Littletons, the Jonesboros, the Paducahs, the Pearls and are now just making contingency plans to deal with it when it happens rather than try and prevent it?
>
> . . . Nationwide our ratios are absurd—in Minnesota we are next to dead last in the Nation as far as student-to-school counselor ratios go: . . . we average over 1,000:1. . . . We need funding to hire more school counselors.

He concludes by saying:

> Thank you for allowing me to share my thoughts regarding this issue.

This is Walter Roberts, associate professor of Counselor Education Professional School Counseling Program at Minnesota State University-Mankato.

Terry Johnson of White Bear, MN—where my daughter teaches—knows the demands and difficulty of being a school counselor. He writes:

> I am a counselor at White Bear Lake High School-South Campus. We are a suburban school located north of St. Paul, MN. We currently have 1,400 students in our building, all juniors and seniors. Our lower classmen are located in a separate building. I am one of three counselors in our building. We are unique in that our entire population is dealing with graduation issues being imminent. Our load is approximately 450 to 1; we have very little time to do real counseling, as many of our colleagues nationwide also do not.

Sally Baas, a school psychologist in Anoka-Hennepin School District, writes:

> I have been responsible for school psychological services for up to 3,500 students.

And because of this high ratio, she stated that "many students are ignored." They do not get the attention they deserve and the attention their families deserves.

There is a considerable amount of research which makes the point that this works, which I will not go through right now—more counselors; more school psychologists; more social workers; 100,000 counselors, just like the COPS program. It makes a whole lot of sense to do this.

We have been acting as if this is icing on the cake, counselors do not matter that much, they are not that important, mental health services is just not that important. It is critically important. There are a lot of kids in our schools in our country who are in trouble. There are a lot of kids who need additional help, and if we are serious about juvenile justice and we are serious about getting kids before they get into trouble and we are serious about preventing the violence and we are serious about helping kids, then this amendment is right on point.

Billie Jo Hennager, a counselor in Barnum High School in Barnum, MN, knows firsthand the serious damage we do to America's youth when adequate mental health and counseling services are not provided. He writes:

> I have a story, as do many counselors, that may be helpful in helping others understand the importance of having lower student/counselor ratios. One day during the first month, I was contacted because there had been a violent incident the night before that was witnessed by 9 to 10 students. A man was getting violent toward a woman, yelling, pushing, et cetera. The man returned a few minutes later with a gun, shot the other man point blank in the face, shot at the woman (a bullet grazed at her arm) and then swung the gun around at the kids yelling, "What the [expletive] are you looking at?" Not only did these kids have a gun pointed at them, but they witnessed a man's face being destroyed by a bullet, pieces of flesh flying through the air, and blood splattered everywhere. I don't think I need to explain how traumatic this situation was for those students. All students were in school the next day, but no

> counselor was available. I rushed to [their school] (an hour away) as soon as I could. These kids will have that memory forever . . . there is definitely a shortage of school counselors in Minnesota.

I add, all across the country:

> Obviously, the situation there is less than ideal. Unfortunately, it's not all that unusual.

Mr. President, I believe I have sent this amendment to the desk. Have I?

The PRESIDING OFFICER. The Senator has yet to send the amendment to the desk.

AMENDMENT NO. 358

(Purpose: To provide for 100,000 additional school counselors)

Mr. WELLSTONE. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 358.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. WELLSTONE. Mr. President, I say to my colleagues that this 100,000 school counselors amendment, very much patterned after the COPS program, is focused on an area where we can make a huge difference. We do not have the counselors. We do not have the social workers. We do not have the school psychologists. We do not have the infrastructure of support for our kids.

We can do much better, and it is absolutely essential that the Federal Government and we in the Senate step up to the plate and authorize this. Ultimately, I see this as a one-third, one-third, one-third matching program in terms of where the funding comes from. I do not see how we can be talking about juvenile justice and how we can be talking about preventing the violence and how we can be talking about, as so many have, what happened in Columbine High School or, for that matter, other high schools in the country.

Different people have talked about different things. Some people have focused on more gun control. Some people have talked about tougher sentencing. Some people have talked about the problem of the culture of violence in our country. Some people have talked about the problem of what we see on TV and what we see in the movies. Some people have talked about the lack of spirituality in homes and the lack of spirituality in schools. And some people have talked about other issues as well.

Quite frankly, I agree with most of this discussion. My own work has been in the mental health area. But I am telling you that we have to get serious about having an infrastructure of support in our schools that can make all the difference in the world for kids and can also help teachers deal with some kids who are not so easy to deal with, who can be very difficult to deal with.

We have for too long viewed mental health services—I will say this one more time—as an extra, as being just a frill, as not being that important, as being icing on the cake. My prediction is—why don't we get ahead of the curve in the Senate—we are going to see a whole lot of schools and a whole lot of school districts saying we need more help. We are going to see young women and young men, and not so young women and men, going to schools, getting their degrees in counseling and going into this work. I say, great, let's encourage that; it can only help.

I yield the floor.

Mr. HATCH. Mr. President, I know that the Senator from Minnesota has a commitment to ensuring that individuals who suffer from mental illness have the resources and support they need to combat this painful condition.

I have heard from groups who assert that the amendment would help improve school safety.

The sad truth is there is no evidence whatsoever to support the assertion that the recent tragedies in Littleton, CO, and in Oregon, would have been prevented by having more school counselors.

Eric Harris and Dylan Klebold, according to reports, had both gotten individual counseling had undergone anger-management training and had gotten affirmative evaluations from counselors.

It has been reported that the 15-year-old Oregon shooter, Kip Kinkle was in counseling, along with his parents, when he killed them and went on to kill two classmates.

It has also been reported that an English teacher of one of the Columbine killers had expressed concern about Dylan Klebold's writing to his parents and a counselor.

I mention this not in an attempt to disparage the fine work done by our Nation's counselors, but to make the point that effective policies to identify and prevent acts of violence must be school and community wide in nature.

I read with interest a recent article in the Washington Post on April 25, written by a Virginia teacher, Mr. Patrick Welsh, which described the program already in place at T.C. Williams High School in Alexandria, VA. President Clinton recently visited this school.

I would like to read to you from Mr. Welsh's article, which describes the efforts made by teachers and administrators and law enforcement personnel at this school.

> We make no pretense: The possibility of violence is a fact of life here. There is usually a police car—and sometimes two or three—in front of the building. A decade ago, that would have worried parents. Now they appreciate it. The police almost seem like part of the school staff. All of us—administrators, faculty, students and police—are encouraged to see maintaining security as our joint responsibility. . . .
>
> If at night there is a brawl in the community that might spill over into school the next day, the police inform administrators and often show up at school early in the morning. Conversely, administrators let police know about trouble at school that could spill over into the community. But it's not just liaison with the police that administrators value; it's liaison with the kids. Our principal, John Porter, and one of his assistants are out in front of the school nearly every morning greeting students and looking for signs for trouble.

Mr. President, T.C. Williams should be commended for its initiative. This school, and others around the country, has developed a program that works for them.

I suggest to my colleagues that it is this type of individual school by school approach that my legislation and the Republican package of education amendments attempts to support.

Violence prevention starts with trust. It's the availability of faculty. It's principals walking around the school. It's kids who trust the administration to respect their confidentiality. It's kids who feel a part of their community and will work to keep it safe.

Mr. President, I believe we can support our teachers, counselors, and administrators best by providing them with the resources needed to adequately fund current education programs and the flexibility to implement an appropriate school violence prevention program that works.

I do not believe this would be the result of the amendment of the Senator from Minnesota. Therefore, I must oppose the Wellston amendment.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I know the Senator from Minnesota believes strongly in what he is saying. I just want to respond in a couple of ways by saying this is a $1.5 billion bill of new spending, and over 55 percent of it is designed for prevention programs that can be used for many of the things about which the Senator is concerned.

But it is not an education bill. I think that we do better if we are going to talk about 100,000 guidance counselors—which is a lot of money for that—that we need to talk about that in the Education Committee. The Senator from Minnesota is a member of that committee. We need to thrash it out. Maybe music would do better to reduce crime than hiring guidance counselors. Who knows? So I am not sure I can agree with his amendment as broad as he has suggested.

The President of the United States has stated recently that he was not happy with the way Hollywood has gone about presenting violence, and he suggested that they need to do better. The Vice President has also suggested they need to do better. Then the President went out to Hollywood this past weekend to raise money from these very same people. The papers report that he raised $2 million from the "glittering lights" of Hollywood just over the weekend. And during that time he had an opportunity, in an intimate surrounding, to talk personally with the "leading lights" of that fair city. There have been a number of reports about it.

I feel strongly about this. I have worked very hard for this piece of legislation, for over 2 years, and I have only been in this Senate for a little over 2 years. I was a Federal prosecutor and a State prosecutor for 17 years, and I think I know something about crime.

I feel like I am sometimes in a different world. We are trying to bring forth a piece of legislation that can honestly strengthen the juvenile justice system in America, giving them opportunities and options to confront young people who are going on the wrong road and to direct them away from a life of crime.

Even, Mr. President, your area there in Littleton, even those individuals, from my reading of the paper, had previously been arrested for rather serious offenses. The pattern all over America is that they are released immediately. The suggestion the Senator from Minnesota made that our jails are filled with nonviolent 11- and 12-year-olds is not accurate. We have 70,000 beds for young people today in America. That is a little over 1,000 per State. I am telling you, we have some serious crime. Adult bed spaces went up dramatically, and adult crime has gone down dramatically. But for young people, the juvenile bed spaces have not gone up much, whereas juvenile crime, serious, violent juvenile crime, murders, assault with intent to murder, armed robbery, those kinds of offenses have dramatically increased in the last 15 years.

We have not responded adequately. We need a system in which, at their first offense, we have an intervention that occurs, serious intervention: Drug testing, is this child being driven to crime because of drugs; mental health assessment; prison, if need be; detention, if need be. But most times it will not be detention on that first offense. Most of the time it will be probation.

Do we have just a paper probation where you come in once a month and report to your probation office and say: I haven't been arrested this week and I have been obeying all your laws? Or do you have a good intensive probation in which you go out and probation officers knock on the doors at night to see if they are abiding by curfews; they talk to their parents; to have counseling programs; maybe get them into mental health? It is already funded in most States—just get them into these mental health programs or treatment or counseling; maybe drug treatment is available.

That is what a good criminal justice system does. If we care about these kids, that is what we need to do. The idea we are going to spend billions on programs that are not dealing with kids, who are really proven to be at risk, and not even strengthening our juvenile justice system so it can deal with the kids who are already getting in trouble with the law, strikes me as absolutely beyond the pale; it is through the looking glass; some sort of virtual reality.

Mr. WELLSTONE. Will the Senator yield?

Mr. SESSIONS. I will for a question.

Mr. WELLSTONE. Am I understanding the Senator correctly that he does not think there is any connection between counseling support for kids who are having trouble in school and whether or not they might end up in a juvenile corrections facility?

Mr. SESSIONS. No. I did not say that. That is not what I meant.

Mr. WELLSTONE. OK. That is good, then.

Mr. SESSIONS. I am saying we are here to try to pass out of the Judiciary Committee a juvenile crime bill. And you are suggesting some sort of massive, national program to have more guidance counselors. I suggest to you, the greatest way to keep kids from becoming adult career criminals is to intervene effectively in the juvenile court system when they are first arrested; maybe that first brush with the law will be their last. If we care about them, we will intervene. If we don't care about them, we will continue the way we are now.

In Chicago, they spend 5 minutes per case, according to a front page analysis by the New York Times. This is a system that is overwhelmed. Young people with serious multiple offenses simply walk through a revolving door. It is not good for them. If you care about them, you will do something about them.

Now, briefly, I will—I see the Senator perhaps wants to ask something else, but I do want to go on to another subject.

Mr. WELLSTONE. I am pleased my colleague wants to go on to another subject. Again, my colleague is talking about once arrested there has to be ways of intervening.

Does my colleague not think it makes sense to intervene even before a young person is arrested?

Mr. SESSIONS. I am perfectly prepared, in response to the Senator, to think seriously about what we might do at earlier stages. I think perhaps in your committee, in the Education Committee, we ought to be talking about that—Head Start programs, can they be improved; or even other kinds of programs connected to mental health, or what other issues might be good.

But our legislation isn't designed to fix the whole world. We cannot fix everything in every piece of legislation that comes down. We have $1 billion here, and a lot of it can be used for those very things you ask for. In fact, I would say, 55 percent of it could be used for programs very much consistent with what you favor.

Mr. WELLSTONE. Last question for my colleague. This bill came directly to the floor, right? It didn't go through the Judiciary Committee?

Mr. SESSIONS. It came out of the Judiciary Committee last year with a bipartisan vote and could not be brought up in the close of the session. It was brought up this year without additional hearings; although the ranking member of the Juvenile Violence Subcommittee, which I Chair, Senator BIDEN, had obtained a significant amendment to have even 20 percent more money for the program for prevention that Senator HATCH and Senator BIDEN worked out together, and even moved further. But we did not have additional hearings this year.

Mr. WELLSTONE. I thank my colleague.

I say, by way of conclusion, to our profound disagreement—though it is an honest disagreement—that I just do not think you can decontextualize any of these issues. I do not think you can talk about juvenile justice without talking about all of the other issues that are critical to children's lives. I really believe, I say to my colleague, that the focus on building more jails and building more prisons—in perpetuity will never really stop the cycle of violence. That is what this amendment that is offered is aimed at in a very effective way.

Mr. SESSIONS. I understand the Senator's deep feelings. I just say, if you talk to judges, juvenile judges, who care about kids, too, juvenile probation officers, who have given their lives to kids, those people tell me—and will tell you, if you ask them—they have insufficient capacity to confront them.

I have visited superior juvenile court systems. They have schools, boot camps, detention facilities, work programs, and so forth; and this bill would support all of those.

(Ms. COLLINS assumed the chair.)

Mr. SESSIONS. Madam President, I would like to raise again and discuss the frustrations I have of where we are today, that, to me, are incomprehensible. I think I know why. We are talking about politics and money too often. We have a number of amendments in this bill and provisions that deal with improving the culture that our children grow up in. I do not think there is anyone that disagrees that violence on television and in movies exacerbates tendencies of violence in young people.

Now, our President has gone out to Hollywood, after scolding them a bit a few days ago, to meet with the leaders out there and raise a little money—$2 million. This is what the Washington Times reported this morning:

> President Clinton told the makers of violent films and video games over the weekend that they are not "bad" people as they showered him with $2 million.
>
> He assured them they had no personal responsibility in the Columbine High School massacre in Littleton, Colo.
>
> Instead of blaming Hollywood for making violent films, he said, the real blame lies with the theaters and video stores that show and sell them to minors.
>
> The president told the audience of stars and studio moguls that they should not blame the gun manufacturers, either, but blame instead the Republican members of Congress who won't enact stringent gun-control laws.

Every year we pass more gun laws. I am going to talk about that in a minute. This administration has gutted the prosecution of gun laws in America, and I will show the numbers to prove it.

> The president gingerly suggested at a Saturday-night fund-raiser in Beverly Hills that that sustained exposure "to indiscriminate violence through various media outlets" can push vulnerable children "into destructive behavior."

I think that is universally agreed.

> But, he quickly added, the producers, directors and actors who ponied up $25,000 per couple are not at fault.
>
> "Now, that doesn't make anybody who makes any movie or any video game or any television program a bad person or personally responsible with one show for a disastrous outcome," Mr. Clinton said. "There's no call for finger-pointing here."

The article goes on:

> Although Mr. Clinton had resolved earlier to nudge Hollywood away from some of its violent excesses, he appeared reluctant to broach the sensitive subject during remarks to the entertainment executives who included Steven Spielberg, Jeffrey Katzenberg and David Geffen, founders of Dreamworks SKG Studio.
>
> "You've helped me through thick and thin for all these long years," the president said. "The people of California were very good to me and Al Gore and to our families. . . And I am very, very grateful."

He said he was "having a good time in Los Angeles."

Although the president complained that underage children are often allowed to rent or view movies that are PG–13 or R, he was careful to exempt Hollywood glitterati from this criticism.

> "There's a lot of evidence that these ratings are regularly ignored—not by you, but by the people who actually sell or rent videotapes or the video games or run the movie theaters," Mr. Clinton said.

The president reserved his strongest criticism for congressional Republicans, who last week voted against legislation that would have required background checks of those seeking to purchase guns as gun shows.

That is incorrect. We voted last week to substantially increase and step up the enforcement of laws at gun shows.

> He said he has "been to a lot of these gun shows. . ."

Now, the minority leader of the House of Representatives, RICHARD GEPHARDT, and Senate minority leader, TOM DASCHLE, were also present, and they gave speeches to the guests, according to the article, "who noshed on baked coconut clusters and chocolate-dipped strawberries, prepared by Wolfgang Puck, caterer to the stars.

> The Democratic congressional leaders, staying away from the subject of Hollywood violence, lashed out at Republicans as extremists who unfairly impeached the president and must be deposed from power in Congress next year.

This is what the minority leader in the House of Representatives said:

> The group that controls the Senate and the House is extreme, almost radical, in their views on all of the issues that I suspect you care about.

That is what Mr. GEPHARDT said. I take offense at that.

> Mr. Daschle emphasized that Democrats comprised the party that best represents the views of Hollywood.

Probably so. I won't dispute that. That was the Washington Times.

This is what the Associated Press reported in a national story. Sandra Sobieraj of the Associated Press:

> President Clinton slipped his right hand into his pants pockets and his voice eased into a conversational tone: "Let's talk about the entertainment issue."
>
> The eyes on him, from a small stone patio overlooking the lights of Los Angeles, belonged to Hollywood's hottest—Jeffrey Katzenberg, David Geffen, Rob Reiner, Goldie Hawn, Kurt Russell, Dennis Quaid, Steven Spielberg, whom Clinton called "Steve."
>
> All had just paid the Democratic Party between $25,000 and $100,000 for a Wolfgang Puck-catered dinner with the President. "You've helped me through thick and thin all these long years," the President told the intimate assembly.

What does he mean, "You've helped me through thick and thin"? Well, the Clinton legal defense fund, when he had himself in a fix and had impeachment charges against him, started raising money to defend him. Here are some of the contributions: Kate Capshaw-Spielberg, $10,000; David Geffen, $10,000; Norman and Lyn Lear, $10,000; Steven Spielberg, $10,000; Barbra Streisand, $10,000. Yes, they have been with him through thick and thin.

Continuing with the AP report of this event:

> So it was that Clinton, pushing a national campaign against the kind of youth violence seen in the Colorado school shootings, only gently took entertainment types to task for movies and TV shows that glorify violence. He softly prodded changes in their ads and ratings.
>
> "There's no call for finger-pointing here. We are determined to do this as a family," he said.

Hollywood and Mr. Clinton are in the same family.

> He spoke Saturday at Greystone Mansion, a city-owned landmark.

Hawn, squeezing past the reporters to sneak a smoke with Kurt Russell, ignored questions about the president's challenge to Hollywood. Lisa Kudrow, of TV's "Friends," played dumb: "What? I haven't spoken to him," she said.

I don't suppose he raised the question of the showing of smoking in movies and TV now or questioned whether Goldie Hawn ought to be out smoking.

The article goes on to note that:

> Dinner with the President: $25,000 to $100,000 per couple. Shoes optional.
>
> Hawn padded around the elegant and Gothic-styled Greystone Mansion in a halter top and bare feet, picking at her rat's nest hairdo.

That is what the AP said.

> Spielberg and Geffen wore white sneakers. Russell sported cowboy boots. Quaid was in T-shirts, jeans and bomber jacket.
>
> Looking ahead, Clinton said he was consulting on his Little Rock, Ark., presidential library with Spielberg. "We were talking about whether we could have some virtual reality effects in my library in the museum, you know," he said. "Sometimes I feel like I'm living in virtual reality, so I'm highly interested in this."

Sometimes I think I am living in some sort of unreal reality.

The President of the United States has made some statements about juvenile justice, and I want to talk about them in just a minute. They strike me as being very unreal. This is the Washington Post article right here, a staff writer covering the same event, John Harris:

> President's Message on Movies Undergoes a Change of Address.

Here in Washington he was fussing about the movies.

> President Clinton let Hollywood have it Saturday night. Ever . . . so . . . gently.
>
> "There's no call for finger-pointing here," Clinton said during a Democratic fund-raiser in Beverly Hills, a glittering evening attended by some of the most potent names in Hollywood.
>
> Just hours earlier Clinton had broadcast a radio address in which he bluntly challenged purveyors of violent movies and video games to accept a share of responsibility for tragedies such as the Columbine High School massacre—

Mr. WELLSTONE. Will my colleague yield for a moment? Can I ask a question?

Mr. SESSIONS. Yes, I yield for a question.

Mr. WELLSTONE. I apologize for breaking up the flow of the Senator's presentation. I wonder, the Senator is not offering the amendment, is he? He is speaking in general, is that correct?

Mr. SESSIONS. Yes.

Mr. WELLSTONE. I have been waiting. I will probably leave for a while.

My understanding was that they wanted us to be offering amendments. My colleague can take as long as he wants. I just want to know if he is going to take a considerable amount of time.

Mr. SESSIONS. I don't expect to take more than 10, 15 minutes.

Mr. WELLSTONE. I thank my colleague.

Mr. SESSIONS. So, at this event, the Washington Post staff writer had noted:

> Just hours earlier Clinton had broadcast a radio address [nationwide] in which he bluntly challenged purveyors of violent movies and video games to accept a share of responsibility for tragedies such as the Columbine High School massacre, based on evidence that some young people become "desensitized" by, and more prone to emulate, what they see on-screen.

I think there is a universal belief that a violent tendency can be exacerbated by seeing graphic violence in a movie, particularly in a way that shows anger being carried out and vented, which disturbs me most about some of these scenes.

The article goes on:

> As luck would have it, Clinton had a chance to deliver that same message in person thanks to a fund-raiser for Democrats (up to $100,000 per couple) catered by Wolfgang Puck's Spago and hosted by DreamWorks Studio titans David Geffen, Jeffrey Katzenberg and Steven Spielberg.

There were many stars in the audience, including Dennis Quaid, Meg Ryan, Goldie Hawn, Kurt Russell, and Rob Reiner.

> But this time, Clinton made his point with all the force of a down pillow. To be sure, some young people will be pushed over the edge by violent imagery, he acknowledged. But that "doesn't make anybody who makes any movie or any video game or any television program a bad person or personally responsible with one show for a disastrous outcome," Clinton said. And he allowed that "for most kids it won't make any difference" what sort of bloody gore they are exposed to.
>
> He said Hollywood should recognize that "all these things go together" and that their movies can lead to bad results, when combined with . . . guns."
>
> Clinton said he didn't want to lecture, and praised the entertainment industry for working with him and Vice President Gore to craft . . . ratings. "We are determined to do this as a family," he said. . . .
>
> All in all, it was a sermon so polite in its message, and so tentative in delivery, that it will no doubt hearten critics in the Republican fold who will point out how difficult it is to enjoy duck potstickers with ponzu and wild mushroom ravioli in one moment, then rise up the next to tell the friends you're sharing the meal with some of their work is a form of cultural pollution.

I think we do have a problem. I think the President is too close to Hollywood. I don't think he is capable of carrying through a policy that can improve what has happened. It is sad. I wish it weren't so. I think it is accurate, though. Which do you think they are going to believe? The radio address he made for politics? They understand this. That is a radio address for politics. But when he comes out and talks with them one-on-one, eyeball-to-eyeball, they know he is really not serious because he told them that. I have a problem with leadership when it is not consistent and firm and doesn't mean what it says.

The article goes on to note:

> In his radio address, for example, Clinton issued "three specific challenges" for the entertainment industry to clean up its act. Saturday night, the word "challenges" was dropped in favor of "other things," that Clinton presented as humble suggestions.
>
> * * * * *
>
> Clinton's politesse was understandable. Hollywood actors and studio executives, overwhelmingly Democratic and financially generous, are famously sensitive about their craft. Several have publicly bridled at widespread commentary in recent weeks that the Columbine killings and other murderous incidents involving young people might have been spurred by entertainment celebrating violence.
>
> In any event, Clinton is personal friends with many people in Hollywood. In fact, before leaving for San Diego for yet another fund-raiser, his motorcade made an unannounced stop in Malibu. Clinton hopped out for breakfast with Barbara Streisand.

Well, I say that because I am here, and I have been working to have a good crime bill that will help reduce juvenile violence in America, based on what my experience tells me and my friendships and conversations over a career, a lifetime of prosecuting tells me it is important. I know many juvenile probation officers personally. I know many juvenile judges personally. I have visited the court systems in Alabama and in Ohio with Senator DEWINE, and we have talked about it. I have talked with many prosecutors. I have known them for years. I know assistant district attorneys who prosecute juvenile cases and probation officers who work with them, and people who manage juvenile detention facilities. Some have probably heard that this bill just puts everyone in prison. "You just want to lock them up," they say.

I don't want to lock up young people. I don't believe Alabama is far different than most. A juvenile judge tells me they have a point system for the State juvenile detention center, and it takes four prior burglary convictions before they will take a young person, because that is how serious a crime has to be.

We had a murder in Montgomery, AL, where a night watchman was killed by three young people. I called the police chief, who I have known for years, and asked him what kind of prior records they had. They were 16 and 15 years old. One had 5 prior arrests, another had 5 prior arrests, and the third one had 15 prior arrests.

Talk to your police officers, talk to your juvenile judges. They will tell you that the juvenile court system in America is overwhelmed. We have had very little increase in the last 15 or 20 years in juvenile detention space because—I guess it is the liberals who always say: You just want to lock up kids, and people recoil from that. But we have, in this last 15, 20 years, more than a doubling, maybe tripling or quadrupling, of serious crime, the kind of crime you can do something about. I am talking about armed robberies, assault with intent to murder, murders, and rapes. What are you going to do when a 16-year-old commits an armed robbery?

You have to have something to be done. I suggest we ought to do like Mobile, AL, has, and Judge Grossman has in Ohio, a system where he brings that child in, they will do drug testing to see if they are strung out on drugs, they will bring their family in for counseling, and if it is appropriate, he will be detained for either a short period or perhaps sent through a boot camp that has an intensive supervision with a school.

We have learned that boot camps are not the cure-all we thought they were. So now any good boot camp has a very intensive follow-up. When they go back into the community, they appear to be changed. But if they go back to the same friends and the same neighborhood, they tend to drift back into crime. You don't get the change in them you thought you had when they walked out of that boot camp saying, "Yes, sir," and, "No, sir." It is a sad thing. We are always trying to improve that.

But you have to have the capacity for the courts to discipline. Police officers tell me all the time: "Jeff, these kids are laughing at us. We can't do anything to them, and they know it." We tried to make some changes in the Federal regulations that would allow children who are arrested in rural areas for serious offenses to be held in a separate part of a local jail, totally apart from any adult. "Oh, no, that wouldn't do. Oh, no. Some adult may yell down the hall at them and say bad names to them and damage their psyche."

The reason this is important—I want you to understand—is that police and sheriffs in small towns cannot afford to build a separate juvenile jail for a half dozen young people. They don't have them, and it is stupid and inefficient to require them to have them. The Federal mandate says you cannot spend one night in anything but a juvenile jail that is certified as a juvenile jail.

What the police tell me—when I was attorney general, I rode for a year and a half with the police chief of 18 years, as fine and decent a person as I have ever known—commuting back and forth, both of us, to Montgomery. We talked on those long drives about what was happening. And what he tells me is—and what I talked to hundreds of police about—is that policemen out at night can catch a youngster burglarizing a house, or catch them in a store, and they take them down to the police station. Maybe there is one officer on duty. They put them in the lobby of the police station. They call the judge, and they call his mom. His mom comes and gets him and takes him home. The next morning, he is out on the street and he is telling his running buddies about getting caught and being let loose.

That is what is happening. They can say whatever they want to, but I am telling you, you ask your police officer if that is not what is happening. We need a better ability to deal with that. We have only a very minor improvement in that regard, because our "psyche" may be injured.

But it is not good for those children, if you care about them, to just arrest them and let them go, with minimal probation or supervision. They commit another crime, and they commit another crime, and still nothing is happening to them.

I am telling you that 11-, 12-, and 13-year old kids are not in jail in juvenile courts in America for any minor offense. That is not the reality. So we believe we need to enhance the ability of that juvenile court to intervene effectively to improve it. We believe we can do more in that regard.

That is the core of this bill, for those who wanted so many different ideas of prevention—there is a lot of money in there for a lot of new and creative ideas for prevention programs.

But one thing President Clinton's Department of Justice did was have a study of the prevention programs in America. What they found is, we are spending the money on programs that do not work well, and in fact, we are spending more money on the programs that work the least. It is a very serious criticism of prevention programs. We have to be sure they work before we send the money. We ought to have some in-depth hearings on that.

Finally, the reason I spent some time talking about these Hollywood articles is that I think there are real numbers of factors that go into causing crime. The President says it is the Republicans because they won't pass every gun law he can create. And as soon as you pass one, they come up with another one. He is out with his family now in Hollywood, with members of his philosophical family. He is letting his hair down. And what does he say? He says it is Republicans who won't pass gun laws. There is never an end.

That is why these issues are important.

I served for 12 years as a Federal prosecutor. I prosecuted a lot of violation of gun laws by criminals, people who were committing crimes and shooting people regularly. We were very aggressive on it. The Federal law is tough. It has 5 years without parole if you carry a gun during the commission of a felony. It has the Speedy Trial Act. You are tried within 70 days. When you are sentenced, there is no parole, and the Federal law mandates just how long you have to serve. It is a long time. People who are caught with guns don't want to go to Federal court. Some think Federal court is easy. Not so. Federal court is much tougher than most State courts in America, particularly on gun cases.

When I left office at the end of the Bush administration, there were 7,048 prosecutions of gun violations in America. Since President Clinton has been in office, that number has dropped every year until it reached 3,807 in 1998, a 40-percent decline in prosecutions.

So the test is, if you really care about guns, according to the President and the Attorney General, Will you pass a new law? I would say to you, the real test is, Will you enforce the laws we have?

You remember a number of years ago when we added a Federal law to make it a felony to take a firearm on a school ground, a Federal law that makes it a crime to deliver a firearm to a young person, a Federal law against carrying assault weapons, those all passed by this Congress.

Let me show you the results of the prosecutions by this Department of Justice and this President who believes so passionately that guns cause crime.

Possession of firearms on school grounds:

In his press conference just a few weeks ago, he said there were 6,000 incidents of carrying firearms on school grounds. In 1997, nationwide, all 92 U.S. attorneys prosecuted 5 of those cases; in 1998, 8 of them. That is all that were prosecuted.

Why do we pass laws if they are not going to be prosecuted? The reason is politics. It is not crime fighting, it is politics.

Unlawful transfer of firearms to juveniles: Not a bad law; in 1997, Janet Reno's Department of Justice prosecuted five; in 1998 they prosecuted six.

Possession or transfer of semiautomatic weapons: The assault weapons ban—such an important law, that if anybody didn't vote for it was a virtual criminal, who just wanted to have people shot by assault weapons—we passed the Federal law before I got here. There were only four prosecutions in each of the past 2 years.

I deeply believe in this. Are we at a point where the reality in America is what you say and not what you do? Is that what the reality in America is today? No wonder the President calls the Hollywood stars family, because they do not live in a life of reality. The only thing that counts is what you say on the screen. It doesn't make any difference what your life is outside of that. It is the vision that goes on.

I couldn't help but recall that incident in which we had perhaps the greatest untruth ever told by any President in the history of this country when the President of the United States had his news conference, pointed his finger, and said, "I did not have sexual relations with that woman." We know how that was done now. It was orchestrated by the Thomases, his closest friends from Hollywood. They directed, scripted and choreographed how he would make that denial.

I submit that I am not really concerned about how we come up with language about sales of guns at gun shows. If anybody in this country thinks that is going to have a substantial impact on crime in America, I ask them to stand up, right now. It won't have a substantial impact. It may have an impact. It may be a good law. We will work to accommodate the President's request.

It concerns me that when we have a culture of violence the President won't stand up and be counted against it.

Those movies will have more impact on crime than whether or not we have a gun show law.

I have never been in a legislative body before. Maybe this is the way things happen all the time. I know this: We have tried to accommodate the Democrats time and time again. We have increased funding beyond my original vision of a bill that would help our juvenile court systems improve—even to more expansive prevention moneys, 55 percent of the money going to prevention, even a small part of that could even be used for any kind of boot camp or detention facility or treatment alternative school.

I am concerned about it. I believe we can improve the efforts against crime in America. I believe we need to enforce the laws that we have. I believe if we had 7,000 prosecutions in 1998 instead of 3,800, there would be innocent people alive today. These are target criminals. They ought to be prosecuted. I believe we can do better.

I am open to improvement in our legislation. Certainly, Senator HATCH has managed the bill and has done a great job with it. I respect his views. His leadership has been invaluable in moving this legislation along. What concerns me is we may be moving to a point where Members on the other side just don't want legislation. No matter how much we compromise, no matter how much we work together to make the bill to their liking, they still won't give us a time agreement.

I see the majority leader on the floor. The majority leader has a lot of things he needs to do in this Senate. If we are going to have a filibuster, how can we stay on this bill? If the Democrats are going to filibuster and kill this bill—if they stick together, they have that power—it would be a great tragedy.

There is much in this legislation that could improve our ability to reduce juvenile crime, to intervene in young people's lives and save young people from being victims of crimes. I hope we don't go that route. I hope we don't, after all this effort, have this legislation killed for political reasons.

I yield the floor.

Mr. LOTT. Madam President, I ask unanimous consent passage of the juvenile justice bill, S. 254, occur no later than 6 o'clock p.m. on Tuesday, May, 18, 1999.

Let me emphasize that this is the third request I have made to try to find a way to have fair debate on amendments and votes and a conclusion at some point. Last week, I had suggested we take Friday and Monday to have a number of amendments offered and debated, as we are doing. We asked that the votes on amendments occur on Tuesday morning and that final passage occur by noon. That was objected to. So I said we could have votes on Tuesday morning on the amendments, continue on amendments with votes throughout the afternoon, and complete it by 5 on Tuesday. That was objected to.

This now moves it another hour. Before there is a reservation or objection, let me emphasize why I am doing this. We had thought we could take up this juvenile justice bill that has been in the process for 2 years, have debate, amendments and votes, and complete it by last Thursday night, since we started on Monday. We had Tuesday, Wednesday, and Thursday. That turned out not to be practical because there were other amendments still pending, even though we had taken up 15 amendments, and I think now we have taken up probably 20 or more. We thought about trying to continue on Friday and Monday and then complete it on Tuesday.

This week, we don't have a Friday session because there is a Democratic retreat, so we won't be able to have legislative business or votes on Friday. Let me emphasize that is not intended to be critical because we had a similar Friday last month for Republicans. We each take one Friday during the year to do that and it makes sense to do that.

During this week, we have a vote or votes on the Y2K liability issue, which is very important to small businesses, to industry people trying to comply with the Y2K bill. The computer industry in general has a tremendous liability problem that should be treated as finding a way to solve the problem rather than just trying to find a way to have a whole lot of lawsuits.

We also have a supplemental appropriations bill. Unlike some supplemental appropriations bills that go through here lickety-split in an hour or two, this one very well may take some time. It is large and has a lot of moving parts. It needs to be explained completely. In order to complete Y2K, the juvenile justice bill and supplemental appropriations, we have Tuesday, Wednesday, and Thursday—3 days. We will have to find some way to get some time agreements and move these bills through to completion.

That is my request.

Mr. WELLSTONE. Reserving the right to object, I want to point out I don't know whether this has been cleared with the minority leader. Speaking as a Democrat, I want to say to the majority leader that I think altogether we have been on this bill 3½ days. We have a finite list of amendments that we have locked in. We have not been dilatory. I, myself, was out on this floor, as my good friend from Utah can testify, all last week waiting, all today. I enjoy my colleague from Alabama, but the last hour or so were questions to me and what he had to say, which was important. I have been waiting for other amendments.

So in all due respect, I don't think what the majority leader has said is quite accurate. We have substantive amendments, a finite list, locked in, which speak to this bill, which could improve this bill and deliver.

To protect the Democrats, I object.

Mr. HATCH. Will the Senator yield?

Mr. LOTT. I yield to the Senator from Utah.

Mr. HATCH. This is the fifth day on this bill. I mentioned in my remarks today other incidents occurring around this country with juveniles who don't have to expect any real retribution as a result of a lack of law.

We can make a difference in this country right now or we can keep fooling around and not get anything done. I can't blame the distinguished Senator for representing his side and protecting the minority leader, except I can't imagine the minority leader not wanting to finish this by 6 o'clock tomorrow.

As far as I am concerned, we should finish it 2 minutes from now, get this bill on the record, get the House to pass it, the President to sign it, and hopefully get a set of mechanisms the bill will provide into operation so we can help our families and our children throughout this society to be protected from these violent juveniles.

Mr. LOTT. Madam President, I regret the objection by our Democratic colleagues. This juvenile justice bill is critically important. Just last night here in the Washington suburbs, two 15-year-old young men were charged with murder and charged as adults. This is not new. This is a pattern that has evolved not only here in this metropolitan area but across the country. I think this juvenile justice legislation is very important and is long overdue. As a result of the objection from the minority, I have to say it looks as if at this point it will be difficult to get this bill done this week without this sort of concept of final passage.

I am trying to get some way to identify how to get this bill done. I want this juvenile justice bill done. It has been in the mill for 2 years. I think we need it. We had good debates, we had some amendments, and I presume we will have more amendments. If we can't get some sort of time agreement, we will never reach a conclusion. There is a finite number of amendments, but I think it must be 40 or 50 amendments that are still pending. None of the three consents I propounded has been cleared by the minority, and I do find this very disturbing.

Having said that, I realize that the Democratic leader is not here. He will be coming in later on this afternoon and we will, I am sure, confer together. I assume my colleagues want this bill completed. Let me state where I am.

Give me some practical suggestion. What are we talking about here? Hours? Days? Weeks? Months? I think the Democrats think they found a good issue, but I don't think it's a good issue if we don't deal with the problem of juvenile crime in this country, if we don't deal with the problem of violence in our society and the cultural decline in our country, and with the gun amendments that have already been debated. So I think we ought to find a way to get it done. Let's find a way to do it, because we have other legislation we have to deal with: a great big liability problem with Y2K, a tremendous problem with the need for disaster supplemental appropriations, and funds for our military men and women who have been doing bombing raids right now.

I think we ought to try to get that done. All I am trying to do is find a way to do those three bills this week. And with your help, we will keep looking for it and hopefully we will find a way to get it done.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I ask the majority leader, what you are asking for is simply that we take the amendments we have and you need so you can manage this body, and a time when we are going to complete? Because under the rules of this body, one person can talk and talk for days on one amendment, isn't that correct?

Mr. LOTT. That's correct.

Mr. SESSIONS. I think that is a realistic request. I have to say, I have seen this debate for a long time. I believe there is a group on the other side that wants no bill. I believe they don't want this bill to pass. I believe if we get this bill up it will pass. And I am very upset about it. I know Senator HATCH has done such tremendous work for it.

Mr. HATCH. Will the Senator yield for that?

Mr. SESSIONS. Yes, sir, I will.

Mr. HATCH. I have been here all weekend hoping we can find some help on the other side to resolve this matter. Now, there may be valid reasons why people on the other side did not meet with us, but we have been open to meeting and resolving this. I think I have exhibited a desire to resolve this bill time after time after time. We have tried, in an evolutionary sort of way, to resolve some of the gun problems. We know that is the way it is going to have to go. We are trying to do it. But we have not been able to get any cooperation.

Now that we are here on Monday, it seems to me we ought to start cooperating and helping our majority leader get this done.

I understand the Senator has an amendment for this side that he can call up. Is it the Ashcroft amendment? And then we can go back to the Senator from Minnesota.

Let me, without yielding my right to the floor——

The PRESIDING OFFICER. The Senator from Alabama has the floor. Has the Senator yielded the floor?

Mr. HATCH. Will my colleague yield one more time to me?

Mr. SESSIONS. I will.

Mr. HATCH. Could I ask the Senator from Minnesota how he would like to proceed? He has one more amendment.

Mr. WELLSTONE. I would like an opportunity to respond to both of my colleagues for a moment, and then I would ask my colleague from Alabama, when he was speaking—at some period of time, I thought I was going to do another amendment. But I will leave for a while and come back later.

Mr. HATCH. What I am trying to do is get an amendment done in just a few minutes, turn to you, and then I hope you will be reasonably short. I know the majority leader has indicated to me he is getting pretty tired of this and he wants to get back to Y2K.

Mr. WELLSTONE. Could I ask my colleague for 2 minutes to respond to what has been said here?

Mr. HATCH. Surely.

The PRESIDING OFFICER. Does the Senator from Alabama yield the floor?

Mr. SESSIONS. I will not yield at this point on that subject.

Mr. HATCH. Will the Senator yield to me?

Mr. SESSIONS. I will yield to the Senator from Utah.

Mr. HATCH. Let's proceed this way. Let's have the Senator from Alabama present the amendment on behalf of Senator ASHCROFT. He will take about 2 to 3 minutes to do that. And then let's resolve the problem of the Senator from Minnesota.

Mr. SESSIONS. I think the Senator from Minnesota and I will probably not agree on this, and I would want to respond to what he said.

Mr. HATCH. Fine.

AMENDMENT NO. 348

(Purpose: To reduce violent juvenile crime by encouraging States to prosecute violent armed juveniles as adults)

Mr. SESSIONS Madam President, I send an amendment to the desk. This amendment is to reduce juvenile violent crime by encouraging States to prosecute violent armed juveniles as adults if they are over 14 years of age. It has been submitted by Senator JOHN ASHCROFT of Missouri. Senator ASHCROFT serves on the Senate Judiciary Committee, is a former attorney general of Missouri and a former Governor of Missouri. Recently, our Juvenile Crime Subcommittee went to Missouri and held field hearings where we dealt with the problems of using young people to commit serious crimes because they could not be punished for them effectively.

This amendment would be Senator ASHCROFT's effort to say to those who commit murder and robbery and forcible rape while using a dangerous weapon, that they would be treated as adults if they carried a firearm.

The PRESIDING OFFICER. Is there objection to proceeding with the amendment, notwithstanding the fact the bill is not yet pending?

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. Is there objection?

Mr. WELLSTONE. Reserving the right to object. I am going to object just for a second because I actually was involved in another discussion. What was the request, again?

The PRESIDING OFFICER. The Senator is seeking to propose an amendment. The pending business is the motion to proceed to Y2K legislation.

Mr. WELLSTONE. I object. I object.

The PRESIDING OFFICER. Objection is heard. The Senator from Alabama still has the floor.

Mr. SESSIONS. Did the Chair say we were on the Y2K?

The PRESIDING OFFICER. Yes.

Mr. SESSIONS. I ask unanimous consent, notwithstanding the pendency of the motion to proceed, to offer this amendment on Senator ASHCROFT's behalf.

The PRESIDING OFFICER. Is there objection?

Mr. WELLSTONE. There is. I object. I would like to see the amendment.

The PRESIDING OFFICER. Objection is heard. The Senator from Alabama still has the floor.

Mr. SESSIONS. I yield to the Senator from Utah.

Mr. HATCH. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. SESSIONS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Madam President, I ask unanimous consent that, notwithstanding the pendency of the motion to proceed, to offer this amendment on Senator ASHCROFT's behalf.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. I renew my offer of the Ashcroft amendment, I believe No. 348.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from Alabama [Mr. SESSIONS], for Mr. ASHCROFT, proposes an amendment numbered 348.

Mr. SESSIONS. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 228, line 11, strike "and".

On page 228, line 14, strike the period and insert "; and".

On page 228, between lines 14 and 15, insert the following:

"(4) PROSECUTION OF JUVENILES AS ADULTS FOR CERTAIN OFFENSES INVOLVING FIREARMS.—The State shall prosecute juveniles who are not less than 14 years of age as adults in criminal court, rather than in juvenile delinquency proceedings, if the juvenile used, carried or possessed a firearm during the commission of conduct constituting—

"(A) murder;

"(B) robbery while armed with a dangerous or deadly weapon;

"(C) battery or assault while armed with a dangerous or deadly weapon;

"(D) forcible rape; or

"(E) any serious drug offense that, if committed by an adult subject to Federal jurisdiction, would be punishable under section 401(b)(1)(A) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)(1)(A)).".

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. ASHCROFT. Madam President, I thank you. I thank the Senator from Utah for his kindness in allowing me this opportunity to address what I consider to be a very serious national problem. It is a problem of the increasingly violent nature of juvenile crime.

First, I would like to address my amendment that gives States incentives to try armed and violent juveniles as adults. That is amendment No. 348.

I thank Senator SESSIONS for his outstanding leadership on this problem. He has traveled far and wide across the country. His experience as an attorney general, his experience as a U.S. attorney, is most valuable in helping us approach this problem with the kind of sensibility that I think will give us an opportunity to make a real difference.

It seems that nearly every day we hear encouraging news about the progress we are making in the fight against crime. There is no doubt that this is good news.

But reports about reductions in the crime rate obscure two unfortunate realities: First, although the rate of crime has dropped over the past few years, the level of crime remains far too high.

The rate may have gone down but crime is still too high.

Second, whatever progress has been made in the reduction of overall crime rates, we are still confronted with a serious problem with violent juvenile crime.

Statistics about crime rates are useful, but what really matters is the level of violent crime.

Let me just give you an example.

On last Friday, the Dow Jones Industrial Average was down almost 200 points. If we were to focus on that fact alone, it would appear that the stock market was down, when in fact the Dow is near its all time record high. The same is true of crime, especially juvenile crime.

We had a little dip in crime recently. But juvenile crime and violent juvenile crime are still very high.

Although the most recent data show some drops in the crime rate, the overall level of crime, especially juvenile crime is unacceptably high.

There are about as many violent crimes committed today as in 1987. The number of violent juvenile crimes is at roughly the 1992 level and at 150 percent of the 1987 level. I do not think anyone thought they were safe or secure enough in 1987 or in 1992, that we could afford to get to be 150 percent of that level, which was the 1992 level, and that is the level to which we have returned. But it is still far above a level acceptable in our culture.

Statistics about crime rates also mask the increasingly violent nature of juvenile crimes. Seventeen percent of all forcible rapes, 50 percent of all arsons and 37 percent of all burglaries are committed by juveniles.

Finally, the recent dip in crime rates is cold comfort for victims of violent crimes. My constituents in Missouri continually identify violent juvenile crime as a paramount concern, and you only have to read the newspaper to understand why. When parents read in the newspaper about a 16-year-old who raped four young girls in St. Charles County, they understand the importance of targeting violent juvenile crime. When parents in Hazelwood read about a 13-year-old convicted of murder for fracturing his victim's skull with the butt of a sawed-off shotgun, they understand the importance of targeting violent juvenile crime. And when people in Poplar Bluff read about a 16-year-old, encouraged by his 20-year-old accomplice, who held a pizza delivery man at the point of a shotgun to steal $32, they understand the importance of targeting violent juvenile crime.

Madam President, that is precisely what we need to do. We need to target violent juvenile crime. We need to update our current juvenile justice laws to reflect the new vicious nature of today's teen criminals. We must treat the most violent juvenile offenders as adults and punish them as adults.

For too long now we have treated juvenile crime as something less than real crime. Even the language we use—referring to adult crimes, but to acts of juvenile delinquency—suggests that juvenile crime is not real crime.

To those young girls who were raped, to those individuals who are murdered, to their families, these crimes are real crimes. We are not talking about spitballs in the hall or the old Charlie Brown song of the 1950s. We are talking about murder, assault, and rape. And I assure you that for the victims of these crimes, the crimes are all too real—no less so because the perpetrator was under eighteen. The time has come to take junveile crime seriously and protect our children from violence.

Juveniles are increasingly committing adult crimes. What is more, all too often, juveniles are using adult means to facilitate these crimes. Armed crime among juveniles is at unacceptably high levels.

These adult crimes committed with adult means cannot be dismissed as youthful indiscretions. They cannot be dismissed as delinquencies or status offenses. These are crimes. These are horrendous crimes. People lose their lives. People are victims of serious assaults, and the crimes should be treated and prosecuted as adult crimes.

Accordingly, this amendment provides States with incentives to try juveniles as adults when they commit armed violent crimes.

Specifically, this amendment encourages States to try juveniles as adults when youth over fourteen use firearms to commit murder, forcible rape, armed robbery, armed assault, and major drug crimes.

We need to send a message that crimes committed with firearms will be prosecuted and taken seriously. This administration has dropped the ball in prosecuting the Federal gun laws. We tried to address this by funding firearm prosecutions in the Hatch/Craig amendment—this is the so-called project CUFF. Having sent a message to the administration to prosecute Federal gun crimes, now is the time to send a message to the States—violent gun crimes are serious "adult" crimes and deserve "adult" time.

In the "juvenile Brady" provisions in the core bill, we are treating juveniles as adults for purposes of preventing gun ownership in the future, just like if you commit a felony as an adult, you disqualify yourself from owning guns in the future. There is no basis for treating juveniles as anything but adults when they use firearms to commit violent crimes.

The unpleasant fact is that all too many juveniles commit serious armed crime. The answer is to prosecute these crimes vigorously—to the full extent of the law. This amendment provides States with substantial incentives to give adult time to juveniles who commit adult crimes.

This is not a direct mandate on States. The amendment simply says that the new pot of Federal money authorized by this bill—the juvenile accountability block grants—will only be available to States that try juveniles as adults.

In short, this is an incentive tied to new money that is designed to curtail the violent juvenile crime in this country, not a mandate to the States.

It is ironic that some of the same individuals who clamor now for Federal gun control object to this proposal on the grounds of federalism.

They say the Federal Government has no business being involved here and encouraging States to take a serious approach. The Federal Government has long asserted a role in policing crimes committed with firearms.

The entirety of chapter 44 of title 18 of the United States Code is a testament to the Federal interest in policing crimes committed with firearms. Rather than following the lead of chapter 44 in directly criminalizing firearm offenses for juveniles, this amendment takes the less drastic step by encouraging States to treat violent juvenile offenses committed with a firearm as seriously as the same offense would be if committed by an adult.

States remain free to define the elements of and set the penalties for the underlying crimes. We simply ask, as a condition for being the recipient of Federal funds targeted on reducing serious violent juvenile crime, that States treat violent juvenile firearm offenses as seriously as adult firearms offenses.

Those who complain about this mandate should take a look at the 1974 Juvenile Justice Act, passed by a Democratic Congress, full of mandates from the beginning. As amended, the act now includes more than two dozen mandates. Some of these mandates are just administrative, but others are putting real burdens on the States, preventing the incarceration of status offenders, and mandating complete sight and sound separation of juvenile offenders from adults. These are costly mandates, especially in rural areas.

With so many mandates that are designed to protect the juvenile offenders, it wouldn't hurt to have some incentives that protect the rest of us. Violent juveniles who commit armed violent offenses with a firearm are a serious threat to all of us. We need to treat those adult crimes as just that—adult criminal acts and require juveniles who commit them with firearms to answer accordingly. We need to send a message that violent firearm offenses will be prosecuted. Age should not be a defense to serious gun crimes.

Mr. HATCH. Madam President, I am happy to recommend that the distinguished Senator from Minnesota call up another of his amendments, and I will then call up one for Senator SANTORUM. We will proceed in that way. It is my understanding the distinguished Senator will take upwards of a half hour for his amendment, and then I will offer an amendment.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Madam President, before going forward with this amendment, there are two statements which I think need to be made for the record.

One is, I say to both my colleagues on the other side of the aisle because I did not get a chance to respond earlier, there is no evidence whatsoever, as suggested by my colleague from Alabama, that there are Senators on this side who are trying to kill the bill. Nobody has filibustered. Believe me, I know how to filibuster and so do other people. Nobody has filibustered. We have agreed to a finite group of amendments.

As to what the majority leader said as to the practical suggestion, we should handle this bill like we do any bill, which is we plow through amendments. That is the practical suggestion. I have not been here as long as my colleague from Utah, but I am sure he can recall many more examples than I can of a bill of this importance that has been on the floor and has taken a week, sometimes taken 2 weeks. Senators have amendments. We debate amendments. We vote them up or down. That is the Senate. That is how we conduct our work.

In all due respect, it is not credible if the majority leader wants to pull the bill and he wants to find a pretext for pulling the bill. He can come out here and make this claim, but it is not credible.

Mr. HATCH. Will the Senator yield?

Mr. WELLSTONE. I will yield for a question in a moment.

Again, let me be clear. Many of us have been waiting to offer amendments. We have a finite list of amendments. We are going through the amendments. That is how we do business in the Senate. That is how we complete this bill. You do not have somebody—now I am not speaking for the party, I am speaking for myself—you do not have somebody come out here and basically say: You agree to do the amendments you have in a short of period of time; we will give you one more day, that's it, because this is a great bill, this is really important, and we have to pass it tomorrow.

It may be a great bill, but some of us have disagreements with portions of this bill. My colleague from Mississippi talked about what happened last night in D.C. Two kids are going to be tried as adults. That is done locally. They did not wait for this bill to be passed. I can give examples of kids struggling with mental illness who have died in some of these juvenile correction centers, and I want to see something done to protect them. I feel as strongly about that as the majority leader feels about other provisions.

Mr. HATCH. Will the Senator yield?

Mr. WELLSTONE. I yield for a question.

Mr. HATCH. Is the Senator aware this bill will help with some of the things about which he is concerned? In fact, all of them.

With the Senator's indulgence, this is the fifth day we have been on a bill that should have been passed on the third day or second day. There is not a thing in this bill, to my knowledge, that most people on this floor would not want to protect our children and our society and our families.

We have all kinds of past illustrations where monumental bills have been done in fewer than 5 days. Tomorrow will be the sixth day we have been on this bill. This is not that controversial a bill. There are some controversial parts to it, and we have been working in an evolutionary way to deal with those. I think the distinguished Senator knows I have worked hard to accommodate my colleagues on the other side as well as my colleagues on this side, and there are wide disparities with regard to the gun problem.

I do not blame the majority leader. He has a job to do. We have the Y2K bill that is critical for the software industry in this country. It is critical to the court system of this country. It is critical to civil justice in this country. It is critical to our dominance in intellectual property. And I can go on and on.

We have the bankruptcy bill that probably is not going to come up now because we do not have time to bring it up, and that is absolutely critical to this country.

We have the supplemental appropriations bill. The majority leader is right, it is not an itty-bitty, normal supplemental appropriations bill with which everybody is happy. It is one that has a lot of components to it.

We have the Department of Defense authorization. We have our young men and women waiting for us to back them up. I think the majority of people here want to do that.

I find no fault with the distinguished Senator anguishing over things that he believes are very important. I do, too. But this bill will move toward solving those problems as well. They may not be solved in exactly the identical way the distinguished Senator from Minnesota wants them solved, but this bill makes a lot of inroads in helping in these areas about which he is concerned.

For the first time, in my recollection, we have both sides together at least giving more money for prevention purposes, for which the distinguished Senator from Minnesota fights so hard, than we do on the accountability or law enforcement side. I have worked hard to get that done because I believe in both sides.

The distinguished Senator has indulged me to make these comments.

I do not blame the majority leader, and I know a lot of very important bills passed in 2 days, let alone 5 or 6. Frankly, this is not one that should be delayed even 1 minute longer. There are sincere amendments. That is why we are here.

I appreciate the willingness of my friend from Minnesota to present at least three of those amendments today. I do not think there is any desire for this side to take unfair advantage. There is a desire to move forward the work of the Senate, and there is a point beyond which the majority leader cannot go. We absolutely know there are some people in the Senate who really do not want this bill, who really want political advantage more than they want a bill.

Frankly, I am not one of them. I am one who wants this bill. I think it is time to get it; that is why we are here. I appreciate my colleague extending me this courtesy to make these comments. It is important to move ahead. It is important we get this done by tomorrow night, and I hope we can.

There will come a time when this bill manager is going to become exasperated enough that I will move to table every amendment that comes up, and I hope my colleagues will support me in that. There comes a time when deleteriousness and slowing down and repeating what we are trying to do in this bill—only getting our particular views other than what the bill says when it already does those things, we will have had enough of that. I warn everybody that I am reaching that point. I am not there yet, but I am going to get there.

If we cannot get this done by tomorrow night and we take the chance of losing this bill because of 40 amendments when we have done everything in our power to whittle ours down by the end of this day—we will have 3 or 4 amendments left, maybe fewer than that—then I think this sends a message.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I say to my colleague from Utah, I apologize for smiling. I was only smiling because initially I yielded for a question. I know him well enough to know, if he feels strongly about something, he is going to go on for a while. I appreciate what he said. Madam President, I do not ever have a problem yielding to Senator HATCH for a question or comment because he is always gracious as a Senator.

We will get to the substantive debate, but I have to say for the record that if the majority leader wants to pull this bill because he does not agree with some of the amendments that have been adopted or he does not want to debate some of the other amendments that deal with gun control or other controversial amendments, he can pull the bill. So be it.

You cannot have it both ways. As the old Yiddish proverb says: You can't dance at two weddings at the same time. You cannot say this is an incredibly important piece of legislation to deal with violence; it is so important in taking steps on prevention and stricter law enforcement with children, and then all of a sudden say: We are done as of tomorrow evening; if not, I will pull the bill.

It does not work that way.

If we come to a supplemental bill, we can act on it and then go back to this legislation.

Let's be clear about what is going on here. I think it would be a terrible mistake for the majority leader to pull this legislation. If that is what he wants to do, then he can do it, but it has nothing to do with Senators not willing to be out here debating amendments.

AMENDMENT NO. 359

(Purpose: To limit the effects of domestic violence on the lives of children, and for other purposes)

Mr. WELLSTONE. Madam President, I now offer my third amendment. This is an amendment that is called the children who witness domestic violence protection amendment.

We have heard a lot about the violence children see on television or the violence that children see in movies. We have heard a lot about the violence that bombards our children from video games. Do you want to know something? The worst part of all is the violence in the lives of children that is not in the spotlight. Increasingly, children are witnessing real-life violence in their homes.

In fact, it is in their own homes that many children witness violence for the first time. Over 3 million children in the United States of America are witnessing violence in their homes each year and it is having a profound impact on their development. Whether or not these children are physically injured by the violence, they carry with them lasting emotional scars from having been exposed to the threat of and trauma of injury, assault, or killing.

This exposure to family violence changes the way children view the world and may change the value they place on life itself. It affects their ability to learn, to establish relationships, and to cope with stress. Witnessing domestic violence has such a profound impact on children, placing them at high risk for anxiety, depression and even suicide.

Furthermore, these child victims may exhibit more aggressive antisocial and fearful behaviors. They are also at much greater risk of becoming future offenders, which is one of the reasons I offer this amendment to this legislation. Exposure to family violence, many studies suggest, is the strongest predictor of violent delinquent behavior among adolescents.

It is estimated that between 20 and 40 percent of chronically violent adolescents have witnessed extreme parental conflict. When I talk to judges back home, they tell me it is all predictable who the 13- and 14-year-olds are who are going to appear in their court. They go back through their records and they see the violence in the families, many of these kids having experienced this violence directly or having seen it.

In a Justice Department-funded study of children in Rochester, NY, children who had been victims of violence within their families were 24 percent more likely to report violent behavior as adolescents than those who had been maltreated in childhood. Can you believe that? This statistic says that kids are even more prone to become violent as adolescents who have just witnessed violence in their families as opposed to those kids who have actually been maltreated themselves, abused in their childhood. Adolescents who were not themselves victimized, but who had grown up in families where domestic violence had occurred were 21 percent more likely to report violent delinquency than those not so exposed. Overall, children exposed to multiple forms of family violence reported twice the rate of youth violence as those from nonviolent families.

So, again, if we are talking about how to prevent the delinquency, how to deal with kids before they get into trouble, we have to get more support to kids who witness this violence in their homes.

A 1994 survey of 115 mothers in the waiting room of Boston City Hospital's Primary Care Clinic found that by age 6, 1 in 10 children had witnessed a knifing or shooting. An additional 18 percent of the children under age 6 had witnessed pushing, hitting or shoving. Half of the reported violence—half of the reported violence—occurred in the child's home.

Let me tell you about Tony and Sara from Minnesota. Tony is 10 years old, and his sister Sara is 8. Tony and Sara were severely traumatized after seeing their father brutally attack their mother. They were forced to watch their father drag their mother out to the driveway, douse her with gasoline, and hold the flaming match inches from her. Tony and Sara are not the only children in our country who were terrified by violence like this, sometimes on a daily basis.

Children who witness domestic violence are often traumatized and they need support. Who is a child going to turn to when their mother is the victim of their father? Who is a child going to talk to when their sibling has emotionally shut down and no longer speaks? Who is a child going to go to for help when they need assistance? Children like Tony and Sara have the right to know that what is happening in their home is wrong. Children like Tony and Sara have the right to feel that we care about their safety.

My legislation, which I am offering as an amendment today, is a comprehensive first step toward confronting the impact that witnessing domestic violence has on children in America. This bill addresses this issue from multiple perspectives—including mental health, education, child protective services, supervised visitation centers, law enforcement, and crisis nurseries.

Mental health. I have visited, with my wife Sheila, programs in Boston and San Francisco that are forging creative partnerships in their communities to meet the needs of traumatized children. That is what this amendment is about. More must be done. To address the devastating impact that witnessing domestic violence has on the mental health of children, my amendment provides nonprofit agencies with the funds needed to design and implement multisystem interventions for child witnesses.

This partnership would involve the courts, the schools, health care providers, child protective services, battered women programs, and others. What we would be talking about would be guidelines to evaluate the needs of children who witness this violence, safety and security procedures for child witnesses and their families, counseling and advocacy, and outreach and training to community professionals.

I met Pamela in Brainerd, MN. Pamela was a battered woman. Her husband threatened to kill her, so she finally left him after 9 years of abuse. But Pamela says that the damage has already been done to her children. She has two children. They are 18 and 15 years old. She says that both her children have turned to drugs and alcohol to cope with the abuse they witnessed. Pamela's 15-year-old son is currently in a treatment facility.

Pamela and her children would have had a better chance if mental health services had been available to them sooner. We cannot send more of our Nation's children into drug treatment facilities and juvenile prisons when we have the opportunity to intervene early and to heal them. That is what this amendment is all about.

Education. My amendment also encourages collaboration between domestic violence community agencies and schools to provide educational programs and support services for these kids. What happens is that the school officials quite often do not recognize what is going on. This child has seen this violence in his or her home over and over and over again. They come to school; they may not stay awake because they did not sleep that night because they were so terrified; they may act out; they maybe cannot concentrate, and yet quite often what happens is that these kids, because they have witnessed this domestic violence, are not able to learn, but our education community does not know what is going on with them. So we provide the funding and the support for collaboration. This is a great amendment, I say to my colleague from Utah.

When I was out in rural Minnesota, I met a woman who serves as a guardian to a boy who has witnessed domestic violence. The boy's mother is a battered woman and is now separated from the boy's father. The guardian told me that the boy's teacher reported that the boy had been mean to a girl across the aisle in the classroom, so the boy was sent to be "timed out." When this boy was asked about how he was treating the girl, he said that he was not being mean. He said that he hit the girl because he wanted her to do what he said. He said he hit her because, and I quote, "that's how dad gets mom to do things." I will quote that again. This little boy said: I hit this girl because "that's how dad gets mom to do things." "That's how dad gets mom to do things."

Children cannot always compartmentalize traumatic events. Instead, the domestic violence comes to school with each and every child witness. It undermines their school performance, their relationships with other children, and we need to get them help.

Child protective services, the third part of this. This legislation also addresses domestic violence and the people who work to protect our children from abuse and neglect. There is a significant overlap between domestic violence and child abuse. In families where one form of violence exists, there is a likelihood that the other does, too. In a national survey, researchers found that 50 percent of the men who frequently assaulted their wives also frequently abused their children. The problem is that the child protective services and the domestic violence organizations have separately set up programs to address one of these forms of violence yet few address both when they occur together in families. This amendment provides incentives for local governments to collaborate with domestic violence agencies in administering their child welfare programs.

Madam President, I want to go to the second part of this amendment. What you have here is a picture of Brandon and Alex Frank. I met their mom. These two children were murdered by their father. This amendment increases the funding available for supervised visitation centers.

What happens quite often is visitation provides a batterer with another way to batter. This amendment would create a grants program whereby domestic violence service providers could apply for money for what we call family visitation centers. This is extremely important. For example, usually it is the woman who is battered. The man is now out of her home, thank God, but he still has custody rights. He comes to visit the child. Quite often when he brings the child back to the home or when there is an exchange at the home, the violence takes place again, or he has custody and he can get the children over a weekend. These visitation centers would enable that father to still see the children but it would be supervised visitation to protect the children.

On July 3, 1996, 5-year-old Brandon and 4-year-old Alex were murdered by their father during an unsupervised visit. Their mother Angela—Sheila and I met her not too long ago; she has met her several times—was separated from Kurt Frank, the father. During her marriage, Angela was physically and emotionally abused by Frank, and Frank had hit Brandon and split open his lip when he stepped in front of his mother during a domestic violence incident. Angela had an order of protection against Kurt Frank, but during custody hearings her request for her husband to only receive supervised visits was rejected. Kurt Frank murdered his two sons during an unsupervised visit. These are the two children. This amendment says, let's do a better job of protecting these children.

Madam President, this amendment also provides further training to law enforcement officers. We have met with some great people in the law enforcement community, and they say that they now realize they come to the home but they quite often have not been able to understand the effect that this has on the children. They come to break it up. They come to protect the woman. They come to make it clear to the man that this is a crime. The children fall between the cracks. This would enable the law enforcement community to recognize the needs of children who have witnessed domestic violence, to meet children's immediate needs at the scene of the crime, to establish a collateral working relationship between police officers and local domestic violence agencies.

Finally—I want my colleague to know that I am actually summarizing this amendment; I am almost finished—crisis nurseries. Families faced with domestic violence also need a safe place for their children during a time of crisis. Mary Ann, a mother of two, was dealing with an abusive boyfriend, and she knew that she needed to end the relationship. Mary Ann turned to a local crisis nursery for help. The nursery volunteers cared for her children while she ended the abusive relationship. The nursery staff played a critical role in supporting and encouraging Mary Ann and helping her to make a better life for herself and her children.

This amendment provides funds to States to assist private and public agencies and organizations to provide crisis nurseries for children who are abused, neglected, at risk of abuse or neglect, or who are families receiving child protective services. Nurseries will be available to provide a safe place for children and to alleviate the social and emotional stress among children and families who are impacted by domestic violence.

I have to say to you that I believe this amendment that deals with providing support services for children who witness domestic violence is one of the most important amendments I have ever brought to the floor of the Senate. I want my colleagues to believe—not many of them are here, and this is one of the things that bothers me the most. I just don't believe 2½ minutes is going to be enough time. I want Democrats and I want Republicans to understand that for all too many children, at least 3 million children in our country, this is devastating. Every 15 seconds, a woman is battered; every 15 seconds, a woman is battered in her home. A home should be a safe place. These children, even if they themselves aren't battered, they see this violence and it has a devastating impact. It is directly related to this legislation.

Judges will tell you that a very high percentage of kids who end up committing violent crime are kids who come from homes where they have witnessed this violence. This amendment is a great amendment which says, we do it at the community level, but we provide the support and the incentives and enable local communities to pull together law enforcement, to pull together child protection people, to pull together welfare department people, to pull together women who work at battered women shelters, to pull together teachers and education people, and we get the support services for these kids that they so desperately need. That is what this amendment is about.

Madam President, I will at this time send the amendment to the desk, and I ask my colleague from Utah—I will conclude in 5 minutes. I send this amendment to the desk. I ask my colleague if I could have 5 minutes, and only 5 minutes, to make a statement on one terribly important issue to me, and then I will be done. I send this amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The Senator would require unanimous consent for his amendment. The pending motion is a motion to proceed on the Y2K legislation.

Mr. WELLSTONE. I ask unanimous consent to send this amendment to the desk.

The PRESIDING OFFICER. Is there objection?

Mr. HATCH. Is this the amendment you gave us before?

Mr. WELLSTONE. Yes.

Mr. HATCH. On domestic violence.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 359.

Mr. WELLSTONE. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment, No. 359, is printed in today's RECORD under "Amendments Submitted.")

Mr. HATCH. Madam President, I have listened to the Senator on his last amendment. Our bill does exactly what the Senator from Minnesota suggests in his amendment. This bill already does that. A core purpose of the accountability block grant is, from page 225 of the bill: "The coordinated delivery of support services for juveniles who are at-risk for contact with the juvenile criminal system."

That is exactly what the Senator from Minnesota is suggesting with this amendment. That is a point that I am making. We are repeating things that we have already long thought out for more than 2 years while we formulated this bill. And so I think it is very important that we realize we can beat these things to death when we already have considered what he wants.

We may not have considered it exactly the way he wants it, but it is certainly part of this bill. I commend him for having the feelings that he does and for being sincere about those feelings. But we are, too. We have worked on this bill, and we think we have covered most of the components of the amendment of the distinguished Senator. On the other hand, where they are too expensive or don't work, we have considered them, but the bill has a better approach. Be that as it may, I admire the Senator for his sincerity. We will have to vote on the amendment and see what happens.

AMENDMENT NO. 360

(Purpose: To encourage States to incarcerate individuals convicted of murder, rape, or child molestation)

Mr. HATCH. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. HATCH], for Mr. SANTORUM, proposes an amendment numbered 360.

Mr. HATCH. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . AIMEE'S LAW.

(a) SHORT TITLE.—This section may be cited as "Aimee's Law".

(b) DEFINITIONS.—In this section:

(1) DANGEROUS SEXUAL OFFENSE.—The term "dangerous sexual offense" means sexual abuse or sexually explicit conduct committed by an individual who has attained the age of 18 years against an individual who has not attained the age of 14 years.

(2) MURDER.—The term "murder" has the meaning given the term under applicable State law.

(3) RAPE.—The term "rape" has the meaning given the term under applicable State law.

(4) SEXUAL ABUSE.—The term "sexual abuse" has the meaning given the term under applicable State law.

(5) SEXUALLY EXPLICIT CONDUCT.—The term "sexually explicit conduct" has the meaning given the term under applicable State law.

(c) REIMBURSEMENT TO STATES FOR CRIMES COMMITTED BY CERTAIN RELEASED FELONS.—

(1) PENALTY.—

(A) SINGLE STATE.—In any case in which a State convicts an individual of murder, rape, or a dangerous sexual offense, who has a prior conviction for any 1 of those offenses in a State described in subparagraph (C), the Attorney General shall transfer an amount equal to the costs of incarceration, prosecution, and apprehension of that individual, from Federal law enforcement assistance funds that have been allocated to but not distributed to the State that convicted the individual of the prior offense, to the State account that collects Federal law enforcement assistance funds of the State that convicted that individual of the subsequent offense.

(B) MULTIPLE STATES.—In any case in which a State convicts an individual of murder, rape, or a dangerous sexual offense, who has a prior conviction for any 1 or more of those offenses in more than 1 other State described in subparagraph (C), the Attorney General shall transfer an amount equal to the costs of incarceration, prosecution, and apprehension of that individual, from Federal law enforcement assistance funds that have been allocated to but not distributed to each State that convicted such individual of the prior offense, to the State account that collects Federal law enforcement assistance funds of the State that convicted that individual of the subsequent offense.

(C) STATE DESCRIBED.—A State is described in this subparagraph if—

(i) the State has not adopted Federal truth-in-sentencing guidelines under section 20104 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13704);

(ii) the average term of imprisonment imposed by the State on individuals convicted of the offense for which the individual described in subparagraph (A) or (B), as applicable, was convicted by the State is less than 10 percent above the average term of imprisonment imposed for that offense in all States; or

(iii) with respect to the individual described in subparagraph (A) or (B), as applicable, the individual had served less than 85 percent of the term of imprisonment to which that individual was sentenced for the prior offense.

(2) STATE APPLICATIONS.—In order to receive an amount transferred under paragraph (1), the chief executive of a State shall submit to the Attorney General an application, in such form and containing such information as the Attorney General may reasonably require, which shall include a certification that the State has convicted an individual of murder, rape, or a dangerous sexual offense, who has a prior conviction for 1 of those offenses in another State.

(3) SOURCE OF FUNDS.—Any amount transferred under paragraph (1) shall be derived by reducing the amount of Federal law enforcement assistance funds received by the State that convicted such individual of the prior offense before the distribution of the funds to the State. The Attorney General, in consultation with the chief executive of the State that convicted such individual of the prior offense, shall establish a payment schedule.

(4) CONSTRUCTION.—Nothing in this subsection may be construed to diminish or otherwise affect any court ordered restitution.

(5) EXCEPTION.—This subsection does not apply if the individual convicted of murder, rape, or a dangerous sexual offense has been released from prison upon the reversal of a conviction for an offense described in paragraph (1) and subsequently been convicted for an offense described in paragraph (1).

(d) COLLECTION OF RECIDIVISM DATA.—

(1) IN GENERAL.—Beginning with calendar year 1999, and each calendar year thereafter, the Attorney General shall collect and maintain information relating to, with respect to each State—

(A) the number of convictions during that calendar year for murder, rape, and any sex offense in the State in which, at the time of the offense, the victim had not attained the age of 14 years and the offender had attained the age of 18 years; and

(B) the number of convictions described in subparagraph (A) that constitute second or subsequent convictions of the defendant of an offense described in that subparagraph.

(2) REPORT.—Not later than March 1, 2000, and on March 1 of each year thereafter, the Attorney General shall submit to Congress a report, which shall include—

(A) the information collected under paragraph (1) with respect to each State during the preceding calendar year; and

(B) the percentage of cases in each State in which an individual convicted of an offense described in paragraph (1)(A) was previously convicted of another such offense in another State during the preceding calendar year.

Mr. HATCH. Madam President, I ask unanimous consent that the Senator from Missouri be accorded the floor to make a statement about these matters following a short statement on this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Madam President, I am pleased to support the amendment I am offering on behalf of the Senator from Pennsylvania, Mr. SANTORUM. This amendment adds new incentives for States to ensure that violent offenders are incarcerated for the public's protection, by transferring Federal crime fighting resources from States that fail to incarcerate their criminals to States where the criminals commit subsequent crimes.

Congressionally funded truth-in-sentencing grants, which provide funds to States to build prisons, have been instrumental in lowering crime by encouraging States to incarcerate violent and repeat offenders for at least 85 percent of their sentence. In January, the Justice Department reported that 70 percent of prison admissions in 1997 were in States requiring criminals to serve at least 85 percent of their sentence. More significantly, the average time served by violent criminals nationally has increased 12.2 percent since 1993. Perhaps the biggest reason for recent declines in violent crime is due to these truth-in-sentencing prison grants. Simply put, violent criminals cannot commit crimes against innocent victims while in prison.

But as important as these grants have been, we can do more. While crime is a local issue, its effects are interstate. In our highly mobile society, the criminals let out of prison in one State too frequently end up committing crimes in a neighboring State, or even in a State across the country. In my view, States owe a duty not only to their own citizens, but to the citizens of other States as well, to keep their worst offenders locked up. Senator SANTORUM's amendment provides a modest incentive to States in this regard, by putting them on notice that if one of their murderers, rapists, or other sex offenders commits a similar offense in another State after being released, the second State may be reimbursed out of Federal criminal justice assistance funds allocated to the first State for the costs of incarcerating the criminal in the second State.

These transfers would apply if the first State is not a truth-in-sentencing State, does not have penalties at least 10 percent above the national average for murder, rape, or other sexual offenses, or in the individual case of triggering the transfer, the inmate did not serve at least 85 percent of his or her sentence.

Madam President, no State should allow crime to be a major export. This amendment is a modest proposal to ensure that all our States absorb at least part of the costs of their trans-border crime. I urge my colleagues to support it.

I yield the floor.

AMENDMENT NO. 361

Mr. ASHCROFT. Madam President, all across our Nation, local schools are trying to ensure that tragedies like the one in Littleton do not happen again.

The Federal Government in Washington is not in a position to make the best decisions for those local schools. No government—let alone the Federal Government—can produce a single solution, to prevent school violence.

The problems have deeper roots in our culture. Nonetheless, there are some important steps we can take to help local school districts and parents make schools safer.

In a few moments, I will send to the desk an amendment on behalf of Members of the Youth Violence Education task force, a task force which I helped Chair, that will help ensure that our schools once again become safe havens, rather than places of jeopardy. I thank those who came together on this task force to contribute to the amendment. Specifically, Senators HUTCHINSON, DEWINE, GREGG, HELMS, COVERDELL, ALLARD, and ABRAHAM.

This package is comprehensive in that it contains numerous provisions that give tools to schools and communities to prevent youth violence. First and foremost, we need to put local schools at the top of our agenda and free them to use Federal money where it will do the most good to prevent future violence. Time and experience have exposed as an utter falsehood the notion that we know what is best in every educational setting.

One-size-fits-all regulations won't help local schools reduce their particular risks or solve their unique problems. As we provide resources, we need to provide freedom.

The cornerstone of our education amendment would open up existing Department of Education funds to allow school districts new options for putting Federal dollars to work. Under this amendment, schools can choose where best to spend Federal resources under titles IV and VI of the Elementary and Secondary Education Act—specifically, the Safe and Drug Free Schools program, and Innovative Educational Program Strategies funds.

Schools can decide whether to spend the money on training, equipment, school assessments, or more personnel. For example, under this amendment, local school districts could use Federal money for purchasing metal detectors and surveillance cameras, for training school officials in recognizing and averting potentially dangerous situations, or for introducing school uniform policies, if they so chose.

Local school districts would remain free to choose the use that best addresses local needs. The Federal Government provides a great deal of money for education and related funding. The fiscal year 2000 budget resolution conference report called for $66.3 billion in education and related funding for fiscal year 2000; $404.1 billion over 5 years; and $782.4 billion over 10 years.

Compared to current spending levels, this represents an increase of $8.1 billion over 5 years and $33 billion over 10 years.

As a result of this budget resolution, Congress will be providing much-needed funding to education programs in fiscal year 2000. While we know that local schools need our help, we do not always know how best to provide that help. We need to provide the opportunity and authority for local schools to do what they can to improve the climate for safe and secure learning environments on campuses. For this reason, this amendment will give schools the flexibility they need to best provide for the safety and security of their students.

Another component of this amendment would clarify that nothing in the Federal law stands in the way of local decisions to introduce a dress code or school uniform policy—not to mandate from Washington, but make it clear that the Federal law does not prevent it or preclude it. To make sure that we don't constrain efforts to build working communities, this legislation makes it abundantly clear that Federal law does not prohibit schools from instituting dress codes. Dress codes can create a sense of belonging and unity among students and help eliminate the division of schools according to cliques. By doing so, dress codes can help schools have a sense of community among students, and Federal law should not block local educators from fostering this sense of community.

In Kansas City, MO, the George Washington Carver Elementary School, a magnet school, established a dress code policy for the 320 elementary school students in 1990. The results are positive. Philomina Harshaw, the principal for all 6 years that Carver has had uniforms, observed that a new sense of calmness exists throughout the school after students began wearing uniforms. "The students feel good about themselves, as uniforms build a sense of pride," she has reported.

Long Beach, CA, has a school uniform in all its elementary and middle schools. District officials found in the year following the implementation of the school uniform policy, overall school crime decreased 36 percent, fights decreased 51 percent, sex offenses decreased 74 percent, weapons offenses decreased 50 percent, assault and battery offenses decreased 34 percent, and vandalism decreased 18 percent, sending a clear message that some of the resources which can be used to implement such a policy is sending a clear message of freedom to our schools that they are free to act in the best interests of their students.

The federal government should be in a position to assist schools in making decisions that they believe can make a difference, particularly when the record is clear about the difference made in other districts.

In addition, this task force, which was formed to look at our federal education policy to see if anything could be done to reduce the impact of violence in schools, included in the amendment a provision which provides certain liability protections for school personnel when they undertake reasonable actions to maintain order, discipline, and a safe educational environment.

This provision, to which Senator COVERDELL will speak shortly, is based upon similar liability protections for volunteers that was signed into law, as well as a number of state laws that offer teachers limited civil liability against frivolous and arbitrary lawsuits. We must assure that teachers and other school personnel are able to do what is necessary to provide a safe and stable learning environment for all students.

This amendment also includes language that makes certain that school discipline records follow a student when a student transfers to another public or private school.

The receiving school should have information about the discipline records of a student coming into that school environment. In the last Congress I sponsored an amendment that ensured that juvenile records were available to schools when students transferred.

My involvement on this issue began with the 1995 killing of 15-year-old Christine Smetzer in a restroom at McCluer North High School in St. Louis County. The male special education student convicted of murdering Smetzer had a juvenile record and had been caught in the women's restroom at a previous school. However, teachers and administrators at McCluer North say they were not informed of the student's record when he transferred to their school.

It was tragic the transfer didn't involve the disciplinary records, because it cost Christine Smetzer her life.

In response, I secured a provision in the law requiring that, under IDEA, student disciplinary records must transfer to a new school when the student goes to a new school.

The language in the task force amendment expands that provision, so that any student's discipline record—whether or not the student is served under IDEA—will be available to any school—public or private—to which the student transfers.

We need to send all the information we can about a student to a new school when a person transfers.

These provisions and others were developed by the Republican Education Task Force which I chaired. I want to again thank my colleagues who worked with me on the Task Force—Senators DEWINE and HUTCHINSON, GREGG, COVERDELL, and HELMS. I look forward to working with them to ensure that these proposals are included in the final bill.

It is in response to these considerations. As a result of the work product of this task force, we developed a package of considerations in an amendment.

I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Missouri [Mr. ASHCROFT], for himself, Mr. DEWINE, Mr. HUTCHINSON, Mr. GREGG, Mr. COVERDELL, Mr. HELMS, Mr. ALLARD, and Mr. HATCH, proposes an amendment numbered 361.

Mr. ASHCROFT. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. ASHCROFT. Madam President, I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

A UNION OF MINDS WORTH EXPLORING

Mr. BYRD. Madam President, I have scoured the newspapers in recent days in an effort to begin to unravel the pieces of the puzzle that led two young teenage boys to commit such senseless atrocity at Columbine High School. It is long past time to stop wringing our hands over this issue of school violence. We can no longer afford to sit idly by, watching our nation's schools being infiltrated by hoodlums and hate groups more concerned with converting schools into places of fear than maintaining them as havens of learning and enlightenment. This Congress and the American people must join forces and take action now to protect our young.

Now, that is very easy to say—very easy to say. And I think everyone would agree on that, that they must join forces. We must find ways to restore discipline. Now, that is a little tougher. That is a little harder to bring about. We must find ways to restore discipline.

The ancient Romans practiced discipline. And it began in the home where the children were taught to venerate their ancestors, to respect their gods. They were pagan gods, but nevertheless they were the gods of the Romans. And the young men and women in the homes were taught to revere their parents and to respect the law. Each Roman believed that the gods had designed a destiny for Rome. And each Roman believed that it was his duty to help bring about the fulfillment of that destiny which the gods had designed for the Roman state. That discipline overflowed from the home and into the Roman legions, and it was in great part because of that iron discipline that the Roman legions were enabled to conquer all of the nations around the Mediterranean Sea and to subjugate them. It was that discipline that was first learned at the hearth, in the family circle, in the home. That is where it has to start today. That is exactly where it has to begin today—in the homes.

We must instill in our children basic values and provide them with the knowledge and the skills to confront the many demands that are placed upon our society. We must prevent, if we can, a recurrence of these ruthless slaughters that continue to rock the institutional base of our Nation's education system.

It is now time to do what we can. I am only one, but I am one. I cannot do everything, but I can do something. And what I can do, by the grace of God I intend to do.

It is time to do what we can do, and to search out additional avenues that will return peace and tranquility to our schools and our society. So, today, I heed my words, and come to this hallowed chamber to take an essential step forward in this unfolding national debate by joining with my colleagues Senator LIEBERMAN and Senator MCCAIN to call for the convening of a National Commission on Youth Violence.

I know we appoint lots of commissions. I spoke of the Romans a while ago. So did they; they appointed commissions. I make mention of the Romans many times. Of course, I could speak of our English forebears as well. But I mention the Romans because Montesquieu thought that the ancient Romans were a unique people. The framers were acquainted with Montesquieu. He admired the ancient Romans so much that he wrote a history of the ancient Romans. It was back several years ago, when we were discussing the line-item veto, I thought that, inasmuch as Montesquieu had studied with thoroughness the ancient Romans, I would do the same. And it was there that he learned about checks and balances, and separation of powers—in his study of the Romans. So they appointed commissions as well.

This amendment, which I am pleased to learn has been accepted into the managers' package, focuses on the formidable challenge of identifying and reconciling the root causes, the underlying motives, and the influences fueling this widening streak of lawlessness plaguing the heart and soul of America.

By gathering together men and women of the highest caliber of expertise in law enforcement, school administration, child and adolescent psychology, parenting and family studies, we call upon all parties—all parties—to listen and learn, galvanizing a true national discussion on school safety. This National Commission will seek difficult answers to some difficult questions—What drives children to commit such violence?

When I was a little boy and when I was a young man, we never heard of such violence. We would never have thought of carrying a gun to school.

The most outrageous thing I ever did in school back in that little two-room school—I was always glad when the teacher appointed me as one of the two boys who would go over the hill to the spring house and bring back to the school a bucket of water, out of which we all drank. We all drank out of the same bucket and with the same dipper. One day, I decided to put a few tadpoles in my pocket and put those tadpoles on the desk of one of the little girl classmates. Well, I thought it was funny, but when the teacher got through with me, it wasn't so funny. She didn't think it was funny.

On another occasion, when I was in high school, I was asked by one of my teachers, whose name was Margaret McKone, a question. I said, "Huh?" And I went on reading at my desk. I was not aware of the fact that she walked to the back of the room, came up the aisle, and had gotten just level with me until she slammed me in the face with a hard smack of her hand. I can feel it still, and I can feel the embarrassment that went along with it. She said, "ROBERT, don't you ever say 'huh' to me again." I did not give her any back talk, and I never said "huh" to her again.

My old coal miner dad said: If you ever get a whipping in school, you will get another one when you get home. I knew something about his whippings. He started out with a hickory limb. Later, as I became a little older, he used a razor strap.

One day, we had a substitute teacher. We never thought of doing violence in school. Violence? Why, it wasn't allowed in our school. Nobody talked about violence. I took a piece of paper and I folded it and made myself a toy airplane. When I saw the teacher's back was turned—this was a substitute teacher, as I say—when the substitute teacher's back was turned, I sailed that paper airplane across the room.

The teacher turned just in time to see the airplane still suspended in air and my outstretched hand. He said, "ROBERT, come up here." He called me to the front of the class. He put a chair up there. He said, "ROBERT, get up in that chair." He drew a circle on the blackboard and said, "Stick your nose in the center of that circle." I did. When I did, there were resounding whacks on my posterior which I will never forget, after which I turned to my seat red faced amid the snickers of my classmates. They were somewhat veiled snickers, but I heard them. It was embarrassing. I got just what I asked for.

What would you think of the things some children are doing in school these days? They are not sailing paper airplanes. And up until a few years ago, we did not have these outrageous, violent crimes being committed by youngsters.

My old coal miner dad never bought me a cap buster at Christmastime. I was lucky to get an apple, or an orange, or a piece of candy. He never bought me a cap buster. He never bought me a cowboy suit. He always got me a drawing tablet or a watercolor set or a book. He taught me to learn. He urged me to learn so I would not have to work in the coal mine.

Those were the two people who raised me. They were religious people. They were not of the religious left, not of the religious right. They did not make a big whoop-de-doo over their religion, but they were religious. How did I know? Many times when the lights were out and in my early boyhood, the house was lighted by a kerosene lamp. We did not have any running water in the house, no electricity. But when the light was out, I would hear that great lady who raised me praying. I would hear her praying in another room. I knew she was on her knees. I had seen her many times on her knees. When my old coal miner dad left this world, he did not owe any man a penny.

They taught me to be honest, pay your debts, and work, work hard. It never hurt anybody. It may have killed John Henry, but that is about all I can recall. We were taught to work, to be honest, to revere our father and mother. The Bible says: Honor thy father and thy mother. We were taught to do that, not talk back.

Thank God I am one of those few Americans left who grew up in the Great Depression, who knows something about the Great Depression, who was in school during the Great Depression.

I was the coal mining community's scrap boy. I went around the coal town and gathered the scraps from the coal miners' tables and fed my dad's pigs. He always bought about 10 to 12 Poland China pigs. I would feed those pigs. I would gather the scraps year round. I was the village scrap boy. Some people called it the village "slop boy," the town's "slop boy."

When we were in school, we always had prayer every morning and pledged allegiance to the flag of the United States. I am the only Member of 535 Members of this Congress today who can say that I was here, in Congress, on June 7, 1954, when the House of Representatives voted to insert the words "under God" into the Pledge of Allegiance—"under God," on June 7, 1954. The Senate followed suit the next day, and on June 14 it became a law.

The first thing we did was have prayer. They do not do that these days. It did not hurt any of us. It was good for us. If there is anything about which I would amend the first amendment, it would be that. I am not above amending the Constitution, but I think we had better be very slow about it. Don't do it very often, certainly. But that is one thing that I think would help, if the Nation returned to God first.

"Blessed is the nation whose God is the Lord. Bring up a child in the way that he should go, and when he is old, he will not depart from it."

When we parents are looking around wringing our hands and we politicians are looking around and wringing our hands saying, "What should we do?" let's return to some of the country's basics, the fundamentals that made this a great nation.

The Bible says remove not the ancient landmark which thy fathers have set. That is one of the old landmarks. We have gotten too far away, drifting too far from the shore. My friend from Alabama will remember that old hymn—drifting too far from the shore.

I will tell you, there is nothing wrong with this Nation that some old-time religion will not cure. It does not have to be my religion; it does not have to be a Baptist; it does not have to be Methodist, Presbyterian, whatever—just a basic belief in a Creator.

Now, you might say: Well, Charles Darwin didn't believe that. You read his books. Read his books. He mentions the Creator in "The Origin of Species." And in "The Descent of Man," he said he made a mistake in "The Origin of Species," he had exaggerated, he had gone too far.

We can pass all the laws that we can pass, all the laws we care to pass, but it has to start out in the home. In the home, that is where it begins. That is the root.

So what drives children to such violence? Why are students taking the lives of their classmates? How do we prevent future incidents like those at Columbine High School from recurring? I hope the commission can find some prescriptions for change as a result of these explorations. But perhaps, most important of all, the commission's mandate will serve as a catalyst for our Nation's parents, teachers, industry leaders, and their communities, to each—each; you, me; each; him, her; each—take responsibility in protecting our Nation's children.

One of the many charges delegated to the National Commission is an exploration of the ever-important role of school teachers and administrators in the lives of their students—school teachers. Part of the cure, I believe, lies in the need to restore basic discipline—basic discipline—to the classroom.

When I was a young boy, I attended to my lessons and I attended to my lessons. I threw a paper airplane once in a while, but I attended to my lessons. And in a two-room schoolhouse my teachers were my role models. I wanted to be the best in the algebra class; I wanted to be the best in the geometry class; I wanted to please my teacher, and I wanted to please that old couple who took me to raise. They were my role models.

I have met, in my long political career, with kings and shahs and princes and queens and Presidents and Governors and men and women of the highest station in this world, but one of the few great men whom I ever came to know was that old coal miner dad who raised me. He was a great man. I never heard him say God's name in vain in all the years I was with him—not once, not once.

So those teachers, along with my adoptive parents, taught me the so-called "old values" of integrity, honesty, respect, and loyalty that I carry with me to this very day.

Now, I am no paragon. I do not claim to be a paragon of rectitude or whatever, but, as Popeye used to say, I am what I am. My old dad and mom, they taught me to be what I am, and they taught me to believe in a higher power, taught me to believe in God.

Now, if parents ingrain that kind of teaching in the child, they may stray from the righteous path from time to time but they will come back, they will come back.

The classroom was a sacred precinct where a quiet and wholesome environment prevailed, and where students came to learn. They came to learn the fundamentals of math and science and grammar and literature and history. Discipline was expected and discipline was enforced.

And on that little report card that I took back home, there was one item, deportment—deportment. I was always careful that my dad would see a good mark in every category, and particularly in deportment.

When disorder broke out, as it did very rarely, the teacher had the authority and the command of the classroom to bring students to upright and full attention.

Mr. President, I know that it is easy to hear someone from my generation speaking of morals and values and the way things used to be and simply dismiss those words and sentiments as being old-fashioned or out of step with the world today. Well, in some things I do not want to be in step with the world today. Let the world go its way. But for the sake of our future, I think we can learn from our past.

Today, the discipline that we once knew has eroded to the point that students no longer resolve conflicts with words, but with weapons. The normal angst of adolescence has given way to anger and outright violence. As a consequence, we have teachers who fear the very environment in which they one day thrived, wondering whether they, too, might be caught in the line of fire.

I remember there was a class in agriculture when I was in school in Spanishburg, WV, may I say to the distinguished Senator from Missouri, who is presiding over the Senate today with a degree of dignity and skill that is so rare as a day in June. The teacher was talking about the potato and about the eyes of the potato. He called on me and asked me a question. I thought it would be funny if I said that the potato got dirt in its eyes. I thought that was kind of funny. And he said, "ROBERT, stand up. Now, you apologize to the class for what you just said." See, I was making a little light of a serious matter. I thought I was being a kind of showoff, which I did not particularly try to do many times. But he said, "You stand up and you apologize to the class." And I apologized to the class.

Mr. President, our teachers deserve the opportunity to teach just as our children deserve the opportunity to learn.

A Builder builded a temple,
 He wrought it with grace and skill;
Pillars and groins and arches
 All fashioned to work his will.
Men said, as they saw its beauty,
 "It shall never know decay;
Great is thy skill, O Builder!
 Thy fame shall endure for aye."
A teacher builded a temple
 With loving and infinite care,
Planning each arch with patience,
 Laying each stone with prayer.
None praised her unceasing efforts,
 None knew of her wondrous plan,
For the temple the Teacher builded
 Was unseen by the eyes of man.
Gone is the Builder's temple,
 Crumbled into the dust;
Low lies each stately pillar,
 Food for consuming rust.
But the temple the Teacher builded
 Will last while the ages roll,
For that beautiful unseen temple
 Was a child's immortal soul.

So the worth of a good teacher can never be measured. But without the involvement of parents, I fear that the madness overrunning our nation's classrooms will not abate. We have sadly learned that, all too frequently, one parent's complacency can result in another parent's worst nightmare. And so I call upon parents to be alert and active participants in their child's education—whether it means attending parent-teacher conferences or reviewing their child's math assignments. Parents should strive to know their children inside and out—their temperament, their habits, their strengths and their weaknesses. And they should make it a priority to know their children's friends and the parents of their children's friends. In today's two-working parent society, such supervision is extremely difficult and places a greater burden on the community, as a whole, to look at this dilemma in a new light, and to help parents juggle competing demands. It is my hope that the National Commission will help parents refocus on this role of individual responsibility, reinforcing the urgency in parents' stepping up to the plate, and enabling them to take a more active and involved role in their children's lives.

Furthermore, with parents caught up in the hustle and bustle of their own everyday life, many children today have much too much unsupervised time on their hands, with free run of their own money—I never knew what it was to have a loose nickel in my pocket when I was a boy—and their own leisure activities. Mr. President, I do not mean to discourage the idea of children working after school. It instills within our children at a young age a strong work ethic and an appreciation for the value of a dollar. If you want to know the value of money, try and borrow some. For some families, it is necessary to ensure that the family's needs are met, or to save for college. But too often, at the hands of disengaged parents, the lessons have been lost, with after-school jobs serving only to enable misconduct—giving young people the unchecked financial means to purchase guns and to buy bomb-making materials. Once again, we witness the eternal need for parents to be an integral component of their children's lives, to teach them right from wrong, and be their first line of defense in leading them away from these kinds of troubling situations.

Today, with the overwhelming amount of violence and amorality inundating kids' minds from the media and entertainment industry, parents face an even greater challenge than before.

How fortunate my wife and I are that our children, our two daughters, were virtually grown women before we had a television set in our home. I know it must be more difficult today than it was when our two daughters grew up.

It saddens me to think that we have reached a point where a National Commission is necessary to explore these pervasive negative influences—movies. I have been in the Washington area 47 years this year. I have been to one movie in that 47 years, and I haven't lost anything. I have watched some good movies—Alistair Cooke's great movies, performed by British actors who knew the English language and who could speak it well: "The Six Wives of Henry VIII," "Elizabeth R," great movies. But I went to one movie. I walked out before it was over. It was boring. Yul Brynner played in that movie. I walked out. I haven't lost anything. But I have seen some great movies on television, I mean great movies.

I wouldn't waste my time on trash, because I don't have a lot of time. You don't either. You don't have much time. We are only here a short time. Why waste it on trash—movies, video games, television. I suppose if I had young children in my house, the first thing I would take out is the television set. Take it out. And they wouldn't miss anything except a lot of junk. That is not to say that television is all bad. It is a great medium, a great medium for informing the people. It is a great medium, a great tool for good, but all too often the programming is absolutely lousy. It is built around the dollar, the dollar. What can make money. Movies, video games, television, the Internet, and other freewheeling vehicles, to explore these pervasive negative influences for disseminating smut and violence, smut and violence. You watch many of the advertisements on the TV. They are full of violence, the advertisements themselves.

It is particularly troublesome that the bad tends to overshadow the good aspects of the entertainment arena. When I think of movies such as the recent "October Sky," which tells the story of three young boys growing up in Coalwood, West Virginia in the late 1950s, with a dream to build and launch their own homemade rockets in the hopes of winning the National Science Fair's college scholarship awards, I realize that there, too, are wholesome stories to be told. The kind that inspire and motivate youth to push beyond their daily homework assignments and to shoot for the stars. To find a mission in life, once thought impossible, and tackle it. The kind of movie that all parents ought to take their children to see. There are some good movies.

We have learned from the recent events the ease with which a youngster can access dangerous information, dial up polluted Web sites advertising recipes for bomb making and solicitations for joining hate groups. Likewise, we know that violent video games in the home and at the arcade confuse or override a child's moral sense of right from wrong by rewarding them with points for shooting their enemy dead. Until we find solutions to curb or counteract this madness spewing forth from the TV set, the radio, and cyberspace, we, as a community, must demonstrate greater vigilance and care, and think twice before giving our children free rein of the remote control or leaving inquisitive young minds unattended in the wilderness of cyberspace.

Seemingly, in the blink of an eye, we have witnessed the true demise of part of the American dream. The once peaceful and serene schoolhouse has been marred by episodes of violence and bloodshed, with precious young children falling victim—children who may have grown up one day to be great teachers, great physicians, great lawyers, great architects, great physicists, businessmen and women.

There is no one-step solution to ending schoolyard slaughters, but it is my strong hope that this National Commission will provide answers to the many whys and hows infesting America's psyche, and begin to remedy this harrowing problem once and for all. Let us all work together to ensure that the tragic events of Columbine are not revisited in another American neighborhood.

I took a piece of plastic clay
And idly fashioned it one day
And as my fingers pressed it still
It moved and yielded to my will.
I came again when days were past,
The bit of clay was hard at last.
The form I gave it, it still bore,
And I could change that form no more.

I took a piece of living clay
And gently formed it day by day.
And molded with my power and art
A young child's soft and yielding heart.
I came again when years were gone,
He was a man I looked upon.
He still that early impress wore,
And I could change him nevermore.

Our children, the home, that is where we got off the track. That is where we are going to have to get back on the track—the home.

I yield the floor.

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER (Mr. ASHCROFT). The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, one of the great delights in the Senate is being able to listen to Senator BYRD, on a number of occasions, share his wisdom with us. I think the story of the Roman legion and others he has shared with us are not unimportant. They go to the very heart of the decline in discipline and order in America today, and it is deeper than most people think.

I have often thought what good does it do to have a $500 text book if a 14-year-old won't read it, would even scoff at the thought of reading it, and has no intention of reading it or paying attention to the teacher, who we are paying and encouraging to try to teach. It does go back to the home. The home is also being undermined, I think, by the popular culture, as Senator BYRD suggests. It is difficult to conceive how we can have any moral order not founded in religion.

I suggest that we really don't need to amend the First Amendment. We really need to have it enforced as it is written. It says that Congress shall make no law respecting the establishment of a religion. In other words, Congress can't establish a religion. That is us. Congress cannot establish a religion or prohibit the free exercise thereof. Congress can't prohibit the free exercise of religion. I think we need to get back to the first 175 year's interpretation of the plain words of that amendment, and little children might be able to have a prayer in the morning. I don't think it hurt me. I think it was a benefit. As a matter of fact, I know the Senator knows Judge Griffin Bell, former Attorney General under President Jimmy Carter. He was asked once at a big bar meeting what he thought about the litmus test President Reagan was applying to judges. I think he shocked everybody in the room when he stepped up to the microphone and said, "Well, we need a litmus test. Nobody ought to be a Federal judge who doesn't believe in prayer at football games." I have thought a lot about that. Maybe that had a lot of insight to it.

Y2K ACT

Mr. SESSIONS. Mr. President, tomorrow we will be having a critical vote in the morning. It will be a vote on cloture to the Y2K legal reform bill that will be coming up. It is being subjected to a filibuster, unfortunately, by members of the minority. I hope that in the morning the agreements can be reached so that that vote will result in our ability to proceed with the bill and that we could make some progress.

To share a few comments on it, the computer industry is critical to America's growth, prosperity and ability to be competitive in the world market. It is one of our major exports. People come here from all over the world to learn about computers. Our design and technology has created a huge number of jobs that have been very helpful to America, and we are exporting around the globe large product in that area, which helps us with our balance of payments, which is not good in general.

In addition, and maybe even more important, high tech computer equipment is increasing our productivity as a nation. As a matter of fact, Alan Greenspan has raised the question in several moments of testimony I have been present to hear in the last 2 years as to how it is possible that we can have an increase in wages much higher than the increase in inflation, the cost of goods and services. If salaries are going up, why isn't inflation going up? He has been afraid and expressed his fear that if we keep raising wages—and I hope we can just keep raising wages, but his concern was it would drive inflation. But it has not. He has speculated in recent speeches and testimony, and many people have expressed the view that this is because of the impact of high technology, the computers. Now, a worker can produce so much more today than he could a few years ago because of the benefits of this high tech ability. So it is a critical thing for us as a Nation.

We want to be able to pay higher and higher wages. We want our productivity to continue to go up, but we don't want to create inflation at the same time. So this is a big deal. So we have this glitch, this year 2000 bug; when the numbers all become zeros out there, there is a concern, a very real concern, that a lot of computers are not going to work well, that whole systems may be in trouble—maybe a bank, maybe a grocery store in a checkout computer line, and things such as telephone systems and others could be in serious jeopardy and cost a lot of money. If it causes that, we have problems.

We are a combative society. It is a good thing for us sometimes, and sometimes it is not so good. The recent conference of the American Bar Association—and I made one comment previously on this. I suggested this was an official position of the ABA. I didn't mean to say so, but I think I suggested that. There was a seminar at the American Bar Association, and experts expressed great concerns about the impact of this litigation. We have received information that 500 or more law firms are already preparing seminars on how to handle the flood of litigation that is coming. It has been estimated that the legal costs of Y2K lawsuits could exceed that of asbestos, breast implants and tobacco all combined.

How could this be? Well, there are computer systems in every town in America. Every small town has them, and certainly the bigger towns have even bigger systems. If those systems cause a store to mess up, their stock inventory to mess up, or the phone system not to work, and those sorts of things, then we have a real problem. Somebody could file a lawsuit.

Now, we have a problem with filing lots of lawsuits. Let me share this story with you. A number of years ago, asbestos companies continued to sell asbestos after they had a reasonable basis to know that breathing asbestos by workers could make them ill. They should not have done that. They should have been held liable for that. Lawsuits were filed. To date, 200,000 asbestos lawsuits have been concluded, 200,000 more of them are pending, and it is estimated that maybe another 200,000 asbestos cases will be filed.

But the real tragedy—and as a lawyer who loves the law, I have to say this is a very real tragedy—was that only 40 percent of the money paid out by the asbestos companies actually got to the victims. Costs ate up 60 percent of that. These cases took years to conclude. Individuals who had been victimized died before they ever got a dime. Sometimes even their wives died before their heirs received any benefits. It was not a good day for litigation in America.

One more thing: Seventy-percent of the asbestos companies are in bankruptcy today.

Don't tell me that if we unleash a flood of lawsuits in every county in America against the greatest, most innovative, creative industry this Nation has perhaps ever created, we can't damage that industry; indeed, we have the capacity to bankrupt. It is a threat to our national economic vitality, in my opinion, and we need to do something about it.

Senator McCAIN and Senator HATCH have been working on this legislation. They have done everything they can to develop a bill with which both the Democrats and the Republicans can live. It will require that a computer company be given notice of the problem and have a chance to fix it before a lawsuit can be filed. Just give them a chance to fix it. They have to fix it.

Arbitration: If there is a disagreement, there will be compensation for damages, but it limits punitive damages to three times the actual lost, or $250,000, whichever is greater.

That is the general framework of what the bill contains—a reasonable attempt to get compensation and to focus on fixing the problem so that this country's commercial activities can continue in a very efficient way to put our money on fixing the problem and not on lawyers and lawsuits. If we fail in this, if we allow this to happen, somebody is going to bear the responsibility for it. Members who vote against this bill, who are not giving it a chance to work and are not willing to face up to this are going to have to bear a heavy responsibility.

We have to have real reform, too. If it is not going to go halfway, we might as well not try it.

By the way, 80 lawsuits have already been filed. We had testimony in the Judiciary Committee. The Senator from Missouri, who is presiding now, is a member of that committee. The witness liked the lawsuits. He won a couple of million dollars. I asked him how long it took. He said 2 years. I don't know how he won before he ever had a Y2K problem. But he won. I am thinking, there were just a few lawsuits filed at that time. It took him 2 years. What if you have hundreds of thousands of lawsuits clogging the courts? How can anybody get any legitimate compensation? It is going to be jackpot justice. One jury is going to give somebody $10 million, one is going to get zero, and that is not a way to handle it.

This bill for this one Y2K problem will provide a national framework, because this is clearly interstate commerce, in settling these matters and trying to give the computer industry a chance to fix the problem and to get our industries' computer systems working.

I am really concerned about the vote tomorrow. It is a critical vote for the American economy. Those who fail to realize that could damage our country.

The vote will be coming up in the morning and everybody should be aware of it.

VOTE ON AMENDMENT NO. 344

Mr. BYRD. Mr. President, I would like to briefly explain my reasons for voting in favor of amendment No. 344, offered by Senators HATCH and CRAIG, to S. 254, the juvenile justice bill. I am extremely disappointed that the amendment does not close the loophole permitting sales of firearms at gun shows without background checks. I supported, and continue to support, the amendment offered by Senator LAUTENBERG, that would close the gun show loophole once and for all. I regret that the Hatch amendment does not go as far as that of my colleague from New Jersey.

Nonetheless, I recognize that there are not yet the votes in the Senate to pass the Lautenberg amendment and I do not wish to overlook the positive crime-fighting proposals that the Hatch amendment makes. These include establishment of the CUFF ("Criminal Use of Firearms by Felons") program, which will provide $50 million for tougher enforcement of existing gun laws, and expansion of the Youth Crime Gun Interdiction Initiative, to facilitate the identification and prosecution of gun traffickers. The Hatch amendment also sets tough penalties for gun offenses involving juveniles and seeks to facilitate background checks for gun purchases. These are important, worthy provisions, and they are the reason for my voting in favor of the Hatch amendment.

KOSOVO

Mr. WELLSTONE. Mr. President, I have come to the floor of the Senate several times in the last 2 weeks to talk about Kosovo. When the majority leader was talking about our crowded schedule, I couldn't help but thinking to myself that we need to find the time on the floor of the Senate to have a thorough discussion and debate about Kosovo and what is happening there.

This weekend in Korisa, as a result of airstrikes, somewhere in the neighborhood of about, I think, 70 or 80 innocent people were killed. Now, it is quite unclear whether or not we made the mistake, or whether or not the Serbs somehow brought people back to this town and used them as human shields—and they have done that.

But I come to the floor of the Senate to make two points. One, about 2 weeks ago, I said I thought we should have a pause in the bombing. I did not make it open-ended. I made it crystal clear that we would communicate to Milosevic that if he used this 48-hour period of time to repair radar systems, to resupply military, and if he did not stop the slaughter and if he did not remove troops, we would immediately begin to bomb again. But I felt it was critically important to do that because of the momentum of the G–8 countries going to the United Nations and a possible diplomatic solution.

I wish we had done that because then there was the bombing of the Chinese Embassy and all that has happened since. I just want to make the following point: I then came to the floor again last week and called for a temporary pause in the bombing, and I do so again this week. I do not want to engage in moral equivalency. I did not want this century to end this way. I did not want Milosevic to be able to get away with what he has been able to get away with, which has been the murder of innocent people, noncombatant civilians.

But, by the same token, it troubles me when I read reports that we don't use Apache helicopters for fear that we would be flying too low and we could see some of our Americans shot down and killed. I have that same concern.

When I first voted for airstrikes, I assumed we would be prosecuting the war in Kosovo. I assumed this was the risk. I stayed up thinking, my God, we are going to lose people. What if it were my son or daughter? Would I believe they were doing the right thing?

I believe our intentions are good, but I think these high-tech, high-fly airstrikes, if it continues on and on, it is going to lead to the death of many other innocent people, and it is going to undercut our moral case. There is no question about it.

When we took this vote—and I read from the RECORD and I will conclude on this—I asked my colleague, Senator BIDEN:

> Could my colleague, for the purpose of the legislative record, spell out the objective? Could my colleague spell out what his understanding is when we say the President is authorized to conduct military operations?

Senator BIDEN's response, which I think was a good one, was:

> My understanding of the objective stated by the President is that his objective is to end the ethnic cleansing in Kosovo and the persecution of the Albanian minority population in Kosovo and to maintain security and stability in the Balkans as a consequence of slowing up, stopping, or curtailing the ability of Milosevic and the Serbian VJ and MUP to be able to go in and cause circumstances which provide for the likelihood of a half million refugees to destabilize the region. The objective at the end of the day is, hopefully, that this will bring Milosevic back to the table. Hopefully, he will agree to what all of NATO said they wanted him to agree to, and hopefully that will occur. In the event it does not occur, the objective will be to degrade his military capability so significantly that he will not be able to impose his will upon Kosovo as he is doing now.

I suggest that perhaps our objectives have shifted because much of the massacre has taken place—and maybe more would have if not for the airstrikes, I don't know. But many people have been murdered and emptied out of their country, forced out of their country. In addition, this bombing goes way beyond degrading Milosevic's military capacity.

So I call on my colleagues to seriously consider a very thorough, honest, serious debate about the war in Kosovo, about where we are, and where we need to go. I don't think any of the options are good. I don't want us to leave and abandon the people. I want the people to be able to go back to their country. I want there to be an international force, a militarized force, and I want people to rebuild lives. But I would like to see much more emphasis on what we need to do to pursue a diplomatic solution to this. I don't think there is any other alternative. It is not going to be the ground troops; it is not going to be Apache helicopters, apparently. I don't think it can be 5 or 6 more months of airstrikes.

So, again, I come to the floor today to call for a pause in the airstrikes, very focused, for 48 hours, with clear conditions, the emphasis being on a diplomatic solution to this military conflict.

I yield the floor.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, May 14, 1999, the federal debt stood at $5,580,329,294,134.40 (Five trillion, five hundred eighty billion, three hundred twenty-nine million, two hundred ninety-four thousand, one hundred thirty-four dollars and forty cents).

One year ago, May 14, 1998, the federal debt stood at $5,492,886,000,000 (Five trillion, four hundred ninety-two billion, eight hundred eighty-six million).

Fifteen years ago, May 14, 1984, the federal debt stood at $1,480,234,000,000 (One trillion, four hundred eighty billion, two hundred thirty-four million).

Twenty-five years ago, May 14, 1974, the federal debt stood at $469,667,000,000 (Four hundred sixty-nine billion, six hundred sixty-seven million) which reflects a debt increase of more than $5 trillion—$5,110,662,294,134.40 (Five trillion, one hundred ten billion, six hundred sixty-two million, two hundred ninety-four thousand, one hundred thirty-four dollars and forty cents) during the past 25 years.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2996. A communication from Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Reservists' Education: Increase in Educational Assistance Rates" (RIN2900-AJ38), received May 12, 1999; to the Committee on Veterans' Affairs.

EC-2997. A communication from the Director, Administration and Management, Office of the Secretary of Defense, transmitting, pursuant to law, a report relative to a vacancy in the Office of the Secretary of the Air Force; to the Committee on Armed Services.

EC-2998. A communication from the Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Applicability of Buy American Clauses to Simplified Acquisitions" (DFARS Case 98-D031), received May 12, 1999; to the Committee on Armed Services.

EC-2999. A communication from the Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Antiterrorism Training" (DFARS Case 96-D016), received May 12, 1999; to the Committee on Armed Services.

EC-3000. A communication from the Under Secretary of Defense, transmitting, pursuant to law, a report relative to Department of Defense aviation accidents; to the Committee on Armed Services.

EC-3001. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Visas: Documentation of Nonimmigrants-Passport and Visa Waivers; Deletion of Obsolete Visa Procedures and other Minor Corrections", received May 11, 1999; to the Committee on Foreign Relations.

EC-3002. A communication from the Assistant Secretary, Legislative Affairs, Department of State, Transmitting, pursuant to law, a report relative to the U.S.-Cuba migration agreements; to the Committee On Foreign Relations.

EC-3003. A communication from the General Counsel, Department of Commerce, transmitting, a draft of proposed legislation entitled "Technology Administration Act of 1999"; to the Committee on Commerce, Science, and Transportation.

EC-3004. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the incidental capture of sea turtles in commercial shrimping operations; to the Committee on Commerce, Science, and Transportation

EC-3005. A communication from the Acting Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of the rule entitled "Small Disadvantaged Business Participation Evaluation and Incentives", received May 11, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3006. A communication from the Administrator, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, a report relative to the Domestic Positive Passenger-Baggage Match Pilot Program; to the Committee on Commerce, Science, and Transportation.

EC-3007. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; British Aerospace Model BAC 1-11 200 and 400 Series Airplanes; Docket No, 98-NM-307-AD; Amendment 39-11157; AD 99-10-03" (RIN2120-AA64), received May 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3008. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; British Aerospace (Jetstream) Model 4101 Airplanes; Docket No, 98-NM-308-AD; Amendment 39-11158; AD 99-10-04" (RIN2120-AA64), received May 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3009. A communication from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcasting Stations (Munds Park, Arizona", (MM Docket No. 98-27 (RM-9188)), received May 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3010. A communication from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of the rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcasting Stations (Kosciusko, Goodman and Decatur, Mississippi)" (MM Docket No. 98-

154 (RM-9174; RM-9394)), received May 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3011. A communication from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of the rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcasting Stations (Hamilton, Meridian and Marble Falls, Texas)" (MM Docket No. 97-174), received May 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3012. A communication from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of the rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcasting Stations (Des Moines, Iowa and Bennington, Nebraska)" (MM Docket No. 98-187), received May 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3013. A communication from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of the rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcasting Stations (Palestine and Frankston, TX)" (MM Docket No. 98-37; RM-9238), received April 19, 1999, to the Committee on Commerce, Science, and Transportation.

EC-3014. A communication from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcasting Stations (Wasilla, Anchorage and Sterling, Alaska)" (MM Docket No. 97-227 (RM-9159; RM-9229; RM-9230)) received April 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3015. A communication from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of the rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcasting Stations (Condon, Oregon)" ((MM Docket No. 97-173), received April 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3016. A communication from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcasting Stations (Hawesville and Whitesville, Kentucky)" (MM Docket No. 98-2), received April 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3017. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation entitled "Agricultural Fair Practices Enforcement Authority Act of 1999"; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3018. A communication from the Deputy Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Fees for Applications for Contract Market Designation, Audits of Leverage Transaction Merchants, and Reviews of the Rule Enforcement Programs of Contract Markets and Registered Futures Associations", received May 4, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3019. A communication from the Administrator, Agricultural Marketing Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Hazelnuts Grown in Oregon and Washington; Establishment of Final Free and Restricted Percentages for the 1998-99 Marketing Year—FV99-982-1 FIR", received April 30, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3020. A communication from the Administrator, Agricultural Marketing Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Olives Grown in California; Modification to Handler Membership on the California Olive Committee—FV99-932-2 FIR", received April 30, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3021. A communication from the Administrator, Agricultural Marketing Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Dried Prunes Produced in California; Undersized Regulation for the 1999-2000 Crop Year—FV99-993-2 FR", received May 5, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3022. A communication from the Administrator, Agricultural Marketing Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Melons Grown in South Texas; Change in Container Regulation—FV99-979-1 IFR", received May 5, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3023. A communication from the Administrator, Agricultural Marketing Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Cranberries Grown in Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York—Temporary Suspension of a Provision on Producer Continuance Referenda Under the Cranberry Marketing Order—FV99-929-1 IFR", received May 11, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

PETITIONS AND MEMORIALS

The following peititions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-113. A resolution adopted by the House of the Legislature of the State of Hawaii relative to child labor; to the Committee on Finance.

HOUSE RESOLUTION 118

Whereas, many children in developing countries, or in countries that are in transition to a market economy, are employed in the export sector, especially plantations and the textile, garment, footwear, and sporting goods industries; and

Whereas, many of these child workers are subject to inhumane and hazardous working conditions, including slavery, debt bondage, child prostitution and sexual abuse and are usually badly paid, if at all; and

Whereas, the International Labor Organization has developed and tested a survey methodology which estimates that a total of 250 million children worldwide are working: half of these children between the ages of five and fourteen are working full time and at least one-third are performing dangerous work; and

Whereas, according to International Labor Organization statistics, 61 percent of all working children or nearly 153 million are found in Asia, 32 percent or 80 million are in Africa, and 7 percent or 17.5 million live in Latin America; and

Whereas, even though Asia has the largest total number of child workers, Africa has the highest proportion of its minors working—40 percent of the children between the ages of 5 and 14; and

Whereas, although poverty is the most important reason for child labor, followed by lack of schooling and illiteracy, oftentimes social traditions explain the persistence of child labor; and

Whereas, furthermore, because of different cultural and economic traditions among nations, there is not a generally accepted minimum age for work, and even the concept of "work" is defined or interpreted differently among countries; and

Whereas, for example, not all work done by children can be defined as child labor: in many societies, children who work along with their parents are viewed as learning to live in society; and apprenticeships are seen as part of a young person's education and preparation for a livelihood; and

Whereas, work by children clearly becomes child labor, however, if the work being performed is "harmful to [a child's] physical or mental health, safety, and development"; and

Whereas, several international organizations have made eradication of child labor a priority; and

Whereas, in 1989, the United Nations approved the Convention on the Rights of the Child, the most widely subscribed international convention in history, which includes general restrictions on child labor; and

Whereas, Article 32 of the Convention recognized "the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education or to be harmful to the child's health or physical, mental, spiritual, moral, or social development"; and

Whereas, the International Labor Organization, has adopted a number of conventions restricting the work of minors, including Convention No. 138 (1973), entitled "Minimum Age for Admission to Employment," which sets the following minimum age requirements: age 15 or not less than the age of completion of compulsory schooling, if higher than 15, for admission to employment of work; and age 18 for hazardous work; and

Whereas, these age limits are written into the national legislation of countries that formally agree on the Minimum Age Convention; and

Whereas, despite these efforts, the problem of child labor persists; and

Whereas, more needs to be done to fight child labor, including a firm expression of political will at the highest level: Now, therefore, be it

Resolved by the House of Representatives of the Twentieth Legislature of the State of Hawaii, Regular Session of 1999, That the President and the Congress of the United States are urged to:

(1) Enact laws to prohibit American companies from manufacturing goods using child labor or from purchasing goods from manufacturers in foreign countries that exploit child labor; and

(2) Promote the education of these child laborers who will be consequently unemployed; and be it further

Resolved, That certified copies of this Resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of Hawaii's delegation to the Congress of the United States.

POM–114. A joint resolution adopted by the Legislature of the State of Maine relative to Social Security account numbers; to the Committee on Finance.

JOINT RESOLUTION

Whereas, as technology becomes more advanced, the privacy of the individual becomes increasingly difficult to protect; and

Whereas, Congress originally required social security account numbers for the proper administration of the Social Security Act; and

Whereas, Congress has provided that it is the policy of the United States for states and political subdivisions to use social security account numbers to establish identification for purposes of tax and welfare administration, motor vehicle registration and driver's licenses; and

Whereas, states, political subdivisions and private entities have increasingly required social security account numbers for purposes other than identification for tax and welfare administration, motor vehicle registration and drivers licenses; and

Whereas, the requirement to provide a social security account number for purposes other than receiving public assistance, paying social security taxes and receiving social security payments and refunds increase the potential for invasion of privacy; and

Whereas, the dissemination of an individual's social security number for other than very limited purposes increases the likelihood that the number will be misused or disclosed to unauthorized 3rd parties and threatens the privacy of the individual; now, therefore, be it

Resolved, That We, your Memorialists, respectfully urge and request that the Congress of the United States enact legislation to limit the use of social security account numbers for only the purposes of receiving public assistance benefits, paying social security taxes and receiving social security payments and refunds; and be it further

Resolved, That suitable copies of this Memorial duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, President of the United States, the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each Member of the Maine Congressional Delegation.

POM–115. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia relative to George Washington's Birthday; to the Committee on the Judiciary.

SENATE JOINT RESOLUTION NO. 543

Whereas, from 1885 when President Chester Arthur signed a measure making George Washington's Birthday a federal holiday until 1968 when President Lyndon Johnson approved the Monday Holiday Law, the nation celebrated February 22 as the birthday of a great Virginian and the "father of his country"; and

Whereas, since 1968 when the observance was moved from February 22 to the third Monday in February, the holiday has increasingly, but inaccurately, come to be called "Presidents Day"; and

Whereas, in line with the common misperception that Congress changed the holiday from George Washington's Birthday to "Presidents Day," a misguided effort is under way to honor both Abraham Lincoln and Franklin Delano Roosevelt on this spurious "Presidents Day"; and

Whereas, both Lincoln and Roosevelt were indisputably great presidents, and it is not an insult to the memory of either of them to suggest that the George Washington's Birthday holiday should honor only George Washington; and

Whereas, it was George Washington who termed liberty mankind's "noblest cause"; it was George Washington of whom Jefferson wrote, "his name will triumph over time and will in future ages assume its just station among the most celebrated worthies of the world"; and it was George Washington whom Light Horse Harry Lee eulogized as "first in war, first in peace, and first in the hearts of his countrymen"; and

Whereas, at any time but especially in this 200th anniversary of George Washirgton's death at Mount Vernon, rendering George Washington's Birthday but another vague, generic Monday holiday is to dilute the memory of the nation's first and greatest leader, with no concomitant benefit to either President Lincoln or President Roosevelt; and

Whereas, it is entirely proper that the nation annually honor its first president, and the most effective manner of doing so is to retain George Washington's Birthday as a national holiday: Now, therefore, be it

Resolved by the senate, the house of delegates concurring, That the Congress of the United States be urged (i) to reemphasize to the American people that the third Monday in February is to be celebrated as a national holiday called George Washington's Birthday and (ii) to resist efforts to degrade George Washington's Birthday into an amorphous and ultimately meaningless "Presidents Day" holiday; and, be it

Resolved further, That the Clerk of the Senate transmit copies of this resolution to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Congressional Delegation of Virginia so that they may be apprised of the sense of the General Assembly of Virginia.

POM–116. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia relative to federal impact aid relief for public schools; to the Committee on Appropriations.

SENATE JOINT RESOLUTION NO. 488

Whereas, federal impact aid, which was signed into law by President Harry S. Truman in 1950, was designed to directly reimburse public school districts for the loss of traditional revenue sources, such as property, sales, and personal income taxes, and vehicle license fees, because of exempt property due to federal presence or federal activity; and

Whereas, the Federal Impact Aid Program is currently funded at about 45 percent of the full funding; and

Whereas, Virginia, home to the Navy's Third Fleet and many other military installations, and personnel, is among the states most impacted by the presence of the military, federally impacted school divisions, schools operated by the United States Government, and several schools attended primarily by First Americans; and

Whereas, federally impacted school divisions in Virginia enroll children from a variety of categories of eligible students, including children who reside on Indian tribal lands, military dependent children residing both on base and off base, children residing in federally subsidized low-rent housing units, and children whose parents are civilian employees of the federal government; and

Whereas, federal funds received pursuant to the Federal Impact Aid Program are significantly less than the average cost to educate a child in Virginia, leaving a deficit that the state and localities must assume; and

Whereas, the local and state taxpayers in Virginia are subsidizing the educational services for federally connected children which should be an obligation of the federal government; and

Whereas, public schools make up the basic foundation of a healthy society and economy; and

Whereas, approximately 1,600 school districts throughout the United States educate about 1.4 million federally connected children; and

Whereas, Virginia and other federally impacted states should receive full funding for the educational services provided federally connected children: Now, therefore, be it

Resolved by the senate, the house of delegates concurring, That the Congress of the United States be urged to enact laws to provide federal impact aid relief for Virginia public schools and public schools throughout the United States; and, be it

Resolved further, That the Clerk of the Senate transmit a copy of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, the President of the United States, and the Virginia Congressional Delegation so that they may be apprised of the sense of the General Assembly in this matter.

POM–117. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia relative to patient protection with respect to self-funded, employer-based health plans; to the Committee on Health, Education, Labor, and Pensions.

SENATE JOINT RESOLUTION NO. 487

Whereas, the McCarran-Ferguson Act, passed by the U.S. Congress in 1945, established a statutory framework whereby responsibility for regulating the insurance industry was left largely to the states; and

Whereas, the Employee Retirement Income Security Act (ERISA) of 1974 significantly altered this concept by creating a federal framework for regulating employer-based health, pension and welfare-benefit plans; and

Whereas, the provisions of ERISA prevent states from directly regulating most employer-based health plans that are not deemed to be "insurance" for purposes of federal laws; and

Whereas, available data suggests that self-funding of employer-based health plans is increasing at a significant rate, among both large and small businesses; and

Whereas, between 1989 and 1993, the General Accounting Office estimates that the number of self-funded plan enrollees increased by about six million; and

Whereas, approximately 40–50 percent of the employer-based health plans are presently self-funded by employers, who retain most or all of the financial risk for their respective health plans; and

Whereas, as self-funding of health plans has grown, states have lost regulatory oversight of this growing portion of the health insurance market; and

Whereas, the federal government has been slow to enact meaningful patient protections such as mechanisms for the recovery of benefits due plan participants, recovery of compensatory damages from the fiduciary caused by its failure to pay benefits due under the plan, enforcement of the plan-participant's rights under the terms of the plan, assurance of timely payment, and clarification of the plan-participant's rights to future benefits under the terms of the plan; and

Whereas, in the absence of federal patient protections, state-level action is needed: Now, therefore, be it

Resolved by the senate, the house of delegates concurring, That the Congress of the United States be urged to either enact meaningful patient protections at the federal level with respect to employer self-funded plans or, in the absence of such federal action, amend the Employment Retirement Income Security Act (ERISA) of 1974 to grant authority to all individual states to monitor and regulate self-funded, employer-based health plans; and, be it

Resolved further, That the Clerk of the Senate transmit copies of this resolution to the Speaker of the United States of House Representatives, the President of the United States Senate, the President of the United States, the Secretary of the United States Department of Labor, the Congressional Delegation of Virginia, and to the presiding officer of each house of each state's legislative body so that they may be apprised of the sense of the General Assembly of Virginia in this matter.

POM-118. A resolution adopted by the House of the Legislature of the State of Michigan relative to "Know Your Customer" banking regulations and policies; to the Committee on Banking, Housing, and Urban Affairs.

HOUSE RESOLUTION NO. 30

Whereas, The Federal Deposit Insurance Corporation (FDIC), the Board of Governors of the Federal Reserve System, the Office of the Comptroller of the Currency, and the Office of Thrift Supervision have been considering a proposed rule known as the "Know Your Customer" regulation. Although currently withdrawn from formal consideration through the federal regulatory process, this proposed measure would require banks and savings institutions to develop and enforce programs to monitor banking transactions to identify those that may be connected to certain illegal activities; and

Whereas, The "Know Your Customer" concept is a response to concerns over activities such as money laundering, drug trafficking, tax evasions, and fraud. The regulation places an enormous burden of responsibility on banks, while ignoring the fact that provisions already exist to help deal with suspicious banking activities; and

Whereas, In addition to the proposed rule, which prompted overwhelming objections during the public comment period, federal banking officials already require banks to have "Know Your Customer" guidelines and procedures in place to identify suspicious activities. The Federal Reserve Bank's Secrecy Act compliance manual specifies this policy and directs bank examiners to look for compliance with this practice; and

Whereas, The "Know Your Customer" concept represents a serious threat to the privacy of law-abiding citizens. Giving the banks the duty of monitoring all banking transactions—without probable cause and appropriate search warrants—is a clear threat and likely violation of the Fourth Amendment, which states, in part, the right of the people to be secure in their papers and effects against unreasonable searches and seizures. The "Know Your Customer" concept ignores constitutional protections of personal privacy; and

Whereas, There is legislation currently pending in Congress to prohibit "Know Your Customer" transaction screening policies. This type of legislation, to protect personal privacy under the Fourth Amendment, is most appropriate. Now, therefore, be it

Resolved by the House of Representatives, That without hindering the pursuit of money laundering, drug trafficking, tax evasion, and fraud, we oppose "Know Your Customer" banking regulations and policies and memorialize the Congress of the United States to enact legislation to prohibit banking transaction screening practices that threaten personal privacy; and be it further

Resolved, That copies of this resolution be transmitted to the Federal Deposit Insurance Corporation, the Board of Governors of the Federal Reserve System, the Office of the Comptroller of the Currency, the Office of Thrift Supervision, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

Adopted by the House of Representatives, April 29, 1999.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. WARNER, from the Committee on Armed Services, without amendment:

S. 1059. An original bill to authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces and for other purposes (Rept. No. 106-50).

By Mr. WARNER, from the Committee on Armed Services, without amendment:

S. 1060. An original bill to authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

S. 1061. An original bill to authorize appropriations for fiscal year 2000 for military construction, and for other purposes.

S. 1062. An original bill to authorize appropriations for fiscal year 2000 for defense activities of the Department of Energy, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GRAHAM (for himself, Mr. MACK, Mr. MOYNIHAN, and Mr. KERREY):

S. 1058. A bill to provide for the collection of fees for certain customs services, to authorize the continuation of certain preclearance services, and for other purposes; to the Committee on Finance.

By Mr. WARNER:

S. 1059. An original bill to authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; from the Committee on Armed Services; placed on the calendar.

S. 1060. An original bill to authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; from the Committee on Armed Services; placed on the calendar.

S. 1061. An original bill to authorize appropriations for fiscal year 2000 for military construction, and for other purposes; from the Committee on Armed Services; placed on the calendar.

S. 1062. An original bill to authorize appropriations for fiscal year 2000 for defense activities of the Department of Energy, and for other purposes; from the Committee on Armed Services; placed on the calendar.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CONRAD (for himself, Mr. HARKIN, Mr. GRASSLEY, and Mr. HATCH):

S. Con. Res. 32. A concurrent resolution expressing the sense of Congress regarding the guaranteed coverage of chiropractic services under the Medicare+Choice program; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 59

At the request of Mr. THOMPSON, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 59, a bill to provide Government-wide accounting of regulatory costs and benefits, and for other purposes.

S. 211

At the request of Mr. HELMS, his name was added as a cosponsor of S. 211, a bill to amend the Internal Revenue Code of 1986 to make permanent the exclusion for employer-provided educational assistance programs, and for other purposes.

S. 285

At the request of Mr. MCCAIN, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 285, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 429

At the request of Mr. DURBIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 429, a bill to designate the legal public holiday of "Washington's Birthday" as "Presidents' Day" in honor of George Washington, Abraham Lincoln, and Franklin Roosevelt and in recognition of the importance of the institution of the Presidency and the contributions that Presidents have made to the development of our Nation and the principles of freedom and democracy.

S. 510

At the request of Mr. CAMPBELL, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 510, a bill to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands.

S. 514

At the request of Mr. COCHRAN, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 514, a bill to improve the National Writing Project.

S. 517

At the request of Mr. GRAHAM, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 517, a bill to assure access under group health plans and health insurance coverage to covered emergency medical services.

S. 566

At the request of Mr. LUGAR, the name of the Senator from Vermont (Mr. LEAHY) was added as cosponsor of S. 566, a bill to amend the Agricultural Trade Act of 1978 to exempt agricultural commodities, livestock, and value-added products from unilateral economic sanctions, to prepare for future bilateral and multilateral trade negotiations affecting United States agriculture, and for other purposes.

S. 631

At the request of Mr. DEWINE, the name of the Senator from North Dakota (Mr. DORGAN) was added as cosponsor of S. 631, a bill to amend the Social Security Act to eliminate the time limitation on benefits for immunosuppressive drugs under the medicare program, to provide continued entitlement for such drugs for certain individuals after Medicare benefits end, and to extend certain Medicare secondary payer requirements.

S. 648

At the request of Mr. KERRY, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as cosponsor of S. 648, a bill to provide for the protection of employees providing air safety information.

S. 712

At the request of Mr. LOTT, the name of the Senator from Michigan (Mr. ABRAHAM) was added as cosponsor of S. 712, a bill to amend title 39, United States Code, to allow postal patrons to contribute to funding for highway-rail grade crossing safety through the voluntary purchase of certain specially issued United States postage stamps.

S. 751

At the request of Mr. LEAHY, the name of the Senator from Maryland (Ms. MIKULSKI) was added as cosponsor of S. 751, a bill to combat nursing home fraud and abuse, increase protections for victims of telemarketing fraud, enhance safeguards for pension plans and health care benefit programs, and enhance penalties for crimes against seniors, and for other purposes.

S. 784

At the request of Mr. ROCKEFELLER, the name of the Senator from Hawaii (Mr. AKAKA) was added as cosponsor of S. 784, a bill to establish a demonstration project to study and provide coverage of routine patient care costs for medicare beneficiaries with cancer who are enrolled in an approved clinical trial program.

S. 820

At the request of Mr. CHAFEE, the name of the Senator from Utah (Mr. HATCH) was added as cosponsor of S. 820, a bill to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent motor fuel excise taxes on railroads and inland waterway transportation which remain in the general fund of the Treasury.

SENATE RESOLUTION 59

At the request of Mr. LAUTENBERG, the name of the Senator from Montana (Mr. BAUCUS) was added as cosponsor of Senate Resolution 59, a resolution designating both July 2, 1999, and July 2, 2000, as "National Literacy Day."

SENATE RESOLUTION 81

At the request of Mr. CRAPO, the names of the Senator from Louisiana (Mr. BREAUX) the Senator from Massachusetts (Mr. KENNEDY), the Senator from Utah (Mr. BENNETT), the Senator from Florida (Mr. GRAHAM), the Senator from Michigan (Mr. ABRAHAM), the Senator from Washington (Mrs. MURRAY), the Senator from Maine (Ms. COLLINS), the Senator from South Dakota (Mr. DASCHLE), the Senator from New York (Mr. MOYNIHAN), the Senator from Georgia (Mr. CLELAND), the Senator from California (Mrs. FEINSTEIN), the Senator from Nevada (Mr. BRYAN), the Senator from Missouri (Mr. BOND), the Senator from Oregon (Mr. WYDEN), the Senator from Idaho (Mr. CRAIG), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from New York (Mr. SCHUMER), the Senator from California (Mrs. BOXER), the Senator from Illinois (Mr. DURBIN), the Senator from Delaware (Mr. BIDEN), the Senator from Ohio (Mr. VOINOVICH), the Senator from Indiana (Mr. LUGAR), the Senator from Oklahoma (Mr. INHOFE), the Senator from Virginia (Mr. WARNER), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from North Carolina (Mr. HELMS), the Senator from Maine (Ms. SNOWE), the Senator from Delaware (Mr. ROTH), the Senator from South Dakota (Mr. JOHNSON), the Senator from New Jersey (Mr. TORRICELLI), the Senator from Minnesota (Mr. WELLSTONE), the Senator from Nebraska (Mr. KERREY), the Senator from Virginia (Mr. ROBB), the Senator from North Dakota (Mr. CONRAD), the Senator from Arkansas (Mrs. LINCOLN), the Senator from South Carolina (Mr. THURMOND), the Senator from Texas (Mrs. HUTCHISON), the Senator from New Hampshire (Mr. SMITH), the Senator from North Dakota (Mr. DORGAN), the Senator from Indiana (Mr. BAYH), the Senator from Connecticut (Mr. DODD), the Senator from Wyoming (Mr. THOMAS), the Senator from Iowa (Mr. GRASSLEY), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Hawaii (Mr. INOUYE), were added as cosponsors of Senate Resolution 81, a resolution designating the year of 1999 as "The Year of Safe Drinking Water" and commemorating the 25th anniversary of the enactment of the Safe Drinking Water Act.

SENATE CONCURRENT RESOLUTION 32—EXPRESSING THE SENSE OF CONGRESS REGARDING THE GUARANTEED COVERAGE OF CHIROPRACTIC SERVICES UNDER THE MEDICARE+CHOICE PROGRAM

Mr. CONRAD (for himself, Mr. HARKIN, Mr. GRASSLEY, and Mr. HATCH) submitted the following concurrent resolution; which was referred to the Committee on Finance:

S. CON. RES. 32

Resolved by the Senate (the House of Representatives concurring), That

SECTION 1. SENSE OF CONGRESS REGARDING GUARANTEED COVERAGE OF CHIROPRACTIC SERVICES UNDER THE MEDICARE+CHOICE PROGRAM.

(a) FINDINGS.—Congress finds the following:

(1) In 1972, Congress included chiropractors in the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) through the definition of the term "physician" under section 1861(r) of such Act (42 U.S.C. 1395x(r)), which referred to the "treatment by means of manual manipulation of the spine (to correct a subluxation)". Congress crafted this language to identify a specific chiropractic service using terminology that was unique to the chiropractic profession at that time. Such language shows that Congress was aware that patients required direct access to chiropractic care in order to provide this benefit under the medicare program.

(2) The traditional fee-for-service medicare program gave beneficiaries direct access to doctors of chiropractic for treatment by means of manual manipulation of the spine to correct a subluxation. The sole limitation, shared by all entities and health care providers under the medicare program, is the limitation outlined in section 1862(a)(1) of the Social Security Act (42 U.S.C. 1395y(a)(1)), which requires that items and services provided to medicare beneficiaries be reasonable and necessary in order for payment to be made for such items and services.

(3) Treatment by means of manual manipulation of the spine to correct a subluxation is uniquely chiropractic. Doctors of chiropractic are the only health care providers educated and trained to perform such a treatment.

(4) In 1982, Congress established provisions for making payments to health maintenance organizations and competitive medical plans under section 1876 of the Social Security Act (42 U.S.C. 1395mm). Such provisions directed all eligible organizations with contracts under the section to provide all benefits under part B of the medicare program to medicare beneficiaries enrolled with the organization. In promulgating regulations to carry out the section, the Health Care Financing Administration created a regulatory authority for eligible organizations with contracts under such section to specify which health care provider would furnish medicare benefits to an individual under the plan offered by the organization.

(5) In 1990, Congress directed the Health Care Financing Administration to study the extent to which eligible organizations under section 1876 of the Social Security Act (42 U.S.C. 1395mm) made chiropractic services available to medicare beneficiaries enrolled in a plan offered by the organization. Based on the findings of this study, the Secretary of Health and Human Services was required to make specific legislative and regulatory recommendations necessary to ensure access of medicare beneficiaries to chiropractic services. This study and subsequent recommendations have not been forthcoming.

(6) Historically, medicare beneficiaries that are chiropractic patients have encountered nearly total exclusion from chiropractic services once they enter into a plan offered by an eligible organization under section 1876 of the Social Security Act (42 U.S.C. 1395mm).

(7) The Balanced Budget Act of 1997 instituted part C of the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395w–21 et seq.), and section 1852(a)(1) of such Act (42 U.S.C. 1395w–22(a)(1)) required each Medicare+Choice plan to "provide those items and services . . . for which benefits are available under parts A and B".

(8) As a covered service under part B of the medicare program, chiropractic care, which includes treatment by means of manual manipulation of the spine to correct a subluxation as performed by a doctor of chiropractic, is a covered service under part C of the medicare program.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) treatment by means of manual manipulation of the spine to correct a subluxation is a uniquely chiropractic service that Congress recognized in 1972 as a benefit under the medicare program under part B of title XVIII of the Social Security Act (42 U.S.C. 1395j et seq.);

(2) it is the unequivocal intent of Congress to ensure that every individual enrolled in a Medicare+Choice plan under part C of title XVIII of the Social Security Act (42 U.S.C. 1395w–21 et seq.) has access to all covered services under part B of the medicare program; and

(3) as a covered service under part B of the medicare program, treatment by means of manual manipulation of the spine to correct a subluxation provided by a doctor of chiropractic is a covered service for individuals enrolled in a Medicare+Choice plan under part C of the medicare program.

• Mr. CONRAD. Mr. President, today I am pleased to be joined by Senators HARKIN, HATCH, and GRASSLEY in submitting a concurrent resolution that will ensure Medicare beneficiaries have access to the medical care they need. The Balanced Budget Act of 1997 established the Medicare+Choice program and required that all services covered under traditional Medicare would also be covered in the Medicare+Choice program. Unfortunately, subsequent Medicare+Choice regulations do not ensure that beneficiaries participating in Medicare managed care will be eligible for the services provided by a chiropractor.

Medicare beneficiaries have access to chiropractic services under Part B of Medicare. Chiropractors are uniquely educated and trained to perform chiropractic services, such as a manual manipulation to the spine to correct a subluxation, a covered service under the traditional Medicare program. When the Medicare+Choice program was created, it was the unequivocal intent of Congress to ensure that every beneficiary that chooses to enroll in a Medicare+Choice program would have access to all services covered under Medicare Parts A and B—including chiropractic services.

Under the current Medicare+Choice regulations, managed care plans have incorrectly assumed that they can limit access to chiropractic care by referring patients to other types of providers. As the number of beneficiaries enrolling in Medicare HMOs continues to rise we must make sure that beneficiaries have access to the same services that they are promised under traditional Medicare—and chiropractic services are now exception.

This legislation will clarify the Congressional intent to ensure that all chiropractic services covered under traditional, fee-for-Medicare are also covered under the Medicare+Choice program.

I urge my colleagues to support this resolution.•

• Mr. HARKIN. Mr. President, I am pleased to join with my colleagues, Senators CONRAD, HATCH, and GRASSLEY, to submit this concurrent resolution to ensure that Medicare beneficiaries can continue to receive the medical care they need and deserve.

Under the traditional Medicare program, chiropractic care is a covered benefit. When the Medicare+Choice program was created in the Balance Budget Act of 1997, it was the intent of Congress to ensure that every beneficiary that chooses to enroll in a Medicare+Choice program would have access to all services covered under Medicare Parts A and B—including chiropractic services.

In addition, the Balanced Budget Act is explicit in requiring Part C plans to assure continuity of benefits for beneficiaries who switch into these plans from the fee-for-service program. The clear intent is to ensure that beneficiaries who chose Part C plans have uninterrupted access to the same physician practitioners.

Finally, the Part C provisions of the Balanced Budget Act contain strong antidiscrimination language prohibiting Medicare+Choice plans from discriminating against any provider solely on the basis of his or her license or certification.

Every Medicare beneficiary ought to have access to the range of services covered under the Medicare fee-for-service program. Therefore, as a covered service under Part B of Medicare, chiropractic care should be considered a covered service under Medicare Part C.

Mr. President, we were disappointed to learn last year that the Health Care Financing Agency's regulations for this program ignore Congressional intent and do not ensure that beneficiaries participating in Medicare managed care plans will be eligible for the services provided by a chiropractor. Under their Medicare+Choice regulations, managed care plans can limit access to chiropractic care by referring patients to other types of providers. As seniors continue to enroll in Medicare HMOs, we must make sure that they have access to the same services they are promised under traditional Medicare—and chiropractic services are no exception.

This legislation will send a strong message to HCFA by clarifying congressional intent to ensure that all chiropractic services covered under traditional, fee-for-service Medicare are also covered under the Medicare+Choice program.

Mr. President, I urge my colleagues to cosponsor this resolution.•

• Mr. GRASSLEY. Mr. President, I am joining my colleagues, Senators CONRAD, HATCH, and HARKIN in support of a concurrent resolution establishing the Sense of Congress regarding Medicare beneficiaries access to chiropractic services under the Medicare+Choice program. In 1997, Congress passed the Balanced Budget Act (BBA) which established the Medicare+Choice program. The BBA required that all benefits covered under traditional Medicare be guaranteed under Medicare+Choice. However, it has come to our attention that chiropractic coverage is not being ensured under the regulations.

Under traditional Medicare, beneficiaries can go to a chiropractor for manual manipulation to the spine which is a covered benefit under Part B. Under the regulations for Medicare+Choice plans, this benefit is covered. However, access to chiropractors for this benefit is not guaranteed. Unfortunately, some Medicare+Choice plans have interpreted this omission to mean they no longer need to cover chiropractic services for this benefit, which is most commonly provided by chiropractors. The result is that beneficiaries enrolled in Medicare+Choice are losing access to chiropractic services, a situation clearly not intended by Congress.

The concurrent resolution I am cosponsoring today would clarify congressional intent regarding guaranteed coverage to chiropractic services under the Medicare+Choice program. Medicare beneficiaries should have the same benefits required by law under traditional fee-for-service as they do under Medicare+Choice. If beneficiaries can receive care for manual manipulation by a chiropractor under Part B, then they should have this same right under Medicare+Choice.

I urge you to join me and my colleagues in support of this resolution.●

AMENDMENTS SUBMITTED

VIOLENT AND REPEAT JUVENILE OFFENDER ACCOUNTABILITY AND REHABILITATION ACT OF 1999

WELLSTONE AMENDMENT NO. 356

Mr. WELLSTONE proposed an amendment to the bill (S. 254) to reduce violent juvenile crime, promote accountability by rehabilitation of juvenile criminals, punish and deter violent gang crime, and for other purposes; as follows:

On page 89, line 18, strike "or" at the end.

On page 89, line 21, add "or" at the end.

On page 89, between lines 21 and 22, insert the following:

"(H) to provide services to juveniles with serious mental and emotional disturbances (SED) who are in need of mental health services;

On page 90, between lines 7 and 8, insert the following:

"(4) projects that support State and local programs to prevent juvenile delinquency by providing for—

"(A) assessments by qualified mental health professionals of incarcerated juveniles who are suspected of being in need of mental health services;

"(B) the development of individualized treatment plans for juveniles determined to be in need of mental health services pursuant to assessments under subparagraph (A);

"(C) the inclusion of discharge plans for incarcerated juveniles determined to be in need of mental health services; and

"(D) requirements that all juveniles receiving psychotropic medication be under the care of a licensed mental health professional;

On page 90, line 8, strike "(4)" and insert "(5)".

On page 90, line 17, strike "(5)" and insert "(6)".

On page 91, line 1, strike "(6)" and insert "(7)".

On page 91, line 11, strike "(7)" and insert "(8)".

On page 91, line 17, strike "(8)" and insert "(9)".

On page 91, line 22, strike "(9)" and insert "(10)".

On page 92, line 6, strike "(10)" and insert "(11)".

On page 92, line 16, strike "(11)" and insert "(12)".

On page 92, line 24, strike "(12)" and insert "(13)".

On page 93, line 5, strike "(13)" and insert "(14)".

On page 93, line 13, strike "(14)" and insert "(15)".

On page 93, line 17, strike "(15)" and insert "(16)".

On page 93, line 20, strike "(16)" and insert "(17)".

SESSIONS (AND OTHERS) AMENDMENT NO. 357

Mr. SESSIONS (for himself, Mr. INHOFE and Mr. ROBB) proposed an amendment to the bill, S. 254, supra; as follows:

On page 265, between lines 20 and 21 insert the following:

SEC. 402. DISCLAIMER ON MATERIALS PRODUCED, PROCURED OR DISTRIBUTED FROM FUNDING AUTHORIZED BY THIS ACT.

(a) All materials produced, procured, or distributed, in whole or in part, as a result of Federal funding authorized under this Act for expenditure by Federal, State or local governmental recipients or other non-governmental entities shall have printed thereon the following language:

"This material has been printed, procured or distributed, in whole or in part, at the expense of the Federal Government. Any person who objects to the accuracy of the material, to the completeness of the material, or to the representations made within the material, including objections related to this material's characterization of religious beliefs, are encouraged to direct their comments to the office of the Attorney General of the United States."

(b) All materials produced, procured, or distributed using funds authorized under this Act shall have printed thereon, in addition to the language contained in paragraph (a), a complete address for an office designated by the Attorney General to receive comments from members of the public.

(c) The office designated under paragraph (b) by the Attorney General to receive comments shall, every six months, prepare an accurate summary of all comments received by the office. This summary shall include details about the number of comments received and the specific nature of the concerns raised within the comments, and shall be provided to the Chairmen of the Senate and House Judiciary Committees, the Senate and House Education Committee, the Majority and Minority Leaders of the Senate, and the Speaker and Minority Leader of the House of Representatives. Further, the comments received shall be retained by the office and shall be made available to any member of the general public upon request.

WELLSTONE AMENDMENT NO. 358

Mr. WELLSTONE proposed an amendment to the bill, S. 254, supra; as follows:

In title IV, add at the end the following:

Subtitle —Counselors

Title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8001 et seq.) is amended by adding at the end the following:

"PART I—MENTAL HEALTH AND STUDENT SERVICE PROVIDERS

"SEC. 10993. FINDINGS.

"Congress finds the following:

"(1) Although 7,500,000 children under the age of 18 require mental health services, fewer than 1 in 5 of these children receive the services.

"(2) Across the United States, counseling professionals are stretched thin, and often students do not get the help the students need. The current national average ratio of students to counselors in elementary and secondary schools is 513:1.

"(3) United States schools need more mental health professionals, and the flexibility to hire the professionals that will best serve their students.

"(4) The maximum recommended ratio of—

"(A) students to counselors is 250:1;

"(B) students to psychologists is 1,000:1; and

"(C) students to social workers is 800:1.

"(5) In States like California or Minnesota, 1 counselor typically serves more than 1,000 students. In some schools, no counselor is available to assist students in times of crisis, or at any other time. In Colorado, the average student-to-counselor ratio is 645:1.

"(6) The number of students is expected to grow significantly over the next few years. During this time, many school-based mental health professionals who currently serve our Nation's youth will retire. Not counting these retirements, over 100,000 new school counselors will be needed to decrease the student-to-counselor ratio to 250:1 by the year 2005.

"(7) The Federal support for reducing the student-to-counselor ratio would pay for itself, through reduced incidences of death, violence, and substance abuse, and through improvements in students' academic achievement, graduation rates, college attendance, and employment.

"SEC. 10993A. PURPOSE.

"The purpose of this part is to help States and local educational agencies recruit, train, and hire 141,000 additional school-based mental health personnel, including 100,000 additional counselors, 21,000 additional school psychologists, and 20,000 additional school social workers over a 5-year period—

"(1) to reduce the student-to-counselor ratios nationally, in elementary and secondary schools, to an average of—

"(A) 1 school counselor for every 250 students

"(B) 1 school psychologist for every 1,000 students; and

"(C) 1 social worker for every 800 students; as recommended in a report by the Institute of Medicine of the National Academy of Sciences relating to schools and health, issued in 1997;

"(2) to help adequately address the mental, emotional, and developmental needs of elementary and secondary school students;

"(3) to remove the emotional, behavioral, and psycho-social barriers to learning so as to enhance the classroom preparedness and ability to learn of students; and

"(4) to support school staff and teachers in improving classroom management, conducting behavioral interventions to improve school discipline, and developing the awareness and skills to identify early warning signs of violence and the need for mental health services.

"SEC. 10993B. DEFINITIONS.

"In this part:

"(1) MENTAL HEALTH AND STUDENT SERVICE PROVIDER.—The term 'mental health and student service provider' includes a qualified school counselor, school psychologist, or school social worker.

"(2) MENTAL HEALTH AND STUDENT SERVICES.—The term 'mental health and student services' includes direct, individual, and group services provided to students, parents, and school personnel by mental health and student service providers, or the coordination of prevention strategies in schools or community-based programs.

"(3) POVERTY LINE.—The term "poverty line" means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

"(4) SCHOOL COUNSELOR.—The term 'school counselor' means an individual who has documented competence in counseling children and adolescents in a school setting and who—

"(A) possesses State licensure or certification granted by an independent professional regulatory authority;

"(B) in the absence of such State licensure or certification, possesses national certification in school counseling or a specialty of counseling granted by an independent professional organization; or

"(C) holds a minimum of a master's degree in school counseling from a program accredited by the Council for Accreditation of Counseling and Related Educational Programs or the equivalent.

"(5) SCHOOL PSYCHOLOGIST.—The term 'school psychologist' means an individual who—

"(A) possesses a minimum of 60 graduate semester hours in school psychology from an institution of higher education and has completed 1,200 clock hours in a supervised school psychology internship, of which 600 hours shall be in the school setting;

"(B) possesses State licensure or certification in the State in which the individual works; or

"(C) in the absence of such State licensure or certification, possesses national certification by the National School Psychology Certification Board.

"(6) SCHOOL SOCIAL WORKER.—The term 'school social worker' means an individual who holds a master's degree in social work and is licensed or certified by the State in which services are provided or holds a school social work specialist credential.

"(7) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

"SEC. 10993C. ALLOTMENTS TO STATES.

"(a) ALLOTMENTS.—From the amount appropriated under section 10993H for a fiscal year, the Secretary—

"(1) shall make a total of 1 percent available to the Secretary of the Interior (on behalf of the Bureau of Indian Affairs) and the outlying areas for activities that achieve the purposes of this part; and

"(2) shall allot to each eligible State the same percentage of the remaining funds as the percentage the State received of funds allocated to States for the previous fiscal year under part A of title I, except that such allotments shall be ratably decreased as necessary.

"(b) STATE-LEVEL EXPENSES.—Each State may use not more than ½ of 1 percent of the amount the State receives under this part, or $50,000, whichever is greater, for a fiscal year, for the administrative costs of the State educational agency in carrying out this part.

"SEC. 10993D. STATE APPLICATIONS.

"(a) IN GENERAL.—To be eligible to receive an allotment under section 10993C, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including an assurance that the State will provide the State share of the cost described in section 10993G.

"(b) APPROVAL.—In approving the applications, the Secretary shall, to the extent practicable, approve applications to fund, in the aggregate, 100,000 additional counselors, 21,000 additional school psychologists, and 20,000 additional school social workers.

"SEC. 10993E. ALLOCATIONS TO LOCAL EDUCATIONAL AGENCIES.

"(a) WITHIN STATE DISTRIBUTION.—

"(1) IN GENERAL.—After using funds in accordance with section 10993C(b), each State that receives an allotment under section 10993C shall allocate to eligible local educational agencies in the State the total of—

"(A) the amount of the allotted funds that remain; and

"(B) the State share of the cost described in section 10993G for the local educational agencies.

"(2) ALLOCATION.—From the total described in paragraph (1), the State shall allocate to each local educational agency an amount equal to the sum of—

"(A) an amount that bears the same relationship to 80 percent of such total as the number of children in poverty who reside in the school district served by the local educational agency bears to the number of such children who reside in all the school districts in the State; and

"(B) an amount that bears the same relationship to 20 percent of such total as the number of children enrolled in public and private nonprofit elementary schools and secondary schools in the school district served by the local educational agency bears to the number of children enrolled in all such schools in the State.

"(3) DATA.—For purposes of paragraph (2), the State shall use data from the most recent fiscal year for which satisfactory data are available, except that the State may adjust such data, or use alternative child poverty data, to carry out paragraph (2) if the State demonstrates to the Secretary's satisfaction that such adjusted or alternative data more accurately reflect the relative incidence of children who are living in poverty and who reside in the school districts in the State.

"(b) DEFINITIONS.—In this section:

"(1) CHILD.—The term 'child' means an individual who is not less than 5 and not more than 17.

"(2) CHILD IN POVERTY.—The term 'child in poverty' means a child from a family with an income below the poverty line.

"SEC. 10993F. LOCAL APPLICATIONS.

"To be eligible to receive an allocation under section 10993E, a local educational agency shall submit an application to the State at such time, in such manner, and containing such information as the State may require, including an assurance that the agency will provide the local share of the cost described in section 10993G.

"SEC. 10993G. USE OF FUNDS.

"(a) IN GENERAL.—A local educational agency that receives an allocation under section 10993E shall use the funds made available through the allocation to pay for the local share of the cost of recruiting, hiring, and training mental health and student service providers to provide mental health and student services, to students in elementary schools and secondary schools, for a 3-year period.

"(b) FEDERAL, STATE, AND LOCAL SHARES.—

"(1) FEDERAL SHARE.—The Federal share of the cost shall be 33⅓ percent.

"(2) STATE SHARE.—The State share of the cost shall be 33⅓ percent.

"(3) LOCAL SHARE.—The local share of the cost shall be 33⅓ percent.

"(4) NON-FEDERAL SHARE.—The non-Federal share of the cost may be provided in cash or in kind, fairly evaluated, including plant, equipment or services.

"SEC. 10993H. AUTHORIZATION OF APPROPRIATIONS.

"To carry out this part, there are authorized to be appropriated $1,040,000,000 for each of fiscal years 2000 through 2004.".

WELLSTONE AMENDMENT NO. 359

Mr. WELLSTONE proposed an amendment to the bill, S. 254, supra; as follows:

At the end, add the following:

TITLE —DOMESTIC VIOLENCE

SEC. 1. SHORT TITLE.

This title may be cited as the "Children Who Witness Domestic Violence Protection Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Witnessing domestic violence has a devastating impact on children, placing the children at high risk for anxiety, depression, and, potentially, suicide. Many children who witness domestic violence exhibit more aggressive, antisocial, fearful, and inhibited behaviors.

(2) Children exposed to domestic violence have a high risk of experiencing learning difficulties and school failure. Research finds that children residing in domestic violence shelters exhibit significantly lower verbal and quantitative skills when compared to a national sample of children.

(3) Domestic violence is strongly correlated with child abuse. Studies have found that between 50 and 70 percent of men who abuse their female partners also abuse their children. In homes in which domestic violence occurs, children are physically abused and neglected at a rate 15 times higher than the national average.

(4) Men who witness parental abuse during their childhood have a higher risk of becoming physically aggressive in dating and marital relationships.

(5) Exposure to domestic violence is a strong predictor of violent delinquent behavior among adolescents. It is estimated that between 20 percent and 40 percent of chronically violent adolescents have witnessed extreme parental conflict.

(6) Women have an increased risk of experiencing battering after separation from an abusive partner. Children also have an increased risk of suffering harm during separation.

(7) Child visitation disputes are more frequent when families have histories of domestic violence, and the need for supervised visitation centers far exceeds the number of available programs providing those centers, because courts therefore—

(A) order unsupervised visitation and endanger parents and children; or

(B) prohibit visitation altogether.

SEC. 3. DEFINITIONS.

In this title:

(1) DOMESTIC VIOLENCE.—The term "domestic violence" includes an act or threat of violence, not including an act of self defense, committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim, by a person who is or has been in

a social relationship of a romantic or intimate nature with the victim, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction of the victim, or by any other person against a victim who is protected from that person's act under the domestic or family violence laws of the jurisdiction.

(2) INDIAN TRIBAL GOVERNMENT.—The term "Indian tribal government" has the meaning given the term "tribal organization" in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002).

(3) STATE.—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(4) WITNESS DOMESTIC VIOLENCE.—

(A) IN GENERAL.—The term "witness domestic violence" means to witness—

(i) an act of domestic violence that constitutes actual or attempted physical assault; or

(ii) a threat or other action that places the victim in fear of domestic violence.

(B) WITNESS.—In subparagraph (A), the term "witness" means to—

(i) directly observe an act, threat, or action described in subparagraph (A), or the aftermath of that act, threat, or action; or

(ii) be within earshot of an act, threat, or action described in subparagraph (A), or the aftermath of that act, threat, or action.

SEC. 4. GRANTS TO ADDRESS THE NEEDS OF CHILDREN WHO WITNESS DOMESTIC VIOLENCE.

(a) IN GENERAL.—The Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.) is amended by adding at the end the following:

"SEC. 319. MULTISYSTEM INTERVENTIONS FOR CHILDREN WHO WITNESS DOMESTIC VIOLENCE.

"(a) GRANTS AUTHORIZED.—

"(1) AUTHORITY.—The Secretary, acting through the Director of Community Services, in the Administration for Children and Families, is authorized to award grants to eligible entities to conduct programs to encourage the use of domestic violence intervention models using multisystem partnerships to address the needs of children who witness domestic violence.

"(2) TERM AND AMOUNT.—Each grant awarded under this section shall be awarded for a term of 3 years and in an amount of not more than $500,000 for each such year.

"(3) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall be a nonprofit organization with a demonstrated history of providing advocacy, health care, mental health, or other crisis-related services to children.

"(b) USE OF FUNDS.—An entity that receives a grant under this section shall use amounts provided through the grant to conduct a program to design or replicate, and implement, domestic violence intervention models that use multisystem partners to respond to the needs of children who witness domestic violence in their homes. Such a program shall—

"(1) involve collaborative partnerships with partners that are courts, schools, social service providers, health care providers, police, early childhood agencies, entities carrying out Head Start programs under the Head Start Act (42 U.S.C. 9831 et seq.), and entities carrying out child protection, welfare, job training, housing, battered women's service, and children's mental health programs, to design and implement protocols and systems to identify, refer, and appropriately respond to the needs of, children who witness domestic violence and who participate in programs administered by the partners;

"(2) include guidelines to evaluate the needs of a child and make appropriate intervention recommendations;

"(3) include institutionalized procedures to enhance or ensure the safety and security of a battered parent, and as a result, the child of the parent;

"(4) provide direct counseling and advocacy for families of children who witness domestic violence;

"(5) include the development or replication of a mental health treatment model to meet the needs of children for whom such treatment has been identified as appropriate;

"(6) include policies and protocols for maintaining the confidentiality of the battered parent and child;

"(7) provide community outreach and training to enhance the capacity of professionals who work with children to appropriately identify and respond to the needs of children who witness domestic violence;

"(8) include procedures for documenting interventions used for each child and family; and

"(9) include plans to perform a systematic outcome evaluation to evaluate the effectiveness of the interventions.

"(c) APPLICATION.—To be eligible to receive a grant under this section, an entity shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"(d) TECHNICAL ASSISTANCE.—Not later than 90 days after the date of enactment of this section, the Secretary shall identify successful programs providing multisystem and mental health interventions to address the needs of children who witness domestic violence. Not later than 60 days before the Secretary solicits applications for grants under this section, the Secretary shall enter into an agreement with 1 or more entities carrying out the identified programs to provide technical assistance to the applicants and recipients of the grants. The Secretary may use not more than 5 percent of the amount appropriated for a fiscal year under subsection (e) to provide the technical assistance.

"(e) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2000 through 2002.

"(2) AVAILABILITY.—Amounts appropriated under paragraph (1) shall remain available until expended.

"(f) DEFINITIONS.—In this section, the terms 'domestic violence' and 'witness domestic violence' have the meanings given the terms in section 3 of the Children Who Witness Domestic Violence Prevention Act.".

(b) ADMINISTRATION.—Section 305(a) of the Family Violence Prevention and Services Act (42 U.S.C. 10404(a)) is amended—

(1) by striking "an employee" and inserting "1 or more employees"; and

(2) by striking "The individual" and inserting "Each individual".

SEC. 5. COMBATTING THE IMPACT OF WITNESSING DOMESTIC VIOLENCE ON ELEMENTARY AND SECONDARY SCHOOL CHILDREN.

(a) AMENDMENT.—Subpart 2 of part A of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7131 et seq.) is amended by adding at the end the following:

"SEC. 4124. GRANTS TO COMBAT THE IMPACT OF WITNESSING DOMESTIC VIOLENCE ON ELEMENTARY AND SECONDARY SCHOOL CHILDREN.

"(a) GRANTS AUTHORIZED.—

"(1) AUTHORITY.—The Secretary is authorized to award grants to and enter into contracts with elementary schools and secondary schools that work with experts described in paragraph (2), to enable the schools—

"(A) to provide training to school administrators, faculty, and staff, with respect to the issue of witnessing domestic violence and the impact of the violence on children;

"(B) to provide educational programing to students regarding domestic violence and the impact of witnessing domestic violence on children; and

"(C) to provide support services for students and school personnel for the purpose of developing and strengthening effective prevention and intervention strategies with respect to the issue of witnessing domestic violence and the impact of the violence on children.

"(2) EXPERTS.—The experts referred to in paragraph (1) are experts on domestic violence from the educational, legal, youth, mental health, substance abuse, and victim advocacy, fields, such as experts from State and local domestic violence coalitions and community-based youth organizations.

"(3) AWARD BASIS.—The Secretary shall award grants and contracts under this section on a competitive basis.

"(4) POLICY DISSEMINATION.—The Secretary shall disseminate to elementary schools and secondary schools any Department of Education policy guidance regarding preventing domestic violence and the impact of witnessing domestic violence on children.

"(b) USES OF FUNDS.—Funds provided under this section may be used for the following purposes:

"(1) To provide training for school administrators, faculty, and staff that addresses the issue of witnessing domestic violence and the impact of the violence on children.

"(2) To provide education programs for students that are developmentally appropriate for the students' grade levels and are designed to meet any unique cultural and language needs of the particular student populations.

"(3) To provide the necessary human resources to respond to the needs of students and school personnel when faced with the issue of domestic violence, such as a resource person who is either on-site or on-call, and who is an expert in domestic violence as described in subsection (a)(2).

"(4) To provide media center materials and educational materials to schools that address the issue of witnessing domestic violence and the impact of the violence on children.

"(5) To conduct evaluations to assess the impact of programs assisted under this section in order to enhance the development of the programs.

"(c) APPLICATION.—

"(1) IN GENERAL.—To be eligible to be awarded a grant or contract under this section for any fiscal year, an elementary school or secondary school, in consultation with an expert described in subsection (a)(2), shall submit an application to the Secretary at such time and in such manner as the Secretary shall prescribe.

"(2) CONTENTS.—Each application submitted under paragraph (1) shall—

"(A) describe the need for funds provided under the grant or contract and the plan for implementation of any of the uses described in subsection (b);

"(B) describe how the domestic violence experts described in subsection (a)(2) shall work in consultation and collaboration with the elementary school or secondary school; and

"(C) provide measurable goals and expected results from the use of the funds provided under the grant or contract.

"(d) DEFINITIONS.—In this section, the terms 'domestic violence' and 'witness domestic violence' have the meanings given the terms in section 3 of the Children Who Witness Domestic Violence Protection Act.

"(e) APPLICABILITY.—The provisions of this part (other than this section) shall not apply to this section.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 4004 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7104) is amended—

(1) in paragraph (1), by striking "and" after the semicolon;

(2) in paragraph (2) by striking the period and inserting "; and "; and

(3) by adding at the end the following:

"(3) $5,000,000 for each of the fiscal years 2000 through 2004 to carry out section 4124.".

SEC. 6. CHILD WELFARE WORKER TRAINING ON DOMESTIC VIOLENCE.

(a) DEFINITIONS.—In this section:

(1) GRANTEE.—The term "grantee" means a recipient of a grant under this section.

(2) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(b) GRANTS AUTHORIZED.—

(1) AUTHORITY.—The Attorney General and the Secretary are authorized to jointly award grants to eligible States, Indian tribal governments, and units of local government, in order to encourage agencies and entities within the jurisdiction of the States, organizations, and units to recognize and treat, as part of their ongoing child welfare responsibilities, domestic violence as a serious problem threatening the safety and well-being of both children and adults.

(2) TERM AND AMOUNT.—Each grant awarded under this section shall be awarded for a term of 3 years and in an amount of not less than $250,000.

(c) USE OF FUNDS.—Funds provided under this section may be used to support child welfare service agencies in carrying out, with the assistance of entities carrying out community-based domestic violence programs, activities to achieve the following purposes:

(1) To provide training to the staff of child welfare service agencies with respect to the issue of domestic violence and the impact of the violence on children and their nonabusive parents, which training shall—

(A) include training for staff, supervisors, and administrators, including staff responsible for screening, intake, assessment, and investigation of reports of child abuse and neglect; and

(B) be conducted in collaboration with domestic violence experts, entities carrying out community-based domestic violence programs, and relevant law enforcement agencies.

(2) To provide assistance in the modification of policies, procedures, programs, and practices of child welfare service agencies in order to ensure that the agencies—

(A) recognize the overlap between child abuse and domestic violence in families, the dangers posed to both child and adult victims of domestic violence, and the physical, emotional, and developmental impact of domestic violence on children;

(B) develop relevant protocols for screening, intake, assessment, and investigation of and followup to reports of child abuse and neglect, that—

(i) address the dynamics of domestic violence and the relationship between child abuse and domestic violence; and

(ii) enable the agencies to assess the danger to child and adult victims of domestic violence;

(C) identify and assess the presence of domestic violence in child protection cases, in a manner that ensures the safety of all individuals involved and the protection of confidential information;

(D) increase the safety and well-being of children who witness domestic violence, including increasing the safety of nonabusive parents of the children;

(E) develop appropriate responses in cases of domestic violence, including safety plans and appropriate services for both the child and adult victims of domestic violence;

(F) establish and enforce procedures to ensure the confidentiality of information relating to families that is shared between child welfare service agencies and community-based domestic violence programs, consistent with law (including regulations) and guidelines; and

(G) provide appropriate supervision to child welfare service agency staff who work with families in which there has been domestic violence, including supervision concerning issues regarding—

(i) promoting staff safety; and

(ii) protecting the confidentiality of child and adult victims of domestic violence.

(d) APPLICATION.—

(1) IN GENERAL.—To be eligible to receive a grant under this section, a State, Indian tribal government, or unit of local government shall submit an application to the Attorney General and the Secretary at such time and in such manner as the Attorney General and the Secretary shall prescribe.

(2) CONTENTS.—Each application submitted under paragraph (1) shall contain information that—

(A) describes the specific activities that will be undertaken to achieve 1 or more of the purposes described in subsection (c);

(B) lists the child welfare service agencies in the jurisdiction of the applicant that will be responsible for carrying out the activities; and

(C) provides documentation from 1 or more community-based domestic violence programs that the entities carrying out such programs—

(i) have been involved in the development of the application; and

(ii) will assist in carrying out the specific activities described in subparagraph (A), which may include assisting as subcontractors.

(e) PRIORITY.—In awarding grants under this section, the Attorney General and the Secretary shall give priority to applicants who demonstrate that entities that carry out domestic violence programs will be substantially involved in carrying out the specific activities described in subsection (d)(2)(A), and to applicants who demonstrate a commitment to educate the staff of child welfare service agencies about—

(1) the impact of domestic violence on children;

(2) the special risks of child abuse and neglect; and

(3) appropriate services and interventions for protecting both the child and adult victims of domestic violence.

(f) EVALUATION, REPORTING, AND DISSEMINATION.—

(1) EVALUATION AND REPORTING.—Each grantee shall annually submit to the Attorney General and the Secretary a report, which shall include—

(A) an evaluation of the effectiveness of activities funded with a grant awarded under this section; and

(B) such additional information as the Attorney General and the Secretary may require.

(2) DISSEMINATION.—Not later than 6 months after the expiration of the 3-year period beginning on the initial date on which grants are awarded under this section, the Attorney General and the Secretary shall distribute to each State child welfare service agency and each State domestic violence coalition, and to Congress, a summary of information on—

(A) the activities funded with grants under this section; and

(B) any related initiatives undertaken by the Attorney General or the Secretary to promote attention by the staff of child welfare service agencies and community-based domestic violence programs to domestic violence and the impact of domestic violence on child and adult victims of domestic violence.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $3,000,000 for each of fiscal years 2000 through 2004.

(2) AVAILABILITY.—Amounts appropriated under paragraph (1) shall remain available until expended.

SEC. 7. SAFE HAVENS FOR CHILDREN.

(a) GRANTS AUTHORIZED.—The Attorney General may award grants to States and Indian tribal governments in order to enable them to enter into contracts and cooperative agreements with public or private nonprofit entities to assist those entities in establishing and operating supervised visitation centers for purposes of facilitating supervised visitation and visitation exchange of children by and between parents.

(b) CONSIDERATIONS.—In awarding grants under subsection (a), the Attorney General shall consider—

(1) the number of families to be served by the proposed visitation center;

(2) the extent to which the proposed supervised visitation center will serve underserved populations (as defined in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-2));

(3) with respect to an applicant for a contract or cooperative agreement, the extent to which the applicant demonstrates cooperation and collaboration with nonprofit, nongovernmental entities in the local community served, including the State domestic violence coalition, State sexual assault coalition, local shelters, and programs for domestic violence and sexual assault victims;

(4) the extent to which the applicant demonstrates coordination and collaboration with State and local court systems, including mechanisms for communication and referral; and

(5) the extent to which the applicant demonstrates implementation of domestic violence and sexual assault training for all staff members.

(c) USE OF FUNDS.—Amounts provided under a grant, contract, or cooperative agreement awarded under this section may be used only to establish and operate supervised visitation centers.

(d) Application.—

(1) In general.—The Attorney General shall award grants for contracts and cooperative agreements under this section in accordance with such regulations as the Attorney General may establish by regulation, which regulations shall establish a multiyear grant process.

(2) Contents.—Each application submitted under paragraph (1) shall—

(A) demonstrate recognized expertise in the area of domestic violence and a record of high quality service to victims of domestic violence or sexual assault;

(B) demonstrate collaboration with and support of the State domestic violence coalition, sexual assault coalition or local domestic violence and sexual assault shelter or program in the locality in which the supervised visitation center will be operated;

(C) provide supervised visitation and visitation exchange services over the duration of a court order to promote continuity and stability;

(D) ensure that any fees charged to individuals for use of services are based on an individual's income;

(E) demonstrate that adequate security measures, including adequate facilities, procedures, and personnel capable of preventing violence, are in place for the operation of supervised visitation; and

(F) describe standards by which the supervised visitation center will operate.

(3) Priority.—In awarding grants for contracts and cooperative agreements under this section, the Attorney General shall give priority to States that, in making a custody determination—

(A) consider domestic violence; and

(B) require findings on the record.

(e) Annual Report.—Not later than 120 days after the last day of each fiscal year, the Attorney General shall submit to Congress a report that includes information concerning—

(1) the total number of individuals served and the total number of individuals turned away from services (categorized by State), the number of individuals from underserved populations served and the number turned away from services, and the factors that necessitate the supervised visitation or visitation exchange, such as domestic violence, child abuse, sexual assault, and emotional or other physical abuse, or any combination of such factors;

(2) the number of supervised visitations or visitation exchanges ordered during custody determinations under a separation or divorce decree or protection order, through child protection services or other social services agencies, or by any other order of a civil, criminal, juvenile, or family court;

(3) the process by which children or abused partners are protected during visitations, temporary custody transfers, and other activities for which the supervised visitation centers are established under this section;

(4) safety and security problems occurring during the reporting period during supervised visitations or at visitation centers including the number of parental abduction cases;

(5) the number of parental abduction cases in a judicial district using supervised visitation services, both as identified in criminal prosecutions and in custody violations; and

(6) program standards for operating supervised visitation centers established throughout the United States.

(f) Authorization of Appropriations.—

(1) In general.—There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this section $20,000,000 for each of fiscal years 2000 through 2003.

(2) Availability.—Amounts made available under paragraph (1) shall remain available until expended.

(3) Distribution.—Not less than 95 percent of the total amount made available to carry out this section for each fiscal year shall be used to award grants, contracts, or cooperative agreements.

(4) Allotment for Indian tribes.—

(A) In general.—Subject to subparagraph (B), not less than 5 percent of the total amount made available to carry out this section for each fiscal year shall be available for grants to Indian tribal governments.

(B) Reallotment of funds.—If, beginning 9 months after the first day of any fiscal year for which amounts are made available under this paragraph, any amount made available under this paragraph remains unobligated, the unobligated amount may be allocated without regard to subparagraph (A).

SEC. 8. LAW ENFORCEMENT OFFICER TRAINING.

(a) Grants Authorized.—The Attorney General shall award grants to domestic violence service agencies in collaboration with local police departments, for purposes of training local police officers regarding appropriate treatment of children who have witnessed domestic violence.

(b) Use of Funds.—A domestic violence agency working in collaboration with a local police department may use amounts provided under a grant under this section—

(1) to train police officers in child development and issues related to witnessing domestic violence so they may appropriately—

(A) apply child development principles to their work in domestic violence cases;

(B) recognize the needs of children who witness domestic violence;

(C) meet children's immediate needs at the scene of domestic violence;

(D) call for immediate therapeutic attention to be provided to the child by an advocate from the collaborating domestic violence service agency; and

(E) refer children for followup services; and

(2) to establish a collaborative working relationship between police officers and local domestic violence service agencies.

(c) Application.—

(1) In general.—To be eligible to be awarded a grant under this section for any fiscal year, a local domestic violence service agency, in collaboration with a local police department, shall submit an application to the Attorney General at such time and in such manner as the Attorney General shall prescribe.

(2) Contents.—Each application submitted under paragraph (1) shall—

(A) describe the need for amounts provided under the grant and the plan for implementation of the uses described in subsection (c);

(B) describe the manner in which the local domestic violence services agency shall work in collaboration with the local police department; and

(C) provide measurable goals and expected results from the use of amounts provided under the grant.

(d) Authorization of Appropriations.—

(1) In general.—There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control & Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this section $3,000,000 for each of fiscal years 2000 through 2002.

(2) Availability.—Amounts made available under paragraph (1) shall remain available until expended.

SEC. 9. REAUTHORIZATION OF CRISIS NURSERIES.

(a) Authority to Establish Demonstration Grant Programs.—The Secretary of Health and Human Services may establish demonstration programs under which grants are awarded to States to assist private and public agencies and organizations in providing crisis nurseries for children who are abused and neglected, are at risk of abuse or neglect, witness domestic violence, or are in families receiving child protective services.

(b) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $15,000,000 for each of fiscal years 2000 through 2002.

SANTORUM AMENDMENT NO. 360

Mr. HATCH (for Mr. Santorum) proposed an amendment to the bill S. 254, supra; as follows:

At the appropriate place, insert the following:

SEC. . AIMEE'S LAW.

(a) Short Title.—This section may be cited as "Aimee's Law".

(b) Definitions.—In this section:

(1) Dangerous sexual offense.—The term "dangerous sexual offense" means sexual abuse or sexually explicit conduct committed by an individual who has attained the age of 18 years against an individual who has not attained the age of 14 years.

(2) Murder.—The term "murder" has the meaning given the term under applicable State law.

(3) Rape.—The term "rape" has the meaning given the term under applicable State law.

(4) Sexual abuse.—The term "sexual abuse" has the meaning given the term under applicable State law.

(5) Sexually explicit conduct.—The term "sexually explicit conduct" has the meaning given the term under applicable State law.

(c) Reimbursement to States for Crimes Committed By Certain Released Felons.—

(1) Penalty.—

(A) Single state.—In any case in which a State convicts an individual of murder, rape, or a dangerous sexual offense, who has a prior conviction for any 1 of those offenses in a State described in subparagraph (C), the Attorney General shall transfer an amount equal to the costs of incarceration, prosecution, and apprehension of that individual, from Federal law enforcement assistance funds that have been allocated to but not distributed to the State that convicted the individual of the prior offense, to the State account that collects Federal law enforcement assistance funds of the State that convicted that individual of the subsequent offense.

(B) Multiple states.—In any case in which a State convicts an individual of murder, rape, or a dangerous sexual offense, who has a prior conviction for any 1 or more of those offenses in more than 1 other State described in subparagraph (C), the Attorney General shall transfer an amount equal to the costs of incarceration, prosecution, and apprehension of that individual, from Federal law enforcement assistance funds that have been allocated to but not distributed to each State that convicted such individual of the prior offense, to the State account that collects Federal law enforcement assistance funds of the State that convicted that individual of the subsequent offense.

(C) STATE DESCRIBED.—A State is described in this subparagraph if—

(i) the State has not adopted Federal truth-in-sentencing guidelines under section 20104 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13704);

(ii) the average term of imprisonment imposed by the State on individuals convicted of the offense for which the individual described in subparagraph (A) or (B), as applicable, was convicted by the State is less than 10 percent above the average term of imprisonment imposed for that offense in all States; or

(iii) with respect to the individual described in subparagraph (A) or (B), as applicable, the individual had served less than 85 percent of the term of imprisonment to which that individual was sentenced for the prior offense.

(2) STATE APPLICATIONS.—In order to receive an amount transferred under paragraph (1), the chief executive of a State shall submit to the Attorney General an application, in such form and containing such information as the Attorney General may reasonably require, which shall include a certification that the State has convicted an individual of murder, rape, or a dangerous sexual offense, who has a prior conviction for 1 of those offenses in another State.

(3) SOURCE OF FUNDS.—Any amount transferred under paragraph (1) shall be derived by reducing the amount of Federal law enforcement assistance funds received by the State that convicted such individual of the prior offense before the distribution of the funds to the State. The Attorney General, in consultation with the chief executive of the State that convicted such individual of the prior offense, shall establish a payment schedule.

(4) CONSTRUCTION.—Nothing in this subsection may be construed to diminish or otherwise affect any court ordered restitution.

(5) EXCEPTION.—This subsection does not apply if the individual convicted of murder, rape, or a dangerous sexual offense has been released from prison upon the reversal of a conviction for an offense described in paragraph (1) and subsequently been convicted for an offense described in paragraph (1).

(d) COLLECTION OF RECIDIVISM DATA.—

(1) IN GENERAL.—Beginning with calendar year 1999, and each calendar year thereafter, the Attorney General shall collect and maintain information relating to, with respect to each State—

(A) the number of convictions during that calendar year for murder, rape, and any sex offense in the State in which, at the time of the offense, the victim had not attained the age of 14 years and the offender had attained the age of 18 years; and

(B) the number of convictions described in subparagraph (A) that constitute second or subsequent convictions of the defendant of an offense described in that subparagraph.

(2) REPORT.—Not later than March 1, 2000, and on March 1 of each year thereafter, the Attorney General shall submit to Congress a report, which shall include—

(A) the information collected under paragraph (1) with respect to each State during the preceding calendar year; and

(B) the percentage of cases in each State in which an individual convicted of an offense described in paragraph (1)(A) was previously convicted of another such offense in another State during the preceding calendar year.

ASHCROFT (AND OTHERS) AMENDMENT NO. 361

Mr. ASHCROFT (for himself, Mr. DEWINE, Mr. HUTCHINSON, Mr. GREGG, Mr. COVERDELL, Mr. HELMS, Mr. ALLARD, and Mr. HATCH) proposed an amendment to the bill, S. 254, supra; as follows:

At the end, add the following:

TITLE —SCHOOL SAFETY AND VIOLENCE PREVENTION

SEC. 01. SCHOOL SAFETY AND VIOLENCE PREVENTION.

Title XIV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801 et seq.) is amended by adding at the end the following:

"PART I—SCHOOL SAFETY AND VIOLENCE PREVENTION

"SEC. 14851. SCHOOL SAFETY AND VIOLENCE PREVENTION.

"Notwithstanding any other provision of titles IV and VI, funds made available under such titles may be used for—

"(1) training, including in-service training, for school personnel (including custodians and bus drivers), with respect to—

"(A) identification of potential threats, such as illegal weapons and explosive devices;

"(B) crisis preparedness and intervention procedures; and

"(C) emergency response;

"(2) training for parents, teachers, school personnel and other interested members of the community regarding the identification and responses to early warning signs of troubled and violent youth;

"(3) innovative research-based delinquency and violence prevention programs, including—

"(A) school anti-violence programs; and

"(B) mentoring programs;

"(4) comprehensive school security assessments;

"(5) purchase of school security equipment and technologies, such as—

"(A) metal detectors;

"(B) electronic locks; and

"(C) surveillance cameras;

"(6) collaborative efforts with community-based organizations, including faith-based organizations, statewide consortia, and law enforcement agencies, that have demonstrated expertise in providing effective, research-based violence prevention and intervention programs to school aged children;

"(7) providing assistance to States, local educational agencies, or schools to establish school uniform policies;

"(8) school resource officers, including community policing officers; and

"(9) other innovative, local responses that are consistent with reducing incidents of school violence and improving the educational atmosphere of the classroom.".

SEC. 02. STUDY.

(a) STUDY.—The Comptroller General shall carry out a study regarding school safety issues, including examining—

(1) incidents of school-based violence in the United States;

(2) impediments to combating school-based violence, including local, state, and Federal education and law enforcement impediments;

(3) promising initiatives for addressing school-based violence;

(4) crisis preparedness of school personnel;

(5) preparedness of local, State, and Federal law enforcement to address incidents of school-based violence; and

(6) evaluating current school violence prevention programs.

(b) REPORT.—The Comptroller General shall prepare and submit to Congress a report regarding the results of the study conducted under paragraph (1).

SEC. 03. SCHOOL UNIFORMS.

Part E of title XIV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8891 et seq.) is amended by adding at the end the following:

"SEC. 14515. SCHOOL UNIFORMS.

"(a) CONSTRUCTION.—Nothing in this Act shall be construed to prohibit any State, local educational agency, or school from establishing a school uniform policy.

"(b) FUNDING.—Notwithstanding any other provision of law, funds provided under titles IV and VI may be used for establishing a school uniform policy.".

SEC. 04. TRANSFER OF SCHOOL DISCIPLINARY RECORDS.

Part F of title XIV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8921 et seq.) is amended by adding after section 14603 (20 U.S.C. 8923) the following:

"SEC. 14604. TRANSFER OF SCHOOL DISCIPLINARY RECORDS.

"(a) NONAPPLICATION OF PROVISIONS.—The provisions of this section shall not apply to any disciplinary records transferred from a private, parochial, or other nonpublic school, person, institution, or other entity, that provides education below the college level.

"(b) DISCIPLINARY RECORDS.—Not later than 2 years after the date of enactment of the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999, each State receiving Federal funds under this Act shall provide an assurance to the Secretary that the State has a procedure in place to facilitate the transfer of disciplinary records by local educational agencies to any private or public elementary school or secondary school for any student who is enrolled or seeks, intends, or is instructed to enroll, full-time or part-time, in the school.

SEC. 05. SCHOOL VIOLENCE RESEARCH.

The Attorney General shall establish at the National Center for Rural Law Enforcement in Little Rock, Arkansas, a research center that shall serve as a resource center or clearinghouse for school violence research. The research center shall conduct, compile, and publish school violence research and otherwise conduct activities related to school violence research, including—

(1) the collection, categorization, and analysis of data from students, schools, communities, parents, law enforcement agencies, medical providers, and others for use in efforts to improve school security and otherwise prevent school violence;

(2) the identification and development of strategies to prevent school violence; and

(3) the development and implementation of curricula designed to assist local educational agencies and law enforcement agencies in the prevention of or response to school violence.

SEC. 06. NATIONAL CHARACTER ACHIEVEMENT AWARD.

(a) PRESENTATION AUTHORIZED.—The President is authorized to award to individuals under the age of 18, on behalf of the Congress, a National Character Achievement Award, consisting of medal of appropriate design, with ribbons and appurtenances, honoring those individuals for distinguishing themselves as a model of good character.

(b) DESIGN AND STRIKING.—For the purposes of the award referred to in subsection (a), the Secretary of the Treasury shall design and strike a medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

(c) ELIGIBILITY.—

(1) IN GENERAL.—The President pro tempore of the Senate and the Speaker of the House of Representatives shall establish procedures for processing recommendations to be forwarded to the President for awarding National Character Achievement Award under subsection (a).

(2) RECOMMENDATIONS BY SCHOOL PRINCIPALS.—At a minimum, the recommendations referred to in paragraph (1) shall contain the endorsement of the principal (or equivalent official) of the school in which the individual under the age of 18 is enrolled.

SEC. 07. NATIONAL COMMISSION ON CHARACTER DEVELOPMENT.

(a) ESTABLISHMENT.—There is established a commission to be known as the National Commission on Character Development (referred to in this section as the "Commission").

(b) MEMBERSHIP.—

(1) APPOINTING AUTHORITY.—The Commission shall consist of 36 members, of whom—

(A) 12 shall be appointed by the President;

(B) 12 shall be appointed by the Speaker of the House of Representatives; and

(C) 12 shall be appointed by the President pro tempore of the Senate, on the recommendation of the majority and minority leaders of the Senate.

(2) COMPOSITION.—The President, the Speaker of the House of Representatives, and the President pro tempore of the Senate shall each appoint as members of the Commission—

(A) 1 parent;

(B) 1 student;

(C) 2 representatives of the entertainment industry (including the segments of the industry relating to audio, video, and multimedia entertainment);

(D) 2 members of the clergy;

(E) 2 representatives of the information or technology industry;

(F) 1 local law enforcement official;

(G) 2 individuals who have engaged in academic research with respect to the impact of cultural influences on child development and juvenile crime; and

(H) 1 representative of a grassroots organization engaged in community and child intervention programs.

(3) PERIOD OF APPOINTMENT.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(c) DUTIES OF THE COMMISSION.—

(1) STUDY.—The Commission shall study and make recommendations with respect to the impact of current cultural influences (as of the date of the study) on the process of developing and instilling the key aspects of character, which include trustworthiness, honesty, integrity, an ability to keep promises, loyalty, respect, responsibility, fairness, a caring nature, and good citizenship.

(2) REPORTS.—

(A) INTERIM REPORTS.—The Commission shall submit to the President and Congress such interim reports relating to the study as the Commission considers to be appropriate.

(B) FINAL REPORT.—Not later than 2 years after the date of the enactment of this Act, the Commission shall submit a final report to the President and Congress that shall contain a detailed statement of the findings and conclusions of the Commission resulting from the study, together with recommendations for such legislation and administrative actions as the Commission considers to be appropriate.

(d) CHAIRPERSON.—The Commission shall select a Chairperson from among the members of the Commission.

(e) POWERS OF THE COMMISSION.—

(1) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out the purposes of this Act.

(2) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this Act. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(3) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(4) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(f) COMMISSION PERSONNEL MATTERS.—

(1) TRAVEL EXPENSES.—The members of the Commission shall not receive compensation for the performance of services for the Commission, but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(2) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and the detail shall be without interruption or loss of civil service status or privilege.

(g) PERMANENT COMMISSION.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2000 and 2001.

SEC. 08. JUVENILE ACCESS TO TREATMENT.

(a) COORDINATED JUVENILE SERVICES GRANTS.—Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended by inserting after section 205 the following:

"SEC. 205A. COORDINATED JUVENILE SERVICES GRANTS.

"(a) IN GENERAL.—The Attorney General, in consultation with the Secretary of Health and Human Services, working in conjunction with the Center for Substance Abuse of the Substance Abuse and Mental Health Services Administration, may make grants to a consortium within a State of State or local juvenile justice agencies or State or local substance abuse and mental health agencies, and child service agencies to coordinate the delivery of services to children among these agencies. Any public agency may serve as the lead entity for the consortium.

"(b) USE OF FUNDS.—A consortium described in subsection (a) that receives a grant under this section shall use the grant for the establishment and implementation of programs that address the service needs of adolescents with substance abuse or mental health treatment problems, including those who come into contact with the justice system by requiring the following:

"(1) Collaboration across child serving systems, including juvenile justice agencies, relevant public and private substance abuse and mental health treatment providers, and State or local educational entities and welfare agencies.

"(2) Appropriate screening and assessment of juveniles.

"(3) Individual treatment plans.

"(4) Significant involvement of juvenile judges where appropriate.

"(c) APPLICATION FOR COORDINATED JUVENILE SERVICES GRANT.—

"(1) IN GENERAL.—A consortium described in subsection (a) desiring to receive a grant under this section shall submit an application containing such information as the Administrator may prescribe.

"(2) CONTENTS.—In addition to guidelines established by the Administrator, each application submitted under paragraph (1) shall provide—

"(A) certification that there has been appropriate consultation with all affected agencies and that there will be appropriate coordination with all affected agencies in the implementation of the program;

"(B) for the regular evaluation of the program funded by the grant and describe the methodology that will be used in evaluating the program;

"(C) assurances that the proposed program or activity will not supplant similar programs and activities currently available in the community; and

"(D) specify plans for obtaining necessary support and continuing the proposed program following the conclusion of Federal support.

"(3) FEDERAL SHARE.—The Federal share of a grant under this section shall not exceed 75 percent of the cost of the program.

"(d) REPORT.—Each recipient of a grant under this section during a fiscal year shall submit to the Attorney General a report regarding the effectiveness of programs established with the grant on the date specified by the Attorney General.

"(e) FUNDING.—Grants under this section shall be considered an allowable use under section 205(a) and subtitle B.".

SEC. 09. BACKGROUND CHECKS.

Section 5(9) of the National Child Protection Act of 1993 (42 U.S.C. 5119c(9)) is amended—

(1) in subparagraph (A)(i), by inserting "(including an individual who is employed by a school in any capacity, including as a child care provider, a teacher, or another member of school personnel)" before the semicolon; and

(2) in subparagraph (B)(i), by inserting "(including an individual who seeks to be employed by a school in any capacity, including as a child care provider, a teacher, or another member of school personnel)" before the semicolon.

SEC. 10. DRUG TESTS.

(a) SHORT TITLE.—This section may be cited as the "School Violence Prevention Act".

(b) AMENDMENT.—Section 4116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7116(b)) is amended—

(1) in paragraph (9), by striking "and" after the semicolon;

(2) by redesignating paragraph (10) as paragraph (11); and

(3) by inserting after paragraph (9) the following:

"(10) consistent with the fourth amendment to the Constitution of the United States, testing a student for illegal drug use, including at the request of or with the consent of a parent or legal guardian of the student, if the local educational agency elects to so test; and".

SEC. 11. SENSE OF THE SENATE.

It is the sense of the Senate that States receiving Federal elementary and secondary education funding should require local educational agencies to conduct, for each of their employees (regardless of when hired) and prospective employees, a nationwide background check for the purpose of determining whether the employee has been convicted of a crime that bears upon his fitness to have responsibility for the safety or well-being of children, to serve in the particular capacity in which he is (or is to be) employed, or otherwise to be employed at all thereby.

TITLE —TEACHER LIABILITY PROTECTION ACT

SEC. 01. SHORT TITLE.

This title may be cited as the "Teacher Liability Protection Act of 1999".

SEC. 02. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) The ability of teachers, principals and other school professionals to teach, inspire and shape the intellect of our Nation's elementary and secondary school students is deterred and hindered by frivolous lawsuits and litigation.

(2) Each year more and more teachers, principals and other school professionals face lawsuits for actions undertaken as part of their duties to provide millions of school children quality educational opportunities.

(3) Too many teachers, principals and other school professionals face increasingly severe and random acts of violence in the classroom and in schools.

(4) Providing teachers, principals and other school professionals a safe and secure environment is an important part of the effort to improve and expand educational opportunities.

(5) Clarifying and limiting the liability of teachers, principals and other school professionals who undertake reasonable actions to maintain order, discipline and an appropriate educational environment is an appropriate subject of Federal legislation because—

(A) the national scope of the problems created by the legitimate fears of teachers, principals and other school professionals about frivolous, arbitrary or capricious lawsuits against teachers; and

(B) millions of children and their families across the Nation depend on teachers, principals and other school professionals for the intellectual development of the children.

(b) PURPOSE.—The purpose of this title is to provide teachers, principals and other school professionals the tools they need to undertake reasonable actions to maintain order, discipline and an appropriate educational environment.

SEC. 03. PREEMPTION AND ELECTION OF STATE NONAPPLICABILITY.

(a) PREEMPTION.—This title preempts the laws of any State to the extent that such laws are inconsistent with this title, except that this title shall not preempt any State law that provides additional protection from liability relating to teachers.

(b) ELECTION OF STATE REGARDING NONAPPLICABILITY.—This title shall not apply to any civil action in a State court against a teacher in which all parties are citizens of the State if such State enacts a statute in accordance with State requirements for enacting legislation—

(1) citing the authority of this subsection;

(2) declaring the election of such State that this title shall not apply, as of a date certain, to such civil action in the State; and

(3) containing no other provisions.

SEC. 04. LIMITATION ON LIABILITY FOR TEACHERS.

(a) LIABILITY PROTECTION FOR TEACHERS.—Except as provided in subsections (b) and (d), no teacher in a school shall be liable for harm caused by an act or omission of the teacher on behalf of the school if—

(1) the teacher was acting within the scope of the teacher's employment or responsibilities related to providing educational services;

(2) the actions of the teacher were carried out in conformity with local, state, or federal laws, rules or regulations in furtherance of efforts to control, discipline, expel, or suspend a student or maintain order or control in the classroom or school;

(3) if appropriate or required, the teacher was properly licensed, certified, or authorized by the appropriate authorities for the activities or practice in the State in which the harm occurred, where the activities were or practice was undertaken within the scope of the teacher's responsibilities;

(4) the harm was not caused by willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed by the teacher; and

(5) the harm was not caused by the teacher operating a motor vehicle, vessel, aircraft, or other vehicle for which the State requires the operator or the owner of the vehicle, craft, or vessel to—

(A) possess an operator's license; or

(B) maintain insurance.

(b) CONCERNING RESPONSIBILITY OF TEACHERS TO SCHOOLS AND GOVERNMENTAL ENTITIES.—Nothing in this section shall be construed to affect any civil action brought by any school or any governmental entity against any teacher of such school.

(c) NO EFFECT ON LIABILITY OF SCHOOL OR GOVERNMENTAL ENTITY.—Nothing in this section shall be construed to affect the liability of any school or governmental entity with respect to harm caused to any person.

(d) EXCEPTIONS TO TEACHER LIABILITY PROTECTION.—If the laws of a State limit teacher liability subject to one or more of the following conditions, such conditions shall not be construed as inconsistent with this section:

(1) A State law that requires a school or governmental entity to adhere to risk management procedures, including mandatory training of teachers.

(2) A State law that makes the school or governmental entity liable for the acts or omissions of its teachers to the same extent as an employer is liable for the acts or omissions of its employees.

(3) A State law that makes a limitation of liability inapplicable if the civil action was brought by an officer of a State or local government pursuant to State or local law.

(e) LIMITATION ON PUNITIVE DAMAGES BASED ON THE ACTIONS OF TEACHERS.—

(1) GENERAL RULE.—Punitive damages may not be awarded against a teacher in an action brought for harm based on the action of a teacher acting within the scope of the teacher's responsibilities to a school or governmental entity unless the claimant establishes by clear and convincing evidence that the harm was proximately caused by an action of such teacher which constitutes willful or criminal misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed.

(2) CONSTRUCTION.—Paragraph (1) does not create a cause of action for punitive damages and does not preempt or supersede any Federal or State law to the extent that such law would further limit the award of punitive damages.

(f) EXCEPTIONS TO LIMITATIONS ON LIABILITY.—

(1) IN GENERAL.—The limitations on the liability of a teacher under this title shall not apply to any misconduct that—

(A) constitutes a crime of violence (as that term is defined in section 16 of title 18, United States Code) or act of international terrorism (as that term is defined in section 2331 of title 18, United States Code) for which the defendant has been convicted in any court;

(B) involves a sexual offense, as defined by applicable State law, for which the defendant has been convicted in any court;

(C) involves misconduct for which the defendant has been found to have violated a Federal or State civil rights law; or

(D) where the defendant was under the influence (as determined pursuant to applicable State law) of intoxicating alcohol or any drug at the time of the misconduct.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to effect subsection (a)(3) or (e).

SEC. 05. LIABILITY FOR NONECONOMIC LOSS.

(a) GENERAL RULE.—In any civil action against a teacher, based on an action of a teacher acting within the scope of the teacher's responsibilities to a school or governmental entity, the liability of the teacher for noneconomic loss shall be determined in accordance with subsection (b).

(b) AMOUNT OF LIABILITY.—

(1) IN GENERAL.—Each defendant who is a teacher, shall be liable only for the amount of noneconomic loss allocated to that defendant in direct proportion to the percentage of responsibility of that defendant (determined in accordance with paragraph (2)) for the harm to the claimant with respect to which that defendant is liable. The court shall render a separate judgment against each defendant in an amount determined pursuant to the preceding sentence.

(2) PERCENTAGE OF RESPONSIBILITY.—For purposes of determining the amount of noneconomic loss allocated to a defendant who is a teacher under this section, the trier of fact shall determine the percentage of responsibility of that defendant for the claimant's harm.

SEC. 06. DEFINITIONS.

For purposes of this title:

(1) ECONOMIC LOSS.—The term "economic loss" means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for such loss is allowed under applicable State law.

(2) HARM.—The term "harm" includes physical, nonphysical, economic, and noneconomic losses.

(3) NONECONOMIC LOSSES.—The term "noneconomic losses" means losses for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service),

hedonic damages, injury to reputation and all other nonpecuniary losses of any kind or nature.

(4) School.—The term "school" means a public or private kindergarten, a public or private elementary school or secondary school (as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)), or a home school.

(5) State.—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.

(6) Teacher.—The term "teacher" means a teacher, instructor, principal, administrator, or other educational professional, that works in a school.

SEC. 07. EFFECTIVE DATE.

(a) In General.—This title shall take effect 90 days after the date of enactment of this Act.

(b) Application.—This title applies to any claim for harm caused by an act or omission of a teacher where that claim is filed on or after the effective date of this Act, without regard to whether the harm that is the subject of the claim or the conduct that caused the harm occurred before such effective date.

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry Subcommittee on Forestry, Conservation, and Rural Revitalization will meet on May 18, 1999, in SR–328A at 9:00 a.m. The purpose of this meeting will be to discuss noxious weeds and plant pests.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Senate Committee on Energy and Natural Resources.

The hearing will take place on Wednesday, May 26, 1999, at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 510, a bill to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Amie Brown or Mike Menge (202) 224–6170.

SUBCOMMITTEE ON WATER AND POWER

Mr. SMITH. Mr. President, I would like to announce for the information of the Senate and the public that S. 1027, a bill to reauthorize the participation of the Bureau of Reclamation in the Deschutes Resources Conservancy, and for other purposes, has been added to the agenda of the hearing that is scheduled for Thursday, May 27, 1999, at 2 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Water and Power, Committee on Energy and Natural Resources, United States Senate, 364 Dirksen Senate Office Building, Washington, DC, 20510–6150.

For further information, please call Colleen Deegan, counsel, or Julia McCaul, staff assistant at (202) 224–8115.

SUBCOMMITTEE ON WATER AND POWER

Mr. SMITH. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Water and Power.

The hearing will take place on Wednesday, June 9, 1999, at 2 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to continue the oversight conducted by the subcommittee at the April 6, 1999 Hood River, OR hearing on the process to determine the future of the four lower Snake River dams and conduct oversight on the Northwest Power Planning Council's framework process.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Water and Power, Committee on Energy and Natural Resources, United States Senate, 364 Dirksen Senate Office Building, Washington, DC, 20510–6150.

For further information, please call Colleen Deegan, counsel, or Julia McCaul, staff assistant at (202) 224–8115.

ADDITIONAL STATEMENTS

TRIBUTE TO MR. KENNETH J. LEENSTRA

• Mr. LEAHY. Mr. President, I rise today to recognize the accomplishments of a Vermont business and civic leader who is retiring today. Kenneth J. Leenstra is leaving as the president of General Dynamics Armament Systems in Burlington, VT. Over the past 35 years, he held several management positions at General Electric, Lockheed-Martin, and most recently at General Dynamics.

Ken oversaw the Burlington plant through the defense drawdown after the end of the cold war. It was a difficult time for the workers, and for managers like Ken who struggled to keep his plant efficient while orders dwindled. Through it all, Ken was dedicated to developing solutions that met the needs of his customers, and on maintaining a commitment to quality that meant that Burlington-made products were second to none. His commitment to quality earned his business numerous awards that are widely recognized across the defense industry.

On behalf of his many friends in the Burlington area, I want to express my thanks to Ken and his family and wish him the very best as he embarks on his retirement.•

AUTHORITY FOR COMMITTEES TO FILE

Mr. SESSIONS. Mr. President, on behalf of the majority leader, I ask unanimous consent that the committees have until 6 p.m. to file any reported legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, MAY 18, 1999

Mr. SESSIONS. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 9:30 a.m. on Tuesday, May 18. I further ask unanimous consent that on Tuesday immediately following the prayer the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day, and the Senate then resume debate on the motion to proceed to S. 96, the Y2K bill with the time until 9:45 equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I further ask unanimous consent that if the cloture is not invoked, the Senate then proceed to morning business for 60 minutes under the control of Senator Helms for a special order in memory of Adm. Bud Nance, for his dedication to the Senate and to our country. And I ask that following that time, the Senate return to the debate on the motion to proceed to S. 96.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. I ask unanimous consent that the Senate stand in recess from the hours of 12:30 p.m. until 2:15 p.m. for the weekly policy conferences to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SESSIONS. Mr. President, for the information of all Senators, the

Senate will resume debate on the motion to proceed to the Y2K bill at 9:30 a.m. with the vote on invoking cloture occurring at 9:45 a.m. Following the special order, it is the intention of the leader to return to debate on the motion to proceed to S. 96. However, attempts may be made to come to a final agreement on the juvenile justice bill so that the Senate can complete action on that bill in a reasonable timeframe. Therefore, rollcall votes can be expected during tomorrow's session of the Senate. As always, Members will be notified accordingly as any votes are ordered.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. SESSIONS. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 5:46 p.m., recessed until Tuesday, May 18, 1999, at 9:30 a.m.

EXTENSIONS OF REMARKS

SUPPORT THE CLINICAL RESEARCH ENHANCEMENT ACT

HON. JAMES C. GREENWOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1999

Mr. GREENWOOD. Mr. Speaker, today I rise to introduce the Clinical Research Enhancement Act, which has been endorsed by more than 80 associations and universities. The bill begins to address the disincentives that are steering young physicians away from research careers. The legislation improves our commitment to clinical research by: improving the peer review process for clinical research grants; establishing new training awards that focus on clinical investigators; establishing support for structured academic training in clinical investigation; and expanding the existing intramural loan repayment program so it will be available to clinical investigators in academic medical centers around the country.

Clinical research at NIH has dropped from 3% of NIH's budget to 1% over the past 30 years. Combine this decrease in applied research with the diminished capacity of some managed care organizations to subsidize clinical investigation, and it is easy to see why translating laboratory breakthroughs to the bedside are in jeopardy. Because clinical research is the pathway that links basic science to human health, we may endanger the hard fought increases in the NIH budget by failing to arm our scientists with practical applications.

Twenty years ago, Dr. James Wyngaarden, a former director of the NIH, brought the scientific community's attention to the issue when he described the clinical investigator as an endangered species. In 1994, the Institute of Medicine of the National Academy of Sciences reiterated this problem and offered solutions for the declining numbers of American physicians pursuing research careers. And again in January, significant data have come to light that documents this dramatic drop in physician scientists.

At the National Institutes of Health, the number of MD postdoctoral trainees has dropped by 51% between 1992 and 1996. In addition, the NIH has seen a ⅓ drop in the number of first time MD applications for grant support in just three short years between 1994 and 1997. This historical and continuing decrease in the number of physicians pursuing careers in applied biomedical research must be reversed.

I am including in the RECORD letters of support from the American Federation for Medical Research and the American Medical Association. In addition, I have included a list of supporters. My hope is this important legislation is considered and passed by this Congress. I encourage my colleagues to support it.

AMERICAN FEDERATION FOR
MEDICAL RESEARCH,
Washington, DC, May 12, 1999.

Hon. JAMES GREENWOOD,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN GREENWOOD: I write to express the strong support of the American Federation for Medical Research for the legislation you will introduce to enhance clinical research programs at the National Institutes of Health. The AFMR is a national organization of 5,000 physical scientists engaged in basic, clinical and health services research. Most of our members receive NIH support for their basic research but are finding it increasingly difficult to obtain funding for translational or clinical research studies through which basic science discoveries are translated to the care of patients.

In the past, academic medical centers provided institutional support for this research through revenues generated by patient care activities. However, as the health care marketplace has become increasingly competitive, academic centers have all but eliminated internal subsidies for clinical research or the training of clinical investigators. In fact, the Association of American Medical Colleges has estimated that these institutions have lost approximately $800 million in annual "purchasing power" for research and research training within their institutions.

This loss of support for clinical investigation has had a large effect on young investigators and medical students considering a research career. The number of medical school graduates indicating an interest in a research career has fallen steadily in the 1990's according to the American Medical Association. The number of first time physician applicants to the NIH for research support has fallen by thirty percent between 1994 and 1997. The Clinical Research Enhancement Act would seem to be an extremely modest investment in a much-needed program to reinvigorate our nation's clinical research capabilities.

There is a strong consensus among the 80 scientific and consumer organizations that have endorsed this legislation that Congress must stop the deterioration of the U.S. clinical research capacity. In addition, we must assure that the American people and the American economy benefit from the translation of basic science breakthroughs to improved clinical care and new medical products. The American Federation for Medical Research is pleased to have the opportunity to express its strong support for this important piece of legislation.

Sincerely,
WILLIAM LOWE,
President.

AMERICAN MEDICAL ASSOCIATION,
Chicago, IL, May 3, 1999.

Hon. JAMES GREENWOOD,
Rayburn House Office Building, House of Representatives, Washington, DC.

DEAR CONGRESSMAN GREENWOOD: The American Medical Association (AMA) is pleased to support the Clinical Research Enhancement Act of 1999.

At a time when we are on the verge of achieving exciting breakthroughs involving many fatal and debilitating diseases, it is important that research programs and accompanying funding keep pace to achieve this goal. A 1997 Institute of Medicine report emphasized the immediate need for additional clinical research support noting an insufficient number of persons involved in clinical research; lack of infrastructure to adequately select and support the best clinical research; and declining overall fiscal investment in biomedical research.

Your legislation would lend strong support by strengthening and improving the peer review process for clinical research grants; establishing innovative awards that would be reviewed by scientists with extensive backgrounds in clinical research; strengthening the general clinical research centers; providing support for scientists seeking advanced degrees in clinical investigation; and expanding the existing loan repayment program available to clinical scientists.

The AMA has been a solid advocate of strong clinical research programs. We ardently believe that fundamental and applied clinical research is essential to constructing the knowledge base for the practice of modern medicine and is the essential link connecting advances in basic science knowledge to advances in the diagnosis and treatment of human disease.

We commend you for your leadership on this issue and look forward to working with you to achieve passage of this much needed legislation.

Respectfully,
E. RATCLIFFE ANDERSON, JR.,
Executive Vice President.

SUPPORTERS FOR CLINICAL RESEARCH ENHANCEMENT ACT

Alliance for Aging Research; Alzheimer's Association; Ambulatory Pediatric Association; American Academy of Child and Adolescent Psychiatry; American Academy of Dermatology; American Academy of Neurology; American Academy of Optometry; American Academy of Ophthalmology; American Academy of Otolaryngology-Head and Neck Surgery; American Academy of Pediatrics; American Academy of Physical Medicine and Rehabilitation; American Association for Cancer Research; American Association for the Surgery of Trauma; American Association of Anatomists; American Association of Colleges of Nursing, American Association of Neurological Surgeons; American Cancer Society; American Celiac Society—Dietary Support Coalition; American College of Chest Physicians; American College of Clinical Pharmacology; and

American College of Medical Genetics; American College of Neuropsychopharmacology; American College of Preventive Medicine; American Diabetes Association; American Federation for Medical Research; American Gastroenterological Association; American Geriatrics Society; American Heart Association; American Kidney Fund; American Liver Foundation; American Lung Association; American Medical Association; American Neurological Association; American Optometric Association; American Pediatric Society; American Psychiatric Association; American Skin Association;

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

American Society for Bone and Mineral Research; American Society for Clinical Nutrition; American Society for Clinical Pharmacology and Therapeutics; American Society for Reproductive Medicine; and

American Society of Addiction Medicine; American Society of Adults with Pseudo-Obstruction, Inc.; American Society of Clinical Nutrition; American Society of Hematology; American Society of Nephrology; American Thoracic Society; American Urological Association; Americans for Medical Progress; Arthritis Foundation; Association for Medical School Pharmacology; Association for Research in Vision and Ophthalmology; Association of Academic Health Centers; Association of Academic Physiatrists; Association of American Cancer Institutes; Association of American Medical Colleges; Association of American Veterinary Medical Colleges; Association of Behavioral Sciences and Medical Education; Association of Departments of Family Medicine; Association of Medical and Graduate Departments of Biochemistry; Association of Medical School Pediatric Department Chairmen; Association of Pathology Chairs; Association of Professors of Dematology; Association of Professors of Medicine; and

Association of Program Directors in Internal Medicine; Association of Schools and Colleges of Optometry; Association of Schools of Public Health; Association of Subspecialty Professors; Association of Teachers of Preventive Medicine; Association of University Radiologists; American Urogynecologic Society; Center for Ulcer Research and Education Foundation; Citizens for Public Action; Cooley's Anemia Foundation; Crohn's and Colitis Foundation of America; Cystic Fibrosis Foundation; Dean Thiel Foundation; Digestive Disease National Coalition; East Carolina University School of Medicine; Ehlers-Danlos National Foundation; Emory University School of Medicine; The Endocrine Society; Epilepsy Foundation of America; Foundation for Ichthyosis and Related Skin Types; Gay Men's Health Crisis; General Clinical Research Center Program Directors' Association; Gluten Intolerance Group; and

Hemochromatosis Research Foundation; Hepatitis Foundation International; Inova Institute of Research and Education; Institute for Asthma and Allergy; International Foundation for Functional Gastrointestinal Disorders; Jeffrey Modell Foundation; Joint Council of Allergy, Asthma and Immunology; Juvenile Diabetes Foundation International; Lawson Wilkins Pediatric Endocrine Society; Lupus Foundation of America, Inc; Medical Dermatology Society; Mount Sinai Medical Center; National Caucus of Basic Biomedical Science Chairs; National Committee to Preserve Social Security and Medicare; National Health Council; National Hemophilia Foundation; National Marfan Foundation; National Multiple Sclerosis Society; National Organization for Rare Disorders; National Osteoporosis Foundation; National Perinatal Association; National Tuberous Sclerosis Association; National Vitiligo Foundation, Inc.; National Vulvodynia Association; and

North American Society of Pacing and Electrophysiology; Oley Foundation for Home Parenteral and Enteral Nutrition; The Orton Dyslexia Society; Osteogenesis Imperfecta Foundation; Parkinson's Action Network; PXE International; RESOLVE; Schepens Eye Research Institute; Scleroderma Research Foundation; Society for Academic Emergency Medicine; Society for the Advancement of Women's Health Research; Society for Inherited Metabolic Disorders; Society for Investigative Dermatology; Society for Pediatric Research; Society of Gastroenterology Nurses and Associates, Inc.; Society of Gynecologic Oncologists; Society of Medical College Directors of Continuing Medical Education; Society of University Urologists; St. Jude Children's Research Hospital; Tourette Syndrome Association, Inc.; United Ostomy Association; United Scleroderma Foundation; University of Rochester School of Medicine and Dentistry; Wound, Ostomy and Continence Nurses Society; and Yale University School of Medicine.

TRIBUTE TO THE SENIORS OF THE DISTRICT OF COLUMBIA IN HONOR OF OLDER AMERICANS MONTH

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1999

Ms. NORTON. Mr. Speaker, I rise today to ask my colleagues to join me in celebrating National Older Americans Month in the District of Columbia. District of Columbia seniors will come to the National Arboretum in the District of Columbia on Tuesday, May 18th for an afternoon of information about the programs Congress provides for senior citizens, for entertainment, and for lunch. Our senior citizens have earned this information and celebration I have for them each year at a place of interest in the District. We have celebrated National Older Americans Month at the National Cathedral, the FDR Memorial, the National Zoo, museums, and similarly interesting settings, some of which our seniors rarely get to visit.

The growing number of senior citizens in the District, one third of whom are over 80, have contributed to the best days of the nation's capital. As young people, they helped build this city to its strongest point, and as seniors today, they are helping to bring revitalization to the District.

Senior citizens in my District want the 106th Congress to know that the Social Security and Medicare programs have done more to make their senior years secure and healthy than any programs ever enacted by the Congress. Today, the Social Security program alone has taken one out of every three elderly Americans out of poverty and has rescued 60% of elderly women from poverty. In 1997, almost half of all elderly Americans would have had incomes below the poverty line without their Social Security benefits.

Today's seniors have fought hard to preserve their Social Security. Those who worry most about Social Security are younger baby boomers and their children. This Congress must make sure that the progressive benefit structure with annual increases is available for generations to come.

Far more problematic and worrisome for the District's seniors is the future of Medicare. At my Senior Legislative Day, I want to focus my own constituents on the immediate problems of Medicare, which runs out of money in 2008. Seniors, like other Americans, are being directed to HMOs in order to allow the program to achieve cost savings. Yet, already, we see many of the HMOs dropping seniors because the federal government has been unwilling to fund sufficiently these HMO senior programs. We have not met the challenge of doing what must be done for Medicare—making the savings necessary to save the program while assuring seniors that the benefits are sufficient to make the programs worth saving. Passage of the President's Patients' Bill of Rights is a crucial part of this effort.

On May 18th, the District's seniors will also be discussing the intolerable costs of prescription drugs not covered by Medicare. The Congress has not yet faced the challenges of the increasing use of costly medicines which are being used instead of more costly invasive procedures. The burden of these costs has been put entirely on seniors. It is a burden they cannot bear and should not bear.

Medicare has been a virtually universal program, with virtually all Americans covered, regardless of income. The need for healthcare tends to increase with age. It is certain that Medicare has saved and lengthened millions of American lives. On May 18th, at my Seniors Legislative Day, I intend to assure the seniors of the District of Columbia that I will have no greater priority than preserving Medicare. I ask the 106th Congress to help me keep that promise.

HONORING EDWARD ABRAMOWITZ

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1999

Mr. TOWNS. Mr. Speaker, I rise to talk about an extraordinary man of medicine, Dr. Edward Abramowitz, Attending Physician, Division of Cardiology, Department of Internal Medicine at Long Island College Hospital. Dr. Abramowitz is being honored on May 22nd by the Long Island College Hospital Board of Regents for his commitment to quality patient care and his medical leadership.

Born in New York City, Dr. Abramowitz received his B.S. degree from City College of the City University of New York and his M.D. from the Faculty of Medicine, Copenhagen University, Denmark in 1975. After graduation, he did rotating internships in OB/GYN, Surgery and Psychiatry in the Danish health care system.

Returning to New York, Dr. Abramowitz finished an Internal Medicine internship at Maimonides Medical Center and went on to complete a two-year internal medicine residency at Long Island College Hospital. In 1981, he completed a two-year fellowship in Cardiology at LICH and established a private practice in Cardiology and Internal Medicine. In 1991, Dr. Abramowitz was one of the founding members of Diagnostic Cardiology Associates, a premier diagnostic testing center for cardiovascular disease.

A longtime resident of Cobble Hill, Dr. Abramowitz was a member of the Board of Directors of the Brooklyn Heights Center for Counseling. Board Certified in Internal Medicine, Dr. Abramowitz is an active member of many professional organizations, including the American College of Cardiology, the American

College of Physicians and the New York Cardiological Society. At Long Island College Hospital, Dr. Abramowitz has been an elected member of the Medical Executive Committee since 1989, serving as Secretary of the Medical Board from 1993 to 1996. He was elected Second Vice President of the Board in 1996, the position he currently holds. Dr. Abramowitz was a long-time member of the Ethics Committee and is a member of the Joint Coordinating Council of the Board of Regents. He is also Chairman of the Credentials Committee.

Dr. Abramowitz has always enjoyed teaching medical students and residents and is currently an Assistant Clinical Professor of Medicine at SUNY Health Science Center at Brooklyn (Downstate).

Dr. Abramowitz currently resides in Staten Island with Noel C. Bickford, Vice-Chair of the LICH Board of Regents and their two children, Rebecca (Becky), age 7, and Eric, age 5.

IN RECOGNITION OF BLAIR COUNTY COMMUNITY ACTION DAY

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1999

Mr. SHUSTER. Mr. Speaker, I rise today to designate today, Monday, May 17, 1999 as Blair County Community Action Day.

On August 20, 1999 we will celebrate the 35th Anniversary of the signing of the Economic Opportunity Act by President Lyndon Johnson. In October of 1964 Blair County Community Action was chartered as a Community Action Agency. Over the course of these past 35 years, BCCA has assisted thousands of economically challenged Blair County residents. Some examples of these types of assistance include providing residential weatherization, intervention services for utility assistance, family and individual counseling, employment and training programs and other personal and family growth and improvement opportunities.

Blair County Community Action is the very epitome of grassroots organization and community empowerment. They have provided much of the impetus for the development of several programs which now operate as separate agencies including Day Care Services, Legal Aid, and Meals on Wheels. They have been leaders in the development of the Target Area Groups of the 1960's and 1970's which led to the creation of today's modern advocacy groups and neighborhood planning and organization.

I am proud to honor Blair County Community Action for all the work they have done to provide opportunities for the citizens of Blair County.

COMMENDING KATE MEHR—WHITE HOUSE FELLOW

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1999

Mr. OLVER. Mr. Speaker, I rise today to commend a public servant of the highest caliber—Kate Mehr of Amherst, Massachusetts, who currently serves as a White House Fellow.

Since 1965, the White House Fellowship Program has called upon outstanding citizens, like Ms. Mehr, who have demonstrated excellence in community service, leadership, and professional achievement. It is the country's most prestigious fellowship for public service and leadership development. The selection process for White House Fellows is very competitive and is conducted by a Commission appointed by the President. Every year, there are 500 to 800 applicants nationwide for 11 to 19 fellowships. Ms. Mehr has demonstrated a long-standing commitment to public service through her involvement with many community-based organizations. Her service and commitment on behalf of the people of Massachusetts have earned her the honor of participating in this prestigious fellowship.

Ms. Mehr earned her BA in political science from Amherst College and an MPA from the John F. Kennedy School of Government at Harvard. She is the executive director of the Massachusetts Service Alliance in Boston, a statewide non-profit group. Its mission is to strengthen Massachusetts's communities through service and volunteerism, running over 200 service programs including AmeriCorps and after-school programs. During her tenure, the Alliance has increased state support for services by 750 percent. Her involvement with youth causes in Massachusetts is extensive and impressive. For example, the Governor appointed her coordinator of The Massachusetts Summit: The Promise of Our Youth, the follow up to the President's Summit, and served as a founding member of the Massachusetts, Legislative Children's Caucus. Ms. Mehr was also a victim-witness advocate, tutored a young Cambodian immigrant and was a volunteer basketball coach at a local YMCA. She taught government and history, and coached basketball and golf at the high school level.

As a White House Fellow, Ms. Mehr has been assigned to the U.S. Department of Agriculture (USDA), where she has been involved in several important hunger initiatives. She is responsible for developing and implementing the Initiative on Community Food Security, which will coordinate the resources of the USDA to assist communities in developing an infrastructure to fight hunger. Additionally, Ms. Mehr serves as a policy advisor to Secretary Dan Glickman on hunger policy and international food assistance programs. She also is planning a USDA Summit on Hunger for the fall of 1999.

Mr. Speaker, in recognition of Kate Mehr's remarkable record of professional excellence and community service, I ask my colleagues to join me in saluting her hard work and good citizenship.

A PROCLAMATION CELEBRATING THE 100TH ANNIVERSARY OF THE OHIO VETERANS OF FOREIGN WARS

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1999

Mr. NEY. Mr. Speaker, I commend the following to my colleagues:

Whereas, the Veterans of the United States have demonstrated a steadfast commitment to the preservation of the United States of America; and,

Whereas, on June 18th, 1999 the Department of Ohio, Veterans of Foreign Wars will be celebrating their 100th Anniversary and,

Whereas, the citizens of Ohio and the United States of America owe the Veterans of the United States a great deal of gratitude for their undying loyalty and dedication to the Union, I ask that my colleagues join me in congratulating the Veterans of Foreign Wars in Ohio on 100 years of service.

HONORING DR. OTTO MULLER

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1999

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise to pay tribute to my constituent, Dr. Otto F. Muller, a talented cardiologist who is retiring after forty years of service in the medical field. Highlights of Dr. Muller's career include ten years of service as the Chief of the Cardiovascular Clinic at Philadelphia General Hospital; and thirty five years as the Director of Research and Education, Medicine, and Cardiology at Mercy Catholic Medical Center. Most recently, Dr. Muller practiced with the Kelly Cardiovascular Group. Early in his career, Dr. Muller received fellowship and investigator grants from the American Heart Association, and served as its President from 1980–1982.

Heart disease is America's number one killer, and stroke is the number three killer. The state of Pennsylvania, in which Dr. Muller practices, ranks fifteenth in the United States for heart disease deaths. More than one in five Americans suffer from cardiovascular disease, the leading cause of disability, at an estimated cost of $287 billion in medical expenses and lost productivity. Moreover, the World Health Organization predicts that within twenty five years, heart disease will surpass pneumonia as the leading cause of death and disability worldwide.

I personally understand the dedication of doctors who are committed to battling cardiovascular disease. Three years ago, I underwent a successful coronary artery bypass graft after blockage of a coronary artery was detected during a routine screening. I was able to return to my full schedule of activities following the surgery, and my cardiologist placed me on a regimen of proper diet and exercise which has helped me to avoid further surgery. I applaud Dr. Muller for his dedication to his practice. For forty years, he has been a leader in the fight to eradicate this deadly disease.

My own experience has taught me the need for increased awareness of this disease, and I have become one of the strongest advocates for increased research dollars.

I wish Dr. Muller the best of luck in his future endeavors, and thank him for his years of service in battling heart disease and stroke.

INTRODUCING THE GOVERNMENT WASTE CORRECTIONS ACT OF 1999

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1999

Mr. BURTON of Indiana. Mr. Speaker, today I am introducing the Government Waste Corrections Act of 1999.

One of my highest priorities as chairman of the Committee on Government reform is to attack the widespread fraud, waste, and error in many federal programs and activities that cost taxpayers billions of dollars every year. Already this year, the Government Reform Committee has held several hearings and received reports from GAO and agency Inspectors General on this subject. Just a few examples from the GAO and IG reports show outright waste that amounts to over $30 billion annually. This $30 billion figure only scratches the surface, no one knows the total cost to the federal government each year from waste and error.

One of the most troubling aspects of waste and error is that the problems tend to persist year after year. Many problems just grow worse. GAO, IGs and others already have fully and repeatedly documented these problems. They don't need more general discussion; they need solutions.

The bill I introduce today will go a long way toward solving one of the most serious areas of waste and error—overpayments to vendors and others that provide goods and services to federal agencies. The bill deals with the problem by applying a proven practice from the private sector known as "recovery auditing."

The bill requires agencies to conduct recovery auditing to identify and collect back erroneous payments for programs that spend $10 million or more annually. This should result in recoveries to the taxpayers of at least $1 billion each year. The bill also provides agencies the means and incentives to make lasting improvements in their financial management that will reduce future overpayments, and other forms of waste and error.

The practice of recovery auditing is actually quite simple. Here's how it works:

Recovery auditors review payment transactions to uncover errors such as vendor pricing mistakes, missed discounts, duplicate payments, and so forth. The vast majority of payment transactions are correct. But inevitably, some errors occur because of communication failures between purchasing and payment departments, complex pricing arrangements, personnel turnover, and changes in information and accounting systems.

Once an error is identified and verified through the review of transactions, a notification letter is sent to the vendor for review. Monetary recoveries are usually accomplished through administrative offsets.

Recovery auditing has been used successfully by private sector firms for over 30 years. It began with major retailers and is now an accepted business practice among Fortune 1000 companies. It has helped even well-managed companies recover millions of dollars annually in overpayments to their vendors. It clearly has the potential to recover billions annually in federal overpayments, given the magnitude and complexity of federal payment programs coupled with the serious financial management problems that plague most agencies.

In places where recovery auditing has been tested in government, it has proven effective. The Army Air Force Exchange System (AAFES) has contracted with a recovery auditing firm since 1991. AAFES makes purchases of approximately $6.5 billion annually. Over the last 7 years, $108 million has been recovered.

In another example, the Defense Department has been conducting a recovery auditing demonstration program at several of its locations. Roughly $6 billion in purchase transactions are being reviewed in this audit. This program is nearing completion and has identified over $24 million in overpayments. These results were achieved despite the fact that most of the payments audited were 4 to 6 years old and agency records were incomplete.

The potential financial benefits to the federal government from recovery auditing are enormous, and can conservatively be estimated at well over $1 billion annually. Experience thus far with recovery auditing in the federal government shows an error rate of about 0.4 percent, of four times the private sector error rate. Given that federal procurements total about $170 billion per year, recoveries from procurement dollars alone could average at least $680 million annually.

Here's what my bill does:

It establishes a general mandate that all Executive branch agencies use recovery auditing for all of their activities that involve recurring payments totaling at least $10 million per year to vendors and other service providers. The scope of this mandate is very broad. It covers not only payments under procurement contracts, but also payments to fiscal agents, like consultants, who perform services on behalf of the federal government and are reimbursed from federal funds.

Exceptions from the bill's coverage could only be made by the Director of the Office of Management and Budget (OMB) in cases where he determines that recovery auditing would be impractical.

In addition to its general mandate for recovery auditing, the bill requires OMB to designate at least five agency recovery auditing model programs to receive particular attention and provide best practice for other federal recovery auditing programs.

If OMB provides strong leadership, and if agencies vigorously implement the bill's requirements as intended, recoveries to the federal government should amount to billions of dollars each year. This in itself will go a long way toward mitigating the effects of the pervasive waste and error that now occurs in federal payment programs. However, requiring agencies to identify and recoup overpayments is only one of the bill's key objectives. The other is to remedy the root causes that gave rise to the overpayments in the first place.

The bill contains two remedial measures. One requires that recovery auditing contractors periodically report to agencies on the conditions they find to have caused overpayments and provide recommendations for fixing them. The agency must take prompt action in response to these reports.

The second remedial measure is to dedicate up to 50 percent of overpayment recoveries to invest in management improvement programs that each agency must undertake. These programs will improve the agency's staff capacity, information technology, and financial management in order to prevent overpayments and reduce other problems of waste and error.

One particular feature of agency management improvement programs deserves special note. The bill provides for cash incentive awards of up to $150,000 for federal employees who make extraordinary contributions that result in concrete savings to their agencies from reductions in waste or error. One specific condition is that the employee or employees must be directly responsible for documented savings of at least twice the amount of their awards. Dedicated federal employees can be valuable front line soldiers in combating waste and error. When they accomplish major results, they deserve major rewards.

In addition to the 50 percent reserved for management improvement programs, the bill allows agencies to use up to 25 percent of collections from recovery audits to finance their recovery auditing costs, including making payments to contractors. Agencies can return another 25 percent of collections to the programs and activities from which the overpayments originated. Any collections not used for these purposes will be returned to the Treasury.

Mr. Speaker, my bill lays out an ambitious program of immediate and aggressive action to recover wasted tax dollars and achieve large annual savings for the federal government through application of the private sector business practice of recovery auditing. It also ensures a long-term investment in the fundamental management reforms so badly needed to achieve lasting improvements in the way the federal government does business. It includes bold and innovative measures such as unprecedented incentives for federal employees to combat waste.

The bill also contains controls and safeguards to ensure that its system of incentives is applied most effectively and is not abused. It assigns OMB substantial authority and responsibility to provide guidance and oversight. It provides for periodic reporting by both OMB and GAO. It envisions that Congress will likewise provide active oversight, including reviewing and, if necessary, modifying funding levels through reprogramming actions and other means.

I believe that this bill holds great potential to achieve substantial cost benefits for the government and the American taxpayers, as well as major improvements in the efficiency and effectiveness of agency operations throughout the government.

HONORING THE MARK SHORE MEMORIAL BIKE TEAM

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1999

Mrs. MORELLA. Mr. Speaker, I rise today in recognition of the Mark Shore Memorial Bike Team. This devoted team helped raise money to fight the chronic and debilitating disease of multiple sclerosis in the 17th Annual Snow Valley MS 150 Bike Tour. The inspirational bike team, consisting of Shore family members and close friends, was formed out of respect and love for Mark Shore.

Mark was born and raised in the Washington, DC metropolitan area. He died of MS-related complications on November 25, 1998. Mark is perhaps best known for serving as a two-term commissioner on the Montgomery County, Maryland Commission on People with Disabilities. He was very active in my district, consistently fighting for disability rights. I am proud to say that Mark was very instrumental in the implementation of many transportation-accessibility initiatives in Montgomery County, such as sidewalk curb cuts. His dedication to improving the lives of others with disabilities will not be forgotten.

The Mark Shore Memorial Bike Team set an ambitious goal to raise more money to fight multiple sclerosis than any other team in history. Mark's parents, Senator Frank and Josie Shore, brothers and sisters, friends and team co-captain Michael Gresalfi set a goal to raise over $25,000. The team was supported by many community members whose donations will help to end the devastating effects of multiple sclerosis.

Today, we thank the Mark Shore Memorial Bike Team for their tribute to Mark Shore, a man who did so much for the disabled community during his short life.

JOHN MINOR WISDOM

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1999

Mr. PETRI. Mr. Speaker, John Minor Wisdom, an outstanding American, Judge, son of the South, and Republican passed on this weekend. I submit the following review of his eventful legal and political career which appeared in the New York Times today, to be entered in the RECORD at this point.

[From the New York Times, May 17, 1999]

JOHN MINOR WISDOM, APPEALS COURT JUDGE WHO HELPED END SEGREGATION, DIES AT 93

(By Jack Bass)

Judge John Minor Wisdom, the New Orleans legal scholar who wrote opinion after opinion that desegregated courthouses throughout the Deep South and put blacks on juries, in the voting booth, in state legislatures and in integrated classrooms, died on Saturday in New Orleans. He would have turned 94 today.

He had remained active in the 1990's, saying he had no interest in retirement.

Judge Wisdom wrote the opinion that allowed James Meredith to attend the University of Mississippi, the first black student to do so. In 1967 he wrote the majority opinion in United States v. Jefferson County, the case that, as he recalled, "really started affirmative action."

His wide-ranging judicial opinions over more than four decades kept public schools open in Louisiana when officials tried to close them rather than integrate, ordered Florida to desegregate even its reformatories and told sports authorities to desegregate the boxing ring.

He accomplished this after President Dwight D. Eisenhower named him in 1957 to the United States Court of Appeals for the Fifth Circuit, a jurisdiction that then including six states of the old Confederacy—Louisiana, Florida, Alabama, Mississippi, Texas and Georgia.

It was four judges of the Fifth Circuit whose opinions helped shape the civil rights laws of the 1950's and 60's, changing forever the Deep South. Judge Wisdom was the last survivor of the men who came to be called "the Four," a term used in a dissenting opinion by a fellow judge from Mississippi who saw them as destroyers of the Old South that he cherished. The others were Elbert P. Tuttle of Georgia, John R. Brown of Texas and Richard T. Rives of Alabama. All but Judge Rives were Republicans.

The judges of the Fifth Circuit amplified the mandate of Brown v. Board of Education, the epochal Supreme Court decision of May 17, 1954, that nullified state laws and state constitutional provisions allowing or requiring the segregation of black and white students in public schools because of their race. Among the Four's trail-blazing decisions of the 1960's, most of them written by Judge Wisdom, were the following:

In 1961, the judges struck down Louisiana's school-closing law, after St. Helena Parish voted to close its public schools rather than submit to desegregation.

In 1962, they agreed that James H. Meredith had been turned down for admission to the University of Mississippi because of his race, and ordered Ole Miss to admit him. In the court's opinion, Judge Wisdom wrote that university officials had "engaged in a carefully calculated campaign of delay, harassment and masterly inactivity." Mr. Meredith became the first black to go to public school with white students in accordance with the Brown decision.

In 1963, the judges ordered the desegregation of all public parks, playgrounds and community and cultural centers in New Orleans.

In 1964, they struck down the jury-selection system in Orleans Parish in Louisiana because, as Judge Wisdom wrote, it "operated to exclude all but a token number of Negroes" from jury lists. He noted that "no black ever sat on a grand jury or a trial jury panel in Orleans Parish."

In 1965, they ruled that Louisiana's voter-registration law, because of its written test on the Constitution, discriminated against poorly educated back voters. Judge Wisdom wrote: "A wall stands in Louisiana between registered voters and unregistered eligible Negro voters. The wall is the state constitutional requirement that an applicant for registration 'understand and give a reasonable interpretation of any section' of the Constitution of Louisiana or of the United States." It is, he wrote "the highest, best-guarded, most effective barrier to Negro voting in Louisiana."

He concluded that "this wall, built to bar Negroes from access to the franchise, must come down."

In 1966, the judges ordered Florida to desegregate its reformatories and declared no state could legally maintain segregation in any school, whatever its mission.

In 1967, they affirmed that the six states within their jurisdiction had to integrate their public schools from kindergarten on.

In 1968, Judge Wisdom made what he regarded as the most important opinion of his career, in United States v. Jefferson, in which the court overturned the so-called Briggs dictum. This was the belief, widely held by conservative judges in the South, that the Constitution did not require integration but merely forbade discrimination.

Judge Wisdom expressed his "nagging feeling that it is not how far blacks have come that is important but how far they will have to go." He advocated "the planned organized undoing of the effects of past segregation" and set in motion the philosophical framework for what would come to be known as affirmative action. He wrote: "To avoid conflict with the equal protection clause, a classification that denies a benefit, cause harm or imposes a burden must not be based on race. In that sense, the Constitution is color blind. But the Constitution is color conscious to prevent discrimination being perpetuated and to undo the effects of past discrimination. The criterion is the relevancy of color to a legitimate government purpose."

UNDOING THE YEARS OF 'INGENIOUS DEVICES'

The Fifth Circuit made these rulings at a time when die-hard segregationists were using everything from violence to subtle evasion to resist change.

"Our court rapidly desegregated every place that could be desegregated: buses, hotels, restaurants, parks, barrooms and athletic contests," Judge Wisdom recalled in 1982.

"Our court had strong opposition from six state legislatures and state governors, year in and year out."

"Senators, Congressmen, governors and local politicians eventually changed their attitude toward minorities," he continued. "This not attributable to a change of heart but to the Voting Rights Act of 1965," which, he noted, enfranchised blacks "previously disenfranchised by many ingenious devices."

President Clinton, in awarding him the Presidential Medal of Freedom in 1993, said that his opinions "advanced civil rights and economic justice, and his inspired words echo throughout many of this century's most significant Supreme Court opinions."

SON OF THE SOUTH WHO LOVED LITERATURE

John Minor Wisdom was born in New Orleans on May 17, 1905, the son of Mortimer M. Wisdom and Adelaide Labatt Wisdom. His father was a member of the city's elite and proudly remembered marching in the funeral procession of Robert E. Lee in 1870. In 1925 the son received his bachelor's degree from Washington and Lee University, where he had an interest in literature. He studied literature for a year as a graduate student at Harvard University, but then entered the law school at Tulane University, where he graduated first in his class.

He formed the law firm of Wisdom and Stone with a classmate, Saul Stone, practicing law in New Orleans in the 1930's. He joined the Army Air Forces in World War II, serving in the Office of Legal Procurement.

Some of his early legal work dealt with business law. He opposed so-called fair-trade laws, legislation that permitted manufacturers to set the retail prices of products, ostensibly to protect small retailers from competition from big discounters. He told those attending the American Fair Trade Council meeting in New York in 1953 that they could "never sell the American citizen on the justice or logic" of fair trade.

Mr. Wisdom, a long-time Republican loyalist who served in the 1950's as a national committeeman from Louisiana, worked hard to open doors to the party in the South. In 1952 he broke with the more traditional Southern Republicans, who strongly supported the candidacy of the conservative Senator Robert Taft of Ohio for President.

Earlier that year, Mr. Wisdom and Elbert P. Tuttle, a lawyer in Atlanta, met at the request of Herbert Brownell, General Eisenhower's campaign manager, to organize a campaign in the South to support General Eisenhower for the Republican nomination against Senator Taft. Mr. Wisdom and Mr. Tuttle became co-chairmen of the Southern Conference for Eisenhower.

As Attorney General in the Eisenhower Administration, Mr. Brownell became an important figure in selecting Federal judges, and both Mr. Tuttle and Mr. Wisdom were eventually put on the Federal bench.

One of the earliest civil rights cases Judge Wisdom received after his appointment came in 1959, when the Fifth Circuit voided a Louisiana ban on boxing matches between blacks and whites. The court's decision was upheld by the United States Supreme Court.

In 1964 he dissented from the Fifth Circuit's majority opinion, which upheld the tradition of revealing the race of all candidates for public office on the ballot. The Supreme Court ultimately repudiated the majority decision and upheld his position.

Though most of the Fifth Circuit's groundbreaking decisions concerning discrimination were made in the 1960's, there were many significant cases in the 1970's. Among them was a 1972 decision striking down a Louisiana law barring biracial adoptions. "It's obvious," Judge Wisdom wrote in the decision, "that the Louisiana statute making race a decisive factor in adoption subordinates a child's best interest in some circumstances to racial discrimination."

Judge Wisdom wrote several landmark opinions in employment discrimination cases. In 1979, the Supreme Court adopted the basic reasoning of his dissent in Weber v. Kaiser Aluminum and Chemical Corporation to uphold a hiring plan intended to overcome the effects of past discrimination.

Not all his major decisions concerned race. In 1974, he wrote an opinion that found that psychiatric patients as a class had a Federal constitutional right to adequate treatment when such patients were committed against their will to state institutions.

But to the end he felt that no opinion drew more fully on his intellect and imagination than U.S. v. Jefferson. By requiring "the organized undoing of the effects of past desegregation," he placed an affirmative duty on school boards to develop desegregation plans. Including a model desegregation order, he served notice that "the only school desegregation plan that meets constitutional standards is one that works."

Judge J. Harvie Wilkinson of the Fourth Circuit Court of Appeals wrote in a 1979 book, "The Supreme Court wrote from Brown to Bakke," that Judge Wisdom in Jefferson and related cases "transformed the face of school desegregation law."

A SCUTTLED CANDIDACY FOR THE SUPREME COURT

Despite the storms that attended his civil rights decisions, the stature he attained was such that in 1969, he was mentioned as a leading candidate for the Supreme Court. Moderate Republicans advanced his name after the Senate rejected President Richard M. Nixon's nomination of Judge Clement F. Haynsworth, whom Judge Wisdom opposed.

But Mr. Nixon's Attorney General, John Mitchell, scuttled the idea, reportedly complaining that Judge Wisdom was nothing more than a "damn left-winger" who, if he ever got on the Supreme Court, would "be as bad as Earl Warren."

The judge once told a reporter that when the Fifth Circuit was issuing its most contentious rulings, his dogs were poisoned and a rattlesnake was thrown in his backyard.

But despite the liberal views about race and civil rights he espoused throughout his judicial career, he maintained memberships in private clubs that discriminated against blacks and Jews.

"The people I see in these clubs are the guys I went to school with and have known all my life," he said. "I would not resign from any such club." He said, "They know how I stand on these matters" and "I certainly wouldn't change their views by getting out of the club."

He is survived by his wife, Bonnie Mathews Wisdom, and two daughters, Kathleen Mathews Wisdom and Penelope Stewart Wisdom Tose. A son, John Minor Jr., died.

His former law clerks recalled that the judge was capable of spending an afternoon playing bridge for high stakes, following it with drinks with lifelong friends, discussing and reciting obscure Elizabethan poetry, and after cocktails and dinner at home, staying up well past midnight working on one of the many drafts his major opinions went through before he was satisfied.

IN RECOGNITION OF MR. TURNER KING, SR.

HON. RONNIE SHOWS

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1999

Mr. SHOWS. Mr. Speaker, I rise today to recognize the outstanding achievements of Mr. Turner King, Sr., a member of New Hope Missionary Baptist Church in Southaven, Mississippi.

Mr. King, now 84 years young, was born in Nesbit, Mississippi and married the late Mrs. Rennell Bridgforth King. Mr. King supplemented his farming income by becoming a self-taught tailor, and by so doing he and his wife were able to provide education for their seven children, a niece and a nephew.

Della Mae King Sutton, a retired teacher, received her Bachelor's Degree from Mississippi Industrial College in Holly Springs. Turner King, Jr., now deceased, attended college for two years. Irene King McNeil, a teacher, earned her Bachelor's Degree at Mississippi Valley State University in Itta Bena. Earning their degrees at Rust College in Holly Springs include teachers Margaret King and Lerah Yvonne King Macklin, and Doris Ann King, who is in the banking business. Niece Marilyn Clarice Young White attended the University of Mississippi at Oxford for 3½ years and nephew Donald Ray Young graduated from Southaven High School.

Mr. Speaker, through hard work and determination, Mr. and Mrs. Turner King raised a fine family that has contributed much to our state. Turner King, Sr. and the late Mrs. King are role models for us all. I am proud to share with my colleagues in Congress this tribute to Turner King and the entire King family.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, May 18, 1999 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 19

9:30 a.m.

Indian Affairs

To hold hearings on S. 614, to provide for regulatory reform in order to encourage investment, business, and economic development with respect to activities conducted on Indian lands; and S. 613, to encourage Indian economic development, to provide for the disclosure of Indian tribal sovereign immunity in contracts involving Indian tribes, and for other purposes.

SR–485

Energy and Natural Resources

Business meeting to consider pending calendar business.

SD–366

10 a.m.

Appropriations

Defense Subcommittee

To resume hearings on proposed budget estimates for fiscal year 2000 for the Department of Defense.

SD–192

Finance

Business meeting to mark up the proposed Affordable Education Act of 1999.

SD–215

2 p.m.

Energy and Natural Resources

National Parks, Historic Preservation, and Recreation Subcommittee

To hold oversight hearings on the status of Youth Conservation Corps and other job programs conducted by the National Park Service, Bureau of Land Management, Forest Service, and the U.S. Fish and Wildlife Service.

SD–366

Intelligence

To hold closed hearings on pending intelligence matters.

SH–219

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2000 for foreign assistance programs.
SD–192

MAY 20

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on S. 97, to require the installation and use by schools and libraries of a technology for filtering or blocking material on the Internet on computers with Internet access to be eligible to receive or retain universal service assistance.
SR–253

Environment and Public Works
Clean Air, Wetlands, Private Property, and Nuclear Safety Subcommittee
To resume hearings on the Environmental Protection Agency's proposed sulfur standard for gasoline as contained in the proposed Tier Two standards for automobiles.
SD–406

Energy and Natural Resources
To resume hearings to examine damage to the national security from alleged Chinese espionage at the Department of Energy nuclear weapons laboratories.
SD–366

10 a.m.
Governmental Affairs
Business meeting to consider S. 746, to provide for analysis of major rules, to promote the public's right to know the costs and benefits of major rules, and to increase the accountability of quality of Government; S. 59, to provide Government-wide accounting of regulatory costs and benefits; S. 468, to improve the effectiveness and performance of Federal financial assistance programs, simplify Federal financial assistance application and reporting requirements, and improve the delivery of services to the public; the nomination of Eric T. Washington, of the District of Columbia, to be an Associate Judge of the District of Columbia Court of Appeals; the nomination of Stephen H. Glickman, of the District of Columbia, to be an Associate Judge of the District of Columbia Court of Appeals; the nomination of Hiram E. Puig-Lugo, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia; and the nomination of John T. Spotila, of New Jersey, to be Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget.
SD–342

Health, Education, Labor, and Pensions
To resume hearings on proposed legislation authorizing funds for programs of the Elementary and Secondary Education Act.
SD–628

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To continue hearings on proposed budget estimates for fiscal year 2000 for foreign assistance programs.
SD–192

2 p.m.
Energy and Natural Resources
Energy Research, Development, Production and Regulation Subcommittee
To hold hearings on S. 348, to authorize and facilitate a program to enhance training, research and development, energy conservation and efficiency, and consumer education in the oilheat industry for the benefit of oilheat consumers and the public.
SD–366

2:15 p.m.
Veterans' Affairs
To hold hearings on proposals relating to cost of living adjustments in VA compensation and other benefits, improvements in Veterans' educational assistance benefits, long term care and homeless Veterans sevices, eligibility for burial in Arlington National Cemetery, WWII Memorial on the Mall, and U.S. Court of Appeals for Veterans claims retirement provisions.
SR–418

2:30 p.m.
Energy and Natural Resources
Energy Research, Development, Production and Regulation Subcommittee
To hold joint oversight hearings with the House Committee on Government Reform's Subcommittee on National Economic Growth, Natural Resources and Regulatory Affairs, on the Administration's fiscal year 2000 budget request for climate change programs and compliance with various statutory provisions in fiscal year 1999 appropriations acts requiring detailed accounting of climate change spending and performance measures for each requested increase in funding.
SD–366

Governmental Affairs
To hold oversight hearings on the national security methods and processes relating to the Wen-Ho Lee espionage investigation.
Room to be announced

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on issues relating to commercial space.
SR–253

MAY 24

1 p.m.
Aging
To hold hearings to examine Health Care Financing Administration assessments of home health care access.
SD–366

MAY 25

9:30 a.m.
Energy and Natural Resources
To hold oversight hearings on state progress in retail electricity competition.
SD–366

Health, Education, Labor, and Pensions
To resume hearings to examine medical records privacy issues.
SD–628

10 a.m.
Finance
To resume oversight hearings on United States Customs, focusing on commercial operations.
SD–215

Small Business
To hold hearings relating to education and business success.
SR–428A

2:15 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on S. 140, to establish the Thomas Cole National Historic Site in the State of New York as an affiliated area of the National Park System; S. 734, entitled the "National Discovery Trails Act of 1999"; S. 762, to direct the Secretary of the Interior to conduct a feasibility study on the inclusion of the Miami Circle in Biscayne National Park; S. 938, to eliminate restrictions on the acquisition of certain land contiguous to Hawaii Volcanoes National Park; S. 939, to correct spelling errors in the statutory designations of Hawaiian National Parks; S. 946, to authorize the Secretary of the Interior to transfer administrative jurisdiction over land within the boundaries of the Home of Franklin D. Roosevelt National Historic Site to the Archivist of the United States for the construction of a visitor center; and S. 955, to allow the National Park Service to acquire certain land for addition to the Wilderness Battlefied in Virginia, as previously authorized by law, by purchase or exchange as well as by donation.
SD–366

MAY 26

9:30 a.m.
Indian Affairs
To hold oversight hearings on Native American Youth Activities and Initiatives.
SR–485

Health, Education, Labor, and Pensions
Employment, Safety and Training Subcommittee
To hold hearings to examine mine safety and health issues.
SD–628

2:30 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold hearings on S. 510, to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands.
SD–366

MAY 27

2 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 623, to amend Public Law 89-108 to increase authorization levels for State and Indian tribal, municipal, rural, and industrial water supplies, to meet current and future water quantity and quality needs of the Red River Valley, to deauthorize certain project features and irrigation service areas, to enhance natural resources and fish and wildlife habitat; S. 244, to authorize the construction of the Lewis and Clark Rural Water System and to authorize assistance to the Lewis and Clark Rural Water System, Inc., a nonprofit corporation, for the planning and construction of the water

supply system; S. 769, to provide a final settlement on certain debt owed by the city of Dickinson, North Dakota, for the construction of the bascule gates on the Dickinson Dam; and S. 1027, to reauthorize the participation of the Bureau of Reclamation in the Deschutes Resources Conservancy.

SD–366

2:30 p.m.

Health, Education, Labor, and Pensions

Aging Subcommittee

To resume hearings on issues relating to the Older Americans Act.

SD–628

JUNE 9

9:30 a.m.

Environment and Public Works

Transportation and Infrastructure Subcommittee

To resume hearings on the implementation of the Transportation Equity Act for the 21st century.

SD–406

2 p.m.

Energy and Natural Resources

Water and Power Subcommittee

To hold oversight hearings on the process to determine the future of the four lower Snake River dams and conduct oversight on the Northwest Power Planning Council's Framework Process.

SD–366

JUNE 17

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings on mergers and consolidations in the communications industry.

SR–253

SEPTEMBER 28

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Legion.

345 Cannon Building

SENATE—*Tuesday, May 18, 1999*

(Legislative day of Friday, May 14, 1999)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, Lord of our lives and Sovereign of our beloved Nation, we humbly confess our need for Your supernatural power. Thank You that You do not tailor our opportunities to our abilities, but rather give us wisdom, strength, and vision to match life's challenges. We surrender the pride of thinking that we can make it on our own resources. We are totally dependent on You. We could not think a thought, give dynamic leadership, or speak persuasively without Your constant and consistent blessing. You are the Source of all we have and are. We praise You for the talents, education, and experience You have given us, but we know that You alone can provide the insight, innovation, and inspiration we need so urgently to meet the problems we face. You have told us there is no limit to what You will do to empower leaders who trust You completely and give You the glory. We commit this day to glorify You in all that we say and do. In Your all-powerful name. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, Senator McCAIN, is recognized.

SCHEDULE

Mr. McCAIN. Mr. President, this morning the Senate will resume debate on the motion to proceed to the Y2K legislation. At 9:45 this morning the Senate will proceed to a rollcall vote on invoking cloture on the motion to proceed to that bill. If cloture is invoked, debate will continue on the motion to proceed. If cloture is not invoked, the Senate will begin a period of morning business for 1 hour under the control of Senator HELMS to commemorate the life of Admiral Bud Nance.

Attempts to come to a reasonable time agreement to finish the juvenile justice bill will be made during today's session of the Senate. However, until such an agreement is made, the Senate will resume debate on the motion to proceed to the Y2K bill. As a reminder, the Senate will recess for the weekly party caucus luncheons from 12:30 to 2:15.

I thank my colleagues for their attention.

Y2K ACT—MOTION TO PROCEED

The PRESIDENT pro tempore. The clerk will report.

The legislative assistant read as follows:

> Motion to proceed to the consideration of S. 96, a bill to regulate commerce between and among the several States by providing for the orderly resolution of disputes arising out of computer-based problems related to processing data that includes a 2-digit expression of the year's date.

The Senate resumed consideration of the motion.

The PRESIDING OFFICER (Mr. FRIST). The Senator from Arizona is recognized.

Mr. McCAIN. I thank the Chair.

In about 10 minutes, we are going to have another vote on cloture so that we can proceed to the very important Y2K liability bill, S. 96. The word is out that the Democrats will now again refuse to move forward with passage of this legislation. Last time, the excuse was, as I understand it from the Democrat leader's remarks, that they were not allowed to propose amendments to the pending legislation so this was some form of protest. Now I am told the excuse will be—and we will find out—because the juvenile justice bill has not been completed.

The entertaining aspect of that rationale is that while complaining about not being able to move forward on the juvenile justice bill, they still won't agree to amendments and time agreements so we could dispose of the juvenile justice bill.

What this is really all about is that there is a strong aversion on the part of the American Trial Lawyers Association to this legislation. That aversion is manifesting itself by preventing us from moving forward with this very important legislation.

Small, medium, and large businesses in America, high-tech firms all over America, have written or contacted us as to the importance of this legislation. I recently received a letter signed by some 130 high-tech companies in America. I would like to read it.

This is from the Year 2000 Coalition. Actually, this letter was addressed to Senator KERRY, not to me. It says:

> The Year 2000 Coalition, a broad-based multi-industry business group, is committed to working with the Senate to enact meaningful Y2K liability legislation. We fully support S. 96 sponsored by Senator McCain, with amendments and revisions agreed to by Senators Wyden, Dodd, Hatch, Feinstein and Bennett, as the most reasonable approach to curtail unwarranted and frivolous litigation that might occur as a result of the century date change.
>
> While we appreciate any effort that further demonstrates the bipartisan recognition of the need for legislation, the Coalition does not support the Y2K bill that is being circulated in your name and believes it detracts from the sponsors of S. 96 effort to build support for their bill. We urge you to support S. 96 that is now pending before the Senate. Your vote in favor of cloture is important to bring the bill to the floor and allow the Senate to address the challenge of Y2K confronting all Americans. A vote in favor of S. 96 is a vote in favor of Y2K remediation instead of litigation.

A very impressive list of, I believe, 130 companies and corporations around America, a pretty impressive group of corporations that, I would say, represents a substantial portion of America's economy, that is concerned about this issue and wants us to move forward.

I had honestly believed that after the demonstration of solidarity last week on this issue on the part of my friends and colleagues on the other side of the aisle—I took the Democrat leader at his word. He said we will move forward; we will have a bill; we want to work together on this.

Apparently, that is not going to be the case this morning. If it is not the case, then, obviously, I will do whatever the majority leader dictates as to what the Senate calendar will be.

Mr. LOTT. Mr. President, will the Senator yield briefly? I don't know the time situation.

Mr. McCAIN. Mr. President, I yield the floor.

Mr. LOTT. Mr. President, how much time do we have?

The PRESIDING OFFICER. The Senator has 45 seconds remaining.

Mr. LOTT. Mr. President, I yield myself some of the leader time if necessary. I thank Senator McCAIN for his continuing effort on this important legislation.

I wonder how many people or how many Senators think the solution to the year 2000 computer problem is litigation, lawsuits. I don't believe most Senators believe that is the answer. I know the American people don't believe that is the answer. What they want is a solution. They want us to do everything we can to help small business men and women and the computer industry, everybody, address the problem. If we don't get it done by the year 2000, they certainly don't want lawsuits to be the solution.

That is what is at stake. I have acted in good faith. I know Senator McCAIN

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

has. I was assured last week by Senator DODD of Connecticut that they were ready to go forward, that a number of Democrats would join the overwhelming Republican vote to support getting cloture.

I want to emphasize this is on the motion to proceed. People need to understand that. This apparently is going to be an effort by the Democrats to block even taking up the bill to deal with this Y2K litigation problem.

This is the second time in 3 weeks political games are being played with a very serious issue. If that is the way it is to be, I want the American people to understand the Democrats do not want a solution. They want to play games with this bill and they want litigation. That is what really is at stake.

As majority leader, I have to try to deal with a lot of important issues, including the juvenile justice bill, supplemental appropriations for disasters, the situation in Kosovo, bankruptcy legislation, Department of Defense authorization, a whole long list of bills. We can't keep bringing up this bill or other bills. So this is it until somebody shows me that there is a good-faith effort.

As far as having votes on alternatives, I think Senator MCCAIN and other managers would be glad to do that. If somebody has an alternative proposal—by Senator KERRY, Senator DASCHLE —fine, let's vote on that. But to just block even the consideration of this bill I think is very questionable action.

I hope the Senator will find a way to deal with this. At some point, if somebody shows me they are ready to go and we go to the substance and we have the votes to pass it, fine. Otherwise, the Democrats have on their shoulders the fact they have killed the Y2K legislation. Let them explain it to the businesspeople of this country, the men and women who have small businesses and to the computer industry, because that is where the problem is.

I yield the floor.

Mr. MCCAIN. Mr. President, I ask unanimous consent the letter to Senator KERRY from the Year 2000 Coalition and the letter to me be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

YEAR 2000 COALITION,
May 12, 1999.

Hon. JOHN MCCAIN,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR MCCAIN: On behalf of the Year 2000 Coalition, we are writing to express our strong support for S. 96, the Y2K Act. The attached letter was delivered to Senator Kerry this afternoon.

The Year 2000 Coalition strongly supports legislation that would encourage cooperative problem solving outside the courtroom in order to alleviate Y2K-related problems that occur. We believe S. 96 would create a legal framework to protect both plaintiffs and defendants, and prevent this unique situation from triggering a crisis in our economy and our legal system.

Sincerely,

Aerospace Industries Association.
Airconditioning & Refrigeration Institute.
Alaska High-Tech Business Council.
Alliance of American Insurers.
American Bankers Associations.
American Bearing Manufacturers Association.
American Boiler Manufacturers Association.
American Council of Life Insurance.
American Electronics Association.
American Entrepreneurs for Economic Growth.
American Gas Association.
American Institute of Certified Public Accountants.
American Insurance Association.
American Iron & Steel Institute.
American Paper Machinery Association.
American Society of Employers.
American Textile Machinery Association.
American Tort Reform Association.
America's Community Bankers.
Arizona Association of Industries.
Arizona Software Association.
Associated Employers.
Associated Industries of Missouri.
Associated Oregon Industries, Inc.
Association of Manufacturing Technology.
Association of Management Consulting Firms.
BIFMA International.
Business and Industry Trade Association.
Business Council of Alabama.
Business Software Alliance.
Chemical Manufacturers Association.
Chemical Specialties Manufacturers Association.
Colorado Association of Commerce and Industry.
Colorado Software Association.
Compressed Gas Association.
Computing Technology Industry Association.
Connecticut Business & Industry Association, Inc.
Connecticut Technology Association.
Construction Industry Manufacturers Association.
Conveyor Equipment Manufacturers Association.
Copper & Brass Fabricators Council.
Copper Development Association, Inc.
Council of Industrial Boiler Owners.
Edison Electric Institute.
Employers Group.
Farm Equipment Manufacturers Association.
Flexible Packaging Association.
Food Distributors International.
Gypsum Association.
Health Industry Manufacturers Association.
Independent Community Bankers Association.
Indiana Information Technology Association.
Indiana Manufacturers Association, Inc.
Industrial Management Council.
Information Technology Association of America.
Information Technology Industry Council.
International Mass Retail Council.
International Sleep Products Association.
Interstate Natural Gas Association of America.
Investment Company Institute.
Iowa Association of Business & Industry.
Manufacturers Association of Mid-Eastern PA.
Manufacturer's Association of Northwest Pennsylvania.
Manufacturing Alliance of Connecticut, Inc.
Metal Treating Institute.
Mississippi Manufacturers Association.
Motor & Equipment Manufacturers Association.
National Association of Computer Consultant Business.
National Association of Convenience Stores.
National Association of Hosiery Manufacturers.
National Association of Independent Insurers.
National Association of Manufacturers.
National Association of Mutual Insurance Companies.
National Association of Wholesaler-Distributors.
National Electrical Manufacturers Association.
National Federation of Independent Business.
National Food Processors Association.
National Housewares Manufacturers Association.
National Marine Manufacturers Association.
National Retail Federation.
National Venture Capital Association.
North Carolina Electronic and Information Technology Association.
Technology New Jersey.
NPES, The Association of Suppliers of Printing, and Publishing, and Converting Technologies.
Optical Industry Association.
Printing Industry of Illinois-Indiana Association.
Power Transmission Distributors Association.
Process Equipment Manufacturers Association.
Recreation Vehicle Industry Association.
Reinsurance Association of America.
Securities Industry Association.
Semiconductor Equipment and Materials International.
Semiconductor Industry Association.
Small Motors and Motion Association.
Software Association of Oregon.
Software & Information Industry Association.
South Carolina Chamber of Commerce.
Steel Manufacturers Association.
Telecommunications Industry Association.
The Bankers Roundtable.
The Chlorine Institute, Inc.
The ServiceMaster Company.
Toy Manufacturers of America, Inc.
United States Chamber of Commerce.
Upstate New York Roundtable on Manufacturing.
Utah Information Technology Association.
Valve Manufacturers Association.
Washington Software Association.
West Virginia Manufacturers Association.
Wisconsin Manufacturers & Commerce.

YEAR 2000 COALITION,
May 12, 1999.

Hon. JOHN F. KERRY,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR KERRY: The Year 2000 Coalition, a broad-based multi-industry business group, is committed to working with the Senate to enact meaningful Y2K liability legislation. We fully support S. 96 sponsored by Senators McCain, with amendments and revisions agreed to by Senators Wyden, Dodd, Hatch, Feinstein and Bennett, as the most reasonable approach to curtail unwarranted and frivolous litigation that might occur as a result of the century date change.

While we appreciate any effort that further demonstrates the bipartisan recognition of the need for legislation, the Coalition does not support the Y2K bill that is being circulated in your name and believes it detracts from the sponsors of S. 96 effort to build support for their bill. We urge you to support S. 96 that is now pending before the Senate. Your vote in favor of cloture is important to bring the bill to the floor and allow the Senate to address the challenge of Y2K confronting all Americans. A vote in favor of S. 96 is a vote in favor of Y2K remediation instead of litigation.

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Metal Treating Institute.
Mississippi Manufacturers Association.
Motor & Equipment Manufacturers Association.
National Association of Computer Consultant Business.
National Association of Convenience Stores.
National Association of Hosiery Manufacturers.
National Association of Independent Insurers.
National Association of Manufacturers.
National Association of Mutual Insurance Companies.
National Association of Wholesaler-Distributors.
National Electrical Manufacturers Association.
National Federation of Independent Business.
National Food Processors Association.
National Housewares Manufacturers Association.
National Marine Manufacturers Association.
National Retail Federation.
National Venture Capital Association.
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United States Chamber of Commerce.
Upstate New York Roundtable on Manufacturing.
Utah Information Technology Association.
Valve Manufacturers Association.
Washington Software Association.
West Virginia Manufacturers Association.
Wisconsin Manufacturers & Commerce.

Mr. McCAIN. Mr. President, I will have more to say after the vote.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I hope we do not lose sight of the fact we are on the threshold of being able to do something very important for this country. Those of us on this side of the aisle recognize we must do something with Y2K, and we will.

The fact of the matter is, we are now debating one of the most important issues we face in this Congress. That is, What are we going to do with violence in our schools, violence in our society generally?

We could complete this juvenile justice bill in the next day or two. Amendments have been winnowed down to where we just have a handful. If we stick to the substance of the bill, we could have something very important for the American people. I hope we are allowed to go forward with this juvenile justice bill.

I see the manager of this bill who has done such an outstanding job. I yield to the Senator from Vermont.

Mr. LEAHY. Mr. President, the Senate has considered S. 254 for portions of five days. The first day we were prevented from offering any amendments until almost 3 p.m. in the afternoon. When I tried to offer a first Democratic amendment, the underlying amendment to which it was offered was withdrawn and we started all over. Finally, we were able to offer amendments alternating back and forth across the aisle.

Three amendments were debated and voted on Tuesday evening and my law enforcement amendment was offered and left pending overnight. On Wednesday we continued to offer amendments on an alternating basis through the day and voted on four more amendments.

The Senate fell into a pattern of tabling amendments offered by Democrats only to see those amendments come back as Republican sponsored amendments that were then adopted. Thus, after rejecting the Leahy law enforcement amendment we saw an amendment offered by Senator ASHCROFT to add back several of its measures and had the McCain amendment on these same matters offered and withdrawn.

Unquestionably the Senate hit a real snag on this bill when it rejected, on a virtual party line vote, the Lautenberg amendment and we saw first the Craig amendment and then Hatch-Craig II seeking to reclaim ground on the gun show amendment. Senator SCHUMER and I tried to point out problems with the Craig amendment only to be told that we were wrong on Wednesday night and right the morning after the amendment was adopted.

On Wednesday the Senate had under consideration eight amendments through the day and voted on four of those. On Thursday the Senate voted on four more amendments and debated the Schumer Internet gun amendment and Hatch-Craig II on gun shows.

On Friday, despite the plans of many Senators to travel to the Balkans and others to be away on other business, we continued debating and voting. There were two additional votes and six additional amendments were offered for debate with votes to be scheduled this week.

It was also on Friday that the Majority Leader attempted to leave this juvenile crime bill and move off onto other matters. By my calculation, it was after the Senate had been permitted only the equivalent of three days on the juvenile crime bill spread over the course of four calendar days. If I recall correctly, the Senate spent almost that amount of time, a couple of years ago, renaming Reagan National Airport.

Indeed, the Majority Leader filed cloture on his motion to proceed to S. 96 immediately after moving to proceed back to that bill and abandon Senate efforts on the juvenile violence legislation. It is that vote that is now approaching. It is that vote that will determine whether we abandon our effort to craft a juvenile violence bill or not. I urge all Senators to stay the course and not abandon this effort.

Rather I would urge that we adopt the words of the Majority Leader from Friday when he said: "Give it a reasonable time, give it full debate, have reasonable amendments, and then vote."

No one can seriously claim that Democrats are being dilatory or filibustering this bill. We have proceeded promptly from the moment the Majority Leader called it up for debate and proceeded to offer amendments from the earliest opportunity. I marvel at comments by the sponsors of the bill that it should have been passed with one day's consideration.

The fact is that the bill was not the product of Judiciary Committee action but was introduced by the Majority Leader and the Chairman and five other Republicans from the Judiciary Committee this January and placed directly on the Senate calendar. The sponsors objected to its being referred to the Judiciary Committee and thereby prevented it.

It has sat on the Senate Calendar since January, without hearings, without an opportunity to be considered by the Judiciary Committee, and without any opportunity for any Democrats to offer improvements or amendments to it.

It should not go unnoticed that in spite of the fact that they drafted the bill, so far Republican cosponsors of the bill have sponsored 10 of the 13 Republican-offered amendments to it—the bill's sponsors have sponsored 10 of the Republican amendments so far. It is disingenuous for Republicans to seek leave to revise, reedit and amend their own bill and deny Democrats a fair opportunity to help shape that legislation through the amendment process. How about a commensurate opportunity for others to offer amendments to that work product, too?

The Senate last week had 13 roll call votes on amendments, Senator HATCH accepted one and the Senate accepted one on a voice vote after a tabling motion failed. We have adopted seven amendments by roll call votes, including the two Craig amendments, and tabled five amendments by roll call votes. We were making progress on the bill and I was gratified to hear the encouraging words of the Majority Leader on Thursday.

By last Friday, we had whittled the 89 likely Democratic amendments down by almost half and we have continued working to reduce them. On Friday we reached agreement on a finite list of possible amendments of which there were over 40 reserved not for Democrats but for Republicans.

I have been working on a managers' package with Senator HATCH and believe that one should be ready to be accepted today that will go a long way toward reducing the remaining amendments on both sides and clearing the way to concluding Senate action on this measure. I hope that Senator HATCH will continue to work with me to offer that package without further delay.

After acceptance of that managers' amendment, I expect the remaining Democratic amendments will number less than a dozen, probably less than 10, and maybe less than that. Thus, if all the Democrats in the Senate could just have the opportunity to offer a number of amendments equal to the number of amendments offered so far by three of the original Republican sponsors of the bill, that would likely conclude Senate consideration of the bill and we could move to a vote on final passage.

From all that Senator HATCH has been saying since Sunday, after offering amendments on Friday and Monday, the Republican side has only another three amendments to offer. It would be a shame for the majority to pull the bill now.

In spite of the filing of the Republican motion to pull this bill and move back to the Y2K bill that was debated last month, Democrats have continued offering amendments, when permitted by the Republican majority. Unfortunately, Republican objection last Friday prevented Senator LAUTENBERG from offering his amendment in an effort to get a final vote on the language to be used in the context of gun show sales after Hatch-Craig II modified that language for a second time. I trust that there will be progress on that front today as we proceed and that other Democratic amendments will be allowed to be offered.

It is my understanding that the next two amendments to be offered should be Democratic amendments, since we concluded Monday's session with two Republican amendments in a row.

To date, after the filing of the cloture petition to end action on the juvenile violence bill and move off it and back to a debate on Y2K liability protection for certain businesses, there have been 13 amendments offered and now pending and awaiting Senate votes. As many amendments were offered on Friday and Monday as were voted upon on Tuesday, Wednesday, Thursday and Friday. It is hard to see how anyone could say that we are not making progress and not making a strong good faith effort on this measure.

Let me put this debate in its proper context. In the last Congress, the Judiciary Committee considered S. 10, a juvenile crime bill, and the predecessor to this measure. When Senator HATCH refers to years of work on S. 254, he is referring to the work we did to improve S. 10 in the last Congress. The Judiciary Committee met on six separate occasions to consider 52 amendments to S. 10—40 amendments were adopted by unanimous consent and 12 amendments were considered by roll call votes.

As I have noted, the bill before us today, S. 254, was never considered by the Senate Judiciary Committee. The sponsors bypassed the Judiciary Committee. Democrats never had the chance in Committee to debate it, to offer amendments to S. 254 or to improve it. Is it any wonder that Democrats have amendments to this bill and would like an opportunity to be heard on the important subject of juvenile violence? Democrats' first opportunity to improve this bill is during this Senate floor debate.

Also recall that when Democrats were in the majority and Republicans in the minority in 1994, there was a rather full debate on crime legislation. The Senate considered the 1994 crime bill for 12 days over three weeks, and considered 99 amendments to the 1994 crime bill.

Let us keep focused on the task of completing consideration of this juvenile violence bill without moving the Senate off onto other matters and abandoning this important effort. Does anyone really believe that the consideration of liability limited Y2K legislation is more important this month than completing Senate action on a juvenile violence bill? I urge a no vote on the Republican cloture motion and ask Republicans then to join with Democrats to continue to work to complete action on the juvenile violence bill.

We are improving the bill by means of this Senate debate. Senator HATCH and I are agreeing to include suggestions from Senators from both sides of the aisle in a managers' amendment that should be accepted today. We have made and are making excellent progress. The Senate should be allowed to complete its work on this important legislation.

We were pleased when the Majority Leader honored his commitment, made during the previous Senate debate on the Y2K bill, S. 96, to take up this measure as a vehicle for youth violence amendments. It would be ironic if we now abandoned that effort to return for a second time to the debate on Y2K legislation before being given an opportunity to complete action on this measure. The Senate should reject cloture on the motion to pull the juvenile violence bill and continue our important work on this measure.

Mr. President, we have not spent a great deal of time on the juvenile crime bill. I think we spent the same amount of time renaming the National Airport. We spent only a fraction of the time on the last crime bill when the Democrats controlled the Senate because of the time taken by the Republican side. There were 99 amendments on that crime bill, I point out.

The fact of the matter is that we can pass a good juvenile crime bill or we can give into a powerful lobby.

I have been a gun owner since I was 14. I trained my children in the use of guns. I come from the only State in the Union with no gun control laws, but I tell you right now my duty is first and foremost to the Senate, not to a gun lobby. I believe Senators should determine the schedule on this bill, not the gun lobbies. Senators should vote this bill up or vote it down, not have it withdrawn at the behest of any lobby, even one as powerful as the gun lobby.

We worked all weekend—all weekend—and we have removed most of the amendments pending.

I point out that so far the Republicans who cosponsored the bill, sponsored 10 of the 13 Republican amendments to this bill. We have taken longer to vote on at least one amendment to accommodate Senators who were out, some for a fundraiser, than we did on the debate on that amendment.

We reached on Friday an agreement on a finite list of possible amendments. We have a possible managers' package that could do this. We can finish this bill. I think if we want to do the actual work, we will get it done.

I reserve the remainder of my time.

Mr. BOND. Mr. President, I rise today to address the Y2K Act from my perspective as the chairman of the Senate Committee on Small Business. The choice presented by this legislation is clear—if you are a supporter of small business in America, you must support this legislation and vote for cloture so that the Senate may proceed on this bill.

One of the highest priorities of the small business community for this Congress is that we establish procedures to resolve disputes efficiently arising from the Y2K computer problem. The consequences that may arise from this problem are as yet unknown. However, small family-owned businesses are understandably concerned that their companies may be in danger either from the problem itself or from suits brought by trial lawyers concerned only with the fees they can obtain from settlements.

The small businesses concerned with Y2K litigation are located on Main Streets all across America, not just Silicon Valley. They are this country's mom and pop groceries, its dry cleaners and its hardware stores. The National Federation of Independent Businesses, the nation's largest small business association, strongly supports this legislation. The NFIB surveyed its members and found that an overwhelming 93% support capping damage awards for Y2K suits. The small business community is speaking with a unified voice in support of Y2K liability legislation and we should not ignore that voice.

I have heard during the debate that enactment of this bill will harm small businesses. That simply is not the case. By merely reading the bill, it is apparent that small businesses will benefit greatly from its provision. So that we may dispel the myths surrounding this bill once and for all, it is important to point out several of the provisions of this legislation that small women and family-owned businesses will find particularly helpful.

First, the legislation encourages alternative dispute resolution for Y2K lawsuits. This will help small businesses tremendously. According to the Gartner Group, an international consulting firm, more than $1 trillion will be spent on litigation relating to the Y2K problem. Lawsuits are likely to occur up and down the supply chain. That is, if the supplier of a family-owned business has a Y2K failure that impacts its abilities to serve its customers, it may have a lawsuit on its hands. That business, to recoup its losses, may then be forced to turn around and sue its supplier, which very well may also be a small business. The supplier then will sue someone else to recoup its losses. The litigation cycle is never-ending and small businesses have the most to lose.

A good example of a small business that may be caught in this cycle of litigation is a constituent of mine who owns a small medical supply company that provides oxygen to patients. He has already determined he has a Y2K problem with his computers and is diligently trying to correct the problem. The Health Care Financing Administration has even required him to create a booklet to provide to customers regarding the steps he has taken to become Y2K compliant. If his suppliers or vendors have a Y2K failure and he cannot supply needed oxygen to his customers, he may very well be subject to lawsuits that could cost him his company. This is the type of situation we must prevent from occurring.

Women-owned and family-owned businesses are the most vulnerable from costly litigation, either as plaintiffs or defendants, because they don't have the time to devote to it and don't have excess revenue to afford it. In addition, small businesses do not want to sue companies with which they have long-standing relationships and whose survival is tied to their own. Therefore, encouraging resolution of disputes outside of the courtroom is of great assistance to these businesses.

Second, the legislation requires plaintiffs to provide defendants with notice prior to filing a complaint and allows defendants 60 days to correct Y2K problems suffered by the plaintiff. Encouraging mitigation and prompt settlement of claims allows small women-owned and family-owned businesses to recover quickly from business disruptions and, most importantly, allows small businesses to continue doing business. As I stated before, many of these businesses do not have the cash flow to engage in long, drawn-out disputes, if they want to stay in business. This provision will allow small women-owned and family-owned businesses to focus on correcting their problems and continuing in business. This is what small businesses want to do and what Congress should encourage.

The bill also establishes punitive damage limits for suits against small businesses. The bill provides that under most circumstances a small business defendant cannot be subject to punitive damages greater than 3 times the compensatory damages awarded or $250,000, whichever is less. I don't believe that anybody can reasonably suggest that this provision will not help the small women-owned and family-owned businesses. Other than the obvious affect the cap will have, placing a limit on punitive damages will allow plaintiffs in meritorious suits to recover their actual damages quicker. Moreover, the cap will decrease the number of frivolous lawsuits that small businesses may have to face, as unscrupulous attorneys will realize that large settlements will not be forthcoming.

It is also important to point out what this bill will not do. It will not prevent a small business from availing itself of the judicial system when it has been wronged by another party's actions related to the Y2K problem. The bill does not affect the enforcement of written contracts nor does it prevent a small business from bringing a lawsuit alleging negligence or other grounds based in tort law. The bill merely establishes a procedure to efficiently remedy disputes and preclude a feeding-frenzy on the part of unscrupulous plaintiff's attorneys attempting to earn their fortune from the Y2K problem.

Earlier this year, Congress passed Y2K legislation that I authored to provide small businesses with the means to fix their own computer systems. The next step is to discourage frivolous suits and permit small women-owned and family-owned businesses to resolve Y2K disputes without costly litigation. The bill now before the Senate is a bipartisan compromise that will accomplish this objective without adversely affecting lawsuits that have merit.

I believe that the choice is clear. If you are a supporter of small women-owned and family-owned business and you want to see them continue as the economic engine that runs this country, you must support this legislation and vote in favor of cloture so that the Senate may proceed on this bill.

Mr. LEAHY. What is the parliamentary situation?

The PRESIDING OFFICER. The Senator from Vermont has 2 minutes 42 seconds, and the Senator from Arizona has 16 seconds.

Mr. LEAHY. Mr. President, I will yield 30 seconds.

Mr. SESSIONS. Mr. President, I had a question: Could we reach a time agreement? We could certainly cut debate on any amendments from this side, I think, to a very short time, and then we ought to be able to reach a time agreement.

The majority leader would allow this bill to come up and we could have the votes that the Senator would like to have, but we need an ending date. We cannot go on with the "walking" filibuster that puts all the agenda of this Congress on hold because of an unlimited time debate.

Could we do that?

Mr. DASCHLE. Mr. President, before we vote, let me make a couple of points very clear.

The first point is that we have done everything I know how to cooperate on the juvenile justice bill. We have offered a finite list of amendments. We have worked with our colleagues to reduce that list. We have agreed to time limits. We have not second-degreed or filibustered any amendments on the other side.

As I say, we have done it all. We even offered to offer amendments on Friday and Monday. That was rejected by our Republican colleagues because they didn't want to debate those particular amendments on Friday and Monday, after the majority leader made it clear that he wanted to have a full debate on both of those days. We didn't have a full debate, but it wasn't the fault of Democrats.

So Members might understand my surprise when the majority leader, out of the blue, without any prior notification, filed this motion to proceed on Y2K. I am not sure why he is doing it today. I sense there are some on the other side who don't want to finish the bill, who would rather put the bill back on the calendar, for whatever reason, and who don't want to do it cleanly. They want to do it in an obfuscated way so our fingerprints are on removing the bill. They want our fingerprints on this bill as it is put back on the calendar.

We are not going to do that. We ought to stay on this bill until it is finished. We are getting closer. There is absolutely no reason why, this week—early this week—we couldn't finish this legislation, if we set our mind to doing so.

So we are going to oppose cloture today, not because we don't want to move to Y2K. I want to move to that bill, and I will support a motion to proceed to Y2K. I will do it and I hope we do it immediately, after this bill is completed. We don't need to file cloture on it. I will support it, a lot of our colleagues will support it. We want to get a Y2K bill passed. I hope we could do it in a way that would bring a 100-0 vote. I think we are negotiating in a way that could produce that result, but maybe I am too optimistic.

Let's take these things one step at a time. Let us ensure that we finish this bill before we move on to the next bill. And when we do, I will move on to the next bill and I will move on to the bill after that. We have to get our work done, but let's do it in an organized fashion.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona has 16 seconds.

Mr. McCAIN. Mr. President, I am amused and entertained by the remarks of the Democrat leader. All he has to do is agree to a time and date when the final passage of the juvenile justice bill would be voted on. He knows it. I know it. We know it.

He is using the same excuse he used last time—almost exactly—that he would move forward with the bill and we would have final passage. I congratulate him on his rhetoric.

CLOTURE MOTION

The PRESIDING OFFICER. All time has expired. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative assistant read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 34, S. 96, the Y2K legislation:

> Trent Lott, John McCain, Jesse Helms, Rod Grams, Connie Mack, John H. Chafee, R. F. Bennett, Larry E. Craig, Craig Thomas, Pete Domenici, Richard G. Lugar, Sam Brownback, Ben Nighthorse Campbell, Pat Roberts, Chuck Hagel, and Spencer Abraham.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 96, the Y2K Act, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kansas (Mr. BROWNBACK) is necessarily absent.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) is necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mr. MOYNIHAN) would vote "no."

The PRESIDING OFFICER (Mr. CRAPO). Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 53, nays 45, as follows:

[Rollcall Vote No. 120 Leg.]

YEAS—53

Abraham
Allard
Ashcroft
Bennett
Bond
Bunning
Burns
Campbell
Chafee
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—45

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Shelby
Torricelli
Wellstone
Wyden

NOT VOTING—2

Brownback
Moynihan

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 45. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, let me say again how disappointed I am that it appears the Senate did not want to deal with the question of the year 2000 computer liability problem. I think that is a devastating blow for business and industry in this country, big and small, as well as the computer industry. If we do not do this, I predict by this time next year our courts will be clogged with lawsuits. I do not believe that is the answer to the problem.

ORDER OF BUSINESS

Mr. LOTT. So that Senators will know how we would like to proceed for the next hour or so, we want to have a special order in honor of and tribute to one of the finest staff members I have ever known in the 26 years I have been in Congress, Adm. Bud Nance.

PRIVILEGE OF THE FLOOR

Mr. LOTT. I ask unanimous consent that during the tributes to Admiral Nance all staff of the Foreign Relations Committee be granted floor privileges.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. It is anticipated that following those tributes, some time might be spent hearing further from Senators expressing their concern at and disappointment about the vote against cloture on the motion to proceed to the Y2K issue. Then we will work with the Democratic leadership and the managers of the juvenile justice bill to see how we can proceed on that bill after the policy luncheon hour or two hours. Hopefully, we could have some wrap-up debate on amendments that were offered Friday and Monday, because some of those amendments were offered and some debate was heard but the other side was not heard on that particular amendment, and it could have been from either side of the aisle. So some additional time might be needed for that, and I was thinking of maybe a series of stacked votes.

We have some 13 amendments that are pending. Hopefully, we would not have to have a recorded vote on all of those, but whatever number would be required, and then see if we can work for a way to complete the juvenile justice bill in a reasonable period of time with a reasonable number of amendments on both sides, and then go tomorrow, hopefully, not later than noon, to the supplemental appropriations bill, assuming the House passes that this afternoon or tonight.

I think it would be irresponsible for us to delay any longer than is absolutely necessary to take up this legislation. It has been pending too long. It is supposed to be an emergency, supposed to deal with disasters in Central America, in Kansas and Oklahoma, as well as the defense needs in support of our men and women who are flying bombing raids right now over Kosovo. It would be my intent, as soon as we receive it from the House, to go to that legislation. It is still my hope that we can complete juvenile justice in a reasonable period of time.

Mr. HATCH. Mr. President, I am extremely disappointed in the failure of the Senate to invoke cloture. I believe that there exists strong bipartisan support for the bill and it is a shame that the bill may die for partisan reasons. But the Democrats held firm on cloture. Sometimes party unity is a good thing, but in this case, it is a mistake.

The reason why it is a mistake is that the Y2K problem hurts America. What we face is the threat that an avalanche of Y2K-related lawsuits will be simultaneously filed on or about January 3, 2000 and that this unprecedented wave of litigation will overwhelm the computer industry's ability to correct the problem. Make no mistake about it, this super-litigation threat is real, and if it substantially interferes with the computer industry's ongoing Y2K repair efforts, the consequences for America could be disastrous.

Today we face the more immediate problem of frivolous litigation that seeks recovery even where there is little or no actual harm done. In that regard, I am aware of at least 25 Y2K-related class actions that are currently pending in courts across the country, with the threat of hundreds more to come.

It is precisely these types of Y2K-related lawsuits that pose the greatest danger to industry's efforts to fix the problem. All of us are aware that the computer industry is feverishly working to correct—or remediate, in industry language—Y2K so as to minimize any disruptions that occur early next year.

What we also know is that every dollar that industry has to spend to defend against especially frivolous lawsuits is a dollar that will not get spent on fixing the problem and delivering solutions to technology consumers. Also, how industry spends its precious time and money between now and the end of the year—either litigating or mitigating—will largely determine how severe Y2K-related damage, disruption, and hardship will be.

Let me talk about the potential financial magnitude of the Y2K litigation problem. The Gartner Group estimates that worldwide remediation costs will range between $300 billion to $600 billion. Other experts contend that overall litigation costs may total $1 trillion. Even if we accept the lower amount, according to Y2K legal expert Jeff Jinnett, "this cost would greatly exceed the combined estimated legal costs associated with Superfund environmental litigation . . . U.S. tort litigation . . . and asbestos litigation." Perhaps the best illustration of the sheer dimension of the litigation monster that Y2K may create is Mr. Jinnett's suggestion that a $1 trillion estimate for Y2K-related litigation costs "would exceed even the estimated total annual direct and indirect costs of all civil litigation in the United States," which he says is $300 billion per year.

These figures should give all of us pause. At this level of cost, Y2K-related litigation may well overwhelm the capacity of the already crowded court system to deal with it.

Thus, it is imperative that Congress should give companies an incentive to fix Y2K problems right away, knowing that if they do not make a good-faith effort to do so, they will shortly face costly litigation. The natural economic incentive of industry is to satisfy their customers and, thus, prosper in the competitive environment of the free market. This acts as a strong motivation for industry to fix a Y2K problem before any dispute becomes a legal one. This will be true, however, only as long as businesses are given an opportunity to do so and are not forced, at the outset, to divert precious resources from the urgent tasks of the repair shop to the often unnecessary distractions of the court room. A business and legal environment which encourages problem-solving while preserving the eventual opportunity to litigate may best insure that consumers and other innocent users of Y2K defective products are protected.

The Y2K problem presents a special case. Because of the great dependence of our economy, indeed of our whole society, on computerization, Y2K will impact almost every American in some way. But the problem and its associated harms will occur only once, all at approximately the same time, and will affect virtually every aspect of the economy, society, and government. What we must avoid is creating a litigious environment so severe that the computer industry's remediation efforts will slacken and retreat at the very moment when users and consumers need them to advance with all deliberate speed. What we must avoid is the crippling the high tech sector of our economy.

As chairman of the Federal Reserve Board Alan Greenspan recently noted, the tremendous growth of our economy is in large measure a result of productivity gains resulting from the computerization of our economy. America is unquestionably the high tech leader in the world today. Our technology is a major export item. Unless the Y2K bill is passed, the American high tech information industries and computer businesses will be swamped by an avalanche of lawsuits.

Mr. President, why kill the goose that lays the golden egg? Let the Senate vote on the underlying bill. Let the Senate vote on Democrat and Republican amendments. But let us vote on the merits of the bill. Leave politics aside. This issue is too important to be held hostage.

The excuse that the minority proffered is that the Y2K should not be brought up until the Juvenile Justice bill is completed. How ironic. I have been working around the clock to work on a time agreements for amendments to the Juvenile Justice bill. The minority has been delaying the Juvenile Justice bill and uses the delay as an excuse to vote no on cloture petition on a motion to proceed to the Y2K bill. That's called chutzpa.

Look, a strong bipartisan substitute—a Dodd-McCain-Hatch-Feinstein-Gorton-Wyden-Bennett substitute—has been crafted. This substitute is carefully drafted to assure an appropriate balance between the rights of citizens to bring suits for compensation and the need to protect the high tech community from onerous and wasteful litigation. This is a fair resolution of differences between Democrats and Republicans. I hope—for the sake of our Nation—that the minority allows us to debate this provision.

UNANIMOUS CONSENT REQUEST—S. 254

Mr. LOTT. So for the sake of discussions, I ask unanimous consent that the Senate now resume consideration of the juvenile justice bill, and there be 10 amendments in order per side to be selected from the amendments in order pursuant to the previous consent of May 14, and passage occur by 12 noon, Wednesday, May 19.

Mr. LEAHY. Reserving the right to object—and my distinguished friend from Mississippi discussed this with me before during the vote—and as I have told my friend from Mississippi and my friend from Utah, we are continuing to work to whittle down the number of amendments certainly on our side. As I had assured my friend from Utah over the weekend, I and my staff have spent a lot of time talking to Democratic Members, and we have cut out a number of amendments.

I do want to see this bill completed. I do want a good juvenile justice bill. Also, I want to get us on to Y2K, as the distinguished Democratic leader, Senator DASCHLE, said he is in favor of the Y2K bill. He is in favor of going immediately, after juvenile justice, to the Y2K bill.

The distinguished majority leader is absolutely right in what he said about the supplemental. I suspect—I have not talked with Senator STEVENS and Senator BYRD—that is going to go fairly rapidly.

We are going to have our caucus luncheons. The distinguished Senator from North Carolina wishes to begin a series of justly-deserved tributes to the admiral. I ask the distinguished leader if he would withdraw for now the unanimous consent agreement, let us work during our caucus luncheons with other Members to try to get this up so we can accommodate both the Republican and Democratic side, get amendments voted up or down, and get the bill voted up or down.

Mr. LOTT. Mr. President, based on that request and a full measure of trying to be reasonable and get an agreement to get this worked out and completed, because I think juvenile crime in this country is a very serious issue, for the Senate to not deal with it seriously and to complete action would be indefensible.

My problem, as the majority leader, is that we have the supplemental, which is not going to be completed in 2 hours. This bill is going to take some discussion. I think it is a tragedy that we are not going to do the Y2K issue, but I am interested in getting a result. I think if we can get some cooperation, we can achieve that.

Keep in mind that we have had some 25 amendments, I believe, that have been offered and debated. This would call for 20 more. That is 45 amendments on a bill that has been in the making for 2 years. So I think my request is reasonable, and it is my third or fourth attempt to find some sort of time agreement.

I thought and was assured that we would work to complete this bill last Thursday. That didn't work out. And I understand. Sometimes the leadership on both sides of the aisle has goals we wish to achieve, but the rest of the troops don't necessarily follow and fall in line, so we can't quite fulfill that commitment. But the suggestion was made, well, we will have amendments Friday and Monday, and we would vote on a series of amendments Tuesday morning, final passage by noon. That was objected to. Then we said, how about 5, with more amendments after the stacked votes on Tuesday morning. That was objected to. Then I said 6. That was objected to.

Now I am saying, how about getting what we have standing, 20 more amendments, and complete it by noon on Wednesday so we can go to the supplemental. I think I am bending over backwards, not because I want more of the type of debate that I heard last week where Senators even object to a Senator amending their own amendment. I didn't realize that happened in the Senate. I was very disappointed with that action. But instead, we must come together and seriously try to deal with this problem.

I know there are Senators on both sides of the aisle who want to do that, and I am anxious to find a way to get it done and get it completed. I will withhold this request. I hope the managers will work through this, while we are having this very well-deserved tribute to Admiral Nance, and then after the luncheon hopefully we can wrap up some agreement.

Mr. LEAHY. If the distinguished leader will yield further, I will be very brief. In my 25 years here, I have seen majority leaders, distinguished majority leaders, both Republican and Democrat, try to whittle down bills in time, and usually when they propose time agreements, the number of amendments has expanded. In this case, I say the good news for the distinguished Senator from Mississippi is, each time he has done this, actually the numbers have dwindled, and dwindle and dwindle.

I suggest that perhaps the distinguished Senator from Utah and I continue our efforts and report to our respective leaders after the caucus where we stand.

I see the distinguished Senator from Utah on the floor. I know that he wants the floor, and so I will yield.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I really appreciate the majority leader and his patience and forbearance, because this bill is now in its sixth day. That is more than we give to most bills in the Senate, unless they are just hotly contested. This is one that should not be hotly contested. Everybody ought to be for this bill.

Mr. President, yesterday I read a quote from a recent New York Times editorial, and I would like to read it again, prior to the time for Senator HELMS.

This is from the New York Times editorial:

> In the past it was not hard to be struck by the way time seemed to roll over a tragedy like a school shooting, by the disparity between the enduring grief of parents who lost children in places like Paducah and Jonesboro and the swift distraction of the rest of us. This time, perhaps, things may be different. The Littleton shootings have forced upon the nation a feeling that many parents know all too well—that of inhabiting the very culture they are trying to protect their children from. . . . The urge to do something about youth violence is very strong . . . but it will require an urge to do many things, and to do them with considerable ingenuity and dedication, before symptomatic violence of the kind that occurred in Littleton begins to seem truly improbable, not just as unlikely as the last shooting.

That was the New York Times, May 11, 1999. While I may not agree with the Times on everything, I doubt I could have described any better the task we have taken on. This issue is a complex problem and one which requires dedication, a spirit of cooperation, and an agreed upon set of objectives.

I believe that spirit of cooperation has been lacking somewhat as this is the sixth day we are on this bill and, as of this morning, my colleagues on the other side of the aisle still had over 25 amendments. Now, my friend from Vermont has indicated that he is working to try and get those cut down. I hope he is successful. I have spent several days urging Republicans not to offer their amendments—most have been agreeable—in the hopes that my colleagues on the other side would reciprocate. I spent the weekend here, and my staff was here working around the clock. We heard nothing from the other side during that time. Indeed, we were told by them that staff would not be coming in to meet with us at that time.

Now, perhaps they were trying to work on the Democrat amendments. Certainly, the distinguished Senator from Vermont says that is what he was doing. But frankly, we were prepared to work and cut these matters down and get this whole matter completed.

In fairness, we have been given some suggested changes to the underlying bill. We were given those suggestions late yesterday. I would be willing to accept a number of them if it meant we could pass this bill by a date certain. As well, staff has been working to clear several amendments as part of a managers' package of amendments, which I hope Senator LEAHY and I can do. Still, we have been given no commitment, assurances, or even a hint that my colleagues will agree to a vote on a time or date certain. This bill is too important to be treated this way. The problem of juvenile crime and the victims of juvenile crime deserve better.

We should pass this bill, but there are a number on the other side who want to pull this bill down. You hear a lot of posturing about the gun lobby, which is complete nonsense. Let's just review the facts.

The President's gun package was framed as essentially containing the following elements: Gun show loopholes; permanent Brady; one gun a month; juvenile Brady; juvenile possession of assault weapons, increase the age to 21; child access to guns, liability; safety locks; increase penalties for guns to juveniles; firearms tracing; youth crime gun initiative; gun kingpins penalties; and a clip ban.

More than half of the President's so-called "plan" has been acted on by the Senate or is contained in a pending amendment. In other words, we have agreed to a unanimous consent agreement limiting amendments which allows for the remaining elements of the President's plan to be offered.

So the question is, Where is the President on this issue? Republicans want to let this plan be voted on, but his allies in the Senate do not appear eager to move forward. I hope they will.

I believe my colleague from Vermont when he says that, given some time and through the caucuses today, we probably can get this resolved, or at least he hopes we can. I do also. We have to get it resolved.

We are not trying to avoid the gun issue. I think some are concerned how this bill, with its reforms of the entertainment industry, will be received by their friends in Hollywood. That is something I think really bothers some on the other side. It bothers me, too. But we are doing some things that really are valuable, really viable, really worthwhile, and really allow for voluntary compliance and an approach that really will work in the best interests of the entertainment industry.

Given the seriousness of this problem, and the number of warning signs that future tragedies may be imminent—we are announcing them daily—we cannot afford to filibuster this bill through amendment. We should not play politics with this bill. Instead, we should come together and pass this bill. I am certainly hopeful that that is what we are going to get done either today or tomorrow.

I think the majority leader has been more than accommodating on this. He has indicated that he can only give so much time to this because there are so many other pending bills. The distinguished Senator from Vermont and I both know that we have to bring up the bankruptcy bill, the Satellite Home Viewer Act, in addition to all these very important issues that involve the national defense and our people who are serving in the Balkan crisis, and, of course, the supplemental appropriations bill. We only have a limited time in which to do it.

So it is good that we get together today and get this matter resolved. I don't think we could have had a more cooperative majority leader, under the circumstances. We stand ready, willing, and able to work with our colleagues on the other side to try to narrow these amendments and, of course, work with them to try to get some of these problems solved that they think are so serious.

I might add that a number of these gun amendments were already in the bill; juvenile Brady is a prime example. We had that already in the bill. You would think, from the President's remarks, that it wasn't part of our bill. We have worked on this bill for 2 years. I want it to be bipartisan; I want our Democratic colleagues to be part of this; I want them to feel good after it is all done. We have made every effort to try to accommodate them. But to have this thing go on for another day or two is basically not right, under the circumstances.

So I hope we can get together, and I hope we will work together and get our staffs together, and I hope we will resolve this either today or tomorrow.

I yield the floor.

Mr. LEAHY. Mr. President, I know the distinguished Senator from Utah would not want to leave a wrong impression about what has happened, so perhaps I might flesh out his remarks just a tad.

One, it should be noted that every single Democratic Senator wants to see a juvenile justice bill passed. The comments about pulling the bill down have all come from the Republican side of the aisle, not from the Democratic side of the aisle.

As far as working on this, I am not sure to what the Senator is referring. I don't know when I have spent so much time on the phone, the computer and e-mails, and on a bill as I have this past weekend. Our staffs have worked late into the night. We were given a wish list from the Republican staff, as was appropriately done at the beginning of the weekend. We worked on that all weekend long, calling Senators all over the country on it. As of last night, we had cleared 40 amendments. That is progress. That is very significant progress.

Now, the distinguished Senator from Utah said on the talk shows this weekend that they need seven amendments on the Republican side. Four were introduced yesterday, but this morning there are suddenly 10. We have kind of floating numbers here. But the facts are such that we have been working and we have cleared a very large number of amendments that Senators never have to see.

The last crime bill took 12 days. There were 99 amendments. We walked through it, and we did it. I remember being on that committee of conference, and the distinguished Senator from Utah may recall that we were there until 3, 4, 5 o'clock in the morning. These were complex issues, but we got it done. The crime rate has been coming down for 6 years—something that I have not seen under any other administration before—Republican or Democrat. So we can get somewhere on this.

We have significant issues in here. Every single Member on this side of the aisle is committed to seeing a juvenile justice bill passed. We want to go on to debate and vote on Y2K. The majority leader is correct in saying the supplemental has to be passed. We are not trying to delay it. I assure my friend from Utah that an enormous amount of work was done this weekend, and it was done until very late last night. I think my last e-mail on this came through to me at about 12:30, 12:45 this morning. We are getting it done.

Now, the distinguished Senator from North Carolina has been sitting here patiently and wishes to speak about a lifetime friend, a man who deserves a great deal of honor and praise by this Senate from both sides. I think we would do the Senate well and the memory of the great man well by both of us holding this debate until after the caucus. I thank the distinguished Senator from North Carolina for his courtesy, which was doubly helpful this morning because I know this is a difficult time for him.

I yield the floor.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to morning business for 60 minutes, under the control of the Senator from North Carolina, Mr. HELMS, for a special order in memory of Adm. Bud Nance.

The Senator from North Carolina is recognized.

TRIBUTE TO ADMIRAL BUD NANCE

Mr. HELMS. Mr. President, let me take note that members of Adm. Nance's family are in the family gallery. While the rules prohibit my saying anything to them, I think they know that our deepest sympathy goes to them from us.

Mr. President, when I heard the sound of Dr. Elaine Sloand's quiet voice on the other end of the line at about 3:30 in the afternoon a week ago, I detected an unmistakable sadness in it. I tried to brace myself for the bad news that had been expected for a day or so. Dr. Sloand, a wonderful, great, kind and compassionate physician, had done everything within her power to save Bud Nance's life. Many others at the National Institutes of Health had also worked against the odds to save this great American, the remarkable retired Naval officer who had fought in almost a dozen of the major battles of World War II.

So, Mr. President, when I picked up the phone and heard Dr. Sloand's voice, I knew that James Wilson Nance was gone. And he was.

As I sat at my desk in silence and alone, I recalled the poignancy of Adlai Stevenson years ago when he lost the bid for the Presidency: "It hurts too bad to smile and I'm too old to cry."

A thousand memories crowded their way into my consciousness as I sat there in those few quiet minutes. You see, Mr. President, Bud Nance and I could not have been more than 4 or 5 years old when we began playing together as little boys. On one occasion, he had scarcely had time to get to his home from my house a couple of blocks away in our little hometown of Monroe, when he was back knocking at the door. There he stood with his little hand thrust forward with a toy: "Here," he said, "this is yours; I took it home by mistake and I'm sorry."

Just as the boy, Bud Nance, was unfailingly and impeccably honest, so was Rear Adm. James W. Nance decades later when he skippered a series of U.S. warships, including the giant aircraft carrier, the *Forrestal*, that had more sailors aboard than there were people in Bud Nance's hometown and mine.

During the past week, there has been an almost endless series of friends and admirers of Admiral Nance expressing their sorrow and their admiration for what I regard as a giant of a man fallen. Needless to say, I have been deeply grateful to every one of those expressing their regrets and their comfort.

Anybody who has known Bud Nance did not merely like Bud Nance; it is a far deeper and genuine feeling that so many have held for him. In my case, nothing fits but the word "love". I loved Bud Nance like a brother. In my final conversation with him 9 days ago, I told him so. His voice, weak and raspy, but nonetheless unmistakably clear, replied, "I love you, too."

Bud loved his family; oh, how he loved them. We had often discussed, down through the years, his and my good fortunes. He once commented about his dear wife, Mary Lyda, that it was she who did the hard part. He used to say, "I was away so much of the time, and she was back home raising our children and raising them right."

Mr. President, I could go on, but I shall not, except for one final vignette, which underscores the goodness and tenderness of "The Admiral."

Some years ago, on a cold and wintry night, a kitten was abandoned at Bud's and Mary Lyda's front door. It was doubtful that the kitten—cold, shivering and wet—would survive, but Bud and Mary Lyda produced hot water bottles and a tiny bed for that little kitten who was too fragile and too young to handle solid food. For 2 or 3 nights straight, Bud Nance sat up with that kitten, lovingly holding it in his arms while, with a teaspoon, feeding a little bit of warm milk into that tiny little fluff of fur.

But the kitten did survive. He named that kitten Kate. She slept at the foot of Bud's bed from then on.

Mr. President, Dot and I visited Mary Lyda Faulk and the wonderful Nance children that night following Bud's departure earlier in the afternoon. While we sat in the living room chatting, in strolled Kate. She checked each one of the several of us, but she first went to Bud's empty chair. I believe Kate knew that her great benefactor and her best friend was gone.

Kate was such a lucky little kitten, just as all the rest of us were lucky to have known Bud Nance, to have worked with him, to have had him as a true and faithful friend, a friend whom we not only admired, but loved.

I ask unanimous consent articles about Admiral Nance be printed in the Record at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Charlotte Observer, May 14, 1999]

Bud Nance, Monroe Native Was an Officer and a Gentleman

James "Bud" Nance, who died Tuesday at age 77, was a modest man with a wry, sometimes pointed sense of humor. When, at Jesse Helms' request, he came out of retirement to direct Sen. Helms' staff on the Foreign Relations Committee, he was confident enough to allow staffers to talk to the press on the record on a wide range of issues. He offered one caution, he recalled with a smile: that "If you leak something [secret] to the press, and I find out about it, I'm going to kill you."

He grew up in Monroe, where he and the future senator were playmates and members of the same band (Jesse on tuba, Bud on clarinet). He graduated from the U.S. Naval Academy in 1944 and was assigned to the USS North Carolina, which survived attacks by more than 150 Japanese suicide bombers.

After the war, he became a Navy test pilot. It was dangerous work—five of the 10 men in one of his test pilot units died in crashes. Later he commanded the aircraft carrier USS Forrestal, then worked for the Joint Chiefs of Staff and for Gen. Alexander Haig, who become President Reagan's secretary of state. When Admiral Nance became deputy assistant to Mr. Reagan's national security adviser, the Washington Post said he was "among the most well-connected military officers in Washington."

When Sen. Helms asked him to reshape the Foreign Relations Committee staff, he accepted pay only because the law required it—$2.96 a week, the congressional minimum. After automatic raises bumped it to $4.53, Sen. Helms observed, "Bud's worth every penny."

Bud Nance was an officer, a gentleman and an American hero. When he took the Foreign Relations post, he said, "The only thing I'm here for is to do a good job for the United States, and to make sure Jesse gets a square deal." His nation, and his old friend, will attest that, as always, he accomplished his goals.

Rob Christensen: Jesse Loses a Boyhood Friend

(By Rob Christensen)

They are breaking up Jesse Helms' old Monroe High School Band.

One by one, the members have been going to their reward. Gone is the oboe player, Henry Hall Wilson, once chairman of the Chicago Board of Trade and a former U.S. Senate candidate. Gone is the cornet player, Skipper Bowles, a former gubernatorial candidate and the father of former White House chief of staff Erskine Bowles.

And last week, the clarinet player, retired Rear Adm. James "Bud" Nance, passed away.

Which left Helms, the tuba player, fielding condolence calls from the likes of President Clinton and Gov. Jim Hunt. Helms has lost his best remaining friend who isn't named Dot Helms.

It's not just that Nance was Helms' chief of staff on the Senate Foreign Relations Committee. Their relationship started in 1921 in the Union County town of Monroe, where Jesse and Bud were born two blocks apart, two months apart.

It was Jesse and Bud who used to go to The Strand to see Tom Mix westerns. It was Jesse and Bud who put a "For Sale" sign on their high school lawn one Halloween. And it was Jesse and Bud who would slip behind the school to sneak a cigarette.

Jesse was proud of Bud's Navy career—on the USS North Carolina during World War II, where he endured 162 Japanese air and kamikaze attacks; Navy test pilot along with such pals as John Glenn and Alan Shepard; commander of an attack squadron, an air wing and two ships—the USS Raleigh, an amphibious ship he skippered off the cost of Vietnam, and the aircraft carrier USS Forrestal.

As Jesse liked to say, Bud was the Monroe boy who amounted to something.

I first met the admiral deep in the bowels of the White House, where he was acting national security adviser to President Reagan. Among his hires were Iran-contra figures Oliver North and John Poindexter.

"I'm the only guy who walked out of the place," Nance would later say, laughing.

Helms brought Nance out of retirement to become his chief aide on the Foreign Relations staff.

Nance, a pretty conservative fellow himself, cleaned house—ousting some staffers who he thought were veering too far off into right-wing conspiracy land. And he advised Helms on a broad range of foreign and military matters. Jesse trusted Bud completely.

In recent months, Nance had suffered from myelodysplasia, a blood disease that made him unable to produce platelets. But just a few days before his death, Nance was still showing up in his office at 7 a.m.

In the end, Jesse and Bud were friends again in the Virginia suburbs of D.C.—hundreds of miles from where they started in life.

Nance once remarked to his friend that Helms had better not be the first to die.

To which Helms quipped: "I'll kill you if you do."

"I cannot describe the guy because he had as much character as anyone I've ever known," Helms said last week. "He was thoughtful. He cared about people. He loved this country."

[From the Washington Times, May 12, 1999]

James Nance, Admiral, Helms Aide, Dies at 77

(By Robert Stacy McCain)

James W. "Bud" Nance of McLean, a retired Navy rear admiral and staff director of the Senate Foreign Relations Committee, died yesterday. He was 77.

The committee issued a statement saying Adm. Nance died from complications of a undisclosed illness.

Adm. Nance was a boyhood friend of the Foreign Relations Committee's chairman, Sen. Jesse Helms, North Carolina Republican. Mr. Helms had no public statement yesterday but the committee spokesman, Marc Thiessen, said Adm. Nance "was so beloved by so many."

Adm. Nance graduated from the U.S. Naval Academy at Annapolis in 1944. He served as an aviator in World War II, Korea and Vietnam, earning two Distinguished Service Medals. He rose to command of the aircraft carrier USS Forrestal.

Later he served as assistant national security adviser to President Reagan and joined Mr. Helms' staff in October 1991.

Mr. Helms, the ranking Republican member of the Foreign Relations Committee at that time, was having problems with his 19-member staff and asked Adm. Nance—who had retired to Virginia—to take charge.

"I was home having a real good time," Adm. Nance told a columnist in 1992. "Jesse called and said, 'Come on up and help me get control of this zoo.' "

Within three months, nine committee staffers were dismissed.

As a condition of his own employment, Adm. Nance asked that he not be paid, but Mr. Helms pointed out that federal law required that Senate staffers be paid a minimum of $153 a year.

"Nobody can ever say Jesse gave his old buddy a job," Adm. Nance said.

When Republicans took control of Congress after the 1994 elections, the GOP pushed through a law requiring Congress to abide by the employment laws that applied to U.S. businesses. Along with a minimum wage increase passed in 1996, that bumped Adm. Nance's pay to $204 a week.

Adm. Nance brought a caustic sense of humor to his Senate job. Shortly after he joined Mr. Helms' staff, Adm. Nance was questioning the benefits lavished on U.S. ambassadors, including hardship pay.

"I fought at Iwo Jima," he said. "That's hardship."

"He's like a father figure to his staff," one of Mr. Helms' assistants said of Adm. Nance in 1993. "You just can't put a price on that kind of wisdom."

Adm. Nance is survived by his wife of 42 years, Mary Lyda, and four children.

[From the Roll Call, May 13, 1999]

Senators Fondly Remember 'Bud' Nance

(By Ben Pershing)

Sen. Chuck Hagel (R-Neb.) has a story he likes to tell about James "Bud" Nance, the retired Navy rear admiral and Senate Foreign Relations Committee staff director who died Monday.

Hagel remembers a Foreign Relations meeting where one Senator was droning on and on, "enjoying his own eloquence."

"After a while," Hagel recalled yesterday, "Bud leaned over and whispered in my ear, 'Senator, remember, you don't have to be eternal to be immortal.' He said it with that twinkle in his eye and then he winked at me."

The exact cause of death for Nance was not disclosed, although he told Roll Call last month that he was suffering from myelodysplasia, a blood disease that rendered him unable to produce platelets. He was 77.

Foreign Relations Chairman Jesse Helms (R-N.C.), who grew up three blocks from Nance, had not released a statement on his life-long friend by press time yesterday.

But in an interview last month, Helms praised the fact that despite his illness, Nance beat "everyone else to work," often arriving at the office by 7 a.m.

Senators who worked closely with Nance said he was a thoughtful man and a tough staff director.

"I trusted him completely," said Foreign Relations ranking member Joe Biden (D-Del.) in an interview this week. "I cared a lot about the guy personally."

Biden added that both he and Helms benefited from Nance's long experience with military affairs.

"He knew the complexities of all this stuff," said Biden. "I never had any doubt I could confide in him."

"He was a gentleman," said Hagel. "He was such a complete person. People had tremendous confidence in him, partly because they liked him and partly because they trusted him."

Sen. Christopher Dodd (D-Conn.), a member of Foreign Relations, said of Nance, "This is just one of the finest people I've met in my 18 years in the Senate."

Dodd also spoke of Nance's steady had in dealing with the committee's younger staffers.

"He was a wonderful, tempering influence on the young staff," said Dodd. "I know this is a loss for Senator Helms. I think it's a real loss for the Senate as well."

Nance was particularly close to Helms, who brought Nance on board in November 1991 to head up the panel's GOP staff. Nance and Helms were boyhood friends in Monroe, N.C.

Nance joined the committee at a time when its staff was in disarray, and three months after taking the post, Nance fired nine top aides.

"I felt we had too much overhead and not enough operators," Nance told Roll Call in 1992. "It was difficult for me to see exactly who was doing what."

When he first came on, Nance refused to take a salary. Since federal law required that Senate staffers receive at least $153 per year, Nance accepted that, and after the minimum wage was increased, his pay jumped to $204 per week.

Nance, who entered the Navy as a midshipman in 1941 and retired 38 years later as a rear admiral, saw active duty in World War II, Korea and Vietnam. Nance said that during his service in World War II, he endured 162 Japanese air and kamikaze attacks.

Over the course of his Navy tenure, Nance commanded an attack squadron, an air wing and two ships—the USS Raleigh and the USS Forrestal. His military background had a profound effect on the way he carried himself and on the way he handled the committee's staff.

"When you manage an aircraft carrier, you are managing a small city at sea," said Hagel. "It matures one rather quickly."

Nance was born Aug. 1921, in Monroe. He entered the U.S. Naval Academy in 1941 and spent three years there, earning a bachelor's degree in 1944. He later spent time at both the Naval War College and the National War College, and in 1965 he received a master's in international relations from George Washington University.

After leaving the military in 1979, Nance went on to work as assistant national security adviser during the Reagan administration. He then joined the privates sector, working for several years as head of naval systems for Boeing Co. Nance had retired to Virginia when Helms asked him to come to the Hill.

Nance is survived by his wife of 42 years, Mary, four children and seven grandchildren.

A Senate GOP source said Helms will try next week to clear some time on the Senate floor for Members to pay tribute to Nance.

[From the Washington Post, May 13, 1999]

Adm. James "Bud" Nance Dies; Chief of Staff for Senate Panel—Influenced Committee Chairman Jesse Helms

(By Louie Estrada)

James Wilson "Bud" Nance, 77, a retired Navy rear admiral and former White House national security affairs adviser who as the Senate Foreign Relations Committee's chief of staff was regarded as a pragmatic influence on his childhood friend, Sen. Jesse Helms (R-N.C.), died of complications from a preliminary form of leukemia May 11 at the National Institutes of Health.

Adm. Nance, a graduate of the U.S. Naval Academy and former naval aviator and test pilot, was a self-described conservative Republican who reportedly advised Helms, the committee's chairman, to tone down his sometimes fiery rhetoric and confrontational approach when tackling issues.

Their close relationship was based on a mutual trust that stemmed from their days growing up in their native Monroe, N.C. Over the years since they played in the same elementary school band, they periodically kept in touch. Although the two shared similar political philosophies, Adm. Nance was considered Helms's opposite in many aspects, coming across as a more courtly hard-nosed figure with an easy laugh and a loathing of the limelight.

He did have critics. A POW group called on Helms to fire Adm. Nance because of what they said was the committee's lack of attention to their cause. Still, he was seen as an affable father figure in Washington's corridors, where colleagues referred to him simply as "the admiral."

At Helms urging, Adm. Nance, who had an illustrious 38-year career in the Navy, joined the committee in 1991 to help improve the minority staff's efficiency. Saying the government already had done plenty for him, Adm. Nance accepted the job on the condition that he would work for free.

But, as it turned out, laboring without a salary was not an option under Senate rules. He was paid Congress's then minimum of $2.96 a week. Later, two cost-of-living pay increases bumped his weekly salary to $4.53. Still, he wasted little time with the task put before him, overhauling the staff by releasing deadwood and malcontents, hiring whiz kids and shifting old-timers around.

After the Republicans swept into the majority in the 1994 mid-term elections, Adm. Nance was placed in charge of the transition on the Foreign Relations Committee and predicted that Senate members would play a larger role in foreign policy hot spots. He was coming into the office as recently as last week, showing up as he did every day at 7 a.m. and returning to his home in McLean in the evening.

Adm. Nance was no stranger to the committee's workings, having served as a consultant to the committee during the SALT II deliberations. In 1981, he joined the White House as President Ronald Reagan's deputy assistant for national security affairs, and for a brief time, he was acting chief special assistant for national security affairs, temporarily replacing Richard V. Allen.

As a young man, he attended what is now North Carolina State University and graduated from the Naval Academy in 1944. He was assigned to the battleship USS North Carolina and served there throughout the remainder of World War II.

After the war, he underwent flight training and served as a flight instructor at the Naval Air Basic Training Command of the Naval Air Station in Pensacola, Fla. He was assigned to exchange duty with the British Royal Navy in the mid-1950s and was a project pilot with the Flight Test Division at the Naval Air Test Center in Patuxent River. In the latter assignment, he test-landed aircraft on carriers.

Before his military retirement in 1979, he served as the senior naval officer on the staff of the commander of U.S. forces in Europe when Alexander Haig held the combined job of U.S. and NATO commander. He also held strategic and planning posts in the Pentagon and was commander of the aircraft carrier Forrestal.

His military honors included two Distinguished Service Medals and the Legion of Merit.

He received a master's degree in international relations from George Washington University and attended the U.S. Naval War College and the U.S. National War College.

In the 1980s, he worked for Boeing Military Airplane Co., where he was manager of Navy systems.

Survivors include his wife, the former Mary Lyda Faulk of McLean; four children, James Lee Nance of Richmond, Mary Catherine Worth of Atlanta and Andrew Monroe Nance and Susan Elizabeth Nance, both of McLean; and seven grandchildren.

[From the New York Times, May 15, 1999]

REAR ADM. JAMES NANCE, 77, INFLUENTIAL AIDE TO JESSE HELMS

(By Irvin Molotsky)

WASHINGTON, May 14—James W. Nance, a retired Navy rear admiral who took on a late-career job as the chief aide to his old boyhood friend Senator Jesse Helms of North Carolina, died on Tuesday at the National Institute of Health in Bethesda, MD. He was 77 and lived in McLean, VA.

Marc A. Thiessen, the spokesman for the Senate Foreign Relations Committee, where Admiral Nance was staff director, said the cause was complications of myelodysplasia, a pre-leukemia condition.

On Capital Hill, Admiral Nance was known for having brought order to the committee's Republican staff, which Senator Helms, the senior Republican, and others on the panel had found disorganized and riven by ideological differences.

"When I came over here, I couldn't understand the organization," Admiral Nance said in a 1992 interview with The National Journal after agreeing to come out of retirement a year earlier to help his old friend. "It was a zoo to me. My military mind has got to have all the men and women in line."

Admiral Nance's role was important then, when Senator Helms was the committee's ranking minority member, and it became more important later, when, after the 1994 elections, the Republicans took control of the Senate and Mr. Helms became chairman.

Before Admiral Nance was brought in, The National Journal said in its 1992 article, there had been a movement among the committee's Republicans to remove Mr. Helms as their leader because of the minority staff's disarray.

Mr. Helms accepted Admiral Vance's recommendations that eight members of the staff be fired, and although there was an angry reaction at first, Republican leaders later said the Vance replacements had brought order to the panel.

Admiral Nance was born in Monroe, N.C., where he and Mr. Helms grew up two blocks from each other. He graduated from the United States Naval Academy in 1944 and went on to serve as a naval aviator in World War II, the Korean War and the Vietnam War. By the time he retired from the Navy in 1979, he had held several commands, including that of the aircraft carrier Forrestal.

He became a humorous if caustic reflection of the dour Senator Helms, who seems to enjoy saying no to State Department requests. Once, when questioning the benefits given to ambassadors abroad, including hardship pay at some posts, Admiral Nance said: "I fought at Iwo Jima. That's hardship."

He had many Navy decorations, including two Distinguished Service Medals and the Legion of Merit.

After his Navy service, Admiral Nance served for two years on the White House staff of President Ronald Reagan and later worked for Boeing in its naval systems department.

Besides the Naval Academy, he graduated from the Naval War College and the National War College, and received a master's degree in international relations from George Washington University.

Admiral Nance, who was known as Bud to his friends, is survived by his wife of 51 years, the former Mary Lyda Faulk; two sons, James Lee Nance of Richmond and Andrew Monroe Nance of McLean; two daughters, Mary Catherine Worth of Atlanta and Susan Elizabeth Nance of McLean, and seven grandchildren.

When Admiral Nance agreed to go to work for Senate Helms. The Washington Times reported in an obituary on Wednesday, he asked that he not be paid, but the Senator pointed out that a Federal law required that Senate staff members be paid a minimum of $153 a year.

Once he went to work for the $153. Admiral Nance said, "Nobody can ever say Jesse gave his old buddy a job."

Senator Helms, noting that his friend's pay came out of $2.94 a week, said, "Bud's worth every penny."

BLOOD DISEASE KILLS "BUD" NANCE; RETIRED ADMIRAL, ADVISER FROM MONROE WAS LIFELONG FRIEND OF SENATOR

(By Norman Gomlak)

MONROE.—The way U.S. Sen. Jesse Helms saw it, you could't find a better friend or a more trusted adviser than James "Bud" Nance.

The friendship between Helms and Nance spanned seven decades, from their days in the band of the old Monroe High School to the corridors of Capitol Hill.

Wednesday, Helms and others mourned the death of Nance, 77, a retired Navy admiral who was chief of staff of the Senate Foreign Relations that Helms chairs. Nance also had served in the Nixon and Regan administrations.

"I don't know of anybody . . . that had as much effect on the country or that had any higher principles than Bud Nance," Helms said in an interview Wednesday evening.

Helms said Nance, who died Tuesday, suffered from a blood disease that prevents sufferers from producing platelets. Without platelets, a person cannot stop bleeding once cut.

Funeral services for Nance will be held at 9 a.m. Wednesday at Lewinsville Presbyterian Church in McLean, VA. He will be buried with full military honors at Arlington National Cemetary at 11 a.m. Wednesday.

Helms and Nance were born two blocks and two months apart in Monroe in 1921. At Monroe High school, they played together in a school band organized by the principal, Ray House.

Nance played clarinet; Helms played tuba.

Two years ago, Helms and Nance returned to their hometown to attend House's funeral.

After attending N.C. State College in Raleigh, Nance enrolled at the Naval Academy in 1941 and eventually commanded an aircraft carrier. He rose to senior command positions in aircraft carrier operations before retiring as a rear admiral in 1979.

Nance served as a consultant to the Senate Foreign Relations Committee during SALT II deliberations and on President Ronald Reagan's transition team. With Reagan's inauguration, Nance was appointed Deputy Assistant to the President for National Security Affairs.

He worked in the Reagan administration until 1983, then became a consultant for Boeing. After retiring again, Nance was persuaded by Helms to join the staff of the Senate Foreign Relations Committee.

"If a ship runs aground it's the captain's fault, and the ship had run aground," Nance said in explaining some reshuffling at the time.

Nance had asked that he be paid only $1 because his government retirement benefits already were enough. But Nance had to receive Congress' minimum of $2.96 per week. After two cost-of-living increases, Nance was forced to take $4.53 per week.

"Bud's worth every penny," Helms said when he took his salary hike.

Nance had been receiving platelet transfusions twice a week at the National Institutes of Health. Nance said last month he had switched to an electric shaver on doctors' orders and had to be very careful in handling sharp objects.

Helms said he last spoke to his old friend in the hospital on Sunday. They joked about old times, Helms said.

After Nance died, Helms said, a Capitol police officer stopped to tell Helms how Nance had rolled down his window every day to shake his hand.

Said Helms, "I loved Bud. I shall miss him dearly."

Nance is survived by his wife, Mary; four children, James Lee Nance, Mary Catherine Worth, Andrew Monroe Nance, and Susan Elizabeth Nance; and seven grandchildren.

In lieu of flowers, the family suggests contributions be made to the NIH Patient Emergency Fund, 10 Center Drive, Room 1N252, Bethesda, MD 20892.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I have served since January of 1973 with the chairman of the Foreign Relations Committee. We have been on opposite sides of a lot of issues, occasionally on the same side. I have seen and listened to and been on the opposite end of some very powerful and difficult speeches he has made. But I am presumptuous enough, know him well enough to say until now he has never had a more difficult time making a speech than today.

There is a reason for that, to state the obvious. There is an old expression: You can know a man by his enemies. I suggest you can judge a man by his friends. Anybody who had a man of the stature of Admiral Nance love him as much as Admiral Nance loved this guy, means there is something awful, awful, awful, awful good about the Senator from North Carolina.

I am not doing that really to be solicitous. I truly mean that and I believe that. The irony of all ironies, as I told the chairman, on the Friday before Bud died, the chairman asked him whether or not he could come down to my office to see if we could work out—and we did, by the way—work out some legislative language and discuss a nominee. We sat there with staff—his staff and mine. Afterwards, the staff left and Admiral Nance and I sat there for the better part of 45 minutes, basically asking him questions and him telling me stories.

They were all about JESSE HELMS, his buddy. They are all about the guy he grew up with and loved. I suspect, one of the few men or women, other than Mrs. Helms, who has ever been able to tell the chairman: Enough, JESSE; slow down, JESSE; no, JESSE. Senator HELMS, I don't think in all the time I have known him, has ever respected anybody as much as he respected Admiral Nance.

It was a wonder to behold, I think my Democratic colleagues would agree with me, to watch this relationship. It was almost, I say to my friend from North Carolina, like you had an older brother, a brother who loved you and guided you and occasionally, like all of us do when you sort of get off and you were going too far or not far enough, would whisper in your ear, would put his hand on you—I watched him put his hand on your shoulder. It was like he didn't have to say anything to you. So all Members on this floor and all Members watched in wonder and with a sense of envy the relationship the Senator had with Admiral Nance, and we have an appreciation for how difficult a moment this is for you.

We respect you for your ability to pull it off with the grace that you have thus far.

Mr. President, I have only on a couple occasions in 27 years come to the floor to pay a tribute to a staff member. We have had great, great, great, great staff members who have guided us all. I think the best kept secret from the American people is the incredible quality, patriotism, capacity, educational achievement, and personal commitment of the staffs that sit back in these chairs behind that rail. It is a trite thing to say, but the Nation could not run without them.

I know of no staff member who was the peer to this fellow, Bud Nance. The Senate family and the Nation—it sounds like hyperbole—suffered a loss when Admiral Nance passed away. Since 1971, Admiral Nance has been the staff director of the Committee on Foreign Relations, serving first as the minority staff director, and then as the staff director for the minority under the chairman and senior Senator of North Carolina, Mr. JESSE HELMS.

Working in the Senate was something of a second career for Admiral Nance. Prior to coming to the Senate, Admiral Nance spent 35 years in the U.S. Navy. A pilot by training, Admiral Nance rose to hold several senior command positions on aircraft carriers, including command, as mentioned earlier, of the U.S.S. Forrestal and senior commands in the Pentagon. He retired in 1979 with the rank of rear admiral. I might note, parenthetically, one of the great, great, great, great advantages of having Bud Nance, with the ideological divisions that exist in matters relating to foreign policy, was that you always knew you would get down to the final question of how it worked.

I remember two Fridays ago talking to him and him saying—I hope no one is offended by my saying this—the reason why we haven't in the committee taken the administration to task on some of the NATO questions is I know how hard it is to get consensus in NATO. I sat there. I was in charge of planning. I know how difficult it is.

He also knew how easy it would have been for the committee, under the chairmanship of the Senator from North Carolina, to demagog the living devil out of the targeting questions and whether or not the French and the Germans and the Brits—he said until you are there and have to get 15 other nations to agree on something, you have no notion how difficult it is.

To steal a phrase from the chairman, this is one little vignette that illustrates how, even though he had serious disagreement with the policy of the President of the United States, he believed it wasn't fair play—my translation, not his; mine—to take advantage of something, that the people wouldn't understand how complicated it was, but he understood that it was complicated. It was just simply not fair game to take advantage of it, in addition to the fact he always thought of the people who were jumping in the cockpits of those planes. He always thought of the people who were over there putting their lives on the line.

That came from 35 years of experience. It wasn't merely because he was a good, honorable and decent man which you will hear more about, because he was. You can ask any of my colleagues, and I suspect my Democratic colleagues will say the same. All Bud Nance had to do with me is say that this is what we are going to do, and I can absolutely, positively trust it as certain, as certain as if my closest staff aide said that to me.

The magic of Bud Nance was he made each of us feel like he was our staff, like he was looking out for our interest. I knew without any question that if he said something to me, even if there was a miscommunication between the chairman and Bud Nance, the chairman would never undercut Bud Nance, either that whatever Bud Nance said was going to happen.

You have no—yes, you do, Mr. President. I was going to say you have no idea. You do have an idea. Anyone who serves here has an idea what an incredible, incredible asset that is. If we were able to do that, if we had that kind of faith in each other's staffs, this place would move so much more smoothly than it does because so much is necessarily propelled by staff.

During the 1980s, Admiral Nance served as deputy assistant to President Reagan for national security affairs, and in private business with the Boeing Corporation. In 1991, his boyhood friend, JESSE HELMS, as the chairman has indicated, who grew up in the small town of Monroe, NC, called Bud Nance to serve his country once again. Although at the time he got the call he had long-since retired and he was 70 years old—a time when most people would choose to take it easy, spend time with their wives, their children and their grandchildren—Bud Nance answered the call of his friend, JESSE HELMS, and he came to work for the Foreign Relations Committee. He did so not out of a desire for power or money, to state the obvious. In fact, he received only a nominal salary, which at one point, as he enjoyed putting it, amounted to a few dollars per week. That is literally true, by the way—literally true. Because of this law we have about double dipping, literally he worked for pennies here—full time, 60 hours, 70 hours a week. He worked literally for nothing.

Rather than the dollars, he enjoyed the work—because of his powerful sense of duty to his country and its people and his powerful and palpable loyalty to the chairman of the Foreign Relations Committee.

In the last several months, as he struggled with illness—and I might point out, for the last year anybody else would have quit. Anybody else would have walked away and everyone would have said: God bless him. We understand.

Here is a guy whose hands were literally beat up because of the transfusions, because of the IVs, because of all of the painful way they had to go to get blood. They could not get it out of his veins anymore. They had to go into his hands and his feet. He came in black and blue—black and blue, barely able to walk. I would say: Bud, what in the heck are you doing here? He'd say: We have to get this done. No problem.

I never, never, never heard him complain. I never watched him even wince knowingly. This is a guy who literally dragged himself in and out of the hospital to show up for work. Instead of staying at home, getting the care he needed in the hospital, he kept the staff and all of us focused on the task at hand.

In my 2½ years as ranking member of the committee, I came to know Bud even better than I did the previous years, both as a professional colleague, and, I am presumptuous to say, and this is presumptuous—as a friend.

I was kidding with the chairman the other day. I said: You know, JESSE, my mom has an expression.

I will not mention the little girl's name, but I remember as a kid I got picked up second on the bus on a long bus ride to school, about a 35-minute ride. Every morning, a little girl who was not very popular and wasn't very attractive, every morning would get on the bus. It would be empty and she would sit next to me. Then everyone else would fill up the bus by the end.

I would get home and I would say to my mother: Mom, every morning—I will not mention her real name; it was not Sally—Sally gets on the bus and sits next to me. All the guys make fun of me. The girls even make fun of me—because Sally was not a particularly popular little girl.

I will never forget what my mother said. My mother said: JOEY, remember one thing. Anybody who loves you, there is only one thing you can do. Love them back.

It is real simple. I was kidding the chairman the other day. I know Bud Nance loved me because he knew how much I thought of him. He didn't have a choice. He may not have wanted to, but it was in his nature. He couldn't return the affection. So, although I do not have one one-hundredth of the history or the relationship that the chairman had with Bud Nance and it seems presumptuous for me to call him a friend in the shadow of his closest friend in life, I want you to know, Mr. Chairman, that a lot of us—and you will hear from more—a lot of us took great personal pride in believing that Bud Nance liked us. The mere fact that Bud Nance liked us in part validated what we did here. That is a remarkable thing, Mr. Chairman. That is a remarkable thing to say about any individual.

His word was his bond in a literal sense. Although he worked for a darned Republican, Bud Nance was far from partisan. I always wanted to ask him—and I never did, JESSE—about back in the days when you were a Democrat, I suspect he was, too, back in those days. I kind of harbored the illusion in my soul a little bit that maybe—maybe he still was. I knew he wasn't, but maybe he still was.

Mr. HELMS. No.

Mr. BIDEN. I always want to say Bud. Bud—they are all laughing, all the Republican staffers. But I would get back in the subway car and I would head over here and I would say: You know, maybe . . . maybe.

I want to tell you, he was well liked by every Senator, every staff person. The guy who is the minority staff director, Ed Hall, who is sitting in the back, considered him a close friend. It was remarkable to watch their relationship, watch how they dealt with one another. I haven't found anybody who was better liked, more respected, more fair, or more knowledgeable than Bud Nance—of all the people with whom I have worked. Above all, Bud Nance was—and this is not said lightly; I don't often use the word—Bud Nance was a genuine patriot.

At all times, he would focus on the central question. We would get involved and we would be arguing, we would be talking, and Bud Nance always, always brought us back to the central question: Is this in the interest of the country? Is this in the interest of the country? Because, as we Senators know, we can get carried away. We believe in what we are doing, but we get invested in what we are doing. We get invested in our position. Sometimes, although we don't consciously do it, in my opinion, we get so wrapped up in winning our point that it takes somebody like Bud Nance to say—and I know he has said it to JESSE; he has said it to me—whoa, wait a minute, wait a minute. Hold up here.

He had that great ability, as the old saying goes, to see the forest for the trees. We get lost in the forest. We start numbering the trees. He could stand back. He would stand back and he would say, Look at the whole picture.

As I said, I will end where I began. I have a sense of envy that you, Senator HELMS, had the relationship you had. My dad's expression is: At the end of your days, if you can count one person who you can call a true friend, you are a lucky man.

You are one of the luckiest men that I know, Senator. You have had a guy who everyone is honoring, honoring you.

Our profound sympathy and our prayers go out to his loving wife of 53 years. I don't know Mary, but I know of her. I have heard her name invoked a thousand times. To Bud's four children and his seven grandchildren, to use my grandpop's expression, I say: You got good blood. You got good blood. I am telling you, remember where you came from. This guy—your grandfather, your father—was the real thing. The real thing.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I will not even try to match the eloquence of my esteemed colleague from Delaware. But I would like to just say a few words about my friend, Adm. Bud Nance, and my friend, Senator HELMS, as well. I will not be long because I see other members of the Foreign Relations Committee who are here to speak.

I didn't have the privilege of serving on the Foreign Relations Committee at the same time with Bud Nance. But I knew him. I respected him. On a Capitol Hill that is completely covered with more youthful staffers, staffers who are very young in many ways, not quite as experienced, Bud Nance stood out as one of the most senior. He did not have to be here. He probably could have enjoyed the remaining years of his life much more by not being here. But he came to serve side by side with his friend from his youth, Senator JESSE HELMS, one of the greatest Senators who has ever sat in the Senate.

Admiral Nance was one of the greatest people who ever served on the Senate staff, and he did it at a time when we had a lot of conflicts and difficulties and problems in foreign relations, and he did it with intelligence, with a mastery that was important, with an ability to get along with people and to work with both minority and majority staffs.

This man is a true hero to me and true hero for our country, just the type of person we ought to all try to emulate, somebody who really loved his country enough to give his last for the country. I believe he loved his country so much because of his family and because of his understanding of what a great country this is and what a great constitutional form of government we have.

This is a man who reached the heights in the military and, in my opinion, reached the heights in the Senate as well. When he came on the staff, the staff was reported to be having difficulties, and he brought them together, coordinated them, unified them, and I think both the minority and the majority staffs have worked well ever since. It took a true leader to do that.

It took a true leader in Senator HELMS to pick Admiral Nance, and I know he feels highly privileged to have worked with his friend, his colleague, and somebody who advised him in the best of ways and advised all of us in the best of ways.

I express my sympathy to his wife and his family and tell them that they should be very proud of him, not just for the tremendous years of serving this country, as he did in the military, as a husband and as a father, but for these years on Capitol Hill. It made a difference to the country, to the world at large, and to all of us. I thank Senator HELMS for having given us the opportunity to know him better.

I yield the floor.

The PRESIDING OFFICER (Mr. ENZI). The Chair recognizes the Senator from Maryland.

Mr. SARBANES. Mr. President, last week the Senate lost one of its most able and committed staffers; the country lost a brave public servant, a true patriot. Beyond that, with the passing of Adm. James W. "Bud" Nance, many of us have lost a good friend.

I want to touch for just a moment on his Maryland connections. Admiral Nance graduated from the Naval Academy in Annapolis in 1944, then went off to serve in our Navy in World War II. He in fact served in World War II, in the Korean war, and in the Vietnam war.

In the mid-1950s, he was a project pilot for the flight test division of the Naval Air Test Center in Patuxent River, MD, in St. Mary's County, the mother county of our State. I simply say we were honored to have had his presence in our State for an extended period on those two occasions.

Here in the Senate, an institution sometimes marked by acrimony and divisiveness, Bud Nance displayed a warmth and generosity of spirit. He was able to work constructively with those on both sides of the aisle to enhance our Nation's interests. That was always first and foremost in Bud's mind—what served the interest of our great country.

Each time I had occasion to work with him, Bud listened to my concerns and responded promptly and fairly. Others had the same experience. He fought hard for the principles in which he believed, but always in a manner that commanded respect and admiration.

As the chairman of our committee has indicated, his lifetime friend made an invaluable contribution to our Nation's policies.

I was particularly moved by the way Admiral Nance dealt with his illness. Having had an illustrious 35-year career in the Navy, he knew how to surmount the gravest challenges and how to maintain strong leadership throughout. He demonstrated that once again by showing up for work every day with a smile and a vitality that masked whatever pain and discomfort he may have felt. Every day he reported for duty. Rather than complaining about his own situation, he showed a genuine interest in the health and well-being of those around him, and the other staff members of the committee will recount his unfailing courtesies towards each and every one of them.

I join my colleagues in offering my deepest condolences to Bud's wife of 53 years, Mary Lyda, and to his four children and seven grandchildren. The Senate Foreign Relations Committee and the Senate itself were fortunate to have had the benefit of his dedicated service over the past 8 years. He will be remembered fondly, not only for his lifetime of service to this country—civilian as well as military—but also for his integrity, courage, and grace.

Mr. President, I yield the floor.

Mr. HELMS. Mr. President, I am not sure I can adequately thank the Senators for their comments. They know I appreciate them. We are trying to go from one side to the other, and I ask the Chair to recognize the distinguished Senator from Virginia.

The PRESIDING OFFICER. The Chair recognizes the Senator from Virginia.

Mr. WARNER. Mr. President, I rise to join our colleagues in the Senate to provide this record of our recollections of this great American who, in service to the Senate and in partnership with the chairman of the Foreign Relations Committee, left his mark. I feel very humble about it because I was fascinated in some research that I did on the U.S.S. *North Carolina*, the battleship on which he served.

I ask unanimous consent to have printed in the RECORD reference to the engagements in the closing days of World War II in which this distinguished ship participated with Ens. Bud Nance.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HISTORY OF THE BATTLESHIP NORTH CAROLINA—BB-55

BACKGROUND

The current Battleship North Carolina (BB-55) is the third U.S. Navy ship to bear the name. Her commissioned service lasted a little over six years, and only eleven years lapsed between the time the ship was authorized and she was decommissioned. During that short time however, she had quite a record, and is now preserved in her original World War II colors as a memorial to all those who gave their lives for freedom.

THE FIRST NORTH CAROLINA—1818-10/1/1867

The first North Carolina was a ship of the line, built in Philadelphia Navy Yard. The keel was laid in 1818, and the ship was launched in 1820. She was just over 193 feet in length, with a 53-foot beam, and was rated at 2,633 tons. She carried 74 guns—32 pounders and 42 pounders. She was active until 1839, when she was converted to a receiving ship. She was sold for scrap on October 1, 1867 for $30,000. The original figurehead of the ship, a bust of Sir Walter Raleigh was given to the state of North Carolina in 1909.

THE CONFEDERATE NORTH CAROLINA—1863-9/27/1864

During the Civil War the Confederate States Navy had an iron-clad sloop named North Carolina. She was 150 feet long, with a 32-foot beam, and carried four guns. She was built in Wilmington, North Carolina, and because she was structurally weak, never crossed the bar out of the Cape Fear River. The ship was active from late 1863 until September 27, 1864 when she developed leaks and sank.

THE SECOND NORTH CAROLINA—3/21/1906-9/29/1930

The second U.S. Navy ship to bear the name was an armored cruiser, number 12, built by the Newport News Shipbuilding & Dry-dock Company in Newport News, Virginia. The keel was laid March 21, 1905, she was launched on October 5, 1906, and was commissioned on May 7, 1908. She was 504 feet 6 inches in length, with a 72 foot 11 inch beam. She displaced 14,500 tons, and had a top speed of 22 knots.

On November 5, 1915 she was the first ship in the world to launch an airplane with a catapult while underway.

On June 7, 1920, her name was changed to Charlotte to make way for the new super battleship, number 52. As Charlotte she was decommissioned on February 18, 1921. Her name was struck from the Navy list on July 15, 1930, and she was sold for scrap on September 29, 1930.

BATTLESHIP NUMBER 52

Laid down in 1919, battleship number 52 was to have been called the North Carolina. This ship was to have been a monster for that era, with a displacement of 43,200 tons, a length of 624 feet, a beam of 105 feet, and a speed of 23 knots. Mounting 12 16-inch guns, the North Carolina and her five planned sister ships, had they been completed, would have been the largest and most heavily armed capital ships of the world at that time.

Three years after construction was begun, however, the Washington Naval Treaty in 1922 imposed a ten year limit, and new size restrictions on warships of the era. All work was stopped, and the hull was sold for scrap.

THE CURRENT NORTH CAROLINA: NAVY DAY 10/27/37-6/27/47

Authorized by an act of Congress on June 3, 1936, the keel of BB-55 was laid down at the Brooklyn Navy Yard on Navy Day, October 27, 1937. This was the first time the United States had started construction of a battleship in 16 years. A few new cruisers and destroyers had been built, but in general, the fleet was old if not obsolete at the time.

Ships are not built in a day. As they say, when you need ships it's too late to build them. Four years of design work, and three years and eight months went into her construction.

While building the North Carolina, war broke out in Europe, and only four days before her launch Hitler's divisions occupied Paris. In the Far East, Japan had invaded China, and was threatening further aggressive moves in Southeast Asia.

On June 13, 1940, Governor Clyde R. Hoey of North Carolina's daughter, Isabel, to the strains of "Anchors Aweigh", smashed the traditional bottle of champagne against the bow and launched the ship. Then, on April 9, 1941, after completing her fitting-out, Secretary of the Navy Frank Knox commissioned the ship. After all work was done, the ship cost the taxpayers $76,885,750. Today, the sum would be vastly greater.

After commissioning, the North Carolina had an unusually extensive shakedown, lasting several months. During this long "shakedown" period, the North Carolina returned often to her building yard for adjustments and modifications. During this time, New Yorkers, and in particular radio commentator Walter Winchell often witnessed the great new "battlewagon" entering and departing the harbor, and began to call her

“The Showboat”, after the colorful river steamer in a popular Broadway musical. The name has stuck ever since.

ASIATIC-PACIFIC CAMPAIGNS—WAR RECORD POST-SERVICE, 9/1945–6/27/1947

On September 5, 1945 the North Carolina finally anchored in Tokyo Bay to pick up a group of about 100 men who had been transferred from her August 20th, to help with the initial occupation at the Yokosuka Naval Base, near Tokyo.

On September 6, the ship headed for home via Okinawa (to take on passengers), Hawaii and the Panama Canal. On October 17, the ship arrived in Boston harbor for a hero's welcome.

Due to post-war disarmament, the battleship's remaining active service was short. In the summer of 1946 she twice visited the Naval Academy at Annapolis to embark midshipmen for training cruises in the Caribbean. In October of that year she returned to the place of her birth, the New York Navy Yard for inactivation. She was decommissioned June 27, 1947, and placed in the “mothballed” Reserve Fleet at Bayonne, New Jersey, where she remained in obscurity for the next 14 years.

In 1960 the Navy announced its intention to scrap the famous battleship, and two famous natives of North Carolina, Hugh Morton and James S. Craig, Jr., with the endorsement of then Governor Luther Hodges began a campaign to bring the ship to North Carolina and preserve her as a war memorial.

Thousands of citizens, and countless school children contributed money. $330,000 was raised to acquire the ship from the Navy and prepare a suitable berth. In September 1961 she was towed from New Jersey, and on October 2 she was moored in her present berth across the river from downtown Wilmington. On April 29, 1962 she was dedicated as a memorial to all the North Carolina men and women who served in the war, and in particular, to the more than 10,000 North Carolinians who gave their lives in the war.

ASIATIC-PACIFIC CAMPAIGNS OF THE BATTLESHIP NORTH CAROLINA

Prelude to Combat—December 1941–July 1942.

Landings on Guadalcanal and Tulagi—7–9 August 1942.

Capture and Defense of Guadalcanal—16 August 1942–8 February 1943.

Battle of the Eastern Solomons—23–24 August 1943.

I–19 Submarine Attack: USS WASP—Carrier—SUNK, USS O'BRIEN—Destroyer—SUNK, USS NORTH CAROLINA—Battleship—Damaged—15 September 1942.

New Georgia Group Operations: New Guinea, Rendova, Vangunu Invasion—30 June–31 August 1943.

Gilbert Islands Operations: Tarawa, Mrakin—19 November–8 December 1943.

Bismark Achipelago Operations: Kavieng Strike—25 December 1943.

Marshall Island Operation: Invasion of Kwajalein Atoll, Invasion of Majuro Atoll—29 January 1944–8 February 1944.

Task Force Strikes: Truk—16–17 February 1944, Marianas—21–22 February 1944, Palau, Yap, Ulithi, Woleai—30 March–1 April 1944, Turk, Satawan, Ponape—29 April–1 May 1944.

Western New Guinea Operations: Hollandia—21–24 April 1944.

Marianas Operations: Invasion of Saipan—11–24 June 1944, Battle of the Philippine Sea—19–20 June 1944.

Leyte Operation: Attacks on Luzon—13, 14, 19–25 November 1944, 14, 15 December 1944.

Luzon Operation: Attacks on Luzon—6, 7 January 1944, Formosa—3, 4, 9, 15, 21 January 1945, China Coast—12, 16 January 1945, Nansei Shoto—22 January 1945.

Iwo Jima Operations: Invasion of Iwo Jima—15 February–1 March 1945, 15, 16 February 1945, 5th & 3rd Fleet raids on Honshu & Nansei Shoto—25 February–March 1945.

Okinawa Invasion—17 March–27 April 1945.

3rd Fleet Operations: Bombardment and Airstrikes on the Japanese Home Islands—10 July–15 August 1945.

INVASION OF OKINAWA (APRIL 1945)—BB–55

Coincident with the air offensive of Task Force 58 against Mainland Japan, other American forces were closing in for the invasion of Okinawa, where the initial landings occurred on 1 April. Three Marine Divisions (1st, 2nd, and 6th), plus four Army Divisions (7th, 96th, 77th, and 27th) were employed in this operation, the last of the major island assaults of the Pacific war. Okinawa was needed because it was best located to support the planned invasion of the Home Islands of Japan, and because it offered airfields and anchorages required for that purpose. Task Force 58 covered the operation, providing air support and fighter defense.

The NORTH CAROLINA, in company with other fast battleships, conducted a pre-invasion bombardment of Okinawa from very long ranges on 24 March; and fired again, in support of a feint landing on 17 April.

On 6 April, in the heat of air attack with all ships firing, the Showboat was accidentally hit by a 5-inch AA Common projectile fired at a low-flying kamikaze by a friendly ship. The projectile struck the supporting trunk of the secondary battery director (Sky 2), killing three men, wounding 44, and disabling the director. During a lull in the fighting, the dead were buried at sea with members of the crew sadly bidding their shipmates a last farewell in the traditional solemn rites.

Just before taps that night, the voice of the Chaplain came over the ship's public address system with the following prayer: “Heavenly Father, today we committed to the deep three of our shipmates who gave their lives so that others may live. We are particularly mindful at this time of their loved ones at home. Sustain them in their sorrow. Help them to understand that those they love gave their lives for their protection and care. Be with all the officers and men of this ship. Give all of us heart and mind to serve thee and our country willingly and faithfully. . . .”

The NORTH CAROLINA, with Task Force 58, was in the thick of the fighting around Okinawa for a total of 40 days before being ordered to withdraw for repairs to her battle damage. During this 40-day period, hundreds of kamikaze attacks were launched against naval units operating in the vicinity of Okinawa, and a total of 73 ships were crashed by them. Of these, 20 were sunk or so badly damaged they had to be scuttled, and 22 were damaged to the extent that repairs would not be completed before the war was over. However, for every Kamikaze pilot who succeeded in crashing one of our ships, there were scores shot down by our fighters and ship's gunners.

REFLECTIONS ON THE KAMIKAZES

A Kamikaze attack, as witnessed by a potential victim, can be ranked among the most frightening experiences in the history of modern warfare. As a rule, such attacks were pressed home with fanatical determination, despite the most intense antiaircraft fire. Virtually all Kamikaze attacks ended in flaming violence and death, if only for the pilot crashing into the sea amid a torrent of bursting shells and tracers, some of which were often wildly and dangerously erratic. Carriers were always the primary targets, but no ships were immune. Once a kamikaze was damaged, he usually selected whatever ship was nearest ahead as his target. The specter of sudden holocaust created on board a ship by a combination of the exploding bombs and gasoline carried by a suicide plane instilled fear in the staunchest heart.

Mr. WARNER. In that period of time I was but a mere radioman third class. Aboard a battleship, about the only thing lower than a radioman third class is a bull ensign out of Annapolis. If the Admiral were here, he would recall those days. Ensigns on battleships were almost down in the bilge area. Nevertheless, he was privileged to serve with that distinguished ship in a series of engagements.

I have also found a record of his second Distinguished Service Medal. It is interesting. I am searching for the first because it is likely that was in my period of tenure when a radioman third class had become Secretary of the Navy, because this one covers the period of June 1975 through December of 1978.

I want to read these remarks, signed by the then Secretary of the Navy:

> For exceptionally meritorious service to the Government of the United States—

Rear Adm. James W. Nance, U.S. Navy—

> while serving as the Assistant Vice Chief of Naval Operations/Director of Naval Administration from June 1975 through December 1978.
>
> In directing the efforts of the vast human and physical resources of the Office of the Chief of Naval Operations, Rear Admiral Nance displayed the highest order of leadership, superb managerial acumen, and unexcelled initiative.

The same qualities, Mr. President, I say to the chairman of the committee, that he exhibited on the Foreign Relations Committee. Isn't it interesting, these many years prior thereto, he was recognized for those qualities?

> His keen foresight and perception coupled with an extensive knowledge of Navy organization were significantly instrumental in successfully guiding the reorganization of several major realignment programs.

Did he not do some reorganization for you, Mr. Chairman?

> Utilizing dynamic leadership, keen administrative ability, and steadfast perseverance, Rear Admiral Nance managed the Navy's massive organizational network in a noteworthy manner, thereby enhancing the shore establishment's support to the fleet. Additionally, he personally initiated and implemented important improvements in both procedural and institutional aspects of the Office of the Chief of Naval Operations and, by personal attention, example, and vigorous advocacy, he provided positive leadership in the area of Equal Employment Opportunity.
>
> Rear Admiral Nance's distinctive accomplishments, unparalleled effectiveness, managerial expertise, and tenacious devotion to duty reflected great credit upon himself and were in keeping with the highest traditions of the United States Naval Service.

I ask unanimous consent to have printed in the Record the very detailed briefing that goes behind this, the Navy's highest noncombat award, for which he received two. I hope to complete my research about the first.

There being no objection, the material was ordered to be printed in the Record, as follows:

Summary of Action

Rear Admiral James W. Nance distinguished himself by exceptionally meritorious service to the United States in a position of great responsibility as Assistant Vice Chief of Naval Operations/Director of Naval Administration (AVCNO/DNA) from June 1975 thru December 1978. As the principal advisor and executive to the Vice Chief of Naval Operations (VCNO) and the Chief of Naval Operations (CNO) for all organizational matters embracing the Office of the Chief of Naval Operations (OPNAV), and for all organizational echelons under the command of the CNO, he has demonstrated the highest degree of astute planning, detailed knowledge, exceptional managerial skill, and the ability to identify requirements that would compete for support in an increasingly austere fiscal and personnel resource environment. In this broad area encompassing more than 1250 shore activities, plus all the operating forces of the U.S. Navy, Rear Admiral Nance initiated and implemented many innovative improvements which significantly enhanced the Navy's capability and ability to support CNO in carrying out his mission. Astutely aware of the operational and material expenditures for the operation of the navy and the complex requirements of Mission and Program Sponsors in the OPNAV organization, Rear Admiral Nance was able to relate organizational changes to ongoing efforts, and to estimate potential costs and effectiveness with respect to the total navy effort and management decision at hand. He arbitrated among the various OPNAV sponsors and technical managers in order to develop a convincing and balanced program for the VCNO and CNO. As the focal point for all organizational matters Rear Admiral Nance demonstrated the highest degree of patience, objectivity, sound judgment, integrity and skill in both persuasion and application. These traits, coupled with a superior management ability, enabled him to overcome problems and maintain the proper perspective during frustrating times. All of these qualities Rear Admiral Nance has in abundance, and they have been demonstrated time and again during his tenure as AVCNO/DNA.

Rear Admiral Nance initiated and implemented vital improvements in both the policy and procedural aspects regarding proposals for the establishment, disestablishment, and modification of shore activities and of fleet activities of the Operating Forces. Rear Admiral Nance has displayed a flair for discovering organizational inconsistencies. In each instance he instinctively recommends the best solution. In these recommendations he exhibits a uniqueness in looking at each proposal from the whole Department of the Navy standpoint and not a more restrictive and narrow aspect of program sponsors. His efforts in maintaining strict compliance to the Secretary of Defense (SECDEF), Secretary of the Navy (SECNAV), and the direction and decisions regarding the reduction of operational expenditures and for providing better utilization of limited manpower resources, while still maintaining the highest degree of effectiveness and efficiency, have contributed significantly to the United States Navy.

Directly responsible for the management of an annual budget of approximately 400 million dollars, over 16,000 military and civilian personnel, and approximately 200 commands within the CNO claimancy, Rear Admiral Nance has demonstrated unique abilities in management of these resources. Constantly aware of the worldwide inflation and its adverse effects on the CNO claimancy and the national priorities, Rear Admiral Nance fostered and encouraged strong leadership, professional skills, and force in fiscal and personnel management. Whether involving the more than 125 activities for which the CNO provides direct Operation and Maintenance Navy (O&MN) appropriation financial support or the more than 90 activities for which the CNO is the civilian manpower claimant, Rear Admiral Nance consistently and aggressively sought improvements in all areas. Included in activities supported in the CNO claimancy are such diversified commands as CINCPAC, CINCLANT, SEATO Military Headquarters, MAAG China, all the Navy Sections in the MAACs in South America and Europe, USN Member SHAPE Headquarters, Naval Observatory, all the District Commandants, COMUSJAPAN, Commander Iceland Defense Force, most of the major Naval Support Activities in CONUS, all Legal Service Offices worldwide, NAP Washington, COMOPTEVFOR, Board of Inspection and Survey, the Vice President's quarters and Presidential helicopters, just to name a few.

Rear Admiral Nance set realistic standards for the management and administrative performance of these field commands and activities in such areas as management policies, procedures and controls, organizational structure, position structure, staffing and delegation, management systems and related management practices. In these areas, and while servicing as resource and executive manager for the CNO, he made significant contributions. Since the aforementioned activities under the CNO claimancy are unique in that they have no Systems Command or Bureau sponsorship and are administered centrally under the CNO, they prove to be a major undertaking. Management of these activities is further complicated by the diverse programs represented in their missions. Through Admiral Nance's direction and leadership, the quality and level of services has been enhanced, and services in such areas as property maintenance, personnel services, and services to tenant commands have been greatly improved even though funds and personnel have been reduced over the years. As an example of the concern for real property facilities, during Fiscal Years 1976 through 1978 the CNO claimancy allocated resources for the maintenance and repair of real property in a proportion to its backlog of maintenance and repair that exceeded by over 50% the same ration for the entire Navy shore establishment supported by the O&MN appropriation.

Rear Admiral Nance assumed his duties at a time when a major reduction in force had been directed. Confronted with this directed reduction of 12% in manning in OPNAV he approached the task with a unique freshness which rallied the support of all concerned. Apportioning these reductions to the varied offices within the OPNAV would be no small task. He personally conferred with each of the Deputy Chiefs of Naval Operations (DCNOs) and the Directors of Major Staff Offices (DMSOs) reviewing their mission and staffing. Gaining immeasurable information and knowledge of each of these complex organizations provided him with much of the data he required preliminary to directing reductions. The knowledge gained during this tremendous and time consuming effort and his years of experience enabled him to determine those areas where critical manning deficiencies were already developing as a result of the many reductions already applied to OPNAV and those areas where a reduction could be imposed. The application of his knowledge made it possible to develop a presentation which obtained the SECNAV's support for an effort to stem the shrinking of the OPNAV staff and permit the staff to meet its responsibilities. The required reduction was effected with minimal disruption and was superbly balanced among military and civilian positions. In subsequent years additional personnel reduction actions were directed. Rear Admiral Nance, after reviewing the OPNAV staff, its requirements and the requirements of the SECDEP, established an OPNAV Support Activity. This component organization satisfied SECDEP's requirements for the reduction of Navy Department Headquarters since those personnel not involved in Navy-wide policy making were assigned thereto. This fresh approach developed by Rear Admiral Nance prevented the crippling of the OPNAV staff's capability to perform its mission.

Mr. WARNER. But the interesting thing is the direct parallels between, Mr. Chairman, what he performed in the Navy in 1974 and what he performed in the Senate in 1994. When I spoke of him as ensign, I heard on the floor of the Senate a little chuckle from a former ensign who is over there now preparing to address the Senate. I am sure he might expand a little bit on the relationship between an ensign and the higher officers. I see him busily going over his notes over there.

But I say to my distinguished colleague from Massachusetts, we should conclude these remarks by saying: An officer and a gentleman—a phrase known in the U.S. Navy. My distinguished colleague from Massachusetts earned that title, as did Admiral Nance.

I thank the Chair and thank my distinguished colleagues.

I ask unanimous consent that the Distinguished Service Medal citation be printed in the Record.

Admiral Nance's first Distinguished Service Medal was awarded and signed by my colleague, Senator Chafee, when he was Secretary of the Navy and I was Under Secretary of the Navy.

There being no objection, the material was ordered to be printed in the Record, as follows:

The Secretary of the Navy,
Washington, DC.

The President of the United States takes pleasure in presenting the Distinguished Service Medal to Rear Admiral James W. Nance, United States Navy for service as set forth in the following citation: For exceptionally meritorious service to the Government of the United States in duties of great responsibility from January 1970 to January 1972, while serving with the Organization of the Joint Chiefs of Staff as Deputy Director for Operations, National Military Command Center, Operations Directorate, and as Chief of the Studies, Analysis, and Gaming Agency.

As Deputy Director for Operations, Rear Admiral Nance was responsible for monitoring the worldwide political/military situation on an around-the-clock basis, acting as personal representative for the Secretary of Defense; the Chairman, Joint Chiefs of Staff; the Director, Joint Staff; and the Director for Operations. He was particularly adept in handling the many events, incidents, and sensitive operations of national interest involving the highest governmental authorities.

In his capacity as Chief of the Studies, Analysis, and Gaming Agency, Rear Admiral Nance masterfully directed studies and simulations prepared to analyze strategic and general purpose force capabilities relevant to national security decision-making at the highest level.

By his outstanding leadership, superior judgment, and inspiring devotion to duty, Rear Admiral Nance reflected great credit upon himself and the Organization of the Joint Chiefs of Staff, and upheld the highest traditions of the United States Naval Service.

FOR THE PRESIDENT,
JOHN H. CHAFEE,
Secretary of the Navy.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Connecticut.

Mr. DODD. Mr. President, I join my colleagues in expressing our condolences to the Nance family. As Senator HELMS has pointed out, there are a number of them gathered today in the Senate gallery to hear these tributes.

I cannot help but think what Bud Nance would think about a lot of this language out here. I imagine that I would see a twinkling in his eye. He might think we are getting excessive—to describe it politely. I do not think you can get excessive when talking about someone of the human quality that Bud Nance possessed.

The reason you are seeing this bipartisan demonstration here today is because I never knew what Bud Nance's politics were. I had my suspicions because he was working with the chairman of the committee, but I never detected an ounce of partisanship in any approach he ever made to a Member of this body or members of the staff on either side of the aisle.

It is a great tribute to his human qualities that he saw issues as they were—either right or wrong—or ways in which to get a job done to move a bill forward. Throughout that process, which too often brings out acrimony in people, Bud Nance seemed to attract the better angels in all of us. And it is that wonderful quality that he possessed that I admired so much. I came to really respect and enjoy this man's wonderful company over too brief a period of time.

We lost a great friend and a wonderful member of the Senate family a few days ago. Many of us knew Bud Nance simply as "the admiral." He was 77 years young. That is not a polite expression. Up until his last illness, he had great vitality. And I admired him. Less than a week before he passed away, I saw him here in the staff gallery. I went over and talked to him. I admired his tenacity. In spite of all that he was going through at the hospital, transfusions and all the rest, he remained determined to be here and determined to be involved.

It is a great lesson for all of us that we should live life to the fullest. He certainly did. The loyalty that many members of the Senate and the staff, many of whom are here today, felt toward Bud Nance should be noted as well.

Both sides of the aisle respected Bud Nance enormously. We were extremely fond of him personally. All of us who had the honor of knowing him are deeply saddened to hear of his passing. I express my condolences to his wife and children and grandchildren as well.

As has been noted, he was the staff director of the Senate Foreign Relations Committee. He took over the stewardship of the committee in 1991. He was summoned out of retirement, as has been noted over and over again here by the chairman of the committee. It is not the first time that the admiral had worked for the Foreign Relations Committee.

Back in 1979 and 1980, he had served as a special consultant to the minority staff on the SALT II deliberations. Over the years, many Senators consulted with him on matters related to strategic arms treaties. He was truly an expert in this area. When his wonderful friend, his lifelong friend, and our friend, JESSE HELMS, called him up in 1991, seeking his help in reorganizing the committee, the admiral did what he had always done—he showed up ready for duty. He had retired to Virginia sometime before, but he could not say no. He accepted the challenge; and we are all the better because of it. In fact, he was excited to take on another challenge.

Some of you may know that the admiral had initially refused to take any salary. This is something of which not many Americans are aware. But there are people around here who do work because they believe in the work they are doing. Admiral Nance was one of those individuals. He insisted he should not be paid lest someone think there was an appearance of impropriety. Of course that never crossed anyone's mind. The words "impropriety" and "Bud Nance" just would not fit in the same sentence, page, or book. He was a person of impeccable integrity.

Eventually, the two friends had to compromise, as I am told, on minimal, symbolic compensation in order to comply with Federal laws. Bud Nance would also not want to be in violation of Federal laws. So there was a symbolic compensation that became Bud's salary.

At any rate, Senator HELMS and the admiral belonged to a mutual admiration society. All of us became associate members of this wonderful friendship that these two individuals shared. Bud Nance had an excellent relationship with the chairman, as all of us know, based on their deep loyalty to one another, deep appreciation of each other's talents, abilities and sense of character, and deep friendship that goes back to childhood.

We make friends in our lives through the various phases of our travels in this world, but there is no friendship that is more enduring or more deeply appreciated than one that begins in childhood and carries on through life. That does not happen often, but when it does it is a unique relationship.

The fact that Bud Nance and my great friend, JESSE HELMS, had this friendship at the young age of 4 or 5 years of age that lasted to Bud's passing says wonderful things about both of these individuals that they sustained that friendship over these many, many years.

For me personally, I say to the chairman, every day it was a pleasure to work with Admiral Nance. He was candid. He was straightforward. He always tried to do what he believed was in the best interest of our country. He was truly a patriot. That word too often is used to describe too many people, but in this case it happily applies to Bud Nance.

He was 77 years old and a veteran of several distinguished careers. And he was tapped by Senator HELMS to take over the helm of the committee. Of course, he had a wonderful and distinguished career in the Navy, as was noted by the Senator, and others. He grew up in North Carolina, attended North Carolina State, enrolled in the U.S. Naval Academy, U.S. Naval War College, and specialized in world governments and strategic planning. He earned a master's degree at George Washington University. He had many wonderful accomplishments. But the most important quality of all was he was just a wonderful human being, and all of our lives are enriched because he was a part of our lives. We are going to miss him.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

Mr. LOTT. Mr. President, I thank the Senator from Connecticut for his very kind and heartfelt comments. I know Senator HELMS appreciates it very much also.

In case it hasn't been announced, I want all Senators to be aware that Admiral Nance's graveside services will be at Arlington National Cemetery at 11 a.m. on Wednesday, tomorrow. For any Senators who would like to be there and participate, I am sure it will be a beautiful and appropriate ceremony.

I served 4 years as a staff member on the House side, working for the chairman of the Rules Committee. Now I have served 26 years in the House and the Senate. I have a very enduring appreciation for the importance and the loyalty, the dedication and the fine service that we receive from our staffs, both in this Chamber, in our committee work, and on our personal staffs.

Admiral Nance was one of those unique staff members, though, who had a very close personal relationship, beyond a normal staff relationship, with the chairman of the committee, but also with a lot of Senators. When I first came to the Senate, I found myself more than once back in the back room seeking the advice and counsel of Admiral Nance, and he always took the time to try to explain the situation and try to make clear what was in the country's best national interests. And so I feel a personal sense of loss.

When you go through life and then you sort of get to the end of your road and you look back, I think there are really at least three things you hope for: a good name, good friends, and, hopefully, a little good fortune. But very important on that list is good friends.

I have had the privilege of having some great friends, going back to my childhood days at Duck Hill, MS, people I still stay in touch with from high school and college years. We still get together. In less than 2 weeks, we are all going to be together at the marriage of my daughter. My friends from high school and college will be there. I know that when you are in the greatest need of comforting, the greatest need of counsel, there are few friends that you turn to.

So we have had this unique relationship with Rear Admiral James W. "Bud" Nance and our beloved chairman of the Foreign Relations Committee, the senior Senator from North California. He was born in Monroe, NC—most folks probably have never heard of it, or certainly have never been there—a small town, one block from the home of JESSE HELMS. I wonder how many blocks there are in Monroe—probably not many. But this son of the South from North Carolina went to the Naval Academy, a 1944 graduate. He was a gunnery officer on the U.S.S. *North Carolina* at Iwo Jima. He was a combat pilot in Korea and Vietnam. He was a test pilot. He was commander of the U.S.S. *Raleigh*, a cruiser, and commander of the U.S.S. *Forrestal*, one of our great carriers in history.

I had the pleasure one time of landing on the deck of that carrier. It was a tremendous experience. My attitude ever since has been: I have done that. I don't want to do it anymore.

To be commander of that great vessel is the height of success in many people's lives. But he went beyond that. He went on to be Deputy National Security Adviser in the Reagan administration. And then, of course, for the last 6 years, he was staff director of the Foreign Relations Committee.

His wife, Mary Lyda, and their two sons—I know Phil—are grateful to have had this man as husband and father. We all have been enriched and are better off because of his service to our country and to this institution and to his friend.

Bud Nance, sailor, public servant, patriot. God rest his soul.

I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. I thank the Chair.

Mr. President, with sadness but with great pride, I join my colleagues today to mark the passing of a remarkably patriotic and—I think everyone would agree—extraordinarily committed public servant.

Rear Admiral James "Bud" Nance devoted his entire life to serving his country, to public service. That was made up, as we have heard, of a remarkable 35 years in the U.S. Navy, 2 years as Deputy Assistant for National Security Affairs under President Reagan, and then, as we heard our colleagues recount today, great years of service here in the Senate, years where all of us know he didn't have to serve. He could have chosen any number of other courses for his life, but right up until the end, he stood watch.

He earned, as we have heard, two Distinguished Service Medals in all of the campaigns that were listed by my colleagues. One of the things for which I personally—and I am sure Senator MCCAIN will join me—express the greatest respect was his service as skipper, commander of the U.S.S. *Forrestal*, which our colleague, Senator MCCAIN, has very close ties to. I served one of my tours of duty in Vietnam at the Gulf of Tonkin, as we did a lot of search and rescue work with pilots and occasionally were doing guard duty right behind the carrier, so I became intimately familiar with carrier operations.

I think anybody who has ever been on a carrier, those 5,000-person floating cities, understands the extraordinary leadership skills that are necessary to keep everybody in those close quarters working at the pace they work under—the intense, stressful combat situation in which they work. It is a remarkable tribute to this man that he rose to that level and, indeed, performed those responsibilities with such distinction.

I first met him, obviously, when he came here, in 1991, and he became the Republican staff director for the Senate Foreign Relations Committee. Believe me, it became evident very quickly how fast he was going to be sort of the glue that helped to bring people together and keep them together. Everybody here will remember the great smile, the constant twinkle in his eye, and the wonderful kind of calm that he had about him. Literally, I think 5 days or 6 days before he passed away, clearly without any inkling on our part that that might happen so suddenly, we were down in Senate Foreign Relations room 116 dealing with a number of issues. I went over to sit beside him and seek his counsel on something. As was his manner, he sort of patted me on the knee in a calm way and said: I think we can take care of that; we can take care of that.

That is the way he worked. He enjoyed the give and take. He loved the responsibility. He loved the Senate. And most of all, he clearly loved his country which he served so diligently.

Not only did he have the confidence and friendship—a very, very special friendship—with Senator HELMS, but he also approached the job with pure professionalism, with fierce determination, and great skill. Surely he was always committed to advancing the values and belief system—such a strong value system and belief system—of Senator HELMS. Their priorities were the same. But he also was every bit as committed to working out even the most contentious issues on a bipartisan basis.

I consider myself privileged to have worked very closely with Admiral Nance when Senator HELMS was a member of the Senate POW-MIA committee, which I then chaired. I will always be grateful to him for his very steady support during that difficult and highly emotional time. He understood the importance of dealing with that issue head-on, regardless of partisanship or political consideration, and understood as well as anybody, because of his years of service, the need to begin to heal the wounds of war that still divided this country.

His participation with Senator HELMS and the work of that committee was a great service to this country. The admiral and I also worked closely together during the 6 years that I was privileged to have the responsibility as chairman, and then ranking member, of the International Operations Subcommittee for the State Department authorization bill. I know that Bud Nance believed it was more than just another bill. To him, it was a reflection of our priorities in a global strategic sense, which he understood so well. So it wasn't just a substantive issue to him; it was also an institutional issue, and he cared about that. He cared about the Senate prerogatives, he cared about the committee priorities and prerogatives, and he shared that concern with all of us.

Although we found much to agree on, we obviously sometimes disagreed. But, boy, I can tell you it was never with anything except the deepest sense of respect and understanding for the substance of another person's position.

Even throughout those disagreements, I always knew I could talk to Bud Nance and he was going to give me a fair hearing, and, working with Senator HELMS, he was going to do his best to resolve those differences.

We all know the degree to which Bud Nance was a devoted public servant. But of greater meaning and of greater consequence to him, surely, Bud Nance was a devoted husband and father. We have heard others talk of the wonderful marriage that he had to Mary Lyda for 53 years. Together they had four children. I simply want to take this opportunity to extend my condolences to them and to their families for their loss.

It is also very hard to think about Bud Nance without obviously thinking about the special relationship he had with his closest friend and our colleague, Senator HELMS. I will always fondly remember the many stories that Senator HELMS shared with us in the Foreign Relations Committee and here on the floor about two young tykes growing up within streets of each other and spending literally their lives together, even when they weren't together. No one could ever doubt the strength of the bond between them or the personal loyalty they felt toward one another over so many years. This was really a rare friendship. That it has a marvelous endurance is a tribute to both Bud Nance and JESSE HELMS, not just as public servants or as partners in a public endeavor, but as private people, as human beings.

Modern politics is not kind to personal lives, to private lives. It is sometimes easy to lose sight of the importance of those friendships in this city, and that is why I think it is so important, in part, to recognize the full measure of the friendship they shared.

I don't remember all of the words, but there is a wonderful poem by William Butler Yates that speaks about the glory man shares here on Earth, but in the end he calls on us to hope that every individual would say: And so my glory was I had such friends. Really, that is glory in itself, that he had a friend like Bud Nance.

Mr. President, this is a city marked by transients. People come and people go. But Adm. Bud Nance was forever proud that his service here was, in many ways, neither ephemeral or transient. It was a tireless service to the country, the Senate, stellar leadership in the Senate Foreign Relations Committee, and lifelong devotion to country. It defines patriotism. He will be greatly missed, but he will also be remembered very fondly by all of us who knew him and remembered him as a good man who made no secret of his love of family, love of friends, and love of country. He epitomized the best of what can come from our Nation's capital and from the country itself, as well as the best of what our foreign policy can be. We will miss him today, but so much more so, we honor his legacy and his memory.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, I thank the Senator. I am touched by all of these remarks. I hope the Chair will recognize Senator MCCAIN next. But before he does, I want to make a point that Bud Nance said many times how much he admired Senator MCCAIN's father. With that, I hope the Chair will recognize Senator MCCAIN.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I thank my dear friend from North Carolina for the love and friendship he bestowed on Bud Nance for many, many years. It is a rare thing—the relationship that existed between my dear friend from North Carolina and Adm. Bud Nance. It was a relationship characterized by mutual respect, political courage, and love and affection, which is, as the previous speaker mentioned, somewhat rare in this town—although not as rare as some would think.

Bud Nance was not only a friend of my father's, he also served under my grandfather in World War II. Mr. President, there is a book that has been No. 1 on the best seller list for a long time. The title of that book is "The Greatest Generation," written by Tom Brokaw, a man known to all of us. It is one of the more moving books I have read in a long time. It chronicles the personal experiences of those of the generation that fought and won World War II and, indeed, did make the world safe for democracy. It contains very moving stories. The impact of those stories gives us a renewed and indeed, perhaps, an unappreciated recognition of the service and sacrifice of that generation, what they went through, what they achieved, and the reality that they really did make not only the world safe for democracy, but make it possible for future generations to live much better lives in a broad variety of ways.

Bud Nance was of the greatest generation and he was one of the greatest Americans to serve in the greatest generation. In fact, his service spanned three wars, and in all of them he served with distinction and courage.

I believe that Bud Nance epitomized in the Senate all the best we see in people who serve the Nation. Unfailingly courteous, always considerate to others, he took into consideration with equal weight and gravity the views of those on the other side of the aisle. And although perhaps in disagreement, he always treated those views with the respect and consideration they deserved.

Obviously, as has been mentioned, the relationship between the two men was remarkable and unusual. But it was also remarkable and unusual that, in all the years that I saw Bud Nance here, never once did I see him lose patience with anyone. His courtesy was unfailing, and, frankly, he represented what we know of as the greatest generation in more ways than just having served in combat and risked his life for his country in three wars.

Mr. President, when I think of Bud Nance, as I always have, as we not only mourn his passing but celebrate his life, I could not help but be reminded of what is one of my favorite poems, written by Robert Louis Stevenson, who also had an incredibly unusual life of adventure, with great and vast experiences and great contributions. Robert Louis Stevenson wrote a poem that he wrote for his own epitaph called "Requiem," which I believe also fits our dear friend, Bud Nance.

The poem is a very simple one:

Under the wide and starry sky.
Dig the grave and let me lie.
Glad did I live and gladly die.
And I laid me down with a will.

This be the verse you gave for me:
Here he lies where he longed to be;
Home is a sailor, home from the sea.
And the hunter home from the hill.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I say to my colleague from North Carolina, I was thinking to myself that one of the things that rarely gets written about regarding politics, and it is almost the thing I have enjoyed the most about being a Senator, is the kind of friendships that develop here.

Senator HELMS and I are not exactly in agreement on most issues, and Admiral Nance and I weren't in agreement on most issues, but I tell you something, I came to love that man and I will never forget him. I agree with what everybody has said about his impact on the Senate.

I think it started a couple of years ago; I would be walking with a bad knee and Bud would ask me how I was doing. We would start talking, and then we would talk more. It came to the point, Senator HELMS, where I just decided—I never had a chance to know the admiral in the same way Senator HELMS knew him as a dear friend, or the way some of my other colleagues have known him over the years—I just reached the conclusion that this was a man I really believed in. I hope and pray he felt the same way about me.

I think he represented the very best of treating people well, the best of being willing to stand up for what you believe in, the best of patriotism, the best of public service. As far as I am concerned, there are certain people you meet whom you never forget. They are with you for the rest of your life. I celebrate this man's life. In all the work I will get a chance to do as a Senator or as a teacher, or whatever I do, I will always try—I will never succeed—to live up to Bud's example.

Mr. MOYNIHAN. Mr. President, I rise to pay tribute to Rear Admiral James W. Nance, a gentleman and a patriot. I will leave it to others to talk about Bud's accomplishments in the Navy, at the White House, in the private sector and in academia, and here in the Senate. They are legion. I wish to highlight the central rôle he played in assisting the Commission on Protecting and Reducing Government Secrecy, which I chaired. Senator HELMS was a Commission Member. Bud understood the importance of keeping some secrets. But he also understood that excessive secrecy is a mode of regulation. The most pernicious mode, really, since we don't know what we don't know. It is a fitting tribute to Bud, his wisdom, and his talents that the Commission unanimously issued its report containing recommendations for protecting and reducing government secrecy.

Bud battled his illness gallantly, which is no surprise. His death from that illness is no surprise, either, but it hurts nonetheless. We who were privileged to know Bud will miss him. The country will miss him.

He and I were frequent correspondents. His last letter to me, from last October, is characteristics. He wrote,

> As I mentioned in a discussion we had several months ago, I have myelodysplasia, or smoldering leukemia. I have had all the experimental treatments they do out at NIH without success. At present, I am living on transfusions. This problem does not worry me in the slightest because I have had 77 wonderful years and have had the privilege of knowing some of the great people of my time.

Not the slightest tinge of self-pity, remorse, regret, or bitterness. He was confident in his faith and comfortable in his accomplishments. Rather, he was concerned about the imminent dangers our country faced in the Balkans and elsewhere:

> What does bother me, Senator, is I am extremely worried about our country. In 1939, I did not register for the draft for World War II. The reason I did not register was because they already had me . . . Everywhere we look around the world things are bad—Bosnia, Kosovo, Iraq, India/Pakistan (nuclear testing), North Korea, Latin America is stewing in drugs, et. al. We should remember what Charles DeGaulle said, "There are no friends in international politics." We have countries that respect us; countries that fear us; and countries that hold us in contempt. I see too many cases where we are held in contempt. We have to do better internationally.

Bud wrote to me, with his characteristic modesty, "In the roughly 60 years that I have been with the government in both the executive and legislative branches I have always tried to make our country a little safer and a little better." This, rhetoricians will tell you, is understatement. If I may paraphrase General Robert E. Lee, Bud did his duty in all things. He could not do more. And it's obvious he never wished to do less.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Carolina, Mr. EDWARDS.

Mr. EDWARDS. Thank you, Senator HELMS, for allowing me to speak today in a tribute to an extraordinary North Carolinian, Adm. Bud Nance.

I found Senator MCCAIN's poem very moving and very touching. I know Bud Nance was an extraordinary friend to my senior Senator, who has been an extraordinary friend to me since I have been here in the Senate. They grew up together. I think they were born a couple of blocks away from each other, over in Monroe, NC, and even a couple of months apart, if I am not mistaken.

The things that Bud Nance did with his life are the things we would strive for all of our children to do. He spent his life in service of this country. Having attended the Naval Academy, having gone on to rise to prominence as an admiral in the Navy, having served on the U.S.S. *North Carolina*, and then, after retirement, when most people would go on to spend time with their family and children, he went to his second career, which was working for his great lifelong friend, Senator HELMS, on the Foreign Relations Committee.

While I did not know Bud Nance intimately the way the Senators who have spoken knew him, I have to say, whenever I went to Senator HELMS for advice—which seemed to be often—on issues of foreign relations, the very first thing he would say to me is, you need to talk to Bud Nance. I know how much he relied and depended on Bud Nance.

I might add, aside from the fact that I am so proud of Bud Nance as a North Carolinian, I have another connection with him, which is that my father-in-law, Vince Anania, who was a captain in the Navy, went to the Naval Academy and was a classmate of Bud Nance at the Naval Academy. My father-in-law was a career naval aviator, a man for whom I have great love, admiration, and respect, and he held Bud Nance in enormous esteem and friendship, having gone to school with him, having known him over the years.

I have to say, this man's career speaks for itself. The fact that he is held in such high esteem by Capt. Vince Anania, whom I love, admire and respect, just about says it all. I think this man was an extraordinary man who gave extraordinary service to his country. We have lost a great American.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the senior Senator from North Carolina.

Mr. HELMS. I ask unanimous consent that any further remarks by other Senators today or subsequent to today relative to Bud Nance be printed in tandem with the remarks that will already appear.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nebraska.

Mr. HAGEL. Mr. President, to my friend and distinguished colleague, the senior Senator from North Carolina, chairman of the Senate Foreign Relations Committee, I offer my sympathy, my condolences. I have expressed those sentiments to Senator HELMS in writing and face-to-face.

I have heard the eloquence of many of my colleagues here this morning, expressing themselves about how they feel about a very special American. The only weakness that has been presented here is that most of them have been Navy. Having been an Army sergeant in Vietnam in 1968, I, too, have some sense of appreciation for a Navy admiral. Of course, when I was in Vietnam as an Army sergeant, I didn't know any admirals, but I got to know this admiral rather well.

I wish to share a quick story that the Senator from North Carolina may not know about Bud Nance. Two weeks after I was elected to the Senate from Nebraska in 1996, I received a call from Admiral Nance. It had gotten around back here that I was interested in serving on the Senate Foreign Affairs Committee. Admiral Nance first congratulated me on my victory and then said the Senate Foreign Affairs Committee would be willing to even take an Army veteran—if it came to that—but wanted me to know that he was at my disposal to help me and assist me in any way with the staff that I was assembling, whether I joined the Senate Foreign Affairs Committee or not.

We had a long talk—as I recall about 45 minutes—about our country, about service to our country, military, foreign relations. After that 45-minute conversation, I walked out of my office in Omaha and said to the person who is now my chief of staff: I am going to seek a seat on the Senate Foreign Affairs Committee if for no other reason than Bud Nance.

Bud Nance and I talked about that occasionally, and that relationship built. For me, it was a very important part of my service on the Senate Foreign Affairs Committee and in this body.

I recall 4 months into my first year in the Senate at a hearing Senator HELMS was presiding over—and I know this will come as a surprise to some Members on the floor—one of our colleagues had an awful lot to say that day and was not inhibited by time or bashful about how much he wished to contribute on this particular subject. As one of our colleagues went on and on and on, Admiral Nance leaned forward and said, "Senator," and I turned and I said, "Yes, Admiral Nance." He said, "I want you to observe something." He smiled and winked and looked down and then said, "Senator, remember, you need not be eternal to be immortal."

I don't think that was an original, but it was at that time effective and framed the issue in rather simple Bud Nance eloquence that the Senator has come to know for so many years.

Of course we will all miss him; not only for what he represented—and maybe, more than anything, what he represented was a role model. Each of us who has the privilege of serving our country should always understand that the greatest responsibility we have is to be as good a role model as we possibly can. For his staff, as you know so well, Mr. Chairman, you who loved this man, who adored this man—not because he was a friendly man, but he guided them and he helped them; he was tough when he needed to be tough—for all those staff members who served with Admiral Nance, I wish to say thank you on their behalf, since they do not have the privilege of being on the floor of the Senate this morning, acknowledging his service. And on behalf of this Army veteran, very junior Senator, I wish to thank Admiral Nance. For you, Bud Nance, wherever you are: We will miss you, Admiral.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Carolina.

Mr. HELMS. Mr. President, I think I have never heard such eloquence in my 27 years in the Senate. It was a glory to me just to sit here and hear the evaluations of a man whom I have known and loved all my life.

Mr. DORGAN. Mr. President, I wanted to just add a note of sympathy and condolence, but also, on this day, a note of admiration for Admiral Nance's public service. As I said one day on the floor when we were talking about the late Scott Bates, there are many people who serve this country, and work in this Senate especially, who do so in ways that are not obvious to people on the outside, but in ways that are critically important to the workings of the Senate and the construction of good public policy in America.

I did not know Admiral Nance well. I knew him to see him. I, on several occasions, approached him with some questions about policy issues that I knew the committee was working on, that I knew he was involved in with Senator HELMS. On each occasion, he answered my queries with patience and with a great deal of understanding. I walked away thinking to myself, this is a person who really knows these issues, both from experience and just a general knowledge from a wide range of interests and issues. It reminded me again, then, with him, as it has with so many others, of the wonderful service given the Senate by so many people on our staffs. But he was different. He was by all accounts, of all those who had many more dealings with him than I had, a person who brought to this Senate a very substantial background and a very special kind of knowledge about these issues in foreign affairs.

So I want to add my voice today to the expressions of gratitude for his public service. Yes, condolence over his passing and sympathy to his family and loved ones, but especially, at the same time, to say thank you to Admiral Nance for lending himself in service to his country in such a noble way and especially thank you to him for being of service to his country here in the Senate with Senator HELMS for so many years.

I yield the floor.

Mr. GRAMS. Mr. President, I take this opportunity to join many of my colleagues this morning in saying just how grateful I am that I had the chance to work with "the Admiral." When I call Bud Nance "the Admiral," I do so on purpose, because when a Senator referred to "the Admiral," of course you never had to question which one. We all knew that Member was talking about—of course, Admiral Nance.

The Admiral was a great man, a true American hero. He survived over 150 Japanese suicide bomber attacks during World War II. He became a Navy test pilot, which was dangerous work. In one of the 10-men units in which he served, five pilots died in crashes. So we know he was not only brave but also blessed.

Later he commanded the aircraft carrier U.S.S. *Forrestal* and served as deputy assistant to the President for national security affairs under Ronald Reagan.

Chairman HELMS and the Senate Foreign Relations Committee benefited from his intense patriotism and vast experience. We are all very lucky that he was willing to serve his country in this way, continuing his lifelong commitment to the defense of our Nation's interests.

Let me say something else about the Admiral. He was a modest man, a very simple man, and he certainly would not want all of this fuss about his accomplishments over a very long life. But Admiral Nance was a Navy man and, of course, loved to tell stories. In his memory, I want to relate an anecdote about the Admiral which reflects his straightforward nature and, above all, his sense of humor.

This happened before my time in the Senate, but it is one of those stories that gets repeated by members of the Foreign Relations Committee. I share it with everyone today because if any of you did not have the pleasure of knowing Bud Nance, you will have a better understanding of why he was so beloved by everybody with whom he worked.

It occurred in the summer of 1992 when Admiral Nance was the minority staff director of the Foreign Relations Committee and he had requested a document from AID on funds for Nicaragua. The answer the Admiral got from AID was not in English with dollar amounts, but rather it came in Spanish with amounts in cordobas.

So the Admiral wrote back to AID saying he had three staff members who were Spanish speakers, but they were all busy, and since English was obviously not AID's official language, he wanted all communication from AID to the committee to be either in Russian or Hebrew during the month of August. But—here is the real kicker—the Admiral sent his response to AID through the proper channels on Foreign Relations Committee stationery, it was all very proper and official looking, except for one thing: He had a member of his staff draft it up in Hebrew. And that is the truth. I have a copy of the letter right here.

By the way, the only bit of English was, of course, his signature at the bottom of the letter: "James W. Nance." According to the Admiral, he never heard back from AID on that matter, but he never received another foreign-language document without a translation as well.

So again, Mr. President, this is not just a time to mourn our loss, but I believe very strongly it is a time to celebrate the Admiral's life. He will be missed, but he will not be forgotten.

Thank you very much, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from California.

Mrs. BOXER. Thank you very much, Mr. President.

I associate myself with the remarks that have been made all morning concerning the passing of Admiral Nance, and what a gentleman he was, and what a difficult thing it is for Senator HELMS to lose a friend he has had since childhood.

Mr. MCCONNELL. Mr. President, in 1941, Monroe, North Carolina, lost Bud Nance, a favorite home grown boy, who traveled north to the U.S. Naval Academy. Last week, we all suffered the loss of Admiral Nance to a different journey. He passed away after a life time of dedicated and successful service to his country. But, what most of us will recall beyond his distinguished record and credentials is the support and friendship Bud offered many of us, especially to Senator HELMS.

Bud brought the quiet confidence and certain purpose he had gained from growing up in a close knit community to each challenge and task he faced. When he arrived to serve Senator HELMS as chief of staff of the Foreign Relations Committee there were no shortages to the variety and complexity of those challenges. But, Bud had a gift for dissecting and analyzing complicated issues—whether personnel or policy—cutting with certainty to the heart of any matter, giving guidance then moving on to the next challenge. He saw each problem as an opportunity to support his friends and serve his country.

The many conversations I enjoyed with Bud flowed from our common reverence for the history and stories so familiar in the South. He represented the best of North Carolina traditions—he had that strong streak of country sense, yet was ever sentimental; his wisdom twinkled with humor. He brought these strengths to every discussion we had on a wide range of issues from arms control to foreign aid—he made a difference with Southern distinction.

Bud's loss will be felt most deeply by his life long and good friend, "JESSE". I thank him for sharing Bud with us for the past 8 years. The Senate and its Members are the richer for his contribution and service.

Mr. DASCHLE. Mr. President, I join my colleagues in saying how much this Senate, and this nation, will miss Bud Nance. I want, as well, to offer my condolences to Admiral Nance's family, to Senator HELMS on the loss of his childhood friend and staff member, and to Admiral Nance's colleagues at the Senate Foreign Relations Committee.

Other Senators on both sides of the aisle have spoken of Admiral Nance's distinguished careers—in the Navy, the White House, and here in the Senate. He was, as they have said, a war hero, and a true patriot. Senior Naval officer. Commander of U.S. forces in Europe. National security advisor to two Presidents. Chief of Staff to the Senate Foreign Relations Committee.

Senator HELMS is his dearest and oldest friend in the Senate. But Admiral Nance leaves many friends here—on both sides of the aisle. He was a good and decent man. A man of great accomplishment and true humility. He was also a man of integrity. You knew, whenever you dealt with Admiral Nance, that you were dealing with a fair and open man. You knew if Bud Nance made a commitment, it would be kept. His word was his bond.

He was also an tireless worker. Most mornings, he arrived at the Capitol at 7 o'clock. He was still at his desk late into most nights. I don't know whether his work ethic was formed in the Navy, or earlier in life, but it was remarkable. And it never wavered, even during his last great battle with sickness and pain. Admiral Nance was a steady hand on the foreign relations Senate ship, just as he was in his command of the aircraft carrier *Forrestal*. He displayed courage and grace in his fight against illness.

The Senate is served every day by men and women of great dedication, commitment and industry who believe in the American system of government. Even among these exceptional people, Admiral Nance stood out. He will be missed. Our thoughts and prayers go out to his wife, Mary Lyda Faulk; their children, James Lee Nance, Mary Catherine Worth, Andrew Monroe Nance and Susan Elizabeth Nance, and their many grandchildren.

Mr. ASHCROFT. Mr. President, I rise today to join every member of this body in mourning the loss of Admiral James W. "Bud" Nance. His loss is felt especially among those Members and staff who worked closely with the Admiral on the Foreign Relations Committee. He is survived by his wife of 53 years, four children, and seven grandchildren.

The much-celebrated friendship between Admiral Nance and Senator JESSE HELMS set the tone for the work of the Foreign Relations Committee. Few committee chairmen have known their staff directors since first grade. The level of trust between those two elevated the work of the Committee to a distinct level.

Born in 1921 in Monroe, North Carolina, Admiral Nance went on to graduate from the Naval Academy, fight in World War II, and serve 35 years in the U.S. Navy. That was all before he began his second career after 1979 in the Legislative and Executive branches of Government. In the Navy, the Admiral was a first rate aviator, involved in some of the more dangerous testing and developing programs for naval fighters. He served as Commanding Officer of the Attack Carrier Air Wing Eight aboard the U.S.S. *Forrestal* and later became the Commanding Officer of that aircraft carrier—a ship that had more sailors (5,000) than his hometown of Monroe, North Carolina.

The Admiral concluded his naval career as Assistant Vice Chief of Naval Operations and Director of Naval Administration. He went on to serve as a staff member of the Senate Foreign Relations Committee in 1979–80 and Deputy Assistant for National Security Affairs under President Reagan. In that capacity, he was responsible for managing the entire staff of the National Security Council at the White House.

Admiral Nance returned specifically to naval aviation by running Boeing's Navy Systems program from 1983 to 1990. In 1991, he returned to the Foreign Relations Committee as Deputy Staff Director for the Minority and has served the last four years as Majority Staff Director for the Committee.

The Admiral's commitment to service can be seen throughout his life, and that was certainly the case in the four years that I worked with him as a Member of the Foreign Relations Committee. In assuming the position of Staff Director, Admiral Nance told Senator HELMS he viewed the job as a service to his country and wanted no compensation. Senate rules required some level of compensation to be an official Senate employee, however, so Admiral Nance began his tenure with the exorbitant income of $3.36 a week. When Congress became bound by the laws of the land, Senator HELMS was forced to raise Admiral Nance's salary to minimum wage.

We smile as we reflect on the Admiral's paltry salary, but what a selfless display of service that was to his country and this body. Earning the minimum wage was not a publicity stunt. Admiral Nance operated behind the scenes almost entirely. This man was truly motivated by gratitude to the United States.

Admiral Nance was a dedicated conservative, and his conservatism was rooted in respect for his fellow man and an unshakeable commitment to the best interests of his country. His partisanship was good-humored and balanced. The Admiral had a verse displayed prominently in his office from Ecclesiastes which read "The heart of the wise inclines to the right, but the heart of the fool to the left." Whether as a formidable opponent or valued ally in the work of the Senate, Admiral Nance respected—and won the respect of—all members of the Foreign Relations Committee.

This man was a warrior his entire life, placing himself in harm's way for the good of his country. He died as he lived—he fought to the very end. Many Members of this body probably are not aware of the health difficulties he struggled with during his entire tenure as Staff Director of the Foreign Relations Committee. It would have been easy to walk away. There was a reason he stayed, though.

Admiral Nance was a true American. His life was a testament to the ideals which have made this country great. He believed in the United States of America. He believed in prudent and decisive American leadership in the world. He believed in what this country stood for and what it could accomplish.

As we reflect on his life in the coming days, may each of us gain a renewed sense of commitment to preserve the blessings of freedom which the Admiral defended. My sympathies are with the Admiral's wife Mary Lyda and their children. Mr. President, I yield the floor.

Mr. COVERDELL. Mr. President, I rise today to honor a great man and a great American who passed away last week. I had the privilege of working with and knowing Admiral James 'Bud' Nance. His passing was a great loss for me personally, for the Senate, and most importantly, for our country.

In both his long and distinguished naval career and his work directing the activities of the Foreign Relations Committee, Bud set the highest standard in his selfless commitment to country and his loyalty to friends. His commanding presence, his decorum in all that he did, and his model of sacrifice and service is an inspiration for all who knew him.

While we are saddened by his passing, we rejoice in his memory and in the legacy of loyalty and service he left behind. Chairman HELMS, my sympathy and condolences to you in the loss of this great friend. Our prayers and thoughts are also with the Admiral's wife and children.

Mr. President, I would like to conclude these brief remarks with a poem by Ralph Waldo Emerson, titled "Great Men." It captures, far better than I could in my own words, Bud's commitment and service to this country.

Not gold, but only man can make
  A people great and strong;
Men who, for truth and honor's sake
  Stand fast and suffer long.

Brave men who work while others sleep,
  Who dare while others fly—
They build a nation's pillars deep
  And lift them to the sky.

Bud Nance was once of these great men who helped build our nation's pillars deep and lift them to the sky.

Mrs. BOXER. Mr. President, I join my colleagues and the entire Senate family in honoring the life and memory of Admiral James Nance, the former majority staff director for the Senate Foreign Relations Committee. My deepest sympathies go out to Bud's wife, Mary, and to his four children and seven grandchildren.

I also want to express to my Chairman, Senator HELMS, my sincerest condolences on the loss of his lifelong friend. He and Bud Nance, born just a few months apart, grew up a mere three blocks from each other in Monroe, North Carolina.

Bud Nance joined the Navy in 1941 and retired 38 years later as a rear admiral. He served this nation in active duty in three wars. During his service in World War II, he survived 162 Japanese air and kamikaze attacks. Over the course of his career, he served as a Navy test pilot, led an attack squadron and an air wing, and commanded the U.S.S. *Raleigh* and the aircraft carrier, *Forrestal*. After leaving the military in 1979, Admiral Nance served as assistant national security adviser until he joined the private sector as head of naval systems for Boeing.

In 1991, Senator HELMS asked his old friend to bring his military knowledge and experience in world affairs to the Senate Foreign Relations Committee. Admiral Nance refused to take a salary and received only the minimum compensation allowed under federal law—$153 per year.

Bud Nance will be remembered in this body as a gracious and kind gentleman. When I joined the Foreign Relations Committee this year, Bud called to welcome me and my staff to the Committee. It was typical of Bud's courtesy and good manners.

Mr. President, in Bud Nance the Senate has lost a loyal public servant and the nation has lost a true patriot.

Mrs. FEINSTEIN. Mr. President, I would like to add my voice to those of my colleagues who have risen today to talk about the remarkable service given this body, and our nation, by Admiral James W. Nance, majority staff director of the Foreign Relations Committee.

Although I am no longer on the Committee, I had the honor and pleasure of serving as a member of that Committee in the 105th Congress, and to come to know and admire "The Admiral."

In many ways, Admiral Nance was the living embodiment of what Tom Brokaw, in his recent book, has called "The Greatest Generation." He had a distinguished career in the Navy, serving in combat in World War II, as a test pilot, and later as commander of the aircraft carrier U.S.S. *Forrestal*.

Following his Naval career, he served as deputy assistant to the President for National Security Affairs in the Reagan administration, and then joined his boyhood friend, the distinguished Senator from North Carolina, in offering his service, and his expertise, to the U.S. Senate as staff director for the Foreign Relations Committee.

His kindness to me—as a junior member of the minority party—in getting to know the ins and outs of the Committee was always appreciated, and his sage council and advice were always a welcome addition to the Committee's consideration of a range of pressing national security issues.

The Admiral will be sorely missed—but I join my colleagues in celebrating his life of service to the United States.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. I ask unanimous consent to speak for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

OLDER AMERICANS MONTH

Mr. GRASSLEY. Mr. President, May happens to be Older Americans Month. I believe we should honor older Americans through this month, not only because my State of Iowa has many fine senior citizens whom I am very willing and happy to talk about because of their contributions to our State and our society, but also because I am chairman of the Aging Committee.

It may be human nature to overlook the hardships of previous generations. We do not think about suffering that we do not have to endure, and that is the way it should be. That is the way we hope it is and it is the hope of American innovators who work to ease the misfortunes for our children and grandchildren.

One of those innovators is a 101-year-old woman from Sioux City, IA. Louise Humphrey was a leading light in the battle against polio, one of the most terrifying illnesses of our century. Because of her work and the work of others devoted to finding a cure, polio is almost nonexistent in our country.

It is hard for anyone who did not live through the forties and fifties to understand fully the fear and hysteria which accompanied the polio epidemic during any particular summer. The disease was highly contagious and sometimes fatal. It attacked the lungs and limbs. It immobilized its victims. It made them struggle for breath and often forced them to breathe through mechanical iron lungs. Parents would not allow their children to go swimming or to drink out of public fountains for fear of contagion.

Those children fortunate enough to escape the illness saw their classmates return to school in the fall in leg braces and watched newsreels of people in iron lungs.

At the height of the epidemic in the 1940s and early 1950s, polio struck between 20,000 to 50,000 Americans each year. In 1 year, 1952, 58,000 people caught the disease. Most of these people were children.

Mrs. Humphrey of Sioux City became interested in polio before the height of the epidemic. In the 1930s, according to the Sioux City Journal, she saw firsthand the ravaging effects of polio after meeting a man who had been disabled by the disease.

She and her husband, the late J. Hubert Humphrey, a Sioux City dentist, became leaders in the fight against polio. They headed the Woodbury County chapter of the National Foundation for Infantile Paralysis. Mrs. Humphrey was elected State chairman of the women's division of that foundation.

The Humphreys raised thousands of dollars for equipment and therapy to battle the disease. They enlisted entertainers and circus performers in the cause, hosting these individuals at fundraising parties. Their guests included Bob Hope, clown Emmett Kelly, and even an elephant that loved ham sandwiches.

Their work contributed to a climate in which Jonas Salk developed the first polio vaccine. His vaccine, and another developed by Dr. Albert Sabin, soon became widely available. Thus, polio is virtually nonexistent in our country, although it remains a Third World threat.

Mrs. Humphrey has said she has no secret for living such a long life. She advises people to, in her words, "just be happy and be well." She has never had an ache or pain. What she did have in abundance was empathy, kindness, generosity, and devotion. Because of her contributions, millions of American children will live without a debilitating disease, polio.

On June 3, Mrs. Humphrey will be 102. In advance of her birthday, during Older Americans Month, I thank Mrs. Humphrey for helping to make our country strong. Mrs. Humphrey, with her clear vision and compassionate concern for America's children, perfectly illustrates the theme of Older Americans Month, which is: "Honor the Past, Imagine the Future: Toward a Society for All Ages."

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Minnesota, Mr. GRAMS.

Mr. GRAMS. Mr. President, what business is before the Senate? Are we still in morning business?

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

Y2K ACT—MOTION TO PROCEED

The PRESIDING OFFICER. The Senate will now resume consideration of the motion to proceed to S. 96, which the clerk will report.

The assistant legislative clerk read as follows:

> Motion to proceed to the consideration of S. 96, a bill to regulate commerce between and among the several States by providing for the orderly resolution of disputes arising out of computer-based problems related to processing data that includes a 2-digit expression of that year's date.

THE JUVENILE JUSTICE BILL

Mrs. BOXER. Mr. President, at the end of my remarks I am going to make a unanimous consent request—I see the Senator from Idaho is here; I want him to know that—that I be permitted to send an amendment to the desk regarding the age people have to be before they can buy a weapon or gain access to a weapon. But I will not do that now; I will wait until the end of my remarks, and then I will make that unanimous consent request. I wanted to make sure my colleagues knew I was going to do that.

I think it is really important, as we move forward on this juvenile justice bill, to debate all the issues surrounding juvenile justice as fully and as completely as we can. After all, there isn't a politician I know who does not say our future is our children. That is what our future is about. And as healthy as our children are, that is as healthy as our country will be. As stable as our children are, that is how stable our country will be. As productive as our children are, that is how productive our country will be.

As we all attempt in various capacities in our lives—as parents, and as grandparents—to ensure that our children understand that in a society that is worthy there should be as little violence as possible, if we can just transmit that to our children, this will be a better world.

In the course of the debate, we have talked about many areas in our society that need attention. There isn't one of us who could truly stand up here and say, well, I do everything I can; there is nothing wrong with me. And there is no industry that can stand up and say it. We all have to look inside ourselves to make sure our kids understand that violence is wrong, it is a black and white situation, and it isn't the way to resolve our problems, et cetera. So this debate surrounding this bill is very relevant to the lives of our people.

In my home State—and I have said this often on the floor, but it is worth repeating to some of my friends—the No. 1 cause of death among children happens to be gunshots. In other words, for children, from as soon as they are born to age 18, that is the No. 1 cause of death—that they are going to be killed by a gun.

Somebody could say, well, that is just the price you pay to live in America. That is ridiculous. That is ridiculous. In our Constitution we have the right to pursue happiness; we have the right to life, liberty, and the pursuit of happiness—life, liberty, and the pursuit of happiness. So when we see gunshots causing so much death and mutilation in our society, we have to take a look at, Where have we gone wrong? What is wrong? Can we do something?

We have taken a couple steps in this bill to try to fix this problem of guns, but we have a long way to go. I want to show a chart here which indicates why this is such an important issue in America.

In the 11 years of the Vietnam war, we lost 58,168 of our precious people, and this country—this country—was torn apart. Every one of those deaths was mourned by family and by the greater American family.

In the last 11 years, we have lost 396,572 people to guns.

Yes, it might be time to spend a few more days on this bill when you find yourself in this kind of situation. You cannot turn away from facts. You may want to turn away from facts, but you cannot turn away from facts.

As I look around and see these numbers and I see what is happening in the news—in the last few days we had about four or five other schoolkids who, it was found, thank goodness, were going to perpetrate a massacre with guns at their schools —something rings out in my mind, and that is, angry kids and guns do not mix. Angry people and guns do not mix.

It seems to me that since we know you have to be 18 years of age to buy wine, to buy beer, to buy cigarettes, you ought to have to be 18 years old before you can buy a gun.

Some people might say, well, haven't we fixed that? Well, for handguns, 21; that is, if you go to a dealer. I believe Senator ASHCROFT said you have to be 18 to buy a semiautomatic at a gun show. You have to be 18 if you go to a dealer to buy a long gun. But if you go to a gun show or you make a private purchase, you can be 14 to buy a rifle or a shotgun under Federal law. You could be 12. So I think it is time for us to look at what we are doing in this country.

Eighteen to buy cigarettes, 18 to buy beer or whiskey or wine, 18 to buy a semiautomatic handgun, 21 at a dealer. But you could buy these long guns. And we have juveniles going to unlicensed vendors at a gun show or at a flea market and buying a long gun in what we call private sales.

Now, I want to talk about what happened in the Colorado massacre, because one of the things people are saying is, well, many laws were broken there so we don't need any more laws. The truth is, the young woman who transferred those guns to the juveniles, because she said she didn't know they were going to use it for adverse purposes, broke no law. She broke no law. She was 18. She purchased, as I understand it, three weapons and gave them to these kids. She broke no law. She was 18. She gave three long guns to the shooters, legal under Federal law. It should not be. You should not be able to sell a gun to a juvenile, and you should not be able to give a gun to a juvenile unless you are the parent or the grandparent or the legal guardian.

I could see that. I have talked to my friend, PATRICK LEAHY, who told me he gave up a hunting rifle to his daughter when she was 15 or 16. That was his choice. So we have in our amendment the ability for a grandparent or a parent or a legal guardian to give such a gun, but not for a friend to run down to the store and get a gun and give it to you if you are 17 or you are 16 or you are 15. That shouldn't be appropriate.

So the amendment that I want to put forward here does not say a juvenile can't get a long gun from a parent, grandparent, or legal guardian. It would not make it illegal for that juvenile to possess a rifle or a shotgun or even to own such a gun, if a parent or a legal guardian gave it to them, or a grandparent. However, if it isn't a parent or a grandparent or a legal guardian, it would be illegal to give a juvenile a gun, any kind of gun, any kind of firearm.

My children would call this a no-brainer. It is pretty clear that we set age limits for all kinds of things, but not to own a firearm, unless it is a handgun and now a semiautomatic weapon. So there is a giant loophole.

As I understand it, all of these guns would be able to be bought by a juvenile under current law. What I want to do, Mr. President, is bring guns in line with cigarettes in terms of purchase.

I now ask unanimous consent that I may offer that amendment to S. 254 at this time.

The PRESIDING OFFICER. Is there objection?

Mr. CRAIG. Mr. President, reserving the right to object, we are in morning business. We are not on the bill. This afternoon it appears we would be back on the bill. At that time it would be appropriate to introduce that amendment. Therefore, I object.

The PRESIDING OFFICER. There is objection.

Mrs. BOXER. Mr. President, as the Senator knows, I asked unanimous consent to send this amendment to the desk now. I do not want people to be confused. In the Senate, you can send an amendment to the desk any time you want, if you ask unanimous consent and no one objects. The Senator from Idaho is objecting. He is not allowing me to send this amendment to the desk to get a vote on this amendment, to put this amendment at the desk, to put it in line, when all I am saying is you should be 18 before you can buy a firearm.

I just want to be clear, I am very disappointed that this unanimous consent request has been objected to. I will stay on the floor as long as it takes to offer this amendment, which merely says if you have to be 18 to buy cigarettes, you ought to be 18 to buy a weapon.

The PRESIDING OFFICER. The Senator's time has expired.

The Chair recognizes the Senator from Idaho.

Mr. CRAIG. Mr. President, how much time remains prior to adjournment for the Tuesday lunches under the unanimous consent?

The PRESIDING OFFICER. Six minutes remain.

Mr. CRAIG. And the 6 minutes is in place by unanimous consent, is it not?

The PRESIDING OFFICER. Yes, for discussion of S. 96.

Mr. CRAIG. Mr. President, I ask unanimous consent that I be allowed to proceed for 6 minutes as in morning business prior to adjournment for lunch.

The PRESIDING OFFICER. Without objection——

Mrs. BOXER. Reserving the right to object, I don't intend to object to my friend. I know that my friend objected to my laying down a new amendment. There were two amendments that already have been debated—the Kohl safety lock amendment and the Hatch-Feinstein gang amendment.

I am wondering if the Senator would object if I would ask unanimous consent that at 2:15 we resume consideration of the Kohl amendment No. 352, and that there be 5 minutes for debate, and that upon use or yielding back of the time, the Senate proceed to vote on or in relation to the amendment, and upon disposition of that, the Senate resume consideration of the Hatch-Feinstein amendment No. 353, that there be 5 minutes for debate and, upon the use or yielding back of time, the Senate proceed to vote in relation to the amendment with no intervening action, provided provisions of the previous unanimous consent remain in effect. Would the Senator allow me to offer that?

Mr. CRAIG. I would object, but I hope the Senator from California would not characterize that objection in the improper fashion. Both the chairman of the Judiciary Committee and the ranking member, who are managing this bill, are not on the floor. The Senator from California knows that the leadership at this moment, both her leader and my leader, are trying to craft a unanimous consent agreement to allow the Senator from California and others to offer appropriate amendments. I am in no way attempting to obstruct. I say that I believe her offering is inappropriate and out of context of the way the Senate operates. Certainly, she knows, as I do, that we work through our leaders, and we also work through the managers of the bill. I do not oppose her arguing her point before the Senate in the appropriate fashion, but I certainly would object to the context under which she has offered it.

Mrs. BOXER. Would the Senator yield for a brief comment on my part here?

Mr. CRAIG. Very brief, unless you object to my unanimous consent to complete the morning?

Mrs. BOXER. I do not object.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mrs. BOXER. I want to make it clear to my friend, my purpose here, as a Senator from California who views this issue as one of the most important we will ever take up, is to move the bill along. That is why I offered to send my other amendment to the desk, to push forward these two amendments that have already been heard, so that we can move things along. But I appreciate the Senator has a different view.

Mr. CRAIG. I thank the Senator from California.

Mr. President, it is important that I characterize in the appropriate fashion an amendment that passed the Senate that the Senator from California voted for, I believe. That was the Ashcroft amendment on semiauto assault weapons for young juveniles. She is wrong that it was tied to 18. It is tied to the 21 age limit that is already current law, as it relates to handguns and other restricted weapons. I helped craft that law, along with Senator KOHL, several years ago, and it became law, and we are very proud of it.

She is absolutely right to be concerned about juveniles having guns. That is why we were very restrictive. Any juvenile who brings a gun to school is breaking the law. If it is a handgun and they are under 21 years of age, they have broken the law.

What we are saying is that on private property, on a ranch or a farm where they are out hunting varmints, or if they are en route to a registered shoot, if they have permission from their guardian, they fall outside the law—guardian or parent. So what the Senator from California was talking about in her proposed amendment is, in part, not unlike what is in current law in many respects.

It is true what she has said about long guns after 18 years of age. No question about it. But it is not true of the semiauto assault weapons, if you include the Ashcroft amendment that passed the Senate and is now incorporated into the juvenile justice bill.

Mr. President, in the juvenile justice bill, as it relates to guns, we have crafted a juvenile Brady provision, a very important part of the bill. We have dramatically restricted gun shows and demanded, if this becomes law, background checks. We have now, with Senator KOHL and Senator HATCH, crafted a trigger lock provision that I think is an important piece of language and ought to become law.

As I have just said, we have prohibited juveniles from owning semiauto assault weapons with extended loading devices. If we pass this bill, that becomes law.

Senator FEINSTEIN was able to pass an amendment that restricts certain importations of extended loading devices or clips. If we pass this bill, it becomes law.

But if this bill becomes simply a gun control measure and not an extensive juvenile crime provision, it will not become law. I hope the Senator from California and others know that, that we ought to work cooperatively together to pass a much broader law and language to control violent juveniles and their actions than to play the politics of guns, because that is what we have heard for the last day on the floor, the last 3 days, is the politics of guns.

The Senator from California and I have voted for some new gun control measures. We believe those are extensive measures that craft a window and close the window that she and others were objecting to. But it is interesting that once we close a window, they redefine and create a new window and say, and now this and now this, and the goalposts constantly move.

Mr. President, if the goalposts are constantly moving, then there will be no juvenile crime bill because the other side will have killed it. I think it is tragic that, after two years in a bipartisan effort by the Senate Judiciary Committee to craft a much broader bill dealing with violent juveniles, we would see that prohibited by these actions. I hope we can get past that. I hope this afternoon we can craft a unanimous consent agreement for both sides to offer some reasonable amendments and that we can see final passage of this bill.

Mrs. BOXER. Will the Senator yield to me?

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. BOXER. Mr. President, I ask unanimous consent that the Senator be given an additional 2 minutes.

Mr. CRAIG. I object.

The PRESIDING OFFICER. Objection is heard. Under the previous order——

Mrs. BOXER. Mr. President, the Senator made a huge mistake in the analysis of the Ashcroft amendment.

I ask unanimous consent that I may have 30 seconds to set the record straight on the Ashcroft amendment.

Mr. CRAIG. I would allow that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I am holding the Ashcroft amendment in my hand. It says:

> For purposes of this subsection, the term "juvenile" means a person who is less than 18 years of age.

So the age was not raised to 21. There are some on this side who would do that. My amendment talks about all other guns. There is no age limit to go to a gun show. They can be 12 and buy a long gun, a shotgun or a rifle.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate now stands in recess until the hour of 2:15 p.m.

There being no objection, the Senate, at 12:31 p.m., recessed until 2:16 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. INHOFE).

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I ask to speak in morning business for about 10 minutes

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. THURMOND pertaining to the introduction of S. 1064 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak for 15 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

WHO IS ACCOUNTABLE?

Mr. DORGAN. Mr. President, this morning I opened the Washington Post newspaper to the Metro Section and saw on page 1 of the Metro Section, a headline that says, "Killer Sent To Wrong Prison After 2nd Murder." I want to describe this killer and I want to describe what has happened in the District of Columbia, because I have spoken about this case, I suppose, five or six times on the floor of the Senate over the last 4 or 5 years.

First, let me tell you about the man they are talking about, the killer. His name is Leo Gonzales Wright. On June 10, 1974, he committed a rape and committed a burglary. On June 18, 1976, armed robbery; shot a store owner during an armed robbery. February 1, 1976, robbery and murder of a cab driver, Joseph Woodbury. Apprehended, incarcerated, pled guilty to second degree murder and armed robbery. Released on parole some 17 years later. Arrested for cocaine in the District of Columbia. Indictment in a drug case, arraigned on the drug charge, failed to report for drug testing. Failed to report for drug testing. Carjacking and armed robbery of Kristina Keyes. Failed to report for drug testing. Carjacking and murder of Bettina Pruckmayr.

Who is Bettina Pruckmayr? She was a young, 26-year-old human rights lawyer. You can't see this picture much. She had just graduated from Georgetown, a young woman who one evening was getting into her car and this Leo Gonzales Wright abducts here, forces her to drive to an ATM machine, and gets her ATM code. She cooperates in every way: gives him the PIN number for the ATM machine, says, "I only have $20 in my account," and then she tries to run away.

He follows her and, according to the paper, got angry and decided to kill her, this 26-year-old lawyer. He said he was so enraged he stabbed her 38 times, plunging the knife into her body with such force that her sternum was crushed and many of the wounds, inflicted with a 5.5 inch butcher knife, were more than 6 inches deep.

This young lady, this wonderful young attorney, was killed by someone who should not have been able to kill anybody. He was on the streets, released early. He had already murdered, was put in prison, but released early and then picked up again for an offense and not put back in jail. Then he murdered this young woman. So the judge sentenced him, and the judge said, when he sentenced him 3 years ago: It is my intent, sir, that you will never be released into society again. You, sir, will die in jail. This court will do everything in its power to ensure that you will never walk the streets of this country or anyplace again.

That is what the Federal judge said to Leo Gonzales Wright, a double murderer, a man with a criminal record as long as my arm, someone who should not have been on the streets to murder Bettina Pruckmayr.

This morning the story in the paper says that, while Judge Sullivan ordered this man to be sent to Federal prison 3 years ago, he is not in a Federal prison. He has been out here at Lorton in the District of Columbia for the last 3 years. In fact, at one point he was given part of a day to go home to attend his mother's wake.

The story talks about the judge's anger. The judge has a right to be angry. All of us have a need to be angry. This is gross, utter incompetence. I don't know anybody in the criminal justice system in the District of Columbia. I don't know anybody there. But there is such gross incompetence there it just staggers the imagination.

I have spoken probably five times on the floor of the Senate about this murder, only because it is so reflective of what is wrong in our criminal justice system. We know this guy is a murderer. We knew it before and society put him in jail, and the parole folks let him out early so he could murder again.

Who is accountable for that? Is somebody going to lose his or her job? The last time a Federal judge sent him to Federal prison he didn't go. Who is accountable for that? Or he gets to go to his mother's wake, this fellow who has murdered twice. Who is accountable for that? Who is going to tell the Pruckmayr family: We are sorry. This is just the way bureaucracy works.

It ought not be the way the system works anywhere.

I want to say to the Mayor of this city and the folks who run the criminal justice system in this city, I am not someone who bashes the city of the District of Columbia. I have never done that. Some do, but I do not. But I say today I am on the Appropriations Committee and you are going to pay a price. You are going to pay a price for this gross, staggering, incompetence, unless someone is held accountable for this kind of nonsense.

People have the right to expect the streets are safe. People have the right to expect that murderers are not walking up and down the streets in this country. And in the District of Columbia, at least, they knew this fellow was a murderer—he had murdered before, committed armed robbery before, committed rape before—only for them to say somehow: We decided to put him back on the streets. Then a Federal judge says: I want him in Federal prison forever. The District of Columbia cannot even get that right.

We need to understand why. I do not mean this as a threat. I just mean it as a promise. They are going to pay a price unless they demonstrate to the American people and to this Congress they are holding people accountable for this kind of gross negligence and gross incompetence.

I never met Bettina Pruckmayr. I have spoken in the Senate about a young 11-year-old boy, I suppose, about a half dozen times as well. They found that young boy dead. They found grass and dirt between his fingers. He was also killed by a guy who previously had been convicted of murder. That young boy was stabbed many times and left for dead in a pond, except he was not dead. He tried to crawl his way out. He died at the top of the embankment with dirt and grass between his fingers.

He should never have been murdered. He was murdered by someone we knew was a murderer, because he murdered before. But the system said it was OK that he be let out of jail.

The exact same thing is true with this young woman, Bettina Pruckmayr. She ought not have died. Her death is on someone's conscience. I do not know who it is. Who makes these decisions? Who makes the decisions that these killers be turned loose on our streets?

I have come to the floor today only to ask the question: Who makes the decision to say to a Federal judge you may want this person in a Federal prison out of society for life, but we have decided differently. We will stick him back in Lorton and when his mother dies, he can go to the wake.

Who makes that decision? Who is going to be held accountable for this, because this is the same kind of staggering incompetence that led to this person's release in the first place, that led to this person not being apprehended when he failed a drug test while on parole. It is the same staggering incompetence.

I am saying as one Member of the Senate that when we take a look at our obligations and I as an appropriator take a look at our obligations to the District of Columbia, I will insist that the mayor and others in this system demonstrate to us that they have held people accountable for this kind of behavior.

Too many innocent people die. I have had a piece of legislation in the Senate—I have never been able to get it passed and I will never quit trying—that says if a unit of government, a city, a State, decides they want to let killers out early, time off for good behavior; we want to manage you in prison, so we will give you an inducement: If you behave in prison we will give you time off. If you commit violent crimes and murder, we will let you out early if you are good behind bars so you can walk the streets early and commit another crime.

What I have said is those units of government that decide to let people convicted of violent crimes out early, if those people commit a violent crime during a period when they would have still been serving their sentence in prison, should be held responsible to the victims and the victims' families. Yes, that means lawsuits, recompense.

There ought to be responsibility. Let's find those who are letting these folks out of prison and say to them: You be responsible. If you want to let them out early, then you bear the consequences.

Am I upset by reading this story this morning? Yes, I am. Again, I did not know this young woman, but I have spoken about her often, and many others have, I believe, watched this case with bewilderment, wondering who on Earth could be in charge of a system that is so fundamentally incompetent, a system that, in my judgment, ultimately allowed this person to be free on the streets to kill this young woman, a system that now can't even comply with a simple order by a Federal judge that this person ought to be in Federal prison forever, never again to be released on the streets in this country.

People of this country deserve better and expect better. Those of us in the Congress who have some capability of applying some pressure to the people of the District of Columbia to remedy these problems have an obligation, it seems to me, to use that leverage to force that to happen.

Mr. President, I yield the floor.

Y2K ACT—MOTION TO PROCEED

The Senate continued with the consideration of the motion.

Mr. WELLSTONE. Mr. President, I am ready with an amendment. I inquire as to what the situation is right now on the floor.

The PRESIDING OFFICER. The Senate is under the motion to proceed to S. 96, the Y2K bill.

Mr. WELLSTONE. Mr. President, I actually will not ask unanimous consent because there is nobody here on the majority party side. I want to go forward with an amendment on the juvenile justice bill, but I guess I will wait until Senator HATCH comes to the floor.

I will, therefore, speak a little about an amendment I will offer. That way, it certainly will not be tricky or sneaky on my part.

JUVENILE DELINQUENCY PREVENTION EFFORTS

Mr. WELLSTONE. Mr. President, I am going to offer an amendment with Senator KENNEDY. We will be joined by other Senators as well. The operative language of this amendment, to give it some context, calls upon the States to "address juvenile delinquency prevention efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas"—we make that explicit: nobody is talking about any quotas—"the disproportionate number of juvenile members of racial minority groups who come into contact with the juvenile justice system."

With some charts and with some numbers, I will be able to talk about this amendment, as will other Senators. I want, for the record, to make it clear that since we are in a debate about whether or not we are ready to proceed, I am on the floor with an amendment. I am ready to go.

This particular amendment says that in our past juvenile justice legislation, most recently an amendment that was adopted by the Senate and the House in 1993, we said to States, including my own State of Minnesota: You have a situation where you have kids, young people, minorities incarcerated all out of proportion to the percentage of the population in your State. So that if you have, let's say, a 7 or 8 or 10 percent minority population but, in your juvenile justice system or correctional facilities, close to 40 or 50 percent of the kids incarcerated are kids of color, what we said back in 1993, based upon some very good work by some very good people in this field was, States, please take a look at your situation. Please collect the data. Please look at the why of this and see what kind of strategies and programs you can develop and implement to improve upon the situation. That is what this is all about.

For some reason in this bill that is before us, this language has been dropped. There are some 40 States that are working on this. There are some States that are doing a very good job, but as a Senator, I am not about to let the Senate turn the clock back. I am not about to let us, all of a sudden, say that we no longer are interested in calling upon States to deal with this problem of disproportionate minority confinement. I do not think we should do so. We cannot pass quotas. We never should. We cannot tell States how many kids should be incarcerated, for what crimes and all the rest.

What we can say is when you have disproportionate minority confinement, when you have a situation where all too many times kids of color are given much stiffer sentences for having committed the same offenses as white kids, we want to know what is going on.

What this legislation does—and it purports to be juvenile justice legislation—is take the justice out. It takes the justice out. The justice would be to make sure there is no discrimination. The justice would be to make sure there is fairness. The justice would be to make sure there is justice.

The reason I mention this is that not only do the kids of color all too often find themselves way out of proportion to their numbers in the State to be incarcerated but also to wind up in adult facilities. Moreover, these corrections facilities, if you want to call them corrections facilities, all too often become the gateway to kids then being imprisoned in adult life.

It is astounding, but in 1999, going into a new century, one-third of all African American men, I think ages 20 to

26, are either in prison or on parole or they are waiting to be sentenced.

I did not make an argument here on the floor of the Senate that we should not hold all citizens, regardless of color of skin, accountable for crimes committed. That is not my argument. But my argument is, when we have some concern about possible discrimination, then let's at least be willing to study the problem.

I see my colleague coming in. I want to, when the Senator from Utah gets settled in, try to explain the situation. I will give my colleague time to catch his breath.

I say to Senator HATCH, I did not want to ask unanimous consent to offer an amendment because I did not see anybody on the other side. I was saying to the Chair that I am ready to go forward with an amendment, this one dealing with disproportionate minority confinement, because I know you want to move the bill forward.

I have been in contact with Senator KENNEDY, and if you are ready, I am certainly ready to debate it, and we will try to do it within a reasonable time limit.

Mr. HATCH. If the Senator will yield, I believe the majority leader is going to propound a unanimous consent request. I am hopeful the minority will agree to this request so we can move this forward. If I could suggest the absence of a quorum so we can get this done, and as soon as that is granted, if that is granted, then we will move on to his unanimous consent and then try to work out the time for the Senator.

Mr. WELLSTONE. Let me say to my colleague that I think I will continue to, rather than go into a quorum call, speak about the subject matter.

Mr. HATCH. Sure.

Mr. WELLSTONE. That might help. I want to make it crystal clear that I am ready to go forward with this amendment. I am not asking unanimous consent that I be able to send this amendment to the desk because I guess until we have this agreement, then it most likely would be rejected. But I am ready for debate on this amendment.

Let me just say that when we get into the thick of this debate, I want to just bring to the attention of Senators, Democrats and Republicans alike, the strong support, the strong passionate support for this amendment on the part of the civil rights community in this country, broadly defined, on the part of children's organizations, broadly defined, and on the part of lawyers and people who have been down in the trenches working with kids for years.

This is an extremely important amendment that speaks to a fundamental flaw in this legislation. So, for the record, I am ready to offer this amendment. I will wait for the majority leader to come out.

I ask my colleague from Utah, who is leaving, could I ask unanimous consent that when we go to amendments on the juvenile justice bill, that this be the first amendment up?

Mr. HATCH. If the Senator would withhold, right now we are trying to work out a unanimous consent agreement. We are trying to work out some other matters, but I am certainly going to try to work with the Senator on this. It is an important amendment, and we have to face it. So, if the Senator will just work with me, I will try to get this so that it works.

KOSOVO

Mr. WELLSTONE. Mr. President, while we are waiting, let me just repeat a little bit of what I said yesterday. I have been speaking with some other Senators about this as well. While I understand that we have a very crowded schedule, I do believe that the Senate should take some time this week to discuss or to debate our military action in Kosovo.

I have spoken now for the last several weeks about this. I will not repeat all that I have said. Next time I come to the floor with specific proposals and ideas, I hope to be able to do that with other Senators. And I see my colleague from Washington is on the floor, so I am going to yield in about 30 seconds, if I can. But quite apart from what specific proposals I want to make as a Senator about where we are and where I believe we must go as a nation, I want to make a larger point right now, which is I believe the Senate ought to be debating this question. I believe we should have full discussion and full debate.

One thing I am certain of—and I mentioned this yesterday—when we voted on authorizing airstrikes, I asked my colleague, Senator BIDEN, what is the purpose? I read yesterday from the RECORD; and in the RECORD it was stated hopefully to be able to stop the slaughter, hopefully to be able to get Milosevic to the bargaining table, and to degrade the military force.

I think in light of the last 8 weeks and what has happened, in many ways the objectives have changed. The objectives have changed. The bombing is more than just degrading the military force. It has a different set of goals.

I am not even right now going to argue about the pluses and the minuses of all that. I think it is irresponsible for the Senate not to take up this question and not to have positive—not hateful, not demagogic—really thoughtful, substantive discussion and debate.

I know we have other business right now, but I am going to come back very soon and try to push this question much harder.

I yield the floor.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent to speak as in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Thank you, Mr. President.

BOMBING OF THE CHINESE EMBASSY

Mrs. MURRAY. Mr. President, the Senate is focused on many important issues this week, including youth violence, the important Y2K issue, emergency appropriations for our Nation's farmers, victims of Hurricane Mitch, and funding NATO's efforts in the Balkans. These are all very timely and important debates, and I look forward to joining my colleagues in discussing these important issues.

For a moment, though, I would really like to focus the Senate on the recent accidental bombing of the Chinese embassy in Belgrade and on the U.S.-China relationship.

The bombing of the Chinese embassy in Belgrade cannot be trivialized. As President Clinton has repeatedly expressed, the U.S. and NATO accepts full responsibility for this terrible mistake. We all extend our apologies to the Chinese people and the families of those who were killed and injured.

I am prepared to accept that this unfortunate accident caused a lot of anger among the Chinese Government and the Chinese people. That is to be expected. Certainly our country would be outraged and saddened if our embassy had been bombed under such circumstances.

But our regret and apologies to the Chinese people do not diminish the fact that we cannot accept the deliberate harassment of U.S. citizens and destruction of U.S. property in China. The reports from China—the television images of our embassy targeted by orchestrated mobs—troubled me a great deal.

Americans are dismayed at the growing animosity of the Chinese people towards the United States. For the U.S.-China relationship to succeed, both countries must take strides to ensure that the presentation of the relationship is balanced and fair. Clearly, this did not happen in the days before or after the tragic embassy bombing.

I am heartened that things do seem to have calmed down throughout China. It is encouraging that President Clinton and President Jiang have spoken and resumed high-level discussions over the bombing and other important U.S.-China issues.

Some of my colleagues have mentioned the phenomenal work of our Ambassador in China, Jim Sasser, who is our former Senate colleague and a close friend. He has served our country with great honor. I commend him and all of our embassy and consulate officers who are serving in China.

Ambassador Sasser has given us great insight as he addressed the tragic bombing of the Chinese Embassy and the demonstrations and violence that followed in Beijing and other Chinese cities.

Let me share a few of Ambassador Sasser's comments with my colleagues as I do believe they serve as a reminder that the U.S.-China relationship is, in my opinion, one of our most difficult and most important relationships.

Ambassador Sasser said,

> When all the emotion has drained out of this terrible tragedy, then wiser heads in both China and the United States are going to realize it's in both countries' interest to try and resume constructive ties. . . . When we are all through grieving over this very tragic event that occurred, the United States will still be the economic superpower in the world and China will still be the most populous nation in the world and an emerging power in this region.

Once again, our former colleague has offered wise counsel to the Senate that will be very important to future China debates.

The unfortunate Embassy bombing should not be used by those in China as a justification for severing or postponing ties with the U.S. Nor should China think that this incident will lessen America's resolve as we address the issues of human rights, weapons proliferation, or the issues related to espionage targeted at U.S. nuclear facilities.

One of my hometown papers offered the following in an editorial last week, the editorial reads, "China is furious and rightly so. The test, however, is whether China plays the incident like the country it wants to be, a world leader that sees events and relationships in a larger context." I completely agree and I believe that many in Congress will judge China's ability to play a larger role on the international scene by her handling of this temporary crisis in the relationship with the U.S.

The United States, and particularly the Congress, must also demonstrate our commitment to responsible global leadership. We should be cautious as last week's unfortunate events enter the contentious political debates over U.S.-China relations. I continue to believe a mature and stable relationship with China is in our national interest. It is not a goal we should be prepared to abandon. A mature and stable relationship is certainly in the best interest of the American and Chinese people. Though progress toward this goal has been hampered by the events of this last week, it is still a goal we should strive for. We must continue our dialogue with China.

China should expect continued U.S. interest and in fact, vigilance, on the variety of issues important to the U.S. government and the American people. There will not be widespread concessions granted by the United States. The Embassy bombing was a tragic mistake, not a propaganda tool to be deployed at the bargaining table.

Consistent with admitting the mistake and accepting responsibility, the United States and NATO should be prepared to enter into talks with China about appropriate compensation for individual and government losses. This is not unprecedented. In the late 1980's, Iraq paid compensation to the families of U.S. sailors killed in the accidental bombing of the U.S.S. *Stark* during the Iran-Iraq war. Following the downing of an Iranian passenger plane, the United States offered to compensate the victims families. And the U.S. is now in the midst of paying compensation for property damage and to the victims' families for last year's cable car accident in Italy.

The U.S. and China both stand to gain by closer relations. China has become one of our largest trading partners, creating high-wage jobs for thousands of American families and opening markets for American businesses that depend on overseas trade. While trade is the foundation of the U.S.-China relationship, my home state of Washington's relationship with China clearly illustrates the promise of broader ties between Americans and the Chinese people. Washington's many cultural, educational and commercial ties are fostering dramatic change in China; change led by and on behalf of the Chinese people.

With the recent visit to the United States by Chinese Premier Zhu Rongi and the ongoing negotiations between our two governments, the U.S. and China are poised to reach a truly historic agreement, paving the way for China's entry into the World Trade Organization this year. I support China's entry into the WTO on commercially viable terms and I encourage the United States Trade Representative and her Chinese counterparts to resume negotiations at the earliest opportunity.

Because of the importance of the U.S.-China relationship, I believe a high-level U.S. delegation to China, headed by Secretary of Defense William Cohen, is warranted as soon as possible. I realize the difficulties of sending the Secretary of Defense half way around the world while the U.S. is prosecuting military action in the Balkans. But the U.S.-China relationship is so important, and we have been struggling with so many difficult issues within the context of that relationship, that I believe the maximum effort must be made to provide the Chinese leadership with a full and complete understanding of the accidental bombing of their embassy. I know that Secretary Cohen is well respected by the Chinese, and a trip by the Secretary to China would have the dual purpose of stressing to the Chinese the great importance we place on having a mature and stable relationship and underscoring the accidental nature of the Embassy bombing.

Much progress has been made on the U.S.-China relationship in recent years. The Zhu Rongi visit was important. This followed two Presidential Summits in Washington and Beijing. It is my hope that the recent tragic events do not derail the progress made toward building a strong and comprehensive U.S.-China relationship, based on trust and mutual understanding. The relationship can only exist if both governments and both peoples can deal with each other honestly and forthrightly. Now is the time to address the issues standing in the way of accomplishing this. Now is the time to move forward.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CRAPO). Without objection, it is so ordered.

Y2K

Mr. BYRD. Mr. President, I regret that, earlier today, I was compelled to vote against the Majority Leader's cloture motion with respect to S. 96, the Y2K litigation reform bill. I did so, however, for the simple reason that I believe it is vitally important that the Senate first complete its business on the juvenile justice bill before moving on to other business. We are on the verge of finishing our work on this much-needed legislation, and it would have been, in my opinion, a grotesque waste of time and effort to simply throw that away in some artificial rush to proceed to the Y2K bill. Despite my vote, I look forward to having the opportunity to turn our attention to the Y2K litigation problem as soon as we have finished our work on the issue of youth crime and violence.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

WILLIAM SAFIRE'S ARTICLE ON CHINA

Mr. LEAHY. Mr. President, yesterday, in the New York Times, William Safire had an essay called "Cut the Apologies." I am shortly going to ask unanimous consent that it be printed in the RECORD. It perhaps says some things beyond what I might, but I am concerned. I have watched what has happened and the reactions of China to the accidental bombing of their Embassy in Belgrade. I hold no brief for the totally negligent—I might even say stupid—mistake made in the bombing of that Embassy. It is as inexcusable and unexplainable as the maps that brought about the death of the people in the cable car in northern Italy.

Having said that, however, for the Chinese, who will not allow any kind of demonstrations—and haven't since Tiananmen Square—criticizing their own government, to whip people into a frenzy and let them go and destroy much of our Embassy and the British Embassy in Beijing, and to say how shocked they are that this is going on, and that we have done that, demanding all kinds of apologies, frankly, is irresponsible and unimaginable. I can't accept it. I don't know how many people would.

If the Chinese think that by doing this somehow we are now going to jump in and let them join the WTO and everything else, that is a sad mistake. Their conduct is incomprehensible. We have apologized for bombing the Embassy, which we would expect somebody to do with a similar mistake damaging ours. This is a war going on, and things happen, as General Schwarzkopf said, in the fog of war.

China is not the one to lecture the world on free and open demonstrations. China is not the one to lecture us on how we should conduct our economy. China has a great deal to explain on everything from their attempt to steal our secrets, spying on our country, and human rights violations in their own country and their own repression.

Mr. President, I ask unanimous consent that Mr. Safire's column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, May 17, 1999]

CUT THE APOLOGIES

(By William Safire)

WASHINGTON.—After a week of whipping up hatred of Americans by accusing us of deliberately murdering Chinese journalists in Belgrade, President Jiang Zemin Deigned to accept a call from The Great Apologizer.

For the fifth time, President Clinton apologized, expressed regrets, sent condolences, kowtowed and groveled, begging to be believed that we did not bomb China's embassy on purpose.

But it is America that is owed an apology. After an accident of war, we have been falsely accused of killing Chinese with malice aforethought. That is a great insult, compounded by the calculated trashing of our embassy by a bused-in mob encouraged by police.

The truth is that Beijing's leaders, worried about demonstrations on the 10th anniversary next month of the Tiananmen massacre, are milking this mistake for all it is worth.

By lying about our intent and suppressing coverage of our prompt admission of error, the nervous rulers are diverting their people's anger toward us and away from themselves.

By demanding we investigate the accident, they seek to water down the current Congressional investigations of their nuclear spying—a series of penetrations of our laboratories and political campaigns that was no accident.

By making Clinton beg forgiveness, they are able to cancel human rights talks while extracting new trade concessions. The deal: they will accept Clinton's apologies when he caves in on their application to the World Trade Organizations.

No wonder that no reputable diplomat would accept the President's pleas to replace our fed-up ambassador in Beijing. Clinton is now trying to appoint an admiral whose amiable association with the Chinese military and U.S. arms contractors will be closely examined by the Senate.

Though Clinton is softer than ever on China, he's taken a hard line in resisting Congress's investigations into Beijing's penetration of our nuclear labs and our political process. His latest trick: the improper use of documents submitted for intelligence declassification to prepare advance refutations of evidence of security lapses.

The White House has delayed for four months the three-volume report on security laxity by the House select committee headed by Representative Chris Cox. Clinton spinners are already distributing a packet of reprints of derogations by offended scientists, China-defenders and favorite journalists.

Cox has used the "clearance" delay to rewrite the turgid prose and to enliven the report with photographs and diagrams showing what missiles and satellites were stolen; that might even awaken television interest.

The Senate Intelligence Committee, headed by Richard Shelby and Robert Kerrey, is not about to hold still for the abuse of clearance. After it submitted one of its reports on nuclear lab laxity for review to protect intelligence sources, it learned of a refutation of that bipartisan report in work by the National security Council response machine.

The White House was told that the submission of documents was for security clearance only. It was not to be used for (a) advance policy review so that "rapid response" would occur in the same news cycle as the reports' release, or for (b) leakage of portions to the press for "inoculation" to later reduce its impact as "old news."

The intelligence business is not the publicity business. National security reports are not to be equated with the Starr report about hanky-panky. The Shelby committee made plain to the Berger Rapid-Apology Center that if this undermining of inter-branch comity did not stop forthwith, "we're going to zero out the N.S.C. staff budget." (By withholding some $15 million, Congress could force the spinners onto the Department of Defense payroll or cause agonizing layoffs in the White House basement).

In both House and Senate, bipartisan committees are discovering serious intelligence weaknesses: too little analysis of too much collection. "If there's a flare-up in Iraq, North Korea or the Andes," worries an investigator, "we could not handle it and Kosovo, too."

The most troubling breakdown is in counterespionage. The F.B.I. and C.I.A., which are not blameless, are telling Congress the weakest link is the Department of Justice. What began as corrupt political protection became dangerous national security laxity. Who will apologize for that?

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VIOLENT AND REPEAT JUVENILE OFFENDER ACCOUNTABILITY AND REHABILITATION ACT OF 1999

Mr. HATCH. Mr. President, I ask unanimous consent that the Senate now resume S. 254, and that the first five amendments previously debated to the pending juvenile justice bill now be the pending question in the order in which they were offered, with up to 5 minutes for each side for additional debate prior to a vote on or in relation to those amendments.

I further ask that following the disposition of debate on each amendment, the amendment be laid aside, and at the hour of 3:50 p.m. today the Senate proceed to vote on or in relation to the amendments in the order in which they were offered, with 2 minutes prior to each vote for explanation.

Mr. LEAHY. Reserving the right to object—and I will not object because the distinguished Senator from Utah and I have been trying to move this forward—is the Senator from Vermont correct in understanding that we would do 10-minute votes? The 2 minutes is in addition to the 5 minutes? The reason I ask is that I think the Senator from Utah will have to adjust the time of the first vote.

I want to make sure I understand. Are we talking about 5 minutes on each side, but then an additional 2 minutes between the votes, so, in effect, 7 minutes on each side?

Mr. HATCH. The 2 minutes would be after the first vote.

Mr. LEAHY. Mr. President, I ask that the unanimous consent request be modified only to this extent: The distinguished Senator from Utah gave an opening time, and I think, because we had some time slip from when this was written, the Chair be allowed to start that initial vote at the time the various 5 minutes would run out.

Mr. HATCH. Mr. President, Let me modify my request to make it no later than 4 o'clock.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate resumed consideration of the bill.

Pending:

Lott (for Allard) amendment No. 351, to allow the erecting of an appropriate and constitutional permanent memorial on the campus of any public school to honor students and teachers who have been murdered at the school and to allow students, faculty, and administrative staff of a public school to hold an appropriate and constitutional memorial service on their campus to honor students and teachers who have been murdered at their school.

Kohl/Hatch/Chafee amendment No. 352, to amend chapter 44 of title 18, United States Code, to require the provision of a secure gun storage or safety device in connection with the transfer of a handgun.

Hatch/Feinstein amendment No. 353, authorizing funds for programs to combat gang violence.

Byrd/Kohl amendment No. 339, to provide for injunctive relief in Federal district court to enforce State laws relating to the interstate transportation of intoxicating liquor.

Feinstein modified amendment No. 354, to modify the laws relating to interstate shipment of intoxicating liquors.

Frist amendment No. 355, to amend the Individuals with Disabilities Education Act and the Gun-Free Schools Act of 1994 to authorize schools to apply appropriate discipline measures in cases where students have firearms.

Wellstone amendment No. 356, to improve the juvenile delinquency prevention challenge grant program.

Sessions/Inhofe amendment No. 357, relating to the placement of a disclaimer on materials produced, procured or disseminated as a result of funds made available under this Act.

Wellstone amendment No. 358, to provide for additional mental health and student service providers.

Sessions (for Ashcroft) amendment No. 348, to encourage States to prosecute violent juveniles as adults for certain offenses involving firearms.

Wellstone amendment No. 359, to limit the effects of domestic violence on the lives of children.

Hatch (for Santorum) amendment No. 360, to encourage States to incarcerate individuals convicted of murder, rape, or child molestation.

Ashcroft amendment No. 361, to provide for school safety and violence prevention and teacher liability protection measures.

Mr. HATCH. The five amendments that are going to come up in this order, and I hope people will not use their 5 minutes, are: the Allard amendment on school memorials; the Kohl-Hatch amendment on safety trigger locks; the Hatch-Feinstein amendment on gangs; the Byrd amendment on interstate transportation of intoxicating liquor; and the Feinstein amendment to modify the laws pertaining to interstate shipment of liquor.

Mr. President, why don't we begin with the Kohl-Hatch amendment and we will use our 5 minutes.

AMENDMENT NO. 352

Mr. KOHL. Mr. President, our amendment is a reasonable, bipartisan measure that will help protect children from the countless accidental deaths, suicides and violent crimes that result from improperly stored handguns. Simply put, it would require that every handgun be sold with a child safety device, but leaves the decision about whether to use a safety device to individual gun owners. Here's why we believe you should support it.

First, we've added a section that extends limited liability protection to gun owners who lock up their handguns properly. This liability protection is very narrow—it does not extend any immunity to manufacturers, and it does not apply if the gun owner acted negligently. We believe that this provision actually improves the bill by creating incentives to use child safety locks.

Second, the American people overwhelmingly support it. According to a recent Newsweek poll, 85 percent of the American public backs legislation requiring the sale of child safety locks with new handguns.

Third, despite the pledges of some of the largest manufacturers to sell safety locks with every handgun, most manufacturers are still not including safety locks. In fact, the Los Angeles Times reported, "only a handful of the arms makers who eventually signed on are complying, according to industry insiders."

Fourth, and most importantly, child safety locks will help save lives. Each year, nearly 500 children and teenagers are killed in gun-related accidents, thousands are injured, and approximately 1,500 children and teenagers commit suicide with guns. Perhaps as disturbing, nearly 7,000 violent crimes each year are committed by juveniles using guns they found in their own homes.

Just last weekend, a 7-year-old Milwaukee boy named Brian Welch killed himself accidentally with a gun he found in his father's drawer. What do we say to Brian's family, if we cannot takes steps as reasonable as this one?

You know, Mr. President, in the past few weeks there's been a lot of discussion about Republicans and "gun control." Hardly a talk show goes by without a pundit opining on whether it's a true epiphany or a "poll-driven ploy." Well, cynics can believe whatever they want. But my sense is that, in the wake of Littleton, both sides have grown up a bit: Democrats in acknowledging that culture has something to do with juvenile violence today; and Republicans in endorsing reasonable measures to take handguns out of the hands of kids who shouldn't have them.

So I applaud all of those on both sides of the aisle who have "converted" on safety locks. I appreciate those who have been with us from the beginning, including our cosponsor Senator CHAFEE, who has been so resolute in support of reasonable gun control measures. And I credit Chairman HATCH, Senator LEAHY, and Senator CRAIG for their work in making this a better amendment. And one that we all believe will shortly become law.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, this child safety device amendment will, first, provide qualified immunity to law-abiding gun owners who use a trigger lock or gun storage device, and two, it will require the sale of a child safety device lock or gun storage device with the sale of every handgun sold by a licensee.

In the past week it has been clear that some on the other side of the aisle believe that playing politics is more important than taking action. Some—but not all. So I am pleased to say that Senators KOHL, CHAFEE, and I have joined forces to produce a compromise on child safety locks that lays aside partisan rhetoric and demonstrates the positive steps that can result from putting aside such rhetoric and focusing on protecting our children.

Under the Kohl-Hatch-Chafee amendment, for the first time every handgun purchased from a manufacturer, importer, or licensed dealer will have to be sold with a storage or child safety lock device.

This amendment will not change the fundamental principle that governmental action cannot be used to micromanage specific methods of parental responsibility. We do not expect parents to let their small children drive a car or play with matches, and we do not expect them to permit their children to have unsupervised access to firearms. This amendment will provide parents with a tool to help prevent such access.

Last year the Senate overwhelmingly agreed to an amendment that funded gun safety education by State and local entities. It also required gun dealers to stock safety devices. These efforts encouraged people to lock up their guns and to act safely and responsibly. This amendment is another step in enhancing this successful effort.

I should add that no child safety lock or gun safe will ever make our society safe from gun violence if criminals who use firearms are not aggressively prosecuted and punished. No safety device will stop a felon, but jail will. So once again I call upon the Attorney General to start prosecuting criminals who use guns. Only then will we truly be able to create a safer environment for our children.

This amendment gives law-abiding gun owners the peace of mind of knowing their children are protected. Further, it will give law-abiding gun owners qualified immunity from civil suit if they use the child safety device or child safety lock.

This amendment is a good idea for gun owners and a good idea for children. I am pleased we have bipartisan support in the Senate for this amendment. I hope it will be agreed to.

Mr. CHAFEE. Mr. President, I am pleased to join with Senator KOHL in support of the commonsense child safety lock amendment. The amendment we had offered last Friday addresses a shameful—and uniquely American—tragedy: that of children finding handguns, and accidentally causing great harm to themselves or others.

Most of these terrible shootings occur in the home, when a curious youngster finds a parent's loaded handgun in the closet, under the couch cushions, or in a bedside table drawer. The child then shoots a sibling, a friend, or him- or herself. And all too often the result is death, or permanent injury.

One of the most tragic examples of children accidentally shooting other children occurred last year in Greensboro, North Carolina. A 4-year-old who was attending the sixth birthday party of a friend, found a loaded gun in a purse in the house where the party was taking place. The 4-your-old shot and killed the 6-year-old.

The National Center for Health Statistics tells us that every day in America 13 children are shot and killed, and every day at least one of those deaths is accidental. Every year in America, approximately 1,500 children and teens commit suicide with guns. The Bureau of Alcohol, Tobacco and Firearms estimates that about 7,000 violent crimes are committed by juveniles each year with guns they found in their own homes. Today, in few other countries are children so affected by gun violence, accidental or otherwise: CDC tells us that the rate of death among children under age 15 from guns in this country is 12 times that of the other 26 major industrialized nations combined.

A 1995 study by the Journal of the American Medical Association found that there is a gun in approximately half of all U.S. households. Another 1995 study by the SAFE KIDS Campaign found that 59 percent of parents with guns admitted that they don't lock-up their guns.

The statistics about children who are harmed accidentally by handguns are appalling. They are a national shame. And to grieving parents, siblings, and friends, they are not just statistics. For them, the loss or serious injury of a child is absolutely devastating. Yet these accidents are wholly preventable.

That is why we are taking action today. The child safety lock amendment, No. 352, that we are proposing would require that all future sales of handguns be accompanied by a locking device—a mechanism that prevents the guns from being discharged without a key or combination lock.

Earlier in the debate on S. 254, the Senate voted overwhelmingly to approve an amendment offered by Senators HATCH and LEAHY that requires internet services providers to give parents a tool to filter violent material their children could be exposed to on the internet. It was an amendment to provide parents with a tool to help keep their children safe. The amendment Senator KOHL and I are offering with Senator HATCH is identical in its purpose. It is meant to provide parents with a tool—the trigger lock for a handgun—to keep their children safe.

I appreciate the support of the Judiciary Committee chairman and urge my colleagues to show the same level of support for this amendment as they showed for the internet filtering amendment last week.

Mr. KYL. Mr. President, I rise for the purpose of entering into a colloquy with the Senator from Wisconsin, Senator KOHL, regarding his Safe Handgun Storage and Child Handgun Safety Amendment (#352) to S. 254, the juvenile crime bill.

The amendment makes it unlawful for any licensed manufacturer, importer or dealer to sell, deliver or transfer any handgun to any person (other than under certain exceptions) unless the transferee is provided with a secure gun storage or safety device. I am interested in clarifying the intent of the amendment with regard to gun safety devices.

Senator KOHL, as you know, a company in my home state of Arizona has developed a handgun safety device called Saf-T-Hammer. It is a removable hammer which can be incorporated into new guns or retrofit most handguns now in circulation. When the top of the hammer is removed, the gun cannot be fired. Parents can take off the hammerhead and carry it with them when they leave home, secure in the knowledge that no unauthorized user—including children—will be able to fire the gun.

Because Saf-T-Hammer is a removable safety device, is it your intent, Senator KOHL, that Saf-T-Hammer would still qualify as a gun safety device for purposes of your amendment?

Mr. KOHL. Mr. President, I thank the Senator from Arizona for his question. I am indeed familiar with Saf-T-Hammer and share the Senator's enthusiasm for the promise of handgun safety that this device offers. I commend the intent of the developers of the device to safeguard the lives of innocent children and others who might otherwise be killed or injured by handguns.

I can assure the Senator from Arizona that it is indeed the intention of the amendment that devices such as Saf-T-Hammer, an easily removable hammer, are included within the purview of the amendment. I also believe that on its face the definition of a safety device in 18 U.S.C. 921(34) would include a device such as Saf-T-Hammer. Accordingly, when a handgun is manufactured or retrofitted with Saf-T-Hammer, it would be, under the terms of the amendment, exempt from the amendment's prohibitions on transfer. Handguns so equipped with a Saf-T-Hammer may be freely transferred under the amendment.

I hope this answers your question and clarifies the legislative intent of the amendment.

Mr. KYL. I thank the distinguished Senator from Wisconsin for his time and clarification of the amendment regarding this important issue.

Mr. CHAFEE. I just want to be clear about the civil liability provisions. Does this bill create civil liability immunity for gun manufacturers, dealers of guns accessed in the home, or manufacturers or distributors of safety devices?

Mr. KOHL. No. It creates civil liability immunity only for gun owners.

Mr. CHAFEE. Does this bill create civil liability immunity only for gun owners who use a safety device?

Mr. KOHL. That is correct.

Mr. CHAFEE. Does that immunity apply if the gun owner is negligent—even if he doesn't actually give anyone permission to use the gun, but for example leaves the key to the lock sitting next to the gun?

Mr. KOHL. No.

Mr. CHAFEE. And is it correct that this section does not change in any way existing product liability law?

Mr. KOHL. That is correct.

Mr. CHAFEE. And, finally, is it correct that any pending suits against gun owners would be allowed to continue?

Mr. KOHL. That is correct.

Mr. CHAFEE. I thank the Senator once again. On another matter, I want to make equally clear for the record exactly what a "secure gun storage or safety device" is and is not. Specifically, would the Senator from Wisconsin agree with me that the definition of such devices in our amendment is intended solely to include personalized guns, lockable devices which either are affixed to a firearm directly, or to secure locked containers or safes.

Mr. KOHL. I would agree.

Mr. CHAFEE. Finally, would you further concur with me that our definition of a "secure gun storage or safety device" is not intended to include a permanent feature of a home or motor vehicle, such as a closet or glove box, even though such environments also may be locked?

Mr. KOHL. I would agree.

The PRESIDING OFFICER. The time on the amendment has expired.

Mr. LEAHY. Mr. President, I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I know the distinguished Senator from Wisconsin and distinguished Senator from Utah have worked in good faith on this amendment. My one concern is that the immunity provision does not define the term "person," so it could include not only individual gun owners but also dealers, manufacturers, possibly even governments. I mention that not to in any way deter this from being agreed to, but I say to the distinguished Senator from Utah and the distinguished Senator from Wisconsin, we will all be on the conference if this bill passes. That provision I suggest we may want to define more narrowly in a conference.

The PRESIDING OFFICER. The time on the amendment has expired.

The Senate will move to the next amendment.

The Senator from Colorado.

AMENDMENT NO. 351

Mr. ALLARD. Mr. President, I understand I have 5 minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. ALLARD. I will be talking about amendment No. 351, which is the Allard amendment.

Mr. HATCH. Will the Senator yield?

Mr. ALLARD. I yield to the Senator.

Mr. HATCH. The Senator will have 2½ minutes and the other side will have 2½ minutes.

Mr. ALLARD. I stand corrected. I thank the Senator from Utah.

Basically, there are two parts to this amendment. There is a part which we refer to as the "findings" part, and another part which deals with the actual statutory change.

The first part, in findings, just says the local school district, working with the school board and the administration and the parents and the students in a school, if they decide to hold a memorial service or to erect a memorial, if they reach a local consensus, there is a finding by the Senate and by the Congress that it is OK for them to go ahead and do that. It is just a finding. It is not a change in law.

There is a second part that does deal with statutory changes where there is a change in law, and that says if there happens to be a lawsuit based on the first amendment or one of the other amendments, then on the first amendment it says the school district would pay for its own legal expenses and then the litigants would then pay for their own; whoever is suing would pay for their own legal expenses.

The second part of it says the U.S. Attorney General may defend the school district in the lawsuit. It is a very straightforward amendment.

The parents of Cassie Bernall recently contacted me about the difficulty they have encountered in establishing a memorial for their daughter. This is in relation to the Columbine High School tragedy. To quote Cassie's father:

> Our Cassie was the young woman who boldly answered to a gunman "yes" when he asked if she believed in God, prompting him to pull the trigger. Cassie's response did not surprise us. . . . It was from her strong faith in [Jesus Christ] and His promise of eternal life that she was empowered to make her stand.
>
> My wife . . . and I both believe any Columbine incident memorial should memorialize each individual in a personal way. Everyone knows . . . that Cassie was a very strong Christian. To leave this facet of her persona out would be to mis-memorialize her and others.

Mr. and Mrs. Bernall strongly support the amendment that I am proposing today because they have experienced already a threat to their first amendment rights.

I urge the Senate to vote yes for the Allard amendment.

I yield back the remainder of my time.

Mr. President, reclaiming my time, I have been informed that I have another 2½ minutes.

Mr. HATCH. I am sorry, I misstated.

Mr. ALLARD. I misunderstood.

Mr. HATCH. Will the Senator yield for a comment?

Mr. ALLARD. I will be glad to yield to the chairman.

Mr. HATCH. Mr. President, I commend Senator ALLARD for offering this amendment that conveys the Senate's heartfelt sympathy to the families and friends of all school shootings.

His amendment allows the families and friends of all victims of shootings to grieve and honor the victims at a memorial service held on school grounds. This amendment tells these families and friends that the Senate believes they have a right to congregate at a memorial service on school grounds to mourn the deaths of students and faculty.

Further, this amendment states that the Senate believes it is constitutional for these memorial services to include spiritual aspects, including the reading of prayers and scripture and the performance of religious music.

This amendment also states that the Senate believes that an appropriate and constitutional permanent memorial can be erected on school grounds, a part of which can include religious symbols, motifs, or sayings.

This amendment will, hopefully, ease some of the pain associated with preparing memorial services for loved ones killed in any act of school violence. I thank the Senator from Colorado for offering this amendment and commend him for it.

Mr. ALLARD. Mr. President, I thank the chairman. I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I cannot think of anything that a parent, a community, or a family would want to do more than to join in their expressions of grief if a disaster struck.

In my family, a disaster like Columbine—in fact, it is almost impossible to say how one would even get through it. I suspect we would gather as a family; we would gather with our community; we would go to our church. Expressions are made in schools, of course.

I do not question the concerns of the distinguished author of this amendment, which are heartfelt. I know him as a good and honest man. I worry, though, that we set a precedent involving our first amendment.

Our Constitution says everyone has equal access to the courts to assert constitutional rights. This amendment can be read to promote one constitutional viewpoint while depriving those who hold the opposing viewpoint of their day in court.

If this becomes law, those who complain of free exercise clause violations by public authorities that exclude religious observances from public spaces could do so with the benefit of additional fee-shifting, whereas those who make the opposite claim—that the establishment clause has been violated—will be disadvantaged.

The first amendment's religion clauses are meant to ensure that the Government is neutral in matters of religion. It says you can practice any religion you want or none if you want, but the Government will remain neutral, thus providing the diversity in this Nation of so many religions, a diversity which has greatly promoted our democracy.

This legislation, by offering the Attorney General's assistance to those who take one viewpoint, while depriving those who take the opposite viewpoint of normal civil rights law remedies, violates this most basic principle of neutrality.

The congressional finding paints with far too broad a brush. It could encompass a variety of activities that violate the first amendment.

While I joined in my own State in gatherings to express condolences to those of the tragedy, I have been in memorial services, I have been in churches and in synagogues where we have prayed for those who have been the victims of tragedies. We have done it knowing that was an appropriate place to do it. I have gathered with families in public gatherings where we have expressed, within the context we do in a public setting, our feelings, and that is appropriate.

As I said, I do not know how the people, not only Columbine but so many communities which have been visited with tragedy, can even get through the tragedy. I do not know how a parent in these tragedies again, without fear, can ever send their child off to school.

Let us not, in our unified intent within this body to show our sympathy, in any way diminish the protections of our first amendment. It is too important to all of us.

I have great respect for the sponsor of this amendment. I have great respect for his honesty and his feelings of sympathy. I have joined with other Senators on the floor of the Senate in expressing my sympathy. I worry this is overly broadly against the first amendment, and because of that, I have to oppose it. I am perfectly willing to yield back time.

Mr. LEVIN. Mr. President, I have great sympathy for the motives and objectives of the Senator from Colorado in offering this amendment. We all want to support the appropriate service and memorial for victims of such tragic events. However, I did not support the Allard amendment because, in my judgement, it too broadly states a view regarding constitutionality under the First Amendment and arbitrarily singles out memorials for victims who are slain on the campus of a public school, excluding memorial services involving victims of slayings during a robbery or other event not on the school's campus or victims of a tragic accident, for example. Also, I do not believe that the Senate should take the step of authorizing the Attorney General to become involved in litigation on one side or the other.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I have a question to ask of the chairman. Is he ready for the yeas and nays on this amendment?

Mr. HATCH. We are going to vote in a stacked sequence.

Mr. ALLARD. I will wait for that.

Mr. HATCH. Why don't we ask for the yeas and nays. I ask unanimous consent that the yeas and nays be ordered on all five amendments.

The PRESIDING OFFICER. Is there objection to it being in order to order the yeas and nays? Without objection, it is so ordered.

Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Utah.

AMENDMENT NO. 353

Mr. HATCH. Mr. President, the amendment which I offered with the Senator from California, Mrs. FEINSTEIN, is a much refined version of legislation we offered last Congress to address the serious and troubling issues of interstate and juvenile gangs.

I commend Senator FEINSTEIN for her hard work and dedication to this issue.

Our amendment includes improvements to the current Federal gangs statute, to cover conduct such as alien smuggling, money laundering, and high-value burglary, to the predicate offenses under the penalty enhancement for engaging in gang-related crimes, and enhances penalties for such crimes.

It criminalizes recruiting persons into a gang, with tough penalties, including a 4-year mandatory minimum if the person recruited is a minor.

It amends the Travel Act, of 1952 18 U.S.C., to include typical gang predicate offenses.

It includes the James Guelff Body Armor Act, which provides penalty enhancements for the use of body armor in the commission of a Federal crime. This provision also prohibits the purchase, possession or use of body armor by anyone convicted of a violent felony, but provides an affirmative defense for bona fide business uses. However, our amendment places no duties or restrictions on the sellers of these legitimate personal safety products. Our amendment also enhances the availability of body armor to law enforcement. It includes penalties for teaching, even over the Internet, how to make or use a bomb, with the knowledge or intent that the information will be used to commit a Federal crime.

Finally, our amendment enhances penalties under the Animal Enterprise Terrorism Act (18 U.S.C. 43) to address the growing problem of attacks on businesses and research facilities, as well as establishes a clearinghouse to track such offenses. These crimes are increasingly being committed by some juvenile gangs, particularly in my State of Utah.

Gangs are an increasingly serious and interstate problem, affecting our crime rates and our youth. A 1997 survey of eighth graders in 11 cities found in 1997 that 9 percent were currently gang members, and that 17 percent said they had belonged to a gang at some point in their lives. These gangs and there members are responsible for as many as 68 percent of all violent crimes in some cities.

My home state of Utah continues to have a serious gang problem. In 1997, there were over 7,000 gang offenses reported to the police in Utah. Although we have seen some improvement from the unprecedented high levels of gang crime a couple of years ago, gang membership in the Salt Lake area has increased 209 percent since 1992. There are now about 4,500 gang members in the Salt Lake City area. 770 of these, or 17 percent, are juveniles.

During 1998, there were at least 99 drive by shootings in the Salt Lake City area. Also, drug offenses, liquor offenses, and sexual assaults were all up significantly over the same period in 1997. And in the first 2 months of 1999, there were 14 drive by shootings in the Salt Lake City area.

An emerging gang in Utah is the Straight Edge. These are juveniles who embrace a strict code of no sex, drugs, alcohol or tobacco, and usually no meat or animal products. Normally, of course, these are traits most parents would applaud. But these juveniles take these fine habits to a dangerous extreme, frequently violently attacking those who do not share their purist outlook.

There are 204 documented Straight Edgers in Salt Lake City, with an average age of 19 years old. Like most gangs, they adopt distinctive clothing and tattoos to identify themselves. Although not all Straight Edgers engage in criminal activities, many have become very violent prone. They have engaged in coordinated attacks on college fraternities, and a murder outside the Federal Building in downtown Salt Lake City last Halloween night was Straight Edge related. This crime, in which a 15-year-old youth named Bernardo Repreza occurred during a gang-related fight against the Straight-Edgers. Three Straight Edge gang members, have been charged with the murder.

And these gangs are learning some of their tactics on the Internet, which is why our amendment includes a provision making illegal to teach another how to make or use an explosive device intending or knowing that the instructions will be used to commit a federal crime, has passed the Senate on at least three separate occasions. It is time for Congress to pass it and make the law.

Sites with detailed instructions on how to make a wide variety of destructive devices have proliferated on the Internet. As many of my colleagues know, these sites were a prominent part of the recent tragedy in Littleton, Colorado.

Let me give my colleagues an example of one of these sites. The self-styled Animal Liberation Front has been linked to numerous bombings and arson across the country, including several in my home State of Utah. Posted on their Internet site is the cyber-publication, The Final Nail #2. It is a detailed guide to terrorist activities. This chart shows just one example of the instructions to be found here—in this case, instructions to build an electronically timed incendiary igniter—the timer for a time bomb.

And how do the publishers intend that this information will be used? The suggestion is clear from threats and warnings in the guide. One page in the site shows a picture of an industry spokeswoman, warning her to "take our advice while you still have some time: quit your job and cash in your frequent flier points for a permanent vacation." Now, on this chart, which comes from The Final Nail #2, we have redacted the spokeswoman's address and phone number to protect her privacy. The publishers weren't so considerate. And this is just the beginning. This same document has a 59 page list of targets, complete with names and addresses from nearly every U.S. State and Canadian province.

Let there be no mistake—the publishers know what they're doing. For instance, the instructions on how to make milk jug fire bombs come with this caution: "Arson is a big time felony so wear gloves and old clothes you can throw away throughout the entire process and be very careful not to leave a single shred of evidence."

It is unfortunate that people feel the need to disseminate information and instructions on bombmaking and explosives. Now perhaps we can't stop people from putting out that information. But if they are doing so with the intent that the information be used to commit a violent federal crime—or if they know that the information will be used for that purpose, then this amendment will serve to hold such persons accountable.

Unfortunately, kids today have unfettered access to a universe of harmful material. By merely clicking a mouse, kids can access pornography, violent video games, and even instructions for making bombs with ingredients that can be found in any household. Why someone feels the need to put such harmful material on the Internet is beyond me—there certainly is no legitimate need for our kids to know how to make a bomb. But if that person crosses the line to advocate the use of that knowledge for violent criminal purposes, or gives it out knowing it will be used for such purposes, then the law needs to cover that conduct.

Mr. President, the Hatch-Feinstein Federal Gang Violence Act incorporated in this amendment is a modest but important in stemming the spread of gangs and violence across the country and among our juveniles. I urge my colleagues to support it.

I am happy to yield to the distinguished Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. I thank the Chair. I thank the distinguished chairman of the Judiciary Committee. I want him to know it has been a great pleasure for me to be able to work with him on these three issues, and now on the gang bill, for the past 3 years.

Mr. President, I think the chairman has very accurately and adequately stated what these amendments do. I would like to just provide a little bit of filler material with respect to the need. There are over 23,000 youth gangs in all 50 States in the United States. I think it will come as no surprise for people to learn that California is the No. 1 gang State, with almost 5,000 different gangs, more than three times as many as the next State. Overall, there are over 600,000 members of gangs. And they have increased tenfold since 1975.

This legislation is a direct result of the importuning of many in local law enforcement who have come to me and others in this body and said: Could the Federal Government give us a hand in fighting gangs?

In Los Angeles alone, over the past 16 years, 7,300 people were murdered from gang warfare—more people than have been killed in all the terrorist fighting in Northern Ireland.

Today, modern gangs are organized. Take, for one, the Bloods and Crips, which began in Los Angeles. They now have a presence in 119 American cities, as you can see on this chart. Take, for instance, Chicago's Gangster Disciples, which have expanded into 34 Midwest and Southern cities, with a board of directors inside prison and a board of directors outside prison.

These gangs operate very often as modern Mafia-type enterprises. They move across State lines. They move drugs. They practice a whole series of crimes. And they do so in a very organized way.

In Los Angeles alone, the 18th Street Gang now deals directly with Mexican and Colombian drug cartels. They have expanded their operations to Oregon, Utah, El Salvador, Honduras and Mexico. And it goes on and on and on; virtually every ethnic and racial group has some gang that is operating in the United States.

The chairman has accurately stated what this amendment would do. It increases sentences for gang members who commit Federal crimes. It enhances the ability of Federal prosecutors to prosecute gangs. It amends the Travel Act to include some offenses which gangs perpetrate. It adds serious juvenile drug offenses to the Armed Career Criminal Act. And it provides a 3-year mandatory minimum sentence to knowingly transferring a firearm for use in a violent crime or drug trafficking crime where the gun is transferred to a minor.

Let me move now to the second part of it. This has to do with bomb making on the Internet. In the Judiciary Committee not too long ago, I remember somebody presenting a manual called "The Terrorist Handbook" that could be pulled up on the Internet. I went back and we downloaded it from the Internet.

What I saw really chilled me, because what I saw was accurate information on how to steal chemicals, how to break into chemistry labs, what to buy in stores, and how to go home and make pipe bombs, telephone bombs, letter bombs, and mailbox bombs. Virtually every use in the manual is illegal. And you have to ask, Why?

The youngsters in Colorado who perpetrated the crime indicated they got the formula for the pipe bombs directly from the Internet. It well could have been from this very volume I hold up today.

Since Littleton, CO, there has been a rash of these. Police arrested five students in Brooklyn for possessing this manual that they found on the Internet.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent just for one additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. I will ask to print in the RECORD a list of counties and cities where we have had incidents directly following Littleton: Salt Lake; Cobb County in Georgia; Port Aransas, TX; Wichita Falls; Wimberley, TX. More than 50 threats of bombs and other acts of violence have occurred in the last few weeks since Littleton, CO.

This amendment essentially says it will become a Federal crime to teach or distribute information on how to make a bomb or other weapon of mass destruction if the individual intends the information be used to commit a Federal violent crime or knows that the recipient of the information intends to use it to commit a Federal violent crime.

The Justice Department has reviewed the legislation. We believe that it is constitutional. The Fourth Circuit has heard a case and has effectively declared the methodology herein as constitutional.

The final part of this bill is the James Guelff Body Armor Act. It speeds body armor of 10,000 surplus pieces from the FBI and the DEA to local and State governments. It makes body armor more difficult to obtain by felons. And we are very hopeful this will be included.

So we have the gang amendments, we have the lawmaking amendment, and the body armor.

I thank the Chair and yield the floor.

Mr. LEAHY. Mr. President, when the predecessor to this bill was introduced in the last Congress, I raised a number of concerns about the bill. I am glad to see that this amendment is much improved from the Hatch-Feinstein gang bill in the last Congress.

This amendment also contains proposals that Senator DEWINE and I have worked on together. For example, this amendment contains new procedures for law enforcement to obtain clone pagers. These are pagers held by law enforcement that duplicate the numeric messages received by a drug dealer or other criminal. This is a useful tool for law enforcement and I have long worked to streamline the procedures for the FBI, the DEA and other law enforcement agencies to obtain legal authorization to use clone pagers.

For including this clone pager proposal in the amendment, along with the other improvements made by the sponsors, they should be commended. I know they worked hard on this amendment.

I remain concerned about some of the penalties in this amendment. The amendment calls for a new death penalty and new mandatory minimums that should be revised in conference.

Mr. CAMPBELL. Mr. President, I am pleased to see that an important provision that is based on a bill I introduced earlier this year has been included in the pending legislation.

This provision would provide Federal matching grants to help our state and local law enforcement officers acquire life saving bullet resistant equipment. This provision is based on S. 726, the Officer Dale Claxton Bullet Resistant Police Protective Equipment Act of 1999. S. 726 is named in memory of Dale Claxton, a Cortez, Colorado, police officer who was fatally shot through the windshield of his patrol car last year. A bullet resistant windshield could have saved his life.

Unfortunately, incidents like this are far from isolated. All across our nation law enforcement officers, whether in hot pursuit, driving through dangerous neighborhoods, or pulled over on the side of the road behind an automobile, are at risk of being shot through their windshields. We must do what we can to prevent these kinds of tragedies as better, lighter and more affordable types of bullet resistant glass and other equipment become available.

While I served as a deputy sheriff in Sacramento County, California, I became personally aware of the inherent dangers law enforcement officers encounter each day on the front lines. Now that I serve as a U.S. Senator here in Washington, DC, I believe we should do what we can to help our law enforcement officers protect themselves as they risk their lives while protecting the American people from violent criminals.

One important way we can do this is to help them acquire bullet resistant glass and armored panels for patrol cars, hand held bullet resistant shields and other life saving bullet resistant equipment. This assistance is especially crucial for small local jurisdictions that often lack the funds needed to provide their officers with the life saving bullet resistant equipment they need.

This Claxton bullet resistant equipment provision builds upon the successes of the Bulletproof Vest Partnership Grant Act, S. 1605, which I introduced in the 105th Congress and the president signed into law last June. This program provides matching grants to state and local law enforcement agencies to help them purchase body armor for their officers. This provision builds upon this worthy program by expanding it to help them acquire additional types of bullet resistant equipment.

The central part of the Claxton provision authorizes a new $40 million matching grant program to help state, local, tribal and other small law enforcement agencies acquire bullet resistant equipment such as bullet resistant glass and armored panels for patrol cars, hand held bullet resistant shields and other life saving equipment.

This matching grant program is authorized for fiscal years 2000 through 2002 and would be administered by the Bureau of Justice Assistance according to a formula that ensures fair distribution for all states, local communities, tribes and U.S. territories. To help ensure that these matching grants get to the jurisdictions that need them the most the bureau is directed to make at least half of the funds available to those smaller jurisdictions whose budgets are the most financially constrained.

Another key part of the Claxton provision allocates $3 million over 3 years to the Justice Department's National Institute of Justice (NIJ) to conduct an expedited research and development program to speed up the deployment of new bullet resistant technologies and equipment. The development of new bullet resistant materials in the next few years could be as revolutionary in the next few years as Kevlar was for body armor in the 1970s. Exciting new technologies such as bonded acrylic, polymers, polycarbons, aluminized material and transparent ceramics promise to provide for lighter, more versatile and hopefully less expensive bullet resistant equipment.

The Officer Dale Claxton provision also directs the NIJ to inventory existing technologies in the private sector, in surplus military property, and in use by other countries and to evaluate, develop standards, establish testing guidelines, and promote technology transfer.

Our nation's state, local and tribal law enforcement officers regularly put their lives in harm's way and deserve to have access to the bullet resistant equipment they need. The Officer Dale Claxton bill will both get life saving bullet resistant equipment deployed into the field where it is are needed and accelerate the development of new life-saving bullet resistant technologies.

I urge my colleagues to join me in supporting this provision.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator has 2 minutes 43 seconds.

Mr. HATCH. Mr. President, unless there is opposition, I would yield that 2 minutes to the Senator from California.

Has the Senator from California said all she wants to say on this?

Mrs. FEINSTEIN. I believe so, Mr. President. I thank the Senator.

AMENDMENT NO. 339

Mr. HATCH. Mr. President, the next amendment is that of Senator BYRD.

Mr. LEAHY. Mr. President, if the Senator will yield, I have been advised by the distinguished senior Senator from West Virginia that he will not require his time in favor of the amendment, other than the minute he has reserved just prior to the vote. I was prepared to yield back 5 minutes as a proponent. There may be, however, those who seek time as opponents.

Mr. HATCH. If the Senator will yield, I would like to take about a minute of Senator BYRD's time.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. And then protect the right of the Senator from California to speak in opposition.

Mr. President, I am pleased to support this amendment, which is nearly identical to a bill I introduced earlier this year, S. 577, The Twenty-First Amendment Enforcement Act. If nothing else can be said about this issue—it is absolutely imperative that states have the means to prevent unlawful access to alcohol by our children.

If a 13-year-old is capable of ordering beer and having it delivered by merely "borrowing" a credit card and making a few clicks with her mouse, there is something wrong with the level of control that is being exercised over these sales and something must be done to address the problem.

I am a strong supporter of e-commerce. But the sale of alcohol cannot be equated with the sale of a sweater or shirt. We need to foster growth in electronic commerce, but we also need to make sure that alcohol control laws are respected.

The growth of many of our nation's wineries is tied to their ability to achieve name recognition and generate sales nationwide—tasks the Internet is uniquely suited to accomplish. I do not want to preclude them from using the Internet; I want to ensure that they use it responsibly and in accordance with state laws.

If there is a problem with the system, we need to fix the system, not break the laws.

The 21st amendment gives states the right to regulate the importation of alcohol into their states. However, efforts to enforce laws relating to the importation of alcohol have run into significant legal hurdles in both state and Federal courts.

The scope of the 21st amendment is essentially a federal question that must be decided by the federal courts—and ultimately the Supreme Court. For that reason, among others, I believe a federal court forum is appropriate for state enforcement efforts.

Most states do not permit direct shipping of alcohol to consumers. Therefore most Internet sales of alcohol are currently prohibited. If a state wants to set up a system to allow for the direct shipment of alcohol to consumers, such as New Hampshire and Louisiana have already done, then that is their right under the 21st amendment. But the decision to permit direct shipping, and under what conditions, is up to the states, not the purveyors of alcohol.

The bill is supported by a host of interests including, *inter alia*, Utah interests (Governor Leavitt, Attorney General Graham, Utah's Department of Alcoholic Beverage Control, the Utah Hospitality Association, numerous Utah Congressional Representatives and Senator BENNETT), SADD, the National Licensed Beverage Association, the National Beer Wholesalers Association, the Wine and Spirits Wholesalers, Geerlings and Wade (leading direct marketer of fine wines to 27 states and more than 81 percent of the wine consuming public), Americans for Responsible Alcohol Access, the National Association of Beverage Retailers, the National Alcohol Beverage Control Association, and the National Conference of State Liquor Administrators.

Having said that, I will yield back the remainder of any time the proponents have.

Mr. LEAHY. Mr. President, I commend the Senior Senator from West Virginia for his dedication to enforcing state liquor laws. But I must disagree with his approach. The Byrd amendment would permit the enforcement of state liquor laws in Federal court. This expansion of the jurisdiction of the Federal courts is not warranted and raises constitutional problems because one state may impose its laws on the citizens of another state under this amendment.

In the Judiciary Committee, we recently held a hearing on this issue of direct sales of alcohol products over the Internet and via mail order. In our hearing, several expert witnesses raised questions about a similar bill by Senator HATCH, S. 577. I would like to work with Senator BYRD, Senator HATCH and others on the Judiciary Committee to see if we can refine this legislation to make sure it will pass constitutional muster. I have my doubts about constitutionality of the language before us today and will have to vote against the Byrd amendment as currently drafted.

If the full Senate is to pass an amendment today on the interstate shipment of alcohol, I believe the amendment by Senator FEINSTEIN is a more targeted and sounder approach.

Her amendment would require clear labeling of alcoholic beverages shipped interstate and require the signature of an adult upon delivery of the alcoholic beverages.

The Feinstein amendment does not raise constitutional issues and is targeted at preventing any underage purchase of alcoholic beverages over the Internet or through other direct sales.

I will vote against the Byrd amendment and for the Feinstein amendment, because I believe that hers is constitutionally far more acceptable but also hits the problem far better.

Mr. HATCH. Mr. President, before I relinquish the floor to Senator FEINSTEIN, let me say that I think States need the ability to take action on their own to enforce their State liquor laws. Senator BYRD's amendment provides States with a Federal court forum to enjoin violations of their alcohol laws, denying violators the ability to hide behind a jurisdictional curtain.

Mr. President, this is a summary of the Byrd amendment:

First, it permits the chief law enforcement officer of a state to seek an injunction in federal court to prevent the violation of any of its laws regulating the importation or transportation of alcohol;

Second, allows for venue for the suit where the defendant resides and were the violations occur;

Third, no injunctions issued without prior notice to the opposing party;

Fourth, requires that injunctions be specific as to the parties, the conduct and the rationale underlying the issuance of the injunction;

Fifth, allows for quick consideration of the application for an injunction; conserves court resources by avoiding redundant proceedings; and

Sixth, mandates a bench trial.

Having said that, I probably will support both the Byrd amendment and the next amendment by the distinguished Senator from California, Mrs. FEINSTEIN.

Mrs. FEINSTEIN. I thank the ranking member for his comments. My views parallel his. I think the Byrd method is very well intentioned. I happened to be on the floor when the Senator presented it. However, I must say I believe it is overly broad. It would essentially permit States to deputize the Federal courts which exist to enforce Federal laws, not State laws. I believe it would have the unintended consequence of dramatically expanding the power of any one State in a matter which would diminish consumer choice and really harm legitimate businesses.

This is more or less an intra-industry fight. California is home to 90 percent of the domestic wine industry. The vast majority of these wineries are small family farms. The wine industry is certainly vital. Many of these small wineries essentially have wine tastings. Individuals come in, taste the wine. They do not have shelf space. The wine is expensive, and they will use the Internet to be able to ship this wine.

The problem which has been presented for remedy is children obtaining this kind of alcoholic beverage through the Internet. I happen to doubt that children would buy $90 bottles of wine, but, nonetheless, the second amendment I will present in essence tackles the question at hand by saying that any of these shipments must be clearly labeled, and they must be received by someone who has the qualification to receive them, identification showing that that individual is entitled to receive them and is in fact an adult.

Therefore, I do not believe this throwing of State alcohol law into the Federal courts is necessary to solve the problem at hand.

I urge a no vote on the Byrd amendment and an aye vote on the Feinstein amendment.

The PRESIDING OFFICER. All time on the amendment has expired.

AMENDMENT NO. 354, AS MODIFIED

The PRESIDING OFFICER. The Senate will now move to the debate on the Feinstein amendment.

The Senator from California.

Mrs. FEINSTEIN. Mr. President, if I may, I ask unanimous consent to modify my amendment No. 354.

The PRESIDING OFFICER. Without objection, the amendment is modified.

The amendment (No. 354), as modified, is as follows:

At the appropriate place, add the following:

SEC. . INTERSTATE SHIPMENT AND DELIVERY OF INTOXICATING LIQUORS.

(a) IN GENERAL.—Chapter 59 of title 18, United States Code, is amended—

(1) in section 1263—

(A) by inserting "a label on the shipping container that clearly and prominently identifies the contents as alcoholic beverages, and a" after "accompanied by"; and

(B) by inserting "and requiring upon delivery the signature of a person who has attained the age for the lawful purchase of intoxicating liquor in the State in which the delivery is made," after "contained therein,"; and

(2) in section 1264, by inserting "or to any person other than a person who has attained the age for the lawful purchase of intoxicating liquor in the State in which the delivery is made," after "consignee,".

Mrs. FEINSTEIN. Mr. President, the modification I have sent to the desk changes the penalty, and I will explain that in a moment.

The amendment, as I have just described it, would require persons who ship alcoholic beverages across State lines to: First, clearly and prominently label the contents as alcoholic beverages; second, state the full name of the person causing the package to be shipped; i.e., the seller; and third, state that an adult's signature is required. It would require the shippers—for example, Federal Express—to not deliver a package so labeled unless they can: One, verify that the person receiving the delivery is of legal age for purchasing alcoholic beverages; and, two, obtain that person's signature.

Mr. President, the amendment I sent to the desk to modify would simply provide that existing penalties would apply to this bill. Those are criminal penalties of up to 1 year imprisonment and fines of up to $200,000 for organizations or $100,000 for individuals. A seller who violates this requirement on three or more occasions may have their ATF basic permit revoked. That is the effect of the law today, and we would repeat that penalty in this particular instance.

I thank the Chair.

The PRESIDING OFFICER. Does any Senator wish to speak in opposition?

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I am prepared to yield back all the time in opposition to this amendment on our side. We are prepared to vote.

VOTE ON AMENDMENT NO. 351

The PRESIDING OFFICER. The question is on agreeing to amendment No. 351. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kansas (Mr. BROWNBACK) is necessarily absent.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) is necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mr. MOYNIHAN) would vote "no."

The PRESIDING OFFICER (Mr. GORTON). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 85, nays 13, as follows:

[Rollcall Vote No. 121 Leg.]

YEAS—85

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bond
Breaux
Bryan
Bunning
Burns
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Edwards
Enzi
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lieberman
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Murkowski
Nickles
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wyden

NAYS—13

Bingaman
Boxer
Durbin
Feingold
Harkin
Hollings
Kerrey
Lautenberg
Leahy
Levin
Murray
Reed
Wellstone

NOT VOTING—2

Brownback
Moynihan

The amendment (No. 351) was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator will withhold. The Senate will be in order. The Senator from Utah.

Mr. HATCH. Mr. President, we are making headway. I ask unanimous consent that the remaining votes in this series be limited to 10 minutes in length.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Vermont.

Mr. LEAHY. Mr. President, just a point of clarification before we start to vote. Each side gets 1 minute before these votes. I urge Senators on both sides to give attention to both proponents and opponents so they can be heard. Senator HATCH and I have worked very hard to get it down to this list, so we should make sure both sides are protected and can be heard.

AMENDMENT NO. 352

The PRESIDING OFFICER. There are 2 minutes equally divided on the Kohl-Hatch amendment. Who yields time? The Senator from Utah.

Mr. HATCH. Mr. President, let me just make one quick comment and then yield to Senator KOHL.

The Kohl-Hatch amendment provides qualified immunity to law-abiding gun owners who use a child safety lock or gun storage unit and requires that all handguns be sold with a child safety lock or gun storage unit.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Mr. President, none of us is naive enough to believe today's vote signals a bipartisan consensus on all gun control issues, or even most of them. But after a week of back-and-forth—and forth-and-back—over firearms, it is good to see a consensus developing on at least this commonsense measure to keep handguns away from children. Simply put, the Kohl-Hatch-Chafee amendment will ensure that a child safety device—or trigger lock—is sold with every handgun.

This proposal will move us forward today, and it will help save lives. I hope we can all support it.

The PRESIDING OFFICER. Who yields time in opposition to the amendment?

Mr. HATCH. We yield back the time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the Hatch-Kohl amendment. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kansas (Mr. BROWNBACK) is necessarily absent.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) is necessarily absent.

I further announced that, if present and voting, the Senator from New York (Mr. MOYNIHAN) would vote "aye."

The result was announced—yeas 78, nays 20, as follows:

[Rollcall Vote No. 122 Leg.]

YEAS—78

Abraham
Akaka
Baucus
Bayh
Bennett
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchinson
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Murkowski
Murray
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Smith (OR)
Snowe
Specter
Stevens
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NAYS—20

Allard
Ashcroft
Bond
Bunning
Burns
Coverdell
Craig
Crapo
Enzi
Gramm
Grams
Helms
Inhofe
Mack
Nickles
Sessions
Shelby
Smith (NH)
Thomas
Thompson

NOT VOTING—2

Brownback
Moynihan

The amendment (No. 352) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Utah.

AMENDMENT NO. 353

Mr. HATCH. Mr. President, this next amendment is the Hatch-Feinstein amendment. It is an amendment to give enhanced authority to combat gang violence. In addition to combating gang violence, this also is an amendment that bans bombmaking information on the Internet or information on the Internet with intent to injure.

I described this rather fully in my opening remarks earlier in the day. I give the rest of my time to the distinguished Senator from California.

Mrs. FEINSTEIN. Thank you very much, I say to the Senator. And thank you, Mr. President.

This amendment essentially has four parts. One relates to gangs that move across interstate lines practicing criminal enterprise, the second is body armor, the third is bombmaking, and the fourth is animal terrorism.

Essentially, with respect to gangs, this bill will increase sentences for gang members who commit Federal crimes. It will enhance the ability of Federal prosecutors to prosecute gangs for this crime. And it will add serious juvenile drug offenses to the Armed Career Criminal Act.

With respect to body armor, there are about 10,000 surplus pieces of body armor that the FBI and DEA have.

The PRESIDING OFFICER. The Senator's time has expired.

Does anyone yield time in opposition to the amendment? The Senator from Vermont.

Mr. LEAHY. Mr. President, it is not in opposition, but I will use that time if nobody else is seeking it.

This is much improved from what it was last year. It has included a proposal that Senator DEWINE and I have worked on together. My one concern is the penalties. It does call for a new death penalty and new mandatory minimum.

I will tell the distinguished Senator from California and the distinguished Senator from Utah, these are issues that will be raised in conference.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to amendment No. 353. The yeas and nays are ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kansas (Mr. BROWNBACK) is necessarily absent.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) is necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mr. MOYNIHAN) would vote "aye."

The result was announced—yeas 85, nays 13, as follows:

[Rollcall Vote No. 123 Leg.]

YEAS—85

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Breaux
Bryan
Bunning
Burns
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Coverdell
Craig
Crapo
Daschle
DeWine
Domenici
Durbin
Edwards
Enzi
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Jeffords
Johnson
Kerrey
Kerry
Kohl
Kyl
Landrieu
Leahy
Lieberman
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Murkowski
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thurmond
Torricelli
Voinovich
Warner
Wyden

NAYS—13

Biden
Conrad
Dodd
Dorgan
Feingold
Harkin
Inouye
Kennedy
Lautenberg
Levin
Murray
Thompson
Wellstone

NOT VOTING—2

Brownback
Moynihan

The amendment (No. 353) was agreed to.

AMENDMENT NO. 339

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, this proposal by Senator KOHL and myself simply authorizes the attorney general of a State to go into Federal district court and seek an injunction against any person importing alcohol into that State in violation of that State's law. Unfortunately, recent Federal court decisions have held that States do not necessarily have the power to seek such an injunction despite the fact that the 21st amendment to the Constitution and the Webb-Kenyon Act give States the power to prohibit alcohol importation. As a consequence, many States are at a loss when it comes to enforcing their own laws.

For those who may have concerns with this proposal, let me state unequivocally that the amendment will not restrict the lawful manufacture, advertisement, sale, transportation, or importation of any alcoholic beverage. As long as a distiller, or a brewer, or a winemaker complies with the laws of the given State, they will have no additional restrictions placed upon them by this amendment. The only ones who need to fear this amendment are those who are conducting their business in an unlawful manner, particularly those who are willing to sell alcohol to our children.

Mr. President, as the Senate considers this juvenile justice bill, designed to reduce the scourge of youth violence and crime, I beseech my colleagues to remember that alcohol use and abuse constitute an important facet of this national problem. Let us not overlook the pernicious effects that alcohol has on our young people. Let us not turn our backs on them by foregoing this opportunity to put a stop to those who choose to evade our laws. I urge my colleagues to support this amendment.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I rise to oppose the amendment. The amendment really is developed because of problems with alcohol being shipped to minors, and the amendment has major concern to the California wine industry. We believe it opens the Federal courts to State law. It does not focus on underage drinking, it is not supported by Mothers Against Drunk Driving, and it is opposed by the largest Internet trade group and by the wine industry.

Rather, my amendment would focus directly on underage drinking by requiring that any shipment be clearly marked with a label as to what the contents are and require that the recipient be qualified to receive it—in other words, be able to present identification that that person is, in fact, an adult.

The PRESIDING OFFICER. The question is on agreeing to Amendment No. 339.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCAIN (when his name was called). Present.

Mr. NICKLES. I announce that the Senator from Kansas (Mr. BROWNBACK) is necessarily absent.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) is necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mr. MOYNIHAN) would vote "no."

The result was announced—yeas 80, nays 17, as follows:

[Rollcall Vote No. 124 Leg.]

YEAS—80

Abraham
Akaka
Ashcroft
Baucus
Bennett
Biden
Breaux
Bryan
Bunning
Burns
Byrd
Cleland
Cochran
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Lautenberg
Levin
Lieberman
Lincoln
Lott
Lugar
McConnell
Mikulski
Murkowski
Nickles
Reid
Robb
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner
Wellstone
Wyden

NAYS—17

Allard
Bayh
Bingaman
Bond
Boxer
Campbell
Chafee
Collins
Feinstein
Kerrey
Landrieu
Leahy
Mack
Murray
Reed
Roth
Torricelli

NOT VOTING—2

Brownback
Moynihan

ANSWERED "PRESENT"—1

McCain

The amendment (No. 339) was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 354, AS MODIFIED

The PRESIDING OFFICER. The question now is on the Feinstein amendment. There are 2 minutes equally divided.

Who seeks recognition?

Mr. HATCH. May I ask the distinguished Senator from California, since everybody understands this, why don't we yield back the time?

The PRESIDING OFFICER. There will be order in the Chamber.

Mr. HATCH. If I could ask the distinguished Senator from California—I certainly support this amendment; I believe everyone understands that—why don't we just yield back the time?

Mrs. FEINSTEIN. I will be happy to.

Mr. HATCH. I yield back the time on this side.

Mr. GRAMM. Can't we just voice vote it?

The PRESIDING OFFICER. The question now is agreeing to the amendment.

Mr. HATCH. Can we voice vote this amendment? I ask unanimous consent that the yeas and nays be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. I thank the Chair.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 354), as modified, was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, in just a few minutes we believe we can get consent to have three more votes this evening and we will put over a stacked group of amendments for tomorrow, but we are just a few minutes away from having that consent. I suggest the absence of a quorum while we get it.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I ask unanimous consent that the Senate now resume S. 254, and the amendments, in this order tonight: Amendment No. 358, followed by amendment No. 348; that these will be the next two amendments, previously debated, to the pending juvenile justice bill, which will now be the pending question, in the order in which they were offered, with up to 5 minutes equally divided for additional debate prior to a vote on or in relation to these two amendments.

I further ask that notwithstanding a vote in relation to an amendment, if any amendment is not tabled or skipped in the voting sequence, it then be laid aside for additional votes in the sequence, with the amendments reoccurring at the end of the sequence ending with amendment No. 361.

I further ask that following the disposition of each debate on each amendment, the amendment be laid aside, and at the hour of 5:50 p.m. today the Senate proceed to vote on or in relation to the amendments, in the order in which they were offered, with 2 minutes prior to each vote for explanation.

Mr. LEAHY. Mr. President, reserving the right to object, and I shall not——

Mr. HATCH. Will the Senator yield for one other question? I believe I said amendment 358, but the two amendments tonight will be 359 and 348, in that order. I ask unanimous consent.

Mr. KENNEDY. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. As I understand, the Senator has asked for rollcalls on those two votes, but then he asked for consent after that to sequence which amendments and in what order?

Mr. HATCH. To sequence the remaining amendments, the skipped amendments, in the order in which they were following amendment No. 361. In other words, we are putting them at the end of the group of amendments.

Mr. KENNEDY. I have no objection.

I understand that Senator HARKIN is not here.

Mr. HARKIN. I am here. I am trying to figure it out myself.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. What this does, I tell Senators on my side of the aisle, is say we will have two votes tonight. They have to go out of the sequence, but then we go back to the sequence. It is my understanding, from the distinguished Senator from Mississippi, that those will be the only two rollcall votes we will have tonight, and then we will be back on the sequence tomorrow, if I am correct.

Mr. LOTT. That is correct.

If I could get recognition, if the Senator desires to have some debate on his amendment tonight, that will be fine and will be anticipated also. So we will do these two out of sequence, with the last vote occurring probably around 6:15 or so.

Mr. LEAHY. Or earlier.

Mr. LOTT. Or perhaps earlier. That will be the last vote tonight. The next amendment in order will be the amendment the Senator from Iowa is concerned about. And if he would like to debate that tonight, that would be fine.

Mr. HARKIN. Reserving the right to object, it is my understanding that for 359 and 348, we will have those two votes. That will be all tonight?

Mr. LOTT. Right.

Mr. HARKIN. Then what will occur after that? What is the next thing in sequence?

Mr. HATCH. Could I make it clear? After that will occur No. 360, then No. 361, then No. 356, then No. 357, and last will be No. 355, which is the amendment the distinguished Senator is concerned with.

Mr. HARKIN. And your unanimous consent did not put any time limit on that?

Mr. LEAHY. No.

Mr. HATCH. We did not. I ask unanimous consent that they be put in that order, with No. 355, the one with which the distinguished Senator is concerned, last on the list.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. Reserving the right to object, is there a time limit?

Mr. HATCH. There is not.

Mr. HARKIN. On any of these?

Mr. HATCH. No.

Mr. LEAHY. No. It is my understanding that there is a time limit on only the two this evening.

Mr. HARKIN. I see.

Mr. HATCH. We are hoping we can set aside basically the other controversial, but not seriously controversial, amendments to be stacked tomorrow at some time, in accordance with the wishes of the majority and minority leaders, and they will proceed in the same way these have. But we understand on No. 355 there is not a time limit.

Mr. HARKIN. I will not object as long as I understand and the record is clear that on amendment No. 355, the Frist-Ashcroft amendment on IDEA, there is no time limit.

Mr. HATCH. No time limit. It will be the last of the amendments in the order we are listing them.

I ask unanimous consent that that be so.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HATCH. I hope we can move to these two amendments. We have 5 minutes to debate them.

AMENDMENT NO. 359

Mr. HATCH. The first amendment coming up will be Senator WELLSTONE's on domestic violence for 2½ minutes.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Might I ask a question first? I am sorry. I do not intend to take a lot of time.

Is there a time limit on this amendment tonight?

Mr. HATCH. The time limit of 5 minutes equally divided.

Mr. LEAHY. Could we have order.

The PRESIDING OFFICER. The Senate will be in order.

Mr. WELLSTONE. Thank you, Mr. President.

Mr. President, this amendment goes right to the heart of this legislation. If we are serious about youth violence, one of the things we want to do is help kids before they get into trouble.

This amendment would authorize grant money which would go to the community level for counselors and courts and schools and health care providers and teachers and battered women programs to provide support and help to those children who witness violence in their homes.

We have focused on the violence against the adult—usually the woman, I am very sorry to say. But one of the things I found around the country, I say to my colleagues, is that we have not provided the support for kids. If you care about this issue of family violence, and if you care about trying to get more support for children who witness this and see it all the time and then cannot do well in school and are in trouble, then you need to support this amendment.

In the bill right now, the language is not specific; it is very weak. It just simply talks about kids at risk, but it does not focus specifically on the problem of violence in homes and the effects on children who witness this violence. This is one of the best amendments we could support.

For those of you who have done this work dealing with the issues of family violence, for those of you who care about reducing violence in families and supporting children, this is really an important amendment. I hope it will have strong support.

The PRESIDING OFFICER. Who seeks recognition?

Mr. HATCH. Mr. President, I yield back the remainder of my time on this amendment, except let me just say this: I very much appreciate the efforts of the Senator from Minnesota. As I read it, it provides for six new grant programs totaling $170 million.

Mr. President, as you know, the issue of domestic violence, including its impact on children, is one that has been of paramount concern to me over the past 10 years. Working with Senator BIDEN, and the Senate, the Senate acted decisively in 1994 by passing the Violence Against Women Act. Moreover, in the years following passage of this landmark legislation, this Senate has consistently funded programs authorized by that legislation.

I do agree with my colleague; we probably could do more. We certainly can do better. For that reason, Senator BIDEN and I have begun working on a significant and thorough review of the act.

In 1994, we created many new programs, and we have spent hundreds of millions of dollars to fund them. I think it is time to examine what works and what doesn't as we look to reauthorizing this Act. Further, I think we need to examine carefully whether and what kind of additional programs are necessary and appropriate.

The Senator's amendment raises an important issue—the impact of domestic violence on children and what can be done to alleviate this problem. I am not prepared, however, at this time, to endorse his solutions.

I understand why the Senator would try to use this bill as a vehicle for his amendment, but I disagree. Rather, these suggestions, along with others, ought to be considered in the context of reauthorizing the Violence Against Women Act. For example, several of the NEW grant programs proposed sound to me as if they ought to be considered as a discretionary use of funds in existing VAWA programs. Further, whereas we have a major Act on the books that deals with domestic violence, the new Wellston grant programs contain a new and different definition of domestic violence. Mr. President, these are not the kind of changes we should be making in the context of a juvenile crime bill.

Let me close by commending the Senator from Minnesota. But for the reasons stated, I will at the appropriate time move to table his amendment because I think we are going to work this out in the future. And let's work it out in the appropriate bill.

I yield back any further time we have.

AMENDMENT NO. 348

Mr. HATCH. Mr. President, we now move to the Ashcroft amendment No. 348.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, thank you very much.

Mr. President, 50 percent of all arsons, 37 percent of all burglaries are committed by juveniles, 17 percent of all forcible rapes.

Our juvenile justice system is no longer being asked to deal with chewing gum and spitballs in the hall but real violent crime.

This amendment is very straightforward and simple. It says that while juveniles are committing adult crimes with firearms, they should be treated as adults; that if juveniles are going to be involved in rapes, murders, armed robberies, armed assaults, that kind of violent crime, using firearms, that we want to provide the encouragement, incentive, and resources from the Federal level for States to treat those individuals as adults. So this amendment provides States with incentives to try juveniles as adults when they commit armed violent crimes.

Specifically, this amendment encourages States to try juveniles as adults when youth over 14 use firearms. This is not just any kind of crime, but when youth over 14 use firearms to commit murder, forcible rape, armed robbery, armed assault, and use firearms in major drug crimes. We have a real serious situation where young people are committing crimes that we once thought were reserved to adults.

Juveniles should understand that we will not consider this to be some sort of status offense or delinquency, that the commission of real violent crime by juveniles will be treated as adult crime. The unpleasant fact is that all too many juveniles commit serious armed crime. The answer is to prosecute these crimes vigorously to the full extent of the law.

This amendment provides States with substantial incentives to give adult time to juveniles who commit adult crimes. The purpose and thrust of this amendment, thus, is very narrow. For a narrow range of crimes—murder, rape, robbery, assault, major drug crimes—committed with a firearm, we provide Federal incentives and resources to try those criminals as adults with adult penalties.

It is with that in mind that this amendment obviously is one which I believe merits the support of all the Members of the Senate.

Mr. DURBIN. Will the Senator yield for a question?

Mr. ASHCROFT. Yes.

Mr. DURBIN. How many States presently have laws on the books which impose the penalty of add-ons for children, those under the age of 14, for these crimes?

Mr. ASHCROFT. First of all, this amendment refers to children 14 or over, not under the age of 14.

Mr. DURBIN. How many States?

Mr. ASHCROFT. I don't know the exact number of States, but a number of States do.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Vermont.

Mr. LEAHY. Mr. President, I will tell the Senator from Illinois, there are only two States, Kentucky and Mississippi, that would be in compliance with this amendment's mandate, only two States in the whole country. Basically, the amendment would tell all the other States, your legislatures are irrelevant. We know better here.

Mr. DURBIN. Will the Senator yield for a question?

Mr. LEAHY. Surely.

Mr. DURBIN. Do I understand, then, that 48 other States would be disqualified from Federal grants?

Mr. LEAHY. That is right. In fact, the National Governors' Association wrote to both the Republican and Democratic leaders of the Senate last year and asked them to oppose this kind of intrusion into the domain of State legislatures.

Mr. DURBIN. So under the provision of this amendment, only two States, Mississippi and Kentucky, could receive Federal funds to try to deter juvenile crime?

Mr. LEAHY. That is right. The other 48 States would be cut out.

Mr. DURBIN. This is a good idea for Mississippi and Kentucky. I don't know about the rest of us.

Mr. LEAHY. It kind of hurts the rest of us.

Mr. President, how much time remains?

The PRESIDING OFFICER. One minute 27 seconds.

Mr. LEAHY. Mr. President, I have to oppose this. I have to oppose this, because, one, it would help only two States in the country, Kentucky and Mississippi. It conditions the juvenile accountability block grant in the bill to the other 48 States only if their legislatures did something that they have all refused to do.

We are telling these other States that their legislatures are totally irrelevant; they must change their law because we know better here. I really don't think that is the way to go. I come from a State that has probably the toughest juvenile laws in the country, but I am not going to tell my State how they must do. Frankly, Mr. President, I oppose the amendment. I hope the 48 States that would be cut out by this would listen to what the National Governors' Association said when they, Republicans and Democrats alike, urged the Senate not to go forward with this.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I made a mistake in the sequence. Number 358 should follow immediately after No. 357, so I ask unanimous consent that that be so.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa.

PRIVILEGE OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Tom Hlavacek, a fellow on my staff, be granted the privilege of the floor for the pendency of this matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Utah.

VOTE ON AMENDMENT NO. 359

Mr. HATCH. Mr. President, I move to table the Wellstone amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 359. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) is necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mr. MOYNIHAN) would vote "no."

The result was announced—yeas 55, nays 44, as follows:

[Rollcall Vote No. 125 Leg.]

YEAS—55

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—44

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Snowe
Torricelli
Wellstone
Wyden

NOT VOTING—1

Moynihan

The motion was agreed to.

Several Senators addressed the Chair.

Mr. HATCH. Mr. President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I ask unanimous consent that at 12:20 p.m. on Wednesday the Senate resume the following amendments previously debated to the pending juvenile justice bill: No. 357, No. 358, No. 360, and No. 361, with 10 minutes equally divided for additional debate prior to the vote on or in relation to these amendments.

I further ask following disposition of debate on each amendment, the amendment be laid aside and at the hour of 1 p.m. Wednesday, the Senate proceed to vote on or in relation to the amendments in the order in which they were offered, with 2 minutes prior to each vote for explanation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, for the information of all Senators, the Senate will resume the juvenile justice bill at 10 a.m. on Wednesday, with Members offering new amendments from the list of amendments. However, votes will occur on previously offered amendments, beginning at 1 p.m. on Wednesday, so I urge my colleagues to offer their amendments in the morning for swift passage of the juvenile justice bill.

Mr. LEAHY. If the Senator will yield, if there are things we can do on the bill tonight we will still do them but without recorded votes, is that correct?

Mr. HATCH. We are going to be working on the managers' amendment this evening.

AMENDMENT NO. 348

The PRESIDING OFFICER. There is to be 2 minutes equally divided on the Ashcroft amendment No. 348. Who yields time?

Mr. HATCH. Could I ask the Senator to yield back his time?

Mr. ASHCROFT. Mr. President, I am prepared to yield back my time if the other side is prepared to yield back theirs.

Mr. LEAHY. In fairness to the Senator from Missouri, I will speak for 30 seconds on this.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, violent crime by juveniles is a major problem: forcible rape, murder, armed robbery, armed assault. This amendment simply says if you are going to commit armed robbery, forcible rape with the use of a firearm, murder using a firearm, assault using a firearm, or major drug crimes using a firearm, you should be tried as an adult. This is a way of sending the clearest message that adult crime deserves adult time and that use of a firearm is unacceptable. Chapter 44 in the code addresses the use of a firearm over and over again. Use of firearms is something we care about federally. We spend a lot of time debating it.

The question is, are we serious about curtailing the use of firearms, especially among young people? I think we should be. This amendment provides for trying those as adults and provides access to resources in return for so doing.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LEAHY. Mr. President, the reason the Governors of these States, all of them, wrote to the Democratic and Republican leaders in opposition to this is it would knock out the juvenile accountability block grant in the bill to 48 of the States—48 of the States. The only two that would get anything would be Kentucky and Mississippi. It would tell the other 48 States that their legislatures are irrelevant, their laws are irrelevant. We know better. That is true even in some States that have tougher laws than this would propose.

Because of that, I agree with the Governors, Republican and Democrat; we should not override our States this way. I oppose it.

The PRESIDING OFFICER. The question is on agreeing to the Ashcroft Amendment No. 348. The yeas and nays have not been ordered.

Mr. LEAHY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN), is necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mr. MOYNIHAN), would vote "no."

The result was announced—yeas 26, nays 73, as follows:

[Rollcall Vote No. 126 Leg.]

YEAS—26

Abraham
Allard
Ashcroft
Bond
Bunning
Byrd
Campbell
Cochran
Coverdell
Craig
Domenici
Fitzgerald
Frist
Gramm
Helms
Hutchinson
Hutchison
Inhofe
Johnson
Lott
Lugar
McConnell
Murkowski
Smith (NH)
Thurmond
Warner

NAYS—73

Akaka
Baucus
Bayh
Bennett
Biden
Bingaman
Boxer
Breaux
Brownback
Bryan
Burns
Chafee
Cleland
Collins
Conrad
Crapo
Daschle
DeWine
Dodd
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Gorton
Graham
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Inouye
Jeffords
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mack
McCain
Mikulski
Murray

Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Torricelli
Voinovich
Wellstone
Wyden

NOT VOTING—1

Moynihan

The amendment (No. 348) was rejected.

Mr. LEAHY. I move to reconsider the vote.

Mr. HATCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CLELAND. Mr. President, Winston Churchill once said that we build our homes, then our homes build us. I can say happily that my home built me! I was fortunate to have had a great childhood—with two wonderful parents, a great church, and more than a few wise and supportive teachers throughout my school years. I grew up in Lithonia, Georgia, in a community that cared. Unfortunately, not all children growing up in America today are so blessed. Not all children have homes that shape and prepare them to deal with the culture of violence in the world today.

Back in the 50s, my action heroes were Roy Rogers, the Lone Ranger, and Gene Autry. They were the good guys, who righted wrong and always got the girl. A witness at a Commerce Committee hearing 2 weeks ago described today's action heroes: Teenage Mutant Ninja Turtles and Mighty Morphin Power Rangers, whose TV show, we were told, averaged 100 acts of violence every single episode.

When I was in school, the strongest drug around was aspirin, and the most lethal weapon was a sling shot. Last year, over 6,000 students were expelled for carrying a weapon to school—and most said they carried the weapon "out of a need for protection." So far this year—and the year is only 5 months old—19 young people have met a violent death while in school. Our schools were once safe havens in this country, and there is something very wrong, as President Clinton points out, "when kids are more worried about guns and violence than math and science."

The underlying fear of Littleton is that it is symptomatic of a broader pattern of youth violence in this country. Events at Columbine High echo the school shootings in Springfield, OR, when a student invaded the cafeteria, killed a fellow student, and wounded 22 others. It echoes events in Jonesboro, AR, where two Middle School students opened fire, killing five students all under the age of 13 and wounding 10 others. One of the young killers was reportedly angry over the breakup with his girlfriend. It echoes the West Paducah, KY murders in which a fourteen-year-old student stormed a prayer group meeting before school, killed three teenaged girls, and wounded five more students. It was reported that the teen killer may have been teased by members of the prayer group as well as members of the school's football team.

In interviews with the neighbors of the Littleton killers, each one—almost without exception—saw little sign of the tragedy that lay ahead. These are the words of one of those neighbors:

> I turn on the news and I see their house, and I think, "That's my house! . . . It's the exact same house, the same windows, same driveway, same trim, everything except the color. I lie in bed thinking: 200 feet from my bedroom is where the guy conceived this idea to destroy everything we thought we had. Everything you thought you knew about your neighborhood, your schools, your churches—all just shattered. Vaporized. We feel like we are at ground zero."

What causes two seemingly "normal" teenagers to go on a killing rampage? Is it a change in our culture? Is it our marketing of violent movies like "The Basketball Diaries" and gory video games like "Doom?" Is it access to Internet recipes for building bombs? Is it the plight of "latchkey" kids who come home every day after school to an empty house? What is the WHY of Littleton? What are the toxic factors that are producing the alarming trend in this country where young people settle their grievances with mass murders?

I am proud to be a cosponsor of the amendment by Senator LIEBERMAN which would create a National Commission on Youth Violence. It will bring together religious leaders, educators, Cabinet heads, experts in parenting, in law enforcement, and psychology all focused on a single mission: To understand what factors conspire to create a Littleton and what actions we can take to address the possible causes of youth violence. The task will not be easy and the answers will not be simple. But this amendment is a critically important step in addressing the culture of violence that is pervading every segment of our society.

It is obvious to me that we are in a cultural war in this country for the hearts and minds of our young people. And in anything and everything we can do to help and strengthen our children through safe schools, through smaller classrooms, through greater adult interaction and support, we should absolutely do. This Congress has a role. And one of the things we can—and should do—is to adopt the Lieberman amendment. The national commission will seek answers to the perplexing questions of how we deal with the hearts and minds of our youngsters in this cultural war. And, sadly enough, like real war, there are casualties. Littleton, CO is an example of that. Our hope is that we can take some positive action that mitigates the death and destruction of the Columbine tragedy.

What is at stake is no less than this Nation's most precious resource, our number one asset—our children. As the writer James Agee said, "In every child who is born, under no matter what circumstances, and of no matter what parents, the potentiality of the human race is born again." Mr. President, on behalf of America's children, I am very pleased that the Lieberman amendment has been accepted by both sides and is part of this important legislation.

MORNING BUSINESS

Mr. HATCH. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, May 17, 1999, the federal debt stood at $5,587,730,041,115.05 (Five trillion, five hundred eighty-seven billion, seven hundred thirty million, forty-one thousand, one hundred fifteen dollars and five cents).

Five years ago, May 17, 1994, the federal debt stood at $4,588,709,000,000 (Four trillion, five hundred eighty-eight billion, seven hundred nine million).

Ten years ago, May 17, 1989, the federal debt stood at $2,781,561,000,000 (Two trillion, seven hundred eighty-one billion, five hundred sixty-one million).

Fifteen years ago, May 17, 1984, the federal debt stood at $1,486,043,000,000 (One trillion, four hundred eighty-six billion, forty-three million).

Twenty-five years ago, May 17, 1974, the federal debt stood at $469,577,000,000 (Four hundred sixty-nine billion, five hundred seventy-seven million) which reflects a debt increase of more than $5 trillion—$5,118,153,041,115.05 (Five trillion, one hundred eighteen billion, one hundred fifty-three million, forty-one thousand, one hundred fifteen dollars and five cents) during the past 25 years.

BUDGET SCOREKEEPING REPORT

Mr. DOMENICI. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under Section 308(b) and in aid of Section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the First Concurrent Resolution on the Budget for 1986.

This report, my first for fiscal year 1999, shows the effects of congressional action on the budget through May 7,

1999. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Res. 209, a resolution to provide budget levels in the Senate for purposes of fiscal year 1999, as amended by S. Res. 312. The estimates show that current level spending is above the budget resolution by $0.6 billion in budget authority and above the budget resolution by $0.2 billion in outlays. Current level is $0.2 billion above the revenue floor in 1999. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $52.4 billion, less than $50 million above the maximum deficit amount for 1999 of $52.4 billion.

I ask unanimous consent that the report and transmittal letter dated May 12, 1999, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 12, 1999.
Hon. PETE V. DOMENICI,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report, my first for fiscal year 1999, shows the effects of Congressional action on the 1999 budget and is current through May 7, 1999. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Res. 209, a resolution to provide budget levels in the Senate for purposes of fiscal year 1999, as amended by S. Res. 312. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

Sincerely,
DAN L. CRIPPEN,
Director.

Enclosures.

TABLE 1.—FISCAL YEAR 1999 SENATE CURRENT LEVEL REPORT, AS OF CLOSE OF BUSINESS, MAY 7, 1999

[In billions of dollars]

	Budget resolution S. Res. 312	Current level	Current level over/under resolution
ON-BUDGET			
Budget Authority	1,452.5	1,453.1	0.6
Outlays	1,411.3	1,411.5	0.2
Revenues:			
1999	1,358.9	1,359.1	0.2
1999–2003	7,187.0	7,187.7	0.7
Deficit	52.4	52.4	(1)
Debt Subject to Limit	(2)	5,620.2	NA
OFF-BUDGET			
Social Security Outlays:			
1999	321.3	321.3	0.0
1999–2003	1,720.7	1,720.7	0.0
Social Security Revenues:			
1999	441.7	441.7	(1)
1999–2003	2,395.6	2,395.5	−0.1

[1] Less than $50 million.
[2] Not included in S. Res. 312.
NA = Not applicable.

Note.—Current level numbers are the estimated revenue and direct spending effects of all legislation that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest information from the U.S. Treasury.

Source: Congressional Budget Office.

TABLE 2.—SUPPORTING DETAIL FOR THE FISCAL YEAR 1999 ON-BUDGET SENATE CURRENT LEVEL REPORT, AS OF CLOSE OF BUSINESS, MAY 7, 1999

[In millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in Previous Sessions:			
Revenues			1,359,099
Permanents and other spending legislation	919,197	880,664	
Appropriation legislation	820,578	813,989	
Offsetting receipts	−296,825	−296,827	
Total previously enacted	1,442,950	1,397,826	1,359,099
Entitlements and Mandatories:			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	10,143	13,661	
Totals:			
Total Current Level	1,453,093	1,411,487	1,359,099
Total Budget Resolution	1,452,512	1,411,334	1,358,919
Amount remaining:			
Under Budget Resolution			
Over Budget Resolution	581	153	180

Source: Congressional Budget Office.

DAIRY POLICY REFORM

Mr. LUGAR. Mr. President, Secretary of Agriculture Glickman recently announced reforms for the Federal milk marketing order system. These reforms were authorized by the 1996 farm bill in an effort to modernize and streamline an out-dated and arcane structure for pricing the nation's milk. As was the case with other commodities, the farm bill intended that Federal dairy policy be more modern and market-oriented to reflect innovations in the milk industry and to position the United States to become a major trader in world markets. In announcing the reforms, Secretary Glickman said, "These reforms will help make sure that America's dairy farmers receive a fair price and that American consumers continue to enjoy an abundant, affordable supply of milk. Our changes will also simplify the wholesale milk pricing system, making it more market-oriented and more equitable." The changes are positive steps toward accomplishing the goals stated by the secretary. The new structure is more market-oriented, more beneficial to consumers and more equitable to farmers across the Nation.

During consideration of the 1996 farm bill, Congress could not agree on a policy to modernize milk marketing orders. The task of designing a consumer-friendly and market-oriented program was turned over to the Department of Agriculture. The Secretary was given until 1999 to design this new policy. In the interim between 1996 and 1999, Congress allowed the northeast region of the country to set up a dairy compact in which producers could receive a higher price for their milk. Authority for the compact was scheduled to end with the implementation of the new milk marketing order policy.

On January 2, 1998, as Secretary Glickman prepared to consider changes to federal dairy policy, I wrote to him suggesting several ways to make dairy policy more consumer friendly and market oriented. Included in my recommendations was an overhaul of Class I differentials which set the prices that farmers receive for fluid milk. Shortly thereafter, USDA released its proposed rule for milk marketing order reform. The proposed rule contained seven different options for pricing structures and noted Secretary Glickman's preference for the more market-oriented "Option 1B" for pricing Class I milk. On February 25, 1998, I again wrote to Secretary Glickman in support of his commitment to a more market-oriented approach and made recommendations for other changes that modernize federal dairy policy.

The contents of the final rule were highly controversial. No one interested in dairy policy—producers, processors or consumers—was satisfied. Contradictory bills to amend portions of the final rule were introduced in both chambers of Congress. If I had written the final rule, I would have made some changes also.

However, we should reflect on the entire rule and the process that led to its promulgation. Because of the complexity of, and controversies surrounding, dairy policy, Congress, in the 1996 farm bill, gave USDA the responsibility to draw upon its expertise, consult with the public and design a thoughtful milk marketing reform policy. USDA spent three years formulating the reforms contained in the final rule. During this process, the department received more than 8,000 comments from interested parties. The final rule, though not perfect, is more equitable to all the nation's dairy farmers and pro-consumer. It is a good first step toward a policy that places the nation's dairy industry in a position to better meet the challenges of the global markets of the new century.

When we begin deliberations on the next farm bill, we will have an opportunity to review and develop additional market-oriented reforms for dairy policy. But, I am convinced that the Congress cannot improve upon the department's good-faith, balanced effort either in committee or on the Senate floor. If dairy farmers approve the new policy in referenda in their order areas, we should allow the final rule to be implemented on October 1, as scheduled, without intervening legislation and I will work toward that end.

PARTICIPATION IN CLINICAL TRIALS—A BASIC HEALTH CARE RIGHT

Mr. KENNEDY. Mr. President, a recent article in the New York Times demonstrates the importance of clinical trials in treating cancer and the serious problems that patients and researchers are now facing because of the lack of adequate enrollment in these trials.

Clinical trials are the primary means of testing new therapies for serious diseases. In fact, these trials may be the only available treatment for patients whose conditions have failed to respond to conventional therapies.

The survey by the American Society of Clinical Oncologists discussed in the article found that less than five percent of cancer patients in the country are enrolled in clinical trials—although 20 percent are eligible to participate and would often receive better quality care if they did. As the article points out, "Patients who participate receive at least state-of-the-art treatment and often get to take advantage of otherwise unavailable approaches."

Several barriers exist to enrolling patients in clinical trials. But a critical element is the increasing reluctance of HMOs and other managed care plans to allow their enrollees to participate in such trials or to pay the routine hospitals costs of their participation is a critical element. Until recently, health insurance routinely paid for the doctor and hospital costs associated with clinical trials. But managed care is reducing that commitment. Today, managed care plans often will not permit their patients to enroll in clinical trials, and they will not pay for their participation when they choose to do so on their own.

The American Association of Health Plans—the HMO trade association—has recognized that plans should encourage patients to participate in clinical trials, where medically appropriate. But, too often, there is little or no participation.

The decision to enter a clinical trial should be made by the treating physician and the patient. Yet the survey showed that only about half of eligible patients are even told such trials are available.

S. 6, the Patients' Bill of Rights, and its companion bill, HR 358, require health insurance plans to allow their enrollees to participate in quality clinical trials sponsored by the NIH, the Department of Defense, and the Veterans Administration. The lack of access highlighted by the article clearly demonstrates the need for passage of the Patients' Bill of Rights. Without the protections in that bill, patients will not be guaranteed the right to participate in these life-saving trials. Virtually every major cancer group in the nation has endorsed the Patients' Bill of Rights, and highlighted the clinical trials provision as a major reason for enactment.

Patients are dying and cures of the future are being delayed. Patients deserve this opportunity for life. The rights guaranteed in the Patients' Bill of Rights are essential for patients with cancer, congestive heart failure, lupus, Alzheimer's Disease, Parkinson's Disease, diabetes, and many other deadly illnesses. Every day we delay more patients suffer. Congress has an obligation to act.

I ask unanimous consent that the article from the New York Times may be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, May 16, 1999]

FEW TAKE PART IN CANCER TESTS, SLOWING RESEARCH, SURVEY FINDS

ATLANTA, May 15 (AP).—Fewer than 5 percent of cancer patients in the nation take part in experiments to test new treatments, a figure at least four times lower than ideal if the most pressing cancer questions are to be answered quickly, according to a survey released today.

"We need clinical trials to know what works and what doesn't," said Dr. Allen Lichter, president of the American Society of Clinical Oncology.

Cancer experts almost universally endorse the need for patients to participate in formal studies, but data on how many do so have been scarce. So the oncology society, the nation's largest group of cancer practitioners, commissioned a survey of about 7,000 of its members and released the results at its annual meeting here.

The survey found that about 40,000 Americans—3 percent to 5 percent of those found to have cancer each year—are enrolled in studies of the disease. Far more patients could take part in the experiments, which doctors call clinical trials, the study found.

The survey estimated that about 20 percent of cancer patients would be eligible to participate in the studies taking place of their kinds of conditions.

Dr. Ezekiel Emmanuel of the National Institutes of Health, the study's primary author, said doctors should try to enroll the entire 20 percent.

The experiments typically test new medicines or combinations of drugs to see whether they work better than standard approaches. Patients who participate receive at least state-of-the-art treatment and often get to take advantage of otherwise unavailable approaches.

Only about half of eligible patients are told the studies are available. And only 20 percent of cancer specialists have time set aside to do this kind of cancer research.

The survey found that a doctor's cost of enrolling and keeping a single patient in a clinical trial averages $2,000.

The National Cancer Institute, the single largest sponsor of these studies, pays doctors $750 a patient for this work, while pharmaceutical companies' average payment is about $2,500.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

NOTICE ON CONTINUATION OF EMERGENCY WITH RESPECT TO BURMA—MESSAGE FROM THE PRESIDENT—PM 29

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the emergency declared with respect to Burma is to continue in effect beyond May 20, 1999.

As long as the Government of Burma continues its policies of committing large-scale repression of the democratic opposition in Burma, this situation continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to maintain in force these emergency authorities beyond May 20, 1999.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 18, 1999.*

MESSAGES FROM THE HOUSE

At 2:23 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1555. An act to authorize appropriations for fiscal year 200 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

ENROLLED BILL SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

H.R. 669. An act to amend the Peace Corps Act to authorize appropriations for fiscal years 2000 through 2003 to carry out that Act, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

MEASURE PLACED ON THE CALENDAR

The following bill was read the first and second times and placed on the calendar:

H.R. 1555. An act to authorize appropriations for fiscal year 2000 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–3024. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Request for Comments; Bell Helicopter Textron Canada Model 407 Helicopters; Docket No. 99–SW–16–AD" (RIN2120–AA64), received April 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3025. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747 Series Airplanes; Docket No. 98–NM–163–AD; Amendment 39–11106; AD 99–08–02" (RIN2120–AA64), received April 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3026. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Avions Pierre Robin Model R2160 Airplanes; Docket No. 98–CE–82–AD" (RIN2120–AA64), received April 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3027. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Lockheed Model L–1011–385 Series Airplanes; Docket No. 97–NM–315–AD; Amendment 39–11128; AD 99–08–20" (RIN2120–AA64), received April 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3028. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Robinson Helicopter Company Model R22 Helicopters; Docket No. 99–SW–24–AD" (RIN2120–AA64), received April 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3029. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Dornier Model 328–100 Series Airplanes; Docket No. 98–NM–157–AD; Amendment 39–11114; AD 99–08–08" (RIN2120–AA64), received April 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3030. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empressa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–145 Series Airplanes; Docket No. 99–NM–93–AD; Amendment 39–11159; AD 99–10–05" (RIN2120–AA64), received May 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3031. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Avions Pierre Robin Model R2160 Airplanes; Docket No. 98–CE–81–AD" (RIN2120–AA64), received May 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3032. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bell Helicopter Textron Canada Model 230 Helicopters; Docket No. 98–SW–48–AD" (RIN2120–AA64), received April 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3033. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Avions Pierre Robin Model R2160 Airplanes; Docket No. 98–CE–79–AD" (RIN2120–AA64), received May 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3034. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Robinson Helicopter Company Model R44 Helicopters; Docket No. 99–SW–25–AD" (RIN2120–AA64), received April 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3035. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Macon-Fowler Municipal Airport Class E Airspace Area, MO; Direct Final Rule; Request for Comments; Docket No. 99–ACE–20/4–20 (4–22)" (RIN2120–AA66) (1999–0142), received April 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3036. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Stockton Municipal Airport Class E Airspace Area, MO; Direct Final Rule; Confirmation of Effective Date; Docket No. 99–ACE–7/5–7 (5–6)" (RIN2120–AA66) (1999–0173), received May 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3037. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Galveston, TX; Request for Comments; Docket No. 99–ASW–09/5–5 (5–6)" (RIN2120–AA66) (1999–0171), received May 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3038. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Shreveport, LA; Request for Comments; Docket No. 99–ASW–10/5–5 (5–6)" (RIN2120–AA66) (1999–0172), received May 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3039. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Barter Island, AK; Docket No. 99–AAL–21/4–20 (4–22)" (RIN2120–AA66) (1999–0140), received April 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3040. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Soldatna, AK; Docket No. 99–AAL–22/4–20 (4–22)" (RIN2120–AA66) (1999–0139), received April 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3041. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Port Heiden, AK; Docket No. 98–AAL–25/4–20 (4–22) 4/20/99" (RIN2120–AA66) (1999–0137), received April 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3042. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Lake Charles; Direct Final Rule; Correction; Docket No. 99–ASW–04/4–20 (4–22)" (RIN2120–AA66) (1999–0136), received April 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3043. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Eielson Air Force Base, AK; Docket No. 99–AAL–1/4–20 (4–22)" (RIN2120–AA66) (1999–0138), received April 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3044. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "FAA Policy on Enforcement of the Hazardous Materials Regulations; Penalty Guidelines; General Statement of Policy" (RIN2120–ZZ18), received April 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3045. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Harlan Municipal Airport Class E Airspace, IA; Request for Comments; Docket No. 99–ACE–22/5–7 (5–6)" (RIN2120–AA66)(1999–0174), received May 4, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3046. A communication from the Under Secretary for Oceans and Atmosphere, Department of Commerce, transmitting, pursuant to law, the annual report of the Coastal Zone Management Fund for fiscal year 1998; to the Committee on Commerce, Science, and Transportation.

EC–3047. A communication from the General Counsel, Department of Defense, transmitting, pursuant to law, a report relative to prisoner transfers; to the Committee on Armed Services.

EC–3048. A communication from the Congressional Review Coordinator, Regulatory Analysis and Development, Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Commuted Traveltime Periods: Overtime Services Relating to Imports and Exports", received May 11, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3049. A communication from the Administrator, Food and Consumer Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Retailer Integrity, Fraud Reduction and Penalties", received May 4, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3050. A communication from the Administrator, Farm Service Agency, Farm and Foreign Agricultural Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Dairy Market Loss Assistance Program" (RIN0560–AF67), received May 5, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3051. A communication from the Administrator, Farm Service Agency, Farm and Foreign Agricultural Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Final Rule: 1998 Single-Year and Multi-Year Crop Loss Disaster Assistance Program" (RIN0560–AF75), received May 13, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3052. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Diphenylamine; Pesticide Tolerance" (FRL # 6077–3), received May 10, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3053. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of two rules entitled "Iprodione; Pesticide Tolerance" (FRL # 6064–5) and "Myclobutanil; Extension of Tolerance for Emergency Exemptions" (FRL # 6074–9), received May 4, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3054. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of two rules entitled "Azoxystrobin; Extension of Tolerance for Emergency Exemptions" (FRL # 6074–2) and "Halosulfuron; Pesticide Tolerance" (FRL # 6078–5), received May 6, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3055. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Dimethomorph, (E,Z) 4-(3-(4-chlorophenyl)-3-(,4-dimethoxyphenyl)-1-oxo-2-propenly)morpholine; Pesticide Tolerances" (FRL # 6079–5), received May 5, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3056. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of two rules entitled "Methacrylic Copolymer; Exemption from the Requirement of a Tolerance" (FRL # 6077–7) and "Sulfosulfuro; Pesticide Tolerance" (FRL # 6078–4), received May 11, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3057. A communication from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report a rule entitled "Emamectin Benzoate; Pesticide Tolerance" (FRL # 6079–7), received May 14, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3058. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of four rules entitled "Approval and Promulgation of Implementation Plans; California State Implementation Plan, Six California Air Pollution Control Districts" (FRL # 6337–8), "Findings of Significant Contribution and Rulemaking on Section 126 Petitions for Purposes of Reducing Interstate Ozone Transport" (FRL # 6336–9), "Guidelines Establishing Test Procedures for the Analysis of Oil and Grease Non-polar Material Under the Clean Water Act and Resource Conservation and Recovery Act; Final Rule" (FRL # 6341–9) and "Technical Amendment to Finding of Significant Contribution and Rulemaking for Certain States in the Ozone Transport Assessment Group (OTAG) Region for Purposes of Reducing Regional Transport of Ozone" (FRL # 6338–6), received May 10, 1999; to the Committee on Environment and Public Works.

EC–3059. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of four rules entitled "Clean Air Act Approval and Promulgation of New Source Review Provisions Implementation Plan for Nevada State Clark County Air Pollution Control District" (FRL # 6336–6), "National Priorities List for Uncontrolled Hazardous Waste Sites" (FRL # 6338–5), "Revisions to the Clean Water Regulatory Definition of 'Discharge of Dredged Material'" (FRL # 6338–9) and "Technical Amendment to Finding of Significant Contribution and Rulemaking for Certain States in the Ozone Transport Assessment Group (OTAG) Region for Purposes of Reducing Regional Transport of Ozone" (FRL # 6338–6), received May 5, 1999; to the Committee on Environment and Public Works.

EC–3060. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of five rules entitled "Appendix A—Test Methods: Three New Methods for Velocity and Volumetric Flow Rate Determination in Stacks or Ducts" (FRL # 6337–1), "Approval and Promulgation of Air Quality Plans; Maine; Approval of Fuel Control Program under Section 211(c)" (FRL # 6338–2), "Approval and Promulgation of Air Quality Implementation Plans: Utah: Foreword and Definitions, Revision to Definition for Sole Source of Heat and Emissions Standards Nonsubstantive Changes: General Requirements, Open Burning and Nonsubstantive Changes: and Foreword and Definitions, Addition of Definition for PM10 Nonattainment Area" (FRL # 6340–1), "Approval and Promulgation of Implementation Plans under Section 112(l); State of Iowa" (FRL # 6340–3) and "Approval and Promulgation of Implementation Plans: California State Implementation Plan Revisions, Mojave Desert Air Quality Management District and Tehama County Air Pollution Control District" (FRL # 6334–5), received May 6, 1999; to the Committee on Environment and Public Works.

EC–3061. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of three rules entitled "Approval and Promulgation of Air Quality Plans: Georgia: Revised Format for Materials Being Incorporated by Reference" (FRL # 6335–9), "Identification of Additional Ozone Areas Attaining the 1-Hour Standard and to Which the 1-Hour Standard is No Longer Applicable" (FRL # 6344-4) and "National Emission Standards for Hazardous Air Pollutants for Polyether Polyols Products" (FRL # 6344–7), received May 13, 1999; to the Committee on Environment and Public Works.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–119. A resolution adopted by the Senate of the Legislature of the Commonwealth of Massachusetts relative to Social Security; to the Committee on Finance.

SENATE RESOLUTION

Whereas, the Congress of the United States, as part of its efforts to address the financial crisis confronting the Social Security System, is considering a proposal mandating Social Security coverage for public employees, including public employees in Massachusetts who presently do not participate in the Social Security system; and

Whereas, the Commonwealth of Massachusetts and its cities and towns provided retirement benefits to employees prior to the creation of Social Security and, after being explicitly precluded from participation in the Social Security System, adopted a retirement structure providing adequate retirement and survivor benefits to employees including vital benefits for those permanently disabled in the line of duty; and

Whereas, in the early 1980's the Commonwealth of Massachusetts and its cities and towns were confronted by a similar financial crisis in retirement funding which, through the adoption of aggressive funding and investment policies following major statutory reforms, has been averted resulting in the secure financing of retirement benefits: and

Whereas, conservative estimates indicate that such public employee mandated Social Security coverage would impose billions of dollars in added costs on public employers in the Commonwealth of Massachusetts thereby diverting public resources from education, public safety, public works, health care and child care without having a serious impact on the fiscal condition of the Social Security System; and

Whereas, it has been determined that nationally such mandatory Social Security coverage would provide a short term fiscal solution that ultimately would extend the Social Security trust fund solvency by only two years; and

Whereas, the mandating of Social Security coverage for non-federal public employees may raise significant legal issues; now therefore be it

Resolved, that the Massachusetts Senate hereby urges the Congress of the United States to reject any proposal to reform Social Security that includes mandatory Social Security coverage for public employees; and be it further

Resolved, that a copy of these resolutions be transmitted by the clerk of the Senate to the President of the United States, the presiding officers of both Houses of Congress and the entire congressional delegation from the Commonwealth.

POM–120. A concurrent resolution adopted by the Legislature of the State of Hawaii relative to Social Security; to the Committee on Finance.

House Concurrent Resolution 203

Whereas, an administrative fee to process the state supplement for Supplemental Security Income was implemented by section 5102 of the Balanced Budget Act of 1997; and

Whereas, the administrative fee to process the state supplement for Supplemental Security Income increases annually, and in fiscal year 2003 will increase to coincide with the Consumer Price Index; and

Whereas, there is no increase in the services provided by the Social Security Administration; and

Whereas, therefore, in fiscal year 1999, Hawaii is paying $7.60 to issue a supplement of $4.90; and

Whereas, Hawaii must continue to pay the administrative fee to avoid jeopardizing Medicaid reimbursements; and

Whereas, the contracting of the state supplement for Supplemental Security Income to a private vendor will decrease eligibility for Aged, Blind, and Disabled individuals because the Social Security Administration will allow the State to use only the Supplemental Security Income Federal Benefit Rate as the standard of assistance for all individuals regardless of living arrangement; now, therefore, be it

Resolved by the House of Representatives of the Twentieth Legislature of the State of Hawaii, Regular Session of 1999, the Senate concurring, That this body urges the United States Congress, the President of the United States, and the Secretary of Health and Human Services to support United States Senator Daniel K. Akaka, United States Senator Daniel K. Inouye, United States Representative Neil Abercrombie, and United States Representative Patsy T. Mink's federal legislation to amend the Social Security Act in the following manner:

(1) To allow Hawaii to not issue a state supplement for Supplemental Security Income;

(2) To limit the cost of the administrative fees to process the state supplement for Supplemental Security Income by determining a maximum fee;

(3) To prohibit the Social Security Administration from increasing the amount of administrative fees to process the state supplement for Supplemental Security Income without any increase in services; and

(4) To allow Hawaii to contract the processing of state supplements for Supplemental Security Income to a private vendor without being penalized by decreasing the standard of assistance to the Federal Benefit Rate only; and be it further

Resolved, That certified copies of this Concurrent Resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the President of the United States, the Secretary of the United States Department of Health and Human Services, and the members of Hawaii's congressional delegation.

POM–121. A joint resolution adopted by the Legislature of the State of Maine relative to the proposed "Prescription Drug Fairness for Seniors Act"; to the Committee on Finance.

Joint Resolution

We, your Memorialists, the Members of the One Hundred and Nineteenth Legislature of the State of Maine now assembled in the First Regular Session, most respectfully present and petition the President of the United States and the United States Congress, as follows:

Whereas, the elderly of the United States are 14% of the population and consume 30% of the prescription drugs and Medicare does not cover the cost of prescription drugs except in a very few cases; and

Whereas, the House Government Reform and Oversight Committee conducted studies in 20 congressional districts in 1998 and discovered there are vast differences between prices that pharmaceutical companies charge their favored customers, such as HMOs, large hospitals and the Federal Government, and the prices they charge uninsured senior citizens; and

Whereas, older Americans, who are often on fixed and limited incomes, pay on the average nearly double the price for prescription drugs that the favored customers of the pharmaceutical companies pay; and

Whereas, there is now before Congress legislation that would address this inequity by protecting the elderly from drug price discrimination and making prescription drugs available to Medicare beneficiaries at substantially reduced prices; and

Whereas, the Prescription Drug Fairness for Seniors Act, sponsored by Representative Tom Allen of the First District in Maine and cosponsored by countless others, would not establish new federal bureaucracy but would utilize an existing pharmacy distribution system; and

Whereas, this important legislation would ensure that no older American would need to choose between buying food or medicine or paying the basic bills or choosing to live in pain and anxiety; now, therefore, be it

Resolved, That We, your Memorialists, request that the President of the United States and the United States Congress work together to pass this important and far-reaching legislation that would help the elderly and, in turn, all Americans; and be it further

Resolved, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, President of the United States; the President of the United States Senate; the Speaker of the House of Representative of the United States and to each Member of the Maine Congressional Delegation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCAIN, from the Committee on Commerce, Science, and Transportation, without amendment:

H.R. 1034. A bill to declare a portion of the James River and Kanawha Canal in Richmond, Virginia, to be nonnavigable waters of the United States for purposes of title 46, United States Code, and the other maritime laws of the United States.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Ms. COLLINS:

S. 1063. A bill to amend title XVIII of the Social Security Act to provide for a special rule for long existing home health agencies with partial fiscal year 1994 cost reports in calculating the per beneficiary limits under the interim payment system for such agencies; to the Committee on Finance.

By Mr. THURMOND:

S. 1064. A bill to provide for the location of the National Museum of the United States Army; to the Committee on Armed Services.

By Mr. DODD:

S. 1065. A bill to authorize negotiation for the accession of Chile to the North American Free Trade Agreement, to provide for Fast Track Consideration and for other purposes; to the Committee on Finance.

By Mr. ROBERTS (for himself, Mr. Murkowski, Mr. Grams, Mr. Hagel, and Mr. Craig):

S. 1066. A bill to amend the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to encourage the use of and research into agricultural best practices to improve the environment, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ROCKEFELLER (for himself, Mr. Chafee, Mr. DeWine, Ms. Collins, Ms. Landrieu, Mr. Levin, Mr. Moynihan, Mr. Kerrey, Mr. Dorgan, Mr. Conrad, Mr. Inouye, Mr. Breaux, Mr. Durbin, and Mr. Torricelli):

S. 1067. A bill to promote the adoption of children with special needs; to the Committee on Finance.

By Mr. KERRY (for himself, Mr. Bond, Mr. Hollings, Mr. Wellstone, Mr. Torricelli, Mr. Moynihan, Mr. Johnson, Ms. Landrieu, and Mr. Levin):

S. 1068. A bill to provide for health, education, and welfare of children under 6 years of age; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WELLSTONE (for himself, Mrs. Murray, and Mr. Schumer):

S. 1069. A bill to provide economic security and safety for battered women, and for other purposes; to the Committee on Finance.

By Mr. BOND (for himself, Mr. Enzi, Mr. Jeffords, Mr. Burns, Mr. Voinovich, Ms. Snowe, Mr. Ashcroft, Mr. McConnell, Mr. Lott, Mr. Nickles, Mr. Hutchinson, Mr. Mack, Mr. Coverdell, Mr. Shelby, Mr. Kyl, Mr. Fitzgerald, Mr. Abraham, Mr. Gregg, Mrs. Hutchison, Mr. Helms, Mr. Bunning, Mr. Crapo, Mr. Bennett, Mr. DeWine, Mr. Hagel, Mr. Sessions, Mr. Chafee, Ms. Collins, and Mr. Brownback):

S. 1070. A bill to require the Secretary of Labor to wait for completion of a National Academy of Sciences study before promulgating a standard, regulation or guideline on ergonomics; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CRAPO (for himself and Mr. CRAIG):

S. 1071. A bill to designate the Idaho National Engineering and Environmental Laboratory as the Center of Excellence for Environmental Stewardship of the Department of Energy Land, and establish the Natural Resources Institute within the Center; to the Committee on Armed Services.

By Mr. DEWINE (for himself, Mr. HELMS, and Mr. VOINOVICH):

S. 1072. A bill to make certain technical and other corrections relating to the Centennial of Flight Commemoration Act (36 U.S.C. 143 note; 112 Stat. 3486 et seq.); to the Committee on Governmental Affairs.

By Mr. ASHCROFT (for himself, Mr. INOUYE, Mr. BURNS, Mr. GRASSLEY, Mr. ROBERTS, Mr. ENZI, and Mr. HAGEL):

S. 1073. A bill to amend the Trade Act of 1974 to ensure that United States industry is consulted with respect to all aspects of the WTO dispute settlement process; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HUTCHINSON (for himself, Mr. WELLSTONE, Mr. FEINGOLD, Mr. SMITH of New Hampshire, Ms. COLLINS, Mr. BUNNING, Mr. KYL, Mr. ABRAHAM, Mr. SESSIONS, Mr. GRASSLEY, Ms. SNOWE, Mr. JEFFORDS, and Mr. BROWNBACK):

S. Res. 103. A resolution concerning the tenth anniversary of the Tiananmen Square massacre of June 4, 1989, in the People's Republic of China; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. COLLINS:

S. 1063. A bill to amend title XVIII of the Social Security Act to provide for a special rule for long existing home health agencies with partial fiscal year 1994 cost reports in calculating the per beneficiary limits under the interim payment system for such agencies; to the Committee on Finance.

MEDICARE HOME HEALTH TECHNICAL CORRECTIONS LEGISLATION

Ms. COLLINS. Mr. President, I rise today to introduce legislation that would make a technical correction to a provision of the Balanced Budget Act of 1997 that is causing great unfairness to long-established home health agencies and their patients. It would provide for a special rule for long-existing home health agencies that have been classified as "new" home health agencies for purposes of the Interim Payment System (IPS) simply because they happened to change the ending date of their fiscal year, and, as a consequence, do not have a full 12-month cost reporting period in federal fiscal year 1994.

Under the complicated formula for the Medicare Interim Payment System for home health agencies, Medicare determines a limit for most established agencies using a formula that recognizes the agency's historical costs and blends them, in a proportion of 75 percent to 25 percent, with regional norms. For new home health agencies without a historic record of cost reports, the per-beneficiary limit is set at the national median.

In defining the difference between new and existing agencies, the Administration focused on fiscal year 1994 and established a general rule that the national median per-beneficiary limit would apply to "new providers and providers without a 12-month reporting period ending in fiscal year 1994." Congress did, however, specifically exclude from the "new" category any home health agency that had changed its name or corporate structure.

Nevertheless, one of the home health agencies in my State —Hancock County HomeCare—has been classified as a "new" home health agency, even though it has been serving the people of rural Down East Maine for more than 60 years. I am sure that there are other long-standing home health agencies across the country that have found themselves in a similar situation as a consequence of this provision.

Hancock County HomeCare is a division of Blue Hill Memorial Hospital, a charitable, tax-exempt hospital. Hancock County HomeCare emerged as a result of a merger of the hospital with the Four Town Nursing Service and Bar Harbor Public Health Nursing, both non-profit home health agencies that have provided uninterrupted service to residents of Hancock County, Maine for more than 60 years. The unified agency, which provides skilled home nursing and therapies to residents of 36 towns, has been part of Blue Hill Memorial Hospital since 1981.

Despite its 60-year history of service to the community, Hancock County HomeCare has been classified as a "new" agency simply because it happened to change the ending date of its fiscal year during 1994, when Blue Hill Memorial and its affiliate changed theirs. Solely because it changed its fiscal year from a period ending June 30 to a period ending March 31, this 60-year old agency is being treated as a new agency by HCFA. Given the care taken by Congress to exclude name changes and corporate structure changes from the definition of a "new" agency, I simply do not believe that it was our intent to visit radically different treatment upon an agency that simply changed its financial reporting practices, but otherwise has a continuous history of operation and is fully able to provide 12 months of reliable data in accordance with Medicare cost reporting requirements.

I believe that the statute gives the Health Care Financing Administration sufficient discretion to deal with this situation administratively. Unfortunately, however, HCFA does not agree with that interpretation and insists that further legislative action is necessary if Hancock County HomeCare is to be considered an "old" agency for purposes of the Interim Payment System.

The legislation that I am introducing today to clarify the law was prepared with technical assistance from HCFA. Essentially, the bill would provide for a special rule for home care agencies that were in existence and had an active Medicare provider number prior to fiscal year 1980, but which had less than a 12-month cost reporting period in fiscal year 1994 because the agency changed the end date of its cost reporting period in that year. For these agencies, Medicare could, upon the request of the agency, use the agency's partial-year cost report from fiscal year 1994 to determine the agency-specific portion of the per beneficiary limit. As a consequence, the agency could then be treated as an "old" agency for purposes of the Interim Payment System.

Mr. President, this legislation is simply a technical correction to address a specific problem that Congress clearly did not intend to create when it enacted the Balanced Budget Act of 1997. The legislation is narrowly drafted and, in all likelihood, will not affect more than a few home health agencies, but it will make a critical difference in the ability of those agencies to continue to serve their elderly clients.

Home health agencies across the country, however, are experiencing acute financial problems due to other problems with a critically-flawed payment system that effectively penalizes our most cost-efficient agencies. These agencies are finding it increasingly difficult to cope with cash-flow problems, which inhibit their ability to deliver much-needed care. As many as twenty organizations in Maine have either closed or are no longer providing home care services because their reimbursement levels under Medicare fell so far short of their actual operating costs. Other agencies are laying off staff or are declining to accept new patients with more serious health problems. The real losers in this situation are our seniors, since cuts of this magnitude cannot be sustained without ultimately affecting patient care.

Moreover, these payment problems have been exacerbated by a number of new regulatory requirements imposed by HCFA, including the implementation of OASIS, sequential billing, medical review, and IPS overpayment recoupment. I will soon be introducing legislation to provide some relief for these beleaguered home health agencies and also plan to hold a hearing next month in the Permanent Subcommittee on Investigations to examine the combined effect that these payment reductions coupled with the multiple new regulatory requirements have had on home health agencies' ability to meet their patients' needs.

Mr. President, I ask unanimous consent that the text of this legislation providing a special rule for long-existing home health agencies with partial fiscal year 1994 cost reports be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1063

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SPECIAL RULE FOR LONG EXISTING HOME HEALTH AGENCIES WITH PARTIAL FISCAL YEAR 1994 COST REPORTS.

(a) IN GENERAL.—Section 1861(v)(1)(L) of the Social Security Act (42 U.S.C. 1395x(v)(1)(L)) is amended by adding at the end the following:

"(x)(I) If requested by an applicable agency, the limitation under clause (v) shall be determined for such agency by substituting in subclause (I) of that clause 'the reasonable costs (including nonroutine medical supplies) for the agency's cost report for the most recent partial cost reporting period ending in fiscal year 1994' for 'the reasonable costs (including nonroutine medical supplies) for the agency's 12-month cost reporting period ending during fiscal year 1994'.

"(II) In this clause, the term 'applicable agency' means an agency that—

"(aa) was in existence prior to fiscal year 1980;

"(bb) had an active medicare provider number prior to such date; and

"(cc) had less than a 12-month cost reporting period ending in fiscal year 1994 because such agency changed the end date of its cost reporting period during fiscal year 1994.

"(III) The limitation determined for an applicable agency pursuant to this clause shall be excluded from any calculation under this subparagraph of—

"(aa) a standardized regional average of costs; or

"(bb) a national median of limits.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of the Balanced Budget Act of 1997.

By Mr. THURMOND:

S. 1064. A bill to provide for the location of the National Museum of the United States Army; to the Committee on Armed Services.

NATIONAL MUSEUM OF THE UNITED STATES ARMY SITE ACT OF 1999

Mr. THURMOND. Mr. President, it is not an exaggeration to say that Washington, DC possesses one of the highest concentrations of museums, art galleries, research institutions, monuments, and memorials to be found anywhere in the world. This is a city where we chronicle our history, honor our heroes, and introduce people from around the world to the "American experience".

Each year millions of people travel to Washington to visit the many attractions that are located within the capital city. Some of the most popular destinations for visitors are the many excellent museums and galleries, located where individuals are able to gain a knowledge and perspective about the United States that they may not have possessed before their trip to Washington.

Sadly, one aspect of American history which is not told very well is that of the United States Army. While many of the museums in the Capital area address military history in general terms, the region lacks a museum dedicated solely to the purpose of telling the story of our Army. This absence is a discredit to those interested in American history as the story of our Army is the story of our Nation, and quite obviously the reverse is true. It is also a discredit to the millions who have served as soldiers, theirs is a story well worth telling to others.

The United States is a Nation born of battle, as a matter of fact, the Army is older than our country. The Army was formed in 1775, while the United States was formed in 1776. At every critical juncture of the history of the United States, we find the brave soldiers of the Army. Whether it was earning our freedom from a colonial power; the mapping expedition of Lewis & Clark; the westward expansion of the nation; the Civil War, where the Army fought to maintain the unity of the young nation; the World Wars where we battled to preserve global peace; the Cold War where the Army stood vigilant against the expansionist desires of communist countries; in the Persian Gulf chasing a petty dictator and bully out of Kuwait; spearheading humanitarian relief efforts in any number of countries; or enforcing a fragile peace in Bosnia, the soldiers of our Army were there, doing their duty. Certainly this is a story worthy of chronicling through a museum, and the time has come to build such a facility.

What I propose is not new. Over the past two decades, many sites have been suggested and most are unsatisfactory because they have unrealistic development requirements, because their locations are unsuitable for such an esteemed building, or they lacked an appropriate Army setting. Since 1983, the process of choosing a site for the Army Museum has been a long and cumbersome undertaking. A site selection committee was organized and it developed a list of seventeen criteria which any candidate site is required to possess before it was to be selected as home to the Army Museum. Among other requirements, these criteria required such things as: an area permitting movement of large vehicles for exhibits and tractor trailer trucks for shipments; commanding an aesthetically pleasing vista; positive impact on the environment; closeness to public transportation; closeness to a Washington Tourmobile route; convenience to Fort Myer for support by the 3d Infantry—The Old Guard; accessibility by private automobile; adequate parking for 150 staff and official visitors; adequate parking for a portion of the 1,000,000 visitors-a-year that will not use public transportation; food service for staff and visitors; an area that is low in crime and is safe for staff and visitors; suitable space—at least 300,000 square feet—for construction; a low water table; good drainage; no history of flooding; and, suitability for subterranean construction.

Since 1984, more than 60 sites have been studied, yet only a handful have been worthy of any serious consideration.

The most prominent recent site suggestions have included Carlisle, Pennsylvania, the Washington Navy Yard, the "Marriott property" in northern Virginia, and Fort Belvoir, Virginia. Three of these sites clearly have characteristics which are directly contrary to the established criteria for site selection. The extraordinary distance of Carlisle from Washington speaks for itself. The "Marriott property" was carefully studied numerous times, and though it was the Army's first choice, it was always determined that the site was too small and that the cost of the property too high. The suggestion that the Army locate its museum in Washington's Navy Yard is also directly contrary to prerequisites for site selection. The Washington Navy Yard is situated in a difficult to get to part of the District, on the Anacostia River, as well as on a precarious 50-year flood plain. Because this area floods so often, a "Washington Navy Yard Army Museum"—I will repeat this awkward location—a "Washington Navy Yard Army Museum", might well suffer the embarrassment of being closed due to flooding. Furthermore, the Navy Yard is simply too small to allow the construction of a facility that can chronicle the more than 225-year history of the Army. From even before the first blueprint is drawn, architects and historians trying to create a museum that will be recognized as a world-class facility for the study of the American Army and military history will be limited by the lack of space available at the Navy Yard. Secondly, the Navy Yard is situated in a part of the District of Columbia well off the circuit that visitors travel when they come to Washington. The Navy Yard abuts a residential district with narrow streets which means it will be confusing for people to drive there, streets will be congested with traffic, and there will be a lack of parking for cars and tour buses. Additionally, the Navy Yard has become less military in character and more of a patchwork home to various government offices. To locate the Army Museum in an old Navy yard, which sometimes may be under water, would send a clear signal to visitors that choosing a home to their history was nothing more than an afterthought. Finally, it is simply not appropriate to have a museum chronicling the history of the Army at a Navy facility. The Army museum belongs on an Army installation.

As an interesting footnote, the April 27, 1999 issue of the Washington Post carried an article about the search for a new location to house the headquarters for the Bureau of Alcohol, Tobacco & Firearms and reported that a site on New York Avenue seemed to be the first choice. It mentioned that another site in the District had previously been considered as the new home of the BATF, that of the Southeast Federal Center, ". . . a huge development envisioned for the Anacostia River waterfront south of Capitol Hill, next to the Washington Navy Yard." Not surprisingly, the article also reported that BATF had resisted that option because it was considered—and I quote—". . .too remote". If the Navy Yard is too remote a site for the BATF, how is it any more convenient for the Army Museum or those hundreds of thousands of people who will visit it every year?

In 1991, the Deputy Secretary of Defense directed that the site searches include the Mount Vernon Corridor as a possible location for the Army Museum. Fort Belvoir quickly became a very attractive location. Fort Belvoir offers a 48-acre site; it is only five minutes from Interstate 95, which is traveled by more than 300 million vehicles each year; it is only three minutes from the Fairfax County Parkway; it is served by Metro Bus; and Richmond Highway is next to the main gate of Fort Belvoir.

Beyond its ideal location, Fort Belvoir is also a winner historically. It is on a portion of General George Washington's properties when he was Commander-in-Chief of the Continental Army. It is located on the historical heritage trail of the Mount Vernon Estate, Woodlawn Plantation, Pohick Church, and Gunston Hall. Situating the Army Museum at Fort Belvoir is a natural tie to a long established military and historic installation that has already been approved by the National Capital Planning Commission to be used for community activities, which includes museums, as a part of the Fort Belvoir Master Plan. The Fort Belvoir site meets all 17 criteria originally established by the Army. With the Marine Corps planning to build its heritage center at nearby Quantico, these two facilities would most certainly complement each other.

Indeed, the planned Marine Corps museum is an excellent example of a carefully contemplated facility that not only will capture the rich history of that service, but make the complex an attractive tourist destination. The Marines' heritage complex will be 460,000 square feet and will include a museum, a welcome center, an IMAX theater, a conference center, and a hotel. Clearly, the Marine Corps has come-up with a winning equation for a facility that will tell the story of that service and the Army should be allowed to do the same. Placing the Army Museum at the Navy Yard will not only inhibit efforts to present the history of the Army, but it will also force the establishment of a museum that is inferior and not all that it can be. Finally, co-locating the Army and Marine museums in the same geographic area would create a military history "zone", so to speak, and greatly increase the number of visitors that will take time to stop at both museums to learn more about our armed services and the valuable contributions they have made to the nation.

Mr. President, we have been trying to find a suitable site for the Army Museum since 1983. While I find it hard to believe that it should take 16-years to identify a suitable site, I am willing to concede that we should spare no effort in making certain that we find the perfect place to locate the Army Museum. I fear that citizens would hesitate visiting the Navy Yard if designated as the home for the Army Museum. Simply put, Fort Belvoir enjoys every advantage over the Navy Yard, the Marriott property, Carlisle Barracks, or any other site, as a place to build the Army Museum.

The bill I am introducing today names Fort Belvoir as the site for the Army Museum. Fort Belvoir is the best location in the Washington area to host the Army Museum. Army veterans want to remember and show their contribution to history in an Army setting and culture in which they themselves once served. Fort Belvoir is the perfect place to do this and it qualifies on every criterion established in 1983 by the Army's Site Selection Committee. Fort Belvoir is Army and should host Army history. Therefore, I ask that my colleagues support this bill and bring the 16-year search for a home for the Army Museum to a close by selecting a worthy home for one of this nation's greatest institutions.

Mr. President, Thomas Jefferson wrote to John Adams in 1817, "A morsel of genuine history is a thing so rare as to be always valuable." I am pleased to see that the National U.S. Army Museum is a task for this Congress at the beginning of a new century, at a time when all Americans are proud of their nation's accomplishments and those who made it all possible. I am absolutely concerned that all our veterans are honored and honored appropriately. Every year, Army veterans bring their families to Washington and are disappointed that no museum exists as a tribute to their service and sacrifice. Time is running out for many Army veterans, especially those of World War II. I urge my colleagues to review this important piece of legislation and support its passage. Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1064

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Museum of the United States Army Site Act of 1999".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) The Nation does not have adequate knowledge edge of the role of the Army in the development and protection of the United States.

(2) The Army, the oldest United States military service, lacks a primary museum with public exhibition space and is in dire need of a permanent facility to house and display its historical artifacts.

(3) Such a museum would serve to enhance the preservation, study, and interpretation of Army historical artifacts.

(4) Many Army artifacts of historical significance and national interest which are currently unavailable for public display would be exhibited in such a museum.

(5) While the Smithsonian Institution would be able to assist the Army in developing programs of presentations relating to the mission, values, and heritage of the Army, such a museum would be more appropriate institution for such programs.

(b) PURPOSES.—The purposes of this Act are—

(1) to provide for a permanent site for a museum to serve as the National Museum of the United States Army;

(2) to ensure the preservation, maintenance, and interpretation of the artifacts and history collected by such museum;

(3) to enhance the knowledge of the American people to the role of the Army in United States history; and

(4) to provide a facility for the public display of the artifacts and history of the Army.

SEC. 3. LOCATION OF NATIONAL MUSEUM OF THE UNITED STATES ARMY.

The Secretary of the Army shall provide for the location of the National Museum of the United States Army at Fort Belvoir, Virginia.

By Mr. DODD:

S. 1065. A bill to authorize negotiation for the accession of Chile to the North American Free Trade Agreement, to provide for Fast Track Consideration and for other purposes; to the Committee on Finance.

CHILE FAST TRACK ACT OF 1999

• Mr. DODD. Mr. President, nearly five years ago, a bipartisan majority of this body ratified the North American Free Trade Agreement. Since then the promises of new jobs, increased exports, lower tariffs and a cleaner environment have all come true. In other words, Mr. President, NAFTA has succeeded despite the predictions of some that America could not compete in today's global economy.

With the success of NAFTA as a backdrop, it is now time to move forward and expand the free trade zone to other countries in our hemisphere. To help accomplish that important goal, I am introducing legislation today which will authorize and enable the President to move forward with negotiations on a free trade agreement with Chile.

Chile, Mr. President, is surely worthy of membership in NAFTA. In fact, Chile already signed a free trade agreement with Canada in 1996. Today, the Chilean economy is growing at a healthy annual rate of more than 7 percent. Chile is noted for its concern for preserving the environment and has put in place environmental protections that are laudable. Chile's fiscal house is in order as evidenced by a balanced budget, strong currency, strong foreign reserves and continued inflows of foreign capital, including significant direct investment.

Chile has already embraced the ideals of free trade. Last January, the Chilean tariff on goods from countries with which Chile does not yet have a free trade agreement fell from 11 percent to 10 percent. That tariff is scheduled to continue to fall gradually to 6 percent in 2003. While some goods are still assessed at a higher rate, the United States does a brisk export business to Chile, sending approximately $4.5 billion in American goods to that South American nation. That represents 25 percent of Chile's imports. That $4.5 billion in exports represents thousands of American jobs across the nation. Furthermore, the United States currently runs a trade surplus of nearly $3 billion per year.

Our firm belief in the importance of democracy continues to drive our foreign policy. After seventeen years of dictatorship, Chile returned to the family of democratic nations following the 1988 plebiscite. Today, the President and the legislature are both popularly elected and the Chilean armed forces effectively carry out their responsibilities as spelled out in Chile's Constitution. American investment and trade can play a critical role in building on Chile's political and economic successes.

It is unrealistic to think that the President will be able to negotiate a free trade agreement without fast track authority. Nor should we ask Chilean authorities to conduct negotiations under such circumstances. Therefore, the bill I am introducing today will provide him with a limited fast track authority which will apply only to this specific treaty. I believe that fast track is key to enabling the President to negotiate the most advantageous trade agreements, and should therefore be re-authorized. At this point, however, there are stumbling blocks we must surmount before generic fast track can be re-authorized. Those stumbling blocks should not be allowed to stand in the way of free trade with Chile.

Naysayers claim that free trade prompts American business to move overseas and costs American workers their jobs. They will tell you that America, the nation with the largest and strongest economy, the best workers and the greatest track record of innovation cannot compete with other nations.

Mr. President, the past five and a half years since we ratified NAFTA have proven them wrong. Today, tariffs are down and exports are up. The environment in North America is cleaner. Most importantly, NAFTA has created 600,000 new American jobs all across the nation.

The successes of NAFTA are an indication of the potential broader free trade agreements hold for our economy. Furthermore, trade and economic relationships foster American influence and support our foreign policy. In other words, Mr. President, this bill represents new American jobs in every state in the nation, a stronger American economy and greater American influence in our own Hemisphere. Mr. President, I urge my colleagues to support this bill.●

BY Mr. ROBERTS (for himself, Mr. MURKOWSKI, Mr. GRAMS, Mr. HAGEL, and Mr. CRAIG):

S. 1066. A bill to amend the National Agricultural Research, Extension, and Teaching Policy Act to 1977 to encourage the use of and research into agricultural best practices to improve the environment, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

CARBON CYCLE AND AGRICUTURAL BEST PRACTICES RESEARCH ACT

Mr. ROBERTS. Mr. President I rise today to introduce an important component to further the scientific understanding of the earth's role as it relates to the environment, specifically the carbon cycle. What sparked my interest in introducing a carbon cycle research bill was a 1998 finding by academic and federal researchers that the North American continent from 1988 to 1992 absorbed an equivalent amount of the carbon dioxide emitted from fossil fuel emissions during the same time. Scientists know it happened, but cannot pinpoint the mechanisms of the process. Although you cannot watch carbon dioxide move into soil, you can see soil with high levels of carbon like river bottomland that has rich dark soil. Naturally, the question arises of how agriculture supplements this natural process.

By introducing this bill, it is my intention to follow through on the advice of climate scientists that there is a need for more research because the carbon cycle issue is complex. The bill makes sure that USDA is researching voluntary agricultural best practices such as conservation tillage, buffer strips, the Conservation Reserve Program, and new technology like precision sprayers that have multiple environmental benefits.

These voluntary agricultural best practices increase soil carbon levels also tend to reduce soil erosion, reduce fuel costs for producers, improve soil fertility, and increase production. It's a win win win. Nonetheless, there are agencies and individuals with agendas that believe agriculture is a source of greenhouse gas emissions and do not care about the multitude of benefits accruing from production agriculture. Therefore, we must arm agriculture with sound science on the carbon cycle.

This bill is intended to give producers and policymakers better understanding of the link between the carbon cycle and voluntary best practices. It authorizes USDA to conduct basic research on the mechanics of carbon being stored in soil and applied research to fine tune voluntary agricultural practices to increase the storage of carbon in soils. Furthermore, research will be helpful in finding out if agriculture can be a tool to solve the challenge of climate change.

I also want to make clear that this is a research bill. It has nothing to do with trading carbon credits or setting up a scheme for early action rewards if the Protocol becomes effective. The whole point of this bill is that there needs to be an understanding of the science and examining methods to meet the challenge of climate change without an international treaty. This bill compliments other legislation, such as Mr. MURKOWSKI'S bill, that calls for increased energy efficiency research.

The bill taps into USDA's broad research capabilities as it relates to production techniques and soil databases, but I have also incorporated state-of-the-art research tools including satellite-based technology. Satellite based remote sensing is becoming more useful as an agricultural production component. Right now, satellites measure the greening up of wheat during spring months, making more precise estimates of wheat harvests. In discussions with remote sensing leaders at the University of Kansas, remote sensing has a role in providing the "big picture" as it relates to what agriculture is doing as it relates to the carbon cycle, such as mapping vegetation and estimating the amount of carbon it can store in soil.

Because of the National Oceanic and Atmospheric Administration's initial research that shows the North American Continent is a net carbon sink, I have included bill language to use air monitors to study the regional interaction of carbon dioxide. For instance, measure the movement of air from Denver to Kansas City. If the carbon dioxide level is lower in Kansas City than Denver, Kansas agriculture and land is absorbing carbon. With this data, scientists can start looking at specific ag practices.

It is my hope that the Senate can enact this legislation to be proactive in meeting the climate challenge, encouraging voluntary agricultural best practices and technology that have multiple benefits. This is a strategy that is based on commonsense, not suggestions made by the International Panel on Climate Change that would halt production agriculture as we know it. Producers can use technology to feed a troubled and hungry world, plus absorb carbon dioxide.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the legislation was ordered to be printed in the RECORD, as follows:

S. 1066

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Carbon Cycle and Agricultural Best Practices Research Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) agricultural producers in the United States—

(A) have, in good faith, participated in mandatory and voluntary conservation programs, the successes of which are unseen by the general public, to preserve natural resources; and

(B) have a personal stake in ensuring that the air, water, and soil of the United States are productive since agricultural productivity directly affects—

(i) the economic success of agricultural producers; and

(ii) the production of food and fiber for developing and developed nations;

(2) in addition to providing food and fiber, agriculture serves an environmental role by providing benefits to air, soil, and water through agricultural best practices;

(3) those conservation programs and Federal land provide the United States with an enormous potential to increase the quantity of carbon stored in agricultural land and commodities through the carbon cycle;

(4) according to the Climate Modeling and Diagnostics Laboratory of the National Oceanic and Atmospheric Administration, North American soils, crops, rangelands, and forests absorbed an equivalent quantity of carbon dioxide emitted from fossil fuel combustion as part of the natural carbon cycle from 1988 through 1992;

(5) the estimated quantity of carbon stored in world soils is more than twice the carbon in living vegetation or in the atmosphere;

(6) agricultural best practices can increase the quantity of carbon stored in farm soils, crops, and rangeland;

(7) although there is a tremendous quantity of carbon stored in soil that supports agricultural operations in the United States, the quantity of carbon stored in soil may be increased by using a strategy that would benefit the environment without implementing a United Nations-sponsored climate change protocol or treaty;

(8) Federal research is needed to identify—

(A) the agricultural best practices that supplement the natural carbon cycle; and

(B) Federal conservation programs that can be altered to increase the environmental benefits provided by the natural carbon cycle;

(9) increasing soil organic carbon is widely recognized as a means of increasing agricultural production and meeting the growing domestic and international food consumption needs with a positive environmental benefit;

(10) agricultural best practices include the more efficient use of agriculture inputs and equipment; and

(11) tax credits should be offered in order to facilitate the widespread use of more efficient agriculture inputs and equipment and to increase environmental benefits.

SEC. 3. AGRICULTURAL BEST PRACTICES.

Title XIV of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3101 et seq.) is amended by adding at the end the following:

"Subtitle N—Carbon Cycle and Agricultural Best Practices

"SEC. 1490. DEFINITIONS.

"In this subtitle:

"(1) AGRICULTURAL BEST PRACTICE.—The term 'agricultural best practice' means a voluntary practice used by 1 or more agricultural producers to manage a farm or ranch that has a beneficial or minimal impact on the environment, including—

"(A) crop residue management;

"(B) soil erosion management;

"(C) nutrient management;

"(D) remote sensing;

"(E) precision agriculture;

"(F) integrated pest management;

"(G) animal waste management;

"(H) cover crop management;

"(I) water quality and utilization management;

"(J) grazing and range management;

"(K) wetland management;

"(L) buffer strip use; and

"(M) tree planting.

"(2) CONSERVATION PROGRAM.—The term 'conservation program' means a program established under—

"(A) subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3830 et seq.);

"(B) section 401 or 402 of the Agricultural Credit Act of 1978 (16 U.S.C. 2201, 2202);

"(C) section 3 or 8 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1003, 1006a); or

"(D) any other provision of law that authorizes the Secretary to make payments or provide other assistance to agricultural producers to promote conservation.

"SEC. 1491. CARBON CYCLE AND AGRICULTURAL BEST PRACTICES RESEARCH.

"(a) IN GENERAL.—The Department of Agriculture shall be the lead agency with respect to any agricultural soil carbon research conducted by the Federal Government.

"(b) RESEARCH SERVICES.—

"(1) AGRICULTURAL RESEARCH SERVICE.—The Secretary, acting through the Agricultural Research Service, shall collaborate with other Federal agencies to develop data and conduct research addressing soil carbon balance and storage, making special efforts to—

"(A) determine the effects of management and conservation on carbon storage in cropland and grazing land;

"(B) evaluate the long-term impact of tillage and residue management systems on the accumulation of organic carbon;

"(C) study the transfer of organic carbon to soil; and

"(D) study carbon storage of commodities.

"(2) NATURAL RESOURCES CONSERVATION SERVICE.—

"(A) RESEARCH MISSIONS.—The research missions of the Secretary, acting through the Natural Resources Conservation Service, include—

"(i) the development of a soil carbon database to—

"(I) provide online access to information about soil carbon potential in a format that facilitates the use of the database in making land management decisions; and

"(II) allow additional and more refined data to be linked to similar databases containing information on forests and rangeland;

"(ii) the conversion to an electronic format and linkage to the national soil database described in clause (i) of county-level soil surveys and State-level soil maps;

"(iii) updating of State-level soil maps;

"(iv) the linkage, for information purposes only, of soil information to other soil and land use databases; and

"(v) the completion of evaluations, such as field validation and calibration, of modeling, remote sensing, and statistical inventory approaches to carbon stock assessments related to land management practices and agronomic systems at the field, regional, and national levels.

"(B) UNIT OF INFORMATION.—The Secretary, acting through the Natural Resources Conservation Service, shall disseminate a national basic unit of information for an assessment of the carbon storage potential of soils in the United States.

"(3) ECONOMIC RESEARCH SERVICE REPORT.—Not later than 1 year after the date of enactment of this section, the Secretary, acting through the Economic Research Service, shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that analyzes the impact of the financial health of the farm economy of the United States under the Kyoto Protocol and other international agreements under the Framework Convention on Climate Change—

"(A) with and without market mechanisms (including whether the mechanisms are permits for emissions and whether the permits are issued by allocation, auction, or otherwise);

"(B) with and without the participation of developing countries;

"(C) with and without carbon sinks; and

"(D) with respect to the imposition of traditional command and control measures.

"(c) CONSORTIA.—

"(1) IN GENERAL.—The Secretary may designate not more than 2 carbon cycle and agricultural best practices research consortia.

"(2) SELECTION.—The consortia designated by the Secretary shall be selected in a competitive manner by the Cooperative State Research, Education, and Extension Service.

"(3) DUTIES.—The consortia shall—

"(A) identify, develop, and evaluate agricultural best practices using partnerships composed of Federal, State, or private entities and the Department of Agriculture, including the Agricultural Research Service;

"(B) develop necessary computer models to predict and assess the carbon cycle, as well as other priorities requested by the Secretary and the heads of other Federal agencies;

"(C) estimate and develop mechanisms to measure carbon levels made available as a result of voluntary Federal conservation programs, private and Federal forests, and other land uses; and

"(D) develop outreach programs, in coordination with extension services, to share information on carbon cycle and agricultural best practices that is useful to agricultural producers.

"(4) CONSORTIA PARTICIPANTS.—The participants in the consortia may include—

"(A) land-grant colleges and universities;

"(B) State geological surveys;

"(C) research centers of the National Aeronautics and Space Administration;

"(D) other Federal agencies;

"(E) representatives of agricultural businesses and organizations; and

"(F) representatives of the private sector.

"(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $5,000,000 for each of fiscal years 2000 through 2002.

"(d) PROMOTION OF AGRICULTURAL BEST PRACTICES.—The Secretary shall promote voluntary agricultural best practices that take into account soil organic matter dynamics, carbon cycle, ecology, and soil organisms that will lead to the more effective use of soil resources to—

"(1) enhance the carbon cycle;

"(2) improve soil quality;

"(3) increase the use of renewable resources; and

"(4) overcome unfavorable physical soil properties.

"(e) ANNUAL REPORT.—The Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate an annual report that describes programs that are or will be conducted by the Secretary, through land-grant colleges and universities, to provide to agricultural producers the results of research conducted on agricultural best practices, including the results of—

"(1) research;

"(2) future research plans;

"(3) consultations with appropriate scientific organizations;

"(4) proposed extension outreach activities; and

"(5) findings of scientific peer review under section 103(d)(1) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7613(d)(1)).

"SEC. 1492. CARBON CYCLE REMOTE SENSING TECHNOLOGY.

"(a) CARBON CYCLE REMOTE SENSING TECHNOLOGY PROGRAM.—

"(1) IN GENERAL.—The Secretary, in cooperation with the Administrator of the National Aeronautics and Space Administration, shall develop a carbon cycle remote sensing technology program—

"(A) to provide, on a near-continual basis, a real-time and comprehensive view of vegetation conditions; and

"(B) to assess and model agricultural carbon sequestration.

"(2) USE OF CENTERS.—The Administrator of the National Aeronautics and Space Administration shall use regional earth science application centers to conduct research under this section.

"(3) RESEARCHED AREAS.—The areas that shall be the subjects of research conducted under this section include—

"(A) the mapping of carbon-sequestering land use and land cover;

"(B) the monitoring of changes in land cover and management

"(C) new systems for the remote sensing of soil carbon; and

"(D) regional-scale carbon sequestration estimation.

"(b) REGIONAL EARTH SCIENCE APPLICATION CENTER.—

"(1) IN GENERAL.—The Secretary, in cooperation with the Administrator of the National Aeronautics and Space Administration, shall carry out this section through the Regional Earth Science Application Center located at the University of Kansas (referred to in this section as the 'Center'), if the Center enters into a partnership with a land-grant college or university.

"(2) DUTIES OF CENTER.—The Center shall serve as a research facility and clearinghouse for satellite data, software, research, and related information with respect to remote sensing research conducted under this section.

"(3) USE OF CENTER.—The Secretary, in cooperation with the Administrator of the National Aeronautics and Space Administration, shall use the Center for carrying out remote sensing research relating to agricultural best practices.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for fiscal years 2000 through 2002.

"SEC. 1493. CONSERVATION PREMIUM PAYMENTS.

"In addition to payments that are made by the Secretary to producers under conservation programs, the Secretary may offer conservation premium payments to producers that are participating in the conservation programs to compensate the producers for allowing researchers to scientifically analyze, and collect information with respect to, agricultural best practices that are carried out by the producers as part of conservation projects and activities that are funded, in whole or in part, by the Federal Government.

"SEC. 1494. ASSISTANCE FOR AGRICULTURAL BEST PRACTICES AND NATURAL RESOURCE MANAGEMENT PLANS UNDER CONSERVATION PROGRAMS.

"(a) IN GENERAL.—In addition to assistance that is provided by the Secretary to producers under conservation programs, the Secretary, on request of the producers, shall provide education through extension activities and technical and financial assistance to producers that are participating in the conservation programs to assist the producers in planning, designing, and installing agricultural best practices and natural resource management plans established under the conservation programs.

"(b) INFORMATION TO DEVELOPING NATIONS.—The Secretary shall disseminate to developing nations information on agricultural best practices and natural resource management plans that—

"(1) provide crucial agricultural benefits for soil and water quality; and

"(2) increase production.

"SEC. 1495. CARBON CYCLE RESEARCH MONITORING SYSTEM.

"(a) ESTABLISHMENT.—The Secretary, in conjunction with the Administrator of the National Oceanic and Atmospheric Administration and the United States Global Change Research Program, may establish a nationwide carbon cycle monitoring system (referred to in this section as the 'monitoring system') to research the flux of carbon between soil, air, and water.

"(b) PURPOSE OF SYSTEM.—The monitoring system shall focus on locating network monitors on or near agricultural best practices that are—

"(1) undertaken voluntarily;

"(2) undertaken through a conservation program of the Department of Agriculture;

"(3) implemented as part of a program or activity of the Department of Agriculture; or

"(4) identified by the Administrator of the National Oceanic and Atmospheric Administration.

"(c) MEMORANDUM OF UNDERSTANDING.—The Secretary may enter into a memorandum of understanding with the Administrator of the National Oceanic and Atmospheric Administration to ensure that research goals of programs established by the Federal Government related to carbon monitoring are met through the monitoring system.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subtitle $10,000,000.".

By Mr. ROCKEFELLER (for himself, Mr. CHAFEE, Mr. DEWINE, Ms. COLLINS, Ms. LANDRIEU, Mr. LEVIN, Mr. MOYNIHAN, Mr. KERREY, Mr. DORGAN, Mr. CONRAD, Mr. INOUYE, Mr. BREAUX, Mr. DURBIN, and Mr. TORRICELLI):

S. 1067. A bill to promote the adoption of children with special needs; to the Committee on Finance.

THE ADOPTION EQUALITY ACT OF 1999

Mr. ROCKEFELLER. Mr. President, I rise today to introduce the Adoption Equality Act of 1999. I would like to thank Senator CHAFEE for his leadership on behalf of vulnerable children, including our bipartisan work on this legislation. He joins me today as an original co-sponsor of this legislation as do Senators DEWINE, COLLINS, LEVIN, LANDRIEU, MOYNIHAN, BREAUX, KERREY, DORGAN, CONRAD, INOUYE, DURBIN and TORRICELLI. Work on this legislation is based on the bipartisan work of the Senate coalition that supported the 1997 Adoption and Safe Families Act.

A unique bipartisan coalition formed in 1997 worked hard to forge consensus on the Adoption and Safe Families Act of 1997 (ASFA). This law, for the first time ever, establishes that a child's health and safety must be paramount when any decisions are made regarding children in the abuse and neglect system. While this law was the most sweeping and comprehensive piece of child welfare legislation passed in over a decade, more work needs to be done to truly achieve the goals promoted in the Act of safety, stability and permanence for all abused and neglected children. Senator CHAFEE and I and all of the other co-sponsors I have named committed ourselves to continuing that work and that is why we are here today.

Throughout the process of developing the Adoption Act we heard about the challenging circumstances facing children described as having "special needs". These include children who are the most difficult to place into permanent homes, often due to their age, disability or status as part of a group of siblings needing to be placed together. I spent time learning about the special needs children in my own state of West Virginia. Prior to the passage of ASFA, there were 870 children, most with special needs, awaiting adoption in West Virginia. Today, I am proud to report that this number has been reduced to 621. The dedication of our state adoption staff, when combined with the incentives and focus on permanence provided in ASFA have successfully effected the placement of nearly a third of the waiting children.

One of the most significant provisions of ASFA was the assurance of ongoing health care coverage for all children with special needs who move from foster care to adoption. The Adoption Equality Act is an essential second step in this ongoing process. This important legislation will promote and increase adoptions by making all children with special needs eligible for Federal adoption subsidy. The bill is designed to "level the playing field" by ensuring that all children with special needs, and the loving families who adopt them, have the support they need to grow and develop.

Current law provides for the payment of federal adoption subsidies to families who adopt only those special needs children whose biological family would have been qualified for welfare benefits under the old 1996 AFDC standards. Federal adoption subsidy payments provide essential income support to help families finance the daily costs of raising these special children (food, clothing) and also special services (equipment, therapy, tutoring, etc.). Federal adoption subsidies are a vital link in securing adoptive homes for special needs children who by definition would not be adopted without support.

Under current law, a child's eligibility for these important benefits is dependent on the income of his or her biological parents even though these parents' legal rights to the child have been terminated, and these are the parents who either abused or neglected the child. This is, simply, wrong. The Adoption Equality Act will eliminate this anomaly in Federal law by making all special needs children eligible for Federal adoption subsidies.

First, the bill removes the requirement that an income eligibility determination be made in regard to the child's biological parents, whom the child is leaving, thereby allowing Federal adoption subsidy to be paid to all families who adopt children who meet the definition of special needs.

Second, the bill gives States flexibility in determining their own criteria, which may, but need not, include judicial determination, to the effect that continuation in the home would be contrary to the safety or welfare of the child, as well as their own definition of which of the children in their state are children with special needs.

Third, the bill requires that states re-invest the monies they save as a result of this bill back into their state child abuse and neglect programs.

When we talk about how to help abused and neglected children in this country, many complex questions are raised about what constitutes best policy, and how Federal tax dollars should be spent. Yet, at the heart of it all are the children who desperately want a family to call their own, and the families who want to adopt them. The lack of adequate financial resources to support these adoptions is often the only barrier that stands between an abused child and a safe, loving and permanent home. With the numbers of abused and neglected children rising dramatically—in West Virginia alone child abuse reports have doubled—from 13,000 in 1986 to over 26,000 in 1996—we need to remove every barrier in our efforts to make a difference. A West Virginia family recently told me:

> I knew we had enough love to give a child with special needs—even siblings. But could we afford it? More children means more of everything. This obstacle was removed through the adoption subsidy program and we now have four children in our lives. Our lives have truly changed. Special needs for us was a very special way to adopt a waiting child.

Federal adoption subsidies are designed to encourage adoption of children with special needs—those children who have the hardest time finding permanent, adoptive families. It is an absurd policy to discriminate against thousands of children with special needs based upon the income of their biological (and often abusive) parents. It is time to create a Federal policy that levels the playing field and gives all children with special needs an equal and fair chance at being adopted.

I am confident that the Adoption Equality Act will do just that, and at the same time, with the re-investment requirement, states should have the incentive to make additional improvements in their child welfare systems. These will be valuable steps in our efforts to be more able to effectively address the needs of our Nation's most vulnerable children. I urge my colleagues join us in co-sponsoring and passing this bill.

I ask unanimous consent that the text of the bill and a brief fact sheet be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1067

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Adoption Equality Act of 1999".

SEC. 2. PROMOTION OF ADOPTION OF CHILDREN WITH SPECIAL NEEDS.

(a) IN GENERAL.—Section 473(a) of the Social Security Act (42 U.S.C. 673(a)) is amended by striking paragraph (2) and inserting the following:

"(2)(A) For purposes of paragraph (1)(B)(ii), a child meets the requirements of this paragraph if such child—

"(i)(I) at the time of termination of parental rights was in the care of a public or licensed private child placement agency or Indian tribal organization pursuant to a voluntary placement agreement, relinquishment, or involuntary removal of the child from the home, and the State has determined, pursuant to criteria established by the State (which may, but need not, include a judicial determination), that continuation in the home would be contrary to the safety or welfare of such child;

"(II) meets all medical or disability requirements of title XVI with respect to eligibility for supplemental security income benefits; or

"(III) was residing in a foster family home or child care institution with the child's minor parent (pursuant to a voluntary placement agreement, relinquishment, or involuntary removal of the child from the home, and the State has determined, pursuant to criteria established by the State (which may, but need not, include judicial determination), that continuation in the home would be contrary to the safety or welfare of such child); and

"(ii) has been determined by the State, pursuant to subsection (c), to be a child with special needs, which needs shall be considered by the State, together with the circumstances of the adopting parents, in determining the amount of any payments to be made to the adopting parents.

"(B) Notwithstanding any other provision of law, and except as provided in paragraph (7), a child who is not a citizen or resident of the United States and who meets the requirements of subparagraph (A) shall be treated as meeting the requirements of this paragraph for purposes of paragraph (1)(B)(ii).

"(C) A child who meets the requirements of subparagraph (A), who was determined eligible for adoption assistance payments under this part with respect to a prior adoption (or who would have been determined eligible for such payments had the Adoption and Safe Families Act of 1997 been in effect at the time that such determination would have been made), and who is available for adoption because the prior adoption has been dissolved and the parental rights of the adoptive parents have been terminated or because the child's adoptive parents have died, shall be treated as meeting the requirements of this paragraph for purposes of paragraph (1)(B)(ii).".

(b) EXCEPTION.—Section 473(a) of the Social Security Act (42 U.S.C. 673(a)) is amended by adding at the end the following:

"(7)(A) Notwithstanding any other provision of this subsection, no payment may be made to parents with respect to any child that—

"(i) would be considered a child with special needs under subsection (c);

"(ii) is not a citizen or resident of the United States; and

"(iii) was adopted outside of the United States or was brought into the United States for the purpose of being adopted.

"(B) Subparagraph (A) shall not be construed as prohibiting payments under this part for a child described in subparagraph (A) that is placed in foster care subsequent to the failure, as determined by the State, of the initial adoption of such child by the parents described in such subparagraph.".

(c) REQUIREMENT FOR USE OF STATE SAVINGS.—Section 473(a) of the Social Security Act (42 U.S.C. 673(a)), as amended by subsection (b), is amended by adding at the end the following:

"(8) A State shall spend an amount equal to the amount of savings (if any) in State expenditures under this part resulting from the application of paragraph (2) on and after the effective date of the amendment to such paragraph made by section 2(a) of the Adoption Equality Act of 1999 to provide to children or families any service (including post-adoption services) that may be provided under this part or part B.".

(d) DETERMINATION OF A CHILD WITH SPECIAL NEEDS.—Section 473(c) of the Social Security Act (42 U.S.C. 673(c)) is amended to read as follows:

"(c) For purposes of this section, a child shall not be considered a child with special needs unless—

"(1)(A) the State has determined, pursuant to a criteria established by the State (which may or may not include a judicial determination), that the child cannot or should not be returned to the home of his parents; or

"(B) the child meets all medical or disability requirements of title XVI with respect to eligibility for supplemental security income benefits; and

"(2) the State has determined—

"(A) that there exists with respect to the child a specific factor or condition (such as ethnic background, age, or membership in a minority or sibling group, or the presence of factors such as medical conditions or physical, mental, or emotional handicaps) because of which it is reasonable to conclude that the child cannot be placed with adoptive parents without providing adoption assistance under this section and medical assistance under title XIX; and

"(B) that except where it would be against the best interests of the child because of such factors as the existence of significant emotional ties with prospective adoptive parents while in the care of such parents as a foster child, a reasonable, but unsuccessful, effort has been made to place the child with appropriate adoptive parents without providing adoption assistance under this section or medical assistance under title XIX.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1999.

THE SOCIAL SECURITY ACT, TITLE IV, PART E—FEDERAL PAYMENTS FOR FOSTER CARE AND ADOPTION ASSISTANCE, FACT SHEET AND EXPLANATION, ADOPTION ASSISTANCE PROGRAM, SECTION 473

PRESENT LAW

Current law provides for the payment of federal adoption subsidies to families who adopt "special needs" children whose biological family would have been qualified for welfare benefits under the old 1996 AFDC standards. Federal adoption subsidy payments provide essential income support to help families finance the daily costs of raising these special children (food, clothing) and also special services (equipment, therapy, tutoring, etc.). Federal adoption subsidies are a vital link in securing adoptive homes for special needs children who by definition would not be adopted without support.

Under current law, a child's eligibility for these important benefits is dependent on the income of his or her biological parents even though these parents' legal rights to the child have been terminated, and these are the parents who either abused or neglected the child.

Current law also allows for the payment of federal adoption subsidies to families who adopt a "special needs" child who meets all the requirements of title XVI with respect to eligibility for supplemental security income benefits (SSI), again, linking a child's eligibility for subsidy to the income and assets of the biological parents as well as to the child's disability.

Current law defines a child with special needs, as a child who has a specific factor or condition (such as ethnic background, age, or membership in a minority or sibling group, or the presence of factors such as medical conditions or physical, mental, or emotional handicaps) because of which it is reasonable to conclude that such child cannot be placed with adoptive parents without providing adoption assistance under this section and medical assistance under title XIX, and that except where it would be against the best interests of the child because of such factors as the existence of significant emotional ties with prospective adoptive parents while in the care of such parents as a foster child, a reasonable, but unsuccessful, effort has been made to place the child with appropriate adoptive parents without providing adoption assistance under this section or medical assistance under title XIX.

Under current law, the amount of payments to be made are determined through an agreement between the adoptive parents and the State or local agency. This agreement takes into account both the special needs of the child and the circumstances of the adopting parents. It may be periodically adjusted, and can continue to be paid until the child reaches the age of 18 (or 21 if the child has a physical or mental handicap which warrants that the payments continue). The amount of payment may never exceed the amount that would be paid as a foster care maintenance payment if the same child had remained in foster care.

EXPLANATION OF PROVISION

This bill makes all special needs children eligible for Federal adoption subsidies by "delinking" a child's eligibility from the archaic AFDC guidelines, or other income-eligibility determinations that would be based upon the income of the biological parents, whom the child is leaving.

First, the bill removes the requirement that an income eligibility determination be made in regard to the child's biological parents, thereby allowing Federal adoption subsidy to be paid to all families who adopt children who meet the definition of special needs.

The bill does NOT change the definition of special needs as described above. Nor does this bill change the method by which the payment amount is determined.

Second, the bill gives States flexibility in determining their own criteria, which may, but need not, include judicial determination, to the effect that continuation in the home would be contrary to the safety or welfare of the child.

Third, the bill allows for Federal adoption subsidy to be paid to families who adopt special needs children who meet the medical/disability requirements, without requiring that they, or their biological parents, meet the income standards, of title XVI with respect to supplemental security income benefits.

Fourth, the bill requires that states re-invest the monies they save as a result of this bill back into their state child abuse and neglect programs.

REASON FOR CHANGE

Federal adoption subsidies are designed to encourage adoption of children with special needs—those children who have the hardest time finding permanent, adoptive families. It is an absurd policy to discriminate against thousands of children with special needs based upon the income of their biological (and often abusive) parents. It is time to create a Federal policy that levels the playing field and gives all children with special needs an equal and fair chance at being adopted.

The proposed changes will do just that. They are designed to remove a significant barrier to the adoption of these children by making all special needs children eligible for Federal adoption subsidies, regardless of income of the biological (and often abusive) parents whom they are leaving.

At the same time, with the re-investment requirement, states should have the incentive to make additional improvements in their child welfare systems.

By Mr. KERRY (for himself, Mr. BOND, Mr. HOLLINGS, Mr. WELLSTONE, Mr. TORRICELLI, Mr. MOYNIHAN, Mr. JOHNSON, Ms. LANDRIEU, and Mr. LEVIN):

S. 1068. A bill to provide for health, education, and welfare of children under 6 years of age; to the Committee on Health, Education, Labor, and Pensions.

EARLY CHILDHOOD DEVELOPMENT ACT OF 1999

• Mr. KERRY. Mr President, in the aftermath of the tragic school shootings in Littleton, and in this debate here in the Senate about juvenile justice, we've heard a great deal about efforts to keep guns out of the hands of violent students, we've heard about efforts to try juvenile offenders as adults, about stiffer sentences, about so many answers to the problem of kids who have run out of second and third chances—kids who are violent, kids who are committing crimes, children who are a danger to themselves and a danger to those around him. Mr. President, I was a prosecutor in Massachusetts before I entered elected office. I've seen these violent teenagers and young people come to court, and Mr. President let me tell you there is nothing more tragic than seeing these children who—in too many cases—have a jail cell in their future not far down the road, children who have done what is, at times, irreparable harm to their communities.

And Mr. President, I keep asking myself, why is it we only start to care about these kids at that point—after the violence, after the arrest, after the damage has been done, when it may be too late—when we could have started intervening in our kids' lives early on, before it was too late. Mr. President, we can't say that we're having a real debate about juvenile justice if we're not talking about early childhood development efforts.

The truth is that early intervention can have a powerful effect on reducing government welfare, health, criminal justice, and education expenditures in the long run. By taking steps now we can reduce later destructive behavior such as dropping out of school, drug use, and criminal acts like the ones we have seen in Littleton and Jonesboro.

A study of the High/Scope Foundation's Perry Preschool found that at-risk toddlers who received pre-schooling and a weekly home visit reduced the risk that these children would grow up to become chronic law breakers by a startling 80 percent. The Syracuse University Family Development Study showed that providing quality early-childhood programs to families until children reached age five reduces the children's risk of delinquency ten years later by 90 percent. It's no wonder that a recent survey of police chiefs found that nine out of ten said that "America could sharply reduce crime if government invested more" in these early intervention programs.

Let me tell you about the Early Childhood Initiative (ECI) in Allegheny County, Pennsylvania—an innovative program which helps low-income children from birth to age five become successful, productive adults by enrolling them in high quality, neighborhood-based early care and education programs ranging from Head Start, center-based child care, home-based child care, and school readiness programs. ECI draws on everything that's right about Allegheny County—the strengths of its communities—neighborhood decision-making, parent involvement, and quality measurement. Parents and community groups decide if they want to participate and they come together and develop a proposal tailored for the community. Regular review programs ensure quality programming and cost-effectiveness. We're talking about local control getting results locally: 19,000 pre-school aged children from low-income families, 10,000 of which were not enrolled in any child care or education program. By the year 2000, through funding supplied by ECI, approximately 75% of these under-served pre-schoolers will be reached. Early evaluations show that enrolled children are achieving at rates equivalent to their middle income peers. And as we know, without this leveling of the playing field, low-income children are at a greater risk of encountering the juvenile justice system. That's a real difference.

These kinds of programs are successful because children's experiences during their early years of life lay the foundation for their future development. But in too many places in this country our failure to provide young children what they need during these crucial early years has long-term consequences and costs for America.

Recent Scientific evidence conclusively demonstrates that enhancing children's physical, social, emotional, and intellectual development will result in tremendous benefits for children, families, and our nation. The electrical activity of brain cells actually changes the physical structure of the brain itself. Without a stimulating environment, the baby's brain suffers. At birth, a baby's brain contains 100 billion neurons, roughly as many nerve cells as there are stars in the Milky Way. But the wiring pattern between these neurons develops over time. Children who play very little or are rarely touched develop brains 20 to 30 percent smaller than normal for their age.

Mr. President, reversing these problems later in life is far more difficult and costly. We know that—if it wasn't so much harder, we wouldn't be having this difficult debate in the Senate. Well I think it's time we talked about giving our kids the right start in their lives they need to be healthy, to be successful, to mature in a way that doesn't lead to at-risk and disruptive behavior and violence down the road.

We should stop and consider what's really at stake here. Poverty seriously impairs young children's language development, math skills, IQ scores, and their later school completion. Poor young children also are at heightened risk of infant mortality, anemia, and stunted growth. Of the 12 million children under the age of three in the United States today, three million—25 percent—live in poverty. Three out of five mothers with children under three work, but one study found that 40 percent of the facilities at child care centers serving infants provided care of such poor quality as to actually jeopardize children's health, safety, or development. In more than half of the states, one out of every four children between 19 months and three years of age is not fully immunized against common childhood diseases. Children who are not immunized are more likely to contract preventable diseases, which can cause long-term harm. Children younger than three make up 27 percent of the one million children who are determined to be abused or neglected each year. Of the 1,200 children who died from abuse and neglect in 1995, 85 percent were younger than five and 45 percent were younger than one.

Literally the future of millions of young people is at stake here. Literally, that's what we're talking about. But is it reflected in the investments we make here in the Senate? I would, respectfully, say no—not nearly enough Mr. President.

Unfortunately, Mr. President, our government expenditure patterns are inverse to the most important early development period for human beings. Although we know that early investment can dramatically reduce later remedial and social costs, currently our nation spends no more than $35 billion over five years on federal programs for at-risk or delinquent youth and child welfare programs.

That is a course we need to change, Mr. President. We need to start talking in a serious and a thoughtful way—through a bipartisan approach—about making a difference in the lives of our children before they're put at risk. We need to accept the truth that we can do a lot more to help our kids grow up healthy with promising futures in an early childhood development center, in a classroom, and in a doctor's office than we can in a courtroom or in a jail cell.

Mr. President, these questions need to be a part of this juvenile justice debate, but they're not being included to the extent to which they should. My colleague KIT BOND and I are introducing our Early Childhood Development Act to move us forward in a bipartisan way towards that discussion—and towards actions we can take to provide meaningful intervention in the lives of all of our children. KIT BOND and I are appreciative of the deep support we've found for this legislation, evident in the co-sponsorship of the Kerry-Bond bill by Senator HOLLINGS, Senator JOHNSON, Senator LANDRIEU, Senator LEVIN, Senator MOYNIHAN, Senator WELLSTONE, and my colleague from New Jersey, Senator BOB TORRICELLI. We are looking forward to working with all of you, from both sides of the aisle, to make that debate on the Kerry-Bond bill a productive one, a debate that leads to the kind of actions we know can make the difference in addressing violence ten years before it starts, in getting all our children off to the right start towards full and productive lives.•

• Mr. BOND. Mr. President, I rise today to introduce the "Early Childhood Development Act of 1999" with my friend and colleague from Massachusetts, Senator KERRY.

Through this legislation, we are seeking to support families with the youngest children to find the early childhood education and quality child care programs that can help those families and parents provide the supportive, stimulating environment we all know their children need.

Recent research shows that the first few years of life are an absolutely crucial developmental period for each child with a significant bearing on future prospects. During this time, infant brain development occurs more rapidly than previously thought, and the sensations and experiences of this time go a long way toward shaping that baby's mind in a way that has long-lasting effects on all aspects of the child's life.

And parents and family are really the key to this development. Early, positive interaction with parents, grandparents, aunts, uncles, and other adults plays a critical role.

Here's what's going on during these amazing early years that in so many ways are crucial to each child. At birth, a baby's brain contains 100 billion neurons, roughly as many nerve cells as there are stars in the Milky Way. But the wiring pattern between these neurons develops over time. Most things happening in the surrounding world—such as a mother's caress, a father's voice, even playing with a brother or sister—helps this wiring pattern expand and connect. A baby with a stimulating environment will make these connections at a tremendous rate. However, infants and children who play very little or are rarely touched or stimulated develop brains that can be 20 to 30 percent smaller than normal for their age.

Really we shouldn't be surprised that parents have known instinctively for generations some of these basic truths that science is just now figuring out. Most parents just know that babies need to be hugged, caressed, and spoken to.

Of course, the types of interaction that can most enhance a child's development change as the baby's body and mind grow. The types of behavior that are so instinctual for the youngest babies may not be quite so obvious for two- and three-year-olds. Raising a child is perhaps the most important thing any of us will do, but it is also one of the most complicated.

And parents today also face a variety of stresses and problems that were unheard of a generation ago. In many families, both parents work. Whether by choice or by necessity, many parents may not be able to read mountains of books and articles about parenting and child development to keep perfectly up-to-date on what types of experiences are most appropriate for their child at his or her particular stage of development. They also must try to find good child care and good environments where their children can be stimulated and educated while they work. Simply put, most parents can probably use a little help.

Many communities across the country have developed successful early childhood development programs to meet these needs. Most of the programs work with parents to help them understand their child's development and to discuss ways to help further develop the little baby's potential. Others simply provide basic child care and an exciting learning environment for children of parents who both have to work.

In a report released in 1998, the prestigious RAND Corporation reviewed early childhood programs like these and found that they provide higher-risk children with both short- and long-run benefits. These benefits include enhanced development of both the mind and the child's ability to interact with others, they include improvement in educational outcomes, and they include a long-term increase in self-sufficiency through finding jobs and staying off government programs.

Of course, it's no mystery to many people from Missouri that this type of program can be successful. In Missouri, we are both proud and lucky to be the home of Parents as Teachers. This tremendous initiative is an early childhood parent education program that has been designed to empower all parents to giver their young child the best possible start in life. Expanding Parents as Teachers to a statewide program was perhaps my proudest accomplishment when I was Missouri's Governor.

With additional resources, these programs could be expanded and enhanced to improve the opportunities for many more infants and young children. And we have found that all children can benefit from these programs. Economically successful, two-income families can benefit from early childhood programs just as much as a single-parent family with a mother seeking work opportunities.

The legislation that Senator KERRY and I are introducing will support families by building on local initiatives like Parents as Teachers that have already been proven successful in working with families as they raise their infants and toddlers. The bill will help improve and expand these successful programs, of which there are numerous other examples, such as programs sponsored by the United Way, Boys and Girls Clubs, as well as state initiatives such as "Success by Six" in Massachusetts and Vermont and the "Early Childhood Initiative" in Pennsylvania.

The bill will provide federal funds to states to begin or expand local initiatives to provide early childhood education, parent education, and family support. The bill will also expand quality child care programs for families, especially infant care. Best of all, we propose to do this with no federal mandates, and few federal guidelines.

Many of our society's problems, such as the high school dropout rate, drug and tobacco use, and juvenile crime can be traced in part to inadequate child care and early childhood development opportunities. Increasingly, research is showing us that a child's social and intellectual development as well as there likelihood to become involved in these types of difficulties is deeply rooted in the early interaction and nurturing a child receives in his or her early years.

Ultimately, it is important to remember that the likelihood of a child growing up in a healthy, nurturing environment is the primary responsibility of his or her parents and family. Government cannot and should not become a substitute for parents and families, but we can help them become stronger by equipping them with the resources to meet the everyday challenges of parenting.●

By Mr. WELLSTONE (for himself, Mrs. MURRAY, and Mr. SCHUMER):

S. 1069. A bill to provide economic security and safety for battered women, and for other purposes; to the Committee on Finance.

BATTERED WOMEN'S ECONOMIC SECURITY AND SAFETY ACT

Mr. WELLSTONE. Mr. President, today, I am joined by Senator MURRAY and Senator SCHUMER in introducing the Battered Women's Economic Security Act. Battered women face tremendous economic barriers when they leave their abusive relationships and set out to make a new life for themselves and their children. Our bill addresses the numerous and critical issues that victims of domestic violence face as they try to escape the violence in their lives.

I know that Senator MURRAY joins me in applauding Senator BIDEN's efforts in crafting legislation to reauthorize the programs in the Violence Against Women Act. As I and many of my colleagues have heard from folks back home, these programs have provided invaluable and life saving resources to battered women and their families. I am proud to be an original co-sponsor of the bipartisan bill that Senator BIDEN has developed to build on the success of VAWA I and expand those programs.

As a result of VAWA I, we now have an infrastructure in place that helps the community respond to this violence. VAWA provides the resources to enable local law enforcement and the courts prosecute those who batter women. And many other programs are now in place to help women leave their abusers.

But, when a woman does take the initial step to leave her abuser and seek help, she is beginning a journey that is filled with obstacles, largest of which are economic. All to often battered women stay with their abuser because of the economic support he provides for her and her children. Now that we have begun to build an infrastructure that provides for the initial immediate needs of shelter and legal services, we need to look at the bigger picture. We must provide economic supports that allow battered women to provide for themselves and their children, and keep them safe after they leave temporary shelters. That is the reason Senator MURRAY and I are introducing the Battered Women's Economic Security Act.

The Battered Women's Economic Security Act addresses the economic obstacles women who are victims of domestic violence face when trying to leave their abuser. For example, finding affordable and safe housing is critical for all battered women and their children, but particularly for low-income women. A 1998 report funded by the Ford Foundation found that of all homeless women and children, 50 percent of them are fleeing domestic violence. Let me say that again, half of all homeless women and children leave their home because the violence there threatens their lives.

Not only are over half of homeless women fleeing violence, but too many of them do not find shelter that they need. A report from the U.S. Conference of Mayors found that homeless shelters are finding an increasing need for women and children. Of that growing need, 1 out of every 3 families that shows up at a homeless shelter is turned away, and ends up on the street for the night.

It is simply unacceptable for us to allow women and children, who are fleeing violence, to be turned out into the streets. When are we as a society going to stand up and say no more? Without safe shelter, women and their children will continue to stay in violent relationships because at least they have a roof over their heads. Such a situation is shameful in such a prosperous country as our own, and in such a booming economy as this one.

Our bill makes sure that money goes directly to shelters for victims of domestic violence so that the people who are directly involved with helping battered women can help them find new housing. We also made sure that our bill provided resources to find that new housing by boosting the McKinney Homeless Act to provide funding for battered women and their children.

Anyone who has known someone fleeing a violent relationship or has talked to advocates knows that safe shelter and housing are the first and immediate needs. But women cannot stay in shelters or transitional housing indefinitely. Women also need to find work to keep them on that path to independence and safety. Our bill protects women in the workplace so that they can keep their job and continue to deal with the multitude of issues that arise when a woman flees a violent relationship.

All too often, domestic violence follows women to work. According to recent studies, between 24 and 30 percent of women surveyed had lost their job, due at least in part, to domestic violence. Many victims lose their jobs because of their batterer's disruptive behavior. Many miss work because they are beaten. Others miss work because their abusers force them to stay home.

Many companies are poorly educated about the impact of domestic violence on women at work. Employers may fail to grant sufficient time off to attend civil or criminal legal proceedings or for safety planning. Some battered women find themselves penalized by their abuser's actions when employers dismiss or otherwise sanction employees once they learn they are in an abusive relationship One study found that 96% of the women who were working while involved in an abusive relationship had problems at work. Problems run the gamut from being late to missing work to having difficulty performing their job. More than 50 percent of these women reported being reprimanded at work for such problems and more than a ⅓ of them said they had lost their jobs as a result.

Our bill allows women to use the Family and Medical Leave Act to take time off to deal with the problems arising from leaving a violent relationship. Women need to deal with the court and legal system when they file for protective orders. Many times women need counseling for themselves and their children to support them as they establish a life separate from their batterers. Allowing women to use the FMLA to take this necessary time off will help women become more productive workers and give then the financial independence they need to begin a new, violence free life.

Not only do we need to provide women with the flexibility that they need, but need to ensure that their rights are protected should they unfairly lose their job. This bill prohibits discrimination against an employee based on her status or experience as a victim of domestic violence. It recognizes that we need not only policies that prohibit discrimination, but teeth to give those policies some bite. Our bill would give women the legal means to challenge any discrimination they may have faced as a result of being a victim of domestic violence.

As many of you know, we are still struggling to get all sectors of society to understand that domestic violence affects all aspects of a battered woman's life. Too many times women who have applied for health insurance are denied or charge exorbitant rates when insurance companies find out that they are victims of domestic violence. This is outrageous! Insurance discrimination penalizes victims of domestic violence for the actions of their abusers. Our bill makes sure that this form of discrimination will not be allowed.

VAWA I took the first step in dedicating federal resources to addressing the domestic violence crisis, but its focus is law enforcement and emergency response. We need to go to the next level to truly end violence against women. We need to address their economic needs and problems. I believe our legislation meets this test and will eliminate many of the economic barriers that trap women and children in violent homes and relationships.

I ask unanimous consent that a summary of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BATTERED WOMEN'S ECONOMIC SECURITY AND SAFETY ACT OF 1999—LEGISLATIVE SUMMARY

TITLE I.—DOMESTIC VIOLENCE PREVENTION

Subtitle A. Domestic Violence and Sexual Assault Victims' Housing.—Makes funding available for supportive housing services through the McKinney Homeless Assistance Act, including rental assistance to victims trying to establish permanent housing safe from the batterer.

Subtitle B. Full Faith and Credit for Protection Orders.—Clarifies VAWA's full faith and credit provisions to ensure meaningful enforcement by states and tribes; provides grants to states and Tribes to improve enforcement and record keeping.

Subtitle C. Victims of Abuse Insurance Protection.—Prohibits discrimination in issuing and administering insurance policies to victims of domestic violence with uniform protection from insurance discrimination.

Subtitle D. Access to Safety and Advocacy.—Issues grants to provide legal assistance, lay advocacy and referral services to victims of domestic violence who have inadequate access to sufficient financial resources for appropriate legal assistance; includes set-aside for tribes.

Subtitle E. Battered Women's Shelters and Services.—Amends the Family Violence Prevention and Services Act to authorize $1 billion to battered women's shelters over the next five years; includes additional oversight and review; caps spending for training and technical assistance by State coalitions with the remaining money to go to domestic violence programs; adds new proposals for training and technical assistance; allots money for tribal domestic violence coalitions.).

Subtitle F. Battered Immigrant Women's Economic Security and Safety—Addresses gaps, errors and oversights in current legislation that impede battered immigrant women's ability to flee violent relationships and survive economically; ensures that battered immigrants with pending immigration applications are able to access public benefits, Food Stamps, SSI, housing, work permits, and immigration relief.

TITLE II. VIOLENCE AGAINST WOMEN AND THE WORKPLACE

Subtitle A. National Clearinghouse on Domestic Violence and Sexual Assault and the Workplace Grant.—Establishes clearinghouse and resource center to give information and assistance to businesses, employers and labor organizations in their efforts to develop and implement responses to assist victims of domestic violence and sexual assault.

Subtitle B. Victims' Employment Rights.—Prohibits employers from taking adverse job actions against an employee because they are the victims of domestic violence, sexual assault or stalking.

Subtitle C. Workplace Violence Against Women Prevention Tax Credit.—Provides tax credit to businesses implementing workplace safety programs to combat violence against women.

Subtitle D. Employment Protection for Battered Women.—Ensures eligibility for unemployment compensation to women separated from their jobs due to circumstances directly resulting from domestic violence; requires employers who already provide leave to employees to allow employees to use that leave for the purpose of dealing with domestic violence and its aftermath; allows women to use their family and medical leave or existing leave under state law or a private benefits program to deal with domestic abuse, including going to the doctor for domestic violence injuries, seeking legal remedies, attending court hearings, seeking orders of protection and meeting with a lawyer; provides for training of personnel involved in assessing unemployment claims based on domestic violence.

TITLE III.—PROTECTIONS FOR VICTIMS OF DOMESTIC VIOLENCE UNDER PROGRAMS AUTHORIZED UNDER THE SOCIAL SECURITY ACT

Section 301. Waivers for Victims of Domestic Violence under the TANF Program.—Finds that Congressional intent of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 was to allow states to take the effects of domestic violence into consideration by allowing good cause, temporary waivers of the requirements of the program for victims of domestic violence; places no numerical limits upon

States in the granting of good cause waivers; provides that individuals granted good cause waivers shall not be included in the participation rate for purposes of applying limitations or imposing penalties on the States; allows for Secretarial review and possible revocation of good cause waivers granted in States where penalties have been imposed.

Section 302. Disclosure Protections under the Child Support Program.—Protects victims fleeing from domestic violence from disclosure of their whereabouts through the federal child support locator service.

Section 303. Bonus to Encourage Women and Children's Well-Being.—Amends the Social Security Act to provide bonuses to States that demonstrate high performance in operating their State welfare programs by providing recipients and low-income families with adequate access to affordable and quality child care; by effectively placing recipients in sustainable wage, non-traditional employment; and by adequately addressing domestic violence in the lives of recipients of assistance; requires HHS and others to develop a formula for measuring State performance.

TITLE IV—MISCELLANEOUS PROVISIONS

Contains technical amendments to assure access to services by tribal women.

Mrs. MURRAY. Mr. President, I am pleased to be joined today by Senator WELLSTONE to introduce the Battered Women's Economic Security Act. This has been a seven year effort and one that I will continue to pursue. I want to thank Senator WELLSTONE for his efforts on this important legislation. I also need to recognize the leadership of Senator BIDEN regarding the Violence Against Women Act. Without his work on this historic legislation since 1994, we could not be here today talking about the economic needs of victims of domestic violence.

In 1994, we enacted the landmark Violence Against Women Act. For the first time, Congress said violence against women was a national disgrace and a public health threat. We had to act. This was no longer just a family matter or a family dispute, this was and is a serious threat against women and a serious threat to the community. We have had police officers in Washington state killed responding to domestic violence calls. We have seen too many women in the emergency room and too many families devastated by violence.

VAWA set in motion a national response to this crisis. We are now in the process of reauthorizing and strengthening VAWA. This is my major priority. Reauthorization of VAWA cements the foundation we need to build the structure that will ultimately end domestic violence and abuse.

The Battered Women's Economic Security Act takes the next logical step. As a result of the work that I have done concerning family violence, I have come to understand that the real long-term solution is to tear down the economic barriers that trap women in violent homes and relationships.

Our legislation addresses many of the economic barriers that I know force a cycle of violence. I have met with many of the advocates in the state of Washington and heard from them first hand, about how these barriers make long term security for women and their children difficult. From housing to child care to job protection to welfare waivers, our legislation attempts to deal with the long term economic problems.

Women should not have to be forced to choose between job security and violence. Each year one million individuals become victims of violent crimes while working on duty. Men are more likely to be attacked at work by a stranger, women are more likely to be attacked by someone they know. One-sixth of all workplace homicides of women are committed by a spouse, ex-spouse, boyfriend or ex-boyfriend. Boyfriends and husbands, both current and former, commit more than 13,000 acts of violence against women in the workplace every year. This does not include harassment or the threat of violence. Clearly, women face a serious threat in the work place and yet if they leave to avoid harm, they are denied workers compensation. Perhaps even more offensive is the fact that some states require victims of domestic violence to seek employment in order to receive TANF benefits. To have any economic safety net some women are forced to jeopardize their own safety.

This is not just an issue that effects victims of domestic violence. We all suffer the economic consequences of violence. it has been estimated that work place violence resulted in $4.2 billion in lost productivity and legal expenses for American businesses. From what I have heard from victims and advocates, this is a very conservative estimate. The health care costs are also equally staggering. Both the American Medical Association (AMA) and the Surgeon General have labeled violence against women a public health threat. Violence is the number one reason women ages 19 to 35 end up in the emergency room. One out of every three women can expect to be the victim of violence at some point in her life.

Our legislation would also prohibit discriminating against victims of domestic violence in all lines of insurance. If a woman seeks treatment in an Emergency Room and reports this as domestic violence, she should not be denied disability or life insurance. If an estranged husband burns the house to the ground the woman should not be denied compensation simply because it was an act of domestic violence. To say that victims of domestic violence engage in high risk behavior similar to sky diving or race care driving is simply outrageous. It is the ultimate example of blaming the victim.

Our legislation is not the final solution, but it begins the process of addressing long term economic needs. I am hopeful that once we have secured reauthorization of VAWA we can begin to focus on these economic problems. Without VAWA we have no foundation.

I will be working with PAUL and other Members of the Senate towards enactment of key provisions of the bill. I am also committed to continuing my work with Senator BIDEN in an effort to enact Violence Against Women Reauthorization during this session.

I urge all of my colleagues to review the Battered Women's Economic Security Act. I encourage all of you to talk to your advocates and your police, ask them what issues keep women trapped in a violent home or relationship. Ask them what needs to be done to provide long term solutions. I know that after careful review and consideration, you will reach the same conclusions. There are economic barriers that must be torn down. I hope that many of you will join in cosponsoring this legislation and work with me to enact this comprehensive solution to ending the cycle of violence that too many women and children face every day.

By Mr. BOND (for himself, Mr. ENZI, Mr. JEFFORDS, Mr. BURNS, Mr. VOINOVICH, Ms. SNOWE, Mr. ASHCROFT, Mr. MCCONNELL, Mr. LOTT, Mr. NICKLES, Mr. HUTCHINSON, Mr. MACK, Mr. COVERDELL, Ms. COLLINS, Mr. SHELBY, Mr. KYL, Mr. FITZGERALD, Mr. ABRAHAM, Mr. GREGG, Mrs. HUTCHISON, Mr. HELMS, Mr. BUNNING, Mr. CRAPO, Mr. BENNETT, Mr. DEWINE, Mr. HAGEL, Mr. SESSIONS, Mr. CHAFEE, and Mr. BROWNBACK):

S. 1070. A bill to require the Secretary of Labor to wait for completion of a National Academy of Sciences study before promulgating a standard, regulation or guideline or ergonomics; to the Committee on Health, Education, Labor, and Pensions.

SENSIBLE ERGONOMICS NEEDS SCIENTIFIC EVIDENCE ACT

Mr. BOND. Mr. President, I rise today as chairman of the Senate Committee on Small Business to introduce the Sensible Ergonomics Needs Scientific Evidence Act of SENSE Act. This bill calls on the Occupational Safety and Health Administration (OSHA) to do the sensible thing—wait for sound science before imposing new ergonomics regulations on small businesses. If enacted, the SENSE Act would require OSHA to wait for the results of a study by the National Academy of Sciences (NAS) before issuing proposed or final regulations, standards or guidelines on ergonomics. As a native of Missouri, the "Show Me State," waiting for the NAS study makes good sense to me.

In introducing the SENSE Act, I am pleased to be joined by numerous colleagues from all across the country—including Senators ENZI, JEFFORDS, BURNS, VOINOVICH, SNOWE, ASHCROFT, MCCONNELL, LOTT, NICKLES, HUTCHINSON, MACK, COVERDELL, COLLINS, SHELBY, KYL, FITZGERALD, ABRAHAM, GREGG, HUTCHISON, HELMS, BUNNING, CRAPO, BENNETT, DEWINE, HAGEL, SESSIONS, and CHAFEE. These Senators, like me, agree with their small business constituents that it makes good sense for OSHA to wait for the results of the NAS study before proposing additional regulatory requirements for small businesses.

Just last year, Congress and the President agreed to spend $890,000 for NAS to undertake a thorough, objective, and de novo review of the scientific literature to examine the cause-and-effect relationship between repetitive tasks in the workplace and musculoskeletal disorders. The study is intended to achieve a scientific understanding of the conditions and causes of musculoskeletal disorders. The NAS has selected a panel of experts to conduct the study. The panel will examine the scientific data on the multiple factors and influences that contribute to musculoskeletal disorders and answer seven questions provided by Representatives BONILLA and Livingston. The NAS will complete its study by January 2001. As intended by Congress and the President, the NAS study will assist OSHA and the Congress in determining whether sound science supports a comprehensive ergonomics regulation as envisioned by OSHA.

In theory, an ergonomics regulation would attempt to reduce musculoskeletal disorders, such as Carpal Tunnel Syndrome, muscle aches and back pain, which, in some instances, have been attributed to on-the-job activities. However, the medical community is divided sharply on whether scientific evidence has established a true cause-and-effect relationship between such problems and workplace duties. We need to understand the relationship between work and these injuries before moving forward.

Regrettably, rather than waiting for NAS' findings, OSHA now plans to publish a proposed rule by September of 1999. In fact, OSHA officials have suggested that a final rule could be issued by the end of 2000—just a few months before NAS will complete its study. This simply doesn't make sense. The NAS study should identify scientific and medical studies that are based on sound science and provide solid scientific evidence regarding the causation of ergonomics injuries. Our intent is simply to ensure that the requirements of any ergonomics program proposed by OSHA are based on sound science and are effective to improve workplace safety and health. It only makes sense for OSHA to wait for the scientific and medical information needed to know whether it is headed down the right path.

Waiting for the NAS study won't stop the progress being made as ergonomic principles are applied to the workplace. And, progress is being made. According to recent data from the Bureau of Labor Statistics, the number of injuries and illnesses involving repeated trauma, strains, sprains, tears, and carpal tunnel syndrome are all on the decline. Employers are actively implementing measures to address ergonomic risk factors. The SENSE Act is in no way intended to discourage employers from continuing to implement voluntary measures where appropriate and effective. Similarly, the SENSE Act does not prevent OSHA from continuing to work on ergonomics. In fact, I would encourage OSHA to use the time prior to the completion of the NAS study to research ergonomics further, identify successful prevention strategies, and provide technical assistance. For those who would argue that waiting for the NAS study will result in more employees being injury, OSHA can exercise its enforcement authority under the General Duty Clause, Section 5(a)(1) of the Occupational Safety and Health Act, to ensure a safe workplace and address any significant ergonomic hazards. My bill doesn't change that authority provided under current law.

Simply put, the SENSE Act requires OSHA to wait for NAS to complete its study and submit the findings in a report to Congress. Congress would then have 30 days to review the final report before OSHA issues proposed or final regulations, standards or guidelines. From where I stand, it only makes sense for Congress and OSHA to have the benefit of the NAS study before OSHA proposes to require employers to implement a comprehensive program addressing musculoskeletal disorders.

Tomorrow in the other body, the compansion bill to the SENSE Act is scheduled for mark up. H.R. 987, known as the "Workplace Preservation Act," was introduced by Representantive ROY BLUNT from Missouri on March 4. Representative BLUNT is doing an excellent job shepherding his bill through the other body. In fact, his efforts have produced a bipartisan list of 138 cosponsors. I expect the Senate to show similar support for our Nation's small businesses.

I urge my collagues in the Senate to take a good look at the SENSE Act and join us in supporting legislation to ensure that the federal government does not propose an ergonomics regulation for small businesses until Congress can assess the findings of the NAS study.

I ask unanimous consent that the Sensible Ergonomics Needs Scientific Evidence (SENSE) Act be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD as follows:

S. 1070

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sensible Ergonomics Needs Scientific Evidence Act" or the "SENSE Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Department of Labor, through the Occupational Safety and Health Administration (referred to in this Act as "OSHA"), has announced that it plans to propose regulations during 1999 to regulate "ergonomics" in the workplace. A draft of OSHA's ergonomics regulation became available in February 19, 1999.

(2) In October, 1998, Congress and the President agreed that the National Academy of Sciences shall conduct a comprehensive study of the medical and scientific evidence regarding musculoskeletal disorders. The study is intended to evaluate the basic questions about diagnosis and causes of such disorders. Given the uncertainty and dispute about these basic questions, and Congress' intention that they be addressed in a comprehensive study by the National Academy of Sciences, it is premature for OSHA to propose a regulation on ergonomics as being necessary or appropriate to improve workers' health and safety until such study is completed.

(3) An August, 1998, workshop on "work related musculoskeletal injuries" held by the National Academy of Sciences reviewed existing research on musculoskeletal disorders. It showed that there is insufficient evidence to assess the level of risk to workers from repetitive motions.

(4) A July, 1997, report by the National Institute for Occupational Safety and Health (NIOSH) reviewing epidemiological studies that have been conducted of "work related musculoskeletal disorders of the neck, upper extremity, and low back" showed that there is insufficient evidence to assess the level of risk to workers from repetitive motions. Such evidence would be necessary to write an efficient and effective regulation.

SEC. 3. DELAY OF STANDARD, REGULATION OR GUIDELINE.

The Secretary of Labor, acting through the Occupational Safety and Health Administration, may not propose or issue in final form any standard, regulation, or guideline on ergonomics until—

(1) the National Academy of Sciences—

(A) completes a peer-reviewed scientific study, as mandated by Public Law 105–277, of the available evidence examining a cause and effect relationship between repetitive tasks in the workplace and musculoskeletal disorders or repetitive stress injuries; and

(B) submits to Congress a report setting forth the findings resulting from such study; and

(2) the expiration of the 30-day period beginning on the date on which the final report under paragraph (1)(B) is submitted to Congress.

By Mr. CRAPO (for himself and Mr. CRAIG):

S. 1071. A bill to designate the Idaho National Engineering and Environmental Laboratory as the Center of Excellence for Environmental Stewardship of the Department of Energy land, and establish the Natural Resources Institute within the Center; to the Committee on Armed Services.

ENVIRONMENTAL STEWARDSHIP AND NATURAL RESOURCES ACT OF 1999

• Mr. CRAPO. Mr. President, I rise in support of the Environmental Stewardship and Natural Resources Act which I am introducing today with Senator CRAIG as cosponsor.

The nuclear defense capability of the United States has protected our form of government and ensured our freedoms since its inception during World War II. In order to sustain and develop our nuclear deterrence, a vast industrial complex was established. This complex of facilities was built under the auspices of the Atomic Energy Commission and its successor agency, the Department of Energy. Uranium mines, factories, laboratories, and reactors were located throughout the country to provide nuclear and conventional components for weapons. These facilities were mostly located on large tracts of land, which also included surrounding buffer areas for security.

With the end of the cold war, and the mutual reduction of the United States and Russian nuclear arsenals, many of our nuclear facilities are closing, changing or reducing their missions. Land management at these facilities, throughout their production lives was limited to accomplishing their missions and providing isolation and security. Protection of the ecosystems and natural resources, on which our nuclear arsenal was built, did not rate high priority in the agency's planning. Any environmental benefits or natural resources protection on these facilities was truly incidental to their isolation.

In addition to lack of natural resource planning, there exists a contamination legacy which has resulted in the largest and most expensive cleanup program in the federal government. Regardless of the effectiveness and efficiency of the cleanup program, some levels of contaminants will remain, and will need to be monitored and managed. Long term stewardship is the process of managing and protecting the natural resources that are unaffected by contamination, and also the continual monitoring and stabilization of contaminants that remain in place following mediation. Even after a facility is cleaned up and closed, no matter how effective the remediation effort, the federal government is still liable for any subsequent action that may be necessary to insure that no harm will come to humans or the environment.

The Idaho National Engineering and Environmental Laboratory, INEEL, has a long history with the Atomic Energy Commission and the Department of Energy. Originally known as the National Reactor Testing Station, this site constructed, tested, and operated 52 reactors for various defense and civilian purposes since the early 1950's. All but a handful of these reactors have been decontaminated and dismantled. In addition to this nuclear mission, the INEEL has developed expertise and experience in the modeling the movement of contaminants in the environment; and research and development of technologies necessary for the detection, monitoring, stabilization, and mediation of contamination. I propose, with this bill, to establsh the INEEL as the Department of Energy Center of Excellence for the development of technologies, techniques, and methodologies for the implementation of an effective Long Term Stewardship program throughout the nuclear weapons production complex.

I also propose the establishment of a Natural Resource Institute at the INEEL. This institute will bring together scientists, scholars, and others in the field of natural resources management, to study complex issues that affect natural resources policy. The institute will also work on specific natural resource and environmental issues and problems, by utilizing the resources of the INEEL, northwest universities, states, and various federal agencies. The INEEL is a national laboratory, not is just a laboratory for the Department of Energy. The expertise, experience, and resources of this site must be made available to all. The natural Resource Institute will be the conduit for bringing expertise to the INEEL and for making information, data, and good science available for the solution of natural resource issues throughout the inland northwest.•

By Mr. ASHCROFT (for himself, Mr. INOUYE, Mr. BURNS, Mr. GRASSLEY, Mr. ROBERTS, Mr. ENZI, and MR. HAGEL):

S. 1073. A bill to amend the Trade Act of 1974 to ensure that United States industry is consulted with respect to all aspects of the WTO dispute settlement process; to the Committee on Finance.

WORLD TRADE ORGANIZATION ENFORCEMENT ACT OF 1999

Mr. ASHCROFT. Mr. President, developing trade policy that will increase Americans' competitiveness in the 21st century must be a priority of this Congress and of the administration. That is why I rise today, joined by Senators DANIEL INOUYE, CHUCK GRASSLEY, CONRAD BURNS, PAT ROBERTS, CHUCK HAGEL, and MIKE ENZI, to introduce the World Trade Organization Enforcement Act of 1999. It is a bill that will increase transparency and give the public more input into the dispute settlement process of the WTO. It is analogous to a "Sunshine Law" for the WTO.

The United States plays a major role in leading the world and shaping its economy and must continue to do so. We must be leaders, not simply participants. Our leadership as a country will be effective only if our trade policy is clearly defined and is based on the vital interests of the American people, because if Americans do not accept our leadership on trade policy, neither will the rest of the world.

Our success of more than 200 years has been because American is a nation dedicated to We the People. We are a nation whose greatness flows not from government, but from the creativity and ingenuity of the American people. Our service providers, manufacturers, retailers, farmers and ranchers, and investors are top notch compared with their competitors, and it is time for us in public service to lay aside the values and priorities of Washington, D.C., and promote the values and priorities of the American people.

As I have traveled around Missouri, one thing is clear: citizens want America to be defined today as she was 100-plus years ago. We have been known as a land of ascending opportunity, that every generation in America has more opportunity than the previous generation. This is a definition of America that we must maintain—"the best is yet to come."

Already, U.S. companies are first-class in their production, processing, and marketing at home and abroad—always responding to the challenges of our competitive free-market system. While the United States can produce more goods and provide more services than any other country, we account for only five percent of the world's consuming population. That leaves 95 percent of the world's consumers outside of our borders—this is an astounding statistic when we put it in terms of creating opportunities.

For example, nearly 40 percent of all U.S. agricultural production is exported, but in September of last year, American farmers and ranchers faced the first monthly trade deficit of U.S. farm and food products since the United States began tracking trade data in 1941. Our farmers, or any other sector, simply will not succeed if they face descending opportunity. With manufacturing productivity increasing and with the consuming capacity of the world largely outside of our borders, our companies need equally increasing access to foreign demand. The prosperity of the next generation of Americans is tied to our current competitiveness in global markets.

We must develop policies that will shape opportunities for the 21st century—opening new markets, ensuring that our trading partners live up to their commitments, and to the greatest extent possible avoiding sanctions that hurt only our market opportunities abroad.

I still believe we must make a concerted effort to pass fast track trade negotiating authority. Because fast track has languished, U.S. businesses are increasingly being put at a competitive disadvantage. While Canada has already concluded a free trade agreement with Chile, and Mexico is expanding its free trade arrangement with Chile, the United States lags behind. Our companies clearly are being put at a competitive disadvantage in our own hemisphere. America must lead, not follow—in our back yard and around the world.

As we approach the next round of negotiations in the WTO, fast track is crucial to U.S. businesses. Clearly, trade negotiations designed to reduce or eliminate barriers and trade distorting practices have benefited our companies and our economy, and we need to continue our leadership role in multiple trade fora.

However, support for fast track and new negotiations is tied in the public mind to the benefit they receive from existing trade agreements. It is of utmost importance that the United States closely monitor and vigorously enforce our trade agreements. The private sector must be able to rely on U.S. agreements to be productive and long-lasting.

Opening foreign markets looms before us as a brick barricade. With the same will and authority of President Reagan before the Berlin Wall when he said—"Mr. Gorbachev, tear down this wall"—we must face head-on the barricades before our exporters. It's not an easy task, but then again, neither was dismantling the Evil Empire. As John Wayne said in "The Big Trail": "No great trail is ever blazed without hardship. You've got to fight. That's life."

Just last week, the Europeans stood on their massive wall of protectionism built across the trail of free trade and simply rejected U.S. beef, even in the face of having lost the WTO case. We've got a trail to blaze—the Europeans cannot be allowed to make a mockery of the competitive spirit of our cattle ranchers. In this case, results, not words, count the most.

Failing to implement agreements already negotiated creates an environment of descending opportunity. It is imperative, therefore, that the Administration follow through with enforcing the decisions the U.S. has won in the WTO. What good is winning a case if we are unable to enforce the judgment?

It is clear that the most contentious issues ever to be brought before the WTO—whether it is negotiating new agreements or suing the dispute settlement process to enforce existing ones—have been about the agricultural policies of the United States and the European Union.

One of the significant changes in the dispute settlement process in 1994 was that panels would be set up and panel decisions would be adopted but for a consensus against doing so. Also, strict time lines were built into the process. Soon thereafter, the U.S. took two agriculture cases against the EU through the new WTO dispute process—the banana case and the beef case (which had already been before the GATT panel). The new dispute settlement changes in the WTO worked, and the United States won these two agriculture cases without the EU having the ability to block unilaterally the cases from moving forward.

For every triumph, however, the United States has suffered multiple defeats. Our most recent triumphs were getting the EU to accept a WTO dispute settlement process that is quick and binding, and winning agriculture cases against the EU in that settlement process. However, the EU is now denying U.S. farmers and ranchers the benefits of the WTO cases we won by stalling endlessly in the implementation of those decisions.

If the EU, or any other country, is allowed to use delaying tactics, there could be detrimental effects on these agriculture cases and on future cases regardless of the sector litigated. Also, the public support for the WTO system and its ability to benefit U.S. interests will be undermined.

It is essential that the administration make the EU beef ban a top priority. The United States has won this case against the EU numerous times, and we are clearly within our rights to benefit from the cases we litigate and win.

We must take the position that if the EU insists on "paying" for its protectionism, the EU should "pay" at the highest levels allowable and on products that will hurt it the most. While U.S. ranchers can never be compensated fully for the EU's protectionist policies, the value of concessions withdrawn from the EU must at least equal the value of the beef producers current damage.

Beef producers in Missouri will not benefit if the level of retaliation is not such that will induce the EU to change its protectionist policies. A strong response to the EU's treatment of U.S. agricultural products is long overdue. We must have reciprocity in our cross-Atlantic agricultural trade. If U.S. meat is not welcome in the EU, then EU meat should not be accepted in the United States.

The EU's repeated, damaging actions against America's cattlemen must not go unanswered—that is why I have called on the Administration to retaliate with authority and that is why I am introducing the WTO Enforcement Act.

The WTO Enforcement Act has two major objectives: ensure that the U.S. government affords adequate transparency and public participation in the U.S. decision-making process, and begin multilateral negotiations with a view toward incorporating more transparency and consultation in the multilateral context of the WTO dispute settlement process.

If the farm groups and U.S. companies were to increase their public comment in the implementation and post-implementation stages of the WTO dispute settlement process, this will heighten the pressure on the foreign country to comply with the Panel decisions. Currently, while the USTR, Congress, and industry groups consult during the implementation stages of Panel decisions, making the comment and reporting requirements more established and anticipated will increase accountability. The WTO system needs to be given a chance to work, but the best way to do so is to increase pressure on those countries that would try to circumvent the implementation of panels. This is imperative not only for agriculture and our relations with the EU, it could affect all sectors that are litigated under the WTO dispute settlement process.

The proposed modifications to U.S. domestic rules regarding dispute settlement will prove more effective if the losing party to a WTO dispute provides to the winning party its plan to comply with the WTO decision and if the winning party is given meaningfully opportunity to comment on the plan prior to its implementation.

The WTO is currently in the midst of a review of the organization's dispute settlement procedures. Therefore, under the WTO Enforcement Act, the United States must request reforms that would oblige member government's to submit a proposed remedy well in advance of the deadline to comply to the decision and as well as consult with the other parties to the proceeding on the proposal.

If the WTO Enforcement Act is passed, the U.S. public would be able to obtain more information about the foreign government's plans for compliance with WTO panel decisions and would be afforded a more formal opportunity to comment on how the process is working. If we negotiate trade agreements for American citizens wishing to do business in foreign markets, they have every right to voice their support for or objections to the way foreign governments or the U.S. government is making those agreements beneficial.

It is time for us to enact policies that reflect our support for U.S. companies' efforts to reach their competitive potential internationally and policies that create ascending opportunity for Americans for the 21st century so that we can say, with confidence, "the best is yet to come."

ADDITIONAL COSPONSORS

S. 3

At the request of Mr. GRAMS, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. 3, a bill to amend the Internal Revenue Code of 1986 to reduce individual income tax rates by 10 percent.

S. 15

At the request of Mrs. HUTCHISON, the name of the Senator from Maine (Ms.

COLLINS) was added as a cosponsor of S. 15, a bill to amend the Internal Revenue Code of 1986 to provide that married couples may file a combined return under which each spouse is taxed using the rates applicable to unmarried individuals.

S. 30

At the request of Mr. DASCHLE, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 30, a bill to provide contercyclical income loss protection to offset extreme losses resulting from severe economic and weather-related events, and for other purposes.

S. 38

At the request of Mr. CAMPBELL, the name of the Senator from Kentucky (Mr. McCONNELL) was added as a cosponsor of S. 38, a bill to amend the Internal Revenue Code of 1986 to phase out the estate and gift taxes over a 10-year period.

S. 56

At the request of Mr. KYL, the name of the Senator from Kentucky (Mr. McCONNELL) was added as a cosponsor of S. 56, a bill to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers.

S. 135

At the request of Mr. DURBIN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 135, a bill to amend the Internal Revenue Code of 1986 to increase the deduction for the health insurance costs of self-employed individuals, and for other purposes.

S. 147

At the request of Mr. ABRAHAM, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 147, a bill to provide for a reduction in regulatory costs by maintaining Federal average fuel economy standards applicable to automobiles in effect at current levels until changed by law, and for other purposes.

S. 216

At the request of Mr. JEFFORDS, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 216, a bill to amend the Internal Revenue Code of 1986 to repeal the limitation on the use of foreign tax credits under the alternative minimum tax.

S. 285

At the request of Mr. McCAIN, the names of the Senator from Rhode Island (Mr. REED) and the Senator from Tennessee (Mr. FRIST) were added as cosponsors of S. 285, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 311

At the request of Mr. McCAIN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 311, a bill to authorize the Disabled Veterans' LIFE Memorial Foundation to establish a memorial in the District of Columbia or its environs, and for other purposes.

S. 331

At the request of Mr. JEFFORDS, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 331, a bill to amend the Social Security Act to expand the availability of health care coverage for working individuals with disabilities, to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide such individuals with meaningful opportunities to work, and for other purposes.

S. 333

At the request of Mr. LEAHY, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 333, a bill to amend the Federal Agriculture Improvement and Reform Act of 1996 to improve the farmland protection program.

S. 335

At the request of Ms. COLLINS, the name of the Senator from Tennessee (Mr. THOMPSON) was added as a cosponsor of S. 335, a bill to amend chapter 30 of title 39, United States Code, to provide for the nonmailability of certain deceptive matter relating to games of chance, administrative procedures, orders, and civil penalties relating to such matter, and for other purposes.

S. 337

At the request of Mr. HUTCHINSON, the name of the Senator from Kentucky (Mr. McCONNELL) was added as a cosponsor of S. 337, a bill to preserve the balance of rights between employers, employees, and labor organizations which is fundamental to our system of collective bargaining while preserving the rights of workers to organize, or otherwise engage in concerted activities protected under the National Labor Relations Act.

S. 348

At the request of Ms. SNOWE, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 348, a bill to authorize and facilitate a program to enhance training, research and development, energy conservation and efficiency, and consumer education in the oilheat industry for the benefit of oilheat consumers and the public, and for other purposes.

S. 387

At the request of Mr. GRAHAM, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 387, a bill to amend the Internal Revenue Code of 1986 to provide an exclusion from gross income for distributions from qualified State tuition programs which are used to pay education expenses.

S. 429

At the request of Mr. DURBIN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 429, a bill to designate the legal public holiday of "Washington's Birthday " as "Presidents' Day" in honor of George Washington, Abraham Lincoln, and Franklin Roosevelt and in recognition of the importance of the institution of the Presidency and the contributions that Presidents have made to the development of our Nation and the principles of freedom and democracy.

S. 487

At the request of Mr. GRAMS, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 487, a bill to amend the Internal Revenue Code of 1986 to provide additional retirement savings opportunities for small employers, including self-employed individuals.

S. 566

At the request of Mr. LUGAR, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 566, a bill to amend the Agricultural Trade Act of 1978 to exempt agricultural commodities, livestock, and value-added products from unilateral economic sanctions, to prepare for future bilateral and multilateral trade negotiations affecting United States agriculture, and for other purposes.

S. 622

At the request of Mr. KENNEDY, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 622, a bill to enhance Federal enforcement of hate crimes, and for other purposes.

S. 664

At the request of Mr. CHAFEE, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 664, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence.

S. 707

At the request of Mr. GRASSLEY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 707, a bill to amend the Older Americans Act of 1965 to establish a national family caregiver support program, and for other purposes.

S. 741

At the request of Mr. GRAHAM, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 741, a bill to provide for pension reform, and for other purposes.

S. 757

At the request of Mr. LUGAR, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 757, a bill to provide a framework for consideration by the legislative and executive branches of unilateral economic sanctions in order to ensure coordination of United States policy with respect to trade, security, and human rights.

S. 758

At the request of Mr. ASHCROFT, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 758, a bill to establish legal standards and procedures for the fair, prompt, inexpensive, and efficient resolution of personal injury claims arising out of asbestos exposure, and for other purposes.

S. 763

At the request of Mr. THURMOND, the name of the Senator from Florida (Mr. MACK) was added as a cosponsor of S. 763, a bill to amend title 10, United States Code, to increase the minimum Survivor Benefit Plan basic annuity for surviving spouses age 62 and older, and for other purposes.

S. 789

At the request of Mr. MCCAIN, the names of the Senator from Georgia (Mr. CLELAND) the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 789, a bill to amend title 10, United States Code, to authorize payment of special compensation to certain severely disabled uniformed services retirees.

S. 817

At the request of Mrs. BOXER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 817, a bill to improve academic and social outcomes for students and reduce both juvenile crime and the risk that youth will become victims of crime by providing productive activities during after school hours.

S. 876

At the request of Mr. HOLLINGS, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 876, a bill to amend the Communications Act of 1934 to require that the broadcast of violent video programming be limited to hours when children are not reasonably likely to comprise a substantial portion of the audience.

S. 878

At the request of Mr. TORRICELLI, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 878, a bill to amend the Federal Water Pollution Control Act to permit grants for the national estuary program to be used for the development and implementation of a comprehensive conservation and management plan, to reauthorize appropriations to carry out the program, and for other purposes.

S. 880

At the request of Mr. INHOFE, the names of the Senator from Alabama (Mr. SESSIONS) the Senator from Nebraska (Mr. KERREY) and the Senator from Georgia (Mr. CLELAND) were added as cosponsors of S. 880, a bill to amend the Clean Air Act to remove flammable fuels from the list of substances with respect to which reporting and other activities are required under the risk management plan program

S. 895

At the request of Mr. LIEBERMAN, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 895, a bill to provide for the establishment of Individual Development Accounts (IDAs) that will allow individuals and families with limited means an opportunity to accumulate assets, to access education, to own their own homes and businesses, and ultimately to achieve economic self-sufficiency, and for other purposes.

S. 918

At the request of Mr. KERRY, the names of the Senator from Louisiana (Mr. BREAUX) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 918, a bill to authorize the Small Business Administration to provide financial and business development assistance to military reservists' small business, and for other purposes.

S. 926

At the request of Mr. DODD, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 926, a bill to provide the people of Cuba with access to food and medicines from the United States, and for other purposes.

S. 941

At the request of Mr. WYDEN, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 941, a bill to amend the Public Health Service Act to provide for a public response to the public health crisis of pain, and for other purposes.

S. 955

At the request of Mr. WARNER, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 955, a bill to allow the National Park Service to acquire certain land for addition to the Wilderness Battlefield in Virginia, as previously authorized by law, by purchase or exchange as well as by donation.

S. 960

At the request of Mr. GRASSLEY, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 960, a bill to amend the Older Americans Act of 1965 to establish pension counseling programs, and for other purposes.

S. 980

At the request of Mr. BAUCUS, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 980, a bill to promote access to health care services in rural areas.

SENATE JOINT RESOLUTION 21

At the request of Ms. SNOWE, the names of the Senator from Washington (Mr. GORTON) and the Senator from Texas (Mr. GRAMM) were added as cosponsors of Senate Joint Resolution 21, A joint resolution to designate September 29, 1999, as "Veterans of Foreign Wars of the United States Day."

SENATE CONCURRENT RESOLUTION 9

At the request of Ms. SNOWE, the names of the Senator from New Jersey (Mr. TORRICELLI) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of Senate Concurrent Resolution 9, A concurrent resolution calling for a United States effort to end restrictions on the freedoms and human rights of the enclaved people in the occupied area of Cyprus.

SENATE RESOLUTION 34

At the request of Mr. TORRICELLI, the names of the Senator from New Mexico (Mr. DOMENICI) the Senator from Wyoming (Mr. THOMAS) the Senator from Texas (Mrs. HUTCHISON) the Senator from Florida (Mr. MACK) the Senator from Iowa (Mr. GRASSLEY) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of Senate Resolution 34, A resolution designating the week beginning April 30, 1999, as "National Youth Fitness Week."

SENATE RESOLUTION 81

At the request of Mr. CRAPO, the names of the Senator from Alabama (Mr. SESSIONS) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of Senate Resolution 81, A resolution designating the year of 1999 as "The Year of Safe Drinking Water" and commemorating the 25th anniversary of the enactment of the Safe Drinking Water Act.

SENATE RESOLUTION 92

At the request of Mrs. BOXER, the names of the Senator from Maryland (Ms. MIKULSKI) the Senator from Maryland (Mr. SARBANES) the Senator from South Carolina (Mr. THURMOND) and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of Senate Resolution 92, A resolution expressing the sense of the Senate that funding for prostate cancer research should be increased substantially.

AMENDMENT NO. 357

At the request of Mr. ROBB his name was withdrawn as a cosponsor of amendment No. 357 proposed to S. 254, a bill to reduce violent juvenile crime, promote accountability by rehabilitation of juvenile criminals, punish and deter violent gang crime, and for other purposes.

SENATE RESOLUTION 103—CONCERNING THE TENTH ANNIVERSARY OF THE TIANANMEN SQUARE MASSACRE OF JUNE 4, 1989, IN THE PEOPLE'S REPUBLIC OF CHINA

Mr. HUTCHINSON (for himself, Mr. WELLSTONE, Mr. FEINGOLD, Mr. SMITH of New Hampshire, Ms. COLLINS, Mr. BUNNING, Mr. KYL, Mr. ABRAHAM, Mr.

SESSIONS, Mr. GRASSLEY, Ms. SNOWE, Mr. JEFFORDS, and Mr. BROWNBACK) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 103

Whereas the United States was founded on the democratic principle that all men and women are created equal and entitled to the exercise of their basic-human rights;

Whereas freedom of expression and assembly are fundamental human rights that belong to all people and are recognized as such under the United Nations Declaration of Human Rights and the International Covenant on Civil and Political Rights;

Whereas the death of the former General Secretary of the Communist Party of the People's Republic of China, Hu Yaobang, on April 15, 1989, gave rise to peaceful protests throughout China calling for the establishment of a dialogue with government and party leaders on democratic reforms, including freedom of expression, freedom of assembly, and the elimination of corruption by government officials;

Whereas after that date thousands of prodemocracy demonstrators continued to protest peacefully in and around Tiananmen Square in Beijing until June 3 and 4, 1989, when Chinese authorities ordered the People's Liberation Army and other security forces to use lethal force to disperse demonstrators in Beijing, especially around Tiananmen Square;

Whereas nonofficial sources, a Chinese Red Cross report from June 7, 1989, and the State Department Country Reports on Human Rights Practices for 1989, gave various estimates of the numbers of people killed and wounded in 1989 by the People's Liberation Army soldiers and other security forces, but agreed that hundreds, if not thousands, were killed and thousands more were wounded;

Whereas 20,000 people nationwide suspected of taking part in the democracy movement were arrested and sentenced without trial to prison or reeducation through labor, and many were reportedly tortured;

Whereas human rights groups such as Human Rights Watch, Human Rights in China, and Amnesty International have documented that hundreds of those arrested remain in prison;

Whereas the Government of the People's Republic of China continues to suppress dissent by imprisoning prodemocracy activists, journalists, labor union leaders, religious believers, and other individuals in China and Tibet who seek to express their political or religious views in a peaceful manner; and

Whereas June 4, 1999, is the tenth anniversary of the date of the Tiananmen Square massacre: Now, therefore, be it

Resolved, That the Senate—

(1) expresses sympathy to the families of those killed as a result of their participation in the democracy protests of 1989 in the People's Republic of China, as well as to the families of those who have been killed and to those who have suffered for their efforts to keep that struggle alive during the past decade;

(2) commends all citizens of the People's Republic of China who are peacefully advocating for democracy and human rights; and

(3) condemns the ongoing and egregious human rights abuses by the Government of the People's Republic of China and calls on that Government to—

(A) reevaluate the official verdict on the June 4, 1989, Tiananmen prodemocracy activities and order relevant procuratorial organs to open formal investigations on the June fourth event with the goal of bringing those responsible to justice;

(B) establish a June Fourth Investigation Committee, the proceedings and findings of which should be accessible to the public, to make a just and independent inquiry into all matters related to June 4, 1989;

(C) release all prisoners of conscience, including those still in prison as a result of their participation in the peaceful prodemocracy protests of May and June 1989, provide just compensation to the families of those killed in those protests, and allow those exiled on account of their activities in 1989 to return and live in freedom in the People's Republic of China;

(D) put an immediate end to harassment, detention, and imprisonment of Chinese citizens exercising their legitimate rights to the freedom of expression, freedom of association, and freedom of religion; and

(E) demonstrate its willingness to respect the rights of all Chinese citizens by proceeding quickly to ratify and implement the International Covenant on Civil and Political Rights which it signed on October 5, 1998.

• Mr. HUTCHINSON. Mr. President, today I, along with Senators WELLSTONE, FEINGOLD, BOB SMITH, BUNNING, COLLINS, KYL, SESSIONS, GRASSLEY, ABRAHAM, SNOWE, and JEFFORDS, am submitting a resolution commemorating the anniversary of the Tiananmen Square massacre. Ten years ago, the Chinese Communist government unleashed lethal force on peaceful demonstrators in Beijing. For ten years, demonstrators from Tiananmen have been suffering in prison.

The resolution that I am submitting today simply calls on the government of the People's Republic of China to make amends. To reevaluate the verdict of Tiananmen Square. To release the prisoners. To stop harassing Chinese citizens seeking freedom. It says that if they are serious about being a respected member of the international community, then they will implement and ratify the International Covenant on Civil and Political Rights. They will respect universal standards and they will respect their own citizens.

At the moment, there is a great deal of tension between the U.S. and China. Chinese espionage of sensitive technology, allegations of illegal campaign donations, competing security interests in the Asia-Pacific region, and disagreements over Kosovo are just a few problems—problems that illuminate the adversarial behavior of the Chinese Communist government.

Most recently, there has been a great deal of Chinese furor over the mistaken bombing of the Chinese embassy in Belgrade. I do not take lightly this egregious error and this tragic loss of life. But as regrettable as this mistake was, the Chinese government has been using this event as a catch-all refutation of the United States. It was no accident that the human rights dialogue and the ongoing arms talks were other casualties of the embassy bombing—the two areas where the Chinese government refuses to be responsible. It was no accident that the Chinese government bused demonstrators from universities to the U.S. embassy where they pelted rocks at American property, breaking windows, keeping Ambassador Sasser and his staff hostage at the embassy. It was no accident that the Chinese government used propaganda to inflame the emotions of the Chinese people.

But Mr. President, there is no moral equivalency in the accidental bombing of the embassy and the Tiananmen Square massacre. I the midst of the high stack of issues surrounding U.S.-China relations, I hope that human rights does not tumble to the bottom. The well-being of the Chinese people, the ability to express themselves, is fundamental to any future relationship between the U.S. and China. That is why I am submitting this resolution.

Mr. President, the Beijing protests began in April 1989 as a call for the government to explain itself—to explain its dismissal of an official who had been sympathetic to students demanding political reform in 1986. The demonstrators, students and workers, asked that the government take action against corruption. They asked for freedom for the independent press. They asked for democratic reforms. These students from Beijing University and 40 other universities, these Beijing residents protested in and around Tiananmen Square. They held hunger strikes. They defied martial law. They were met with brutal repression.

On May 30, after almost a month of student demonstrations in support of increased democratization in the Peoples Republic of China, the protest leaders erected a symbol of their growing movement—a symbol to be a "powerful cementing force to strengthen our resolve" and to "declare to the world that the great awakening of the Chinese people to democratic ideas has reached a new stage." The symbol these students chose was the Goddess of Democracy—a thirty-seven foot high monument of foam and plaster with a striking resemblance to the Statute of Liberty. This symbol of democracy gave those thousands of onlookers a hope for a future free of communism.

But on June 3, 1989, police officers attacked students with tear gas, rubber bullets, and electric truncheons. People's Liberation Army (PLA) officers armed with AK-47s opened fire on the innocent people who would dare stand in their way. But that was not enough for the government. They sent convoys of tanks to Tiananmen Square to absolutely crush the demonstrators. Their armored vehicles rammed the Goddess of Democracy, knocking it down, flattening it beneath their steel treads. They killed a symbol of democracy and massacred their own people. On June 4, the PLA and security forces killed 1,500 and wounded 10,000. By June 7, the Chinese Red Cross reported 2,600 people aspiring to democracy dead. In the end, the Chinese government killed and wounded thousands of demonstrators. They imprisoned thousands more for their participation.

But the nightmare did not end there. For the hundreds that remain in prison, for their families, each passing day is a living horror. This ten year terror must stop. The resolution that we are introducing today simply calls on the government of the People's Republic of China to do what is right—to do what is consistent with their constitution and international standards. It is a message to those fighting for democracy—we will not forget the massacre of pro-democracy demonstrators by police and PLA forces on June 3 and 4. We will not forget the suffering of those who saw their friends die for freedom. We will not forget that with each passing day, hundreds of prisoners still languish in prison simply because they desire freedom in China.

Mr. President, I believe that it is time to move to a post-Tiananmen era. But this cannot happen without the release of Tiananmen Square prisoners. And it will not happen until we shed the scales of the Clinton Administrations' blind China policy and open our eyes.

Let me suggest four tenets for an open-eye China policy. First, we must re-engage our allies. Our relationship with China has come at the expense of our relationships with Japan, Taiwan, and South Korea. We need to rebuild a realistic picture of security in the Asia-Pacific and recognize China's aggressive military aims in the region—aims that will only be reached at the expense of our allies.

Second, we must protect our sensitive technology. Recent investigations show that we need increased security at our national labs and other facilities, common sense background checks, controls on technology transfers, and a Justice Department that does not hinder its own FBI's investigations. While espionage may be a fact of life, we can still take comprehensive measures to minimize foreign spying. Serious theft of nuclear and technological secrets have already increased China's military prowess.

Third, we must engage the people of China, rather than the Communist regime. We need sustained engagement, not just one time, highly publicized political visits. I therefore advocate increased funding for Radio Free Asia, the Voice of America, democracy building programs, and rule of law initiatives.

Finally, businesses must do their part and aggressively advocate human rights. The door for China's entry to the WTO is still open, but a WTO deal is not just a deal between the U.S. and China. It is also a deal between the U.S. government and American businesses. A WTO deal must include an understanding that American businesses in China must not be complicit with slave labor or other human rights violations. Instead, American businesses must be advocates for human rights, to the Beijing government and to the people. The simple fact is that China desperately wants American trade and American business. U.S. companies must use this leverage to advance more than profits.

Mr. President, I urge all of my colleagues to join with me in supporting this bipartisan resolution—to recognize this regime for what it truly is and to never forget the tragedy that occurred ten years ago on June 3 and June 4, 1989.●

● Mr. FEINGOLD. Mr. President, I rise today as an original co-sponsor of S. Res. 103, which marks the tenth anniversary of the Tiananmen Square massacre of June 4, 1989, in China.

The resolution conveys the sense of the Senate that the United States expresses its sympathy for those killed at Tiananmen Square and commends the Chinese citizens who have continued over the last decade to peacefully advocate greater democracy and respect for human rights in China. This resolution further calls on the authorities in China to reevaluate the events of June 1989, establish a commission to investigate what happened, release those still being held in connection with the democratic rally, and cease current harassment and detention of those still seeking democratic reform. This resolution makes a simple, clear request, one that the Senate has made many times before—free the Tiananmen Square democratic protesters and accept the legitimacy of the voices that still cry out for peaceful democratic reform in China.

Mr. President, first I would like this opportunity to express my deep regret at the unfortunate, and unintentional, bombing of the Chinese Embassy in Belgrade. Regardless of my continuing concerns with some of China's practices, I certainly feel great sorrow that innocent civilians were hurt under these circumstances.

Nevertheless, we can not, we will not, let this tragic accident, nor the impact it may have on our relations with China, silence our voices on the subject of democracy and human rights in China, or cause us to overlook the continuing ramifications of the events in Tiananmen Square ten years ago. China's human rights practices remain abhorrent, and we will not allow recent events to dampen our continued vigilance and willingness to condemn such practices. It is noteworthy that the demonstrations in China in reaction to the bombing are perhaps the largest since the Tiananmen Square protests. It is ironic that public protest is OK when it serves the government's interest, and not OK when it threatens the government's hold on power. This is an unacceptable double standard, and I believe we would be derelict in our duties if we did not keep our attention focused on the lack of freedom in China.

As we all know, this April, under considerable pressure from the Congress, the United States sponsored a resolution at the United Nations Commission on Human Rights to condemn China's ongoing abuses of human rights. As in past years, China's leaders aggressively lobbied against efforts at the Commission earlier and more actively than the countries that supported the resolution. Once again, Beijing's vigorous efforts have resulted in a "no action" motion at the Commission. While I commend the Administration's actions this year, I question whether our late and halfhearted support for condemnation of China doomed that resolution to failure. We must not allow China to believe that its human rights practices are acceptable. We must remember that if was only under the pressure of previous Geneva resolutions that China signed in 1997 the UN Covenant of Social Economic and Cultural Rights and in October 1998 the International Covenant on Civil and Political Rights. We should also not overlook the fact that neither of these important international documents has yet been ratified or implemented.

Mr. President, while recent attention has been drawn to the Embassy bombing, repeated allegations of espionage and of efforts to influence our elections, and the negotiations for China's entrance to the WTO, these current concerns should not obscure our views of the ongoing human rights abuses that abound throughout China and Tibet. According to Amnesty International, the human rights situation in China shows no fundamental change, despite the recent promises from the government of China. At least 2,000 people remain in prison for counterrevolutionary crimes that are no longer even on the books in China. At least 200 individuals detained or arrested for Tiananmen Square activities a decade ago are also still in prison. By China's own statistics, there are nearly a quarter of a million Chinese people imprisoned under the "re-education through labor" system. This situation demonstrates that China has yet to learn the lesson of Tiananmen Square—that the aspiration of the Chinese people for human rights and democratic reform will not disappear with time or repression.

On this, the tenth anniversary of the traumatic Tiananmen Square massacre, we must remember the brave Chinese citizens who stood before the tanks and gave their lives to express their hopes for freedom. They breathed their last on the bloody pavement of Tiananmen, hoping that their sacrifice would help bring democratic reform and respect for human rights to their fellow countrymen. We must continue to honor those who made such dramatic sacrifices for their beliefs. In this momentous year in which China marks not only the tenth anniversary of Tiananmen Square, but also the fiftieth anniversary of the founding of the People's Republic of China, we must not choose silence on this issue. Only by repeating our demands for change, can we appropriately honor those who were willing to sacrifice all to achieve a better life for the people of China.

Mr. President, I strongly commend my friends, the Senator from Arkansas (Mr. HUTCHINSON) and the Senator from Minnesota (Mr. WELLSTONE) for their leadership on this important, long-standing issue.•

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. GRAMS. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, May 18, 1999, at 9:30 a.m. on TV violence and safe harbor legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. GRAMS. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Tuesday, May 18, 1999 beginning at 10:00 a.m. in room 215 Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. GRAMS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on "ESEA: Educating the Forgotten Half" during the session of the Senate on Tuesday, May 18, 1999, at 10:00 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CLEAN AIR, WETLANDS, PRIVATE PROPERTY, AND NUCLEAR SAFETY

Mr. GRAMS. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air, Wetlands, Private Property, and Nuclear Safety be granted permission to conduct a hearing on the Environmental Protection Agency's proposed sulfur standard for gasoline as contained in the proposed Tier Two standard for automobiles Tuesday, May 18, 9:30 a.m., Hearing Room (SD–406).

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENERGY RESEARCH, DEVELOPMENT, PRODUCTION, AND REGULATION

Mr. GRAMS. Mr. President, I ask unanimous consent that the Subcommittee on Energy Research, Development, Production, and Regulation of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, May 18, for purposes of conducting a subcommittee hearing, which is scheduled to begin at 2:30 p.m. The purpose of this hearing is to receive testimony on S. 924, the Federal Royalty Certainty Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FORESTRY CONSERVATION AND RURAL REVITALIZATION

Mr. GRAMS. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry Subcommittee on Forestry, Conservation and Rural Revitalization be allowed to meet during the session of the Senate on Tuesday May 18, 1999. The purpose of this meeting will be to discuss noxious weeds and plant pests.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

OLDER AMERICANS MONTH

• Mr. GRASSLEY. Mr. President, it may be human nature to overlook the hardships of previous generations. We don't think about suffering we don't have to endure. This is the way it should be. And this is the hope of America's innovators, who work to ease misfortune for our children and grandchildren.

One of those innovators is a 101-year-old woman from Sioux City, Iowa. Louise Humphrey was a leading light in the battle against polio, one of the most terrifying illnesses of our century. Because of her work, and the work of others devoted to finding a cure, polio is virtually non-existent in our country.

It's hard for anyone who didn't live through the 1940s and 1950s to understand fully the fear of polio. The disease was highly contagious and sometimes fatal. It attacked the lungs and the limbs. It immobilized its victims, made them struggle for breath and often forced them to breathe through mechanical iron lungs. Parents wouldn't allow their children to go swimming, or to drink out of public fountains, for fear of contagion. Those children fortunate enough to escape the illness saw their classmates return to school in leg braces and watched news reels of people in iron lungs.

At the height of the epidemic, during the late 1940s and early 1950s, polio struck between 20,000 to 50,000 Americans each year. In one year—1952—58,000 people caught the disease. Most of them were children.

Mrs. Humphrey of Sioux City became interested in polio before the height of the epidemic. In the 1930s, according to the Sioux City Journal, she saw firsthand the ravaging effects of polio after meeting a man who had been disabled by the disease. She and her husband, the late Dr. J. Hubert Humphrey, a Sioux City dentist, became leaders in the fight against polio. They headed the Woodbury County chapter of the National Foundation for Infantile Paralysis. Mrs. Humphrey was elected state chairman of the woman's division of the foundation.

The Humphreys raised thousands of dollars for equipment and therapy to battle the disease. They enlisted entertainers and circus performers in the cause, hosting these individuals at fund-raising parties. Their guests included Bob Hope, clown Emmett Kelly and a ham sandwich-eating elephant.

Their work contributed to a climate in which Jonas Salk developed the first polio vaccine. His vaccine, and another developed by Dr. Albert Sabin, soon became widely available. Polio is virtually non-existent in our country, although it remains a Third World threat.

Mrs. Humphrey has said she has no secret for living such a long life. She advises people to "just be happy and be well." She has never had an ache or pain. What she did have in abundance was empathy, kindness, generosity and devotion. Because of her contributions, millions of American children will live without a debilitating disease.

On June 3, Mrs. Humphrey will turn 102. In advance of her birthday, during Older Americans Month, I want to thank Mrs. Humphrey for helping to make our country strong. Mrs. Humphrey, with her clear vision and compassionate concern for America's children, perfectly illustrates the theme of Older Americans Month: "Honor the Past, Imagine the Future: Toward a Society for All Ages."•

TRIBUTE TO JOE TAUB

• Mr. LAUTENBERG. Mr. President, I rise today to pay tribute to a great friend, Joe Taub, in celebration of his 70th birthday on May 19th. Joe is a tremendously hard worker and a world-class philanthropist, and I'm proud to say he's been my friend for almost 50 years.

Joe came from humble beginnings in Paterson, NJ to join me in founding Automatic Data Processing in 1949. Today, the company employs over 30,000 people in the U.S. and Europe. Even after leaving ADP in 1971, Joe continued to lead an active business life, starting his own company and becoming owner of the New Jersey Nets basketball team. Along the way, Joe donated his time to several charities and with his wife, Arlene, established the Taub-Gorelick Laboratory at Memorial Sloan Kettering Cancer Center to aid breast cancer victims.

Joe has always worked to improve the world around him. To help keep inner city kids off the streets, he financed several scholarships and started the Taub-Doby Basketball League. And he contributed to the redevelopment of Paterson by giving the city a museum documenting its history.

Mr. President, Joe isn't remarkable just for his business achievements and philanthropy. He's also been a loving, devoted husband for 45 years and has done a wonderful job as a father and grandfather.

I would like to extend my heartfelt best wishes to a long-time friend and former business partner in honor of his 70th birthday. Joe, on behalf of myself and all those whose lives you have touched, we wish you the best.•

HONORING SAMUEL STROUM

• Mr. GORTON. Mr. President, I submit the following letter to be printed in the Record.

The letter follows:

U.S. Senate,
Washington, DC, June 19, 1999.

Mr. Kerry Killinger,
Honorary Chair, North West Industry Partnership, Seattle, WA.

Dear Mr. Killinger: tonight, you are gathered to recognize the outstanding accomplishments of Samuel Stroum. Nothing could give me more pleasure than to congratulate my friend, Sam Stroum, the 1999 recipient of the Donnall Thomas Medal of Achievement award. Dr. Thomas was a man of great vision, integrity, determination, and he possessed a strong commitment to helping his fellow citizens. Because Sam personifies these same characteristics, it is only fitting that he should be the recipient of this award.

For half a century, Sam has been an established leader in our state. Sam has continued to give back to his community in immeasurable and invaluable ways. He has set the tone, led by example, and has propelled his peers to do better. Tonight as Sam is being lauded for his many accomplishments and contributions, I suspect that there as many untold stories where Sam has quietly made a difference.

In the past decade, our state has experienced tremendous developments in the high-tech industry. From the very beginning, Sam could see the future of that industry and knew how it would benefit Washington. He encouraged its development and became actively involved in expanding the software business in Washington, creating more jobs and spurring unprecedented economic growth.

More importantly, Samuel understands that there is more to life than business. There is art, community cohesion, and the need and desire to continue one's education. Sam has rescued community centers from financial disaster, expanded art galleries, and raised funds for hundreds of organizations.

Sam is an invaluable asset to our community for his vision, leadership, and compassion for those in need. I am convinced that Washington state is far better because of him.

Sincerely,

Slade Gorton,
U.S. Senator.•

TRIBUTE TO THE RIGHT REVEREND MARION BOWMAN

• Mr. GRAHAM. Mr. President, I rise today to offer a solemn tribute to an educator and clergyman whose life spanned most of this great century: the Right Reverend Marion Bowman of Florida.

Father Marion Bowman passed away last week, and was buried on Friday, May 14, 1999, at the St. Leo Abbey Cemetery. As coach, teacher and president, Father Bowman was a guiding force at St. Leo College in St. Leo, FL. He is survived by a large and loving family, and a legion of alumni and friends of St. Leo College.

Born on June 30, 1905, in Lebanon, KY, he made his first profession of vows twenty years later, and was ordained as a priest in 1931. His association with St. Leo began as a young man; he graduated from St. Leo College Prep School in 1923.

Father Bowman served as the third abbot of St. Leo Abbey, from 1954-69. On April 27, 1970, Father Bowman was elected president of St. Leo College and served on the institution's Board of Trustees as well.

A versatile man, Father Bowman taught math, physics and chemistry at the prep school, and for four years was St. Leo's sole coach, heading the football, baseball, basketball and track teams. He also served as athletic director, and played a key role in converting St. Leo from a prep school to a college.

In 1971, St. Leo College bestowed an honorary Doctor of Humanities degree on Father Bowman.

Mr. President, as we approach a new millennium and look back on the all-but-completed Twentieth Century, we are reminded of the importance of the dedicated people who impart knowledge, teach values, coach athletes and manage our schools. Father Marion Bowman—teacher, cleric and friend of St. Leo College—did all those things and many more, and we salute his dedication and his multiple contributions.•

DEPLOYMENT OF A NATIONAL MISSILE DEFENSE

Mr. HATCH. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 78, H.R. 4.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4) to declare it to be the policy of the United States to deploy a national missile defense.

There being no objection, the Senate proceeded to consider the bill.

Mr. HATCH. Mr. President, I ask unanimous consent that all after the enacting clause be stricken and the text of S. 257, as passed by the Senate, be inserted in lieu thereof. I further ask consent that the bill then be read a third time and passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4), as amended, was read the third time and passed.

PUBLIC SAFETY MEDAL OF VALOR ACT

Mr. HATCH. I ask unanimous consent that the Senate now proceed to the consideration of calendar No. 95, S. 39.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 39) to provide a national medal for public safety officers who act with extraordinary valor above and beyond the call of duty, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. I commend, as a cosponsor, Senator Stevens and the others who worked so hard on this.

Mr. HATCH. I feel exactly the same way.

I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed at the appropriate place in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 39) was read the third time and passed, as follows:

S. 39

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be referred to as the "Public Safety Medal of Valor Act".

(b) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Authorization of Medal of Valor.
Sec. 3. Medal of Valor Review Board.
Sec. 4. Board personnel matters.
Sec. 5. National medal office.
Sec. 6. Definitions.
Sec. 7. Authorization of appropriations.
Sec. 8. Conforming repeal.
Sec. 9. Consultation requirement.

SEC. 2. AUTHORIZATION OF MEDAL OF VALOR.

The President may award, and present in the name of Congress, a Medal of Valor of appropriate design, with ribbons and appurtenances, to a public safety officer who is cited by the Attorney General, upon the recommendation of the Medal of Valor Review Board, for extraordinary valor above and beyond the call of duty. The Public Safety Medal of Valor is the highest national award for valor by a public safety officer.

SEC. 3. MEDAL OF VALOR REVIEW BOARD.

(a) Establishment of Board.—There is hereby established a Medal of Valor Review

Board (hereafter in this Act referred to as the "Board"), which shall be composed of 11 members appointed in accordance with subsection (b), and shall conduct its business in accordance with this Act.

(b) MEMBERSHIP.—

(1) MEMBERS.—The members of the Board shall be individuals with knowledge or expertise, whether by experience or training, in the field of public safety, of which—

(A) two shall be appointed by the Majority Leader of the Senate;

(B) two shall be appointed by the Minority Leader of the Senate;

(C) two shall be appointed by the Speaker of the House of Representatives;

(D) two shall be appointed by the Minority Leader of the House of Representatives; and

(E) three shall be appointed by the President, including one with experience in firefighting, one with experience in law enforcement, and one with experience in emergency services.

(2) TERM.—The term of a Board member shall be 4 years.

(3) VACANCIES.—Any vacancy in the membership of the Board shall not affect the powers of the Board and shall be filled in the same manner as the original appointment.

(4) OPERATION OF THE BOARD.—

(A) MEETINGS.—The Board shall meet at the call of the Chairman, who shall be elected by the Board, and shall meet not less than twice each year. The initial meeting of the Board shall be conducted not later than 90 days after the appointment of the last member of the Board.

(B) VOTING AND RULES.—A majority of the members shall constitute a quorum to conduct business, but the Board may establish a lesser quorum for conducting hearings scheduled by the Board. The Board may establish by majority vote any other rules for the conduct of the Board's business, if such rules are not inconsistent with this Act or other applicable law.

(c) DUTIES.—The Board shall select candidates as recipients of the Medal of Valor from among applications received by the National Medal Office. Not more than once each year, the Board shall present to the Attorney General the name or names of persons it recommends as Medal of Valor recipients. In a given year, the Board is not required to select any recipients, but is limited to a maximum number of 10 recipients. The Attorney General may in extraordinary cases increase the number of recipients in a given year. The Board shall set an annual timetable for fulfilling its duties under this Act.

(d) HEARINGS.—

(1) IN GENERAL.—The Board may hold such hearings, sit and act at such times and places, administer such oaths, take such testimony, and receive such evidence as the Board considers advisable to carry out its duties.

(2) WITNESS EXPENSES.—Witnesses requested to appear before the Board may be paid the same fees as are paid to witnesses under section 1821 of title 28, United States Code. The per diem and mileage allowances for witnesses shall be paid from funds appropriated to the Board.

(e) INFORMATION FROM FEDERAL AGENCIES.—The Board may secure directly from any Federal department or agency such information as the Board considers necessary to carry out its duties. Upon the request of the Board, the head of such department or agency may furnish such information to the Board.

(f) INFORMATION TO BE KEPT CONFIDENTIAL.—The Board shall not disclose any information which may compromise an ongoing law enforcement investigation or is otherwise required by law to be kept confidential.

SEC. 4. BOARD PERSONNEL MATTERS.

(a) COMPENSATION OF BOARD MEMBERS.—

(1) NON-GOVERNMENT.—Except as provided in paragraph (2), each member of the Board shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Board.

(2) GOVERNMENT.—All members of the Board who serve as officers or employees of the United States, a State, or local government, shall serve without compensation in addition to that received for those services.

(b) TRAVEL EXPENSES.—The members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter 1 of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of service for the Board.

SEC. 5. NATIONAL MEDAL OFFICE.

There is established within the Department of Justice a national medal office. The office shall generally support the Board and shall, with the concurrence of the Board, establish criteria and procedures for the submission of recommendations of nominees for the Medal of Valor.

SEC. 6. DEFINITIONS.

For purposes of this Act—

(1) the term "public safety officer" means a person serving a public agency, with or without compensation, as a firefighter, law enforcement officer (including a corrections or court officer or a civil defense officer), or emergency services officer, as defined by the Attorney General in implementing this Act; and

(2) the term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Attorney General such sums as may be necessary to carry out this Act.

SEC. 8. CONFORMING REPEAL.

Section 15 of the Federal Fire Prevention and Control Act of 1974 is repealed.

SEC. 9. CONSULTATION REQUIREMENT.

The Attorney General shall consult with the Institute of Heraldry within the Department of Defense regarding the design and artistry of the Medal of Valor. The Attorney General shall also consider suggestions received by the Department of Justice regarding the design of the medal, including those made by persons not employed by the Department.

ORDERS FOR WEDNESDAY, MAY 19, 1999

Mr. HATCH. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m. on Wednesday, May 19. I further ask that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. HATCH. For the information of all Senators, the Senate will convene at 10 a.m. and immediately resume debate on the juvenile justice bill. New amendments to that legislation can be offered until 12:20 p.m. during tomorrow's session. At 12:20 p.m., the Senate will begin debate on amendments Nos. 357, 358, 360, and 361, which were previously offered to the bill. Senators can expect a stacked series of four votes to begin at 1 p.m. I encourage my colleagues to offer their amendments tomorrow morning so that we can finish this important legislation in a timely manner.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. HATCH. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:44 p.m., adjourned until Wednesday, May 19, 1999, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate May 18, 1999:

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

JACK E. HIGHTOWER, OF TEXAS, TO BE A MEMBER OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE FOR A TERM EXPIRING JULY 19, 1999, VICE ROBERT S. WILLARD, RESIGNED.

JACK E. HIGHTOWER, OF TEXAS, TO BE A MEMBER OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE FOR A TERM EXPIRING JULY 19, 2004. (REAPPOINTMENT)

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSON OF THE AGENCY INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF THE CLASS STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HEREWITH:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

STEPHEN A. DODSON, OF TEXAS

HOUSE OF REPRESENTATIVES—*Tuesday, May 18, 1999*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. PEASE).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 18, 1999.

I hereby appoint the Honorable EDWARD A. PEASE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. PAUL) for 5 minutes.

SUPPLEMENTAL APPROPRIATIONS

Mr. PAUL. Mr. Speaker, we will later today vote on the conference report to H.R. 1141, the bill to further fund NATO's aggression in Yugoslavia. The President has requested $7.9 billion but Congress has felt compelled to give him $15 billion.

Congress does not endorse the war. We voted overwhelmingly against declaring war and yet we are giving the President twice the amount he requested to wage the war. It does not make any sense.

We are asking the President to seek reimbursement from NATO members since we have assumed the financial burden for fighting this war. This has tremendous appeal but cannot compensate for the shortsightedness of spending so much in the first place. The money may well never be recouped from our allies, and even if some of it is it only encourages a failed policy of military adventurism. If this policy works, the United States, at Congress' urging, becomes a hired gun for the international order, a modern day government mercenary. This is not constitutional and it is a bad precedent to set.

Reimbursement for the Persian Gulf War has helped to perpetuate that conflict now going on for nearly a decade. It is time to think about a more sensible foreign policy.

We should not encourage the senseless and immoral NATO aggression against Serbia. The funding of this war should not be approved, no matter what special interest appropriations have been attached to the initial request to gain support for this special spending measure.

Our bombing continues to complicate the mess we helped create in Yugoslavia. Just about everyone concedes that the war cannot be won without massive use of ground troops, which fortunately no one is willing to commit. So the senseless bombing continues while civilian casualties mount. And whom are we killing? It looks like we are killing as many innocent Albanians for whom we have gone to war as innocent Serbs.

Why are we killing anybody? There has been no aggression against the United States and no war has been declared. It is time to stop this senseless bombing.

The U.S. has become the world's bully. In recent months we have bombed Serbia, Bulgaria, Kosovo, Afghanistan, Sudan, Iraq and China; and in recent years, many others.

The fetish we have with bombing anybody who looks cross-eyed at us has preoccupied our leaders for several decades regardless of which party has been in power.

We may not be willing to admit it, but it is hardly the way to win friends and influence people. It is lousy diplomacy. It must stop. The only reason we get away with it is because we are the military and economic superpower, but that only leads to smoldering resentment and an unsustainable financial commitment that will in due time come to an end. Our superiority is not guaranteed to last.

NATO, through their daily briefings, has been anxious to reassure us that its cause is just. Yet NATO cannot refute the charge that the refugee problem was made much worse with the commencement of the bombing.

Yesterday it was reported in the Los Angeles Times by Paul Watson, in stark contrast to NATO's propaganda, that in Svetlje, Yugoslavia, 15,000 Albanians displaced by the bombing remain near their homes in north Kosovo, including hundreds of young military age men, quote, strolling along the dirt roads or lying on the grass on a sunny day. There were no concentration camps, no forced labor and no one serving as human shields according to an Albanian interviewed by the Los Angeles Times. Many admitted they left their homes because they were scared after the bombing started. Some of the Albanians said the only time they saw the Serb police was when they came to sell cigarettes to the Albanians.

We should not be in Yugoslavia for obvious constitutional and moral reasons, but the American people should not believe the incessant propaganda that is put out by NATO on a daily basis. NATO's motives are surely suspect. I meet no one who can with a straight face claim that it was NATO's concern for the suffering of the refugees that prompted the bombing and demands by some to escalate the war with the introduction of ground troops.

Even with NATO's effort to justify its aggression, they rarely demonstrate a hit on a military target. All this fine star wars technology and we see reruns of strikes with perfect accuracy hitting infrastructures like bridges and buildings. I have yet to see one picture of a Serbian tank being hit, and I am sure if they had some classy film like that we would have seen it many times on the nightly television.

NATO must admit its mistake in entering this civil war. It violates the NATO treaty and the U.N. Charter, as well as the U.S. Constitution. The mission has failed. The policy is flawed. Innocent people are dying. It is costing a lot of money. It is undermining our national security and there are too many accidents.

I am sick and tired of hearing NATO's daily apologies.

There's nothing America can be proud of in this effort and if we don't quickly get out of it, it could very well escalate and the getting out made impossible. The surest and quickest way to do this is for Congress today to reject the funding for this war.

The only answer to senseless foreign intervention is a pro-American constitutional policy of non-intervention in the affairs of other nations; a policy of friendship and trade with those who are willing and neutrality with others who are involved in conflict. This is the only policy that makes sense and can give us the peace and prosperity all Americans desire.

KUDOS FOR BETTE MIDLER

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Oregon (Mr. BLUMENAUER) is recognized during morning hour debates for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, my goal in Congress is to help the Federal Government be a better partner with State and local governments, with business and private citizens, to do everything it can in promoting livable communities, because what our families really care about is that their children are safe when they go out the door to school in the morning, that families are economically secure and healthy.

There is a vital component to this livability movement that goes well beyond the crafting of Federal legislation. The most powerful livability champions out there make the message real. They are the folks who take the rhetoric one step farther and actually walk the talk. For the last 3 months I have been especially intrigued by one such person, Bette Midler, who first got my attention when she took to national syndicated television a few months back and confessed that if she had not gone into entertainment she probably would have pursued a career as an urban planner, and she certainly has moved to the forefront in promoting livability with her personal advocacy and investment.

This was most apparent last week when she spearheaded the rescue of 112 pocket parks and community gardens in New York City from being sold for redevelopment. Had Miss Midler not stepped in, along with the Trust for Public Land and a group that she founded in 1994, the New York Restoration Project, a great number of New Yorkers would have lost the joy they have received from these gardens.

Over a third of a century ago, author Jane Jacobs captured in her book, The Life and Death of Great American Cities, the importance of places for people to congregate over sterile formal parks, planned with even the best of intentions, in ways that do not speak to people's needs for diversity and connection.

In threatening to auction these small gardens to the highest bidder, Mayor Giuliani not only added to the evidence that he does not get the revitalization taking place in New York City, that it needs to be about more than simply adding police officers on the corner, talking tough and bribing the New York Yankees to stay in New York City.

Revitalization is most effective when it brings people together. When people invest in their communities, they feel that they have ownership in the neighborhood, and this feeling of ownership is undoubtedly the most effective deterrent to crime and deterioration.

Community gardens take little enclaves that otherwise might be garbage dumps or staging areas for crime and turns them not just into green oasis but a place where people want to go. They define community pride, engagement and involvement.

Under the guise of providing money and housing opportunities, Giuliani proposed selling off for a couple million dollars these little neighborhood gems. Put aside for a moment that the amount of money is minuscule compared to the hundreds of millions of dollars Giuliani has talked about subsidizing for a few selected businesses. Also ignore for a moment that there are thousands of run-down, dilapidated buildings and vacant lots that would be prime candidates for redevelopment in New York City.

This case illustrates the strengths of partnership and why I for one do not trust any one single level of government on its own because there is clearly enough insensitivity and ineptitude to go around.

The public which has fought so hard to establish these toeholds fortunately pushed back, and luckily the partners existed in New York City that make livable communities strong and vital. They provided not just money and interest but the spark that brought those pieces together.

Today the community gardens are safe, New York City is richer and hopefully politicians like Giuliani have learned a lesson. Sometimes that just means listening to the people about what makes communities and neighborhoods work.

Congress can certainly do its part by enacting legislation to make contributions to the public easier for things like scenic and conservation easement, agriculture and timberlands and wetland conservation. The public has learned, with the help of Miss Midler and others, that it can challenge city hall and win, which may be the most important lesson of all for livable communities.

ADDRESSING THE CONCERNS OF FOLKS BACK HOME

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Illinois (Mr. WELLER) is recognized during morning hour debates for 5 minutes.

Mr. WELLER. Mr. Speaker, it is my privilege to represent a very diverse district in Illinois. I represent the south side of Chicago and the south suburbs in Cook and Will Counties, a lot of bedroom communities and farm towns, too. When one represents such a diverse district, they learn to listen to the concerns back home and try and respond to those concerns.

I have had one very common message that I hear in the city and in the suburbs and in the country in the diverse district that I represent, and that message is pretty simple. People back home want us to work together and find solutions to the challenges that we are facing.

I am proud to say that over the last 4½ years, we have listened and we have responded to those concerns to work to change how Washington works, to make Washington more responsive to the folks back home. I am proud to say that we accomplished some things we were told we could not do. We were told we could not balance the budget. We were told we could not balance the budget and lower taxes. We were told we could never reform our welfare system, but we did.

I am proud to say in the last 4½ years that we balanced the budget for the first time in 28 years, producing a projected $2.8 trillion surplus of extra tax revenues. We lowered taxes for the middle class for the first time in 16 years and 3 million Illinois children now qualify for the $500 per child tax credit back home in my State of Illinois. That is $1.5 billion that will stay in Illinois rather than coming here to Washington.

We also reformed our welfare system, which was failing beyond imagination. We reformed our welfare system for the first time in a generation. As a result of our welfare reform, we have seen the welfare rolls in Illinois cut in half. We have balanced the budget. We lowered taxes for the middle class. We reformed our welfare system. That is pretty good.

Folks often say those are real accomplishments, but what is next on Congress' agenda? We are working to continue responding to the issues and concerns of the folks back home and we have a simple agenda in this Congress. The Republican agenda is simple: Good schools, low taxes and a secure retirement for all America, and our budget that were working on today reflects that.

I am often asked some questions in town meetings back home. One of the most important ones we addressed this year. I am often asked by folks, whether at a senior citizen's center, a union hall or a VFW, when are the politicians in Washington going to stop raiding the Social Security trust fund? That is a pretty important, basic question. Of course, Washington has raided the Social Security trust fund for over 30 years. Back when LBJ was president, Washington began that process, and bad habits are hard to break. I am proud to say this Republican Congress is going to lock away 100 percent of Social Security revenues for social security only.

□ 1245

Let me point out here what this means, and I will compare the Republican budget with the Clinton-Gore budget on Social Security. The Republican budget, of course, locks away 100 percent of Social Security for Social

Security. I would point out that $137 billion of the Social Security surplus under our lockbox will stay in Social Security.

Now, the President talks about 62 percent of the surplus for Social Security, and what the President and Vice President Gore are talking about doing is spending 38 percent of Social Security on other things. That is what the folks back home call raiding the Social Security Trust Fund.

Republicans say 100 percent of Social Security for Social Security. Clinton-Gore, they say 62 percent and spend the rest on other things. We want to put a stop to that, and that is why the lockbox proposal Republicans are moving through the Congress is so important, because it is the first step we should take as we work to save Social Security. Let us lock away Social Security first before we consider any other reforms.

Another question I am often asked is no one ever talks about the national debt. Let me point out that in this budget this year, we are in a position where we are going to be able to pay down $1.8 trillion of the national debt. Last year we paid off $50 billion; this year we are projected to pay off $100 billion of the national debt, and under our budget we propose the potential of paying down $1.8 trillion of the national debt. Saving Social Security, paying down the debt.

I am also asked at the union halls and the VFWs and the other community centers and the grain elevators in the district that I represent, when are we going to do something about the tax burden on families? Today the average family in Illinois sends 40 percent of their income to Washington and Springfield and the local courthouse in taxes.

The tax burden today for the middle class is at its highest level ever in peacetime history. Twenty-one percent of our gross domestic product goes to Washington. That is the highest level ever in peacetime history, and it is putting a tremendous squeeze on middle class families.

I believe as we work to lower the tax burden on middle class families we should simplify the Tax Code; we should work to bring fairness to the Tax Code, beginning with the elimination of the marriage tax penalty. It is simply wrong that under our Tax Code 21 million married working couples on average pay $1,400 more in higher taxes just because they are married. Let us lower taxes by simplifying the Tax Code by eliminating the marriage tax penalty, let us pay down the national debt and let us save Social Security.

ISRAEL'S COMMITMENT TO DEMOCRATIC VALUES CONTINUES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Texas (Mr. BENTSEN) is recognized during morning hour debates for 5 minutes.

Mr. BENTSEN. Mr. Speaker, as we all know, yesterday the people of Israel demonstrated their commitment to democratic values by electing a new Prime Minister, Ehud Barak, a highly respected, decorated soldier and former leader of the Israeli Army. Despite the strong differences voiced during the campaign, both Mr. Barak and Prime Minister Netanyahu deserve our congratulations for articulating thoughtful visions for the people of their country.

As he prepares to leave office, I commend Prime Minister Netanyahu's accomplishments. He stood by his commitment to take Israel down a road of less reliance on U.S. economic assistance and a greater reliance on the powerful forces of capitalism and free markets. I commend him for setting his nation on a course of economic independence. Because of his willingness to work with his fellow citizens and his demonstrated leadership, Israel is a vibrant, strong, self-reliant nation.

The Prime Minister-elect, Ehud Barak, left the ranks of the military just four years ago after a highly distinguished 36-year career as a platoon leader, tank battalion chief, senior intelligence analyst and head of the Israeli Army. As Israel's most decorated soldier, Ehud Barak is perhaps best known as the catalyst of the 1972 storming of a Sabena airliner hijacked by guerrillas at Tel Aviv's airport.

Following his retirement from the military, Mr. Barak served as the Army Chief of Staff and Interior Minister under former Prime Minister Yitzhak Rabin, then Foreign Minister under Prime Minister Shimon Peres. When I traveled to Israel in 1997, I had a chance to meet with Mr. Barak, who was serving as the leader then of the Labor Party. I was impressed with Mr. Barak's meticulous attention to detail, commitment to important issues, and his construction of an aggressive grassroots political operation. Throughout the campaign, Barak promised, if elected, to continue Yitzhak Rabin's legacy of reviving negotiations with the Palestinians and making an impassioned personal commitment to the peace effort.

I am also impressed with Prime Minister-elect Barak's appreciation and understanding of the American-Israeli partnership, a partnership that goes beyond common political and strategic bonds. Both nations share a common set of values: freedom, individual responsibility, hope and opportunity. It is no coincidence that the birth of Israel coincided with the rise of the United States as the world's preeminent power. Our futures, both the United States' and Israel's, are tightly intertwined. Our shared traditions, which respect and value human rights, democracy, free speech, religious tolerance, are the seeds of a lasting peace throughout the world and in the Middle East.

The elections held yesterday are proof that the people of Israel are determined to withstand pressures and maintain a democracy, build a vibrant economy and achieve peace and security in the entire region. Our Nation has watched and admired a brave, determined and sometimes very divided people build a democracy under difficult circumstances that often have tested their resolve.

Throughout the past decade, Israel has lived and thrived through especially difficult circumstances: the assassination of Israel's great leader Yitzhak Rabin, repeated terrorist attacks, waves of immigrants challenging Israel's complex and the very contentious national elections. Through it all, the people of Israel stood strong, holding to its values and its belief that their country will remain strong and at peace.

I have also been encouraged by Mr. Barak's willingness to return to the land-for-peace Israeli commitments under the Wye River Peace Agreement brokered by President Clinton last October. As the Israeli government now changes hands, I am hopeful that the Middle East peace process can take meaningful steps forward.

It is critical that the United States continue to support Israel's commitment to see an end to terrorist aggression and State-sponsored attacks against its citizens and cities. We must also support Israel's desire to move the peace process by requiring that existing peace agreements be respected by all sides. We should embrace these conditions, for they have at their core the values of any true democracy, the values of personal freedom.

Now that the citizens of Israel have spoken again, we must work to ensure that the Nation of Israel remains on course towards peace. Because of the perseverance, ingenuity and faith of its people, Israel has overcome the most daunting of challenges and become one of the world's great nations. I am confident that the people of the United States stand ready to help the people of Israel as they continue moving down a road of peace, security and economic self-reliance.

ENFORCE THE WAR POWERS ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from North Carolina (Mr. JONES) is recognized during morning hour debates for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, 56 days ago President Clinton launched a massive offensive air campaign against Yugoslavia. Over the past few weeks we have witnessed the capture and release of three United States soldiers. We have seen destruction, lives lost, and hundreds of thousands of men, women and children forced to leave their homes and seek refuge.

Most would call this a war. But Article I, Section 8 of the United States Constitution grants Congress, not to the Commander in Chief, the authority to declare war. Approaching two months of repeated air strikes, President Clinton has never asked for congressional authorization. Now, in order to proceed with Operation Allied Force, President Clinton must either ask Congress for authorization or remove our troops from the region. Unfortunately, he has made no indication that he is eager to do either.

Mr. Speaker, I am disappointed that President Clinton has violated our Constitution as it pertains to the declaration of war. Therefore, I join the efforts of the gentleman from California (Mr. CAMPBELL) and 15 of our colleagues in the House in filing a lawsuit against President Clinton in order to clarify Congress's constitutional war authority. I regret that we are forced to call upon the courts, but until we do, further administrations will continue to violate the Constitution and the War Powers Act.

Mr. Speaker, I agree with many of my colleagues who have very grave doubts about the United States involvement in Operation Allied Force. While I agree that the situation in Kosovo is a tragic one, our national security is not threatened. Our armed services already suffer from years of neglect under this administration. When we continue to commit troops in our limited resources on peacekeeping operations, we undermine our military's primary goals, to protect and defend the citizens of this great country, and we leave ourselves vulnerable in an unstable post-Cold War climate.

Mr. Speaker, a constituent of mine recently forwarded to me a letter from Charles Hunter, a military Reservist who served in Bosnia for nine months. I want to share with my colleagues some of what he observed. I feel very strongly that his words and observations will prove much more powerful than my own.

In an open letter to Congress, Mr. Hunter wrote, "It would be interesting to note what light further history will cast on the actions currently being implemented by this administration and enabled by this Congress." Mr. Hunter further states, "It is interesting to note that this is the first time that we have attacked another sovereign nation unprovoked and uninvited by a host or exiled government." He further states, "To me, this is a huge and pivotal point, the possible effects of which are frightening." Mr. Hunter further states, "Should we some day have a revolution in our land that is an affront to some sort of world entity, we have now forfeited the right to handle things as we as a Nation see fit. If we continue down this road before us, we will be handing national sovereignty, for any Nation, over to some non-elected multinational body."

Mr. Hunter further states, "My oath as a soldier and yours as a Senator included the phrase, 'to uphold and defend the Constitution of the United States against all enemies, foreign and domestic.' Never has there been a vow made to an international constitution or treatise, so why the concern over the honor of NATO? Why is Congress not concerned with the honor of the United States?"

Mr. Speaker, these are words of a United States soldier who spent nine months in the Balkans, and he is absolutely correct. We need to restore the honor we once valued and treasured. President Clinton, my colleagues in Congress and I took an oath to uphold and defend the Constitution. Especially now, we must keep that oath. Once again, I urge the President to seek congressional authority to declare war or bring our troops home.

Mr. Speaker, in closing, I will submit the full text of Mr. Hunter's letter for the RECORD. God bless our troops and God bless this Nation.

A BALKANS SOLDIER'S OPEN LETTER

(By Charles W. Hunter)

I am a reservist. I have served in Bosnia for nine months. I am a linguist and interviewed between 100 and 200 people each day while I was there. I have also had the unique experience of losing a job due to my reserve commitment. I do hope that you will take these following points into consideration as you think about the possible future commitment of ground forces to, and our general involvement in, Yugoslavia.

As a point of clarification, I refer to the leader of the United States as "impeached" President Clinton, because that is the title that the House of Representatives voted to give him. I am not demeaning the office of the president or the person of William Jefferson Clinton. They, not I, put him in a classification different from recent past presidents.

1. THE YUGOSLAV PEOPLE DO NOT THINK AS WE DO

Due to the unique position and job which I had while I was in Bosnia, I had the opportunity to interview between 100 and 200 people each day for nearly 8 months. These people were mostly Croats and Muslims. However, during the last month of my tour my focus was with the Serbs. Because I had learned the language, these people felt that I was different than the majority of British and American soldiers they met and as a result they opened up to me. All of these people told me that as soon as we leave, if it is in one year, five years, or fifty years, they will go back to killing each other.

All of the sides committed mass executions, as is the case in Kosovo now. Look at the history of the region. I think that you will find it was not too long ago that the KLA was viewed to be a terrorist organization. They were raping, executing, burning and looting the Serbs in an attempt to drive them out of Kosovo. This was not that long ago. Our response at the time was probably tempered by the fact that our Secretary of State was not Serb, as now Mrs. Albright is Albanian. These people do not forget the wrongs done to them. Unless a firm handed dictator is in power, like Tito or perhaps NATO, these people will not live together. Period.

2. HUMANITARIANISM IS A POOR EXCUSE FOR MILITARY DIPLOMACY

If we are to use the humanitarian crisis in the region as a reason for this gunboat diplomacy, then we are setting a dangerous precedent, as well as an inconsistent one. Millions of people have been killed in Sierra Leone in the past couple of years. The ethnic cleansing in Rwanda and Burundi has created over 1 million dead and 3 million refugees. Turkey has been killing the Kurds for years.

The list could go on, as you well know, yet to these tragedies a blind eye is turned. With this current administration it is even blasphemy to mention the abuses occurring in China. Yet, in all of these areas we do nothing. These examples serve only to show the glaring inconsistency of this as U.S. foreign policy. It also sets up a dangerous precedent. China will not renounce the possible use of force in relations to Taiwan. Tensions are still high between Iraq and Iran, India and Pakistan. What of the Taleban in Afghanistan? Will this foreign policy change dictate our future involvement in these areas? Why not?

3. FORGOTTEN LESSONS OF HISTORY

It has been well quoted, "Those who fail to learn from history are doomed to repeat it." I am afraid that we are at such a crossroads now.

Some critics of this administration feel that all actions done by Impeached President Clinton are done so to create a legacy for history. It would be interesting to note what light future history will cast on the actions currently being implemented by this administration and enabled by this Congress. It is interesting to note that this is the first time in the history of our once great nation, that we have attacked another sovereign nation unprovoked and uninvited by a host or exiled government. To me, this is a huge and pivotal point, the possible effects of which are frightening.

Should we someday have a revolution in our land that is an affront to some sort of world entity, we have now forfeited the rights to handle things as we as a nation see fit. If we continue down this road before us we will be handing National Sovereignty, for any nation, over to some non-elected, multinational body. My oath as a soldier and yours as a senator included the phrase ". . . to uphold and defend the Constitution of the United States against all enemies, foreign and domestic." Never has there been a vow made to an international constitution or treatise, so why the concern over the honor of NATO? Why is Congress not concerned with the honor of the U.S.?

The specter of Vietnam is all over this operation. Vietnam started with U.S. bombing, so did this Yugoslav operation. The politically correct response to this is that this is a NATO mission. Yeah, right! 90 percent of the flights are U.S. aircraft, not to mention the cruise missiles. If this is the proportion of U.S. involvement now what precedent is being set for when a "permissive environment" is achieved? This is a U.S. mission.

Vietnam had a gradual escalation with no thought-out plan of execution. This is paralleled here as the nation witnesses the AH-

64 debacle. No ground troops were to be committed to Vietnam, and then were. Newspaper headlines today are saying the same thing. Congress was misled and half-informed in the '60s with lies and half-truths. Many Congressman from both parties have expressed their frustration over these same problems in this situation. In Vietnam, a war was waged without the understanding of the psyche, intent and motivation of the enemy. By even being optimistic of peace happening between these peoples, a lack of understanding of them is being exemplified.

None of the lessons learned in Vietnam are being applied to any of this administration's military endeavors. From the police action in Southeast Asia three major lessons of military doctrine were learned. These pearls of military doctrine were to: (1) have defined, accomplishable objectives; (2) have a defined or structured period of involvement; (3) have a planned exit strategy. The last two parts of this doctrine are predicated by the first. These lessons were played out to grand effectiveness during the Reagan and Bush years (outside of Beruit). From Grenada to Desert Storm, even Somalia, these three points were practiced.

If one recalls, the U.S. involvement in Somalia was to be ended at a specified time. When Impeached President Clinton was elected, he extended the U.S. withdrawal indefinitely. Several Rangers had to die before Congress forced the end to that mission. U.S. forces are still in Haiti, as was I in '95. What is interesting, is that for the average Haitian all is as it was. Those who have the guns still have the power, yet we are still sending troops and dollars there.

For years Impeached President Clinton has been playing with the Iraqi President. Suddenly, he starts a bombing campaign to force compliance with U.N. weapons inspectors. "To what end?" I ask. Are there now, or will there be, U.N. inspectors in Iraq? To gain congressional approval for the operation in Bosnia, Impeached President Clinton outlined a plan for a one-year occupation. He held this claim until the day after his re-election. The day after his re-election he announced an additional 18 months of occupation, then it became an indefinite extension. Where is Congress and why is Impeached President Clinton not held accountable for his word?

Now the U.S. is faced with a police action in Yugoslavia. The Media labels this a war. Only Congress can declare war on another country. A police action can be stopped by Congress by not authorizing funding. In this action against the sovereign nation of Serbia, objectives and conditions for victory have never been defined and have been ever changing. One element which has been consistent is for an indefinite, multinational peace keeping force to be placed on the ground.

The people of this region of the world have a long and great history of hating each other. This hatred is not restricted to the Serbs. I mentioned the atrocities committed by the Albanians against the Serbs earlier. That was only one decade ago. As I would talk to the people in my AO while in Bosnia, I would ask them how the Bosnian conflict started. For an answer I received a history lesson that often started prior to WWII and sometimes would start back with the Ottoman Empire. To a person, everyone I spoke with said that as soon as we leave they will start at it (fighting) again. This is the problem for the current administration.

If the U.S. forces are withdrawn, war in Bosnia will erupt again, highlighting a bad foreign policy. In order for the illusion to be maintained, U.S. presence in the region must be passed on to the next presidency. If that administration were to remove our forces, again, war would start and that administration will get the blame, so the illusion will be maintained. In the end, there might be an administration with enough honor to end the illusion. However, because all of the time, resources and lives spent which will have been wasted, that administration will be through. Again, look at history. Impeached President Clinton says that the current campaign against Serbia is based upon lessons learned from Bosnia. What is clear to me, and to every other soldier who has served there, is that nothing was learned—otherwise we would not now be engaged.

Many historians believe that if Hitler had listened to the advice of his general staff, the war would have gone in favor of Germany. The Washington Times reported that the U.S. military advisors to Impeached President Clinton advised him that this mission would not be successful, but rather, would only exacerbate the conflict. Impeached President Clinton chose rather to listen to the advice of Mrs. Albright. Once so ordered, the military advisers were bound by oath to carry on.

In a fashion which has not been seen since the fall of the Soviet Union, history is being rewritten by this administration. Another reason that Impeached President Clinton gives for this action is the preservation of U.S. interests in Europe by preventing another world war; after WWI and WWII both started in this region. This is false. WWI started here, that is true. I walked the bridge where the Archduke was assassinated. The real cause of the war was the entangling alliances throughout the region. No such alliances exist today outside of the growing relationship of Russia with Serbia. WWII did not start in this area. In truth, Hitler could have done what he wanted if he had not attacked Poland. The attack on Poland brought England into the war. WWII escalated from there.

One point about WWII, which is quite valid, is that the Serbs were the best friends a U.S. pilot had. In addition, ill clothed, ill fed, and ill armed the Serb partisans pinned down 24 German Divisions. The power of the Luftwaffe and the might of the Wehrmacht was all but lost in the terrain of Yugoslavia. Something to consider as you go to cast your vote on the escalation of this conflict and the introduction of U.S. ground forces.

Indeed, "Those who fail to learn from history are doomed to repeat it."

4. OUR POSITION IN YUGOSLAVIA IS MORALLY WRONG

In setting up this government and finding the principles upon which this Republic was established, the Founders of this country took great inspiration and insight from the Holy Scriptures, among other sources. In his Farewell Address, George Washington wrote, "Of all the disposition and habits which lead to political prosperity, Religion and morality are indispensable supports." Up until the early '60s, primers and many secondary school language texts were based on the Bible. So powerful was the union of this country with Scripture, that in 1805 a man was convicted of treason against the United States for blaspheming the name of Jesus Christ. The founders understood well the Sovereignty of God. It was that understanding by which our Constitution was conceived.

By that same great Tome, which so inspired our Founders, our aggression towards Yugoslavia is wrong. Throughout Scripture this is made very clear. In the book of Daniel we are instructed that successions of governments are determined by God. The book of Romans states that "There is no authority except from God, and those which exist are established by God." If one believes in the Sovereignty of Almighty God, then in the course of that same belief, in light of Scripture, as long as Molosevic is acting within his own borders then the only correct position to take is one of neutrality.

As was pointed out by the Chinese Premier, President Lincoln used force to hold this country together. In that war more Americans died than in any since. Both England and France were considering entering the war, but on the side of the South. What would have been the result if that had occurred? Freedom and a living form of democracy cannot be instilled in another people. It must be won by those for whom it is meant.

5. THE OVERSHADOWING OF OTHER REAL ISSUES

The people of this nation by course of the mainstream media are so preoccupied, and thus our elected officials, with the plight of the Albanians that real focus is being lost.

One of the problems with the Gulf War was that victory there was a cheap victory. One hundred thousand casualties and 100,000 prisoners were afflicted upon Iraqi forces while the U.S. suffered only 149 dead in both Desert Shield and Desert Storm. While I have no intent to minimize the sacrifice those brave and proud men gave, or the effect upon the conscience of this country. Desert Storm, like Vietnam was waged in the living rooms of America. However there is one great difference.

Instead of seeing men dying from limbs blown off or sucking chest wounds, the people of this country saw something like a video game on their computer. Bombs guided into windows with amazing accuracy. Deserted tanks being demolished in live-fire exercises. Here, the human element was removed. War became acceptable. What a tragedy.

Our attacks on Serbia are causing untold suffering for the general population of Serbia. This is acceptable because they are the villains, the evil Serbs, the scourge of the world. Has the lust for blood become so strong that we have become that which we hate?

Of greater national interest and security, but that which is all but off of the radar screen, is the ongoing Chinese/Impeached President Clinton saga. Impeached President Clinton opens trade through which missile guidance technology is transferred to the Chinese thereby allowing them to deliver the MRV technology stolen in the late 1980s to the shores of the United States. In 1995, Neutron Bomb technology is stolen by the Chinese. Problems are reported to the Administration in 1996. The suspected individual is allowed to continue working and even given a promotion in the facility. The Justice department head and Impeached President Clinton appointee, Janet Reno tells her agencies to leave it alone. In 1999 the story breaks, the individual is arrested.

Impreached President Clinton initially states there were security problems, inherited from the Republicans, but that no technology has been stolen by the Chinese on his watch as President. Once the story breaks in full, he denies any knowledge of the events. Subsequently, in a press conference with the Chinese Premier, impeached President Clinton jokes before national news media over the incident. China refuses to commit to a non-military resolution to the Taiwan issue.

Impeached President Clinton rebuffs critiques of Chinese human rights policies. In a news conference the Chinese Premier states that there has been enough talk of human rights. He further says that the Chinese just have a different way of looking at things. The media and, apparently Congress, buy off on this as a valid explanation as to the ongoing and increasing human rights atrocities being committed in China (as reported by Amnesty International). Put this together with the campaign fund-raising issue with the Chinese and an interesting puzzle starts to form.

WHY ARE WE BOMBING THE SERBS AND COURTING THE CHINESE? POSSIBLE ANSWER:

Mrs. Albright is Albanian and lost a grandfather and two cousins to Serb cleansing after WWII, as was reported in the New York Times. China was a staunch ally of Albania during the period of the cold war. Impeached President Clinton and China have a strange involved relationship, which is under investigation. Impeached President Clinton has always hated the United States Military. He is quoted as having stated that he loathed the military. Through the course of the policies and practices of the current administration: morale of the military is at a 25-year low; deployments are at an all time high; Reserve and National Guard units are being used on a regular basis in places such as Haiti, Bosnia, Central America and the Sinai; cruise missile and other munitions stores are being completely depleted and not replaced; all branches of the military are under manned; service members are leaving in record numbers; recruitment is at a two-decade low and China has gained 40 years worth of nuclear technology in the last six years.

I believe that the U.S. involvement in Yugoslavia is for only two real reasons:

1. Mrs. Albright's ancestral hatred of the Serbs. Now she is in power as an impeached President Appointee to seek revenge for her people—the Albanians.

2. Impeached President Clinton's ongoing relationship with the Chinese and his M.O. to use the military to divert and confuse the already short and anemic attention span of the American people.

I am not by nature a conspirator. I am a patriot. I am a critical thinker. I doubt that you will agree with my bold answer to my bold question. However, as to my five main points, I do hope that you will muse on them. As a soldier, I will go to wherever I am sent. As with all soldiers, I will do my duty to the best of my ability. I have had a terrible three years of employment since I lost my job due to my military service in Haiti. I was shot at and could have been killed as I stopped a Croat from blowing up his car at my base in Bosnia. I volunteered to go to Desert Storm; as a soldier I felt that I should be with my brothers in arms. I do not want, however, to see my children in a Vietnam-like situation. A situation in which at the end of the day, after the waste of lives, material, resources and National Honor, no difference will have been made.

Would you be willing to possibly die for the United States of America? Impeached President Clinton has clearly answered that question, in a manner quite different from the way the proud men and women of the U.S. Armed Forces today have answered that question. How would you, Senator, answer that question? How about your sons and daughters, would you commit them to possibly die for Old Glory?

Would you be willing to possibly die for Kosovo? When it was Vietnman, many did. In 1974 their deaths became meaningless? If we continue down the present path the same will be true for those who will lose their lives in Yugoslavia. Is this what you want, if it were your son who could die on the Field of the Blackbirds near Pristina? Is this what you want for the lives of the sons and daughters of your constituents?

Congress has not declared a war. Congress can stop this before it becomes a U.S. tragedy. I urge you, for the sake of this country, stop the conflict in Yugoslavia. Pull our forces out of the Balkans. You have the power to either end this or escalate it.

It is not unlike riding a bike up a road that is increasingly getting steeper. One either has to pedal harder, or get off of the bike. Let's get off. At the top of this hill is a cliff.

AMERICAN LEGION URGES WITHDRAWAL OF TROOPS FROM YUGOSLAVIA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, I do not know of any group that is more respected and has more credibility when it comes to our Nation's veterans than the American Legion. Mr. Speaker, the Legion, representing over 3 million of our Nation's veterans, has gone on record against our involvement in Kosovo.

I would like to share with my colleagues this afternoon a portion of a letter sent to the President by the American Legion about our involvement in Kosovo, and I quote: "The American Legion, a wartime veterans' organization of nearly 3 million members, urges the immediate withdrawal of American troops participating in Operation Allied Force."

The letter went on to outline resolution number 44, the American Legion's statement on Yugoslavia that was adopted unanimously by their organization on May 5, 1999:

"This resolution voices grave concern about the commitment of U.S. armed forces to Operation Allied Force unless the following conditions are fulfilled: One, there is a clear statement by the President of why it is in our vital national interests to engage in Operation Allied Force. Two, guidelines be established for the mission, including a clear exit strategy. Three, that there be support of the mission by the United States Congress and the American people. Four, that it be made clear U.S. forces will be commanded by U.S. officers whom we acknowledge are superior military leaders.

The Legion believes that at least three of these conditions have not been met, and if they are not all met, then the President should withdraw American forces immediately."

Mr. Speaker, I agree with this position.

The President has committed the armed forces of the United States in a joint operation with NATO, Operation Allied Force, but has not yet clearly defined what Americans' vital interests are in this region. The American people have a right to know why we are there. The President, in eight weeks of military action, has not properly defined what the specific objectives of NATO are, nor has the White House defined an exit strategy. And if my colleagues will remember, Mr. Speaker, the President promised our Nation that the U.S. military forces would be out of Bosnia in one year. Three years and six months later, U.S. personnel are still in Bosnia, and I expect that they will continue to be there for years to come.

☐ 1300

How long will our forces be in Kosovo? Will the President claim they will be there for just 1 year once again?

I continue to be troubled with America's participation in this conflict. U.S. forces continue to carry the overwhelming share of the military burden, rather than our European NATO allies. Only 13 of NATO's 19 member nations are actively engaged in Operation Allied Force. American pilots are flying some 90 percent of the missions.

It also seem to me that the Clinton administration continues to disregard attempts to reach a diplomatic solution. After a bipartisan congressional delegation met with the parliamentary leaders of Russia in Vienna recently to start formulating terms of a negotiated settlement to establish a cease-fire and establish peacekeeping operations, and after Reverend Jackson's successful trip to release the three American servicemen, the administration has not attempted to follow through on any of these overtures.

Many of us here in Congress are veterans. We swore an oath to defend our country and her interests. But we must remember, wars are fought to protect national security interests, not for human rights. In fact, no major conflict has been waged solely for the purpose of defending a beleaguered people. The United States has a moral interest in Yugoslavia, but we have no national interest.

This conflict violates the conservative principle that goes back to our American Founding Fathers: nonintervention in the internal affairs of other countries, except to counter threats to our national interest. Our dedication to free markets and democratic institutions are exportable only by example, not by force.

My greatest hope is that we can reach a diplomatic solution to this crisis and bring our men and women home safely.

In closing, Mr. Speaker, the American people are suffering from what I call Clinton fatigue. They question our reasons for being in Kosovo, and they now question the bases for which the President is choosing his policy.

I include for the RECORD the full text of the American Legion letter of May 5.

The letter referred to is as follows:

THE AMERICAN LEGION,
OFFICE OF THE NATIONAL COMMANDER,
Washington, DC, May 5, 1999.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: The American Legion, a wartime veterans organization of nearly three-million members, urges the immediate withdrawal of American troops participating in "Operation Allied Force."

The National Executive Committee of The American Legion, meeting in Indianapolis today, adopted Resolution 44, titled "The American Legion's Statement on Yugoslavia." This resolution was debated and adopted unanimously.

Mr. President, the United States Armed Forces should never be committed to wartime operations unless the following conditions are fulfilled:

That there be a clear statement by the President of why it is in our vital national interests to be engaged in hostilities;

Guidelines be established for the mission, including a clear exit strategy;

That there be support of the mission by the U.S. Congress and the American people; and

That it be made clear that U.S. Forces will be commanded only by U.S. officers whom we acknowledge are superior military leaders.

It is the opinion of The American Legion, which I am sure is shared by the majority of Americans, that three of the above listed conditions have not been met in the current joint operations with NATO ("Operation Allied Force").

In no case should America commit its Armed Forces in the absence of clearly defined objectives agreed upon by the U.S. Congress in accordance with Article I, Section 8, of the Constitution of the United States.

Sincerely,
HAROLD L. "BUTCH" MILLER,
National Commander.

NATIONAL EXECUTIVE COMMITTEE, THE AMERICAN LEGION, MAY 5, 1999

RESOLUTION NO. 44: THE AMERICAN LEGION STATEMENT ON YUGOSLAVIA

Whereas, the President has committed the Armed Forces of the United States, in a joint operation with NATO ("Operation Allied Force"), to engage in hostilities in the Federal Republic of Yugoslavia without clearly defining America's vital national interests; and

Whereas, neither the President nor the Congress have defined America's objectives in what has become an open-ended conflict characterized by an ill-defined progressive escalation; and

Whereas, it is obvious that an ill-planned and massive commitment of U.S. resources could only lead to troops being killed, wounded or captured without advancing any clear purpose, mission or objective; and

Whereas, the American people rightfully support the ending of crimes and abuses by the Federal Republic of Yugoslavia, and the extending of humanitarian relief to the suffering people of the region; and

Whereas, America should not commit resources to the prosecution of hostilities in the absence of clearly defined objectives agreed upon by the U.S. Congress in accordance with Article I Section 8 of the Constitutional of the United States; now, therefore, be it

Resolved, by the National Executive Committee of The American Legion in regular meeting assembled in Indianapolis, Indiana, May 5–6, 1999, That The American Legion, which is composed of nearly 3 million veterans of war-time service, voices its grave concerns about the commitment of U.S. Armed Forces to Operation Allied force, unless the following conditions are fulfilled.

That there be a clear statement by the President of why it is in our vital national interests to be engaged in Operation Allied Force;

Guidelines be established for the mission, including a clear exit strategy;

That there be support of the mission by the U.S. Congress and the American people; and

That it be made clear U.S. Forces will be commanded only by U.S. officers whom we acknowledge are superior military leaders; and, be it further

Resolved, that, if the aforementioned conditions are not met, The American Legion calls upon the President and the Congress to withdraw American forces immediately from Operation Allied Force; and, be it further

Resolved, that The American Legion calls upon the Congress and the international community to ease the suffering of the Kosovar refugees by providing necessary aid and assistance; and, be it finally

Resolved, that The American Legion reaffirms its unwavering admiration of, and support for, our American men and women serving in uniform throughout the world, and we reaffirm our efforts to provide sufficient national assets to ensure their well being.

RECESS

The SPEAKER pro tempore (Mr. PEASE). Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 1 o'clock and 1 minute p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 p.m.

PRAYER

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

We place before You, gracious God, the concerns of our hearts and souls. You have invited us to offer our prayers for ourselves and others and You have said that we can place our private petitions before You and seek Your peace. With the confidence of Your presence, O God, we utter our private feelings to You, expressing our hopes and fears, our joys and sorrows, and our faith for a new day. Bless our petitions and our prayers, O God, for it is in You that we place our trust. In Your name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Pennsylvania (Mr. PITTS) come forward and lead the House in the Pledge of Allegiance.

Mr. PITTS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, today I rise to urge my colleagues to support the emergency supplemental bill because this vote will be the first step in putting this Nation's military back on its feet.

America's military is today a hollow force, due in fact to 14 years of consecutive cuts in defense spending while our military operations have increased 300 percent.

For example, Allied Force is the 33rd deployment of U.S. armed forces in the last 9 years. Our military men and women should receive their doctorate degrees in the school of "doing more and more with less and less."

Mr. Speaker, I am proud that this Republican Congress has added to the President's defense budget for 4 straight years and that the Committee on Armed Services, in a bipartisan manner, has had the foresight and the will to address these shortfalls.

But today is only the first step. Our forces are stretched to the limit, ammunition supplies are depleted, training funds are used to sustain real-world contingencies, recruiting goals are not being met, and weapons procurement has been delayed.

A "yes" vote sends the right message to our troops and to America's enemies around the world that the American military will be properly equipped, properly trained, and ready.

Mr. Speaker, America's security and our military men and women deserve no less.

CHINA BUILDS SUPER MISSILE USING AMERICAN SECRETS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the news is China has built a super missile. The bad news is experts say the missile was built with American secrets and American dollars.

Now, if that is not enough to grab our assets and threaten our liberty, when questioned, the White House said, "no comment."

Unbelievable, Mr. Speaker. China steals our secrets and the only response we get is "no comment." Beam me up.

It is time for a congressional investigation into this communist China business. It is time to pass the supplemental and make sure we have an adequate military, because we certainly have a super threat staring us right in the eye.

With that, I yield back any backbone we have left.

FREEDOM AND DEMOCRACY FOR ENSLAVED PEOPLE OF CUBA

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, tomorrow at 1 p.m. in Room 2200 of the Rayburn Building, the House of Representatives will have a unique opportunity to meet modern-day heroes.

Angel Cuadra, Carmen Arias, Alberto Grau Sierra, and Ana Lazara Rodriquez are men and women of principle, lovers of freedom and democracy, defenders of human and civil liberties.

In Castro's island prison, they risked their freedom, their lives, to speak out against the inhumanity and brutal injustices that that regime imposes upon the people of Cuba. They bring with them not only a message of hope about the Cuban people's struggle against the cruel nature of the oppressive Castro regime, but also a message from those who still languish in Cuban jails for expressing their God-given rights as free human beings.

I welcome all Members and visitors to join us tomorrow at 1 p.m. in room 2200 of the Rayburn Building to listen to their testimonials and in rendering our support for their continuing struggle for freedom and democracy for the enslaved people of Cuba.

HUMAN RIGHTS VIOLATIONS IN NORTH KOREA

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, I rise today to protest the horrifying human rights violations in North Korea.

I recently met with three courageous individuals who escaped from prison camps in North Korea. They describe prisoners being beaten, tortured, used as targets for prison guards' practice of martial arts, and forced to watch the execution of "enemies of the state," such as peaceful religious believers.

The government of the North Korea will not discuss the existence of these prison camps, yet we know from eyewitness accounts that these places of death exist. Despite the fact that groups of people are brought to the prison camps each day, the prison camp population remains the same. What happens to these prisoners?

Mr. Speaker, these prison camps must be abolished without further death and destruction to the people inside them. Our government must urge the North Korean government to cease these human rights violations.

TIME IS NOW TO REPEAL THE DEATH TAX

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, it is time to repeal the death tax.

Under the guise of making the rich pay their fair share, this unfair tax is leading to the demise of small, family-owned businesses and the elimination of good paying jobs.

According to the Center for the Study of Taxation, 70 percent of family businesses do not survive through the second generation and 87 percent cannot survive through the third. This is because family members often must downsize, must liquidate, and sometimes sell the business outright to pay the death taxes, which can reach as high as 57 percent of the estate in question.

It also must be pointed out that the death tax represents double and sometimes triple taxation. While every American has a duty to pay taxes, it is simply wrong for the Federal Government to tax the same money time and time again.

Mr. Speaker, I have introduced a bill to eliminate the Federal estate tax. This bill will restore fairness to our Tax Code, protect family-owned businesses, and encourage saving and investment. I urge my colleagues to support it.

EMERGENCY SUPPLEMENTAL BILL

(Mr. GUTKNECHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTKNECHT. Mr. Speaker, I believe it was Mark Twain who once observed that, of all of God's creations, man is the only one who can blush, or needs to.

I raise that issue today as we talk about the emergency supplemental spending bill. In this bill, my colleagues, there are emergencies such as $70 million for livestock assistance, including reindeer research. Now, maybe that is appropriate underneath this Christmas tree. There is $26 million that is an emergency for Alaskan crab fishermen. There is $1.5 million to fill the San Carlos Lake in Arizona.

Mr. Speaker, those are not emergencies, and worse, in that they are not offset with other spending in other parts of the budget. What it means is, unlike the budget resolution which we passed just a little over a month ago, we are going to start taking money out of the Social Security Trust Fund to fund some of these "emergencies."

Mr. Speaker, we are losing the battle on the spending caps. We are losing the battle on the Social Security Trust Fund. I hope that we are not going to lose our ability to blush.

CONTINUATION OF EMERGENCY WITH RESPECT TO BURMA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106–67)

The Speaker pro tempore (Mr. MILLER of Florida) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed.

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the emergency declared with respect to Burma is to continue in effect beyond May 20, 1999.

As long as the Government of Burma continues its policies of committing large-scale repression of the democratic opposition in Burma, this situation continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to maintain in force these emergency authorities beyond May 20, 1999.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 18, 1999.*

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 5 p.m.

Accordingly (at 2 o'clock and 10 minutes p.m.), the House stood in recess until approximately 5 p.m.

□ 1707

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. THORNBERRY) at 5 o'clock and 7 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1654, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT OF 1999

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–147) on the resolution (H. Res. 174) providing for consideration of the bill (H.R. 1654) to authorize appropriations for the National Aeronautics and Space Administration for fiscal years 2000, 2001, and 2002, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1553, NATIONAL WEATHER SERVICE AND RELATED AGENCIES AUTHORIZATION ACT OF 1999

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–148) on the resolution (H. Res. 175) providing for the consideration of the bill (H.R. 1553) to authorize appropriations for fiscal year 2000 and fiscal year 2001 for the National Weather Service, Atmospheric Research, and National Environmental Satellite, Data and Information Service activities of the National Oceanic and Atmospheric Administration, and for other purposes, which was referred to the House Calendar and ordered to be printed.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 1141, 1999 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 173 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 173

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 1141) making emergency supplemental appropriations for the fiscal year ending September 30, 1999, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purposes of debate only.

Mr. Speaker, yesterday the Committee on Rules met and granted a rule to provide for consideration of the conference report to accompany H.R. 1141, the Emergency Supplemental Appropriations Act for fiscal year 1999. The rule waives all points of order against the conference report and against its consideration. The rule also provides that the conference report shall be considered as read.

Mr. Speaker, House Resolution 173 should not be controversial. It is a normal conference report rule, allowing for timely consideration of the emergency supplemental bill.

While I suspect that many of us will have strong opinions about the underlying spending bill, let us pass this rule and have the debate on the floor.

I urge my colleagues to support this rule, Mr. Speaker, and I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as my colleague has described, this rule waives all points of order against the conference report to accompany H.R. 1141, which is the Emergency Supplemental Appropriation Act for fiscal year 1999.

The measure appropriates $15 billion for military operations in Kosovo and other defense spending, humanitarian assistance to refugees and misplaced persons in the Balkans, hurricane-related relief in Central America and the Caribbean, aid to the country of Jordan, assistance to U.S. farmers hurt by low commodity prices, tornado victims in Oklahoma, Kansas, and for other purposes.

Most of the spending is considered emergency, and therefore is not offset by spending cuts in other programs.

Mr. Speaker, there is something for everyone in this massive spending bill. If Members like the bill, they can find critical programs that are funded. If they do not like the bill, they can find wasteful spending and harmful cuts.

I am particularly pleased with the refugee relief and humanitarian assistance provided by the measure. The conference agreement includes $1.1 billion for international assistance programs, refugee resettlement, and State Department funding. This is more than 60 percent above the level approved by the House.

I am grateful to the conferees for including $149.2 million in food assistance to refugees and misplaced persons in the Balkans through the PL–480 Food for Peace program. Failure to include money for this program was a serious omission, and I am glad that this has been corrected in the conference committee. These funds will ensure America provides its share of the food needed in the Balkans through the end of the year 2000.

Equally important, this change follows the longstanding tradition of providing food aid through the Food for Peace program, which is an established channel that benefits America's farmers. This program has proven to be the most effective way to provide the large quantities of food essential to any relief effort.

Including funding for PL–480 food aid is an example of bipartisan leadership at its best, and I am particularly grateful to the gentlewoman from Missouri (Mrs. EMERSON), the gentlewoman from New Jersey (Mrs. ROUKEMA), the gentlewoman from California (Ms. PELOSI), the gentleman from New Mexico (Mr. SKEEN), the gentleman from Alabama (Mr. CALLAHAN), the gentleman from Virginia (Mr. WOLF), and the gentleman from Wisconsin (Mr. OBEY).

The measure also includes $2.2 billion for enhancing military operations and maintenance, and this will improve the readiness of our armed services.

I am concerned about some of the offsets for nonemergency spending. The offsets include cuts in food stamps and Section 8 housing for low-income individuals. Also, I regret that the conferees rejected a Senate proposal to include funding to pay the money the U.S. owes to the United Nations for back dues. I think it is a disgrace that our Nation has not paid our debt to the U.N., and this bill would have been a good vehicle to include that payment.

On the whole, the conference report represents a good compromise, and I say that in a good way. It is much better than the House-passed version, and I intend to support it. Though the measure under consideration is by no means ordinary, this is the standard rule for conference reports.

Mr. Speaker, I reserve the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. DIAZ-BALART).

Mr. DIAZ-BALART. Mr. Speaker, I thank my distinguished colleague for yielding time to me.

Mr. Speaker, this supplemental appropriations conference report contains critically needed resources for our armed forces to assure that they continue unchallenged as the finest fighting force in the world for the protection of the people and the freedom of the people of the United States.

Mr. Speaker, the conference report, among other things, contains aid for America's farmers, and it contains humanitarian and development assistance for our neighbors in Central America who suffered the recent natural disaster known as Hurricane Mitch.

I think, Mr. Speaker, this Congress today makes a clear demonstration of solidarity with and concern for the well-being of our friends and neighbors in Central America.

I wish at this point to thank all of those who have worked to make this a reality, especially the gentleman from Illinois (Speaker HASTERT), the gentleman from Florida (Chairman BILL YOUNG), the gentleman from Alabama (Mr. CALLAHAN), and all of the congressional leaders who have made this day possible.

It is a day in the best tradition of the generosity of the American people, and I rise to support the rule, as well as the underlying legislation.

☐ 1715

Mr. HALL of Ohio. Mr. Speaker, I yield 4 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, the gentleman from Florida (Mr. YOUNG), chairman of the Committee on Appropriations, said, "This $15 billion bill is about helping people: American farmers, American troops, storm victims here in the United States and in Central America; and Balkan refugees will all immediately benefit from passage of this essential aid package."

These are all laudable goals, and I support that. But I want to make the point that this $15 billion emergency spending bill also creates an emergency for the most vulnerable people right here at home. For those who are hungry and homeless right here at home, this bill is a disaster.

What if the American people knew that, in order to fund these laudable goals and a bunch of other things in the bill, that we had to cut programs for the hungry and homeless and those who are in need of subsidized housing?

The bill cuts $350 million from the Housing and Urban Development Section 8 housing program. The HUD says that the loss of this money could create the displacement of approximately 60,000 families right here at home.

We are worried, of course we are, about the displacement of people in Kosovo. We should be. But we also need to worry about the possible displacement of 60,000 families right here at home because of this. It creates a longer waiting list of people who need subsidized housing and increases the number of families in need who are underserved right here at home.

What if the American people knew that this bill cuts $1.25 billion from the food stamp program? I am told that this money is not being spent. Does that mean that there are not hungry people right here? No.

In a 1999 survey of U.S. food banks, a report released in March by the gentleman from Ohio (Mr. HALL), we discovered that 87 percent of the food banks surveyed indicated that requests were up in the last year. On average, requests for food assistance outstripped food available by 22 percent.

The Midwest Antihunger Network reports that, in Illinois, that there is a drop of 15 sponsors of the summer food service program in 1998. This is a nutrition program for low-income children in the summertime. These sponsors cited welfare reform cuts in meal disbursement rates that Congress instituted among the principal reasons. So there are going to be children this summer who do not have food programs. This is money that is being cut from the food stamp program in order to fund this.

What if the American people knew some of the things that were being funded in this program; that in this supplemental emergency bill, there is $5 billion in defense spending above the President's request, $26 million for Alaska fishermen to compensate for Federal fishing restrictions, $3.7 million to renovate homes for congressional pages, $3 million for commercial reindeer ranchers, $2.2 million for sewers in Salt Lake City for the Olympics, $30 million for renovations to D.C. area airports, $422 million above the President's request for farmers crippled by low prices.

This is a piece of legislation that has many needed things and many things that we do not need and does create an emergency for our hungry and homeless people in need of housing and food right here at home.

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Speaker, I thank the gentlewoman from Ohio for yielding me this time.

Mr. Speaker, as we watch the developing human catastrophe taking place in the Balkans on our television sets night after night, we must not forget that in our own hemisphere our neighbors in Central America have undergone a humanitarian crisis of their own, one caused by a hurricane which ravaged homes and wiped out entire communities.

More than 6 months after Hurricane Mitch swept through Central America, the region is still waiting for the much-needed funds to rebuild their infrastructure and to start healing the wounds that the hurricane left long after the rains and the floods have stopped.

But today we have an opportunity to end their suffering, to help revitalize the economies of our neighbors to the south, to give children back their schools, families back their homes and their churches, communities back their sense of normalcy. The funds are not a handout. They are a helping hand to those who have suffered almost insurmountable hardships.

My district in south Florida has experienced the disastrous effects of a hurricane. It is not an easy task to rebuild, even less so for those who have limited resources on hand. It is within our power and it is indeed our duty and responsibility as brothers and sisters in the greater hemispheric family to help them with this aid and to stop prolonging their suffering.

Supporting this measure is not only beneficial to Central America but to the greater economic stability and prosperity of our hemisphere.

Under the leadership of the gentleman from Florida (Mr. YOUNG) with this measure, Mr. Speaker, we are helping both American farmers and our American troops as well as storm victims here in the U.S. and in Central America. I urge my colleagues to adopt this measure today.

Mr. HALL of Ohio. Mr. Speaker, I yield 2½ minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, this rule would authorize a resolution that asks for money to support an undeclared war. It would appropriate money for bombs, yet Congress has voted against the bombing. It appropriates money for ground troops, yet Congress opposes the use of troops in Kosovo.

It contains provisions that will enable the prosecution of a wide war against the Federal Republic of Yugoslavia, even though Congress has expressly voted not to declare war. This war is without constitutional authorization, and it is losing its moral authority as well.

In the name of helping the refugees, NATO has bombed refugee convoys. From the Los Angeles Times a few days ago, I quote: "Many of the refugees in Korisa were asleep when explosions sprayed shrapnel and flames everywhere, survivors said. Mattresses left behind in covered wagons and in the dirt underneath were soaked with blood.

"At least a dozen children were among the dead. An infant buttoned up in terry cloth sleepers lay among the corpses that filled the local morgue.

"Another child was incinerated in a fire that swept through the camp. The child's carbonized body was still lying on the ground Friday morning beside that of an adult, in the middle of a tangle of farmers' tractors and wagons that were still burning 12 hours after the attack."

NATO and the United States have been bombing villages to save villages. NATO and this country have bombed passenger trains, buses, an embassy, factories, office buildings. Cluster bombs are raining down and maiming and killing countless children.

Today we are being asked to pay for the bills for this war. We ought to put a stop payment on the checks which will be used to kill innocent civilians and to wage an undeclared war. We ought to stop the bombing and negotiate a withdrawal of Serbian troops and stop the KLA's military activities.

We need an international peacekeeping force in Kosovo as a product of a peace agreement. We need to rebuild the province. Our government should work as vigorously for peace as it does to prosecute a war. This war is rapidly becoming a debacle that rivals Vietnam itself.

We need to stand up and speak out against this war and ask good thinking people everywhere to keep the consciousness of peace alive and keep working for peace. The people in the State Department ought to hear that message first.

Mrs. MYRICK. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I rise in support of the rule, but in opposition to the emergency supplemental appropriation.

The President came to us and promised if we approved his plan for Bosnia that American participation in the operation would last a year and cost about $1 billion. That was nearly 4 years ago and $10 billion ago.

The gentleman from Texas (Mr. ARMEY), who I often quote, has said that the definition of insanity is doing the same thing over and over again but expecting different results. Well, today we are being asked to drop more tax dollars down this bottomless pit. It will lead to tens of billions of dollars more being similarly dumped into the Balkans.

Those voting for this bill should realize their fingerprints will be all over this ongoing and misguided commitment. Do not kid yourselves. In the end, tens of billions of dollars will be spent in the Balkans, and it will come right out of the hide of Social Security and Medicare reform, right out of any effort to modestly reduce the tax burden on our people, and right out of the hide of our military personnel who are being put at risk in other areas of the world where our national security interests are at stake, those military personnel who are currently being stretched to the point of exhaustion.

Perhaps the most distasteful part of what we are doing today is that, in order to get even limited help to our vulnerable defenders, we are being told that we must provide $6 billion more for a military operation that is questionable at best.

Even the money that we originally voted for in this House that was supposed to be aimed at improving the overall plight of America's military we now find has been reduced to $4.5 billion, which includes projects that have nothing to do with our national security or improving the lot of our troops and their families.

Military plus-up dollars will be spent, among other things, on naval bases in Portugal, barracks and tank washes in Germany, and base improvements throughout Europe. In other words, it is being spent to keep us mired in Europe's problems and paying for Europe's defense.

We have been suckered in again. For decades we have provided Europe's defense and got little thanks for it. Now that the Cold War is over, they insist that we spend tens of billions of dollars more for their stability and that we must reaffirm our commitment, a very expensive commitment to their security for decades to come.

We have done our part for NATO. We have done our part for Europe. Let us have the Europeans step forward and carry their own load rather than taking it out of the hide of the American people.

I have no doubt that the Serbs are committing the crimes against the people of Kosovo that are claimed. Long ago we should have armed freedom-loving and democracy-loving Kosovars so they can defend themselves as Ronald Reagan did with the Afghans.

Instead of giving into the demands of our European buddies, we are now carrying the full load. We have given into the demands of our European friends, and we end up carrying the full load, leading the fight, emptying our Treasury, and recklessly putting our own forces in other parts of the world in jeopardy.

Mr. Speaker, I ask my colleagues not to associate themselves with this irrational and risky strategy, this expensive strategy that is draining our Treasury. Do not be blackmailed into supporting this poorly conceived Balkan operation, this undeclared war.

The issues of plussing up our military should be separate from this wasting of even more of limited defense dollars on such an adventure as we see down in the Balkans.

Vote against this emergency supplemental. Send a message to our European allies. We have carried their burden for too long. Yes, they deserve to be applauded for their emotional pleas that something must be done, but let them do it.

Why is it up to the United States to always lead the charge, to empty our Treasury, to put our people at risk? This is not a case of a dichotomy of either doing nothing and watching the Kosovars go under or sending our troops in and spending $50 billion.

No, we could have helped the Kosovars, or the other option is let the Europeans take care of the problem in their own backyard. This is the responsible position. It is irresponsible for us to continue spending limited defense dollars, stretching our troops out to the point that they are vulnerable everywhere, and just taking it out of the hide of the American people. I ask for this emergency supplemental to be defeated.

Mr. HALL of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman from Florida (Mr. DEUTSCH).

Mr. DEUTSCH. Mr. Speaker, no bill is perfect, as we all know, but this bill is less than perfect. This House passed a much cleaner bill. Our colleagues in the Senate, although the Speaker and the chairman of the Committee on Appropriations and the subcommittee chairman worked very hard to take out some of the pork and some of the riders, they did not.

□ 1730

And the facts are we have some environmental riders in this bill that are almost beyond our imagination that they are in the bill. There are three environmental riders, and I think it is important for our colleagues to know that they are in the bill.

One repeals the Mining Act of 1872 and effectively lets open-pit mines take their waste and put it on our Federal land. So we are talking about several hundred acres of pristine Federal land with toxic waste from open-pit mines. It is incredible, it is almost beyond the straight-face test that that is in fact what this legislation does. But that is exactly what this legislation does.

Another thing that it does is it stops hard mining regulations which would have required bonding for open-pit mines, so that when they do not clean up their mess, it cannot get cleaned up.

The third environmental rider deals with oil royalties. All of us know that this is going on. On Federal land there is a 12-percent royalty that is supposed to be paid. And what is being done is there is a gaming of the system, that companies are charging their subsidiaries a price one-tenth of the actual price, eliminating 90 percent of the tax. In effect, we will be saving a hundred million dollars of their money but costing us a hundred million dollars of our money.

These riders ought to be taken out of the bill. We will have that opportunity in a motion to recommit later on this evening.

Mr. Speaker, I yield to my colleague, the gentleman from the State of Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, there are some things wrong with this bill, but there are other things that are rotten about this bill. What are rotten about this bill is, under the cover of darkness, conferees, folks from the other chamber, are attempting to shove down our throats measures that would never pass the laugh test, the straight-face test, on the floor of this House.

Individuals have a thing called the gag reflex: When they put something down our throats, we can gag on it. And the House of Representatives ought to stand up and gag on these last-minute subterfuges to try to go backwards on the environment. And we will have our chance to do that.

I just wanted to alert other Members, this afternoon we will have a motion to recommit, to strip this bill of the environmental degradation that would go on with it, to make sure we can pass a clean bill. And we are going to do that

24 hours later after we pass this motion to recommit.

I want to say, if my colleagues go out and talk to their constituents about mining, and when they ask them do they think we should go forward on mining reform or backward, they will certainly say we should not go backward, we should go forward.

And on hard rock mining? On the Mining Act of 1872, these provisions do not take a small step backward, they take a giant leap backward. That is why we ought to recommit and pass a clean bill. I want to reiterate, this chamber and the other chamber can do that very quickly.

It would be a travesty for people, in their zeal to hand out special-interest favors against the environment, to take camouflage behind our troops in the field to try to pass this. That would indeed be a sad day in the House of Representatives.

Let us go forward on the environment, not backward. Let us go forward on mining reform, not backward. Let us stand up for people and the troops. Pass our motion to recommit, and then pass the clean bill 24 hours later.

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. PAUL).

Mr. PAUL. Mr. Speaker, I thank the gentlewoman for yielding me the time.

Mr. Speaker, I rise in support of the rule but in strong opposition to the supplemental appropriation.

The President came to us and asked us to fund the NATO war, asked for $7.9 billion, but we in the conservative Congress have decided that not only would we give it to him, but we would bump that up to $15 billion, which does not make a whole lot of sense, especially if Congress has spoken out on what they think of the war.

And Congress has. We have had several votes already. We have voted and said that we did not think that ground troops should be sent in. And most military people tell us that the only way we are going to win the war is with ground troops. So we have taken a strong position. We have had a chance to vote on declaration of war and make a decision one way or the other. We have strongly said we are not going to declare war.

We have spoken out on the air war. We did not even endorse the air war. And the President has spent a lot of money. They are hoping to get a lot of this money back from the European nations, but all that makes us are professional mercenaries fighting wars for other people, which I do not agree with.

But here we are getting ready to fund Europe, fund a war that is undeclared. It does not make any sense. We are giving more money to the President than he asked for in a war that cannot be won and a war that we are not even determined to fight. It just does not make any sense. So in order to get enough votes to pass the bill, of course we put a little bit of extras on there to satisfy some special interests in order to get some more votes.

But the real principle here today that we are voting on is whether or not we are going to fund an illegal, unconstitutional war. It does not follow the rules of our Constitution. It does not follow the rules of the United Nations Treaty. It does not follow the NATO Treaty. And here we are just permitting it, endorsing it but further funding it. This does not make any sense.

We have to finally say, "enough is enough." This is how we get into trouble. This is how we make mistakes. And every day we hear of another mistake and apologies being made, innocent people dying. We should not vote for this supplemental funding.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I thank the gentleman for yielding me the time.

It is a sad day when, regardless of our feelings about the tragedy in Latin America and the continuing carnage in the Balkans, that the price that we have to pay on the floor of this House is to inflict damage on the American taxpayer and the landscape.

There has been certain reference to the mining law of 1872, which has been an enormous waste of taxpayer dollars. Since that law was enacted, the United States Government has given away almost $250 billion in mineral reserves.

In addition to robbing the Treasury, poorly managed mining operations have severely and permanently damaged public land. It is estimated the cost of cleaning up these polluted mines in the United States is between $32 billion and $72 billion, costs that will not be paid by those who profited from the mining operations.

Finally, the Department of the Interior, not the Members of Congress, are attempting to correct some of the flaws in the mining policy, as Interior recently has denied an application for mining operations in the State of Washington which sought to dump tons of toxic waste on public land. This denial relied on a previously unused section of the 1872 mining law and could be applied to mining operations across this country.

In addition, the Bureau of Land Management has been attempting for the past 3 years to promulgate new mining regulations that would address modern mining practices, impose meaningful environmental standards, and help protect taxpayers from the cost of cleaning up abandoned mines.

I am appalled that the legislation before us today to deal with disaster relief contains environmental riders which would prevent us from cleaning up mining in the United States. The first rider would permit the unsound mining practices to go forward not just in the State of Washington but allows similar practices throughout the United States until the end of the year. And for the third time in 3 years are riders included which delays implementation of the Bureau of Land Management's new mining regulations.

I strongly urge that we oppose this legislation and move to support the motion to recommit.

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. SANFORD).

Mr. SANFORD. Mr. Speaker, I rise in ambivalence toward the rule but in strong opposition to the supplemental itself.

Because my dad used to have a saying, and that was that "the road to hell is paved with good intentions." And I think that that fairly well sums up this supplemental, because it may have the best of intentions in a whole lot of different areas within the government, but it is most certainly the road to hell in saving Social Security.

I mean, last fall we spent $20 billion on an "emergency basis." Now we find ourselves about to spend another $13 billion on this "emergency basis." That is $33 billion sucked out of my kids' Social Security account. So I think we really are on the road to hell with these "emergency bills" because they are coming out of one pot and that is the Social Security pot.

Now, leaving aside the fact that it has got a lot of strange stuff in it, whether it is $2.2 million for a sewer for the winter Olympics, $3 million to redo dormitories, $100,000 for a YMCA down in Southern California, $330,000 for the minority leader and the majority whip, $25,000 for the chief deputy whips to the Republican and Democrat parties, a lot of stuff that is by no means emergency.

What I think we need to take from this thing is a lesson; and that is, if this same $33 billion was in individual accounts across this country, in individual Social Security accounts across this country, then Washington came up short for the YMCA down in Southern California, or who knows what, and wanted to take that money out of that account, I think people would go berserk.

I think we have really got to look at creating some kind of real firewall between people's Social Security money and political forces in D.C. Because, if not, we are going to continue to go the way these supplemental bills are going.

Mr. HALL of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, certainly there are many sorry provisions in this conference report. It is hard to really concentrate on just one or two of them. But it seems to me the one that has gotten attention from several speakers because of its very adverse environmental consequences, the crown jewel open-pit gold mine, is appropriately placed in this bill.

The problem is that those who are supporting this conference report view the Social Security surplus as the crown jewel open-pit gold mine to fund whatever it is they want to fund. This bill has very little to do with busting Belgrade and a great deal to do with bursting the budget.

Keep in mind that well over $10 billion in this proposal is paid for directly out of the Social Security surplus. This is the same surplus which the Republican leadership was planning to come to the floor this week and lock up in a lockbox. Well, they were ashamed to come out the same week that they are turning on the spigot on the Social Security surplus, because that is just exactly what is happening here when we drain out for short-term, allegedly emergency purposes the Social Security surplus to pay for things that ought not to be paid for by the next generation.

In this particular proposal that we are considering, the Republican Congressional Budget Office only within the last month told us what it would take to fund this war. They said $600 million in the initial phase and about a billion dollars per month to sustain an air campaign. Supposedly in this emergency appropriation we would fund those appropriations necessary to carry us to September 30, when the regular appropriations bill would come into play.

How did that amount of money get blown into almost $15 billion of money? In the way this Congress seems to operate, too often Republicans said that they did not like this war, they were proud to vote against the President on this war. Well, I have to tell my colleagues, if these generous folks give this much to a war that they do not like, heaven protect the taxpayer from one that they do like.

I think that we do need to provide reasonable humanitarian relief, we need to provide our young men and women in the Balkans with whatever they need to protect themselves and to carry out their mission, whatever that may be. But let us be very clear that the billions of dollars that are the price tag of this bill do not have anything to do with securing our military position in Yugoslavia. They may have something to do with securing the position of some of the Members of this Congress.

Under the Republican leadership, this Congress in the last 4 years has voted to provide the Pentagon with $27 billion more than it requested, and yet only 14 percent of those unrequested monies went for readiness rather than for pork. And so if there has been any emergency created here on readiness, it has been by the priorities of a Congress led by Republicans for the last 4 years.

I do not believe that the money provided to the military in this bill could be spent for purposes in Yugoslavia between now and September 30 if they were dropping it out in bails over Belgrade each night.

□ 1745

No, it funds things like libraries in Germany, a dormitory in the District of Columbia, a road in Bahrain, ATMs on ships, things that have nothing to do with the emergency situation we face in Yugoslavia, all designed to permit a raid on the Social Security surplus rather than to meet the legitimate needs of our military in the Balkans.

I believe that it was a former member of the Committee on Appropriations who said, "Every emergency is an opportunity." Certainly there are those who found great opportunity to deal with many other subjects here. But when all is said and done, it is the taxpayer who must pick up the tab, and in this case it is the Social Security surplus that must feel the pinch.

Mr. HALL of Ohio. Mr. Speaker, I yield 2½ minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I support disaster relief for the people of Central America and the Caribbean. This assistance is long overdue. I support funding for our troops in Kosovo. I also support full funding for Census 2000. Nevertheless, I must oppose H.R. 1141, the Emergency Supplemental Appropriations Act for Fiscal Year 1999. This supplemental bill includes a $1.25 billion cut in food stamp funding, a $350 million cut in the Section 8 affordable housing program, and a $22.4 million cut in unemployment insurance programs. These harmful cuts target the most vulnerable sections of our Nation's population. And they will cause tremendous suffering to numerous low-income Americans. The food stamp cut in this bill is unprecedented and immoral. Excess funds provided to the food stamp program have always been used for other nutrition programs. They have never been transferred to nonnutrition programs. The proposed cut in food stamp funding would take away food from hungry people and set a dangerous precedent for using nutritional assistance as a budgetary offset.

I am also deeply concerned about the $350 million cut in the Section 8 affordable housing program, which provides housing assistance to poor and elderly people, including many of our Nation's veterans. According to the Department of Housing and Urban Development, this rescission will result in a loss of subsidy for approximately 60,000 families and exacerbate the current waiting list problem on which many families must wait months or years to receive the housing assistance they so desperately need. The rescission could also disrupt the Section 8 program and cause many landlords to opt out of the program altogether.

Let me just say, Mr. Speaker, the President asked for $7.2 billion for both of the supplementals. This is almost $15 billion. Members have thrown in everything but the kitchen sink. The American taxpayers are tired of this kind of programming, this kind of legislating. You ought to be ashamed of yourselves. We cannot move forward with this mess. It is outrageous and we should not want this on our records.

Mr. Speaker, I support disaster relief for the people of Central America and the Caribbean; this assistance is long overdue. I support funding for our troops in Kosovo. I also support full funding for Census 2000. Nevertheless, I must oppose H.R. 1141, the Emergency Supplemental Appropriations Act for fiscal year 1999.

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Supporters of these rescissions claim that the funds being cut from housing assistance, food stamps and unemployment insurance will probably not be used during this fiscal year. If this is the case, the money can be rescinded at the end of the fiscal year or used to fund housing, nutrition and unemployment programs for fiscal year 2000.

We know there are unemployed, hungry and homeless people in America today who have been left behind despite recent economic growth. If the funds Congress has provided for these people are not reaching them, it stands to reason that we should improve the outreach of the programs, not cut their funding.

H.R. 1141 is supposed to be an emergency spending bill. Emergency spending bills are not subject to budgetary spending caps and should not require any offsets at all.

The Republicans have been blatantly inconsistent on the subject of offsets in emergency spending bills and they have needlessly politicized the appropriations process. First they included offsets in H.R. 1141, which was originally a bill to provide disaster relief to the victims of Hurricane Mitch in Central America and the Caribbean. Then they included billions of dollars in non-emergency defense spending but no offsets in H.R. 1664, the Kosovo supplemental bill. Now they have combined these two contradictory approaches and included a whole new set of offsets at the expense of the poorest people in America. If the Republicans would stop loading emergency spending bills with non-emergency projects, they would not need to worry about offsets.

I strongly support the extension of funding for the Commerce, State and Justice Departments and the federal court system through September 30, 1999, which is contained in this supplemental appropriations bill. Without this extension, the Commerce, State and Justice Departments and the federal court system could be shut down completely for the remainder of the fiscal year. However, if the Republican majority had fulfilled its responsibility to appropriate the funds that were necessary to operate these departments last year, the Republicans would not have needed to include this extension in an emergency spending bill.

I urge my colleagues to vote against the Emergency Supplemental Appropriations Act and oppose the disastrous offsets, which could cause tremendous harm to poor, hungry and unemployed people throughout the United States.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, I thank the gentleman for yielding me this time. Congress has failed to authorize the ongoing war in Kosovo but the House and Senate Republican leaders are happy enough to see the President's $7 billion request for emergency funding and raise him $8 billion. That is right. $15 billion of so-called emergency funding, every penny of which will come from the Social Security trust funds. $15 billion in pork and special interest waivers under the guise of a military emergency in Kosovo. Something stinks. I guess that is why this bill includes $2.2 million for sewers in Salt Lake City for the Olympics. That is an emergency. And a mining giveaway in Washington State. Waiver of environmental laws. That is an emergency under this bill. Special breaks for oil and gas producers who just raised the price of gas 50 cents a gallon. That is an emergency. $3.7 million for the page dorm. $3 million for reindeer ranchers. $23 million for fishers in Alaska. Hundreds of thousands for Democratic and Republican leaders. These are not emergencies. Say no to this legislation.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Speaker, I rise to oppose this bill, but I do so with great reluctance. I so very much wanted to vote for this emergency bill because just as it addresses an emergency situation in Kosovo and Central America, it also addresses an emergency situation for farmers all across this Nation. My reluctance is due to the fact that the bill contains vitally needed funding for domestic farm aid and I along with others from rural America have pleaded with Congress to provide these funds for months. This vitally needed farm aid is well overdue. The operating funds for the Farm Service Agency are vital and will help that agency to help farmers.

Mr. Speaker, small farmers are having a difficult time, struggling to survive in America. Most are losing money and fighting to stay in the farming business. In North Carolina, hogs, the State's top farm commodity, have experienced a 50 percent drop. Wheat is down 42 percent. Soybeans are down 36 percent. I can go on and on. In fact, Mr. Speaker, there is no commodity that is making money for farmers in my State.

The conference report includes language that prohibits the Federal Government from using the tax settlement. That is important to my State. So it is with great reluctance that I oppose this conference report. Yet in spite of my reluctance, I am firm in my opposition. I am firm in my opposition to this conference report because it contains undue and unnecessary offsets. The offsets are undue because the funds being taken away are critically needed. The offsets are unnecessary because this is an emergency supplemental seeking to address true emergencies. Therefore, no offset is required. The offset is particularly onerous because it takes $1.25 billion from food stamps. It takes food stamps. It takes funds from Section 8. You are taking from the poor to take care of the farmer. This is unnecessary. It is unworthy of us. I urge the defeat of this bill.

Mr. Speaker, I rise to oppose this bill, but I do so with great reluctance. I so very much wanted to vote for this emergency bill because just as it addresses an emergency situation in Kosovo and Central America, it also addresses an emergency situation with farmers all across this nation.

My reluctance is due to the fact that the bill contains vitally needed funding for domestic farm aid and I along with others from rural America have pleaded with Congress to provide these funds for months.

This vitally needed farm aid is well overdue.

Included in the $574 million in emergency agricultural assistance is $109.6 million for FSA Loan Programs and $42.75 million for FSA salaries and expenses. These loan funds are critically important to farmers who need capital just to stay in business.

And, the operating funds for the Farm Service Agency are vital and will help that Agency to help the farmers.

Mr. Speaker, small farmers are having a difficult time, struggling to survive in America.

Most are losing money and fighting to stay in the farming business.

In North Carolina, hogs, the state's top farm commodity, have experienced a fifty percent drop in prices since 1996.

Wheat is down forty-two percent; Soybeans down thirty-six percent; Corn—thirty-one percent; peanuts—twenty-eight percent.

Turkey and cotton prices are down twenty-three percent, since 1996.

In fact, Mr. Speaker, there is no commodity in North Carolina that makes money for farmers.

The conference report also includes language that prohibits the Federal Government from recovering part of the tobacco settlement reached by the states.

In addition, it includes language permitting the states to use this money, without restriction.

Those are important provisions for my state.

So, it is with great reluctance that I oppose this conference report.

Yet, despite my reluctance, I am firm in my opposition.

I am firm in my opposition because the conference report contains undue and unnecessary offsets.

The offsets are undue because the funds being taken away as offsets are critically needed funds.

The offsets are unnecessary because this is an Emergency Supplemental, seeking to address true emergencies, and therefore, no offset is required.

The offsets are particularly onerous because they take $1.25 billion from the Food Stamp Program.

By this deed, the report fails to recognize that hunger in America is more than just a word.

Many of our citizens, including many children, still live without proper nutrition and sufficient food.

The offsets also include $350 million from the Section 8 Housing Program. And, in what seems to be a contradiction, the offsets include $22.5 million from the Agricultural Research Service.

For these reasons, Mr. Speaker, I cannot vote for this conference report.

We can respond to emergencies, especially those of our farmers, without creating emergencies among our children and the poor.

We can provide food, shelter, hurricane and other aid to our friends abroad, as we should, without creating a storm here at home.

We can help those in Kosovo and Central America, as we should, without requiring an offset, because this is a true emergency.

Mrs. MYRICK. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. WALSH).

Mr. WALSH. Mr. Speaker, I thank my distinguished colleague from the Committee on Rules for yielding me this time. It has been intimated to the Members that the offsets in this bill are to take from the poor to give to, I presume, the rich. Let me just try to set the record straight here.

First of all, the offsets on the food stamps, the $1.2 billion, was offered by the White House. So if Members have a problem with using the food stamps as an offset, they better call Mr. Lew down at the White House because they suggested these. By the way, these are surplus funds. On the issue of $350 million for Section 8 housing, I would remind my colleagues that no one, and I repeat, no one has ever lost their housing or their housing voucher because of rescissions in Section 8. This is something that has happened each and every Congress. The money has always been restored. Are we going to have a problem? Is it going to be challenging? Absolutely. But we are committed to making sure that that Section 8 money is put back in. Let me just respond on this issue of the supplemental.

There are a lot of things in this supplemental to hate, there is no question. I think quite frankly the House did a far better job than the Senate. The Senate wanted to throw everything in but the kitchen sink. I suppose if the kitchen sink came from Alaska, it would be in here. But the fact of the matter is, we held them back and tried to keep this money in check and keep the spending responsible and in terms of emergencies.

I would conclude by saying if the President and the administration had taken care of the defense establishment of this country and funded each and every adventure that we are seeing around the globe over the past 6 or 7 years, we would not be at this point right now. Sure this is a supplemental and there are additional expenditures in here, but we tried very hard to keep this as small a dollar amount as we could, targeted at the war and at the other emergencies that we face.

The Federal Emergency Management Agency gets some additional funds. That is what this supplemental was meant to provide. There was an issue that was also raised about Federal Emergency Management funding going to Central America. Some people support that. Some do not. But the fact of the matter is, FEMA funds were for American emergencies, not Central American emergencies. But many of us felt that since these were serious, that people were damaged and harmed by this, that we would reach out to them. But those funds had to be offset under our rules. So we had to go out and find additional offsets. The White House offered the food stamps offsets. The Section 8 offsets will be put back in. We are committed to that.

Mr. HALL of Ohio. Mr. Speaker, I yield 1½ minutes to the gentleman from Minnesota (Mr. MINGE).

Mr. MINGE. Mr. Speaker, I would certainly compliment the dedication of the Committee on Appropriations in this body and the other to bringing forth legislation. But what troubles me is that this legislation has become a Trojan horse for many other unwarranted projects in an emergency spending bill. How can we justify the litany of projects that have been disclosed here this afternoon in an emergency bill, projects that ought to be funded in the normal appropriations process, projects which are essentially coming out of the Social Security trust fund. This is obscene. How do we explain to the seniors of this country or to the young people who are concerned about the Social Security program this abuse of the emergency supplemental process?

I would also like to emphasize that part of what is happening here is we are busting the budget caps. We have paid lip service to our commitment to observe these caps and balance the budget. But, in fact, what we are doing is we are shoehorning into an emergency bill billions of dollars in spending that was otherwise expected to have to be calculated and fit into the normal process. This is an abuse of the budget process. This is Exhibit A of the need for budget reform in this Congress.

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. GANSKE).

Mr. GANSKE. Mr. Speaker, I rise in opposition to this bill today. Let us take a look at the emergencies this bill contains. Money for sewers. Money for dormitories. Money for fish in Alaska. Money for reindeer. I mean, is Santa in trouble? Is there some reindeer emergency that I am not aware of that requires millions of dollars? Or how about the extra money that goes to the minority leader and the majority whip? Is there some emergency going on in those offices that none of us are aware of that has not been reported in Roll Call?

Mr. Speaker, we should provide for our service men and women the resources they need. But the Department of Defense requested $6 billion to fulfill its obligation. This bill doubles what the military experts said they needed. There is nearly $2 billion for a military pay raise. Mr. Speaker, we need to address that issue, but not in an emergency spending bill. Some say, "Well, we offset this by $2 billion." Yes, billions of dollars from food stamps. We can forget about reducing the national debt if we keep spending down the Social Security surplus with this kind of uncontrolled emergency spending.

□ 1800

Mr. Speaker, I cannot in good conscience vote for an emergency spending bill loaded up with nonemergency spending provisions and unrelated environmental policy decisions.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. Mr. Speaker, I thank the gentleman from Ohio for yielding this time to me.

Mr. Speaker, there are good riders and there are bad riders, and of course beauty is in the eye of the beholder.

These appropriation bills more often than not contain riders which seek to overturn rulemakings which seek to protect overall public interests. Those are bad riders. In the case of the pending legislation there are two riders concerning hard rock mining on Western public lands.

In the pending legislation there is, in effect, a provision which actually changes the operation of the Mining Law of 1872. This provision would waive mining law requirements as they relate to the amount of public land around mining claims that can be used to dispose of mining wastes. My colleagues from Florida and Washington have already spoken to this, and if they offer their motion to recommit, I will support it.

I can certainly understand they need to provide jobs by mining employment in the Western lands. I have a similar concern in my area where coal mining prevails in southern West Virginia. But the rider on this bill is not limited to one particular mine. This is no small issue. We are talking about sizable quantities of public land. What is particularly galling is that after years and years of resistance to negotiating any reforms to Mining Law of 1872, we are faced with a rider that is stuck deep in the bowels of this emergency appropriation bill that favors one company.

I urge recommittal.

Mrs. MYRICK. Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. WU).

Mr. WU. Mr. Speaker, I rise today in opposition to the supplemental appropriations conference report and in support of the motion to recommit offered by the gentleman from Florida (Mr. DEUTSCH) and the gentleman from Washington (Mr. INSLEE). The people of Oregon sent me 2,500 miles away to be careful with both their budget and with the environment. This bill is bloated on the budgetary side and is just flat wrong in the process and the substance of the decisions made in its environmental riders.

Mr. Speaker, substantive environmental legislation should not be passed in the dark of night. They deserve full review by this body and by the Senate, and, quite frankly, the substantive decision to open up mining in the Crown Jewel Mine is something that I do not believe my constituents or the people of America would support as an independent freestanding bill.

Therefore, Mr. Speaker, I stand in strong support of the motion to recommit submitted by the gentleman from Washington (Mr. INSLEE) and the gentleman from Florida (Mr. DEUTSCH).

Mr. HALL of Ohio. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, this is not a perfect bill. It certainly is a much better bill than passed this House last week by far. It supports our troops in a very important way, a vital way. It helps with hurricane relief in the Caribbean and Central America. It helps tornado victims in Oklahoma and Kansas. It helps the refugees in the Balkans and hurting people as a result of the tremendous amount of oppression and genocide that is going on there.

The humanitarian aid has been increased 1 percent in this bill, mainly as a result of increases in food aid to the refugees for the next few months. It brings the total humanitarian package in this bill to 5 percent of the total package. This money is important and vital. I urge Members to support the conference committee.

Mrs. MYRICK. Mr. Speaker, I yield 8 minutes to the gentleman from Ohio (Mr. REGULA).

Mr. REGULA. Mr. Speaker, apparently there has been some discussion on the floor about environmental riders in this bill. We resisted some of those that were included in the Senate bill. We tried to have a balanced bill.

On the case of the finalizing of hard rock mining regulations, the facts are that there is a National Academy of Sciences, which is an independent agency, doing a study to give us an analysis of the provisions that are being proposed in these regulations. This report is due out by July 31, and there is a 120-day comment period thereafter.

So what we are really saying in this bill is give us time to get the report from the National Academy of Sciences, give the people, both sides, time to comment, which is also provided in that arrangement, and then we will decide what the national policy should be. And all this bill does is to put a moratorium on until such time as we get that information.

On the Crown Jewel Mine issue, again this is retroactive. The Crown Jewel Mine is a mining company that has crossed every T, dotted every I, has had all the permits issued by the Federal and the State government. They are ready to go forward.

It was pointed out in the debate on the supplemental that several State retirement systems and State governmental agencies had invested in this mine, and if it were not allowed to go forward, there would be a total loss of money to these retirement systems. So my colleagues are talking about taking money away from public retirement programs if they were to allow this Crown Jewel Mine to be shut down.

Now it is not as if this was prospective. This mine has been okayed by everybody, had a NEPA statement filed, done everything required by the law of both the State of Washington as well as the Federal Government, and all we have said in this bill is they can go forward so that these large groups of investors, such as the retirement systems, do not suffer huge losses and because it is the right thing to do. They have done everything required by law.

That is an issue that this Congress will have to address. Whether or not we choose to preclude mining in the United States in the future is a policy issue that will continue to be before this body in the future. But at least in fairness we should not legislate retroactively, and that is what has been attempted by the Solicitor's opinion. We are simply putting a stay on that so that those companies that have abided by the law in every way, have made huge investments, $80 million investments provided by funds from the groups that I mentioned, are allowed to continue operating.

So I think these are responsible amendments. We did have some that were anti-environment, and we did not approve those. There were amendments from the other body that were denied in the conference because they were not constructive environmental actions.

Mr. DEUTSCH. Mr. Speaker, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Florida.

Mr. DEUTSCH. Mr. Speaker, I appreciate it, and I appreciate the gentleman putting the best spin possible on these riders. But I would still, as my colleagues know, mention to the gentleman that the Solicitor's opinion would prevent these open pit mines from putting toxic waste on our lands, on Federal lands, and by the rider that we have put in the bill, which I am sure it was not at the gentleman's initiative that it was put in the bill, it would exactly do that. It would allow hundreds of acres of pristine Federal lands to be stacked up with waste product, toxic waste product. I mean it is beyond comprehension that we are allowing that to happen.

Mr. REGULA. Mr. Speaker, I am puzzled as to why the Environmental Protection Agency of this administration would approve it under the circumstances the gentleman from Florida has just outlined.

Mr. DEUTSCH. Mr. Speaker, if the gentleman would continue to yield, I mean he is legislating. That overrides every other piece of legislation that exists that specifically allows that to occur.

Mr. REGULA. Now wait a minute. The mining law provides for regulation. This is rather ironic. This administration has been opposed to the 1872 Mining Act, and yet they found an obscure provision in that particular act that the Solicitor used to make his opinion valid. He used the mining law to bring this about.

But the point is that all the agencies of this administration had okayed it, and if we think it is wrong, we ought to change the law. We should not allow a company to invest $80 million of investors' money and then change the rules. They should not be required to suffer a huge loss because of this obscure provision that is being interpreted. A Solicitor's opinion is not law, and I think if we just tried to deal with this single issue problem, if it is wrong, we should have a bill put in here and amend the law.

Mr. DEUTSCH. If the gentleman would continue to yield, again I think if our concern is the teachers' unions, there will be a lot better ways, and I think the teachers of America and the children of America and the American people would be a lot happier dealing with that investment a different way.

I mean we are talking about hundreds of acres of land that you and I own as American citizens, pristine national forest areas.

Mr. REGULA. Mr. Speaker, I do not know, and I have not been out there so I have not looked at it, and I do not know all the nuances of the law. I just know that the agencies of this administration approved it, told them to go ahead and make the investment. They did everything required by the laws of the United States and the State of Washington, and what more can we ask of a company? And again, if we think this is wrong, we have a responsibility to deal with it in a policy decision in this body.

Mr. HASTINGS of Washington. Mr. Speaker, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Washington.

Mr. HASTINGS of Washington. Mr. Speaker, I want to thank the gentleman for taking this action because let us put this into perspective. This was a mine in north central Washington that had invested some $80 million with the full expectation that, if they followed the rules as was laid out in current law, that they would be able to mine for this gold. They passed every hoop that the State of Washington put, every barrier the State of Washington put up, everything that the Federal Government put up, and they passed it until it got here and the Solicitor simply said, "I'm sorry."

What happened was that the Solicitor said, "I'm sorry, we're going to take a provision that had never been enforced, never been enforced in the 1872 Mining Law," and said for that reason we are going to completely shut down this mine, again, after it had gone through all the barriers that were required under current law.

Now I might add it does have an effect, as the gentleman mentioned, on retirement funds, but also it has an impact on employment of about 150 to 200 people in a county frankly that is crying for more employment. So in fairness is the real reason why this provision was put into law, because it deals with this specific mine and mines that are in existence already, that were playing by the rules that we thought they should be playing by when they started their endeavor and made that investment.

So, Mr. Speaker, I want to thank the gentleman for the work he did on that because I think he did the right thing.

Mr. REGULA. Mr. Speaker, if I have any time, I would just say that the provision that was put in by the other body was very sweeping. The House conferees narrowed it, and got it very narrow in its application.

Mrs. MYRICK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as I said before, some of us have our differences with this bill, including myself. As my colleagues know, the Senate added pork, no question, everything but the kitchen sink, and it is certainly not emergencies. But everyone needs to support this rule so we can have an open and honest debate on the floor during the general debate.

Mr. Speaker, I yield the balance of my time to the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules.

□ 1815

Mr. DREIER. Mr. Speaker, I rise in strong support of this rule and I think it is important for us to get back to the reason that we are here right now. We are going to be, once we pass this measure, discussing a $15 billion emergency supplemental appropriations bill, which is absolutely necessary to offset the very significant costs of the Kosovo campaign, as well as to provide emergency aid to America's farmers, disaster victims here in the United States and Central America and to Balkan refugees.

Now I would like to compliment the very distinguished chairman of the Committee on Appropriations, the gentleman from Florida (Mr. YOUNG), and specifically our great Speaker, the gentleman from Illinois (Mr. HASTERT), who did a superb job facing much adversity, and I can say I was in on a number of these meetings over the past several weeks on this issue and it has been a challenging time but both the gentleman from Florida (Mr. YOUNG) and the gentleman from Illinois (Mr. HASTERT) have done an absolutely superb job.

As my friend, the gentlewoman from Charlotte, North Carolina (Mrs. MYRICK) just said, it is true our colleagues in the other body have clearly added many things to this measure which should not be there, but this conference report takes a very important first step towards reversing that very dangerous 10-year path that we have had of diminishing the capability of our Nation's defenses.

With the ongoing missions that are taking place, both in Kosovo, Korea and Iraq, our forces are being asked to do much more with much less. The bill puts $2.65 billion directly into the pipeline for spare parts, readiness, depot maintenance and recruitment.

Along with many others, many others in this House and around this country, I have had serious doubts as to the effectiveness of our air-only campaign. Whatever the arguments for U.S. involvement in Kosovo were, it is now a very clear national interest that both the United States of America and the North Atlantic Treaty Organization alliance prevail in this conflict. The price of NATO and American failure is simply too great at this point.

Therefore, I urge support of both this rule, which is the standard rule waiving points of order against the conference report, and we will have a full hour of debate led by the chairman of the Committee on Appropriations and the ranking minority member, the gentleman from Wisconsin (Mr. OBEY), and I think at the end of the day we should have a very strong bipartisan vote for this.

Mrs. MYRICK. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. THORNBERRY). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DEUTSCH. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 315, nays 109, not voting 9, as follows:

[Roll No. 131]

YEAS—315

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth
Clement
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham
Davis (FL)
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dicks
Dingell
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Everett
Ewing
Farr
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kasich
Kelly
Kildee
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Maloney (NY)
Manzullo
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Ose
Oxley
Packard
Paul
Pease
Pelosi
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Radanovich
Ramstad
Regula
Reyes
Reynolds
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Scott
Sensenbrenner
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson
Wise
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—109

Baldwin
Barrett (WI)
Becerra
Berman
Brown (OH)
Capuano
Carson
Clay
Clayton
Clyburn
Conyers
Costello
Coyne
Crowley
Cummings
Danner
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dixon
Doggett
Doyle
Eshoo
Evans
Fattah
Filner
Frank (MA)
Gejdenson
Gephardt
Hastings (FL)
Hill (IN)
Hilliard
Holt
Hooley
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lee
Lipinski
Luther
Maloney (CT)
Markey
Martinez
Mascara
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller, George
Mink
Nadler
Napolitano
Neal
Oberstar
Owens
Pallone
Pascrell
Pastor
Payne
Peterson (MN)
Phelps
Rahall
Rangel
Rodriguez
Rothman
Roybal-Allard
Rush
Sanchez
Sanders
Sawyer
Schakowsky
Sherman
Slaughter
Stabenow
Stark
Strickland
Stupak
Thompson (CA)
Thompson (MS)
Thurman

Tierney
Towns
Vento
Visclosky
Waters
Waxman
Weiner
Weygand
Woolsey
Wu

NOT VOTING—9

Borski
Brady (PA)
Brown (CA)
Condit
Gutierrez
Quinn
Serrano
Sessions
Weldon (PA)

☐ 1837

Mrs. JONES of Ohio, Ms. ROYBAL-ALLARD, and Ms. KAPTUR changed their vote from "yea" to "nay."

Mr. SCHAFFER changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RULES OF COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT FOR THE 106TH CONGRESS

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent for the publication in the CONGRESSIONAL RECORD (as contemplated by clause 2(a)2 of rule XI) of the rules adopted by the Committee on Standards of Official Conduct pursuant to clause 2(a)(1) of rule XI, which have duly governed the proceedings of the Committee since their adoption on January 20, 1999, and subsequent amendment on March 10, 1999 and on April 14, 1999.

The SPEAKER pro tempore (Mr. THORNBERRY). Is there objection to the request of the gentleman from Texas?

There was no objection.

RULES: COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

FOREWORD

The Committee on Standards of Official Conduct is unique in the House of Representatives. Consistent with the duty to carry out its advisory and enforcement responsibilities in an impartial manner, the Committee is the only standing committee of the House of Representatives the membership of which is divided evenly by party. These rules are intended to provide a fair procedural framework for the conduct of the Committee's activities and to help insure that the Committee serves well the people of the United States, the House of Representatives, and the Members, officers, and employees of the House of Representatives.

PART I—GENERAL COMMITTEE RULES

Rule 1. General Provisions

(a) So far as applicable, these rules and the Rules of the House of Representatives shall be the rules of the Committee and any subcommittee. The Committee adopts these rules under the authority of clause 2(a)(1) of Rule XI of the Rules of the House of Representatives, 106th Congress.

(b) The rules of the Committee may be modified, amended, or repealed by a vote of a majority of the Committee.

(c) When the interests of justice so require, the Committee, by a majority vote of its members, may adopt any special procedures, not inconsistent with these rules, deemed necessary to resolve a particular matter before it. Copies of such special procedures shall be furnished to all parties in the matter.

Rule 2. Definitions

(a) "Committee" means the Committee on Standards of Official Conduct.

(b) "Complaint" means a written allegation of improper conduct against a Member, officer, or employee of the House of Representatives filed with the Committee with the intent to initiate an inquiry.

(c) "Inquiry" means an investigation by an investigative subcommittee into allegations against a Member, officer, or employee of the House of Representatives.

(d) "Investigative Subcommittee" means a subcommittee designated pursuant to Rule 8 to conduct an inquiry to determine if a Statement of Alleged Violation should be issued.

(e) "Statement of Alleged Violation" means a formal charging document filed by an investigative subcommittee with the Committee containing specific allegations against a Member, officer, or employee of the House of Representatives of a violation of the Code of Official Conduct, or of a law, rule, regulation, or other standard of conduct applicable to the performance of official duties or the discharge of official responsibilities.

(f) "Adjudicatory Subcommittee" means a subcommittee of the Committee comprised of those Committee members not on the investigative subcommittee, that holds an adjudicatory hearing and determines whether the counts in a Statement of Alleged Violation are proved by clear and convincing evidence.

(g) "Sanction Hearing" means a Committee hearing to determine what sanction, if any, to adopt or to recommend to the House of Representatives.

(h) "Respondent" means a Member, officer, or employee of the House of Representatives who is the subject of a complaint filed with the Committee or who is the subject of an inquiry or a Statement of Alleged Violation.

(i) "Office of Advice and Education" refers to the Office established by section 803(i) of the Ethics Reform Act of 1989. The Office handles inquiries; prepares written opinions in response to specific requests; develops general guidance; and organizes seminars, workshops, and briefings for the benefit of the House of Representatives.

Rule 3. Advisory Opinions and Waivers

(a) The Office of Advice and Education shall handle inquiries; prepare written opinions providing specific advice; develop general guidance; and organize seminars, workshops, and briefings for the benefit of the House of Representatives.

(b) Any Member, officer, or employee of the House of Representatives, may request a written opinion with respect to the propriety of any current or proposed conduct of such Member, officer, or employee.

(c) The Office of Advice and Education may provide information and guidance regarding laws, rules, regulations, and other standards of conduct applicable to Members, officers, and employees in the performance of their duties or the discharge of their responsibilities.

(d) In general, the Committee shall provide a written opinion to an individual only in response to a written request, and the written opinion shall address the conduct only of the inquiring individual, or of persons for whom the inquiring individual is responsible as employing authority.

(e) A written request for an opinion shall be addressed to the Chairman of the Committee and shall include a complete and accurate statement of the relevant facts. A request shall be signed by the requester or the requester's authorized representative or employing authority. A representative shall disclose to the Committee the identity of the principal on whose behalf advice is being sought.

(f) The Office of Advice and Education shall prepare for the Committee a response to each written request for an opinion from a member, officer or employee. Each response shall discuss all applicable laws, rules, regulations, or other standards.

(g) Where a request is unclear or incomplete, the Office of Advice and Education may seek additional information from the requester.

(h) The Chairman and Ranking Minority Member are authorized to take action on behalf of the Committee on any proposed written opinion that they determine does not require consideration by the Committee. If the Chairman or Ranking Minority member requests a written opinion, or seeks a waiver, extension, or approval pursuant to Rules 3(l), 4(c), 4(e), or 4(h), the next ranking member of the requester's party is authorized to act in lieu of the requester.

(i) The Committee shall keep confidential any request for advice from a Member, officer, or employee, as well as any response thereto.

(j) The Committee may take no adverse action in regard to any conduct that has been undertaken in reliance on a written opinion if the conduct conforms to the specific facts addressed in the opinion.

(k) Information provided to the Committee by a Member, officer, or employee seeking advice regarding prospective conduct may not be used as the basis for initiating an investigation under clause 3(a)(2) of Rule XI of the Rules of the House of Representatives, if such Member, officer, or employee acts in good faith in accordance with the written advice of the Committee.

(l) A written request for a waiver of clause 5 of House Rule XXVI (the House gift rule), or for any other waiver or approval, shall be treated in all respects like any other request for a written opinion.

(m) A written request for a waiver of clause 5 of House Rule XXVI (the House gift rule) shall specify the nature of the waiver being sought and the specific circumstances justifying the waiver.

(n) An employee seeking a waiver of time limits applicable to travel paid for by a private source shall include with the request evidence that the employing authority is aware of the request. In any other instance where proposed employee conduct may reflect on the performance of official duties, the Committee may require that the requester submit evidence that the employing authority knows of the conduct.

Rule 4. Financial Disclosure

(a) In matters relating to title I of the Ethics in Government Act of 1978, the Committee shall coordinate with the Clerk of the House of Representatives, Legislation Resource Center, to assure that appropriate individuals are notified of their obligation to file Financial Disclosure Statements and that such individuals are provided in a timely fashion with filing instructions and forms developed by the Committee.

(b) The Committee shall coordinate with the Legislative Resource Center to assure that information that the Ethics in Government Act requires to be placed on the public record is made public.

(c) The Chairman and Ranking Minority Member are authorized to grant on behalf of the Committee requests for reasonable extensions of time for the filing of Financial

Disclosure Statements. Any such request must be received by the Committee no later than the date on which the statement in question is due. A request received after such date may be granted by the Committee only in extraordinary circumstances. Such extensions for one individual in a calendar year shall not exceed a total of 90 days. No extension shall be granted authorizing a nonincumbent candidate to file a statement later than 30 days prior to a primary or general election in which the candidate is participating.

(d) An individual who takes legally sufficient action to withdraw as a candidate before the date of which that individual's Financial Disclosure Statement is due under the Ethics in Government Act shall not be required to file a Statement. An individual shall not be excused from filing a Financial Disclosure Statement when withdrawal as candidate occurs after the date on which such Statement was due.

(e) Any individual who files a report required to be filed under title I of the Ethics in Government Act more than 30 days after the later of—

(1) the date such report is required to be filed, or

(2) if a filing extension is granted to such individual, the last day of the filing extension period, is required by such Act to pay a late filing fee of $200. The Chairman and Ranking Minority Member are authorized to approve requests that the fee be waived based on extraordinary circumstances.

(f) Any late report that is submitted without a required filing fee shall be deemed procedurally deficient and not properly filed.

(g) The Chairman and Ranking Minority Member are authorized to approve requests for waivers of the aggregation and reporting of gifts as provided by section 102(a)(2)(C) of the Ethics in Government Act. If such a request is approved, both the incoming request and the Committee response shall be forwarded to the Legislative Resource Center for placement on the public record.

(h) The Chairman and Ranking Minority Member are authorized to approve blind trusts as qualifying under section 102(f)(3) of the Ethics in Government Act. The correspondence relating to formal approval of a blind trust, the trust document, the list of assets transferred to the trust, and any other documents required by law to be made public, shall be forwarded to the Legislative Resource Center for such purpose.

(i) The Committee shall designate staff counsel who shall review Financial Disclosure Statements and, based upon information contained therein, indicate in a form and manner prescribed by the Committee whether the Statement appears substantially accurate and complete and the filer appears to be in compliance with applicable laws and rules.

(i) Each Financial Disclosure Statement shall be reviewed within 60 days after the date of filing.

(k) If the reviewing counsel believes that additional information required because (1) the Statement appears not substantially accurate or complete, or (2) the filer may not be in compliance with applicable laws or rules, then the reporting individual shall be notified in writing of the additional information believed to be required, or of the law or rule with which the reporting individual does not appear to be in compliance. Such notice shall also state the time within a response is to be submitted. Any such notice shall remain confidential.

(l) Within the time specified, including any extension granted in accordance with clause (c), a reporting individual who concurs with the Committee's notification that the Statement is not complete, or that other action is required, shall submit the necessary information or take appropriate action. Any amendment may be in the form of a revised Financial Disclosure Statement or an explanatory letter addressed to he Clerk of the House of Representatives.

(m) Any amendment shall be placed on the public record in the same manner as other Statements. The individual designated by the Committee to review the original Statement shall review any amendment thereto.

(n) Within the time specified, including any extension granted in accordance with clause (c), a reporting individual who does not agree with the Committee that the Statement is deficient or that other action is required, shall be provided an opportunity to respond orally or in writing. If the explanation is accepted, a copy of the response, if written, or a note summarizing an oral response, shall be retained in Committee files with the original report.

(o) The Committee shall be the final arbiter of whether any Statement requires clarification or amendment.

(p) If the Committee determines, by vote of majority of its members, that there is reason to believe that an individual has willfully failed to file a Statement or has willfully falsified or willfully failed to file information required to be reported, then the Committee shall refer the name of the individual, together with the evidence supporting its finding, to the Attorney General pursuant to section 104(b) of the Ethics Government Act. Such referral shall not preclude the Committee from initiating such other action as may be authorized by other provisions of law or the Rules of the House of Representatives.

Rule 5. Meetings

(a) The regular meeting day of the Committee shall be the second Wednesday of each month, except when the House of Representatives is not meeting on that day. When the Committee Chairman determines that there is sufficient reason, a meeting may be called on additional days. A regularly scheduled meeting need not be held when the Chairman determines there is no business to be considered.

(b) The Chairman shall establish the agenda for meetings of the Committee and the Ranking Minority Member may place additional items on the agenda.

(c) All meetings of the Committee or any subcommittee shall occur in executive session unless the Committee or subcommittee, by an affirmative vote of a majority of its members, open the meeting or hearing to the public.

(d) Any hearing held by an adjudicatory subcommittee or any sanction hearing held by the Committee shall be open to the pubic unless the Committee or subcommittee, by an affirmative vote of a majority of its members, closes the hearing to the pubic.

(e) A subcommittee shall meet at the discretion of its Chairman.

(f) Insofar as practicable, notice for any Committee or subcommittee meeting shall be provided at least seven days in advance of the meeting. The Chairman of the Committee or subcommittee may waive such time period for good cause.

Rule 6. Committee Staff

(a) The staff is to be assembled and retained as a professional, nonpartisan staff.

(b) Each member of the staff shall be professional and demonstrably qualified for the position for which he is hired.

(c) The staff as a whole and each individual member of the staff shall perform all official duties in a nonpartisan manner.

(d) No member of the staff shall engage in any partisan political activity directly affecting any congressional or presidential election.

(e) No member of the staff or outside counsel may accept public speaking engagements or write for publication on any subject that is in any way related to his or her employment or duties with the Committee without specific prior approval from the Chairman and Ranking Minority Member.

(f) No member of the staff or outside counsel may make public, unless approved by an affirmative vote of a majority of the members of the Committee, any information, document, or other material that is confidential, derived from executive session, or classified and that is obtained during the course of employment with the Committee.

(g) All staff members shall be appointed by an affirmative vote of a majority of the members of the Committee. Such vote shall occur at the first meeting of the membership of the Committee during each Congress and as necessary during the Congress.

(h) Subject to the approval of the Committee on House Administration, the Committee may retain counsel not employed by the House of Representatives whenever the Committee determines, by an affirmative vote of a majority of the members of the Committee, that the retention of outside counsel is necessary and appropriate.

(i) If the Committee determines that it is necessary to retain staff members for the purpose of a particular investigation or other proceeding, then such staff shall be retained only for the duration of that particular investigation or proceeding.

(j) Outside counsel may be dismissed prior to the end of a contract between the Committee and such counsel only by a majority vote of the members of the Committee.

(k) In addition to any other staff provided for by law, rule, or other authority, with respect to the Committee, the Chairman and Ranking Minority Member each may appoint one individual as a shared staff member from his or her personal staff to perform service for the Committee. Such shared staff may assist the Chairman or Ranking Minority Member on any subcommittee on which he serves. Only paragraphs (c), (e), and (f) shall apply to shared staff.

Rule 7. Confidentiality Oaths

Before any member or employee of the Committee may have access to information that is confidential under the rules of the Committee, the following oath (or affirmation) shall be executed in writing:

"I do solemnly swear (or affirm) that I will not disclose, to any person or entity outside the Committee on Standards of Official Conduct, any information received in the course of my service with the Committee, except as authorized by the Committee or in accordance with its rules."

Copies of the executed oath shall be provided to the Clerk of the House as part of the records of the House. Breaches of confidentiality shall be investigated by the Committee and appropriate action shall be taken.

Rule 8. Subcommittees—General Policy and Structure

(a) Upon an affirmative vote of a majority of its members to initiate an inquiry, the Chairman and Ranking Minority Member of the Committee shall designate four members (with equal representation from the majority and minority parties) to serve as an investigative subcommittee to undertake an inquiry. At the time of appointment, the Chairman shall designate one member of the subcommittee to serve as the chairman and the Ranking Minority Member shall designate one member of the subcommittee to serve as the ranking minority member of the investigative subcommittee or adjudicatory subcommittee. The Chairman and Ranking Minority Member of the Committee may serve as members of an investigative subcommittee, but may not serve as non-voting, ex-officio members.

(b) If an investigative subcommittee, by a majority vote of its members, adopts a Statement of Alleged Violation, members who did not serve on the investigative subcommittee are eligible for appointment to the adjudicatory subcommittee to hold an Adjudicatory Hearing under Committee Rule 24 on the violations alleged in the Statement.

(c) The Committee may establish other noninvestigative and nonadjudicatory subcommittees and may assign to them such functions as it may deem appropriate. The membership of each subcommittee shall provide equal representation for the majority and minority parties.

(d) The Chairman may refer any bill, resolution, or other matter before the Committee to an appropriate subcommittee for consideration. Any such bill, resolution, or other matter may be discharged from the subcommittee to which it was referred by a majority vote of the Committee.

(e) Any member of the Committee may sit with any noninvestigative or nonadjudicatory subcommittee, but only regular members of such subcommittee may vote on any matter before that subcommittee.

Rule 9. Quorums and Member Disqualification

(a) The quorum for an investigative subcommittee to take testimony and to receive evidence shall be two members, unless otherwise authorized by the House of Representatives.

(b) The quorum for an adjudicatory subcommittee to take testimony, receive evidence, or conduct business shall consist of a majority plus one of the members of the adjudicatory subcommittee.

(c) Except as stated in clauses (a) and (b) of this rule, a quorum for the purpose of conducting business consists of a majority of the members of the Committee or subcommittee.

(d) A member of the Committee shall be ineligible to participate in any Committee or subcommittee proceeding in which he is the respondent.

(e) A member of the Committee may disqualify himself from participating in any investigation of the conduct of a Member, officer, or employee of the House of Representatives upon the submission in writing and under oath of an affidavit of disqualification stating that the member cannot render an impartial and unbiased decision. If the Committee approves and accepts such affidavit of disqualification, or if a member is disqualified pursuant to Rule 18(g) or Rule 24(a), the Chairman shall so notify the Speaker and ask the Speaker to designate a Member of the House of Representatives from the same political party as the disqualified member of the Committee to act as a member of the Committee in any Committee proceeding relating to such investigation.

Rule 10. Vote Requirements

(a) The following actions shall be taken only upon an affirmative vote of a majority of the members of the Committee or subcommittee, as appropriate:

(1) Issuing a subpoena.

(2) Adopting a full Committee motion to create an investigative subcommittee.

(3) Adoption of a Statement of Alleged Violation.

(4) Finding that a count in a Statement of Alleged Violation has been proved by clear and convincing evidence.

(5) Sending a letter of reproval.

(6) Adoption of a recommendation to the House of Representatives that a sanction be imposed.

(7) Adoption of a report relating to the conduct of a Member, officer, or employee.

(8) Issuance of an advisory opinion of general applicability establishing new policy.

(b) Except as stated in clause (a), action may be taken by the Committee or any subcommittee thereof by a simple majority, a quorum being present.

(c) No motion made to take any of the actions enumerated in clause (a) of this Rule may be entertained by the Chair unless a quorum of the Committee is present when such motion is made.

Rule 11. Communications by Committee Members and Staff

Committee members and staff shall not disclose any evidence relating to an investigation to any person or organization outside the Committee unless authorized by the Committee. The Chairman and Ranking Minority Member shall have access to such information that they request as necessary to conduct Committee business. Evidence in the possession of an investigative subcommittee shall not be disclosed to other Committee members except by a vote of the subcommittee.

Rule 12. Committee Records

(a) The Committee may establish procedures necessary to prevent the unauthorized disclosure of any testimony or other information received by the Committee or its staff.

(b) Members and staff of the Committee shall not disclose to any person or organization outside the Committee, unless authorized by the Committee, any information regarding the Committee's or a subcommittee's investigative, adjudicatory or other proceedings, including, but not limited to: (i) the fact of or nature of any complaints; (ii) executive session proceedings; (iii) information pertaining to or copies of any Committee or subcommittee report, study, or other document which purports to express the views, findings, conclusions, or recommendations of the Committee or subcommittee in connection with any of its activities or proceedings; or (iv) any other information or allegation respecting the conduct of a Member, officer, or employee.

(c) The Committee shall not disclose to any person or organization outside the Committee any information concerning the conduct of a respondent until it has transmitted a Statement of Alleged Violation to such respondent and the respondent has been given full opportunity to respond pursuant to Rule 23. The Statement of Alleged Violation and any written response thereto shall be made public at the first meeting or hearing on the matter that is open to the public after such opportunity has been provided. Any other materials in the possession of the Committee regarding such statement may be made public as authorized by the Committee to the extent consistent with the Rules of the House of Representatives.

(d) If no public hearing or meeting is held on the matter, the Statement of Alleged Violation and any written response thereto shall be included in the Committee's final report on the matter to the House of Representatives.

(e) All communications and all pleadings pursuant to these rules shall be filed with the Committee at the Committee's office or such other place as designated by the Committee.

(f) All records of the Committee which have been delivered to the Archivist of the United States shall be made available to the public in accordance with Rule VII of the Rules of the House of Representatives.

Rule 13. Broadcasts of Committee and Subcommittee Proceedings

(a) Television or radio coverage of a Committee or subcommittee hearing or meeting shall be without commercial sponsorship.

(b) No witness shall be required against his or her will to be photographed or otherwise to have a graphic reproduction of his or her image made at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any witness, all media microphones shall be turned off, all television and camera lenses shall be covered, and the making of a graphic reproduction at the hearing shall not be permitted. This paragraph supplements clause 2(k)(5) of Rule XI of the Rules of the House of Representatives relating to the protection of the rights of witnesses.

(c) Not more than four television cameras, operating from fixed positions, shall be permitted in a hearing or meeting room. The Committee may allocate the positions of permitted television cameras among the television media in consultation with the executive Committee of the Radio and Television Correspondents' Galleries.

(d) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any member of the Committee, or the visibility of that witness and that member to each other.

(e) Television cameras shall not be placed in positions that unnecessarily obstruct the coverage of the hearing or meeting by the other media.

PART II—INVESTIGATIVE AUTHORITY

Rule 14. House Resolution

Whenever the House of Representatives, by resolution, authorizes or directs the Committee to undertake an inquiry or investigation, the provisions of the resolution, in conjunction with these Rules, shall govern. To the extent the provisions of the resolution differ from these Rules, the resolution shall control.

Rule 15. Committee Authority to Investigate—General Policy

Pursuant to clause 3(b)(2) of Rule XI of the Rules of the House of Representatives, the Committee may exercise its investigative authority when—

(a) information offered as a complaint by a Member of the House of Representatives is transmitted directly to the Committee;

(b) information offered as a complaint by an individual not a Member of the House is transmitted to the Committee, provided that a Member of the House certifies in writing that he or she believes the information is submitted in good faith and warrants the review and consideration of the Committee;

(c) the Committee, on its own initiative, establishes an investigative subcommittee;

(d) a Member, officer, or employee is convicted in a Federal, State, or local court of a felony; or

(e) the House of Representatives, by resolution, authorizes or directs the Committee to undertake an inquiry or investigation.

Rule 16. Complaints

(a) A complaint submitted to the Committee shall be in writing, dated, and properly verified (a document will be considered properly verified where a notary executes it with the language, "Signed and sworn to (or affirmed) before me on (date) by (the name of the person)" setting forth in simple, concise, and direct statements—

(1) the name and legal address of the party filing the complaint (hereinafter referred to as the "complainant");

(2) the name and position or title of the respondent;

(3) the nature of the alleged violation of the Code of Official Conduct or of other law, rule, regulation, or other standard of conduct applicable to the performance of duties or discharge of responsibilities; and

(4) the facts alleged to give rise to the violation. The complaint shall not contain innuendo, speculative assertions, or conclusory statements.

(b) Any documents in the possession of the complainant that relate to the allegations may be submitted with the complaint.

(c) Information offered as a complaint by a Member of the House of Representatives may be transmitted directly to the Committee.

(d) Information offered as a complaint by an individual not a Member of the House may be transmitted to the Committee, provided that a Member of the House certifies in writing that he or she believes the information is submitted in good faith and warrants the review and consideration of the Committee.

(e) A complaint must be accompanied by a certification, which may be unsworn, that the complainant has provided an exact copy of the filed complaint and all attachments to the respondent.

(f) The Committee may defer action on a complaint against a Member, officer, or employee of the House of Representatives when the complaint alleges conduct that the Committee has reason to believe is being reviewed by appropriate law enforcement or regulatory authorities, or when the Committee determines that it is appropriate for the conduct alleged in the complaint to be reviewed initially by law enforcement or regulatory authorities.

(g) A complaint may not be amended without leave of the Committee. Otherwise, any new allegations of improper conduct must be submitted in a new complaint that independently meets the procedural requirements of the Rules of the House of Representatives and the Committee's Rules.

(h) The Committee shall not accept, and shall return to the complainant, any complaint submitted within the 60 days prior to an election in which the subject of the complaint is a candidate.

(i) The Committee shall not consider a complaint, nor shall any investigation be undertaken by the Committee, of any alleged violation which occurred before the third previous Congress unless the Committee determines that the alleged violation is directly related to an alleged violation which occurred in a more recent Congress.

Rule 17. Duties of Committee Chairman and Ranking Minority Member

(a) Unless otherwise determined by a vote of the Committee, only the Chairman or Ranking Minority Member, after consultation with each other, may make public statements regarding matters before the Committee or any subcommittee.

(b) Whenever information offered as a complaint is submitted to the Committee, the Chairman and Ranking Minority Member shall have 14 calendar days or 5 legislative days, whichever occurs first, to determine whether the information meets the requirements of the Committee's rules for what constitutes a complaint.

(c) Whenever the Chairman and Ranking Minority Member jointly determine that information submitted to the Committee meets the requirements of the Committee's rules for what constitutes a complaint, they shall have 45 calendar days or 5 legislative days, whichever is later, after the date that the Chairman and Ranking Minority Member determine that information filed meets the requirements of the Committee's rules for what constitutes a complaint, unless the Committee by an affirmative vote of a majority of its members votes otherwise, to—

(1) recommend to the Committee that it dispose of the complaint, or any portion thereof, in any manner that does not require action by the House, which may include dismissal of the complaint or resolution of the complaint by a letter to the Member, officer, or employee of the House against whom the complaint is made;

(2) establish an investigative subcommittee; or

(3) request that the Committee extend the applicable 45-calendar day period when they determine more time is necessary in order to make a recommendation under paragraph (1).

(d) The Chairman and Ranking Minority Member may jointly gather additional information concerning alleged conduct which is the basis of a complaint or of information offered as a complaint until they have established an investigative subcommittee or the Chairman or Ranking Minority Member has placed on the agenda the issue of whether to establish an investigative subcommittee.

(e) If the Chairman and Ranking Minority Member jointly determine that information submitted to the Committee meets the requirements of the Committee rules for what constitutes a complaint, and the complaint is not disposed of within 45 calendar days or 5 legislative days, whichever is later, and no additional 45-day extension is made, then they shall establish an investigative subcommittee and forward the complaint, or any portion thereof, to that subcommittee for its consideration. If at any time during the time period either the Chairman or Ranking Minority Member places on the agenda the issue of whether to establish an investigative subcommittee, then an investigative subcommittee may be established only by an affirmative vote of a majority of the members of the Committee.

(f) Whenever the Chairman and Ranking Minority Member jointly determine that information submitted to the Committee does not meet the requirements for what constitutes a complaint set forth in the Committee rules, they may (1) return the information to the complainant with a statement that it fails to meet the requirements for what constitutes a complaint set forth in the Committee's rules; or (2) recommend to the Committee that it authorize the establishment of an investigative subcommittee.

Rule 18. Processing of Complaints

(a) If a complaint is in compliance with House and Committee Rules, a copy of the complaint and the Committee Rules shall be forwarded to the respondent within five days with notice that the complaint conforms to the applicable rules and will be placed on the Committee's agenda.

(b) The respondent may, within 30 days of the Committee's notification, provide to the Committee any information relevant to a complaint filed with the Committee. The respondent may submit a written statement in response to the complaint. Such a statement shall be signed by the respondent. If the statement is prepared by counsel for the respondent, the respondent shall sign a representation that he/she has reviewed the response and agrees with the factual assertions contained therein.

(c) The Committee staff may request information from the respondent or obtain additional information pertinent to the case from other sources prior to the establishment of an investigative subcommittee only when so directed by the Chairman and Ranking Minority Member.

(d) At the first meeting of the Committee following the procedures or actions specified in clauses (a) and (b), the Committee shall consider the complaint.

(e) The Committee, by a majority vote of its members, may create an investigative subcommittee. If an investigative subcommittee is established, the Chairman and Ranking Minority Member shall designate four members to serve as an investigative subcommittee in accordance with Rule 20.

(f) The respondent shall be notified in writing regarding the Committee's decision either to dismiss the complaint or to create an investigative subcommittee.

(g) The respondent shall be notified of the membership of the investigative subcommittee and shall have ten days after such notice is transmitted to object to the participation of any subcommittee member. Such objection shall be in writing and shall be on the grounds that the subcommittee member cannot render an impartial and unbiased decision. The subcommittee member against whom the objection is made shall be the sole judge of his or her disqualification.

Rule 19. Committee-Initiated Inquiry

(a) Notwithstanding the absence of a filed complaint, the Committee may consider any information in its possession indicating that a Member, officer, or employee may have committed a violation of the Code of Official Conduct or any law, rule, regulation, or other standard of conduct applicable to the conduct of such Member, officer, or employee in the performance of his or her duties or the discharge of his or her responsibilities. The Chairman and Ranking Minority Member may jointly gather additional information concerning such an alleged violation by a Member, officer, or employee unless and until an investigative subcommittee has been established.

(b) If the Committee votes to establish an investigative subcommittee, the Committee shall proceed in accordance with Rule 20.

(c) Any written request by a Member, officer, or employee of the House of Representatives that the Committee conduct an inquiry into such person's own conduct shall be processed in accordance with subsection (a) of this Rule.

(d) An inquiry shall not be undertaken regarding any alleged violation that occurred before the third previous Congress unless a majority of the Committee determines that the alleged violation is directly related to an alleged violation that occurred in a more recent Congress.

(e) An inquiry shall be undertaken by an investigative subcommittee with regard to any felony conviction of a Member, officer, or employee of the House of Representatives in a Federal, state, or local court. Notwithstanding this provision, an inquiry may be initiated at any time prior to sentencing.

Rule 20. Investigative Subcommittee

(a) In an inquiry undertaken by an investigative subcommittee—

(1) All proceedings, including the taking of testimony, shall be conducted in executive session and all testimony taken by deposition or things produced pursuant to subpoena or otherwise shall be deemed to have been taken or produced in executive session.

(2) The Chairman of the investigative subcommittee shall ask the respondent and all witnesses whether they intend to be represented by counsel. If so, the respondent or witnesses or their legal representatives shall provide written designation of counsel. A respondent or witness who is represented by counsel shall not be questioned in the absence of counsel unless an explicit waiver is obtained.

(3) The subcommittee shall provide the respondent an opportunity to present, orally or in writing, a statement, which must be under oath or affirmation, regarding the allegations and any other relevant questions arising out of the inquiry.

(4) The staff may interview witnesses, examine documents and other evidence, and request that submitted statements be under oath or affirmation and that documents be certified as to their authenticity and accuracy.

(5) The subcommittee, by a majority vote of its members, may require, by subpoena or otherwise, the attendance and testimony of witnesses and the production of such books, records, correspondence, memoranda, papers, documents, and other items as it deems necessary to the conduct of the inquiry. Unless the Committee otherwise provides, the subpoena power shall rest in the Chairman and Ranking Minority Member of the Committee and a subpoena shall be issued upon the request of the investigative subcommittee.

(6) The subcommittee shall require that testimony be given under oath or affirmation. The form of the oath or affirmation shall be: "Do you solemnly swear (or affirm) that the testimony you will give before this subcommittee in the matter now under consideration will be the truth, the whole truth, and nothing but the truth (so help you God)?" The oath or affirmation shall be administered by the Chairman or subcommittee member designated by the Chairman to administer oaths.

(b) During the inquiry, the procedure respecting the admissibility of evidence and rulings shall be as follows:

(1) Any relevant evidence shall be admissible unless the evidence is privileged under the precedents of the House of Representative.

(2) The Chairman of the subcommittee or other presiding member at any investigative subcommittee proceeding shall rule upon any question of admissibility or pertinency of evidence, motion, procedure or any other matter, and may direct any witness to answer any question under penalty of contempt. A witness, witness's counsel, or a member of the subcommittee may appeal any evidentiary rulings to the members present at that proceeding. The majority vote of the members present at such proceeding on such appeal shall govern the question of admissibility, and no appeal shall lie to the Committee.

(3) Whenever a person is determined by a majority vote to be in contempt of the subcommittee, the matter may be referred to the Committee to determine whether to refer the matter to the House of Representatives for consideration.

(4) Committee counsel may, subject to subcommittee approval, enter into stipulations with the respondent and/or the respondent's counsel as to facts that are not in dispute.

(c) Upon an affirmative vote of a majority of the subcommittee members, and an affirmative vote of a majority of the full Committee, an investigative subcommittee may expand the scope of its investigation.

(d) Upon completion of the investigation, the staff shall draft for the investigative subcommittee a report that shall contain a comprehensive summary of the information received regarding the alleged violations.

(e) Upon completion of the inquiry, an investigative subcommittee, by a majority vote of its members, may adopt a Statement of Alleged Violation if it determines that there is substantial reason to believe that a violation of the Code of Official Conduct, or of a law, rule, regulation, or other standard of conduct applicable to the performance of official duties or the discharge of official responsibilities by a Member, officer, or employee of the House of Representatives has occurred. If more than one violation is alleged, such Statement shall be divided into separate counts. Each count shall relate to a separate violation, shall contain a plain and concise statement of the alleged facts of such violation, and shall include a reference to the provision of the Code of Official Conduct or law, rule, regulation or other applicable standard of conduct governing the performance of duties or discharge of responsibilities alleged to have been violated. A copy of such Statement shall be transmitted to the respondent and the respondent's counsel.

(f) If the investigative subcommittee does not adopt a Statement of Alleged Violation, it shall transmit to the Committee a report containing a summary of the information received in the inquiry, its conclusions and reasons therefor, and any appropriate recommendation. The Committee shall transmit such report to the House of Representatives.

Rule 21. Amendments of Statements of Alleged Violation

(a) An investigative subcommittee may, upon an affirmative vote of a majority of its members, amend its Statement of Alleged Violation anytime before the Statement of Alleged Violation is transmitted to the Committee; and

(b) If an investigative subcommittee amends its Statement of Alleged Violation, the respondent shall be notified in writing and shall have 30 calendar days from the date of that notification to file an answer to the amended Statement of Alleged Violation.

Rule 22. Committee Reporting Requirements

(a) Whenever an investigative subcommittee does not adopt a Statement of Alleged Violation and transmit a report to that effect to the Committee, the Committee may by an affirmative vote of a majority of its members transmit such report to the House of Representatives;

(b) Whenever an investigative subcommittee adopts a Statement of Alleged Violation but recommends that no further action be taken, it shall transmit a report to the Committee regarding the Statement of Alleged Violation; and

(c) Whenever an investigative subcommittee adopts a Statement of Alleged Violation, the respondent admits to the violations set forth in such Statement, the respondent waives his or her right to an adjudicatory hearing, and the respondent's waiver is approved by the Committee—

(1) the subcommittee shall prepare a report for transmittal to the Committee, a final draft of which shall be provided to the respondent not less than 15 calendar days before the subcommittee votes on whether to adopt the report;

(2) the respondent may submit views in writing regarding the final draft to the subcommittee within 7 calendar days of receipt of that draft;

(3) the subcommittee shall transmit a report to the Committee regarding the Statement of Alleged Violation together with any views submitted by the respondent pursuant to subparagraph (2), and the Committee shall make the report, together with the respondent's views, available to the public before the commencement of any sanction hearing; and

(4) the Committee shall by an affirmative vote of a majority of its members issue a report and transmit such report to the House of Representatives, together with the respondent's views previously submitted pursuant to subparagraph (2) and any additional views respondent may submit for attachment to the final report; and

(d) Members of the Committee shall have not less than 72 hours to review any report transmitted to the Committee by an investigative subcommittee before both the commencement of a sanction hearing and the Committee vote on whether to adopt the report.

Rule 23. Respondent's Answer

(a)(1) Within 30 days from the date of transmittal of Statement of Alleged Violation, the respondent shall file with the investigative subcommittee an answer, in writing and under oath, signed by respondent and respondent's counsel. Failure to file an answer within the time prescribed shall be considered by the Committee as a denial of each count.

(2) The answer shall contain an admission to or denial of each count set forth in the Statement of Alleged Violation and may include negative, affirmative, or alternative defenses and any supporting evidence or other relevant information.

(b) The respondent may file a Motion for a Bill of Particulars within 10 days of the date of transmittal of the Statement of Alleged Violation. If a Motion for a Bill of Particulars is filed, the respondent shall not be required to file an answer until 20 days after the subcommittee has replied to such motion.

(c)(1) The respondent may file a Motion to Dismiss within 10 days of the date of transmittal of the Statement of Alleged Violation or, if a Motion for a Bill of Particulars has been filed, within 10 days of the date of the subcommittee's reply to the Motion for a Bill of Particulars. If a Motion to Dismiss is filed, the respondent shall not be required to file an answer until 20 days after the subcommittee has replied to the Motion to Dismiss, unless the respondent previously filed a Motion for a Bill of Particulars, in which case the respondent shall not be required to file an answer until 10 days after the subcommittee has replied to the Motion to Dismiss. The investigative subcommittee shall rule upon any motion to dismiss filed during the period between the establishment of the subcommittee and the subcommittee's transmittal of a report to the Committee pursuant to Rule 20 or Rule 22, and no appeal of the subcommittee's ruling shall lie to the Committee.

(2) A Motion to Dismiss may be made on the grounds that the Statement of Alleged Violation fails to state facts that constitute a violation of the Code of Official Conduct or other applicable law, rule, regulation, or

standard of conduct, or on the grounds that the Committee lacks jurisdiction to consider the allegations contained in the Statement.

(d) Any motion filed with the subcommittee pursuant to this rule shall be accompanied by a Memorandum of Points and Authorities.

(e)(1) The Chairman of the investigative subcommittee, for good cause shown, may permit the respondent to file an answer or motion after the day prescribed above.

(2) If the ability of the respondent to present an adequate defense is not adversely affected and special circumstances so require, the Chairman of the investigative subcommittee may direct the respondent to file an answer or motion prior to the day prescribed above.

(f) If the day on which any answer, motion, reply, or other pleading must be filed falls on a Saturday, Sunday, or holiday, such filing shall be made on the first business day thereafter.

(g) As soon as practicable after an answer has been filed or the time for such filing has expired, the Statement of Alleged Violation and any answer, motion, reply, or other pleading connected therewith shall be transmitted by the Chairman of the investigative subcommittee to the Chairman and Ranking Minority Member of the Committee.

Rule 24. Adjudicatory Hearings

(a) If a Statement of Alleged Violation is transmitted to the Chairman and Ranking Minority Member pursuant to Rule 23, and no waiver pursuant to Rule 27(b) has occurred, the Chairman shall designate the members of the Committee who did not serve on the investigative subcommittee to serve on an adjudicatory subcommittee. The Chairman and Ranking Minority Member of the Committee shall be the Chairman and Ranking Minority Member of the adjudicatory subcommittee unless they served on the investigative subcommittee. The respondent shall be notified of the designation of the adjudicatory subcommittee and shall have ten days after such notice is transmitted to object to the participation of any subcommittee member. Such objection shall be in writing and shall be on the grounds that the member cannot render an impartial and unbiased decision. The member against whom the objection is made shall be the sole judge of his or her disqualification.

(b) A majority of the adjudicatory subcommittee membership plus one must be present at all times for the conduct of any business pursuant to this rule.

(c) The adjudicatory subcommittee shall hold a hearing to determine whether any counts in the Statement of Alleged Violation have been proved by clear and convincing evidence and shall make findings of fact, except where such violations have been admitted by respondent.

(d) At an adjudicatory hearing, the subcommittee may require, by subpoena or otherwise, the attendance and testimony of such witnesses and production of such books, records, correspondence, memoranda, papers, documents, and other items as it deems necessary. Depositions, interrogatories, and sworn statements taken under any investigative subcommittee direction may be accepted into the hearing record.

(e) The procedures set forth in clause 2(g) and (k) of Rule XI of the Rules of the House of Representatives shall apply to adjudicatory hearings. All such hearings shall be open to the public unless the adjudicatory subcommittee, pursuant to such clause, determines that the hearings or any part thereof should be closed.

(f)(1) The adjudicatory subcommittee shall, in writing, notify the respondent that the respondent and his or her counsel have the right to inspect, review, copy, or photograph books, papers, documents, photographs, or other tangible objects that the adjudicatory subcommittee counsel intends to use as evidence against the respondent in an adjudicatory hearing. The respondent shall be given access to such evidence, and shall be provided the names of witnesses the subcommittee counsel intends to call, and a summary of their expected testimony, no less than 15 calendar days prior to any such hearing. Except in extraordinary circumstances, no evidence may be introduced or witness called in an adjudicatory hearing unless the respondent has been afforded a prior opportunity to review such evidence or has been provided the name of the witness.

(2) After a witness has testified on direct examination at an adjudicatory hearing, the Committee, at the request of the respondent, shall make available to the respondent any statement of the witness in the possession of the Committee which relates to the subject matter as to which the witness has testified.

(3) Any other testimony, statement, or documentary evidence in the possession of the Committee which is material to the respondent's defense shall, upon request, be made available to the respondent.

(g) No less than five days prior to the hearing, the respondent or counsel shall provide the adjudicatory subcommittee with the names of witnesses expected to be called, summaries of their expected testimony, and copies of any documents or other evidence proposed to be introduced.

(h) The respondent or counsel may apply to the subcommittee for the issuance of subpoenas for the appearance of witnesses or the production of evidence. The application shall be granted upon a showing by the respondent that the proposed testimony or evidence is relevant and not otherwise available to respondent. The application may be denied if not made at a reasonable time or if the testimony or evidence would be merely cumulative.

(i) During the hearing, the procedures regarding the admissibility of evidence and rulings shall be as follows:

(1) Any relevant evidence shall be admissible unless the evidence is privileged under the precedents of the House of Representatives.

(2) The Chairman of the subcommittee or other presiding member at an adjudicatory subcommittee hearing shall rule upon any question of admissibility or pertinency of evidence, motion, procedure, or any other matter, and may direct any witness to answer any question under penalty of contempt. A witness, witness' counsel, or a member of the subcommittee may appeal any evidentiary ruling to the members present at that proceeding. The majority vote of the members present at such proceeding on such an appeal shall govern the question of admissibility and no appeal shall lie to the Committee.

(3) Whenever a witness is deemed by a Chairman or other presiding member to be in contempt of the subcommittee, the matter may be referred to the Committee to determine whether to refer the matter of the House of Representatives for consideration.

(4) Committee counsel may, subject to the subcommittee approval, enter into stipulations with the respondent and/or the respondent's counsel as to facts that are not in dispute.

(j) Unless otherwise provided, the order of an adjudicatory hearing shall be as follows:

(1) The Chairman of the subcommittee shall open the hearing by stating the adjudicatory subcommittee's authority to conduct the hearing and the purpose of the hearing.

(2) The Chairman shall then recognize Committee counsel and the respondent's counsel, in turn, for the purpose of giving opening statements.

(3) Testimony from witnesses and other pertinent evidence shall be received in the following order whenever possible:

(i) witnesses (deposition transcripts and affidavits obtained during the inquiry may be used in lieu of live witnesses if the witness is unavailable) and other evidence offered by the Committee counsel,

(ii) witnesses and other evidence offered by the respondent,

(iii) rebuttal witnesses, as permitted by the Chairman.

(4) Witnesses at a hearing shall be examined first by counsel calling such witness. The opposing counsel may then cross-examine the witness. Redirect examination and recross examination may be permitted to the Chairman's discretion. Subcommittee members may then question witnesses. Unless otherwise directed by the Chairman, such questions shall be conducted under the five-minute rule.

(k) A subpoena to a witness to appear at a hearing shall be served sufficiently in advance of that witness' scheduled appearance to allow the witness a reasonable period of time, as determined by the Chairman of the adjudicatory subcommittee, to prepare for the hearing and to employ counsel.

(l) Each witness appearing before the subcommittee shall be furnished a printed copy of the Committee rules, the pertinent provisions of the Rules of the House of Representatives applicable to the rights of witnesses, and a copy of the Statement of Alleged Violation.

(m) Testimony of all witnesses shall be taken under oath or affirmation. The form of the oath or affirmation shall be: "Do you solemnly swear (or affirm) that the testimony you will give before this subcommittee in the matter now under consideration will be the truth, the whole truth, and nothing but the truth (so help you God)?" The oath or affirmation shall be administered by the Chairman or Committee member designated by the Chairman to administer oaths.

(n) At an adjudicatory hearing, the burden of proof rests on Committee counsel to establish the facts alleged in the Statement of Alleged Violation by clear and convincing evidence. However, Committee counsel need not present any evidence regarding any count that is admitted by the respondent or any fact stipulated.

(o) As soon as practicable after all testimony and evidence have been presented, the subcommittee shall consider each count contained in the Statement of Alleged Violation and shall determine by a majority vote of its members whether each count has been proved. If a majority of the subcommittee does not vote that a count has been proved, a motion to reconsider that vote may be made only by a member who voted that the count was not proved. A count that is not proved shall be considered as dismissed by the subcommittee.

(p) The findings of the adjudicatory subcommittee shall be reported to the Committee.

Rule 25. Sanction Hearing and Consideration of Sanctions or Other Recommendations

(a) If no count in a Statement of Alleged Violation is proved, the Committee shall prepare a report to the House of Representatives, based upon the report of the adjudicatory subcommittee.

(b) If an adjudicatory subcommittee completes an adjudicatory hearing pursuant to Rule 24 and reports that any count of the Statement of Alleged Violation has been proved, a hearing before the Committee shall be held to receive oral and/or written submissions by counsel for the Committee and counsel for the respondent as to the sanction the Committee should recommend to the House of Representatives with respect to such violations. Testimony by witnesses shall not be heard except by written request and vote of a majority of the Committee.

(c) Upon completion of any proceeding held pursuant to clause (b), the Committee shall consider and vote on a motion to recommend to the House of Representatives that the House take disciplinary action. If a majority of the Committee does not vote in favor of the recommendation that the House of Representatives take action, a motion to reconsider that vote may be made only by a member who voted against the recommendation. The Committee may also, by majority vote, adopt a motion to issue a Letter of Reproval or take other appropriate Committee action.

(d) If the Committee determines a Letter of Reproval constitutes sufficient action, the Committee shall include any such letter as a part of its report to the House of Representatives.

(e) With respect to any proved counts against a Member of the House of Representatives, the Committee may recommend to the House one or more of the following sanctions:

(1) Expulsion from the House of Representatives.

(2) Censure.

(3) Reprimand.

(4) Fine.

(5) Denial or limitation of any right, power, privilege, or immunity of the Member if under the Constitution the House of Representatives may impose such denial or limitation.

(6) Any other sanction determined by the Committee to be appropriate.

(f) With respect to any proved counts against an officer or employee of the House of Representatives, the Committee may recommend to the House one or more of the following sanctions:

(1) Dismissal from employment.

(2) Reprimand.

(3) Fine.

(4) Any other sanction determined by the Committee to be appropriate.

(g) With respect to the sanctions that the Committee may recommend, reprimand is appropriate for serious violations, censure is appropriate for more serious violations, and expulsion of a Member or dismissal of an officer or employee is appropriate for the most serious violations. A recommendation of a fine is appropriate in a case in which it is likely that the violation was committed to secure a personal financial benefit; and a recommendation of a denial or limitation of a right, power, privilege, or immunity of a Member is appropriate when the violation bears upon the exercise or holding of such right, power, privilege, or immunity. This clause sets forth general guidelines and does not limit the authority of the Committee to recommend other sanctions.

(h) The Committee report shall contain an appropriate statement of the evidence supporting the Committee's findings and a statement of the Committee's reasons for the recommended sanction.

Rule 26. Disclosure of Exculpatory Information to Respondent

If the Committee, or any investigative or adjudicatory subcommittee at any time receives any exculpatory information respecting a Complaint or Statement of Alleged Violation concerning a Member, officer, or employee of the House of Representatives, it shall make such information known and available to the Member, officer, or employee as soon as practicable, but in no event later than the transmittal of evidence supporting a proposed Statement of Alleged Violation pursuant to Rule 27(c). If an investigative subcommittee does not adopt a Statement of Alleged Violation, it shall identify any exculpatory information in its possession at the conclusion of its inquiry and shall include such information, if any, in the subcommittee's final report to the Committee regarding its inquiry. For purposes of this rule, exculpatory evidence shall be any evidence or information that is substantially favorable to the respondent with respect to the allegations or charges before an investigative or adjudicatory subcommittee.

Rule 27. Rights of Respondents and Witnesses

(a) A respondent shall be informed of the right to be represented by counsel, to be provided at his or her own expense.

(b) A respondent may seek to waive any procedural rights or steps in the disciplinary process. A request for waiver must be in writing, signed by the respondent, and must detail what procedural steps the respondent seeks to waive. Any such request shall be subject to the acceptance of the Committee or subcommittee, as appropriate.

(c) Not less than 10 calendar days before a scheduled vote by an investigative subcommittee on a Statement of Alleged Violation, the subcommittee shall provide the respondent with a copy of the Statement of Alleged Violation it intends to adopt together with all evidence it intends to use to prove those charges which it intends to adopt, including documentary evidence, witness testimony, memoranda of witness interviews, and physical evidence, unless the subcommittee by an affirmative vote of a majority of its members decides to withhold certain evidence in order to protect a witness, but if such evidence is withheld, the subcommittee shall inform the respondent that evidence is being withheld and of the count to which such evidence relates.

(d) Neither the respondent nor his counsel shall, directly or indirectly, contact the subcommittee or any member thereof during the period of time set forth in paragraph (c) except for the sole purpose of settlement discussions where counsels for the respondent and the subcommittee are present.

(e) If, at any time after the issuance of a Statement of Alleged Violation, the Committee or any subcommittee thereof determines that it intends to use evidence not provided to a respondent under paragraph (c) to prove the charges contained in the Statement of Alleged Violation (or any amendment thereof), such evidence shall be made immediately available to the respondent, and it may be used in any further proceeding under the Committee's rules.

(f) Evidence provided pursuant to paragraph (c) or (e) shall be made available to the respondent and his or her counsel only after each agrees, in writing, that no document, information, or other materials obtained pursuant to that paragraph shall be made public until—

(1) such time as a Statement of Alleged Violation is made public by the Committee if the respondent has waived the adjudicatory hearing; or

(2) the commencement of an adjudicatory hearing if the respondent has not waived an adjudicatory hearing; but the failure of respondent and his counsel to so agree in writing, and therefore not receive the evidence, shall not preclude the issuance of a Statement of Alleged Violation at the end of the period referenced to in (c).

(g) A respondent shall receive written notice whenever—

(1) the Chairman and Ranking Minority Member determine that information the Committee has received constitutes a complaint;

(2) a complaint or allegation is transmitted to an investigative subcommittee;

(3) that subcommittee votes to authorize its first subpoena or to take testimony under oath, whichever occurs first; and

(4) the Committee votes to expand the scope of the inquiry of an investigative subcommittee.

(h) Whenever an investigative subcommittee adopts a Statement of Alleged Violation and a respondent enters into an agreement with that subcommittee to settle a complaint on which the Statement is based, that agreement, unless the respondent requests otherwise, shall be in writing and signed by the respondent and the respondent's counsel, the Chairman and Ranking Minority Member of the subcommittee, and the outside counsel, if any.

(i) Statements or information derived solely from a respondent or his counsel during any settlement discussions between the Committee or a subcommittee thereof and the respondent shall not be included in any report of the subcommittee or the Committee or otherwise publicly disclosed without the consent of the respondent;

(j) Whenever a motion to establish an investigative subcommittee does not prevail, the Committee shall promptly send a letter to the respondent informing him of such vote.

(k) Witnesses shall be afforded a reasonable period of time, as determined by the Committee or subcommittee, to prepare for an appearance before an investigative subcommittee or for an adjudicatory hearing and to obtain counsel.

(l) Except as otherwise specifically authorized by the Committee, no Committee member or staff member shall disclose to any person outside the Committee the name of any witness subpoenaed to testify or to produce evidence.

(m) Prior to their testimony, witness shall be furnished a printed copy of the Committee's Rules of Procedure and the provisions of the Rules of the House of Representatives applicable to the rights of witnesses.

(n) Witnesses may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights. The Chairman may punish breaches of order and decorum, and of professional responsibility on the part of counsel, by censure and exclusion from the hearings; and the Committee may cite the offender to the House of Representatives for contempt.

(o) Each witness subpoenaed to provide testimony of other evidence shall be provided such travel expenses as the Chairman considers appropriate. No compensation shall be authorized for attorney's fees or for a witness' lost earnings.

(p) With the approval of the Committee, a witness, upon request, may be provided with a transcript of his or her deposition or other testimony taken in executive session, or, with the approval of the Chairman and Ranking Minority Member, may be permitted to examine such transcript in the office of the Committee. Any such request shall be in writing and shall include a statement that the witness, and counsel, agree to maintain the confidentiality of all executive session proceedings covered by such transcript.

Rule 28. Frivolous Filings

If a complaint or information offered as a complaint is deemed frivolous by an affirmative vote of a majority of the members of the Committee, the Committee may take such action as it, by an affirmative vote of its members, deems appropriate in the circumstances.

Rule 29. Referrals to Federal or State Authorities

Referrals made under clause 3(a)(3) of Rule XI of the Rules of the House of Representatives may be made by an affirmative vote of two-thirds of the members of the Committee.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 692

Mr. TANCREDO. Mr. Speaker, I ask unanimous consent to remove the name of the gentleman from Wisconsin (Mr. GREEN) from the list of cosponsors for my bill, H.R. 692. The gentleman from Wisconsin's name was placed on the list in error.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

CONFERENCE REPORT ON H.R. 1141, 1999 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT

Mr. YOUNG of Florida. Mr. Speaker, pursuant to House Resolution 173, I call up the conference report on the bill (H.R. 1141) making emergency supplemental appropriations for the fiscal year ending September 30, 1999, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 173, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of May 14, 1999 at page H3175.)

The SPEAKER pro tempore. The gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report to accompany H.R. 1141, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

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Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the exciting debate that took place as we considered the rule. During that exciting debate, one comment struck me that I thought I really should comment on. It was the comment about having made these decisions in the dark of the night.

Yes, Mr. Speaker, we did work in the dark of the night, because we worked for 3 full days and 3 long nights, one night going to as late as 1:30 in the morning, and the final night we went to approximately 10:30. So yes, we did, we worked all day, and we worked all night to resolve the many differences that existed between the House and Senate.

But in the conference room, it was very bright. It was very bright because the television cameras were in that room to record every word that was said in a live telecast. So the truth of the matter is, while it might have been dark on the clock, anybody that wanted to watch the television was able to see everything said and done. That was a first, the first time we had done that, when we did the conference committee in front of live TV.

I want to pay a special tribute to every one of the conferees on the House side. We had some differences, Mr. Speaker, but we worked them out as Members of Congress in a very logical and very respectful way.

I want to especially compliment the gentleman from Wisconsin (Mr. OBEY), the leader of the minority party in the conference. Again, we had differences, but the gentleman from Wisconsin (Mr. OBEY) helped to make this procedure work. He believes in the institution, as do I, and as do most of our Members in this House.

We did come up with a conference report that I would be willing to stand here and make a speech against, just like other Members have done during consideration of the rule, because there are things in this bill that I did not want to be here.

But when we go to conference, for any Member who has ever gone to conference with the Senate, we understand that there is give and take. We got basically what the House asked for in the two supplementals that we sent to conference. The Senate added a lot of riders. We took off most of those riders, and the ones that were left, we watered down. They are not nearly as bad as some of the speakers would have us believe they are.

Mr. Speaker, we need to emphasize what is good about this bill. The question was raised, how did we get to this number of $15 billion of spending. We got to this number, Mr. Speaker, because we added two supplementals together. Together, those two supplementals, as they passed the House with overwhelming numbers, were over $14 billion.

The truth of the matter is, we did add some additional money to this bill in conference. However, some of those items that were added that were nonemergency, that came from the other body, and were offset. They were not new money. They were not emergency money. They are offset.

What does this bill do? Whether we declared a war or not, whether Members approve of what is happening in the Balkans or not, the truth of the matter is that American forces are fighting a war in and over Kosovo and Serbia, and that war is very expensive. The President has asked us to provide money not only to replace the munitions that are being used, to replace the spare parts that are necessary to keep our airplanes flying, but the truth of the matter is it is a great expense to fight this war.

Mr. Speaker, our forces are stretched very thin in order to fight this war. This bill provides a lot of the money that is needed to recover the wearing down of our forces, the wearing down of our troops, the wearing down of our equipment.

The first supplemental we passed was an emergency to deal with Hurricane Mitch disaster in Central America. We funded all of that at the request of the President. Also, the President had asked for $152 million for agricultural emergencies in our own country. We not only did what the President asked for but we increased it by $422 million, at the request of those who have responsibility for agriculture programs in this Congress.

After we passed the bills in the House and went to conference, there was a terrible tragedy in Oklahoma. We added additional money to FEMA to take care of tragedies like in Oklahoma and other tragedies in the United States of America.

Mr. Speaker, we have a good bill here. It is not a clean as the bills that were passed in the House originally, but we had to go to conference. We had to deal with the other body. So the bill is not as clean as we would like, but it is a good bill. It deserves our support. It addresses the real emergencies that exist today that Americans have a great interest in.

As I said, those items that are not emergencies are offset. I will say that again: Those matters included in this bill that are not emergencies are offset.

Mr. Speaker, the House passed this bill and the Kosovo bill in clean forms that included $14.303 billion in spending including $1.855 in advance appropriations. The conference report that we have brought back has $15.144 billion in spending including $1.91 in advance appropriations. The major increases are: $900 million for FEMA, $422 million additional for aid to American farmers, $71 for additional migration and refugee assistance, $70 million for the U.S. Emergency Refugee and Migration Assistance Fund, $149 million additional for food aid, $45 million for Assistance to Eastern Europe and the Balkan States, $45 million for the census, and $100 million for temporary resettlement of displace Kosovo Albanians. Major reductions to the House passed versions include $1.044 billion for defense and $596 million for military construction.

While the House passed versions included offsets of $1.121 billion, the conference agreement includes offsets of $1.995 billion. This means the level of net spending in this conference agreement is $17 million less than the House passed bills.

There has been some concern about the Food Stamp and Section 8 Assisted Housing offsets. While significant amounts are being taken from these accounts there will not be any impact on these programs for the remainder of this fiscal year. The funds are excess to projected needs. I would hope we would not make judgments on offsets on the importance of individual accounts, but rather on whether the funds are needed. This is a critical distinction. The Administration supports these offsets.

As I stated earlier, the house passed versions of these bills were clean. The Senate version included many riders. We were able to delete many of these, especially the most contentious ones.

Mr. Speaker, the pentagon will be out of money in some critical accounts by the end of May. In addition to solving this problem, this conference agreement will begin to restore our Nation's defenses. It addresses all known needs in the areas of natural disasters, agriculture, defense and humanitarian assistance.

Mr. Speaker, we started H.R. 1141 over two months ago. We had a protracted conference with the Senate for over three long days and late nights last week. It has been a tough bill, but it is a good bill. It deserves broad support, and it needs to pass now.

At this point in the RECORD I would like to insert a table showing the details of this conference agreement.

EMERGENCY SUPPLEMENTAL AND RESCISSIONS APPROPRIATIONS BILL, 1999 (H.R. 1141)

Doc No.		Supplemental Request	House	Senate 1/	Conference	Conference compared with House	Conference compared with Senate
	TITLE I - EMERGENCY SUPPLEMENTAL APPROPRIATIONS						
	CHAPTER 1						
	DEPARTMENT OF AGRICULTURE						
	Office of the Secretary						
	Emergency grants to assist low-income migrant and seasonal workers (contingent emergency appropriation			25,000	20,000	+20,000	-5,000
	Agricultural Marketing Service:						
	Marketing Services (contingent emergency appropriations)			700			-700
	Funds for strengthening markets, income, and supply (transfer from section 32) (contingent emergency appropriations)			150,000	145,000	+145,000	-5,000
	Total, Agricultural Marketing Service			150,700	145,000	+145,000	-5,700
	Farm Service Agency						
106-32	Salaries and expenses (emergency appropriations)	42,753	42,753	42,753	42,753		
	Agricultural Credit Insurance Fund Program Account:						
	Loan authorizations:						
	Farm ownership loans:						
106-32	Direct	(200,000)	(200,000)	(200,000)	(200,000)		
106-32	Guaranteed	(350,000)	(350,000)	(350,000)	(350,000)		
	Subtotal	(550,000)	(550,000)	(550,000)	(550,000)		
	Farm operating loans:						
106-32	Direct	(185,000)	(185,000)	(185,000)	(185,000)		
106-32	Guaranteed subsidized	(185,000)	(185,000)	(185,000)	(185,000)		
	Subtotal	(370,000)	(370,000)	(370,000)	(370,000)		
106-32	Emergency farm loans	(175,000)	(175,000)			(-175,000)	
	Emergency disaster loans			(175,000)	(175,000)	(+175,000)	
	Total, Loan authorizations	(1,095,000)	(1,095,000)	(1,095,000)	(1,095,000)		
	Loan subsidies:						
	Farm ownership loans:						
106-32	Direct (emergency appropriations)	29,940	29,940	29,940	29,940		
106-32	Guaranteed (emergency appropriations)	5,565	5,565	5,565	5,565		
	Subtotal	35,505	35,505	35,505	35,505		
	Farm operating loans:						
106-32	Direct (emergency appropriations)	12,635	12,635	12,635	12,635		
106-32	Guaranteed subsidized (emergency appropriations)	16,169	16,169	16,169	16,169		
	Subtotal	28,804	28,804	28,804	28,804		
106-32	Emergency farm loans (emergency appropriations)	41,300	41,300			-41,300	
	Emergency disaster loans (emergency appropriations)			41,300	41,300	+41,300	
	Total, Loan subsidies	105,609	105,609	105,609	105,609		
	ACIF expenses:						
106-32	Administrative expenses (emergency appropriations)	4,000	4,000	4,000	4,000		
	Total, Agricultural Credit Insurance Fund Program Account	109,609	109,609	109,609	109,609		
	Emergency conservation program (contingent emergency appropriations)			30,000	28,000	+28,000	-2,000
	Total, Farm Service Agency	152,362	152,362	182,362	180,362	+28,000	-2,000
	Commodity Credit Corporation Fund:						
	Livestock indemnity program (contingent emergency appropriations)			3,000	3,000	+3,000	
	Natural Resources Conservation Service:						
	Watershed and flood prevention operations (contingent emergency appropriations)			100,000	95,000	+95,000	-5,000
	Rural community advancement program (contingent emergency appropriations)			30,000	30,000	+30,000	

1/ Sections 4016(a) and 4017 of the Senate amendment nullify the emergency designation by the Congress for the Senate.

EMERGENCY SUPPLEMENTAL AND RESCISSIONS APPROPRIATIONS BILL, 1999 (H.R. 1141)— Continued

Doc No.		Supplemental Request	House	Senate 1/	Conference	Conference compared with House	Conference compared with Senate
	Rural Housing Service:						
	Rural Housing Insurance Fund Program Account:						
	Loan authorizations:						
	Single-family (sec. 502)			(10,000)	(10,000)	(+10,000)	
	Housing repair (sec. 504)			(1,000)	(1,000)	(+1,000)	
	Total, loan authorizations			(11,000)	(11,000)	(+11,000)	
	Loan subsidies:						
	Single-family (sec 502.) (Contingent emergency appropriations)			1,182	1,182	+1,182	
	Housing repair (sec. 504) (contingent emergency appropriations)			352	352	+352	
	Total, Loan subsidies			1,534	1,534	+1,534	
	Rural housing assistance grants (contingent emergency appropriations)			1,000	1,000	+1,000	
	Total, Rural Housing Service			2,534	2,534	+2,534	
	GENERAL PROVISIONS						
	CCC conservation program technical assistance (Sec. 11 cap exception) (contingent emergency appropriations) (sec. 102)			28,000	28,000	+28,000	
	Livestock disaster assistance fund (contingent emergency appropriations) (sec. 104)			70,000	70,000	+70,000	
	Total, General provisions			98,000	98,000	+98,000	
	Total, Chapter 1:						
	New budget (obligational) authority	152,362	152,362	591,596	573,896	+421,534	-17,700
	Emergency appropriations	(152,362)	(152,362)	(152,362)	(152,362)		
	Contingent emergency appropriations			(439,234)	(421,534)	(+421,534)	(-17,700)
	(Loan authorizations)	(1,095,000)	(1,095,000)	(1,106,000)	(1,106,000)	(+11,000)	
	CHAPTER 2						
	DEPARTMENT OF JUSTICE						
	Immigration and Naturalization Service						
106-27	Salaries and expenses: Enforcement and border affairs (emergency appropriations)	80,000	80,000		80,000		+80,000
	CHAPTER 3						
	DEPARTMENT OF DEFENSE - MILITARY						
	Military Personnel						
	Reserve personnel, Army (emergency appropriations)		2,900		2,900		+2,900
	Contingent emergency appropriations		5,100		5,100		+5,100
	National guard personnel, Army (emergency appropriations)		6,000		6,000		+6,000
	Contingent emergency appropriations		1,300		1,300		+1,300
	National guard personnel, Air Force (emergency appropriations)		1,000		1,000		+1,000
	Total, Military personnel		16,300		16,300		+16,300
	Operation and Maintenance						
	Operation and maintenance, Army (emergency appropriations)		69,500		50,000	-19,500	+50,000
	Operation and maintenance, Navy (emergency appropriations)		16,000		13,900	-2,100	+13,900
	Operation and maintenance, Marine Corps (emergency appropriations)		300		300		+300
	Contingent emergency appropriations				2,100	+2,100	+2,100
	Operation and maintenance, Air Force (emergency appropriations)		8,800		8,800		+8,800
	Operation and maintenance, Defense-wide (emergency appropriations)		46,500		21,000	-25,500	+21,000
	Operation and maintenance, Army National Guard (contingent emergency appropriations)				20,000	+20,000	+20,000
	Overseas humanitarian, disaster, and civic aid (emergency appropriations)		37,500		37,500		+37,500
106-27	Disaster relief transfer fund (emergency appropriations)	188,500					
	New Horizons exercise transfer fund (contingent emergency appropriations)				46,000	+46,000	+46,000
	Total, Operation and maintenance	188,500	178,600		199,600	+21,000	+199,600
	Total, Chapter 3:						
	New budget (obligational) authority	188,500	194,900		215,900	+21,000	+215,900
	Emergency appropriations	(188,500)	(188,500)		(141,400)	(-47,100)	(+141,400)
	Contingent emergency appropriations		(6,400)		(74,500)	(+68,100)	(+74,500)

1/ Sections 4016(a) and 4017 of the Senate amendment nullify the emergency designation by the Congress for the Senate.

EMERGENCY SUPPLEMENTAL AND RESCISSIONS APPROPRIATIONS BILL, 1999 (H.R. 1141)— Continued

Doc No.		Supplemental Request	House	Senate 1/	Conference	Conference compared with House	Conference compared with Senate
	CHAPTER 4						
	EXPORT AND INVESTMENT ASSISTANCE						
	EXPORT-IMPORT BANK OF THE UNITED STATES						
....	Subsidy appropriation (by transfer) (contingent emergency appropriation)	....	....	....	(10,000)	(+10,000)	(+10,000)
	BILATERAL ECONOMIC ASSISTANCE						
	Agency for International Development						
106-27	International disaster assistance (emergency appropriations)	25,000	25,000	....	25,000	....	+25,000
....	Contingent emergency appropriations	....	....	35,000	....	....	-35,000
....	Operating expenses of the Agency for International Development (by transfer) (emergency appropriations)	(5,000)	....	(6,000)	....	....	(-6,000)
....	(By transfer) (contingent emergency appropriations)	....	(5,000)	....	(5,500)	(+500)	(+5,500)
106-27	Operating expenses of the Agency for International Development Office of Inspector General (by transfer) (emergency appropriations)	(1,000)	....	....	....	....	....
....	(By transfer) (contingent emergency appropriations)	....	(2,000)	....	(1,500)	(-500)	(+1,500)
	Other Bilateral Economic Assistance						
106-3 106-24	Economic support fund (emergency appropriations)	50,000	50,000	50,000	50,000	....	....
106-3 106-24	Advance appropriations	50,000	....	....	....	....	....
106-27	Central America and the Caribbean Emergency Disaster Recovery Fund (emergency appropriations)	621,000	....	....	....	....	....
....	Contingent emergency appropriations	....	621,000	611,000	621,000	....	+10,000
	Total, Other bilateral economic assistance	721,000	671,000	661,000	671,000	....	+10,000
	INDEPENDENT AGENCIES						
	Department of State						
....	International narcotics control (contingent emergency appropriations)	....	....	23,000	23,000	+23,000	....
	Department of the Treasury						
106-27	Debt restructuring (emergency appropriations)	41,000	41,000	41,000	41,000	....	....
	Total, Bilateral economic assistance	787,000	737,000	760,000	760,000	+23,000	....
	MILITARY ASSISTANCE						
	Foreign Military Financing Program:						
	Grants:						
106-3 106-24	Other (emergency appropriations)	50,000	50,000	50,000	50,000	....	....
106-3 106-24	Advance appropriations	150,000	....	....	....	....	....
	Total, Foreign military assistance	200,000	50,000	50,000	50,000	....	....
	GENERAL PROVISIONS						
....	Economic support fund (contingent emergency appropriations) (sec. 403)	....	....	....	6,500	+6,500	+6,500
	Total, Chapter 4:						
	New budget (obligational) authority	987,000	787,000	810,000	816,500	+29,500	+6,500
	Emergency appropriations	(787,000)	(166,000)	(141,000)	(166,000)	....	(+25,000)
	Contingent emergency appropriations	....	(621,000)	(669,000)	(650,500)	(+29,500)	(-18,500)
	Advance appropriations	(200,000)	....	....	....	....	....
	(By transfer) (emergency appropriations)	(6,000)	....	(6,000)	....	....	(-6,000)
	(By transfer) (contingent emergency appropriations)	....	(7,000)	....	(17,000)	(+10,000)	(+17,000)
	CHAPTER 5						
	DEPARTMENT OF THE INTERIOR						
	United States Fish and Wildlife Service						
....	Construction (contingent emergency appropriations)	....	....	12,612	12,612	+12,612	....
	DEPARTMENT OF AGRICULTURE						
....	Reconstruction and construction (contingent emergency appropriations)	....	5,611	....	5,611	....	+5,611
	RELATED AGENCY						
	United States Holocaust Memorial Council						
....	Holocaust Memorial Council (contingent emergency appropriations)	....	....	2,000	2,000	+2,000	....

1/ Sections 4016(a) and 4017 of the Senate amendment nullify the emergency designation by the Congress for the Senate.

EMERGENCY SUPPLEMENTAL AND RESCISSIONS APPROPRIATIONS BILL, 1999 (H.R. 1141)— Continued

Doc No.		Supplemental Request	House	Senate 1/	Conference	Conference compared with House	Conference compared with Senate
	GENERAL PROVISIONS						
	Glacier Bay (sec. 501)			3,000			-3,000
	Contingent emergency appropriations				26,000	+26,000	+26,000
	Total, Chapter 5:						
	New budget (obligational) authority		5,611	17,612	46,223	+40,612	+28,611
	CHAPTER 6						
	INDEPENDENT AGENCY						
	Federal Emergency Management Agency						
106-61	Disaster relief (contingent emergency appropriations)	372,000			900,000	+900,000	+900,000
	Disaster assistance for unmet needs (contingent emergency appropriations)			313,600	230,000	+230,000	-83,600
	Total, Chapter 6:						
	New budget (obligational) authority	372,000		313,600	1,130,000	+1,130,000	+816,400
	GENERAL PROVISIONS						
	Emergency Steel Loan Guarantee Act:						
	Loan subsidy (contingent emergency appropriations)			140,000			-140,000
	Administrative expenses (contingent emergency appropriations) (sec. 1401)			5,000			-5,000
	Emergency oil and gas guaranteed loan program (contingent emergency appropriations) (sec. 1402)			125,000			-125,000
	Total, General provisions			270,000			-270,000
	Total, title I:						
	New budget (obligational) authority	1,779,862	1,219,873	2,002,808	2,862,519	+1,642,646	+859,711
	Emergency appropriations	(1,207,862)	(586,862)	(293,362)	(539,762)	(-47,100)	(+246,400)
	Contingent emergency appropriations	(372,000)	(633,011)	(1,706,446)	(2,322,757)	(+1,689,746)	(+616,311)
	Advance appropriations	(200,000)					
	(By transfer) (emergency appropriations)	(6,000)		(6,000)			(-6,000)
	(By transfer) (contingent emergency appropriations)		(7,000)		(17,000)	(+10,000)	(+17,000)
	(Loan authorizations)	(1,095,000)	(1,095,000)	(1,106,000)	(1,106,000)	(+11,000)	
	TITLE II - EMERGENCY NATIONAL SECURITY SUPPLEMENTAL APPROPRIATIONS						
	CHAPTER 1						
	DEPARTMENT OF AGRICULTURE						
	Public Law 480 Program and Grant Accounts:						
	Title II - Commodities for disposition abroad:						
	Contingent emergency appropriations				149,200	+149,200	+149,200
	CHAPTER 2						
	DEPARTMENT OF STATE						
	Administration of Foreign Affairs						
106-50	Diplomatic and consular programs (emergency appropriations)	17,071	17,071		17,071		+17,071
106-50	Security and maintenance of United States missions (emergency appropriations)	5,000	5,000		5,000		+5,000
	Contingent emergency appropriations		45,500		45,500		+45,500
106-50	Emergencies in the diplomatic and consular service (emergency appropriations)	2,929	2,929		2,929		+2,929
	Total, Department of State	25,000	70,500		70,500		+70,500
	RELATED AGENCY						
	United States Information Agency						
106-50	International information programs (by transfer) (emergency appropriations)	(450)	(450)		(450)		(+450)
	Total, Chapter 2:						
	New budget (obligational) authority	25,000	70,500		70,500		+70,500
	Emergency appropriations	(25,000)	(25,000)		(25,000)		(+25,000)
	Contingent emergency appropriations		(45,500)		(45,500)		(+45,500)
	(By transfer) (emergency appropriations)	(450)	(450)		(450)		(+450)

1/ Sections 4016(a) and 4017 of the Senate amendment nullify the emergency designation by the Congress for the Senate.

EMERGENCY SUPPLEMENTAL AND RESCISSIONS APPROPRIATIONS BILL, 1999 (H.R. 1141)— Continued

Doc No.		Supplemental Request	House	Senate	Conference	Conference compared with House	Conference compared with Senate
	CHAPTER 3						
	DEPARTMENT OF DEFENSE - MILITARY						
	Military Personnel						
106-50	Military personnel, Army (emergency appropriations)	2,920	2,920	....	2,920	....	+2,920
106-50	Military personnel, Navy (emergency appropriations)	7,660	7,660	....	7,660	....	+7,660
106-50	Military personnel, Marine Corps (emergency appropriations)	1,586	1,586	....	1,586	....	+1,586
106-50	Military personnel, Air Force (emergency appropriations)	4,303	4,303	....	4,303	....	+4,303
	Total, Military personnel	16,469	16,469	....	16,469	....	+16,469
	Operation and Maintenance						
106-50	Overseas contingency operations transfer fund (emergency appropriations)	4,591,600	3,907,300	....	3,907,300	....	+3,907,300
106-50	Contingent emergency appropriations	850,000	1,311,800	....	1,100,000	-211,800	+1,100,000
	Total, Operation and maintenance	5,441,600	5,219,100	....	5,007,300	-211,800	+5,007,300
	Procurement						
....	Weapons procurement, Navy (emergency appropriations)	....	431,100	....	....	-431,100	....
....	Contingent emergency appropriations	....	....	....	431,100	+431,100	+431,100
....	Aircraft procurement, Air Force (emergency appropriations)	....	40,000	....	....	-40,000	....
....	Contingent emergency appropriations	....	....	....	40,000	+40,000	+40,000
....	Missile procurement, Air Force (emergency appropriations)	....	178,200	....	....	-178,200	....
....	Contingent emergency appropriations	....	....	....	178,200	+178,200	+178,200
....	Procurement of ammunition, Air Force (emergency appropriations)	....	35,000	....	....	-35,000	....
....	Contingent emergency appropriations	....	....	....	35,000	+35,000	+35,000
....	Operational rapid response transfer fund (contingent emergency appropriations)	....	400,000	....	300,000	-100,000	+300,000
	Total, Procurement	....	1,084,300	....	984,300	-100,000	+984,300
	GENERAL PROVISIONS						
106-50	Sec. 8005 additional transfer authority (sec. 2001)	(800,000)	(800,000)	....	(350,000)	(-450,000)	(+350,000)
....	Spare parts (sec. 2007) (contingent emergency appropriations)	....	1,339,200	....	1,124,900	-214,300	+1,124,900
....	Depot maintenance (sec. 2008) (contingent emergency appropriations)	....	927,300	....	742,500	-184,800	+742,500
....	Recruiting (sec. 2009) (contingent emergency appropriations)	....	156,400	....	100,000	-56,400	+100,000
....	Readiness training (sec. 2010) (contingent emergency appropriations)	....	307,300	....	200,200	-107,100	+200,200
....	Base operations (sec. 2011) (contingent emergency appropriations)	....	351,500	....	182,400	-169,100	+182,400
....	Pay and retirement (sec. 2012) (contingent emergency appropriations) (advance appropriations)	....	1,838,426	....	1,838,426	....	+1,838,426
	Total, General provisions	....	4,920,126	....	4,188,426	-731,700	+4,188,426
	Total, Chapter 3:						
	New budget (obligational) authority	5,458,069	11,239,995	....	10,196,495	-1,043,500	+10,196,495
	Emergency appropriations	(4,608,069)	(4,608,069)	....	(3,923,769)	(-684,300)	(+3,923,769)
	Contingent emergency appropriations	(850,000)	(4,793,500)	....	(4,434,300)	(-359,200)	(+4,434,300)
	Advance appropriations	....	(1,838,426)	....	(1,838,426)	....	(+1,838,426)
	(Transfer authority)	(800,000)	(800,000)	....	(350,000)	(-450,000)	(+350,000)
	CHAPTER 4						
	BILATERAL ECONOMIC ASSISTANCE						
	Agency for International Development						
106-50	International disaster assistance (emergency appropriations)	71,000	....	....	....	....	....
....	Contingent emergency appropriations	....	163,000	....	163,000	....	+163,000
	Other Bilateral Economic Assistance						
106-50	Economic support fund (emergency appropriations)	105,000	105,000	....	105,000	....	+105,000
106-50	Assistance for Eastern Europe and the Baltic States (emergency appropriations)	170,000	75,000	....	120,000	+45,000	+120,000
	Total, Other bilateral economic assistance	275,000	180,000	....	225,000	+45,000	+225,000
	INDEPENDENT AGENCIES						
	Peace Corps						
106-50	(By transfer) (emergency appropriation)	(500)	(500)	....	(500)	....	(+500)

EMERGENCY SUPPLEMENTAL AND RESCISSIONS APPROPRIATIONS BILL, 1999 (H.R. 1141)— Continued

Doc No.		Supplemental Request	House	Senate	Conference	Conference compared with House	Conference compared with Senate
	Department of State						
106-50	Migration and refugee assistance (emergency appropriations)	125,000					
	Contingent emergency appropriations		195,000		266,000	+71,000	+266,000
106-50	United States emergency refugee and migration assistance fund (emergency appropriations)	95,000	95,000			-95,000	
	Contingent emergency appropriations				165,000	+165,000	+165,000
	Total, Department of State	220,000	290,000		431,000	+141,000	+431,000
	Total, Chapter 4:						
	New budget (obligational) authority	566,000	633,000		819,000	+186,000	+819,000
	Emergency appropriations	(566,000)	(275,000)		(225,000)	(-50,000)	(+225,000)
	Contingent emergency appropriations		(358,000)		(594,000)	(+236,000)	(+594,000)
	(By transfer) (emergency appropriations)	(500)	(500)		(500)		(+500)
	CHAPTER 5						
	DEPARTMENT OF HEALTH AND HUMAN SERVICES						
	Administration for Children and Families						
	Refugee and entrant assistance (contingent emergency appropriations)				100,000	+100,000	+100,000
	CHAPTER 6						
	DEPARTMENT OF DEFENSE - MILITARY						
	NATO Security Investment Program (contingent emergency appropriations)		240,000			-240,000	
	Military construction transfer fund (contingent emergency appropriations)				475,000	+475,000	+475,000
	GENERAL PROVISIONS						
	Military construction, Army (contingent emergency appropriations) (sec. 401)		295,800			-295,800	
	Military construction, Navy (contingent emergency appropriations) (sec. 401)		166,270			-166,270	
	Military construction, Air Force (contingent emergency appropriations) (sec. 401)		333,430			-333,430	
	Military construction, Defense-wide (contingent emergency appropriations) (sec. 401)		35,500			-35,500	
	Total, General provisions		831,000			-831,000	
	Total, Chapter 6:						
	New budget (obligational) authority		1,071,000		475,000	-596,000	+475,000
	CHAPTER 7						
	DEPARTMENT OF TRANSPORTATION						
	Coast Guard						
	Operating expenses (contingent emergency appropriations)				200,000	+200,000	+200,000
	Total, title II:						
	New budget (obligational) authority	6,049,069	13,014,495		12,010,195	-1,004,300	+12,010,195
	Emergency appropriations	(5,199,069)	(4,908,069)		(4,173,769)	(-734,300)	(+4,173,769)
	Contingent emergency appropriations	(850,000)	(6,268,000)		(5,998,000)	(-270,000)	(+5,998,000)
	Advance appropriations		(1,838,426)		(1,838,426)		(+1,838,426)
	(Transfer authority)	(800,000)	(800,000)		(350,000)	(-450,000)	(+350,000)
	(By transfer) (emergency appropriations)	(950)	(950)		(950)		(+950)
	TITLE III - SUPPLEMENTAL APPROPRIATIONS						
	CHAPTER 1						
	DEPARTMENT OF JUSTICE						
	Immigration and Naturalization Service						
	Salaries and expenses: Enforcement and border affairs			80,000			-80,000
	RELATED AGENCY						
	Office of the United States Trade Representative						
	Salaries and expenses				1,300	+1,300	+1,300
	DEPARTMENT OF COMMERCE						
	Bureau of the Census						
	Periodic censuses and programs				44,900	+44,900	+44,900

EMERGENCY SUPPLEMENTAL AND RESCISSIONS APPROPRIATIONS BILL, 1999 (H.R. 1141)—Continued

Doc No.		Supplemental Request	House	Senate	Conference	Conference compared with House	Conference compared with Senate
	National Oceanic and Atmospheric Administration						
106-3	Operations, research, and facilities	1,880		3,880	1,880	+1,880	-2,000
106-3	Fisheries finance program account	3,120					
	Total, National Oceanic and Atmospheric Administration	5,000		3,880	1,880	+1,880	-2,000
	Total, Department of Commerce	5,000		3,880	46,780	+46,780	+42,900
	THE JUDICIARY						
	Supreme Court of the United States						
	Salaries and expenses		921	921	921		
106-3	Emergency appropriations	921					
	Total, Chapter 1:						
	New budget (obligational) authority	5,921	921	84,801	49,001	+48,080	-35,800
	Appropriations	(5,000)	(921)	(84,801)	(49,001)	(+48,080)	(-35,800)
	Emergency appropriations	(921)					
	CHAPTER 1A						
	DEPARTMENT OF DEFENSE						
	Military Personnel						
	Reserve personnel, Army			2,900			-2,900
	National guard personnel, Army			7,300			-7,300
	National guard personnel, Air Force			1,000			-1,000
	Total, Military personnel			11,200			-11,200
	Operation and Maintenance						
	Operation and maintenance, Army			50,000			-50,000
	Operation and maintenance, Navy			16,000			-16,000
	Operation and maintenance, Air Force			8,000			-8,000
	Operation and maintenance, Defense-Wide			21,000			-21,000
	Operation and maintenance, Army National Guard			20,000			-20,000
	Overseas humanitarian, disaster, and civic aid			37,500			-37,500
	New Horizons exercise transfer fund			46,000			-46,000
	Total, Operation and maintenance			198,500			-198,500
	Total, Chapter 1A:						
	New budget (obligational) authority			209,700			-209,700
	CHAPTER 2						
	DEPARTMENT OF DEFENSE - CIVIL						
	DEPARTMENT OF THE ARMY						
	Corps of Engineers - Civil						
	Construction general			500			-500
	DEPARTMENT OF THE INTERIOR						
	Bureau of Reclamation						
	Water and related resources			5,000	1,500	+1,500	-3,500
	Total, Chapter 2:						
	New budget (obligational) authority			5,500	1,500	+1,500	-4,000
	CHAPTER 3						
	INDEPENDENT AGENCIES						
	Department of State						
	National Commission on Terrorism				840	+840	+840
	United States Commission on International Religious Freedom		3,000	3,000	3,000		
	Total, Department of State		3,000	3,000	3,840	+840	+840
	Department of the Treasury						
	International affairs technical assistance				1,500	+1,500	+1,500
	Total, Chapter 3:						
	New budget (obligational) authority		3,000	3,000	5,340	+2,340	+2,340

EMERGENCY SUPPLEMENTAL AND RESCISSIONS APPROPRIATIONS BILL, 1999 (H.R. 1141)—Continued

Doc No.		Supplemental Request	House	Senate	Conference	Conference compared with House	Conference compared with Senate
	CHAPTER 4						
	DEPARTMENT OF THE INTERIOR						
	Bureau of Land Management						
	Bureau of Indian Affairs						
	Operation of Indian programs (by transfer)			(1,136)	(1,136)	(+1,136)	
	Departmental Offices						
106-3	Office of the Special Trustee for American Indians	6,800	21,800	6,800	21,800		+15,000
106-39	(By transfer)	(15,000)					
	CHAPTER 5						
	DEPARTMENT OF HEALTH AND HUMAN SERVICES						
	Office of the Secretary						
	General departmental management			1,400	1,000	+1,000	-400
	DEPARTMENT OF EDUCATION						
	Education for the disadvantaged (advance appropriation)				56,377	+56,377	+56,377
	Higher education (by transfer)				(1,500)	(+1,500)	(+1,500)
	RELATED AGENCY						
106-3	Corporation for Public Broadcasting	11,000	30,800	18,000	30,700	+100	+12,700
106-3	Advance appropriations	37,000	17,400		17,300	-100	+17,300
	Total, Chapter 5:						
	New budget (obligational) authority	48,000	48,000	19,400	105,377	+57,377	+85,977
	Appropriations	(11,000)	(30,600)	(19,400)	(31,700)	(+1,100)	(+12,300)
	Advance appropriations	(37,000)	(17,400)		(73,677)	(+56,277)	(+73,677)
	(By transfer)				(1,500)	(+1,500)	(+1,500)
	CHAPTER 6						
	HOUSE OF REPRESENTATIVES						
	Salaries and Expenses						
	Salaries, Officers and Employees						
	Office of the Chief Administrative Officer				3,521	+3,521	+3,521
	Rescission				-3,521	-3,521	-3,521
	ARCHITECT OF THE CAPITOL						
	Capitol Buildings and Grounds						
	House office buildings		5,560		5,560		+5,560
	Total, Chapter 6:						
	New budget (obligational) authority		5,560		5,560		+5,560
	Appropriations		(5,560)		(9,081)	(+3,521)	(+9,081)
	Rescission				(-3,521)	(-3,521)	(-3,521)
	CHAPTER 7						
	DEPARTMENT OF DEFENSE						
	Military construction, Army National Guard			14,500	6,400	+6,400	-8,100
	Family housing, Army				25,000	+25,000	+25,000
	Total, Chapter 7:						
	New budget (obligational) authority			14,500	31,400	+31,400	+16,900
	CHAPTER 8						
	RELATED AGENCY						
	National Transportation Safety Board						
	Salaries and expenses				2,300	+2,300	+2,300
	CHAPTER 9						
	DEPARTMENT OF THE TREASURY						
	Bureau of Alcohol, Tobacco and Firearms						
	Salaries and expenses				4,500	+4,500	+4,500
	POSTAL SERVICE						
	Payments to the Postal Service						
106-3	Payments to the Postal Service Fund	29,000	29,000		29,000		+29,000

EMERGENCY SUPPLEMENTAL AND RESCISSIONS APPROPRIATIONS BILL, 1999 (H.R. 1141)— Continued

Doc No.		Supplemental Request	House	Senate	Conference	Conference compared with House	Conference compared with Senate
	EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT						
	Federal Drug Control Programs						
	High intensity drug trafficking areas program			1,250	2,500	+2,500	+1,250
	Total, Chapter 9:						
	New budget (obligational) authority	29,000	29,000	1,250	36,000	+7,000	+34,750
	CHAPTER 10						
	DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT						
	Community Planning and Development						
	Community development block grants fund (by transfer)			(3,400)			(-3,400)
	Federal Housing Administration						
	FHA - Mutual mortgage insurance program account:						
	(Limitation on guaranteed loans)				(30,000,000)	(+30,000,000)	(+30,000,000)
	Government National Mortgage Association						
	Guarantees of mortgage-backed securities loan guarantee program account:						
	(Limitation on guaranteed loans)				(50,000,000)	(+50,000,000)	(+50,000,000)
	INDEPENDENT AGENCIES						
	Court of Veterans Appeals						
106-3	Salaries and expenses	372					
	Environmental Protection Agency						
	State and tribal assistance grants (by transfer) (sec. 3016)			(1,300)	(1,300)	(+1,300)	
	Total, Chapter 10:						
	New budget (obligational) authority	372					
	(By transfer)			(4,700)	(1,300)	(+1,300)	(-3,400)
	(Limitation on guaranteed loans)				(80,000,000)	(+80,000,000)	(+80,000,000)
	CHAPTER 11						
	GENERAL PROVISIONS						
	Ellsworth AFB claims (sec. 3029)			8,000	8,000	+8,000	
	General Services Administration (sec. 3034 and 3035)				1,700	+1,700	+1,700
	Total, Chapter 11:						
	New budget (obligational) authority			8,000	9,700	+9,700	+1,700
	Total, title III:						
	New budget (obligational) authority	90,093	108,281	352,951	267,978	+159,697	-84,973
	Appropriations	(52,172)	(90,881)	(352,951)	(197,822)	(+106,941)	(-155,129)
	Rescission				(-3,521)	(-3,521)	(-3,521)
	Emergency appropriations	(921)					
	Advance appropriations	(37,000)	(17,400)		(73,677)	(+56,277)	(+73,677)
	(By transfer)	(15,000)		(5,836)	(3,936)	(+3,936)	(-1,900)
	(Limitation on guaranteed loans)				(80,000,000)	(+80,000,000)	(+80,000,000)
	TITLE IV - RESCISSIONS AND OFFSETS						
	DEPARTMENT OF AGRICULTURE						
	Farm Service Agency						
	Emergency conservation program (P.L. 105-174) (rescission)			-700			+700
	Food and Nutrition Service						
	Food stamp program (rescission)			-521,000	-1,250,000	-1,250,000	-729,000
	Public Law 480 Program and Grant Accounts:						
	Loan subsidies (Title I) (rescission)		-30,000			+30,000	
	DEPARTMENT OF JUSTICE						
	Office of Inspector General (rescission)			-5,000			+5,000
	Immigration and Naturalization Service						
	Salaries and expenses:						
	Enforcement and border affairs (rescission)			-40,000			+40,000
	Citizenship and benefits, immigration support and program direction (rescission)			-25,000			+25,000
	Total, Immigration and Naturalization Service			-65,000			+65,000
	Total, Department of Justice			-70,000			+70,000

EMERGENCY SUPPLEMENTAL AND RESCISSIONS APPROPRIATIONS BILL, 1999 (H.R. 1141)— Continued

Doc No.		Supplemental Request	House	Senate	Conference	Conference compared with House	Conference compared with Senate
	DEPARTMENT OF COMMERCE						
	National Oceanic and Atmospheric Administration						
....	Operations, research and facilities (rescission)	....	....	-1,000	....	....	+1,000
....	Procurement, acquisition and construction (rescission)	....	....	-2,000	....	....	+2,000
	Total, National Oceanic and Atmospheric Administration	....	....	-3,000	....	....	+3,000
	DEPARTMENT OF STATE						
	International Organizations and Conferences						
....	Contributions to international organizations (rescission)	....	....	-25,000	....	....	+25,000
....	Contributions for international peacekeeping activities (rescission)	....	....	-21,000	....	....	+21,000
	Total, International Organizations and Conferences	....	....	-46,000	....	....	+46,000
	RELATED AGENCY						
	United States Information Agency						
....	International Broadcasting Operations (rescission)	....	....	-1,000	....	....	+1,000
....	Buying power maintenance (rescission)	....	-20,000	....	-20,000	....	-20,000
	DEPARTMENT OF DEFENSE - MILITARY						
	Operation and Maintenance						
106-3	Operation and maintenance, Defense-wide (contingent emergency appropriations (sec. 1001) 2/	-82,000	-40,000	....	....	+40,000	....
....	Rescission	....	....	-217,700	....	....	+217,700
	DEPARTMENT OF DEFENSE - CIVIL						
	DEPARTMENT OF THE ARMY						
	Corps of Engineers - Civil						
....	Construction, general (rescission)	....	....	-5,500	....	....	+5,500
	DEPARTMENT OF ENERGY						
	Atomic Energy Defense Activities						
....	Other defense activities (rescission of emergency appropriations)	....	-150,000	....	....	+150,000	....
	EXPORT AND INVESTMENT ASSISTANCE						
....	Export-Import Bank of the United States (rescission)	....	-25,000	....	....	+25,000	....
....	Trade and development agency (rescission)	....	-5,000	....	....	+5,000	....
	Total, Export and Investment Assistance	....	-30,000	....	....	+30,000	....
	BILATERAL ECONOMIC ASSISTANCE						
	Agency for International Development						
....	Development assistance (rescission)	....	-40,000	....	....	+40,000	....
	Other Bilateral Assistance						
....	Economic Support Fund (rescission)	....	-17,000	-10,000	-5,000	+12,000	+5,000
....	Assistance for Eastern Europe and the Baltic States (rescission)	....	-20,000	-10,000	....	+20,000	+10,000
....	Assistance for the New Independent States of the Former Soviet Union (rescission)	....	-25,000	-10,000	....	+25,000	+10,000
	Total, Bilateral Economic Assistance	....	-102,000	-30,000	-5,000	+97,000	+25,000
	MILITARY ASSISTANCE						
106-14	Foreign Military Financing Program (rescission)	-18,000	....	....	....	....	....
....	Peacekeeping operations (rescission)	....	-10,000	....	....	+10,000	....
	MULTILATERAL ECONOMIC ASSISTANCE						
	Funds Appropriated to the President						
	Contribution to the International Bank for Reconstruction and Development:						
....	Contribution to the Global Environment Facility (rescission)	....	-25,000	-60,000	-25,000	....	+35,000
....	Reduction in callable capital appropriations (rescission)	....	-648,000	....	....	+648,000	....
....	International organizations and programs (rescission)	....	-10,000	-10,000	....	+10,000	+10,000
	Total, Multilateral Economic Assitance	....	-683,000	-70,000	-25,000	+658,000	+45,000
	DEPARTMENT OF THE INTERIOR						
	Bureau of Land Management						
106-14	Management of lands and resources (rescission)	-6,800	-6,800	-6,800	-6,800	....	....
	National Park Service						
....	Construction (deferral) (sec. 2319)	....	....	-3,000	....	....	+3,000
	Total, Department of the Interior	-6,800	-6,800	-9,800	-6,800	....	+3,000

EMERGENCY SUPPLEMENTAL AND RESCISSIONS APPROPRIATIONS BILL, 1999 (H.R. 1141)—Continued

Doc No.		Supplemental Request	House	Senate	Conference	Conference compared with House	Conference compared with Senate
	DEPARTMENT OF LABOR						
	Employment and Training Administration						
106-3	State unemployment insurance and employment service operations (trust fund) (offset)	-5,700	-21,000	-17,400	-22,400	-1,400	-5,000
	DEPARTMENT OF HEALTH AND HUMAN SERVICES						
	Health Resources and Services Administration						
	Federal capital loan program for nursing (rescission)		-2,800		-2,800		-2,800
	DEPARTMENT OF EDUCATION						
	Education research, statistics, and improvement (rescission)		-6,800	-8,000	-6,500	+300	+1,500
	DEPARTMENT OF DEFENSE - MILITARY						
	MILITARY CONSTRUCTION						
	Military construction, Army (rescission)				-3,000	-3,000	-3,000
	Military construction, Navy (rescission)				-2,000	-2,000	-2,000
	Military construction, Air Force (rescission)				-3,000	-3,000	-3,000
	Military contruction, Defense-wide (rescission)				-2,000	-2,000	-2,000
	Total, Military construction				-10,000	-10,000	-10,000
	Family housing, Army (rescission)				-8,000	-8,000	-8,000
	Family housing, Navy (rescission)				-3,000	-3,000	-3,000
	Family housing, Air Force (rescission)				-4,000	-4,000	-4,000
	Total, Family housing				-15,000	-15,000	-15,000
	Base realignment and closure account, Part IV (rescission)			-14,500	-6,400	-6,400	+8,100
	Total, Department of Defense - Military			-14,500	-31,400	-31,400	-16,900
	DEPARTMENT OF TRANSPORTATION						
	Office of the Secretary						
	Payments to air carriers (Airport and Airway Trust Fund) (rescission of contract authorization)		-815		-815		-815
	Federal Highway Administration						
	State infrastructure banks (rescission)		-6,500		-6,500		-6,500
	Federal Transit Administration						
	Trust fund share of transit programs (Highway Trust Fund) (rescission of contract authorization)		-665		-665		-665
	Interstate transfer grants - transit (rescission)		-600		-600		-600
	Total, Federal Transit Administration		-1,265		-1,265		-1,265
	Total, Department of Transportation		-8,580		-8,580		-8,580
	DEPARTMENT OF TREASURY						
	Bureau of Alcohol, Tobacco and Firearms						
	Salaries and expenses (rescission)				-4,500	-4,500	-4,500
	EXECUTIVE OFFICE OF THE PRESIDENT						
106-3	Unanticipated needs (rescission)	-10,000	-10,000		-10,000		-10,000
	Federal Drug Control Programs						
	Special forfeiture fund (rescission)			-1,250			+1,250
	DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT						
	Public and Indian Housing						
	Housing certificate fund (deferral)			-350,000			+350,000
	Annual contributions for assisted housing (rescission)				-350,000	-350,000	-350,000
	Community Planning and Development						
	Community development block grants fund (rescission of emergency appropriations)			-313,600	-230,000	-230,000	+83,600
	Total, Department of Housing and Urban Development			-663,600	-580,000	-580,000	+83,600
	INDEPENDENT AGENCY						
	Environmental Protection Agency						
	Science and technology (rescission)			-10,000			+10,000

EMERGENCY SUPPLEMENTAL AND RESCISSIONS APPROPRIATIONS BILL, 1999 (H.R. 1141)— Continued

Doc No.		Supplemental Request	House	Senate	Conference	Conference compared with House	Conference compared with Senate
	GENERAL PROVISIONS						
	Rescission of Non-Defense emergency appropriations (P.L. 105-277):						
	(Sec. 1105(b))			-250,000			+250,000
	(Sec. 1403(f))			-125,000			+125,000
	(Sec. 3002)			-343,000			+343,000
	(Sec. 4016(b))			-2,250,000			+2,250,000
	FY 1999 Non-Defense discretionary (sec. 3003) (rescission)			-100,000			+100,000
	Agricultural Research Service (P.L. 105-277) (sec. 3001(a)) (emergency offset)			-23,000	-22,466	-22,466	+534
	Total, General Provisions			-3,091,000	-22,466	-22,466	+3,068,534
	Total, title IV:						
	New budget (obligational) authority	-122,500	-1,120,980	-4,780,450	-1,995,446	-874,466	+2,785,004
	Rescissions	(-34,800)	(-908,500)	(-1,105,450)	(-1,719,100)	(-810,600)	(-613,650)
	Rescission of contract authorization		(-1,480)		(-1,480)		(-1,480)
	Deferrals			(-353,000)			(+353,000)
	Offsets	(-5,700)	(-21,000)	(-17,400)	(-22,400)	(-1,400)	(-5,000)
	Emergency offsets			(-23,000)	(-22,466)	(-22,466)	(+534)
	Contingent emergency appropriations	(-82,000)	(-40,000)			(+40,000)	
	Rescission of emergency appropriations		(-150,000)	(-3,281,600)	(-230,000)	(-80,000)	(+3,051,600)
	Grand total, all titles:						
	New budget (obligational) authority	7,796,524	13,221,669	-2,424,691	13,145,246	-76,423	+15,569,937
	Appropriations	(52,172)	(90,881)	(355,951)	(197,822)	(+106,941)	(-158,129)
	Rescissions	(-34,800)	(-908,500)	(-1,105,450)	(-1,722,621)	(-814,121)	(-617,171)
	Rescission of contract authorization		(-1,480)		(-1,480)		(-1,480)
	Deferrals			(-353,000)			(+353,000)
	Offsets	(-5,700)	(-21,000)	(-17,400)	(-22,400)	(-1,400)	(-5,000)
	Emergency offsets			(-23,000)	(-22,466)	(-22,466)	(+534)
	Emergency appropriations	(6,407,852)	(5,494,931)	(293,362)	(4,713,531)	(-781,400)	(+4,420,169)
	Contingent emergency appropriations	(1,140,000)	(6,861,011)	(1,706,446)	(8,320,757)	(+1,459,746)	(+6,614,311)
	Rescission of emergency appropriations		(-150,000)	(-3,281,600)	(-230,000)	(-80,000)	(+3,051,600)
	Advance appropriations	(237,000)	(1,855,826)		(1,912,103)	(+56,277)	(+1,912,103)
	(Transfer authority)	(800,000)	(800,000)		(350,000)	(-450,000)	(+350,000)
	(By transfer)	(15,000)		(5,836)	(3,936)	(+3,936)	(-1,900)
	(By transfer) (emergency appropriations)	(6,950)	(950)	(6,000)	(950)		(-5,050)
	(By transfer) (contingent emergency appropriations)		(7,000)		(17,000)	(+10,000)	(+17,000)
	(Loan authorizations)	(1,095,000)	(1,095,000)	(1,106,000)	(1,106,000)	(+11,000)	

2/ The President's Budget proposed defense spending reductions of $882 million, which offset proposed supplemental spending. Since only a portion of the proposed spending is considered in this bill, the defense reductions are adjusted to be comparable to the spending.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, first of all, I do want to compliment my friend, the gentleman from Florida, the distinguished chairman of the committee. I do not think much of the product that the committee brought forth, but I do want to say that it was obvious to everyone in that conference that he, as chairman of the conference, handled it extremely well. He was absolutely, totally fair with everyone, and sometimes that took a lot of patience. I think that he did the House proud and the committee proud in the way he conducted that operation.

Mr. Speaker, I think there is a lot that is good in this bill. It is far from the worst bill that the House has ever produced. But I am going to vote no, and I want to tell the Members why.

Some of the good things in it, it finally, after a considerable delay, is providing much needed help to our American farmers who suffered crop damage as well as collapsing prices. It is finally producing action to help recover from the horrible hemispheric weather that we had in Hurricane Mitch.

We no longer have the threats to the IFIs, the international financial institutions, that were represented by the original offsets in this bill, and this bill no longer threatens our ability to conclude a negotiation with Russia on the disposal of weapons-grade plutonium, a provision which unwisely was included in the original House bill.

It also eliminated a number of riders that should have not been in this bill in the first place. I am pleased about that. But there are a number of things in this bill still that should not be here.

As I said in the conference, my main problem with this bill is that it is a symbol of the mendacity that dominates the Federal budget process. We have a two-tier system for determining budgets in the Congress. In the spring we adopt a budget resolution produced by the Committee on the Budget. That establishes overall spending levels, and it is largely political in nature. As a result, in my view, those numbers are highly unrealistic, and have been for years.

Then we have a second level that has to take over in the process, represented by the Committee on Ways and Means and the Committee on Appropriations. Those committees are then asked to produce real pieces of legislation under the guidelines set by the Committee on the Budget.

The problem is that because the first set of numbers are not real, we are then, for the remainder of the year in the appropriations process, forced to engage in accounting tricks in order to find the votes to pass various appropriation bills.

Last year, for instance, in October, after going through a year-long charade, we wound up adding $22 billion to spending above the amounts allowed in the budget resolution, and now this bill adds more than $14 billion to that. That means that we have a total of $37 billion that will be spent in this fiscal year above the level that would be allowed by those so-called budget caps.

Example: We have $5 billion in military spending above and beyond the amount needed to pursue the war in Kosovo. Why do we have that? I will tell the Members why. In conference, the chairman of the Committee on the Budget from the other body revealed the game plan. He told the conference that we had to pour as many dollars as possible into this bill because it will be labeled an emergency and will not count against the spending limits, or else, he said, the spending caps, which his own committee imposed on this House just a month ago, would not work, in his words, not mine.

Members will be told that there is no military pork in this bill. That is largely true. It is not fully true, but it is largely true. But the real point is that on the military side, this bill shovels a lot of regular items into a so-called emergency bill. That means that it frees up, in essence, about $5 billion worth of room for pork in the defense appropriation bill which will shortly follow. That is the problem.

Secondly, and perhaps the worst and most expensive provision in this bill, is an amendment to the Medicaid law, which is not even in the Committee on Appropriations' jurisdiction, which will allow State governments over the course of the next 25 years to keep $150 billion in Federal funds with no requirement whatsoever that those funds be used for health.

Under existing law, the Federal Government pays more than half of the cost of State Medicaid programs. In return, that law requires the States to act as the principal agent for both themselves and the Federal Government in recovering overpayments and collecting payments from third parties when they are liable for care that has been paid for by the Medicaid system.

But this emergency bill rewrites that longstanding provision of law. Federal funds that have been recovered by States in recent tobacco legislation can be retained totally by States and used for whatever purposes the various Governors and legislatures deem appropriate, even though those funds were recovered for health reasons, and in my view should be used by the States if they keep the money in order to deal with health problems.

The Federal funds involved would be sufficient to expand health care coverage to millions of Americans who are presently not under Medicaid and have no form of insurance, but this conference report precludes that.

I think it is a further outrage that this crucial decision is being made on an emergency appropriation, brought to the floor primarily for a military action in Europe and hurricane relief in Central America. There were no hearings or the normal opportunities to debate this issue. The Committee on Commerce that has jurisdiction over this entitlement spending was not even involved in the decision.

In addition, as the gentleman from Florida (Mr. DEUTSCH) has pointed out, there are three anti-environmental riders contained in this bill. One, the crown jewel, is a mine provision. One blocks new rules on determining the value of crude oil which is extracted from taxpayer-owned public lands. That provision costs taxpayers $75 million. And we also have a provision in this bill which prevents the updating of ancient rules on hardrock mining, something which this committee in my view had no business doing, as well.

Lastly, it adds, again, to the mendacity of the process as a sop to some of the budget hawks in this House because it pretends to pay for some of the costs associated with this bill, such as the hurricane in this hemisphere, by cutting $1.2 billion out of food stamps.

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The fact is those cuts save not $1, because that money would never have been spent, even if the committee had not touched it. So despite those cuts, because the food stamps are required by law to be paid at whatever level that the demand requires, if in fact there is additional demand for that program, the Federal Government will have to pay out additional money. So there is no saving whatsoever to be had by that offset. I think it adds further to the general disingenuousness which generally accompanies the overall budget process.

So as I said earlier, we have passed worse bills. This one bothers me more than most because war is being used as an excuse to, on a number of occasions in this bill, rip off the taxpaying public. It is also being used as a vehicle by which we will ignore the health care needs of millions of Americans. It adds to the phoniness of the budget process overall.

I think we can do better; and until we do, I will vote no. I recognize that there will not be very many no votes cast against this provision. But I think in defense of the integrity of the budget process, what little there is left of it, I am at least going to vote no.

Mr. Speaker, I include the following article for the RECORD:

[From the Washington Post, May 18, 1999]

MEDICAL OUTCASTS: DOES ANYONE CARE?

(By David S. Broder)

It is quite a trick for something to grow larger and at the same time become more invisible. But that is what's happening to the health care problem in the United States.

The greater the number of people without medical insurance, the less the politicians want to talk about it—let alone deal with it.

In 1992, when the plight of the uninsured became a major issue in the presidential campaign, there were 38 million non-covered Americans below Medicare age. Five years later, according to a report released last week, the number has grown by 5 million. And the rate of increase is accelerating, from an average of half a million annually in the first two years to an average of 1.2 million annually in the three most recent years.

But last week, when the National Coalition on Health Care, a bipartisan group headed by former presidents Bush, Carter and Ford, put out its latest report on "The Erosion of Health Insurance Coverage in the United States," it barely made a ripple. Monica Lewinsky's appearance on "Saturday Night Live" drew more coverage than the fact that in the most recent year cited by the report, 1.7 million Americans were added to the ranks of the uninsured.

Why is this happening? The report's authors, Steven Findlay and Joel Miller—who had the assistance of Tulane University's Kenneth Thorpe, probably the country's leading authority on this question—say the legions of the uninsured are rising because of fundamental economic and demographic forces, which, by themselves, are certain to make the problem worse. The authors say that "even if the rosy economic conditions prevalent since 1992 prevail for another decade, a projected 52 million to 54 million nonelderly Americans—one in five—will be uninsured in 2009." If a recession occurs, that number likely will jump to 61 million—one in four.

Most of the uninsured have jobs, but increasingly, they work in small businesses or in service sectors that either do not cover employees or require them to pay so much for health insurance that they cannot afford it. The growing numbers of self-employed, part-timers and contract workers swell the totals.

It is a double whammy. Between 1996 and 1998, the percentage of small firms (with fewer than 200 employees) offering health insurance dropped from 59 percent to 54 percent. On average, their employees were required to pay almost half (44 percent) of the policy premiums for themselves and their families. Faced with those costs, more workers are declining health insurance.

The economic changes are exacerbated by demographics. Minorities—who have higher unemployment rates and tend to work in lower-wage jobs—are twice as likely to be uninsured as whites; as the minority's percentage of the population increases, so will this problem.

Even government policy is adding to the crisis. The welfare reform bill of 1996 supposedly provided a Medicaid cushion for women making the transition from welfare to work. But, as the authors report, "there are strong early signs that many former welfare recipients are not gaining coverage at new jobs and that those dropping off the welfare rolls are losing Medicaid coverage." In New York State, for example, the number of Medicaid enrollees dropped by 300,000 between 1995 and 1998, but in the same three years the number of uninsured rose by 450,000.

The study also notes that it is increasingly difficult for the uninsured to get health care. In one survey of more than 10,000 doctors, those receiving no income from managed care companies reported spending about 10 hours a month treating indigents. But those who get the bulk of their income from these companies gave up only half as much of their time to charity. As cost-containment pressures increase, the uninsured face ever greater medical risks.

In language that is remarkably calm, given the contents of their report, the authors conclude, "The accelerating decline in health insurance coverage in the United States is a serious problem, affecting the financial security and health of millions of Americans every day. * * * Despite strong economic growth and low unemployment, employer-sponsored health insurance coverage has continued to erode throughout the past decade."

When more and more Americans cannot pay their own medical bills, it threatens the quality of health care that those with insurance receive. Cost, quality and access are linked as inextricably today as they were when the Clintons took their unsuccessful run at the problem six years ago.

You'd think it would be an issue every presidential candidate would address. Instead, what we hear is silence. The last sentence in the report is: "We continue to ignore this problem at our peril." And yet, we continue to ignore it.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I am very happy to yield such time as he may consume to the very distinguished gentlemen from Illinois (Mr. HASTERT), the Speaker of the House, who was a solid, strong leader throughout this entire effort. I thank him very much for the strength that he had added to the process.

Mr. HASTERT. Mr. Speaker, I thank the gentleman from Florida for yielding me this time.

Mr. Speaker, I rise in support of this conference report, and I urge my colleagues to support it. I want to congratulate the gentleman from Florida (Chairman YOUNG) for his hard work on this good piece of legislation. I also want to congratulate the other chairmen of the subcommittees that had jurisdiction.

I want to extend my congratulations to the gentleman from Wisconsin (Mr. OBEY), who just spoke a minute ago. He certainly has his views on this bill; but if it was not for his work and cooperation, we would not have the bill today, so I thank him for that.

This has been a rough road to travel. Many of the competing interests have struggled mightily to be included in this legislation. As the gentleman from Wisconsin just got done laying out the litany of some of them, we find that most of those had come from the Senate.

So we worked hard to make sure that we could provide a bill that was focused on the issues at hand, true issues of emergency, and that we would get back in return a bill that would be focused on the true issues of emergency.

But it is not the time to fight for special interests. It is the time for Congress to promote the national interests. This bill serves, in my opinion, the national interests.

It provides resources to our servicemen and women who work so hard to defend this country who we ask to go to the far points of this Earth to defend American interests. It provides necessary relief to our farmers who have been devastated by an ailing farm economy. These farmers put food on the tables of American people, and they deserve the support of the American people.

It helps our neighbors to the south who were devastated by Hurricane Mitch and our citizens in the Midwest who were devastated by vicious tornados.

Mr. Speaker, we are elected to Congress to represent our constituents, but we are also elected to serve the American people. This legislation fulfills our constitutional duties to provide for the common defense, to promote the general welfare, and to secure the blessings of liberty for the American people. I urge my colleagues to support it.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from California (Ms. PELOSI), the ranking member of the Subcommittee on Foreign Operations, Export Financing and Related Programs.

Ms. PELOSI. Mr. Speaker, I thank the gentleman from Wisconsin for yielding me this time and, as always, for his extraordinary leadership and now on this bill as well.

Mr. Speaker, I think my colleagues would have all been very proud of the distinguished gentleman from Florida (Chairman YOUNG) as he chaired the conference on this bill, for this emergency supplemental bill. He represented our House with great dignity and great humor and great patience, and we all commended him for that.

Of course we are always proud of the gentleman from Wisconsin (Mr. OBEY) and his advocacy for his point of view, a point of view that many of us share.

In saying the compliments that I have extended to the chairman, it makes me all the more reluctant to rise in opposition to this bill. Certainly it is about time for us to provide the emergency funding for the victims of the hurricanes in Central America. It is 7 months since those hurricanes struck, and they exacted the worst natural disaster in this century in this hemisphere. Here we are 7 months later finally coming to the floor, but, hallelujah, here we are.

It does provide assistance to our farmers and FEMA for the devastation in our own Midwest and Oklahoma and Kansas. But I object to the fact that that emergency assistance must be offset.

This is an emergency supplemental bill. Of its nature, it does not need to be offset. Part of my opposition to the bill springs from the fact that we are making the exception for these disasters in our own hemisphere while we are spending billions of dollars; and I do not think that should be offset either, I fully support the spending that we are doing in Kosovo. How is it offset? By nearly $1 billion in cuts in food stamps and $350 million in section 8 housing.

I take the word of my colleagues when we say that this will not have an impact on the delivery of food stamps and housing, nutrition and housing for the poor people in our country, and that this is excess funds appropriated, uncommitted funds that will not be spent this year. I understand that, and I respect that.

But I do not understand why we have to go to that pot. Certainly there is other uncommitted appropriated funds. There are other appropriated uncommitted funds we can go to without sending a message that, not only do we take exception to offset funding for hurricane disasters in our own hemisphere and in Central America and offset it from the poorest of the poor account in our country, there should have been a better place for the offsets if we needed them in the first place.

Then I support, of course, the substantial assistance to refugees. But, again, we are talking about spending so much more money that is not an emergency.

The gentleman from Ohio (Mr. REGULA) did a great job on the riders, but not a complete job. I urge my colleagues to vote no on the supplemental.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I take this additional minute to respond to the comments of the gentlewoman from California (Ms. PELOSI) about Hurricane Mitch. Immediately upon the incident of that hurricane, America responded to Central America. We sent our military forces there quickly. They saved lives. They pulled people out of the swollen rivers, out of mud slides. They brought potable water so people could have something to drink or cook with. They provided sanitary conditions. So the United States responded immediately.

The supplemental request did not come from the administration until much later following that disaster. Actually, there was some delay in getting to conference on the Hurricane Mitch bill, but we combined the two bills, the Mitch bill and the Kosovo bill, into one supplemental so that we were not spending all of our time dealing with supplementals every week. That is the reason for some delay.

I would like to say to the gentlewoman that the gentleman from Florida (Mr. DIAZ-BALART) has been all over my case ever since we filed that first supplemental to get it done. So I say to the gentlewoman, it is completed. It is here today. Vote for it, and the money will begin to flow.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, may I inquire as to how much time is remaining on each side.

The SPEAKER pro tempore (Mr. THORNBERRY). The gentleman from Wisconsin (Mr. OBEY) has 17 minutes remaining. The gentleman from Florida (Mr. YOUNG) has 21½ minutes remaining.

Mr. YOUNG of Florida. Mr. Speaker, I am proud to yield 3 minutes to the very distinguished gentleman from California (Mr. LEWIS), chairman of the Subcommittee on Defense of the Committee on Appropriations.

Mr. LEWIS of California. Mr. Speaker, I very much appreciate the gentleman from Florida yielding to me.

Mr. Speaker, I rise first to express my deep appreciation to both the gentleman from Florida (Chairman YOUNG) and the gentleman from Wisconsin (Mr. OBEY), the ranking member. They have shepherded this bill through a very difficult process and I must say they reflected the will of the House in an especially effective manner as we dealt with the other body.

As has been described here, this bill has been merged with the earlier emergency bill that passed the House. There has been a good deal of concern about additions placed on that original bill. I must say first and foremost that the chairman and the ranking member worked very hard to play a role in eliminating the most egregious of those problems from the other body.

In the meantime, they provided a very important leadership role in making sure that our efforts, especially relative to Kosovo, remain very, very clean. As these items dealing with funding for national defense left the House, they return to the House—a clean product.

This bill is committed to funding our effort in Kosovo. While it does not provide all the funding that I might have called for and as was reflected in the work of the initial bill that passed the House, it remained a clean bill; and it demonstrates our commitment to making sure that our men and women who are in harm's way are adequately supported in that effort.

We do have within the Kosovo part of this package a total of almost $11 billion worth of funding for defense purposes, an amount that is in excess of that which the President requested, but an amount that is very apparent is needed by our military for our national defense.

As we move into the months ahead, none of us can predict what the cost might be. But this bill is a reflection of the fact that the House wants to make sure that adequate funding is present no matter how long the war itself may extend itself.

Beyond the President's request, there are a number of critical items that are necessary and that have been provided for in this bill. To illustrate that to some extent, above and beyond the President's basic requests, we have added $4.74 billion to address critical shortfalls in a number of areas that include items like munitions, where there is $250 million to replace munitions that have been used and are in short supply; rapid response procurements in the amounts of $300 million; and operation and maintenance funds in the amount of $2.35 billion. The O&M funding includes needed funds for spare parts and depot maintenance, items that are critical to our forces being able to carry out their mission.

I must say, Mr. Speaker, one of the messages we are sending here to our troops that is especially important involves the advanced funding of pay adjustments for the troops. That essentially tells them in clear terms that the House is not only supporting their effort in Kosovo, but intends to continue to support their service for the country as long as it might continue in the months and the years ahead. That portion of the bill, Mr. Speaker, came to us with great support and cooperation of the authorizing committee, and I want to thank those members of the Armed Services Committee who also provided us with their assistance throughout this process. In closing, I strongly urge all members, on both sides of the aisle, to support this bipartisan, essential bill.

Mr. OBEY. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in strong opposition to the supplemental spending bill.

Mr. Speaker, as we prepare to vote on the Conference Report to provide spending for military aid and hurricane disaster relief, Members should be aware of a thus far successful effort by the mining industry and its supporters in the Other Body to include in the conference report yet another anti-environmental rider.

This time, the rider would stop the Secretary of the Interior from properly carrying out his duties under the 1872 Mining Law by allowing mining companies to claim an unlimited number of acres of public land for waste disposal.

The issue arose from a March 25, 1999, joint decision by the U.S. Departments of Interior and Agriculture denying a large open-pit, cyanide-leach gold mine in eastern Washington State which had illegally claimed hundreds of acres of public land as "millsites."

Millsite claims were originally intended for structures to process the mined ore from the mineral claims; now they are usually used to dump waste rock and tailings (what's left after the mineral has been extracted).

To be valid, millsites cannot contain a valuable mineral. The mining law holds that millsite claims are limited to 5 acres in size and allows only one 5-acre millsite claim per mineral claim. Before the March 25th decision mining companies were often permitted, albeit illegally, as many millsite claims as they needed, no matter how many mineral claims they had. And the modern mining industry generally needs many more millsite claims than mineral claims. Since this decision to fully and consistently enforce the law, 5 acres of millsite claim waste disposal space is all that is available per mineral claim.

The decision by the Department of the Interior is significant because of the precedent it sets—enforcing a provision of the 1872 Mining Law that limits the amount of public land, adjacent to mines, which can be used to dump waste from mining.

With enforcement, the decision gives federal land managers the right to deny mine permits that propose to dump excessive amounts of mine wastes on valuable public lands and it may make economically marginal ore deposits unprofitable to develop.

The space required to dump the massive waste rock piles produced at many of today's mines exceeds the legal limits under the 1872 Mining Law which Congress should have reformed years ago. Mine waste dumps pollute surface and groundwater resources with acid mine drainage and heavy metals such as arsenic.

Permitting more such waste to be dumped on public lands is simply not an acceptable solution. That's what the industry wants and that's what this rider would do. It would legalize waste-dumping that is now illegal.

The 1872 mining law has given away billions of dollars of the nation's mineral wealth while paying taxpayers, who own the minerals, not one cent in royalties. And the law has only minimal limited environmental safeguards.

Polls show that a significant majority of Americans continue to support strong mining law reform. But instead of an open debate on the mining law, the industry wants an exemption from this part of the law that they've discovered is no longer to their liking.

Instead of engaging in back-room politics, the mining industry should engage in an open public debate about reforming all of the mining law, not just the part it doesn't like. And Congress should not permit a last-second, stealth rider to be added to a non-germane bill with no public debate.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Washington (Mr. McDERMOTT).

Mr. McDERMOTT. Mr. Speaker, today's vote on the supplemental budget for Kosovo has so little to do with Serbia and Kosovo that it no longer makes any sense. Members are being asked to approve a cornucopia of projects much beyond the amount that President Clinton asked.

There are so many outrages in this bill that it is kind of hard to pick one out, but let me pick one out. It is the antienvironmental rider, sponsored by the senior Senator from Washington State, and the well-financed mining lobby, which will trade American foreign policy, the safety of millions of Kosovars, and the welfare of hurricane victims in Central America for the right to strip-mine a sensitive and scenic area in north central Washington.

This rider will grant a Texas company the right to operate a strip-mine in Okanogan County. This mine will operate a cyanide leaching pit mine to spread its waste over hundreds of acres of public land, threaten the county's water supply, and threaten tribal lands.

It orders the Interior Department not to enforce the 1872 mining law. There is no doubt that that mining law needs to be reformed. It is much too generous to the mining companies. However, the solution is comprehensive reform of the law. It is clearly wrong to suspend part of the law to allow more dumping of wastes, and the mechanism is hardly an emergency appropriations bill.

□ 1915

The only opportunity that Members of this House will have to vote against this is to vote on the motion to recommit. And I urge all of them to vote "yes" on the motion to recommit and "no" on the bill.

Mr. YOUNG of Florida. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Washington (Mr. HASTINGS), member of the Committee on Rules.

Mr. HASTINGS of Washington. Mr. Speaker, I thank the gentleman for yielding me the time.

I just want to point out something that I find so ironic with the debate from the previous speaker and the debate on the rule. Here we are debating the bill that deals with our national defense, deals with our agriculture industry, and deals with aid to Central America, which I think is needed, otherwise this body would not take it up. And yet we hear the rhetoric from the other side and specific Members that we are decimating our environmental laws.

Nothing could be further from the truth. Let us put this into perspective, exactly what happened. Under existing law, a gold mine in Washington State opened up 11 years ago, invested $80 million under existing rules, jumped over every hoop, every barrier, went through every environmental hoop from the State, from the Federal Government, and they said proceed, until it got to Washington, D.C. and a solicitor took existing statute that had never been interpreted this way before, never been interpreted this way before, and said we are going to shut down this gold mine after an $80 million investment.

This happened about 6 weeks ago. It had to be fixed in a timely manner because people have invested in this enterprise, pension funds; there is about 150 to 200 jobs at stake in north central Washington. So this fix had to be done in an emergency manner, and that is why this vehicle was fixed. It does not, I have to repeat, this does not decimate any environmental laws. It takes care of this one specific project and those projects that are in place right now.

I urge support of this supplemental budget.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from North Carolina (Mr. PRICE).

Mr. YOUNG of Florida. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Mr. Speaker, I am concerned that one of the offsets being used in this bill is $350 million from the Section 8 housing program. I understand that these are monies that are not expected to be spent this year. But the future use of these funds was considered when HUD calculated how much to request for fiscal 2000.

It is my understanding that the gentleman from New York (Mr. WALSH), the chairman, plans to appropriate sufficient funds to renew all Section 8 contracts in the fiscal 2000 VA-HUD appropriations bill; and if I might, I would like to engage him in a colloquy at this point on that matter. My concern is that funding be sufficient to ensure that those currently using the Section 8 program will in fact have the necessary housing provided for them and their families.

Is it the intention of the chairman to appropriate funds sufficient to renew all Section 8 contract renewals?

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. PRICE of North Carolina. I yield to the gentleman from New York.

Mr. WALSH. Mr. Speaker, I appreciate the concern of the gentleman. We also have concern with this important housing issue, and I agree that the Section 8 program is very important for ensuring that the poorest of the poor have adequate housing. Consequently, I fully intend to appropriate adequate funds for Section 8 renewal.

And I would remind my good friend that no one has lost their housing vouchers, and I have no intention of letting that happen.

Mr. YOUNG of Florida. If the gentleman would yield, I would like to say, Mr. Speaker, that I support the intention of the gentleman from New York (Mr. WALSH) to provide for all the Section 8 renewals even though, as we are all well aware, the budget resolution we are working under requires difficult choices in many of the appropriations bills, including the VA-HUD bill. I believe it will be up to the Members of the subcommittee to determine the best manner in which to allocate these funds.

Mr. PRICE of North Carolina. Mr. Speaker, I want to thank the chairmen of both the full committee and the subcommittee. I agree with both of them that it is going to be a very difficult, very challenging process to fund those programs under our responsibilities.

I am concerned that this rescission could make that more difficult for the gentleman from New York (Mr. WALSH) and my colleagues to find the funds necessarily adequately to fund both Section 8 and all the important programs we oversee.

In conclusion, it is going to be difficult to find the funds to fund Section 8 fully, and all of these important programs we are overseeing. It is vitally important to do this, though; and I pledge my cooperation to getting it done.

Mr. YOUNG of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. REGULA), chairman of the Subcommittee on Interior of the Committee on Appropriations.

Mr. REGULA. Mr. Speaker, I thank the gentleman for yielding me the time.

I think we are losing sight of the fact that the purpose of this bill is to support our troops overseas. They did not ask to be sent there. But now that they are there, therefore I think we should get the necessary funds to provide the adequate equipment that they need and all the supplies so that they can be protected in performing their duty. And we are getting diverted in this debate.

But let me also address one issue, and that is the Byrd provision which was in the Senate bill to establish a loan guarantee program. I think that amendment is important. It would deal with the question of steelworkers and their jobs.

But I did not think we would want to lose this bill or have it delayed, since it is so vital to young American men and women in the military, by retaining this amendment. I believe that this should be addressed with a separate bill. That bill with the Byrd language has been introduced in the House by myself. The Speaker has agreed that there will be a vote on it. A similar action is being accomplished in the Senate, and there will be a vote there on the Byrd amendment.

I would hope that the Senate will pass the quota bill, as it is the most effective solution to stopping dumping and job loss. It is a problem. Four steel companies have filed for bankruptcy protection since the steel import crisis began. We have 10,000 steelworkers out of their jobs, and that does not include people in the ancillary industries.

We can deal with those problems with the quota bill, which would be far more effective in saving steelworker jobs. And I think it is important that we get on with passing this bill to make sure that our young men and women overseas and in the United States that have been called upon to protect their country, to serve their country, are adequately taken care of.

I urge the Members to pass this bill promptly.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Speaker, I thank the gentleman for yielding me the time.

I first want to say how proud I am as a new member of the Committee on Appropriations of the work that our House did. If my colleagues notice, the conference committee, the leadership in that conference committee, was certainly on the House side, and I appreciate the work on it of both sides of the aisle.

This is the first spending bill that we have voted off the House floor this year, and I think it reminds me of that old adage that is in a song that says, "You can't always get what you want but sometimes you get what you need." There are a lot of political needs out there in this country and across the world, and Congress does not have always a good record of getting the money to the people.

I have agreed with some of those who point out the wrongs in this bill. There are certainly some wrongs. And they have an option of voting to recommit. But the politics of compromise is that along with the bad comes the good, and we have to weigh our judgment on how we are going to vote. Is there more good in this bill than bad? And we have been hearing people emphasize what they think is the bad. Let me emphasize what I think is the good.

Certainly, a long overdue pay raise for our military and the Coast Guard; $1.1 billion for Kosovo refugees; $900 million for U.S. tornado victims in the FEMA account; $687 million in Central America, and I visited there, for school building and road development and debt restructuring; and $10 million relief for the Colombians after that horrible earthquake that they had.

There is also money in here for other great causes. There is $574 million for U.S. farmers hit by low commodity prices. There is a lot in here to like even for nondomestic emergency funding.

Credit Union Liquidity.

Public Broadcasting: There is money in here for National Public Radio.

Mortgage Insurance Limits: There is money in here for mortgage insurance limits.

House Page Dormitory: For the pages' dormitories for these pages that serve us, so they can have a decent place to live.

Japanese Reparations: There is money in here for Japanese reparations. The list goes on and on for good things to support.

Postal Service.

Indian Affairs.

Russian Leaders: The agreement establishes a pilot program within the Library of Congress to bring up to 3,000 emerging Russian political leaders to the United States for up to 30 days each. The Senate is transferring $10 million of its own funds to finance the program during 1999.

Religious Freedom.

Export Controls.

Drug Trafficking.

National Commission on Terrorism.

Pan Am Trial.

I urge my colleagues to make a sufficient vote, vote "yes."

Mr. Speaker, this is a difficult and emotional time for the world community and me personally. We have found ourselves faced with unconscionable atrocities in Kosovo and no easy way to stop them. We all wish that we were not faced with the need to make choices such as those we face in Kosovo, we wish to options available were different. However, I believe we do not have the option of standing by and letting the genocide continue.

My outlook on humanity has been shaped by my national service in Colombia with the Peace Corps. During my time in Colombia I gained an appreciation for other cultures and an understanding that, no matter what your nationality or ethnicity, we are all human. We all deserve the right to basic freedoms. We all deserve the right to be safe in our homes and not be fearful of our government. We all deserve the right to expect that we will not be forced out of our homes and country. We all deserve the right to live freely.

The international community has been attempting to reach a diplomatic end to Slobodan Milosevic's terror of the non-Serbian population in Yugoslavia for years. The Rambouillet accords offered Mr. Milosevic one last opportunity to stop the genocide in Kosovo and avoid international conflict. With his refusal, the international community was faced with the awful decision of sitting by and allowing Milosevic to continue displacing, terrorizing, and murdering Kosovars, or take action to stop him. I have had many sleepless nights thinking about the situation in Kosovo, recalling what I saw first hand in Bosnia and imaging the plight of the Kosovars. I believe that chosing to act was the right decision.

I do not feel the United States could have, or should have, stood idly by while people in Kosovo continue to lose their homes, their families and their lives. Whether or not you agree with my position, I want you to know that I don't take it lightly.

Mr. YOUNG of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from Alabama (Mr. CALLAHAN) the chairman of the Subcommittee on Foreign Operations, Export Financing and Related Programs of the Committee on Appropriations.

Mr. CALLAHAN. Mr. Speaker, I love this place. It is so interesting to come and to see both sides of the aisle use demagoguery to talk about what is wrong with everything.

If my colleagues want to find a reason to vote against this bill, it is very simple. Since the introduction of C-SPAN, we no longer debate issues, we use oneupmanship, hoping that someone back in our respective districts might be listening and they might be impressed.

This glass is nine-tenths full. How many of my colleagues want to go home and say that they want to deny the refugee assistance that is in this bill for the refugees coming out of Kosovo? How many of my colleagues want to go home and say they do not want to help the people who are devastated by Hurricane Mitch? Not one of them. How many of my colleagues will want to go home and tell their farmers that there was something wrong with this bill, that they disagreed with something the Senate put in there, therefore, they were against assistance to the farmers?

We have got to look at the nine-tenths of the glass and recognize that we are doing humanitarian assistance, we are doing the right thing, we are improving the capabilities of our military.

We can demagogue it all we want. We can say that we are 7 months behind in appropriating the money for Hurricane Mitch. But the President did not send the request over here for 4 months. So I can demagogue, too. But let us look at the fact that we have aid to farmers, we have aid to Latin America, $700 million, we have aid to Jordan.

The King of Jordan is here this week. I have not heard one of my colleagues jump up and say this is not an emergency. No, because they do not want to demagogue it in that respect. They want to nitpick. They want to go in and say we are taking the money away from Section 8 housing. We are not. But it sounds good, I realize, back home to their constituents.

Say what they want, but when it comes down to the final vote on this bill, vote your conscience, vote for what is right. Vote for the refugees. Vote for the assistance to Latin America. Vote for the increased assistance to the military. And vote, as well, your conscience that will indeed make this a better world and have the United States of America more respected.

Mr. OBEY. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I say in response to the gentleman who just spoke that I believe that those supporting this bill are trying to have it both ways on the issue of offsets at the same time.

First of all, they tell the conservative action group on the Republican side of the aisle, do not worry, we have offset a piece of this bill because we are cutting food stamps and cutting Section 8 and that is how we are going to offset the cost. Then when they get an argument from the other end and people say, gee, but if we cut those two programs, we are going to hurt people, they say, oh, but by the way, do not believe it because we are not actually going to cut a dime because this money would not be spent anyway.

Now, that may either say something about the hypocrisy of those who offer the amendment, which I doubt, or it may say something about the hypocrisy of the process. Either way, I think people can be forgiven for being concerned that when they put a cut in the bill, they just might really mean it.

Mr. YOUNG of Florida. Mr. Speaker, might I inquire as to the time remaining on both sides?

The SPEAKER pro tempore (Mr. THORNBERRY). THE GENTLEMAN FROM FLORIDA (MR. YOUNG) has 12 minutes remaining. The gentleman from Wisconsin (Mr. OBEY) has 10 minutes remaining.

Mr. YOUNG of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. PACKARD), chairman of the Subcommittee on Energy and Water.

Mr. PACKARD. Mr. Speaker, I thank the chairman for yielding me the time.

I rise in strong support of H.R. 1141, the Emergency Supplemental Appropriations Act Conference Report. Certainly, every Member should and can vote for this. If they support a clean supplemental, they will vote for this bill.

This is the cleanest supplemental appropriation bill since I came to Congress 17 years ago. Is it perfect? Is it perfectly clean? I think the House bill was quite clean when it left, but it obviously is not completely clean now that it has come back as a conference report, but we did everything we could.

And I give the gentleman from Florida (Mr. Bill YOUNG) superb credit for holding firm in trying to keep this a clean bill. We stripped out virtually all of the pork that was laden in the Senate bill. We did not get it all out, of course, but we tried.

□ 1930

If Members support helping the victims of Hurricane Mitch, they will support this bill. If they support helping the American farmers who are devastated by a disastrous farm economy, then they will vote for this bill. If they believe we have systematically gutted our defense budget, if they believe it is time to increase manpower and rebuild our weapons stockpile to provide for spare parts to avoid cannibalism, then they will vote for this bill. If they support our troops in Kosovo even though they disagree with the President's deployment to Kosovo as I do, they will vote for this bill. Congress cannot abandon our troops just because the President deploys unwisely. If they support providing relief for the refugees in Kosovo, they will vote for this bill.

They have more reason to vote for this bill by far than they have to vote against it. I support it. I hope my colleagues will, also.

Mr. Speaker, I rise today to voice my strong support for H.R. 1141, the Emergency Supplemental Appropriations Act Conference Report for 1999.

As a Conferee who helped craft this important legislation, I want to assure my colleagues on both sides of the aisle that H.R. 1141 is a strong bill that every Member can and should support.

Mr. Speaker, there are few Members more committed than I to cutting waste and saving taxpayer dollars. I know how important it was to bring to the House a conference agreement free of excess spending and I am proud of what we have accomplished. Despite much pressure, Chairman Young held firm and helped this Congress produce the best possible legislation to address the needs now facing our nation. The fact is, H.R. 1141 is as clean and as tight as possible largely because Chairman Young would accept nothing less. I am pleased to support this legislation and I urge my colleagues on both sides of the aisle to vote for its approval.

Mr. Speaker, H.R. 1141 provides necessary funding for our most pressing emergencies. American soldiers, America's farmers, storm victims, and Balkan refugees all will immediately benefit from passage of this legislation. Most importantly, H.R. 1141 supports America's troops, and regardless of whether you agree with the policies of this Administration, we can't afford to neglect the needs of those who must carry them out.

Like many of my colleagues, I have made no secret of my opposition to this President's use of American military force in the Balkans. I continue to believe that Operation Allied Force lacks well-defined goals and a clear strategy to accomplish them. However, my differences with this President do not erase the fact that our troops in the field are dangerously low on both munitions and spare parts; or that we are currently unable to fully staff many of our naval vessels due to personnel shortages. Mr. Speaker, Congress cannot abandon our troops just because the President deploys them unwisely.

The truth is, American service personnel are stretched farther around the world today than at any other time in history. Successive deployments in both the Middle East and the Baltics have revealed a true national emergency that must be addressed as soon as possible. We cannot continue to put American soldiers in harm's way without the tools and training necessary to bring them home safely.

Mr. Speaker, I urge my colleagues to support our troops, our farmers and those devastated by recent storms by approving this critical legislation.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Speaker, I would like to say that this supplemental is for a good cause but the offsets are very bad, particularly the ones that are in housing. I do not think too many people have thought of the fact that you are just exacerbating the current waiting list which we have for vouchers. It takes families years and years to get this assistance. By your offsetting, using the money from vouchers and from housing, it is going to cause a terrible problem for the people I represent and the poor people of this country.

I want Members to think about that even though we all know that it is a good cause. Think of the fact that it is going to have that kind of effect in the year 2000. There is going to be a shortfall in the year 2000. There is already a shortfall because there are about 5 million families that are already underserved by HUD section 8. So in dealing with reality, no matter how you place this, it is going to have a devastating effect on the poor people in this country who are already affected by housing. We need to think of that. We are going in the wrong direction by doing this. It will reverse the down payment Congress made last year on addressing the needs. We are just backtracking for the good things that we did last year.

Mr. YOUNG of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky (Mr. ROGERS), chairman of the Subcommittee on Commerce, Justice, State, and Judiciary.

Mr. ROGERS. Mr. Speaker, I think it is pretty plain to most Americans that what is happening here is like what has been happening all year long. That side of the aisle is opposed to anything that this side of the aisle proposes. Look what they are opposing here. In this bill, there is aid for not only the military personnel of America in the Kosovo region, there is also aid to help protect our American diplomats working under extremely dangerous conditions all through the Kosovo region, all seven embassies in that region. This bill contains $70.5 million to help protect Americans working in our embassies and consulates in that region, including in Tirana, where we need a brand new embassy to try to house the Americans working there.

Regarding the census. In this bill, we lift the fence off the funding for the State Department, the Commerce Department, the Federal judiciary and all their other agencies covered by the Commerce-State-Justice bill. Otherwise, those agencies will simply shut down on June 15. In this bill we simply lift the fence, let the moneys be spent, keep the Justice Department operating, keep the courts operating, keep the Commerce Department operating, keep the Federal courts, including the Supreme Court and all the Federal courts across the country, in operation.

Also the Immigration and Naturalization Service says unless they get an additional $80 million, they are going to have to release onto your streets the criminal illegal aliens now being held by the INS. They are out of money. Those criminals will be released on our streets and our roads and highways throughout this country. If Members want that to happen, vote "no" on this bill, because we put $80 million in this bill for the INS to continue to keep in jail the criminal aliens who would otherwise roam the streets of this country.

And so I urge Members to support this bill. You can find any reason to oppose it. You can find every reason to be for it.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Michigan (Ms. KILPATRICK).

Ms. KILPATRICK. Mr. Speaker, I support our troops, our service men and women who serve this country. I support the people in Central America who were devastated by Hurricane Mitch. I support the American farmers who have made it possible for us to eat and to export and to feed the world. I also support FEMA and Oklahomans and all those who have been devastated by the recent tragedy. But I also support the millions and millions of Americans who need housing, who need the assistance from our community development block grant program, who need transit opportunities so they can get to their doctors, to buy their food and the like, people who need housing. This is a wonderful supplemental, but it leaves out too much of my district. I cannot support it. It is unfortunate that we have a $15 billion supplemental, $13 billion of which is not offset, and $2 billion which is offset. Too much pain for those in America who need it. Vote no.

Mr. YOUNG of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. CUNNINGHAM), a member of the Subcommittee on Defense.

Mr. CUNNINGHAM. Mr. Speaker, last week I took to the well and said that the gentleman from Wisconsin (Mr. OBEY) and I were friends and a reporter asked me off the floor, "Are you and the gentleman from Wisconsin really friends?" I said, "Yes. We just disagree on some issues." But I would like to enlighten my friend on national security spending. I know he is aware of it. We may just disagree.

Mr. Speaker, we have a national security budget. When we had an extension of Somalia, many of us opposed to it said that those that want to go into Somalia, you have to be ready to pay for it. The same thing with Haiti. We were opposed. We did not think there was any national security issue of going into Haiti. We got kicked out of Somalia. In Haiti we are still spending $20 million a year building roads and schools in Haiti, much money we would like to spend on section 8 housing and the rest of it. But if you take a look at Bosnia, Bosnia has cost us $16 billion. That does not even account for next year. Four times hitting Iraq. Now we have got Kosovo. And the Sudan. The President just agreed to a settlement of some $45 million to give the Sudanese because we bombed an aspirin plant. All of this money comes out of the national security account. We have emergency supplementals but it only covers about one in four dollars that we expend. Our national security, to give Members an idea, the Navy fighter weapons school had 12 of 23 airplanes down, 137 parts missing. Eight of those were for engines. The Air Force 414th was very similar. We are in a hollow force right now. The money that we want to expend for national security in this bill, I am very proud of what we did, like the gentleman from California (Mr. FARR) said that what we passed in the House. I am not so proud of what is in this bill. But I look at the glass like the gentleman from Alabama (Mr. CALLAHAN) said, I think it is nine-tenths full. But we do need the national security dollars and there is a reason.

Mr. Speaker, I want to bring attention to one provision in this conference report regarding education.

Chapter Five of the Conference Report contains an appropriation of $56.377 million for the Department of Education, providing a sort of "hold-harmless" to certain schools in the Title I Concentration Grants program. I want to state my objection to this legislative rider which was in neither the House nor the Senate bills. I understand that my own Labor-HHS-Education Appropriations Subcommittee Chairman, JOHN PORTER, shares my opposition to this type of legislation which prevents Congress for targeting scarce funds to those with greatest need.

I oppose this provision for three reasons.

First, the appropriation is unjustified. Since 1994, local school districts have known that in the current fiscal year, FY 1999, the Title I Concentration Grants would be distributed to local school districts whose eligibility would be determined using census update estimates of school-age population and poverty. The provision was clearly written in the Improving America's Schools Act of 1994. In defense of the 1,400-some schools scheduled to lose Title I Concentration Grants eligibility except for this rider, the Department of Education has been tardy in assembling this important data. Some schools are asserting that they were caught off-guard, or by surprise. But the Department's lateness does not justify such funding or the rider itself; in fact, schools have had notice of this change for five years.

Second "hold-harmless" legislative riders on appropriations bills have unintended consequences. They hurt other states and districts. They affect states unequally and unfairly. In this case, this particular hold-harmless counters Congress' clearly stated principle in the Title I authorization that the dollars should generally follow the children. Given scarce resources, money should be targeted to areas of greatest need. By contrast, this rider provides additional funding to schools that are otherwise not eligible for the Title I Concentration Grant money. That is wrong. The fact that "100 percent special hold-harmless" legislative riders have been attached to omnibus and other appropriations conference reports in the past—riders that disadvantage children who are immigrants, minorities or poor based on their state of residence—does not make this rider right.

And third, this is a midnight legislative rider. It was not in the House or Senate bills. It was not the subject of hearings. It was not raised in House debate on the supplemental appropriations bill. It was not raised in the hearings of the House Labor-HHS-Education Appropriations Subcommittee for the FY2000 budget, and as a Member of that Subcommittee I assure Members that plenty of opportunity for this was available. It was not raised in the authorizing committee, to my knowledge, where this type of issue truly belongs. I am assured, however, that this is the one and only time that this particular legislative rider will be sought.

Mr. Speaker, this legislative rider, in the whole scheme of things, is relatively minor. But it sets a precedent that is problematic and unfair to all of those Members who work in good faith to authorize these programs. Members simply need to know that this is the case.

I fully expect that when the FY2000 Labor-HHS-Education bill is written and then sent to conference with the Senate, there will be yet another attempt to apply a "100 percent special hold-harmless" to the Title I Basic State Grants program, which I understand is different from this Concentration Grants program issue. This other hold-harmless impacts every growing state, and every state with a growing number of disadvantaged children—often including immigrant and minority children. The House has, in the past, resisted such legislative riders on appropriations bills, and we should continue to do so.

The legislative language of the H. Rept. 106–143 reads as follows:

DEPARTMENT OF EDUCATION; EDUCATION FOR THE DISADVANTAGED

For additional amounts to carry out subpart 2 of part A of title I of the Elementary and Secondary Education Act of 1965, $56,377,000, which shall be allocated, notwithstanding any other provision of law, only to those local educational agencies that received a Concentration Grant under the Department of Education Appropriations Act, 1998, but are not eligible to receive such a grant for fiscal year 1999: *Provided*, That the Secretary of Education shall use the funds appropriated under this paragraph to provide each such local educational agency an amount equal to the Concentration Grant the agency received in fiscal year 1998, ratably reduced, if necessary, to ensure that local educational agencies receiving funds under this supplemental appropriation receive no greater share of their hold-harmless amounts than is received by other local educational agencies: *Provided further*, That the funds appropriated under this paragraph shall become available on October 1, 1999 and shall remain available through September 30, 2000, for the academic year 1999–2000: *Provided further*, That the Secretary shall not take into account the funds appropriated under this paragraph in determining State allocations under any other program administered by the Secretary in any fiscal year.

And the provision from the report reads as follows:

The conference agreement includes $56,377,000 for Concentration grants under the Title I program as a fiscal year 2000 advance appropriation to become available on October 1, 1999 for academic year 1999–2000.

The conferences understand that the Department of Education has interpreted a 'hold harmless' provision included in the fiscal year 1999 appropriations bill to apply only to school districts that first qualify for Concentration grants on the basis of the percentage or number of poor children within the school district. Only after a school district meets the eligibility criteria would the Department apply the hold harmless and award the Concentration grant. Under the Department's interpretation, over 1500 school districts would lose their Title I Concentration grant in academic year 1999–2000.

The conference agreement includes language that clarifies the fiscal year 1999 appropriations law to direct the Department of Education to hold harmless all school districts that received Title I Concentration grants in fiscal year 1998. The conference agreement further clarifies that the allocations made through applying this hold harmless will not be taken into account in determining allocations under other education programs that use the Title I formula as a basis for funding distribution. Neither the House nor the Senate bills contained these provisions.

Mr. OBEY. Mr. Speaker, I yield myself 30 seconds.

The gentleman acts as though those of us on this side of the aisle are not for funding national security items. The amendment that I offered for national security purposes was $4 billion above the request by the White House. I know that that is pocket change for some people in this House, but from where I come from, that is still a lot of money.

Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, I thank the gentleman from Wisconsin for yielding me this time. I rise before my colleagues to express my outrage today at what my colleagues and I are asked to vote on. First of all, the supplemental contains many proposals which I support, aid to the Kosovo refugees, aid to Americans, including our farmers who are victims of disasters, aid to Central American Hurricane Mitch victims and military personnel pay raises. But, Mr. Speaker, this bill is sinister and it is cynical. The offsets in this bill are outrageous. In order to support the good proposals in this bill, we would be forced to create an emergency here at home. Cutting over $1.2 billion in the food stamp program forces many Americans to go hungry. $350 billion in section 8 housing programs forces huge numbers into shelters and onto already crowded streets. $230 million from community development block grant programs which our neighborhoods need badly would be cut. This bill is terribly sinister to force these massive cuts onto our own citizens in a budget which will fund a military operation in Yugoslavia. It is cynical. It forces us to choose between humanitarian and disaster assistance for those here and abroad. I ask for a "no" vote.

Mr. YOUNG of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Missouri (Mr. TALENT).

Mr. TALENT. Mr. Speaker, I thank the gentleman for yielding me this time. Let me focus the House's attention on a figure, $148 billion. The Joint Chiefs of Staff came before the Senate at the end of last September and said, we are $148 billion short of what we need over the next 6 years to maintain minimal standards of readiness in the armed services. Nobody disputes that figure. The Secretary of Defense agrees with it. He has testified that we either need more troops or fewer missions. Mr. Speaker, we have soldiers on food stamps. This bill is a modest down payment on doing our duty under the Constitution and the laws to the men and women who protect our families and our security.

I have heard many arguments against the bill. They change. It funds Kosovo. It does not fund Kosovo. It has offsets. It does not have offsets. It is an emergency. It is not an emergency. And now it changes the rules regarding a gold mine in Washington.

Mr. Speaker, let me put this in perspective. I was talking the other day with the gentlewoman from Florida (Mrs. FOWLER), who serves on the Committee on Armed Services with me. Her neighbor is the wife of a Navy flier. Her neighbor stopped the gentlewoman from Florida in the grocery store and said, "My husband has to land his F-18 on an aircraft carrier at night on a pitching deck and he is not getting the training hours he needs because the budget has been cut. He might crash. What are you going to do to help my husband?"

Mr. Speaker, the men and women in America's armed services count on us to protect them as they protect our families and our children and our Nation's security. This bill is the first time in 6 years that we are stepping up to our duty. Let us get rid of the politics, let us get rid of the excuses. The Committee on Appropriations held tough and stood fast in the conference committee. Let us vote for this bill and begin the road back to protecting America's security.

Mr. OBEY. Mr. Speaker, I yield myself 30 seconds.

I would simply say if our friends on the majority side of the aisle were so concerned about readiness, why is it that out of the $27 billion that they have added to the President's defense budget the last 4 years that only $3.5 billion of that went to readiness and the rest went for pork?

Mr. Speaker, I yield 2½ minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I thank the gentleman from Wisconsin for yielding me this time. I am reminded of a song that I think my colleagues on the other side are singing. I remember in earlier times when they would be very critical of the appropriations process, of the excesses that were sent in, of the long time it took. I think they have now decided to sing a song, anything we can do, they can do worse. We are told that we should fall to the hostage theory: "This has some good things in it; therefore, you should ignore the bad things." The gentleman from Alabama said that the glass was nine-tenths full. One of my friends on the Committee on Appropriations said, "No. The trouble with this glass is that it's overflowing." We are told that if we are for aid to the hurricane victims, if we are for the troops, we have to vote for it and never mind all the bad stuff. I have heard that before. I thought it was one of the things they were going to change.

So this notion that because there are some good things in a bill that has fewer bad things than it used to have, we have to vote for it makes no sense. As for people who tell me we are in a real rush to do these things, I think I remember voting for some of these things several weeks ago. I was not holding it up. Yes, I would vote for a clean bill very soon. But what is even worse is the offsets. The gentleman from Wisconsin correctly pointed out, the offsets either are very powerful reductions in spending when they are trying to sell the bill to the conservatives, or they are nothing when they talk about their real impact. Well, unfortunately they are not nothing. I wish they were. Yes, it is true, and I thank the gentleman from New York and the appropriations subcommittee and others, we will be protecting the people who now live in housing with section 8s. But any Member of this House who has told a constituent, "Gee, I'm sorry you don't get a section 8, I'm going to try and get you one," anyone here who has looked at an elderly constituent and said, "Gee, ma'am, I really feel for you, I'm going to do what I can," who then votes for this cancellation of $350 million of section 8 vouchers that could otherwise go to new people is guilty of the worst kind of inaccuracy.

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My colleagues can vote to cancel $350 million of Section 8 if they want to, but they should not then go back to their districts and lament and weep for those who are not adequately housed because actions do have consequences. Yes, it will keep existing people in housing, but all of my colleagues who have talked to people on the waiting lists, who have talked to others and said, "Gee, I would love to help you," it is like the old reverse Houdini.

Mr. Speaker, Houdini used to get tied up in knots, and his trick was to get himself out of the knots. This bill ties ourselves in knots, and then we tell people we cannot help them because we are all tied up in knots.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, we really have a good opportunity here in a few moments jointly on a bipartisan basis, and that is to pass a motion to recommit which will take a scalpel out and remove some of the warts from this bill, and I speak of one wart or three in the anti-environmental riders; my colleagues may have others.

The gentleman from Florida (Mr. DEUTSCH) and I will not be allowed to offer our motion to recommit, and that is just fine. We have no pride of authorship here. But we do have outrage, and I have outrage as a new Member of this Chamber, to say that we are going to allow this type of chicanery to go on in this House, Mr. Speaker.

As my colleagues know, for folks to argue on these environmental riders that they are really not environmental, they think Americans sort of fell out of the back of the rutabaga truck. Do we think that our pilots in the F–18s want to come home and have us reduce their environmental protections? I do not think that is what we are asking us to do. Do we want the sailors on those ships, are they sending us E-mail asking us to reduce environmental protection? I do not think they want that. If my colleagues believe that environmental riders are wrong, they should vote for this motion to recommit.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Speaker, there are problems in the supplemental appropriation bill. As a member of the Committee on International Relations, I have been actively involved in working to secure funding for earthquake relief in Columbia and military and humanitarian aid for Operation Allied Force. I represent one of the largest Columbian-American constituencies in the United States, and I adjoin an area in the Bronx which has the largest concentration of Albanian-Americans in the U.S. I spoke in favor of this resolution when it first came to the House floor. Unfortunately though this bill has changed considerably when it went to the conference with the Senate. The Senate had added anti-environmental riders along with a host of individual projects which have no business in this bill. I support the funding for hurricane relief in Central America and earthquake relief in Columbia, I support the 6 billion in funding for our military involvement in Yugoslavia and humanitarian relief for the front line countries effected by the flow of refugees escaping Kosovo, and I support the $100 million to Jordan to help implement the Wye Peace Agreement. But unfortunately, Mr. Speaker, I will not be able to support this legislation because of the anti-environment and what it does to the poor of this country.

Mr. Speaker, there are problems in this supplemental appropriations bill.

As a member of the International Relations Committee, I have been actively involved in working to secure funding for earthquake relief in Colombia and military and humanitarian aid for Operation Allied Force. I represent one of the largest Colombian-American communities in the United States, and I adjoin an area in the Bronx which has the largest concentration of Albanian-Americans in the United States.

I spoke in favor of this resolution when it first came to the House Floor. Unfortunately though, this bill has changed considerably when it went to Conference with the Senate.

The Senate has added anti-environmental riders along with a host of individual projects, which have no business in a bill, designated "emergency spending"

I support the funding for Hurricane Relief in Central America and earthquake relief for Colombia. I support the $6 billion in funding for our military involvement in Yugoslavia and humanitarian relief for the front line countries affected by the flow of refugees escaping Kosovo. And I support the $100 million to Jordan to help implement the Wye Peace agreement. And I support our United States Military who deserve a pay raise for the hard work they do to protect our freedom at home and abroad.

These are a few of the good things, now let's talk about the bad things: $9.2 million for car washes in Germany and bachelor quarter housing in Southwest Area, three anti-environmental riders which provide sweetheart deals to mining companies and cheat American taxpayers, $1.2 billion cuts from Food Stamps, $350 million cuts from Section-8 housing and a variety of spending that was not even included in the Pentagon's 5-year budget plan.

Mr. Speaker, because of these offsets and the budget busting spending, I will have to vote to oppose this supplemental bill and encourage my colleagues to defeat this bill, go back to conference and produce a better bill that will gain the support of all of our members.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. MEEKS).

Mr. MEEKS of New York. Mr. Speaker, I rise this evening in opposition to the emergency supplemental appropriation conference report.

This bill is loaded with nonemergency spending that undermines the budget appropriation process but satisfies the special interests. While I strongly support the emergency funding for our military in Kosovo and for a pay raise for our troops and for disaster relief efforts, I strongly object to the unnecessary spending disguised as emergency spending for such things as 3.8 million for the House Page Dormitory, establishing a pilot program within the Library of Congress to bring up 3,000 emerging Russian political leaders to the United States, 475 million in unrequested funds for overseas military construction, 3 million for the United States Commission on International Religious Freedoms.

While these in and of themselves are not bad, they are not emergencies.

What is equally troubling is that the vital programs that poor and elderly people rely on have been cut dramatically to pay for this bill, 1.2 billion in food stamp programs, 350 million in Section 8 and 22 million for the labor and health.

Mr. Speaker, I strongly urge my colleagues to do what Americans expect us to do: Vote no.

Mr. OBEY. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I simply take this time to notify the House I will be offering a straight motion to recommit.

If my colleagues believe that we should not be unnecessarily abusing the environment, if they believe that we should not be unnecessarily hurting our ability to help people who desperately need health care, if they believe that we should not abuse the emergency designation in the budget process, then I would invite them to vote yes for the motion to recommit.

Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, first I would like to compliment the Chair for having kept and maintained order throughout this debate. I would like to compliment the gentleman from Wisconsin (Mr. OBEY) and the members of the minority party for the responsible way in which they have conducted themselves in this debate and certainly my colleagues on the Republican side for having stood strong for the legislation that we were able to put together over a lengthy process of conference, and I would also like to thank, Mr. Speaker, the staff of the Committee on Appropriations, the majority staff and the minority staff, and I can tell my colleagues they worked. The Members thought they worked long, hard hours, and the staff worked longer and harder hours because when we made the decisions, staff had to put them on paper and get them ready to present to the House. I want to thank the Committee on Rules for being willing to wait for us late Thursday night and being willing to come in yesterday when there was no business in the House in order to actually meet and grant a rule for this bill.

Mr. Speaker, I also want to thank the President of the United States because he supports this bill, and I would also like to thank the President of the United States for not only supporting the offsets that have become somewhat controversial here this evening, but having recommended the one major offset that has received so much attention, and that is the food stamp offset. America's economy is good. The demand for food stamps has been reduced. There is a substantial amount of funds for fiscal year 1999 in the food stamp program that will not be spent, and so we have agreement with the administration to use that as the basis for our offsets, and I would point out that the nonemergency sections of this bill are offset.

Now many have stood here and said they would vote against the bill, but they refer the farmers, they refer the soldiers and the sailors. Do not vote against them. If colleagues are for them, do not vote against them. A no vote on this conference report is going to be a vote against America's farmers who need help and who need it today, and this bill addresses that aggressively. A no vote will be a vote against the victims of disasters not only here at home in the United States, but at our friends and neighbors in Central America. A no vote will be sending a message to Milosevic that we are not really serious about bringing him to heal. He does not need to get that message, he has got enough problems already. A no vote will be against those soldiers and sailors and airmen and marines and coastguardsmen who are involved in this conflagration, or war, or call it what you will in the Balkans, and, yes, the Coast Guard is involved. When America goes to war, the Coast Guard goes to war, and there are two Coast Guard ships tonight steaming toward the Balkans to join other Coast Guard vessels that are already there dealing with the Bosnian issues. And a no vote would be against reinvesting some of our resources to start to rebuild our national defense capabilities that have been stretched so thin that, if one of the other MRCs in the Korea region or Iraqi region were to happen tonight or tomorrow, we would be in trouble.

So, if colleagues are for all of these things, they cannot vote against the bill.

So I would hope that everyone will seriously explore their conscience and understand that the things they disagree with are minor compared to the good things that this bill provides. America needs this bill. Our soldiers, and sailors, and airmen, and marines and coastguardmen need this bill.

Ms. STABENOW. Mr. Speaker, I rise to reluctantly support this legislation, because I am in favor of its original goal of providing assistance to three important and deserving groups: our troops abroad and at home, our farmers who have endured brutal economic conditions, and hurricane victims in Central America and the Caribbean. Ultimately, I believe these true emergencies still deserve our support, and I will not vote against them. I will vote for the motion to recommit, because I know we can do better.

Mr. Speaker, the bill before us is an example of Washington at its worst, of a spending mentality that still pervades, and highlights budget rules that must be amended. We have again seen the conference process lead to excess, with the result being a bill that has become the vehicle for too many pet projects. While many environmental riders were removed, three still remain: an extension of moratoriums on new oil and gas royalties regulations and new mining regulations, and a green light for operations to commence at the "Crown Jewel" mine in Washington state. The President requested a $6 billion dollar bill, and we will send him a $15 billion dollar bill that the majority readily admits is being used to dodge the budget caps for fiscal year 2000. In addition, this measure contains funding for numerous items that can with little credibility be defined as emergencies, that will sadly enough be paid for with Social Security surpluses. We must take Social Security off-budget and reform the procedures for emergency spending.

Mr. Speaker, as disappointing as they are, these facts do not change the fact that our farmers are hurting, and that they have waited too long to get the relief this bill contains. There are people in the Midwest that are trying to repair their lives after devastating natural disasters, and I believe the federal government should do all it can to assist them. This country currently has young men and women engaged in military actions overseas, and we owe it to them to provide the necessary resources to keep them as safe as possible. At the same time, our troops have for too long lived on substandard wages and we must honor the commitment they made to this country with their service. While I have little good to say about the process that has brought us to this point, these are worthy efforts, and I will support them.

Mr. LEVIN. Mr. Speaker, I rise in support of the conference report. The House should move quickly to approve the urgently needed funding to continue NATO's military operations against Slobodan Milosevic's forces in Kosovo. In addition, the conference report contains emergency funds to assist the Kosovar refugees who are the innocent victims of Milosevic's aggression. Finally, this legislation includes long overdue disaster relief for the Central American countries that were devastated last year by Hurricanes Mitch and Georges.

Although I will vote for the bill, I want to state for the record that I strongly oppose the spending offsets contained in the conference report. It is my understanding that we have offset only about ten percent of this bill and of that ten percent, the lion's share will be financed on the backs of our nation's working poor.

I am particularly concerned abut the $1.25 billion rescission in funding for the food stamp program. We have seen disturbing statistics in my state of Michigan and across the country that the food stamp case loads have been dropping at an alarming rate. Indeed, census data shows that food stamp case loads are dropping far faster than the rate of poverty.

Studies show that one of the key reasons for the decline in the food stamp caseloads and the resulting unspent programmatic dollars is that states have done a poor job in letting people leaving the welfare rolls know that they are still eligible for food stamps, even though their wages leave their families in need and eligible for Food Stamps. A recently published Florida study showed that 58 percent of people leaving the TANF rolls did not know that they were eligible for food stamps.

We are all acutely aware of the actual withholding of food stamps from eligible individuals in New York City. As those who are eligible for food stamps are kept from accessing the program, we are seeing a marked increase in the use of soup kitchens and food pantries. In Milwaukee, a full 50 percent of those people who are using these facilities for food are children. This is a disgrace.

We have also been withholding food stamp eligibility for hard working legal immigrants. I have proposed legislation, "The Fairness for Legal Immigrants Act" to rectify this unfair treatment. These unspent dollars could be going to correct this injustice, rather than offsetting a bill that does not require offsets and is only 10 percent offset, anyway.

Rather than revoking funds that should be spent on providing food to America's working poor, we should be focusing on making certain that all children and families who are eligible and require food assistance have access to what they are entitled to.

I also object to several of the legislative riders attached to this bill. Included among the many non-germane elements to the emergency supplemental appropriations bill, the provision related to the state-tobacco settlement is one of the most perplexing. There is bipartisan support for letting the dollars won in these lawsuits to remain with the states, but what is disturbing is the exclusion of any guidelines on how states can spend these monies in the provision included in this bill. Logically, the tobacco money should be used to fund states' health care programs and related tobacco-prevention programs. This money should not be used to build highways or post offices.

Despite the inclusion of such unwelcome legislative riders, I urge my colleagues to approve the conference report. Failure to act on this bill would have a severe and negative impact on our nation's efforts to stop Slobodan Milosevic's aggression in the Balkans and bring relief to Kosovar refugees.

Mr. DAVIS of Illinois. Mr. Speaker, as a Member of the Census Subcommittee, I am glad to see that this measure provides for the continuation of the Census beyond the June 15 deadline; I support our nation's efforts towards NATO's peacekeeping goals; and I support relief for those victims in Central America and the Caribbean. However, I cannot tell my constituents back home that I turned my back on some of our nation's most vulnerable, some of my district's most vulnerable. The poor who need food stamps or section-8 assistance.

Mr. Speaker, when I grew up, I was taught that patience is a virtue, do unto others as you would have them do unto you and that a nation can only be as great as its weakest and most vulnerable because their voices often are not heard in the great decision and influence-making centers of our society. The attack on the nation's poor is alarming. These constituents don't have the money to hire a slick lobbyist to cut a deal for them in order to secure their interests. Public housing residents are easy targets. Oftentimes they are poor, uneducated, un-employed, unskilled, un-organized, un-registered, under-fed, undernourished and physically segregated.

Mr. Speaker, the 7th Congressional District of Illinois has more public housing residents than any other Congressional District in the nation, second to only one district in New York. Two-thirds of all public housing residents in Chicago, reside in the 7th Congressional District. If the people in public housing were a separate city in Illinois, it would be Illinois' second largest city. When the Section 8 list opened in July of 1997, the Chicago Housing Authority Corporation (CHAC) received over 150,000 applicants; only 25,000 applicants were allowed to be placed on the list via lottery; of that 25,000 on the lottery list—only approximately 3,000 have received Section 8 certificates, to date.

What we don't know is how many women, children and families in the absence of Section 8 will have no other alternative.

Mr. Speaker, in the name of fairness and justice; in the name of commitment to all Americans—rich or poor, black or white; and in the name of one nation—rather than 2—rather than a nation divided between the haves and the have-nots; I cannot support this attack on some of our nation's most poverty-stricken citizens. I cannot support this cut in section 8 housing and good stamps. Therefore, I cannot support this emergency supplemental appropriations bill.

Mr. WAXMAN. Mr. Speaker, I rise in strong opposition to H.R. 1141, the Emergency Supplemental Appropriations Conference Report. This bill contains a myriad of provisions of the worst sort—riders slipped in without ever being considered by the full House.

One rider stands out among the rest as being particularly ill-conceived and short-sighted: the provision to completely give up the federal share of the tobacco settlement without any commitment by the states to improve public health.

Ten years from now, people will look back on this legislation and ask how Congress could give away nearly $140 billion federal health care dollars without guaranteeing that even a single penny would be spent on public health. They will ask how Congress could overturn thirty years of Medicaid law—without a single hearing so that members could understand the ramifications of the legislation and without any action by the full House so that Members could debate and vote on the issue.

This provision has no business being on an emergency supplemental appropriations bill that provides disaster aid for Central America and funds for military operation and refugee relief in Kosovo.

It is not an emergency appropriation issue in any sense. What it is, however, is one of the biggest giveaways of federal health care dollars I have seen in my entire congressional career.

The size of this giveaway is breathtaking. Nearly $140 billion federal health care dollars are being given to the states to spend as they please. That is enough to pay for the existing out-of-pocket prescription drug costs for every single Medicare beneficiary who currently lacks prescription drug coverage. Yet these federal health care dollars are being relinquished with absolutely no commitment that the states spend the money on improving prevent youth smoking, improving public health, or increasing access to health care.

Mr. Speaker, when history looks back on this legislation, it will be seen as a deal that served the tobacco interest, not the public health interest. I strongly believe that it is the height of irresponsibility for the Congress to give away billions of federal health care dollars for nothing. I strongly urge my colleagues to vote no on H.R. 1141.

Mr. SHAYS. Mr. Speaker, I voted for both supplemental appropriation bills.

I voted for the bill to assist Hurricane Mitch victims because this House made a good faith effort to offset the spending costs.

I voted for the defense spending package because there is a war in Kosovo and we need to pay for it.

But this Conference Report reflects the old, tired ways I thought we had put to an end when the Republican majority was elected in 1994.

Mr. Speaker, last week, 381 Members voted for the Upton Motion to Instruct Conferees to pass a clean emergency spending resolution.

When I spoke on the floor during debate, I said that if we are sent a conference report that does not abide by what we were saying there, that we vote against it and defeat it.

Today, the consistent vote for those 381 Members is for the Motion to Recommit this Conference Report because it clearly does not abide by what we said.

In fact, it includes three egregious anti-environmental riders. None of which was included in the House-passed legislation, and one of which was not in either the House or the Senate bill.

The most harmful rider allows the Crown Jewel mine in Washington State to proceed with a mining proposal despite the rejection for a permit by the Department of the Interior.

This rider would allow the Crown Jewel mine to blast off the top of Buckhorn mountain to extract only a pickup truck worth of gold.

Another one prevents the Bureau of Land Management from issuing its final hardrock mining regulations until well in 2000.

Thus tacitly sidelining environmental protections for more than a year, giving companies carte blanche mining privileges on public land.

And the last one also delays environmental protection regulations designed to close the loophole allowing big oil companies to continuing evading their responsibilities in paying off their share of off-shore oil drilling.

Oil companies have been undervaluing oil royalties for years, and this rider bars the Mineral Management Service from promulgating regulations prohibiting this practice.

I urge the rank and file members of this House to stand up and oppose this conference report.

Mr. WEYGAND. Mr. Speaker, over the past three weeks the House debated the current situation in Kosovo. Our discussion began with a debate on Congress' role in the foreign policy decision making process and concluded with funding proposals for the ongoing military operations in Kosovo.

During the first week of debate, I opposed three resolutions that I believe sent the wrong message to our troops, allies, and enemies. The message was that the United States was not committed to ending the tragedy in Kosovo. Last week I voted in favor of the emergency supplemental appropriations bill. I did so to show my continued support of our troops and because I believe it is important to provide them with the tools they need to complete their mission.

However, I am disappointed that within that emergency supplemental appropriations bill there were substantial increases in defense spending, above what the President requested and outside of the normal process by which those items would be funded.

This appropriations bill nearly doubled the amount the Department of Defense and the President requested for the Kosovo operation. Included in the bill were many programs and projects that are not, in my view, emergencies. I do not question the validity of these projects or programs, in fact I would likely support some of them. However I am opposed to highjacking the process by which the House normally considers such expenditures.

We have many issues to address including social security, medicare, home health, educating our children, making our communities more livable, preserving our national resources, and the list goes on. Whatever your particular view on these issues they should be debated and prioritized through the normal budget process. Using emergency appropriations bills to fund programs normally considered through the regular authorization/appropriations process means there will be fewer resources to address the issues of great national importance. In addition, the critical nature of future emergencies is diminished.

The full House should have the opportunity to debate what our national priorities are and at what level to fund them. Corrupting the normal budget process by using emergency spending bills does not provide the House with the opportunity to sufficiently consider and prioritize many worthy programs.

Again, I am voting in favor of the Kosovo supplemental appropriations bill because I believe it is absolutely necessary to provide our troops with the tools and support they need to complete their mission. I do not, however, support abusing this bill and the legislative process.

Mr. COLLINS. Mr. Speaker, the post World War II, culturally diverse Socialist Federal Republic of Yugoslavia was comprised of a number of different ethnic groups living together under the rule of Josip Broz Tito. The death of Tito and the ensuing breakdown of the communist world led to the partitioning of the Yugoslav federation into semi-autonomous states. The partitioning of the federation led to increased instability and animosity between the different ethnic groups.

In 1987, Slobodan Milosevic came to power as Yugoslav president. The different provinces of Yugoslavia had been treated as equal entities, but in 1989 Milosevic abolished the semi-autonomous status of Kosovo, which is comprised of 90% ethnic Albanians. Although Albanians are the overwhelming majority, the Serbs consider Kosovo to be an historic landmark where their ancestors attempted to fend off the assault of the Ottoman Empire, and these conflicting interests have led to great controversy and fighting.

In 1991, Slovenia, Croatia, and Bosnia declared independence from Yugoslavia. Although Milosevic had sought to protect the Serb influence in those countries, the Serb populations were so small in Slovenia and Croatia that it was not feasible to fight for political control. Milosevic was, however, a major instigator of the all-out war for control of Bosnia, where there was a very large Serbian population. A peace agreement to end the Bosnian war was signed by the warring parties in late 1995.

The conflict over Kosovo has continued to heighten. When Milosevic revoked its autonomy, many Kosovars said they would settle for nothing less than complete independence, and since 1995, the Kosovo Liberation Army (KLA) and Serb policemen have been fighting for political control. Milosevic's desire to maintain the integrity of the Yugoslavian territory and the historical value of Kosovo, coupled with the Kosovar Albanians' drive for independence has evolved into today's conflict.

Aggression has continued to escalate, and after failed attempts at a diplomatic resolution, NATO air strikes began on March 24, 1999. The air strikes, however, have neither prevented nor hindered Milosevic's violent reign. Indications are, in fact, that violence has accelerated since the air strikes began.

While humanitarian issues are of grave concern, the effectiveness of the NATO air strikes remains questionable. Having recently traveled to Tirana, Albania, and Skopje, Macedonia, I have witnessed first-hand the humanitarian crisis facing Europe. I have also participated in extensive briefings on the crisis by Supreme Allied Commander—Europe (SACEUR) General Wesley Clark. There is no question that the situation on the Balkan Peninsula is grim. The question that remains is what the United States and its European partners in NATO should do to end the violence and help rebuild the lives of hundreds of thousands of Kosovar Ablanians that have been driven from their homes.

Slobodan Milosevic is a shrewd and experienced military commander who has used military power to expel the Kosovar Albanian rebels (the Kosovar Liberation Army or KLA) from Kosovo and to put extensive defenses in place in Kosovo, significantly enhancing his military position on the ground. President Clinton and the other 18 NATO leaders have, on the other hand, allowed political considerations to govern military decisions in the air campaign. In spite of the campaign, ethnic cleansing has accelerated and the FRY military has now fortified its southern defenses, presenting a greater threat to a potential invasion force today than was present when NATO bombing began.

Because NATO air strikes have little chance of accomplishing their stated goals, and because the human and economic costs of launching a ground campaign far outstrip the potential benefits of such an action, I believe that the NATO air campaigns must stop immediately. It is time for NATO to seek a negotiated settlement that will allow the Kosovar Albanians to begin to rebuild their lives.

I have represented the views of many of my constituents throughout this crisis and have exercised my conscience and judgment in doing everything possible to end the Balkan conflict. I voted against sending ground troops to the area. I voted against continuation of air strikes, I voted to withdraw our troops, and I voted to prohibit the President from sending ground troops without the express authorization of Congress. However, despite the clear messages of opposition form the U.S. House of Representatives, the war continues. Now only two people can stop it: President Clinton or Yugoslav President Slobodan Milosevic. Congress has no means of direct recourse against Milosevic, so we are left to deal with the other leader, our Commander in Chief, who has chosen to continue the engagement.

I believe the President's actions are dangerous to this country. He has placed our men and women in harms way, yet continues to oppose providing the resources to support them. He has yet to recognize the ramifications of his drastic downsizing of our military. But his deployment in the Balkans has exposed the critical nature of the situation. The armed forces' ability to prevail in two major theaters of conflict in a reasonable amount of time and with minimum casualties has long been the acceptable level of defense. The President has created a third combat theater of contingency operations which the military is not prepared to handle.

It has been reported:

—The U.S. Army conducted 10 operational events from 1960–1991, 31 years. Since 1991, the Army has conducted 26 operational events. At the same time, the President has drastically reduced our military capabilities.

—Since 1987, active duty military personnel have been reduced by more than 800,000. In 1992, there were 18 Army divisions. Today there are 10. In 1992, there were 24 fighter wings. Today there are 13. In 1992, there were 546 Navy ships. Today there are less than 330.

—On recent inspection of one base, Lemoore Naval Air Station, in California, it was found that 43% of the Hornet strike fighters were "not flyable" due to a lack of parts. The squadrons had 61% fewer jet engines than needed to keep all their aircraft flying.

—In order to carry out operations in Kosovo, the President ordered a temporary suspension of enforcement in the Iraqi Northern no fly zone; removed a carrier battle group from the Western Pacific; called 33,102 reservists; and committed nearly 7 of the American military's 20 combat air wings.

—If there were another military flare-up somewhere else in the world, the U.S. would not have the military resources to respond.

Over the past many months, I have joined other Members of the House and Senate in exercising my Constitutional duty to prevent Presidential actions detrimental to our country. This extended to voting to impeach. However, all efforts to curtail these actions have failed. I can assure you, however, I will not fail in my Constitutional duty to protect the security and freedom of this nation, and most importantly, to protect those who defend it.

Ms. WOOLSEY. Mr. Speaker, I rise in strong opposition to this conference report for several reasons. First and foremost, it is a runaway train of unauthorized spending that circumvents the regular appropriations process. There is additional spending in this bill I would support under the normal appropriations process such as the military pay raise. But there are many more proposals I would not support and I will not be railroaded into voting for them as part of a catchall spending bill.

While I oppose our current intervention in Kosovo and I firmly believe we should stop the bombing right now and work towards peace, I understand and support the necessity of paying for our past commitments. But I do not support a blank check for unlimited defense spending, I do not support adding billions of dollars of pork barrel projects, and I certainly do not support trying to use this must-pass bill as a sneak attack on our environment.

Yes, let's help the refugees and provide the limited funding originally requested by the President for the Kosovo crisis. Let's also provide the other emergency funding needed to pay for agriculture disasters and for the damage caused by Hurricane Mitch. And that's all we should be paying for.

The fact that the majority is trying to use this bill to circumvent mining laws and line the pockets of oil companies is a perfect example of how this bill has gotten out of control. I for one will not stand for this assault on our environment. I call on the majority to take this bill back to the drawing board and remove these anti-environmental provisions as well as the extra billions of dollars in unrelated spending that they put in it. No to pork barrel projects, no to unlimited defense spending, and no to environmental riders.

I urge my colleagues to vote "no" on this supplemental appropriations agreement.

Mr. WU. Mr. Speaker, I rise today in opposition to the Supplemental Appropriations Conference Report, and in support of the motion to recommit offered by Congressman DEUTSCH and Congressman INSLEE.

This bill contains anti-environmental riders inserted in dark of the night.

Mr. Speaker, I have only served in this House for four months, but I can tell you already that this is NOT how we should go about passing substantive legislation.

The people of Oregon, three thousand miles away from this House today—have entrusted me with the responsibility to represent them—and to keep a watchful eye out for this kind of reckless activity.

Mr. Speaker, none of these provisions—which are so damaging to our natural environment—passed either the House OR the Senate.

We have a system of public scrutiny and accountability in America—this bill attempts to sneak by those mechanisms.

This attempt to sneak anti-environmental stealth riders under the noses of the American people is unacceptable. The three anti-environmental riders that have been included in conference, have not had to face public scrutiny.

One of the stealth riders inserted behind closed doors will effect my constituents who live along the Columbia River in Oregon.

By reversing the Interior Solicitor's opinion to limit the size and number of waste sites associated with hardrock mining, river and groundwater sources will be jeopardized by acid mine drainage and heavy metals, such as arsenic.

Mr. Speaker, we have a responsibility to the American people to call this legislation for what it is—back-room—stealth destruction of our natural environment.

I urge my colleagues to support the Deutsch-Inslee motion to recommit.

Mr. KIND. Mr. Speaker, I rise today in opposition to the Emergency Supplemental Appropriations Conference Report because it is fiscally irresponsible. While I supported the supplemental bill that passed the House last week because it provided funding for our troops, I nevertheless hoped the Conferees would keep the emergency funding for emergency reasons only. I was hopeful that in matters of war and peace, life and death, this House would play it straight and work in a bipartisan fashion to support true emergency items. This bill, however, has become a back-door loophole to increase spending for non-emergency items.

While I support legitimate emergency funding items—aid to disaster victims in Central America and tornado ravaged communities in the central United States, relief for struggling family farmers, and resources to support our troops in Kosovo—this body has unfortunately resorted to old-styled pork barrel politics. Members should not load up this emergency bill with their own pet projects.

This bill contains over $5 billion in excess funding, anti-environmental riders and cuts to important programs to offset a portion of the excess spending. The so-called "emergency" items in this Conference report include $1.3 million for a world trade conference in Seattle, over $3 million to refurbish the dorm for House pages, and a $700,000 increase for House leadership office budgets. These items may be necessary, and can be debated in the normal authorization and appropriations process, but they certainly are not emergency projects.

It is fiscally irresponsible to fund non-emergency budget items using the Social Security surplus in an attempt to circumvent the budget caps. And it is just plain wrong to take advantage of our troops in the field and victims of real disasters to spend taxpayer dollars recklessly and carelessly. We should defeat this report and instead pass a true emergency funding bill.

Mr. BILIRAKIS. Mr. Speaker, I rise in support of H.R. 1141, the Supplemental Appropriations Conference Report, which includes provisions to protect state tobacco settlement recoveries from seizure by the federal government. As Chairman of the Health and Environment Subcommittee, I have worked on a bipartisan basis to protect the settlement funds obtained by Florida and other states in their lawsuits against the tobacco industry.

The language of the conference report is similar to H.R. 351, legislation I introduced in the House earlier this year. This proposal enjoys the bipartisan support of over 130 cosponsors. It has also been endorsed by the National Governors Association, the National Conference of State Legislatures, and the National Association of Attorneys General.

The conference report provisions were originally adopted as an amendment in the other body, and they were retained by the conferees in the bill before us. These provisions prohibit the Department of Health and Human Services from treating funds recovered by the states from tobacco companies as an overpayment under the Medicaid program.

As approved by the other body and incorporated in the conference report, this language does not restrict the use of state funds. The choice before us, then, is simple. Members can either support this measure and prevent a raid on state treasuries—or, they can oppose the bill and let the federal government seize over half of their states' hard-earned recoveries.

As background, the Health Care Financing Administration first asserted a claim to states' settlement recoveries in a letter to state Medicaid directors in late 1997. The agency based its assertion on provisions of the federal Medicaid statute which allow recoupment of "overpayments."

In a subsequent hearing before my Health and Environment Subcommittee, the Administration agreed to withhold attempts to recover state settlement funds until Congress had an opportunity to address the subject in federal legislation. At that time, only three states—Florida, Mississippi and Texas—had secured tobacco settlement agreements.

Last year, 46 states and the District of Columbia negotiated a multi-state agreement under which the industry will pay $206 billion over the next 25 years. Previous settlements by the states of Florida, Texas, Mississippi and Minnesota will total $40 billion over the same period.

These funds are now in serious jeopardy, however, because the Department of Health and Human Services has renewed its plans to seize a large portion of the states' recoveries. The President's Fiscal Year 2000 budget proposes to withhold almost $5 billion per year from federal Medicaid payments to states beginning in Fiscal Year 2001. This amount represents about half of what the states would receive under the multi-state settlement.

This proposal to raid states' settlement funds is a thinly-veiled attempt at highway robbery. A number of states did not even assert Medicaid claims in their tobacco lawsuits. Other states' Medicaid claims were dismissed by the courts, and some states did not sue at all. In addition, states' lawsuits raised a variety of claims, including consumer protection, racketeering, antitrust, and civil penalties for violations of state laws.

Ironically, the dispute regarding the status of these funds—and resulting budgetary uncertainty—has prevented states from moving forward with new initiatives to reduce teen tobacco use and improve public health. Many state legislatures are currently in session, and budget negotiations are reaching conclusion. Congressional action is needed to ensure that state legislatures can appropriate settlement funds with confidence.

We should also recognize that state officials are just as accountable to the voters as federal representatives. States don't need to be told to fund public health programs—they are already doing it.

In my own State of Florida, all settlement proceeds are dedicated to funding important public health initiatives, including an innovative advertising campaign targeted at reducing tobacco use by minors. Federal seizure of a portion of these funds would essentially "defund" these critical programs.

In addition, the Florida Legislature recently approved funding for the Lawton Chiles Endowment Fund proposed by Governor Jeb Bush. The endowment sets aside $1.7 billion of the state's tobacco recoveries to provide a perpetual source of funding for children's health programs, child welfare, community-based health and human services, and research.

Other states are also directing significant resources to smoking cessation efforts. Many states have invested years in program design, modification, and evaluation to determine the best ways to prevent young people from using tobacco.

However, states have not yet received any funds under the multi-state settlement. With no much money in question, not only is it unwise for states to obligate these funds, some states are constitutionally unable to appropriate them.

For this reason, states are establishing trust funds, endowments, and foundations as mechanisms for receiving the settlement funds, many of which will be targeted to tobacco prevention and other health-related programs. Over a dozen states have already committed to creating a dedicated trust fund or devoting considerable settlement revenues to smoking cessation programs.

In Maryland, for example, a fund was recently established to receive the state's share of the multi-state settlement. By law, the funds must be spent through the annual budget process, and the Governor must include either $100 million or 90 percent of the funds estimated to be available, whichever is less, in the proposed state budget.

North Carolina, one of the largest tobacco-producing states, recently enacted a proposal that dedicates 25 percent of its settlement recoveries to benefit public health.

The State of Utah, which has one of the lowest rates of tobacco usage in the nation, has spent millions of dollars to implement aggressive initiatives. A restricted account has been established for the use of tobacco settlement funds, with high priority given to funding tobacco prevention and cessation programs, particularly among teens.

California also devotes considerable resources to programs to discourage smoking. In 1988, California took the lead in promoting tobacco-related health education by passing Proposition 99. Through the initiative, California spends nearly $370 million per year on health and tobacco-related education and research programs.

Proposals to require states to dedicate a portion of their tobacco settlement funds to anti-smoking programs ignore the fact that states are already investing in tobacco control and other public health initiatives.

Clearly, states have been leaders in the tobacco debate. Their landmark lawsuits against the tobacco industry were solely state efforts. States assumed the financial risk of legal action to pursue these claims, and their taxpayers are entitled to the reward.

In fact, the federal government was invited to participate in these lawsuits, but it declined. In a letter to then-Florida Governor Chiles dated June 6, 1995, Attorney General Janet Reno stated: "At my request, the Department's Civil Division has been monitoring the tobacco litigation. Thus far we have not been persuaded that participation would be advisable. We will continue to actively monitor these cases, however, and will reconsider this decision should circumstances persuade us otherwise."

The Department did not reconsider, and states were forced to bear all of the expense and risk of litigation. It is important to note that these were unprecedented lawsuits against a well-financed industry—with a highly uncertain likelihood of success.

States assumed the financial risk of lawsuits to recover tobacco-related health care costs, and their taxpayers are entitled to the reward. The federal government should not be allowed to raid state tobacco settlement recoveries.

For all of these reasons, Mr. Speaker, I urge Members to support passage of H.R. 1141, the Supplemental Appropriations Conference Report.

Mr. BLILEY. Mr. Speaker, I rise today in support of the conference report on the Emergency Supplemental Appropriations bill. This legislation rushes aid to people in need all over the world and here at home. It also provides badly needed funds to modernize and improve our military readiness and to support NATO so that we can bring the conflict in Kosovo to a speedy and successful conclusion.

And while I routinely oppose legislative riders on appropriations bills, I also support the legislative language included in this bill to address the treatment of the State tobacco settlement funds under Medicaid. This language, identical to the bill introduced by the Chairman of the Health and Environment subcommittee, Mr. Bilirakis, amends the Medicaid statute to clarify that the States will be permitted to keep the tobacco settlement funds for the benefit of their own citizens. He deserves a great deal of credit for his hard work on this issue.

All of us have heard from our governors, our State legislators, and attorneys general about how important this language is to our States and our constituents. They told us about their plans to reduce smoking among the youth, and to improve access to healthcare for children. They have argued that they were the ones who took the risk to recover these funds, and the Federal Government should leave the States alone. These are all excellent arguments, but the most important argument for why we must act now is the reality of the situation.

Some States, like Florida, settled their suits against the tobacco companies before the States entered into the "master settlement agreement" and have already received their first payments from the tobacco companies. The other States expect their first installments by the year 2002. The States are trying to make budget decisions while the Administration has reversed course and is indicating that it will seek reimbursement for it's share of the Medicaid costs. The States disagree with the Administration's assessment, and have drawn a line in the sand.

Without legislation, we face many years of protracted litigation between the States and the Federal Government. The first issue that would have to be resolved in any litigation would be whether the Federal Government has any claim to this money at all. While the Administration believes that this is an open and shut case, the States do not agree and would likely take this to the Supreme Court.

And even assuming that the Administration would prevail, the next question would be even more complicated—determining what portion of the settlement award represents reimbursement for Medicaid expenses. In their lawsuits, the States brought many different causes of action, including state antitrust and consumer protection law violations. Courts would have to determine what portion of each State's settlement funds represent Medicaid expenses, and to what portion of the settlement the Federal Government is entitled. This question is even more complicated when considering States like Virginia, which never brought a suit but participate in the settlement, or the numerous other States which did bring suits but had their Medicaid claims tossed out of court.

The end result is that the funds—which everyone agrees should be used in large part to reduce youth smoking and improve public health—will sit in bank accounts doing nothing well into the next century. That is a result that none of us wants.

I have every confidence that other States, if they are allowed to proceed with their plans, will follow the lead of my own State of Virginia. Virginia has already pledged most of these funds to reduce smoking among teens and young adults, to improve access to healthcare for children, and to assist tobacco farmers and workers in their transition to other industries. Many States have similar programs planned or underway, while others are waiting for Congress to resolve the question of who can lay claim to the money.

Mr. Speaker, if Members believe that we need to do more to discourage youth smoking, they need to vote for this bill and support this language. They need to resist efforts to earmark a percentage of these funds to their favorite project. They need to trust the States to do the right thing.

Mr. Speaker, I urge my colleagues to support this bill, to support this language, and to oppose efforts to strip out this language.

Mr. KLECZKA. Mr. Speaker, I rise in opposition to the Emergency Supplemental Appropriations Conference Report before us today. I oppose this $15 million bill because it contains authorizations that do not belong in an emergency bill and it includes spending provisions for non-emergency purposes that should be debated in the normal appropriations process.

The authorizations in this conference report should be contained in authorizing legislation, not in an emergency appropriations bill. These provisions include prohibiting the federal government from both recovering part of the $246 billion tobacco settlement and placing restrictions on how states could use such funds; removing the restriction on FY 1999 funding for the Census Bureau; extending an existing moratorium on revising the way crude oil from federal lands is valued in order to determine federal royalities from the leases; and exempting a proposed mine in Washington State from a recent Interior Department ruling that would have blocked the mine's development.

The conference report also contains $268 million worth of non-emergency spending provisions that—although offset by cuts in other programs—should not be considered as part of an emergency spending measure. Among these are $29 million for the Postal Service's subsidized mail program, $48 million to replace a public broadcasting satellite, $3.8 million to renovate the House Page dormitory here on Capitol Hill, and $1.3 million for the World Trade Organization Ministerial meeting in Seattle. These provisions and their offsets should be debated on their merits in the normal appropriations process, not when we are trying to provide funding for our forces in Yugoslavia and those who have been devastated by natural disasters.

The legislative process through which this bill was crafted reminds me of the back-door deals and spending pile-ons that characterized the pork-laden Omnibus Appropriations bill last fall. At that time, then-Chairman of the Appropriations Committee Bob Livingston said "We on the Committee on Appropriations are not happy doing our business that way. We are prepared to work with anyone willing to restore the integrity of the process." Apparently that integrity has yet to be restored.

Mr. Speaker, how quickly we have forgotten the lessons of last fall. I regret being put in a position of voting against poorly crafted legislation that includes some goals I support. I remind my colleagues that the Administration originally requested $7.3 billion total for Kosovo and natural disasters. Today's legislation has been ballooned to $15 billion. I urge a vote against this bill. Let's support our troops and assist those victims of natural disasters who are truly in a state of emergency, but let's do it the right way.

Mr. SAXTON. Mr. Speaker, the conference report for H.R. 1141, the Emergency Supplemental Appropriations Act, contains good news for northeastern striped bass and blue fish fishermen. That's because important food sources for these species—herring and mackerel—have been protected by virtue of a provision in this bill.

The provision would prohibit the National Marine Fisheries Service from issuing permits to allow large factory-type trawlers into the herring and mackerel fisheries without the expressed consent of the governing Fishery Management Council under the Magnuson-Stevens Act. Why is Congressional intervention in management of these two species needed? Herring and mackerel are two fisheries on the East Coast that have not been fished to the limit—YET, and these fish are a major food source for at least two near shore species, stripers and bluefish, that are favorites of recreational fishermen.

Over the last several years, mackerel world market prices have increased substantially because Eastern European countries can no longer depend on government price supports, which kept prices artificially low for decades. This has created new fishing pressure. Herring populations have recently recovered from severely low numbers. The population collapsed in 1978 after years of over fishing, mostly by foreign factory trawlers. Now, largely because of the exclusion of foreign vessels under the original Magnuson Act and the lack of a major U.S. market for herring, the population appears to be healthy. However, four large factory trawlers are trying to enter the herring and mackerel fisheries. One of these vessels alone is capable of harvesting more herring than the entire existing fishery in the Gulf of Maine. Similarly, the vessel is capable of harvesting one-third of the estimated long-term sustainable catch for mackerel.

During the herring recovery, New England fishermen had to find alternative fisheries to survive. They increasingly turned to cod and haddock at Georges Bank. Sadly, the story is too familiar—the populations of these fish in Georges Bank have since crashed. Now, herring are being targeted again.

The Atlantic herring and mackerel fisheries are facing a new disastrous threat because large fishing vessels are poised to enter these fisheries. High prices and the apparent abundance of these species have attracted the attention of fishermen and businessmen throughout the world, who have responded by investing in large fishing vessels to harvest this American resource for sale overseas. The capacity of each of these vessels exceeds 50 metric tons per year. Coincidentally, the total take in these fisheries, for the entire herring and mackerel fleet is just about 50 metric tons, IN TOTAL.

It is therefore imperative that we establish safeguards to prevent another fishing disaster like those suffered by redfish, shark, striped bass, cod and haddock. I introduced legislation last Congress and again this year to close the herring and mackerel fisheries to new large vessels until a stock assessment could be completed, and until fishery management plans for the two species were in place that specifically allowed for large vessels. In the last Congress, that bill passed the House but was not acted on in the Senate. This year, the measure has been approved by my subcommittee, and it awaits full Resources Committee action.

The moratorium on large fishing vessels is a good idea. This provision allows the councils, with concurrence of the Secretary, to decide when and how it is appropriate to let these large vessels into the fishery. The councils need the time to react to what could be a sudden, unsustainable increase in harvest. This bill gives them the time to develop fishery management plans. Sadly, the NMFS seems content to wait until the stocks crash before taking action to protect these fisheries. As someone who has witnessed the pain and economic suffering experienced by those fishermen in New England, I do not believe that we should fish now and pay later. We must end this cycle of destroying our resources without knowing how much fishing pressure they can endure. This provision will help to conserve our Atlantic herring and mackerel stocks, and preserve the food source for stripers and bluefish.

I urge the adoption of this important measure.

Mr. LAFALCE. Mr. Speaker, I rise to express my concern about the $350 million rescission in Section 8 affordable housing reserves, contained in this supplemental spending bill.

Just two weeks ago, HUD announced an affordable housing mark-up-to-market initiative, designed to preserve our affordable housing stock for lower-income seniors, disabled, and families in expensive rental markets.

This initiative had strong bi-partisan support, with a commitment from Republican leaders to work with HUD to develop long term funding to preserve affordable rental properties and to protect those tenants living in properties we are unable to preserve.

So, just two weeks later, it is disconcerting to see the majority party cutting $350 million from the same Section 8 account that would be used to implement these housing preservation and tenant protection activities.

This rescission is especially disturbing, in light of the draconian domestic discretionary cuts adopted in this year's budget resolution. A $350 million rescission of Section 8 reserves eliminates a source of funds that could be used to soften the blow of such spending cuts, and to fund critical initiatives.

This rescission calls into question the commitment in last year's pubic hosing bill to add 100,000 incremental vouchers in Fiscal year 2000, on top of the 50,000 incrementals funded last fiscal year. For example, the $350 million being rescinded today could fund 60,000 of these 100,000 vouchers.

I hope that appropriators will find the resources to fund our commitment to affordable housing. If not, I fear we will look back at today's action as a major reason we ran out of money in the effort to meet this commitment.

Mr. BALDACCI. Mr. Speaker, the conference report on the supplemental moves us closer to providing funds to assist Maine's recovery from the ice storm that devastating the Northeast in January, 1998.

The conferees agreed to transfer $230 million of funds appropriated last year for disaster assistance from the Department of Housing and Urban Development to the Federal Emergency Management Agency. This action leaves at HUD about $83.6 million in FY 1998 and FY 1999 disaster funds.

Distribution of this money has been delayed too long. HUD has already announced how it will allocate the remaining money. The conferees left this funding with HUD so that the allocations would be honored. They directed HUD to "award the remaining funds in accordance with announcements made heretofore by the Secretary, including allocations made pursuant to the March 10, 1999, notice published in the Federal Register, as expeditiously as possible."

Announced allocations for the state of Maine include $2,118,000 in March 1999, and an additional $17,088,475 on May 4, 1999, pursuant to the March 10 notice in the Federal Register. I am including for the record a letter I received from the Department dated May 4, which states that these funds can be used to address the largest unmet need in my state—to provide relief to electric ratepayers from the costs of restoring essential services in the wake of the storm.

We appreciate the work of the conferees in the effort. The next step is to ensure that these funds are made available without further delay to be used by the State for the unmet needs remaining from the disaster that hit Maine more than 16 months ago.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, OFFICE OF THE ASSISTANT SECRETARY FOR COMMUNITY PLANNING AND DEVELOPMENT,
Washington, DC, May 4, 1999.

Hon. JOHN P. BALDACCI,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE BALDACCI: Thank you for your joint letter of April 22, 1999, with Senators Snowe and Collins and Representative Allen, regarding Maine's submission of additional information for Community Development Block Grant supplemental disaster funding. The deadline for submitting such information was April 26, 1999.

I am writing to inform you that the state of Maine would receive an additional $17,088,475 in 1999 HUD Disaster Recovery Initiative funds to address unmet disaster recovery needs resulting from severe ice storms, rain and high winds (FEMA-1198-DR). This is based on your state's submission of additional information, under the March 10, 1999, *Federal Register* notice. This amount is in addition to amounts of $2,185,000 and $2,118,000, in 1998 HUD Disaster Recovery Initiative funds previously allocated, making a total of $21,391,475 for Maine. These funds could be used for utility reimbursement as discussed.

All amounts, except for the initial $2,185,000 allocation are subject to Congressional action which may transfer $313.6 million in Community Development Block Grant supplemental disaster appropriations from HUD. The Department has been asked by Congress not to take further action until final resolution of H.R. 1141, the 1999 Emergency Supplemental Appropriations Act.

With these HUD resources, I am committed to participating in the efforts to help communities rebuild from the devastation caused by major disasters.

Sincerely,

CARDELL COOPER,
Assistant Secretary.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. THORNBERRY). All time for debate has expired.

Without objection, the previous question is ordered.

There was no objection.

MOTION TO RECOMMIT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the conference report?

Mr. OBEY. I most certainly am, Mr. Speaker, but certainly not for the reasons the gentleman indicated.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. OBEY moves to recommit the conference report accompanying the bill H.R. 1141 to the Committee of Conference.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 182, nays 243, not voting 8, as follows:

[Roll No. 132]

YEAS—182

Abercrombie
Ackerman
Allen
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Blagojevich
Blumenauer
Bonior
Boswell
Boucher
Brown (FL)
Brown (OH)
Bryant
Campbell
Capps
Capuano
Cardin
Carson
Chabot
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dixon
Doggett
Dooley
Doyle
Engel
Eshoo
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gejdenson
Gonzalez
Goode
Gordon
Green (TX)
Gutierrez
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kingston
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moore
Morella
Nadler
Napolitano
Neal
Nussle
Oberstar
Obey
Olver
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Phelps
Price (NC)
Rahall
Rangel
Rodriguez
Rothman
Roybal-Allard
Rush
Sanchez
Sanders
Sanford
Sawyer
Scarborough
Schakowsky
Shadegg
Shays
Sherman
Slaughter
Smith (WA)
Spratt
Stabenow
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NAYS—243

Aderholt
Andrews
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boyd
Brady (TX)
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dingell
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hinojosa
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Kasich
King (NY)
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Moran (VA)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Ortiz
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reyes
Reynolds
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sandlin
Saxton
Schaffer
Scott
Sensenbrenner
Sessions
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Upton
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—8

Borski
Brady (PA)
Brown (CA)
Gephardt
Lowey
Pelosi
Serrano
Weldon (PA)

□ 2014

Mrs. MYRICK and Messrs. GANSKE, GOSS, BOEHLERT and BISHOP changed their vote from "yea" to "nay."

Ms. KILPATRICK, Ms. KAPTUR, Mr. OBERSTAR and Mr. SCARBOROUGH changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. THORNBERRY). The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 269, nays 158, not voting 7,, as follows:

[Roll No. 133]

YEAS—269

Abercrombie
Ackerman
Allen
Andrews
Armey
Bachus
Baker
Baldacci
Ballenger
Barcia
Barrett (NE)
Bartlett
Bass
Bateman
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boucher
Boyd
Brown (FL)
Bryant
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Cardin
Chambliss
Clement
Clyburn
Collins
Combest
Condit
Cooksey
Cox
Cramer
Cubin
Cunningham
Davis (FL)
Davis (VA)
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doyle
Dreier
Edwards
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Everett
Farr
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes

Hayworth
Herger
Hill (MT)
Hilliard
Hinojosa
Hobson
Hoeffel
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Isakson
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Kasich
Kelly
Kennedy
Kildee
King (NY)
Knollenberg
Kolbe
Kuykendall
Larson
Latham
Lazio
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Meek (FL)
Menendez
Millender-McDonald
Miller (FL)
Miller, Gary
Mollohan
Moore
Moran (VA)
Morella
Murtha
Napolitano
Nethercutt
Ney
Northup
Olver
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pease
Peterson (PA)
Phelps
Pickering
Pickett
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Quinn
Radanovich
Regula
Reyes
Reynolds
Riley
Rodriguez
Roemer
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Ryun (KS)
Sabo
Sanchez
Sandlin
Sawyer
Saxton
Scarborough
Scott
Shaw
Sherman
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Snyder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Traficant
Turner
Udall (NM)
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—158

Aderholt
Archer
Baird
Baldwin
Barr
Barrett (WI)
Barton
Becerra
Bilbray
Blumenauer
Brady (TX)
Brown (OH)
Burr
Campbell
Capuano
Carson
Castle
Chabot
Chenoweth
Clay
Clayton
Coble
Coburn
Conyers
Cook
Costello
Coyne
Crane
Crowley
Cummings
Danner
Davis (IL)
Deal
DeFazio
DeGette
Delahunt
DeMint
Doggett
Doolittle
Duncan
Ehlers
Eshoo
Ewing
Fattah
Frank (MA)
Ganske
Gekas
Goode
Green (WI)
Gutknecht
Hefley
Hill (IN)
Hilleary
Hinchey
Hoekstra
Holt
Hooley
Hulshof
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kilpatrick
Kind (WI)
Kingston
Kleczka
Klink
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
LaTourette
Leach
Lee
Lewis (GA)
Lofgren
Luther
Manzullo
Markey
Martinez
McCarthy (MO)
McDermott
McGovern
McKinney
McNulty
Meehan
Meeks (NY)
Metcalf
Mica
Miller, George
Minge
Mink
Moakley
Moran (KS)
Myrick
Nadler
Neal
Norwood
Nussle
Oberstar
Obey
Owens
Pastor
Paul
Payne
Peterson (MN)
Petri
Pitts
Portman
Rahall
Ramstad
Rangel
Rivers
Rogan
Rohrabacher
Royce
Rush
Ryan (WI)
Salmon
Sanders
Sanford
Schaffer
Schakowsky
Sensenbrenner
Sessions
Shadegg
Shays
Shuster
Smith (MI)
Smith (WA)
Souder
Stark
Stupak
Sununu
Sweeney
Tancredo
Terry
Thompson (CA)
Tierney
Toomey
Towns
Udall (CO)
Upton
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Woolsey
Wu

NOT VOTING—7

Borski
Brady (PA)
Brown (CA)
Dunn
Pelosi
Serrano
Weldon (PA)

☐ 2032

Mr. HILLEARY and Mr. WEINER changed their vote from "yea" to "nay."

Mr. OLVER changed his vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. WELDON of Pennsylvania. Mr. Speaker, during recent votes on H.R. 1141, the FY 99 Emergency Supplemental Appropriations Act Conference report, I was unavoidably detained in an extended meeting. As a result, I am not recorded as voting on rollcall 131, 132, and 133. Had I been present, I would have voted yes on rollcall No. 131, the vote on the rule for the Emergency Supplemental Appropriations bill, no on rollcall No. 132, the motion to recommit the conference report, and yes on rollcall No. 133, the vote on adoption of the conference report.

EXPRESSING SENSE OF HOUSE REGARDING THE CONDITION AND HUMANITARIAN NEEDS OF REFUGEES WITHIN KOSOVO

Mr. BRADY of Texas. Mr. Speaker, I ask unanimous consent that the Committee on International Relations be discharged from further consideration of the resolution (H. Res. 161) expressing the sense of the House of Representatives regarding the condition and humanitarian needs of refugees within Kosovo, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore (Mr. SHIMKUS). Is there objection to the request of the gentleman from Texas?

Ms. LEE. Mr. Speaker, reserving the right to object, I yield to the gentleman from Texas (Mr. BRADY), the sponsor of this resolution, for an explanation of it.

Mr. BRADY of Texas. Mr. Speaker, I appreciate the gentlewoman from California yielding to me. As a member of the Committee on International Relations, I have appreciated her hard work on these and other issues affecting the globe.

Mr. Speaker, this is a very important, bipartisan, and timely measure that supports the humanitarian mission into Kosovo to assess the humanitarian and emergency needs of the more than 600,000 ethnic Albanians trapped within the embattled Yugoslavian province.

While hundreds of thousands of families have fled Kosovo, an equal number remain, fighting disease and starvation while lacking water and medical care. They need hope, and the world needs to know now their true condition so we stand a chance of saving their lives.

According to the United Nations High Commissioner for Refugees, the last food delivery to the displaced and at-risk Kosovo population occurred 8 weeks ago. Hiding in the hills without food, water, medical care for nearly 2 months, these families and their children are fighting to survive. Every day counts for them.

It is timely because the 13-member U.N. humanitarian delegation, which includes the International Red Cross and U.N. High Commissioner for Refugees, is in Belgrade today. It is headed by Sergio Vierira de Mello, the United Nations Undersecretary General for Humanitarian Affairs. It is expected to head to Kosovo in the morning.

They are attempting to provide the first very important independent confirmation of conditions within Kosovo and Montenegro. They will also provide great help to the international community as we prepare for the potentially massive emergency needs of the estimated 600,000 to 800,000 ethnic Albanians remaining in Kosovo.

This measure urges the Federal Republic of Yugoslavia to provide this delegation a safe and secure passage, as well as freedom of access to do their job. It also encourages NATO and its member nations to consider reasonable measures to enhance the safety of this international delegation during its brief humanitarian mission.

I would simply say that this measure offers hope to people who need it desperately.

Mr. GILMAN. Mr. Speaker, will the gentlewoman yield?

Ms. LEE. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, I thank the gentlewoman for yielding to me.

Mr. Speaker, I want to commend the gentleman from Texas (Mr. BRADY) for bringing this matter before our committee and before the entire House.

This measure addresses a critical situation concerning the tens of thousands of displaced persons within Kosovo that have been cut off from the rest of the world by the brutal military offensive of Mr. Milosevic's military forces. The gentleman is very timely in bringing this measure at this time as we try to be of help to those hundreds of thousands of Kosovars still within the borders of Kosovo.

While the world's attention has been fixed upon the hundreds of thousands of Kosovars driven from their homes into the neighboring countries of Macedonia and Albania, we need to be mindful that many other Kosovars, perhaps exceeding the numbers who have become refugees outside of Yugoslavia, are internally displaced in Kosovo.

Since the exit of the international private aid organizations that have been providing assistance to the internally displaced persons, IDPs, as they have become known, in Kosovo, they have had to fend for themselves, and very little has been able to be determined as to their welfare and their situation. From reports of those of their friends and relatives who have arrived outside of Kosovo's border, however, we know that their situation is dire.

It has become critical for the U.N. and the International Committee of the Red Cross to try to gain entry into Kosovo and all of the Federal Republic of Yugoslavia to assess the humanitarian situation there. This resolution simply calls upon the FRY authorities to permit these organizations entry, which has now occurred over the last weekend, to have complete access, and to take measures to ensure their safety.

This is not a political issue. It is one simply of human decency. While it may be too much to expect such decency from the perpetrators of the outrages that we are witnessing in Kosovo, we do have a moral obligation in our Nation to demand it from them.

Accordingly, I urge the Members of the House to support this measure, to support the Brady measure, a humanitarian measure.

Ms. LEE. Mr. Speaker, under my reservation of objection, I would say that we can only guess what the conditions are like for the civilians remaining in Kosovo. Many of the civilians who remain in the province have likely left their homes and are camped in fields and on mountainsides to find shelter.

Amid this terror, unconfirmed accounts suggest that the situation inside of Kosovo points to a severe lack of food and medicine. We are hopeful that an international humanitarian mission in Yugoslavia this week can give us a better sense of what conditions are like inside of Kosovo and what the international community can do to meet the needs of the people who remain.

As we continue to see media coverage of the plight of the Albanians who have left Kosovo, this resolution draws our attention to the Kosovar Albanians who we cannot see, and those are those inside of Kosovo. I urge adoption of this resolution.

Mr. BRADY of Texas. Mr. Speaker, if the gentlewoman will yield, I want to thank the gentlewoman from California for her support, as well as the gentleman from New York (Chairman GILMAN) and the ranking member, the gentleman from Connecticut (Mr. GEJDENSON) for permitting this timely bill to come to the floor.

Ms. LEE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 161

Whereas international humanitarian organizations such as the International Committee of the Red Cross and the United Nations High Commissioner for Refugees provide a vital role in assessing and responding to the humanitarian needs of refugees around the world and, most recently, of the hundreds of thousands who have fled Kosovo;

Whereas, according to unconfirmed reports, hundreds of thousands of refugees remain in Kosovo at risk for their lives and requiring immediate food, shelter, and medicine;

Whereas it is the belief of the House of Representatives that the safety and lives of these undetermined legions of refugees within Kosovo are equal to the safety and lives of the many refugees who have fled the region;

Whereas the international community is committed to providing humanitarian assistance to current and future Kosovo refugees, while uncertain of how vast that need may be;

Whereas during an April 19, 1999, interview in Belgrade with Dr. Ron Hatchett of the University of St. Thomas, Serbian President Slobodan Milosevic agreed to and subsequently permitted representatives of the International Committee of the Red Cross to meet with and examine the condition of the three captured American prisoners of war;

Whereas in the same interview, President Milosevic agreed to permit representatives of the International Committee of the Red Cross and the United Nations High Commissioner for Refugees into Kosovo to provide aid and assess the humanitarian needs of refugees within Kosovo and the Federal Republic of Yugoslavia;

Whereas on May 4, 1999, with the assent of the United Nations Security Council, of which the United States is a member, United Nation's Secretary General Kofi Annan initiated a United Nations interagency assessment mission to the Federal Republic of Yugoslavia to assess emergency relief and rehabilitation needs within the Federal Republic of Yugoslavia and to identify the means for providing such critical relief and rehabilitation assistance;

Whereas this humanitarian mission seeks to objectively assess critical needs in the areas of human rights and protection, food, security, nutrition, health, water and sanitation, and condition of the civilian population, and also seeks to accurately determine the number, location, and requirements of the people in Kosovo and the Federal Republic of Yugoslavia needing immediate and future humanitarian aid; and

Whereas this humanitarian mission is working diligently to depart for Kosovo and others sectors of Yugoslavia on May 8, 1999, if appropriate security assurances are provided by the Federal Republic of Yugoslavia: Now, therefore, be it

Resolved, That—

(1) it is the sense of the House of Representatives that Yugoslavian President Slobodan Milosevic should provide the necessary security assurances to the United Nations interagency mission to the Federal Republic of Yugoslavia to permit them to safely and accurately provide the international community with an objective, first-hand assessment of the condition of refugees inside of Kosovo and all sectors of the Federal Republic of Yugoslavia; and

(2) the House of Representatives encourages member nations of the North Atlantic Treaty Organization (NATO) to weigh the value of this humanitarian mission toward ending human suffering in Kosovo, and to consider reasonable measures to enhance the safety of this international delegation during its brief humanitarian mission within the Federal Republic of Yugoslavia.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. BRADY OF TEXAS

Mr. BRADY of Texas. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the Nature of a Substitute offered by Mr. BRADY of Texas:

Strike all after the resolved clause and insert the following:

That—

(1) it is the sense of the House of Representatives that Yugoslavian President Slobodan Milosevic provide the necessary security assurances and freedom of access to the United Nations interagency mission to the Federal Republic of Yugoslavia so the international community can be provided with an accurate, objective, first-hand assessment of the condition of the internally displaced persons inside of Kosovo and all sectors of the Federal Republic of Yugoslavia; and

(2) the House of Representatives encourages member nations of the North Atlantic Treaty Organization (NATO) to weigh the value of this humanitarian mission toward ending human suffering in Kosovo, and to consider reasonable measures to enhance the safety of this international delegation during its brief humanitarian mission within the Federal Republic of Yugoslavia.

Mr. BRADY of Texas (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. The question is on amendment in the nature of a substitute offered by the gentleman from Texas (Mr. BRADY).

The amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the resolution, as amended.

The resolution, as amended, was agreed to.

AMENDMENT TO THE PREAMBLE OFFERED BY MR. BRADY OF TEXAS

Mr. BRADY of Texas. Mr. Speaker, I offer an amendment to the preamble.

The Clerk read as follows:

Amendment to the preamble offered by Mr. Brady of Texas:

Strike the premable and insert the following:

Whereas international humanitarian organizations such as the International Committee of the Red Cross and the United Nations High Commissioner for Refugees provide a vital role in assessing and responding to the humanitarian needs of refugees around the world and, most recently, of the hundreds of thousands who have fled Kosovo;

Whereas, according to unconfirmed reports, hundreds of thousands of internally displaced persons remain in Kosovo at risk for their lives and requiring immediate food, shelter, and medicine;

Whereas it is the belief of the House of Representatives that the safety and lives of these undetermined legions of internally displaced persons within Kosovo are equal to the safety and lives of the many refugees who have fled the region;

Whereas the international community is committed to providing humanitarian assistance to current and future Kosovo refugees, while uncertain of how vast that need may be;

Whereas during an April 19, 1999, interview in Belgrade with Dr. Ron Hatchett of the University of St. Thomas, Serbian President Slobodan Milosevic agreed to and subsequently permitted representatives of the International Committee of the Red Cross to meet with and examine the condition of the three captured American prisoners of war;

Whereas in the same interview, President Milosevic agreed to permit representatives of the International Committee of the Red Cross and the United Nations High Commissioner for Refugees into Kosovo to provide aid and assess the humanitarian needs of internally displaced persons within Kosovo and the Federal Republic of Yugoslavia;

Whereas on May 4, 1999, with the assent of the United Nations Security Council, of which the United States is a member, United Nations Secretary General Kofi Annan initiated a United Nations interagency assessment mission to the Federal Republic of Yugoslavia to assess emergency relief and rehabilitation needs within the Federal Republic of Yugoslavia and to identify the means for providing such critical relief and rehabilitation assistance;

Whereas this humanitarian mission seeks to objectively assess critical needs in the areas of human rights protection, food, security, nutrition, health, water and sanitation, and condition of the civilian population, and also seeks to accurately determine the number, location, and requirements of the people in Kosovo and the Federal Republic of Yugoslavia needing immediate and future humanitarian aid;

Whereas on May 14, 1999, the United Nations Security Council adopted Security Council Resolution 1239 by a vote of 13-0, inviting the United Nations High Commission for Refugees and other international humanitarian relief organizations to extend relief assistance to the internally displaced persons in Kosovo, the Republic of Montenegro, and other parts of the Federal Republic of Yugoslavia; and

Whereas the brief United Nations humanitarian mission that was initiated on May 4, 1999, subsequently departed for Kosovo and other sectors of the Federal Republic of Yugoslavia on May 15, 1999: Now, therefore, be it

Mr. BRADY of Texas (during the reading). Mr. Speaker, I ask unanimous consent that the amendment to the preamble be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment to the preamble offered by the gentleman from Texas (Mr. BRADY).

The amendment to the preamble was agreed to.

A motion to reconsider was laid on the table.

RECOGNIZING THE HISTORICAL SIGNIFICANCE OF THE SUPREME COURT'S UNANIMOUS DECISION IN BROWN V. BOARD OF EDUCATION

Mr. PEASE. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the resolution (H. Res. 176) recognizing the historical significance of the Supreme Court's unanimous decision in Brown v. Board of Education, repudiating segregation, and reaffirming the fundamental belief that we are all "one Nation under God, indivisible," and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

Mr. THOMPSON of Mississippi. Mr. Speaker, reserving the right to object, and I will not object, Mr. Speaker, House Resolution 176 simply recognizes the historical significance of the Supreme Court unanimous decision in Brown vs. Board of Education repudiating segregation and reaffirming the fundamental belief that we are all one Nation, under God, indivisible.

One such person was Linda Brown. In 1951, this little girl was in the third grade. Although there was an elementary school seven blocks from her house, young Linda was forced to walk over 1 mile to another elementary school. The reason to make a little girl walk through a railroad switchyard on her way to school? She was black, and the school located 7 blocks from her house was for white students only.

□ 2045

Many years ago, George Santayana wrote, "Those who cannot remember the past are condemned to repeat it." Because I revere the warning contained in these precedent words today, 45 years later, I am introducing a resolution to recognize the historical significance of the Supreme Court's decision in Brown v. Board of Education.

In 1954, the United States Supreme Court in a unanimous decision voted to strike down segregation laws in public schools and upheld the equal protection laws guaranteed to all Americans by the Fourteenth Amendment of the United States Constitution.

Mr. Speaker, further reserving my right to object, I yield to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Speaker, I would like to thank the gentleman from Mississippi (Mr. THOMPSON) for this opportunity to be heard.

Mr. Speaker, I rise in support of the resolution with regard to Brown v. Board of Education. In 1954, I was 5 years old, attending the Cleveland public schools. Forty-five years later, I stand here blessed to be able to speak in favor of Brown v. Board of Education.

The desegregation order provided many opportunities for African-American people in this country, even though as we stand today in many cities across this country desegregation and busing orders destroyed many of the neighborhood school systems.

I had a chance to attend Cleveland public schools and was prepared for what I do now, law school and public office.

I celebrate people like Thurgood Marshall, late Justice Thurgood Marshall. I celebrate Dean Charles Houston of the Howard University Law School wherein he taught young African-American lawyers that it was important not to be a parasite on the community but to be a spokesman for justice.

I celebrate Nathaniel Jones, retired Sixth Circuit judge who worked on these cases, and James Hardiman, an attorney who represented young people in the Cleveland Board of Education desegregation.

As we stand here today, it is important to remember history, as the gentleman from Mississippi (Mr. THOMPSON) had previously said, and we need to stand here and celebrate the importance of equal rights for all.

Mr. THOMPSON of Mississippi. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Alabama (Mr. HILLIARD).

Mr. HILLIARD. Mr. Speaker, I am indeed privileged to be here to discuss and to support this resolution. The Supreme Court, when it struck down Plessy v. Ferguson, a decision that was made by a constitutional court in 1896 as being unconstitutional, it was a lethal blow for Jim Crow, for segregation, as well as for discrimination.

But it also was a blow for democracy because it started the snowball that has gathered strength and force as it has continued to roll over the forces, the dark forces of evil, the dark forces of segregation, and the dark forces of discrimination.

Even though we have come a long ways from the decision in Plessy v. Ferguson as announced in the decision of Brown v. The Board of Education, we still have many more miles to go.

Unless all of us realize that in America no one is free until all of us are free, until we all realize that we still have people that do not believe in freedom for everyone, that we still have people gunning down people because of the color of their skin or because of their race, we still have ethnic cleansing in places all over the world just because someone is different.

So this resolution comes at a very important time, not only in the history of America but in the history of this world. So I am indeed happy that the gentleman from Mississippi (Mr. THOMPSON) brought forth this resolution, and I support it, and I support him in what he is doing.

Mr. THOMPSON of Mississippi. Mr. Speaker, further reserving my right to object, I yield to the gentleman from Illinois (Mr. RUSH).

Mr. RUSH. Mr. Speaker, I want to begin by commending the gentleman from Mississippi (Mr. THOMPSON) for his outstanding work on behalf of this particular resolution but also on the outstanding work that he has performed on behalf of the citizens of this Nation throughout his tenure here in the Congress.

Mr. Speaker, 45 years ago, the U.S. Supreme Court issued a ruling in the Brown v. Board of Education case that literally changed the course of American history. They ruled that separate is inherently unequal.

Today, 45 years later, separate is still unequal, and it is our responsibility as this Nation's lawmakers to make sure that we never ever allow laws or policies to exist that will threaten to take us back to those dark days of Americans and American history.

So today, as we commemorate the Brown v. Board of Education decisions, let us as Members of this body recommit ourselves to keeping alive the spirit of the historic ruling.

Again, Mr. Speaker, I want to commend the maker of this particular resolution for his outstanding work on behalf of this resolution.

Mr. THOMPSON of Mississippi. Mr. Speaker, further reserving my right to object, it is my pleasure to yield to the gentleman from the State of Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the distinguished gentleman from Mississippi and great leader of this House for yielding to me.

Mr. Speaker, I was 15 years of age when I attended high school at Suitland High School, just about 15 minutes from where we stand. That school was a segregated school and as we all know, the entire county was segregated.

For my generation, the Vietnam War was a central compelling fact in our lives. For me, it was the civil rights movement of the 1950s. Rosa Parks showed so much courage. Martin Luther King had a dream and he conveyed that dream to all of us.

But I rise not only as a member of that generation but also as a citizen of the State of Maryland. The reason a Marylander rises is because Thurgood Marshall is one of Maryland's most honored sons.

Thurgood Marshall, as all of my colleagues know, was a member of the Supreme Court of the United States. There is a statue now between the Capitol and the Governor's mansion in Annapolis of Thurgood Marshall in testimony to, not only his service to the United States as a Justice on the Supreme Court, but also the role, the very central role that he played as counsel in Brown v. Board of Education.

For those seeking justice in America, for those seeking an open door to opportunity, it is ironic that we just read in the papers about Thomas Jefferson's family and who is a part of that family. It is really a metaphor for America, because all of those individuals are members of the family.

Jefferson said in the Declaration of Independence that this Nation was founded on the premise that all men, and indeed he would have added today women, are created equal.

Maryland is also home to Roger Brook Taney. His statue stands right outside the Supreme Court. He was the author of, of course, the Dred Scott decision. Thurgood Marshall and Roger Brook Taney, two Marylanders, two different conclusions; one in my opinion wrong, one right.

It is appropriate that we honor this historic case. I thank my colleagues for allowing me to join in saying that Brown v. Board of Education was nine justices saying that America, as Martin Luther King had said in 1963, needs to live out the realities of that which it claims to be its creed, equal justice under law for all its citizens, in their diversity and in their ability to add so substantively to the quality of this country.

I am pleased on behalf of all of us who loved Thurgood Marshall, who believed that Brown v. Board of Education led us to a new and better day and who recognized that the central premise of Brown v. Board of Education is still at question today.

It is important that we stand and speak out for an America that believes that every one of us is due respect which God endowed in us, not the state, not our fellow citizens, but endowed by their creator with certain inalienable rights; and among these are life, liberty, and the pursuit of happiness.

I thank the gentleman from Mississippi (Mr. THOMPSON) for giving me this opportunity to join him in noting the historic contribution made by Brown v. Board of Education and the courageous and able people who brought it to the Supreme Court through some very difficult times and to whom this country owes us a great debt.

Mr. THOMPSON of Mississippi. Mr. Speaker, further reserving the right to object, there are some other individuals who would like to speak on this; however, in the interest of time, let me indicate that they are in full support of the resolution: the gentleman from Illinois (Mr. DAVIS), the gentleman from South Carolina (Mr. CLYBURN), and the gentleman from Maryland (Mr. CUMMINGS) also.

But what I would like to say in conclusion, Mr. Speaker, is that in submitting this legislation is to remind all of us that we have a moral obligation to purge the diverse evils of racism out of the fabric of harmony, justice, and equality that is our share of the American legacy. We have a responsibility to not only remember the past, but to learn from it.

I also would like to thank the gentleman from Indiana (Mr. PEASE) for allowing me to come and present this resolution at this time.

Mr. DAVIS of Illinois. Mr. Speaker, I rise in support of the resolution to commemorate the 45th anniversary of Brown versus Board of Education.

Mr. Speaker, I believe century that is now ending began with a proclamation by W.E.B. Du Bois "The problem of the twentieth century is the problem of the color line." I believe many people would not dispute this.

As I stand before this body in honor of the 45th anniversary of Brown versus Board of Education, I have been constantly reminded of what Mr. Dubois meant. The haunting acts of church burnings, police brutality, and the grave disparities in criminal executions have made it hard to forget.

As a result, some people feel the policies that were put into place to solve the race problem have failed. I believe they have failed not as a result of flawed policies, rather it is the individuals who implement them that are flawed.

For instance, common sense dictates that when one third of young African American males are either in prison, on parole or under correctional supervision, liberty's blind justice has been distributed with one open eye. We must remind ourselves that America will not prosper if a large segment of population sees that they have no stake in it. In 1954, the Supreme Court understood this and corrected the horrid decisions of 1896 when Plessy versus Fergusion was written.

However, in the aftermath of that decision, the progress of America has slowed largely because some individuals feel we no longer need to provide resources and support to help people help themselves. This is nothing new. Frederick Douglass, years ago warned Congress of the potential for what he called the "de facto re-enslavement of African Americans." He, said, "Should the South's antebellum political system remain intact America will indirectly renslave African Americans. Recognizing this injustice, Douglass further urged Congress to pass a civil-rights amendment affirming the equality of blacks and whites in the United States. Douglass recognized then, what as we recognize today that this country must bear the responsibility to actively change the structures that constrain Aftican Americans.

Mr. Speaker, I and the other members here today understand, like Douglass, the necessity of government backed decisions to help encourage the will of America to respond positively to the structures that constrain African American. This resolution does just that. I agree Congress must recognize the historical significance of the Supreme Court's unanimous decision in Brown versus Board of Education. This is why I have joined In signing this important resolution and urge all members to do the same.

Mr. PAYNE. Mr. Speaker, today I rise in support of this resolution to commemorate the historic decision of Brown versus the Board of Education. This landmark court decision ended years of the separate but unequal education of African American students in the United States. It also played a role in instigating the larger Civil Rights Movement. This decision is a prime example of how one person who sees an injustice can use our legal system to make that situation more tolerable.

Oliver Brown was distressed that his young daughter had to walk across town and over dangerous railroad tracks to attend school when a perfectly adequate school sat just blocks from their home. Rather than accepting the status quo Oliver Brown took matters in his own hands and sued the school system that refused to let his daughter attend the neighborhood school because she was black.

Mr. Brown is an example to all parents and citizens in the United States. When injustices occur it often is our response to accept it and move on. Progress has never occurred using that philosophy. I ask our parents to become involved in their children's education. If you see problems with your schools or problems with the police in your town or neighborhood—speak out against these injustices.

While the laws that created segregation and discrimination have been lifted, these terrible acts still occur. We must make our voices be heard and let the United States government know that we will not tolerate de facto segregation and discrimination anywhere in this nation, not in our schools, not in our government, not in our workplace and not on our highways or in our police stations.

We must take the commemoration of this landmark legal decision which sparked the beginning of the end of legal separate but equal laws and use it to end the segregation and discrimination that still exists in our country today.

Mr. THOMPSON of Mississippi. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. SHIMKUS). Is there objection to the request of the gentleman from Indiana?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 176

Whereas in 1951 Linda Brown was a third-grader and an African-American who was forced to endure hardships such as walking a mile through a railroad switchyard to get to her black elementary school, even though a white elementary school was only 7 blocks away;

Whereas the Reverend Oliver Brown, Linda Brown's father, was turned away when he tried to register his daughter at the nearby white school, simply because the little girl was black;

Whereas Thurgood Marshall, special counsel for the NAACP Legal Defense Fund and a protégé of Howard University Law Professor Charles Houston, successfully argued that the "separate but equal" doctrine, established by the Supreme Court in its *Plessy* v. *Ferguson* decision in 1896, was unconstitutional;

Whereas Chief Justice Earl Warren read aloud, from the Court's unanimous decision: "We come then to the question presented: Does segregation of children in public schools solely on the basis of race, even though the physical facilities and other 'tangible' factors may be equal, deprive the children of the minority group of equal educational opportunities? We believe that it does. . . . We conclude that in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal. Therefore, we hold that the plaintiffs and others similarly situated for whom the actions have been brought are, by reason of the segregation complained of, deprived of the equal protection of the laws guaranteed by the Fourteenth Amendment";

Whereas the *Brown* v. *Board of Education* decision struck a pivotal blow against Jim Crow laws, as well as the dark forces of racism and segregation; and

Whereas the interaction of students of all races promotes better understanding and the acceptance of racial differences: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the historical significance of the Supreme Court's unanimous decision in *Brown* v. *Board of Education*;

(2) heralds this watershed in our shared history as a significant advancement of the most basic American principles of freedom, justice, and equality under the law; and

(3) repudiates racial segregation as antithetical to the noble ideals upon which this great Nation was founded, and reaffirms the fundamental belief that we are all "one Nation under God, indivisible."

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PEASE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 176 and House Resolution 161.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 987

Mr. THOMPSON of Mississippi. Mr. Speaker, I ask unanimous consent to have my name removed from H.R. 987 as an original cosponsor.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

□ 2100

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SHIMKUS). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

AVIATION BILATERAL ACCOUNTABILITY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. LIPINSKI) is recognized for 5 minutes.

Mr. LIPINSKI. Mr. Speaker, I rise today to introduce a piece of legislation entitled the Aviation Bilateral Accountability Act.

The Aviation Bilateral Accountability Act is a bill that will require congressional review of all U.S. bilateral aviation agreements. International aviation is governed by a series of bilateral civil aviation agreements between nations. This means that if an air carrier from the United States wants to fly into or out of another country, the United States Government must first negotiate with the government of that foreign country to determine the terms under which the carriers from both countries will operate.

U.S. bilateral aviation agreements are executive agreements. They are negotiated and signed by representatives from the Department of State and from the Department of Transportation. In fact, Secretary of State Madeleine Albright and Transportation Secretary Rodney Slater recently joined representatives from the People's Republic of China in signing a new U.S.-China civil aviation agreement.

The new agreement will govern aviation policy between the United States and China for the next 3 years. Unfortunately, like all bilateral aviation agreements, Congress did not play any official role in the review or the approval of this new agreement.

As ranking member of the House Subcommittee on Aviation, I strongly believe that Congress deserves to play a role in reviewing and approving bilateral aviation agreements. As Members of Congress, we represent the business person, the leisure traveler, the consumer, and the flying public in general. We should have the right to make sure that bilateral aviation agreements are negotiated to give U.S. consumers the most access to international aviation markets at the best prices possible.

For example, the new U.S.-China civil aviation agreement increases U.S. access to China by doubling the number of scheduled flights and designating one additional U.S. carrier. However, many industry observers believe that U.S. negotiators should not have settled for anything less than access for two additional U.S. carriers through this very large Chinese market.

Therefore, I am introducing the Aviation Bilateral Accountability Act, a bill to require congressional review of all U.S. aviation bilateral agreements. International aviation, which is based on bilateral aviation agreements, has a tremendous impact on the U.S. economy and U.S. citizens. Congress should not be excluded from agreements of such magnitude.

Under the Aviation Bilateral Accountability Act, the executive branch must submit each new and updated bilateral aviation agreement to Congress. Then a Member of Congress must introduce a disapproval resolution within 20 days after receiving the agreement. If a disapproval resolution is not introduced within 20 days, the bilateral agreement is automatically approved and can be implemented.

However, if a disapproval resolution is introduced, Congress then has 90 days to review the bilateral agreement and enact a disapproval resolution if necessary. If a disapproval resolution is not enacted by the end of the 90-day period, the bilateral agreement is then automatically approved and can and will be implemented.

As elected representatives of the people, we owe it to the American consumer to look out for his or her best interest. My legislation will help Members of Congress better represent the flying public by giving Congress a vital role in the review and approval of U.S. bilateral agreements.

Mr. Speaker, in closing, I would like to thank the 13 Members who have joined me as original cosponsors of this important legislation, including the gentleman from Tennessee (Mr. JOHN DUNCAN, JR.) Chairman of the Subcommittee on Aviation.

I urge all Members of the House to join us in cosponsoring the Aviation Bilateral Accountability Act.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON THE BUDGET REGARDING REVISIONS TO THE AGGREGATE SPENDING LEVELS SET BY INTERIM ALLOCATIONS AND AGGREGATES FOR FISCAL YEAR 1999

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. KASICH) is recognized for 5 minutes.

Mr. KASICH. Mr. Speaker, pursuant to Sec. 314 of the Congressional Budget Act, I hereby submit for printing in the CONGRESSIONAL RECORD revisions to the aggregate spending levels set by the interim allocations and aggregates for fiscal year 1999 printed in the RECORD on February 3, 1999, pursuant to H. Res. 5. H.R. 1141, the conference report to accompany the Emergency Supplemental Appropriations and Rescissions Act for fiscal year 1999, adjusts the allocation for the House Committee on Appropriations to reflect $12,782,000,000 in additional new budget authority and $3,582,000,000 in additional outlays for designated emergency spending. In addition, the Committee on Appropriations will receive $25,000,000 less in budget authority and $2,000,000 less in outlays for funds previously appropriated for arrearages that were rescinded by the conference report for H.R. 1141. Overall, the allocation to the Appropriations Committee will increase to $585,555,000,000 in budget authority and $580,059,000,000 in outlays for fiscal year 1999.

I also submit for printing in the CONGRESSIONAL RECORD an adjusted fiscal year 2000 allocations to the House Committee on Appropriations to reflect $1,881,000,000 in additional new budget authority and $1,806,000,000 in additional outlays for designated emergency spending. In addition, the outlay effect of the fiscal year 1999 budget authority of H.R. 1141 will result in additional outlays of $5,452,000,000 for fiscal year 2000. The rescission of funds previously appropriated for arrearages will result in $2,000,000 less in outlays for fiscal year 2000. Overall, the allocation to the Appropriations Committee will increase to $538,152,000,000 in budget authority and $578,201,000,000 in outlays for fiscal year 2000.

The House Committee on Appropriations submitted the report for H.R. 1141, the conference report to accompany the Emergency Supplemental Appropriations and Rescissions Act for fiscal year 1999, which includes $12,757,000,000 in budget authority and $3,580,000,000 in outlays for fiscal year 1999 designated defense and non-defense emergency spending. H.R. 1141 includes $1,881,000,000 in budget authority and $7,256,000,000 in outlays for fiscal year 2000 designated emergency spending.

These adjustments shall apply while the legislation is under consideration and shall take effect upon final enactment of the legislation. Questions may be directed to Art Sauer or Jim Bates at x6–7270.

HOW LONG MUST BOMBINGS IN YUGOSLAVIA CONTINUE?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky (Mr. WHITFIELD) is recognized for 5 minutes.

Mr. WHITFIELD. Mr. Speaker, how long must the bombings in Yugoslavia continue? NATO has been bombing now for over 54 days. For what purpose? Why?

The President, Vice President, and Secretary of State's stated policy was to stop the ethnic cleansing of Kosovo Albanians. They said they must act to forestall a new round of ethnic cleansing by Mr. Milosevic. That was the reason the bombings started. But the policy has failed. The bombings have not worked.

Today there are nearly 800,000 refugees in Macedonia, another 500,000 internally displaced within Kosovo, thousands have been murdered, Macedonia has been destabilized, and our foreign relations with Russia and China are severely strained.

Furthermore, in today's Washington Post it was written that in Latin America, Asia, Africa, the Middle East, and other regions with little direct interest in the conflict, opposition to the bombings is surfacing in statements by elected officials, in newspaper editorials of the opinion polls, and by public protest.

From a policy point, it is difficult to imagine how the situation could be much worse than it is today. Clinton administration spokesmen and women have criticized Milosevic forces for killing innocent civilians, and rightfully so, because Serb forces have killed innocent civilians. However, our bombings have killed and may be killing innocent civilians in Yugoslavia today.

Mr. Milosevic's forces have destroyed much of the infrastructure in Kosovo. That is true. However, our bombings are destroying the infrastructure in Yugoslavia today. So today we have death, refugees, displaced persons, pain and suffering among the Kosovo Albanians, but we also have death, refugees, displaced persons, and pain and suffering among the Serbs of Yugoslavia today.

As Mr. Michael Dobbs wrote in Sunday's Washington Post, this administration's oversimplistic comparison between Kosovo and Bosnia and Mr. Milosevic and Hitler has helped transform what would otherwise have been a Balkan crisis into a global crisis, the ramifications of which are being felt not only in Yugoslavia, not only in Kosovo, but throughout the entire world.

I would say to the President, what does he want? The Yugoslav Government said today it is open to peace proposals by the G–8 foreign ministers for ending the crisis over Kosovo. How many more bombs must be dropped and how many more deaths must be brought before we admit this policy has not worked?

I would say to the President, stop the bombings, give negotiations an opportunity to work. How long must the bombings in Yugoslavia continue?

NATIONAL TRANSPORTATION WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

Mr. CUMMINGS. Mr. Speaker, May 16 to 21 is National Transportation Week. During National Transportation Week, I will honor the many accomplishments of the Department of Transportation and our dedicated transportation workers. I will highlight the human factors, the technology, education, and safety accomplishments that make our transportation system one of the best in the world.

Usually when we discuss transportation we comment on the aspects of the industry, such as highways, airplanes, and railroads. But what about the people? The people are the element that make transportation work and have firmly established the United States transportation system as one of the safest and most efficient in the world.

The bus drivers, the airline pilots, ships' captains, locomotive engineers, air traffic controllers, and truck drivers, to name just a few, function in a fast-paced dynamic environment that requires skill and talent to build, operate and maintain.

And so, it is today that we pause to thank those persons who rise every day to carry out the mission of providing all Americans with the freedom of movement, a very basic freedom which is often taken for granted: Transporting children to schools, workers to work, vacationers to various leisure locations all over the country.

Simply stated, we thank our transportation workers for bringing life to life. We know that guaranteeing an efficient transportation system requires the best and brightest in our transportation workforce. While new technologies are expanding career opportunities in the transportation industry, much of the seasoned transportation workforce is retiring.

In 1997, the Department of Transportation launched an innovative program to combat this problem. Spearheaded by Secretary Rodney Slater, the Garrett A. Morgan Technology and Transportation Futures Program is a national education program designed to reach and challenge one million students of all ages to focus on their math, science, and technology skills.

The Department's program was named after Garrett A. Morgan, an African-American entrepreneur who invented the automated gas mask and traffic signal, a device that for more than 75 years remains the primary safety tool for managing automobile traffic. Despite his economically poor background and lack of education, his lifetime of achievement is a model of dedication to public service, public safety, and technology innovation.

The Garrett A. Morgan program builds a foundation for success in the twenty-first century transportation industry. Designing and implementing satellite navigation and positioning devices, intermodal transportation facilities, advanced highway construction, magnetic levitation technology, and "smart growth" community planning are but a few of the critical needs for transportation and global engagement in the new millennium.

In unveiling the program, Secretary Slater stated, "We want to inspire students to choose careers in transportation so that this Nation will have the skilled workforce needed to operate and maintain the world's best transportation system."

I urge my colleagues to salute the transportation workforce for what they do every day and for the service they will provide in the future.

RETIREMENT SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. PORTMAN) is recognized for 5 minutes.

Mr. PORTMAN. Mr. Speaker, I am here tonight to talk about retirement security.

With Americans living longer and 76 million baby-boomers soon to begin their retirement years, solving Social Security's fiscal problems has to be and should be a top priority of this Congress. And I think it is. I think it is a top priority of the President, as well. I encourage that, and I hope that we come up with a Social Security solution even this year.

But we also have to realize that Social Security is not going to solve all of our retirement security problems. Social Security was never meant to handle all the retirement needs of Americans and, in fact, for most Americans it does not. Rather, it is just one leg of a three-legged stool that people rely on in their retirement.

As my colleagues can see from this chart here, Social Security, employer provided pensions, and personal savings is the three-legged stool that Americans rely on for their retirement. This is a critical issue for all Americans, by the way, not just those Americans who are in retirement but those approaching those retirement years.

We must move forward with policies that make a real difference in terms of providing overall retirement security for all Americans. It will mean for many Americans the difference between mere subsistence or even poverty in retirement, on the one hand, and real prosperity and a comfortable retirement, on the other hand.

□ 2115

I am going to talk tonight about this leg of the retirement stool called employer-provided pensions. This is 401(k) plans, it is 457 plans, 403(b) plans and other defined contribution plans. It is also the defined benefit plans, profit sharing plans and so on. Pension savings are already, as this chart shows, an important part of Americans' retirement security, but not all is well with our pension program today. Only half of all Americans, for example, even have a pension today.

What really concerns me as we look from 1983 until 1993 where we should have made a lot of progress in this area, we have roughly stayed the same. Only half of Americans today in the workforce have any kind of pension at all. That is anything, a 401(k), a simple plan, a profit sharing plan, anything. To me that is a major problem, one that we should address here in the United States Congress, who want to give Americans more access to a comfortable retirement.

This means, by the way, that about 60 million Americans have no pension, no private retirement savings through their employer. It is even worse than that really because when we look at so many of the jobs that are being created in our economy today, it is in the smaller businesses. This chart shows that among smaller companies, the percentage of companies that offer any kind of a pension is even smaller. These two blocks together would be all companies of 25 or fewer employees. This shows that only 19 percent of them on average offer any kind of a pension plan at all. Those people who work in smaller businesses again where most of our jobs are being created in our economy even have a lower possibility of having any kind of retirement savings through their employer.

This is all happening, incidentally, at a time when savings in our country is at an all-time low. The pension plans around the country would normally be contributing to higher savings but they simply are not as accessible as they should be. This shows the U.S. personal savings over time starting with 1935. Actually today we are at the lowest level at least since the Great Depression. Some economists think we are at our lowest savings rate ever. That is another reason we need to reform our pension laws, because pensions again are a major part of retirement savings but also of our overall savings in this country which is so important. We have a plan to try to change this.

I have come up with this plan with the gentleman from Maryland (Mr. CARDIN) who is also with us tonight. What this will do is it will provide for an increase in contribution levels and compensation levels and in benefit limits for all employees. It enables us, in other words, to let people save a lot more for their own retirement. It also takes out a lot of the well meaning but very restrictive rules and regulations that have come in place with our pension policy.

Mr. CARDIN. Mr. Speaker, will the gentleman yield?

Mr. PORTMAN. I yield to the gentleman from Maryland.

Mr. CARDIN. First let me thank the gentleman from Ohio for taking this time. I know we do not have much time tonight. The point that he makes which is so important that, yes, we need to resolve Social Security, that is very important. But we also need to deal with private retirement in our community. I congratulate the gentleman on the work on the legislation that he introduced. His point is so well taken, that we have to make it easier for small business to provide employer-sponsored retirement plans for their employees. We have to increase the limits, not reduce, in which people can put away for their personal retirement. We must make it easier for portability in today's market where people change jobs to be able to combine their pension plans to make it easier for them. We have got to remove a lot of these complexities that we have put in the law that are preventing employers from even having pension plans to help their employees. I just really wanted to emphasize the point that he was making that we need to act in this Congress on private retirement as well as Social Security.

Mr. PORTMAN. I thank the gentleman very much.

RETIREMENT SECURITY

The SPEAKER pro tempore (Mr. SHIMKUS). Under a previous order of the House, the gentleman from Maryland (Mr. CARDIN) is recognized for 5 minutes.

Mr. CARDIN. Mr. Speaker, I yield to the gentleman from Ohio.

Mr. PORTMAN. I thank my colleague from Maryland for yielding. We have been laboring at this for a couple of years now. We have worked with a lot of different groups around the country who are concerned with people being able to have a secure retirement. This includes incidentally for this proposal we are talking about tonight the Chamber of Commerce of the United States, as well as the AFL–CIO. To have that kind of a broad cross-section on any legislation around here is rather unusual. Why are all these groups supporting this proposal? For one very simple reason. They all have people they are representing who want to provide retirement security for workers. This proposal is commonsense changes, as the gentleman from Maryland said, to permit, for example, portability where you can be able to take your pension from job to job, responding to the increasingly mobile workforce out there. It also again goes into the pension rules and regulations which have become so burdensome that many small employers simply will not offer a plan at all. It cuts down on those rules and regulations to the point that smaller businesses are now going to be able to get into this business. It also cuts down some of the liability for our smaller businesses. Finally, very important, as the gentleman from Maryland said, it has the ability for people to save more for their own retirement. One that I particularly like that the gentleman from Maryland is very supportive of is the catch-up provision, for people who are over 50 years old coming back into the workforce. This would be a lot of working moms who stayed home to take care of kids and are now coming back into the workforce, we allow them to contribute an additional $5,000 a year to their retirement plan. This will help a lot of people to be able to build up that nest egg that is necessary for retirement.

Mr. CARDIN. Let me just if I might in concluding, it is important for us to act on private retirement for many reasons. One is that yes, we are very pleased with the growth of our economy. We are projecting budget surpluses. We have low rates of inflation, low unemployment rates. We are very pleased by the signs that we see in our economy. But there is one statistic that the gentleman from Ohio pointed out which is not good for our future and, that is, the amount of savings that we have as a Nation. Among the industrial nations, we rank near the bottom on the amount that we save on a per capita basis. The chart that the gentleman used earlier showed that we are actually saving less today than we did 10 years ago. We should be saving more, particularly when we look at how strong our economy is. We need to adopt here in this body policies that will make it easier for Americans to save for the future, that is good for their security when they retire. It is good for economic growth in this Nation. It makes sense. It is not a partisan issue. It is a bipartisan issue. I urge this body during this session to take up legislation that will make it easier for Americans to save for their future. The Portman-Cardin bill is a major step forward in this direction. We hope that we would consider it this year.

Mr. PORTMAN. I would urge my colleagues on both sides of the aisle to talk to the gentleman from Maryland, talk to me. H.R. 1102 is the name of the legislation. We have a number of cosponsors. We are looking for more. If we can come together again on a bipartisan basis to solve this problem and get this legislation passed, it will make the difference in people's lives. It will allow for millions of Americans to have real security in retirement rather than mere subsistence. It is something that we can do this year. Of course we all want to solve Social Security's problems. That may be a little more difficult to do in this environment. But this is one where we should be able to come together to provide for people to be able to save more for their retirement even outside of Social Security, even while we are working on the Social Security problem.

PARLIAMENTARY ELECTIONS IN ARMENIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, on Sunday, May 30, the Republic of Armenia will hold parliamentary elections. In these last 2 weeks leading up to election day, the parties and candidates are intensifying their campaigns and are holding rallies, meetings and using free TV air time as well as paid commercials to get their message out to the voters. Both domestic and international observers will closely scrutinize the conduct of the election to ensure that it is free and fair. Armenia's Central Elections Commission has promised equal treatment for all parties and has vowed to penalize anyone who commits illegal or fraudulent acts connected to the election.

Mr. Speaker, we Americans may take for granted the idea of free and fair elections, but in Armenia as a former captive nation under the Soviet Union, the progress of democracy and the establishments of the institutions of a civil society in less than a decade of independence is nothing short of remarkable. Furthermore, Mr. Speaker, given the fact that many of Armenia's neighbors are ruled by authoritarian governments, some of which maintain a hostile and aggressive attitude, the determination of the Armenian people to work towards a democratic political system is all the more impressive.

Armenian voters last went to the polls in March of 1998 to elect a President. The winner of that election, President Robert Kocharian, was here in Washington last month as part of the NATO summit. He also came to Capitol Hill to meet with Members of Congress to discuss the prospects for U.S.-Armenia relations and our role in promoting stability and economic development in the Caucasus region. Armenia's central location in the heart of this region at the crossroads of Europe, Russia, the Middle East and Central Asia will make it an increasingly important country for the U.S. strategic considerations in the 21st century.

Mr. Speaker, for a country with less than 4 million people living in an area about the size of the State of Maryland, Armenia has an extremely diverse group of political parties representing a wide range of ideologies. More than 800 individual candidates and 21 political parties are vying for 131 seats in the parliament; 75 seats will be contested in single-candidate constituencies, while 56 seats are reserved for a system of proportional representation.

According to a recent report, 11 political parties and blocs have used the free TV air time that has been allotted to them. Media outlets representing diverse ideologies are covering the elections. For the first time, the campaign and election will be covered on the Internet. Paid political advertisements for this election cycle have exceeded the levels of all previous election campaigns. A survey by the Armenian Sociological Association indicated that voter turnout would be as high as 75 percent, although other polls suggest figures could be somewhat lower than that. The polls indicate that at least six parties and blocs would be able to garner the 5 percent threshold of votes needed to be represented in the Parliament. The major issue is expected to be the economy.

Mr. Speaker, I just want to stress that in the first few elections held in the first few years after Armenia became a democracy, there were admittedly some problems. But last year's presidential elections showed the world that Armenia has made significant progress in just a few years despite the legacy of 70 years of Communist dictatorship. After the resignation of Armenia's first President, Levon Ter-Petrosian, in early 1998, the transition was handled in an orderly manner according to the nation's constitution. The presidential election conducted in two rounds was peaceful and well-organized, and the legitimacy of the outcome was accepted by the vast majority of observers inside and outside Armenia.

Later this month, Armenia will once again find itself under heavy international scrutiny because of the elections. The Organization for Security and Cooperation in Europe on April 26 set up a monitoring mission with 15 long-term observers deployed around the country to monitor the election campaign and administrative preparation, and to assess the implementation of the new electoral code.

Mr. Speaker, I am confident that the Armenian people will demonstrate once again during this election on May 30 their commitment to building a society based on civility, the rule of law and tolerance for each other's opinions. This election I think will go far once again to show the progress of Armenia's democracy.

MANAGED CARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Iowa (Mr. GANSKE) is recognized for 60 minutes as the designee of the majority leader.

Mr. GANSKE. Mr. Speaker, here it is, the middle of May, and no movement by the House leadership on fixing HMO abuses. Time is passing by quickly this year. Yet the chairmen of the committees of jurisdiction have done virtually nothing to move this forward.

Mr. Speaker, I have worked on this problem along with many others in this House for over 4 years. We have had debates and debates and debates. The issues are laid out. They have been laid out in a debate last year. There is no excuse why we should not move managed care reform to the floor soon. There is a real reason for this. There are people that are being injured by HMO abuses today.

Let me give my colleagues a couple of examples of people who have had problems with their HMOs. A few years ago, a young woman was hiking in the Shenandoah mountains just a little ways west of Washington, D.C. She fell off a 40 foot cliff. She was lucky she did not fall into the rocky pond where she might have drowned. But she fractured her skull, she broke her arm, and she broke her pelvis. She is laying there at the bottom of this 40 foot cliff semicomatose. Fortunately a hiking companion had a cellular phone and they airlifted her into the emergency room. She was treated in the hospital, in the intensive care unit for quite a while, was in the hospital I think for over a month. When she was discharged, she found that her HMO was not going to pay her bill.

Why, Mr. Speaker? The HMO said this young woman, Jackie Lee is her name, did not phone ahead for prior authorization.

Now, think about that. Was she supposed to know that she was going to fall off that 40 foot cliff? Or maybe when she was laying there, semicomatose at the bottom of the cliff with a broken skull, a broken arm, a broken pelvis, she was supposed to rouse herself, maybe with her nonbroken arm pull out of her pocket a cellular phone and dial a 1-800 number to her HMO and say, "Hey, you know, I just fell off a 40 foot cliff. I need to go to the hospital."

□ 2130

Mr. Speaker, fortunately she was able to get some help from her State insurance commissioner, and she was able to get that HMO's decision reversed, but as my colleagues know, Mr. Speaker, a lot of people would not have that basic protection because most of the people in this country receive their insurance through their employer, and when they get their insurance through their employers, their State insurance commissioner does not have any jurisdiction because of a past Federal law.

Now, if my colleagues think the case of Jackie Lee was bad, let me tell my colleagues about another case. This was about a little 6-month-old boy named James Adams.

A couple years ago, about 3:00 in the morning, James' mother, Lamona, was taking care of him. He was pretty sick. He had a temperature of over 104. He was crying, he was moaning. As a mother can tell, her little baby was really sick. So Lamona phones that 1-800 number for her HMO. She explains: "My little baby is sick and needs to go to the emergency room soon."

She gets an authorization from this bureaucrat, but the authorizer says, "I'm only going to allow you to take little Jimmy to the Shriner's Hospital."

Lamona says, "Well, where is that?"

This disembodied voice a thousand miles away says, "Well, I don't know. Find a map."

Well, Lamona, the Adams family, lived way to the east of Atlanta, Georgia. The hospital that they were authorized to go to was on the other side of Atlanta, 70-some miles away.

It is a stormy night, so Mr. And Mrs. Adams wrap up little Jimmy, get in the car and start their trek. About halfway there, as they are going through Atlanta, Georgia, they pass Baptist Hospital, Piedmont, Emory Hospital, all with world-renowned medical facilities and emergency rooms that could have taken care of little Jimmy Adams. But they do not have an authorization from their insurance company, from their HMO, and they know that if they stop, then they are going to be stuck with the bill which could be thousands of dollars.

So, not being medical professionals, they think, "Well, we can push on." About 23 miles from the Shriner's Hospital little Jimmy has a cardiac arrest in the car. Picture his dad driving along frantically trying to find the hospital, picture his mother trying to save her little baby's life.

Turns out that little Jimmy is a pretty tough guy. They manage to eventually get him to the hospital alive. But because of that delay in treatment, that cardiac arrest, little Jimmy ends up with gangrene of both hands and both feet, and both hands and both feet have to be amputated, all because of the delay caused by that medical decision that that HMO made.

I talked to Jimmy's mother about a month ago, asked her about how little Jimmy was coming along now. As my colleagues know, despite wonderful prostheses that we have now, it is safe to say that Jimmy is not going to be an athlete, and I know that when he grows up and gets married he is not going to be able to caress the check of the woman that he loves with his hand because he has bilateral hook prostheses. He is able to pull on his leg prostheses now with his arms' stumps, but he cannot get on both bilateral arm prostheses without a lot of help from his parents.

Jimmy will live the rest of his life without his hands and his feet, and do you know that in a similar situation, if you receive your insurance through your employer and your HMO has made that type of medical decision that has resulted in the loss of the hands and feet of your little baby, that that HMO by prior Federal law is liable for nothing? Hard to believe?

That is all the result of a law that Congress passed 20-some years ago that gives total immunity for liability to an HMO that makes that type of devastating medical decision that has resulted in loss of hands and feet or maybe even loss of life. The only thing under Federal law that that plan is responsible for is the cost of the treatment that would be rendered, and after all, Jimmy made it to the hospital, so he got his treatment.

Turns out a Federal judge looked at the margin of safety for that HMO, and I will never forget the quote. The judge said the margin of safety for that HMO in this instance was razor thin, quote, unquote; I would say, Mr. Speaker, about as razor thin as the scalpel that had to cut off little Jimmy's hands and feet.

Mr. Speaker, I am far from alone in holding that view that we need real HMO reform. Last week, for example, Paul Elwood gave a speech at Harvard University on health care quality, HMO quality. Now, Mr. Speaker, Paul Elwood is not exactly a household name, but he is considered the father of the HMO movement.

Elwood told a surprised group of people that he did not think health care quality would improve without government imposed protections. Market forces, he told the group, quote, "will never work to improve quality, nor will voluntary efforts by doctors and health plans." Nor will voluntary efforts by doctors and health plans.

Elwood went on to say, and I quote: "It doesn't make any difference how powerful you are or how much you know, patients get atrocious care."

Remember, this is the father of the HMO movement. He is saying patients get atrocious care and can do very little about it.

He goes on: "I have increasingly felt that we've got to shift the power to the patient. I am mad," he said, "in part because I've learned that terrible care can happen to anyone."

Mr. Speaker, maybe Paul Elwood was thinking about Jackie Lee. Maybe he was thinking about little Jimmy Adams.

Mr. Speaker, this is not the commentary of a mother whose child was injured by her HMO's refusal to give appropriate care. It is not the statement of a doctor who could not get requested treatment for a patient. Mr. Speaker, these words suggesting that consumers need real protections from HMO abuses come from the father of managed care.

Now I am tempted to stop here and just let his words speak for themselves, but I think it is important to share with my colleagues an understanding of the flaws in the health system that led Paul Elwood to reach his conclusion.

Cases involving patients who lose their limbs or even their life are not isolated examples. They are not just mere, quote, anecdotes, unquote. I mean those anecdotes, if they have a finger, and you prick it, they bleed.

Mr. Speaker, on May 4 USA Today ran an excellent editorial on this very subject. It was entitled: "Patients Face Big Bills as Insurers Deny Emergency Claims." After citing a similar case involving a Seattle woman, USA Today made some telling observations. Quote: "Patients facing emergencies might feel they have to choose between putting their health at risk and paying a huge bill they may not be able to afford."

That was exactly the situation that Mr. and Mrs. Adams were in as they were driving along the highway with a really sick infant. They were not trained medical professionals. They knew if they stopped, though, at that unauthorized emergency room, they were going to be stuck with the bill.

The editorial goes on to say, quote: "All patients are put at risk if hospitals facing uncertainty about payment are forced to cut back on medical care," and this is hardly an isolated problem. The Medicare Rights Center in New York reported that 10 percent of complaints for Medicare HMOs related to denials for emergency room bills.

The editorial noted that about half the States have enacted a prudent lay person definition for emergency care in the last 10 years, and Congress has passed such protection in Medicare and in Medicaid, but nevertheless the USA Today editorial concludes that the current patchwork of laws would be much strengthened by passage of a national prudent lay person standard that applies to all Americans. And that is why in my bill, the HMO Reform Act of 1999, and the bill of the gentleman from Michigan (Mr. DINGELL), the Patient Bill of Rights, we have a provision in there that would have prevented the type of occurrence that we had with little Jimmy Adams, because it says if the average lay person would think that this is truly an emergency, you can take that patient or you can go yourself directly to the emergency room and the HMO has to pay the bill.

The final sentence of that editorial from USA Today reads, quote: "Patients in distress should not have to worry about getting socked with big health bills by firms looking only at their bottom line."

Mr. Speaker, I ask that the full text of this editorial be included in the RECORD at this point:

[From USA Today, May 4, 1999]

PATIENTS FACE BIG BILLS AS INSURERS DENY EMERGENCY CLAIMS

Early last year, a Seattle woman began suffering chest pains and numbness while driving. The pain was so severe that she pulled into a fire station seeking help, only to be whisked to the nearest hospital, where she was promptly admitted.

To most that would seem a prudent course of action. Not to her health plan. It denied payment because she didn't call the plan first to get "pre-authorized," according to an investigation by the Washington state insurance commissioner.

The incident is typical of the innumerable bureaucratic hassles patients confront as HMOs and other managed care companies attempt to control costs. But denial of payment for emergency care presents a particularly dangerous double whammy:

Patients facing emergencies might feel they have to choose between putting their health at risk and paying a huge bill they may not be able to afford.

All patients are put at risk if hospitals, facing uncertainty about payment, are forced to cut back on medical care.

Confronted with similar outrages a few years ago, the industry promised to clean up its act voluntarily, and it does by and large pay up for emergency care more readily than it did a few years ago. In Pennsylvania, for instance, denials dropped to 18.6% last year from 22% in 1996.

That's progress, but not nearly enough. Several state insurance commissioners have been hit with complaints about health plans trying to weasel out of paying for emergency room visits that most people would agree are reasonable—even states that mandate such payments. Examples:

Washington's insurance commissioner sampled claims in early 1998 and concluded in an April report that four top insurers blatantly violated its law requiring plans to pay for ER care. Two-thirds of the denials by the biggest carrier in the state—Regence BlueShield—were illegal, the state charged, as were the majority of three other plans' denials. The plans say those figures are grossly inflated.

The Maryland Insurance Administration is looking into complaints that large portions of denials in that state are illegal. In a case reported to the state, an insurance company denied payment for a 67-year-old woman complaining of chest pain and breathing problems because it was "not an emergency."

Florida recently began an extensive audit of the state's 35 HMOs after getting thousands of complaints, almost all involving denials or delays in paying claims, including those for emergency treatments.

A report from the New York-based Medicare Rights Center released last fall found that almost 10% of those who called the center's hotline complained of HMO denials for emergency room bills.

ER doctors in California complain that Medicaid-sponsored health plans routinely fail to pay for ER care, despite state and federal requirements to do so. Other states have received similar reports, and the California state Senate is considering a measure to toughen rules against this practice.

The industry has good reason to keep a close eye on emergency room use. Too many patients use the ER for basic health care when a much cheaper doctor's visit would suffice.

But what's needed to address that is better patient education about when ER visits are justified and better access to primary care for those who've long and had no choice other than the ER, not egregious denials for people with a good reason to seek emergency care.

Since the early 1990s, more than two dozen states have tried to staunch that practice with "prudent layperson" rules. The idea is that if a person has reason to think his condition requires immediate medical attention, health plans in the state are required to pay for the emergency care. Those same rules now apply for health plans contracting with Medicare and Medicaid.

A national prudent layperson law covering all health plans would help fill in the gaps left by this patchwork of state and federal rules.

At the very least, however, the industry should live up to its own advertised standards on payments for emergency care. Patients in distress should not have to worry about getting socked with big health bills by firms looking only at their own bottom line.

Mr. Speaker, there are few people in this country who have not personally had a difficult time getting health care from an HMO. Whether we are talking about cases like little Jimmy Adams or Jackie Lee or we are talking about people that we work with or even members of our family, the HMO industry has earned a reputation with the public that is so bad that only tobacco companies are held in lower esteem.

Let me give my colleagues a few statistics. By more than 2 to 1 Americans support more government regulation of HMOs. Last month the Harris poll revealed that only 34 percent of Americans think managed care companies do a good job of serving their customers. That is down significantly from 45 percent of a year ago, but 45 percent is certainly no statistic that I would be proud of if I were the HMO industry.

Even more amazing were the results when Americans were asked whether they trusted a company to do the right thing if they had a serious safety problem. Mr. Speaker, this is an amazing statistic. When Americans were asked whether they trusted HMOs to do the right thing if they had a serious problem, by 2 to 1 Americans would not trust HMOs in such a situation, and that level of confidence is far behind other industries such as hospitals, airlines, banks, even the automobile manufacturers.

In fact, about the only industry that fared worse than HMOs was the tobacco industry, and anyone who still needs proof about what the public thinks about it just needs to go to that movie "As Good As It Gets." Audiences clapped and cheered, when I went and saw that movie with my wife, when Academy Award winner Helen Hunt expressed a strong expletive about the lack of care her asthmatic son was getting from their HMOs. And no doubt the audience's reaction was fueled by dozens of articles and stories very critical of managed care, bolstered by real-life experiences.

In September 1997 the Des Moines Register ran an op-ed piece entitled, quote, The Chilly Bedside Manner of HMOs, unquote, by Robert Reno, a Newsweek writer.

The New York Post, and I see my colleague from New York (Mrs. MCCARTHY) sitting here waiting, she knows the New York Post ran a series, a week-long series of articles on managed care, and some of the headlines were: "HMO's Cruel Rules Leave Her Dying for the Doc She Needs."

Another headline blared out: "Ex New Yorker Is Told: Get Castrated So We Can Save Dollars."

Or how about this one: "What His Parents Didn't Know About HMOs May Have Killed This Baby."

Or how about the 29-year-old cancer patient whose HMO would not pay for his treatments? Instead, the HMO bureaucrat reviewer told him to hold a fund-raiser. A fund-raiser? Mr. Speaker, I thought we were talking about patient protection legislation, not campaign finance reform.

□ 2145

To counteract this, some health plans have even taken to bashing their own colleagues. Here in Washington one ad declared, "we do not put unreasonable restrictions on our doctors. We do not tell them that they cannot send you to a specialist."

In Chicago, Blue Cross ads proclaimed, "we want to be your health plan, not your doctor." In Baltimore, an ad for Preferred Health Network assured customers, "at your average health plan cost controls are regulated by administrators but at PHN doctors are responsible for controlling costs."

Mr. Speaker, advertisements like these demonstrate that even the HMOs know that there are more than a few rotten apples in the barrel. In trying to stave off Federal legislation to improve health care quality, many HMOs have insisted that the free market will help cure whatever ails managed care.

Mr. Speaker, I am a firm believer in benefits to a free market, but the health care market is anything but a free market. Free markets are not dominated by third parties paying first dollar coverage. Free markets do not reward customers for giving less service. Is there any other industry in this country that gets paid for doing less? And free markets do not feature limited competition, either geographically or because an employer says here is your health plan, take it or leave it. Some choice a consumer has in that situation, and that is about the way it is for about 50 percent of the people in this country who get their insurance through their employers.

The Washington Business Group on Health recently released its fourth annual survey report on purchasing value in health care. Here are a few examples of how the market is working to improve quality care. Fifty-one percent of employers believe cost pressures are hurting quality. This is not employees. These are the employers. In evaluating and selecting health plans, 89 percent of employers considered cost. Less than half consider accreditation status and only 39 percent consider consumer satisfaction reports. Employees are given limited information about their plans. Only 23 percent of companies tell employees about appeals and grievance processes. In the last 3 years, the percentage of businesses giving employees consumer satisfaction results has dropped from 37 percent to 15 percent. So much for the quality aspect. Over half of employers offer employees an incentive to select plans with lower costs, but just 15 percent of plans offer financial inducements to their employees to purchase a higher quality plan.

Mr. Speaker, a recent Court of Appeals decision in the case Jones v. Kodak explains just how dangerous the "free market" is to patients. Mrs. Jones received health care through her employer Kodak. The plan denied her request for inpatient substance abuse treatment, finding she did not meet their protocols. The family took the case to an external reviewer, who agreed that Mrs. Jones did not meet the criteria for the benefits of the plan, but the reviewer observed, "the criteria are too rigid and they do not allow for individualization of case management." In other words, the criteria were not appropriate.

In denying Mrs. Jones' claims, the Tenth Circuit Court of Appeals held that the Employee Retirement Income Security Act, ERISA, does not require plans to state the criteria used to determine when a service is medically necessary. On top of that, the Court ruled that unpublished criteria are a matter of plan design and structure, rather than implementation. Therefore, they are not reviewable by the judiciary.

Mr. Speaker, think about this for a minute. The implications of this decision, I think, are breathtaking. Jones v. Kodak provides a road map to health plans to deny any type of care they want. Under Jones v. Kodak, health plans do not need to disclose to potential or even to current enrollees the specific criteria they use to determine whether a patient will get treatment. There is no requirement that a health plan use guidelines that are applicable or appropriate to a particular patient's case.

Most important to the plans, the decision ensures HMOs that if they are following their own criteria then they are shielded from court review.

Mr. Speaker, this is why I so vigorously opposed the bill that passed this House last year because there was a provision in that bill that basically said the health plan can determine any definition of medical necessity that it wants. Because of this law that Congress passed 25 years ago, ERISA, the Employee Retirement Income Security Act, the courts are holding that they can do that, they can totally disregard generally accepted prevailing standards of medical care. They can have their own secret protocols.

As a reconstructive surgeon I have taken care of a lot of children with cleft lips and palates. In their own internal plan they can say, well, yes, we will cover cleft lip surgery but we are not going to allow it until the kid is 16 years old.

There would be nothing under current law that could prevent them from doing that. It is totally contrary to generally accepted principles of medical care. If you were the parents, think about this. Here your baby is born with a great big hole in the middle of his face, his lip is separated that far, he has a hole in the roof of his mouth, he can't speak, but according to these court cases on the interpretation of ERISA those health plans can do anything they want to and they do not even need to share the information with the beneficiaries.

Mr. Speaker, I have introduced legislation, H.R. 719, the Managed Care Reform Act, and it addresses these problems. It gives patients meaningful protections. It creates a strong and independent review process. It removes the shield of ERISA which health plans have used to prevent State court negligence actions.

It has received a lot of support, Mr. Speaker. It has been endorsed by consumer groups like the Center for Patient Advocacy, the American Cancer Society, the National Association of Children's Hospitals, the National Multiple Sclerosis Society. It has also been supported by many health care provider groups such as the American Academy of Family Physicians whose members are on the frontlines. They are the gatekeepers. They have seen how faceless HMO bureaucrats thousands of miles away, bureaucrats who have never examined a patient, denied needed medical care because it does not fit their plan "criteria."

I want to focus on one small aspect of my bill as it relates to liability. It has been a firm principle of this Republican Congress that people should be responsible for their actions. In the individual insurance market, if Blue Cross Blue Shield sells a plan to an individual and Blue Cross Blue Shield makes a medical decision that results in negligence, then they are liable. That is current law. That is the way it is in the States.

According to this law that Congress passed 25 years ago, if that plan is a self-insured plan they skate free. They do not have that responsibility. That is wrong. Congress created that loophole and Congress needs to fix it.

On the other hand, I do not want to see these cases simply end up ex post facto in the courts. It does not do Jimmy Adams any good. He cannot get his hands and his feet back after the fact.

So what do we need? We need to have an internal and an external appeals process so that those disputes are resolved before someone ends up with the injury.

I believe there is a reasonable compromise that should be supported on this issue, and it works like this and it is in my bill: If there is a dispute on a denial of coverage between the patient and his health plan, then go through an internal appeals process. If there is still a dispute, then either the patient or the health plan can take that dispute to an independent peer panel for a binding decision on the health plan.

There is another difference from last year's GOP bill. One could go to that independent review panel but it was not binding on the plan, their decision. So in the end the HMO could end up doing what they want. That should be changed. It should be binding on the plan and there should not be a conflict, any conflict of interest, between that independent review panel. So the benefit to the patient of that is that they get to have a second opinion that is free of any taint of conflict of interest on the part of either the doctor or the health plan.

The benefit to the plan is this, and when I talked about this with the CEO of my own Blue Cross Blue Shield plan in Iowa, he said, Greg, we are implementing the patient bill of rights. It is costing us almost nothing. We will see no premium increases from that. On that issue of liability, if there is a dispute on a denial of care, I could see going to an independent panel for an external review and I could see that panel determining medical necessity, and I could see it being binding on us, but if an independent panel has made that decision and it is binding on us, and we did not make that decision, i.e., the health plan did not make the decision, then we should be free of punitive damages liability. That is what I put into the bill.

So there is a carrot to the patient to get that second opinion but there is also on a dispute an incentive for the health plan to take it to that independent panel.

Let us say that a patient asks for apricot juice in order to treat cancer and the health plan very appropriately says, no scientific evidence for that, but that patient is still unhappy. The plan knows that they have an unhappy camper. In this situation, if my bill were law, the health plan could take that to the independent panel. They would know that they are going to get confirmation to support their decision, but in so doing they would also protect themselves from any punitive damages liability. If they do not follow that independent panel's decision, then they are liable for punitive damages. I think that is the essence of the compromise that we should have on this bill.

In fact, this was recently written about in the Hartford Courant by an editorialist named John MacDonald, and I would insert his editorial in the CONGRESSIONAL RECORD at this point:

[From the Hartford Courant]

A COMMON-SENSE COMPROMISE ON HEALTH CARE

(By John MacDonald)

U.S. Rep. Greg Ganske is a common-sense lawmaker who believes patients should have more rights in dealing with their health plans. He has credibility because he is a doctor who has seen the runaround patients sometimes experience when they need care. And he's an Iowa Republican, not someone likely to throw in with Congress' liberal left wing.

For all those reasons, Ganske deserves to be heard when he says he has found a way to give patients more rights without exposing health plans to a flood of lawsuits that would drive up costs.

Ganske's proposal is included in a patients' bill of rights he has introduced in the House. Like several other bills awaiting action on Capitol Hill, Ganske's legislation would set up a review panel outside each health plan where patients could appeal if they were denied care. Patients could also take their appeals to court if they did not agree with the review panel.

But Ganske added a key provision designed to appeal to those concerned about an explosion of lawsuits. If a health plan followed the review panel's recommendation, it would be immune from punitive damage awards in disputes over a denial of care. The health plan also could appeal to the review panel if it thought a doctor was insisting on an untested or exotic treatment. Again, health plans that followed the review panel's decision would be shielded from punitive damage awards.

This seems like a reasonable compromise. Patients would have the protection of an independent third-party review and would maintain their right to go to court if that became necessary. Health plans that followed well-established standards of care—and they all insist they do—would be protected from cases such as the one that recently resulted in a $120.5 million verdict against an Aetna plan in California. Ganske, incidentally, calls that award, "outrageous."

What is also outrageous is the reaction of the Health Benefits Coalition, a group of business organizations and health insurers that is lobbying against patients' rights in Congress. No sooner had Ganske put out his thoughtful proposal than the coalition issued a press release with the headline: Ganske Managed Care Reform Act—A Kennedy-Dingell Clone?

The headline referred to Sen. Edward M. Kennedy, D-Mass., and Rep. John D. Dingell, D-Mich., authors of a much tougher patients' rights proposal that contains no punitive damage protection for health plans.

The press release said: "Ganske describes his new bill as an affordable, common sense approach to health care. In fact, it is neither. It increases health care costs at a time when families and businesses are facing the biggest hike in health care costs in seven years."

There is no support in the press release for the claim of higher costs. What's more, the charge is undercut by a press release from the Business Roundtable, a key coalition member, that reveals that the Congressional Budget Office has not estimated the cost of Ganske's proposal. The budget office is the independent reviewer in disputes over the impact of legislative proposals.

So what's going on? Take a look at the coalition's record. Earlier this year, it is said it was disappointed when Rep. Michael Bilirakis, R-Fla., introduced a modest patients' rights proposal. It said Sen. John H. Chafee, R-R.I., and several co-sponsors had introduced a "far left" proposal that contains many extreme measures. John Chafee, leftist? And, of course, it thinks the Kennedy-Dingell bill would be the end of health care as we know it.

The coalition is right to be concerned about costs. But the persistent No-No-No chorus coming from the group indicates it wants to pretend there is no problem when doctor-legislators and others know better.

This week, Ganske received an endorsement for his bill from the 88,000 member American Academy of Family Physicians. "These are the doctors who have the most contact with managed care," Ganske said. "They know intimately what needs to be done and what should not be done in legislation."

Coalition members ought to take a second look. Ganske's proposal may be the best deal they see in a long time.

I want to address a couple of issues before finishing. The first is the opponents to this legislation say this is going to be too costly, this legislation would cause premiums to just go up, skyrocket and then people would lose their insurance. That is not true.

Mr. Speaker, my bill will come in at a CBO estimate less than last year's patient bill of rights because I have removed some of the bureaucratic reporting requirements and also because of the punitive damages provision that I have in.

Even last year's patient bill of rights was scored by the Congressional Budget Office, as an estimate, for an increase of premiums of 4 percent over 10 years. That is significantly different from the advertising campaign that we are seeing around the country now where the HMO industry is saying 4 percent per year. Wrong.

Furthermore, Texas passed a bill, a strong patient bill of rights, that included a stronger liability law than in my bill.

The Scott and White Health Plan asked their actuaries how much should we increase our premiums because of that liability provision? The answer, 34 cents per member per month.

I would estimate that my bill will come in at a cost increase of somewhere around $3 per month for a family of four. That is about $36 a year for a family of four.

A survey of small business employers conducted by The Kaiser Family Foundation ("National Survey of Small Business Executives on Health Care") reported that 94 percent of those employers would continue to cover their employees with health insurance even if premiums increased by double that amount. We are talking about a small cost in order for people to be secure in knowing that the large amount of money that they are spending on their health care premiums, when they get sick, will actually mean something.

Mr. Speaker, we have talked about liability. We have talked about cost. Finally I want to say one thing about what my bill does not do. Recently I had a large employer from the upper Midwest come into my office and say we have businesses in every State. If your bill passes, then we would not be able to design a uniform medical benefits package for all of our companies' employees.

I was flabbergasted, Mr. Speaker. That is not what my bill does. ERISA will continue. I only change ERISA in terms of when a health plan makes a medical decision, in terms of their liability, but there is nothing in my bill that would say a multistate business would have to follow the State mandates of every State that it was in.

□ 2200

They could continue, let me repeat, they could continue to design a uniform benefits package, and they would continue to be exempted from individual State benefit mandates.

Now, there are some who are looking at this legislation now and they want to add some untested and untried, and, in my opinion, some dangerous ideas to this legislation to try to kill the legislation. Some of these ideas are things like health marts. Health marts are sort of geographic association health plans. They are very similar to what Hillary proposed, Mrs. Clinton proposed in 1993, called HIPCS, Health Insurance Purchasing Coops. That was not an idea that I thought was appropriate at that time, and I do not think it is appropriate now, and I will tell my colleagues why.

Let me read from a letter to Congress from June 1997 by the American Academy of Actuaries. "While the intent of the bill," and they are referring to the Republican bill, "is to promote association health plans or health marts as a mechanism for improving small employers' access to affordable health care, it may succeed in doing so for employees with certain favorable risk characteristics. Furthermore, this bill contains features which may actually lead to higher insurance costs."

The Academy went on to explain how those plans could undermine State insurance reforms. Quote: "The resulting segmentation" that would result from ideas such as an association health plan or a health mart, "The resulting segmentation of the small employer group into higher and lower cost groups would be exactly the type of segmentation that many State reforms have been designed to avoid. In this way, exempting them from State mandates would defeat the public policy purposes intended by State legislatures."

Those concerns have been echoed by the National Governors Association, the National Conference on State Legislatures, the National Association of Insurance Commissioners. They argue that AHPs, and I might add health marts, quote, "substitute critical State oversight with inadequate Federal standards to protect consumers and to prevent health plan fraud and abuse," unquote.

Mr. Speaker, on behalf of patients like Jimmy Adams who lost his hands and feet because an HMO would not let his parents take him to the nearest emergency room, I am going to continue to fight efforts to derail managed care reform by adding those sorts of untested and potentially harmful provisions to a clean managed care reform bill. I pledge to do whatever it takes to ensure that opponents of reform are not allowed to mingle those issues.

Do I think that we could do something on the tax side to help improve access to care? You betcha. We could make available tomorrow 100 percent deductibility for individuals to purchase their own health insurance, and we should. But, Mr. Speaker, adding these other issues into this mix, in my opinion, is a poison pill.

Now, recently I and the gentleman from Oklahoma, (Mr. COBURN) and the gentleman from Georgia (Mr. NORWOOD) have given to the chairman of my committee a draft, a consensus draft on patient protection legislation, and the American Medical Association has written me a letter that contains high praise for that draft. Mr. Speaker, I submit at this time full text of that letter:

AMERICAN MEDICAL ASSOCIATION,
Chicago, IL, May 12, 1999.

Hon. GREG GANSKE,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE GANSKE: On behalf of the 300,000 physician and student members of the American Medical Association (AMA), I would like to thank you for your efforts in drafting a compromise patient protection package for the Commerce Committee. The draft proposal, developed by Representatives Tom Coburn, MD (OK) and Charles Norwood, DDS (GA), and you, is a significant milestone in the advancement of real patient protections through the Congress. We look forward to working with you to perfect the draft bill through the committee process and to pass a comprehensive, bipartisan patient protection bill this year.

It is imperative that a patient protection bill be reported out of committee and be considered on the floor prior to the July 4th recess. The AMA stands ready to help further advance these important patient protections through the committee process, the House floor and final passage.

The AMA applauds the inclusion of "medical necessity" language that is fair to patients, plans and physicians alike. We are particularly pleased with the non-binding list of medical necessity considerations that you have incorporated into the draft bill.

The AMA is pleased with the incorporation of the "state flexibility" provisions that allow patient protections passed by various states to remain in force. Allowing preexisting patient protection laws to remain in force is critical to the success of federal patient protection legislation such as the draft bill.

The draft bill also offers patients a real choice by incorporating a "point of service" option provision. The AMA supports this important patient protection because it puts the full power of the free market to work to protect consumers.

We applaud your inclusion of a comprehensive disclosure provision that allows consumers to make educated decisions as they comparison shop for health care coverage. The AMA also notes with great appreciation the many improvements that the draft bill makes over last year's Patient Protection Act.

The draft bill expands consumer protections with a perfected "emergency services" provision. By eliminating the cost differential between network and out-of-network emergency rooms, the draft bill offers expanded protection for patients who are at their most vulnerable moments.

We support the strides the draft bill takes in protecting consumers with a comprehensive ban on gag practices. This is an important consumer protection that the AMA has been seeking for more than six years.

We commend the improvements incorporated in the "appeals process" provisions of the draft bill. The bill represents a major step toward guaranteeing consumers the right to a truly independent, binding and fair review of health care decisions made by their HMO.

The April 22nd draft copy of the bill makes a strong beginning for the Commerce Committee and the 106th Congress on the issue of patient protection and reaffirms the leadership role that you have assumed in the process. While you have raised some concerns about the process, the AMA stands ready to assist in completion of this legislative task. The AMA wishes to thank you for your efforts and work with you and the minority to pass a comprehensive, bipartisan patient protection bill this year. We look forward to working with you toward this goal.

Respectfully,

E. RATCLIFFE ANDERSON, JR., MD.

Mr. GANSKE. I sincerely hope, Mr. Speaker, that the chairmen of these committees of jurisdiction will not substantively change that draft and that they will keep it clean. We need to move this issue in a reasonable time frame. A strong patient protection bill should be debated under a fair rule on the floor soon; not in the fall, but in the next few months. There are an awful lot of people, our constituents out there, who today are being harmed by managed care decisions.

Mr. Speaker, we need to fix this now, and I look forward to working with all of my colleagues to see that real HMO reform is signed into law this Congress.

HEALTH CARE REFORM AND NATIONAL DRUG CONTROL STRATEGY AND POLICY

The SPEAKER pro tempore (Mr. SHIMKUS). Under the Speaker's announced policy of January 6, 1999, the gentleman from Florida (Mr. MICA) is recognized for the remainder of the Majority Leader's hour of approximately 23 minutes.

Mr. MICA. Mr. Speaker, I first want to comment and compliment my colleague, the gentleman from Florida (Mr. GANSKE) on his Special Order and on his proposal to deal with some of the problems we have seen relating to HMOs and health care. I do want to comment, before I get into my Special Order on the topic of illegal narcotics, about what the previous speaker has been discussing, and he did bring up towards the end some of the proposals relating to the Patients' Bill of Rights.

I would like to pass on to the Speaker and my colleagues this information: In the previous Congress I had the opportunity, actually for 4 years, to chair the House Subcommittee on Civil Service. In that capacity I oversaw the largest health care plan in the country, which is made up of almost 2 million Federal employees and 2.2 million Federal retirees and some 4 million to 5 million additional dependents; about 9 million people participating in the Federal Employees Health Benefit Program. Part of my responsibilities of chair of that subcommittee was to look at that program, and I remember several years ago when President Clinton proposed a Patients' Bill of Rights to the Congress to be passed to resolve, he said, the issues and problems we have with HMOs, and it was going to be his saving grace for these programs.

Well, we conducted a hearing, and I will never forget that hearing. We had the administration officials in, OPM officials in, and we asked about the President's proposed Patients' Bill of Rights. To a single individual who testified, every single individual who testified said that there was no medical benefit for the proposals under the President's Patients' Bill of Rights, but there was more reporting, more mandates, more requirements, and they possibly predicted more costs. That was several years ago when he proposed that to our subcommittee, the Subcommittee on Civil Service.

Now, he could not pass his so-called Patients' Bill of Rights, and it sounds great, through the Congress. So what he did, and a lot of people did not pay attention to it but we did on the Civil Service Subcommittee, he submitted another one of his fiats. By Executive Order he imposed his Patients' Bill of Rights where he could, and that is on our Federal employees' HMO plans.

Well, lo and behold, before I left that chairmanship, I conducted another hearing just at the end of last fall, and one of the purposes of that hearing was to see what had happened with the imposition of the President's Patients' Bill of Rights on the Federal employees' health care plan. Well, my goodness. We experienced over a 10 percent, on average, increase in premiums, not entirely all due to the President's Patients' Bill of Rights; prescription drugs, I must say, were part of that, but there were very substantial costs that were passed on, and they contributed to almost a record increase in employee health costs. While the rest of the industry was experiencing a 2.6 to 3 percent increase, our Federal employees, Members of Congress too, were getting a 10 percent-plus, on average, increase in their premiums.

One of the things that has made our Federal Employees' Health Benefits Program so good is we have had over 350 different vendors providing a package. We sat and developed a package of benefits, and then folks bid on it, different companies, and they participated and there was good competition. Lo and behold, at our hearing, again, we got a surprise. Instead of 350 participating, competing plans, we had about 60-plus drop out. So we had increased premiums and we had lower competition.

I just raise that tonight as a good example of a bad proposal by the President as far as his so-called, and it sounds great, Patients' Bill of Rights. That did not even include, his provision by Executive Order did not include the most oppressive part of his plan, which was allowing expansion of lawsuits, an additional cost through litigation and no medical benefits. So if we had adopted the whole plan, there is no telling how high the premiums would have escalated and how many more in free competition would have been forced out.

Mr. GANSKE. Mr. Speaker, will the gentleman yield?

Mr. MICA. I yield to the gentleman from Iowa for just a moment, and I thank the gentleman for yielding time to me.

Mr. GANSKE. Mr. Speaker, I would point out that premiums are increasing by HMOs this year. If my colleagues read the articles in the Wall Street Journal, it is not because Congress passed HMO patient protection legislation, because we did not. We did not pass it last year.

The reason why we have seen an increase in premiums is because the HMOs have mismanaged their risks, and their investors are now saying to them, you have to increase your premiums because we want profits from those HMOs. All of the medical and health experts that I know in this country attribute the increase in premiums by HMOs this year to their own management failures, and do not attribute this to patient protection legislation, which has yet to pass.

Mr. MICA. Mr. Speaker, again, that has failed to pass the Congress. I cite only, and I repeat for the gentleman, our experience with the Federal Employees' Health Benefit Program where the President imposed his own Patients' Bill of Rights by Executive Order and we did see substantial costs directly related to the program. I point that out because we do not want to make the same mistakes he has made by fiat, by legislation.

Of course, that is not the only problem that we have with HMOs and we do need to address some of the mismanagement, some of the lack of access, some of the other problems that we have with it. Again, I cite it as an experience that we conducted hearings on and have very definite facts relating to in our Subcommittee on Civil Service.

Mr. Speaker, my other reason for coming forward tonight is again to speak on the question of our national drug control strategy and policy. Tonight, I am very concerned that in a pattern of repeated mistakes by this administration and failure to properly manage our international narcotics control efforts, we face another disaster. We have had a series of repeated foreign policy disasters, and if I may just run through them, and again, I do not mean to do this in a partisan manner, but this is factual and we have had a history of just disastrous foreign policy decisions by this administration. I will close tonight by citing the most recent.

First, of course, when I came here, President Bush had instituted a policy in Somalia of trying to provide human relief, humanitarian relief in that country that had civil conflict. It is unfortunate that this administration from the very beginning turned that humanitarian relief into a nation-building effort which turned into a foreign policy disaster with several dozen Americans slaughtered needlessly. And what is really sad, if we look at the situation in Somalia just a few weeks ago, we have had the same conflict and civil war going on, over 50 killed, and a skirmish just recently, and again disorganization and civil war in that area. It may be a lesson we should learn about. They too had atrocities committed on both sides.

The next experience I had in this Congress was with Haiti, and Haiti certainly has to be a glowing example of bad foreign policy. Repeatedly I took to the well of the floor and spoke against the imposition of sanctions against Haiti, which is the poorest country in the Western Hemisphere, and those sanctions in fact destroyed the few jobs, maybe 50,000, 60,000 jobs, many related to United States industry, that actually fed over a million population.

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We spent over $3 billion on that fiasco. We have traded one corrupt government for another. There is complete disorganization in that country. What is absolutely startling is that now that country which we have done so much for is becoming one of the major Caribbean routes for trafficking in illegal narcotics. So a failed policy, an expensive lesson, and now just kicking dirt in our face by being a partner in illegal narcotics trafficking.

Bosnia is another example. I served in this Congress over 3 years ago when our president said we would be there for a matter of months and be out. We are now into 3-plus years. This excursion and incursion has cost us dearly, billions upon billions, probably $10 billion plus. We still have over 6,000 troops there, 20,000 support troops.

What is absolutely astounding is that now Bosnia has turned into, probably after South America, the second largest conduit and transit source of illegal narcotics coming up through Afghanistan, some through Pakistan, through Turkey, and then through the Balkans in a wide open fashion.

So here we have spent an incredible amount of money going in, after a quarter of a million people were slaughtered in a civil war, and actually we went in much too late. We kept sides from properly defending themselves. We ended up with a series of graveyards across the Bosnia landscape that should be a reminder to everyone of this administration's failed policies. Not until after those graveyards were planted with the Bosnian souls in Croatia and other areas there did we ever take any action. Now we see, even with the forces that we have there, that the situation relating to illegal narcotics trafficking is disastrous.

Rwanda is another example. Again I took to the floor many times trying to get this administration off center. Almost 1 million human beings were slaughtered in Rwanda. This administration not only had a failed policy, they had a counterproductive policy, a policy that actually, I think, brought on one of the true genocides of our time where almost 1 million people were slaughtered.

This administration blocked in the United Nations a panAfrican, all African force, when we knew there was going to be trouble there. They actually blocked this force from going in and stopping the slaughter in advance of 1 million souls losing their lives most tragically.

Then, of course, we come to Kosovo, the latest in a series of unbelievable missteps in foreign policy. This administration, this Congress, was advised that it was not the time. We were not prepared to go in. The worst time you go into the Balkan regions and into Kosovo would be when we did, when we have overcast February and March skies in that area, and it is clouded in.

When you are doing an air campaign, and a surveillance campaign to make an air campaign successful, we could not have picked a worse time, taking us 4 weeks to get helicopters there, helicopters still not secured, properly trained. They knew we were short, and yet they went in; another disaster.

Tonight, finally, one of the crowning disasters of this administration, I received just a few hours ago a report from my subcommittee staff. I now chair the Subcommittee on Criminal Justice, Drug Policy, and Human Resources of the Committee on Government Reform.

I have been involved, since taking that responsibility in January, in trying to get our drug policy together. More heroin and cocaine is coming from South America than any other source in the world by far, just an incredible amount.

The place that we have had as far as protection and surveillance of those activities has been Howard Air Force base in Panama. We have known since Jimmy Carter's administration that this year we would be forced to give up the canal. What we did not know is what assets we would lose in 1999. This administration has been negotiating the change in United States assets, what assets would go to Panamanians, for over 3 years.

When I took over the subcommittee responsibility in January, we started, of course, examining what would happen in Panama, because all of our international South American, Central American, and Caribbean operations were housed and located and took off from Howard Air Force Base.

So we went down there the first couple of months and examined what was going to happen. We were told by this administration that they were negotiating other locations. They did not believe the negotiations were going to succeed. We got advance warning of that, and we tried to do everything we could to encourage the administration, DOD, Department of State, to move forward or cut a deal.

As it turned out, they failed in their negotiations. They failed in developing a treaty. We were kicked out May 1. We have known for some weeks now that negotiations by this administration did fail.

We were told in hearings that we conducted, not only on our visit but on hearings we conducted, and we conducted a House subcommittee hearing on May 4, that things were in place and in order; that we would move at a cost to the taxpayers of $73 million, plus another $45 million that was presented to the committee, to Aruba, Curacao, and to Ecuador.

These were the charts that were presented. The coverage with potential new forward operating locations, one in Ecuador and the other in the Curacao area, this is what we were told would be the coverage. It would give us very good coverage. This was May 4. When they came in, it was supposed to be in place. These were estimates we were given.

These charts are by our SOUTHCOM. They told us that we would have, in the beginning of May 1999 estimate, a 50 percent coverage, and within our agency augments, May 1, 1999, 70 percent coverage May 1. With Curacao, Ecuador, forward operating locations we would go up to 80 percent. Then later on we would go even better if they could get Costa Rica.

Unfortunately, the coverage I have been told as of today is absolutely zero, absolutely zip. Let me read this report very briefly. Mr. Speaker, in closing, let me read what we have learned again this afternoon.

Representatives of SOUTHCOM, our southern command, conceded to me that our worst fears have been realized. After the United States closed down Howard Air Force Base on May 1, since May 1 there have been zero, absolutely zero counterdrug flights out of any one of the other three forward operating locations that were proposed in which the United States was to have memoranda of understanding.

Despite both State Department and DOD indicating in our May 4 hearing that the transition in counterdrug overflights would be smooth and flights would just be modestly scaled back, the specific forward operating location facts are these: In Ecuador there have been, again, zero since May 1; since we got kicked out of Panama, zero counterdrug flights for the entire month of May, including the day of our hearing, May 4. We asked how many took off that day. They could not answer. I could answer today because we have had our investigators check.

In Aruba, while we have two small custom Citation planes on the ground, I am told this afternoon, as well as one P-3 and one P-3 dome which arrived on May 12, there have been zero counterdrug flights by any of these planes out of Aruba from May 12 through May 17.

In Curacao, while there is one F-17 dedicated to counterdrug flights, there have been zero counterdrug flights out of this location.

In short, poor planning by the Department of State, Defense, and the inability to compensate for the loss of Howard Air Force Base, basically being kicked out of Panama, has already cost us dearly coverage, as follows.

First, we have endangered the intelligence-gathering power of our South American allies in this war, and in particular, we basically are closing down our Peru shootdown policy, because we provide them with information that allows them that strategy and that action.

This administration will bear the blame, since they have shown a 45 percent reduction in coca cultivation over the past 2 years based on intelligence-gathering. In other words, Peru is one of our success stories. Through this information that is shared, a shootdown policy and surveillance, they have eliminated 45 percent of the cocaine production. This program basically is out of order because of our inaction and maladministration.

We have also eliminated intelligence monitoring and detection of drug trafficking flights out of South America since May 1. This is an incredible scandal. This is really one of the worst days and one of the worst missteps of this administration, and probably one of the worst events to ever take place in our effort to put back together the war on drugs that we started in the eighties that was dismantled in 1993 by this administration, by the Democrat House, Senate, and White House, which they did an incredible amount of damage from 1993 to 1995, which we have tried to restore in the last 2 years.

All this action sends a go signal to drug traffickers. Every one of our forward operating locations are down and out. This, again, I believe is an incredible scandal. It is with great regret that I announce this to the House tonight, and to the American people.

What makes this even worse is the information I was provided with, again within the last few hours, that our Southern Command could make no prediction about when these assets will come on line with counterdrug flights in the future.

We have to remember that last year over 15,000 flights took off from Panama and conducted all of this counternarcotics activity. There is nothing more cost-effective than stopping drugs at their source, eradicating them at their source, or stopping them and interdicting them as they come from the source. It is much more difficult when they get into our streets, into our communities, and into our schools.

So again, this unfortunately is a disastrous occurrence. I intend to hold the Department of State, the Department of Defense to account. We will conduct hearings and somehow we will restart this effort with the funds that we have restored to put this program back together that have been appropriated. We must have the cooperation of this administration in bringing back these flights and restoring a real war on drugs.

COMPETITION

The SPEAKER pro tempore (Mr. SHIMKUS). Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. McDERMOTT. Mr. Speaker, today I want to talk about competition. In this Chamber the word "competition" is often used in the context of the phrase "making government run more like a business." Together these two words are used repeatedly and loosely because they sound good. But the fact is that no one who uses these phrases really ever knows what it actually means.

"Competition" and the term "making government work more like a private industry" is not only the mantra for some politicians, it also comes from the mouths of representatives of private industry that usually want something.

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For example, earlier this year, the National Commission on the Future of Medicare, on which I sat, failed to recommend a proposal to strengthen the long-term solvency of the Medicare program.

However, some members of the Commission advocated a radical proposal called, quote, premium support, which is really just a euphemism for a voucher program; that is, its proponents say it would bring competition to the Medicare program so that it could run like a business. Many observers from the health care industry agree. They, too, say they want to bring competition to Medicare so that it will run more like a business.

The irony of all this, of course, is that Congress has already passed laws that establish demonstration projects for both traditional Medicare and Medicare plus choice; that is, those plans that have managed care in them that would inject some competition into the Medicare bidding process.

The Health Care Financing Administration, we call it HCFA around here, the agency that runs Medicare dutifully, is attempting to implement these demonstration projects because it will help Congress understand what competition in Medicare really means. So when it comes time to be serious about Medicare reform, we will know what works and what does not work.

Unfortunately, none of these demonstration projects have been fully implemented due to both legal and political challenges. What is appalling to me is that the same people who say they want to bring the magic word "competition" to Medicare are the same people who are desperately trying to kill any attempt to determine what Medicare competition really means.

Last Friday, Laurie McGinley of the Wall Street Journal wrote an article, an excellent article, detailing how the industry working with Federal law matters is seeking to prevent Medicare competition in Phoenix, Arizona. She also notes that similar demonstration projects were stopped by the health care industry in Denver and Baltimore, most likely with help from Members in Congress, before HCFA got close to getting started.

In addition to the attempts by the industry to prevent Medicare competition reported by the Wall Street Journal, just yesterday the Kansas City Business Journal reported that industry representatives in Kansas City also are seeking to derail Medicare competition because they fear it will disrupt the ability of Medicare beneficiaries to receive care.

So why is the health care industry afraid of Medicare competition? The answer: because it will cost them money. For years now, HMOs in most areas have been living off overpayments from the Federal Government. It has been estimated by HCFA that they overpay private health plans by 6 percent a year, an overpayment of roughly $2 billion to $3 billion in subsidies to the HMO industry.

Earlier this year, in fact, the industry successfully lobbied the administration to delay the implementation of risk adjustment. Now, if an HMO takes a patient and they do not cost them very much, they get a benefit because they got a lot of money, but they did not have to pay anything. If they get a sick patient, then they have to put out a lot of money or they just get a little bit and they spend a lot more.

So the industry said we want to have risk adjustment. If we take sick patients, we should get more money. If we take healthier patients, we should get less money. But when the Congress passed the law and said we want to do this and HCFA began to try and implement it, the industry successfully lobbied the administration to delay the implementation of risk adjustment, the variation of reimbursements to reflect the amount of care given that was mandated by the Congress in 1997. They did not want the very thing they asked for.

This delay will cost the taxpayers $5 billion over the next 5 years, and some in Congress want to delay risk adjustment altogether, a giveaway to the health care industry of over $11 billion.

So the moral of this story without morals is that "competition," unless it's done in a way the industry wants it to be done; where it protects their overpayments and protects their ability to "cherry pick" healthy beneficiaries and leave the sick to be treated by the government, would mean plans get less, not more, money.

So, that is the irony. On the one hand, industry and politicians say they want to bring "competition" to Medicare so that it can "run more like private industry."

On the other hand, the same industry and those same politicians are fighting tooth and nail to derail any attempt to ensure that plans get paid for the care they actually provide.

Either you want competition and you want Medicare to run more like a business or you don't.

But, what is simply dishonest, disingenuous, an disconcerting, is the hypocrisy of the for-profit HMO industry and their protectors in Congress to continue to speak from both sides of their mouths.

Let's give HCFA a chance to do their job. Let's see what Medicare "competition" really means. Until then, I would caution members to think twice before they rant about bringing so-called "competition" to Medicare.

Mr. Speaker, I think everybody ought to think about competition.

Mr. Speaker, I include for the RECORD the two articles which I recommended my colleagues to read, as follows:

[From the Kansas City Business Journal, May 17, 1999]

BUSINESS GROUP SUSPENDS LOCAL MEDICARE COVERAGE PROJECT

(By Bonar Menninger)

A local group charged with overseeing a controversial Medicare pilot program voted unanimously this week to seek an indefinite suspension in the project's timetable until safeguards are established to limit widespread disruptions in Medicare HMO services for approximately 50,000 area residents.

The vote represents a significant setback for the Health Care Financing Administration, which is relying on the Area Advisory Committee for assistance in implementing the project, called the Competitive Pricing Demonstration Project, by Jan. 1, 2000.

Although work on the project's components will continue, it remains unclear whether the fast-track deadline will be met. Wednesday's vote was prompted by mounting concerns among committee members about the program's potential impact on beneficiaries.

On a separate front, the head of the American Association of Health Plans was in Kansas City this week to warn that the local Medicare HMO market—already weakened by federal budget cuts—could deteriorate rapidly if the pilot project goes forward.

Kansas City and Phoenix are test sites for an experimental process that will, for the first time, use a competitive bidding mechanism to set the HMO reimbursement rate.

HCFA, overseer of the Medicare program, contends the approach will increase health care options for beneficiaries while reducing federal expenditures.

But committee members apparently are increasingly skeptical that the former goal can be achieved through the proposed benefits package developed for the demonstration project within the constraints of HCFA's specifications.

"With the proposed benefit package, beneficiaries are going to see less benefits and higher costs than virtually every plan in the market right now," said Kathleen Sebelius, Kansas Insurance Commissioner and member of the AAC. "That's 100 percent negative disruption, and I'm not very comfortable with that. I think we're making a step back, not forward."

Following a recommendation by committee member Dick Brown, president and chief executive officer of Health Midwest, the AAC voted to recommend that HCFA suspend the implementation timetable until it can be determined at what level disruptions caused by the project will become untenable for enrollees.

That process will be undertaken by the AAC, HCFA and Competitive Pricing Committee, the HCFA advisory body that developed the Kansas City and Phoenix projects.

Separately, Karen Ignagni, president and chief executive officer of the Washington-based American Association of Health Plans, said this week that the experiment likely will exacerbate financial pressures many area Medicare HMOs already face as the result of payment cuts triggered by the Balanced Budget Act of 1997.

Ultimately, Ignagni said, this reimbursement squeeze could lead to disruptions in retiree benefit plans, higher costs and fewer benefits for enrollees, and a retreat from the Medicare marketplace by managed care firms. Ignagni was in Kansas City as part of a multicity tour aimed at drawing attention to the growing problems in the Medicare HMO marketplace nationwide.

"There is a fundamental design flaw in (the Kansas City demonstration project), and I think it ought to be fixed before we roll it out in any community," Ignagni said. "People need to think very carefully about what the inadvertent consequences of this policy will be."

Ignagni said the demonstration projects in both Kansas City and Phoenix, along with the ratcheting-down of Medicare HMO reimbursement rates nationwide, inadvertently will undermine the one portion of the Medicare program that has produced the greatest savings and benefit enhancements in recent years.

At the same time, she said, no significant efforts are being made to rein in the traditional fee-for-service side of Medicare, which accounts for approximately 87 percent of enrollees nationwide and the vast proportion of Medicare's $220 billion annual budget.

"We don't mind competition, but we want a level playing field," Ignagni said. "If you want cost reductions and you want to test competitive bidding, then fee-for-service should be part of it."

The Balanced Budget Act does mandate some reductions in Medicare fee-for-service reimbursements, but the cuts on the managed care side are considerably deeper, Ignagni said.

The resulting disparity between the amount paid for HMO service and the amount paid for fee-for-service will widen to $1,200 per person in Kansas City by 2004, according to statistics compiled by the American Association of Health Plans.

"At that rate, it becomes extremely difficult to retain the best doctors, to retain the best hospitals and to remain competitive," Ignagni said. "And the beneficiaries will be the losers."

Nationwide, more than 100 managed care firms have downsized, adjusted or withdrawn their Medicare HMOs from the market in response to the first wave of reimbursement reductions triggered by the Balanced Budget Act, Ignagni said. Approximately 450,000 beneficiaries have been affected.

[From the Wall Street Journal]

MEDICARE TESTS OF COMPETITIVE BIDDING RILE HMOS FEARING A DROP IN PAYMENTS

(By Laurie McGinley)

The health-care industry loves to say Medicare should act more like a business. But now that the program is trying to adopt private-sector strategies, many in the industry are squawking.

Consider Medicare's efforts to try out alternative payment schemes for health-maintenance organizations. Currently, HMOs are paid according to a complicated formula set by Congress. But the 1997 Balanced Budget Act directed Medicare to experiment with competitive bidding to see if it would be a cheaper, more efficient way of reimbursing HMOs for caring for the elderly.

As a first step, federal advisers to Medicare selected Phoenix and Kansas City as sites for pilot projects for competitive bidding. Under the plan, Medicare HMOs must submit bids indicating how much they would accept from the government for each patient. Even though the effort has barely started, one result is in: The HMOs are unhappy.

In Phoenix, where 40% of seniors are enrolled in HMOs, health plans and local officials have been demanding the project be delayed at lest a year or killed outright. In Kansas City, where HMOs have a smaller chunk of the seniors' market, health plans have been unenthusiastic but less vocal. At a meeting in Detroit yesterday, federal advisers to Medicare rejected the Phoenix requests, but agreed to allow a delay of as long as three months, until next April, for implementing the pilot projects in the two cities.

In opposing the projects, the Phoenix health plans argue that the market already is highly competitive because senior citizens have a number of HMOs to choose from, all offering generous benefits. The competitive bidding process, they claim, would drive down their federal payments, forcing them to charge seniors premiums or reduce benefits. "We think our customers are being penalized and told, 'We will use you as an experiment in an effort to figure out how to continue to cut Medicare,'" says Gay Ann Williams, executive director of the Arizona Association of Health Plans.

A similar flap involves medical equipment. Currently, Medicare sets prices for a wide range of durable medical equipment, including wheelchairs and hospital beds. To simplify the byzantine system and save money, the program launched a competitive-bidding demonstration project in Polk County, Fla. Supplies are to be selected on price and quality.

But the Florida Association of Medical Equipment Services, an Orlando group that represents equipment suppliers, says the bidding process inevitably will reduce prices and hurt small suppliers. The group sued to block the effort but was recently rebuffed by a federal judge.

The Health Care Financing Administration, which runs Medicare, has long been urged by the health-care establishment, as well as Congress and health analysts, to become a savvier buyer. But the industry opposition to competitive bidding shows how hard it is to make fundamental changes in the federal health program for 39 million elderly and disabled. The Medicare system is due to run out of money by 2015, and both Congress and the Clinton administration are weighing alternatives to overhaul the program.

The bottom line, says Ira Loss, senior vice president at Washington Analysis, an equities-research firm, is that Medicare providers are "interested in the free market only if it means the government is getting away from bothering them. But when it comes to the government actually forcing them to compete for business, they are unhappy about it."

HMO officials vehemently dispute that. Karen Ignagni, president of the American Association of Health Plans, which represents HMOs, says the government's bidding procedure is flawed—"a jury-rigged proposal masquerading as free-market competition." She says the bidding process isn't fair, because it doesn't include Medicare's traditional fee-for-service program, so the HMOs would bear the brunt of any payment reductions.

No matter what the fate of the pilot projects, HMO officials are determined to prevent competitive bidding from being used on a national scale. The industry says any reduction in payments to health plans will roil the HMO market, which already is grappling with reductions in federal reimbursements. Some believe the competitive bidding could cause more HMOs to drop out of Medicare. Instead, HMOs want Medicare to stop spending more on patients in the traditional fee-for-service program than on those in HMOs. Such a move, though, would force people in the traditional program to pay more for their care, Medicare officials say.

The contretemps is occurring even as there is widespread agreement that Medicare's reimbursement system is cumbersome. Some government studies, moreover, have suggested Medicare has overpaid HMOs and medical-equipment suppliers. "Who benefits from competitive bidding?" asks Robert Reischauer, a senior fellow with the Brookings Institution and a member of the advisory board on competitive bidding. "The taxpayer. But the taxpayer doesn't always have a voice in this."

In Phoenix where 158,000 senior citizens are enrolled in HMOs, the health plans have enlisted an array of allies, including the Chamber of Commerce, doctors and beneficiaries. They all believe the current system works fine: HMOs offer generous benefit packages that include prescription-drug coverage—and no supplemental premium.

In a recent letter to HCFA Administrator Nancy-Ann DeParle, the entire Arizona congressional delegation warned that competitive bidding "would only disrupt a market in which competition is already vigorous, costs are low and participation is high." The lawmakers have signaled they may block the project by legislation.

Such resistance irks those who believe Medicare badly needs to experiment with new cost-containment tools, including increased competition among health plans. Given the debate over Medicare, "this is the kind of demonstration that is directly relevant and should be conducted to give Congress information about what way the program should go," says Robert Berenson, a top HCFA official.

In 1996 and 1997, the HCFA was forced to abandon HMO bidding projects in Baltimore and Denver because of industry opposition.

Here's how competitive bidding would work: No matter what they bid, all HMOs would be permitted to take part in Medicare, as they generally are now. The government would then calculate a median of all the submitted bids and pay every HMO that amount. The health plans are worried that such a system would further reduce their reimbursements, forcing them to either charge a premium or reduce benefits, making them less competitive. HCFA officials say that benefits won't decline but acknowledge some patients may have to pay premiums for services they now get for free.

SCHOOL VIOLENCE AND GUN CONTROL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentlewoman from New York (Mrs. McCarthy) is recognized for 60 minutes as the designee of the minority leader.

Mrs. McCARTHY of New York. Mr. Speaker, I yield to the gentlewoman from Texas (Ms. Jackson-Lee).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman from New York for her leadership, and I am particularly delighted to join her this evening for a brief comment on a topic that we all have been confronting and as well to acknowledge the desire to continue to work with her and the women of this Congress along with our colleagues on something that has really touched the hearts and minds of most Americans. We say and we call it Littleton. Littleton, Colorado.

We first offer again, as we have done over the past couple of weeks, our deepest sympathy to that community. We are so appreciative of their resolve and their commitment to healing that community. But as well, we realize that, as Members of the United States Congress, as the highest legislative body of this Nation, we also know that they are asking us for answers and solutions.

So I join this evening to particularly support legislation dealing with gun safety. The gentlewoman from New York (Mrs. McCarthy) has been very much a viable part of, over the years that she has been in Congress, and she likes to say she has been here only a short while, focusing on the need for gun safety.

So many of us have a role in this arena. I have taken the position that this is not a time to point fingers in opposite directions. Whose fault is it that two young men whose homes we believe were steady, who attended church, some were Members of the Boy Scouts, we understand were known members of their high school community, although we understand that they were in a group that may have been a little out of the ordinary, maybe a group in order to belong, but still we understand as well they were good students.

Yet, now we have 15 young people dead, some 40 that were injured, a valued and beloved teacher that was so admired lost his live, and the question is why.

I believe that there can be no more important agenda than moving forward on some of the legislative initiatives that have already been promoted. So I am supporting the proposed initiative by the President who has adopted much of the legislative initiatives of the gentlewoman from New York (Mrs. McCarthy) as it relates to what I would like to call this evening gun safety, the common sense approach to answering the concerns of our children.

Why are they the concerns of our children? Because I have heard them say it. Just last Friday in my district, I had a forum on the issue of school violence, "how do we help our children." I was joined by Secretary of Education Richard Riley.

We participated at Scarborough High School with an auditorium full of young people. I tell my colleagues they asked us pointed questions: Why can we not be safe? Why can we not have gun safety? Why do young people talk about each other? Why is there not someone in our schools, although we have good relationships with our teachers, why do guidance counselors have overloaded dockets and desks with issues dealing with paperwork and career counseling and we do not have people in place that can deal with our psychological and sociological needs? Why can we not have more peer-to-peer counseling and mentoring?

They ask these hard questions, and I believe we have to give them solutions. Why are there so many guns, 260 million guns here in America, more than the number of citizens here? Why are individual between 18 and 21 still able to purchase handguns? Why can we not in a package promote gun safety by passing the legislation that includes safety locks, that includes background checks, instant checks at gun shows, that takes the, if you will, loophole out of the numbers of assault weapons we still have because foreign manufacturers are able to present them?

All of this I think can be answered if we would join together, as the women of this House have demanded, and ask that we pass gun safety legislation before Father's Day. We asked the question prior to Mother's Day. We pleaded on behalf of the mothers of the deceased children, the mothers whose children died in Littleton, the mothers whose children have died in Pennsylvania, in Arkansas, in Mississippi and places where we cannot call because of gun violence, the numbers of inner city children who have died because of gun violence, the number of rural children who have died, suburban children. We know this is not a pointed issue toward one community.

Let me simply close by saying this, and I promised the gentlewoman that I will look forward to joining her in weeks to come with other Members of the Women's Caucus or Members of this body who are women who would like to join us as they were planning to do this evening, to talk about solutions, and then again let me qualify that, as we are talking, demand action.

Because I think all of us who are mothers, who are parents, who are just plain Americans have said to ourselves let us not one more morning rise up with the news of some tragic circumstance. We cannot answer the question, what have we done? I have made that commitment to myself on trying to design solutions.

I hope as we move toward the White House conference on mental health, I will be able to present to this body and to that summit a comprehensive omnibus bill on mental health services for children, the Give a Child a Chance Mental Health Prevention Act of 1999, which will speak to the issue of providing resources in our schools, of training mental health professionals in our schools that can detect early warning signs, that will provide incentives for school districts who are aware of the fact that children from K to 12 need good mental health services, sociological and psychological services, as well that we could have caught and helped a child like Eric Harris, even though he looked like the picture of health early on; and that we could have not only helped Eric but that we could have helped his family, that we could embrace a holistic approach to deal with the family concerns, why there was such a destructive sense on the part of this young man and the young man who was with him.

I hope that we will again answer these questions, not with the finger pointing, but with working together. That means the entertainment industry. They know what they are doing wrong. Are they showing relationships between families that are not humorous, joking, butthead commentary on how our family relationships are, or are we really seriously trying to bring family relationships together?

So to the gentlewoman from New York, it is certainly my honor and pleasure to say to her that I hope that we will be doing this again. But as we do it, let me qualify that in the remarks that I have heard her often say, we join together on this.

Mine was looking in the mirror and saying I do not want so see this image one more time in the mirror without being able to say we have some solutions and one saying, when are we going to fix this? We need to fix it now.

Mr. Speaker, I thank Congresswoman MCCARTHY for arranging this forum on the special order on school violence. I am honored to be joined here today by other Members of Congress who show a sincere concern and effort in eradicating school violence by addressing the mental well being of our youth.

I have been a strong advocate of mroe mental health services for children. Although, as a country, we often focus on children who are at risk for trouble or those children who are already troubled, all children need access to mental health services. It is estimated that two-thirds of all young people are not getting the mental health treatment they need.

In light of the recent events in Colorado and other violent school attacks from the past 18 months, our children need us to pay close attention to the early signs of mental disorders. We also need to provide services that screen and treat mental disorders in our childrenb efore it is too late.

Schools should be safe and secure places for all students, teachers and staff members. All children should be able to go to and from school without fearing for their safety .

According to news reports, these young suspects from Colorado were outcasts in the school community. During the shooting, the suspects reportedly said that they were "out for revenge" for having been made fun of last year. This is truly a cry for help that was not heard in time.

When children's mental health needs are not met, young people often get caught in the child protection or juvenile justice system. Almost 60 percent of teenagers in juvenile detention have behavioral, mental or emotional disorders.

There are 13.7 million or 20 percent of America's children with diagnosable mental or emotional disorder. These disorders range from attention deficit disorder and depression to bipolar disorder and schizophrenia.

We all are aware of the great devastation that the lack of mental health services ahs on our young people. We must provide services that address diagnosable emotional or behavioral health disorders.

An adolescence is a confusing time for many young people, the adults that are a part of their lives—parents, teachers, counselors, coaches and others need to be keenly aware of changes in behavior or attitude that may indicate the possibility of poor mental health. We all need to pay close attention for any warning signs of trouble.

These warning signs include isolation, depression, alienation and hostility. Recognizing these signs is the first step to ensure that troubled youngsters get the attention they need early to address their mental health needs before it is too late.

Gun control is another measure we should explore to increase the safety of our children in schools. An average of 13 children die every day from funfire in this country, and children are at a much greater risk of being the victims of a violent crime. This is Littleton, Colorado every day! This does not include close calls where guns were found inback-packs and in lunch bags.

We must pull together to protect the mental well being of our children so that they might live a healthy and productive life as citizens of our nation. I enthusiastically look forward to working with my friends to ensure a better tomorrow not only for the well being of our youth but also for the wellbeing of our nation. Again thank you for this opportunity to address this issue.

With that, I thank the gentlewoman from New York (Mrs. MCCARTHY) very much, and I look forward to working with her on this crisis that we have in America.

Mrs. MCCARTHY of New York. Mr. Speaker, I stand here tonight to talk about the violence in our schools. As the gentlewoman from Texas had pointed out, everyone is trying to put the blame on everybody else. I think there is enough blame to go around for everyone. But let us stop blaming and let us start looking for solutions.

Over the last year and a half, we have had three committee hearings and we have had two special hearings, and we started to look into the violence from our schools but also the violence in some of our young people. There were a lot of different factors: Mental health is something that we should be looking into, especially with our schools; our family issues that should be at home. We should be looking into those issues.

But in each and every shooting, 13 young people that die every single day, is one common factor; that is, the easy access to guns. That is something that we can do. We can deal with all the other issues.

Today we held a hearing in the Committee on Education and the Workforce. Several students had been victims of school violence in Littleton, West Paducah, Springfield, Oregon showed great courage in coming to Congress to talk about their experiences through the shootings in their schools.

The one thing I heard from all of them was the pain, the pain that they are still suffering. That is a pain that I understand very deeply.

☐ 2245

And I told one of the young men, even after the first anniversary, the pain does not get any easier. My family goes through the pain, and it will be 6 years this December. But that is why I came to Congress. I came to Congress to try to reduce gun violence in this country. I came to Congress so that hopefully other families would not have to go through what my family went through, and certainly the other members who I consider family now from the Long Island Railroad shooting.

People keep saying we cannot do something about this. I do not believe that. I believe we can do something. And I know I am hearing all the time that this is a slippery slope where I am just trying to take away guns. I have never said that. I do not care if someone owns a gun. But if they own a gun, I do believe they have a responsibility for that particular product, and I feel very deeply about that.

I have talked to many gun owners, women gun owners, men gun owners, and they are saying they realize that it is their product and they should take more responsibility for it. So I think if we take that premise and start to work on it, there are common sense solutions and I think it is something that we can work towards here.

What scares me the most about being here in Congress is sometimes they will do so many delaying techniques and, hopefully, it will go away. The sad truth is this is not going to go away. Here we are 5 weeks from the shooting in Colorado, and people are still talking about it. And I think this hit home the hardest because we have had so many school shootings and now parents are scared. Students are scared.

And when we ask our students what can we do, they come up with some really good solutions. One thing they do not want, they do not want their schools filled with metal detectors. Our schools are not meant to be prisons. It is not meant for our teachers to be under the atmosphere of possibly a young person having a gun. We know where those guns come from. A majority of them are legal. They come from home. It is up to the parents, the adults, to take responsibility that their child does not get a gun.

Our young people that are having mental health problems and have a bad day, as a lot of teenagers do, commit too many suicides every single day. That is unacceptable. We can save those kids. The accidental deaths, we can save those kids. The homicides, we can save a lot of those kids.

I know that we cannot save every child. I wish we could. But that does not mean that we should not go forward to try and save as many young people as we can. We are the adults. We have the responsibility to make a difference in our children's lives, and to the point to where again this year I am praying that the schools close without another incident. We did that a year ago. And we have done nothing. Are we going to let this summer go by? Schools open again in September, and are we going to pray that another shooting does not start?

But, again, this is about the children every single day. That is where we cannot get lost on it. Thirteen children a day. That is a Littleton every single day. But it is a young child here and there and everywhere, and it does not make the papers. Or we have become so insensitized to the violence around us. We should never do that. We should see each other as the good human beings as we are in this country, and we should try to all work together.

I wish the NRA would work with me. I wish the NRA would come and say, okay, we have a problem. Let us try to come up with solutions. I know they do not like child safety locks, but they can save lives. There is responsibility on the adults that a gun does not get into someone's hand. This is a responsibility. We should be working together. The movie industry, we should be working together. Videos, we should be working together to come up with solutions.

But I think there is one thing that we have to point out. Our young people in this country are good kids. I have the pleasure of being with them a lot, working on community projects in my district, and I see this going around in the country: Our young people caring, going into nursing homes. Our young people caring, raising money for different organizations, whether it is breast cancer or Alzheimer's. They do not like this idea that we are blaming them and that they have no morals.

I happen to think that this country has a lot of morals. And I meet those people on a daily basis. Do we have problems with some? It is a very small percentage. Do they sometimes make our lives miserable? Yes, they do. But that does not mean we should do a blanket cover and say the whole country is like that.

I think if anyone ever looks around and sees how we responded to the people of Oklahoma when they had the tornadoes, this is a caring country. We are there for each other. And that is how we can solve the problems of the gun violence in this country, by all of us coming together and coming up with common sense solutions. It is something I believe in. I certainly talk to enough people about it.

What scares me again, though, is the silence that we might hear in this Congress. We cannot have silence any longer. We have to do something. The American people are demanding that we do something. But, unfortunately, unless the American people send their message, their voices here to Congress, that is the only way we are going to get something done.

I have asked the Speaker of the House to meet with me, I have not heard from him, to talk about my proposals on how to reduce gun violence in this country. But I am very encouraged. This evening he did a press conference and started to talk about maybe we should find common sense ground to stop the gun violence in this country. That to me is encouraging. That means a door is open. That means we can try and work together.

As long as I am here in Congress, I will work as hard as I can to reduce gun violence in this country, my goal going back 5 years ago, when I promised my son that I would try to make sure that no family would go through what we went through. And my son has gotten married now and his life is going on, and he just had a son in November. That means I am a new grandmother. So I have got to work a little bit harder because I want my son to feel safe, but I want my grandson to certainly live in a safe country. And I know that if we work together, we can do it.

I know a lot of people are very shocked sometimes on the statistics, and I do not particularly care to read statistics because I think it dries over. But I do not think people realize, as I said earlier, 13 children die at the hand of a gun; 28 children die and teenagers are murdered; 1,309 children in teenage suicides; 468 children in their teens accidentally die from shootings. That is every single year, every single year.

One of our recent congressional testimonies demonstrates the need for Federal legislation on kids and guns. An angry child who has access to a gun will use it because it is there and it is in that child's hands. "I realize that gun control is a complex issue in our country, but I also know that guns represent the single greatest threat to educators and to schoolchildren." That was by Scott Polland, National Association of School Psychologists.

This is a testimony before the Subcommittee on Early Childhood, Youth and Families, United States House of Representatives, on my Committee on Education and the Workforce on March 11, 1999:

"An international comparison of 26 industrial countries found that the firearm death rate for U.S. children younger than 15 years old was nearly 12 times higher than any of the children in any of the other 25 countries combined." That came from the Centers for Disease Control.

"We need better information on how our children get guns. That is why the Children's Gun Violence Prevention Act expands our Federal program for tracing guns used in juvenile crime. Research should be expanded on gun markets to educate the flow of firearms from the legitimate sector to the hands of minors and criminals and how this flow might effectively be reduced."

A few years ago up in Boston in what they called the "Boston Project," they started tracing guns that were used in juvenile homicides and juvenile crimes. Once they started tracing these guns to the illegal gun dealers, they were able to have for 40 months, 40 months, not one child died because we got rid of the illegal guns and we educated our adults.

Now, if we can do that in Boston, why can we not do that across this country? Where I come from in New York, it is very hard to get a gun legally. They have to go through a background check, but eventually they will get it. The problem with New York is all the guns that come into our State are illegal guns, they are guns that we have no control over. What are we supposed to do? Put up a barbed wire fence around New York because we decide that we are going to try to make it safer? And it has made a difference and it has made a big difference, but there is more that we can do.

As a nurse, we hear that homicide rates are down, and thank God they are. What no one is talking about is what it is costing our health care system for those that are surviving. I know the medical care that my son received and still continues to receive and will have to receive for the rest of his life is costing this government a lot of money.

We have four young people in Littleton, Colorado, still in the hospital with spinal cord injuries because of the shootings. The health care that they are going to need. The estimates of health care due to gun violence in this country is almost up to $20 billion a year. $20 billion a year. Could we not take that money and put it back into our health care system? Could we not put that towards our educational system? It would help so many of us.

We have an obligation here in Congress. It should not be a battle between Republicans and Democrats. It should be something that we should be working out together and to do the right thing as far as our children and the safety of our children. This is not a slippery road. This is not somewhere we are trying to take away the right of someone to own a gun, but we are asking for responsibility.

Mr. Speaker, I plan on being here as much as I can to talk about this subject. There is one more thing that I will ask. The American people have to get involved in this debate and they have to, if they want to change, their voices have to be heard here, and our Congressmen and certainly our Senators need to hear from all Americans.

CONSTITUENT CONCERNS

The SPEAKER pro tempore (Mr. SIMPSON). Under the Speaker's announced policy of January 6, 1999, the gentleman from Colorado (Mr. SCHAFFER) is recognized for half of the remaining time until midnight tonight, approximately 32 minutes.

Mr. SCHAFFER. Mr. Speaker, I want to let the Chamber know and all of my colleagues that this special order is one that I secure every week on behalf of the majority, and so I would invite other Members who would like to run down to the floor here for the last 32 minutes to come join us on the floor.

But I want to also mention and refer to a constituent of mine. Her name is Jessika, Jessika Fretwell. She introduced me to Flat Stanley. I got a picture of Flat Stanley here. She faxed the photo, a drawing of Flat Stanley. There is a letter that comes with it, and I would like to read that briefly. She wrote to me.

She said, "In school we read a book about a boy who got mashed by a bulletin board. His name is Flat Stanley. He wanted to go on a trip, so his family folded him up and mailed him to California. I am mailing Flat Stanley to you. Please take him somewhere and write me back telling me where he went. If you have pictures or postcards, please send them too. I will take Flat Stanley back to school and share his adventure with my class. Thank you for helping me with this project. I wish I could fold myself up and visit you. Love, Jessika." And Jessika spells her name with a "K."

So there is Flat Stanley for Jessika. He is on the floor of the United States House of Representatives tonight, and we are proud to have him join us.

□ 2300

I am also pleased to be joined by my good friend and colleague from the great State of Arizona who is here to speak with us tonight. Many of our constituents write to us, not just Jessika but several others. We are here on the floor this evening to refer to some of the comments that have been raised by many of our constituents. We have received so many phone calls and letters in the last few days on the matters of taxes, on Kosovo, on environmental-related topics. I am just curious what kind of things the gentleman from Arizona is hearing about over the weekend and today from his constituents.

Mr. HAYWORTH. Mr. Speaker, I thank my colleague from Colorado for yielding. I am pleased that Flat Stanley joins us on the floor tonight. Usually people leave out the "L" when they describe me, although I am working on the diet.

In all sincerity and seriousness, echoing the comments, though not in complete agreement with my friend from New York who spoke on the floor here earlier, even tonight as we speak, Mr. Speaker, a group of concerned citizens making up a citizens committee on juvenile violence meets in the Sixth Congressional District of Arizona. The committee includes clergymen, school administrators and former school administrators, current educators, teachers in the classroom, students in the classroom and parents together as they take a look at the Sixth District of Arizona.

If there is one difference that typifies the two schools of thought here in the House of Representatives, it is that our friends on the left tend to look to Washington for solutions and put a trust in the Washington bureaucracy. I believe if given a choice between Washington bureaucrats and the people at home, I would choose the people at home. It is in that spirit that our friends meet, not as Republicans or Democrats but as Americans concerned looking for practical solutions to the problems they face.

I think we would all concur that one thing we learn in our time here, whether it is through letters that we receive, and I have a few tonight, or through town hall meetings or just in our everyday lives when we return home to our district, I think we are all impressed and reimpressed with the fact that the people whom we serve in our respective districts have a lot of good ideas, and so it is the intent of our citizens committee on juvenile violence to take a look at the vexing problems that have plagued us and the recent tragedies at hand.

I might also point out that I continue to receive e-mail, phone calls, faxes and letters concerning the extraordinary and disturbing transfer of technology and nuclear espionage carried on by the Red Chinese in this country. Indeed, there are those in my district who have said that it is as if we are living in a real-life Allen Drury novel, that there are those in this city and on the editorial boards or in the assignment editor chairs of various television networks who steadfastly refuse to take a look at the serious problems we have. Yet through investigative reports, such as those by Bill Gertz of the Washington Times and the new book that has been produced, the partial title being "Betrayal" which details what sadly has transpired and, according to the author, how some in the current administration have undermined our national security, that continues to be a main concern. And, of course, again the topic to which we always return is the notion of this government serving the people rather than the people serving the government. We have seen a disturbing reversal, if you will, in this century in terms of the fact that this government, it would seem, both in attitude and in the action of reaching into the pockets of hardworking Americans seems to ask for more and more and ask working Americans to get by with less and less.

I received a letter from my friend Ryan in Apache Junction, Arizona, just on the border of Maricopa and Pinal Counties there at the foot of the beautiful Superstition Mountains.

Ryan writes, movingly and with conviction:

> Every corner an American turns today has a tax waiting for him or her. It's ridiculous and it's time that it was stopped. I'm tired of paying income tax, property tax, license plate taxes, sales tax, inheritance tax, Social Security tax and capital gains tax. I find all of these taxes unfair, oppressive and un-American. Does anyone remember why we left our oppressors in England? Because of high taxes and religious constraints. Where do we go now? When is enough enough? Forty percent of one's wages taken out in taxes? Fifty percent of someone's check taken out in taxes? Make me proud and allow my family and I to live a better life through tax relief.

Mr. SCHAFFER. Your constituent has a good friend in one of mine from Fort COLLINS, Colorado, Robert Seymour, who wrote to me just last week:

> The administration's budget plan for next year was presented to Congress on February 1. It imposes new taxes that will make it harder for millions of American families to save for their own retirement needs and will seriously jeopardize the financial protection of families and businesses. Providing for retirement and securing your family's financial security should not be a taxing experience. Americans are taking more responsibility for their own financial futures and they have made it clear that they oppose both direct and indirect tax bites that jeopardize their retirement security and their ability to protect their families. Congress on a bipartisan basis soundly rejected a similar approach last year and I strongly urge you to do the same this time around. Please oppose any new direct or indirect taxes like those commonly referred to as DAC, COLI and PSAs, the typical alphabet soup of Washington, DC, all of these new taxes on annuities and life insurance products.

This is an individual who obviously is saving for his future and his retirement and is getting fed up, as many constituents are around the country, with the new proposals that we are seeing coming out of the White House this very day, to increase the level of taxation on the American people.

My letters are similar to yours. We receive thousands of them on a week-by-week basis. I am glad to be a part of a Republican majority that is here to put the voice of the people ahead of the voice of the special interests that exist right outside these halls in Washington, DC and in Congress.

Mr. HAYWORTH. I thank my colleague from Colorado, Mr. Speaker. As I hear him speak, I think about another tax that I continue to hear about, the death tax, what has been called by the Washington bureaucracy, the estate tax. That really seems to suggest something rather placid and pastoral when, in fact, it is the death tax where this government taxes you literally upon your death. My good friend from Colorado summed it up very succinctly with echoes of history, not unlike when Ryan pointed out the genesis of our Nation in opposition to our English cousins imposing taxation, my friend from Colorado, and I will quote him again because many an audience enjoys this statement, I am pleased to offer him the proper and full credit, unlike some others in American politics who take lines from time to time, Mr. Speaker, but according to my good friend from Colorado, "There should be no taxation without respiration." I think that is especially appropriate.

I think I have related the story in times past, recently in Winslow, Arizona, we were not standing on the corner but we were on the corner where the police station and the city hall is located and we were having a town hall meeting. It was in the middle of the day and a couple of young men from the high school who aspired to attend one of our Nation's military academies came to that town hall meeting. A few more honored citizens, senior citizens, if you will, were there and they were talking about the egregious nature of the death tax, how it affected their small businesses, how it affected their family farms and ranches, how it was driving families out of business. One of the young men heard us talking about this and then, with almost a military bearing, I mean the very flower of American youth, he stood there, "Congressman, sir, do you mean to tell me the Federal Government taxes you when you die?" And the assembled citizenry there started to chuckle, knowingly, almost like our good friend Art Linkletter and now Bill Cosby with the television segment "Kids Say the Darnedest Things," but, Mr. Speaker, that laughter soon faded, because there was nothing funny about the question. The sad fact about the death tax is this. For all the rigmarole, for all the hunting down and contacting heirs and business partners, the Federal Government procures roughly 1 percent of its revenue from the death tax. Yet almost three-quarters of that 1 percent goes to tracking down the people who apparently owe the taxes through the convoluted structure that we have here.

I have remarked in the past, Mr. Speaker, and I think it bears repeating, this country has been blessed with an outstanding group of individuals at its birth, Catherine Drinker Bowen made mention in her great work in 1966, "The Miracle at Philadelphia," the assemblage of so many great thinkers and true patriots. One of those patriots, Dr. Benjamin Franklin, incredibly well-versed in a variety of different subjects, a man of letters, a printer, a diplomat, a scientist.

Yet even Dr. Franklin, with all his prescience, I believe would be shocked to realize today that the republic which he helped to found would literally tax people upon their death, even with his saying in Poor Richard's Almanac, "There are only two certainties in life, death and taxes."

□ 2310

Understand that Dr. Franklin did not say there was a certainty that one would be taxed on their death, and this is one of the absurdities we see in our tax structure that my friend Ryan points out, that others point out, whether it is the death tax, or the marriage penalty, or other tax policies that seem to do their best to disrupt the family unit and continue to ask Americans to sacrifice more and more so Washington can allegedly do more.

Those of us in the new majority and people in the Sixth District of Arizona, Mr. Speaker, say the opposite should be true. Washington bureaucrats should sacrifice so that individuals and families can do more with their hard-earned money in terms of saving, investing and building for the future.

Mr. SCHAFFER. It is interesting that my colleague mentions Dr. Franklin, because when Ben Franklin and Thomas Jefferson were working together over the drafting of the Declaration of Independence, there is a story that I have heard from a number of historians about how the two of them disagreed on one key point, a key phrase, and that was the word "unalienable," whether to use "unalienable," which was Franklin's preference, or "inalienable" which was Jefferson's preference. And it is a key distinction.

Ultimately Franklin won the debate, and the difference between "unalienable" and "inalienable" is a matter of taxation in many ways. Historians suggest that they pronounce "unalienable" the following way: un-a-lien-able which means that one cannot place a lien, they cannot place some kind of claim from the government on any of the rights to life, liberty or the pursuit of happiness.

But we see this Federal Government and the people here in Washington, D.C. have found a way to abridge the desires of Dr. Franklin, to make it so that life, liberty and the pursuit of happiness are no longer un-a-lien-able. There are, in fact, liens placed against life, liberty and the pursuit of happiness, and I will bring up another example written by a constituent of mine, this time in Ft. Morgan, Colorado. Kathleen Tarver wrote, and she is very frustrated. You can just hear the frustration in the tone of this letter. It says:

"This January I resigned my job and retired early at the age of 50 to cut our taxes," she says. "We are penalized for being married, and we have no children so you guys really sock it to us. Higher fees on everything we buy or use are higher taxes."

Says: "We have been putting almost the maximum allowed into our 401(k) to help cut our taxes. But I may not live long enough to spend the money because you look at my retirement dollars as your money," she is speaking about Washington in general, "determining for me how I can spend it." She says that the era of big government seems to be back. Here at the end she says:

"I don't want to hear you guys in Washington say one more time, 'We have to save Social Security.' Do it now, and do it right. We have saved Social Security five times now because you continue to steal from it. Give us our money. Stop stealing it." Cut our taxes.

Very frustrated constituent, and I can tell my colleague I am on Kathleen's side, and I know the gentleman from Arizona is as well. We receive letters like that routinely, but it really speaks to the 223 year origins of our great country, when these very noble gentlemen were meeting in Philadelphia at this miraculous time that you described and trying to chart a new course for our country, one that is based on the realization that our rights come from God. They do not come from the crown, they do not come from the king, they do not come from some document, they do not come from people in the capital city.

These rights come to us from God himself, and they are un-a-lien-able rights. They should be treated that way. Life, liberty and the pursuit of happiness should come as real liberties, as real rights. There should be no tax upon them. There should be no burden that one is saddled with if they want to enjoy living in complete freedom and liberty as America proposes to make possible for all Americans.

Here is one more letter, another one from Ft. Collins. Russell Beers wrote to me. Says Republicans have a majority. Pass a tax proposal, and put it on Clinton's desk, and let him veto it. He says he would prefer a flat tax, but he underlines: Just do it. It has cost him $700 just to have someone figure his taxes for him this year.

Mr. HAYWORTH. I thank my colleague, and I can certainly sympathize with his constituent. And I receive many letters, and they are not confined to April 15, by the way, because some folks get their extension to try and work out their taxes on through October 15, and it has become a particularly vexing problem for a lot of Americans.

But let us address my colleague's constituents' concern because, Mr. Speaker, the American people deserve to know that these comments are not falling on deaf ears. Indeed, as the first Arizonan in history honored to serve on the House Committee on Ways and Means, the committee with primary jurisdiction over the Tax Code and ultimately over tax relief, I am pleased to point out that it is our intention in July to sit down and write a massive bill of tax cuts, because again we believe this is very true, as the preceding letter my friend read from Colorado. We understand that in most American families both parents work not out of choice, but out of necessity, one parent working essentially to pay the incredible tax obligations that befall many families. Essentially for one salary in essence to be almost free and clear, the other spouse, the other parent, must work quite simply to pay the taxes.

My colleague's constituent pointed that out in her letter. The subsequent letter that he read from the gentleman is a call to action, and it is our intent to move forward with a tax bill that is expansive because we believe over 10 years time we need to reaffirm the fact that this money does not belong to the Federal Government, that the tax burden and bite should not be so excessive as to force parents out of the home and into the workplace not because of career aspirations, but because of the necessity of paying the tax bill and dealing with the tax burden. And our notion is over 10 years time to return almost $800 billion to the American people because it is their money to begin with. It does not belong to the bureaucrats here in Washington.

Mr. SCHAFFER. It absolutely is. It is dollars that the American people work hard for, and in order to maintain a truly free and liberated Republic we have to do everything we can here in Washington to insist that those dollars are left in the pockets and in the hands of those people who work hard to earn them in the first place.

Let me just reemphasize the point again with another letter from our constituent who lives in Loveland, Colorado, Toni Colson.

"Dear Representative SCHAFFER, I am your constituent from Loveland. As a business owner and grandparent, I'm very concerned about the serious economic problems facing our country. I feel our current income tax structure is having a very negative impact by taxing production, savings and investment, the very things which can make our economy strong."

Well, Ms. Colson has hit the nail right on the head. If you look at our tax policy, the graduated income tax structure that we have today, the harder you work and the more productive you are, the higher the percentage of taxation on your income. We actually punish hard work with the current Tax Code. As it stands today, we punish those who put money aside and try to save it, we punish people who make the right kinds of investment decisions that are not only in their own personal best interests as families, but provide the capital and the availability of capital on the market to create more jobs, to create more businesses and to expand the economy.

As my colleagues know, I think often about the trillions of dollars in private capital that is locked up today. Alan Greenspan, the chairman of the Federal Reserve Board, estimates that there is $11 trillion in private capital that is locked up somewhere in America today because the owners of that cash are afraid to take it out and use it productively, and why? Because the Federal Government punishes those who act responsibly and help to move toward promoting a more vibrant and stronger economy.

Mr. HAYWORTH. Mr. Speaker, my friend from Colorado is right. I would just amend this.

We are looking, and I think we should reemphasize this, not at billions but trillions of dollars, and it is amazing to see what is locked up because of the disincentive to inject those funds into the economy, the disincentive to invest in businesses because of the excessive taxation.

□ 2320

In fairness, Mr. Speaker, we should be prepared and indeed, Mr. Speaker, there may be many within the sound of my voice or within this television signal who ask the question, but wait a minute; do not your friends on the left always offer the rejoinder, tax cuts for the wealthy?

I would say to them, yes, Mr. Speaker, that is the tired rejoinder we hear. I suppose, Mr. Speaker, it is all in how one defines who is wealthy, because the rhetoric has become so incendiary and so predictable that if there is a tax cut at all it must go to the wealthy.

I would invite my colleagues, Mr. Speaker, to take a look at an estimate that was prepared for all of us by the Joint Committee on Taxation. The chairman of the Committee on Ways and Means asked for this and, Mr. Speaker, this is not something that deals with the trillions of dollars, as my colleague, the gentleman from Colorado, pointed out earlier. This is something that deals with the very human equation of average families in America.

We should also point out that this process does not occur in a vacuum. Indeed, I was glad my good friend, the gentleman from Colorado, joined me in his first term here in the 105th Congress, my second term but the first term on the Committee on Ways and Means, as we actually offered tax relief to families with first a $400 per child tax credit that increases to $500 and indeed we have found that a family of four earning $30,000 a year, in essence, pays really no income tax if they take advantage of the different deductions and tax credits available to them, an average family of four.

Yet, Mr. Speaker, just raise that income by $10,000 again a family trying to succeed, trying to get ahead, in raising that income to $40,000 for a family of four the tax bill is in excess of $2,000 for that family.

So, again, Mr. Speaker, it is curious to hear the tired rhetoric of tax breaks for the wealthy because the sad fact is, apparently our friends on the left define wealthy as a middle income earner and a middle income taxpayer earning $40,000 a year.

So that is one of the ironies and that is real life, the very human equation, not lost with mind-boggling figures of billions and trillions but just the simple challenge of an annual income for a middle income family. That is what we reiterate here, that this money belongs to the people, not to the Washington bureaucrats.

The first three words of our Constitution are very instructive and they are as instructive as they are poetic. We, the people; not, they, the government, but we the people; all of us, Mr. Speaker.

It is that responsibility which we find uppermost in our minds.

Mr. SCHAFFER. Listening to the people is something that we are certainly all about and want to do as often as we can.

Here is a personal letter from Weston, Colorado, from someone who wrote on this very point, and again he is very critical of government and the Federal system. This is a paragraph I am reading from the middle of the letter from Dr. Owens, and he says, as you can tell, I favor smaller government and less interference with State and local governments who are in a better position to make decisions on most issues. You people in Washington have very distorted concepts of what really goes on out in the real world. Do not believe all you read in the polls. I have taught research and statistics and we have a saying in research: Statistics do not lie but liars often use statistics, he says.

He is absolutely right. He says polls can show almost anything pollsters want them to, just as anyone can find a passage in the Bible to support almost any belief. These are both possible if one takes things out of context and ignores parts that do not suit them.

He talks about the occupant of the building at the other end of Pennsylvania Avenue as proof of the above and he says the people we know do not believe the approval ratings that we see with the things going on, again down at the other end of Pennsylvania Avenue.

I have to amend the gentleman's letter a little bit to fit within the House rules about referring to the individual at the other end of Pennsylvania Avenue directly, but again this is an individual from Weston, Colorado, who understands full well that it is the voice of the people that needs to be heard over and above those of special interests.

Unfortunately, these average, regular, ordinary, every day citizens, they are counting on their Members of Congress to voice their opinions, to voice their concerns and be the ones who are the guardians of the public trust and a legitimate public trust.

What they are up against, though, and the gentleman knows this as well as I do, is when we walk right outside the House chamber in these lobbies right outside the Capitol, there are legions of lobbyists who are paid by various special interests to come here and give us another viewpoint on what America looks like from the perspective of the banks of the Potomac. Fortunately we have the loud voices of people like Dr. Owens in Weston, Colorado, who take the time to write us letters and help us keep the Congress on an even center.

I know the gentleman hears from many constituents who help the gentleman in that regard.

Mr. HAYWORTH. I do, indeed. I would also make the point that one of the ironies of serving here in Washington is that especially sadly on the left, a number of the special interest lobbyists are subsidized with taxpayer funds, which is one of the incredible ironies, something we have tried to change but the institutional inertia here, it is an uphill battle dealing with that. It is one of the curiosities.

The gentleman mentioned the voice of the people and in addition to letters, and I brought a couple down tonight, but I just think about a variety of radio townhall meetings we have held lately and the subject that comes up time and again, Mr. Speaker, is our national security; for even as our Founders in that wonderfully practical and poetic preamble to our Constitution delineated that one of our constitutional responsibilities was to provide for the common defense.

Again, we have serious problems here. Almost everyone I speak with during these radio townhalls in a district in square mileage almost the size of the Commonwealth of Pennsylvania, say the gentleman from California (Mr. COX) has been working to prepare a bipartisan report. It was prepared in January or February. When will the House move to release that because the White House is reticent?

We must move quickly to release that report.

Mr. SCHAFFER. Before the gentleman goes on to the point about the comment, let me just ask about these town meetings. I hold a town meeting in my district every week and hold several others on top of that when we are not in Washington, and it is a great opportunity to listen to thousands of constituents who show up and voice these same kind of concerns that I have read from some of the letters.

I am curious about what the gentleman called a radio townhall meeting. Tell me how that works.

Mr. HAYWORTH. The challenge in representing a district, really in square mileage almost the size of the Commonwealth of Pennsylvania, is trying to get everywhere all the time.

Mr. SCHAFFER. The gentleman's district is that size?

Mr. HAYWORTH. The district is that size. Although a rancher in Show Low said, here is a perfect slogan, a big man for a big district, I do not exactly think that is the case. Even I cannot get all the way around all the time.

So several broadcasters in the area are willing to set up programs and quite often on a Monday or Tuesday will set them up where constituents from the comfort of their home or at work or via mobile phone, if they are out on the streets and byways, can call in and we can discuss issues and it actually invites everyone into the townhall.

The past several townhalls I have had, Mr. Speaker, again and again and again and again, the question of national security comes up. It evokes evidence that we have heard from Dr. Owens that people are concerned. They believe that our national security has been frittered away. Indeed, we have read in the press that the technology transfers and the espionage carried out by the communist Chinese rivals that of the Rosenbergs in the 1950s.

While we see the drips and drabs and the old spin game going on at the other end of Pennsylvania Avenue, we must move as a House, if there is reticence in the executive branch, to release this report.

I would point out for the record, Mr. Speaker, that President Clinton, following receipt of the report from the gentleman from California (Mr. COX) and the gentleman from Washington (Mr. DICKS), in a bipartisan fashion, could have released the report immediately. While there are legitimate national security concerns in terms of not exposing our sources and means of procuring our own information through counterintelligence, there are still serious concerns that the American people need to know about.

Again Mr. Speaker, I would renew the call that this House, if the reticence, if the stonewalling, if the dribs and drabs and endless spin continue from the administration, that this House should take every action necessary, including meeting in a closed session, if that is necessary, to vote out this report so the American people can understand the extent of the problem we confront.

☐ 2330

Because whether we worry about security in the home, security in the school, Social Security for our seniors in generations yet to come, undergirding all of that is our very existence as a constitutional republic and our national security. This House took steps tonight to bolster our national security, not bullet-for-bullet or bomb-for-bomb in the Balkan theater, but to try and avert the danger of returning to the days of the hollow force, and it is in that spirit we continue to work in this House.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SERRANO (at the request of Mr. GEPHARDT) for Tuesday, May 17, and today, on account of a death in the family.

The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:

Mr. LIPINSKI, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Ms. CARSON, for 5 minutes, today.

Ms. DELAURO, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. HILL of Indiana, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. WHITFIELD) to revise and extend their remarks and include extraneous material:)

Mr. EHRLICH, for 5 minutes, today.

Mr. SOUDER, for 5 minutes each day, today and on May 19.

Mr. BURTON of Indiana, for 5 minutes, on May 25.

Mr. KASICH, for 5 minutes, today.

Mr. WHITFIELD, for 5 minutes, today.

Mr. NETHERCUTT, for 5 minutes, on May 19.

Mr. HILL of Montana, for 5 minutes, on May 19.

Mr. PORTMAN, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. CARDIN, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. MCDERMOTT, for 5 minutes, today.

ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker.

H.R. 669. An act to amend the Peace Corps Act to authorize appropriations for fiscal years 2000 through 2003 to carry out that Act, and for other purposes.

ADJOURNMENT

Mr. HAYWORTH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 30 minutes p.m.), the House adjourned until tomorrow, May 19, 1999, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2173. A letter from the Director, Defense Procurement, Office of the Under Secretary of Defense, transmitting the Office's final rule—Defense Federal Acquisition Regulation Supplement; Electronic Funds Transfer [DFARS Case 98–D012] received April 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2174. A letter from the Assistant Secretary, Office of Special Education and Rehabilitative Services, Department of Education, transmitting Final Funding Priorities for Disability and Rehabilitation Research Projects and Rehabilitation Research and Training Centers, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

2175. A letter from the Assistant General Counsel for Regulations, Special Education and Rehabilitative Services, Department of Education, transmitting National Institute on Disability and Rehabilitation Research, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

2176. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, South Coast Air Quality Management District [CA 038–100a; FRL–6333–4] received April 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2177. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Missouri: Final Authorization of State Hazardous Waste Management Program Revision for Corrective Action [FRL–6333–2] received April 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2178. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Consolidated Guidance about Materials Licenses: Program-Specific Guidance about Self-Shielded Irradiator Licenses, dated October 1998—received March 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2179. A letter from the Secretary of Health and Human Services, transmitting the 1998 Annual Report on the National Institutes of Health AIDS Research Loan Repayment Program; to the Committee on Commerce.

2180. A letter from the Deputy Secretary, Division of Market Regulation, Securities and Exchange Commission, transmitting the Commission's final rule—Broker-Dealer Registration and Reporting [Release No. 34–41356; File No. S7–17–96] (RIN: 3235–AG69) received May 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2181. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Procurement List Additions and Deletions—received May 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

2182. A letter from the President, James Madison Memorial Fellowship Foundation, transmitting the 1998 annual report of the Foundation, pursuant to Public Law 99–591, section 814(b) (100 Stat. 3341–81); to the Committee on Government Reform.

2183. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Central Aleutian District of the Bering Sea and Aleutian Islands [Docket No. 990304063–9063–01; I.D. 040599A] received April 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2184. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Scup Fishery; Commercial Quota Harvested for Winter I Period [Docket No. 981014259–8312–02; I.D. 032699B] received April 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2185. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Economic Exclusive Zone Off Alaska; Shallow-water Species Fisheries by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No. 990304062–9062–01; I.D. 033199F] received April 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2186. A letter from the Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, transmitting the Service's final rule—Additional Authorization to Issue Certificates for Foreign Health Care Workers [INS 1979–99] (RIN: 1115–AF43) received May 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2187. A letter from the Chairman, United States Sentencing Commission, transmitting the 1997 annual report of the activities of the Commission, pursuant to 28 U.S.C. 997; to the Committee on the Judiciary.

2188. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29544; Amdt. No. 1927] received May 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2189. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Alexander Schleicher Segelflugzeugbau Model ASK 21 Gliders [Docket No. 91–CE–25–AD; Amendment 39–11149; AD 95–11–15 R1] (RIN: 2120–AA64) received May 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2190. A letter from the Program Support Specialist, Aircraft Certification Service, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; S.N. CENTRAIR 101 Series Gliders [Docket No. 98–CE–50–AD; Amendment 39–11140; AD 99–09–07] (RIN: 2120–AA64) received May 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2191. A letter from the Program Support Specialist, Aircraft Certification Service, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Avions Pierre Robin Model R2160 Airplanes [Docket No. 98–CE–80–AD; Amendment 39–11141; AD 99–09–08] (RIN: 2120–AA64) received May 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2192. A letter from the Program Support Specialist, Aircraft Certification Service, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Aircraft Company Models C90A, B200, B200C, B200T, B200CT, 300, B300, B300C, and A200CT Airplanes [Docket No. 98–CE–104–AD; Amendment 39–11143; AD 99–09–10] (RIN: 2120–AA64) received May 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2193. A letter from the Program Support Specialist, Aircraft Certification Service, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace (Jetstream) Model 4101 Airplanes [Docket No. 96–NM–214–AD; Amendment 39–11145; AD 99–09–12] (RIN: 2120–AA64) received May 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2194. A letter from the Program Support Specialist, Aircraft Certification Service, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 757–200 Series Airplanes [Docket No. 98–NM–37–AD; Amendment 39–11146; AD 99–09–13] (RIN: 2120–AA64) received May 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2195. A letter from the Chief, Regs and Admin Law, USCG, Department of Transportation, transmitting the Department's final rule—Management Information System (MIS) Requirements [USCG–1998–4469] (RIN: 2115–AF67) received May 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2196. A letter from the Program Support Specialist, Aircraft Certification Service, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Lockheed Model L–1011–385 Series Airplanes [Docket No. 98–NM–199–AD; Amendment 39–11147; AD 99–09–14] (RIN: 2120–AA64) received May 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2197. A letter from the Program Support Specialist, Aircraft Certification Service, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model AS–350B, B1, B2, B3, BA, and D Helicopters, and Model AS 355E, F, F1, F2 and N Helicopters [Docket No. 98–SW–44–AD; Amendment 39–11139; AD 99–09–06] (RIN: 2120–AA64) received May 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2198. A letter from the Program Support Specialist, Aircraft Certification Service, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes Equipped With General Electric Model CF6–45 or –50 Series Engines; or Pratt & Whitney Model JT9D–3, –7, or –70 Series Engines; and 747–E4B (Military) Airplanes [Docket No. 99–NM–49–AD; Amendment 39–11144; AD 99–09–11] (RIN: 2120–AA64) received May 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2199. A letter from the Program Support Specialist, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–100, –200, –200C, –300, –400, and –500 Series Airplanes [Docket No. 98–NM–337–AD; Amendment 39–11132; AD 99–08–23] (RIN: 2120–AA64) received May 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2200. A letter from the Program Support Specialist, Aircraft Certification Service, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD–11 Series Airplanes [Docket No. 99–NM–59–AD; Amendment 39–11136; AD 99–09–04] (RIN: 2120–AA64) received May 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2201. A letter from the Program Support Specialist, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD–11 Series Airplanes [Docket No. 99–NM–44–AD; Amendment 39–11135; AD 99–09–03] (RIN: 2120–AA64) received May 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2202. A letter from the Program Support Specialist, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD–11 Series Airplanes [Docket No. 99–NM–43–AD; Amendment 39–11134; AD 99–09–02] (RIN: 2120–AA64) received May 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2203. A letter from the Program Support Specialist, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD–11 Series Airplanes [Docket No. 99–NM–42–AD; Amendment 39–11133; AD 99–09–01] (RIN: 2120–AA64) received May 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2204. A letter from the Acting Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Contracting Officer's Technical Representative (COTR) Training—received April 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

2205. A letter from the Chief, Regulations Branch, Customs Service, transmitting the Service's final rule—Technical Corrections Regarding Customs Organization (T.D. 99–27) (RIN: 1515–AB84) received March 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on Science. H.R. 1654. A bill to authorize appropriations for the National Aeronautics and Space Administration for fiscal years 2000, 2001, and 2002, and for other purposes; with an amendment (Rept. 106–145). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on Science. H.R. 1553. A bill to authorize appropriations for fiscal year 2000 and fiscal year 2001 for the National Weather Service, Atmospheric Research, and National Environmental Satellite, Data and Information Service activities of the National Oceanic and Atmospheric Administration, and for other purposes; with an amendment (Rept. 106–146). Referred to the Committee of the Whole House on the State of the Union.

Mr. REYNOLDS: Committee on Rules. House Resolution 174. Resolution providing for consideration of the bill (H.R. 1654) to authorize appropriations for the National Aeronautics and Space Administration for fiscal years 2000, 2001, and 2002, and for other purposes (Rept. 106–147). Referred to the House Calendar.

Mr. REYNOLDS: Committee on Rules. House Resolution 175. Resolution providing for consideration of the bill (H.R. 1553) to authorize appropriations for fiscal year 2000 and fiscal year 2001 for the National Weather Service, Atmospheric Research, and National Environmental Satellite, Data and Information Service activities of the National Oceanic and Atmospheric Administration, and for other purposes; (Rept. 106–148). Referred to the House Calendar.

Mr. BLILEY: Committee on Commerce. H.R. 1400. A bill to amend the Securities Exchange Act of 1934 to improve collection and dissemination of information concerning bond prices and to improve price competition in bond markets, and for other purposes (Rept. 106–149). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CRANE:

H.R. 1833. A bill to authorize appropriations for fiscal years 2000 and 2001 for the United States Customs Service for drug interdiction and other operations, for the Office of the United States Trade Representative, for the United States International Trade Commission, and for other purposes; to the Committee on Ways and Means.

By Mr. LEWIS of Georgia:

H.R. 1834. A bill to promote the growth of free enterprise and economic opportunity in the Caribbean Basin region, to increase trade between the region and the United States, and to encourage the adoption by Caribbean Basin countries of trade and investment policies necessary for participation in the Free Trade Area of the Americas; to the Committee on Ways and Means.

By Mr. GILMAN (for himself, Mr. Brown of Ohio, Mr. Cox, Mr. Kasich, Mr. Knollenberg, Mr. Sanford, and Mr. McIntosh):

H.R. 1835. A bill to impose conditions on assistance authorized for North Korea, to impose restrictions on nuclear cooperation and other transactions with North Korea, and for other purposes; to the Committee on International Relations.

By Mr. BEREUTER:

H.R. 1836. A bill to properly balance the wind and water erosion criteria and the wildlife suitability criteria to be used in the 18th signup of land in the conservation reserve program; to the Committee on Agriculture.

By Mr. BURR of North Carolina (for himself, Mr. Cardin, Mr. McCrery, and Mr. Pallone):

H.R. 1837. A bill to amend title XVIII of the Social Security Act to provide certain Medicare beneficiaries with an exemption to the financial limitations imposed on physical, speech-language pathology, and occupational therapy services under part B of the Medicare Program, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DELAY (for himself, Mr. Andrews, Mr. Gilman, Mr. Deutsch, Mr. Rohrabacher, Mr. Wu, Mr. Cox, Mr. Jefferson, Mr. Diaz-Balart, Mrs. Lowey, Mr. Smith of New Jersey, Mr. Hunter, Mr. Burton of Indiana, Mr. Cook, and Mr. Weldon of Florida):

H.R. 1838. A bill to assist in the enhancement of the security of Taiwan, and for other purposes; to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANKS of New Jersey:

H.R. 1839. A bill to authorize the Director of the Federal Emergency Management Agency to make grants to fire departments for the acquisition of thermal imaging cameras; to the Committee on Transportation and Infrastructure.

By Mr. GRAHAM (for himself, Mr. JEFFERSON, and Mr. WEXLER):

H.R. 1840. A bill to amend the Internal Revenue Code of 1986 to increase the maximum taxable income for the 15 percent rate bracket, to provide a partial exclusion from gross income for dividends and interest received by individuals, to provide a long-term capital gains deduction for individuals, to increase the traditional IRA contribution limit, and for other purposes; to the Committee on Ways and Means.

By Mr. GUTIERREZ (for himself and Mrs. MORELLA):

H.R. 1841. A bill to amend the Immigration and Nationality Act to restore eligibility for adjustment of status under section 245(i) of that Act; to the Committee on the Judiciary.

By Mr. HAYWORTH (for himself and Mr. POMEROY):

H.R. 1842. A bill to provide matching grants for the construction, renovation and repair of school facilities in areas affected by Federal activities, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HYDE (for himself and Mrs. LOWEY):

H.R. 1843. A bill to amend title XXI of the Social Security Act to permit States to use funds under the State Children's Health Insurance Program for coverage of uninsured pregnant women, and for other purposes; to the Committee on Commerce.

By Mr. LAHOOD (for himself, Mr. FRANK of Massachusetts, Mr. KILDEE, Mr. SUNUNU, Mr. FROST, Mr. DINGELL, and Mr. LATOURETTE):

H.R. 1844. A bill to provide for adjustment of status for certain aliens granted temporary protected status in the United States because of conditions in Lebanon; to the Committee on the Judiciary.

By Mr. LIPINSKI (for himself, Mr. TRAFICANT, Mr. DEFAZIO, Mr. DUNCAN, Mr. EVANS, Mr. RUSH, Mr. GUTIERREZ, Mr. DAVIS of Illinois, Ms. SCHAKOWSKY, Mr. COSTELLO, Mr. PHELPS, Mr. BORSKI, Mr. HOLDEN, and Mr. McGOVERN):

H.R. 1845. A bill to amend title 49, United States Code, to provide for congressional review of civil aviation agreements; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LOFGREN:

H.R. 1846. A bill to amend the Immigration and Nationality Act to permit the Attorney General to deem that an applicant for naturalization has taken an oath of renunciation and allegiance in certain cases where the applicant is medically unable to take the oath; to the Committee on the Judiciary.

By Mrs. MALONEY of New York (for herself, Mr. MALONEY of Connecticut, Mrs. KELLY, and Ms. NORTON):

H.R. 1847. A bill to amend title 10, United States Code, to require the Secretary of Defense to prescribe regulations to protect the confidentiality of communications between dependents of members of the Armed Forces and professionals providing therapeutic or related services regarding sexual or domestic abuse; to the Committee on Armed Services.

By Mrs. MALONEY of New York (for herself, Mr. SHAYS, Ms. ROYBAL-ALLARD, Mrs. MORELLA, Ms. NORTON, and Mr. DOOLEY of California):

H.R. 1848. A bill to ensure a woman's right to breastfeed her child on any portion of Federal property where the woman and her child are otherwise authorized to be; to the Committee on Government Reform.

By Mrs. MALONEY of New York (for herself, Mrs. KELLY, Mr. ABERCROMBIE, Ms. BERKLEY, Mrs. CHRISTENSEN, Mrs. CLAYTON, Mr. CONYERS, Mr. FARR of California, Mr. FILNER, Mr. FROST, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Mr. LAFALCE, Mr. LEWIS of Georgia, Ms. LOFGREN, Mr. McGOVERN, Ms. McKINNEY, Mr. MEEHAN, Ms. MILLENDER-McDONALD, Mrs. MORELLA, Ms. NORTON, Mr. OLVER, Mr. PAYNE, Ms. PELOSI, Ms. RIVERS, Mr. ROMERO-BARCELO, Mr. SANDERS, Ms. SCHAKOWSKY, Ms. SLAUGHTER, Mr. STARK, Mrs. THURMAN, Mr. UNDERWOOD, Mr. WEINER, and Ms. WOOLSEY):

H.R. 1849. A bill to require the Attorney General to promulgate regulations relating to gender-related persecution, including female genital mutilation, for use in determining an alien's eligibility for asylum or withholding of deportation; to the Committee on the Judiciary.

By Mr. MILLER of Florida (for himself, Mr. GEORGE MILLER of California, Mr. GOSS, Mr. KOLBE, Mr. FORBES, Mr. WAXMAN, Mr. ROYCE, Mr. SHAYS, Mr. WOLF, Mrs. NORTHUP, Mr. FRELINGHUYSEN, Mr. BLAGOJEVICH, Mr. SUNUNU, Mr. STARK, Mr. MEEHAN, Mr. SANFORD, Mr. BASS, Mr. CAMPBELL, Mr. BRADY of Pennsylvania, Mr. PORTMAN, Mr. BERMAN, Mr. VISCLOSKY, Mr. HINCHEY, Mr. HUTCHINSON, Mr. CARDIN, Mr. CASTLE, Mr. HANSEN, Mr. COOK, Mr. COYNE, Mr. ENGLISH, Mr. ROHRABACHER, Mr. SOUDER, Mr. WEINER, Mr. SHAW, Mr. SCARBOROUGH, Mr. PORTER, Mr. COBURN, Mr. HORN, Mr. RAMSTAD, Mr. WAMP, Mr. SENSENBRENNER, Mrs. ROUKEMA, Mr. KINGSTON, and Mr. SALMON):

H.R. 1850. A bill to amend the Agricultural Market Transition Act to convert the price support program for sugarcane and sugar beets into a system of solely recourse loans and to provide for the gradual elimination of the program; to the Committee on Agriculture.

By Mr. OWENS (for himself, Mr. CLAY, Mr. GEORGE MILLER of California, Mr. MARTINEZ, Mr. PAYNE, Mr. KUCINICH, and Ms. WOOLSEY):

H.R. 1851. A bill to amend the Occupational Safety and Health Act of 1970 to enhance protections for employees reporting workplace hazards to the Occupational Safety and Health Administration; to the Committee on Education and the Workforce.

By Mr. SENSENBRENNER (for himself, Mr. COBLE, and Mr. BERMAN):

H.R. 1852. A bill to amend title 28, United States Code, to allow a judge to whom a case is transferred to retain jurisdiction over certain multidistrict litigation cases for trial; to the Committee on the Judiciary.

By Mr. SESSIONS:

H.R. 1853. A bill to provide for each American the opportunity to provide for his or her retirement through a S.A.F.E. account, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHAYS (for himself, Mrs. MALONEY of New York, Ms. BERKLEY, Mr. BRADY of Pennsylvania, Mr. CAPUANO, Mr. ENGLISH, Mr. FALEOMAVAEGA, Mr. FROST, Mr. GILMAN, Mr. GUTIERREZ, Ms. JACKSON-LEE of Texas, Mrs. JOHNSON of Connecticut, Ms. KILPATRICK, Mr. KOLBE, Ms. LEE, Mr. MALONEY of Connecticut, Mr. McGOVERN, Mr. NADLER, Mr. PETRI, Mr. SCHAFFER, Ms. SCHAKOWSKY, and Mr. UNDERWOOD):

H.R. 1854. A bill to temporarily increase the number of visas available for backlogged spouses and children of lawful permanent resident aliens; to the Committee on the Judiciary.

By Mr. SMITH of Texas (for himself, Ms. LOFGREN, and Mr. HUTCHINSON):

H.R. 1855. A bill to exempt agreements relating to voluntary guidelines governing telecast material, movies, video games, Internet content, and music lyrics from the applicability of the antitrust laws; to the Committee on the Judiciary.

By Mr. THORNBERRY:

H.R. 1856. A bill to direct the Attorney General to establish a panel to study the issue of Federal benefits received by persons convicted of drug offenses; to the Committee on the Judiciary.

By Mrs. THURMAN (for herself, Mr. STARK, Mr. CANADY of Florida, Ms. BERKLEY, Mr. MATSUI, Mr. LEWIS of Georgia, Ms. BALDWIN, Mr. HILLIARD, Mr. BARRETT of Wisconsin, Ms. KILPATRICK, Ms. MILLENDER-McDONALD, and Ms. HOOLEY of Oregon):

H.R. 1857. A bill to amend the Family and Medical Leave Act of 1993 to allow leave for individuals who give living organ donations, to amend the Public Health Service Act with respect to paying travel and subsistence expenses that are incurred by individuals in donating or receiving of organs, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on Commerce, Government Reform, House Administration, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CAPPS (for herself, Mr. GEJDENSON, Mr. HOUGHTON, Mr. BERMAN, Mr. SAXTON, Mr. ACKERMAN, Mr. WAXMAN, Mr. WEXLER, Mr. OSE, Mr. FROST, Mr. PORTER, Mr. BONIOR, Ms. DELAURO, Mr. BROWN of California, Mr. MATSUI, Mrs. LOWEY, Mr. DIXON, Ms. SCHAKOWSKY, Mrs. MEEK of Florida, Mr. CROWLEY, Mr. BERRY, Mr. HOLT, Mr. FARR of California, Ms. KILPATRICK, Mr. HASTINGS of Florida, Mr. FILNER, Mr. PAYNE, Mr. LEVIN, Mr. KENNEDY of Rhode Island, Mr. BLAGOJEVICH, Mrs. MALONEY of New York, Ms. VELÁZQUEZ, Mr. MINGE, Mr.

CAPUANO, Mr. HINCHEY, Mr. HORN, Ms. LEE, Mr. ETHERIDGE, Mr. REYES, Mr. GREEN of Texas, Mr. MEEHAN, Mr. ALLEN, Mr. ENGEL, Mr. MCGOVERN, Mr. KOLBE, Mr. BENTSEN, Ms. PELOSI, Mr. PHELPS, Mr. OBERSTAR, Mr. KING, Mr. NADLER, Ms. BALDWIN, Mr. HALL of Ohio, Mr. FORBES, Mr. FRANK of Massachusetts, Ms. LOFGREN, Mr. ROMERO-BARCELO, Mr. CONDIT, Mr. PRICE of North Carolina, Mr. LEWIS of Georgia, and Mr. ROTHMAN):

H. Con. Res. 109. A concurrent resolution commending the people of Israel for reaffirming, in its elections, its dedication to democratic ideals, and for other purposes; to the Committee on International Relations.

By Mr. THOMPSON of Mississippi (for himself, Mr. CLYBURN, Mr. HASTINGS of Florida, Mr. JEFFERSON, Mr. CUMMINGS, Ms. VELÁZQUEZ, Mr. CONYERS, Mr. SCOTT, Mr. RUSH, Ms. JACKSON-LEE of Texas, Mr. PAYNE, Mr. JACKSON of Illinois, Mrs. CHRISTENSEN, Ms. NORTON, Mr. DAVIS of Illinois, Mr. OWENS, Ms. BROWN of Florida, Mrs. MEEK of Florida, Mr. FATTAH, Ms. MILLENDER-MCDONALD, Mr. FORD, Mrs. JONES of Ohio, Mr. TOWNS, Ms. MCKINNEY, Mrs. CLAYTON, Mr. MEEKS of New York, Ms. LEE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FROST, Ms. CARSON, Ms. KILPATRICK, Ms. WATERS, Mr. WYNN, Mr. RANGEL, Mr. BISHOP, Mr. HILLIARD, Mr. LEWIS of Georgia, and Mr. WATT of North Carolina):

H. Res. 176. A resolution recognizing the historical significance of the Supreme Court's unanimous decision in Brown v. Board of Education, repudiating segregation, and reaffirming the fundamental belief that we are all "one Nation under God, indivisible"; to the Committee on the Judiciary.

By Mr. BALDACCI:

H. Res. 177. A resolution relating to the treatment of veterans with Alzheimer's disease; to the Committee on Veterans' Affairs.

By Ms. PELOSI (for herself, Mr. WOLF, Mr. LANTOS, Mr. PORTER, Mr. GEPHARDT, Mr. COX, Mr. BONIOR, Mr. GILMAN, Mr. GEJDENSON, Mr. SMITH of New Jersey, Mr. BROWN of Ohio, Mr. ROHRABACHER, Mr. WU, Mr. ABERCROMBIE, Mr. SCHAFFER, Mr. SHAYS, Mr. WAXMAN, Ms. WOOLSEY, Mr. HORN, Mr. MCGOVERN, and Mr. CLAY):

H. Res. 178. A resolution concerning the tenth anniversary of the Tiananmen Square massacre of June 4, 1989, in the People's Republic of China; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 5: Mr. ARMEY.

H.R. 8: Mr. EHRLICH, Mr. HANSEN, Mr. PORTER, and Mr. BRADY of Texas.

H.R. 49: Mrs. MINK of Hawaii, Mr. SANDLIN, and Mr. BACHUS.

H.R. 65: Mr. WATT of North Carolina.

H.R. 111: Mr. TALENT, Mr. CONYERS, Mr. MOORE, Ms. ROS-LEHTINEN, Mr. SMITH of New Jersey, Mr. JONES of North Carolina, and Mr. INSLEE.

H.R. 157: Mr. ARMEY and Mr. PACKARD.

H.R. 170: Mr. ABERCROMBIE, Ms. KILPATRICK, Mr. COSTELLO, and Mr. SANDERS.

H.R. 194: Mr. LEVIN.

H.R. 220: Mr. SUNUNU.

H.R. 248: Mr. ENGLISH and Mr. SHADEGG.

H.R. 303: Mr. CHAMBLISS.

H.R. 315: Mr. PALLONE.

H.R. 351: Mr. QUINN and Mr. BAKER.

H.R. 353: Mr. UPTON, Mr. JENKINS, Mr. SKELTON, Mr. SHAYS, and Ms. BROWN of Florida.

H.R. 357: Mr. BAIRD.

H.R. 380: Mr. WEINER and Mr. SERRANO.

H.R. 383: Mr. WATT of North Carolina, Mr. LEWIS of Georgia, and Mr. HOLDEN.

H.R. 390: Mrs. CHENOWETH, Mr. PITTS, Mr. LAFALCE, Mr. TOWNS, Mr. CROWLEY, Mrs. THURMAN, and Mr. HINCHEY.

H.R. 407: Mr. TAYLOR of Mississippi.

H.R. 417: Mr. BOYD.

H.R. 430: Mr. GONZALEZ.

H.R. 456: Mr. FOLEY, Mr. UDALL of Colorado, Mr. GONZALEZ.

H.R. 483: Mr. TALENT.

H.R. 488: Mr. MARKEY.

H.R. 516: Mr. BOUCHER.

H.R. 518: Mr. SANFORD, Mr. PACKARD, Mr. BOUCHER.

H.R. 531: Mr. LARSON, Mr. LAFALCE, Mr. LAHOOD, Mr. SHAYS, Mr. HOEFFEL, Ms. HOOLEY of Oregon, and Ms. STABENOW.

H.R. 541: Mr. WU and Mr. ABERCROMBIE.

H.R. 576: Mr. BAIRD.

H.R. 584: Mr. KING and Mrs. KELLY.

H.R. 648: Mr. UNDERWOOD and Mr. LEWIS of Georgia.

H.R. 670: Mr. SMITH of Texas and Mrs. MEEK of Florida.

H.R. 716: Mr. LINDER.

H.R. 719: Ms. KILPATRICK.

H.R. 732: Mr. ACKERMAN, Mrs. ROUKEMA, and Mr. KILDEE.

H.R. 750: Mr. SMITH of New Jersey.

H.R. 783: Mr. SISISKY, Mr. BONIOR, Mr. SKELTON, Mr. SIMPSON, Mr. HILL of Indiana, Mr. MCHUGH, and Mrs. JOHNSON of Connecticut.

H.R. 784: Mr. STENHOLM and Mr. BALDACCI.

H.R. 796: Mr. DIAZ-BALART, Mr. THOMAS, Mr. BRADY of Texas, Mr. HUNTER, and Mr. LEWIS of California.

H.R. 827: Mr. LEVIN, Mr. GEORGE MILLER of California, Mr. DAVIS of Illinois, Mr. BERMAN, Mr. STARK, Mr. LEWIS of Georgia, Mr. HINOJOSA, Mr. CARDIN, and Mr. QUINN.

H.R. 845: Mr. LEWIS of Georgia.

H.R. 876: Mr. GARY MILLER of California.

H.R. 895: Mr. DIXON, Mr. CARDIN, Ms. LEE, Mrs. THURMAN, Ms. BERKLEY, Mr. MALONEY of Connecticut, and Ms. VELÁZQUEZ.

H.R. 924: Mr. BURTON of Indiana, Mrs. EMERSON, Mr. GOODE, Mr. HOBSON, Mr. JENKINS, Ms. MCKINNEY, Mr. PICKETT, and Mr. TAYLOR of North Carolina.

H.R. 976: Ms. CARSON, Mr. MALONEY of Connecticut, and Mr. JENKINS.

H.R. 997: Mr. PALLONE, Mr. BROWN of California, Mr. MATSUI, Mrs. JOHNSON of Connecticut, Mr. VENTO, Mr. WEYGAND, Mr. FILNER, Mrs. NAPOLITANO, Ms. WOOLSEY, Mr. MCHUGH, Mr. MOLLOHAN, and Mr. LEWIS of Georgia.

H.R. 1000: Mr. ORTIZ, Mr. POMBO, Mr. SOUDER, Mr. ENGLISH, and Mr. SHOWS.

H.R. 1002: Mr. PACKARD.

H.R. 1008: Mr. CALVERT.

H.R. 1029: Mr. MCDERMOTT, Mr. FROST, Mr. FARR of California, and Mrs. MEEK of Florida.

H.R. 1044: Mr. ENGLISH, Mrs. THURMAN, Mr. JENKINS, and Mr. GARY MILLER of California.

H.R. 1070: Mr. BORSKI and Mr. CLYBURN.

H.R. 1071: Ms. BERKLEY.

H.R. 1080: Mr. WEINER, Mr. THOMPSON of Mississippi, and Mr. LATOURETTE.

H.R. 1083: Mr. CRANE.

H.R. 1095: Mr. RAHALL, Mr. ABERCROMBIE, Mr. LANTOS, and Mr. LEWIS of Georgia.

H.R. 1102: Mrs. MYRICK, Mr. LUCAS of Kentucky, Mr. MANZULLO, Mr. COOK, and Mr. VENTO.

H.R. 1106: Mr. CHAMBLISS.

H.R. 1111: Mr. LEACH.

H.R. 1123: Mr. GEJDENSON and Ms. RIVERS.

H.R. 1146: Mr. TANCREDO.

H.R. 1168: Mr. MEEHAN, Mr. LATOURETTE, Mr. TRAFICANT, Mr. CRAMER, Mrs. ROUKEMA, Mr. HILLEARY, Mrs. TAUSCHER, Mr. JEFFERSON, Mr. SMITH of New Jersey, Mr. SAXTON, Mr. TIERNEY, Mr. ENGEL, Mr. WEXLER, and Mr. VISCLOSKY.

H.R. 1180: Mr. PAYNE, Mr. TAUZIN, Ms. HOOLEY of Oregon, Ms. MCKINNEY, Mr. SIMPSON, and Mr. CAPUANO.

H.R. 1190: Mr. UNDERWOOD.

H.R. 1196: Mr. HINOJOSA and Mr. WU.

H.R. 1218: Mr. PACKARD.

H.R. 1221: Mrs. THURMAN.

H.R. 1222: Mr. MCDERMOTT.

H.R. 1237: Mr. DELAHUNT, Mr. ROMERO-BARCELÓ, Mr. FARR of California, Mr. FRANKS of New Jersey, Mr. DAVIS of Florida, and Mr. WU.

H.R. 1248: Ms. KILPATRICK, Mr. PALLONE, and Mr. BROWN of California.

H.R. 1256: Mr. ARMEY, Mr. DEAL of Georgia, Mr. BARTON of Texas, Mr. MEEKS of New York, and Mr. BOEHLERT.

H.R. 1267: Mr. LAFALCE.

H.R. 1285: Mr. ENGLISH, Mr. WYNN, Mr. BALDACCI, Mr. DAVIS of Illinois, Mr. BONIOR, and Mrs. EMERSON.

H.R. 1288: Mrs. MALONEY of New York, Ms. VELÁZQUEZ, and Mr. CAPUANO.

H.R. 1292: Mr. LOBIONDO, Mr. FROST, Mr. HOUGHTON, and Mr. LANTOS.

H.R. 1301: Ms. MCCARTHY of Missouri, Mr. EVERETT, Mr. KIND, Mrs. THURMAN, Mr. HULSHOF, Mr. LUCAS of Kentucky, Mr. MCHUGH, Mr. CAMP, Mr. TANCREDO, Mr. DEAL of Georgia, and Ms. PRYCE of Ohio.

H.R. 1317: Mr. NEAL of Massachusetts and Mr. UPTON.

H.R. 1334: Mr. SHIMKUS, Mr. NORWOOD, Mr. GILLMOR, and Mr. WELLER.

H.R. 1337: Mr. BECERRA, Mr. BILIRAKIS, Mr. COLLINS, Mr. MCKEON, Mr. RANGEL, and Mr. CRANE.

H.R. 1342: Ms. WOOLSEY, Mr. CAPUANO, and Ms. JACKSON-LEE of Texas.

H.R. 1349: Mr. CALVERT, Mr. CANNON, and Mr. LATHAM.

H.R. 1355: Mr. ACKERMAN and Mr. RODRIGUEZ.

H.R. 1366: Mr. PASTOR, Mr. BAKER, and Mr. SMITH of New Jersey.

H.R. 1443: Mr. ENGEL.

H.R. 1452: Mr. TRAFICANT.

H.R. 1465: Mr. INSLEE.

H.R. 1496: Ms. PRYCE of Ohio, Mr. LOBIONDO, Mr. MCINTOSH, and Mrs. MYRICK.

H.R. 1513: Mr. BLUMENAUER.

H.R. 1592: Mr. CUNNINGHAM, Mr. TERRY, Mr. HUTCHINSON, Ms. BROWN of Florida, Mr. NORWOOD, Mr. HOLDEN, Mr. GEKAS, and Mr. GIBBONS.

H.R. 1602: Mr. MANZULLO, Mr. GARY MILLER of California, and Mr. TALENT.

H.R. 1614: Mr. DAVIS of Florida.

H.R. 1616: Mr. MCINNIS.

H.R. 1649: Mr. PETRI.

H.R. 1650: Ms. KILPATRICK, Mr. LEVIN, Ms. SLAUGHTER, and Mr. SMITH of Washington.

H.R. 1659: Mr. FRANK of Massachusetts, Ms. CARSON, Ms. NORTON, Mr. GONZALEZ, Mr. JACKSON of Illinois, Mr. MEEKS of New York, Ms. BROWN of Florida, Mr. WALSH, Mr. DAVIS of Illinois, and Mr. CLAY.

H.R. 1706: Mr. GARY MILLER of California.

H.R. 1710: Mr. BACHUS.

H.R. 1750: Ms. SCHAKOWSKY, Mr. TRAFICANT, Ms. BALDWIN, Mr. RODRIQUEZ, and Mr. CONYERS.

H.R. 1763: Mr. Hunter.

H.R. 1768: Mr. Moore.

H.R. 1775: Mr. Hoyer and Mr. Kennedy of Rhode Island.

H.R. 1777: Mr. English, Mr. Ehlers, and Mr. Inslee.

H.R. 1791: Mr. English and Ms. Kilpatrick.

H.R. 1798: Ms. Slaughter.

H.R. 1812: Ms. Baldwin.

H.J. Res. 21: Mr. Ewing.

H.J. Res. 41: Mr. Brady of Pennsylvania, Ms. Eddie Bernice Johnson of Texas, Mr. Delahunt, and Ms. DeGette.

H. Con. Res. 8: Mr. Lucas of Kentucky.

H. Con. Res. 25: Mr. Romero-Barcelo, Mrs. Kelly, and Mr. Frost.

H. Con. Res. 30: Mr. Thornberry and Mr. Ryun of Kansas.

H. Con. Res. 60: Mr. Leach, Mr. Bereuter, and Mr. Sununu.

H. Con. Res. 73: Mr. LaFalce.

H. Con. Res. 75: Mr. Kennedy of Rhode Island, and Ms. Eddie Bernice Johnson of Texas.

H. Con. Res. 94: Mr. Traficant, Mrs. Cubin, and Mr. Smith of New Jersey.

H. Con. Res. 99: Mr. English

H. Con. Res. 107: Mr. DeMint, Mr. Forbes, Mr. Hilleary, Mr. Pombo, Mr. Riley, Mr. Smith of New Jersey, Mr. Archer, Mr. Watts of Oklahoma, Mr. Bliley, and Mr. Hostettler.

H. Res. 45: Mr. Packard.

H. Res. 115: Mr. Levin, Mr. Weiner, and Mr. Capuano.

H. Res. 161: Mr. Lampson and Ms. Baldwin.

H. Res. 164: Ms. Millender-McDonald, Mr. Hilliard, Mr. Sanders, Mr. Shows, Mr. Baird, Mr. Abercrombie, and Mr. Frost.

DELETION OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 692: Mr. Green of Wisconsin.

H.R. 987: Mr. Thompson of Mississippi.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 1553

Offered By: Mr. Hutchinson

Amendment No. 1: In section 3, insert at the end the following new subsection:

(d) Closing of Local Weather Service Offices.—It is the sense of the Congress that the National Weather Service should not close any local weather service offices within Wind Zone IV, otherwise known as tornado alley.

H.R. 1553

Offered By: Mr. Traficant

Amendment No. 2: At the end of the bill, add the following new sections:

SEC. 9. COMPLIANCE WITH BUY AMERICAN ACT.

No funds authorized pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act").

SEC. 10. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) Purchase of American-Made Equipment and Products.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) Notice to Recipients of Assistance.—In providing financial assistance under this Act, the Secretary of Commerce shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 11. PROHIBITION OF CONTRACTS.

If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.

H.R. 1654

Offered By: Mr. Bateman

Amendment No. 1: In section 101(1), strike "$2,482,700,000" and insert "$2,382,700,000".

In section 101(2), strike "$2,328,000,000" and insert "$2,228,000,000".

In section 101(3), strike "$2,091,000,000" and insert "$1,991,000,000".

In section 103(4)—

(1) in subparagraph (A), strike "$999,300,000" and insert "$1,099,300,000";

(2) in subparagraph (A)(i), strike "$532,800,000" and insert "$632,800,000";

(3) in subparagraph (A)(i), strike "$412,800,000 to be for the Research and Technology Base" and insert "$512,800,000 to be for the Research and Technology Base, including—

"(I) $20,000,000 for the Innovative Aviation Technologies Research program;

"(II) $30,000,000 for the Aging Aircraft Sustainment program;

"(III) $10,000,000 for the Aircraft Development Support program;

"(IV) $20,000,000 for the Unmanned Air Vehicles program; and

"(V) $20,000,000 for the Long-Range Precision Hypersonic Strike program";

(4) in subparagraph (B), strike "$908,400,000" and insert "$1,008,400,000";

(5) in subparagraph (B)(i), strike "$524,000,000" and insert "$624,000,000";

(6) in subparagraph (B)(i), strike "$399,800,000 to be for the Research and Technology Base, and with $54,200,000 to be for Aviation System Capacity" and insert "$54,200,000 to be for Aviation System Capacity, and with $499,800,000 to be for the Research and Technology Base, including—

"(I) $20,000,000 for the Innovative Aviation Technologies Research program;

"(II) $30,000,000 for the Aging Aircraft Sustainment program;

"(III) $10,000,000 for the Aircraft Development Support program;

"(IV) $20,000,000 for the Unmanned Air Vehicles program; and

"(V) $20,000,000 for the Long-Range Precision Hypersonic Strike program";

(7) in subparagraph (C), strike "$994,800,000" and insert "$1,094,800,000";

(8) in subparagraph (C)(i), strike "$519,200,000" and insert "$619,200,000"; and

(9) in subparagraph (C)(i), strike "$381,600,000 to be for the Research and Technology Base, and with $67,600,000 to be for Aviation System Capacity" and insert "$67,600,000 to be for Aviation System Capacity, and with $481,600,000 to be for the Research and Technology Base, including—

"(I) $20,000,000 for the Innovative Aviation Technologies Research program;

"(II) $30,000,000 for the Aging Aircraft Sustainment program;

"(III) $10,000,000 for the Aircraft Development Support program;

"(IV) $20,000,000 for the Unmanned Air Vehicles program; and

"(V) $20,000,000 for the Long-Range Precision Hypersonic Strike program".

H.R. 1654

Offered By: Mr. Cook

Amendment No. 2: At the end of the bill, insert the following new section:

SEC. 221. SPACE STATION COMMERCIALIZATION.

In order to promote commercialization of the International Space Station, the Administrator shall—

(1) allocate sufficient resources as appropriate to accelerate the National Aeronautics and Space Administration's initiatives promoting commercial participation in the International Space Station;

(2) instruct all National Aeronautics and Space Administration staff that they should consider the potential impact on commercial participation in the International Space Station in developing policies or program priorities not directly related to crew safety; and

(3) publish a list, not later than 90 days after the date of the enactment of this Act, and annually thereafter with the annual budget request of the National Aeronautics and Space Administration, of the opportunities for commercial participation in the International Space Station consistent with safety and mission assurance.

In the table of contents, after the item relating to section 220, insert the following new item:

Sec. 221. Space Station commercialization.

H.R. 1654

Offered By: Mr. Roemer

Amendment No. 3: Amend section 101 to read as follows:

SEC. 101. INTERNATIONAL SPACE STATION.

There are authorized to be appropriated to the National Aeronautics and Space Administration for the International Space Station, for expenses necessary to terminate the program, for fiscal year 2000, $500,000,000.

In section 106(1), strike "$13,625,600,000" and insert in lieu thereof "$11,642,900,000".

In section 106(2), strike "$13,747,100,000" and insert in lieu thereof "$11,919,100,000".

In section 106(3), strike "$13,839,400,000" and insert in lieu thereof "$12,248,490,000".

In section 121(a), strike "sections 101," and insert in lieu thereof "sections".

H.R. 1654

Offered By: Mr. Roemer

Amendment No. 4: After section 130, insert the following new section:

SEC. 131. COST LIMITATION FOR THE INTERNATIONAL SPACE STATION.

(a) Limitation of Costs.—Except as provided in subsection (c), the total amount appropriated for—

(1) costs of the International Space Station through completion of assembly may not exceed $21,900,000,000; and

(2) space shuttle launch costs in connection with the assembly of the International Space Station through completion of assembly may not exceed $17,700,000,000 (determined at the rate of $380,000,000 per space shuttle flight).

(b) Costs to Which Limitation Applies.—

(1) Development costs.—The limitation imposed by subsection (a)(1) does not apply to funding for operations, research, and crew return activities subsequent to substantial completion of the International Space Station.

(2) Launch costs.—The limitation imposed by subsection (a)(2) does not apply to space shuttle launch costs in connection with operations, research, and crew return activities subsequent to substantial completion of the International Space Station.

(3) Substantial completion.—For purposes of this subsection, the International Space Station is considered to be substantially completed when the development costs comprise 5 percent or less of the total International Space Station costs for the fiscal year.

(c) Automatic Increase of Limitation Amount.—The amounts set forth in subsection (a) shall each be increased to reflect any increase in costs attributable to—

(1) economic inflation;

(2) compliance with changes in Federal, State, or local laws enacted after the date of enactment of this Act;

(3) the lack of performance or the termination of participation of any of the International countries participating in the International Space Station; and

(4) new technologies to improve safety, reliability, maintainability, availability, or utilization of the International Space Station, or to reduce costs after completion of assembly, including increases in costs for on-orbit assembly sequence problems, increased ground testing, verification and integration activities, contingency responses to on-orbit failures, and design improvements to reduce the risk of on-orbit failures.

(d) Notice of Changes.—The Administrator shall provide with each annual budget request a written notice and analysis of any changes under subsection (c) to the amounts set forth in subsection (a) to the Senate Committees on Appropriations and on Commerce, Science, and Transportation and to the House of Representatives Committees on Appropriations and on Science. The written notice shall include—

(1) an explanation of the basis for the change, including the costs associated with the change and the expected benefit to the program to be derived from the change; and

(2) an analysis of the impact on the assembly schedule and annual funding estimates of not receiving the requested increases.

(e) Reporting and Review.—

(1) Identification of costs.—

(A) Space shuttle.—As part of the overall space shuttle program budget request for each fiscal year, the Administrator shall identify separately the amounts of the requested funding that are to be used for completion of the assembly of the International Space Station.

(B) International space station.—As part of the overall International Space Station budget request for each fiscal year, the Administrator shall identify the amount to be used for development of the International Space Station.

(2) Accounting for cost limitations.—As part of the annual budget request to the Congress, the Administrator shall account for the cost limitations imposed by subsection (a).

(3) Verification of accounting.—The Administrator shall arrange for a verification, by the General Accounting Office, of the accounting submitted to the Congress within 60 days after the date on which the budget request is transmitted to the Congress.

(4) Inspector general.—Within 60 days after the Administrator provides a notice and analysis to the Congress under subsection (d), the Inspector General of the National Aeronautics and Space Administration shall review the notice and analysis and report the results of the review to the committees to which the notice and analysis was provided.

In the table of contents, after the item relating to section 130, insert the following new item:

Sec. 131. Cost limitation for the International Space Station.

H.R. 1654

Offered By: Mr. Roemer

Amendment No. 5: At the end of the bill, insert the following new section:

SEC. 221. CANCELLATION OF RUSSIAN PARTNERSHIP.

Not later than 90 days after the date of the enactment of this Act, the Administrator shall terminate all contracts and other agreements with the Russian Government necessary to remove the Russian Government as a partner in the International Space Station program. The National Aeronautics and Space Administration shall not enter into a new partnership with the Russian Government relating to the International Space Station. Nothing in this section shall prevent the National Aeronautics and Space Administration from accepting participation by the Russian Government or Russian entities on a commercial basis. Nothing in this section shall prevent the National Aeronautics and Space Administration from purchasing elements of the International Space Station directly from Russian contractors.

In the table of contents, after the item relating to section 220, insert the following:

Sec. 221. Cancellation of Russian partnership.

H.R. 1654

Offered by: Mr. Rohrabacher

Amendment No. 6: In section 103(2)—

(1) in subparagraph (A), insert “, and of which $77,400,000 may be used for activities associated with International Space Station research” after “rocket vouchers”;

(2) in subparagraph (B), insert “, and of which $70,000,000 may be used for activities associated with International Space Station research” after “health issues”; and

(3) in subparagraph (C), insert “, and of which $80,800,000 may be used for activities associated with International Space Station research” after “health issues”.

In section 103(4)(A)(i), insert “focused program” after “Ultra-Efficient Engine”.

In section 103(4)(A)(ii)(I), insert “, including $30,000,000 for Pathfinder Operability Demonstrations” after “Demonstration Program”.

In section 103(4)(B)(i), insert “focused program” after “Ultra-Efficient Engine”.

In section 103(4)(C)(i), insert “focused program” after “Ultra-Efficient Engine”.

In section 209(1), insert “encouraging” after “process of”.

In section 219—

(1) in subsection (a)—

(A) strike “Education Curriculum.—” and insert “Educational Initiative.—”;

(B) strike “an age-appropriate educational curriculum” and insert “age-appropriate educational materials”;

(C) insert “related” after “and any other”; and

(D) strike “the educational curriculum plans” and insert “the educational materials plans”; and

(2) in subsection (b), strike “Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate” and insert “Congress”.

H.R. 1654

Offered by: Mr. Salmon

Amendment No. 7: At the end of the bill, insert the following new section:

SEC. 221. ANTI-DRUG MESSAGE ON INTERNET SITES.

Not later than 90 days after the date of the enactment of this Act, the Administrator, in consultation with the Director of the Office of National Drug Control Policy, shall place anti-drug messages on Internet sites controlled by the National Aeronautics and Space Administration.

In the table of contents, after the item relating to section 220, insert the following new item:

Sec. 221. Anti-drug message on Internet sites.

H.R. 1654

Offered by: Mr. Smith of Michigan

Amendment No. 8: In section 217—

(1) insert “(a) Information Development.—” before “The Administrator shall”; and

(2) add at the end the following new subsections:

(b) Plan.—After performing the activities described in subsection (a) the Administrator and the Secretary of Agriculture shall develop a plan to inform farmers and other prospective users about the use and availability of remote sensing products that may assist with agricultural and forestry applications identified in subsection (a). The Administrator shall transmit such plan to the Congress not later than 180 days after the date of the enactment of this Act.

(c) Implementation.—Not later than 90 days after the plan has been transmitted under subsection (b), the Administrator and the Secretary of Agriculture shall implement the plan.

H.R. 1654

Offered by: Mr. Smith of Michigan

Amendment No. 9: In section 217—

(1) insert “(a) Information Development.—” before “The Administrator shall”; and

(2) add at the end the following new subsections:

(b) Plan.—After performing the activities described in subsection (a) the Administrator shall, in consultation with the Secretary of Agriculture, develop a plan to inform farmers and other prospective users about the use and availability of remote sensing products that may assist with agricultural and forestry applications identified in subsection (a). The Administrator shall transmit such plan to the Congress not later than 180 days after the date of the enactment of this Act.

(c) Implementation.—Not later than 90 days after the plan has been transmitted under subsection (b), the Administrator shall implement the plan.

H.R. 1654

Offered By: Mr. Traficant

Amendment No. 10: At the end of the bill, insert the following new section:

SEC. 221. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) Purchase of American-Made Equipment and Products.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Administrator shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

In the table of contents, after the item relating to section 220, insert the following new item:

Sec. 221. Sense of Congress; requirement regarding notice.

H.R. 1654

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 11: At the end of the bill, insert the following new section:

SEC. 221. USE OF ABANDONED AND UNDERUTILIZED BUILDINGS, GROUNDS, AND FACILITIES.

(a) IN GENERAL.—In meeting the needs of the National Aeronautics and Space Administration for additional facilities, the Administrator shall select abandoned and underutilized buildings, grounds, and facilities in depressed communities that can be converted to National Aeronautics and Space Administration facilities at a reasonable cost, as determined by the Administrator.

(b) DEFINITIONS.—For purposes of this section, the term "depressed communities" means rural and urban communities that are relatively depressed, in terms of age of housing, extent of poverty, growth per capita income, extent of unemployment, job lag, or surplus labor.

In the table of contents, after the item relating to section 220, insert the following new item:

Sec. 221. Use of abandoned and underutilized buildings, grounds, and facilities.

EXTENSIONS OF REMARKS

THE SUGAR PROGRAM REFORM ACT

HON. DAN MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1999

Mr. MILLER of Florida. Mr. Speaker, today myself, Representative GEORGE MILLER and more than 40 of our colleagues are introducing the Sugar Program Reform Act, a bill to phase out the sugar program by the end of 2002.

The sugar program is the "sugar daddy" of corporate welfare. Why? Because most of the benefits of this program go to huge corporate sugar producers, not the typical family farmer.

The sugar program's sole purpose is to prop up the price of sugar in the United States through a complex system of low-interest, nonrecourse loans and tight import restrictions. In fact, the price of sugar in the United States today is roughly four times as high as the price of sugar world wide.

As a result, the sugar program imposes a "sugar tax" on consumers, forcing them to pay more than $1 billion in higher prices for food and sugar every year.

It devastates the environment, particularly the fragile Everglades in my home State of Florida. Higher prices for sugar have encouraged more and more sugar production in the Everglades Agricultural Area, leading to high levels of phosphorus-laden agricultural runoff flowing into the Everglades, which has damaged the ecosystem.

It has cost many Americans their jobs because it has restricted the supply of sugar that is available on the American market, resulting in the closure of a dozen sugar refineries across the country.

Finally, it hampers our ability to expand trade opportunities for America's farmers. It is hypocritical for the United States to protect domestic sugar production while urging other countries to open their agricultural markets. America loses leverage in trade negotiations as a result.

The sugar program is an archaic, unnecessary government handout to corporate sugar producers at the expense of consumers, workers, and the environment. It is truly deserving of reform.

The Sugar Program Reform Act will do what the 1996 farm bill failed to accomplish. While the Farm bill began to phase out supports for nearly every farm commodity, sugar escaped without any meaningful reform. The Sugar Program Reform Act will gradually phase out the loans provided to sugar producers, and terminate them at the end of 2002. It will require that any loans provided to sugar producers must be repaid.

Finally, it will require the government to ensure that there is an adequate supply of sugar on the United States market to help keep prices down.

This legislation is good for consumers, good for the environment, good for American workers, and good for the economy.

It is my hope that this legislation will be quickly considered by the House.

BETTY LIPPS IS THE ANGEL AMONG US

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1999

Mr. SHIMKUS. Mr. Speaker, I would like to take this opportunity to congratulate Betty Lipps upon being named Citizen of the Year by the Jefferson County Chamber of Commerce in recognition of her efforts to create "Angels on Assignment."

"Angels" is affiliated with the First Methodist Church in Mount Vernon, Illinois and began in 1991. Since then the "Angels," which is devoted to helping the needy and homeless in our country, have made a significant contribution to Mount Vernon and the surrounding Jefferson County area.

However, we cannot overlook the significance of Betty Lipps' efforts in creating this program in the first place. Had she not given of her personal time and vision, this program never would have begun and the "Angels" who have come to mean so much to the Mount Vernon area might never have been found.

It takes a lot of people and a lot of hard work to make a program like this flourish the way that "Angels" continues to do. Most importunately, it takes one courageous and determined soul like Betty Lipps to get the whole thing started.

To Betty and her husband of 50 years, Bob, I say thank you. Thank you for all you do to make our lives a little better. In your honor, I am wearing the "Angels" yellow ribbon on the House Floor today as a reminder that with a little bit of love and understanding there truly are angels among us. Thanks Betty.

EU BEEF BAN NOT BASED ON SCIENCE OR FACTS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1999

Mr. BEREUTER. Mr. Speaker, this Member would like to commend to his colleagues the following editorial from the May 11, 1999, Journal of Commerce. This editorial provides a thoughtful look at the issues surrounding the European Union's ban on hormone-treated beef. As the editorial emphasizes, since the ban is not based on science, the EU should give consumers the choice of purchasing American beef.

The United States and the European Union, twin champions of a rules-based global trading system, are heading toward another senseless trade showdown, this one over hormone-treated beef.

Like the banana dispute that preceded it—and on which the United States is now collecting trade penalties from EU exporters—the current fight over beef hormones stems from European intransigence.

In the banana case, the EU insisted that its political ties with former colonies took precedence over its duty to deal fairly with other nations' banana producers. In the current fight over hormone-treated beef, the EU insists that its trading obligations must take a back seat to exaggerated public fears over tampering with nature. This is an untenable stance for a major trading power; the EU should abandon it before doing any more damage to the global trading system.

The dispute has dragged on since the EU first banned hormone-treated beef in 1988. The issue picked up steam in 1995, when the World Trade Organization's agreement on Sanitary and Phyto-Sanitary measures forbade the use of bogus health and safety regulations as de facto trade barriers.

Acting on a U.S. complaint, the WTO ultimately ruled that the EU ban of imports of hormone-treated beef is not based on sound science, and told the EU to make a change by May 13. To Washington, this meant the ban must be lifted by Thursday. But Brussels decided the ruling means that more risk assessment is needed, and it ordered up 17 scientific studies. It also said it would announce its intentions this week on how to respond to the WTO order.

Then, last week, EU Consumer Affairs Commissioner Emma Bonino dropped a bombshell into the hubbub of predictions and expectations. Citing the interim results of the first of the 17 studies, the chain-smoking Ms. Bonino said hormone-treated beef is so unsafe that it must continue to be banned from the EU market. "There can no longer be any question of lifting the ban," she said.

U.S. officials were flabbergasted, and rightly so. The announcement pre-empted the so-called scientific studies the EU had launched. It even jumped the gun on the final results of the study it purported to be based upon. And it raised a curious question: Why should the EU plow ahead with 17 expensive studies when it knows the outcome from the beginning?

Moreover, the announcement left major questions unanswered about the scientific basis of the EU's policy. The data behind the interim study results were not immediately available.

At the same time, there is substantial evidence the product is safe: Americans and Canadians have been eating hormone-treated

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

beef for decades with no evidence of harm. Study after study has shown there is no difference in the effects of synthetic and natural hormones. And the United Nations agency responsible for food safety issues, Codex Alimentarius, has given a clean bill of health to the substances the EU cites as most dangerous.

But none of that deterred Ms. Bonino, who says the danger is so great that even warning labels will not offer enough protection. Her declaration appeared to close off a promising compromise involving labeling; if a product is banned, the question of how to label it becomes academic.

U.S. trade negotiators, who initially opposed the idea of labeling beef as hormone-treated, now are warming to the idea. To be sure, it would add costs to U.S. and Canadian beef products. But faced with the option of no access at all to the EU market, producers are relenting. Given the chance, some might even make a virtue of necessity, marketing their products as "New, Improved, Hormone-Treated!"

It remains for the EU to back down from its Nanny stance and let consumers decide for themselves—just as they do with cigarettes, alcohol, and other products that pose much greater safety risks than beef growth hormones. No government can guarantee its citizens zero risk, and no public agency should presume to try. The best it can do is base its policies on sound science, and respect its citizens' rights to make an informed choice.

HONORING BERNARD CEDERBAUM

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1999

Mrs. LOWEY. Mr. Speaker, the Scarsdale Bowl Award, Scarsdale's highest civic honor, has been given annually since 1943 to honor "one who has given unselfishly of time, energy, and effort to serve the civic welfare of the community." Today, I would like to recognize a resident of my district who, through nearly three decades of tireless community service, perfectly embodies the spirit of this award.

Since moving to Scarsdale 28 years ago, Bernard Cederbaum has chaired or served on no fewer the 10 of Scarsdale's boards, councils, and committees. He is one of a very small group of residents to have served on both the board of education (1979–85) and the village board of trustees (1993–98). A natural leader and commonsense decisionmaker, Mr. Cederbaum has presided over the Town Club, Scarsdale Foundation, Environmental Advisory Council, and Greenacres Association. Those who have served with Mr. Cederbaum admire his intelligence, sense of fairness, reasonable approach to problems solving, and his quick sense of humor.

Mr. Cederbaum's commitment to a successful professional career has always been balanced with an unyielding dedication to voluntarism. Remarkably, Mr. Cederbaum dedicated countless hours to the town of Scarsdale while he worked as a partner at the law firm of Carter, Ledyard, & Milburn, presided over the New York State Bar Association's Corporation and Business Law Section, and participated in various committees of the New York City Association of the Bar.

The Scarsdale Bowl Award marks Mr. Cederbaum's fulfillment of his goal, to make a valuable contribution to the community in which he lives. I join with the residents of Scarsdale in applauding Mr. Cederbaum's commitment to our community and I am proud to officially recognize this remarkable civic leader for his many years of service.

IN HONOR OF HIS HOLINESS BABA KASHMIRA JI MAHARAJ FOR HIS DEDICATION TO THE INDIAN COMMUNITY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1999

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize His Holiness Baba Kashmira Ji Maharaj for his commitment to equality and tolerance in India.

Called a visionary with a humane touch, Baba Ji has been instrumental in facilitating the distribution of medical services to the most needy in the remote villages of Punjab. By founding the S.G.L. Charitable Hospital at Jalandhar, Baba Ji has ensured that blood donation sites and necessary cancer treatment and detection equipment are available to the area's less fortunate.

Through a combination of meditation and medication, Baba Ji and the Charitable Hospital has assisted the sick, drug addicts and those suffering from depression. Now, plans have been established to create a nursing college, a dental college, and a medical college.

Another issue of great significance to Baba Ji is that of gender equality. He has been instrumental in highlighting the discrimination and degradation suffered by Indian women. He has spoken passionately about the oppression created by the dowry system and has repeatedly lent his services to families unable to meet the expenses of a wedding.

Baba Ji has also made essential and indispensable strides towards assisting Indian women in their quest for economic independence. He and his family have long been promoters of equal education rights for boys and girls. In 1910, Baba Ji's father and grandfather donated the necessary land and money to found an institution designed to address the educational needs of India's young women and girls. This institution has become one of the finest women's educational institutions in Asia.

From assisting earthquake and flood victims to his ground breaking medical work to his efforts towards equality in India, His Holiness Baba Ji has worked tirelessly on behalf of India's disadvantaged. For his tremendous work in these areas; for his insight and leadership; and for his continued dedication to the underprivileged, I would like to thank and congratulate His Holiness Baba Ji.

HONORING DR. HENRY KENDALL, SCIENTIST AND HUMANITARIAN

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1999

Mr. HOLT. Mr. Speaker, I rise today to pay tribute to a late friend and colleague, Dr. Henry Kendall.

Dr. Kendall was foremost a great scientist. He received the Nobel Prize in 1990, along with two colleagues, Dr. Richard Taylor and Dr. Jerome Friedman, for experiments that confirmed the existence of quarks. As a physicist, Dr. Kendall constantly sought to break new ground, searching for new scientific phenomena and effects.

Dr. Kendall, however, was not content to remain solely in the laboratory. Concerned about governmental issues like nuclear proliferation and the safety of nuclear reactors, he helped found the Union of Concerned Scientists. This public interest group presses for control of technologies which may be harmful or dangerous. Dr. Kendall served as Chairman of the UCS from 1974 until his recent death. A strong advocate of public safety, Dr. Kendall devoted nearly every minute outside of his laboratory to campaigns to curb the nuclear arms race and alert the public to the most pressing environmental threats of our time.

Through his efforts, Dr. Kendall was a living testimony to how scientists and politicians can work together to further the public welfare. He testified numerous times before Congress about issues of technological safety, as he firmly believed that scientists could—and should—play an important role in public policy debates. His leadership of UCS was deeply rooted in the belief that, given accurate and credible information, the public and policy makers would ultimately make the right choices about the future. He had a rare gift for taking the long view and understanding how human activities and natural systems are intricately intertwined. He encouraged his coworkers to never shy away from the big problems facing the future of humanity and the natural world.

In his leisure time, Dr. Kendall was an avid outsdoorman, with a love of scuba diving and mountain climbing. His adventures took him to the Andes and the Himalayas, where he took pleasure in the beauty of our world.

Mr. Speaker, Dr. Kendall was an exemplary man in both his work as a scientist and as a public advocate. It is a rare man who can excel at such widely differing fields, and work to bring them closer together. Years from now Dr. Kendall may simply be remembered as a Nobel Prize Winner. But to pay tribute to this one facet of his life would be to deny the completeness of the man, and all that he attempted to do to help the people of this nation.

I hope that my colleagues in the House will join me in extending this tribute to Dr. Kendall.

EXPOSING RACISM

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1999

Mr. THOMPSON of Mississippi Mr. Speaker, since the beginning of March, I have introduced articles into the CONGRESSIONAL RECORD to document the continued effects racism and discrimination are having on our nation. Although the killings of James Byrd in Jasper, TX, and Isaiah Shoels in Littleton, CO have painfully thrust the acts of overt, violent racists into the national spotlight, the articles I have entered into the RECORD will show, if they do not already, that we can not sit by silently while this cancer grows unchecked.

The origins of our great nation were nascent with promises of freedom, justice, and equality under the law. However, for more than 200 years, the enslavement of Africans and then Jim Crow laws obfuscated our task—our obligation—to make America "one nation under God." We were blinded to the veracity of inspirational phrases like, "with freedom and justice for all," "all men are created equal," and "Epluribus Unim"—from the many one.

However, during the civil rights movement, many brave Americans of all races stepped forward to denounce the laws and systemic bigotry that perpetuated an American version of apartheid. They walked, marched, and "sat-in" in an attempt to reclaim the legacy promised to all of us by our founding fathers. One such person was Linda Brown. In 1951, this little girl was in the third grade. Although there was an elementary school seven blocks from her house, young Linda was forced to walk over a mile to another elementary school. The reason to make a little girl walk through a railroad switch yard on her way to school? She was black and the school located seven blocks from her house was for white students only.

Many years ago, George Santayana wrote, "Those who cannot remember the past are condemned to repeat it." Because I revere the warning contained in these prescient words, today I am introducing a resolution to recognize the 45th anniversary of the Supreme Court's decision in Brown versus Board of Education. In 1954, the U.S. Supreme Court, in a unanimous decision, boldly struck down segregation laws in public schools and upheld the equal protection laws guaranteed to all Americans by the 14th amendment to the U.S. Constitution.

However, in the aftermath of that historic decision, many of the freedoms won by the Brown decision have been rolled back or are currently under assault. White flight and a conspicuous attack on our public schools have facilitated the de facto resegregation of our public schools. All of the lessons we should have learned from this important event in our shared American history, seem to be once again eluding us.

I respectfully submit this legislation to remind us all that we have a moral obligation to purge the divisive evil of racism out of the fabric of harmony, justice, and equality that is our shared American legacy. We have a responsibility to not only remember the past, but to learn from it.

If in fact, "those who cannot remember the past are condemned to repeat it," then Mr. Speaker, I pray that my efforts to document racism in America and to remind our nation of the significance of the Brown versus the Board of Education, wake us from our collective slumber to experience the beauty of our shared destiny.

A TRIBUTE TO MR. NAT GLASS, HOLOCAUST SURVIVOR AND COMMUNITY VOLUNTEER

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1999

Mrs. Meek of Florida. Mr. Speaker, I rise today to pay tribute to Mr. Nat Glass, a survivor of the Holocaust in Poland and, today, a volunteer lecturer at the Holocaust Memorial in Miami Beach, Florida. Mr. Glass was a student in Poland when the Nazis invaded his country in the pre-dawn of September 1, 1939, the event which ushered in World War II.

In his lectures today at the Holocaust Memorial, Mr. Glass relates how the Nazis created Jewish ghettos, in which the Jewish people were forced into labor for their invaders. In September, 1944, Mr. Glass and his family were packed into cattle cars and shipped to Auschwitz. There, he saw his mother and two sisters for the last time. Mr. Glass later learned that they died of starvation at the Stutthof concentration camp.

Mr. Glass was sold as a slave and sent to Germany, where he worked in a factory. In early May 1945, the laborers were told to dig their own graves. As they were about to be executed, the American Army liberated the factory.

Today, Mr. Nat Glass sees it as his mission to volunteer and to share his story of tragedy, because he has seen what hate can do.

Mr. Speaker, it is a privilege to pay tribute to Mr. Nat Glass, a man who has overcome evil with good.

A TRIBUTE TO CONNIE LOUDERBACK AND MEMBERS OF THE GOLDEN, ILLINOIS HISTORICAL SOCIETY

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1999

Mr. SHIMKUS. Mr. Speaker, I would like to take this opportunity to congratulate Connie Loudermilk and the Golden, Illinois Historical Society for their efforts to preserve Prairie Mills in Golden.

Prairie Mills was built by Henry R. Emminga in 1872. It operated for 60 years and served as a key component of Golden and the surrounding area. Today, it serves perhaps an even more important role as a reminder of the way things used to be.

Connie Loudermilk, Randy Kurfman and other members of the Golden Historical Society are working very hard to raise funds and awareness to help preserve the mill and enhance its prospects for the future.

I want to commend Connie and Randy as well as Jim Simpson, Dave Weese, Bob Teel, Ben Booth and all the other volunteers involved in this worthwhile effort. I also want to thank the Illinois Country Living magazine for featuring Prairie Mills and the Society's efforts in its January 1999 edition.

The efforts they are making will last for generations to come.

THE VIEW FROM ROMANIA

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1999

Mr. BEREUTER. Mr. Speaker, this Member commends to his colleagues an excellent article which appeared in the Los Angeles Times on May 10, 1999, calling for NATO to halt the bombing of Yugoslavia and to declare a cease-fire, lest NATO become its own nemesis.

[From the Los Angeles Times, May 10, 1999]

THE VIEW FROM ROMANIA

BOMBING BY NATO, AN ALLIANCE IN WHICH WE HAVE SO MUCH FAITH, ENSURES WRONG RESULTS WHILE ABANDONING FUNDAMENTAL PRECEPTS

(By Adrian Nastase)

Romanians have a message for NATO—one that is decidedly pro-NATO, but also may be unpleasant. It is a message of "tough love."

Halt the bombing of Yugoslavia and declare a cease-fire. Negotiations must be relaunched without any prior conditions on either side, taking into account the tragic evolution of events that has already occurred on the ground.

As an applicant for NATO membership and member of the Partnership for Peace, Romania has opened its air space to alliance aircraft. We are fully supportive of an embargo that pressures Belgrade to cease its actions in Kosovo. We are adamant that Kosovar Albanians should be allowed to return to their homes with their rights guaranteed. War crimes should be investigated and prosecuted.

But, most Romanians now think that the use of force, including the long-term continuation of airstrikes or any forcible ground intervention, will lose everything NATO seeks.

Kosovo will be destroyed; Slobodan Milosevic will remain in power as a wartime leader reinforced by a siege mentality; Macedonia and Albania will be destabilized by refugees and foreign military presence, and anti-Americanism will rise to fever proportions in Greece, Italy and elsewhere.

We want NATO to win politically and morally. We want peace to be ensured by a great alliance and its strongest members. We want dictators to be removed by popular action, and minority rights preserved by diplomacy, incentives and law.

Romanians dream about becoming part of NATO. Our dream has been to enter an alliance that occupies a moral high ground, not one that, by mistake, kills refugees and civilians. We believe that the alliance's principles have mattered. For years during the communist period, Romania rejected intervention in sovereign states and distanced itself from the Soviet-dominated Warsaw

Pact. Now, an alliance in which we have put so much faith has erred by acting in a manner that ensures all the wrong consequences while abandoning fundamental precepts.

It seems as if NATO now believes that, after destroying Serbian infrastructure, and waiting until all Albanians are expelled from Kosovo, it can recreate order and peace from nothing. Winning militarily from 5,000 meters is being confused tragically with political success.

Romanians have learned important lessons from our own contributions to peacekeeping missions in Angola, Albania and Bosnia. Among these are that preventing conflict is far easier than stopping it and that recreating a status quo is a Gordian knot. We fear, however, that these lessons are being ignored. NATO's potential to keep the peace and to prevent ethnic cleansing before resorting to war, was belated and half-hearted. We hope for more, and have watched with increasing anxiety as air power is unleashed; destroying without solving anything.

Regional capacities to reduce the potential for or intensity of conflict have been ignored. Romania's participation in two costly U.N. embargoes against Iraq and Yugoslavia, plus peacekeeping missions in Angola, Somalia, Albania and Bosnia exhibit Romania's awareness of its role and willingness to sacrifice for principles in which it believes.

Those qualities, however, elicited little interest in Brussels or Washington, where resorting to force seemed preordained.

NATO appears to have changed into an organization prone to use bombs in lieu of diplomats. And, instead of using expansion to address security needs in Europe's most insecure regions—the Balkans and the Baltics, for example—NATO told such countries to wait for security guarantees until war was at our doorstep.

We think that many opportunities for mediating roles have been lot. As the only country bordering on the former Yugoslavia without antagonistic relations with Belgrade, Romanian NATO membership could have increased the probability of successful negotiations with the Serbs.

The denouement of Europe's most recent Balkan was has yet to be scripted. From the neighborhood, however, we can foresee a very discomfiting future: a broken but unrepentant Serbian nationalism, a heavily armed Albanian nation seeking retribution, an embittered Russia harboring imperial memories now convinced of NATO's antipathy, and ample instability.

To say we don't look forward to such a 21st-century environment is far too mild. We are deeply troubled. We thought we were at the gates of an alliance that would preserve peace in our corner of Europe. And, we never, never imagined that negotiations and peacekeeping efforts would be jettisoned to inaugurate a war of such duration and intensity.

But, a way out exists. NATO can declare that it has inflicted sufficient punishment, and is prepared to contribute, but not necessarily command, a peacekeeping force in part of Kosovo to which Albanian refugees are returned and from which Serb army and police units are evacuated. Establishing the size and location of the two zones, and the nature of the international force must be negotiated, but such diplomacy, not cruise missiles, are the path away from disaster.

Romanians are prepared to fulfill useful roles along such a path. But, we must begin to travel down it soon lest NATO becomes its own nemesis.

CENTRAL NEW JERSEY CELEBRATES THE SESQUICENTENNIAL OF OCEAN TOWNSHIP

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1999

Mr. HOLT. Mr. Speaker, I rise to direct the attention of my colleagues to the celebration of Ocean Township's sesquicentennial and the re-enactment of the historic first town meeting.

Created by enabling legislation on February 21, 1849, Ocean Township is a community located in central New Jersey between the mouth of the Shrewsbury South River and the river to Eatontown Landing Creek. The precise boundaries, however, were originally described in relation to farms and properties that no longer exist.

In honor of Ocean Township's founding and its first town meeting on March 13, 1849, the Council sponsored festivities reminiscent of that day a century and a half ago. The mayor and council members dressed up in period costumes while elementary and intermediate students sang songs and recited accounts of life in the mid-nineteenth century.

Mr. Speaker, Ocean Township is just one of the historical treasures in central New Jersey that continues to thrive to this day. I know that the people of the community, by observing and respecting their history, will be well-equipped to face the challenges of a brand new century.

I hope that my colleagues will join me and other central New Jerseyans in extending our congratulations to the people of Ocean Township and wishing them another successful one hundred fifty years.

TRIBUTE TO JOHN CHIANG

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1999

Mr. BERMAN. Mr. Speaker, I rise to pay tribute to John Chiang, a dear friend who this year is the recipient of the Legislator of the Year Award from the San Fernando Valley Democratic Party. While I am naturally delighted that John has been selected to receive this prestigious award, I can't say I'm surprised. John is one of the most intelligent, thoughtful and generous people I have ever had the pleasure to know. His wide circle of friends and admirers can attest to his easy-going charm and strong feelings of empathy.

The explanation for John's success in politics is simple; he works very hard, and he is true to himself. People who meet John invariably want to become part of his team.

John's award from the San Fernando Valley Democratic Party is even more impressive when you consider that he was first elected to office only six months ago. In 1997, he was named Acting Member of the California State Board of Equalization. He replaced Brad Sherman, who was elected to Congress.

John immersed himself in the difficult and politically unpopular job of administering tax policy in California. It says a lot about John that his popularity has actually increased as he has served in this particular post. In 1998, John ran for election to a four-year term on the Board. He won handily in a difficult primary, and then followed that with a smashing victory in the general election. John is now widely regarded as someone with a very bright future in politics.

John is a dedicated public servant, who has become involved with many distinguished organizations and causes. He is a Board Member of Los Angeles Nonprofit Planning Council, an Advisory Council Member of Big Sisters of Los Angeles, and a volunteer attorney for the Los Angeles County Bar Association Hospice AIDS Project. John's many awards for community service include the Asian Pacific American Labor Alliance Community Service Award and the State Bar of California Board of Governors Pro Bono Service Award.

In the past few months, I have been tremendously impressed by the strength of John, his brothers Robert and Roger, and his mother, Judy, in coping with the loss of their beloved sister and daughter, Joyce. Joyce served as an intern in my San Fernando Valley office, and was a member of my Washington staff from 1992–95. I know how much John and the rest of the Chiang family miss Joyce, who was a very special young woman.

I ask my colleagues to join me in saluting John Chiang, whose selflessness and compassion inspire us all. I am proud to be his friend.

TRIBUTE TO SAM DAVIS

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1999

Mr. LEVIN. Mr. Speaker, on May 20, 1999, a Tribute Dinner will honor Sam Davis for his nearly 40 years as Executive Director of the Michigan Association for Children with Emotional Disorders.

As the main force for the founding and continuing efforts of the Association, Sam Davis became an indispensable advocate in Michigan for mental health and for special education programs for children with emotional problems. From the very beginning, he has fostered grass roots activities on behalf of children with special needs. In the early years, it was a difficult struggle as society was still wrestling with denial rather than acknowledgement and treatment of mental problems, especially of our children.

With the help of Sam Davis' leadership and determination, there followed a period of progress. There was a spurt of action, both in the private and public sectors in Michigan. He served on many Boards and Committees, including the Detroit-Wayne County Community Mental Health Services Board Advisory Committee on Children and Youth; Michigan Department of Mental Health Advisory Council on Mental Illness; and Chairperson of the Children's Advisory Council of the Oakland County Community Mental Health Board. He was also appointed to the Child Mental Health Study Group of the Michigan Department of Mental

Health, the Child Care Study Committee, and the Special Education Advisory Committee of the Michigan Department of Education.

In recent years the provision of mental health services for our society has come under increased stress and uncertainty. So Michigan will miss even more intensely the strong hand and agile mind of Sam Davis at the helm of the Michigan Association. He leaves with a long record of accomplishment, and these successes stand as a challenge to Michigan to strive more fully where it has failed. Sam Davis has devoted his life to the children of Michigan and as he leaves for other pursuits, his career is a challenge to all who care to continue to do better by our children with mental health and special needs.

I am pleased to join with all of those who will join in honoring Sam Davis at the Tribute Dinner on May 20, 1999.

A UNIQUE PIECE OF AMERICANA IS PRESERVED THANKS TO JUDY DEMOISY AND THE BROOKS CATSUP BOTTLE PRESERVATION GROUP

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1999

Mr. SHIMKUS. Mr. Speaker, I would like to take this time to alert my colleagues to perhaps one of the most monumental events to take place this year.

On June 13, 1999, my hometown of Collinsville, Illinois will have a happy 50th birthday party for the Brooks Catsup Bottle that sits 170 feet above the community. The bottle was originally used as a water tower built by the G.S. Suppiger Bottling Company which produced the Brooks Old Original Catsup. Built in 1949, the bottle holds up to 100,000 gallons of water.

After the bottling plant shut down, the bottle itself fell into disrepair. In 1993 a group of local preservationists began to raise funds with the purpose of refurbishing and preserving the bottle for its 50th anniversary as well as for future generations. More than 6,000 tee-shirts were sold to help raise money and thousands of volunteer hours were devoted to preserving an essential element of my community's heritage.

Now there are hopes that we can get the bottle placed on the National Register of Historic Places and that effort has my wholehearted support.

I commend the Catsup Bottle Preservation Group and Judy DeMoisy who manages Downtown Collinsville for their work in preserving a unique piece of Americana.

LET THEM EAT BEEF

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1999

Mr. BEREUTER. Mr. Speaker, this Member commends to his colleagues an excellent editorial calling for an end to the European Union's irrational and improper beef ban which appeared in the Omaha World-Herald, on May 12, 1999.

[From the Omaha World-Herald, May 12, 1999]

LET THEM EAT BEEF

A showdown between the United States and the European Union over beef exports ought to be unnecessary. The United States has science and the World Trade Organization at its side. European controls on U.S. beef exports have little relationship with provable concerns.

For more than a decade, the European Union has banned the import of beef from animals that have been fed growth hormones. Such hormones are used in raising more than 90 percent of beef cattle in the United States. Their use is an effective way to make cattle grow faster and bigger.

The Food and Drug Administration has determined the substances safe. The World Trade Organization rule in 1997 that the European ban violated international trading agreements. The WTO said the ban was neither supported by science nor justified by any risk assessment. The WTO last year ordered the EU to abandon its policy by May 13, tomorrow.

A trade war looms unless the EU complies. U.S. officials have threatened to retaliate against European products if the ban, which keeps most American beef out of EU countries, is not lifted. Officials said they would impose 100 percent tariffs on more than $900 million worth of European products, possibly including items such as mineral water, Belgian chocolates and Roquefort cheese. That could effectively price those products out of the U.S. market.

Trade policy-makers at the European Union have kept U.S. officials going around in circles for a decade. The coalition has made superficial changes designed to give the appearance of compliance with the WTO order. That has staved off trade sanctions in the past. But a free market in U.S. beef has not materialized.

The U.S. cattle industry estimated that growers have lost export sales of about $500 million annually since 1989, when America began exporting only hormone-free beef to Europe.

American cattle producers have suggested that the real problem is protectionism. European countries want to insulate their beef producers from U.S. competition. There is also the possibility of scientific ignorance—observers have noted a general European hysteria over mad cow disease and genetically engineered foods such as Monsanto soybeans. Too often, fear has been allowed to trump science.

American farmers and ranchers are especially efficient. They have invested in research and technology to keep themselves competitive. If the beef trade barrier is allowed to stand, despite science and the WTO, this nation's ability to sell its agricultural products overseas will become more vulnerable to illegal trade barriers, and its export position could be severely damaged.

The European Union's beef ban is irrational and improper. It risks a trade war that would harm people on both sides of the Atlantic. European consumers should have the chance to decide for themselves the worth and safety of the beef grown by America's farmers and ranchers. They will never get that chance unless their leaders bow to the WTO and lift the beef ban.

1998 SIXTH DISTRICT ESSAY CONTEST WINNERS

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1999

Mr. HYDE. Mr. Speaker, please permit me to share with my colleagues the tremendous work of some diligent young men and women in my district.

Each year, my office—in cooperation with junior and senior high schools in Northern Illinois—sponsors an essay writing contest. The contest's board, chaired by my good friend Vivian Turner, a former principal of Blackhawk Junior High School in Bensenville, Illinois, chooses a topic and judges the entries. Winners of the contest share in more than $1,000 in scholarship funds.

Today, I have the honor of naming for the RECORD the winners of the 1998 contest.

Last year, Peter Meyer led Mary, Seat of Wisdom School in Park Ridge, Illinois, to a junior high division sweep by winning with an essay titled, "Ban Smoking in Restaurants," a text of which I include in the RECORD. Placing second last year in the junior high division was James Troken, followed in third place by Eva Schiave, both of whom also attended Mary, Seat of Wisdom School.

In the Senior High School Division, the first place award went to Julie Kostuj of Driscoll Catholic High School in Addison for her essay, "Freedom of the Press," a text of which I include in the RECORD. Shahzan Akber of Blenbard North High School in Glen Ellyn took the second place prize, and Nicole Beck of St. Francis High School in Wheaton placed third.

BAN SMOKING IN RESTAURANTS

(By Peter Meyer)

Did you know that most of your taste comes from your sense of smell? If you are in a restaurant where people are smoking, how can you taste your food? Although you can request a nonsmoking section for your seating, the harmful smoke from the smoking section is still present in the air you are breathing. That air can cause cancer. A law banning smoking in all restaurants in Illinois will make your meal more pleasant while keeping you healthy.

Laws are very important. Laws protect us from harm, help us when in need, and preserve our rights and freedoms as United States citizens. When citizens feel the need for additional protection, laws are passed. Currently there is no law protecting people completely from secondhand smoke in restaurants, yet, secondhand smoke is the third leading cause of preventable death in this country, killing 53,000 nonsmokers in the U.S. each year.

We need a law banning smoking completely in all restaurants in Illinois. The current Illinois law bans smoking in public places except in designated smoking areas. It says a smoking area should be designed to minimize the intrusion of smoke into areas where smoking is not permitted. Nonsmoking sections do not eliminate nonsmokers' exposure to secondhand smoke, the smoke does not remain in the smoking section. Secondhand smoke has been proven to be a serious health risk. Even the Illinois General Assembly finds that tobacco smoke is annoying, harmful, and dangerous to human beings and a hazard to public health.

Secondhand smoke is a mixture of the smoke given off by a cigarette, pipe, or cigar, and the smoke exhaled from the lungs of smokers. The Environmental Protection Agency has classified secondhand smoke a Group A Carcinogen—a substance known to cause cancer in humans. There is no safe level of exposure for Group A toxins. Nicotine is not the only toxin nonsmokers are exposed to in secondhand smoke. Smoke from the burning end of a cigarette contains over 4,000 chemicals and forty carcinogens including: formaldehyde, cyanide, arsenic, carbon monoxide, methane, and benzene.

Smoke-filled rooms can have up to six times the air pollution as a busy highway. Second-hand smoke does not quickly clear from a room. It takes about two weeks for nicotine to clear from the air in a room where smoking has occurred. In addition to being a carcinogen, second-had smoke causes irritation of the eye, nose, and throat. Passive smoking can also irritate the lungs leading to coughing, excess phlegm, chest discomfort, and reduced lung function especially in children. Secondhand smoke may effect the cardiovascular system, and some studies have linked exposure to secondhand smoke with the onset of chest pain.

When smoking is banned in restaurants, customers will not be exposed to secondhand smoke. They will be able to eat without suffering from the irritation of smoke, increasing their ability to enjoy their meal. Developing children will have healthier lungs. Restaurants will no longer have to pay to operate expensive ventilation systems and will be able to seat more people by not having to maintain separate sections. People who find smoke offensive will not be doomed to eat in the fast-food restaurants that have banned smoking. Smoke-free restaurants may discourage people from starting or continuing to smoke.

Smoking is already banned in most public buildings. Current laws allowing a smoking section in restaurants do not prevent exposure to secondhand smoke. People are involuntarily exposed to smoke which is a carcinogen and a health hazard. Banning smoking in restaurants will continue the effort to improve public health and reduce health costs. Food in restaurants will taste better and eating will be more enjoyable.

FREEDOM OF THE PRESS

(By Julie Kostrj)

Although, according to the United States Constitution, everyone in America has the right of free speech, I believe that in some ways the press abuses its right to free speech. The writers of the Constitution intended everyone to have a right to voice their opinions without being prosecuted by the law. Today, however, the press does more than just profess their views. Publicists often tell lies and proclaim them as facts. As a strong influence in the lives of every American, the media can easily sway public sentiment and ruin the reputation of celebrities.

The media has a right to report facts. It is also acceptable to broadcast opinions as long as it is made clear that what is printed or said is one's own views and not a proven fact. The press has the right to address social grievances, but publicists must be informed on the issues. It would cause much confusion in the public if a distinction was not made between truths and personal views. The population would never know what to believe, and there would be chaos. The media has crossed the line when it uses misleading propaganda or defames a celebrity. In one's own home, around close family and friends, it is acceptable to state whatever one wants. However, there is a difference between sharing your views with a group of friends and printing your opinions in a newspaper or broadcasting them on national television. Publicists should use prudence and common sense when determining what is acceptable to be read or hear by millions. The media often does not realize its great power and the trust that Americans have in the media. It is detrimental to use this power without discretion. Celebrities especially can have an injured reputation and be discriminated against by something the media declared about them.

It is very difficult for the government to prevent abuses by the press without violating a constitutional right. The government has passed laws outlawing libel, but libel is very hard to prove in court. The press can find a loophole in just about everything that they print. The First Amendment basically gives the media the right to say anything and assemble whenever it wants.

The press morally has an obligation to print the truth, but the media more often than not cares more about sales than ethics. As long as the American population continues to read these stories in the newspaper or listen to them on the news, the problem will not stop. The general public has the liberty to buy what it wants. People should not purchase newspapers and magazines in which there are articles in poor taste. The media tailors to the public. The population should not be controlled by the media. The people of this nation have a right to call for higher standards of workmanship.

Individuals have a right to privacy that the media should not invade. According to the Fifth Amendment to the Constitution, every citizen has the "right to life, liberty, and property." People's individual rights are often violated by the media. Journalists are many times guilty of harassment. They cannot take "no" for an answer. Some of the most tenacious journalists will go to great lengths to get a story. Reporters will trespass on private property and harass people until they get what they want.

I do not believe that celebrities are less entitled to privacy than the general public. Every American is equal in the eyes of the law. Celebrities do not have any less rights than the common resident. However, celebrities do usually tolerate the media better than the commoner because celebrities have an image to worry about. Celebrities know that if they are rude to the press, the media could easily destroy them.

Although the press is given freedom of speech in the Constitution, I believe that the rights of the individual precede the rights of the press. When personal rights are being violated by the media, then the government has to intervene. The American population should demand that more laws be passed to protect them from the injustices of the media. The press can be regulated by the government without violating a Constitutional right. Just as written in the Second Amendment to the Constitution, every individual has a right to bear arms. However, for the protection of the majority of people, the government has limited the kinds of arms that civilians can own, and it is illegal to carry a concealed weapon. With limits, United States citizens are still allowed to bear arms. There is no reason why the government cannot regulate the freedom of speech of the press without taking their Constitutional liberties away.

CRISIS IN KOSOVO (ITEM NO. 4) REMARKS BY TONY ELGINDY DIRECTOR OF RESEARCH & TRADING, PACIFIC EQUITY INVESTIGATIONS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1999

Mr. KUCINICH. Mr. Speaker, on April 29, 1999, I joined with Representative CYNTHIA A. MCKINNEY and Representative MICHAEL E. CAPUANO to host the second in a series of Congressional Teach-In sessions on the Crisis in Kosovo. If a peaceful resolution to this conflict is to be found in the coming weeks, it is essential that we cultivate a consciousness of peace and actively search for creative solutions. We must construct a foundation for peace through negotiation, mediation, and diplomacy.

Part of the dynamic of peace is a willingness to engage in meaningful dialogue, to listen to one another openly and to share our views in a constructive manner. I hope that these Teach-In sessions will contribute to this process by providing a forum for Members of Congress and the public to explore alternatives to the bombing and options for a peaceful resolution. We will hear from a variety of speakers on different sides of the Kosovo situation. I will be introducing into the CONGRESSIONAL RECORD transcripts of their remarks and essays that shed light on the many dimensions of the crisis.

This presentation is by Tony Elgindy, Director of Research & Trading for Pacific Equity Investigations. Mr. Elgindy is not a professional aid worker. He is a dedicated and committed individual who has adopted a personal role in helping his fellow human beings who have been brutalized by this ongoing tragedy. Mr. Elgindy shares his observations and experiences with us, speaking in graphic and moving detail. He was instrumental in bringing 30 refugees out of the Kosovo area to the United States, the first group of refugees to arrive in our country. Among these displaced families were Skefkije Ferataj and her 2 year old daughter, Besarta. Both of them appeared at this second Congressional Teach-In. Following his presentation in a May 1, 1999, article from the Chicago Tribune that describes what the Ferataj family encountered when they reached Chicago. These documents give a very real, human face to the Crisis in Kosovo.

PRESENTATION BY TONY ELGINDY TO CONGRESSIONAL TEACH-IN ON KOSOVO

I'd like to first apologize, having just gotten here in the States from Macedonia. I don't have prior prepared remarks. I would like to thank everyone for having this opportunity to share what I've seen, and to assist me in trying to define some sort of forward momentum here.

Upon my arrival in Skopje, Macedonia which is approximately 23 km. south of the border, I saw my first camps. We went to the border, saw Serb activity on the border, and talked to refugees.

It's difficult to know from my standpoint exactly where to start. I don't know if it's with the random torture, the beatings, the sadistic mutilation of women, their unsafe enslavement, the taking of eyes of women and children, the cutting off of ears, the burning alive of males, castration of young boys, I just don't know where to start. What's happening in Kosovo is a tragedy beyond anything you could ever watch on TV. There is no way for any of us to sit here today and understand what they are feeling, what they are seeing, or what they've endured. You cannot smell it here, you cannot here it here. The Serbs are systematically burning evidence, destroying all traces of the atrocities, pulverizing ashes. There were flashes in the sky at night when we were trying to sleep from the NATO bombing. All of the relief workers that I met would be there during the day and leave there in the evening, leaving the camps to the Macedonian police. The crying and the grief intensified at night. And I don't know how anyone could tolerate it.

This is a Holocaust, undoubtedly. Holocaust Number Two. I'm not a politician; I'm a trader. I work on Wall Street, been doing it for 11 years. I deal with numbers. I've been fortunate enough to be able to help various relief organizations in the United States with money donations, connections, support, one of which is the Mother Teresa Foundation in Skopje. So I can't sit here and tell you what the results will be and what it will be like if we didn't bomb, or we stopped military action or we sent in ground troops or we never sent in ground troops. All I can testify is what I saw in my two weeks at the border of Kosovo.

Right now in America our markets are at an all-time high. We are swimming in money. The Internet, Dow Jones, and NASDAQ markets capture our focus, our imagination. And—I say this without trying to offend anyone—our greed has blinded us to what's happening elsewhere. And it became apparent to me that somewhere down the line their lives don't meet our standards for valuable commodities to protect. We are remote control-happy. We click through our channels one after another, and we all say yes, that's terrible and we go on to the next channel and we find a sitcom that we can sit down and watch for the rest of the evening. These people don't have that luxury. The cannot turn it off. They cannot switch channels.

Of the 30 refugees [he is helping to evacuate to the U.S.], six of them are family members—two close family members and four distant family members—of another U.S. citizen who accompanied me on the trip to find her family. The other 24 have no connections here in the U.S. It's a very difficult ordeal to obtain their visas, since the U.S. Embassy when we arrived wasn't allowing any refugees to come. And I used whatever resources I had in the financial markets to contact the people—whatever little bit of influence I had—to have them appeal to the Embassy. Well, we ended up using up all the fax paper and jammed the phone lines and we prevailed in getting the very first 30 refugees' visas approved. And a few of them are with us today.

I don't know if America could have learned anything in Bosnia why it wasn't applied here. We knew what the man was capable of doing; we knew how brutal he was; we didn't take into account the retribution he would show the people of Kosovo. I don't know if we should have evacuated the country or been better prepared before we took aggressive steps.

For us to allow him to stay in power, for us to idly sit by and let him continue, is also another matter for debate up here on Capitol Hill, which is something that I have little control over. However, I don't know that we can idly sit by and let a madman run around doing the things that I saw. Out of the 24 refugees that will be coming to the States in the next several days, there are 20 children who are all children of three brothers. These three brothers are all gone, and presumed either dead or missing in Kosovo. All three mothers are missing and presumed dead in Kosovo. The adults accompanying the children are the sister of the brothers who is in her late 60s, and the grandmother who was born in 1908, who is currently sleeping on a wooden pallet in the camps. So, for her to have lived through World War I and World War II, Vietnam, Korea, and to be now facing the final years in a camp, are beyond anything I've ever seen or expected to encounter.

While we were there we did meet up with several refugees—medical students, doctors, lawyers. It's interesting when you meet a lawyer who talks about his practice and he's wearing a suit and tie and he lives in a tent and he's in bare feet. He's walking around in the mud without shoes because the Serb police took his shoes. These people, aside from living in denial and shock, need help ever so desperately.

If everyone is captured today by the top story, which is the Columbine High School tragedy, imagine that happening five times a day, every day, for five years. That's what's happening in Kosovo. It's that multiplied 10,000 times. And for some reason we as Americans have placed a value on an American life higher than that of any other. It could be because Americans are more photogenic, better groomed, live in nicer homes. Whatever it is, it's not right. These people are as valuable as we are. And to discount them, or to shrug them off—as I read in the Wall Street Journal yesterday, that markets are up and doing well and apparently have shrugged off the Kosovo crisis—enrages me.

While we were there I met a medical student, a female, 23 years old, who was in the camp right next door to another camp. She knew where her family was: in the other camp. Yet she was forced to stay in that camp for 16 days. I gave her my video camera, my jacket, my backpack, and we smuggled her out of the camp. All we did was drive a few short miles to the next camp to reunite her with her family which she hadn't seen in over two months. But she'd been in this camp for 16 days after finding out where her family was. The Macedonian police are in my opinion not helping the situation. They are pro-Serb for the most part. And the U.S. needs to take as big a role in the humanitarian side of things as they have in the military.

[From the Chicago Tribune, May 1, 1999]

TWO WHO FLED KOSOVO LAND IN CHICAGO

(By Julie Deardorff)

She is only 2 years old, but Kosovo's Besarta Ferataj has already seen more suffering than most will experience in a lifetime. She has watched death and dismemberment. She has been hungry and has gone without sleep. And she automatically says "bomb" when she hears the word NATO or a loud noise.

But Bersarta could be considered one of the lucky ones from Kosovo. On Friday, she and her mother, Shefkije, quietly arrived at Chicago's Midway Airport, two of the first refugees allowed into the United States from the Balkans.

Stepping off an AirTran flight from Washington, D.C., in her new Teletubby shoes, Besarta hugged a stuffed koala and stared at the foreign surroundings. Shefkije, wiping tears of joy and disbelief from her eyes, hugged family and friends and held her daughter tightly. In Shefkije's purse were precious six-month visas allowing them into the U.S., marked No. 1 and No. 2

Their arrival came before next week's expected wave of about 20,000 refugees sponsored by relief organizations, and is due almost entirely to the fierce, relentless drive of Chicago beauty salon owner Ana Ferataj Mehmetaj, Shefkije's older sister.

Mehmetaj left for the Balkans on her own two weeks ago, in a desperate search for her three sisters. Her childhood home in Istog had already been burned to the ground. She had no idea how to find all of them, let alone transport them back. But she planned to stay until she did.

"From the first day on, I knew I had to do something for my family because I know what Slobodan Milosevic is capable of," said Mehmetaj, who came to the U.S. alone more than 25 years ago, when she was just 17. "When I was watching everything on television, I felt if I didn't do something for my family I would never forgive myself. Now I feel worse. I saw kids without eyes. I saw people taking clothes off the dead and covering children. I say . . . I saw things you should never see. I couldn't sleep at night, couldn't eat. I felt so guilty. It's so different from watching a war in the living room."

Remarkably, she found Shefkije and Besarta at a friend's home in Macedonia. Days earlier, the two had been plucked out of Radusha, a refugee camp, thanks to money Mehmetaj supplied to pay off the guards.

Their journey to the camp had been an ordeal in itself. They traveled at night to avoid Serbian patrols. Eventually, they made it to Macedonia. "Every time I talked to her on the phone I thought it was the last," Mehmetaj said. "As soon as I arrived, we just hugged and both started crying. She knew she was safe."

Initially, Mehmetaj said, the U.S. Embassy in Macedonia would not issue visas for the two because the official refugee program was not yet in place. But a friend, California commodities trader Tony Elgindy, worked the Internet—contacting friends and politicians, including Sen. Spencer Abraham (R-Mich.), asking for help. About a week later, Mehmetaj received a call from the U.S. Embassy. She said Pat Walsh, the head of consular services at the embassy, told her she could take her sister and her niece back to the U.S. immediately, and several other Kosovar Albanians at a later date.

Mehmetaj is also sponsoring a family of four, paying for their transportation to the U.S., their housing and food.

"It's still a dream," said Shefkije. "I feel happy, but I also feel so bad when I think of my people in Kosovo. They need clothes; they need help. I am OK. But my people are not."

During the grueling, emotional two-week journey, Mehmetaj managed to locate a second sister, Sofije, who had trudged through mountains, eaten snow and was living with her family in an abandoned cigarette factory in Skorg, Albania. The factory was crammed with refugees, and Sofije was located by a friend who spent hours roaming through the nine stories of the building, calling out her name.

"I was so frightened for the first time in my life," said Mehmetaj, who made the dangerous eight-hour trip to Albania alone and in the dead of night, against the wishes of her husband. "When I found Sofije, I tried to separate her family and take them away, but there were only about 30 people left (alive) from her village and they didn't want to be apart. So I promised to help them too."

Though she was unable to bring Sofije, her husband and their five children back to the United States this time, Mehmetaj rented two apartments for the family and other Kosovars from the village of Skorg. She also bought them food and clothing.

A third sister and her family are still missing. But Ferataj said the minute she finds out where they are, she will be on the next plane to Greece.

"We were all scared for her safety—it was highly risky, but she has her own mind, thank God," said Alenna Hiles, one of Mehmetaj's closest friends who greeted her at Midway Airport. "It's a miracle she made this happen. She not only found them but got them back here before the refugee program was in place."

Most of the Kosovar refugees will begin arriving in Chicago, Detroit, Boston and New York—cities selected because they have substantial Albanian populations—as early as Wednesday, according to a State Department spokesman. The State Department has encouraged people with relatives to assist in refugee resettlement.

The second oldest of nine siblings, Mehmetaj owns the European Touch salon and day spa in Dearborn Station, her seventh salon, and drives a car with the license plate "KOSOV A M." Friends and family describe her as tough and fearless.

Most of her family has left Istog, the town where they were raised. Six months before the war, Mehmetaj convinced her mother, Gjyle, to leave Kosovo and move in with a brother in Switzerland. When Istog fell to the Yugoslav army, more than 15,000 refugees fled to Rozaje, Montenegro.

"(My mother) is very determined to get what she wants," said Mehmataj's 20-year-old daughter, Linda. "Either way she was going to do it, whether the United States was going to allow it or not."

Mehmetaj, Shefkije and Besarta arrived in New York on Wednesday and spent Thursday in Washington, D.C., meeting with several senators and briefing politicians about the situation in Kosovo. Friday, they were weary but overjoyed to be together.

After stopping at the salon to see family members, they all returned to Mehmetaj's South Loop condominium. There, Shefkije gazed at the stunning view of Chicago from the 25th floor. Both mother and child looked curiously at all the things in Mehmetaj's apartment.

"We're so happy for them to be here. They'll have everything they need from all of us," said brother Rich Ferataj, 37, who also owns a salon and lives in Oak Lawn. "I think for now we'll just try to laugh and talk about old times."

FOUNTAIN CITY POLICE CHIEF JEFF LIEBERMAN HONORED: MARCH 1999 NATIONAL POLICE OFFICER OF THE MONTH

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1999

Mr. KIND. Mr. Speaker, today I rise to pay tribute to Jeff Lieberman, Police Chief in Fountain City, Wisconsin. Chief Lieberman was honored recently by the National Law Enforcement Officers Memorial Fund as the National Police Officer of the Month. Chief Lieberman is the first and only small-town law officer ever to receive this honor.

Chief Lieberman was chosen for this honor because of his dedication to children, his phenomenal 99 percent conviction rate and his close ties to his community. At Fountain City, Chief Lieberman established the Police Awareness and Learning Safety (PALS) program. The PALS program gives children at the Cochrane-Fountain City elementary school the opportunity to know and interact with a police officer. PALS is designed to provide children with knowledge, skills and attitudes regarding their personal safety, placing emphasis on decision-making and the choices they make in their lives.

Chief Lieberman's commitment to his community, and especially the children, makes him a model police officer and truly deserving of this recognition. As this nation struggles with problems of violence in our schools and our communities, Chief Lieberman is pro-actively working to prevent problems from developing. We need more police officers like Chief Jeff Lieberman.

The people of Fountain City are fortunate to have an outstanding public servant in Chief Lieberman. I commend Jeff, his wife Kim and daughter Paige, for their love and dedication to western Wisconsin and I congratulate Jeff on this honor.

TRIBUTE TO NUNE YESAYAN

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Ms. Nune Yesayan for her outstanding musical talent. Nune is considered to be a "modern-day minstrel" from Armenia, who herself has survived a traumatic personal history, but has emerged to breathe a new life of hope and beauty into the present day Armenian experience.

Nune has been called the "Armenian Madonna," however, love for her music and its message spans generations and cultures. Her extraordinary, emotion-provoking voice, reminiscent of one who has gained life-lessons from a long and tiring journey, and her use of ancient instruments appeals to a wide dynamic of fans, from "hip" Generation Xers to Baby Boomers, and from lovers of traditional music to those with more "eccentric" music tastes. It is her message, however, drawing Armenians world-wide, which provokes a connection to "home," and delivers truths about the identity, language and culture of the Armenian people. They are songs about the beauty of the homeland, (Armenia) and of the people, the strength of the Armenian character, and the nostalgia of what once was with the hope that it can be reclaimed.

At no other time in the modern-day Armenian experience has one performer captured so much attention in such a short period of time. Sold out concerts in Armenia launched the 29-year-old's career. Nune has performed for Armenian troops near the Azeri border, and in Yerevan, Lebanon, Syria and Cyprus. Nune's near-instant stardom led her to California where she performed for mobs of fans. She also appeared at an A.Y.F. picnic, at schools, and in record stores. Nune has produced two CDS and several innovative music videos. She was the only vocalist invited to participate in a 20-hour live broadcast commemorating the tenth anniversary of the December 7, 1988 Armenian earthquake. Adding to this impressive résumé Nune's two Anoush Awards granted to her at the Armenian Music Awards in October, one for "most popular album" and the other for "best female vocalist."

Mr. Speaker, I rise today to recognize Ms. Nune Yesayan for doing her part to rejuvenate the "Armenian soul" and bridge generational and cultural gaps, bringing families and strangers together with her music. Nune recently played at a concert in Fresno, in my district, at the Armenian Community Center. I urge my colleagues to join me in wishing Nune many years of continued success.

WESLEY CHAPEL AFRICAN METHODIST EPISCOPAL CHURCH CELEBRATES ITS 134th ANNIVERSARY

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1999

Mr. SHIMKUS. Mr. Speaker, I would like to take this time to honor the Wesley Chapel African Methodist Episcopal Church of Edwardsville, Illinois upon its 134th anniversary.

On May 6th, the Wesley Chapel held special services to celebrate its 134th anniversary, specifically video taping the proceedings for those members of the church who were unable to participate due to age or other reasons. The celebation featured reflections of the church and its members and featured statements about the church and its impact from the oldest member, 98 year-old Alma Jackson to 12 year-old Terry Bradshaw who represented the youngest members of the church.

Wesley Chapel was founded on the banks of Cahokia Creek at the end of the Civil War. It has been at its current location at 418 Aldrup since 1881 and is currently preparing for the possibility of a new church.

My congratulations go out to Pastor Dwight Bell and Joyce Hariston and Jessie Brown who served as co-chairs of the anniversary committee as well as the entire congregation at the Wesley Chapel African Methodist Episcopal Church.

The commitment to and love of faith will make a difference for generations to come.

"AN S.O.S. FROM TAIWAN"

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1999

Mr. DELAY. Mr. Speaker, I rise today to introduce a very important piece of legislation together with Representatives ANDREWS, GILMAN, DEUTSCH, ROHRABACHER, WU, COX, JEFFERSON, DIAZ-BALART, LOWEY, CHRIS SMITH, HUNTER, BURTON, COOK, and DAVE WELDON.

This bill gives Taiwan a fighting chance to defend itself from a potential Chinese invasion. The Taiwan Security Enhancement Act we are introducing today also stabilizes Taiwan by strengthening U.S.-Taiwanese cooperation.

The Far East is no less pressing than the Middle East or Eastern Europe, where we are heavily involved now. Stability of the entire Asian region is predicated on a balance of power that keeps China in check.

The May 24, 1999, issue of Defense News reports that China could be planning a new round of military exercises and missile tests across the Taiwan Strait in response to American bombing of the Chinese Embassy in Belgrade.

Typically, no U.S. action has been undertaken in the past to discourage these movements because the Administration's Taiwan policy has been missing-in-action for years. Habitual appeasement of China has grown into an addiction that now seriously threatens global security.

Despite President Clinton's claim a few weeks ago that the People's Republic is not a threat, Chinese intentions to the contrary are clear. They have been saber rattling for years.

A clear message was sent when China fired missile tests off the coast of Taiwan in 1995 and 1996. Since then, a massive Chinese missile and military logistical buildup across the Taiwan Straits has served as a constant threat. Waiting for the next shoe to fall before acting would be a costly mistake.

The image of Red Army tanks rolling into Hong Kong should not be forgotten. Neither should the threat by a high-ranking Chinese general to nuke Los Angeles if we interfere in Taiwan.

Adding legitimacy to these loose lips, the Chinese military held practice missile attack exercises against mock U.S. troops just six months ago.

Ever since the annexation of Hong Kong and Macau, consuming Taiwan has become a pressing goal for the expansionist communist government in Beijing. An ounce of prevention now will save a ton of band-aid cures after-the-fact. There will be no way to oust the Chinese should they ever take Taiwan.

The Taiwanese are not asking us to send troops.

They are not asking us to bomb other sovereign nations.

They simply need strategic military advice, technological expertise and access to purchase appropriate American defense systems so they can defend themselves. United States policy must bolster the independence of this little nation.

A few reasonable measures of cooperation would go a long way for the island's defense.

For example, the United States should sell diesel submarines to Taiwan, which is outnumbered in the seas 65 to 4 by the mainland's forces.

Likewise, there is a dire need for air defense that could be rectified by the sale of American-made AIM 120 missiles, long-range radar and satellite warning data.

Enhanced military exchanges would forge a cohesive defense plan between our nations.

But, acquiescing to pressure from Beijing, the Clinton Administration refuses to sell these systems and take these steps despite a massive Chinese military buildup.

The Defense Intelligence Agency reports that the People's Liberation Army is currently deploying approximately 650 new short-range missile systems directly across the straits. There are 150 such missiles aimed at Taiwan already in addition to fevered construction of new fighter planes, warships and subs.

Under the Taiwan Relations Act, the United States committed to providing a defense capability to Taiwan based upon their defense needs. The need is pressing—the time to act on this promise is now.

Appealing to the chivalrous instincts of Americans, the Clinton Administration plants troops all over the world under the guise of defending the proverbial little guy from aggressive bully nations.

Supposedly, that is what we are doing in the Balkans—but bombs flying on Belgrade do not erase American responsibility elsewhere. The Taiwan Security Enhancement Act honors our commitment to stability in Taiwan by increasing cooperation between U.S. and Taiwanese militaries, and increasing sales of defensive technology and weaponry while prohibiting reductions in arms sales.

Mr. Speaker, American prestige is not only on the line in the Balkans. We must honor our commitments in the Taiwan Strait. I urge all of my colleagues to support the Taiwan Security Enhancement Act.

THANKS TO WILLIAM "BILL" KENNOY

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1999

Mr. DUNCAN. Mr. Speaker, today, the Tennessee Valley Authority is losing a great leader. After a successful eight-year term on the TVA Board, William "Bill" Kennoy is stepping down.

Bill Kennoy was appointed to the TVA Board by President George Bush and was sworn in on May 31, 1991. Over the past eight years, William Kennoy has contributed a great deal to the citizens of the Tennessee Valley. His competent leadership helped to secure the refinancing of TVA's $3.2 billion debt. Additionally, he was instrumental in preserving the Land Between the Lakes Recreational Area.

All who know Bill Kennoy agree that he is a compassionate leader who has served the public well over his term as a TVA Director. He is the longest-serving member of TVA's current Board of Directors. Bill Kennoy even led TVA during transition period between the previous and current Boards.

Before coming to TVA, Bill Kennoy led Kennoy Engineers, Inc., an environmental firm in Lexington, Kentucky. He brought over 25 years of experience to the Board as a professional engineer and business executive. In fact, he will now return to private life and again be involved in the engineering business.

Mr. Speaker, Bill Kennoy has contributed a great deal to this Nation, but I would like to highlight one of his accomplishments that I am especially proud of. William Kennoy founded the "Weekend Academy" for inner-city youth in Knoxville, Chattanooga, Memphis, and Nashville, Tennessee. The Weekend Academy is a mentoring program that encourages youth to pursue careers in business districts near their homes. I believe this says a tremendous amount about Bill Kennoy.

Mr. Speaker, I know that I join with all Americans in thanking William Kennoy for his service to our Nation over the past eight years. I have included a copy of an editorial written in the Knoxville News-Sentinel honoring William Kennoy that I would like to call to the attention of my fellow members and other readers of the RECORD.

[From the Knoxville News-Sentinel, May 18, 1999]

SERVICE RENDERED

The Tennessee Valley Authority will say good-bye to one of its three board members today, and all in the valley should pause for a salute to William Kennoy.

A Republican nominated to the TVA board by President Bush, Kennoy ends his eight-year term and will return to private life and his chosen profession of engineering.

His departure will leave the board with only one member until two replacements are appointed. That was a situation in which Kennoy found himself in 1993, the year current chairman Craven Crowell and recently departed member Johnny Hayes were appointed to the board.

Kennoy's relationship with the federal utility he later would help manage began long before his appointment to the board. Kennoy's father was a TVA engineer working on the Guntersville Dam in north Alabama. Kennoy said his appointment was "an opportunity to pay TVA back for what it has done for me."

It speaks well for Kennoy that he regards as his signal accomplishment at TVA the launching of "Weekend Academy," a mentoring program for children living near downtown in Knoxville, Chattanooga, Nashville and Memphis. The program attempts to help inner-city children achieve success and encourage them to pursue careers in business districts near their homes.

Kennoy also cites among his accomplishments the refinancing of TVA's $3.2 billion debt, improving agency contracts and preserving the Land Between the Lakes Recreation Area.

Kennoy's deliberate, calm style that led him to work out disagreements behind the scenes instead of allowing meetings to degenerate into unnecessary bickering might well be another accomplishment. This trait drew praise from a former board member, U.S. Rep. Bob Clement, a Nashville Democrat: "You don't see him raise his voice. Bill is very smart, deliberate and compassionate."

Clearly TVA is better for Kennoy's leadership. As Kennoy steps down today, we thank him for his service on TVA's board and wish him the best for the future.

TECHNOLOGY TRANSFER COMMERCIALIZATION ACT WOULD ELIMINATE PUBLIC INTEREST PROTECTIONS ON LICENSING OF INVENTIONS RESULTING FROM TAXPAYER-FUNDED RESEARCH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1999

Mr. KUCINICH. Mr. Speaker, on May 11, 1999, the House of Representatives approved H.R. 209, the Technology Transfer Commercialization Act, by a voice vote after it was placed on the Suspension Calendar. Further analysis of this measure indicates that its fundamental thrust is to water down or eliminate a range of public interest protections that currently are in effect. If enacted in its current form, H.R. 209—and its companion bill, S. 804, currently being considered by the other body—would allow the government to act behind the scenes, with little public oversight, to grant exclusive licenses to firms that wish to commercialize products that have been developed through taxpayer-funded research. These provisions do not serve the public interest. Congress needs to take a closer look at the implications of H.R. 209 and S. 804. The following analysis explains the problems with the bill in detail.

ANALYSIS OF TECHNOLOGY TRANSFER COMMERCIALIZATION ACT (H.R. 209) BY CONSUMER PROJECT ON TECHNOLOGY

(By James Love)

1. THE LEGISLATION REDUCES COMPETITION.

Both H.R. 209 and S. 804 eliminate the statutory requirements in 35 U.S.C. 209(c)(1)(b) that before using an exclusive license, an agency make a finding that: "the desired practical application has not been achieved, or is not likely expeditiously to be achieved, under any nonexclusive license which has been granted, or which may be granted, on the invention;"

This is an important change in existing law. It is currently illegal to use an exclusive license if development is likely to be expeditiously achieved with a non-exclusive license. However, under the new bills, this will change, and it will be possible to use an exclusive license merely by meeting the much lesser requirement that "granting the license is a reasonable and necessary incentive to . . . promote the invention's utilization by the public." The consequence of this change will be fewer non-exclusive licenses, less competition, and more monopolies on taxpayer owned inventions.

2. THE PUBLIC'S RIGHTS TO NOTICE AND COMMENT ON EXCLUSIVE LICENSING OF GOVERNMENT INVENTIONS IS VASTLY REDUCED

H.R. 209 and S. 804 both gut public notice provisions for exclusive license agreements from government owned inventions. Under existing law, agencies are normally expected to provide 90 days notice that the invention is available to the public for licensing, followed by 60 days notice with an opportunity to file objections for proposals to provide an exclusive license to a particular party. [See: 37CFR404.7(a)(1)]

S. 804 and H.R. 209 reduce notice requirements to "in an appropriate manner at least 15 days before the license is granted." According to the House Report on H.R. 209, this eliminates also the need to provide notice in the Federal Register. S. 804 and H.R. 209 exempt even this modest requirement for "licensing of inventions made under a cooperative research and development agreement (CRADA) entered into under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a)."

The change virtually eliminates the practical rights of the public to raise objections to the use of an exclusive license or to even question the terms of the license (including the scope of the exclusivity).

3. THE INCREASED SECRECY ON LICENSES UNDERMINES THE PUBLIC'S RIGHTS AND REDUCES ACCOUNTABILITY

There are a number of current cases where the public is seeking information about government licenses, including such items as the royalties or other considerations paid for the license, the revenues from the invention, information about the availability of the invention to the public, or justification for prices charged consumers.

H.R. 209 modifies existing statutory language to require that such information be secret from the public. Language in 35 U.S.C. section 209 that says that information "may be treated by a federal agency as . . . privileged and confidential and not subject to disclosure under" the freedom of information act, is changed to say that such information "shall be treated as privileged and confidential. . . ." NIH licensing officials claim the change from "may" to "shall" will make a much broader amount of information secret, including even basic information such as the amount of money received by the government as payment for use of a patent. Indeed, in section 10 of H.R. 209, federal agencies are not even permitted to report statistical information on royalties received for licenses, if "such information would reveal the amount of royalty income associated with an individual license or licensee."

This is truly adding insult to injury. Not only will the public be denied a practical opportunity to stop an agency from giving an exclusive license on a government owned patent or to effectively challenge the terms of the patent—taxpayers will not even be permitted to know what the terms are!

4. PROBLEMS IN LICENSING OF FEDERALLY FUNDED INVENTIONS

There are currently significant disputes regarding the use of exclusive licenses for a wide range of government funded inventions, including inventions in the areas of software, computing equipment, biotechnology and medicines.

Regarding the areas of licensing of government funded medical inventions. The existence of public notice permits consumers or potential competitors to object to the use or scope of exclusive licensing. For example, when Bristol-Myers (Squibb) sought an extension of its exclusive license to cis-platin, a cancer drug developed at taxpayer expense, Adria Laboratories, Stuart Pharmaceuticals, American Cyanamide, Elkins-Sinn and Andrulis Research objected to the proposed extension, arguing that the public interest would be served by non-exclusive licensing. Andrulis suggested non-exclusive licensing be coupled with higher royalties to fund cancer research. As a result of the public comments, Bristol-Myers offered to lower the price of cis-platin by 30 percent and fund $35 million in extramural cancer research, in return for the extension of the license.

More recently there has been considerable controversy over Bristol-Myers Squibb's licensing of government data and patents relating to the cancer drug Taxol and the HIV drug ddI, as well as Bristol-Myers policies regarding pricing of d4T, another government funded HIV drug. Also, public health groups who are interested in malaria are concerned about efforts by SmithKline Beecham to obtain exclusive rights to new malaria drugs invented by the US Army and Navy. In many of these controversies, public health groups are seeking to obtain basic economic information, such as the royalty rates paid on the licenses, the amount of sales of the products, or the amount of money the company will spend on subsequent development of the government invention. These are not trivial disputes. Bristol-Myers Squibb claimed to have spent $114 million to develop Taxol, but subsequent data placed the BMS contributions at less than $10 million prior to FDA approval of the drug. The decision by the NIH to grant BMS exclusive rights to two "treatment regime" patents on doses of Taxol extended the Taxol monopoly at least 30 months, costing consumers and taxpayers $1.27 billion, according to one study (Richard P. Rozek, Costs to the U.S. Health Care System of Extending Marketing Exclusivity for Taxol, N.E.R.A., Washington, DC, March 1997).

The current controversy with ddI, a US government patented AIDS drug, illustrates some of these problems. The Bush Administration granted Bristol-Myers 10 years of exclusivity on ddI, beginning 1989. Patient groups are trying to determine when or if Bristol-Myers will seek to extend the exclusivity on the patent. The pricing of ddI is considered highly suspect by AIDS patients. Patient advocates would like to find out when such a patent extension is proposed, and to insist on public disclosures of revenues and development costs, to determine if the exclusivity should be continued. Like all AIDS drugs, ddI is expensive, both for consumers and for taxpayers who fund care for many AIDS patients. Competition is expected to lead to significant decreases in prices. Under HR 209, the extension of the patent exclusivity could easily be done before patients could even find out about the proposed extension. Indeed, this may have already happened, due to the difficulty in monitoring such license extensions, and the unwillingness of the NIH to make it easier to monitor these issues or even answer questions about the licenses. But by reducing the notice requirements to 15 days, the public will have no rights.

In some cases, NIH funded inventions are priced at more than $100,000 per year. It won't be long before we see prices higher than $1 million per year per patient for some drugs. How can the US government justify issuing exclusive licenses for life and death therapies, without giving the public the right to speak, or to even find out what the terms of the license are? And why do policy makers permit drug companies to make ludicrous and clearly false public statements regarding the costs of bringing US government pharmaceutical inventions to market, and then make all data on the real costs a state secret?

If the purpose of HR 209 or S. 804 is to make it easier to get exclusive rights on government property, the legislation succeeds. If the purpose is to protect the public's rights in taxpayer property, the legislation fails. We think the second issue is the one that needs greater attention by our elected members of Congress.

HONORING THE STUDENTS OF LAKESHORE ELEMENTARY SCHOOL

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1999

Mr. KIND. Mr. Speaker, I rise today to pay tribute to the students of Lakeshore Elementary School in Eau Claire, Wisconsin. I want to recognize their true concern and compassion for the innocent children in Kosovo.

The story of Sadako and the Thousand Paper Cranes, by Eleanor Coerr, is a story of strength and courage of one young child diagnosed with leukemia after being exposed to radiation from the atomic bomb dropped on Hiroshima, Japan on August 6, 1945. Sadako tried to make 1,000 paper cranes, which according to legend, would bring her long life. The students of Lakeshore Elementary School gathered together on May 10, 1999, after watching a movie about Sadako and successfully made 1,000 paper cranes in honor of the children in Kosovo. Through their dedication in making these 1,000 paper cranes, the students in my district have become active participants in the international community. They have become messengers of peace and have shown the importance of supporting the children of Kosovo during this time of difficulty.

I hope to visit the Balkan region in the near future and personally deliver some of these special paper cranes and inform some of the children of Kosovo that there are children in the United States who are concerned about their fate. On behalf of the students of Lakeshore Elementary School, I will be able to offer the children of Kosovo these paper cranes as symbols of courage and long life. I salute the Lakeshore Elementary School students, faculty and staff including Dr. Mary Seitz, and Lucianne Boardman for inspiring peace and understanding throughout the world.

TRIBUTE TO KARL F. BAUMANN

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Mr. Karl F. Baumann for his outstanding dedication to the growth of Mariposa County. Karl was a "strong and commanding" man who had a vision to develop the barren acres of Cathey's Valley into a town successful in both business and community.

Karl ventured into Cathey's Valley from Southern California 16 years ago when he purchased an 800-acre ranch. It was then that Karl had a vision to develop this ranch into something more. To fulfill his vision of a sound and safe community, Karl subdivided his ranch and built The Whispering Oaks Estates, currently home to many Mariposans. The next project that Karl embarked upon led to the creation of the Cathey's Valley business park. Since then, the business park has contributed greatly to the economy of Cathey's Valley and Mariposa County.

Karl's leadership was also noted by his membership in the #98 Masonic Lodge in Hornitos, the Mariposa County Board of Realtors, and as owner of the Cathey's Valley Realty and Development. Karl has been credited for the amazing growth of Cathey's Valley by many of his colleagues and friends.

Mr. Speaker, it is with great honor that I rise today to recognize Mr. Karl F. Baumann for his leadership and strength in paving the way for a successful community to grow and flourish. His contribution to the San Joaquin Valley is incomparable. I urge my colleagues to join me in wishing the Baumann family and Cathey's Valley continued success for the years to come.

A TRIBUTE TO DUANE ROHMALLER

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1999

Mr. SHIMKUS. Mr. Speaker, I would like to take this time to honor Duane Rohmaller of Christ Lutheran Church and School in Costa Mesa, California upon the announcement of his retirement following forty-one years as a valued Lutheran educator, administrator and friend.

Mr. Rohmaller's friends and admirers are planning a weekend celebration to honor his many contributions to our children, our communities, our faith and our future.

I know Mr. Rohmaller best from his service as my eighth grade teacher at Holy Cross Lutheran School in Collinsville, Illinois. When I reflect on all that he taught me, I am reminded of Proverbs 22:6 "Train up a child in the way he should go: and when he is old, he will not depart from it."

Thank you Mr. Rohmaller for your teachings, your values, your commitment and your love of our faith. Your life's work will continue to make a difference for generations to come.

PENALTIES FOR EXPOSING THE IDENTITIES OF INTELLIGENCE AGENTS

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1999

Mr. DELAY. Mr. Speaker, I insert the following speech for the CONGRESSIONAL RECORD.

MANDATORY PENALTIES FOR EXPOSING THE IDENTITIES OF U.S. INTELLIGENCE AGENTS

Mr. Speaker, I commend Congressman Sweeney for bringing this subject to our attention. The nation is being confronted every day it seems with graver and more alarming revelations about breaches of our national security at our weapons labs and other facilities. It should not be overlooked that it was due in large part to the efforts of our intelligence agents that these breaches were first suspected and then subsequently investigated by the FBI and others.

So, it is appropriate at this time to increase the protection for both current and former covert intelligence officers around the world by increasing the criminal penalties for those who willfully divulge their identities to the world. Anyone who deliberately puts American agents' lives, those of their families, and America's security at risk should face a minimum sentence in prison as well. Mr. Sweeney's amendment does that by establishing mandatory minimum sentences for willfully identifying covert agents.

As many of us recall, the current law, the Intelligence Identities Protection Act, was passed after the CIA Station Chief in Greece, Richard Welch, was assassinated after Counter Spy exposed his identity. Ex-CIA agent Phillip Agee was also responsible for repeated disclosures of the names of intelligence personnel and the Supreme Court held that such disclosures are not protected under the First Amendment.

The amendment also addresses the absurdity in the law that allows people to obtain information about former U.S. intelligence activities under the Freedom of Information Act, but does not prohibit people from turning around and identifying intelligence agents who have retired.

To address this shortcoming, the amendment expands the law to include former covert agents under its protections because identifying former agents, their activities and locations not only compromises on-going intelligence efforts, but exposes the former agents and their families to danger and retaliation from our nation's adversaries.

Any individual who has served our country at considerable risk to themselves and their families deserves all the protection we can provide under the law—not only while they serve, but when they retire as well. In this day of vicious, global terrorism, exposing current or former intelligence agents should be subject to severe and mandatory criminal penalties.

The amendment does that and I urge members to vote for it.

TRIBUTE TO RUSSELL "RUSTY" BERRY

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1999

Mr. BERRY. Mr. Speaker, I rise today to recognize a great Arkansan and great American.

He is my wonderful brother Russell (Rusty) Berry. Rusty was the last of four children born to Eleanor and Lloyd Berry in the Bayou Meto community of Arkansas County, Arkansas. They would be filled with pride to see him today, successful and responsible.

Since he was ten years younger than his siblings the opportunity to be spoiled was great. He managed to overcome the influence of his siblings to become an accomplished attorney and stepfather.

The loss of both parents before he finished high school presented a situation that could have been quite negative, but because of strong character passed on to him from our wonderful parents, he managed to successfully negotiate the treacherous waters of the seventies.

As a country lawyer he continues to serve all the people with great skill and not just the ones that can pay. He is a credit to his profession, community, and family.

He is one of the Berry Brothers. This means that he is always there when needed and never questions the need. It also means he has shared many pleasurable days in the field or woods with these same brothers.

He is admired and loved by his nieces and nephews along with his step children. Uncle Rusty being around always brings excitement and anticipation for the children.

He is a part of a vanishing group that came from the Bayou Meto-One Horse Store community where being neighbors and helping each other was a way of life.

The world is a better place for his having been here, and we are all richer because he is part of our family.

I am proud to call him my brother, and think of him with great love and affection.

HONORING CHABAD OF THE FIVE TOWNS ON THEIR SECOND ANNUAL DINNER TO "CELEBRATE THE DREAM"

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1999

Mrs. McCARTHY of New York. Mr. Speaker, I rise today to honor Chabad of the Five Towns on the occasion of its Second Annual Dinner to "Celebrate the Dream," on May 25th, 1999 and their honorees Mr. and Mrs. Simon Eisdorfer, Mr. and Mrs. Jeffrey Mark, Dr. and Mrs. Stanley Nussbaum and Dr. and Mrs. Justin Cohen.

I would also like to pay tribute to their spiritual leader, Rabbi Shneur Wolowik, who guidance, dedication, compassion and spirituality has helped Charbad of the Five Towns reach this milestone.

Chabad of the Five Towns opened its doors four years ago with the mission of translating deeply-rooted Jewish concepts into a practical foundation of life, just as the Chabad Jubavitch movement has done for over two centuries.

Chabad reaches out to fellow Jews on a global scale with over 2,300 centers worldwide. In the Five Towns, they have helped hundreds of families both spiritually and materially, whether it be a new immigrant, someone in need, a youth in trouble, or a family or individual who wants to learn more about their heritage, Chabad is there to help. In addition, they believe Judaism should be celebrated with joy, excitement, and enthusiasm, whether it be a holiday celebration, a Passover Seder, a Shabbaton Dinner, a family barbecue, or an outing.

Most importantly, Chabad sees its children as proud Americans, knowledgeable of our country's rich history and democratic ideals, and is pleased with the special relationship between Israel and the United States.

I commend Chabad for its philosophy of inclusion and acceptance, treating every human being as special and worthy, deserving of attention and support, regardless of their religious affiliation or background. It is this embracing of all, without expecting anything in return, that has given impetus to the impressive growth of the Chabad of the Five Towns. After only four years, they are now "Celebrating the Dream" of a beautiful new expanded facility in which they can continue to serve the community. I wish to thank them for their tireless efforts and outstanding contributions that have bettered the lives of so many.

INTRODUCTION OF H.R. 1789

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1999

Mr. PAUL. Mr. Speaker, I rise today to enlist support for a bill I have introduced to repeal statutes which have now resulted in more than one hundred years of government intervention in the marketplace. In 1890, at the behest of Senator Sherman, the Sherman Antitrust Act was passed allowing the federal government to intervene in the process of competition, inter alia, whenever a firm captured market share by offering a better product at a lower price. The Market Process Restoration Act of 1999, H.R. 1789, will preclude such intervention.

Antitrust statutes governmentally facilitate interference in the voluntary market transactions of individuals. Evaluation of the antitrust laws has not proceeded from an analysis of their nature or of their necessary consequences, but from an impressionistic reaction to their announced gain.

Alan Greenspan, now Chairman of the Federal Reserve, described the "world of antitrust" as "reminiscent of Alice's Wonderland: Everything seemingly is, yet apparently isn't, simultaneously." Antitrust is, according to Greenspan "a world in which competition is lauded as the basic axiom and guiding principle, yet, 'too much' competition is condemned as 'cutthroat'. * * * A world in which actions designed to limit competition are branded as criminal when taken by businessmen, yet praised as 'enlightened' when initiated by government. A world in which the law is so vague that businessmen have no way of knowing whether specific actions will be declared illegal until they hear the judge's verdict—after the fact." And, of course, obscure, incoherent, and vague legislation can make legality unattainable by anyone, or at least unattainable without an unauthorized revision which itself impairs legality.

The Sherman Act was a tool used to regulate some of the most competitive industries in America, which were rapidly expanding their output and reducing their prices, much to the dismay of their less efficient (but politically influential) competitors. The Sherman Act, moreover, was used as a political fig leaf to shield the real cause of monopoly in the late 1880's—protectionism. the chief sponsor of the 1890 tariff bill, passed just three months after the Sherman Act, was none other than Senator Sherman himself.

One function of the Sherman Act was to divert public attention from the certain source of monopoly—Government's grant of exclusive privilege. But, as George Reisman, Professor of Economics at Pepperdine University's Graziadio School of Business and Management in Los Angeles, explains "everyone, it seems, took for granted the prevailing belief that the essential feature of monopoly is that a given product or service is provided by just one supplier. On this view of things, Microsoft, like Alcoa and Standard Oil before it, belongs in the same category as the old British East India Company or such more recent instances of companies with exclusive government franchises as the local gas or electric company or the U.S. Postal Service with respect to the delivery of first class mail. What all of these cases have in common, and which is considered essential to the existence of monopoly, according to the prevailing view, is that they all represent instances in which there is only one seller. By the same token, what is not considered essential, according to the prevailing view of monopoly, is whether the sellers position depends on the initiation of physical force or, to the contrary, is achieved as the result of freedom of competition and the choice of the market."

Microsoft, Alcoa, and Standard Oil represent cases of a sole supplier, or at least come close to such a case. However, totally unlike the cases of exclusive government franchises, their position in the market is not (or was not) the result of the initiation of physical force but rather the result of their successful free competition. That is, they became sole suppliers by virtue of being able to produce products profitably at prices too low for other suppliers to remain in or enter the market, or to produce products whose performance and quality others simply could not match.

Even proponents of antitrust prosecution acknowledge this. In the Standard Oil case, the U.S. Supreme Court declared in its 1911 decision breaking up the company: "Much has been said in favor of the objects of the Standard Oil Trust, and what it has accomplished. It may be true that it has improved the quality and cheapened the costs of petroleum and its products to the consumer."

It is the dynamic model of competition under which only "free" entry is required that insures maximization of consumer welfare within the nature-given condition of scarcity and reconciles the ideal of pure liberty with that of economic efficiency. The free market in the world of production may be termed "free competition" or "free entry", meaning that in a free society anyone is free to compete and produce in any field he chooses. "Free competition" is the application of liberty to the sphere of production: the freedom to buy, sell, and transform one's property without violent interference by an external power.

As argued by Alan Greenspan, "the ultimate regulator of competition in a free economy is the capital market. So long as capital is free to flow, it will tend to seek those areas which offer the maximum rate of return."

The purpose of my bill is to restore the inherent benefits of the market economy by repealing the Federal body of statutory law which currently prevents efficiency-maximizing voluntary exchange.

IN HONOR OF REVEREND MONSIGNOR GERARD LA CERRA

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1999

Ms. ROS-LEHTINEN. Mr. Speaker, today I would like to recognize a man for whom the South Florida Community has the utmost respect, esteem and admiration, Reverend Monsignor Gerard La Cerra, who will celebrate 30 years in the priesthood on May 24th.

Monsignor La Cerra was ordained into the priesthood in Miami in 1969 and has been indispensable to our community from that moment on.

He has been a driving force in our city, possessing a truly "God-given" ability to bring people together from different cultures, religions and walks of life, for a greater good, both encompassing and dispensing brother hood, fellowship and most of all, love.

He was instrumental in the very inception of the Archbishop Coleman F. Carroll High School and involved in every step of its formulation from the initial groundbreaking to the final ribbon cutting ceremony.

In 1995, this extraordinary man was designated Prelate of Honor with the title of Reverend Monsignor by His Holiness, Pope John Paul, II.

In addition to the many honors and accolades that Monsignor La Cerra received, he has been a tireless worker and advocate for the people of Miami and has served selflessly.

I would like all my colleagues to join me in honoring someone who is truly an inspiration and role model to everyone in the way that he has lived every single day of his life.

IN SPECIAL RECOGNITION OF JONATHAN P. CURTIS ON HIS APPOINTMENT TO ATTEND THE UNITED STATES MILITARY ACADEMY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1999

Mr. GILLMOR. Mr. Speaker, I rise today to pay special tribute to an outstanding young man from Ohio's Fifth Congressional District. I am happy to announce that Jonathan P. Curtis, of Edon, Ohio, has been offered an appointment to attend the United States Military Academy at West Point, New York.

Mr. Speaker, Jonathan has accepted his offer of appointment and will be attending West Point this fall with the incoming cadet class of 2003. Attending one of our nation's military academies is an invaluable experience that offers a world-class education and demands the very best that these young men and women have to offer. Truly, it is one of the most challenging and rewarding undertakings of their lives.

Jonathan brings a great deal of leadership and dedication to the incoming West Point class of 2003. While attending Edon High School, Jonathan has attained a grade point average of 3.732, which currently places him third in his class of forty-six students. Jonathan is a member of the National Honor Society, and has participated in the United States Air Force Academy Summer Science Academy and the Invitational Academic Workshop at West Point.

Outside the classroom, Jonathan has excelled as a fine student-athlete. On the fields of competition, Jonathan has earned letters in Varsity Track, Cross Country, and Golf. He has also been active in the Edon High School marching band, pep band, concert band, Spanish club, and the D.A.R.E. program.

Mr. Speaker, at this point, I would ask my colleagues to stand and join me in paying special tribute to Jonathan P. Curtis. Our service academies offer the finest education and military training available anywhere in the world. I am sure that Jonathan will do very well during his career at West Point, and I wish him the very best in all of his future endeavors.

MARY ANN MEYER OF COLLINSVILLE, ILLINOIS CELEBRATED HER 100TH BIRTHDAY

HON. JOHN M. SKIMKUS

OF ILLINIOS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1999

Mr. SHIMKUS. Mr. Speaker, I would like to take this time to honor Mary Ann Meyer of Collinsville, Illinois who turned 100 on March 22, 1999.

On March 20th, her family and friends honored her at a special birthday party at the Knights of Columbus Hall in Collinsville.

For most of her adult life, she has been and avid pinochle and bridge player. In fact she was on the high score board for six months running at the Collinsville Senior Center when she was a mere 99 years young.

She attended SS. Peter and Paul Catholic School and Collinsville Township High School where she graduated in 1917. During her remarkable life, she has visited all 50 states and has traveled twice to Europe. She has been an active member of her church and had a career in banking at a time when many women weren't yet allowed let alone encouraged to do so.

She once said that her secret to a long life includes family, friends, music, traveling and plenty of hard work. Yet the most telling component of her secret was the most basic once when she said "Have faith in God. I still do."

Congratulations on 100 years of making a difference in our lives. Here's to the next 100.

TRIBUTE TO PRESIDENT LEE TENG-HUI

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1999

Mr. ORTIZ. Mr. Speaker, for many years now, I have joined my colleagues in congratulating the leaders of the Republic of China (ROC) on their National Day, on associated anniversaries, and other special occasions.

Today I congratulate President Lee Teng-hui on completing 3 years in office. President Lee is an energetic man who is moving forward on a number of diplomatic fronts to engage Taiwan as an emerging democracy and economic Pacific power.

In the years ahead, I hope that Taiwan will continue to enjoy its prosperity and freedom.

TRIBUTE TO MATT FONG

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to Matt Fong for his service to the state of California and the United States. Matt Fong's leadership and accomplishments in Republican politics has had a profound impact on the advancement and quality of life in California and America.

Matt Fong has been committed to public service for many years, most recently as California Treasurer. As treasurer, Mr. Fong worked to create higher efficiency within the office, thereby saving California taxpayers millions of dollars. He earned additional funds for California schools, hospitals, and prisons through wise investments, and boosted California's ratings with investors. Mr. Fong has done much to increase funds for small business and education, and has also worked to revitalize California's inner cities.

Aside from his many accomplishments as California treasurer, Matt Fong is a United States Air Force Academy graduate. He served as regent of Children's Hospital of Los Angeles, regent of Pepperdine University, where he received his master's degree in Business administration, and he was director of the Boy Scouts of America in the Los Angeles area. Other activities and awards include: National Commission on Economic Growth and Tax Reform, Congressional National Security Group, Chairman of the Governor's Task Force on State and Local Investment Practices, Chairman of the Pacific Rim Financial Summit, Distinguished Alumnus Award from both Pepperdine University and Southwestern University of Law where he received his jurist doctorate degree, Governing Magazine's Deal of the Year Award, Industry Award of Excellence from the National Federation of Municipal Analysts, honored for service to impoverished communities by the First AME Church of Los Angeles, excellence 2000 Award from the United States Pan Asian-American Chamber of Commerce, and the Simon Wiesenthal Center Award for efforts to promote restitution for Holocaust victims from Swiss banks.

Mr. Speaker, it is with great honor that I pay tribute to Matt Fong for his service to the state of California, and the United States. Mr. Fong is a faithful public servant who has shown care and dedication to business, education and the well being of California and the American community as a whole. I ask my colleagues to join me in wishing Matt Fong many more years of success.

TRIBUTE TO RICHARD AND IRMA POWELL

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1999

Mr. BERRY. Mr. Speaker, I rise today to pay tribute to a wonderful couple, The Powells.

Richard and Irma Powell are classic examples of the "Greatest Generation". They work hard, play by the rules, and achieve success doing so. They defined responsibility, honesty, thrift, and fair dealings. Their devotion to their family and church is extraordinary.

Both Richard and Irma Powell were born, raised and spent their entire lives in Stanley Point, Arkansas. They raised a large family of children that carry on the values that make the Powells so special.

After the loss of Richard some years ago it took years for Sunday to be the same with his absence from the front row. His occasional impromptu statements to the congregation were profound and memorable. There was never any doubt of his sincerity of commitment.

Mr. Powell was a great student of nature and human nature. The integrity and dedication of the Powells is a living example to all that knew them, especially to institutions like marriage. They were married for 59 years before Mr. Powell passed on.

They accept their lot philosophically, and epitomize the vision Thomas Jefferson had in mind when he helped found this great nation.

Our community is a better place because of their presence, and they are a bless to us all.

IN HONOR OF THE GRADUATION VIP PROGRAM, NEW YORK INSTITUTE OF TECHNOLOGY

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1999

Mrs. MCCARTHY of New York. Mr. Speaker, I rise today to celebrate the graduation of the Vocational Independence Program students (VIP) at the New York Institute of Technology (NYIT) in Central Islip, New York. It was my great pleasure to meet with these students in Washington, D.C. last month. They are a wonderful group and I am very proud of their achievement.

The Vocational Independence Program was founded in 1987 by Jim Rein, Dave Finkelstein and Neal Nelson. VIP is a work/study recreational program that establishes a transition for sixteen to twenty-one year old learning disabled young adults considering post-secondary career options. Soon after its creation, the program developed into what is the current year-round VIP program. The program provides continuing academic exposure to the students and as training for varied vocational options, work experiences and social and independent living skills development. As a part of the campus of NYIT, the students are able to take college beyond its special curriculum.

In our meeting last month, I was impressed with the VIP students keen understanding of how government works and the depth of their questions about my job and working in Congress. They have certainly benefitted from their various studies and trips outside the classroom. These experiences were a fine supplement to their excellent classroom curriculum.

As someone with a learning disability, I commend the students for not allowing their own disabilities to prevent them from attending college and moving into the workforce. They have demonstrated a determination and quest for knowledge which all students should aspire.

My best wishes to each of the graduates and their teachers, families and friends. I wish you great success now and in the future.

IN SPECIAL RECOGNITION OF MARCUS T. JAMEYSON ON HIS APPOINTMENT TO ATTEND THE UNITED STATES MILITARY ACADEMY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1999

Mr. BILLMORE. Mr. Speaker, I rise today to pay special tribute to an outstanding young man from Ohio's Fifth Congressional District. I am happy to announce that Marcus T. Jameyson, of Wellington, Ohio, has been offered an appointment to attend the United States Military Academy at West Point, New York.

Mr. Speaker, Marc has accepted his offer of appointment and will be attending West Point this fall with the incoming cadet class of 2003. Attending one of our nation's military academies is an invaluable experience that offers a world-class education and demands the very best that these young men and women have to offer. Truly, it is one of the most challenging and rewarding undertakings of their lives.

Marcus Jameyson brings a great deal of leadership and dedication to the incoming West Point class of 2003. While attending Wellington High School, Marc has attained a grade point average of 3.28, which places him among the best in his class. His academic success has placed him on the Honor Roll and Merit Roll. Currently, Marc is taking Honor's Program courses and several AP courses.

Outside the classroom, Marc has distinguished himself as an outstanding student-athlete. Marc served as the Senior Captain of the Wellington High School Varsity Wrestling Team where, in both his Sophomore and Junior years, he placed fourth in the Ohio State Wrestling Tournament. Marc is also a member of the Wellington Varsity Baseball Team. I am also pleased to announce that Marc is being recruited for Intercollegiate Athletics at West Point.

Mr. Speaker, at this point, I would ask my colleagues to stand and join me in paying special tribute to Marcus T. Jameyson. Our service academies offer the finest education and military training available anywhere in the world. I am sure that Marc will do very well during his career at West Point, and I wish him the very best in all of his future endeavors.

1999 STUDENT CONGRESSIONAL COUNCIL BILL ON SOCIAL SECURITY

HON. RALPH REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1999

Mr. REGULA. Mr. Speaker, on March 9, 1999 the 1999 Student Congressional Council in my district passed a bill that proposes to strengthen Social Security for years to come. I feel privileged to have sponsored this student group and I am especially impressed with the students' diligent work in creating this bill. I believe Congress can learn from their example by likewise working together to tackle this difficult issue.

I hereby submit the attached 1999 Student Congressional Council Bill on Social Security into the CONGRESSIONAL RECORD.

BILL PASSED BY THE 1999 STUDENT CONGRESSIONAL COUNCIL ON MARCH 9, 1999. EVENT SPONSORED BY U.S. REPRESENTATIVE RALPH REGULA, 16TH DISTRICT-OHIO

BILL SUMMARY—COMMITTEE A

The basic concept of this bill is to individualize a portion of Social Security while keeping at least half of it completely governmental. The individualized portion will serve to stimulate the American economy, lead to a general higher-than-present public understanding of investment, and grant more independence to employees with the money that they have rightfully earned. Employees will be able, with education and limitations provided by the company, to invest in endeavors such as stocks, funds, IRAs, and the government, in order to increase their playback while lessening the load on Social Security. The bill also provides for a check-and-balance system between the companies and employees, and encourages cooperation among these and the government. The employees have the ability to cause the companies to lose benefits if they are unsatisfied, and the companies have the ability to limit the investment of the employees. Under this bill, money is provided for the Social Security fund by the budget surplus, less stress on the money resulting from less money in the actual Security fund by the budget surplus, less stress on the money resulting from less money in the actual Security fund, and, in cases, the "matching-the-employees investments" of companies. The bill also provides for changes that may result from financial crisis, economic slumps, and/or corporate dilemmas, if not addressed by the bill (which many are), then as designated by new amendments, law, or judicial review.

Introduced by: Committee A, Central Catholic High School, Canton, Ohio, GlenOak High School, N. Canton, Ohio, Jackson High School, Massillon, Ohio, and Minerva High School, Minerva, Ohio.

1. Over the next twenty years (1999-2019), an amount of each year's gross national budget surplus equal to the higher of 50% of the surplus or forty-four billion three hundred million dollars will be allotted to the Social Security pool of finance. This investment will provide a foundation for and complement to the near-future implementation

of Social Security funds. All mentioned money will be placed into an exclusive Social Security fund.

II. The money currently allotted for Social Security on each American citizen worker's income will be hereafter dubbed "The Security and Investment Plan."

A. The S&I Plan will divide current Social Security allotments into two parts: an unchanged Social Security fund and a Long-term Investment Allocation.

1. Social Security fund

a. The money under this account will be monitored and administered as it is in the current system as of the nineteenth of February 1999.

b. The money under this account must represent at least fifty percent of the S&I money.

2. Long-term Investment Allocations

a. The LTIA will be money that has the opportunity to increase at a rate that will produce more money in the long run than the regular Social Security fund. It will also run than the regular Social Security fund. It will also stimulate the American economy via individual investment in US interests.

b. This money will be monitored by each company and reported to the Congressional Ways and Means Social Security Subcommittee annually for reference.

c. This money is in the control of the individual who has the option to surrender its control to the company to invest as it sees fit or to monitor it individually.

Individual Investment

i. The employing company will provide access to employees as to the status of the questioning employee's money. This access may be via computer network or server, the Internet, telephone, and/or other mediums. This access may be either inherent in the privileges of the employee or granted upon request and approval through a superior or other employee or employer.

ii. The employing company will provide employees with investment education.

iii. The employing company may place limits on employee investment such as the restriction of certain forms of investment, certain risk-levels of investments, and/or simultaneous sums of investment transactions.

iv. If an employee subscribed under the LTIA option has a reason agreed by the employing company and employee to be a situation or plausible cause for a situation of extreme need for the invested money, the employee may withdraw the LTIA funds before the designated time of retirement with a ten percent penalty to be paid to Social Security.

III. Employing companies will be given the option to establish a Security and Investments Plan.

A. The employing must demonstrate competent use of the plan. If less than twenty-five percent of the company's employees are not participating in the LTIA option of the S&I Plan, the company will no longer be considered eligible for the plan.

B. There will be incentives for companies to subscribe under the S&I Plan.

1. An overall four tenths of a percent tax cut for the first twelve months of the S&I incorporation and two tenths of a percent for each year of incorporation thereafter.

2. The company may choose to match each worker's choice of LTIA investment with an equal investment in the interest of Social Security. In this case, the tax cuts will be raised to five tenths of a percent and three tenths of a percent receptively.

3. Corporate brokerage firms who aid companies in organized investment of the LTIA funds will be granted a one-hundredth of a percent overall tax cut.

IV. this bill may be altered or amended as the law-making processes of the Untied States deem proper and necessary to the improvement of the plan without destabilizing the basic tenets of the bill.

V. If an individual's employing company is not a member of the S&I Plan, then that individual may, through an application process determined by an S&I company, apply to become involved in that company's S&I plan without becoming an employee of that company. However, that individual will have to pay a maximum of 10% in commission to the company.

MONTELLO STUDENTS' SPACE SEED PROJECT ON SPACE SHUTTLE DISCOVERY

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1999

Mr. PETRI. Mr. Speaker, this past year, students from Montello, Wisconsin worked on a project that entailed an international experiment which was included on last fall's historic Discovery space shuttle flight.

The experiment involved vials of lettuce seeds from Wisconsin and chicory seeds from Italy being subjected to microgravity, extreme heat and cold during the NASA flight. While in space, the project was tended by astronaut John Glenn. The seeds are being studied to determine the effects of space travel. Early results indicated that the space seeds did as well as the control seeds despite not being fertilized. This unexpected finding could have far-reaching implications for the environment.

The school-wide project included students of different ages and the central theme allowed all types of classes to be involved, such as English, history, and agriculture. The seed project, "Growing Montello Transglobally" is a joint effort with students from the Il Montello region of Italy. The students communicated over the Internet using an Italian translator program.

During a visit to Montello High in January, I had the opportunity to discuss the project with the students and was impressed by their interests and abilities. I toured classes where students had participated in computer portions of the project, from sharing and tracking information with their sister school in Montello, Italy, to downloading and sending digital photographs. I was also impressed by a video documentary of the project and related activities that was made in conjunction with the Experimental Aircraft Association (EAA).

The Wisconsin students were able to go to Florida to view the Discovery launch in October. They raised their own money for the trip through a variety of fund-raisers which included selling cookies and T-shirts and hosting a spaghetti dinner.

Seventh and eighth grade students in the Montello School system are co-authoring a children's picture book. The students developed their own ideas for the character, plot, settings and illustrations featuring children from Montello, Italy and Montello, Wisconsin. The book will feature NASA projects as seen from the children's perspective. They will be submitting the book to a professional publisher. A literacy quilt was created to highlight the success of the NASA Project.

Catherine Alexander, teacher, has been asked to have the students do a multimedia presentation on the seed project at the Naval Academy in Annapolis in September.

The time and effort the students of Montello, Wisconsin and Il Montello of Italy put into this project was phenomenal and their achievements and successes should be recognized. I believe these students deserve a full measure of praise for all they have accomplished.

IN SPECIAL RECOGNITION OF LONA R. PIEPER ON HER APPOINTMENT TO ATTEND THE UNITED STATES MILITARY ACADEMY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1999

Mr. GILLMORE. Mr. Speaker, I rise today to pay special tribute to a truly outstanding young lady from Ohio's Fifth Congressional District. Recently, I had the opportunity to nominate Lona R. Pieper for an appointment to attend the United States Military Academy at West Point, New York.

I am pleased to announce that Lona has been offered an appointment and will be attending West Point with the incoming cadet class of 2003. Attending one of our nation's military academies is one of the most rewarding and demanding time periods these young men and women will ever undertake. Our military academies provide the training and experience needed to help turn these young adults into the finest officers in the world.

Mr. Speaker, without question, Lona Pieper belongs with the incoming West Point class of 2003. While attending Wellington High School, in Wellington Ohio, Lona achieved a grade point average of 2.92, which has earned her several Merit Awards and placed her on the Honor Roll each year. In addition, Lona has served as Vice President of the Senior Class and President of the Key Club. She has also been active in the French Club, Student Council, and Civil War Club.

Not only has Lona distinguished herself in the classroom, but she has performed wonderfully on the fields of competition. An outstanding student-athlete, Lona is the starting centerfielder on the Wellington High School Varsity Softball Team and is the team's Co-Captain. I am happy to announce that Lona is being recruited for Intercollegiate Athletics at West Point.

My Speaker, at this point, I would ask my colleagues to stand and join me in paying special tribute to Lona Pieper. Our service academies offer the finest education and military training available anywhere in the world. I am sure that Lona will do very well at West Point, and I wish her much success in all of her future endeavors.

TRIBUTE TO LESTER AND LOIS WHITING

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1999

Mr. BERRY. Mr. Speaker, I rise today to pay tribute to a distinguished couple in my community.

Lester and Lois Whiting lived, worked, and raised their family in the Tichnor community and resided there all their days. They were both descendants of pioneer families in south Arkansas County. They were the kind of people that always cared about their neighbors and community, were always ready to do their part for the common good.

The Whitings were the kind of people that only wanted a fair chance. They took care of their own business and achieved success in doing this.

They brought honor and distinction to their family and community with their quiet service and support. They are of the "Greatest Generation" that worked hard, played by the rules, and made this country what it is today.

If as some say, your children are the true measure of your success, then the Whitings are indeed successful.

I have been privileged to have lived among wonderful people like the Whitings all of my life.

The world is a better place because they lived. I have been blessed to have had such friends.

THE MULTIDISTRICT TRIAL JURISDICTION ACT OF 1999

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1999

Mr. SENSENBRENNER. Mr. Speaker, today I am introducing the Multidistrict Trial Jurisdiction Act of 1999 at the behest of the Administrative Office of the U.S. Courts (or "AO").

The AO is concerned over a Supreme Court opinion, the so-called Lexecon case, pertaining to Section 1407 of Title 28 of the U.S. Code. This statute governs Federal multidistrict litigation.

Under Section 1407, a Multidistrict Litigation Panel—a select group of seven Federal judges picked by the Chief Justice—helps to consolidate lawsuits which share common questions of fact filed in more than one judicial district nationwide. Typically, these suits involve mass torts—a plane crash, for example—in which the plaintiffs are from many different states. All things considered, the panel attempts to identify the one district court nationwide which is best adept at adjudicating pretrial matters. The panel then remands individual cases back to the districts where they were originally filed for trial unless they have been previously terminated.

For approximately 30 years, however, the district court selected by the panel to hear pretrial matters (the "transferee court") often invoked Section 1404(a) of Title 28 to retain jurisdiction for trial over all of the suits. This is a general venue statute that allows a district court to transfer a civil action to any other district or division where it may have been brought; in effect, the court selected by the panel simply transferred all of the cases to itself. According to the AO, this process has worked well, since the transferee court was versed in the facts and law of the consolidated litigation. This is also the one court which could compel all parties to settle when appropriate.

The Lexecon decision alters the Section 1407 landscape. This was a 1998 defamation case brought by a consulting entity (Lexecon) against a law firm that had represented a plaintiff class in the Lincoln Savings and Loan litigation in Arizona. Lexecon had been joined as a defendant to the class action, which the Multidistrict Litigation Panel transferred to the District of Arizona. Before the pretrial proceedings were concluded, Lexecon reached a "resolution" with the plaintiffs, and the claims against the consulting entity were dismissed.

Lexecon then brought a defamation suit against the law firm in the Northern District for Illinois. The law firm moved under Section 1407 that the Multidistrict Litigation Panel empower the Arizona court which adjudicated the original S&L litigation to preside over the defamation suit. The panel agreed, and the Arizona transferee court subsequently invoked its jurisdiction pursuant to Section 1404 to preside over a trial that the law firm eventually won. Lexecon appealed, but the Ninth Circuit affirmed the lower court decision.

The Supreme Court reversed, however, holding that Section 1407 explicitly requires a transferee court to remand all cases for trial back to the respective jurisdictions from which they were originally referred. In his opinion, Justice Souter observed that "the floor of Congress" was the proper venue to determine whether the practice of self-assignment under these conditions should continue.

Mr. Speaker, this legislation responds to Justice Souter's admonition. My bill would simply amend Section 1407 by explicitly allowing a transferee court to retain jurisdiction over referred cases for trial, or refer them to other districts, as it sees fit. This change makes sense in light of past judicial practice under the Multidistrict Litigation statute. It obviously promotes judicial administrative efficiency. I therefore urge my colleagues to support the Multidistrict Trial Jurisdiction Act of 1999.

TRIBUTE TO THE U.S. MERCHANT MARINES

HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1999

Mr. DOYLE. Mr. Speaker, I rise today to give tribute to U.S. Merchant Marines and extend my gratitude for their valiant service to our country during World War II. As my colleagues should be aware, May 22nd is National Maritime Day.

In years past, I have come before the House to explain in detail how the thousands of courageous men and women who served in the Merchant Marines transported supplies to our soldiers during war and in the face of grave danger. Undeniably, the actions taken and responsibilities fulfilled by these men and women who served in the Merchant Marines contributed to the outcome of World War II. As the Pittsburgh areas was one of the most heavily recruited regions of the country by the Merchant Marines, I have come to have an enormous appreciation for and ever growing amount of respect for the contributions that merchant mariners have made to our nation.

Indeed, their efforts should not be diminished in any way and should be equated with those of other armed service personnel. It is important to note that during World War II, Merchant Marines were subject to government control and their vessels were controlled by the government under the Authority of the War Shipping Administration. And just as with other branches of the military. Merchant Marines traveled under sealed orders and were subject to the Code of Military Justice. Like many Members of Congress, I felt it was completely unacceptable that Merchant Marines were discriminated against in terms of benefits and lent my strong support to H.R. 1126, the Merchant Marine Fairness Act. The bill, H.R. 1126, was ultimately enacted into law as part of H.R. 4110, the Veterans Programs Enhancement Act.

While I am pleased that the Merchant Marine Fairness Act has been signed into law, I was not pleased that the language of an important provision has been altered. Specifically, the Merchant Marine Fairness Act included directive language according the recognition of Honorable Discharge to merchant mariners whose service included time between August 15, 1945 to the end of 1946. The language however, was changed to read "Certificate of Honorable Discharge" when the original bill was included in H.R. 4110, and was enacted as part of Public Law 105–368.

As it has been more than half a century since the end of World War II and almost 20 years since the struggle for equitable recognition of merchant mariners began, I am deeply concerned about the potential for the intent of the original language to be misconstrued and thus creating further delay in the delivery of earned benefits. I urge both Secretary of Defense Cohen and Secretary of Transportation Slater to expeditiously and consistently implement the new benefits provisions in accordance to the intent of the original bill's language. Approximately 2,500 mariners and their families are expecting and should receive no less.

I also want to recognize the efforts of one of my constituents, Mark Gleeson, for this personal involvement in, and steadfast commitment to obtaining appropriate recognition for the efforts of Merchant Marines during World War II. Mark cares very deeply about this matter and played a major role in creating greater awareness about the inequitable treatment of Merchant Marines within the halls of Congress.

In closing, I want to thank all of my colleagues who were supportive of the effort embodied in the Merchant Marines Fairness Act and encourage them to monitor its implementation. It is my hope that each and every

Member of the House will take the time to recognize the efforts of our country's World War II Merchant Marines.

HAPPY ANNIVERSARY TO PRESIDENT LEE TENG-HUI OF TAIWAN

HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1999

Mrs. CLAYTON. Mr. Speaker, I wish to offer my congratulations to President Lee Teng-hui of the Republic of China on Taiwan, as Taiwan celebrates the third anniversary of his presence in office on May 20, 1999.

President Lee Teng-hui is the leader of the other China—The Republic of China on Taiwan, a country of 21 million hardworking Chinese citizens who subscribe to an American style of democracy—free elections, respect for human rights and a free enterprise system.

Mr. Speaker, under President Lee's leadership Taiwan is a world-class nation and its citizens enjoy one of the highest standards of living in the world.

As Chinese mainland students continue to demonstrate against the United States, let's not forget our friends on Taiwan who have been our ally and partner throughout their history.

Mr. Speaker, once again I congratulate President Lee as he celebrates his third anniversary in office. He has done a wonderful job for his country and his people.

IN SPECIAL RECOGNITION OF ZEBULON G. WEDGE ON HIS APPOINTMENT TO ATTEND THE UNITED STATES AIR FORCE ACADEMY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1999

Mr. GILLMOR. Mr. Speaker, I rise today to pay special tribute to an outstanding young man from Ohio's Fifth Congressional District. I am happy to announce that Zebulon G. Wedge, of Fostoria, Ohio, has been offered an appointment to attend the United States Air Force Academy in Colorado Springs, Colorado.

Mr. Speaker, Zeb has accepted his offer of appointment and will be attending the Air Force Academy this fall with the incoming cadet class of 2003. Attending one of our nation's military academies is an invaluable experience that offers a world-class education and demands the very best that these young men and women have to offer. Truly, it is one of the most challenging and rewarding undertakings of their lives.

Without question, Zeb brings a great deal of leadership and dedication to the incoming Air Force class of 2003. During his time at Fostoria High School, Zeb has achieved a high level of academic excellence. Currently, he has attained a grade point average of 3.75, which places him thirteenth in his class of 158 students. Academically, he was an honor roll member in each year of high school.

In addition to his stellar performance in the classroom, Zeb has shown himself to be an excellent student-athlete. He has been a member of the Fostoria High School Varsity Wrestling Team and the Varsity Football Team. In addition, Zeb has been a member of the Spanish Club, Peer-Mediation, Youth-to-Youth, and served as the Vice President of the Freshman Student Council.

Mr. Speaker, at this point, I would ask my colleagues to stand and join me in paying special tribute to Zebulon G. Wedge. Our service academies offer the finest education and military training available anywhere in the world. I am sure that Zeb will do very well during his career at the Air Force Academy, and I wish him the very best in all of his future endeavors.

TRIBUTE TO FLETCHER AND SYBIL SULLARDS

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1999

Mr. BERRY. Mr. Speaker, I rise today to pay tribute and recognize Fletcher and Sybil Sullards on the occasion of the celebration of their 50th wedding anniversary. Fletcher and Sybil are mother and father to Karen who they love dearly. The Sullards have actually parented many many children in their years as educators in the public schools in Arkansas. They are "public servants" in the true spirit of the words. I think of the Biblical meaning of servanthood when I look at the work of Fletcher and Sybil with the young people they served and the communities across this great state that they became involved.

Fletcher and Sybil came to the community I live in, Gillett, in the late 1950's. They were there only a few short years before moving on to serve larger schools and eventually made their home in Searcy, Arkansas. Their time in my community has been an example of the lasting impact for good that teachers make on children and also in setting standards of excellence for the schools they serve.

Of the many strengths of this unique couple I think first of their gift of laughter. As teachers, they dealt with a serious subject—educating children—but it was fun for them. You knew they loved what they were doing because they were and always will be happy people. In my opinion their greatest strength is in their dedication to children as individuals. This makes them truly outstanding. As educators, they knew their students, they liked their students, thus they could challenge, encourage and even reprimand their students. If it takes a village to raise a child, the Sullards are the ingredient every village needs as does every child.

I wish continued happiness for this wonderful couple. My state, my community and my family are better for Fletcher and Sybil Sullards.

INTRODUCTION OF FEDERALLY IMPACTED SCHOOL IMPROVEMENT ACT

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1999

Mr. POMEROY. Mr. Speaker, I rise today to join my colleague, Congressman J.D. HAYWORTH, in introducing the Federally Impacted School Improvement Act. This legislation is designed to provide matching grants to federally impacted schools to meet their urgent repair and construction needs.

The Impact Aid program was built on the premise of a shared responsibility between the federal, state and local governments. Since 1950, the federal government has recognized and accepted its responsibility to assist school districts and communities that are impacted by a federal presence such as a military base or Indian reservation. The federal government has made payments to school districts in the form of federal property, disability and basic support payments to help cover the cost of educating federally connected children. Across the country, 1,600 school districts and 1.5 million children depend on the Impact Aid program for a quality education.

Up until 1994, Congress has provided assistance to help these school districts build and repair their schools, particularly districts whose property tax circumstances make it almost impossible to pass school construction bonds. Since 1994, however, the Impact Aid school construction account has suffered. The funding provided in the section 8007 construction account has become woefully inadequate and is spread too thinly among the over two hundred qualifying schools. As a result, many of these school buildings are antiquated, overcrowded and most troubling, compromise the health and safety of their students.

I would like to draw my colleagues' attention to two particular instances in my state where Impact Aid section 8007 construction funding has fallen far short of meeting schools' most basic repair and construction needs. The Grand Forks school district in North Dakota has been plagued by severe ventilation and air quality problems for some time. The meager funds Grand Forks receives through section 8007 have not enabled the district to make even urgent repairs. One school has had to delay renovation projects because of insufficient funds, and ultimately, to borrow from their Basic Support Payments when renovation needs became too urgent to ignore. In order to improve the air quality so that children are not at risk, this one school would need $800,000. However, the entire Grand Forks school district will receive only $40,000 in section 8007 money this year.

Another Impact Aid school that has become a particular concern for me is Cannonball Elementary, located on the Standing Rock Reservation in North Dakota. As a result of inadequate Impact Aid construction funding over the years, Cannonball has long been neglected. Storage rooms have been converted to makeshift classrooms and portions of the building that have been condemned continue to house students. Students and teachers are often forced to move from classroom to classroom to escape the stench of sewer back-up that permeates the building. I have walked the halls of this school and have found the conditions these students face on a day-to-day basis to be deplorable.

The legislation we are introducing today offers the best opportunity for Cannonball, and the Grand Forks School District to meet these urgent construction needs. Our legislation would create a separate Impact Aid construction account and authorize a federal appropriation of $50 million for each of the next five fiscal years. The funding would be divided equally between Indian land/federal property and military schools and would create a reserve account for emergency repair needs. Under the legislation, an individual school district could receive a grant up of to $3 million any time during the five year authorization period. In order to make the limited federal funds go farther, the bill targets funding directly to those school districts located on Federal property or that serve a high concentration of federally-connected students. Additionally, the bill requires districts to provide matching funds on all but the small portion of funds reserved for emergencies.

Mr. Speaker, the federal government has a clear obligation to federally impacted schools, and only by stepping up its support can these schools continue to provide a quality education to thousands of children across the country. I am looking forward to working with my colleagues on a bipartisan basis to support Impact Aid schools. I urge my colleagues to support this important legislation, which would enable federally impacted schools across the country to meet their urgent construction and repair needs.

HONORING KEITH LUND AS A "STAR OF LIFE"

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1999

Mr. SHAW. Mr. Speaker, I commend Keith Lund for being designated as a "Star of Life" by the American Ambulance Association.

Keith's selection as the "Star of Life" Award winner for Dade, Broward, Monroe and Palm Beach Counties of Florida is an appropriate honor for such a dedicated paramedic. Keith has worked with American Medical Response for eight years, rising from an emergency medical technician to a paramedic and supervising officer.

Anyone who has been in an emergency situation can easily recognize the vital importance of a calm, direct manner and the ability to work as a team member. Keith Lund embodies these to near-perfection. He handles his daily work in the high-stress environment as a critical care paramedic with eagerness, diligence, and pride.

I believe it is exceedingly difficult to separate professional life and personal life. This is an especially complicated task for a single parent. As a single father, Keith's dedication to his job is balanced with his dedication to his son. Keith's commitment to both should be honored and admired.

Mr. Speaker, I urge my colleagues to join with me in honoring the 150 emergency medical professionals being honored as "Stars of Life" during National EMS Week of 1999. I commend Keith Lund for his dedication to emergency care for the people of South Florida as a true "Star of Life".

U.S.-TAIWAN RELATIONS

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1999

Mr. PAYNE. Mr. Speaker, I rise today in support of President Lee Teng-Hui and Vice-President Lien Chan of Taiwan as they prepare to celebrate their anniversary in office this May 20th. We are reminded once again that we have a strong partner and friend in the Far East—The Republic of China on Taiwan.

Throughout its history, the Republic of China on Taiwan has always continued to foster good relations with the United States. Many of Taiwan's leaders were either educated in the United States or the United Kingdom and they, just as much as we do, believe in democracy and a free enterprise system.

In the future, I hope we can continue to work together on issues that are mutual beneficial to both countries in the areas of democracy and governance, the rule of law, international trade and the environment. Taiwan has always supported the United States in many areas as it relates to security in and outside of the region. I hope we can continue to do this. It is time we show our appreciation of Taiwan by offering our help to them when they need us.

IN SPECIAL RECOGNITION OF GEOFFREY L. EARNHART ON HIS APPOINTMENT TO ATTEND THE U.S. MILITARY ACADEMY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1999

Mr. GILLMOR. Mr. Speaker, I rise today to pay special tribute to a truly outstanding young man from Ohio's Fifth Congressional District. Recently, I had the opportunity to nominate Geoffrey L. Earnhart for an appointment to attend the United States Military Academy at West Point, New York.

I am pleased to announce that Geoff has been offered an appointment and will be attending West Point with the incoming cadet class of 2003. Attending one of our nation's military academies is one of the most rewarding and demanding time periods these young men and women will ever undertake. Our military academics turn these young adults into the finest officers in the world.

Mr. Speaker, without question, Geoff belongs with the incoming West Point class of 2003. During his time at St. Francis DeSales High School, in Perryburg, Ohio, Geoff has achieved a remarkable grade point average of 4.427, which currently ranks him tenth in his class of 178 students. Geoff is a three-year member of the National Honor Society, and has received many awards for his academic excellence.

Outside the classroom, Geoff has been a four-year member of the St. Francis DeSales Marching Bank. In his senior year, Geoff is the leader of the percussion section. In addition, Geoff has demonstrated his dedication and commitment to excellence by obtaining his Eagle Scout ranking with the Boy Scouts of America. He has also been a Scout patrol leader and summer camp counselor.

Mr. Speaker, at this point, I would ask my colleagues to stand and join me in paying special tribute to Geoffrey Earnhart. Out service academies offer the finest education and military training available anywhere in the world. I am sure that Geoff will do very well at West Point, and I wish him much success in all of his future endeavors.

COMMEMORATING THE 150TH ANNIVERSARY OF THE FOUNDING OF THE SISTERS OF ST. FRANCIS OF ASSISI

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1999

Mr. KLECZKA. Mr. Speaker, I rise today to commemorate the founding of The Sisters of St. Francis of Assisi, a congregation that is celebrating its 150th anniversary this year.

In 1849, thirteen secular Franciscans emigrated from Bavaria to establish a religious order to meet the education needs of German immigrants in Milwaukee. As such, The Sisters of St. Francis of Assisi are the first Third Order regular Franciscan congregation founded in the United States.

Over the years the work of the congregation has extended to virtually every walk of life and touched countless thousands through ministries of healing, teaching, reconciliation and liberation.

The congregation is involved in diverse ministries, which include: Making affordable housing units available through Canticle Court and Juniper Court, promoting undergraduate and graduate education at the renown Cardinal Stritch University, making affordable rental units available to non-profit groups through the Marian Center, and offering community-based care for all ages through the innovative work at the St. Ann Center for Intergenerational Care. In addition, ministries are maintained by the congregation throughout the U.S. and Taiwan through St. Colett's organizations in Wisconsin, Illinois and Massachusetts. And, a collaborative relationship is maintained with a Franciscan congregation in Cameroon, West Africa.

In all, nearly 350 Sisters and 75 Associates promote the mission of the congregation in areas of education, pastoral ministry in parishes, hospitals and nursing homes, music ministry, elder housing and day care service to those with developmental challenges, and volunteer work of all kinds.

In the last week of July, The Sisters of St. Francis of Assisi will bring its mission to television in a series of public education messages called, "We are Franciscans with a Future." On Sunday, May 30 the 150th celebration will culminate with the May Crowning and on Open House.

Then, in August, another celebration will take place with two other congregations who share the same roots of foundation: The Franciscan Sisters of Perpetual Adoration from La Crosse, Wisconsin, and The Franciscan Sisters of the Eucharist from Meriden, Connecticut. In addition, some 35 friends and parishioners from parish church in Ettenbeuren, Bavaria will join the celebration. They will also visit the motherhouses of all three religious congregations.

Mr. Speaker, it is with immense pride and gratitude that I commemorate The Sisters of St. Francis of Assisi on its jubilee anniversary and the wonderful contributions the congregation has made to the spiritual, academic, and temporal quality of life in communities close to home and around the world.

H.R. 1592, THE REGULATORY FAIRNESS AND OPENNESS ACT OF 1999

HON. RICHARD W. POMBO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1999

Mr. POMBO. Mr. Speaker, it is rare for both Houses of Congress to reach an agreement—fully bipartisan legislation. The Food Quality Protection Act (FQPA) was enacted in this manner in 1996. This bill eliminated the famous Delaney Clause for residues in raw and processed foods—replacing it with a scientific, rational standard of "reasonable certainty of no harm." Food, agricultural and consumer interests, as well as the pesticide industry saw the passage of FQPA as an opportunity to assure that sound science is paramount in EPA's determinations on the use of chemicals on crops, in homes and for public health concerns. FQPA required the EPA to establish scientific, rational, sound and reasonable standards.

Mr. Speaker, sound science is what the authors intended and expected. This is what Congress wanted—sound science as the rule's foundation. Further, the new law provided an additional safety factor to protect infants and children, and new ways of assessing pesticide benefits and risks. This is something Congress fully supported and continues to support. Despite strong congressional support, implementing the law at the regulatory level has been a very difficult and unnecessarily complex process.

In fact, only a few months after the law was passed, the FQPA implementation process broke down. Members of Congress voiced their concern. The problems were so great and concerns from America's agricultural industry so substantial that Vice President Gore sent a memorandum to both the Department of Agriculture and the Environmental Protection Agency on April 8, 1998. This memorandum laid out the White House's plan for putting FQPA's implementation on the right track.

The White House's plan for FQPA implementation contained four basic principles: sound science in protecting pubic health, regulatory transparency, reasonable transition for agriculture, and consultation with the public and other agencies. America's agricultural and urban pest control community supported the Vice President's approach.

Mr. Speaker, now, a year after the White House got directly involved in FQPA's implementation process, it remains derailed. It has become clear to me that Congress must again revisit this issue. It is my humble hope, we can revisit FQPA the way we left it, in a bipartisan spirit of cooperation.

Mr. Speaker, Congress wanted a law to eliminate the scientifically inadequate and outdated Delaney Clause. What Congress and the Nation got was much worse. In fact, the EPA has failed to provide scientifically sound guidance to the regulated community. The EPA's approach follows a path toward great economic harm for agricultural producers and pest outbreaks causing diseases concerns for urban and suburban communities it is an approach that is without a scientific foundation.

Farmers, the food industry, pest control interests, and many others are understandably concerned. Americans want and deserve a fair, workable implementation of the bipartisan law. Americans want and deserve rules that are based on real information and sound science. Americans want and deserve rules that follows the Vice President's stated goals. Americans want and deserve rules that fit FQPA's requirements.

In order to achieve these results, I along with Mr. TOWNS, Mr. CONDIT and Mr. BOYD have introduced "The Regulatory Fairness and Openness Act of 1999." This legislation maintains the strong safety standards established by FQPA. This bill simply establishes a scientific-based process for implementing the law which will be based on sound, peer reviewed science and open for public review. Further, it ensures that agricultural producers across the country, who are already facing tough times, will not be adversely impacted by loss of crop protection tools because the EPA failed to use good science in reviewing crop protection tools under the new standards of FQPA. It will also ensure the consumers' food supply and food quality will not be affected by incomplete and faulty data.

MY LEGISLATION ACCOMPLISHES THE FOLLOWING

The Regulatory Fairness and Openness Act of 1999 lays out the problems that the EPA has faced over the last few years in implementing the law. In many cases, the EPA simply does not know what to do because the scientific protocols for assessing certain crop protection products under the new law have not been developed. Further, it highlights the extreme negative consequences if the law is implemented improperly. For example, organophosphate insecticides are used on 70 percent of the acres treated in the United States and are used to control of vector insects that spread diseases. If the EPA continues on their current path, many of these products could be lost. Farmers will be left without replacement products and exposed to major losses due to pest outbreaks. Consequently, this will lead to either a shortage of quality produce or increase in import from countries where their farmers do not follow our stringent guidelines. It will also limit the ability of agencies to control vector insects, thus causing health risks for millions of Americans.

This legislation will require the EPA to perform a simple "transition analysis" on products before releasing any information about the safety of the product to the public or making final tolerance decisions. If the transition analysis determines that the Administrator is using assumptions when existing data makes the use of the assumption unnecessary or is using worst case estimates, anecdotal, unverified, or scientifically implausible data, the Administrator cannot make final re-registration decisions on those products until sufficient time has been provided to allow the data to be developed, submitted and subsequently evaluated by the Agency.

The Administrator is required to issue rules to implement the FQPA properly within one year of enactment of this bill. Further, the Administrator is required to issue guidelines specifying the kinds of information that will be required to support the issuance or continuation of a tolerance or exemption from the requirements for a tolerance and shall revise such guidelines from time to time.

My bill provides protections, especially to small acreage farmers to ensure that they will not be left without crop protection tools. This legislation requires the Administrator to report to Congress priorities for registering new products that will replace products that are being removed from use and expedite the registration process. This will allow the farmers to continue to provide a safe, reliable food supply.

The USDA and EPA are required to assess the potential negative trade effects of implementing FQPA. The program will monitor the competitive strength of major United States agricultural commodity sections in the international marketplace. Such commodity sectors include fruits and vegetables, corn wheat, cotton rice, soybeans and nursery and forest products.

Mr. Speaker, FQPA must be implemented properly or grave results will occur. My bill gives this Congress a chance to do something good for the American people and the American Farmer. I urge my colleagues to cosponsor this legislation.

THE LIVING ORGAN DONATION INCENTIVES ACT OF 1999

HON. KAREN L. THURMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1999

Mrs. THURMAN. Mr. Speaker, I never thought that I would come before my colleagues to discuss the importance of organ donation. Frankly, it was never an issue until seven years ago—organ donation was something other people did and organ transplants affected other people's families.

Well, I am here to tell you that this issue can affect anyone. You never know.

My husband, John, suffers from Polycystic Kidney Disease. John endured years of dialysis while awaiting a kidney transplant. In 1996, after waiting three years for a kidney, we finally received word that the local organ procurement organization (OPO) in Gainesville, Florida found a matching organ.

In a country where about 5,000 Americans die each year because there are not enough donated livers, kidneys and other organs to go around, John was clearly one of the lucky ones.

The sad fact is that the disparity between the supply and demand of organs available for transplant contributes to the deaths of eleven people daily. This is not just a problem, this is a health care crisis. Between 1988 and 1996, the number of people on the waiting list for an organ transplant increased by 312 percent and the number of wait list deaths increased 261 percent. Additionally, in 1996, a new name was added to the transplant waiting list every nine minutes.

Viable, transplantable organs are provided from two primary sources: brain-dead victims of trauma (cadaveric donation) or living organ donors. The National Kidney Foundation (NKF) believes that we have only begun to tap the potential of living organ donation. Scientists and organ donation proponents alike firmly believe that increasing the frequency of living organ donation would not only increase the availability of organs but also lessen the transplantation rejection rate and reduce costs associated with dialysis.

However, living donors are faced with loss of income attributable to the time away from work needed for evaluation, surgery and recovery, making it difficult to pay rents, mortgages and other bills. There are also costs associated with their donation which are not reimbursable by Medicare: for example, travel, lodging, meals and child care. I firmly believe that Congress should take a more proactive role in promoting living organ donation by addressing these financial disincentives.

According to a study by researchers at the University of North Carolina at Chapel Hill, 24 percent of family members indicated that financial issues kept them from being living organ donors. Four donors in their study alone lost their jobs when they revealed to their employers their plans to be living related donors and the need to have recovery time after surgery.

We need a concerted and well-established policy on living organ donation in this country. We should not only seek to provide the best quality-of-life for our constituents, but also do so in a fiscally responsible manner. By removing some of the financial disincentives associated with living organ donation, Congress can ensure better graft survival rates, increase the number of organs available for transplantation, and reduce the costs associated with dialysis and repeat transplantation.

That is why today I am introducing the Living Organ Donation Incentives Act of 1999. This legislation would amend the Family and Medical Leave Act (FMLA) to allow living organ donation to qualify as a reason for taking time off work. This would include time spent for tests, evaluations, travel time and recuperation. The FMLA currently covers employers in the private sector with 50 or more employees and most public employees at the federal, state and local level. Under FMLA, employers are required to grant 12 weeks unpaid leave in any one calendar year to parents to care for their newborn or newly adopted child or a seriously ill child, spouse, or parent and to temporarily disabled workers. This provision would specify that living organ donation would qualify as a reason to take leave. In addition, by singling out living organ donation as a qualifier for FMLA, Congress can bring much needed attention to the benefits of this type of donation.

In addition, this legislation would allow the Secretary of Health and Human Services (HHS) to develop a grant program to aid individuals with the high costs associated with living organ donation. Medicare currently pays for the costs associated with a number of solid organ transplants. However, Medicare does not cover the costs of travel, lodging, child care, etc. These costs can be an extremely difficult burden for many potential donors. By developing a grant program for eligible beneficiaries, Congress could help increase the number of living organ donations.

This legislation would also increase the payment amount (referred to as the 'composite rate') by 2.9 percent for renal dialysis services under Medicare. The current rate has remained essentially unchanged since 1983, and the Medicare Payment Advisory Commission recently expressed concern that quality of dialysis services may decline if the rate is not increased. In recent years, costs have risen in relation to the composite rate. In fact, the independent and nonpartisan Medicare Payment Advisory Commission (MedPAC) recently expressed concern that without an increase in the payment the quality of dialysis services may decline.

This legislation is supported by the National Kidney Foundation, American Society of Transplantation, National Renal Administrators Association, American Society of Transplant Surgeons, American Society of Nephrology, American Neprhology Nurses Association, North American Transplant Coordinators Organization, Patient Access To Transplantation Coalition, Renal Physicians Associations.

I would also like to thank and express my appreciation for the ideas and suggestions I received from these organizations. In particular, I would like to acknowledge the contributions of Troy Zimmerman and Dolph Chianchiano with the National Kidney Foundation, Gwen Gampel with the National Renal Administrators Association, and Kathy Lanza Turrisi, Program Director of the Medical University of South Carolina. Together, we have crafted legislation that will tear down the disincentives associated with living organ donation.

Mr. Speaker, in the world of organ donation, supply simply does not meet demand. Together, we need to develop strategies for greater organ donation. I urge my colleagues to join me in cosponsoring this important and urgent legislation.

RECOGNIZING FLAT STANLEY

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to recognize Flat Stanley who showed up today in my office here in Washington, D.C. Mr. Stanley was introduced to me by Jessika Fretwell, a Student from Laurel Elementary School in Ft. Collins, Colorado.

Together, Mr. Stanley and Miss Fretwell are trying to see how far and wide Flat Stanley can travel in a short period of time. This experiment, I understand, is being conducted as part of a classroom activity in Miss Cooper's Class.

I hereby certify, Mr. Speaker, that Flat Stanley arrived in Washington, D.C. today. Should any of our colleagues wish to meet him, they may inquire about his status at my office. There, Mr. Stanley will be resting for most of Wednesday.

INTRODUCTION OF THE FEDERALLY IMPACTED SCHOOL IMPROVEMENT ACT

HON. J.D. HAYWORTH

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1999

Mr. HAYWORTH. Mr. Speaker, today I introduced the Federally Impacted School Improvement Act with my good friend from North Dakota, Congressman Earl Pomeroy. This bipartisan legislation seeks to address the urgent school construction needs on federal lands, an issue I have championed since I was first elected to Congress.

As you know, Mr. Speaker, the federal government has jurisdiction over schools in three cases—Indian reservations and military installations, which are funded through the Impact Aid program, and the federal enclave of the District of Columbia. Unfortunately, the federal government has failed to live up to its obligations to federally impacted schools, especially in Indian country.

Nearly one in four of my constituents are Native American and approximately 50 percent of the land mass in my district is tribal land. On several occasions, I have had the opportunity to visit my Native American constituents. Virtually everywhere I go, I find one common problem on the reservations: the schools are antiquated, overcrowded, and in dire need of repair or reconstruction.

The Federally Impacted School Improvement Act begins to address this desperate situation by authorizing $50 million to be spent on repair, renovation, and construction in our federally impacted school districts. As you may know, Impact Aid school construction is currently funded through Section 8007. This program received a paltry $7 million in fiscal year 1999, which could have built the equivalent of one school. There is certainly a need for more than one new school in my district alone. In fact, I testified before the House Appropriations Subcommittee on Labor, HHS, and Education in 1998 about the importance of school construction funding for federally impacted schools and included documentation of nearly $180 million in needed school construction funding in just five of my 23 federally impacted school districts. This problem is not isolated to my district. Almost every federally impacted school district faces similar problems.

Mr. Speaker, this legislation represents a start in improving the schools on military and Indian lands. But this is only a beginning. We need to show our commitment to our military and Native Americans, who have long been neglected by the federal government. We must live up to our obligations to educate children on federal land. I urge my colleagues to support the Federal Impacted School Improvement Act.

IN SPECIAL RECOGNITION OF BOB AND LOUISE VOELZKE ON THE OCCASION OF THEIR FIFTIETH WEDDING ANNIVERSARY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1999

Mr. GILLMOR. Mr. Speaker, I rise today to recognize a very special couple from Ohio's Fifth Congressional District. Mr. Speaker, on Saturday, May 15, 1999, in the presence of many of their family members, neighbors, and friends, Bob and Louise Voelzke celebrate a milestone day in their lives. On May 15, at the Ballville Community Hall in Fremont, Ohio, Bob and Louise celebrate their fiftieth wedding anniversary.

Mr. Speaker, the celebration of the sanctity of marriage is one our most cherished and time-honored traditions. Throughout the ages, husbands and wives have reaffirmed their trust, faith, and, most importantly, love for each other on their wedding anniversaries. On this most treasured day, we, as their friends, neighbors, coworkers, and family members, have the opportunity to recognize them for their commitment, their sharing, and their love for each other.

The day on which two people are united in marriage is much more than simply a ceremony, with wedding vows and the exchanging of rings. It is the true union of two individuals who then become one, inseparable entity. It is the common bond and an unwavering dedication to each other than will help the marriage through good times and bad.

Mr. Speaker, for the past fifty years, Bob and Louise Voelzke have shown how love, compassion, and conviction are the cornerstones of their long and lasting marriage. Their strong commitment to each other is an example for each of us to follow.

Mr. Speaker, at this time, for myself and the members of the 106th Congress, I would ask my colleagues to stand and join me in paying special tribute to Bob and Louise Voelzke on the occasion of their fiftieth wedding anniversary. May the love and happiness they have found stay with them far into the future. Again, best wishes and congratulations on fifty wonderful years together.

REGARDING ROLLCALL VOTES ON H.R. 1664

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1999

Ms. MILLENDER-McDONALD. Mr. Speaker, we were elected to the "people's House," without question the most deliberative body in the world. As such, when legislation comes to the floor of this House, Members should have every opportunity to amend and perfect it before we pass it on to the Senate. It is our duty. It is our obligation.

Last Thursday, the Republican Leadership in the House presented H.R. 1664, the Kosovo and Southwest Asia Emergency Supplemental Appropriations Act of 1999. The measure provided $12.9 billion for emergency spending to support the ongoing military operations in Kosovo. The request was $6.9 billion above the President's request which by all accounts was more than adequate to fund our mission overseas. H.R. 1664 was presented to this body under a restrictive rule that limited the Minority's opportunities to perfect the bill. For this reason I opposed the rule.

While the rule was passed, it did allow some Democratic amendments. One of those amendments was the Obey amendment which restored $1.5 billion to the budget surplus that the Committee bill removed to fund the construction of military projects overseas. The Obey amendment made increases in military pay and effectively dealt with the issue of retirement by not making it subject to future legislation. The Obey measure also provided funds for disaster assistance for the victims of Hurricane Mitch.

The Obey amendment was defeated along with other amendments that sought to restore funds to the budget surplus. Even though the Obey amendment failed, I voted for H.R. 1664 during final passage. When our troops, our sons and daughters, are engaged in military conflict overseas, we must lay aside our partisan differences and give them the financial and moral support they need. While the Majority failed to do this and used H.R. 1664 to fund pork projects abroad, I felt compelled to rise above Party and vote for my country by casting my vote in support of H.R. 1664. I voted for our troops—our sons and daughters who willingly lay their lives on the line for our national security and for freedom.

ENSURE ACCOUNTABILITY WITH THE FEDERAL SHARE OF THE TOBACCO SETTLEMENT

HON. ROBERT A. WEYGAND

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1999

Mr. WEYGAND. Mr. Speaker, I rise today to express my extreme disappointment with the inclusion of a particular legislative provision within the conference report for the FY 1999 Emergency Supplemental Appropriations Bill.

This legislative rider, attached to the appropriations legislation in the other body and approved by the conference committee, prohibits the federal government from recovering any of the federal share of the master settlement reached between the states and the tobacco industry. When the states brought their individual cases against the tobacco industry, they did so to recover certain health care costs, including Medicaid costs. Since the federal government pays a portion of these costs, I believe the federal government has a right to determine which activities it should fund with its share of the settlement. While I believe the federal government should return the federal share to the states, it should only be done if the federal share is spent on tobacco control and other programs which seek to improve the public health.

This rider does nothing to ensure that any money form the settlement is spent on important anti-smoking programs and public health programs. This is wrong. In my view, returning the federal share to the states without proper accountability abdicates our duty to ensure this federal money is invested and spent wisely. Throughout the country, governors, state legislatures and citizens are debating how their settlements should be spent. While a great deal of these proposals may be admirable, some are not targeted to improving health care and control tobacco, as intended by the settlement.

According to the Campaign for Tobacco Free Kids, approximately 5,000 children in Rhode Island each year become new daily smokers and 35% of high school students smoke. Nearly one million packs of cigarettes are sold to minors in Rhode Island each year. If current trends continue, it is estimated that 23,000 of Rhode Island's children will later die from smoking. On behalf of the children in my state and the countless children and adults throughout this nation who are negatively impacted by smoking, I urge the fifty governors, state legislators and citizens to work together to ensure this federal money is invested wisely in tobacco control and public health.

THE FORMATION OF THE ALLIANCE OF AUTOMOBILE MANUFACTURERS

HON. FRED UPTON

OF MICHIGAN

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1999

Mr. UPTON. Mr. Speaker, as the co-chairs of the Congressional Automobile Caucus, we rise to recognize the newly formed Alliance of Automobile Manufacturers on the occasion of the inaugural meeting of its Board of Directors.

In Washington today, we hear a lot about reinvention. The Alliance is a perfect example of a major industry "reinventing" itself to reflect new world realities. The American auto industry has undergone a remarkable transformation in the past few years with the mergers and alliances between U.S. manufacturers and manufacturers around the globe. While its predecessor organization was composed of solely U.S. companies, the new Alliance embodies the global market place, with 10 member companies from around the globe.

The Alliance of Automobile Manufacturers, an international coalition of car and light truck manufacturers, was formed this past January. The member companies include BMW, DaimlerChrysler, Fiat, Ford, General Motors, Mazda Nissan, Toyota, Volkswagon, and Volvo. The new trade association created by this powerful Alliance of automobile manufacturers promises to be an organization that is nimble enough to respond to rapidly changing issues that reach across the ever-shrinking global marketplace.

Members of the Alliance have gone on the public record as committed to developing constructive approaches. Moreover, the Alliance pledges to work with government and other stakeholders to find sensible and effective solutions to shared concerns. We have already witnessed this constructive approach to issues. On May 1, President Clinton unveiled EPA's proposed "Tier 2" standards to reduce vehicle emissions and sulfur content in fuel. Prior to this announcement, the Alliance had called for reduction in nitrogen oxide emissions and sulfur-free fuel to provide cleaner cars and cleaner air. EPA's proposal and the Alliance are similar. The Alliance generally supports the clean air targets that EPA has proposed, including cars and trucks meeting the same average standards for nitrogen oxides.

The Alliance companies operate 255 manufacturing facilities in 33 states. They produce more than 90% of all new vehicles sold each year in the United States.

The Alliance stands ready to provide its views and comments on automotive concerns to Members of Congress as we debate issues of importance to the industry and consumers. It has a dedicated staff of professionals, led by Josephine Cooper, who have a long record of experience and knowledge of automobile issues.

A key component to developing good public policy is having an open dialogue with groups impacted by our decisions. We are confident that the Alliance and its member companies will play a vital role in developing creative and constructive solutions to the issues before the Congress.

IN HONOR OF THE GENESIS CLUB AND THE VISIT OF MRS. ROSALYNN CARTER

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1999

Mr. McGOVERN. Mr. Speaker, I rise today in tribute to The Genesis Club of Worcester, Massachusetts and note the visit on May 19, 1999, of former First Lady Rosalynn Carter to the club.

The Genesis Club was founded in 1988 by a small group of local business leaders and professionals whose family members were struggling with mental illness. Since its founding, The Genesis Club has developed a comprehensive model of support and rehabilitation in which participants are not patients or clients, but members who participate fully in management, employment, and therapeutic services and programs. The Genesis Club works to encourage and empower individuals with mental illness to function and maintain independence in their living, working, and social environments. Since its founding ten years ago, The Genesis Club has helped more than 800 individuals cope with mental illness through its supportive atmosphere, which fosters vocational and social development, embraces individuals, and leads to personally satisfying and socially productive lives. I and my fellow residents of Worcester and the Third Congressional District of Massachusetts are understandably proud of The Genesis Club, their programs, and their accomplishments.

On May 19, 1999, The Genesis Club will warmly welcome former First Lady Rosalynn Carter, who, throughout her public service career, has been a driving force in the field of mental health. It was while Mrs. Carter was serving as active honorary chair of the President's Commission on Mental Health during the Carter Administration that the Mental Health System Act of 1980 was passed. In addition, in 1982, President and Mrs. Carter founded the Carter Institute, which strives to relieve suffering in our country and around the world by focusing on the cause and consequences of war, hunger, poverty, and human rights abuses. I thank Mrs. Carter for the support and encouragement her visit will bring to The Genesis Club.

Therefore, I rise today both in tribute of The Genesis Club of Worcester, Massachusetts, and their efforts on behalf of those suffering from mental illness, and former First Lady Rosalynn Carter, who, by her visit, honors both my district and The Genesis Club.

MEDICARE REHABILITATION BENEFIT IMPROVEMENT ACT OF 1999

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1999

Mr. CARDIN. Mr. Speaker, I rise along with my colleagues FRANK PALLONE, JIM MCCRERY, and RICHARD BURR, to introduce the Medicare Rehabilitation Benefit Improvement Act of 1999. This legislation is an urgently needed, common sense approach that will help repair a damaging provision passed by Congress nearly two years ago.

In recent years, cost pressures on the Medicare program have resulted in Congress imposing $115 billion in cuts on the Medicare program through the Balanced Budget Act of 1997. As a result, we have seen sharp reductions in payments for the elderly's care. Some of these cuts can be absorbed by our health care system. Others, however, cannot, and are having a devastating impact on the quality of patient care being delivered to the most frail, sickest Medicare beneficiaries. The Congressional Budget Office has just reported that actual BBA cuts to Medicare will exceed by billions of dollars what Congress intended for the five years from 1998 through 2002. It is time to look at what Congress actually did, and where appropriate, make necessary changes.

BBA imposed annual $1,500 caps on Part B outpatient rehabilitative services—one for physical therapy and speech-language pathology, and one for occupational therapy—provided outside the hospital setting. In practice, these limits ignore a patient's clinical requirements and restrict care for those who suffer from the most debilitating diseases, such as stroke, hip fracture, or ALS, and those who incur multiple injuries in a given year. And because the caps are not adjusted for cost variations across the nation, they disproportionately harm beneficiaries in high cost areas. Finally, because the new consolidated billing rules imposed by BBA require all filing for patients in skilled nursing facilities to be done by the facility itself, those facilities that provide adequate therapy services to their sickest patients feel the brunt of the payment limits.

When BBA was being written and debated, Congress held no hearings to examine what the impact of these arbitrary limits might be on patient care. The caps were a crude budget cutting measure designed to deliver savings—$1.7 billion over five years. And in that regard, they were successful. The therapy caps were implemented on January 1, 1999. Since that time, I have heard that in my district, some Medicare beneficiaries in SNFs have already exceeded their limit. Some estimates indicate that one of every six beneficiaries who receive rehabilitative care outside a hospital setting will need in excess of $1,500 in services in a given year. The Health Care Financing Administration's own words in the regulation implementing the cap, from the Federal Register of November 2, 1998, illustrate the problem:

> The $1,500 limits will reduce the amount of therapy services paid for by Medicare. The patients most affected are likely to be those with diagnoses such as stroke, certain fractures, and amputation, where the number of therapy visits needed by a patient may exceed those that can be reimbursed by Medicare under the statutory limits. Services not paid for by Medicare, however may be paid for by other payers.

But what about Medicare enrollees who cannot afford high-priced supplemental insurance policies to cover the balances? Clearly, some relief is necessary so that all patients with serious conditions have access to adequate therapy services and the opportunity to resume normal activities of daily living.

In the last Congress, I introduced bipartisan legislation that would eliminate the arbitrary therapy cap and instead pay for outpatient rehabilitative services based on the patient's diagnosis. But Congress adjourned without holding hearings on that bill. This year, we are beginning to witness the consequences of our failure to act. So today, I am pleased to join my colleagues in sponsoring the "Medicare Rehabilitation Benefit Improvement Act," which is specifically designed to provide relief to beneficiaries who need greater levels of care. This bill creates limited exceptions to the $1,500 cap so that those patients who need additional care the most will be able to continue to receive it. The bill also requires the Secretary of HHS to study the impact of this legislation on beneficiaries and to develop alternatives to the $1,500 limits. This will help Congress determine if the caps for rehabilitative therapy services should continue.

This legislation is a common sense approach that will permit Medicare patients who need intensive therapy services to secure the appropriate level of care for their conditions. It has the strong endorsement of several organizations, including the American Health Care Association, the American Occupational Therapy Association the American Speech-Language-Hearing Association, the National Association of Rehabilitation Agencies, and the Private Practice Section of the American Physical Therapy Association. I urge my colleagues to join me in support of this essential measure to restore adequate therapy outpatient rehabilitative coverage to those beneficiaries most in need.

REGARDING BLACK ORIGINAL INDIVIDUALS

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1999

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, in a time where our young African-American males are depicted in the news as at-risk youth, criminals, drug dealers, and high school dropouts, we forget that there are positive young men among them who are changing their environment for the better. As a matter-of-fact, many young African-American males are succeeding in our society and are making their communities both proud and strong.

Mr. Speaker, it is with tremendous pride that I rise to pay tribute to eight young African-American gentlemen in my district who are using their energy, talent, and intelligence to serve others in their community. I truly believe that their accomplishments have cut through the dark and gloomy media depictions of African-American males.

Mr. John Kemp, Mr. Brandon Collier, Mr. Clayton Redmon, Mr. William Hudson, Mr. B.J. Armstrong, Mr. Rodrick Coaxum, Mr. Zandrian Harp, and Mr. Andre Griffin are all members of "Black Original Individuals." Better known as BOI, they formed this organization from a part of an entertainment group already established called Dream Entertainment.

BOI has been designed by these young men to take the social and financial benefits of hosting parties and turn them into a business practice that serves them and their community in a positive manner. Besides teaching them successful business skills, their operation is a great example of teamwork, strategic planning, communications skills, and volunteerism. I am confident that these young men will continue to apply these lessons throughout their lives.

Mr. Speaker, what is particularly notable of their work is that they have been using the profits to fund future enterprises and use the rest of the money to set up a scholarship fund that will be open on a community-wide basis for minorities. This is a great example of humble and positive individuals giving back to others.

Mr. Speaker, not too long ago some high school students in my area had an experience contrary to the gentlemen I cite today. During the fall, hundreds of students disrupted parts of the Dallas area with dangerous underage drinking, noise violations, littering and basic disrespect for our community.

I would like people to focus on these gentlemen as a contrast to the youth that I just mentioned. Instead of destructive parties, BOI has controlled and safe settings where fun is the focus. Instead of violating the law, BOI works within the parameters of rules. Instead of littering our community with beer cans and spreading bottles across lawns, BOI is spreading a message of positive change and service throughout our community.

Mr. Speaker, some of these young men, Mr. Collier and Mr. Redmon in particular, will be heading to college. As they prepare to write what I am sure will be another successful chapter in their lives, they are also passing down their business lessons to the youngest of their members. I commend Mr. Collier and Mr. Redmon for teaching the young for the benefit and sustenance of the group as a whole. Quite often we hear about the successful, both young and old, forgetting to pass their lessons and experiences to those who will come after them. I am pleased that this is not the case with the members of BOI.

On behalf of the constituents of the 30th congressional district, I thank BOI for their service to our community and wish them continued success.

REPORT FROM PENNSYLVANIA HONORING SCHNECKSVILLE COMMUNITY FIRE COMPANY

HON. PATRICK J. TOOMEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1999

Mr. TOOMEY. Mr. Speaker, I rise today to deliver my Report from Pennsylvania. Today, I would like to share with my colleagues and the American people the remarkable efforts of individuals in Schnecksville, Pennsylvania.

All across the Lehigh Valley, my wife, Kris, and I meet so many wonderful people. We learn of and hear about amazing individuals who strive day and night to make our communities better places to live.

I like to call these individuals Lehigh Valley Heroes. Lehigh Valley Heroes make a difference by helping their friends and neighbors.

Mr. Speaker, everyone involved with the Schnecksville Community Fire Company are Lehigh Valley Heroes.

This weekend, the Schnecksville Fire Company will celebrate 75 years of service to their community. For this reason, I would like to commend and applaud their efforts—both past and present—in making our community a better place.

Mr. Speaker, this concludes my Report from Pennsylvania.

Mr. Speaker, I insert the following for printing in the RECORD:

THE 1998 SCHNECKSVILLE FIRE TEAM

Richard Ruch, Keith Fenstermacher, Asst. Engineer; Steve Fetherolf, Lieut.; Todd Kern, Asst. Chief; Keith Zehner, Asst. Chief; Jason Zellner, Ronald Paulus, Scott Gicking, Rev. Michael Bodnyk, Chaplain; Ronald Dunstan, Engineer; Tim Henry, Marvin Belles, Nelson Fogle, Lieut.; Tom Hourt, Captain; Ronald Stahley, Chief; Keith Stahley, Charles Weidaw, Daniel Wehr, Jody Blose, Brad Petrahoy.

FIRE POLICE

Nelson Fogle, Karl Haas, Fire Police Captain; Roy Kern, Fire Police Lieut.; Glenn Stahley, Ronald Paulus, Robert Bold, Dennis Oels

NORTH WHITEHALL TOWNSHIP RESCUE SQUAD

Ron Rutt, Rescue Lieut; Tom Hourt, Rescue Lieut.; Ronald Stahley, Rescue Capt.; Steve Fetherolf, Scott Gicking, Ronald Paulus, Richard Ruch, Marvin Belles, Keith Fenstermacher, Charles Weidaw, Charles Eckhart, Todd Kern, Nelson Fogle, Keith Zehner, Daniel Wehr, Robert Rudelitch, Gary Cederberg, Jamie Ebert, Mark Kaintz, Kenny Reimert, Jim Steward, Gary Frederick.

75TH ANNIVERSARY COMMITTEE

George Wessner, Harold Ruch, Rose Bobin, Eleanor Kressley, Carol Wessner, Faye Ruch, John Schaeffer, Delores Wehr, Jean Horwith, Betty Moll, Ron Nederostek, Bernie Molchany, Eva Feinour, Sandy Bradley, Marie Bittner, Betty Holler, Nancy Kern, Roy Kern, Wayne Moll, Nelson Fogle, Terry Dunbar, Ellsworth Meckel, Dennis Bittner, Richrd Solt, Kathy Ruch, Richard Ruch, Diane Fries, Eleanor Stettler, June Handwerk.

OFFICERS 1924 TO 1998

PRESIDENTS' NAMES AND YEARS SERVED

J. Eric Linde, 1924–1941.
Victor Haas, 1942–1945.
David Klotz, 1946.
Raymond Baer, 1947–1948, 1950–1951.
Warren Rohrback, 1949.
Mosby Heinly, 1952.
Ellsworth Meckel, 1953, 1967–1972, 1982.
Robert Heinly, 1954.
Carl Correll, 1955.
Wayne Moyer, 1956–1957.
Donald Hersh, 1958.
Paul Schneck, 1959.
John J. Meckel, 1960.
Russel Grim, 1961–66.
Gordon Werley, 1973–75.
Ted Rothrock, 1976–1978, 1980–1981, 1983–1986, 1997–1999.
John Schaeffer, 1979, 1988–1989.
Karl Haas, 1987.
Robert Gibiser, 1990–1994.
John Ruch, 1995–1996.

VICE PRESIDENTS' NAMES AND YEARS SERVED

Stanley Peters, 1924.
William Long, 1924.
M.D. Wehr, 1924–1926.
Asa M. Stopp, 1924–1925.
Wilson Shankweiler, 1924.
William Heiney, 1925–1932, 1951.
Guy Kohler, 1925–1944.
Wilson Schuler, 1925, 1927–1945.
Steward Peters, 1926.
Preston Holben, 1926.
William Peters, 1927–1941.
Homer Frey, 1927–1928.
John Henninger, 1928–1932.
Howard Heinly, 1929–1932.
Walter E. Bittner, 1933–1942.
Malcolm Hummel, 1942.
Donald Best, 1942–1943.
Richard Reitz, 1942.
Ellsworth Meckel, 1943, 1954, 1956, 1958, 1975–1981.
Theodore Rau, 1943.
David Klotz, 1944–1948.
Raymond Baer, 1944–1945, 1948–1949.
Wm. J.D. Heintzelman, 1945.
Fred Dotterer, 1945.
Franklyn Bittner, 1945.
Walter Best, 1946–1950.
Victor Haas, 1946.
Wilmer Stahley, 1946.
Willis Smoyer, 1947–1950.
Warren Rohrback, 1948, 1957.

Jacob Weber, 1950.
Henry Musselman, 1951–1953.
Mosby Heinly, 1951–1953.
John J. Meckel, 1952–1963.
Raymond Krause, 1952.
Roy Smoyer, 1954.
Leroy Krause, 1955–56, 1961.
Mike Kondravy, 1955.
William Jones, 1957–1958.
John Liscka, Jr., 1959.
Earl Warmkessel, 1959.
William Schock, 1960.
Wayne Moyer, 1960–1962.
Stewart Helfrich, 1960.
Donald Bittner, 1962.
Donald Kern, 1963, 1965.
Warren Follweiler, 1963, 1973–1974.
Russell Rader, 1964.
Willard Holben, 1964–1966.
Thomas Dennis, 1966, 1971.
Harold Schoch, 1967–1969.
Zolton Papp, 1967–1968.
Stanley Traub, 1967.
David Schneck, 1969–1970, 1973.
Frank Kovacs, 1970.
David Samuels, 1971–1972.
Gordon Werley, 1972.
Robert Haberern, 1973.
Warren Follweiler, 1973–1975.
David Schneck, 1973.
Harold Ruch, 1974.
Zolton Papp, 1976, 1978.
Harold Schoch, 1977.
Donald Briam, 1979.
Dean Lobach, 1980–1981.
Danny Yankovich, 1982.
Karl Haas, 1982–1986, 1988, 1997–1999.
Jody Blose, 1983–1986, 1989, 1992.
Richard Ruch, 1987–1988.
Gordon Steigerwalt, 1987.
Edward Frack, 1989–1992.
Keith Zehner, 1990–1991.
Wilson Klotzman, 1993, 1996.
Gary Kressley, 1993.
Jack Ruch, 1994.
Betty Moran, 1994–1995.
Eva Feinour, 1995.
Emory Minnich, 1996.
Paul Schwarz, 1997–1998.
Todd Kern, 1999.

FIRE CHIEFS' NAMES AND YEARS SERVED

Preston Holben, 1924–1928.
Guy Kohler, 1929–1943.
Mosby Heinly, 1944–1954.
Nelson Tyson, 1955–1977.
David Samuels, 1978–1986.
Milt Brown, 1987–1988.
Ron Stahley, 1988–1999.

ASSISTANT FIRE CHIEFS' NAMES AND YEARS SERVED

Ralph Rabert, 1924–1944.
Guy Kohler, 1924–1928, 1944.
John Henninger, 1928–1932.
Fred Heinly, 1929–1932.
Wilson Schuler, 1933–1941.
Ellsworth Meckel, 1942–1943, 1945.
Raymond Baer, 1945–1946, 1949, 1951–1961.
Raymond Krause, 1946–1948, 1950–1956, 1958.
Frank Kovacs, 1947.
Roy Smoyer, 1948–1949.
Philip Anthony, 1950.
Nelson Tyson, 1954.
Wayne Moyer, 1957, 1961–1966.
Paul Schneck, 1959–1962.
Russell Rader, 1963.
Warren Follweiler, 1964–1969.
Floyd Fenstermaker, 1967–1970.
David Schneck, 1970–1972.
Stanley Bruder, 1971–1973.
David Samuels, 1973–1974.
Robert Newhard, 1974.
Russ Fetherolf, 1975–1976.
Keith Stahley, 1977–1981.
Ron Stahley, 1978–1985, 1987.
Roger Yorgey, 1982–1983.
Richard Ruch, 1984, 1986.
Milt Brown, 1985–1986.
Tom Hourt, 1987–1988.
Wilson Klotzman, 1988–1993.
Keith Zehner, 1988–1991, 1993–1999.
Josh Bingham, 1992.
Todd Kern, 1994–1999.

FINANCIAL SECRETARIES' NAMES AND YEARS SERVED

John J. Meckel, 1924–1926.
Homer Frey, 1927–1938.
Walter Best, 1939–1943.
Donald Best, 1944–1945.
Raymond Baer, 1946–1953.
Jacob Weber, 1947–1948.
Ellsworth Meckel, 1949–1952.
Wayne Moyer, 1954–1955.
Carl Carroll, 1956.
Donald Bittner, 1957–1959, 1963.
Harold Schoch, 1960–1962, 1967–1970.
Warren Follweiler, 1964.
Carl Madtes, 1965–1966.
John Schaeffer, 1971–1974.
Frederic Xander, 3 Mos. 1973.
Lee Merkel, 1975–1979.
Mervin Peters, 1980.
John Ruch, 1981.
Keith Stahley, 1982–19987.
John Strauss, 1988.
Mike Bennett, 1990–1991.
Dennis Oels, 1992–1996.
Bea Kuntz, 1997–1999.

TREASURERS' NAMES AND YEARS SERVED

Alphenus Guldner, 1924–1948.
David Klotz, 1949-1958, 1967–1974.
Ellsworth Meckel, 1959–1966.
Harold Ruch, 1975–1979, 1987–1989.
Randy Stahley, 1980–1985.
Kathy Lindenmoyer, 1990–1996.
Shirley Bachert, 1997–1999.

RECORDING SECRETARIES' NAMES AND YEARS SERVED

Frank W. Bechtel, 1924–1927.
Edwin K. Greenawald, 1928–1930.
Roy Schneck, 1931–1932.
William Heinly, 1933–1946.
Robert Heinly, 1947–1960.
Russel Grim, 1949–1960.
Erwin Warmkessel, 1961–1963.
Russell Rader, 1964.
Warren Follweiler, 1965–1967.
James Kohler, 1968–1975.
Paul Schwarz, 1976–1992.
Delores Wehr, 1993–1996.
Elsie Schwarz, 1997–1999.

MEMBERSHIP SECRETARIES' NAMES AND YEARS SERVED

Joseph Horwith, 1975–1985.
Robert Gibiser, 1986–1989.
Ray Saltzman, 1990–1991.
Roy Kern, 1992–1997.
Faye Solt, 1999.st

HOUSE OF REPRESENTATIVES—*Wednesday, May 19, 1999*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. COLLINS).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 19, 1999.

I hereby appoint the Honorable MAC COLLINS to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend James David Ford, D.D., offered the following prayer:

We know, O God, how we strive to gain influence and extend our ideas and we know too that Your word calls us to see the needs of others. We admit that excessive pride demands victory in all things but Your word calls us to do justice and speak the truth. We acknowledge that we can see more clearly the evil in another person but can miss the selfishness in our own hearts. O gracious God, our creator and our guide, we pray Your spirit will lead us in the way of justice and reconciliation and with a greater understanding may we walk faithfully along the road of peace. In Your holy name we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Ohio (Mr. TRAFICANT) come forward and lead the House in the Pledge of Allegiance.

Mr. TRAFICANT led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4. An act to declare it to be the policy of the United States to deploy a national missile defense.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 39. An act to provide a national medal for public safety officers who act with extraordinary valor above and beyond the call of duty, and for other purposes.

The message also announced that pursuant to Public Law 95-521, the Chair, on behalf of the President pro tempore, appoints Patricia Mack Bryan, of Virginia, as Senate Legal Counsel, effective as of June 1, 1999, for a term of service to expire at the end of the One Hundred Seventh Congress.

The message also announced that pursuant to Public law 105-341, the Chair, on behalf of the Democratic Leader, announces the appointment of the following individuals to the Women's Progress Commemoration Commission:

Joan Doran Hedrick, of Connecticut;
Lisa Perry, of New York; and
Virginia Driving Hawk Sneve, of South Dakota.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 15 one-minutes per side.

UNITED WE STAND, DIVIDED WE FALL

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, Lincoln once said, "United we stand, divided we fall." Well, that old adage is quite appropriate to the Kosovo crisis, and I am sure Mr. Milosevic understands it very well.

Just take a look at NATO. The British are calling for ground troops and a summer invasion of Yugoslavia; while the Germans, the Finns, and the Italians are openly opposed to ground troops and are engaged in a hectic peacekeeping effort calling for a pause in the NATO bombing.

Meanwhile, the European Union leaders met with Russian delegates with very little progress, and no signs of any agreement on how to proceed.

Now, on the other hand, the Clinton administration may or may not be opposed to ground troops. It certainly does not support a bombing pause. Now, is anyone else confused?

Mr. Speaker, one week ago 11 Members of Congress, both Democrats and Republicans, tried to provide the administration with a simple framework for peace in Kosovo, in complete cooperation with the Russian Duma. The administration, however, came out whining about freelance diplomacy, but sadly they have completely missed the point.

Our bipartisan effort is simply an attempt to get the Clinton administration and the rest of NATO singing off the same sheet of music, and to bring solidarity, consensus, and a peaceful conclusion to this confusing crisis.

EVERY DIPLOMATIC OPPORTUNITY SHOULD BE PURSUED TO END WAR IN YUGOSLAVIA

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, there is a drumbeat in Washington this morning, as there has been a drumbeat in London, where troops are being advocated to be sent to Kosovo and into the Federal Republic of Yugoslavia for purposes of winding up this war.

I think it is an important moment to reflect, as British officials are visiting this country today, as to whether or not it is in the best interest of our country to not just be talking about ground troops but to even have the thought of an expanded war in which the lives of our young people, of our sons and daughters, would be put at risk.

I say that instead of talking about the possibility of an expanded war, we should begin aggressively to pursue peace. We should look for every diplomatic opportunity to bring an end to this war, to stop the conflict, to stop the bombing, to begin the withdrawal of the Serbian troops, to stop the military activities of the KLA, to begin the repatriation of the refugees, to give them a chance to go home.

This has to be done diplomatically with international armed peacekeeping troops. We cannot win this war militarily. We have to bring an end to it diplomatically.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

THE CLINTON-GORE ADMINISTRATION IS REFUSING TO PROVIDE ADEQUATE HEALTH CARE FOR OUR SENIOR CITIZENS

(Mr. WICKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WICKER. Mr. Speaker, why is the Clinton administration shortchanging Medicare? Under the Clinton-Gore leadership, the executive branch's Health Care Financing Administration is refusing to spend money which is desperately needed by our Nation's elderly population and which has been authorized under the Balanced Budget Act. This amounts to an astonishing $20 billion this administration is withholding from the most deserving members of our society: retired Americans who are suffering from illness.

There is a lot of discussion in this town about abiding by the caps of the Balanced Budget Act, and I support the idea of requiring our appropriation bills to follow the budget. But when the Congress and the President enact a statute that says funds are needed to ensure the health of our country's greatest generation, HCFA has an obligation to abide by the law.

It is a scandal that the Clinton-Gore administration is refusing to provide adequate health care for our senior citizens.

AMERICA GIVES, GIVES, GIVES TO RUSSIA AND RUSSIA TAKES, TAKES, TAKES

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, a classified report says, and I quote, Russia is spying on NATO and America. The report goes on and says Russia has recruited spies and is sabotaging our activities in the Balkans. Now, if that is not enough to scorch your Apache, Russia is passing on our secrets to Milosevic. Unbelievable. Think about it. America gives, gives, gives to Russia. Russia takes, takes, takes; then stabs us right in the back.

Beam me up. I say Russia is a bunch of ingrates that should not get one more penny from Uncle Sam. Finally I say, after the bombing is over, let Russia go in with their rubles and rebuild Yugoslavia, not Uncle Sam.

THE QUESTION ARISES, WHAT WAS THIS PRESIDENT OPPOSED TO IN VIETNAM?

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, I want to read a quote made recently by retired three star General Tom Griffin, attempting to understand our involvement in Yugoslavia. I quote: "Now let's see here if I understand all this correctly. President Clinton has ordered our forces to engage an entrenched, politically motivated enemy backed by the Russians, on their home ground, in a foreign civil war, in difficult terrain, with limited military objectives, bombing restrictions, boundary and operational restrictions, queasy allies, far across the ocean, with uncertain goals, without prior consultation with Congress, the potential for escalation, while limiting the forces at his disposal, and the majority of Americans opposed to or at least uncertain about the value of the action being worth American lives," end quote.

When we review history, the question arises, what was this President opposed to in Vietnam? Are we going to learn from the history of the 1960s?

IF WE HAVE THE POWER TO BOMB, THEN WE HAVE THE POWER TO SETTLE THIS WAR IN YUGOSLAVIA

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, there has been a lot of finger pointing with the tragedy of Littleton, Colorado. Mr. Speaker, today I announce a proposal for "give a child a chance" omnibus mental health services bill for our children, for there are many things that we can do, but I believe that it is important that we listen to young people and provide them with school counseling services and guidance services which will be available to intervene for children at risk and others.

Mr. Speaker, as we talk about violence, let me move quickly to a subject and join my colleague in asking for a cessation in the bombing. I have asked the President for three days, 72 hours, in order to begin talks on a negotiated settlement over the Kosova conflict.

Mr. Speaker, I believe we can win. I supported the air strike. I certainly did not support the bill yesterday that was throwing good money after bad, $15 billion, although I supported it before for the refugees and military pay increase. If one has the power, they need to use it right. We need to go to the negotiated settlement table right now and deal with the request or the needs of the NATO allies and begin to send refugees back home.

When I went to the refugee camps in Macedonia, they said one thing to me: Promise to help us go back home. And that was my promise. If we have the power to bomb, then we have the power to settle this.

We need to be at the table of settlement, the negotiated settlement with Mr. Milosevic. It has nothing to do with whether he is a war criminal. That is another matter. Let us get a negotiated settlement and stop this conflict now. It is time now to stop the bombing and begin to discuss the way to really get our refugees back home and bring our military personnel back home.

CLINTON ADMINISTRATION SHORTCHANGING SENIORS

(Mr. SCHAFFER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHAFFER. Mr. Speaker, why is the Clinton administration shortchanging our seniors? Here is a story we will not be hearing much in the mainstream media. The administration is spending $20 billion a year less on Medicare than Congress authorized and provided under the 1997 Balanced Budget Act. My colleagues heard that right, and let me repeat it. The administration is hoarding $20 billion a year from the funds the Republican Congress provided under the current law.

Skeptical? I encourage my colleagues to give a call over to their friendly HCFA offices and verify these numbers for themselves. One can hardly grasp the irony of the startling facts. The same administration that has run millions and millions of dollars in deceptive Medicare TV ads aimed at scaring seniors is now found to be shortchanging the same seniors they claim to care so much about.

We cannot blame seniors for becoming cynical about this administration's constant willingness to play politics with Medicare. Do our seniors not deserve better?

ADMINISTRATION CUTS MEDICARE BY REFUSING TO SPEND THE MONEY

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, my friend, the gentleman from Colorado (Mr. SCHAFFER) points out yet another way in which the Clinton-Gore team says one thing and does another. Indeed, to use the rhetoric of Mediscare from 1996, in essence Mr. Clinton, Mr. Gore and their liberal allies have cut Medicare by $20 billion by refusing to spend the money.

I suppose it will come as no great surprise to the pundits and those in town here engaged in spin, because we have a credibility canyon of people saying one thing and doing another.

□ 1015

That is why, Mr. Speaker, not only in terms of defending our seniors, but for all Americans in terms of national security, this House should release the

Cox Committee Report so that we can get to the bottom of Chinese espionage and transfers of technology, not to engage in spin and double-talk, as some do at the other end of Pennsylvania Avenue, but because the American people deserve the facts, and free people in a constitutional society have the right to a common defense and a sound national security.

Let us end this breach of credibility. Let us heal that breach and give the American people straight answers.

BUCKLE UP AND DRIVE SAFELY

(Mr. CUMMINGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CUMMINGS. Mr. Speaker, I rise today during National Transportation Week to discuss the safety of our Nation's children. As a father of a four-year-old, this issue hits home for me.

I am a strong advocate of child passenger safety laws, but sadly, not all of America's drivers are. Listen to the statistics. Each year, 1,800 children ages 14 and under are killed. More than 280,000 are injured. An average of 24 children 10 years and under die every week. Why is this happening? We are not protecting our children. Six out of 10, or 60 percent, of the children who die in automobile crashes are unrestrained. No seat belt, no car seat.

Mr. Speaker, the law is clear. All children must be buckled up at all times. As parents and drivers, let us demonstrate a commitment to protecting our youth. I urge my colleagues to buckle up and travel safely.

DEMOCRATS MAKE MEDICARE POLITICAL ISSUE

(Mr. WELDON of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON of Florida. Mr. Speaker, let us face it. The Clinton administration sure does talk a good game about Medicare, but now there is even more evidence that the administration and their liberal defenders in Congress are only paying lip service to the seniors they claim to champion.

First, they shot down, for political reasons, their own bipartisan Commission on Medicare Reform. They said, you can kiss Medicare reform goodbye in this Congress because the Democrats need to make it a political issue in the 2000 election. After all, what would an election be without Democrats scaring seniors with demagoguery about Medicare? Mr. Speaker, do not take my word for it. Just ask the distinguished gentleman from Louisiana in the other body about the Medicare Commission and why the White House will not even look at it.

Now we learn that the administration is shortchanging seniors to the tune of $20 billion in this year alone from the Medicare program. Hard to believe? Well, ask the hospitals and the seniors if it is true or not.

This administration is spending $20 billion less than authorized by law. Our seniors deserve better.

REPUBLICAN MEDICARE AND SOCIAL SECURITY PLAN SAVES MORE FOR SENIORS

(Mr. COOKSEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COOKSEY. Mr. Speaker, the Republican plan saves $100 billion more for Social Security and Medicare compared to the Clinton plan. Now, this one is going to be awfully difficult for the Democrats to spin, to deny, or to demagogue.

Do not get me wrong, this will not stop them from trying. But the numbers are there for all to see. They are on the Internet. They are on the record at the Congressional Budget Office, or the CBO. In fact, even a generation of children growing up on rain forest math, whole math, and arithmetic through self-esteem could probably figure out the truth about the Republican budget.

The Republican budget saves $100 billion more for Social Security and Medicare over the next 10 years than the Clinton budget does. Mr. Speaker, $1.8 trillion is locked away from Social Security and Medicare by the GOP plan.

Under the Clinton plan, $1.3 billion is promised, but not locked away, for Social Security and Medicare, and the kicker is that the Clinton plan contains $350 billion in new Medicare IOUs, a bad deal for seniors.

AMERICAN PEOPLE WANT HONESTY AND INTEGRITY FROM PRESIDENTIAL CANDIDATES

(Mr. HILL of Montana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HILL of Montana. Mr. Speaker, the book that I am holding up came from the Library of Congress, and it is entitled Honest Graft. It is written by Brooks Jackson, and it documents the influence-peddling and the soft money abuses of a former Member of Congress and the former head of the Democratic Congressional Campaign Committee. Largely as a result of the events that were documented in this book, that former Member was compelled to resign his seat in the Congress.

The significance of this today is that that discredited former Member, who literally invented the soft money scams and then worked to hide the truth from the American people, has been tapped for a new job and that new job is heading up the Vice President's campaign.

To all of my colleagues who have argued on this floor that we need to reform campaign laws, particularly those on the Democratic side, I say, you need to join me in speaking out that the Vice President is making a huge mistake. This decision reflects poorly on his commitment to honesty and integrity, and the American people are crying out for honesty and integrity in the candidates for the next President of the United States.

NO AMERICAN BLOOD SPENT ON THE FIELDS OF KOSOVO

(Mr. MANZULLO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MANZULLO. Mr. Speaker, our Nation is on the verge of sending in ground troops into Kosovo. Just look at the headlines in today's Washington newspapers. Estimates, however, take between 150,000 and 300,000 ground troops in Kosovo, with casualties of between 7 and 12 percent, and 65 percent of those ground troops would be Americans. Casualties of up to 20,000 Americans in Kosovo, and who is pushing it? NATO, many of whose members still continue to ship oil to Serbia. Who is pushing it? The Prime Minister of the United Kingdom who uses the word "we." His Nation sends 20 airplanes to Serbia, while the United States sends over 600.

It is time to negotiate a settlement now. It is time to stand up and say, the American people do not want any blood of American soldiers spent on the fields of Kosovo.

PROVIDING FOR CONSIDERATION OF H.R. 1654, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT OF 1999

Mr. REYNOLDS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 174 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 174

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1654) to authorize appropriations for the National Aeronautics and Space Administration for fiscal years 2000, 2001, and 2002, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 4(a) of rule XIII are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on

Science. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Science now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. Points of order against the amendment for failure to comply with clause 7 of rule XVI are waived. During consideration of the bill for amendment, the chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from New York (Mr. REYNOLDS) is recognized for 1 hour.

Mr. REYNOLDS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the distinguished gentleman from Massachusetts (Mr. MOAKLEY), the ranking member of the Committee on Rules, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 174 is an open rule providing for the consideration of H.R. 1654, the National Aeronautics and Space Administration Authorization Act of 1999.

The purpose of this legislation is to authorize appropriations for fiscal years 2000, 2001 and 2002 for the National Aeronautics and Space Administration and for other purposes.

The rule provides for one hour of general debate, equally divided and controlled by the chairman and the ranking minority member of the Committee on Science. The rule waives points of orders against consideration of the bill for failure to comply with clause 4(a) of rule XIII, requiring a three-day layover of the committee report.

Additionally, the rule provides that the amendment in the nature of a substitute recommended by the Committee on Science now printed in the bill be considered as an original bill for the purpose of amendment. The rule provides that the committee amendment in the nature of a substitute shall be open for amendment at any point. The rule further waives points of order against the amendment in the nature of a substitute for failure to comply with clause 7 of rule XVI, prohibiting nongermane amendments.

The Chair is authorized by the rule to grant priority and recognition to Members who have preprinted their amendments in the Congressional RECORD prior to their consideration.

The rule allows for the Chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce voting time to 5 minutes on a postponed question if the vote follows a 15-minute vote.

Finally, the rule provides for one motion to recommit, with or without instructions.

Mr. Speaker, House Resolution 174 is a fair and open rule for consideration of H.R. 1654, the National Aeronautics and Space Administration Authorization Act. It is my understanding that some Members may wish to offer germane amendments to this bill, and under this open rule, they will have every opportunity to do so.

Mr. Speaker, this seems an appropriate week for us to consider this rule and its underlying bill, H.R. 1654. Across our Nation, Americans from every age group and every walk of life have shown our Nation's continuing fascination with the mysteries of space. Last night as the clock struck 12 o'clock, thousands upon thousands of people took part in an unprecedented phenomena across these United States, lining up to see the sequel to the 22-year-old movie, Star Wars. But our country's fascination with space and space exploration is rooted as much in science as it is in science fiction.

Long before anyone heard of George Lucas or Darth Vader, Americans were fixated on the small screen in their living rooms to bear witness to Alan Sheppard's first manned Mercury space flight and Neil Armstrong's first steps on the room. And, baby boomers and generation-Xers alike shared in two historic flights, John Glenn's first orbit of the Earth aboard Friendship VII in 1962, and his return to space 36 years later aboard the Shuttle Discovery.

This rule and its underlying bill will allow NASA and America's space program to move forward with a multinational space station.

In addition to our Nation's contribution, 15 other countries have invested $5 billion in the International Space Station program, and continued U.S. support will show the world our commitment to the international science projects. Further, the ISS means over 75,000 American jobs. With this space station, with moving our space program forward, young Americans will continue to be attracted to fields and job markets like science and engineering, areas that are key to making American industry more competitive across the globe.

☐ 1030

I would like to commend the gentleman from Wisconsin (Chairman SENSENBRENNER) and the ranking member, the gentleman from California (Mr. BROWN) for their hard work on this legislation. I urge my colleagues to both support this open rule and the underlying bill.

In conclusion, Mr. Speaker, House Resolution 174 is an open rule, and I urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this open rule providing for the consideration of H.R. 1654, which will authorize NASA for the next fiscal year.

Although I support the bill, Mr. Speaker, I do not support waiving the requirement that committee reports lay over for 3 days. Even though this is a good bill, I think Members should have a chance to examine it before they have to vote on it. The Committee on Science report was not even given to the Democratic members of the Committee on Rules before our meeting yesterday to report this rule to the floor.

Mr. Speaker, the House has not exactly been working at a breakneck pace over the last few weeks, so I really cannot understand why my Republican colleagues decided not to let us see this bill in advance.

Lately this seems to be part of the pattern. Since this Congress began 5 months ago, 12 of the 34 rules we have considered have contained waivers of the 3-day layover requirement. That is one-third of all the rules in the 106th Congress waiving the 3-day layover requirement.

And, the committee report that we received in the Committee on Rules did not even contain some of the things it was supposed to contain. It was supposed to contain the Ramsayer and the proceedings of the full committee markup. Mr. Speaker, it did not. I am sure they are probably contained somewhere in the printed version of the report, but I still think they should have been given to the Committee on Rules before it began its deliberations.

Mr. Speaker, nearly all of NASA reauthorizations are bipartisan, and that is the way they should be. Americans have always been pioneers, and NASA is agency of the pioneers. They expand our frontiers into space. They perform research in the heavens to benefit us here on Earth.

Thirty years ago, NASA put Neal Armstrong, Michael Collins, and Buz

Aldrin on the moon. Three years ago NASA set up the Mars Pathfinder, which has expanded knowledge of our close neighbors and given us an idea of the possibilities of life off of Earth. This March NASA finishes a project mapping Mars.

The National Aeronautics and Space Administration has discovered new galaxies and planets in our solar system.

NASA's Hubble Telescope gave us incredible color pictures of space. They discover new worlds, enrich our minds, and stir our spirits.

Mr. Speaker, I am sure that NASA is partly to thank for the long, long lines referred to by my dear friend, the gentleman from New York (Mr. REYNOLDS) that are now currently outside the new Star Wars Phantom Menace.

So I am disappointed that my Republican colleagues have decided to make it partisan. They singled out one particular project for elimination, one out of all the projects, Mr. Speaker. That project has been championed by Vice President GORE. Mr. Speaker, I can think of no reason for the elimination of this particular project except partisan politics.

In the future, Mr. Speaker, I hope my Republican colleagues will allow us to see the bills before we actually vote on them. I urge my colleagues to support this open rule and to support this bill. NASA does provide the research for the future and the explanations for the past.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. REYNOLDS. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 1553, NATIONAL WEATHER SERVICE AND RELATED AGENCIES AUTHORIZATION ACT OF 1999

Mr. REYNOLDS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 175 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 175

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 1553) to authorize appropriations for fiscal year 2000 and fiscal year 2001 for the National Weather Service, Atmospheric Research, and National Environmental Satellite, Data and Information Service activities of the National Oceanic and Atmospheric Administration, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 4(a) of rule XIII are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Science. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Science now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. COLLINS). The gentleman from New York (Mr. REYNOLDS) is recognized for 1 hour.

Mr. REYNOLDS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I may consume. During the consideration of this resolution, all time yielded is for purposes of debate only.

Mr. Speaker, House Resolution 175 is an open rule providing for the consideration of H.R. 1553, the National Weather Service and Related Agencies Authorization Act of 1999.

The purpose of this legislation is to authorize appropriations for fiscal year 2000 and fiscal year 2001 for the National Weather Service, Atmospheric Research, and National Environmental Satellite, Data and Information Service activities of the National Oceanic and Atmospheric Administration, and for other purposes.

The rule waives points of order against consideration of the bill for failure to comply with clause 4(a) of rule XIII requiring a 3-day layover of the committee report.

The rule provides for 1 hour of general debate, equally divided and controlled by the chairman and the ranking minority member of the Committee on Science.

The rule further provides that it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule the amendment in the nature of a substitute recommended by the Committee on Science and now printed in the bill.

The rule provides that the amendment in the nature of a substitute shall be open for amendment at any point. The Chair is authorized by the rule to grant priority to recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD prior to their consideration.

The rule allows the chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce voting time to 5 minutes on a postponed question if the vote follows a 15-minute vote.

Finally, the rule provides for one motion to recommit, with or without instructions.

Mr. Speaker, I believe that House Resolution 175 is a fair rule. It is an open rule for the consideration of H.R. 1553, the National Weather Service and Related Agencies Authorization Act of 1999.

It is my understanding that some Members may wish to offer germane amendments on this bill, and under this open rule they will have every opportunity to do so. H.R. 1553 authorizes funding for several very important weather service programs in the United States. In fact, funding for the National Weather Service alone is about one-third of the total annual National Oceanic and Atmospheric Administration budget.

Mr. Speaker, as the events of Monday, May 3, in Oklahoma showed us, we are still often powerless against the fury of Mother Nature. An outbreak of more than 40 tornadoes claimed 44 lives, destroyed or heavily damaged 5,200 homes, and left more than $1 billion in property damage in its wake. The damage to life, property, and community was devastating, but it could have been even worse without the National Weather Service's first tornado warning at 4:45 p.m.

This rule, and its underlying bill, will help improve, modernize and automate weather observations and improve public forecasts and warnings of severe weather events.

The fact is the National Weather Service provides a valuable source of early warning and observations to the American people. Whether a tornado or hurricane, blizzard or tropical storm, this rule and its underlying bill can save countless lives and property by assuring early and accurate warning systems.

Further, atmospheric research programs have helped improve severe weather forecast and warning capabilities, and improved knowledge about severe storms and the science of weather modification, important for U.S. transportation and agriculture.

I would like to commend the gentleman from Wisconsin (Chairman SENSENBRENNER) and the gentleman from California (Mr. BROWN), the ranking member, for their hard work on this legislation. I urge my colleagues to support both this open rule and the underlying bill.

In conclusion, Mr. Speaker, House Resolution 175 is a fair, completely open rule, and I urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, this is an open rule. The debate will be equally divided and controlled by the majority, and equally divided, as far as the debate is concerned, between the majority and minority.

The rule permits amendments to come up under the 5-minute rule, which is the normal amending process in the House. All Members on both sides will have the opportunity to offer germane amendments.

This bill, Mr. Speaker, is about research to be conducted by the National Oceanic and Atmospheric Administration. It has tremendous potential to pay off through improved environmental quality and better weather prediction.

This bill provides no increase in funding in fiscal year 2001 for that research. Consequently, inflation will result in a slight cut in spending power. Funding in important areas of research like this should remain stable. Therefore, it is unfortunate that the committee rejected an amendment to provide a modest 3 percent increase in fiscal year 2001.

This rule waives the requirement for a 3-day layover of the committee report. This was necessary because the report was not filed until Tuesday. Waiving this rule gives Members a little less time to examine the bill and to draft amendments.

Despite these concerns, the bill is relatively uncontroversial. The rule is an open rule which will give Members the opportunity to offer amendment. The rule was adopted by voice vote of the Committee on Rules. For these reasons, I can support the rule.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. REYNOLDS. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on this resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1045

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT OF 1999

The SPEAKER pro tempore (Mr. REYNOLDS). Pursuant to House Resolution 174 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1654.

The Chair designates the gentleman from North Carolina (Mr. BURR) as chairman of the Committee of the Whole, and requests the gentleman from Georgia (Mr. COLLINS) to assume the chair temporarily.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1654) to authorize appropriations for the National Aeronautics and Space Administration for fiscal years 2000, 2001, and 2002, and for other purposes, with Mr. COLLINS (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Tennessee (Mr. GORDON) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this bill is a 3-year authorization for our civil space program. When combined with separate legislation authorizing government-wide programs and high performance computing and information technologies, that represents a 1 percent annual increase over NASA's budget requests.

The bill provides full funding for the baselined International Space Station, which moved from a dream to a reality last year with the successful launch of the first two elements. At the same time, the bill promotes fiscal and programmatic responsibility by prohibiting NASA from adding content to the program in a costly new structure called Trans-Hab. Together, this constraint and the 3-year authorization will provide the Space Station with the stability it needs to achieve the same success fiscally that the program is demonstrating technically.

The bill also includes modest funding increases in areas of key scientific research. In the past few years the administration has cut some $742 million out of life and microgravity research accounts in NASA. This bill restores some $228 million of that over 3 years to take a small step towards ensuring that the science community is prepared to maximize the research potential of the International Space Station.

It also contains increases for space science to put the Near Earth Object Survey back on track, to promote research in space solar power that will have applications here on Earth, and to offset the cost of NASA's emergency Hubble Space Telescope repair mission.

More importantly, the bill increases funding for NASA's work in advanced space transportation technologies. Last year we learned the perils of launching U.S.-built payloads on foreign rockets. In the last 6 months we have seen a string of launch failures that have reminded us how critical reliable, low-cost access to space is for our economy, our scientific endeavors, and our national security.

H.R. 1654 accelerates and increases the funding for NASA's programs to develop a new generation of space transportation vehicles. The NASA administrator and the head of the U.S. Space Command have both said frequently that this must be a high national priority. H.R. 1654 ensures that it is.

We have developed this bill on a bipartisan basis and reached agreement on a wide range of issues. I think our efforts to work together come through in the bill's list of bipartisan original cosponsors and its bipartisan endorsement by the Committee on Science last week.

There are a few remaining points on which the majority and minority disagree, and I want to thank Members of both parties for working together to iron out most of these over the past few days. For now we may have to agree to disagree on the few outstanding issues that remain, but they should not get in the way of such a sound and comprehensive bill upon which to build our future in space.

Mr. Chairman, I reserve the balance of my time.

Mr. GORDON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would first like to include for the RECORD a letter from Administrator Goldin of the National Aeronautics and Space Administration in which, among other things, he states "NASA strongly opposes House passage of H.R. 1654."

The letter is as follows:

NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION,
Washington, DC, May 19, 1999.

Hon. GEORGE E. BROWN, Jr.,
Ranking Member, Committee on Science, House of Representatives, Washington, DC.

DEAR MR. BROWN: This letter is to provide NASA's views on H.R. 1654, the "National Aeronautics and Space Administration Authorization Act of 1999," authorizing appropriations for FY 2000-2002, as ordered reported by the Committee on May 13, 1999.

NASA strongly opposes House passage of H.R. 1654. The authorization levels in the bill do not conform to the President's request, which is based on a balanced and affordable space and aeronautics program. H.R. 1654 would authorize a total of $13,625.6 million in FY 2000, $13,747.1 million in FY 2001 and $13,839.4 million in FY 2002. As ordered reported, total funding for FY 2000 exceeds the President's request by a net of $47.2 million; total funding for FY 2001 is below the President's request by a net of $82 million. The majority of the additional funding provided is for Life and micro gravity Sciences and Applications, Advanced Space Transportation Technology, and Academic Programs. At the same time, funding authorized in H.R. 1654 reflects significant reductions ($174.4 million in FY 2000, $211.1 million in FY 2001, and $216.6 million in FY 2002) for High Performance Computing and Communications (HPCC) and Information Technology for the 21st century (IT2).

While the Administration recognizes that the Committee strongly supports NASA program efforts for which they have recommended augmentations, such additional spending must be evaluated against the imperative to maintain an overall balance in NASA's aeronautics and space research program and against the impacts resulting from the resulting reductions in other critical programs. Failure to fund NASA's HPCC and IT2 activities in a timely manner would be unacceptable.

NASA appreciates the Committee's authorization of funding for the International Space Station (ISS) Program consistent with the President's request. That request reflects an Administration policy decision to reduce the level of risk to the ISS with a net increase of $1.4 billion over the next five years, to enhance Station budget reserves and to make NASA's Contingency Plan against potential Russian shortfalls more robust. The Committee's support for these efforts is appreciated, and I look forward to continuing to work together on this very important program.

While NASA supports those portions of H.R. 1654 that are consistent with the President's request, we have serious objections to several provisions that are contrary to the President's budget. I request that you and the Committee take NASA's objections, outlined below, into consideration as this bill proceeds through Congress.

TRIANA

NASA and the Administration are greatly disappointed in the Committee's adoption of an amendment (Section 130) terminating the Triana science mission. Triana is good science, was subject to a rigorous peer review process, and will provide the scientific community with valuable research data. We strongly object to the Committee's arbitrary and partisan recommendation to terminate the Triana science mission.

In October 1998, after an exacting peer-review evaluation of nine competing proposals, NASA selected the Scripps Institution of Oceanography as the Principle Investigator for the Triana mission. The Conference Report accompanying the FY 1999 VA-HUD-Independent Agencies Appropriations Act (P.L. 105–276) directed NASA to identify funding for the initiation of Triana as part of NASA's FY 1999 Operating Plan. NASA identified $35 million in the FY 1999 Operating Plan submitted to this and other Committees, and responded to questions thereon. NASA's FY 2000 budget requests $35 million to complete development of Triana, and launch it in December 2000 as a secondary payload on the Space Shuttle.

Triana has sound science objectives and will present valuable practical applications in: solar influences on climate; solar wind and space weather; ultraviolet (UV) radiation effects of clouds, aerosols, and surface radiation; cloud microphysical properties and the effect of solar radiation on climate models; and vegetation canopy measurements, detecting changes in the amount of vegetation-leaf structure, or fraction of covered land.

NASA is also formulating an Earth Science education initiative using Triana imagery, and is planning to issue an open, competitive solicitation for educational tools and applications this fall. NASA has received inquiries from three commercial firms regarding Triana participation. The Scripps Institution of Oceanography is currently working to structure a commercialization approach.

INTERNATIONAL SPACE STATION RESEARCH

Section 101 of H.R. 1654 limits the flexibility of the ISS program to accommodate unforeseen requirements by restricting the use of ISS research funds. Should program difficulties result in further schedule delays, such a restriction could result in research equipment being developed prior to the Station's readiness to accommodate it. This could exacerbate the delay by not allowing the flexibility to shift research funds and address Station contingencies. Such restrictions could, therefore, prolong delays in research flight opportunities and further harm the research community intended to be helped.

EARTH SCIENCE COMMERCIAL DATA ACQUISITION

Section 126 of H.R. 1654 would require that NASA spend $50 million in FY 2001 and FY 2002 for the purchase of commercial remote sensing data. NASA objects to a mandated minimum level of spending for such acquisitions, at the expense of other research opportunities in the Earth Science enterprise. There is no guarantee that such commercial data will be available for acquisition in such amounts stipulated in the bill. NASA should not be precluded from directing its resources in the most efficient and effective manner.

As a matter of policy, NASA's Earth Science Enterprise will not build new missions where commercial data is available at market prices, and the Enterprise has instituted a process under which all Announcements of Opportunity include statements of data buy preferences. The Earth Science Enterprise will release, in the near future, two Requests for Information (RFI's), one for determining sources of Landsat-class observations, and a second for determining sources of tropospheric wind measurements. The Enterprise is also working toward the objective of having each scientific and application research proposal identify the source of data sets required, and including an estimate of the funding requirement for such data sets. This approach is intended to establish a direct dialog between the providers and users of data, and NASA does not have to second-guess the user requirements and unduly constrain the provider's capabilities.

Finally, the NASA Inspector General recently released a report on the Commercial Remote Sensing Program, and concluded "additional congressionally directed data buy programs are not warranted."

TRANS-HAB

Section 128 of H.R. 1654 would prevent NASA from further research on inflatable technology, such as Trans-Hab, which would accommodate humans in space. Inflatable module technology offers the potential for significant stowage volume, crew habitability and safety advantages over current approaches for building pressurized space structures using reinforced aluminum. The technology holds considerable potential for advancement of space exploration. NASA shares the Committee's concern that added cost and risk to the ISS should be avoided. NASA desires to continue to explore potential commercial partnering for the development, construction, and use for the ISS Trans-Hab module. We will not pursue the development of a Trans-Hab module for the ISS unless it can be done through a partnership with industry that results in a cost-neutral solution to the baseline cost for the aluminum Habitation module. Additional technical definition and design work is necessary before potential commercial interests can be assured of the viability of the concepts. H.R. 1654 would preclude any work on this very promising set of technologies.

ULTRA-EFFICIENT ENGINE TECHNOLOGY

I am very concerned that Section 103(4) eliminates the Ultra-Efficient Engine Technology (UEET) program as a Focused Program. We understand that it is the Committee's intent to permit these activities to be conducted within the R&T base. We strongly urge the continuation of this effort as a Focused Program.

UEET as a Focused Program gives all interested parties—other Government agencies (e.g., DoD) and the private sector—assurances that resources have been identified to meet defined goals over a specified period of time. Fully 80% of program funding for UEET will be spent in-house, primarily for the operation of test stands and facilities, in coordination with the ongoing DoD program. The UEET Program is designed to address the most critical propulsion issues: performance and efficiency. The primary benefits of these technologies will be to improve efficiency and reduce emissions for a wide range of civil and military applications.

Loss of the UEET effort could have major consequences for the future competitiveness of the U.S. aircraft engine industry and the U.S. balance of trade. Research associated with understanding the technical issues of engine emissions supports a major portion of U.S. scientific analysis that provides a basis for informed policy making and U.S. influence on international civil aviation policies. Finally, it should be noted that significant interaction and dependencies have been formed over the years in engine technology efforts between NASA's Space Programs, DoD's Acquisition Programs and DOE's Energy Programs; while the impact of the restriction in H.R. 1654 upon these interdependencies has not yet been completely assessed, there will be implications to U.S. strategic interests in these critical areas.

ADMINISTRATION PROPOSALS

H.R. 1654 does not include ten important legislative proposals proposed by the Administration in the draft FY 2000 NASA authorization bill, submitted to the Congress on April 28, 1999. Many of these proposed provisions are legislative "gap fillers"—providing NASA the same authority already provided to the Department of Defense in title 10 of the U.S. Code and to other civilian agencies in title 41 of the U.S. Code.

NASA is covered by the acquisition provisions of title 10, but is frequently overlooked when amendments to that title are enacted. Section 203 of the Administration's bill would provide NASA the same authority as that available to DoD and other civilian agencies to withhold contract payments based on substantial evidence of fraud. Section 209 would make NASA's claim payment process consistent with procedures already required by other law and with those used by other agencies. Section 210 would provide NASA the same authority as that available to DoD and other civilian agencies to exempt contractor proposals from release under the Freedom of Information Act.

The remaining provisions contained in the Administration's bill address the need to adapt NASA's legal authorities to the world in which we now operate. The role of the commercial sector has been ever increasing. With the support of this Committee, NASA has been changing the way it does business, looking for opportunities to engage in joint endeavors with industry, and attempting to leverage the private sector investment in space and aeronautics research and development. These activities present new and different working relationships and legal hurdles. We are asking the private sector to invest not only money, but also ideas. We must be able to protect these ideas from disclosure to competitors—foreign as well as domestic—which have not invested their time or capital. In order to attract industry partners and their investments, we must be able to grant them some form of exclusive right to use the software or other inventions arising from their joint endeavor with us before it is released to the general public. Our space program should benefit not only from the increased investment of private capital, but also from the royalties derived from such licensing authority. We must be able to attract more private investment—and thus reduce the cost to the Government—by being able to transfer title to personal property used in our joint endeavors to the partner whom we are asking to invest the capital. I urge the Committee to incorporate these provisions as the bill progresses through Congress.

HPCC AND IT2

As reported, H.R. 1654 deletes all funding for NASA's High Performance Computing and Communication program (HPCC) and Information Technology for the 21st century (IT2) initiative, including the very important Intelligent Synthesis Environment (ISE) program. Although the Committee has indicated its intent to hold hearings and mark up a separate, multi-agency, "computer research" bill later this year, in the absence of the introduction of a companion measure that fully funds those activities, NASA's support for H.R. 1654 will continue to be qualified.

Not authorizing funding requested for NASA's HPCC and IT2 would essentially remove all of the Agency's research in information technology, and severely impact NASA's remaining programs and missions. Both programs are structured to contribute to broad Federal efforts, but also to address NASA-specific computational, engineering, and science requirements spanning many programs. Not authorizing HPCC and IT2 would severely limit NASA's ability to deliver key capabilities needed to support Earth, space, and aeronautical programs, with impacts such as the following:

Cut Earth and Space Sciences and directly impact NASA's ability to use advanced computing technology to further our ability to predict the dynamic interaction of physical, chemical and biological processes affecting the Earth, the solar-terrestrial environment, and the universe;

Cut Space Science and eliminate NASA's capability to develop low-power, fault-tolerant, high-performance, scaleable computing technology for a new generation of microspacecraft;

Cut Aero-Space Technology and eliminate critical advances in aeronautics algorithms and applications, software, and computing machinery needed to enable more than 1000 fold increases in systems performance in the 21st century;

Cut Aero-Space Technology and limit implementation of the tools and processes for a revolution in engineering practice and science integration in modeling, design, development and execution of all NASA's missions; and,

Cut Space Science and eliminate NASA's Self-Sustaining Robotic Networks program to develop the critical set of technologies necessary to support potential future decisions on establishing outposts of self-tasking, self-repairing, evolvable rover networks at key sites of scientific interest throughout the solar system.

We are preparing a more detailed analysis of additional concerns regarding H.R. 1654, which we believe will hamper our ability to manage our space and aeronautics research programs most effectively. I urge the Committee to consider these concerns as the bill proceeds through the legislative process.

The Office of Management and Budget advises that there is no objection from the standpoint of the Administration's program to submission of this report for the Committee's consideration.

Sincerely,

DANIEL S. GOLDIN,
Administrator.

NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION,
Washington, DC, May 19, 1999.

Hon. BART GORDON,
Ranking Member, Subcommittee on Space and Aeronautics, Committee on Science, House of Representatives, Washington, DC.

DEAR MR. GORDON: This letter is to provide NASA's views on H.R. 1654, the "National Aeronautics and Space Administration Authorization Act of 1999," authorizing appropriations for FY 2000-2002, as ordered reported by the Committee on May 13, 1999.

NASA strongly opposes House passage of H.R. 1654. The authorization levels in the bill do not conform to the President's request, which is based on a balanced and affordable space and aeronautics program. H.R. 1654 would authorize a total of $13,625.6 million in FY 2000, $13,747.1 million in FY 2001 and $13,839.4 million in FY 2002. As ordered reported, total funding for FY 2000 exceeds the President's request by a net of $47.2 million; total funding for FY 2001 is below the President's request by a net of $5.3 million and total funding for FY 2002 exceeds the President's request by a net of $82 million. The majority of the additional funding provided is for Life and Microgravity Sciences and Applications, Advanced Space Transportation Technology, and Academic Programs. At the same time, funding authorized in H.R. 1654 reflects significant reductions ($174.4 million in FY 2000, $211.1 million in FY 2001, and $216.6 million in FY 2002) for High Performance Computing and Communications (HPCC) and Information Technology for the 21st century (IT2).

While the Administration recognizes that the Committee strongly supports NASA program efforts for which they have recommended augmentations, such additional spending must be evaluated against the imperative to maintain an overall balance in NASA's aeronautics and space research program and against the impacts resulting from the resulting reductions in other critical programs. Failure to fund NASA's HPCC and IT2 activities in a timely manner would be unacceptable.

NASA appreciates the Committee's authorization of funding for the International Space Station (ISS) Program consistent with the President's request. That request reflects an Administration policy decision to reduce the level of risk to the ISS with a net increase of $1.4 billion over the next five years, to enhance Station budget reserves and to make NASA's Contingency Plan against potential Russian shortfalls more robust. The Committee's support for these efforts is appreciated, and I look forward to continuing to work together on this very important program.

While NASA supports those portions of H.R. 1654 that are consistent with the President's request, we have serious objections to several provisions that are contrary to the President's budget. I request that you and the Committee take NASA's objections, outlined below, into consideration as this bill proceeds through Congress.

TRIANA

NASA and the Administration are greatly disappointed in the Committee's adoption of an amendment (Section 130) terminating the Triana science mission. Triana is good science, was subject to a rigorous peer review process, and will provide the scientific community with valuable research data. We strongly object to the Committee's arbitrary and partisan recommendation to terminate the Triana science mission.

In October 1998, after an exacting peer-review evaluation of nine competing proposals, NASA selected the Scripps Institution of Oceanography as the Principle Investigator for the Triana mission. The Conference Report accompanying the FY 1999 VA-HUD-Independent Agencies Appropriations Act (P.L. 105-276) directed NASA to identify funding for the initiation of Triana as part of NASA's FY 1999 Operating Plan. NASA identified $35 million in the FY 1999 Operating Plan submitted to this and other Committees, and responded to questions thereon. NASA's FY 2000 budget requests $35 million to complete development of Triana, and launch it in December 2000 as a secondary payload on the Space Shuttle.

Triana has sound science objectives and will present valuable practical applications in: solar influences on climate; solar wind and space weather; ultraviolet (UV) radiation effects of clouds, aerosols, and surface radiation; cloud microphysical properties and the effect of solar radiation on climate models; and vegetation canopy measurements, detecting changes in the amount of vegetation-leaf structure, or fraction of covered land.

NASA is also formulating an Earth Science education initiative using Triana imagery, and is planning to issue an open, competitive solicitation for educational tools and applications this fall. NASA has received inquiries from three commercial firms regarding Triana participation. The Scripps Institution of Oceanography is currently working to structure a commercialization approach.

INTERNATIONAL SPACE STATION RESEARCH

Section 101 of H.R. 1654 limits the flexibility of the ISS program to accommodate unforeseen requirements by restricting the use of ISS research funds. Should program difficulties result in further schedule delays, such a restriction could result in research equipment being developed prior to the Station's readiness to accommodate it. This could exacerbate the delay by not allowing the flexibility to shift research funds and address Station contingencies. Such restriction could, therefore, prolong delays in research flight opportunities and further harm the research community intended to be helped.

EARTH SCIENCE COMMERCIAL DATA ACQUISITION

Section 126 of H.R. 1654 would require that NASA spend $50 million in FY 2001 and FY 2002 for the purchase of commercial remote sensing data. NASA objects to a mandated minimum level of spending for such acquisitions, at the expense of other research opportunities in the Earth Science enterprise. There is no guarantee that such commercial data will be available for acquisition in such amounts stipulated in the bill. NASA should not be precluded from directing its resources in the most efficient and effective manner.

As a matter of policy, NASA's Earth Science Enterprise will not build new missions where commercial data is available at market prices, and the Enterprise has instituted a process under which all Announcements of Opportunity include statements of data buy preferences. The Earth Science Enterprise will release, in the near future, two Requests for Information (RFI's), one for determining sources of Landsat-class observations, and a second for determining sources of tropospheric wind measurements. The Enterprise is also working toward the objective of having each scientific and application research proposal identify the source of data sets required, and including an estimate of the funding requirement for such data sets. This approach is intended to establish a direct dialog between the providers and users of data, and NASA does not have to second-guess the user requirements and unduly constrain the provider's capabilities.

Finally, the NASA Inspector General recently released a report on the Commercial Remote Sensing Program, and concluded "additional congressionally directed data buy programs are not warranted."

TRANS-HAB

Section 128 of H.R. 1654 would prevent NASA from further research on inflatable technology, such as Trans-Hab, which would accommodate humans in space. Inflatable module technology offers the potential for significant stowage volume, crew habitability and safety advantages over current approaches for building pressurized space structures using reinforced aluminum. The technology holds considerable potential for advancement of space exploration. NASA shares the Committee's concern that added cost and risk to the ISS should be avoided. NASA desires to continue to explore potential commercial partnering for the development, construction, and use for the ISS Trans-Hab module. We will not pursue the development of a Trans-Hab module for the ISS unless it can be done through a partnership with industry that results in a cost-neutral solution to the baseline cost for the aluminum Habitation module. Additional technical definition and design work is necessary before potential commercial interests can be assured of the viability of the concepts. H.R. 1654 would preclude any work on this very promising set of technologies.

ULTRA-EFFICIENT ENGINE TECHNOLOGY

I am very concerned that Section 103(4) eliminates the Ultra-Efficient Engine Technology (UEET) program as a Focused Program. We understand that it is the Committee's intent to permit these activities to be conducted within the R&T base. We strongly urge the continuation of this effort as a Focused Program.

UEET as a Focused Program gives all interested parties—other Government agencies (e.g., DoD) and the private sector—assurances that resources have been identified to meet defined goals over a specified period of time. Fully 80% of program funding for UEET will be spent in-house, primarily for the operation of test stands and facilities, in coordination with the ongoing DoD program. The UEET Program is designed to address the most critical propulsion issues: performance and efficiency. The primary benefits to these technologies will be to improve efficiency and reduce emissions for a wide range of civil and military applications.

Loss of the UEET effort could have major consequences for the future competitiveness of the U.S. aircraft engine industry and the U.S. balance of trade. Research associated with understanding the technical issues of engine emissions supports a major portion of U.S. scientific analysis that provides a basis for informed policy making and U.S. influence on international civil aviation policies. Finally, it should be noted that significant interaction and dependencies have been formed over the years in engine technology efforts between NASA's Space Programs, DoD's Acquisition Programs and DOE's Energy Programs; while the impact of the restriction in H.R. 1654 upon these interdependencies has not yet been completely assessed, there will be implications to U.S. strategic interests in these critical areas.

ADMINISTRATION PROPOSALS

H.R. 1654 does not include ten important legislative proposals proposed by the Administration in the draft FY 2000 NASA authorization bill, submitted to the Congress on April 28, 1999. Many of these proposed provisions are legislative "gap fillers"—providing NASA the same authority already provided to the Department of Defense in title 10 of the U.S. Code and to other civilian agencies in title 41 of the U.S. Code.

NASA is covered by the acquisition provisions of title 10, but is frequently overlooked when amendments to that title are enacted. Section 203 of the Administration's bill would provide NASA the same authority as that available to DoD and other civilian agencies to withhold contract payments based on substantial evidence of fraud. Section 209 would make NASA's claim payment process consistent with procedures already required by other law and with those used by other agencies. Section 210 would provide NASA the same authority as that available to DoD and other civilian agencies to exempt contractor proposals from release under the Freedom of Information Act.

The remaining provisions contained in the Administration's bill address the need to adapt NASA's legal authorities to the world in which we now operate. The role of the commercial sector has been ever increasing. With the support of this Committee, NASA has been changing the way it does business, looking for opportunities to engage in joint endeavors with industry, and attempting to leverage the private sector investment in space and aeronautics research and development. These activities present new and different working relationships and legal hurdles. We are asking the private sector to invest not only money, but also ideas. We must be able to protect these ideas from disclosure to competitors—foreign as well as domestic—which have not invested their time or capital. In order to attract industry partners and their investments, we must be able to grant them some form of exclusive right to use the software or other inventions arising from their joint endeavor with us before it is released to the general public. Our space program should benefit not only from the increased investment of private capital, but also from the royalties derived from such licensing authority. We must be able to attract more private investment—and thus reduce the cost to the Government—but being able to transfer title to personal property used in our joint endeavors to the partner whom we are asking to invest the capital. I urge the Committee to incorporate these provisions as the bill progresses through Congress.

HPCC AND IT2

As reported, H.R. 1654 deletes all funding for NASA's High Performance Computing and Communication program (HPCC) and Information Technology for the 21st century (IT2) initiative, including the very important Intelligent Synthesis Environment (ISE) program. Although the Committee has indicated its intent to hold hearings and mark up a separate, multi-agency, "computer research" bill later this year, in the absence of the introduction of a companion measure that fully funds those activities, NASA's support for H.R. 1654 will continue to be qualified.

Not authorizing funding requested for NASA's HPCC and IT2 would essentially remove all of the Agency's research in information technology, and severely impact NASA's remaining programs and missions. Both programs are structured to contribute to broad Federal efforts, but also to address NASA-specific computational, engineering, and science requirements spanning many programs. Not authorizing HPCC and IT2 would severely limit NASA's ability to deliver key capabilities needed to support Earth, space, and aeronautical programs, with impacts such as the following:

Cut Earth and Space Sciences and directly impact NASA's ability to use advanced computing technology to further our ability to predict the dynamic interaction of physical, chemical and biological processes affecting the Earth, the solar-terrestrial environment, and the universe;

Cut Space Science and eliminate NASA's capability to develop low-power, fault-tolerant, high-performance, scaleable computing technology for a new generation of microspacecraft;

Cut Aero-Space Technology and eliminate critical advances in aeronautics algorithms and applications, software, and computing machinery needed to enable more than 1000 fold increases in systems performance in the 21st century;

Cut Aero-Space Technology and limit implementation of the tools and processes for a revolution in engineering practice and science integration in modeling, design, development and execution of all NASA's missions; and,

Cut Space Science and eliminate NASA's Self-Sustaining Robotic Networks program to develop the critical set of technologies necessary to support potential future decisions on establishing outposts of self-tasking, self-repairing, evolvable rover networks at key sites of scientific interest throughout the solar system.

We are preparing a more detailed analysis of additional concerns regarding H.R. 1654, which we believe will hamper our ability to manage our space and aeronautics research programs most efficiently. I urge the Committee to consider these concerns as the bill proceeds through the legislative process.

The Office of Management and Budget advises that there is no objection from the standpoint of the Administration's program to submission of this report for the Committee's consideration.

Sincerely,

DANIEL S. GOLDIN,
Administrator.

Mr. GORDON. Mr. Chairman, I would like to say a few words about H.R. 1654, the NASA Authorization Act. First, I wish to commend Chairman ROHRABACHER for his efforts in developing H.R. 1654. I believe that he made a serious effort to include a number of positive provisions in the bill and to work with the minority.

Thus, while it was by no means a perfect bill, I thought that H.R. 1654 was a reasonably constructive piece of legislation as introduced. In fact, I was a cosponsor of the bill as introduced, with the understanding that we would continue to work to improve its provisions.

At this point I have to say that I do not think that H.R. 1654 is ready for floor consideration. I have not reached this position easily. As a supporter of NASA, I want to provide a solid, fiscally responsible foundation for the space agency's activities. I also want to make sure that we do not micromanage NASA in ways that will hurt its ability to carry out its programs effectively and efficiently. Unfortunately, I think that H.R. 1654 falls short of the mark in meeting these two goals.

The NASA Administrator has sent over a letter outlining a number of serious concerns with the NASA bill. Let me discuss just a few of them. First, there is the absence of any funding for NASA's information technology programs. While we have received some assurance from the chairman of the Committee on Science that authorization of these programs will be done at a later date, I remain concerned. NASA needs to be on the cutting edge of information technology R&D if it is to deliver missions that are both cost-effective and innovative.

Second, H.R. 1654 would prohibit the Ultra Efficient Energy Technology focused program. That program is a new program that is critical to maintaining NASA's capabilities for long-term aircraft engine R&D. It also is critical to maintaining the competitiveness of the U.S. aeronautics industry.

Moreover, the UEET program will offer important benefits to military aviation by conducting important R&D into improved engine performance. I am afraid that H.R. 1654 attempts to micromanage NASA's aeronautics R&D efforts in ways that can do real damage over the long term.

Third, the bill as amended at full committee would cancel the Triana scientific mission. Triana is an Earth observing spacecraft that would deliver both scientific and educational benefits. This mission was selected out of nine competing proposals, and it has undergone scientific peer review. It already was funded in last year's VA-HUD appropriations conference report. If we cancel it now, we would waste $40 million, which is more than it would cost to save it.

Fourth, H.R. 1654 has a provision that would have the effect of holding NASA's Earth science research program hostage to a "data buy" earmark. While I support a healthy commercial remote sensing industry, the bill's provisions will do real harm to NASA's programs while doing little to help grow industry. It is a misguided and ultimately unworkable position.

Fifth, the bill would prohibit NASA from spending any money on the Trans-Hab or other innovative inflatable structure technologies. While I am as careful with taxpayers' dollars as anyone, I do not believe that we should prohibit NASA from doing research to improve our space program.

H.R. 1654's Trans-Hab prohibition would keep NASA from getting the data Congress will need if we are to make informed decisions on these innovative technologies.

Mr. Chairman, I raise these issues not to diminish the efforts of Chairman ROHRABACHER in drafting this bill. I simply believe the bill we have before us today is not ready for prime time. I think that the bill needs more work.

I intend to vote "no" on H.R. 1654 on final passage, and I would urge my colleagues to also oppose the bill.

Mr. Chairman, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from California (Mr. ROHRABACHER), the chairman of the Subcommittee on Space and Aeronautics that handled this bill.

Mr. ROHRABACHER. Mr. Chairman, I thank the gentleman from Wisconsin for allotting me this time.

Mr. Chairman, today the House is considering H.R. 1654, the NASA Authorization Act of 1999, which I am pleased to sponsor. I want to publicly thank the gentleman from Tennessee (Mr. GORDON), the ranking member, for his spirit of cooperation during the process. I am saddened, however, that he is unable to cosponsor the bill and vote for it at this time, but I do understand that there are some areas of disagreement and perhaps some areas that he feels that was not dealt with in the way that he would prefer for it to be dealt with, and I am sorry for that.

But I do think that we do have a spirit of cooperation among the members of the subcommittee, and I am trying my best to maintain that spirit as well as the spirit of cooperation among the staffs on both sides of the aisle. I appreciate the work that they put in to trying to put this bill together, although the gentleman from Tennessee (Mr. GORDON) cannot support it at this time.

It contains one or two controversial provisions, surely. This bill, however, is overwhelmingly bipartisan. At least it was my intent to make it bipartisan. It includes several provisions and modifications that actually came from the Democratic side.

Furthermore, I plan to offer a manager's amendment which will make a few additional refinements, including one that specifically addresses the concerns of the gentleman from Connecticut (Mr. LARSON) who has put a tremendous amount of effort into a project that is very meaningful to his district.

This is not a perfect bill, and I admit that. We have asked for an open rule because we want the House to work its will on this legislation. To the degree that we have an open rule and to the degree there are disagreements, I would hope that the open rule would provide us a way of coming to grips with some of the disagreements that are still in place.

If any government agency belongs to the American people, surely it is NASA. I am committed to NASA's programs and policies, to make sure that they are reflecting the priorities of the people in the United States as reflected here in the House of Representatives, the people's House.

Even so, I believe this piece of legislation is a solid piece of legislation because it sends three messages which are supported by the overwhelming majority of the Committee on Science and I believe the House itself.

First, we tell the President and the appropriators that America's civil space agency should be rewarded for the sacrifices and reforms that it has made over the past several years by providing it a steady increase of 1 percent a year, if you take into account the information technology program that we are authorizing separately.

Secondly, H.R. 1654 sets realistic overall funding levels and real priorities to guide appropriators. We focus additional resources on areas that our hearing record shows are underfunded and which have bipartisan support, including life and microgravity research, advanced space transportation technology, space science, and education.

Third, H.R. 1654 pushes NASA to stay on the road to reform, especially on space privatization and commercialization. We do not want to destabilize the International Space Station or set up programs just to keep people busy. This bill does not micromanage NASA, but it does set clear goals and guides NASA towards them.

Mr. Chairman, in closing let me just say that the other body has already marked up a NASA authorization bill and it should be reported to the floor for consideration soon. So after we complete our business today, I hope we can aggressively move forward to negotiate compromises with the Senate and, for the first time since 1992, enact a NASA authorization into law this year.

Mr. GORDON. Mr. Chairman, I yield 5 minutes to the gentleman from North Carolina (Mr. ETHERIDGE), a leader in education in this body.

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Mr. ETHERIDGE. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise today to discuss an exciting opportunity I think that this NASA authorization bill provides our Nation's schools to promote math and science education.

However, first I would like to say how disappointed I am that this bill has fallen victim I think to some partisan wrangling because it really did start out as a bipartisan bill. It is my hope that, as we go forward to an eventual conference that will take place with the other body, which will pass a bipartisan bill out of their committee, hopefully, very soon, that we can once again act in a bipartisan way and send a bill to the President that he will sign.

With the exception of the conflict over Triana and some other issues, the committee I think has put together a pretty decent bill. I appreciate the majority's willingness to work with me on my concerns in the area of education and to accept the amendments in those areas that I offered in committee, and I want to thank the chairman and the ranking member for their help.

I will vote for H.R. 1654, with the hope and faith that a bipartisan conference report can be brought back before this body before this year is out.

I am proud to discuss an important education initiative contained in this legislation. This bill directs NASA to develop an educational initiative for our Nation's schools in recognition of the 100th anniversary of the first powered flight, which will take place on December 17, 2003.

On that date in 1903, Orville and Wilbur Wright took their dream of powered flight from the drawing board of their Ohio bicycle shop to the Crystal Coast of North Carolina. It was there at a place called Kitty Hawk that the Wright brothers' dream took flight. On that day, our world was changed forever.

The anniversary of this historic accomplishment provides an excellent opportunity for our Nation's schools to promote the importance of math and science education. And as a North Carolinian and a former educator, I am proud to bring recognition to the Wright brothers and their fantastic accomplishment.

As a former North Carolina superintendent of schools, I worked for many years to help improve math and science education in our State. America's future will be determined by the ability of our citizens to adapt to the changes in technology that would dominate life in the 21st century.

Recent studies show, unfortunately, that America's students are falling behind their counterparts around the world in the areas of math and science. As we watch the sun rise on the dawn of a new millennium, it has never been more important to encourage our children to excel in these important areas. It is no longer good enough for our children to simply be able to read, write, add, and subtract. If today's students are going to succeed in tomorrow's jobs, a firm foundation in math and science is required and it is an imperative.

The Committee on Science has taken a leading role in starting a national dialogue on math and science education. One of the most difficult challenges we face has been to interest students in participating in the most challenging math and science courses. That is not unique. It happens in every State. Such a lack of interest could spell doom down the road as fewer students enter the teaching profession in these important areas. And even fewer are prepared for the jobs of the 21st century.

The 100th anniversary of Flight Educational Initiative is intended to use the history of flight, the benefit of flight on society, and the math and science principles used in flight to generate interest among students in math and science education.

As a young boy, like most Americans, the space program captured my imagination. Unfortunately, today video games and other distractions are more likely to occupy the time of our young people than the space program. However, the 100th anniversary of flight and NASA's plans to send a plane to Mars to coincide with that date provides an excellent springboard to recapture our young people's interest in the space program and in math and science education.

Mr. Chairman, I commend the chairman for bringing this bill, authorizing our Nation's space program, to the floor on the same day that the new Star Wars trilogy has opened in our Nation's theaters. Just as the Star Wars movie has captured the imagination of a generation of Americans, NASA and the 100th anniversary of Flight Educational Initiative will help our students sore in math and science education.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. EHLERS), the vice chairman of the committee.

Mr. EHLERS. Mr. Chairman, I thank the gentleman for yielding me the time.

I am very pleased to rise to speak in favor of the bill as presented to the House. The Committee on Science has done a very careful job of analyzing the needs of the NASA program and has come up with a workable allocation of funds.

There are two areas in particular I want to mention. One relates to the work that I put into the science policy study (Unlocking Our Future: Toward a New Science Policy; published by GPO) last year under the auspices of the Science Committee and which has been adopted by the committee and by the House of Representatives. In that study, we emphasized the importance of basic research to the future of this Nation. And I am pleased to say that NASA continues, under this bill, to maintain a strong basic research program.

There has been some criticism that the Space Station has decimated the basic research program at NASA. That is not true. They are continuing with their basic research efforts and they continue to make important discoveries both in space and on this planet.

One of the important parts of this issue, of course, is to make sure that the results of basic research are available to the public, to companies who may make use of it and, that this may benefit the general public in many ways.

The second point I want to make is that I believe NASA has done an excellent job of adding to the education of our students in this Nation regarding math and science. That is an area of great need. We must improve our math and science programs in elementary and secondary schools. It has to be done in a coordinated, thoughtful, careful way as we work toward that goal.

But in the meantime NASA, through its supplementary programs, has aided greatly in the education of students of this Nation. In particular, they have developed experiments that students can do at home or in their schoolroom by accessing NASA data on the Internet and using the results of NASA's satellite research, or data from their Mars Rover, to use in their experiments. This has provided a meaningful, lifetime experience for kids in the elementary and secondary schools. They learn from the Internet what has happened, and they can then use this directly to come to the same scientific conclusion that the NASA scientists operating the experiment have reached.

I rise today in support of H.R. 1654, the NASA Authorization Act. I believe it is a good bill that will continue to support NASA in its science and exploration endeavors while maintaining balance and cost-effectiveness within its priorities. This morning, I would specifically like to address the opportunity provided through this bill to continue NASA's strong and vital emphasis on education initiatives.

As we have discussed earlier this year, our Nation is at a critical juncture in its efforts to provide our children with the quality education that they will require to succeed in the technology-driven economy and culture of tomorrow. To do this, we must find innovative ways to excite and encourage young students about the possibilities open to them through an understanding of mathematics and the sciences. I am not talking strictly about career opportunities, but as consumers, parents and citizens.

NASA has clearly demonstrated their dedication to this responsibility through the multitude of individual programs which they offer to students from grade school to grad school and, importantly, to their teachers. In FY 1998 alone, NASA reached over two million students and over a hundred thousand teachers. Of those, all but a fraction of these students and teachers were at the K–12 level. It is at this level that it is so critical to engage our young people, and it is also at this point that our education system is in need of the most assistance. NASA is offering their help, and they are doing so through the use of inquiry-based methods and real-life applications.

I would also like to highlight that, in developing their educational programs, NASA has shown insight into the complexity of their subject material and the need to balance it with state and regional agendas. To best serve its "customers", NASA collaborators with external organizations such as the National Science Foundation and the Department of Education, discipline-specific professional associations, and State education coalitions to develop materials for local use "when and where appropriate". As another indication of their commitment to providing relevant and useful information, NASA solicits evaluations of their programs from its users, the teachers in the classroom.

In closing, it is my hope that other Federal agencies would follow the example set by NASA in its education goals. As Dan Goldin, the NASA administrator, testified at a recent Science Committee hearing on this issue, "It is our education system that will prepare our future workforce to design and use [the tools for our future]". By supporting this bill, you will enable the continued development and support of these crucial programs.

Mr. GORDON. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Chairman, I would like to thank my good friend from Tennessee for yielding me time to speak this morning.

NASA's mission is one of exploration, discovery, and innovation. The innovation of new technology and the continued understanding of our planet and solar system has led to many advances in science that have benefitted our country and our economy.

When we fund NASA activities, we fund our future. We fund the development of new technologies, and we push our educational limits. Because of this, NASA and their continued innovation has made us the world leader in space exploration.

I stand today, though, reluctantly in support of H.R. 1654 because I do have some serious concerns with some of the provisions and possible amendments to the bill.

First, I applaud the Committee on Science for crafting a bill that does look to increase funding for NASA. However, I am very disappointed that they removed any funding for the continued development study of the Trans-Hab program from the Johnson Space Center.

The Trans-Hab is a proposed replacement for the International Space Station habitation module and uses new inflatable structural technology to house a larger living and work space in the limited payload of the Space Shuttle. As drafted, this bill would hinder the development and eliminate the option of this new technology which would give our astronauts more space to work and to live.

One of NASA's greatest assets is their commitment to providing the private sector with technological assistance through the Technology Outreach Program. The program applies scientific and engineering innovations originally developed for space applications to technical problems experienced by other companies that are in all of our districts.

Through the support of its own research laboratories, NASA has solved technical problems of businesses of all sizes and varieties, from making ink dry faster in the manufacture of American flags to improving the fit of a prosthetic foot.

I also know that NASA provides educational assistance and leadership in math and science education and particularly at the Johnson Space Center in Houston. My district is not in that area but it is close, and over the last 2 years I have had two astronauts, Dr. Ellen Ochoa and Dr. Franklin Chang-Diaz, astronauts who took time to spend the day with me in middle schools in my district in Houston, and they motivate students to take math and science.

The schools that participated include Grantham Middle School, Woodland Acres Middle School, Edison Middle School in Houston Independent School District, Burbank in HISD, Galena Park Middle School in Galena Park School District, and Hambrick Middle School.

Watching these 7th and 8th graders, Mr. Chairman, with the astronauts is very rewarding and educational. It is my hope that when these middle school students go to high school they will then be energized to take math and science.

Again, I reluctantly support H.R. 1654. I hope we will continue to work on this legislation and make it better by providing funding for the Trans-Hab project and for the Triana satellite.

Mr. SENSENBRENNER. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. WELDON) the vice chair of the subcommittee.

Mr. WELDON of Florida. Mr. Chairman, I thank the chairman for yielding me this time, and I rise in support of this bill.

I commend the chairman and the ranking member for crafting a bill that I think all Members should be able to support. In particular, I want to commend them for the funding that they have provided for authorized in this bill for ongoing improvements in the Shuttle and Shuttle upgrades. By enhancing the performance of the Shuttle, we can ultimately in the end have a manned space flight system that will perform more safely and more efficiently, clearly something that is in the interest of the American taxpayers.

I am, additionally, pleased for the additional funding for the Space Station program. We now have a large amount of Space Station hardware in the Space Station Processing Facility at Kennedy Space Center that is being tested and that is ready for launch.

I would like to clarify my position on the issue regarding the satellite Triana and why I chose to introduce the amendment in committee calling for the elimination of this program.

I certainly do not enjoy introducing partisanship into a bill that is normally considered to be a nonpartisan issue. But I want Members on both sides of the aisle to know that, in the fall of 1997, it was announced by NASA that they were going to have to lay off 600 people at Kennedy Space Center because of a $100 million funding shortfall.

These layoffs did proceed to go ahead in the winter of 1998. And it was approximately around that time I believe that the President had his dream, the vision for Triana, and NASA was very quickly able to fund tens of millions of dollars to go towards this program and is now looking for the additional funds authorized to complete it.

I personally felt to do nothing and say nothing about this, in light of what happened to the men and women who got laid off in my district, would be an insult.

Now, some people may say, "Well, congressman, if the Shuttle can continue to fly safely and efficiently with 600 fewer people, then we ought to go ahead and let that happen." But I want Members on both sides of the aisle to be aware that the Shuttle managers tell me the principal reason that they are able to continue to fly safely with that many fewer people is because the launch rates are way, way down to only maybe four flights a year because of the delays. And the Shuttle managers tell me that, as we go back up to eight and nine flights a year, as is hoped as the Space Station program gets back on track, that they may need to actually go out and hire additional people to keep the program flying safely.

So I believe that, to me, it was really an insult to the working men and women out at Kennedy Space Center for the agency to be laying off hundreds of people on one day and then finding tens of millions of dollars to fulfill a vision for the vice president.

I have a chart over there that I would like to show later that clearly spells out that we can right now, using current technology, produce an image of the Earth using existing satellite images. And this program was just not necessary and, therefore, I would encourage all my colleagues to support not funding it.

Mr. GORDON. Mr. Chairman, I yield myself such time as I may consume.

Although I appreciate the comments of my friend from Florida, I think it is ironic that he is concerned about laid off NASA employees yet he is not concerned about the fact that, by his amendment, we are going to waste more money canceling the program than has already been spent and he does not seem to be concerned about those employees and those scientific projects that are going to be laid off and missing because of his amendment. It is really, I think, a disingenuous argument, totally parochial, totally partisan; and this bill and this committee deserves better.

Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. COSTELLO).

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Mr. COSTELLO. I thank the gentleman from Tennessee for yielding me this time.

Mr. Chairman, I rise in reluctant opposition to the NASA authorization bill before us today. This bill before us today cancels the Triana spacecraft mission. Last year, this Congress approved $35 million for Triana. The Triana project was competitively awarded and its scientific content has been peer reviewed. It offers important scientific and educational benefits.

Next, the bill prohibits funding for the high performance computing and other information technology initiatives contained in the President's request. Although the gentleman from Wisconsin has agreed to provide for those activities in a forthcoming bill, I want to make it clear that I believe that NASA needs these funds. I support their inclusion within the NASA budget.

Another area of concern in this bill is the prohibition against any funding for the ultraefficient engine technology focus program. Long-term R&D efforts in engine technology, including the construction of engineering models when appropriate, are vitally important to both our national security and to continued competitiveness in worldwide aerospace markets. We should not abandon those efforts.

In addition, I support NASA's aviation safety and system capacity research as well as research directed toward aircraft noise and emission reduction. For these reasons, Mr. Chairman, I will vote against this legislation and ask that it be sent back to the committee to address these important issues.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. GARY MILLER).

Mr. GARY MILLER of California. Mr. Chairman, I rise today in strong support of H.R. 1654, the National Aeronautics and Space Administration Authorization Act of 1999. I would like to thank the sponsors of this bill, the gentleman from California (Mr. ROHRABACHER), the gentleman from California (Mr. BROWN), the gentleman from Tennessee (Mr. GORDON), the gentleman from Florida (Mr. WELDON), the gentleman from Utah (Mr. COOK), the gentleman from Washington (Mr. NETHERCUTT) and the gentleman from North Carolina (Mr. ETHERIDGE) for their leadership on this issue.

As a member of the Committee on Science, I am especially pleased with H.R. 1654 because it will be the first reauthorization legislation for NASA spending since 1992. The administration has cut NASA's budget 6 years in a row, leaving the agency to do much more with much less. I commend NASA for rising to the occasion by streamlining and reforming its projects. However, this history of chipping away at NASA's budget is proving to be detrimental to our Nation's technological research and development. To reverse this trend, H.R. 1654 provides increased funding for NASA's programs critical to maintaining and advancing our leadership in space, science and technology through fiscal year 2002, for investing in science and technology today serves to create a better tomorrow for everyone.

At the same time, H.R. 1654 continues to promote the fiscal discipline in our space programs. For example, this legislation fully funds NASA's request for the International Space Station and Space Shuttle operations but it prohibits funding for Trans-Hab as a replacement for the station's habitation module because of its higher cost. H.R. 1654 also redirects funding for the controversial, untested Triana satellite program, which would transmit new pictures of the Earth to the Internet, toward cutting-edge microgravity research that will be used to support human exploration and development of space enterprise. This is a far more useful investment than the $75 million plus Triana screen saver.

A final attribute of this legislation is its commitment of NASA resources to science education. H.R. 1654 allots $20 million for the continuation of the highly successful National Space Grant College and Fellowship Program. This program uses the assets of NASA for education and public service purposes. It has been a highly innovative leader in California, bringing together community-based alliances composed of educational institutions, industry and government to work together on projects which are both related to space and are of community importance. The student-mentor process involved in this program has shown significant results in workforce preparation and science literacy. Once again I urge my colleagues to vote in favor of this bill.

Mr. GORDON. Mr. Chairman, I yield 4 minutes to my classmate, the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Chairman, I have never failed to vote for a bill from this committee of significance. I have eaten some tough votes by some neighboring politicians who have come back and talked about the pork in space, in the Space Station. I have been beat up pretty good on the votes. I am going to vote "no" on this bill today. It takes a new and efficient engine technology that is at the John Glenn Center in Cleveland, formerly Lewis, and takes it out of this bill, and I will oppose it.

My purpose standing here today is I am offering a couple of amendments. They are basically sense of the Congress, because, you know what? Congress does not do a whole hell of a lot here. So we are going to encourage them. The encouragement is basically this. If NASA is going to develop any new programs or facilities, do not do them at the existing bases. Take NASA to the people. When you have a supplemental like we had last night, everybody has some of the military and they feel an alignment and a personal relationship with our Pentagon and military structure. That does not exist here at NASA. NASA is a program for America, but it is located in very few facilities, and I think it is good political wisdom and common sense to open this program up to the people.

The Traficant amendment says, whenever possible, on these new facilities, look at other sites other than existing sites and look at those depressed communities that could become a part of this great national program. Look, this ivory tower business is over. These accidents have brought NASA down to earth. Now we are looking at a tough budget climate trying to carve out money.

I will say this to the gentleman from Wisconsin. He has done a remarkable job. This vote is no reflection on his efforts. I think he has done a great job and he is a great chairman of this committee. But I want this committee to look back at that engine technology at the John Glenn Center. I think it is good for the future, and I think it is something in conference you should look at very seriously.

Finally, the second amendment says, buy American wherever you can. I know the committee is working with this, but I do not know how many of my colleagues saw and heard the news from last night. A classified report says Russia is spying on America in the Balkans and sharing the fruits of their gain with Milosevic. How much more money are we going to give to the Russians? How much more technology transfers are there going to be through open, goodhearted, good-faith, spirited work with Russia? I think if these participating countries do not pay, they should be thrown out of the program. If

American taxpayers are going to finance these projects, then dammit, save that technology and keep it here.

So the two amendments are straightforward. I would appreciate Members' support on them. But I would appreciate looking at that engine technology that will be taken from the John Glenn Center. Just remember that. The John Glenn Space Center in Cleveland, Ohio, that is a tremendous program up there and that is a tremendous project. I would appreciate it if you would look at that.

Mr. GORDON. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, when I read the Washington Post this morning, I learned that the Vice President's spokesman had called the majority a party of troglodytes because we think it is more important to spend $32 million on medical research than on funding the Vice President's late night inspiration for a multimillion-dollar screen saver called Triana. Personally, I do not think that making medical research a higher priority is a reason to descend into name calling.

I am disappointed, however, that the minority in this Chamber has decided to transform a matter of priority-setting into a partisan political dispute. I thought better of them. That is why I have worked for the last 2½ years to mend fences and to build a sense of bipartisanship on the Committee on Science. For the majority members of the Committee on Science, that meant compromising with the minority and trying to bridge the differences between us. I thought we had made a good-faith effort to do that.

In developing the NASA authorization bill in committee, we made 13 separate changes to accommodate the minority even before the bill was introduced. We rewrote findings on international cooperation that the committee endorsed for 4 years. But when the minority changed its mind, we changed the language at their request.

We added findings on the importance of the Deep Space Network at the request of the minority. We added findings on the Hubble space telescope at the request of the minority. We changed language authorizing upgrades to the Space Shuttle and prohibited obligation of those Shuttle funds pending a report, at the request of the minority. We added funding for space science to offset the added costs associated with an emergency repair mission for the Hubble space telescope, at the request of the minority.

We delayed implementation of the small demonstration program of space science data purchases until fiscal year 2002, at the request of the minority. We reduced the level and details of increased funding for advanced space transportation, at the request of the minority. We changed the language requiring NASA to conduct earth science data purchases, at the request of the minority.

That did not satisfy them. But they made no effort to meet us halfway. We changed the requirement that NASA consider the impact of its international missions on the competitiveness of the U.S. space industry, at the request of the minority. We removed two positions related to the consolidated space operations contract, at the request of the minority.

We rewrote a section directing NASA to begin prioritizing Shuttle upgrades, at the request of the minority. We added a new section establishing in law a White House technology program for human space flight, at the request of the minority. By the way, if we were interested in making this a partisan bill at the Vice President's expense, we never would have done any of that.

In the committee markup, we accepted an amendment increasing funding for space grant universities, by the minority. We accepted an amendment increasing funding for historically black colleges and universities, at the request of the minority. We accepted an amendment changing NASA's educational responsibilities, at the request of the minority. We accepted an amendment on report language, at the request of the minority. And for the last week, the subcommittee chairman and I have been working with other minority members to add or change report language and develop colloquies to support their goals.

How does the minority respond to all of these efforts? Its presidential candidate calls us troglodytes. Democrats withdrew their names as cosponsors of the bill and withdrew their support increasing NASA's budget over the President's request, and the minority mobilizes to defeat the bill along partisan lines, at the same time complaining that we should add more money, add more money, to some of these other programs.

Now, I would hope that we can rise above such tactics and agree to disagree on the one issue that still divides us. This bill increases NASA's funding over the level of the President's request and contains many changes requested by the minority. It should be passed on a bipartisan basis.

Mr. GORDON. Mr. Chairman, will the gentleman yield?

Mr. SENSENBRENNER. I yield to the gentleman from Tennessee.

Mr. GORDON. Mr. Chairman, let me first concur with the fact that the gentleman has brought a much better atmosphere to our committee. I think that we are working in a much better way. We need to since, when we think, there has not been a bill passed since 1992. Certainly there needs to be some improvements.

Let me also point out that the gentleman said, and he went through a litany, a variety of acceptances of the majority to minority position. Let us put this in perspective. There was never a subcommittee markup. The minority was given a bill 10 days in advance and said, "Here it is." So I hardly think that it is a mammoth undertaking that the majority would accept some positive. I think constructive ways to make this bill better so we can get it passed in a bipartisan way.

Mr. SENSENBRENNER. Reclaiming my time, I think the gentleman from Tennessee is rewriting history a bit. We gave them a draft of the bill. Before it was introduced there were 13 separate changes made to the text of the bill at the request of the minority, as has been the policy of this chairman of the Committee on Science, to try and narrow some issues and to be as bipartisan as possible and where there is a disagreement, to be able to fight those out and to debate the issue on the merits.

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Now we did not call anybody any names during the committee markup or afterwards, and it wrecks the bipartisan nature of dealing with NASA and supporting NASA when I pick up the Washington Post this morning and see the Vice President's spokesman calling the majority party a bunch of dinosaurs because we have a disagreement over the Triana program. Our priority is to put money that my colleagues want to go into Triana into medical research, and that was the amendment that was adopted when the Committee on Science marked this bill up. This may be a legitimate disagreement where we think we should put more money into medical research and less into Triana.

But dealing with the budget, and that is what an authorization bill is, is dealing with priorities. I will lay my priorities against my colleague's priorities, the gentleman from Tennessee, but he ought to tell his former senator and his spokesman that when we have got a disagreement in priorities let us not devolve into name calling.

Mr. GORDON. Mr. Chairman, will the gentleman yield?

Mr. SENSENBRENNER. I yield to the gentleman from Tennessee.

Mr. GORDON. Mr. Chairman, let me again concur that this should be about issues, not name calling, and I completely agree with the gentleman. I suspect part of this probably resulted from the fact that the chairman of the Republican National Committee had earlier released news releases condemning it and calling the Vice President names. That was wrong, and it was wrong on each side.

As my colleagues know, this is about issues. As my colleague pointed out, this is about a variety of disagreements, this is about trying to get the best bill possible, and we should rise above name calling, and I had no part in that, but I would offer my apologies for anything that goes beyond the real merits of this bill.

Mr. SENSENBRENNER. Reclaiming my time, Mr. Chairman, I would hope the gentleman from Tennessee would tap his predecessor on the shoulder and tell him to discipline his staff a little bit more, not calling people who are on the Committee on Science and dealing with the issues of setting priorities in good faith the names that appeared in the paper this morning.

Mr. GORDON. If I can just finally thank the gentleman for explaining what that term meant? I read it, but I did not know what it meant, so I thank him for that definition.

Mr. KUCINICH. Mr. Chairman, the last time the Congress sent a NASA Authorization Bill to the President was in 1992. Since then the appropriators have worked, year after year, to analyze the needs of NASA and allocate those funds necessary to maintain our nation's aeronautics and space priorities. 1999 looked like the year that the authorizers in the House Science Committee would step up to the plate. In this regard I would like to commend Chairman JAMES SENSENBRENNER and Subcommittee Chairman DANA ROHRABACHER for putting together H.R. 1654 and presenting it to this body.

This original bill eliminated funding for the Ultra-Efficient Engine Technology Program, a focused program by NASA that will set the stage for the development of revolutionary new aircraft engines. The UEET continues the aeronautics research that NASA has pursued for many years, and it deserves widespread support.

First, the UEET is important to the environment. The advanced engines being developed will produce less emissions that are harmful to the environment, and this goal is essential to allow US aircraft to compete with those manufactured in Europe. The next generation of engines will also be quieter, a big step forward for neighborhoods located around airports.

The UEET is also important to consumers and the flying public. Advanced engines will use fuel more efficiently, helping to keep down ticket prices.

The UEET is also important to the competitive position of major American firms. The aerospace and aeronautics industry is one of the few American industries still dominated by US firms in the global marketplace. But that leadership is threatened by foreign manufacturers, working hand-in-glove with foreign governments that provide huge subsidies. We must compete and survive on the basis of high technology and the most sophisticated research available. We must develop the aircraft engines that will allow US airplanes to fly into European airports. This is a major sector of our economy, and hundreds of thousands of high skill jobs hang in the balance.

Finally, Mr. Chairman, the UEET is closely related to our national security and the future of military aircraft. Since its development several years ago, the UEET has been coordinated with the Department of Defense and its High Performance Turbine Engine Program. By supporting the UEET, this Congress is supporting the sort of advanced aircraft that foster our national defense. I join with Representative JAMES TRAFICANT and Representative STEVEN C. LATOURETTE in supporting an amendment to remove the language from the bill that cut funding for this program.

Originally, the bill also cut funding for NASA's Aircraft Noise Research Program. The results of this research are essential to protecting people who live near airports nationwide. Continued funding of the UEET and the Aircraft Noise Reduction programs will ensure that new aircraft will be quieter and less disruptive for people who live near airports.

Air travel is increasing at a dramatic rate across the country. The economy is good; airline ticket prices are affordable; airlines are serving more and more airports. Cleveland Hopkins International Airport, which is in my congressional district, is expected to experience an increase of 200 daily flights this summer. 200 more flights means that the residents and schools surrounding the airport will experience 200 times the aircraft noise. The current level of aircraft noise is already very disruptive to these people's lives, and an increase will cause them even more suffering.

I joined with Representative ANTHONY WEINER in supporting an amendment to restore NASA's Aircraft Noise Research program to last year's funding level by adding $11 million in FY 2000, $10 million in 2001 and $8.5 million in 2002. NASA has set a goal of reducing aircraft noise by one-half over the next ten years. Without full funding, this goal will not be attained. Great strides have already been made in making aircraft engines quieter and more efficient. By maintaining funding for the Noise Research program, we can ensure that the next phase of engines, State IV, will soon be able to provide relief to neighborhoods and schools surrounding airports.

Mr. NETHERCUTT. Mr. Chairman, I submit the following letters for the RECORD:

DEAR CONGRESSMAN NETHERCUTT: Without support for life science research, the investment in the Space Station won't pay off. Just as the National Institutes of Health long-term commitment to basic research has revolutionized medicine, NASA can do the same for maintaining people in space. As president-elect of the American Society for Gravitational and Space Biology, I encourage you to support the $32 million increase in the life science research budget (HR 1654). We strongly oppose any amendment to strike those funds.

Life science research at NASA benefits more than our space program. The problems seen during and after spaceflight—trouble with balance, muscle loss, bone loss, low blood pressure and radiation damage to cells—affect millions on the ground too. The basic research on how the body senses and adapts to gravity will pay off in the long run against problems like osteoporosis and balance disorders.

Recently, I flew in space on the Neurolab Space Shuttle mission (STS–90). This dedicated life sciences mission demonstrated the quality and importance of the science that NASA can do in space. The results from this mission's experiments on balance, sleep, blood pressure and nervous system development are changing how we understand the brain and nervous system.

NASA's and the United States' goal is to keep people in space for longer periods of time and we need to learn how to do it effectively. The key to this is a strong research program that (1) maintains an active ground-based research program with a 9–10/1 ground to flight experiment ratio, (2) supports new students and fellows (I personally started my career with a NASA-supported fellowship program), (3) increases the percentage of high-scoring scientific proposals that can be funded (the current level is quite low).

We appreciate the support life science research has received in the past and encourage you to vote to increase funding for research that will be the foundation for success on the International Space Station.

Sincerely,

JAY C. BUCKEY, JR., M.D.,
President-Elect, American Society for Gravitational and Space Biology.

JUVENILE DIABETES FOUNDATION INTERNATIONAL, THE DIABETES RESEARCH FOUNDATION,
May 19, 1999.

Hon. GEORGE R. NETHERCUTT, Jr.,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN NETHERCUTT: On behalf of the Juvenile Diabetes Foundation International (JDF), I wish to express our support for increased funding for NASA's Office of Life and Microgravity Science.

As you know, JDF enjoys a mutually beneficial relationship with NASA to conduct diabetes research. The JDF–NASA partnership has successfully led to research projects exploring diabetes-related eye disease, noninvasive blood glucose sensors, islet cell transplantation and other areas of research that may benefit people with diabetes. Your role as Co-Chairman of the Congressional Diabetes Caucus has continued to reinforce this essential partnership.

I applaud your championing of sound and scientific medical research policies. I hope that your work to increase funding for Life and Microgravity science research will speed the path to a cure for diabetes and its complications. I realize that funding decisions are difficult because many of the programs are meritorious and promising. However, the JDF and I are thankful that you have made finding cures for disease and saving lives your priority in Congress.

Sincerely,

LEAH MULLIN,
Chair, Government Relations Committee.

Mr. HOYER. Mr. Chairman, I rise today in opposition to H.R. 1654, the NASA Authorization Bill. Although the bill authorizes funding for NASA's priorities including the International Space Station, the Space Shuttle Program and the Hubble Space Telescope, I am concerned with the bill's provision barring funding for the Triana Satellite, a project directed by the Scripps Institution of Oceanography in La Jolla, California in conjunction with the Goddard Space Flight Center in Greenbelt, Maryland.

The Triana Mission, named for the sailor on Columbus' voyage who first spotted the New World, will provide not only a real-time view of the Earth for distribution on the internet, but will also include instruments to study solar influences on climate, ultraviolet radiation, space weather, the microphysical properties of clouds, and the measurement of vegetation canopies. $35 million is already being spent on this project in FY'99 and researchers and scientists at Goddard Space Flight Center are working hard on the design of the spacecraft and the ground system for the satellite as well as providing program integration and support.

I am disappointed that this important project has become mired in a partisan debate over the Vice President's involvement.

Despite the absence of the Triana program, the bill does support many worthwhile programs important to NASA and to the Goddard Space Flight Center. With continued funding of projects in the fields of earth and space science like funding for the Earth Orbiting System (EOS) and an additional $30 million in FY'00 for the Hubble Space Telescope servicing mission, the bill authorizes funding crucial to these programs' continued success.

The bill also authorizes funding to repair an aging infrastructure at Goddard. The $2.9 million for repair of the steam distribution network and $3.9 million for chilled water distribution are key construction projects for maintaining the Space Flight Center's status as one of NASA's premier facilities.

Despite the many beneficial projects in this authorization bill, I cannot support a bill that puts politics before programs intended to provide a better understanding of our last true frontier.

Mr. STEARNS. Mr. Chairman, in 1803, President Thomas Jefferson successfully gained approval from Congress for a truly visionary project. This project was to become one of America's greatest explorations. Congress appropriated funds for the small U.S. Army unit, led by Lewis and Clark, to explore the Missouri and Columbia rivers. From this exploration, we gained invaluable information for future settlement.

Exploration is as engrained into American heritage as freedom is. America is a nation that has been supportive of exploration from our earliest years. Congress is again challenged to appropriate funding for America's continued exploration. The return we receive from every dollar we invest in space exploration is an average of 9 dollars. Space exploration is an extraordinary investment.

For the last ten years, I have had the privilege of aiding in the continuation of American exploration. The Space Program is one of the most important areas of exploration that we can support. The benefits of the space program to improving human life are innumerable.

Two of the more important results to me personally are in the health field—pacemakers and laser eye surgery. Pacemakers have saved thousands of lives, including the life of one of my staff's father. The technology gained by electronics testing during space flights is priceless. The innovations implemented after space testing has revolutionized life for thousands with pacemakers.

Another life improving benefit is laser eye surgery. Lasers being developed by NASA would aid in the early detection of eye disease and spot cataracts before they are severe enough to require surgery. Cataracts in Florida, especially among the elderly are a constant threat, but thanks to a NASA-developed laser light, opthamologists are beginning clinical trials on investigating the early formation, detection and treatment of cataracts.

These examples barely scratch the surface. I could continue listing benefits, but time will simply not allow it. The technology created from the space program will improve the lives of all Americans—in many ways—and will be the basis for profound technological advances for generations to come.

The space program deserves our continued support.

Mr. GOODLING. Mr. Chairman, I rise to address provisions added to H.R. 1654, which are in the jurisdiction of the Committee on Education and the Workforce, specifically Section 219, the "100th Anniversary of Flight Educational Initiative."

I wish to thank the Chairman of the Science Committee and the Chairman of the Subcommittee on Space and Aeronautics, Mr. ROHRABACHER, for working with me to modify this section. The provision, as originally adopted by the Committee on Science, would have called for federal curriculum development regarding a specific subject matter. As I have been an opponent of federal involvement in curriculum development and as Section 438 of the General Education Provisions Act currently prohibits such federal activity, I am pleased that these provisions have been modified to recognize the importance of educating our nation's children regarding the 100th Anniversary of Powered Flight, without the intrusion of oppressive federal authority. Again, I wish to thank the gentleman for working with me and the Committee on Education and the Workforce and I look forward to working with you in conference negotiations with the other body.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 1654

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National Aeronautics and Space Administration Authorization Act of 1999".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

Subtitle A—Authorizations

Sec. 101. International Space Station.
Sec. 102. Launch Vehicle and Payload Operations.
Sec. 103. Science, Aeronautics, and Technology.
Sec. 104. Mission Support.
Sec. 105. Inspector General.
Sec. 106. Total authorization.
Sec. 107. Aviation systems capacity.

Subtitle B—Limitations and Special Authority

Sec. 121. Use of funds for construction.
Sec. 122. Availability of appropriated amounts.
Sec. 123. Reprogramming for construction of facilities.
Sec. 124. Limitation on obligation of unauthorized appropriations.
Sec. 125. Use of funds for scientific consultations or extraordinary expenses.
Sec. 126. Earth science limitation.
Sec. 127. Competitiveness and international cooperation.
Sec. 128. Trans-hab.
Sec. 129. Consolidated Space Operations Contract.
Sec. 130. Triana funding prohibition.

TITLE II—MISCELLANEOUS PROVISIONS

Sec. 201. Requirement for independent cost analysis.
Sec. 202. National Aeronautics and Space Act of 1958 amendments.
Sec. 203. Commercial space goods and services.
Sec. 204. Cost effectiveness calculations.
Sec. 205. Foreign contract limitation.
Sec. 206. Authority to reduce or suspend contract payments based on substantial evidence of fraud.
Sec. 207. Space Shuttle upgrade study.
Sec. 208. Aero-space transportation technology integration.
Sec. 209. Definitions of commercial space policy terms.
Sec. 210. External tank opportunities study.
Sec. 211. Eligibility for awards.
Sec. 212. Notice.
Sec. 213. Unitary Wind Tunnel Plan Act of 1949 amendments.
Sec. 214. Innovative technologies for human space flight.
Sec. 215. Life in the universe.
Sec. 216. Research on International Space Station.
Sec. 217. Remote sensing for agricultural and resource management.
Sec. 218. Integrated safety research plan.
Sec. 219. 100th anniversary of flight educational initiative.
Sec. 220. Internet availability of information.

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The National Aeronautics and Space Administration should continue to pursue actions and reforms directed at reducing institutional costs, including management restructuring, facility consolidation, procurement reform, and convergence with defense and commercial sector systems.

(2) The National Aeronautics and Space Administration must continue on its current course of returning to its proud history as the Nation's leader in basic scientific, air, and space research.

(3) The overwhelming preponderance of the Federal Government's requirements for routine, unmanned space transportation can be met most effectively, efficiently, and economically by a free and competitive market in privately developed and operated space transportation services.

(4) In formulating a national space transportation service policy, the National Aeronautics and Space Administration should aggressively promote the pursuit by commercial providers of development of advanced space transportation technologies including reusable space vehicles, and human space systems.

(5) The Federal Government should invest in the types of research and innovative technology in which United States commercial providers do not invest, while avoiding competition with the activities in which United States commercial providers do invest.

(6) International cooperation in space exploration and science activities serves the United States national interest—

(A) when it—

(i) reduces the cost of undertaking missions the United States Government would pursue unilaterally;

(ii) enables the United States to pursue missions that it could not otherwise afford to pursue unilaterally; or

(iii) enhances United States capabilities to use and develop space for the benefit of United States citizens; and

(B) when it—

(i) is undertaken in a manner that is sensitive to the desire of United States commercial providers to develop or explore space commercially;

(ii) is consistent with the need for Federal agencies to use space to complete their missions; and

(iii) is carried out in a manner consistent with United States export control laws.

(7) The National Aeronautics and Space Administration and the Department of Defense can cooperate more effectively in leveraging their mutual capabilities to conduct joint space missions that improve United States space capabilities and reduce the cost of conducting space missions.

(8) The Deep Space Network will continue to be a critically important part of the Nation's scientific and exploration infrastructure in the coming decades, and the National Aeronautics and Space Administration should ensure that the Network is adequately maintained and that upgrades required to support future missions are undertaken in a timely manner.

(9) The Hubble Space Telescope has proven to be an important national astronomical research facility that is revolutionizing our understanding of the universe and should be kept productive, and its capabilities should be maintained and enhanced as appropriate to serve as a scientific bridge to the next generation of space-based observatories.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) the term "Administrator" means the Administrator of the National Aeronautics and Space Administration;

(2) the term "commercial provider" means any person providing space transportation services or other space-related activities, primary control of which is held by persons other than Federal, State, local, and foreign governments;

(3) the term "institution of higher education" has the meaning given such term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a));

(4) the term "State" means each of the several States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other commonwealth, territory, or possession of the United States; and

(5) the term "United States commercial provider" means a commercial provider, organized under the laws of the United States or of a State, which is—

(A) more than 50 percent owned by United States nationals; or

(B) a subsidiary of a foreign company and the Secretary of Commerce finds that—

(i) such subsidiary has in the past evidenced a substantial commitment to the United States market through—

(I) investments in the United States in long-term research, development, and manufacturing (including the manufacture of major components and subassemblies); and

(II) significant contributions to employment in the United States; and

(ii) the country or countries in which such foreign company is incorporated or organized, and, if appropriate, in which it principally conducts its business, affords reciprocal treatment to companies described in subparagraph (A) comparable to that afforded to such foreign company's subsidiary in the United States, as evidenced by—

(I) providing comparable opportunities for companies described in subparagraph (A) to participate in Government sponsored research and development similar to that authorized under this Act;

(II) providing no barriers to companies described in subparagraph (A) with respect to local investment opportunities that are not provided to foreign companies in the United States; and

(III) providing adequate and effective protection for the intellectual property rights of companies described in subparagraph (A).

TITLE I—AUTHORIZATION OF APPROPRIATIONS

Subtitle A—Authorizations

SEC. 101. INTERNATIONAL SPACE STATION.

There are authorized to be appropriated to the National Aeronautics and Space Administration for International Space Station—

(1) for fiscal year 2000, $2,482,700,000, of which $394,400,000, notwithstanding section 121(a)—

(A) shall only be for Space Station research or for the purposes described in section 103(2); and

(B) shall be administered by the Office of Life and Microgravity Sciences and Applications;

(2) for fiscal year 2001, $2,328,000,000, of which $465,400,000, notwithstanding section 121(a)—

(A) shall only be for Space Station research or for the purposes described in section 103(2); and

(B) shall be administered by the Office of Life and Microgravity Sciences and Applications; and

(3) for fiscal year 2002, $2,091,000,000, of which $469,200,000, notwithstanding section 121(a)—

(A) shall only be for Space Station research or for the purposes described in section 103(2); and

(B) shall be administered by the Office of Life and Microgravity Sciences and Applications.

SEC. 102. LAUNCH VEHICLE AND PAYLOAD OPERATIONS.

There are authorized to be appropriated to the National Aeronautics and Space Administration for Launch Vehicle and Payload Operations the following amounts:

(1) For Space Shuttle Operations—

(A) for fiscal year 2000, $2,547,400,000;

(B) for fiscal year 2001, $2,649,900,000; and

(C) for fiscal year 2002, $2,629,000,000.

(2) For Space Shuttle Safety and Performance Upgrades—

(A) for fiscal year 2000, $456,800,000, of which $18,000,000 shall not be obligated until 45 days after the report required by section 207 has been submitted to the Congress;

(B) for fiscal year 2001, $407,200,000; and

(C) for fiscal year 2002, $414,000,000.

(3) For Payload and Utilization Operations—

(A) for fiscal year 2000, $169,100,000;

(B) for fiscal year 2001, $182,900,000; and

(C) for fiscal year 2002, $184,500,000.

SEC. 103. SCIENCE, AERONAUTICS, AND TECHNOLOGY.

There are authorized to be appropriated to the National Aeronautics and Space Administration for Science, Aeronautics, and Technology the following amounts:

(1) For Space Science—

(A) for fiscal year 2000, $2,202,400,000, of which—

(i) $10,500,000 shall be for the Near Earth Object Survey;

(ii) $472,000,000 shall be for the Research Program;

(iii) $12,000,000 shall be for Space Solar Power technology; and

(iv) $170,400,000 shall be for Hubble Space Telescope (Development);

(B) for fiscal year 2001, $2,315,200,000, of which—

(i) $10,500,000 shall be for the Near Earth Object Survey;

(ii) $475,800,000 shall be for the Research Program; and

(iii) $12,000,000 shall be for Space Solar Power technology; and

(C) for fiscal year 2002, $2,411,800,000, of which—

(i) $10,500,000 shall be for the Near Earth Object Survey;

(ii) $511,100,000 shall be for the Research Program;

(iii) $12,000,000 shall be for Space Solar Power technology; and

(iv) $5,000,000 shall be for space science data buy.

(2) For Life and Microgravity Sciences and Applications—

(A) for fiscal year 2000, $333,600,000, of which $2,000,000 shall be for research and early detection systems for breast and ovarian cancer and other women's health issues, and $5,000,000 shall be for sounding rocket vouchers;

(B) for fiscal year 2001, $335,200,000, of which $2,000,000 shall be for research and early detection systems for breast and ovarian cancer and other women's health issues; and

(C) for fiscal year 2002, $344,000,000, of which $2,000,000 shall be for research and early detection systems for breast and ovarian cancer and other women's health issues.

(3) For Earth Science, subject to the limitations set forth in sections 126 and 130—

(A) for fiscal year 2000, $1,382,500,000;

(B) for fiscal year 2001, $1,413,300,000; and

(C) for fiscal year 2002, $1,365,300,000.

(4) For Aero-Space Technology—

(A) for fiscal year 2000, $999,300,000, of which—

(i) $532,800,000 shall be for Aeronautical Research and Technology, with no funds to be used for the Ultra-Efficient Engine, and with $412,800,000 to be for the Research and Technology Base;

(ii) $334,000,000 shall be for Advanced Space Transportation Technology, including—

(I) $61,300,000 for the Future-X Demonstration Program; and

(II) $105,600,000 for Advanced Space Transportation Program; and

(iii) $132,500,000 shall be for Commercial Technology;

(B) for fiscal year 2001, $908,400,000, of which—

(i) $524,000,000 shall be for Aeronautical Research and Technology, with no funds to be used for the Ultra-Efficient Engine, and with $399,800,000 to be for the Research and Technology Base, and with $54,200,000 to be for Aviation System Capacity;

(ii) $249,400,000 shall be for Advanced Space Transportation Technology, including—

(I) $109,000,000 for the Future-X Demonstration Program; and

(II) $134,400,000 for Advanced Space Transportation Program; and

(iii) $135,000,000 shall be for Commercial Technology; and

(C) for fiscal year 2002, $994,800,000, of which—

(i) $519,200,000 shall be for Aeronautical Research and Technology, with no funds to be used for the Ultra-Efficient Engine, and with $381,600,000 to be for the Research and Technology Base, and with $67,600,000 to be for Aviation System Capacity;

(ii) $340,000,000 shall be for Advanced Space Transportation Technology; and

(iii) $135,600,000 shall be for Commercial Technology.

(5) For Mission Communication Services—

(A) for fiscal year 2000, $406,300,000;

(B) for fiscal year 2001, $382,100,000; and

(C) for fiscal year 2002, $296,600,000.

(6) For Academic Programs—

(A) for fiscal year 2000, $128,600,000, of which $11,600,000 shall be for Higher Education within the Teacher/Faculty Preparation and Enhancement Programs, of which $20,000,000 shall be for the National Space Grant College and Fellowship Program, and of which $62,100,000 shall be for minority university research and education, including $33,600,000 for Historically Black Colleges and Universities;

(B) for fiscal year 2001, $128,600,000, of which $62,100,000 shall be for minority university research and education, including $33,600,000 for Historically Black Colleges and Universities; and

(C) for fiscal year 2002, $130,600,000, of which $62,800,000 shall be for minority university research and education, including $34,000,000 for Historically Black Colleges and Universities.

(7) For Future Planning (Space Launch)—

(A) for fiscal year 2001, $144,000,000; and

(B) for fiscal year 2002, $280,000,000.

SEC. 104. MISSION SUPPORT.

There are authorized to be appropriated to the National Aeronautics and Space Administration for Mission Support the following amounts:

(1) For Safety, Reliability, and Quality Assurance—

(A) for fiscal year 2000, $43,000,000;

(B) for fiscal year 2001, $45,000,000; and

(C) for fiscal year 2002, $49,000,000.

(2) For Space Communication Services—

(A) for fiscal year 2000, $89,700,000;

(B) for fiscal year 2001, $109,300,000; and

(C) for fiscal year 2002, $174,200,000.

(3) For Construction of Facilities, including land acquisition—

(A) for fiscal year 2000, $181,000,000, including—

(i) Restore Electrical Distribution System (ARC), $2,700,000;

(ii) Rehabilitate Main Hangar-Building 4802 (Dryden Flight Research Center (DFRC)), $2,900,000;

(iii) Rehabilitate High Voltage System (Glenn Research Center), $7,600,000;

(iv) Repair Site Steam Distribution System (GSFC), $2,900,000;

(v) Restore Chilled Water Distribution System (GSFC), $3,900,000;

(vi) Rehabilitate Hydrostatic Bearing Runner, 70 meter Antenna, Goldstone (JPL), $1,700,000;

(vii) Upgrade 70 meter Antenna Servo Drive, 70 meter Antenna Subnet (JPL), $3,400,000;

(viii) Rehabilitate Utility Tunnel Structure and Systems (Johnson Space Center (JSC)), $5,600,000;

(ix) Connect KSC to CCAS Wastewater Treatment Plant (KSC), $2,500,000;

(x) Repair and Modernize HVAC System, Central Instrument Facility (KSC), $3,000,000;

(xi) Replace High Voltage Load Break Switches (KSC), $2,700,000;

(xii) Repair and Modernize HVAC and Electrical systems, Building 4201 (Marshall Space Flight Center (MSFC)), $2,300,000;

(xiii) Repair Roofs, Vehicle Component Supply buildings (MAF), $2,000,000;

(xiv) Minor Revitalization of Facilities at Various Locations, not in excess of $1,500,000 per project, $65,500,000;

(xv) Minor Construction of New Facilities and Additions to Existing Facilities at Various Locations, not in excess of $1,500,000 per project, $5,000,000;

(xvi) Facility Planning and Design, $19,200,000;

(xvii) Deferred Major Maintenance, $8,000,000;

(xviii) Environmental Compliance and Restoration, $40,100,000;

(B) for fiscal year 2001, $181,000,000; and

(C) for fiscal year 2002, $191,000,000.

(4) For Research and Program Management, including personnel and related costs, travel, and research operations support—

(A) for fiscal year 2000, $2,181,200,000;

(B) for fiscal year 2001, $2,195,000,000; and

(C) for fiscal year 2002, $2,261,600,000.

SEC. 105. INSPECTOR GENERAL.

There are authorized to be appropriated to the National Aeronautics and Space Administration for Inspector General—

(1) for fiscal year 2000, $22,000,000;

(2) for fiscal year 2001, $22,000,000; and

(3) for fiscal year 2002, $22,000,000.

SEC. 106. TOTAL AUTHORIZATION.

Notwithstanding any other provision of this title, the total amount authorized to be appropriated to the National Aeronautics and Space Administration under this Act shall not exceed—

(1) for fiscal year 2000, $13,625,600,000;

(2) for fiscal year 2001, $13,747,100,000; and

(3) for fiscal year 2002, $13,839,400,000.

SEC. 107. AVIATION SYSTEMS CAPACITY.

In addition to amounts otherwise authorized, there are authorized to be appropriated to the Administrator of the Federal Aviation Administration $5,000,000 for fiscal year 2001 for aviation systems capacity.

Subtitle B—Limitations and Special Authority

SEC. 121. USE OF FUNDS FOR CONSTRUCTION.

(a) AUTHORIZED USES.—Funds appropriated under sections 101, 102, 103, and 104(1) and (2), and funds appropriated for research operations support under section 104(4), may be used for the construction of new facilities and additions to, repair of, rehabilitation of, or modification of existing facilities at any location in support of the purposes for which such funds are authorized.

(b) LIMITATION.—No funds may be expended pursuant to subsection (a) for a project, the estimated cost of which to the National Aeronautics and Space Administration, including collateral equipment, exceeds $1,000,000, until 30 days have passed after the Administrator has notified the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of the nature, location, and estimated cost to the National Aeronautics and Space Administration of such project.

(c) TITLE TO FACILITIES.—If funds are used pursuant to subsection (a) for grants to institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities, title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in the grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to ensure that the United States will receive therefrom benefits adequate to justify the making of that grant.

SEC. 122. AVAILABILITY OF APPROPRIATED AMOUNTS.

To the extent provided in appropriations Acts, appropriations authorized under subtitle A may remain available without fiscal year limitation.

SEC. 123. REPROGRAMMING FOR CONSTRUCTION OF FACILITIES.

(a) IN GENERAL.—Appropriations authorized for construction of facilities under section 104(3)—

(1) may be varied upward by 10 percent in the discretion of the Administrator; or

(2) may be varied upward by 25 percent, to meet unusual cost variations, after the expiration of 15 days following a report on the circumstances of such action by the Administrator to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

The aggregate amount authorized to be appropriated for construction of facilities under section 104(3) shall not be increased as a result of actions authorized under paragraphs (1) and (2) of this subsection.

(b) SPECIAL RULE.—Where the Administrator determines that new developments in the national program of aeronautical and space activities have occurred; and that such developments require the use of additional funds for the purposes of construction, expansion, or modification of facilities at any location; and that deferral of such action until the enactment of the next National Aeronautics and Space Administration authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities, the Administrator may use up to $10,000,000 of the amounts authorized under section 104(3) for each fiscal year for such purposes. No such funds may be obligated until a period of 30 days has passed after the Administrator has transmitted to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives a written report describing the nature of the construction, its costs, and the reasons therefor.

SEC. 124. LIMITATION ON OBLIGATION OF UNAUTHORIZED APPROPRIATIONS.

(a) REPORTS TO CONGRESS.—

(1) REQUIREMENT.—Not later than—

(A) 30 days after the later of the date of the enactment of an Act making appropriations to the National Aeronautics and Space Administration for fiscal year 2000 and the date of the enactment of this Act; and

(B) 30 days after the date of the enactment of an Act making appropriations to the National Aeronautics and Space Administration for fiscal year 2001 or 2002,

the Administrator shall submit a report to Congress and to the Comptroller General.

(2) CONTENTS.—The reports required by paragraph (1) shall specify—

(A) the portion of such appropriations which are for programs, projects, or activities not authorized under subtitle A of this title, or which are in excess of amounts authorized for the relevant program, project, or activity under this Act; and

(B) the portion of such appropriations which are authorized under this Act.

(b) FEDERAL REGISTER NOTICE.—The Administrator shall, coincident with the submission of each report required by subsection (a), publish in the Federal Register a notice of all programs, projects, or activities for which funds are appropriated but which were not authorized under this Act, and solicit public comment thereon regarding the impact of such programs, projects, or activities on the conduct and effectiveness of the national aeronautics and space program.

(c) LIMITATION.—Notwithstanding any other provision of law, no funds may be obligated for any programs, projects, or activities of the National Aeronautics and Space Administration for fiscal year 2000, 2001, or 2002 not authorized under this Act until 30 days have passed after the close of the public comment period contained in a notice required by subsection (b).

SEC. 125. USE OF FUNDS FOR SCIENTIFIC CONSULTATIONS OR EXTRAORDINARY EXPENSES.

Not more than $30,000 of the funds appropriated under section 103 may be used for scientific consultations or extraordinary expenses, upon the authority of the Administrator.

SEC. 126. EARTH SCIENCE LIMITATION.

Of the funds authorized to be appropriated for Earth Science under section 103(3) for each of fiscal years 2001 and 2002, $50,000,000 shall be for the Commercial Remote Sensing Program at Stennis Space Center for commercial data purchases, unless the National Aeronautics and Space Administration has integrated data purchases into the procurement process for Earth science research by obligating at least 5 percent of the aggregate amount appropriated for that fiscal year for Earth Observing System and Earth Probes for the purchase of Earth science data from the private sector.

SEC. 127. COMPETITIVENESS AND INTERNATIONAL COOPERATION.

(a) LIMITATION.—As part of the evaluation of the costs and benefits of entering into an obligation to conduct a space mission in which a foreign entity will participate as a supplier of the

spacecraft, spacecraft system, or launch system, the Administrator shall solicit comment on the potential impact of such participation through notice published in Commerce Business Daily at least 45 days before entering into such an obligation.

(b) NATIONAL INTERESTS.—Before entering into an obligation described in subsection (a), the Administrator shall consider the national interests of the United States described in section 2(6).

SEC. 128. TRANS-HAB.

(a) REPLACEMENT STRUCTURE.—No funds authorized by this Act shall be obligated for the definition, design, or development .of an inflatable space structure to replace any International Space Station components scheduled for launch in the Assembly Sequence released by the National Aeronautics and Space Administration on February 22, 1999.

(b) GENERAL LIMITATION.—No funds authorized by this Act for fiscal year 2000 shall be obligated for the definition, design, or development of an inflatable space structure capable of accommodating humans in space.

SEC. 129. CONSOLIDATED SPACE OPERATIONS CONTRACT.

No funds authorized by this Act shall be used to create a Government-owned corporation to perform the functions that are the subject of the Consolidated Space Operations Contract.

SEC. 130. TRIANA FUNDING PROHIBITION.

None of the funds authorized by this Act may be used for the Triana program, except that $2,500,000 of the amount authorized under section 103(3)(A) for fiscal year 2000 shall be available for termination costs.

TITLE II—MISCELLANEOUS PROVISIONS

SEC. 201. REQUIREMENT FOR INDEPENDENT COST ANALYSIS.

Before any funds may be obligated for Phase B of a project that is projected to cost more than $100,000,000 in total project costs, the Chief Financial Officer for the National Aeronautics and Space Administration shall conduct an independent cost analysis of such project and shall report the results to Congress. In developing cost accounting and reporting standards for carrying out this section, the Chief Financial Officer shall, to the extent practicable and consistent with other laws, solicit the advice of expertise outside of the National Aeronautics and Space Administration.

SEC. 202. NATIONAL AERONAUTICS AND SPACE ACT OF 1958 AMENDMENTS.

(a) DECLARATION OF POLICY AND PURPOSE.—Section 102 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451) is amended—

(1) by striking subsection (f) and redesignating subsections (g) and (h) as subsections (f) and (g), respectively; and

(2) in subsection (g), as so redesignated by paragraph (1) of this subsection, by striking "(f), and (g)" and inserting in lieu thereof "and (f)".

(b) REPORTS TO THE CONGRESS.—Section 206(a) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2476(a)) is amended—

(1) by striking "January" and inserting in lieu thereof "May"; and

(2) by striking "calendar" and inserting in lieu thereof "fiscal".

SEC. 203. COMMERCIAL SPACE GOODS AND SERVICES.

The National Aeronautics and Space Administration shall purchase commercially available space goods and services to the fullest extent feasible, and shall not conduct activities that preclude or deter commercial space activities except for reasons of national security or public safety. A space good or service shall be deemed commercially available if it is offered by a United States commercial provider, or if it could be supplied by a United States commercial provider in response to a Government procurement request. For purposes of this section, a purchase is feasible if it meets mission requirements in a cost-effective manner.

SEC. 204. COST EFFECTIVENESS CALCULATIONS.

In calculating the cost effectiveness of the cost of the National Aeronautics and Space Administration engaging in an activity as compared to a commercial provider, the Administrator shall compare the cost of the National Aeronautics and Space Administration engaging in the activity using full cost accounting principles with the price the commercial provider will charge for such activity.

SEC. 205. FOREIGN CONTRACT LIMITATION.

The National Aeronautics and Space Administration shall not enter into any agreement or contract with a foreign government that grants the foreign government the right to recover profit in the event that the agreement or contract is terminated.

SEC. 206. AUTHORITY TO REDUCE OR SUSPEND CONTRACT PAYMENTS BASED ON SUBSTANTIAL EVIDENCE OF FRAUD.

Section 2307(i)(8) of title 10, United States Code, is amended by striking "and (4)" and inserting in lieu thereof "(4), and (6)".

SEC. 207. SPACE SHUTTLE UPGRADE STUDY.

(a) STUDY.—The Administrator shall enter into appropriate arrangements for the conduct of an independent study to reassess the priority of all Phase III and Phase IV Space Shuttle upgrades.

(b) PRIORITIES.—The study described in subsection (a) shall establish relative priorities of the upgrades within each of the following categories:

(1) Upgrades that are safety related.

(2) Upgrades that may have functional or technological applicability to reusable launch vehicles.

(3) Upgrades that have a payback period within the next 12 years.

(c) COMPLETION DATE.—The results of the study described in subsection (a) shall be transmitted to the Congress not later than 180 days after the date of the enactment of this Act.

SEC. 208. AERO-SPACE TRANSPORTATION TECHNOLOGY INTEGRATION.

(a) INTEGRATION PLAN.—The Administrator shall develop a plan for the integration of research, development, and experimental demonstration activities in the aeronautics transportation technology and space transportation technology areas. The plan shall ensure that integration is accomplished without losing unique capabilities which support the National Aeronautics and Space Administration's defined missions. The plan shall also include appropriate strategies for using aeronautics centers in integration efforts.

(b) REPORTS TO CONGRESS.—Not later than 90 days after the date of the enactment of this Act, the Administrator shall transmit to the Congress a report containing the plan developed under subsection (a). The Administrator shall transmit to the Congress annually thereafter for 5 years a report on progress in achieving such plan, to be transmitted with the annual budget request.

SEC. 209. DEFINITIONS OF COMMERCIAL SPACE POLICY TERMS.

The Administrator shall ensure that the usage of terminology in National Aeronautics and Space Administration policies and programs is consistent with the following definitions:

(1) The term "commercialization" means the process of private entities conducting privatized space activities to expand their customer base beyond the Federal Government to address existing or potential commercial markets, investing private resources to meet those commercial market requirements.

(2) The term "commercial purchase" means a purchase by the Federal Government of space goods and services at a market price from a private entity which has invested private resources to meet commercial requirements.

(3) The term "commercial use of Federal assets" means the use by a service contractor or other private entity of the capability of Federal assets to deliver services to commercial customers, with or without putting private capital at risk.

(4) The term "contract consolidation" means the combining of two or more Government service contracts for related space activities into one larger Government service contract.

(5) The term "privatization" means the process of transferring—

(A) control and ownership of Federal space-related assets, along with the responsibility for operating, maintaining, and upgrading those assets; or

(B) control and responsibility for space-related functions,

from the Federal Government to the private sector.

SEC. 210. EXTERNAL TANK OPPORTUNITIES STUDY.

(a) APPLICATIONS.—the Administrator shall enter into appropriate arrangements for an independent study to identify, and evaluate the potential benefits and costs of, the broadest possible range of commercial and scientific applications which are enabled by the launch of Space Shuttle external tanks into Earth orbit and retention in space, including—

(1) the use of privately owned external tanks as a venue for commercial advertising on the ground, during ascent, and in Earth orbit, except that such study shall not consider advertising that while in orbit is observable from the ground with the unaided human eye;

(2) the use of external tanks to achieve scientific or technology demonstration missions in Earth orbit, on the Moon, or elsewhere in space; and

(3) the use of external tanks as low-cost infrastructure in Earth orbit or on the Moon, including as an augmentation to the International Space Station.

A final report on the results of such study shall be delivered to the Congress not later than 90 days after the date of enactment of this Act. Such report shall include recommendations as to Government and industry-funded improvements to the external tank which would maximize its cost-effectiveness for the scientific and commercial applications identified.

(b) REQUIRED IMPROVEMENTS.—The Administrator shall conduct an internal agency study, based on the conclusions of the study required by subsection (a), of what—

(1) improvements to the current Space Shuttle external tank; and

(2) other in-space transportation or infrastructure capability developments,

would be required for the safe and economical use of the Space Shuttle external tank for any or all of the applications identified by the study required by subsection (a), a report on which shall be delivered to Congress not later than 45 days after receipt of the final report required by subsection (a).

(c) CHANGES IN LAW OR POLICY.—Upon receipt of the final report required by subsection (a), the Administrator shall solicit comment from industry on what, if any, changes in law or policy would be required to achieve the applications identified in that final report. Not later than 90 days after receipt of such final report, the Administrator shall transmit to the Congress the comments received along with the recommendations of the Administrator as to changes in law or policy that may be required for those purposes.

SEC. 211. ELIGIBILITY FOR AWARDS.

(a) IN GENERAL.—The Administrator shall exclude from consideration for grant agreements made by the National Aeronautics and Space Administration after fiscal year 1999 any person who received funds, other than those described in subsection (b), appropriated for a fiscal year after fiscal year 1999, under a grant agreement from any Federal funding source for a project that was not subjected to a competitive, merit-based award process, except as specifically authorized by this Act. Any exclusion from consideration pursuant to this section shall be effective for a period of 5 years after the person receives such Federal funds.

(b) EXCEPTION.—Subsection (a) shall not apply to the receipt of Federal funds by a person due to the membership of that person in a class specified by law for which assistance is awarded to members of the class according to a formula provided by law.

(c) DEFINITION.—For purposes of this section, the term "grant agreement" means a legal instrument whose principal purpose is to transfer a thing of value to the recipient to carry out a public purpose of support or stimulation authorized by a law of the United States, and does not include the acquisition (by purchase, lease, or barter) of property or services for the direct benefit or use of the United States Government. Such term does not include a cooperative agreement (as such term is used in section 6305 of title 31, United States Code) or a cooperative research and development agreement (as such term is defined in section 12(d)(1) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(1))).

SEC. 212. NOTICE.

(a) NOTICE OF REPROGRAMMING.—If any funds authorized by this Act are subject to a reprogramming action that requires notice to be provided to the Appropriations Committees of the House of Representatives and the Senate, notice of such action shall concurrently be provided to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(b) NOTICE OF REORGANIZATION.—The Administrator shall provide notice to the Committees on Science and Appropriations of the House of Representatives, and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate, not later than 15 days before any major reorganization of any program, project, or activity of the National Aeronautics and Space Administration.

SEC. 213. UNITARY WIND TUNNEL PLAN ACT OF 1949 AMENDMENTS.

The Unitary Wind Tunnel Plan Act of 1949 is amended—

(1) in section 101 (50 U.S.C. 511) by striking "transsonic and supersonic" and inserting in lieu thereof "transsonic, supersonic, and hypersonic"; and

(2) in section 103 (50 U.S.C. 513)—

(A) by striking "laboratories" in subsection (a) and inserting in lieu thereof "laboratories and centers";

(B) by striking "supersonic" in subsection (a) and inserting in lieu thereof "transsonic, supersonic, and hypersonic"; and

(C) by striking "laboratory" in subsection (c) and inserting in lieu thereof "facility".

SEC. 214. INNOVATIVE TECHNOLOGIES FOR HUMAN SPACE FLIGHT.

(a) ESTABLISHMENT OF PROGRAM.—In order to promote a "faster, cheaper, better" approach to the human exploration and development of space, the Administrator shall establish a Human Space Flight Commercialization/Technology program of ground-based and space-based research and development in innovative technologies.

(b) AWARDS.—At least 75 percent of the amount appropriated for the program established under subsection (a) for any fiscal year shall be awarded through broadly distributed announcements of opportunity that solicit proposals from educational institutions, industry, nonprofit institutions, National Aeronautics and Space Administration Centers, the Jet Propulsion Laboratory, other Federal agencies, and other interested organizations, and that allow partnerships among any combination of those entities, with evaluation, prioritization, and recommendations made by external peer review panels.

(c) PLAN.—The Administrator shall include as part of the National Aeronautics and Space Administration's budget request to the Congress for fiscal year 2001 a plan for the implementation of the program established under subsection (a).

SEC. 215. LIFE IN THE UNIVERSE.

(a) REVIEW.—The Administrator shall enter into appropriate arrangements with the National Academy of Sciences for the conduct of a review of—

(1) international efforts to determine the extent of life in the universe; and

(2) enhancements that can be made to the National Aeronautics and Space Administration's efforts to determine the extent of life in the universe.

(b) ELEMENTS.—The review required by subsection (a) shall include—

(1) an assessment of the direction of the National Aeronautics and Space Administration's astrobiology initiatives within the Origins program;

(2) an assessment of the direction of other initiatives carried out by entities other than the National Aeronautics and Space Administration to determine the extent of life in the universe, including other Federal agencies, foreign space agencies, and private groups such as the Search for Extraterrestrial Intelligence Institute;

(3) recommendations about scientific and technological enhancements that could be made to the National Aeronautics and Space Administration's astrobiology initiatives to effectively utilize the initiatives of the scientific and technical communities; and

(4) recommendations for possible coordination or integration of National Aeronautics and Space Administration initiatives with initiatives of other entities described in paragraph (2).

(c) REPORT TO CONGRESS.—Not later than 18 months after the date of the enactment of this Act, the Administrator shall transmit to the Congress a report on the results of the review carried out under this section.

SEC. 216. RESEARCH ON INTERNATIONAL SPACE STATION.

(a) STUDY.—The Administrator shall enter into a contract with the National Research Council and the National Academy of Public Administration to jointly conduct a study of the status of life and microgravity research as it relates to the International Space Station. The study shall include—

(1) an assessment of the United States scientific community's readiness to use the International Space Station for life and microgravity research;

(2) an assessment of the current and projected factors limiting the United States scientific community's ability to maximize the research potential of the International Space Station, including, but not limited to, the past and present availability of resources in the life and microgravity research accounts within the Office of Human Spaceflight and the Office of Life and Microgravity Sciences and Applications, and the past, present, and projected access to space of the scientific community; and

(3) recommendations for improving the United States scientific community's ability to maximize the research potential of the International Space Station, including an assessment of the relative costs and benefits of—

(A) dedicating an annual mission of the Space Shuttle to life and microgravity research during assembly of the International Space Station; and

(B) maintaining the schedule for assembly in place at the time of enactment.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study conducted under this section.

SEC. 217. REMOTE SENSING FOR AGRICULTURAL AND RESOURCE MANAGEMENT.

The Administrator shall—

(1) consult with the Secretary of Agriculture to determine data product types that are of use to farmers which can be remotely sensed from air or space;

(2) consider useful commercial data products related to agriculture as identified by the focused research program between the National Aeronautics and Space Administration's Stennis Space Center and the Department of Agriculture; and

(3) examine other data sources, including commercial sources, LightSAR, RADARSAT I, and RADARSAT II, which can provide domestic and international agricultural information relating to crop conditions, fertilization and irrigation needs, pest infiltration, soil conditions, projected food, feed, and fiber production, and other related subjects.

SEC. 218. INTEGRATED SAFETY RESEARCH PLAN.

(a) REQUIREMENT.—Not later than March 1, 2000, the Administrator and the Administrator of the Federal Aviation Administration shall jointly prepare and transmit to the Congress an integrated civil aviation safety research and development plan.

(b) CONTENTS.—The plan required by subsection (a) shall include—

(1) an identification of the respective research and development requirements, roles, and responsibilities of the National Aeronautics and Space Administration and the Federal Aviation Administration;

(2) formal mechanisms for the timely sharing of information between the National Aeronautics and Space Administration and the Federal Aviation Administration, including a requirement that the FAA-NASA Coordinating Committee established in 1980 meet at least twice a year; and

(3) procedures for increased communication and coordination between the Federal Aviation Administration research advisory committee established under section 44508 of title 49, United States Code, and the NASA Aeronautics and Space Transportation Technology Advisory Committee, including a proposal for greater cross-membership between those 2 advisory committees.

SEC. 219. 100TH ANNIVERSARY OF FLIGHT EDUCATIONAL INITIATIVE.

(a) EDUCATION CURRICULUM.—In recognition of the 100th anniversary of the first powered flight, the Administrator, in coordination with the Secretary of Education, shall develop and provide for the distribution, for use in the 2000–2001 academic year and thereafter, of an age-appropriate educational curriculum, for use at the kindergarten, elementary, and secondary levels, on the history of flight, the contribution of flight to global development in the 20th century, the practical benefits of aeronautics and space flight to society, the scientific and mathematical principles used in flight, and any other topics the Administrator considers appropriate.

The Administrator shall integrate into the educational curriculum plans for the development and flight of the Mars plane.

(b) REPORT TO CONGRESS.—Not later than May 1, 2000, the Administrator shall transmit a report to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on activities undertaken pursuant to this section.

SEC. 220. INTERNET AVAILABILITY OF INFORMATION.

The Administrator shall make available through the Internet home page of the National Aeronautics and Space Administration the abstracts relating to all research grants and awards made with funds authorized by this Act. Nothing in this section shall be construed to require or permit the release of any information prohibited by law or regulation from being released to the public.

The CHAIRMAN. During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

Are there any amendments to the bill?

AMENDMENT NO. 6 OFFERED BY MR. ROHRABACHER

Mr. ROHRABACHER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. ROHRABACHER:

In section 103(2)—

(1) in subparagraph (A), insert ", and of which $77,400,000 may be used for activities associated with International Space Station research" after "rocket vouchers";

(2) in subparagraph (B), insert ", and of which $70,000,000 may be used for activities associated with International Space Station research" after "health issues"; and

(3) in subparagraph (C), insert ", and of which $80,800,000 may be used for activities associated with International Space Station research" after "health issues".

In section 103(4)(A)(i), insert "focused program" after "Ultra-Efficient Engine".

In section 103(4)(A)(ii)(I), insert ", including $30,000,000 for Pathfinder Operability Demonstrations" after "Demonstration Program".

In section 103(4)(B)(i), insert "focused program" after "Ultra-Efficient Engine."

In section 103(4)(C)(i), insert "focused program" after "Ultra-Efficient Engine."

In section 209(1), insert "encouraging" after "process of".

In section 219—

(1) in subsection (a)—

(A) strike "EDUCATION CURRICULUM.—" and insert "EDUCATIONAL INITIATIVE.—";

(B) strike "an age-appropriate educational curriculum" and insert "age-appropriate educational materials";

(C) insert "related" after "and any other"; and

(D) strike "the educational curriculum plans" and insert "the educational materials plans"; and

(2) in subsection (b), strike "Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate" and insert "Congress".

Mr. ROHRABACHER. Mr. Chairman, my amendment makes five minor changes to the language of H.R. 1654, most of which are clarifications rather than substantive changes.

One substantive change is that I specify that the bill's increase of $30 million for Future-X in Fiscal Year 2000 should go toward fast Pathfinder class operability demonstrations. My purpose here is to tell NASA that they should not only fund Future-X concepts which demonstrate advanced component technology but which are innovative in using existing technology to prove out the all important issue of flexibility, reliability and low cost operations. So we are talking about money that would go for full-scale prototypes and operational systems and an overall system rather than just on a small segment of that development.

My amendment then makes four different clarifying changes to H.R. 1654, the first three of which I will briefly summarize.

It makes clear that the additional funding the bill provides for life and microgravity research would be available to fund research experiments to go on to the International Space Station.

It adds the word "encourage" to the definition of space commercialization to make it clear that we expect government to take affirmative steps to encourage the private sector to commercially develop space.

Third, we clarify the language describing an educational initiative on the centennial flight that is 1903, which we have heard about already this morning, so that the provisions address concerns raised by another committee of the House.

Finally, my amendment clarifies H.R. 1645's limitation on the Ultra Efficient Engine Technology program, and I would like to spend the remainder of this statement on that item, which I included in this address specifically to deal with the concerns of the gentleman from Connecticut (Mr. LARSON), who has put out a tremendous effort dealing with this specific issue.

First and foremost, let me say there is no prohibition, and I heard earlier a statement on the floor suggesting that there is a prohibition in this bill on the use of funds for the ultra efficient technology engine. That analysis does Mr. LARSON a great disservice, and I would hope that the Members on the other side of the aisle realize that when they are making that argument, it is going into the RECORD, that is not an accurate portrayal of what we are doing at all.

In Fiscal Year 2000 NASA proposed the creation of a new 5-year focused program out of the remnants of two other focused astronautic programs in which NASA had abruptly canceled. The committee is concerned that frequently NASA will defend focused aeronautics program to the death even as they grow in cost and scope and then suddenly cancel them when the priorities of the agency changes.

My goal with this amendment is to make it clear that NASA has the discretion whether or not to spend these resources and these funds on this project and that it is encouraged to pursue this engine in question and that the requested funding of $50 million per year will be spent within the aeronautics research and technology base.

What we are then doing is providing NASA with the discretion, but in no way are we prohibiting NASA from moving forward with this engine project. The resulting language only prohibits a focused program. The bill and report language are not prejudicial in any way regarding using these funds to build or demonstrate this model engine.

In short, we have not eliminated, as my colleagues know, we have not eliminated this program. What we have eliminated is the mandate that NASA spend its funds on this project, but in no way do we prohibit these funds from being spent in developing this engine or showing or building a prototype of this ultra efficient jet engine.

I would hope that the NASA Administrator uses this discretion, which is the purpose of why we put this change in, and uses fully the funds requested for these next 3 years to obtain industry cost sharing. We are trying to encourage industry to get in by giving NASA some discretion here, because this will make this whole project a much better deal for the taxpayers, and in the end it will be better for the engine project to make sure the private sector is putting some money in.

So finally I would like to thank the gentleman from Connecticut (Mr. LARSON) because had he not put so much time and energy in, we would not be just making sure that we have clarified this position, and it would not be as good as it is today. But please do not, and there should be no interpretation of this, that this is some type of eliminating these funds. We are actually giving more discretion to NASA, trying to attract public sector investment.

Mr. Chairman, I believe that none of the changes are controversial, and I believe that all of them improve the base of the bill, and I respectfully request the adoption of this manager's amendment.

Mr. TRAFICANT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am not opposed to this amendment, but I will take time since the chairman discussed the ultra efficient engine technology so belaboredly to see if I am right in my assessment of this bill, and if there is some staff that might give me that information, I would appreciate it because around here what they say is, as my colleagues know, red is white or white is blue.

The information I have says H.R. 1654, the NASA authorization bill reported out of the Committee on Science, specifically eliminates funding. I want to use the terms again: specifically eliminates funding for the ultra efficient engine technology as a focused NASA program.

Now I want someone to, if they could answer that question, am I right or am I wrong?

Mr. ROHRABACHER. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from California.

Mr. ROHRABACHER. Yes, that is correct.

Mr. TRAFICANT. Mr. Chairman, I thank the gentleman, and I reclaim my time.

We give these administrators all kinds of discretion, and we get screwed too. We are the policymakers. We have foreign manufacturers subsidizing their aviation industries, their space industries completely, their aircraft engine technology, putting strict environmental restrictions and regulations in their country on American craft, knocking out our business and economic infrastructure, and we are going to let someone have discretion.

Where is the analytical data to support that this program deserves to be taken off the focus program list? What data, what studies, what conclusions, what empirical evidence has been brought forward, what oversight body has made the decision to throw out this ultra efficient technology engine and let some bureaucrat at NASA make the decision?

I do not think that is the way to govern here, Mr. Chairman. That happens to be in northeast Ohio. That is not my district. But that is a great space center up there, and that is a great program, and it speaks to the core, the economic core, of some of the beating up we are getting overseas.

So I am not going to oppose the gentleman's amendment, but I will say this to him:

We are going to start having some rough and tumble times here with this space program if we do not come to some oversight agreements, and I have never taken exception.

Finally, in closing my little comments, just very briefly here:

The luster and the glory of space has all Americans cheering, but they are now starting to come down to earth, and they are starting to look at the budget and line items, and they better not just do that. Congress better start providing very, very stringent oversight.

I think the joy ride at NASA is over, and I think the time for some monitoring and oversight is at hand.

I will again leave by making this statement:

I am going to ask the chairman to change that language in conference, but that language cannot be changed today, and I will look and see if that language can be inserted in the form of amendment.

Mr. ROHRABACHER. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from California.

Mr. ROHRABACHER. Does the gentleman realize that this is being done in an effort to save the taxpayers money, to put more so that we can attract more money into the project by an investment from the private sector rather than having the focus program?

Mr. TRAFICANT. Reclaiming my time, Mr. Chairman, if it is the intent to save taxpayer money and to leverage participation with the private sector, maybe that should have been listed in the bill as a priority in this regard, but not take it out as a focus program.

Mr. ROHRABACHER. It is in the report language.

Mr. SENSENBRENNER. Mr. Chairman, I rise in support of the amendment offered by the gentleman from California (Mr. ROHRABACHER).

Mr. Chairman, there has been a lot of confusion relative to what the bill does in this area, and I would like to dwell on two points.

First of all, the manager's amendment that the gentleman from California (Mr. ROHRABACHER) has introduced makes it clear that NASA will be able to continue research in the ultra efficient engine.

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There is $50 million a year that is authorized for that. I think that that is a very wise move, because I do not think we should back away from this program altogether.

The second misconception that I am afraid is floating around here is that if NASA designates a program as a focus program, then that program is protected against raids by NASA or OMB or the Congress or anybody else to take the money away from a focus program and put it into something else. That is not the case.

OMB in the past has canceled focus programs and stuck the money into other NASA programs, and there have been reprogramming requests that have come up from the administrator and which have been approved either by the Congress by not acting or have been in transfer authority in appropriation bills.

The one that immediately comes to mind is the high speed research and advanced subsonic focus program which was in the aeronautics budget that NASA canceled and put the money in the International Space Station when the International Space Station ran short.

So I think that what is being done here is to continue the research but not to make it a focus program, and thus not to have what effectively is an earmark but an earmark without teeth.

Now having said all of that, one of the things that the science policy study attempts to do, which received overwhelming support on both sides of the aisle when it was approved last year, is to leverage government dollars with private sector dollars and dollars from other sources so that we have a bigger research pot, and that is what the gentleman from California (Mr. ROHRABACHER) is trying to do in this program.

We do not have enough government money to do everything that we want to do, and the NASA administrator has criticized this bill for being above the President's request. What we would like to do is we would like to bring the private sector in, and it is the private sector that is going to be able to reap the financial rewards of a successful development of an ultra-efficient engine. To have the taxpayers pay for the entire cost of developing the ultra-efficient engine is going to give the private sector a free ride, let us face it.

So this is a way to bring about cost sharing, to bring about the fact that the private sector has to put their money where their benefits will flow, and I think is a very, very constructive step in the right direction to start this program out.

Mr. GORDON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not intend to oppose the amendment of the gentleman from California (Mr. ROHRABACHER), and I want to compliment him for trying to provide some wiggle room for the ultra-efficient energy technology program. However, I think it simply falls short, in that NASA has pointed out that anything less than a focused effort on the ultra-efficient energy technology would not be as efficient or effective a program.

So although the gentleman from California (Mr. ROHRABACHER) has good intentions, I am afraid his intention falls short; yet it certainly does no harm and, if anything, can be more good than bad. So I would support his amendment.

Mr. ROHRABACHER. Mr. Chairman, will the gentleman yield?

Mr. GORDON. I yield to the gentleman from California.

Mr. ROHRABACHER. Mr. Chairman, I think we can both compliment the gentleman from Connecticut (Mr. LARSON) on the hard work that he has put into this. We would not be having this discussion right now if it was not for the diligence on the part of the gentleman from Connecticut (Mr. LARSON) to oversee this project. We want to make sure that we are on the record knowing that although the designation has changed, the Congress certainly wants this project to move forward.

Mr. GORDON. I agree, the gentleman from Connecticut (Mr. LARSON) has done yeoman's work in trying to educate us to really the benefits of this program. Hopefully that education will continue as we go through conference and as we try to bring a final bill to this floor.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. ROHRABACHER).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT:

In §103(4)(A)(i) strike out ", with no funds to be used for the Ultra-Efficient Engine".

Mr. TRAFICANT. Mr. Chairman, the amendment strictly strikes and simply strikes the sentence from the bill that takes out the ultra-efficient technology engine and it would, in fact, put it back in to focus and leave the project as it was last year. The amendment strictly says that the project would continue; it would be and continue to be a focus project. It would not be at the discretion of the administrator. Copies of the amendment can be delivered from the desk.

The language in the bill says, starting on line 4, section (i), it says $532 million shall be for Aeronautical Research and Technology, with no funds to be used for the Ultra-Efficient Engine, comma.

The Traficant amendment says $532-plus million shall be for Aeronautical Research and Technology, and with $412 million to be for the Research and Technology Base. It simply removes the sentence that says, and I quote, "with no funds to be used for the Ultra-Efficient Engine." It would strictly take the sentence from the bill. It would leave it as a focus program, and the gentleman should support it.

Lastly, I would like to say for the Members, because we may have a vote on this but I would hope not, and I would hope that the wisdom of the Chair would very carefully review it, I want to read a quote from the aviation industry.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, let me ask a couple of questions, if I could, and I thank the gentleman for yielding.

The amendment that the gentleman has offered, if it is adopted, would not increase the total amount of money that was authorized for NASA; am I correct in that?

Mr. TRAFICANT. That is correct. That is correct.

Mr. SENSENBRENNER. It would give the NASA administrator the authority to use some of the aerospace technology funds, which is almost a billion dollars, for the ultra-efficient engine at the discretion of the NASA administrator?

Mr. TRAFICANT. What the amendment specifically states is this: That the language, "with no funds to be used for the Ultra-Efficient Engine," would be stricken from the bill and the engine would thus be a part of the focus program of the administrator.

Mr. ROHRABACHER. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from California, the subcommittee Chair.

Mr. ROHRABACHER. Mr. Chairman, is that last part in the amendment of the gentleman or is that what the gentleman is explaining to us?

Mr. TRAFICANT. The amendment is very simple.

Mr. ROHRABACHER. Mr. Chairman, we need to see a copy of the amendment.

Mr. TRAFICANT. A removal of this sentence, and I want the gentleman to listen, there is a sentence in here that says, quote, and this is the language verbatim to be stricken, "with no funds to be used for the Ultra-Efficient Engine." The Traficant language removes that sentence.

Mr. ROHRABACHER. Okay. That is it.

Mr. TRAFICANT. The intent of the Traficant language would thus be to place the discretion with the administrator as it was focused under last year, and to remain with the same priority that it was in the past year's bill.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, with that understanding, I am prepared to accept the amendment.

Mr. ROHRABACHER. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from California.

MR. ROHRABACHER. Mr. Chairman, I just want to say that the report language already, we tried to discuss earlier and put this on the record.

Mr. TRAFICANT. Mr. Chairman, reclaiming my time, there is report language and there is bill language. If the intention of the gentleman is to do it in the report, then certainly this language that is so specific, there should be no problem about it being removed.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. TRAFICANT) has expired.

(By unanimous consent, Mr. TRAFICANT was allowed to proceed for 2 additional minutes.)

Mr. TRAFICANT. Mr. Chairman, finally, let me say this: There would have to be a reduction for the R&T base, and I believe that reduction would have to be in the amount of $362,800,000 from $412 million. As the chairman had asked, those would be the figures.

Mr. ROHRABACHER. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from California.

Mr. ROHRABACHER. Mr. Chairman, we need to see the language of this amendment. The gentleman just stated a couple of things that we did not know were in his amendment. Could we have a copy of this amendment, please?

Mr. TRAFICANT. Absolutely. It is at the desk.

Mr. ROHRABACHER. Could the Clerk reread the amendment?

The CHAIRMAN. The Chair would announce that the Clerk is preparing copies for the majority and for distribution.

Mr. TRAFICANT. Mr. Chairman, while the gentleman is looking at the amendment, the gentleman had stricken the language for the ultra-efficient engine and put in $50 million for these new participatory private sector types of agreements. What the Traficant language says is we do not need to spend the additional $50 million, but if it be the decision of the committee that they want to retain the money in there and just strike the language for the engine, this Member will accept that.

Mr. ROHRABACHER. Could the gentleman please repeat that?

Mr. TRAFICANT. There was an increase and $50 million was put into the Research and Technology Base fund in this bill.

Mr. ROHRABACHER. That is correct.

Mr. TRAFICANT. What I am doing is just simply wanting to strike that sentence that says "with no funds to be used for the Ultra-Efficient Engine." My amendment would take that out.

Actually, the additional $50 million that was put in should be either taken out or the legislative history should show that my colleagues want to leave it in for their purposes. That is fine with me.

Mr. ROHRABACHER. That is acceptable.

Mr. TRAFICANT. That is acceptable to the gentleman?

Mr. ROHRABACHER. That is acceptable.

Mr. Chairman, I move to strike the last word, and I will be very happy to yield to the gentleman from Ohio (Mr. TRAFICANT) after I make a point.

Mr. TRAFICANT. Mr. Chairman, if the gentleman will yield, I just wanted to say that is acceptable.

So the amendment would strictly be with no funds to be used for ultra-efficient engine. That would be removed; nothing to deal with the funds.

Mr. ROHRABACHER. Mr. Chairman, I think this is a very acceptable amendment because it actually goes to the purpose of the bill originally.

Mr. TRAFICANT. Mr. Chairman, will the gentleman yield?

Mr. ROHRABACHER. I yield to the gentleman from Ohio.

Mr. TRAFICANT. It is understood that that would be for all 3 years of the bill as well? It would be for all 3 years, a 3-year bill?

Mr. ROHRABACHER. Well, it eliminates that language for the bill for all 3 years, sure, it does.

Mr. TRAFICANT. Fine.

Mr. ROHRABACHER. Reclaiming my time, the purpose of this segment of the bill and the purpose of the changes that we have made was aimed not at prohibiting funds from being used for this ultra-efficient jet engine. That, in fact, is not the purpose at all and that is why the gentleman's suggestion is accepted.

However, with the gentleman's amendment being accepted, this in no way suggests this program is becoming a focus program or that we are mandating that the money be spent.

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What the purpose of this whole enterprise was all about was to try to give discretion to the people over at NASA to attract not just government money, but to attract private sector money into this project.

This is not the first time that this method has been used. Let me mention that we had a project, the EELV project, and, I might add, a lot of it would be built in my district, and I opposed it for the very reason that there was not any incentive to get the private sector involved and to get some extra money from the private companies involved in the development of this new rocket system. That project was changed and we managed to save the taxpayers $500 million and to get a better rocket as a result, because we brought the private sector in.

The purpose of our changes here were to try to save the taxpayers some money by getting the private sector to invest into a project from which those companies would benefit. To the point that the gentleman from Ohio (Mr. TRAFICANT) eliminates some language that might suggest that there is some sort of prohibition on spending funds for this engine, we accept that language, but it in no way suggests that this will be a focus program and that NASA must spend the money on the program.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MR. SMITH OF MICHIGAN

Mr. SMITH of Michigan. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. SMITH of Michigan:

In section 217—

(1) insert "(a) INFORMATION DEVELOPMENT.—" before "The Administrator shall"; and

(2) add at the end the following new subsections:

(b) PLAN.—After performing the activities described in subsection (a) the Administrator and the Secretary of Agriculture shall develop a plan to inform farmers and other prospective users about the use of availability of remote sensing products that may assist with agricultural and forestry applications identified in subsection (a). The Administrator shall transmit such plan to the Congress not later than 180 days after the date of the enactment of this Act.

(c) IMPLEMENTATION.—Not later than 90 days after the plan has been transmitted under subsection (b), the Administrator and the Secretary of Agriculture shall implement the plan.

Mr. SMITH of Michigan. Mr. Chairman, my amendment to help farmer and ranchers is in the bill before us. It provides that the Administrator of NASA shall discover and catalog the kind of remote sensing information, commercial and otherwise, that might be usable to help farmers and others determine potential crop shortages and surpluses and ultimately how much of what crop to plant in this country.

We have advanced tremendously over the last 30 years in our ability to discover what yields to expect from crop production around the world by means of satellite and other remote sensing monitoring. We are now able to estimate yields of some of the major crops within a plus or minus 10 percent deviation, up to sixty days before harvest. This information could be of great use to farmers.

The amendment now before us simply provides a way to disseminate this information to farmers.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Michigan. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, part of this amendment is in the jurisdiction of the Committee on Agriculture.

Has the gentleman from Michigan obtained the consent of the chairman of that committee to offer this amendment today?

Mr. SMITH of Michigan. Mr. Chairman, we have obtained the consent of the gentleman from Texas (Mr. COMBEST), the chairman of the Committee on Agriculture, and the gentleman from Texas (Mr. STENHOLM), the ranking member, who support this amendment, as well as the gentleman from California (Mr. ROHRABACHER), a member of the subcommittee.

Mr. SENSENBRENNER. Mr. Chairman, if the gentleman will yield further, with that understanding, I am prepared to accept the amendment as well. It is a constructive addition.

Mr. SMITH of Michigan. Mr. Chairman, reclaiming my time, I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. SMITH).

The amendment was agreed to.

AMENDMENT NO. 10 AND AMENDMENT NO. 11 OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer two amendments, and I ask unanimous consent that both amendments be taken together.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN. The Clerk will designate the amendments.

The text of the amendments is as follows:

Amendment No. 10 and amendment No. 11 offered by Mr. TRAFICANT:

AMENDMENT NO. 10: At the end of the bill, insert the following new section:

SEC. 221. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Administrator shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

In the table of contents, after the item relating to section 220, insert the following new item:

Sec. 221. Sense of Congress; requirement regarding notice.

AMENDMENT NO. 11: At the end of the bill, insert the following new section:

SEC. 221. USE OF ABANDONED AND UNDERUTILIZED BUILDINGS, GROUNDS, AND FACILITIES.

(a) IN GENERAL.—In meeting the needs of the National Aeronautics and Space Administration for additional facilities, the Administrator shall select abandoned and underutilized buildings, grounds, and facilities in depressed communities that can be converted to National Aeronautics and Space Administration facilities at a reasonable cost, as determined by the Administrator.

(b) DEFINITIONS.—For purposes of this section, the term "depressed communities" means rural and urban communities that are relatively depressed, in terms of age of housing, extent of poverty, growth per capita income, extent of unemployment, job lag, or surplus labor.

In the table of contents, after the item relating to section 220, insert the following new item:

Sec. 221. Use of abandoned and underutilized buildings, grounds, and facilities.

Mr. TRAFICANT. Mr. Chairman, I appreciate the gentleman from Wisconsin (Mr. SENSENBRENNER) working with me on the language of the previous amendment. I appreciate that very much. The gentleman has been very fair and thankful, and I will vote for final passage of the bill.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I thank the gentleman from Ohio for yielding.

This is kind of a tough act to follow, but this is going to be an easier sell than the last amendment that the gentleman from Ohio sold to us. It is my understanding that these amendments relate to a buy-American provision and a utilization of abandoned buildings provision in the bill. Am I correct in that assumption?

Mr. TRAFICANT. Mr. Chairman, that is correct.

Mr. SENSENBRENNER. Mr. Chairman, if the gentleman will yield further, these are also two very constructive additions and we are prepared to accept them as well.

Mr. TRAFICANT. Mr. Chairman, I thank the gentleman.

In meeting the needs of NASA, the Administrator shall, whenever feasible, select abandoned and under-utilized buildings, grounds and facilities for projects not at existing facilities. In other words, he does not have to, but wherever possible. We do not want some existing base to come in and say we are in a depressed community, which is the legislative history here, and say, therefore, send the business here. So wherever feasible and possible, select sites outside of the existing structure where there are economic hardships and give them an opportunity and a shot.

Mr. Chairman, I appreciate the support of the gentleman from Wisconsin (Mr. SENSENBRENNER).

The CHAIRMAN. The question is on the amendments offered by the gentleman from Ohio.

The amendments were agreed to.

AMENDMENT NO. 2 OFFERED BY MR. COOK

Mr. COOK. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. COOK:

At the end of the bill, insert the following new section:

SEC. 221. SPACE STATION COMMERCIALIZATION.

In order to promote commercialization of the International Space Station, the Administrator shall—

(1) allocate sufficient resources as appropriate to accelerate the National Aeronautics and Space Administration's initiatives promoting commercial participation in the International Space Station;

(2) instruct all National Aeronautics and Space Administration staff that they should consider the potential impact on commercial participation in the International Space Station in developing policies or program priorities not directly related to crew safety; and

(3) publish a list, not later than 90 days after the date of the enactment of this Act, and annually thereafter with the annual budget request of the National Aeronautics and Space Administration, of the opportunities for commercial participation in the International Space Station consistent with safety and mission assurance.

In the table of contents, after the item relating to section 220, insert the following new item:

Sec. 221. Space Station commercialization.

Mr. COOK. Mr. Chairman, the space program has brought enormous growth to our economy and has created many high-wage, high-tech jobs for American workers. Throughout the world, commercial spending on space activity is booming. NASA and the taxpayers can both benefit from this trend through increased commercialization of the new International Space Station.

My amendment directs the NASA Administrator to commit appropriate resources to accelerate its International Space Station commercialization activities. It directs NASA staff to consider the commercial impact of their management decisions unrelated to safety. Finally, it requires NASA to publish within 90 days of enactment of this act a list of commercial opportunities to participate in the space station during 2000 and every year afterwards.

Primarily, the space program has brought high-tech jobs to the American aerospace and communications industry. To keep our American economy healthy and strong, we need to expand these benefits of space exploration to other areas of the private sector. NASA has made a good start in determining how to commercialize the ISS with the release of its draft plan last fall, but we need to push NASA to follow through on its successful planning efforts so that we do not lose the momentum on station commercialization.

By requiring NASA to publish its list of commercial opportunities to use the International Space Station consistent with safety and mission assurance, this amendment will reduce the cost of the space program to the American people by making the private sector a much larger partner.

Adam Smith taught us that we need competition to keep costs down and quality up. This amendment will help ensure that competition keeps our space program the best and the most competitive in the world. Dan Goldin has done an excellent job managing NASA, but we need to get the private sector more involved. By doing this, we can use the benefits of competition to make our space program even better.

This amendment will ensure that our economic boom will continue into the next century by bringing home the benefits of space research to the American people. My amendment is supported by NASA.

I want to thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for allowing me to offer this amendment and commend him for his hard work in bringing this bill to the floor today.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. COOK. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, the gentleman's amendment is a very good one. Again, it is supported by NASA. I would hope that the committee would approve it.

Mr. COOK. Mr. Chairman, reclaiming my time, I thank the gentleman from Wisconsin, and I urge my colleagues to support this amendment.

Mr. GORDON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am prepared to support the amendment of the gentleman from Utah (Mr. COOK), with some qualifications.

First, I want the legislative record to be clear that I do not regard this language as a blank check for NASA to spend as much as it wants on open-ended initiatives to promote commercial participation in the space station. We have a duty to protect the taxpayers' pocketbook and vague language can be dangerous in that regard.

Second, I read paragraph two to simply mean that NASA will also consider impacts on commercial participation in the space station when it makes policies, along with all other impacts it may consider. These other impacts include the impact of the station's research capabilities on the utilization of the station, on international agreements and so forth. It is my understanding that this amendment makes commercial participation neither the only consideration when making station policies, nor the highest priority consideration.

Mr. ROHRABACHER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of this amendment and congratulate the gentleman from Utah for putting it forward and also for laying down a marker. I think that what we are talking about here is a fundamental consciousness that we are trying to instill, not only in America's space program, but in most government activities.

Mr. Chairman, the time has passed when we could look at projects just as a bureaucratic endeavor or just something that would be taxpayer-funded totally. If there is any challenge that we have in maintaining a balanced budget and making sure that we put taxpayer dollars to the best use, it is that we have to attract dollars from the private sector into these endeavors to make sure that they are done efficiently, so that they are done in a way that will be beneficial not only to the people who work in the government, but the people who work in the private sector, so that there can be a multiplier effect in terms of the jobs that are created.

So for making an investment on the one hand into things such as the space station, we must always be conscious that that space station did not just mean the jobs that were created in building the space station, but it also means the jobs that will be created by economic activity in the private sector that will result from the space station's existence. The gentleman from Utah (Mr. COOK) is making sure that we put these dollars to maximum use, so I applaud him for it.

Mr. Chairman, I will be, in the near future, proposing a revolutionary new tax concept called Zero Gravity, Zero Tax. It has not been actually introduced as yet, but it is along this same principle, and that is what we would like to do, is to make sure that there is the maximum incentive for private investment in America's space program. As I say, it creates jobs not only in the projects, but it serves as a multiplier effect to create even more jobs once the project is in operation.

So again, I commend the gentleman from Utah (Mr. COOK).

The CHAIRMAN. The question is on the amendment offered by the gentleman from Utah (Mr. COOK).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WEINER

Mr. WEINER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WEINER:

In section 103(4)(A), strike "$999,300,000" and insert "$1,010,300,000".

In section 103(4)(A)(i), strike "$532,800,000" and insert "$543,800,000".

In section 103(4)(A)(i), strike "$412,800,000 to be for the Research and Technology Base" and insert "$423,800,000 to be for the Research and Technology Base, including $36,000,000 for aircraft noise reduction technology".

In section 103(4)(B), strike "$908,400,000" and insert "$918,400,000".

In section 103(4)(B)(i), strike "$524,000,000" and insert "$534,000,000".

In section 103(4)(B)(i), strike "$399,800,000 to be for the Research and Technology Base" and insert "$409,800,000 to be for the Research and Technology Base, including $36,000,000 for aircraft noise reduction technology".

In section 103(4)(C), strike "$994,800,000" and insert "$1,003,300,000".

In section 103(4)(C)(i), strike "$519,200,000" and insert "$527,700,000".

In section 103(4)(C)(i), strike "$381,600,000 to be for the Research and Technology Base" and insert "$390,100,000 to be for the Research and Technology Base, including $27,500,000 for aircraft noise reduction technology".

In section 106(1), strike "$13,625,600,000" and insert "$13,636,600,000".

In section 106(2), strike "$13,747,100,000" and insert "$13,757,100,000".

In section 106(3), strike "$13,839,400,000" and insert "$13,847,900,000".

Mr. WEINER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. WEINER. Mr. Chairman, first I want to thank the chairman of the full committee and the chairman of the subcommittee for their great help and efforts that they have committed themselves to to try to make this bill as good as it can be, and while there are some areas of contention, they have at all times, in consideration of this bill, been cordial and decent about trying to deal with these concerns.

At this time I am going to be offering an amendment with some of my colleagues, the gentleman from Ohio (Mr. KUCINICH); the gentleman from Colorado (Mr. UDALL); the gentlewoman from Michigan (Ms. RIVERS); the gentleman from New York (Mr. CROWLEY); the gentleman from New Jersey (Mr. PALLONE) and others, to try to deal in a timely fashion with the very important and pressing matter that has emerged in recent years and shows no signs of abating, and that is the problem of noise emanating from our airports.

As we have increased almost exponentially the amount of air traffic that there has been, we have also similarly increased the burden that is created to those of us who represent areas around airports, large and small.

What my amendment would do, it would take the very valuable research that is done by NASA on noise research and bring it back up to last year's level and ensure that it stays there for at least the duration of this authorization.

There was some concern raised in the full committee about whether we were taking from one program to add to another, and what we would do here is in fiscal year 2000 simply add $11 million for these programs that wind up being funded in this way.

□ 1215

Mr. Chairman, this amendment does not in any level bust the budget. In fact, it restores last year's level for noise reduction. The overall aggregate number of the NASA authorization would again be the same as it was last year, but what this will do is allow us at this important time to continue research on the next generation of the most quiet aircraft that we can have.

We are now, by the end of this year, going to be phasing in the Phase III aircraft, which are the most modern, the most quiet aircraft, but still are akin to having a thunderclap over one's head whenever they take off. This will allow us to do the research for Stage IV. This will allow us to have even more quiet aircraft in the years to come.

The research that is being done by NASA may some day help us strike the delicate balance that we have been trying to reach in this House between the rights of air travelers, the rights of those who depend on air traffic for commerce, and those of us, and there are dozens of us in this House, who have areas that are nearby airports.

We are in negotiations now with the European community, we are in negotiations now with the private sector to encourage the development of this quieter aircraft. Now is not the time for us to weaken that research by reducing the funding that this authorization does.

This is an opportunity for us to send a message also to the private sector that we seek to have their participation as well. We send entirely the wrong message if we in our budget say, we are going to ratchet back our research into these important matters when we are trying to bring the private sector along.

The chairman of the subcommittee has done great work in trying to encourage the private sector to do their research. I consider these funds to be leveraging those, and I think it would be helpful for us to do that now.

This is an opportunity, and perhaps our last opportunity this year. We are going to be passing an FAA reauthorization bill that I believe is going to, regardless of how it emerges, increase air traffic. There are proposals to almost entirely deregulate all of our airports.

That is going to mean another increase in air noise. This is, I would remind my colleagues, perhaps the last opportunity for us to go on record as being in support of whatever technological advantages we can support to bring about the quietest aircraft possible.

Mr. SENSENBRENNER. Mr. Chairman, I rise in reluctant opposition to this amendment.

Mr. Chairman, the heart of gentleman from New York (Mr. WEINER) is in the right place on this amendment, but this is not a fiscally responsible way of going about addressing this problem, since the amendment is an add-on of approximately $10 million additional authorization for each of the next 3 years.

NASA is committed to spending $25 million for aircraft noise reduction in fiscal year 2000. So it is not a question of whether we spend nothing on aircraft noise reduction research or some money, because NASA has got that money allocated within one of their accounts.

The bulk of NASA's aeronautic research into aircraft noise reduction technology was conducted within the research and technology base of the advanced subsonic technology program. The administration, and I emphasize the administration, decided to terminate the advanced subsonic technology program when a determination was made that NASA needed additional funding for the International Space Station.

That was budget discipline. That was setting priorities. That was something that the administration decided that it had to do in terms of meeting its obligations.

For us to turn and go around and say we should forget about budget priorities, we should simply add to the authorization, I think diminishes the credibility of the efforts of the Committee on Science to figure out how we will be able to give NASA the money that is available for this year to the highest and best effect.

NASA has already testified before Congress that they are meeting their goals on aircraft noise reduction technology research within the money that is available. Because of this, we should accept the fact that they know how much they can spend on it. We should not be dealing with this problem simply by throwing more money at it.

I would love to be able to meet everyone's desires, but that is not the way life is in the real world and in the budget climate we are facing. We have to be responsible. This amendment is not fiscally responsible. It runs counter to NASA's expert opinion on their requirements. It breaks our obligations to the taxpayers, and I would ask the committee to reject it.

Mr. CROWLEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today in support of the Weiner-Udall-Crowley, et al., amendment to increase funding for airport noise reduction research and technology in the research and technology base of the NASA authorization bill.

Mr. Chairman, airport noise is perhaps the single most important local quality of life issue to my constituents. Every day my district office receives calls from people living near LaGuardia Airport who complain about the noise from planes landing and taking off. In fact, along with my colleague, the gentleman from New York (Mr. WEINER), I have worked hard to preserve the high-density rule and mitigate airport noise in Queens County.

Mr. Chairman, NASA has listed airport noise reduction as one of its top 10 goals. They want to reduce perceived aircraft noise by 50 percent over a 10-year period, beginning in 1997. Under current funding this goal will not be realized.

The Weiner amendment would restore funding for aircraft noise reduction research to roughly fiscal year 1999 levels. It would bring NASA's overall budget to a 13.655 billion, which is exactly the same dollar amount that it was appropriated at in fiscal year 1999.

I applaud my colleague, the gentleman from New York (Mr. WEINER) for bringing this important issue to the floor of the House. The people who invented the rocket engine are the best people to study aircraft noise and ways to reduce it.

I urge my fellow Members of Congress to support this increase in funding for airport noise reduction, research, and technology. Their constituents who live near airports will appreciate their vote to make their homes, schools, parks, and neighborhoods quieter. The Weiner amendment would do just that.

I would just like to add, taking away the high-density ruling will increase air traffic in high-density airports like LaGuardia, Kennedy Airport, O'Hare Airport in Chicago. Unless we are moving realistically towards a Stage IV engine and unless there is real effort on the part of NASA to develop new technologies to reduce aircraft engines' jet noise, what we are doing to inner cities like New York City is unconscionable. It really, truly is unconscionable, to be increasing air traffic.

Putting aside for the moment the air traffic safety issues and focusing simply on the level of noise that is created by these engines taking off and landing at airports like LaGuardia Airport in my district, it is unconscionable to be standing here at the same time and supporting a bill that will reduce the effort to bring about technology to reduce the level of noise emitting from those jet airplanes.

I cannot support a bill that will gut and take away monies from that very needed project, and leaving it in the hands of NASA to develop that needed technology.

Mr. ROHRABACHER. Mr. Chairman, I move to strike the requisite number of words.

When we are looking at the arguments on this amendment, Mr. Chairman, let us take a look. We are not talking about gutting money for research into jet engine noise.

Again, this has often been the case in the past where people on the other side of the aisle have taken a look at money that was projected to be spent, increases that were projected, and then when the increase is reduced, that is portrayed as some kind of gutting of a program. That is just not the case.

In fact, NASA documents provided to Congress suggest that there would be a $46 million figure spent for this type of research from fiscal year 2000 to 2002. However, updated documents from that agency suggest that NASA will now be spending $71.3 million for noise reduction, which means even without the amendment offered by the gentleman from New York (Mr. WEINER), NASA is planning to spend $25 million more than what it was on this particular issue.

So while I believe that the amendment is well-intended, I do believe that, number one, it is an inaccurate portrayal to suggest that we are reducing the spending; but number two, it is irresponsible in an overall budgetary sense.

What we have here is an attempt by the administration to set priorities. The money is necessary for the International Space Station, so it decided to reduce the increase in spending, so the administration was trying to act responsibly. Now we have an amendment here to undercut the administration when they have tried to set priorities with a limited budget.

I have one more point to make in regard to that. The administration has had to set priorities because it is trying not to bust the budget, not to put us back on this road to irresponsibility that led to such massive deficits in the past.

Instead, what is happening here, and again, we have amendments similar to this in the full committee, we find that we cannot just spend money. It just does not come out of nowhere. In this particular case, the gentleman now has decided to try to add on money, rather than take it out of other research areas in the science budget.

But then, where does that extra $11 million come from? It comes from what we have designated, we have tried to hold off and protect, not as the social security trust fund, but social security surplus money. We have said we are going to try to keep all the money we do not spend and put it back into social security as a protection of that system.

This $11 million is just one example of, yes, it is just a little bit of money, but everybody here has a little bit of money here, a little bit of money there, and eventually we have that surplus that we hope to spend on social security and to solidify social security just being whittled away to nothing again. I do not think that would be responsible.

Mr. WEINER. Mr. Chairman, will the gentleman yield?

Mr. ROHRABACHER. I yield to the gentleman from New York.

Mr. WEINER. Mr. Chairman, I thank the gentleman for yielding to me. Just so we do not lose perspective here, I agree, we should keep things in mind. We should keep in mind that the bill the gentleman is bringing forward is above the President's request, so the outrage that I hear about we are changing the President's priorities, I think perhaps the chairman doth protest too much.

I also want to point out exactly the parameters we are talking about. I am talking about restoring to last year's level, not above, to last year's level of roughly $10 million in the context of a bill in the aggregate that is $42 billion. It is $14 billion this year.

What we are saying is, look, at the same time that we are taking this technology and devoting a significant portion of it to thinking about the problems we are going to be encountering in the future, ought we not to be thinking of the problems we are going to be encountering in a couple of months when we pass the FAA reauthorization, which is something NASA admits they did not take into their calculation when they estimated whether or not the funds provided for noise reduction were sufficient? This is a relatively small amount of money.

I would just respond to one other point that the gentleman made. In this research and technology base, which, just to keep perspective, is about $362 million, there was criticism, and legitimate criticism, raised in the committee consideration of this bill about whether we were taking from one pocket to fund this program.

I accepted that criticism as valid, so now I am saying, in the aggregate, let us do this one-one thousandth increase for this purpose.

Mr. ROHRABACHER. Reclaiming my time, Mr. Chairman, the gentleman was responsive to the debates that we had, and I applaud him for this. This is a learning process around here. But then again, the money, by plussing it up in the way the gentleman now is suggesting, it does again come from another source. That source is money that we had hopefully to protect social security.

The CHAIRMAN. The time of the gentleman from California (Mr. ROHRABACHER) has expired.

(By unanimous consent, Mr. ROHRABACHER was allowed to proceed for 1 additional minute.)

Mr. ROHRABACHER. One last point, Mr. Chairman. NASA has listened to the gentleman, and people have been listening to the gentleman's arguments, because NASA has already agreed to a plus-up or an increase in their spending, in their prioritized spending, of $25 million in this area. I would believe it probably is in reaction to the arguments that the gentleman has been presenting. So in a way the gentleman has won this fight. Adding another $11 million I think is not necessarily the right way to go. I appreciate very much the gentleman's sincerity, but I would have to oppose this amendment.

Mr. ROEMER. Mr. Chairman, I move to strike the requisite number of words.

□ 1230

Mr. Chairman, I rise in strong support of the amendment of the gentleman from New York (Mr. WEINER), the gentleman from Colorado (Mr. UDALL), and the gentleman from New York (Mr. CROWLEY), and do so because their amendment is about quality of life, quality of life not just in space but here on Earth, not just for six astronauts housed in an International Space Station but for people in inner city conditions, in poor areas.

This amendment is about balance and perspective and fairness. It is also fiscally responsible. It merely takes us back up to last year's level. It is a concern about noise reduction for aircraft, especially in big airports, that fly over inner city areas.

Mr. Chairman, if we are not careful and if we do not come back and abide by the concerns expressed by the gentleman from New York in the aeronautics area of this bill, this bill is soon going to be called not the NASA bill, "aeronautics" is going to be dropped out, it is just going to be the National Space Administration. We are not going to be able to help our aeronautics industries in this country, where they are competing more and more every day with Airbus and the fledgling industries in Japan and Korea and the southeast countries of Asia.

It used to be, when I got on the Committee on Science 8 years ago, that we provided a $30 million or a $40 million or a $50 million plus-up for the aeronautics. Now we cannot seem to find any money to help.

The gentleman from New York (Mr. WEINER) is simply saying let us take us back to last year's level. Let us increase this slowly, $10 million a year. Let us make sure that money in the NASA budget goes in a fair and qualified and quality of life manner.

The gentleman from Wisconsin (Mr. SENSENBRENNER) said that the administration made the decision to take the money away from aeronautics because of the Space Station. That is one of my concerns, that the Space Station continues to eat up more and more and more of the available funds to do wonderfully enriching scientific and space-oriented and aeronautics programs.

So we are going to have the opportunity later today to cap funding on the Space Station, that is one option; to get the Russians out of the critical path, that is a second option; or to kill the Space Station, the third option. We will see if this body wants to go along with any of those options.

Finally, I say, Mr. Chairman, that the administration has issued a statement of administration policy. In that the President has said the authorization levels in the bill do not conform to the President's request, which is based on a balanced and affordable space and aeronautics program.

That is exactly the point of the amendment of the gentleman from New York (Mr. WEINER). We are losing that balance for aeronautics. We are losing that support for our aircraft industry in this country. Boeing competes more and more on the cutting edge every day with Airbus.

We have people living in inner city conditions with loud aircraft flying over their homes every single day, hour upon hour upon hour. We want to provide some more research monies to help alleviate the noise of those engines. I think that is a fair request. I think that we should be able to find $10 million this year. The gentleman from New York (Mr. WEINER) did not propose it, but I would propose take that $10 million away from the International Space Station that has gone from $8 billion in costs to $98 billion in life cycle costs.

So with that, Mr. Chairman, I encourage my colleagues to support the responsible, balanced quality of life amendment of the gentleman from New York (Mr. WEINER), and let us keep the aeronautics portion of this bill in the bill.

Mr. SALMON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, the gentleman from Indiana (Mr. ROEMER) is very articulate, and he is a very responsible Member of this House and has kept our feet to the fire on the Space Station program for many years. I might add that his focus on the Space Station has, I think, improved the Space Station in the end, because people have known that he has been there and watching very closely.

However, this money does not come from Space Station. As designed, it is coming out of money that, again, would come right off the top of the bat, which we were hoping to secure for Social Security. So the points the gentleman from Indiana made are very valid, but that is not why the money is coming.

Mr. SALMON. Mr. Chairman, I yield to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Chairman, I thank the gentleman from Arizona for yielding to me. I just want to respond to the gentleman from California (Mr. ROHRABACHER).

First of all, I appreciate his comments about our efforts to control the costs on the Space Station, try to make sure that it can do what it was supposed to do scientifically.

But, secondly, Mr. Chairman, I think that the NASA budget, which has gone between about $13.4 billion and slightly over $14 billion, has had more and more erosion in that budget from now the Space Station growing from in previous years $2.1 billion being allocated, to $2.4 billion being allocated this year for it.

So that is where I am saying the growth is coming in the Space Station, and good programs like what the gentleman from New York (Mr. WEINER) is trying to accomplish with noise reduction are falling by the wayside.

Shuttle safety we are concerned about. Education grants we are concerned about. Science programs and space science we are concerned about. So those are some of the things we are talking about.

I share the gentleman's concern for Social Security and the trust fund, and I hope he will work with us to put as much of the budget surplus as possible back in that surplus.

Mr. SALMON. Mr. Chairman, I yield to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, I think that the arguments that the gentleman from Indiana (Mr. ROEMER) are making are certainly valid arguments. When we decided to move forward, and this body has decided on many occasions to move forward with the International Space Station, all of us who were voting on that should very well have remembered that we were prioritizing our spending and that it was going to have an impact in other areas just like the areas the gentleman is suggesting and I might add just like the areas that the gentleman from New York (Mr. WEINER) is bringing up today.

We are foregoing spending in certain areas in order to be responsible and not suck up money that should be going into bolstering Social Security. The gentleman is absolutely right. This is part of the cost of the Space Station. The amendment of the gentleman from New York (Mr. WEINER) does not, however, take this out of Space Station.

Mr. WEINER. Mr. Chairman, will the gentleman yield?

Mr. SALMON. I am happy to yield to the gentleman from New York.

Mr. WEINER. Mr. Chairman, if I could just respond to the chairman of the subcommittee, my good friend, would he then not object to an amendment which took the money out of the research and technology base?

Mr. SALMON. Mr. Chairman, I yield to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, I do not support taking it out of Space Station. But we have to realize what the gentleman's amendment is actually doing. It is not taking it out of Space Station. It is adding to that. The money does not come from anywhere. The gentleman from New York is doing a diligent job in trying to meet those objections.

Mr. WEINER. Mr. Chairman, if the gentleman from Arizona (Mr. SALMON) would further yield, I will gladly change my amendment and take it from that huge pot of money that is Research and Technology Base. If he will support that, I will be glad to do it. But it seems like I have a moving target here. We cannot take money from a $400 million Research and Technology Base because then any numbers of projects could fall from the sky. But, on the other hand, if I say let us plus it up just to last year's level and no higher, then that, too, raises an objection.

It seems to me that what we are trying to say here, and I will try to do anything that I can to meet the objections of the subcommittee Chair, is to try to say, look, all we want to do is take the level that we had last year in this important program and meet it this year. I will do it the gentleman's way, and I stand ready here to amend my amendment in any way necessary.

Mr. SALMON. Mr. Chairman, I yield to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, again I compliment the gentleman from New York (Mr. WEINER) for showing due diligence to the arguments that were offered in committee and trying to find another funding level.

I would just suggest that he come forward with a specific suggestion. It is not, as has been implied by the gentleman from Indiana (Mr. ROEMER) that this is not being funded out of Space Station. His arguments about Space Station are valid, in that it is eating money up from programs like the one the gentleman were offering.

The CHAIRMAN. The time of the gentleman from Arizona (Mr. SALMON) has expired.

(On request of Mr. WEINER, and by unanimous consent, Mr. SALMON was allowed to proceed for 1 additional minute.)

Mr. WEINER. Mr. Chairman, will the gentleman yield?

Mr. SALMON. I yield to the gentleman from New York.

Mr. WEINER. Mr. Chairman, I am willing and able, and I think my colleagues who are cosponsoring this amendment would be more than willing. The gentleman said where shall it come from. The gentleman from California (Mr. ROHRABACHER) said I have not proposed it comes from the Space Station, although I will be glad to accept that proposal as well. I understand from the gentleman's concerns that he would accept it if I took that $10 million from the existing Research and Technology Base.

Mr. SALMON. Mr. Chairman, I yield to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, let me put it this way: I will seriously consider any proposal that the gentleman from New York (Mr. WEINER) has that takes money specifically from something that I believe has lower priority than what he is suggesting, but it is up to the gentleman to come up with a specific.

Mr. WEINER. Mr. Chairman, if the gentleman from Arizona (Mr. SALMON) would further yield, I just did.

Mr. ROHRABACHER. Mr. Chairman, if the gentleman from Arizona (Mr. SALMON) would further yield, let me put it this way: Taking from the overall research and develop budget is not acceptable because it is not specific. It would not be specific, for example, that money would have to come from another research project. Maybe the project of the gentleman from Connecticut (Mr. LARSON) then would be defunded by what the gentleman from New York is proposing, if we went the route that he is suggesting. Unless the gentleman from New York can be more specific than that, I could not.

Mr. UDALL of Colorado. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Weiner-Udall-Crowley-Kucinich-Rivers amendment. I would like to talk on two points of the amendment. One is just the fiscal issues that we have been discussing here. I would also like to speak to the point of the gentleman from Indiana (Mr. ROEMER) about the discussion about the quality of life issues that are at stake.

Let us again remind ourselves that the Weiner amendment would restore funding for aircraft noise reduction research to fiscal 1999 levels in the NASA budget. If we look out a little further, it would increase in fiscal year 2000 by $11 million; fiscal 2001, $10 million; and fiscal 2002, $8.5 million for aircraft noise reduction research and technology.

Now, in 1999, this noise reduction technology was funded at a level of $36 million. In fiscal year 2000, it is scheduled only for $25 million; in fiscal year 2001 for $26 million; and fiscal year 2002, $19 million.

The amendment of the gentleman from New York (Mr. WEINER) would restore the funding for aircraft noise reduction to levels that are commensurate with 1999. The Weiner amendment would bring us back up to NASA's overall budget levels of $13.655 billion, which is exactly the same amount of money that was appropriated in fiscal year 1999.

So with all due respect, this is not a budget buster. This is in fact being fiscally responsible. In the long run, we are going to save money by making sure that we put these monies into investing in reducing noise at our airports.

The Department of Transportation estimates that over 3 million Americans are affected by airport noise every day. This FAA authorization bill that we are facing later on in our session is likely to increase traffic at our Nation's busiest airports. By supporting this amendment, we are going to provide some relief for the people that live around those airports.

I want to talk briefly about my State. We have Denver International Airport, known as DIA. It is the jewel of our Nation's airport system at this point. But we want to build a sixth runway. We cannot do that right now because increased noise has become an issue, not only for urban residents but for farmers, for business people, and for all the people that live in the mountains of Colorado.

We ought to be doing all we can to solve that problem now so that people all over the country who use Denver International Airport know that that airport is going to be open in all kinds of weather conditions.

Historically, the FAA has been great at running the trains, if you will, running the airports in our country, but NASA has done the important research and development. We ought to be encouraging that combination, and this amendment will do that.

If we want to reduce opposition to airport operations and expansion, we ought to pass this amendment now. This is going to be our only chance this session to reduce the din around our cities and airports. Rather than create more delay and litigation over our airports, let us encourage the development of quieter engines so our air transportation system can help us meet the challenges and the opportunities facing us in this next century.

□ 1245

Ms. RIVERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am pleased to join the gentleman from New York (Mr. WEINER), the gentleman from Colorado (Mr. UDALL), the gentleman from New York (Mr. CROWLEY), and the gentleman from Ohio (Mr. KUCINICH) in sponsoring this amendment, and I rise in support of its passage here today.

I think anyone who is interested in economic development in this country should give very close consideration to this particular proposal. I am convinced that progress in noise reduction is imperative to continued economic growth in this country.

The tension exists today between growth in traffic in the air and concerns about quality of life on the ground, and this tension represents a formidable barrier to economic expansion all across the country.

We all know that increased air traffic is inevitable, whether it is through legislation of this body or through simple population increase over the next several years. We know that we have a problem and it is going to get bigger.

The FAA currently puts monies towards abatement and remediation efforts but, in fact, they have not been adequate, and those efforts may end up being negated to some extent as the FAA moves to change traffic patterns and navigation methodology into the future. And we may see traffic movement from the existing contours and this problem spread to more and more families.

The NASA bill that we are talking about is about researching new technologies, not about abating problems that currently exist but dealing with the future. And, of course, we need both. We need remediation of existing problems, and we must eliminate any future problems before they start.

What we are hoping to see developed here is next-stage aircrafts, necessary, absolutely necessary, if we hope to support both quality of life for the families who are affected by this problem, as we just heard 3 million and growing, as well as the economic needs of communities, regions of the country, and indeed the country as a whole.

If my colleagues are interested in economic development, if they are interested in protecting both the growth of air travel and the economic growth that is incumbent with that, as well as the quality of life for people on the ground, this is a very good place to spend a vote today.

I urge that my colleagues support it.

Mr. LAMPSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from New York (Mr. WEINER).

Mr. WEINER. Mr. Chairman, I just want to summarize here what we have had a chance to learn. We have learned that there is virtual consensus in this body, even on those that are opposed to my amendment, that aircraft noise has reached almost chronic proportions. We have agreed that we need to do more about it. We have agreed in the years to come there will be even more aircraft taking off, more people living in those paths, and more people being harmed every day several times an hour by that air traffic.

But what we have heard is that my amendment to add $10 million this year to a package that includes $42 billion of spending, including $14 billion just this year alone, is somehow too rich. And we found out that instead of offering this amendment in the way that I have to bring it up to last year's level, no higher, that instead I should identify places in the budget and seek to have this funded from those areas.

Well, perhaps I can have it funded from the Advanced Space Transportation Technology section of this bill. $80 million plus-up, an $80 million additional allocation is in this bill, above and beyond what the President proposed. Perhaps it can come from that research and technology base that I had a brief colloquy with my chairman about, which is a $362 million pot of money that is essentially fungible that we are saying, as this Congress, we want to give the authority to NASA to decide how that should be spent.

But if we agree on the fundamental premise that we need to do more research, that we need to ensure that when the stage-four aircraft are ready that we in the United States are able to put them on our aircraft as quickly as possible, then perhaps this is the place to start.

There is concern, and it is legitimate concern, that we not bust the budget. Well, we are not busting the budget by restoring this to last year's level. We are not busting the budget if we are going to be approving a bill with this amendment, which is exactly at the same level as it was this year. And all of the protest about us not paying enough diligence, not paying enough respect to the request that the President submitted I believe is a false concern.

I believe that there are many areas in this budget where we exceed the President's request. This is an opportunity for us to touch people's lives all over this country. It might be our last chance this year to say, in addition to trying to foster greater air commerce, in addition to trying to foster growth at airports, in addition to trying to track new jobs, we should do a little bit, a very little bit, to add to the amount of research that we do that, perhaps with the great assets that we have in this country, intellectual and otherwise, in years to come we might be able to look back at this bill and say give us the extra push to get even quieter aircraft flying over our country.

Mr. ROHRABACHER. Mr. Chairman, will the gentleman yield?

Mr. LAMPSON. I yield to the gentleman from California.

Mr. ROHRABACHER. Mr. Chairman, is the gentleman from New York (Mr. WEINER) now amending his amendment or proposing a new amendment that suggests that the $11 million come from the Advanced Space Transportation Technology section?

Mr. WEINER. Mr. Chairman, I ask the gentleman, would he support that amendment if I did?

Mr. ROHRABACHER. Mr. Chairman, if the gentleman would yield, is that the proposal of the gentleman?

Mr. WEINER. Well, I am always guided by the wisdom of my subcommittee chair. Would the chairman support that amendment if I crafted it in that manner?

Mr. ROHRABACHER. Well, let me suggest this, if the gentleman would continue to yield:

I had extensive meetings on this budget with Mr. Goldin, who, of course, is the head of NASA. And I know that we have a big budget and I know $10 million or $11 million seems like it is a small portion, but believe it or not, the people in government who have to deal with this budget actually have ideas of how this money should be spent and have ideas and know that if it is not spent in another way it will come out of these other priorities.

Mr. Goldin has emphasized to me, as the chairman of the subcommittee, that the Advanced Space Technology portion is third highest priority. And frankly, this is something that we should have been discussing and going through for the last two or three weeks rather than here on the floor of trying to find an area.

So I would imagine Dan Goldin and the administration would oppose it coming out of that themselves. It is something that, and I agree with the gentleman, I mean, I think that he has hit an area that needs research. In fact, as I mentioned earlier, NASA has already decided to increase, due to probably some of the arguments he has provided, by $25 million.

Mr. WEINER. Mr. Chairman, will the gentleman yield?

Mr. LAMPSON. I yield to the gentleman from New York.

Mr. WEINER. Mr. Chairman, first of all, as the chairman is aware, we did not mark this up in the subcommittee so we did not have an opportunity to fully vet it. And when we did offer a similar amendment, the type that my colleague seems to be supporting, I won on a tie vote, a moral victory perhaps; and that is why I chose to draft it this way using the guidance of the gentleman.

And I am comfortable with the idea of a $14 billion NASA budget this year, having an additional $10 million that does not exceed last year's level. I am comfortable with that amendment and I would urge my colleagues to support it.

Mr. PALLONE. Mr. Chairman, I rise today in support of the Weiner/Kucinich/Udall/Rivers amendment. I have been actively working to ameliorate aircraft noise and pollution problems affecting my district and the New Jersey/New York Region for many years.

Recently, I helped secure language in the FAA reauthorization act to urge the FAA to complete its redesign of the New York/New Jersey airspace as expeditiously as possible. I also joined other Members in signing a letter to the Transportation Appropriations Subcommittee urging full funding for the airport improvement program.

Recently, too, I have met with NASA representatives to better understand their ongoing research efforts that would help reduce aircraft noise. These efforts are leading to the next phase of quieter aircraft, often referred to as "state IV". However, NASA is many years away from deploying this technology. To increase their ability to develop this technology more rapidly, I urge my colleagues on both sides of the aisle to support the Weiner amendment. The amendment would restore funding for NASA's aircraft noise research program to last year's appropriated level, and would only do so over the next three years. This funding is critical to providing noise relief to our citizens, improving air quality and reducing greenhouse gas emissions, and increasing safety of residents and flight passengers nationwide.

This amendment is important not only for residents in the New Jersey/New York region, but for our entire nation. And I commend my freshman colleague from New York for initiating this important amendment that will improve the quality of life for people across the U.S. Help begin the new millennium with greater noise and pollution relief for our constituents by voting "Yes" today on the Weiner/Kucinich/Udall/Rivers amendment.

Mr. ACKERMAN. Mr. Chairman, I rise today in strong support of the amendment offered by Mr. WEINER to the FY 2000 NASA Authorization bill. This measure would restore funding for NASA's Aircraft Noise Research Program to last year's level. The research conducted by this program would be of great benefit for all those who live, work, or travel near airports throughout the country.

The New York metropolitan area air space is the busiest in the nation. While many people enjoy the benefits of frequent flights into and out of New York, my constituents are forced to endure the noise of a plane landing or taking off every 30 seconds at LaGuardia Airport. Moreover, the FY 2000 FAA Re-Authorization bill which the House will be considering in the next few weeks, may well increase this flight activity. The issue of airplane noise is a quality of life issue for the people who live, work, and go to school in the areas surrounding our nation's airports. The least we can do is work to make these planes quieter, and lessen the burden on those who reside near airports in my district, as well as throughout the country.

I want to thank the gentleman from New York, Mr. WEINER, for his initiative and leadership on this critical issue for so many New Yorkers and others throughout the country. I urge my colleagues to support this critical issue and vote "yes" on the Weiner amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. WEINER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. WEINER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 174, further proceedings on the amendment offered by the gentleman from New York (Mr. WEINER) will be postponed.

AMENDMENT NO. 7 OFFERED BY MR. SALMON

Mr. SALMON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. SALMON:

At the end of the bill, insert the following new section:

SEC. 221. ANTI-DRUG MESSAGE ON INTERNET SITES.

Not later than 90 days after the date of the enactment of this Act, the Administrator, in consultation with the Director of the Office of National Drug Control Policy, shall place anti-drug messages on Internet sites controlled by the National Aeronautics and Space Administration.

In the table of contents, after the item relating to section 220, insert the following new item:

Sec. 221. Anti-drug message on Internet sites.

Mr. SALMON. Mr. Chairman, my amendment is very straightforward. It requires the NASA Administrator to consult with the Director of the Office of National Drug Control Policy to place antidrug messages on NASA Internet sites.

The NASA Internet site is the most popular Government Web site, receiving hundreds of millions of hits. For example, the Mars Pathfinder Web site logged roughly 750 million hits during its mission to Mars. John Glenn's return to space generated 732,000 Web pages being downloaded from NASA's server, and each week about 250,000 Web pages are downloaded from NASA's server.

Many of these hits on the NASA site are from children, our young people. Thousands of schools around the country have incorporated the NASA Web site into their science curriculum. Furthermore, NASA has targeted students with interactive Web sites designed to engage young minds.

In an era where our children are constantly bombarded and surrounded by the influence of drugs and where more than half of all high school students are found to have dabbled with illicit drugs by the time they have graduated, now is the time to step up our prevention efforts to protect our children from the scourge of drugs. The NASA Web site is an excellent and cost-free way to send these antidrug messages to our young children.

I urge all of my colleagues to support this amendment.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. SALMON. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, the amendment of the gentleman from Arizona is a very constructive one and I am happy to accept it.

Mr. GORDON. Mr. Chairman, will the gentleman yield?

Mr. SALMON. I yield to the gentleman from Tennessee.

Mr. GORDON. Mr. Chairman, I also recommend accepting the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. SALMON).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. ROEMER

Mr. ROEMER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. ROEMER:

After section 130, insert the following new section:

SEC. 131. COST LIMITATION FOR THE INTERNATIONAL SPACE STATION.

(a) LIMITATION OF COSTS.—Except as provided in subsection (c), the total amount appropriated for—

(1) costs of the International Space Station through completion of assembly may not exceed $21,900,000,000; and

(2) space shuttle launch costs in connection with the assembly of the International Space Station through completion of assembly may not exceed $17,700,000,000 (determined at the rate of $380,000,000 per space shuttle flight).

(b) COSTS TO WHICH LIMITATION APPLIES.—

(1) DEVELOPMENT COSTS.—The limitation imposed by subsection (a)(1) does not apply to funding for operations, research, and crew return activities subsequent to substantial completion of the International Space Station.

(2) LAUNCH COSTS.—The limitation imposed by subsection (a)(2) does not apply to space shuttle launch costs in connection with operations, research, and crew return activities subsequent to substantial completion of the International Space Station.

(3) SUBSTANTIAL COMPLETION.—For purposes of this subsection, the International Space Station is considered to be substantially completed when the development costs

comprise 5 percent or less of the total International Space Station costs for the fiscal year.

(c) Automatic Increase of Limitation Amount.—The amounts set forth in subsection (a) shall each be increased to reflect any increase in costs attributable to—

(1) economic inflation;

(2) compliance with changes in Federal, State, or local laws enacted after the date of enactment of this Act;

(3) the lack of performance or the termination of participation of any of the International countries participating in the International Space Station; and

(4) new technologies to improve safety, reliability, maintainability, availability, or utilization of the International Space Station, or to reduce costs after completion of assembly, including increases in costs for on-orbit assembly sequence problems, increased ground testing, verification and integration activities, contingency responses to on-orbit failures, and design improvements to reduce the risk of on-orbit failures.

(d) Notice of Changes.—The Administrator shall provide with each annual budget request a written notice and analysis of any changes under subsection (c) to the amounts set forth in subsection (a) to the Senate Committees on Appropriations and on Commerce, Science, and Transportation and to the House of Representatives Committees on Appropriations and on Science. The written notice shall include—

(1) an explanation of the basis for the change, including the costs associated with the change and the expected benefit to the program to be derived from the change; and

(2) an analysis of the impact on the assembly schedule and annual funding estimates of not receiving the requested increases.

(e) Reporting and Review.—

(1) Identification of costs.—

(A) Space shuttle.—As part of the overall space shuttle program budget request for each fiscal year, the Administrator shall identify separately the amounts of the requested funding that are to be used for completion of the assembly of the International Space Station.

(B) International space station.—As part of the overall International Space Station budget request for each fiscal year, the Administrator shall identify the amount to be used for development of the International Space Station.

(2) Accounting for cost limitations.—As part of the annual budget request to the Congress, the Administrator shall account for the cost limitations imposed by subsection (a).

(3) Verification of accounting.—The Administrator shall arrange for a verification, by the General Accounting Office, of the accounting submitted to the Congress within 60 days after the date on which the budget request is transmitted to the Congress.

(4) Inspector general.—Within 60 days after the Administrator provides a notice and analysis to the Congress under subsection (d), the Inspector General of the National Aeronautics and Space Administration shall review the notice and analysis and report the results of the review to the committees to which the notice and analysis was provided.

In the table of contents, after the item relating to section 130, insert the following new item:

Sec. 131. Cost limitation for the International Space Station.

Mr. ROEMER. Mr. Chairman, there is a quote from Justice Louis Brandeis and it goes like this: "Publicity is justly commended as a remedy for social and industrial diseases. Sunlight is said to be the best of disinfectants, electric light the most efficient policeman."

Sunlight, policing, publicity, how can we be against that? This amendment is about all three of those things. This is not my annual amendment to kill the Space Station. This is an amendment to responsibly cap the costs of the Space Station.

Mr. Chairman, we need to do something about the Space Station; and this body, in its eminent wisdom and sense of fair play, has a number of options today. We can cap the costs of the Space Station for the assembly at $21.9 billion. We can cap the Shuttle costs in connection with the assembly at $17.7 billion and follow the lead of the other body.

The other body put these caps into their bill. Senator McCain, a Republican, who I believe supports the Space Station, put this language into the Senate bill. I do not think that it was even contested. I think it was voice voted. And probably people that support the Space Station, although I do not, I admit it, I do not support the Space Station, this simply tries to get a fencing and a cap and some accountability and some sunshine on the rising and escalating inefficiencies and cost overruns in the Space Station.

Now, we just had a debate on a reasonable amendment offered by the gentleman from New York (Mr. Weiner) to try to plus up to last year's level an aeronautic account to try to do more research on noise and its impact from engines, commercial engines, on inner city people.

Both the respected chairman, the gentleman from Wisconsin (Mr. Sensenbrenner) and the respected subcommittee chairman, the gentleman from California (Mr. Rohrabacher) have, in effect, said that we must prioritize the Space Station. And it has gone from $2.1 billion in this bill to $2.4 billion in this bill. So, naturally, when the bill is only $13.4 billion, lots of other things are going to fall by the wayside.

So this amendment that I respectfully offer simply says let us fence this money, let us cap this money, let us make NASA accountable for this money.

□ 1300

I remind my colleagues, I gently remind my colleagues that this is the same Space Station that was supposed to cost $8 billion when it was first designed in 1984. Now the General Accounting Office says the total cost for launching and construction assembly are going to be $98 billion. Mr. Chairman, we have had cost overruns in the last couple of years equal to the entire cost that the Space Station was originally designed to cost the American taxpayer.

This amendment simply says, if you are going to build it, be accountable to the taxpayer. Do not continue to have a program replete with inefficiencies and infected with cost overruns. Let us make sure that NASA does it the way they have done so many other things so efficiently, with the hope and the glory and the promise of the Pathfinder that went to Mars recently for $263 million on the dot.

Are we going to be able to do those anymore if the Space Station continues to escalate in cost and eats up the rest of the $13.4 billion that we have for NASA? I ask my colleagues, will we even have a NASA that has an aeronautics component? Maybe we should just rename the bill the National Space Administration and not help out our aeronautics companies anymore. That is where we are moving. That is what happened to the gentleman from New York's amendment. Let us make sure we prioritize accountability and disinfectant and fairness in this budget.

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this is one of the rites of spring that occurs in our Nation's capital city every year. The cherry blossoms come up, there are a lot of tourists, particularly schoolchildren, that come to see our Nation's capital, and the gentleman from Indiana starts to kill the Space Station again.

First, there is a cap for the next 3 years contained in the bill that is before us. That cap is contained in the authorization amounts of $2,482,700,000 for fiscal year 2000, $2.328 billion for fiscal year 2001 and $2.91 billion for fiscal year 2002. That cap is there. That fully funds the administration's request on this subject. We are being very bipartisan on that.

Secondly, the amendment that the gentleman is proposing now will be directly in conflict with the next amendment that the gentleman intends to propose which gets the Russian government out of the critical path, because the budgets that NASA has put together assume that the Russians will be able to fulfill their obligations under the Space Station agreement. The gentleman from Indiana and I happen to agree that the Russians have not done that. But if he removes the Russians from the program, it is going to cost more money.

So the cap that he puts on will prevent NASA from spending more money which will be caused by the next amendment that the gentleman from Indiana intends to propose. Really, I think the gentleman ought to go to his third amendment which kills the Space Station altogether, because that implements what he wants to do. What he wants to do there is wrong and has been rejected overwhelmingly by the House of Representatives in the past, and I would hope would be rejected again in the future.

The conflicting messages that are being sent by the different caps that are being discussed here is not going to do NASA any good, is not going to do the program any good, and it is just going to confuse everyone in terms of responsible budgeting. I hope that that is not what the gentleman from Indiana has in mind.

Because in determining how much the Space Station costs, an essential element is going to be the economic and political direction that Russia takes and how the United States of America, which includes the President, the Congress and the American people, respond to it. I just would hope that NASA's hands would not be tied through the adoption of the amendment that the gentleman from Indiana is proposing at the present time, that NASA be able to have the flexibility in dealing with Russian contingencies head-on.

For that reason, I would urge the committee to reject the amendment that he has proposed.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the last word.

Let me thank the gentleman from Wisconsin (Mr. SENSENBRENNER) as well as the chairman and ranking member of our Subcommittee on Space and Aeronautics. Let me also acknowledge the gentleman from California (Mr. BROWN) and wish him a speedy recovery and thank him for his leadership.

I enjoy the friendship of the gentleman from Indiana, and of course I enjoy his constant reminder that we must be vigilant and diligent in the use of the people's money. I vigorously rise, Mr. Chairman, to oppose his amendment on the capping of development funds and launching funds for the Space Station, and prospectively rise to oppose what might be an amendment to eliminate the Space Station, and ask my colleagues to consider where we are.

In committee, someone made a very important note that the gentleman from Indiana's eloquence was missed in the Committee on Science, and they thought because of his leadership of past years he had gotten promoted to another committee. Maybe we should not say it on the floor, but I know he misses us and he knows the good work that this committee does, and that is why he is back with us again.

But I would share with my colleagues that we went through this even before I came to Congress, when we in essence did not support the continuation of the super collider, of course, costing a lot of dollars. But yet there is much evidence that suggests superconductivity research, which is now international, would have generated into many, many jobs and as well would have brought us a large amount of research and input.

I say that this is the same thing that we have with the Space Station. I support the NASA reauthorization, with certainly a number of concerns. But I would think at this point in the furtherance of what we have done, where we have gotten the Space Station, the efficiency, the effectiveness, the tight budget.

I just happened to visit one of our contractors a couple of weeks or so ago. I walked through their plant, I watched their employees, saw the fine line of the budgeting process that they watch, the around-the-clock workers that they have there at USA, United Space Alliance, and saw that they had an attention to detail with respect to doing this job right.

The research that we are getting out of the Space Station on diabetes, HIV, heart disease, the fact that the NASA Johnson Space Center, in fact, using International Space Station as an umbrella, is able to solve some of the problems that impact individuals. For example, there is sort of a connection between the small business community where there are outreach members who go to the small business community and say, "Do you have a problem? If you have a problem, let's see if we can solve it through the umbrella of the Johnson Space Center and the umbrella of the International Space Station."

One of those had to do with a gentleman that had a surgery on his arm and had to have various tubes. He could not take a clean bath. This is one of our hospitals. He could not take a shower because infections would start up. We have been able to, under the umbrella of all the research that is done under the Space Station, to be able to solve that individual problem. And so I think it is important. I think, however, that to gut the Space Station, we would be in trouble.

The bill fully funds the Space Shuttle at $2.5 billion. Included in the package is an additional $456 million for the Shuttle. Furthermore, this bill contains a substantial increase from the administration's request for NASA's academic program. I was able to secure further participation for our minority universities, minority-serving universities, Hispanic and African American. The overall bill responds to our concerns about fiscal responsibility.

Yet let me comment, Mr. Chairman, that this bill is not altogether perfect. It steals from Administrator Dan Goldin by prohibiting him from pursuing programs that have the potential to bring great rewards to the United States. The Triana program, Mr. Chairman, I hope, which is a 2-year program which was funded last year in the amount of $40 million, snatched out of the jaws of success, I hope that when we get into conference we can realize the importance of this. Taking away NASA's authority to follow through on this program merely because it was an initiative of the Vice President is certainly irresponsible and a waste of taxpayer dollars. It reminds me of the big hole in north Texas because of opposition to the super collider. Section 126 of the bill also contains a limitation on NASA's earth science program.

So we have many problems, Mr. Chairman, but I would say to you, we do not have a problem with the International Space Station. I would ask my colleagues to defeat this amendment, prospectively to defeat the amendment to eliminate the Space Station, and pass the bill, and work on supporting the Triana project.

Mr. Chairman, I rise in support of this bill, which authorizes the National Aeronautics and Space Administration (NASA) for the next three years.

This bill authorizes one of our proudest institutions, NASA. It is an agency that spearheads our search for an understanding about our universe, an agency dedicated to quench our insatiable thirst for knowledge. It is an agency that has done more with less over the past decade, and done so convincingly well. I wish that Congress could perform for them as they have for us, and pass a bill that does not micro-manage, and that does not place new obstacles in the path to achievement.

Thankfully, however, this bill maintains or increases funding for several projects that have consistently been performing well despite yearly budget cutbacks, namely the International Space Station and the Space Shuttle. Up until now, it has been fairly easy to criticize our progress on the station because NASA remained in stages of planning and preparation—but all of that has changed in the past few months we finally have two pieces of the ISS in orbit—*Zariya* and *Unity*. Under this bill, the funding for the Space Station is set at $1.4 billion for FY2000, of which $394 million is specifically earmarked for microgravity research—which is at the core of station research that will benefit the health of humankind.

This bill also fully funds the Space Shuttle program at $2.5 billion in FY2000, with a slight increase in FY2001. Included in this package is an additional $456 million for shuttle upgrades, which seek to improve the safety of the shuttle, and which can increase efficiency. These upgrades will guarantee that the space shuttle will be more-than-capable in its duties for the next 10 years, while at the same time reduce operating costs and decrease flight turnaround time. These are important in an era where we want to increase access to space while at the same time lowering cost, so that we can better complete worldwide for launch dollars. We should be promoting the use of U.S. launch facilities whenever possible, so as to further develop our launch industry and make our economy more robust than ever.

Furthermore, this bill contains a substantial increase from the Administration's request in the funding for NASA's Academic programs. Although the $128 million is slightly below the appropriated amount last year, it still represents an overall increase in those academic programs when looking at our overall spending pattern over the past five years.

I was also thankful to pass an amendment during Full Committee markup that set aside a proportional amount of funding for minority academic programs. These programs are extremely important, especially when you look at the numbers. African-Americans only represent 6% of the students enrolled in graduate-level science and engineering programs, and Hispanics only 4%. In the workforce, both of those groups together represent less than 6% of those working in the science and engineering fields even though they represent more than 20% of all our workers combined.

My amendment ensured that NASA would spend at least $62 million on minority education efforts, of which $33.6 million would go to Historically Black Colleges and Universities. This is especially important in my district, which lies just outside of the Johnson Space Center and which contains Texas Southern University and the University of Houston, both of which serve minority youth from all over the country. NASA can have a significant impact on these children's lives—most of you have seen the reaction of the children who were lucky enough to attend the preview of the new "Star Wars" movie last night—now imagine NASA being able to dazzle them with real-life possibilities and technology.

This bill is far from perfect, however. NASA has always been an agency about research, setting goals, and solving problems. This bill, however, steals authority from Administrator Dan Goldin by prohibiting him from pursuing programs that have the potential to bring great rewards to the United States.

The first program that is cut by this program is the Triana program, which is a two-year program which was funded last year in the amount of $40 million. By taking away NASA's authority to follow through on this program, merely because it was in some way an initiative of the Vice President is more than irresponsible, it is a waste of taxpayer dollars.

Section 126 of this bill also contains a limitation on NASA's Earth Science program, who is in charge of leveraging our space technology to give us a better understanding of the Earth. The limitation places hard requirements on NASA to commercialize portions of its remote sensing data, but the reality is that the market has not developed to the point where data buys are commonplace. As a result, the entire Earth Science program's future will be in serious jeopardy in Section 126 is not stricken from the bill.

The bill as currently written also contains prohibitions on the development of TransHab, a new technology that has direct application to the Space Station and future space technologies. TransHab is essentially an expandable construct that can be used in outer space to house astronauts or other equipment. Because it is expandable, its capacity for use is greater than conventionally built modules, and at the same time it saves us precious payload space when put into orbit. TransHab technology opens many options for NASA, and makes the lives of astronauts far more bearable. While we should make sure that this technology does not jeopardize our current space station construction timeline or cause cost overruns, this House should not preempt the sound reasoning of our best-trained scientists by prohibiting the development of TransHab.

NASA is an important tile on the American quilt. It permeates the consciousness of a whole generation that watched Neil Armstrong walk on the moon and dreamed they were there with him. NASA continues in the American traditions of exploration and ingenuity—and we should not abandon those traditions by placing limits on our best and our brightest. I urge my colleagues to support NASA, but to do so responsibly and without undue interference.

Mr. CAMP. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of all three Roemer amendments. Every year, as the gentleman from Wisconsin has pointed out, we come to the floor and debate this issue.

I urge my colleagues to vote down additional funds for the International Space Station. I realize we are going to be facing three amendments today. One is to cap funding, one is to end our partnership with Russia in this program, and the third is to end funding for the Space Station altogether.

But we continue to shovel money into this growing black hole of taxpayer dollars. Two modules have already been launched, but where is the next module? The launch of the third segment, Russia's service module, has been delayed again and again because of Russia's funding problems.

Should we throw more U.S. taxpayer dollars to the Russians to finish their work? I fear that such assistance may become lost, like the $4.8 billion in IMF funds which were squandered by Russian officials. The Clinton administration's ill-fated decision to bring Russia aboard, a decision which they claimed would result in accelerating the Space Station completion by 2 years and reducing costs by $4 billion, has backfired badly. Instead, costs have accelerated and delays have increased.

In the fiscal year 1994 VA-HUD bill which passed the House overwhelmingly, there was report language which said, and I stress this point, Congress stated that Russian participation, and this is where I am quoting, "should enhance, not enable, the Space Station." Despite our best intentions, Russian participation has caused huge U.S. cost overruns and has in effect disabled the program, which is now dependent on Russia.

Will the American taxpayer get their money's worth out of this project? I doubt it. The original scientific justifications for building the station have eroded. The presidents of 10 different scientific societies have called the Space Station a project of little scientific or technical merit that threatens valuable space-related projects and drains the scientific vitality of nations.

I believe the $75 billion not yet spent on the Space Station could provide an enormous benefit to other programs within NASA and other earth-based scientific research. How many more delays, cost overrun and unfulfilled promises must we endure? I continue to support NASA and space exploration, but we must recognize the cost of this particular project far exceeds the potential benefits. I urge my colleagues to support the Roemer amendments and restore common sense to our space program.

Mr. GORDON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to compliment the gentleman from Indiana's scrutiny of the Space Station over the past few years. I think because of that that we have a better Space Station program, that NASA is more accountable.

But I do have concerns with this amendment, in that, as has been pointed out, two segments of the Space Station have already been launched and placed in orbit. This particular cap would result in a 12 percent approximate reduction in the budget for the projected completion of the Space Station. I think to take 12 percent out really raises questions of safety and efficiency. For those reasons, I think this is just too big a cut and would oppose the amendment.

Mr. WELDON of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as we all know, the gentleman from Indiana has been a strong opponent of the Space Station program for years, and for many years traditionally introduced the amendment to kill the funding for the Space Station. He was consistently defeated by the will of this body.

The people of the United States, through the expressed will of the Congress, have chosen to proceed with the construction of the Space Station. Now, today, as we speak, we do have two elements on orbit. We have much of the construction cost already expended, and most of the hardware is at the Space Station processing facility at Kennedy Space Center and ready to be launched.

□ 1315

Now what was correctly pointed out by the gentleman from Michigan is that we do have significant delays caused by the Russians, and that has been something that I have been very, very concerned about, as have been many Members of this body. We are very, very close to obtaining the delivery of the service module. NASA has worked out a very, very successful program to work around any further Russian delays in the outyears of the program and to ultimately get them out of the critical pathway.

I strongly encourage my colleagues to oppose this amendment because of what it really is, and what it is is an attempt on the part of those who have tried to kill the space station for years to instead put forward an amendment that does not appear to do that but what in reality will do that. By putting this cap in place it would require very significant cuts in funding, and I can tell my colleagues as a Member who represents an area of the country where a lot of this work is done, this program is pretty much cut to the bone. They have really done a tremendous job, I believe, in getting it completed with the funding that has been available and that this particular amendment will essentially kill the space station program.

I am told that there is nothing that motivates our kids more to study math and science in our schools than our manned space flight program, and I would encourage our colleagues to defeat this amendment.

Mr. LARGENT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have before me here the official House of Representatives dictionary, and I have turned to page 240 and looked up the word "boondoggle."

Boondoggle: work of little or no value done merely to keep or look busy; a project funded by the Federal Government out of political favoritism that is of no real value to the community or the Nation.

Boondoggle, Mr. Chairman, that is what we are talking about here in the three amendments offered by the gentleman from Indiana (Mr. ROEMER) to kill, cut or sever the relationship with the Russians in work performed by the Russians on the space station.

Mr. Chairman, I will tell my colleagues I was a member of the Committee on Science back in 1994. We began talking about the space station. The work was already under way at that time. I was told at that time that the work to be done, to be completed, was going to run a cost of $20 billion to complete the space station. That was in 1995, when I first came to Congress. Today we have just received a study by GAO with revised estimates saying that the space station will cost U.S. taxpayers $95.6 billion over its lifetime, a fourfold increase in 4 years, Mr. Chairman.

This, I believe, should be an added definition for boondoggle in this dictionary that I have before me.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. LARGENT. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I am afraid the gentleman is kind of confusing apples with oranges because the earlier figure was the construction cost. The later figure that the gentleman from Oklahoma is using is the construction cost plus the operations cost over the full 15 to 20-year life cycle of the station.

I will be the first to concede that as a result of the Russian failures to do what they agreed to the construction costs to the U.S. taxpayers have gone up, but the 1994 figures that the gentleman from Oklahoma gave did not include any operations cost whatsoever.

So there has not been a fourfold increase.

Mr. LARGENT. But is it true that the taxpayers will be spending $95.6 billion over the next 15 years or over the lifetime of the space station?

Mr. SENSENBRENNER. That is the current estimate, but to say that the cost has gone up by four times, as my colleagues know, uses a figure in the beginning that did not include any operational cost and the figure in the end that does. So it is not a comparable comparison between the current cost estimate and the cost estimate that was utilized in 1994.

Mr. LARGENT. Then in 1994 what were the costs plus operational expenses projected to be?

Mr. SENSENBRENNER. I do not know.

Mr. LARGENT. I can assure the gentleman it was not $95.6 billion of the taxpayers' money.

I can also tell him that one of the reasons that was given for building the space station was that we could do all these elaborate experiments on crystal formation in a weightless environment, and so the reason for that is that we would be able to develop all these cures for cancer and so forth, and so what I did is I just kind of on my own began calling a number of the drug manufacturing companies in this country and asking them: "How important is it for you to be able to conduct these experiments to develop these chemicals and these different crystalline formations that are going to cure cancer?"

Their response, all of them across the board, was: "We could care less. That is not what we are into. We could care less about space station funding."

So I would just say, Mr. Chairman, that I am rising in support of all the Roemer amendments, and I would ask my colleagues to consider the ramifications of continuing to spend nearly $100 billion of taxpayers' money on a project that is overdue, overfunded and not needed.

Mr. LAMPSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise this afternoon to voice my very strong opposition to all of the amendments offered by the gentleman from Indiana (Mr. ROEMER) to H.R. 1654, and I will talk about all of them right now in one fell swoop.

With all due respect to my colleague from Indiana, cancelling or capping the International Space Station, whether it is dealing with the partnership with Russia, killing funding authorization for the space station or setting caps on development of and launch of costs associated with the station is wrongheaded. It is wrongheaded domestic and foreign policy.

When we began the International Space Station, we knew it would be a challenging project, to say the least. To stop now would be sort of like halting the construction of the transcontinental railroad shortly after the engineering survey work had begun and the first few miles of track had been laid in the 1860s.

Mr. Chairman, it would be shortsighted and even foolish to terminate the program now that we are on the verge of realizing its many rewards. We have launched Zarya and Unity, the initial elements of the space station, into orbit where they are now operating, and moreover, shipment of the service module, the permanent crew quarters, will be placed in orbit next year. It is presently under way. NASA experts predict that the space station will be completed and can serve as an outpost for humans to develop, use and explore the last frontier within 5 years.

Mr. Chairman, think about the advances that can positively affect the lives of all Americans that would be prematurely halted. For example, the new space life sciences doctoral program at the University of Texas medical branch in Galveston, my district, could be terminated, and the chances of improving telemedicine and even better access for health care for all Americans would be slowed down. Cutting space station funding would adversely affect Joe Valentine's Alliance for Technology access in San Rafael, California, which is in the district of the gentlewoman from California (Ms. WOOLSEY), and she is going to speak in a few minutes. The alliance which has 40 resource centers around the country provides assistance to the disabled through a variety of high-tech resources, many of which have been developed through manned space exploration and all of which stand to benefit greatly from current telemedicine-telemedical research.

Mr. Chairman, capping or eliminating space station funding also could stymie progress at the University of Notre Dame's bioscience core facility. At this laboratory in the district of the gentleman from Indiana (Mr. ROEMER) scientists and researchers are dedicated to providing technical and instrumental support for biological and biochemical research. I do not believe either of these Congress persons wish to do something that would harm the hopes and dreams of what these people are trying to accomplish in their districts, and our Nation's drive to improve the lives of humans and the health of our planet would be waylaid if Congress votes to terminate funding for the International Space Station. It would be a shame to throw away one of the best financial investments our Nation can make, and I have said it several times. For every Federal dollar we spend in space we get a $9 return here on Earth. Nine dollars has created tens of thousands of good jobs for Americans.

Well, Mr. Chairman, I urge all of my colleagues to think about their children and their grandchildren when casting their vote on any of these three dangerous amendments. Do we really want to deprive our children and grandchildren the benefits of future improvements and discoveries in medicine, meteorology, microbiology by voting against continued funding of the International Space Station?

Well, I do not want the 106th Congress to go down in history as one of the most myopic in history by endorsing these amendments. Therefore, I urge all of my colleagues to vote no on the amendments to NASA's budget authorization bill.

Mr. ROHRABACHER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in respectful but still opposition to at least two of the amendments offered by the gentleman from California (Mr. ROEMER). Perhaps we will talk about the third, but let me just say that now is not the time for us to undermine the space station program.

The gentleman from Indiana (Mr. ROEMER) has made his position very clear. He believes the space station is wasteful, and he believes that it takes away from other priorities. He has made his arguments, and some of his arguments have certainly a flavor of legitimacy to them, not to say that we can agree with him at this time. Perhaps 10 years ago when we were facing this same situation, perhaps when I first came to Congress, would have been a better idea just to go along with Mr. Roemer at that time, but we have gone forward now, and we have reached a point that it would be a tremendously destructive factor to America's space program to try to end the space station project at this time.

If we end the space station project, we follow the lead of the gentleman from Indiana (Mr. ROEMER), it will be a death knell to space cooperation throughout the world. We have made agreements with our allies. We also made an agreement and a covenant with the American people. We spent so many billions of their dollars already on this project, it is incumbent now upon us here at the last moments, in the last 2 years of this project, to get the project done.

And I agree with Mr. Goldin. Mr. Goldin, I think, has been a breath of fresh air to the space program, that his number one priority is to get this project done, get on with it, so then we can go on to other things. If we instead decide to cancel this project to go on to other things, as the gentleman from Indiana (Mr. ROEMER) would like us to do, it will lead to just the opposite. We will not be cancelling to go into other things, we will be undermining public confidence and any other major space programs and commitments in the future.

So, while I sympathize with his responsible efforts to prioritize and to talk about, as my colleagues know, drawbacks in this budget, I simply cannot support, and I do not think it is responsible for us now to pull back at this last moment.

Now let me just say a few words about space station and what it will be and why it is worth moving forward at this time.

The space station, once complete, will be one of the great and historic engineering feats of all times. We are demonstrating that our engineers, and with a combined and cooperative effort with other countries of the world, can build a great edifice in space, a structure that can be used for, yes, scientific research, but also a structure that can be expanded and used for other things in the future that we perhaps cannot foresee now. Just the engineering experience that we get from building space station and the experience we have working with this cooperative relationship with others will educate us and permit us to accomplish other great things in space, perhaps a moon base, perhaps something that I envisioned, a space grid, an electric grid in space that will help us once our oil resources dwindle to provide clean electricity from space to be beamed down from solar collectors onto the Earth.

These are great dreams, but these are dreams that have to start with engineering capabilities that the space station now will enable us to do because it will teach us those techniques and enhance those capabilities.

So, I would respectfully request my colleagues to reject Mr. ROEMER's amendments, at least two of them dealing with the space station, and to support the space station, not to quit and call it off right here at the last moment.

Mr. GREEN of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will not take my full 5 minutes. In fact, I will condense it to Mr. ROEMER's pending three amendments. I will rise in opposition to all three, but I will only speak once.

□ 1330

I want to speak to the cutting of the funding, to the striking of the funding, or even to the reducing of the international effort in the International Space Station. The gentleman from Indiana (Mr. ROEMER) is a fine Member. I would say to the gentleman from Indiana (Mr. ROEMER) that I hope I do not give the same speech every year because his amendments obviously I oppose.

The International Space Station represents the future of space exploration in our country, and it represents a high tech lab whose innovations have countless applications in the daily lives of all Americans. It represents an era of international cooperation that everyone can benefit from.

To date, the International Space Station has been a model of international cooperation and responsible management. If Congress does undermine the funding for the Space Station with an unexpected reduction, it would represent a major reversal and a commitment made to the program's stability over the past few years and it would be a betrayal to our international partners.

Critics have said that the cost for the life cycle of the Space Station has drastically risen. It is just not true, Mr. Chairman. In fact, the cost for the life cycle of the station has only gone up 2 percent in the last 3 years. So that is pretty good compared to even our low inflation rate.

We have also said that funding the Space Station would push out any smaller space exploration endeavors like the Mars Pathfinder Mission, the Hubble Space Telescope, that have enormous success. Again, this is not true. NASA, with the development of the Space Station, will have a platform from which future space exploration and research can be continued.

We are standing on the brink of the 21st century and I hope that we will not look back to the last century by cutting the funding for the Space Station, the NASA scientists, researchers and astronauts. We do not want to lose the foothold our country has into the future. So I ask a "no" vote on all three of the Roemer amendments.

Ms. WOOLSEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to support the amendment of the gentleman from Indiana (Mr. ROEMER) to put caps on the Space Station spending, and I want to urge my colleagues to support his amendment and my amendment to cut our losses on the Space Station and to cancel that project.

In fact, on this issue, to cut our losses and cancel the Space Station, I am very proud to be recognized, since the gentleman from Indiana (Mr. ROEMER) is no longer in attendance at the Committee on Science meetings, I am proud to be recognized as ROEMER in a skirt.

First, though, it is important to point out the valuable work of NASA, the work that NASA does to push the envelope of technology in reaching out to space. But one project in particular, the Space Station, has cost us far too much, casting too large a shadow over our budget.

Speaking of throwing money at a problem, when the Space Station was proposed in 1984 the estimated price tag was about $8 billion. That is a lot of money. Now that price has risen more than a dozen times to almost $100 billion over the life of the project. This is truly unacceptable.

Let us see what we can do with that much money, Mr. Chairman. We could provide low income heating assistance for thousands of families. We could fund child immunization programs, clean up our Superfund sites, fund drug prevention programs, and pay our debt to the United Nations.

To sway some of my colleagues, I would say that for the same amount they could buy three nuclear aircraft carriers, five Seawolf submarines and 30 B-2 bombers, although I would not recommend it nor would I vote for it.

Mr. Chairman, with the immediate savings from this amendment, $2.4 billion in the year 2000, we could offer college education, including tuition fees and books, to over 500,000 students who could not otherwise afford college, right here on Earth.

With $2.4 billion, we could provide prenatal care to pregnant women who do not have access to routine health care, right here on Earth.

With $2.4 billion, we could expand the WIC program so that all eligible pregnant and nursing mothers can get food supplements, and still we would have money left over.

Supporters of the Space Station claim that research in space will advance health research. Well, with $2.4 billion, we could fully fund the National Heart, Lung and Blood Institute, right here on Earth. And with $2.4 billion, we could make Medicare more affordable to nearly 3 million elderly women living in poverty.

I do not question the ability of our outstanding engineers, Mr. Chairman, and our scientists who would bring this project to reality. However, I believe this is a case of misplaced priorities. With the many needs here on Earth, the Space Station is just too expensive.

With limited funds available for programs right here on Earth, we must focus our resources on our Nation's most urgent needs in order to ensure a bright future for our children. Let us not send our tax dollars out in space when we have unmet needs right here. Let us cancel the Space Station program. I urge my colleagues to support the Roemer amendments.

Mr. KIND. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to associate myself with the remarks of the gentlewoman from California (Ms. WOOLSEY) and just add one other category of where $100 billion might come in handy for a useful down payment, and that is the $5.5 trillion national debt that still hangs over this Nation, that affects us and is definitely going to be affecting the future of our children.

I do rise in strong support of the three amendments the gentleman from Indiana (Mr. ROEMER) is offering to kill, cut or control this fiscal irresponsibility known as the International Space Station, although I do so with a great deal of sadness, Mr. Chairman. I commend the gentleman from Indiana (Mr. ROEMER) for the courage that he has displayed year in and year out to bring these amendments to the floor to highlight this issue, to force the Congress to have to make some tough fiscal decisions and just to remind the American people of what is going on with this program.

But I do so sadly, Mr. Chairman. As a representative of western Wisconsin, the home of such outstanding astronauts such as one of the original Mercury astronauts, Deke Slayton, who hails from a small town called Leon in the Sparta area of Wisconsin, and current Shuttle astronaut Mark Lee, I have always been and will always remain a strong proponent of space exploration and our national space program.

I, like many Americans, am very supportive of NASA's efforts to explore the universe and expand human knowledge, but I am not willing to support this cause at the expense of fiscal sanity. The Space Station program, initiated back in 1984 at an estimated cost of roughly $8 billion, has become a budgetary black hole. The GAO estimates, even with its scope and size reduced, it will now cost nearly $100 billion over its life span.

At a time when Congress is trying to abide by the 1997 balanced budget agreement and live within the spending caps that exist, how can we support a Federal program that now is estimated over 1,000 percent over budget?

With this authorization, the space program will consume one-sixth of NASA's entire budget over the next 3 years, a large amount considering the agency will essentially be level funded during that. As the Station's cost has grown, it has crowded out other scientific priorities. Any further slips in construction and schedule will only add to the pressure on other space priorities.

We must know, as an institution, when to say enough. Since its inception, our national space program has represented what is best about our Nation, Mr. Chairman: our ingenuity, our technological skill, our desire for knowledge about our universe and about ourselves. When confronted with seemingly insurmountable odds, the fine men and women in our space program have risen to the occasion time and time again.

Who will forget that memorable moment back in 1961 when Yuri Gagarin was the first Russian and first person to be launched in space and the shock waves that reverberated across our country from that event. And then a mere 23 days later Alan Shepard, sitting courageously on top of the Mercury Redstone rocket, not knowing whether or not when it ignited it was going to blow up from underneath him, was the first American to finally reach outer space. And then 20 days after that a young President by the name of John F. Kennedy challenged our Nation to send a man to the moon and safely return him to Earth by the end of the decade.

For almost 40 years the achievements of our space program have raised the hopes and dreams of people of all ages. Alan Shepard and Deke Slayton were childhood heroes of mine. I had a model of Freedom 7 on my dresser growing up as a child during the 1960s. All who have been involved in our Nation's space program are American heroes, no question about it.

I want to do what I can to extend this fine legacy but I will not do so at any price. The space program is a wonderful program, Mr. Chairman, that there is no question about.

What has to be questioned is the tremendous cost that the American taxpayers are facing today to perpetuate a Space Station that many in the scientific community, outside of the NASA community, believe has limited or no value.

I would encourage my colleagues to seriously consider supporting these amendments which will hopefully restore some fiscal discipline and some fiscal sanity around a program that is sucking up more and more tax dollars every year as we continue to slide down this slope. I commend my friend from Indiana (Mr. ROEMER) for bringing these amendments again this year.

Mr. BENTSEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to all three of the Roemer amendments dealing with funding for NASA's International Space Station. As well intentioned as they might be, I think they are very misguided, and I think that is apparent by the actions taken by previous Houses on this issue.

Some of these amendments are the same old items in new packages. All of them would be destructive and detrimental to the program.

Some of our colleagues have argued that it would be fiscally prudent to eliminate the Space Station in this year's budget, as the previous speaker just mentioned. In my opinion, nothing could be further from the truth. In fact, it would be terribly imprudent to kill the program.

We have already invested more than $20 billion in the Space Station. Our 12 international partners have spent more than $5 billion; 250 tons of hardware has been built and two elements are currently in orbit. To eliminate the program now, after so much has been invested and so much work has been done, would be the height of irresponsibility by allowing our investment to be completely wasted.

The International Space Station is a worthwhile investment in exploration and science, an investment in jobs and economic growth and, most of all, an investment in improving life for all of us here on Earth. The space program and experiments conducted on the Space Shuttle have made remarkable contributions to medical research and the study of life on Earth. The Space Station is the next logical step, a permanent orbiting laboratory.

Let me highlight some of the Station's potential for contributing to medical advancements. For example, Space Station researchers will use the low gravity environment of the Space Station to expand our understanding of cell culture, which could revolutionize the treatment for joint diseases and injuries. The Space Station will provide a unique environment for research on the growth of protein crystal, which aids in determining the structure and function of proteins. Crystals grown in space are far superior to those grown here on Earth.

Such information will greatly enhance drug design and research into cancer, diabetes, emphysema, parasitic infections and immune systems disorders.

The almost complete absence of gravity on the Space Station will allow new insights into human health and disease prevention and treatment, including heart, lung and kidney function, cardiovascular disease, bone, calcium loss and immune system function.

I also share the concern of my good friend, the gentleman from Indiana (Mr. ROEMER), that the continued Russian participation in this project needs to be carefully examined. The economic difficulties that Russia is currently experiencing have caused several unfortunate delays in their delivery of certain Space Station components and this needs to be scrutinized. This partnership deserves every chance to succeed because of the experience and expertise the Russians bring to the table and the potential foreign policy benefits of continuing this partnership.

Mr. Chairman, the International Space Station is vital to continued human man presence in space and I would urge a defeat of all three of the Roemer amendments.

Ms. RIVERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I wish to commend the gentleman from Indiana (Mr. ROEMER) for his tenacity on this issue and I once again join him in his efforts to cap, curtail or eliminate the International Space Station program.

I have heard all of the arguments over the years, just as many of my colleagues have, and I have to say that while I recognize the sincerity with which many of these arguments are advanced, I do not accept the validity of many of them.

For example, I do not believe that this debate should be about jobs. I do not believe that this debate should be about good money after bad. I do not think that it should be entirely about cost, though I would point out that the Roemer-Sanford amendment is supported by the National Taxpayers Union, Citizens Against Government Waste, the Concord Coalition and Citizens for a Sound Economy.

I do not believe those issues should be central to our discussion today. Our debate today should be about science.

□ 1345

It should be about whether or not the International Space Station represents good science.

Dr. Robert Park of the American Physical Society observed that no scientists not funded by NASA support this station. My experience suggests that is, in fact, true. Dr. Donald Brown, a leading biological scientist and staff member of the Carnegie Institution, says NASA plans for space-based life sciences research is costly and ineffective; ground-based research in other areas are more important.

NASA once boasted that the space station would have eight major scientific objectives. Today, after numerous redesigns and cost overruns, the station retains only two of the original eight. Many experts in space science believe the station no longer represents a worthwhile endeavor, and the science experiments now slated for the station could be conducted aboard unmanned satellites or the space shuttle at a much lower cost.

The station's costs are threatening to crowd out promising projects within NASA. Last year, NASA shifted $200 million from space shuttle safety and space education grants to pay for station overruns. NASA also asked for the authority to shift another $375 million in 1998.

Smaller, cheaper, faster missions will never share the success of other small programs like the Hubble Space Telescope and Mars Pathfinder if we do not cancel the station now. At $1 trillion in life cycle costs, the space station has sucked the air out of space-based research and space-based science that should be allowed to exist on its own.

These proposals are thoughtfully presented, they are fiscally responsible, and most importantly, they are science-based. I would urge my colleagues to support these proposals.

Mr. ROEMER. Mr. Chairman, will the gentlewoman yield?

Ms. RIVERS. I yield to the gentleman from Indiana.

Mr. ROEMER. Mr. Chairman, I thank the gentlewoman, first of all, for her ongoing support for this effort that we have put forward, not just this year, not just last year, not just the year before, but the gentlewoman from Michigan comes to the floor to articulate her strongly felt views every single year on this project, and I am grateful to her for her strong support and her words of wisdom.

I do want to say that in reading one of the Congressional Research briefings on the space station, they say on page 2 of 13 that there are no caps in this House bill. There are overall caps in the Senate bill inserted by Senator McCAIN on the overall costs of the launch and the assembly. Mr. Chairman, $21 billion for one, $17.8 billion for the other. That is all we are asking in this first amendment. An overall $38 billion cap or a fence for disinfectant, for sunshine, for policing, for accountability, for good government so that we can control the costs of this space station.

I thank the gentlewoman for yielding.

Mr. CALVERT. Mr. Chairman, I move to strike the requisite number of words.

I would like to state my opposition to this amendment, and I would encourage my colleagues to vote against it.

I extend my full support for the sensible NASA Authorization Act before us today and I would like to commend the hard work and leadership of the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from California (Mr. ROHRABACHER).

With their guidance and support, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from California (Mr. ROHRABACHER), as well as the gentleman from California (Mr. BROWN), the ranking member of the Committee on Science, and my good friend the gentleman from Tennessee (Mr. GORDON), a member of the Subcommittee on Space, I believe we have a sound bill that will advance scientific research, promote commercial and privatized space efforts, and ensure the United States' role as a preeminent player in the international space community.

I would like to especially commend the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from California (Mr. ROHRABACHER) for maintaining strict oversight throughout the International Space Station program and rightly criticizing the participation by the Russian Space Agency for some of the inefficiencies that certainly they have been involved in.

I am satisfied that this bill has been stripped of pet projects that would take away resources for critical scientific research and development. By increasing the total level of funding above the President's request, while at the same time ensuring that NASA continues to streamline and modernize their operations, I am confident that this bill will allow NASA to focus funding on advanced space research and activities.

I believe this bill addresses NASA's critical priorities, such as space science, life and microgravity sciences, advanced space transportation technology, space shuttle safety and performance upgrades and numerous education programs. By opposing this amendment we are continuing the scientific integrity of this important legislation.

I urge all of my colleagues to support the NASA Authorization Act and to oppose efforts which would burden NASA by adding unnecessary and wasteful projects to this bill.

Mr. HALL of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today, of course, in strong support of H.R. 1654, and I want to talk a little about the amendments. This is an annual matter, and I have such high regard for the author, the gentleman from Indiana (Mr. ROEMER). I have said so many times that this is another of those situations where one likes the author, but one cannot stand his amendment. But I am getting used to it, because we have voted on this day in and day out, year in and year out.

I really think some of these amendments are not all that bad. I would say that to the gentleman from Indiana (Mr. ROEMER). It is kind of like in gun control. I do not mind the waiting period, I do not mind registering them, but I know that the full intent is to take them away from us. Here, these amendments are steps in the direction of losing the space station. We do not want to do that. We cannot afford to do that.

I am pleased that the International Space Station and the space shuttle operations are fully authorized at the level as requested by NASA and this legislation. I think they are entitled to the respect of this committee because some time ago the chairman of the Committee on Science and I, working together, minority and majority, talked to the Administrator and told him of our desire to cut down the NASA expenditure and try to cut it by say 25 or 30 percent. It seemed like the words were used that if you do not cut the budget here, you know how to cut it because you know all of the ramifications of the budget. We know about as much as we can know, but we will either cut it with a baseball bat or you cut it with a razor and do it in the right manner so that NASA could still operate.

I am happy to say that Mr. Goldin did that and he cut that budget almost 34 percent, more than I think any other budget percent-wise has been cut on Capitol Hill.

So I would just say that NASA's space research has been cut, but they are still operating, and it results in products that improve our quality of life, such as instruments that measure bone density without penetrating the skin, cardiac pacemakers, computer readers for the vision impaired, smoke detectors, voice-controlled wheelchairs, and the list goes on and on of the accomplishments. And yes, the inspiration to the young school children all over this country. If we cancel out this space station, I would say we would have than uprising from the schools, from the intermediate schools on up to the strongest higher education levels that this Congress has never envisioned before. I say to my colleagues, they would come alive.

We need to continue the research that the space station could lead to, the medical breakthroughs of combating cancer, arthritis, diabetes, balance disorders, Alzheimer's, cardiopulmonary diseases and other afflictions that threaten our citizens.

We need this space station. We need the hope that this space station holds out. For those wasting away in cancer wards as we speak, they have one thing in their heart, and that one thing is hope. I hope that this Congress will not let them down and cut off the one operation that could deliver to them the deliverance from the wards they languish in. They are entitled to that hope.

Mr. Chairman, throughout America's rich history, there has always been among the American people and its leaders a deep and abiding belief in that hope, and in that future, a belief that we can and will continue to accomplish great feats and make great discoveries. Space is our last frontier, and NASA is the organization that provides the knowledge, the resources, the heroes and the vehicles necessary for space exploration.

This is important legislation, and just as in the gun control thrust, they will take several steps toward it that look innocuous, but would take the guns away and violate the amendment to the Constitution that these people rely on. This is the same situation. A few amendments can cripple the space station. We do not want to get to that point. I think this legislation deserves our support today.

Mr. Chairman, I rise today in strong support of H.R. 1654, the National Aeronautics and Space Administration Act of 1999, and for the important work that NASA has consistently accomplished as the world's leader in space endeavors. As a longtime member of the Science Committee, it has been gratifying to see the progress that NASA continues to make in streamlining its programs, controlling its spending, while continuing to deliver good results.

Mr. Chairman, I am pleased that the International Space Station and Space Shuttle operations are fully authorized at the level requested by NASA in this legislation. The space station represents an investment in our future and represents the combined hopes of many nations that microgravity research in space will have far-reaching benefits for our people. Specifically, this legislation designates slightly more than $1 billion over the next three years for life and microgravity sciences and applications.

As you know, Mr. Chairman, NASA's space research has already resulted in products that improve our quality of life, such as instruments that measure bone density without penetrating the skin, cardiac pacemakers, computer-readers for the vision-imparied, smoke detectors, and voice-controlled wheelchairs. We continue to hope that research on the Space Station could lead to medical breakthroughs in combatting cancer, arthritis, diabetes, balance disorders, Alzheimer's, cardio-pulmonary diseases and other afflictions that threaten our citizens.

This legislation provides $6.9 billion for the international space station and $9.6 billion for space shuttle operations. The space station began as a dream and still has its share of critics. But through hard work, careful planning and the financial commitment of many nations, the space station dream is still very much alive. This legislation will help keep it so.

Throughout America's rich history, there has always been among the American people and its leaders a deep and abiding belief in our future—a belief that we can and will continue to accomplish great feats and make great discoveries. Space is our last frontier, and NASA is the organization that provides the knowledge, the resources, the heroes, and the vehicles necessary for space exploration. This is important legislation, Mr. Chairman, that deserves our support today.

Mr. LoBIONDO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Roemer amendments, and I would like to thank the gentleman from Indiana (Mr. ROEMER) again for being tenacious with this particular issue.

We have heard an awful lot of debate about the pros and cons of whether we should move forward with the space station. The reality is, if we had ideal budget numbers, if we had all the money available to us that we wanted for seniors and veterans and for education and environment, and a whole host of other issues that we deal with, then very possibly if we had all of that money, then we could put money towards this. But we do not. We have limited resources, and if we look at the reality and the facts of the space station, of the numerous missed deadlines; if we look at what the original cost estimates were: $8 billion, a lot of money when that was first brought up, and when we look at where it is now, $100 billion, that should speak volumes to us. If we look at the space station as what scientists are saying about it, and we have many scientists who are saying that this is not a good idea and we should not move forward. If we look at what NASA may have to be doing to other very successful programs like Voyager and the Mars mission and space shuttles, and many of my colleagues are talking about the benefits that we derive right here on Earth from many of NASA's projects, and I agree with that, and I am as proud as anyone in this House with the accomplishments that we have had with our space programs.

Those same accomplishments can be made without the space station. Those dollars, those billions of dollars, $80 more billion that will have to be spent on this is money that should be redirected. If we look carefully and we understand what we are committing ourselves to in the long run, we will understand that the Roemer amendments make sense. The Roemer amendments made sense last year and the year before, and I supported them very proudly. I think they make even more sense this year.

So once again, I will ask my colleagues to say that enough is enough, to look at where we are and where we need to go and to understand that the right thing to do is to support the Roemer amendments.

Mr. SHAYS. Mr. Chairman, I support efforts to explore space and believe the benefits to high technology research and to the private sector are vast. But I have grave concerns about our space station program.

Mr. Speaker, we are facing a time of tight budget caps, which I support. But these caps force us to make some tough spending choices. By making a decision now to cancel the space station, we can fund other priority areas within our discretionary budget.

In 1993, the Space Station was projected to cost about $17.7 billion. The estimate has risen to exceed more than $26 billion. The price of this program continues to rise, while the target completion date gets pushed later and later.

The fact is, the space station is stripping scarce funds from other valuable NASA programs.

I am excited about our recent successes in exploring Mars through the Pathfinder and its rover, Sojourner. It seems to me, we get much more value for our dollar through ventures such as this one, than we do from the space station, given its excessive price tag.

Mr. DUNCAN. Mr. Chairman, I rise in strong support of the Roemer/Sanford amendment. I do not believe that we should be sending billions of dollars into space when we have so many more urgent problems here on Earth. On top of that, our Country is over $5.6 trillion in debt.

When NASA proposed the space station back in 1984, the project was to cost a total of $8 billion. Since 1984, the space station has been redesigned many times and the cost estimates have skyrocketed.

Mr. Chairman, what does this mean for the taxpayers? Well, it means they will be sinking billions and billions more of their hard earned money into this space station rat hole. We have all heard many times that space is the final frontier. I believe the space station is a frivolous frontier. It is yet another example of how the federal government cannot do anything in an economical or efficient manner. Instead, many fat-cat government contractorsare getting rich at the expense of the taxpayers.

I recently spoke on this floor about another failed space venture, the Air Force's Titan IV program. There have been three failures in a row for this program at a cost of over $3 billion. If we took all of this wasted money and put it towards some of our ailing programs such as Social Security, I believe our Country would be much better off.

Additionally, Mr. Chairman, this Country has paid Russia, our partner, hundreds of millions of dollars to participate. What have we gotten from Russia in return? Well, we've got increased costs because of Russian schedule delays. Mr. Chairman, the United States has enough of its own delays. We don't need Russia's help with that.

When this project was being debated in the early 1990's, a coalition of 14 leading scientific groups came out against the space station saying that they were especially disturbed that the escalating costs in subsequent years would drain money from other important scientific projects.

According to the Congressional Research Service, in 1993, NASA said the International Space Station would cost $17.4 billion in research and development through the end of construction and it would spend no more than $2.1 billion a year on the program. Today, NASA's estimate for research and development is between $23 and $26 billion, depending on whether construction is completed in 2004 or October 2005.

Mr. Chairman, this is pitiful. I know of no business that could stay in operation with these types of overruns.

We have far too many more important programs here on Earth to justify sending all of these billions into space. I would urge a yes vote on the Roemer/Sanford amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. ROEMER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. ROEMER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 174, further proceedings on the amendment offered by the gentleman from Indiana (Mr. ROEMER) will be postponed.

Are there further amendments to the bill?

AMENDMENT NO. 5 OFFERED BY MR. ROEMER

Mr. ROEMER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. ROEMER:

At the end of the bill, insert the following new section:

SEC. 221. CANCELLATION OF RUSSIAN PARTNERSHIP.

Not later than 90 days after the date of the enactment of this Act, the Administrator shall terminate all contracts and other agreements with the Russian Government necessary to remove the Russian Government as a partner in the International Space Station program. The National Aeronautics and Space Administration shall not enter into a new partnership with the Russian Government relating to the International Space Station. Nothing in this section shall prevent the National Aeronautics and Space Administration from accepting participation by the Russian Government or Russian entities on a commercial basis. Nothing in this section shall prevent the National Aeronautics and Space Administration from purchasing elements of the International Space Station directly from Russian contractors.

In the table of contents, after the item relating to section 220, insert the following:

Sec. 221. Cancellation of Russian partnership.

Mr. ROEMER. Mr. Chairman, I want to start with a quote from Winston Churchill. He said, and I quote, "I cannot forecast to you the action of Russia. It is a riddle wrapped in a mystery inside an enigma, but perhaps there is a key."

The key, Mr. Chairman, is to engage the Russians, to exchange with the Russians, to treat the Russians as an equal partner and a friend, but not to relegate our science programs to foreign policy welfare.

What we need to make sure we do, Mr. Chairman, is work carefully with the Russians, make sure we do educational exchanges and scientific exchanges, and make sure we continue to work carefully and diplomatically with the Russians on trying to craft the right kind of peace agreement in Kosovo for our troops, for NATO, for the world, for the refugees. However, we should not devise international science programs that continually, year after year, program after program, fail, and result in increased costs, increased burdens, increased problems for NASA in trying to build this International Space Station; increased problems for the American taxpayer when they have to foot the bill of the cost overruns and the delays coming from Russia.

□ 1400

This is not a partnership. It is a foreign policy pork barrel project.

One of my colleagues said, the partnership between the United States and the Russians deserves every chance to succeed. But after 6 years, after we were told by the administrator at NASA that their partnership would save the taxpayer $2 billion, we now find ourselves 6 years later with a $4 billion price tag that the American taxpayer has to foot.

It did not save us money, it is costing us money, and it is delaying when we wanted to launch the International Space Station. Instead of launching it in 2002 or 2003, it is now looking at 2004, 2005, 2006.

Each time we see a delay from one of our partners, in this case, the Russians, that adds to the costs for the United States. That adds to the burden of the NASA engineers, the NASA personnel, trying to do their job on the Space Station which they were contracted to do, and now they are doing the Russian jobs. It is not fair. It is not right.

Now, this amendment is not an anti-Russian amendment, it is not a severing of ties with Russia amendment. We have given this partnership in science 6 years and several billions of dollars to succeed.

I strongly advocate continued partnership with Russia in a host of areas. Russia and China continue to be the United States' two key bilateral relationships in foreign policy.

This is not an amendment to bash the Russians. This is an amendment on an international science program to make sure that when we do a memorandum of understanding with another country, that they can continue to contribute science, they continue to contribute their expertise, they continue to contribute money and pay for their fair share, and not allow the United States to take up the full burden.

Mr. Chairman, this amendment also is reasonable. It reads, and I encourage my colleagues to read the amendment, it does terminate all contracts and other agreements with the Russian government necessary to remove the Russian government as a partner in the International Space Station, but it goes on to say, "Nothing in this section shall prevent NASA from accepting participation by the Russian government or Russian entities on a commercial basis. Nothing in this section shall prevent NASA from purchasing elements of the International Space Station directly from Russian contractors."

So my reading of that would be that if the service module is ready to go, that the United States could directly purchase that from contractors, but the relationship needs to be redefined. I would hope that my distinguished chairman in the majority would agree with this amendment and we could move on to the next amendment.

Mr. SENSENBRENNER. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I am pleased, for once, to support, in the spirit of bipartisanship, a Roemer amendment on the Space Station. What this amendment does is that it kicks the Russian government out of the partnership, but it allows NASA to make contracts with Russian aerospace contractors or the Russian space agency, which is a government entity, and thus makes Russia and its aerospace firms a subcontractor rather than a partner.

Mr. Chairman, I supported bringing Russia into the partnership when it occurred 6 years ago because I thought it would save money, it would bring the Space Station on line earlier, and allow the United States and the other partners to take advantage of Russia's tremendous expertise in constructing spacecraft as well as in long-term human space flight.

Unfortunately, this arrangement has not worked out as everyone had hoped. The time has come for a redefinition of the arrangement. Six years ago the administration promised that Russia would not be in the critical path. It said that Russia would be in an enhancing and not an enabling role.

Unfortunately, Russia is in the critical path. Whose fault it is, I do not know, and it is not relevant at this time. But every funding and every construction deadline that Russia has set for itself and agreed to its other partners with since 1996 has been missed by the Russians. They are 100 percent in not living up to their agreements, and that has cost the American taxpayers a lot of money.

The gentleman from Indiana (Mr. ROEMER) has said it costs the American taxpayers $4 billion. I would say it cost $5 billion. The time to prevent further hemorrhaging because of Russia's repeated defaults is at hand, and the Roemer amendment proposes to do so.

The last promise that Russia broke was at the end of last month. It broke its promise to decide by April to deorbit the Mir Space Station if it did not come up with outside funding to support Mir by April 30. Russia did not come up with the funding, and it has not decided to deorbit Mir.

It is obvious that Russia cannot afford two space stations. If Mir stays up, it will not have the money to fulfill its further agreements for the International Space Station. The Russians made that decision, and it is time for the American Congress to respond in kind. By removing Russia as a partner but not as a contractor, we can still get the benefits of the international cooperation that the administration seeks.

Russia has played the role of contractor successfully. It has been a miserable failure in being a partner with the United States, Canada, Japan, and the European space agency.

Two years ago when the NASA authorization bill was on the floor of the House, the House approved a bill that contained the Sensenbrenner-Brown amendment, which required NASA to develop a plan to remove Russia from the critical path. The CAV task force appointed by the NASA administrator recommended eliminating long-term dependence on Russia in its April, 1998, report by developing an independent U.S. propulsion capability. NASA echoed those recommendations in a July, 1998, briefing to the White House.

At that time, the White House rejected the task force and NASA recommendations, but later reversed itself. NASA has initiated long-lead procurements for an independent propulsion capability in fiscal 1999. Their fiscal 2000 request does include funding for an independent U.S. propulsion capability, but NASA has not signed a contract to develop this capability, which is still in its study phase.

I would just like to point out that the American people are also fed up with Russia's defaults. Florida Today took an online poll. Only 22 percent of those surveyed wanted to keep Russia as a partner. Thirty-two percent wanted to end Russia's partnership, and 46 percent wanted to reduce Russia's role but not kick it out of the program completely.

The Roemer amendment does what the 32 percent and the 46 percent of the people in the Space Coast and Florida want to see done, and I would urge its adoption.

Mr. GORDON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to oppose this amendment, this amendment that has had no hearings within our committee. This amendment would force NASA to kick the Russians out of the Space Station program with no consideration of the potential cost or schedule consequences for the United States that will result from such action, and with no consultation or negotiation with our 16 international partners in this multilateral cooperative program, each of whom have their own financial stake in the Space Station program.

Instead, this amendment would have the United States take unilateral action that could damage our relations with our existing international partners and do real damage to the Space Station program itself.

Once again, let me remind this body that two segments, the first two segments of the Space Station have been launched and are now in orbit. I think this amendment has a real risk of both wasting that particular investment and doing away with the potential benefits in the future. So for those reasons, I oppose this amendment.

Mr. GUTKNECHT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I suspect that alarms are going off all over down at Foggy Bottom right now, but I rise in support of this amendment. My colleague, the gentleman from Tennessee (Mr. GORDON) who just spoke said that this amendment has had no hearings in the Committee on Science. That is technically correct, but the whole issue of the number of times that the Russians have let us down has been debated, discussed, and talked about in the Committee on Science again and again and again.

There is an old German expression that says, fool me once, shame on you; fool me twice, shame on me. The expression does not even go on beyond that, but the truth of the matter is we have been fooled again and again and again by the Russians. It is time for this Congress to send a clear statement that we are tired of this gamesmanship that is being played by the Russians and by NASA.

I think this is a good amendment. I hope that colleagues on both sides of the aisle will join us in support of this, because this is the only way we are once and for all going to say to our Russian partners that either they play by the agreement that they made, or they do not play at all. And the Roemer amendment is even better than that because it allows us to continue to contract with those contractors who are willing to live up to their end of the bargain.

This is a good amendment, it is a timely amendment. It may not have been formally discussed in our committee, but the whole issue of Russian participation has been debated, discussed, ad nauseum in the Committee on Science. It is a good amendment. I am happy to support it.

Mr. CRAMER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to say to the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from California (Mr. ROHRABACHER) as well, when I was on the Committee on Science for almost 8 years we struggled through NASA's issues and other Committee on Science issues together. I have enjoyed the give and take and opportunities to work with the Members, but I have to say with this Roemer amendment, I have to oppose the chairman of the committee and the gentleman from Indiana (Mr. ROEMER) as well.

The spring is here. The Space Station issue is here. We have the Roemer amendments. Make no mistake about it, Mr. Chairman, the gentleman from Indiana (Mr. ROEMER) wants to kill the Space Station program. He wants to cap it, he wants to wound it, he wants to damage it any way he can.

We have been through this process year after year in the committee, on the floor of the House. We have had a fair fight. The issues have been presented. Why do we not say, enough is enough? Why do we not get off the NASA employees' backs?

Mr. Chairman, I urge especially the freshmen who have not been through this process before to listen to the debate today and look at the history of this House's involvement in this debate, and to recognize that the responsible thing to do is to get on with the enormous investment that we have made.

Speaking to the Russian issue, and that issue is a troublesome issue, and I know many Members here have struggled with that issue, but the International Space Station is a multinational project. It was intended when it was first proposed in 1984 by President Reagan to involve the International community.

We have legal agreements that we have to be concerned about that the Russians were involved in. If we today say that the House is going to decide that we do not want the Russians involved, then we are interfering with those legal agreements, as well.

Again, make no mistake about it, if this amendment passes or is accepted this will damage or kill the Space Station program. So I feel like I have to rise today in strong opposition to this, one of three Roemer amendments, and especially to remind my colleagues that what we are talking about today is a responsible investment in NASA, a responsible investment in the International Space Station program. There is a way to end the Russian involvement and end it responsibly, but this is not the way to do it today. Do not fall for this amendment.

Mr. ROHRABACHER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Indiana (Mr. ROEMER). I just would advise those people reading the official CONGRESSIONAL RECORD of this procedure to note that I have used the words, I rise in support of the amendment of the gentleman from Indiana (Mr. ROEMER), which is just another miracle, as has happened here today.

The gentleman from Indiana (Mr. ROEMER) has been very persistent over the years, but on this particular amendment we should not ignore the fact that we may disagree with him on some things, but that he in this amendment is offering us a position that the Committee on Science and certainly the Subcommittee on Space has approved of for a long time.

This message by the Roemer amendment is not aimed at the Russians. We are not sending the Russians a message here. The Russians were sent that message by us a long time ago. This is a message to our own State Department and this administration to start paying attention to what this Congress is doing and what we are saying about how this project and other projects should be approached.

□ 1415

This administration has ignored us time and time again on the issue of how to deal with the Russians in connection with the Space Station program. The Committee on Science, although not having specific hearings on this issue, has addressed this issue on numerous occasions, and we have expressed our strong desire that the Russians, as the gentleman from Wisconsin (Chairman SENSENBRENNER) stated, be treated, not as partners, but instead as subcontractors.

The concept of the Russians as partners in Space Station, which made sense in the beginning, before we knew what chaos that the Russians were going to have to go through in the aftermath of the Cold War, makes no sense now that we know the limitations, the severe economic limitations of the current Russian government.

The Russians cannot afford to be partners in the Space Station program. I remember saying that probably 3 or 4 years ago. Yet, the administration proceeded without any regard to what Congress was saying and what we were trying to insist upon and continued with this idea with the Russians as partners. If we would have proceeded instead with Russians as subcontractors, we could, as the Roemer amendment is suggesting now, simply pay those subcontractors for what they have produced and get on with the program.

So, that is number one. This mistake was made, and it has turned out to be a costly mistake by the administration but it is based on the idea, on foreign policy considerations, not on NASA and Space Station considerations.

Secondly, let me suggest this. We have said over and over again that the Russians should not be in the critical path. I can remember many statements by the gentleman from Wisconsin (Chairman SENSENBRENNER) admonishing the administration, whatever you do, do not put us in the path where the Russians can prevent the success of the Space Station.

It is time we get them out of the critical path. It is time we make sure that we are defining this in a very responsible way. But NASA has ignored this committee. Again, it is not NASA that is ignoring the committee, it goes straight up to the very top of the administration, which has been making irresponsible decisions in terms of our relationship with Russia. This is probably paramount in that decision-making process, which is a flawed decision-making process.

With that said, let me admit that this Congressman in the very beginning supported the idea of having a cooperative relationship with Russia. I certainly do not fault the administration with, number one, good intentions and a defensible strategy in the beginning. But in order to protect the taxpayers when a strategy has gone wrong and when it seems that there are intervening circumstances that prevent that strategy from being successful, the administration, like everybody else, especially in the private sector but also people in government, have to admit the strategy can no longer succeed, and change the strategy.

Unfortunately, those of us again who supported the idea of cooperation in the beginning have found that, while we recognize the strategy had to change or it was going to cost the taxpayer tens of billions of dollars, the administration refused to change. We refused to change because of perhaps some face-saving concept, if we are going to save face for our Russian friends, and certainly the Russian government needs that type of moral support, but we should not be trying to give the Russian government moral support at the cost of tens of billions of dollars. That is what has happened here.

So while I believe the gentleman from Indiana (Mr. ROEMER) probably is motivated on his other two amendments to just try to kill the Space Station, I think that his amendment at this point is justified. I support it.

Mr. LAMPSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, Deputy Secretary of State Talbott, not the NASA administrator, signed a multinational agreement for the United States, establishing a framework, the legal framework for the national Space Station in 1998. This multilateral agreement involves major commitments by 15 countries and represents more than a space facility, but a political commitment by these countries to work together on a major civilian project.

To terminate Russia's participation in the International Space Station would jeopardize the United States' ability in the future to work toward a common end with the same set of countries, friends and allies on large scale projects.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. LAMPSON. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I ask the gentleman from Texas, what is the penalty of that multilateral agreement if any of the partners does not fulfill its agreed-upon obligations?

Mr. LAMPSON. Mr. Chairman, reclaiming my time, I would assume that we would be out of the Space Station. I think that we would probably be made to take our tools and go home, and we would lose the billions of dollars that we have spent.

This does not make sense to me as an amendment for what we are trying to do in building a relationship with other nations and at the same time accomplish science that we believe in.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield further?

Mr. LAMPSON. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, how many defaults of the Russians is the gentleman from Texas willing to accept? They have already cost us $5 billion. How many more and how much money is the gentleman willing to agree for cost overruns caused by the Russians not fulfilling their obligations?

Mr. LAMPSON. Mr. Chairman, reclaiming my time, I fully understand that we have difficulties. We expected to have a challenge when we started building this Space Station. It is unfortunate that we have problems with the Russian government. But if we take action that jeopardizes our own ability to participate in this project, not only do we do harm to our other friends while we are trying to do harm to the Russians, we take ourselves out of it and we lose a significant commitment, a significant investment that we have made.

I want to point out another thing in the bill. In the very first few sentences of the amendment of the gentleman from Indiana (Mr. ROEMER), it says that the administrator shall terminate all contracts. Then a little bit further down the page, it says "Nothing in this section shall prevent the National Aeronautics and Space Administration accepting participation by the Russian government or Russian entities on a commercial basis." That conflicts within itself.

This is not a good amendment. It is not one we should be considering here today because it has the potential of defeating the International Space Station, dissolving our partnership, costing us the billions of dollars that we have invested and that we have a hope that will give us something in our future.

Termination of the International Space Station multinational agreement will impose termination costs on all our partners. Termination would be programmatically expensive to the United States. It would result in major objections from our international partners, given their independent agreements with the government of Russia.

The Russian Space Station has an inextricable involvement in the Space Station program as a representative of the Russian government. It would be difficult to exclude their space agency from negotiations, should NASA be required to contract with Russian industry. I do not know how the commercial wording within the language of the gentleman from Indiana (Mr. ROEMER) would work.

The participation of the Russian government in the Space Station has never been more important, not only to contribute money to the project, but also to ensure the political stability in a troubled country. As long as the United States can keep some kind of good working relationship with the Russian government, we can rest a little easier during this political turmoil that is going on there.

Our Russian partners have difficulty feeding its people. I admire their commitment to try to complete this long-term space project. From what my Russian friends and colleagues tell me, contributing capital and human resources to the Space Station is a tremendous source of pride among the Russian people. It is one reason why the government continues its commitment.

So as a representative of the United States Government and industry, I believe we have to do all that we can to encourage the Russians to maintain their involvement with the Space Station, and I would ask that my colleagues not support this amendment.

Mr. WELDON of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to this amendment. I, too, like the chairmen of the full committee and the subcommittee, have expressed some very, very serious concerns regarding the management on the part of the Clinton administration and the NASA administrator regarding these continuing ongoing delays with the Russians. Nonetheless, I do not feel that this amendment, as it is currently crafted, is the proper way for us to address this problem.

I have several concerns. As I understand my reading of this amendment, should this be enacted into law, there would be nothing that would prevent the Russians from essentially charging us $200 million, for example, to deliver the service module on orbit, or substantially more sums of money. As I understand it, that is the cost of the service module. If we add on the cost of launching it, I think the way this thing is crafted, it could not only put the Space Station program but, as well, the American taxpayers in a very, very precarious position.

Additionally, I would like to also comment on the fact that as I understand the legal language of the international agreement, that we as the United States do not have the authority to discharge one particular partner from the international agreement. Essentially the only options that are available to us under the existing law would be for us to remove ourselves from the International Space Station, and therefore we would thus no longer be in partnership with some of our more reliable partners, such as the Japanese, the Canadians, and the Europeans.

So in summary, though I think the intent of this amendment is a good one and that I share the concerns of the gentleman from Indiana (Mr. ROEMER), and as well I share the concerns of my very esteemed colleagues, the gentleman from Wisconsin (Mr. SENSENBRENNER), the committee chairman, and the gentleman from California (Mr. ROHRABACHER), the subcommittee chairman, I feel that this amendment, the way that it is crafted, it is a bad amendment. It is impossible to implement and as well could ultimately, the end result, lead to significantly increased costs to the American taxpayers.

Then for that reason I would highly encourage all of my colleagues on both sides of the aisle, not only those who support our manned space flight program and the Space Station program but as well those who support fiscal responsibility, to reject this amendment.

Mr. SHERMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise against this amendment. For many years we have been cooperating with Russia. There is perhaps nothing more important in our space program than the symbol that it has for all of man and womankind, the chance to show two former adversaries working together.

Now, as we have a conflict in the Balkans, would be the worst possible time to slap the Russians. More importantly, this would be the worst possible time to have thousands of Russian scientists capable of building ballistic missiles suddenly unemployed as a result of a deliberately political and deliberately hostile action of this House against Russia, motivated, some would say, by a hostility toward the Vice President who played such a creative and important role in negotiating with Russia.

Clearly, the most cost effective way for us to explore space is to do it together, not in a race against Russia but in a race against the hostilities that can build up between countries, in a race to achieve peace and a race to achieve a working together with the only other nation to send men and women into space.

So I speak not only for an efficient space program but also for a lessening of international tensions when I rise against this amendment.

Mr. CALVERT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, I would just like to rise to suggest that the level of debate was just brought down, and I resent it. I just want to put this on the record. We need not to discuss these issues and every time we have a disagreement, relate political motives to each other. I for one am a little bit disgusted that every time I have a disagreement, not every time but often enough on this floor, that we end up saying, if we disagree with somebody over there, all of a sudden we are being political because we are opposing something the administration wants to do.

I would inform my colleague that this amendment was presented by a Democrat. This is a Democrat amendment. This is by the gentleman from Indiana (Mr. ROEMER), who has strong support, I imagine strong close ties to the Vice President. In fact, before the gentleman from California (Mr. SHERMAN) brought up the issue, I do not recall the Vice President's name being brought into this debate. In fact, I remember specifically stating that I personally supported this tactic and this strategy of working with the Russians in the beginning, but that the administration had not then shifted with the times and adjusted its strategy according to the current situation in Russia.

□ 1430

So I would suggest to my good friend, the gentleman from California (Mr. SHERMAN), that instead of trying to belittle other people or call into question our motives that he quit saying that we are being political and stick to the issues. And I just personally resent the fact there were implications in his words that we were over here trying to make political hay out of this.

I was interested in this Russian issue long before this administration became this administration.

Mr. SHERMAN. Mr. Chairman, will the gentleman yield?

Mr. CALVERT. I yield to the gentleman from California.

Mr. SHERMAN. Mr. Chairman, I believe that in my remarks I simply stated that it would be unfortunate if that were to be the motivation of anyone in this House. I believe that my colleague is referring to only a single phrase in a speech that was not as brief as I wish it was. And I think that my colleague can join with me in believing that all of us should cast a vote for what is in the best interests of the space program and what is in the best interests of our relations with Moscow without being colored by any concerns about any political matter.

The CHAIRMAN pro tempore (Mr. LAHOOD). The question is on the amendment offered by the gentleman from Indiana (Mr. ROEMER).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. WELDON of Florida. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 174, further proceedings on the amendment offered by the gentleman from Indiana (Mr. ROEMER) will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. ROEMER

Mr. ROEMER. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. ROEMER:

Amend section 101 to read as follows:

SEC. 101. INTERNATIONAL SPACE STATION.

There are authorized to be appropriated to the National Aeronautics and Space Administration for the International Space Station, for expenses necessary to terminate the program, for fiscal year 2000, $500,000,000.

In section 106(1), strike "$13,625,600,000" and insert in lieu thereof "$11,642,900,000".

In section 106(2), strike "$13,747,100,000" and insert in lieu thereof "$11,919,100,000".

In section 106(3), strike "$13,839,400,000" and insert in lieu thereof "$12,248,490,100".

In section 121(a), strike "sections 101," and insert in lieu thereof "sections".

Mr. ROEMER. Mr. Chairman, I will be brief since we have been talking about the Space Station now for several hours.

This amendment is cosponsored by the gentleman from South Carolina (Mr. SANFORD), the gentleman from Iowa (Mr. GANSKE) and the gentlewoman from California (Ms. WOOLSEY). It is a bipartisan amendment.

It is also supported by the National Taxpayers Union, the Citizens Against Waste, the Taxpayers for Common Sense, the Citizens for a Sound Economy, and the Concord Coalition.

Mr. Chairman, there have been times when I brought this amendment to the floor in the past couple of years when we have had four or five cosponsors on the bill and, quite frankly, I was not sure we would get more votes than those four or five cosponsors, having come within one vote of defeating the Space Station back in 1993 on a 215-214 vote.

It seems to me, Mr. Chairman, that the facts and the overruns and the inefficiencies continue to build up in our favor, yet the votes continue to go in the other direction for canceling the Space Station.

I want to remind my colleagues that this Space Station was first designed back in 1984 and the projected cost, Mr. Chairman, was $8 billion. And my colleagues might say, for $8 billion and eight scientific missions, including platforms to help us understand the environment of the Earth that would be put on the Space Station, a repair weigh station on the Space Station to help us with satellites, the Space Station would be used as a stepping stone to help us go and explore other planets.

We had eight scientific missions for this grandiose Space Station. That was 1984. Today is 1999. We are down to one mission. We do not have any of those platforms left. We do not have any of those scientific missions left except, basically, studying the effects of gravitation on men and women in space.

Now, maybe the symbol of some international cooperation and science, maybe the symbol of a Space Station up in orbit above the Earth is something important for $8 billion. But that cost, Mr. Chairman, has gone from $8 billion to now the General Accounting Office estimates in their reports $98 billion to launch it, to assemble it, to control it once it is up in space. $98 billion.

Now, I guess, Mr. Chairman, that if this were a welfare program, this would have been canceled a long time ago, or if this was a food stamp program that had gone up $90 billion over what it cost, it would have been canceled. But it is a jobs program and it has been put together with Machiavellian type political science in a lot of districts, although three States get about 80 percent of the contracts.

So I do not think, Mr. Chairman, this is a good deal for science. This is not fair to the rest of the great things that NASA does in its budget. This does not live up to the hopes and the dreams and the glory of the wonderful things that NASA has accomplished in the past, whether it was putting a man on the Moon, whether it was putting together the Hubble telescope, whether it was designing Pathfinder and putting it on Mars for $263 million on budget, on time, on schedule. And the American people got excited about it. They could not wait to ask, "What did we find today on Mars?" Budget efficient, fair to the rest of the budget. And NASA still allowed us to invest in aeronautics.

So I think, hopefully, we will vote for the Roemer amendment to fence the money, to be accountable for $38 billion of Space Station. If my colleagues cannot vote for that, the second amendment is to remove the Russians from the critical path and still allow commercial enterprise and exchange between the two countries.

And thirdly, my preference would be to cancel the Space Station, to move on, to not let our dreams be suspended 100 miles above Earth in technology that was designed 15 years ago. Let us dream about Mars. Let us dream about going back to the Moon. Let us dream big dreams like we are capable of, NASA.

I hope to get support on my amendments.

Mr. DELAY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I rise to express my opposition to this bold attempt to ground the International Space Station. Now, this program, in my opinion, is vital to developing new technology and new medicines for the next century.

This great land was discovered because of the courage of explorers who refused to let obstacles get in the way of their vision. Today, 500 years later, we talk of cutting exploration to the last frontier at a critical time when our budgets and our vision are already shrinking. Such a miscalculation not only cuts away at the future, it is a direct attack on the American spirit.

At its very core, the American spirit is based on adventure and fighting adversity despite the odds. We should thank God that Christopher Columbus was not tied to the short-sighted constraints of a U.S. Congress afraid of risks and shy of discovery.

Discovery of new cures for disease is only one field of many fields where space exploration has paid off. Medical innovation and further experimentation in space cannot be allowed to wither away. Instead of allowing our imagination to fade, we should raise our sights to the expectation of new strides in science and new leaps in technology.

We have come so far, there is absolutely no excuse to turn around now. With over $20 billion already invested, there is simply no justification for wasting funds that have been spent developing this Space Station to this date.

Despite what the adversaries of this program contend, this Space Station is actually on schedule and within its budget.

Now, not so long ago, a president of the United States challenged Americans to test their dreams and wagered that America could reach the Moon by the end of the decade. Well, Mr. Chairman, almost 40 years later the same country is trying to cut its losses in space because it is afraid of failure. Well, we cannot be afraid to fail. We cannot be afraid to experiment, and we must be determined to stick with this program.

So I just urge my colleagues to continue to support the International Space Station and vote against cutting and killing the Space Station.

Mr. SHERMAN. Mr. Chairman, I rise in opposition to the amendment.

I also rise to shock the gentleman from California (Mr. ROHRABACHER) because I rise to echo the comments of the distinguished gentleman from Texas (Mr. TOM DELAY).

Mr. Chairman, when Columbus set sail, about two-thirds of the way into his journey a group of the sailors rose and urged that the project be defunded and that they return to Spain. We would not be standing here today if that amendment had not been defeated, just as we must defeat the amendment before us now.

The Space Station gives us a chance to build bridges to other countries, one in particular of which was our former adversary. It helps us build our own aerospace industry, which is the leading source of American exports.

In my own district, we are developing batteries for the Space Station in a way that may well lead to breakthroughs for an electric automobile so critical to the air quality of the most air-quality challenged city in America. Just as important is the research that can be done only in space on so many diseases, such as cancer, diabetes, AIDS, and influenza.

This Space Station, of course, is a cooperative project, including some 16 nations. Those other nations have contributed already $5 billion to this effort. Today, 250 miles above the Earth, already circle the first elements of the Space Station, *Zarya* and *Unity*, one from Russia, one from the United States.

Mr. Chairman, America belongs in space. Humankind belongs in space. And I can think of nothing worse that we can do at the beginning of a new millennium than defund the Space Station. That is why I urge all of our colleagues to vote against this amendment.

Mr. SENSENBRENNER. Mr. Chairman, I move to strike the last word and I rise in opposition to the amendment.

Mr. Chairman, let me associate myself with the remarks of the gentleman from California, with one exception. I doubt that those sailors on Columbus' boats would have advocated defunding that mission because that meant they would not have been paid when they got back to Spain.

But other than that, I think the argument of the gentleman had a lot of merit, and I would hope that the committee and the House would not be fooled by the opponent's scare tactics.

The ground-based flight hardware is 82 percent complete. If we adopt this amendment of the gentleman from Indiana, that hardware will not go to orbit but will end up in museums around the country as an exhibit of Congress' foolishness in defunding the program when it was close to completion.

The flight hardware for the next six flights is already at the Kennedy Space Center being ready for launch. We American taxpayers have invested $20 billion so far in this project. If the amendment of the gentleman from Indiana were adopted, that money would go right down the drain. And that is a pretty tough sell to tell our taxpayers that we made a $20 billion mistake.

□ 1445

I would hope that this amendment would be rejected and rejected by the same overwhelming margins that have occurred in the last several votes on this topic.

Mr. KUCINICH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to associate myself with the comments of the gentleman from Texas (Mr. DELAY). I believe the Space Station offers numerous benefits, spin-off technologies in medicine, in engineering, in transportation, in energy, in environment. Every year this Congress goes through this debate, it gives us an opportunity to affirm the benefits that station has.

The station also has another benefit. That is the intangible but real benefit of international cooperation. It has given us an opportunity to create a platform for participation and cooperation with the Russians. At this very moment, while the entire world teeters at the edge of a larger war in the Balkans, we are reaching out to the Russians to ask them for help. Let it not be forgotten that this very moment, when the Russian leadership has changed, at this very moment Russia is looking for the hand of cooperation to bring about peace.

This is not the time to kill this project which serves as a basis for cooperation with the Russians and other countries. This is a time to say that we need more projects which enable international cooperation and we need more projects that can put us in a peaceful, productive, cooperative relationship with Russia. We need Russia's help in building peace in this world. We do not need to slap Russia's hand on the Space Station. We need Russia to work with us in making this project work. We also need to work with them in making this project work and in building a framework for peace around the world.

Mr. Chairman, I want to indicate my strong support for the Space Station and my strong support for the benefits of the Space Station, and my strong support for continuing the relationship with Russia on this project and continuing this project as a basis for pursuing peace throughout the world.

Mr. ROHRABACHER. Mr. Chairman, I move to strike the requisite number of words.

Today I hope that as we are discussing the Space Station and we get into this last area of debate, that we take note that there is one person who is usually with us, who has been with us over the years and been an integral part of this debate, who is not with us today, whom we miss and we hope he is watching over C-SPAN. If he is not, we hope he is reading the Congressional Record, but we would all like to send our very best wishes to the gentleman from California (Mr. Brown), the former chairman.

The gentleman from California has been a great boon to all of us in the Committee on Science. He has provided us an institutional memory over his many long years of service. During those many years, the gentleman from California has been a strong supporter of the International Space Station. In debates like this, he quite often has gotten up and reminded us of the long-term perspective and where we have been and where we are going, and has certainly done a great service to his country in that he has provided us the type of wisdom that is necessary for us to not only start projects like this but to complete projects like this.

We hope that the gentleman from California is watching after he has gone through, I understand, a heart operation. All of us send our very, very warm regards to him. I think that as we vote now on the Space Station, on these amendments, and I hope the gentleman from Indiana (Mr. Roemer) will not take this badly, but I hope that we keep the gentleman from California in mind because he has been such a strong supporter.

Mr. ROEMER. Mr. Chairman, will the gentleman yield?

Mr. ROHRABACHER. I yield to the gentleman from Indiana.

Mr. ROEMER. I appreciate my friend from California yielding. I just want to join him in his heartfelt remarks to my good friend and my colleague and my former chairman and my ranking member, the gentleman from California. I understand he is doing well. He had a new valve put in his heart. He is recovering quickly and fully, I understand.

We not only miss his great expertise in these areas, we miss his wonderful and glowing sense of humor. We wish him Godspeed to get back here quickly and help us through some of these difficult dilemmas, even though he and I disagree on this issue.

Mr. ROHRABACHER. Reclaiming my time, the gentleman from California was the head of the committee for many years as I was a member of the minority at that time. If there is anything that has inspired me to try my very best not to be partisan, but to try to reach out and find areas of compromise and try to be nice and kind and fair to Members who are now no longer in the majority, it is the way he treated us during that entire time.

There was no one who treated people more fairly and honestly in any committee than the gentleman from California did. We remember that now. It gives us a standard by which to judge our own behavior, a man who kept a very good spirit, even when there were spirited debates. We had honest disagreements under his leadership. Certainly we have a lot of honest disagreements because we come from minor political differences. By the way, our differences, even in the most adversarial parts of the discussion of any issue in this Congress, our differences are so minuscule compared to those things that separate other people in other countries who are killing themselves and such.

Here we have certain programs like the space program that binds us together as Democrats and Republicans and helps ensure that we all understand that there is a big picture, that this is not the administration's space program or a Republican or a Democrat space program, this is America's space program, and that we have honestly tried, and I know that there has been some friction here, to ensure that all sides feel that they are part of the decision-making process even when there is a disagreement. Let us keep that in mind, especially, and keep the gentleman from California in mind, because when he was chairman we certainly operated in that spirit.

As we go to this vote on the Space Station, I would hope that we do so, and there are some votes, I am siding with the gentleman from Indiana on one and opposing him on several, that we do so in this bipartisan spirit. I apologize if I got a little testy earlier when I thought the gentleman from California (Mr. Sherman) was suggesting that we had other motives.

Mr. GORDON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to wholeheartedly concur with the gentleman from Indiana and the gentleman from California's kind remarks concerning the gentleman from California (Mr. Brown). He will always be known for his humor and his expertise and his fairness. But let me again point out, he is doing very well. He is up and about, active, and will be back here soon to bring all those same skills to us.

If I could shift gears just a moment and go back to the amendment at hand, which is to kill the Space Station, I think we are all aware of the expression, "same song, second verse." This is the same second, 22nd verse, or more.

Let me just quickly again remind the Members that two sections of this Space Station have already been put in orbit. Most all the hardware is on the ground ready to go into orbit. If this amendment passes, those billions of dollars of investment will be wasted, as well as wasting the potential of the good work of the Space Station.

Mr. SANFORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this amendment, because it seems to me that what this amendment is about is the very simple theme of putting good money after bad. The reason I say that is that if you were $2,000 into a hypothetical $10,000 investment and then all of a sudden that $10,000 investment began to look very iffy, would you invest the other $8,000 if it was your own money? I think most of us would not.

That is exactly where we are with this Space Station. We are $20 billion in, but we still have another $80 billion to go. Would you really go that distance if it begins to look iffy, which is what basically the scientific community has said? Put another way, if you were $200 toward fixing your car in a, quote, $1,000 repair job but then it turned out the $1,000 repair job would not get you there, would you put in the other $800? I do not think most of us would.

That fundamentally is what this amendment is all about. There is a big hole down in south Texas where there was going to be a supercolliding super conductor, yet in the end that project was found wanting and people said, "Let's not continue to fund it." This is something that is done all day long in people's homes. It is something that is done all day long in businesses. Businesses have start-ups, they venture out, check it out, see if it is going to work and then if it does not look good, they retreat. We can do that in government, too. So, one, fundamentally, this is what that amendment is about.

Two, why is it putting good money after bad? It is putting good money after bad because first of all there is a tremendous amount of uncertainty in this project. As has already been mentioned, this is not the American Space Station, this is the International Space Station.

As we all know, there is a lot of uncertainty in Russia right now. Yeltsin seems to be running through prime ministers on a fairly regular basis. There are a whole host of other problems within this country. Is this the kind of subcontractor you want in a business deal? I know of no contractor, whether in Charleston, whether in Houston, whether in Los Angeles, who would go out and depend on a subcontractor that was iffy. That is exactly what we have in this project.

Therefore, would you risk $100 billion—or $100—of your own money if it was that kind of setup? In fact, it was the independent Chabrow report that last year said it is costing us between $100 and $250 million for each month that the assembly is delayed. That is what this subcontractor is costing us. I think it points to the uncertainty of this overall project.

Two, the reason I think it is putting good money after bad is that the scientific value so far has proved to be very, very limited. Because it is limited, we have to set priorities. Nobody wants to set priorities, but that is fundamentally what our role is about here in government. Indeed, we have got a lot of priorities in government. You could buy 40 B-2s, you could buy a bay full of aircraft carriers, you could buy a whole lot of books or computers for education. You could do a lot of other things with this money.

That is why the National Taxpayers Union supports this amendment. That is why Citizens Against Government Waste supports this amendment. In fact, I have here a stack of different articles that point to again the questionable nature of, quote, the scientific value of what is being talked about with Space Station, which is the reason it would be up there in the first place.

Indeed, the American Society for Cell Biology declared that crystallography experiments in microgravity have made no serious contribution to analysis of protein structures or the development of new pharmaceuticals.

I have here another article that points to scientific publication is the hallmark of a good laboratory, and yet there is not scientific finding or publication out of Space Station. In fact, it points to the Howard Hughes Medical Institute, which is by all models a model for scientific organizations. It has a budget of about $500 million and has numerous findings in all sorts of different scientific journals. Therefore, we could fund several fold, in other words, a multiple of Howard Hughes type organizations with this money as opposed to sending it off into space.

I have another article here that talks about how the Space Station is vulnerable to debris and how NASA is leaving off shields to fast track the project. In fact, according to the ISS partners, there is a 24 percent chance, a 1 in 4 chance that it could be hit by debris. Is that the kind of project you want to put $100 billion into?

I have another article here from the Sunday Times of London talking about how NASA jeopardizes Space Station research to help the Russians.

Mr. CRAMER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise again in strong opposition to this amendment by the gentleman from Indiana (Mr. ROEMER). This is the third Space Station either wounding or killing amendment that the gentleman from Indiana will offer. My colleagues should oppose every one of those.

This is the annual cancellation amendment that the gentleman from Indiana has offered. We came into Congress together, so he has offered it, I know, since 1991, both in the committee and on the floor at least once a year and sometimes twice a year as well. So to say the least, we have had a fair fight over this issue.

But let us talk about how far we have come. My colleagues have said we are throwing good money after bad. Not so. We have invested $20 billion in this program. We have evaluated this program, we have redesigned this program, we have micromanaged the program almost to death, but we have come too far to turn our back on this very important program.

Let us talk about the science that it will produce, the microgravity, scientific opportunities that are available there. There has been hearing after hearing in the Committee on Science over the opportunities that our scientists have for breakthroughs with diet research, with cancer research as well. So to say that the science is strictly testing the effects of gravity on human beings is to certainly oversimplify what we know many of those scientists and medical practitioners around the world are looking forward to pulling off on this experiment called Space Station.

□ 1500

If we do not fund the space station, we might as well disassemble NASA, because the space station program is the heart of NASA's research and development program and the heart of NASA's science program. This is not a project that is supposed to be flown in space for a few weeks. Space station will reside continuously in space for more than a decade. So for years our scientists will have opportunities to carry out these important scientific experiments there in microgravity under circumstances that we do not have here on Earth.

Five hundred thousand pounds of station components, half a million pounds of station components will have been built at factories around the world by the end of this year. Over 82 percent of the prime contractor's development work has been completed. And U.S. flight hardware sits at the launch site for the next six flights.

So this amendment would waste all the hard work that the NASA employees have put in, this amendment would waste the billion dollars of investment that we have made, and also this amendment and other amendments offered by the gentleman from Indiana (Mr. ROEMER) would cause us to turn our back on the resources and commitment of the 16 nations that are participating in this International Space Station, 11 of those nations and the European Space Agency community as well. So we have got international legal agreements that depend on the continuation of this funding, and I say let us do it, let us do it decisively, let us oppose this amendment offered by the gentleman from Indiana (Mr. ROEMER) and all other Roemer amendments that attempt to mortally wound or kill this important space station program.

Mr. Chairman, I would like to rise in strong opposition to the amendment by Mr. ROEMER and Mr. SANFORD to cancel the International Space Station.

This is a debate that we have had every year, and every year the House has reaffirmed its support for the Space Station program. While much has already been said in our previous annual debates, let me touch on a few brief points for our Freshman Members who may be hearing this debate for the first time.

First, let's look at where we've been. Services and products ranging from satellite communications to internal pacemakers and cardiac defibrillators were either developed or significantly improved because of our past investments in space.

Even until today, Microgravity research has been limited by scarce flight opportunities and sporadic access to space. Unlike the Shuttle experiments which are limited to about 2 weeks in space, the Space Station will reside continuously in space for more than a decade. The Space Station will give scientists, engineers, and businessmen an unprecedented opportunity to perform complex, long-duration experiments that will benefit the world for years to come.

Next, let's look at how far we've come. At the end of last year, we took a significant step towards our ultimate destiny of establishing a permanent presence in space with the launch of the first International Space Station elements Zarya and Unity, which are now operating 250 miles above the Earth.

Led by the United States, the Space Station draws upon the expertise and resources of 16 nations, including Canada, Japan, Russia, Brazil, and 11 nations of the European Space Agency. In addition to the $20 billion that we have invested in the Space Station, our international partners have contributed $5 billion to date. By the end of this year, 500,000 pounds of station components will have been built at factories around the world. Over 82 percent of the Prime Contractor's development work has been completed, with U.S. flight hardware for the next six flights at the launch site.

This amendment would waste all the hard work and all the taxpayer dollars that have been spent to date on the program. We've come too far for Congress to turn its back on the American people now.

Now, let's look at where we're going. Microgravity capabilities will be available in the spring of 2000, with the outfitting of the U.S. laboratory, Destiny.

The Space Station will be good for science and good for America. Space Station research will complement ground-based research to generate tangible returns, improving the quality of life here on Earth as well as in space.

Space is the ideal environment in which to study processes in fields such as combustion science, fluid physics, and materials science, which are normally masked by gravity-driven forces here on Earth. This research could help us decrease pollution, save billions of dollars in energy costs, construct buildings that are better prepared for earthquakes, and improve the structure and performance of materials used in everything from contact lenses to car engines.

Space Station will enable the medical community to understand bone and muscle loss, and possibly lead to the design of countermeasures. NASA-developed telemedicine systems will be used to provide high-quality medical advice, instruction, and education to underserved parts of our Nation and our World. Growing and analyzing protein crystals in space will play a pivotal role in structure-based drug design.

Mr. Chairman, we are discussing this bad amendment at a time when we should be thinking about the best ways to utilize this opportunity to enter into a new era in life and microgravity sciences research which will revolutionize the quality of life on Earth. R&D onboard Space Station will improve our knowledge of industrial processes, help us take substantial strides towards remarkable medical advances, and enable that pioneering spirit in all of us to take the next steps in the human exploration of the solar system.

Our continued funding should be looked at as an investment in America's future, bringing us new and exciting discoveries that we haven't even yet imagined. Mr. Chairman, this is a bad amendment, and I urge the Members to defeat it.

The CHAIRMAN pro tempore (Mr. SHIMKUS). The question is on the amendment offered by the gentleman from Indiana (Mr. ROEMER).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. ROEMER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 174, further proceedings on the amendment offered by the gentleman from Indiana (Mr. ROEMER) will be postponed.

Mr. BILBRAY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have heard a lot of discussion here today about international cooperation, and I would just ask my colleagues to consider that we make as much effort to have some across the aisle bipartisan cooperation here in the House and in the Senate as we talk about between countries.

One issue that I would ask my colleague to consider as this bill goes into conference with the Senate is the issue of the Triana project. Now I know that there are those that want to push the Triana project because they perceive it as a Democrat issue, and there are those that want to oppose it because they perceive it as a Democrat issue. But I think that there is some issues here that need to be discussed, and I would just ask the conferees as this bill moves forward to give at least the strong science part of Triana a benefit of the doubt. We have the capability with this project, if it is executed appropriately and the partisan politics is kept out of it as much as possible, to finally settle the issue of global warming and finally be able to say is the billions of dollars that we are considering spending on global warming, is it appropriate and is it needed?

So I would stand here today and ask my colleagues on both sides of the aisle, let us not use Triana for political advantage, let us not try to formulate a presidential campaign around a scientific research study, and I say sincerely I think both sides bear a degree of responsibility here. There are parts of Triana that I would ask the chairman and the conference committee to take a look at that is based on strong science coming from Scripps Institution of Oceanography and see if that portion of Triana can be preserved and enhanced so that those of us in the policymaking decision can get good, unfiltered information that is not tainted by political agendas to be able to make an informed decision about global warming.

AMENDMENT OFFERED BY MR. SWEENEY

Mr. SWEENEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SWEENEY:

In section 127(a)—

(1) insert "(1)" after "LIMITATION.—"; and

(2) add at the end the following new paragraphs:

(2) The Administrator shall certify to the Congress at least 15 days in advance of any cooperative agreement with the People's Republic of China, or any company incorporated under the laws of the People's Republic of China, involving spacecraft, spacecraft systems, launch systems, or scientific or technical information that—

(A) the agreement is not detrimental to the United States space launch industry; and

(B) the agreement, including any indirect technical benefit that could be derived from the agreement, will not measurably improve the missile or space launch capabilities of the People's Republic of China.

(3) The Inspector General of the National Aeronautics and Space Administration, in consultation with the Director of Central Intelligence and the Director of the Federal Bureau of Investigation, shall conduct an annual audit of the policies and procedures of the National Aeronautics and Space Administration with respect to the export of technologies and the transfer of scientific and technical information, to assess the extent to which the National Aeronautics and Space Administration is carrying out its activities in compliance with Federal export control laws and with paragraph (2).

Mr. SWEENEY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SWEENEY. Mr. Chairman, let me first congratulate my colleagues, specifically the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from California (Mr. ROHRABACHER) from the subcommittee and the ranking member, the gentleman from Tennessee (Mr. GORDON) for their fine work on the NASA reauthorization bill.

There have been two major occurrences within the past 10 years that have proven to be a striking blow to the national security interests of our great Nation.

First, China used information it obtained as a result of our cooperation on satellite technology to upgrade its ballistic missile force, improving range and accuracy of its booster systems.

Secondly, the Chinese are also using information they obtained as a result of deliberate and, mind you, successful espionage efforts at our nuclear laboratories at the Department of Energy in order to improve their nuclear warhead arsenal. Mr. Chairman, the combination of these two events means that the Communist Chinese government, which currently has at least 40 ICBMs, will soon have the capability to launch multiple warheads, MIRV missiles, in just 3 to 5 years instead of the 20 years it would have taken without these two pieces of American technology.

Mr. Chairman, we should be outraged as Americans that these two events were allowed to occur, seemingly without a hint that the national security breaches were occurring at all. With these grave events as a backdrop, I offer my amendment today as an attempt to reestablish that it is the policy of the United States to ensure that our good faith efforts to share our technological advances with world partners are not turned against us in the form of military threat.

The amendment addresses two areas of concern to NASA. First, the Chinese espionage experience at the Department of Energy labs is not repeated within our space program. The amendment requires the Inspector General of NASA to assess on an annual basis in consultation with our intelligence community NASA's compliance with export control laws and the exchange of technology and information that can be used to enhance the military capabilities of foreign entities.

Secondly, my amendment requires that NASA, before it enters into an agreement to exchange technology and information with the People's Republic of China to certify with Congress that the exchange of technology and information cannot be used to enhance China's ballistic missile capacities. This policy is consistent with our export controls regarding trade and satellite technology and actually mirrors language in the 1999 defense authorization which requires the President to certify approved satellite technology exports to China. It is entirely appropriate that we hold that same standard to the potential technological exchanges between our space program and the PRC.

Mr. Chairman, I do not believe that the serious transfers of military technology have occurred at NASA, and I stress this, that has not happened at NASA yet, yet we need to recognize that there is a potential danger that must be addressed. A few years ago we were pretty certain that top secret scientific information at our nuclear labs was secure. We now know that that was not the case. This amendment insures that the appropriate steps are taken to prevent the repeat of the breach of our Department of Energy labs and strengthens existing controls on the flow of military critical technology being diverted to China.

This amendment also responds to another provision in the 1999 defense authorization and approved by a vote of 417 to 4 by this House which states that the United States should not enter into agreements with China involving space. This amendment does not go as far as to prohibit space cooperation with China, but it does raise the bar with respect to the types of sensitive technological information that we can exchange through NASA.

Mr. Chairman, NASA is one of the most respected government institutions in the world, and its contributions to technology development in the United States are enormous. This amendment insures that that reputation so painstakingly earned is never tarnished.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. SWEENEY. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I am pleased to accept the amendment of the gentleman from New York. It requires a certification in advance that the cooperative agreement with the People's Republic of China does not harm the U.S. space launch industry or improve the missile launch capabilities of China and also directs the NASA Inspector General to conduct an annual audit to make sure that these certifications are being complied with.

It is a constructive amendment, and I hope it is adopted.

Mr. SWEENEY. Mr. Chairman, I thank the gentleman from Wisconsin.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New York (Mr. SWEENEY).

The amendment was agreed to.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to House Resolution 174, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

The amendment offered by the gentleman from New York (Mr. WEINER), amendment No. 4 offered by the gentleman from Indiana (Mr. ROEMER), amendment No. 5 offered by the gentleman from Indiana (Mr. ROEMER), and amendment No. 3 offered by the gentleman from Indiana (Mr. ROEMER).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. WEINER

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. WEINER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 225, noes 203, not voting 5, as follows:

[Roll No. 134]

AYES—225

Abercrombie
Ackerman
Allen
Andrews
Armey
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gejdenson
Gephardt
Gillmor
Gilman
Gonzalez
Gordon
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hefley
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Horn
Hoyer
Hulshof
Hyde
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E.B.
Jones (OH)
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
Kuykendall
LaFalce
Lampson
Lantos
Larson
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moore
Moran (VA)
Murtha
Nadler
Neal
Ney
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Porter
Price (NC)
Quinn
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rogan
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Shays
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Talent
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Vento
Walsh
Waters
Watt (NC)
Waxman
Weiner
Weller
Wexler
Weygand
Wilson
Wise
Wolf
Woolsey
Wu
Wynn

NOES—203

Aderholt
Archer
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Crane
Cubin
Cunningham
Danner
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hansen
Hastings (WA)
Hayes
Hayworth
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Hostettler
Houghton
Hunter
Hutchinson
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kanjorski
Kasich
King (NY)
Kingston
Knollenberg
Kolbe
LaHood
Largent
Latham
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lucas (OK)
Maloney (CT)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Morella
Myrick
Nethercutt
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Visclosky
Walden
Wamp
Watkins
Watts (OK)

Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Young (AK)
Young (FL)

NOT VOTING—5

Brown (CA)
Cox
McDermott
Napolitano
Serrano

□ 1534

Mrs. MYRICK and Mr. WATKINS changed their vote from "aye" to "no."

Mr. BOEHLERT, Ms. ROYBAL-ALLARD, Mr. HALL of Texas, Mrs. KELLY, Ms. BROWN of Florida, Ms. SLAUGHTER, and Ms. CARSON changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. McDERMOTT. Mr. Chairman, during rollcall vote No. 134, I was unavoidably detained. Had I been present, I would have voted "yes."

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. SHIMKUS). Pursuant to House Resolution 174, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 4 OFFERED BY MR. ROEMER

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Indiana (Mr. ROEMER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 114, noes 315, not voting 4, as follows:

[Roll No. 135]

AYES—114

Abercrombie
Barrett (WI)
Bass
Bereuter
Berry
Blagojevich
Blumenauer
Brady (PA)
Brown (OH)
Camp
Chabot
Chenoweth
Coble
Coburn
Collins
Conyers
Costello
Coyne
Crowley
Cubin
Danner
Deal
DeFazio
Delahunt
DeMint
Dingell
Doyle
Duncan
Evans
Fattah
Fossella
Frank (MA)
Ganske
Goode
Goodlatte
Goodling
Gutierrez
Hefley
Herger
Hilleary
Hoekstra
Holden
Holt
Kaptur
Kasich
Kelly
Kildee
Kind (WI)
Kingston
LaFalce
Largent
Latham
Lazio
Leach
Lee
Levin
LoBiondo
Lowey
Luther
Maloney (NY)
Manzullo
Markey
Mascara
McCarthy (MO)
McHugh
McInnis
Meehan
Miller, George
Minge
Mink
Myrick
Nadler
Nussle
Oberstar
Obey
Owens
Pallone
Paul
Pease
Pelosi
Peterson (MN)
Pomeroy
Portman
Ramstad
Rivers
Roemer
Roukema
Ryan (WI)
Sanders
Sanford
Schaffer
Shays
Sherwood
Shuster
Smith (MI)
Stark
Stearns
Strickland
Stupak
Sununu
Tancredo
Tierney
Toomey
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Wamp
Watkins
Watts (OK)
Waxman
Weiner
Woolsey

NOES—315

Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Becerra
Bentsen
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
DeGette
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Everett
Ewing
Farr
Filner
Fletcher
Foley
Forbes
Ford
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hill (IN)
Hill (MT)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kennedy
Kilpatrick
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaHood
Lampson
Lantos
Larson
LaTourette
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lucas (KY)
Lucas (OK)
Maloney (CT)
Martinez
Matsui
McCarthy (NY)
McCollum
McCrery
McGovern
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Neal
Nethercutt
Ney
Northup
Norwood
Olver
Ortiz
Ose
Oxley
Packard
Pascrell
Pastor
Payne
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Porter
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Reynolds
Riley
Rodriguez
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Rush
Ryun (KS)
Sabo
Salmon
Sanchez
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Sherman
Shimkus
Shows
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stenholm
Stump
Sweeney
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Towns
Traficant
Turner
Udall (CO)
Walden
Walsh
Waters
Watt (NC)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—4

Brown (CA)
McDermott
Napolitano
Serrano

□ 1544

Ms. SLAUGHTER changed her vote from "aye" to "no."

Mr. TOOMEY changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. McDERMOTT. Mr. Chairman, during rollcall vote No. 135, I was unavoidably detained. Had I been present, I would have voted "no."

AMENDMENT NO. 5 OFFERED BY MR. ROEMER

The CHAIRMAN pro tempore (Mr. SHIMKUS). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Indiana (Mr. ROEMER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 117, noes 313, not voting 3, as follows:

[Roll No. 136]

AYES—117

Armey
Baker
Ballenger
Barr
Bass
Bereuter
Biggert
Bilbray
Blagojevich
Bliley
Boehlert
Bonilla
Brady (PA)
Brown (OH)
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth
Coble
Coburn
Combest
Condit
Cook
Costello
Cunningham
Danner
Deal
Delahunt
DeMint
Diaz-Balart
Dickey
Dingell
Doolittle
Doyle
Duncan
Ehlers
Fattah
Fossella
Ganske
Gekas

Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Green (WI)
Gutknecht
Hayes
Hefley
Herger
Hilleary
Hoekstra
Holden
Hunter
Hutchinson
Hyde
Isakson
Jones (NC)
Kaptur
Kelly
Kind (WI)
Kingston
LaHood
Largent
Latham
Lazio
Linder
LoBiondo
Lucas (OK)
Maloney (NY)
McInnis
McIntosh
Meehan
Mica
Mink
Moran (KS)
Moran (VA)
Myrick
Paul
Petri
Pickering
Pombo
Portman
Ramstad
Roemer
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Schaffer
Sensenbrenner
Shadegg
Shays
Shuster
Smith (TX)
Spence
Stearns
Strickland
Stump
Sununu
Sweeney
Tancredo
Thomas
Tiahrt
Tierney
Upton
Visclosky
Wamp
Watkins
Watts (OK)
Whitfield

NOES—313

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Bachus
Baird
Baldacci
Baldwin
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Bentsen
Berkley
Berman
Berry
Bilirakis
Bishop
Blumenauer
Blunt
Boehner
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Campbell
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Collins
Conyers
Cooksey
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
DeLauro
DeLay
Deutsch
Dicks
Dixon
Doggett
Dooley
Dreier
Dunn
Edwards
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Filner
Fletcher
Foley
Forbes
Ford
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gephardt
Gibbons
Gilman
Gonzalez
Gordon
Goss
Graham
Granger
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayworth
Hill (IN)
Hill (MT)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Inslee
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kasich
Kennedy
Kildee
Kilpatrick
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
Lampson
Lantos
Larson
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Moakley
Mollohan
Moore
Morella
Murtha
Nadler
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Phelps
Pickett
Pitts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Rogan
Rogers
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Sessions
Shaw
Sherman
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Souder
Spratt
Stabenow
Stark
Stenholm
Stupak
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velázquez
Vento
Walden
Walsh
Waters
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—3

Brown (CA)
Napolitano
Serrano

□ 1554

Mr. ROYCE changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 3 OFFERED BY MR. ROEMER

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Indiana (Mr. ROEMER). on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 92, noes 337, not voting 4, as follows:

[Roll No. 137]

AYES—92

Barrett (WI)
Bass
Bereuter
Berry
Blagojevich
Blumenauer
Brady (PA)
Brown (OH)
Camp
Chabot
Chenoweth
Coble
Coburn
Conyers
Costello
Coyne
Cubin
Danner
DeFazio
Delahunt
DeMint
Dingell
Duncan
Evans
Fattah
Fossella
Frank (MA)
Franks (NJ)
Ganske
Goode
Goodlatte
Gutierrez
Hefley
Herger
Hilleary
Hoekstra
Holden
Holt
Kaptur
Kelly
Kildee
Kind (WI)
Kingston
Largent
Latham
Lazio
Leach
Lee
Levin
LoBiondo
Lowey
Luther
Manzullo
McHugh
McInnis
Meehan
Miller, George
Minge
Mink
Myrick
Nadler
Nussle
Oberstar
Pallone
Paul
Pelosi
Peterson (MN)
Pomeroy
Porter
Portman
Ramstad
Rivers
Roemer
Roukema
Ryan (WI)
Sanders
Sanford
Shays
Shuster
Slaughter
Smith (MI)
Stark
Strickland
Tancredo
Tierney
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Wamp
Woolsey

NOES—337

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Becerra
Bentsen
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Collins
Combest
Condit
Cook
Cooksey
Cramer
Crane
Crowley
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Everett
Ewing
Farr
Filner
Fletcher
Foley
Forbes
Ford
Fowler
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hill (IN)
Hill (MT)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kasich
Kennedy
Kilpatrick
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
LaTourette
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Neal
Nethercutt
Ney
Northup
Norwood
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pascrell
Pastor
Payne

Pease
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Reynolds
Riley
Rodriguez
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Rush
Ryun (KS)
Sabo
Salmon
Sanchez
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skeen
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stump
Stupak
Sununu
Sweeney
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Towns
Traficant
Turner
Udall (CO)
Walden
Walsh
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—4

Brown (CA)
Cox
Napolitano
Serrano

□ 1602

Ms. PRYCE of Ohio changed her vote from "aye" to "no."

Mr. MINGE changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. BATEMAN

Mr. BATEMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BATEMAN:

In section 101(1), strike "$2,482,700,000" and insert "$2,382,700,000".

In section 101(2), strike "$2,328,000,000" and insert "$2,228,000,000".

In section 101(3), strike "$2,091,000,000" and insert "$1,991,000,000".

In section 103(4)—

(1) in subparagraph (A), strike "$999,300,000" and insert "$1,099,300,000";

(2) in subparagraph (A)(i), strike "$532,800,000" and insert "$632,800,000";

(3) in subparagraph (A)(i), strike "$412,800,000 to be for the Research and Technology Base" and insert "$512,800,000 to be for the Research and Technology Base, including—

"(I) $20,000,000 for the Innovative Aviation Technologies Research program;

"(II) $30,000,000 for the Aging Aircraft Sustainment program;

"(III) $10,000,000 for the Aircraft Development Support program;

"(IV) $20,000,000 for the Unmanned Air Vehicles program; and

"(V) $20,000,000 for the Long-Range Hypersonic Research program";

(4) in subparagraph (B), strike "$908,400,000" and insert "$1,008,400,000";

(5) in subparagraph (B)(i), strike "$524,000,000" and insert "$624,000,000";

(6) in subparagraph (B)(i), strike "$399,800,000 to be for the Research and Technology Base, and with $54,200,000 to be for Aviation System Capacity" and insert "$54,200,000 to be for Aviation System Capacity, and with $499,800,000 to be for the Research and Technology Base, including—

"(I) $20,000,000 for the Innovative Aviation Technologies Research program;

"(II) $30,000,000 for the Aging Aircraft Sustainment program;

"(III) $10,000,000 for the Aircraft Development Support program;

"(IV) $20,000,000 for the Unmanned Air Vehicles program; and

"(V) $20,000,000 for the Long-Range Hypersonic Research program";

(7) in subparagraph (C), strike "$994,800,000" and insert "$1,094,800,000";

(8) in subparagraph (C)(i), strike "$519,200,000" and insert "$619,200,000"; and

(9) in subparagraph (C)(i), strike "$381,600,000 to be for the Research and Technology Base, and with $67,600,000 to be for Aviation System Capacity" and insert "$67,600,000 to be for Aviation System Capacity, and with $481,600,000 to be for the Research and Technology Base, including—

"(I) $20,000,000 for the Innovative Aviation Technologies Research program;

"(II) $30,000,000 for the Aging Aircraft Sustainment program;

"(III) $10,000,000 for the Aircraft Development Support program;

"(IV) $20,000,000 for the Unmanned Air Vehicles program; and

"(V) $20,000,000 for the Long-Range Hypersonic Research program".

Mr. BATEMAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore (Mr. SHIMKUS). Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. BATEMAN. Mr. Chairman, I rise to offer my amendment and to express my displeasure with the drastic reductions in the NASA budget over the past several years. I am particularly concerned about the reduction in funding for aeronautics research. The gentleman from Virginia (Mr. SCOTT) shares my concerns and joins in this amendment.

NASA is not simply a space exploration agency; it has also played a vital role in the creation of important technology used in civilian and military air transport. These contributions are among the brightest jewels in NASA's crown, but the last several years have seen the aeronautics budget dwindle precipitously.

The Clinton administration is rarely so zealous in its attempt to reduce nondefense discretionary spending. It is, therefore, ironic and unfortunate that it is so determined to scale back aeronautics research.

Today I have presented or am presenting an amendment to transfer $100 million from the International Space Station account to the Aeronautical Research and Technology account for each of the 3 fiscal years covered by the authorization bill before us. I have long been a supporter of the Space Station and remain so, but I feel that it has received more than generous funding while aeronautics research has suffered disproportionately.

I expect that it may be said that this $100 million reduction in the funding for the Space Station is a killer amendment. This is not the case, in my view, unless those who direct the Space Station program choose to make it so, and to me it is inconceivable that they would to this. No one, on the other hand, can do the vital aeronautics research identified in my amendment unless it is adopted.

Nearly $5 billion has been spent on the Space Station in the last 2 fiscal years, and another $2.4 billion is included in the President's budget for fiscal year 2000. Meanwhile, aeronautics research will have been reduced by $400 million over the same period.

The reduction in budget authority for aeronautics would bring the reduction in that program to 50 percent of what it was 10 years ago. Clearly aeronautics research has suffered disproportionately.

The Bateman-Scott amendment will transfer $100 million from the Space Station account to the aeronautics account for each of the 3 fiscal years covered by this bill. Failure to increase our commitment to aeronautics research will have grievous economic and national security consequences to the United States. The Bateman-Scott amendment will help guarantee that American aviation will preserve its traditional dominance.

My colleagues' support and vote for the Bateman-Scott amendment is solicited and will be appreciated.

Mr. SCOTT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong support of the Bateman-Scott amendment. The amendment will transfer $100 million from the International Space Station for each of the next 3 fiscal years to the Aeronautics Research and Technology account.

This amendment is necessary to restore deep cuts in aeronautics research and development programs as proposed by the bill. It is especially important when we know that several aeronautics R&D programs were cut, in large part in order to fund continued cost overruns for the Space Station.

We know that the Nation's aeronautics research program are in serious decline. The proposed FY 2000 NASA budget decreases an already underfunded aeronautics research effort by an additional 33 percent.

Mr. Chairman, we know that dollar-for-dollar investments in aeronautics research pay off. This is because aeronautics is the second largest industry in terms of positive balance of trade, second only to agriculture, and that goes back and forth every year. That is directly attributable to our past investments in aeronautics research.

Every aircraft worldwide uses NASA technology. For example, engineering principles developed from this research have contributed to overall aircraft safety and efficiency, including things like wing design, noise abatement, structural integrity and fuel efficiency. Such improvements are part of every aircraft in use today and are a direct result of our investment in aeronautics research.

Contrary to being corporate welfare, Federal investment in aeronautics research and development is vital because private companies are reluctant to fund this type of research when future applications of that research are unknown or will not pay dividends for 20 years. So our past and current funding of aeronautics research represents an appropriate and responsible Federal role.

The steady decline in aeronautics has already had an impact on United States competitiveness. Less than 10 years ago, United States firms held more than 70 percent of the world market share of civilian aircraft sales. But today, Europe's AirBus has more than 50 percent of that market share.

So while the U.S. has continued to severely cut research in this area, other countries have aggressively increased their investment. Japan, for example, will put $20 million more towards high speed transport research, while this budget ends our investment in high speed transport research.

Mr. Chairman, I urge my colleagues to support this amendment and support our continued investment in aeronautics research and development.

Mr. Chairman, I submit for the RECORD a letter from Virginia Governor Jim Gilmore expressing his opposition to the bill and a January 18, 1999 article entitled the "Cost of Station Cuts Into Funds For Supersonic Airplane Effort" in "Space News", as follows:

Commonwealth of Virginia,
Office of the Governor,
May 18, 1999.

Hon. Robert C. Scott,
Rayburn House Office Building,
Washington, DC.

Dear Congressman Scott; I write to you on behalf of the National Aeronautics and Space Agency Langley Research Center (NASA-LARC) and request your assistance during this year's appropriations process in the 106th Congress. Specifically, I request you cast your vote against H.R. 1654. President Clinton's budget proposal, submitted to Congress earlier this year, drastically reduces, for the second straight year, funding for the NASA-LARC to a level that threatens its critical research initiatives. NASA Langley is a national resource that is based in Virginia. I believe, therefore, that it is incumbent on all of us in elective office to represent its national mission. I respectfully request you halt this proposed budget cut and increase funding for this facility that is vital to the economy of the Tidewater region, the Commonwealth of Virginia, and our national competitiveness.

Over the last 2 years the NASA-LARC has been cut 24% comprehensively and the aeronautics portion has been reduced by 33%. This year, the President's budget proposes a cut of over $110 million and the reduction or abolition of numerous programs, including the elimination of two major programs—High Speed Commercial Transport (HSCT) and Advanced Subsonic Technology (AST). If this proposal is not overturned, Virginia will experience a direct loss of over 500 aeronautical engineering jobs through the end of 2000. Collateral effects include a total loss of approximately $275 million to the Virginia economy and 1,900 jobs lost. Moreover, these effects will not be contained strictly to the Tidewater region, but will also be realized in Blacksburg, Charlottesville and Northern Virginia as well.

The United States has drastically reduced federal aeronautics funding from $1.3 billion per year to $640 million per year—a 51% reduction—over the last ten years. In 1997, "aeronautics products" was the second largest U.S. export category ($69 billion) in our balance of trade, second only to agricultural products. While the United States continues to reduce its ability to compete in this market, other nations, such as Great Britain, South Korea, France, Taiwan and China, are increasing the amount of their investment in aeronautical R&D and are strong partners with their private sector companies. For example, Boeing has seen its share of the global commercial aircraft market go from 90% to less than 50% over the last 15 years. Airbus, based in France, has seen its share increase from 0% to approximately 50%. This comes as no surprise since the best aeronautic R&D facilities are now located in Europe.

In conclusion, I would like to point out that in a dangerous world in which this administration has deployed our military personnel to a multitude of locations around the globe, the most important thing necessary to insure their safety is complete domination of the skies over their heads. The current situation in the Balkans is a clear-cut example of why it is important to maintain a position for the United States at the forefront of aeronautics research and development.

Once again, I ask you to join me and fight to preserve NASA-LARC and see that it continues to play the integral role it has play in the economy of Virginia, in defense of this notion and the promotion our commercial interests in global economy.

Very truly yours,
James S. Gilmore, III,
Governor of Virginia.

[From the Space News, Jan. 18, 1999]

Cost of Station Cuts Into Funds for Supersonic Airplane Effort

(By Brian Berger)

Washington.—Funding for NASA's effort to develop technology for the next generation of supersonic passenger airplanes will be slashed and possibly eliminated to help NASA pay for cost overruns on the international space station program, according to government sources.

When U.S. President Bill Clinton presents his 2000 budget request to Congress in early February, sources said funding for NASA's High-Speed Research program—a nine-year-old effort to develop a concept for an environmentally friendly supersonic passenger jet—will be significantly reduced or cut from the space agency's budget altogether.

Last year, Congress appropriated $190 million for High-Speed Research in 1999, according to the NASA Comptroller's Office.

Although some sources say NASA could be in line for a small budget increase for 2000, congressional sources said its unlikely the White House will add enough money to pay for space station overruns without making cuts elsewhere.

A congressional source said some combination of new funds and program budget cuts are to be expected in a year when the White House is under political pressure to find as much as $1 billion extra for the international space station.

"This is the first year there hasn't been tremendous support for High-Speed Research," a senior NASA official said.

The NASA official declined to offer details of the cut pending the president's release of his spending plan. But a congressional source said the president's budget will reflect a deliberate decision to phase out the High-Speed Research program.

"I think it's dead," the source said, "and I wouldn't be surprised if it goes away for a while."

The NASA program began in 1990 to help U.S. aerospace companies develop the technologies needed to build a supersonic passenger plane capable of meeting the more stringent environmental regulations predicted for 2010.

But when industry-partner Boeing Co., Seattle, announced last fall that it would delay for 15 years its plans to build a supersonic passenger plane—also known as a high-speed civilian transport—until 2025, both the environmental and economic goals of the NASA program changed to reflect the new time frame.

Boeing spokeswoman Mary Jean Olsen said the company will not invest tens of billions of dollars in building a supersonic passenger jet until the technology and market demand for the product presents itself.

Alan Wilhite, deputy director of the Office of High-Speed Research at NASA Langley Research Center, Hampton, Va., said the program was on track to meet all the economic and environmental goals Boeing set for the program in 1990.

He said the program is now undergoing a year-long feasibility study to determine what must be done to meet more stringent environmental and economic goals forecasted for 2020–2025. Word of the budget cut comes as program officials at Langley are preparing to begin the next phase of the program, an eight-year, $700 million effort that includes the test and assembly of a full-scale supersonic engine.

But a Boeing program official said it is too soon to build an engine for an airplane that is still 20–25 years from reality.

"We really should not proceed with manufacturing technology," said Boeing's Robert Cuthbertson, program manager for the High-Speed Civilian Transport program.

During a NASA hearing before the House Science Committee in February 1998, Rep. Dana Rohrabacher (R–Calif.) questioned NASA Administrator Daniel Goldin about the advisability of building a full-scale engine for an airplane that may not be built.

"The whole program is being looked at very closely in terms of what level of investment the government should put in this area," the senior NASA official said.

Cuthbertson said Boeing is cutting back its investment in high-speed research substantially, estimating a 75–80 percent reduction over the next seven years.

John Logsdon, director of the Space Policy Institute at the George Washington University here, said aeronautics research is the subject of a long-standing debate between the White House and NASA.

"The argument is that aeronautics is a mature industry and ought to be paying for its own [research and development]" Logsdon said. "Some say it's inappropriate for the government to be paying for [a research and development] program that is essentially for Boeing."

Boeing is the only U.S. company currently building large commercial airframes.

Robert Walker, former chairman of the House Science Committee, said the debate goes back decades, but that the High-Speed Research program was usually seen as the kind of pure technology development effort NASA should be supporting.

Driving the budget cut, a NASA and congressional source said, is a White House in search of money to pay for cost overruns in the international space station program without raiding NASA science accounts.

"One way or another, you have to fix the space station overrun problem," a senior NASA official said.

With NASA program officials calling for more than $700 million for High-Speed Research through 2007, the program presents a tempting target for the White House budget ax.

"There aren't a lot of cookie jars for NASA to go after," the congressional source said.

Mr. ROHRABACHER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment. I am in support of the bill and the piece of legislation and opposed to the amendment. Mr. Chairman, this amendment is in direct contradiction to the President's and Administrator Goldin's priorities for the space program for NASA.

I understand the concern of the gentleman from Virginia (Mr. BATEMAN) about the continuing reductions over time that we have seen in NASA's aeronautics budget. But cutting the Space Station to fund aeronautics is not the appropriate answer.

However, at this point, let me point out that the gentleman from Indiana (Mr. ROEMER), again, the truth of his arguments is that we have to prioritize. If we are going to be spending huge chunks of money on the Space Station, that is exactly right. It is a very painful process. This is what part of that painful process is. Once again we are faced with something that comes from our decision, the decision of the whole body, to move forward with the Space Station.

Administrator Goldin in this environment says his top three priorities are, number one, safety; number two, finishing the Space Station and getting it over with; and advanced space transportation technology. Everything else comes after that as far as the administration and Mr. Goldin and his priorities go.

That means that the gentleman from Virginia (Mr. BATEMAN) is proposing cutting the administrator's number two priority, which will in fact increase total Space Station costs because it will cause delays just to fund the station at a different level of priority.

So let us not think that this is just an easy answer that takes somebody through Space Station. When we are here in the very last few moments of getting the Space Station up, any delay in this system will be very expensive, and there will be delays if we start cutting precipitously like this.

The gentleman from Virginia (Mr. BATEMAN) may or may not know that this bill does not cut research at NASA's Aeronautics Center one bit. In fact, this bill directs NASA to bring the resources and talents of the excellent scientists and engineers at the Aeronautic Center to bear on a higher priority. It is a priority, as I just mentioned, of Mr. Goldin's; it is one of his top three priorities. It is a much more difficult challenge than just trying to improve aeronautics, and that is to improve and to meet the challenge of advanced space transportation technology.

☐ 1615

Simply keeping the aeronautics centers working on aeronautics only is a very bad strategy. Now, yes, we realize that that is valuable work. But there are many challenges that we face and contributions that they could make outside the area of aeronautics. And limiting these centers to aeronautics, basically it is a very bad strategy and it is based on a going-out-of-business strategy.

I, therefore, respectfully oppose the well-intentioned but I say counterproductive amendment of the gentleman. Because in the end, by delaying the Space Station and by taking money precipitously from it, it will cause disruptions in the Space Station program and the plan that we are moving forward on and we will not be getting done with the project and it will end up costing us more money and putting even more pressure on aeronautics and other aspects of NASA's budget.

So while I understand the pressures we are under, I can sympathize with the idea that certain areas are not being funded like we would like to see them be if we had unlimited funding, but just cutting the Space Station precipitously is not the answer. Perhaps the answer should be, as I say, looking at the aeronautic centers and trying to broaden their area of research rather than keeping them just on aeronautics.

So I reluctantly and respectfully oppose this amendment.

Mr. GORDON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in reluctant opposition to the Bateman-Scott amendment. They have both been good friends of NASA and tireless champions of aeronautic research. I believe this amendment is well-intentioned.

Nevertheless, I think taking money from NASA's Space Station will simply destabilize that program and that will result in more station cost growth, more pressure on the NASA budget that will not benefit anyone in the long-run.

So although I think we need to take a long hard look at what needs to be done to keep NASA's aeronautics program world class, I oppose taking money from the Space Station. And I urge Members to vote against this amendment.

The CHAIRMAN pro tempore (Mr. SHIMKUS). The question is on the amendment offered by the gentleman from Virginia (Mr. BATEMAN).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. BATEMAN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 140, noes 286, not voting 7, as follows:

[Roll No. 138]

AYES—140

Baldwin
Barrett (WI)
Bass
Bateman
Bereuter
Berry
Blagojevich
Bliley
Blumenauer
Boucher
Brown (OH)
Bryant
Camp
Capps
Capuano
Carson
Chabot
Chenoweth
Clay
Clyburn
Coble
Coburn
Conyers
Costello
Coyne
Crowley
Danner
Davis (VA)
DeFazio
Delahunt
DeLauro
Dickey
Dingell
Doggett
Duncan
Evans
Ford
Fossella
Frank (MA)
Franks (NJ)
Gibbons
Gilchrest
Goode
Goodlatte
Goodling
Graham
Hefley
Herger
Hilleary
Hinchey
Hoekstra
Holden
Holt
Hostettler
Hunter
Hutchinson
Jones (NC)
Jones (OH)
Kaptur
Kelly
Kildee
Kind (WI)
Kingston
Kucinich
LaFalce
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
LoBiondo
Lowey
Luther
Manzullo
Markey
McHugh
McInnis
McIntosh
Meehan
Miller, George
Minge
Mink
Moore
Myrick
Nadler
Norwood
Nussle
Oberstar
Obey
Olver
Owens
Oxley
Pallone
Pascrell
Paul
Pease
Pelosi
Peterson (MN)
Petri
Pomeroy
Porter
Portman
Ramstad
Rangel
Regula
Rivers
Roemer
Ryan (WI)
Sanders
Sanford
Sawyer
Schakowsky
Scott
Shays
Sherwood
Shuster
Sisisky
Skelton
Spence
Spratt
Stark
Strickland
Stump
Stupak
Sununu
Tancredo
Taylor (NC)
Thompson (MS)
Tierney
Traficant
Udall (NM)
Upton
Vento
Visclosky
Wamp
Wilson
Wolf
Woolsey

NOES—286

Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Becerra
Bentsen
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Burr
Burton
Buyer
Callahan
Calvert
Campbell
Canady
Cannon
Cardin
Castle
Chambliss
Clayton
Clement
Collins
Combest
Condit
Cook
Cooksey

Cramer
Crane
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Deal
DeGette
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dixon
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Fowler
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gillmor
Gilman
Gonzalez
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hill (IN)
Hill (MT)
Hilliard
Hinojosa
Hobson
Hoeffel
Hooley
Horn
Houghton
Hoyer
Hulshof
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kasich
Kennedy
Kilpatrick
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kuykendall
LaHood
Lampson
Lantos
Larson
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lofgren
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McIntyre
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Neal
Nethercutt
Ney
Northup
Ortiz
Ose
Packard
Pastor
Payne
Peterson (PA)
Phelps
Pickering
Pickett
Pitts
Pombo
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Reyes
Reynolds
Riley
Rodriguez
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun (KS)
Sabo
Salmon
Sanchez
Sandlin
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherman
Shimkus
Shows
Simpson
Skeen
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Stabenow
Stearns
Stenholm
Sweeney
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Towns
Turner
Udall (CO)
Velázquez
Walden
Walsh
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wise
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—7

Abercrombie
Brown (CA)
Cox
Ganske
Lipinski
Napolitano
Serrano

☐ 1636

Messrs. TAYLOR of Mississippi, SMITH of Michigan and FROST changed their vote from "aye" to "no."

Mr. SPRATT, Mr. OLVER and Ms. DELAURO changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. SHIMKUS). Are there any other amendments?

Mr. GORDON. Mr. Chairman, I move to strike the last word.

Let me quickly thank the gentleman from California (Mr. ROHRABACHER) and the gentleman from Wisconsin (Mr. SENSENBRENNER) and their staff for their efforts to try to bring about a good bill here, but I have to say I am disappointed that we were not able to get that done.

Let me point out very quickly that Dan Goldin, the NASA administrator, has strongly suggested that Members oppose this bill; that the OMB has recommended this bill be opposed, for a variety of reasons:

Quickly, because it would delete all funding for NASA's information technology initiatives, it would hold NASA's earth science research program hostage to an unworkable data buy earmark, it would cancel the peer reviewed Triana scientific and educational mission and waste the $35 million already appropriated, and it would prohibit any research on innovative inflatable technologies that have great potential to lower the costs of future human space operations.

You can be pro NASA and against this bill. I recommend, as the ranking member on this committee, a "no" vote.

The CHAIRMAN pro tempore. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. SHIMKUS, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1654) to authorize appropriations for the National Aeronautics and Space Administration for fiscal years 2000, 2001, and 2002, and for other purposes, pursuant to House Resolution 174, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GORDON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 259, noes 168, not voting 7, as follows:

[Roll No. 139]

AYES—259

Abercrombie
Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Cunningham
Davis (VA)
Deal
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodling
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hill (MT)
Hilleary
Hinojosa
Hobson
Hoeffel
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jackson-Lee (TX)
Jenkins
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaHood
Lampson
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
Markey
McCollum
McCrery
McHugh
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moore
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Oxley
Packard
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reyes
Reynolds
Riley
Rodriguez
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Saxton
Scarborough
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shows
Simpson
Skeen
Skelton
Smith (MI)

Smith (NJ)
Smith (TX)
Souder
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Upton
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Wu
Young (AK)
Young (FL)

NOES—168

Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Berkley
Berman
Berry
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Conyers
Costello
Coyne
Crowley
Cubin
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
Delahunt
Dicks
Dingell
Dixon
Doggett
Dooley
Duncan
Engel
Eshoo
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Franks (NJ)
Ganske
Gephardt
Goode
Goodlatte
Gordon
Gutierrez
Hall (OH)
Herger
Hill (IN)
Hilliard
Hinchey
Holden
Holt
Hoyer
Inslee
Jackson (IL)
Jefferson
John
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
LaFalce
Lantos
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (NY)
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McInnis
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moran (VA)
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Paul
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Rahall
Rangel
Rivers
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sanford
Sawyer
Schaffer
Schakowsky
Scott
Shuster
Sisisky
Slaughter
Smith (WA)
Snyder
Stabenow
Stark
Stupak
Tancredo
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wise
Woolsey
Wynn

NOT VOTING—7

Brown (CA)
Hooley
Napolitano
Pastor
Serrano
Shimkus
Terry

☐ 1658

Ms. EDDIE BERNICE JOHNSON of Texas changed her vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. PASTOR. Mr. Speaker, on rollcall No. 139, had I been present, I would have voted "aye."

☐ 1700

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1654, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT OF 1999

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of the bill (H.R. 1654) to reflect the actions of the House, and that the Clerk be directed to make the following specific changes:

In the instruction to strike in the amendment by Mr. TRAFICANT to section 103(4)(A)(i) the phrase "focused program, and", and to apply the same instruction to strike to section 103(4)(B)(i) and section 103(4)(C)(i) with respect to fiscal years 2001 and 2002.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to place extraneous material in the RECORD on H.R. 1654, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. SENSENBRENNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SENSENBRENNER. Mr. Speaker, I have discussed with the gentleman from Illinois (Mr. COSTELLO), and unless there is an amendment that we do not know about, we will probably not have votes on the next bill that is coming up. I cannot give a complete assurance that there will be no rollcall votes, but my guess is that all of the amendments and the bill will be disposed of by voice vote and the Members can take that into account when making their plans.

NATIONAL WEATHER SERVICE AND RELATED AGENCIES AUTHORIZATION ACT OF 1999

The SPEAKER pro tempore. Pursuant to House Resolution 175 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1553.

☐ 1702

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1553) to authorize appropriations for fiscal year 2000 and fiscal year 2001 for the National Weather Service, Atmospheric Research, and National Environmental Satellite, Data and Information Service activities of the National Oceanic and Atmospheric Administration, and for other purposes, with Mr. SHIMKUS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Illinois (Mr. COSTELLO) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 1553, the National Weather Service and Related Agencies Authorization Act of 1999 authorizes a total of $1.391 billion for fiscal year 2000 and $1.468 billion for fiscal year 2001 for the National Weather Service, the NOAA office of Oceanic and Atmospheric Research Programs, the National Environmental Satellite Data and Information Service and related facilities. The NWS, supported by the Atmospheric Research and NESDIS programs, provides around-the-clock weather and flood warning and forecast services to the general public for the protection of life and property. The NWS data is used by private sector, commercial and weather service firms which provide specialized forecasts for a variety of business uses.

The additional funds authorized by this bill will, first, provide an increase of nearly 10 percent in the lead time for tornado warnings, particularly to those areas of the Nation such as Texas, Oklahoma, Kansas, the Midwest and the Southeast that are subject to devastating tornadoes; second, also provide an increase of 10 percent in forecast accuracy of the onset of freezing temperatures, particularly important for agricultural regions; third, provide an increase of nearly 5 percent in the forecast accuracy of heavy snowfall and severe storm warnings; and last, maintain current capabilities and hurricane forecasts and flood warnings. I commend the bill to the House for its adoption.

Mr. Chairman, I reserve the balance of my time.

Mr. COSTELLO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to commend the full committee chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER), and the subcommittee chairman, the gentleman from California (Mr. CALVERT) for bringing this bill to the floor today.

The Committee on Science has worked quickly this year to bring to the floor several authorization bills to give guidance to the Committee on Appropriations. One of the most significant of these bills is H.R. 1553, which will authorize the operations of the National Weather Service for the next 2 years. The National Weather Service provides critical information and early warning detection of disasters to communities throughout the United States. Timely, accurate weather forecasts save lives and provide us with time to prevent or at least minimize damage to property that results from tornadoes, hurricanes, blizzards and other severe weather.

New technologies pioneered by NOAA research enabled the National Weather Service to issue tornado warnings 30 minutes before they struck communities in Oklahoma. Those tornadoes caused over $1 billion in damage to Oklahoma City and surrounding communities. The loss of life could have been much worse without early warning provided by the National Weather Service. The development and deployment of Doppler radar and the Advanced Weather Interactive Processing System, AWIPS, extended the lead time for storm warnings by 20 minutes or more. More time means more lives can be saved. Emergency services can be deployed and people can take action to protect themselves.

The National Weather Service and its related research programs provide tangible benefits to our citizens every day at the cost of a few dollars per person annually. This bill replaces the Organic Act of 1890, which currently provides the definition of the National Weather Service's mission, with new language defining the duties of the Weather Service. The language was improved through the adoption of an amendment that I offered in committee which clarified the role of the National Weather Service in providing marine and aviation forecasts, and it will be further improved by the manager's amendment that will be offered by the chairman of the committee, the full committee, the gentleman from Wisconsin (Mr. SENSENBRENNER).

I believe the changes we have made in this section have addressed many of the concerns raised by the administration and the aviation industry. I am confident that we have a sound basis for continued work on this issue as the bill moves through the legislative process.

Although we would have preferred to see the authorization for the High Performance Computing and Communications Initiative, the HPCC, in this bill, we are satisfied that its exclusion is not done with prejudice on the part of the chairman of the committee, or the committee. Funding for the HPCC initiative supports advancements will enable NOAA to improve both short and long range forecasting.

The gentleman from Wisconsin (Mr. SENSENBRENNER) indicated the committee will move separate legislation within the coming few weeks to authorize appropriations for the HPCC program in its entirety, including the authorization of NOAA's portion of the program. We understand that this bill will provide authorizations of appropriations for all departments and agencies which participate in the government-wide HPCC program, as well as in the proposed information technology for the 21st century initiative. We look forward to working with our colleagues to advance the HPCC authorization bill, given its importance to the Nation and future technology.

H.R. 1553 reflects the President's request for FY 2000 for both the program accounts and to the procurement and construction accounts of NOAA. I am pleased by the authorization levels for next year. However, I am concerned that the FY 2001 numbers, kept at the same level as FY 2000 for all program accounts, would lead to a real decline in real support for the work of the National Weather Service and related research programs.

Later, I will offer an amendment to increase the FY 2001 authorization by a modest 3 percent. I hope my colleagues will support my amendment and ensure that NOAA has the stable funding required to continue to provide the vital weather forecasting services we rely on every day.

Mr. Chairman, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from California (Mr. CALVERT), the subcommittee chairman.

Mr. CALVERT. Mr. Chairman, I would like to thank my colleague, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the distinguished chairman of the Committee on Science, for yielding me this time.

Mr. Chairman, as the subcommittee Chair and author of this legislation, I am proud to speak in support of H.R. 1553. H.R. 1553 authorizes funding for the National Weather Service's atmospheric research, NOAA's environmental satellite data information service.

I am pleased to say that the Committee on Science reported this bill by voice vote. It was a tremendous display of how much can be accomplished when we work together in a bipartisan fashion.

Before I go on, I would like to thank the chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER), for his hard work and leadership in bringing this bill to the floor. I would also like to thank the ranking minority member of the Subcommittee on Energy and Environment and my good friend, the gentleman from Illinois (Mr. COSTELLO), for his leadership on his side of the aisle. While we do not always see eye to eye, I would think it is safe to say we do agree on the importance of passing H.R. 1553.

The National Weather Service plays an important part in protecting the public. The recent violent tornadoes in Oklahoma and Texas demonstrated how important advanced warning can be. Lives were tragically lost. I am afraid that the toll would have been much, much higher if there had not been advance warning given by the National Weather Service. This is just one of many examples of the important, sometimes lifesaving, services provided in the funding of this bill.

The bill funds NOAA's satellite programs at a level consistent with the administration's request. Satellites play a critical role in weather forecasting, as well as providing important environmental data. NOAA plans an ambitious launch schedule over the next decade or so which will not only improve coverage but will also improve satellite data acquisition capabilities.

H.R. 1553 also authorizes funding for NOAA's Office of Atmospheric Research. It is important that we have a clear understanding of how the atmosphere works so that we can better understand the weather and determine if global climate change is in fact occurring. H.R. 1553 continues the committee's tradition of strong support for atmospheric sciences.

Just a quick aside: I woke up this past Saturday morning to read a front page story detailing a crucial court decision overturning EPA's thoughts on P/M and ozone standards. The Court's decision noted that the agency had far exceeded its legal authority and based the regulation on science that was proven to be potentially unsound.

The reason I bring this matter up today in the context of H.R. 1553 is that I have always been a strong proponent of moving the EPA science mission to a nonregulatory governmental body. In my mind, NOAA would be a natural choice. In the light of the court decision, I plan to hold a hearing on the subject of P/M and ozone regulations. This will build on the bipartisan series of three hearings held by the Subcommittee on Energy and Environment last year.

I would like to conclude by saying H.R. 1553 will protect public safety, maintain state-of-the-art scientific research and facilities without busting the budget or raiding the Social Security Trust Fund. This is good legislation. I encourage all my colleagues on both sides of the aisle to support this important bill.

Mr. COSTELLO. Mr. Chairman, I yield 2 minutes to the gentleman from Guam (Mr. UNDERWOOD).

Mr. UNDERWOOD. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I do stand in support of the passage of H.R. 1553 to provide the National Weather Service with the resources to warn our citizens of impending natural disasters.

My constituents, the people of Guam, are probably the most familiar with the destruction that accompanies storms, and though we are thousands of miles away from Washington, D.C., we nonetheless share our prayers and support for stricken communities around the country.

The work of the National Weather Service, along with other Federal agencies like FEMA and the Small Business Administration, is important for communities to prepare for potential natural disasters. There is no question that with the technological advances and improved methods of research, the National Weather Service has been able to relay timely information via TV, radio, computers and other media to communities in the direct path of destruction.

Guam is located in an area of the Pacific known as typhoon alley, which was once the home of a weather reconnaissance squadron employing WC–130 aircraft. Their mission consisted of gathering advanced storm information by flying directly into a typhoon. Today, Guam remains the only part of the United States that is not covered by some kind of hurricane or typhoon aircraft.

□ 1715

I know that this is not directly related to the National Weather Service, but I did want to thank the chairman for accepting in the manager's amendment to make sure that both States and territories are equitably treated in terms of protection of property and life.

Guam is now no longer covered by the Joint Typhoon Warning Center, a casualty of the BRAC process. So it is vitally important that we continue to support the National Weather Service, particularly as they develop new ways of doing weather forecasting and providing information to communities such as Guam. It is important that as they perfect their satellite technology and as they experiment with the possibility of using fixed-wing aircraft, that they consider all parts of the United States in their service.

We in Guam would like to see perhaps the introduction of typhoon chasers once again, but it is very important that the National Weather Service and any kind of typhoon warning for a place like Guam is vitally important. Some years we face as many as 70 storm warnings in one year, and almost every typhoon that one hears about that hits the Asian mainland passes by or near or through Guam; hopefully most by or near.

Mr. SENSENBRENNER. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. Mr. Chairman, I thank the gentleman from Wisconsin for yielding me this time.

I would like to discuss two aspects of the science that is covered under this bill. The first my colleagues have already heard discussed by other speakers and that involves the National Weather Service and its importance. I certainly share that view, particularly since I live in a part of the country that frequently has tornadoes and have personally been in the basement a few times as tornadoes have passed overhead.

A little sideline on that, I depend heavily on the Weather Channel for my weather information, particularly when I travel, and I was struck recently by someone who commented that he did not really see the need for the National Weather Service because he got all of his weather from the TV. I enlightened him about the fact that although I love the Weather Channel and other TV that reports the weather, all that information comes from the National Weather Service, and the other services that are provided by the Weather Channel and so forth are simply massaging, computing and varying the data received from the National Weather Service. Indeed, the Weather Service performs a valuable service for our country in many, many ways.

The main point I would like to make this afternoon is the National Oceanic and Atmospheric Administration is doing a great deal of good science, often in somewhat obscure areas. All of us know how important it was 150 years ago to explore this Nation so that we could learn the details of its geography and, above all, the amount of its national resources. As we have explored our entire earth surface in terms of lands and found all the natural resources or nearly all the natural resources of the various landed areas of our planet, we realize that in another century we are going to have to get many of our natural resources from the oceans.

I wanted to point out and bring to light an important service performed by NOAA last year, and this was published in Science Magazine on September 26 of last year by Dr. Smith of NOAA, Dr. Walter H.F. Smith, and Dr. David Sandwell of the Scripps Institute.

Before their work was done, we only had rough ideas of the topography underneath the oceans, and that was obtained by echo sounding data from ships. But there are many areas that were unexplored, areas as large as the State of Oklahoma which had never been explored. The two scientists I mentioned developed a method by watching the motion of the satellites and measuring their positions very carefully and calculating the gravitational attraction of the various parts of the Earth upon the satellites and calculating backwards, finding the topographic structure underneath the oceans. It is not extremely accurate, but when we have areas the size of Oklahoma with no data, then any data is worthwhile, and they have done a remarkable job. They found an entire mountain range underneath the ocean which was not known about before.

Now, why is this important? First of all, as my colleagues can see, there are many rifts in the ocean bed. Most of those areas provide a lot of warm water which, in turn, provides for a great deal of activity by various organisms which forms the bottom of the food chain for the fishing industry. By plotting this more carefully, we have been able to aid the fishing industry throughout the world. But even more importantly, those rifts produce tremendous amounts of natural resources of metals which we are running out of on our landed areas and, in the future, we are likely to be mining ocean module and picking up these nodules of material which are quite abundant on the ocean floor. It will be very difficult to operate in that situation, but certainly this is something that has been pursued to a certain extent already, and once the prices of minerals rise this will provide a major source of resources for the next century and beyond.

I personally thank these scientists and others who have worked on this issue and the many other issues they deal with, and I think it is very important for the Congress and for the people of this Nation to realize that this important work is being done and is being done so well by the scientific community of our Nation.

Mr. COSTELLO. Mr. Chairman, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself such time as I may consume.

I understand that the gentleman from Alabama (Mr. CRAMER) wants to engage in a colloquy, and this seems to be about the last chance to do that before general debate is over with.

Mr. Chairman, I yield to the gentleman from Alabama.

Mr. CRAMER. Mr. Chairman, I thank the gentleman, and he is correct, I do wish to engage in a colloquy. It happens to be about Weather Service modernization issues and the process that we have been going through for years, those of us from vulnerable communities and those of us who have expressed concerns. I know the chairman has been aware of that for some time.

NOAA, through the Modernization Transition Committee, is engaged in this process of independently reviewing the necessity of maintaining those Weather Service offices throughout the country, and in fact they have already rubber-stamped the closure of maybe more than 100 of those. Some of those closings, in my opinion, could result in the degradation of service, and that is of particular concern to me and why regularly I have monitored this bill and wanted to make sure that some of our more vulnerable communities had that review process in place.

I wanted to inquire if the chairman would care to comment about where we are currently with that and with regard to those circumstances, whether the Weather Services Modernization Committee is trying to close some of those offices.

Mr. SENSENBRENNER. Mr. Chairman, reclaiming my time, I would like to tell my friend, the gentleman from Alabama (Mr. CRAMER), as well as the gentleman from Arkansas (Mr. HUTCHINSON), who has a similar concern, that the Committee on Science is aware of the NOAA Modernization Transition Committee process and commends NOAA for its efforts in this regard.

The committee is also aware of the efforts of various communities that maintain local weather coverage and shares the gentlemen's view and their concern about the degradation of service that may result from closing Weather Service offices. Consequently, the Committee on Science strongly urges NOAA to continue to aggressively work with local communities in developing comprehensive strategies that will allow high-risk communities to effectively respond to occurrences of severe weather.

I can add that the Committee on Science is known as doing tough-love oversight, and this is one of the areas where the committee will be doing some pretty tough oversight because we do not want NOAA modernization to result in a huge degradation of service, particularly in the high-risk areas. I know the gentleman from Alabama (Mr. CRAMER) represents one of those areas, as does the gentleman from Arkansas (Mr. HUTCHINSON).

Mr. CRAMER. Mr. Chairman, if the gentleman will continue to yield, I would like to add that I appreciate that attitude, and I am aware that the Modernization Transition Committee has its work cut out for it and that NOAA has had to look after closing a number of these offices. But I was also aware that a few of us were in perhaps an extraordinarily exceptional category. So I appreciate the committee's attitude in expressing this tough-love oversight, because I think NOAA needs that, and I think our citizens deserve that.

So I thank the gentleman for that attitude.

Mr. COSTELLO. Mr. Chairman, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill is considered as an original for the purpose of amendment and is considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 1553

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Weather Service and Related Agencies Authorization Act of 1999".

SEC. 2. DEFINITIONS.

For purposes of this Act, the term—

(1) "Administrator" means the Administrator of the National Oceanic and Atmospheric Administration; and

(2) "Secretary" means the Secretary of Commerce.

SEC. 3. NATIONAL WEATHER SERVICE.

(a) OPERATIONS, RESEARCH, AND FACILITIES.—There are authorized to be appropriated to the Secretary to enable the National Oceanic and Atmospheric Administration to carry out the Operations, Research, and Facilities activities of the National Weather Service $617,897,000 for fiscal year 2000 and $617,897,000 for fiscal year 2001, to remain available until expended. Of such amounts—

(1) $449,441,000 for fiscal year 2000 and $450,411,000 for fiscal year 2001 shall be for Local Warnings and Forecasts;

(2) $2,200,000 for fiscal year 2000 and $2,200,000 for fiscal year 2001 shall be for Advanced Hydrological Prediction System;

(3) $619,000 for fiscal year 2000 and $619,000 for fiscal year 2001 shall be for Susquehanna River Basin Flood Systems;

(4) $35,596,000 for fiscal year 2000 and $35,596,000 for fiscal year 2001 shall be for Aviation Forecasts;

(5) $4,000,000 for fiscal year 2000 and $4,000,000 for fiscal year 2001 shall be for Weather Forecast Offices (WFO) Facilities Maintenance;

(6) $37,081,000 for fiscal year 2000 and $37,081,000 for fiscal year 2001 shall be for Central Forecast Guidance;

(7) $3,090,000 for fiscal year 2000 and $3,090,000 for fiscal year 2001 shall be for Atmospheric and Hydrological Research;

(8) $39,325,000 for fiscal year 2000 and $39,325,000 for fiscal year 2001 shall be for Next Generation Weather Radar (NEXRAD);

(9) $7,573,000 for fiscal year 2000 and $7,573,000 for fiscal year 2001 shall be for Automated Surface Observing System (ASOS);

(10) $38,002,000 for fiscal year 2000 and $38,002,000 for fiscal year 2001 shall be for Advanced Weather Interactive Processing System (AWIPS); and

(11) $970,000 for fiscal year 2000 shall be for two 1,000-watt National Oceanic and Atmospheric Administration Weather Radio transmitters, to be located in Jasper and Marion Counties, Illinois, and nine 300-watt National Oceanic and Atmospheric Administration Weather Radio transmitters, to be installed in appropriate locations throughout the State of Illinois, and for maintenance costs related thereto.

(b) PROCUREMENT, ACQUISITION, AND CONSTRUCTION.—There are authorized to be appropriated to the Secretary to enable the National Oceanic and Atmospheric Administration to carry out the Procurement, Acquisition, and Construction activities of the National Weather Service $69,632,000 for fiscal year 2000 and $70,120,000 for fiscal year 2001, to remain available until expended. Of such amounts—

(1) $9,560,000 for fiscal year 2000 and $9,060,000 for fiscal year 2001 shall be for Next Generation Weather Radar (NEXRAD);

(2) $4,180,000 for fiscal year 2000 and $6,125,000 for fiscal year 2001 shall be for Automated Surface Observing System (ASOS);

(3) $22,575,000 for fiscal year 2000 and $21,525,000 for fiscal year 2001 shall be for Advanced Weather Interactive Processing System (AWIPS);

(4) $11,100,000 for fiscal year 2000 and $12,835,000 for fiscal year 2001 shall be for Computer Facilities Upgrades;

(5) $8,350,000 for fiscal year 2000 and $8,350,000 for fiscal year 2001 shall be for Radiosonde Replacement;

(6) $500,000 for fiscal year 2000 shall be for National Oceanic and Atmospheric Administration Operations Center Rehabilitation; and

(7) $13,367,000 for fiscal year 2000 and $12,225,000 for fiscal year 2001 shall be for Weather Forecast Office (WFO) Construction.

(c) DUTIES OF THE NATIONAL WEATHER SERVICE.—

(1) IN GENERAL.—To protect life and property, the Secretary, through the National Weather Service, except as provided in paragraph (2), shall be responsible for—

(A) forecasts and shall serve as the sole official source of weather and flood warnings;

(B) the issuance of storm warnings;

(C) the collection, exchange, and distribution of meteorological, hydrological, climatic, and oceanographic data and information;

(D) the preparation of hydrometeorological guidance and core forecast information; and

(E) the issuance of marine and aviation forecasts and warnings.

(2) COMPETITION WITH PRIVATE SECTOR.—The National Weather Service shall not provide, or assist other entities to provide, a service (other than a service described in paragraph (1)(A) or (B)) if that service is currently provided or can be provided by commercial enterprise, unless—

(A) the Secretary finds that the private sector is unwilling or unable to provide the service; or

(B) the service provides vital weather warnings and forecasts for the protection of lives and property of the general public.

(3) AMENDMENTS.—The Act of October 1, 1890 (26 Stat. 653) is amended—

(A) by striking section 3 (15 U.S.C. 313); and

(B) in section 9 (15 U.S.C. 317), by striking ", and it shall be" and all that follows, and inserting a period.

(4) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report detailing all National Weather Service activities which do not conform to the requirements of this subsection and outlining a timetable for their termination.

SEC. 4. ATMOSPHERIC RESEARCH.

(a) OPERATIONS, RESEARCH, AND FACILITIES.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to enable the National Oceanic and Atmospheric Administration to carry out the Atmospheric Research Operations, Research, and Facilities environmental research and development activities of the Office of Oceanic and Atmospheric Research $173,250,000 for fiscal year 2000 and $173,250,000 for fiscal year 2001, to remain available until expended.

(2) CLIMATE AND AIR QUALITY RESEARCH.—Of the amounts authorized under paragraph (1),

$126,200,000 for fiscal year 2000 and $126,200,000 for fiscal year 2001 shall be for Climate and Air Quality Research, of which—

(A) $16,900,000 for fiscal year 2000 and $16,900,000 for fiscal year 2001 shall be for Interannual and Seasonal Climate Research;

(B) $34,600,000 for fiscal year 2000 and $34,600,000 for fiscal year 2001 shall be for Long-Term Climate and Air Quality Research;

(C) $69,700,000 for fiscal year 2000 and $69,700,000 for fiscal year 2001 shall be for Climate and Global Change; and

(D) $5,000,000 for fiscal year 2000 and $5,000,000 for fiscal year 2001 shall be for Global Learning and Observations to Benefit the Environment (GLOBE).

(3) ATMOSPHERIC PROGRAMS.—Of the amounts authorized under paragraph (1), $47,050,000 for fiscal year 2000 and $47,050,000 for fiscal year 2001 shall be for Atmospheric Programs, of which—

(A) $36,600,000 for fiscal year 2000 and $36,600,000 for fiscal year 2001 shall be for Weather Research;

(B) $4,350,000 for fiscal year 2000 and $4,350,000 for fiscal year 2001 shall be for Wind Profiler; and

(C) $6,100,000 for fiscal year 2000 and $6,100,000 for fiscal year 2001 shall be for Solar-Terrestrial Services and Research.

(b) PROCUREMENT, ACQUISITION, AND CONSTRUCTION.—There are authorized to be appropriated to the Secretary to enable the National Oceanic and Atmospheric Administration to carry out the Atmospheric Research Procurement, Acquisition, and Construction environmental research and development activities of the Office of Oceanic and Atmospheric Research $10,040,000 for fiscal year 2000 and $14,160,000 for fiscal year 2001, to remain available until expended. Of such amounts—

(1) $5,700,000 for fiscal year 2000 and $8,000,000 for fiscal year 2001 shall be for the Geophysical Fluid Dynamics Laboratory Supercomputer; and

(2) $4,340,000 for fiscal year 2000 and $6,160,000 for fiscal year 2001 shall be for the Advanced Composition Explorer (ACE) Follow-On Satellite/GEOSTORM.

SEC. 5. NATIONAL ENVIRONMENTAL SATELLITE, DATA AND INFORMATION SERVICE.

(a) OPERATIONS, RESEARCH, AND FACILITIES.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to enable the National Oceanic and Atmospheric Administration to carry out the Operations, Research, and Facilities environmental research and development and related activities of the National Environmental Satellite, Data and Information Service $103,092,000 for fiscal year 2000 and $103,092,000 for fiscal year 2001, to remain available until expended.

(2) SATELLITE OBSERVING SYSTEMS.—Of the amounts authorized under paragraph (1), $59,236,000 for fiscal year 2000 and $59,236,000 for fiscal year 2001 shall be for Satellite Observing Systems, of which—

(A) $2,000,000 for fiscal year 2000 and $2,000,000 for fiscal year 2001 shall be for Global Disaster Information Network (GDIN);

(B) $4,000,000 for fiscal year 2000 and $4,000,000 for fiscal year 2001 shall be for Ocean Remote Sensing; and

(C) $53,236,000 for fiscal year 2000 and $53,236,000 for fiscal year 2001 shall be for Environmental Observing Services.

(3) ENVIRONMENTAL DATA MANAGEMENT SYSTEMS.—Of the amounts authorized under paragraph (1), $43,856,000 for fiscal year 2000 and $43,856,000 for fiscal year 2001 shall be for Environmental Data Management Systems, of which—

(A) $31,521,000 for fiscal year 2000 and $31,521,000 for fiscal year 2001 shall be for Data and Information Services; and

(B) $12,335,000 for fiscal year 2000 and $12,335,000 for fiscal year 2001 shall be for Environmental Data Systems Modernization.

(b) PROCUREMENT, ACQUISITION, AND CONSTRUCTION.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to enable the National Oceanic and Atmospheric Administration to carry out the Procurement, Acquisition, and Construction environmental research and development and related activities of the National Environmental Satellite, Data and Information Service $413,657,000 for fiscal year 2000 and $476,183,000 for fiscal year 2001, to remain available until expended.

(2) SYSTEMS ACQUISITION.—Of the amounts authorized under paragraph (1), $410,612,000 for fiscal year 2000 and $473,803,000 for fiscal year 2001 shall be for Systems Acquisition, of which—

(A) $140,979,000 for fiscal year 2000 and $114,594,000 for fiscal year 2001 shall be for the procurement and launch of, and supporting ground systems for, Polar Orbiting Environmental Satellites (POES), K, L, M, N, and N';

(B) $80,100,000 for fiscal year 2000 and $113,600,000 for fiscal year 2001 shall be for the procurement and launch of, and supporting ground systems for, the National Polar-Orbiting Operational Environmental Satellite System (NPOESS); and

(C) $189,533,000 for fiscal year 2000 and $245,609,000 for fiscal year 2001 shall be for the procurement and launch of, and supporting ground systems for, Geostationary Operational Environmental NEXT follow-on Satellites (GOES N–Q).

(3) CONSTRUCTION.—Of the amounts authorized under paragraph (1), $3,045,000 for fiscal year 2000 and $2,380,000 for fiscal year 2001 shall be for National Oceanic and Atmospheric Administration Operations Center Rehabilitation Construction.

SEC. 6. FACILITIES.

There are authorized to be appropriated to the Secretary to enable the National Oceanic and Atmospheric Administration to carry out the Operations, Research, and Facilities environmental research and development and related activities required to meet recurring facilities operations costs associated with the David Skaggs Research Center in Boulder, Colorado, $3,850,000 for fiscal year 2000 and $3,850,000 for fiscal year 2001.

SEC. 7. ELIGIBILITY FOR AWARDS.

(a) IN GENERAL.—The Administrator shall exclude from consideration for grant agreements made after fiscal year 1999 by the National Oceanic and Atmospheric Administration, under the activities for which funds are authorized under this Act, any person who received funds, other than those described in subsection (b), appropriated for a fiscal year after fiscal year 1999, under a grant agreement from any Federal funding source for a project that was not subjected to a competitive, merit-based award process, except as specifically authorized by this Act. Any exclusion from consideration pursuant to this section shall be effective for a period of 5 years after the person receives such Federal funds.

(b) EXCEPTION.—Subsection (a) shall not apply to the receipt of Federal funds by a person due to the membership of that person in a class specified by law for which assistance is awarded to members of the class according to a formula provided by law.

(c) DEFINITION.—For purposes of this section, the term “grant agreement” means a legal instrument whose principal purpose is to transfer a thing of value to the recipient to carry out a public purpose of support or stimulation authorized by a law of the United States, and does not include the acquisition (by purchase, lease, or barter) of property or services for the direct benefit or use of the United States Government. Such term does not include a cooperative agreement (as such term is used in section 6305 of title 31, United States Code) or a cooperative research and development agreement (as such term is defined in section 12(d)(1) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(1))).

SEC. 8. INTERNET AVAILABILITY OF INFORMATION.

The Administrator shall make available through the Internet home page of the National Oceanic and Atmospheric Administration the abstracts relating to all research grants and awards made with funds authorized by this Act. Nothing in this section shall be construed to require or permit the release of any information prohibited by law or regulation from being released to the public.

The CHAIRMAN. During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

Are there any amendments to the bill?

AMENDMENT OFFERED BY MR. CALVERT

Mr. CALVERT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CALVERT:

In section 3(c)(1), insert “(in all 50 States, the District of Columbia, and the Territories)” after “life and property”.

In section 3(c)(2)—

(1) strike “(other than a service described in paragraph (1)(A) or (B))”;

(2) strike subparagraph (A);

(3) redesignate subparagraph (B) as subparagraph (A);

(4) in subparagraph (A), as so redesignated by paragraph (3) of this amendment, strike “lives” and insert “life”;

(5) at the end of subparagraph (A), as so redesignated by paragraph (3) of this amendment, strike the period and insert “; or”; and

(6) add at the end the following new subparagraph:

(B) the United States Government is obligated to provide such service under international aviation agreements to provide meteorological services and exchange meteorological information.

Mr. CALVERT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CALVERT. Mr. Chairman, I would like to thank the gentleman from Wisconsin (Mr. SENSENBRENNER), the distinguished chairman of the Committee on Science.

Mr. Chairman, I rise to offer an amendment to H.R. 1553. This amendment was crafted in a bipartisan manner with my colleagues, the gentleman from Kansas (Mr. TIAHRT), the gentleman from Illinois (Mr. COSTELLO), the ranking minority member of the Subcommittee on Energy and Environment; the gentleman from Pennsylvania (Mr. PETERSON), and the gentleman from Guam (Mr. UNDERWOOD). It contains carefully thought out language which will ensure that we maintain a proper balance between the protection of life and property while promoting a private sector weather forecasting industry.

Mr. Chairman, I urge adoption of the amendment.

Mr. COSTELLO. Mr. Chairman, I move to strike the last word.

As the subcommittee chairman indicated, the gentleman from California (Mr. CALVERT), we did discuss this amendment. I am in total support of the manager's amendment.

The amendment addresses the major concerns our constituents in the aviation industry had on the section of the bill dealing with the duties of the Weather Service by making clear that the National Weather Service will continue to be responsible for providing weather information that is vital to protect life and property. Access to reliable high-quality weather information is essential to maintain the excellent safety record that our aviation industry has achieved and that the public expects. The National Weather Service's role in providing this information in support of our aviation industry will continue.

The amendment also clarifies that the U.S. Government, through the National Weather Service, will continue to provide the weather services under our international aviation agreements. I know the administration also had concerns about the language included in the bill as reported to the House by the full committee. I believe this amendment will address those concerns on the part of the administration and the aviation industry.

Again, I thank the gentleman from California (Mr. CALVERT), the chairman of the subcommittee, for offering this manager's amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. CALVERT).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. TRAFICANT:

At the end of the bill, add the following new sections:

SEC. 9. COMPLIANCE WITH BUY AMERICAN ACT.

No funds authorized pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c, popularly known as the "Buy American Act").

SEC. 10. SENSE OF CONGRESS: REQUIREMENT REGARDING NOTICE.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary of Commerce shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 11. PROHIBITION OF CONTRACTS.

If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.

Mr. TRAFICANT. Mr. Chairman, this is a buy-American amendment that has been added to these bills.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, this is a very good buy-American amendment, and we accept it.

Mr. TRAFICANT. Mr. Chairman, I urge my colleagues to vote for this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HUTCHINSON

Mr. HUTCHINSON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HUTCHINSON:

In section 3, insert at the end the following new subsection:

(d) CLOSING OF LOCAL WEATHER SERVICE OFFICES.—It is the sense of the Congress that the National Weather Service must fully take into account the dangerous and life threatening nature of weather patterns in Wind Zone IV, otherwise known as tornado alley, before making any determination on the closure of any of its local weather service offices.

Mr. HUTCHINSON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. HUTCHINSON. Mr. Chairman, first of all, this amendment is something that I have worked with the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from California (Mr. CALVERT) in regard to, and I want to thank them for their understanding of this important issue.

The amendment is very simple. It expresses the sense of Congress that the National Weather Service must fully take into account the dangerous and life-threatening nature of weather patterns in wind zone number four, otherwise known as Tornado Alley, before making any determination on its closure of any of its local Weather Service offices.

□ 1730

This sense of the Congress resolution is very important because, as we know, in Oklahoma they have had severe impact, loss of life, because of tornadoes of devastating impact.

In my State of Arkansas we have had similar circumstances, and they are considering and debating whether to close the local Weather Service office in Fort Smith. Only a few years ago, in 1996, there was a devastating tornado that came into Fort Smith and the Van Buren area which caused a loss of life. There was inadequate warning that still embarrasses the Weather Service because of that.

In fact, on that occasion there was a local spotter that called the Tulsa office, which is what we would be under if we totally closed the Fort Smith office, and they were told that there was a tornado that was spotted in Pocola, only a few miles from Fort Smith, and the response from Tulsa was, where is Pocola? Pocola, of course, is again within the Fort Smith area. It is difficult to give an adequate warning when there is not a grasp of what is happening on the ground.

So this is a great concern, and this I believe expresses the sense of Congress that they have to take into consideration the extraordinarily dangerous weather patterns in tornado alley, and the many States that are affected by the weather patterns in wind zone number 4.

Mr. HOSTETTLER. Mr. Chairman, will the gentleman yield?

Mr. HUTCHINSON. I yield to the gentleman from Indiana.

Mr. HOSTETTLER. Mr. Chairman, I thank the gentleman from Arkansas for yielding to me.

While I commend the modernization transition committee for their work, and especially their work regarding the closure of the Evansville, Indiana office, I think it is necessary to chronicle the actual life lost and the loss of property as a result of the inadequate service provided there.

On April 14 of 1996 an F–2 tornado struck Warrick County, Indiana, without warning, toppling two rail cars and tossing a trash dumpster into an electrical transformer at Alcoa's Warrick operations.

Subsequently, a Reed, Kentucky woman was killed by a tornado of which she had no warning to the locale. Neither did the tornado in Warrick County. Likewise, no warning was given prior to a tornado hitting the north side of Evansville, Indiana, the third largest city in the State of Indiana, and damaged two places of business.

Then, most recently, an F–2 tornado touched down in Pike County, Indiana, with no warning, destroying three homes.

So I commend the gentleman from Arkansas for his bringing up this very important issue, and I ask for his sense of Congress amendment to be adopted by the committee and the House.

Mr. HUTCHINSON. I thank the gentleman from Indiana.

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, with regret, I must oppose the amendment of the gentleman from Arkansas (Mr. HUTCHINSON). While not binding, the gentleman's sense of Congress amendment telling the National Weather Service that it should not close any local Weather Service office for any reason whatsoever is in direct contradiction to the provisions of existing law. It will have a chilling effect that could well bring the service's modernization efforts to a halt, with potentially disastrous consequences for public health and safety.

I would remind the gentleman from Arkansas and the gentleman from Indiana that this bill improves forecast accuracy for tornadoes by 10 percent. The reason we are able to do that without busting the budget is by making the Weather Service more efficient.

The Weather Service plan for its modernization and associated restructuring was approved overwhelmingly by Congress and signed into law by President Bush in 1992. Already this multibillion dollar effort has resulted in dramatic gains in the service's capability to predict severe weather events such as tornadoes, hurricanes, floods, severe thunderstorms, damaging hail, and high winds, and in dramatic gains in its ability to further ensure the public health and safety.

The only way this multibillion dollar modernization effort was and is affordable is because Congress also directed the Weather Service to consolidate its sprawling network of local Weather Service offices. The savings from this consolidation effort allows the modernization effort to proceed.

Congress also established an elaborate procedure to ensure that local Weather Service offices were not closed in a willy-nilly fashion and were not subject to partisan politics.

For example, the Secretary of Commerce may not close, consolidate, automate, or relocate any field office "* * * unless the Secretary has certified", "certified that such action will not result in any degradation of service."

In addition, a public review process was also established, and, as an additional protection, Congress created a 12-member modernization transition committee comprised of five members representing the National Weather Service, the Department of Defense, the Federal Aviation Administration, and the Federal Emergency Management Agency and several members from civil defense, public safety and labor organizations, news media, pilots, and farmers. This committee may review any certification proposed by the Secretary of Commerce to determine if a degradation of service might result.

Unfortunately, Mr. Chairman, the gentleman's amendment would have the implied effect of overriding this elaborate and fair public process. In addition, as I said earlier, it would have a chilling effect that could well bring the service's modernization efforts to a halt with potentially disastrous consequences to public health and safety.

We simply cannot afford to complete the National Weather Service's modernization effort and to operate the new system without the parallel restructuring of Weather Service field offices.

I urge my colleagues to oppose this amendment and to support the committee's effort to complete the modernization.

Mr. HUTCHINSON. Mr. Chairman, will the gentleman yield?

Mr. SENSENBRENNER. I yield to the gentleman from Arkansas.

Mr. HUTCHINSON. Mr. Chairman, I just wanted to thank the gentleman for his comments, and I wanted to remind the gentleman that a substitute amendment has been offered, and that I think it clarifies the objections that have been expressed by the gentleman from Wisconsin (Mr. SENSENBRENNER).

So I hope that with the amended amendment, the substitute amendment that has been offered, that the gentleman will be able to support it, because I believe it is consistent with the goals of the National Weather Service, but also expresses a sense of Congress that they have to take into account the dangerous and life-threatening nature of the weather patterns in wind zone number 4, and these States that are impacted by this are Louisiana, Texas, Alabama, Mississippi, Oklahoma, Missouri, Indiana, Ohio, Illinois, Nebraska, Kansas, Iowa, Kansas, Kentucky, Arkansas, Michigan, Tennessee, and Georgia.

So Members can see the States impacted by wind zone number 4 are significant, and we ask the House or would ask the chairman hopefully to be able to support this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arkansas (Mr. HUTCHINSON).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HUTCHINSON. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 175, further proceedings on the amendment offered by the gentleman from Arkansas (Mr. HUTCHINSON) will be postponed.

Are there further amendments?

AMENDMENT OFFERED BY MR. COSTELLO

Mr. COSTELLO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COSTELLO:

At the end of the bill, insert the following new section:

SEC. 9. AUTHORIZATION INCREASE.

Each of the amounts authorized for fiscal year 2001 by this Act, except for the amounts authorized by sections 3(b), 4(b), and 5(b), shall be increased by 3 percent.

Mr. COSTELLO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. COSTELLO. Mr. Chairman, my amendment prevents a cut in services performed by the National Weather Service in FY 2001. The bill before us today leaves funding for NOAA programs flat from FY 2000 to FY 2001. My amendment would increase the authorized levels for FY 2001 by a modest 3 percent.

Construction and procurement accounts are excluded from this increase because in those areas authorization levels are consistent with real projected outyear numbers. My amendment would increase the bill's total authorization level by just under $27 million. If we are able to avoid major damage from just one major weather event in fiscal year 2001, this investment will have paid off many times over.

There are few programs that match the success of the National Weather Service. The recent tragedy in Oklahoma, where deadly tornadoes leveled residential communities, is our most recent example of the importance that timely and accurate weather forecasting plays in our lives. The extra 15 to 20 minutes of warning that our investments in forecasting and prediction research and in technology improvements at NOAA saved lives.

The May 6 issue of USA Today contained an editorial which provided the statistics on storm-related deaths from the 1950s until today. The number of storm-related deaths has decreased by two-thirds over the past 40 years. Weather Service programs cost each taxpayer a few dollars per year. This is a modest price to pay for the protection of life and property.

The level of increased funding provided in my amendment is consistent with the committee's past views and estimates, which called for a 3 percent increase for FY 1998, a 4 percent increase in FY 1999, and a 3 percent increase for FY 2000. Almost all of the members of the Committee on Science supported these increases. I have purposely stayed within the Chairman's preferred range of increases.

The increased funding is also consistent with the increases the committee is providing in the authorization bills for other agencies and departments under our jurisdiction.

The committee has made a commitment, through the Science Policy Report conducted by the gentleman from Michigan (Mr. EHLERS), to "stable and sustainable Federal R&D funding" over the next 5 years. Sustainability is not achieved if we let inflation erode the funding levels.

This amendment meets the stability and sustainability tests set out by my colleagues on the other side of the aisle. In fact, Mr. Chairman, the gentleman from Wisconsin (Chairman SENSENBRENNER) has rightfully, in my opinion, criticized the administration on several occasions for failing to provide adequate outyear funding in its budget request leading to net declines in inflation-adjusted funding. Flat funding means that all the increased inflationary costs for doing work will be absorbed by Weather Service programs leading to an effective cut in funding.

Finally, by providing a modest increase of 3 percent, consistent with the policy of the committee, in FY 2001 authorized levels for Weather Service programs, we send a strong signal to the administration and the Committee on Appropriations that we value NOAA's Weather Service programs, and that we want to continue to provide stable funding to support these programs.

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I rise in reluctant opposition to the amendment offered by the gentleman from Illinois (Mr. COSTELLO), which would add nearly $27 million to the bill's already generous fiscal year 2001 authorization level.

This bill recommends an increase of $61.1 million, or 4.6 percent, above the fiscal 1999 appropriated level for fiscal year 2000, then an additional increase of $67.1 million, or 4.8 percent, above the fiscal 2000 recommended level for fiscal year 2001.

It is consistent with the administration's request, and also consistent with my pledge to provide stable and sustainable R&D funding over the next 5 years for programs under the Committee on Science's jurisdiction.

I would just point out that I have been talking about 3 percent increases overall for science. This bill has 4.6 percent in the first year and 4.8 percent in the second year, which is over that recommended amount.

While I understand the gentleman's amendment is well-intentioned, I also believe it is unwise, while we are trying to sustain the balanced budget caps in order to preserve and protect social security. I simply cannot be a party to an amendment that threatens the wellbeing of our senior citizens, and consequently, I urge rejection of the Costello amendment.

Mr. UDALL of Colorado. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I urge adoption of this amendment offered by my colleague, the gentleman from Illinois (Mr. COSTELLO). It would increase authorization levels for the National Weather Service and the atmospheric research functions of the National Oceanic and Atmospheric Administration by 3 percent in fiscal year 2001.

As it stands, this bill includes no increases in program accounts from fiscal year 2000 to 2001. I believe that will be insufficient to provide for the real needs of our Nation.

With no allowance for inflation, this flat funding authorization will produce a decline in the real work being done by NOAA. The nominal dollars from fiscal year 2000 to 2001 appear to be the same, but the level of service it supported will decline, in real terms.

With a major NOAA facility in my district in Boulder, Colorado, I want to avoid this real decline in the level of funding and services.

The Space Environment Center that detects solar storms which can interfere with the operations of our utility companies and cell phones is based also in Boulder. The Forecast Systems Lab, which worked with the Weather Service to develop the advanced weather interactive processing system, or the radar system that is now used across our country, is also based in Boulder.

□ 1745

But this decline in funding and services will affect other Members' districts as well, and the impact of reduced funds on NOAA's Weather Service and its studies on atmospheric and environmental change will be felt nationwide.

The Costello amendment will result in an increase in program authorizations of less than $27 million. The level of increase is consistent with the committee's past reviews and estimates, and those are produced by the majority. The majority endorsed a 3 percent increase in fiscal 1998 and fiscal 2000 and a 4 percent increase in fiscal year 1999. Furthermore, in a February report the majority criticized as too low the out-year numbers and the President's request for programs under the Committee on Science's jurisdiction.

I would add that the Costello amendment is consistent with the findings in the report on Federal Science policy of the gentleman from Michigan (Mr. EHLERS). That report called for stable and substantial funding for science programs. But it is hard to see how funding can be stable and substantial if we routinely let inflation eat away at our programs.

Mr. Chairman, I urge support of this amendment. As it stands, the bill does not enable NOAA and the National Weather Service to do their jobs. We must not marginalize these important programs.

Mr. COSTELLO. Mr. Chairman, will the gentleman yield to me?

Mr. UDALL of Colorado. I am happy to yield to the gentleman from Illinois.

Mr. COSTELLO. Mr. Chairman, let me respond to the increase in FY 2000 and FY 2001 of the gentleman from Wisconsin (Chairman SENSENBRENNER). The increases, in fact the percentages that the gentleman from Wisconsin (Chairman SENSENBRENNER) gave are in fact accurate.

But the point that needs to be made here is that the increases are for construction and procurement. There are no increases for programs. So the point is that the increases are going to construction and procurement. There are no increases in FY 2001 for programs. In effect, the inflation factor will require a cut in program funding for that fiscal year.

The CHAIRMAN pro tempore (Mr. PEASE). The question is on the amendment offered by the gentleman from Illinois (Mr. COSTELLO).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HUTCHINSON

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Arkansas (Mr. HUTCHINSON) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

Mr. HUTCHINSON. Mr. Chairman, I withdraw my demand for a recorded vote, and I ask for a division.

The question was taken; and on a division (demanded by Mr. HUTCHINSON) there were—ayes 5, noes 0.

So the amendment was agreed to.

The CHAIRMAN pro tempore. Are there further amendments?

If not, the question is on the committee amendment in the nature of the substitute, as amended.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. COX) having assumed the chair, Mr. PEASE, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1553) to authorize appropriations for fiscal year 2000 and fiscal year 2001 for the National Weather Service, Atmospheric Research, and National Environmental Satellite, Data and Information Service activities of the National Oceanic and Atmospheric Administration, and for other purposes, pursuant to House Resolution 175, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment in the nature of a substitute adopted by the Committee of the Whole?

Mr. CALVERT. Mr. Speaker, I demand a separate vote on the so-called Costello amendment.

The SPEAKER pro tempore. Is a separate vote demanded on any other amendment?

If not, the Clerk will report the amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment:

At the end of the bill, insert the following new section:

SEC. 9. AUTHORIZATION INCREASE.

Each of the amounts authorized for fiscal year 2001 by this Act, except for the amounts authorized by sections 3(b), 4(b), and 5(b), shall be increased by 3 percent.

The SPEAKER pro tempore. The question is on the amendment.

The question was taken; and on a division (demanded by Mr. CALVERT) there were—ayes 3, noes 5.

So the amendment was rejected.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute as amended, was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN THE ENGROSSMENT OF H.R. 1553, NATIONAL WEATHER SERVICE AND RELATED AGENCIES AUTHORIZATION ACT OF 1999

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of the bill to reflect the actions of the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill, H.R. 1553.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

PUT SOCIAL SECURITY FIRST AND POLITICS SECOND

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, I said yesterday in my Social Security Task Force meeting that I was going to do some yelling and screaming about encouraging the American people and this Congress to move ahead with Social Security reform. If the American people decide that there should be Social Security reform, then we will do it.

That is what happens in Washington. We have made a tremendous stride forward in saying we are not going to spend the Social Security surpluses for other government expenditures. But if nobody cares, this body and the President are going to spend that money.

I think it is so important that every community, every senior citizen, every young person that is going to end up paying this bill start being active, start writing their legislators, start writing the President, because we have got to put Social Security first and put politics second.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. PEASE). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

IN MEMORY OF CHIEF WARRANT OFFICER THREE DAVID ALLAN GIBBS

(Mr. REGULA asked and was given permission to address the House for 1 minute.)

Mr. REGULA. Mr. Speaker, today, Chief Warrant Officer Three David Allan Gibbs was laid to rest in Arlington Cemetery in a very moving ceremony. He was fondly remembered by family, friends, and colleagues for his bravery and selfless dedication to his country.

David Gibbs entered the United States Marine Corps in 1980 after graduating from Washington High School in Massillon, Ohio. He served in a number of posts both at home and overseas before transferring to the United States Army in 1985.

It was in the Army that David was able to pursue his dream of flying, and he soon became a helicopter pilot of the AH-1 Cobra and later the Apache. As a pilot, he served in Operation Desert Shield and Desert Storm where he earned the Bronze Star Metal.

David Gibbs died in Albania on May 5, 1999, serving on Task Force Hawk as part of the NATO mission in the Balkans. He is survived by his wife Jean, daughters Allison and Megan, son David, mother Dorothy, brother Chuck, and sister Pam.

David Gibbs represents what is best about this country, that young people follow their dreams, stand up for the ideals in which they believe, and in doing so make us all proud and humble.

□ 1800

TRIBUTE TO U.S. ARMY CHIEF WARRANT OFFICER KEVIN REICHERT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KIND) is recognized for 5 minutes.

Mr. KIND. Mr. Speaker, I rise today to pay tribute to an American hero, U.S. Army Chief Warrant Officer Kevin Reichert.

Last week I attended Officer Reichert's funeral in his hometown of Chetek, Wisconsin, a small town of 2,000 people in the northern part of my congressional district.

Chetek is like any small town in rural America. When a member of the community is recognized for outstanding deeds, everyone shares in the pride and joy; and when tragedy strikes, the community shares in the grief. It is unfortunate that last week the people of Chetek came together to bury a hometown hero.

Kevin Reichert lost his life, along with his copilot Chief Warrant Officer David Gibbs, during an Apache flight-training mission in Albania while in support of Operation Allied Force. These two men were stationed in Illesheim, Germany, with their families and were the first American casualties of Operation Allied Force in Yugoslavia.

Mr. Speaker, Officer Reichert began his military career in the United States Air Force, where he served with great pride and honor. He later transferred to the U.S. Army in order to realize his lifelong dream of flying. Kevin was accepted to an Army aviation flight program. He later distinguished himself as an outstanding and decorated officer. His commitment to his country was an inspiration to those who served with him.

When I attended Kevin's funeral, I had the opportunity to speak with Chief Warrant Officer Paul Clark, who lived with Kevin in Illesheim and served with him in Albania. In his eulogy, Officer Clark honored his fallen fellow soldier by saying, "Kevin always answered the call. He always cared about everyone. He was proud of what he did and his unit was proud of him."

Other pilots in Kevin's squadron said that he took great pride in every task that he was given. One pilot even said that Kevin was considered peacemaker of the troop.

Kevin was a devoted husband to his wife Ridgeley and a loving father of their three children, daughter Carrisa, and sons Christopher and Colten. In Chetek, family, friends and teachers remember him as a young man who always contributed to his community and was never shaken by adversity.

While growing up in Chetek, Kevin displayed early signs of his desire to serve his country and fly. One of his biggest hobbies in high school was flying model airplanes. Kevin was so committed to realizing his dream of flying that he enlisted in the Air Force just one year before graduating from high school. Shortly after basic training, Kevin returned to Chetek in his uniform to thank those who had helped him along his way.

The teachers at Chetek High School remembered him as a young man with an incredible desire to learn and a willingness to contribute to the world in which he lived. He touched many lives, and those who had contact with him were proud to call him their friend.

This young man from western Wisconsin wanted nothing more than to provide for his family, to serve his country, and to fly helicopters. He was the son every mother wants, the student every teacher dreams of, the husband and father every family needs, and the soldier every Nation must have.

Mr. Speaker, this tragic accident reminds us that all men and women in our Armed Forces operate in dangerous conditions every day to carry out their mission. It reinforces our respect for the sacrifices that they and their families make in order to serve our country and protect our Nation's interests across the globe.

Kevin Reichert's death is a great loss to our Nation and to our community in western Wisconsin. Our Nation owes Officer Reichert and his family a debt of gratitude that can never be repaid. His service to our country and his ultimate sacrifice will not be forgotten.

Blessed are the peacemakers, for they are called the sons of God. And God bless Kevin Reichert, Officer David Gibb, and their families. And God bless all our young men and women in our Armed Forces throughout the globe who are serving our Nation and protecting our freedom.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4, DECLARATION OF POLICY OF UNITED STATES CONCERNING NATIONAL MISSILE DEFENSE DEPLOYMENT

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 106–150) on the resolution (H. Res. 179) providing for the consideration of the Senate amendment to the bill (H.R. 4) to declare it to be the policy of the United States to deploy a national missile defense, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 883, AMERICAN LAND SOVEREIGNTY PROTECTION ACT

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 106–151) on the resolution (H. Res. 180) providing for consideration of the bill (H.R. 883) to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands, which was referred to the House Calendar and ordered to be printed.

TRIBUTE TO CALVIN EDWIN RIPKEN, SR.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. EHRLICH) is recognized for 5 minutes.

Mr. EHRLICH. Mr. Speaker, I would also like to congratulate the gentleman from Washington (Mr. HASTINGS) for a fine job there on behalf of the chairman of the Committee on Rules.

Mr. Speaker, I rise today to honor Calvin Edwin Ripken, Sr., born on December 17, 1935, in Harford County, Maryland, at a place designated on Harford County maps circa 1940 as "Ripken's Corner."

At the age of nine, young Cal was left fatherless due to an accident that took the life of his father, Arend, at the intersection of U.S. 40 and Maryland Route 7 in Harford County. Fostered by two older brothers, Ollie, 18 years his senior, and Bill, some 10 years older, Cal followed his brothers to every sand lot game they played in the old Susquehanna League.

At the age of 12, Cal became the batboy of the Aberdeen Canners, a semi-pro baseball club playing in that same Susquehanna League. One day when his signs were being stolen by an opposing team, Manager Fred Baldwin asked young Ripken, "Boy, do you know how to give signs?" Calvin said, "yes." So for the next 2 years, young Cal gave the signs sitting on top of the bats. No one ever figured out where the signs were coming from.

In 1953, Cal Sr. graduated from Aberdeen High School and was offered a soccer scholarship to Washington College in Chestertown, Maryland.

Cal Sr.'s baseball team began when he played for those same Canners in 1955 and 1956. He was a catcher, the same position his older brother, Ollie, had held years before. In 1957, Cal accepted a minor league contract with the Baltimore Orioles and was sent to play in Phoenix, Arizona.

On November 30, 1957, Cal married Violet Gross, a marriage that produced four children in Elly, Cal Jr., Fred, and Bill. Cal Sr. subsequently progressed through the Orioles' minor league system until spring training of 1961. During a game as a member of the Rochester Red Wings, Cal was struck by foul tips twice in succession on the right shoulder, causing a disabling injury. Following a short rehabilitation stay in Little Rock, Arkansas, Cal was given the opportunity to turn his talents to managing and became, at 25 years old, the youngest manager in the Orioles' system. From there he rose through that system to become the Orioles' third base coach. And then, in 1987, he became manager of the Baltimore Orioles, the team he so dearly loved.

Cal Ripken, Sr., and Cal Ripken, Jr., represent the first ever father-son teammates to win a World Series, in 1983. In addition, Cal Sr. is the first manager to ever manage two sons, Cal Jr. and Billy, on the same major league baseball team at the same time.

On March 25, 1999, at the age of 63, Cal Sr. succumbed to lung cancer. Cal Sr. never moved away from his hometown. There he was not known as the father of Cal Jr. but as a neighbor who would help anyone who was in need. After his retirement from baseball, Cal remained involved in the community by lending his support to many causes. Specifically, Cal and Vi dedicated their time and money to many charities, including the Maryland Special Olympics and the Boys and Girls Clubs of Harford County.

Cal also hosted an annual instructional baseball camp for youngsters who wanted to learn how to play the game of baseball. Cal Sr. loved to teach and would spend countless hours helping those who wanted to learn from this man, who had spent his entire life in the game of baseball.

Cal Sr. and Vi were the driving force behind the Boys and Girls Clubs of Harford County in Maryland. Recently, the Justice Department granted the Boys and Girls Clubs $77,777.77 in memory of Cal Sr. The sevens symbolize the number worn by Cal Sr. on the baseball field. The number 7 is now etched inside the third base coach's box at Camden Yards.

I offer my sincerest sympathies to Cal's wife Vi, his children, Cal Jr., Billy, Fred, and Ellen. The loss of Cal Sr. is felt by all who admired this great man who gave back so much to his community.

PILT PAYMENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Montana (Mr. HILL) is recognized for 5 minutes.

Mr. HILL of Montana. Mr. Speaker, as my colleague knows, I have the great honor and great privilege of representing the State of Montana here in the House of Representatives.

Montana is one of the largest districts, both in population and area, in the Congress. I represent an area of 148,000 square miles and approximately 900,000 people.

Mr. Speaker, about 30 percent of Montana is owned by the Federal Government; and that is about 42½ thousand square miles, or 27.2 million square acres. To put that into perspective, Mr. Speaker, the Federal lands in Montana is about equivalent to the size of the entire State of Kentucky or the entire State of Louisiana, or Mississippi, New York, Ohio, Pennsylvania, Tennessee, and Virginia.

As you colleagues know, Mr. Speaker, State and local governments are prohibited from taxing Federal lands. But State and local governments are obligated to provide services: law enforcement services, fire protection, search and rescue, schools, hospitals, and other emergency services.

The Federal Government compensates local governments really in two ways. One, it makes payments to State and local governments in lieu of taxes. We call this PILT payments. In addition to that, the Federal Government provides for revenue sharing. The receipts and certain income from the development of resources go to State and local governments. Certain minerals, timber harvest, oil and gas leases, even a portion of outfitter fees, 25 percent, go to State and local governments.

But, Mr. Speaker, the PILT payments, the payment in lieu of taxes payments, in Montana is about 17 cents per acre of Federal land. Private land in Montana, on average, produces revenues to State and local governments of about $1.48. So the PILT payments are not much more than 10 percent of what private taxes would produce.

In 1995, the Congress authorized the first increase in PILT payments in over 20 years. However, Congress has failed to appropriate the full level of PILT payments authorized and the Clinton administration has never requested the full level of funding.

But even more troubling is the Clinton administration has been locking up the public lands by dramatic reductions in timber harvest, withdraw of mineral districts, the shutting down of oil and gas expiration, and the closing of public lands for recreation and for tourism, and that has further reduced the revenues and income to State and local government.

More troubling than that even, the Clinton administration recently proposed the ending of revenue sharing arrangements altogether. Mr. Speaker, this proposal has been opposed by local governments and it has been opposed by the Montana legislature.

Mr. Speaker, what this resolution says is that Montana local governments, Montana State government opposes the Clinton administration's policies of closing down the public lands and failure to fulfill its obligations under PILT payments. We have to restore resource development, Mr. Speaker, and we have to fully fund the PILT payments.

Mr. Speaker, I include for the RECORD a copy of the resolution passed with 119 votes in the Montana 1998 legislature.

MONTANA STATE CAPITOL,
Helena, MT, March 31, 1999.

Hon. RICK HILL,
U.S. House of Representatives, Washington DC.

DEAR REPRESENTATIVE HILL: On behalf of the State of Montana it is my honor and duty to send you the attached copy of House Joint Resolution 19 for your information.

House Joint Resolution 19 is urging the full funding of payments in lieu of taxes on federal land in Montana, the proper harvest of the allowable sale quota for timber, and a renewal of the federal governments' compact with state and local governments to contribute a fair share of taxes on federal land in Montana.

On behalf of the Speaker of the House, the President of the Senate and all of the members of these esteemed bodies, I thank you for your consideration of this resolution.

Sincerely,

MIKE COONEY,
Secretary of State.

Enclosure.

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING THE FULL FUNDING OF PAYMENTS IN LIEU OF TAXES ON FEDERAL LAND IN MONTANA, THE PROPER HARVEST OF THE ALLOWABLE SALE QUOTA FOR TIMBER, AND A RENEWAL OF THE FEDERAL GOVERNMENT'S COMPACT WITH STATE AND LOCAL GOVERNMENTS TO CONTRIBUTE A FAIR SHARE OF TAXES ON FEDERAL LAND IN MONTANA

Whereas, the ability of Montana's economy has historically been dependent on use of our abundant natural resources; and

Whereas, the natural resource harvest has contributed billions of dollars to Montana's economy by providing employment opportunities to members of our communities and by supporting our business communities; and

Whereas, revenue from industries related to natural resource harvest has produced taxes for the support of local and state governments; and

Whereas, the federal government has long recognized the importance of supporting local governments in counties where the United States controls management of public lands by reimbursing state and local governments by payments in lieu of taxes (PILT); and

Whereas, a variety of federal legislation, such as the Forest Reserve Act of 1890 sought to make equitable distribution to counties and to the education system of 25% of net proceeds derived by the sale of resources harvested on federal land; and

Whereas, the federal government is now reducing the volume of timber cut in relation to the allowable sale quotas (ASQ), redistributing funds historically contained in the 25% fund (outfitter fees), reducing its commitment to full funding of PILT, which was reduced from 100% in 1994 to 53% in 1998, and redefining its commitment to states and counties (a decoupling effort to overturn the 1890 Forest Reserve Act); and

Whereas, this effort has and will cause irreparable financial harm to state and local governments, our natural resource industries, and employment opportunities for Montanans.

Now, therefore, be it resolved by the Senate and the House of Representatives of the State of Montana:

That the Legislature of the State of Montana petition the U.S. Congress to ensure a full commitment by the federal government to full funding of PILT, a commitment toward the proper harvest of the natural resource base by way of already adopted ASQ, and a renewal of its compact with states and local governments to contribute to the federal government's fair share in taxes on land present in Montana but retained by the federal government.

Be it further resolved, that the Secretary of State send copies of this resolution to the President of the United States, the Secretary of State of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the Western Governors' Association, and the Montana Congressional Delegation.

ENACT THE DIABETES RESEARCH WORKING GROUP REPORT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. NETHERCUTT) is recognized for 5 minutes.

Mr. NETHERCUTT. Mr. Speaker, 2 months ago the Diabetes Research Working Group released its report entitled "Conquering Diabetes: A Strategic Plan for the 21st Century." This document was a result of over a year of effort on the part of 12 scientific experts and four representatives from the lay diabetes community. Support was provided by dozens of other individuals both from within the National Institutes of Health and from outside the NIH.

The Working Group was established by Congress as part of the Fiscal Year 1998 Appropriations Act and based on legislation I introduced in the last session of Congress. It requested that NIH establish the Group to develop a comprehensive plan for NIH-funded diabetes research.

Dr. Ronald Kahn is an outstanding physician and scientist. He was selected the chairman of the group. He has spent literally thousands of hours meeting and talking with countless individuals to establish a consensus on the direction of diabetes research. The report has exceeded all expectations. It clearly details the magnitude of the disease both on the individual and on our society.

On an individual level, diabetes affects virtually every tissue of the body with severe damage. Since 1980, the age-adjusted death rate due to diabetes has increased by 30 percent, while the death rate has fallen for other common diseases, such as cardiovascular disease and stroke.

□ 1815

Diabetes affects about 16 million Americans, with 800,000 new cases diagnosed each year. The societal impact is likewise staggering. One in four Medicare dollars are spent to treat people with diabetes. And over one in 10 health care dollars spent are spent for diabetes. In economic terms, the cost to society is over $105 billion each year.

The report identifies five areas of extraordinary research opportunities for making progress in understanding and treating and ultimately preventing and curing diabetes. These five areas are the genetics of diabetes and its complications; autoimmunity and the beta cell; cell signaling and cell regulation; obesity; and clinical trials and research. Within each area, specific research recommendations are made, and in all areas rapid advancements are anticipated.

Finally, "Conquering Diabetes," the name of this report, presents an analysis of current spending and estimates, program-by-program, of the cost of implementing each opportunity. Current spending, the group reports, is far short of what is required to make progress on this complex and difficult problem. They calculate that an increase of $384 million in fiscal year 2000, rising to $1.166 billion in fiscal year 2004 is, quote, required to have a robust and effective diabetes research effort, one which will reduce the rising burden created by this debilitating disease.

The release of the report has generated extraordinary interest among the scientific community, Mr. Speaker. Some argue that advances in research must be present to generate an increased NIH portfolio, while others argue that the presence of research dollars will generate advances as in the case of AIDS. By either standard, the time to establish a national commitment to diabetes research is now.

Mr. Speaker, Congress must seize upon the momentum in diabetes research and fully enact the Diabetes Research Working Group Report recommendations. It will take a commitment of $827 million in the next fiscal year. The scientific community has united to develop a concrete plan and now it is up to the Congress to unite to make this plan a reality.

I must conclude, Mr. Speaker, by saying that this is a very important initiative for our country. I know it is going to be a difficult year economically for the appropriations subcommittee that has to deal with this issue, but I must say it is in the Nation's best interest, it is in the interest of scientific research and the diabetic and all the complications that come from diabetes that the Congress step up and say $827 million is the number. I urge my colleagues to support this initiative in the House.

PROPOSED LEGISLATION SEEKS TO DEAL WITH HIGH COST OF PRESCRIPTION DRUGS TO NATION'S SENIORS

The SPEAKER pro tempore (Mr. PEASE). Under the Speaker's announced policy of January 6, 1999, the gentleman from Maine (Mr. ALLEN) is recognized for 60 minutes as the designee of the minority leader.

Mr. ALLEN. Mr. Speaker, I want to talk tonight about prescription drugs, about the high cost they represent to many seniors across this country, and about legislation that I have introduced in the House that will solve a good part, or allow substantial discounts on the cost of prescription drugs for Medicare beneficiaries.

But first a little history. Last June I asked for a report to be done by the minority staff, the Democratic staff, of the Committee on Government Reform on which I sit. I asked for that study to be done on prescription drugs, for one reason. Every time I spoke to seniors in my district back in Maine, I always heard the same questions: What can we do about the high cost of prescription drugs?

I remember distinctly one gentleman down in Sanford who stood up and said, "You know, I'm spending $200 a month now on my prescription medication. My doctor just told me that I have to take another pill. The cost is $100 a month, and I'm not going to take it, because I simply can't afford to spend that additional $100."

I heard that over and over again from seniors who simply could not afford to take the medication that their doctors told them they had to take. It is a serious problem across this country. Let us look at some of the numbers.

Many seniors, as this chart shows, simply cannot afford to take the medication their doctors prescribe. Seniors are 12 percent of the population in this country, but they use 33 percent of all prescription drugs. Approximately 37 percent of all seniors have no coverage at all for prescription drugs.

In fact, there are many seniors who do have some coverage, perhaps under a MediGap policy, but that coverage really does not do them very much good. For example, they may have a deductible of $250, a co-pay of 50 percent, and a cap of $1,200 or $1,500 per year. That does not do people who are paying $5,000 a year for their prescription drugs much good at all.

The average drug expenditure for Medicare beneficiaries is $942 per year. But in listening to seniors in my district in Maine, many are spending much more than that. In fact, many cannot afford to take the drugs that their doctor prescribes. So what do they do? One thing they do is they take one pill out of three, they mix and match, they cut a pill in half, they try to get by by taking some of their drugs but not all of their drugs.

It is a serious health care problem. We have reason to believe that it is sending people to the hospital, where expenses are high, who really do not need to go there if they could afford to take their medications. Thirteen percent of older Americans, that is almost 5 million people, report that they were forced to choose between buying food and buying medicine.

Let me give my colleagues a couple of stories. I hear from women in my district, they send me letters that say, "I don't want my husband to know, but I am not taking my prescription medication, because my husband's sicker than I am and we can't afford both his medication and my medication. So I'm not taking mine."

Back in July of 1998 when I did the first report on the study I will describe in a moment, I got a letter from a woman who sent me a letter saying, "I'm writing to you because I don't know where else to turn. Here is a list of the prescription medications that my husband and I are supposed to take every month." The bottom line in prices was $650 per month. "And here," she said, "are our two monthly Social Security statements that represent all of our monthly income." The bottom line was $1,350. You cannot spend $650 of a $1,300 a month income on prescription drugs. You simply cannot do it. People cannot live like that. So they are making choices that represent serious health risks to them.

Now, let me look at the study. I want to talk about a report that the Committee on Government Reform Democratic staff did. We went into the First District in Maine and asked questions. We wanted to compare the price that the manufacturers, the prescription drug manufacturers, give to their best customers, compared to the price that seniors pay in my district at the retail pharmacy level.

Here is how we did it. We looked at the price that the VA gets for its medications, the price that Medicaid gets for its medications, we looked at the price that large drug wholesalers get. Then we tried to figure out as best we could what hospitals and big HMOs get for a discount. Then we went and looked up the prices at the local retail level.

Here is what we found. The average retail drug prices for older Americans are almost twice as high as the prices that drug companies charge their most favored customers. We did not pick the drugs to investigate arbitrarily. We simply picked the five most commonly prescribed prescription drugs for seniors. These are branded prescription drugs.

You can see that there is Zocor, manufactured by Merck; Norvasc, manufactured by Pfizer; Prilosec, manufactured by Astra and Merck; Procardia XL, a Pfizer drug; and Zoloft, another Pfizer drug. The prices for favored customers, the best prices at which these pharmaceutical drugs are sold, for Zocor was $34.80. This is now a nationwide study, not just the First District of Maine. The retail price nationwide for seniors is $107.07. The price differential is 208 percent. Look at Norvasc. The price for favored customers, $59.71; the retail price for seniors $116.64, 95 percent higher than the price for favored customers. Prilosec, the price for favored customers is $59.10; the retail price for seniors, $114.56, a 94 percent increase. Procardia, $68.35 to favored customers; $130.33 at the retail price for seniors across this country, a 91 percent price differential. Zoloft, $115.70 for favored customers; and retail prices for seniors, $220.45, a 91 percent differential.

In short, for the five most commonly prescribed prescription drugs for seniors, seniors when they walk into a pharmacy, when they walk in without prescription drug coverage, they are paying 116 percent of the price that the favored customers of the drug companies are getting. Now, those favored customers are hospitals, big HMOs, and the Federal Government through the VA and through Medicaid.

That study, which was done first in Maine, has now been replicated in over 40 districts around this country, all of them at the request of Democratic Members of the House of Representatives who asked for the study. The results are the same. That differential means that seniors on average are paying more than twice as much as the drug companies' best customers.

Now, there are some prices that are even higher than that. Here is a price, a chart showing that the price for Ticlid for favored customers is a little bit over $30, but it is $105 for older Americans. Synthroid, a prescription drug that costs about $2 to favored customers, is around $30 for seniors, a huge differential, almost 1,500 percent. Micronase has a differential, its cost according to this chart, $7 or $8 as best we can tell, about $40 for older Americans.

That is happening all across this country. Older Americans are paying inflated prices for their prescription medication. What did our study show about who is getting all the money? The study showed that the pharmacies are not the problem.

The pharmacies in all of these studies are making a markup, to be sure, but a markup that ranges between 3 percent and 22 percent on their prescription medications. They are getting, in other words, an ordinary markup, and they are getting that markup because at the retail pharmacy level we are dealing with a competitive market. People can choose to go to a number of different pharmacies in their area.

When we talk to seniors, we find that they are in fact price shopping. Their price shopping has become more desperate, more anxious now than it was in the past because, frankly, they are having a harder and harder time paying their bills. The bottom line is, of that 116 percent price differential, maybe 25 percent maximum is going to the pharmacies. That means somewhere around 90 percent or so is going straight to the manufacturers.

Now, is the pharmaceutical industry an industry about which we need to have grave concerns? I suggest not. Why do I say that? Fortune magazine reports that the most profitable industry in the country by any measure is the pharmaceutical industry. This chart is hard to read, but if we look at profitability as return on revenues, the number one industry is pharmaceuticals, with an 18.5 percent return in 1998. The next most profitable industry on that is commercial banks at something like 13 percent.

If you look at return on assets, another way of measuring profitability, the pharmaceuticals are at 16.6 percent. Soaps and cosmetics are the second most profitable industry at 11 percent. If we look at return on equity, the number one again is pharmaceuticals at 39.4 percent. Soaps and cosmetics are at 35 percent.

☐ 1830

No matter how we look at this subject, we are talking about the most profitable industry in the country charging the highest prices in the country to seniors who do not have prescription drug coverage.

If we look out beyond this country, we will find, as we have done studies comparing prices here versus prices in Canada and prices in Mexico, that the highest prices for prescription drugs in the world are charged in the United States, and within the United States the highest prices in the country are charged to those seniors who do not have any insurance for their prescription drugs.

Now what is one possible way to deal with this problem?

In developing this legislation we worked with the gentleman from California (Mr. WAXMAN), the ranking Democrat on the Committee on Government Reform and Oversight, the gentleman from Arkansas (Mr. BERRY), a Democrat, and the gentleman from Texas (Mr. TURNER), a Democrat, to put together legislation. I have sponsored the Prescription Drug Fairness for Seniors Act. It is H.R. 664, and here are the basic provisions:

H.R. 664 would allow pharmacies to buy drugs for Medicare beneficiaries at the best price given to the Federal Government, and the best price is usually a price that is charged to the Veterans Administration or Medicaid or some other program. What the bill does is it gives senior citizens the benefit of the same discount received by hospitals, big HMOs and the Federal Government. What is unique about this legislation is that it does not cost the Federal Government any significant amount of money. We can achieve a 30 to 40 percent discount in prescription drug prices at no significant cost to the Federal Government, and how does that happen? Because it happens this way:

All we are saying is that the Federal Government should be the negotiating agent, the buying agent, for people who are already participants in a Federal health care plan: Medicare. The Federal Government already provides for hospital care and doctors care and other benefits, but Medicare does not provide any funds at all for outpatient prescription drug coverage.

Why is that? Well, back in 1965 when Medicare was created, prescription drugs did not cost anything. There were not, frankly, that many drugs with the potency and effectiveness of drugs that are available today, and the pharmaceutical industry gets a great deal of credit for developing many new drugs that have improved the quality of life for people. But if someone cannot afford to buy the drugs, they do not do them any good.

H.R. 664 does not establish a new Federal bureaucracy, it does not cost any significant amount of money, but it would reduce prescription drugs for Medicare beneficiaries by 30 or even 40 percent.

This is a bill that has broad support in the Democratic Caucus. There are 111 cosponsors to this bill, the gentleman from Vermont (Mr. SANDERS), our Independent, and Democrats all across this country have lined up to say we want to reduce the cost of prescription drugs for seniors. To date, not one single Republican has cosponsored this legislation.

The bill has been introduced in the Senate by Senators TED KENNEDY and TIM JOHNSON, but again not one single Republican has stood up for senior citizens against the pharmaceutical industry. It is not happening, and people need to ask why. Because a bill that provides a benefit of that magnitude, a 30 percent discount, and yet costs the Federal Government no significant amount of money is not objectionable.

Now, one of the things that I found is that, and it has been interesting, is that as the prescription drug studies have been replicated around the country, people begin to understand that there is a solution out there. This is part of the solution. A Medicare prescription drug benefit of some kind is another part of the prescription. But the fact is that here is something that can be done right now. We do not need comprehensive Medicare reform in order to give seniors a discount that other people in the society already get.

I am pleased to see so many of my colleagues here tonight. I promised the first person here that she would be able to stand up first, our new member from Cleveland, the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Speaker, I rise to join my colleagues in the discussion of the high price of prescription drugs for the elderly and in support of H.R. 664, the Prescription Drug Fairness Act for seniors, and I would like to thank the gentleman from Maine (Mr. ALLEN) for organizing this special order about this very important issue.

This is a matter that will affect us all at some point in our lives. In my district, greater Cleveland, Ohio, I am currently conducting a study of the cost of prescription drugs for seniors. We are all aware that seniors need more money for prescription drugs. Many seniors cannot afford the medication their doctors prescribe to maintain their health. We shudder when we learn that they must choose between buying food and buying medication. As Congresspersons, we have an opportunity to do something to ease that burden by supporting H.R. 664.

The need is obvious. As we age, our health gets worse. Medical technology has afforded us longer, healthier lives. Our collective longevity places a strain on Medicare, Social Security, health plans and insurance. We know these things. What perhaps we do not know is that seniors are being charged higher prices for medication than are the so-called preferred customers. One would think seniors, consumers of such a high volume of prescriptions, would be preferred customers. This is not the case.

The gentleman from Maine (Mr. ALLEN) was the first Member to request that the Committee on Government Reform and Oversight conduct a study on the price of prescription drugs to seniors in June of 1998. What the study found is alarming, to say the least. My colleague, the gentleman from Ohio (Mr. BROWN) subsequently did a study in the State of Ohio. Let me go just give a couple of examples. Let us take for instance Micronase, a diabetes medication by Upjohn. Micronase for a preferred customer is $10.05, but to a senior the vital medication costs $44.28. That is right, a difference of 341 percent. That is just an example of a laundry list of differing prices.

I believe we need to step in to protect taxpayers from being gouged by drug manufacturers. We must protect our elderly from corporations seeking to profit from their illness. This issue is of particular importance to me because my parents are seniors. In fact, my father, Andrew Tubbs, will be 79 years old tomorrow, 63 years older than my son, Mervin, who turned 16 today.

When I ran for Congress last year, throughout my district I received numerous complaints from seniors on this very issue. I promised to work on this issue, and I always try to keep my promise. That is why I rise in support of H.R. 664 and thank the gentleman from Maine (Mr. ALLEN) and my Democratic colleagues for bringing this issue to the floor.

Mr. Speaker, I encourage everyone to support the Prescription Drug Fairness For Seniors Act.

Mr. ALLEN. I say to the gentlewoman from Ohio (Mrs. JONES) we appreciate her support and hard work on this issue.

I yield now to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. I want to thank the gentleman from Maine (Mr. ALLEN) very much for yielding to me to discuss this very important issue and also commend him for his leadership on it. I think all the Members of this House who are concerned about health care and particularly the health care of older Americans, and in fact every American who is concerned about this for themselves and for their parents owes him a debt of gratitude for the leadership that he has shown on this critically important issue.

Prescription drugs, as we know, are an essential part of health care in America, and they are particularly essential for those who need it the most, and that inevitably is people as they age. As we age, we call upon the health care delivery system much more frequently. The elderly, in fact, spend three times as much of their income on health care as compared to that is which is spent by the average American. Our Nation's largest health care program, Medicare, currently does not provide even a minimal prescription drug benefit. Senior citizens use one-third of all prescriptions that are issued in our country, and yet nearly 40 percent of our seniors have no prescription drug coverage. They, therefore, must incur drug expenditures out of their pocket. Seniors on fixed incomes are the people who can least afford to shell out thousands of dollars a year for drugs on which their health and often their very lives depend.

In short, we are asking them to choose often between the necessities of life, often between the basic essentials of life, choices between buying food or buying the medication they need to sustain their health. The irony in all of this is that in many cases the drug manufacturers are charging senior citizens double what they charge their most favored customers, as our colleague pointed out in those charts he showed us a few moments ago. Their favorite customers, of course, are large HMOs, or Federal Government or other large purchasers.

The Committee on Government Reform and Oversight minority staff under the gentleman's leadership conducted a study on drug prices in the district that I represent as they did in districts across the country. The study surveyed prices at pharmaceuticals for 10 prescription drugs that are most commonly used by elderly Americans. The average price differential between what the drug companies' most favored customers pay and what a senior citizen in my congressional district in New York that stretches from the Finger Lakes across the Catskill Mountains to the Hudson Valley, the difference between what is paid by HMOs and senior citizens averaged 106 percent. So that is an extraordinary differential.

For one drug, Ticlid, the price differential was in fact 270 percent difference. In other words, the senior citizens were paying 270 times what the price was for a person with a member of a large HMO, for example, or someone else who could purchase in bulk.

The difference between what seniors pay and what large HMOs pay is not merely result of volume discounts, however. There are other factors that intervene. Compared to the markup on other consumer products, which average around 22 percent, the markup on prescription drugs was much higher, the average markup there being 116 percent. This price markup is coming directly as a result of the markup from the manufacturers. As my colleague pointed out, it is not the corner drug store that is scalping these prices. It is the drug manufacturers themselves that are causing these enormously high prices, and therefore they are the ones who are getting the huge profits.

Our Nation's seniors deserve fair treatment. The Prescription Drug Fairness for Seniors Act, which we have introduced under the leadership here of the gentleman from Maine, would help ensure more equal treatment, fairer treatment, and better treatment and healthier treatment for our senior citizens. It would do so by allowing pharmacies to purchase drugs for Medicare beneficiaries at the best price charged by the Federal Government.

This bill is estimated to have a benefit to senior citizens in that it will reduce the prices they pay for prescription drugs, as the gentleman has indicated to us in his charts by about 40 percent on average across the board. Each senior citizen will realize a 40 percent saving in the prescription drug prices they require to maintain their health and in some cases their lives. Making prescription drugs more affordable for seniors is a strong first step as we work toward expanding the Medicare program to include a prescription drug benefit.

So I want to thank the gentleman from Maine (Mr. ALLEN) for the leadership that he has shown. The passage of this bill, which he has indicated, is unfortunately at this moment sponsored only by Democrats. If we manage to pass this bill, it is going to mean an enormous saving for every elderly American across the country.

So I praise the gentleman for his leadership in this very, very important issue, and I am very pleased to join with him in cosponsoring this bill, and he and I and all the others of us that are working so hard to get it passed will succeed, this bill will succeed, and the beneficiaries will be elderly Americans all across our country.

Mr. ALLEN. Mr. Speaker, I thank the gentleman from New York, and I want to thank him for all his work on this legislation here within the House and also for conducting that study back in his district, which shows basically the same kind of pattern that we have seen across the country.

I would like now to yield to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise to participate in today's special order to highlight the high cost of prescription drugs for seniors in America, and I wish to compliment the gentleman from Maine (Mr. ALLEN) for first organizing this special order and, secondly, for introducing the Prescription Drug Fairness for Seniors Act, H.R. 664.

Sooner or later every American will be affected by Medicare. Like death and taxes, the coming of old age is inevitable for the living. The need for affordable and quality health care for seniors, therefore, is in everyone's best interest. When one's resources are limited like many of our constituents, we know we need to give this attention.

Mr. Speaker, Texas is no different from anyone else.

□ 1845

Its health care, the need for health care, becomes even more acute. Currently, Medicare offers health care insurance protection for 39 million seniors and disabled Americans. The program provides broad coverage for the cost of many primarily acute health services. However, there are many gaps in program coverage. The most glaring shortcoming is the fact that Medicare has a very limited prescription drug benefit.

Most beneficiaries have some form of private or public health care insurance to cover expenses not met by Medicare. The reality is that many of these plans do not offer coverage or offer very limited protection for drug expenses. The result is that Medicare beneficiaries pay approximately half of their total drug expenses out-of-pocket.

For many seniors, the existing system imposes quite a financial burden, and for many it means choosing between medication or food or utilities or other essentials. The average drug expenditure for Medicare enrollees living in the community was $600 in 1995. Total spending for persons with some drug coverage was $691 compared to $432 for those with no coverage, according to data compiled by the Congressional Research Service.

The average expenditure per person varied widely depending upon the type of insurance coverage. In every category, spending was significantly higher for those who had supplementary drug coverage than those who did not. Higher spending reflects higher use rates. In 1995, persons with coverage used 20.3 prescriptions per year compared to 15.3 prescriptions for those with no supplementary drug coverage.

One inference that the Congress and the President should take to heart from these figures is obvious. Based on their limited income, some seniors are foregoing the purchase of needed prescription drugs so that they can eat, pay bills or submit their rent checks on time.

It is absolutely amazing to me that the U.S. Government would foster a Medicare policy that directs seniors to choose whether they have prescription drugs or whether their electric bill is paid on time. That is a choice without a favorable outcome.

Based on this problem, the Congress and the President should be spurred into action to approve the legislation of the gentleman from Maine (Mr. ALLEN) or some legislation that brings additional prescription coverage for Medicare beneficiaries. Obviously, this benefit will be expensive, but I am confident that the Congress and the President, working with the drug manufacturers and health care community, can achieve this goal.

A second concern that exists in the current Medicare system, that does not feature a drug benefit, is the difference between what seniors pay versus what other purchasers of health insurance paid. It affects them as their limited income begins.

Studies by the staff of the gentleman from California (Mr. WAXMAN), who is on the Committee on Government Reform, have revealed that pharmaceutical companies are taking advantage of older Americans through price discrimination. These studies show that in Texas and other States seniors pay for prescription drugs, on average, nearly twice as much as the drug companies' favored customers, such as the Federal Government and large health maintenance organizations.

This price difference is approximately 5 times greater than the average price difference in other consumer goods. I intend to work with the Committee on Government Reform to determine the extent of this problem as we complete the study in my district.

In the meantime, the Congress and the President need to address the lack of Medicare prescription drug benefits. As a cosponsor of the bill offered by the gentleman from Maine (Mr. ALLEN), I would urge all Members to cosponsor it. This is not a partisan piece of legislation. This is for all seniors.

This legislation allows pharmacies to purchase drugs for Medicare beneficiaries at the best price charged to the Federal Government through programs such as the Veterans Administration or Medicaid. The legislation has been estimated to reduce prescription costs for seniors by more than 40 percent.

Mr. Speaker, I thank the gentleman for allowing me to participate this evening.

Mr. ALLEN. Mr. Speaker, I thank the gentlewoman for her remarks. She has done great work on this issue. We appreciate her leadership.

Mr. Speaker, I now yield to the gentleman from Massachusetts (Mr. TIERNEY). We have talked about this issue on numerous occasions and he has told me a good many stories about how the high cost of prescription drugs affects people in his district.

Mr. TIERNEY. Mr. Speaker, I thank the gentleman from Maine (Mr. ALLEN) for yielding.

Mr. Speaker, I want to thank the gentleman from Arkansas (Mr. BERRY) for allowing me to step up before him for a second because I do have to leave.

Mr. Speaker, I thought I wanted to come here this evening and talk with all the others that think this is an important issue. I want to take a little leave from the prepared remarks that I had to compliment the gentleman from Maine (Mr. ALLEN) for the leadership that he has shown on this.

To let people know it goes beyond just filing the bill, the gentleman from Maine (Mr. ALLEN) and I shared time on the Committee on Government Reform, which unfortunately under its current leadership has been wasting a lot of time on issues that apparently are not getting that committee too far into anything concrete.

The gentleman from Maine (Mr. ALLEN) has understood that that committee has great progress in line, it has great potential, and he has taken on an issue here that is important to the American people and is what that committee ought to be doing on a regular basis. So I commend the gentleman from Maine for stepping forward on that.

Shortly after the gentleman from Maine (Mr. ALLEN) did his study, he was kind enough to share it. I did another study after the gentleman from Texas (Mr. TURNER) did his, and the gentleman from Arkansas (Mr. BERRY) did his. It was one of those succeeding studies that sort of went domino effect right across the country, as we have heard mentioned here.

The results in my district were no different than they were in others. Seniors that are not covered in a large plan are paying an extraordinary high amount for prescription drugs.

This whole health care system that we have is imploding at the current time. We said this in 1993 and 1994. We told people then that if we did not do something about the systemic problems that we had in our health care delivery system, we were going to find that managed care companies would take every ounce of profit that they had out of it, squeeze it out and hand back to the American people a problem.

Essentially, that is happening in large part, and aggravating that situation is the huge cost of prescription drugs; the cost to managed care systems themselves, the cost to hospitals, and the cost to individuals that are not covered on a plan large enough to drive a lower price.

The gentleman from Maine (Mr. ALLEN) and I have both heard the prescription drug manufacturing companies come out and tell us that this is cost fixing, price fixing. We both smiled at that because we know it is the exact opposite of that. They do not have a free market system. In fact, the prescription drug companies are running monopolies. They have patents on those drugs and they are determining the prices on them.

They are discriminating in two different ways that we found out through our reports. Overseas, where people have universal or single payer health care or they have some system to buy en gros for people, they are driving the prices down and then that cost is being made up, that profit for the company made up by shifting the higher costs to people that are not covered in this country. Then within this country, people that are covered in plans get a lower price because the plan is large enough to bargain, and that cost is then shifted onto those that are not in that position.

We need to have the majority understand that this is not a partisan issue. They have made it a partisan issue. The fact that we can have 111 or 112 sponsors to a bill and none of them be from the majority party, when it is a bill that talks to an issue that the American people speak about every day, and there is not one person that is going to speak here this evening that is not going to say that they took the studies and reports in their district and went to seniors and went to others in their district and talked about it, received a tremendous response from people who have said, "That has been an issue for years. We are glad that Congress is listening. Something has to be done."

Now, obviously, what has to be done is Medicare has to include prescription drugs in that program in long range, and that, I hope, will come to fruition at some point this time. In the interim, the gentleman from Maine (Mr. ALLEN) has had the foresight to put this bill together, and I have been fortunate enough to cosponsor it and move it forward to allow people to have the benefit of the Federal supply system.

Strangely enough, well, it is not really strange, it is no coincidence at all that the gentleman from Maine (Mr. ALLEN) is a cosponsor of significant campaign finance reform, as am I and most of the other people that will speak here this evening.

Amazingly, in the early 1990s when many products were lifted and allowed States to buy under the Federal supply system, originally prescription drugs were on that list. Consequently, by the end of that fall when the appropriations bill was done, there was a single sentence in there that took prescription drugs out. So now prescription drug companies make 28 percent profit in some instances. Other companies in the Fortune 500 would be happy to have 10 percent profits.

Nobody is saying we do not want them to have profits. They have been the top 20 profitable companies across the world in the last years. We want them to make a profit. We do not want them to shift the responsibility to the most vulnerable part of this population. We need to improve our health care system. We need to make sure that people can do it.

And when we get through with this bill, when it passes, I am hoping we move on and allow legislation to pass to take away any impediments, anything that would stand in the way of States or entire regions of this country joining together to get their prescription drugs at even lower prices. We can put in protections for the manufacturers to make sure that their prices are not driven down worldwide, but we have to make sure that we move in that direction.

Let me leave the gentleman from Maine (Mr. ALLEN) with one story that we have shared and that I think drives it home. There is a woman in my district who lives in Newburyport, Massachusetts, who wrote a letter and then she shared it later with the newspaper, and the letter begins, "I am sitting at my desk with an involuntary flow of tears streaming down my cheeks. My husband sits close by silently eating his heart out. I am angry. I am distraught. I am feeling extremely defenseless."

She goes on to say, "My husband just returned from the drugstore. When I read the receipt, I felt a sense of panic and my eyes welled up. $250? This has to be a mistake. No, it is $250. But how can that be? We just paid $400 two weeks ago. We cannot keep on doing this. Our income tax return bailed us out last time. Now what? I took a quick mental inventory of our financial status. Our one credit card is maxed. Our bankruptcy prevents us from obtaining a loan. We are living paycheck to paycheck. We have overdraft but when that is exhausted, what will we do? I have no aces in the hole. All I have left is hope and prayer."

What people like her are hoping and praying is that Congress will not make this a partisan issue; Congress will understand that we are here not to waste time, as the Committee on Government Reform does all too often. It is here to act on legislation that is important to the American people, legislation like H.R. 664.

Again, I congratulate the gentleman from Maine (Mr. ALLEN) for bringing this matter to the attention of the Congress and helping us getting it passed.

Mr. ALLEN. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. TIERNEY) for his good work. He is working hard on this, and the story that he told about his constituent is repeated in stories from others all across this country, because everywhere across this country there are people who are unable to pay for all their prescription drugs and their food and their electricity and their other living expenses that they have.

Mr. Speaker, I yield now to the gentleman from Arkansas (Mr. BERRY), who as a registered pharmacist took the lead in setting up the prescription drug task force. I can say honestly no one has worked harder on this legislation than the gentleman from Arkansas (Mr. BERRY).

Mr. BERRY. Mr. Speaker, I thank my distinguished colleague, the gentleman from Maine (Mr. ALLEN), for yielding, and I want to thank him for this outstanding bill and for this idea that has helped create this bill. He has provided the leadership that has gotten us where we are with this effort, and I appreciate very much what he has done.

I also want to thank our colleagues, the gentleman from California (Mr. WAXMAN) and the gentleman from Texas (Mr. TURNER), and all of the others that have joined us here this evening and that are cosponsors of this bill.

I think this is something that for most of us it is just a simple matter of fairness. It is unbelievable that we would allow a situation to develop in this country because of our laws and our regulations that we have put in place, that would create a system where our senior citizens could be so grossly abused as they are right now by the prescription drug manufacturers in this country. It is a very distressing thing.

We are the greatest Nation that has ever been in the history of the world. No other country has ever had our economic or our military or political power, and yet we allow a situation like this to become dominant and to take advantage of our senior citizens.

When I first began the campaign in 1996, one of the first experiences I had was encountering a senior citizen that came to me and he said, "Medicare does not pay for my medicine. I have a $500-a-month Social Security check. My medicine is $600 a month. What do I do?" I didn't have an answer for him. I thought I knew a lot about this business at that time, but that man has plagued me ever since. I think about him every day.

It seems so unfair that we would let the manufacturers, the pharmaceutical manufacturers in this country, create a situation where that man who had worked hard, played by the rules, tried to do everything that he thought he was supposed to do to be prepared for his old age, get taken advantage of in that way.

□ 1900

If we had someone out here going door to door, taking the food out of our senior citizens' mouths, we would have them arrested, and yet that is exactly what is happening here with our senior citizens in this country. We all pay too much for prescription medication. The gentleman has done an outstanding job this evening of explaining that these are the most profitable companies anyplace. They are the most profitable legal businesses that exist. And yet, we allow them to take advantage of our senior citizens like this. We all encourage making a profit. We want these companies to be profitable, but when they make a profit at the expense of taking advantage and abusing senior citizens who cannot protect themselves, it becomes a moral issue, and that is the reason we have to do something about it.

As the United States Congress, we should pass H.R. 664 and do everything that we can to at least give our seniors an even break. It is almost unbelievable to me that we have not done this a long time ago. This does not cost the government anything. All it does is make our seniors part of a very large purchasing pool and give them a good deal. For once in their lives, they get an even break.

As we see the way the system is structured, it is unbelievable to me that the Federal Government has allowed it to go on and on and on. Every time that we have held the prescription drug manufacturers responsible, when we created generic drugs basically in this country, the prescription drug manufacturers came to us and they said, oh, this will be a terrible thing. We will not get any new products. The fact is, the investment they made in creating new products has more than quadrupled. It just simply does not hold water that they are not going to continue to invest in creating new products. We all know what an essential thing that this is. As I have said, it is a matter of basic fairness.

I appreciate again the gentleman's efforts this evening to bring this to the public's attention, to bring it to our attention. I thank all of my colleagues for being here to support this effort and I look forward to the day when we can stand here and say, this is law. We have done the right thing, we have done the fair thing, and America is going to be a better place for it. I thank the gentleman.

Mr. ALLEN. Mr. Speaker, I thank the gentleman. As I said before, no one has worked harder on this legislation than the gentleman has, and I agree with the gentleman, we will pass this legislation before we are done.

I would now like to recognize one of our new Members, the gentleman from New Mexico (Mr. UDALL).

Mr. UDALL of New Mexico. Mr. Speaker, I thank the gentleman for his leadership on this issue. I think the gentleman has been out there on the front and he has really demonstrated why we need to do something about this cause.

I rise today to talk about the problem of prescription drug costs. I have held a series of town hall meetings around my district in New Mexico and I ask senior citizens in these town hall meetings about health care and what their problems are. It became apparent to me very early on that one of the most frequently mentioned problems was how to deal with rising prescription drug costs.

As one woman put it, she said, on a fixed income, I have to make a tough choice between my prescriptions and food and other essentials. So imagine having to make a choice between food and one's prescription drugs. There could not be a tougher choice.

Well, basically we have heard some discussion here about what the problem is, and I would like to identify a little bit further where I think it is coming from. First of all, I think it is absolutely clear that we have an increasing drug cost situation going on. Clearly, Medicare does not cover the cost of prescription drugs. When I ask in my district, people said they got insurance, supplemental insurance, but found out that it did not even cover most of the cost of prescription drugs. The HMOs, although many of them say they cover the cost of prescription drugs, there are problems getting drugs there. So we have seniors paying out of their own pocket in order to cover those prescription drug costs, and we have big drug companies who are making record profits, and yet they discriminate between preferred customers and senior citizens.

So this is an issue that Congress can really do something about. First, we can attack it with the gentleman's piece of legislation, which I think goes a long way toward trying to sort out this discrimination issue. We can require that the large, big drug companies sell at that preferred customer cost to the small pharmacies who, in my district, have said they would just pass that on to senior citizens, pass on that savings.

Second, we can pass a real tough patient Bill of Rights. That patient Bill of Rights would say that if a doctor prescribes a drug, then it is going to be required that it be paid for, and we have such a proposal, a Democratic proposal that is circulating that I have signed on to and I am sure many others have signed on to here.

Third, when we get into the whole issue of Medicare and making sure that Medicare is solvent, we can at least say that part or all of prescription drugs should be covered under that program which has helped so many since it was put in place in the 1960's.

So let me just finish by saying, it is time we do something now; it is time that we move forward. I appreciate so much having the opportunity to speak and to have all of my other colleagues here that are working on this issue. I want to once again thank the gentleman for his leadership on this issue.

Mr. ALLEN. Mr. Speaker, I thank the gentleman. I read some of the material that came out when the gentleman did his report in New Mexico and it was compelling information. I am so glad to have the gentleman working with us on this issue.

I would like now to yield to the gentleman from Ohio (Mr. BROWN), the distinguished and more-senior-than-many-of-us-Member from Ohio who has shown great enthusiasm and leadership on this issue since we started. I really appreciate all of the gentleman's help. I yield to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Speaker, I thank the gentleman from Maine and I want to also thank and laud the gentleman from New Mexico (Mr. UDALL) for all of the good work that he has done, and all the others here this evening who have shown leadership on perhaps the most important issue facing America, America's elderly population.

Last year the CEO of Bristol-Myers Squibb made a $1.2 million salary, a $1.9 million bonus, and $30.4 million in stock options. Last year, drug company profits outpaced those of every other industry by more than 5 percentage points. Millions of dollars for executives, billions of dollars in profits.

Last year, 4.5 million seniors filled their prescriptions OR purchased food. They had to make that choice. They could not afford both. Millions of dollars for executives, billions of dollars in profits, yet senior citizens had to choose between food and medication.

Seniors are paying higher prices for prescription drugs than any other purchaser because drug companies simply know they can get away with it. Medications are not luxury items, seniors have little market clout, and drug companies wield monopoly power. As a result, seniors pay prices set high enough to generate unrivaled profit margins and compensate for the discounts offered to other, more influential purchasers. The highest prices are charged to those least able to afford prescription drugs and most likely to need prescription drugs.

What kind of system is that?

Drug companies tell us it is the right system. They say if the United States no longer permits drug companies to gouge individual senior citizens, or even if we provide a meaningful insurance vehicle that puts seniors on an equal footing with other large purchasing groups, drug industry profits, they tell us, will be so stifled that innovation in medical progress will stop dead. That is what they tell us.

But how much do these companies need to earn over and above their research and development costs to feel sufficiently appreciated? Drug companies earn exorbitant profits by charging seniors double, sometimes triple, even occasionally quadruple, what they charge large purchasers inside the United States and individual purchasers, and large purchasers outside the United States.

Even seniors with prescription drug coverage are often overwhelmed by their prescription expenses. In Medicare supplemental plans, for example, when one gets past the deductible, the modest annual limit and the 50 percent coinsurance, coverage just does not look much like coverage anymore.

In 1999, 5 million seniors, some with and others without drug coverage, will pay more than $1,000 out-of-pocket for prescription drugs. About 1 million will pay $2,000 or more for prescription drugs. These numbers could be significantly lower if seniors were simply treated like other customers.

Prescription drug companies claim that if we take action to protect seniors from price gouging, everyone else's prescription drug prices will go up. Apparently, drug companies cannot tolerate any reduction in their record-breaking profits. They must compensate for charging seniors reasonable prices by upping the prices charged to other payers.

I would like to again thank the gentleman from Maine (Mr. ALLEN) for the Democratic proposal, the Prescription Drug Fairness For Seniors Act, which prevents drug companies from singling the elderly out, charging them distorted prices relative to other purchasers. This bill makes sense. I hope the Republican leadership will do its jobs and demand that drug companies are held accountable.

Mr. ALLEN. Mr. Speaker, I thank the gentleman from Ohio for his leadership on this. I welcome the gentleman from Mississippi (Mr. Shows).

Mr. SHOWS. Mr. Speaker, it is good to be here. I thank the gentleman. No Americans, especially our senior citizens, should ever be forced to choose between buying food or medicine and they should not have to decide between paying the electric bill and their prescription bill. That is a shame to say, but in America today we allow that to happen.

Early this month I read an article in The Washington Post where a woman with stomach tumors stopped taking her prescription medication because she could not afford to pay for it. She said not taking her medicine caused unbearable pain, but she really had no choice, because she could not afford it. There is just something about that that is not right.

We have millions and millions of Americans suffering from high blood pressure and diabetes and heart disease and medicines that are absolutely necessary for these people to take. These are not luxuries, this is something that we have to have. It is not an option. Yet, prescription drugs costs continue to rise and many seniors just do not have the money to pay for it.

I can give a personal example. My mother-in-law is on a fixed income. If it was not for family, she really would not be able to do it. Something has to do it for them. If a senior citizen has to pay $250 a month for just one prescription drug, that adds up to $1,000 annually. Think about it. Most of them have more than one.

Our seniors spend a lifetime working hard and paying taxes. They help build our roads, educate our children, help provide for the defense of this country, a lot of them are our veterans; and after all of these sacrifices they have made, they deserve the peace of mind knowing that they can get medication that is affordable.

That is why I am a cosponsor of the gentleman's bill, the Prescription Drug Fairness For Seniors Act of 1999. I think it is a fine piece of legislation.

This legislation would substantially lower the cost of what the senior citizen would have to pay. Right now, they pay almost twice as much for prescription drugs as the drug companies. That is what they call favored customers or volume customers such as the Federal Government and large HMOs. This legislation will allow pharmacies to purchase drugs for Medicare beneficiaries at the same rate as the so-called preferred customers.

But we can do more to help alleviate the cost of prescription drugs. We should also pass H.R. 805, the legislation of the gentleman from New Jersey (Mr. PALLONE), to allow seniors to have access to FDA-approved generic medicines. These generic brands can be bought, as we know, 30 to 40 percent cheaper and they provide the same services. If seniors are having to pay more for a name brand when they can get the same effect from a generic brand they should be able to do that at that reduced price.

Our long-term goal should be to figure out how to add prescription drug benefits to Medicare. Seniors ought not have to worry about that. We ought to be doing it for them.

Let us make prescription drugs more accessible and affordable to our seniors. Let us pass H.R. 664 and H.R. 805 and make it so our seniors in America never have to choose in America between buying food and their medicine. Let us make sure our seniors never have to go without their medication because they cannot afford it. Let us add a prescription drug benefit to Medicare. We know it is the right thing to do. I thank the gentleman.

Mr. ALLEN. Mr. Speaker, I thank the gentleman for being here tonight and for all of his hard work on this issue.

I yield now to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentleman from Maine for yielding, but I especially thank him for his consistent leadership on this very important issue.

Yesterday, in the District of Columbia, I had my Senior Legislative Day. There I released the study for the District of Columbia entitled, Prescription Drug Pricing in Washington DC: Drug Companies Profit at the Expense of Older Americans. That study was prepared by the minority staff of the Committee on Government Reform and Oversight on which both the gentleman from Maine (Mr. ALLEN) and I serve.

The gentleman's bill is very important, but it is a very moderate bill.

□ 1915

It would only level the playing field so that seniors can take advantage of bulk pricing the way many Americans, most of them younger than seniors, already do. I do not have any problem with bulk pricing. It is a standard American practice. In fact, it is a standard practice throughout the world.

In the case of the drug companies, the bill of the gentleman from Maine (Mr. ALLEN) would allow them to share some of the profits, they are now hoarding $25 billion a year, by spreading the standard practice of bulk buying more widely to cover those who can least afford to buy their drugs individually.

But I want to say right here and now that while I support the gentleman's bill, I am a cosponsor of the gentleman's bill, I believe that we can afford a prescription drug benefit in Medicare, and I want to say why.

There has been a revolution in American medicine. At the time that Medicare was passed, seniors could go to the drugstore and for a couple of dollars, buy the couple of pills that were available for what ails them. Today there has been a shift from invasive procedures to drug therapy, in effect.

If I could ask the gentleman a question, does the gentleman know whether there has been a study as to how much the use of drugs and medicines is saving the Medicare program?

Mr. ALLEN. Mr. Speaker, I would tell the gentlewoman that I am not familiar with the study, but it has to be saving substantial amounts. Spending on prescription drugs is going up 15 percent a year, and we all know that the number of hospital beds in use is going down, at the very time that seniors are living longer. So there have to be substantial savings here, but I am not aware of a study that would quantify that.

Ms. NORTON. I raise the question for the gentleman only because this much seems clear: We are forcing down costs in the Medicare program. Nothing is forcing down the costs of drugs. So I would wager that there are billions of dollars being saved by the Medicare program by not having to pay for drugs.

What I am suggesting is that precisely because they are saving that money, that the Medicare program ought to allow some of those costs to shift to the program itself.

After all, that program is willing to pay for the most costly procedures if prescribed by a physician, but it is not willing to pay for procedures under the direction of a pharmacist. This is absolutely irrational. The cost is greatly out of proportion and is quite outrageous. We will pay for institutional care by allowing a senior to spend down her resources until she gets nursing home care paid for entirely by Medicaid, but we will not pay for a drug benefit that will keep her out of a nursing home altogether.

Seniors cannot possibly take this much longer. I cannot believe that the seniors who have saved colas and social security will not force prescription drugs into their Medicare. If we are going to change how we treat people from invasive procedures and save the taxpayer money, then it seems to me we have a moral obligation to shift some of that savings to seniors who are on limited incomes and cannot possibly continue to shoulder the burden they are shouldering now.

In the report done for my own district, we found that my seniors were paying 137 percent more than preferred customers. An example, and that is six times, by the way, more than they pay for other consumer goods, an example was Synthroid, a thyroid hormone drug where the drug to the preferred customer is $1.75 a dose, and $31.43 a dose to the senior.

The gentleman's bill, minimally, must be passed, and it must move us on to making prescription drugs a benefit of Medicare.

Mr. ALLEN. Mr. Speaker, I thank the gentlewoman, and I will return again on another occasion to the gentlewoman from Texas (Ms. JACKSON-LEE).

I want to thank all Members who have been here tonight.

Mr. FROST. Mr. Speaker, I rise today in support of the Prescription Drug Fairness for Seniors Act. This issue is one of great concern to a number of my constituents who are Medicare beneficiaries who use one third of all prescription drugs in the United States.

On average, seniors pay nearly twice as much as the drug companies' favored customers, such as the federal government and large HMOs and 37% of our nation's seniors do not have prescription drug coverage. In my district in Texas alone, many seniors are forced to pay up to 109% or more for the most commonly used prescription drugs. It is time to show our nation's seniors that their health is more important than drug company profits.

I have had a great number of constituents contact me personally to share their concerns for those seniors that are literally having to choose between buying food and buying their prescriptions. An even greater number of individuals endanger their lives every day by not taking the required dosage or only filling some of their prescription medications since they can not afford to meet all of their medical needs.

It is high time that the U.S. Congress address the issue of a Medicare benefit for prescription drugs. How much longer are we going to allow the pharmaceutical industry, which is currently enjoying record profits, to dictate the health care choices of our senior citizens?

I support H.R. 664, the Prescription Drug Fairness for Seniors Act because it allows pharmacies to purchase drugs for Medicare beneficiaries at the best price charged to the federal government though programs such as the VA or Medicaid. This legislation would reduce prescription drug prices for seniors by more than 40%, and without imposing price controls, but putting an end to price discrimination.

It is time to show our nation's seniors that their health is more important than drug company profits.

GENERAL LEAVE

Mr. ALLEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore (Mr. SESSIONS). Is there objection to the request of the gentleman from Maine?

There was no objection.

TRIBUTE TO DR. LOIS MOORE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

EXPRESSING SUPPORT FOR H.R. 664, LEGISLATION PROVIDING FOR DISCOUNTS ON PRESCRIPTION DRUGS TO SENIOR CITIZENS

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Maine (Mr. ALLEN) for his kindness in reaching out to me for time.

I am going to take just a moment, Mr. Speaker, before I begin a tribute to Dr. Lois Moore, because it is absolutely appropriate to acknowledge my support for H.R. 664, the legislation that deals with a discount of prescription drugs for senior citizens.

It is interesting that we find it difficult to get such legislation to the floor of the House. I am very pleased that I am engaging in a study in my district with pharmacies, and I was very glad to hear the gentleman from Maine (Mr. ALLEN) say that this is not an issue dealing with pharmacies. In fact, it is with our large pharmaceutical companies.

In fact, there will be processes under H.R. 664 where the burden would not be heavily on the pharmacies, but it is important that just like they give big discounts to hospitals and HMOs, that they give discounts on prescription drugs as well to our senior citizens.

When I traveled in my district and visited five senior citizen sites, every one of them said, I have to choose between eating, paying light bills, heat bills, and getting my prescription drugs, as we well know, hearing from my mother that there is an enormous amount of prescription drugs, because we are living longer, that many seniors have to take.

It keeps them healthy. It keeps them happy. It keeps them able to do the things that they would like to do. Why should we penalize them? I hope that we can move H.R. 664 to the floor very quickly.

Mr. Speaker, let me acknowledge the purpose of my special order this evening is a tribute to Dr. Lois Moore, a selfless leader in our community who has served the Harris County Hospital District, and we will be losing her expertise.

She is known in our community in Harris County, in Houston, Texas, as one of its greatest leaders in the health care community. Her leadership, expertise, commitment, and presence will be truly missed at the hospital district. However, we know that she will continue on to service.

Under her leadership as the President and Chief Executive Officer of the Harris County Hospital District, the hospital district was named among the top 100 hospitals in the United States in 1994 and again in 1995 by Modern Health Care Magazine.

After graduation from Prairie View A&M School of Nursing 35 years ago, Moore began her public health care service in the Jefferson Davis Hospital emergency room. She soon became the emergency center charge nurse.

Through the 1960s and 1970s she moved from evening shift nursing supervisor to assistant director of nursing at Ben Taub hospital. In 1977 she was named administrator at Jefferson

Davis Hospital. During this time she earned a Bachelor of Science degree in nursing and a Master of Education degree.

Moore was appointed chief operating officer for the Harris County Hospital District in 1987, and on February 28, 1999, the Board of Managers of the Hospital District appointed her president and CEO. She has, therefore, served us for 10 years in that capacity.

As president and CEO of the Harris County Hospital District, the 6th largest inpatient health care system in the United States, Moore oversaw three hospitals, 11 community health centers, one freestanding HIV-AIDS treatment center, and eight school-based clinics, two very important things.

School-based clinics, they have been proven to be successful in preventative health care, and 11 community health centers, they also have been proven to be successful in preventing disease, in helping people to understand health care.

With the recent statistics that have suggested to us that it has been very difficult for minorities, Hispanics, African Americans, and Asians, as well, to access health care in America, Lois Moore has been a shining star to ensure that her community gets good health care. She has worked with a very good board. We are looking forward to the fact that the board will continue her leadership and her message, and that they will select a person of quality like Lois Moore.

The district has had an annual budget of approximately $528 million with more than 50,000 employees. Ben Taub General Hospital and Lyndon B. Johnson General Hospital treat 77 percent of Houston's serious trauma, and I found it very, very exciting to see Ben Taub on one of our major news network shows, I believe Nightline, citing it as one of the best trauma care hospitals in the Nation, maybe the world.

I would simply say, Mr. Speaker, that Lois Moore has served her community as a stellar leader. I am so proud to call Lois Moore my friend. Ms. Moore has testified before national committees on health care reform, served with Governor Ann Richard's Task Force on Health Care, and is a frequent speaker on public health issues and health care reform.

She has a husband by the name of Hard, a daughter Yolanda, son-in-law Mike Williams, and two granddaughters Kendra and Jasmine.

Let me simply close, Mr. Speaker, by saying that all of the Eighteenth Congressional District and I believe all of the State of Texas salutes Lois Moore, our past president of the Harris County Hospital District, a great humanitarian, a great Houstonian, Texan, and great American.

Mr. Speaker, it is my honor to speak on behalf of Lois Jean Moore, a person who exemplifies what the true meaning of commitment, dedication, strength, service and selflessness is. Not only has the Harris County Hospital District lost one of its greatest leaders but also our entire health care community. Her leadership, expertise, commitment and presence will truly be missed.

Under her leadership as the President and Chief Executive Officer of the Harris County Hospital District, the Hospital District was named among the Top 100 Hospitals in the United States in 1994 and again in 1995 by Modern Healthcare magazine.

After graduation from Prairie View A&M School of Nursing 35 years ago, Moore began her public health care service in the Jefferson Davis Hospital emergency room; she soon became the emergency center charge nurse. Through the 1960's and 1970's, she moved from evening shift nursing supervisor to assistant director of nursing at Ben Taub Hospital. In 1977, she was named administrator of Jefferson Davis Hospital. During this time, she earned a Bachelor of Science degree in Nursing and a Master of Education degree. Moore was appointed Chief Operating Officer for the Harris County Hospital District in 1987. On February 28, 1989, the Board of Managers of the Hospital District appointed her President and CEO.

As President and CEO of the Harris County Hospital District, the sixth largest inpatient health care system in the U.S., Moore oversaw three hospitals, 11 community health centers, one free-standing HIV/AIDS treatment center, and eight school-based clinics. The District has an annual budget of approximately $528 million with more than 50,000 employees. Ben Taub General Hospital and Lyndon B. Johnson General Hospital treat 77% of Houston's serious trauma. Under Moore's leadership the Hospital District's programs in outpatient care and disease prevention and health promotion have been enhanced and expanded. New outreach programs in the community health centers now provide mammography, diabetes screening, immunizations, early disease detection, and health care for the homeless.

As one of the nation's top public health care administrators, Mrs. Moore never loses sight of the Hospital District's mission-quality health care for the underserved. In a changing health care environment, she has managed, year after year, to balance compassion with fiscal prudence. Under Moore's leadership, the district, which has the lowest per capita tax rate of all Texas hospital districts, has nearly doubled its non-tax revenue.

In addition to her responsibilities at the Hospital District, Lois Moore also serves her community selflessly. She serves on numerous boards including the American Red Cross, March of Dimes, United Way, Texas Association of Public and Non-Profit Hospitals, and the National Association of Public Hospitals. She is a Fellow of the American College of Health Care Executives and is included in Who's Who in America. Mrs. Moore was awarded in 1994 Tree of Life Award from the Jewish National Fund. In February, 1995, she was named co-recipient of the Houston Area Healthcare Coalition's Healthcare Provider Award. In April of 1996 she was awarded an honorary Doctor of Humane Letters degree from Our Lady of the Lake University of San Antonio, Texas.

Mrs. Moore has testified before national committees on healthcare reform, served on Governor Ann Richard's Task Force on Health Care, and is a frequent speaker on public health issues and health care reform.

With all of this on her plate, Mrs. Moore also found the time to care for her loving family which consists of her husband Hard, daughter Yolonda, son-in-law Mike Williams and two granddaughters, Kendra and Jasmine.

I am stating these things so that they will be inscribed into the CONGRESSIONAL RECORD but her deeds will forever be remembered by those who will try to fill the shoes of this great woman. Congress and the 18th District of Texas is proud to honor Mrs. Lois Moore and we will truly miss her great service.

SETTING THE RECORD STRAIGHT ON THE POLITICS OF THE CENSUS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

Mrs. MALONEY of New York. Mr. Speaker, last week Democrats were accused of trying to place politics in the 2000 Census. A Dear Colleague letter was sent out which implied that the Democratic Party, organized labor, and the Census Bureau were involved in a conspiracy to somehow undermine Republicans through the partnership programs being organized to support the 2000 Census.

This claim would be laughable if it were not so destructive. The decennial Census is a national civic ritual. In order to be successful, partnerships with literally thousands of organizations must be established. The Census Bureau is working hard to do that, regardless of the political leanings of any group. From Fortune 500 companies to the AARP to the NAACP to the National League of Cities, organizational support for the largest national peacetime mobilization in our Nation's history is essential to the success of the 2000 Census.

The claim that it is Democrats who are politicizing the Census is also ironic, coming as it does almost 2 years to the day after the Republican memo which began the blatant politics in the Census.

So I rise today first to set the record straight and share with the Members some of the history of the Republican attempts to place politics in the Census, but also to commend some recent moves by the Speaker which indicate that a more bipartisan spirit may be prevailing over this issue.

On May 20, 1997, 2 years ago, the GOP sent a memo to Republican State chairs. In it, the Chair of the Republican National Committee said that the 2000 Census was, and I quote, "an issue of unusual importance to the future of the Republican Party," and that at stake is "our GOP majority in the House."

In that memo was nothing about the importance of counting all Americans, regardless of race, age, or income; nothing about the impact of the Census on the lives of real people: about how State and local governments use Census information to plan schools and highways, about how the Federal government uses it to distribute funds for health care and other programs; and nothing about how businesses use it in making their economic and marketing plans. Instead, we find only cynical, partisan rhetoric about how to make sure the 2000 Census benefits Republicans.

That was just the beginning. In June of 1997 Republicans tried to ban statistical methods for the Census on the disaster relief bill for the flood victims in the Midwest. Then in September of 1997 the majority put language in the Commerce-Justice-State appropriations bill to ban the use of statistical methods.

They tried again in 1998 to kill the use of statistical methods and failed. Then they turned to the courts. In January they lost that battle, too, when the Supreme Court ruled that the Census Bureau could not use modern scientific methods for apportionment, but they are required to use it for everything else, if feasible. The majority has done everything it can to prevent the most accurate Census possible in 2000.

□ 1930

They have recently begun throwing up legislative obstacles to an accurate census here in the House and have also begun a campaign at the State level to prevent the use of accurate numbers.

The 1990 census had an error rate of over 10 percent. There were 8.4 million missed and 4.4 million people that were counted twice. The 1990 census missed one in 10 African-American males, one in 20 Latinos, one in eight American Indians on reservations, and one in 16 rural non-Hispanic whites.

Up until just recently, the sole focus of the majority's agenda has been to make sure that these people are left out of the 2000 census. But there are signs of hope. Call me a starry-eyed optimist, but I think the Republican leadership may be coming to its senses.

They have finally agreed with us on one census problem and will not shut down the government this June 15 as they originally planned. The emergency supplemental appropriation which passed last night contained a provision eliminating that artificial deadline. It also included almost $45 million in additional money the Census Bureau will need to conduct the census using old methods. That, too, is a hopeful sign. I welcome these signals of a new spirit of bipartisanship on census issues.

Let me just add that I hope it continues through the fiscal year 2000 appropriations process, as we are about to begin it.

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Let me just add that I hope it continues through the fiscal year 2000 appropriations process we are about to begin.

We also need to realize that conducting the Census using the old methods that Republicans have insisted upon will cost a lot of money—as much as $2 billion more than originally planned.

I urge Republicans and Democrats alike to support full funding for the 2000 Census.

There is one clear and simple issue here—will the next census count everyone, or will it repeat the mistakes of 1990 leaving millions of people unrepresented and unfairly left out.

I call upon the Republican Party to build upon its recent gestures and allow the Census Bureau to conduct the most accurate census possible.

The first census of the 21st century must be as accurate and complete as we can make it.

The Constitution of the United States and the American people demand no less.

PRESCRIPTION DRUG PRICING IN THE 7TH CONGRESSIONAL DISTRICT OF MARYLAND: DRUG COMPANIES PROFIT AT THE EXPENSE OF OLDER AMERICANS

The SPEAKER pro tempore (Mr. SESSIONS). Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

Mr. CUMMINGS. Mr. Speaker, food and medicine are very, very important to people. Sadly, in Baltimore City and

Baltimore County and all over this Nation, it has become increasingly clear that after a lifetime of service to family and community, too many seniors are faced with the cruel and difficult choice between paying for the miracle drugs which sustain life and buying food.

The findings of the Committee on Government Reform minority staff study of my district, the 7th Congressional District of Maryland, demonstrates that in Baltimore a senior citizen paying for his or her own prescription drugs must pay on the average more than twice as much for the drugs as the drug companies' favored customers.

For the five drugs investigated in this study, the average price differential was 133 percent. The drug with the highest price differential was Synthroid, a commonly used hormone treatment manufactured by Knoll Pharmaceuticals. For this drug, the price differential for senior citizens in Maryland was an incredible 1,641 percent. An equivalent dose of this drug would cost the manufacturers' favored customers $1.75. An uninsured senior citizen in Baltimore must pay over $30.

Now, because large preferred customers of the drug companies typically buy in bulk, some difference between retail prices and favored customer prices would be expected. But the study found there is an unusually large price differential being enforced for prescription drugs, over six times greater than the average price differential for other consumer goods typically purchased by senior citizens.

Moreover, it appears to be pharmaceutical manufacturers, not our local drug stores, which are responsible for the far higher prices. Local pharmacies appear to have relatively small markups between the prices at which they buy prescription drugs and the prices at which they sell them. Retail prices are just 5 percent above manufacturers suggested price to pharmacies.

It appears that the drug companies are engaged in a form of discriminatory pricing that victimizes those who are least able to afford it. Large corporate governmental and institutional customers with market power are able to buy their drugs at discounted prices. Drug companies then raise prices for sales to seniors and others who pay for drugs themselves to compensate for these discounts to the favored customers.

By engaging in these cost-switching price practices, drug manufacturers are earning enormous profits, while seniors must choose between food and medicine. America's top 10 drug manufacturers are expected to reap approximately $20 billion in profits in 1999 alone.

Reducing the cost of prescription drugs for seniors and other uninsured individuals is a moral imperative. Until we can achieve expanded Medicare coverage, the Federal Government should not be doing business with drug manufacturers which discriminate against uninsured senior citizens and others in their pricing.

That is why I commend and join the gentleman from Arkansas (Mr. ALLEN) and another 100 of the Members in Congress in cosponsoring the Prescription Drug Fairness for Seniors Act.

This legislation would not enact price controls, but the government would cease buying drugs from companies which engage in cost-switching. It would require drug manufacturers to sell to pharmacies the drugs needed by Medicare patients at the lowest price paid by any government agency or other preferred customer.

This bill would assert the Federal Government's purchasing power to encourage the compassionate and evenhanded pricing of live-saving prescription drugs. The bill would allow pharmacies to benefit from the government's purchasing power, effectively reducing the price that they pay for the drugs they dispense to Medicare beneficiaries. Based upon our analysis of Baltimore's prices and those applicable in other areas, I believe that pharmacies would pass most of these savings on to Medicare patients in the form of lower prices.

Today drug companies are utilizing market forces against the interest of senior citizens in a way which is unfair and contrary to our national interests. We can make the market follow morality. Never again should any senior citizen be forced to choose between food and medicine. I urge my colleagues to support the Prescription Drug Fairness for Seniors Act.

LOOKING AT THE RECORD OF THE VICE PRESIDENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from California (Mr. DOOLITTLE) is recognized for 60 minutes as the designee of the majority leader.

Mr. DOOLITTLE. Mr. Speaker, tonight marks the second in a series of special orders that House conservatives hope to hold on the record of Vice President AL GORE.

The Vice President has been particularly aggressive in attacking the work of congressional Republicans. He likes to call us names and say that we are extreme. That is a frequent theme from the Clinton-Gore administration.

Conservatives believe it is important for the American people to understand why AL GORE finds our record of cutting taxes, balancing the budget, eliminating wasteful government and restoring common sense environmental policies so contemptible. To do this, we must look at AL GORE'S record.

At a future time we plan to call attention to the fact that while in Congress, AL GORE voted to raise taxes more than 50 times. He even voted to raise taxes after he left Congress. As Vice President he broke a tie vote in the Senate in favor of the 1993 Clinton-Gore tax increase, the largest tax hike in our Nation's history.

We also will examine his record on spending, which cannot under any definition be seen as moderate. In fact, he was given the dubious title of "big spender" 14 of his 16 years in Congress.

Tonight we will continue the examination of AL GORE'S views on the environment. This examination is important because, upon being elected, President Bill Clinton ceded control of his administration's environmental policy to Vice President AL GORE. In fact, Mr. GORE was given the authority to select the EPA administrator and other high-ranking environmental policy positions.

Now, Mr. Speaker, I have read accounts where people expect us to ridicule Mr. GORE by quoting from some of his writings. The ridicule will have to be done perhaps by the listener. I would just observe that we are not here tonight particularly to focus upon his exaggerated claim to have been, he and his wife, the model on which "Love Story" was based, that movie of many years ago, or indeed his claimed fatherhood of the Internet, which frankly is outrageous and laughable, or indeed most recently his claim to being the originator of the idea of a certain web site designed to protect children, to assist parents in protecting children from the dark side of the Internet, the pornography that is available there.

No, tonight I plan to focus on policy. What is the policy of this man who is the Vice President, who has stood largely in the shadow of the President, but who in reality is a key policymaker and whose views are actually set forth by his own hand in his own book, "Earth in the Balance: Ecology and the Human Spirit," a book not actually ghost written but in fact written by the Vice President himself.

So this book is a valuable document because it is in his own hand and reflects his own thinking, thinking which he has repeatedly and very recently backed up and acknowledged that, indeed, this book continues to reflect his views. So I think it is very timely to look into some of these issues.

In the first special order a couple of weeks ago we did this, we looked at one of his writings. I think just by way of review, it would be good to go over this again. Quoting from "Earth in the Balance," he wrote that "Modern industrial civilization as presently organized is colliding violently with our planet's ecological system. The ferocity of its assault on the Earth is breathtaking, and the horrific consequences are occurring so quickly as to defy our capacity to recognize them, comprehend their global implications, and organize an appropriate and timely response."

There is a recurring theme throughout his writings of promoting this idea of a crisis and the need for extraordinary measures in responding to this crisis, just as if we are not in a normal situation where we go through normal processes, but because it is a crisis, it justifies extraordinary approaches.

Another quote on the Holocaust and global warming: "New warnings of a different sort signal an environmental Holocaust without precedent. Today the evidence of an ecological crystalnacht is as clear as the sound of glass shattering in Berlin. It is not merely in the service of analogy that I have referred so often to the struggles against Nazi and Communist totalitarianism, because I believe that the emerging effort to save the environment is a continuation of these struggles."

Many, I think, Mr. Speaker, would certainly feel this is gross exaggeration at a minimum. Actually, when we think of the very idea of bringing in the Holocaust where people lost all their freedoms, including their lives, lost many of their family members, indeed entire families were wiped out by this horrific, historic event, it seems demeaning to me to be talking in these terms and implying that whatever situation we may face today is in any way related in kind or in degree to what went on during the Holocaust.

Well, here again, we have a very dramatic statement on the coming civil war: "We now face the prospect of a kind of global civil war between those who refuse to consider the consequences of civilizations' relentless advance and those who refuse to be silent partners in the destruction. More and more people of conscience are joining the effort to resist, but the time has come to make this struggle the central organizing principle of world civilization. God and history will remember our judgment."

□ 1945

Very, very strong terms that he is using here, implying really that, if we are not on his side, we are not a person of conscience, implying that if we do not refuse to be a silent partner in a destruction, so to speak, that if we are not with them, we are against them, that if we are not part of the solution, we are part of the problem. Very much that kind of dogmatic expression here and really impugning all those who do not join in this particular view of the situation.

And again, whatever we may think of the circumstances we face in the environment, I guess I would just observe we made great strides in the environment by any dispassionate standard.

For example, I grew up in Los Angeles as a young person and I remember my eyes smarting so badly on any number of days and the tremendous air pollution that we had there extending up into the early 1960s. And then we go back today and we do not experience that kind of thing anymore, and on a number of occasions we will find clear days there.

So I mean, I just point out, and the statistics do bear it out beyond my anecdotal experience, but there has been dramatic improvements in the area of for example air pollution, in the area of water pollution, dramatic improvements in the way that we treat the environment.

So I honestly find it difficult to fathom these illustrations of a civil war, of an environmental Holocaust. I mean, it is shameless exploitation. It is a gross exaggeration. It is not indeed the reality.

Well, here is the quote I guess we read last time, AL GORE on the American century:

> The 20th century has not been kind to the constant human striving for a sense of purpose in life. Two world wars, the Holocaust, the invention of nuclear weapons, and now the global environmental crises have led many of us to wonder if survival, much less enlightened, joyous and hopeful living, is possible. We retreat into the seductive tools and technologies of industrial civilization, but that only creates new problems as we become increasingly isolated from one another and disconnected from our roots.

I mean, this is an unbelievable quote. Every time I read it I marvel there is so much to pull out of that. There again we see the Holocaust being pulled into it, two world wars, and then the reference again to what we face as the global environmental crisis, implying that when it is a crisis, it is like a world war, it is like the Holocaust, implying that extraordinary measures are called for and, frankly, implying, when we read the rest of the book, that the compromise of our freedoms is justified in order to meet this crisis, just as in wartime in the United States the Government becomes much more powerful and is able to impose things on the citizenry that it could not do in peacetime because it is involved in a struggle for national survival. And this is the framework that is being set here by the Vice President.

And then this last part I find interesting, paradoxical, frankly, in light of the Vice President's own actions. "We retreat into the seductive tools and technologies of industrial civilization."

Well, this is the man who has claimed authorship of the Internet. That is about as high tech as we can get. That is a futurist, if you will. And yet, by his other writings, some of which we have read off these charts tonight, I mean, he is almost anti-technology, almost pre-Colombian, getting back to the time before the European male disturbed everything in the world and caused this environmental crisis, if you will, that we presently suffer from according to him.

I just think these are interesting views for someone holding the second highest office in the United States to have.

Look at the future on cars that he has. Quoting again from the book:

> Within the context of the Strategic Environment Initiative, it ought to be able to establish a coordinate, a global program, to accomplish the strategic goal of completely eliminating the internal combustion engine over, say, a 25-year period.

Well, the internal combustion engine has been a great blessing to modern mankind, perhaps more than anything else we can think of. I do not know about my colleagues, but the thought of having a battery-powered car spewing off horrendous amounts of ozone fumes being highly toxic, we think we have problems with toxic disposal now, what are we going to do when everybody is driving one of these electric cars that has six, seven, or eight huge batteries in it?

By the way, these cars do not have a very long range. I think they are about a hundred miles or so. They are not nearly as fast or as powerful as today's cars. And that is a problem if we are trying to go over the mountains or up a hill or any number of things that sometimes vehicles are called upon to do. We would have to ask ourselves what is really involved.

It says a global coordinated program. A lot of things I read in AL GORE's writings are linked to this globalism. I mean, is the U.N. going to own a department on this too to supervise and wipe out the use of our internal combustion engine? Are we going to have to fill a report as one of the countries giving some U.N. czar an accounting of how we are making progress on this front?

I mean, it is truly alarming the amount of intervention by the United Nations in what has traditionally been regarded as the sovereign affairs of this Nation. So I find that a very bizarre idea as well, talking about getting rid of the internal combustion engine.

By the way, a lot of jobs in this country depend upon the internal combustion engine. And I do not know what would happen to those people, and Mr. GORE does not really offer that in his book.

Former senior ABC news correspondent Bob Zelnick has written a book actually about the Vice President. It is called "Gore: A Political Life." I am sorry I do not have these quotes up on the chart, but I will just share a couple of them with my colleagues, one by Mr. Zelnick, referring to this book "Earth in the Balance," which I encourage everybody to buy a copy of and to read. He says the following:

> The book is pathetically one-dimensional in its view of Western Civilization, shabby in its ignorance of economics, simplistic in its approach to problem solving, and grandly certain of a crisis that has not been proved to exist despite a massive scientific effort funded by the U.S. Government to the tune of more than $2 billion a year.

Then economist Robert W. Hahn said the following, again in comment upon the book. He said, the book contains "an incredible laundry list which can easily result in central planners selecting environmentally and politically correct products and technologies. It is nothing less than environmental socialism." Again, Mr. Hahn's quote on this book written by the Vice President. "It is nothing less than environmental socialism." Very disturbing.

Well, there are some factual contradictions, many, to the assertions made by the Vice President. Let us look into a few of the claims.

AL GORE has claimed that urban sprawl or suburbanization is rapidly reducing the amount of open space, rural areas, and farmland at an alarming pace that strict growth controls are needed to preserve scenic open spaces and protect the Nation's food supply.

So once again, it is a crisis, it is an alarming pace. I left out a word, "such an alarming pace that strict growth controls are needed to preserve these open spaces." So, once again, extraordinary measures to meet extraordinary events. That is the advantage. If they are a demagogue trying to justify intrusions into one's freedom, they have got to set the stage by advancing this crisis, this idea that we are literally under seize, that we are at war, that we need, therefore, to have extraordinary responses. That is why I think Mr. Hahn refers to these writings as "environmental socialism."

My colleagues heard the claim, loss of our open space so alarming at its pace that we have got to have strict growth controls. Here is the reality: Only 4.8 percent of the land area of the United States is developed; and in more than three-quarters of the States, over 90 percent of the land is used for rural purposes, such as forestry, pasture, wildlife preservation, and parks.

Indeed, according to the U.S. Geological Survey, each year only .006 percent, that is six ten-thousandths of one percent, of land in the continental United States is developed.

Mr. GORE has made another claim. "An increase of 1½ degrees Farenheit in global temperatures since 1850 is proof that manmade carbon dioxide emissions are dangerously heating up the planet." Have we not heard a lot about that out of the Clinton-Gore administration? And yet here is the fact on that: This claim ignores the fact that the Earth's temperature naturally rises and falls over the course of several centuries.

If we think about it, they cannot even get the weather forecast right for tomorrow let alone deducing that somehow our temperature has risen. Since the last Ice Age ended nearly 11,000 years ago, there have been seven major warming and cooling trends. Of the six trends preceding the current period of warming, three produced temperatures warmer than today, while three produced temperatures colder than today.

The pattern of the most recent warming, this proves an alleged human contribution. One degree of the warming occurred between 1850 and 1940, when human carbon dioxide emissions were negligible in that 90-year period. Between 1940 and 1979, the temperature increased only one-half a degree Farenheit when rapidly rising amounts of carbon dioxide emissions should have been causing warming to accelerate.

NASA's T-ROSE series of satellites indicate that there has indeed even been a slight cooling trend of .02 degrees Farenheit since 1979, a cooling trend. And yet we heard his assertion that we are dangerously heating up the planet through carbon dioxide emissions.

These results have been collaborated by weather balloons, the results of the T-ROSE satellite that show that, indeed, far from heating up the planet, there is a cooling trend since 1979. The source for this is "Talking Points in the Economy: Environmental Series" from the National Center for Public Policy Research.

I have just got three more claims, and then I am going to call on my distinguished colleague from Indiana (Mr. MCINTOSH) to offer his thoughts. By the way, I observe that he has been very involved, through his subcommittee, on analyzing the Kyoto Treaty and measures relating to it dealing with global warming.

Mr. McINTOSH. Mr. Speaker, would the gentleman yield for one second before he continues on that?

Mr. DOOLITTLE. I yield to the gentleman from Indiana.

Mr. McINTOSH. Mr. Speaker, let me congratulate the gentleman for bringing these issues before the House because they are extremely important in the current business of this Congress. He mentioned how Vice President GORE has advocated and recently said he stood by every word in the book that we should begin a martial plan of sorts to phase out the automobile, or at least the internal combustion engine.

Well, it seems to me a very relevant fact for the oversight hearings that our subcommittee is having on implementing this global warming treaty. It is a policy that it is very clear this administration is implementing even without the Senate approval of that treaty. And tomorrow, in fact, we are having a joint Senate and House hearing where the administration is testifying about what steps they have taken to follow requirements in last year's appropriations bill to justify all of the spending that they are using in the area of climate change and global warming.

So my colleague brings forward to this House information that is critical to our pursuit of that oversight capacity of this administration on current policies. And some of the goofy ideas that the Vice President put forward and says he still believes in are having a direct effect today on policies in the Clinton-Gore administration and something I think, when most Americans realize, the AFL–CIO even said it could cost us a million jobs if we implemented that treaty as part of this martial plan for the environment.

☐ 2000

That is 1 million American jobs that will be sent to Mexico because they are not part of the treaty, or China because they are not part of the treaty, or North Korea or Latin America or India because they are not part of the treaty. And so it has a real impact on the daily lives of at least those 1 million American families that would be affected by the loss of their job when these ideas are implemented by Mr. GORE and the administration. I want to commend the gentleman for bringing this forward. I look forward to hearing his other examples and then have a couple that I would like to add as well.

Mr. DOOLITTLE. I thank the gentleman. I thank him as well for doing his excellent work on this subject with his subcommittee in bringing out these important facts.

Here is another claim by the Vice President. He has said, "Global warming is responsible for 1998 being the hottest year on record." Some of these are just so patently false and absurd that it makes you smile when you read them. The hottest year on record. I mean, that is either true or it is not.

The fact is it is not. This last year's hot weather in North America did not even set records. North America's record high was reached on July 10, 1913 when Death Valley in my State of California hit 134 degrees Fahrenheit. That is pretty hot. None of the other seven continents broke records last year, either. Africa hit its record high in 1922, Asia in 1942, Australia in 1889, Europe in 1881, South America in 1905, Oceana in 1912 and Antarctica in 1974.

Here is another claim. AL GORE has maintained that all old growth forests in America will be wiped out within 20 years. Here is the fact on that. There are a lot of people that have, I think, been misinformed on this, precisely because of comments like this by the Vice President.

The fact is as of 1993, there were 13.2 million acres of old growth forests left in America, old growth defined as forests containing trees over 200 years old. Eight million of these acres were totally protected in national parks and wilderness areas and can never be harvested. So 8 million of the 13.2 million acres of old growth can never be harvested in this country. Furthermore, the harvesting rate for the remaining 5.2 million acres of old growth forest is approximately only 1 percent per year.

Here is another statistic that I will throw out. There is more standing timber in the United States of America today than at any time in the 20th century. That is also a fact. In fact, there is so much standing timber, that is why our forests face catastrophic threat of forest fire. If we quadrupled the cutting of the trees right now, we could not catch up with the amount of growth that is occurring each year. That is how serious this threat really is.

Lastly—lastly for the night—of course there are many other absurd claims that we will focus on, but for the night this is the final one I will address. "The United States is running out of space for landfills."

Here is an interesting statistic, an interesting fact. All garbage produced in the United States for the next 500 years would fit in a single landfill measuring 20 miles by 20 miles. That is an interesting statistic. So I do not think we are running out of landfills.

With that, I am going to now call upon the gentleman from Indiana (Mr. McINTOSH), who by the way is chairman of the Conservative Action Team, a group of conservatives in the House, organized to try and increase their effectiveness in promoting that philosophy. I yield to the gentleman from Indiana.

Mr. McINTOSH. I thank the gentleman from California (Mr. DOOLITTLE) for yielding. I should point out to our viewers and our colleagues the gentleman's modesty. He was one of the four founders of the Conservative Action Team and has been a true strength of keeping those principles alive in this Congress and in the previous Congresses. I thank him for that diligent work.

Mr. Speaker, one of the anomalies that some of the research showed was this question of whether or not depleting the ozone layer would in fact cause more cancer. All of us are horrified by the increases in cancer rates, and I think all of us can say we have seen loved ones or friends or family members who have been struck by that terrible disease. And so certainly we would want to do everything possible to try to make sure that that was prevented and every step possible to make sure it was in fact cured and treated.

One of the false claims that I understand has been made is that somehow the depletion of ozone will affect the incidence of melanoma, skin cancer. In fact, the scientific studies show that ultraviolet A rays do affect that. Therefore, we need to be very careful about exposing people to that. But ultraviolet B rays do not. The facts are, the scientific community has confirmed this, ozone has nothing to do with ultraviolet A, which is the cancer-causing rays, but does block ultraviolet B which are not linked to increased incidence of cancer. So the claims that having to worry about the ozone layer could increase the incidence of cancer do not seem to be substantiated by the science.

But even more profound, as I was reading through the Vice President's book, he talks about one of the promising new treatments for cancer, a drug called Taxol which can be produced from the Pacific yew tree. I want to read to you so you can get an idea where this man is coming from, what he had to say about that.

"The Pacific yew tree can be cut down," and, by the way, this is on page 119 of his book, "Earth in the Balance." I do recommend people try to read it and get a better understanding of what philosophy is driving this administration and Vice President GORE's actions in particular. On page 119, he says:

> The Pacific yew can be cut down and processed to produce a potent chemical, Taxol, which offers some promise of curing certain forms of lung, breast and ovarian cancer in patients who would otherwise quickly die. It seems an easy choice. Sacrifice the tree for a human life, until,

and this is the part I would like people to focus on,

> until one learns that three trees must be destroyed for each patient treated. Then it becomes a close question.

Well, quite frankly in my book it is a very easy question. Three trees versus a human life, three trees versus the ability to prolong someone's life who is suffering from cancer. I would pick the individual, the person, the human being who is a cancer patient and suffering from that dreaded disease and say it is clear three trees are worth it. We can sacrifice three trees to save one human life. But the Vice President apparently does not think that is so clear. He goes on to discuss that in his book.

That to me is an indication of the larger differences in philosophy that are approached by this administration and many of us in the Conservative Action Team. We set as our priority having government actions that help people, that maximize freedom of individuals, that allow individuals to pursue their lives, that allow businesses to pursue remedies for cancer, whether it is in yew trees or other research. They feel it is better to regulate that, have the government make that larger question, is it worth three trees to save a human life?

Our philosophy is, let the individual make those choices. For me, the answer is clear. It is worth it. But let individuals make that. If they want to seek that remedy, that aid, that treatment for their cancer, give them the opportunity to do it. Do not interpose AL GORE's government to make that decision for us and say, "We have to consider the larger social ramifications because we think those trees may be important to save and, yes, we regret that some people may lose their lives to cancer but we have these larger considerations."

That difference in philosophy is profound. It ends up being part of every decision that we make here in Congress. Do we add more regulations and thereby take away freedom in the name of this cause? Do we increase taxes so that government can decide how we should distribute resources among different individuals? To both of those, the Conservative Action Team says no. And let no more regulations unless you can show there is a definite benefit that outweighs the cost. And no more taxes. In fact, we want to reduce the cost of government so that we can lower taxes to allow people to keep more of their hard-earned income.

It is important that we have those fundamental debates from time to time here on the House floor, because they come up bill after bill. There is something that often we do not focus on. And so one of the things that I think is critical as we continue this effort of bringing forward the record of a very important official in our government, someone whose decisions are making an impact on each of our lives every day, that we know both the record but also those philosophical differences that can be discerned from their writing.

If you had told me that perhaps this was written before Vice President GORE had had a chance to be the number two executive in the government, and that he has learned since then that perhaps some of these ideas were a little farfetched, a little bit goofy, perhaps a little bit out of context for the modern world and that he had rethought some of them, I would understand that perhaps we should not be bringing them forward today and focusing on them. But I am told that as recently as a couple of months ago when asked about it, Vice President GORE said categorically he stood by every word in this book. And so it is in fact relevant to today's thinking what exactly is written in this book.

I was surprised, as I read through many of the pages there, that it is a completely different description of what our goals and aspirations are and should be. I do not think the modern world is like the Nazi Holocaust. I think the modern world has provided incalculable benefits, that people are better off today than they were 10 years ago or 20 years ago or 50 years ago; that we have miracles of modern science that allow us to treat cancer patients, that allow us to extend life, that allow us to provide a better hope for the future for all people; and that that progress has gone forward in spite of the thinking that we need to restrain it because there might be this almost Nazi-like Holocaust in the world if we do not reverse course and undo much of the modern society, much of modern technology, much of the learning that has accrued to our benefit in the last 50 years.

So I do appreciate the gentleman from California (Mr. DOOLITTLE) leading this effort. I hope to be able to join him in the coming months to bring forward other topics. As I understand it, we will be looking at the Gore tax on long distance calls, a tax that Al Gore promoted, that actually was never voted on directly by this House of Representatives, but now every person who places a long distance call in this country pays to the FCC because of this man. I understand that we will also be looking at some of his record when he was in the Senate, what did he vote for, what were his prerogatives, what were his preferences on taxes.

Somebody told me, and we are going to track this down before we say it categorically, but somebody estimated they thought he might even be more liberal than TEDDY KENNEDY. It takes a lot of work to be more liberal than TEDDY KENNEDY in the United States Senate. We will look at the record and bring it out and tell the American people that.

I thank the gentleman from California for giving me an opportunity to participate today.

Mr. DOOLITTLE. I thank the gentleman. I would just observe the motto of the University of California is lifted from the Bible, "Let there be light." We intend to shine as much light as we can so that, as the Bible says, "The truth shall make us free."

With that, I would like to now acknowledge our distinguished colleague from Florida (Mr. WELDON) who will share insights with us and perhaps will explain why AL GORE was not allowed to make the taxpayers fund his pet project of raiding money from NASA to show constant images of the earth from outer space.

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman for yielding, and I commend him for arranging this special order to talk about some of the issues that our Vice President has promoted and some of his policy positions.

Recently I had the opportunity in the Committee on Science, as we were marking up the NASA authorization bill, to offer an amendment cutting the funding to a satellite that had been promoted by the Vice President. The satellite was called Triana.

The Vice President originally announced his concept for this on March 13, 1998 in a speech that he gave at MIT. He is quoted as saying, "It will help us reach new heights of understanding and insight." All this satellite really is is a picture of the sunlit side of the earth that would be available on the Internet; interestingly, a service that is already available right now on several Internet sites. Simply what they do now is, they take several weather satellite images and combine them together to produce what AL GORE wants to spend $70 million producing and then maybe another $100 million launching into orbit.

□ 2015

Now the Washington Post ran an article about the Vice President's speech where they stated, quote, that GORE almost literally dreamed up the idea in his sleep about a month ago, so that would have been in the middle of February of 1998, waking up at 3 a.m. one night, according to a White House official, and I would like to point out to my colleagues that there were a lot of people waking up at 3 a.m. around that same time in my congressional district, not because they were getting great wonderful ideas for new satellites that they could order NASA to go ahead and produce, but because they had gotten pink slips from NASA because they were supposedly short of money. Indeed, there were actually 600 people laid off because of a supposed $100 million shortfall in the shuttle budget. But then miraculously, after Mr. GORE proposed this idea, NASA, the agency that he to a certain degree has been ceded control over by the President, found tens of millions of dollars has been put towards this project.

Now in my opinion not only was this satellite as proposed by AL GORE not necessary, as it is already available on the Internet, and not only was it a waste of taxpayers' money, but as well it is really bad science. As I understand it, there was really no peer review to indicate that this science project was really needed. Indeed the only peer review that actually occurred, according to my understanding of it, was the peer review of how to build the satellite.

It is planned to be launched on a shuttle mission. This will take up space on the shuttle, space that could be used to deploy other more important research projects.

As I stated, a lot of people were waking up around the same time that AL GORE was waking up worried in my congressional district whether or not they were going to have a job. But I would like to point out to my colleagues that I believe if AL GORE is allowed to fulfill his true environmental vision for America, there are going to be a lot of people waking up in the middle of the night because they do not have a job.

We just heard tonight from the gentleman from California (Mr. DOOLITTLE) about his position on the internal combustion engine and his desire to totally eliminate the internal combustion engine. How many hundreds of thousands of jobs currently are involved in producing automobiles, selling automobiles in the United States, and he would like to eliminate the automobile? And I, for one, could tell my colleagues that there are a lot of good purposes that come out of the use of the internal combustion engine.

Might I just mention that most ambulances run on the internal combustion engine, most fire trucks run on the internal combustion engine, and yet Mr. GORE would like to eliminate the internal combustion engine and probably put millions of Americans out of work currently in the auto industry, and they, too, will be waking up in the middle of the night, but not with brilliant ideas for new satellites, but instead waking up in the middle of the night because they do not have a job.

Might I also point out that AL GORE is the biggest champion of the so-called global warming treaty that would call for the United States to eliminate 25 percent of its industrial production in order to come within these supposed caps on carbon dioxide elimination, something that the Chinese do not have to adhere to, most South American countries, African countries, Asian countries. It is believed by many economists that if we actually implemented this treaty that AL GORE wants us to implement, it could result in the loss of thousands of American jobs.

And then I am so pleased that my colleague from Indiana mentioned the section in AL GORE's book on Taxol. I have taken care of cancer patients who have gotten Taxol, and what a great drug that has been, what a great tool it is in the hands of oncologists as they treat patients suffering from cancer, and to cite in his book that maybe we should not be harvesting this drug from these trees because we have to cut down three trees for every person we save, in my opinion it is shameless.

When I got elected to the United States Congress and left my medical practice and realized that I would be coming to this town and having to work in a government under the authority of Bill Clinton and AL GORE, I got Earth in the Balance, and I read Earth in the Balance, and let me tell my colleagues it caused me to wake up in the middle of the night knowing that the second in command in this country had such values and opinions where he places the value of a tree over that of a person, and I highly commend my colleague the gentleman from California (Mr. DOOLITTLE) for calling this special order. Reading Earth in the Balance to me was a real eye opener. It clearly lays out the reality of AL GORE's true values, and might I point out that he stated those very clearly in his acceptance speech at the Democrat National Convention back in 1992 where he stated that he thought the thing that united all Americans together was the environment.

Point of fact: All Americans support a clean environment, as I do, and there is plenty of evidence to indicate that the Clean Air Act and Clean Water Act are having their desired effect. Water quality standards are improving, air quality standards are improving, and there is not an environmental crisis. We are making good headway in this problem area. If there is an environmental crisis anywhere, it is in these Third World and Communist countries where they do not enforce any kind of environmental standards, it is not here in the United States, and for AL GORE to cite that the environment was the thing that unites all Americans in my opinion is a tremendous insight into what his true values are.

Now I am not going to stand here tonight and speculate on what unites all Americans. We can have great debates about that, whether it is freedom that we all cherish, the right to free speech, worship as we wish, the right to start our own business. We could go on and on about what is it that unites us all. We are truly a diverse Nation. But to cite the environment as the thing that unites us all in my opinion is a tremendous insight into the distorted value system that this Vice President has, and I strongly would encourage all my colleagues and all Americans to read Earth in the Balance, particularly those that work in the automotive industry, to get a better understanding of the values of Vice President AL GORE.

Mr. DOOLITTLE. Mr. Speaker, I thank the gentleman.

I yield to the gentleman from Indiana (Mr. MCINTOSH).

Mr. MCINTOSH. Mr. Speaker, let me take up on a comment that my colleague, the gentleman from Florida (Mr. WELDON), pointed out. Part of my concern about current policy and the Vice President's leadership is that in fact it is not good for the environment even because he is so interested in making a political statement about this that the actual effects end up being negative, and I will give my colleagues an example from my subcommittee, the oversight hearing that we had on EPA's regulation of particulate matter and ozone which came out about two years ago. We heard testimony from governors who told us do not go forward with this, we are making tremendous strides in cleaning up the air in our State based on the old standards. If you go forward in what many think is an illegal rulemaking, and turns out the courts just last week validated that rule. They said they threw it out and said it is unconstitutional, but the governor warned: If you go forward, there will be all this controversy, there will be lawsuits, and the programs in his state, and this was Ohio, will be put on hold effectively because all of the businesses will wait to see which standard do they have to meet.

So the result of very radical posturing on the environment, and by the way, one of the reasons they threw this out was that EPA could not justify the rule itself made any difference on protecting health and safety and the environment, but they wanted to ratchet down the requirements and say we have done something; the result was that for 2 years people all over the country who are trying to comply with the Clean Air Act did not know whether the old standard would apply or the new standard would apply, and so any innovative future-looking plan to reduce emissions, to come up with more efficient engines, to cut back on the use of energy, those were effectively put on hold until they knew which standard they had to meet.

So my problem in part with Vice President GORE'S approach towards the environment, of making it such a political statement that you come up with the goofy analogies that he has got Nazis in the book is that it does not really do a service to legitimate conservation efforts which people are every day taking part of in this country.

So I thank the gentleman for bringing up that point.

Mr. DOOLITTLE. Mr. Speaker, I thank the gentleman. I am going to yield here in just a second to our good colleague from Florida, but just to observe, to corroborate what you said, the very thing Mr. GORE claims to support, the environment, his policies are actually hurting. It is the same thing in the area of national forests. I said earlier we have more standing timber than at any time in the 20th century. We also have the worst forest health than any time in the 20th century. Great over growth in the forests, huge amounts of dead and dying trees, all brought about by the horrific forest management policies of the Clinton/Gore administration catering to these sorts of extreme, bizarre, goofy views, and I yield now to the gentleman from Florida (Mr. WELDON) for his comments.

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman for yielding again, and I just want to amplify on what my colleague from Indiana was talking about. If you look at all these new areas where the Federal Government has gotten itself involved in in the latter half of the 20th century or the second half of the 20th century, a lot of what the Federal Government has done has really not had a positive effect, and the best example there is education.

The Federal Government in the 1970s, really dating back to the 1960's, began to involve itself in the educational system, and concomitant with that actually educational performance standards in the United States have deteriorated. But the one area where the Federal Government has passed some laws that seem to have had a beneficial effect is in the area of the environment where we have had a good marked improvement in air quality standards and water quality with the implementation of the Clean Air Act and the Clean Water Act.

What is very important about what my colleague from Indiana just said is we are not done with implementing the features of the Clean Air Act and I believe also features of the Clean Water Act, and there are governors and States and municipalities that are still working to adhere to that standard, and it is believed by many who are truly knowledgeable people in this arena that if we just simply allow them to continue, and my colleague is correct in that they have suspended action for the past 2 years because of this concern of a new standard, if we just leave them go, that water quality standards and air quality standards would continue to improve and actually get better.

And I just cite all this to point out that to claim that we have this crisis when actually the air is better and the water is better. I know I did my medical school training at Lake Erie, and Lake Erie was a mess, and now Lake Erie is a clear lake, it is dramatically improved.

I grew up on Long Island not far from New York City in the mouth of the Hudson River. The Hudson River was a disaster. It is now much better. There is still more clean up that needs to be done, but we are heading in the right direction.

And for the Vice President to claim that literally the world is falling apart, that we have this absolute environmental crisis, I believe is absurd, and it certainly is absurd to entertain a serious discussion of a person with such extreme, extreme values be placed in the position of Commander in Chief of the United States, and I really thank the gentleman for yielding again. He has been very gracious in yielding his time.

Mr. DOOLITTLE. Let me just say again, citing another example, of how GORE, Mr. GORE'S views actually are hurting the objective he claims to advance, namely protecting the environment. The Clinton-Gore administration has absolutely resisted any change to the disastrous Endangered Species Act which has probably more than any other single act been of detrimental effect to so many taxpayers who own private property throughout the country, and oddly enough there is a very perverse incentive that the federal law now creates, specifically the Endangered Species Act. If an endangered species should be found on or about your property, you become subject to extensive Federal regulation that can cause the massive loss of value of your property, like up to 90 percent.

□ 2030

So the perverse incentive is that far from wishing to conserve and help the endangered species, the incentive for the property owner is to get rid of the endangered species. There is a phrase, shoot and shovel and bury, something like that, whereby property owners, if they find one, try and get rid of it.

Now, of course, one should not do that. That is a felony under the Endangered Species Act and it is wrong and undesirable, but nevertheless the law should be worded in such a way to encourage people to make the right choices.

This law is just the opposite. It encourages people to make the wrong choices. It is very heavy handed. It is top down. It is punitive. Well, it is socialism. But, of course, as the economist observed, I think Mr. Hahn, whom I believe I cited earlier, he indicated that this is environmental socialism.

What is the basis of socialism? Force. We can go back to George Washington, who understood that. In speaking of government, he said government is not reason, it is not eloquence, it is force, and like fire, it is a dangerous servant and a fearful master.

It appears that Mr. GORE likes the use of force, likes the use of government, and wishes to increase its use and increase the power of the government. In fact, on almost any issue he always has the same answer: more government.

It does not matter what the question is. If the question is how do we stop the killings that occurred in that awful situation in Colorado, well, it is more gun control even though gun control had nothing to do with it. Even though there is no showing that that could possibly work, they always have an answer: more government.

The Endangered Species Act, have to make it tighter; have to raise the fines; have to increase its applicability; we have to go from species to ecosystems and extend our control over the whole ecosystem.

Campaign finance reform, we have to have more of that. That is from the mouth of Mr. GORE, if one can believe it, and yet the fact of the matter is the very reforms that Mr. GORE gave us that are in present law have created disastrous conditions that he now decries.

What is the answer? We just do not have enough government. More fines, more punitive actions, more restrictions on our constitutional freedoms. This is the approach taken by our Vice President.

Mr. Speaker, I yield to Mr. MCINTOSH.

Mr. MCINTOSH. Mr. Speaker, I appreciate what the gentleman from California (Mr. DOOLITTLE) is saying and would just contribute one more example of how the policies that Mr. Gore has put forward are counterproductive to the environment.

The global warming treaty, the U.N. treaty that he signed on behalf of the United States of America, his maiden voyage into the area of foreign policy and representing this country, he neglected to insist in the negotiation that countries like China or Mexico or Latin American countries or India or South or North Korea be bound by the articles of that treaty. Instead, most of the restraint was on the United States.

So it was a treaty that brought us more government here in America, government that would increase the price of gasoline by 50 percent; government that would force coal miners to lose their jobs throughout this country; government that would threaten our auto industry and cost us a million jobs as those jobs are sent to China, Mexico, Latin America and all of the countries that would be exempt.

So he seems to be not concerned about government overseas but concerned about creating government here. The net result for the environment is that the worst polluters are left scot free. China will produce more global warming gasses in the next 20 years than the United States, and yet they will not be subject to this treaty.

He cannot solve the global problem.

Mr. DOOLITTLE. If the gentleman will yield, our policy seems to be to bend over backwards and do everything we can for China, despite the fact they point their missiles at us and take advantage of us in every way.

Mr. MCINTOSH. In the end, the environment is the loser, and so are the American workers who lose their jobs.

The only winners are those people who sought to make a political point and stand up and say, we are for the environment. To my way of thinking, that is not good government, and it reflects a disproportionate emphasis on short-term political gain and no consideration for what is in the best interest of the United States.

Mr. DOOLITTLE. I thank the gentleman from Indiana (Mr. MCINTOSH) for his participation tonight.

I encourage everybody to read "Earth in the Balance: Ecology and the Human Spirit." We will be back for the next chapter as we examine further the dangerous and extreme and outrageous and, as my colleague said, goofy views of the Vice President of the United States, Mr. AL GORE.

RESEARCH AND DEVELOPMENT OF THE 21ST CENTURY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Washington (Mr. SMITH) is recognized for 60 minutes as the designee of the minority leader.

Mr. SMITH of Washington. Mr. Speaker, I do not know that I will take up that entire 60 minutes.

I want to briefly respond actually to some of the comments that we heard in the previous hour, and then talk about the new economy and how we can adopt our government to address the issues that it brings to the fore.

I was interested to hear for an hour, the 2000 campaign is still a ways away, and for any of those who are wondering whether or not it is going to be positive, I guess the gentlemen who preceded me have answered that question in the negative. It is going to be relentlessly negative.

Amongst the charges that we heard tonight, I understand now that Vice President GORE wants to get rid of ambulances and fire trucks. If the other people are to be believed, that is a core of his policy. Those who were not listening to the comments, what they were saying is Mr. GORE has concerns about the internal combustion engine and would like to replace it. They implied that since these engines are now in ambulances and fire trucks, for him to oppose the internal combustion engine must mean he wants to get rid of ambulances and fire trucks.

I think this sort of extreme negative campaigning is bad for our entire system of government. I think my colleagues on the other side of the aisle, many of their issues I actually agree with. I think we can get up and talk about what we stand for and move the country forward, instead of relentlessly trying to pummel whoever emerges as the leader of the party we are opposed to.

I do not think that serves democracy and I am somewhat saddened to see that, as I said, 20-some months before the campaign even starts we are full bore on the ripping apart of the person who we think is going to lead the opposite party. Let us talk about a few positive issues, what we stand for and the direction we want to take the country in.

Towards that end, that is what I want to talk about today. I talk as a member of the New Democratic Caucus. We try to each week as new Democrats to present a message, an issue that we want to talk about, that we think the country needs to address and that our government needs to address.

New Democrats are essentially moderate, pro-business, pro-growth Democrats within our caucus, and the issue that I want to talk about today has to do with the new economy and how our government can institute policies that address the changes that that new economy brings to our country.

First of all I want to talk about what I mean by the new economy. Everyone has heard about the Information Age, about the global economy. It has almost become a cliche to say that we live in a global economy that is based far more on technology, but just because it is a cliche does not make it any less true. It is the dominant feature of the last few years of the 20th century and will be the dominant feature as we move into the 21st century, as our economy changes.

We must adjust to it. We must understand what moves and motivates this new economy and adopt the policies that adjust to those changes to best serve the people of this country.

It is a good news/bad news situation. The good news is it creates so much opportunity, the advances that we have had in the technology from computers to telecommunications to all points in between, to software, have created tremendous amounts of choices and tremendous amounts of opportunities in a wide variety of fields.

It also creates challenges. The central challenge that it creates is adjusting to change. The world simply changes more rapidly today than it did previously. Therefore, we have to be ready to make the adjustments as new technologies come on board, as the world changes.

I am 100 percent confident that we can do this; no question about it. We can benefit from the dramatic increase in productivity, in growth, that high tech industries give us and adjust to the changes, but not if we do not think about the issues in a new light, think about what the Information Age, what the global economy means to the policies that we need to adopt.

To strip this to its core, what I am talking about is people. The reason I care about technology issues is because of the district I represent. The Ninth District of the State of Washington, it is a blue collar district, and one of the most important things that the leaders in our community, whether they be government or business, can do is ensure that a strong economy exists so that the people of districts like mine and throughout the country can get good jobs, make enough money to take care of their family and pursue their dreams and their interests as they see fit.

Maintaining that economy is what is going to bring it home to everybody. Not just the top 5 percent, not just the Bill Gateses of the world, but every single person in the country who needs to have a good job to support their family or just support themselves can benefit from policies that embrace the high tech new economy. It is going to be important to real people from one end of this country to the other.

I think when we talk about the high tech new economy it is important to break it down. There are really five areas of the new economy. First of all we have computers, and in that I include software and hardware. We have the Internet. We have telecommunications; biotech, which is primarily health care products that are developed; and lastly we have all of the products that those first four things help create.

I think there is a mistake sometimes that people make, that technology is just a certain sector of our economy; there are certain, quote, high, unquote companies and then there are low tech companies. Every company is affected by technology. Obviously, some are more affected by it.

Intel, Cisco Systems, Microsoft, these are companies directly in high tech. But even a company, even a retail store that sells clothing apparel is affected by the quality of the software that they have, that can track their inventory and track their customers and find out new opportunities.

One of the examples that I think shows this is a small company that is actually starting up in my district that is trying to develop, coincidentally, back to the internal combustion engine, a new engine that will generate power. I have not figured out a way to make it drive an automobile, but what it can do is it can generate energy and replace some of the old methods of generating that energy.

The advantage of this new engine that is based on the ram jet physics, stuff that I do not even begin to understand except to say that it works and it generates energy much more cleanly and much more efficiently than current methods, the person who was able to generate this product had worked on the technology in the defense sector. He had worked on it with jet airplanes but they had never quite made the connection down to the more civilian use of generating energy.

He was able to generate that because of the rapid advancing in computers and software that enabled him to test theories more rapidly. Stuff that would have taken decades to get through to test, he could literally do in a matter of weeks, and that enabled him to test theories and move forward and get to the point where he actually developed the engine.

In the biotech sphere, I talked to some folks in the biotech industry just last week, and they said from 1985 to today they have been able, through the use of computers and software, to reduce the time it takes them to analyze data to the point where a project that they did in the mid-1980s took them 5 years to analyze, that data today they could do in an afternoon.

This application spreads all across our economy. So those five sectors need to be encouraged and fostered to grow because they impact all aspects of our business.

As we get into an increasingly competitive global economy, we want our companies in the U.S. to be the ones that advance fastest and furthest and do it first so that we can take the advantage and get the economic benefit of that for our country. Therefore, we need to adopt policies that reflect this. We need to look to the future and say, as the world changes, as technology moves forward, what do we need to do to be ready for it?

Certainly we cannot go with policies that we had 50, 20, even 10 years ago, when technology has changed. Remember 5 years ago the Internet was pretty much a nonfactor. It was an idea. It was out there, certainly, but the explosive growth in the last five years was not foreseen but by the smallest number of people. Now that affects every aspect of our economy. We need to be ready for those sorts of changes.

Towards that end, I have six main policy areas that I want to make people aware of, that we in government need to address to try to adjust to this high tech economy. The first one has to do with export controls, and this is one that actually applies to more than just the high tech economy. It just becomes more of a factor because of the global nature of our economy that the Information Age makes possible.

We have a number of policies in this country that restrict the exportation of our products, specifically restrict the exportation of technology products or create unilateral economic sanctions against the export of all products. This creates a problem for one simple fact, and for one simple reason: Ninety-six percent of the people of this world live someplace other than the United States, yet the United States is currently responsible for 20 percent of the world's consumption.

□ 2045

What that means is that if our companies are going to grow, if markets are going to increase, they are going to have to have access to markets outside of this country. Currently, our policy on unilateral economic sanctions places sanctions on dozens of different countries that limit our ability to export.

Now, the reason we place those economic sanctions is because we disapprove of something that that country has done, and that makes a certain amount of sense, if our action to place those sanctions would change the action by that other country that we disapprove of. But the reality is it does not. All it means is they go someplace else to buy their products. In essence, what we are doing is we are punishing these other countries by telling them that we will not take their money and that is not much of a punishment. It drives them into the arms of our competitors.

We need to rethink our unilateral economic sanctions policy. Multilateral sanctions make sense. If we can get enough people together, enough of our allies together to condemn an action, condemn a country and place sanctions on them, then that can work. But taking the action unilaterally does nothing to advance the policy aims and only hurts us economically.

In the technology realm, we place restrictions on the exportation of encryption technology; that is, technology that is used basically to protect data on a computer, to make sure that people cannot access it who you do not want to access your information. We also place restrictions on the exportation of so-called supercomputers. The problem with that is because computers are leaping ahead so fast and so quickly, a laptop basically could have been, will some day be a supercomputer and is close to getting there under the definition that we have in policy today.

We need to understand that in trying to restrict the exportation of this technology, the world has changed. I think this is one of the key areas that shows how we need to adjust. In the old days, we did not want this technology to get out there because it had national security implications, and it clearly does. If one has good encryption technology, if one has good computing technology, it affects one's ability to have weapons basically to commit harm, to do a variety of things. It has military significance.

But the question is, how do we prevent other people from getting that technology. Can we simply as the United States put our arms around it and say we are not going to let it out and nobody else is going to get it? No. Encryption technology in particular. One can download it off the Internet, dozens of other countries sell it. It is going to get out there. In fact, this is going to hurt our national security. Because if we restrict the exportation of encryption technology in this country, our companies will slowly fall behind. They will not be able to get the customers because they will not be providing the best product. As we fall behind and other countries get further ahead of us in this technology, we lose our ability to be the leaders in the technology.

The encryption companies, software companies in this company who produce encryption technology cooperate with the FBI and the NSA to help them, show them the advances in the technology. That helps us be ready to deal with the national security implications. If we lose that leadership role, countries in other parts of the world are not going to share that information with our National Security Agency or the FBI. We need to be sure that we allow the exportation of that encryption technology so that we can continue to be the leaders in that area.

Another important area is education, and that gets to the change points. In a rapidly changing world, we need to constantly update our skills. We live in a society where all of us are going to need to continually be learning. We need to adjust our education system to understand that. In the good old days when basically all one needed was a high school education and could go out and get a job and probably take care of their family; my father did, he had a high school education, got a job as a ramp serviceman for an airline and ready did not update his skills very much during his 32 years with that airline and was able to take care of his family.

In today's world, we need to update our skills. We need to make sure that our education system is ready for that, and that our education system is also ready to educate our children in technology issues and to enable them to change as rapidly as they need and update their skills.

The Internet is the key to all of this. The way the system basically works, what computers and software enable us to do is they enable us to generate and store a large amount of data, and that is very valuable, as in the engine example I cited earlier. By being able to generate that information, they were able to develop a product. That is the start of it. The Internet basically is the step that enables one to transmit that data.

Back to the example of a retail clothing shop, if it is a chain, if they have 25 or 30 stores spread throughout the country, they can share data. Basically being in any one of those stores is like being in the home office and by being able to share that data enables the company to move forward, or, if they are designing something, they can trade the design back and forth and not have to be in the same place.

What we need to do is we need to encourage the Internet. Overregulating the Internet would be one of the biggest mistakes our government could make. It would put us in a position of restricting its ability to grow, and it is very important that we allow the Internet to grow and prosper and do the things for our economy that it has already started to do.

There is also an issue, and this is primarily in the area of biotech, but also in other areas of patents. We need patent reform so that people have the incentives necessary to develop new products, secure in the knowledge that they will be able to keep the patents on those products and benefit from them. Otherwise, they will not get into the field and try to develop them.

Research and development is also a critical element. We have in this country the research and development tax credit. Unfortunately, it is only good for one year and every year we have to come back and renew it. Well, we need to make that permanent. The reason is because if one is a company planning for the future and deciding how much to put into research, a lot of these products are not developed in one year, and if one does not know if the resources are going to be able to be there for more than one year, it hampers one's ability to make that investment. We have the opportunity to permanently extend the R&D tax credit this year and give companies that incentive to go out there and continue to develop the new products that they need to develop.

Lastly, and this is tied into the Internet, we have the issue of broad band, basically access to the Internet. The Internet is great, but currently only about 20 percent of households in this country have access to it, and a much smaller number, very minute number, have access to so-called broad band Internet access.

Put simply, broad band means that the Internet moves more quickly for us. Now, if one is just sending e-mail or simply surfing the net, that may not be such a big issue, but if one is trying to send data, if one is developing that new design, if one is in the automobile industry, one develops a new design for an automobile and one wants to send it out to one's top 25 executives throughout the world, to be able to send that much data over the Internet requires a larger pipe. Otherwise, it will take forever to send the data out and to download it to whoever has received it.

The most important thing in this area is we need to build the infrastructure. Think of the Internet today in the same way that the railroad was in the 20th century. In the 20th century, the railroad gave us the ability to connect our country, but first, we had to build the track, and it was very expensive to build that track, so we gave incentives to go out there and build it, and it made a lot of sense because it helped grow our economy rapidly.

We need to do the exact same thing with broad band technology. We need to give companies ever incentive out there to go out there and build the infrastructure. Lay the fiber, lay the cable, put in the phone lines, do whatever is necessary to connect as many people in this country as possible, not just to Internet access, but to fast, broad band Internet access.

Overregulation can kill this. If we regulate companies too much so that they do not have the proper economic incentives to go out there and build the infrastructure, it will not happen. Because yes, there is a pot of gold at the end of the rainbow if you are the company that best develops Internet access, but you have to make a major investment up front to get there and you may not be willing to do that if the environment is too regulated.

Those are just six issues that I think we need to touch on, but the important thing is simply to embrace change, understand the new economy. We cannot fight it. It is not an option. It is here. We need to understand it and try to make sure it works. I think one of the greatest challenges for this country is to make sure that it works for everybody. Because right now, it works fairly well for the top 20 percent, but the potential is there to make it work for everybody, and we need to understand it and go about addressing the issues in a way that make it available to the entire country, because it has the massive potential to keep our economy moving forward, to keep productivity high, and to create good jobs. That is why I think that the new economy and the high tech aspects of that new economy is so critical.

I am pleased to have with me the gentleman from New Jersey (Mr. HOLT), who is going to address these issues as well.

Mr. HOLT. Mr. Speaker, I would like to thank the gentleman from Washington (Mr. SMITH) for highlighting these issues. Of course, the gentleman has made very clear that what we are talking about here is not just a sector of the economy. We are talking about the economic growth for all people. In fact, to borrow from a campaign slogan of a few years ago and modify it, rather than saying it is the economy, stupid, I think we would say, it is the productivity, stupid. In order to have the kind of productivity growth we have had in recent years, it calls for just what the gentleman has been laying out.

The gentleman and some of our colleagues here may have heard a speech by the Chairman of the Fed, Chairman Greenspan a week or so ago marveling at the productivity growth of the United States. We know to have good growth in productivity we need a well-trained workforce and we need new ideas, and we need to have systems for exchanging ideas rapidly. We need the kind of openness that the gentleman from Washington (Mr. SMITH) has been calling for. We need the kind of high technology that is not, as the gentleman says, just one sector of the economy, but that is found throughout the economy and throughout all sectors. And, we need training and education to make it work. The gentleman has laid out the ingredients, no doubt about it.

High technology has fueled so much of our Nation's economic growth in recent years, and whether it is in New Jersey or in Washington or in Michigan or in California; in fact, in all of the States of this country, it explains why our economy is doing so well compared to many other countries around the world. In order to keep it going, we need to maintain an education system that is as good as the technology demands.

There are no unskilled jobs in today's economy in America. The car one drives no doubt has more computing power than an Apollo spacecraft. It demands good education; it demands openness of ideas and exchange of ideas, freedom of exchange; and it also demands an investment in research and development.

The gentleman spoke about the R&D tax credit. It was created nearly two decades ago in 1981. It has been extended nine times, but it has only been extended year by year. An R&D investment decision, a research and development investment decision requires years of advanced planning. If a company cannot count on an R&D tax credit in the future, it is hard to do the necessary planning.

So I wanted to join with my friend here and commend him for highlighting these points and join him in talking about the importance of these issues for all people in America.

Mr. SMITH of Washington. Mr. Speaker, I thank the gentleman. Actually, I should point out that the gentleman from New Jersey is not just a Congressman, he is also a physicist, which means he actually understands the details of a lot of this stuff a lot better than I do, and I am wondering if the gentleman could offer us any perspective, because research in dealing with high technology is something that the gentleman has some background on in his work as a physicist. I wonder if the gentleman could apply that in some of the work that he has done and how important it is and what can be developed, particularly concerning research and development, and how that can be applied.

Mr. HOLT. Mr. Speaker, I spent much of my career in research and development and there is no question, one has to take a long-term perspective. We cannot lose sight of the day-to-day activities, but one has to take a long-term perspective. A permanent extension of the R&D tax credit would be very valuable to industries that engage in research and development.

I should say that as a scientist I do understand, in fact, the jet engine concept that the gentleman was describing earlier. In fact, it is becoming widely used now in so-called cogeneration plants to generate both heat and electricity that can be used for powering say a research campus or a cluster of apartment buildings or a small community, and it came about because of research in an area that was not directly related to energy generation. It was research in aerospace. And as a result, in fact, we were talking about it today in connection with the NASA authorization.

□ 2100

There is a need for investment in research in such things as jet engines. In this case, the benefit came not only in providing better commercial aircraft, better military aircraft, but it also turned out to be a more efficient way of generating electricity. That is providing savings throughout the country, throughout the economy. So research and development does not always pay off the most in the area where you expect it to.

Mr. SMITH of Washington. I think that is a very important point.

When we look at a lot of the products out in the market today, it would be very interesting for everybody in society to sort of track one of those products, how it came into being, the steps that were taken, the investment that was necessary, the people power that was involved, and it makes us understand the importance of research and development.

I think biotech is a great area to look at this. Everyone is aware of the drugs that have come out that have generated tremendous amounts of money, but we also have to look at the process that these companies had to go through to get to that product.

Basically they were working for sometimes as much as 8 or 15 years without ever generating any revenue, without ever getting any return on the product that they were trying to develop. I am not talking about not making a profit, I am talking about not generating any revenue, because their product was not yet developed and being sold.

If you have that type of situation, who is going to spend money for 8 years and not have any revenue? We need incentives, we need incentives for investors and incentives for the companies to make that sort of long-term commitment. It is not just biotech products, but the engine we are talking about was researched for years before someone generated one and they could generate the electricity that they were looking for.

Mr. HOLT. If the gentleman will yield, Mr. Speaker, my district in New Jersey, and as the gentleman knows, New Jersey is indeed a research State, going from Thomas Edison to Albert Einstein to the biotech companies of today, I have two biotech companies in my district, of the many, many dozens around the country, two that have actually started to generate a profit.

They have started to generate a profit after, one is 18 years and the other is about 14 years, and they have some very clever, I think probably very desirable, and ultimately very successful products. But it took a long time and a lot of work to develop those, and there are many, many biotech companies that are not turning a profit, they are living on hope and investment at this point.

Mr. SMITH of Washington. And there are many that never will turn a profit.

Mr. HOLT. But those that do can change our lives.

Mr. SMITH of Washington. Exactly. So we need to set up a system that gives the incentives to invest in these sorts of products. It is not just biotech, it is in every single aspect of the high-tech community, giving the incentive to put the money into research helps us move forward.

Mr. Speaker, I thank the gentleman very much.

Mr. HOLT. I thank the gentleman. It is my pleasure to join him in this special order, and I thank the gentleman for doing it.

Mr. SMITH of Washington. The gentleman is quite welcome. It is nice to have a physicist in Congress to help out with these very difficult issues.

I just want to wrap up this topic by emphasizing how important it is and how it touches our lives. I think one of the biggest challenges we have right now as a society is to make sure that the message gets out that technology is for all of us, that it affects all of us in a variety of different levels.

I think there is a tendency, and in fact, I was never that computer literate until a few years ago, and I always thought, you know, of first computers and then the Internet that that is just not something that I deal with.

Well, it is something that everybody is going to have to deal with, and it is a good thing. It is a positive change in our lives. Yes, it is change and change is difficult, but it will open up windows of opportunity that we could never imagine if we simply understand that change, understand what the information economy has brought to us, and how our society needs to adjust to it.

I think in the long run it is going to give us a better society and a stronger society, but it is not only a matter of embracing it but understanding it, and advancing the policies that are going to make sure that we all benefit from it.

The Internet has the ability to connect people, just for example. I have heard some people say, well, they are worried that the Internet is going to divide our society even more between the haves and have nots, those that have technology, those that do not.

I see the Internet just the opposite. The Internet basically enables anybody, for the ever-decreasing price of a laptop and the ability to hook up a telephone line, to get access to information that was previously the exclusive purview of the few. You would have to go off to institutes of higher learning or know people who were highly educated in order to get access to this information. Now it is right there on our computers, virtually anything we could imagine, for us to access for a very cheap price.

That has the possibility, I think, to really broaden the opportunity of this country, to make it more inclusive and bring more people along on these issues.

Government has a role to play. Sometimes that role is getting out of the way. As I mentioned, do not regulate the Internet, and do not overregulate the telecommunications industry so people do not have the incentives necessary to build that all-important infrastructure.

Ms. SANCHEZ. Mr. Speaker, there is no question that the United States is a leader in the development of new technology. Historically, the R&E tax credit has played a major role in elevating this great Nation to such a significant and influential leadership position.

However, with greater market challenges in the future, we will have to fight hard to maintain the U.S. lead in new technology and innovation.

Simply put, the tax credit is an investment for economic growth and the creation of new jobs.

It strengthens our international position, and often results in an enhanced quality of life for consumers.

Mr. Speaker, the R and E tax credit has been on the books for many years, and there is no doubt that it has proved beneficial to our Nation's technology enterprise.

But, there is also no doubt that its benefits could be even greater if the credit were made permanent and the perennial uncertainty were eliminated.

I urge my colleagues to support this concept of a permanent R&E credit and support the type of research activities that will maintain American technological leadership into the 21st century.

Mr. SMITH of Washington. Mr. Speaker, sometimes it has a more positive role to play, like in education, giving people access to higher education, continuing education, through grants, loans, incentives to companies, whatever. That is an active role the government can play.

So it is a matter of balancing between those two things. Sometimes government needs to get out of the way, sometimes it needs to help, but more than anything, it needs to understand, needs to understand what the new economy is and how to make it best work for all of our citizens.

A DISCUSSION ON MURDER SIMULATION AND ON THE SITUATION IN KOSOVO

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Colorado (Mr. McINNIS) is recognized for 60 minutes.

Mr. McINNIS. Mr. Speaker, I want to visit about a couple of subjects tonight. I thought the first half hour we would talk about the murder simulators that are being created or are created and are currently in existence in our country, and then perhaps spend the last half hour, I have invited a colleague of mine to come over and talk with me. He is an expert in foreign relations. We are going to talk a little more about the situation in Kosovo.

First of all this evening, I want to talk about murder simulation, murder simulation.

Last weekend I had the opportunity to have dinner with a good friend of mine, good friends of mine, Dr. Mohamed and Simi Hasan, and their heritage is in Pakistan. I asked them about Pakistan. We got on the subject, obviously, of the shootings in Colorado, at the Columbine High School. I asked them about the situation in Pakistan.

In Pakistan, they told me that there at a very young age young boys are given fully automatic weapons, fully automatic weapons. Those are the types of weapons that have been outlawed in this country, against the law in this country since about 1937.

I asked my friends, the Hasans, as we had this discussion, do you have these kinds of incidents in Pakistan? And the answer was no. I said, what do you think is the difference? Why does it not happen in Pakistan but happens in the United States? It happens even here in our home State of Colorado. As many know, I am from the State of Colorado.

They said, I will tell you why. Give me just a minute. And Mrs. Hasan excused herself. She came back to the dinner table and she had this magazine. I hope the publishers of this magazine have an opportunity to visit with me at some point in the near future.

This magazine is called "Next," the Next Generation. It is about video games. It would be more properly titled "Next, Murder Simulator." What do I mean by murder simulator? As I go on with this discussion this evening, remember a couple of things.

First of all, simulators in our society are very common. Any Members who have ever studied the art of flying know that we have simulators to teach our pilots how to fly airplanes. We even have simulators today that show people how to drive cars. Now, unfortunately, we have simulators that train and put impressions on very young minds in our country, how to murder.

There are a few questions this evening we should consider as I continue with my remarks. Let me go through some of them.

Number one, what kind of responsibility and accountability are reflected by our society, and even more specifically, what kind of responsibility and accountability are reflected by the editors and the board of directors and the contributors to this Next Generation video magazine, as well as some of the games or video murder simulators that I am going to talk about?

What types of values, what kinds of values are we teaching our young people with the types of murder simulators I am going to show the Members in just a couple of minutes? What type of values are being taught here? What types of values do we want to teach our young people?

These are young, fresh minds. Impressions can be made very easily on these young minds. This is the next generation that is going to lead our country, and the generation that is going to create a generation behind them to take their place. What kinds of impressions do we want to make? What kinds of accountability do we want from the people who make those impressions? What kind of future does it offer for our country?

Let us talk about what kinds of responsibilities the video game industry has. Here, as I am about to show the Members, they celebrate the most explicit form of violence that a teenager can experience. They celebrate it, they show it off, the most violent type of experience that a teenager can experience. We sell it, not we but video producers out there. The murder simulators are sold by corporations in this country. They are highlighted in magazines, like this magazine right here, The Next Generation.

These games appeal to the worst values in our society. We know what kinds of values we want to teach our young people. We have some great young people in this country, and they have a wonderful future, but we have to guide them. We have been there. As adults, we have had that experience. We know that we were blessed, most of us, with experienced guiders, our parents, who guided us, helped take us through life. Now we have that obligation.

Why should we have games that appeal to the very worst of elements, the things that all of us would dread the most, the things that horribly, horribly went wrong at Columbine High School in Colorado 3 weeks ago? We glorify these kinds of things in video games in this country.

What are the relationships that exist? What kinds of relationships do these types of games portray in our society?

In a single video game, remember this, in a single video game, a teenager will see more death and violence than they would in a week's worth of TV. We could take any programs we want and take one week's worth of TV, and we will see in one video game more violence simulation than that whole week of TV.

Does this turn on, does this ask a question? What is the mystery here? What is going wrong here? Something is wrong with these games.

Do the producers of these games, and I am going to ask this, in fact, we have some of their names, and I would be very interested at some point to talk to them out there to find out if they have children, and if their children are allowed to play these kinds of games that they advertise in magazines like this or the kinds of games that they manufacture, that they go and sell to our teenagers, to our young people.

Do they allow their own children to do this? It will be a very interesting question to be asked of some of these corporate executives.

Are they legally empowered to deliver this kind of thing? Yes, they are legally empowered to do it. Sure they are. People can talk slut talk, too. People can talk terrible things.

Let me tell the Members, we are about to get into this game. Let me caution all of my friends out there who have children, if there are any children watching this evening, anybody on C-SPAN that might be watching our discussions here on the floor, please be advised in advance that there are some very gruesome situations that are going to be portrayed by video games.

By the way, we do not find this on the House floor, we can find it in any video arcade, practically any video arcade Members want to walk into. I have not been to a video arcade in many years. This last weekend, as a result of my discussion with my friends over dinner, my wife and I actually went to a mall and went to a video arcade place located within the mall.

I was amazed. We can see it right there. There are kids in there with their guns. Of course, every once in a while they put money in, they pay money, and there it is, murder simulation, blowing this person away, blowing that person away.

By the way, people do not just drop. There are depictions of their insides, of the exit wounds, of all kinds of things on these video games. These are young people. This was a fairly conservative community, of which I went into the mall to go into this video arcade. These kids were everywhere, I would guess, from 7 years old to 13 or 14 years old, playing these video games.

What do Members think the impression is that goes on the mind of a young 7-year-old boy who sits in front of this game shooting, and the more he shoots, the more body parts fly out on this video arcade?

□ 2115

Well, hold on, because let us take a look. I went through this magazine right here. Again, I want to keep showing this because if any of my colleagues have any questions or doubts about my comments this evening, before they criticize me, before they pick up the phone and call my office, I urge my colleagues to go out, go to their local mall this weekend, and go to a video arcade store and see what kind of games, what kind of murder simulation is taking place in there, and then draw the question upon your own mind:

One, what kind of values are we teaching our young people? Number two, does this have an impression on the mind and could somebody possibly, through some kind of devious thought, extend these to the kind of murder situations that we see with gangs on the streets or in the worst case scenario as we saw at the Columbine High School?

Let us go ahead and begin the video murder simulator. This is an advertisement. This is a two-page ad and it is found in the "Next Generation" magazine. This magazine, this is the June issue, so their ad is found inside this magazine.

The video game is titled "You're Gonna Die." Now I have got a red laser here. Follow my light. My light is right there at "You're." "You're Gonna Die," that is the name of the video game.

Right here is a human body. By the way, the weapon they are holding is a fully automatic, it looks like a fully automatic weapon outlawed in this country since 1932. Surrounded by the head of the human body, that is not red hair. This body is laying in a pool of blood.

Remember, this game can be played by a 7 year old. This game can be played by a 10 year old. This game can be played by a 13 year old.

Here is some of the advertising that is contained within this ad. This, by the way, is called "Kingpin, Life of Crime." That is the name. This is the "Kingpin" game, "Life of Crime."

Up here, "Target," now my colleagues may not be able to see this but I will read it for them here, "target specific body parts and actually see the damage done, including exit wounds."

Well, by gosh, let me tell my colleagues something. This Saturday, I am going to be in Cortez, Colorado. Do my colleagues know what I am going to be doing in Cortez, Colorado? I am going down there for a memorial service for a gentleman named Dale Claxton. Who is Dale Claxton? Dale Claxton was a police officer who was shot and killed in the line of duty in the State of Colorado 1 year ago. He was shot 27 times.

If these people, the people that produce this game, want to see exit wounds, maybe they ought to come visit with me and I will show them some pictures of exit wounds. I do not think it is very funny, and I do not think it is an amazing game. I do not think it ought to be something that should be sold in the marketplace. I sure as heck do not think it is something we ought to expose to our young, young children as a game. Put in the quarter, get to simulate murder.

Let us go on. Let us go on to our next box right over here. "Even the odds by recruiting the gang members you want on your side." So even the odds. One gets to go out in this game, and one has vicious gang members that they get to pick, kind of like when one lined up in school and one got to pick who goes on which team. You are on the blue team, you are on the red team, you are on the blue team, you are on the red team.

In this particular game, one gets to pick which vicious gang members one wants on one's team so one can go out and play the game "You're Gonna Die". Or steal a bike or hop a train to get around town. On the game, it simulates a train so that one can figure out how to jump onto it, or to steal a bike. Steal a bike, not borrow a bike, not take one's own bike. It is also incorporated within here.

Built on top of the revolutionary Quake II engine. Includes multiplayer gang bang death match for up to 16 thugs. Actual game play screens. Talk to people the way you want, from smack to pacifying. Talk to people the way you want under this game, from smack to pacifying.

Here are the people that really ought to be proud of it, "Kingpin, Life of Crime." We will go through some of the names of the corporations that actually make this product and market this product, and then go to this magazine and ask this magazine to put it in the hands, like the hands of that young man whose parents I had dinner with last week. We are going to talk about those people in just a moment.

Let me say to my colleagues that I used to be a police officer. I do want my colleagues to know that I am a member of the House Entertainment Task Force. I believe in good entertainment. I think one has a right to good entertainment. I think there is a lot of good entertainment out there without having to revert to this.

But when one puts these kind of video games in a video arcade in a mall, it is almost as if one has a magnet drawing these young people into this thing. Really, I just want all of my colleagues, I know that I have said this already, but I think it would be so important for my colleagues, this weekend or as soon as they go by a mall or a video arcade store, go on in there. Walk through there. Just observe what one sees.

Then think about. Well, was Congressman SCOTT MCINNIS way off base when he talked about this? Does this game really belong out here in the mall for kids to come in and spend their money on? Does a game that talks about target specific body parts and actually see the damage done, including exit wounds, is that what we ought to do?

Should we not have a question about where some kid in our society, and I say some because we have a lot of good kids, a lot more good kids by a large, large margin than bad kids, but is it possible that some of the kids that take the wrong path in our society are influenced by these kind of games?

We know that simulation influences pilots when we have pilots on a flight simulator. We know that puts an impression on their mind. We know it trains them to fly an airplane. Same thing with the car simulator. We know that if we put one in that car simulating machine, one will learn how to drive a car better. One will actually think one is driving a car, and it will put impressions on one's mind. It imbeds them on one's mind.

This game does exactly the same thing, except it does not do it for flying, it does not do it for driving, it does it for murder. Murder. Kingpin. We will talk about him in a minute.

There is another game. This is an ad for the D-Link video game. Remember, I did not have to search, go out and do a lot of research to find these games. I got one magazine, this magazine right here. I got one more magazine similar to it in my office. So I just picked up two magazines randomly. This was sent to the House. It is a June edition.

One does not have to search very far to find what I am finding. This is not a rare kind of thing, a unique circumstance, and a Congressman just happened to go pull this stuff up through a lot of extensive research. One can buy it probably, I would guess, at any magazine shelf, rack.

Let us look at this game. "Gratuitous violence is 200 times faster with the D-Link network." Gratuitous violence, those are the key words. Let us define what Webster's Dictionary says is meant by the word "gratuitous." It is very important. Apply their definition to the game.

Gratuitous, in the dictionary. Gratuitous: not called for by the circumstances. In other words, there are no circumstances calling for this kind of action. It is without reason. This kind of action is without reason. There is no reason for it. It is without reason. It is without cause. It is without proof. It is adopted or asserted without any good ground. So it is adopted or it is asserted without any good ground, as a gratuitous assumption.

Now look it up here. Let us just put this in here. Not called for by circumstances, without reason, cause, or proof, and adopted without any good ground, et cetera, with a D-Link network 200 times faster than other online games. Violence. It is exactly what it does. Gratuitous violence.

Here is the next one. This caption is used to promote the game "Legacy of Kain, Soul Reaver." "Destroying your enemies isn't enough, you must devour their souls." "Destroying your enemies isn't enough, devour their souls." Of course the game helps one do that.

For those of my colleagues who use the Internet, I think they would find it very interesting to go ahead and download this. If one downloads this on one's computer, and Next Generation publishes this, this is owned by Kingpin, if one downloads it, it allows one to see, and this is a quote, this is a quote from my download, we did this on the Internet, "Now available, a wonderful," look at the word it uses, wonderful, "a wonderful depiction of a massive gang hit. Blood splatters galore."

So from the Kingpin web site, go ahead and put Kingpin in the search on the Internet, pull up their web site, and that one is going to find in quotes. Here is their definition. "It is now available, a wonderful depiction of a massive gang hit. Blood splatters galore."

That is what we are making available in our society. People that do this, they make money off of this. Do my colleagues know what drives this? Not a conscious, not a conscious decision to do something that contributes to society. That is not what drives this kind of video game and the mind behind it. It is not somebody trying to educate our young people. It is not somebody that, with good intent, is trying to give a strong impression and education for our young people. It certainly not somebody that is trying to create some kind of religious base for our young people.

This is driven by one word, greed, G-R-E-E-D. That is exactly what makes these people create these games where one can call, like "Kingpin, Life of Crime," "You're Gonna Die".

Think about it, folks. We are allowing greed to drive these kind of games, and these kind of impressions are being made on our young people, and then we question, gosh, what went wrong in Littleton, Colorado? Why did that happen in Littleton, Colorado? What is happening to our young people?

What is happening to our generation that allows our young people to have these kind of things? What is happening to our generation that, driven solely by the word "greed," manufactures, sells, and advertises these kind of programs?

As I mentioned, I want to talk about, for a minute, Interplay executives. As I said to my colleagues, it is my opinion there are people, this by the way, and I am not sure of the complete corporate structure, other than we have the corporation names down in the bottom of the advertisement, one of the corporations is called Interplay, another corporation is called Xatrix, another one is Crystal Dynamics, and Eidos.

On this one, who is Interplay, and what do they stand for? Interplay Entertainment Corporation is a worldwide developer, publisher, and distributor of award-winning entertainment software for both core gamers and the mass market.

Interplay Corporation, Interplay Entertainment Corporation was founded in 1983. Interplay offers a broad range of products in the action, adventure, role playing, strategy and sports categories across multiple platforms, including Nintendo 64. The company completed its initial public offering in June 1998.

There are other things about it. Interplay, on the maximizing franchise and brand value, Interplay seeks to publish hit titles whose strong consumer appeal and resulting consumer loyalty will create opportunities for franchise titles, sequels, add-ons and merchandising.

As we went further in the web site, we found out who some of the Interplay Executives are. Brian Fargo, Mr. Fargo is chairman of the board of directors. He is the chief executive officer, and he is the president. I am going to contact Mr. Fargo.

I am going to contact Mr. Kilpatrick. Mr. Kilpatrick, Christopher J. Kilpatrick in fact is the president. I am going to contact Mr. Kilpatrick.

Manuel Marrero, he is the chief operating financial officer. He is the corporate secretary. Phil Adam, Phil Adam is the vice president of business development. I am going to contact Phil. Kim Motika, vice president of strategic development; Trish June

Wrightt, vice president of product development; James C. Wilson, vice president of finance; Jim Maia, vice president of North American sales; Cal Morrell, vice president of marketing; Jill Goldworn, president of Interplay and OEM, Inc.; David Perry, president of Shiny Entertainment, Inc.; Peter Bilotta, president of Interplay Productions Limited.

I am going to contact each of these people. In fact, I am sending a letter to them. I am going to ask them a few questions.

Let us talk about Brian, Brian Fargo, chairman of the board of directors, chief executive officer and president. He could put a stop to this that fast. Brian, all you would have to do in the morning is pick up a telephone and say, take that thing off the shelves now.

□ 2145

And the next time, Brian, somebody comes up to you and says, hey, this is the kind of video game, "You're Going to Die," Mr. President, it is going to show body parts and it will show exit wounds and they can pick their own gang members, what do you think, Mr. Fargo? Do you think this is good for his company? Do you think that he can make a lot of money off this, should we put it on our shelves?

And, Mr. Fargo, you are going to have the opportunity to say, "No, our company does not need money like that. Our company is not in this for greed. Our company sees no values in putting this kind of game on the market. Our company, Interplay, is ready and prepared to accept responsibilities."

You know why you should be saying this, Mr. Fargo? Because my bet is your children, Mr. Fargo, do not play these games. My bet, Mr. Fargo, is that you and your wife probably have never sat down with any child, any child, probably not any adult and played this game.

In fact, Mr. Fargo, I bet if I sat down with your family and wanted to explain this game to them in the front room of your house, you probably would be deeply offended and you would probably say to me, "I have more values. My family deserves more than what you are about to exhibit to them."

Well, Mr. Fargo, today you have a responsibility to set in your own mind that the first thing you want to do when you get in your office tomorrow morning is to call up your production manager and say to your production manager, "Stop production of the video game called 'You're Going to Die'."

And if you do not, Mr. Fargo, then I want you to think about Littleton, Colorado, and Columbine High School. Every time there is a gang shooting in this country, every time there is any kind of violence like that that could possibly come as a result of playing your murder simulation machine, which you allow to be produced for money, which you market out there, you ought to think about it. You ought to think about your own kids.

And, Brian, I am not just talking to you. Colleagues, I am talking to everybody that works for this corporation and every other corporation out there that makes video games. We all have a responsibility as adults. It is not a free ride anymore. We are adults. The responsibility of the future of this country does not belong to our parents anymore. It belongs to us. And before too long, it is going to belong to the generation behind us.

We now have values and principles that we have to stand up for, even when it means that we could get money instead. It is our generation that has the responsibility. And everybody that works for a corporation like this, every chief executive officer in this country that has a video arcade game manufacturing facility or any other type of product that simulates murder, ought to go to the office tomorrow morning and pull it off the shelves. They ought to tell their research and development people, "Do not ever bring another product like that to my desk. Because, if you do, you are going to work for somebody else if you are lucky enough to find a job."

Let us see tomorrow how many executives really carry out what I think is a responsibility incumbent upon them not just as chief executive officers but as concerned parents and as concerned citizens in this country.

I am going to write them all a letter, these names, I am going to write these people letters. I would be happy to copy my colleagues on them. I am going to ask them to do just what I have talked about.

Let us talk about another entertainment company, Xatrix, X-A-T-R-I-X, Entertainment. Now, they are somehow connected with Interplay Entertainment Corporation to produce "You're Going to Die." Here is what Xatrix's mission is:

"Our goal is to create games that are revolutionary, innovative, inspiring, and, most of all, fun to play." That is fair enough. "Truly a development lead organization, Xatrix seeks to customize its titles with new and emerging technologies in an effort to give gamers what they want. As third acceleration of on-line gaming emerged, Xatrix looks at the forefront with an unparalleled game play technology and design. Technological and creative vision has no boundaries." Think of that. This is a corporation saying to you "technological and creative vision has no boundaries, and we intend to push the limits of interactive gaming."

Well, who accepts advertisements? Put ourselves in the mind of a magazine. Who on Earth, if they brought this game to us, which one of my colleagues would be willing, if they owned a magazine or a newspaper, which one of my colleagues sitting on this House floor tonight or any of my colleagues that are listening to me, how many of them would be willing to run an ad for this video game "You're Going to Die," which, as I said earlier, targets specific body parts where they actually get to see the damage done, including exit wounds? How many of you, raise your hands, how many of you would be willing to sell this advertisement to help these people market these murder simulators?

Well, we have got a list and we have got some people that are very, very willing to do it.

Let me read for my colleagues, Imagine Media. This, by the way, is an organization that is willing to take these kind of ads. They are not only willing to take these kind of ads, they are willing to place these ads in the hands of young children throughout this country and they are willing to do it for a buck. That is what is driving it.

Remember, as I said earlier, this is not being driven by good will, obviously. It is not being driven by an intent to educate our children. It is not being driven to simulate somebody how to drive a car better. It is not being driven to show simulation for flying an airplane so they know how to fly a plane better. It is being driven out of greed to make a buck off murder simulation.

And it is done through this magazine. I will hold it up again. "Next Generation," which is published by Imagine Media, Incorporated, in Brisbane, California, I think. It is 150 North Hill Drive.

At any rate, let us get into what they are saying. This is inside the magazine: "Imagine Media is aimed at people who have a passion, a passion for games, for business, for computers, or for the Internet. These are passions we share frequently. Our goal is to feed your passion with the greatest magazine web sites and CD ROMs imaginable. We love to innovate. We love to have fun and we seem to love to say 'passion' a lot. We have a cast iron rule always to deliver spectacular editorial material. That means doing whatever it takes to give you the information you need. That means doing whatever it takes. With any luck, we will even make you smile sometimes. Thanks for joining us.

"Next Generation also has a passion for changing the text that the marketing people give us if it gets in the way of a section that we usually put funny text in. Heck, sometimes it is all that that keeps us going. See above this box for more funny little text."

So what they are saying here is that they have a passion. They have a passion. You do whatever it takes whatever it takes to market this kind of trash. That is exactly what this magazine does.

Now, this magazine, granted, has some other advertisements in it that are not offensive in nature. It would be very easy for this magazine to sell copies off the news stand without putting this on their middle fold-out page. They could do it without this advertisement.

This advertisement that you see right here, this is what this duplicates. This is exactly that ad right here, "You're Going to Die." Now, this one right there, look at it, for greed. For greed. I wonder if the people at Imagine Corporation that print this "Next Generation" magazine, I wonder if they sit down with their families, the editor in chief. And we have got the names here. Let us ask them.

Chris Charla, C-H-A-R-L-A. He is the editor in chief; Sarah Ellerman, managing editor; Tim Russo, senior editor; Jeff Lundgran, review editor; Blake Fischer; Lisa Chido, assistant art director.

I want to know something on the Imagine. That is "Next Generation." I want to ask them a question. Have they sat down with their children as the editor here, Chris, or Sarah as the managing editor. Sarah, have you sat down with your children and showed them that ad? Have you sat down and showed them this particular ad? Have you, Sarah? Have you done it, Sarah?

What have you said to your children, Sarah? "This is how I make money"? "This is how your mother goes out and makes money"? Chris, how about you? Do you sit down with your children and say, hey, "I am your dad. That is what I do for a living right here. I sell it. I sell murder simulators to young kids not much older than you kids"? "And by the way, kids, as soon as we get time, maybe we will go down to the video arcade and play the game that daddy advertises or that mommy advertises."

Come on, colleagues, it is trash. We know doggone right that the people that publish that magazine, that editor and that managing editor whose names I just mentioned, we know darn right their kids do not play these games. We know darn right that they do not talk to their kids in the kind of language that they put in this magazine.

You know why? Because when it comes to their own children, I would guess, I do not know them, I would guess they have pretty strong values. And when it comes to their own children, I would guess they have pretty definite dreams for them. And when it comes to their own children, I bet they are very protective of what those children are exposed to. But when it comes to other people's children, there is a little different interruption that comes in, and it is called "greed."

They do not protect other children. They are not concerned about other children. And they put this right in the middle of their magazine. And not only that, this corporation, which is a different corporation now, puts it on the Internet and allows you to zoom in and see some very graphic, as they say, blood splatters.

Well, how about the corporation that owns this particular magazine? You know what was real interesting that I found out when we went on the web? This is not detective work, by the way. This is information on the web site. I did not have an agency go out and look it up. We pulled it up on the web site very easy.

We found out about Imagine Corporation, the executives. And what really surprised me was the executives listed their family. They listed their family members. For example, the president of the Entertainment Division, Jonathan Simpson-Bint, one of the things in his biography is Jonathan lives in San Francisco with his wife Caroline and their infant son Milo. John, have you sat down and showed Caroline what you advertise? Would you ever in your wildest dreams, in your sickest moments, would you ever sit down with Milo, your son, who I am sure is a beautiful, beautiful young son, a son whom you have big dreams for, would you ever sit down and show this to him?

Answer it for me. Answer the question, Jonathan. You know what? I hope when you do that tomorrow morning you too go to your corporate offices and say, "Pull the ad. We do not need to sell this kind of trash through our magazine to make a buck. We can make plenty of money without reverting to doing these kind of video murder simulation machines to the young people of this country."

And it does not end. We have somebody else, the president of the Business and Computer Division, Mark Gross. Mark Gross says on the web page he is the father of the coolest 8-year-old, the coolest 8-year-old on the planet, and lives with his family in Burlingame.

Can my colleagues imagine a father saying, hey, I have got the coolest 8-year-old on the planet? Now, there is a proud father. There is a father that cares about his kid. There is a father that is beaming with pride. That is when he goes home at night when he is with the family. But when he is at work, this is what they do. This is the kind of stuff they market, not to his children, not to Jonathan's child Milo, but to my children, to the children of my colleagues, to everybody's children in this chamber. That is what these people market.

Tom Balentino. This surprised me. He is the Chief Financial Officer. He makes sure they make money off this. He is the one that does the accounting on this ad.

□ 2145

Remember, I am not complaining about the ad, it is the message in the ad. Let us not be confused in these comments. Do you know how many children he has? Five. He has five of his own children. Why would somebody with five children just endanger a family who has just one child? Just one child. Why would you, if you owned a corporation, feel a necessity to go out there in your magazine and create and allow this kind of advertising, or how could you as a parent go out and produce this kind of game?

How can you sit down with your bright mind while your children are playing in another room, and what kind of sick mind does it take to devise this type of video arcade murder simulation game called "Kingpin, Life of Crime," where you get to pick your gang members, where the video game allows you, and I will repeat it up here, to target specific body parts and actually see the damage done, including the exit wounds. What kind of father or mother could do that? Well, our society has produced some of them.

And Holy Klingel, Holy is the mother of two preschool children. It is either Holy or Holly, I am not sure which. Let us just say it is Holly. Holly, have you done it with your two preschool children? Have you taken them to play this game? Would you let them be exposed to this game? Why do you participate in this? Driven by greed, I guess?

Does anybody want to go out there on the streets today and put in our video arcades this kind of murder simulation game? I think I have gotten my message across pretty clear to you. There are a couple of things that I am going to ask.

First of all, the Internet providers, you have a responsibility. I know we have got the freedom of speech. I am not asking for the creation of a new governmental agency to come down and force you to surrender your freedom of speech.

But I am asking you to exercise responsibility as an adult. Exercise responsibility as a business executive and pull some of this garbage off your Internet sites. You do not need it. You do not need it to pay your bills. You do not need it to make your company well known throughout the country. And for gosh sakes, the children of this country do not need it. Think about the kids.

I will bet a lot of the names I just mentioned to you are soccer parents. I bet a lot of the names of the people that I just mentioned to you talk with pride about the children in the next generation, that we need more schools for them and we need better teachers, et cetera, et cetera, et cetera. Yet in the background, in the background they are the creators and the advertisers and the marketers and the profiteers of this game.

There is one other thing I am going to try and do as a Congressman. I hate to take this down because I want you to see how grotesque it is, but I feel I have a responsibility as well. I was giving some thought to what can I do as a Congressman to help here? How can I help?

One, I think it is important to come to the House floor of the U.S. House of Representatives and pass on this message, which is what I have been doing for the last half an hour or so. Second, I think it is important for me to figure out how to devise some type of action that we can take. I do not want to create more laws. I am not sure that is the answer.

Obviously we need to spend more time in our families. When you get down to it, the bottom line is family. It is not just your family. So these corporate executives that produce this kind of murder simulator ought to have a family responsibility beyond their own family.

But there are other things that we can do, too. Here is what I am going to do on my part. I am going to contact the Consumer Product Safety Commission. Everybody has thought the Consumer Product Safety Commission is about seat belts or child restraint seats or dangerous toys. I think this video arcade game and games similar to it which are murder simulators, are dangerous toys. I am going to ask them for their thoughts on it.

I am going to contact the video game makers, many of whom I have mentioned tonight, and ask them for a voluntary recall. I am also going to contact their board of directors. I am going to contact the video game magazines and ask that they pull all their advertising. They do not need it.

I am going to notify Parent-Teacher Associations and other child advocacy groups and make them aware of these video games. I am going to sit down with every PTA I can. I am going to sit down with every parent organization I can. I am going to sit down with every group that has been formed as a result of the shooting in Littleton, Colorado, and I am going to show them your advertising. And I am going to say it is time for us to take some parental marketing strength to the marketplace.

We need to talk about this. We need to publish the fact that these kind of games are out there, and we need to urge parents, we need to urge every parent in this country in the next few days, not months from now but in the next few days, every father and mother and every grandmother and grandfather in this country should take enough time to go to your local video arcade amusement center and take a look at what kind of games are in that facility. If you do not agree with that, you ought to file a complaint with the owner.

I notice that as I begin to change subjects here, that I have had a colleague of mine join me from the State of Georgia. I am glad the gentleman from Georgia (Mr. KINGSTON) is here. If I might, if the gentleman would not mind, I would be happy to yield to the gentleman for a couple of minutes.

Mr. KINGSTON. I thank the gentleman from Colorado for that. I am a father of four children. Of course our kids like to play video games here and there. So I share your concern and I appreciate your raising this issue with the Members of Congress because it is something that, as you have said, does not necessarily take a new law but we need to raise the awareness about it.

I wanted to ask you, when children buy these games or go into a video arcade where these games are offered as one of the choices, is there any kind of label, any kind of warning the way there is with explicit CD lyrics when you buy, that has the warning? Is there any kind of warning on these?

Mr. McINNIS. There is a label. Mind you that this particular advertisement which I show right here to the gentleman from Georgia is contained within this magazine. This magazine can be bought by anybody. A 5-year-old can buy the magazine. In addition, this particular game is made by Interplay Entertainment Corporation. We pulled it up on the web. So anybody that knows how to use the Internet, and I know kids, 6, 7-year-old kids that can begin to use that, young children, they can pull it up as well.

There is over here in the corner, a little label, a little M, that says mature audience. There is a little warning label right here in the corner. There is absolutely no kind of restriction. This magazine, of course, does not say for mature audiences only. When you get onto the web site, you can access it, so in essence this little warning system means nothing.

But what amazes me, to my good colleague from Georgia, is this game is so grotesque. As I mentioned earlier, it talks about the exit wounds, the body parts, splattering of blood. It is so grotesque, we should not be asking the question to the manufacturer, "Is it better if we put a warning label on it?" We ought to say to the manufacturer, "Don't you have your own family? Don't you have your own kids? Would you take this game home tonight?"

My bet, as the gentleman from Georgia knows, is I will bet there is not one executive associated with any of these corporations that has this game at home for their video arcade for their own children.

Mr. KINGSTON. I have had actually some of these action items which you had listed, I have done on explicit CD lyrics, and basically from the large vendors gotten the shoulder shrug. "Your kids don't have to listen to it. We have lots of people. Your kids don't have to play it."

If following your action items a parent wants to write the manufacturer and ask the question, do you feel proud making this, do you feel good about 13-year-olds who are on the edge, high risk kids who are left alone for hours as Klebold and Harris were doing, they played these type games, not necessarily this game but they played violent video games for hours, as I have read the news reports. If parents want to do that, how can they get the address? I know that the manufacturer's name is listed on there, but how do they get the address on who to write the letter to?

Mr. McINNIS. That is a good question. The first thing on the awareness level, and I agree with the gentleman from Georgia and I appreciate his points. I think that just the gentleman and I talking on the House floor to these manufacturers and asking them to stop production of these gruesome murder simulators will not work because I think they will just disregard us. But what will work on the awareness level is for parents to actually physically go into these arcade amusement centers.

We can urge people, anybody who has a child or anybody that knows a child, cares about children, should in the next 3 or 4 days make it a point to go into a video arcade amusement center and see what kind of games are being played in your neighborhood center. And then what they should do is go to the owner of that store, of that arcade facility and say, "That game doesn't belong in our community. That game doesn't belong in this store. You ought to send it back."

In the meantime, I can tell you, I do not want this magazine to have more sales, at least with the kind of advertising. Mind you, there is some advertising in this magazine to me that seems very legitimate, that is fine advertising. I would not use the products, but it is not a death message in there that they are selling.

But this magazine, Next Generation, you can go to any store, I would guess, any large magazine store, and you will find these magazines on the racks, video game on the racks. Simply pull it up, look for an ad, if you see an ad on this kind of game, "You're Gonna Die," it is very easy, pull it up on the web. It also has addresses in there and addresses of the magazine.

On top of this, you have got the name of the corporations in the bottom of this ad and they have a web site there, www.interplay.com, king in corpse. Notice the web site, king in corpse. That is their web site. Sick web site. Nonetheless, it has addresses for the corporation.

But to my colleague, I think the best thing for us to do for awareness is urge parents just in the next few days, go down to the video store and take a look for yourself. Do not take our word for it, take a look for yourself. If you are offended as I am by these games, tell the local proprietor about that.

Mr. KINGSTON. Or as you pointed out that web site, and you might want to read it again, if people have the Internet, to call up the web site and that would maybe be the starting point in the search.

But when you are talking about the sponsors of the Next Generation magazine, even if somebody is legitimately selling tennis shoes, which is certainly an innocuous and a healthy product, they still are sponsoring this magazine. This magazine could not get in the hands of 12-year-olds without that tennis shoe commercial.

One of the things that I have always advocated to people is you have a lot of power through the voting booth but you have a lot more power every day at the cash register. If you write a letter to XYZ Widgets and say, "I'm going to quit buying your product because of who you support through your advertising," they are going to respond to that if they get enough letters.

Here we are right now in a society that is trying to come to grips with this terrible Columbine High School situation. We are looking for things. This is not going to solve it by itself, but is this a piece of the puzzle? I would say that it is a piece. It is part of the toxin that our children have to live, breathe and eat and sleep and be exposed to in one form or the other.

And is this healthy as an influence on your child? Will this bring your child better to a healthy, normal type life-style or will it take him away from it? Then if you say, "Oh, I'm not worried about it," well, how many hours are you comfortable with them playing the "You're Gonna Die" video? Do you want your kid playing it 1 hour, 2 hours, 3 hours, 5 hours a day? As parents we have to ask ourselves these questions. And will exposure to this move your kid along in the right direction that you want him or her to be moving in? Probably not. That is why we have to be very aware of all the things that are after our children's minds and their souls.

Mr. MCINNIS. As the gentleman from Georgia knows, these young people can be impressed so easily. The mind impressions. There are a lot of studies that have been done to see what kind of impact these kind of things have. We know they have an impact. Just the same as this simulator has an impact for a pilot that is learning how to fly.

Your question was about urging the letters. My reluctance tonight to give addresses for, for example, Interplay Entertainment Corporation, which is very easy to find on the web and so on, my reluctance in giving addresses is if a lot of letters do not go there, I do not want these corporations to think people do not care.

That is why I have decided to take the route of urging every parent, I hope some people are watching this evening that have children or know children or care about children, or a local PTA or a local school association or the local teachers' union or teachers association. Go yourselves to that video arcade store and see what is happening.

I was mesmerized the other day when I went in and I saw this video game. There was a kid there, I could not believe how fast that finger was going. He has got two guns and he is shooting like this in this video arcade, and the people are blowing up, blood all over the video screen and things like that. The way that kid was moving that and even going like this, across, it amazed me. That is what is going on in that mind. That kid is not out playing football or baseball.

By the way, the community where this is has wonderful recreational facilities for their young children. It is not like this kid had no other choice. But I hope to get some parents into these video arcade stores and they are saying, "Hey, my kid's not coming in here."

The question that should be asked, as the gentleman from Georgia brought up, I think the standard here of every chief executive officer in this country, every chief executive officer in this country, before he or she approves this kind of product, they ought to ask, "Am I willing to take it home for my children?" Instead of asking, "Is it going to make us a buck?" is it going to drive the greed of this corporation, the question that should be really asked is, "Would I show it to my own children? Would I let my children or my grandchildren play this game? Would I want them exposed to this?"

□ 2200

As my colleague knows, it is just not the Littleton disaster, as he pointed out. Every day we have shootings or violent incidences, not just shooting, but violent incidents in this country. This cannot help but play a part, but my colleague said it all comes back to the core of the family, family responsibility, corporate responsibility.

Mr. KINGSTON. I get very concerned when you raise an issue like this, that people say, well, as my colleague knows, this is a First Amendment. But my colleague has touched on it, that we are not trying to pass a new law, we are not trying to amend the First Amendment at all. We are saying, "You know what? This is out there, and it's going to be out there, but bombarding children with it, particularly high-risk children who already maybe have trouble in their home, emotional trouble at school, drug problems, alcohol problems that are already after their minds and after their hearts; then this comes along. And, as my colleague says, instead of going out there playing soccer or football with kids where they experience interaction and teamwork and sportsmanship and so forth, they are holed up in some dark little room in the house, and they are just poking away at the keyboard or on the joy stick, and I also think one of the things is we lose a lot of our generational imparting knowledge because these kids become such, and I do not know if we have a word for it yet, but it is cyber introverts, where they can compete, communicate in cyberspace on the Internet or with high-tech video, but they cannot talk to their fellow human beings any more.

Mr. MCINNIS. Well, it is cyber youth, and I want to let my colleagues out here know, because you are listening to the gentleman from Georgia (Mr. KINGSTON) and myself, we are fathers. We have had some experience. We both have children, and our wives have children, and I mean share that same kind of experience. So we are not speaking as novices.

And so I think my colleague's points are very valid, and I do want to say that in the last hour, as my colleagues know, we have been talking about this horrible video game which I call a murder simulator, but I do not want it to cast too black a cloud because we should all remember that in this country we have a lot of things going right with our young people. We have a lot of parents who do care. Most of the parents in this country would never let their children play this game. Most parents in this country, because they love their children, would never let this in their facility. Most schools in this country would never let this be played. Unfortunately, a lot of businesses and many video arcades might, but there is so much more goes right with our children than goes wrong. When we find something that goes wrong, we still need to work on it, but there is a lot more that goes right.

So I yield to my colleague to wrap up, but I do appreciate the gentleman coming over. I think we both share the view, obviously we share the same viewpoint, and I hope we have done some good with awareness.

Mr. KINGSTON. I thank the gentleman from Colorado (Mr. MCINNIS) because as a father he is doing the right thing, as a representative from Colorado that has all the eyes on us. As my colleagues know, we are trying to put these puzzle pieces together, and I do think that exposure to this, excessive exposure to unnecessarily violent video games, certainly is something that we should talk about, and as my colleagues know, as a father of a 16, 13, 10 and 8 year old, I am glad that there are people like the gentleman from Colorado (Mr. MCINNIS) who is bringing this out because frankly I do not know about all this, and we parents have to talk and see what our kids are up against and be more alert.

And, as my colleague knows, what we do is we raise our antenna a little bit higher and a little bit different direction, and then we, as parents, as my colleagues know, are watching out. But I think the gentleman's action plan is a sound one, and we might want to look at that one more time, but to contact the Consumer Product Safety Commission, contact the video game manufacturers and makers, ask for a voluntary recall, contact the Video Game Magazine and ask them if they will pull all their advertising, notify the parent-teacher associations and other child advocacy groups, and my colleague said there are a lot of groups that have sprung up as a result of Littleton, and they should be looking at this, and then find others games that could desensitize children to violence.

And I know the story of one little girl who was crying one time when she watched the evening news, and she did not get to watch much TV at home, and she said, "You know, I know when there's a TV show where somebody is murdered that it is just a TV show, but this was the evening news, and, Daddy, there was a mommy who killed her little girl, and it was real life," and the little girl telling me the story was in tears because she had not been desensitized, and when you think about a mother killing her own daughter, it should bring tears to all of us. As my colleagues know, big and small, that this is a real situation, and so often we blend okay because it happens a lot on violent TV or on violent video. It desensitizes us to real life, but when you see somebody who has not been desensitized, how they react to life is totally different.

Mr. McINNIS. As my colleague knows, on this particular video game, You're Going to Die, when you kill somebody on this video simulator, it puts points on the board. You score. You get a positive reaction from the game. You win. A little light goes on, here is the score. The more you kill, the more points you put on the scoreboard.

Mr. KINGSTON. Unfortunately for young children, high-risk victims and perpetrators of Columbine, Harris and Klebold, there is no reset button. Once you did it, it is forever.

Mr. McINNIS. Reclaiming my time, I do thank the gentleman very much, and as I said, to conclude this evening, there is a lot that has gone right with our young people, and we have millions of kids that go to schools every day, and we do not have these kinds of incidents that occur, and we do not have gang killings in every community every day of the week, but we do have some problems out there.

So we have tried to do our part, and I ask you to do your part.

In conclusion, I would ask that each and every one of you in the next three or four days commit to your spouse, commit to your children, that you as an adult will go to your video arcade amusement center, just walk through and see what kind of games you think those young people should be exposed to.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). The Chair would remind all Members that remarks in debate should be addressed to the Chair and not to the viewing audience.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. UDALL of Colorado) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mrs. MALONEY of New York, for 5 minutes, today.

Mr. KIND, for 5 minutes, today.

(The following Members (at the request of Mr. CALVERT) to revise and extend their remarks and include extraneous material:)

Mr. EHRLICH, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, on May 26th.

Mr. PAUL, for 5 minutes, today.

Mr. CUNNINGHAM, for 5 minutes, today.

BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, a bill of the House of the following title:

On May 18, 1999:

H.R. 669. An act to amend the Peace Corps Act to authorize appropriations for fiscal years 2000 through 2003 to carry out that Act, and for other purposes.

ADJOURNMENT

Mr. KINGSTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 7 minutes p.m.), the House adjourned until tomorrow, Thursday, May 20, 1999, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2206. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Commuted Traveltime Periods: Overtime Services Relating to Imports and Exports [Docket No. 99-022-1] received May 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2207. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Fludioxonil; Pesticide Tolerance for Emergency Exemption [OPP-300832; FRL-6073-1] (RIN: 2070-AB78) received April 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2208. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Diflubenzuron; Pesticide Tolerances [OPP-300844; FRL-6075-4] (RIN: 2070-AB78) received April 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

. 2209. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clofentezine; Pesticide Tolerance [OPP-300843; FRL-6075-6] (RIN: 2070-AB78) received April 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2210. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Emamectin Benzoate; Pesticide Tolerance [OPP-300856; FRL-6079-7] (RIN: 2070-AB78) received May 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2211. A letter from the Managing Director, Federal Housing Finance Board, transmitting the Board's final rule—Amendment of Affordable Housing Program Regulation [No. 99-25] (RIN: 3069-AA-73) received May 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

2212. A letter from the Managing Director, Federal Housing Finance Board, transmitting the Board's final rule—Amendment of Affordable Housing Program Regulation [No. 99-26] (RIN: 3069-AA82) received May 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

2213. A letter from the Acting Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Integration of Environment, Safety and Health into Facility Disposition Activities—received May 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2214. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants Allegheny County, PA; Removal of Final Rule Pertaining to the Control of Landfill Gas Emissions from Existing Municipal Solid Waste Landfills [PA107-4066a; FRL-6111-8] received April 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2215. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans: Oregon [OR 48-1-7263a; FRL-6127-4] received April 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2216. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality State Implementation Plans, Texas; Recodification of, and Revisions to the State Implementation Plan; Chapter 114 [TX98-1-7386; FRL-6117-3] received April 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2217. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; Sacramento Metropolitan Air Quality Management District (SMAQMD), Mojave Desert Air Quality Management District (MDAQMD), and the Ventura County Air Pollution Control District (VCAPCD) as revisions to the California State Implementation Plan (SIP) [CA 164-0112a; FRL-6324-8] received April 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2218. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; North Carolina; Revised Format for Materials Being Incorporated by Reference [NC-9915; FRL-6335-8] received May 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2219. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans; Wyoming [WY-001-0002a and WY-001-0003a; FRL-6344-2] received May 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2220. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants for Ferralloys Production: Ferromanganese and Silicomanganese [IL-64-2-5807; FRL-6345-7] (RIN: 2060-AF29) received May 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2221. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants for Source Categories; National Emission Standards for Hazardous Air Pollutants for Mineral Wool Production [FRL-6345-4] (RIN: 2060-AE08) received May 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2222. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Georgia; Revised Format for Materials Being Incorporated by Reference [GA-9915; FRL-6335-9] received May 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2223. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Identification of Additional Ozone Areas Attaining the 1-Hour Standard and to Which the 1-Hour Standard is No Longer Applicable [FRL-6344-4] received May 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2224. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants for Polyether Polyols Production [FRL-6344-7] (RIN: 2060-AE-86) received May 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2225. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval of State Operating Permit Rule Revision; New Jersey [NJ002; FRL-6333-8] received April 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2226. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers [Docket No. 98F-0130] received May 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2227. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

2228. A letter from the Director, Division of Policy, Planning and Program Development, Department of Labor, transmitting the Department's final rule—Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors Regarding Special Disabled Veterans and Vietnam Era Veterans; OMB Control Numbers for OFCCP Information Collection Requirements—received May 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

2229. A letter from the Director, Office of Insurance Programs, Office of Personnel Management, transmitting the Office's final rule—Federal Employees' Group Life Insurance Program: New Premiums (RIN: 3206-AI54) received May 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

2230. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Prevailing Rate Systems; Change in Survey Cycle for the Southwestern Michigan Appropriated Fund Wage Area (RIN: 3206-AI68) received May 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

2231. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—West Virginia Regulatory Program [WV-077-FOR] received May 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2232. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Texas Regulatory Program [SPATS No. TX-045-FOR] received April 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2233. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Virginia Regulatory Program [VA-110-FOR] received April 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2234. A letter from the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States and in the Western Pacific; Western Pacific Bottomfish Fishery; Amendment 5 [Docket No. 981204297-9091-02; I.D. 110698B] (RIN: 0648-AK21) received May 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2235. A letter from the Assistant Secretary for Fish and Wildlife and Parks, National Park Service, transmitting the Service's final rule—Kaloko-Honokohau National Historical Park, Hawaii; Public Nudity (RIN: 1024-AC66) received May 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2236. A letter from the Chief, Operations Division, Directorate of Civil Works, Corps of Engineers, Department of the Army, transmitting the Department's final rule—Final Rule Establishing an Administrative Appeal Process for the Regulatory Program of the Corps of Engineers—received May 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2237. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Hallock, MN [Airspace Docket No. 99-AGL-5] received May 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2238. A letter from the Program Support Specialist Aircraft Certification Service, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Alexander Schleicher Segelflugzeugbau Model ASH 26E Sailplanes [Docket No. 98-CE-98-AD; Amendment 39-11142; AD 99-09-09] (RIN: 2120-AA64) received May 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2239. A letter from the Program Support Specialist Aircraft Certification Service, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France (Eurocopter) Model SE 3130, SE 313B, SA 3180, SA 318B, and SA 318C Helicopters [Docket No. 98-SW-54-AD; Amendment 39-11150; AD 99-09-16] (RIN: 2120-AA64) received May 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2240. A letter from the Program Support Specialist Aircraft Certification Service, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD-11 Series Airplanes [Docket No. 99-NM-87-AD; Amendment 39-11138; AD 99-08-51] (RIN: 2120-AA64) received May 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2241. A letter from the Chief, Regs and Admin Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations; Charleston to Bermuda Sailboat Race, Charleston, SC [CGD07-99-024] (RIN: 2115-AE46) received May 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2242. A letter from the Chief, Regs and Admin Law, USCG, Department of Transportation, transmitting the Department's final rule—Waiver application; tank vessel; reduction of gross tonnage [USCG-1999-5451] received May 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2243. A letter from the Chief, Regs and Admin Law, USCG, Department of Transportation, transmitting the Department's final rule—Oil Pollution Act of 1990 (OPA 90) Phase-out Requirements for Single Hull

Tank Vessels [USCG–1998–4620] received May 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2244. A letter from the Program Analyst Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directive; Raytheon Aircraft Company Beech Models A36, B36, TC, 58, 58A, C90A, B200, B300, and 1900D Airplanes [Docket No. 99–CE–11–AD; Amendment 39–11148; AD 99–09–15] (RIN: 2120–AA64) received May 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2245. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29543; Amdt. No. 1926] received May 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2246. A letter from the Attorney, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Alternative Means of Compliance for the Pilot-In-Command Night Takeoff and Landing Recent Flight Experience Requirements [Docket No. FAA–1999–5584; Amendment No. 61–106] (RIN: 2120–AG77) received May 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2247. A letter from the Deputy Director, National Institute of Standards and Technology, Department of Commerce, transmitting the Department's final rule—Professional Research Experience Program (PREP) (RIN: 0693–ZA29) received May 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

2248. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Equitable Relief from Joint and Several Liability [Notice 99–29] received May 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2249. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Low-Income Housing Tax Credit—1999 Possessions Population Figures [Notice 99–22] received May 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2250. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Start-up Expenditures [Rev. Rul. 99–23] received May 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2251. A letter from the Railroad Retirement Board, transmitting the Board's justification of budget estimates for fiscal year 2000, pursuant to 45 U.S.C. 231f; jointly to the Committees on Appropriations, Transportation and Infrastructure, and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. REYNOLDS: Committee on rules. House Resolution 179. Resolution providing for the consideration of the Senate amendment to the bill (H.R. 4) to declare it to be the policy of the United States to deploy a national missile defense (Rept. 106–150). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 180. Resolution providing for consideration of the bill (H.R. 883) to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands (Rept. 106–151). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BLILEY (for himself, Mr. Dingell, Mr. Tauzin, Mr. Markey, Mr. Oxley, and Mr. Towns):

H.R. 1858. A bill to promote electronic commerce through improved access for consumers to electronic databases, including securities market information databases; to the Committee on Commerce.

By Mr. CAMP:

H.R. 1859. A bill to require the United States Postal Service to submit certain reports to Congress before implementing the next rate increase for first-class postage, and to provide certain procedures regarding the use and sale of postage stamps during the initial period of such rate increase; to the Committee on Government Reform.

By Mrs. CHRISTENSEN (for herself, Mrs. Jones of Ohio, Mr. Rush, Ms. Eddie Bernice Johnson of Texas, Mr. Clyburn, Mr. Wynn, Mr. Thompson of Mississippi, Ms. Kilpatrick, Mrs. Meek of Florida, Mr. Menendez, Mrs. Clayton, Ms. Carson, Ms. Millender-McDonald, Mr. Watt of North Carolina, Mr. Jefferson, Ms. Lee, Mr. Bishop, Mr. Owens, Mr. Hilliard, Mr. Payne, Mr. Davis of Illinois, Ms. Norton, Mr. Meeks of New York, Ms. Brown of Florida, Mr. Scott, Mr. Fattah, Mr. Clay, Mr. Lewis of Georgia, Ms. Jackson-Lee of Texas, Mr. Towns, Mr. Cummings, Ms. Waters, Ms. McKinney, Mr. Dixon, Mr. Conyers, Mr. Hastings of Florida, Mr. Jackson of Illinois, Mr. Ford, and Mr. Rangel):

H.R. 1860. A bill to require managed care organizations to contract with providers in medically underserved areas, and for other purposes; to the Committee on Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COLLINS (for himself and Ms. Dunn):

H.R. 1861. A bill to amend the Internal Revenue Code of 1986 to increase the deductibility of business meal expenses for individuals subject to Federal hours of service; to the Committee on Ways and Means.

By Mr. CONYERS (for himself, Mr. Hoeffel, and Mr. Udall of New Mexico):

H.R. 1862. A bill to combat nursing home fraud and abuse, increase protections for victims of telemarketing fraud, enhance safeguards for pension plans and health care benefit programs, and enhance penalties for crimes against seniors, and for other purposes; to the Committee on the Judiciary.

By Ms. DUNN (for herself, Mr. Tanner, Mr. Herger, and Mr. Matsui):

H.R. 1863. A bill to amend the Internal Revenue Code of 1986 to modify the treatment of bonds issued to acquire renewable resources on land subject to conservation easement; to the Committee on Ways and Means.

By Mr. HANSEN:

H.R. 1864. A bill to standardize the process for conducting public hearings for Federal agencies within the Department of the Interior; to the Committee on Resources.

By Mr. HORN:

H.R. 1865. A bill to authorize the Secretary of Transportation to make grants for the construction of an addition to the American Merchant Marine Memorial Wall of Honor located in San Pedro, California; to the Committee on Transportation and Infrastructure.

By Mr. HANSEN:

H.R. 1866. A bill to provide a process for the public to appeal certain decisions made by the National Park Service and by the United States Fish and Wildlife Service; to the Committee on Resources.

By Mr. HUTCHINSON (for himself, Mr. Hill of Indiana, Mr. Hulshof, Mr. Brady of Texas, Mr. Moran of Kansas, Mr. Petri, Mr. English, Mr. Bachus, and Mr. Cook):

H.R. 1867. A bill to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office, and for other purposes; to the Committee on House Administration.

By Mr. JOHN (for himself, Mr. Holden, Mr. Shows, Mr. Thompson of California, Mr. Phelps, Mr. Boyd, Mr. Turner, Mr. Frost, Mrs. Clayton, Mr. Hill of Indiana, Mrs. Thurman, Mr. Thompson of Mississippi, Ms. Hooley of Oregon, Mr. Berry, Mr. McIntyre, Mr. Gordon, Mr. Jefferson, Mr. Etheridge, Mr. Lucas of Kentucky, Mr. Bishop, Mr. Stupak, Mr. Cramer, and Mr. Boucher):

H.R. 1868. A bill to provide for a rural education development initiative, and for other purposes; to the Committee on Education and the Workforce.

By Mrs. KELLY (for herself, Mr. Royce, Mrs. Johnson of Connecticut, Mr. Frost, Ms. Granger, Mr. Horn, Mr. Gilman, Mr. English, Mr. Underwood, Mr. Green of Wisconsin, Mr. McKeon, Mrs. Jones of Ohio, Mr. Franks of New Jersey, Mrs. Myrick, Mr. Gary Miller of California, Mr. McNulty, Mrs. Morella, Mr. Lucas of Oklahoma, Ms. Berkley, Ms. Ros-Lehtinen, and Mr. Condit):

H.R. 1869. A bill to amend title 18, United States Code, to expand the prohibition on stalking, and for other purposes; to the Committee on the Judiciary.

By Mr. LARSON (for himself and Mr. Weldon of Pennsylvania):

H.R. 1870. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for contributions to a volunteer firefighter savings account; to the Committee on Ways and Means.

By Ms. LOFGREN:

H.R. 1871. A bill to amend the Immigration and Nationality Act to make permanent the special immigrant religious worker program; to the Committee on the Judiciary.

By Mr. MORAN of Kansas (for himself, Mr. Hinchey, Mr. Terry, and Mr. Barcia):

H.R. 1872. A bill to direct the Secretary of Transportation to establish a program to designate as an Interstate Oasis certain facilities near the interstate highway system; to the Committee on Transportation and Infrastructure.

By Mr. SCARBOROUGH:

H.R. 1873. A bill to amend the Internal Revenue Code of 1986 to increase the maximum taxable income for the 15 percent rate bracket; to the Committee on Ways and Means.

By Mr. SCHAFFER (for himself, Mr. McInnis, Mr. Shows, Mr. Watts of Oklahoma, Mr. Dickey, Mr. Sessions, Mrs. Chenoweth, Mr. Terry, Mr. Hansen, Mr. Hastings of Washington, Mr. Nethercutt, Mr. Hill of Montana, Mr. Hayes, Mr. Doolittle, Mr. Watkins, Mr. Istook, Mr. Lewis of Kentucky, Mr. Rahall, Mr. Hostettler, Mrs. Cubin, Mr. Burton of Indiana, Mr. Pickering, Mr. Chambliss, Mr. Ewing, Mr. Davis of Illinois, Mr. Goode, and Mr. Green of Wisconsin):

H.R. 1874. A bill to amend the Internal Revenue Code of 1986 to increase the maximum amount of wages that a farmer can pay for agricultural labor without being subject to the Federal unemployment tax on that labor to reflect inflation since the unemployment tax was first established, and to provide for an annual inflation adjustment in such maximum amount of wages; to the Committee on Ways and Means.

By Mr. GOODLATTE (for himself, Mr. Boucher, Mr. Bryant, Mr. Moran of Virginia, Mr. DeLay, Mr. Armey, Mr. Hyde, Mr. Sensenbrenner, Mr. McCollum, Mr. Gekas, Mr. Smith of Texas, Mr. Gallegly, Mr. Canady of Florida, Mr. Chabot, Mr. Barr of Georgia, Mr. Hutchinson, Mr. Cannon, Mr. Rogan, Mrs. Bono, Mr. Bliley, Mr. Cox, Mr. Cramer, Mr. Dreier, Mr. Goode, Mr. Holden, Mr. John, Mrs. Johnson of Connecticut, Mr. Linder, Mr. Oxley, Mr. Stenholm, Mr. Sununu, and Mr. Upton):

H.R. 1875. A bill to amend title 28, United States Code, to allow the application of the principles of Federal diversity jurisdiction to interstate class actions; to the Committee on the Judiciary.

By Mr. TALENT (for himself and Ms. Danner):

H.R. 1876. A bill to amend the Clean Air Act to incorporate certain provisions of the transportation conformity regulations, as in effect on March 1, 1999; to the Committee on Commerce.

By Mrs. THURMAN (for herself, Mr. Crane, Ms. Pelosi, and Mr. Levin):

H.R. 1877. A bill to amend the Harmonized Tariff Schedule of the United States to provide for duty-free treatment of personal effects of participants in certain world athletic events; to the Committee on Ways and Means.

By Mr. GREEN of Wisconsin (for himself, Mr. Farr of California, Ms. Lee, and Mrs. Mink of Hawaii):

H. Res. 181. A resolution condemning the kidnapping and murder by the Revolutionary Armed Forces of Colombia (FARC) of 3 United States citizens, Ingrid Washinawatok, Terence Freitas, and Lahe'ena'e Gay; to the Committee on International Relations.

By Mr. HANSEN:

H. Res. 182. A resolution expressing the sense of the House of Representatives that the National Park Service should take full advantage of support services offered by the Department of Defense; to the Committee on Resources.

By Mr. SANFORD (for himself, Mr. Goode, Mr. Hefley, Mr. Saxton, Mr. Lampson, Mr. McInnis, Mr. Cunningham, Mr. DeLay, Mr. McGovern, Mr. Doyle, and Mr. Gilchrest):

H. Res. 183. A resolution expressing the sense of the House of Representatives regarding the settlement of claims of citizens of the United States against the Government of Germany with respect to the deaths of members of the United States Air Force resulting from the collision off the coast of Namibia of a German Luftwaffe aircraft with a United States Air Force aircraft on September 13, 1997; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. LEE:

H.R. 1878. A bill for the relief of Geert Bozen; to the Committee on the Judiciary.

By Mr. PORTER:

H.R. 1879. A bill for the relief of Edwardo Reyes and Dianelita Reyes; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 73; Mr. Metcalf, Mr. Manzullo, Mr. Packard, and Mr. Hastings of Washington.

H.R. 116; Mr. Engel.

H.R. 125; Mr. Clyburn.

H.R. 141; Mr. LaTourette.

H.R. 206; Ms. Jackson-Lee of Texas.

H.R. 216; Mr. Chambliss.

H.R. 271; Mr. McDermott.

H.R. 274; Mr. Hall of Ohio, Mr. Berman, Ms. Lofgren, Mrs. McCarthy of New York, Ms. Brown of Florida, Mr. Weygand, Mrs. Johnson of Connecticut, Mr. Vento Mrs. Napolitano, Mr. Mollohan, Mr. Filner, Mr. McHugh, Mr. Lewis of Georgia, Mr. Quinn, Ms. Pryce of Ohio,and Mr. Hastings of Florida.

H.R. 306; Mr. Berman and Ms. Granger.

H.R. 348; Mr. Skelton.

H.R. 351; Mr. Hill of Indiana.

H.R. 352; Mr. Cramer, Mr. Tauzin Mr. DeFazio, Mr. Maloney of Connecticut, and Mr. Green of Wisconsin.

H.R. 353: Mr. Moore, Mr. Hoeffel, Mr. Condit, Mr. Peterson of Minnesota, Ms. Woolsey, Mr. Kanjorski, Mr. Gonzalez, Mr. Stark, Mr. Rahall, Mr. Moran of Virginia, and Ms. Lofgren.

H.R. 355: Mr. Wu.

H.R. 357: Mr. Udall of New Mexico.

H.R. 372: Mrs. Maloney of New York, Mr. Bonior, and Mrs. Lowey.

H.R. 405: Ms. Velázquez, Mr. Moakley, Mr. Jenkins, Mr. Quinn, Mr. Capuano, Mr. Lucas of Kentucky, and Mr. McGovern.

H.R. 406: Mr. Lucas of Kentucky.

H.R. 410: Mr. Blumenauer and Mrs. Lowey.

H.R. 413: Ms. Brown of Florida, Mr. Hilliard, Mr. Towns, Mr. Thompson of California, Mr. Owens, Mr. Frost, Mr. Hastings of Florida, Mr. Payne, Mr. Neal of Massachusetts, Mrs. Mink of Hawaii, Mr. Lucas of Oklahoma, Ms. Millender-McDonald, Mr. Hinojosa, Ms. Roybal-Allard, Mr. Rangel, Mr. Watts of Oklahoma, Mr. Sherman, and Mr. Moore.

H.R. 461: Mr. Baker.

H.R. 483: Mr. Davis of Florida.

H.R. 486: Mr. Conyers, Mr. Hutchinson, Mr. Filner, Mr. Isakson, Mr. Ryun of Kansas, Mr. Lucas of Oklahoma, Ms. Eshoo, Mr. Hoeffel, and Mr. Hastings of Washington.

H.R. 534: Ms. Baldwin.

H.R. 567: Mr. Thompson of Mississippi, Mr. Lipinski, and Ms. Schakowsky.

H.R. 632: Mr. Thompson of Mississippi, Mr. Isakson, Mr. Burr of North Carolina, and Ms. Danner.

H.R. 642. Ms. Eshoo, Mr. Jackson of Illinois, Mrs. Napolitano, Mr. Clay, Mrs. Bono, Mr. Filner, Mr. Hastings of Florida, Mrs. Capps, Ms. Sanchez, Mr. Cummings, Mr. Cox, Ms. Waters, Mr. Thompson of California, Mr. Lewis of California, Mr. Gallegly, Mr. Owens, Mr. Hilliard, Ms. McKinney, Mr. Brown of California, Mr. Lantos, Mr. Radanovich, Mr. Thomas, Mr. Dreier, Mr. Packard, Mr. Rohrabacher, Mr. Royce, Mr. Gary Miller of California, and Mr. Ose.

H.R. 643: Ms. Eshoo, Mr. Jackson of Illinois, Mrs. Napolitano, Mr. Clay, Mrs. Bono, Mr. Filner, Mr. Hastings of Florida, Mrs. Capps, Ms. Sanchez, Mr. Cummings, Mr. Cox, Ms. Waters, Mr. Thompson of California, Mr. Lewis of California, Mr. Gallegly, Mr. Owens, Mr. Hilliard, Ms. McKinney, Mr. Brown of California, Mr. Lantos, Mr. Radanovich, Mr. Thomas, Mr. Dreier, Mr. Packard, Mr. Rohrabacher, Mr. Royce, Mr. Gary Miller of California, and Mr. Ose.

H.R. 668: Mr. Smith of Washington.

H.R. 670: Mr. Jackson of Illinois, Mr. Wamp, Mr. Hefley, and Mr. Pickering.

H.R. 709: Mr. Shows and Mrs. Clayton.

H.R. 749: Mr. Schaffer.

H.R. 776: Ms. Sanchez and Mr. Shows.

H.R. 804: Mr. Quinn and Mr. Hinojosa.

H.R. 827: Mr. Frank of Massachusetts, Mr. Payne, Mr. Pickett, and Mr. Rothman.

H.R. 828: Mr. Wu and Mr. Kennedy of Rhode Island.

H.R. 852: Mr. Shimkus, Mr. Thune, Mr. Hobson, Mr. Weller, Mr. Green of Wisconsin, Mr. McHugh, and Mr. Gutierrez.

H.R. 870: Mr. Coble.

H.R. 875: Ms. Pelosi, Ms. Waters, Ms. Jackson-Lee of Texas, Ms. Millender-McDonald, Mr. Lewis of Georgia, and Mr. Clay.

H.R. 881: Mrs. Northup and Mr. Schaffer.

H.R. 987: Mr. Riley, Mr. Hastings of Washington, Mr. Lucas of Oklahoma, Mr. Oxley, Mr. Gutknecht, and Mr. Manzullo.

H.R. 997: Mr. Castle and Mr. Hastings of Florida.

H.R. 1006: Mr. Shaw.

H.R. 1053: Mr. Watt of North Carolina.

H.R. 1063: Mr. Sabo and Mr. Nadler.

H.R. 1083: Mr. Boyd and Mr. Deal of Georgia.

H.R. 1102: Mr. Thomas, Mrs. Thurman, Mr. Sawyer, Mr. Ney, Mr. Foley, and Mr. Doyle.

H.R. 1109: Mr. Thompson of Mississippi.

H.R. 1111: Ms. Danner.

H.R. 1127: Mr. English and Mr. Wicker.

H.R. 1130: Mr. LaFalce, Mr. Maloney of Connecticut, Ms. Norton, and Ms. Roybal-Allard.

H.R. 1154: Mr. Weldon of Pennsylvania and Mr. Weygand.

H.R. 1180: Mrs. Cubin, Mr. LaFalce, and Mr. Pickett.

H.R. 1195: Mr. Rahall, Mr. McNulty, Mr. Weldon of Florida, Mr. Jefferson, Mr. McCollum, Ms. Pryce of Ohio, and Mr. Hutchinson.

HR. 1217: Mr. LoBiondo, Mrs. Maloney of New York, Mr. Hill of Indiana, Ms. Lee, Mr. Sanford, Mr. Menendez, Mr. Klink, Mr. Wu, Mr. Faleomavaega, and Mr. Borski.

H.R. 1227: Mr. Phelps.

H.R. 1238: Mr. Luther, Mr. Lewis of Georgia, and Ms. Millender-McDonald.

H.R. 1239: Ms. Baldwin, Mr. Crowley, Ms. Slaughter, Mr. Larson, Mr. LaTourette, Mr. Davis of Illinois, and Mrs. Jones of Ohio.

H.R. 1256: Mr. COX, Mr. SHADEGG, and Mr. EHRLICH.

H.R. 1260: Mr. WELDON of Pennsylvania, Mr. UNDERWOOD, and Ms. HOOLEY of Oregon.

H.R. 1272: Mr. LATHAM and Mr. LOBIONDO.

H.R. 1300: Mr. CLAY, Mr. FRELINGHUYSEN, Mr. BACHUS, and Mr. DICKS.

H.R. 1304: Mr. LUCAS of Oklahoma, Mr. WELDON of Florida, Mr. BARTON of Texas, Ms. PELOSI, Mrs. TAUSCHER, Mr. MANZULLO, Ms. HOOLEY of Oregon, Mr. FARR of California, Mr. WEINER, Ms. STABENOW, Mr. FORD, Mr. THOMPSON of California, and Mr. MALONEY of Connecticut.

H.R. 1325: Mr. MATSUI, Mrs. THURMAN, Mr. WATKINS, Mr. ENGLISH, and Mr. MCNULTY.

H.R. 1349: Mr. MILLER of Florida.

H.R. 1350: Ms. HOOLEY of Oregon.

H.R. 1354: Mr. GONZALEZ.

H.R. 1355: Mrs. JONES of Ohio.

H.R. 1402: Mr. SMITH of Washington, Mr. SPENCE, Ms. HOOLEY of Oregon, Mr. SIMPSON, Mr. YOUNG of Alaska, Mr. LARSON, Mr. INSLEE, Mr. SPRATT, Mr. CANNON, and Mr. GARY MILLER of California.

H.R. 1420: Mr. VENTO and Mr. FORD.

H.R. 1445: Mr. UPTON, Ms. SLAUGHTER, Mrs. ROUKEMA, Mr. LAFALCE, Mr. DREIER, and Mr. SPRATT.

H.R. 1450: Mr. FRANK of Massachusetts and Mrs. THURMAN.

H.R. 1525: Mr. GILMAN, Mr. BONIOR, Ms. SLAUGHTER, Mr. PASTOR, Mr. PHELPS, and Ms. ESHOO.

H.R. 1527: Mr. LARSON.

H.R. 1530: Mrs. FOWLER.

H.R. 1546: Mr. SAXTON.

H.R. 1584: Mr. PASTOR, Mr. LAFALCE, Mr. KING, Mr. BARRETT of Wisconsin, Mr. STARK, Mr. LEWIS of Georgia, Mr. MEEKS of New York, Mr. MEEHAN, Mr. TRAFICANT, Mr. MCGOVERN, Mr. OXLEY, Ms. RIVERS, Mr. BONIOR, Mr. WALSH, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LIPINSKI, Mrs. MORELLA, and Ms. KILPATRICK.

H.R. 1598: Mr. FILNER, Mr. CANNON, and Mr. LINDER.

H.R. 1622: Mr. SHAW and Mr. BONIOR.

H.R. 1631: Mr. DAVIS of Illinois and Mr. CROWLEY.

H.R. 1649: Mr. SCHAFFER.

H.R. 1659: Mr. DIXON, Mrs. MALONEY of New York, Mrs. LOWEY, Mr. WYNN, Mr. HUTCHINSON, and Mr. GEKAS.

H.R. 1684: Ms. SCHAKOWSKY, Mrs. MEEK of Florida, Mr. OWENS, Ms. LEE, Mr. THOMPSON of Mississippi, Ms. BROWN of Florida, and Ms. JACKSON-LEE of Texas.

H.R. 1689: Mr. SHAYS and Mr. PASCRELL.

H.R. 1690: Mr. GREEN of Texas.

H.R. 1706: Mr. HOSTETTLER.

H.R. 1739: Ms. ESHOO.

H.R. 1777: Mr. TRAFICANT and Mr. LAFALCE.

H.R. 1778: Mr. STENHOLM, Mrs. WILSON, Mr. SANDLIN, and Mrs. THURMAN.

H.R. 1791: Mrs. KELLY and Mr. FARR of California.

H.R. 1798: Mr. CAPUANO.

H.R. 1819: Mr. SANDLIN and Ms. BERKLEY.

H.R. 1857: Mr. KLECZKA.

H.J. Res. 47: Mr. FROST, Mr. OSE, Mr. FARR of California, Mr. WEINER, Ms. KAPTUR, Mr. BONIOR, Mr. SANDLIN, Mr. LUCAS of Kentucky, and Mr. PHELPS.

H.J. Res. 48: Mr. BILIRAKIS, Mr. CAMP, Mr. GOODLATTE, Ms. KILPATRICK, Mr. WEXLER, Mr. BENTSEN, and Mr. HANSEN.

H. Con. Res. 38: Mr. COSTELLO, Mrs. MINK of Hawaii, Mr. THOMPSON of Mississippi, Mr. SANDERS, Mr. WATT of North Carolina, Mrs. CLAYTON, Mr. ROMERO-BARCELO, Mr. CUMMINGS, Mr. MEEKS of New York, Mr. LEWIS of Georgia, Mrs. MEEK of Florida, and Mr. SHIMKUS.

H. Con. Res. 62: Mr. BERRY, Mr. CLAY, Mr. DEFAZIO, Mr. ENGLISH, Mrs. JOHNSON of Connecticut, Mr. SKEEN, and Mr. TRAFICANT.

H. Con. Res. 66: Mr. CALVERT.

H. Con. Res. 77: Mr. BOEHLERT and Mr. PETERSON of Minnesota.

H. Con. Res. 106: Mr. THOMPSON of Mississippi.

H. Con. Res. 107: Mr. BURTON of Indiana, Mr. GREEN of Wisconsin, Mr. BALLENGER, Mrs. ROUKEMA, and Mr. HANSEN.

H. Con. Res. 109: Ms. MCCARTHY of Missouri, Mr. ROEMER, Mr. WU, Mr. MENENDEZ, Mr. DOYLE, Mr. JACKSON of Illinois, Ms. ESHOO, Ms. ROS-LEHTINEN, Mr. WATT of North Carolina, Mr. MCDERMOTT, and Ms. BERKLEY.

H. Res. 169: Mr. OLVER, Mr. KENNEDY of Rhode Island, and Ms. LOFGREN.

H. Res. 178: Mr. FRANK of Massachusetts, Mr. BERMAN, Mr. HOYER, Mr. UNDERWOOD, Mr. PAYNE, Mr. DELAY, Mr. BURTON of Indiana, and Ms. RIVERS.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 883

OFFERED BY: MR. SWEENEY

AMENDMENT NO. 2: Page 5, line 6, insert "State Government, local government, and" after "To protect".

H.R. 883

OFFERED BY: MR. SWEENEY

AMENDMENT NO. 3: Page 5, line 6, insert "State Government, local government, and" after "To protect".

Page 9, line 16, after "management plan" insert the following: "that specifically ensures that the designation does not affect State or local government revenue, including revenue for public education programs, and".

H.R. 883

OFFERED BY: MR. SWEENEY

AMENDMENT NO. 4: Page 9, line 16, after "management plan" insert the following: "that specifically ensures that the designation does not affect State or local government revenue, including revenue for public education programs, and".

H.R. 883

OFFERED BY: MR. UDALL OF COLORADO

AMENDMENT NO. 5: Page 9, line 6, after "in the United States" insert "(other than an area within the State of Colorado)"

H.R. 883

OFFERED BY: MR. VENTO

AMENDMENT NO. 6: Page 11, beginning at line 25, strike "conserving, preserving, or protecting" and insert "governing the management of".

H.R. 883

OFFERED BY: MR. VENTO

AMENDMENT NO. 7: Page 12, line 1, strike "or protecting" and insert "protecting, or managing".

H.R. 883

OFFERED BY: MR. VENTO

AMENDMENT NO. 8: Page 12, line 1, strike "or protecting" and insert "protecting, or managing the use of".

H.R. 883

OFFERED BY: MR. VENTO

AMENDMENT NO. 9: At the end of the bill, add the following new section:

"SEC. 7. INTERNATIONAL AGREEMENTS CONCERNING THE DISPOSAL, MANAGEMENT, AND USE OF LANDS BELONGING TO THE UNITED STATES.

Title IV of the National Historic Preservation Act Amendments of 1980 (16 U.S.C. 470a-1 et seq.) is further amended by adding at the end the following new section:

SEC. 405.—No Federal official may enter into an agreement with any international or foreign entity (including any subsidiary thereof) providing for the disposal, management, and use of any lands owned by the United States and located within the United States unless such agreement is specifically authorized by law. The President may from time to time submit to the Speaker of the House of Representatives and the President of the Senate proposals for legislation authorizing such agreements.".

H.R. 883

OFFERED BY: MR. YOUNG OF ALASKA

AMENDMENT NO. 10: on page 9, line 13, strike "2000" and insert instead "2003".

SENATE—*Wednesday May 19, 1999*

The Senate met at 10 a.m. and was called to order by the Honorable MIKE CRAPO, a Senator from the State of Idaho.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Loving Father, as we begin this day we are very aware of a stirring in our minds and a longing in our hearts to renew our relationship with You. We have learned that this is a sure sign that You are urging us to come to You in prayer long before we call on You. You have created the desire to know, love, and serve You. The feeling of emptiness inside alerts us to our hunger and thirst for a right relationship with You. It is a great encouragement to realize that our longing for truth, knowledge, insight, and guidance is a response to Your desire to give us exactly what we need for each challenge or opportunity. We trade in our old habit of self-reliance for Your supernatural strength and superlative wisdom. It is a joy to be reminded that this is Your Nation. You are waiting to bless us and have specific answers to our needs prepared to give us as we listen to You in prayer all through this day. We place our trust in You. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. THURMOND].

The legislative assistant read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 19, 1999

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MICHAEL D. CRAPO, a Senator from the State of Idaho, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. CRAPO thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Utah is recognized.

SCHEDULE

Mr. HATCH. Mr. President, this morning the Senate will resume debate on the juvenile justice bill. Under a previous order, amendments that qualify under the list may be offered until 12:20 p.m. today. At 12:20 p.m., the Senate will begin debate on amendments numbered 357, 358, 360, and 361 which were previously offered to the bill. Each of the four amendments will have 10 minutes of debate equally divided with stacked votes to begin at 1 p.m. Senators are encouraged to offer their amendments this morning so we can finish this important legislation in a timely manner.

I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

VIOLENT AND REPEAT JUVENILE ACCOUNTABILITY AND REHABILITATION ACT OF 1999

The ACTING PRESIDENT pro tempore. The Senate will now resume consideration of S. 254, which the clerk will report.

The legislative assistant read as follows:

A bill (S. 254) to reduce violent juvenile crime, promote accountability by and rehabilitation of juvenile criminals, punish and deter violent gang crime, and for other purposes.

Pending:

Frist amendment No. 355, to amend the Individuals with Disabilities Education Act and the Gun-Free Schools Act of 1994 to authorize schools to apply appropriate discipline measures in cases where students have firearms.

Wellstone amendment No. 356, to improve the juvenile delinquency prevention challenge grant program.

Sessions/Inhofe amendment No. 357, relating to the placement of a disclaimer on materials produced, procured or disseminated as a result of funds made available under this Act.

Wellstone amendment No. 358, to provide for additional mental health and student service providers.

Hatch (for Santorum) amendment No. 360, to encourage States to incarcerate individuals convicted of murder, rape, or child molestation.

Ashcroft amendment No. 361, to provide for school safety and violence prevention and teacher liability protection measures.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask unanimous consent to continue for 1 minute, the time not taken from either side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, also for the advice of our colleagues, the distinguished Senator from Utah and I continued work on the managers' package, which we worked on over the weekend, last night, and we will be prepared to present that fairly soon.

If I could have the attention of the Senator from Utah for just a moment, I suspect what we would probably do at that time, when it is prepared, is to move to set aside other things so we could do that and go forward with it.

I mention this because several Senators had asked about where it was—it is a complex thing—to help make sure we get the drafting all right.

Mr. HATCH. Mr. President, I think we are just about done with the drafting of it. I know staff on both the minority and the majority side are finishing that up as we speak, so I agree with the Senator. When we get that finally done, we will interrupt everything and set matters aside so we can pass the managers' amendment.

I notice the distinguished Senator from New Jersey is prepared to offer his amendment again. Could I ask the other side, how many further gun amendments are we going to have? I would at least like to know.

Mr. LEAHY. The Senator asks a legitimate question. That is why I asked about the managers' package. Some are holding to see where the managers' package goes, and it will probably depend upon what happens with the amendment of the distinguished senior Senator from New Jersey.

Let me try to get a more specific answer. That does not answer the question of the Senator from Utah. As this debate starts—we are running some traplines now—I will try to get that answer for the Senator as quickly as I can.

Mr. HATCH. The reason I bring that up is we have had enough time on gun amendments, it seems to me. There has been a lot of getting together, and I have helped to lead that. I think it is about time we get on to the rest of this bill, which is much more important than the gun aspect of this bill. There is a huge number of things we do in this bill to try to stop juvenile crime in this country, and especially violent juvenile crime. This bill will help to alleviate that. So I want to finish the bill, and I think we ought to do the very best we can to do that.

Mr. LEAHY. If the Senator will yield, I would note that we had a list of over 90 amendments entered under a consent agreement last Friday. We have pared that back to about a dozen or less. So we are making significant

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

progress. I think what we want to do is make sure as amendments are coming up, the few that are left, Senators are not blocked by objection, as the Senator from California, Mrs. BOXER, was yesterday, or Senator LAUTENBERG last Friday.

Now we can move on. We have gone from 90 down to about a dozen. The managers' package is making a lot of that possible. Again, I commend the Senator from Utah for his work on this, and we should continue.

But while the Senator from New Jersey is debating his amendment, I will try to get a clearer answer for the Senator from Utah.

Mr. HATCH. Mr. President, let me say one other thing. This is an amendment that has already been debated, and it was defeated. So it is coming back again substantially in the same form.

Now, I was told yesterday that the minority believes they have narrowed their amendments down to about eight. As I understood it, they figured they would have three more gun amendments, including this, and possibly a fourth.

All we want to know is how many are we going to have and what are they so we are sure of what is going to come up. But in all honesty, I do not want to just keep debating the same subject over and over when we have made real honest and decent efforts to try to resolve these problems.

Be that as it may, I would like to know, as soon as I can, just exactly how many more gun amendments we are going to have to put up with or are we going to do the rest of the bill. Are we going to get something seriously done about juvenile crime or are we going to make political points in the Chamber, to the extent Senators think they are making them?

That is what I am concerned about. I would like to pass this bill which will make a real difference on accountability, making kids who commit violent acts responsible for their actions. For the first time, we actually have prevention moneys, more than accountability moneys. We are doing something about the cultural problems in this society—not something, a whole lot about the cultural problems—that really will work if we can just get this bill passed. Of course, we are going to get tougher on violent juveniles in the sentencing phase and a number of other ways from a law enforcement standpoint.

We have spent most of our time in the last 6 days—now 7 days—on gun amendments. We have made a real effort to try to accommodate people on the other side—and some on our own side—to resolve these matters. I think we have largely resolved them. Be that as it may, we will go on from here.

Mr. LEAHY. Mr. President, again, I ask consent not to have my time come from anybody else.

We are making progress. As I said, we had 90 possible amendments entered as a consent agreement last Friday. We pared that back to a dozen or less. The distinguished Senator from Utah said over the weekend that it appeared they would need about seven from their side. They offered four. That leaves about three more.

I point out that sometimes this debate is wise. When the Craig amendment first came up, the Senator from New Jersey, the Senator from New York, Mr. SCHUMER, and I came on the floor and said there were some very serious problems with it, that part of the drafting was left out, that it did things different from what the Senator from Idaho, Mr. CRAIG, had said it did. We were told by the Senator from Idaho that we were flatout wrong, that there was no such thing. It was a good amendment. It was adopted, then, on virtually a party line vote.

The next day, as soon as the press had analyzed it, they found exactly what the Senator from New York and I had said was accurate, that what the Senator from Idaho said was not accurate. There was a great flapdoodle over it—that is from the early unpublished Jefferson's "Manual on Parliamentary Procedure," I tell Mr. Dove, the Parliamentarian.

It comes back again now, redrafted. And then, after that, it was pointed out that there were other errors, and we were told again we were wrong. A third part of the draft is coming back. Frankly, Mr. President, sometimes the debate takes a little bit longer if amendments do not do what the sponsors say they do.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey is recognized.

AMENDMENT NO. 362

(Purpose: To regulate the sale of firearms at gun shows)

Mr. LAUTENBERG. I thank the Chair, and I thank my colleague from Vermont.

I particularly pay a note of respect to our colleague from Utah, the chairman of the Judiciary Committee and the manager on the Republican side, for this juvenile justice bill. I know how anxious he is to effect a compromise that permits us to move ahead with legislation which is constructive. I have never known him to obstruct for the sake of obstruction. I appreciate his interest in moving this bill, as we all would like to do.

Mr. President, I ask unanimous consent to set aside the pending amendments and send a compromise gun show amendment to the desk.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. HATCH. Reserving the right to object, I did not hear.

The ACTING PRESIDENT pro tempore. Will the Senator restate his unanimous consent request.

Mr. LAUTENBERG. Surely. I first paid extensive compliments to the Senator from Utah.

Mr. LEAHY. There was no objection to that part.

Mr. HATCH. I am happy to hear that.

Mr. LAUTENBERG. Did I hear an objection from the Senator from Vermont?

Mr. HATCH. Could I understand what the unanimous consent request is?

Mr. LAUTENBERG. Mr. President, what I want to do is to see if we can present a compromise position that takes care of some of the problems which still exist after we passed the Craig-Hatch amendment, which differs from my original language to an extent that I think makes it more palatable to our friends on the other side. I would be happy to discuss those as I go through my presentation on the amendment. It is obvious that we want to do what we can.

While the Senator from Utah was occupied, I did say that I have never known him to obstruct for the purpose of obstruction but, rather, to effect change. I think it is fair to say there is a significant amount of interest on the Republican side in the changes we have made to try to limit the definition of gun shows, to try to make certain we have not increased the bureaucratic or the regulatory requirements such that substantially more paperwork is involved. We are not attempting to keep files open on people for whom there is no discredited information, changes of that nature.

Mr. President, I hope the Senator from Utah and other Members of the Senate will look at what we have and give us a chance to have a review of it.

Mr. HATCH. Could I ask——

The ACTING PRESIDENT pro tempore. The Chair notes that under the previous order, the Senator has the right to send his amendment to the desk, and the Chair does not interpret the unanimous consent request to be anything other than that. Does that clarify the situation?

Mr. HATCH. His amendment will go in order after the amendments that were——

The ACTING PRESIDENT pro tempore. That is correct. The Chair does not interpret the unanimous consent request to change the order of the presentation of the amendments. It does interpret the request simply to be to present the Senator's amendment at this time.

Mr. HATCH. The reason I was concerned is that we set these in order by unanimous consent. I had to go to great lengths to get that done. That is fine with me, if that is the understanding.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative assistant read as follows:

The Senator from New Jersey [Mr. LAUTENBERG], for himself and Mr. KERREY, proposes an amendment numbered 362.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The text of the amendment (No. 362) is printed in today's RECORD under "Amendments Submitted.")

Mr. LAUTENBERG. I thank, again, the Senators from Utah and Vermont.

Mr. HATCH. Will the Senator from New Jersey yield? Could we have a copy of the amendment. It is certainly nice to know what is going on. That is what I am concerned about. If we are going to have amendments, I at least want to know what they are, because I have gone to great lengths to try to bring both sides together. I don't want to be blind-sided by amendments at the last minute here. I would like to at least know what is in this amendment. I think I have a pretty good idea, but I would like to know.

Mr. LAUTENBERG. Mr. President, in response to the Senator from Utah, there is no intent to offer anything that hasn't been discussed or anything that is a radical change that further limits the activities of legitimate transactions at a gun show.

This amendment which I send up now has been joined in its origination by Senator BOB KERREY from Nebraska. He has signed on as a cosponsor. His input has been truly valuable in crafting a workable proposal. He comes from a largely rural State where guns are a significant part of the State's culture. I really appreciate his strong support of my amendment.

This amendment is offered in a bipartisan fashion to finally close the gun show loophole. I think it is time for us to come to an agreement on the gun show debate. It is very much in the minds of the public. There was a poll just done, an ABC-Washington Post poll, which said, in response to the question, Would you support or oppose a law requiring background checks on people buying guns at gun shows? the support level was 89 percent. So it does not leave a lot of room for doubt.

Last week the Senate did cast two votes on different gun show proposals. My amendment was defeated by a slim majority of 51 votes. Obviously, we had Republican support. There were several absences, primarily from the Democratic side, people were called away, some for emergencies and illness. And after our amendment was defeated, a couple of days later, the Hatch-Craig amendment was offered, and it passed by only one vote, with five Senators not voting; there were a total of 95 votes cast. The result was 48–47. So we are obviously in the same ballpark when it comes to thinking about what ought to happen. People are very wary and upset by the fact that guns can be purchased without any identification of the buyer. I call it "buyers anonymous." The public is in obvious distress about the way things have been done in the past.

We are not going to interrupt the process whereby people who are not felons and are of sound mind can buy a gun. We are not looking to interrupt the process of the interested purchaser in buying a gun. But we know that, just as with other transactions—vehicles, for instance—there is a recognition of who is buying a vehicle. The same thing ought to be true when we talk about guns.

So that is what brings us to the position we are in. I asked several Senators who were leaning to my position to make any suggestions as to how we could improve the amendment that I originally offered. This new version that we have sent to the desk reflects the suggestions of both Republicans and Democrats. First, the definition of "gun show" is modified. I have actually taken language from the Hatch-Craig amendment and included it. I point that out because I want to try to effect a consensus, and that is why we have included this language from the Hatch-Craig amendment in this revised version.

Now, my new language clarifies that we are only talking about events where firearms are exhibited and offered for sale. We are not talking about transactions between individuals or neighbors.

The second change that we have made would clarify what qualifies as a firearm sale or transaction. When drafting my original amendment, in order to prevent people from circumventing the background check by completing a sale outside the gun show that actually began in the show, but is completed, for instance, in the parking lot, we wanted to close that loophole. So while the original amendment defined "firearms transaction" fairly broadly to cover any transaction that started in a gun show but was completed outside, we wanted to define that a little more openly so some disagreement that occurred would perhaps have a chance to note the changes that were made and would encourage them to join in with us and pass this legislation. Some of my colleagues have suggested the original language was too broad, so I have narrowed it to ensure that legitimate gun sellers are not subject to penalties.

Additionally, during the course of the debate, some of my opponents have suggested that my amendment would lead to a national registry of gun owners. My amendment had nothing remotely resembling a national registry. It simply required gun sales to go through an existing national instant criminal background check system.

The problem is that some who oppose any kind of gun owner identification as a new purchaser have always opposed the criminal background check system. They argue that it is the first step toward a national registry of firearm owners. They raise the specter of a national registry because they want to scare people away from reasonable, commonsense gun proposals.

Well, we are going to make certain that doesn't happen, because I believe there is no basis for that argument. I have made a modification to try to deal with that issue once and for all.

My amendment would change the Brady law to prevent the Federal Government from keeping any records on qualified purchasers—in other words, law-abiding citizens who are allowed to buy a gun—for more than 90 days. After 90 days, they have to scrap it if it has no value. The person is not discredited in any way, has no criminal record, has no problem with violence, has not been noted for violent behavior, has not had any serious mental disorder, and we are satisfied to have those records expunged after 90 days because there is no value to them, for one thing, and, secondly, it seems to suggest that what we want to have is, again, a registry on everybody. That is not the case.

Mr. President, law-abiding citizens don't have anything to worry about. After 90 days, they can be absolutely sure that there will be no Government record of their gun transactions whatsoever.

Finally, Senator KERREY, Senator SCHUMER, Senator BOXER, Senator KENNEDY, and I worked to streamline the requirements for gun show promoters. My revised amendment eliminates all unnecessary paperwork and bureaucratic redtape that was purportedly contained in the original Lautenberg amendment. The reason I say "purportedly," is because that is the way some of our colleagues on the other side interpret it. Well, I want to make sure that the record is clear and, thus, we were truly circumspect in the way we asked for this data to be presented and for this amendment to be offered.

I thank colleagues on both sides of the aisle who have helped me work on these issues. This is a compromise from my original position, but my mission is to accomplish the goal, and the goal very simply is to satisfy the American people. It is not just curiosity; it is fear; it is concern; it is their belief that anybody who buys a gun ought not to be anonymous in that purchase, especially when we know that so many of those transactions have occurred at gun shows. So that is the purpose of this change. We need this amendment to close the gun show loopholes once and for all.

Now, although the Hatch-Craig amendment may have generated a well-intentioned effort to address the gun show loophole, it did create additional problems. If we leave the language in this bill as it presently is with the Hatch-Craig amendment, our gun laws are actually going to be weaker. I know that is not the intention of the authors, nor is it the desire of the American people.

Mrs. BOXER. Will the Senator yield for a brief question?

Mr. LAUTENBERG. I am happy to yield for a question.

Mrs. BOXER. I say to my friend, thank you very much for giving the Senate a chance to undo the damage that it did by not voting for the Lautenberg amendment in the first place and then adopting some amendments that have problems. I thank Senator KERREY, in particular, for joining with the Senator from New Jersey. I think this combination is a very good one. It is a Senator from the East and a Senator from Nebraska working together. I think it should pull us all together and put this amendment over the top.

I wanted to ask my friend if he saw the op-ed piece in the Los Angeles Times today written by Janet Reno?

Mr. LAUTENBERG. I did see it. I was pleased to see it, as a matter of fact.

Mrs. BOXER. I wanted to say to my friend, quoting very briefly—then I will put this in the RECORD, and I will yield back—that Janet Reno, our law enforcement officer, says, "The Senate proposal doesn't do enough to keep firearms out of the wrong hands." She said that the "U.S. Senate has . . . the opportunity to make our streets and communities safer by closing the loophole that lets felons, fugitives and other prohibited people buy deadly weapons at gun shows." She laments the action that the Senate took. She points out that even though some on the other side said this amendment would close the gun show loophole, they do not, and she basically then says that the bill of Senator LAUTENBERG and Senator KERREY does the job, and it follows the recommendations of the Attorney General. She says there is still time for the Senate to revisit this important issue and adopt legislation that closes the gun show loophole once and for all.

I guess my final question to my friend is this: It is unusual to see a Senator get up and offer once again an amendment that essentially he offered before. Does my friend have hope that we will get enough votes on the other side to have a better outcome and to plug this loophole?

Mr. LAUTENBERG. I have a strong feeling that we can pass this. It would take many minds to change to make that happen. My colleagues on the Republican side—I want to say I have had lots of private conversations with them—also want to see the loophole closed. While the Hatch-Craig amendment passed, it was the intent of those who supported it, and I am sure it closed the loophole. However, it is technically still open to loopholes through which lots of problems could emerge.

As a consequence, I am hopeful that we will get strong support on this amendment. The American public strongly support it—89 percent, I point out. That is an enormous number.

What I am hoping is that finally the voices of the parents, those who are concerned who have seen violence in their schools, who have seen violence in their streets, are heard. If we can, without harm to those who want to observe a legitimate request, continue to do that, I am hopeful that we are going to be able to alert some of those who oppose it to the fact that we have taken great pains to satisfy their needs in the revised Lautenberg-Kerrey amendment.

I urge my colleagues to support this bipartisan amendment. Let's close the gun show loophole once and for all.

I yield the floor.

Mr. SESSIONS addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank Senator LAUTENBERG for his work on this. He is committed to it very strongly. We just have different views on a number of issues about guns. I wish it weren't so. But we do have some differences.

With regard to the gun shows, I think a lot of progress has been made since the Lautenberg bill has made some movement toward a more centrist position, but I believe—and I know Senator HATCH shares the belief deeply—that it still does not go far enough in being a reasonable restriction on the historic event of gun shows in America. They continue around the country. These are honest and law-abiding citizens, overwhelmingly, who attend. People collect antique weapons and so forth. We simply can't have these long delays before you can close a transaction, because the show will be gone by then. This does not have qualified immunity. It gives the ATF the ability to in effect impose a new tax.

There are some things that we just are not able to accept.

Mr. KERREY. Will the Senator yield?

Mr. SESSIONS. I sure would be happy to yield.

Mr. KERREY. The Senator says this would give the ATF the ability to levy a new tax. But under the modified proposal that we have, all we are doing is saying that a gun show operator—several thousand of them a year—will simply have to pay the same relatively small fee that all licensed gun dealers do. Will the Senator agree that this is no different from what any licensed gun dealer has to pay, that basically what we are trying to do with this amendment is to say that if you have a gun show where it is possible that guns will be sold, you need to be licensed like everybody else and you need to pay a relatively small fee?

I ask the Senator that question.

Second, would the Senator agree that we have substantially reduced the amount of regulations that gun show operators would have to comply with in this amendment, that we struck, I think, three or four of the most difficult regulations, leaving only the requirement to register like all licensed dealers have to do and pay this small fee? They have to prove the identity of vendors when they check in at a gun show. That is just to verify the vendor is who they claim to be. And they have to post a sign indicating NISC background checks will be required.

Will the Senator agree that basically, first, there is a substantially reduced amount of regulations that we have in the first amendment, and, second, that all this tax the Senator has referenced, which is a fee, is the same thing that other licensed gun dealers would have to pay?

Mr. SESSIONS. I would certainly agree that the amendment as proposed has listened to some of the concerns that made it unacceptable to begin with, and it moved in a more moderate position. But I would still suggest that this amendment is unacceptable for a number of different reasons. One of them is an additional tax and fee that can be imposed by the ATF on a transaction that previously was not taxed. It does not provide the kind of qualified immunity that would induce people to do the background checks and could, in fact, cause more black market sales of guns.

The bill as written, the Hatch-Craig amendment, would be mandatorily stronger than it was originally. And of course there were some typographical errors in that first Hatch-Craig amendment, unfortunately, that I know Senator LAUTENBERG enjoyed railing about for a long time. But that was admitted and has been corrected.

I believe the managers of the Hatch-Craig amendment answered the questions that Attorney General Reno raised in her comments that were made before some of these changes were made.

But let me say this. I have been a prosecutor for 17 years, 15 as a Federal prosecutor, and I prosecuted gun cases aggressively; it was a high priority. Under this Project Triggerlock proposal, I sent out a newsletter on guns called "Triggerlock News," to the local sheriffs and chiefs of police explaining to them what the Federal laws were.

Federal laws against guns are very strong. If you carry a gun during a drug offense or a burglary, it is 5 years without parole consecutive to any punishment you get on the underlying offense. In Federal court you have the Speedy Trial Act. People have to be tried promptly. In Federal court when you have a speedy trial and the individual is already out on bail or parole, the judge usually will deny them bail. So you could have a case where oftentimes these violent criminals are denied bail, then they are tried within 60 days, and removed from the community for 5 years and more. That was a high priority with me.

This administration under Attorney General Reno has allowed those prosecutions. I was a U.S. attorney appointed by President Bush. And President Clinton has now appointed all 93 U.S. attorneys around the country. His U.S. attorneys have allowed gun prosecutions to decline 40 percent, from 7,000 to 3,800. And, more than that, they have gone forward with this idea that the way to fight violent crime and keep people from using guns illegally is to pass more laws. But they are not enforcing the laws they pass.

For example, there were 6,000 incidents of firearms carried on school grounds last year, according to the President. And within the last several years this Congress, at the request of the President, passed a law to make it a Federal crime to carry a firearm on school grounds. Yet out of 6,000 incidents, fewer than 10 cases were prosecuted each of those 2 years. It is a Federal crime in America to deliver a firearm to a teenager under most circumstances.

That Federal crime, that Federal law, was passed several years ago at the request of the President. Yet his Department of Justice, Attorney General Janet Reno, prosecuted less than 10 of those in each of the last 2 years. The assault weapons ban that was raised had less than 10 prosecutions.

Mr. LAUTENBERG. Will the Senator yield?

Mr. SESSIONS. When I finish I will be glad to yield. This is a very important question to me. We are trying to improve gun laws, and I am prepared to strengthen substantially the situation involving gun shows. I know Chairman HATCH is. I am filling in for him at this moment.

Is this just show? Is this all for debate, for TV and media and politics? It seems to me that it is since after we pass the law, no one ever gets prosecuted for it. Only ten cases out of 6,000 in America last year were prosecuted. What does that say about what we are going through here?

This bill has a number of changes in gun law. If a young person, a teenager, is convicted as a juvenile for a crime of violence, he or she will not be able to possess a firearm later when they become an adult. Under current law that is not so. If a teenager commits a violent crime at age 17, he is treated as a youthful offender or juvenile in juvenile court, and when he becomes an adult he can still possess a firearm. But an adult, if convicted at age 18 of a felony, cannot possess a gun.

We closed that loophole to make sure that we are focusing on people who have a proven record of dangerous use of guns, rather than focusing over and over again on innocent people who use firearms.

Mr. SCHUMER. Will the Senator yield?

Mr. SESSIONS. Yes.

Mr. SCHUMER. There is one difference we have. Yes, prosecute those who violate the law, no question. But very simply, that doesn't say you shouldn't prevent young people from getting guns before they violate the law. The two people at Littleton, Klebold and Harris, had not violated the law before—or were not detected.

It is of little consolation, it seems to me, to their parents and their families and the whole community that had they not killed themselves they would have been prosecuted. They should be prosecuted. I am for laws as tough as my friend from Alabama is, but why shouldn't we both do things to prevent young people and criminals from getting guns before they commit crimes, as well as prosecute them after they commit crimes? The two are not contradictory.

I always hear "let's do more prosecution" as a substitute for also preventing criminals and young people from getting guns in the first place so we won't have to prosecute them.

I ask my friend from Alabama, why is one in place of the other, as opposed to doing both alongside one another?

Mr. SESSIONS. We are not against laws that rationally and effectively prevent people from having weapons they shouldn't possess. We added in this bill a prohibition on what I think was a loophole on assault weapons, dealing with teenagers. Other violations of that kind are in that bill, and that bill can provide more restrictions.

To me, it is a bizarre event that we are talking about a 3,000-prosecution decline and about passing this arcane law dealing with gun shows which may have some positive effect in reducing illegal gun sales.

So we are working with Members on that. We have probably five or more gun restriction provisions in this legislation. That is not going to solve the fundamental problem if we are not going to have those laws in force nor if we don't have a commitment from the Attorney General to do that.

We heard from her own U.S. attorney in Richmond. They have adopted a program very similar to Project Triggerlock under President Bush. She called it Project Triggerlock with Steroids. They were aggressively prosecuting individuals who utilized guns illegally, and the President's own U.S. attorney attributed their aggressive prosecution of current gun laws for a 40-percent reduction in murder and a 21-percent reduction in violent crime.

I thought that was a stunning statistic. The President indicated he wanted to see that done nationwide in a radio address. Two days before, we had a hearing on it. He had a radio address on this very subject, in effect, dealing with the massive decline in prosecutions that have occurred under his administration, and said he was directing his U.S. attorneys in the Department of Justice and the Department of Treasury, of which ATF is a part, to increase their prosecutions.

Yet when we had Attorney General Reno testify just this month before the Judiciary Committee, she said we are not making any big commitment on that. She has a study going on and it has to be done individually and we are just not going to do what they did in Richmond.

The clear impression was that not only was she not in accord with what I believe the law of the United States requires, but that she wasn't even really in accord with the wishes of the President of the United States.

Mr. KENNEDY. Will the Senator yield?

Mr. SESSIONS. I yield to the Senator from Massachusetts.

Mr. KENNEDY. I notice that the cosponsor of the amendment is on the floor. I wonder if he might be able to speak since he is the principal cosponsor. Traditionally, we have let principal sponsors be allowed to speak. The Senator is always courteous in all these occasions. Would the Senator be willing to let him proceed?

Mr. SESSIONS. I am sorry that I took so much time. I defer to Senator KERRY.

Mr. KENNEDY. I thank the Senator.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska.

Mr. KERREY. The Senator didn't take too much time at all. It is within your right to do it. I do have a markup with the Finance Committee and I appreciate very much the Senator yielding to me so I can make a couple of points about this amendment.

First of all, I do believe in the second amendment. I believe in the right to bear arms. I think it has meaning. In the past, I measured whether or not I will vote for changes in the law that restrict a citizen's right to own a gun that reduces their right by imposing waiting periods or increased licensing requirements by a simple test: Will this reduce the number of people who are having their rights violated by either being shot at, shot, or killed as a consequence of people who acquire guns illegally, using those guns to commit a crime?

I voted for Brady. I voted for the so-called assault rifle ban, though it didn't really ban rifles; it banned some features. I feel confident when I vote for something that I think works.

What we have here, and I think both sides are agreeing, is a significant loophole in the law. There are thousands of gun shows every year where not only can law-abiding citizens go, but as a consequence of not having to be licensed—if you go to a Guns Unlimited in Omaha, NE, you have to get not just background checks but you have to get permits from the city of Omaha and the county sheriff. It takes a while before you buy a gun.

If you set up a gun show in Douglas County, no licensing requirements are necessary. You can buy any gun if you are a felon or mentally unstable, no background checks are required at all.

Both sides are saying we recognize that loophole needs to be closed. I noted last week, indeed, when the amendment was offered as a motion by Senator HATCH and Senator CRAIG, the headline of the Omaha World Herald said "Republicans Close Gun Show Loophole."

What I am trying to say with this amendment is two things. One, some objections raised against the previous amendment talked about excessive amounts of regulation. I found that to be a credible argument. Senator LAUTENBERG was good enough to make significant changes in it, so all that is left now is for a gun show operator to do the same thing that a licensed dealer has to do, which is to register with ATF; they pay a small fee just as any licensed operator has to do; the vendor has to show proof of identification—that is, the person who is selling—that verifies the vendor is who they claim to be. And then basically a sign has to be posted notifying people, who are either vendors or there buying, that NICS background checks are going to be done.

That is all that is required. It is a fairly simple imposition of regulations that are the same for anybody who goes to a licensed gun dealer. In addition, you have to comply with whatever the local law is, the State law, or Federal law. That is all we are attempting to do.

I urge Senators who are considering whether or not to vote for this amendment to look at the language of the law as it is currently proposed in the Juvenile Justice Act, as modified, because the loophole is still there. Perhaps the distinguished Senator from Utah can address this, or somebody else who is a proponent of this. It says that special licenses can be granted to people who are running gun shows. It does not say that all gun show dealers have to register, as all licensed gun dealers do. It says some gun show operators can be granted special licenses and then they will not have to do background checks, they will not have to determine whether or not a person who is walking in to buy a handgun is a felon, whether or not they are mentally unbalanced, whether or not they have previous crimes they have committed. None of this is going to be required if this gun show operator can get a special license.

You say maybe there are some special cases where a special license is required. I urge Members to look at the language. The language says a special license can be granted to a person who is engaged in the business of dealing in firearms by, No. 1, buying or selling firearms solely or primarily at gun shows.

That is going to exempt everybody. Anybody who is out there who says I do not have a gun shop, I am not a licensed gun dealer, all I am doing is operating at gun shows, is going to be able to apply for a special license and be exempted.

You tell me how that is going to reduce the opportunity for a felon—again, somebody who has committed crimes in the past with guns—to go to an operator who is engaged in a business primarily operating at gun shows and not be able to buy a dangerous weapon. The answer is, they will still be able to buy. So if anybody believes we have closed this loophole as a consequence of the Juvenile Justice Act as it is currently amended, I urge you to look at the language. Anyone who is buying or selling firearms solely or primarily at gun shows can be given a special license and then will not have to do background checks.

Second, for anybody who is buying or selling firearms as part of a gunsmith or firearm repair business or conduct of other activity, as in this subsection, that seems not necessarily unreasonable. You can, I suppose, craft this thing so special exemptions can be granted. But we do not grant special exemptions for somebody who is out there as a licensed gun dealer; they merely have to pay a small fee with the ATF and agree to do background checks.

If you talk to the licensed gun dealers today—many of whom opposed those background checks to begin with—they say they now basically are comfortable with it; it is operating relatively well, and it gives them increased comfort when they sell a handgun, knowing they are selling it to somebody who is not a felon; either the local sheriff or local police department signed off on it and said that person who has made that purchase is somebody who is a law-abiding citizen, who is not a felon, who does not have anything in his background that would indicate the rest of the public is going to be at risk as a consequence of him owning a handgun.

This amendment corrects precisely what many people objected to in original language, and that is, it reduces the amount of regulation. But it clearly says if you operate a gun show and you are selling guns, you are going to have to do what every licensed dealer has to do. You pay a fee to the ATF and you make certain you do background checks on anybody who is buying. That closes the loophole.

But current language as described here in law does not do that. Current language will still allow somebody who is primarily involved or solely involved in operating gun shows—it will allow them to say we do not have to get a license, we do not have to notify ATF, we don't have to do background checks, we can just set up shop.

You could even have a vendor at a gun show, under the proposal as this Juvenile Justice Act has been changed, a vendor who is also illegal—no background checks, no analysis required of the vendor as well.

There are other problems that can be identified. I am troubled as well by the pawnshop exemption in the Juvenile Justice Act as originally proposed, as is proposed today as well, because I think that also unnecessarily puts the public at risk. That is what we are talking about here.

All of us understand the Bill of Rights provides us with freedom but also understand there are limits. I do not have unlimited first amendment rights. If I libel or slander people, they can bring a case against me. I do not have an unlimited second amendment right. My second amendment right ends when I am a threat to somebody else.

This is not about restricting law-abiding citizens; it is about trying to write the law so people who are intentionally committed to violate the law have a more difficult time acquiring a weapon that will enable them to do grave bodily harm to, if not to kill, another member of our society. So I hope those who would genuinely want to close this loophole, who are looking for a way to basically level the playing field for somebody who is out there selling guns through gun shows and licensed gun dealers in the local community, want to have the same rules applying to both.

I hope my colleagues will consider what we will be doing if the Juvenile Justice Act, as modified, is enacted, and what we will be doing if the amendment offered by my friend from New Jersey, Senator LAUTENBERG, and I is accepted. I hope this will be accepted. We have significant numbers of Americans who are saying we do want to reduce this loophole, this risk that we see to our lives—not just our lives but our children's lives as well.

I think it is an altogether reasonable amendment. I was surprised initially there was much controversy over it. I regret there is controversy over it. I hope this amendment will be seen by those who support the right to bear arms as a reasonable way to make certain that all Americans, gun owners and non-gun-owners alike, not only have a right to own a gun but have a right to the safety and security that all of us want to have in our homes and in our neighborhoods.

The Senator from Alabama is gone. I will, in his absence, thank the Senator from Utah for allowing me to speak so I can get back to the finance meeting.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. I am going to yield to the distinguished Senator from Massachusetts. I just want to thank the Senator for getting here and making the speech. I am glad we could accommodate him. I am going to accommodate the Senator from Massachusetts now, and then hopefully I will have something to say about this when he has finished.

I ask though, in the meantime, of the distinguished Senator from New Jersey, is there a possibility of us agreeing to a time agreement on this since the main proponents on this have spoken to it?

Mr. LAUTENBERG. Mr. President, in response to the Senator from Utah, we have several colleagues who want to speak.

Mr. HATCH. Will the Senator just consider that, and then maybe, while the Senator from Massachusetts makes his remarks, chat with me and we will see if we can come to agreement?

Mr. SCHUMER. If the Senator will yield, I have been waiting patiently. I certainly want to speak on this. I probably will speak for no more than 5 or 6 minutes.

Mr. HATCH. I think everybody is trying to get this bill over with at this point. At least I hope so.

Mrs. BOXER. If the Senator will yield, I only need 2 minutes to make my remarks.

Mr. HATCH. I am happy to defer remarks of mine until the distinguished Senators from Massachusetts and New York and California speak.

Mr. LEAHY. We know the three who are going to speak. During the time they are speaking, I will run the traps on our side and try to get as concise and accurate a time agreement as we can.

Mr. HATCH. I would like to have time agreements on the other amendments, if we can. Will the Senator from Massachusetts give us some indication of how long he may speak? I will have to be gone from the floor to the Finance Committee for a vote and I would like to know, if I may, how long the Senator will speak.

Mr. KENNEDY. Probably less than 15 minutes.

I would like to just be able to proceed.

Mr. HATCH. I understand the Senator from Massachusetts, 10 or 15 minutes for sure, and then the Senator from New York at least 5 minutes, and then the Senator from California.

Mr. KERREY. Reserving the right to object.

Mr. HATCH. I just want to have some idea. I would also like to have the floor protected, and I know my colleague from Vermont will, while I go to vote on this Finance Committee bill.

I yield the floor.

Mr. LEAHY. There will be no consents entered while the Senator is gone.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, during the debate and discussion here on the floor of the Senate in regard to the prosecution of Federal crimes, and also during the period of the Judiciary Committee, I think we ought to really set the record straight. The record was set straight in the Judiciary Committee by the Attorney General, but it has been misrepresented here on the floor of the Senate by those who ask why are we considering this amendment when we are not really prosecuting all the gun laws on the books with regard to this and somehow suggesting that those of us who are concerned about the easy access of weaponry to children and criminal elements in our society really should pay more attention to the prosecutions and doing something to make it more difficult for children and for those who should not own the weapons to own them.

The fact is, overall firearms prosecutions are up. Although the number of Federal prosecutions for low-level offenders—persons serving sentences of 3 years or less—is down, the number of higher-level offenders—those serving sentences of 5 or more years—is up by nearly 30 percent in recent years.

At the same time, the total number of Federal and State prosecutions is up sharply. About 25 percent more criminals are sent to prison for State and Federal weapons offenses than in 1992, 20,000 to 25,000.

As the Attorney General pointed out, those that ought to be handled at the local level are being handled by State prosecutors, and those that are more serious are being handled by Federal prosecutors. That record has been made in the Judiciary Committee. Maybe those who oppose this kind of common sense gun legislation get some kind of thrill out of misrepresenting the facts. The facts have been laid out by the Attorney General before the Judiciary Committee and they are as I have stated them, and as represented by the Justice Department.

By misrepresenting and saying total prosecutions by the Federal Government are down, they are telling half the story. They are not saying what is happening in State and local prosecutions. When you look at State prosecutions, local prosecutions, and Federal prosecutions, they are up, and up significantly. I think we ought to put that aside.

We are making worthwhile progress in the Senate on these gun control issues. I join in paying tribute to my colleagues—Senator LAUTENBERG, Senator KERREY, Senator SCHUMER, Senator BOXER, Senator DURBIN, and others on both sides of the aisle—who have been advancing sensible and responsible and what I call common sense recommendations. That is what they are. They are common sense recommendations which, when put into effect, are going to reduce the opportunity for easy access to weapons which are too often used either accidentally or intentionally, perhaps even in the increased incidents of suicide, or purposely by children or young people in this country.

One of the most important measures, which is before us, is closing the gun show loophole and closing it not just part way but all the way. As was pointed out, last week the Senate failed twice to close that flagrant loophole, and the inadequate amendments adopted were riddled with so many loopholes of their own that the country was outraged by the Senate's hypocrisy.

Now, on the third try, we have a chance to do the job right and close the gun show loophole lock, stock, and barrel.

The gun show loophole is a hole below the waterline of our gun control laws. It makes a mockery of responsible gun control. Yet, the initial attempt by our Republican friends to close it was a travesty, as has been pointed out.

It left the gun show loophole wide open. It created a pawnshop loophole. It reduced background checks from 3 business days to 24 hours, including Sundays. It allowed the interstate sale of firearms, potentially undermining State laws across the country. It prevented gun tracing. And it created a sweeping immunity for gun sellers.

That action was the Senate at its irresponsible worst. It is time for us to stop buckling to the gun industry and do what is right.

There is a real chance that the tragedy in Littleton would never have happened without the easy access to guns that the gun show loophole supplies.

One incredible statistic summarizes the magnitude of the problem we face. In 1996, the most recent year for which information is available, handguns were used to murder 9,390 people in the United States.

I might mention why it is difficult to get gun figures. We are using 1996 figures because the power of the NRA prohibits the Centers for Disease Control from collecting that information. The only way they can get the information is to look at the death certificates, and that is enormously costly and takes an incredible amount of time. We are prohibited—the country is prohibited—from actually having the most recent and accurate information about gun deaths. If it is not a problem, why does the National Rifle Association oppose us in having that kind of information? And they have opposed it. They prohibit us from getting that information, so we use the 1996 figures—9,390 people in the United States.

In countries with tough gun control laws, the firearm homicide rate is over 97 percent lower—97 percent. The number of handgun murders in 1996 were 2 in New Zealand, 15 in Japan, 30 in Great Britain, 106 in Canada, and 213 in Germany. The case for strong gun control is overwhelming. It saves lives. It saves children. It saves whole communities.

Another shocking statistic makes the same point. Each day across America, 13 more children die from gunshot wounds. That is the equivalent of one Littleton each day, every day somewhere in America.

How can the Senate continue to play ostrich—head in the sand, ignoring this overwhelming need? How many more Littletons do we need? How many more wake-up calls will it take? When will we finally do what it takes to keep children safe and stop sleepwalking through crisis after crisis after crisis after crisis of gun violence?

If the Senate cannot even close the gun show loophole, we may well be condemning communities across the country to a future Littleton tragedy of their own.

It is wrong for the Senate to say that easy access to guns had nothing to do with what happened at Columbine High School. It is wrong for the Senate to whistle past the graveyard of Littleton. It is wrong for the Senate to pretend to make minor adjustments in the gun laws when gaping loopholes, like the gun show loophole, needs to be closed. It is wrong for the Senate to give the National Rifle Association a veto over the reforms that cry out to be taken in the wake of that tragedy.

Littleton shocked the conscience of the country, and it finally seems to have shocked the conscience of the Senate. It is clear that the Senate should return to the gun show loophole and try again to close it before more innocent lives are lost. And, like closing the gun show loophole, there are other urgent steps that need to be taken.

Gun laws work. The facts speak for themselves. It is long past time for the Senate to act to say enough is enough.

We know many examples of how tough gun laws, in combination with other preventive measures, are having a direct impact in reducing crime. In Massachusetts, we have some of the strongest gun laws in the country. There are tough restrictions on carrying concealed weapons. Local law enforcement has discretion in issuing the permits required by law, and an individual must show a clear need.

The minimum age for sale of handguns across the board is 21.

There are increased penalties for felons who possess firearms.

Adults are liable if a child gets an improperly stored gun and uses it to kill or injure himself or someone else.

Firearms must be stored with child safety locks.

We have a gun-free schools law.

We have enhanced standards for licensing of gun dealers.

A permit is required for private sales.

Saturday night specials are banned.

Lost or stolen firearms must be reported.

These are common sense requirements that save lives and impose no problem whatsoever for legitimate hunters and sports persons.

Look at what has happened in terms of firearm homicides in Boston. These figures are reflected across our Commonwealth. We have seen in 1993, 65; 62 in 1994; 64 in 1995; and then 39, 24, 26, 4. So far this year, there has not been a single youth homicide in 128 schools. Tough law enforcement, tough gun control, tough preventive action. That is what we stand for. And the results are out there.

When we compare States with strong gun laws to those that have weak gun laws, the differences are significant.

In 1996, for Massachusetts, the number of gun deaths for persons 19 years old or younger was 2 per 100,000.

In States that have the weakest gun laws, the numbers were significantly higher: 5.9 gun deaths per 100,000 in Indiana; 9.2 gun deaths per 100,000 in Mississippi; 5.1 gun deaths per 100,000 in Utah; 6.9 gun deaths per 100,000 in Idaho—2 gun deaths per 100,000 in Massachusetts.

It is clear that strong gun laws help reduce gun violence, yet when Democrats have proposed steps to take guns out of the hands of young people—proposals that would save lives—the Senate has too often said no.

The overwhelming majority of the American public wants to pass reasonable gun control measures.

The American people clearly want these common sense laws on the books, and they will just as clearly hold Congress accountable if we fail to act or only pretend to act. The lesson of the Senate's past failed attempts to close the gun show loophole is clear: The American people will hold us accountable if we refuse to act. Nothing concentrates the minds of Members of Congress like the knowledge that they are about to be hung out to dry at the next election. So let's concentrate on closing the gun show loophole and the other blatant loopholes in the Nation's gun laws.

Just finally, I put in the RECORD that the ATF has examined the number of crime guns traced during 1996 and 1997 to federally licensed firearm dealers and to federally licensed pawnbrokers. While 13 percent of the federally licensed dealers had one or more crime guns traced to them, 35 percent of the federally licensed pawnbrokers had one or more crime guns traced to them.

It seems that everything cries out for this particular amendment. Let's take action and do what is right for the children in America, the families in America, and to reduce violence in America.

I thank the Chair.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I thank the Senator from Massachusetts.

I think, in fundamental principles, we are in accord on the efficacy. The virtual elimination of guns in America, we cannot be together on. I think the second amendment provides for that. But tough law enforcement, as the Senator said, tough gun control—I would say, tough gun prosecutions—and prevention do work.

The Boston project is a good model for America. One of my staff members has been there to try to analyze how it is they have achieved their successes. One of the reasons is they really enforce the law. They go out and deal with these young gang members. If they have them on probation, they monitor them. They talk to them. They say: You are supposed to be at home at 7 o'clock at night. The probation officers do not work from 9 to 5 in Boston. They will work from 1 until 10 o'clock at night, and they will go out with police officers and actually verify whether or not those young people are complying with the probation and parole requirements placed on them. What is happening in America is our court systems are so overwhelmed with juvenile crime that they have not been able to even carry out their mandates.

If you give them probation, you need to make sure they honor and comply with the terms of the probation. One possibility is to do drug testing, so that they are not getting back on drugs which may be driving them to crime. Another possibility is by going to school on time; or if they have a job, showing up on time for it; if they have a curfew placed on them, being home in their bed and not running the streets at night.

These are the kinds of things in which Boston has invested. We asked: Well, what happens when a young person in Boston does not do what they say—for example, they have been caught in a burglary, have been released on probation, and have been running around with a gang. The judge says: Don't hang around with that gang anymore; be in at 7 o'clock; and be at school on time.

What happens if they do not go to school, and continue being a truant? What happens if they do not come home at night when they are supposed to or otherwise do not comply with the judge's order? In most cities, unfortunately, nothing happens.

If you care about children, you will make sure something happens, because we want to intervene early in their lives in order to direct them on a new and healthy path. If we love these children, and really care about them, we will not have this revolving-door justice that goes on in America.

There was a night watchman killed by three young people in Alabama just 3 years ago when I was the attorney general of Alabama. I called the chief of police and asked the chief: Chief, what is the criminal record on these three youngsters? They were out loose. One of them had 5 prior arrests, another one had 5 prior arrests, and one had 15 prior arrests. That is the pattern in America.

Fox Butterfield, who has written on this subject numerous times for the New York Times, did a study of the Chicago juvenile court system. He found they spend 5 minutes per case. These children are not being confronted effectively by the court system when they are beginning to get in trouble. We need to make that first brush with the law their last. And it does include tough law enforcement. You have to be able to discipline children who refuse to take advantage of the opportunities that have been given them.

So we do have money in here that would allow for alternative schools to be built, for drug treatment programs, for mental health and counseling to occur, and for drug testing to find out whether young people are on drugs. All of those funding programs, and many more, are here to help strengthen juvenile justice.

I say to those who care about juvenile justice in America today, go down and talk to your judges, your district attorneys, and your chiefs of police. Ask them what is needed in their local juvenile court system in order to make them better able to intervene and change the lives of young people who are getting in trouble. You will find that those judges will have a list of things they wish they could have. This bill would fund virtually every one of them.

It would give matching funds to expand detention facilities. It would give more money for drug treatment and other activities of this kind. It would allow each community to make application for funds to fill the missing blanks in their system so that they can have a comprehensive, coordinated effort against crime.

I think we can make progress in that regard. I hope we can go on and move this bill to final passage.

I see the Senator from New York would like to comment.

I yield the floor.

Mr. SCHUMER addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. I thank the Presiding Officer for yielding and the Senator from Alabama for his courtesy, as well as all the other Senators.

I think, my colleagues, this afternoon will be a moment of reckoning on the floor of this Senate. The vote that will occur on closing the gun show loophole—really closing the gun show loophole—will be historic, because it will really mark the difference as to whether we are serious about moderate, carefully-thought-out measures on gun control or whether we are going to continue the same game we have played for the last 4 years.

What game is that? The game is a simple one. When the public gets aroused, all too often because of a tragedy, then some of us try to deal with the causes of that tragedy in a variety of different ways, including reasonable restrictions preventing children, preventing felons, from getting guns.

What in the past has occurred is, those who oppose us have said: Oh, we agree with you. And they put in a substitute amendment which does not close the loophole. They put in a substitute which makes it appear as if the problem is being solved but does not solve it. Then, inexorably, another tragedy occurs.

Today is the day we can stop that. We can stop it on a modest, simple measure to close the gun show loophole, to really close it.

Now, let me go over, for my colleagues—and then I want to talk a little bit about what the Senator from Alabama has said—the status of the present legislation that has passed on the floor of the Senate and what we are attempting to do with the Lautenberg amendment this afternoon. Right now, after passage of the Hatch-Craig amendment, we give with one hand and take away with another. There are, right now, three types of people under the status of this legislation who can go to gun shows and sell guns: One is federally licensed dealers. These people, since 1968, whether they sell at gun shows or anywhere else, have to keep records and, since 1993, with the passage of the Brady law, have to do background checks. They always have and they will continue to, unless we repeal that for some unforeseen circumstance.

The second group of people is those who are not licensed dealers. Under present law, they could show up at gun shows and sell guns without background checks, without recording processes. The Craig-Hatch amendment correctly, as does the Lautenberg amendment, prevents that from happening. A background check would have to be done, as it should. There shouldn't be any loopholes.

The country came together, in 1993, passed the Brady law, and it has worked. It has worked dramatically so. It has worked so that over 250,000 felons who walked into licensed dealers were refused guns.

Let me show you how it has worked in the last week. Since last Wednesday, May 12, 1999, when the Senate missed the opportunity to close the gun show loophole once and for all, the FBI, using the Brady law's national instant check system, stopped 1,550 felons, fugitives, stalkers and others who should not have guns from buying licensed guns. In one week, 1,500 people were stopped. But in that same week, sure as we are here, some of those very same people went to gun shows and bought guns without a check. What kind of mindless system is there when the dealer has to do the check but you can easily go to a gun show and get around it.

Over this past weekend, there were a minimum of 31 gun shows. In every one of those gun shows, children, felons, the mentally incompetent, and stalkers could go buy guns without ever being detected. Why?

Because of the public outcry about what occurred in Littleton, the Senator from Utah and the Senator from Idaho said: Fine, if you are not a licensed dealer, you also have to engage in a background check. That was their second attempt. The first attempt, of course, made it voluntary, which made no sense. But then, after the outcry and after the Senator from Vermont and myself got up on the floor late that evening and said, hey, this does not do what it is supposed to do, the next day Senators from the other side, the Senator from Oregon and the Senator from Arizona, got together and said: Wait a minute, we thought we were really closing the gun show loophole. It wasn't. And so this Craig-Hatch amendment evolved.

But the same darn thing occurred. So while closing the loophole for nonlicensed dealers, they opened it up for a whole new category of people called special licensees. What was the reason to have a special licensee? Nobody has figured that out. But a special licensee can go to a gun show, under the status of the Hatch-Craig amendment, and not do a background check.

It is a shell game. On the one hand, we say we are not going to let unlicensed dealers do this, and then we say, but if you become a special licensee, you can.

The American people are just appalled at what this Senate is doing. A simple measure like closing the gun show loophole, which can be done easily and quickly and noncontroversially, can't pass. We have to do an elaborate kabuki dance to make it seem as if we are doing something but not do anything at all.

So this is a moment of reckoning for the Senate. Are we going to step up to the plate and just close the gun show loophole once and for all by passing the amendment this afternoon, or are we going to continue to play games? I say to my colleagues, playing games won't do anymore. There has been a sea change in the American people in the last few weeks, because they are fed up.

After Brady, something happened. Before the Brady law passed, the gun lobby would tell citizens throughout America, if Brady passes, the hunting rifle your Uncle Willy gave you when you were 14 will be confiscated and some people in big black boots will knock on your door and take your guns. It was a message of fear.

Well, wherever I go in my great and diverse State, I ask people who are gun owners, has the Brady law interfered with your right to bear arms? And every one says no. So the fear tactics that the NRA has used, the scare tactics, the big lie is losing velocity. That is why they have lost members, half a million, in the last few years. That is why they are unable to garner support.

Now, because of the tragedy at Littleton, there seems to be a whole change in public opinion. They say, enough already. It is not just among Democrats like myself who have been arguing for these changes for over a decade. You have two candidates for the Republican nomination for Senate who have had the courage to say the NRA is not always right. In 1996, no candidate, much as they wanted to, could dare say that. That is as good an indication of the change in public opinion as any.

I respect Elizabeth Dole; I respect JOHN MCCAIN. They do not agree with me about everything on guns. I do not expect them to. But on logical, rational methods of closing loopholes of a law that has received overwhelming public support and, more importantly, has been successful, 1,500 felons last week stopped from getting guns by Brady, how many of them went to gun shows to get around the law to buy those same guns we don't know.

Not only did the Hatch-Craig amendment fail to deal with the gun show loophole; it added three more loopholes.

Pawnshops: There has been a law that has worked. It said, you are a person; you go bring your gun to a pawnshop; before you retrieve it, let there be a background check—no harm to anybody. That has been in place since, I believe, 1997; it may have been 1996. It has worked. Hundreds of felons, I think it is 254, have been caught going to pawnshops, and all of a sudden we are going to open it up. Again, give with one hand take away with the other.

What are we saying? Do we want to have a loud speaker go up and down the streets of our country saying: Hey, felons, hey, kids, here are ways to get around the Brady law; you don't need a background check. That is what we are doing here in the Senate.

Then we have opened another loophole. This one is totally befuddling. The instant check system has worked.

It was proposed by people who didn't agree with me when we wrote the Brady law. But we said let's see if this works.

Well, it has, in about three-quarters of the cases. So people can get their check instantly and then go out of the gun shop with their gun. No problem, as far as I am concerned. Some people think a cooling off period is important, and it may be, but the main purpose we had in passing Brady was the background check. If you can do it quicker, fine. Still in about 25 percent of the cases the records are not in good shape, where there is a glitch in the computer, where the instant check doesn't work.

Right now, the FBI has 72 hours to check. Why in God's name did we reduce that to 24 in the Hatch-Craig amendment? Why?

Let me tell you the particular relevance to gun shows, where it applies. If you have a gun show on Saturday, you have 72 hours to check. The FBI can go through their records on a Monday. If you have a gun show on Saturday and you only have 24 hours to check, there is no check at all. Under the Hatch-Craig proposal, you would have to give that gun to someone even if they had committed 10 or 12 felonies. Why? It did not hurt anybody; it only applied to 25 percent. Yet, we persist in creating new loopholes.

One final thing. Our system has always been one that has recognized States rights. We said gun dealers can only sell within their State. Under Hatch-Craig, that principle goes. You can go across the country to sell a gun at a gun show. Why?

So not only did we fail to completely close the gun show loophole in Hatch-Craig, but we opened three new ones—in my judgment, three big ones. Why? Well, I know why. We all know why. It is because of the power of the gun lobby, because of the power of the NRA. There is no other reason. I have been asking for a rational reason why, and you hear "too much bureaucracy," or something like that.

Well, in this juvenile justice bill, we are creating a lot more bureaucracy to put more kids in prison who commit serious crimes. I agree with that. I am a pretty tough-on-crime guy. But we don't get up on this side and say: too much bureaucracy. We don't hear colleagues on the other side say: too much bureaucracy. That is a false argument if there ever was one.

People want bureaucracy when they want Government to do something. If you want to put kids or felons away, it is more bureaucracy, more prosecutors. I am for it, but it is more bureaucracy. More laws? I am for it, but it is more bureaucracy. But when it comes to a law that would stop the kids from getting guns, that would stop the felons from getting guns, oh, no, no, then it is too much bureaucracy and we can't have it. I have never understood the distinction.

So the bottom line is a simple one. In the legislation we passed by one mere vote last week, we did not close the gun show loophole. We closed one little loophole and opened up another one to take its place. It is as wide open as it was before the legislation, and anyone, as my colleague from Nebraska has pointed out, could become a special licensee; and then we created three more loopholes.

Mr. President, we would have been better off without Hatch-Craig than we would have been with it. It was easier to stop children and felons from getting guns before Hatch-Craig than it is now, if it were to become law. So who are we kidding?

Then one final argument to my colleagues, to my friends on the other side—the Senator from Alabama is not here, but he will be even more ably represented by the Senator from Utah. That chart has been up here for a long time. I think we have heard more talk about that chart than about a lot of the legislation we are talking about. But that is fine. That is a legitimate argument, in my judgment. But I ask my friends—they say there is not enough prosecution of firearms violations. I agree with them. I agree with the Senator from Pennsylvania, in the budget last month, we put in a proposal to add $50 million to do what has been done in Richmond, Philadelphia, and in Rochester, NY, to do better prosecutions of those who violate Federal firearms laws.

As you know, most of the firearms laws are State. It has never been a Federal responsibility. Folks on the other side want to make it one, and that is fine with me. I am not one who says the Federal Government should not be involved in crime fighting. In fact, over my 10 years, I have pushed the Federal Government to be involved in crime fighting. But, again, why does prosecuting those who violate our firearms laws contradict closing the gun show loophole? It doesn't. Both should be done. They should go hand in hand.

As I mentioned before, in the debate we had with the Senator from Idaho a while back, there are grieving families in Littleton. There may be prosecutions of some who gave guns to Mr. Klebold and Mr. Harris, who created the tragedy. I am sure those prosecutions don't make the parents of the 13 dead children feel any better. I saw one of them begging us on television at the rally in Denver last week. They would beg us to do both—to prosecute those who violate firearms laws, but at the same time prevent children like young Harris and Klebold from getting guns to begin with.

A prosecution occurs after the crime. It sometimes deters crime because people don't want to be prosecuted. I have been tough on crime—for mandatory minimum sentences, and for incarceration—my whole career. But, in God's name, don't use that which is a worthy cause as an excuse, as a substitute for simple, moderate things such as closing the gun show loophole, closing the pawnshop loophole and allowing the FBI system to check when the instant check system doesn't work.

In conclusion, I know my friends from Nebraska and Utah wish to speak.

This afternoon will be a moment of reckoning on this floor. It will determine, very simply, whether we are going to persist, as we have in the last few years, about coming up with solutions that don't do the job—that are almost designed not to do the job—or whether we can actually do some real good in a simple measure, sponsored by the Senators from New Jersey and Nebraska, and close the gun show loophole. The yeas and nays this afternoon will determine which side each Senator is on. The eyes of America will be upon this floor this afternoon. Let us pray we do the right thing.

I yield the floor.

Mr. HATCH. Mr. President, I have been working very closely with the Democratic leadership to try to get this matter to a conclusion. As I understand it, including this gun amendment, there are two others, and possibly a third besides this amendment. We are going to try to finish this bill.

Now, my personal impression is that they have gone too far. They are pushing this way too far. As the manager of this bill, I have tried to bring both sides together, and we have made a real effort to do so. I am starting to question whether or not we are getting a good-faith effort on the other side.

Now, this is the second time we have debated the Lautenberg amendment—the second time. To be honest with you, there is so much more in this bill than just the gun matters. I have helped to effectuate compromise on the gun matters, which I believe has been to the satisfaction of most all Democrats and most all Republicans—not all on either side. Here is where we are. We have fought back amendments on one side. I was told by colleagues on the other side of the aisle they had cut their list of amendments to eight and that three, maybe four, including this amendment, would be on gun control.

Today, they tell us that maybe they can agree to limit amendments. I have chatted with one of the top leaders on the Democrat side. He said they have agreed that we are going to get this done. But some have said maybe they can agree to limit amendments, but only after a vote on the Lautenberg amendment.

You see, they want to vote on Lautenberg, not just twice, but three, four, five—who knows how many times. Who is holding up this bill? I have to tell you, it isn't us. We will vote on Lautenberg, but I want to be sure that we have a unanimous consent agreement to vote on final passage.

I would like to vote on Lautenberg. But that is going to have to be the good-faith deal, because that is what I have represented to the other side. I think it is time to put this matter to rest. I think we can push these gun things only so far, especially when you have seen the good-faith effort I have made, and others on our side, to try to resolve these problems. The gun issue is an evolutionary issue; there is no question about it. We are trying to find ways of satisfying the vast majority of Senators. So far, we have been able to do that except with regard to the Lautenberg amendment. There is a very good reason why we will not vote for the Lautenberg amendment, or why we are going to vote for a tabling motion.

Much has been said about gun shows and how best to limit criminal access to guns at these shows. Not much has been said about the black market push that is going to happen if we get too bureaucratic about it, where people won't go to gun shows, where they will just sell them on the black market. That is the last thing on Earth I want, but that is what is going to happen.

I have to tell you, it is time to cut the rug. It is rug-cutting time. We are giving them the Lautenberg vote not because we think it is a worthy thing to do but because they are insisting on it. But there is a time when good faith says we move the bill. If Lautenberg is passed, so be it. If it does not pass, then so be it.

I have been saying for a long time that there have been numerous delays in debate on this matter. I have had some indications that there are going to be some more delays. We will have to see.

I am going to encourage my friends on the other side to limit the time. Let's get time agreement. Let's move ahead. Let's save the time of everybody in the Senate, and let's get a bill that will do something about juvenile justice in this country and about solving some of these serious problems we have.

Mr. REID. Mr. President, will the Senator yield?

Mr. HATCH. Yes; I am happy to yield to my friend from Nevada.

Mr. REID. I have been here this morning, and, of course, the manager of the bill has been here all morning.

I want to say to everyone within the sound of my voice that nothing has changed on this side of the aisle since yesterday. We have agreed to cut down our amendments from about 90 to a handful of amendments. We have indicated that as far as gun amendments, we had a finite number of those we were going to offer. I don't know what has gone on in the debate here this morning. I have been trying to follow it as closely as possible. But my friend from Utah should realize that nothing has changed since yesterday. We want to have a bill. We have worked hard to cut down the number of amendments. My friend, the manager of the bill, has worked all weekend with the staff to pare down these amendments. In short, we want a bill to go forward. We want to finally resolve something that the American people can be proud of. We have agreed not only on the number of amendments but we have been very fair on the time allocation.

On this amendment today, there has been a good debate. We haven't taken an inordinate amount of time.

In short, I say to my friend, who was kind enough to yield to me, that nothing has changed since yesterday. We feel very strongly about our positions. We are happy to defend them, articulate, and advocate them this morning.

Mr. HATCH. If the Senator will yield, I will take back the floor. The majority leader has asked me to get a time agreement when we finally vote. I think we are there. If you are down to eight, or actually seven after this one, I can get ours cut down once we know where we are, and then we can have final passage, and hopefully before the end of the day. I think we can do it.

Mr. REID. I would say to my friend from Utah, we have been waiting for the managers' amendment to be accepted, agreed upon, and at that time we will be in a position to lay out what our amendments are. We will have time agreements on them.

As far as final passage, we know that there can be games played with that unless we set a time certain for final passage. We want a bill passed. We want it to pass in a very short period of time. Nothing has changed since yesterday on this side of the aisle. We want to move forward in an expeditious manner.

Mr. HATCH. I appreciate my colleague's remarks. I believe him and have great respect for him, as he knows.

Let me just say this: The managers' amendment is basically agreed to between the two managers. It is a matter of making the final drafting changes, as I understand it. We intend to have that done and filed and approved, hopefully, and probably this afternoon, it seems to me. We will try to do that. But let's move this ahead.

Let me just finish my remarks on this, because I forgot that the distinguished Senator from California needs a chance to make her remarks. She said she would be 2 or 3 minutes.

Mrs. BOXER. Yes. Let me just say that I want to defer to Senator KERREY because he has such time problems. I have cleared my deck this morning so I can be here all day. I decided it would be fair to allow the Senator from Nebraska to proceed.

Mr. HATCH. I would like to make remarks in rebuttal, if I may, because Senator KERREY has already spoken. But if he needs to speak, I will be happy to—if the Senator from California is going to speak for 2 or 3 minutes, I will be happy to yield.

Mrs. BOXER. I will yield, and wait until the Senator from Utah finishes his remarks, and see where we are at that point.

Mr. HATCH. I thank the Senator very much.

I have been saying for a long time that how the Congress will deal with firearms violence is an evolving process. We began this debate with fairly ardent positions on both sides.

After several days of debate last week, Republicans took a step to require background checks at gun shows without substantial cost and regulatory burdens, and we passed the so-called bill on that, the Hatch-Craig bill. There was some gloating on the other side of the aisle, if I didn't misconstrue it. There were some Senators quoted talking about eating crow. These comments were not constructive at all. They made my job much more difficult on our side. We are here to do what is best for our children and to uphold the Constitution of the United States, including the second amendment. We are not here to score debating points, it seems to me. That type of comment, it seems to me, is very unconstructive and not conducive to getting a bill that will help our children and our country as a whole.

I would note, however, that the evolution of this matter continues. This time, the supporters of the Lautenberg amendment are making changes to their proposal to bring it closer to our plan that we passed in the Hatch-Craig amendment. My sense and hope is that our efforts will continue to evolve and we will be able to find common ground. That to me would be a great, great accomplishment. But I haven't seen that yet. We are evolving towards that.

I appreciate that my colleagues have recognized that the concerns we raised were legitimate and they have taken some steps in this current amendment to address the concerns. But I certainly don't think they have gone far enough. I think they have gone too far in making it look like the only matter to consider on this whole bill happens to be guns.

Let's review how we got here. Under current law, non-licensed individuals can sell firearms at a gun show without obtaining a background check. This was the loophole that the President, the Lautenberg amendment sponsors, and others said they were concerned about. Yet, the bill as amended last week now requires background checks for these transactions at gun shows.

Under current law, persons who only want to sell firearms at a gun show are not licensed at all and perform no background checks. Our bill as amended requires sellers to obtain a federal license to sell firearms at a gun show. Because these special licensees, or temporary dealers, are now included in the Gun Control Act, they are subject to the background check requirements.

Further, our bill as amended provides civil liability protection to those sellers who complied with the background check requirements.

Our proposal also prevents the Federal Government from taxing background check transactions. The liability protection and tax relief were powerful incentives for persons to have background checks.

That is why we put them in the Hatch-Craig amendment.

Last week, when we first debated the Lautenberg amendment, we pointed out several problems.

First, the Lautenberg amendment's definition of a gun show was, at best, unfocused.

If two neighbors got together with 25 guns each and sold a gun, they would have been surprised to find that they had created a gun show and were criminals under the Lautenberg amendment because they did not conduct a background check or get a permit from the ATF.

We understand that the revised Lautenberg amendment now modifies the definition of "gun show" to conform with what is already in the bill, what we put in the Hatch-Craig amendment. It isn't totally that way because they still have their 50-person standard, and so forth, but basically they have come our way on it.

My colleagues on the other side of the aisle complain that the bill's current definition of "gun show" would allow "hundreds of guns" to be sold at flea markets that do not fall under the 10 or more exhibitor or 20 percent exhibitor rule. Of course, if a very few sellers were selling hundreds of firearms, they would in all likelihood be engaged in the business—and that is an important phrase—in the business of selling firearms without a license. Under current law, such persons are subject to fines, prison sentences or both.

Secondly, the Lautenberg amendment allowed the imposition of taxes and fees on background checks that constitute a substantial cost for complying with the law. Now what does that do? That is going to force people to not go to gun shows where they can legitimately sell them with background checks now that we require it in this bill, and to go off and sell them on the black market.

What we are trying to do and what it seems to me will be the inevitable result of some of the approaches under the Lautenberg amendment, will be that we will create a huge black market in guns, which is exactly the opposite of what we want to accomplish. I am sure that the distinguished Senator from New Jersey does not want to accomplish that, nor anybody else on this floor, but think it through. It doesn't take many brains to realize that is what will happen.

We understand the revised Lautenberg amendment does not "impose" taxes on sellers and purchasers. However, the tax to which we objected is paid by the person or entity that conducts the background check, not to a nonlicensed buyer or seller. Of course, the licensee, special licensee or special registrants now in this bill will pass this fee on to the buyer or seller who will have to pay it. Of course, they will pass it on. They will not just do this out of the goodness of their heart. As they do that, people will go into the black market to sell their guns, the exact opposite of what the distinguished Senator from New Jersey and I and others, who are really trying to do something constructive in this area, want to occur.

In short, notwithstanding its appearance, the revised Lautenberg amendment allows for an ATF taxing authority loophole. The revised amendment seemingly concludes that we were right, but does not correct the problem. So on this provision we have a major concern.

Third, the Lautenberg amendment required gun show organizers to obtain advanced permission from the ATF before holding a gun show. It doesn't take many brains to realize that is something nobody wants to agree with who believes that gun shows are a time-honored right in this society under the second amendment.

We understand that the revised Lautenberg amendment currently before the Senate that will be at the end of this amendment chain to be voted upon eliminates the advance permission requirement. However, gun show organizers are still required to keep extensive records, so there is a substantial burden that would be required, overregulatory burden.

Fourth, the Lautenberg amendment imposed extensive recordkeeping requirements for sales between nonlicensed individuals, thus driving up the cost of the background check and intruding into the privacy of law-abiding citizens.

That is just typical of what we have to face around here in the zeal to score points on guns. We understand that the revised Lautenberg amendment may require less records to be kept and may require the Federal Government to destroy records held by the instant check operator, yet dealers must still keep all records on the buyer. Further, the implication that requiring records to be destroyed after 90 days conveys a new benefit is not accurate. 18 U.S.C. section 922(t)(2)(C) already requires the instant check operator to destroy records of checks that were approved, and the FBI currently destroys the records after 90 days. There is no new benefit in this system compared to current law. So the Lautenberg amendment does not improve current law at all, it just obscures it.

Some have complained that the Republican plan promotes unaccountable interstate gun peddling by gun dealers. Under current law, a dealer from one State can go to a gun show in another State and solicit sales. He must return home to his licensed premises, however, to ship the firearm. And the shipment must be to a licensed dealer. That is current law.

Our amendment allows one federally licensed firearms dealer to deliver the firearm to another federally licensed firearms dealer who is located out of State. He still cannot deliver a firearm to a nonlicensed individual, but only to a licensed dealer. Thus, the purchasing dealer will have to log the firearm into his inventory, will be subject to inspection by the Bureau of Alcohol, Tobacco and Firearms to find that firearm, and will have to conduct a background check to sell a firearm to a nonlicensed dealer. This is about the most regulated sale of a firearm for which the Federal law provides.

Next, some have stated that the current bill's provision for granting civil liability protection to people who comply with the background check requirement is not prudent. They say that the revised Lautenberg amendment provides no immunity for people who transfer guns to felons and others who intend to use the guns to commit violent crimes or felonies.

The bill, as amended, recognizes that persons who act properly with firearms—this is the amendment by Hatch-Craig—including firearms transactions, should not be subject to suit. Indeed, only yesterday, the Senate recognized the value of providing limited immunities to persons who act properly with firearms, by bestowing qualified immunity on persons who properly use child safety laws. This is a key incentive in the Kohl-Hatch-Chafee child safety lock amendment. The same reasons for affording civil liability protection apply here. Keep in mind we have evolved towards having something that brings both sides together. The current Lautenberg amendment split both sides apart and will result, in my opinion, in more black market sales in this country, to the detriment of the country.

Further, some complain that our bill dismisses certain suits. These are only those suits at which nonlicensed individuals have voluntarily sold a firearm through a licensed dealer who conducted a background check. If persons are now voluntarily having background checks performed at gun shows, they should not be penalized for doing so. That is something we want to encourage. We want to give incentives for that.

I also note that the bill provides no immunities for criminal sales of firearms. If a seller knowingly transfers a firearm to a buyer who will use that firearm to commit a crime of violence or a drug trafficking crime, he is subject to severe criminal penalties. Further, if the seller is convicted of that offense, the bill expressly provides that he is not entitled to civil immunities. Thus, he could be sued for compensatory and punitive damages.

Some have complained that the bill, as amended, does not impose stiff enough penalties on special licensees and special registrants for the failure to obtain a background check. However, current law suspends the license and imposes a fine on dealers who do not conduct a background check. Our bill maintains the current penalties for background check failures and imposes tough mandatory minimums for the knowing transfer of a firearm to a juvenile who will use that firearm in a crime of violence. That is a major change. And we put it in our bill. In fact, a lot of these things that were requested by the President we have in the bill. We had them in there before he requested them. I suspect he might have had somebody look at the bill.

Further, through our aggressive firearms prosecution program, the CUFF Program, and the prosecution reporting requirement, we ensure that some of these violations actually will be prosecuted by the Attorney General—something that hasn't been undertaken in earnest over the last 6 years.

Remember, of the thousands of possible cases, the Attorney General only prosecuted one Brady case, one Brady background check violation, from 1996 through 1998. Of the thousands they claim, 225,000 turned back felons, one prosecution.

The Lautenberg amendment not only fails to include the tough mandatory minimums found in the Republican plan, it acquiesces in the Attorney General's almost complete failure to prosecute Brady violations. This makes no sense. If we in Congress pass criminal statutes, it is the duty of the Attorney General to enforce those laws. Our bill recognizes that we have a problem at the Department of Justice and our bill does something about it. Some have also stated that our bill has the potential for invading the privacy of gun owners by nonspecial registrants and special licensees to conduct background checks. This argument goes that by requiring the Instant Check operator to destroy records of an approved background check immediately, special licensees and special registrants will be able to conduct background checks on anyone, even non-gun buyers, and there will be no audit trail to catch them.

Of course, special licensees and special registrants will have to undergo a background check, a field examination, and an interview just to obtain their license or registration. And they must keep records of the persons for whom they used the Instant Check system. Thus, the ATF can take these records, contact the persons listed, and determine if they attempted to purchase a gun using the services of the special licensee or the special registrant. If they did not, the special licensee or the special registrant will be held accountable, just as dealers are now.

Further, gun owners would much rather entrust their privacy interests to special licensees and special registrants than to the Federal Government. The argument that more record keeping on lawful gun ownership by the Federal Government would protect privacy better than less record keeping by the Federal Government carries little weight.

Mr. President, all of these concerns are less than compelling. The plain fact of the matter is that the revised Lautenberg amendment, though improved to look more like the Republican proposal, is still not as good as the current bill as amended.

The revised Lautenberg amendment still fails to provide qualified immunity to persons who obey the law and act appropriately with firearms, even after the Senate voted only yesterday to provide qualified immunity when parents properly use child safety devices or child trigger locks.

The revised Lautenberg amendment still fails to provide tax relief to licensees and others who perform background checks. And the revised Lautenberg amendment still fails to relieve gun show operators or organizers of substantial new recordkeeping requirements.

Some are complaining that the 24-hour requirement for instant check is not good enough. They would require 3 days. But gun shows only last 3 days. If we do not have a 24-hour instant check requirement, the gun show is going to be over. The ATF has the technology and the funding to get the job done in 24 hours, and it should. We should not force people into a black market where there are no licenses, no records, and no background checks. We do not need to do that.

Further, we even offered to make the background check requirement for special licensees express. But my colleagues on the other side of the aisle rejected this, or objected to my modification of my own amendment, one of the few times in my 23 years where a Senator was refused the right to modify his own amendment to please the other side—even though it was not necessary, in my view, and I think in the view of any reasonable person who looks at it.

I want to make sure that persons who sell a substantial number of guns come inside the gun show and get a Federal license. These special licensees must submit to a background check and an ATF interview, they must comply with the Gun Control Act, and they must conduct background checks—something that has evolved into something that both sides ought to be willing to agree to.

Mr. President, there is one firearm-related provision on which I hope we can reach bipartisan agreement. And that is the treatment of pawn shops, gunsmiths and repair shops that have traditionally been exempt from the requirement to conduct background checks when they simply return a firearm to its owner. Prior to the 1993

Brady law, States required pawn shops to report the pawn of a firearm to State or local law enforcement agencies. Thus, there was already a state law check on the firearm. The Brady law, however, when it passed inadvertently required a Federal background check on returned firearms in addition to the state check. The pawn shops raised concerns because State law already required them to undergo a background check and because waiting on a background check to be returned before returning a firearm to its rightful owner affected their business.

Because these were real concerns, many in Congress supported an exemption to the Brady law which exempted pawn shops, gunsmiths, and repair shops from the Federal background check. It passed the Congress as part of the 1994 crime bill. Many of the people attacking the Hatch-Craig amendment's so-called pawn shop loophole voted to do the same thing in 1994 when the crime bill passed. Frankly, if what we included in the Hatch-Craig amendment is a loophole, it was a loophole when Senator LAUTENBERG voted for the crime bill in 1994 and when President Clinton signed it into law.

Indeed, after the Brady law passed, Senator SCHUMER even wrote a letter to the Treasury Department asking them to draft regulations to exempt pawn shops from the Federal background check requirement. To be fair, however, I should note that then-Congressman SCHUMER did vote against the amendment to the 1994 crime bill that provided the statutory exemption for pawn shops, but he still took a position in his 1994 letter to the Treasury Department which is consistent with our amendment.

If the pawn shop exemption from a Federal background check is a loophole now, it was a loophole in 1994 when Senator SCHUMER asked the Treasury Department to draft it.

The Craig amendment that we passed last Wednesday simply restored the exemption for pawn shops that had been part of the Brady law for 4 years. Thus, this was not a major change in law, but a change back to how the Brady law read from 1994 to November 1998 when the exemption lapsed as the Instant Check system became effective.

However, I know that the good Senator from New York has legitimate concerns and wants to address those concerns. Neither of us want a person to commit a crime and then get a firearm. However, I believe neither of us want to overburden legitimate business transactions.

As I have stated repeatedly—it is my goal to find common ground on these issues. Wherever possible, I want to do what's best for our children and the public in a manner which is consistent with our oath as Senator to uphold the Constitution. Frankly, I viewed this provision as a technical matter—one which should not be politicized.

I just have a minute more to go, maybe a minute and a half, because I know there is limited time here.

Let me just sum it up.

Thus, the revised Lautenberg amendment is a small step in the right direction. And I sincerely appreciate that step. However, in my view, it fails to go far enough, and it may create more problems than currently exist.

The current bill as amended strikes the appropriate balance between the privacy interests of law abiding citizens and the public interest in preventing criminals from obtaining guns. The powerful incentives included in our plan will ensure that persons comply with the mandatory background check requirement on all sales at gun shows. The Republican plan also gives law abiding gun owners the peace of mind that they have not inadvertently transferred a firearm to a felon, and requires the Attorney General to begin prosecuting the criminals who violate the existing gun control laws, something that has not been done, now, for a number of years, maybe the whole time of this administration—since the Brady bill.

Accordingly, when the time arrives, I will move to table the revised Lautenberg amendment in order to allow the bill as currently amended to stand, because I think it will do a better job of accomplishing what everybody here seems to want, everything the current Lautenberg amendment will do.

I am sorry this took so long. I apologize to my colleagues, but it was important to make these points.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. LEAHY. Will the Senator yield me 30 seconds?

Mr. KERREY. Yes.

Mr. LEAHY. Mr. President, I never knew how much control I had over the schedule of debate, other than to find any time I step off the floor for a few minutes I can almost be guaranteed my friend from Utah will have a criticism of the way we are handling things over here.

So, while we are both on the floor, I tell him we have pared back to a dozen or fewer from the 90 possible amendments entered in the consent agreement last Friday. We have made significant progress. But also, because a number of Senators have pulled down amendments over here, amendments on our side, we have done it notwithstanding what we had to put up with when the Senator from New York and I were virtually ridiculed when we pointed out the flaws in the original Craig-Hatch gun legislation, something that took 2 days of voting and revoting as they drafted and redrafted and redrafted it, as the flaws became evident.

They do not want to have up-or-down votes; they want to table everything. We have not done that on one the other side came up with yesterday that would have walked all over our State legislatures. That was voted down.

The fact of the matter is, we are going to have a series of votes this afternoon. If Senators will work at it, we can finish this bill today. But I say, as I said before, it is the Senators who should set the schedule, it is the Senators who should set the debate, and not the gun lobbies.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Nebraska.

Mr. KERREY. Mr. President, the Senator from Utah said we are trying to make this amendment look like the Republican amendment. I may want to look like the Senator from Utah in many other ways, but we did not try to make this amendment resemble in two very key ways the amendment that was adopted last week.

I appreciate very much the concern about the regulation. In fact, as I said, the Senator from New Jersey made a number of changes to reduce the regulatory requirements. All we have left are the same regulatory requirements that all licensed gun dealers have to go through.

We will see about 3.5 million handguns sold this year through licensed dealers and 2 million in nonlicensed environments. What we are trying to do, for those of us who believe that background checks—there are some who do not. There are some who voted against the Brady bill and did not like the background checks. That is fine, but I think they have worked. They have reduced in America the number of felons who have handguns. They have reduced the number of people who are dangerous with guns from having handguns. It is generally accepted that the evidence shows Brady has worked and it has made America safer as a consequence.

What we have, though, is a regulatory differential. All of us can understand that. If one group of people are regulated one way and another group of people are regulated another way, it can produce some significant distortions in people's behavior.

Right now, it is easier to go to the 2,000 to 3,000 gun shows every year and buy a handgun or another gun than it is from a licensed dealer. Why? Because you do not have to go through a background check. You do not have to do the same things that you do through a licensed dealer. I do not know if the concern about the black market was raised when Brady was passed. Perhaps it was. We did not create a black market with Brady. We still have people who are either felons or who should not have handguns, who are mentally unstable, or have something in their background that makes them, in the judgment of law enforcement, dangerous to own a gun.

Mr. HATCH. Will the Senator yield?

Mr. KERREY. I have 9 minutes left.

Mr. HATCH. If the Senator will yield on that point, it is not Brady we are talking about. It is gun shows we are trying to resolve, and if we do not resolve it right, you are going to create a black market.

Mr. KERREY. But the Senator said his fear with the regulation is that we are going to have black markets. All we do—and I urge colleagues, especially the public to listen—is we say to a gun show operator, like every other licensed dealer, a gun show promoter has to register with ATF and pay a small fee.

We are not passing on the cost of the background check. Brady does not allow that. I voted against that. It does not allow us to pass on the cost of the background check. All it says to the gun show operator is you have to do the same thing a licensed gun dealer has to do. You have to register with ATF and pay a small fee.

Secondly, the gun show vendor has to show proof of identification when they check in at the gun show to verify they are who they claim to be. And the third requirement, hardly a prohibitive burden, in my judgment, is they have to notify people at the show that there are going to be background checks. You can do that with a sign.

Neither one of these three things is what I call a burdensome regulation, for gosh sakes. They are what licensed dealers have to do, exactly what licensed dealers have to do.

Again, last week when the Craig-Hatch amendment was adopted, the headline in the Omaha World Herald was: "Republicans Close Gun Show Loophole." Under this amendment, this is what you can do to get an exception. It is true gun shows will have to do background checks, except for people who have special licenses. Look who gets a special license: Somebody who is buying or selling firearms solely or primarily at gun shows. That is the first exception. Basically, I am saying, yes, if you are a gun show, you have to do a background check, you have to do everything a licensed dealer has to do unless you are a gun show. If you are a gun show, you do not have to do it. That is one of the exceptions provided in this law.

Again, if you want to go home and say, yes, I voted to close the gun show loophole, right in this thing it says I can get a special license to operate a gun show without having to do background checks if I am buying or selling firearms solely or primarily through gun shows. It does not get the job done.

We impose regulations on licensed gun dealers. I have consulted licensed gun dealers in Nebraska. I said earlier, I am a supporter of the second amendment. I believe the right to bear arms means something. I believe the right to bear arms does not give me an unlimited right to bear arms, just as the first amendment does not give me an unlimited right to speak.

There are limitations on my right to bear arms. These are reasonable limitations to keep all the rest of us safe. The leading cause of death of teenagers in the United States of America is homicides and suicides. We are the only industrial Nation that has that.

We are not talking about picking up guns. We are trying to put something together that, like Brady, will reduce the opportunity of felons and people who have other things in their background which might make them an unreliable owner to have access to guns.

This is not an unreasonable regulation. This is exactly what licensed gun dealers have to do. The Craig-Hatch amendment simply does not get the job done because it allows somebody to say: I am going to get a special exemption because I am a gun show operator.

Secondly, I do not know the history regarding the loophole having to do with pawnshops, but for gosh sakes, we do not want to allow somebody to basically go in to a pawnshop and say: Here is my 357 Magnum, and I would like to get a certificate.

Maybe they stole it. A high percentage of people are concerned about pawnshops doing business, but we want that person to have to go through a background check when they pick up that gun. It has to be that a fairly significant percentage of those guns have been stolen and acquired in some way we suspect may put other law-abiding citizens at risk. It is not unreasonable when they come back to redeem their handgun that they have to go through a background check. That is not an unreasonable limitation of their second amendment right to bear arms. That is a reasonable limitation.

We understand that in a civil society, we have to give up a little bit of freedom from time to time in order to have a civil society. We do that. I do not have an unlimited right in freedoms. I have responsibilities as well, Mr. President.

This amendment corrects a deficiency in the Hatch-Craig amendment that is terribly important. It will make Americans safer. It will reduce the chances at gun shows that people who are dangerous who should not have guns will be able to buy them. It will reduce that chance.

Is it going to solve all the problems that are associated with juvenile crime and violence in America? Absolutely not. But it is absolutely reasonable to say that if you are a gun show, we are going to regulate you when it comes to background checks the same way we do a licensed dealer, the same way that we regulate anybody who wants to set up a licensed operation: a license from ATF and they have to do background checks.

Sometimes they have local ordinances that are even more severe. In Omaha, you have to go to both the police department and to the sheriff's office in order to eventually do a transaction when you are purchasing a handgun. It may have seemed unreasonable in the beginning, but it is working. It is making our country safer.

I hope colleagues who are genuinely trying to close this loophole will consider that this amendment gets the job done; this amendment will make America safer. It is not an unreasonable change in our law. For those of us who believe the right to bear arms has meaning, it is a reasonable change. In fact, I think it is going to make it more likely that we will keep the laws that will allow law-abiding Americans to own guns and use those guns to hunt, to target practice, and all the other legal applications for which, obviously, guns are used. I hope this amendment is considered seriously by colleagues who want to close this loophole and they will support the Lautenberg-Kerrey amendment.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, it is now 12:19. I understand the distinguished Senator from California wants 3 minutes. I ask unanimous consent that she be granted 3 minutes to make her statement, and then I also want to have 1 minute to finish my side.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from California is recognized for 3 minutes.

Mrs. BOXER. I thank the Chair. I thank the Senator from Utah for extending me this courtesy.

I have been sitting on the Senate floor since about 10 this morning listening to what has been a very fine debate. What I would like to do in these 3 minutes is put this whole debate into the context of reality.

We can talk theoretically, but I think reality has finally begun to hit the American people. I think that is why we have seen, finally, proper attention given to sensible gun laws.

We can see here in the 11 years of the Vietnam war, tragically we lost 58,168 of our finest people. That is 58,168 families devastated—devastated—by such a loss. Who knows what the potential of those people would have been? Certainly we know that war brought this country to its knees, and whether you supported it or did not, everyone—everyone—grieves that loss.

In 11 years in America in the war at home, 396,572 gun deaths, I say to my friends on both sides of the aisle, 11 years, almost 400,000 of our people killed; 396,572 families devastated. Many of those are children. Every day in this country we have the equivalent of a Columbine loss. Thirteen children a day are killed in my home State of California. The No. 1 cause of death to children in my home State—Gunshots.

So what are we trying to do in this debate with the juvenile justice bill on both sides? I think we want to make this country safer for children. The debate comes on how you do it.

The distinguished Senator from Utah said: You're pushing gun amendments on us. And just how far do you want to go?

My answer, as just one Senator, is: As long as it takes to change this. We have to change the reality that our children face.

When you ask parents today, do they feel secure when they send their kids off to school, no, they don't.

One of the things we could do is close the gun show loophole. Senator LAUTENBERG offered us that opportunity. It was voted down narrowly. He and Senator KERREY have teamed up. They have made a few changes which I think strengthen the amendment. We want to try again to close the gun show loophole.

I ask unanimous consent that this op-ed in the Los Angeles Times by Janet Reno be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times]

LET'S CLOSE THE GUN SHOW LOOPHOLE

(By Janet Reno)

The U.S. Senate has a historic opportunity to make our streets and communities safer by closing the loophole that lets felons, fugitives and other prohibited people buy deadly weapons at gun shows without Brady background checks. Last week, the Senate passed an amendment that not only fails to close the loophole but creates new ones, letting criminals redeem their guns from pawnbrokers without background checks, weakening the Brady checks that currently are made at gun shows and, for the first time in more than 30 years, allowing federal firearms dealers to cross state lines to sell guns.

I have watched this debate unfold with sadness, but I remain committed to working with the Senate on this issue. In 1993, we worked in a bipartisan fashion to pass the Brady law, which has prevented more than 250,000 felons and others who should not have guns from getting them. I am hopeful that we can regain this spirit of bipartisanship and, together, take the common-sense step of expanding the Brady law's protections to gun shows.

So far, the Senate has passed two gun show amendments, but neither one actually closes the gun show loophole. Although the second proposal is in some ways better than the original, regrettably—and contrary to some reports—the modified amendment leaves the most dangerous loopholes of the original amendment untouched and adds at least one more, by weakening the Brady checks currently done at gun shows.

While the new proposal would require some buyers to get background checks at gun shows, it would not ensure that all such sales go through a check. Moreover, it cuts back the time that law enforcement has to complete a Brady background check from three business days to 24 hours, even though the court records that are sometimes needed to finish the check are unavailable on weekends when most gun shows take place. This increases the chances that criminals will be able to buy weapons at weekend gun shows, because if the background check cannot be completed within 24 hours, the criminal can get the gun. Although more than 70% of Brady background checks can be completed within minutes, some require law enforcement officers to track down additional records.

With all of the flaws and loopholes created by this amendment, even in its modified version, is there a better alternative? Fortunately, there is. Last November, President Clinton directed Treasury Secretary Robert E. Rubin and me to make recommendations on closing the gun show loophole. We published a report in January that lays out a streamlined approach using federally licensed firearms dealers to do all the background checks at gun shows, even for unlicensed sellers. We also proposed a way to get limited information about the makes and models of guns sold so that we would have the ability to trace the guns if they were later used in a crime. In contrast, the amendment passed Friday will decrease our tracing ability, because checks will be done by people who have no obligation to cooperate with tracing requests.

Our proposal allows gun shows as we know them to continue but ensures that no one who is barred from having a gun can buy one at a gun show. The carefully drafted bill by Sen. Frank R. Lautenberg (D–N.J.) follows many of our recommendations.

There is still time for the Senate to revisit this important issue and adopt legislation that plugs the gun show loophole once and for all. We want to work with Congress to develop sound, workable and effective proposals to close loopholes in our gun laws. The current amendment, even as modified, moves us in the wrong direction.

Mrs. BOXER. I simply say that Janet Reno has talked here about why it is important to try to finally close this loophole. She points out that the Senators on the other side who offered their loophole closing simply did not close the loophole. Senator KERREY pointed out that new designation of dealers who were exempted.

The pawnshop loophole, let me talk about that, my friends. This weakens the law from its current status.

I ask for 30 additional seconds, and then I will close.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. The pawnshop loophole, which was opened up by my friends on the other side, if you are going to a pawnshop, you are five times more likely to be a criminal. What they do is to say no background checks anymore. What else do they do to weaken the current law? They say that you can only have 24 hours to finish the background check at a gun show.

My friends, in 20 percent of those cases they need more time; they have to call the FBI. The FBI is telling us that isn't a good step; it is going the create more death and destruction.

So, in closing, let me urge my colleagues on both sides of the aisle to finally close this loophole in the right way and support the Lautenberg-Kerrey legislation.

I yield the floor. I thank my colleague from Utah for his generous spirit in giving me this time.

The PRESIDING OFFICER. The Senator from Utah has 1 minute.

Mr. HATCH. I may need a little bit more than that because of Senator KERREY's remarks and the remarks of the Senator from California. So I will ask unanimous consent when I do that.

Senator KERREY says a lot of pawnshop guns could be stolen. But let me remind the Senator that State law already requires a check with State or local law enforcement agencies. If the gun is stolen, the State law catches this. So the Lautenberg amendment does not do anything particularly good on that.

Without the special license provision, gunsmiths and others will not go into a regulated gun show. It is just that simple. These people generally do not have to be licensed now. Under the bill as currently amended, we require them to keep records and to comply with all of the provisions of the Gun Control Act. If we regulate gun shows without a special licensee, we will force these people into the black market. So let's require them to be licensed. That is one of the points I was making there. All the other points I made I do not think have been rebutted at all.

Mr. President, we now reach that point where we have the debate on four amendments, 10 minutes equally divided. We will begin with the Wellstone amendment No. 358; then we will go to the Sessions amendment No. 357; then to the Ashcroft amendment No. 361; and then the Santorum amendment No. 360, with the votes to occur beginning at 1 p.m., as I understand it.

Should we go with Sessions first? I will be happy to do that. Let me rearrange the order. We will start with Sessions amendment No. 357, then Wellstone amendment No. 358, then Ashcroft amendment No. 361, and then Santorum amendment No. 360. OK.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

AMENDMENT NO. 357

Mr. SESSIONS. Mr. President, is there a time agreement on this debate?

The PRESIDING OFFICER. Ten minutes equally divided.

Mr. SESSIONS. Mr. President, from time to time, those of us in Congress hear complaints about governmental literature, brochures, pamphlets, and booklets paid for by the taxpayers who believe there is contained within them messages, content, material, tendencies, and philosophies that they believe are unjustified.

It is not possible, frankly, for us to manage that, as probably most people think we do. Particularly, this juvenile crime bill will produce about $1 billion in new spending for juvenile crime, and over half of that will be for prevention. Much of it will then be used, as part of the prevention effort, to produce certain literature that will be used in schools and other organizations.

So the question is: What do we do about it? Someone suggested that, well, you need to pass a law that prohibits them from spending money which says things that may offend me.

I am not sure how we could write a law that would say that. I am not sure we even ought to attempt to do that.

But there is a problem, a disquiet, an unease in America about some of the material getting printed at taxpayers' expense. Both liberals and conservatives sometimes are not happy with material. So I thought this would be a suggestion that we might try with regard to the funds expended under this juvenile offender accountability grant program that we have.

There would be a disclaimer, language placed on all literature funded by this bill. It would simply say this: "These materials are printed at Government expense."

In addition, it would have these words: "If you object to the accuracy of the material, the completeness of the material, the representations in the material, including objections to the material's characterizations of persons' religious beliefs, you are encouraged to direct your comments to the Office of the Attorney General of the United States."

It directs the Attorney General to designate an office. There is an address that will be put on the literature to receive the material and to periodically, every 6 months, send a summary to the Congress of what the comments received were, because we are funding these materials.

When we send a grant to a certain community to do a drug treatment program, a mental health program, or an antiviolence program, the Members of this body may not know what was in that material. Oftentimes people get it and they do not like it. They think it is inaccurate or unfair. I think they ought to have a chance to express that.

I do not know how anybody could believe this would be an objectionable thing. If the Government is going to fund the literature, people ought to be told that they can object and where they can send their objection. If there are numerous objections, we can take a look at them. If it is inaccurate or discriminates against a particular group, then we ought to be prepared to ask questions in our oversight capacity in Congress. As chairman of the Youth Violence Subcommittee, we have oversight over the Office of Juvenile Justice programs. We look at Office of Juvenile Justice programs. So if we are getting a lot of complaints about the material, we can raise that with them and make sure they are exercising legitimate supervision over those materials.

It is a simple amendment. I do not think it would cost anything. The Attorney General could certainly be able to receive these materials, assemble them, and summarize them for the Congress. They could be maintained so that if anybody wanted to, they could go read the complaints. I think it would result in high-quality literature. In fact, I think that if a person knows when they are producing literature that it is required to put on it information concerning complaints and writing the Attorney General of the United States, they are probably going to take more care to see that the material is produced accurately and fairly.

Those are the comments I have on that at this time.

On the other matter regarding gun shows, I think that what is frustrating the people that I am hearing from, and that I think most of us are hearing from, is that people who go to gun shows are good people. A gun show is a traditional thing.

Has my time expired?

The PRESIDING OFFICER. The Senator is correct.

Mr. SESSIONS. Mr. President, I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. They are getting tired of being blamed. These are good people. The murder rate in Washington, DC, is one of the highest in America. Who suggests that the guns criminals have here come from gun shows? That is not where guns used in crime are coming from. What I am hearing is, let us prosecute the criminals with the guns. That is why General Reno's comments are, to me, frustrating, almost irritating, because during her watch we have seen a collapse of the prosecution of criminals with guns, a 40-percent decline. At the same time, we want to shift burdens on people who are not committing crimes. That is what is causing the tension here.

Senator HATCH has worked very hard with the Members of the Democratic Party to try to reach an agreement in which we can maintain accurate controls over guns that are sold in gun shows and so forth but, at the same time, not burden excessively innocent people.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. Mr. President, I do not know of any opposition to the amendment or anybody to speak on it. I wonder if the minority will yield back its time?

Mr. President, I ask unanimous consent that we reserve the time in opposition to this amendment and we move on to the next amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I suggest the absence of a quorum with the time charged to the proponents on this amendment.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. HATCH. Mr. President, I suggest the absence of a quorum with the time charged equally.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 358, AS MODIFIED

Mr. WELLSTONE. Mr. President, I ask unanimous consent that my amendment, as modified, be sent to the desk. I believe this has been cleared with the other side. It is technical. There were some original cosponsors, Senator MIKULSKI and Senator HARKIN.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HATCH. Mr. President, reserving the right to object, what is the change that was sent? I am sorry.

Mr. WELLSTONE. The amount of money originally was improperly designated. I also added two original cosponsors.

Mr. HATCH. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment (No. 358), as modified, is printed in today's RECORD under "Amendments Submitted.")

Mr. WELLSTONE. Mr. President, let me just start out by saying that one of the real weaknesses in this legislation as it is now written is that there is no specificity about the allowable use of funding for school-based counseling or mental health services to all students through qualified counselors or psychologists or social workers.

My colleague, Senator SESSIONS, has referred to other activities that can be used to prevent juvenile delinquency, but this phrase is vague. It gives no encouragement to schools to use the funding that they need to have the counselors.

The only place where we really might see an opportunity for counseling services would be in boot camps and community-based projects and services, but kids already have to be delinquents in order to receive this kind of counseling.

Mr. President, what I say here today is that I do not know about other colleagues, but as I travel Minnesota, what I hear more than anything else, above and beyond the need to get tougher on guns, is, Senator, we need more counselors. We need to have an infrastructure of support for our children in our schools. This amendment is the 100,000 school counselors amendment.

This amendment would call for funding from the Federal Government, on a one-third, one-third, one-third matching basis. It would be $340 million a year over the next 5 years. Now, my colleagues on the other side of the aisle may stand up and say: This is $340 million a year.

To that, I say to my colleagues on the other side: When are we going to get serious? We continue to talk about children. We continue to talk about our concern for children. Now we are talking more and more about our concern for at-risk children. Now we are talking more and more about how to get to kids before they get into trouble. And what we hear all across our land from our educators, from women and men who are working with children every day, is that we don't have the funding for counselors.

Mr. President, right now we have an average of about 1 counselor per 500 students across the land. One counselor for 500 students. That counselor can't even begin to reach out and help some of the kids who are in trouble.

This is a huge weakness in this legislation. If we want to get to kids before they get into trouble, if we want to respond to the voice in the country about what we need to do better—and I hear this from everyone in Minnesota—then we need to support this 100,000 school counselors amendment. There is nothing we can do that would be more important.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time? Who yields time in opposition to the amendment? Who yields time in opposition to the Wellstone amendment No. 358?

Mr. HATCH. Mr. President, I yield such time as he needs to the distinguished Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. The Senator from Missouri is here, and when he is ready, I will yield to him.

Mr. President, I am not hearing every day that what we need as a No. 1 priority of schools in America is more counselors. There are a lot of needs in schools. Maybe we need to expand Head Start, maybe we need other programs, maybe we need computers, or mentoring programs, some of which work well. We have not had hearings on it. This is an issue that ought to be raised in the Senator's Education Committee, and it ought not to be part of a crime bill at this time.

Mr. HATCH. Mr. President, let me once again start by complimenting the Senator from Minnesota's commitment to the problems associated with mental health conditions.

I share his commitment, but I have a number of grave concerns about his amendment to provide $1 billion a year in new funding to hire over 100,000 school-based mental health personnel.

As I noted in my statement yesterday, there is no evidence whatsoever to support the assertion that the recent tragedies in Colorado and Oregon would have been prevented by having more school counselors.

Let me reiterate what I observed yesterday: it has been reported that both Eric Harris and Dylan Klebold had gotten fairly extensive individual counseling, had undergone anger-management training and had gotten affirmative evaluations from counselors.

One of Dylan Klebold's teachers had expressed concern about some of the things he was writing in English class to a counselor.

It has also been reported that the 15-year-old Oregon killer, Kip Kinkel was currently in counseling, along with his parents, when he killed them and went on to kill two of his classmates and injure a number of others.

Please don't misunderstand me, Mr. President, I do not want in any way to undercut the very fine and vital work done by counselors in my state of Utah and around the country. I respect them. Their work is important and valuable and I support their efforts 100 percent.

I merely make the point that more counselors would not have prevented these recent tragedies.

Additionally, Mr. President, as a parent and grandparent, I have an almost knee-jerk reaction whenever I hear that the federal government is—once again—attempting to micromanage public education.

I believe that we can best support our local schools by adequately funding current federal education programs and allowing state and local education agencies the flexibility to make important education decisions unencumbered by federal regulation.

I sincerely beleive that $1 billion of new federal taxpayer dollars will not do as much to encourage a renewed commitment to strengthen mental health outreach as local school boards, parent groups and local civic mental health and law enforcement organizations working together.

This amendment is a Washington knows best, big money, unfunded answer to complicated questions that can best be addressed through local efforts.

Mr. President, I get am getting a little tired of seeing some of our colleagues throwing money at issues without regard to costs. I am geting a little tired of hearing that the answer to everything around here is simply to throw more money at it. There is no question that counselors can be effective, but a lot of other things are too, and we have a lot of effective programs in this bill. Frankly, it is time to get this bill passed and quit delaying it.

Mr. WELLSTONE. Mr. President, I ask unanimous consent for 30 seconds to respond.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. This is a modified amendment. It is for $340 million a year, not $1 billion, as the Senator said. All Senators should know that.

Second of all, I get a little tired of Senators talking about how much we care about kids and education, and we can't have our schools and school districts put in some money, which we will match, so we can have more support services for these kids. We gave $8 billion more for the Pentagon than the President wanted. We got money for breaks for oil companies and money for breaks for all sorts of other special interests. But all of a sudden we don't have the money to provide resources for these school districts.

Mr. HATCH. Mr. President, we continue to throw money at these problems and not solve them. First, the Senator's bill called for $1 billion and now it calls for $340,000,000. Which one is it? And how do we know that this latest amount is what is needed? We can't keep pulling extraordinary amounts of money out of thin air and justify spending the amounts because problems may exist. We continue to take time on this floor to delay a bill that can help solve these problems. The fact is that we take care of a lot of these problems in the bill without throwing an inordinate amount of money toward them.

Mr. WELLSTONE. Mr. President, I resent the accusation that this is taking up time and delaying this bill.

Senator, if you were worried about at-risk kids and helping kids before they get into trouble and wind up incarcerated and committing violent crimes, then you would want to support the kind of support services we can provide in schools.

Mr. HATCH. Mr. President, I don't want to take too much time, but I will take 30 more seconds.

Look, you are not the only Senator on this floor who cares about kids. I have a record of 23 years of leading a fight for most of the children's programs that have passed here. And every one of them takes into carefull consideration how much money should or should not be spent—child care, the child health insurance bill; you name it, I have been there. Right now, I am raising over $2 million for the Pediatric AIDS Foundation. I don't need to be lectured by the Senator from Minnesota, whose answer to everything is to throw more money at every problem.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that I be allowed to respond to that comment.

The PRESIDING OFFICER. Is there objection?

Mr. HATCH. I object, unless it is for 30 seconds.

Mr. WELLSTONE. I can do it in 30 seconds.

The PRESIDING OFFICER. The Senator is recognized for 30 seconds.

Mr. WELLSTONE. Senator, I would never criticize your record. You are a friend. But I intend to respond to the remarks you made on the floor of the Senate that this kind of an amendment is taking up people's time and delaying passage of this bill. This is very relevant to what we need to do to help kids before they get into trouble. I am surprised that my colleague, with all of his good work, doesn't understand that.

I yield the floor.

The PRESIDING OFFICER. All time has expired.

AMENDMENT NO. 361

The PRESIDING OFFICER. Under the previous order, we will proceed to amendment No. 361, sponsored by Senator ASHCROFT, with 10 minutes equally divided.

The Senator from Missouri is recognized.

Mr. ASHCROFT. Mr. President, I want to thank a number of Senators before I begin making my remarks because this amendment is the culmination of the work of a number of individuals, including Senators HUTCHISON, DEWINE, ALLARD, ABRAHAM of Michigan, GREGG of New Hampshire, HELMS of North Carolina, and Senator COVERDELL of Georgia. All of these individuals participated to assemble the components of this amendment, which is an amendment designed to promote safety in our schools and to prevent violence in our schools. So I thank all of those Senators. If any of them comes to the floor, I will happily yield to them for them to give particular emphasis to the items they brought to the table here.

This amendment contains a number of provisions that give schools and communities additional ways to prevent youth violence. It would free local school districts to put Federal money to use where the Federal money will do the most good to prevent future violence.

Under this amendment, schools will be able to choose where best to spend Federal resources under titles 4 and 6 of the Elementary and Secondary Education Act. These are allowable uses which would include violence prevention training, school safety equipment such as metal detectors, or for school resource officers.

The amendment clarifies that nothing in Federal law stands in the way of a local decision to introduce a dress code or school uniform policy. Without taking the time at this moment, a number of schools would like to be able to do this. In the places where they have been able to do it, they have found that it reduces violence and increases student productivity. It has been good.

This would allow schools, if they are going to use their Federal resources, to use them, and one of the permissible ways would be to invest in establishing such a policy.

The amendment contains a provision that provides certain liability protections for school personnel when they undertake reasonable actions to maintain order and discipline in safe educational circumstances or to promote an environment of safety for education. This is a very important provision. This one, sponsored by Senator COVERDELL of Georgia, offers teachers limited civil liability against frivolous and arbitrary lawsuits.

We don't really need for teachers, who need to be involved in disciplining students, to be thinking about the fact that they are going to be sued if they exercise the right kind of discipline.

The limits are reasonable. They are against frivolous and arbitrary lawsuits—the kind of limit that we placed to help encourage volunteerism last year when we had the Volunteer Protection Act. That is the kind of thing we want to do to make sure that teachers can have better control and are free to take necessary steps to provide discipline in the classroom.

Senator HELMS' language makes certain that a school discipline record follows a student when a student transfers to another public or private school. The language allows schools to run background checks on any school employee who works with children. I think this is reasonable. We should know who the individuals are who are employed in our schools. Providing this kind of capacity and opportunity is a step in the right direction, a step forward. It is necessary for schools, especially given the mobility of students and families, to be able to know about the discipline record of a student who comes to the school. Learning too late can be a deadly matter, as I learned a few years ago in a tragic case in St. Louis, where a student transferred from one school to the next and the discipline record didn't follow. And before they learned of this student's propensity to stalk young women, he murdered another student, stalking a woman, a young woman, into the restroom of a high school.

Senator DEWINE has a provision that allows the coordination of adolescent mental health and substance abuse services. That is part of this amendment.

The amendment includes language from Senator ABRAHAM that allows schools to use Safe and Drug Free Schools funds for drug testing. Students who are the subject of serious discipline problems may well be better off if we have the capacity of asking them to undergo drug tests. We fund it and provide the availability or the freedom to use funds in that respect.

I really want to thank my colleagues who worked with me on this task force: Senators DEWINE, HUTCHINSON, GREGG, ALLARD, COVERDELL, HELMS, and HATCH.

I look forward to the passage of these proposals that are included in this education task force package: The amendments on school safety and violence prevention, and safety and security in our schools.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

By the way, the Chair informs the Senator from Missouri that his time has expired.

Mr. ASHCROFT. The Senator from Missouri thanks the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I am going to speak on the Sessions amendment No. 357, and I understand there is time in opposition. Am I correct?

The PRESIDING OFFICER. There are 5 minutes remaining on that time.

Mr. LEAHY. Mr. President, notwithstanding my friendship with the Senator from Alabama, I will oppose his amendment.

The amendment mandates that all Federal, State, or local governments and nongovernmental entities that receive any funds under this bill have to place a written disclaimer on all materials produced or distributed to the public.

The amendment also mandates the Attorney General report every six months to Congress on all public comments received based on these disclaimers, although it doesn't say how many hundreds of people may have to be hired to do this.

The amendment is unfortunate. We are trying to pass a serious and comprehensive bill to address juvenile crime. I don't understand why the other side would be insisting on placing a one-paragraph disclaimer on all publications from any entity that receives funds under this bill. It would apply to any nonprofit organization that uses Federal support under this bill.

For example, suppose the Boys and Girls Clubs used it to set up an afterschool process. Do they have to put a disclaimer on it? Suppose they have a leaflet passed out saying: Come at 5:30 to play softball, but we want you to have this disclaimer, and if you have any comments about it, write to the Attorney General so the Attorney General can report to the Congress.

I can see it: I was called out at third base. I don't think I was out. What is the Attorney General going to do about this?

That is what this disclaimer asks for.

What about the Red Cross? Well, they gave me a lousy cookie when I came in to donate blood. I want to know what the Attorney General is going to do about it.

The amendment is also dangerous because it can siphon off funds that can be used to prevent juvenile crime and punish juvenile offenders. It places an unfunded mandate on Federal, State, and local governments. It takes resources away from real crime-fighting programs. Nobody knows how much it is going to cost State, Federal, and local governments and nonprofit organizations to comply with this disclaimer requirement.

How much does it cost the Department of Justice? I would like to know how much it is going to cost for the 6-month reporting requirements. Obviously, the Department of Justice should have people devoted to crime fighting and who will be there to tally reports. And it will not be fanciful to think of somebody who got called out at third base in a softball game put together by the Boys and Girls Clubs who thinks the Attorney General should look into it.

The Department of Justice already prints its name and address on all publications. Why a further unfunded mandate?

Unless we have questions and answers about how much it is going to cost and how much it is going to take away from real crime fighting, I would oppose it.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time? This is in opposition to the Ashcroft amendment.

The Senator from Massachusetts.

Mr. KENNEDY. I believe we have 5 minutes. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. KENNEDY. Mr. President, I yield myself 4 minutes.

Mr. President, this amendment is harmless, though I question how effective and useful it is.

It provides for some coordinated mental health services at the level. But there is already some limited mental health coverage in the underlying bill. And I find it interesting that the Senator from Missouri rejected our proposal to give SAMHSA the resources to really do the job.

The amendment provides for background checks on school employees. That's already allowable under current law.

It allows schools to require uniforms. There is nothing to prohibit that now.

It creates a Commission on Character. That is fine.

But if we really wanted to make a difference, we would fulfill the commitment made last year to reduce class sizes by hiring 100,000 new teachers. Teachers should not have to do crowd control.

If we really wanted to make a difference, we would help communities build new classrooms and schools and modernize their facilities. This means smaller classes and smaller schools, so teachers and school officials get to know the children they teach. You have heard of "road rage." Well some schools have "hall rage," where hallways are so crowded they actually increase violence in schools.

If we really wanted to make a difference, we would expand after school programs to attend to children in the afternoons—keeping them off the streets and out of trouble. Each day, 5 million children are left home alone after school, and that is unacceptable.

If you asked parents what is most important to reducing youth violence—uniforms or smaller classes—I am certain that smaller classes would win hands down.

If you asked parents what is most important—a character commission or after school programs—the after school programs would win hands down.

If you asked parents what is most important—to reiterate that you can conduct background checks on teachers or building more classrooms and better classrooms—the better classrooms would win hands down.

So I see nothing harmful in this amendment, but I hope we can get to the real issues that concern parents and communities—smaller classes, better schools, more after school programs.

I withhold the remainder of the time.

The PRESIDING OFFICER. Is time being reserved?

Mr. KENNEDY. I yield the remainder of my time.

The PRESIDING OFFICER. All time on this amendment has expired.

AMENDMENT NO. 360

We will now move to amendment No. 360.

Who yields time?

Mr. SANTORUM. Mr. President, I rise to support my amendment. The amendment is offered to address a problem in this country which we have talked a lot about here, which is the short amount of time that people serve in prison and, in fact, are sentenced to prison for the most violent of crimes in our society.

The chart says the average prison time served for rape in this country is only 5½ years, and that, by the way, is a slight increase over the past dozen or so years. Average prison time served for child molestation is 4 years; 4 years for child molestation. The average time served for homicide is just 8 years.

These statistics are for time served. Time sentenced, in many cases, is just a little bit more than that, but not significantly more than that.

It is a very serious problem, particularly in the area of raping and sexually molesting a child, where the recidivism rate is very high, where we are putting back on the street to terrorize our citizenry, people who should be incarcerated for a much longer period of time.

A group of Members, Matt Salmon in the House of Representatives, and I in the Senate, have introduced a bill called Aimee's law, named after Aimee Willard, a victim of a horrible rape and murder in the city of Philadelphia by a man, Arthur Bomar, who was released from prison in Nevada—released after murdering someone in Nevada, released after not serving his full sentence. By the way, he was violent in Nevada and had assaulted a woman while in prison, but Nevada let him out early. Unfortunately, Arthur Bomar found Aimee Willard and Aimee was brutally murdered and raped.

Aimee's mom, Gail Willard, has put together a group of people who said it is time to get people who are convicted of these horrible crimes to serve out their sentences and to send a message to States—many States in this country have very light sentences for many of these crimes—to send a message to States that we want tougher sentencing laws on the books for these violent crimes and violent criminals.

Matt Salmon introduced in the House, and I introduced an amendment in the Senate, which does something very simple: If someone is released from prison as a result of these kinds of violent acts, they are released from prison and go to another State and they commit one of these crimes, that the State that released that prisoner has to pay the costs of apprehension, prosecution, and incarceration to the State that has to deal with this person that they let out of jail.

It takes the Federal funding stream—we have Federal funds that go to all the States—and basically takes some of those Federal funds and shifts them from one State to another. It is a matter of disignating some Federal funds, rather than to Pennsylvania, because Pennsylvania let someone out early and that convicted felon went to Ohio and committed a crime—Pennsylvania would lose Federal funds—to Ohio to pay for the apprehension, prosecution and incarceration of that criminal.

This is a bill supported by 39 victims' rights organizations, including: KlaasKids Foundation and Polly Klaas' father, Marc Klaas; Fred Goldman; Gail Willard; the Fraternal Order of Police; Law Enforcement Alliance of America; International Children's Rights Resource Center; Justice for All; National Association of Crime Victims' Rights; the Women's Coalition.

The above mentioned people and organizations and a variety of other national organizations consider this one of their highest priority bills, to send a message that if a State has very lenient sentencings and they let someone out, that State will get hit with a bill; that State will lose some of their Federal block grant funds.

We want tougher sentences and we want truth in sentences. We have provisions in this amendment that say if you don't live up to truth in sentencing and you are not a truth-in-sentencing State, you can be liable if someone gets out of jail in one of those States and goes to another State and commits a similar crime. You can lose Federal funds.

We are trying to send a very clear message that these crimes should be dealt with seriously. A child molester who receives 4 years in prison, when you consider the recidivism rate, is an abomination.

We have 134,000 convicted sex offenders right now living in our communities because of these kind of laws and because of the enforcement and prosecution and leniency by our courts or by our parole systems. We have to do something about this to protect our children, to protect our society from the rapists and child molesters and murderers in our society.

I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator has 5 minutes in opposition.

Mr. LEAHY. Mr. President, I do not oppose this amendment. I think it is, as drafted, extremely complicated and can create a great deal of problems with some States to the extent it overrides their ability to make determinations of who they go after and how. I understand what the Senator from Pennsylvania wants. I encourage that we accept the amendment.

Of course, he is entitled to a vote if he wishes, and between now and conference we might work more on the language to see if there are areas of unnecessary complication that could be removed.

I do not oppose the amendment. I yield back the time on this side.

Mr. LEVIN. Mr. President, the Santorum amendment aims at trying to reduce the number of tragedies that result when persons convicted of serious offenses obtain early release and then repeat the offense.

But the mechanism it selects to advance that goal is so unworkable that it will undermine its laudable purpose. The same crime is defined differently by different States. Average terms of imprisonment imposed by States are different from average actual lengths of imprisonment. Indeed, that is part of the problem. Those are just two of the unworkable parts of Sec. (c)(1)(C)(ii).

One big problem in Sec. (c)(1)(B) is that the cost of incarceration of an individual can't be known unless one can predict his or her life expectancy.

An unworkable procedure will not help this cause. It will set it back, I am afraid, and I cannot vote for it.

Mr. THOMPSON. Mr. President, I am saddened by the tragic circumstances that have motivated my distinguished colleague from Pennsylvania to offer his amendment. It is understandable that concerned citizens hope to avoid crime committed by people who are released from prison. And I might favor states increasing the length of sentences of violent offenders. But that choice should be that of the states, and not one essentially forced on states by the Federal Government for fear of losing their criminal assistance funds. That view by itself leads me to oppose this amendment, although the particular way in which this amendment will operate causes me particular concern.

States are not mere appendages of the federal government to be called upon to do the Federal Government's bidding every time we think we've got a good idea. State sentencing for state crime is a state matter.

The amendment provides that in any case in which a person is convicted of murder, rape, or a dangerous sexual offense as defined by state law, and that person previously has been convicted of that offense in another state, the state of the prior conviction will have deducted from the federal criminal justice funds it receives, and transferred to the state where the subsequent offense occurred, the cost of the apprehension, prosecution, and incarceration of the offender, unless the original state has: (1) adopted the federal truth in sentencing guidelines; (2) imposed a sentence on persons for these offenses that is at least 10 percent above the average term of imprisonment for that offense that is imposed in all states; and (3) made the particular offender serve at least 85 percent of his sentence.

Mr. President, my opposition to this provision is based primarily on federalism. States should be free to adopt the sentences that they choose. They should also be able to adopt the parole policies of their choice. States that impose short sentences or lenient parole policies will bear most of the cost themselves if released criminals commit future offenses.

Under this amendment, states must adopt the federal sentencing guidelines if they wish to be certain to avoid losing federal funds. The states will have their sentencing policies for these offenses not drafted by their state legislators in their state capitals, nor even by Congress. State judges will lose the ability to exercise whatever discretion in sentencing their states permit. Instead, the unelected bureaucrats of the United States Sentencing Commission will set the sentences for state criminals who commit these offenses. I have no criticism of these individuals pursuing the task that Congress has given them, particularly since their work is subject to congressional review. But they were not and should not be given the power to set state sentences, unanswerable to the states who will be forced to silently acquiesce to their efforts.

In addition, a state seeking to retain its federal funding by complying with the three conditions of this amendment would incur much greater expense than any loss of funds it would sustain if it were not to comply with the conditions. States who seek to sentence at more than 110 percent of the average will be required to spend huge sums on new prisons to hold these offenders. In addition to construction costs, there will be additional costs of personnel and other operating expenses. Such long sentences will also mean that the states will incur huge medical expenses for older prisoners, for fear of losing federal funds if they were released and committed new offenses. If a state wanted to incur these costs without this amendment, it could do so, but this bill will for all practical purposes force states to do so without funding any of the resulting costs. In addition, states sentencing for such a long duration may not be sentencing wisely. Some offenders deserve parole. Not all offenders are incorrigible. Some offenders can be helped by religion or counseling to lead law abiding lives, returning to their families, safely living among the community, avoiding the need for states to incur costly prison expenses, and actually becoming productive, taxpaying citizens. This amendment essentially deprives a state of that choice, and may result in the unjustified continuation of imprisonment of certain persons, harming that person, his family, the community, and taxpayers generally.

The 110 percent of the national average sentence requirement is troubling for other reasons as well. By definition, half the states will be below average, and even a larger number will not sentence for 110 percent or more of the national average. That will mean that most states will not be able to avoid the risk of losing their federal funds, no matter how hard they try to comply with the amendment's conditions. And since the average is not static, a state that is above 110 percent in one year may not be at that level the following year. As a result, the amendment would result in states continuously increasing their sentences in what will probably be a vain effort to be one of the above average states. And how will the average be calculated? Is a 99 year sentence longer or shorter than a life sentence? Is a death sentence imposed after 5 years longer or shorter than a life sentence without parole? I suppose states will have an incentive under this bill to adopt not only a death penalty, but to sentence the defendant to 1000 years besides. It is not Washington's business whether or not a state has a death penalty for state crimes. That decision should be made by the people of a state and no one else, consistent with constitutional requirements.

Apart from opposing this amendment on federalism grounds, I also note the existence of significant drafting problems that will result in what I am sure the sponsors would consider to be unintended consequences. For instance, the amendment defines "murder" and "rape" by reference to state law. But some states will never be in a situation in which a person convicted of murder has been released from serving a murder sentence or rape sentence in their state. For instance, Vermont has no crime of rape, but only sexual assault. No one can be convicted of rape who was convicted of rape previously in Vermont. Wisconsin has no rape or murder statutes, but simply intentional homicide and sexual assault.

One can well imagine that if this amendment passes, states will manipulate the label placed on various conduct so that it can make sure to convict persons for "murder" or "rape" however defined under another state's law—and in such a way as now not remotely considered to constitute these crimes—while convicting persons in their own state for "intentional homicide" or "sexual assault." That kind of manipulation will produce virtual anarchy. While the House companion bill avoids this particular problem because it defines these offenses without regard to state law, I note that the House bill is equally objectionable in its own way, since the crimes that it covers are broader than the Senate bill, extending to crimes that few would consider exceptionally serious, and thus causing greater expense to the states than the Senate bill if loss of funds is to be avoided. Moreover, under the House bill, unlike this amendment, a state is never free from the risk of losing funding, since it will be liable for a released offender's offense for the rest of his life, regardless of the length of his sentence or actual imprisonment before release.

We have eliminated parole at the federal level. But there are many fewer federal than state parolees. If a state would rather spend money on education or effective prevention programs than on very long sentences, it should be able to do so without federal interference. Some prisoners may deserve parole. Others may not. And so long as there is parole, as in every other human endeavor, mistakes will occasionally be made, sometimes with serious consequences. The people who make those decisions and the state lawmakers—not federal lawmakers—should continue to set parole policy, and they should continue to be held accountable by the people of their states for those decisions. The track record of Congress in knowing just how crime should be punished should give pause to anyone who thinks states and the American people would necessarily benefit more from a congressionally mandated approach to this issue than from experimentation among the states.

Mr. President, I sympathize with those who are the victims of crimes caused by parolees. I understand the sincere motives of my colleagues who support this legislation. But I strongly believe that it is misguided and runs counter to our system of federalism. It will cost states billions of dollars without any guarantee of retaining full federal funding. It may prevent sensible parole policies in particular cases. I have also pointed out a number of practical problems with the amendment's drafting. For all of these reasons, I oppose the amendment.

Mr. LEAHY. Mr. President, I ask unanimous consent it be in order to ask for the yeas and nays on all four of the remaining amendments.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

VOTE ON AMENDMENT NO. 357

The PRESIDING OFFICER. The question is on agreeing to the Sessions amendment.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) is necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mr. MOYNIHAN) would vote "no."

The PRESIDING OFFICER (Mr. BUNNING). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 43, as follows:

[Rollcall Vote No. 127 Leg.]

YEAS—56

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—43

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Mikulski
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Torricelli
Wellstone
Wyden

NOT VOTING—1

Moynihan

The amendment (No. 357) was agreed to.

Mr. LOTT. Mr. President, I move to reconsider the vote.

Mr. HATCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LOTT. Mr. President, we have three more votes now in the stacked sequence. I ask unanimous consent that in this series the next three votes be limited to 10 minutes in length.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

AMENDMENT NO. 358, AS MODIFIED

Mr. WELLSTONE. Mr. President, could I ask a question. We now have 1 minute each; is that right?

The PRESIDING OFFICER. That is correct.

Mr. WELLSTONE. Mr. President, could we have order, please.

The PRESIDING OFFICER. The Senate will be in order.

Mr. WELLSTONE. Could I also ask whether this is my amendment on school counselors?

The PRESIDING OFFICER. It is the Wellstone amendment No. 358.

Mr. WELLSTONE. Thank you, Mr. President.

Mr. President and colleagues, I have offered this amendment with Senator MIKULSKI and Senator HARKIN. This amendment would provide $340 million a year for 100,000 school counselors, social workers and child psychologists to back them up.

Everywhere you go, you hear from people at the school district level: We will contribute money, but can you get some money to us so we can have more counselors in our school so that we can give more support to these kids before they get into trouble?

You will not hear your education community and your teachers and men and women who work with children talk about anything more than the need to have more counselors. One counsel for 500 students or 1,000 students cannot identify these kids in trouble, cannot help these kids. If we really care about providing these services, then we are going to be willing to make the investment.

I hope this amendment will have a very strong vote.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Is this amendment No. 358?

The PRESIDING OFFICER. Yes.

Mr. HATCH. This amends the Elementary and Secondary Education Act of 1965, originally to provide $1 billion more but modified now to provide $340 million, after modification, a year in new funding to hire 141,000 school-based mental health personnel: 100,000 school counselors, 21,000 school psychologists, and 20,000 school social workers. These funds have to be matched by the States and localities.

Now look, this is another attempt to micromanage our educational system in this country from Washington. It is an expensive add-on that should not be on this particular bill.

I made the case earlier that we are in favor of counselors, but there is a limit to everything, and the counselors may or may not be the answer here, especially in the Klebold matter—in the Columbine matter, and a number of other matters where the boys were under counseling.

The fact of the matter is, this is another "Let's throw money at it" at the cost of society.

The PRESIDING OFFICER. The time has expired. All time has expired.

Mr. HATCH. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table Amendment No. 358, as modified. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) is necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mr. MOYNIHAN) would vote "no."

The result was announced—yeas 61, nays 38, as follows:

[Rollcall Vote No. 128 Leg.]

YEAS—61

Abraham
Allard
Ashcroft
Bennett
Bingaman
Bond
Brownback
Bunning
Burns
Byrd
Campbell
Chafee
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
DeWine
Domenici
Dorgan
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Jeffords
Kerrey
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—38

Akaka
Baucus
Bayh
Biden
Boxer
Breaux
Bryan
Cleland
Daschle
Dodd
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Inouye
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Torricelli
Wellstone
Wyden

NOT VOTING—1

Moynihan

The motion to table was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, if we are going to finish this bill, we are going to have to move things along more quickly. We are seeing end-of-this-bill possibilities, but we are not going to ever finish the bill if these votes are going to go on forever. Ten-minute votes should not take an half hour.

I respectfully suggest that we move on more quickly so we can get to the substance of this bill.

AMENDMENT NO. 360

Mr. LEAHY. I say to the Senator from Utah, we would be willing to speed up things and accept the amendment of the Senator from Pennsylvania, if the Senator from Pennsylvania wishes. If they are interested in speeding up the time, we can do that. Obviously, the Senator from Pennsylvania is entitled to a rollcall vote, but we can save ourselves 15 or 20 minutes if we just accept it.

Mr. HATCH. Why don't we just have the rollcall vote and everybody will come immediately.

Mr. SANTORUM. I yield back my minute.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 360 of the Senator from Pennsylvania, Mr. SANTORUM.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that Senator from Kansas (Mr. ROBERTS) is necessarily absent.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) is necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mr. MOYNIHAN) would vote "aye."

The PRESIDING OFFICER (Mr. GREGG). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 81, nays 17, as follows:

[Rollcall Vote No. 129 Leg.]

YEAS—81

Abraham
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cleland
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Leahy
Lieberman
Lincoln
Lott
Mack
McCain
McConnell
Mikulski
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roth
Santorum
Sarbanes
Schumer
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thurmond
Torricelli
Voinovich
Warner
Wyden

NAYS—17

Akaka
Bond
Bryan
Chafee
Cochran
Feingold
Hagel
Hollings
Inouye
Jeffords
Lautenberg
Levin
Lugar
Rockefeller
Sessions
Thompson
Wellstone

NOT VOTING—2

Moynihan
Roberts

The amendment (No. 360) was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 361

Mr. HATCH. Mr. President, I understand that both sides are in agreement on the next amendment, so I ask unanimous consent that we vitiate the yeas and nays.

Mr. BYRD. Reserving the right to object, I will not object. I don't want to force my will upon the Senate, but I want the record to show that I support this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 361) was agreed to.

Mr. HATCH. I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATCH. Mr. President, I ask unanimous consent the Senator from New York be yielded 7 minutes for debate only, and the floor be immediately given back to me upon completion of his statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. SCHUMER, Mr. LEAHY and Mr. LAUTENBERG pertaining to the introduction of S. 1077 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. HATCH. Mr. President, the next amendment happens to be the Ashcroft-Frist amendment. I suspect we should let both of them describe their amendment.

AMENDMENT NO. 355

The PRESIDING OFFICER. Without objection, the next amendment will be 355.

Mr. HARKIN. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. What amendment are we on now?

The PRESIDING OFFICER. Amendment No. 355.

Mr. FRIST. Parliamentary inquiry. Is this the Frist-Ashcroft amendment?

The PRESIDING OFFICER. This is the Frist-Ashcroft amendment.

Mr. FRIST. Mr. President, we are returning to an amendment that was offered at the end of last week, which is a very simple amendment as written. It addresses a fundamental issue that is at the heart of the juvenile justice issue and discussion in the last week. It has to do with bombs and guns in schools. It is as simple as that.

It addresses the issue of how to make our schools as safe as we possibly can. We start with, I believe, the juvenile justice bill which has made real progress but absolutely to my mind must include an amendment that addresses this issue of guns in schools and bombs in schools in an area where we, because of previous legislation that we passed, have created a loophole that means that a student coming into a school who has a firearm may be treated very differently from a student who comes in the next day to that school with a firearm. The goal of our amendment is that any child who comes into a school with a gun or a bomb will be treated equally, will be treated fairly, will not be discriminated against one way or another.

Our amendment ends a mixed message that the Federal Government today, because of legislation we passed, sends to American students on the issue of firearms in schools. "Firearms," for the purpose of this amendment, are bombs and guns in schools.

We look at Littleton, CO, with 15 dead and 23 wounded. We look at Pearl, MS, with 2 dead and 7 wounded; Paducah, KY, 3 dead, 5 wounded; Jonesboro, AR, 5 dead, 10 wounded; Springfield, OR, 2 dead, 22 wounded.

These are all shootings, horrific shootings. They claimed the lives of 27 students and teachers. Thus, we come back to this simple amendment which closes a loophole that we created that has to do with guns and bombs and firearms in schools.

The Individuals with Disabilities Education Act is a law which I have strongly supported, and I have worked very, very hard in the past two Congresses to improve, to modernize, to strengthen. Under that act, a student with a disability who is in possession of a gun or a firearm at school is treated differently than a student who is not disabled or who is not in special education.

Again, it goes back to that fundamental issue of one child in a special education class who brings a gun or a bomb to school is treated preferentially compared to another child who does not have a disability or is not in special education who brings a gun or a bomb to school.

All of us represent States and have our own constituency. Therefore, I look at my home State of Tennessee. The Individual with Disabilities Education Act conflicts with our zero tolerance law which says that students may be expelled for 1 year if they bring a bomb or a gun or a firearm to school. That is zero tolerance. It is the law of the land in Tennessee. Yet, we have passed in this body Federal legislation which says there is a certain group of students, about 14 percent of students in the State of Tennessee, to whom that does not apply. We have a whole different set of standards. What our amendment does is it says, no, if you bring a bomb or a gun to school, you are going to be treated like every other student.

Under IDEA, local school authorities have several hoops to remove a dangerous special education student who brings a gun into the classroom. School personnel may suspend the child for up to 10 days. School personnel may place the child in an interim alternative educational setting for 45 days. School personnel may ask a hearing officer to place a child in an interim alternative educational setting for up to 45 days if it is proven that that child is a threat to others in his current placement. School personnel may conduct a manifestation determination review to determine whether or not there is a link between that child's disability and walking into the room with a gun or a bomb.

If the behavior is not a manifestation of that disability, the child may be expelled but is still given educational services. If the hearing officer determines that the behavior of bringing that gun into the classroom was a manifestation of the disability, the student can go right back into that school, right back into that current placement, and that is the problem. Let me repeat. If the hearing officer determines that the behavior of bringing a gun into the classroom was a manifestation of the disability, the student can go back into the classroom.

People say that does not happen. It does happen. In my own State of Tennessee, in Nashville, just over a 1-year period, there were eight students who brought guns into school who were caught and of those eight, six were in special education. Three of those six, it was found that bringing a gun into the school was a manifestation of their disability and, therefore, they ended up back in the classroom. Students who were not in special education were expelled under the law under which 86 percent of the other students fall.

Clearly, the way we have set up this federally mandated disciplinary procedure with this loophole sends students a mixed message about guns in our schools. It basically says if you are in special education, you are going to be treated in a special way if you bring a gun into school, but if you are not in special education, you are going to be treated like everybody else and you are going to be expelled. What a mixed message when we are talking about guns. When we are talking about the shootings, the 27 deaths in our classrooms and schools that we have witnessed, we must respond.

As earlier stated, if a student with a disability is expelled, that student must be provided alternative educational services while a nondisabled student, somebody who is not in special education who is expelled for the same offense, will not necessarily receive alternative educational services, which just shows how we are treating a student who comes into the classroom with a gun differently if they happen to be disabled compared to other students.

The amendment that I, Senator ASHCROFT, Senator HELMS, Senator COVERDELL, and Senator ALLARD, as the initial sponsors, have put forward, allows principals and other qualified school personnel the flexibility to do something that seems so basic. And that is, to treat all students the same if they bring a gun into the classroom, period. No more complicated than that. It does not matter race, it does not matter financial status, it does not matter educational status, everybody gets treated the same.

It allows school authorities to discipline all students in the same way if they bring a gun, we are not talking about threats, and we are not talking about even other weapons. We have this amendment focused on guns and bombs coming into the schoolroom.

This amendment does not force local school authorities to have a uniform disciplinary policy. We recognize that every situation needs to be judged as just that, an individual, unique situation. It simply gives them the flexibility to enforce discipline in that local school as they see fit, with the overall objective to assure, to ensure, to guarantee the safety of those students whom every day we send into those classrooms.

The amendment is firearms specific. There have been others who have asked us to at least look at expanding it to other weapons, but we have this amendment really quite narrow; we are talking about guns and firearms.

I mentioned the Nashville statistics. These statistics are really hard to obtain. You always hesitate, when that is the case, to generalize. So I want to make it very clear, I do not want to generalize, but I do want to illustrate how, in one community where I live, this loophole has the potential for causing real harm, I believe.

In the 1997–1998 school year in Nashville, TN there were eight firearms infractions. Of those eight, six were students with a disability. They were in special education.

I might add that overall in the State of Tennessee it is between 13 and 14 percent, or about one out of eight students, who are in special education classes.

Of these six special education students, three were expelled outright because they found, in the manifestation process, that the disability and their bringing a gun into the classroom were unrelated. Three of those students were not expelled, because the possession of the firearm was found to be a manifestation of that child's disability. It was three students who went right back into the classroom, again, potentially putting the lives of others in danger.

We might hear, well, nobody has been killed yet in the last year or the last 2 years. Really, I think that is a whole separate issue. The whole idea is that we are treating people differently who have brought a gun or a firearm into the room.

These statistics show that three people out of the eight had come back into the classroom because a manifestation of their disability was bringing a gun into the classroom. It is kind of hard to imagine, but that is what the ruling was.

With that, let me close and simply say that when it comes to possession of a firearm or a gun, the Federal Government really should not, I believe, be tying the hands of our local education authorities, of our local schools, our principals, our teachers, those who are in charge of discipline.

Again, I say this. When we are focusing on guns and firearms in the classroom, I just find it hard to believe, and really there is absolutely no excuse for any student to intentionally bring a gun or a bomb to school.

Students with disabilities really should not be able to hide behind, not their disability, I want to be very clear. What is happening is we set this structure up, the Individuals with Disabilities Education Act, with this single provision that allows certain students to potentially hide behind the legislation, not their disability, but behind the legislation and, thus, avoid punishment that a nondisabled student would undergo.

The amendment is simple. It is straightforward. It means that all students will be treated equally if they bring a firearm in the room. I urge its support and hope it will be brought to a vote shortly.

Mr. HARKIN. Would the Senator yield for a colloquy or engage in any kind of questions and answers?

Mr. FRIST. Sure.

Mr. HARKIN. Mr. President, the Senator from Tennessee knows I have the highest respect for him. In fact, I have always found him to be a very thoughtful Senator, especially when it comes to the issues of disability policy.

When the Senator first came to the Senate, he became chairman of the then-existing Disability Policy Subcommittee in the Labor and Education Committee, and I was his ranking member. I thought he did a great job.

As a matter of fact, under his chairmanship, we were able to get through the revisions of the Individuals with Disabilities Education Act, which we had been attempting to do for several years. In fact, it took 3 long years to get all the groups to finally agree on the revisions and the amendments to the Individuals with Disabilities Education Act. I say that as a way of background.

The Senator from Tennessee was very heavily involved in that process. We were able to get the bill passed in May, I think it was, of 1997. It was strongly supported in the Senate and in the House, and passed, and was signed into law by the President.

My friend from Tennessee gave an example of the students in his home community. He gave an example of eight students, six of whom were disabled, at least under an IEP, as I understand it; and that three, as I understand it, were expelled right away because it was not a manifestation; but then he made the statement that three went right back into the classroom.

The Senator, in a private conversation, told me about this once before. If I am not mistaken, was this not during the school year of 1995–1996 or 1996–1997?

Mr. FRIST. It was 1997–1998.

Mr. HARKIN. It was 1997–1998. So the regulations under the Individuals with Disabilities Education Act amendments did not go into effect until March of 1999. That is 2 months ago.

I say to the Senator from Tennessee that school he is talking about was still operating under the old system. The old system said you could place a child with a disability in an interim educational setting for up to 45 days if the child brought a gun to school. That is the old bill.

The new bill says, the one for which the regulations just came out a couple months ago—the Senator is right, a decision is made, and if it is not a manifestation of a disability, they can be expelled immediately. If, however, it is a manifestation of a disability, the child can be placed, under the old bill, for up to 45 days in an interim educational setting, and then if the school officials believe the child is still a danger, if the child is likely to injure himself or others, they can go to an impartial hearing, order that the child be placed for an additional 45 days in the interim educational setting, then at the end of that 45 days, they can do another 45 days, as long as it is decided that child is a danger either to himself or to others.

I ask the Senator from Tennessee, the example you gave is under the old bill. The new bill says that at the end of 45 days, the school can go to an impartial hearing officer and keep that child out for another 45 days. I ask the Senator if that is not a correct interpretation?

Mr. FRIST. The 1999 statistics have been that there have been nine firearm violations, nine firearm infractions this year as of yesterday. Of these nine infractions, four involved special education students. In two of these cases, the students were expelled but given alternative services. One was not expelled because the possession, walking into the school with a firearm, was found to be a manifestation of the disability. He is back in school today.

Mr. HARKIN. I don't know that I heard the Senator. If he could speak a little slower, I would appreciate it. I understand that you said recently. I do not know if you have given me——

Mr. FRIST. The statistics from yesterday for 1999.

Mr. HARKIN. The figures you gave were for calendar year 1999.

Mr. FRIST. The figures I gave 15 minutes ago in my presentation were from 1997–1998. I just gave you the ones for 1999.

Mr. HARKIN. What you said is that for 1999, this school year; I do not know if the Senator means the school year of 1999 or January until now.

Mr. FRIST. The statistics as of yesterday, up until about 24 hours ago, there were nine infractions over the previous 10 months in Nashville, TN. Four of those were special education students, four of the nine.

Mr. HARKIN. Four of the nine were special ed. Two were expelled because it was determined not to be a manifestation. What happened to the other two?

Mr. FRIST. One right now is back in the classroom. And because of the finding, during that 45-day period you spoke of, that it was a manifestation of the disability, they could not treat the student like anybody else.

The other student case is now pending, winding its way through the bureaucratic determination process.

Mr. HARKIN. I say to the Senator, you say that this one child was put in an interim setting for 45 days. Now this child is back in the classroom. Can the Senator tell me, did the principal or did the school officials ask for a hearing to keep the child in the alternative setting for an additional 45 days, which they are allowed to do under the new law? Did they do that?

Mr. FRIST. I will have to check and get back with you. I think the Senator's point is important. That is why I spelled it out earlier. For a student with a disability, you have the 10 days which you can be removed from the process. If you brought a gun into the schoolroom, you can be removed for 10 days. Then you have a 45-day period during which this determination is made. If you brought the gun because you had a disability, you can, as I have demonstrated with this most recent student from a month ago, plus the three from last year, you can go back into the classroom during that 45-day period. I think that is the issue that we want to close, which is basically saying, it doesn't matter whether you have a disability or not, if you walk into a classroom with a gun, you should be treated like everybody else.

Mr. HARKIN. I say to the Senator from Tennessee—and surely we can get this right; it may take a little bit of discussion, but I think we can get it right—the situation he just described is true to the point where the child can be put in an alternative setting for up to 45 days. Under the new law, which, I again point out, just went into effect this year, the school can keep that child out not only for 45 days but for another 45 days and another 45 days. All the school has to do is go to the impartial hearing officer and say: This kid brought a gun to school. It is a manifestation of his disability, but under these circumstances, this kid is a danger to these other students and should be kept in an alternative setting for another 45 days.

Is it not true that the school can do that? So that if the facts are, as the Senator said, the kid is back in the classroom; obviously the school officials felt the kid was not a danger to anyone and they let him back in the school.

So I ask the Senator, is that not local control? The local school officials had to decide that child was not a danger and let him back in. There is no other way it could happen. I ask the Senator if that is not so?

Mr. FRIST. That what is not so?

Mr. HARKIN. Let me try again. The kid brought the gun——

Mr. FRIST. This is our wording: School personnel may discipline a child with a disability who carries or possesses a gun or firearm to or at a school, on school premises or at a school function under the jurisdiction of the State or local education agency in the same manner in which such personnel may discipline a child without a disability, period. That is all we are saying. I don't see how you cannot agree that you should treat every child who comes into a school with a gun or bomb the same. How can you separate one group of people out?

Again, I am committed to individuals with disabilities, but how can you separate them out and say, we are going to treat you differently and allow you to go back in the classroom, whether it is 10 days, 45 days, 35 days; you can argue that all you want, you can go back into the classroom, but any child who doesn't have a disability, you are out? That just doesn't make sense.

Mr. HARKIN. Let us look into that.

Mr. FRIST. You can look into it. But your 10 days or 45 days is missing the point of the amendment. The amendment is what I just read. You treat everybody the same.

Mr. HARKIN. Well, let us look at that. I think the Senator said he supports IDEA. He supports the Individuals with Disabilities Education Act. The fact is that we do treat children with disabilities different than we treat other children. Does every child in a school have an IEP, I ask the Senator?

Mr. FRIST. No. But my whole argument is, should they bring a bomb into the schoolroom, would you treat them differently and let them go back in. That is what I am saying. There are some times that you cannot segregate a group of people and say, you get a special privilege when it comes to bombs and guns coming to the school room. That is the point that I am making.

Mr. HARKIN. Let me respond to the Senator on that. I am trying to follow this logically and not to get too inflamed here.

If we believe that a child with a disability is treated differently than a child without a disability—we accept that. A child with a disability has an individual education program. There are certain laws that we have passed which if a State wants to accept Federal moneys, they abide by. No local education agency has to abide by the laws of IDEA if they don't want to take the money. Now, they would still have to provide a free and appropriate public education to kids under Federal court rulings.

Again, I say to the Senator from Tennessee, that as long as we treat children with disabilities differently, and we do because they are disabled, we then take it to the step that the Senator said. Should we treat a disabled child who brings a gun to school differently from a child who is not disabled? I think that is a good question. At first blush, it might seem to the casual observer that no, they should be treated the same.

I say to the Senator from Tennessee, let's take two children. One is a child with no disability, has an IQ of 120, has good grades, comes from a pretty decent family, who all of a sudden gets a mean streak and brings a gun to school. That is one kid.

Let's say we have another kid. He has an IQ of 60. He is mentally retarded. He has cerebral palsy. His lifetime has been one of being picked on by other kids and made fun of. Because of IDEA, he is now in a regular classroom. Some kids come up to him and they say, look, junior, we know your old man has a gun at home and he has a couple of pistols. If you don't bring one of those pistols to us tomorrow, we are going to cut your ears off. The kid has an IQ of 60. He is mentally retarded. He has cerebral palsy, maybe even suffers a little bit from schizophrenia, I don't know. The kid is terrified. He goes home. He sneaks the old man's gun. He takes it to these kids, and he gets caught by the principal or someone who sees the gun. Should that child be treated differently than the kid with a 120 IQ, who knew exactly what he was doing and who had a mean streak and brought that gun to school?

Mr. FRIST. Yes.

Mr. HARKIN. The Senator can say yes. I say no.

Mr. FRIST. Let me respond to the question. They absolutely should. If two children walk in, regardless of their IQ, the one with a 120 IQ has a gun, and the next one has a gun and has an IQ of 60, when it comes to removal from the room and being kept out, they should be treated exactly the same. It should be by local control. It doesn't mean let them in or keep them out, it means having the decision made by the principal and not by the well-intended legislation that has this huge loophole in it.

Treat every child who brings a gun or a bomb to the room the same, regardless of who they are or how empathetic you can make the story seem. The big thing is that you treat them the same. It is the principal and the teacher and the people locally who decide, not the Senate.

Mr. HARKIN. Now, I believe the Senator made a very important point there in his first comment to me. The Senator said that if two kids—the ones I described—bring a gun to school, they should be treated exactly the same in terms of removal. I agree with the Senator. In terms of removal, they should be treated the same. Today, under IDEA, they are treated the same.

I am going to stick with my example of the two kids who bring a gun to school. Right now, under IDEA, the principal can call up the police and say come and get these kids, and they get them and haul them to the police station. They don't care whether the kid is under an IEP or not. I agree with the Senator; in terms of removal, they should be the same. And they are the same today. In terms of getting them out of the classroom immediately, they are treated the same.

Where the difference occurs is later on during the 45-day period, where it is examined as to why the kid brought the gun to school, and whether it was a manifestation of his disability or not.

I ask my friend from Tennessee this straightforward question: Is it true that under IDEA, as it is today, if a disabled child brings a gun to school and a nondisabled child brings a gun to school, they are both treated the same in terms of removal?

Mr. FRIST. That is totally incorrect. I just gave you an example where there were eight students in Tennessee. One was expelled because he did not have the disability, and three others were back in the classroom. Do you call that being treated the same? Absolutely not.

The whole purpose of my amendment is that, if you bring a gun or a bomb to the classroom, you be treated exactly the same. And if you don't have a disability, if you aren't in a special education class, you are out of school, no questions asked. If you have a disability, there are at least three out of eight chances you are back in the classroom within 45 days. That is not the case.

Mr. HARKIN. Let me try again. Let's talk about removal. Talk about day one. Two kids bring a gun to school. One is disabled and one is not. Is it true that the principal can immediately expel both students on that day and get them out of school?

Mr. FRIST. No. He can suspend, not expel. That student has to go through a manifestation process, an initial 10 days and then 45 days with a determination, and that student can be back in the classroom, as has been demonstrated in Nashville, TN, and other places. Anybody can check their own statistics.

Mr. ASHCROFT. Will the Senator yield for a question?

Mr. FRIST. I will yield to my colleague from Missouri for a question.

Mr. ASHCROFT. Mr. President, I ask the Senator from Tennessee, when a student is subject to an IEP and is disciplined for bringing a gun to school now, is it not an immediate discipline of expulsion for a year as it is for others; is it for a limited period of time? What is that first interval of discipline that is provided for under IDEA?

Mr. FRIST. Under IDEA, for students with a disability who bring a gun to school, there is an initial 10-day period in which they can be taken out and then a 45-day period during which that manifestation process takes place.

Mr. ASHCROFT. If I may pursue an additional question. So there is a disparity right away. The student without an IEP is expelled for a year.

Mr. FRIST. It is zero tolerance in Tennessee and in most States today. If you don't have an IEP, or are not disabled, you are expelled under zero tolerance for a year.

Mr. ASHCROFT. Under an IEP, you have an initial 10-day suspension, and legal proceedings start to determine whether or not the carrying of the gun, brandishing of the gun, or bringing the pipe bomb or a firearm into the classroom was a manifestation of your disability?

Mr. FRIST. That is correct.

(Mr. CRAPO assumed the Chair.)

Mr. ASHCROFT. When you talk about a manifestation of a disability, what does that mean? That you bring a gun to school because you are disabled? Is that what you are saying? Or could that mean because you are severely emotionally disturbed, for instance?

Mr. FRIST. It certainly could. The manifestation process is a complicated process and one to reach out to people. The term can certainly mean that.

Mr. ASHCROFT. So it could be that a student who is severely emotionally disturbed is protected from being expelled for a full year, based on the fact that he is severely and emotionally disturbed and that resulted in the bringing of the gun to school?

Mr. FRIST. That is correct.

Mr. ASHCROFT. Then the suspension—if you got past the 10 days, you could suspend the student for 45 days.

Mr. FRIST. During which that so-called manifestation process takes place.

Mr. ASHCROFT. That is related to whether or not his disability or special education status caused or was related to the bringing and brandishing of the gun?

Mr. FRIST. That is correct.

Mr. ASHCROFT. Now, these determination proceedings, do they involve substantial expense for the school?

Mr. FRIST. They certainly do, and it is very expensive. The process itself is a process that I think can be important and useful. So the overall manifestation process, as we look at IDEA, is something that I am not necessarily critical of. It is the idea of taking a disability and saying the disability and bringing a gun mean that you are back in the school with unequal treatment.

But the answer is yes. I travel around Tennessee and people tell me this manifestation process can be very expensive because it involves lawyers.

Mr. ASHCROFT. Thousands of dollars?

Mr. FRIST. Yes, thousands of dollars.

Mr. ASHCROFT. That lasts 45 days, according to the Senator from Iowa, and you have to have another hearing to have another 45 days.

Mr. FRIST. There can be an extension for another 45 days if a determination is made. You go for 45 days, and it can go another 45, although, usually if it is a manifestation, after 45 days the student is back in school.

Mr. ASHCROFT. The theory of the legislation probably provides a basis for having this series of bureaucratic trials and hearings every 45 days as people are litigating whether or not you could keep a very, very dangerous person out of school.

Mr. FRIST. That is the way it is written, to take 45 days. Your fundamental question is, did the disability cause you to bring the gun to school?

That is hard to imagine, to be honest. It seems that if it is the cause, you would not want to put them back in school. The idea of having 45 days and another 45 days if they are threatening, as the Senator from Iowa mentioned, conceptually, that is pretty good. Imagine that it is manic depression, or something frustrating, something that can be treated, and a kid is violent underneath, and they did bring a gun to school. You are going to want to give the kid the benefit of the doubt. You are not going to say keep them out another 45 days and then another. If the kid comes in and says, "I am sorry," you say, "Go back to school."

That is just treating people differently because they happen to have that particular illness and you are getting them back in the school. All I am saying is let's equalize it and keep treating them the same.

Mr. ASHCROFT. Earlier the Senator said that it is hard to imagine a person would have brought a gun to school based on a disability. But in fact the determination from Davidson County, Nashville, TN, is that over the last couple of years they apparently found that a number of the individuals involved—two in 1 year and three from another year—the determination was made in this process that bringing the gun was related to a disability and therefore the student was not to be treated the same as other students but would have a very tactical set of bureaucratic rights to remain in school, or reenter school.

It seems to me that goes to the heart of what we are talking about—whether or not a student who has a problem that causes the student to be involved in bringing a gun—that is, the manifestation proceedings. Part of the evidence or manifestation of the problem is that you come to school with a gun. That provides the authority for reentering school. The fact that you have a problem which causes you to bring guns to school becomes your license to get back into school.

I think that describes the loophole we have talked about. We created it here in the Senate.

Am I getting to the heart of it?

Mr. FRIST. No. It is that loophole that has been created.

I will tell you what my theory is as I look and talk to people around Tennessee. Whether people are supporting individual disabilities or not, it is not about that. It has to do with the great fear I have in this unequal treatment of people, and allowing that special group of people with an offense of bringing a gun to school or a bomb to school to go back into school when you don't let anybody else to go back into school. I will tell you, to me, that is a potentially devastating loophole we have created. It hasn't anything to do with the disability. That is my greatest fear. That is why the amendment is on the floor.

Mr. HARKIN. Will the Senator yield for an observation and again for a question?

I say to the Senator from Missouri, again, I don't mind people making a decision one way or another on these things. I hope we base it on factual circumstances. The fact is that what the Senator, my friend from Missouri, just described is the idea in the old law, going back 20 years. We had the 45-day period, at the end of which kids can go back to school. We changed that. The final regulations on that didn't become final until March of this year when we put the 45 days in, at the end of which, if the school officials believe that the child is still a danger, they can go to a hearing officer, and say, hey, because of all these reasons, that kid should be kept out of school for another 45 days.

I say to my friend from Tennessee that I don't have that much lack of faith in my school principals and officials. If they look at this kid and say, wait a minute, this kid is a danger, they are going to throw up their hands and say, oh, my gosh. They want to protect their schools, and they are going to go to a hearing officer and say, wait a minute, keep that kid out.

So I want to make it clear that what my friend is talking about is the old law. That is all I want to make clear.

Mr. ASHCROFT. I think it is important to accept the fact that you have faith in the school administrator and the principal, because under the proposal of the Senator from Tennessee, and under my proposal and under the Gun-Free Schools Act for schools, which we passed, a principal has the discretion of being able to allow a student to reenter. And, if you trust the principals, you trust the school official, that is an available opportunity as it exists and would exist if we were to pass this amendment providing for uniformity, because we allow the treatment under our proposal to be identical to the treatment for any other student not the subject of an IEP. And principals have the discretion to allow such other students back into the classroom.

So what we want to do is not punish anybody, we want to allow that principal to exercise his discretion in a way that is likely to promote safety in the classroom and in a way that it does not hamstring the principal.

Just to give you an idea, people do not understand, and I didn't understand, what a manifestation determination is. This is a flow chart of how a manifestation determination is made under IDEA. This is a very serious process. To go through these kinds of processes and to have to jump through these legal hoops and to cause the school districts—the cheapest hearing I have been able to talk to a school superintendent about in my State is between $7,500 and $10,000, just to conduct a hearing to do in the special settings what the principal is able to do given his need to protect the safety of the school environment on his own in another setting.

I think that is what we are looking at. We are not here to try to say that we want to abuse individuals who are the subject of IEPs. We passed the statutory framework designed to help disabled children. We want them to get a good education. But I submit to you that among those most exposed to the threat to safety and security in the schools when a student with a disability comes with a weapon are other disabled students.

This is not a question of pitting students with a disability against other students in the classroom, this is a question about safety and security in the classroom and allowing those individuals charged with the awesome responsibility of providing for the education of our youngsters the authority to take the steps that are necessary, absent intermeddling bureaucratic barriers from Washington, to secure the school environment.

Given the fact that every principal has the authority in other settings to be able to reenter a student who is appropriately at a stage to reenter the classroom, this bill would not prevent principals from having the same approach to students who were the subject of IEPs.

Mr. FRIST. I don't want to keep going back to the underlying amendment. We again have discussed this, and we have debated it. It really comes back to treating people the same under this concept of guns and violence in the school. I think we may come down to a fundamental disagreement that you believe the current legislation will cover and take care of what is happening, that if they have a disability and a manifestation of bringing that gun to school is related to the disability, it is OK for them to come back to school if somebody says they are not threatened.

Mr. HARKIN. If the school officials say it is OK.

Mr. FRIST. That is right. I think that is going to be different, because we are basically going to say let these school principals and officials make the ultimate decision, and not an officer who happens to be assigned to manage that particular case, who is going to develop a relationship with that student and family, and who says, "Please let him go back to school."

Let's treat everybody the same. Let the authorities, the principals, the teachers, make that decision instead of separating them out, since we know they come back into the school.

Let me again read the amendment.

> School personnel may discipline a child with a disability who carries, or possesses, a gun, or firearm to or at school, on school premises, or at a school function under the jurisdiction of a State or a local educational agency in the same manner in which such personnel may discipline a child without a disability.

Again, I have given examples of people going back into the schoolroom. Let me give two other examples.

This is an article in the Washington Times.

> Fairfax County, Virginia, school officials learned that a group of students were in possession of a loaded .357 magnum handgun on school property. They moved quickly to expel the six students. Five students were expelled. One student, a special education student who had a learning disability, who had what they called a "weakness in written language skills," continued to receive an education. School officials reported that this child bragged to other teachers and students that he could not be expelled because he was in special education.

That is the signal we have sent through IDEA, through this loophole in our legislation, not the overall legislation. The overall legislation is great.

In the Cobb County school system in Atlanta, not too far from where I am, two students, who were initially expelled for bringing a handgun and ammunition clip to school, were also protected by IDEA because they were special education students. There is just too much of this special treatment.

Our simple amendment basically says, disabled or not, educational status or not, whoever you are, you need to be treated the same where such personnel "may discipline" a child the same without a disability.

Mr. HARKIN. May I ask the Senator another question?

Mr. FRIST. Yes.

Mr. HARKIN. Does the amendment also not seek services for these kids under paragraph (b), "ceasing to provide education"?

Mr. FRIST. We basically say we will treat those students with a gun or a firearm the same as nondisabled students.

The whole cessation of services we are not here to debate. Everyone will be treated the same, whether disabled or not disabled.

Mr. HARKIN. It is part of the amendment?

Mr. FRIST. That is correct, but nondisabled students have cessation of services. The 85 percent of American students out there not classified as disabled have cessation of services.

Treat them the same.

Mr. HARKIN. One of the reasons I think the Senator will find the Parent Teachers Association, Association of Police Chiefs and other police around the country opposing this amendment is they think the worst thing we could possibly do would be to take kids who are severely—emotionally or otherwise—disabled and throw them out on the streets.

Mr. FRIST. We are not saying that. We are saying treat them the same. We are not telling them they have to cease services.

I hope you have more respect for the services that will be needed and helpful. We are not saying you have to cease services. You can still provide the services. We are saying treat everybody the same.

Mr. HARKIN. The reality of the situation and the reason we have IDEA—and we hear it all the time; I hear it from my principals, too. I say to my friend from Missouri—sometimes it is tough to put up with the kids with special needs. They need a lot of attention. Sometimes they are a little raucous. Sometimes the principals throw up their hands and want to get them out of the classrooms. The teachers want to get them out of the classrooms. They are hard to deal with. These are kids with disabilities.

Time after time, for every story either of my friends relates about principals or others who are at wit's end because of a kid, I can come up with ten other stories of parents with kids who are disabled and how those kids were mistreated in school.

The reality of the situation is—and this is only my feeling—if you take two kids, one disabled maybe with a learning disability, maybe with other problems, who has been mainstreamed in school, expel him as you do a regular student and leave it up to the principal to say, OK, you can let him back in when you want, I think that principal will have a lot of pressure on him to let one kid back in, maybe, depending on the circumstances, but that disabled kid, that kid causes a lot of problems, costs a lot of money, we will keep him out.

I am just telling Senators that has been the situation for the past 30 to 50 years in this country. That is why we have IDEA. That is why we have individualized education programs for these kids. That is the reality of the situation.

Mr. FRIST. But the Senator from Iowa understands that we are not saying keep the students out forever. We are saying if you keep the nondisabled student out for the rest of the year, you should be able to keep the disabled student out for the rest of the year.

In fact, if you look at nondisabled students in terms of cessation of services, because the implication is people are so bad and mean they will cut off services, if you look at the nonspecial ed students in Nashville, TN expelled under zero tolerance, 55 percent of those are provided services.

I guess the Senator argues that of the disabled there will be such intense discrimination against that group of people, and I understand Senator HARKIN has fought the battles here for 20 years, and I respect that tremendously. I guess I have more faith in our principals and in our schools that if you treat everybody the same, that is exactly what you will do.

Mr. ASHCROFT. Will the Senator yield?

Mr. HARKIN. Will the Senator yield?

Mr. FRIST. I yield to the Senator from Missouri and then the Senator from Iowa.

Mr. ASHCROFT. What I appear to be hearing is if they are treated the same as nondisabled students, that is kind of a discrimination.

That is equity and parity in treatment. It doesn't stack up to discrimination, in my judgment.

I wonder if the Senator from Tennessee is aware of the letter from the National School Boards Association regarding the Frist-Ashcroft amendment to S. 254.

Mr. FRIST. I have not seen that.

Mr. ASHCROFT. It is an interesting letter on behalf of the Nation's 95,000 local school board members. This is from the executive director, Anne L. Bryant, executive director of the National School Boards Association:

> The National School Boards Association urges you to support the Frist-Ashcroft amendment to S. 254 that would enhance the safety of all students from gun violence.

We are not talking about the vast number of individuals that are participants in the IDEA program. The number is vast, with 13 or 14 percent in Tennessee, and 13 or 14 percent of the students in Missouri and Iowa. These are not people who show up for school with guns very often. When some of them do, they are threatening the others.

When a person shows up with explosives or a gun at school, the objective there ought to be school safety. It ought to be to address that.

The amendment provides school officials with the discretion to suspend or expel students covered by the Individuals with Disabilities Education Act in the same manner as other students in cases where they bring firearms to school.

It has been stated there is a lot of opposition. This is a letter from the 95,000 members of the School Boards Association stating this is the right thing to do.

Mr. FRIST. I think we have been very careful to try to get this amendment as tight and focused as we could, talking about guns in the classroom, bombs in the classroom.

We have gone so far to put wording in the bill to say they intentionally have to bring that gun into the school or the classroom. We have done our best to get it as narrow and focused as we possibly can.

It comes down to safety. We are on the juvenile justice bill. We had these terrible 27 deaths from guns in classrooms, and this bill goes right at the heart. Again, not the disability community or individuals with disabilities. I count myself among their greatest advocates, but I am concerned that with the loophole we created that something drastic, devastating, is going to happen because of this loophole where we are treating students with disabilities in special education, allowing them to return to the classroom, but not letting anybody else return to the classroom.

We are treating them differently, where people who brought a gun to the classroom can return 45 days later.

Mr. ASHCROFT. In specific inquiries to the individuals who provided the Senator with the information from the Davidson County school system, is it their view that this loophole exposes the system and the students in the system to a risk they would not otherwise be exposed to?

Mr. FRIST. I talked with the officials in the major urban areas where the concentration of people are throughout Tennessee. There is general agreement of people who are on the front line in the schools, who are responsible for the safety of our children who are there every day. They say, Senator FRIST, we know you are the advocate for individuals with disabilities, but how could you create a huge loophole that puts our children at risk? That is why I am here.

Mr. HARKIN. Let me ask the Senator——

Mr. JEFFORDS. Will the Senator answer a question?

Mr. FRIST. Did the Senator from Vermont have a question?

Mr. JEFFORDS. I would like to volunteer this point.

Mr. HARKIN. Come on over. We are all friends.

Mr. JEFFORDS. I listened very carefully. I think when you get right down to it the basic question is, in the final analysis, should the school have to afford an alternative education situation and pay for it. It is a matter of dollars and cents. It has nothing to do with the safety of the children or anything else.

Under the circumstances you are dealing with here, if a child comes in with a gun, if it is somebody without an IEP or whatever, they can be thrown out of school and they can be let back into school. That is entirely the discretion of the school officials. They can say this is an aberration or whatever.

If a child with a disability comes in, then you go through the 45 days to assess as to whether or not it was as a result of a disability. If it was not the result of a disability, then the child can be disciplined as any other child. If, on the other hand, it was the result of a disability, then they are required to provide an alternative educational situation. It may or may not cost something. But that child is not in the classroom. So no child goes back into the classroom if they are a threat to the classroom.

What it comes down to, and what the school officials object to, as I understand it, is they have to set up a special 45-day program for this child, and pay for it. The reason is not to protect the school or protect the kids; it is to make sure they do not have to provide the funds. You can keep those 45 days going forever. Then that costs money. So this is not a safety question. This is a money question. The school boards are saying they don't want to pay for those 45 days. That is what they are saying.

Mr. FRIST. That is not what I heard. Basically, what I hear from the superintendents and the principals is the safety end of it. The expense is expensive, it has been pointed out. What I am dealing with is the safety end of it, the fact that our principals' hands are tied because of the way the legislation is written, because of the threat of lawyers, of trial lawyers who threaten to sue the school, the school system, based on our bill that they basically are saying the students come back in the classroom, when the student without the disability is out for the school year.

Mr. ASHCROFT. Will the Senator from Tennessee yield for a question?

Mr. FRIST. I will.

Mr. ASHCROFT. I ask him if his experience has been similar to mine. I have probably gone to 30 or 40 school districts in the last 3 months, visiting school districts. I have found people are very concerned about the safety of students. My own view of it has been totally different from that suggested by the Senator from Vermont, saying that school safety is not the question here. I talked to one superintendent. This did not happen to be an IEP student who carried the gun to school but who threatened to kill other students in school seven times.

Of course, because of the problems in effecting discipline, they kept the student in school. Finally the student shot another student. Safety issues are involved here. Make no mistake about it. When someone brings a gun into the school, safety issues are involved.

Mr. FRIST. There have been 27 people murdered.

Mr. ASHCROFT. This is not just a financial issue when someone brings a pipe bomb to school. That is a safety issue. Sure it costs money to put the person in alternative settings, and it costs money to have a hearing every month and a half, every 45 days. Those are massive costs. I will not deny those are very serious costs. But let us not suggest—at least to the school districts that I dealt with—that there are no safety issues involved when people bring guns and pipe bombs to school. Does that comport with the Senator's experience in Tennessee?

Mr. FRIST. Yes, it does. The purpose of the amendment is just that. It goes back to having safe schools. That is what we have been debating so much over the last several days.

I will yield the floor. Other people want to go forward, but let me just close and say the purpose of this amendment is real simple. That is to get rid of a loophole which allows one group of students to be treated differently. If they both brought a gun to the school, the loophole being that a group of students are ending up back in school where one group of students is expelled. All this amendment says is, let's treat everybody the same and let's have those decisions made locally.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I would just like to sum it up. What we are talking about are the problems we have had from the beginning of time, the problems that children with disabilities have and how we handle them. The reason we created IDEA, the reason it was passed, is that we were not allowing the children with disabilities to get any education. It went to the U.S. Supreme Court. A consensus decision by a number of courts, I should say, was reached, in which they determined that if you are going to provide a free and appropriate education generally to the public, you have to have an appropriate education for children with disabilities. And we funded that. We required that. That is why we are here today.

What we are now dealing with is we do not want to provide those services. If a student has a disability and provided a threat to the school, it is perfectly clear, if it is a result of a disability, you have to provide that child with an education as the Constitution requires, because, if it was the result of a disability, he is not really responsible for it, so you have to provide it. That gets expensive.

If it was not part of the disability, then the child is just treated as any other child and there is no need for a different or additional IEP, away from the classroom setting; the child gets treated and handled like anyone else.

Mr. ASHCROFT. Will the Senator yield for a question?

Mr. JEFFORDS. I will be happy to yield.

Mr. ASHCROFT. Is it the Senator's position, then, if a student is the subject of a IEP, a special education student, and brings a gun to school and it is determined that student did not bring it as a manifestation of the disability——

Mr. JEFFORDS. Right.

Mr. ASHCROFT. Is it your position, then, that the school can expel him with no responsibility to provide services?

Mr. JEFFORDS. That is not correct.

Mr. HARKIN. They have to provide services for him. They have to provide services.

Mr. ASHCROFT. Wait a second. Apparently, there appears to be a difference between you and the Senator from Iowa. I was just going to indicate—is it your view in the event the dismissal comes because the gun was not a manifestation, that there is no responsibility?

Mr. JEFFORDS. He is just treated like anyone else at that point as far as discipline, is my understanding.

Mr. HARKIN. If I might interject myself into this a little bit?

Mr. JEFFORDS. I yield to the Senator from Iowa.

Mr. HARKIN. I respond to the Senator from Missouri that services always have to be provided. Educational, medical, mental health, those kinds of services do have to be provided. But if it was not a manifestation of a disability, of course, the kid can be expelled from school.

Mr. ASHCROFT. So the distinction is not that the law provides that there can be no services, or will be none, your view is directly contrary to that of the Senator from Vermont, that services must be provided on a continuing basis, even if it was not a manifestation. But he can be kept out of the school?

Mr. HARKIN. That is in the law.

Mr. ASHCROFT. I think it is in the law. That is why I was asking the Senator.

Mr. JEFFORDS. He may not have to return to the school.

Mr. HARKIN. If the Senator will yield?

Mr. ASHCROFT. Not providing them at the school. That is where you do get into expensive treatments, where you get to $60,000, $70,000, $80,000 a year to provide the student with individualized home-based education.

But the point is, the purpose of the amendment of the Senator from Tennessee, which I am very grateful for the opportunity to participate in with him, is to provide an equity in services. When you suggest that there is an equity for those who are subject to an IEP, but the violation is not a manifestation of the disability, that there is not any requirement for services, that is simply not true. The law provides the services must continue.

I think the fundamental point the Senator from Tennessee and I want to make is this. There are not very many people who are bringing guns to school. There are very few of them. And even fewer who would bring guns or pipe bombs to school are students with a disability.

But for those who do, the school officials ought not to have to go through torturous legal proceedings and laborious determinations of manifestations and the like for those who bring pipe bombs and guns to school. We ought to be able to trust the principals to say: You don't belong here in school. You will come back in the same manner that other students do.

Mr. JEFFORDS. I might point out, under your theory here, if a child with a disability comes in, and it is not a manifestation of disability, they are not entitled, under the IDEA, to have any education at all. You just get rid of them, like you get rid of the one who came in who was not disabled.

Mr. ASHCROFT. That is exactly the kind of parity we are talking about. If a person brings a weapon to school, the principal has the right to say: You do not belong in school and you are not going to disrupt or threaten the safety of this school environment and you are not entitled to special services, especially in cases where bringing a weapon to school had nothing to do with your disability.

I believe it ought to be the case, and this amendment provides we give school administration officials the kind of discretion they have in their own States and under the Gun-Free Schools Act we passed a couple years ago where the principal has the discretion to expel them for a year, with the discretion to allow them to reenter on his or her determination or school authorities' determination.

Mr. HARKIN. Will the Senator yield?

Mr. JEFFORDS. Under these circumstances which we are talking about—expelled but not a manifestation—then a child is expelled from school but is still entitled to educational services. That is the difference. That means an additional expense. The child who does not have a disability and is thrown out of school has to find another school, has to get a tutor or do something else. We are all talking dollars and cents. We are talking about a cost that is added by virtue of the fact that you must provide special services.

Mr. HARKIN. If the Senator will yield.

The PRESIDING OFFICER. The Senator from Missouri—

Mr. JEFFORDS. I have the floor.

The PRESIDING OFFICER. The Senator from Vermont has the floor.

Mr. HARKIN. If the Senator from Vermont will yield for a question.

Mr. JEFFORDS. I yield to the Senator from Iowa.

Mr. HARKIN. I say to the Senator from Missouri, as long as it takes to reach some parameters on this, the fact is, the principal's hands are not tied right now in getting kids out of school immediately. Will the Senator agree with that or not? No?

Mr. ASHCROFT. For expelling students.

Mr. HARKIN. Getting them out of the school immediately if they bring a gun to school.

Mr. ASHCROFT. For the first 10 days, they can get them out of school.

Mr. HARKIN. Forty-five days.

Mr. ASHCROFT. Then it takes additional proceedings to get to the 45-day period.

Mr. HARKIN. No, it doesn't; no, no, it doesn't; no, it doesn't. No.

Mr. ASHCROFT. On the 11th day, you have to start a different regime that includes providing separate services, education in another setting if you don't provide it at school.

Mr. HARKIN. But they can keep them out of the school for 45 days.

Mr. ASHCROFT. They can keep them out of a regular classroom.

Mr. HARKIN. Wherever they brought the gun to school, they can keep them out of that school for 45 days. The law is pretty clear. I don't know what we are debating here.

Mr. ASHCROFT. In all deference to the Senator, the law is clear and the law provides substantial disparate or different treatment, and the treatment which is different causes very serious problems in the real world. It causes problems because we let students who bring guns into school back into the school system because of this system.

Mr. HARKIN. Let's take it one step at a time, I say to my friend. I am trying to get to this one point. Are the principal's hands tied if a kid brings a gun to school—I don't care if they are disabled or not. In getting that kid immediately out of school for up to 45 days, I think the law is clear, they can do that; they don't have to show anything.

Mr. ASHCROFT. They have responsibilities when they do that that they don't have with other students.

Mr. HARKIN. Again, I am just saying——

Mr. ASHCROFT. So if you are talking about hands tied, you may not tie their hands, but you force them to busy their hands doing a whole variety of other things.

Mr. HARKIN. Again, I say to my friend——

Mr. ASHCROFT. That results in those kids showing up in school far earlier than they otherwise would. It may not work that way on the floor of the Senate, but that is the way it works in school.

Mr. HARKIN. I want to take it step by step.

Mr. ASHCROFT. Sure.

Mr. HARKIN. Step by step. The first step is getting the kid out of school because there is a clear danger. You want to get him out of there.

I want to make it clear, we all understand that a principal can get that kid out of school. They can call the police station right now and say: Come and get this kid; he has a gun. They can take him down to the police station. The police can do it. They have that right now. Even if the kid is severely disabled, one can say, please come and pick him up and take him to the police station now. Their hands are not tied. I want to take the first step in getting the kid with a gun out of the school. I just hope that my friend will agree that the principal can do that.

Mr. ASHCROFT. You are asking me that question?

Mr. HARKIN. Yes.

Mr. ASHCROFT. The principal can do that.

Mr. HARKIN. Thank you.

Mr. ASHCROFT. And this amendment is designed to extend the quality of treatment that you appear to admire at the first of the process through the process adequately so that we protect the safety of the school environment for a much longer period of time.

Mr. HARKIN. OK. Now, my friend and I agree that the principal can get the kid out immediately. Let's take the second step: timeframe. For a disabled kid, it can be up to 45 days. They don't have to do anything. They can keep him out for 45 days. They don't have to show anything. They can keep him out for 45 days.

Mr. ASHCROFT. They do have to do things.

Mr. HARKIN. Provide services in education.

Mr. ASHCROFT. That is different than with other students.

Mr. HARKIN. That is true.

Mr. ASHCROFT. When we take these steps, let's tell the whole story about each step.

Mr. HARKIN. For the disabled child, they do have to continue to provide services.

Mr. ASHCROFT. If they don't let him back in, for that student, they have to set up some other school for him, and that could even be a school that is housed with a full-time teacher and all the kinds of assistance the student might need.

Mr. HARKIN. It would be in an alternative setting to be determined among the parents, the hearing officer and the school.

Mr. ASHCROFT. And that is totally different than it is for a nondisabled student.

Mr. HARKIN. I agree with you.

Mr. ASHCROFT. Good, good. Here we are, for the first 10 days, both can be sent out of school, but after the 10th day——

Mr. HARKIN. I think then while we agree that the principal can get the kid out right away and can get him out for 45 days, our disagreement, it seems to me, is not so much on getting the kid out of the school immediately and getting the immediate danger out; it seems to me our disagreement is what happens later, what happens with those kids later on, how are they treated and how, if at all, they are let back in the school. That seems to be our disagreement.

Mr. ASHCROFT. That is a very significant point here, and if I just take you to the schools, and the best information we have in this debate is what the Senator from Tennessee has brought us, that they are treated deferentially and a significant number of them are back in schools prematurely because the schools feel like they have to let them back in at a time when, according to their testimony, they are uncomfortable about it.

Mr. HARKIN. Again, I think we can work through this. I hope. We may not always agree. I am trying to get down to the nub of the problem.

Mr. FRIST. Will the Senator.

Mr. HARKIN. And it seems to me that we do agree. I understood——

Mr. FRIST. This Senator does not agree.

The ACTING PRESIDENT pro tempore. The Senator from Vermont has the floor.

Mr. FRIST. Will the Senator from Vermont yield?

Mr. HARKIN. Will the Senator yield further?

Mr. JEFFORDS. Let me get organized here. I yield to the Senator from Iowa. Please refer back to me and then I will recognize the others, and we will have an orderly process here.

Mr. HARKIN. The point I am trying to make is that in the initial statement of my friend from Tennessee, the Senator talked about the Littleton school shooting and kids bringing guns to school and getting these dangerous kids out of school. I agree.

I just wanted to make the point very clearly that in terms of a child bringing a gun to school, a principal right now can deal with a kid who is disabled just as they can with a kid who is not disabled, in terms of getting that kid out of school, having the police haul them away, have them book him, have them charge him with a crime or anything else. I just wanted to make that point very clear, that they can get those kids out of that school.

Now we are going to get into the next stage about what happens with those kids. That is the only point I want to make. I thank the Senator.

Mr. FRIST. Will the Senator from Vermont yield for a short period?

Mr. JEFFORDS. I yield.

Mr. FRIST. For the last 45 minutes, we have had the Senator from Iowa talking to me or talking to the body trying to explain so everybody can understand this process that we have set up for individuals with disabilities, which is a good process overall because they are very complex issues.

We have a 10-day period where we have one set of rules which I agree that basically you do the same for an individual with a disability and nondisability. Then you have a 45-day period, which, as the chart that we saw earlier shows, in terms of a manifestation process, is confusing and is a difficult process. It is an evolving process and one that has changed over time so that we can adequately consider individuals with their disabilities and what their special needs are.

Our point, and I know the Senator from Iowa keeps shifting away from it, but I am going to keep coming back to it, because the amendment is so simple. Our point is to close a loophole that if a disabled student brings a gun or a bomb in the classroom, they end up back in this classroom. If you do not have a disability you are not in the classroom. That is a loophole.

The point I want to make is, we can march through the whole 10-day period, 45-day period, another 45-day period of threatening and all that. That is the whole point, that we have barrier after barrier for a group of people who brought a gun into the classroom, with our children around, and they brought a gun there. We have all these barriers set up for one group of students, but for the other group of students they are out for that year. We say, treat them both the same. That is all the amendment does.

Mr. JEFFORDS. That is, unfortunately, not the way the courts have ruled as to how a State has to handle those situations. Students with disabilities are entitled to an IEP. They are entitled to special education and related services. They can be denied going back into the classroom if they are in any way a threat to that classroom. But they are entitled to services. That isn't going to change. And this law will not change.

Mr. ASHCROFT. Does the Senator from Vermont yield?

Mr. JEFFORDS. Yes.

Mr. ASHCROFT. On what basis does the court say they are entitled to an IEP?

Mr. JEFFORDS. That goes back to the 14th amendment.

Mr. ASHCROFT. The Individuals with Disabilities Education Act, isn't it?

Mr. JEFFORDS. Based on constitutional decisions that were levied back in the late 1960s and 1970s, which determined that you had to give an equal opportunity to children with disabilities. Part of that equal opportunity is appropriate education, which takes into consideration the nature of the disability.

Mr. HARKIN. Will the Senator yield to me to elaborate a little further?

Mr. JEFFORDS. Yes.

Mr. HARKIN. I say to my friend from Missouri that prior to the two 1972 cases, the PARC case and the Mills case, it was found by the courts, and by others, that there were millions of kids in our country who were denied an education simply because of their disability.

In both the PARC case—that is the Pennsylvania Association of Retarded Children—and the Mills case here in the District, the courts said, basically, look, if a State provides a free public education to its children—now, a State does not have to, States do not have to provide a free public education; there is no constitutional mandate for that, by the way. But the court said, if a State provides a free public education, under the 14th amendment to the Constitution it cannot deny a free public education, just as it cannot deny it to a child who is black, because of race, color, creed, national origin, sex, it cannot deny a free public education to a child with a disability; and, furthermore, the court said, because of the disability, the education must not only be free but appropriate.

So I say to my friend—and I will just go through this a little bit longer—the States, then, were faced with a constitutional mandate that they had to provide a free appropriate public education to kids with disabilities.

The States were panic stricken. How were they ever going to afford to do this? They came to Congress. Congress said: OK. We will set up a law. We called it the Individuals with Disabilities Education Act, passed in 1975. Both the Senator from Vermont and I were in the House at the time. We set up a law, and we said: OK. We want to have some national standards. We do not want to have 50 different standards. We want to set up national standards for providing services to kids with disabilities. We do not want 50 different things out there.

So we set up IDEA. We said our objective was to provide 40 percent of the funding. By the way, we haven't, and we ought to.

Mr. ASHCROFT. Glad to have your support on that, Senator.

Mr. HARKIN. I always have. We ought to fully fund IDEA. But I just want to walk through this.

So we set up IDEA, and we said, if you, State of Missouri, would like to have the money we can provide, then you have to adhere to IDEA. No State, including the State of Missouri, has to abide by any of the provisions in IDEA if they do not want to accept any of the money.

Mr. SESSIONS. Will the Senator yield?

Mr. HARKIN. I just wanted to point out, the Senator was questioning about whether or not this was a constitutional mandate. It is a constitutional mandate on the States that they have to provide a free and appropriate public education. IDEA says to the States: We will help you with money. Here are the rules of the game.

Mr. ASHCROFT. Will the Senator from Vermont yield?

Mr. JEFFORDS. I yield to the Senator from Alabama.

Mr. SESSIONS. I have been traveling in my State and talking with educators. I have never had any issue that is of more concern to them than the problems of enforcing discipline caused by the IDEA Act. What we are doing in our schools today is not required by the Constitution. And sooner or later the people are going to rise up and put an end to it.

Let me just share this thought with you. Taking a gun to school by a youngster is a Federal crime. What if they are put in jail, do they have to be sent back to the school? That is just the point.

Let me read this letter I received just a few weeks ago from one of Alabama's most experienced attorneys general:

He has been a leader in the State Attorney General Association.

> Dear Jeff:
>
> I am writing you this letter concerning my general outrage over the laws of the Federal Government and how they are being administered in relation to school violence.
>
> I had already been having meetings with our Superintendent of Education concerning new rules and interpretations of rules based on what I believe to be the Federal Disabilities Act.
>
> The general thrust of the matter is that violent children are being kept in school because of the Federal Rules relative to disabilities.
>
> I can point to at least seven to nine occasions in Baldwin County—

His county——

> in which I believe expulsion was called for, but could not be accomplished because of the interpretation of the Disabilities Act.
>
> I realize that mental disorders can be a disability, but the primary concern should be the safety of the children who are not causing any difficulties.
>
> Our schools simply do not have sufficient resources for one on one education and I would hope that you and other members of Alabama's delegation would review this

problem which I believe to be epidemic throughout this Country.

Here is an editorial in the Mobile Press Register about a 14-year-old student classified as "EC," emotionally conflicted. He had to be assigned an aide to go to school, to go to class with him. One aide to this one student because of his problems, an aide assigned to him during school hours and during bus rides to and from school. The student was accused of assaulting his aide while the aide tried to stop him from trying to wreck the schoolbus.

These are the kinds of things that have happened all over America. This bill does not go far enough, in my opinion. It only says, if you bring a deadly weapon to school, and in violation of Federal law, you have to be treated like everybody else, and you do not get special protections because you are emotionally conflicted.

In fact, emotionally conflicted kids may often be the most dangerous ones, the ones most likely to come back in, say, 6 months from now and kill some innocent child in a classroom or shoot their teacher. This is a good step forward. I would like to, if I could, be listed as a cosponsor of the legislation.

Thank you, Mr. Chairman, for your leadership on so many matters of education. I just wanted to share those remarks.

Mr. HARKIN. Will the Senator yield?

Mr. JEFFORDS. I appreciate the remarks.

I, again, point out, if the child is violent and it is not a manifestation of their disability, they can be treated like anyone else as far as removal from school. If it is a manifestation, then special rules apply. Those special rules may well determine that they not be in the general education classroom. That process may require maybe an aide to be assigned to them. That is the way the law works.

Many, many students who have disabilities have special aides assigned to them. We cannot let these kinds of very difficult incidents of violence throw out the whole law. We have to examine exactly how you handle students with disabilities, and situations where the disability results in school violence. In such cases they can be removed from the classroom; they can be removed from the school.

But they must to be provided an appropriate education under the law.

Mr. SESSIONS. If a child is emotionally conflicted and brought a gun to school on one occasion, why do we think he might not do that on another occasion, even some months later? It is a safety question for the school.

This is a modest step in the sense that it doesn't say you can do anything if he beats up another student; it just says that if he brings a deadly weapon to the school, he can be treated like any other student and be removed. I think that is a good step and support the amendment.

Mr. JEFFORDS. They can be removed either way. It is just a question where they end up—whether they end up going outside of the school and joining a gang or whether they get a special educational situation outside of the classroom, outside of the school. Those are the kinds of problems we must address whether or not they have a disability.

Mr. SESSIONS. All I would say is the district attorney, David Whetstone, is a reasonable man. He is very concerned. I am hearing repeatedly from school superintendents and principals that no matter what we say about, in theory, how this law works, in practicality, it is endangering the lives of students, disrupting classrooms, causing teachers to quit, and costing untold amounts of money. In fact, the superintendent from Vermont did testify that 20 percent of his county's budget goes to special education students. Somehow we have gotten out of sync here. We need to move back to a more modest ground, I say.

Mr. JEFFORDS. I say if the Congress achieves what we are trying to do, particularly what the Republicans are trying to do, fully fund IDEA, then many of those concerns would go away. But we are far, far from providing the State and local governments the money we told them we would.

Mr. SESSIONS. You have been a champion of that, but even then our goal is to do 40 percent, not 100 percent.

Mr. JEFFORDS. I was referring to about 100 percent of the 40 percent.

Mr. SESSIONS. We haven't even honored our commitment to do 40 percent. But even then, 60 percent of it would be carried by the local school system.

Mr. JEFFORDS. You are accurate.

Mr. HARKIN. Will the Senator yield briefly?

Mr. JEFFORDS. I yield to the Senator from Iowa.

Mr. HARKIN. I wanted to respond to my friend from Alabama.

It seems to me the argument is, it costs too much money to take care of kids with disabilities. I remind my friend from Alabama, that Supreme Court right across the street, less than 2 months ago, had a case from Iowa, the Garrett F. case. Here was a kid who was on a breathing device in school every day, had to have a nurse with him every day because they had to clean the phlegm out of his throat and his lungs. He was on a breathing device, severely disabled. His mind was fine, mind was great—the kid knew what was going on, a good student.

The school didn't like it because it was costing them a lot of money—I say to my friend from Alabama—so they took the case to the Supreme Court. That Supreme Court over there, in a 7–2 decision, including some of the most conservative Members of that Court, said that under the Constitution of the United States they had to provide that opportunity. We can argue about how we provide it, but, please, don't tell me that somehow, because these kids cost a lot of money, we have to give them less in their lives than kids who are not disabled.

I yield the floor.

Mr. JEFFORDS. I am glad to yield to one of you, and then I am yielding myself off the floor. I yield to the Senator from Missouri.

Mr. ASHCROFT. Mr. President, I want to bring the attention of the Senate to what I believe to be the law in this situation, that absent specification in the IDEA law itself, the extension of continuing services is not required according to, I think, the best on-point legal decisions in cases where a person would otherwise have forfeited his right to school because of the disciplinary problem.

The case of Virginia Department of Education v. Riley, from the Fourth Circuit, found that the plain language of IDEA did not condition the receipt of IDEA funds on the continued provision of educational services to expelled children with disabilities and that in order for Congress to place conditions on the State's receipt of funds, Congress must do so clearly and unambiguously. Therefore, that is one of the reasons the law was changed following that.

Mr. HARKIN. What was the date of that case?

Mr. ASHCROFT. That is prior to the change in the law, I say to the Senator from Iowa. I am explaining, that is one of the reasons the law was changed. I think you changed the law, and the source of the mandate that services be provided, according to that case and according to the response of the Congress, was the change of the law.

So the Constitution does not provide a mandate that people have to be given continuing services forever in discipline cases, which has been suggested.

The point is, the Constitution hasn't been so construed, I don't believe. I think what the law has basically said is that that comes from what we did in the amendment of the law a year or two ago. Was that in 1997? Given that, if the source of that responsibility is the law, it becomes clear to me that we can change the law and alter the responsibility.

Now, I think this has been both entertaining and somewhat instructive.

Mr. HARKIN. Mr. President, I want to say to my friend from Missouri—

Mr. JEFFORDS. I want to let the Senator from Missouri finish so I can depart.

Mr. ASHCROFT. How nice.

Mr. HARKIN. I want to tell him he is right.

Mr. ASHCROFT. If the Senator wants to tell me I am right, first of all, I need reinforcements here to catch me when I fall over. But I am delighted.

Mr. HARKIN. I wanted to say that the Senator was right and I misspoke myself. That Court across the street said the law was clear, that they had to do it. It was not the Constitution.

Mr. ASHCROFT. I want to get back to the fundamental point, and there are about three of them. I will try to make these quickly: One, that the law does provide for differential treatment. If it didn't provide for differential treatment, we wouldn't have the law. As a matter of fact, part of it was in response to this Fourth Circuit opinion, and the Congress acted. In so providing, we created a big loophole for guns and firearms in the school.

We basically provided a basis for differential treatment for people who are the subject of IEPs, these special education students, who might be—I forget what the Senator from Alabama said—emotionally distressed, or troubled, or severely emotionally distressed. They might be able to come to school and have different treatment if they carry a gun to school than if someone else does.

The simple fact is that the Senator from Tennessee and I believe we ought to give authority to school principals to deal with such cases as forthrightly as they do with other cases. This is in light of the fact that when you get out, not in the Chamber of the Senate, not in the theory of the bureaucracy, but when you get out into local schools, the law operates to constrain those school officials to have students come back to school who have carried guns to school and pipe bombs to school. They have carried them in, and it is not in the best interest, according to school officials, to have the students back in, but they are back in.

We simply want to liberate school principals and school officials to say to people who bring guns and pipe bombs, firearms, to school, you can't do that, you are out until we say you can come back, in the same way we say that under the Gun-Free Schools Act, which is the Federal Government's mandate, students are entitled to go to school in a place that is not full of guns and firearms.

I thank the Senator from Vermont for according me this opportunity to make that simple statement, that we want to provide parity for students: No matter who you are, when you bring firearms and guns to school, we want the principal to be able to send you home.

Mr. JEFFORDS. I think that narrows it down to all that I am saying which is, yes, they do that, but they have to provide an alternative educational circumstance, which is something different than other people without disabilities may not have been entitled to.

With that, I yield the floor.

Mr. LEAHY. Will the Senator from Vermont yield to the Senator from Vermont?

The ACTING PRESIDENT pro tempore. The Senator has just yielded the floor.

Mr. LEAHY. The Senator from Vermont thanks the Senator from Vermont. The Senator from Vermont will now take the floor.

The ACTING PRESIDENT pro tempore. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, there has been a good debate here by the Senators from Missouri, Iowa, Vermont, Tennessee, and others who have spoken about this. I know these are extremely important amendments, especially to the primary sponsors, and the Senator from Iowa and the Senator from Missouri, and the others.

My perspective is that as ranking member and floor manager on this side of the bill, I look at a whole lot of amendments. At one time, we had a couple hundred amendments. We whittled those down. Dozens of Senators on both sides of the aisle have agreed to withhold their amendments. I spent the weekend talking with Senators, asking them to withhold their amendments. And they did. Others we were able to get in a managers' agreement, a managers' package, something I am still waiting to hear back on from the other side. I assume we will get that. Many Senators on both sides will see the bulk of their amendments in the managers' package. But at some point we have to go on.

I suggest, for whatever it is worth, whatever is done, whatever is passed, whether it is the amendment of the Senator from Missouri, or whether it is the amendment of the Senator from Iowa, this issue will be in conference. The Senator from Utah and the Senator from Vermont, as the two main conferees, will have to try to work out yet another overall compromise. We have had debate for almost 2 hours. We are beyond reasonable to ask that the Senator from Missouri and the Senator from Iowa simply allow the Senate to accept both amendments by a voice vote. They will be in the bill. The practical effect of that, I might say, will not be any different if a vote were to be had on the floor because we still have an issue that will be resolved ultimately in conference. The one difference will be that we have had a debate that extended for almost 2 hours. The debate will then be completed and we could go on to other issues.

I would like to see us finish this bill tonight. I am not propounding this as a unanimous consent request, but I am suggesting it to the Senators. The Senator from Utah is not on the floor, and I don't wish to speak for him, but the Senator from Utah and the Senator from Vermont would find that agreeable.

Mr. FRIST. Will the Senator yield?

Mr. LEAHY. Yes.

Mr. FRIST. When the Senator says accept the two amendments by voice vote, does he mean the Harkin proposal and ours?

Mr. LEAHY. Yes, to accept them both. My reason for doing that is——

Mr. FRIST. That would be unacceptable. We spent a lot of time talking about the fundamentals. We have spent a lot of time debating this. We will object to that.

Mr. LEAHY. I am not doing this as a unanimous consent request. It is just an idea. The Senators have an absolute right, on both sides, to ask for a vote on their amendments. My concern is going forward, especially even if we have votes on them, the practical results will be much the same because we are still going to have to revisit it in the committee of conference.

We can finish this bill tonight. I just throw it out for what it is worth. I have been here 25 years and I know the Senator has a right to get a vote on his amendment. I am just trying to get to the practical result, which will, in the end, still be the same.

Mr. FRIST. Mr. President, I ask unanimous consent to add Senator COLLINS as a cosponsor, along with Senator SESSIONS, if he has not already been added, to the Frist-Ashcroft amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FRIST. Mr. President, let me briefly comment on what I think is most appropriate. We have spent a couple of hours on the Frist-Ashcroft amendment. It is a pretty clear and pretty straightforward amendment. We have debated some very useful aspects. I would like a vote on this amendment, because I think it will improve safety in our schools. It closes this loophole. I feel very strongly about not postponing it until later, or deferring it, or handling it in conference. I would like to see an up-or-down vote on it and move on after that.

Mr. ASHCROFT. Mr. President, I ask for the yeas and nays on the amendment.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HARKIN. Mr. President, we have had a pretty good debate, and it has been said that it has taken 2 hours. That doesn't bother me. I have spent years on this bill. I spent years on it. I spent my entire lifetime with a disabled brother. Do you think 2 hours means anything to me? It doesn't mean anything to me. We spent 3 years on this bill—3 years—bringing IDEA up to date. Do you think 2 hours bothers me? Not a bit.

I am going to say something to my friend from Tennessee. He is a good man; he has a good heart. I am going to read back to my friend from Tennessee his words spoken on the floor May 14, 1997. The issue then was a GORTON amendment, which would basically have turned back to the local school districts the power to basically discipline kids with disabilities. I want to read back to my friend from Tennessee what he said then:

> Mr. FRIST. Mr. President, I rise to speak in strong opposition as well to this amendment before the Senate, put forth by the Senator from Washington, an amendment which would instruct local education agencies to set out their own policy—a potentially very different policy—in disciplining students with disabilities. In short, under his amendment, each school district potentially would have its own distinct policy in disciplining disabled children. And with 16,000 school districts, the potential for conflicting policies is very real. And I am afraid this would be a turn-back to the pre-1975 era before IDEA. Is this a double standard? I say no. Clearly, we have outlined a process whereby students, if there is a manifestation of a disability, would go down one process. And if a discipline problem was not a manifestation of a disability, that student would be treated just like everyone else.

I am continuing to quote from the statement of the Senator from Tennessee on May 14, 1997:

> I think this is fair, this is equitable. Remember, if behavior is not a result of that disability, all students are treated the same in this bill. If behavior is secondary to a disability, there is a very clear process which is outlined in detail. Yes, it does take several pages to outline that, but it sets up a balance between the school, between school boards, between parents, and between children.

Senator GORTON claims this amendment is about local control, and I feel that it will be used, I am afraid, to turn back the hands of the clock to the pre-1975 conditions where we know that children with disabilities were excluded from the opportunity to receive a free and appropriate public education.

I say to my friend in Tennessee that he was right then. Mr. President, he was right then. Now we are caught up with the issue of guns and bombs.

Mr. FRIST. Will the Senator yield?

Mr. HARKIN. The Senator was always kind enough to yield to me. I would certainly respond with the same kind of favor in response to the Senator from Tennessee.

Mr. FRIST. Does the Senator from Iowa believe there should be two standards, if one child with a disability walks into a school with a gun and a child without a disability walks in with a gun, if there is a zero tolerance policy for the States, the individual who walks in with the gun should be back in classroom within 45 days when the person without a disability is totally disallowed?

Mr. HARKIN. I say to my friend from Tennessee, I use his own words. He said this is a "double standard." I say no.

Mr. FRIST. Let me also say that in this bill, if you look on page 3, lines 1 through 8, in terms of intentional or not intentional, in terms of whether or not someone brings a gun or a firearm——

Mr. HARKIN. Where is the Senator reading from?

Mr. FRIST. In terms of "intent." We have narrowed this bill so specifically in terms of an individual bringing a gun or a firearm with intent into the classroom that they should all be treated the same. I think it is important that is what this amendment is all about is equal treatment, fair treatment, the same treatment, whether or not you have a disability, whatever your educational status is, that you are treated the same, if you bring a gun into the classroom or you bring a firearm into the classroom.

Mr. HARKIN. Is the Senator talking about subsection (a)(2) on page 3?

Mr. FRIST. Yes.

Mr. HARKIN. I read that. It says, "Nothing in clause (I)(1) shall be construed to prevent a child with a disability who is disciplined pursuant to the authority provided under clause 1"—that is, expulsion—"from asserting a defense that the carrying or possession of the gun or firearm was unintentional or innocent."

I ask the Senator, to whom does that child assert the defense?

Mr. FRIST. To whom?

Mr. HARKIN. Yes.

Mr. FRIST. To the people he jeopardizes by bringing into that classroom a gun. Is it intentional or not intentional when you come in? It should not matter other than it is intentional. He needs to be treated the same as everyone else. If you are placed out of the classroom, if you do not have a disability, you ought to be placed out of the classroom for that same period of time whether you have a disability. All children should be treated the same.

Mr. HARKIN. We have already been through that. I don't know if we need to go over it again. We have already decided that if a kid brings a gun to school, the principal can take that kid out of that school immediately, can call the police and have the police come and haul them away.

Does the Senator disagree with that?

Mr. FRIST. That is the not issue. It is who ends up back in the classroom. I pointed out again and again the statistics of individuals with disabilities, because of this special loophole, who end up within 45 days back in the classroom bringing a gun the first time, the second time, and ending up back in the classroom. If you do not have a disability, you cannot end up in the classroom. Let's treat everyone the same if they bring a gun or if they bring a bomb into the classroom. That is what the amendment is about.

Mr. HARKIN. The Senator says a kid can assert a defense that the carrying or possession was unintentional. I ask, to whom? It doesn't spell it out here. They can assert a defense. But assert it to whom? The principal?

Mr. FRIST. Yes. To the local authority, to the principal, to the teacher. That is correct.

Mr. HARKIN. He can assert that defense.

Mr. FRIST. That is correct.

Mr. HARKIN. That it was unintentional. And what kind of process is set up which would ensure that there would be a fair and impartial hearing on that?

Mr. FRIST. The same process that applies to every other student, the other 85 percent of the students in the classroom. That is the whole point. Let's treat everyone the same. If they come into a classroom with a gun or a bomb, you treat them the same. The local authorities do. The principal does. The teachers do. That is the whole point. Let's treat them the same. It is what equity is all about when we are talking about guns in the classroom, or firearms and bombs in the classroom. You treat them the same. They don't end up back in the classroom.

That is the fundamental essence of what this amendment is all about. You treat them the same.

Mr. HARKIN. If I might remind the Senator that he started off talking about the Littleton incident. I am going to get into this, because I think it is important. I ask the Senator—I will start with a statement. I hope it is not disputable that in the last 39 months there have been eight school shootings in which kids have died. How many of those shootings involved a kid with disabilities? I ask the Senator.

Mr. FRIST. I have not seen those statistics. I would be happy to take a look at them.

Mr. HARKIN. I will say it and open it up to any repudiation. There have been eight school shootings in 39 months. Not one of those involved a kid with a disability—not one. Yet we have an amendment going after kids with disabilities. Yet not one involved a kid with a disability. In fact, I will point out that four of the kids killed at Littleton were kids with disabilities.

Mr. FRIST. Will the Senator yield?

Mr. HARKIN. Of course, I yield.

Mr. FRIST. How many people have to die or be murdered before the Senator from Iowa is willing to close this loophole? Do you want to wait? Is that the point of using statistics? Wait until people are murdered? We know people with disabilities who bring a firearm or a bomb to school are ending up back in school when students without disabilities are not. Do you want to wait until statistics show people are murdered?

Mr. HARKIN. No. That is why we changed IDEA 2 years ago, I say to my friend, to provide that whoever brings a gun or weapon to school can be immediately removed by the police and taken down to the police station. That is why we did that.

Mr. FRIST. That gets them out for 10 days?

Mr. HARKIN. No.

Mr. FRIST. Then what?

Mr. HARKIN. During that 45 days, I say to my friend, during the 45 days—he should know this; I am sure he does—during the 45 days there is an Individualized Education Program, an IEP, developed during that 45 days. That IEP will address behavior modification, therapy services, and intervention to make sure the behavior does not occur again. This IEP protects not just the child but protects the school. The only way a school needs to let a kid back in is if that kid is meeting the objectives in the IEP and the school wants them back in. That is the process.

Mr. FRIST. Will the Senator yield?

Mr. HARKIN. Sure. I would be glad to yield.

Mr. FRIST. There were eight students in Tennessee a year and a half ago brought firearms in the school. We have gone through this, I know. Two had no disability and were expelled. They are out. Six of the eight were disabled students, individuals with disabilities, and were in special education. For three of those who brought the gun to the classroom, it was related to a manifestation of their disability. It has to be that the individuals with disabilities have individual needs that have to be addressed. They should be addressed. Constitutionally, they should be addressed. Ethically, they should be addressed.

When it comes to a firearm, or a when it comes to a bomb, after those 45 days, three of those eight students in Tennessee who brought a bomb to the classroom, or a gun, or firearm, firearm, deadly weapon, ended up back in school through this loophole when none of the other students without a disability had that loophole. They entered back into the school.

When you keep saying get them out for 10 days, in truth, whether it is 35 or 45 days, they are back in the classroom and treated in a different way. I say treat them the same.

Mr. HARKIN. Again, I ask my friend from Tennessee, was that under the old law or the new law?

Mr. FRIST. Those eight, may have been under the old law, I am not sure. I gave other statistics with the nine students from this year. I will have to check on that.

I don't want to stress the statistics too much. I keep using them because I have a great fear something bad will happen as a result of the law we created.

I can say on the 45-day period which we have talked about and worked on writing together, if a person is a threat during that 45 days, and your team says you are a threat, the Senator is exactly right, they can be kept out another 45 days. After that 45 days, what? I guess it can keep going on. We have great faith in that.

As someone who has, as the Senator, seen a lot of individuals with disabilities, if somebody brings a gun into the classroom and they are expelled like everybody else for 10 days and go through a manifestation period, I don't know exactly how to know whether that individual is threatening. We have to go through all the disabilities. That will be a tough diagnosis to make in terms of saying, no, you are too threatening to go back when parents are there who are saying go back; teachers, lawyers, who say he hasn't done anything over the last 15 or 20 days, maybe we should let him go back.

That is what our bill gets out. Treat everybody the same, if you have a disability or no disability. If you bring a gun or firearm to school, you should be treated the same. The same applies to cessation of services. You should be subjected to the decisionmaking of the local principals and teachers in terms of services, as well as in terms of expulsion.

Mr. SESSIONS assumed the Chair.

Mr. HARKIN. I say to my friend from Tennessee that the example he keeps using in Tennessee did occur under the old law, not the new law. I hope we can forget about using that example.

Under the new law we passed, we do provide that 45 days can be extended indefinitely if the school officials feel that child is a threat either to himself or herself or to the school.

Again, I just hope that example is not used because it confuses people. We shouldn't be confusing people when the new law is different than the old law.

I take a back seat to no one when it comes to the issue of safety in schools. I just put two daughters through public schools all their lives. One just graduated from college; my second daughter is a senior in public high school—student body president, too, I might add. Why not brag? If you can't brag about your kids, what can you brag about?

Both my wife and I have always been concerned about safety at school. We have talked a lot about it with our daughter, Jenny, so I don't take a back seat to anyone in terms of safety. There are few things as critical to any parent as making sure the kids are safe when they go out the door in the morning and when they come home in the afternoon.

I think the recent tragedies in Colorado are the culmination, the end result, of eight school shootings in 39 months—Oregon, Kentucky, Mississippi. I point out, again, to my friend from Tennessee, the kid in Oregon was expelled, went home, got a gun and came back and shot kids. I don't know if expulsion helped in that case.

If you want to base this on the fact that expulsion will make the kids safer in school, I say look what happened in Oregon. It didn't seem to work there.

I do believe that what has happened during these 39 months and what happened in Littleton is, indeed, a call to action to our families, to our churches, schools and communities.

Mr. HATCH. Will the Senator yield?

Mr. HARKIN. I am just getting on a roll.

Mr. HATCH. Will the Senator yield to his friend on the other side?

Mr. HARKIN. I yield without losing my right to the floor.

Mr. HATCH. I have to ask the Senator, this debate has gone on for quite a well. It has been one of the better debates I have seen or listened to, on both sides.

It is clear we have a difference of opinion. It is clear both sides think they have a legitimate case to make. I know the distinguished Senator is one of the champions for persons with disabilities, as am I. We have worked closely together through the years. I understand the difficulties that are involved here. I understand his sincerity. I also understand the sincerity of the Senator from Missouri and the Senator from Tennessee. They are decent people. They are good men. The Senator from Tennessee is a major force on the Labor Committee, as is the distinguished Senator from Iowa.

We are in the middle of a bill that really needs to be passed now. This is our seventh day on this bill. It is not a full-blown crime bill that took a tremendous amount of time. This is a limited, narrow bill with a lot of provisions that will make a difference with regard to children in our society. I would like to bring it to conclusion.

I guess I am asking my friend from Iowa, can we get an idea of how much time the Senator desires? I will talk to my people on my side to try and shorten our time so we can proceed with the rest of the amendments on this bill and hopefully lock in the final time agreement on all the remaining amendments and a final vote certain so everybody in the Senate will know what we are doing. I just want to ask my colleague if he will cooperate with me and set a time agreement so we can move this bill ahead, rather than have this stay in the logjam it is in.

It is a sincere set of differences. It seems to me the way to resolve those differences is time honored. We go to a vote on this amendment and then I ask unanimous consent that the next amendment be the Senator's amendment which rebuts this amendment. So we go to a vote on the amendment of the Senator from Iowa and let the chips fall where they may.

I don't see any reason to delay this bill when I am willing to make that offer. I will see that the Senator gets an amendment immediately following.

If you win, you win; if you lose on this one, you lose.

Mr. LEAHY. Mr. President, while the Senator is thinking over his offer, and he will yield without losing his right to the floor, during the few moments when the Senator from Utah was otherwise engaged on the Senate floor and I discussed this with him, I made a suggestion that we actually accept both the amendments—the amendment of the Senators from Tennessee and Missouri and the amendment that the Senator from Iowa would have—knowing that it goes to conference, where the distinguished Senator from Utah will be the Chair, I will be the ranking member from the Senate. This whole issue is going to have to be revisited in conference, anyway. I can guarantee from my experience that it will be different from the other body.

I suggest that as a possible way out. I have a couple of reasons for doing that: No. 1, with 25 years experience, it is a pragmatic way to do it; secondly, this is the juvenile justice bill. Earlier this afternoon, I was speaking about crimes against senior citizens. If we stay on this much longer, the juveniles we are talking about today will be senior citizens that we may want to protect tomorrow.

I would like to bring this to an end. We have an agreement. I think there will be time agreements on anything left. The distinguished Senator from Utah and I are going to very soon propose a package of managers' amendments that wipes out a lot of the deadwood and perhaps we could go forward.

I throw that suggestion out again. I know the Senator from Tennessee said he would not find that acceptable, and of course he, as any Senator, has an absolute right—the Senator from Missouri, as any other Member, has an absolute right to have a vote one way or the other on their amendment or in relation to it.

However, I ask the Senators that they might want to consider that.

Mr. HATCH. If the Senator will yield further.

Mr. HARKIN. I yield further without losing my right to the floor.

Mr. HATCH. I can understand why the Senators from Missouri and Tennessee want a vote on their amendment. I can understand why the Senator wants a vote on his amendment. It is a legitimate way to resolve an issue. I don't know which way the votes will go on either issue and I take a great interest in this as well. But there will be a conference and we will probably resolve these issues in the best interests of all.

My position is we have had a lengthy debate. I have deliberately stayed off the floor because I wanted Senators to have a free and open debate on this. But it seems to me we have had the debate. Basically, both sides have really explained their positions. Everybody knows what they are.

My suggestion is we go to a vote on the amendment of the Senator from Tennessee and the Senator from Missouri, up or down, and then if they lose, they lose. Then I will ask unanimous consent, whether they win or lose, that the Senator be entitled to immediately bring up his amendment which would undo everything they are doing and we go up or down on a vote there. And we even could have an additional period of time so people could hear one last explanation on the differences between the two sides.

What I want to avoid is a filibuster. I want to avoid the Senator feeling he has to now delay this whole bill because he feels deeply about this issue. I feel deeply about it, too. I think these Senators on this side feel deeply about it. You feel deeply about it. Frankly, there is still a conference where we can work with both sides to see if we can resolve this as we go to conference. But I would like to be able to push this bill forward, because it is an important bill and every day we delay—we all know once we get it through the Senate, the bill has to come through the House. Then we have to go through conference. Then we have to send it down to the President. If he signs it, then it becomes law.

We are talking weeks or months before we can get a juvenile justice bill passed that might prevent more Columbine High School massacres. But we have to get this done.

We also have a supplemental appropriations bill that has to be brought up, because it is important. It is not fair to hold this bill hostage—either side—now. It is not fair to hold this bill hostage because of a dispute that literally is a legitimate dispute on both sides that can be resolved by voting. Let the chips fall where they may. I have had to do that. I have had to eat a lot of stuff here on the floor.

Mr. LEAHY. As have I.

Mr. HATCH. As has the distinguished Senator from Vermont.

As floor managers, we are trying to bring people together. I say to the distinguished Senator from Iowa, I believe he has faith that I will always try to do what is right for persons with disabilities. I will use my optimum good efforts to try to make sure this matter is resolved in a manner that is credible and acceptable to both sides—or at least as acceptable as can be to both sides. But I would like to set a time limit for further debate, which I hope will not be very long because you have been debating now for hours. I think virtually everything has been said that needs to be said. Then let's just go to those votes.

The Senator is not on a list right now, to come up, I do not believe, after this amendment. But I will get you on the list. I will ask unanimous consent you be given that privilege. I think it is fair. I think it is a way of resolving this. I don't want to see a filibuster here at the last minute on a bill of this importance when this could be resolved through voting and when I am giving the Senator a shot at his amendment, which basically rebuts theirs, immediately following it. I think that is fair. It is a reasonable way of doing it.

You are dealing with two managers who have done their utmost to bend over backwards for everybody on the floor. I have even bent over backwards for the Senator from Minnesota, time after time—I finally got a smile out of him. It is the only time he smiled all day.

But I would like to see my friend from Iowa do that. If he would, I would personally appreciate it. I would like to get this bill done, at least pushed forward as far as we can. I believe we can finish this bill tonight if we have time today. We have had 7 days on this bill. I would hate to go on 8 days, but I would even do that if we have time agreements on all these amendments, time agreements on when we vote, and let the chips fall where they may and let's go at it.

I intend to call up an amendment as soon as these two are disposed of, if that is what we do, and we will move ahead on the other amendments and we will try to shorten the time on all the amendments. I am asking the distinguished Senator from Iowa to shorten the time, agree to a time agreement, and I will certainly live up to asking unanimous consent and getting his amendment immediately following the amendment of the distinguished Senators from Tennessee and Missouri.

Will the Senator please help me in that regard—help us, Senator LEAHY and me?

Mr. HARKIN. I will respond to my friend from Utah, and he is my friend and someone I like a lot, and respect a lot.

Mr. HATCH. And vice versa.

Mr. HARKIN. He has made a very impassioned plea here, and I know he feels strongly about the bill.

But I just have to respond this way. This bill may be cited as the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999.

Mr. HATCH. Right. That is if we ever get it passed.

Mr. HARKIN. Kids with disabilities haven't been shooting anybody. I mean, let's be honest about it. The reason this bill is here on this floor is because of what happened in Littleton, CO. The Senator from Tennessee, when he first started out——

Mr. HATCH. Will the Senator yield on that point, just on that point? I am sorry to interrupt him, but this bill has been in the works for 2 solid years. We have worked with our colleagues on the other side repeatedly. I think the distinguished Senator from Vermont and I are together on the managers' package. It is very comprehensive. This is not some quick thing. We have worked very hard on it. Littleton—yes——

Mr. HARKIN. But what precipitated bringing it to the floor?

Mr. HATCH. I would have brought it to the floor before Littleton, but we didn't have the time to do it. But it certainly helped.

Mr. HARKIN. Everyone hears talk about school shootings and school violence. As I have pointed out, as I said to my friend from Utah, there have been eight school shootings in 39 months and 27 have been killed. Not one of those involved a kid with a disability. Not one. Two years? We spent 3 long years, and I spent years before that, working with IDEA. We spent 3 years hammering out an agreement because there was this clash between the school boards and the principals and the teachers and the parents of kids with disabilities—3 years we sat in rooms around here.

Mr. HATCH. And I am a strong supporter.

Mr. HARKIN. We finally got it resolved. I can remember as though it was yesterday when we went to the Mansfield Room. It was Newt Gingrich, it was TRENT LOTT, there were Democrats and Republicans and the disability community and representatives of the principals and the school boards. We sat in that room right there, that Mansfield Room, and we all said hallelujah, we all agree. We didn't all get what we wanted. Parents had to give up something. Principals gave up something. But we got a bill we all agreed we were going to live with and work with.

We agreed in that room that we were not going to go back and make changes on this bill. We were going to give it a chance to work. These are the changes we made.

I say again to my friend from Tennessee, he keeps bringing up this example—that happened under the old law, not the new one. The new law, I say to my friend, the regulations for the new IDEA, just went into effect in March of this year. I have been on the Department of Education for a year to get these regs out, but they received them in March. We have not even given it a chance to work. Yet, that great bipartisan effort, that bipartisan solution that we had that culminated in the IDEA amendments of 1997, somehow is now being torn apart.

Why? Because of school shootings—what is going on?—when none of these kids were disabled?

I know the Senator from Missouri is a nice guy. The last thing he would want to do is to be mean to anybody. But I have to tell you, if you back up and see it from where I am coming from, I have to tell you honestly, with all my heart, this is almost scapegoating kids with disabilities. I know you do not mean to do that. But I have talked to so many parents out there. They talked to me about this amendment and said: Why are they scapegoating my kids? My kids didn't shoot anybody. My kids with disabilities haven't done anything. Why are we doing this?

Mr. HATCH. Will the Senator yield without losing the right to the floor?

Mr. HARKIN. Let me please finish. This amendment does not belong in this bill.

If I am going—if I am taking time, I say to my friend, the only reason I am taking time is because I think there are a lot of Senators here who do not understand what is going on. They have not had the privilege I have had of working on disability issues for 25 years. I believe they need to be informed.

It took us 2 hours today simply to get us to agree that if a kid brings a gun to a school, regardless of whether that kid is disabled or not, they can kick him out right away and take him to the police station. It took us 2 hours just to get that agreement.

Now we are onto another phase, and that phase is what happens after they are removed. I do not think it has been fully fleshed out yet as to why there is a process set up for kids with disabilities. Then we have to get to the third stage and that is what happens at that point in time, at the end of 45 days. If I take some time, I say to my friend from Utah, it is because I believe I have an obligation to my families with kids with disabilities——

Mr. HATCH. I know that.

Mr. HARKIN. To be able to look them in the eye and say: I did everything humanly possible to make sure that every Senator who comes down and casts that vote knows exactly what that vote is about. I do not believe I have done my job yet. I, obviously, have not done my job yet.

Mr. HATCH. Will the Senator yield?

Mr. HARKIN. And I am going to take more time to do my job.

Mr. HATCH. Will the Senator yield without losing his right to the floor?

Mr. HARKIN. I yield without losing my right to the floor.

Mr. HATCH. I am suggesting we take some more time, but that we agree on a time limit so everybody in the Senate knows. What that does for you—you are concerned about Senators learning, knowing what to do and hearing your position—when they know there is a time certain, that is when Senators generally try to listen. I am not asking you not to take more time. I am not asking you to not filibuster. I am asking you—

Mr. HARKIN. I am just not certain how much time it is going to take me. That is why——

Mr. HATCH. I am asking you to set a reasonable time limit. I am also suggesting, as somebody who has been around here as long as the Senator from Iowa, that the time-honored way to resolve these matters when you have a legitimate, honest difference of belief is to vote. Right now, the Senator does not have the right to a vote on his amendment, as I understand it.

Mr. HARKIN. I have my amendment filed.

Mr. HATCH. You cannot bring it up.

Mr. HARKIN. I have my amendment filed.

Mr. HATCH. I want your amendment to come up after this.

Mr. HARKIN. I have my amendment filed.

Mr. HATCH. You cannot get it up in this context without unanimous consent. I will get that for you.

Mr. HARKIN. I can get it up anytime.

Mr. HATCH. Sure you can. What I am saying is, let's vote, but do it after you have a reasonable time to explain your position. But let's set a time limit so 99 Senators are not held up.

Mr. LEAHY. Mr. President, I wonder—

Mr. HARKIN. I still have the right to the floor. I yield, again, without losing my right.

Mr. LEAHY. Mr. President, we are trying to do a number of things. One, the Senator from Utah and I are reflecting our respective parties. We want to get through the bill, get a final vote one way or another and do it in such a way as to protect Senators on both sides of the aisle. He has a responsibility for his side of the aisle, and I have responsibility for my side of the aisle. I take that responsibility strongly. Senators have a right to be heard and a right to vote. But at some point, we have to wrap it up and vote.

Mr. HATCH. That is right.

Mr. LEAHY. May I suggest this: Senators may have good, strong debates on this—and I yield to nobody in my admiration of the Senator from Iowa and what he has done. I have taken his lead on so many issues involving the disabled because he is a recognized national expert on this.

My suggestion, another possibility, is we set this matter aside and start voting on some of the things we have already done. We finished debate, or all but the last couple of minutes of debate, on the Lautenberg amendment. Let's vote on that. Let's vote on something on the chairman's side of the aisle and maybe set it in such a way that those votes will come within a few minutes of each other.

During that time, Senators will be able to talk more. The Senator from Utah and I will be able to bring up the managers' amendment and then see if it is possible to have time agreements, but time agreements in such a way that Senators will know this amendment comes up at this time, this amendment comes up at another time, so there will be more focus.

I suggest that as a possibility. We also know that as much as we talk, oftentimes these things are worked out during a rollcall vote. That is one way we can do it.

Mr. WELLSTONE addressed the Chair.

Mr. LEAHY. The Senator from Iowa has the floor.

The PRESIDING OFFICER. The Senator from Iowa has the floor.

Mr. HARKIN. Again, I yield without losing my right to the floor.

Mr. WELLSTONE. Mr. President, I will take just a moment. I certainly pay tribute to the—I have not heard more passionate, more heartfelt, more substantive, more powerful oratory and argument on the floor of the Senate than what Senator HARKIN has done. I thank him as a friend.

I say to my colleagues, if I can get their attention for a moment—Senator LEAHY and Senator HATCH—if there is agreement to see what can be resolved in discussions while Senators come to agreement with one another, I would be very pleased, on behalf of myself and Senator KENNEDY, to have the pending amendment laid aside and we will just go right to this disproportionate issue, which is a complicated and important debate. I am ready to do that right now. If you want to try to work this out, I am ready to ask consent to lay the pending amendments aside and go right to this amendment and the debate and we have time set for it. I want to make that clear.

Mr. HATCH. Will the Senator yield again without losing his right to the floor?

Mr. HARKIN. Yes.

Mr. HATCH. Mr. President, I ask unanimous consent that Senator HARKIN be permitted to offer his amendment, and that the regular order be, for voting purposes: the Frist-Ashcroft amendment, then the Harkin amendment—so Senator HARKIN's amendment will immediately follow—then the Wellstone amendment and then the Lautenberg amendment, and then we will have one from our side as well at that point. Is there any objection to that order?

Mr. HARKIN. I reserve the right to object.

Mr. HATCH. I am putting it in the order I think you want to be in.

Mr. HARKIN. I reserve the right to object, and I say this——

Mr. HATCH. This is not the vote. I am just putting the order together.

Mr. HARKIN. I understand. I am saying if there is a vote on the Frist amendment, then what kind of time is allotted to the Senator from Iowa for his amendment?

Mr. HATCH. We have to agree on this. We are not setting time limits.

Mr. HARKIN. You are just setting the order.

Mr. HATCH. I want to set a time——

Mr. HARKIN. Will you read that again?

Mr. HATCH. I am asking unanimous consent that the order of the next group of amendments to be voted upon be Frist-Ashcroft, Harkin, Wellstone and then Lautenberg and then one from our side.

Mr. HARKIN. I think there may be some people here who may want—I don't know what the majority leader's predisposition is on this. Maybe some people want to move to Wellstone and vote on that before they get to this. I hate to preclude that possibility with a unanimous-consent request that this is the only order we will take. I would object to that.

Mr. HATCH. You would object to having yours put into the appropriate order?

Mr. HARKIN. Only if that order is locked in totally.

Mr. HATCH. It is locked in, but it is locked in in a way that protects you—that is what I am trying to do here—so everybody knows what the matter is. I am putting in an order so that you can immediately follow the Frist amendment.

Mr. HARKIN. You say that upon completion of a vote on the Frist-Ashcroft amendment——

Mr. HATCH. Then you have a right to call up your amendment.

Mr. HARKIN. Then I have a right.

Mr. HATCH. That is what I am saying.

Mr. HARKIN. Don't put it in that wording because that locks in the order and because there may be votes before the Frist amendment.

Mr. HATCH. No, there will not be votes before Frist.

Mr. HARKIN. Then I object.

Mr. HATCH. Why? This protects you.

Mr. HARKIN. We may want to lay it aside and go to another amendment.

Mr. HATCH. We can do that. This is to benefit you. You don't give up one thing other than you get in line; you are not in line now, behind the Frist amendment. To be frank with you, my purpose is to give you a shot at your amendment. If theirs happens to be adopted, you have a shot at yours which does away with theirs.

Mr. HARKIN. Actually, it does not do away with it. It modifies it; it does not do away with it.

Mr. HATCH. But it puts you in a position, and you don't lose a thing.

Mr. LEAHY. Reserving the right to object, and I will not object, I suggest, again, what I suggested earlier: if this can be set aside, go to the Lautenberg amendment and vote on it very quickly, one on your side that can be voted on quickly thereafter, and then go back to the Frist-Ashcroft amendment, partly so that we can talk during the votes. I don't make that as a request, but I suggest that really as a way out of all of this without giving up anything.

Mr. HATCH. With the same understanding that Senator HARKIN has the right to the floor, that is just not acceptable. The Senators from Missouri and Tennessee want a vote on their amendment. They are willing to go ahead with Senator HARKIN's amendment immediately following, if I understand it, and let the chips fall where they may.

I just want to move this ahead. I am trying to protect you so you are in order to come in at that point. If you don't want to, that is fine with me. It is an advantage to you.

Mr. HARKIN. I don't know that it makes a lot of difference.

Mr. HATCH. It keeps the thing focused so people know what you are talking about. To me, that is a reasonable request.

Mr. HARKIN. Well——

Mr. HATCH. Let me withdraw it then. I don't care. What I am trying to do, I say to Senator HARKIN again without you losing the right to the floor, I am trying to move this ahead. I am making a legitimate good-faith effort to move it ahead. It is apparent that we are not going to have a vote until we have the Ashcroft-Frist, Frist-Ashcroft amendment voted on.

I would like, then, to give you the opportunity to have your amendment called up, which modifies their amendment. Then we will have a vote on your amendment. Then we go and just keep going down the line, as we have done. We are not going to move ahead until we vote on this amendment. If you are going to filibuster, that is another matter.

Mr. HARKIN. I say to the Senator that I may still move to table the Frist-Ashcroft amendment.

Mr. HATCH. That is a right the Senator has.

Mr. HARKIN. I have a right to do that.

Mr. HATCH. Sure.

Mr. HARKIN. I may move to table; whereupon, after that motion to table is dispensed with, one way or the other—obviously, I am sure I would lose on that—the bill then becomes open to amendment. I may have some amendments to the Frist-Ashcroft amendment.

Mr. HATCH. Amendments or an amendment?

Mr. HARKIN. Amendments. And that could only occur, if I understand the parliamentary procedure, after a motion to table is dispensed with.

The PRESIDING OFFICER. No amendment is in order at this point.

Mr. HARKIN. At this point.

Parliamentary inquiry. If I move to table the Frist-Ashcroft amendment, and that is disposed of, as I understand the unanimous-consent request, the bill then would be open for amendment—or the amendment would be open then after there is an action on it, on that amendment, on the motion to table.

The PRESIDING OFFICER. If the Frist amendment were tabled, the question would recur on the Lautenberg amendment.

Mr. HARKIN. No. No. What would happen if the Frist amendment were not tabled?

Mr. HATCH. Parliamentary inquiry. I do not think the Lautenberg amendment is next on that list.

Mr. HARKIN. If I might, Mr. President, reclaiming my right to the floor——

Mr. HATCH. Could I have that parliamentary inquiry? I just want to know, what is the order? I do not think Lautenberg is next.

Mr. HARKIN. On the parliamentary inquiry, I just want to read from the unanimous-consent request, Order No. 8.

> *Ordered further,* That the following amendments be the only remaining first degree amendments in order, with relevant second degree amendments in order thereto only after a vote on or in relation to the first degree amendment and the amendments limited to time agreements, where noted, all to be equally divided in the usual form.

So, obviously, a tabling motion would be a vote in relation, and therefore reading that, I submit, that then relevant second-degree amendments would be in order. I make that parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Iowa is correct that a second-degree amendment would be in order if the motion to table Frist fails.

Mr. HARKIN. I thank the Chair.

Mr. HATCH. What I propose does not change that at all. If we put these amendments in order, the Frist-Ashcroft, Harkin and Wellstone and Lautenberg, that still does not take away your right to move to table and then file a second-degree amendment, if you desire to. We would have to dispose of the Frist-Ashcroft amendment first. And you would have every right to do that.

Mr. HARKIN. Again——

Mr. LEAHY. Is that correct?

Mr. HATCH. Is that correct? All I am doing is setting the order in which these things would follow. He would not be deprived of moving to table the Frist-Ashcroft amendment, and if it is not tabled of offering amendments.

Mr. HARKIN. Offering amendments.

The PRESIDING OFFICER. Under the understanding of the unanimous consent request, a vote on Frist would include either a motion to table or an up-or-down.

Mr. HATCH. I do not understand.

The PRESIDING OFFICER. If your interpretation of your consent request is that a vote on Frist includes a vote to table, then we would be correct in that we have agreement on that.

Mr. HATCH. Well, I think we would.

Mr. HARKIN. You want to read that unanimous consent request again? I am still——

Mr. HATCH. I ask unanimous consent that Senator HARKIN be permitted to offer his amendment, and that the regular order be the Frist-Ashcroft amendment, and if there is a motion to table by Senator HARKIN, and it is not tabled, then it would be open for——

Mr. HARKIN. Or any motion to table.

Mr. HATCH. Any motion to table, and it is not tabled, then it would be open for a second-degree amendment. But immediately following the disposition of that would be the Harkin amendment with the same conditions, the Wellstone amendment with the same conditions, and the Lautenberg amendment with the same conditions.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. Reserving the right to object, then under his proposal, how many second-degree amendments could be offered to the Frist-Ashcroft amendment if, in fact, the tabling motion was not agreed to?

The PRESIDING OFFICER. How many angels can dance on a pin?

Mr. LEAHY. I did not hear the response.

Mr. ASHCROFT. How many angels can dance on the head of a pin?

The PRESIDING OFFICER. If the motion to table the Frist amendment fails, then that amendment is open to relevant second-degree amendments.

Mr. HARKIN. Relevant second-degree amendments, in the plural?

The PRESIDING OFFICER. That is correct.

Mr. HARKIN. Let me ask one other question about this unanimous consent request. Let's say someone wants to set this aside and move on to another amendment. Would that be allowed under this proposal?

Mr. HATCH. With unanimous consent, it would.

Mr. LEAHY. That would require unanimous consent, I would assume.

The PRESIDING OFFICER. It would require unanimous consent.

Mr. HARKIN. Just as it does now.

The unanimous consent request, again, because I really want to protect my rights, and I just want to make sure my rights are fully and adequately protected, I ask the Senator if perhaps it could be reduced to writing or something just so I can take a look at it. I am going to be here for a while talking anyway.

Mr. HATCH. We will be happy to do that.

Mr. HARKIN. I just want to make sure my rights are protected. That is all. I just want to look at it.

Mr. HATCH. I withdraw my unanimous consent request at this particular point.

The PRESIDING OFFICER. The request is withdrawn.

Mr. HATCH. We may want to set this aside for that purpose. If we do, I will ask the Senator, would the Senator please give some consideration to my request that we have a time agreement—I am not suggesting what time, but that we have a time agreement on the Frist-Ashcroft amendment so that everybody here knows what is going on? Then people will listen to his recitation of what he believes as to the situation. Can you give us a time agreement?

Mr. HARKIN. Not at this time I cannot, I say to my friend. I cannot at this time.

The PRESIDING OFFICER. The Senator from Iowa has the floor.

Mr. HARKIN. Mr. President, as I said, I take a backseat to no one in my concern for safety in schools, having a daughter who is a senior in high school now and a daughter who just graduated from college, both of whom have attended public schools all of their lives.

I daresay that what has precipitated this bill has been the recent tragedy in Littleton, CO, and the eight shootings over 39 months in our public schools in America. These tragedies have, indeed, called us to action, called us as families, churches, schools, communities, parents, teachers, and, yes, as lawmakers.

I hope these tragedies lead us all to take positive and constructive steps to reduce the likelihood of any recurrence. We want to make sure all of our schools are places of learning, not of fear.

But we should not let this tragedy of Littleton lead us into emotional, unfounded, though well-intentioned actions which can harm the most vulnerable in our society, and those are our kids with disabilities.

I know that the amendment is well-intentioned. The Senator from Tennessee and the Senator from Missouri are good people. But this would amend the Individuals with Disabilities Act, and I believe in the deepest part of my being that this amendment will have just the opposite effect. If enacted, it will do a couple of things. It will make our schools and communities less safe, and it will turn the clock back on all the advances we have made in our country to ensure that kids with disabilities have a fair shot at the American dream.

This amendment targets a group of students who are more likely to be the victims of school violence than the perpetrators. It is the kids with disabilities, now mainstreamed into our schools, who are beat up on, preyed upon, made fun of by nondisabled kids. Time and time again, it is the kids with disabilities who are the victims of the violence. This has been true for a long time, a long time.

Why are we singling them out with this amendment? None, not one, of the eight school shootings in the last 39 months was perpetrated by a child in special education. So why do we have this amendment?

Well, I just want to point out, sadly, four of the students shot in the rampage at Columbine High School were special ed kids —four of them. So why are we singling out kids with disabilities? Why are we changing a law that we passed 2 years ago, that we just got the regulations issued in March of this year, which has not had even an opportunity to work? Why are we doing it?

Well, I forget which Senator it was who said, well, we do not want to wait until something bad happens. My gosh, under that philosophy, what else can we do to our schools? How about all the kids with disabilities? What are we going to do with them if we don't want to wait until something bad happens? That philosophy can take you down a lot of alleys, a lot of dead-end alleys. I think the answer to "we don't want to wait till something bad happens" is exactly why we passed the amendments to the Individuals with Disabilities Education Act 2 years ago. That is why we have said, if a kid is violent, brings a gun to school, they can get them out immediately to protect the school.

I hope everyone heard here today—we finally got an agreement on that point—that if a kid brings a gun to a school, regardless of whether that kid is disabled or not, they can call up the police and have that kid hauled down to the police station immediately, immediately. Now, when there is some thought around here that somehow because a kid is disabled, the principal has to go through all kinds of hoops to get them out of school, I say that is not true. And we finally at least got that nailed down today.

I yield to my friend from Minnesota.

Mr. WELLSTONE. I want to ask the Senator one question.

Mr. HATCH. Would the Senator yield for another inquiry from the manager?

Mr. WELLSTONE. I would be pleased to yield.

Mr. HARKIN. I yield to the Senator.

Mr. HATCH. I have been trying to avoid a filibuster here on a bill that I think everybody admits is very important. The Senator has indicated he is willing to filibuster. And as somebody who has been around here a long time, who knows how to do it, I recognize one when I see one.

Let me make an offer here that I think is superfair. I have tried to make an offer that the Senator get in line right behind this amendment so he has every shot at his amendment.

Let me ask Senators FRIST and ASHCROFT, as well, would both sides be willing—since we know 60 votes is the key, would both sides be willing to do this: That we call up for a vote, after another reasonable time for final debate here, but hopefully a very short time, call up the Ashcroft-Frist/Frist-Ashcroft amendment? And if it does not get 60 votes and we call yours up right after, if neither of them gets 60 votes, we pull them both, rather than have a filibuster here—excuse me, Lautenberg and Frist. OK.

Let me ask, I have to ask the Senator from Vermont. It has been suggested that since we had had problems with this amendment, which is 60 votes, if they don't get 60 votes, they pull it. We do the same with the Lautenberg; if he doesn't get 60 votes, we pull that.

Mr. HARKIN. You are going to have to ask Senator LAUTENBERG that.

Mr. LEAHY. Are you talking about the—

Mr. LAUTENBERG. I didn't hear the question.

Mr. LEAHY. I want to make sure I understand this. If the Senator from Utah is suggesting that if the most hotly contested gun amendment does not get 60 votes, we throw it out—

Mr. HATCH. Right.

Mr. LEAHY. —I don't think anybody is going to accept that.

Mr. HATCH. We throw this one out and that one out.

Mr. LEAHY. I think there is a better way of doing that. I was discussing it with the distinguished Senator from Mississippi. I would like to listen to his suggestion.

Mr. LOTT. Who has the floor?

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from Iowa has the floor.

Mr. LOTT. Will the Senator from Iowa yield to me?

Mr. HARKIN. Of course.

Mr. LOTT. I think everybody is trying in good faith to find a way to deal with this issue and move on. I thought that idea just proposed might work, but it looks as if that would be objected to.

What I would like to propose as an alternative—and it is being typed up now, and we want both sides to look at it—is that we go forward. We set aside the pending amendment, and we go forward with a series of votes, including probably the managers' package, which a lot of people have been interested in and concerned about. They would be able to see what it was. And then go to the Lautenberg amendment and have a vote. Then go to a Smith-Jeffords amendment and have a vote. Then go to Wellstone and have a vote, and then to a McConnell.

So we would have a series of stacked votes while we continue to work to see how we can resolve other outstanding issues. But rather than just continuing to talk back and forth without making progress, looking at the hour here, if we could have a series of, I believe it would be five votes—six votes now—I think that would be one way to give us time so we could make progress and give us time to continue to work on these other issues.

Mr. LAUTENBERG. Will the majority leader yield?

Has the Smith-Jeffords amendment been sent up and discussed? We have several amendments that have already been offered, and I do not know why we are—maybe I do know why and I just don't want to realize after this very amiable discussion, Mr. Leader, that we had earlier about how we were going to cooperate and let the public hear what we are really doing here.

I ask—we have several amendments, on both sides—what would the regular order be, Mr. Leader? As I understand it, the Parliamentarian can answer that. There was no Smith-Jeffords in there. We have an order, and it would be nice to not suddenly suggest that perhaps 60 votes would do it. And then we could hear—

Mr. LOTT. Well, 60 votes—it was suggested.

Mr. LAUTENBERG. In good fellowship, I know.

Mr. LOTT. It was suggested. This is not taking everything in the exact order. We have been moving the order around back and forth since Monday. For instance, the managers' amendment—usually you don't do that until the last thing. In a show of good faith, an indication from Senator LEAHY was that Senators would like to have that done and see what is in it. We would put that first in the pecking order, which would not be the way it is always done, but it would be constructive. Then Lautenberg, I think, would be the next pending thing. And these others, I am not sure of the exact order they are in, but I propose that we do them that way so we can move forward.

Mr. LEAHY. Mr. President, I might say, if the Senator from Iowa will yield so I may respond.

Mr. HARKIN. Yes.

Mr. LEAHY. I find much in the proposal—I realize it is going to be typed up and has not been made yet, but the proposal by the Senator from Mississippi is a good one for moving us forward. I am not sure the managers' package would even need a rollcall vote. If that is the case, the first rollcall vote will be on the amendment of the Senator from New Jersey, and the next one would be—well, it would be whatever order the distinguished leader has spoken. Again, based on the experience I have had managing bills, I tend to agree with the distinguished majority leader. This might be a good way to get us moving. I also suggest that it protects the Senator from Iowa, the Senator from Missouri, and the Senator from Tennessee. But it moves us forward.

Mr. LOTT. Right. We are having this typed up now. We will get copies to the managers on both sides and the leadership. But I believe this is one way to keep the bill going. We have had a good lengthy discussion today, and there is a fundamental disagreement on this. At some point, I hope the Senator from Iowa—like on Lautenberg and on these others, we worked through this without second-degreeing, without obstructing. You all have had some amendments you don't like, and we have had a few amendments we don't like, but in the end you vote. If you win, you win; if you lose, you lose. It still has to go to conference and all that. I hope we can get an agreement on this. I don't think anybody is disadvantaged. I think everybody will think they have had a fair shot. Senators FRIST, ASHCROFT and the Senator from Iowa can talk during the votes and see if we can't find a way to bring it to a conclusion.

Mr. WELLSTONE. Mr. President, I ask the Senator from Iowa to yield for a question.

Mr. HARKIN. I still have the floor. I will yield without losing my right to the floor.

Mr. WELLSTONE. My question is really vis-a-vis the Senator from Iowa to my colleague from Utah. The amendment I have been trying to get on the floor is the Wellstone-Kennedy amendment dealing with disproportionate minority confinement. I assume when we listed the amendments that already has a 2-hour limit set.

Mr. LOTT. If the Senator from Iowa will yield, he is getting to be a really good traffic cop here.

Mr. HARKIN. Red light, green light.

Mr. LOTT. If your understanding is that you would like to have your vote maybe earlier in the lineup, I don't see a problem with that. We try to alternate, Republican and Democrat.

Mr. WELLSTONE. That is fine. We already have a 2-hour time limit on that. We agreed on that.

Mr. LOTT. Two hours more debate?

Mr. WELLSTONE. It is on disproportionate minority confinement. It is the amendment I have with Senator KENNEDY.

Mr. LOTT. I think that is another amendment. Don't you have another Wellstone amendment?

Mr. WELLSTONE. I have another one.

Mr. LOTT. This is regarding your other Wellstone amendment.

Mr. WELLSTONE. I have been waiting on the floor forever. I am pleased at what the Senator from Iowa is doing. The one laid aside is going into the managers' package. I have been waiting patiently. When you put it in order, please put in the Wellstone-Kennedy amendment, which deals with a very important question that we have been trying to debate for days.

Mr. LOTT. This one is No. 356, identified as a Wellstone amendment. It is not the amendment you are speaking of. If I understand you correctly, you are talking about a Kennedy-Wellstone amendment, and you need 2 more hours for debate.

Mr. WELLSTONE. This has been agreed to for days. That is right. The amendment, I am assuming, in the sequence that we are talking about is the Wellstone-Kennedy amendment dealing with disproportionate minority confinement. Two hours to be equally divided is the agreement on that. No. 356 has been allegedly put in the managers' amendment. If we can please put this one on the list.

Mr. HATCH. Nobody ever agreed to 2 hours. I don't know if we ever had an agreement on that. Of course you have to have enough time to argue, but I hope it is not 2 hours.

Mr. LEAHY. Mr. President, the Senator from Iowa has the floor, and I ask if he will yield without losing his right to the floor.

Mr. HARKIN. I yield under those conditions.

Mr. LEAHY. I ask if it might be in order to suggest the absence of a quorum, which I am not doing, but to do that under a unanimous consent, that at the completion of it the Senator from Iowa would be allowed to reclaim the floor.

Mr. LOTT. I ask the Senator from Iowa if he will be willing to have a vote on his amendment in the sequence we are talking about here?

Mr. HARKIN. I want to see the lay of the land before I answer a question like that.

Mr. LOTT. I am inquiring because I had nobody to ask that. You all have had a good, full debate. I wondered if you would not be ready to go to a vote now.

Mr. HARKIN. No, I don't feel that I am. I haven't even finished my statement yet. As I said earlier to my friend from Utah, I believe there are a lot of misperceptions out there on this amendment, and being the poor debater that I am and the poor teacher that I am, I don't believe that I have fully and adequately represented what this means to families with kids with disabilities. It will probably take a little longer simply because I am so poor at getting across my point, it seems. So I am going to have to take a look at that before I make any decisions. I am not going to answer hypothetical questions.

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

Mr. HARKIN. I have the floor.

The PRESIDING OFFICER. The Senator from Iowa has the floor.

Mr. HARKIN. Mr. President, I will yield to the leader to do that. I ask unanimous consent that when the quorum call is dispensed with, this Senator, the Senator from Iowa, be given the right to the floor at that point in time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. If the Senator will yield the floor, you will have the floor when we return, too. That was agreed to. I will put in a quorum call to try to work this out.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that the privileges of the floor be granted to Lucille Zeph for the pendency of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Under the previous arrangement, I further suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Let me make it clear at the beginning, Mr. President, we don't want to in any way dispossess the Senator from Iowa from his opportunity to be further heard, if he so desires, on his position with regard to the Ashcroft-Frist amendment. I ask in this agreement that that discussion be set aside and we go to four other amendments and have the debate and stacked votes on those amendments.

I will state the agreement which Senator DASCHLE had a chance to review. I ask unanimous consent that the pending amendments be set aside and the Senate proceed immediately to the managers' package, and following that amendment, the following amendments be considered for votes in the following sequence, under time agreements where noted, in the usual form.

I want to emphasize, the managers' package would go first; there would be some description of that. We understand that would probably not require a recorded vote. I further ask consent that the amendments be voted in the order listed below, with 2 minutes for debate prior to each vote for explanation. In other words, we will have 2 hours of debate on the first one, then go to the other amendments, but before the actual votes occur there will be 2 minutes for final explanation, and that all provisions of the consent agreement of May 14 be in place.

The amendments are as follows: The Wellstone disproportionate minority amendment, for 2 hours of debate; the McConnell amendment regarding public schools, 30 minutes; the Boxer amendment regarding afterschool time, 10 minutes; and the Gordon Smith-Jeffords amendment regarding pawnshops. We will specify the time when we have had a chance to review that.

That is the order.

Mr. WELLSTONE. Mr. President, reserving the right to object, there are no second-degrees; is that correct?

Mr. LOTT. It would be the usual agreement of no second-degrees prior to a vote on the motion to table.

Mr. WELLSTONE. Mr. President, a Wellstone-Kennedy amendment is listed?

Mr. LOTT. Yes.

Mr. ASHCROFT. Reserving the right to object, frankly, this is addressing the amendment which is pending, and it is rather complex. I would be grateful for an opportunity to look at this agreement if it is written up. I would like to have a chance to consider it.

Mr. LOTT. As I told the Senator from Iowa—and I believe Senator FRIST has been on the floor most of the time—this is in no way intended or will not disadvantage or eliminate this amendment. It will just set it aside so we can make some progress on amendments where time agreements are already locked in. We will have votes on those amendments at the end of those agreed-to times.

Mr. DASCHLE. Reserving the right to object, let me just remind everyone that we have approximately 24 hours left of this week. In that timeframe we have to do not only the rest of this bill but the supplemental appropriations bill. The only way we are going to finish this is if everybody is willing to cooperate a little bit more and indulge the leadership and the managers of this bill in such a fashion that will allow completion.

It has been difficult, and, I must say, increasingly frustrating, for those who have tried to work through all of this in a way that would allow some reasonable conclusion. It seems the longer we work on it, the more everyone's back is up. It is essential we work together and try to resolve this matter. We have been on this bill now for over a week. It is time to bring it to a successful conclusion.

I ask the cooperation in the remaining hours of this debate on the part of Members on both sides, so that we can finish it.

I have no objection.

Mr. LOTT. I thank Senator DASCHLE for his comments. I very strongly feel the same way. We have come a long way on this bill. The underlying bill was one that had bipartisan support.

We have narrowed down the number of amendments to a finite list. Senator REID has worked very diligently to accomplish that. We must deal with the supplemental appropriations bill before we go. In order to do that, we will have to have some cooperation.

I have been criticized because I have maybe tried to be too fair, everybody has that fair, straight-up shot: No second-degrees, make your point, have the vote, win some, lose some. If we go with that attitude, we can complete this list and the other amendments and complete this bill and do the supplemental.

Mr. LEAHY. Reserving the right to object, and I will not object, I think this is a good step forward. The Senator from Utah and I and the Senator from South Dakota and the Senator from Mississippi have worked very hard, along with appropriate other people, to cut down the list.

I ask one question, because it is one we are obviously going to be asked: Under this agreement, when will we vote on the Lautenberg gun amendment? When would the leader expect we would be voting on the Lautenberg amendment?

Mr. LOTT. There will be an effort for that to be either the first or the second vote. The pending business, I believe, would be the Ashcroft-Frist issue. We would have to dispose of that and then we would go to, I hope, a series of additional stacked amendments which would lead off, I presume, with Lautenberg right at the front.

In order to do that before we did Ashcroft-Frist, we would have to get another agreement. I would like to do it because I think that is an issue that a lot of people feel very strongly about. I would like to do it like the rest. It is time to vote.

Mr. LEAHY. The distinguished leader is saying it would not be voted on tonight?

Mr. LOTT. No, it would not be voted on tonight. What we would do, for these four amendments, is debate and then vote, and the pending business would be the Frist-Ashcroft amendment at the end of that. I want to make that clear so you are not dispositioned by that.

Mr. ASHCROFT. Is it possible to modify this consent request to say the Frist-Ashcroft amendment would be the pending business at the conclusion of this vote, and no later at the onset of the business tomorrow morning?

Mr. LOTT. That is the status. But I would be glad to modify it to that extent, because it just confirms what the status is, procedurally, anyway.

The PRESIDING OFFICER. Is there objection to the unanimous consent as amended?

The Senator from Iowa.

Mr. HARKIN. I agree with Senator ASHCROFT with one provision, if we say "Senator HARKIN retaining the right to the floor when the Senate returns to the Frist-Ashcroft amendment."

I have the right to the floor now. I had the floor. I just want to make sure when this amendment comes back up that I have the right to the floor.

Mr. LOTT. Is that the procedure? Did he have the floor anyway?

I am told you have that right anyway, so I don't think we give anything up by including it in the unanimous consent request.

Mr. HARKIN. OK.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Then I would add we would then pass this amendment by voice vote. I was just kidding, Mr. President.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. That last part was not included.

Mr. LOTT. That was not there.

Mr. LEAHY. That was not included.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, there is no need for this amendment. IDEA already contains provisions to ensure that schools are able to remove truly dangerous children from the classroom. But it also ensures that these children receive the services they need—not only educational services, but counseling, behavior modification, and other related services—so that their bad behavior will hopefully not happen again. This makes more sense than simply sending kids out of the streets, which is exactly what the Frist-Ashcroft amendment proposes to do.

The worst example of what happens when students are sent home without necessary services happened last year in Springfield, Oregon. When Kip Kinkle brought a weapon to school, he was immediately suspended. He went home with his gun, killed his parents, then returned to school and started firing.

The greatest protection a school can provide to its students and community is to be aware of the warning signs of danger and provide the services that can prevent the student from using violence.

Why would we want to strip those very protections from our schools and communities by amending IDEA to end all services to students with disabilities? In fact, why don't we have these protections in place regarding all children, not just those children served under IDEA?

Although several of our colleagues here today have pointed to all sorts of horror stories allegedly involving IDEA students, I would urge my colleagues to be get the facts straight.

(1) For the vast majority of children with disabilities, most discipline problems can be handled by implementing their individualized educational plan, which now includes behavior management strategies.

(2) IDEA currently allows a school to suspend a child for up to 10 days per incident.

(3) Moreover, IDEA allows a school to discipline a child with a disability just like it would discipline any other child, so long as that child's behavior is not a manifestation of his or her disability.

Mr. President, IDEA took three long years to reauthorize, and was the product of bipartisan negotiations involving both chambers of Congress and the Administration, with extensive public input.

The IDEA regulations have just been issued, and they particularly strengthen the area of disciplinary procedures.

In many places, schools are only starting to use the tools that are available to them under current law in cases where disciplinary actions that could be prevented with early intervention.

In fact, GAO is currently doing a study as to whether schools have enough flexibility to discipline children with disabilities.

In this letter I received dated April 29, they stated that work on this study should be delayed for two reasons:

(1) "Nationwide data on school discipline for special education students is not currently available, but is being collected this year," and

(2) "IDEA regulations have only recently been published, allowing insufficient time for their results to be felt and measured."

I ask that the text of this letter be printed in the RECORD following my remarks.

Mr. President, at this point I believe it is not necessary and in fact it would be unconscionable and premature to amend the IDEA and risk compromising the implementation of this landmark legislation.

Special education students should not be the scapegoats here. And let me state again, not one of the children involved in the tragedies that we have witnessed over the past two years was a special ed. student. We need to focus this legislation on strengthening all schools for all of our children, and stop blaming IDEA.

Mr. President, I want to join with the sheriffs, district attorneys, leaders of police organizations, violence prevention scholars, and school psychologists and counselors, in urging all my colleagues to vote against the Frist-Ashcroft amendment.

Mr. CAMPBELL. Mr. President, I intend to vote in favor of the pending amendment offered by my colleague, Senator ASHCROFT, to enhance school safety. This bill is based in large part on the work of the Republican Juvenile Crime Task Force, on which I served. I am pleased to see that the amendment includes three provisions I proposed to the Task Force to help make our children's schools safer.

The first provision authorizes the use of funds to train school personnel, including custodians and bus drivers. These key people on and near school grounds can be helpful in finding suspicious objects, pipe bombs, or other means of harm if they had the proper training. These personnel can be utilized for identifying potential threats, crisis preparedness, and emergency response. I intend to build on this work in the FY 2000 Treasury appropriations bill by supporting the role of the Bureau of Alcohol, Tobacco and Firearms in training school personnel in the detection of weapons and explosives.

The second provision authorizes the use of funds for the purchase of school security equipment and technologies, such as metal detectors, electronic locks, and surveillance equipment. This provision is based on S. 996, the "Students Learning in Safe Schools Act of 1999" which I introduced on May 11, 1999.

The third provision would invest more resources in School Resource Officers, including community policing officers. This important initiative expands the Cops in Schools program which I was pleased to author as S. 2235 in the 105th Congress. This bill was enacted into law in 1998 and this Spring the Justice Department is making $60 million available for this program in this year alone. School Resource Officers would work in cooperation with children, parents, teachers and principals to identify dangers and potentially dangerous kids before violence erupts and innocent children get hurt.

The Ashcroft Amendment includes many other important provisions to enhance school safety. I urge my colleagues to join me in voting in favor of this amendment.

I thank the chair and yield the floor.

Mr. LOTT. Mr. President, we are now anxiously awaiting the comments of the Senator from Minnesota. We hope he will feel free to condense his time. Oh, the managers' amendment would be first. We expect there would be stacked votes in sequence between 7:30 and 8.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I have a managers' amendment which has been cleared on both sides as far as I know. This amendment is a compilation of amendments by Members on both sides.

The PRESIDING OFFICER. The Senate will come to order. The Senator from Utah has the floor.

Mr. HATCH. I now ask unanimous consent that any pending amendments be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 363

Mr. HATCH. Mr. President, I send a managers' amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. HATCH], for himself and Mr. LEAHY, proposes en bloc an amendment numbered 363.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. LEAHY. Mr. President, the Chairman and I have been able to put together a managers' amendment and a package of amendments that improve S. 254 in a number of ways that should please Members from both sides of the aisle. We have accomplished this task by finding the middle ground, and the bill will be a better one for it.

I said last week during the Senate's consideration of this bill that we should not care whether a proposal comes from the Republican or Democratic side of the aisle. A good proposal that works should get the support of all of us. Our first question should be whether a program or proposal will help our children effectively, not whether it is a Democratic or Republican proposal.

This managers' amendment and package of amendments reflects that philosophy. It shows that when this body rolls up its sleeves and gets to work, we can make significant progress. I commend the Chairman for his leadership in this effort and I am glad we were able to work together constructively to improve this bill.

Many Members had good additions and modifications to make to this bill, and we have agreed to accept them in the managers' package of amendments.

In addition to the amendments included in the package, the chairman and I have worked together on a managers' amendment to address a number of my longstanding concerns with the underlying bill. Let me explain what those changes accomplish.

I noted my concern at the beginning of this debate that the State prerogative to handle juvenile offenders would be undermined by this bill. The changes we made to the underlying bill in the managers' amendment satisfies my concerns. For example, S. 254 as introduced would repeal the very first section of the Federal Criminal Code dealing with "Correction of Youthful Offenders." This is the section that establishes a clear presumption that the States—not the federal government—should handle most juvenile offenders—18 U.S.C. section 5001. While the original S. 254 would repeal that provision, the managers' amendment retains it in slightly modified form.

In addition, the original S. 254 would require Federal prosecutors to refer most juvenile cases to the State in cases of "concurrent jurisdiction . . . over both the offense and the juvenile." This language created a recipe for sharp lawyering. Federal prosecutors could avoid referral by simply claiming there was no "concurrent" jurisdiction over the "offense" due to linguistic or other differences between the federal and state crimes. Even if the juvenile's conduct violated both Federal and State law, any difference in how those criminal laws were written could be used to argue they were different offenses altogether. This was a huge loophole that could have allowed federal prosecutors to end-run the presumption of referral to the State.

We fix this in the managers' amendment, and clarify that whenever the federal government or the State have criminal laws that punish the same conduct and both have jurisdiction over the juvenile, federal prosecutors should refer the juvenile to the State in most instances.

Finally, I was concerned that, contrary to current law, a federal prosecutor's decision to proceed against a juvenile in federal court would not be subject to any judicial review. The managers' amendment would permit such judicial review, except in cases involving serious violent or serious drug offenses.

Another area of concern has been the ease with which S. 254 would allow federal prosecutors to prosecute juveniles

14 years and older as adults for any felony.

While I have long favored simplifying and streamlining current federal procedures for trying juveniles, I believe that judicial review is an important check in the system, particularly when you are dealing with children. S. 254 included a "reverse waiver" proposal allowing for judicial review of most cases in which a juvenile is charged as an adult in federal court. I had suggested a similar proposal last year. The managers' amendment makes important improvements to that provision.

First, S. 254 gives a juvenile defendant only 20 days to file a reverse waiver motion after the date of the juvenile's first appearance. This time is too short, and could lapse before the juvenile is indicted and is aware of the actual charges. The managers' amendment extends the time to make a reverse waiver motion to 30 days, which begins at the time the juvenile defendant appears to answer an indictment.

Second, S. 254 requires the juvenile defendant to show by "clear and convincing" evidence that he or she should be tried as a juvenile rather than an adult. This is a very difficult standard to meet, particularly under strict time limits. Thus, the managers' amendment changes this standard to a "preponderance" of the evidence.

As initially introduced, S. 254 would require juvenile criminal records for any federal offense, no matter how petty, to be sent to the FBI. This criminal record would haunt the juvenile as he grew into an adult, with no possibility of expungement from the FBI's database.

The managers' amendment makes important changes to this record requirement. The juvenile records sent to the FBI will be limited to acts that would be felonies if committed by an adult. In addition, under the managements' amendment, a juvenile would be able after 5 years to petition the court to have the criminal record removed from the FBI database, if the juvenile can show by clear and convincing evidence that he or she is no longer a danger to the community. Expungement of records from the FBI's database does not apply to juveniles convicted of rape, murder, or certain other serious felonies.

Much of the debate over reforming our juvenile justice system has focused on how we treat juvenile offenders who are held in State custody. The Federal government for years has required States, in order to qualify for certain grant funds, to provide certain core protections, including separating juveniles from adult inmates, keeping status offenders out of secure facilities, and focusing prevention efforts to reduce disproportionate confinement of minority youth.

In the last Congress, S. 10 either eliminated or gutted each of these core protections. The chairman and Senator SESSIONS significantly improved S. 254 in this regard, and I commend them for that. The managers' amendment continues to make progress on the "sight and sound separation" protection and the "jail removal" protection.

Specifically, the managers amendment would make clear that when parents in rural areas give their consent to have their children detained in adult jails after an arrest, the parents may revoke their consent at any time. In addition, the judge who approves the juvenile's detention must determine it is in the best interests of the juvenile, and may review that detention—as the judge must periodically—in the presence of the juvenile.

The managers' amendment also clarifies that juvenile offenders in rural areas may be detained in an adult jail for up to 48 hours while awaiting a court appearance, but only when no alternative facilities are available and appropriate juvenile facilities are too far away to make the court appearance or travel is unsafe to undertake.

The managers' amendment contains a significant improvement in the sight and sound separation requirement for juvenile offenders in both Federal and State custody. S. 254 has been criticized for allowing "brief and incidental" proximity between juveniles and adult inmates. This amendment fixes that by incorporating the guidance in current regulations for keeping juveniles separated from adult prisoners. Specifically, the managers' amendment would require separation of juveniles and adult inmates and excuse only "brief, inadvertent or accidental" proximity in non-residential areas, which may include dining, recreational, educational, vocational, health care, entry areas, and passageways.

I am pleased we were able to make this progress. I appreciate that a number of Members remain concerned, as do I, about how S. 254 changes the disproportionate minority confinement protection in current law. This will be an important debate, and I continue to believe we should support an amendment intended to correct that part of S. 254.

S. 254 includes a $200 million per year Juvenile Delinquency Prevention Challenge Grant to fund both primary prevention and intervention uses after juveniles have had contact with the juvenile justice system. I and a number of other members were concerned that in the competition for grant dollars, the primary prevention uses would lose out to intervention uses in crucial decisions on how this grant money would be spent.

With the help of Senator KOHL, we have included in the managers' amendment a clear earmark that 80 percent of the money, or $160 million per year if the program is fully funded, is to be used for primary prevention uses and the other 20 percent is to be used for intervention uses. Together with the 25-percent earmark, or about $112 million per year if that program is fully funded, for primary prevention in the Juvenile Accountability Block Grant that was passed by the Senate in the Hatch-Biden-Sessions amendment, this bill now reflects a substantial amount of solid funding for primary prevention uses.

I expressed some concern when the Senate passed the Hatch-Biden-Sessions amendment authorizing $50 million per year for prosecutors and different kinds of assistance to prosecutors to speed up prosecution of juvenile offenders. I pointed out that this amendment did not authorize any additional money for judges, public defenders, counselors, or corrections officers. The consequence would be to only exacerbate the backlog in juvenile justice systems rather than helping it.

The managers' amendment fixes that by providing $50 million per year available in grant funds to be used for increased resources to State juvenile court judges, juvenile prosecutors, juvenile public defenders, and other juvenile court system personnel.

I mentioned before that S. 254 includes a sense-of-the-Senate resolution urging States to try juveniles 10 to 14 years old as adults for crimes, such as murder, that would carry the death penalty if committed by an adult—the resolution does not urge the death penalty for such children. While Vermont is probably one of the few States that expressly allows for the trial of juveniles 10 years and older as adults for certain crimes, I do not believe that this is a matter on which the Senate must or should opine. The managers' amendment correctly deletes that sense-of-the-Senate from the bill.

These improvements to S. 254 in both the managers' amendment and in the managers' package of amendments make this bill worthy of our support, and I am glad to do so.

The chairman and I have agreed that Members from both sides of the aisle had good additions and modifications to make to this bill, and we have agreed to accept them in the managers' amendment. Let me give some examples of amendments we have agreed to incorporate into the bill.

Senators LANDRIEU and SCHUMER proposed amendments to the Juvenile Delinquency Prevention Challenge Grant program to help abused, foster, and adopted children so they will not fall through the cracks and become at-risk for delinquency;

Senator DURBIN sponsored an amendment to help schools use caller-ID to deal with bomb threats;

Senator FEINGOLD sponsored an important amendment to clarify the intent requirement in the new gang crime so it has a better chance of withstanding a constitutional challenge;

Senators SESSIONS, ROBB, ALLARD, and BYRD joined together on an amendment to authorize a national hotline for confidential reporting of people who have threatened school violence. This important proposal was first proposed by Senator ROBB in a more comprehensive amendment that was tabled in a party line vote;

Senators KOHL, BIDEN, DORGAN, DODD, and others from both sides of the aisle, including Senator HATCH, have made a number of good proposals for prevention and intervention of juvenile crime.

Mr. DOMENICI. Mr. President, I rise today with my colleague from Connecticut, Senator DODD, to talk a little bit about a program we understand has been accepted by the Senate for inclusion in this bill.

Five years ago, during the last re-authorization of the Elementary and Secondary Education Act, Senator DODD, Senator Nunn and I included a provision in that Act to allow for several pilot projects around the nation centered on increasing character education in our schools.

That legislation helped foster the growth of the Character Counts movement across a few schools in a few states.

The amendment that the Senate has agreed to accept today will expand upon that effort. The bill provides $25 million in funding for character education through the Department of Education, including $15 million for schools and $10 million for after-school programs.

My colleagues have heard me talk before about the Character Counts program, where children and teachers use six pillars of character and incorporate them into their daily lessons. Things like trustworthiness, respect, responsibility, fairness, caring, and citizenship.

After five years, I believe that I can say that the effort to bring character education to our schools has been a success. In New Mexico, 200,000 kids and 90 percent of our schools participate in some form of character education. Teachers tell me that character education has empowered them in a fabulous way to teach and reinforce positive behavior by their students.

Schools which have utilized Character Counts report lower instances of truancy, classroom disruptions and student violence. Character Counts makes schools better places to learn for our children, and teaches them values in the process.

And it's not just the teachers who want to bring this program to our nation's children. Parents believe that it is important too. A recent survey by the Superintendent of the Albuquerque Public Schools found that 84 percent of parents felt that strengthening education programs which teach character and integrity should be a high priority for their schools. Improving character education is the number three overall concern parents express about the quality of their children's education in Albuquerque. The amendment accepted today will allow more schools to address this concern.

I have heard colleagues say that six percent of all juvenile criminals commit 60% of all of the violent crime in America. This bill will encourage states to treat this small percentage of violent juvenile offenders like adults and get them off of the streets.

It is obvious that there are a lot of very good kids out there, working hard every day to go to school, study hard and improve their lives. Character education will help the adults in their lives to teach them to make good decisions, based on things like respect, caring, and responsibility.

I understand that the Senate also has accepted two other Domenici amendments to allow states to use some of their portion of the $450 million Accountability block grant program and part of the $200 million Delinquency Prevention Challenge grant program to fund character education initiatives. This will provide states with additional resources to incorporate character education in their schools, if they choose to do so.

I have seen this work in New Mexico, and I am pleased that the Senate has agreed to help bring Character Counts to other areas of the country where maybe it has not caught on quite as well as it has in my state or Connecticut. I thank the Senate for accepting my amendments and I yield the floor.

PREVENTING DELINQUENCY THROUGH CHARACTER EDUCATION

Mr. DODD. Mr. President, I am pleased to join with the distinguished Senator from New Mexico in offering this amendment to provide support for character education projects in schools and in after-school programs. These programs, organized around character education, would provide alternatives to youth at risk of delinquency and work specifically to reduce delinquency, school discipline problems and truancy and to improve student achievement, overall school performance, and youths' positive involvement in their community. Our amendment—which I understand will be considered as part of the managers' package—would authorize no less than $25 million per year for character education in schools and in after-school settings.

I am not here today to claim that character education is the answer to all the questions that have been posed to us as policy makers, parents and community members in the wake of the tragedy at Littleton, CO.

But character education is part of the answer. Today's children have so many obstacles to overcome, including violence, drug use, peer and cultural influences, and too much unsupervised time on their hands. As a society, we must find ways to help these children become responsible citizens, to distinguish between right and wrong. To do this, we must build on traditional education by nurturing students' character.

That is fundamentally what character education is about—it is about reinforcing those elements of character which bind us together into communities and into this great nation. Ideas like—trustworthiness, respect, responsibility, fairness, caring and citizenship—underlie all of our government and civic organizations. We must reinforce these beliefs with our children at every opportunity.

Parents have the primary responsibility here. Churches and other community organizations support these efforts. Schools are a key part of the equation. And these ideas must be a part of a child's day—after school—when they are often unsupervised and most risk of negative behaviors.

And that is what this amendment does. It would set aside $25 million for school-based and after-school programs in character education. Schools could use these funds to work with parents and develop a character education program for their schools. We have seen so many successful programs in schools in my state; indeed, over 10,000 students currently participate in these activities. And the schools report amazing turn-around with reduced absenteeism, discipline problems, graffiti and fighting and improved student achievement and student participation in positive extra-curricular activities.

In addition, this amendment would support afterschool programs that are organized around character education. These out of school hours are a key opportunity for our youth. We can provide enriched academic activities, sports and the arts. Or we can leave them to the alternatives—smoking, drug use, teen pregnancy, delinquency, and crime. I believe the better route is supervised, quality after school programs—and these programs will be even stronger with the inclusion of a character education focus, such as provided in this amendment.

I commend my friend and colleague from New Mexico for his dedication to our children and to character education. I am pleased to be here with him again today to move forward this critical initiative that truly gets at the core of delinquency.

Mr. KERREY. Mr. President, I thank the managers of this bill for accepting the mentoring amendment that I offered, and I want to thank my colleague Mr. DORGAN for cosponsoring this amendment.

I believe that youth mentoring is an important piece of our effort to decrease violence among our young people. This amendment encourages us to take youth mentoring seriously. It asks states to develop criteria for assessing the quality and effectiveness of mentoring programs and to reward those programs that do a good job. It also asks the Departments of Justice and Education to disseminate information on best mentoring practices, so that mentors can receive guidance on how to make the best use of their time with students.

Since the school shooting in Littleton, Colorado, a few weeks ago, Congress and the nation have been grappling with the question "How do we prevent such a terrible tragedy?" The answer to this question is complex, and, as we know from our debate here on the floor of the Senate, there are many different points of view as to what more we should do to keep our kids healthy and safe.

I believe that one of the things we must do is increase the amount of quality time our young people have with caring, responsible adults. Without a doubt, the most important adult in a child's life is that child's parent. But even the most committed, well-intentioned parents cannot be with their children 24 hours a day. And often young people, especially teenagers, feel uncomfortable talking to their parents about sensitive or troubling issues.

That is why it is important that young people have someone in their lives they can turn to in troubling times. Now, some kids are fortunate enough to have a trusted aunt, uncle, or family friend in whom they can confide. But some are not so lucky. Fortunately there are caring adults who volunteer their time to become that trusted friend—we call them mentors.

We cannot know for certain that having mentors would have stopped the two teenagers in Littleton from harming their classmates. But we know that the young men were troubled. And if we can increase the number of individuals who are close enough to a young person to detect problems when they arise, we increase our chances of keeping those problems from spiraling out of control.

Mr. President, we know that mentoring works. In 1995 a Big Brothers/Big Sisters of America Impact Study showed that at-risk young people with mentors were 46% less likely to begin using illegal drugs; 27% less likely to begin using alcohol; 53% less likely to skip school; 37% less likely to skip a class; and 33% less likely to hit someone than at-risk children without mentors.

In a 1989 Louis Harris poll, 73% of students said their mentors helped raise their goals and expectations.

And a Partners for Youth study completed in 1993 revealed that out of 200 non-violent juvenile offenders who participated in a mentoring relationship, nearly 80% avoided re-arrest.

I believe in the power of mentoring, because I've seen it firsthand in my own state of Nebraska. In Nebraska, we have a fantastic program run by Tom and Nancy Osborne called TeamMates. TeamMates is a school-based program that pairs adult volunteers one-on-one with middle and high school students.

The Osbornes created TeamMates quite simply because they saw an unmet need. They realized that there are a lot of bright and capable young people out there who receive too little support and encouragement. In order to reach their potential to become good citizens and productive members of their community, these young men and women just need a helping hand.

Tom and Nancy started TeamMates in 1991, and the success they saw in that first year inspired them to continue. They started out with 25 matches, and of the students in those matches, 20 graduated from high school and 18 pursued postsecondary education.

The response to TeamMates has been highly encouraging. Principals and administrators have commented on the positive attitude change they see in students in just the first year of their relationship with a mentor. And 99% of the mentors choose to continue their relationship with their students after the first year.

Right now there are 475 TeamMate matches throughout Nebraska. And they hope to have a total of 900 a year from now.

We have another terrific mentoring program in Omaha called All Our Kids, which began in 1989 at McMillan Junior High School. At present, nearly 80 mentors are providing guidance to at-risk junior and senior high school students.

And All Our Kids enjoys a strong relationship with the Omaha Public Schools System. OPS staff work closely with All Our Kids staff to identify students who need the services provided by its long-term mentoring and scholarship program.

With our help, TeamMates, All Our Kids, and other promising mentoring programs throughout the nation will be able to expand the horizons of more young people by providing them with caring adults to show them the way.

I also want to thank the managers for accepting my Sense of the Senate urging the President of the United States to allow each Federal employee to take one hour a week to serve as a mentor to a young person in need.

Recently, Jim Otto, Nebraska State Director of the U.S. Department of Agriculture, called me and said, "I read what you said about the importance of youth mentoring, and I want to let you know that I'm a mentor in the TeamMates mentoring program in Lincoln. I want you to know it's been a great experience."

Jim said he was fortunate that his employer allowed him to take one hour a week of administrative leave to spend time with his student. But he also said that some of his colleagues in other Federal agencies and departments were not so fortunate. Many employees would like to become mentors, but they just can't take time away from work.

Now, we have a lot of dedicated individuals throughout the nation who serve as mentors. Several members of my own staff participate in the Everybody Wins program in the D.C. Public Schools. And, as I mentioned earlier, we have great mentoring programs in Nebraska. But we need more adults to say, "I want to make a difference."

The purpose of this legislation is to enable more adults to take the time to contribute to the well-being of their communities. It's just one hour a week, but in a child's life it can make a world of difference.

Mr. President, whether it's helping a student take an interest in schoolwork, helping build a young person's self-esteem, or helping a young man or woman communicate more effectively with parents, friends, and teachers, a mentor can be that invaluable safety net that keeps a child from falling into despair.

Now, there are many steps we can take to try to prevent violent acts once an individual reaches that point of desperation, but it is better for all of us if we intervene before that point—and it is also less costly.

With additional support for good mentoring programs we will be able to reach more young people before they become lost to substance abuse, isolation, or any other destructive behavior that leads them to commit acts of violence against themselves or others. In helping these programs continue their good work, we raise the hopes of more of our children. And when our children's hopes are high, we all benefit.

Mr. DORGAN. Mr. President, I am glad to be a cosponsor of the mentoring amendment offered by my colleague from Nebraska, Mr. KERREY, and I commend him for his work on this issue. I also want to thank the managers of this bill for accepting our amendment.

When it comes to juvenile delinquency, I subscribe to the notion that "an ounce of prevention is worth a pound of cure." I think it makes a great deal of sense to spend a dollar now to try and prevent young people from becoming criminals in order to save the thousands of dollars it would cost later to incarcerate and rehabilitate them.

I believe one of the most effective forms of prevention is mentoring. I have seen firsthand that mentoring can make an important difference in a child's life through my participation in a wonderful program started by Senator JEFFORDS called Everybody Wins. Every week, I have the privilege of spending an hour or so with a boy named Jamal. It has been a pleasure to watch him learn and grow into a fine, confident, young man.

I would encourage any of my colleagues who want to make a real difference to become a mentor. At-risk young people with mentors are 46 percent less likely to use illegal drugs and half as likely to skip school than at-risk youth without mentors. Nearly three-quarters of young people with mentors indicate that their mentors have helped to raise their goals and expectations.

Unfortunately, there are too many at-risk youth who do not have an adult willing or able to give them the regular, individual attention they need. The amendment offered by Senator KERREY and I would help to ensure that exemplary youth or family mentoring programs in each of our states are funded by the Juvenile Delinquency Prevention Challenge Grant program established in this bill. I believe this would be a good investment in our young people, and I again thank my colleagues for their support of this amendment.

Mr. KOHL. Mr. President, I rise to express my appreciation to the managers of this bill for agreeing to include in the manager's package my amendment to authorize the FAST (Families and Schools Together) program.

Over the last few weeks, we have all spent much time mourning lost children—whether they are lost to bullets or to the lure of a violent culture, whether they end their lives holding a gun or facing one. And we have spent much time discussing the many factors that can lead our young people to become lost. We can blame guns, or mindless T.V., or savage movies, or violent video games, or illegal drugs. But we know that a child is most likely to be lost—most likely to fall under the influence of these evils—when he or she is alone, cut off from parents, teachers, and the community.

FAST is a successful program that finds troubled youth and reconnects them with their schools and families. FAST brings at-risk children, parents, and educators together to help them learn to succeed at home, in school, and in their communities. FAST helps ensure that youth violence does not proliferate to our schools and communities by empowering parents, helping to improve children's behavior and performance in school, preventing substance abuse, and providing support and networking for families by linking them to community resources and services.

Currently, the FAST program—which was created in my home state of Wisconsin—is being implemented in 484 schools in 34 States and five countries. It has received numerous national honors and awards, and is supported by the Department of Education, Department of Justice, Office of Juvenile Justice Delinquency Prevention, Department of Health and Human Services, Office of National Drug Control Policy, Substance Abuse and Mental Health Services Administration, National Institute of Mental Health, Head Start, the Harvard/Ford Foundation, and the United Way of America.

My amendment is simple and effective. It authorizes $12 million a year for the next five years to the Office of Juvenile Justice and Delinquency Programs in the Department of Justice for FAST sites and programs. Of this amount, $10 million will go toward the implementation of local FAST sites and programs and $2 million will be used for research and evaluation of FAST. This amendment will allow more communities across the nation to reap the benefits of FAST—and will go a long way toward preventing youth violence in this country.

Mr. President, one of the best ways to prevent youth violence is by building and preserving close, healthy relationships within families. The FAST program is instrumental in achieving this goal, and has been proven to work in reducing behavioral problems among troubled youth. I am pleased that Senators HATCH and LEAHY have recognized the importance of this small, yet vitally important program by including the FAST amendment in the manager's package. I thank them for their efforts in working with me on this amendment.

I yield the floor.

BEHAVIORAL AND SOCIAL SCIENCE RESEARCH ON YOUTH VIOLENCE

Mr. KENNEDY. Mr. President, today we are offering an amendment to the juvenile justice bill to authorize funding for the National Institutes of Health to carry out a broad-based initiative for basic research into youth violence. This research will look into the fundamental cause of such violence and will be linked to research on the most effective ways to prevent it.

Clearly, we must do more to enhance our understanding of the fundamental psychological, behavioral, and social factors that contribute to violence by young people.

NIH currently provides modest support for behavioral research related to violence, but the research is seriously under-funded in light of the obvious magnitude of the problem. In addition, the current funding is spread across many NIH Institutes and some important areas are not funded at all.

This coordinated initiative, relying on the Office of Behavioral and Social Sciences Research at NIH, will enable NIH to respond more quickly to the crisis of youth violence, eliminate the gaps in current knowledge, and focus more effectively on the important high priority questions that scientists in the field have identified.

Violence is also a public health problem, and it is as perilous as any epidemic. The tragic shooting rampage by the two students in Colorado shocked the country into a greater sense of urgency about youth violence. Many elements contribute to violent behavior, and it is seldom traced to any single cause.

These causes need to be better understood if we are to design effective methods for treatment and prevention. We also need a greater understanding of how to apply the knowledge that we already have.

More effective school, family and community prevention activities can be designed on the basis of what we learn from research and from the practical experience of clinicians, educators, and social scientists. The goal of part of this research effort will be to develop better organizational models of effective partnerships among scientists, public agencies, and community members. The research will also address the psychological impact of violence on the victims, since many perpetrators of violence were themselves victims of violence earlier in their lives.

Our proposal for greater NIH research is an essential part of the answer we are seeking to the tragedies of juvenile violence, and I urge the Senate to support it.

FAST PROGRAM

Mr. FEINGOLD. Mr. President, I rise today to support Senator KOHL's amendment which was included into the Juvenile Justice bill's Manager's Package. Mr. President, Senator KOHL's amendment would expand the Families and Schools Together or FAST program to reach the many at-risk students in need. FAST is an award winning drug abuse prevention program that supports and empowers parents to be the best line of defense between their children and the dangers of drug abuse. The program uses a cooperative approach that gives parents professional support to prevent and confront drug abuse in the home.

I am proud to report, Mr. President, that the FAST program, which has received many awards and honors since its development 10 years ago, was founded in my home state of Wisconsin by Dr. Lynn McDonald. Dr. McDonald is one of the nation's experts on the prevention of drug abuse by young people. The unique FAST program is today being used in 484 schools in 34 states and five countries.

Research indicates that to be most effective, substance abuse prevention education should be initiated when children are young. Researchers also believe that prevention efforts that focus on family and peer relationships can greatly reduce risk factors for our children. While no one solution will rid our country of the problem of youth drug abuse, it is critical that we make available to students, parents and schools successful programs that can make a difference. FAST has a proven track record: it has been tried, adapted, implemented and studied. It is clearly a program that has proven successful and should be expanded to reach more families in need.

It is important to note, Mr. President, that we are not powerless to help prevent destructive behaviors, such as drug abuse, in our children. The FAST program requires a strong, committed partnership between schools and families to help the students at risk and to intervene successfully to prevent the downward cycle of drug abuse, which too often leads to youth violence.

I support this amendment, Mr. President, because I know that FAST is a prevention program which helps young children at risk for developing problems later on—by working with them and their families early on. Senator KOHL's amendment is a wise investment at the front end to catch students before their risky behavior results in tragic consequences for themselves and their families. With assistance from the FAST program, families become their own child's best prevention resource.

WORKER PROTECTION

Mr. KENNEDY. Mr. President, we have been engaged over the last week in the important, and at times difficult, task of defining how the nation will address the problem of youth violence and crime. Our goal is to develop steps that will be more effective in protecting society against juvenile crime and enabling youth to become productive and successful members of our society.

We must also protect the rights of the men and women in the criminal system responsible for working with juvenile offenders. It is in the nation's interest to ensure that states which receive federal dollars for their juvenile justice programs administer these programs in a manner that protects the worker, the juvenile offender, and ultimately, the taxpayers and citizens.

This amendment will ensure that workers who provide juvenile justice services do not lose their jobs, their existing bargaining rights, or a loss of benefits if their program receives federal funds.

This is not a new concept. Since enactment of the Juvenile Justice and Delinquency Prevention Act in 1974, Congress has recognized the importance of making sure that the rights of state workers are protected in juvenile justice programs funded with federal money. Current law provides that the distribution of federal funds for state juvenile justice programs will not displace workers, negatively reduce their wages, or impair existing collective bargaining agreements.

The intent of the current law, and of this amendment, is two-fold: to protect workers' rights, and to protect the safety of juvenile offenders. For almost 25 years, the law has protected the employment rights of tens of thousands of state workers in the court system and the juvenile justice system. These men and women, whose jobs are funded through grants to the states, are at the core of our juvenile justice system. They perform vital work, supervising and training troubled youths in the courts and in the parole system. Even with the protections under current law, and even when workers are covered by collective bargaining agreements, these are not high paying jobs. Salaries go from the high teens to the low thirty thousand dollar range.

The law also ensures the quality of the services provided by these workers. Protecting the rights of current, experienced workers maintains the stability of the workforce and ensures that well-trained, qualified personnel are staffing the juvenile justice system. If we are serious about protecting society against violent youth—if we are serious about rehabilitating young people and safely returning them to society, then we need well-trained and experienced workers and a stable workforce with adequate skills and training in our juvenile justice system.

This amendment will make sure that existing collective bargaining agreements, and the rights under those agreements, would not be disturbed when a state program receives a federal grant. The amendment will prevent displacement of current workers when a program receives a federal grant. For workers who are not covered by a collective bargaining agreement, this amendment may be the only job protection they have when their program is funded under a federal grant.

We all agree that the juvenile justice system must be improved. Let's also agree that preserving the existing rights of state juvenile justice workers, and preventing disruption of existing employment relationships, are essential components that must be part of an improved system. I urge my colleagues to vote for this amendment.

DEMONSTRATION PROGRAM FOR HIGH RISK YOUTH

Mr. GREGG. Mr. President, America is struggling with a disturbing and growing trend of youth violence. While it is true that crime is generally down in many urban and suburban areas, it is equally true that crime committed by teens has risen sharply over the past few years and it is expected to continue to rise. Crime experts who study demographics warn of a coming crime wave based on the number of children who currently are younger than 10 years old. These experts warn that if current trends are not changed, we might someday look back at our current juvenile crime epidemic as "the good old days."

Thirty years ago, DANIEL PATRICK MOYNIHAN, then an official of the Johnson Administration, wrote that when a community's families are shattered, crime, violence and rage "are not only to be expected, they are virtually inevitable." He wrote those words in 1965. Since then, arrests of violent juvenile criminals have tripled.

If we have learned anything from this debate and from all the research that has been done on juvenile violence, it is that there is no magic bullet, no single solution or panacea to the problem of rising juvenile crime. Juvenile crime is a complex problem that demands a myriad of responses. It is a problem that demands a partnership solution involving family, community, religious institutions, the media, the schools and law enforcement.

The amendment I am offering today with Senator LIEBERMAN is a multitiered approach. First, the proposal targets youth who are at the highest risk of leading lives that are unproductive and negative; youth who have been or are likely to be incarcerated. Second, it brings together representatives of local government, juvenile detention providers, local law enforcement, probation officers, youth street workers, local educational agencies, and religious institutions to provide highly intensive, coordinated, and effective intervention services to high risk youth.

We provide seed money ($4 million a year with a 30% match) to enable the establishment of a collaborative partnership in 12 cities: Boston, New York, Philadelphia, Pittsburgh, Detroit, Denver, Seattle, Cleveland, San Francisco, Austin, Memphis, and Indianapolis. We also provide grants to grass roots entities in 8 cities to fund intervention models that establish violence-free zones through mediation, mentoring, coordination with law enforcement and local agency partnerships and the development of long term intervention strategies.

Research has documented that this is the approach that yields sustainable results. According to Public Private Ventures, Inc., which has been engaged in the study of programs for children, youth and families, interventions for seriously at-risk older youth and youth who have already become involved with the juvenile justice system require an innovative joining of youth development and crime reduction strategies. This amendment does just that.

At the same time we must recognize that government solutions are limited. Government is ultimately powerless to form the human conscience that chooses between right and wrong. Locking away juveniles might prevent them from committing further crimes, but it does not address the fact that violence is symptomatic of a much deeper, moral and spiritual void in our Nation.

In the battle against violent crime, solid families are America's strongest line of defense. But government can be an effective tool if it joins private institutions (families, churches, schools, community groups, and non-profit organizations) in preventing and confronting juvenile crime with the moral ideals that defeat despair and nurture lives.

This amendment is a step in that direction and I urge its adoption.

"PARTNERSHIPS FOR HIGH-RISK YOUTH"

Mr. KENNEDY. Mr. President, I support GREGG's "Partnerships for High Risk Youth" amendment. This amendment establishes a national demonstration project to identify the most effective practices and programs for reducing youth violence. This initiative will provide 12 high-risk cities across the nation with funds to carry out local demonstration projects. These initiatives will help us learn much more about the best programs for reducing youth violence. Communities across the country will benefit from the knowledge.

The most successful violence prevention programs take a comprehensive approach to youth violence. The goal is to reach out to youth and their families on a variety of levels. Diverse groups—law enforcement, schools, mental health professionals, religious organizations, parents, and teachers—all need to join forces. This amendment supports this vital type of cooperation. The knowledge we gain will save lives. Communities across the country will be able to learn from these successful models and develop similar programs in their own towns and cities.

Boston has long understood the importance of community cooperation, and many of the ideas we have discussed have proven effective there. Boston's strategy is based on three strong commitments—tough law enforcement, heavy emphasis on crime prevention (including drug treatment), and effective gun control. Neglect of any one of these commitments undermines the whole strategy.

Several years ago, concerned groups in Boston joined forces to develop community-based solutions that made youth violence "everyone's business." Successful partnerships have included the pairing of mental health professionals, police and probation officers and school administrators with clergy, community leaders, and even gang members themselves. Statistics show that this strategy works. During the period from July 1995 through December 1997, there was only one juvenile death in Boston that involved a firearm.

Boston's Ten Point Coalition has received national acclaim for its work with troubled youth. This is exactly the type of program that Senator GREGG's amendment will support. The Ten Point Coalition which was founded by Rev. Eugene Rivers, is an ecumenical group of clergy and lay leaders who are working to mobilize the community on issues affecting African-American youth—especially those at risk. The Coalition is committed to helping at-risk children reach their full potential, and it offers training, technical assistance, resource development, and networking opportunities to churches and other community groups interested in mentoring, advocacy, economic alternatives, and violence prevention. Its goal is to build a coalition of churches nationwide, united in their commitment to changing children's lives and reducing violence.

This amendment will help outstanding initiatives like this across the country, and I urge the Senate to support it.

VIOLENCE PREVENTION TRAINING FOR EARLY CHILDHOOD EDUCATORS

Mr. DODD. Mr. President, one of the best ways to approach juvenile justice is to prevent violent offenses from occurring in the first place. Therefore, I am pleased to offer the "Violence Prevention Training for Early Childhood Educators" amendment to S. 254, which is aimed at preventing the development of violence in children at the earliest ages so that they never grow up to become juvenile offenders. This amendment—which I understand will be contained in the Managers' amendment at the conclusion of consideration of the bill—would authorize no less than $15 million in grants for teachers to learn violence prevention skills.

All of us have been shaken by the tragedy at Littleton, CO. Americans are left searching for answers to many questions. How could these teenagers have committed such brutality? What happened to the innocence and joy of youth? How can society help prevent such violent, deadly behavior from happening again?

One of the most effective solutions is to begin violence prevention at an early age. This program is a carefully thought-out program aimed at true prevention. It is designed to help early childhood educators—the people who work directly with young children in preschools, child care centers, and elementary schools—learn the skills necessary to prevent violent behavior in young children. This amendment would provide support to programs that prepare these professionals so that early childhood teachers, child care providers, and counselors are able to teach children how to resolve conflicts without violence. In addition, these professionals are in the perfect position to reach out and extend these lessons to parents and help whole families adopt these powerful skills.

Research has demonstrated that aggressive behavior in early childhood is the single best predictor of aggression in later years. Children observe and imitate aggressive behavior over the course of many years. They certainly have plenty of exposure to violence, both in the streets and at home. A Boston hospital found that 1 out of every 10 children seen in their primary care clinic had witnessed a shooting or stabbing before the age of 6.

I am disheartened to report that in my home State of Connecticut, 1 in 10 teens have been physically abused. Alarmingly, more than a third of teenage boys report that they have guns or could get one in less than a day. In these circumstances, aggression becomes very well-learned by the time a child reaches adolescence.

We must provide children with strategies for altering the negative influences of exposure to violence. Early childhood offers a critical period for overcoming the risk of violent behavior and later juvenile delinquency. And the proper training of professionals who work with young children offers one of the most effective avenues for reaching these kids.

This is not to suggest that early childhood professionals would replace parents as a source of teaching social skills and acceptable behavior. Instead, these teachers should demonstrate these skills with the children in their care and be encouraged to work with the whole family to address conflict without violence and aggression.

In 1992, Congress enacted similar legislation to provide grants for programs that train professionals in early childhood education and violence counseling. These grants funded some remarkable programs. In my home state, a program at Eastern Connecticut State University trained students—half of whom were minority, low-income individuals—to be teachers in their own communities, and trained child care providers in violence prevention with young children.

Unfortunately, just as these efforts were getting off the ground and starting to show promising results, the funding for the program was rescinded as part of the major 1994 rescission bill. Looking back, after the horrible events in Littleton, CO, Springfield, OR, and too many other communities, I think we can clearly see that was a mistake. Hindsight is always clearer—but let's not make the same mistake going forward. Let's reinvest in these efforts so that we can prevent our children from developing into violent juvenile offenders.

Preventing future acts of violence is an issue that rises above partisan politics. I think we can all agree that steps need to be taken to reduce the development of violent behavior in children. Please join me in this effort to begin creating a safer society for everyone, especially our children.

TRUANCY PREVENTION

Mr. DODD. As many of my colleagues know, I have worked consistently for the last several years to address what I believe is one of the key "gateway" offenses leading to delinquency and serious crime among our youth—Truancy.

Working with Senator Sessions, we have been able to include language encouraging states and local communities to pursue truancy prevention programs with the assistance they will receive under this bill. I want to thank Senator Sessions for working with me on this effort.

Truancy is a dangerous and growing trend in our nation's schools. It not only prevents our children from receiving the education they need, but it is often the first warning of more serious problems to come. Truant students are at greater risk of falling into substance abuse, gangs, and violent behavior. For many students, truancy is the beginning of a lifetime of problems.

It is estimated that, in the past ten years, truancy has increased by as much as 67 percent. On an average school day, in the United States, as many as 15 percent of junior and senior high school students are not in school. In some urban schools, absentee rates approach 50 percent. Alarmingly, the problem is becoming increasingly prevalent in our elementary schools. Almost one quarter of Connecticut's truants were 13 or younger.

By some estimates, truants cost our nation more than $240 billion in lost earnings and forgone taxes over their lifetimes. Yet this sum does not include the billions more in dollars spent on law enforcement, foster care, prisons, public assistance, health care and other social services.

Fortunately, truancy is a solvable problem. Many communities, including many in Connecticut, have set up early intervention programs—to reach out and prevent truancy before it leads to delinquency and more serious criminal behavior. A number of Connecticut cities have brought back truant officers, hired drop-out prevention workers, held parents accountable for their students absences, denied credit to students with unexecused absences, and have created truancy courts.

These programs are showing signs of success. Several towns have reported dramatic drops in daytime burglary rates—some as much as 75 percent—after instituting truancy prevention initiatives.

Unfortunately, communities have had difficulty implementing these programs as truancy is considered an educational rather than a criminal justice issue, and, with growing classroom enrollments, many financially-strapped schools simply do not have the resources to adequately address this problem.

The provision that Senator Sessions and I are adding to the juvenile justice bill will ensure that communities have the wherewithal they need to respond to this increasingly serious problem. The legislation's goal is to promote anti-truancy partneships between law enforcement agencies, schools, parents, and, community organizations. While each community must create a program which works for it, I believe that there are certain key components of successful programs.

First, parents must be involved in all truancy prevention activities and they must be given incentives to face up to their own responsibilities. Second, students must understand that they will face firm sanctions for truancy. Third, all hubs of this partnership wheel—law enforcement, educational agencies, parents, and youth serving organizations—must work together to help solve this problem.

Truancy is an early warning that a child is heading in the wrong direction. I am hopeful that states and communities will use this new authority to support high quality truancy partnership projects. And we can move on to spend more time celebrating the accomplishments of our children than grieving over lost opportunities to stop the cycle leading to violent crime.

FEDERAL SON OF SAM LEGISLATION

Mr. DORGAN. Mr. President, last year, I introduced a bill to correct problems with the Federal Son of Sam Law, as those problems were perceived by the United States Supreme Court. Today, I am reintroducing this legislation, which deals with a continuing problem. The New York statute analyzed by the Supreme Court, as well as the Federal statute which I seek to amend, forfeited the proceeds from any expressive work of a criminal, and dedicated those proceeds to the victims of the perpetrators crime. Because of constitutional deficiencies cited by the Court, the Federal statute has never been applied, and without changes, it is highly unlikely that it ever will be. Without this bill, criminals can become wealthy from the fruits of their crimes, while victims and their families are exploited.

The bill I now introduce attempts to correct constitutional deficiencies cited by the Supreme Court in striking down New York's Son of Sam law. In its decision striking down New York's law, the Court found the statute to be both over inclusive and under inclusive: Over inclusive because the statute included all expressive works, no matter how tangentially related to the crime; under inclusive because the statute included only expressive works, not other forms of property.

To correct the deficiencies perceived by the Court, this bill changes significantly the concepts of the Federal statute. Because the Court criticized the statute for singling out speech, this bill is all encompassing: It includes various types of property related to the crime from which a criminal might profit. Because the Court criticized the statute for being over inclusive, including the process from all works, no matter how remotely connected to the crime, this bill limits the property to be forfeited to the enhanced value of property attributable to the offense. Because the Court found fault with the statute for not requiring a conviction, this bill requires a conviction.

The bill also attempts to take advantage of the long legal history of forfeiture. Pirate ships and their contents were once forfeited to the government. More recent case law addresses the concept of forfeiting any property used in the commission of drug related crimes, or proceeds from those crimes. I hope that courts interpreting this statute will look to this legal history and find it binding or persuasive.

The bill utilizes the Commerce Clause authority of Congress to forfeit property associated with State crimes. This means that if funds are transferred through banking channels, if UPS or FedEx are used, if the airwaves are utilized, or if the telephone is used to transfer the property, to transfer funds, or to make a profit, the property can be forfeited. In State cases, this bill allows the State Attorney General to proceed first. We do not seek to preempt State law, only to see that there is a law in place which will ensure that criminals do not profit at the expense of their victims and the families of victims.

One last improvement which this bill makes over the former statutes: The old statue include only crimes which resulted in physical harm to another, this bill includes other crimes. Examples of crimes probably not included under the old statute, but included here are terrorizing, kidnaping, bank robbery, and embezzlement.

Mr. President, our Federal statute, enacted to ensure that criminals not profit at the expense of their victims and victim's families, is not used today because it is perceived to be unconstitutional. I believe victims of crime deserve quick action on this bill, drafted to ensure that they are not the source of profits to those who committed crimes against them. I ask for your support.

Mr. KENNEDY. Mr. President, for the past several days, we have debated the best practices and programs for preventing youth violence. We have disagreed on a number of issues including the need to restrict guns, invest in after-school care, and expand counseling services and mental health services for troubled youths and children. But there is one issue that members on both sides of the aisle agree on—parents play an important role in their children's lives.

Everywhere we look, children are under assault: from violence and neglect; from the break-up of families; from the temptations of alcohol, tobacco, sex, and drug abuse; from greed, materialism, and the media. These are not new problems, but in our time, they have become increasingly serious. Against this bleak backdrop, the struggle to raise children and to support families, emotionally as well as practically, has become more difficult.

Parents bear the first and primary responsibility for their sons and daughters—to feed them, to shelter them, to talk to them, to teach them to ride a bike, to encourage their talents, to help them develop physically and emotionally, and to make countless daily decisions that influence their growth and development.

Parents are the most important influence in their children's lives, but they are being pulled in many different directions. Healthy development depends on strong parental guidance. Spending time together is an essential part of building positive parent-child relationships. Yet time together is increasingly scarce.

Parents are eating fewer meals and having fewer conversations with their children. Between 1988 and 1995, a significant drop took place in parent-child activities. Sixty-two percent of mothers reported eating dinner with their child on a daily basis in 1988, but only 55% reported doing so in 1995. Fifty percent ate dinner with their child in 1988, but this rate dropped to 42% in 1995.

We need to support parents, not attack and blame them. Sylvia Hewlett and Cornel West said it best in the title of their recent book, "The War Against Parents." That's exactly how it feels for many of today's parents. Like parents before them, they struggle to keep children at the center of their lives. But major obstacles stand in their way, undermining their efforts.

Over the course of the last thirty years, public policy and private decision-making have often tilted heavily against the activities that comprise the essence of parenting. A myopic government increasingly fails to protect or support parents, while the competitive forces in the marketplace are allowed to take up more and more time. We talk as though we value families but act as though families are a last priority. Sooner or later, worn-out parents get the message that devoting their best time to raising children is a lonely, thankless undertaking that cuts against the grain of other activities that are apparently valued more highly by society.

Last week, I spent time in Boston talking to students about violence and other issues affecting their lives. I asked them whether they felt their parents were too busy to talk to them—and 3/4ths of the students raised their hands.

Parents need to spend more time listening to children—and the nation agrees. A recent Newsweek poll asked, "How important is it for the country to pay more attention to teenagers and their problems?" Eighty-nine percent of those polled replied that it is very important. If parents are not raising their children, we need to worry about who is.

The wrong kind of parenting can cause problems as well. Inconsistent or overly harsh discipline, may lead children to develop aggressive behavior. Inconsistent discipline is often associated with poor behavior in school and at home. These children also tend to have more trouble establishing strong relationships with their family, their teachers and their fellow students.

Parenting and coaching classes can make a significant difference in avoiding such problems. A recent study published in the American Psychological Association's Journal of Consulting and Clinical Psychology found that mothers who participated in Head Start parenting programs showed a decrease in their use of harsh criticism and an increase in their use of positive and competent discipline. The children were happier and their behavior was more satisfactory than children whose mothers did not receive parenting education.

When parents have the skills to deal effectively with their children, they are less likely to be abusive. Unfortunately, too many parents lack these essential skills. Each year over 3 million children are identified as victims of abuse or neglect. The consequences are devastating. Traumatized children are more likely to have alcohol and substance abuse problems and learning problems. They are also more likely to be arrested as juveniles and to engage in abusive behavior toward their own children when they become parents.

We know that suffering abuse as a child is strongly related to subsequent delinquency and abusive behavior later in life. But improved parenting skills can help break this vicious cycle. Parenting support and education have been proven to reduce abuse. In the Prenatal and Early Infancy Project, high-risk mothers were randomly assigned to one of two groups. One group received visits by specially trained nurses who provided coaching in parenting skills and other advice and support. The other group received no services. For those who received the assistance, child abuse was reduced by 80% in the first 2 years. 15 years after the services ended, these mothers had only one-third as many arrests, and their children were only half as likely to be delinquent.

Law enforcement officials also recognize the benefits of training parents. More than 9 out 10 police chiefs (92%) agreed with the statement, "America could sharply reduce crime if government invested more in programs to help children and youth get off to a good start" by "fully funding Head Start for infants and toddlers, preventing child abuse, providing parenting training for high-risk families, improving schools, and providing after school programs and mentoring."

These law enforcement officers are right. Parenting classes in conjunction with early education programs improve caregiver skills they also reduce crime dramatically and they reduce the likelihood of later delinquent behavior. A High/Scope Foundation study at the Perry Preschool in Michigan provided at-risk 3 and 4 year-olds with a quality Head Start-style preschool program, supplemented by weekly in-home coaching for parents. Two decades later years later, by age 27, those who had been denied the services as toddlers were five times more likely to be chronic lawbreakers.

A similar program in Syracuse provided child development and health services for at-risk infants and toddlers and parenting support for their mothers and fathers. The study found that kids denied the services were ten times more likely to be delinquent by age 16.

We pay a high price for abuse and neglect. In addition to its damaging psychological consequences, it is estimated that $22 billion is spent each year on services for abused children, their families, and foster care families. Investing in prevention programs, particularly parent support and education, will significantly reduce these abuse-related expenditures.

There is no question that investing in parents will pay-off. When we don't make this investment, we all pay more later, not just in terms of lives and fear, but also in tax dollars.

The "Parenting As Prevention" Act, which Senator STEVENS and I are proposing, will fund several initiatives that will improve parenting skills.

To identify the best parenting practices, a National Parenting Support and Education Commission will be established. The Commission will identify the most effective parenting practices, including the best strategies for disciplining children and youth, the best approaches for building integrity and character, and the best techniques for ensuring healthy brain development.

The Commission will also conduct a review of existing parenting support and education programs, and will provide Congress and the Administration with a detailed report of its findings. Perhaps, most important, essential parenting information will also be provided to parents—no new family will leave a hospital or adoption agency without information on how to best care for a baby. In Massachusetts, such an initiative is already underway.

Our amendment also supports the establishment of a grant program to strenghthen state initiatives for supporting and educating parents. Block grants will go directly from the Department of Health and Human Services to the states. Each state will establish their own Parenting Support and Education Council to award local grants. States will use their funds to establish support and education resource centers for parents and to strengthen support programs for children and teenagers. The grant program will support a wide variety of parental support initiatives including: home visitation for mothers of new babies; the distribution of parenting and early childhood development materials; the development of support programs for parents of young children and teenagers; respite care for parents of children with special needs; and the creation of a national toll free number that will offer counseling and referral services for parents.

Finally, our amendment will improve mental health services for violence-related stress. Regional centers around the country will be established to provide special training and research in psychological counseling and treatment. We know that the early years are essential to healthy development and that inadequate care during this critical period can have a devastating impact on future behavior. To reverse the impact of negative early experiences, regional centers on psychological and trauma response will identify the best practices for dealing with these problems. In the long run, successful early intervention is the best way to modify the culture of violence instilled in so many youth.

I urge my colleagues to support this amendment. Investing in parents and children is one of the best ways to prevent youth violence and we clearly need to do more in order to achieve this important goal.

I ask unanimous consent that letters of support for this amendment be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MIT,
FAMILY RESOURCE CENTER,
Cambridge, MA, May 18, 1999.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KENNEDY: It is with pleasure that I write to express my full and enthusiastic support for your Amendment to S. 254 entitled "PARENTING AS PREVENTION."

The provision of the Amendment, including the establishment of a Parenting Support and Education Commission, a State and Local Parenting Support and Education Grant Program, and Grants to Address the Problems of Violence Related Stress to Parents and Children, could not be more needed, or more timely. I am confident that the Amendment will make a major contribution in addressing the pressing needs of parents in our country, and thus in preventing the tragic problems among children and youth that confront our nation today.

You are to be commended for your leadership in bringing forward this critically important legislative initiative.

In addition to serving as Administrator of Parenting Programs at MIT, I am Chief Consultant to the Harvard Parenting Projects and Director of the Harvard Project on the Parenting of Adolescents at the Harvard School of Public Health. I am also Founding Chair and National Liaison for the National Parenting Education Network.

If there is any assistance that I can provide to the new Commission, I would be very happy to do so.

Respectfully yours,
A. RAE SIMPSON, Ph.D.,
Administrator, Parenting Programs.

THE LATIN SCHOOL OF CHICAGO,
Chicago, IL, May 18, 1999.

DEAR SENATOR KENNEDY: I am writing to support your efforts at adding The Stevens-Kennedy Amendment to S. 254—the Parenting as Prevention Act. I have working at parenting education for two decades. I have taught parent education to lawyers, social workers, teachers, parents and students in k–12 settings in some of the most violent neighborhoods in Chicago. I have been able to prove that it does help children and parents to have more options, to understand the needs of children and others and to choose non-violent solutions to problems.

I have also been working for several years on parent advocacy groups to professionalize parent education and get some consensus regarding best practices. We need support and resources to do this. Many of us have been doing this for years at our own expense because we know how important parent education and support is to parents and future parents. Thank you for your efforts and please call upon me in any way I can to support your good work. We need this Act to do our good work.

Very sincerely yours,
DANA MCDERMOTT MURPHY,
Adjunct Professor, Family Studies Program—Loyola of Chicago; Coordinator, Parent Education Initiative, The Latin School of Chicago; Member, Advisory Council of the National Parent Education Network; and Member, Advisory Board of the Parenting Project-Boca Raton, FL.

WEBSTERS INTERNATIONAL, INC.,
May 18, 1999.

Senator EDWARD KENNEDY,
c/o Parenting Coalition International,
Washington, DC.

DEAR SENATOR KENNEDY: I am in support of the Stevens/Kennedy Amendment to S. 254 subtitled: PARENTING AS PREVENTION.

This is a most critical time in America's history. All of us need to realize, recognize, and support the premise that parents are the single most important factor in determining the success or failure of their child. Beyond a doubt, based on the very latest research, parents are their child's most influential teachers. Therefore, it stands to reason that parents truly desire to learn the skills and attitudes they need in order to be the best parent they can be for their child. Those skills and attitudes do not come naturally; they are learned. We need programs that will ensure that parents are taught those skills and attitudes using the most positive methods available. Too many of them have learned negative parenting through the bad examples of their own parents.

We must start sending positive messages to our children instead of the poor, often confusing scenarios, we present to them now. I believe providing the states with funds to help them implement such programs would be most desirable, but only if we have a true method of determining that the monies are being spent correctly on parenting materials that have been proven to make a difference in the lives of both parents and their children, and that such programs are making a difference.

Sincerely,
GRETCHEN GLEAVES,
Vice President.

THE HEATHS,
Haverford, PA, May 18, 1999.

BELINDA ROLLINS,
President, Parenting Coalition International, Inc., Washington, DC.

DEAR BELINDA: Thank you for the privilege of reviewing and commenting on the provocative Stevens-Kennedy Amendment to S. 254.

Establishing a Parenting Support and Education Commission must be a component of any effort to improve the lives of America's children. Parents, defined broadly as anyone who has made a commitment to care for a child from now until the child reaches adulthood, provide their children with continuity of understanding and love as those children move through their growing years. That continuity is vital given the complexity of the society in which our children live, the range of experiences that they have and the vast number of choices which they have to make.

Senator Kennedy and his staff are to be congratulated for incorporating into the existing bill this additional component that will provide a means of strengthening parents' ability to nurture their children.

My experience of over thirty years of working with parents as well as consulting with parent programs world wide has led me to recognize the need for a Commission that focuses on the role of parents in the lives of their children, the effects of that role on the parents themselves and how to support parents that they may more effectively nurture their children. The Commission to be created by this bill will address these needs in at least three ways.

(1) Establishing such a commission will give recognition to the importance of parents in the lives of their children. No educational or social agency provides the continuity of love and care that parents give to children. This commission will keep in the national consciousness the unique role of the parent.

(2) The Commission will provide a means for investigating in depth social issues related to parenting. For example, rather than the public argument over whether or not mothers should work the commission could investigate the conditions that allow parents to have the time they need with their children while also carrying on their own lives and earning an income for their families.

(3) Having state and local initiatives, as described in the bill, will provide a means for raising issues from the local level to national attention as well as a means of passing down current research and information.

This amendment to S. 254 adds a significant component to the national agenda of supporting children by recognizing the important role that parents have in the lives of their children and by providing support and information to parents that will enhance their ability to nurture their children.

Again let me thank you for giving me an opportunity to respond to this innovative amendment.

Sincerely,
HARRIET HEATH, Ph.D.,
Director, The Parent Center, Bryn Mawr College.

BELINDA: Thank you so much for giving me the opportunity to review this amendment. I am amazed that you were able to get it put together and through the channels to be added to the bill. Congratulations.

I hope my letter supports the amendment is the way you had hoped.

I do have some comments on the amendment itself, as I think you were also asking for. I find it fascinating the groups you have included and see the political reasons for doing so. Your political savvy is amazing and so necessary if you are going to achieve your goals. And I am so glad that you are there working towards the betterment of parents.

A few comments: In your list of Commission members you need people knowledgeable about parental development and about the role of the parent in child development. I am not sure I am saying this very clearly but the writing on parents tends to focus on what parents do with and to their children, not on the determinants of the parental behavior themselves. Parenting tends not be discussed as it affects the parent except for specific periods such as the early adjustments to parenthood and parenting the adolescent when the mother may be menopausal and the father seeing limits to what he may accomplish.

I am uneasy about the dichotomy that seems to exist in the 8th and 9th listing. A good parenting education program, not including that produced through the media, has a strong supportive component.

In 8 are you speaking of family support programs that provide social and medical services as well as parenting education and support or are you referring to parent programs that are defined as totally emotionally supportive of parents without a content component except what the parents offer each other?

Speaking of "best practices" gives me visions of a cook book. It implies there are good recipes and all we have to do is identify them. I have not yet figured out how to write these sections but so much of parenting is developing plans for specific situations. Planning involves considering several key factors which include obvious such as the developmental level of the child, the temperament pattern, the needs, and the less often mentioned factors such as what are the parents' values and beliefs. The fact that parents deal with the issues they face by considering key factors must be recognized, and supported because, as we all know, one approach does not meet the needs of all children. But maybe all this is too complex for a bill.

One other issue—for future consideration. You pass over the elementary school years. They are a time when parents can delight in their children as those children are old enough to explore new skills, discuss ideas and just enjoy each other. These are also the years parents can do so much in preparing their children for the adolescence. It is a time of giving them that factual information they can use when making decisions about drugs, sex, etc. It is the time for developing decision making skills. And maybe most of all it is the time of deepening the loving relationship that will carry them both through the teen ages.

All of this may be too much for the bill. I look forward to the continuation of the discussion.

Again, thank you Belinda for the work you are doing and for including me in it.

I will send you a paper copy of the letter. Should it go somewhere else also?

Best wishes. See you Friday,

HARRIET.

FIGHT CRIME; INVEST IN KIDS,
May 18, 1999.

Re Stevens-Kennedy Amendment to Juvenile Crime Legislation.

DEAR SENATOR: As an organization led by over 500 police chiefs, sheriffs, prosecutors, victims of violence, leaders of police organizations, and violence prevention scholars, we write in support of the Stevens-Kennedy "Parenting as Prevention Act" amendment to S. 254.

Today, kids are being raised in households where both parents must work. In many cases, single, working parents raise children on their own. These new stresses are compounded by our increasingly mobile society. Parents often lack nearby grandparents and other close relatives to share the work of raising a child as well as provide coaching and emotional support.

The Stevens-Kennedy amendment recognizes that we must help parents face today's challenges in raising a child from the toddler to teen years. We all have a vital stake in seeing that children are provided with the best quality parenting because it is a critical factor in determining if a child will grow up to be a criminal or a contributing citizen and good neighbor.

Programs that help parent raise infants and toddlers supporting parents have been shown to dramatically reduce child abuse and neglect and other factors that increase the chances for kids to later engage in criminal behavior. For example, the Prenatal and Early Infancy Project (PEIP) randomly assigned half of a group of at-risk mothers to receive visits by specially trained nurses who provide coaching in parenting skills and other advice and support. Rigorous studies show the program not only reduced child abuse by 80% in the first two years, but that fifteen years after the services ended, these mothers had only one-third as many arrests, and their children were only half as likely to be delinquent.

The amendment would also help parents who struggle in the volatile teen years by offering advice, family counseling, and other services. Research demonstrates that parental involvement is critical in the teen years for the healthy development of kids, and to help troubled kids get back on track. For example, the Multi-Systemic Therapy program for teens already involved in serious crime works closely with the teens' parents and in replications around the country it has been shown to cut long-term rates of re-arrest by up to 70%.

The Stevens-Kennedy amendment provides much needed resources to treat victims of abuse and neglect, sexual abuse, violence, and other traumas. Research shows that when children are directly abused, or even when they witness violence in their lives, their developing brain's anatomy and chemistry is altered—a sound, or some other stimulus can "flip the switch" and their heart races as their mind becomes concentrated on flight . . . or fight. As opposed to the myth that children are infinitely resilient, Bruce Perry of Baylor College of Medicine says, "If anything we now know that children are more vulnerable to trauma than adults." Perry estimates that over 5 million children in the United States witness or experience traumatizing violence every year, including 1 million who are victims of abuse or neglect.

Programs that help parents raise responsible, healthy adults save lives and money. For example, a RAND cost-benefit estimate of the PEIP program concluded that the savings to the government alone (excluding other benefits to society at large) were four times the costs, and that figure did not include many savings, such as expected lower welfare costs for the children beyond age 15, nor the extra taxes they may pay as adults. RAND found that government savings from the program exceeded program costs by the time the kids were four years old.

If we can be of further help as you consider this amendment, please don't hesitate to call us.

Sincerely,

SANFORD A. NEWMAN,
President.

Mr. KENNEDY. Mr. President, I ask unanimous consent that a summary of the Parenting As Prevention Act be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF THE STEVENS AMENDMENT—PARENTING AS PREVENTION ACT

The Parenting as Prevention Act addresses youth violence and juvenile delinquency by providing support and training to parents and potential parents to improve their parenting skill and focusing attention on brain stimulation to improve early childhood development.

A Rand study shows that for every dollar invested in parenting and improving early childhood education through brain stimulation, at least $4 are saved in later prison costs, rehabilitation costs, special education expense, welfare payments, etc. GAO puts the savings at above $7 for every dollar invested.

This state block grant program would be administered by the Secretary of Health and Human Services and developed in cooperation with the Attorney General who has responsibility for juvenile justice prevention programs such as the Boys and Girls Club, the Secretary of Education who provides some support to early childhood learning, the Secretary of Housing and Urban Development who would help distribute materials on parenting through public housing programs, the Secretary of Labor who offers parent training to welfare mothers as part of the Welfare to Work program, the Secretary of Agriculture who operates the WIC program and distributes information to rural America through the Cooperative Extension Service, and the Department of Defense who runs child care centers and provides other services to children of military families.

A National Parenting Support and Education Commission would be established to identify the best practices for parenting on issues ranging from discipline to character development to brain development to gun safety (Eddie Eagle). It would review existing parenting support and education programs and report back to Congress and the Administration on which ones are most effective.

The Commission would publish materials for parents in various formats on parenting practices and brain stimulation or distribute already available materials. No new family would come home from the hospital or adoption agency without information on how to raise the baby. Referral information on existing federal, state, and local programs would also be collated on one sheet of paper for distribution which would include eligibility criteria, phone numbers, and addresses.

The Commission must wrap up its work within 18 months. Such funds as are necessary are authorized for appropriation.

A State and Local Parenting Support and Education Grant Program is established which would provide a block grant to states with a small state minimum: States with Indian populations over 2% would provide 2% of the money to tribes.

The State would establish a State Parenting Support and Education Council to award grants at the local level which would include state government, bipartisan representation from the state legislation, and interested groups to be appointed by the Governor. If a state had an existing group, it could use that.

The State Council could award grants for:

(1) Parenting support programs for young children including distribution of parenting materials on brain development and best parenting practices; one on one visits to mothers of new babies on brain development and best parenting practices (cited as the best way to reduce child abuse, a leading cause of juvenile delinquency and violent crime); and parent training programs.

(2) Parenting support for teenagers including providing parenting materials in conjunction with existing programs such as Boys and Girls Clubs, YMCA, after school programs, and parent training classes, support groups, and mentors.

(3) Parenting support and education resource centers including a national 800 toll free number offer counseling, parenting advice, and referral to existing programs; and respite care for parents with children with special needs (retarded, mentally ill, behavior disorders, FAS/FAE).

A state which got a grant to provide a statewide program or a local group would only have to report back every two years, but would have to use specific performance measures, i.e. things like improvement in IQ scores, school achievement tests.

No more than 5% of the money could be used for administrative costs. The typical rate is 18–30 percent.

A state would have to maintain its existing effort, i.e. it can't cut its existing state program and replace it with a federal grant.

The program is authorized at such sums as are necessary.

Finally, the bill creates a program to reverse bad brain wiring caused by exposure to physical or sexual abuse or family/community violence. Research shows early intervention to be much more effective than later rehabilitation efforts as an adult.

Again, best practices for dealing with these problems would be identified by regional centers of excellence on psychological trauma and response.

Indian tribes, Native Hawaiians and other non-profits would be eligible for grants which would last for 3 years.

This program is authorized at such sums as are necessary.

Mr. HATCH. Mr. President, I ask unanimous consent the amendment be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 363) was agreed to.

The PRESIDING OFFICER. The Senator from Minnesota.

The Senator will withhold. The Senate is not in order. The Senator from Minnesota.

AMENDMENT NO. 364

(Purpose: To make an amendment with respect to disproportionate minority confinement)

Mr. WELLSTONE. Mr. President, I send an amendment to the desk on behalf of myself, Senator KENNEDY, Senator FEINGOLD, and Senator FEINSTEIN.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

> The Senator from Minnesota [Mr. WELLSTONE], for himself, Mr. KENNEDY, Mr. FEINGOLD, and Mrs. FEINSTEIN, proposes an amendment numbered 364.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> On page 129, strike lines 6 through 14, and insert the following:
>
> "(24) address juvenile delinquency prevention efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of racial minority groups who come into contact with the juvenile justice system."

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, let me talk in a general way about this. This legislation deals with juvenile justice. This amendment focuses on the justice part. We speak to what is called disproportionate minority confinement. What that really means, in concrete terms, to use one example, is African American kids ages 10 to 17 make up 15 percent of the population, but 26 percent of all juvenile arrests, 32 percent of delinquency referrals to juvenile court, 46 percent of juveniles in public long-term institutions, and 52 percent of cases judicially waived to criminal court; that is, adult court.

In the current legislation, what we have done is we turn the clock back a long ways. In the past, since the late 1980s, we have always tried to deal with this question of disproportionate minority confinement. What this legislation does is to essentially reverse this progress. I think, roughly speaking, about 33 percent of the population, ages 10 to 17, are minority youth. They represent about 66 percent, or thereabouts, of kids who are now incarcerated. The question is, Why?

There are lots of different reasons. Let me just list some that come from Department of Justice reports, some lessons that have been learned from some five different States. Some of the factors that can contribute to minority overrepresentation can be: racial ethnic bias, insufficient diversion options, system labeling, barriers to parental advocacy, poor juvenile justice/community integration, low-income jobs, few job opportunities, few community support services, inadequate health and welfare resources, inadequate early childhood education, inadequate education quality, lack of cultural education, single-parent homes, economic stress, limited time for supervision. The factors go on.

But the key to an effective juvenile justice system is to treat every offender as an individual, to treat every offender fairly, and to provide the needed services to all. All youth who come into contact with the juvenile justice system should receive fair treatment. Surely every Senator agrees with that proposition.

The disproportionate minority confinement requirement in the current law is bringing about change and focusing attention on the problem. The current law says we call upon States to try to come to terms with this question. We call upon States to collect the data. We call upon States to think about whether or not there are steps that can be taken, and to put into effect some of these programs and some of the steps that could be taken to deal with this problem, to bring about more fairness, to end some of the discrimination.

As you look at this graph here, when you have 15 percent of young people ages 10 to 17, African American, but 46 percent of the juveniles in public, long-term institutions are African American kids, this ought to bother all of us. We ought to come to terms with this.

William Raspberry wrote in the Washington Post last week:

> These numbers strongly imply not disproportionate lawlessness, but dissimilar treatment throughout the juvenile justice system.
>
> At the very least, they are the type of numbers that ought to prompt criminal justice authorities across America to take a closer look at what they are doing.

That is what is so incredible about this legislation right now. It is as if starting in the late 1980s and then going to 1993 we recognized this problem, and in our juvenile justice legislation, up to this bill, we have said to States: You need to collect the data; you need to look at this problem; you need to try to address this problem.

This piece of legislation essentially guts this effort, and the amendment that we have offered is essentially the same House language that is now in their juvenile justice bill. It addresses juvenile delinquency prevention efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas—that is very important—efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of minority groups who come into contact with the juvenile justice system.

There were close to 400 votes—I want my colleagues to listen to this—400 votes in the House of Representatives for this amendment that we now bring to the Senate floor.

The current law talked about the need to address this problem, to reduce the proportion of juveniles detained or confined in secure detention facilities, jails and lockups, who are members of minority groups if such proportion exceeds the proportion such group represents in the general population.

S. 254 guts the current law and talks about segments of the juvenile population. What does that mean? Boys?

Girls? It does not deal with the issue of race and the severe overrepresentation of young kids of color who are locked up. That is the issue.

This amendment that I bring to the floor with Senator KENNEDY, Senator FEINGOLD, and Senator FEINSTEIN essentially says that we call upon the States to address the juvenile delinquency prevention efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of minority groups who come into contact with the juvenile justice system.

This is an eminently reasonable amendment, but it goes to the heart of the debate about racial justice in our country. S. 254 undermines this DMC core requirement of the Juvenile Delinquency and Prevention Act which directs States to identify this disproportionate confinement, to assess the reasons it exits, and to develop strategies to address the disproportionate number of minority children in confinement.

This legislation, S. 254, as now written, takes those efforts—some good efforts by our States, some 40 States involved with this—and basically heads these efforts for the scrap heap. This is a huge step backward.

This amendment has nothing to do with quotas. It does not require or suggest the use of numerical quotas for arrests or release of any juvenile from custody based on race. No State's funding is based upon quotas or anything else. But this amendment does put the Senate on record supporting the disproportionate minority confinement core requirement which now is in existing law that addresses a very serious and a very real problem.

It is well-documented that in every State—nearly every State—including my State of Minnesota, minority youth are overrepresented at every stage of the juvenile justice system, particularly in secure confinement. For example, a study in California showed that minority youth consistently received more severe punishments and were more likely to receive jail time than white youth who committed the same offenses.

Another study in Portland, OR, found minority youth being locked up at a rate several times higher than their arrest rates.

We ought to be concerned when, roughly speaking, 7 out of every 10 youths in secure confinement are minority juveniles in our country, a rate more than double their percentage of the youth population. Should we be concerned about that? Isn't this juvenile justice legislation? Let's look at the justice part.

We have close to 7 out of 10 kids who are in confinement in our country today who are locked up, incarcerated—juveniles, who are kids of color, minority kids, double their percentage of the population. We have way too many examples of kids having committed the same offense as white kids but receiving stiffer sentences or winding up incarcerated, and it is not right. It is unconscionable. It is unacceptable.

I do not think this whole problem of disproportionate minority confinement is the product of bigoted or racist authorities, though there is too much bigotry and there is too much racism. It is far more complex, and it results from all kinds of things, including the likelihood that minority youth are more likely to be poor, they are going to be unable to find work, uneducated, or, as William Raspberry suggests in his column, or they are politically unconnected, which means they will be less likely to have their children released to their custody by police officers and judges.

From William Raspberry's piece:

> It may result in a tendency of white officials to basically look at white kids as troubled youth and black offenders as troublemakers, gangsters or predators.

Forty States are doing good work. The Department of Justice issued a report several months ago which talked about some of the lessons learned from five States. I began to talk about some of those lessons earlier on and the kinds of efforts these States—Arizona, Iowa, North Carolina, Florida, and Oregon—are taking.

I believe Senator KENNEDY will come down and speak shortly on this amendment and then I will follow up his remarks. I am anxious to hear what my colleague from Utah has to say because he has been a Senator who has been extremely sensitive to these issues.

This does not make any sense. We have language in our current legislation that deals with this problem of the disproportionate number of kids of color who are locked up so we can find out what is going on and how we can do better. States all across the Nation are collecting the data and trying to find out what is wrong and trying to do better.

This current legislation before the Senate really turns the clock back. Why as a nation do we not want to come to terms with this question? Again, let me be clear about this, the current law talks about the need to reduce the proportion of juveniles who are detained or secured, confined in these secure detention facilities, the disproportionate number of minority groups, and then S. 254 comes along and talks about segments of the juvenile population.

This basically undermines the efforts that are underway. We are not talking about segments of the population. We are talking about race and, as a matter of fact, it is very important that we continue to identify some of the problems we have to confront as a nation that deal with race. We are not talking about segments of the population; we are talking about the question of race.

Our amendment—I want every Senator to focus his or her attention on this—takes the House language, which was passed by 400 votes, and we talk about the importance of addressing the juvenile delinquency prevention efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of minority groups who come into contact with the juvenile justice system.

The current law, before this piece of legislation, acknowledges race is an issue. Whether we want to talk about it or not, whether we want to recognize it or not, whether we are comfortable with it or not, this isn't an issue that arose overnight.

In 1988, over a decade ago, the Coalition for Juvenile Justice released a report to Congress on race in the system called "The Delicate Balance." They made the point, and this became part of the law that we had to do better as a nation, that we should be troubled by this, that we should be troubled that close to 70 percent of the kids who are locked up are kids of color, minority youth.

We want to make sure there is no discrimination. We want to make sure kids are treated fairly. We want to make sure that all of our citizens have some confidence in this justice system. Well, this piece of legislation takes us a long ways back, a long ways back.

For those who want to talk about the constitutionality of the DMC provision, it is just a scare tactic. It is just a figleaf. I read the language of the amendment which makes it crystal clear that we are not talking about numerical standards or quotas. I would like to read from a letter and ask unanimous consent that this be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. WELLSTONE. This is from 23 law professors endorsing the constitutionality of the disproportionate minority confinement amendment. I just read:

> There can be no serious constitutional objection to the DMC requirement in existing law. First, it does not single out members of racial minorities for any sort of distinctive treatment, nor does it impose any burdens on anyone else. The Supreme Court's decisions made it clear that constitutional questions arise, not merely from the use of racial terms in a law—for otherwise compiling census information about race would be unconstitutional—but only if there is some burden or benefit allocated on the basis of race. . . . The DMC requirements do nothing that crosses this minimum threshold.

This letter goes on and makes really a very strong case, signed by 23 law professors in our country.

I want to just make it real clear that the disproportionate minority confinement amendment that I bring to the floor with Senator KENNEDY is about race. Can I say this one more time to colleagues? Because when you vote on this, please understand this amendment is about race. Please understand that this amendment has the support of probably every single civil rights organization in our country. Please understand that this amendment has the support of just about every single children's organization you can think of, starting with the Children's Defense Fund.

Please understand that this amendment and your vote is all about race, because please understand that we are doing better, but to have a really better America we have to do even better when it comes to questions of race and discrimination.

Please understand that many citizens in our country do not have complete confidence in the system. When the minority community sees that close to 70 percent of their kids are locked up, when their kids make up not even 35, 33 percent of the population, and when they see that kids of color wind up incarcerated, when white kids do not, having committed the same offense, or given longer sentences, and when they see all the ways in which there is discrimination—and we have not come to terms with what is really going on with so many kids in these communities—it makes members of minority communities in our country very suspicious of a piece of legislation which focuses on juvenile justice but takes out the language we had in our legislation dealing with kids that assures that States will collect the data and will look at this question and try and do better.

I am telling you, this is a huge vote. This is all about race. It is about the disproportionate share of minority youth in our Nation's juvenile justice system. It is about helping States come up with plans to enhance prevention, to work with communities. It is not about releasing individuals from confinement because of their racial makeup or about instituting some kind of quota system. It is about fairness. It is about ending discrimination. It is about justice. It is about doing better as a nation. It is about doing better for all of our children, including children of color, and that is why this amendment has such intense, broad support. And it is why 400 Members in the House of Representatives voted for this amendment.

Mr. DURBIN. Will the Senator yield?

Mr. WELLSTONE. I will yield to the Senator or yield the floor, if you like.

Mr. DURBIN. I ask the Senator from Minnesota to simply yield for a question.

Let me say at the outset that I am honored to support this amendment. I am glad that Senator WELLSTONE, Senator KENNEDY, and many others have joined in this effort.

For those who question whether Senator WELLSTONE's testimony before the Senate is accurate, I share with them some statistical information which came as a shock to me. General McCaffrey, who is our Nation's drug czar, appeared before the Senate Judiciary Committee last year. I asked General McCaffrey if the statistics I had read were accurate.

The statistics I had read were as follows: 12 percent of the American population is African American; 13 percent of those committing drug crimes are African American; 33 percent of those arrested are African American; 50 percent of those convicted are African American; and 67 percent of those in prison for drug crimes are African American.

This is clearly completely disproportionate. This segment of the population has been focused on and what Senator WELLSTONE is seeking to do with this amendment is to make certain that we do not close our eyes to the reality. The statue of justice can keep a blindfold over her eyes with the scales before her; we cannot put a blindfold over our eyes. We have to be open to the reality that if we are discriminating against any group of Americans, regardless of their background or color, ethnic origin or race or religion, we have to be sensitized to it.

I do not know why this bill takes a step backwards. Thank goodness for the amendment offered by Senator WELLSTONE and others which puts us back on the right track to be honest and fair in the administration of justice in America.

I proudly stand in support of your amendment. I thank the Senator for his leadership.

Mr. WELLSTONE. I thank Senator DURBIN. He would like to be added as an original cosponsor. I would be very proud for him to do that. I ask unanimous consent that Senator DURBIN be added as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Thank you, Mr. President.

I have visited some of these facilities and they are pretty troubling. When you visit—I think, again, of the visit to Tallulah, LA—there and there is just a sea of, in this particular case, African American faces, young kids—many of them, by the way, locked up for as long as 7 weeks in solitary confinement, 23 hours a day; that is part of what they do there—it is troubling.

I think in the State of Louisiana—I do not know what the overall percentage of the population is, but I think about 80 to 85 percent of the kids that are confined there are African American. Here is what makes this so troubling.

It would be easy—I want every Senator listening to this—to simply attribute this large discrepancy to the fact that young people of different racial groups commit different types of crimes.

In 1992, though, there were significantly higher rates of admission of African American juveniles for every offense group. Please listen to that, because I do not want some colleague to come out on the floor and say: Well, there is a reason for this. These kids commit the crimes in exactly this percentage or this proportion.

Crimes against persons: Black males and females were six times more likely to be admitted to State juvenile facilities than their white counterparts—same crimes, six times more likely.

Property crimes: Black males were almost four times more likely to be admitted to State juvenile facilities than white males, and black females were almost three times more likely to be committed than white females.

Drug offenses: Black males were confined at a rate 30 times that of white males. In fact, among all offense categories, black youth were more likely to be detained than white youth during every year between 1985 and 1994. Minority youth were also more likely to be removed from their families than white youth. Black youth are also much more likely to end up in prisons with adult offenders.

In 1995, nearly 10,000 juvenile cases were transferred to adult criminal court by judicial waiver. Of those proceedings, cases involving black youth were 50 percent more likely to be waived than those cases involving white youth. Overall, again, black youth were 52 percent of all the children and adolescents waived to adult court, and in most States minority juveniles were overrepresented on average in these adult jails at a rate more than 2½ times their proportion of the total youth population. These are damning statistics.

When he was director of the Massachusetts Department of Services, Commissioner-Member Jerome Miller wrote of the cumulative effect of decisions made throughout the juvenile justice process:

> I learned very early on that when we got an African American youth, virtually everything from arrest summaries to family history to rap sheets to psychiatric exams to waiver hearings, as to whether he would be tried as an adult to final sentencing, was skewed. If a middle-class white youth was sent to us as dangerous, he was much more likely to be dangerous than the African American teenager with the same label. Usually the white kid had been afforded competent legal counsel, appropriate psychiatric and psychological testing, been tried in a variety of privately funded options and, all in all, had been dealt with more sensitively and more individually at every level of the juvenile justice process. For him to be labeled dangerous, he usually had done something that was very serious indeed. By contrast,

> the African American teenager was dealt with as a stereotype from the moment the handcuffs were first put on, to be easily and quickly moved along to the more dangerous end of the violent/nonviolent spectrum, albeit accompanied by an official record meant to validate the biased series of decisions.

I say to my colleague, Mr. DURBIN, I really appreciate his being here. Sometimes when we are in this Chamber, this is our reality. I want every Senator, including Republican Senators, to know, this is an amendment that deals with a very sensitive issue. This is an amendment that deals with race in America. This is an amendment that deals with all of the biases that go with that. This is an amendment that says we should not be passing a piece of legislation which essentially turns the clock backward, which takes the language that we had in our past juvenile justice legislation which calls on States to study this problem, calls on States to address the problem, and calls on States to do better, as many are doing right now, and essentially remove all that language. It is a charade.

I will go on record right now—I cannot see any way that I can support this piece of legislation if this amendment does not pass. I cannot see any way as a Senator I can support this. I will put Senators on notice—I think a good many Senators, many Senators should not be able to support this piece of legislation if this amendment, which is the same language passed by 400 Members of the House of Representatives—that has to include some Republicans; am I correct?

Mr. DURBIN. Yes.

Mr. WELLSTONE. Does not pass in the Senate.

What in the world is going on on the floor of the Senate that we are unwilling to pass an amendment that just calls upon States to continue to try to come to terms with this really huge, stark problem in America? Why in the world am I even out here having to debate this?

I am going to reserve the remainder of my time.

Mr. DURBIN. Will the Senator yield?

Mr. WELLSTONE. How much time do I have on our side?

The PRESIDING OFFICER (Mr. GRAMS). The Senator from Minnesota has 31 minutes 35 seconds.

Mr. WELLSTONE. I am pleased to yield to the Senator from Illinois.

Mr. DURBIN. Let me say to the Senator from Minnesota, again, in support of this amendment—and I am happy to be a cosponsor of it—the important aspect in the administration of justice that is often overlooked is respect for the law. We teach our children to respect the law. We try to make certain that they teach their children. It is that legacy which allows the administration of justice to succeed.

When people lose respect for the law, it doesn't take too many of them to turn on a system and break it down. This amendment being offered by Senator WELLSTONE is an effort to make certain that we have respect for the law here, respect for the equal administration of justice.

We cannot be impervious or blind to the obvious. The obvious is demonstrated by the statistics I have mentioned on the floor and those read by Senator WELLSTONE. I cannot believe in 1999, at this stage in the history of this great Nation, we are prepared in this piece of legislation to take a step back in time when it comes to progress toward racial harmony in America. If we are so foolish to do that, we risk respect for the administration of justice and respect for the law.

People who observe this system can't ignore the fact that disproportionate numbers of minorities are being incarcerated and treated unfairly. I stand, as I am sure the Senator from Minnesota does, in saying that I want those who break the law to answer for it. I want to live in a safe neighborhood. I want to live in a safe town. If the perpetrator of a crime is black, white, or brown, male or female, it is irrelevant. They should be treated under our system of justice fairly and the same.

But when we look at the end result of this system of justice and see this disproportionate confinement of minorities, are we to turn our backs on that? Are we to walk away from that? What do we do to this Nation and our system of laws if we do? We risk, I am afraid, a disintegration of a sense of community in America, a disintegration of respect for law. Then we all suffer, not just African Americans, but also Hispanic Americans, those of every color and hue and ethnic background.

So I support this amendment, an amendment that passed overwhelmingly in the House of Representatives. I hope it will be enacted as part of this legislation. I say, as the Senator from Minnesota has said, every Senator should take this amendment very, very seriously.

I yield back to the Senator.

Mr. WELLSTONE. Mr. President, I don't want to take too much more of my time right now, because I really want this to be a debate. I will tell you, this amendment does not say you release kids. It has nothing to do with that. And, by the way, most of the kids in these facilities have committed nonviolent crime. That needs to be said as well. I have met kids breaking and entering, theft of mopeds; you name it, they are there.

What is going on right now in the country has a dramatic impact not just on these kids and not just their parents, but it has a devastating impact on minority communities. Let us finally please understand that as well. The disproportionate minority confinement, the disproportionate number of kids who are locked up, has a devastating impact on minority communities, a devastating impact on family relationships, a growing sense of anger and isolation and alienation and—my colleague from Illinois is right—distrust of the institutions in our country.

This is the final point, before I hear from my colleagues on the other side. All too often these "corrections institutions"—this needs to be said—do not correct. They are a gateway to adult prison, because a lot of kids get out, and when they get out, they have it on record that they have served time. They do not get the adequate training. They do not get the adequate support. And as opposed to any real correction that takes place, you have a lot of kids who get out of these institutions who are really, in many ways, kids who have become much hardened and with much less chance of doing well.

So there is also a connection to this problem, I argue, in the fact that, roughly speaking, in 1999 one-third of all African American men between the ages of 18 and 26, or 20 and 28, are either in prison or waiting to be sentenced, or have been paroled. Five times as many African American men of this young age are in prison as are in college, in higher education, in the State of California. We have to ask ourselves what is going on.

Again, we were making progress up to this legislation. We were making progress. We did something that made sense to our States. We called upon our States to really look at this problem and try to address this problem.

Mr. President, I reserve the remainder of my time.

EXHIBIT 1

MAY 17, 1999.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, DC.

Hon. DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC.

Hon. PAUL D. WELLSTONE,
U.S. Senate,
Washington, DC.

DEAR SENATORS KENNEDY, FEINSTEIN, and WELLSTONE: As the Senate is considering S. 254, the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999, it has come to our attention that the sponsors of S. 254 have altered the language of the Disproportionate Minority Confinement (DMC) mandate in current federal law by removing any reference to the word minority, claiming that the law as currently written is unconstitutional. We believe this argument is without merit.

There can be no serious constitutional objection to the DMC requirement in existing law. First, it does not single out members of racial minorities for any sort of distinctive treatment, nor does it impose any burdens on anyone else. The Supreme Court's decisions make it clear that constitutional questions arise, not merely from the use of racial terms in a law—for otherwise compiling census information about race would be unconstitutional—but only if there is some burden or benefit allocated on the basis of race. Cf.

Anderson v. Martin, 375 U.S. 399 (1964). The DMC requirements do nothing that crosses this minimum threshold.

Second, the DMC mandate is designed to identify whether unconstitutional racial discrimination is occurring in the juvenile justice system. The Supreme Court has held that practices that result in disproportionate burdens on racial minorities are unconstitutional if they have been adopted intentionally to have that effect. Washington v. Davis, 426 U.S. 229 (1976). The DMC requirements are directed at precisely that concern: They ask the states to determine whether DMC is occurring, and if it is, what its causes are. It cannot possibly be unconstitutional for Congress to direct that such an inquiry be undertaken. Cf. Hunter v. Underwood, 421 U.S. 222 (1985).

We hope that this information is useful as you continue your debate on this legislation.

Sincerely,

Mark Tushnet, Carmack Waterhouse Professor of Constitutional Law, Georgetown University Law Center; Milner Ball, Professor of Law, University of Georgia School of Law; Taunya Lovell Banks, Professor of Law, University of Maryland School of Law; Kelley H. Bartges, Associate Clinical Professor of Law, University of Richmond Law School; Steve Berenson, Assistant Professor of Law, Shepard Broad Law Center, Nova Southeastern University; Surrel Brady, Associate Professor of Law, University of Maryland School of Law; Angela O. Burton, Professor of Law, Syracuse University College of Law; Peter Byrne, Professor of Law, Georgetown University Law Center; Sheryll D. Cashin, Associate Professor of Law, Georgetown University Law Center; Sherman L. Cohn, Professor of Law, Georgetown University Law Center; John M. Copacino, Professor, Georgetown University Law Center; Michael Dale, Professor of Law, Shepard Broad Law Center, Nova Southeastern University; Steven Drizin, Northwestern University School of Law; John S. Elson, Professor of Law, Northwestern University School of Law; Dan Filler, Professor of Law, University of Alabama School of Law; Pamela Stanbeck Glean, Clinical Professor of Law, North Carolina Central University School of Law; Gerard F. Glynn, Visiting Professor of Law, Barry University School of Law; Martin Guggenheim, Professor of Law, New York University School of Law; Randy Hertz, Professor of Law, New York University School of Law; Paul Holland, Visiting Associate Professor, Georgetown University Law Center; Daniel Kanstroom, Associate Clinical Professor of Law, Boston College Law School; Madeleine Kurtz, Acting Professor of Clinical Law, New York University School of Law; Lundy Langston, Professor of Law, Shepard Broad Law Center, Nova Southeastern University; Stephen Loffredo, Associate Professor of Law, City University of New York School of Law; Kimberly E. O'Leary, Associate Professor of Law and Director of Clinical Programs, University of Dayton School of Law; Mari Matsuda, Professor, Georgetown University Law Center; Denise Meyer, Professor of Law, University of Southern California Law School; Alan D. Minuskin, Associate Clinical Professor of Law, Boston College Law School; Wallace J. Mlyniec, Lupo-Ricci Professor of Clinical Legal Studies, Georgetown University Law Center; Paul O'Neil, Professor of Law, Pace University School of Law; Bill Patton, Whittier School of Law; Patricia Roth, Georgetown University Law Center; Phillip G. Schrag, Professor, Georgetown University Law Center; Abbe Smith, Associate Professor, Georgetown University Law Center; Kim Taylor-Thompson, Professor of Clinical Law, New York University School of Law; Wendy W. Williams, Professor of Law, Georgetown University Law Center; Stephen Wizner, William O. Douglas Clinical Professor of Law, Yale Law School.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. As usual, I have to commend the Senator from Minnesota for his heart and for his desire to try to resolve problems that are difficult in our society. I have to say that I am concerned about the disproportionate confinement of minority youth, especially young African Americans and Hispanics, in our society—especially African Americans because it is disproportionate. If you really stop and think about it, the issue is who is committing the crimes.

I also agree it would be wonderful if we had a perfect system of rehabilitation for these young people. The juvenile justice bill provides an additional $547 million in addition to the $4.4 billion we spend annually for helping young people to get rehabilitated or to help prevent crime to begin with. I think that is the right direction.

This is probably the first bill in history that has 45 percent of the money in the bill for law enforcement and accountability purposes and 55 percent of the money for prevention purposes. But, you know, you still can't ignore the fact that these kids are committing crimes. Just because you would like the statistics to be relatively proportionate, if that isn't the case, because more young people commit crimes from one minority classification than another, it doesn't solve the problem by saying states should find a way of letting these kids out.

Now, if there is another problem, if there is literally a civil rights violation or a discrimination against minority youth, then that is a problem I think would need fixing. But I don't think that is a case that has been made so far.

The Democrats' amendment requires States to address efforts to reduce the proportion of juveniles who have contact with the juvenile justice system who are members of minority groups, if such proportion exceeds the proportion such groups represent in the general population. It fails to take into consideration who is committing these crimes. If a higher proportion of young African Americans are committing the crimes, do we just ignore that because we don't like the fact that it is disproportionate compared to Hispanic Americans or Anglo Americans? I don't see how you get around the fact that the ones who are committing the crimes are the ones who are arrested or incarcerated.

This amendment is not only ill-advised as a matter of policy and principle, but it is also unconstitutional. The amendment makes an overt racial classification. Juveniles must be classified according to race in order for this amendment to be followed.

This amendment is unconstitutional. As the Supreme Court announced in the 1979 decision of Personnel Administrator of Massachusetts v. Feeney:

> A racial classification, regardless of its purported motivation, is presumptively invalid and can be upheld only upon an extraordinary justification.

Now, such a classification could be upheld if there is an extraordinary justification, but that is not evident here. I just hear that there are more young African American kids who go to jail than white kids; therefore, there must be something wrong with the system.

I don't agree with that. If there are more young African American kids committing crimes, and especially vicious crimes and violent crimes, you don't help the problem by saying they should not be punished and they should not be incarcerated somehow or other be sent to—unless there is a justification for that.

Now, according to *Personnel Administrator of Massachusetts* v. *Feeney*, a 1979 decision:

> A racial classification, regardless of its purported motivation, is presumptively invalid and can be upheld only upon an extraordinary justification.

That is the law, and I think it is a correct law.

More recently, in *Adarand Constructors, Inc.* v. *Pena*, the Supreme Court held that the Constitution requires the strictest judicial scrutiny "of all race-based action" by Government. What does that mean? It means that this amendment is subject to strict scrutiny and can be constitutional only if it is, under *Adarand*, "narrowly tailored to achieve a compelling governmental interest."

This amendment does not pass strict scrutiny. The only "compelling interest" the Supreme Court has recognized in this context is the remediation of past discrimination. Moreover, the Court requires a particularized showing of past discrimination. I don't think anybody would disagree with that.

Here there is no such proof of discrimination, and the current law, which this amendment replicates—and, I might add, expands—is not narrowly tailored to remedy past discrimination. In fact, the Justice Department regulations under current law require States to intervene regardless of the cause of disproportionate confinement. Instead of remedying past discrimination, much of the current law is aimed at prevention programs. This amendment, and the current law it replicates, cannot pass strict scrutiny.

I wish I could support this amendment, but its constitutional flaws prevent that. And, frankly, I believe that this amendment is bad social policy, because basically this amendment just says that these young people who have been engaged in criminal activity, somehow or other, should be proportionately given a break because there are more—in this case—young African Americans than young whites who are convicted. Now, that is unconstitutional in the light of Adarand and the Feeney case, and, frankly, under any principle of race neutrality in the justice system.

The proponents of this amendment are motivated, in my opinion, by the best of intentions. I share their concern. That is one reason I want this juvenile justice bill to pass, so we can get serious about violent juvenile crime and so we can use the tools of this bill to help to prevent that in the future. And we have significant prevention moneys in this bill to help get these kids away from ever committing crime again.

Like I say, the proponents are sincere. They want to help minority children avoid detention. However, I believe the best way to prevent the detention of juveniles is to prevent juveniles—of all races—from committing crime. I am proud that S. 254 provides $547.5 million in new funds for prevention programs. I have had to fight to get that. That is on top of and in addition to the $4.4 billion that we already have on the books every year for prevention programs.

It is unhealthy for the Government to focus only on reducing the detention of minority juveniles. We should focus on preventing crime committed by juveniles of all races and recognize that detention of juvenile offenders is sometimes necessary. As this current debate illustrates, it is inherently divisive when the Government makes racial classifications.

Look, if there is discrimination against minority kids, then you can count on me. I will fight alongside of my Democrat colleagues to end that discrimination. But to just say it is disproportionate without consideration to what crimes were committed, it seems to me, is not only unconstitutional, it is wrong.

S. 254 has a better provision. It requires that prevention resources be directed to "segments of the juvenile population" that are disproportionately detained. Such "segments of the population" could include, for example, certain socioeconomic groups that are more likely to be at risk. S. 254 directs prevention resources to such groups who need these resources the most.

Finally, not only is this amendment unconstitutional, it sets a terrible precedent. The premise of this amendment—requiring States to provide racial groups special attention if members of those groups are disproportionately likely to be detained—could be used to justify racial profiles. In my opinion, racial profiling is also unconstitutional, and I believe a significant number of constitutional authorities would agree with my analysis on that.

The Government simply cannot use race as a classification or a factor in the criminal justice system, because our system of justice should be color blind. If it is not, then I will work to correct that. But I don't have any evidence that it is not at this particular point, other than the visceral feeling of some that because more young African Americans than whites are convicted and sentenced to detention, there must be something wrong with the system.

Mr. President, I strongly urge the Senate to oppose this amendment.

I also understand that in our society a lot of young African American kids, a lot of young Hispanic kids, a lot of young Native Americans—and you can just go down almost every minority; there are literally dozens of minorities in this country—a lot of them don't have the best chance in this life. They are born in poverty. They are born into situations where there is no father, or they have a father who takes off on them, or they have a father who won't accept responsibility. They start off with a couple of strikes against them. I acknowledge that. We have to do something about that. But that doesn't mean we have to start racial profiling or that we have to start racial classifications to get there, unless we can show that there is prejudice, unless we can show that there is a reason to have this amendment.

If I might add a final note. I have bent over backwards to craft language which addresses the concerns raised by my colleagues. I think my language is constitutional and it has bipartisan support. Senator BIDEN supports the underlying amendment, and with good reason, because it is constitutional.

Having said all of that, again I will reiterate that I respect my colleagues. I respect their desire to right wrongs in our society. They know that I work on that too. I respect their desire to make sure that everybody is treated equally and in a decent manner. I respect their approach to try to end discrimination in our society. I join with them in those matters. But this particular amendment, it seems to me, is unconstitutional, and I certainly hope our colleagues will vote against it when I move to table it.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield myself 12 minutes.

Mr. President, I want to first of all, thank my friend and colleague, Senator WELLSTONE, for offering this amendment and say that I welcome the opportunity to join with him and urge the Senate to accept this amendment, and to say that I think it is very basic and fundamental to the underlying purpose of the legislation, which is to try to deal with the challenge of juvenile violence in our country today.

Mr. President, the fact is that we should not have to be taking the time of the Senate on this amendment, because I am sure, as Senator WELLSTONE has pointed out, that this language which we are attempting to place into the juvenile justice bill is effectively the language that has been there since 1992. It was placed there as a result of extensive hearings that were held by Congress and the Senate—during that period of time—that showed the disparity of treatment between blacks and whites in the juvenile justice system. There is a range of different aspects of this particular provision.

I say at the outset that we will include in the RECORD a very comprehensive review on the constitutionality of this issue. It is interesting to hear that argument raised at this particular time, because the language has been in effect since 1992 and not challenged on a constitutional basis. It has just been mentioned during the course of this evening.

But, Mr. President, we should not look at this particular undertaking really in the abstraction of just juvenile justice. What we have to understand is that we as a country inscribed slavery in the Constitution of the United States, and we have been trying to free ourselves from that admonition for some 200 years. We fought a civil war over it.

Over the very recent times, with the leadership of Dr. King and many others in the late 1950s and 1960s, we began to make some very important progress in knocking down the walls of discrimination. But still those elements of bigotry exist. Why else would we have the greatest number of hate crimes against blacks in our society? That happens to be a fact. We don't like it. We don't want it. We all deplore it. We are going to try to address that with hate crimes legislation. It is not going to solve all of the problems, but we are going to at least try to recognize that this is an issue.

Why is it that even after all the legislation we have passed to try to have fair and equitable employment on the basis of an individual's value and what they can do in terms of their skills in doing a job, why is it that we still find those barriers out there to knock out blacks and Hispanics and individuals whose skin is not white? That happens to be the case. We don't have to make that case tonight on the floor of the Senate.

Why, in 1988, did we have to revisit the Housing Act that we passed in 1968? Because of the continuation of racism in housing.

To listen to the Senator from Utah, you would think, maybe we do have problems there, but we don't have any problems in juvenile justice. Where are the studies? What studies have they looked at? That is just absolutely preposterous. That is absolutely preposterous. It exists in each of these areas

I have mentioned. It exists in the criminal justice system. It exists between individuals who are white and black, out there tonight on the interstate highways, where you have racial profiling and where the number of people who are pulled over because their skin is black is sometimes four, five, six, seven times what it is if someone else's skin is white—and done over a long period of time. They can't demonstrate any higher percentage of incidents of violations of the law, not in terms of the growth percentage, but just in the incidental percentages. You can make that case. That is happening everywhere.

We had provisions in the juvenile justice that say to communities that we hope you will be encouraged to try to see in the areas of juvenile justice what we might be able to do—to try to see if we can't stem some of this problem among the young people in our society.

Why should we always have to wait until this problem exists? Why can't we try to see what can be done in the early days of young people to see what progress might be made?

This has not been used as a way or device to terminate funding for any of the States. You can't say that. You can't demonstrate that. If we had a fair time to talk about this and to debate it, you would find that States are making important progress in many different areas to try to deal with fundamental and underlying causes in their various communities. That is what we want to encourage—quiet, competent, effective work that is being done that can have an impact in terms of trying to make our juvenile justice system fair and equitable for all of the young people in our society.

Mr. President, this issue is of such importance, to be brought back in the time of the evening with the limitations I think really does a disservice to the importance of it. But we are where we are.

Let me mention the particular quote from the director of our Massachusetts Department of Youth Services, Mr. Miller, a very thoughtful, distinguished leader in terms of understanding the problems of juvenile justice. This is what Mr. Jerome Miller wrote about the cumulative effect of decisions made throughout the juvenile justice process:

> I learned very early on that when we got an African American youth, virtually everything, from arrest summaries to family history to rap sheets to psychiatric exams to waiver hearings as to whether he would be tried as an adult, the final sentence was skewed. The middle-class white youth sent to us was more likely to be dangerous than the African American teenager with the same label. Usually the white kid had been afforded competent legal counsel, appropriate psychiatric and psychological testing, been tried in a variety of privately funded options, and all in all had been dealt with more sensitively and individually at every level of the juvenile justice process. For him to be labeled dangerous, he usually had to have done something very serious, indeed. By contrast, the African American teenager was dealt with by stereotype from the moment the handcuffs were first put on, to be easily and quickly moved along to the most dangerous end of the violent/nonviolent spectrum, albeit accompanied by an official record meant to validate the series of decisions.

It goes on and on.

That is the state of the juvenile justice system in too many constituencies across this country. All this language does is remind us when we are talking about using the word "justice," we are talking about equal justice, equal justice for blacks and browns in our system, equal justice for young people, equal justice for all.

Fundamentally, when we understand the problems we have in our society, to represent here on the floor of the Senate that somehow the juvenile justice system is an exception to all the kinds of challenges that we have in this Nation, fails, I think, the basic reason and rationality about what is going on in this country. It is not the accepted.

That is the effect of this, to try and not prescribe quotas, not get into the numbers game. That has never been part of the accusation on this provision, but just to hope that communities and States will, hopefully, develop a process and system that will be somehow more sensitive to the challenges we are facing as a country, as a community and in our States in juvenile justice.

This amendment cannot solve the problem and it won't even probably solve the majority of the problem, but perhaps because of it, there will be communities and there will be States that will have a truer system of justice for all the young people of this country. That is really what we ought to be undertaking and what we should be about.

The statistics on the treatment of minorities in the criminal justice system require an immediate response—especially the treatment of juveniles. I strongly support this amendment and I commend Senator WELLSTONE for his leadership. It deals with one of the most serious problems in current law—the disproportionate confinement of minority youths in state juvenile justice systems. In fact, the underlying bill will only make the problem worse, because it eliminates all references to "minority" or "race" and instead refers only to "segments of the juvenile population."

In 1988, after extensive testimony concerning the significant over representation of minority youth in state juvenile justice systems, Congress amended the Juvenile Justice and Delinquency Prevention Act to require states to address this issue. In the 1992 amendments to the Act, disproportionate confinement became a core requirement, by linking future funding to a State's compliance with addressing this basic issue.

Under current law, states are required to do three things: (1) identify the extent to which disproportionate minority confinement exists in their states; (2) assess the reason that it exists; and (3) develop intervention strategies to address the causes. The law does not require and has never resulted in the release of juveniles. It does not require numerical quotas for arrest or release of any youth from custody based on race. In fact, no state's funding has ever been reduced as a result of non-compliance with this provision.

This issue has festered in the juvenile justice system for years. To pretend otherwise is to ignore the facts. Over the past 10 years, documented evidence shows that disproportionately occurs at all stages of the system:

African-American youth age 10–17 constitute only 15% of the U.S. population. But they account for 26% of juvenile arrests, 32% of the delinquency referrals to juvenile court, 41% of juveniles detained in delinquency cases, 46% of juveniles in secure corrections facilities, and 52% of juveniles transferred to adult criminal court after judicial hearings.

As these statistics indicate, the over representation of minority youth increases as juveniles become more and more involved in the criminal justice system. The result is that African-American youths are twice as likely to be arrested and seven times as likely to be placed in a detention facility as white youths.

Black males are 6 times more likely to be admitted to state juvenile facilities for crimes against persons than white youths—4 times more likely for property crimes—and 30 times more likely for drug offenses.

Black youths are also much more likely to end up in prison with adult offenders. In 1995, nearly 10,000 juvenile cases were transferred to adult criminal court, and black youths were 50% more likely to be transferred than white youths.

A study of the juvenile justice system in California found that minority youth consistently receive more severe punishment than white youth, and are more likely to be incarcerated in state institutions than white youth for the same offenses.

A 1998 University of Washington study confirms the justice within the juvenile system Narrative reports prepared by probation officers prior to sentencing portrayed black juveniles differently from white juveniles.

Black youth offenders were perceived as having character defects—condoning criminal behavior.

White youth offenders were perceived as victims of bad circumstances.

For example, two 17-year-old boys, one black and one white, are charged with first degree robbery. Neither had a criminal history; both used firearms and were accompanied by two friends. Listen to the probation officers' evaluation of the two boys—keeping in mind that 99% of the time, judges follow the recommendation of probation officers:

For the African-American youth, the probation officer wrote:

> This appears to be a pre-meditated and willful act by Ed. . . . . There is an adult quality to this referral. In talking with Ed, what was evident was the relaxed and open way he discusses his lifestyle. There didn't seem to be any desire to change. There was no expression of remorse from the young man. There was no moral content to his comment.

For the white youth, the probation officer wrote:

> Lou is the victim of a broken home. He is trying to be his own man, but . . . is seemingly easily misled and follows other delinquents against his better judgment. Lou is a tall emaciated little boy who is terrified by his present predicament. It appears that he is in need of drug/alcohol evaluation and treatment.

In 1993, Allen Iverson—who is the NBA's leading scorer and so far has led his team to the second round of the playoffs—was a senior in high school in Virginia. At the time, he was the top rated high school point guard and quarterback in the nation. One night, he and a group of other friends, all of whom were black, went to a local bowling alley and a racially-motivated fight broke out after a white kid directed a racial epithet toward Iverson. Although punches and chairs were thrown by both blacks and whites during the fight, no white kids were arrested or charged with a crime. Iverson, however, was convicted of "maiming by mob" and was sentenced to 15 years in prison with 10 years suspended. He was denied bail pending the appeal, even though felons convicted of more heinous crimes were routinely granted bail.

It was not until then-Governor Wilder granted Iverson partial clemency, that he was released from jail. He then went on to play basketball for John Thompson at Georgetown. He then left for the NBA where he became the first-round draft pick of the Philadelphia 76'ers. The only reason why Allen Iverson's case has a happy ending is because he is a star athlete. Otherwise, he would still be in jail like the thousands of other young black men who find themselves behind bars in much larger numbers than their white peers.

It is wrong to deny minority youth the right to fair treatment by the criminal justice system. Yet this legislation says to the African-American community, the Hispanic community and other minorities that Congress will continue to look the other way while minority youths are confined at disproportionately high rates by the current system.

What this bill says to minorities is that although we recognize that your children are more likely to be arrested than their white counterparts, we don't care, that although your children are being referred to juvenile court and adult court, at significantly higher rates than white youths, we're turning our backs on you.

It is essential for this legislation to retain fair requirements to deal effectively with this crisis. Current law does not require the release of juveniles. It does not require incarceration quotas. It does not require any other specific change of policy or practice. It does not take prevention money away from white youths and give it to minorities.

Disproportionate minority confinement is a serious problem requiring an ongoing and continuous effort to achieve a juvenile justice system which treats every youth fairly, regardless of race or background.

Examples of what the states are doing to address this challenge are numerous. In Pennsylvania, the State Commission on Crime and Delinquency provided funds to initiate prevention and intervention programs, including:

A drop-out prevention program; a program to help young minority females learn work and life skills; a program to decrease the delinquency rate and increase the level of school retention and success among targeted youth through life skills workshops, tutoring and homework assistance, physical fitness and sports, community service projects, and monthly parent group meetings.

By contrast, the underlying legislation encourages states to prosecute even more juveniles as adults. It allows records of juvenile arrests—not necessarily convictions—to be made available to schools, colleges and vocational schools. It requires school districts to mandate policies to mandate expulsion from school for regular possession of drugs, alcohol, or even tobacco.

The consequences of disproportionate minority confinement are harsh and unacceptable:

The Sentencing Project reported that ⅓ of all African-American males age 20–29 in the United States are under the jurisdiction of the criminal justice system—either in jail, in prison, on probation, or on parole.

The juvenile justice system often acts as a feeder system for minority youth into the adult criminal justice system.

In most states, the result of an adult felony conviction is the loss of voting rights. 1 in 7 of the 10 million black males of voting age are now either currently or permanently disenfranchised from voting-diluting the political power of the African-American community.

A significant impact of arrest or incarceration is often the reduction of future wage earning and employability. One study showed a 25% reduction in the number of hours worked over the next 8 years.

The truly tragic consequences of disproportionate minority confinement are removal of large numbers of potential wage earners, a disruption of family relationships and a growing sense of isolation and alienation from the larger society. These statistics only give us a small glimpse of the harsh consequences. They don't begin to tell the story of young black youth being targeted, harassed, intimidated, and treated differently because of their race.

The United Methodist Church has said that ignoring discrimination in juvenile sentencing * * * is 'careless, callous, and discriminatory enforcement of law.' "

Ed Blackmon, Jr., Mississippi State House of Representatives, has said the "So many of these young people have great potential for overcoming their troubles, and becoming successful young men and women in their communities. However, with the absence of good legal representation, and families that are not 'well-connected', they find themselves locked up, with very little hope."

Kweisi Mfume, President and CEO of the NAACP, has said, "The fact that S. 254 eases the requirement that states address the disproprotionately high numbers of children of color in juvenile detention facilities is, in itself, a crime."

Marian Wright Edelman, Founder of the Children's defense fun, has said "With troubling reports of police brutality and racial profiling, Congress must continue to work with the states to ensure that the juvenile justice system affords our youth equitable and fair treatment, and not repeal the previous decade's worth of progress."

This past weekend, in her address to the National Conference on Public Trust and Confidence in the Justice System, Supreme Court Justice Sandra Day O'Connor emphasized the need for racial equality and better legal representation, and called for improvements in family and juvenile courts. She also cited a 1999 survey entitled "How the Public Views the State Courts". According to that survey, 70% of African-American respondents said that African-Americans as a group, receive "Somewhat Worse" or "Far Worse" treatment from the courts than whites. A substantial number of whites agreed with this assessment.

As Justice O'Connor so aptly stated, "Concrete action must be taken" to erase racial bias.

At the very least, we cannot offered to retreat from the requirements of current law that the states must recognize and address this festering problem. To do less is unacceptable. I urge the Senate to accept our amendment and do the right thing on this critical issue of racial justice.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I yield 10 minutes to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 10 minutes.

Mr. DOMENICI. Mr. President, I will speak on our time in opposition to another subject for 10 minutes.

I rise today to address the issue of media and teen violence. I am sure I cannot do better than Senators who have spent so much time this month on this issue. I congratulate Senators McCAIN, HATCH, BROWNBACK, BOND, and LIEBERMAN for their efforts.

However, because last year I had a personal, although long-distance encounter, with one of the more notorious characters in the media world, I thought I might share that event. First, I will start with a few observations of a more general nature.

First, just four short observations:

One, clearly a large body of research proves that the media target violence to teenagers. The movie and television rating system is too often unenforced. I urge my colleagues to read Sissela Bok's book, "Mayhem," for a systematic look at the selling of carnage and rage to our youth by the media pushers.

Second, this issue is not new. Indeed, back in 1993 Senate bill 943, the Children's Television Violence Protection Act, was introduced in this body. Before that, we had a wide-ranging debate about television and movie violence in the 1980s.

So far, the entertainment industry, using the best public relations that money can buy, and by hiding their refusal to accept any restriction on their poison behind the first amendment of the Constitution, have been able to increase the violence and mayhem of their products without any accountability.

In 1954, the Senate Judiciary Subcommittee, chaired by then Senator Estes Kefauver, asked whether violence in media was destructive. The media kings said more research was needed. In 1969, the National Commission on Violence concluded that years of exposure to violence will cause the vulnerable among us to engage in violence much more readily and more rapidly.

I should add that CBS executives censored the script of CBS reporter, Daniel Schorr, when he tried to report this finding on television news.

In 1972, a massive report by Surgeon General Jesse Steinfeld concluded that a definite and causal relationship existed between violence viewing and acts of aggression. Then, in 1981, data further supporting Surgeon General Steinfeld's report was issued. This report was published by the American Psychological Association, a group of Boston pediatricians. They summarized 30 years of research on the subject: Watching violence causes aggressive behavior. That is their conclusion. To use the technical finding, there is a causal link between exposure of children to violent images and subsequent violent behavior.

As Senator BROWNBACK pointed out earlier, there is more and more evidence every single year that violence on television, in music, in movies, damages our children and leads some of them to act out of some of their violence in their daily lives.

Look at the trend lines. As violence has proliferated in the movies and on TV, juvenile violence has come right along with it and proliferated just as the violence in movies and on television.

Recently, at an event at which he raised $2 million from Hollywood, even President Clinton said, "As studies show, hundreds (of vulnerable children) are more liable to commit violence themselves as a result of watching violence on television or in the movies."

Both the American Medical Association and the American Association of Pediatrics have warned against exposing our children to violent entertainment. These doctors have to help rebuild the lives of children emotionally, sometimes physically maimed by elements of the entertainment industry.

Number 4, finally it is clear to me that the relevant committees of the U.S. Congress must continue to focus on this subject because the Congress sometimes has a short attention span, and the mind polluters know this. We have not had a comprehensive, intensive series of investigations.

But Congress should do this: We have subpoena power, which the relevant committees have, and should be used to compel those who hide to come forth and reveal the memos, the research, and the marketing tools they use to sell death and dismemberment to our children.

Mr. President, I hope that Senators will investigate the selling of movies that have the PG–13 ratings to those that are 7, 8 and 9 years of age as happened with Jurrasic Park. As Senator LIEBERMAN said recently, "The evidence strongly suggests that Joe Camel has sadly not gone away, but has been adopted by the entertainment industry instead."

In addition, we hope that committees will work on innovative legislation along the lines suggested by Senator BOND that will simply do one thing, the one thing the industry cares about: Making it less profitable to make and sell death and hate. Only by doing that will we force change. We have tried moral suasion and it is not working, although it is by far the best solution.

Let me conclude, Mr. President, with a personal interaction with one of the more outspoken opponents of change, Mr. Edgar Bronfman, chief executive officer of Seagrams Limited, which owns, among other things, Universal Studios and Universal Music Group, the world's largest record label.

On October 5, 1998, I wrote a letter to him. In that letter, I endorsed the plea of the National Alliance for the Mentally Ill, that Universal Studios, owned by Mr. Bronfman, add a statement to the studio's remake of the film "Psycho."

As most of my colleagues know, the subject of mental illness and efforts to help those afflicted, the work to remove the stigma of mental illness has been one of the issues I have worked on for much of my career.

So when I made my appeal I suggested that the industry merely note that in the years since 1960, when Alfred Hitchcock first made his movie, we have seen major advances in the treatment of major mental illnesses. We asked the statement also note that millions of Americans affected by those brain disorders are leading fulfilled lives because of medical research. We wanted to end the stigma attached to people who are mentally ill, and thus ask for a special favor.

I ask unanimous consent my letter of October 5 to Edgar Bronfman be printed in the RECORD, as well as the National Alliance for the Mentally Ill bulletin about the movie.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OCTOBER 5, 1998.

Mr. EDGAR BRONFMAN,
President and CEO, The Seagram Company Ltd., New York, NY.

DEAR MR. BRONFMAN: As you may know, I have a strong interest in improving the awareness and treatment of mental illness. Improving perceptions and policies toward the mentally ill has become an important goal for both my wife, Nancy, and me.

I am aware that your company, as the owner of Universal Studios, is sponsoring the remake of the film, "Psycho". The National Alliance for the Mentally Ill (NAMI), has suggested that a message, such as the one below, should be displayed at the beginning of the film. This message would be an important preface to a film that depicts mentally ill characters in extremely negative terms. I support this initiative to recognize the availability of treatment and improve awareness. Times have changed since 1960 and I believe it is important to recognize that the mentally ill have a right to medical attention without undue stigma from society.

The statement might read:

"Since 1960 when the original film Psycho was made, knowledge of the major mental illnesses has grown enormously. People who suffer from these brain disorders can be medically treated and are no more violent than the general population when they are under treatment.

"Please view this remake of Psycho keeping in mind that millions of people are affected by these brain disorders. They can now lead fulfilled lives and contribute to society because of medical research and treatment that has occurred over that past three decades.

"It is vitally important that we erase the stigma that surrounds mental illness."

I appreciate your consideration of this matter and appreciate a positive response.

Sincerely,

PETE V. DOMENICI,
U.S. Senator.

STAND AGAINST UNIVERSAL STUDIO'S REMAKE OF THE FILM "PSYCHO"

Universal Studios is starting this week to remake the 1960 film "Psycho," called a classic because of its master film maker Alfred Hitchcock.

However, NAMI members and friends know—and need to share with the film makers of 1998—that the myths and misconceptions of this film, and the title itself, simply refuel the damaging and pervasive stigma that already envelopes the lives of people with mental illness.

NAMI is out to bust stigma wherever it exists. Each of us must help by letting the owner of Universal Studios know that stereotyping persons with mental illness in "Psycho" is as unacceptable and offensive as stereotyping race, religion, ethnicity or any other physical illness.

Research shows that persons with mental illness do not commit violent acts when they are under treatment and taking their prescribed medications.

Send your letters to: Mr. Edgar Bronfman, Jr., President & CEO, The Seagram Company Ltd., 375 Park Avenue, New York, NY 10152.

Flood Mr. Bronfman's office with your letters! Write yours today and get your friends at home to do the same!!!

BOARD STATEMENT: REMAKING OF THE FILM "PSYCHO", JULY 1998

Whereas, NAMI, the Nation's Voice on Mental Illness, works to provide education, advocacy, and support for all those affected by serious brain disorders, such as schizophrenia, bipolar disorder (manic depression), major depression, obsessive compulsive disorder, or panic disorder;

And whereas, the 1990's, known as the "Decade of the Brain," has shown through advances in scientific research and varied treatment options that mental illnesses are no-fault brain disorders that can be effectively diagnosed and treated;

And whereas, it has been documented that individuals with brain disorders who are in treatment and responsibly managing their illness are no more prone to violence than those in the general population;

And whereas, NAMI, ever working to combat the pervasive stigma surrounding mental illness, finds images in the mass media that negatively influence the public's perception of serious mental illness, such as those portrayed in the 1960 Alfred Hitchcock film "Psycho", to be unfounded, hurtful, and demeaning to NAMI's 185,000 members; be it

Resolved, That, although NAMI recognizes Alfred Hitchcock as one of the film industry's most respected, innovative, and influential craftsmen, preeminent for his work in the "thriller" genre and for often focusing on the psychological motivations and underpinnings of his characters;

NAMI believes that Alfred Hitchcock's acknowledged classic "Psycho" was based on outdated, stigmatizing notions of family culpability and inherent violent tendencies in those with mental illness;

And therefore NAMI registers its strongest objection to a remake of the film "Psycho" as planned by Universal Studios wherein individuals with serious mental illnesses are portrayed inaccurately and alluded to disparagingly.

Mr. DOMENICI. About 3 weeks after I sent my letter, on October 29 I received a response, not from Mr. Bronfman, but from one of his lawyers. I ask unanimous consent this letter of October 29, 1998; be printed in the RECORD at this time.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNIVERSAL,
Universal City, CA, October 29, 1998.

Hon. PETE DOMENICI,
U.S. Senate, Washington, DC.

DEAR SENATOR DOMENICI: Edgar Bronfman, Jr. forwarded to me your October 5, 1998 letter regarding the film "Psycho." He asked that we carefully consider the issues that you raised.

As you know, "Psycho" is a remake of Alfred Hitchcock's 1960 film—a work that is widely regarded as a "classic." the cultural, historic and aesthetic significance of the film was recognized by the Librarian of Congress when he selected it for inclusion in the National Film Registry.

The film that Universal Pictures will be releasing later this year is as true to the original as any "remake" in the history of our industry. While it is updated for today's audience in that it is filmed in color and uses modern special effects, it follows the original dialogue and images almost scene-by-scene.

Universal's Motion Picture Group has given the issues that you raised a good deal of thought. We believe it is significant that the film does not trivialize the issues that you raised or in any way ridicule or belittle those who suffer from mental illnesses. Importantly, the marketing campaign for the film tracks the storyline and does not attempt to undermine the important progress that society has made toward better understanding mental illness.

The art of storytelling, by its very nature, can involve subject matter that some may find disturbing or uncomfortable. We believe that preambles such as the one you suggest cannot, as a practical matter, be used to address the concerns that may present themselves to some members of the audience.

My colleagues and I at the studio would be glad to meet with representatives from the mental health community. We believe that such a meeting would help us better understand the issues that you raise and heighten our awareness of the progress that has occurred in the field. Because we might find ourselves working on films that address mental health issues in the future, we would welcome the opportunity to enhance our sensitivity to and understanding of the subject matter. We have found similar meetings with other outside groups to be worthwhile and productive in the past.

Respectfully yours,

KAREN RANDALL,
Senior Vice President & General Counsel.

Mr. DOMENICI. To put it in polite terms, the lawyer suggested that maybe those of us concerned about mental illness could meet with Universal Studio lawyers to talk things through, sort of a therapy session for those too sensitive to the world. But the lawyer was clear, Universal Studios was not going to add any language that the Alliance for the Mentally Ill had asked of them and suggested. After all, the movie is a classic, they said, and critics have said so. In short, the message was, you are being a little sensitive, but do not disturb the creative genius that is at work here.

Then I read in recent weeks more accounts of the distinguished Edgar Bronfman. It seems he was one of the entertainment kings who refused to attend the White House Conference on Teen Violence and the Media. He also refused to participate in hearings into teen violence and marketing of violence to teens that Senator BROWNBACK held on May 4 of this year. But this time the gentleman found time to pontificate about those who tried to show leadership and the relationship between the music and television shows and movies he produces and the violence affecting our teenagers. He said:

> It is unfortunate that the American people get finger pointing and chest pounding from government officials.

And having delivered himself of such nonsense, Mr. Bronfman departed to Florida to dedicate a theme park.

I decided to learn more about him. It turns out he inherited a business from his family—nothing wrong with that. He decided to branch into the media. He now heads Universal Studios, which recently gave us the classic, "The Mummy." He should be proud. It turns out that one of his musicians is Marilyn Manson, winner of the MTV award for the new best artist of the year. Manson is the author of such classics as "Irresponsible Hate Anthem," which contains the line, "Let's just kill everyone and let your God sort them out." And then using the "f" word.

This was just one song on the Bronfman-produced album, "Anti-Christ Superstar." I think he should be proud of what he produces.

I say that obviously not meaning it.

Even when thoughtful members of the entertainment industry, like Rob Reiner and Joel Schumacher call for real, honest review of the guts, gore, and godlessness Hollywood turns out, the distinguished Bronfman disagrees. He says that attacking Hollywood for its culture of degradation is opportunism. He seems to have a very similar view to that expressed by another Hollywood executive who said the first amendment "keeps the Government out of our industry and lets us be what we want."

This is more than facile cynicism. It is more than merely mercenary spirit. This is the cry of those who have thrown aside all notions of good and evil and who merely want the rest of us to let them be. They want to sell whatever they can to whoever they can entice and want the rest of us to let them be. After all, who are we? Parents? Grandparents? Public officials? American citizens? Who are we to criticize them?

These people should look at their deeds and be proud—really proud.

Let me conclude by asking simply this question: What in the world would our Founding Fathers make of an interpretation of this great document called the Constitution that claims that the glorification of rape, dismemberment, violent death is unequivocally and absolutely protected by freedom of speech?

The result is we are seeing kids imitating art, taking their guns to school, joining gangs, and committing acts of violence. I suspect the Founding Fathers would simply have said: Is this the pathetic pass you people have come to? Shame on you. And we would not have made them proud.

The PRESIDING OFFICER. Who yields time on the amendment? The Senator from Alabama.

Mr. SESSIONS. Mr. President, on behalf of Senator HATCH and the managers of this bill, I would like to make a few remarks at this time on the time of Senator HATCH.

Senator DOMENICI, I thank you very much for your willingness to become engaged in this issue, to confront some of these problems. I, like you, do not believe the airways and all this country are necessarily free for every use piped into our homes, for our children, when people are not ready to deal with it.

I wonder if you remember the time when the Pope came to Hollywood, 10 or 12 years ago, and met with movie moguls—at least a decade ago I suppose. I have a vivid recollection of members coming out of that meeting. He had all the Hollywood titans and moguls there. He talked to them about the need for them to improve the entertainment they were putting out. He urged them to do better.

The Hollywood titans came out and they were interviewed on the television. They said: He made some very good points. We have to consider that. We have to do better.

I remember Charlton Heston came out at the very end and they said: Mr. Heston, do you think anything is going to change?

He looked right in the camera and said: They wouldn't change if the Lord himself spoke to them. They are after ratings and the almighty dollar.

If we do not have power under the first amendment to constrain some of this, I think it is quite appropriate that they be taken to task and they be urged, in the name of decency and humanity, to clean up their act. If you have to make money, do you have to make it at this low a level?

I wonder if the Senator has a comment on that.

Mr. DOMENICI. I do. I talked to the Senate a little bit lately about character education. I am putting a statement in the record regarding Character Counts, an education program which utilizes six pillars of character. One of them is responsibility and another is trustworthiness. We are all excited about this program and hoping our children will learn responsibility and trustworthiness—meaning don't tell lies, be responsible for the agreements you make, to the covenants you have, to the institutions you support.

Isn't it interesting, everybody says we ought to be promoting this because our children need it. Actually, I do not know how to stop what I have described about Hollywood tonight. I do not know how we can do it in law. But sometime or another, somebody has to be responsible. Somebody has to step up to the bar in the movie industry and say we ought to challenge those who work in the industry, who produce these products that are going out to our children and to our people, and see if we can't turn it in another direction. Do we have to pick the easiest prey, our children, and produce the easiest film that will make money? You know they all make money if you load them with this kind of violence and degradation. Can't the movie industry work on something better? I think that is the challenge.

I do not have an answer, but maybe a group will be formed and among them they will grow up. Maybe some board of directors of some corporation with a mother or a grandmother on the board may for once ask: What are we putting on television? Can we look at the programs that we are spending our corporate dollars on and see?

Wouldn't that be something, if every chief executive, instead of listening only to his advertising man, had a board that wanted to see what they were buying. Not only by way of advertisements, but also programs they bought? That might be a nice idea, if people started doing that, you might hear some mothers and some grandmothers and some parents speaking out.

Mr. SESSIONS. I think the Senator is correct. We do have authority as Senators to speak out.

The President spoke out in a radio address just a few days ago, according to the Washington Post. He broadcast a radio address bluntly challenging the purveyors of violent movies and video games to accept a share of the responsibilities for the tragedies, such as the Columbine High School massacre, based on the evidence that some people become desensitized and are more prone to emulate what they see on the screen.

However, reading this very same article, when he went out, within hours of that radio address, and met personally with the titans of Hollywood, he delivered that message "with all the force of a down pillow."

The Washington Times said he assured the filmmakers that they were not bad people, as they showered him with $2 million. He assured them they had no personal responsibility for the Columbine High School massacre in Littleton, CO. Instead of blaming Hollywood for making violent films, he said the real blame lies with theaters and video stores that show them and sell them to minors.

The President told the audience of stars and studio moguls that they should not blame the gun manufacturers either, but he blamed the Republican Members of Congress who will not enact his gun control laws. The President gingerly suggested at the Saturday night fundraiser in Beverly Hills that sustained exposure to "indiscriminate environments can push children into destructive behavior," but he added quickly, the producers, directors, and actors who ponied up $2,500 per couple are not at fault. "That doesn't make anybody who makes any movie or any video game or television program a bad person or personally responsible with one show with a disastrous outcome. There is no call for finger pointing here." He later went on to note we were going to work it out as family.

We need to send a clearer message than that. Perhaps his radio message was a better message. It is unfortunate that when he met with them face to face, he toned it down an awful lot, apparently. I suggest, if the Senator will comment, which one does he think those media moguls are going to believe was his real view, the one he said on the radio or the one he said to them personally?

Mr. DOMENICI. Let me first respond by saying what I forgot to say when the Senator from Alabama first stood up. I should have congratulated him for the excellent job he has done on this bill. He has been on the floor when I have handled lengthy budget bills and a lot of amendments. He was there to encourage me. I think we worked nicely together. He learned some things during the budget resolution.

What a marvelous job the Senator has done under very tough circumstances. I commend him for that.

Frankly, it seems to me we need every bit of leadership we can get to assess this issue and be realistic about it. From the President on down, leaders have to tell the truth. Those people who are involved in the business of producing movies and films which our young people view, which we know are more apt to cause them to use guns, are more apt to cause them to do violent things, they need to acknowledge the truth.

For those in the entertainment industry to say there is no proof that movies cause violence, what kind of proof do you need? There are multiple studies that say there is a relationship.

Does the Senator remember when he was growing up that people would say, "Well, if you read a good book, it is going to be good for you"? Doesn't it follow that if you read something that is not good, you are apt to learn that also? Whoever defines good or bad, that is up to them. But it is just obvious that one cannot see all of this violence and not be adversely affected by it.

Just starting with that and saying let's all acknowledge that, what do we do about it? There may be a lot of different things. Certainly I do not have the prescription, and I did not say I did. But I think we ought to begin by saying that we should not get this into the minds and hearts and senses of our young people. We ought to find a way to avoid it. We ought to find a way to give them better things to view, better things to hear.

It seems to me the country would be so relieved if some of those leaders in that industry were to step forth and say: We just formed a group that is going to try to do that. We don't know how successful it will be.

They might be shocked. It might be very successful.

I yield the floor.

Mr. SESSIONS. Mr. President, I will briefly make some comments concerning the Wellstone-Kennedy amendment and share some thoughts on this situation with which we are wrestling.

Right across the street on the marble of the U.S. Supreme Court are the words "Equal Justice Under Law." That is a cornerstone of American thought. It is a cornerstone of our belief of who we are as a people. It is critical that we maintain that in our juvenile and adult court systems, and that in all aspects of our American court system we recognize that people who come before the court must be treated equally, regardless of their station, regardless of their race, regardless of their sex, and regardless of their religion. That is so basic to who we are as a people.

We have not always been perfect in that. In fact, we have made a number of errors over the years. Less than an hour ago, I met in my office with Dr. Glenda Curry, who is the president of Troy State University in Montgomery. She is completing work on the Rosa Parks Museum. Rosa Parks was a victim of an unfair system, and when asked to move to the back of the bus in Montgomery, AL, in the 1950s, she said no. She refused to move, and she challenged an unjust law and was able to overturn that.

To say we have never had problems or we do not have problems in the fairness of law is not accurate. This Nation has made tremendous progress. We are moving well to eliminating those kinds of things. They are just not showing that.

I will tell our concerns which are so troubling. Under the previous legislation, that Senators WELLSTONE and KENNEDY proposed to use again in this bill, the law required, before a State can receive money, they have to submit a plan and their plan shall "address efforts to reduce"—reduce—"the proportion of juveniles detained or confined in secure detention facilities, secure correctional facilities, jails, and lockups who are members of minority groups if such proportion exceeds the proportion such groups represent in the general population." It says the numbers have to be reduced based on race.

We need to strive to make sure that nobody is incarcerated who is not guilty of a crime, but we ought not be passing a law requiring the reduction of the proportion of juveniles confined if it simply does not meet a perfect numerical percentage.

I believe, as a result of my study of the Supreme Court decision in Adarand as well as other cases, that this is unconstitutional, and it is certainly bad policy.

Under the leadership of Senator HATCH, who is a scholar on these issues and who has held hearings on what to do about quotas and affirmative action, the Judiciary Committee developed and passed this legislation with this language, and we changed it slightly. This plan, which the States have to submit to be eligible for funding shall, "to the extent that segments of the juvenile population are shown to be detained or confined in secure detention facilities, secure correctional facilities, jails and lockups, to a greater extent than the proportion of these groups in the general juvenile population, address prevention efforts designed to reduce such disproportionate confinement, without requiring the release or the failure to detain any such individual."

In other words, this focuses on the problem more directly. It says that when you have $1 billion of prevention money in this juvenile justice bill, that prevention money needs to be directed to try to prevent crime. But it also suggests that that prevention effort ought to be directed to those kids if they are in a minority population that exceeds the number in the general population in the juvenile court system.

So I think this is a reasonable and constitutional provision. I think it is a right step. I simply and reluctantly must say I have to oppose this amendment. I just do not believe it can be justified under what I understand to be a legitimate constitutional law.

I yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I am prepared to yield back the remainder of our time if the other side is. But let me just put an article in the RECORD. It is by the Center for Equal Opportunity entitled "Unconstitutionality of 42 U.S.C Sec. 5633(a)(23)." It is written by Roger Clegg. I think it makes an awful lot of sense. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Center for Equal Opportunity, May 5, 1999]

UNCONSTITUTIONALITY OF 42 U.S.C. SEC. 5633(a)(23)

(Roger Clegg*)

42 U.S.C. sec 5633(a)(23) requires states that wish to participate in the Formula Grants Program of the Juvenile Justice Delinquency and Prevention Act to submit a plan that shall, inter alia, "address efforts to reduce the proportion of juveniles detained or confined * * * who are members of minority groups if such proportion exceeds the proportion such groups represent in the general population."

In our view, this provision is not only misguided as a matter of policy but also unconstitutional.

The Supreme Court has made clear that any use of a racial classification by any government is presumed to be unconstitutional. It declared in *Personnel Administrator of Massachusetts v. Fenney*, 442 U.S. 256, 272 (1979): "A racial classification, regardless of its purported motivation, is presumptively invalid and can be upheld only upon an extraordinary justification." More recently, the Court held that the Constitution "requires strict scrutiny of all race-based action." *Adarand Constructors, Inc. v. Pena*, 515 U.S. 200, 222 (1995); see also *City of Richmond v. J.A. Croson Co.*, 488 U.S. 469 (1989).

It cannot be seriously argued that subsection (23) does not use racial classifications and does not encourage funding recipients to do so. Juveniles must be classified according to race in order for subsection (23 to be followed, and different government actions are contemplated depending on those classifications. Further, one set of consequences obtains if minority groups are "overrpresented" and another set of consequences if nonminorities are "overrepresented."[1]

In determining whether a racial classification exists, it is always useful to put the shoe on the other foot. Suppose a state announced that it would intervene to bring down the number of white people who were detained or confined whenever that number was greater than ten percent of the minority detention and confinement rate. There would be no serious argument that the state was not using a racial classification.

Accordingly, the only remaining legal issue is whether subsection (23)'s racial classification passed "strict scrutiny." This requires that it be justified by a "compelling" interest and that it be "narrowly tailored" to that interest.

Strick scrutiny cannot be passed. The only compelling interest the Supreme Court has recognized in recent years is the remediation of past discrimination, and it is difficult to conceive of any other compelling interest here.[2] But remedial justification is clearly implausible for subsection (23).

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[1] The racial classification would remain, however, even if recipients were required to reduce the "overrepresentation" of nonminority groups, too.

[2] The remedial justification is apparently the basis for subsection (23). See U.S. Dep't of Justice Office of Juvenile Justice & Delinquency Prevention, *Juvenvile Justice Bulletin* (Sept. 1998), at 1. See also 28 C.F.R. sec. 31.303(j) (1998).

Justice Powell thought that "diversity" in higher education presented a compelling interest, but no other justice joined his opinion in *Regents of the University of California v. Bakke*, 438 U.S. 265 (1978), and in any event Justice Powell's explanation of the importance of diversity was peculiar to the university context and has no application to prisons. An argument that, to ensure public confidence in our criminal justice system, the inmate population must

Continued

In the first place, the subjects of the racial classification here are juveniles, which means that they were born in 1982 or later. Thus, they were not alive during the days of slavery or Jim Crow, let alone sufferers during them. Moreover, there is no evidence that all prospective funding recipients have a current or even recent history of racial discrimination, and there is no requirement under subsection (23) that only recipients with such a history are required to use racial classifications. The Supreme Court has made clear that a particularized showing of past discrimination in the specific context being remedied is necessary. See *Croson*, 488 U.S. at 498–506 (subpart III–B); see also *Bakke*, 438 U.S. at 307–10 (subpart IV–B) (opinion of Powell, J.). We note that one study of recent data from the Bureau of Justice Statistics found that, for cases filed in state courts in the seventy-five largest counties in May 1992, blacks were actually more likely than whites to be acquitted in jury trials for most felony crimes. Robert Lerner, "Acquittal Rates by Race for State Felonies," in *Race and the Criminal Justice System* (Center for Equal Opportunity 1996).[3]

It is also noteworthy that the federal government is not administering subsection (23) in a way that requires that the racial classification being used be aimed at ending discrimination in the criminal justice system. To the contrary—if the September 1998 *Juvenile Justice Bulletin* ("Disproportionate Minority Confinement: 1997 Update"), published by the U.S. Justice Department's Office of Juvenile Justice and Delinquency Prevention, which administers subsection (23), is any indication—most subsection (23) programs are not aimed at the criminal justice system at all, but are instead aimed at preventing antisocial behavior in juveniles from ever occurring in the first place. See also 28 C.F.R. sec. 31.303(j)(3) (1998) (Justice Department regulations require intervention irrespective of cause of disproportion).

This preemptive approach makes a great deal of sense—and it underscores why the race-based approach of subsection (23) itself does not. The criminal justice system is not to blame for the disproportionate number of offenders from some minority groups, and the problem of juvenile crime is not limited to any one racial or ethnic group, even if some groups may be disproportionately represented among juvenile offenders. Urging that funding recipients view the problem of juvenile crime through a racial lens is exactly the wrong thing to do. Programs for at-risk youth should not be limited to minorities, as if only blacks and Hispanics commit crimes and as if it is not equally tragic when a white youth becomes a criminal.

Indeed, it sets a very dangerous precedent to argue that the government may target racial and ethnic groups for special attention if members of those groups are disproportionately likely to run afoul of the law. Such precedent could be used to justify, for instance, the use of racial profiling by the police. We are, therefore, surprised that the NACCP is urging its members to support subsection (23). See NACCP, *Urgent Action Alert* "Re: Juvenile Crime Bills" (Mar. 31, 1999).

*Roger Clegg is vice president and general counsel of the Center for Equal Opportunity, a Washington, D.C.-based research and educational organization. Mr. Clegg is a former Deputy Assistant Attorney General in the Justice Department's Civil Rights Division and teaches employment discrimination law as an adjunct professor at George Mason University School of Law. He is a graduate of Rice University and Yale Law School

Mr. HATCH. Mr. President, if the other side is prepared to yield back, I am prepared to yield. If not, we will reserve the remainder of our time.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. There have been statements made on the floor of the Senate on this question that I want everybody in the country to know about. I want to have a chance to address these questions. We certainly will use the rest of our time.

I yield 5 minutes to the Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I thank you and especially thank the Senator from Minnesota for yielding me the time, but especially for his tremendous leadership on this issue, as well as Senator KENNEDY.

This amendment merely preserves the status quo with respect to the disproportionate minority confinement core requirement of the juvenile justice deliquency prevention formula grants.

Disproportionate minority confinement is a serious problem in many of our States, and has been for quite some time. Just as an example, in Pennsylvania, studies in the late 1980s showed that while minorities constituted only 12 percent of the juvenile population, they represented 27 percent of juveniles arrested and 48 percent of juveniles charged in court. In 1995, in Ohio, minorities comprised 14 percent of the state's juvenile population, but 30 percent of those arrested and 43 percent of those placed in secure correctional institutions.

And currently, nationwide, although African Americans constitute only 15 percent of the U.S. population of juveniles, they account for 26 percent of juvenile arrests, 46 percent of juveniles in secure corrections facilities, and 52 percent of juveniles transferred to adult criminal court after judicial hearings.

A study in California showed that minority youths consistently receive more severe sentences than white youths and are more likely than white youths to be committed to State institutions for the same offenses. And here is another disturbing statistic: nationwide, African American males are 30 times—30 times—more likely to be detained in State juvenile facilities for drug offenses than white males. In Baltimore, African American males are roughly 100 times more likely to be arrested for drug offenses than white males.

These statistics are repeated across the country. I sincerely hope that this is a problem that everyone in this body is concerned about. And it is not just unfairness or discrimination in the juvenile system that should concern us. Because juvenile confinement often is the first step toward a lifetime of going through a revolving door between prison and freedom. Confinement has devastating effects on families as well, and provides tragic role models for even younger children.

We ought to be doing what we can to address these disparities. The DMC core requirement is not a panacea, but it has been working well in directing attention and resources at this problem. It does not and I repeat, it does not—require quotas in detention facilities or direct the release of any juvenile from custody. It simply requires States to develop plans to address the problem.

Since 1992, our States have been required to address DMC in their State plans. Some 40 states have completed the assessment phase and are implementing plans to try to address whatever problems they have identified. They are working on creative approaches, programs of education and vocational training, tutoring, dropout prevention, truancy intervention, and other efforts to keep at risk children in school. And States have been developing alternatives to incarceration for nonserious, nonviolent offenses. All of these things, developed at the state and local level, are positive efforts to address a serious social problem. We should be encouraging them, not undermining them by eliminating this core requirement, as the bill would do.

Mr. President, this is well worth the effort on this floor. Again, I strongly commend Senators WELLSTONE and KENNEDY for offering this amendment.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. WELLSTONE. Mr. President, just before we go forward with this time, I understand the Senator from California is going to make a request. For just a moment, before I get started responding, could I ask unanimous consent that this time not be counted against any of ours because there may be an interruption here for another amendment.

Mr. SESSIONS. Object. Reserving the right to object, we have been using time. On what subject?

"look like America," is similar to the argument that Justice Powell rejected immediately in *Bakke*, 438 U.S. at 307 (subpart IV–A). Furthermore, the inmate population has never reflected society generally insofar as it is younger, more male, and poorer.

While preventing crime may be a compelling interest, preventing crime by members of particular races is not, and so the use of racial classifications serves no compelling anticrime interest—or, alternatively, the use of race is not narrowly tailored to that interest.

[3] A recipient may also be tempted to avoid subsection (23), or show that it is making progress under it, by treating minority and nonminority offenders differently—either releasing more minority offenders than would normally be the case, or detained and confining more nonminorities. Thus, subsection (23) may actually encourage discrimination in the criminal justice system in situations where it was not occurring.

Mr. WELLSTONE. I say to my colleague, we would not count this time. I am trying to be accommodating to Senators over here who may want to briefly do an amendment, and then let us use our last 10 minutes. I just want to see——

Mrs. BOXER. Go ahead.

Mr. WELLSTONE. OK. I guess that did not work.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, colleagues, 15 percent, ages 10 to 17, of the kids in this country are black; 26 percent of all juvenile arrests are black; 32 percent of delinquency referrals to juvenile court are black; 46 percent of juveniles in public long-term institutions are black; cases judicially waived to criminal court, for 52 percent they are black.

This is a civil rights issue. I cannot believe what I have heard on the floor of the Senate tonight. We have been told there are more black kids who are incarcerated because they commit more crimes. We have been told that these statistics, whether it be for African American or Latino or Native American or Southeast Asian, they are a reflection of the number of kids who commit the crimes and who get the justice they deserve.

We have already recited study after study after study that shows for the same crime many of these kids get stiffer sentences or many of these kids wind up incarcerated as opposed to other kids. This is all about race. I cannot believe that I have heard on the floor of the Senate an argument that race is not the critical consideration.

When the police are out there in the streets, and we get to which kids are searched on the streets and which kids are not, you don't think that has anything to do with race? When we get to the question of which kids are arrested and which kids are not, you don't think that has anything to do with race today in America?

When we get to the question of the evaluation of youth by probation officers, you don't think that has anything to do with race? When we get to the question of the decision whether to release or detain by a judge, based upon who has the money and who does not have the money to put up a bond, you don't think that has anything to do with race, Senators?

When we get to the question of sentencing, you don't think that has anything to do with race? You are sleepwalking through history. You are sleepwalking through history.

This is all about race. This is a civil rights issue and this is a civil rights vote. Let me just say, when I hear my colleague argue that this amendment is unconstitutional because it makes a racial classification, that claim is outrageous. This amendment does not treat anybody differently on the basis of race, and you know it. It does not treat anybody differently. The Supreme Court cases cited have nothing to do with this question. Adarand was about who gets construction contracts.

You know what this amendment is about? This amendment is about preventing the majority party—I hope not too many in the majority party—from repealing the existing protections that we now have in law that have never been challenged as being unconstitutional that make sure there is some core requirement that calls upon States, to do what? To collect the data and to study the problem, and to try and do something about it.

You are going to vote against this amendment? You go ahead. You go ahead and vote against this amendment, if that is what you want to do.

I think it would be tragic if we didn't have strong support for this amendment. This is all about race. This is a civil rights vote. This is why there is such strong sentiment on behalf of this amendment. This is why every civil rights organization has been involved in this amendment. This is why so many of the children's organizations, like CDF, are involved. We have had the core requirement in our legislation. It has been there since 1992 or 1993. It calls upon States to study the question and to try to do better.

And they are doing better. We are making progress. And now you want to discard this? You want to toss this overboard?

This is all about race. I cannot believe that any Senator in this Chamber believes that these statistics are a reflection of who commits the crimes and who deserves to be incarcerated. My God, I cannot believe it. I cannot believe it.

If you want to turn the clock back on some progress we have made, some racial progress we have made that is so important to kids, so important to communities of color, and so important to the Nation, you will be making a tragic mistake. That is why there were 400 votes for legislation that embodies the very language that we have in our amendment in the House of Representatives.

I hope we have bipartisan support for this amendment tonight. I reserve the remainder of my time, because I want to respond to whatever else might be said on the floor of the Senate on this amendment.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. How much time remains for each side?

The PRESIDING OFFICER. The Senator from Utah has 19 minutes 25 seconds. The Senator from Minnesota has 4 minutes 39 seconds.

Mr. HATCH. Let me say a few words. I think everybody in this body wants to do whatever they can to end discrimination wherever it is. I haven't heard one shred of information that proves there is discrimination here. When you prove that, I will be right there side by side with you. Nor have I heard much of a reason how you get around the fact that crimes are committed, and it is the type of crime and the quantities of crime and who is doing it that makes a difference in our society and why people are locked up.

I think you have to look at the crime. You can't just get out here and say, well, there is disproportion; therefore, there has to be something wrong. You have to show what is wrong.

Frankly, I do not think the other side has shown what is wrong here.

Mr. DURBIN. Will the Senator yield for a question?

Mr. HATCH. Sure.

Mr. DURBIN. Does the Senator recall when General McCaffrey testified before the Senate Judiciary Committee last year and I asked the general, who was in charge of trying to reduce drug crime in America, if it were true that of those committing drug crimes in America, 13 percent are African American, and of those incarcerated for committing drug crimes in America, 67 percent are African American? He said: Yes, it is true. I don't have an answer.

Now, I say to the chairman of that committee, I don't know if you were there during that questioning, but if you are looking for an indication of why Senator WELLSTONE's amendment is important, that statistic alone should give the Senator from Utah some pause. I hope he will consider that we are not going to release anyone who has been charged with a crime but merely step back and try to make sure the administration of justice is colorblind in this country and that it is fair and try to eradicate the statistic which was quoted and verified by General McCaffrey.

Mr. HATCH. Let me say this again, what are the crimes? What is the extent of the crimes? How serious are they?

The fact that 13 percent of the offenders are African American and 67 percent of those incarcerated are—I don't see any information here saying that higher percentage was unjustifiably put in jail. These percentages don't tell us what the crimes were in the individual cases. If these individuals committed a crime, then they go to jail. Does that mean there are a lot of white people getting off? I don't see any evidence of that, either.

Do you have evidence that minority juveniles are more likely to be detained for the same crime as white juveniles? I don't think you do. For example, is there evidence that African Americans who are charged with possession of crack cocaine are given more severe sentences than whites for crack cocaine? Is there evidence? I don't know of any.

My point is, I don't think my colleagues on the other side are arguing that if people commit heinous crimes and they are convicted and sentenced to jail that they shouldn't be. Now, if there is some evidence that law enforcement is ignoring white people who commit these same heinous crimes, then I am with you. I don't know of any evidence of that.

Statistics are statistics are statistics, but when people go to jail, it is generally because they have committed crimes.

What is your solution? To let them out of jail? Crack cocaine distributors? Is your argument that white crack dealers get away with it because they are smarter or they are protected somehow or other? I don't think you are making that argument. I can't imagine you would make that argument. So I don't know why there is a higher percentage, but I do know that almost without exception—there certainly are some instances where the law is not applied justly, I am aware of that—but almost without exception, people who commit these heinous crimes go to jail for them.

I don't think you are arguing to let them out of jail. But then, again, how can you argue, then, that if they are committing the crimes and are going to jail, that for some reason or other there is some reason why they are going to jail where others aren't? I don't see the argument myself. Plus, you are adding racial classifications, mandated racial classifications in this amendment. To me it is not even a question of constitutionality. There is no question it is unconstitutional.

With that, I reserve the remainder of my time.

Let me retain it for a second and say one other thing. One would think, listening to my friend from Minnesota, that our bill does absolutely nothing to deal with this problem. You hear this very emotional set of arguments as though the Hatch-Biden-Sessions bill does absolutely nothing about these problems. S. 254, in my opinion, has a much better provision to solve these problems than the distinguished Senator from Minnesota.

The bill as written, as before the Senate, requires that prevention resources be directed to "segments of the juvenile population" who are disproportionately detained. Now, such "segments of the population" could include, for example, certain socioeconomic groups who are more likely to be at risk. S. 254 directs prevention resources to such groups who need those resources the most. So we try to do something about it rather than just cite statistics.

I don't see how you get around the fact that these people are sentenced and sent to jail because they have committed crimes. Just because there are statistics that indicate that more than a proportionate share of the general population is going to jail, I don't know how in the world you get around the fact that these crimes are being committed by individuals—individuals who just happen to be of one race or another. But we do try to address it by directing prevention resources to such groups who need those resources the most. I think that is the way to do it.

I will work with my friends on the other side to see that we do things that make sure those moneys work.

A National Research Council study, published by the National Academy of Sciences no less, found that:

> Few criminologists would argue that the current gap between African American and white levels of imprisonment is mainly due to discrimination of sentencing or in any other decisionmaking process in the criminal justice system.

If the National Academy of Sciences is wrong, show me the evidence. Just because this disparity exists, liberals throw their hands in the air and say there must be something wrong, but they can't prove it, other than to show statistics. I hope they will be with me in saying that people who are justly sentenced for heinous crimes shouldn't be let off just because there is a disproportionate sentencing because more crimes are committed by one group than another. I don't see how anybody can argue with that point. You know, it must be nice to always act like you are caring for the little guy, when, in fact, you are not willing to do what has to be done in order to help resolve these problems.

Now, 55 percent of this bill is for prevention—55 percent of it. I don't remember any crime bill in my time here—there may have been one, but I can't remember it—where we put more money into prevention than law enforcement and accountability. But we have done it here, and one reason is to try to solve these problems. If there is a segment of our population that seems to have certain socioeconomic problems that literally have caused them to be disproportionately convicted—I don't even think the word "disproportionate" is right—but more convicted than their racial group's percentage in population group might suggest, we want to spend more money on prevention for those people. And that is what this bill does. It doesn't take a lot of sense to recognize that is a pretty good proposition, and we have it in the bill.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. WELLSTONE. Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator has 4 minutes 30 seconds.

Mr. WELLSTONE. Mr. President, in all due respect to my colleague from Utah, I don't think anybody in the civil rights community all across this land will be reassured. I will work with you on the language. With all due respect, some of these arguments about surely you are not for letting blacks out of jail —of course not. The Senator knows what the amendment says. The Senator knows it is not about quotas; it is not about letting anybody out of jail. The Senator knows this is all about calling on States to study the problem. The Senator knows that. We have had this core protection since 1993. Why do you think it is the case? There has been a history for this. It started in 1988. Then we passed this amendment in 1993. It is based upon all kinds of studies, all kinds of work, which has provided the empirical evidence, which should be of no surprise to any Senator here, that we have a problem in our country of disproportionate minority confinement.

We want to try to understand why minority kids who represent about 33 percent of the population represent about 66 percent of the kids who are locked up. We want to come to terms with that. Could it have anything to do with their race, in terms of who gets swept up in the streets? Could it have anything to do with who actually ends up getting a good evaluation or not by a probation officer? Could it have anything to do with who is released or detained by a judge? Could it have anything to do with who is sentenced and for how long a period of time?

My colleague doesn't think race has anything to do with this. If you don't think race has anything to do with this, that we don't have any problem with discrimination in our country, or that States right now are collecting data and trying to come to terms with this problem, which is exactly what our amendment says—continue with this good work—then you should not vote for this amendment. But if you think this is an issue that deals with race in America, that this is a civil rights question, and you think it was a good thing that we had this core protection, this core requirement in our juvenile justice legislation and it would be a tragic mistake for us to take this protection out that just calls for States to study the problem and try to redress the problem, then you should vote for this amendment.

This is the language of the amendment:

> Address juvenile delinquency prevention efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of minority groups who come into contact with the juvenile justice system.

Senators, Democrats and Republicans alike, that is what you are voting on. This is a civil rights vote. The more I hear my colleagues speak on the floor of the Senate—I think what has been said is heartfelt, but it is historic. Some Senators don't think there is an issue with discrimination. There are some Senators who don't think there is a problem of disproportional sentencing. There are some Senators who think we should remove this protection. There are some Senators who want to turn the clock back. But I am telling you, this is a central issue for the civil rights community in this country and for child advocacy groups.

I certainly hope we will be able to pass this amendment. If we don't pass this amendment, this juvenile justice legislation will have taken a step backward when it comes to justice. I don't think it will be a piece of legislation that will be worth supporting. I don't think Senators should support legislation that turns the clock back on the progress we have made dealing with racial justice. I don't think Senators should support that, and I think Senators should support this amendment. This is the civil rights question, the civil rights issue, and the civil rights vote on this bill. My good friend from Utah doesn't want to say that. He doesn't want to face up to that reality, but that is what this vote is all about.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HATCH. Mr. President, this is not a civil rights vote. This is a vote that is an emotional vote. That is, they cannot show any reasons why people who commit heinous crimes should not go to jail. They are saying because there is a disproportionate number of African Americans—to select one group because that is the one they are talking about—going to jail for crimes they were convicted for, that somehow there is something wrong with that. Everybody in America knows that people are sentenced to jail because they have committed crimes. I admit that occasionally there are injustices in our courts, but they are very rare. When they do occur, I will decry them as much as my friend from Minnesota.

This is what you call a bleeding heart amendment. They can't show the facts; they don't have any facts on their side. They are using statistics. They are ignoring the fact that people are convicted of these crimes and need to serve time for them, regardless of skin color; and they are ignoring the fact that we take care of this problem by providing a disproportionate amount of the prevention funds to help segments of the population having difficulties because of socioeconomic difficulties. That is the way to face it and solve the problem. Don't just complain about the problem. What is the solution? Is it that these people should not serve their time? Should they not be convicted when they sell drugs to our kids? Everybody knows that it happens.

It is nice to talk about civil rights. The fact of the matter is that nobody is more concerned about civil rights than I am. If anyone can show me where there is prejudice, if they can show me where these people are not justly convicted, that is another matter. I will be right there marching with them. But they can't and they know it.

Mr. President, I am going to yield 2 minutes to the distinguished Senator from Alabama, and then I will yield back the remainder of our time.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I thank the Senator from Utah for his leadership. He raises a good question about statistics and how they can be misleading. I had, of course, served as attorney general of Alabama, and I have a brief here that was submitted on statistics involving whites and blacks on death row in Alabama. Now, 52 percent of those on death row in Alabama are white; 46 percent are black. But that percentage of the black population is substantially higher on death row than in the State. But the study goes on to show that the percentage of homicides committed in Alabama by blacks was 71 percent; yet, they represented only 46 percent of the people on death row.

So I don't know what any of those numbers mean. I am not sure they are very beneficial to anybody. But if you look at it one way, it looks like it is unfair. If you look at it another way, it looks like it is not unfair. So the Senator is correct that we need to have proof of individual wrongs instead of passing a law that is going to require the reduction of people in prison based on a statistical study.

I yield the floor.

Mr. HATCH. Mr. President, how much time do I have?

The PRESIDING OFFICER. Seven minutes.

Mr. HATCH. How much does the other side have?

The PRESIDING OFFICER. Zero.

Mr. HATCH. I yield back the remainder of my time, and we can yield to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky.

AMENDMENT NO. 365

(Purpose: To discourage the promotion of violence in motion pictures and television productions)

Mr. McCONNELL. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky (Mr. McCONNELL) proposes an amendment numbered 365.

Mr. McCONNELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . PROHIBITION ON PROMOTING VIOLENCE ON FEDERAL PROPERTY.

(a) GENERAL RULE.—A Federal department or agency that—

(1) considers a request from an individual or entity for the use of any property, facility, equipment, or personnel of the department or agency, or for any other cooperation from the department or agency, to film a motion picture or television production for commercial purposes; and

(2) makes a determination as to whether granting a request described in paragraph (1) is consistent with—

(A) United States policy;

(B) the mission or interest of the department or agency; or

(C) the public interest;

shall not grant such a request without considering whether such motion picture or television production glorifies or endorses wanton and gratuitous violence.

(b) EXCEPTION.—Subsection (a) shall not apply to—

(1) any bona fide newsreel or news television production; or

(2) any public service announcement.

Mr. McCONNELL. Mr. President, my understanding is I have 15 minutes.

The PRESIDING OFFICER. That is correct.

Mr. McCONNELL. I ask the Chair to notify me when I have 3 minutes left.

Mr. President, the amendment that is now pending would require that when granting permits necessary for filming a movie or a TV show on Federal property, or with Federal equipment, the relevant agency's approval criteria now would include a consideration of whether the film glorifies or endorses wanton and gratuitous violence. The message is simple: The Federal Government will not allow Hollywood to promote excessive and wanton violence in our house.

America's children are exposed to incessant and endless hours of violent movies and television productions each year. Exposure to this violence desensitizes our children to brutality and killing and gives them "glamorous" murderous acts to emulate. This exposure is like pouring gasoline on fire.

Yes, the children who commit terrible acts of violence must have a number of deep and troubling problems. However, the glorified wanton violence depicted in movies and on TV is fuel that Hollywood is dousing on those children and their smoldering internal problems. This is not a revelation. Indeed, a 1996 American Medical Association Study concluded that, "The link between media violence and real life violence has been proven by science time and time again."

Most people know, intuitively, that there is a strong link between media violence and real life. Why is it that no one in Hollywood seems to care? Are they the only ones who are oblivious to this phenomenon? Why is there no shame about the violent junk they are making and MARKETING to our kids? Why do we hear Hollywood give speech after speech after speech on every fad-driven cause under the sun, and yet rarely ever do we hear them mention reforming themselves and refraining from marketing violence to our children.

Let's take a look at some of the media violence that our children are exposed to.

First, let's go to the movies.

Now, I'm told that Leonardo DiCaprio and Keanu Reeves are two of the biggest teen idols out there today. These photographs are both from recent hit movies—"The Basketball Diaries" and "The Matrix".

Thanks to the occupant of the Chair, Senator BROWNBACK, the Republican Senators had an opportunity to see some of the scenes from "Basketball Diaries" recently. That is one of the scenes from it here on my left.

The "Matrix," featuring Keanu Reeves, is here on my right.

You can see from these photographs that Hollywood is taking the biggest teen idols and creating these glamorous, powerful, violent images to send out to our young people. These are role models for children.

As you can see here, in "Basketball Diaries," teen idol DiCaprio is wearing a long, black trenchcoat and packing a shotgun. In this movie, DiCaprio's character has a fantasy of walking into his high school classroom and opening fire on his schoolmates and his teacher.

Thanks to the Senator from Kansas, Mr. BROWNBACK, we had an opportunity to see this scene from that film. I think we would all agree—those of us who saw it—it literally turns your stomach.

These violent images became reality in the community of Paducah, Kentucky, barely 17 months ago. In a Paducah high school, the DiCaprio Dream was played out in real life. I'd like to read for my colleagues an excerpt from a Newsweek article about "Basketball Diaries" and the senseless tragedy in Paducah.

> "The Basketball Diaries" may not have been 14-year-old Michael Carneal's favorite movie. But one scene in particular stayed with the awkward Paducah, Ky., freshman: a young character's narcotic-tinged dream of striding into his school, pulling a shotgun from a black leather coat and opening fire. The real-life scene in the bloodied halls of Heath High School last Monday was a long way from Hollywood. Unlike handsome actor Leonardo DiCaprio's dramatic entrance in 1995's "Diaries," skinny, bespectacled Michael bummed a ride to school that day from his 17-year-old sister, Kelly. Instead of cinematically kicking down a classroom door, Michael quietly followed Kelly into the school through the band room, where he told a curious teacher that the four guns bound together with duct tape and wrapped in an old blanket were "a poster for my science project." Loitering in the hall, Michael waited for a prayer group of 35 students to lift their bowed heads and say "Amen." He then took a fifth gun, a semiautomatic .22, from his backpack and fired off 12 shots, killing three students and wounding five. Before the police arrived, Carneal would tell a teacher, 'it was like I was in a dream.'

Looking back at Paducah, and now Littleton—and looking at these Hollywood images of teen idols—can leave no doubts. Hollywood violence DOES influence our children, in the worst way.

Let me tell you about this other hit movie—"The Matrix." The image of this character is strikingly similar to that over here of Mr. DiCaprio. Let me read to you how an article in the Washington Post described watching the Matrix.

> The sold-out theatre was filled with younger teens, despite the R rating, and at times I felt as if I were watching a dramatization of the killings that had just occurred in Littleton, Colorado.
>
> In one scene, protagonists played by Keanu Reaves and Carrie-Anne Moss arrive at an office building where their adversaries are holed up. Dressed in black leather coats, the pair sprays the lobby with automatic weapons fire. The scene is a gorgeously choreographed ballet of mass killing, a triumph of Hollywood's ability to represent graphic violence. As bullets riddle a dozen twitching bodies, spent shell casings cascade downward in slow motion. The victims of this orgy of killing are police officers.

I have heard some in Hollywood say that these violent movies are for adults—not for our impressionable children. Those comments simply are not credible. The reality is that Hollywood markets many such movies to teenagers. For proof, one need only to look as far as the hit Teen Movie—"Scream." In this movie young, beautiful high school students slay, stab and butcher each other and their teachers for two non-stop hours. "The movie builds to a finale in which one of the killers announces that he and his accomplice started off by murdering strangers but then realized it was a lot more fun to kill their friends." Where is the Shame, Hollywood?

Mr. President, if the sights and sounds of Hollywood were not enough for you, let me take you to the next level: the gutter of the new millennium—violent videogames. This is a dimension where our children are not limited to be mere watchers. Rather, in videogames they are participants—active participants. America's children can descend as low as a twisted, demented videogame will take them.

I think these games have been best-described by Retired Lieutenant Colonel David Grossman, a former professor of psychology at West Point who now teaches a course to green berets on the psychology of killing. He calls them "Murder Simulators." These are the "games" our children are playing.

In the videogame "Postal" the goal is straightforward: kill as many townfolk as possible without being killed yourself. The maker of this game boasts, "Chilling realism as victims actually beg for mercy, scream for their lives and bodies pile up on the street." That game maker certainly has no shame.

I want to share with you some fascinating excerpts from a recent "60 Minutes" episode with Retired Lieutenant Colonel David Grossman, the former West Point professor I mentioned earlier. They discussed the "skills" these games are teaching our children.

> Colonel GROSSMAN. The same basic mechanisms that we use, step by step, to make killing a conditioned response in our soldiers, are being done in the games that the kids go and play.

Mr. President, let me tell you what Colonel Grossman had to say about Paducah, Kentucky and Michael Carneal.

> Colonel GROSSMAN. Michael Carneal, a 14-year-old boy, has never fired a pistol before in his life. His total experience was countless, thousands and thousands of rounds in the video games. When Michael Carneal opened fire; he fired eight shots. . . . [H]e got eight hits on eight different kids. Five of them were head shots. The other three were upper torso. Now, the F.B.I. says in the average engagement, the average officer hits with less than one bullet in five.

Grossman concluded:

> GROSSMAN. Here's what's fascinating about this crime. . . . He held that gun and he fired one shot at every target. Now, that is not natural. [A]nybody that's ever been in combat will tell you that the natural thing is to fire at a target until it drops. But the video games train you—if you're very, very, very good, what you'll do is you'll fire one shot—don't even wait for the target to drop—you don't have time—go to the next, and the next. And the video games give bonus effects for head shots.

Mr. President, I understand that the Motion Picture Association has been lobbying heavily against this amendment. I want to make sure everybody understands what this amendment really does. It is quite mild.

The problems evidenced by these video games and movies are complicated and complex. We are not going to solve them overnight. I do believe it is time that Hollywood take more responsibility. We need to send the message to Hollywood: Don't bombard our children with glamorous portrayals of gratuitous and wanton violence.

Under the first amendment, we cannot and we should not seek to deny the right of free speech to anyone. However, as the Senate, we can encourage Hollywood to take responsible steps to protect our children. We can make sure the Federal Government does not co-star with Hollywood in any movies that glorify or endorse wanton and gratuitous violence.

The Federal Government already currently grants permits to Hollywood, allowing them to film on Federal property or allowing them to borrow Federal equipment such as jeeps or weapons to use in these films. Many government agencies and departments currently decide whether or not to cooperate with a film or TV production based on the nature and message of the proposed production.

For example, DOD decides whether to grant Federal filming privileges based on whether a production "appear[s] to condone or endorse activities . . . [that] are contrary to U.S. Government policy."

In other words, "Top Gun" is OK, but "GI Jane" is not. The military rolled out the red carpet for "Top Gun" while "GI Jane" had the door shut in her face.

When deciding whether to cooperate with a movie, NASA determines whether the "story is reasonably plausible, does not advocate or glorify unlawful acts, . . . or present as factual history things which did not take place."

The Coast Guard looks at whether, among other things, the Coast Guard's cooperation "is in the public interest." Let me quote to you from 14 United States Code Section 659, where Congress has mandated in federal statute that the Coast Guard cannot provide facilities or assistance to film producers unless it determines "that it is appropriate, and that it will not interfere with Coast Guard missions."

The point is the Federal Government is already engaged in a clearance process when a motion picture seeks to be made on Federal property. We are not adding requirements that are not already there, with one exception. In this amendment where Federal agencies are already engaged in a subjective clearance process, either through statute or through policy, we add to it this standard: Promoting and endorsing or glorifying violence.

Clearly, this is not infringing on the movie industry's first amendment rights. They can simply go out and make their movies somewhere else. What we are saying here, if we are going to use our property, Federal property, and the agency already has a subjective clearance process, gratuitous, wanton and gratuitous violence needs to be added as a factor.

I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. VOINOVICH). Who yields time in opposition?

Mr. LEAHY. Mr. President, I yield myself such time as necessary out of the time we have available.

I listened to my good friend from Kentucky, and he is my good friend. We have been together on more issues than we have been apart.

I note one thing: As I recall, in reading the reviews of the movie "Matrix" it was filmed in Australia, so this amendment, I assume, notwithstanding the graphic picture with Keanu Reeves, would not be covered?

Mr. MCCONNELL. I say to my friend from Vermont that particular movie was not made on Federal property. I am sure my friend from Vermont would not be arguing that it ought to have been made on Federal property.

Mr. LEAHY. I am not one who is particularly interested in violent movies. I have been to too many crime scenes, too many murder and shooting scenes in a prior public life to do it.

Mr. President, I yield 5 minutes to the distinguished Senator from California.

Mrs. BOXER. Mr. President, I feel very strongly that this amendment should not pass.

I wanted to add to what Senator LEAHY has said. As far as I know, none of the movies or programs he talks about, and certainly none of the games—because games are made from computers—were ever made on Federal property as far as I could tell. I think that is an important point.

It is interesting that just today, just today, one of the committees here in the Senate voted out some new rules that would govern the filming on Federal property. It was voted out of the committee. I think it is unfortunate we are bringing this up just while we are trying to resolve all of these questions.

I think it is important to read the amendment. I have it in front of me, and it uses words that are very subjective, words like "wanton violence." I looked that up in the dictionary because under this amendment we are giving Federal bureaucrats who are not trained as critics of film or critics of television programming the job of deciding whether there is wanton violence.

One of the meanings of "wanton" is excessively luxurious. So, somebody deciding this could decide to go with that definition. Another meaning of "wanton" is without adequate motive or provocation. These words carry different meanings for different people. The Senator from Kentucky has his definition of gratuitous violence, of wanton violence. The dictionary has another. Who knows what the bureaucrat at the FAA will decide violence is, when it is up to him to decide whether his property could be used, or a bureaucrat at the Department of the Interior?

I got a call from a Republican friend who said: Senator, I hope you fight this. We couldn't make a western, we couldn't make a war movie. What about a movie that talks about a family in which there are violent relationships and these all get resolved in the movie? Some of the scenes are rough and difficult, but there is a purpose.

I am sure my friend would say that is not gratuitous, but that is his opinion. It might not be the opinion of the bureaucrat sitting in the agency or department that he is now charging with becoming a film critic.

Mr. MCCONNELL. Will the Senator yield?

Mrs. BOXER. I yield on the Senator's time.

Mr. MCCONNELL. I don't have that much time. I ask the Senator if she thinks the standards that currently apply and are used by DOD and mandated by statute for the Coast Guard, which are very subjective, should be repealed?

Mrs. BOXER. I am addressing the Senator's amendment and the Senator's amendment says any department. It uses the words "wanton, gratuitous." I think these words are very, very subjective. It is the reason I didn't vote for Senator HOLLINGS' amendment when he came to the floor—it was the same idea.

My constituents are concerned this amendment would potentially prevent war movies, westerns, or stories about abusive relationships which find peace and harmony in the end from being filmed on Federal property. It gives bureaucrats in many Federal agencies the authority to decide what violence is.

I didn't run here for this job to be an art critic. That is why when we criticize the art world, I think we have to be very careful, because we are not art critics. Most Members are pretty good at what we do, but we are not art critics; neither is a bureaucrat over at Interior or FAA or any of the other departments that will now deal with this.

I say, as a parent and a grandparent, I do not want to give this kind of power, this kind of job to an elected, let alone an unelected, person sitting at some Federal agency. I think it is pretty incredible. I do not know where we go from here, I say to the good Senator.

Why not, if you want to take this to the ultimate extreme, then say private property cannot be used, private property cannot be used for this purpose, and tell the people of America how they should use their private property? Where do you stop? This is a slippery slope.

We all know that every one of us has to look inside ourselves and do something about this problem of violence. Whether you are a parent or a grandparent or a Senator, whether you are in the movie business, in the TV business, whether you are in the video game business, we all have an obligation—or whether you are a firearms manufacturer. The bottom line is we all have to do more.

But to then say that bureaucrats in the Federal Government are going to make these subjective decisions? I want the people at FAA to fly the planes. I want the people at the Department of the Interior to take care of the parks. I want the people at the Department of Transportation to regulate transportation. I do not want to give them this job of deciding for the people of America what the definition of "wanton" is; or "gratuitous," for that matter.

The PRESIDING OFFICER. The Senator's 5 minutes has expired.

Mrs. BOXER. I ask for 1 additional minute, and then I will conclude.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. I was involved in this debate once over at the Committee on Commerce. I will never forget this experience, I say to my friend. Word came over from a Congressman—because he wanted the Government to do a rating system, he wanted to give the job to the Government—one Congressman thought "Schindler's List" was obscene. Others thought "Schindler's List" was one of the best movies ever made and it would be important for our children to learn about the Holocaust.

Why do I say this? Because it shows how subjective it is. I do not want Federal Government employees who are not trained as critics to become movie critics and TV critics.

I thank my colleague for yielding me this additional time. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. Mr. President, how much time does the Senator from Vermont have?

The PRESIDING OFFICER. The Senator has 6 minutes remaining.

Mr. LEAHY. Wait a minute, Mr. President. I yielded the Senator a total of 6 minutes, the Senator from California, out of 15 minutes. How do I have 6 minutes?

The PRESIDING OFFICER. The Senator used 2 minutes before yielding to the distinguished Senator from California.

Mr. LEAHY. I see. Fast clock.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, this amendment prohibits any Federal agency, such as the Marines, Army, Navy, or Air Force, from granting permission to use Federal property or resources or cooperating if the motion picture or TV show to be produced "glorifies or endorses wanton and gratuitous violence." If any portion of the movie uses any Federal property, the entire movie is subject to Federal scrutiny

Federal agencies, other than the military, would be given these new censorship powers, too. The Department of Agriculture could determine if it is on forest lands or rights of way of the Interior Department and otherwise. Could they have kept "North By Northwest" with Cary Grant off because the visitors center scene at Mount Rushmore was in it? What about "Fargo"? What about the Presidio military base in San Francisco that was used as a setting for the Sean Connery movie, "The Presidio"? This amendment is flawed. What glorifies violence is in the eye of the beholder.

Even movies, like legislation, have last-minute changes. Would you have to have a Department of Agriculture bureaucrat sitting there all the way through? Many scenes in the movie "Top Gun" would have had to be carefully monitored during production to ensure they did not glorify violence. The naval base that was used was Miramar in California.

The fight in "An Officer and a Gentleman" also might be considered excessive by some. What about the gratuitous punch by Jimmy Stewart in "Mr. Smith Goes to Washington"? "The Treasure of the Sierra Madre," uses the vast national forest lands in its filming, even though most of it was filmed in Mexico. Could part of it be knocked out?

There are only exceptions for news and public service announcements, but any movie that is a historical depiction of a war would be subject to agency bureaucrats deciding whether violence was gratuitous or glorifies violence. Sponsors may say: Let them go somewhere else and do their filming, let them go to private property or parklands or military bases. I think that is a shortsighted response. Some may want to use that property to be authentic.

I am concerned how this is going to work. Do we turn over our scripts? If you are a movie producer or maker, do you turn over the script to the Department of Agriculture, Department of the Interior, Department of Defense first and decide whether it is safe? We may not like all that we see from Hollywood. But I have no confidence in the decisions the agency censors make. I am perfectly capable of censoring what I see. I was perfectly capable, when my children were young, to censor what they saw. But I do not want an official, however well intentioned, in the Department of Agriculture or the Department of Defense or the Department of the Interior, to determine what I see.

I retain the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. I want to thank the Senator from Kentucky for his amendment. I just want to be clear on one matter, however. It is my understanding that lands under the BLM, Park Service, and Forest Service are in no way covered or affected by the amendment because they do not consider subjective criteria when determining whether to cooperate or grant permits to a film or TV production. Is that correct?

Mr. MCCONNELL. This is correct.

Mr. HATCH. How much time remains on both sides?

The PRESIDING OFFICER. The Senator has 2 minutes 56 seconds in opposition to the amendment and 1 minute 47 seconds on the proponents.

Mr. HATCH. I ask unanimous consent to make that 3 minutes on the side of Senator MCCONNELL and an equivalent amount of extra time on the side of the minority.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. I didn't hear the request.

Mr. HATCH. I made a unanimous consent request to give Senator MCCONNELL 3 minutes, which would give him another minute and a half, and give you an equal amount of time on your side.

Mr. LEAHY. You are asking for an extra minute and a half——

Mr. HATCH. For Senator MCCONNELL.

Mr. LEAHY. And an extra minute and a half for this side?

Mr. HATCH. For you.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I would like to respond that the observations made by the other side have nothing to do with the amendment, nothing whatsoever to do with the amendment.

Any movie company is free to go make a movie anywhere it wants to in the country and say anything it wants to and be as depraved as it wants to be without interference from Government. This amendment is only related to the use of Federal property.

In many federal agencies and departments there are subjective standards being used now to approve or deny cooperation with film production companies. The thing the Senator from Vermont and the Senator from California are complaining about is already occurring. The Department of Defense has very subjective standards it applies to movies now. For example, it did not allow "GI Jane" to be made on Federal property or with DOD assistance. It did not keep the movie from being made, but the Defense Department did not like it; it had a very subjective standard. They said go make your movie somewhere else. They liked "Top Gun." They allowed it to be made. There is a very subjective standard that applies now.

DOD considers whether a production "appears to condone or endorse activities that are contrary to U.S. Government policy." That is clearly very subjective. Factors in NASA's policy include whether the story is reasonably plausible, does not advocate or glorify unlawful acts or present as factual history things which did not take place—that is fairly subjective.

At the Coast Guard, under statute, the Coast Guard does not provide facilities or assistance to film producers unless the Guard determines it is "appropriate"—very subjective—and that it will not interfere with Coast Guard missions.

Mr. President, a movie company now does not have the inalienable right or constitutional right to come onto Federal property and do anything it wants to. All we are saying, to Federal agencies that have either a policy or a statute giving them the authority to clear these movies for content—and we've seen that some have them now—that they simply add to the list of subjective evaluations they already make a consideration of wanton and gratuitous violence. Surely our colleagues who have spoken on the other side of this are not arguing we ought to repeal the current standards because they are very subjective. Maybe they do not want any standard at all to apply with respect to the use of Federal property.

With regard to the parks system, they do not currently have subjective criteria and standard, so this would not apply to them. They are clearly outside of this.

This is a very narrowly crafted message to Hollywood not to produce this kind of gratuitous and wanton violence on Federal property with federal cooperation. It certainly does not take away anybody's constitutional right to go out and act in as awful a manner as they want to and put it on film. They just wouldn't be able to do it on Federal property.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, we are well aware of what the military does. The military will permit use—in fact, some suggest even will help underwrite, indirectly, the costs of a film if it makes the military look good.

The military has been known in the past to withdraw support, even classic films, if they suggest the military may have made a mistake anywhere—Vietnam or anywhere else. We have seen that kind of censorship.

I understand they are using military areas. I do not necessarily agree with it. I think they have been very sensitive with that, but then the military is used to censorship. They do it with the news. They did it during the gulf war. They did it during Vietnam. I suspect they are doing it now.

What I am concerned about, though, is when you talk about the vast forest land and somebody one day in the Department of Agriculture, who works on, I don't know, dairy price supports, and the next day is going to be the person to censor what goes in that movie, whether that forest can be the background or, if it is out west where the Department of the Interior controls so much land—I can think of movies, shoot 'em ups, with Ronald Reagan galloping by the sites in areas controlled by the Department of the Interior. It might have been declined because somebody did not like him. Maybe somebody who normally does fishing permits in the Department of the Interior will determine what movies will be made or what they like or do not like.

We open ourselves to a strange area. Those who are opposed to wanton violence should do as I do—don't go to those movies. Nothing votes better than your checkbook. If you do not want your children to go to them, do not let your children go to them. Stop the checkbook. That is the way to do it.

Do not put our Department of Agriculture and Department of the Interior and others into censorship. Do not let them make some of the mistakes the Department of Defense has made in the past in refusing permission for something because they are afraid it will show a general or a colonel or admiral making a mistake, because we all know they never do. I can see them deciding it might be gratuitous violence to show—oh, I don't know—maybe when their bombs go astray and hit the Chinese Embassy. We know they never make a mistake like that, but they may say this is gratuitous violence, so they are not going to allow any help in making such a movie.

I retain the remainder of my time.

Mr. MCCONNELL. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Thirty-four seconds.

Mr. MCCONNELL. Mr. President, it is interesting, in Hollywood lobbying efforts, they always scream censorship. This amendment has nothing to do with censorship. It has to do with the use of Federal property and federal assistance, which is a privilege, not a right.

The Federal Government, through various departments and agencies, already has very subjective standards. We are simply adding to those kinds of standards one more factor—wanton and gratuitous violence. No movie company in America has a right to use any and all Federal property and to get federal assistance anyway. We are just adding one more criterion.

This is a very reasonable amendment. I hope it will be approved by my colleagues.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LEAHY. Mr. President, how much time do I have?

The PRESIDING OFFICER. One minute 17 seconds.

Mr. LEAHY. Mr. President, I can think of some ads I see on local TV at night that are not violent but I find of a personal nature offensive, some of which are filled with backgrounds of Government land. Should we start taking those out?

The fact is, we have a lot of Government sites. Do we stop a movie, for example, that is filmed with somebody driving down Pennsylvania Avenue because the Department of the Interior, the Justice Department, and other Government buildings are seen in the background? Do we make sure there is never any depiction of the Capitol? One of the most violent things was "Independence Day" when a model of the Capitol was blown up. There may have been exterior shots actually made of the Capitol prior to that time. Does that go out?

I suggest these because we are getting into a terribly subjective area, and we are asking people who are trained to do very good things for our Government, whether it is fishing permits, lands permits, or agricultural subsidies—they are not trained, nor should they be, in this Nation especially to be censors.

I know the time of the Senator from Kentucky has expired. I yield back all my remaining time.

Mr. MCCONNELL. I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the previous order, the Senator from California is recognized for 10 minutes.

AMENDMENT NO. 319

(Purpose: To reduce both juvenile crime and the risk that youth will become victims of crime and to improve academic and social outcomes for students by providing productive activities during after school hours)

Mrs. BOXER. Mr. President, I call up amendment No. 319. It is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 319.

Mrs. BOXER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

TITLE . AFTER SCHOOL EDUCATION AND ANTI-CRIME ACT.

SECTION 1. SHORT TITLE.

This Act may be cited as the "After School Education and Anti-Crime Act of 1999".

SEC. 2. PURPOSE.

The purpose of this Act is to improve academic and social outcomes for students and reduce both juvenile crime and the risk that youth will become victims of crime by providing productive activities during after school hours.

SEC. 3. FINDINGS.

Congress makes the following findings:

(1) Today's youth face far greater social risks than did their parents and grandparents.

(2) Students spend more of their waking hours alone, without supervision, companionship, or activity, than the students spend in school.

(3) Law enforcement statistics show that youth who are ages 12 through 17 are most at risk of committing violent acts and being victims of violent acts between 3 p.m. and 6 p.m.

(4) The consequences of academic failure are more dire in 1999 than ever before.

(5) After school programs have been shown in many States to help address social problems facing our Nation's youth, such as drugs, alcohol, tobacco, and gang involvement.

(6) Many of our Nation's governors endorse increasing the number of after school programs through a Federal/State partnership.

(7) Over 450 of the Nation's leading police chiefs, sheriffs, and prosecutors, along with presidents of the Fraternal Order of Police and the International Union of Police Associations, which together represent 360,000 police officers, have called upon public officials to provide after school programs that offer recreation, academic support, and community service experience, for school-age children and teens in the United States.

(8) One of the most important investments that we can make in our children is to ensure that they have safe and positive learning environments in the after school hours.

SEC. 4. GOALS.

The goals of this Act are as follows:

(1) To increase the academic success of students.

(2) To promote safe and productive environments for students in the after school hours.

(3) To provide alternatives to drug, alcohol, tobacco, and gang activity.

(4) To reduce juvenile crime and the risk that youth will become victims of crime during after school hours.

SEC. 5. PROGRAM AUTHORIZATION.

Section 10903 of the 21st Century Community Learning Centers Act (20 U.S.C. 8243) is amended—

(1) in subsection (a)—

(A) in the subsection heading, by inserting "TO LOCAL EDUCATIONAL AGENCIES FOR SCHOOLS" after "SECRETARY"; and

(B) by striking "rural and inner-city public" and all that follows through "or to" and inserting "local educational agencies for the support of public elementary schools or secondary schools, including middle schools, that serve communities with substantial needs for expanded learning opportunities for children and youth in the communities, to enable the schools to establish or"; and

(C) by striking "a rural or inner-city community" and inserting "the communities";

(2) in subsection (b)—

(A) by striking "States, among" and inserting "States and among"; and

(B) by striking "United States," and all that follows through "a State" and inserting "United States"; and

(3) in subsection (c), by striking "3" and inserting "5".

SEC. 6. APPLICATIONS.

Section 10904 of the 21st Century Community Learning Centers Act (20 U.S.C. 8244) is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) in the first sentence, by striking "an elementary or secondary school or consortium" and inserting "a local educational agency"; and

(ii) in the second sentence, by striking "Each such" and inserting the following:

"(b) CONTENTS.—Each such"; and

(3) in subsection (b) (as so redesignated)—

(A) in paragraph (1), by striking "or consortium";

(B) in paragraph (2), by striking "and" after the semicolon; and

(C) in paragraph (3)—

(i) in subparagraph (B), by inserting ", including programs under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.)" after "maximized";

(ii) in subparagraph (C), by inserting "students, parents, teachers, school administrators, local government, including law enforcement organizations such as Police Athletic and Activity Leagues," after "agencies,";

(iii) in subparagraph (D), by striking "or consortium"; and

(iv) in subparagraph (E)—

(I) in the matter preceding clause (i), by striking "or consortium"; and

(II) in clause (ii), by striking the period and inserting a semicolon; and

(E) by adding at the end the following:

"(4) information demonstrating that the local educational agency will—

"(A) provide not less than 35 percent of the annual cost of the activities assisted under the project from sources other than funds provided under this part, which contribution may be provided in cash or in kind, fairly evaluated; and

"(B) provide not more than 25 percent of the annual cost of the activities assisted under the project from funds provided by the Secretary under other Federal programs that permit the use of those other funds for activities assisted under the project; and

"(5) an assurance that the local educational agency, in each year of the project, will maintain the agency's fiscal effort, from non-Federal sources, from the preceding fiscal year for the activities the local educational agency provides with funds provided under this part.".

SEC. 7. USES OF FUNDS.

Section 10905 of the 21st Century Community Learning Centers Act (20 U.S.C. 8245) is amended—

(1) by striking the matter preceding paragraph (1) and inserting:

"(a) IN GENERAL.—Grants awarded under this part may be used to establish or expand community learning centers. The centers may provide 1 or more of the following activities:";

(2) in subsection (a)(11) (as redesignated by paragraph (1)), by inserting ", and job skills preparation" after "placement"; and

(3) by adding at the end the following:

"(14) After school programs, that—

"(A) shall include at least 2 of the following—

"(i) mentoring programs;

"(ii) academic assistance;

"(iii) recreational activities; or

"(iv) technology training; and

"(B) may include—

"(i) drug, alcohol, and gang prevention activities;

"(ii) health and nutrition counseling; and

"(iii) job skills preparation activities.

"(b) LIMITATION.—Not less than ⅔ of the amount appropriated under section 10907 for each fiscal year shall be used for after school programs, as described in paragraph (14). Such programs may also include activities described in paragraphs (1) through (13) that offer expanded opportunities for children or youth.".

SEC. 8. ADMINISTRATION.

Section 10905 of the 21st Century Community Learning Centers Act (20 U.S.C. 8245) is amended by adding at the end the following:

"(c) ADMINISTRATION.—In carrying out the activities described in subsection (a), a local educational agency or school shall, to the greatest extent practicable—

"(1) request volunteers from business and academic communities, and law enforcement organizations, such as Police Athletic and Activity Leagues, to serve as mentors or to assist in other ways;

"(2) ensure that youth in the local community participate in designing the after school activities;

"(3) develop creative methods of conducting outreach to youth in the community;

"(4) request donations of computer equipment and other materials and equipment; and

"(5) work with State and local park and recreation agencies so that activities carried out by the agencies prior to the date of enactment of this subsection are not duplicated by activities assisted under this part.

SEC. 9. COMMUNITY LEARNING CENTER DEFINED.

Section 10906 of the 21st Century Community Learning Centers Act (20 U.S.C. 8246) is amended in paragraph (2) by inserting ", including law enforcement organizations such as the Police Athletic and Activity League" after "governmental agencies".

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

Section 10907 of the 21st Century Community Learning Centers Act (20 U.S.C. 8247) is amended by striking "$20,000,000 for fiscal year 1995" and all that follows and inserting "$600,000,000 for each of fiscal years 2000 through 2004, to carry out this part.".

SEC. 11. EFFECTIVE DATE.

This Act, and the amendments made by this Act, take effect on October 1, 1999.

Mrs. BOXER. I thank the Chair.

Mr. President, my amendment calls for an expansion of afterschool programs. The purpose of the juvenile justice bill is to cut down on crime, and the debate has been, how do we do that?

There are many ways of cutting down on juvenile crime. Certainly one is the gun control amendments which we have been debating and which have received a lot of attention. Another is tough enforcement, tougher penalties. We have been doing that. And another is prevention. I believe this bill is short on prevention. There is not anything in this bill that specifically talks about afterschool programs.

I share with my colleagues a chart, which is basically from the FBI, which shows when juvenile crime is committed. One does not need a degree in chart reading to see what is happening. At 3 o'clock the crime rate goes up, and it does not go down until the parents start coming home from work. We know it is very important in that period of time to look at ways to keep our kids out of trouble. One proven way is afterschool programs.

Right now, we do have afterschool programs funded by the Federal Government, but we are falling short. Out of the 2.000 school districts that applied for afterschool Federal assistance, only 287 applications were awarded grants because of the lack of funds.

President Clinton understood this. In his budget, he asked us to authorize $600 million. That is what my amendment does. It authorizes $600 million. It allows us to accommodate 1.1 million children, many of whom are waiting on line to get into afterschool programs. These are mentoring programs, academic assistance, recreational activities, drug-alcohol prevention programs, et cetera.

The American people understand the importance of afterschool programs. I want my colleagues to see this. Senator LAUTENBERG said 89 percent of the people supported closing the gun show loophole. Mr. President, 92 percent of the people favor afterschool programs. We have a chance to do what the American people want us to do.

Law enforcement supports our afterschool program, as do over 450 police chiefs, sheriffs, and prosecutors. It is important to look at this list because they are from all over the country.

Let's see what the Police Activities League says about afterschool programs. In a letter of endorsement, they write:

> Afterschool youth development programs, like those proposed in your amendment, have been shown to cut juvenile crime immediately, sometimes by 40 to 75 percent.

I need to say this again. Law enforcement is telling us that afterschool programs cut violent crime by children down by 40 to 75 percent. Name one other thing we have in this bill that can have such a dramatic impact immediately on our children.

I saw an interesting letter to the editor in today's Los Angeles Times. It is from the Republican mayor of that city, Richard Riordan. He says:

> Studies have shown that LA's best—

Which is their afterschool program—

> students enjoy school more, show improvement in their grades and feel safe. The kids do better at school. They do better in all the various schools across this Nation, because they have afterschool.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Forty-four seconds.

Mrs. BOXER. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. HATCH. Let me just say a few words.

I must object to the amendment of the Senator from California. I appreciate the necessity of afterschool programs. I am aware that the 21st Century Learning Centers program supports several efforts in my home State of Utah.

The Senator's amendment, however, increases the program's authorization from $20 million annually to $600 million annually. That adds up to $3 billion over 5 years. The entire underlying bill, which we have been working on for 2 years, only authorizes a little over $1 billion in spending a year—our whole bill.

Again, I express my concerns with attempting to solve a problem by simply throwing more money at it. This amendment attempts to throw $3 billion at a problem our underlying bill will solve because it is effectively written and we know what to do with the money. Our underlying bill will solve many of the problems this amendment by the distinguished Senator from California addresses, without spending such an inordinate amount or settled amount on a single program.

Finally, the Labor Committee is undertaking reauthorization of the ESEA this year. Let that committee do its job in a thoughtful and reasonable way. That would be the place for the distinguished Senator to make her case when that comes up, both in the Labor Committee and on the floor.

I yield such time as he may need to the distinguished chairman of the Labor Committee.

Mr. JEFFORDS. Mr. President, I rise in opposition to this amendment. I agree very strongly with Senator BOXER's goal of increasing the availability of positive, engaging activities for school-aged children and youth during the nonschool hours. This is a very important issue that cannot, and should not, be decided within the context of a floor amendment on the juvenile justice legislation.

Even without this year's Elementary and Secondary Education Act reauthorization, I would have reservations about this amendment. But we do have the Elementary and Secondary Education Act reauthorization in progress, and that is the time when this amendment, or something similar to it, ought to be considered.

As the author of the original 21st Century Community Learning Centers Act, I have an enormous interest in any changes to this legislation, much less changes as dramatic as those proposed in this amendment.

When Congressman Steve Gunderson and I drafted the 21st Century Learning Centers legislation, our purpose was to promote the broader use of school facilities, equipment, and resources. Our largest investment in education is for buildings and equipment, and in most communities these resources are closed more than they are open.

By encouraging schools to share their facilities, equipment, and other resources to meet the broader needs of the community, these centers can expand educational and social service opportunities for everyone in the community.

Until 2 years ago, the Clinton administration failed to support the 21st Century Community Learning Centers, even to the point of repeatedly requesting that funds for the program appropriated by Congress be rescinded.

Then, last year, the administration, through the competitive grants process, substantially changed the focus and indeed, the very nature, of the 21st Century Community Learning Centers program. Overnight, this initiative to expand the use of existing facilities became an afterschool program, almost to the exclusion of the multi-purpose community centers which were envisioned when I wrote the legislation.

This dramatic change in direction for the 21st Century Community Learning Centers program raises questions which must be answered before we can consider such a huge expansion of the program. We will be doing that during the reauthorization of the Elementary and Secondary Education Act, which is now being considered in the Committee on Health, Education, Labor and Pensions. We need to address questions such as: Can the legislation still serve the purposes for which it was originally intended, with the current, overwhelming focus on providing afterschool programs? If it is to be an afterschool program, are there changes needed in the legislation to make it more effective?

If this program is to serve primarily as an afterschool program, where do community organizations such as the Boys and Girls Clubs, YMCAs, fit in? Public schools currently provide less than one-third of the afterschool care, with other community groups providing most of the care.

The current grant program clearly demonstrates that schools are, by and large, failing to coordinate their afterschool services with those of other care providers in the community. And the Boxer amendment does nothing but perpetuate that situation. The amendment by Senator BOXER proposes changes that will eviscerate the act.

The PRESIDING OFFICER. The time in opposition to the amendment has expired.

Mr. JEFFORDS. Thank you, I yield the floor.

Mr. KENNEDY. Mr. President, the 1992 Carnegie Corporation report, "A Matter of Time," called for a major national investment in after-school programs for youth. It said, "Risk can be transformed into opportunity for our youth by turning their non-school hours into the time of their lives."

But, we have not done enough to give children the kind of opportunities they need after school. Just ask children if this is true.

Amy, age 14, said "Sometimes there are so many things you can't do. I can't have company or leave the house. If I talk on the phone, I can't let anyone know I'm here alone. But I really think they've figured it out, you know."

Cindy, age 16, said, "We need someone to listen to us—really take it in. I don't have anybody to talk to, so when I have a problem inside, I just have to deal with it myself. I wish there would be more adults that ask questions because that shows that they care and want to know more."

Each day, 5 million children, many as young as 8 or 9 years old, are left home alone after school. Children unsupervised are more likely to be involved in anti-social activities and destructive patterns of behavior.

We also know that juvenile delinquent crime peaks in the hours between 3 p.m. and 8 p.m. A recent study of gang crimes by juveniles in Orange County, California, shows that 60 percent of all juvenile gang crimes occur on school days and peak immediately after school dismissal.

We need to do all we can to encourage communities to develop activities that will engage children and keep them off the streets, away from drugs, and out of trouble.

Crime survivors, law enforcement representatives, and prosecutors have joined together in calling for a substantial federal investment in afterschool activities. Over 450 of the nation's leading police chiefs, sheriffs, prosecutors, and leaders of local fraternal orders of police, which represent over 360,000 police officers, have called upon public officials to provide more after-school programs for school-age children.

Clearly, financial assistance is needed for such activities in states across the country. Too often, parents cannot afford the thousands of dollars a year required to pay for after-school care, if it exists at all. In Massachusetts, 4,000 eligible children are on waiting lists for after-school care, and tens of thousands more have parents who have given up on getting help. Nationwide, half a million eligible children are on waiting lists for federal child care subsidies. The need for increased opportunities is obvious and this amendment helps to meet it.

Senator BOXER's plan will triple the funds for the 21st Century Community Learning Center initative so that more than 1 million children each year will have access to safe and constructive after-school activities. It also strengthens the current program by including mentoring, academic assistance, and anti-drug, anti-alcohol, and anti-gang activities as allowable uses of the funds.

Additional federal support is essential for communities across the country. This year, the initiative was funded at $200 million. Over 2,000 applicants from across the country submitted proposals to the U.S. Department of Education for that assistance—but only 184 new grants could be funded. We must do more to meet the high demand for after-school programs across the country.

Communities are working hard to provide these after-school activities for children—but they can't do it alone. They want Uncle Sam to be a strong partner in the effort.

Boston's 2:00-to-6:00 After-School Initiative was created in 1998 to expand and enhance quality after-school programs across the city. It has already succeeded in increasing the number of school-based after-school programs by nearly 50 percent. A total of 43 programs now serve over 2,000 students. This year, Mayor Menino has pledged to open 20 more school-based programs. Boston and communities like it throughout the country deserve more assistance in meeting these needs.

Federal support under the 21st Century Community Learning Centers program is helping to meet these needs. Last year, Boston received $305,000 to help the Lewis Middle School and the Tobin Community Middle School in Roxbury, and the Martin Luther King Jr. Middle School in Dorchester to create after-school programs for children.

Springfield received $315,000 to expand their "Time Out for Communities" initiative that is helping the Springfield Public Schools to provide after-school programs to 15,000 students, in conjunction with the Springfield Libraries and Museums, the YMCA, Springfield College, and other organizations in the community.

Worcester received $3.6 million over 3 years to support ten community centers that will serve 4,000 students and 5,000 community members. The Worcester after-school program, called the "Community Learning Centers for Worcester's Children of Promise," will provide a wide range of services, including academic support to help students meet state academic standards; drug and violence prevention programs; information on family health; day care for school-age children; tutoring and mentoring; access to technology for students and their families; summer activities; and adult education.

But much more needs to be done in Massachusetts and across the country, if we are going to keep children safe and help them succeed in school.

We know that after-school programs work. In Waco, Texas, students participating in the Lighted Schools program have demonstrated improvement in school attendance and decreases in juvenile delinquent behavior over the course of the school year. Juvenile crimes have dropped citywide by approximately 10 percent since the program began.

The Baltimore City Police Department saw a 44 percent drop in the risk of children becoming victims of crime after opening an after-school program in a high-crime area. A study of the Goodnow Police Athletic League center in Northeast Baltimore found that juvenile arrests dropped by 10 percent, the number of armed robberies dropped from 14 to 7, assaults with handguns were eliminated, and other assaults decreased from 32 to 20 from 1995 to 1998.

In addition to improved youth behavior and safety, quality after-school programs also lead to better academic achievement by students. At the Beech Street School in Manchester, New Hampshire, the after-school program has improved reading and math scores of students. In reading, the percentage of students scoring at or above the basic level increased from 4 percent in 1994 to one-third in 1997. In math, the percentage of students scoring at the basic level increased from 29 percent to 60 percent. In addition, Manchester saved an estimated $73,000 over three years because students participating in the after-school program avoided being retained in grade or being placed in special education.

One student in the Manchester program said, "I used to hate math. It was stupid. But when we started using geometry and trigonometry to measure the trees and collect our data, I got pretty excited. Now I'm trying harder in school."

In Georgia, over 70 percent of students, parents, and teachers agreed that children received helpful tutoring through The 3:00 Project, a statewide network of after-school programs. Over 60 percent of students, parents, and teachers agreed that children completed more of their homework and the homework was better prepared because of their participation in the program.

One 7th-grade student from Georgia said, "I just used to hang out after-school before coming to The 3:00 Project. Now I have something to do and my school work has improved!"

In 1996, over half of the students who attended Chicago's summer program raised their test scores enough to proceed in high school.

As Mayor Daley of Chicago said, "Instead of locking youth up, we need to unlock their potential. We need to bring them back to their community and provide the guidance and support they need."

We should do all we can to improve and expand after-school opportunities—the nation's children deserve no less.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I ask unanimous consent that I be given an additional minute to the 44 seconds.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mrs. BOXER. I thank my friends.

Frankly, I am kind of surprised to see my friends on the Republican side disagree so strongly with law enforcement in this country. There is a reason we put this on the juvenile justice bill. It is because we know that kids get into trouble after school. You do not need a degree in criminology, psychology, or any other "ology" to understand that is what is happening.

When I held crime meetings, town meetings, all throughout the State of California, the one thing I can tell you the law enforcement people told me—and that is why the National Sheriffs Association supports our amendment—Senator, when we get them, it is too late. When we get them, it is too late. Prevent the crime first.

It goes to the next chart.

Three o'clock, that is when it happens, folks. They get out of school; they have no place to go; they get in trouble. I am stunned to see the Senator from Vermont once again opposing this. This isn't a new program; it is an expansion of the program that was started by President Clinton. And guess what, I say to my friend. They can only fund a minuscule proportion of the applications from the school districts coming from all over the country.

What we would do in this amendment is allow those applications to be funded. This is nothing new. This is nothing extraordinary. It is expanding this program—the same program —to meet the incredible need.

I agree with law enforcement on this one: Keep our kids busy and happy after school. We will see that crime rate go down.

Thank you very much, Mr. President.

The PRESIDING OFFICER. All time has expired on the amendment.

Mr. CHAFEE. Let's vote.

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 364

Mr. HATCH. Mr. President, am I correct, the first vote is the Wellstone amendment?

The PRESIDING OFFICER. That is the first amendment that will be voted on.

Mr. HATCH. Mr. President, I move to table the amendment and ask for the yeas and nays, and I request at the same time that the following two votes be 10 minutes each.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Mr. WELLSTONE. Can I ask one question: Do we have a minute each, or are we not doing that?

Mr. HATCH. We have been debating all night. We will be glad to have 2 minutes before each amendment.

Mr. WELLSTONE. I just wanted to know. I prefer to have 1 minute to summarize.

Mr. HATCH. Let me defer my motion to table and go for 2 minutes equally divided.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. This amendment simply maintains the current core protections in current law. It requires States to study and assess the problem of disproportionate minority confinement. It does not require quotas. It is not unconstitutional. It does not require States and localities to release those in confinement.

This amendment is about fairness. It is about equal justice under the law. This is a civil rights vote.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I think we have more than adequately answered the arguments made by the distinguished presenter of this amendment. We yield back the remainder of our time.

Mr. President, I ask unanimous consent that the first vote be 15 minutes and that the succeeding two votes be 10 minutes each.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HATCH. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 364. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 52, nays 48, as follows:

[Rollcall Vote No. 130 Leg.]

YEAS—52

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—48

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Chafee
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Specter
Torricelli
Wellstone
Wyden

The motion was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 365

The PRESIDING OFFICER (Mr. HUTCHINSON). On the McConnell amendment, there is 1 minute on each side.

The Senator from Kentucky.

Mr. McCONNELL. Mr. President, the amendment we are about to vote on is very narrowly drafted to add one additional factor to those Federal agencies that have subjective standards they apply prior to allowing the shooting of a movie on Federal property.

The subject of the amendment is the making of movies on Federal property and with federal assistance. There are at least three federal entities—the Defense Department, NASA, and the Coast Guard—that currently have quite subjective standards which they apply to the movie industry when asked for permission to make a movie on Federal property or with their cooperation and assistance.

All this amendment does is add one more factor—one, wanton and gratuitous violence—to those standards. Bear in mind this amendment has no first amendment implications at all. Any movie company that wants to make a movie and do anything and say anything and depict anything they want to can continue to do that. They just won't do it on Federal property.

This is a mild amendment that sends a message to Hollywood.

I hope my colleagues will support it.

Mr. LEAHY. Mr. President, the problem with this, of course, is that nobody, when they start out on a movie, knows exactly what form their movie is going to be in in the end. Basically what you are saying is somebody in the Department of Agriculture—for example, if you want to do something on the eastern forest or have eastern forest in the background—some bureaucrat in the Department of Agriculture has to determine, before you even start filming the movie, what the final edited copy of the movie will look like at the end before the decision can be made. That person at the Department of Agriculture might do dairy price supports one day and Block Buster Steven Spielberg movies the next day.

I understand what my friend from Kentucky wants to do. But the best way to censor violence in movies is don't go to violent movies. But don't ask somebody at the Department of the Interior who does fishing permits, for example, to determine whether a national forest can be used as a background somewhere in a movie that has not yet been made.

The PRESIDING OFFICER. The time has expired. The question is on agreeing to the amendment. This will be a 10-minute vote. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 67, nays 33, as follows:

[Rollcall Vote No. 131 Leg.]

YEAS—67

Abraham
Allard
Ashcroft
Bayh
Bennett
Biden
Bond
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
DeWine
Dodd
Domenici
Dorgan
Edwards
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Lieberman
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Thomas
Thurmond
Warner
Wyden

NAYS—33

Akaka
Baucus
Bingaman
Boxer
Cleland
Daschle
Durbin
Feingold
Feinstein
Graham
Hagel
Hollings
Inouye
Kerrey
Landrieu
Lautenberg
Leahy
Levin
Mikulski
Moynihan
Murray
Nickles
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Stevens
Thompson
Torricelli
Voinovich
Wellstone

The amendment (No. 365) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. ROBB. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CHANGE OF VOTE

Mr. KOHL. Mr. President, on the rollcall vote on the McConnell amendment No. 365 to S. 254, I voted no. I ask unanimous consent that I be recorded as voting in favor of the McConnell amendment. Changing my vote will not affect the final outcome of that vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 319

The PRESIDING OFFICER. The next amendment is the BOXER amendment. There are 2 minutes equally divided.

The Senator from California.

Mrs. BOXER. Mr. President, all we do in this amendment is authorize the amount of money we need to fill the need of all those local school districts which have applied for afterschool programs. We know that at 3 o'clock—this is from the FBI—the crime rate goes up and it does not go down until the parents come home from work. We know that afterschool programs will prevent crime.

We also know the reason all these various law enforcement agencies support this is that this is the way to stop crime from happening in the first place.

Mr. BYRD. Mr. President, may we have order.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from California.

Mrs. BOXER. Mr. President, we hope to cut down juvenile crime. What better way to do it than to listen to law enforcement, including the Police Athletic Leagues and the National Sheriffs Association, and so many police chiefs who tell us: Senators, prevention is the name of the game. Once the kids get into the system, we cannot turn them around.

If we will vote for this, we will authorize the appropriate amount of money the local school districts are telling us meets the needs of 1.2 million children. I hope my colleagues will support this amendment.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. This adds $3 billion to programs we already covered in our prevention programs and does it in a way that has more Federal intrusion.

I move to table the amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 319.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced, yeas 53, nays 47, as follows:

[Rollcall Vote No. 132 Leg.]

YEAS—53

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—47

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Snowe
Specter
Torricelli
Wellstone
Wyden

The motion was agreed to.

Mr. ASHCROFT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I have a unanimous consent request I would like to propound. First, obviously, we have had the last vote for the night. I thank the managers of the bill for their diligent efforts. I thank Senator REID for his efforts, and Senator ASHCROFT, and Senator FRIST, and Senator HARKIN, and Senator LAUTENBERG, who have all been willing to at least make concessions so that we can make progress. Senator DASCHLE and I appreciate that. The consent we will ask would provide for two amendments to be brought up in the morning, and it would be the Gordon Smith/Jeffords amendment, followed by the Lautenberg amendment, with a vote on both of those at 10:30. The pending business is still the Harkin amendment, but we would intend at that time to go to the supplemental bill. We are going to try to get a 2-hour time agreement on that. When that is over, we will be back where we stood with the Frist-Ashcroft amendment. That summarizes the agreement.

Mr. President, I ask unanimous consent that with respect to the Gordon Smith/Jeffords amendment there be 60 minutes for debate, equally divided in the usual form on the Gordon Smith amendment and amendment No. 362, the Lautenberg amendment, to run concurrently beginning at 9:30 a.m. Thursday, and all other provisions of the consent agreement of May 14 remain in place and the amendment be laid down tonight prior to the close of Senate business.

I further ask consent that the vote occur on the Gordon Smith-Jeffords amendment just prior to the vote on amendment 362, under the same time restraints and provisions as provided above.

I further ask that the Senate resume amendment No. 355 immediately following the disposition of amendment No. 362.

Mr. LEAHY. Mr. President, reserving the right to object, and I shall not object. That is with the understanding that the Senator from Iowa is represented under the same circumstances as when we broke off, is that correct?

Mr. LOTT. He still would have priority recognition under the agreement and under the procedures anyway, but also under the agreement that was included. Both sides of this issue don't want to lose their positions. But this will allow us to do these two amendments and to do the supplemental, and then that will be the pending issue. We know we have to find a way to get to a conclusion.

I want to emphasize now that we will do the supplemental after those first 2 votes.

Mr. REID. Reserving the right to object. Mr. Leader, would it be possible for the unanimous consent request to be amended to reflect that 15 minutes of the time on the Smith amendment be controlled by Senator SCHUMER, that he take 5 minutes of the 15 minutes, and then the remaining 10 minutes go to Senator LAUTENBERG?

Mr. LOTT. I think I got lost. Is it just a division of how the time would go on your side?

Mr. REID. Yes. One of our Members wanted to control 15 minutes. He is going to use 5 minutes of it and give the rest to Senator LAUTENBERG.

Mr. LOTT. Mr. President, I amend that UC request to that effect, based on the assurance of the intent given by the distinguished Democratic whip. If it turns out that it is somehow or another not fair, we will revisit that tomorrow. I change the UC to include that request.

Mr. ASHCROFT. Reserving the right to object, and I don't intend to object, I want to indicate that this is about the fourth time we have displaced this amendment, which I have been working on in conjunction with Senator FRIST. This amendment has been the pending business since last Friday. This is not a novel amendment.

I just want to indicate that I intend to get a vote on this amendment. Votes have been taken on amendments on both sides. The right way to resolve any dispute on this amendment is to vote on it. I have been ready to vote on this amendment for quite some time. I think everyone on both sides of the aisle knows what the amendment is about.

I would just indicate that when this amendment comes back up I will persist in expecting the same courtesy that this body has accorded all other amendments to be accorded to this amendment, and I will work hard to make sure we have an opportunity to vote on it.

Mr. LOTT. Mr. President, I again express my appreciation to Senator ASHCROFT for his willingness to agree to this unanimous consent tonight. He is right. He, Senator FRIST, and Senator HARKIN have agreed to be put it aside. I think it will be the fourth time we wouldn't have been able to get this agreement without their cooperation. I understand their determination on both sides of the issue. I appreciate the fact they were willing to agree to this.

Did we get an agreement?

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 366

(Purpose: To reverse provisions relating to pawn and other gun transactions)

Mr. LOTT. Mr. President, I send an amendment to the desk on behalf of Senators SMITH of Oregon and JEFFORDS.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi (Mr. LOTT), for Mr. SMITH of Oregon, and Mr. JEFFORDS, proposes an amendment numbered 366.

At the appropriate place, insert the following:

SEC. . PROVISIONS RELATING TO PAWN AND OTHER GUN TRANSACTIONS.

(a) Notwithstanding any other provision of this Act, the repeal of paragraph (1) and amendment of paragraph (2) made by subsection (c) with the heading "Provision Relating to Pawn and Other Transactions" of section 4 of the title with the heading "General Firearms Provisions" shall be null and void.

(b) COMPLIANCE.—Except as to the State and local planning and zoning requirements for a licensed premises as provided in subparagraph (D), a special licensee shall be subject to all the provisions of this chapter applicable to dealers, including, but not limited to, the performance of an instant background check.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

MORNING BUSINESS

Mr. NICKLES. I ask unanimous consent that the Senate now proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, May 18, 1999, the federal debt stood at $5,593,840,202,404.86 (Five trillion, five hundred ninety-three billion, eight hundred forty million, two hundred two thousand, four hundred four dollars and eighty-six cents).

One year ago, May 18, 1998, the federal debt stood at $5,497,225,000,000 (Five trillion, four hundred ninety-seven billion, two hundred twenty-five million).

Five years ago, May 18, 1994, the federal debt stood at $4,590,202,000,000 (Four trillion, five hundred ninety billion, two hundred two million).

Ten years ago, May 18, 1989, the federal debt stood at $2,780,338,000,000 (Two trillion, seven hundred eighty billion, three hundred thirty-eight million).

Fifteen years ago, May 18, 1984, the federal debt stood at $1,485,574,000,000 (One trillion, four hundred eighty-five billion, five hundred seventy-four million) which reflects a debt increase of more than $4 trillion—$4,108,266,202,404.86 (Four trillion, one hundred eight billion, two hundred sixty-six million, two hundred two thousand, four hundred four dollars and eighty-six cents) during the past 15 years.

CHANGES TO THE BUDGETARY AGGREGATES AND APPROPRIATIONS COMMITTEE ALLOCATION FOR H.R. 1141

Mr. DOMENICI. Mr. President, section 314(b)(1) of the Congressional Budget Act, as amended, requires the Chairman of the Senate Budget Committee to adjust the appropriate budgetary aggregates and the allocation for the Appropriations Committee to reflect an amount provided and designated as an emergency requirement pursuant to 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act.

I hereby submit revisions to the 1999 Senate Appropriations Committee allocations, pursuant to section 302 of the Congressional Budget Act, in the following amounts:

[In millions of dollars]

	Budget authority	Outlays
Current Allocation:		
Defense discretionary	279,891	271,403
Nondefense discretionary	287,157	273,901
Violent crime reductiuon fund	5,800	4,953
Highways		21,885
Mass transit		4,401
Mandatory	299,159	291,731
Total	872,007	868,274
Adjustments:		
Defense discretionary	+9,249	+2,525
Nondefense discretionary	+3,533	+1,057
Violent crime reductiuon fund		
Highways		
Mass transit		
Mandatory		
Total	+12,782	+3,582
Revised Allocation:		
Defense discretionary	289,140	273,928
Nondefense discretionary	290,690	274,958
Violent crime reductiuon fund	5,800	4,953
Highways		21,885
Mass transit		4,401
Mandatory	299,159	291,731
Total	884,789	871,856

I hereby submit revisions to the 1999 budget aggregates, pursuant to section 311 of the Congressional Budget Act, in the following amounts:

[In millions of dollars]

	Budget authority	Outlays	Deficit
Current Allocation: Budget Resolution	1,452,512	1,411,334	-52,415
Adjustments: H.R. 1141	+12,782	+3,582	-3,582
Revised Allocation: Budget Resolution	1,465,294	1,414,916	-55,997

I hereby submit revisions of the 2000 Senate Appropriations Committee allocations, pursuant to section 302 of the Congressional Budget Act, in the following amounts:

[In millions of dollars]

	Budget authority	Outlays
Current Allocation:		
General purpose discretionary	531,771	536,700
Violent crime reduction fund	4,500	5,554
Highways		24,574
Mass transit		4,117
Mandatory	321,502	304,297
Total	857,773	875,242
Adjustments:		
General purpose discretionary	+1,881	+7,258
Violent crime reduction fund		
Highways		
Mass transit		
Mandatory		
Total	+1,881	+7,258
Revised Allocation:		
General purpose discretionary	533,652	543,958
Violent crime reduction fund	4,500	5,554
Highways		24,574
Mass transit		4,117
Mandatory	321,502	304,297
Total	859,654	882,500

I hereby submit revisions of the 2000 budget aggregates, pursuant to section 311 of the Congressional Budget Act, in the following amounts:

[In millions of dollars]

	Budget authority	Outlays	Deficit
Current Allocation: Budget Resolution	1,426,720	1,408,082	0
Adjustments: H.R. 1141	+1,881	+7,258	-7,258
Revised Allocation: Budget Resolution	1,428,601	1,415,340	-7,258

CONDEMNING RUSSIAN ANTI-SEMITISM

Mr. FITZGERALD. Mr. President, I rise today in support of S. Con. Res. 19, a resolution condemning growing Russian anti-Semitism.

Russian anti-Semitism, is nothing new in the world. Throughout Russian history, Jews have faced attacks in the form of pogroms, forced military duty for terms of up to 25 years, and a general pattern of persecution and discrimination. With the end of the Soviet Union and the rise of democracy in

Russia, we thought these kinds of acts were a part of the past. Unfortunately, they are not.

On Saturday, May 1, there were two bomb blasts at two Moscow synagogues, one at Moscow's main Choral Synagogue. There was light damage at both sites, yet the bombings on the Sabbath and on May 1, "May Day" was a scary development.

These violent acts, combined with the various statements issued by Communist members of the Russian Duma can only serve to stir up increased violence. This is extremely unfortunate.

There is no place for violence and hatred in our society. We in Congress and the rest of the world must actively condemn this violence and hatred before it gets out of hand, as has been the case all too many times in this century. Thank you Mr. President.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:58 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1141) making emergency supplemental appropriations for the fiscal year ending September 30, 1999, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–3062. A communication from the General Counsel, Department of Defense, transmitting, a draft of proposed legislation relative to various management concerns; to the Committee on Armed Services.

EC–3063. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled "Economic and Political Transition in Indonesia"; to the Committee on Appropriations.

EC–3064. A communication from the Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Para-Aramid Fibers and Yarns", received May 12, 1999; to the Committee on Armed Services.

EC–3065. A communication from the Acting Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Revision of Federal Speculative Position Limits and Associated Rules" (RIN3038–AB32), received May 17, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3066. A communication from the Manager, Federal Crop Insurance Corporation, Risk Management Agency, Farm and Foreign Agricultural Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Common Crop Insurance Regulations; Grape Crop Insurance Provisions; Final Rule", received May 17, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3067. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Tax Relief for Those Affected by Operation Allied Force" (Notice 99–30), received May 17, 1999; to the Committee on Finance.

EC–3068. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Equitable Relief from Joint and Several Liability" (Notice 99–29), received May 10, 1999; to the Committee on Finance.

EC–3069. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Rev. Proc. 99-25", received May 12, 1999; to the Committee on Finance.

EC–3070. A communication from the Acting Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Old-Age, Survivors, and Disability Insurance and Supplemental Security Income for the Aged, Blind and Disabled; Substantial Gainful Activity Amounts" (RIN0960–AE98), received April 20, 1999; to the Committee on Finance.

EC–3071. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the Veterans Subvention Demonstration; to the Committee on Finance.

EC–3072. A communication from the Assistant Secretary for Management and Chief Financial Officer, Department of the Treasury, transmitting, pursuant to law, a report relative to a vacancy in the Department of the Treasury; to the Committee on Finance.

EC–3073. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, a draft of proposed legislation entitled the "Intercountry Adoption Act"; to the Committee on Foreign Relations.

EC–3074. A communication from the Chairman of the Board, African Development Foundation, transmitting, a draft of a proposed amendment to the International Security and Development Cooperation Act of 1980; to the Committee on Foreign Relations.

EC–3075. A communication from the Assistant Administrator, Bureau for Legislative and Public Affairs, Agency for International Development, transmitting, a draft of a proposed amendment to the Foreign Assistance Act of 1961; to the Committee on Foreign Relations.

EC–3076. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report of the issuance of an export license to Greece; to the Committee on Foreign Relations.

EC–3077. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC–3078. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Gambrell, AK; Docket No. 98-AAL–20/4-20 (4–22)" (RIN2120–AA66) (1999–0141), received April 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3079. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; San Antonio, TX; Direct Final Rule; Confirmation of Effective Date; Docket No. 99-ASW–54/4-23 (4-26)" (RIN2120–AA66) (1999–0164), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3080. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Monroe, LA; Direct Final Rule; Confirmation of Effective Date; Docket No. 98-ASW–55/4-23 (4–26)" (RIN2120–AA66) (1999–0165), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3081. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Cahokia, IL; Docket No. 99-AGL–4/4-26 (4–26)" (RIN2120–AA66) (1999-0163), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3082. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Fremont, OH; Docket No. 98–AGL–75/4-26 (4–26)" (RIN2120–AA66) (1999–0161), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3083. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Detroit, MI; Docket No. 99–AGL–8/4-26 (4–26)" (RIN2120–AA66) (1999–0160), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3084. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Mariette, MI; Docket No. 99–AGL–10/4-26 (4-26)" (RIN2120–AA66) (1999–0159), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3085. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Hallock, MN; Docket No. 99–AGL–5/4–26 (4–26)" (RIN2120–AA66) (1999–0154), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3086. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Howell; Docket No. 99–AGL–6/4–26 (4–26)" (RIN2120–AA66) (1999–0155), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3087. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Flint, MI; Docket No. 99–AGL–7/4–26 (4–26)" (RIN2120–AA66) (1999–0156), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3088. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Restricted Area R–53513C, Long Shoal Point, NC; Docket No. 98–ASO–13/10–7 (4–22)" (RIN2120–AA66) (1999–0153), received April 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3089. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Rock Rapids Municipal Airport Class E Airspace Area; Direct Final Rule; Request for Comments; Docket No. 99–ACE–15/4–20 (4–22)" (RIN2120–AA66) (1999–0145), received April 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3090. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Shenandoah Municipal Airport Class E Airspace Area, IA; Direct Final Rule; Request for Comments; Docket No. 99–ACE–16/4–20 (4–22)" (RIN2120–AA66) (1999–0144), received April 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3091. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Clarinda, Schenck Field Class E Airspace Area, IA; Direct Final Rule; Request for Comments; Docket No. 99–ACE–17/4–20 (4–22)" (RIN2120–AA66) (1999–0143), received April 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3092. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Des Moines International Airport Class E Airspace Area, IA; Direct Final Rule; Confirmation of Effective Date and Correction; Docket No. 98–ACE–55/4–20 (4–22)" (RIN2120–AA66) (1999–0151), received April 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3093. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Springfield-Branson Regional Airport Class E Airspace Area, MO; Confirmation of Effective Date; Docket No. 99–ACE–8/4–20 (4–22)" (RIN2120–AA66) (1999–0149), received April 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3094. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Newton City-County Municipal Airport Class E Airspace Area, KS; Confirmation of Effective Date; Docket No. 99–ACE–3/4–20 (4–22)" (RIN2120–AA66) (1999–0150), received April 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3095. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to West Union, George L. Scott Municipal Airport Class E Airspace, IA; Direct Final Rule; Request for Comments; Docket No. 99–ACE–12/4–20 (4–22)" (RIN2120–AA66) (1999–0147), received April 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3096. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Perryville Municipal Airport Class E Airspace Area, MO; Direct Final Rule; Confirmation of Effective Date; Docket No. 99-ACE-1/3-31 (-1)" (RIN2120-AA66) (1999-0126), received April 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3097. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Cresco, Ellen Church Field Class E Airspace Area, IA; Direct Final Rule; Request for Comments; Docket No. 99-ACE-13/4-20 (4-22)" (RIN2120-AA66) (1999-0146), received April 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3098. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Grand Island, Central Nebraska Regional Municipal Airport Class E Airspace Area, IA; Direct Final Rule; Confirmation of Effective Date; Docket No. 99-ACE-2/3-31 (4-1)" (RIN2120-AA66) (1999-0128), received April 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3099. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace, Toccoa, GA; Correction; Docket No. 99-ASO-3/5-3 (5-3)" (RIN2120-AA66) (1999-0169), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3100. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Jesse Viertal Mem Airport Class E Airspace Area, MO; Direct Final Rule, Confirmation of Effective Date; Docket No. 99-ACE-6/4-23 (4-26)" (RIN2120-AA66) (1999-0166), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3101. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace Area; El Dorado, KS; Direct Final Rule, Confirmation of Effective Date and Correction; Docket No. 99-ACE-5/4-23 (4-26)" (RIN2120-AA66) (1999-0167), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3102. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace and Modification of Class E Airspace; Alpena, MI; Docket No. 99-AGL-11/4-26 (4-26)" (RIN2120-AA66) (1999-0157), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3103. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Waverly, OH; Docket No. 99-AGL-79/4-26 (4-26)" (RIN2120-AA66) (1999-0162), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3104. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Temporary Restricted Area, Idaho; Docket No. 99-ANM-22/5-4 (5-3)" (RIN2120-AA66) (1999-0168), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3105. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of CVG Class B and Revocation of the CVG Class C Airspace Area, KY; Confirmation of Effective Date; Docket No. 93-AWA-5/4-20 (4-22)" (RIN2120-AA66) (1999-0152), received April 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3106. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (42); Amdt. No. 1927/4-22 (4-26)" (RIN2120-AA65) (1999-0021), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3107. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (44); Amdt. No. 1926/4-27 (4-29)" (RIN2120-AA65) (1999-0022), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3108. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled

"Revocation and Establishment of Class E Airspace; Sinaw, MI; Docket No. 99-AGL-9/4-26 (4-26)" (RIN2120-AA66) (1999-0158), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3109. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives:"British Aerospace Model H.P. 137 Jetstream Mk. 1, Jetstream Series 200, and Jetstream Models 3101 and 3201 Airplanes; Direct Final Rule; Request for Comments; Docket No. 98-CE-70/10-8 (4-22)" (RIN2120-AA64) (1999-0183), received April 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3110. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747-100, -200, -300, SP and SR Series Airplanes; Docket No. 97-NM-272/9-30 (4-22)" (RIN2120-AA64) (1999-0182), received April 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3111. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Raytheon Aircraft Company Beech Models A36, B36TC, 58, 58A, C90A, B200, B300, and 1900D Airplanes; Request for Comments; Docket No. 99-CE-11/4-28 (4-29)" (RIN2120-AA64) (1999-0198), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3112. A communication from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Alexander Schleicher Segelflugzeugbau Model ASK21 Gliders; Direct Final Rule; Request for Comments; Docket No. 98-CE-25/4-26 (4-26)" (RIN2120-AA64) (1999-0184), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3113. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model MD-11 Series Airplanes; Docket No. 99-NM-100-AD; Amendment 39-11154; AD 99-09-51" (RIN2120-AA64), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3114. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Special Anchorage Areas/Anchorage Grounds Regulations; Atlantic Ocean off Miami and Miami Beach, Florida (CGD07-99-002)" (RIN2115-AA98) (1999-0001), received April 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3115. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Interagency Career Transition Assistance for Displaced Former Panama Canal Employees", received May 12, 1999; to the Committee on Governmental Affairs.

EC–3116. A communication from the Director, Office of Personnel Management, transmitting, a draft of proposed legislation entitled "Federal Employees' Overtime Pay Limitation Amendments Act of 1999"; to the Committee on Governmental Affairs.

EC–3117. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, a report relative to life insurance for Federal employees; to the Committee on Governmental Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. TORRICELLI (for himself, Mr. WELLSTONE, and Mr. SARBANES):

S. 1074. A bill to amend the Social Security Act to waive the 24-month waiting period for medicare coverage of individuals with amyotrophic lateral sclerosis (ALS), and to provide medicare coverage of drugs and biologicals used for the treatment of ALS or for the alleviation of symptoms relating to ALS; to the Committee on Finance.

By Mrs. BOXER (for herself, Mrs. HUTCHISON, and Ms. LANDRIEU):

S. 1075. A bill to promote research to identify and evaluate the health effects of silicone breast implants, and to insure that women and their doctors receive accurate information about such implants; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SPECTER:

S. 1076. A bill to amend title 38, United States Code, to provide a cost-of-living adjustment in rates of compensation paid to veterans with service-connected disabilities, to enhance programs providing health care, education, and other benefits for veterans, to authorize major medical facility projects, to reform eligibility for burial in Arlington National Cemetery, and for other purposes; to the Committee on Veterans Affairs.

By Mr. SCHUMER (for himself, Mr. BYRD, Mr. KENNEDY, Mr. INOUYE, Mr. ROTH, Mr. LEAHY, Mr. CHAFEE, Mr. WARNER, Mr. LEVIN, Mr. DODD, Mr. LAUTENBERG, Mr. BINGAMAN, Mr. KERRY, Mr. REID, Mr. BRYAN, Mr. ROBB, Mr. LIEBERMAN, Mrs. BOXER, Mr. WYDEN, Mr. TORRICELLI, and Mr. BAYH):

S. 1077. A bill to dedicate the new Amtrak station in New York, New York, to Senator Daniel Patrick Moynihan; to the Committee on Environment and Public Works.

By Mr. HELMS:

S. 1078. A bill for the relief of Mrs. Elizabeth Eka Bassey and her children, Emmanuel O. Paul Bassey, Jocob Paul Bassey, and Mary Idongesit Paul Bassey; to the Committee on the Judiciary.

By Mr. MACK (for himself, Mr. KOHL, and Mr. GRASSLEY):

S. 1079. A bill to amend the Internal Revenue Code of 1986 to increase the deductibility of business meal expenses for individuals subject to Federal hours of service; to the Committee on Finance.

By Mr. TORRICELLI (for himself, Mr. SCHUMER, and Mr. DURBIN):

S. 1080. A bill to amend title 18, United States Code, to prohibit gunrunning, and provide mandatory minimum penalties for crimes related to gunrunning; to the Committee on the Judiciary.

By Mr. TORRICELLI:

S. 1081. A bill to amend section 842 of title 18, United States Code, relating to explosive materials; to the Committee on the Judiciary.

S. 1082. A bill to amend part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide assistance for unincorporated neighborhood watch programs; to the Committee on the Judiciary.

By Mr. TORRICELLI (for himself and Mr. KOHL):

S. 1083. A bill to expedite State review of criminal records of applicants for bail enforcement officer employment, and for other purposes; to the Committee on the Judiciary.

By Mr. MCCAIN (for himself, Mr. BRYAN, and Ms. SNOWE):

S. 1084. A bill to amend the Communications Act of 1934 to protect consumers from the unauthorized switching of their long-distance service; to the Committee on Commerce, Science, and Transportation.

By Mrs. MURRAY:

S. 1085. A bill to amend the Internal Revenue Code of 1986 to modify the treatment of bonds issued to acquire renewable resources on land subject to conservation easement; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TORRICELLI (for himself and Mr. WELLSTONE):

S. 1074. A bill to amend the Social Security Act to waive the 24-month waiting period for medicare coverage of individuals with amyotrophic lateral sclerosis (ALS), and to provide medicare coverage of drugs and biologicals used for the treatment of ALS or for the alleviation of symptoms relating to ALS; to the Committee on Finance.

AMYOTROPHIC LATERAL SCLEROSIS (ALS) TREATMENT AND ASSISTANCE ACT OF 1999

Mr. TORRICELLI. Mr. President, I rise today to introduce legislation that will improve the lives of 30,000 Americans, 850 of whom live in my State of New Jersey, who are stricken with Amyotrophic Lateral Sclerosis (ALS).

Many of us know Amyotrophic Lateral Sclerosis (ALS) as the disease that struck down the famed Yankees 1st baseman, Lou Gehrig, yet, few of us are aware of the tragic effects ALS has on its victims. Fewer still are aware of the inherent flaws in the Medicare program which further compound the suffering of those with ALS.

Despite the short life expectancy of three to five years, ALS patents must endure a two year waiting period in order to receive Medicare services. Forcing ALS patients to wait until the final months of their illness defies common sense and human decency. In fact, as a result of the Medicare waiting period, approximately 17,000 ALS patients remain ineligible for Medicare services right now, regardless of the severity of their condition.

My bill, the ALS Treatment, and Assistance Act waives the 24-month Medicare waiting period for ALS patients. A similar waiver is granted for victims of end-stage renal disease due to the rapid onset of symptoms. The immediacy of symptoms in ALS patients and extremely short life expectancy illustrate the need to extend the waiver for ALS. In addition, many ALS victims have had productive lives and will have paid into the Social Security system well before the onset of ALS.

The legislation also requires Medicare to provide coverage for all FDA-approved drugs that treat ALS. While Medicare typically does not provide coverage for prescription drug therapies, over the past few years, exceptions have been granted to provide drug coverage to treat osteoporosis and certain types of cancer. Due to the rapid onset of symptoms and the short life expectancy of ALS patients, the need for another exception is clear. In addition, expanding Medicare coverage for ALS therapies will stimulate further research.

ALS is a disease that strikes at every community, with the potential for striking every American. No one is immune, and everyone is vulnerable. I am pleased to be joined by my colleague Senator WELLSTONE in introducing legislation that represents a first real step toward improving the quality of life for people with ALS while bringing us much closer to finding a cause and a cure.

Mr. President, I ask at this time that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1074

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; FINDINGS; PURPOSES.

(a) SHORT TITLE.—This Act may be cited as the "Amyotrophic Lateral Sclerosis (ALS) Treatment and Assistance Act of 1999".

(b) FINDINGS.—Congress finds the following:

(1) Amyotrophic Lateral Sclerosis (ALS), commonly known as Lou Gehrig's Disease, is a progressive neuromuscular disease characterized by a degeneration of the nerve cells of the brain and spinal cord leading to the wasting of muscles, paralysis, and eventual death.

(2) Approximately 30,000 individuals in the United States are afflicted with ALS at any time, with approximately 5,000 new cases appearing each year.

(3) ALS usually strikes individuals who are 50 years of age or older.

(4) The life expectancy of an individual with ALS is 3 to 5 years from the time of diagnosis.

(5) There is no known cure or cause for ALS.

(6) Aggressive treatment of the symptoms of ALS can extend the lives of those with the disease. Recent advances in ALS research have produced promising leads, many related to shared disease processes that appear to operate in many neurodegenerative diseases.

(c) PURPOSES.—It is the purposes of this Act—

(1) to assist individuals suffering from ALS by waiving the 24-month waiting period for medicare eligibility on the basis of disability for ALS patients; and

(2) to provide medicare coverage of drugs and biologicals used for the treatment of ALS or for the alleviation of symptoms relating to ALS.

SEC. 2. WAIVER OF 24-MONTH WAITING PERIOD FOR MEDICARE COVERAGE OF INDIVIDUALS DISABLED WITH AMYOTROPHIC LATERAL SCLEROSIS (ALS).

(a) IN GENERAL.—Section 226 of the Social Security Act (42 U.S.C. 426) is amended—

(1) by redesignating subsection (h) as subsection (j) and by moving such subsection to the end of the section; and

(2) by inserting after subsection (g) the following:

"(h) For purposes of applying this section in the case of an individual medically determined to have amyotrophic lateral sclerosis (ALS), the following special rules apply:

"(1) Subsection (b) shall be applied as if there were no requirement for any entitlement to benefits, or status, for a period longer than 1 month.

"(2) The entitlement under such subsection shall begin with the first month (rather than twenty-fifth month) of entitlement or status.

"(3) Subsection (f) shall not be applied.".

(b) CONFORMING AMENDMENT.—Section 1837 of such Act (42 U.S.C. 1395p) is amended by adding at the end the following:

"(j) In applying this section in the case of an individual who is entitled to benefits under part A pursuant to the operation of section 226(h), the following special rules apply:

"(1) The initial enrollment period under subsection (d) shall begin on the first day of the first month in which the individual satisfies the requirement of section 1836(1).

"(2) In applying subsection (g)(1), the initial enrollment period shall begin on the first day of the first month of entitlement to disability insurance benefits referred to in such subsection.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to benefits for months beginning after the date of the enactment of this Act.

SEC. 3. MEDICARE COVERAGE OF DRUGS TO TREAT AMYOTROPHIC LATERAL SCLEROSIS (ALS).

(a) IN GENERAL.—Section 1861(s)(2) of the Social Security Act (42 U.S.C. 1395x(s)(2)) is amended—

(1) by striking "and" at the end of subparagraph (S);

(2) by striking the period at the end of subparagraph (T) and inserting "; and"; and

(3) by adding at the end the following:

"(U) any drug (which is approved by the Commissioner of Food and Drugs under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355)) or biological (which is licensed by the Secretary of Health and Human Services under section 351 of the Public Health Service Act (42 U.S.C. 262)) prescribed for use in the treatment of amyotrophic lateral sclerosis (ALS) or the alleviation of symptoms relating to ALS.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to drugs furnished on or after the first day of the first month beginning after the date of enactment of this Act.

By Mr. SPECTER:

S. 1076. A bill to amend title 38, United States Code, to provide a cost-of-living adjustment in rates of compensation paid to veterans with service-connected disabilities, to enhance programs providing health care, education, and other benefits for veterans, to authorize major medical facility projects, to reform eligibility for burial in Arlington National Cemetery, and for other purposes; to the Committee on Veterans' Affairs.

VETERANS BENEFITS ACT OF 1999

Mr. SPECTER. Mr. President, today I have introduced a major piece of veterans legislation, the proposed Veterans Benefits Act of 1999. This bill is a so-called omnibus measure which will serve as the basis, and the platform, for much of the legislative work to be accomplished this year by the Committee on Veterans' Affairs.

In the past, the Committee on Veterans' Affairs has considered bills on a more piecemeal basis than is reflected in the larger bill that I have introduced today.

In times past, the Committee on Veterans' Affairs has come to the Senate floor with numerous, separate bills to address the various matters that the committee typically faces: annual cost-of-living adjustments, reauthorizations of "sunsetting" programs and authorities, medical care reforms, nonmedical benefits programs improvements, and the like. With the bill I have introduced today, I propose that such matters be folded into a single bill. That bill, then, will be the central focus of a major hearing.

At that hearing, the committee will have the opportunity to hear the views of the Secretaries of Veterans Affairs and the Army; other senior VA officials, including the VA Under Secretaries who are responsible for VA's major operating entities; the major veterans service organizations (The American Legion, the VFW, the Disabled American Veterans, the Paralyzed Veterans of America, and AMVETS); unions representing the rank and file of VA employees; and, finally, associations representing VA's professional cadre of physicians, dentists, and nurses.

By bringing all of the major issues to the fore at one time, and by bringing all of the interested parties together into one room at one time, I believe that the committee will be better positioned to advance this year's legislative agenda in an organized and systematic manner. Such an approach will not necessarily ease the work of the committee, or this body. It will, however, facilitate the placing of issues and initiatives into some order of priority.

The need to recognize priorities has characterized the committee's approach to its work this year. During the first half of this year, the committee has devoted its attention almost entirely on the proposed fiscal year 2000 budget. As this body recognized when it ordered an increase in spending caps on veterans account spending in the fiscal year 2000 budget resolution, the Administration's proposal to keep the VA's health care budget flat for the fourth straight year was clearly unacceptable. Congress ordered an increase of approximately 10 percent in that budget—an action that I, and the committee's ranking minority member, Senator JAY ROCKEFELLER, were urging as early as last fall. We now must proceed through the appropriations process—a process that the Veterans' Affairs Committee, and the veterans service organizations, will watch very closely.

Having heretofore focused principally on the budget, the committee will now turn to its authorizing business. The bill I introduced today opens, at title I, with the committee's first priority: the granting of cost-of-living adjustments to the cash benefits paid monthly by VA in the form of compensation to the 2.3 million veterans who have suffered service-connected disabilities, and benefits for 320,000 surviving spouses and children of veterans who have died in military service or due to service-related injuries and illnesses. Those who are disabled due to service rely on these benefits. They surely merit cost-of-living adjustments.

My bill, secondly, proposes to increase by 13.6% the most valuable "readjustment" benefit that is enjoyed—and earned—by the Nation's young veterans: their Montgomery GI bill educational assistance benefits. The "blue ribbon" Commission on Servicemembers and Veterans Transition Assistance made a number of recommendations on this point. Most notably, it cited the fact that, unlike times past, veterans' educational assistance benefits no longer come close to affording the veteran an opportunity to return to school on a full time basis after service. The Commission has recommended that, for new enlistees, VA pay full tuition benefits and, in addition, pay an allowance for books and fees and, finally, a monthly living stipend. The committee will consider this proposal further. In the meantime, however, it is appropriate for the committee to address what it might do to make higher education and other training opportunities available to persons who are in the service today. My bill would increase their benefits in recognition of the increased costs of education.

In addition, this bill would make needed changes in statutory authorities under which VA health care is provided. At the outset, I note that the single largest unmet medical need faced by the World War II/Korea generation of veterans is quality long-term care. In addition to providing hospital care and, increasingly, outpatient-based clinical care, VA provides some nursing home care and other types of long term care. But VA hardly scratches the surface of demand for such care. The solution, of course, is funding—funding that has been surely deficient.

VA funding problems must be addressed by the Appropriate Committee, a committee on which I am proud to serve. However, the authorizing committee, which I am proud to chair, has its role to play too. The authorizing committee can free VA from unnecessary legal strictures which impede its efficient delivery of care. Many such impediments were eliminated by recent "eligibility reform" legislation. Some, however, remain.

For example, VA is now authorized to provide adult day health care services, services which help the veteran—and the taxpayer—by keeping potential patients out of hospitals and nursing homes. It can do so, however, only if the veteran in question was, first, a hospital or nursing home patient. Thus, VA caregivers have an incentive to hospitalize people so that they will be authorized to provide the type of care that will allow the patient to avoid hospitalization. To my way of thinking, this makes no sense.

Similarly, VA is authorized to provide "respite care," that is, short term care which frees the day-to-day care giver, typically an aging spouse, to attend to his or her needs. But VA can do so only within the four walls of a VA medical facility. Often, it is more efficient—and surely it is more convenient from the patient's and spouse's standpoint—for a respite care provider to go to the home of the patient, as opposed to requiring the patient to be brought into the hospital or long term care center. But VA is precluded by statute from providing respite care in the veteran's home, even when it is clearly in VA's and the patient's interests for it to do so. This, too, makes no sense to me. The bill I have introduced today would clear away these two impediments to the efficient delivery of VA care. Further, it would reauthorize current programs which have proved their worth.

In the veterans benefits arena, one sensitive matter is now ripe for action. It is time, I think, for clear standards to be established for eligibility for burial in Arlington National Cemetery. And they should be set by Congress.

Remarkably, standards governing eligibility for burial in Arlington have never been put into place by statute. Rather, they are purely a product of administrative fiat. Indeed, in one of the most highly sensitive areas—the granting of "waivers" to allow the burial of distinguished persons who are not otherwise eligible for burial in Arlington—there has never even been a formal rulemaking to guide cemetery officials. Rather, the granting of waivers has evolved on a purely customary, and ad hoc, basis.

Dealing with waiver requests on an ad hoc basis gives rise, at best, to suspicion of improper influence. At worst, if fans fears of outright abuse of power. Now, I will not rehash a recent case where it was alleged—I think inaccurately—that Arlington burial rights were "sold" to a political contributor. Suffice it to say, however, that when it comes to the most sacred of grounds, Arlington National Cemetery, there can be no suggestion whatsoever of improper influence. Surely, there are some honors that no amount of money or level of influence can buy. Perpetual rest in Arlington is clearly one of those honors.

Mr. President, I could go on at considerable length, but many provisions of this bill speak for themselves. As I have noted, the Committee on Veterans' Affairs has not yet had hearings on these specific legislative proposals. Accordingly, they are still works in progress. But they are works in progress that I intend to advance sooner rather than later, by this summer at the latest. The Nation's veterans deserve that kind of attention, and they are getting it from the Committee on Veterans' Affairs.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1076

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Veterans Benefits Act of 1999".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References to title 38, United States Code.

TITLE I—COMPENSATION COST-OF-LIVING ADJUSTMENT

Subtitle A—Compensation Cost-of-Living-Adjustment

Sec. 101. Short title.
Sec. 102. Increase in rates of disability compensation and dependency and indemnity compensation.
Sec. 103. Publication of adjusted rates.

Subtitle B—Compensation Rate Amendments

Sec. 111. Disability compensation.
Sec. 112. Additional compensation for dependents.
Sec. 113. Clothing allowance for certain disabled veterans.
Sec. 114. Dependency and indemnity compensation for surviving spouses.
Sec. 115. Dependency and indemnity compensation for children.
Sec. 116. Effective date.

TITLE II—EDUCATIONAL BENEFITS

Sec. 201. Short title.
Sec. 202. Increase in basic benefit of active duty educational assistance.
Sec. 203. Increase in rates of survivors and dependents educational assistance.
Sec. 204. Eligibility of members of the Armed Forces to withdraw elections not to receive Montgomery GI Bill basic educational assistance.
Sec. 205. Accelerated payments of basic educational assistance.

TITLE III—MEDICAL CARE
Subtitle A—Long-Term Care
Sec. 301. Adult day health care.
Sec. 302. In-home respite care services.
Subtitle B—Management of Medical Facilities and Property
Sec. 311. Disposal of Department of Veterans Affairs real property.
Sec. 312. Extension of enhanced-use lease authority.
Subtitle C—Homeless Veterans
Sec. 321. Extension of program of housing assistance for homeless veterans.
Sec. 322. Homeless veterans comprehensive service programs.
Sec. 323. Authorizations of appropriations for homeless veterans' reintegration projects.
Sec. 324. Report on implementation of General Accounting Office recommendations regarding performance measures.
Subtitle D—Other Health Care Provisions
Sec. 331. Treatment and services for drug or alcohol dependency.
Sec. 332. Allocation to Department of Veterans Affairs health care facilities of amounts in Medical Care Collections Fund.
Sec. 333. Extension of certain Persian Gulf War authorities.
Sec. 334. Report on coordination of procurement of pharmaceuticals and medical supplies by the Department of Veterans Affairs and the Department of Defense.
Subtitle E—Major Medical Facility Projects Construction Authorization
Sec. 341. Authorization of major medical facility projects.
TITLE IV—OTHER BENEFITS MATTERS
Sec. 401. Payment rate of certain burial benefits for certain Filipino veterans.
Sec. 402. Extension of authority to maintain a regional office in the Republic of the Philippines.
Sec. 403. Extension of Advisory Committee on Minority Veterans.
Sec. 404. Repeal of limitation on payments of benefits to incompetent institutionalized veterans.
Sec. 405. Clarification of veterans employment opportunities.
TITLE V—MEMORIAL AFFAIRS
Subtitle A—Arlington National Cemetery
Sec. 501. Short title.
Sec. 502. Persons eligible for burial in Arlington National Cemetery.
Sec. 503. Persons eligible for placement in the columbarium in Arlington National Cemetery.
Subtitle B—World War II Memorial
Sec. 511. Short title.
Sec. 512. Fund raising by American Battle Monuments Commission for World War II memorial.
Sec. 513. General authority of American Battle Monuments Commission to solicit and receive contributions.
Sec. 514. Intellectual property and related items.
TITLE VI—UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS
Sec. 601. Staggered retirement of judges.
Sec. 602. Recall of retired judges.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—COMPENSATION COST-OF-LIVING ADJUSTMENT

Subtitle A—Compensation Cost-of-Living Adjustment

SEC. 101. SHORT TITLE.

This subtitle may be cited as the "Veterans' Compensation Cost-of-Living Adjustment Act of 1999".

SEC. 102. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) RATE ADJUSTMENT.—The Secretary of Veterans Affairs shall, effective on December 1, 1999, increase the dollar amounts in effect for the payment of disability compensation and dependency and indemnity compensation by the Secretary, as specified in subsection (b).

(b) AMOUNTS TO BE INCREASED.—The dollar amounts to be increased pursuant to subsection (a) are the following:

(1) COMPENSATION.—Each of the dollar amounts in effect under section 1114 of title 38, United States Code.

(2) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts in effect under sections 1115(1) of such title.

(3) CLOTHING ALLOWANCE.—The dollar amount in effect under section 1162 of such title.

(4) NEW DIC RATES.—The dollar amounts in effect under paragraphs (1) and (2) of section 1311(a) of such title.

(5) OLD DIC RATES.—Each of the dollar amounts in effect under section 1311(a)(3) of such title.

(6) ADDITIONAL DIC FOR SURVIVING SPOUSES WITH MINOR CHILDREN.—The dollar amount in effect under section 1311(b) of such title.

(7) ADDITIONAL DIC FOR DISABILITY.—The dollar amounts in effect under sections 1311(c) and 1311(d) of such title.

(8) DIC FOR DEPENDENT CHILDREN.—The dollar amounts in effect under sections 1313(a) and 1314 of such title.

(c) DETERMINATION OF INCREASE.—(1) The increase under subsection (a) shall be made in the dollar amounts specified in subsection (b) as in effect on November 30, 1999.

(2) Except as provided in paragraph (3), each such amount shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 1999, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(3) Each dollar amount increased pursuant to paragraph (2) shall, if not a whole dollar amount, be rounded down to the next lower whole dollar amount.

(d) SPECIAL RULE.—The Secretary may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85–857 (72 Stat. 1263) who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

SEC. 103. PUBLICATION OF ADJUSTED RATES.

At the same time as the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 2000, the Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in subsection (b) of section 102, as increased pursuant to that section.

Subtitle B—Compensation Rate Amendments

SEC. 111. DISABILITY COMPENSATION.

(a) INCREASE IN RATES.—Section 1114 is amended—

(1) by striking "$95" in subsection (a) and inserting "$96";

(2) by striking "$182" in subsection (b) and inserting "$184";

(3) by striking "$279" in subsection (c) and inserting "$282";

(4) by striking "$399" in subsection (d) and inserting "$404";

(5) by striking "$569" in subsection (e) and inserting "$576";

(6) by striking "$717" in subsection (f) and inserting "$726";

(7) by striking "$905" in subsection (g) and inserting "$916";

(8) by striking "$1,049" in subsection (h) and inserting "$1,062";

(9) by striking "$1,181" in subsection (i) and inserting "$1,196";

(10) by striking "$1,964" in subsection (j) and inserting "$1,989";

(11) by striking "$2,443" and "$3,426" in subsection (k) and inserting "$2,474" and "$3,470", respectively;

(12) by striking "$2,443" in subsection (l) and inserting "$2,474";

(13) by striking "$2,694" in subsection (m) and inserting "$2,729";

(14) by striking "$3,066" in subsection (n) and inserting "$3,105";

(15) by striking "$3,426" each place it appears in subsections (o) and (p) and inserting "$3,470";

(16) by striking "$1,471" and "$2,190" in subsection (r) and inserting "$1,490" and "$2,218", respectively; and

(17) by striking "$2,199" in subsection (s) and inserting "$2,227".

(b) SPECIAL RULE.—The Secretary of Veterans Affairs may authorize administratively, consistent with the increases specified in this section, the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85–857 who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

SEC. 112. ADDITIONAL COMPENSATION FOR DEPENDENTS.

Section 1115(1) is amended—

(1) by striking "$114" in clause (A) and inserting "$115";

(2) by striking "$195" in clause (B) and inserting "$197";

(3) by striking "$78" in clause (C) and inserting "$79";

(4) by striking "$92" in clause (D) and inserting "$93";

(5) by striking "$215" in clause (E) and inserting "$217"; and

(6) by striking "$180" in clause (F) and inserting "$182".

SEC. 113. CLOTHING ALLOWANCE FOR CERTAIN DISABLED VETERANS.

Section 1162 is amended by striking "$528" and inserting "$534".

SEC. 114. DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES.

(a) NEW LAW RATES.—Section 1311(a) is amended—

(1) by striking "$850" in paragraph (1) and inserting "$861"; and

(2) by striking "$185" in paragraph (2) and inserting "$187".

(b) OLD LAW RATES.—The table in subsection (a)(3) is amended to read as follows:

“Pay grade	Monthly rate	Pay grade	Monthly rate
E–1	$861	W–4	$1,030
E–2	861	O–1	909
E–3	861	O–2	940
E–4	861	O–3	1,004
E–5	861	O–4	1,062
E–6	861	O–5	1,170
E–7	890	O–6	1,318
E–8	940	O–7	1,424
E–9	[1]980	O–8	1,561
W–1	909	O–9	1,672
W–2	946	O–10	[2]1,834
W–3	974		

“[1]If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps, or master chief petty officer of the Coast Guard, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $1,057.

“[2]If the veteran served as Chairman or Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $1,966.”.

(c) ADDITIONAL DIC FOR CHILDREN.—Section 1311(b) is amended by striking “$215” and inserting “$217”.

(d) AID AND ATTENDANCE ALLOWANCE.—Section 1311(c) is amended by striking “$215” and inserting “$217”.

(e) HOUSEBOUND RATE.—Section 1311(d) is amended by striking “$104” and inserting “$105”.

SEC. 115. DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN.

(a) DIC FOR ORPHAN CHILDREN.—Section 1313(a) is amended—

(1) by striking “$361” in paragraph (1) and inserting “$365”;

(2) by striking “$520” in paragraph (2) and inserting “$526”;

(3) by striking “$675” in paragraph (3) and inserting “$683”; and

(4) by striking “$675” and “$132” in paragraph (4) and inserting “$683” and “$133”, respectively.

(b) SUPPLEMENTAL DIC FOR DISABLED ADULT CHILDREN.—Section 1314 is amended—

(1) by striking “$215” in subsection (a) and inserting “$217”;

(2) by striking “$361” in subsection (b) and inserting “$365”; and

(3) by striking “$182” in subsection (c) and inserting “$184”.

SEC. 116. EFFECTIVE DATE.

The amendments made by this subtitle shall take effect on November 30, 1999.

TITLE II—EDUCATIONAL BENEFITS

SEC. 201. SHORT TITLE.

This title may be cited as the “All-Volunteer Force Educational Assistance Programs Improvements Act of 1999”.

SEC. 202. INCREASE IN BASIC BENEFIT OF ACTIVE DUTY EDUCATIONAL ASSISTANCE.

(a) INCREASE IN BASIC BENEFIT.—Section 3015 is amended—

(1) in subsection (a)(1), by striking “$528” and inserting “$600”; and

(2) in subsection (b)(1), by striking “$429” and inserting “$488”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1999, and shall apply with respect to educational assistance allowances paid for months after September 1999. However, no adjustment in rates of educational assistance shall be made under section 3015(g) of title 38, United States Code, for fiscal year 2000.

SEC. 203. INCREASE IN RATES OF SURVIVORS AND DEPENDENTS EDUCATIONAL ASSISTANCE.

(a) SURVIVORS AND DEPENDENTS EDUCATIONAL ASSISTANCE.—Section 3532 is amended—

(1) in subsection (a)(1)—

(A) by striking “$485” and inserting “$550”;

(B) by striking “$365” and inserting “$414”; and

(C) by striking “$242” and inserting “$274”;

(2) in subsection (a)(2), by striking “$485” and inserting “$550”;

(3) in subsection (b), by striking “$485” and inserting “$550”; and

(4) in subsection (c)(2)—

(A) by striking “$392” and inserting “$445”;

(B) by striking “$294” and inserting “$333”; and

(C) by striking “$196” and inserting “$222”.

(b) CORRESPONDENCE COURSE.—Section 3534(b) is amended by striking “$485” and inserting “$550.

(c) SPECIAL RESTORATIVE TRAINING.—Section 3542(a) is amended—

(1) by striking “$485” and inserting “$550”;

(2) by striking “$152” each place it appears and inserting “$172”; and

(3) by striking “$16.16” and inserting “$18.35”.

(d) APPRENTICESHIP TRAINING.—Section 3687(b)(2) is amended—

(1) by striking “$353” and inserting “$401”;

(2) by striking “$264” and inserting “$299”;

(3) by striking “$175” and inserting “$198”; and

(4) by striking “$88” and inserting “$99”.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1999, and shall apply with respect to educational assistance paid for months after September 1999.

SEC. 204. ELIGIBILITY OF MEMBERS OF THE ARMED FORCES TO WITHDRAW ELECTIONS NOT TO RECEIVE MONTGOMERY GI BILL BASIC EDUCATIONAL ASSISTANCE.

(a) MEMBERS ON ACTIVE DUTY.—Section 3011(c) is amended by adding at the end the following:

“(4)(A) An individual who makes an election under paragraph (1) may withdraw the election at any time before the discharge or release of the individual from active duty in the Armed Forces. An individual who withdraws such an election shall be entitled to basic educational assistance under this chapter.

“(B) The withdrawal of an election under this paragraph shall be made in accordance with regulations prescribed by the Secretary of Defense or by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy.

“(C)(i) In the case of an individual who withdraws an election under this paragraph—

“(I) the basic pay of the individual shall be reduced by $100 for each month after the month in which the election is made until the total amount of such reductions equals $1,500; or

“(II) to the extent that basic pay is not so reduced before the individual's discharge or release from active duty in the Armed Forces, the Secretary shall collect from the individual an amount equal to the difference between $1,500 and the total amount of reductions under subclause (I).

“(ii) An individual described in clause (i) may pay the Secretary at any time an amount equal to the total amount of the reduction in basic pay otherwise required with respect to the individual under that clause minus the total amount of reductions of basic pay of the individual under that clause at the time of the payment under this clause.

“(iii) The second sentence of subsection (b) shall apply to any reductions in basic pay under clause (i)(I).

“(iv) Amounts collected under clause (i)(II) and amounts paid under clause (ii) shall be deposited into the Treasury as miscellaneous receipts.

“(D) The withdrawal of an election under this paragraph is irrevocable.”.

(b) MEMBERS OF SELECTED RESERVE.—Section 3012(d) is amended by adding at the end the following:

“(4)(A) An individual who makes an election under paragraph (1) may withdraw the election at any time before the discharge or release of the individual from the Armed Forces. An individual who withdraws such an election shall be entitled to basic educational assistance under this chapter.

“(B) The withdrawal of an election under this paragraph shall be made in accordance with regulations prescribed by the Secretary of Defense or by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy.

“(C)(i) In the case of an individual who withdraws an election under this paragraph—

“(I) the basic pay or compensation of the individual shall be reduced by $100 for each month after the month in which the election is made until the total amount of such reductions equals $1,500; or

“(II) to the extent that basic pay or compensation is not so reduced before the individual's discharge or release from the Armed Forces, the Secretary shall collect from the individual an amount equal to the difference between $1,500 and the total amount of reductions under subclause (I).

“(ii) An individual described in clause (i) may pay the Secretary at any time an amount equal to the total amount of the reduction in basic pay or compensation otherwise required with respect to the individual under that clause minus the total amount of reductions of basic pay or compensation of the individual under that clause at the time of the payment under this clause.

“(iii) The second sentence of subsection (c) shall apply to any reductions in basic pay or compensation under clause (i)(I).

“(iv) Amounts collected under clause (i)(II) and amounts paid under clause (ii) shall be deposited into the Treasury as miscellaneous receipts.

“(D) The withdrawal of an election under this paragraph is irrevocable.”.

SEC. 205. ACCELERATED PAYMENTS OF BASIC EDUCATIONAL ASSISTANCE.

Section 3014 is amended—

(1) by inserting “(a)” before “The Secretary”; and

(2) by adding at the end the following new subsection:

“(b)(1) The Secretary may make payments of basic educational assistance under this subchapter on an accelerated basis.

“(2) The Secretary may pay basic educational assistance on an accelerated basis under this subsection only to an individual entitled to payment of such assistance under this subchapter who has made a request for payment of such assistance on an accelerated basis.

“(3) In the event an adjustment under section 3015(g) of this title in the monthly rate of basic educational assistance will occur during a period for which a payment of such assistance is made on an accelerated basis under this subsection, the Secretary shall pay on an accelerated basis the amount of such assistance otherwise payable under this subchapter for the period without regard to the adjustment under that section.

“(4) The entitlement to basic educational assistance under this subchapter of an individual who is paid such assistance on an accelerated basis under this subsection shall be charged at a rate equal to one month for each month of the period covered by the accelerated payment of such assistance.

"(5) Basic educational assistance shall be paid on an accelerated basis under this subsection as follows:

"(A) In the case of assistance for a course leading to a standard college degree, at the beginning of the quarter, semester, or term of the course in a lump-sum amount equivalent to the aggregate amount of monthly assistance otherwise payable under this subchapter for the quarter, semester, or term, as the case may be, of the course.

"(B) In the case of assistance for a course other than a course referred to in subparagraph (A)—

"(i) at the later of (I) the beginning of the course, or (II) a reasonable time after the request for payment by the individual concerned; and

"(ii) in any amount requested by the individual concerned within the limit, if any, specified in the regulations prescribed by the Secretary under paragraph (6), with such limit not to exceed the aggregate amount of monthly assistance otherwise payable under this subchapter for the period of the course.

"(6) The Secretary shall prescribe regulations for purposes of making payments of basic educational assistance on an accelerated basis under this subsection. Such regulations shall include requirements relating to the request for, making and delivery of, and receipt and use of such payments and may include a limit on the amount payable for a course under paragraph (5)(B)(ii).".

TITLE III—MEDICAL CARE

Subtitle A—Long-Term Care

SEC. 301. ADULT DAY HEALTH CARE.

Section 1720(f)(1)(A)(i) is amended by striking "subsections (a) through (d) of this section" and inserting "subsections (b) through (d) of this section".

SEC. 302. IN-HOME RESPITE CARE SERVICES.

Section 1720B(b) is amended—

(1) in the matter preceding paragraph (1), by striking "or nursing home care" and inserting ", nursing home care, or home-based care"; and

(2) in paragraph (2), by inserting "or in the home of a veteran" after "in a Department facility".

Subtitle B—Management of Medical Facilities and Property

SEC. 311. DISPOSAL OF DEPARTMENT OF VETERANS AFFAIRS REAL PROPERTY.

(a) TEMPORARY FLEXIBILITY IN DISPOSAL.—(1) Chapter 81 is amended by inserting after section 8122 the following new section:

"§ 8122A. Disposal of real property: temporary flexibility in disposal

"(a)(1) The Secretary may, in accordance with this section, dispose of property owned by the United States that is administered by the Secretary (including improvements and equipment associated with the property) by transfer, sale, or exchange to a Federal agency, a State or political subdivision thereof, or any public or private entity.

"(2) The Secretary may exercise the authority provided by this section without regard to the following provisions of law:

"(A) Sections 202 and 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483, 484).

"(B) Section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411).

"(3) The Secretary may not undertake more than 30 transactions for the disposal of real property under this section.

"(b)(1) The Secretary shall obtain compensation in connection with a disposal of real property under this section, other than by transfer or exchange with another Federal entity, in an amount equal to the fair market value of the property disposed of. Such compensation may include in-kind compensation.

"(2) The Secretary may use amounts of cash compensation received in connection with a disposal of real property under this section to cover costs incurred by the Secretary for administrative expenses associated with the disposal.

"(c)(1) There is in the Treasury a revolving fund to be known as the Department of Veterans Affairs Capital Asset Fund (in this section referred to as the 'Fund').

"(2) The Secretary shall deposit in the Fund the following:

"(A) Any amounts appropriated pursuant to an authorization of appropriations for the Fund.

"(B) Any cash compensation from the disposal of real property under this section, less amounts used to cover administrative expenses associated with such disposal under subsection (b)(2).

"(3)(A) To the extent provided in advance in appropriations Acts and subject to subsection (e)(2), amounts in the Fund at the beginning of a fiscal year shall be available during the fiscal year as follows:

"(i) For costs associated with the disposal of real property under this section, including—

"(I) costs of demolition of facilities and improvements;

"(II) costs of environmental restoration; and

"(III) costs of maintenance and repair of property, facilities, and improvements to facilitate disposal;

"(ii) To the extent not utilized under clause (i) and subject to subparagraph (B)—

"(I) for construction projects and facility leases (other than projects or leases within the scope of section 8104(a) of this title) and nonrecurring maintenance and operation activities (including the procurement and maintenance of equipment);

"(II) for transfer to the Department of Veterans Affairs Medical Care Collections Fund established in section 1729A of this title for use in accordance with that section;

"(III) for activities and grants under programs for providing grants for homeless assistance; and

"(IV) for transfer to the Department of Housing and Urban Development for homeless assistance grants.

"(iii) To the extent not utilized under clauses (i) and (ii), for the establishment and maintenance of the database required under subsection (d).

"(B) Of the amounts available under subparagraph (A)(ii) for a fiscal year—

"(i) an amount equal to 90 percent of such amounts shall be available under subclauses (I), (II) and (III) of that subparagraph; and

"(ii) an amount equal to 10 percent of such amounts shall be available under subclause (IV) of that subparagraph.

"(4) Amounts in the Fund shall be available for the purposes specified in paragraph (3) without fiscal year limitation.

"(d) The Secretary shall, in consultation with the Administrator of General Services, establish and maintain a database of information on the real property of the Department. The database shall provide information that facilitates the management of such real property, including the disposal of real property under this section.

"(e)(1) The authority of the Secretary to dispose of real property under this section shall expire 5 years after the date of the enactment of the Veterans Benefits Act of 1999.

"(2)(A) The Fund shall be available for not more than 2 years after the expiration of the authority under paragraph (1) for authorized uses of the Fund under this section.

"(B) Any unobligated funds in the Fund at the expiration of the availability of the Fund under subparagraph (A) shall be transferred to and merged with amounts in the Construction, Minor Projects Account.

"(f) The Secretary shall include with the materials that accompany the budget of the President for a fiscal year under section 1105 of title 31 a description, for the year preceding the year in which the budget is submitted, of each transaction for the disposal of real property carried out under this section.".

(2) The table of sections at the beginning of chapter 81 is amended by inserting after the item relating to section 8122 the following new item:

"8122A. Disposal of real property: temporary flexibility in disposal.".

(b) INITIAL CAPITALIZATION OF FUND.—(1) There is hereby authorized to be appropriated for the Department of Veterans Affairs for fiscal year 2000, $10,000,000 for deposit in the Department of Veterans Affairs Capital Asset Fund established by section 8122A(c) of title 38, United States Code (as added by subsection (a)).

(2) The Secretary may, for purposes of providing additional amounts in the Fund, transfer to the Fund in fiscal year 2000 amounts in the following accounts, in the order specified:

(A) Amounts in the Construction, Major Projects Account.

(B) Amounts in the Construction, Minor Projects Account.

(3) The Secretary shall reimburse an account referred to in paragraph (2) for any amounts transferred from the account to the Fund under that paragraph. Amounts for such reimbursements shall be derived from amounts in the Fund.

(c) MODIFICATIONS OF GENERAL REAL PROPERTY DISPOSAL AUTHORITY.—Paragraph (2) of section 8122(a) is amended to read as follows:

"(2)(A) Except as provided in paragraph (3) of this subsection, the Secretary may not during any fiscal year dispose of any real property that is owned by the United States and administered by the Secretary unless—

"(i) the disposal is described in the budget submitted to Congress pursuant to section 1105 of title 31 for that fiscal year; and

"(ii) the Department receives compensation for the disposal equal to fair market value of the real property.

"(B) The use of amounts received by the Secretary as a result of the disposal of real property under this paragraph shall be governed by the provisions of section 8122A of this title.".

SEC. 312. EXTENSION OF ENHANCED-USE LEASE AUTHORITY.

Section 8169 is amended by striking "December 31, 2001" and inserting "December 31, 2004".

Subtitle C—Homeless Veterans

SEC. 321. EXTENSION OF PROGRAM OF HOUSING ASSISTANCE FOR HOMELESS VETERANS.

Section 3735(c) is amended by striking "December 31, 1999" and inserting "December 31, 2001".

SEC. 322. HOMELESS VETERANS COMPREHENSIVE SERVICE PROGRAMS.

(a) PURPOSES OF GRANTS.—Section 3(a) of the Homeless Veterans Comprehensive Service Programs Act of 1992 (38 U.S.C. 7721 note) is amended by inserting ", and expanding existing programs for furnishing," after "new programs to furnish".

(b) Authorization of Appropriations.—Section 12 of that Act (38 U.S.C. 7721 note) is amended in the first sentence by inserting "and $50,000,000 for each of fiscal years 2000 and 2001" after "for fiscal years 1993 through 1997".

SEC. 323. AUTHORIZATIONS OF APPROPRIATIONS FOR HOMELESS VETERANS' REINTEGRATION PROJECTS.

Section 738(e)(1) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11448(e)(1) is amended by adding at the end the following:

"(H) $10,000,000 for fiscal year 2000.

"(I) $10,000,000 for fiscal year 2001.".

SEC. 324. REPORT ON IMPLEMENTATION OF GENERAL ACCOUNTING OFFICE RECOMMENDATIONS REGARDING PERFORMANCE MEASURES.

(a) Report.—Not later than three months after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report containing a detailed plan for the evaluation by the Department of Veterans Affairs of the effectiveness of programs to assist homeless veterans.

(b) Outcome Measures.—The plan shall include outcome measures which determine whether veterans are housed and employed within six months after housing and employment are secured for veterans under such programs.

Subtitle D—Other Health Care Provisions

SEC. 331. TREATMENT AND SERVICES FOR DRUG OR ALCOHOL DEPENDENCY.

Section 1720A(c) is amended—

(1) in the first sentence of paragraph (1)—

(A) by striking "may not be transferred" and inserting "may be transferred"; and

(B) by striking "unless such transfer is during the last thirty days of such member's enlistment or tour of duty"; and

(2) in the first sentence of paragraph (2), by striking "during the last thirty days of such person's enlistment period or tour of duty".

SEC. 332. ALLOCATION TO DEPARTMENT OF VETERANS AFFAIRS HEALTH CARE FACILITIES OF AMOUNTS IN MEDICAL CARE COLLECTIONS FUND.

Section 1729A(d) is amended—

(1) by striking "(1)";

(2) by striking "each designated health care region" and inserting "each Department health care facility";

(3) by striking "each region" and inserting "each facility";

(4) by striking "such region" both places it appears and inserting "such facility"; and

(5) by striking paragraph (2).

SEC. 333. EXTENSION OF CERTAIN PERSIAN GULF WAR AUTHORITIES.

(a) Three-Year Extension of Newsletter on Medical Care.—Section 105(b)(2) of the Persian Gulf War Veterans' Benefits Act (title I of Public Law 103–446; 108 Stat. 4659; 38 U.S.C. 1117 note) is amended by striking "December 31, 1999" and inserting "December 31, 2002".

(b) Three-Year Extension of Program for Evaluation of Health of Spouses and Children.—Section 107(b) of Persian Gulf War Veterans' Benefits Act (title I of Public Law 103–446; 38 U.S.C. 1117 note) is amended by striking "December 31, 1999" and inserting "December 31, 2002".

SEC. 334. REPORT ON COORDINATION OF PROCUREMENT OF PHARMACEUTICALS AND MEDICAL SUPPLIES BY THE DEPARTMENT OF VETERANS AFFAIRS AND THE DEPARTMENT OF DEFENSE.

(a) Requirement.—Not later than March 31, 2000, the Secretary of Veterans Affairs and the Secretary of Defense shall jointly submit to the Committees on Veterans' Affairs and Armed Services of the Senate and the Committees on Veterans' Affairs and Armed Services of the House of Representatives a report on the cooperation between the Department of Veterans Affairs and the Department of Defense in the procurement of pharmaceuticals and medical supplies.

(b) Report Elements.—The report under subsection (a) shall include the following:

(1) A description of the current cooperation between the Department of Veterans Affairs and the Department of Defense in the procurement of pharmaceuticals and medical supplies.

(2) An assessment of the means by which cooperation between the departments in such procurement could be enhanced or improved.

(3) A description of any existing memoranda of agreement between the Department of Veterans Affairs and the Department of Defense that provide for the cooperation referred to in subsection (a).

(4) A description of the effects, if any, such agreements will have on current staffing levels at the Defense Supply Center Philadelphia, Pennsylvania, and the Department of Veterans Affairs National Acquisition Center in Hines, Illinois.

(5) A description of the effects, if any, of such cooperation on military readiness.

(6) A comprehensive assessment of cost savings realized and projected over the five fiscal year period beginning in fiscal year 1999 for the Department of Veterans Affairs and the Department of Defense as a result of such cooperation, and the overall savings to the Treasury of the United States as a result of such cooperation.

(7) A list of the types of medical supplies and pharmaceuticals for which cooperative agreements would not be appropriate and the reason or reasons therefor.

(8) An assessment of the extent to which cooperative agreements could be expanded to include medical equipment, major systems, and durable goods used in the delivery of health care by the Department of Veterans Affairs and the Department of Defense.

(9) A description of the effects such agreements might have on distribution of items purchased cooperatively by the Department of Veterans Affairs and the Department of Defense, particularly outside the continental United States.

(10) An assessment of the potential to establish common pharmaceutical formularies between the Department of Veterans Affairs and the Department of Defense.

(11) An explanation of the current Uniform Product Number (UPN) requirements of each Department and of any planned standardization of such requirements between the Departments for medical equipment and durable goods manufacturers.

Subtitle E—Major Medical Facility Projects Construction Authorization

SEC. 341. AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECTS.

(a) In General.—The Secretary of Veterans Affairs may carry out the following major medical facility projects, with reach project to be carried out in the amount specified for that project:

(1) Construction of a long term care facility at the Department of Veterans Affairs Medical Center, Lebanon, Pennsylvania, in an amount not to exceed $14,500,000.

(2) Renovations and environmental improvements at the Department of Veterans Affairs Medical Center, Fargo, North Dakota, in an amount not to exceed $12,000,000.

(b) Authorization of Appropriations.—

(1) In general.—There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2000 for the Construction, Major Projects, Account $200,100,000 for the projects authorized in subsection (a) and for the continuation of projects authorized in section 701(a) of the Veterans Programs Enhancement Act of 1998 (Public Law 105–368; 112 Stat. 3348).

(2) Limitation on fiscal year 2000 projects.—The projects authorized in subsection (a) may only be carried out using—

(A) funds appropriated for fiscal year 2000 pursuant to the authorizations of appropriations in subsection (a);

(B) funds appropriated for Construction, Major Projects, for a fiscal year before fiscal year 2000 that remain available for obligation; and

(C) funds appropriated for Construction, Major Projects, for fiscal year 2000 for a category of activity not specific to a project.

(c) Availability of Funds for Fiscal Year 1999 Projects.—Section 703(b)(1) of the Veterans Programs Enhancement Act of 1998 (112 Stat. 3349) is amended—

(1) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

(2) by inserting after subparagraph (A) the following new subparagraph (B):

"(B) funds appropriated for fiscal year 2000 pursuant to the authorization of appropriations in section 341(b)(1) of the Veterans Benefits Act of 1999;".

TITLE IV—OTHER BENEFITS MATTERS

SEC. 401. PAYMENT RATE OF CERTAIN BURIAL BENEFITS FOR CERTAIN FILIPINO VETERANS.

(a) Payment Rate.—Section 107 is amended—

(1) in subsection (a), by striking "Payments" and inserting "Subject to subsection (c), payments"; and

(2) by adding at the end the following:

"(c)(1) In the case of an individual described in paragraph (2), payments under section 2302 or 2303 of this title by reason of subsection (a)(3) shall be made at the rate of $1 for each dollar authorized.

"(2) Paragraph (1) applies to any individual whose service is described in subsection (a) if the individual, on the individual's date of death—

"(A) is a citizen of the United States;

"(B) is residing in the United States; and

"(C) either—

"(i) is receiving compensation under chapter 11 of this title; or

"(ii) if such service had been deemed to be active military, naval, or air service, would have been paid pension under section 1521 of this title without denial or discontinuance by reason of section 1522 of this title.".

(b) Applicability.—No benefits shall accrue to any person for any period before the effective date of this Act by reason of the amendments made by subsection (a).

SEC. 402. EXTENSION OF AUTHORITY TO MAINTAIN A REGIONAL OFFICE IN THE REPUBLIC OF THE PHILIPPINES.

Section 315(b) is amended by striking "December 31, 1999" and inserting "December 31, 2004".

SEC. 403. EXTENSION OF ADVISORY COMMITTEE ON MINORITY VETERANS.

Section 544(e) is amended by striking "December 31, 1999" and inserting "December 31, 2004".

SEC. 404. REPEAL OF LIMITATION ON PAYMENTS OF BENEFITS TO INCOMPETENT INSTITUTIONALIZED VETERANS.

Section 5503 is amended—

(1) by striking subsections (b) and (c); and

(2) by redesignating subsections (d), (e), and (f) as subsections (b), (c), and (d), respectively.

SEC. 405. CLARIFICATION OF VETERANS EMPLOYMENT OPPORTUNITIES.

(a) Clarification.—Section 3304(f) of title 5, United States Code, is amended—

(1) by striking paragraph (4);

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(3) by inserting after paragraph (1) the following new paragraph (2):

"(2) If selected, a preference eligible or veteran described in paragraph (1) shall acquire competitive status and shall receive a career or career-conditional appointment, as appropriate.".

(b) Effective Date.—The amendments made by subsection (a) shall take effect as if included in the amendment made to section 3304 of title 5, United States Code, by section 2 of the Veterans Employment Opportunities Act of 1998 (Public Law 105-339; 112 Stat. 3182), to which such amendments relate.

TITLE V—MEMORIAL AFFAIRS

Subtitle A—Arlington National Cemetery

SEC. 501. SHORT TITLE.

This subtitle may be cited as the "Arlington National Cemetery Burial and Inurnment Eligibility Act of 1999".

SEC. 502. PERSONS ELIGIBLE FOR BURIAL IN ARLINGTON NATIONAL CEMETERY.

(a) In General.—(1) Chapter 24 is amended by adding at the end the following new section:

"§ 2412. Arlington National Cemetery: persons eligible for burial

"(a) Primary Eligibility.—The remains of the following individuals may be buried in Arlington National Cemetery:

"(1) Any member of the Armed Forces who dies while on active duty.

"(2) Any retired member of the Armed Forces and any person who served on active duty and at the time of death was entitled (or but for age would have been entitled) to retired pay under chapter 1223 of title 10.

"(3) Any former member of the Armed Forces separated for physical disability before October 1, 1949, who—

"(A) served on active duty; and

"(B) would have been eligible for retirement under the provisions of section 1201 of title 10 (relating to retirement for disability) had that section been in effect on the date of separation of the member.

"(4) Any former member of the Armed Forces whose last active duty military service terminated honorably and who has been awarded one of the following decorations:

"(A) Medal of Honor.

"(B) Distinguished Service Cross, Air Force Cross, or Navy Cross.

"(C) Distinguished Service Medal.

"(D) Silver Star.

"(E) Purple Heart.

"(5) Any former prisoner of war who dies on or after November 30, 1993.

"(6) The President or any former President.

"(7) Any former member of the Armed Forces whose last discharge or separation from active duty was under honorable conditions and who is or was one of the following:

"(A) Vice President.

"(B) Member of Congress.

"(C) Chief Justice or Associate Justice of the Supreme Court.

"(D) The head of an Executive department (as such departments are listed in section 101 of title 5).

"(E) An individual who served in the foreign or national security services, if such individual died as a result of a hostile action outside the United States in the course of such service.

"(8) Any individual whose eligibility is authorized in accordance with subsection (b).

"(b) Additional Authorizations of Burial.—(1) Subject to paragraph (4), in the case of a former member of the Armed Forces not otherwise covered by subsection (a) whose last discharge or separation from active duty was under honorable conditions, if the Secretary of Defense makes a determination referred to in paragraph (3) with respect to such member, the Secretary of Defense may authorize the burial of the remains of such former member in Arlington National Cemetery under subsection (a)(8).

"(2) Subject to paragraph (4), in the case of any individual not otherwise covered by subsection (a) or paragraph (1), if the President makes a determination referred to in paragraph (3) with respect to such individual, the President may authorize the burial of the remains of such individual in Arlington National Cemetery under subsection (a)(8).

"(3) A determination referred to in paragraph (1) or (2) is a determination that the acts, service, or other contributions to the Nation of the former member or individual concerned are of equal or similar merit to the acts, service, or other contributions to the Nation of any of the persons listed in subsection (a).

"(4) A burial may be authorized under paragraph (1) or (2) only after consultation with respect to the burial by the Secretary of Defense with the Chairmen and Ranking Members of the Committees on Veterans' Affairs of the Senate and the House of Representatives.

"(5)(A) In the case of an authorization for burial under this subsection, the President or the Secretary of Defense, as the case may be, shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the authorization not later than 72 hours after the authorization.

"(B) Each report under subparagraph (A) shall—

"(i) identify the individual authorized for burial; and

"(ii) provide a justification for the authorization for burial.

"(c) Eligibility of Family Members.—The remains of the following individuals may be buried in Arlington National Cemetery:

"(1) The spouse, surviving spouse, minor child, and, at the discretion of the Superintendent, unmarried adult child of a person listed in subsection (a), but only if buried in the same gravesite as that person.

"(2)(A) The spouse, minor child, and, at the discretion of the Superintendent, unmarried adult child of a member of the Armed Forces on active duty if such spouse, minor child, or unmarried adult child dies while such member is on active duty.

"(B) The individual whose spouse, minor child, and unmarried adult child is eligible under subparagraph (A), but only if buried in the same gravesite as the spouse, minor child, or unmarried adult child.

"(3) The parents of a minor child or unmarried adult child whose remains, based on the eligibility of a parent, are already buried in Arlington National Cemetery, but only if buried in the same gravesite as that minor child or unmarried adult child.

"(4)(A) Subject to subparagraph (B), the surviving spouse, minor child, and, at the discretion of the Superintendent, unmarried adult child of a member of the Armed Forces who was lost, buried at sea, or officially determined to be permanently absent in a status of missing or missing in action.

"(B) A person is not eligible under subparagraph (A) if a memorial to honor the memory of the member is placed in a cemetery in the national cemetery system, unless the memorial is removed. A memorial removed under this subparagraph may be placed, at the discretion of the Superintendent, in Arlington National Cemetery.

"(5) The surviving spouse, minor child, and, at the discretion of the Superintendent, unmarried adult child of a member of the Armed Forces buried in a cemetery under the jurisdiction of the American Battle Monuments Commission.

"(d) Spouses.—For purposes of subsection (c)(1), a surviving spouse of a person whose remains are buried in Arlington National Cemetery by reason of eligibility under subsection (a) who has remarried is eligible for burial in the same gravesite of that person. The spouse of the surviving spouse is not eligible for burial in such gravesite.

"(e) Disabled Adult Unmarried Children.—In the case of an unmarried adult child who is incapable of self-support up to the time of death because of a physical or mental condition, the child may be buried under subsection (c) without requirement for approval by the Superintendent under that subsection if the burial is in the same gravesite as the gravesite in which the parent, who is eligible for burial under subsection (a), has been or will be buried.

"(f) Family Members of Persons Buried in a Group Gravesite.—In the case of a person eligible for burial under subsection (a) who is buried in Arlington National Cemetery as part of a group burial, the surviving spouse, minor child, or unmarried adult child of the member may not be buried in the group gravesite.

"(g) Exclusive Authority for Burial in Arlington National Cemetery.—Eligibility for burial of remains in Arlington National Cemetery prescribed under this section is the exclusive eligibility for such burial.

"(h) Application for Burial.—A request for burial of remains of an individual in Arlington National Cemetery made before the death of the individual may not be considered by the Secretary of the Army, the Secretary of Defense, or any other responsible official.

"(i) Register of Buried Individuals.—(1) The Secretary of the Army shall maintain a register of each individual buried in Arlington National Cemetery and shall make such register available to the public.

"(2) With respect to each such individual buried on or after January 1, 1998, the register shall include a brief description of the basis of eligibility of the individual for burial in Arlington National Cemetery.

"(j) Definitions.—For purposes of this section:

"(1) The term 'retired member of the Armed Forces' means—

"(A) any member of the Armed Forces on a retired list who served on active duty and who is entitled to retired pay;

"(B) any member of the Fleet Reserve or Fleet Marine Corps Reserve who served on active duty and who is entitled to retainer pay; and

"(C) any member of a reserve component of the Armed Forces who has served on active duty and who has received notice from the Secretary concerned under section 12731(d) of title 10 of eligibility for retired pay under chapter 1223 of title 10.

"(2) The term 'former member of the Armed Forces' includes a person whose service is considered active duty service pursuant to a determination of the Secretary of Defense under section 401 of Public Law 95-202 (38 U.S.C. 106 note).

"(3) The term 'Superintendent' means the Superintendent of Arlington National Cemetery.".

(2) The table of sections at the beginning of chapter 24 is amended by adding at the end the following new item:

"2412. Arlington National Cemetery: persons eligible for burial.".

(b) PUBLICATION OF UPDATED PAMPHLET.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Army shall publish an updated pamphlet describing eligibility for burial in Arlington National Cemetery. The pamphlet shall reflect the provisions of section 2412 of title 38, United States Code, as added by subsection (a).

(c) TECHNICAL AMENDMENTS.—Section 2402(7) is amended—

(1) by inserting "(or but for age would have been entitled)" after "was entitled";

(2) by striking "chapter 67" and inserting "chapter 1223"; and

(3) by striking "or would have been entitled to" and all that follows and inserting a period.

(d) EFFECTIVE DATE.—Section 2412 of title 38, United States Code, as added by subsection (a), shall apply with respect to individuals dying on or after the date of enactment of this Act.

SEC. 503. PERSONS ELIGIBLE FOR PLACEMENT IN THE COLUMBARIUM IN ARLINGTON NATIONAL CEMETERY.

(a) IN GENERAL.—(1) Chapter 24 is amended by adding after section 2412, as added by section 501(a)(1) of this Act, the following new section:

"§ 2413. Arlington National Cemetery: persons eligible for placement in columbarium

"(a) ELIGIBILITY.—The cremated remains of the following individuals may be placed in the columbarium in Arlington National Cemetery:

"(1) A person eligible for burial in Arlington National Cemetery under section 2412 of this title.

"(2)(A) A veteran whose last period of active duty service (other than active duty for training) ended honorably.

"(B) The spouse, surviving spouse, minor child, and, at the discretion of the Superintendent of Arlington National Cemetery, unmarried adult child of such a veteran.

"(b) SPOUSE.—Section 2412(d) of this title shall apply to a spouse under this section in the same manner as it applies to a spouse under section 2412 of this title.".

(2) The table of sections at the beginning of chapter 24 is amended by adding after section 2412, as added by section 501(a)(2) of this Act, the following new item:

"2413. Arlington National Cemetery: persons eligible for placement in columbarium.".

(b) EFFECTIVE DATE.—Section 2413 of title 38, United States Code, as added by subsection (a), shall apply with respect to individuals dying on or after the date of enactment of this Act.

Subtitle B—World War II Memorial

SEC. 511. SHORT TITLE.

This subtitle may be cited as the "World War II Memorial Completion Act".

SEC. 512. FUND RAISING BY AMERICAN BATTLE MONUMENTS COMMISSION FOR WORLD WAR II MEMORIAL.

(a) CODIFICATION OF EXISTING AUTHORITY; EXPANSION OF AUTHORITY.—(1) Chapter 21 of title 36, United States Code, is amended by adding at the end the following new section:

"§ 2113. World War II memorial in the District of Columbia

"(a) DEFINITIONS.—In this section:

"(1) The term 'World War II memorial' means the memorial authorized by Public Law 103-32 (107 Stat. 90) to be established by the American Battle Monuments Commission on Federal land in the District of Columbia or its environs to honor members of the Armed Forces who served in World War II and to commemorate the participation of the United States in that war.

"(2) The term 'Commission' means the American Battle Monuments Commission.

"(3) The term 'memorial fund' means the fund created by subsection (c).

"(b) SOLICITATION AND ACCEPTANCE OF CONTRIBUTIONS.—Consistent with the authority of the Commission under section 2103(e) of this title, the Commission shall solicit and accept contributions for the World War II memorial.

"(c) CREATION OF MEMORIAL FUND.—(1) There is hereby created in the Treasury a fund for the World War II memorial, which shall consist of the following:

"(A) Amounts deposited, and interest and proceeds credited, under paragraph (2).

"(B) Obligations obtained under paragraph (3).

"(C) The amount of surcharges paid to the Commission for the World War II memorial under the World War II 50th Anniversary Commemorative Coins Act.

"(D) Amounts borrowed using the authority provided under subsection (e).

"(E) Any funds received by the Commission under section 2103(l) of this title in exchange for use of, or the right to use, any mark, copyright or patent.

"(2) The Chairman of the Commission shall deposit in the memorial fund the amounts accepted as contributions under subsection (b). The Secretary of the Treasury shall credit to the memorial fund the interest on, and the proceeds from sale or redemption of, obligations held in the memorial fund.

"(3) The Secretary of the Treasury shall invest any portion of the memorial fund that, as determined by the Chairman of the Commission, is not required to meet current expenses. Each investment shall be made in an interest bearing obligation of the United States or an obligation guaranteed as to principal and interest by the United States that, as determined by the Chairman of the Commission, has a maturity suitable for the memorial fund.

"(d) USE OF MEMORIAL FUND.—The memorial fund shall be available to the Commission for—

"(1) the expenses of establishing the World War II memorial, including the maintenance and preservation amount provided for in section 8(b) of the Commemorative Works Act (40 U.S.C. 1008(b));

"(2) such other expenses, other than routine maintenance, with respect to the World War II memorial as the Commission considers warranted; and

"(3) to secure, obtain, register, enforce, protect, and license any mark, copyright or patent that is owned by, assigned to, or licensed to the Commission under section 2103(l) of this title to aid or facilitate the construction of the World War II memorial.

"(e) SPECIAL BORROWING AUTHORITY.—(1) To assure that groundbreaking, construction, and dedication of the World War II memorial are completed on a timely basis, the Commission may borrow money from the Treasury of the United States in such amounts as the Commission considers necessary, but not to exceed a total of $65,000,000. Borrowed amounts shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the month in which the obligations of the Commission are issued. The interest payments on such obligations may be deferred with the approval of the Secretary of the Treasury, but any interest payment so deferred shall also bear interest.

"(2) The borrowing of money by the Commission under paragraph (1) shall be subject to such maturities, terms, and conditions as may be agreed upon by the Commission and the Secretary of the Treasury, except that the maturities may not exceed 20 years and such borrowings may be redeemable at the option of the Commission before maturity.

"(3) The obligations of the Commission shall be issued in amounts and at prices approved by the Secretary of the Treasury. The authority of the Commission to issue obligations under this subsection shall remain available without fiscal year limitation. The Secretary of the Treasury shall purchase any obligations of the Commission to be issued under this subsection, and for such purpose the Secretary of the Treasury may use as a public debt transaction of the United States the proceeds from the sale of any securities issued under chapter 31 of title 31. The purposes for which securities may be issued under such chapter are extended to include any purchase of the Commission's obligations under this subsection.

"(4) Repayment of the interest and principal on any funds borrowed by the Commission under paragraph (1) shall be made from amounts in the memorial fund. The Commission may not use for such purpose any funds appropriated for any other activities of the Commission.

"(f) TREATMENT OF BORROWING AUTHORITY.—In determining whether the Commission has sufficient funds to complete construction of the World War II memorial, as required by section 8 of the Commemorative Works Act (40 U.S.C. 1008), the Secretary of the Interior shall consider the funds that the Commission may borrow from the Treasury under subsection (e) as funds available to complete construction of the memorial, whether or not the Commission has actually exercised the authority to borrow such funds.

"(g) VOLUNTARY SERVICES.—(1) Notwithstanding section 1342 of title 31, the Commission may accept from any person voluntary services to be provided in furtherance of the fund-raising activities of the Commission relating to the World War II memorial.

"(2) A person providing voluntary services under this subsection shall be considered to be a Federal employee for purposes of chapter 81 of title 5, relating to compensation for work-related injuries, and chapter 171 of title 28, relating to tort claims. A volunteer who is not otherwise employed by the Federal Government shall not be considered to be a Federal employee for any other purpose by reason of the provision of such voluntary service, except that any volunteers given responsibility for the handling of funds or the carrying out of a Federal function are subject to the conflict of interest laws contained in chapter 11 of title 18, and the administrative standards of conduct contained in part 2635 of title 5, Code of Federal Regulations.

"(3) The Commission may provide for reimbursement of incidental expenses which are incurred by a person providing voluntary services under this subsection. The Commission shall determine which expenses are eligible for reimbursement under this paragraph.

"(4) Nothing in this subsection shall be construed to require Federal employees to work without compensation or to allow the use of volunteer services to displace or replace Federal employees.

"(h) TREATMENT OF CERTAIN CONTRACTS.—A contract entered into by the Commission for the design or construction of the World War II memorial is not funding agreement as that term is defined in section 201 of title 35.

"(i) EXTENSION OF AUTHORITY TO ESTABLISH MEMORIAL.—Notwithstanding section 10 of the Commemorative Works Act (40 U.S.C. 1010), the legislative authorization for the construction of the World War II memorial contained in Public Law 103-32 (107 Stat. 90) shall not expire until December 31, 2005.".

(2) The table of sections at the beginning of chapter 21 of title 36, United States Code, is amended by adding at the end the following new item:

"2113. World War II memorial in the District of Columbia.".

(b) CONFORMING AMENDMENTS.—Public Law 103-32 (107 Stat. 90) is amended by striking sections 3, 4, and 5.

(c) EFFECT OF REPEAL OF CURRENT MEMORIAL FUND.—Upon the date of the enactment of this Act, the Secretary of the Treasury shall transfer amounts in the fund created by section 4(a) of Public Law 103-32 (107 Stat. 91) to the fund created by section 2113 of title 36, United States Code, as added by subsection (a).

SEC. 513. GENERAL AUTHORITY OF AMERICAN BATTLE MONUMENTS COMMISSION TO SOLICIT AND RECEIVE CONTRIBUTIONS.

Subsection (e) of section 2103 of title 36, United States Code, is amended to read as follows:

"(e) SOLICITATION AND RECEIPT OF CONTRIBUTIONS.—(1) The Commission may solicit and receive funds and in-kind donations and gifts from any State, municipal, or private source to carry out the purposes of this chapter. The Commission shall deposit such funds in a separate account in the Treasury. Funds from this account shall be disbursed upon vouchers approved by the Chairman of the Commission as well as by a Federal official authorized to sign payment vouchers.

"(2) The Commission shall establish written guidelines setting forth the criteria to be used in determining whether the acceptance of funds and in-kind donations and gifts under paragraph (1) would—

"(A) reflect unfavorably on the ability of the Commission, or any employee of the Commission, to carry out the responsibilities or official duties of the Commission in a fair and objective manner; or

"(B) compromise the integrity or the appearance of the integrity of the programs of the Commission or any official involved in those programs.".

SEC. 514. INTELLECTUAL PROPERTY AND RELATED ITEMS.

Section 2103 of title 36, United States Code, is amended by adding at the end the following new subsection:

"(l) INTELLECTUAL PROPERTY AND RELATED ITEMS.—(1) The Commission may—

"(A) adopt, use, register, and license trademarks, service marks, and other marks;

"(B) obtain, use, register, and license the use of copyrights consistent with section 105 of title 17;

"(C) obtain, use, and license patents; and

"(D) accept gifts of marks, copyrights, patents and licenses for use by the Commission.

"(2) The Commission may grant exclusive and nonexclusive licenses in connection with any mark, copyright, patent, or license for the use of such mark, copyright or patent, except to extent the grant of such license by the Commission would be contrary to any contract or license by which the use of such mark, copyright or patent was obtained.

"(3) The Commission may enforce any mark, copyright, or patent by an action in the district courts under any law providing for the protection of such marks, copyrights, or patents.

"(4) The Attorney General shall furnish the Commission with such legal representation as the Commission may require under paragraph (3). The Secretary of Defense shall provide representation for the Commission in administrative proceedings before the Patent and Trademark Office and Copyright Office.

"(5) Section 203 of title 17 shall not apply to any copyright transferred in any manner to the Commission.".

TITLE VI—UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

SEC. 601. STAGGERED RETIREMENT OF JUDGES.

(a) STAGGERED ELIGIBILITY FOR EARLY RETIREMENT.—Notwithstanding section 7296 of title 38, United States Code, judges of the United States Court of Appeals for Veterans Claims described in subsection (b) shall be eligible to retire from the Court without regard to the actual date of expiration of their terms as judges of the Court, as follows:

(1) One individual in 2001.

(2) Two individuals in each of 2002 and 2003.

(b) COVERED JUDGES.—A judge of the United States Court of Appeals for Veterans Claims is eligible to retire under this section if at the time of retirement the judge—

(1) is an associate judge of the Court who has at least 10 years of service on the Court creditable under section 7296 of title 38, United States Code;

(2) has made an election to receive retired pay under section 7296 of such title;

(3) has at least 20 years of service allowable under section 7297(*l*) of such title;

(4) is at least fifty-five years of age;

(5) has years of age, years of service creditable under section 7296 of such title, and years of service allowable under section 7297(*l*) of such title not creditable under section 7296 of such title that total at least 80; and

(6) either—

(A) is the most senior associate judge of the Court to submit notice of an election to retire under subsection (c) in 2001; or

(B) is one of the two most senior associate judges of the Court to submit notice of an election to retire under that subsection in 2002 or 2003, as applicable.

(c) ELECTION OF INTENT TO RETIRE.—(1) A judge seeking to retire under this section shall submit to the President and the chief judge of the United States Court of Appeals for Veterans Claims written notice of an election to so retire not later than April 1 of the year in which the judge seeks to so retire.

(2) A notice of election to retire under this subsection for a judge shall specify the retirement date of the judge. That date shall meet the requirements for a retirement date set forth in subsection (d)(1).

(3) An election to retire under this section, if accepted by the President, is irrevocable.

(d) RETIREMENT.—(1) A judge whose election to retire under this section is accepted shall retire in the year in which notice of the judge's election to retire is submitted under subsection (c)(1). The retirement date shall be not later than 90 days after the date of the submittal of the election to retire under that subsection.

(2)(A) Notwithstanding any other provision of law and except as provided in subparagraph (B), a judge retiring under this section shall be deemed to have retired under section 7296(b)(1) of title 38, United States Code.

(B) The rate of retired pay for a judge retiring under this section shall, as of the date of such judge's retirement, be equal to the rate of retired pay otherwise applicable to the judge under section 7296(c)(1) of such title as of such date multiplied by the fraction in which—

(i) the numerator is the sum of the number of the judge's years of service as a judge of the United States Court of Appeals for Veterans Claims creditable under section 7296 of such title and the age of such judge; and

(ii) the denominator is 80.

(e) DUTY OF ACTUARY.—Section 7298(e)(2) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by insert after subparagraph (B) the following new subparagraph (C):

"(C) For purposes of subparagraph (B) of this paragraph, the term 'present value' includes a value determined by an actuary with respect to a payment that may be made under subsection (b) from the retirement fund within the contemplation of law.".

SEC. 602. RECALL OF RETIRED JUDGES.

(a) IN GENERAL.—Subchapter I of chapter 72 is amended by inserting after section 7254 the following new section:

"§ 7254a. Recall of retired judges

"(a) The chief judge of the United States Court of Appeals for Veterans Claims may recall to the Court any individual described in subsection (b) if—

"(1) a vacancy exists in a position of associate judge of the Court; or

"(2) the chief judge determines that the recall is necessary to meet the anticipated case work of the Court.

"(b) An individual eligible for recall to the Court under this section is any individual who—

"(1) has retired as a judge of the Court under the provisions of section 7296 of this title or the provisions of chapter 83 or 84 of title 5, as applicable; and

"(2) has submitted to the chief judge of the Court a notice of election to be so recalled.

"(c)(1) Upon determining to recall an individual to the Court under this section, the chief judge shall certify in writing to the President that—

"(A) the individual to be recalled is needed to perform substantial service for the Court; and

"(B) such service is required for a specified period of time.

"(2) The chief judge shall provide a copy of any certification submitted to the President under paragraph (1) to the Committees on Veterans' Affairs of the Senate and House of Representatives.

"(3)(A) An individual may be recalled to the Court under this section only with the written consent of the individual.

"(B) The individual shall be recalled only for the period of time specified in the certification with respect to the individual under paragraph (1).

"(d) An individual recalled to the Court under this section may exercise all of the powers and duties of office of a judge of the Court in active service on the Court.

"(e)(1) An individual recalled to the Court under this section shall, during the period for which the individual serves in recall status under this section, be paid pay at a rate equivalent to the rate of pay in effect under section 7253(e)(2) of this title for a judge serving on the Court minus the amount of retired pay paid to the individual under section 7296 of this title or of an annuity under the provisions of chapter 83 or 84 of title 5, as applicable.

"(2) Amounts paid an individual under this subsection shall not be treated as compensation for employment with the United States for purposes of section 7296(e) of this title or any provision of title 5 relating to the receipt or forfeiture of retired pay or retirement annuities by a person accepting compensation for employment with the United States.

"(f)(1) Except as provided in subsection (e), an individual recalled to the Court under this section who retired under the applicable provisions of title 5 shall be considered to be a reemployed annuitant under chapter 83 or 84 of title 5, as applicable.

"(2) Nothing in this section shall affect the right of an individual who retired under the provisions of chapter 83 or 84 of title 5 to serve otherwise as a reemployed annuitant in accordance with the provisions of title 5.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 72 is amended by inserting after the item relating to section 7254 the following new item:

"7254a. Recall of retired judges.".

By Mr. SCHUMER (for himself, Mr. BYRD, Mr. KENNEDY, Mr. INOUYE, Mr. ROTH, Mr. LEAHY, Mr. CHAFEE, Mr. WARNER, Mr. LEVIN, Mr. DODD, Mr. LAUTENBERG, Mr. BINGAMAN, Mr. KERRY, Mr. REID, Mr. BRYAN, Mr. ROBB, Mr. LIEBERMAN, Mrs. BOXER, Mr. WYDEN, Mr. TORRICELLI, and Mr. BAYH):

S. 1077. A bill to dedicate the new Amtrak station in New York, New York, to Senator DANIEL PATRICK MOYNIHAN; to the Committee on Environment and Public Works.

DANIEL PATRICK MOYNIHAN STATION

Mr. SCHUMER. Mr. President, I rise today to introduce a bill to name the new train station at the James A. Farley Post Office Building, which sits across the street from Pennsylvania Station in Manhattan, after my esteemed colleague and tireless champion of this project, Senator DANIEL PATRICK MOYNIHAN.

It is an especially fitting tribute to offer this bill today as President Bill Clinton, Governor George Pataki, Mayor Rudolph Giuliani, Transportation Secretary Rodney Slater, Postmaster General William Henderson and Senator MOYNIHAN all gathered this morning at the Farley Building to officially unveil the magnificent new station plan, designed by the celebrated architect David Childs of Skidmore, Owings & Merrill. I am deeply sorry that I could not attend that event, which I understand was a success in every way, but other matters called me here to the floor.

First, let me praise the vision and determination of my dear friend, the senior Senator from New York. In 1963, long before he was a Senator and, in fact, when I was 12 years old PAT MOYNIHAN was one of a group of prescient New Yorkers who protested the tragic razing of our City's spectacular Pennsylvania Station—a glorious public building designed by the nation's premier architectural firm of the time, McKim, Mead & White.

It was PAT MOYNIHAN who recognized years ago that across the street from what is now a sad basement terminal that functions—barely—as New York City's train station, sits the James A. Farley Post Office Building, built by the same architects in much the same grand design as the old Penn Station. PAT MOYNIHAN recognized that since the very same railroad tracks that run under the current Penn Station also run beneath the Farley Building, we could use the Farley Building to once again create a train station worthy of our great city. He then tirelessly did the impossible—persuaded New York City, New York State, the U.S. Postal Service, the U.S. Department of Transportation, Amtrak, Congressional Appropriators, and the President himself, to commit to making this project succeed. No mean feat, I assure you. In a day, particularly in our city, when grand public works often get bugged down in fighting and court suits, it is a tribute to Senator MOYNIHAN that not only did he have the vision to see the station, but he also had the muscle and legislative skill to see it through.

This past Sunday, Herbert Muschamp, the noted New York Times architecture critic praised Childs' design, which brilliantly fuses the classical elements of the Farley Building with a dramatic, light-filled concourse and a spectacular new ticketing area. Muschamp adds: "In an era better known for the decrepitude of its infrastructure than for inspiring new visions of the city's future, the plan comes as proof that New York can still undertake major public works. This is the most important transportation project undertaken in New York City in several generations." We have PAT MOYNIHAN to thank.

That Senator MOYNIHAN would be responsible for the success of this project is no surprise. His passion for and dedication to public architecture is well known and dates back to his days as a young aide to President Kennedy, who, right before his death, tasked MOYNIHAN with restoring Pennsylvania Avenue here in Washington.

MOYNIHAN succeeded brilliantly in his task, with the final piece of Pennsylvania Avenue—the Ronald Reagan Building and International Trade Center—unveiled one year ago and instantly hailed as one of the best new buildings to grace the Capital. MOYNIHAN has another renowned Federal building to his credit—the Thurgood Marshall Judiciary Building, which provides such a beautiful companion to Union Station and the Old Post Office.

In New York City, MOYNIHAN has been an equally tireless architectural champion, responsible for the restoration of the spectacular Beaux-Arts Custom House at Bowling Green and for the construction of a grand new Federal Courthouse at Foley Square. MOYNIHAN is beloved in Buffalo for reawakening that city's appreciation for its architectural heritage, which includes Frank Lloyd Wright houses and the Prudential Building, one of the best-known early American skyscrapers by the architect Louis Sullivan—a building which MOYNIHAN helped restore and then chose as his Buffalo office. When he first came to Buffalo he told me that nowhere else in America had the three greatest American architects of the 20th century, Frank Lloyd Wright, Henry Richardson and Louis Sullivan, had buildings standing near one another.

He has also spurred a popular movement in Buffalo to build a new signature Peace Bridge.

So my colleagues, it is altogether fitting and appropriate that this new Penn Station be named in honor of our distinguished senior Senator from New York, someone who is my friend and who I wish was staying in the Senate for a longer period of time—someone I will dearly miss. It is an honor to stand here and offer this tribute to such an uncommon man, because Senator MOYNIHAN himself is indeed a national treasure.

Truly, the epitaph given to Sir Christopher Wren, designer of St. Paul's Cathedral in London, is fitting for Senator MOYNIHAN. If my colleagues will pardon my pronunciation, for my Latin isn't that good: "Si Monumentum Requiris Circumspice," "If you would see the man's monument, look around.

I join my fellow New Yorkers in anxiously awaiting the day when we arrive at the glorious DANIEL PATRICK MOYNIHAN Station.

Mr. President, I ask unanimous consent the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1077

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF DANIEL PATRICK MOYNIHAN STATION.

The Amtrak station to be constructed in the James A. Farley Post Office Building in New York, New York, shall be known and designated as the "Daniel Patrick Moynihan Station".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Amtrak station referred to in section 1 shall be deemed to be a reference to the "Daniel Patrick Moynihan Station".

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I compliment the distinguished Senator from New York. I did not hear a word I disagreed with. I only wish to hear it amplified throughout the Nation.

I ask unanimous consent I be listed as a cosponsor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, would the Senator yield briefly that I might compliment him?

Mr. SCHUMER. I am delighted to yield to my distinguished senior colleague from West Virginia.

Mr. BYRD. Would he mind if I asked to be a cosponsor of this resolution?

Mr. SCHUMER. I will be honored and delighted, as I know Senator MOYNIHAN will be.

Mr. BYRD. Because Senator MOYNIHAN is truly a man of eloquence and wit and vision and grace. We are going to miss him. He has been a powerful influence in this Senate. He has served in the executive branch, served with brilliance and with honor. And, like Christopher Wren—"if you would see his monument, look about you"—Senator MOYNIHAN leaves many monuments. Perhaps the greatest monument of all is that mark he has left upon the hearts of his colleagues who will miss him and his powerful influence, his wisdom, his vision, when he has left this Senate.

I congratulate the Senator on offering this resolution. I will be very grateful if he will allow me to be a cosponsor. It is one of the least things I can do to honor my colleague, one whom I love, one whom I revere, one whom I respect, and one who has shown himself to be a leader in this Senate.

I thank the Senator.

Mr. SCHUMER. I thank the Senator from West Virginia.

Mr. LAUTENBERG. Mr. President, may I be recognized to join in this tribute?

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I want to say to our fairly new colleague from New York that he could not have picked an issue upon which he could get more solid agreement. One does not have to be a Democrat or an easterner or have any special connection to respect and to so greatly appreciate the contributions made by Senator DANIEL PATRICK MOYNIHAN.

He had this capacity—I know, since we served together on the Environment Committee—not unlike, in many ways, the senior Senator from West Virginia, and that was to bring their respective knowledge to a discussion or debate or to a hearing, that—I speak for myself—would make me sit up and take notice. I felt transported from this white-haired, wizened old face to a college student again and remembered how much I enjoyed some of the classes I attended where we had a professor, an instructor who conveyed the message in an interesting form, not just the statistics or the parameters of the particular discussion.

So it is with PAT MOYNIHAN. Any of us who have spent any time with PAT have always been amazed at the abundance of knowledge he has, whether we were talking about the New York State canal system or whether we were talking about the highway system or the developments in the Indian Ocean or you name the subject. No matter how impromptu or how unexpected the discussion, PAT MOYNIHAN always has the capacity to discuss the subject intelligently and deeply.

Any tribute that we give to this man is not fair compensation for that which he has given this country and has given this body. His abundance of gifts to us are so profound that many years from now they will still be talking about those of greatness who graced this Chamber and PAT MOYNIHAN will be one of those without a doubt.

I am pleased to call him my friend. I hope since we live in such close proximity, our representation of New York and New Jersey, that there will be tributes and testimonies to his contribution. He is a self-effacing fellow. He does not like to hear a bunch of compliments, but we are not going to let him get away with that now.

I commend my colleague, the junior Senator from New York, for his wisdom and his thought in bringing this to us.

By Mr. MACK (for himself, Mr. KOHL, and Mr. GRASSLEY):

S. 1079. A bill to amend the Internal Revenue Code of 1986 to increase the deductibility of business meal expenses for individuals subject to Federal hours of service; to the Committee on Finance.

TAX LEGISLATION

Mr. MACK. Mr. President, two years ago in the Taxpayer Relief Act of 1997, we included a provision to correct an unfair and unsound tax policy of the Clinton Administration concerning business meal deductions. The 1993 Clinton tax increases included a reduction in the percentage of business meal expenses that could be deducted, from 80 percent down to 50 percent. The Administration marketed this as an attack on the "three martini lunch," but the tax increase was in fact a big blow to the wallets and pocketbooks of working class Americans whose jobs require them to be stranded far from home.

Workers who are covered by federal "hours of service" regulations—long-haul truckers, airline flight attendants and pilots, long distance bus drivers, some merchant mariners and railroad workers—have no choice but to eat their meals on the road. Their meal expenses are a necessary and unavoidable part of their jobs. The Clinton Administration's business meal tax increase hit these occupations hard. For the average trucker, making between $32,000 and $36,000 annually, this tax increase might be greater than $1,000 per year. This is a lot of money to these hard-working taxpayers.

Congress addressed this inequity in 1997, passing a provision that would gradually raise the meal deduction percentage back to 80 percent for these workers. But a slow, gradual fix is not good enough. Today, Senator KOHL, Senator GRASSLEY, and I are introducing a bill that would immediately restore the 80 percent deduction for truckers, flight crews, and other workers limited by the federal "hours of service" regulations.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1079

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCREASED DEDUCTIBILITY OF BUSINESS MEAL EXPENSES FOR INDIVIDUALS SUBJECT TO FEDERAL LIMITATIONS ON HOURS OF SERVICE.

(a) IN GENERAL.—Paragraph (3) of section 274(n) of the Internal Revenue Code of 1986 (relating to only 50 percent of meal and entertainment expenses allowed as deduction) is amended to read as follows:

"(3) SPECIAL RULE FOR INDIVIDUALS SUBJECT TO FEDERAL HOURS OF SERVICE.—In the case of any expenses for food or beverages consumed while away from home (within the meaning of section 162(a)(2)) by an individual during, or incident to, the period of duty subject to the hours of service limitations of the Department of Transportation, paragraph (1) shall be applied by substituting '80 percent' for '50 percent'."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1999.

By Mr. TORRICELLI (for himself, Mr. SCHUMER, and Mr. DURBIN):

S. 1080. A bill to amend title 18, United States Code, to prohibit gunrunning and provide mandatory minimum penalties for crimes related to gunrunning; to the Committee on the Judiciary.

GUN KINGPIN PENALTY ACT

Mr. TORRICELLI. Mr. President, I rise today, along with my colleagues from New York and Illinois, Senator SCHUMER and Senator DURBIN, to introduce the Gun Kingpin Penalty Act of 1999. In introducing this bill, we hope that our colleagues will soon join us in sending a clear and strong signal to gunrunners—your actions will no longer be tolerated.

Mr. President, recent numbers gathered by the Bureau of Alcohol, Tobacco and Firearms clearly demonstrate what many of us already knew all too well—several of our nation's highways have become pipelines for merchants of death who deal in illegal firearms.

My own State of New Jersey is proud to have some of the toughest gun control laws in the nation. But for far too long, the courageous efforts of New Jersey citizens in enacting these tough laws have been weakened by out of state gunrunners who treat our State like their own personal retail outlet.

We learned from the ATF data that in 1996, New Jersey exported fewer guns used in crimes, per capita, than any other state—less than one gun per 100,000 residents, or 75 total guns. Meanwhile, an incredible number of guns used to commit crimes in New Jersey last year came from out of state—944 guns were imported and used to commit crimes compared to only 75 exported—a net import of 869 illegal guns used to commit crimes against the people of New Jersey.

This represents a one way street—guns come from states with lax gun laws straight to states (like New Jersey) with strong laws. It is clear that New Jersey's strong gun control laws offer criminals little choice but to import their guns from states with weak laws. We must act on a federal level to send a clear message that this cannot continue and will not be tolerated.

The Gun Kingpin Penalty Act would create a new federal gunrunning offense for any person who, within a twelve-month period, transports more than 5 guns to another state with the intent of transferring all of the weapons to another person. The Act would establish mandatory minimum penalties for gunrunning as follows:

A mandatory 3 year minimum sentence for a first offense involving 5–50 guns; a mandatory 5 year minimum sentence for second offense involving 5–50 guns; and a mandatory 15 year minimum sentence for any offense involving more than 50 guns.

Additionally, the bill contains two “blood on the hands” provisions, which will significantly increase penalties for a gunrunner who transfers a gun subsequently used to seriously injure or kill another person. A mandatory 10 year minimum sentence is required if one of the smuggled guns is used within 3 years to kill or seriously injure another person. And a mandatory 25 year minimum sentence must be imposed if one of the smuggled guns is used within 3 years to kill or seriously injure another person and more than 50 guns were smuggled.

Finally, our bill adds numerous gunrunning crimes as RICO predicates, and authorizes 200 additional Treasury personnel to enforce the Act—Congress must provide law enforcement with the resources to enforce the laws we pass.

The fight against gun violence is a long-term, many-staged process. We succeeded in enacting the Brady bill and the ban on devastating assault weapons. And these laws have been effective: more than a quarter of a million prohibited individuals have already been denied a handgun due to Brady background check—70% of these people were either felons or domestic violence offenders. Traces of assault weapons have plummeted since the ban, and prices have gone up.

We can never rest though when it comes to gun violence. This problem will not just go away, and we cannot stand by and watch as innocent men, women and children die at the hands of criminals armed with these guns. I urge my colleagues to support this bill, and I ask unanimous censent that the full text of the legislation be printed in the RECORD.

There being no objection, the legislation was ordered to be printed in the RECORD, as follows:

S. 1080

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Gun Kingpin Penalty Act”.

SEC. 2. GUN KINGPIN PENALTIES.

(a) PROHIBITION AGAINST GUNRUNNING.—Section 922 of title 18, United States Code, is amended by inserting after subsection (y) the following:

“(z) It shall be unlawful for a person not licensed under section 923 to ship or transport, or conspire to ship or transport, 5 or more firearms from a State into another State during any period of 12 consecutive months, with the intent to transfer all of such firearms to another person who is not so licensed.”.

(b) MANDATORY MINIMUM PENALTIES FOR CRIMES RELATED TO GUNRUNNING.—Section 924 of title 18, United States Code, is amended by adding at the end the following:

“(p)(1)(A)(i) Whoever violates section 922(z) shall, except as otherwise provided in this subsection, be imprisoned not less than 3 years, and may be fined under this title.

“(ii) In the case of a person's second or subsequent violation described in clause (i), the term of imprisonment shall be not less than 5 years.

“(B) If a firearm which is shipped or transported in violation of section 922(z) is used subsequently by the person to whom shipped or transported, or by any person within 3 years after the shipment or transportation, in an offense in which a person is killed or suffers serious bodily injury, the term of imprisonment for the violation shall be not less than 10 years.

“(C) If more than 50 firearms are the subject of a violation of section 922(z), the term of imprisonment for the violation shall be not less than 15 years.

“(D) If more than 50 firearms are the subject of a violation of section 922(z) and 1 of the firearms is used subsequently by the person to whom shipped or transported, or by any person within 3 years after the shipment or transportation, in an offense in which a person is killed or suffers serious bodily injury, the term of imprisonment for the violation shall be not less than 25 years.

“(2) Notwithstanding any other provision of law, the court shall not impose a probationary sentence or suspend the sentence of a person convicted of a violation of this subsection, nor shall any term of imprisonment imposed on a person under this subsection run concurrently with any other term of imprisonment imposed on the person by a court of the United States.”.

(c) CRIMES RELATED TO GUNRUNNING MADE PREDICATE OFFENSES UNDER RICO.—Section 1961(1)(B) of title 18, United States Code, is amended by inserting “section 922(a)(1)(A) (relating to unlicensed importation, manufacture, or dealing in firearms), section 922(a)(3) (relating to interstate transportation or receipt of firearm), section 922(a)(5) (relating to transfer of firearm to person from another State), or section 922(a)(6) (relating to false statements made in acquisition of firearm or ammunition from licensee), section 922(d) (relating to disposition of firearm or ammunition to a prohibited person), section 922(g) (relating to receipt of firearm or ammunition by a prohibited person), section 922(h) (relating to possession of firearm or ammunition on behalf of a prohibited person), section 922(i) (relating to transportation of stolen firearm or ammunition), section 922(j) (relating to receipt of stolen firearm or ammunition), section 922(k) (relating to transportation or receipt of firearm with altered serial number), section 922(z) (relating to gunrunning), section 924(b) (relating to shipment or receipt of firearm for use in a crime),” before “section 1028”.

(d) ENFORCEMENT.—The Secretary of the Treasury may hire and employ 200 personnel, in addition to any personnel hired and employed by the Department of the Treasury under other law, to enforce the amendments made by this section, notwithstanding any limitations imposed by or under the Federal Workforce Restructuring Act.

By Mr. TORRICELLI:

S. 1081. A bill to amend section 842 of title 18, United States Code, relating to explosive materials, to the Committee on the Judiciary.

EXPLOSIVES PROTECTION ACT OF 1999

Mr. TORRICELLI. Mr. President, on the morning of April 19, 1995, in one horrible moment, an explosion devastated the Alfred P. Murrah Federal Building in Oklahoma City, Oklahoma, and took the lives of 168 Americans.

Every year, thousands of people are killed or maimed because of the use or misuse of illegal explosive devices, and millions of dollars in property is lost. Between 1991 and 1995, there were more than 14,000 actual and attempted criminal bombings. 326 people were killed and another 2,970 injured in these incidents and more than $6 million in property damage resulted.

In recent years, the criminal use of explosives has moved in a new direction, as is evidenced by the bombings of the World Trade Center in New York and the Oklahoma City bombing. These two incidents took the lives of many innocent men, women, and children, left others permanently scarred, and caused great suffering for the families of the victims—as well as all of America. These crimes were intended to tear the very fabric of our society; instead, their tragic consequences served to strengthen our resolve to stand firm against the insanity of terrorism and the criminal use of explosives.

In the wake of the Oklahoma City bombing, I was stunned—as were many—to learn how few restrictions on the use and sale of explosives really exist. I soon after introduced this legislation, the "Explosives Protection Act" to take a first step towards protecting the American people from those who would use explosives to do them harm. I am introducing it again today in the hope that this bill will, in some small way, prevent future bombings—whether by terrorists of symbolic targets, malcontents of random ones, or even spouses involved in marital disputes.

While we have increasingly restricted the number of people who can obtain and use a firearm, we have been lax in extending these prohibitions to explosives. For instance, while we prohibit illegal aliens from obtaining a gun, we allow them to obtain explosives without restriction. And someone who has been dishonorably discharged from the armed forces can no longer buy a gun, but can purchase a truckload full of explosives. The same is true for people who have renounced U.S. citizenship, people who have acted in such a way as to have restraining orders issued against them, and those with domestic violence convictions.

Each of these categories of persons are prohibited from obtaining firearms, but face no such prohibition on obtaining explosive material. Many of these differences in the law are simply oversights—Congress has often acted to limit the use and sale of firearms, and has neglected to bring explosives law into line. And in so doing, we have made it all too easy for many of the most dangerous or least accountable members of society to obtain materials which can result in an equal or even greater loss of life.

Congress has already made the determination that certain members of society should not have access to firearms, and the same logic clearly applies to dangerous and destructive explosive materials. It is time to bring explosives laws into line with gun laws. My bill would simply expand the list of people prohibited from purchasing explosives so that it mirrors the list of people already prohibited from purchasing firearms.

This is a simple bill meant only to correct longstanding gaps and loopholes in current law. I hope we can quickly move to get this passed and protect Americans from future acts of explosive destruction. I ask unanimous consent that the full text of the legislation be printed in the RECORD.

There being no objection, the legislation was ordered to be printed in the RECORD, as follows:

S. 1081

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Explosives Protection Act of 1999".

SEC. 2. PROHIBITIONS RELATING TO EXPLOSIVE MATERIALS.

(a) PROHIBITION OF SALE, DELIVERY, OR TRANSFER OF EXPLOSIVE MATERIALS TO CERTAIN INDIVIDUALS.—Section 842 of title 18, United States Code, is amended by striking subsection (d) and inserting the following:

"(d) PROHIBITION OF SALE, DELIVERY, OR TRANSFER OF EXPLOSIVE MATERIALS TO CERTAIN INDIVIDUALS.—It shall be unlawful for any licensee to knowingly sell, deliver, or transfer any explosive materials to any individual who—

"(1) is less than 21 years of age;

"(2) is under indictment for, or has been convicted in any court of, a crime punishable by imprisonment for a term exceeding 1 year;

"(3) is a fugitive from justice;

"(4) is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

"(5) has been adjudicated as a mental defective or has been committed to any mental institution;

"(6) being an alien—

"(A) is illegally or unlawfully in the United States; or

"(B) except as provided in section 845(d), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26));

"(7) has been discharged from the Armed Forces under dishonorable conditions;

"(8) having been a citizen of the United States, has renounced his citizenship;

"(9) is subject to a court order that restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child, except that this paragraph shall only apply to a court order that—

"(A) was issued after a hearing of which such person received actual notice, and at which such person had the opportunity to participate; and

"(B)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; and

"(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

"(10) has been convicted in any court of a misdemeanor crime of domestic violence.".

(b) PROHIBITION ON SHIPPING, TRANSPORTING, POSSESSION, OR RECEIPT OF EXPLOSIVES BY CERTAIN INDIVIDUALS.—Section 842 of title 18, United States Code, is amended by striking subsection (i) and inserting the following:

"(i) PROHIBITION ON SHIPPING, TRANSPORTING, POSSESSION, OR RECEIPT OF EXPLOSIVES BY CERTAIN INDIVIDUALS.—It shall be unlawful for any person to ship or transport in interstate or foreign commerce, or possess, in or affecting commerce, any explosive, or to receive any explosive that has been shipped or transported in interstate or foreign commerce, if that person—

"(1) is less than 21 years of age;

"(2) has been convicted in any court, of a crime punishable by imprisonment for a term exceeding 1 year;

"(3) is a fugitive from justice;

"(4) is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

"(5) has been adjudicated as a mental defective or who has been committed to a mental institution;

"(6) being an alien—

"(A) is illegally or unlawfully in the United States; or

"(B) except as provided in section 845(d), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26));

"(7) has been discharged from the Armed Forces under dishonorable conditions;

"(8) having been a citizen of the United States, has renounced his citizenship; or

"(9) is subject to a court order that—

"(A) was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;

"(B) restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

"(C)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; and

"(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

"(10) has been convicted in any court of a misdemeanor crime of domestic violence.".

(c) EXCEPTIONS AND WAIVER FOR CERTAIN INDIVIDUALS.—Section 845 of title 18, United States Code, is amended by adding at the end the following:

"(d) EXCEPTIONS AND WAIVER FOR CERTAIN INDIVIDUALS.—

"(1) DEFINITIONS.—In this subsection—

"(A) the term 'alien' has the same meaning as in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)); and

"(B) the term 'nonimmigrant visa' has the same meaning as in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)).

"(2) EXCEPTIONS.—Subsections (d)(5)(B) and (i)(5)(B) of section 842 do not apply to any alien who has been lawfully admitted to the United States pursuant to a nonimmigrant visa, if that alien is—

"(A) admitted to the United States for lawful hunting or sporting purposes;

"(B) a foreign military personnel on official assignment to the United States;

"(C) an official of a foreign government or a distinguished foreign visitor who has been so designated by the Department of State; or

"(D) a foreign law enforcement officer of a friendly foreign government entering the United States on official law enforcement business.

"(3) WAIVER.—

"(A) IN GENERAL.—Any individual who has been admitted to the United States under a nonimmigrant visa and who is not described in paragraph (2), may receive a waiver from the applicability of subsection (d)(5)(B) or (i)(5)(B) of section 842, if—

"(i) the individual submits to the Attorney General a petition that meets the requirements of subparagraph (B); and

"(ii) the Attorney General approves the petition.

"(B) PETITIONS.—Each petition under subparagraph (A)(i) shall—

"(i) demonstrate that the petitioner has resided in the United States for a continuous period of not less than 180 days before the date on which the petition is submitted under this paragraph; and

"(ii) include a written statement from the embassy or consulate of the petitioner, authorizing the petitioner to engage in any activity prohibited under subsection (d) or (i) of section 842, as applicable, and certifying that the petitioner would not otherwise be prohibited from engaging in that activity under subsection (d) or (i) of section 842, as applicable.".

By Mr. TORRICELLI:

S. 1082. A bill to amend part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide assistance for unincorporated neighborhood watch programs; to the Committee on the Judiciary.

NEIGHBORHOOD WATCH PARTNERSHIP ACT OF 1999

Mr. TORRICELLI. Mr. President, today I rise today to introduce the "Neighborhood Watch Partnership Act of 1999." This bill will broaden the eligibility of groups that may apply for essential funding for neighborhood watch activities.

Communities across the country are finding sensible ways to solve local problems. Through partnerships with local police, neighborhood watch groups are having a decisive impact on crime. There are almost 20,000 such groups creating innovative programs that promote community involvement in crime prevention techniques. They empower community members and organize them against rape, burglary, and all forms of fear on the street. They forge bonds between law enforcement and the communities they serve.

Unfortunately, many communities find it difficult to afford the often expensive equipment such as cellphones and CBs needed to start a neighborhood watch organization. While the COPS program within the Department of Justice provides funding for some neighborhood watch groups, an organization must incorporate to benefit from the current program. A mere 2000 of the nearly 20,000 groups incorporate, however, meaning that the vast majority of watch groups cannot apply for funding assistance. This makes very little sense.

The time has come to make a clear commitment to these groups. That is why I am introducing a bill to extend COPS funding to unincorporated neighborhood watch organizations. The bill would provide grants of up to $1,950 to these groups. Under current law, either the local police chief or sheriff must approve grant requests by unincorporated watch groups. We would impose the same requirement on unincorporated groups, thus providing accountability for the disbursement of funds.

Mr. President, neighborhood watch organizations provide an invaluable service. By extending the partnership between community policing and watch group organizations, we will boldly encourage small and large communities to preserve and create crime prevention tools. We should act now. I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1082

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ASSISTANCE FOR UNINCORPORATED NEIGHBORHOOD WATCH PROGRAMS.

(a) SHORT TITLE.—This Act maybe cited as the "Neighborhood Watch Partnership Act of 1999".

(b) IN GENERAL.—Section 1701(d) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(d)) is amended—

(1) in paragraph (10), by striking "and" at the end;

(2) in paragraph (11), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(12) provide assistance to unincorporated neighborhood watch organizations approved by the appropriate local police or sheriff's department, in an amount equal to not more than $1950 per organization, for the purchase of citizen band radios, street signs, magnetic signs, flashlights, and other equipment relating to neighborhood watch patrols.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(11) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(11)) is amended—

(1) in subparagraph (A), by striking clause (vi) and inserting the following:

"(vi) $282,625,000 for fiscal year 2000."; and

(2) in subparagraph (B) by inserting after "(B)" the following: "Of amounts made available to carry out part Q in each fiscal year $14,625,000 shall be used to carry out section 1701(d)(12).".

By Mr. TORRICELLI (for himself and Mr. KOHL):

S. 1083. A bill to expedite State review of criminal records of applicants for bail enforcement officer employment, and for other purposes; to the Committee on the Judiciary.

BOUNTY HUNTER ACCOUNTABILITY AND QUALITY ASSISTANCE ACT OF 1999

Mr. TORRICELLI. Mr. President, I rise today to introduce the "Bounty Hunter Accountability and Quality Assurance Act of 1999." This bill will begin the process of reforming the revered but antiquated system of bail enforcement in this country.

Throughout our nation's proud history, bounty hunters have proved a valuable addition to our law enforcement and recovery efforts. About 40 percent of all criminal defendants are released on bail each year, and in 1996 alone more than 33,000 skipped town. Police departments, no matter how efficient or determined, cannot be expected to deal with so many bail jumpers in addition to their other duties. Thus, while public law enforcement officers recover only about 10 percent of defendants who skip town, bounty hunters catch an incredible 88 percent of bail jumpers.

Because of the special, contractual nature of the relationship between bail bondsmen and those who use them to get out of jail, bounty hunters have traditionally enjoyed special rights—a nineteenth century Supreme Court case affirmed that while bounty hunters may exercise many of the powers granted to police, they are not subject to many of the constitutional checks we place on those law enforcement officials. As a result, bounty hunters need not worry about Miranda rights, extradition proceedings, or search warrants.

The ability to more efficiently track and recover criminal defendants serves a valuable purpose in our society. But the lack of constitutional checks on bounty hunters also opens the system up to the risk of abuse. Each of us has read or heard about cases in which legitimate bounty hunters or those simply posing as recovery agents have wrongfully entered a dwelling or captured the wrong person.

In one recent Arizona case, several men claiming to be bounty hunters broke into a house, terrorized a family and ended up killing a young couple who tried to defend against the attack. It now appears that these men were simply "posing" as bounty hunters, but there are other reported incidents in which "legitimate" bounty hunters have broken down the wrong door, kidnaped the wrong person, or physically abused the targets of their searches. And there is little recourse for the innocent victims of wrongful acts.

This legislaiton would begin the process of making bounty hunters more accountable to the public they serve, and would help to restore confidence in the bail enforcement system. The bill would not unduly impose the will of the federal government on states, which have traditionally regulated bounty hunters.

The "Bounty Hunter Accountability and Quality Assurance Act" directs the Attorney General of the United States to establish model guidelines for states to follow when creating their own bail enforcement regulations. In the course of her work, the Attorney General will be specfcially directed to look into three areas identified by the bill—whether bounty hunters should be required to "knock and announce" before entering a dwelling, whether they should be required to carry liability insurance (most already do), and whether convicted felons should be allowed to obtain employment as bounty hunters.

Mr. President, it is time to start the process of making rouge bounty hunters more accountable, while at the same time restoring America's confidence in the long tradition of bail enforcement that dates from the earliest days of this nation. I urge my colleagues to join me in taking this first step toward this process.

I ask unanimous consent that the full text of this bill be printed in the RECORD.

S. 1083

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bounty Hunter Accountability and Quality Assistance Act of 1999".

SEC. 2. FINDINGS.

Congress finds that—

(1) bail enforcement officers, also known as bounty hunters or recovery agents, provide law enforcement officers with valuable assistance in recovering fugitives from justice;

(2) regardless of the differences in their duties, skills, and responsibilities, the public has had difficulty in discerning the difference between law enforcement officers and bail enforcement officers;

(3) the American public demands the employment of qualified, well-trained bail enforcement officers as an adjunct, but not a replacement for, law enforcement officers; and

(4) in the course of their duties, bail enforcement officers often move in and affect interstate commerce.

SEC. 3. DEFINITIONS.

In this Act—

(1) the term "bail enforcement employer" means any person that—

(A) employs 1 or more bail enforcement officers; or

(B) provides, as an independent contractor, for consideration, the services of 1 or more bail enforcement officers (which may include the services of that person);

(2) the term "bail enforcement officer"—

(A) means any person employed to obtain the recovery of any fugitive from justice who has been released on bail; and

(B) does not include any—

(i) law enforcement officer;

(ii) attorney, accountant, or other professional licensed under applicable State law;

(iii) employee whose duties are primarily internal audit or credit functions; or

(iv) member of the Armed Forces on active duty; and

(3) the term "law enforcement officer" means a public servant authorized under applicable State law to conduct or engage in the prevention, investigation, prosecution, or adjudication of criminal offenses, including any public servant engaged in corrections, parole, or probation functions.

SEC. 4. BACKGROUND CHECKS.

(a) IN GENERAL.—

(1) SUBMISSION.—An association of bail enforcement employers, which shall be designated for the purposes of this section by the Attorney General, may submit to the Attorney General fingerprints or other methods of positive identification approved by the Attorney General, on behalf of any applicant for a State license or certificate of registration as a bail enforcement officer or a bail enforcement employer.

(2) EXCHANGE.—In response to a submission under paragraph (1), the Attorney General may, to the extent provided by State law conforming to the requirements of the second paragraph under the heading "Federal Bureau of Investigation" and the subheading "Salaries and Expenses" in title II of Public Law 92–544 (86 Stat. 1115), exchange, for licensing and employment purposes, identification and criminal history records with the State governmental agencies to which the applicant has applied.

(b) REGULATIONS.—The Attorney General may promulgate such regulations as may be necessary to carry out this section, including measures relating to the security, confidentiality, accuracy, use, and dissemination of information submitted or exchanged under subsection (a) and to audits and recordkeeping requirements relating to that information.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the Attorney General shall submit to the Committees on the Judiciary of the Senate and the House of Representatives a report on the number of submissions made by the association of bail enforcement employers under subsection (a)(1), and the disposition of each application to which those submissions related.

(d) STATE PARTICIPATION.—It is the sense of Congress that each State should participate, to the maximum extent practicable, in any exchange with the Attorney General under subsection (a)(2).

SEC. 5. MODEL GUIDELINES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall publish in the Federal Register model guidelines for the State control and regulation of persons employed or applying for employment as bail enforcement officers.

(b) RECOMMENDATIONS.—The guidelines published under subsection (a) shall include recommendations of the Attorney General regarding whether a person seeking employment as a bail enforcement officer should be—

(1) allowed to obtain such employment if that person has been convicted of a felony offense under Federal law, or of any offense under State law that would be a felony if charged under Federal law;

(2) required to obtain adequate liability insurance for actions taken in the course of performing duties pursuant to employment as a bail enforcement officer; or

(3) prohibited, if acting in the capacity of that person as a bail enforcement officer, from entering any private dwelling, unless that person first knocks on the front door and announces the presence of 1 or more bail enforcement officers.

(c) BYRNE GRANT PREFERENCE FOR CERTAIN STATES.—

(1) IN GENERAL.—Section 505 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755) is amended by adding at the end the following:

"(e) PREFERENCE FOR CERTAIN STATES.—Notwithstanding any other provision of this part, in making grants to States under this subpart, the Director shall give priority to States that have adopted the model guidelines published under section 5(a) of the Bounty Hunter Accountability and Quality Assistance Act of 1999.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect 2 years after the date of enactment of this Act.

SEC. 6. JOINT AND SEVERAL LIABILITY FOR ACTIVITIES OF BAIL ENFORCEMENT OFFICERS.

Notwithstanding any other provision of law, a bail enforcement officer, whether acting as an independent contractor or as an employee of a bail enforcement employer on a bail bond, shall be considered to be the agent of that bail enforcement employer for the purposes of that liability.

By Mr. MCCAIN (for himself, Mr. BRYAN, and Ms. SNOWE):

S. 1084. A bill to amend the Communications Act of 1934 to protect consumers from the unauthorized switching of their long-distance service; to the Committee on Commerce, Science, and Transportation.

TELECOMMUNICATIONS COMPETITION AND CONSUMER PROTECTION ACT OF 1999

Mr. MCCAIN. Mr. President, I rise today to introduce legislation, cosponsored by Senators Bryan and Snowe, designed to stop the widespread anticonsumer telemarketing abuse known as "slamming." Since virtually every consumer has either been "slammed" or knows someone who has, it's probably unnecessary to add that "slamming" is the practice whereby a consumer's chosen long-distance telephone company is changed without the consumer's knowledge or consent. Given the pervasiveness of this unscrupulous practice, it comes as no surprise that slamming has been the number one consumer complaint for the last several years.

This marks the third time I have introduced antislamming legislation. Last year a similar antislamming bill failed to become law when the legislative clock ran out before the House of Representatives acted, despite the fact that the bill incorporated a number of provisions that the House had insisted upon, and which the Senate believed weren't tough enough on slammers.

The reason I return today with a slamming bill is that, in the absence of legislation, the Federal Communications Commission adopted a set of antislamming rules that a reviewing court has now stayed. As a result, consumers are once again without the immediate prospect of any effective antislamming laws. This legislation is intended to provide some.

But there is also another reason for reintroducing antislamming legislation. The main reason the court stayed the FCC's antislamming rules is that the long-distance companies—the very companies who are responsible for slamming in the first place—asked the court to do so because of an alternative antislamming scheme these companies dreamed up and now want the FCC to implement. Pursuant to the long-distance companies' plan, the long-distance companies—they're the slammers, remember—would hire a supposedly independent "third-party administrator" who would handle enforcement of the antislamming rules instead of the FCC. Given the fact that virtually everyone other than the long-distance companies, including state enforcement authorities, are foursquare against this proposal, the long-distance companies' court strategy ups the ante on the FCC to cave in and adopt this obviously self-serving plan.

Not since the fox volunteered to watch the henhouse have we seen such a demonstration of solicitude for the well-being of the vulnerable.

There are many instances in which industry comes up with creative ways for government to deal with industry problems. This isn't one of them.

Let's call it what it is. This scheme is the latest manifestation of an ongoing effort by the long-distance companies to avoid having to face up to real penalties if they can't make their telemarketers stop slamming people. Their rhetoric deplores slamming, but their machinations before Congress and the FCC show otherwise. And if the FCC—the supposedly pro-consumer FCC—were to even flirt with the notion of embracing the long-distance industry's scheme, it would show, when push comes to shove, whose interests would really matter to this agency.

In a published court opinion, Judge Lawrence Silberman of the D.C. Court of Appeals referred to something else the FCC once did as being "not just stupid—criminally stupid." Mr. President, it would be either criminal stupidity, or duplicity of the highest order, for the FCC to ignore the views of everyone except the big long-distance companies and adopt their blatantly anticonsumer plan.

As I said when I introduced the similar legislation last October, this bill isn't perfect—it contains provisions generated by the House of Representatives, that I consider much too slammer-friendly. But it's still a lot better than the industry-promoted alternative. And so I offer to better protect consumers and to send the FCC the message that it's their duty to do the same.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1084

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Telecommunications Competition and Consumer Protection Act of 1999".

TITLE I—SLAMMING

SEC. 101. IMPROVED PROTECTION FOR CONSUMERS.

(a) CONSUMER PROTECTION PRACTICES.—Section 258 of the Communications Act of 1934 (47 U.S.C. 258) is amended to read as follows:

"SEC. 258. ILLEGAL CHANGES IN SUBSCRIBER SELECTIONS OF CARRIERS.

"(a) ALTERNATIVE MODES OF REGULATION.—

"(1) INDUSTRY/COMMISSION CODE.—Within 180 days after the date of enactment of the Telecommunications Competition and Consumer Protection Act of 1999, the Commission, after consulting with the Federal Trade Commission and representatives of telecommunications carriers providing telephone toll service and telephone exchange service, State commissions, and consumers, and considering any proposals developed by such representatives, shall prescribe, after notice and public comment and in accordance with subsection (b), a Code of Subscriber Protection Practices (hereinafter in this section referred as the 'Code') governing changes in a subscriber's selection of a provider of telephone exchange service or telephone toll service.

"(2) OBLIGATION TO COMPLY.—No telecommunications carrier (including a reseller of telecommunications services) shall submit or execute a change in a subscriber's selection of a provider of telephone exchange service or telephone toll service except in accordance with—

"(A) the Code, if such carrier elects to comply with the Code in accordance with subsection (b)(2); or

"(B) the requirements of subsection (c), if—

"(i) the carrier does not elect to comply with the Code under subsection (b)(2); or

"(ii) such election is revoked or withdrawn.

"(b) MINIMUM PROVISIONS OF THE CODE.—

"(1) SUBSCRIBER PROTECTION PRACTICES.—The Code required by subsection (a)(1) shall include guidelines addressing the following:

"(A) IN GENERAL.—A telecommunications carrier (including a reseller of telecommunications services) electing to comply with the Code shall submit a change in a subscriber's selection of a provider of telephone exchange service or telephone toll service only in accordance with the provisions of the Code.

"(B) NEGATIVE OPTION.—A telecommunications carrier shall not use negative option marketing.

"(C) VERIFICATION.—A submitting carrier shall verify the subscriber's selection of the carrier in accordance with procedures specified in the Code. The executing carrier may rely on the submitting carrier's verification in executing the change or may, at its discretion, confirm the verification of a change in the subscriber's selection with the customer.

"(D) UNFAIR AND DECEPTIVE ACTS AND PRACTICES.—No telecommunications carrier, nor any person acting on behalf of any such carrier, shall engage in any unfair or deceptive acts or practices in connection with the solicitation of a change in a subscriber's selection of a telecommunications carrier.

"(E) NOTIFICATION AND RIGHTS.—A telecommunications carrier shall provide timely and accurate notification to the subscriber in accordance with procedures specified in the Code.

"(F) SLAMMING LIABILITY AND REMEDIES.—

"(i) REQUIRED REIMBURSEMENT AND CREDIT.—A telecommunications carrier that has improperly changed the subscriber's selection of a telecommunications carrier without authorization, shall at a minimum—

"(I) reimburse the subscriber for the fees associated with switching the subscriber back to their original carrier; and

"(II) provide a credit for any telecommunications charges incurred by the subscriber during the period, not to exceed 30 days, while that subscriber was improperly presubscribed.

"(ii) PROCEDURES.—The Code shall prescribe procedures by which—

"(I) a subscriber may make an allegation of a violation under clause (i);

"(II) the telecommunications carrier may rebut such allegation;

"(III) the subscriber may, without undue delay, burden, or expense, challenge the rebuttal; and

"(IV) resolve any administrative review of such an allegation within 75 days after receipt of an appeal.

"(G) RECORDKEEPING.—A telecommunications carrier shall make and maintain a record of the verification process and shall provide a copy to the subscriber immediately upon request.

"(H) QUALITY CONTROL.—A telecommunications carrier shall institute a quality control program to prevent inadvertent changes in a subscriber's selection of a carrier.

"(I) INDEPENDENT AUDITS.—A telecommunications carrier shall provide the Commission with an independent audit regarding its compliance with the Code at intervals prescribed by the Code. The Commission may require a telecommunications carrier to provide an independent audit on a more frequent basis if there is evidence that such telecommunications carrier is violating the Code.

"(2) ELECTION BY CARRIERS.—Each telecommunications carrier electing to comply with the Code shall file with the Commission within 20 days after the adoption of the Code, or within 20 days after commencing operations as a telecommunications carrier, a statement electing the Code to govern such carrier's submission or execution of a change in a customer's selection of a provider of telephone exchange service or telephone toll service. Such election by a carrier may not be revoked or withdrawn unless the Commission finds that there is good cause therefor, including a determination that the carrier has failed to adhere in good faith to the applicable provisions of the Code, and that the revocation or withdrawal is in the public interest. Any telecommunications carrier that fails to elect to comply with the Code shall be deemed to have elected to be governed by the subsection (c) and the Commission's regulations thereunder.

"(3) PENALTIES AVAILABLE.—Nothing in this subsection or in any regulations thereunder shall be construed as limiting the application of section 503 to violations of the Code.

"(c) REGULATIONS OF CARRIERS NOT ELECTING TO COMPLY WITH CODE.—

"(1) IN GENERAL.—A telecommunications carrier (including a reseller of telecommunications services) that has not elected to comply with the Code under subsection (b), or as to which the election has been withdrawn or revoked, shall not submit or execute a change in a subscriber's selection of a provider of telephone exchange service or telephone toll service except in accordance with this subsection and such verification procedures as the Commission shall prescribe.

"(2) VERIFICATION.—

"(A) IN GENERAL.—In order to verify a subscriber's selection of a telephone exchange service or telephone toll service provider under this subsection, the telecommunications carrier submitting the change to an executing carrier shall, at a minimum, require the subscriber—

"(i) to affirm that the subscriber is authorized to select the provider of that service for the telephone number in question;

"(ii) to acknowledge the type of service to be changed as a result of the selection;

"(iii) to affirm the subscriber's intent to select the provider as the provider of that service;

"(iv) to acknowledge that the selection of the provider will result in a change in providers of that service; and "(v) to provide such other information as the Commission considers appropriate for the protection of the subscriber.

"(B) ADDITIONAL REQUIREMENTS.—The procedures prescribed by the Commission to verify a subscriber's selection of a provider shall—

"(i) preclude the use of negative option marketing;

"(ii) provide for a complete copy of verification of a change in telephone exchange service or telephone toll service provider in oral, written, or electronic form;

"(iii) require the retention of such verification in such manner and form and for such time as the Commission considers appropriate;

"(iv) mandate that verification occur in the same language as that in which the change was solicited; and

"(v) provide for verification to be made available to a subscriber on request.

"(C) NOTICE TO SUBSCRIBER.—Whenever a telecommunication carrier submits a change in a subscriber's selection of a provider of telephone exchange service or telephone toll service, such telecommunications carrier shall clearly notify the subscriber in writing, not more than 15 days after the change is submitted to the executing carrier—

"(i) of the subscriber's new carrier; and

"(ii) that the subscriber may request information regarding the date on which the change was agreed to and the name of the individual who authorized the change.

"(3) LIABILITY FOR VIOLATIONS.—

"(A) NOTIFICATION OF CHANGE.—The first bill issued after the effective date of a change in a subscriber's provider of telephone exchange service or telephone toll service by the executing carrier for such change shall—

"(i) prominently disclose the change in provider and the effective date of such change;

"(ii) contain the name and toll-free number of any telecommunications carrier for such new service; and

"(iii) direct the subscriber to contact the executing carrier if the subscriber believes that such change was not authorized and that the change was made in violation of this subsection, and contain the toll-free number by which to make such contact.

"(B) AUTOMATIC SWITCH-BACK OF SERVICE AND CREDIT TO CONSUMER OF CHARGES.—

"(i) OBLIGATIONS OF EXECUTING CARRIER.—If a subscriber of telephone exchange service or telephone toll service makes an allegation, orally or in writing, to the executing carrier that a violation of this subsection has occurred with respect to such subscriber—

"(I) the executing carrier shall, without charge to the subscriber, execute an immediate change in the provider of the telephone service that is the subject of the allegation to restore the previous provider of such service for the subscriber, as reflected in the records of the executing carrier;

"(II) the executing carrier shall provide an immediate credit to the subscriber's account for any charges for executing the original change of service provider;

"(III) if the executing carrier conducts billing for the carrier that is the subject of the allegation, the executing carrier shall provide an immediate credit to the subscriber's account for such service, in an amount equal to any charges for the telephone service that is the subject of the allegation incurred during the period—

"(aa) beginning upon the date of the change of service that is the subject of the allegation; and

"(bb) ending on the earlier of the date that the subscriber is restored to the previous provider, or 30 days after the date the bill described in subparagraph (A) is issued; and

"(IV) the executing carrier shall recover the costs of executing the change in provider to restore the previous provider, and any credits provided under subclauses (II) and (III), by recourse to the provider that is the subject of the allegation.

"(ii) OBLIGATIONS OF CARRIERS NOT BILLING THROUGH EXECUTING CARRIERS.—If a subscriber of telephone exchange service or telephone toll service transmits, orally or in writing, to any carrier that does not use an executing carrier to conduct billing an allegation that a violation of this subsection has occurred with respect to such subscriber, the carrier shall provide an immediate credit to the subscriber's account for such service, and the subscriber shall, except as provided in subparagraph (C)(iii), be discharged from liability, for an amount equal to any charges for the telephone service that is the subject of the allegation incurred during the period—

"(I) beginning upon the date of the change of service that is the subject of the allegation; and

"(II) ending on the earlier of the date that the subscriber is restored to the previous provider, or 30 days after the date the bill described in subparagraph (A) is issued.

"(iii) TIME LIMITATION.—This subparagraph shall apply only to allegations made by subscribers before the expiration of the 1-year period that begins on the issuance of the bill described in subparagraph (A).

"(C) PROCEDURE FOR CARRIER REMEDY.—

"(i) IN GENERAL.—The Commission shall, by rule, establish a procedure for rendering determinations with respect to violations of this subsection. Such procedure shall permit such determinations to be made upon the filing of (I) a complaint by a telecommunications carrier that was providing telephone exchange service or telephone toll service to a subscriber before the occurrence of an alleged violation, and seeking damages under clause (ii), or (II) a complaint by a telecommunications carrier that was providing services after the alleged violation, and seeking a reinstatement of charges under clause (iii). Either such complaint shall be filed not later than 6 months after the date on which any subscriber whose allegation is included in the complaint submitted an allegation of the violation to the executing carrier under subparagraph (B)(i). Either such complaint may seek determinations under this paragraph with respect to multiple alleged violations in accordance with such procedures as the Commission shall establish in the rules prescribed under this subparagraph.

"(ii) DETERMINATION OF VIOLATION AND REMEDIES.—In a proceeding under this subparagraph, if the Commission determines that a violation of this subsection has occurred, other than an inadvertent or unintentional violation, the Commission shall award damages—

"(I) to the telecommunications carrier filing the complaint, in an amount equal to the sum of (aa) the gross amount of charges that the carrier would have received from the subscriber during the violation, and (bb) $500 per violation; and

"(II) to the subscriber that was subjected to the violation, in the amount of $500.

"(iii) DETERMINATION OF NO VIOLATION.—If the Commission determines that a violation of this subsection has not occurred, the Commission shall order that any credit provided to the subscriber under subparagraph (B)(ii) be reversed, or that the carrier may resubmit a bill for the amount of the credit to the subscriber notwithstanding any discharge under subparagraph (B)(ii).

"(iv) SPEEDY RESOLUTION OF COMPLAINTS.—The procedure established under this subparagraph shall provide for a determination of each complaint filed under the procedure not later than 6 months after filing.

"(D) MAINTENANCE OF INFORMATION.—

"(i) IN GENERAL.—The Commission shall, by rule, require each executing carrier to maintain information regarding each alleged violation of this subsection of which the carrier has been notified.

"(ii) CONTENTS.—The information required to be maintained pursuant to this paragraph shall include, for each alleged violation of this subsection, the effective date of the change of service involved in the alleged violation, the name of the provider of the service to which the change was made, the name, address, and telephone number of the subscriber who was subject to the alleged violation, and the amount of any credit provided under subparagraph (B)(ii).

"(iii) FORM.—The Commission shall prescribe one or more computer data formats for the maintenance of information under this paragraph, which shall be designed to facilitate submission and compilation pursuant to this subparagraph.

"(iv) MONTHLY REPORTS.—Each executing carrier shall, on not less than a monthly basis, submit the information maintained pursuant to this subparagraph to the Commission.

"(v) ACCESS TO INFORMATION.—The Commission shall make the information submitted pursuant to clause (iv) available upon request to any telecommunications carrier. Any telecommunications carrier obtaining access to such information shall use such information exclusively for the purposes of investigating, filing, or resolving complaints under this section.

"(4) CIVIL PENALTIES.—Unless the Commission determines that there are mitigating circumstances, violation of this subsection is punishable by a forfeiture penalty under section 503 of not less than $40,000 for the first offense, and not less than $150,000 for each subsequent offense.

"(5) RECOVERY OF FORFEITURES.—The Commission may take such action as may be necessary—

"(A) to collect any forfeitures it imposes under this subsection; and

"(B) on behalf of any subscriber, to collect any damages awarded the subscriber under this subsection.

"(d) APPLICATION TO WIRELESS.—This section does not apply to a provider of commercial mobile service.

"(e) COMMISSION REQUIREMENTS.—

"(1) SEMIANNUAL REPORTS.—Every 6 months, the Commission shall compile and publish a report ranking telecommunications carriers by the percentage of verified complaints, excluding those generated by the carrier's unaffiliated resellers, compared to the number of the carrier's changes in a subscriber's selection of a provider of telephone exchange service and telephone toll service.

"(2) INVESTIGATION.—If a telecommunications carrier is listed among the 5 worst performers based upon the percentage of verified complaints, excluding those generated by the carrier's unaffiliated resellers, compared to its number of carrier selection changes in the semiannual reports 3 times in succession, the Commission shall investigate the carrier's practices regarding subscribers' selections of providers of telephone exchange service and telephone toll service. If the Commission finds that the carrier is misrepresenting adherence to the Code or is willfully and repeatedly changing subscribers' selections of providers, the Commission shall find such carrier to be in violation of this section and shall impose a civil penalty on the carrier under section 503 of up to $1,000,000.

"(3) CODE REVIEW.—Every 2 years, the Commission shall review the Code to ensure its requirements adequately protect subscribers from improper changes in a subscriber's selection of a provider of telephone exchange service and telephone toll service.

"(f) ACTIONS BY STATES.—

"(1) IN GENERAL.—Whenever an attorney general of any State has reason to believe that the interests of the residents of that State have been or are being threatened or adversely affected because any person has violated the Code or subsection (c), or any rule or regulation prescribed by the Commission under subsection (c), the State may bring a civil action on behalf of its residents in an appropriate district court of the United States to enjoin such violation, to enforce compliance with such Code, subsection, rule, or regulation, to obtain damages on behalf of their residents, or to obtain such further and other relief as the court may deem appropriate.

"(2) NOTICE.—The State shall serve prior written notice of any civil action under paragraph (1) upon the Commission and provide the Commission with a copy of its complaint, except that if it is not feasible for the State to provide such prior notice, the State shall serve such notice immediately upon instituting such action. Upon receiving a notice respecting a civil action, the Commission shall have the right (A) to intervene in such action, (B) upon so intervening, to be heard on all matters arising therein, and (C) to file petitions for appeal.

"(3) VENUE.—Any civil action brought under this section in a district court of the United States may be brought in the district wherein the defendant is found or is an inhabitant or transacts business or wherein the violation occurred or is occurring, and process in such cases may be served in any district in which the defendant is an inhabitant or wherever the defendant may be found.

"(4) INVESTIGATORY POWERS.—For purposes of bringing any civil action under paragraph (1), nothing in this Act shall prevent the attorney general from exercising the powers conferred on the attorney general by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

"(5) EFFECT ON STATE COURT PROCEEDINGS.—Nothing contained in this subsection shall prohibit an authorized State official from proceeding in State court on the basis of an alleged violation of any general civil or criminal statute of such State.

"(6) LIMITATION.—Whenever the Commission has instituted a civil action for violation of this section or any rule or regulation thereunder, no State may, during the pendency of such action instituted by the Commission, institute a civil action against any defendant named in the Commission's complaint for violation of any rule as alleged in the Commission's complaint.

"(7) ACTIONS BY OTHER STATE OFFICIALS.—In addition to actions brought by an attorney general of a State under paragraph (1), such an action may be brought by officers of such State who are authorized by the State to bring actions in such State for protection of consumers.

"(g) STATE LAW NOT PREEMPTED.—

"(1) IN GENERAL.—Nothing in this section or in the regulations prescribed under this section shall preempt any State law that imposes more restrictive requirements, regulations (including an option protecting a subscriber's choice of a provider of telephone exchange service or telephone toll service from being switched without the subscriber's express consent), damages, costs, or penalties on changes in a subscriber's service or selection of a provider of telephone exchange service or telephone toll services than are imposed under this section.

"(2) PRESERVATION OF COMMISSION AUTHORITY WITH RESPECT TO UNFAIR MARKETING OF SUBSCRIBER SELECTION FREEZES.—Notwithstanding paragraph (1), the Commission shall prescribe rules to prevent the marketing or provision in an unfair or deceptive manner of an option protecting a subscriber's choice of a provider of telephone exchange service or telephone toll service from being switched without the subscriber's express consent.

"(h) RULES OF CONSTRUCTION.—

"(1) CHANGE INCLUDES INITIAL SELECTION.—For purposes of this section, the initiation of telephone toll service to a subscriber by a telecommunications carrier shall be treated as a change in selection of a provider of telephone toll service.

"(2) ACTION BY UNAFFILIATED RESELLER NOT IMPUTED TO CARRIER.—No telecommunications carrier may be found in violation of this section solely on the basis of a violation of this section by an unaffiliated reseller of that carrier's services or facilities.

"(i) DEFINITIONS.—For purposes of this section:

"(1) SUBSCRIBER.—The term 'subscriber' means the person named on the billing statement or account, or any other person authorized to make changes in the providers of telephone exchange service or telephone toll service.

"(2) EXECUTING CARRIER.—The term 'executing carrier' means, with respect to any change in the provider of local exchange service or telephone toll service, the local exchange carrier that executed such change.

"(3) ATTORNEY GENERAL.—The term 'attorney general' means the chief legal officer of a State.".

(b) NTIA STUDY OF THIRD-PARTY ADMINISTRATION.—Within 180 days of enactment of this Act, the National Telecommunications and Information Administration shall report to the Committee on Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the feasibility and desirability of establishing a neutral third-party administration system to prevent illegal changes in telephone subscriber carrier selections. The study shall include—

(1) an analysis of the cost of establishing a single national or several independent databases or clearinghouses to verify and submit changes in carrier selections;

(2) the additional cost to carriers, per change in carrier selection, to fund the ongoing operation of any or all such independent databases or clearinghouses; and

(3) the advantages and disadvantages of utilizing independent databases or clearinghouses for verifying and submitting carrier selection changes.

By Mrs. MURRAY:

S. 1085. A bill to amend the Internal Revenue Code of 1986 to modify the treatment of bonds issued to acquire renewable resources on land subject to conservation easement; to the Committee on Finance.

THE COMMUNITY FORESTRY AND AGRICULTURE CONSERVATION ACT

Mrs. MURRAY. Mr. President, I am pleased to rise today to introduce the "Community Forestry and Agriculture Conservation Act of 1999."

Mr. President, all across America we are losing hundreds of thousands of acres of productive forest and agricultural land to urban uses. And with the loss of these lands, we also lose some of our ability to protect watersheds, fish and wildlife, and the rural character and economies of many communities.

Local governments and non-profit organizations, including growing numbers of land trusts, are responding to these issues, and to citizen demand that private land provide more public benefit. They have made significant progress by purchasing land outright or protecting it through conservation easements.

Unfortunately, communities and non-profits simply do not have the resources to meet public demand for open space protection. And the most traditional means of protection—outright purchase of land or conservation easements—are inadequate to protect larger tracts of forest and agricultural land.

Mr. President, the bill I am introducing today would give communities a flexible and dynamic tool to protect forest and agricultural land. In fact, some communities, including at least one in the State of Washington, are already mobilizing to take advantage of the legislation I am introducing today.

The concept behind this bill is straightforward.

Under my bill, a group of community members and leaders who are interested in protecting a tract of forest or farm land would work with one or more landowners to reach a voluntary sale agreement at fair market value.

The community group would then form a non-profit 501(c)(3) corporation with a diverse board of directors. The board of directors could include landowners, conservationists, financial and business leaders, forestry and agricultural professionals, and others interested in managing the land.

The non-profit corporation would develop an agreement on what land would be acquired and at what price.

In addition, the corporation would develop a binding management plan. The management plan would provide for continued harvest of trees and crops, but in a manner that exceeds federal and state conservation standards.

A local government would then issue tax exempt revenue bonds on behalf of the non-profit corporation to fund the acquisition of the land. The bonds would be held and serviced by the nonprofit with revenue raised by the continued harvest of trees or crops in accordance with the management plan. The non-profit corporation would also hold the title to the land.

In forming the non-profit corporation, community leaders would be required to meet strict standards before bonds were issued. These standards will ensure that public benefits are achieved and abuse is prevented.

First, the non-profit corporation must draft a land management plan that exceeds state and federal law.

Second, the corporation must enter the land into a permanent conservation easement.

Third, the corporation must secure the commitment of a third party 501(c)3 organization or governmental entity to hold the conservation easement. It must also provide the third party with the financial resources needed to monitor compliance with the easement.

Last, the corporation must establish a diverse board of directors. No more than 20 percent of the board members can represent a for-profit entity that does business with the non-profit.

Mr. President, let me explain why my bill is necessary to make this new approach possible. Current law allows for the issuance of tax-exempt debt on behalf of non-profit corporations, such as hospitals and higher education facilities that require large amounts of capital. This bill ensures forest and agricultural based non-profits can enjoy the same benefits.

Once the interested parties complete the management plan, issue the bonds, acquire the land and place it in trust, landowners, local governments, the environment, and the public all benefit.

Mr. President, foresters and agricultural producers are often land-rich and cash-poor. My bill would allow landowners to capitalize some or all of their assets. It would also allow landowners to continue harvesting timber from the land but at a lower harvest level. While the non-profit could manage harvest activities on the land, it is more likely it will contract out for these services. This will allow the original landowner or other interested natural resource businesses to manage and receive economic benefits from the land. In addition, this tool will allow the landowner to escape the management problems that arise when urban growth begins to encroach on forestry or agricultural operations.

Local governments benefit by continuing to receive tax dollars that result from economic activities on the land.

And the land receives better stewardship because broad-based conservation efforts can be undertaken at a lower cost than under more traditional land acquisition methods. Through these conservation easements, non-profits will have the financial flexibility to apply lighter resource management practices on the land.

This is an important point. The lower cost of capital and non-profit land management would allow communities to increase conservation benefits. I know many landowners and companies would prefer to increase conservation practices. However, they also have to meet the demands of the bottom-line and stockholders. By reducing these financial pressures, we can provide a higher level of resource protection on these lands.

And the higher levels of resource protection can respond to the greatest environmental needs in that region. For example, in my home state of Washington, the non-profit corporation could increase buffer areas along streams to protect salmon runs and engage in habitat restoration. These steps would help my state respond to salmon listings under the Endangered Species Act.

Finally, the American people benefit the most. They will have more environmental protection and recreational opportunities without sacrificing an important part of their community's economic and tax base. This tool will also allow communities to promote local ownership of their land and to better control their destiny.

Mr. President, in the last three years, Congress and the Clinton Administration have been discussing more and more the issues of "sprawl" and "livability." We are finally starting to see at the national level a recognition that the federal government's actions play an important role in how communities grow. These are not new ideas—they have been discussed at the local and state levels for decades. I am pleased to see Congress and the Administration joining this discussion.

We have heard and seen many good ideas and proposals for improving the quality of life in our communities, from greater open space protection to improved transportation infrastructure. I support many of these efforts.

However, my bill addresses one aspect of this discussion that is not drawing as much attention in the press. And that is the destruction of farm and forest economies in many regions that are rapidly urbanizing. In the Puget Sound region, growth has choked the economic viability of forest and agricultural operations in many areas. Concerned citizens and governments are forced to try to save forest and farm land on a smaller, more piecemeal basis. As successful and rewarding as many of these efforts have been, we need to give communities the option to save larger tracts of land that cannot be acquired outright. By doing so, we can maintain viable farm and forest operations near growing urban areas, and help strengthen the connection between rural producers and urban consumers.

Today, Representatives DUNN and TANNER are introducing this legislation in the House. I am pleased to join their effort on this important issue by sponsoring companion legislation.

In closing, I want to emphasize that this is an approach that every Senator can support. It is bipartisan. It is voluntary. It maintains private land ownership and embraces private landowners. It limits government involvement but establishes proper enforcement to prevent abuse. It protects the environment. It provides local control.

Mr. President, I urge my colleagues to join me to pass the Community Forestry and Agriculture Conservation Act. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1085

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Community Forestry and Agriculture Conservation Act of 1999".

SEC. 2. TREATMENT OF BONDS ISSUED TO ACQUIRE RENEWABLE RESOURCES ON LAND SUBJECT TO CONSERVATION EASEMENT.

(a) IN GENERAL.—Section 145 of the Internal Revenue Code of 1986 (defining qualified 501(c)(3) bond) is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following new subsection:

"(e) BONDS ISSUED TO ACQUIRE RENEWABLE RESOURCES ON LAND SUBJECT TO CONSERVATION EASEMENT.—

"(1) IN GENERAL.—If—

"(A) the proceeds of any bond are used to acquire land (or a long-term lease thereof) together with any renewable resource associated with the land (including standing timber, agricultural crops, or water rights) from an unaffiliated person,

"(B) the land is subject to a conservation restriction—

"(i) which is granted in perpetuity to an unaffiliated person that is—

"(I) a 501(c)(3) organization, or

"(II) a Federal, State, or local government conservation organization,

"(ii) which meets the requirements of clauses (ii) and (iii)(II) of section 170(h)(4)(A),

"(iii) which exceeds the requirements of relevant environmental and land use statutes and regulations, and

"(iv) which obligates the owner of the land to pay the costs incurred by the holder of the conservation restriction in monitoring compliance with such restriction,

"(C) a management plan which meets the requirements of the statutes and regulations referred to in subparagraph (B)(iii) is developed for the conservation of the renewable resources, and

"(D) such bond would be a qualified 501(c)(3) bond (after the application of paragraph (2)) but for the failure to use revenues derived by the 501(c)(3) organization from the sale, lease, or other use of such resource as otherwise required by this part,

such bond shall not fail to be a qualified 501(c)(3) bond by reason of the failure to so use such revenues if the revenues which are not used as otherwise required by this part are used in a manner consistent with the stated charitable purposes of the 501(c)(3) organization.

"(2) TREATMENT OF TIMBER, ETC.—

"(A) IN GENERAL.—For purposes of subsection (a), the cost of any renewable resource acquired with proceeds of any bond described in paragraph (1) shall be treated as a cost of acquiring the land associated with the renewable resource and such land shall not be treated as used for a private business use because of the sale or leasing of the renewable resource to, or other use of the renewable resource by, an unaffiliated person to the extent that such sale, leasing, or other use does not constitute an unrelated trade or business, determined by applying section 513(a).

"(B) APPLICATION OF BOND MATURITY LIMITATION.—For purposes of section 147(b), the cost of any land or renewable resource acquired with proceeds of any bond described in paragraph (1) shall have an economic life commensurate with the economic and ecological feasibility of the financing of such land or renewable resource.

"(C) UNAFFILIATED PERSON.—For purposes of this subsection, the term 'unaffiliated person' means any person who controls not more than 20 percent of the governing body of another person."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to obligations issued after the date of the enactment of this Act.

ADDITIONAL COSPONSORS

S. 26

At the request of Mr. FEINGOLD, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 26, a bill entitled the "Bipartisan Campaign Reform Act of 1999".

S. 135

At the request of Mr. DURBIN, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 135, a bill to amend the Internal Revenue Code of 1986 to increase the deduction for the health insurance costs of self-employed individuals, and for other purposes.

S. 247

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 247, a bill to amend title 17, United States Code, to reform the copyright law with respect to satellite retransmissions of broadcast signals, and for other purposes.

S. 285

At the request of Mr. MCCAIN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 285, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 296

At the request of Mr. FRIST, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 296, a bill to provide for continuation of the Federal research investment in a fiscally sustainable way, and for other purposes.

S. 309

At the request of Mr. MCCAIN, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 309, a bill to amend the Internal Revenue Code of 1986 to provide that a member of the uniformed services shall be treated as using a principal residence while away from home on qualified official extended duty in determining the exclusion of gain from the sale of such residence.

S. 344

At the request of Mr. BOND, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 344, a bill to amend the Internal Revenue Code of 1986 to provide a safe harbor for determining that certain individuals are not employees.

S. 345

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to remove the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 348

At the request of Ms. SNOWE, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 348, a bill to authorize and facilitate a program to enhance training, research and development, energy conservation and efficiency, and consumer education in the oilheat industry for the benefit of oilheat consumers and the public, and for other purposes.

S. 409

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 409, a bill to authorize qualified organizations to provide technical assistance and capacity building services to microenterprise development organizations and programs and to disadvantaged entrepreneurs using funds from the Community Development Financial Institutions Fund, and for other purposes.

S. 459

At the request of Mr. BREAUX, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 459, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

S. 512

At the request of Mr. GORTON, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 512, a bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the Department of Health and Human Services with respect to research on autism.

S. 541

At the request of Ms. COLLINS, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 541, a bill to amend title XVIII of the Social Security Act to make certain changes related to payments for graduate medical education under the medicare program.

S. 573

At the request of Mr. LEAHY, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 573, a bill to provide individuals with access to health information of which they are a subject, ensure personal privacy with respect to health-care-related information, impose criminal and civil penalties for unauthorized use of protected health information, to provide for the strong enforcement of these rights, and to protect States' rights.

S. 580

At the request of Mr. FRIST, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 580, a bill to amend title IX of the Public Health Service Act to revise and extend the Agency for Healthcare Policy and Research.

S. 620

At the request of Mr. SARBANES, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 620, a bill to grant a Federal charter to Korean War Veterans Association, Incorporated, and for other purposes.

S. 625

At the request of Mr. GRASSLEY, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 625, a bill to amend title 11, United States Code, and for other purposes.

S. 636

At the request of Mr. REED, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 636, a bill to amend title XXVII of the Public Health Service Act and part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 to establish standards for the health quality improvement of children in managed care plans and other health plans.

S. 706

At the request of Ms. SNOWE, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 706, a bill to create a National Museum of Women's History Advisory Committee.

S. 751

At the request of Mr. LEAHY, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 751, a bill to combat nursing home fraud and abuse, increase protections for victims of telemarketing fraud, enhance safeguards for pension plans and health care benefit programs, and enhance penalties for crimes against seniors, and for other purposes.

S. 818

At the request of Mr. DEWINE, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 818, a bill to require the Secretary of Health and Human Services to conduct a study of the mortality and adverse outcome rates of medicare patients related to the provision of anesthesia services.

S. 820

At the request of Mr. CHAFEE, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. 820, a bill to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent motor fuel excise taxes on railroads and inland waterway transportation which remain in the general fund of the Treasury.

S. 841

At the request of Mr. KENNEDY, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 841, a bill to amend title XVIII of the Social Security Act to provide for coverage of outpatient prescription drugs under the medicare program.

S. 890

At the request of Mr. WELLSTONE, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 890, a bill to facilitate the naturalization of aliens who served with special guerrilla units or irregular forces in Laos.

S. 902

At the request of Mr. TORRICELLI, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 902, a bill to amend title XIX of the Social Security Act to permit States the option to provide medicaid coverage for low-income individuals infected with HIV.

S. 918

At the request of Mr. KERRY, the names of the Senator from Ohio (Mr. DEWINE), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 918, a bill to authorize the Small Business Administration to provide financial and business development assistance to military reservists' small business, and for other purposes.

At the request of Mr. KERRY, the name of the Senator from Oregon (Mr. WYDEN) was withdrawn as a cosponsor of S. 918, supra.

S. 1007

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 1007, a bill to assist in the conservation of great apes by supporting and providing financial resources for the conservation programs of countries within the range of great apes and projects of persons with demonstrated expertise in the conservation of great apes.

S. 1067

At the request of Mr. ROCKEFELLER, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 1067, a bill to promote the adoption of children with special needs.

S. 1070

At the request of Mr. BOND, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1070, a bill to require the Secretary of Labor to wait for completion of a National Academy of Sciences study before promulgating a standard, regulation or guideline on ergonomics.

AMENDMENT NO. 355

At the request of Mr. FRIST, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of Amendment No. 355 proposed to S. 254, a bill to reduce violent juvenile crime, promote accountability by rehabilitation of juvenile criminals, punish and deter violent gang crime, and for other purposes.

AMENDMENT NO. 358

At the request of Mr. WELLSTONE, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of Amendment No. 358 proposed to S. 254, a bill to reduce violent juvenile crime, promote accountability by rehabilitation of juvenile criminals, punish and deter violent gang crime, and for other purposes.

At the request of Ms. LANDRIEU, her name was added as a cosponsor of amendment No. 358 proposed to S. 254, supra.

AMENDMENT NO. 361

At the request of Mr. ROBB, his name was added as a cosponsor of amendment No. 361 proposed to S. 254, a bill to reduce violent juvenile crime, promote accountability by rehabilitation of juvenile criminals, punish and deter violent gang crime, and for other purposes.

At the request of Mr. SESSIONS, his name was added as a cosponsor of Amendment No. 361 proposed to S. 254, supra.

AMENDMENTS SUBMITTED

VIOLENT AND REPEAT JUVENILE OFFENDER ACCOUNTABILITY AND REHABILITATION ACT OF 1999

LAUTENBERG (AND KERREY) AMENDMENT NO. 362

Mr. LAUTENBERG (for himself and Mr. KERREY) proposed an amendment to the bill (S. 254) to reduce violent juvenile crime, promote accountability by rehabilitation of juvenile criminals, punish and deter violent gang crime, and for other purposes; as follows:

At the end of the bill, add the following:

SEC. . EXTENSION OF BRADY BACKGROUND CHECKS TO GUN SHOWS.

(a) FINDINGS.—Congress finds that—

(1) more than 4,400 traditional gun shows are held annually across the United States, attracting thousands of attendees per show and hundreds of Federal firearms licensees and nonlicensed firearms sellers;

(2) traditional gun shows, as well as flea markets and other organized events, at which a large number of firearms are offered for sale by Federal firearms licensees and nonlicensed firearms sellers, form a significant part of the national firearms market;

(3) firearms and ammunition that are exhibited or offered for sale or exchange at gun shows, flea markets, and other organized events move easily in and substantially affect interstate commerce;

(4) in fact, even before a firearm is exhibited or offered for sale or exchange at a gun show, flea market, or other organized event, the gun, its component parts, ammunition, and the raw materials from which it is manufactured have moved in interstate commerce;

(5) gun shows, flea markets, and other organized events at which firearms are exhibited or offered for sale or exchange, provide a convenient and centralized commercial location at which firearms may be bought and sold anonymously, often without background checks and without records that enable gun tracing;

(6) at gun shows, flea markets, and other organized events at which guns are exhibited or offered for sale or exchange, criminals and other prohibited persons obtain guns without background checks and frequently use guns that cannot be traced to later commit crimes;

(7) many persons who buy and sell firearms at gun shows, flea markets, and other organized events cross State lines to attend these events and engage in the interstate transportation of firearms obtained at these events;

(8) gun violence is a pervasive, national problem that is exacerbated by the availability of guns at gun shows, flea markets, and other organized events;

(9) firearms associated with gun shows have been transferred illegally to residents of another State by Federal firearms licensees and nonlicensed firearms sellers, and have been involved in subsequent crimes including drug offenses, crimes of violence, property crimes, and illegal possession of firearms by felons and other prohibited persons; and

(10) Congress has the power, under the interstate commerce clause and other provisions of the Constitution of the United States, to ensure, by enactment of this Act, that criminals and other prohibited persons do not obtain firearms at gun shows, flea markets, and other organized events.

(b) DEFINITIONS.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

"(35) GUN SHOW.—The term 'gun show' means any event—

"(A) at which 50 or more firearms are offered or exhibited for sale, transfer, or exchange, if 1 or more of the firearms has been shipped or transported in, or otherwise affects, interstate or foreign commerce; and

"(B) at which—

"(i) not less than 20 percent of the exhibitors are firearm exhibitors;

"(ii) there are not less than 10 firearm exhibitors; or

"(iii) 50 or more firearms are offered for sale, transfer, or exchange.

"(36) GUN SHOW PROMOTER.—The term 'gun show promoter' means any person who organizes, plans, promotes, or operates a gun show.

"(37) GUN SHOW VENDOR.—The term 'gun show vendor' means any person who exhibits, sells, offers for sale, transfers, or exchanges 1 or more firearms at a gun show, regardless of whether or not the person arranges with the gun show promoter for a fixed location from which to exhibit, sell, offer for sale, transfer, or exchange 1 or more firearms."

(c) REGULATION OF FIREARMS TRANSFERS AT GUN SHOWS.—

(1) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by adding at the end the following:

"§931. Regulation of firearms transfers at gun shows

"(a) REGISTRATION OF GUN SHOW PROMOTERS.—It shall be unlawful for any person to organize, plan, promote, or operate a gun show unless that person—

"(1) registers with the Secretary in accordance with regulations promulgated by the Secretary; and

"(2) pays a registration fee, in an amount determined by the Secretary.

"(b) RESPONSIBILITIES OF GUN SHOW PROMOTERS.—It shall be unlawful for any person to organize, plan, promote, or operate a gun show unless that person—

"(1) before commencement of the gun show, verifies the identity of each gun show vendor participating in the gun show by examining a valid identification document (as defined in section 1028(d)(1)) of the vendor containing a photograph of the vendor;

"(2) before commencement of the gun show, requires each gun show vendor to sign—

"(A) a ledger with identifying information concerning the vendor; and

"(B) a notice advising the vendor of the obligations of the vendor under this chapter; and

"(3) notifies each person who attends the gun show of the requirements of this chapter, in accordance with such regulations as the Secretary shall prescribe; and

"(4) maintains a copy of the records described in paragraphs (1) and (2) at the permanent place of business of the gun show promoter for such period of time and in such form as the Secretary shall require by regulation.

"(c) RESPONSIBILITIES OF TRANSFERORS OTHER THAN LICENSEES.—

"(1) IN GENERAL.—If any part of a firearm transaction takes place at a gun show, it shall be unlawful for any person who is not licensed under this chapter to transfer a firearm to another person who is not licensed under this chapter, unless the firearm is transferred through a licensed importer, licensed manufacturer, or licensed dealer in accordance with subsection (e).

"(2) CRIMINAL BACKGROUND CHECKS.—A person who is subject to the requirement of paragraph (1)—

"(A) shall not transfer the firearm to the transferee until the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(A); and

"(B) notwithstanding subparagraph (A), shall not transfer the firearm to the transferee if the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(B).

"(3) ABSENCE OF RECORDKEEPING REQUIREMENTS.—Nothing in this section shall permit or authorize the Secretary to impose recordkeeping requirements on any non-licensed vendor.

"(d) RESPONSIBILITIES OF TRANSFEREES OTHER THAN LICENSEES.—

"(1) IN GENERAL.—If any part of a firearm transaction takes place at a gun show, it shall be unlawful for any person who is not licensed under this chapter to receive a firearm from another person who is not licensed under this chapter, unless the firearm is transferred through a licensed importer, licensed manufacturer, or licensed dealer in accordance with subsection (e).

"(2) CRIMINAL BACKGROUND CHECKS.—A person who is subject to the requirement of paragraph (1)—

"(A) shall not receive the firearm from the transferor until the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(A); and

"(B) notwithstanding subparagraph (A), shall not receive the firearm from the transferor if the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(B).

"(e) RESPONSIBILITIES OF LICENSEES.—A licensed importer, licensed manufacturer, or licensed dealer who agrees to assist a person who is not licensed under this chapter in carrying out the responsibilities of that person under subsection (c) or (d) with respect to the transfer of a firearm shall—

"(1) enter such information about the firearm as the Secretary may require by regulation into a separate bound record;

"(2) record the transfer on a form specified by the Secretary;

"(3) comply with section 922(t) as if transferring the firearm from the inventory of the licensed importer, licensed manufacturer, or licensed dealer to the designated transferee (although a licensed importer, licensed manufacturer, or licensed dealer complying with this subsection shall not be required to comply again with the requirements of section 922(t) in delivering the firearm to the nonlicensed transferor), and notify the nonlicensed transferor and the nonlicensed transferee—

"(A) of such compliance; and

"(B) if the transfer is subject to the requirements of section 922(t)(1), of any receipt by the licensed importer, licensed manufacturer, or licensed dealer of a notification from the national instant criminal background check system that the transfer would violate section 922 or would violate State law;

"(4) not later than 10 days after the date on which the transfer occurs, submit to the Secretary a report of the transfer, which report—

"(A) shall be on a form specified by the Secretary by regulation; and

"(B) shall not include the name of or other identifying information relating to any person involved in the transfer who is not licensed under this chapter;

"(5) if the licensed importer, licensed manufacturer, or licensed dealer assists a person other than a licensee in transferring, at 1 time or during any 5 consecutive business days, 2 or more pistols or revolvers, or any combination of pistols and revolvers totaling 2 or more, to the same nonlicensed person, in addition to the reports required under paragraph (4), prepare a report of the multiple transfers, which report shall be—

"(A) prepared on a form specified by the Secretary; and

"(B) not later than the close of business on the date on which the transfer occurs, forwarded to—

"(i) the office specified on the form described in subparagraph (A); and

"(ii) the appropriate State law enforcement agency of the jurisdiction in which the transfer occurs; and

"(6) retain a record of the transfer as part of the permanent business records of the licensed importer, licensed manufacturer, or licensed dealer.

"(f) RECORDS OF LICENSEE TRANSFERS.—If any part of a firearm transaction takes place at a gun show, each licensed importer, licensed manufacturer, and licensed dealer who transfers 1 or more firearms to a person who is not licensed under this chapter shall, not later than 10 days after the date on which the transfer occurs, submit to the Secretary a report of the transfer, which report—

"(1) shall be in a form specified by the Secretary by regulation;

"(2) shall not include the name of or other identifying information relating to the transferee; and

"(3) shall not duplicate information provided in any report required under subsection (e)(4).

"(g) FIREARM TRANSACTION DEFINED.—In this section, the term 'firearm transaction'—

"(1) includes the offer for sale, sale, transfer, or exchange of a firearm; and

"(2) does not include the mere exhibition of a firearm.".

(2) PENALTIES.—Section 924(a) of title 18, United States Code, is amended by adding at the end the following:

"(7)(A) Whoever knowingly violates section 931(a) shall be fined under this title, imprisoned not more than 5 years, or both.

"(B) Whoever knowingly violates subsection (b) or (c) of section 931, shall be—

"(i) fined under this title, imprisoned not more than 2 years, or both; and

"(ii) in the case of a second or subsequent conviction, such person shall be fined under this title, imprisoned not more than 5 years, or both.

"(C) Whoever willfully violates section 931(d), shall be—

"(i) fined under this title, imprisoned not more than 2 years, or both; and

"(ii) in the case of a second or subsequent conviction, such person shall be fined under this title, imprisoned not more than 5 years, or both.

"(D) Whoever knowingly violates subsection (e) or (f) of section 931 shall be fined under this title, imprisoned not more than 5 years, or both.

"(E) In addition to any other penalties imposed under this paragraph, the Secretary may, with respect to any person who knowingly violates any provision of section 931—

"(i) if the person is registered pursuant to section 931(a), after notice and opportunity for a hearing, suspend for not more than 6 months or revoke the registration of that person under section 931(a); and

"(ii) impose a civil fine in an amount equal to not more than $10,000.".

(3) TECHNICAL AND CONFORMING AMENDMENTS.—Chapter 44 of title 18, United States Code, is amended—

(A) in the chapter analysis, by adding at the end the following:

"931. Regulation of firearms transfers at gun shows."; and

(B) in the first sentence of section 923(j), by striking "a gun show or event" and inserting "an event"; and

(d) INSPECTION AUTHORITY.—Section 923(g)(1) is amended by adding at the end the following:

"(E) Notwithstanding subparagraph (B), the Secretary may enter during business hours the place of business of any gun show promoter and any place where a gun show is held for the purposes of examining the records required by sections 923 and 931 and the inventory of licensees conducting business at the gun show. Such entry and examination shall be conducted for the purposes of determining compliance with this chapter by gun show promoters and licensees conducting business at the gun show and shall not require a showing of reasonable cause or a warrant.".

(e) INCREASED PENALTIES FOR SERIOUS RECORDKEEPING VIOLATIONS BY LICENSEES.—Section 924(a)(3) of title 18, United States Code, is amended to read as follows:

"(3)(A) Except as provided in subparagraph (B), any licensed dealer, licensed importer, licensed manufacturer, or licensed collector who knowingly makes any false statement or representation with respect to the information required by this chapter to be kept in the records of a person licensed under this chapter, or violates section 922(m) shall be fined under this title, imprisoned not more than 1 year, or both.

"(B) If the violation described in subparagraph (A) is in relation to an offense—

"(i) under paragraph (1) or (3) of section 922(b), such person shall be fined under this title, imprisoned not more than 5 years, or both; or

"(ii) under subsection (a)(6) or (d) of section 922, such person shall be fined under this title, imprisoned not more than 10 years, or both.".

(f) INCREASED PENALTIES FOR VIOLATIONS OF CRIMINAL BACKGROUND CHECK REQUIREMENTS.—

(1) PENALTIES.—Section 924 of title 18, United States Code, is amended—

(A) in paragraph (5), by striking "subsection (s) or (t) of section 922" and inserting "section 922(s)"; and

(B) by adding at the end the following:

"(8) Whoever knowingly violates section 922(t) shall be fined under this title, imprisoned not more than 5 years, or both.".

(2) ELIMINATION OF CERTAIN ELEMENTS OF OFFENSE.—Section 922(t)(5) of title 18, United States Code, is amended by striking "and, at the time" and all that follows through "State law".

(g) GUN OWNER PRIVACY AND PREVENTION OF FRAUD AND ABUSE OF SYSTEM INFORMATION.—Section 922(t)(2)(C) of title 18, United States Code, is amended by inserting before the period at the end the following: ", as soon as possible, consistent with the responsibility of the Attorney General under section 103(h) of the Brady Handgun Violence Prevention Act to ensure the privacy and security of the system and to prevent system fraud and abuse, but in no event later than 90 days after the date on which the licensee first contacts the system with respect to the transfer".

(h) EFFECTIVE DATE.—This section (other than subsection (i)) and the amendments made by this section shall take effect 180 days after the date of enactment of this Act.

(i) INAPPLICABILITY OF OTHER PROVISIONS.—Notwithstanding any other provision of this Act, the provisions of the title headed "**GENERAL FIREARM PROVISIONS**" (as added by the amendment of Mr. Craig number 332) and the provisions of the section headed "**APPLICATION OF SECTION 923(j) AND (m)**" (as added by the amendment of Mr. Hatch number 344) shall be null and void.

HATCH AND LEAHY AMENDMENT NO. 363

Mr. HATCH (for himself and Mr. LEAHY) proposed an amendment to the bill S. 254, supra; as follows:

At the end of title IV, add the following:

Subtitle —Safe School Security

SEC. 1. SHORT TITLE.

This subtitle may be cited as the "Safe School Security Act of 1999".

SEC. 2. ESTABLISHMENT OF SCHOOL SECURITY TECHNOLOGY CENTER.

(a) SCHOOL SECURITY TECHNOLOGY CENTER.—

(1) ESTABLISHMENT.—The Attorney General, the Secretary of Education, and the Secretary of Energy shall enter into an agreement for the establishment at the Sandia National Laboratories, in partnership with the National Law Enforcement and Corrections Technology Center—Southeast and the National Center for Rural Law Enforcement, of a center to be known as the "School Security Technology Center". The School Security Technology Center shall be administered by the Attorney General.

(2) FUNCTIONS.—The School Security Technology Center shall be a resource to local educational agencies for school security assessments, security technology development, technology availability and implementation, and technical assistance relating to improving school security. The School Security Technology Center shall also conduct and publish research on school violence, coalesce data from victim groups, and monitor and report on schools that implement school security strategies.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section—

(1) $3,700,000 for fiscal year 2000;

(2) $3,800,000 for fiscal year 2001; and

(3) $3,900,000 for fiscal year 2002.

SEC. 3. GRANTS FOR LOCAL SCHOOL SECURITY PROGRAMS.

Subpart 1 of part A of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7111 et seq.) is amended by adding at the end the following:

"SEC. 4119. LOCAL SCHOOL SECURITY PROGRAMS.

"(a) IN GENERAL.—

"(1) GRANTS AUTHORIZED.—From amounts appropriated under subsection (c), the Secretary shall award grants on a competitive basis to local educational agencies to enable the agencies to acquire security technology for, or carry out activities related to improving security at, the middle and secondary schools served by the agencies, including obtaining school security assessments, and technical assistance, for the development of a comprehensive school security plan from the School Security Technology Center.

"(2) APPLICATION.—To be eligible to receive a grant under this section, a local educational agency shall submit to the Secretary an application in such form and containing such information as the Secretary may require, including information relating to the security needs of the agency.

"(3) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to local educational agencies that demonstrate the highest security needs, as reported by the agency in the application submitted under paragraph (2).

"(b) APPLICABILITY.—The provisions of this part (other than this section) shall not apply to this section.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2000, 2001, and 2002.".

SEC. 4. SAFE AND SECURE SCHOOL ADVISORY REPORT.

Not later than 1 year after the date of enactment of this Act, the Attorney General, in consultation with the Secretary of Education and the Secretary of Energy, or their designees, shall—

(1) develop a proposal to further improve school security; and

(2) submit that proposal to Congress.

At the end, insert the following:

SEC. . DRUG TESTS AND LOCKER INSPECTIONS.

(a) SHORT TITLE.—This section may be cited as the "School Violence Prevention Act".

(b) AMENDMENT.—Section 4116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7116(b)) is amended—

(1) in paragraph (9), by striking "and" after the semicolon;

(2) by redesignating paragraph (10) as paragraph (11); and

(3) by inserting after paragraph (9) the following:

"(10) consistent with the fourth amendment to the Constitution of the United States, testing a student for illegal drug use or inspecting a student's locker for guns, explosives, other weapons, or illegal drugs, including at the request of or with the consent of a parent or legal guardian of the student, if the local educational agency elects to so test or inspect; and".

At the appropriate place, insert the following:

SEC. . WAIVER FOR LOCAL MATCH REQUIREMENT UNDER COMMUNITY POLICING PROGRAM.

Section 1701(i) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(i)) is amended by adding at the end of the first sentence the following: "The Attorney General shall waive the requirement under this subsection of a non-Federal contribution to the costs of a program, project, or activity that hires law enforcement officers for placement in public schools by a jurisdiction that demonstrates financial need or hardship."

On page 93, line 19, strike "and".

On page 93, after line 19, insert the following:

"(16) projects to coordinate the delivery of adolescent mental health and substance abuse services to children at risk by coordinating councils composed of public and private service providers; and

On page 93, line 20, strike "(16)" and insert "(17)".

On page 129, line 5, strike "and".

On page 129, after line 5, insert the following:

"(24) provide for projects to coordinate the delivery of adolescent mental health and substance abuse services to children at risk by coordinating councils composed of public and private service providers; and

On page 129, line 6, strike "(24)" and insert "(25)".

At the appropriate place, insert the following:

SEC. . CARJACKING OFFENSES.

Section 2119 of title 18, United States Code, is amended by striking ", with the intent to cause death or serious body harm".

On page 90, after line 7, insert and renumber the following paragraphs:

"(5) to develop, implement or operate projects for the prevention or reduction of truancy through partnerships between local education agencies, local law enforcement, and, as appropriate, other community groups."

At the end, add the following:

TITLE —VIOLENCE PREVENTION TRAINING FOR EARLY CHILDHOOD EDUCATORS

SEC. 01. SHORT TITLE.

This title may be cited as the "Violence Prevention Training for Early Childhood Educators Act".

SEC. 02. PURPOSE.

The purpose of this title is to provide grants to institutions that carry out early childhood education training programs to enable the institutions to include violence prevention training as part of the preparation of individuals pursuing careers in early childhood development and education.

SEC. 03. FINDINGS.

Congress makes the following findings:

(1) Aggressive behavior in early childhood is the single best predictor of aggression in later life.

(2) Aggressive and defiant behavior predictive of later delinquency is increasing among our Nation's youngest children. Without prevention efforts, higher percentages of juveniles are likely to become violent juvenile offenders.

(3) Research has demonstrated that aggression is primarily a learned behavior that develops through observation, imitation, and direct experience. Therefore, children who experience violence as victims or as witnesses are at increased risk of becoming violent themselves.

(4) In a study at a Boston city hospital, 1 out of every 10 children seen in the primary care clinic had witnessed a shooting or a stabbing before the age of 6, with 50 percent of the children witnessing in the home and 50 percent of the children witnessing in the streets.

(5) A study in New York found that children who had been victims of violence within their families were 24 percent more likely to report violent behavior as adolescents, and adolescents who had grown up in families where partner violence occurred were 21 percent more likely to report violent delinquency than individuals not exposed to violence.

(6) Aggression can become well-learned and difficult to change by the time a child reaches adolescence. Early childhood offers a critical period for overcoming risk for violent behavior and providing support for prosocial behavior.

(7) Violence prevention programs for very young children yield economic benefits. By providing health and stability to the individual child and the child's family, the programs may reduce expenditures for medical care, special education, and involvement with the judicial system.

(8) Primary prevention can be effective. When preschool teachers teach young children interpersonal problem-solving skills and other forms of conflict resolution, children are less likely to demonstrate problem behaviors.

(9) There is evidence that family support programs in families with children from birth through 5 years of age are effective in preventing delinquency.

SEC. 04. DEFINITIONS.

In this title:

(1) AT-RISK CHILD.—The term "at-risk child" means a child who has been affected by violence through direct exposure to child abuse, other domestic violence, or violence in the community.

(2) EARLY CHILDHOOD EDUCATION TRAINING PROGRAM.—The term "early childhood education training program" means a program that—

(A)(i) trains individuals to work with young children in early child development programs or elementary schools; or

(ii) provides professional development to individuals working in early child development programs or elementary schools;

(B) provides training to become an early childhood education teacher, an elementary school teacher, a school counselor, or a child care provider; and

(C) leads to a bachelor's degree or an associate's degree, a certificate for working with young children (such as a Child Development Associate's degree or an equivalent credential), or, in the case of an individual with such a degree, certificate, or credential, provides professional development.

(3) ELEMENTARY SCHOOL.—The term "elementary school" has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(4) VIOLENCE PREVENTION.—The term "violence prevention" means—

(A) preventing violent behavior in children;

(B) identifying and preventing violent behavior in at-risk children; or

(C) identifying and ameliorating violent behavior in children who act out violently.

SEC. 05. PROGRAM AUTHORIZED.

(a) GRANT AUTHORITY.—The Secretary of Education, is authorized to award grants to institutions that carry out early childhood education training programs and have applications approved under section 06 to enable the institutions to provide violence prevention training as part of the early childhood education training program.

(b) AMOUNT.—The Secretary of Education shall award a grant under this title in an amount that is not less than $500,000 and not more than $1,000,000.

(c) DURATION.—The Attorney General shall award a grant under this title for a period of not less than 3 years and not more than 5 years.

SEC. 06. APPLICATION.

(a) APPLICATION REQUIRED.—Each institution desiring a grant under this title shall submit to the Secretary of Education an application at such time, in such manner, and accompanied by such information as the Secretary of Education may require.

(b) CONTENTS.—Each application shall—

(1) describe the violence prevention training activities and services for which assistance is sought;

(2) contain a comprehensive plan for the activities and services, including a description of—

(A) the goals of the violence prevention training program;

(B) the curriculum and training that will prepare students for careers which are described in the plan;

(C) the recruitment, retention, and training of students;

(D) the methods used to help students find employment in their fields;

(E) the methods for assessing the success of the violence prevention training program; and

(F) the sources of financial aid for qualified students;

(3) contain an assurance that the institution has the capacity to implement the plan; and

(4) contain an assurance that the plan was developed in consultation with agencies and organizations that will assist the institution in carrying out the plan.

SEC. 07. SELECTION PRIORITIES.

The Secretary of Education shall give priority to awarding grants to institutions carrying out violence prevention programs that include 1 or more of the following components:

(1) Preparation to engage in family support (such as parent education, service referral, and literacy training).

(2) Preparation to engage in community outreach or collaboration with other services in the community.

(3) Preparation to use conflict resolution training with children.

(4) Preparation to work in economically disadvantaged communities.

(5) Recruitment of economically disadvantaged students.

(6) Carrying out programs of demonstrated effectiveness in the type of training for which assistance is sought, including programs funded under section 596 of the Higher Education Act of 1965 (as such section was in effect prior to October 7, 1998).

SEC. 08. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title $15,000,000 for each of the fiscal years 2000 through 2004.

On page 227, line 11, strike "and" and all that follows through the period on line 19 and insert the following:

"(11) partnerships between State educational agencies and local educational agencies for the design and implementation of character education and training programs that incorporate the following elements of character: caring, citizenship, fairness, respect responsibility and trustworthiness; and

(12) for programs to seek to target, curb and punish adults who knowingly and intentionally use a juvenile during the commission or attempted commission of a crime, including programs that specifically provide for additional punishments or sentence enhancements for adults who knowingly and intentionally use a juvenile during the commission or attempted commission of a crime."

On page 93, line 19, strike "and" and all that follows through line 21 and insert the following:

"(16) partnerships between State educational agencies and local educational agencies for the design and implementation of character education and training programs that incorporate the following elements of character: caring, citizenship, fairness, respect responsibility and trustworthiness; and

(17) other activities that are likely to prevent juvenile delinquency."

At the end, add the following:

TITLE —PREVENTING JUVENILE DELINQUENCY THROUGH CHARACTER EDUCATION

SEC. 01. PURPOSE.

The purpose of this title is to support the work of community-based organizations, local educational agencies, and schools in providing children and youth with alternatives to delinquency through strong school-based and after school programs that—

(1) are organized around character education;

(2) reduce delinquency, school discipline problems, and truancy; and

(3) improve student achievement, overall school performance, and youths' positive involvement in their community.

SEC. 02. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated—

(1) $15,000,000 for fiscal year 2000, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out school-based programs under section 03; and

(2) $10,000,000 for fiscal year 2000, and such sums as may be necessary for each of the 4 succeeding fiscal years, to carry out the after school programs under section 04.

(b) SOURCE OF FUNDING.—Amounts authorized to be appropriated pursuant to this section may be derived from the Violent Crime Reduction Trust Fund.

SEC. 03. SCHOOL-BASED PROGRAMS.

(a) IN GENERAL.—The Secretary, in consultation with the Attorney General, is authorized to award grants to schools, or local educational agencies that enter into a partnership with a school, to support the development of character education programs in the schools in order to—

(1) reduce delinquency, school discipline problems, and truancy; and

(2) improve student achievement, overall school performance, and youths' positive involvement in their community.

(b) APPLICATIONS.—Each school or local educational agency desiring a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

(1) CONTENTS.—Each application shall include—

(A) a description of the community to be served and the needs that will be met with the program in that community;

(B) a description of how the program will reach youth at-risk of delinquency;

(C) a description of the activities to be assisted, including—

(i) how parents, teachers, students, and other members of the community will be involved in the design and implementation of the program;

(ii) the character education program to be implemented, including methods of teacher training and parent education that will be used or developed; and

(iii) how the program will coordinate activities assisted under this section with other youth serving activities in the larger community;

(D) a description of the goals of the program;

(E) a description of how progress toward the goals, and toward meeting the purposes of this title, will be measured; and

(F) an assurance that the school or local educational agency will provide the Secretary with information regarding the program and the effectiveness of the program.

SEC. 04. AFTER SCHOOL PROGRAMS.

(a) IN GENERAL.—The Secretary, in consultation with the Attorney General, is authorized to award grants to community-based organizations to enable the organizations to provide youth with alternative activities, in the after school or out of school hours, that include a strong character education component.

(b) ELIGIBLE COMMUNITY-BASED ORGANIZATIONS.—The Secretary only shall award a grant under this section to a community-based organization that has a demonstrated capacity to provide after school or out of school programs to youth, including youth serving organizations, businesses, and other community groups.

(c) APPLICATIONS.—Each community-based organization desiring a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require. Each application shall include—

(1) a description of the community to be served and the needs that will be met with the program in that community;

(2) a description of how the program will identify and recruit at-risk youth for participation in the program, and will provide continuing support for their participation;

(3) a description of the activities to be assisted, including—

(A) how parents, students, and other members of the community will be involved in the design and implementation of the program;

(B) how character education will be incorporated into the program; and

(C) how the program will coordinate activities assisted under this section with activities of schools and other community-based organizations;

(4) a description of the goals of the program;

(5) a description of how progress toward the goals, and toward meeting the purposes of this title, will be measured; and

(6) an assurance that the community-based organization will provide the Secretary with information regarding the program and the effectiveness of the program.

SEC. 05. GENERAL PROVISIONS.

(a) DURATION.—Each grant under this title shall be awarded for a period of not to exceed 5 years.

(b) PLANNING.—A school, local educational agency or community-based organization may use grant funds provided under this title for not more than 1 year for the planning and design of the program to be assisted.

(c) SELECTION OF GRANTEES.—

(1) CRITERIA.—The Secretary, in consultation with the Attorney General, shall select, through a peer review process, community-based organizations, schools, and local educational agencies to receive grants under this title on the basis of the quality of the applications submitted and taking into consideration such factors as—

(A) the quality of the activities to be assisted;

(B) the extent to which the program fosters in youth the elements of character and reaches youth at-risk of delinquency;

(C) the quality of the plan for measuring and assessing the success of the program;

(D) the likelihood the goals of the program will be realistically achieved;

(E) the experience of the applicant in providing similar services; and

(F) the coordination of the program with larger community efforts in character education.

(2) DIVERSITY OF PROJECTS.—The Secretary shall approve applications under this title in a manner that ensures, to the extent practicable, that programs assisted under this title serve different areas of the United States, including urban, suburban and rural areas, and serve at-risk populations.

(d) USE OF FUNDS.—Grant funds under this title shall be used to support the work of community-based organizations, schools, or local educational agencies in providing children and youth with alternatives to delinquency through strong school-based, after school, or out of school programs that—

(1) are organized around character education;

(2) reduce delinquency, school discipline problems, and truancy; and

(3) improve student achievement, overall school performance, and youths' positive involvement in their community.

(d) DEFINITIONS.—

(1) IN GENERAL.—The terms used in this Act have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(2) CHARACTER EDUCATION.—The term "character education" means an organized educational program that works to reinforce core elements of character, including caring, civic virtue and citizenship, justice and fairness, respect, responsibility, and trustworthiness.

(3) SECRETARY.—The term "Secretary" means the Secretary of Education.

At the appropriate place, insert the following:

SEC. . SPECIAL FORFEITURE OF COLLATERAL PROFITS OF CRIME.

Section 3681 of title 18, United States Code, is amended by striking subsection (a) and inserting the following:

"(a) IN GENERAL.—

"(1) FORFEITURE OF PROCEEDS.—Upon the motion of the United States attorney made at any time after conviction of a defendant for an offense described in paragraph (2), and after notice to any interested party, the court shall order the defendant to forfeit all or any part of proceeds received or to be received by the defendant, or a transferee of the defendant, from a contract relating to the transfer of a right or interest of the defendant in any property described in paragraph (3), if the court determines that—

"(A) the interests of justice or an order of restitution under this title so require;

"(B) the proceeds (or part thereof) to be forfeited reflect the enhanced value of the property attributable to the offense; and

"(C) with respect to a defendant convicted of an offense against a State—

"(i) the property at issue, or the proceeds to be forfeited, have travelled in interstate or foreign commerce or were derived through the use of an instrumentality of interstate or foreign commerce; and

"(ii) the attorney general of the State has declined to initiate a forfeiture action with respect to the proceeds to be forfeited.

"(2) OFFENSES DESCRIBED.—An offense is described in this paragraph if it is—

"(A) an offense under section 794 of this title;

"(B) a felony offense against the United States or any State; or

"(C) a misdemeanor offense against the United States or any State resulting in physical harm to any individual.

"(3) PROPERTY DESCRIBED.—Property is described in this paragraph if it is any property, tangible or intangible, including any—

"(A) evidence of the offense;

"(B) instrument of the offense, including any vehicle used in the commission of the offense;

"(C) real estate where the offense was committed;

"(D) document relating to the offense;

"(E) photograph or audio or video recording relating to the offense;

"(F) clothing, jewelry, furniture, or other personal property relating to the offense;

"(G) movie, book, newspaper, magazine, radio or television production, or live entertainment of any kind depicting the offense or otherwise relating to the offense;

"(H) expression of the thoughts, opinions, or emotions of the defendant regarding the offense; or

"(I) other property relating to the offense.".

On page 265, after line 20, add the following:

SEC. 402. CALLER IDENTIFICATION SERVICES TO ELEMENTARY AND SECONDARY SCHOOLS AS PART OF UNIVERSAL SERVICE OBLIGATION.

(a) Clarification.—Section 254(h)(1)(B) of the Communications Act of 1934 (47 U.S.C. 254(h)(1)(B)) is amended by inserting after "under subsection (c)(3)," the following: "including caller identification services with respect to elementary and secondary schools,".

(b) Outreach.—The Federal Communications Commission shall take appropriate actions to notify elementary and secondary schools throughout the United States of—

(1) the availability of caller identification services as part of the services that are within the definition of universal service under section 254(h)(1)(B) of the Communications Act of 1934; and

(2) the procedures to be used by such schools in applying for such services under that section.

On page 44, strike lines 13 through 18, and insert the following:

"(a) Prohibited Act.—It shall be unlawful for any person, to use any facility in, or travel in, interstate or foreign commerce, or cause another to do so, to recruit, solicit, induce, command, or cause another person to be or remain as a member of a criminal street gang, or conspire to do so, with the intent that the person being recruited, solicited, induced, commanded or caused to be or remain a member of such gang participant in an offense described in section 521(c) of this title."

On page 265, after line 20, insert the following:

SEC. . PARENT LEADERSHIP MODEL.

(a) In General.—The Administrator of the Office of Juvenile Crime Control and Prevention is authorized to make a grant to a national organization to provide training, technical assistance, best practice strategies, program materials and other necessary support for a mutual support, parental leadership model proven to prevent child abuse and juvenile delinquency.

(b) Authorization.—There are authorized to be appropriated out of the Violent Crime Trust Fund, $3,000,000.

On page 167, line 23, strike "The" and insert "(a) Local Educational Grants.—The".

On page 169, after line 3 insert the following:

"(b) Family-to-Family Mentoring Grants.—

"(1) Definitions.—In this subsection:

"(A) Family-to-family mentoring program.—The term 'family-to-family mentoring program' means a mentoring program that—

"(i) utilizes a 2-tier mentoring approach that matches volunteer families with at-risk families allowing parents to directly work with parents and children to work directly with children; and

"(ii) has an afterschool program for volunteer and at-risk families.

"(B) Positive alternatives program.—The term 'positive alternatives program' means a positive youth development and family-to-family mentoring program that emphasizes drug and gang prevention components.

"(C) Qualified positive alternatives program.—The term 'qualified positive alternatives program' means a positive alternatives program that has established a family-to-family mentoring program, as of the date of enactment of the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999.

"(2) Authority.—The Administrator shall make and enter into contracts with a qualified positive alternatives program.

On page 171, strike lines 20 through 22 and insert the following:

"(3) An assurance that no mentor or mentoring family will be assigned a number of youths that would undermine their ability to be an effective mentor and ensure a one-to-one relationship with mentored youths."

On page 170, line 19, strike "youth" and insert "youths."

At the end of title IV, add the following:

Subtitle —Partnerships for High-Risk Youth

SEC. 1. SHORT TITLE.

This subtitle may be cited as the "Partnerships for High-Risk Youth Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) violent juvenile crime rates have been increasing in United States schools, causing many high-profile deaths of young, innocent school children;

(2) in 1994, there were 2,700,000 arrests of persons under age 18 (a third of whom were under age 15), up from 1,700,000 in 1991;

(3) while crime is generally down in many urban and suburban areas, crime committed by teenagers has spiked sharply over the past few years;

(4) there is no single solution, or panacea, to the problem of rising juvenile crime;

(5) there will soon be over 34,000,000 teenagers in the United States, which is 26 percent higher than the number of such teenagers in 1990 and the largest number of teenagers in the United States to date;

(6) in order to ensure the safety of youth in the United States, the Nation should begin to explore innovative methods of curbing the rise in violent crime in United States schools, such as use of faith-based and grassroots initiatives; and

(7)(A) a strong partnership among law enforcement, local government, juvenile and family courts, schools, businesses, charitable organizations, families, and the religious community can create a community environment that supports the youth of the Nation and reduces the occurrence of juvenile crime; and

(B) the development of character and strong moral values will—

(i) greatly decrease the likelihood that youth will fall victim to the temptations of crime; and

(ii) improve the lives and future prospects of high-risk youth and their communities.

SEC. 3. PURPOSES.

The purposes of this subtitle are as follows:

(1) To establish a national demonstration project to promote learning about successful youth interventions, with programs carried out by institutions that can identify and employ effective approaches for improving the lives and future prospects of high-risk youth and their communities.

(2) To document best practices for conducting successful interventions for high-risk youth, based on the results of local initiatives.

(3) To produce lessons and data from the operating experience from those local initiatives that will—

(A) provide information to improve policy in the public and private sectors; and

(B) promote the operational effectiveness of other local initiatives throughout the United States.

SEC. 4. ESTABLISHMENT OF DEMONSTRATION PROJECT.

(a) In General.—The Attorney General shall establish and carry out a demonstration project. In carrying out the demonstration project, the Attorney General shall, subject to the availability of appropriations, award a grant to Public-Private Ventures, Inc. to enable Public-Private Ventures, Inc. to award grants to eligible partnerships to pay for the Federal share of the cost of carrying out collaborative intervention programs for high-risk youth, described in section 6, in the following 12 cities:

(1) Boston, Massachusetts.

(2) New York, New York.

(3) Philadelphia, Pennsylvania.

(4) Pittsburgh, Pennsylvania.

(5) Detroit, Michigan.

(6) Denver, Colorado.

(7) Seattle, Washington.

(8) Cleveland, Ohio.

(9) San Francisco, California.

(10) Austin, Texas.

(11) Memphis, Tennessee.

(12) Indianapolis, Indiana.

(b) Federal Share.—

(1) In general.—The Federal share of the cost described in subsection (a) shall be 70 percent.

(2) Non-federal share.—The non-Federal share of the cost may be provided in cash.

SEC. 5. ELIGIBILITY.

(a) In General.—To be eligible to receive a grant under section 4, a partnership—

(1) shall submit an application to Public-Private Ventures Inc. at such time, in such manner, and containing such information as Public-Private Ventures, Inc. may require;

(2) shall enter into a memorandum of understanding with Public-Private Ventures, Inc.; and

(3)(A) shall be a collaborative entity that includes representatives of local government, juvenile detention service providers, local law enforcement, probation officers, youth street workers, and local educational agencies, and religious institutions that have resident-to-membership percentages of at least 40 percent; and;

(B) shall serve a city referred to in section 4(a).

(b) Selection Criteria.—In making grants under section 4, Public-Private Ventures, Inc. shall consider—

(1) the ability of a partnership to design and implement a local intervention program for high-risk youth;

(2) the past experience of the partnership, and key participating individuals, in intervention programs for youth and similar community activities; and

(3) the experience of the partnership in working with other community-based organizations.

SEC. 6. USES OF FUNDS.

(a) Programs.—

(1) Core features.—An eligible partnership that receives a grant under section 4 shall use the funds made available through the grant to carry out an intervention program with the following core features:

(A) Target group.—The program will target a group of youth (including young adults) who—

(i) are at high risk of—

(I) leading lives that are unproductive and negative;

(II) not being self-sufficient; and

(III) becoming incarcerated; and

(ii) are likely to cause pain and loss to other individuals and their communities.

(B) Volunteers and mentors.—The program will make significant use of volunteers and mentors.

(C) Long-term involvement.—The program will feature activities that promote long-term involvement in the lives of the youth (including young adults).

(2) PERMISSIBLE SERVICES.—The partnership, in carrying out the program, may use funds made available through the grant to provide, directly or through referrals, comprehensive support services to the youth (including young adults).

(b) EVALUATION AND RELATED ACTIVITIES.—Using funds made available through its grant under section 4, Public-Private Ventures, Inc. shall—

(1) prepare and implement an evaluation design for evaluating the programs that receive grants under section 4;

(2) conduct a quarterly evaluation of the performance and progress of the programs;

(3) organize and conduct national and regional conferences to promote peer learning about the operational experiences from the programs;

(4) provide technical assistance to the partnerships carrying out the programs, based on the quarterly evaluations; and

(5) prepare and submit to the Attorney General a report that describes the activities of the partnerships and the results of the evaluations.

(c) LIMITATION.—Not more than 20 percent of the funds appropriated under section 7 for a fiscal year may be used—

(1) to provide comprehensive support services under subsection (a)(2);

(2) to carry out activities under subsection (b); and

(3) to pay for the administrative costs of Public-Private Ventures, Inc., related to carrying out this subtitle.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this subtitle $4,000,000 for each of the fiscal years 2000 through 2004.

Subtitle —National Youth Crime Prevention

SEC. 1. SHORT TITLE.

This subtitle may be cited as the "National Youth Crime Prevention Demonstration Act".

SEC. 2. PURPOSES.

The purposes of this subtitle are as follows:

(1) To establish a demonstration project that establishes violence-free zones that would involve successful youth intervention models in partnership with law enforcement, local housing authorities, private foundations, and other public and private partners.

(2) To document best practices based on successful grassroots interventions in cities, including Washington, District of Columbia; Boston, Massachusetts; Hartford, Connecticut; and other cities to develop methodologies for widespread replication.

(3) To increase the efforts of the Department of Justice, the Department of Housing and Urban Development, and other agencies in supporting effective neighborhood mediating approaches.

SEC. 3. ESTABLISHMENT OF NATIONAL YOUTH CRIME PREVENTION DEMONSTRATION PROJECT.

The Attorney General shall establish and carry out a demonstration project. In carrying out the demonstration project, the Attorney General shall, subject to the availability of appropriations, award a grant to the National Center for Neighborhood Enterprise (referred to in this subtitle as the "National Center") to enable the National Center to award grants to grassroots entities in the following 8 cities:

(1) Washington, District of Columbia.

(2) Detroit, Michigan.

(3) Hartford, Connecticut.

(4) Indianapolis, Indiana.

(5) Chicago (and surrounding metropolitan area), Illinois.

(6) San Antonio, Texas.

(7) Dallas, Texas.

(8) Los Angeles, California.

SEC. 4. ELIGIBILITY.

(a) IN GENERAL.—To be eligible to receive a grant under this subtitle, a grassroots entity referred to in section 3 shall submit an application to the National Center to fund intervention models that establish violence-free zones.

(b) SELECTION CRITERIA.—In awarding grants under this subtitle, the National Center shall consider—

(1) the track record of a grassroots entity and key participating individuals in youth group mediation and crime prevention;

(2) the engagement and participation of a grassroots entity with other local organizations; and

(3) the ability of a grassroots entity to enter into partnerships with local housing authorities, law enforcement agencies, and other public entities.

SEC. 5. USES OF FUNDS.

(a) IN GENERAL.—Funds received under this subtitle may be used for youth mediation, youth mentoring, life skills training, job creation and entrepreneurship, organizational development and training, development of long-term intervention plans, collaboration with law enforcement, comprehensive support services and local agency partnerships, and activities to further community objectives in reducing youth crime and violence.

(b) GUIDELINES.—The National Center will identify local lead grassroots entities in each designated city.

(c) TECHNICAL ASSISTANCE.—The National Center, in cooperation with the Attorney General, shall also provide technical assistance for startup projects in other cities.

SEC. 6. REPORTS.

The National Center shall submit a report to the Attorney General evaluating the effectiveness of grassroots agencies and other public entities involved in the demonstration project.

SEC. 7. DEFINITIONS.

In this subtitle:

(1) GRASSROOTS ENTITY.—The term "grassroots entity" means a not-for-profit community organization with demonstrated effectiveness in mediating and addressing youth violence by empowering at-risk youth to become agents of peace and community restoration.

(2) NATIONAL CENTER FOR NEIGHBORHOOD ENTERPRISE.—The term "National Center for Neighborhood Enterprise" means a not-for-profit organization incorporated in the District of Columbia.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this subtitle—

(1) $5,000,000 for fiscal year 2000;

(2) $5,000,000 for fiscal year 2001;

(3) $5,000,000 for fiscal year 2002;

(4) $5,000,000 for fiscal year 2003; and

(5) $5,000,000 for fiscal year 2004.

(b) RESERVATION.—The National Center for Neighborhood Enterprise may use not more than 20 percent of the amounts appropriated pursuant to subsection (a) in any fiscal year for administrative costs, technical assistance and training, comprehensive support services, and evaluation of participating grassroots organizations.

On page 119, line 16, strike "and".

On page 119, line 18, insert "and" at the end.

On page 119, between lines 18 and 19, insert the following:

"(R) court supervised initiatives that address the illegal possession of firearms by juveniles;".

On page 129, line 5, strike "and".

On page 129, line 14, strike "individual." and insert "individual; and".

On page 129, between lines 14 and 15, insert the following:

"(25) demonstrate that the State has in effect a policy or practice that requires State or local law enforcement agencies to—

"(A) present before a judicial officer any juvenile who unlawfully possesses a firearm in a school; and

"(B) detain such juvenile in an appropriate juvenile facility or secure community-based placement for not less than 24 hours for appropriate evaluation, upon a finding by the judicial officer that the juvenile may be a danger to himself or herself, to other individuals, or to the community in which that juvenile resides.".

On page 131, line 11, strike "or (24)" and insert "(24), or (25)".

On page 131, line 12, strike "1999" and insert "2000".

On page 131, line 15, strike "12.5" and insert "10".

At the appropriate place, insert the following:

"SEC. . NATIONAL MEDIA CAMPAIGN AGAINST VIOLENCE.

There is authorized to be appropriated to the National Crime Prevention Council not to exceed $25,000,000, to be expended without fiscal-year limitation, for a 2-year national media campaign, to be conducted in consultation with national, statewide or community based youth organization, Boys and Girls Clubs of America, and to be targeted to parents (and other caregivers) and to youth, to reduce and prevent violent criminal behavior by young Americans: *Provided*, That none of such funds may be used—(1) to propose, influence, favor, or oppose any change in any statute, rule, regulation, treaty, or other provision of law; (2) for any partisan political purpose; (3) to feature any elected officials, persons seeking elected office, cabinet-level officials, or Federal officials employed pursuant to Schedule C of title 5, Code of Federal Regulations, section 213, or (4) in any way that otherwise would violate section 1913 of title 18 of the United States Code: *Provided further*, That, for purposes hereof, "violent criminal behavior by young Americans" means behavior, by minors residing in the United States (or in any jurisdiction under the sovereign jurisdiction thereof), that both is illegal under federal, state, or local law, and involves acts or threats of physical violence, physical injury, or physical harm Code: *Provided further*, That not to exceed 10% of the funds appropriated pursuant to this authorization shall be used to commission an objective accounting, from a licensed and certified public accountant, using generally-accepted accounting principles, of the funds appropriated pursuant to this authorization and of any other funds or in-kind donations spent or used in the campaign, and an objective evaluation both of the impact and cost-effectiveness of the campaign and of the campaign-related activities of the Council and the Clubs, which accounting and evaluation shall be submitted by the Council to the Committees on Appropriations and the Judiciary of each House of Congress by not later than 9 months after the conclusion of the campaign.

Strike sections 303 and 304 and insert the following:

SEC. 303. RUNAWAY AND HOMELESS YOUTH.

(a) Findings.—Section 302 of the Runaway and Homeless Youth Act (42 U.S.C. 5701) is amended—

(1) in paragraph (5), by striking "accurate reporting of the problem nationally and to develop" and inserting "an accurate national reporting system to report the problem, and to assist in the development of"; and

(2) by striking paragraph (8) and inserting the following:

"(8) services for runaway and homeless youth are needed in urban, suburban, and rural areas;".

(b) Authority To Make Grants for Centers and Services.—Section 311 of the Runaway and Homeless Youth Act (42 U.S.C. 5711) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) Grants for Centers and Services.—

"(1) In general.—The Secretary shall make grants to public and nonprofit private entities (and combinations of such entities) to establish and operate (including renovation) local centers to provide services for runaway and homeless youth and for the families of such youth.

"(2) Services provided.—Services provided under paragraph (1)—

"(A) shall be provided as an alternative to involving runaway and homeless youth in the law enforcement, child welfare, mental health, and juvenile justice systems;

"(B) shall include—

"(i) safe and appropriate shelter; and

"(ii) individual, family, and group counseling, as appropriate; and

"(C) may include—

"(i) street-based services;

"(ii) home-based services for families with youth at risk of separation from the family; and

"(iii) drug abuse education and prevention services.";

(2) in subsection (b)(2), by striking "the Trust Territory of the Pacific Islands,"; and

(3) by striking subsections (c) and (d).

(c) Eligibility.—Section 312 of the Runaway and Homeless Youth Act (42 U.S.C. 5712) is amended—

(1) in subsection (b)—

(A) in paragraph (8), by striking "paragraph (6)" and inserting "paragraph (7)";

(B) in paragraph (10), by striking "and" at the end;

(C) in paragraph (11), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following:

"(12) shall submit to the Secretary an annual report that includes, with respect to the year for which the report is submitted—

"(A) information regarding the activities carried out under this part;

"(B) the achievements of the project under this part carried out by the applicant; and

"(C) statistical summaries describing—

"(i) the number and the characteristics of the runaway and homeless youth, and youth at risk of family separation, who participate in the project; and

"(ii) the services provided to such youth by the project."; and

(2) by striking subsections (c) and (d) and inserting the following:

"(c) Applicants Providing Street-Based Services.—To be eligible to use assistance under section 311(a)(2)(C)(i) to provide street-based services, the applicant shall include in the plan required by subsection (b) assurances that in providing such services the applicant will—

"(1) provide qualified supervision of staff, including on-street supervision by appropriately trained staff;

"(2) provide backup personnel for on-street staff;

"(3) provide initial and periodic training of staff who provide such services; and

"(4) conduct outreach activities for runaway and homeless youth, and street youth.

"(d) Applicants Providing Home-Based Services.—To be eligible to use assistance under section 311(a) to provide home-based services described in section 311(a)(2)(C)(ii), an applicant shall include in the plan required by subsection (b) assurances that in providing such services the applicant will—

"(1) provide counseling and information to youth and the families (including unrelated individuals in the family households) of such youth, including services relating to basic life skills, interpersonal skill building, educational advancement, job attainment skills, mental and physical health care, parenting skills, financial planning, and referral to sources of other needed services;

"(2) provide directly, or through an arrangement made by the applicant, 24-hour service to respond to family crises (including immediate access to temporary shelter for runaway and homeless youth, and youth at risk of separation from the family);

"(3) establish, in partnership with the families of runaway and homeless youth, and youth at risk of separation from the family, objectives and measures of success to be achieved as a result of receiving home-based services;

"(4) provide initial and periodic training of staff who provide home-based services; and

"(5) ensure that—

"(A) caseloads will remain sufficiently low to allow for intensive (5 to 20 hours per week) involvement with each family receiving such services; and

"(B) staff providing such services will receive qualified supervision.

"(e) Applicants Providing Drug Abuse Education and Prevention Services.—To be eligible to use assistance under section 311(a)(2)(C)(iii) to provide drug abuse education and prevention services, an applicant shall include in the plan required by subsection (b)—

"(1) a description of—

"(A) the types of such services that the applicant proposes to provide;

"(B) the objectives of such services; and

"(C) the types of information and training to be provided to individuals providing such services to runaway and homeless youth; and

"(2) an assurance that in providing such services the applicant shall conduct outreach activities for runaway and homeless youth.".

(d) Approval of Applications.—Section 313 of the Runaway and Homeless Youth Act (42 U.S.C. 5713) is amended to read as follows:

"SEC. 313. APPROVAL OF APPLICATIONS.

"(a) In General.—An application by a public or private entity for a grant under section 311(a) may be approved by the Secretary after taking into consideration, with respect to the State in which such entity proposes to provide services under this part—

"(1) the geographical distribution in such State of the proposed services under this part for which all grant applicants request approval; and

"(2) which areas of such State have the greatest need for such services.

"(b) Priority.—In selecting applications for grants under section 311(a), the Secretary shall give priority to—

"(1) eligible applicants who have demonstrated experience in providing services to runaway and homeless youth; and

"(2) eligible applicants that request grants of less than **$200,000**.".

(e) Authority for Transitional Living Grant Program.—Section 321 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–1) is amended—

(1) in the section heading, by striking "PURPOSE AND";

(2) in subsection (a), by striking "(a)"; and

(3) by striking subsection (b).

(f) Eligibility.—Section 322(a)(9) of the Runaway and Homeless Youth Act (42 U.S.C. 5714–2(a)(9)) is amended by inserting ", and the services provided to such youth by such project," after "such project".

(g) Coordination.—Section 341 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–21) is amended to read as follows:

"SEC. 341. COORDINATION.

"With respect to matters relating to the health, education, employment, and housing of runaway and homeless youth, the Secretary—

"(1) in conjunction with the Attorney General, shall coordinate the activities of agencies of the Department of Health and Human Services with activities under any other Federal juvenile crime control, prevention, and juvenile offender accountability program and with the activities of other Federal entities; and

"(2) shall coordinate the activities of agencies of the Department of Health and Human Services with the activities of other Federal entities and with the activities of entities that are eligible to receive grants under this title.".

(h) Authority To Make Grants for Research, Evaluation, Demonstration, and Service Projects.—Section 343 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–23) is amended—

(1) in the section heading, by inserting "EVALUATION," after "RESEARCH,";

(2) in subsection (a), by inserting "evaluation," after "research,"; and

(3) in subsection (b)—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) through (10) as paragraphs (2) through (9), respectively.

(i) Assistance to Potential Grantees.—Section 371 of the Runaway and Homeless Youth Act (42 U.S.C. 5714a) is amended by striking the last sentence.

(j) Reports.—Section 381 of the Runaway and Homeless Youth Act (42 U.S.C. 5715) is amended to read as follows:

"SEC. 381. REPORTS.

"(a) In General.—Not later than April 1, 2000, and biennially thereafter, the Secretary shall submit, to the Committee on Education and the Workforce of the House of Representatives and the Committee on the Judiciary of the Senate, a report on the status, activities, and accomplishments of entities that receive grants under parts A, B, C, D, and E, with particular attention to—

"(1) in the case of centers funded under part A, the ability or effectiveness of such centers in—

"(A) alleviating the problems of runaway and homeless youth;

"(B) if applicable or appropriate, reuniting such youth with their families and encouraging the resolution of intrafamily problems through counseling and other services;

"(C) strengthening family relationships and encouraging stable living conditions for such youth; and

"(D) assisting such youth to decide upon a future course of action; and

"(2) in the case of projects funded under part B—

"(A) the number and characteristics of homeless youth served by such projects;

“(B) the types of activities carried out by such projects;

“(C) the effectiveness of such projects in alleviating the problems of homeless youth;

“(D) the effectiveness of such projects in preparing homeless youth for self-sufficiency;

“(E) the effectiveness of such projects in assisting homeless youth to decide upon future education, employment, and independent living;

“(F) the ability of such projects to encourage the resolution of intrafamily problems through counseling and development of self-sufficient living skills; and

“(G) activities and programs planned by such projects for the following fiscal year.

“(b) CONTENTS OF REPORTS.—The Secretary shall include in each report submitted under subsection (a), summaries of—

“(1) the evaluations performed by the Secretary under section 386; and

“(2) descriptions of the qualifications of, and training provided to, individuals involved in carrying out such evaluations.”.

(k) EVALUATION.—Section 384 of the Runaway and Homeless Youth Act (42 U.S.C. 5732) is amended to read as follows:

“SEC. 386. EVALUATION AND INFORMATION.

“(a) IN GENERAL.—If a grantee receives grants for 3 consecutive fiscal years under part A, B, C, D, or E (in the alternative), then the Secretary shall evaluate such grantee on-site, not less frequently than once in the period of such 3 consecutive fiscal years, for purposes of—

“(1) determining whether such grants are being used for the purposes for which such grants are made by the Secretary;

“(2) collecting additional information for the report required by section 383; and

“(3) providing such information and assistance to such grantee as will enable such grantee to improve the operation of the centers, projects, and activities for which such grants are made.

“(b) COOPERATION.—Recipients of grants under this title shall cooperate with the Secretary’s efforts to carry out evaluations, and to collect information, under this title.”.

(l) AUTHORIZATION OF APPROPRIATIONS.—Section 385 of the Runaway and Homeless Youth Act (42 U.S.C. 5751) is amended to read as follows:

“SEC. 388. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—

“(1) AUTHORIZATION.—There is authorized to be appropriated to carry out this title (other than part E) such sums as may be necessary for fiscal years 2000, 2001, 2002, 2003, and 2004.

“(2) ALLOCATION.—

“(A) PARTS A AND B.—From the amount appropriated under paragraph (1) for a fiscal year, the Secretary shall reserve not less than 90 percent to carry out parts A and B.

“(B) PART B.—Of the amount reserved under subparagraph (A), not less than 20 percent, and not more than 30 percent, shall be reserved to carry out part B.

“(3) PARTS C AND D.—In each fiscal year, after reserving the amounts required by paragraph (2), the Secretary shall use the remaining amount (if any) to carry out parts C and D.

“(b) SEPARATE IDENTIFICATION REQUIRED.—No funds appropriated to carry out this title may be combined with funds appropriated under any other Act if the purpose of combining such funds is to make a single discretionary grant, or a single discretionary payment, unless such funds are separately identified in all grants and contracts and are used for the purposes specified in this title.”.

(m) SEXUAL ABUSE PREVENTION PROGRAM.—

(1) AUTHORITY FOR PROGRAM.—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended—

(A) by striking the heading for part F;

(B) by redesignating part E as part F; and

(C) by inserting after part D the following:

“PART E—SEXUAL ABUSE PREVENTION PROGRAM

“SEC. 351. AUTHORITY TO MAKE GRANTS.

“(a) IN GENERAL.—The Secretary may make grants to nonprofit private agencies for the purpose of providing street-based services to runaway and homeless, and street youth, who have been subjected to, or are at risk of being subjected to, sexual abuse, prostitution, or sexual exploitation.

“(b) PRIORITY.—In selecting applicants to receive grants under subsection (a), the Secretary shall give priority to nonprofit private agencies that have experience in providing services to runaway and homeless, and street youth.”.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 388(a) of the Runaway and Homeless Youth Act (42 U.S.C 5751), as amended by subsection (l) of this section, is amended by adding at the end the following:

“(4) PART E.—There is authorized to be appropriated to carry out part E such sums as may be necessary for fiscal years 2000, 2001, 2002, 2003, and 2004.”.

(n) DEFINITIONS.—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended by inserting after section 386, as amended by subsection (k) of this section, the following:

“SEC. 387. DEFINITIONS.

“In this title:

“(1) DRUG ABUSE EDUCATION AND PREVENTION SERVICES.—The term ‘drug abuse education and prevention services’—

“(A) means services to runaway and homeless youth to prevent or reduce the illicit use of drugs by such youth; and

“(B) may include—

“(i) individual, family, group, and peer counseling;

“(ii) drop-in services;

“(iii) assistance to runaway and homeless youth in rural areas (including the development of community support groups);

“(iv) information and training relating to the illicit use of drugs by runaway and homeless youth, to individuals involved in providing services to such youth; and

“(v) activities to improve the availability of local drug abuse prevention services to runaway and homeless youth.

“(2) HOME-BASED SERVICES.—The term ‘home-based services’—

“(A) means services provided to youth and their families for the purpose of—

“(i) preventing such youth from running away, or otherwise becoming separated, from their families; and

“(ii) assisting runaway youth to return to their families; and

“(B) includes services that are provided in the residences of families (to the extent practicable), including—

“(i) intensive individual and family counseling; and

“(ii) training relating to life skills and parenting.

“(3) HOMELESS YOUTH.—The term ‘homeless youth’ means an individual—

“(A) who is—

“(i) not more than 21 years of age; and

“(ii) for the purposes of part B, not less than 16 years of age;

“(B) for whom it is not possible to live in a safe environment with a relative; and

“(C) who has no other safe alternative living arrangement.

“(4) STREET-BASED SERVICES.—The term ‘street-based services’—

“(A) means services provided to runaway and homeless youth, and street youth, in areas where they congregate, designed to assist such youth in making healthy personal choices regarding where they live and how they behave; and

“(B) may include—

“(i) identification of and outreach to runaway and homeless youth, and street youth;

“(ii) crisis intervention and counseling;

“(iii) information and referral for housing;

“(iv) information and referral for transitional living and health care services;

“(v) advocacy, education, and prevention services related to—

“(I) alcohol and drug abuse;

“(II) sexual exploitation;

“(III) sexually transmitted diseases, including human immunodeficiency virus (HIV); and

“(IV) physical and sexual assault.

“(5) STREET YOUTH.—The term ‘street youth’ means an individual who—

“(A) is—

“(i) a runaway youth; or

“(ii) indefinitely or intermittently a homeless youth; and

“(B) spends a significant amount of time on the street or in other areas that increase the risk to such youth for sexual abuse, sexual exploitation, prostitution, or drug abuse.

“(6) TRANSITIONAL LIVING YOUTH PROJECT.—The term ‘transitional living youth project’ means a project that provides shelter and services designed to promote a transition to self-sufficient living and to prevent long-term dependency on social services.

“(7) YOUTH AT RISK OF SEPARATION FROM THE FAMILY.—The term ‘youth at risk of separation from the family’ means an individual—

“(A) who is less than 18 years of age; and

“(B)(i) who has a history of running away from the family of such individual;

“(ii) whose parent, guardian, or custodian is not willing to provide for the basic needs of such individual; or

“(iii) who is at risk of entering the child welfare system or juvenile justice system as a result of the lack of services available to the family to meet such needs.”.

(o) REDESIGNATION OF SECTIONS.—Sections 371, 372, 381, 382, and 383 of the Runaway and Homeless Youth Act (42 U.S.C. 5714b–5851 et seq.), as amended by this title, are redesignated as sections 381, 382, 383, 384, and 385, respectively.

(p) TECHNICAL AMENDMENTS.—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended—

(1) in section 331, in the first sentence, by striking “With” and all that follows through “the Secretary”, and inserting “The Secretary”; and

(2) in section 344(a)(1), by striking “With” and all that follows through “the Secretary”, and inserting “The Secretary”.

SEC. 304. NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.

(a) FINDINGS.—Section 402 of the Missing Children’s Assistance Act (42 U.S.C. 5771) is amended—

(1) in paragraph (7), by striking “and” at the end;

(2) in paragraph (8), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(9) for 14 years, the National Center for Missing and Exploited Children has—

“(A) served as the national resource center and clearinghouse congressionally mandated under the provisions of the Missing Children’s Assistance Act of 1984; and

"(B) worked in partnership with the Department of Justice, the Federal Bureau of Investigation, the Department of the Treasury, the Department of State, and many other agencies in the effort to find missing children and prevent child victimization;

"(10) Congress has given the Center, which is a private non-profit corporation, access to the National Crime Information Center of the Federal Bureau of Investigation, and the National Law Enforcement Telecommunications System;

"(11) since 1987, the Center has operated the National Child Pornography Tipline, in conjunction with the United States Customs Service and the United States Postal Inspection Service and, beginning this year, the Center established a new CyberTipline on child exploitation, thus becoming 'the 911 for the Internet';

"(12) in light of statistics that time is of the essence in cases of child abduction, the Director of the Federal Bureau of Investigation in February of 1997 created a new NCIC child abduction ('CA') flag to provide the Center immediate notification in the most serious cases, resulting in 642 'CA' notifications to the Center and helping the Center to have its highest recovery rate in history;

"(13) the Center has established a national and increasingly worldwide network, linking the Center online with each of the missing children clearinghouses operated by the 50 States, the District of Columbia, and Puerto Rico, as well as with Scotland Yard in the United Kingdom, the Royal Canadian Mounted Police, INTERPOL headquarters in Lyon, France, and others, which has enabled the Center to transmit images and information regarding missing children to law enforcement across the United States and around the world instantly;

"(14) from its inception in 1984 through March 31, 1998, the Center has—

"(A) handled 1,203,974 calls through its 24-hour toll-free hotline (1–800–THE–LOST) and currently averages 700 calls per day;

"(B) trained 146,284 law enforcement, criminal and juvenile justice, and healthcare professionals in child sexual exploitation and missing child case detection, identification, investigation, and prevention;

"(C) disseminated 15,491,344 free publications to citizens and professionals; and

"(D) worked with law enforcement on the cases of 59,481 missing children, resulting in the recovery of 40,180 children;

"(15) the demand for the services of the Center is growing dramatically, as evidenced by the fact that in 1997, the Center handled 129,100 calls, an all-time record, and by the fact that its new Internet website (www.missingkids.com) receives 1,500,000 'hits' every day, and is linked with hundreds of other websites to provide real-time images of breaking cases of missing children;

"(16) in 1997, the Center provided policy training to 256 police chiefs and sheriffs from 50 States and Guam at its new Jimmy Ryce Law Enforcement Training Center;

"(17) the programs of the Center have had a remarkable impact, such as in the fight against infant abductions in partnership with the healthcare industry, during which the Center has performed 668 onsite hospital walk-throughs and inspections, and trained 45,065 hospital administrators, nurses, and security personnel, and thereby helped to reduce infant abductions in the United States by 82 percent;

"(18) the Center is now playing a significant role in international child abduction cases, serving as a representative of the Department of State at cases under The Hague Convention, and successfully resolving the cases of 343 international child abductions, and providing greater support to parents in the United States;

"(19) the Center is a model of public/private partnership, raising private sector funds to match congressional appropriations and receiving extensive private in-kind support, including advanced technology provided by the computer industry such as imaging technology used to age the photographs of long-term missing children and to reconstruct facial images of unidentified deceased children;

"(20) the Center was 1 of only 10 of 300 major national charities given an A+ grade in 1997 by the American Institute of Philanthropy; and

"(21) the Center has been redesignated as the Nation's missing children clearinghouse and resource center once every 3 years through a competitive selection process conducted by the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice, and has received grants from that Office to conduct the crucial purposes of the Center.".

(b) DEFINITIONS.—Section 403 of the Missing Children's Assistance Act (42 U.S.C. 5772) is amended—

(1) in paragraph (1), by striking "and" at the end;

(2) in paragraph (2), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(3) the term 'Center' means the National Center for Missing and Exploited Children.".

(c) DUTIES AND FUNCTIONS OF THE ADMINISTRATOR.—Section 404 of the Missing Children's Assistance Act (42 U.S.C. 5773) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by striking subsection (b) and inserting the following:

"(b) ANNUAL GRANT TO NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.—

"(1) IN GENERAL.—The Administrator shall annually make a grant to the Center, which shall be used to—

"(A)(i) operate a national 24-hour toll-free telephone line by which individuals may report information regarding the location of any missing child, or other child 13 years of age or younger whose whereabouts are unknown to such child's legal custodian, and request information pertaining to procedures necessary to reunite such child with such child's legal custodian; and

"(ii) coordinate the operation of such telephone line with the operation of the national communications system referred to in part C of the Runaway and Homeless Youth Act (42 U.S.C. 5714–11);

"(B) operate the official national resource center and information clearinghouse for missing and exploited children;

"(C) provide to State and local governments, public and private nonprofit agencies, and individuals, information regarding—

"(i) free or low-cost legal, restaurant, lodging, and transportation services that are available for the benefit of missing and exploited children and their families; and

"(ii) the existence and nature of programs being carried out by Federal agencies to assist missing and exploited children and their families;

"(D) coordinate public and private programs that locate, recover, or reunite missing children with their families;

"(E) disseminate, on a national basis, information relating to innovative and model programs, services, and legislation that benefit missing and exploited children;

"(F) provide technical assistance and training to law enforcement agencies, State and local governments, elements of the criminal justice system, public and private nonprofit agencies, and individuals in the prevention, investigation, prosecution, and treatment of cases involving missing and exploited children; and

"(G) provide assistance to families and law enforcement agencies in locating and recovering missing and exploited children, both nationally and internationally.

"(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this subsection, $10,000,000 for each of fiscal years 2000, 2001, 2002, 2003, and 2004.

"(c) NATIONAL INCIDENCE STUDIES.—The Administrator, either by making grants to or entering into contracts with public agencies or nonprofit private agencies, shall—

"(1) periodically conduct national incidence studies to determine for a given year the actual number of children reported missing each year, the number of children who are victims of abduction by strangers, the number of children who are the victims of parental kidnapings, and the number of children who are recovered each year; and

"(2) provide to State and local governments, public and private nonprofit agencies, and individuals information to facilitate the lawful use of school records and birth certificates to identify and locate missing children.".

(d) NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.—Section 405(a) of the Missing Children's Assistance Act (42 U.S.C. 5775(a)) is amended by inserting "the Center and with" before "public agencies".

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 408 of the Missing Children's Assistance Act (42 U.S.C. 5777) is amended by striking "1997 through 2001" and inserting "2000 through 2004".

On page 7, strike lines 7 through 18, and insert the following:

SEC. 101. SURRENDER TO STATE AUTHORITIES.

Section 5001 of title 18, United States Code, is amended by striking the first undesignated paragraph and inserting the following:

"Whenever any person who is less than 18 years of age is been arrested and charged with the commission of an offense (or an act of delinquency that would be an offense were it committed by an adult) punishable in any court of the United States or of the District of Columbia, the United States Attorney for the district in which such person has been arrested may forego prosecution pursuant to section 5032(a)(2) if, after investigation by the United States Attorney, it appears that—

"(1) such person has committed an act that is also an offense or an act of delinquency under the law of any State or the District of Columbia;

"(2) such State or the District of Columbia, as applicable, can and will assume jurisdiction over such juvenile and will take such juvenile into custody and deal with the juvenile in accordance with the law of such State or the District of Columbia, as applicable; and

"(3) it is in the best interests of the United States and of the juvenile offender.".

On page 8, line 14, insert ", except as provided in subsection (d)(2)" after "court".

On page 9, line 2, insert ", except as provided in subsection (d)(2)" after "court".

On page 10, beginning on line 1, strike "of concurrent jurisdiction between the Federal Government and a State or Indian tribe over both the offense and the juvenile" and insert “in which both the Federal Government and a State or Indian tribe have penal provisions that criminalize the conduct at issue and both have jurisdiction over the juvenile”.

On page 10, line 15, strike “the offense” and insert “the conduct”.

On page 10, strike line 20 and all that follows through page 11, line 5, and insert the following:

“(C) DEFINITION.—In this subsection, the term ‘Indian tribe’ has the meaning given the term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

On page 12, line 13, insert “or for referral” after “defendant”.

On page 12, line 16, strike “20” and insert “30”.

On page 12, line 18, strike “initially appears through counsel” and insert “appears through counsel to answer an indictment”.

On page 12, line 24, strike “clear and convincing” and insert “a preponderance of the”.

On page 14, line 20, strike “not”.

On page 15, line 19, insert “and subject to subparagraph (C) of this paragraph,” after “chapter,”.

On page 23, line 9, insert “committed while an adult” after “charges”.

On page 24, beginning on line 10, strike “brief and incidental or accidental” and insert “brief and inadvertent, or accidental, in secure areas of a facility that are not dedicated to use by juvenile offenders and that are nonresidential, which may include dining, recreational, educational, vocational, health care, entry areas, and passageways”.

On page 30, line 17, strike “the guidelines” and insert “any guidelines”.

On page 35, line 1, insert “felony” after “any”.

On page 36, beginning on line 14, strike “purpose of making an admission determination” and insert “sole purpose of denying admission”.

On page 36, line 21, add after “juvenile.” the following: “Any juvenile may petition the court after a period of 5 years to have a record relating to such juvenile and described in this section (except a record relating to an offense described in subsection (b)(2)(A)) removed from the Federal Bureau of Investigation database if that juvenile can establish by clear and convincing evidence that the juvenile is no longer a danger to the community.”.

On page 38, beginning on line 2, strike “or ordered to pay restitution or a special assessment under section 3013”.

On page 47, between lines 21 and 22, insert the following:

(3) STATE.—The term “State” includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

On page 54, line 1, strike “by paragraph (3)” and insert “in paragraph (3)”.

On page 62, line 2, strike “and”.

On page 62, line 5, strike the period and insert a semicolon.

On page 62, between lines 5 and 6, insert the following:

“(D) supervision by properly screened staff, who are trained and experienced in working with juveniles or young adults, in highly structured, disciplined surroundings, characteristic of a military environment; and

“(E) participation in community service programs, such as counseling sessions, mentoring, community service, or restitution projects, and a comprehensive aftercare plan developed through close coordination with Federal, State, and local agencies, and in cooperation with business and private organizations, as appropriate.

On page 65, line 12, insert “, and in which there is sufficient flexibility to allow for individualized sanctions and services suited to the individual juvenile offender” before the period.

On page 68, line 24, insert “violent and unlawful acts of animal cruelty,” after “gangs,”.

On page 69, beginning on line 24, strike “brief and incidental or accidental” and insert “brief and inadvertent, or accidental, in secure areas of a facility that are not dedicated to use by juvenile offenders and that are nonresidential, which may include dining, recreational, educational, vocational, health care, entry areas, and passageways”.

On page 71, line 10, strike “forcible”.

On page 92, line 15, insert “, including youth violence courts targeted to juveniles aged 14 and younger” before the semicolon.

On page 93, strike lines 20 and 21, and insert the following:

“(16) programs for positive youth development that provide youth at risk of delinquency with—

“(A) an ongoing relationship with a caring adult (for example, mentor, tutor, coach, or shelter youth worker);

“(B) safe places and structured activities during nonschool hours;

“(C) a healthy start;

“(D) a marketable skill through effective education; and

“(E) an opportunity to give back through community service.

On page 119, line 16, strike “and”.

On page 119, between lines 18 and 19, insert the following:

“(R) programs for positive youth development that provide delinquent youth and youth at-risk of delinquency with—

“(i) an ongoing relationship with a caring adult (for example, mentor, tutor, coach, or shelter youth worker);

“(ii) safe places and structured activities during nonschool hours;

“(iii) a healthy start;

“(iv) a marketable skill through effective education; and

“(v) an opportunity to give back through community service;

On page 121, beginning on line 5, strike “in collocated facilities” and insert “, including in collocated facilities,”.

On page 122, beginning on line 8, strike “in collocated facilities” and insert “, including in collocated facilities,”.

On page 123, strike lines 20 through 24, and insert the following:

“(ii) a parent or other legal guardian (or guardian ad litem) of the juvenile involved consents to detaining or confining such juvenile in accordance with this subparagraph and the parent has the right to revoke such consent at any time;

On page 124, line 6, insert “finds that such detention or confinement is in the best interest of such juvenile and” before “approves”.

On page 124, line 18, insert “, which review may be in the presence of the juvenile” before the semicolon.

On page 127, beginning on line 22, strike “(if any), not to exceed 5 percent,” and insert “, if any,”.

On page 225, line 25, insert “, including programs designed and operated to further the goal of providing eligible offenders with an alternative to adjudication that emphasizes restorative justice” before the semicolon.

On page 227, line 11, strike “and”.

On page 227, line 19, strike the period and insert “; and”.

On page 227, between lines 19 and 20, insert the following:

“(12) for programs that drug test juveniles who are arrested, including follow-up testings.

On page 253, strike line 23 and all that follows through page 255, line 22.

On page 103, line 12, strike “**206**” and insert “**207**”.

On page 103, between lines 11 and 12, insert the following:

“SEC. 206. GRANTS TO YOUTH ORGANIZATIONS.

“(a) GRANT PROGRAM.—The Administrator may make grants to Indian tribes (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act) and national, Statewide, or community-based, nonprofit organizations in crime prone areas, (such as Boys and Girls Clubs, Police Athletic Leagues, 4-H Clubs, YWCA, YMCA, Big Brothers and Big Sisters, and Kids ‘N Kops programs) for the purposes of—

“(1) providing constructive activities to youth during after school hours, weekends, and school vacations;

“(2) providing supervised activities in safe environments to youth in those areas, including activities through parks and other recreation areas; and

“(3) providing anti-alcohol and other drug education to prevent alcohol and other drug abuse among youth.

“(b) APPLICATIONS.—

“(1) ELIGIBILITY.—In order to be eligible to receive a grant under this section, the governing body of the Indian tribe or the chief operating officer of a national, Statewide, or community-based nonprofit organization shall submit an application to the Administrator, in such form and containing such information as the Administrator may reasonably require.

“(2) APPLICATION REQUIREMENTS.—Each application submitted in accordance with paragraph (1) shall include—

“(A) a request for a grant to be used for the purposes of this section;

“(B) a description of the communities to be served by the grant, including the nature of juvenile crime, violence, and drug use in the communities;

“(C) written assurances that Federal funds received under this section will be used to supplement and not supplant, non-Federal funds that would otherwise be available for activities funded under this section;

“(D) written assurances that all activities funded under this section will be supervised by an appropriate number of responsible adults;

“(E) a plan for assuring that program activities will take place in a secure environment that is free of crime and drugs; and

“(F) any additional statistical or financial information that the Administrator may reasonably require.

“(c) GRANT AWARDS.—In awarding grants under this section, the Administrator shall consider—

“(1) the ability of the applicant to provide the intended services;

“(2) the history and establishment of the applicant in providing youth activities; and

“(3) the extent to which services will be provided in crime prone areas, including efforts to achieve an equitable geographic distribution of the grant awards.

“(d) ALLOCATION.—Of the amounts made available to carry out this section—

“(1) 20 percent shall be for grants to national or Statewide nonprofit organizations; and

“(2) 80 percent shall be for grants to community-based, nonprofit organizations.

“(e) Continued Availability.—Amounts made available under this section shall remain available until expended.

On page 107, line 20, strike “**207**” and insert “**208**”.

On page 122, lines 15 and 16, strike the semicolon and “‘(II)” and insert “and”.

On page 122, line 18, strike “(III)” and insert “(II)”.

On page 123, line 1, strike “(IV)” and insert “(III)”.

On page 57, line 24, insert “public recreation agencies,” after “schools,”.

On page 89, line 21, insert “public recreation,” after “justice,”.

On page 90, line 23, insert “public recreation staff,” after “businesses,”.

On page 92, line 22, insert “public recreation agencies,” after “agencies,”.

On page 95, line 3, insert “public recreation agencies,” after “schools,”.

On page 99, line 25, insert “local recreation agency,” after “authority),”.

On page 115, line 22, insert “public recreation agencies,” after “care agencies,”.

On page 145, line 18, insert “public recreation personnel,” after “education,”.

On page 152, line 14, insert “, recreation,” after “education”.

On page 155, line 9, insert “or other appropriate site” after “project”.

On page 159, line 16, insert “recreation,” after “ployment,”.

On page 243, line 18, strike “and”.

On page 243, line 19, strike “(x)” and insert “(xi)”.

On page 243, between lines 18 and 19, insert the following:

“(x) local recreation agencies; and”.

At the appropriate place, insert the following:

SEC. . VICTIMS OF TERRORISM.

(a) In General.—Section 1404B of the Victims of Crime Act of 1984 (42 U.S.C. 10603b) is amended tc read as follows:

“SEC. 1404B. COMPENSATION AND ASSISTANCE TO VICTIMS OF TERRORISM OR MASS VIOLENCE.

“(a) Definitions.—In this section—

“(1) the term ‘eligible crime victim compensation program’ means a program that meets the requirements of section 1402(b);

“(2) the term ‘eligible crime victim assistance program’ means a program that meets the requirements of section 1404(b);

“(3) the term ‘public agency’ includes any Federal, State, or local government or nonprofit organization; and

“(4) the term ‘victim’—

“(A) means an individual who is citizen or employee of the United States, and who is injured or killed as a result of a terrorist act or mass violence, whether occurring within or outside the United States; and

“(B) includes, in the case of an individual described in subparagraph (A) who is deceased, the family members of the individual.

“(b) Grants Authorized.—The Director may make grants, as provided in either section 1402(d)(4)(B) or 1404—

“(1) to States, which shall be used for eligible crime victim compensation programs and eligible crime victim assistance programs for the benefit of victims; and

“(2) to victim service organizations, and public agencies that provide emergency or ongoing assistance to victims of crime, which shall be used to provide, for the benefit of victims—

“(A) emergency relief (including compensation, assistance, and crisis response) and other related victim services; and

“(B) training and technical assistance for victim service providers.

“(c) Rule of Construction.—Nothing in this section may be construed to supplant any compensation available under title VIII of the Omnibus Diplomatic Security and Antiterrorism Act of 1986.”.

(b) Applicability.—The amendment made by this section applies to any terrorist act or mass violence occurring on or after December 20, 1988, with respect to which an investigation or prosecution was ongoing after April 24, 1996.

At the appropriate place, insert the following:

SEC. . TRUTH-IN-SENTENCING INCENTIVE GRANTS.

(a) Qualification Date.—Section 20104 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13704(a)(3)) is amended by striking “on April 26, 1996” and inserting “on or after April 26, 1996.”

(b) Minimum Amount.—Section 20106 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13706) is amended by striking subsection (b) and inserting the following:

“(b) Formula Allocation.—The amount made available to carry out this section for any fiscal year under section 20104 shall be allocated as follows:

“(1) .75 percent shall be allocated to each State that meets the requirements of section 20104, except that the United States Virgin Islands, America Samoa, Guam, and the Northern Mariana Islands each shall be allocated 0.05 percent; and

“(2) The amount remaining after the application of paragraph (1) shall be allocated to each State that meets the requirements of section 20104 in the ratio that the average annual number of part 1 violent crimes reported by that State to the Federal Bureau of Investigation for the 3 years preceding the year in which the determination is made bears to the average annual number of part 1 violent crimes reported by States that meet the requirements of section 20104 to the Federal Bureau of Investigation for the 3 years preceding the year in which the determination is made, except that a State may not receive more than 25 percent of the total amount available for such grants.”.

At the end, insert the following:

SEC. . APPLICATION OF PROVISION RELATING TO A SENTENCE OF DEATH FOR AN ACT OF ANIMAL ENTERPRISE TERRORISM.

Section 3591 of title 18, United States Code (relating to circumstances under which a defendant may be sentenced to death), shall apply to sentencing for a violation of section 43 of title 18, United States Code, as amended by this Act to include the death penalty as a possible punishment.

At the appropriate place, insert the following:

SEC. . PROHIBITIONS RELATING TO EXPLOSIVE MATERIALS.

(a) Prohibition of Sale, Delivery, or Transfer of Explosive Materials to Certain Individuals.—Section 842 of title 18, United States Code, is amended by striking subsection (d) and inserting the following:

“(d) Prohibition of Sale, Delivery, or Transfer of Explosive Materials to Certain Individuals.—It shall be unlawful for any licensee to knowingly sell, deliver, or transfer any explosive materials to any individual who—

“(1) is less than 21 years of age;

“(2) is under indictment for, or has been convicted in any court of, a crime punishable by imprisonment for a term exceeding 1 year;

“(3) is a fugitive from justice;

“(4) is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

“(5) has been adjudicated as a mental defective or has been committed to any mental institution;

“(6) being an alien—

“(A) is illegally or unlawfully in the United States; or

“(B) except as provided in section 845(d), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26));

“(7) has been discharged from the Armed Forces under dishonorable conditions;

“(8) having been a citizen of the United States, has renounced his citizenship;

“(9) is subject to a court order that restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child, except that this paragraph shall only apply to a court order that—

“(A) was issued after a hearing of which such person received actual notice, and at which such person had the opportunity to participate; and

“(B)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; and

“(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

“(10) has been convicted in any court of a misdemeanor crime of domestic violence.”.

(b) Prohibition on Shipping, Transporting, Possession, or Receipt of Explosives by Certain Individuals.—Section 842 of title 18, United States Code, is amended by striking subsection (i) and inserting the following:

“(i) Prohibition on Shipping, Transporting, Possession, or Receipt of Explosives by Certain Individuals.—It shall be unlawful for any person to ship or transport in interstate or foreign commerce, or possess, in or affecting commerce, any explosive, or to receive any explosive that has been shipped or transported in interstate or foreign commerce, if that person—

“(1) is less than 21 years of age;

“(2) has been convicted in any court, of a crime punishable by imprisonment for a term exceeding 1 year;

“(3) is a fugitive from justice;

“(4) is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

“(5) has been adjudicated as a mental defective or who has been committed to a mental institution;

“(6) being an alien—

“(A) is illegally or unlawfully in the United States; or

“(B) except as provided in section 845(d), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26));

“(7) has been discharged from the Armed Forces under dishonorable conditions;

“(8) having been a citizen of the United States, has renounced his citizenship; or

“(9) is subject to a court order that—

"(A) was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;

"(B) restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

"(C)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; and

"(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

"(10) has been convicted in any court of a misdemeanor crime of domestic violence.".

(c) EXCEPTIONS AND WAIVER FOR CERTAIN INDIVIDUALS.—Section 845 of title 18, United States Code, is amended by adding at the end the following:

"(d) EXCEPTIONS AND WAIVER FOR CERTAIN INDIVIDUALS.—

"(1) DEFINITIONS.—In this subsection—

"(A) the term 'alien' has the same meaning as in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)); and

"(B) the term 'nonimmigrant visa' has the same meaning as in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)).

"(2) EXCEPTIONS.—Subsections (d)(5)(B) and (i)(5)(B) of section 842 do not apply to any alien who has been lawfully admitted to the United States pursuant to a nonimmigrant visa, if that alien is—

"(A) admitted to the United States for lawful hunting or sporting purposes;

"(B) a foreign military personnel on official assignment to the United States;

"(C) an official of a foreign government or a distinguished foreign visitor who has been so designated by the Department of State; or

"(D) a foreign law enforcement officer of a friendly foreign government entering the United States on official law enforcement business.

"(3) WAIVER.—

"(A) IN GENERAL.—Any individual who has been admitted to the United States under a nonimmigrant visa and who is not described in paragraph (2), may receive a waiver from the applicability of subsection (d)(5)(B) or (i)(5)(B) of section 842, if—

"(i) the individual submits to the Attorney General a petition that meets the requirements of subparagraph (B); and

"(ii) the Attorney General approves the petition.

"(B) PETITIONS.—Each petition under subparagraph (A)(i) shall—

"(i) demonstrate that the petitioner has resided in the United States for a continuous period of not less than 180 days before the date on which the petition is submitted under this paragraph; and

"(ii) include a written statement from the embassy or consulate of the petitioner, authorizing the petitioner to engage in any activity prohibited under subsection (d) or (i) of section 842, as applicable, and certifying that the petitioner would not otherwise be prohibited from engaging in that activity under subsection (d) or (i) of section 842, as applicable.".

On page 175, line 14, strike "$1,000,000,000" and insert "$1,100,000,000".

On page 175, strike lines 19 through 22 and insert the following:

"(1) $500,000,000 shall be for programs under sections 1801 and 1803 of part R of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.), of which $50,000,000 shall be for programs under section 1803;".

On page 241, line 15, strike "applies.".' and insert "applies.".

On page 241, after line 15, insert the following:

"SEC. 1803. GRANTS TO COURTS FOR STATE JUVENILE JUSTICE SYSTEMS.

"(a) IN GENERAL.—The Attorney General may make grants in accordance with this section to States and units of local government to assist State and local courts with juvenile offender dockets.

"(b) GRANT PURPOSES.—Grants under this section may be used—

"(1) for technology, equipment, and training for judges, probation officers, and other court personnel to implement an accountability-based juvenile justice system that provides substantial and appropriate sanctions that are graduated in such manner as to reflect (for each delinquent act or criminal offense) the severity or repeated nature of that act or offense;

"(2) to hire additional judges, probation officers, other necessary court personnel, victims counselors, and public defenders for juvenile courts or adult courts with juvenile offender dockets, including courts with specialized juvenile drug offense or juvenile firearms offense dockets to reduce juvenile court backlogs, and provide additional services to make more effective systems of graduated sanctions designed to reduce recidivism and deter future crimes or delinquent acts by juvenile offenders.

"(3) to provide funding to enable juvenile courts and juvenile probation officers to address drug, gang, and youth violence problems more effectively; and

"(45) to provide funds to—

(A) effectively supervise and monitor juvenile offenders sentenced to probation or parole; and

(B) enforce conditions of probation and parole imposed on juvenile offenders, including drug testing and payment of restitution.

"(c) APPLICATION.—

"(1) IN GENERAL.—Each State or unit of local government that applies for a grant under this section shall submit an application to the Attorney General, in such form and containing such information as the Attorney General may reasonably require.

"(2) REQUIREMENTS.—In submitting an application for a grant under this part, a State or unit of local government shall provide assurances that the State or unit of local government will—

"(A) give priority to the prosecution of violent juvenile offenders;

"(B) seek to reduce any backlogs in juvenile justice cases and provide additional services to make more effective systems of graduated sanctions designed to reduce recidivism and deter future crimes or delinquent acts by juvenile offenders;

"(C) give adequate consideration to the rights and needs of victims of juvenile offenders; and

"(D) use amounts received under this section to supplement (and not supplant) State and local resources.

"(d) ALLOCATION OF GRANTS.—

"(1) IN GENERAL.—

"(A) ALLOCATION TO STATES.—

"(I) IN GENERAL.—In awarding grants under this part, the Attorney General may award grants provided for a State (including units of local government in that State) an aggregate amount equal to 0.75 percent of the amount made available to the Attorney General by appropriations for this section made pursuant to section 291(b)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (reduced by amounts reserved under subsection (e)).

"(ii) ADJUSTMENT.—If the Attorney General determines that an insufficient number of applications have been submitted for a State, the Attorney General may adjust the aggregate amount awarded for a State under clause (i).

"(b) REMAINING AMOUNTS.—Of the adjusted amounts available to the Attorney General to carry out the grant program under this section referred to in subparagraph (A) that remain after the Attorney General distributes the amounts specified in that subparagraph (referred to in this subparagraph as the 'remaining amount') the Attorney General may award an additional aggregate amount to each State (including any political subdivision thereof) that (or with respect to which a political subdivision thereof) submits an application that is approved by the Attorney General under this section that bears the same ratio to the remaining amount as the population of juveniles residing in that State bears to the populace of juveniles residing in all States.

"(2) EQUITABLE DISTRIBUTION.—The Attorney General shall ensure that the distribution of grant amounts made available for a State (including units of local government in that State) under this section is made on an equitable geographic basis, to ensure that—

"(A) an equitable amount of available funds are directed to rural areas, including those justifications serving smaller urban and rural communities located along interstate transportation routes that are adversely affected by interstate criminal gang activity, such as illegal drug trafficking; and

"(B) the amount allocated to a State is equitably divided between the State, counties, and other units of government to reflect the relative responsibilities of each such unit of local government.

"(e) ADMINISTRATION; TECHNICAL ASSISTANCE.—

"(1) IN GENERAL.—The Attorney General may reserve for each fiscal year not more than 2 percent of amounts appropriated for this section pursuant to section 291(b)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974—

"(A) for the administration of this section; and

"(B) for the provision of technical assistance to recipients of or applicants for grant awards under this section.

"(2) CARRYOVER PROVISION.—Any amounts reserved for any fiscal year pursuant to paragraph (1) that are not expended during that fiscal year shall remain available until expended, except that any amount reserved under this subsection for the succeeding fiscal year from amounts made available by appropriations shall be reduced by an amount equal to the amount that remains available.

"(f) AVAILABILITY OF FUNDS.—Any grant amounts awarded under this section shall remain available until expended.".

At the appropriate place, insert the following:

SEC. . DISTRICT JUDGES FOR DISTRICTS IN THE STATES OF ARIZONA, FLORIDA, AND NEVADA.

(a) SHORT TITLE.—This section may be cited as the "Emergency Federal Judgeship Act of 1999".

(b) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

(1) 3 additional district judges for the district of Arizona;

(2) 4 additional district judges for the middle district of Florida; and

(3) 2 additional district judges for the district of Nevada.

(c) Tables.—In order that the table contained in section 133 of title 28, United States Code, will reflect the changes in the total number of permanent district judgeships authorized as a result of subsection (a) of this section—

(1) the item relating to Arizona in such table is amended to read as follows:

"Arizona	11";

(2) the item relating to Florida in such table is amended to read as follows:

"Florida:	
Northern	4
Middle	15
Southern	16";

and

(3) the item relating to Nevada in such table is amended to read as follows:

"Nevada	6".

(d) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section, including such sums as may be necessary to provide appropriate space and facilities for the judicial positions created by this section.

At the appropriate place, insert the following:

SEC. . BEHAVIORAL AND SOCIAL SCIENCE RESEARCH ON YOUTH VIOLENCE.

(a) NIH Research.—The National Institutes of Health, acting through the Office of Behavioral and Social Sciences Research, shall carry out a coordinated, multi-year course of behavioral and social science research on the causes and prevention of youth violence.

(b) Nature of Research.—Funds made available to the National Institutes of Health pursuant to this section shall be utilized to conduct, support, coordinate, and disseminate basic and applied behavioral and social science research with respect to youth violence, including research on 1 or more of the following subjects:

(1) The etiology of youth violence.

(2) Risk factors for youth violence.

(3) Childhood precursors to antisocial violent behavior.

(4) The role of peer pressure in inciting youth violence.

(5) The processes by which children develop patterns of thought and behavior, including beliefs about the value of human life.

(6) Science-based strategies for preventing youth violence, including school and community-based programs.

(7) Other subjects that the Director of the Office of Behavioral and Social Sciences Research deems appropriate.

(c) Role of the Office of Behavioral and Social Sciences Research.—Pursuant to this section and section 404A of the Public Health Service Act (42 U.S.C. 283c), the Director of the Office of Behavioral and Social Sciences Research shall—

(1) coordinate research on youth violence conducted or supported by the agencies of the National Institutes of Health;

(2) identify youth violence research projects that should be conducted or supported by the research institutes, and develop such projects in cooperation with such institutes and in consultation with state and federal law enforcement agencies;

(3) take steps to further cooperation and collaboration between the National Institutes of Health and the Centers for Disease Control and Prevention, the Substance Abuse and Mental Health Services Administration, the agencies of the Department of Justice, and other governmental and nongovernmental agencies with respect to youth violence research conducted or supported by such agencies;

(4) establish a clearinghouse for information about youth violence research conducted by governmental and nongovernmental entities; and

(5) periodically report to Congress on the state of youth violence research and make recommendations to Congress regarding such research.

(d) Funding.—There is authorized to be appropriated, $5,000,000 for each of fiscal years 2000 through 2004 to carry out this section. If amount are not separately appropriated to carry out this section, the Director of the National Institutes of Health shall carry out this section using funds appropriated generally to the National Institutes of Health, except that funds expended for under this section shall supplement and not supplant existing funding for behavioral research activities at the National Institutes of Health.

On page 90, strike line 25 and insert the following: properly screened and trained and that—

"(A) the State establish criteria to assess the quality of those one-on-one mentoring projects;

"(B) the Administrator develop an annual report on the best mentoring practices in those projects; and

"(C) the State choose exemplary projects, designated Gold Star Mentoring Projects, to receive preferential access to funding;

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING MENTORING PROGRAMS.

(a) Findings.—The Senate finds that—

(1) the well-being of all people of the United States is preserved and enhanced when young people are given the guidance they need to live healthy and productive lives;

(2) adult mentors can play an important role in ensuring that young people become healthy, productive, successful members of society;

(3) at-risk young people with mentors are 46 percent less likely to begin using illegal drugs than at-risk young people without mentors;

(4) at-risk young people with mentors are 27 percent less likely to begin using alcohol than at-risk young people without mentors;

(5) at-risk young people with mentors are 53 percent less likely to skip school than at-risk young people without mentors;

(6) at-risk young people with mentors are 33 percent less likely to hit someone than at-risk young people without mentors;

(7) 73 percent of students with mentors report that their mentors helped raise their goals and expectations; and

(8) there are many employees of the Federal Government who would like to serve as youth or family mentors but are unable to leave their jobs to participate in mentoring programs.

(b) Sense of the Senate.—It is the sense of the Senate that the President should issue an Executive Order allowing all employees of the Federal Government to use a maximum of 1 hour each week of excused absence or administrative leave to serve as mentors in youth or family mentoring programs.

On page 85, line 6, strike "and" after the semicolon.

On page 85, line 10, strike the period and insert a semicolon and "and".

On page 85, insert between lines 10 and 11 the following:

"(9) provide technical and financial assistance to an organization composed of member representatives of the State advisory groups appointed under section 222(b)(2) to carry out activities under this paragraph, if such an organization agrees to carry out activities that include—

"(A) conducting an annual conference of such member representatives for purposes relating to the activities of such State advisory groups;

"(B) disseminating information, data, standards, advanced techniques, and programs models developed through the Institute and through programs funded under section 261;

"(D) advising the Administrator with respect to particular functions or aspects of the work of the Office; and

On page 110, line 22, insert after the period "A portion of any allocation of formula grants to a State shall be available to develop a State plan or for other activities associated with such State plan which are necessary for efficient administration, including monitoring, evaluation, and one full-time staff position.".

On page 129, line 23, strike ", consisting" and insert "The State Advisory Group shall consist".

On page 130, strike lines 15 through 19 and insert the following:

"(i) In general.—The State Advisory Group established under subparagraph (A) shall—

"(I) participate in the development and review of the State plan under this section before submission to the supervisory agency for final action; and

"(II) be afforded an opportunity to review and comment, not later than 30 days after the submission to the State Advisory Group, on all juvenile justice and delinquency prevention grant applications submitted to the State agency designated under subsection (a)(1).

On page 131, lines 2, 3, and 4, strike "shall make available to the State Advisory Group such sums as may be necessary".

On page 85, line 6, strike "and" at the end.

On page 85, line 10, insert the following at the end:

SEC. 204. NATIONAL PROGRAM.

(b) Duties of Administrator—In carrying out this title, the Administrator shall—

(9) provide technical and financial assistance to an eligible organization composed of member representatives of the State advisory groups appointed under section 222(b)(2) to assist such organization to carry out the functions specified under (A).

(A) To be eligible to receive such assistance such organization shall agree to carry out activities that include—

(i) conducting an annual conference of such member representatives for purposes relating to the activities of such State advisory groups; and

(ii) disseminating information, data, standards, advanced techniques, and program models developed through the Institute and through programs funded under section 261.

On page 265, after line 20, add the following:

SEC. 4. FAMILIES AND SCHOOLS TOGETHER PROGRAM.

(a) Definitions.—In this section:

(1) Administrator.—The term "Administrator" means the Administrator of the Office of Juvenile Justice and Delinquency in the Department of Justice.

(2) FAST PROGRAM.—The term "FAST program" means a program that addresses the urgent social problems of youth violence and chronic juvenile delinquency by building and enhancing juveniles' relationships with their families, peers, teachers, school staff, and other members of the community by bringing together parents, schools, and communities to help—

(A) at-risk children identified by their teachers to succeed;

(B) enhance the functioning of families with at-risk children;

(C) prevent alcohol and other drug abuse in the family; and

(D) reduce the stress that their families experience from daily life.

(b) AUTHORIZATION.—In consultation with the Attorney General, the Secretary of Education, and the Secretary of the Department of Health and Human Services, the Administrator shall carry out a Family and Schools Together program to promote FAST programs.

(c) REGULATIONS.—Not later than 60 days after the date of enactment of this Act, the Administrator, in consultation with the Attorney General, the Secretary of Education, and the Secretary of the Department of Health and Human Services shall develop regulations governing the distribution of the funds for FAST programs.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $12,000,000 for the each of fiscal years 2000 through 2004.

(2) ALLOCATION.—Of amounts appropriated under paragraph (1)—

(A) 83.33 percent shall be available for the implementation of local FAST programs; and

(B) 16.67 percent shall be available for research and evaluation of FAST programs.

At the end of the bill, insert the following:

TITLE V—VIOLENT OFFENDER DNA IDENTIFICATION ACT OF 1999

SEC. 501. SHORT TITLE.

This title may be cited as the "Violent Offender DNA Identification Act of 1999".

SEC. 502. ELIMINATION OF CONVICTED OFFENDER DNA BACKLOG.

(a) DEVELOPMENT OF PLAN.—

(1) IN GENERAL.—Not later than 45 days after the date of enactment of this Act, the Director of the Federal Bureau of Investigation, in coordination with the Assistant Attorney General of the Office of Justice Programs at the Department of Justice, and after consultation with representatives of State and local forensic laboratories, shall develop a voluntary plan to assist State and local forensic laboratories in performing DNA analyses of DNA samples collected from convicted offenders.

(2) OBJECTIVE.—The objective of the plan developed under paragraph (1) shall be to effectively eliminate the backlog of convicted offender DNA samples awaiting analysis in State or local forensic laboratory storage, including samples that need to be reanalyzed using upgraded methods, in an efficient, expeditious manner that will provide for their entry into the Combined DNA Indexing System (CODIS).

(b) PLAN CONDITIONS.—The plan developed under subsection (a) shall—

(1) require that each laboratory performing DNA analyses satisfy quality assurance standards and utilize state-of-the-art testing methods, as set forth by the Director of the Federal Bureau of Investigation, in coordination with the Assistant Attorney General of the Office of Justice Programs of the Department of Justice; and

(2) require that each DNA sample collected and analyzed be accessible only—

(A) to criminal justice agencies for law enforcement identification purposes;

(B) in judicial proceedings, if otherwise admissible pursuant to applicable statutes or rules;

(C) for criminal defense purposes, to a defendant, who shall have access to samples and analyses performed in connection with the case in which such defendant is charged; or

(D) if personally identifiable information is removed, for a population statistics database, for identification research and protocol development purposes, or for quality control purposes.

(c) IMPLEMENTATION OF PLAN.—Subject to the availability of appropriations under subsection (d), the Director of the Federal Bureau of Investigation, in coordination with the Assistant Attorney General of the Office of Justice Programs at the Department of Justice, shall implement the plan developed pursuant to subsection (a) with State and local forensic laboratories that elect to participate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Justice to carry out this section $15,000,000 for each of fiscal years 2000 and 2001.

SEC. 503. DNA IDENTIFICATION OF FEDERAL, DISTRICT OF COLUMBIA, AND MILITARY VIOLENT OFFENDERS.

(a) EXPANSION OF DNA IDENTIFICATION INDEX.—Section 811(a)(2) of the Antiterrorism and Effective Death Penalty Act of 1996 (28 U.S.C. 531 note) is amended to read as follows:

"(2) the Director of the Federal Bureau of Investigation shall expand the combined DNA Identification System (CODIS) to include information on DNA identification records and analyses related to criminal offenses and acts of juvenile delinquency under Federal law, the Uniform Code of Military Justice, and the District of Columbia Code, in accordance with section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132).".

(b) INDEX TO FACILITATE LAW ENFORCEMENT EXCHANGE OF DNA IDENTIFICATION INFORMATION.—Section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132) is amended—

(1) in subsection (a)(1), by striking "persons convicted of crimes" and inserting "individuals convicted of criminal offenses or adjudicated delinquent for acts of juvenile delinquency, including qualifying offenses (as defined in subsection (d)(1))";

(2) in subsection (b)(2), by striking ", at regular intervals of not to exceed 180 days," and inserting "semiannual"; and

(3) by adding at the end the following:

"(d) INCLUSION OF DNA INFORMATION RELATING TO VIOLENT OFFENDERS.—

"(1) DEFINITIONS.—In this subsection—

"(A) the term 'crime of violence' has the meaning given such term in section 924(c)(3) of title 18, United States Code; and

"(B) the term 'qualifying offense' means a criminal offense or act of juvenile delinquency included on the list established by the Director of the Federal Bureau of Investigation under paragraph (2)(A)(i).

"(2) REGULATIONS.—

"(A) IN GENERAL.—Not later than 90 days after the date of enactment of this subsection, and at the discretion of the Director thereafter, the Director of the Federal Bureau of Investigation, in consultation with the Director of the Bureau of Prisons, the Director of the Court Services and Offender Supervision Agency for the District of Columbia or the Trustee appointed under section 11232(a) of the Balanced Budget Act of 1997 (as appropriate), and the Chief of Police of the Metropolitan Police Department of the District of Columbia, shall by regulation establish—

"(i) a list of qualifying offenses; and

"(ii) standards and procedures for—

"(I) the analysis of DNA samples collected from individuals convicted of or adjudicated delinquent for a qualifying offense;

"(II) the inclusion in the index established by this section of the DNA identification records and DNA analyses relating to the DNA samples described in subclause (I); and

"(III) with respect to juveniles, the expungement of DNA identification records and DNA analyses described in subclause (II) from the index established by this section in any circumstance in which the underlying adjudication for the qualifying offense has been expunged.

"(B) OFFENSES INCLUDED.—The list established under subparagraph (A)(i) shall include—

"(i) each criminal offense or act of juvenile delinquency under Federal law that—

"(I) constitutes a crime of violence; or

"(II) in the case of an act of juvenile delinquency, would, if committed by an adult, constitute a crime of violence;

"(ii) each criminal offense under the District of Columbia Code that constitutes a crime of violence; and

"(iii) any other felony offense under Federal law or the District of Columbia Code, as determined by the Director of the Federal Bureau of Investigation.

"(3) FEDERAL OFFENDERS.—

"(A) COLLECTION OF SAMPLES FROM FEDERAL PRISONERS.—

"(i) IN GENERAL.—Beginning 180 days after the date of enactment of this subsection, the Director of the Bureau of Prisons shall collect a DNA sample from each individual in the custody of the Bureau of Prisons who, before or after this subsection takes effect, has been convicted of or adjudicated delinquent for a qualifying offense.

"(ii) TIME AND MANNER.—The Director of the Bureau of Prisons shall specify the time and manner of collection of DNA samples under this subparagraph.

"(B) COLLECTION OF SAMPLES FROM FEDERAL OFFENDERS ON SUPERVISED RELEASE, PAROLE, OR PROBATION.—

"(i) IN GENERAL.—Beginning 180 days after the date of enactment of this subsection, the agency responsible for the supervision under Federal law of an individual on supervised release, parole, or probation (other than an individual described in paragraph (4)(B)(i)) shall collect a DNA sample from each individual who has, before or after this subsection takes effect, been convicted of or adjudicated delinquent for a qualifying offense.

"(ii) TIME AND MANNER.—The Director of the Administrative Office of the United States Courts shall specify the time and manner of collection of DNA samples under this subparagraph.

"(4) DISTRICT OF COLUMBIA OFFENDERS.—

"(A) OFFENDERS IN CUSTODY OF DISTRICT OF COLUMBIA.—

"(i) IN GENERAL.—The Government of the District of Columbia may—

"(I) identify 1 or more categories of individuals who are in the custody of, or under supervision by, the District of Columbia, from whom DNA samples should be collected; and

"(II) collect a DNA sample from each individual in any category identified under clause (i).

"(ii) Definition.—In this subparagraph, the term 'individuals in the custody of, or under supervision by, the District of Columbia'—

"(I) includes any individual in the custody of, or under supervision by, any agency of the Government of the District of Columbia; and

"(II) does not include an individual who is under the supervision of the Director of the Court Services and Offender Supervision Agency for the District of Columbia or the Trustee appointed under section 11232(a) of the Balanced Budget Act of 1997.

"(B) Offenders on supervised release, probation, or parole.—

"(i) In general.—Beginning 180 days after the date of enactment of this subsection, the Director of the Court Services and Offender Supervision Agency for the District of Columbia, or the Trustee appointed under section 11232(a) of the Balanced Budget Act of 1997, as appropriate, shall collect a DNA sample from each individual under the supervision of the Agency or Trustee, respectively, who is on supervised release, parole, or probation and who has, before or after this subsection takes effect, been convicted of or adjudicated delinquent for a qualifying offense.

"(ii) Time and manner.—The Director or the Trustee, as appropriate, shall specify the time and manner of collection of DNA samples under this subparagraph.

"(5) Waiver; collection procedures.—Notwithstanding any other provision of this subsection, a person or agency responsible for the collection of DNA samples under this subsection may—

"(A) waive the collection of a DNA sample from an individual under this subsection if another person or agency has collected such a sample from the individual under this subsection or subsection (e); and

"(B) use or authorize the use of such means as are necessary to restrain and collect a DNA sample from an individual who refuses to cooperate in the collection of the sample.

"(e) Inclusion of DNA Information Relating to Violent Military Offenders.—

"(1) In general.—Not later than 120 days after the date of enactment of this subsection, the Secretary of Defense shall prescribe regulations that—

"(A) specify categories of conduct punishable under the Uniform Code of Military Justice (referred to in this subsection as 'qualifying military offenses') that are comparable to qualifying offenses (as defined in subsection (d)(1)); and

"(B) set forth standards and procedures for—

"(i) the analysis of DNA samples collected from individuals convicted of a qualifying military offense; and

"(ii) the inclusion in the index established by this section of the DNA identification records and DNA analyses relating to the DNA samples described in clause (i).

"(2) Collection of samples.—

"(A) In general.—Beginning 180 days after the date of enactment of this subsection, the Secretary of Defense shall collect a DNA sample from each individual under the jurisdiction of the Secretary of a military department who has, before or after this subsection takes effect, been convicted of a qualifying military offense.

"(B) Time and manner.—The Secretary of Defense shall specify the time and manner of collection of DNA samples under this paragraph.

"(3) Waiver; collection procedures.—Notwithstanding any other provision of this subsection, the Secretary of Defense may—

"(A) waive the collection of a DNA sample from an individual under this subsection if another person or agency has collected or will collect such a sample from the individual under subsection (d); and

"(B) use or authorize the use of such means as are necessary to restrain and collect a DNA sample from an individual who refuses to cooperate in the collection of the sample.

"(f) Criminal Penalty.—

"(1) In general.—An individual from whom the collection of a DNA sample is required or authorized pursuant to subsection (d) who fails to cooperate in the collection of that sample shall be—

"(A) guilty of a class A misdemeanor; and

"(B) punished in accordance with title 18, United States Code.

"(2) Military offenders.—An individual from whom the collection of a DNA sample is required or authorized pursuant to subsection (e) who fails to cooperate in the collection of that sample may be punished as a court martial may direct as a violation of the Uniform Code of Military Justice.

"(g) Authorization of Appropriations.—There are authorized to be appropriated—

"(1) to the Department of Justice to carry out subsection (d) of this section (including to reimburse the Federal judiciary for any reasonable costs incurred in implementing such subsection, as determined by the Attorney General) and section 3(d) of the Violent Offender DNA Identification Act of 1999—

"(A) $6,600,000 for fiscal year 2000; and

"(B) such sums as may be necessary for each of fiscal years 2001 through 2004;

"(2) to the Court Services and Offender Supervision Agency for the District of Columbia or the Trustee appointed under section 11232(a) of the Balanced Budget Act of 1997 (as appropriate), such sums as may be necessary for each of fiscal years 2000 through 2004; and

"(3) to the Department of Defense to carry out subsection (e)—

"(A) $600,000 for fiscal year 2000; and

"(B) $300,000 for each of fiscal years 2001 through 2004.".

(c) Conditions of Release.—

(1) Conditions of probation.—Section 3563(a) of title 18, United States Code, is amended—

(A) in paragraph (7), by striking "and" at the end;

(B) in paragraph (8), by striking the period at the end and inserting "; and"; and

(C) by inserting after paragraph (8) the following:

"(9) that the defendant cooperate in the collection of a DNA sample from the defendant if the collection of such a sample is required or authorized pursuant to section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132).".

(2) Conditions of supervised release.—Section 3583(d) of title 18, United States Code, is amended by inserting before "The court shall also order" the following: "The court shall order, as an explicit condition of supervised release, that the defendant cooperate in the collection of a DNA sample from the defendant, if the collection of such a sample is required or authorized pursuant to section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132).".

(3) Conditions of release generally.—If the collection of a DNA sample from an individual on probation, parole, or supervised release pursuant to a conviction or adjudication of delinquency under the law of any jurisdiction (including an individual on parole pursuant to chapter 311 of title 18, United States Code, as in effect on October 30, 1997) is required or authorized pursuant to section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132), and the sample has not otherwise been collected, the individual shall cooperate in the collection of a DNA sample as a condition of that probation, parole, or supervised release.

(d) Report and Evaluation.—Not later than 1 year after the date of enactment of this Act, the Attorney General, acting through the Assistant Attorney General for the Office of Justice Programs of the Department of Justice and the Director of the Federal Bureau of Investigation, shall—

(1) conduct an evaluation to—

(A) identify criminal offenses, including offenses other than qualifying offenses (as defined in section 210304(d)(1) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132(d)(1)), as added by this section) that, if serving as a basis for the mandatory collection of a DNA sample under section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132) or under State law, are likely to yield DNA matches, and the relative degree of such likelihood with respect to each such offense; and

(B) determine the number of investigations aided (including the number of suspects cleared), and the rates of prosecution and conviction of suspects identified through DNA matching; and

(2) submit to Congress a report describing the results of the evaluation under paragraph (1).

(e) Technical and Conforming Amendments.—

(1) Drug control and system improvement grants.—Section 503(a)(12)(C) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3753(a)(12)(C)) is amended by striking ", at regular intervals of not to exceed 180 days," and inserting "semiannual".

(2) DNA identification grants.—Section 2403(3) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796kk-2(3)) is amended by striking ", at regular intervals not exceeding 180 days," and inserting "semiannual".

(3) Federal bureau of investigation.—Section 210305(a)(1)(A) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14133(a)(1)(A)) is amended by striking ", at regular intervals of not to exceed 180 days," and inserting "semiannual".

At the appropriate place, insert the following:

SEC. . AMENDMENTS RELATING TO VIOLENT CRIME IN INDIAN COUNTRY AND AREAS OF EXCLUSIVE FEDERAL JURISDICTION.

(a) Assaults With Maritime and Territorial Jurisdiction.—Section 113(a)(3) of title 18, United States Code, is amended by striking "with intent to do bodily harm, and".

(b) Offenses Committed Within Indian Country.—Section 1153 of title 18, United States Code, is amended—

(1) in subsection (a), by inserting "an offense for which the maximum statutory term of imprisonment under section 1363 is greater than 5 years," after "a felony under chapter 109A,"; and

(2) by adding at the end the following:

"(c) Nothing in this section shall limit the inherent power of an Indian tribe to exercise criminal jurisdiction over any Indian with respect to any offense committed within Indian country, subject to the limitations on punishment under section 202(7) of the Civil Rights Act of 1968 (25 U.S.C. 1302(7)).''.

(c) RACKETEERING ACTIVITY.—Section 1961(1)(A) of title 18, United States Code, is amended by inserting "(or would have been so chargeable except that the act or threat was committed in Indian country, as defined in section 1151, or in any other area of exclusive Federal jurisdiction)" after "chargeable under State law".

(d) MANSLAUGHTER WITHIN THE SPECIAL MARITIME AND TERRITORIAL JURISDICTION OF THE UNITED STATES.—Section 1112(b) of title 18, United States Code, is amended by striking "ten years" and inserting "20 years".

(e) EMBEZZLEMENT AND THEFT FROM INDIAN TRIBAL ORGANIZATIONS.—The second undesignated paragraph of section 1163 of title 18, United States Code, is amended by striking "so embezzled," and inserting "embezzled,".

On page 129, strike lines 5 and 6, and insert the following: "ernment or combination thereof;

"(24) provide for the establishment of youth tribunals and peer 'juries' in school districts in the State to promote zero tolerance policies with respect to misdemeanor offenses, acts of juvenile delinquency, and other antisocial behavior occurring on school grounds, including truancy, vandalism, underage drinking, and underage tobacco use; and

At the end of title IV add the following new subtitle:

Subtitle C—National Youth Violence Commission

SEC. 431. SHORT TITLE.

This subtitle may be cited as the "National Youth Violence Commission Act".

SEC. 432. NATIONAL YOUTH VIOLENCE COMMISSION.

(a) ESTABLISHMENT OF COMMISSION.—There is established a commission to be known as the National Youth Violence Commission (hereinafter referred to in this subtitle as the "Commission"). The Commission shall—

(1) be composed of 16 members appointed in accordance with subsection (b); and

(2) conduct its business in accordance with the provisions of this subtitle.

(b) MEMBERSHIP.—

(1) PERSONS ELIGIBLE.—Except for those members who hold the offices described under paragraph (2)(A), and those members appointed under paragraph (2) (C)(ii) and (D)(iv), the members of the Commission shall be individuals who have expertise, by both experience and training, in matters to be studied by the Commission under section 433. The members of the Commission shall be well-known and respected among their peers in their respective fields of expertise.

(2) APPOINTMENTS.—The members of the Commission shall be appointed for the life of the Commission as follows:

(A) Four shall be appointed by the President of the United States, including—

(i) the Surgeon General of the United States;

(ii) the Attorney General of the United States;

(iii) the Secretary of the Department of Health and Human Services; and

(iv) the Secretary of the Department of Education.

(B) Four shall be appointed by the Speaker of the House of Representatives, including—

(i) 1 member who meets the criteria for eligibility in paragraph (1) in the field of law enforcement or crime enforcement;

(ii) 1 member who meets the criteria for eligibility in paragraph (1) in the field of school administration, teaching, or counseling;

(iii) 1 member who meets the criteria for eligibility in paragraph (1) in the field of parenting and family studies; and

(iv) 1 member who meets the criteria for eligibility in paragraph (1) in the field of child or adolescent psychology.

(C) Two shall be appointed by the Minority Leader of the House of Representatives, including—

(i) 1 member who meets the criteria for eligibility in paragraph (1) in the field of law enforcement or crime enforcement; and

(ii) 1 member who is a recognized religious leader.

(D) Four shall be appointed by the Majority Leader of the Senate, including—

(i) 1 member who meets the criteria for eligibility in paragraph (1) in the field of law enforcement or crime enforcement;

(ii) 1 member who meets the criteria for eligibility in paragraph (1) in the field of school administration, teaching, or counseling;

(iii) 1 member who meets the criteria for eligibility in paragraph (1) in the social sciences; and

(iv) 1 member who is a recognized religious leader.

(E) Two shall be appointed by the Minority Leader of the Senate, including—

(i) 1 member who meets the criteria for eligibility in paragraph (1) in the field of school administration, teaching, or counseling; and

(ii) 1 member who meets the criteria for eligibility in paragraph (1) in the field of parenting and family studies.

(3) COMPLETION OF APPOINTMENTS; VACANCIES.—Not later than 30 days after the date of enactment of this Act, the appointing authorities under paragraph (2) shall each make their respective appointments. Any vacancy that occurs during the life of the Commission shall not affect the powers of the Commission, and shall be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

(4) OPERATION OF THE COMMISSION.—

(A) CHAIRMANSHIP.—The appointing authorities under paragraph (2) shall jointly designate 1 member as the Chairman of the Commission. In the event of a disagreement among the appointing authorities, the Chairman shall be determined by a majority vote of the appointing authorities. The determination of which member shall be Chairman shall be made not later than 15 days after the appointment of the last member of the Commission, but in no case later than 45 days after the date of enactment of this Act.

(B) MEETINGS.—The Commission shall meet at the call of the Chairman. The initial meeting of the Commission shall be conducted not later than 30 days after the later of—

(i) the date of the appointment of the last member of the Commission; or

(ii) the date on which appropriated funds are available for the Commission.

(C) QUORUM; VOTING; RULES.—A majority of the members of the Commission shall constitute a quorum to conduct business, but the Commission may establish a lesser quorum for conducting hearings scheduled by the Commission. Each member of the Commission shall have 1 vote, and the vote of each member shall be accorded the same weight. The Commission may establish by majority vote any other rules for the conduct of the Commission's business, if such rules are not inconsistent with this subtitle or other applicable law.

SEC. 433. DUTIES OF THE COMMISSION.

(a) STUDY.—

(1) IN GENERAL.—It shall be the duty of the Commission to conduct a comprehensive factual study of incidents of youth violence to determine the root causes of such violence.

(2) MATTERS TO BE STUDIED.—In determining the root causes of incidents of youth violence, the Commission shall study any matter that the Commission determines relevant to meeting the requirements of paragraph (1), including at a minimum—

(A) the level of involvement and awareness of teachers and school administrators in the lives of their students and any impact of such involvement and awareness on incidents of youth violence;

(B) trends in family relationships, the level of involvement and awareness of parents in the lives of their children, and any impact of such relationships, involvement, and awareness on incidents of youth violence;

(C) the alienation of youth from their schools, families, and peer groups, and any impact of such alienation on incidents of youth violence;

(D) the availability of firearms to youth, including any illegal means by which youth acquire such firearms, and any impact of such availability on incidents of youth violence;

(E) any impact upon incidents of youth violence of the failure to execute existing laws designed to restrict youth access to certain firearms and the illegal purchase, possession, or transfer of certain firearms;

(F) the effect upon youth of depictions of violence in the media and any impact of such depictions on incidents of youth violence; and

(G) the availability to youth of information regarding the construction of weapons, including explosive devices, and any impact of such information on incidents of youth violence.

(3) TESTIMONY OF PARENTS AND STUDENTS.—In determining the root causes of incidents of youth violence, the Commission shall, pursuant to section 434(a), take the testimony of parents and students to learn and memorialize their views and experiences regarding incidents of youth violence.

(b) RECOMMENDATIONS.—Based on the findings of the study required under subsection (a), the Commission shall make recommendations to the President and Congress to address the causes of youth violence and reduce incidents of youth violence. If the Surgeon General issues any report on media and violence, the Commission shall consider the findings and conclusions of such report in making recommendations under this subsection.

(c) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date on which the Commission first meets, the Commission shall submit to the President and Congress a comprehensive report of the Commission's findings and conclusions, together with the recommendations of the Commission.

(2) SUMMARIES.—The report under this subsection shall include a summary of—

(A) the reports submitted to the Commission by any entity under contract for research under section 434(e); and

(B) any other material relied on by the Commission in the preparation of the Commission's report.

SEC. 434. POWERS OF THE COMMISSION.

(a) HEARINGS.—

(1) IN GENERAL.—The Commission may hold such hearings, sit and act at such times and places, administer such oaths, take such testimony, and receive such evidence as the Commission considers advisable to carry out its duties under section 433.

(2) WITNESS EXPENSES.—Witnesses requested to appear before the Commission shall be paid the same fees as are paid to witnesses under section 1821 of title 28, United States Code.

(b) SUBPOENAS.—

(1) IN GENERAL.—If a person fails to supply information requested by the Commission, the Commission may by majority vote request the Attorney General of the United States to require by subpoena the production of any written or recorded information, document, report, answer, record, account, paper, computer file, or other data or documentary evidence necessary to carry out the Commission's duties under section 433. The Commission shall transmit to the Attorney General a confidential, written request for the issuance of any such subpoena. The Attorney General shall issue the requested subpoena if the request is reasonable and consistent with the Commission's duties under section 433. A subpoena under this paragraph may require the production of materials from any place within the United States.

(2) INTERROGATORIES.—The Commission may, with respect only to information necessary to understand any materials obtained through a subpoena under paragraph (1), request the Attorney General to issue a subpoena requiring the person producing such materials to answer, either through a sworn deposition or through written answers provided under oath (at the election of the person upon whom the subpoena is served), to interrogatories from the Commission regarding such information. The Attorney General shall issue the requested subpoena if the request is reasonable and consistent with the Commission's duties under section 433. A complete recording or transcription shall be made of any deposition made under this paragraph.

(3) CERTIFICATION.—Each person who submits materials or information to the Attorney General pursuant to a subpoena issued under paragraph (1) or (2) shall certify to the Attorney General the authenticity and completeness of all materials or information submitted. The provisions of section 1001 of title 18, United States Code, shall apply to any false statements made with respect to the certification required under this paragraph.

(4) TREATMENT OF SUBPOENAS.—Any subpoena issued by the Attorney General under paragraph (1) or (2) shall comply with the requirements for subpoenas issued by a United States district court under the Federal Rules of Civil Procedure.

(5) FAILURE TO OBEY A SUBPOENA.—If a person refuses to obey a subpoena issued by the Attorney General under paragraph (1) or (2), the Attorney General may apply to a United States district court for an order requiring that person to comply with such subpoena. The application may be made within the judicial district in which that person is found, resides, or transacts business. Any failure to obey the order of the court may be punished by the court as civil contempt.

(c) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out its duties under section 433. Upon the request of the Commission, the head of such department or agency may furnish such information to the Commission.

(d) INFORMATION TO BE KEPT CONFIDENTIAL.—

(1) IN GENERAL.—The Commission shall be considered an agency of the Federal Government for purposes of section 1905 of title 18, United States Code, and any individual employed by any individual or entity under contract with the Commission under subsection (e) shall be considered an employee of the Commission for the purposes of section 1905 of title 18, United States Code.

(2) DISCLOSURE.—Information obtained by the Commission or the Attorney General under this Act and shared with the Commission, other than information available to the public, shall not be disclosed to any person in any manner, except—

(A) to Commission employees or employees of any individual or entity under contract to the Commission under subsection (e) for the purpose of receiving, reviewing, or processing such information;

(B) upon court order; or

(C) when publicly released by the Commission in an aggregate or summary form that does not directly or indirectly disclose—

(i) the identity of any person or business entity; or

(ii) any information which could not be released under section 1905 of title 18, United States Code.

(e) CONTRACTING FOR RESEARCH.—The Commission may enter into contracts with any entity for research necessary to carry out the Commission's duties under section 433.

SEC. 435. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of service for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment and termination of an executive director shall be subject to confirmation by a majority of the members of the Commission.

(2) COMPENSATION.—The executive director shall be compensated at a rate not to exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code. The Chairman may fix the compensation of other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for such personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(3) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee, with the approval of the head of the appropriate Federal agency, may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status, benefits, or privilege.

(d) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 436. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Commission and any agency of the Federal Government assisting the Commission in carrying out its duties under this subtitle such sums as may be necessary to carry out the purposes of this subtitle. Any sums appropriated shall remain available, without fiscal year limitation, until expended.

SEC. 437. TERMINATION OF THE COMMISSION.

The Commission shall terminate 30 days after the Commission submits the report under section 433(c).

On page 134, strike lines 9 through 12.

On page 134, line 13, strike "(2)" and insert "(1)".

On page 134, line 16, add "and" at the end;

On page 134, line 17, strike "(3)" and insert "(2)".

On page 134, strike line 20 and all that follows through page 135, line 7, and insert "linquency.".

On page 138, strike lines 2 through 4, and insert the following:

"The Administrator, in consultation with the Director, shall—

On page 138, line 9, strike "data and".

On page 138, after line 23, add the following:

"SEC. 242A. STATISTICAL ANALYSIS.

"The Administrator, under the supervision of the Assistant Attorney General for the Office of Justice Programs, and in consultation with the Director, may—

"(1) transfer funds to and enter into agreements with the Bureau of Justice Statistics or, subject to the approval of the Assistant Attorney General for the Office of Justice Programs, to another Federal agency authorized by law to undertake statistical work in juvenile justice matters, for the purpose of providing for the collection, analysis, and dissemination of statistical data and information relating to juvenile crime, the juvenile justice system, and youth violence, and for other purposes, consistent with the Violent and Repeat Juvenile Offender Accountability Act of 1999; and

"(2) plan and identify, in consultation with the Director of the Bureau of Justice Statistics, the purposes and goals of each grant made or contract or other agreement entered into under this title.

On page 143, strike lines 19 through 21, and insert the following:

"The Administrator may—

On page 145, lines 3 and 4, strike "within the National Institute for Crime Control and Delinquency Prevention".

On page 219, between lines 23 and 24, insert the following:

(6) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to affect the authority under section 242A or 243 of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended by this Act.

On page 90, strike lines 3 through 7, and insert the following:

"(3) projects that provide support and treatment to—

"(A) juveniles who are at risk of delinquency because they are the victims of child abuse or neglect; and

"(B) juvenile offenders who are victims of child abuse or neglect and to their families, in order to reduce the likelihood that such juvenile offenders will commit subsequent violations of law;

On page 108, strike lines 17 through 24, and insert the following:

"(b) RESERVATION OF FUNDS.—Notwithstanding any other provision of law, from the amounts allocated under section 291 to carry out section 205 and part B in each fiscal year—

"(1) the Administrator shall reserve an amount equal to the amount which all Indian tribes that qualify for a grant under section 206 would collectively be entitled, if such tribes were collectively treated as a State for purposes of subsection (a); and

"(2) the Administrator shall reserve 5 percent to make grants to States under section 208.

On page 109, between lines 9 and 10, insert the following:

"SEC. 208. CONFIDENTIAL REPORTING OF INDIVIDUALS SUSPECTED OF IMMINENT SCHOOL VIOLENCE.

"(a) IN GENERAL.—Grants under this section shall be known as 'CRISIS Grants'.

"(b) AUTHORITY TO MAKE GRANTS.—From the amounts reserved by the Administrator under section 207(b)(2), the Administrator shall make a grant to each State in an amount determined under subsection (d), for use in accordance with subsection (c).

"(c) USE OF GRANT AMOUNTS.—Amounts made available to a State under a grant under this section may be used by the State—

"(1) to support the independent State development and operation of confidential, toll-free telephone hotlines that will operate 7 days per week, 24 hours per day, in order to provide students, school officials, and other individuals with the opportunity to report specific threats of imminent school violence or to report other suspicious or criminal conduct by juveniles to appropriate State and local law enforcement entities for investigation;

"(2) to ensure proper State training of personnel who answer and respond to telephone calls to hotlines described in paragraph (1);

"(3) to assist in the acquisition of technology necessary to enhance the effectiveness of hotlines described in paragraph (1), including the utilization of Internet webpages or resources;

"(4) to enhance State efforts to offer appropriate counseling services to individuals who call a hotline described in paragraph (1) threatening to do harm to themselves or others; and

"(5) to further State efforts to publicize the services offered by the hotlines described in paragraph (1) and to encourage individuals to utilize those services.

"(d) ALLOCATION TO STATES.—The total amount reserved to carry out this section in each fiscal year shall be allocated to each State based on the proportion of the population of the State that is less than 18 years of age.".

On page 265, after line 20, insert the following:

SEC.   . FEDERAL JUDICIARY PROTECTION ACT OF 1999.

(a) SHORT TITLE.—This section may be cited as the "Federal Judiciary Protection Act of 1999".

(b) ASSAULTING, RESISTING, OR IMPEDING CERTAIN OFFICERS OR EMPLOYEES.—Section 111 of title 18, United States Code, is amended—

(1) in subsection (a), by striking "three" and inserting "8"; and

(2) in subsection (b), by striking "ten" and inserting "20".

(c) INFLUENCING, IMPEDING, OR RETALIATING AGAINST A FEDERAL OFFICIAL BY THREATENING OR INJURING A FAMILY MEMBER.—Section 115(b)(4) of title 18, United States Code, is amended—

(1) by striking "five" and inserting "10"; and

(2) by striking "three" and inserting "6".

(d) MAILING THREATENING COMMUNICATIONS.—Section 876 of title 18, United States Code, is amended—

(1) by designating the first 4 undesignated paragraphs as subsections (a) through (d), respectively;

(2) in subsection (c), as so designated, by adding at the end the following: "If such a communication is addressed to a United States judge, a Federal law enforcement officer, or an official who is covered by section 1114, the individual shall be fined under this title, imprisoned not more than 10 years, or both."; and

(3) in subsection (d), as so designated, by adding at the end the following: "If such a communication is addressed to a United States judge, a Federal law enforcement officer, or an official who is covered by section 1114, the individual shall be fined under this title, imprisoned not more than 10 years, or both.".

(e) AMENDMENT OF THE SENTENCING GUIDELINES FOR ASSAULTS AND THREATS AGAINST FEDERAL JUDGES AND CERTAIN OTHER FEDERAL OFFICIALS AND EMPLOYEES.—

(1) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and amend the Federal sentencing guidelines and the policy statements of the Commission, if appropriate, to provide an appropriate sentencing enhancement for offenses involving influencing, assaulting, resisting, impeding, retaliating against, or threatening a Federal judge, magistrate judge, or any other official described in section 111 or 115 of title 18, United States Code.

(2) FACTORS FOR CONSIDERATION.—In carrying out this section, the United States Sentencing Commission shall consider, with respect to each offense described in paragraph (1)—

(A) any expression of congressional intent regarding the appropriate penalties for the offense;

(B) the range of conduct covered by the offense;

(C) the existing sentences for the offense;

(D) the extent to which sentencing enhancements within the Federal sentencing guidelines and the court's authority to impose a sentence in excess of the applicable guideline range are adequate to ensure punishment at or near the maximum penalty for the most egregious conduct covered by the offense;

(E) the extent to which Federal sentencing guideline sentences for the offense have been constrained by statutory maximum penalties;

(F) the extent to which Federal sentencing guidelines for the offense adequately achieve the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code;

(G) the relationship of Federal sentencing guidelines for the offense to the Federal sentencing guidelines for other offenses of comparable seriousness; and

(H) any other factors that the Commission considers to be appropriate.

At the appropriate place insert the following new section:

"SEC.   . LOCAL ENFORCEMENT OF LOCAL ALCOHOL PROHIBITIONS THAT REDUCE JUVENILE CRIME IN REMOTE ALASKA VILLAGES.

(a) CONGRESSIONAL FINDING.—The Congress finds the following:

(1) Villages in remote areas of Alaska lack local law enforcement due to the absence of a tax base to support such services and to small populations that do not secure sufficient funds under existing state and federal grant program formulas.

(2) State troopers are often unable to respond to reports of violence in remote villages if there is inclimate weather, and often only respond in reported felony cases.

(3) Studies conclude that alcohol consumption is strongly linked to the commission of violent crimes in remote Alaska villages and that youth are particularly susceptible to developing chronic criminal behaviors associated with alcohol in the absence of early intervention.

(4) Many remote villages have sought to limit the introduction of alcohol into their communities as a means of early intervention and to reduce criminal conduct among juveniles.

(5) In many remote villages, there is no person with the authority to enforce these local alcohol restrictions in a manner consistent with juridical standards of due process required under the state and federal constitutions.

(6) Remote Alaska villages are experiencing a marked increase in births and the number of juveniles residing in villages is expected to increase dramatically in the next five years.

(7) Adoption of alcohol prohibitions by voters in remote villages represents a community-based effort to reduce juvenile crime, but this local policy choice requires local law enforcement to be effective.

(b) GRANT OF FEDERAL FUNDS.

(1) The Attorney General is authorized to provide to the State of Alaska funds for state law enforcement, judicial infrastructure and other costs necessary in remote villages to implement the prohibitions on the sale, importation and possession of alcohol adopted pursuant to state local option statues.

(2) Funds provided to the State of Alaska under this section shall be in addition to and shall not disqualify the State, local governments, or Indian tribes (as that term is defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (P.L. 93-638, as amended; 25 U.S.C. 450b(e) (1998)) from federal funds available under other authority.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section

(A) $15,000,000 for fiscal year 2000

(B) $17,000,000 for fiscal year 2001

(C) $18,000,000 for fiscal year 2002

(2) SOURCE OF SUMS.—Amounts authorized to be appropriated under this subsection may be derived from the Violent Crime Reduction Trust Fund."

At page 107, strike liens 11 through 14.

At page 168, line 7 after the comma insert "elders in Alaska Native villages,"

At the appropriate place insert the following new section:

"SEC.   . RULE OF CONSTRUCTION—Nothing in this Act may be construed to create, expand or diminish or in any way affect the jurisdiction of an Indian tribe in the State of Alaska."

At the appropriate place, insert the following:

SEC.   . BOUNTY HUNTER ACCOUNTABILITY AND QUALITY ASSISTANCE.

(a) FINDINGS.—Congress finds that—

(1) bounty hunters, also known as bail enforcement officers or recovery agents, provide law enforcement officers and the courts with valuable assistance in recovering fugitives from justice;

(2) regardless of the differences in their duties, skills, and responsibilities, the public has had difficulty in discerning the difference between law enforcement officers and bounty hunters;

(3) the availability of bail as an alternative to the pretrial detention or unsecured release of criminal defendants is important to the effective functioning of the criminal justice system;

(4) the safe and timely return to custody of fugitives who violate bail contracts is an important matter of public safety, as is the return of any other fugitive from justice;

(5) bail bond agents are widely regulated by the States, whereas bounty hunters are largely unregulated;

(6) the public safety requires the employment of qualified, well-trained bounty hunters; and

(7) in the course of their duties, bounty hunters often move in and affect interstate commerce.

(b) DEFINITIONS.—In this section—

(1) the term "bail bond agent" means any retail seller of a bond to secure the release of a criminal defendant pending judicial proceedings, unless such person also is self-employed to obtain the recovery of any fugitive from justice who has been released on bail;

(2) the term "bounty hunter"—

(A) means any person whose services are engaged, either as an independent contractor or as an employee of a bounty hunter employer, to obtain the recovery of any fugitive from justice who has been released on bail; and

(B) does not include any—

(i) law enforcement officer acting under color of law;

(ii) attorney, accountant, or other professional licensed under applicable State law;

(iii) employee whose duties are primarily internal audit or credit functions;

(iv) person while engaged in the performance of official duties as a member of the Armed Forces on active duty (as defined in section 101(d)(1) of title 10, United States Code); or

(v) bail bond agent;

(3) the term "bounty hunter employer"—

(A) means any person that—

(i) employs 1 or more bounty hunters; or

(ii) provides, as an independent contractor, for consideration, the services of 1 or more bounty hunters (which may include the services of that person); and

(B) does not include any bail bond agent; and

(4) the term "law enforcement officer" means a public officer or employee authorized under applicable Federal or State law to conduct or engage in the prevention, investigation, prosecution, or adjudication of criminal offenses, including any public officer or employee engaged in corrections, parole, or probation functions, or the recovery of any fugitive from justice.

(c) MODEL GUIDELINES.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall develop model guidelines for the State control and regulation of persons employed or applying for employment as bounty hunters. In developing such guidelines, the Attorney General shall consult with organizations representing—

(A) State and local law enforcement officers;

(B) State and local prosecutors;

(C) the criminal defense bar;

(D) bail bond agents;

(E) bounty hunters; and

(F) corporate sureties.

(2) RECOMMENDATIONS.—The guidelines developed under paragraph (1) shall include recommendations of the Attorney General regarding whether—

(A) a person seeking employment as a bounty hunter should—

(i) be required to submit to a fingerprint-based criminal background check prior to entering into the performance of duties pursuant to employment as a bounty hunter; or

(ii) not be allowed to obtain such employment if that person has been convicted of a felony offense under Federal or State law;

(B) bounty hunters and bounty hunter employers should be required to obtain adequate liability insurance for actions taken in the course of performing duties pursuant to employment as a bounty hunter; and

(C) State laws should provide—

(i) for the prohibition on bounty hunters entering any private dwelling, unless the bounty hunter first knocks on the front door and announces the presence of 1 or more bounty hunters; and

(ii) the official recognition of bounty hunters from other States.

(3) EFFECT ON BAIL.—The guidelines published under paragraph (1) shall include an analysis of the estimated effect, if any, of the adoption of the guidelines by the States on—

(A) the cost and availability of bail; and

(B) the bail bond agent industry.

(4) NO REGULATORY AUTHORITY.—Nothing in this subsection may be construed to authorize the promulgation of any Federal regulation relating to bounty hunters, bounty hunter employers, or bail bond agents.

(5) PUBLICATION OF GUIDELINES.—The Attorney General shall publish model guidelines developed pursuant to paragraph (1) in the Federal Register.

At the appropriate place, insert the following:

SEC. . ASSISTANCE FOR UNINCORPORATED NEIGHBORHOOD WATCH PROGRAMS.

(a) IN GENERAL.—Section 1701(d) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(d)) is amended—

(1) in paragraph (10), by striking "and" at the end;

(2) in paragraph (11), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(12) provide assistance to unincorporated neighborhood watch organizations approved by the appropriate local police or sheriff's department, in an amount equal to not more than $1950 per organization, for the purchase of citizen band radios, street signs, magnetic signs, flashlights, and other equipment relating to neighborhood watch patrols.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(11) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(11)) is amended—

(1) in subparagraph (A), by striking clause (vi) and inserting the following:

"(vi) $282,625,000 for fiscal year 2000."; and

(2) in subparagraph (B) by inserting after "(B)" the following: "Of amounts made available to carry out part Q in each fiscal year $14,625,000 shall be used to carry out section 1701(d)(12).".

On page 227, line 11, strike "and" at the end.

On page 227, line 19, strike the period at the end and insert "; and".

On page 227, between lines 19 and 20, insert the following:

"(12) for programs for—

"(A) providing cross-training, jointly with the public mental health system, for State juvenile court judges, public defenders, and mental health and substance abuse agency representatives with respect to the appropriate use of effective, community-based alternatives to juvenile justice or mental health system institutional placements; or

"(B) providing training for State juvenile probation officers and community mental health and substance abuse program representatives on appropriate linkages between probation programs and mental health community programs, specifically focusing on the identification of mental disorders and substance abuse addiction in juveniles on probation, effective treatment interventions for those disorders, and making appropriate contact with mental health and substance abuse case managers and programs in the community, in order to ensure that juveniles on probation receive appropriate access to mental health and substance abuse treatment programs and services.

On page 89, line 18, strike "or" at the end.

On page 89, line 21, add "or" at the end.

On page 89, between lines 21 and 22, insert the following:

"(H) to provide services to juveniles with serious mental and emotional disturbances (SED) who are in need of mental health services;

On page 90, between lines 7 and 8, insert the following:

"(4) projects that support State and local programs to prevent juvenile delinquency by providing for—

"(A) assessments by qualified mental health professionals of incarcerated juveniles who are suspected of being in need of mental health services;

"(B) the development of individualized treatment plans for juveniles determined to be in need of mental health services pursuant to assessments under subparagraph (A);

"(C) the inclusion of discharge plans for incarcerated juveniles determined to be in need of mental health services; and

"(D) requirements that all juveniles receiving psychotropic medication be under the care of a licensed mental health professional;

On page 90, line 8, strike "(4)" and insert "(5)".

On page 90, line 17, strike "(5)" and insert "(6)".

On page 91, line 1, strike "(6)" and insert "(7)".

On page 91, line 11, strike "(7)" and insert "(8)".

On page 91, line 17, strike "(8)" and insert "(9)".

On page 91, line 22, strike "(9)" and insert "(10)".

On page 92, line 6, strike "(10)" and insert "(11)".

On page 92, line 16, strike "(11)" and insert "(12)".

On page 92, line 24, strike "(12)" and insert "(13)".

On page 93, line 5, strike "(13)" and insert "(14)".

On page 93, line 13, strike "(14)" and insert "(15)".

On page 93, line 17, strike "(15)" and insert "(16)".

On page 93, line 20, strike "(16)" and insert "(17)".

To reduce violent juvenile crime, promote accountability by and rehabilitation of juvenile criminals, punish and deter violent gang crime, and for other purposes.

On page 89, strike line 22 and all that follows through page 90, line 2.

On page 90, line 3, strike "(3)" and insert "(2)".

On page 90, strike lines 8 through 16.

On page 90, line 17, strike "(5)" and insert "(3)".

On page 91, line 1, strike "(6)" and insert "(4)".

On page 91, line 11, strike "(7)" and insert "(5)".

On page 91, line 17, strike "(8)" and insert "(6)".

On page 91, strike line 22 and all that follows through page 92, line 5.

On page 92, line 6, strike "(10)" and insert "(7)".

On page 92, line 16, strike "(11)" and insert "(8)".

On page 92, line 24, strike "(12)" and insert "(9)".

On page 93, line 5, strike "(13)" and insert "(10)".

On page 93, line 13, strike "(14)" and insert "(11)".

On page 93, line 17, strike "(15)" and insert "(12)".

On page 93, line 19, strike "and".

On page 93, line 20, strike "(16)" and insert "(13)".

On page 93, line 21, strike the period and insert a semicolon.

On page 93, between lines 21 and 22, insert the following:

"(14) projects that use neighborhood courts or panels that increase victim satisfaction and require juveniles to make restitution, or perform community service, for the damage caused by their delinquent acts;

"(15) programs designed and operated to provide eligible offenders with an alternative to adjudication that emphasizes restorative justice;

"(16) projects that expand the use of probation officers—

"(A) particularly for the purpose of permitting nonviolent juvenile offenders, including status offenders, to remain at home with their families as an alternative to detention; and

"(B) to ensure that juveniles follow the terms of their probation; and

"(17) projects that provide for initial intake screening, which may include drug testing, of each juvenile taken into custody—

"(A) to determine the likelihood that such juvenile will commit a subsequent offense; and

"(B) to provide appropriate interventions to prevent such juvenile from committing subsequent offenses.

On page 96, strike lines 9 and 10, and insert the following:

"(G) An assurance that of the grant funds remaining after administrative costs are deducted consistent with subparagraph (A)—

"(i) not less than 80 percent shall be used for the purposes designated in paragraphs (1) through (13) of subsection (a); and

"(ii) not less than 20 percent shall be used for the purposes in paragraphs (14) through (17) of subsection (a).

"(H) Such other information as the Ad-

* * *

At the appropriate place, insert the following:

SEC. . FINDINGS AND SENSE OF CONGRESS.

(a) FINDINGS.—Congress makes the following findings—

(1) The Nation's highest priority should be to ensure that children begin school ready to learn.

(2) New scientific research shows that the electrical activity of brain cells actually changes the physical structure of the brain itself and that without a stimulating environment, a baby's brain will suffer. At birth, a baby's brain contains 100,000,000,000 neurons, roughly as many nerve cells as there are stars in the Milky Way, but the wiring pattern between these neurons develops over time. Children who play very little or are rarely touched develop brains that are 20 to 30 percent smaller than normal for their age.

(3) This scientific research also conclusively demonstrates that enhancing children's physical, social, emotional, and intellectual development will result in tremendous benefits for children, families, and the Nation.

(4) Since more than 50 percent of the mothers of children under the age of 3 now work outside of the home, society must change to provide new supports so young children receive the attention and care that they need.

(5) There are 12,000,000 children under the age of 3 in the United States today and 1 in 4 lives in poverty.

(6) Compared with most other industrialized countries, the United States has a higher infant mortality rate, a higher proportion of low-birth weight babies, and a smaller proportion of babies immunized against childhood diseases.

(7) National and local studies have found a strong link between—

(A) lack of early intervention for children; and

(B) increased violence and crime among youth.

(8) The United States will spend more than $35,000,000,000 over the next 5 years on Federal programs for at-risk or delinquent youth and child welfare programs, which address crisis situations that frequently could have been avoided or made much less severe through good early intervention for children.

(9) Many local communities across the country have developed successful early childhood efforts and with additional resources could expand and enhance opportunities for young children.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Federal funding for early childhood development collaboratives should be a priority in the Federal budget for fiscal year 2000 and subsequent fiscal years.

At the end of title IV, add the following:

Subtitle —Safe School Security

SEC. 1. SHORT TITLE.

This subtitle may be cited as the "Safe School Security Act of 1999".

SEC. 2. ESTABLISHMENT OF SCHOOL SECURITY TECHNOLOGY CENTER.

(a) SCHOOL SECURITY TECHNOLOGY CENTER.—

(1) ESTABLISHMENT.—The Attorney General, the Secretary of Education, and the Secretary of Energy shall enter into an agreement for the establishment at the Sandia National Laboratories, in partnership with the National Law Enforcement and Corrections Technology Center—Southeast and the National Center for Rural Law Enforcement, of a center to be known as the "School Security Technology Center". The School Security Technology Center shall be administered by the Attorney General.

(2) FUNCTIONS.—The School Security Technology Center shall be a resource to local educational agencies for school security assessments, security technology development, technology availability and implementation, and technical assistance relating to improving school security. The School Security Technology Center shall also conduct and publish research on school violence, coalesce data from victim groups, and monitor and report on schools that implement school security strategies.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section—

(1) $3,700,000 for fiscal year 2000;

(2) $3,800,000 for fiscal year 2001; and

(3) $3,900,000 for fiscal year 2002.

SEC. 3. GRANTS FOR LOCAL SCHOOL SECURITY PROGRAMS.

Subpart 1 of part A of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7111 et seq.) is amended by adding at the end the following:

"SEC. 4119. LOCAL SCHOOL SECURITY PROGRAMS.

"(a) IN GENERAL.—

"(1) GRANTS AUTHORIZED.—From amounts appropriated under subsection (c), the Secretary shall award grants on a competitive basis to local educational agencies to enable the agencies to acquire security technology for, or carry out activities related to improving security at, the middle and secondary schools served by the agencies, including obtaining school security assessments, and technical assistance, for the development of a comprehensive school security plan from the School Security Technology Center.

"(2) APPLICATION.—To be eligible to receive a grant under this section, a local educational agency shall submit to the Secretary an application in such form and containing such information as the Secretary may require, including information relating to the security needs of the agency.

"(3) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to local educational agencies that demonstrate the highest security needs, as reported by the agency in the application submitted under paragraph (2).

"(b) APPLICABILITY.—The provisions of this part (other than this section) shall not apply to this section.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2000, 2001, and 2002.".

SEC. 4. SAFE AND SECURE SCHOOL ADVISORY REPORT.

Not later than 1 year after the date of enactment of this Act, the Attorney General, in consultation with the Secretary of Education and the Secretary of Energy, or their designees, shall—

(1) develop a proposal to further improve school security; and

(2) submit that proposal to Congress.

On page 29, insert between lines 5 and 6 the following:

"(24) provide assurances that—

"(A) any assistance provided under this Act will not cause the displacement (including a partial displacement, such as a reduction in the hours of nonovertime work, wages, or employment benefits) of any currently employed employee;

"(B) activities assisted under this Act will not impair an existing collective bargaining relationship, contract for services, or collective bargaining agreement; and

"(C) no such activity that would be inconsistent with the terms of a collective bargaining agreement shall be undertaken without the written concurrence of the labor organization involved;".

Amend S. 254, Title III, Subtitle A, Title II, Section 205 Juvenile Delinquency Prevention Challenge Grant Program:

(a)(11) comprehensive juvenile justice and delinquency prevention projects that meet the needs of juveniles through the collaboration of the many local service systems juveniles encounter, including schools.

On page 92, line 20, insert after "schools" the following: *child abuse and neglect courts,* law enforcement agencies, child protection agencies, mental health agencies, welfare services, health care agencies and private nonprofit agencies offering services to juveniles;

(a)(15) family strengthening activities, such as mutual support.groups for parents and their children;

On page 93, line 19, insert after "children" the following:

(16) adoptive parent recruitment activities targeted at recruiting permanent adoptive families for older children and children with special needs in the foster care system who are at risk of entering the juvenile justice system; and

(17) other activities that are likely to prevent juvenile delinquency.

(3) On page 93, strike lines 20–21.

Section 273 is amended:

On page 167, lines 23–26, and on page 168, lines 1–2:

strike "The Administrator shall, by making grants to and entering into contracts with local educational agencies (each of which agency shall be in partnership with a public or private agency, institution or business), establish and support programs and activities for the purpose of implementing mentoring programs that", and insert, "The Administrator shall make grants to local education agencies and nonprofit organizations to establish and support programs and activities for the purpose of implementing mentoring programs that".

On page 176, lines 14–16, Section 291(b)(7) is amended:

Strike "$15 million shall be for programs under part F of this title, of which $3 million shall be for programs under section 279, and insert" * * * million shall be for programs under part F of this title, of which $3 million shall be for programs under section 279 and $3 million for programs under section 280."

On page 175, between lines 8–9, insert the following:

(A) by inserting:

SEC. 280. CAPACITY BUILDING.

(a) Model Program.—The Administrator may make a grant to a qualified national organization with a proven history of providing one-to-one services for the purpose of expanding and replicating capacity building programs to reduce the incidence of juvenile crime and delinquency among at-risk youth.

(b) Establishment of New Capacity Building Programs.—

(1) In general.—The Administrator may make 1 or more grants to national organizations with proven histories of providing one-to-one services for the purpose of expanding and replicating capacity building programs to reduce the incidence of juvenile crime and delinquency among at-risk youth.

(2) Matching requirement and source of matching funds.—

(A) In general.—The amount of a grant under this subsection may not exceed 50 percent of the total cost of the programs funded by the grant.

(B) Source of match.—Matching funds for grants under this subsection must be derived from a private agency, institution or business.

At the end of the Title III, Juvenile Crime Control, Accountability, and Delinquency Prevention, add a new Subtitle as follows:

Subtitle—. Parenting as Prevention

SEC. 1. SHORT TITLE.

This Act shall be cited as the Parenting as Prevention Act.

SEC. 2. ESTABLISHMENT OF PROGRAM.

The Secretary of Health and Human Services, in consultation with the Attorney General, the Secretary of Education, the Secretary of Housing and Urban Development, the Secretary of Labor, the Secretary of Agriculture, and the Secretary of Defense shall establish a parenting support and education program as provided in sections 3, 4, and 5.

SEC. 3. NATIONAL PARENTING SUPPORT AND EDUCATION COMMISSION.

(a) The Secretary of Health and Human Services shall establish a National Parenting Support and Education Commission (hereinafter referred to as the "Commission") to identify the best practices for parenting and to provide practical advice for parents and caregivers based on the best available research data. She shall provide the Commission with necessary staff and other resources to fulfill its duties.

(b) The Secretary shall appoint the Commission after consultation with the cabinet members identified in section 2. The Commission shall consist of the following members—

(1) an adolescent representative,

(2) a parent representative,

(3) an expert in brain research,

(4) expert in child development, youth development, early childhood education, primary education, and secondary education,

(5) an expert in children's mental health,

(6) an expert on children's health and nutrition,

(7) an expert on child abuse prevention, diagnosis, and treatment,

(8) a representative of parenting support programs,

(9) a representative of parenting education,

(10) a representative from law enforcement,

(11) an expert on firearm safety programs,

(12) a representative from a non-profit organization that delivers services to children and their families which may include a faith based organization; and

(13) such other representatives as the Secretary deems necessary.

(c) The Commission shall—

(1) identify best parenting practices for parents and caregiving of your children on topics including but not limited to brain stimulation, developing healthy attachments and social relationships, anger management and conflict resolution, character development, discipline, controlling access to television and other entertainment including computers, firearms safety, mental health, health care and nutrition including breastfeeding, encouraging reading and lifelong learning habits, and recognition and treatment of developmental and behavioral problems;

(2) identify best parenting practices of adolescents and pre-adolescents on topics including but not limited to methods of addressing peer pressure with respect to underage drinking, sexual relations, illegal drug use, and other negative behavior; developing healthy social and family relationships; exercising discipline; and controlling access to television and other entertainment including computers, video games, and movies; firearm safety; encouraging success in school; and other issues of concern to parents of adolescents;

(3) identify best parenting practices and resources available for parents and caregivers of children with special needs including fetal alcohol syndrome, fetal alcohol effect, mental illness, autism, retardation, learning disabilities, behavioral disorders, chronic illness, and physical disabilities; and

(4) review existing parenting support and education programs and the date evaluating them and make recommendations to the Secretary and the Congress on which are most effective and should receive federal support within 18 months of appointment.

(d) Public Hearings and Testimony.—The Commission shall conduct four public hearings, shall solicit and receive testimony from national experts and national organizations, shall conduct a comprehensive review of academic and other research literature, and shall seek information from the Governors on existing brain development and parenting programs which have been most successful.

(e) Publication of Materials.—If not otherwise available, the Commission shall prepare materials which may include written material, video, CDS, and other audio and visual material on best parenting practices and shall make them available for distribution to parents, caregivers, and others through state and local government programs, hospitals, maternity centers, and other health care providers, adoption agencies, schools, public housing units, child care centers, and social service providers. If such materials are already available, the Commission may print, reproduce, and distribute such materials.

(f) Reporting Requirement.—The Commission shall prepare and submit a report of its findings and recommendations to the Secretary and the Congress no later than 18 months after appointment.

(g) Authorization of Funds.—There is authorized to be appropriated in fiscal year 2000 such sums as may be necessary to support the work of the Commission and to produce and distribute the materials described in subsection (e). Such sum shall remain available until expended. Any fund appropriated pursuant to this section shall remain available until expended.

SEC. 4. STATE AND LOCAL PARENTING SUPPORT AND EDUCATION GRANT PROGRAM.

(a) State Allotments.—The Secretary shall make allotments to eligible States to support parenting support and training programs. Each state shall receive an amount that bears the same relationship to the amount appropriated as the total number of children in the State bears to the total number in all States, but no state shall receive less one-half of one percent of the state allocation. From the amounts provided to each state with Indian or Alaska Native populations exceeding two percent of its total statewide population, the Governor shall set aside two percent for Indian tribes as that term is defined in Section 4(e) of the Indian Self Determination and Education Assistance Act (P.L. 93–638, as amended; 25 U.S.C. 450b(e)) which shall be distributed based on the percentage of Indian children in each tribe except that with respect to Alaska, the funds shall be distributed to the non-profit entities described in section 419(4)(B) of the Social Security Act pursuant to section 103 of Public Law 104–193 (110 Stat. 2159, 2160; 42 U.S.C. 619(4)(B)) which shall be allocated based on the percentage of Alaska Native children in each region.

(b) State Parenting Support and Education Council.—To be eligible to receive federal funding, the Governor of each state shall appoint a State Parenting Support and Education Council (hereinafter referred to as the "Council") which shall include parent representatives, representatives of the State government, bipartisan representation from the State Legislature, representatives from local communities, and interested children's organizations, except that the Governor may designate an existing entity that includes such groups. The Council shall conduct a needs and resources assessment of parenting support and education programs in the State to determine where programs are lacking or inadequate and identify what additional programs are needed and which programs require additional resources. It shall consider the findings and recommendations of the Parenting Commission in making those determinations. Upon completion of the assessment, the Council may consider grant applications from the State to provide statewide programs, from local communities including schools, and from non-profit service providers including faith based organizations.

(c) Grants may be made for—

(1) Parenting support to promote early brain development and childhood development and education including—

(A) assistance to schools to offer classroom instruction on brain stimulation, child development, and early childhood education;

(B) distribution of materials developed by the Commission or another entity that reflect best parenting practices;

(C) development and distribution of referral information on programs and services available to children and families at the local level, including eligibility criteria;

(D) voluntary hospital visits for postpartum women and in home visits for families with infants, toddlers, or newly adopted children to provide hands on training and one on one instruction on brain stimulation, child development, and early childhood education;

(E) parenting education programs including training with respect to the best parenting practices identified in subsection (c);

(2) Parenting Support for Adolescents and Youth including—

(A) funds for services and support for parents and other caregivers of young people being served by a range of education, social service, mental health, health, runaway and homeless youth programs. Programs may include the Boys and Girls Club, YMCA and YWCA, after school programs, 4-H programs, or other community based organizations. Eligible activities may include parent-caregiver support groups, peer support groups, parent education classes, seminars or discussion groups on problems facing adolescents, advocates and mentors to help parents understand and work with schools, the courts, and various treatment programs.

(3) Parenting Support and Education Resource Centers including—

(A) development of parenting resource centers which may serve as a single point of contact for the provision of comprehensive services available to children and their families including federal, state, and local governmental and non-profit services available to children. Such services may include child care, respite care, pediatric care, child abuse prevention programs, nutrition programs, parent training, infant and child CPR and safety training programs, caregiver training and education, and other related programs.

(B) a national toll free anonymous parent hotline with 24 hour a day consultation and advice including referral to local community based services;

(C) respite care for parents with children with special needs, single mothers, and at-risk youth;

(d) REPORTING.—Each entity that receives a grant under this section shall submit a report every two years to the Council describing the program it has developed, the number of parents and children served, and the success of the program using specific performance measures.

(e) ADMINISTRATIVE COSTS.—Not more than 5 percent of the amounts received by a State may be used for the administrative expenses of the Council in implementing the grant program.

(f) SUPPLEMENT NOT SUPPLANT.—Fund appropriated pursuant to this section shall be used to supplement and not supplant other Federal, State, and local public funds expended for parenting support and education programs.

(g) AUTHORIZATION OF FUNDS.—There is authorized to be appropriated such sums as are necessary for fiscal year 2000 and subsequent fiscal years.

SEC. 5. GRANTS TO ADDRESS THE PROBLEM OF VIOLENCE RELATED STRESS TO PARENTS AND CHILDREN.

(a) FINDINGS.—The Congress finds that a child's brain is wired between the ages of 0–3. A child's ability to learn, develop healthy family and social relationships, resist peer pressure, and control violent impulses depends on the quality and quantity of brain stimulation he receives. Research shows that children exposed to negative brain stimulation in the form of physical and sexual abuse and violence in the family or community causes the brain to be miswired making it difficult for the child to be successful in life. Intervention early in a child's life to correct the miswiring is much more successful than adult rehabilitation efforts.

(b) IN GENERAL.—The Secretary shall award grants, enter into contracts or cooperative agreements to public and non-profit private entities, as well as to Indian tribes, Native Hawaiians, and Alaska Native nonprofit corporations to establish national and regional centers of excellence on psychological trauma response and to identify the best practices for treating psychiatric and behavioral disorders resulting from children witnessing or experiencing such stress.

(c) PRIORITIES.—In awarding grants, contracts or cooperative agreements under subsection (a) related to the identifying best practices for treating disorders associated with psychological trauma, the Secretary shall give priority to programs that work with children, adolescents, adults, and families who are survivors and witnesses of child abuse, domestic, school, and community violence, and disasters.

(d) GEOGRAPHICAL DISTRIBUTION.—The Secretary shall ensure that grants, contracts, or cooperative agreements under subsection (a) with respect to centers of excellence are distributed equitably among the regions of the country and among urban and rural areas.

(e) EVALUATION.—The Secretary shall require that each applicant for a grant, contract or cooperative agreement under subsection (a) submit a plan as part of his application for the rigorous evaluation of the activities funded under the grant, contract or agreement, including both process and outcomes evaluation, and the submission of an evaluation at the end of the project period.

(f) DURATION OF AWARDS.—With respect to a grant, contract or cooperative agreement under this section, the period during which payments under such an award will be made to the recipient may not be less than 3 years. Such grants, contract or agreement may be renewed.

(g) REPORT.—Not later than 1 year after the date of enactment of this section, the General Accounting Office shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Commerce of the House of Representatives a report concerning whether individuals are covered for post-traumatic stress disorders under public and private health plans, and the course of treatment, if any, that is covered.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as are necessary to carry out this section fiscal year 2000 and subsequent fiscal years.

WELLSTONE (AND OTHERS) AMENDMENT NO. 364

Mr. WELLSTONE (for himself, Mr. KENNEDY, Mrs. FEINSTEIN, Mr. FEINGOLD, and Mr. DURBIN) proposed an amendment to the bill S. 254, supra; as follows:

On page 129, strike lines 6 through 14, and insert the following:

"(24) address juvenile delinquency prevention efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of racial minority groups who come into contact with the juvenile justice system.

McCONNELL AMENDMENT NO. 365

Mr. McCONNELL proposed an amendment to the bill S. 254, supra; as follows:

At the appropriate place, insert the following:

SEC. . PROHIBITION ON PROMOTING VIOLENCE ON FEDERAL PROPERTY.

(a) GENERAL RULE.—A Federal department or agency that—

(1) considers a request from an individual or entity for the use of any property, facility, equipment, or personnel of the department or agency, or for any other cooperation from the department or agency, to film a motion picture or television production for commercial purposes; and

(2) makes a determination as to whether granting a request described in paragraph (1) is consistent with—

(A) United States policy;

(B) the mission or interest of the department or agency; or

(C) the public interest;

shall not grant such a request without considering whether such motion picture or television production glorifies or endorses wanton and gratuitous violence.

(b) EXCEPTION.—Subsection (a) shall not apply to—

(1) any bona fide newsreel or news television production; or

(2) any public service announcement.

SMITH (AND JEFFORDS) AMENDMENT NO. 366

Mr. LOTT (for Mr. SMITH of Oregon for himself and Mr. JEFFORDS) proposed an amendment to the bill, S. 254 supra; as follows:

At the appropriate place, insert the following:

SEC. . PROVISIONS RELATING TO PAWN AND OTHER GUN TRANSACTIONS.

(a) Notwithstanding any other provision of this Act, the repeal of paragraph (1) and amendment of paragraph (2) made by subsection (c) with the heading "Provision Relating to Pawn and Other Transactions" of section 4 of the title with the heading "General Firearms Provisions" shall be null and void.

(b) COMPLIANCE—Except as to the State and local planing and zoning requirements for a licensed premises as provided in subparagraph (D), a special licensee shall be subject to all the provisions of this chapter applicable to dealers, including, but not limited to, the performance of an instant background check.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a full committee hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, May 27, 1999 at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to consider the nomination of David L. Goldwyn to be an Assistant Secretary for International Affairs at the Department of Energy.

For further information, please contact David Dye of the Committee staff at (202) 224–0624.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet Wednesday, May 19, 1999 beginning at 10 a.m. in room SH–215, to conduct a markup.

The PRESIDENT OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, May 19, 1999 at 9:30 a.m. to conduct a hearing on S. 613, that Indian Tribal Economic Development and Contract Encouragement Act of 1999, and S. 614, the Indian Tribal Regulatory Reform and Business Development Act of 1999. The hearing will be held in room 485 of the Russell Senate Office Building.

The PRESIDENT OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. HATCH. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, May 19, 1999 at 2 p.m. to hold a closed hearing on intelligence matters.

The PRESIDENT OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, May 19, for purposes of conducting a Full Committee business meeting which is scheduled to begin at 9:30 a.m. The purpose of this business meeting is to consider pending calendar business. (See Attached)

The PRESIDENT OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

PAYING TRIBUTE TO ALLAN "BUD" SELIG, COMMISSIONER OF MAJOR LEAGUE BASEBALL

• Mr. DODD. Mr. President, I rise to commend Mr. Allan "Bud" Selig for his tireless efforts to make the recent baseball series between the Cuban National Team and the Baltimore Orioles a reality. Not only did this series bring together teams from two nations with a great love of baseball, but it bridged a gap between two peoples who share a great deal in common.

Baseball is often called the "American Pastime," and with good reason. Few events are greater harbingers of the coming of summer than the first pitches in ball parks around the country. Millions of parents across this nation carve time out of their days to teach their child how to throw a baseball or to coach a little league team. And millions of American children count their first baseball glove among their most treasured possessions.

Baseball, however, is not only an American tradition. Rather, it is treasured with equal fervor and excitement by Cubans less than 100 miles from our shore. There, too, baseball is the national pastime. Countless Cuban and American children play little league baseball with visions of a future in the major leagues. Just as Americans eagerly count down to opening day, Cubans anticipate the first pitch of a new season with a mix of anticipation and excitement.

Not only do Cubans and Americans share their deep love of baseball, they also both play the game with great skill. Indeed, some of America's finest players hail from Cuba.

In spite of this close connection, however, politics has kept American and Cuban teams from visiting each other's stadiums for nearly four decades. This artificial separation remained intact until this spring when the Cuban National Team hosted the Baltimore Orioles in Havana. That game marked the opening day, not just of a two game home-and-home series, but hopefully of a new season in the relationship between two of the world's greatest lovers of baseball.

The series, which continued in Baltimore this month, would never have come about if it were not for the courage and dedication of Bud Selig. His efforts succeeded where those of hundreds of diplomats and politicians have failed: he managed to bring the Cuban and American people together to celebrate the game they love so dearly.

I recognize that the process of arranging these two games was rarely easy. At times, it seemed that the opening pitch would remain forever out of reach. Yet, Mr. Selig persisted and brought the two teams closest to our capitals—and their fans—together for two historic games. Our nation should be proud of and grateful to Mr. Selig for his efforts and look forward to additional contact between the Cuban and American peoples, both on and off the baseball diamond.•

I LOVE AMERICA DAY

• Mr. BOND. Mr. President, I rise today in recognition of Fulton, Missouri's "I Love America Day." Several years ago, the faculty of McIntire Elementary school became concerned that many of the students did not have a true sense of patriotism and national pride. What started out at one elementary school has spread to a communitywide celebration. Each year they highlight all levels of government and place special emphasis on pride in the flag. This year's celebration will include a presentation of the colors by the VFW flag team, a twenty-one gun salute, taps to honor those lost in service, presentations by the VFW, Mayor Craghead, and others, and a special demonstration by the Army's Golden Knights parachute team. As you can see, Mr. President, this event has grown into a wonderful day of activities that will enrich the sense of patriotism not only in our youth, but also in the entire community. I commend the organizers of "I Love America Day" for the wonderful example they set for Missouri and the entire country.•

HONORING FEDERAL RESERVE CHALLENGE WINNERS

• Mr. KOHL. Mr. President, I rise today to congratulate five outstanding High School students from University School at Milwaukee. Working as a team, these five students were recently named national champions of the 1999 Federal Reserve Challenge.

Mary Broydrick, Michelle Hill, Day Manoli, Nick Nielsen, all seniors, and Gus Fuldner, a junior, each received a $10,000 scholarship for their presentation on monetary policy. The team was coached by John Stephens, a teacher at University School for 41 years. In addition, the school received a $40,000 grant to develop an economics lab.

Their winning presentation included countless hours researching economic and monetary policy. Making recommendations based on their findings, the team was asked a series of grueling questions by Federal Reserve officials.

We are all extremely proud of our students from University School. They must be applauded for a job well done.●

TRIBUTE TO ILA MARIE GOODEY

● Mr. HATCH. Mr. President, I would just like to take a moment to pay tribute to Ila Marie Goodey of Logan, Utah. I have just learned that Ila passed away on Saturday.

Ila was a tireless and effective advocate for individuals with disabilities and served as an early and active member of my Utah Advisory Committee on Disability Policy. I have always appreciated her counsel on these issues.

In particular, she believed in independence and self-sufficiency, and she directed as much of her energy to assisting others to reach this goal as she did to helping herself. She served as the first chairperson of the Utah Assistive Technology Program Management and Implementation Board. This consumer-responsive, interagency program has been hailed nationwide as a model for other programs of its kind.

I know that her friends and colleagues at Utah State University and among the disability community in my state will mourn her loss. But, I also know that they, as I do, appreciate all that she has contributed. There can be no doubt that Ila has made a real difference.●

TRIBUTE TO STAFF SERGEANT ANDREW RAMIREZ

● Mrs. FEINSTEIN. Mr. President, I rise today to honor Staff Sergeant Andrew Ramirez who has served his country with bravery and valor. For Sergeant Ramirez, a resident of East Los Angeles, public service runs in the family—his brother is a detective with the Los Angeles Police Department.

On March 31, 1999, Sergeant Ramirez was taken as a prison of war by the Yugoslavia Army while he was serving as part of a U.S. Army detachment assigned to a U.N. monitoring force patrolling Yugoslavia's southern border. Sergeant Ramirez was part of the 4th Cavalry Regiment of the 1st Infantry Division based in Wurzburg, Germany. He had arrived in Macedonia in early March to relieve another contingent.

I cannot begin to imagine the terror experienced by Sergeant Ramirez and his fellow soldiers, Christopher J. Stone and Steven M. Gonzales, when they were surrounded, and under heavy fire, taken as prisoners of war.

Just a few days later, the soldiers were shown on Serbian television, battered and bruised. It is a picture that every mother hopes she will never see. It is a picture that every American hoped was not true. But, it was true, and these three men paid a dear price of over a month in captivity. They did not know what fate would befall them and if they were ever going to see their families again.

During the past weeks, Kosovo has witnessed carnage and bloodshed unseen in Europe for almost fifty years. These events are the culmination of a decade-long campaign of terror and bloodshed in the Balkans—and it has created a refugee crisis unparalleled in recent years.

Sergeant Ramirez was in Yugoslavia because his country asked him to go. He was there to protect our promise that the civilized world will never again do nothing in the face of genocide, ethnic cleansing, mass rape and rampant violence to thousands of innocent people. If the most powerful alliance in the world fails to stop ethnic cleansing, it will send a green light to every tyrant and dictator with similar intentions that they can do the same, and that the world community will be unable or unwilling to muster the resolve to stop it.

None of these words would mean anything without individuals like Sergeant Anthony Ramirez. He is the truest of patriots—the bravest of the brave. Our country is forever indebted to him, and there are not words nor deeds that could every repay his dedicated service—or that of his family. He is a testament to the human spirit that keeps the light of peace and human freedoms alive.

Sergeant Ramirez, we thank you, we honor you, and we are so very, very glad that you are home.●

MONTANA RAIL LINK

● Mr. BURNS. Mr. President, today an award ceremony for one of the nation's best and brightest short line railroads, was held to honor Montana Rail Link's safety record. Montana Rail Link, commonly referred to as MRL, offers essential and competitive freight service to a large number of customers along Montana's Southern rail line from Billings to Sandpoint, Idaho.

MRL was honored today by being awarded the E.H. Hariman Memorial award. This award is specifically designated to recognize railroad safety improvement. Working on the railroad is not like having a desk job. It's not a job for the timid—it's a job where hard work and plenty of sweat are part of everyday tasks.

Each year, it is tragically inevitable that railroad employees are involved in accidents which can result in serious injury or even death. With the reception of this award, it is very apparent that MRL places a significant value on the safety of their employees. As a Montanan, I am relieved to see that a Montana railroad is the recipient of this award. Montana railroads have a long and colorful history in the establishment of our state. And I have friends that work on the railroad.

Montanans are very dependent on this rail transportation. We are dependent on this competitive alternative. As many are aware, I have introduced legislation that will help to assure the nation's shippers of competitive rail access. It is my intent to not only create free-market competition in the rail industry, I would also like to improve service of the nation's Class 1 railroads.

I've heard from many Montanans about the importance of rail car availability and affordability. The nation's rail system is dominated by four large behemoths of railroads. In Montana, those railroads are the target of much criticism based on their pricing and contractual practices.

It is the short lines that help to balance out the public's perception of railroads. In Montana, MRL has been hailed as a very reliable transportation alternative. MRL has also been hailed with this award today.

You've all heard me make a reference to Montana's vast distances—from corner to corner, the distance from Alzaka to Yaak, Montana is equivalent to the distance from Washington, D.C. to Chicago, Illinois. I'm sure my colleagues will agree with me, especially when you consider the variance in terrain we are faced with in our state. Pulling a train over multiple mountain passes in the dead of winter can be a daunting task.

In Montana, we value good, honest, quality service. MRL is very much an example of what is best about Montana.●

TRIBUTE TO RUSSELL BERRIE and DR. ROBERT A. SCOTT

● Mr. LAUTENBERG. Mr. President, I rise today to pay tribute to Russell Berrie and Dr. Robert A. Scott, two of New Jersey's leaders in business and education, on the occasion of their third annual "Making A Difference Awards" program.

Mr. President, Russ and Robert have made tremendous philanthropic and humanitarian contributions to my state of New Jersey. In 1997, they joined together through the Russell Berrie Foundation to create the "Making A Difference Awards," which honor unsung heroes of New Jersey for acts of unusual heroism, extraordinary community service or lifetime achievement.

Much like the award recipients, Russ Berrie has devoted a lifetime to helping others. Thirty-six years ago, he founded RUSS Berrie and Company, Incorporated, which develops and distributes more than 6,000 gift products to retailers worldwide. Its diverse range of products include stuffed animals, baby gifts, picture frames, candles, figurines, and home decor gifts. Russ' company, headquartered in Oakland, NJ, grosses annual sales of $270 million and has been listed on the New York Stock Exchange since 1984.

Recently, Fortune Magazine named Russ one of its "Forty Most Generous Americans," and Russ has been recognized by many organizations for his strong commitment to education, health care and interreligious affairs. Russ' Foundation promotes his values, passions, and ideas through investment in innovative ideas and by supporting individuals who make a meaningful difference in the lives of others.

Robert also has made a positive impact on the world around him. He currently is the president of Ramapo College, New Jersey's leading liberal arts school, serving over 5,000 undergraduate and graduate students from over 20 states and 50 nations. Thanks to Robert, the college has named its soon-to-open center for performing and visual arts after Russ and his wife, Angelica. What an honor!

Mr. President, I am pleased today to honor my good friends Russ and Robert for their work in honoring the unsung heroes of New Jersey. We are indebted to them for their service. I am happy to join them in honoring this year's three winners of the "Making A Difference Award"—Beverly Turner, of Irvington, who lives with muscular dystrophy, for devoting her time caring to children with special needs. James C. Joiner, founder of the Rescuing Inner Sity Kids (RISK), for dedicating his time, skill, and spirit to working with inner-city children to instill in them the desire to better themselves and the people around them. Finally, Frederick "Freddie" Hoffman, of River Edge, for dedicating the last ten years of his life to raising money for the Leukemia Foundation. I also would like to recognize the 14 finalists: Douglas A. Berrian, Mr. and Mrs. William Clutter, Sister June Favata, Kathleen Garcia, Adam and Blair Hornstine, Sylvia Jackson, Jeff Macaulay, Jim McCloskey, Eddie Mulrow, Thomas O'Leary, Barry Lee Petty, Michael Ricciardone, Richard J. Ward, and Dr. and Mrs. Robert Zufall.

Mr. President, I congratulate all of the honorees for unselfishly giving of themselves. They have proven to their family, to their friends, and to their communities that this honor is well-deserved.•

ADMIRAL BUD NANCE

• Ms. SNOWE. Mr. President, I rise today to pay tribute to Admiral Bud Nance, chief of staff of the Foreign Relations Committee, who passed away last week after many years of devoted service to the country he loved.

As a former member of the Foreign Relations Committee, and someone who had the privilege of knowing and working with Bud, I can honestly say I have not met a finer person. A man deeply devoted to the ideals for which this country stands, he conducted himself with honor and integrity in all that he did. And he had an uncommon humility and kindness that will be remembered by all those fortunate to have met him.

With 41 years in the Navy, service under both the Nixon and Reagan Administrations, and a direct role in SALT II talks, Bud had already achieved a lifetime of accomplishments even before he was urged by his longtime friend, Senator HELMS, to assume the role of chief of staff at the Foreign Relations Committee. As with everything else he did, Bud flourished in that position, bringing his invaluable years of experience and knowledge to the Senate. He was a sure and steady hand at the helm of the Committee, and his remarkable spirit has left an indelible mark on all of us.

Theodore Roosevelt once said that "the credit belongs to the man who is actually in the arena—whose face is marred by dust and sweat and blood . . . a leader who knows the great enthusiams, the great devotions and spends himself in a worthy cause . . ." Admiral Bud Nance was just such a man, and today our thoughts are with his wife, Mary, and Bud's entire family as they mourn the passing of their beloved husband, father, and grandfather. We are also thinking of Senator HELMS at this saddest of times, as he grieves for the loss of one of his oldest and dearest friends.

Again, I want express my profound sadness on the loss of this great American, who was a patriot in life and whose legacy will never be forgotten by a grateful nation.•

THE JEWISH COMMUNITY COUNCIL OF METROPOLITAN DETROIT

• Mr. LEVIN. Mr. President, I rise today to pay tribute to the Jewish Community Council of Metropolitan Detroit, which is celebrating its 60th anniversary on May 23, 1999.

The Jewish Community Council brings together more than 200 Jewish community organizations under one umbrella, enabling the community to act in a unified way on issues of shared interest and concern. The Council's activities include building partnerships between people of different faiths and ethnic backgrounds, working to strengthen Metropolitan Detroit's Jewish community, and providing information to state and federal legislators about important issues.

The people of Metropolitan Detroit have always been able to count on the Jewish Community Council for assistance. The Council administers an annual food drive conducted by a broad-based coalition of community organizations, provides volunteers to an interfaith effort to revitalize economically distressed areas of the City of Detroit, and has fought to restore food stamps for legal immigrants.

One of the Council's most impressive achievements is its continuing effort to build bridges between people of different backgrounds. Some of the programs sponsored by the Council include the Detroit/Israel Student Exchange and Seeds of Peace program. The Detroit/Israel Student Exchange sends Detroit Public School students to Israel, and the students subsequently host Israeli teens at their homes in Detroit. Seeds of Peace is an innovative program which works to achieve lasting peace in the Middle East by bringing together Arab and Israeli teenagers at a summer camp in Maine with daily conflict-resolution sessions led by professional American, Arab and Israeli facilitators. The Council also works with other ethnic communities to welcome new immigrants to Michigan and to provide swearing-in ceremonies for new American citizens.

As I travel across America and too often see people disconnected from each other, I am more and more certain that the strong sense of community in the Jewish community is a pillar of our strength and an essential path to our well-being. The Jewish community comes together to educate our young, house our seniors, take care of immigrants, and provide culture and recreation. I watched this sense of community with wonder when I was a boy and I see it with great pride as a man. This deeply felt sense of community—of being part of something larger than our individual selves— is a vital part of who we are.

The Jewish Community Council serves as the "public face" of this extraordinary community and I know my colleagues will join me in offering congratulations on its 60th anniversary, and in wishing the Council continued success in the future.•

TRIBUTE TO ANDY MARTEL OF MANCHESTER, NEW HAMPSHIRE

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Andy Martel for leading the fight to save Catholic Medical Center in Manchester. His efforts have been inspirational and steadfast.

Andy was highly active in the preservation of Catholic Medical Center. There were plans to eliminate this important landmark in Manchester. The Center was having a difficult time preserving itself. Andy took it upon himself to save this acute-care hospital. He has tirelessly sought quality health care for the people of New Hampshire.

His efforts included organizing concerned citizens, raising funds, and heightening awareness about the plans to close the hospital. He became overwhelmingly cheerful and dedicated to the battle. The largest reason for the hospital's preservation was Andy's efforts.

Andy has been a valued member of the Manchester community for many years. He has volunteered in many political campaigns, been active in his church, and served in public office himself. He served as a State Representative in Ward 9 of Manchester. He has been committed to grassroots style representation and has been an asset to the legislation of New Hampshire.

As a fellow Catholic, I thank him for his dedication to our church. As a citizen of New Hampshire, I thank him for his public service and volunteerism. As a Senator, I thank him for all he has done to make New Hampshire a better State.

Once again, I commend Andy for his work on the Catholic Medical Center and for all his efforts. I wish him the best of luck in the future. It is an honor to represent him in the United States Senate.•

TRIBUTE TO MEG GREENFIELD

• Mr. FEINGOLD. Mr President, Washington recently lost something altogether too precious —a sharp intellect that put policy above politics and sound reasoning above political posturing. When Meg Greenfield passed away last week, the Nation lost a thoughtful and honest voice that cut through the tangle of Washington rhetoric, telling us what mattered, what didn't, and what was sometimes downright ridiculous about politics in the nation's capitol.

From her position as a masterful editor of the Post's editorial and opinion pages to her role as an unfailingly insightful columnist for Newsweek, Meg Greenfield offered us her keen mind, her sharp wit, and her knack for giving readers the straight story.

That kind of talent is rare, and more than that it is essential in a world where facts too often exist only to bolster a partisan argument, and where truth is a question of spin. Meg Greenfield helped us see past the spin to the story, and for that we are deeply grateful. She will be sorely missed.•

HONORING THE WESTPORT VOLUNTEER EMERGENCY MEDICAL SERVICE ON ITS 20TH ANNIVERSARY

Mr. DODD. Mr. President, for twenty years, the Westport Volunteer Emergency Medical Service has been a lifeline for thousands of people in need of emergency medical assistance in the state of Connecticut. Since 1979, the WVEMS has provided the residents of Westport and the surrounding communities with caring and professional medical services, and it gives me great pleasure to congratulate them on their 20th anniversary.

A division of the Westport Police Department, the WVEMS was created to respond to the increasing number of calls for emergency assistance in the area. This group of 140 dedicated volunteers serve as EMT's, crew chiefs, and support personnel who, in the last year alone, contributed over 23,000 hours of patient care. Their expertise and experience have helped thousands of people by providing medical training, safety coverage at town and athletic events, and offering public courses in areas such as first aid, CPR, blood pressure clinics, and safe driving classes.

It is remarkable to note that while providing efficient, quality care to the residents of Westport, the WVEMS relies solely on private donations and fundraising to purchase its equipment, supplies, emergency vehicles, uniforms, and protective clothing. Volunteers have taken on this additional responsibility and the extra hours to ensure that their services remain available to anyone in need. They have made reliable emergency medical response a standard in many communities and have proven that emergency care is a vital component of the safety of our cities and towns.

The ongoing success of the Westport Volunteer Emergency Medical Service is most evident in the nearly two dozen new students that receive training by the group's own personnel each year. Working in conjunction with area hospitals and local physicians, the WVEMS and its volunteers have earned the highest marks in state examinations while also having members serving on state and regional EMS councils. Moreover, volunteers have found their work so fulfilling that many have gone on to further their medical training and education as a full-time career.

What truly sets the Westport Volunteer Emergency Medical Service apart is the level of commitment and concern its members have shown for people in need. In situations that can often be emotional, chaotic, and dangerous, these men and women put the welfare of others first in order to calm fears and provide lifesaving care. Members are on standby twenty-four hours a day and, in many cases, are the first ones on the scene of an accident. It is their quick thinking and skills that ultimately save lives.

The city of Westport and the state of Connecticut owe these selfless public servants many thanks for the lives that they save and the outstanding care that they provide. I hope that others across the country will take the time to acknowledge the tireless efforts of the men and women within their own communities who are available day and night to respond to their emergency medical needs.

Mr. President, at this time, I would like to recognize those members of the Westport Volunteer Emergency Medical Service who have volunteered countless hours for the past twenty years to provide outstanding emergency assistance and who continue to pass on their medical knowledge to future generations of caregivers: Edwin Audley, Elizabeth Audley, Patricia Audley, Sharon Barnett, Russell Blair, Susan DeWitt, Michael Feigin, Richard Frazier, Neil Harding, Thomas Keenan, Lynne Minsky, Kathleen Todd, Alan Yoder, Isabel Blair, Alan Stolz, Pasquale Salvo, William Carrick, Peter Ziehl, Jay Paretzky, Nancy Gale, Gerald Randy Monroe, Barbara Potter, and April Anne Yoder.•

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276d–276g, as amended, appoints the following Senators as members of the Senate Delegation to the Canada-U.S. Interparliamentary Group during the First Session of the 106 Congress, to be held in Quebec City, Canada, May 20–24, 1999:

The Senator from Iowa (Mr. GRASSLEY);

The Senator from Oklahoma (Mr. INHOFE);

The Senator from Ohio (Mr. DEWINE);

The Senator from Minnesota (Mr. GRAMS);

The Senator from Ohio (Mr. VOINOVICH); and

The Senator from Hawaii (Mr. AKAKA).

ORDERS FOR THURSDAY, MAY 20, 1999

Mr. NICKLES. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 9:30 a.m. on Thursday, May 20. I further ask that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day. I further ask that the Senate then immediately resume the juvenile justice bill under the previous consent order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. NICKLES. For the information of all Senators, the Senate will convene at 9:30 a.m. and immediately resume debate on the juvenile justice bill. Under the order, following 60 minutes of debate, the Senate will proceed to two consecutive votes. The first vote will be in relation to Senator SMITH's amendment on pawnshops, to be followed by a vote in relation to the Lautenberg amendment. Additional amendments are expected; therefore, votes will occur throughout the day and evening, with the expectation of completing the juvenile justice bill during Thursday's session. In addition, the Senate will consider the emergency supplemental appropriations conference report on Thursday; therefore, all Members can anticipate a vote with respect to that conference report on tomorrow as well.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. NICKLES. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

Thereupon, the Senate, at 10:13 p.m., adjourned until Thursday, May 20, 1999, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 19, 1999:

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 1552 AND 12203:

To be brigadier general

COL. EDWARD W. ROSENBAUM (RETIRED), 9285

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. JOHN A. BRADLEY, 1756
BRIG. GEN. GERALD P. FITZGERALD, 6393
BRIG. GEN. EDWARD J. MECHENBIER, 3853
BRIG. GEN. ALLAN R. POULIN, 0569
BRIG. GEN. LARRY L. TWITCHELL, 5191

To be brigadier general

COL. THOMAS L. CARTER, 8008
COL. RICHARD C. COLLINS, 4411
COL. JOHN M. FABRY, 7726
COL. HUGH H. FORSYTHE, 0697
COL. MICHAEL F. GJEDE, 8335
COL. LEON A. JOHNSON, 0924
COL. HOWARD A. MC MAHAN, 7167
COL. DOUGLAS S. METCALF, 5196
COL. BERNARD J. PIECZYNSKI, 7222
COL. JOSE M. PORTELA, 4065
COL. PETER K. SULLIVAN, 2189
COL. DAVID H. WEBB, 5623

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. ARCHIE J. BERBERIAN II, 4968
BRIG. GEN. VERNA D. FAIRCHILD, 1283
BRIG. GEN. DANIEL J. GIBSON, 9540

To be brigadier general

COL. GEORGE C. ALLEN II, 9440
COL. ROGER E. COMBS, 7932
COL. MICHAEL A. CUSHMAN, 5173
COL. THOMAS N. EDMONDS, 5967
COL. JARED P. KENNISH, 0100
COL. PAUL S. KIMMEL, 3394
COL. VIRGIL W. LLOYD, 1408
COL. ALEXANDER T. MAHON, 8661
COL. MARVIN S. MAYES, 9378
COL. DAVID E. MC CUTCHIN, 5397
COL. CALVIN L. MORELAND, 6473
COL. MARK R. MUSICK, 3561
COL. JOHN D. RICE, 5652
COL. ROBERT O. SEIFERT, 4036
COL. LAWRENCE A. SITTIG, 7605
COL. JAMES M. SKIFF, 1243

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DONALD L. KERRICK, 7369

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

TO BE LIEUTENANT GENERAL

MAJ. GEN. CHARLES S. MAHAN, JR., 5401

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. JAMES M. COLLINS, JR., 4663
BRIG. GEN. ROBERT W. SMITH III, 6242

To be brigadier general

COL. DENNIS J. LAICH, 2608
COL. ROBERT B. OSTENBERG, 8948
COL. RONALD D. SILVERMAN, 3658

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

ROBERT E. ARMBRUSTER, JR., 8136
RAYMOND D. BARRETT, JR., 1758
JOSEPH L. BERGANTZ, 5893
WILLIAM L. BOND, 4943
COLBY M. BROADWATER III, 6269
RICHARD A. CODY, 6483
JOHN M. CURRAN, 6656
DELL L. DAILEY, 3747
JOHN J. DEYERMOND, 7510
LARRY J. DODGEN, 5373
JAMES M. DUBIK, 1344
JAMES J. GRAZIOPLENE, 3304
RICHARD A. HACK, 9451
RUSSEL L. HONORE, 9939
RODERICK J. ISLER, 5635
TERRY E. JUSKOWIAK, 1217
GEOFFREY C. LAMBERT, 6457
JAMES J. LOVELACE, JR., 0304
WADE H. MC MANUS, JR., 0485
WILLIAM H. RUSS, 1327
WALTER L. SHARP, 4862
TONEY STRICKLIN, 3905
JOHN R. VINES, 5345
ROBERT W. WAGNER, 3914
CRAIG B. WHELDEN, 2831
R. STEVEN WHITCOMB, 7058
ROBERT WILSON, 1235
JOSEPH L. YAKOVAC, JR., 1273

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS (MC), MEDICAL SERVICE CORPS (MS), AND NURSE CORPS (AN) AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 531, 624, 628, AND 3064:

To be lieutenant colonel

MICHAEL R. COLLYER, 1850 MS
*WAYNE T. FRANK, 5839 MC
*SONJA M. THOMPSON, 7227 MC

To be major

EVELYN M. DINGLE, 7320 MS
KEITH D. KIZZIE, 4057 MS
DAVID P. O'DONNELL, 7740 MC
RENEE M. PONCE, 2712 AN

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. CARLTON W. FULFORD, JR., 5783

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

VICE ADM. VERNON E. CLARK, 8489

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

THEODORE H. BROWN, 6093

EXTENSIONS OF REMARKS

THE COURTS THWART THE EPA'S POWER GRAB

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Mr. OXLEY. Mr. Speaker, many of us voiced serious concern when the U.S. Environmental Protection Agency approved strict new NAAQs standards affecting ozone and particulate matter levels. We warned that EPA was not basing the standards on good science, and indeed questioned whether the agency was running amok. This issue was of particular importance in my home state of Ohio, which faced billions of dollars in compliance costs with little prospect of any real benefit to human health and the environment. In a vindication, these rules have now been overturned by an appeals court. I commend the following Wall Street Journal article to the attention of my colleagues.

THE COURTS THWART THE EPA'S POWER GRAB

(By C. Boyden Gray and Alan Charles Raul)

Last week a three-judge panel of the U.S. Court of Appeals for the District of Columbia threw out the Environmental Protection Agency's sweeping ozone and particulate-matter rules. Citing a doctrine known as "nondelegation," the judges held that the EPA was exercising too much power, effectively making rather than enforcing the law. The decision could have far-reaching implications for all government rulemaking, but it should not have come as a shock. The EPA's usurpation of legislative power has provoked significant controversy in recent years, and the only surprise is how long it took for the courts to bring it under control.

Contrary to much prevailing opinion among both journalists and lawyers, the nondelegation doctrine is not some arcane, obscure and benighted legal relic of the pre-New Deal era. The doctrine has been alive and well, serving primarily as a canon of judicial construction to save otherwise overly broad statutory grants or agency claims of legislative authority from being held unconstitutional.

The most important regulatory example of the doctrine's use was in the Supreme Court's 1980 decision Industrial Union Department v. American Petroleum Institute, which involved the Occupational Safety and Health Administration's regulation of benzene. The court was faced with a claim that OSHA has untrammeled discretion to choose any regulatory policy in the spectrum between not regulating at all and imposing rules so stringent that they take an industry to the brink of economic ruin. The justices used the nondelegation doctrine essentially to rewrite the statute, limiting OSHA to regulation of "significant" risks. A decade later, the D.C. Circuit, in the so-called "lock-out, tag-out" decisions written by Judge Stephen Williams (who wrote last week's EPA decision as well), invoked the doctrine and the benzene decision to place additional limits on OSHA.

An accident of timing allowed the EPA to escape these constraints for nearly two decades and retain its license to choose between doing nothing at all and shutting down an industry. The governing case (Lead Industries Association v. EPA) gave the EPA this broad power because it was issued by the D.C. Circuit five days before the Supreme Court's benzene decision, and thus was unaffected by the latter ruling. But it was only a matter of time before the EPA's power would collide with the Supreme Court's limitations.

For those subject to the EPA's unchecked authority, the day of reckoning came none too soon. EPA issued these rules in July 1997 despite:

Its science advisory board's admonition that the new ozone rule did not deal with any new significant risk not already addressed by the rule it replaced.

The board's inability to identify any proper level of fine particulate matter to regulate.

Universal recognition that extensive research was necessary to develop any implementing regulations for particulate matter.

Unrebutted evidence that the ozone rule could cause more public health harm than good.

Unconstrained by any coherent principle, the rules were the ultimate example of legislative horse trading. The EPA declared that in order to defuse some political opposition, it was going to exempt or favor its political allies, such as farmers, certain small business, and that section of the country (the Northeast) that provided political support for the rules. "The new rules do not reflect the inescapable result of the available science, but simply the judgment of a political appointee," said Rep. John Dingell (D., Mich.), one of the principal architects of the Clean Air Act.

The D.C. Circuit's decision to overturn these rules is not inherently antienvironmental. It leaves the EPA with considerable power to decide how much environmental protection the country needs. The court simply said the EPA is not omnipotent. Its power must be limited by "intelligible principles" that Congress incorporated into the Clean Air Act. The representatives who face the voters' music must call the agency's tune.

This decision does nothing to impair the EPA's implementation of Congress's explicit directives in the 1990 amendments to the Clean Air Act, such as its recent auto and gasoline rules. The real question is whether future policy will be set by Congress or the unelected managers of the EPA. At present, EPA has presented no reason for going beyond the provisions of the 1990 Clean Air Act Amendments, which the agency has not yet fully implemented. EPA's backdoor efforts to regulate green-house gases will also come in for closer constitutional scrutiny. Without express congressional authorization to address "global warming," the agency should not be deciding for itself how to do so.

The dissenting opinion in the D.C. Circuit decision closed with the observation that if the states had difficulty implementing the new EPA standards, they could go back to Congress and ask for repeal. But this formulation turns the Constitution on its head. It's not Congress's job to review EPA initiatives, but rather the EPA's job to carry out congressional initiatives. And it's the courts' role to keep the other players honest.

CONGRATULATING THE MEN'S VOLLEYBALL TEAM OF BYU

HON. CHRIS CANNON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Mr. CANNON. Mr. Speaker, on May 8, 1999 in Los Angeles, Brigham Young University won its first-ever NCAA men's volleyball title in their first-ever NCAA Tournament appearance. They finished the season with a record of 30–1, suffering their only loss to Long Beach State whom they beat in the finals. Joining Penn State, BYU became the second non-California team to win the Championship.

BYU men's volleyball program began NCAA competition in 1990, headed by current coach Carl McGown. Initially struggling through some difficult seasons, they quickly rose to ardently compete with traditionally strong California teams. They deftly handled big name schools like UCLA, USC, Pepperdine, and UCSB.

I congratulate the fine athletes, coaches, and trainers who comprise the BYU men's volleyball program. Their dedication, endurance, and commitment are examples to all who seek lofty, worthwhile goals.

CONGRATULATIONS TO THE MUSIC DEPARTMENT OF OTTAWA TOWNSHIP HIGH SCHOOL

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Mr. WELLER. Mr. Speaker, I rise today to offer congratulations to the Music Department of Ottawa Township High School of Ottawa, IL, for the remarkable achievement of winning the Illinois State Championship in Music competition for the third consecutive year.

For nearly the past two decades, the Ottawa Township High School Music Department has dominated the Illinois High School Association music competition by finishing in the top three places fourteen times and never lower than ninth place. On only four occasions in the history of the music competition have schools compiled more than 1,000 points. Two of these four 1,000-plus point finishes belong to Ottawa Township High School. The Ottawa Township High School Music Department also holds the State record for most points earned in the Illinois High School Association Solo and Ensemble contest.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Clearly, Ottawa Township High School offers its students and community many outstanding music education opportunities. Currently, 270 students take advantage of these opportunities by participating in Concert Choir, Treble Choir, Freshman Girls Choir, Symphonic Band, Jazz Choir, and Jazz Band.

Special congratulations must be offered to Mr. Roger Amm, Vocal Music Director, and to Ms. Sarah Reckmeyer, Director of Bands. Their hard work, commitment, and leadership have undoubtedly played a major role in building the statewide dominance of Ottawa Township High School's Music Department.

In closing, Mr. Speaker, I am proud and pleased to be able to offer to my colleagues in the U.S. House of Representatives the example of Ottawa Township High School as an educational institution where excellence in the fine arts is strongly encouraged. From its outstanding music program to its incredible, multi-million-dollar collection of artwork on display throughout the school building to its vibrant 25 year old annual music festival, Ottawa Township High School provides its fortunate students with an all too rare appreciation of the fine arts.

REEMPLOYMENT RIGHTS OF OUR SELECTED RESERVISTS

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Mr. EVANS. Mr. Speaker, the activation and deployment of uniformed service members to the Balkans area has generated numerous inquiries about the reemployment rights of members of the National Guard and Reserves who are required to leave a position of employment to answer a call to duty.

I hope the following explanation will provide all of my colleagues some basic information on the law that provides these rights and guidance on what a constituent who might contact you concerning this issue can do to receive more information and assistance.

The job entitlements of our citizen-soldiers are provided by the Uniformed Services Employment and Reemployment Rights Act (USERRA) of 1994, at 38 U.S. Code, Section 4310–4333. The Veterans' Employment and Training Service (VETS) of the Department of Labor administers and enforces USERRA.

USERRA provides that a person be promptly reemployed following completion of qualifying military service. The position to which the person is entitled is essentially the position he or she would have attained had the military absence not occurred. To be eligible for reemployment rights, the person must generally give the employer prior notice of the military duty and the employee must have received a discharge from the military that is not punitive in nature. For example, an honorable discharge would qualify, but not a dishonorable or bad conduct discharge. There is a cumulative 5-year limit of military service after which an employer is not obliged to reemploy a returning service member. There are important exceptions to the 5-year limit, including voluntary duty in support of an emergency situation or war, involuntary callups for operational missions or contingencies, and required training of National Guard and Reserve members.

Mr. Speaker, the Department of Labor's Veterans Employment and Training Service (VETS) maintains a website on the Internet that contains USERRA information designed to help protected persons and employers understand the law. The "USERRA Advisor" can be found on the VETS home page at *www.dol.gov/dol/vets*. VETS also has offices in each of the States that can provide information and assistance for your constituents as well as your District office staff members. VETS offices are listed in the Blue Pages of local telephone directories under the U.S. Department of Labor.

CONGRATULATING THE ANNAPOLIS (MD) CAPITAL FOR BEING NAMED "NEWSPAPER OF THE YEAR"

HON. WAYNE T. GILCHREST

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Mr. GILCHREST. Mr. Speaker, I rise today to recognize one of Maryland's finest newspapers, the Annapolis Capital. The Capital was recently named "Newspaper of the Year" by the Maryland-Delaware-D.C. Press Association. This prestigious award goes to the newspaper which has received the most awards for any newspaper in its category, and this year, Mr. Speaker, the Capital was honored with 22 separate awards for outstanding work.

Under the leadership of their executive editor, Edward D. Casey, the staff at the Capital collected 21 awards for photos, articles, page designs, and graphics published in 1998. These awards are given by their peers, Mr. Speaker, and the message this year was loud and clear: The Capital consistently delivers a quality product with outstanding coverage of its community.

Among the award winners was Eric Smith, the Capital's own talented editorial cartoonist. He won first place for an editorial cartoon which I am happy to report, Mr. Speaker, was not about me. Mr. Smith spent a day with me in Washington several years ago to find out what members of Congress do on a daily basis, and I'm happy to report, has not given up his day job yet. Mr. Smith also won second place for a column he wrote.

David Brown won first place for spot news for a story he wrote on a Navy flier from Annapolis who was killed on an aircraft carrier. Nicole Gaudiano won second place for spot news for a story on a shooting death. Christopher Munsey captured second place for general news for his story on a body police could not identify.

The staff as a whole won second place for continuing coverage on the Whitbread Race, the prestigious yacht race which came to Annapolis last year. Staff members that shared that award included: Bill Wagner, Jeff Nelson, Scott Haring, Christopher Munsey, Denise Murray, Kristin Hussey, Gerry Jackson, David Trozza, George N. Lundskow, Bob Gilbert, Mark M. Odell, and Christopher B. Corder.

Reporter Jeff Nelson won first place for investigative reporting for his story on bonuses given to county employees. Sara Marsh won second place in this category for her probe of the legal problems of an election candidate.

Mary Allen won first place in state government reporting for her story on the law that allowed the marriage of a 13-year-old girl. Theresa Winslow won second place in the public service category for her consumer story on the cost of funerals.

In the photography category, the Capital has consistently delivered its readers some of the most beautiful photographs capturing incredible joy sorrow and every moment in between. Bob Gilbert won second place for a photo series of a heart transplant operation. David Trozzo won first place for general news photo with a photo depicting a tribute to a shooting victim. Christopher B. Corder won first place for sports photo with a photo of a baseball play.

John McNamara won second place for a sports column, and Mary Grace Gallagher won first place for a medical/science story on a heart transplant. She also captured second place for business/economic news for a story on choosing new employees.

The staff won first place for Page One design for a Sunday Capital layout of a heart transplant patient. That award was shared by Scott and Loretta Haring, Denise Murray, Bob Gilbert, and Mary Grace Gallagher. Scott Haring also won first place for feature/news page design for his layout of the Naval Academy graduation.

Andra Baumgardt won second place for feature/news page design for her layout of an Entertainment cover featuring the Annapolis Symphony Orchestra. And Denise Murray won second place for information graphics/general for her graphic on Inner West Street.

And finally, Mr. Speaker, The Capital was awarded the first-ever "Freedom of Information Award" by the Maryland-Delaware-D.C. Press Association. This award was given to the newspaper for its diligence and persistence in seeking the truth. The Capital, with the leadership of Managing Editor Tom Marquardt, has a long history of holding public officials accountable to the voters they represent, and it's a tradition I respect. Newspapers have an obligation to inform the public of the activities of their public officials, and I'm glad the Capital takes its obligation seriously.

Mr. Speaker, I am proud to represent the great city of Annapolis in Congress, and I am equally proud that my Congressional District is served so well by an outstanding newspaper that has received overdue recognition from its peers. I ask my colleagues to join me in congratulating The Annapolis Capital on being named the 1998 Newspaper of the Year by the Maryland-Delaware-D.C. Press Association.

THE 1999 POLICE UNITY TOUR, COUNTY OF MORRIS, NEW JERSEY TO WASHINGTON, DC

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to commend the participants of the 1999 Policy Unity Tour on the successful completion of their tour and for their donation of close to $54,000 to the National Law Enforcement Officers Memorial this year.

On Saturday, May 8th I had the pleasure of participating in the ceremonies to send off the 55 participants as they began the long bicycle journey from Madison, New Jersey to the National Law Enforcement Officers Memorial in Washington, DC in an effort to raise funds for the memorial. The memorial was established by an Act of Congress in October, 1984.

The Police Unity Tour was the brainchild of two Madison and Florham Park police officers who organized the first bike tour three years ago: Frank Wulff and Patrick Montuore. Mr. Speaker, I would like to list each of the participants for the official record.

Frank Wulff
Ed Lincoln
Jane Recktenwald
Paul Kosakowski
Steve Carpenter
Charlie Bryant
Jerry Mantone
Constantine Sedares
Bill Yirce
Steve Ambrose
Steve Donnelly
Lenny Gigantino
Paul Boegershausen
Paul Kay
Rick Staeger
John Carter
Hernandez Thomas
Tom Barbella
Tommy Downs
Karen Sullivan
Emma Swearingen
Paul Fortunanto
Bob Cimino
Lee Scarano
Pete Egan
Pete Nienstdat
Michael Francis
Dave Barber
Pat Montuore
Brian Rabbitt
Carmine DeCaro
Lenny George
Mark Meehan
Dave Tyms
Rich Schultz
Mark Stallone
Phil Crosson
Paul Bogert
Bill Pollock
Fred Freem
John Sria
Bob Barr
Harry Phillips
Ed Mitchko
Debbie Baker
Brian Markt
Lou DeMeo
Marc Hecht
Jimmy Waldron
Scott Smarsh
Robert Fortunato
Bobby Montuore

Two support drivers, Patti Wulff and Jennifer Montuore assisted these riders.

I was present at the Law Enforcement Officers Memorial on Tuesday, May 11, when the participants reached their destination and were greeted by friends and family. Participants hailed from police forces in Madison, Chatham, Millburn, Livingston, Fair Lawn, West Orange, Union, Woodbridge, Maplewood, Denville, Margate, Florham Park, Morristown, Berkeley Heights, Franklin Township, Newark, Caldwell, NJIT, the NJ State Police, and the Essex County Prosecutors Office.

Mr. Speaker, over the last three years, the Police Unity Tour has raised over $122,000 for the memorial, making it the top sponsor in the Nation. The effort of these men and women who rode their bikes from New Jersey to Washington, DC to raise money for the National Law Enforcement Officers Memorial pays tribute to those who put their lives on the line everyday—and those who have paid with their lives—so that our streets are safer, and our families more secure. I ask my colleagues to join me in congratulating them on their dedication and in wishing them success for many years to come.

A WORRIED GRANDFATHER

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Mr. UPTON. Mr. Speaker, I recently had the pleasure of introducing one of my constituents, Dr. Fred Mathews, at a hearing of the Subcommittee on Labor, Health and Human Services, and Education Appropriations. Dr. Mathews had been invited to speak on behalf of the Neurofibromatosis Foundation in support of increased funding for this often devastating disease.

It is a privilege to know Dr. Mathews and count him as a friend. In addition to his 47 years of practicing optometry in Dowagiac, MI, he has devoted his talents and energy to improving the quality of life in his community and expanding education opportunities and excellence in our state. When he learned that his lovely young granddaughter, Allison, was afflicted with neruofibromatosis, he took on the most important fight of his life—the fight for a cure for this disease for Allison and for the at least 100,000 others who have this neurological disorder. His testimony before the subcommittee was eloquent, and I would like today to submit it to the CONGRESSIONAL RECORD so that others may see the urgency of the need to find a cure. Dr. Mathews' testimony follows:

A WORRIED GRANDFATHER

Thank you Congressman Upton and thank you Mr. Chairman and members of the Committee for allowing me to testify. I am Fred Mathews, a constituent of Congressman Upton from Southwestern Michigan.

I am here today because my beautiful granddaughter Allison has Neurofibromatosis, a not so rare and devastating genetic disorder. In 1994 Allison was four years old when I first asked her parents about some spots on her skin. I had assumed these were simple birthmarks. This was the first time her parents shared with me that she had Neurofibromatosis, or abbreviated called NF. Up until then we had been shielded from the terrible truth.

I am an optometrist in a small town in southwest Michigan. I have practiced there for 47 years. Even though I am not a medical doctor I have better than a layman's knowledge of general medical problems. However, I had never heard of NF.

Immediately I began to research NF. I called research centers. I called the National Institutes of Health. I linked up with the National Neurofibromatosis Foundation. My testimony today has the blessing of that fine organization.

There is no way to describe the despair and hopelessness that families experience when faced with the fact that a child or grandchild has an incurable disease. My research left my wife and me panic-stricken. Here is a short version of what my research revealed.

NF is the most common neurological disorder caused by a single gene. At least 100,000 Americans have NF. This makes NF more prevalent than Cystic Fibrosis, hereditary muscular dystrophy, Huntington's Disease and Tay Sachs combined.

NF causes tumors to grow anywhere on or in the body. NF can lead to disfigurement, blindness, deafness, skeletal abnormalities, dermal, brain and spinal tumors, loss of limbs, malignancies and learning disabilities. The terrible disfigurement is why NF has erroneously been confused with the so called "elephant man" disease.

NF affects both genders, all races and ethnic groups equally. NF research in 1994 (when I first learned of my granddaughter's problem) had begun about 9 years earlier by the National NF Foundation. The gene causing NF had just been discovered.

My personal research did reveal some good news for my family and me. My granddaughter has the NF1 gene rather than the NF2 gene. With the NF2 gene the tumors and other bizarre disorders can start soon after birth. NF1 however, which my granddaughter has, sometimes does not manifest serious problems until puberty or beyond.

I also learned from Peter Bellermann, President of the National NF Foundation, and the world's greatest crusader to find a cure for NF, that researchers were hopeful of finding a cure in 10–15 years. Simple mathematics told me that this might be too late for my granddaughter and thousands of kids like her who were living with this time bomb.

I also learned that researchers believed that the projected time for a cure could possibly be cut in half if more research dollars were available.

I am grateful that this Committee and the Congress did respond to our plea and did appropriate significant new funds for NF research. In 1995 Chairman Porter also added language to the Appropriations Bill which expressed to NIH the commitment of this Committee for accelerated NF research.

Because of this Committee, the Congress, the NIH, the National NF Foundation and many dedicated researchers, our Allison who is now 9 years old, has a chance to avoid the ravages of NF. We are thankful and hopeful but still very apprehensive. The time clock is still running rapidly. Research has been extremely successful but has a long way to go to find a cure.

The National NF Foundation and I urge that the language which has been in the Appropriations Bill for the past four years, expressing this Committee's commitment to NF research, be in the FY 2000 bill.

I am grateful for the courtesy members of this committee and other members of congress and their staffs have shown Peter Bellermann and me these past few years. Some of you have my granddaughter's picture in your office.

In my opinion, no expenditure by the Federal Government is more rewarding, more needed, and more appropriate than research for dread diseases including NF. As a grandfather of a little girl with one of these dread diseases, I feel anxiety, frustration but also hope knowing that the timetable for a cure of NF and other diseases is almost solely dependent on the willingness of the Congress to recognize medical research as its #1 priority. That is why Mr. Chairman we strongly support a significant increase in funding for the National Institutes of Health medical research. With the NIH as the quarterback, the greatest hope we have for finding a cure for NF and all other dread diseases, lies with this Committee and the NIH.

Since my allotted time is up Mr. Chairman, I respectfully request permission to extend my remarks in the written testimony I will leave with the Committee.

Mr. Chairman and Members of the Committee, on behalf of the National Neurofibromatosis Foundation, as well as the thousands of children and adults with NF, I thank you and my Allison thanks you.

EXTENDED TESTIMONY OF DR. FRED L. MATHEWS

APRIL 29, 1999

I am pleased and proud that NF research has been pointed out to be a model for "Managing Science." It represents an effective partnership between public agencies, most notably the U.S. Congress and the National Institutes of Health, private organizations and the National Neurofibromatosis Foundation and scientists and clinical researchers in the field who have achieved their progress by consensus and by collaborating to a remarkable degree. To use the vernacular, NF research has given a "good bang for the buck" to all who have invested in it.

NF research has significant potential for other very large patient populations. Since the NF genes have been implicated in the signaling process that determines cell growth and cell differentiation, NF research also has great promise for the tens of millions of Americans with malignancies.

NF also causes learning disabilities at about five to six times the frequency found in the general population. Work in that aspect of NF research therefore has considerable potential for the estimated 30 million Americans who are learning disabled.

Given the wide variety of symptoms of NF, I understand that you Mr. Chairman and the Committee have urged those involved in NF research to foster collaborative efforts between and among the various initiatives at the NIH under whose purview these manifestations fall. Peter Bellermann, President of the National NF Foundation has informed me that these efforts are taking place and that "Cross-Institute" activities are a reality.

NF has the attention at the highest level of the NIH beginning with the Director Dr. Varmus. It extends to the Institute heads, especially Dr. Gerald Fischbach at NINDS and to Dr. Richard Klausner at the National Cancer Institute. These progressive officers work at continuing the cross-institute efforts, participate in scientific meetings of NF, and advise other funding agencies to avoid duplication of funding.

NF has been a success story for research for all who have invested in it. True success will, however, come only when a cure is found and real people like my granddaughter can look forward to happy lives, free of NF's terrible consequences. We now have to go the next hard miles. Researchers now stand ready to translate basic scientific knowledge into clinical application. The next agenda includes continued work in basic research, starting comprehensive natural history studies for NF and beginning the all important process of clinical trials with innovative approaches. We all pray that this will lead to an effective treatment for NF.

In closing, I would be remiss if I did not thank my Congressman Fred Upton and his staff person Jane Williams for their very special help and support. We are also very appreciative of the longtime support Congressman Murtha has given NF funding. And a special thanks to you, Chairman Porter, who in 1995 took time from your busy schedule to meet personally with Peter Bellermann and me so that we could tell you of the urgent need for accelerated NF funding. Your ongoing support since then has been tremendously helpful. To the members of this Committee who have supported us in this critical effort, we also offer another thank you.

COMMENDING BRIGHAM YOUNG UNIVERSITY

HON. CHRIS CANNON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Mr. CANNON. Mr. Speaker, I rise to commend the efforts of Brigham Young University in Provo, Utah, in their unending journey to better relations around the world, Brigham Young University in Provo, UT sends various groups from their Performing Arts department throughout the world to better the University's ties, which in turn improves U.S. foreign relations.

On May 18th, BYU's Young Ambassadors, Ballroom Dance team, and Folk Dance Ensemble returned from a tour of the South Pacific commemorating the 20th anniversary of their first visit to China.

Throughout the past twenty years, BYU has established a name for itself in China and is currently very well regarded by its people. I am very proud to represent the students and faculty members of BYU. They are a model to us all as we work to create a global society of culture, heritage and peace.

INTRODUCTION OF THE PUBLIC APPEALS PARITY ACT

HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Mr. HANSEN. Mr. Speaker, I am very pleased to introduce the Public Appeals Parity Act of 1999. This Act is needed so that the general public, who have legitimate interests in federal land management decisions, has an avenue to appeal certain decisions made by the National Park Service and the United States Fish and Wildlife Service. Currently, no such appeals system exists within these two federal agencies and the public's only recourse for relief is through the court system.

The idea of an internal agency appeal system is not new. Right now, two other primary federal land management agencies, the United States Forest Service and the Bureau of Land Management have an administrative process whereby the public can appeal certain decisions in regard to land management decisions made by these agencies. This Act would initiate a similar administrative appeal process for the public in regard to decisions made by the National Park Service and the Untied States Fish and Wildlife Service. The Secretary of the Interior would be directed to establish procedures for an appeals process for the Park Service and the Fish and Wildlife Service which will afford the public, prior to the implementation of the project, activity, or plan, an opportunity to appeal decisions made by these agencies in regard to land and resource management decisions which occur in accordance with the National Environmental Policy Act.

The regulations developed by the Secretary of the Interior per this Act would mirror those already established for the U.S. Forest Service and would include such things as the type of decisions that may be appealed, who may appeal decisions, the procedures that apply to appealing the decision, and other important steps which the public could follow.

This Act is fair, is not precedent setting, and levels the playing field so that the public has an avenue to appeal decisions made by federal agencies rather than to take them to court. I urge my colleagues to cosponsor and support the Public Appeals Parity Act of 1999.

BRETT SHARPE NAMED ALL-AMERICAN SCHOLAR AND UNITED STATES NATIONAL AWARD IN LEADERSHIP AND SERVICE

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Mr. SCHAFFER. Mr. Speaker, today I rise to commend an outstanding Colorado high school student and leader. This Spring, Brett Sharpe of Haxtun High School in Haxtun, Colorado, was named an All-American Scholar and a United States National Award in Leadership and Service.

The United States Achievement Academy presents the All-American Scholar Award to those students demonstrating exceptional academic discipline. Scholars must receive a grade-point average of 3.3 or higher and be selected by a school instructor or counselor.

The National Award in Leadership and Service is presented only to a select group of students nationwide. Recipients must demonstrate outstanding scholastics, leadership and student service throughout their high school years.

Mr. Speaker, it is my privilege to congratulate Brett Sharpe for his truly remarkable scholastic, service, and leadership abilities. With confidence, I look forward to his future contributions in America.

A TRIBUTE TO MEMBERS OF THE GREENPORT FIRE DEPARTMENT FOR 50 YEARS OF SERVICE

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Mr. FORBES. Mr. Speaker, I rise today in this hallowed chamber to pay tribute to three members of the Star Hose Co. #3 of the Greenport Fire Department and to join the volunteer firefighters, emergency medical personnel and grateful people of this Long Island community as they celebrate these brave men for their 50 years of volunteer service.

I would like to tell my colleagues about Greenport, a special place where neighbors look out for neighbors and every resident possesses a special pride in their hometown. In a service that exemplifies selfless heroism, the men and women of the Greenport Fire Department perform above and beyond the call of duty each and every day. Compensated only by the satisfaction that their efforts save lives and protect property, these volunteers have answered every alarm for over 50 years. I am proud and honored to count these brave firefighters among my friends and neighbors.

Moreover, I am proud to join with the Greenport Fire Department in honoring these members for their faithful service. These men have answered the siren's call whenever a fire or other peril threatened a member of the Greenport community. Henry Clarke, Jr. has served for 58 years as 2nd Lt., 1st Lt. and Captain from April 1952 to March 1952. Nelson Beebe has served for 52 years as 2nd Lt., 1st Lt. and Captain from April 1978 to March 1980. Jake Sherwood has served for 50 years as 2nd Lt., 1st Lt. and Captain from April 1958 to March 1960. Time and again these brave men joined their comrades as they hastened to the scene, placing themselves in harm's way to aid another human being in danger, regardless of whether it be a friend, neighbor or stranger.

Demonstrating that true heroes are created over a lifetime of selfless acts and service to their God, family and country, these brave men of the Greenport Fire Department are perfect role models for every volunteer firefighter who will come after them. They truly reflect the outstanding work of the Greenport Fire Department and its commitment to training and service that keep their neighbors, friends and even their own children safe and secure. That is why, Mr. Speaker, I ask my colleagues in the House of Representatives to join me in saluting the courageous, devoted volunteers of the Greenport Fire Department. May God keep them safe as they have worked to keep safe the Greenport community.

TRIBUTE TO RETIRING MICHIGAN STATE TROOPER CHARLIE GROSS

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Mr. STUPAK. Mr. Speaker, I like to pay special tribute today to Detective Sergeant Charlie Gross, who is retiring after a career of law enforcement with the Michigan State Police.

As you may know, Mr. Speaker, I served as a law enforcement officer. In point of fact, I served with Charlie in a variety of posts, while our careers seem to follow a parallel track.

In one sense, my own law enforcement career ended when I was injured in the line of duty and retired in 1984. In a deeper sense, I however, the friendships that form among law enforcement officers are bonds that survive changes in careers and changes in address. In that regard, when I founded the Law Enforcement Caucus in my freshman year in Congress, I was not only giving my many comrades in law enforcement a voice in Washington, but I was also giving myself a professional reason to maintain these strong ties to many good friends and providing myself with an opportunity to forge new friendships with dedicated people in law enforcement.

Now, one of these old friends is retiring after a 27 year career. The unit D/Sgt. Gross will actually leave is a Michigan State Police tactical drug unit, the Upper Peninsula Substance Enforcement Team, known as UPSET.

Charlie was one of the first troopers I met on the road in 1974, and we seemed to stay on the same career road. When I was transferred to Lansing, Charlie was in Lansing. When I went back to the Upper Peninsula, Charlie went to the Upper Peninsula. As he gained knowledge and experience, Charlie demonstrated a wide array of skills, including sharing his knowledge with other troopers by teaching traffic safety, the proper use of the Breathalyzer, and other investigative subjects.

Last week here in Washington we spotlighted U.S. law enforcement in a number of ways. We paid special tribute to fallen officers, and we celebrated funding 100,000 new police officers under the Community Policing program.

This Saturday, the co-workers of Charlie Gross will celebrate one man's career in law enforcement. I ask you and my House colleagues to join me in wishing the best in retirement for this dedicated public servant.

THE KOSOVO EMERGENCY SUPPLEMENTAL APPROPRIATION

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Ms. HOOLEY of Oregon. Mr. Speaker, I rise today to address last night's vote on the so-called "emergency" supplemental appropriations bill, H.R. 1141.

As a member of the budget committee, and concerned member of this body, I am appalled not only at the amount of pork crammed into the bill, but especially by the anti-environmental riders placed on the bill.

One of these riders is specifically targeted at helping the mining industry and will delay strengthening of regulations that would safeguard against mining companies walking away from the cleanup costs associated with mining.

Yet another special interest rider prevents the Minerals Management Service from issuing rules on the value of crude oil.

This will allow major oil companies to underpay royalties from drilling on public lands—estimated to cost taxpayers between $66 to $100 million per year.

Yet another rider would weaken the already egregious 1872 mining law, allowing a previously denied waiver for the development of the "Crown Jewel" mine in my neighboring state of Washington.

For these reasons, I encourage the President to veto this environmentally destructive bill, sending a message to this body and the American people that our precious natural resources will not take a back seat to pork and special interests groups.

IN RECOGNITION OF JOSEPH R. QUINN

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Mr. ACKERMAN. Mr. Speaker, on May 20, 1999, family and friends will gather to honor and pay tribute to Joseph R. Quinn, who served as the Chairman of the Smithtown Democratic Committee for 22 years, until his retirement last September.

Joe Quinn, known for his wit, incredible memory for names, love of Irish music, his wonderful family and loyalty to friends, has distinguished himself throughout his private and political life.

In 1959, the then-younger, dark-haired, father of five, Joseph R. Quinn, joined the Suffolk County Democratic Committee and began his sojourn into local politics. At the same time, this Iona College graduate began his career as a teacher in the Middle Country School District, where he went on to become the principal of the unique school without walls, New Lane Elementary School. Joe retired from the Middle Country School District in 1988 after 28 years of outstanding career in education.

Joe Quinn's dedication and loyalty to the Democratic Party is unsurpassed. Joe often boasts of the 22 officials that were elected under his leadership, "one for every year as leader." He should take pride in that accomplishment, as those victories symbolized his commitment to the ideals of the Democratic Party and of our Nation.

Mr. Speaker, on May 20, the Suffolk County Democratic Committee will honor and pay tribute to Joseph Quinn at a gala dinner. I call on all my colleagues in the House of Representatives to join me now as we recognize and acclaim Joseph R. Quinn for his outstanding leadership and commitment to the Smithtown Democratic Committee, and to the people of Smithtown, of Suffolk County, and of New York State.

INTRODUCTION OF THE DEPARTMENT OF DEFENSE HOUSE RESOLUTION

HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Mr. HANSEN. Mr. Speaker, I am happy to introduce this House resolution which will effectively help our National Park System and all those who visit and enjoy these parks. Over the past few years the National Park Service has repeatedly reported a backlog of projects necessary to maintain structures, roads, and infrastructure in many of our national parks. In fact, the National Park Service has asserted that the cost of these projects will be about 6 billion dollars. This resolution would urge the National Park Service to take advantage of support services offered by the Department of Defense, which has the authority to provide support and services to Federal entities, including the National Park Service.

A program called the Civil-Military Department of Defense Innovative Readiness Training Program offers real world training opportunities to meet the readiness requirements of military units and individuals while benefiting local communities. This service, provided by the Department of Defense, includes equipment and other assistance which has the potential to greatly reduce the backlog of projects identified by the National Park Service. In short, this resolution will direct one federal department to help another and will benefit the American taxpayer who has been picking up the tab.

This is a good idea and a worthy resolution and I urge all my colleagues to support this House resolution.

TRIBUTE TO NATIONAL PRINCIPAL LEADERSHIP AWARD WINNER

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Mr. SCHAFFER. Mr. Speaker, today I rise to commend an outstanding Colorado high school student and leader. This Spring, Leah Nein of Julesburg High School, in Julesberg, Colorado, received the National Principal Leadership Award.

Each year, the National Association of Secondary School Principals and Herff Jones Inc. presents the National Principal Leadership Award to 150 students nationwide. Recipients must demonstrate outstanding scholastics, leadership and student service throughout their high school years. As an added bonus, a $1,000 college scholarship is provided to help these students achieve their higher education goals.

Among some of her accomplishments, Leah was class president three out of her four high school years, captained the volleyball team, and a Girls State Delegate. She has also received the Colorado School of Mines "Medal of Accomplishment in Math and Science" and the University of Colorado "Outstanding Junior Award." This Fall, Leah plans to attend Colorado State University and major in Accounting.

Mr. Speaker, it is my privilege to congratulate Leah Nein and all Principal Leadership Award winners. With confidence, I look forward to their leadership in America.

TRIBUTE TO RETIRING MICHIGAN STATE TROOPER ROBERT KRAFFT

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Mr. STUPAK. Mr. Speaker, I like to pay special tribute today to 1st Lieutenant Robert Krafft, who is retiring after a career of law enforcement with Michigan State Police.

As you know, Mr. Speaker, I served as a law enforcement officer. In point of fact, I first served with Bob Krafft early in my own career with the Michigan State Police.

In one sense, my own law enforcement career ended when I was injured in the line of duty and retired in 1984. In a deeper sense, however, the friendships that form among law enforcement officers are bonds that survive changes in careers and changes in address. In that regard, when I founded the Law Enforcement Caucus in my freshman year in Congress, I was not only giving my many comrades in law enforcement a voice in Washington, but I was also giving myself a professional reason to maintain these strong ties to many good friends and providing myself with an opportunity to forge new friendships with dedicated people in law enforcement.

Now, one of these old friends, Bob Krafft, is retiring after a 26-year career.

I recall moving into this neighborhood, where he took me under his wing. My recollections of those first years of our friendship remain vivid, as he took me deer hunting, as I met his wife Sue and watched their daughter grow. Even though our law enforcement work carried us in different directions, the bond we formed as friends, neighbors and law enforcement officers has always dissolved the distance that geography put between us.

Last week here in Washington we spotlighted U.S. law enforcement in a number of ways. We paid special tribute to fallen officers, and we celebrated funding 100,000 new police officers under the Community Policing program.

This Friday, May 21, the co-workers of Bob Krafft will celebrate one man's career in law enforcement. I ask you and my House colleagues to join me in wishing the best in retirement for this dedicated public servant.

A TRIBUTE TO THE ASSOCIATION FOR THE HELP OF RETARDED CHILDREN ON ITS 50TH ANNIVERSARY

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Mr. FORBES. Mr. Speaker, I rise today to pay tribute to Suffolk Association for the Help of Retarded Children, Suffolk County's largest voluntary agency celebrating its 50th anniversary of service to our community. For the past half century the Association for the Help of Retarded Children has lived up to the spirit of community by providing various educational, vocational training, and habilitative services for residents of Eastern Long Island with special needs.

Through the chapter's Vocational Education Program, adults mature, achieve self-fulfillment and self esteem. Major Long Island corporations use this program's participants for packaging and assembling jobs. These contracts offer 800 clients opportunities to learn vocational skills that can ultimately lead to competitive employment. In the Supported Work Program, individuals successfully make the transition to the job market with the help of job coaches who provide on the job training at the employer's work site, including follow along care.

The Association for the Help of Retarded Children's Sagtikos Education Center is a very special school. More than 100 infants, preschoolers and school-age children through age 21 receive Individualized Education Plans that foster their mental and physical development. School age children attend this school because their disabilities are so severe that they cannot be accommodated within the special education programs of the local school districts. This service allows a parent more free time to maintain both emotional and economic family stability. Other children attend the school's Early Intervention and pre-school programs. These services often diminish, if not eliminate, the need for costly special services for a lifetime.

For lower functioning adults, the Association for the Help of Retarded Children offers a Day Treatment Program that provides habilitative training that fosters greater independence through the acquisition of daily living skills. Their Senior Day Hab Program offers habilitative training through age appropriate activities for senior citizens. Sixteen community residences located throughout Suffolk are each home to up to 10 adults, operating as a family unit under the guidance of a house parenting team. Residents interact with their communities as any typical family does: shopping, banking, visiting the library and even going to work.

After 50 years of operation, the Suffolk chapter is known for its fiscal integrity. It is so well managed by a voluntary Board of Directors and its Executive Director that it consistently rates "exceptional" in Federal, State and County adults, and is granted three year operating certificates rather than the usual one year.

That is why I ask my colleagues in the U.S. House of Representatives to join me in saluting the Association for the Help of Retarded Children on its 50th anniversary. For half a century, the Association for the Help of Retarded Children has done more than just help neighbors who need it, or provide opportunities for their children. The Association for the Help of Retarded Children has also provided our community the opportunity to express their strong love for their community by getting involved and by helping their neighbors.

IN MEMORIAM: DEDICATION OF THE GARDEN GROVE POLICE DEPARTMENT "CALL TO DUTY" POLICE MEMORIAL, MAY 20, 1999

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Ms. SANCHEZ. Mr. Speaker, today I rise to pay tribute to the officers of the Garden Grove Police Department who died in the line of duty and who will be commemorated in the dedication of the Garden Grove Police Memorial, "Call To Duty" on this twentieth day of May, 1999.

There are few words that adequately express the deep sorrow and grief of a family whose loved one has been killed in the line of duty. We can remember their bravery and courage through dedication and memorial. President Abraham Lincoln perhaps described the terrible emptiness and regret that we, the living, feel for those who have given their lives to protect others. In the famous Gettysburg address, Lincoln summarizes these feelings in a most profound way:

> It is for the living, rather, to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us—that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion—that we here highly resolve that these dead shall not have died in vain . . ."

Let us pay tribute to the five brave men who gave their "last full measure of devotion" to the community that they were protecting: Myron Trapp, October 6, 1959; Andy Reese, May 30, 1970; Donald Reed, June 7, 1980; Michael Rainford, November 7, 1980; and Howard Dallies, Jr., March 9, 1993. Let us not forget their heroism, their loyalty, and their dedication to duty.

COLUMBIA DEERING HOSPITAL CELEBRATES SENIOR FRIENDS AND FITNESS DAY

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Ms. ROS-LEHTINEN. Mr. Speaker, senior citizens have always served as the cornerstone of our country's population and as America's aging generation continues to rapidly increase, the health and well being of our nation's elderly becomes more and more important.

The Senior Friends Chapter at Columbia Deering Hospital has recognized the importance of fitness among the senior population and are taking the initiative of spearheading Senior Health and Fitness Day in Miami-Dade County, Florida.

Exercise has been clinically proven to help fight many ailments that affect seniors, such as osteoporosis, heart disease, and arthritis, and is highly recommended to improve the overall quality of life at any age. On May 26, the Senior Friends Chapter at Deering Hospital will host activities such as fitness walks, exercise demonstrations, health screenings, and health information workshops to educate Miami's seniors about the many benefits of fitness and to encourage their participation in a more active lifestyle.

I ask my colleagues to join me in paying tribute to The Senior Friends Chapter for their focus on senior's health.

DEFENSE INDUSTRIAL SUPPLY CENTER TO BE DISESTABLISHED

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Mr. BORSKI. Mr. Speaker, I rise today to announce that the Defense Industrial Supply Center (DISC) in my district will be disestablished in a fitting ceremony on July 2, 1999. In accordance with the Base Realignment and Closure Commission, DISC and its hard working employees will continue their mission as a part of a new organization, the Defense Supply Center Philadelphia.

Established as a field activity of the Defense Logistics Agency on April 1, 1962, DISC has for over three decades combined professional personnel talent with modern management techniques to provide its military customers throughout the world with responsive logistic support.

DISC items were used by all the services in support of their multimillion dollar weapon systems, such as, the Trident, Patriot and Minuteman III missiles; the Black Hawk and Apache helicopters; the Abrams tank; the Eagle, Hornet and Harrier aircraft; the *Ohio* and *Los Angeles* Class submarines; the AEGIS Class cruisers; and the *Nimitz* Class aircraft carriers, as well as certain NASA space programs. In addition to supplying vital parts to our Armed Forces, DISC also provided emergency support in times of disaster.

From its headquarters in Northeast Philadelphia, DISC military and civilian personnel maintained a constant flow of critical items 24 hours a day, 7 days a week, to satisfy the supply needs of the military services. The Center was responsible for the wholesale support of industrial and commercial type items to the military services. These items included plumbing, wood products, material handling and facilities maintenance supplies, marine safety and fire fighting equipment, food service equipment, imaging and information supplies, as well as bearings, rope, cable and fittings, fasteners, hardware, packing and gasket materials, springs and rings, metal bars, sheets and shapes, electrical wire and cable, as well as certain ores, minerals and precious metals.

Active in Philadelphia community affairs, DISC employees participated in numerous civic activities in and around the Delaware Valley. Many employees have earned wide recognition for their volunteer work in personal one-to-one relationships with the young, the old, and the needy through such programs as Project Reachout and Project Give. The employees are also key members and leaders in a host of other community groups and associations, such as Boy and Girl Scouts; Little League; United Way; and in church, veterans and civic organizations where they participate in many activities of benefit to the greater Philadelphia area.

DISC has earned the privilege to fly the Minuteman flag each year of its existence through U.S. Saving Bonds participation. This is a unique record unequaled by any other major Federal Activity.

As the Defense Industrial Supply Center Colors are lowered for the last time, I personally extend my sincere praise and appreciation to Nicholas J. Ranalli, DISC's Administrator, and to all military and civilian employees, past and present, who have been providing dedicated service to our military personnel around the world since 1962.

The people of Philadelphia and the Nation can take justifiable pride in a fine job well done and to look forward to the continuation of DISC's vital role in the defense efforts of our country when the mission of the Defense Industrial Supply Center conjoins its operation with the Defense Supply Center Philadelphia.

TRIBUTE TO BEN TOM ROBERTS

HON. SONNY CALLAHAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Mr. CALLAHAN. Mr. Speaker, I rise today to honor a friend and an important constituent from the First District of Alabama who will be in my office Thursday on the occasion of his 50th birthday.

Ben Tom Roberts is the current president of the Alabama Association of Realtors (AAR). In addition, he is a principle in Roberts Brothers, Inc., a family-owned business that for more than 53 years has been serving the real estate needs of generations of south Alabamians.

Ben Tom's motivation and inherent knowledge of the real estate industry has propelled him to one of the foremost leaders in his field. Not only is he co-owner of Mobile's largest real estate firm, he has also served as president of the Mobile Area Association of Realtors as well as state president of the Real Estate Securities and Syndication Institute. Clearly, real estate is in Ben Tom's blood and the real estate industry in Alabama is truly benefitting from his leadership, as well as his considerable experiences.

In addition to Ben Tom's service to the industry, he is actively involved in the life of our community. From the American Cancer Society to the United Way, Ben Tom's philanthropy has truly spanned the alphabet. It is fair to say he has given generously of his time and talents in the service of his fellow man.

In recent years, Ben Tom has held numerous leadership posts, serving as vice chairman of the Mobile Chamber of Commerce and past president of the Country Club of Mobile, the Chandler YMCA and the Metropolitan YMCA. In addition, he serves on many boards, including Southtrust Bank, the Old Overton Club and the Alabama Golf Association.

Ben Tom, and his lovely wife Gale, are active members of St. Ignatius Catholic Church in Mobile, where he is serving as chairman of the Stephen Ministries. Mr. Speaker, as 50 candles light Ben Tom's birthday cake, I ask you to join me in congratulating him on his outstanding achievements in the real estate arena, and his support of charitable causes and community organizations in Mobile and throughout the state of Alabama.

INTRODUCTION OF THE PUBLIC HEARING STANDARDIZATION ACT

HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Mr. HANSEN. Mr. Speaker, it is with pleasure that I am introducing the Public Hearing Standardization Act of 1999. This Act is needed so that the general public can meaningfully contribute to the process used by federal agencies to obtain public input. Currently, public hearings provide a process to the general public so that their comments and input can become part of the official record. However, because many of the public's questions remain unanswered by federal agencies, this process has been disappointing for many who attend these hearings. Public hearings should also provide a forum for the public to ask questions of the federal agencies and for the public to receive from the federal agencies meaningful responses to questions as part of the official record.

Presently, public hearings conducted by federal agencies do not have any standard format nor parameters as to how they are conducted. As a result, federal agencies have total discretion in setting rules for public hearings. Unfortunately, these rules frequently do not require the federal agencies to respond to legitimate questions asked by the public. This bill intends, therefore, to standardize the procedures used by federal agencies for public hearings so that the public understands the rules in conducting such public hearings and can respond appropriately. It will also give the public a chance to ask relevant questions and also a reasonable expectation of receiving an honest answer from federal agencies.

This is a long-overdue bill which will give the public beneficial information in regard to federal agency land management. The public deserves to have questions answered by federal agencies in a public forum and this bill, among other things, will make sure that the public has this chance. I urge all my colleagues to support and co-sponsor the Public Hearing Standardization Act of 1999.

HONORING THE VICTORIA HIGH SCHOOL VICTORIADORES, VICTORIA, TX

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Mr. PAUL. Mr. Speaker, I rise today to pay honor to the best drill team in the nation and in the world: the Victoria High School Victoriadores from Victoria, Texas. Under the exemplary leadership of D.J. Jaynes, Victoriadore Director, assisted by Laura Klimist, Choreographer, this outstanding group of ladies and gentlemen won many national honors at the marching Auxiliaries/Seaworld National Championship Competition. Their awards include the Choreography Award for all dances—jazz, high kick, military, lyrical and show production; Winner's Circle (all dances scored 95 or above from all judges); named Best in Class for having the highest overall scores in the competition; and the National Champion Jacket Winners for earning the highest score from all categories and all dances.

After this impressive victory, the Victoriadores aimed for the championship at the Miss Dance/Drill Team USA Pageant and Competition. They easily took first place in military, high kick and show production and second place in lyrical, and they earned the Producers Award for the best overall presentation.

The taste of victory was so sweet, the Victoriadores decided to take the International Championship, competing against Japan, Australia, New Zealand, Channel Islands, Mexico and South America. The team won first and second place in Military and High Kick, with New Zealand placing third.

This group of students deserves the honors it has earned. I commend each one of them to you:

Brooke Adams
Chelsea Akin
Andrea Alvarez
Jennifer Alvarez
Pia Arifiles
Iza Arifiles
Rachel Barber
Samantha Bernal
April Blackwell
Liz Boldt
Meredyth Bryant
Lisa Buckler
Monica Canchola
Misty Cavazos
Stephanie Cernosek
Krysta Chacon
Melissa Chavez
Cody Cole
Kyra Coleman
Cari Collett
Kristin Creech
Carrie Dahlstrom
Nichol Dally
Katie Dayoc
D'Lisa DeLuna
Joey Dominquez
Cash Donahoe
Wendy Dry
Carly Dunnam
Jamie Dybala
Dyann Erwin
Bianca Estrada
Nicole Garcia
Michelle Garcia
Mandy Gaskamp
Clarisa Gonzales
Valarie Gonzales
Amber Grunewald
Lacey Hall
Erin Hanzelka
Megan Hearn
Theresa Hernandez
Brandy Hill
Blair Hunt
Amy Innocenti
Melissa Jecker
Laura Jecker
Eric Jentsch
Ida Jimenez
Kelly Johnson
Allison Jones
Morgan Kallus
Jill Kauffman
Lindsey Klein
Hilary Koenig
Emily Loeb
Amanda Lott
Aimee Lovik
Waverly Lynch
Tara Marek
Kelly Martin
Ashley Martin
Erin Martin
Nina Martinez
Stacy McCants
Sarah McKay
Taysha McKibbon
Tyler Meador
Valerie Medina
Corie Meinke
Garrett Middleton
James Miller
Lori Monclova
Tammy Newbern
Jamie O'Quinn
Jennifer Padilla
Dusty Patek
Aaron Pearson
Matina Pflaum
Sara Quitta
Melissa Ragsdale
Katie Reimann
Natalie Ricks
Brandi Roth
Jennifer Salinas
Brianne Schmidt
Penny Schumacher
Sara Schweke
Jamie Sedlacek
Tenille Shafer
Loren Shafer
Heather Shannon
Justin Sheppard
Brett Shoemaker
Amanda Stewart
Stacey Talley
Juli Teeters
Bianca Tilley
Amanda Trevino
Lauren Tuso
Elane Urbano
Pam Urbish
Jessica Vaughan
Whitney Wilkinson
Lindsey Williams
Laura Windwehen
Melanie Winston

D.J. Jaynes, Victoriadore Director/Choreographer
Laura Klimist, Choreographer

I am proud to have these national and international championships in the 14th Congressional District of Texas. I am proud of the commitment to excellence and perserverance shown by each student which was necessary to reach these goals. I am proud of the support shown by the parents and guardians of these students which helped them reach their goals.

I trust all my colleagues join me in congratulating the Victoria High School Victoriadores on these impressive achievements.

HONORING THE "BLUE RIBBON SCHOOLS" OF CALIFORNIA'S 51ST DISTRICT

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Mr. CUNNINGHAM. Mr. Speaker, I am proud to rise today to recognize that three schools in my 51st Congressional District of California are now being honored as National Blue Ribbon Schools for 1999.

In alphabetical order, these schools are:

La Costa Heights Elementary School, Carlsbad, California. The principal is Deborah Blow, and the superintendent of the Encinitas Union School District is Douglas DeVore.

Magnolia Elementary School, Carlsbad, California. The principal is James Boone, and the superintendent of the Carlsbad School District is Cheryl Ernst.

Solana Vista School, Solana Beach, California. The principal is Stephen Ludwiczak, and the superintendent of the Solana Beach School District is Ellie Topolovac.

Just this morning, I was honored to call each of these superintendents myself, to give them the good news and send my warmest congratulations.

The National Blue Ribbon Schools program evaluates schools based upon their effectiveness in meeting local, state and national educational goals. In 1999, 266 elementary schools are recognized as National Blue Ribbon Schools, including the three above in California's 51st District, five in San Diego County, and 41 in the State of California. Blue Ribbon status is awarded to schools that have strong leadership, clear vision and mission, excellent teaching and curriculum, policies and practices that keep the schools safe for learning, expanded involvement of families, evidence that the school helps all students achieve high standards, and a commitment to share best practices with other schools.

I am immensely proud of the men and women whose outstanding and tireless work in the interest of better education has now been recognized through the National Blue Ribbon Schools program. This is particularly close to my heart, because, as a former teacher and coach, and as a father, one of my passions is improving education so that every American can have a fighting chance to achieve the American Dream.

And while these three schools in my district have now been recognized as National Blue Ribbon Schools, the real winners are all of the children, parents, teachers and citizens who have all been challenged through this recognition to successfully improve education in all of their local communities.

As part of the National Blue Ribbon Schools honor, representatives from each of these schools will be invited to awards events in Washington, D.C., this October.

Mr. Speaker, I ask that the permanent RECORD of the Congress of the United States note the excellence of these three Blue Ribbon Schools in California's 51st District, by including summaries of these three schools' superior work for my colleagues and all of America to read and review.

La Costa Heights Elementary School

La Costa Heights Elementary School located in Carlsbad, California, is a school community committed to our motto, "La Costa Heights Where Learning Reaches New Heights." Our mission is to foster confident students who celebrate learning as a lifelong experience. Through the collaborative efforts of our many parents, community members, and teachers we prepare successful decision makers for a diverse, every-changing world. The students at La Costa Heights are educated in a positive and caring environment that promotes the achievement of their personal best, both academically and socially.

Our primary goal for the students of La Coast Heights is to prepare them to be lifelong learners and productive members of society. They are provided a curriculum, which encourages collaboration, problem solving, and responsibility for individual learning. The entire staff and parent community are involved and committed to providing a learning environment that will allow each student to achieve these goals.

It is the vision of our school community that we be a school the puts children first. As a school community of teacher leaders, we are well on our way to achieving this vision. All staff members take responsibility for meeting the needs to every child. We focus on enhancing each student's learning and giving them the skills to problem solve and make choices. Our students learn to appreciate diversity in people through the instruction of life skills incorporating honesty, teamwork, perservance, and self-reliance.

Our school staff is composed of teachers with expertise in a variety of areas. These professional willingly share their knowledge and experiences with all members of our staff creating a challenging, yet nurturing environment for our students. As leaders, the staff has worked together over the past several years as strong grade level teams, drawing upon each other's strengths to create programs that challenge yet nurture all students. Teachers at La Costa Heights are very helping and welcoming. They are eager to share ideas, materials, and endearing moments, because they believe that our strength comes from our collaboration.

Located in Carlsbad, California, La Costa Heights School is pat of the Encinitas Union School District which serves students kindergarten through 6th grade. Opened in April 1987, it currently supports approximately 720 students. The school's strong reputation for providing a nurturing yet challenging learning environment draws new families into the community. Due to this reputation, the school draws several families from outside our immediate attendance area on inter and intra district transfers. The school serves a commuter community of middle to upper class families in the northern coastal region of San Diego County. Families from several ethnic backgrounds make up a portion of our community although only 2% of our population represents English Language Learners. La Costa Heights is also home to a regional special day class for severely handicapped students. Due to the stability of the community and school enrollment, the majority of our students attend our school from kindergarten through sixth grade. Since the school's opening in 1987, we have experienced slow, but steady growth. In the past year, this growth has accelerated due to new housing developments in the area. As a school that was prepared for this growth, we have been able to provide a very welcoming atmosphere for our new families, allowing them to quickly assimilate into our school family.

Boasting a strong tradition of volunteerism, one cannot enter the school without finding several parent and community volunteers working in some capacity to assist in student learning. A spirit of collaboration and innovation pervades the school as teachers and parents work together to create solutions to challenges and to create programs and instruction that have been replicated at other schools in the district.

La Costa Heights Elementary School serves as the hub of the community in which it resides. It is a school truly dedicated to its community and its students. Having formed several business partnerships, we work together to both provide for our students, and in turn teach our students to give back to their community. Service learning is a major focus of our curriculum. Teaching an integrated curriculum that also provides a service to the community has become a strength at our school. We work as a community to use our existing resources and respond quickly to new challenges in support of the families and residents of our community. The most powerful example of this occurred when a fire struck the La Costa community in October 1996. The school became the gathering place for the community as a luncheon was served by staff members. From this tragedy grew a tremendous service learning project which was begun just one month after the fire. Utilizing our business partners and working closely with the city of Carlsbad, a local park was restored and an educational native plant trail created. From this beginning, several other service learning projects have evolved as students experience their curriculum in a "hands on"environment which is relevant to their lives.

In preparing our students for the future, La Costa Heights has placed a strong emphasis on bringing technology into our classrooms. The staff is aggressive about utilizing existing technologies while finding ways to acquire new hardware and software applications. We have tapped a variety of resources to update our existing computers and acquire new ones. Students can be found using technology applications in meaningful ways on a daily basis at our school.

The students at La Costa Heights are our stars. Through the many experiential learning activities in which they have participated, they have learned to give back to their community. Our students have also developed a strong sense of compassion due to their work with the special needs students. This is a unique opportunity which we have embraced.

La Costa Heights' staff and parents believe that our collaborative spirit is our greatest strength. We all work together to create an environment for each child where his/her learning can reach new heights.

Magnolia Elementary School

Magnolia Elementary School in Carlsbad, California is one of seven elementary schools in the Carlsbad Unified School District, and is in its 42nd year of operation. We are a K–6 grade school with a current population of 701 students including 56 students enrolled in our regional program for the Deaf and Hard of Hearing. (We provide the Deaf and Hard of Hearing program for 14 school districts comprising the North Coastal Consortium for Special Education.) Also located at Magnolia are two District Special Day classes providing individualized services for special needs students within Carlsbad Unified School District. All special needs students at Magnolia have full access to regular education programs and are mainstreamed in regular education classes, in some cases, for the entire day. Our growing Hispanic population (155) is taught to speak and read English with the assistance of our ESL teacher. It's exciting to see non-English speaking students become fully bilingual in a three or 4 year span. Many of our Spanish speaking students are tri-lingual by 6th grade. They have mastered English and become fluent in sign language as well. Parents of students at Magnolia range from unskilled field laborers, to highly skilled professionals (physicians, attorneys, dentists, biomedical research, scientists, etc.)

Magnolia's parents and teachers hold the common belief that challenge in education is important and essential. Our parents want to see their children challenged and achieve. They demonstrate their commitment to education by supporting our highly active and involved PTA with volunteer time and donated money to support our arts and physical education programs that augment our academic curriculum. Our teachers work diligently to provide students with a variety of educational experiences thoughtfully designed, implemented and evaluated to ensure skill acquisition in all subjects and the opportunity to demonstrate those skills through problem solving activities involving application and synthesis of acquired knowledge.

Our single story facility is located on a 10.53 acre parcel of land adjacent to Valley Middle School and one block away from Carlsbad High School. Fourteen (14) relocatable classrooms have been added to our facility over the last 12 years to provide space for two District special day classes, a computer lab, and to accommodate class size reduction in grades 1 through 3. There are 47 certificated and 27 support personnel at Magnolia.

A large athletic field, basketball, volleyball, handball and tetherball courts are available for physical education and recreational use. A 5000 square foot garden with 32 raised planting beds and a butterfly enclosure is also located on our campus for instructional use. The Strategic Planning process we have incorporated has helped to focus our instructional program through the development of a comprehensive School Site Plan. Parents, teachers, students, and administrators developed the 5 year plan (1995–2000) designed to meet the educational needs of our diverse student population.

Magnolia Elementary School's MISSION STATEMENT was developed in the Spring of 1995 by a team of 19 individuals representing parents, teachers, students, classified employees, and the school administration. Our Mission reflects the vision we hold for every student enrolled at Magnolia and we ensure its implementation by always being our own best critic.

Solana Vista School

Solana Vista is located in Solana Beach, California. As the only K–3 school of five elementary schools in the Solana Beach School District, we focus on meeting the developmental needs of children aged five to eight. Our diverse population of 400 students includes English speaking students, English learners of Hispanic, Asian and European background, and a high percentage of special needs students. The academic, social, and economic needs of our students were considered when we developed our Mission Statement to express our commitment to developing successful, creative, inquisitive, respectful and responsible students. We accomplish this through student-centered instruction, ongoing assessment, support programs, parent involvement, and community partnerships. Solana Vista was recognized as a Blue Ribbon School in 1990 and as a California Distinguished School in 1998. Our current school self-assessment shows how our educational programs and effectiveness as a primary school have evolved and improved dramatically since our last Blue Ribbon award, nearly ten years ago.

At Solana Vista, student-centered instruction is exemplified by effective teaching practices and ongoing, multiple assessment measures. All 21 classrooms participate in California's 20:1 student-teacher class size reduction program, which allows our teachers to focus closely on each student's specific behavioral, emotional and academic needs. Professional development and growth is a priority. Teachers remain abreast of the latest research by participating in conferences and workshops each year. We have created heterogeneous, balanced classes with small clusters of children receiving resource services in certain classes. Teachers use differential instruction and flexible-skills groupings to meet all students' needs. Students targeted for the gifted and talented program benefit from our Talents Unlimited curriculum, used with all students to foster critical thinking skills. Last year, our Gifted and Talented Education Program was rated exemplary. Approximately 60% of our school staff are bilingual and provide students alternative instructional delivery systems, such as Specially Designed Academic Instruction in English (SDAIE) and sheltered English instruction.

Our comprehensive curriculum and assessment are aligned with rigorous District and State Content Standards. Curriculum is integrated, using hands-on, investigative learning activities to increase student motivation and engage students in the exploration of new concepts. Technology such as CD-ROMs and laser disks support our curriculum. We employ a four-year cycle for curriculum renewal, spearheaded by our School Site Council. Committees within the District are involved when the District adopts new, state-approved materials. Selected teachers pilot new programs, read current educational research, and review feedback provided by teachers, administrators and parents to assist them in the decision-making process.

Students' academic needs are assessed regularly to ensure the teaching practices used in the classroom are effective. Assessment is achieved through a balance of authentic and standardized data that includes district math and language arts tests, student work samples, anecdotal notes, standardized test results, and running records. Our Student Success Team identifies and assists students who are not successful within the regular classroom structure. In addition, the bilingual resource teacher tracks oral language development among English Learners and conducts Student Appraisal Team (SAT) meetings involving the principal, resource and classroom teachers, parents, and support service personnel to discuss students' progress.

Support programs are in place to provide for children's physical, emotional and academic needs. We have a counseling program maintained by our bilingual school psychologist and guidance counselor. The psycologist works with interns from a local college to create individual behavior modification plans, while the guidance counselor works with small clusters of students on social skills and conflict resolution. Our behavior program called PALS—Positive Attitude toward Learning and School—gives students a consistent school-wide behavior plan that focuses on rewards and recognition while deemphasizing negative consequences. Reading intervention programs include our new Miller Unruh Reading Specialist who works with small groups of children with reading difficulties, and the Rolling Readers Program that utilizes community volunteers to tutor children one-on-one. Our Study Buddy Program pairs students with high school buddies to assist them with schoolwork, and provide friendship, and positive role models.

Our parents demonstrate a commitment to meeting the needs of our school through donations and active participation. Over 10,300 volunteer hours were logged at our school last year, including volunteers assisting with programs such as the Rolling Readers, Books & Beyond, and Super Star Math. Parents also serve as decisionmakers with representatives sitting on the Solana Beach Board of Education, School Site Council, District Advisory Forum, and the Foundation for Learning.

We offer parents support to meet their children's needs. On-site before- and after-school childcare is available. Scholarships are available for all after-school enrichment activities. Newsletters and Web sites involve parents with classroom learning and homework assignments. We give extended opportunities for learning such as the Books & Beyond, and Math, Science and Beyond programs. The bilingual resource teacher, community liaison, and school nurse make home visits as needed for our Spanish-speaking families. Parent education sessions are held for Spanish-speaking parents on such topics as "Reading with Your Child" and "Child Nutrition."

Our community partnerships include businesses, community volunteers, and surrounding educational institutions. We collaborate to create a facility that will meet the community's needs. For six years, Mission Federal Credit Union has provided funds for earthquake preparedness, our garden project, and our weather station. Their employees dedicate many volunteer hours as reading tutors. Local restaurants and stores provide student awards for the Books & Beyond recreational reading program. The Solana Beach Foundation for Learning, a group of parent and community volunteers, are committed to raising funds for enrichment programs. Their Annual Pledge Drive raises thousands of dollars each year. We work closely with local high schools, colleges and universities to strengthen our students' educational experience, and to provide our teachers with support and continuing professional development.

The Solana Vista School facility was built in 1971 and has grown from the eleven original classrooms to the current 21, reflecting the growth in the community. We have a technology center, science laboratory and on-site childcare center. Traditions such as our third grade play, art fair, monthly school sings and community/town meetings are held in the popular Kiva meeting center that adjoins the media center/library. The community uses our extensive grass fields seven days a week for recreation. We have collaborative agreements with the Solana Beach Little League, Solana Beach Soccer Association, and the City of Solana Beach. The minimal rate of vandalism and maximum community use speaks highly of the respect our community has for the facility and programs offered at Solana Vista.

The journey to academic excellence begins at Solana Vista for our K-3 students. Their educational progression continues at the Blue Ribbon Schools of Skyline Elementary for grades 4-6, Earl Warren Junior High School and Torrey Pines High School (honored in 1988, 1992, and 1987, 93, and 98 respectively). Solana Vista and its counterparts consistently demonstrate quality service to children and their families that results in superior education, recognition of individual efforts and a 97% college attendance rate for current high school graduates.

IN MEMORY OF THE HONORABLE JOSE T. QUINATA

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Mr. UNDERWOOD. Mr. Speaker, it is with a great sense of sadness that I acknowledge the passing of one of Guam's great municipal leaders. The Honorable Jose T. Quinata, former mayor of the historical southern village of Humatac, passed away on April 29, 1999, at the age of seventy one.

Born on February 16, 1928, to Antonio and Anastacia Quinata, J.T. or Tun Jose, as he was popularly known, was committed to serve and protect the village of Humatak and the island of Guam. Barely in his teens during the Japanese occupation of Guam, Tun Jose enlisted in the Guam Militia and later in the Guam Combat Patrol. Having been part of the defense of the island against Japanese occupiers in 1941, he assisted the United States Marine Corps in seeking out Japanese soldiers immediately after the liberation of Guam in 1944.

In 1949, Tun Jose gained employment in the Naval Government's Police Department as a guard. This began a law enforcement career that spanned twenty-six years. As a police officer, he earned the respect of colleagues and community members for his strength, fortitude, and compassion. Upon his retirement from the police force, his love for the land and southern traditions carried over through his success as a farmer. All this time, Tun Jose was deeply dedicated to the Catholic faith having served as a parish council member for many years. He also contributed his time and efforts to worthwhile civic, community and religious organizations such as the Boy Scouts of America, the Humatak Parksh Council, the Parents-Teachers Association and the Holy Name Society.

To be of further service to the village he so loved, Tun Jose ran, was elected and served as mayor of Humatac from 1992 to 1996. He worked tirelessly towards projects and activities that improved upon the quality of lives for the people of Humatac. During his tenure, Tun Jose used the annual festival commemorating Ferdinand Magellan's landing on Guam in 1521 to foster goodwill between his village and the various U.S. military commands under the Sister Village/Command Program. As mayor, he was often sought after to give guidance and leadership to villagers. Known for his amicability, he commanded great respect—often being called upon to work as the intermediary between political parties.

Tun Jose was a close personal friend of mine. He and his lovely wife Tan Ana were always there to be of service to the people of Humatak and to demonstrate that village's hospitality. I will miss him. The people of Humatak will miss him. Adios Tun Jose.

HONORING JAMES J. DRADDY

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Mr. ENGEL. Mr. Speaker, there are people who accomplish so much that even when viewed over the course of a lifetime, it seems larger than life.

Jim Draddy is such a person. He left Manhattan College in 1942 and joined the war effort, serving in the Army Signal Corps doing cryptanalysis on German and Japanese codes.

He left the service in 1946 and went into the music business at Columbia Records. There, in 1954, he rose to become National Director of Promotion. Between 1956 and 1975 he served as Sales Manager for Philco, Magnavox, Motorola and Packard Bell and for the next six years he was Vice President of Liberty Music.

He then moved from bringing music to peoples' ears to using his golden tongue as Director of Public Relations for the New York Medical School from 1981 to 1984 and then brought his talent to Our Lady of Mercy Medical Center as Director of Public Affairs from 1984 to 1996. He then served for two more years as Consultant for Public Affairs.

But Jim did not limit himself to mere work. He was Chairman of the Board of Directors of Daytop Village, a member of the Bronx Chamber of Commerce, a member of Community Board #12, a Board Member of the Dominican Sisters in Ossining, and, of course, a member of the Friendly Sons of St. Patrick of Westchester.

He and his wife Patricia have seven children and nine grandchildren. Jim has been a great and dear friend of mine for many years. A retirement party is usually joyous, but for me, and all Jim's colleagues, our joy in knowing him is tempered by his leaving. We can only wish him well.

CONFERENCE REPORT ON H.R. 1141, 1999 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT

SPEECH OF

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Ms. DEGETTE. Mr. Speaker, I rise today to express my support for the true emergency spending contained in this conference agreement: Adequate funding for the North Atlantic Treaty Organization's (NATO) military actions in Kosovo; support for operating loans for America's farms and farm workers, who are trying to provide food for our tables without going bankrupt; relief for our Central American neighbors who were devastated by Hurricanes Mitch and Georges; and relief for our Oklahoma and Kansas residents who were the victims of terrible tornadoes. These are emergencies that I believe Congress should be acting on in an expeditious manner.

But Mr. Speaker, I cannot support the $15 billion funding package proposed in this Conference Agreement for H.R. 1141, because of the non-emergency items that are attached to it. There were plenty of non-emergency items attached by the House; and there were plenty of non-emergency items attached by the other body; but finally, there were even more non-emergency items attached by the conferees we sent to the conference table.

For example, the President asked for $6 billion in emergency funding for Kosovo-related military and humanitarian needs; the House doubled that amount to $12 billion; and our conferees somehow wrestled that up to $15 billion. It's almost as if we think the longer we wait the more "late penalties" we have to pay. Given even more delay, I'm afraid this Conference Agreement would become the supplemental that ate the surplus.

Were our colleagues saving their so-called emergencies for a rainy day? On this rainy day, Mr. Speaker, it's raining money, which this provision is siphoning out of the Social Security trust fund. And I cannot support that misuse of power and abuse of the public's trust.

EQUAL ACCESS TO REPRODUCTIVE HEALTH CARE

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Ms. SANCHEZ. Mr. Speaker, I rise today to report to my colleagues the actions of the House Armed Services Committee. I want to commend the committee for the important step it has made toward providing equal access to reproductive health care for U.S. servicewomen and dependents.

During the committee's debate of the FY 2000 Department of Defense Authorization bill, I was proud to continue the work of my friend and our former colleague Congresswoman Jane Harman. I know my fellow Members join me in recognition of her efforts in this area.

The bill endorsed today by the committee safeguards abortion services for those whose pregnancies are due to rape and incest. This is good news for American soldiers and dependents, and it's good news for our armed forces.

I am disappointed that the committee chose to reverse the Personnel Subcommittee's bipartisan endorsement of my amendment to reverse the ban on privately funded abortions at U.S. military facilities overseas. Nevertheless, our fighting men and women—and their families—will benefit from the committee's decision today.

I look forward to working with my colleagues on the house floor to ensure that we make life safer and healthier for our military women and dependents, because that makes for a better prepared, more able fighting force. This is indeed a major victory for our servicewomen and military families.

HONORING GORDON SOUTH

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Mr. UDALL of Colorado. Mr. Speaker, I rise today to honor a gifted and compassionate constituent of mine, Gordon South. Gordon has made a difference by volunteering his time and efforts to help protect and support the environment.

Throughout his life, Gordon has demonstrated his unswerving dedication to the earth and its inhabitants. Since the time he was eight years old, Gordon has committed his summers to helping Dr. Laura de Ghetaldi with her orphaned fawn and injured deer rehabilitation program south of Boulder. This has not always been an easy task. He has bottle fed injured deer, tracked down poachers who have shot re-released deer, and he has grieved when some of the deer died after valiant attempts to save their lives. Such was the case this year when a black bear mauled and killed all of the fawns and adult deer in the rehabilitation program.

In addition to his rehabilitation work, Gordon has participated in the Boulder County Junior Ranger Program committing long hours to repairing and building trailheads. He also volunteers in the surgical unit and the Foster Program at the Humane Society of Boulder County.

On top of his volunteerism, Gordon is a solid student at Fairview High School where he competes on the track and cross-country teams. After graduation this year, he plans to attend Colorado State University and one day become a veterinarian.

Mr. Speaker, as our nation is engaged in a dialogue about our youth and the causes of youth violence, we must not forget about those youngsters who are making worthy contributions to our communities. I take great pride in honoring Gordon South and his achievements, his passion for the earth its wildlife, and his future endeavors. His is a lesson we all can learn from.

TRIBUTE TO ROBERT MITCHELL LOWE

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Mr. BERRY. Mr. Speaker, I rise today to pay tribute to a dear friend, business associate, mentor, and father-in-law, Mr. Robert Mitchell Lowe.

Mr. Bob, as he was known in his home town of Gillett, AR, was born, raised, and lived the life of a gentleman by any and all definitions. He was a superb father and incomparable grandfather, caring and adoring husband. He defined southern gentleman.

He taught by example, he loved unselfishly, and he was never envious of others.

He loved his family unconditionally, just because they were his. His great joy in life was doing for his family, especially his grandchildren. He established a place in Gillett, AR that will be known to his family forever as "home." A safe haven, where you are always welcome, loved, cared for and safe.

I took care of Mr. Bob's business for almost thirty-five years, and made some monumental mistakes, but he never once criticized me or offered a critical word.

His great love for his church, farm, friends and neighbors is what makes rural America the great place it is. He was never boastful, proud, rude, or self-seeking. He was not easily angered, kept no record of wrongs, always protected, trusted, hoped, and persevered. He was happiest on festive occasions, with holiday meals and a lap full of adoring grandchildren. He ended all his visits with his grandchildren with "grand daddy loves you" and none ever doubted that he did.

If as some say, that your children are a true measure of a man, then Mr. Bob was very successful. His daughters Carolyn and Martha and grandchildren Ann, Rebecca, Mitchell and Catherine would make any man proud, and are a true legacy.

The world is a better place for his having lived. All who knew him are enriched by his kind ways and charm. I was privileged to have been associated with Mr. Bob.

BEST WISHES TO PRESIDENT LEE TENG-HUI

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Mr. UNDERWOOD. Mr. Speaker, the Republic of China on Taiwan is a modern country led by President Lee Teng-hui, who believes that Taiwan's future lies in a strong democracy with a free enterprise system. Taiwan's democracy is highly renowned in much of the developing world. Three years ago, Taiwan citizens freely elected Mr. Lee as their president. This was the first democratically-held election for the people of Taiwan. Moreover, Taiwan's free enterprise system has produced a strong and vibrant economy in addition to a high standard of living for its people.

On the third anniversary of Taiwan's free elections, it is important to realize that Taiwan appreciates its relationship with the United States. I wish to pay tribute to President Lee Teng-hui, Vice President Lien Chan, and Foreign Minister Jason Hu for their outstanding leadership. Their leadership has assured that Taiwan fulfills its potential to become a full-fledged developed economy. The United States values their friendship and stands in support of their work. May their continued leadership allow Taiwan to forever shine as a beacon of freedom in the Far East. Our very best to you President Lee Teng-hui, Vice President Lien Chan, and Foreign Minister Jason Hu.

HONORING EDNA SKEETE MITCHELL

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Mr. ENGEL. Mr. Speaker, today I rise to honor Edna Skeete Mitchell, a marvelous lady from Barbados, who is celebrating her 100th birthday.

She was born October 10, 1898, the second of seven children born to Gertrude and Charles Skeete. She came to the United States in 1922 and soon after met and married K. Claude Mitchell. They had two children, both of whom have enjoyed professional success.

Mrs. Mitchell acquired from her grandmother a recognition that a good education is a necessity. She and her siblings were all educated and her children continued that fine tradition here in the United States. Her son Claude, Jr. received his MSW from City University and her daughter Joan is active in the Alumnae chapter of Delta Sigma Theta.

After her husband died, she raised her children while working at New York Cornell Hospital as a dietitian assistant.

At her family birthday party in October of last year, family members came from as far away as Barbados, Canada, Massachusetts and Virginia as well as the tri-state area to celebrate her centenary. One nephew from Barbados, who is Consul to Sweden, brought her a gold heart as a symbol of the kind heartedness she showed him and others of the family. Another, a Dean at Howard University, served as emcee.

Mrs. Mitchell still is a member of St. Ambrose Episcopal Church. She epitomizes what immigrants have done for America. Giving all and raising children who, with every generation, contribute still more. We are fortunate that she came to us and I congratulate her on this special birthday.

INTRODUCTION OF THE INTERSTATE CLASS ACTION JURISDICTION ACT

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Mr. GOODLATTE. Mr. Speaker, today I rise on behalf on my colleagues Mr. BOUCHER, Mr. BRYANT and Mr. MORAN of Virginia to introduce important bipartisan legislation to correct a serious flaw in our federal jurisdiction statutes. In recent years, the number of class action filings has risen dramatically and the large majority of these cases are brought in state courts. A 1999 survey indicates that the number of state court class actions pending against surveyed companies has increased by 1,042 percent over the ten-year period 1988–1998. This increase in class action filings has been accompanied by a number of abuses of our judicial system.

Interstate class actions are flooding into certain state courts because those courts tend to favor local lawyers in cases against out-of-state companies; however, state courts are often ill-equipped to handle such cases. Many state courts don't have either the support staff and other resources or the complex litigation experience to handle interstate class actions, which often involve thousands (and sometimes millions) of purported class members.

In addition to forum-shopping, lawyers frequently exploit major loopholes in federal jurisdiction statutes to block the removal of class actions that belong in federal court. For example, plaintiffs' counsel may name parties that are not really relevant to the class claims in an effort to destroy diversity. In other cases, counsel may waive federal law claims or shave the amount of damages claimed to ensure that the action will remain in state court.

Some state courts use very lax class certification criteria, making virtually any controversy subject to class action treatment and allowing state courts to hear purely interstate class actions. The result is that state courts are increasingly deciding out-of-state residents' claims against out-of-state companies under other states' laws. When state courts preside over class actions involving claims of residents of more than one state (especially nationwide class actions), they end up dictating the substantive laws of other states, sometimes over the protests of those other states.

At present, our federal diversity jurisdiction statutes essentially provide that interstate disputes involving significant sums of money may be heard in a federal court. But because class actions (as we now know them) did not exist when those statutes were initially framed, class actions were omitted, leading to outrageous results. For example, under current law, a citizen of one state usually may bring in a federal court a simple $75,001 slip-and-fall action against a party from another state. But if a class of 25 million product owners living in all 50 states bring claims collectively worth $15 billion against the product manufacturer, that lawsuit usually must be heard in a state court.

Our legislation offers a solution to class action abuse by making it easier for plaintiff class members and defendants to remove class actions to federal court, where cases involving multiple state laws are more appropriately heard.

This legislation does not limit the ability of anyone to file a class action lawsuit. It does not change anybody's rights to recovery. It merely closes the loophole, allowing federal courts to hear big lawsuits involving truly interstate issues, while ensuring that purely local controversies remain in state courts. This is exactly what the framers of the Constitution had in mind when they established federal diversity jurisdiction.

I urge my colleagues to support this important legislation.

RECOGNIZING STUDENTS WHO CARE

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Mr. PORTER. Mr. Speaker, it is often said that the youth of America are indifferent. We hear that they simply do not care about the issues at all, except those narrow issues that affect them personally. With so many repeating this view, I am pleased to highlight the efforts of young people in Illinois' 10th District that contradict this stereotype.

I recently received a package of letters from David Hirsch, a teacher in the Deerfield High School English Department. His sophomore English class had used the issues in my annual constituent survey for a policy debate unit, and as part of this unit, each student wrote a letter to me detailing their opinions on some of these issues. The 56 letters that I received from these young constituents were not only impressive in that they were well-thought out and well-written, but equally impressive in the genuine concern that these young men and women showed for issues ranging from the protection of the Earth from pollution to the protection of children from guns. These students also expressed concern about people in other nations, and our relationships with other countries like Russia and Iraq. Clearly, these young people are interested in more than just their personal agendas. Sophomores, they may be, but they are hardly sophomoric.

If I may, Mr. Speaker, I'd like to enter into the record the names of these students to recognize their efforts. They are: Josh Baker, Katherine Bolton, Jon Chester, Greg Cole, Jenny Eck, Julie Fiocchi, Jay Gustafson, Lexi Hayes, Janna Hoffman, Sari Hirsch, Bridgette Jung, Sandi Kaplan, Nancy Keene, Chris Krakowski, Stephanie Laouras, Kerry Lee, Elliott Levy, Elaine London, Andrew Mast, Steve Meisinger, Muhammed Mekki, Rob Pantle, Mary Patchell, Michael Posternack, Jeanette Schaller, Jeremy Silver, James Sinkovitz, Matthew Spraker, Melissa Spreckman, Jori Swift, Karli Tracey, Tracy Watson, Zachary Weiner, Lara Weinstein, and Mara Weisman. I want to commend all of them for showing interest in the issues that affect our district, country, and our world, and I am very happy to represent them in the Congress.

COMMEMORATING THE 19TH ANNIVERSARY OF THE WISCONSIN INSTITUTE FOR TORAH STUDY

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Mr. KLECZKA. Mr. Speaker, I rise today to recognize a nationally acclaimed Jewish residential high school, the Wisconsin Institute for Torah Study, on its 19th anniversary.

The school, or Yeshiva, was founded in 1980 to provide a unique high school and post-high school experience. Its programs attract students from major cities across the country. The high school program offers a comprehensive Torah study curriculum and, simultaneously, an intensive college-preparatory general studies program. The Bais Medrash is the advanced, post high school program.

As a testament to its growth and strength, the institute will expand due to steadily increasing enrollment. When completed, the expanded facility will house a new Bais Medrash, labs and classrooms.

The Wisconsin Institute for Torah Study also honors this year its twin pillars of strength in the community: Armin and Hollie Nankin. Armin, past president of the Jewish Community Center and former board member of the Milwaukee Jewish Federation, and his wife Hollie have seen the school through some very difficult moments, and have served humbly and with dignity as a beacon of light and a source of strength. They have been actively involved with many other organizations, including Hillel Academy and Congregations Beth Israel and Lake Park Synagogue. They are the single most generous donors to the expansion campaign of the Wisconsin Institute for Torah Study, and through their encouragement have caused others to lend support.

The involvement of Armin and Hollie Nankin is summed up in three phrases: Quick minds, for their keen insight to the community's needs. Strong feelings, for their deep concern for the people in their lives and the community. And, deep impacts for an array of causes and institutions which are better today for their involvement.

In Hebrew, Torah literally means teachings or learning. By their involvement the Nankins have taught us the meaning of devotion and generosity.

Mr. Speaker it is with immense pride and gratitude that I commend Armin and Hollie Nankin for their service to the community, and it is with great happiness and best wishes for continued success that I congratulate the Wisconsin Institute for Torah Study on its 19th anniversary.

HONORING BERNARD CEDARBAUM

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Mrs. LOWEY. Mr. Speaker, the Scarsdale Bowl Award, Scarsdale's highest civic honor, has been given annually since 1943 to honor "one who has given unselfishly of time, energy, and effort to serve the civic welfare of the community." Today, I would like to recognize a resident of my district who, through nearly three decades of tireless community service, perfectly embodies the spirit of this award.

Since moving to Scarsdale 28 years ago, Bernard Cedarbaum has chaired or served on no fewer than ten of Scarsdale's boards, councils and committees. He is one of a very small group of residents to have served on both the board of education (1979–85) and the village board of trustees (1993–98). A natural leader and common sense decision-maker, Mr. Cedarbaum has presided over the Town Club, Scarsdale Foundation, Environmental Advisory Council and Greenacres Association. Those who have served with Mr. Cedarbaum admire his intelligence, sense of fairness, reasonable approach to problem-solving, and his quick sense of humor.

Mr. Cedarbaum's commitment to a successful professional career has always been balanced with an unyielding dedication to volunteerism. Remarkably, Mr. Cedarbaum dedicated countless hours to the town of Scarsdale while he worked as a partner at the law firm of Carter, Ledyard & Milburn, presided over the New York State Bar Association's Corporation and Business Law Section, and participated on various committees of the New York City Association of the Bar.

The Scarsdale Bowl Award marks Mr. Cedarbaum's fulfillment of his goal, to make a valuable contribution to the community in which he lives. I join with the residents of Scarsdale in applauding Mr. Cedarbaum's commitment to our community and I am proud to officially recognize this remarkable civic leader for his many years of service.

HONORING GUAM SUPREME COURT JUSTICE JANET HEALY WEEKS

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Mr. UNDERWOOD. Mr. Speaker, "Justice" is often represented by a blindfolded lady bearing scales on one hand and a sword and book on the other. The blindfold symbolizes equality for all under the law; the scales—balance; the sword—strength; and the book—intellect.

In my opinion, Guam Supreme Court Justice Janet Healy Weeks is the absolute personification of this mythical figure. After having been personally acquainted with this dynamic lady for so many years, I have to give her my deepest respect and admiration. As Micronesia's first woman lawyer and first woman judge, Justice Weeks' niche in the annals of the Guam judicial system had long been secured.

A native of Quincy, Massachusetts, Justice Weeks received a degree in Chemistry from Emmanuel College in Boston in 1955. She holds an L.L.D. from Boston College Law School and an honorary L.L.D. from the University of Guam. Upon her graduation from law school in 1958, she was selected for the Attorney General's Honor Graduate Program. She served under that capacity with the Department of Justice in Washington, D.C., until 1961. Having been admitted to practice law in the District Court of Guam, the Supreme Judicial Court of Massachusetts, the U.S. Court of Military Appeals, the U.S. Courts of Appeals for the Ninth Circuit, and the Supreme Court of the United States, Justice Weeks became an associate in the law firm of Trapp and Gayle in 1971. In 1973, she was made a partner in the law firm of Trapp, Gayle, Teker, Weeks & Friedman.

Appointed to the Superior Court of Guam in 1975, she went on to serve as a Superior Court Judge until 1996 when she was appointed to the newly created Supreme Court of Guam. She also sat in the Supreme Court of the Federated States of Micronesia from 1982 through 1988. From 1977 to 1993 and again from 1996 until April of this year, Justice Weeks was designated a judge at the U.S. District Court of Guam. In 1993, she was appointed Associate Justice in the Supreme Court of the Republic of Palau, a position she holds to this day.

Justice Weeks holds memberships with the American Bar Association, the Federal Bar Association, the Guam Bar Association, the

American Trial Lawyers Association, the American Judges Association and the National Association of Women Judges. In addition, she has also been involved with the Guam Law Revision Commission, the National Conference of Trial Judges, the Territorial Law Library and the Territorial Crime Commission, Task Force on Courts, Prosecution and Defense. In 1973, she was a member of the Catholic School Board of Guam.

As a jurist, Justice Weeks is beyond reproach. While on the bench, she always endeavored to dispense equal justice to all. Favoritism and preferential treatment has no place in her courtroom. This fact is the source of my undying respect for her.

Justice Weeks' devotion to the island of Guam, its people, and the judicial system is her utmost legacy. While on Guam, Justice Weeks lived through some personal misfortunes enough to overcome and embitter the best among us. For over a quarter of a century, she has chosen to stay on Guam and weather every storm that came her way. Through it all she maintained her grace and dignity—another reason why I have looked up to her all these years.

Last April, Justice Weeks has decided to step down and retire from the bench. Although a welcome boon to family and friends, her retirement has surely left a great void within the island's judiciary. The decades of service she dedicated to the people of Guam has truly earned her a place in our hearts. Her husband, retired Navy Commander George H. Weeks, and their children, Susan and George, certainly have every right to celebrate and be proud of this esteemed lady, dedicated jurist, and fellow public servant. On behalf of the people of Guam, I say, "Si Yu'os Ma'ase" to a distinguished community leader for having been such an exemplary role model and for her invaluable services to the island of Guam.

HONORING JOHN PETER CALVELLI

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Mr. ENGEL. Mr. Speaker, just over forty years ago a young man came to our country who, like so many before him, was seeking a better life. And like so many before him, he not only found that better life but made our country better for his coming here. John Peter Calvelli is one of those individuals.

John was born in Vico, Aprigliano in the province of Cosenza, Italy. On January 24th, 1958 he married his wife Rose and they were blessed with two children, Louis and John. Upon his arrival in the United States in August of 1958, John began working for G.A.L., an elevator company currently located in the Bronx and in 1971 joined the New York City Transit Authority as a car inspector, where he received many commendations for his job performance. During his spare time he devoted many hours to the betterment of our local community through his active involvement in many worthwhile charitable organizations. He is an active member and Past President of the San Fili Fraternity Club, an organization dedicated to promoting the Italian heritage organization as well as providing needed funds to students to help defray the increasing cost of higher education. His active participation as a lay leader for the Salesian Cooperators has served as a source of religious, spiritual and financial support for the students and faculty of Salesian High School. This spirit of community concern is manifested in his children: Louis serves as the Vice President for Development of Salesian High School and John serves as my Administrative Assistant.

On the evening of Friday, May 14, 1999 members and friends of the NYC Transit Authority will be hosting a dinner to celebrate a new chapter in John's life: his retirement. I am confident that he will spend the coming years to continue his work on behalf of our community and spend time with his new grandchild, John Domenico. I salute him and thank him for his work on behalf of the entire community and look forward to sharing many special events in the coming years with him and the entire Calvelli family.

BUSINESS MEAL DEDUCTION LEGISLATION

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Mr. COLLINS. Mr. Speaker, I rise today to introduce legislation which provides much needed tax relief to working Americans who travel extensively for a living and are subject to the hours of service limitations of the Department of Transportation. The Taxpayer Relief Act of 1997 included a provision which phased in over ten years an increase in the deductibility of business meal expenses from 50 percent to 80 percent for these individuals. However, that phase in is simply too long. My legislation is very straightforward. It will accelerate the timetable and make the 80 percent deduction effective for tax years beginning after December 31, 1999. Like current law, the acceleration is applicable to individuals subject to Department of Transportation hours of service limitations.

This measure is important because the Federal government requires thousands of workers to spend many nights away from home. As a result, these individuals spend funds on meals that would otherwise not be expended. These expenses are not made on elaborate, expensive business meals. These purchases are more typically made at roadside facilities when travelers must stop for the night in order to comply with Federal regulations. However, the consistency of these required purchases ensure even frugal meal purchases add up to significant amounts annually.

Mr. Speaker, I strongly urge my colleagues to join me in the effort to provide a modest tax reduction for the working men and women of this country who travel the highways for a living.

COMMENDING THE GARY, INDIANA NAACP

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Mr. VISCLOSKY. Mr. Speaker, it is my distinct pleasure to commend the members of the Gary, Indiana, branch of the National Association for the Advancement of Colored People (NAACP). On Friday, May 21, 1999, the Gary NAACP will hold its 36th Annual Life Membership Banquet and Scholarship Dinner at the St. Timothy Community Church in Gary, Indiana.

This annual event is a major fundraiser for the Gary branch of the NAACP. The funds generated through this activity, and others like it, go directly to the organization's needed programs and advocacy efforts. In addition, the dinner serves to update and keep the community aware of the activities, accomplishments, and accolades of the local and national chapters of the NAACP on an annual basis.

The featured speaker at this gala event will be South Carolina's Congressman James E. Clyburn. Representative Clyburn represents the 6th Congressional District of South Carolina and was first elected to Congress in November of 1992. He currently serves as the Chairman of the Congressional Black Caucus and is a Life Member of the NAACP.

This year the Gary NAACP will honor five outstanding leaders for their efforts to further equality in society. Joining more than five hundred outstanding civil, community, and religious leaders of the region, the following distinguished individuals will be inducted as life members of the Gary NAACP: Louise Lee, Foster Stephens, and Father Pat Gaza of Gary, Indiana; James Sudlek of Hammond, Indiana; and Joyce Washington of Calumet City, Illinois.

The Gary NAACP was organized in 1915 by a group of residents that felt there was a need for an organization that would monitor and defend the rights of African-Americans in Northwest Indiana. The national organization, of which the Gary branch is a member, focuses on providing better and more positive ways of addressing the important issues facing minorities in social and job-related settings. Like the national organization, the Gary branch of the NAACP serves its community by combating injustice, discrimination, and unfair treatment in our society.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in paying tribute to Louise Lee, Foster Stephens, James Sudlek, Father Pat Gaza, and Joyce Washington, as well as the other members of the Gary NAACP for the efforts, activities, and leadership that these outstanding men and women have utilized to improve the quality of life for all residents of Indiana's First Congressional District.

INTRODUCTION OF THE STALKING PREVENTION AND VICTIM PROTECTION ACT OF 1999

HON. SUE W. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Mrs. KELLY. Mr. Speaker, I rise today for the purpose of introducing the Stalking Prevention and Victim Protection Act of 1999. This legislation addresses a problem of increasing prevalence in our nation. While stalking is perhaps most popularly regarded as a crime only to be dealt with by celebrities with bodyguards and fortress-like estates, this is simply not the case. According to statistics released by the Justice Department, over 1,000,000 women and 370,000 men are victimized by stalkers every year. These estimates greatly exceed previous estimates, and clearly indicate a need for legislative redress. For this reason, I am reintroducing legislation that will provide greater protection to stalking victims.

This legislation builds on an important anti-stalking law enacted in 1996. The Interstate Stalking Punishment and Prevention Act, which was introduced by my colleague Congressman Royce, marked a significant stride in the effort to stop and prevent stalking, as it established for the first time federal penalties for interstate stalking. My bill seeks to enhance the ability of law enforcement to arrest and prosecute stalkers by broadening the definition of stalking to include interstate communications such as mail and e-mail. Furthermore, by criminalizing "threatening behavior" as opposed to "the demonstration of specific threats," this bill closes a loophole commonly used by accused stalkers to avoid conviction. The bill also include bail restrictions and enhanced sentencing provisions for repeat-offenders, along with the requirement that a mandatory protection order be issued for the victim.

I've seen first-hand the horrible effects wrought on the lives of innocent people by stalkers. I've met people who face each day with an overwhelming fear for their safety, people whose spirits have been worn down by a undaunted menace. Congress must do more to protect these people, and I see this legislation as an important step in that direction. I certainly hope that my colleagues will agree with me.

INTRODUCTION OF H.R. 1835, NORTH KOREA THREAT REDUCTION ACT OF 1999

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Mr. GILMAN. Mr. Speaker, I am pleased to announce the introduction of the North Korea Threat Reduction Act of 1999, H.R. 1835. I am joined in introducing this legislation by a very distinguished bipartisan list of cosponsors, including Congressmen Sherrod Brown and Mark Sanford of our Committee on International Relations, Chris Cox, chairman of our House Republican Policy Committee, John Kasich, chairman of our Committee on the Budget, Joe Knollenberg of our Committee on Appropriations, and David McIntosh of our Committee on Government Reform and Oversight.

This legislation seeks to improve U.S. policy toward North Korea by weaving together the various elements of our policy into a comprehensive whole, and redirecting our policy in ways that will better advance our national interest.

It has long been obvious that U.S. policy toward North Korea is in need of an overhaul. That is why the Administration agreed last year to appoint a Special Policy Coordinator for North Korea, Dr. William Perry, to review the policy and make recommendations for restructuring it.

The legislation that we are introducing today is designed to complement and reinforce Dr. Perry's efforts to rationalize U.S. policy toward North Korea. Our new policy must be: comprehensive; integrated and coordinated with our Japanese and South Korean allies; backed by strengthened conventional military deterrence and theater missile defense; engender a willingness to undertake tough measures in the name of national security; and be founded on a step-by-step program of conditional reciprocity.

There remains a great deal of skepticism in the Congress about the 1994 Agreed Framework between the United States and North Korea, under which North Korea has become the largest recipient of U.S. foreign assistance in East Asia. The underground facility at Kumchang-ri may indicate that North Korea continues to pursue a nuclear weapons program notwithstanding the Agreed Framework. Other press reports suggest that North Korea may be building a parallel, uranium-based nuclear program.

Despite the skepticism of many of us in Congress, H.R. 1835 does not seek to terminate U.S. support for the Agreed Framework. To the contrary, our legislation would, for the first time ever, authorize the Administration's full request for U.S. assistance to the Korean Peninsula Energy Development Organization in FY 2000. The Administration's request of $55 million includes a $20 million increase over this year's funding level, and we have not taken issue with this increase.

We have, however, insisted on strict adherence by North Korea to its obligations under the Agreed Framework before these funds can be released. Our conditions are, with one exception, based on those contained in current law, and therefore should be acceptable to the Administration.

The one exception is a new requirement we have added for a certification by the President that North Korea is not seeking to develop or acquire the capability to enrich uranium. This requirement is intended to draw attention to the fact that it would make no sense for the United States to proceed with the Agreed Framework—which fundamentally is intended to deny North Korea plutonium that it could use to build nuclear bombs—if North Korea is developing the capability to enrich uranium as an alternative source of fissile material.

Our legislation also insists on strict compliance by North Korea with its obligations under the Agreed Framework before key U.S. nuclear components can be transferred to North Korea in connection with the construction there of two light water nuclear reactors. The Agreed Framework's most important requirements in this respect are that the International Atomic Energy Agency (IAEA) must be fully satisfied that North Korea is not cheating on its obligations under the Nuclear Non-Proliferation Treaty, and that North Korea must allow the IAEA to carry out whatever inspections it deems necessary to verify that North Korea is not cheating. Under our legislation, key U.S. nuclear reactor components cannot be transferred to North Korea unless the President certifies that these requirements of the Agreed Framework have been met, and Congress has approved legislation concurring in the President's certification.

Our legislation addresses the North Korean missile threat by conditioning any relaxation of the current U.S. trade embargo of North Korea on progress in eliminating that threat. Specifically, our legislation requires North Korea to accept the Administration's current demands that North Korea institute a total ban on missile exports, and terminate its long-range missile program.

Finally, our legislation addresses a number of other elements of our North Korea policy. The legislation requires effective monitoring of U.S. food shipments to North Korea to ensure that the assistance is not being diverted to the North Korean military. It authorizes $10 million to begin to set up a joint early warning system in the Asia-Pacific region to continuously share information on missile launches detected by governments participating in the system. It authorizes $30 million to assist North Korean refugees in China and to support the resettlement of such refugees in South Korea and other neighboring countries.

We do not anticipate moving H.R. 1835 forward through the legislative process until we have received Dr. Perry's recommendations regarding U.S. policy toward North Korea. As Dr. Perry completes his final deliberations later this month, it is imperative that his policy recommendations address the issues identified in H.R. 1835 if the Administration hopes to garner the support of Congress and the American people. We are confident that Dr. Perry's recommendations will address these issues, and that the upshot will be a convergence between Congress and the Administration over policy toward North Korea.

H.R. 1835

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "North Korea Threat Reduction Act of 1999".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) Under the Agreed Framework of October 21, 1994, the Democratic People's Republic of Korea (North Korea) committed to freeze and eventually dismantle its nuclear program, in exchange for annual deliveries of 500,000 tons of heavy fuel oil, and the construction of two 1,000 megawatt light water nuclear power reactors costing approximately $5,000,000,000.

(2) The discovery of an apparent underground nuclear-related facility at

Kumchang-ri, North Korea brought into question North Korea's commitment to abide by the conditions of the 1994 Geneva Agreed Framework.

(3) North Korea's ongoing development, production, testing, deployment, and proliferation of ballistic missiles presents a clear and present danger to forward-deployed United States Armed Forces in Asia, United States friends and allies, and the United States.

(4) North Korea has become the largest recipient of United States foreign assistance in East Asia, valued at over $225,000,000 in 1998 alone.

(5) North Korea is a major producer of opium and increasingly is involved in illicit narcotics trafficking.

SEC. 3. ASSISTANCE FOR THE KOREAN PENINSULA ENERGY DEVELOPMENT ORGANIZATION.

(a) Authorization of Appropriations.—

(1) In general.—There is authorized to be appropriated for fiscal year 2000 $55,000,000 for assistance to the Korean Peninsula Energy Development Organization (KEDO).

(2) Additional requirement—Assistance under paragraph (1) may be provided notwithstanding any other provision of law (other than subsections (b), (c), (d), and (e) of this section).

(b) Prohibition on Assistance to Nuclear Reactor Construction.—Notwithstanding any other provision of law, none of the funds authorized to be appropriated by subsection (a), or made available under any other provision of law, may be used to assist the construction of nuclear reactors in North Korea.

(c) Conditions for Release of Funds.—Notwithstanding any other provision of law, none of the funds authorized to be appropriated by subsection (a), or made available under any other provision of law, may be made available to KEDO, or for assistance to North Korea for purposes related to the Agreed Framework, until the President determines and reports to the Committees on International Relations and Appropriations of the House of Representatives and the Committees on Foreign Relations and Appropriations of the Senate that—

(1) the parties to the Agreed Framework have taken and continue to take demonstrable steps to implement the Joint Declaration on Denuclearization in which the Government of North Korea has committed not to test, manufacture, produce, receive, possess, store, deploy, or use nuclear weapons, and not to possess nuclear reprocessing or uranium enrichment facilities;

(2) the parties to the Agreed Framework have taken and continue to take demonstrable steps to pursue the North-South dialogue;

(3) North Korea is complying with all provisions of the Agreed Framework;

(4) the effort to can and safely store all spent fuel from North Korea's graphite-moderated nuclear reactors has been successfully concluded;

(5) North Korea has not diverted assistance provided by the United States for purposes for which it was not intended;

(6) the United States has reached agreement with North Korea satisfying United States concerns regarding suspect underground construction, and North Korea has complied with its obligations under that agreement;

(7) North Korea is not seeking to develop or acquire the capability to enrich uranium, or any additional capability to reprocess spent nuclear fuel; and

(8) the United States has made and is continuing to make significant progress on eliminating the North Korean ballistic missile threat, including its ballistic missile exports.

(d) Withholding of Funds Pending Solicitation of All Potential Donor Governments to KEDO.—Amounts appropriated in excess of $35,000,000 pursuant to the authorization of appropriations under subsection (a) may not be made available to KEDO until the President determines and reports to the Committees on International Relations and Appropriations of the House of Representatives and the Committees on Foreign Relations and Appropriations of the Senate that—

(1) the United States has asked all potential donor governments, including Taiwan, to contribute to KEDO;

(2) no contributions offered unconditionally by such governments to KEDO have been declined; and

(3) even after such contributions are received, KEDO will have financial requirements in fiscal year 2000 that can only be met by the provision of more than $35,000,000 in assistance from the United States.

(e) Limitation on Use of Special Authorities.—The authority of section 614 of the Foreign Assistance Act of 1961 (22 U.S.C. 2364) may not be used to authorize the provision of assistance that cannot be provided due to any prohibition, restriction, or condition on release of funds that is contained in subsection (b), (c), or (d).

SEC. 4. FOOD ASSISTANCE TO NORTH KOREA.

Notwithstanding any other provision of law, none of the funds authorized to be appropriated by section 3(a), or made available under any other provision of law, may be made available for food assistance for North Korea until the President determines and reports to the Committees on International Relations and Appropriations of the House of Representatives and the Committees on Foreign Relations and Appropriations of the Senate that—

(1) the Government of the Republic of Korea concurs in the delivery and procedures for delivery of United States food assistance to North Korea;

(2) previous United States food assistance to North Korea has not been significantly diverted to military use;

(3) North Korean military stocks have been expended to respond to unmet food aid needs in North Korea.

(4) the United Nations World Food Program or other private voluntary organizations registered with the United States Agency for International Development have been permitted to take and have taken all reasonable steps to ensure that food deliveries will not be diverted from intended recipients, including unannounced, unscheduled, and unsupervised visits to recipient institutions and farmers' markets by Korean-speaking monitors affiliated with the United Nations World Food Program or other private voluntary organizations registered with the United States Agency for International Development; and

(5) the United States Government has directly, and indirectly through appropriate international organizations, encouraged North Korea to initiate fundamental structural reforms of its agricultural sector.

SEC. 5. RESTRICTIONS ON NUCLEAR COOPERATION WITH NORTH KOREA.

(a) In General.—Notwithstanding any other provision of law or any international agreement, no agreement for cooperation (as defined in sec. 11 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2014 b.)) between the United States and North Korea may become effective, no license may be issued for export directly or indirectly to North Korea of any nuclear material, facilities, components, or other goods, services, or technology that would be subject to such agreement, and no approval may be given for the transfer or retransfer directly or indirectly to North Korea of any nuclear material, facilities, components, or other goods, services, or technology that would be subject to such agreement, until—

(1) the President determines and reports to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate that—

(A) North Korea has come into full compliance with its safeguards agreement with the IAEA (INFCIRC/403), and has taken all steps that have been deemed necessary by the IAEA in this regard;

(B) North Korea has permitted the IAEA full access to all additional sites and all information (including historical records) deemed necessary by the IAEA to verify the accuracy and completeness of North Korea's initial report of May 4, 1992, to the IAEA on all nuclear sites and material in North Korea.

(C) North Korea is in full compliance with its obligations under the Agreed Framework;

(D) North Korea is in full compliance with its obligations under the Joint Declaration on Denuclearization;

(E) North Korea does not have the capability to enrich uranium, and is not seeking to acquire or develop such capability, or any additional capability to reprocess spent nuclear fuel;

(F) North Korea has terminated its nuclear weapons program, including all efforts to acquire, develop, test, produce, or deploy such weapons; and

(G) the transfer to North Korea of key nuclear components, under the proposed agreement for cooperation with North Korea and in accordance with the Agreed Framework, is in the national interest of the United States; and

(2) there is enacted a joint resolution stating in substance that the Congress concurs in the determination and report of the President submitted pursuant to paragraph (1).

(b) Construction.—The restrictions contained in subsection (a) shall apply in addition to all other applicable procedures, requirements, and restrictions contained in the Atomic Energy Act of 1954 and other laws.

SEC. 6. CONTINUATION OF RESTRICTIONS ON TRANSACTIONS WITH NORTH KOREA PENDING PROGRESS ON BALLISTIC MISSILE ISSUES.

(a) Continuation of Restrictions.—

(1) Continuation of restrictions.—All prohibitions and restrictions on transactions and activities with North Korea imposed under section 5(b) of the Trading with the Enemy Act (as in effect on July 1, 1977), as set forth in part 500 of title 31, Code of Federal Regulations as in effect on April 1, 1999, shall remain in effect until the President submits the determination and report described in subsection (b), and—

(A) the authority of section 501.803 of title 31, Code of Federal Regulations (relating to the authority to modify chapter V of title 31, Code of Federal Regulations) and other provisions of law may not be used to modify such prohibitions and restrictions, as in effect on such date, and

(B) no prohibition or restriction on transactions or activities set forth in subpart B of part 500 of title 31, Code of Federal Regulations, as in effect on April 1, 1999, may be authorized after that date, other than those transactions and activities specifically authorized under subpart E of such part,

until such determination and report are so submitted.

(2) REVOCATION OF PRIOR MODIFICATIONS AND AUTHORIZATIONS.—Any modification otherwise prohibited under paragraph (1)(A) that is made after April 1, 1999, and before the date of enactment of this Act, and any authorization granted after April 1, 1999, and before the date of enactment of this Act, for a transaction or activity otherwise prohibited under paragraph (1)(B), shall be revoked as of such date of enactment.

(b) TERMINATION OF RESTRICTIONS.—The determination and report referred to in subsection (a) is a determination by the President, reported to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate, that—

(1) North Korea has agreed to institute a total ban on exports of missiles, missile components, and missile technology;

(2) there is no credible evidence that North Korea has, during the 1-year period prior to the date of the President's determination, exported missiles, missile components, or missile technology;

(3) North Korea has terminated its long-range missile program, including all efforts to acquire, develop, test, produce, or deploy such missiles;

(4) North Korea is in full compliance with its obligations under the Agreed Framework;

(5) North Korea is in full compliance with its obligations under the Joint Declaration on Denuclearization;

(6) North Korea does not have the capability to enrich uranium, and is not seeking to acquire or develop such capability, or any additional capability to reprocess spent nuclear fuel; and

(7) North Korea has terminated its nuclear weapons program, including all efforts to acquire, develop, test, produce, or deploy such weapons; and

(c) REIMPOSITION OF RESTRICTIONS.—Should the President become aware of information establishing that North Korea—

(1) has exported missiles, missile components, or missile technology,

(2) is seeking to acquire, develop, test, produce, or deploy long-range missiles,

(3) is not in full compliance with its obligations under the Agreed Framework or the Joint Declaration on Denuclearization,

(4) has the capability to enrich uranium or is seeking to acquire or develop such capability or additional capability to reprocess spent nuclear fuel, or

(5) is seeking to acquire, develop, test, produce, or deploy nuclear weapons,

then the requirements of subsection (a) shall be reimposed notwithstanding any determination and report submitted under subsection (b).

SEC. 7. BALLISTIC MISSILE DEFENSE IN THE ASIA-PACIFIC REGION.

(a) POLICY OF THE UNITED STATES.—It shall be the policy of the United States to work with friendly governments in the Asia-Pacific region to develop and deploy ballistic missile defense capable of countering ballistic missile threats in the region.

(b) JOINT EARLY WARNING SYSTEM.—Of the funds appropriated to carry out the provisions of section 23 of the Arms Export Control for fiscal year 2000, up to $10,000,000 is authorized to be made available to support the establishment of a joint early warning system in the Asia-Pacific region. Such system shall have as its purpose the continuous sharing of information on missile launches detected by the governments participating in the system, and may include the establishment by such governments of a joint early warning center.

SEC. 8. REFUGEES FROM NORTH KOREA.

(a) POLICY OF THE UNITED STATES.—It shall be the policy of the United States to oppose the involuntary return of the North Korean refugees to North Korea, to support the provision of international assistance to such refugees in the People's Republic of China and other countries of asylum, and to facilitate the resettlement of such refugees in South Korea and other neighboring countries.

(b) AUTHORIZATION OF ASSISTANCE FOR REFUGEES FROM NORTH KOREA.—Of the funds appropriated for "Migration and Refugee Assistance" for fiscal year 2000, up to $30,000,000 is authorized to be made available for assistance to North Korean refugees in the People's Republic of China and other countries of asylum, and to support the resettlement of such refugees in South Korea and other neighboring countries.

SEC. 9. REPORT TO CONGRESS ON THE AGREED FRAMEWORK.

Not later than 90 days after the date of enactment of this Act, the President shall submit to the Committees on International Relations and Appropriations of the House of Representatives and the Committees on Foreign Relations and Appropriations of the Senate a report on the following:

(1) The projected total cost of the two 1000 MW(e) light water nuclear reactors that are to be constructed in North Korea pursuant to the Agreed Framework, the portion of this total cost that South Korea and Japan have committed to pay, the potential sources of funding for the portion of this total cost that South Korea and Japan have not committed to pay, and the maximum portion of this total cost, if any, that the President anticipates will be paid by the United States.

(2) Of the projected total cost identified in response to paragraph (1), the portion of this cost that North Korea will be obligated to repay, the likely terms upon which such repayment will be required, and the possible sources of revenue from which such repayment will be made.

(3) The degree to which North Korea's electrical power distribution network will have to be upgraded in order to distribute the electrical power that will be generated by the two 1000 MW(e) light water nuclear reactors that are to be constructed in North Korea pursuant to the Agreed Framework, the projected cost of such upgrades, and the possible sources of funding for such upgrades.

(4) The advantages to North Korea of building non-nuclear power plants rather than light water nuclear power plants, including—

(A) the cost saving that could be realized by building non-nuclear electric power plants with a total generation capacity of 2000 MW(e) rather than two light water nuclear power plants with that same capacity;

(B) the projected date by which non-nuclear electric power plants with a total generation capacity of 2000 MW(e) could be completed, compared with the projected date by which two light water nuclear power plants with that same capacity will be completed; and

(C) the advantages for electric power distribution that could be realized by building a number of non-nuclear electric power plants with a total generation capacity of 2000 MW(e) rather than two light water nuclear power plants with that same capacity.

SEC. 10. DEFINITIONS.

In this Act:

(1) AGREED FRAMEWORK.—The term "Agreed Framework" means the "Agreed Framework Between the United States of America and the Democratic People's Republic of Korea", signed in Geneva on October 21, 1994, and the Confidential Minute to that Agreement.

(2) IAEA.—The term "IAEA" means the International Atomic Energy Agency.

(3) KEDO.—The term "KEDO" means the Korean Peninsula Energy Development Organization.

(4) NORTH KOREA.—The term "North Korea" means the Democratic People's Republic of Korea.

(5) LONG RANGE MISSILE.—The term "long range missile" means a missile with a range of 1000 kilometers or more.

(6) JOINT DECLARATION ON DENUCLEARIZATION.—The term "Joint Declaration on Denuclearization" means the Joint Declaration on the Denuclearization of the Korean Peninsula, signed by the Republic of Korea and the Democratic People's Republic of Korea on January 1, 1992.

SENIORS SAFETY ACT OF 1999

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Mr. CONYERS. Mr. Speaker, crimes and abuses against seniors have become an increasing problem in America. From physical assault to health care fraud and telemarketing scams, which cost Americans approximately $40 billion per year, our seniors are being abused physically and financially. Such abuses take place intentionally, but also in the form of neglect. For example, seniors in nursing homes often fail to receive the care and medications they need—an alarming occurrence considering that some experts estimate that over 40 percent of seniors will need some form of nursing care.

This is why I, along with Representatives UDALL and HOEFFEL, am introducing the Seniors Safety Act of 1999. This bill represents a comprehensive solution to the problems I've just described. It takes a two-pronged approach—prevention and punishment—to crimes against seniors, including health care fraud, injury, telemarketing scams, nursing home neglect.

In addressing prevention, the bill directs the Attorney General to conduct a study of what crimes are committed, what the risk factors are, and what strategies can prevent future occurrences. From that information, we can create real solutions to this ever-increasing problem. The bill also directs the Sentencing Commission to determine whether enhanced punishments would deter such crimes from recurring.

We are facing a crisis in this country—a crisis of abuse and neglect of America's seniors. With this legislation, we can work in a bipartisan manner with our colleagues in the House and Senate to ensure that they are not taken advantage of anymore.

CONGRATULATIONS TO THE PRESIDENT OF TAIWAN, THE HONORABLE LEE TENG-HUI

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Mr. FALEOMAVAEGA. Mr. Speaker, on behalf of our colleagues in the United States Congress and our great Nation, I want to take this opportunity to extend to the President of Taiwan, the Honorable Lee Teng-Hui, our deepest congratulations on his third anniversary in office, which shall be celebrated tomorrow, May 20th.

Mr. Speaker, President Lee is to be commended for his astute leadership of the affairs of Taiwan, which is reflected by Taiwan's enviable position of prosperity and stability as it prepares to enter the 21st century.

While much of the Asia-Pacific region is still mired in the turbulent winds of the Asian financial crisis, Taiwan's economy has weathered the storm remarkably well. In the last three years, President Lee's policies have directly contributed to steady economic growth in Taiwan.

Mr. Speaker, President Lee is to be further commended for expanding Taiwan's substantive relations with countries in the international community. Taiwan is too important of an economic force to be relegated into political isolation. To that effect, President Lee must be credited with recently establishing diplomatic ties with the nation of Macedonia.

I am also encouraged, Mr. Speaker, that President Lee has acknowledged the critical importance of maintaining positive relations with the People's Republic of China. In recognition of that vital goal, President Lee has strongly supported continuing the Cross-Strait Dialogue with the PRC. This dialogue is crucial for resolving misunderstandings between Beijing and Taipei and Washington, and is of fundamental importance in maintaining peace and stability in the Taiwan Strait and for all of Asia.

Mr. Speaker, the people of the United States have been and will always be close friends of the good people of Taiwan. At this auspicious time celebrating the third anniversary of President Lee's tenure in office, let us all join in wishing President Lee and the people of Taiwan continued good health, peace and prosperity in the years ahead.

INDIAN DEFENSE MINISTER'S STATEMENT SHOWS THAT INDIA IS ANTI-AMERICAN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

Mr. TOWNS. Mr. Speaker, we knew that India was a repressive tyranny. Now they have shown us how anti-American they are. I was offended by an article in the May 18 issue of the Indian Express, which Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, shared with me. In the article, the Indian Defense Minister, a man named George Fernandes, describes the United States as "vulgarly arrogant" and accused the United States and NATO of "aggression against Yugoslavia."

The meeting he was addressing, which was called by India, was also attended by representatives from China, Cuba, Yugoslavia, Russia, Libya, and Iraq, which leads me to wonder where the North Koreans were. They belong in this motley collection of America-bashers as much as any of these other countries.

The article says that everyone at the meeting agreed that "We have to stop the U.S. It started with Iraq, now Yugoslavia. We don't know who's next." The Russian Ambassador asked "India and China to join us in stopping U.S. attempts to dominate the world."

I would like to remind my colleagues that India is one of the largest recipients of American foreign aid. Does this sound to you like a country we should be supporting with the tax dollars of the American people? It doesn't sound like that kind of country to me.

Remember that it was India that started the nuclear arms race in South Asia by setting off five nuclear devices. It is India that refuses to sign the Comprehensive Test Ban Treaty. India has attacked Pakistan twice and invaded Sri Lanka once.

Whether or not one agrees with President Clinton's policy in Kosovo, we went there to stop the "ethnic cleansing" of the Kosovars by the Serbian government. Yet we have averted our glance from a similar campaign throughout India, a situation the Indian Supreme Court described as "worse than a genocide." This ethnic cleansing has taken the lives of over 250,000 Sikhs since 1984, over 200,000 Christians in Nagaland since 1947, over 60,000 Muslims in Kashmir since 1988, and thousands upon thousands of Dalits, Assamese, Manipuris, Tamils, and other minority peoples. India claims that it is democratic, but there is not democracy for these and other minorities. Currently, there are 17 independence movements in the nations under Indian control. Now India is joining with some of the world's most tyrannical police states in a joint effort to "stop the U.S." Not only that, but the so-called "world's largest democracy" organized the meeting.

We must stop funneling American money to countries that are repressive and are conspiring with our enemies against this country. We should place stringent economic sanctions on India to stop the repression and the anti-American activities, and we should apply every kind of peaceful pressure that we can to secure for the minority peoples and nations of South Asia the right to determine their own futures democratically in a free and fair vote, not by the force of Indian bayonets. This is our duty to the people of the world. We must begin today.

I would like my colleagues to read the Indian Express article, which is alarming, so I would like to submit it for the RECORD.

GEORGE LEADS ENVOYS IN BASHING 'A VULGARLY ARROGANT US'

New Delhi, May 17: Yugoslavia, Iraq, Cuba, Libya, Russia, China—and India. That these countries produce the world's finest boxers probably had something to do with a session of US-bashing inside stuffy, old Sapru House in Delhi today. And also that each one of them have had a diplomatic disagreement with the US some time or the other. Defence Minister George Fernandes' Samata Party had organised the meeting "to denounce the US-led NATO's aggression on Yugoslavia". Fernandes, typically led from the front against a "much stronger and a vulgarly arrogant United States" since the days of the Vietnam war. Envoys from the other six countries to India added a long list of adjectives in the same vein.

"We have to stop the US," agreed everyone, "It started with Iraq, now Yugoslavia. We don't know who's next." In their anxiety, and in their furious speeches, there were subtle messages being put across. Like Yugoslav Ambassador Cedomir Strbac's statement that Belgrade was ready to "guarantee all Kosovars substantial autonomy" in accordance with international standards.

"But only if NATO stops its air strikes and a political dialogue is initiated in accordance with Gandhinan principles. We are ready to accept a solution which respects our freedom, sovereignty and territorial integrity," he said.

Others said the Cold War may be over, and the USSR may have disintegrated, but watch out for a new world order. "They (the US) are showing Russia and others what they can do. We want India and China to join us in stopping US attempts to dominate the world. The equation is: To be, or not to be," said Russian Ambassador Albert S. Tchernshyev.

"The forthcoming 21st century should not witness a unipolar world," added China's political counsellor Liu Jenfeng, venting China's anger over NATO's bombing the Chinese embassy in Belgrade which left three dead and 20 injured.

The ambassadors from Cuba, Libya and Iraq narrated their stories to express support for "Yugoslavia's resilience". "How can they pretend to solve a conflict by using destructive weapons themselves. For 38 years, they have held us to ransom with embargos," said Cuban Ambassador Olga Chamero Trias. "We have been called terrorists and law-breakers all these years. Now who is breaking the law?" said Libyan Ambassador Nuri Al-Fituri El-Madani.• "People in Kosovo are becoming refugees because they are fleeing from the bombing, not because there is ethnic cleansing. We in Iraq know what it means to live in the middle of bombs exploding all around," said Iraqi ambassador Salah Al-Mukhtar.

George Fernandes agreed, and summarised. He said the US has run away from all norms set by the United Nations. "The UN hardly has a say these days, America merely wished its way to doing what it's doing. Therefore, we (referring to Russia, China, India, Libya, Cuba, Iraq and Libya) who represent more than half the world's population must get together to stop the US-led NATO hegemony."

He pointed out that the new doctrine adopted by NATO on its 50th anniversary on April 23, when Yugoslav towns were being bombed, made it clear that the military alliance was free to attack any sovereign country if it "thought that country was doing or was likely to do anything against the interests of any NATO country". Fernandes added: "That the United States is the author of this doctrine does not need to be emphasised here."

At the end of it all, inside the stuffy, old auditorium, an emotional Yugoslav ambassador Strbac stood up and said "Jai Hind".

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 20, 1999 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 24

1 p.m.

Aging

To hold hearings to examine Health Care Financing Administration assessment's of home health care access.

SD–366

1:30 p.m.

Appropriations

Defense Subcommittee

Business meeting to markup proposed legislation making appropriations for fiscal year 2000 for the Department of Defense.

SD–192

MAY 25

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings on S.798, to promote electronic commerce by encouraging and facilitating the use of encryption in interstate commerce consistent with the protection of national security.

SR–253

Health, Education, Labor, and Pensions

Business meeting to consider the Health Information Confidentiality Act; S.Con.Res.28, urging the Congress and the President to increase funding for the Pell Grant Program and existing Campus-Based Aid Programs; the nomination of James Roger Angel, of Arizona, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation; and the nomination of Zalmay Khalilzad, of Maryland, to be a Member of the Board of Directors of the United States Institute of Peace.

SD–628

Year 2000 Technology Problem

To hold hearings to explore individual and community Y2K preparedness, and the media's role in providing Y2K information.

SH–216

Energy and Natural Resources

To hold oversight hearings on state progress in retail electricity competition.

SD–366

10 a.m.

Environment and Public Works

To hold hearings on proposed legislation authorizing funds for programs of the Comprehensive Environmental Response, Liability, and Compensation Act of 1980 (Superfund).

SD–406

Foreign Relations

Near Eastern and South Asian Affairs Subcommittee

To hold hearings on political and military developments in India.

SD–562

Finance

To resume oversight hearings on the enforcement activities of the United States Customs Service, focusing on commercial operations.

SD–215

Judiciary

To hold hearings to review the Library of Congress' Copyright Office report on distance education in the digital environment.

SD–226

Small Business

To hold hearings relating to education and business success.

SR–428A

2:15 p.m.

Commerce, Science, and Transportation

Aviation Subcommittee

To hold hearings on proposed legislation authorizing funds for research and development programs for the Federal Aviation Administration, Department of Transportation.

SR–253

Energy and Natural Resources

National Parks, Historic Preservation, and Recreation Subcommittee

To hold hearings on S.140, to establish the Thomas Cole National Historic Site in the State of New York as an affiliated area of the National Park System; S.734, entitled the "National Discovery Trails Act of 1999"; S.762, to direct the Secretary of the Interior to conduct a feasibility study on the inclusion of the Miami Circle in Biscayne National Park; S.938, to eliminate restrictions on the acquisition of certain land contiguous to Hawaii Volcanoes National Park; S.939, to correct spelling errors in the statutory designations of Hawaiian National Parks; S.946, to authorize the Secretary of the Interior to transfer administrative jurisdiction over land within the boundaries of the Home of Franklin D. Roosevelt National Historic Site to the Archivist of the United States for the construction of a visitor center; and S.955, to allow the National Park Service to acquire certain land for addition to the Wilderness Battlefied in Virginia, as previously authorized by law, by purchase or exchange as well as by donation.

SD–366

MAY 26

9:30 a.m.

Environment and Public Works

To hold hearings on proposed legislation authorizing funds for programs of the Comprehensive Environmental Response, Liability, and Compensation Act of 1980 (Superfund).

SD–406

Health, Education, Labor, and Pensions

Employment, Safety and Training Subcommittee

To hold hearings to examine mine safety and health issues.

SD–628

Indian Affairs

To hold oversight hearings on Native American Youth Activities and Initiatives.

SR–485

10 a.m.

Judiciary

Immigration Subcommittee

To hold hearings to examine immigrant contributions to the United States Armed Forces.

SD–226

Foreign Relations

To hold hearings to examine a protocol to reconstitute the Anti-Ballistic Missile (ABM) Treaty with four new partners.

SD–562

2 p.m.

Commerce, Science, and Transportation

To hold oversight hearings on activities of the Federal Communications Commission.

SR–253

Intelligence

To hold closed hearings on pending intelligence matters.

SH–219

2:30 p.m.

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold hearings on S.510, to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands.

SD–366

MAY 27

9:30 a.m.

Energy and Natural Resources

To hold hearings on the nomination of David L. Goldwyn, of the District of Columbia to be an Assistant Secretary of Energy (International Affairs).

SD–366

10 a.m.

Commerce, Science, and Transportation

To hold hearings on S.761, to regulate interstate commerce by electronic means by permitting and encouraging the continued expansion of electronic commerce through the operation of free market forces.

SR–253

Foreign Relations

East Asian and Pacific Affairs Subcommittee

To hold hearings to examine the Chinese Embassy bombing and its effects on United States-China relations.

SD–562

Health, Education, Labor, and Pensions

To hold hearings on proposed legislation authorizing funds for the National Endowment for the Arts.

SD–628

2 p.m.

Energy and Natural Resources

Water and Power Subcommittee

To hold hearings on S.623, to amend Public Law 89-108 to increase authorization levels for State and Indian tribal, municipal, rural, and industrial water supplies, to meet current and future water quantity and quality needs of the Red River Valley, to deauthorize certain project features and irrigation service areas, to enhance natural resources and fish and wildlife habitat; S.244, to authorize the construction of the Lewis and Clark Rural Water System and to authorize assistance to the Lewis and Clark Rural Water System, Inc., a nonprofit corporation, for the planning and construction of the water supply system; S.769, to provide a final settlement on certain debt owed by the city of Dickinson, North Dakota, for the construction of the bascule gates on the Dickinson Dam; and S.1027, to reauthorize the participation of the Bureau of Reclamation in the Deschutes Resources Conservancy.

SD-366

Foreign Relations

To hold hearings on the nomination of David B. Sandalow, of the District of Columbia, to be Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs.

SD-562

2:30 p.m.

Health, Education, Labor, and Pensions

Aging Subcommittee

To resume hearings on issues relating to the Older Americans Act.

SD-628

JUNE 9

9:30 a.m.

Environment and Public Works

Transportation and Infrastructure Subcommittee

To resume hearings on the implementation of the Transportation Equity Act for the 21st century.

SD-406

2 p.m.

Energy and Natural Resources

Water and Power Subcommittee

To hold oversight hearings on the process to determine the future of the four lower Snake River dams and conduct oversight on the Northwest Power Planning Council's Framework Process.

SD-366

JUNE 17

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings on mergers and consolidations in the communications industry.

SR-253

Environment and Public Works

To hold hearings on S.533, to amend the Solid Waste Disposal Act to authorize local governments and Governors to restrict receipt of out-of-State municipal solid waste; and S.872, to impose certain limits on the receipt of out-of-State municipal solid waste, to authorize State and local controls over the flow of municipal solid waste.

SD-406

SEPTEMBER 28

9:30 a.m.

Veterans Affairs

To hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of the American Legion.

345 Cannon Building

HOUSE OF REPRESENTATIVES—*Thursday, May 20, 1999*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. QUINN).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 20, 1999.

I hereby appoint the Honorable JACK QUINN to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Father James Nock, Senate Chaplain, State of Connecticut, Hartford, Connecticut, offered the following prayer:

Almighty Father, we ask Your blessing on this august body, as we come together this morning to do the work of our Nation.

Let us never forget the potential we share together, to accomplish anything we choose. For with our combined talents, abilities, and experiences, there is no limit to what we can accomplish, only the limit of our own imaginations.

And we ask this of You, who lives and reigns, forever and ever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Mississippi (Mr. WICKER) come forward and lead the House in the Pledge of Allegiance.

Mr. WICKER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOME TO FATHER JAMES J. NOCK

(Mr. LARSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LARSON. Mr. Speaker, I would first like to extend a heartfelt thanks to Chaplain Ford for providing an opportunity for a dear friend and a pastor of mine in East Hartford, a person who has brought home and shepherds the flock on a regular basis, Dr. James Nock from East Hartford.

Father Nock was born in Hartford, Connecticut, of Italian and Irish descent. He is a graduate of Saint Bonaventure University, and he also took his graduate studies at Sulpice in Paris, France; ordained in the Cathedral of Notre Dame in Paris on June 26, 1964, and currently the pastor of Our Lady of Peace in East Hartford, Connecticut.

Father also has served as the Chaplain of the Connecticut State Senate, and he has always brought not only great wisdom in his remarks but a great sense of humor and a sense about the people he serves here on Earth. I want to thank Chaplain Ford so much for providing Father Nock, the parish and the community of East Hartford with this wonderful opportunity.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 10 one-minutes on each side.

CLINTON-GORE ADMINISTRATION SHORTCHANGING MEDICARE

(Mr. WICKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WICKER. Mr. Speaker, the message is beginning to get through that the Clinton-Gore administration is shortchanging Medicare. Ill-advised regulations are threatening the quality of health care for our Nation's retired citizens by cutting Medicare $20 billion below the level set by Congress in the Balanced Budget Act.

In a letter this month to HHS Secretary Shalala, 20 Democratic Senators joined 21 Republican Senators in urging this administration to reverse its decision, warning that harm could come to elderly patients. This bipartisan letter warns that if regulations are not revised, we may see closings of facilities, layoffs of dedicated caregivers, reductions in access to skilled nursing services and erosion of quality of care.

I say to our President, your cuts in Medicare are unacceptable and they are not in compliance with the Balanced Budget Act. It is time for this administration to provide the resources our senior citizens require.

BIPARTISAN EFFORT FOR CAMPAIGN FINANCE REFORM

(Mr. DOGGETT asked and was given permission to address the House for 1 minute.)

Mr. DOGGETT. Mr. Speaker, last year we forced a vote on reform to clean up the way congressional campaigns are conducted. In the words of the respected commentator, Mary McGrory: "To get the bill to the floor reformers had to pry it out of the clenched jaws of Speaker Newt Gingrich by gathering signatures on a discharge petition."

When that vote for reform finally and belatedly occurred, we found out why. Every single Republican leader voted against the bipartisan reform, supported by good government groups, and every Democratic leader voted for it. Nevertheless, Republican DELAY wrote the obituary for this proposal in the Senate.

This year we face the same problem. Here in this House, 196 Democrats have signed a petition to force debate on all proposals, Democratic and Republican, now. Speaker HASTERT and Mr. DELAY say wait until some time in the fall. Every Republican member who refuses to sign this petition for timely action is complicit in killing reform. Join us in a bipartisan effort. Sign now and act now.

HMO REFORM

(Mr. GANSKE asked and was given permission to address the House for 1 minute.)

Mr. GANSKE. Mr. Speaker, I want to correct the record. The other night I gave a special order on HMO reform and inadvertently mentioned the NFIB. In fact, the results I mentioned were from the National Survey of Small Business Executives on Health Care by the Kaiser-Harvard Program on Public Health and Social Policy. I was correct, however, in citing the numbers.

When this group of 300 small business executives was asked if HMO reform were passed into law and would increase premiums by up to $5 a month, only 1 percent said they would drop coverage and 5 percent did not know; 94 percent would continue coverage.

This cost is in the range of what I think my legislation would affect premiums. This is borne out by the CEO of

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Iowa Blue Cross/Blue Shield telling me that his plan is implementing the President's commission recommendations on quality and they do not expect to see an increase in premiums from that.

Mr. Speaker, the opponents of HMO reform are trying to scare people about the effects of cost on access to care. I will be happy to share this survey of small business executives with anyone who wants to see some real data.

VOTE ON SHAYS-MEEHAN BEFORE MEMORIAL DAY

(Mr. PASCRELL asked and was given permission to address the House for 1 minute.)

Mr. PASCRELL. Mr. Speaker, with all civility, Congress is still divided between those who believe there is too much money in our campaigns and those who believe there is never enough. We sell democracy short if we think the voters are not watching our electoral behavior. They are becoming very interested in how we handle campaign financing.

Last year, the freshman campaign finance bill was used as interference in getting Shays-Meehan to the floor. With the discharge petition from both sides, we accomplished a vote. We do not need any obstructions now. Let us get on with it. Let us restore credibility to the electoral process now, not later.

Shays-Meehan needs to be voted on before Memorial Day. We can do this in a bipartisan way. I appeal to my colleagues, let us conclude this debate in a civil tone. I think it is the best for America.

BREAST CANCER COALITION

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, did my colleagues know this year alone one in eight women will be diagnosed with breast cancer and did they know that of those positively diagnosed women 75 percent will have had no family history of breast cancer?

It continues to be the leading cause of cancer deaths for all women ages 35 to 54. My home State of Florida has the third highest rate of breast cancer. These numbers have caused champions like Jane Torres, President of the Florida Breast Cancer Coalition, to dedicate their lives on heightening awareness.

Due to the work of groups like the Florida Breast Cancer Coalition, Federal funds for research have now increased by as much as sixfold. Eager advocates like Jane, Jill Lawrence, Shelly Greenberg, Midge Blumberg-Krams, Teresa Menendez, Claudia Dobelstein and all of the members of the Florida Breast Cancer Coalition will continue to fight until this treacherous disease is eradicated. Congratulations to them.

A NATION THAT BANS GOD IS A NATION THAT OPENS THE DOOR TO THE DEVIL

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, another school shooting; this time in Georgia. Everyone is desperately searching for answers. I say the search should stop right here. Congress must look in the mirror, because in America today our students can study cults, devil worship, Hitler, but God is banned, banned from our schools. I say a nation that bans God is a nation that opens the door to the devil and to the problems that we are facing as a nation.

Congress, it is time to allow God back into our schools, and I further recommend after all the technicalities we allow God back into our Nation.

RETURN "THE HUMAN RIGHTS" TO THE DEMOCRACY MOVEMENT

(Mr. DIAZ-BALART asked and was given permission to address the House for 1 minute.)

Mr. DIAZ-BALART. Mr. Speaker, I rise today to protest a violation of the U.S. Constitution's Bill of Rights by the Clinton administration. The Fourth Amendment to the Constitution guarantees that the right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated.

Mr. Ramon Saul Sanchez, the President of the Democracy Movement, has been on a hunger strike in Miami for 16 days. He began this protest on May 5 to protest the illegal confiscation of the boat, The Human Rights, by the Coast Guard, acting on orders from the Clinton-Gore White House. The small boat was confiscated for the crime of carrying copies of the Universal Declaration of Human Rights on the high seas the same day that dissidents within Cuba had announced that they would peacefully be commemorating the 50th anniversary of the Universal Declaration of Human Rights.

That apparently seditious document for the Clinton administration reads, everyone has the right to freedom of movement and residence.

Mr. President, today is Cuban Independence Day. Bring an end to the hunger strike. Return The Human Rights to the Democracy Movement.

NINE OUT OF TEN AMERICANS SUPPORT CAMPAIGN FINANCE REFORM

(Mr. CROWLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CROWLEY. Mr. Speaker, referring to the Democratic campaign finance reform discharge petition, which has 196 Democratic signatures, a Republican recently remarked in Roll Call and I quote, "People who sign the discharge petition are committing treason against the party. That is how strongly I feel about that. That is a dangerous position to take and we need to end that talk."

It is no surprise the Republican Party, which outspends Democrats two-to-one, has proclaimed that supporting campaign finance reform should be a felony offense.

Mr. Speaker, our political system needs and our constituents demand campaign finance reform now. Nine out of 10 Americans support campaign finance reform. I repeat, 9 out of 10 Americans. Last year, 196 Members signed the discharge petition that led to bringing the Shays-Meehan bipartisan campaign finance reform bill to the House floor.

□ 1015

Without that petition process, the House Republican leadership would never have let that debate occur. Time is running out. In order to have enough time for the Senate to pass campaign finance reform, moderate Republicans must sign this discharge petition immediately.

Mr. Speaker, the House must act now on campaign finance reform, and pass it before Memorial Day.

THE COLD WAR IS OVER, BUT DANGEROUS ENEMIES STILL EXIST

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, the Cold War is over. These words we have heard repeated thousands of times since the end of Communist tyranny in Berlin in 1989, especially by leftists whose eagerness to gut our military forces was similarly obvious, even at the height of the Cold War.

But though the Cold War is temporarily over, all of human history argues that it would be foolish to let our defenses down. Dangerous enemies still exist. They do not care what treaties we sign, how much good will Americans have, and they do not care how prosperous we become.

They wish to do us harm because they resent our wealth, reject our democratic values, despise our religious traditions, and cannot maintain their tyrannies at home knowing that freedom exists in a bastion we call America. The very existence of our Nation threatens their existence.

This chart dramatically shows what happens when a Nation ignores the lessons of history. We do so at our peril.

THE BOMBING IN YUGOSLAVIA MUST STOP AND DIPLOMATIC MEASURES TOWARDS PEACE MUST BE ACCELERATED

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, last night three innocent people died and scores were injured in the bombing of a Belgrade hospital by NATO air forces.

This tragedy, taken with the NATO bombing of the Swedish Ambassador's residence, the recent NATO bombing of the Chinese Embassy in Belgrade, the NATO bombing of refugee convoys, the NATO bombing of passenger buses and trains and other civilian infrastructure, raises grave questions about the strategy and the morality of NATO's actions.

It is no longer acceptable for NATO to blithely declare that the mass of civilian casualties resulting from the bombings are unintentional and therefore simply accidental. When such accidents keep repeating themselves and result in the countless deaths of innocent people, it is time to say this must stop.

The continued bombing and the consequent catastrophic parade of innocent human carnage, and NATO's arrogant willingness to endanger innocent civilians, even to mothers giving birth in hospitals, forfeits NATO's claim to the moral high ground. The bombing must stop, and diplomatic measures towards peace must be accelerated.

URGING MEMBERS TO JOIN IN SUPPORT OF H.R. 883, THE AMERICAN LAND SOVEREIGNTY PROTECTION ACT

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, today I rise in support of the gentleman from Alaska (Mr. YOUNG), chairman of the Committee on Resources, and the 183 Members who are cosponsors of H.R. 883, the American Land Sovereignty Protection Act.

It is time that the Congress reclaim its authority granted under the Constitution to make decisions over lands belonging to the United States.

The United Nations has absolutely no right to make land designations for America's liberty bell, our Independence Hall, or the Statue of Liberty, or for that matter, any land management decisions for our national parks like the Grand Canyon or Yosemite.

Former Ambassador Jeanne Kirkpatrick said it best: "What recourse does an American voter have when U.N. bureaucrats from Connecticut or Iraq or Libya have made decisions that unjustly damage his or her property rights that lie near a national park?"

It is time that this Congress reclaim its constitutional authority and it is time that America reclaims her lands. I encourage Members to join me in supporting H.R. 883, the American Land Sovereignty Protection Act.

Mr. Speaker, I yield back any constitutional authority we may have left.

CAMPAIGN FINANCE REFORM

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Mr. Speaker, today I am speaking from the other side of the aisle to reach out to our Republican friends. Many of them have been leaders in the effort to reform our campaign finance system. I applaud them for this. Today we need their courage more than ever.

It now appears we will not be debating this issue until September, if at all. It is difficult to go against leadership. No one likes to do this. I do not, either. But some issues require us to take a stand, and this is one of those times.

Today I am asking Members to stand for what they and I and the American people believe by signing the Blue Dog discharge petition. Let us bring campaign finance reform to the floor for a debate. We need to do it now.

THE ADMINISTRATION IS AGAIN PLAYING POLITICS WITH MEDICARE

(Mr. HEFLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HEFLEY. Mr. Speaker, whom should Americans trust more to protect the Medicare program for seniors? Let us look at the facts.

Democrats sat idly by while Medicare was on the verge of bankruptcy during the period of time that they controlled both the White House and the Congress. Then Republicans won the majority of the Congress, and almost immediately reformed and strengthened Medicare for the first time ever. Democrats then attacked Republicans for reforming a program that should have been reformed a long time ago. That is fact number one.

Now consider this. We find out that this administration is spending $20 billion less on Medicare than the law allows. Let me repeat that. This administration is spending $20 billion less on Medicare than Congress intended and as authorized by law.

Hospitals are feeling the pinch. Seniors are not getting the care they need as quickly as they need it. Why is this administration playing politics once again with Medicare? Again, I ask the question, whom should seniors trust more to protect Medicare?

TRANSPORTATION BUREAUCRATS SEEK TO PENALIZE WORKING AMERICANS

(Mr. CHABOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHABOT. Mr. Speaker, the same Federal government that wants to see our medical records, monitor our banking transactions, register our private post office box, and if the Vice President has his way, tell us where to live, now wants to tax our drive to work every day.

Transportation officials in Maryland, with the apparent support of the Federal Highway Administration, are cooking up a silly idea that will allow those who can afford it to skirt rush hour traffic by paying to drive in a special HOT or high-occupancy toll lane. Those who cannot afford or do not want to pay an additional tax on a highway their tax dollars are already paying for are welcome to sit in rush hour traffic while those in the so-called Lexus lanes speed by.

Mr. Speaker, the reason there is a rush hour is that people have to go to work. They have to go to work to support their families and to pay their taxes, which help to pay the salaries of transportation bureaucrats who come up with these lame-brained ideas like this one.

Let us put a stop to this silliness before it is too late.

ASKING ALL MEMBERS TO SUPPORT THE CAMPAIGN FINANCE REFORM DISCHARGE PETITION

(Mr. LUTHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUTHER. Mr. Speaker, I am here today to ask all Democrats and Republicans to sign the campaign finance reform discharge petition. I say that, Mr. Speaker, because there is no issue more important to the future of this country than this particular issue.

I ask Members to ask themselves why it seems that Congress can never get anything done. I ask Members to ask themselves why Congress cannot pass health care reform legislation, child safety legislation, or the many other pressing issues facing this country. Ask why that supplemental funding bill this week was filled with pork barrel spending, rather than dealing with national priorities like education.

A good part of the answer is the way we fund campaigns in this country, the influence of special interests. We passed this bill, we debated it last year. We can pass it again now. We do not need to wait so that it gets tied up in budget negotiations or in politics of next year's elections. We can pass it for the American people today.

THE HISTORY OF CAMPAIGN FINANCE

(Mr. SCHAFFER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHAFFER. Mr. Speaker, I would like to respond to the vacuous bleatings of my esteemed colleagues on the liberal side of the aisle who invoke campaign finance reform as their latest slogan.

How truly audacious for the very people who created the current campaign finance reform to now self-righteously proclaim their outrage at the way the government makes crooks out of the truly honest people among us.

Just what is it about the liberal mindset that allows them to avoid responsibility for so many of their bad ideas and failed initiatives?

Consider the history of campaign finance. The liberals imposed absurdly low limits on the participation of Americans in the political process. It is truly amazing how this has resulted in things that were entirely predictable.

What happened? Politicians were then forced to spend almost all their time raising money, and of course money then found other ways into the political process through soft money, through issue advocacy, and, dare I mention, through the Chinese Communist friends of the White House. And of course this money, unlike direct contributions, lacks full disclosure, which is an invitation to corruption.

Why are Democrats not talking about that?

URGING COSPONSORSHIP OF THE BORDER PATROL RECRUITMENT AND RETENTION ACT

(Mr. REYES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REYES. Mr. Speaker, I rise this morning to urge my colleagues to cosponsor a bill that the gentlewoman from Texas (Ms. JACKSON-LEE) and I are introducing today, the Border Control Recruitment and Retention Act.

This bill will correct a longstanding problem within the INS, and begins to address some of the recruitment and retention problems we have heard so much about lately. This bill is not a cure-all. It is, however, a step in the right direction.

I will continue to work with my colleagues on legislation for comprehensive pay reform for the United States Border Patrol. Currently most Border Patrol agents are kept at the GS-9 Journeyman level, with only 30 percent of the work force actually working at GS-11, even though their work is much more comprehensive.

The bill we are introducing today states that any GS-9 with a current rating of fully successful will automatically qualify for GS-11. What does this mean? It means that on the average, Border Patrol agents will move from a salary of about $34,000 a year to a salary of about $41,000. It addresses a pay disparity. It is fitting that we introduce this legislation today and push for its passage this year, which is the United States Border Patrol's 7th anniversary.

I believe that this is the least we can do for an agency that is at the front line of the defense for this country.

TO FORMER DEMOCRAT RUDY BRADLEY, WELCOME TO THE GOP

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, there is a trend going on in America today that is not talked much about, particularly on that side, at least on the national level. It is a phenomenon of party switching, and it is party-switching going in one direction and one direction only, from Democrats to Republicans.

Over 390 elected Democrats have switched to the GOP since Clinton and Gore were elected in 1992. Well, the Republican Party would like to welcome the latest party-switcher, State Representative Rudy Bradley of St. Petersburg, Florida.

Rudy Bradley is the only black Republican in the 160-member Florida legislature, for now. Here we have a lifetime proud Democrat who has finally come to the conclusion that the Democratic Party simply does not reflect his values or the values of his constituents.

He is tired of the Democrats' constant demonizing those who disagree with them. He is tired of rhetoric that says one thing while governing as a tax and spend liberal. He is tired of the attacks on the traditional values that made America great to begin with.

Rudy, welcome to the GOP.

CAMPAIGN FINANCE REFORM

(Ms. BERKLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BERKLEY. Mr. Speaker, every Member of Congress knows firsthand the control that money has over our electoral process, and what is worse, the American people know firsthand the control that money has over our electoral process.

The money spent on last November's election totaled $1 billion. This is an outrageous sum that hurts our democracy and it hurts our constituents. If voters are disgusted and turned off by the excesses in campaign financing they will not vote, and make no mistake, voters are disgusted. They are turned off and they are not voting.

Our constituents deserve better. The American people deserve better. Let us ban soft money and stop the attack ads disguised as issue advocacy soft money pays for. Let us strengthen the Federal Election Commission and give it the teeth it needs to enforce campaign finance laws. This Congress must act to restore confidence and participation in our electoral system.

Last month my colleagues and I signed a discharge petition to demand that Congress take up the important issue of campaign finance reform. The very fact that as Members of Congress we must petition our government speaks volumes and is a testament to the control money has over our electoral process.

We must prove to our constituents that we are serious about real reform. We must make sure that our political system represents everyone, not just those that can afford it.

AMERICAN LAND SOVEREIGNTY PROTECTION ACT

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 180 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 180

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 833) to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. After general debate, the bill shall be considered for amendment under the five-minute rule for a period not to exceed four hours. The bill shall be considered as read. No amendment to the bill shall be in order except those printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII and except pro forma amendments for the purpose of debate. Each amendment so printed may be offered only by the Member who caused it to be printed or his designee and shall be considered as read. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1030

AMENDMENT OFFERED BY MR. HASTINGS OF WASHINGTON

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that House Resolution 180 be amended on page 2, line 2, by striking "833" and inserting in lieu thereof "883".

The SPEAKER pro tempore (Mr. QUINN). Is there objection to the request of the gentleman from Washington?

There was no objection.

The text of the amendment is as follows:

Page 2, line 2, strike "833" and insert in lieu thereof "883".

The SPEAKER pro tempore. The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the distinguished gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 180 would grant H.R. 883, the American Land Sovereignty Protection Act, a modified open rule, providing 1 hour of general debate to be divided equally between the chairman and ranking minority member of the Committee on Resources.

The rule provides for a 4-hour limit on the amendment process and provides that the bill shall be considered as read. Additionally, the rule makes in order only those amendments preprinted in the CONGRESSIONAL RECORD and pro forma amendments for the purpose of debate. Amendments that are preprinted may be offered only by the Member who caused them to be printed or his designee, shall be considered as read, and may be amended.

The rule further allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce voting time to 5 minutes on a postponed question if the vote follows a 15-minute vote. Finally, the rule provides for one motion to recommit, with or without instructions.

Mr. Speaker, H.R. 883 was reported by the Committee on Resources. The bill would restore the constitutional role of Congress in managing lands belonging to the United States, preserve the sovereignty of the United States over its lands, and protect State sovereignty and private property rights in non-Federal lands adjacent to the Federal lands.

Under Article IV, section 3 of the Constitution, Congress is vested with the authority to regulate Federal lands. Yet, over the past 25 years, an increasing expansion of our Nation's public lands have been included in various land use programs with little congressional oversight or approval. Two notable programs are the United Nations Biosphere Reserves and the World Heritage Sites, both of which are under the jurisdiction of the United Nations Educational, Scientific and Cultural Organization or UNESCO.

There are now 47 UNESCO Biosphere Reserves and 20 World Heritage Sites in the United States. By becoming party to these international land use agreements through executive action, but without congressional authorization, the United States may be indirectly agreeing to terms to international treaties which the Senate has refused to ratify.

By consenting to international land use designations, the United States in effect agrees to impose restrictions on surrounding lands which, in many cases, include a substantial amount of private property. Subjecting private property owners to land use restrictions imposed without their consent, or even the consent of their elected representatives, is a very serious matter. It is a practice which this Congress should emphatically reject.

In response to growing concern about this situation, H.R. 883 would amend the National Historic Preservation Act to require congressional approval before any nominated property may be included in the World Heritage list. It would require the Secretary of the Interior to submit a report to Congress describing what impact inclusion on the World Heritage list would have on the natural resources associated with these nominated lands.

The bill would prohibit the Secretary of Interior from nominating a property for inclusion on the World Heritage list until the Secretary makes findings that existing commercially viable uses of the nominated land or land within 10 miles of the nomination would not be adversely affected by its inclusion.

H.R. 883 would prohibit Federal officials from nominating any land in the U.S. for designation as a Biosphere Reserve and would terminate all existing Biosphere Reserves unless, one, the Biosphere Reserve is specifically authorized in law by a date certain, two, the designated Biosphere Reserve consists entirely of land owned by the U.S., and, three, a management plan has been implemented which specifically provides for the protection of non-Federal property rights and uses.

Finally, Mr. Speaker, the bill would prohibit Federal officials from designating any land in the United States for a special or restricted use under any international agreement unless such designation is specifically approved by law, and would also prohibit including any State, local, or privately owned land in any such designation, unless that designation is approved by those affected parties.

The Committee on Rules has reported a modified rule, as requested by the gentleman from Alaska (Chairman YOUNG) of the Committee on Resources, in order to provide Members of the House seeking to amend this legislation with the full and fair opportunity to do so.

Accordingly, Mr. Speaker, I urge my colleagues to support the rule and the underlying bill, H.R. 883.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume and I thank my colleague for yielding me the customary 30 minutes.

Mr. Speaker, this resolution calls for a modified open rule which makes in order only those amendments preprinted in the CONGRESSIONAL RECORD and limits debate of the bill to 4 hours. These restrictions are wholly unnecessary. Any time one imposes an arbitrary time limit, one runs the risk of limiting full debate. I oppose the rule in its current form and note that open rules best protect all Members' rights to fully represent their constituents.

Moreover, I have significant concerns about the legislation the rule makes in order. While the bill purports to preserve U.S. sovereignty over the use of Federal lands, in reality, this measure is unnecessary and could hinder United States participation in international efforts to protect and preserve valuable lands throughout the world. Similar dubious legislation has failed in two previous Congresses, and this bill will get the same fate.

The World Heritage Convention and the Man and Biosphere Program will provide the international community with means of recognizing areas with great natural and cultural significance. These honorific programs respect each State's sovereignty and have no legal jurisdiction over countries or communities.

Since 1973, the World Heritage Convention has successfully been implemented by the United States Department of Interior. The Convention was, in fact, a United States initiative under then President Richard Nixon.

A site may be listed as a World Heritage site only if it contains cultural or natural resources of universal value, and if the national government where the site is located nominates and protects the site.

Listing an area as a World Heritage site imposes no change in U.S. law nor any requirement for future changes in domestic law. It does not give oversight, management, or regulatory authority over United States lands to any foreign and national organization.

Nor does the United States Man and Biosphere Program place any U.S. lands or resources under the control of the United Nations or any international body. In fact, this is a domestic Federal program. It, therefore, does not impose any restrictions beyond those already in place under American law.

For over 20 years, under the auspices of four Republican and two Democratic Presidents, these programs have functioned with little or no controversy. The allegations by the proponents of H.R. 883 that these beneficial programs somehow threaten the United States sovereignty are pure fantasy.

However we do have a Federal, foreign encroachment on American lands, and I am referring to the mining and mineral rights that have been leased to foreign corporations with leases that cost about an average of $2.50 per acre per year. These leases have been in effect since the days of Ulysses S. Grant. If we would like to do something to protect our own lands, and stop cheating our taxpayers. We should change this disgraceful giveaway.

Our national parks do need attention, but Congress certainly could do better than this bill, which is designed to remedy an imaginary problem, the supposed encroachment of foreign domination over our public resources.

Mr. Speaker, another community woke this morning to the horror of a school shooting. It is not as bad as Columbine we are told. We hope that these are not going to be fatal shots. But surely this House can be better spending this time, rather than spending 4 hours on this one House nowhere bill, and be working on after-school programs and try to do something about bringing guns under some control.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield as much time as he may consume to the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Speaker, I rise in strong support of this bill by the distinguished gentleman from Alaska (Mr. YOUNG), chairman of the Committee on Resources, and the rule that brings this bill to the floor.

This bill does not prohibit or stop the United States from including land in an international land reserve. All it says is that there must first be congressional approval so that the private property rights of neighboring landowners can be protected.

What this bill is attempting to do is to allow a little more public input into this process and give the people a tiny bit of say about actions that can have tremendous impact on their land.

It really boils down to whether we still have a government of, by, and for the people, or has it become one of, by, and for unelected bureaucrats and elitists who want to control other people's land.

Jeane Kirkpatrick, our former ambassador to the United Nations, wrote to the Committee on Resources these words, "In U.N. organizations, there is no accountability. U.N. bureaucrats are far removed from the American voters. What recourse does an American voter have when U.N. bureaucrats from Cuba or Iraq or Libya, all of which are parties to this treaty, have made a decision that unjustly damages his or her property rights that lie near a national park?"

Professor Jeremy Rabkin of the Department of Government of Cornell University testified in support of this bill, saying, "The underlying problem is that international regulatory schemes now reach more deeply into the internal affairs of sovereign nations and have therefore begun to threaten internal systems of government," adding that "such ventures are in some ways as much a threat to the stability of international law as they are to our own system of government at home."

Professor Rabkin said we need this bill, not to slow this dangerous trend toward taking government further away from the people, but also, "as a means of reasserting our own constitutional traditions."

Professor Detlev Vagts of the Harvard Law School said international involvement in local and private land use decisions, "pose an import problem" in their "tendency to shift powers and responsibilities from national and subnational units, with active, reachable legislative bodies to remote international bureaucracies."

I realize that some opponents of this bill do not want to debate this on the merits, so they resort to childish sarcasm and try to make this bill seem less than serious by making fun of it.

But this bill deserves the support of all those who really believe in private property and limited government and the freedom that is protected by those two great traditions on which this Nation was built.

Private property is not only one of the key components of our prosperity. It is one of the main things that set us apart from the former Soviet Union and other socialist Nations.

Today almost one-third of our land is owned by the Federal Government, and another 20 percent is owned by State and local governments and quasi-governmental units. Governments at all levels are rapidly taking over additional land. Perhaps even more of a threat to freedom are the restrictions being placed by government on land still in private ownership.

We heard testimony from Steven Lindsey whose family has operated a ranch on Turkey Creek in rural Arizona since the 1860s. He was shocked to find out one day that a 60-acre private wetland on his property was now controlled by the international RAMSAR Convention agreement in addition to all the endangered species and other regulations he was already under.

□ 1045

Under Ramsar, Mr. Lindsey said, "My rights as a private property owner are threatened and the Ramsar language can be used to violate my property rights and deprive me of the use of my land."

He added these words, Mr. Speaker: "The same government that promised my great, great grandfather and my great grandfather the land through the Homestead Act and pursuit of happiness is now the same government that is helping destroy these dreams."

Mr. Speaker, this is a good bill, a serious bill; and people who truly believe in freedom, rather than big brother repressive government, should support it enthusiastically.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from Minnesota (Mr. VENTO).

Mr. VENTO. Mr. Speaker, I thank the gentlewoman for yielding me the time.

Mr. Speaker, I rise in opposition to the rule. Frankly, this bill is not correctable by amendment. I think the proper disposition of it is to defeat this bill. I think it is, obviously, a great misunderstanding. I think it reflects a fear that has been translated into legislative language which is inappropriate and I think the wrong direction clearly to move, and so I do not know how I could amend it.

In the last session, Mr. Speaker, a lot of concern arose because we proposed some 60 or 70 different amendments to this bill. It touches on about 82 areas in the United States that are classified as World Heritage sites, as Man and the Biosphere program, or as Ramsar sites. There may be more sites in the United States, but those are the three principal treaties that deal with natural and cultural resources of distinction, usually within our parks or in those areas; and Man and the Biosphere programs which focus on special natural environments, other types of environments that are used for scientific research; and the Ramsar sites, which protect wetlands.

There may be other treaties and compacts that are affected, Mr. Speaker. They have not been spoken of or explored in committee. In fact, I think most of the committee meetings have been based on a lot of emotionalism and misconceptions and obviously some distaste for the United Nations, which happens to be associated loosely with some of the designations here and recognitions that have taken place.

Incidentally, when I was looking at the numbers, there are nearly 2,000 sites globally that are recognized under these programs. The United States has very few sites that we have let in the development of these treaties and programs; and, of course, to in fact renege on this presents all sorts of problems to us in terms of our global leadership in terms of the environment.

But that I think is really at the heart of this that there are those that cannot attack these parks, these wildernesses directly, so they choose to wrap themselves in American sovereignty and some displeasure I guess with the U.N., Mr. Speaker, and it is manifest in this bill that we have before us today, H.R. 883.

The rule is really unfair because we had talked and while there was some fear that we might offer 70 amendments, as I said, it is not correctable, but nevertheless the Committee on Rules gets up and suggested that it is offering an open rule, that we can offer any amendments that we want. But then they impose this time limitation on the bill.

I do not think that any of us have any visions of keeping the Congress in session all day tonight and late into the hours, especially a day when many Members would like to travel home to their districts so they can work and be back together with their families and constituents, a goal certainly that I share with them. But, nevertheless, the Committee on Rules arbitrarily sets in place this 4-hour limit.

Unfortunately, in fact I think, Mr. Speaker, that my amendment is the only amendment that will be offered and that we will pursue that and see whether or not the fidelity of this group for American sovereignty carries through to commercial uses of the property for foreign countries and entities that might want to mine, they might want to harvest trees and do other exploitative activities in the land. If there is any enthusiasm for saving American taxpayers and saving their resources for America, we will see whether or not we can sell that particular idea.

But there is no reason for putting a time limit on this bill. I think it is a reflection, unfortunately, of the circumstances and the state of affairs that exists in this Congress today, in fact, in terms of what I say, a lack of trust between us, Mr. Speaker, which I think is unneeded.

And, therefore, I will oppose this rule. I think it is not an open rule. It is a rule which has a time limitation, and I think it is unnecessary and this House should reject the rule.

Ms. SLAUGHTER. Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. QUINN). The question is on the resolution, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 240, nays 178, not voting 15, as follows:

[Roll No. 140]

YEAS—240

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dreier
Duncan
Ehlers
Ehrlich
Emerson
English
Eshoo
Everett
Ewing
Fletcher
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Holt
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCarthy (MO)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Miller, George
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Oxley
Packard
Paul
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sanford
Saxton
Scarborough
Schaffer
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Upton
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—178

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gonzalez
Gordon
Gutierrez
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Serrano
Sherman
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—15

Blagojevich
Brown (CA)
Burton
Doolittle
Dunn
Evans
Foley
Gephardt
Gilman
Kucinich
Napolitano
Ose
Salmon
Towns
Waxman

□ 1111

Messrs. ROEMER, SPRATT and HILLIARD and Mrs. JONES of Ohio changed their vote from "yea" to "nay."

Mr. TANCREDO and Ms. HOOLEY of Oregon changed their vote from "nay" to "yea."

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BURTON of Indiana. Mr. Speaker, during rollcall vote No. 140 on H. Res. 180 I was unavoidably detained in an important meeting. Had I been here I would have voted "yea."

The SPEAKER pro tempore (Mr. COOKSEY). Pursuant to House Resolution 180 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 883.

□ 1115

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 883) to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands, with Mr. STEARNS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from Minnesota (Mr. VENTO) will each control 30 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 883, the American Land Sovereignty Protection Act, asserts the power of Congress on the Constitution over the lands belonging to the United States, and this is all this bill does.

So that everyone understands, the concern here is the Congress and, therefore, the people. They are left out of the domestic process to designate World Heritage Sites and Biosphere Reserves.

This bill requires the participation, as the Constitution so states, that the Member of the Congress and the citizens of this Nation are in the process.

Many, many Americans from all over, sections of our country, have called my office, I am sure they have called my colleagues also, to say they are concerned about the lack of congressional oversight over UNESCO international land reserves in the U.S. and to express support for this bill. Within the last 25 years, 83 sites in the United States have been designated as Biosphere Reserves, World Heritage Sites or Ramsar Sites, all with virtually no congressional oversight and no congressional hearings. The public and local governments have not be consulted.

The World Heritage and Ramsar programs are based on a treaty. H.R. 883 does not end U.S. participation in the World Heritage or Ramsar Sites. We have domestic laws implementing these programs, and H.R. 883 proposes to change these domestic laws so that Congress must approve the sites.

The Biosphere Reserve Program is not authorized by even a single U.S. law or any international treaty. That is wrong. Executive Branch appointees, whatever their political party, cannot and should not do things that the law does not authorize, and I ask my colleagues, what is unreasonable about Congress insisting that no land be designated for inclusion in these international land use programs without clear and direct approval of the Congress?

What is unreasonable about having local citizens and public officials participate in decisions on designated land near their homes for inclusion in an international preserve?

If the boundaries of a national park are forced to change, even by a small adjustment, Congress must approve the change. However, a 15.4 million acre South Appalachian Biosphere Reserve encompassing parts of six States stretching from northeast Alabama to southwest Virginia was created by unelected bureaucrats, bypassing the Congress, and this is unconstitutional and it is wrong.

We need to reemphasize the congressional duty to keep international commitments from abridging traditional constitutional constraints. Otherwise the boundaries between our owners' lands and others or even between the government's land and private property are too easily and often ignored.

H.R. 883 will also prevent attempts by the Executive Branch to use international land designation to bypass the Congress in making land decisions and protect our domestic land use decisionmaking process from unnecessary international interference.

We are going to hear a lot today from the other side and those that oppose it about this bill being driven by the fear of black helicopters and catering to suspicions and conspiracy theories of extremists. We will also hear a lot about the effectiveness and importance of the wonderful programs. We are also going to be told that these programs are honorary and have no effect on the use, management or disposition of public lands. However, the World Heritage Centre says otherwise. The director of the World Heritage Centre told the Interior Department in a letter:

"Article 1 of the World Heritage Convention obligates the State Party to protect, conserve, present and transmit to future generations World Heritage Sites for which they are responsible. This obligation extends beyond the boundary of the site and Article 5(A) recommends the State Parties integrate the protection of sites into comprehensive planning programmes. Thus, if proposed developments will damage the integrity of the Yellowstone National Park, the State Party has a responsibility to act beyond the National Park boundary."

Going beyond what Congress has set aside, I submit this decision as a responsibility of Congress, not some U.N. committee of unelected bureaucrats.

The public and local governments are almost never consulted about creating World Heritage Sites, the Ramsar Sites and Biosphere Reserves. Although proponents of these programs always keep saying the designations are made at the request of local communities, designation efforts are almost always driven by Federal agencies, usually the National Park Service. The Committee on Resources has not found one example where one of these designations was requested by a broad-based cross-section of either the public or local officials. On the contrary, these programs usually face strong local opposition. In my State the Alaska State Legislature passed a resolution supporting H.R. 883, and I will urge my colleagues to listen to the debate, make their decision, but remember their constitutional duty, and that is to make us the designees of lands use.

Mr. Chairman, I reserve the balance of my time.

PARLIAMENTARY INQUIRY

Mr. VENTO. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. VENTO. Mr. Chairman, when Members are speaking, charts are permitted to be displayed in the House Chamber and the Committee of the Whole; is that correct?

The CHAIRMAN. With the permission of the House, when the question is raised, that is correct.

Mr. VENTO. And when Members have desisted from speaking, are charts still permitted to be displayed in the House?

The CHAIRMAN. The charts are taken out of the well at that time.

Mr. VENTO. Are they permitted to be in the other portions of the House and be displayed at that time?

The CHAIRMAN. They should not be displayed anywhere in the Chamber unless they are being used in the debate.

Mr. VENTO. Mr. Chairman, I think that there is a provision and the custom of the House is that these matters may be displayed in the Speaker's Lobby; is that correct?

The CHAIRMAN. That is permissible, with the Speaker's approval.

Mr. VENTO. I thank the Chairman for his response to me.

Mr. Chairman, I yield myself 6 minutes.

Mr. Chairman, I rise in opposition to this bill. This is not new legislation. It, I think, has, and it is a case, as I said, where we have heard this tune before for the last two Congresses, and the House has passed this after spirited debate, and the fact is that it has gone to the Senate and not received consideration in the Senate; and I think the fact is that listening to the discussion of our distinguished chairman and his debate, and he is very good at debate, but the fact is that the words here do not match the music in terms of what takes place with this legislation.

This is a bad bill. This really cuts the head off of these programs that the United States has led in creating on a global basis over the last 25 or 30 years under President Nixon, under other Presidents that have served since then, both Democrat and Republican, Carter, Reagan, Ford; pardon me, Ford, and of course Bush and now President Clinton. These programs have been in existence, and these administrations have supported them because it is a good program. It permits the United States to provide global leadership in terms of the preservation and conservation of special areas such as World Heritage Sites, which are protected because of their natural or cultural resources, Man and the Biosphere programs which some 600-and-some sites globally, only about 47 in the United States incidentally, which are used for scientific research, these ecosystems where scientists can gain information, and of course, hopefully, we take that new knowledge and translate it into good public policy on a global basis.

And finally, of course, areas like wetlands areas like the Ramsar sites, of which there are over 700 sites globally, only about 15 in the United States, again where we protect and provide areas for protection of various waterfall and other fauna and flora that happen, obviously occur in these areas.

Now my colleague and chairman, the distinguished chairman said that this is unconstitutional. Well, where is the court case? This has been in existence for 30 years. Where is the court case that says that this is an action taken by one of these past administrations over the last 25 or 30 years, that says this is unconstitutional?

We had a constitutional lawyer, I believe Mr. Rufkin from Yale, who appeared before us. When he was asked that question, he was not able to come up with one court case, one decision that had been made that said that this was unconstitutional.

This is not unconstitutional. These designations are made in the United States on a voluntary basis, just as they are around the globe. These are voluntary designations. The Congress has exercised its responsibility and done it well in most Congresses with regards to land use questions. In fact, we designated parks, we have designated wildernesses, we have designated and passed on and permit the agencies to designate on their own areas of environmental concern, for instance, in the BLM and many other areas. But the Congress has jealously guarded, and I would jealously guard, the right of Congress to, in fact, identify and to designate these various lands for the purposes that we are entrusted to do so, but the fact is that what we are saying here is that these areas have already been designated.

Now the big complaint here really revolves around Yellowstone and a mine that was occurring outside of Yellowstone but in obviously the watershed of Yellowstone, and the fact of the matter is that area was designated a Man and the Biosphere area for research, and it was pointed out that if that mine occurred, that it would adversely affect the entire hydrology and watershed and other natural factors in that area. And the fact is that we think and I think that the parks and other lands have an extra boundary responsibility, that they can go and talk about activities outside the boundary of the parks, outside the boundary of a wilderness, outside boundaries. These trans-boundary issues are very important because we have to come to the realization that the de facto wilderness creation or park creation, that the areas that happen at their margin, boundaries, are causing these parks to be and these special areas that we set aside to be adversely effected.

That is what this is about. We already designated them a park. We have already designated wilderness. But not being able to attack the parks and the wilderness and the other conservation areas that we designated directly, they choose to do it through this particular claim of American sovereignty and wrap themselves in that particular issue with, I guess, a strong distaste for the U.N.

Mr. Chairman, this is one thing that the U.N. and UNESCO is doing right. This is one thing where past Presidents, both Democrats and Republicans and their administrations, have strongly supported. There are nearly 2,000 sites that have been designated and recognized by these international bodies just in these three treaty areas or protocol agreements that we have here, just in these three, but there may be others affected by this legislation. In the United States there are only 82 of those.

Our leadership has done a magnificent job here. Let us keep the United States in the forefront of it. Let us reject this bill.

Mr. Chairman, H.R. 883 is not new legislation. The Congress first considered this idea in 1996, and then again in 1997. In both instances, the other body refused to consider this measure on the floor and the Administration indicated it would veto the measure if passed. Why? Because they don't have visions of blue helmets dancing through their heads.

H.R. 883 is misguided because it is aimed at the symbols of a federal policy when, what the supporters of the legislation really oppose, is the underlying policy itself. While some of my colleagues and I might like to see us doing even more, this country has set as a national policy goal—the long-term preservation of our environmental resources. The commitment this Nation has made to this preservation/conservation/restoration policy sometimes demands that certain activities which threaten these resources be prohibited, and/or tightly limited by us and no one else. The reality of the circumstance regarding these voluntary agreements is that no blue helmets will come parachuting behind national park lines in black helicopters to seize control of American lands all in the name of preservation or conservation. Besides, after today we may have made a statement as to a crack missile defense system to thwart any and all attempts to seize the sovereignty of our great Nation by those international agents of evil.

Any and all land use the restrictions in place are functions of U.S. law, not an international treaty or protocol. Our participation in the World Heritage Convention, the Ramsar Convention and the Man and the Biosphere program is emblematic of this underlying policy and the symbolic value and importance the U.S. places on its natural resources, our natural legacy. The twenty sites we have nominated under the World Heritage Convention are listed because Congress chose to enact policy and law to protect them, and establish special land managers to regulate and enforce such law. To address a specific example that gave rise to this bill, the problem with the New World Mine was that it was, in fact, too close to Yellowstone National Park, not that it was too close to a World Heritage site. If we want to debate the basic principles of environmental protection, that's fine. But, we should not waste our time passing legislation that seeks to abolish the programs which grow out of these basic principles which have evolved over 200 years of American land use ethic. Quite simply, this legislation turns logic on its head.

Let's be clear—the goal of H.R. 883 is to abandon these programs, not simply to regulate them. To require an Act of Congress for each and every parcel of land to be considered, is to effectively stop all future nominations and designations.

This legislation sends a signal around the world that our nation, the United States of America, which forged the policy path to institute the World Heritage Convention, is undercutting the values and benefits of international recognition for important cultural and environmental sites. At a time when the United States is thrust into a role as the dominant power and an essential role as a world leader in so many areas—why would we voluntarily abdicate perhaps the most important leadership position we occupy—that of a leader in the effort to make life on this planet sustainable. This would convey to the hundreds of nations part of the conservation treaties and protocol agreements, that domestic political considerations come first. If the U.S. cannot even permit recognition to be accorded, why should other nations?

Why are we pursuing legislation that is misdirected and misguided and based solely on gross misinformation? Each agreement covered by this bill states on its face that it contains no provision that affects, in any way, the authority or ability of a participating nation to control the lands within its border. These programs give the UN no more control over land in this country than the awarding of a gold medal gives the U.S. Olympic Committee control over an American athlete. To claim that these international programs somehow infringe on the sovereignty of this nation is simply factually inaccurate.

Finally, the largest threat to this nation's sovereignty is not even addressed. Any foreign company or their subsidiary is still given full and free access for any and all of America's valuable natural resources. Each year we watch $1.8 billion worth of gold and silver stream out of our ports and into the coffers of foreign owned companies. What's worse, while we debate this phantom legislation, foreign nations are cashing in big-time, and laughing all the way to the bank with our resources. I will introduce an amendment to correct this situation and bring balance back to the management of our natural resources.

Mr. Chairman, this is an issue of takings, not of private property, but of the stripped international recognition and esteem the citizens of the United States, and the world place on some of America's most stunning and ecologically important natural resources. Teddy Roosevelt ushered in a new era of conservation and respect for the natural heritage of the United States at the beginning of the twentieth century. How ironic it is that nearly a century later this Nation may come full circle and, if this legislation passes, denounce the importance of those very parks and resources on which the heritage of this nation is based.

I would urge my colleagues to oppose H.R. 883.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 3 minutes to the gentlewoman from Wyoming (Mrs. CUBIN).

Mrs. CUBIN. Mr. Chairman, I rise in strong support of H.R. 883, and I thank the chairman and the committee staff for getting this bill done in such good form and to the floor so quickly.

I am glad that I am speaking right after the gentleman from Minnesota because he made the statement that we all know this is about Yellowstone National Park, and I represent Wyoming which has the most of Yellowstone National Park, and he said that the U.N. is doing a good job by these designations, that the reason that Yellowstone was designated, because a mine was going to be developed north of Yellowstone that might affect the watershed.

Mr. Chairman, let me tell my colleagues the rest of the story. For 2 years an environmental impact statement had been going on, and professional scientists were not able in 2 years time to determine whether or not that developing that mine would put Yellowstone National Park in jeopardy.

□ 1130

They were working toward that, but they still had more work to do before they professionally could say that was true.

In 3 days' time, the United Nations came in. Three days later they determined that this indeed was an area in jeopardy, and then it was designated an area in jeopardy. So if that is what the gentleman from Minnesota (Mr. VENTO) thinks is a good job, I certainly would have to disagree with him.

I do agree with him, however, on the fact that what this argument boils down to are these transboundary issues. As far back as 1818, the United States Supreme Court ruled in the United States v. Bevins that a State's right to control property within its borders was an essential part of its sovereignty, and I think that H.R. 883 is yet another affirmation of that principle. What was done when this designation was made around Yellowstone was it virtually built a buffer zone around Yellowstone.

It is something the administration had been trying to do for a long time but they could not get it done legislatively, even though it is clearly legislative responsibility to designate public land use. So they went around the back door and had the U.N. committee in 3 days make that designation.

This is a good bill. This is something that Americans have the right, the Congress has the right and the responsibility to make these designations, and all we are asking is that these designations be approved by the Congress.

I urge my colleagues to support H.R. 883.

Mr. VENTO. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Chairman, I thank the gentleman from Minnesota (Mr. VENTO) for yielding me this time.

Mr. Chairman, I rise in total opposition to this bill because there is absolutely nothing out there that is broken that needs fixing. This addresses a problem that does not exist.

Let me say I know something about this issue because I own land that is designated by this. I own an inholding in the University of California property in Big Sur, California. We are proud of this designation. One cannot get a designation unless the landowner, in this case it would be the Federal Government for National Parks or for Bureau of Land Management lands, or in our case a private owner, has to request the nomination. That is the only way it can come is from the owner of the land to say we would like to participate in the program.

The program is essentially an international way of being able to have a common database about measurement of environmental factors, so that we can see whether there are like kind of factors around the world, there are like kinds of problems or are the problems that are developing in an area significant to that area.

To go out and say that we should have congressional approval for these designations is so ludicrous. I mean, why do we not have congressional approval and oversight for accreditation of universities? That is not done by Congress, or by any government. Why do we not have the AAA, the guides that go around and say that one can sleep in these hotels and motels, we do not have any congressional oversight of that. We do not have any congressional oversight of TV Guide or the motion picture movie ratings. We do not have any oversight of the Good Housekeeping or Consumer Reports Magazine. We do not demand that we have to look at these things.

Why? They are not a problem where one wants to involve congressional action in this thing.

To say that we should have Congress telling our local communities and States that they cannot have their property so designated, I think, is totally wrong. It is a usurpation of local control.

If the chairman would like to have Alaska properties and have Glacier National Park and have the Denali National Forest exempted, then he can do that for the State of Alaska, but for California we have community local water districts in Marin County; we have private lands in California; we have State parks in California. All of those requested to be part of this system because we want to be better informed, we want to be educated. We are not part of this flat earth society that is afraid of learning about something.

So this bill would deny our ability to get that nomination because one would have to go through this incredible congressional process. We cannot even pass legislation here to keep the country running. How are we going to make decisions on whether somebody should be able to voluntarily be placed in an international information system?

This is a ludicrous bill. Please defeat it.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would just like to remind the gentleman from California (Mr. FARR), who just spoke, who is a dear friend of mine, that the landowner in Yellowstone did not request that participation in the World Heritage Program. In fact, she opposed it and unfortunately she was not listened to.

In our hearings in New York, we had people that came to the committee and said that, yes, the Federal Government was trying to implement Heritage sites in their districts and they adamantly opposed it. It is happening right today in Lake Champlain.

So what I am just suggesting is as much as I admire the sincerity of the gentleman, I would like to have him look at some of the records.

Mr. Chairman, I yield such time as he may consume to the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Chairman, I stand in strong support of this legislation.

Mr. Chairman, Thomas Jefferson once said "When all government, domestic and foreign, in little as in great things, shall be drawn to Washington as the center of all power, it . . . will become as venal and oppressive as the government from which we separated." The current system for establishing international land reserves ignores Jefferson's warning by centralizing the power with the President and taking away the authority of Congress, the States and the average citizen.

During the last 25 years, our nation's public lands have slowly been consumed by international land reserves. Most notably 47 United Nations Biosphere Reserves, 20 World Heritage Sites and 16 Ramsar Sites. These reserves were created with virtually no congressional oversight, no hearings, and in the case of biosphere reserves, no legislative authority. I don't know about you Mr. Chairman, but my ability to represent my constituents as a voting member of this body is important to me! We cannot allow this administration to take our vote away. I ask that you support the American Land Sovereignty Protection Act.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

Mr. FARR of California. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from California.

Mr. FARR of California. Mr. Chairman, if that is the case then I would suggest within his authority as chairman of the Committee on Resources that the gentleman from Alaska (Mr. YOUNG) may want to just limit this then to Federal properties and not to State and local properties or private properties.

Mr. YOUNG of Alaska. I believe my bill does that. It does limit it just to Federal properties.

Mr. Chairman, I yield 6 minutes to the gentlewoman from Missouri (Mrs. EMERSON).

Mrs. EMERSON. Mr. Chairman, I am pleased to rise in support of H.R. 883. I do want to say to my friend, the gentleman from California (Mr. FARR), that I know that there are many places that perhaps are honored to have these designations bestowed upon them. On the other hand, in my district, a designation was going to be thrust upon people without any local input and I think that is what this legislation is trying to clarify.

I do want to thank the gentleman from Alaska (Chairman YOUNG) for his strong leadership on this issue and, in fact, the leadership he shows on many private property rights issues, and the work that he has done on behalf of private property owners.

I would also like to extend a similar thanks to the gentlewoman from Idaho (Mrs. CHENOWETH), who chairs the Subcommittee on Forests and Forest Health, who has been a devoted champion of private property rights. She recently came to my district in southern Missouri to represent the Committee on Resources and to chair a hearing on the legislation we are talking about today.

We heard from a lot of local people, farmers, county officials, ranchers, small businesspeople, property owners, those people who have the most at stake when international land designation issues arises.

Let me just talk a little bit about what the gentlewoman from Idaho (Mrs. CHENOWETH) and I learned during the recent field hearing in the Missouri Ozarks, but I am just going to take a second before that to talk about how I became involved in this issue.

Back in 1996, as I was traveling across my district, in every single little town in the center of my district, which is part of the Mark Twain National Forest, in which there is tourism that really promotes the local economy and some timber sales everywhere, Ellington, Van Buren, Salem, to name a few, people were concerned about these designations and particularly about something called the Ozark Man and the Biosphere program that basically would take 15 Missouri and Arkansas counties and put them into a biosphere reserve.

Let me say there was no local input involved whatsoever, and that my folks had to scrape and claw their way to find out anything about this. They were simply tipped off one day by a friend on the conservation commission. The amazing thing was, when they went to the agencies, the Department of Interior, specifically to ask about exactly what was happening, the Interior Department said, do not worry about this; it was going to be fine; we have talked to lots of local citizens around the district.

Well, the fact of the matter is, every single county in my district that would be impacted by this had absolutely no public solicitation by the Interior Department, Fish and Wildlife, whomever was involved, whatsoever. Not one county commissioner was called, not one local citizens group, and it was not until we had enough cattlemen's associations, enough farm bureau associations and finally all of the county commissions writing their own resolutions that this was a bad idea that the designation was dropped and these 15 counties in Missouri and Arkansas were saved from having to have a biosphere reserve designation put on them because, quite frankly, my citizens were afraid that once the designation happened then the government would find more and more reasons to seize the contiguous property around, and that would be their private property.

I think this really shows that we have a broken process and that experience makes the case for our bill today. All this bill would do would be to establish an appropriate process for biospheres and heritage area designations and ensure that local input and participation of Congress is involved. I do not think that is asking too much. I think it is very, very reasonable.

I will say, back when the gentlewoman from Idaho (Mrs. CHENOWETH) and I were in Missouri, we heard from 12 different panelists, one of whom was a county commissioner; one was the former chairman of the Missouri Conservation Commission; several private citizens, but Leon Kreisler, who was a cattleman, and a landowner in Salem, Missouri, said, and I quote, "We feel strongly about property rights not because we share a common desire to abuse our natural resources but because landowners are often best suited to ensure productivity for our families and those of future generations. The Ozarks are a natural wonder and we intend to keep them that way, but national or international designations are not the answer."

Mr. Kreisler makes the point that I would like to reiterate, that our farmers and our ranchers are among the best conservationists anywhere because they depend on the land for their livelihood and they know that if they do not take care of the land then the land is not going to take care of them.

We had also an owner from a sawmill in Potosi, Missouri. He spent 20 years as an analyst for Price Waterhouse before buying the sawmill.

Needless to say, Carl Barnes, the sawmill owner, talked about the threats from this coordinated resource management system and the threats that this would have upon outdoor recreation because they listed farming and mining as threats to outdoor recreation and our ecosystem health.

The fact of the matter is we can do it all, and I think that we do it all responsibly. We simply need to have this program put in place so that local citizens who live in areas for proposed designations have input, that is all it is, and that Congress have input, too.

I urge a yes vote on H.R. 883.

Mr. VENTO. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Colorado (Mr. UDALL), a member of the Committee on Resources.

Mr. UDALL of Colorado. Mr. Chairman, I want to thank my colleague, the gentleman from Minnesota (Mr. VENTO), for yielding me the time.

Mr. Chairman, I rise in opposition to this bill. This bill would undo some of the most important progress that has been achieved toward protection of internationally important cultural, historical and environmental resources.

What would enactment of this bill mean? Well, for starters, it would mean that the United States has decided to politicize the question of whether our country will continue to take part in the World Heritage Convention, the Man and the Biosphere Program, and the so-called Ramsar Convention regarding wetlands that have particular importance as waterfowl habitat. That might not be objectionable if our participation in these international programs involved any trade-offs in terms of our ability to make decisions about the management of our lands or resources, but the fact is that nothing in these international agreements affects the ownership or the management of any lands or other resources.

Similarly, I could understand the need for this legislation if, as some of its supporters claim, these international agreements have eaten away at the power and sovereignty of the Congress to exercise its constitutional power to make the laws that govern Federal lands, but here we are debating a bill that would be an exercise of exactly that constitutional power, and that constitutional power is fully intact today, fully intact with regard to each and every acre of Federal lands, including all the Federal lands that are covered by these international agreements.

So what is the real point of this bill? As far as I can tell, it is primarily a means for supporters to take a shot at the United Nations and particularly UNESCO, and to demonstrate their solidarity with some who seem to view the U.N. as engaged in a vast multiwing conspiracy to overthrow our constitutional government. I do not think the U.N. is a threat to Congress' authority over Federal lands or to any other part of the Constitution. I do think this bill, if we take it seriously, is a threat to America's international leadership in environmental conservation and in the protection of historical and cultural resources.

□ 1145

So I think this bill is bad for our country, and I know it is bad for my home State of Colorado.

I want to tell my colleagues about the two Biosphere Reserves that we have, areas that are part of the Man and the Biosphere Program. One is the Niwot Ridge Research area and the other is Rocky Mountain National Park. As it now stands, this bill would kick those areas out of the program unless Congress passes a new law to retain them.

To get a better idea of what that would mean for Niwot Ridge, I contacted Professor Bowman, the Director of the University of Colorado's Mountain Research Station, and he explained to me that having Niwot Ridge in the Biosphere Reserve System, it provided a framework for international cooperation of many important research efforts, including working with the Biosphere Reserve in the Czech Republic to address air pollution problems, which is a matter of great importance not only to us, but to the Czechs. He told me that the biosphere program also had been helpful to people at Niwot Ridge as they worked with the Forest Service to develop a land management plan that would promote multiple use by minimizing the conflicts that we all grapple with here over recreation and scientific and other uses, which is again a matter of great importance to Colorado and all other public land States.

I also talked to the National Park Service about Rocky Mountain National Park, which again is included as a biosphere reserve. They told me that it not only means that there are more research activities at the park, but that it meant a significant increase in park visitation, tourism, which not only provides important educational benefits but is an important part of our economy in Colorado. Kicking these areas out of the program would be bad for Colorado and something that I cannot support.

Exempting the Colorado areas from the bill would be an improvement, but I do not think that alone would make the bill acceptable. We need to reject this bill, move away from the posturing and begin working on the real problems that face us on our public lands.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. NETHERCUTT).

Mr. NETHERCUTT. Mr. Chairman. I am delighted to support this bill, the American Land Sovereignty Protection Act. I really want to thank the gentleman from Alaska for his efforts in this regard. He has been a champion of private property rights for many years, I have known him for 23 years, and I respect him greatly.

I represent the east side of the State of Washington, one-fourth of the size of our State, and in that portion of the State of Washington there are wonderful open space lands that people inhabit who are very protective of their private property rights.

The right to own property is a core principle on which our country was founded. Over the years, the Federal Government has established programs like the World Heritage Sites and Biosphere Reserves, without the approval of Congress, Mr. Chairman, and that overrides the intentions of the Constitution and our Founding Fathers.

Under the U.S. Constitution, Congress retains the power to, quote, "make all needful rules and regulations governing lands belonging to the United States." The lands designated under the World Heritage Sites and Biosphere Reserves have been so designated without the approval of Congress.

So this bill restores the intentions of our Founding Fathers by requiring congressional approval for any nomination of property located in the United States for inclusion in the World Heritage list. It prohibits any Federal official from nominating U.S. property for designation as a biosphere reserve and prohibits any Federal official from designating any land in the U.S. for a special or restricted use under any international agreement unless the designation has been authorized by law.

It simply says Congress is going to be involved in this, these approvals of the disposition of Federal lands. I think they are common sense changes here that restore the role of Congress in the process of changing designation of lands that are Federal lands, and it restores the intentions of our Founding Fathers, and I hope that my colleagues will support it.

I thank the gentleman from Alaska (Mr. YOUNG) and the gentlewoman from Idaho (Mrs. CHENOWETH) for their engagement and involvement in this.

Mr. VENTO. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. HOEFFEL).

Mr. HOEFFEL. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in opposition to the American Land Sovereignty Protection Act. This bill is unnecessary, it is unjustified. It addresses a phantom problem. It would seriously damage our country's continued participation in important international efforts to protect valuable land around the world. But worst of all, it caters to the suspicions and the conspiracy theories of extreme organizations and individuals, and it leads directly to scare tactics such as those used by the American Policy Center in attempts to alarm American citizens and frankly, to raise money under false pretenses, and this bill ought to be opposed and defeated.

I would like to read from a letter from the American Policy Center which I will include for the RECORD at the end of my statement. This is a letter written by the American Policy Center, signed by Tom DeWeese, the president, urging citizens to send money in to pass this bill, H.R. 883, to "stop the U.N. land grab of American soil," a land grab, Mr. Chairman, that does not exist; urging citizens and this Congress to stop the U.N. from designating any more U.S. soil as World Heritage Sites or Biosphere Reserves. The U.N. does not make those designations, Mr. Chairman.

It identifies a U.N. land grab of American soil; calls for the Congress to stop liberals from terminating the United Nations' influence on 51 million acres of U.S. park land. Mr. Chairman, the U.N. does not have influence over 51 million acres of United States national park land. It says that liberals know this bill will lead to the end of international treaties and agreements that give the U.N. control over development of American soil. There are no such international treaties and agreements, nor should there be, nor would this Congress vote for, nor would any President negotiate such international treaties. It is just bogus.

The letter talks about radicals like AL GORE and Bruce Babbitt that enforce treaties in a way that give the U.N. authority over our land and our private property every day. GORE and Babbitt are not radicals and they are not doing any such thing. This letter talks about open warfare in coming weeks to pass this bill. Mr. DeWeese talks about meeting with the gentleman from Alaska (Mr. YOUNG) and saying that the American Policy Center will back him all the way in the battle to pass this bill.

Of course, then Mr. DeWeese goes to the heart of the matter and asks for any contribution from $17 to $1,000 to help the American Policy Center in their efforts.

Mr. Chairman, this bill is not needed. We should oppose it. It is nothing but scare tactics from the right wing. We should vote "no."

AMERICAN POLICY CENTER,
Herndon, VA.

DEAR FRIEND OF APC: I have just come from an emergency meeting on Capitol Hill, and I have important news for you.

I was meeting with several national leaders to plan a strategy to pass Congressman Don Young's "American Land Sovereignty Protection Act" (H.R. 883).

As I'm sure you remember, we were successful last year in passing this bill in the House of Representatives to stop the UN land grab of American Soil.

But we were stopped cold in the U.S. Senate. We didn't even get a hearing on the Senate version of the Bill. Because the Senate did not act, we have to start all over again and pass it again in the House, while we build strength in the Senate.

We intend to win this time. We intend to pass the Bill in both Houses of Congress and stop the UN from designating any more U.S. soil as World Heritage Sites or Biosphere Reserves.

We believe Congressman Young has the votes to pass it again in the House. In fact, he already has 158 co-sponsors, with more joining each day. He also has the support of new House Speaker Dennis Hastert.

The problem, again, is in the Senate.

Senator Ben Nighthorse Campbell of Colorado has again agreed to introduce the "American Land Sovereignty Protection Act in the Senate. The Bill number is S. 510.

But Senator Campbell has only been able to sign on six co-sponsors. Without more support, S. 510 will again die in the Senate.

You and I can't let that happen. Not again. You and I need to storm the Senate. Here's how.

First, I have enclosed a "Legislative Petition" to Senate Majority Leader Trent Lott. He will be key in the fight to build support in the Senate.

Frankly, without his support there can be no floor vote on S. 510.

That's why it is urgent that you immediately sign and return your "Legislative Petition" to me right away. You and I must flood Lott's office with petitions to prove S. 510 has strong national support.

So please sign you petition and return it to me immediately.

But you and I can't stop there.

Senator Campbell needs more co-sponsors for the Bill. Please call both of your states U.S. Senators and ask them to co-sponsor S. 510. Simply call the Senate switchboard at 202-224-3121, and ask for your Senators by name.

Just as important, however is that you contact you Congressman to make sure he supports Congressman Young's House version (H.R. 883). We must have a strong show in the House as well. If not, all of our efforts in the Senate will be in vain.

So please, call your Congressman at 202-225-3121. Tell him to support H.R. 883.

It is vital that you do all you can—if we are going to stop the UN's land grab of American soil. To win, you and I will have to beat overwhelming odds.

But don't despair. You and I can win this battle.

Remember when the fight to stop the UN land grab started in the 104th Congress?

Democrats refused to even attend hearings. They laughed and called Congressman Young's bill the "black helicopter" bill. They called it "preposterous," "absurd" and "crazy." The very idea that someone was challenging the UN was laughable to them. They're not laughing now.

The liberals know they must stop the bill. And they know the Senate is their last chance. Liberals know this bill will terminate United Nations' influence on 51 million acres of U.S. national parklands.

Liberals know this bill will gut the extremist United Nations' environmental agenda and will lead to the end of international treaties and agreements that give the UN control over development of American soil.

Liberals know this bill forces them to take a side. Do liberals support your right to own and control your private property or not?

The bill exposes the left's property-grabbing agenda. It weakens to United Nations' influence in the world. That's why they know they must stop the American Land Sovereignty Protection Act at all costs.

So, right now, the Sierra Club, the Audubon Society, the Nature Conservancy and all of their extremist environmental buddies are charging up Capitol Hill, swarming over Senate offices, using all of their power to keep this Bill from gaining co-sponsors or a floor vote.

They know we can pass this bill. Our position is strong.

The whole purpose of the American Sovereignty Protection Act is to restore the role of Congress where it should have been all along—as the administrator with sovereign control over public lands in the United States.

That authority has been slowly eroded over the years by a series of environmental treaties and agreements that subject our public lands to the influences of UN officials and UN-dictated rules. And with the help of the Clinton Administration.

Those rules not only tell the United States what it must do with public lands—but they also affect private property as well.

Just ask the owner of the gold mine that was located outside Yellowstone National Park. He was on private land—his land. Now he's out of business. Why? Because the United Nations said so.

And these UN treaties, like the Biodiversity Treaty and the World Heritage Sites are incredibly dangerous when radicals like Vice President Al Gore and Interior Secretary Bruce Babbitt hold power.

They can enforce the treaties in a way that gives the UN authority over our land and our private property. And they are doing it every day.

The House of Representatives recognized the danger and passed Don Young's Bill in the 105th Congress. They know that the threat is real, and we can pass the Bill in the House again in the 106th Congress.

But the real battle is now in the Senate.

And I tell you with complete honesty—we will have to fight like the Dickens to withstand the coming liberal firestorm. The liberals will use everything in their arsenal to stop this Bill. And the Senate is not a friendly place for property owners.

Get ready for open warfare. It's coming. In the next few weeks.

At our meeting today, I promised Congressman Young that APC would back him all the way in the battle to pass the American Land Sovereignty Protection Act. And I meant it. That includes leading the fight in the Senate.

Your enclosed "Legislative Petition" is my first step. Please. It is urgent that you sign it and return it to me today. We simply must build pressure on Trent Lott to support the Bill. That's why it's also important that you begin making phone calls to your Senators and Congressman to ask them to co-sponsor and support the bills (H.R. 883 and S. 510).

Over the coming weeks APC will get this message to hundreds of thousands of Americans to build the pressure.

You and I can pass this bill and cut the power of the UN!

But to do it, I urgently need your financial support. Will you help me keep up this fight to save America from the UN land grab?

I've been appearing on radio and television programs and speaking before audiences across this nation to sound the alarm on the UN land grab. The response is incredible. When Americans know the truth—they do the right thing. But they are not hearing most of this story from anyone but the American Policy Center. But, through APC's effort, we are truly awakening a slumbering giant.

Will you help me stay in the fight by sending me your most generous contribution of at least $17?

Remember, the Sierra Club and their buddies have millions of dollars in their war chest. I have only you. So if you can send a larger donation of $25, $50, $100, $250, $500, or even $1,000, I will be able to counter the liberal barrage, word for word.

You know APC's record and what we can do when our action alert system is firing on all cylinders. But it takes dollars to fuel the engine. I need you now. There really is no more important legislation before the U.S. Congress than the American Land Sovereignty Protection Act.

The bill truly is the whole ball game for our property rights. Pass it—and the UN is less of a threat. That's why the liberals hate it with a passion.

Now is the time. This is the battle. Please help me win it.

Sincerely,

TOM DEWEESE,
President.

P.S. You and I will not fight a more important battle in 1999 than this one to pass the American Land Sovereignty Protection Act. It is crucial that I receive your signed "Legislative Petition" right away. Equally important is your financial support to keep APC in the battle. Without you, I can do nothing. Please help. Thanks for all you do.

Mr. YOUNG of Alaska. Mr. Chairman, how much time remains?

The CHAIRMAN. The gentleman from Alaska (Mr. YOUNG) has 13½ minutes remaining; the gentleman from Minnesota (Mr. VENTO) has 15 minutes remaining.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 3 minutes to the gentleman from Arkansas (Mr. HUTCHINSON).

Mr. HUTCHINSON. Mr. Chairman, I thank the gentleman from Alaska for yielding and for his work on this legislation. I do rise in support of it.

I want to respond to the gentleman from Pennsylvania as to what he indicated about this. I agree that there has been, and there always will be, overstatements about the dangers of potential actions that are taken, and in this case the dangers of the Biosphere Program. But the argument has been made that the United Nation's designation is important because it provides some international protections for these worldwide important sites. Well, if it provides some protections, then there is some implied authority, if not direct authority, that is yielded to that international body; otherwise, the designation would have no significance. If it has no significance, then why would anyone oppose this simple legislation.

I have a habit in this Congress of trying to read legislation, and I took the time to read this bill that has been offered by the gentleman from Alaska (Mr. YOUNG), H.R. 883, and it says, "Any designation as a Biosphere Reserve under the Man and Biosphere Program of UNESCO shall not be given any force or effect unless the Biosphere Reserve is specifically authorized by a law."

Now, the argument is made, well, why should Congress engage in this activity? Well, I voted on naming postal buildings; I voted on naming Federal buildings; we vote on postage stamps. So there is a lot of designations that we do in this Congress.

I believe that private ownership of property is important. I believe that our National Heritage Sites, our parks are very important, and I think that Congress has a role, and when the constituents express a concern about a particular designation, that it is right and proper in this democracy for Congress to address it.

The Ozark Highland Man and Biosphere Plan was advanced in northern Arkansas and southern Missouri without public input. It was withdrawn after property owners, timber producers and other residents in the region learned of and opposed the designation.

I believe the Chairman's bill is reasonable. I believe it is appropriate. I believe it maintains the balance between executive action and legislative authority and certainly, when our constituents have a concern about these types of designations, that it is appropriate that we have congressional oversight and input into that process. So I ask my colleagues to support this important legislation.

Mr. VENTO. Mr. Chairman, I yield 3 minutes to the gentleman from Washington (Mr. INSLEE), a member of the Committee on Resources.

Mr. INSLEE. Mr. Chairman, I rise today in vigorous opposition to H.R. 883, which really ought to be titled the American Land Paranoia Act, because the principal purpose of this act is to sow paranoia among Americans who ought to take pride in our interest in protecting some of our national treasures. I will tell my colleagues that this is not a small matter.

Some may think this is a small matter, we should not worry about it. I want to tell my colleagues a little story. I was up on the border of the State of Washington and Canada about three years ago, four years ago now; in fact it was in what used to be the district of the gentleman from Washington (Mr. NETHERCUTT). I was talking to a fellow who was a businessperson, a nice fellow, a pillar of the community. He lives about 10 miles from the Canadian border. We got in a nice little discussion at a county fair.

He said, "Jay, what are you going to do about those tanks the U.N. has up on those railroad cars just over the Canadian border?" And I kind of chuckled. I said, "Henry, what are you talking about?" He said, "Well, you know, those tanks that the U.N. has across the border that they are going to use to come in to establish this United Nations park in the North Cascades."

I laughed. Then I saw he was serious. He was serious. And the reason he was serious is that the advocates of things like this bill have convinced this gentleman and a lot of people in America that somehow the tanks with the blue helmets and the black helicopters are coming to take away their livelihood, and that is flat wrong. Flat wrong. This is no unconstitutional loss.

Mr. Chairman, we sat in the hearings and I was engaged with the committee on hearings on this. People came forward and they sent to us this law professor or lawyer, I do not know if he is a professor, and he argued for 10 minutes passionately about how this violated the Constitution of America.

Then I asked him a simple question. I said, "How long has this been on the books?" He said, "Well, since the late 1960s." Then I asked him, "Well, have you ever gone to court to ask for this to be ruled unconstitutional, the loss of sovereignty?" He said, "Well, no." The reason he has never done it is he knows darn well it is not unconstitutional.

This is a bunch of flimflam where people are trying to foist these fears on the American people.

The last point I want to make, the World Heritage Convention that is under attack here as some kind of socialist plot was introduced under the administration of Richard Nixon. Richard Nixon came up with this socialist plot, and it is something that has been effective to try to get international attention to help us in this country preserve what we believe are our national treasures.

This is another sad step of my friends across the aisle, frankly, leaving that tradition of Teddy Roosevelt and even Richard Nixon. We ought to keep this thing on the books as it is and reject this bill.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 1½ minutes to the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Chairman, I am the newest member of the Committee on Resources, and I would like to commend my distinguished colleague from the great State of Alaska (Mr. YOUNG) for his leadership in introducing this bill.

Under Article IV, section 3 of the Constitution, quote, "The Congress shall have the power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States."

□ 1200

Mr. Chairman, the Constitution is clear. The United Nations, despite efforts by its supporters, is not a governing body superior in authority to this Congress.

I know that comes as a shock to some of my colleagues in this place and certainly some of the supporters from whom I have heard, who believe that the United Nations has some superior claim to the sovereignty of the United States, particularly when it comes to determining what is the appropriate use of the land within our borders. It is, however, not, as I say, not a superior authority to this Congress.

Yet, the U.N. is designating land within our country's borders for special protection without the consent of the House.

There are 83 U.N. sites in America, Mr. Chairman. In my home State of Colorado there are five United Nations biosphere reserves. I can tell the Members, having served in the Colorado State legislature for many years, those sites were designated without the express consent of the State of Colorado and without the Congress of the United States.

I have visited many of these areas. I agree they are incredible and breathtaking. I agree they are a treasure, but they are the property of the United States, and we must maintain absolute autonomy in our land management decisions.

I am proud to be a cosponsor of the bill, and urge my colleagues to support it.

Mr. VENTO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, again, I rise in opposition to this bill. I would just point out to my colleagues that the only power with regard to the disposition or the use of the lands that are within these designations are inherent in the laws that Congress has passed and delegated to the Park Service, to the Fish and Wildlife Service, the BLM, the Forest Service, or other land managers to manage.

In fact, this is a voluntary thing. All of these designations that are being discussed here, whether it is the Ramsar treaty or the Man and the Biosphere, which happens to be the program associated with the UNESCO program, or the World Heritage Convention and the sites that are identified, only some 15 sites in the United States, are all voluntary.

The laws that govern these sites are the laws of the national and State governments, and the private property rights and laws are completely intact. They are not changed by these voluntary designations. In fact, when making the designations or the recognition of these sites on a global basis, one of the criteria is in fact that the laws and rules are in place that will accord the proper use of these lands. So that is one of the prerequisites.

I would point out that the laws that affected the New World Mine were those that were being applied through the Park Service and the Forest Service in the State of Wyoming, in the State of Montana, and the other States within which Yellowstone lies.

The point is that there is no impact. The impact here, of course, is one of cooperation and collaboration, building on the laws that we have and attempting to encourage other Nations to in fact emulate the stewardship, the conservation, and preservation efforts that we have made in terms of these important sites, because they are important as a natural heritage site or cultural site or because they are important for research or for water fall.

So the only issue here is one where we could say that the Man and the Biosphere program has not directly been authorized by Congress, although we have appropriated money for it.

We have many laws today where the authorization has expired or has not been made, where the Office of Management and Budget, because money is appropriated, the courts have ruled that in fact it has the force and effect of in fact Congress authorizing and lawfully permitting that type of designation, and we have done that for that program, clearly a case we made to bring up an authorization bill and deal with it in that manner.

But that has not been the disposition of the committee. What they have chosen to do, of course, is because, in my judgment, they cannot attack the parks, they cannot attack some of the land uses which they have an issue with directly, they have turned around and wrapped themselves in this question of sovereignty, which there is no constitutional case here. There is no court case here that has been pursued that has been positive that would indicate the statements being made are accurate.

They are not accurate. They have never been tested in court. I think they are inaccurate. They can test such issues in court and get answers back as to whether they are appropriate.

In fact, this has been praised by many. I just picked up a statement here, a press release by Secretary of Interior Don Hodel, most recently, of course, who led the Christian Coalition, but before that he worked in the State of Washington and on Bonneville Power, and was our Secretary of Interior under then President Ronald Reagan.

This letter was dated October 10, 1986, a press release in which he stated how enthusiastic and proud the Department was of the Statue of Liberty which was designated a World Heritage Site. So I think this just sort of indicates across the board how important this is. This is why all of the environmental groups and conservation groups oppose this legislation.

I will offer an amendment in this process, Mr. Chairman, which will address some real concerns, and that is the commercial use by foreign entities of U.S. properties for mining, for grazing, for timber harvesting.

If we are so concerned about the preservation and conservation of these areas, then maybe we should really be concerned about those what we call exploitive activities that go on on these lands by foreign powers, actual activities, rather than these phantom concerns that we have with tanks and other issues that may be in the minds of our constituents. But I am sure that my colleagues have made every effort to dispel these unwarranted fears, and have faced up to the issues of this misinformation campaign that has existed.

I trust they would do that, Mr. Chairman; that they would face up to that type of issue and not let that type of misunderstanding and misinformation spread across the land such fear that would result in imprudent types of actions by this Congress.

Mr. Chairman, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to also recite Mr. Hodel, the past Secretary of the Interior.

The last paragraph says, "This legislation Chairman Young is sponsoring, H.R. 883, will bring welcome relief to property owners threatened by a United Nations bureaucracy that has grown out of control." I support H.R. 883 thoroughly.

Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Chairman, I rise to support this legislation. I find it very difficult to understand the arguments of those who oppose it.

What is wrong with Congress being in control? What is wrong with the people in our districts, if they agree or disagree, having a right to talk to their Congressman?

Don Hodel also said, "During the Reagan administration, these designations were honorary and benign in nature. However, like so many United Nations programs, this one has fallen subject to inappropriate mission creep. It has become a proxy for international attempts to override national sovereignty and control land use."

Why was America founded by Europeans and Asians? Because they wanted additional freedom, they wanted control, they wanted to be in charge, and they certainly do not want people from other countries, and designating is fine, but having other people to have a say about how land is used in our parks, in our public lands, makes no sense in this country.

This is about sovereignty. This is about freedom. This is about America being in charge of Americans; having relations with other countries, but they should not have a say in America, and the American public should have Congress to go back to. That is all we are asking, for Congress to be the final word.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 7½ minutes to the gentlewoman from Idaho.

Mrs. CHENOWETH. Mr. Chairman, I want to thank the gentleman from Alaska (Mr. YOUNG) for his outstanding leadership on this issue.

I have come to the floor many times during my tenure in Congress to discuss this very important issue that H.R. 883 addresses, the constitutional duty that we have as Members of Congress to protect the sovereignty of our lands in every possible way.

Yet, every time this matter is brought before the House, I hear many of my colleagues vigorously argue that this has nothing to do with our constitutional duty to preserve and protect our Nation's sovereignty.

I have also heard arguments today from the floor that we should not be meddling in these kinds of things. I know as chairman of the Subcommittee on Forests and Forest Health we even have to have a bill to move a boundary on a wilderness area a half a mile. We have to have a bill to name buildings.

So what would the opposition to this bill have us do, just stay busy naming buildings and moving boundaries, or protect the sovereignty of this Nation? That is our first and foremost responsibility.

Mr. Chairman, another thing that I have heard from the opposition to this bill is that it does not involve private property. I can tell the Members, it does involve private property when they seized control and took over the New World Mine, a patented mine. That was in fact private property.

In fact, the American taxpayer had to pony up $68 million to pay off the Canadian leasehold interests for their loss in the property. The woman who owned the property, who had the patent on the mine, still stands empty-handed. This Congress must deal with that problem, too.

Mr. Chairman, this very simple bill enacts three very basic requirements. Number one is it requires the Secretary of the Interior to require the approval of Congress for any nomination of property located in the United States for inclusion in the World Heritage list.

Number two, the bill would prohibit Federal officials from nominating any land in the United States as a biosphere reserve unless Congress ratifies and enacts the Biosphere Reserve Treaty.

Finally, H.R. 883 simply prohibits any Federal official from designating any land in the United States for a special or restricted use under any international agreement unless such designation is specifically approved by law.

I might remind my colleagues on the other side of the aisle that while the World Heritage sites have been or the treaty was approved by the Democrat-led Senate during the Nixon administration, nevertheless, the biodiversity treaty has never been ratified by the United States Senate, never. Yet, there is enough land that has been set aside under designations of these two designations to fill up the entire State of Colorado.

I think it is time we act. We have a responsibility to the American people to protect the sovereignty of our land.

Mr. Chairman, these very simple provisions do not represent massive changes in policy, nor are they born out of paranoia. There is nothing that says anything about blue helmets or tanks. They are very important items that ensure our Federal officials properly allocate taxpayer resources, and that we as a Congress maintain the total governance of our lands required under Article IV, Section 3, of the United States Congress.

This section, very succinctly, states that "The Congress shall have the power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States." It is very clear. It does not take a rocket scientist to interpret what the Constitution says, and neither does it take a court to interpret this provision for us to act. We do not need the court decisions for the Congress to act in a responsible way.

Mr. Chairman, there are some who actually believe that the U.N. Biosphere and World Heritage designations, which encompass 68 percent of the land in our national parks, preserves, and monuments, and make up an area the size of Colorado, are benign and have the mere purpose of placing a plaque or a label that these areas can use to attract tourism.

That is utter naivete. However, in the Committee on Resources we have heard testimony from citizens living in Alaska, Arkansas, Missouri, Minnesota, New Mexico, New York, and Wyoming that suggest otherwise. These individuals testified about how these designations affected their property value, their economic activity, and most candidly, their ability to play a role in the designation process. They were left out.

Even the U.N.'s own documentation on these programs describes its proactive role on land policy. One such publication defining the purpose of biodiversity reserves call for extensive land policy initiatives such as "strategies for biodiversity, conservation and sustainable use," and for action plans provided for under Article VI of the Convention on Biological Diversity.

I am not going to trade our responsibility to manage our lands under this constitutional provision for Article VI of the Convention on Biological Diversity, and I do not think the American people want us to do that, either.

□ 1215

Mr. Chairman, to me this type of strategy involves a lot more than just a harmless plaque. Nevertheless, the question every Member of this body should be asking themselves today is not whether or not these designations do in fact intrude on our vested power to govern our lands, but whether we should even take that chance.

Mr. Chairman, if World Heritage areas or Biodiversity Reserves really are harmless or benign, it should be Congress that makes that determination, not our unelected officials. I do not think that Article IV, section 3 of the Constitution advises that in governing our lands that we simply opt out of policies that may appear ineffectual. But instead, it expressly requires that we, the Congress, make all needful rules and regulations.

I do not think, Mr. Chairman, the danger can be stated any clearer than it was before the Committee on Resources by the Honorable Jeane J. Kirkpatrick, highly respected U.N. Ambassador during the Reagan administration, when she stated, and I quote, "The World Heritage and Man and Biosphere committees make decisions affecting the land and lives of Americans. Some of these decisions are made by representatives chosen by governments not based in democratic representation, certainly not the representation of Americans."

Ms. Kirkpatrick went on to say, "What recourse does an American voter have when U.N. bureaucrats from Cuba or Iraq or Libya, all of which are parties to this treaty, have made a decision that unjustly damages his or her property rights that lie near a national park?"

Mr. Chairman, the only relevant argument that the Clinton administration has made against this bill is that it would add unnecessary bureaucracy to the designation process. I do not believe that is the case. I think that this would simply clarify and straighten out a mess that we have found ourselves in in this administration.

Mr. VENTO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would point out that clearly the gentlewoman from Idaho (Mrs. CHENOWETH) is confused about the Biodiversity Treaty, which is not a part of this agreement. We are talking about Man and the Biosphere.

I mean, we would obviously stipulate that the Biodiversity Treaty, the Rio Treaty, is something that the Senate has to consider. But apparently we were misplacing our words.

I would suggest that the national protection and international protection of cultural and national heritage in Article VI, this particular program points out that, and I will quote from this, "Whilst fully respecting the sovereignty of States of whose territory the cultural and natural heritage mentioned in Article I and II is situated, and without prejudice to the property right provided by national legislation, the State parties to this Convention recognized that such heritage constitutes a World Heritage for those whose protection it is the duty of the international community as a whole to cooperate."

So the issue that we are dealing here with is not whether the countries are members of this because we know that there are many nations who are members of these programs. In fact, with regards to the World Heritage Convention, 150 nations are members of that; with regards to Man and the Biosphere, it is 125 Nations; and with regards to the Ramsar Treaty, there are 92 Nations.

As I had spoken earlier, nearly 2,000 sites, some 1,932 sites that I have and still growing, I suppose, and in the United States, we have some 82 of those sites where less than 5 percent of the sites are located in the United States, and it is based upon the existing land laws that the Committee on Resources, the administration, that U.S. law provides, whether through the national government, through the State governments, the property rights are intact.

No one can raise one case where, for instance, the Statue of Liberty has been designated a World Heritage site. What have we lost? What has changed in terms of its administration? Tell me one instance where something has changed that is due to the designation or the recognition that is accorded to these 82 sites, not one witness that appeared.

The gentlewoman from Idaho (Mrs. CHENOWETH) raised the question that there was a witness from Minnesota. Well, unfortunately, I am from Minnesota. We do not have any sites in Minnesota. I would like to have some sites in Minnesota, and I hope someday that we do. But we do not have any in Minnesota. But I guess that witness from Minnesota knew something that I did not.

But the fact is, and this is the sort of, I think, misunderstandings that this legislation is based on, not one of these sites has been brought to our attention where there has been any change in the land management that is due to these cooperative voluntary international agreements.

While I have tried to portray this as not having a an impact, obviously our park laws, when I wrote and when our committee writes legislation on parks or on wilderness or on BLM or other types of land classifications, I mean what I say when we designate those sites that they ought to be protected, that there are transboundary issues that are affected. I meant what I said.

But, unfortunately, I think what is unfolding here is an effort to try, through this American sovereignty claim, through criticism and fear of the U.N., to try to turn around and blame the U.N. and these programs, these international programs. We have everything at stake in terms of providing this type of leadership on a global basis, in terms of trying to encourage other nations on a voluntary basis, whether it be China, whether they be democratic governments or governments which we think are not democratic, to in fact pursue the preservation, the conservation of their resources on a voluntary basis. We have had spectacular success.

This is a place, as I said, if it is a criticism of UNESCO in terms of Man and the Biosphere, in terms of research, this is an area that is working. This is one area that we should not be debating or disagreeing about in terms of research and gaining information and knowledge. That is the essence of what the Man and the Biosphere program has. It has nothing to do with the Biodiversity Treaty, as was indicated here, a misstatement I guess on the part of the proponents of this.

The same is true of these World Heritage sites. They deliver tourism. Individuals, just like in a park pass, look at these World Heritage sites, some 506 sites, and they try to go to as many as they can. It encourages tourism in this Nation. We have but 20 of those sites. Obviously our parks are a great attraction and globally known and renowned for the wonderful features that characterize them.

The Ramsar Treaty obviously is one. There may be other treaties that are affected. These are the three that have stuck out that we have discussed, but almost any other agreements that we come to on a voluntary international basis are struck down and put back before Congress. I think we know what the disposition of that is.

Read the bill. I have read this bill and studied it carefully. It makes an almost insurmountable test in terms of any type of designation of the Man and the Biosphere programs. It goes 10 miles outside the boundary of any of these where there would be a Man and the Biosphere designation and demands that it have absolutely no economic effect.

I would suggest that it would almost be impossible to pass the type of test that has been put in here. But I think it has been put in here for good reason; that is, my colleagues want to kill these programs. They want to cut the head off of the Man and the Biosphere program. They want to stop the World Heritage Convention. They want to stop the Ramsar Treaties, which are the basis, really, just the fragile basis of cooperation that we have on an international basis to provide some conservation and leadership.

Frankly, in my view, we ought to be doing a lot more on an international basis, dealing with water quality, dealing with air quality, dealing with the way that landscapes are treated in terms of how we treat our forests and, indeed, that biodiversity issue treaty that was raised by my colleague.

I certainly am a proponent of trying to work on a global basis to protect these resources and to rationally use them and to, in fact, provide for some policy path that would be reasonable with regards to preserving our environment.

Mr. Chairman, I urge my colleagues to vote against this measure. It is a bad measure. It is misunderstood and unfortunately a bill the House should not consider at all. I urge defeat of this measure, H.R. 883.

Mr. Chairman, I yield back the balance of our time.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to clarify the Biosphere Reserve Program is operating without any congressional authority at all. Our constitutional system is designed to make our government responsible to the people; that is, the American citizens who are the ultimate sovereign authority in our system, a people who must satisfy the concerns of outsiders before they are no longer sovereign. That is why this is called the American Sovereignty Act.

I respectfully request my colleagues to vote for this legislation, get us back in control under our Constitution. That is our role. That is our charge. Not to do so is neglecting our responsibility.

Mr. Chairman, I include the following for the RECORD:

SENATE,
STATE OF MINNESOTA,
St. Paul, MN, May 11, 1999.

Hon. TOM COBURN,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN COBURN: As Chairman of the Minnesota Senate Committee on Natural Resources and Environment, I commend your efforts to defund the Man and Biosphere Program (MAB). Since one of the major opponents of your efforts is Congressman Bruce Vento of Minnesota, who represents a compact urban district with little undeveloped land, I would like to tell you about the painful experience northern Minnesota had with the MAB program in the past.

During the mid-1980's the National Park Service proposed a massive Northwoods International Biosphere Reserve that included lands in my Senate district which were included without notifying me or any other local elected officials. In 1984 the state-sponsored Citizen's Committee on Voyageurs National Park took up this issue after a casual comment from the then Voyageurs National Park Superintendent Russell Berry that our area had been nominated as a biosphere reserve. At a public meeting of that committee on December 1, 1984 in Minneapolis after the nomination was made, Mr. Berry, partially explained one reason for the biosphere reserve by stating "I'd like to be in as strong a position as possible to influence activities outside the boundaries that would adversely affect the Park in the context of things that would be detrimental to the ecosystem within the Park."

Because the park is surrounded by thousands of acres of private property, Mr. Berry intended to use the biosphere as a means to implement land use controls on private property. Since my constituents did not want their constitutionally-guaranteed private property rights further threatened, they strongly opposed this proposal. Consequently, in 1987 the Northwoods International Biosphere Reserve nomination was withdrawn by National Park Service Director William Penn Mott.

Until the MAB program is authorized by Congress and statutory protections for private property are guaranteed, I will support all efforts to defund this program. Without these protections, unelected federal bureaucrats will again use biosphere reserves as a means of implementing federal land use controls on private property.

Since Mr. Vento's district is 300 miles away from the ill-fated Northwoods International Biosphere Reserve proposal, I would encourage you to listen to those who represent people who live and work in the affected area rather than those who recreate in the area on weekends.

Thanks again for your efforts in defense of local control and private property.

Sincerely,

Senator BOB LESSARD.

CHESAPEAKE, VA.
May 18, 1999.

Congressman RICHARD POMBO,
United States Capitol Building,
Washington, DC.

DEAR MR. POMBO: Thank you for asking for my comments on the process of UNESCO designation of World Heritage Sites.

During the Reagan Administration, these designations were honorary and benign in nature. However, like so many United Nations programs, this one has fallen subject to inappropriate mission creep. It has become a proxy for international attempts to override national sovereignty and control land use.

The current Administration has submitted a thirteen year old press release to invoke my name in support of the World Heritage Site proposals. This is unfortunate political game-playing and deceptive in that it does not represent my position. Favorable statements made about an honorary and benign program more than a decade ago are patently not applicable to that program as it is now being utilized.

The American Land Sovereignty Protection Act, as I understand it, will require congressional approval of United Nations World Heritage Site proposals. I believe that this is a necessary and reasonable safeguard for American citizens against overreaching, unelected, unaccountable domestic and international bureaucracies.

This legislation Chairman Young is sponsoring, H.R. 883, will bring welcome relief to property owners threatened by a United Nations bureaucracy that has grown out of control.

Sincerely,

DONALD PAUL HODEL.

STOCKTON, CA,
May 13, 1999.

Hon. RICHARD POMBO,
Member of Congress, House of Representatives, Washington, DC.

DEAR CONGRESSMAN POMBO: Thank you for contacting me regarding the House Committee on Resources' March 18 hearing on the American Land Sovereignty Protection Act, H.R. 883.

As you know, before President Ronald Reagan appointed me Assistant Secretary for Fish, and Wildlife and Parks, Department of the Interior, I served Governor Ronald Reagan as the Director of California's Department of Fish and Game. I am especially proud of the environmental agenda we were able to implement, and the success we had with programs that encourage ranchers, farmers and other private landowners to maintain, develop and enhance wildlife habitat on privately owned land. Those benefits continue to this day, and they serve as excellent examples of public benefits that flow from private land ownership without government intervention or funding.

Before coming to Washington, D.C. in 1980 to serve President Reagan, I gave 20 years of volunteer service on the board of directors of the National Wildlife Federation (NWF), including two terms as the Foundation's president-elect (1976–78).

Before my career and commitment to wildlife resources and the environment, I defended America's freedoms, including the right to own private property, when serving 4½ years with the U.S. Marine Corps during WWII, and another three years during the Korean Conflict.

At the March 18 hearing of the House Committee on Resources, I understand that the U.S. Department of the interior witness entered into the official record a 17-year old letter I signed while serving the Reagan Administration as Assistant Secretary for Fish and Wildlife and Parks. I recently reviewed the letter in question, and you should know that it merely dealt with the technical issue of creating a standardized form for recording information on World Heritage Sites. The letter must not be interpreted as anything other than that.

The record of the Reagan Administration and the current Clinton Administration regarding UNESCO's World Heritage, and Man and the Biosphere programs are starkly different. Under the Reagan Administration, these designations were indeed voluntary, non-regulatory, and honorary. This is in sharp contrast with the current Administration that invited the World Heritage Committee to Yellowstone National Park to condemn private property located outside of the Park! The World Heritage Committee delegation present was comprised largely of non-elected bureaucrats from Third World countries. Such an action by the World Heritage Committee clearly runs roughshod over America's sovereignty.

H.R. 883 is sorely needed to require Congress to oversee non-elected bureaucrats, in both the United States and the United Nations, from threatening our nation's sovereignty and private property rights of American citizens. Former United States Ambassador to the United Nations, Jeane J. Kirkpatrick, stated this best in a May 5, 1999, letter she sent to the House Committee on Resources on this issue. she wrote, inter alia: "In U.N. organizations, there is no accountability. U.N. bureaucrats are far removed from the American voters. Many of the State Parties in the World Heritage Treaty are not democracies. Some come from countries that do not allow the ownership of private property. The World Heritage, and Man and Biosphere Reserve committees make decisions affecting the land and lives of Americans. Some of these decisions are made by representatives chosen by governments not based on democratic representation, certainly not the representation of Americans. What recourse does an American voter have when U.N. bureaucrats from Cuba or Iraq or Libya (all of which are parties to this Treaty) have made a decision that unjustly damages his or her property rights that lie near a national park? When the World Heritage Committee's meddling has needlessly encumbered a private United States citizen's land and caused his or her property values to fall, that citizen's appeals to these committees (if that is possible) will fall on deaf ears."

I strongly support H.R. 883 and urge its passage. I believe H.R. 883 is desperately needed, and I know that it is in the best interest of our nation and her citizens to require our elected representatives in the United States Congress to properly oversee the actions of non-elected bureaucrats within the United States and the United Nations.

Sincerely,

G. RAY ARNETT,
Former Assistant Secretary for Fish and Wildlife and Parks.

CLARK RANCH,
Paso Robles, CA, 14 May 1999.

Hon. RICHARD W. POMBO,
Congress of the United States, House of Representatives, Washington, DC.

DEAR CONGRESSMAN POMBO: I greatly appreciate you informing me about the May 12, 1999 letter from Deputy Assistant Secretary of the Interior Stephen Saunders to House Resources Committee Chairman Don Young regarding H.R. 883, the American Land Sovereignty Protection Act.

The Saunders letter cited a letter I signed 15 years ago as Secretary of the Interior regarding the U.S.'s continued participation in the World Heritage Convention at a time when our nation decided to withdraw from the United States Educational, Scientific and Cultural Organization (UNESCO). My letter is characterized by Mr. Saunders as showing "a strong bipartisan consensus that U.S. involvement with the World Heritage Convention and other international conservation conventions at issue in H.R. 883 pose absolutely no threat to U.S. sovereignty."

That was true fifteen years ago. It is no longer the case today.

When I was Secretary of Interior for President Ronald Reagan, World Heritage sites were merely honorary designations. They did not threaten private property rights or national sovereignty. They were designed to recognize outstanding natural and cultural resources in America without creating new layers of regulation on private landowners and rural communities.

Unfortunately, this program has been used in some cases by the current administration to threaten private property owners and national sovereignty. For example, in its efforts to stop a proposed mine on private property outside Yellowstone National Park, the current administration in 1995 invited the World Heritage Committee to the park to evaluate alleged environmental threats caused by the proposed mine. This visit by unelected United Nations bureaucrats created a circus-type atmosphere whereby the World Heritage Committee made the owners of that private property a pariah in the international community. Partially as a result of this visit and a formal declaration later against the proposed mine by the World Heritage committee, the mine was never developed.

I also understand that some in the current administration are attempting to use our membership in the World Heritage Committee to help stop a proposed mine in Australia that is strongly supported by the duly elected government of that country. Such an effort against a sovereign nation would have been unthinkable under the Reagan Administration which honored the sovereignty of democratically elected governments.

My review of H.R. 883 shows it merely provides congressional oversight of the World Heritage Program to prevent an international agency from threatening private property rights and national sovereignty as it did in Yellowstone and is attempting to do in Australia. This legislation will provide the type of adult supervision from elected officials that every domestic and international bureaucracy needs.

I appreciate you alerting me that my 15 year old letter is regrettably being used for political purposes in Washington, D.C.

Sincerely,

WILLIAM P. CLARK.

PULP & PAPERWORKERS'
RESOURCE COUNCIL.

DEAR REPRESENTATIVE: The Pulp and Paperworkers' Resource Council (PPRC) strongly urges you to support H.R. 883, the American Land Sovereignty Protection Act, which soon will be voted on by the full House. This bill provides for Congressional oversight of United Nations Biosphere Reserves and World Heritage Sites in the United States. The biosphere program is not even authorized by Congress, nor is the program part of an international treaty.

PPRC is a "Grassroots" organization representing more than 300,000 Pulp and Paper Workers and some 900,000 Wood Products Industry Workers. Many of our members are unionized workers and we have members in virtually every state of the union. We support natural resource policies that allow our mills to thrive and keep our members and their families employed in well-paying union jobs.

PPRC is very concerned how America's sovereignty over its natural resources is increasingly threatened by international agreements and unelected bureaucrats at international organizations which often are dominated by Third World nations that have poor records in protecting their own natural resources. This was painfully evident when several PPRC officers participated in the World Commission on Forestry and Sustainable Development conferences.

United Nations Biosphere Reserve and World Heritage Site designations, administered by the United Nations Educational, Scientific and Cultural Organization (UNESCO), are nominated through a secretive process that excludes local governments, union workers, private landowners and other average citizens. Only high-ranking unelected officials at the State Department, other federal agencies, UNESCO and national environmental advocacy groups are involved in this nomination process.

Our Members, from diverse states such as New York, Arkansas, Kentucky and Minnesota have fought hard to get a seat at the table when biosphere reserves were proposed in their areas. In all cases, officials from federal agencies ardently worked to keep them out. H.R. 883 would open up this process by requiring that all existing biosphere reserves in the United States be authorized by an Act of Congress by 2002 or they would cease to exist. This would empower average citizens to become involved in these designations.

At House Resource Committee hearings in Tannersville, NY, Washington, D.C. and Rolla, MO, PPRC testified in strong support of this legislation. It embodies a basic principle of open government that citizens and communities have a right to know about decisions affecting them before they are made.

Again, the Pulp and Paperworkers' Resource Council strongly supports H.R. 883.

Sincerely,

DON WESSON,
PPRC National Secretary.

MAY 5, 1999.

Hon. BRUCE F. VENTO,
House of Representatives,
Washington, DC.

DEAR MR. VENTO Thank you for your letters of March 24th and April 28th regarding my testimony before the House Resources Committee on the March 18th hearing of the American land Sovereignty Protection Act, H.R. 883. In my opinion the important issue here is protection of Americans' rights of democratic process. I sought to emphasize the dangers I see in Congress's waiving of its role and responsibilities over matters which fundamentally affect citizens of the United States and ceding that role and its associated powers to a global organization in which affected Americans have no representation.

As I understand it, the proposed Act does nothing more than affirm Congressional role in the management of our public lands, a role mandated to it by the Constitution under Article IV, Section 3, which states: "The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States." I believe that is a clearly worded duty which Congress is bound by the Constitution to uphold.

Your letter raises several questions concerning my testimony, each of which I have addressed below.

I. Please explain the simultaneous decision to continue our active participation in the World Heritage Convention and the U.S. Man and the Biosphere Program [after your support for the successful U.S. withdrawal from UNESCO], both of which are coordinated at the international level by UNESCO.

The United States' Permanent Representative to the United Nations oversees U.S. participation in many United Nations' programs and organizations, including aspects of U.S. participation in UNESCO. The World Heritage and Man and the Biosphere programs, however, were not among them when I held that job.

As you know, the Department of the Interior has primary responsibility for the World Heritage and the Biosphere programs. The Department of the Interior, along with a federal interagency panel controls all aspects of these programs. No member of Congress is included on this panel. Neither was a United States' U.N. Ambassador when I held that position. The Code of Federal Regulations July 21, 1980 public notice of proposed U.S. World Heritage Nominations or 1981 states U.S. law at the time I was our UN Ambassador: "*In the United States, the Secretary of the Interior is charged with implementing the provisions of the Convention, including preparation of U.S. nominations.* Recommendations on the proposed nominations are made to the Secretary by an interagency panel including members from the Office of the Assistant Secretary for Fish and Wildlife and Parks, the Heritage Conservation and Recreation Service, the National Park Service, and the U.S. Fish and Wildlife Service within the Department of the Interior; the President's Council on Environmental Quality; the Advisory Council on Historic Preservation, and the Department of State."[1] (Emphasis added). I was never included on the panel as the Department of State Representative. I was never invited to participate in any decisions concerning these programs.

I raised the issue of the U.S. withdrawal from UNESCO to make a point: the UNESCO of the 1980's demonstrates quite well both an example of an incompetent and corrupt international organization and the nearly insurmountable obstacles of trying to reform it and hold it accountable. During my tenure as U.S. Ambassador, I sought to limit the proliferation and scope of U.N. based on international organizations which were accountable to no responsible, democratically elected government. This discussion serves to reinforce the point I was trying to make during my testimony, namely that Congress should take an active role in the oversight of programs which impact private citizens in this country.

II. [A]s you know, 7 of the 20 World Heritage Sites in the United States were listed as such during your tenure as our Ambassador to the U.N. In your capacity as U.N. Ambassador, did you oppose these nominations based on the fact that Congress had not specifically authorized these listings? At any point in your tenure, did you attempt to have any existing designations withdrawn on the same basis?

I refer you to my answer above. The Department of the Interior is charged with implementing the provisions of this program, not the United States' UN Representative's office. I had no role and I was not aware of the details of these programs. Now, however, that this issue has ripened, I believe it is time to restore Congress' proper role in this matter.

III. "Your prepared testimony . . . includes the statement, 'International Committees—whatever the substance of their decisions—do not represent the American people and cannot be held accountable by them,' (emphasis added). Is it accurate to conclude from this statement that you believe specific Congressional authorization should be required for U.S. participation in any program which involves an 'international committee?' "

Obviously, these committees do not represent the American people. That is not their function. I want to be absolutely clear on this point. Only our representatives on those committees represent Americans. Obviously, the Cuban or Libyan delegates to these committees do not represent the American people and, in fact, often oppose American interests, regardless of the issue. Neither do the New Zealand—to take a country at random—or Brazil. The United States' Congress, on the other hand, is elected and does, in fact, represent the American people. U.N. based committees, unlike Congress, are not accountable to the American people because they have not been elected by or chosen in any way by the American people. They do not represent and are not concerned with U.S. national interests nor the interests of U.S. citizens.

In this democracy, the citizens grant powers to our elected leaders through our votes from the local and state levels up to the Congress and the Presidency. We give them the power to declare our lands national parks and the right to enact the laws that restrict our use of our properties. We give our duly elected leaders the authority to select the judges who will interpret those laws. Our elected leaders, in turn, respond to our wishes because, just as we have granted them power, so may we take it from them in the next election. Representation and accountability are the foundation of the freedoms we cherish. Having fought and won elections yourself, you know this principle well.

In U.N. organizations, there is no accountability. UN bureaucrats are far removed from the American voters. Many of the States Parties in the World Heritage Treaty are not democracies. Some come from countries that do not allow the ownership of private property. The World Heritage and Man and the Biosphere committees make decisions affecting the land and lives of Americans. Some of these decisions are made by representatives chosen by governments not based on democratic representation, certainly not on the representation of Americans. What recourse does an American voter have when UN bureaucrats from Cuba or Iraq or Libya (all of which are parties to this Treaty) have made a decision that unjustly damages his or her property rights that lie near a national park? When the World Heritage committee's meddling has needlessly encumbered a private United States citizen's land and caused his or her property values to fall, that citizen's appeals to these committees (if that is even possible) will fall on deaf ears.

As for your question "Is it accurate to conclude from this statement that you believe specific Congressional authorization should be required for U.S. participation in any program which involves an 'international committee?,' " my answer is, in any U.N. based committee which makes decisions that importantly affect American citizens. Speaking to the issue at hand, which is the requirement of congressional authorization of World Heritage and Biosphere site designations, I definitely believe congressional authorization should be required. Congressional role should be protected, I believe, should be required, in any process, any time the Constitution specifically places a duty on Congress to act. The question presented here is specific. The Constitution mandates congressional responsibility over public land management. The World Heritage and Biosphere programs directly impact the management of public and private lands in the United States. Congress should be involved.

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[1] "Proposed U.S. World Heritage Nominations for 1981, Public Notice." 45 FR 48717, July 21, 1980. You will find the same language in each annual notice.

The Constitution grants and requires Congress' broad control over the management of the public lands. The Executive branch, through the Department of the Interior and in conjunction with the World Heritage and Man and the Biosphere programs (the "international committees" created by this Convention) should not be allowed to exercise Congress' constitutional authority.

IV. "Should Congressional authorization be required for any international agreements/contracts which allow use of our national resources and public lands, such as mining or timber harvesting? If it is the case that your support for requiring Congressional authorization is limited only to those areas included in H.R. 883, please explain the specific characteristics of 'international committees' dealing with conservation which makes them particularly threatening?"

First of all, as you know, any U.N. based agreements or contracts which allow use of our natural resources and public lands require various forms of authorization from our elected officials. In this particular case, the authorization must come from Congress. The Convention itself requires that "the inclusion of a property in the World Heritage List requires the consent of the State governed." [Article II, Section 3] The State in question is the United States and its consent requires the consent of the people through their duly elected representatives in accordance with the Constitution. That means Congress, the body delegated the authority over land management by the Constitution. The "American Land Sovereignty Protection Act" is consistent with both U.S. and international law.

In the second part of your question, you ask what are the specific characteristics of "international committees" dealing with conservation which makes them particularly threatening?" My answer is, those communities which affect substantial interests of U.S. citizens. If American citizens have an interest in the conservation of a particular area, that decision should be made by Congress, the body delegated responsibility by the Constitution for making these decisions in full view of the American public. And if each decision requires consideration of costs and benefits to the property rights of individual voters affected, so be it. UNESCO committees are not competent to address the complex private property and public interest issues presented here. They have no interest in how their actions affect private U.S. citizens. I believe Congress should not abdicate its responsibilities for land management to international groups whose members have no concern for protecting individual property rights and American interests.

Sincerely,

JEANE J. KIRKPATRICK.

Mr. PACKARD. Mr. Chairman, I strongly support H.R. 883, The American Land Sovereignty Protection Act. We must preserve and protect our nation's private property rights for our citizens and for our country.

The American Land Sovereignty Protection Act will require Congressional approval before nominating U.S. property as U.N. land designations for inclusion on the World Heritage List. This legislature will also prohibit U.S. property from being nominated as a Biosphere Reserve and it will terminate existing Biosphere Reserves if they do not meet the proper conditions. Under H.R. 883, Congress will be re-established as the ultimate decision-maker in managing public lands and maintain sovereign control of U.S. soil, not the United Nations. We must pass this legislation and halt designations made without consulting Congress or landowners.

Mr. Chairman, the United Nations has identified 92 sites in 31 states and the District of Columbia for acquisition. The fact is, property owners and local governments are routinely shut out of the process and have little recourse if their land is claimed by the U.N. or other international agencies. We must put an end to this uncalled-for seizure of our nation's land and restore control to landowners and local officials.

Mr. Chairman, I urge my colleagues to support H.R. 883 and continue to protect our nation's soil. We must never allow foreign nations or international organizations to bully American landowners.

Mr. HAYES. Mr. Chairman, I rise today in strong support of the American Land Sovereignty Protection Act. I and 182 of my colleagues who co-sponsored this bill believe that it is not only common sense, but also Congress' Constitutional duty, to protect the sovereignty of America's people and her land.

As you have heard, UN Land Designations, World Heritage Sites and Biosphere Reserves, take place without the approval of Congress and with little or no Congressional oversight; consequently, the citizens of the United States are excluded from the process. These decisions infringe upon State sovereignty, individual rights of United States citizens, and private interests in real property.

Mr. Chairman, I am proud of the beautiful forests, monuments, national parks and other lovely places in the U.S. as anyone and am thrilled that others outside the U.S. see the beauty in them as well. However, I feel very passionately that if the United Nations decides to designate the Uwharrie Forest—in the 8th District of North Carolina—as a World Heritage Site, that the people of my district should have the opportunity to address how this designation might affect them. Receiving this designation would mean that United States agrees to manage the Uwharrie Forest in accordance with an underlying international agreement which may have implications on private property outside the forest. At best, a World Heritage Site or Biosphere Reserve designation gives the international community an open invitation to interfere in how the Uwharrie, and land surrounding it, are used.

The voters of my district might decide it would be in their best interest to accept the UN designation. If that were the case, I would gladly honor the will of my constituents. However, it is their community, their lands and their livelihoods being affected, they have the right, and should have the opportunity, to have a say.

The Uwharrie Forest is just one example of a beautiful site in my district. I know each of you can think of several beautiful places in your own districts that would be prime for a UN World Heritage Site designation.

I urge you to give your constituents the chance to be involved in decisions that affect them, their private property rights and our sovereignty as a nation. I urge you to vote in favor of the Land Sovereignty Protection Act.

Mr. WELDON of Florida. Mr. Chairman, when I was sworn into office, I took an oath to uphold the U.S. Constitution. Each of us has taken that same oath, and I rise to remind us of our oath of office and reflect on the words of the Constitution. Article IV, section 2 of the U.S. Constitution states, "The Congress shall have the power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States."

Clearly, the U.S. Constitution gives the U.S. Congress and only the U.S. Congress the authority to make all rules and regulations over Federal lands.

This authority is not given to the President, it is not given to the U.S. Ambassador to the United Nations. No one in the State Department or the Department of the Interior is given this authority. The Constitution does not give this authority to the United Nations, UNESCO or any other body. The authority to establish rules and regulations over Federal lands is reserved to the U.S. Congress and only the U.S. Congress.

What does H.R. 883, this bill, require the Government to follow? The U.S. Constitution. The bill requires the specific approval of Congress before any area within the United States is subject to an international land use nomination, classification, or designation. Is this so offensive?

H.R. 883 requires the consent of Congress before the Secretary of the Interior may nominate any property in the United States for inclusion in the World Heritage list. I believe this is certainly consistent with Article IV, section 2.

H.R. 883 specifically prohibits Federal officials from nominating any land in the United States for designation as a biosphere reserve. Such designations are left to Congress to determine.

The bill requires the Congress to reconsider for designation as a biosphere reserve those sites that have already been designated as biosphere reserves by previous administrations. It restores to Congress the authority to choose to redesignate or not redesignate these sites. This is a process that should have been in place all along.

H.R. 883 prohibits Federal officials from designating any land in the United States for a special or restricted use under any international agreement unless such designation is specifically approved by law.

I call on all of my colleagues to uphold the U.S. Constitution and the constitutional authority of this body. A vote for H.R. 883 is a vote to preserve the authority of this body. A vote against H.R. 883 is a vote that quite frankly, in my opinion, is inconsistent with Article IV, section 2, and the oath that we have taken.

"The Congress shall have the power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States."

Mr. HILL of Montana. Mr. Chairman, I believe it is critical for the United States to ensure that our lands are not subject to special international restrictions without careful consideration of the implications before a designation is made.

The increasing interdependence of the world's economic stability, environmental quality, and peace and human development are often dependent on international cooperation, but this cannot preempt the United States from meeting our obligations to our own citizens.

This legislation restricts Federal officials from designating lands under the World Heritage List of the United Nations without the express consent of Congress.

Furthermore, it amends the National Historic Preservation Act to restrict United States' lands from being designated as a Biosphere Reserve.

It gives Congress the necessary authority to approve all land designations and change any existing designations. These measures are key elements to ensuring that America remains in full control of American land.

It is critical for the United States to ensure that our lands are not subject to special international restrictions without careful consideration of the implications before a designation is made.

There is no denying that our world is becoming increasingly interdependent.

Economic stability, environmental quality, and peace and human development are often depending on international cooperation.

This interdependence, however, cannot preempt the United States from meeting our obligations to our own citizens.

I cannot support policies that place limitations on our ability to manage our own affairs.

Mr. STEARNS. Mr. Chairman, I rise in support of H.R. 883.

This bill asserts that Congress under the U.S. Constitution has the power over federal lands. The American Land Sovereignty Protection Act would give Congress the authority to review, not attack, existing Biosphere Reserve and World Heritage Site designations, in order to decide if such designations are necessary.

I find it troubling that initiatives such as the United Nations Biosphere Reserves, World Heritage Sites and Ramsar Sites have been designated with virtually no Congressional supervision. Also, I find it disconcerting that all of these designations have had virtually no input from state and local officials.

Private property rights are a cornerstone to the American heritage. Our founding Fathers protected the rights of land owners. Many people in the United States have found that their private property rights are being restricted because they live in proximity to biosphere reserves. Restrictive regulations that govern these reserves are the brainchild of the United Nations, not the United States government.

Land management decisions should be made and reviewed by Congress, not arbitrarily by bureaucratic officials in the Executive Branch or international agencies.

What do my colleagues from the other side fear from Congress doing their job? Why do they fear individuals, local, state and federal entities being involved in the process? Congress should not relinquish their duty of maintaining and protecting federal lands. We must ensure the rights of American private property owners at the federal and international level. I urge the passage of this important legislation. Vote yes on H.R. 883.

Mr. YOUNG of Alaska. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule for 4 hours and is considered read.

The text of H.R. 883 is as follows:

H.R. 883

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "American Land Sovereignty Protection Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) The power to dispose of and make all needful rules and regulations governing lands belonging to the United States is vested in the Congress under article IV, section 3, of the Constitution.

(2) Some Federal land designations made pursuant to international agreements concern land use policies and regulations for lands belonging to the United States which under article IV, section 3, of the Constitution can only be implemented through laws enacted by the Congress.

(3) Some international land designations, such as those under the United States Biosphere Reserve Program and the Man and Biosphere Program of the United Nations Scientific, Educational, and Cultural Organization, operate under independent national committees, such as the United States National Man and Biosphere Committee, which have no legislative directives or authorization from the Congress.

(4) Actions by the United States in making such designations may affect the use and value of nearby or intermixed non-Federal lands.

(5) The sovereignty of the States is a critical component of our Federal system of government and a bulwark against the unwise concentration of power.

(6) Private property rights are essential for the protection of freedom.

(7) Actions by the United States to designate lands belonging to the United States pursuant to international agreements in some cases conflict with congressional constitutional responsibilities and State sovereign capabilities.

(8) Actions by the President in applying certain international agreements to lands owned by the United States diminishes the authority of the Congress to make rules and regulations respecting these lands.

(b) PURPOSE.—The purposes of this Act are the following:

(1) To reaffirm the power of the Congress under article IV, section 3, of the Constitution over international agreements which concern disposal, management, and use of lands belonging to the United States.

(2) To protect State powers not reserved to the Federal Government under the Constitution from Federal actions designating lands pursuant to international agreements.

(3) To ensure that no United States citizen suffers any diminishment or loss of individual rights as a result of Federal actions designating lands pursuant to international agreements for purposes of imposing restrictions on use of those lands.

(4) To protect private interests in real property from diminishment as a result of Federal actions designating lands pursuant to international agreements.

(5) To provide a process under which the United States may, when desirable, designate lands pursuant to international agreements.

SEC. 3. CLARIFICATION OF CONGRESSIONAL ROLE IN WORLD HERITAGE SITE LISTING.

Section 401 of the National Historic Preservation Act Amendments of 1980 (Public Law 96-515; 94 Stat. 2987) is amended—

(1) in subsection (a) in the first sentence, by—

(A) striking "The Secretary" and inserting "Subject to subsections (b), (c), (d), and (e), the Secretary"; and

(B) inserting "(in this section referred to as the 'Convention')" after "1973"; and

(2) by adding at the end the following new subsections:

"(d)(1) The Secretary of the Interior may not nominate any lands owned by the United States for inclusion on the World Heritage List pursuant to the Convention, unless—

"(A) the Secretary finds with reasonable basis that commercially viable uses of the nominated lands, and commercially viable uses of other lands located within 10 miles of the nominated lands, in existence on the date of the nomination will not be adversely affected by inclusion of the lands on the World Heritage List, and publishes that finding;

"(B) the Secretary has submitted to the Congress a report describing—

"(i) natural resources associated with the lands referred to in subparagraph (A); and

"(ii) the impacts that inclusion of the nominated lands on the World Heritage List would have on existing and future uses of the nominated lands or other lands located within 10 miles of the nominated lands; and

"(C) the nomination is specifically authorized by a law enacted after the date of enactment of the American Land Sovereignty Protection Act and after the date of publication of a finding under subparagraph (A) for the nomination.

"(2) The President may submit to the Speaker of the House of Representatives and the President of the Senate a proposal for legislation authorizing such a nomination after publication of a finding under paragraph (1)(A) for the nomination.

"(e) The Secretary of the Interior shall object to the inclusion of any property in the United States on the list of World Heritage in Danger established under Article 11.4 of the Convention, unless—

"(1) the Secretary has submitted to the Speaker of the House of Representatives and the President of the Senate a report describing—

"(A) the necessity for including that property on the list;

"(B) the natural resources associated with the property; and

"(C) the impacts that inclusion of the property on the list would have on existing and future uses of the property and other property located within 10 miles of the property proposed for inclusion; and

"(2) the Secretary is specifically authorized to assent to the inclusion of the property on the list, by a joint resolution of the Congress after the date of submittal of the report required by paragraph (1).

"(f) The Secretary of the Interior shall submit an annual report on each World Heritage Site within the United States to the Chairman and Ranking Minority member of the Committee on Resources of the House of Representatives and of the Committee on Energy and Natural Resources of the Senate, that contains for the year covered by the report the following information for the site:

"(1) An accounting of all money expended to manage the site.

"(2) A summary of Federal full time equivalent hours related to management of the site.

"(3) A list and explanation of all nongovernmental organizations that contributed to the management of the site.

"(4) A summary and account of the disposition of complaints received by the Secretary related to management of the site.".

SEC. 4. PROHIBITION AND TERMINATION OF UNAUTHORIZED UNITED NATIONS BIOSPHERE RESERVES.

Title IV of the National Historic Preservation Act Amendments of 1980 (16 U.S.C. 470a–1 et seq.) is amended by adding at the end the following new section:

"SEC. 403. (a) No Federal official may nominate any lands in the United States for designation as a Biosphere Reserve under the Man and Biosphere Program of the United Nations Educational, Scientific, and Cultural Organization.

"(b) Any designation on or before the date of enactment of the American Land Sovereignty Protection Act of an area in the United States as a Biosphere Reserve under the Man and Biosphere Program of the United Nations Educational, Scientific, and Cultural Organization shall not have, and shall not be given, any force or effect, unless the Biosphere Reserve—

"(1) is specifically authorized by a law enacted after that date of enactment and before December 31, 2000;

"(2) consists solely of lands that on that date of enactment are owned by the United States; and

"(3) is subject to a management plan that specifically ensures that the use of intermixed or adjacent non-Federal property is not limited or restricted as a result of that designation.

"(c) The Secretary of State shall submit an annual report on each Biosphere Reserve within the United States to the Chairman and Ranking Minority member of the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, that contains for the year covered by the report the following information for the reserve:

"(1) An accounting of all money expended to manage the reserve.

"(2) A summary of Federal full time equivalent hours related to management of the reserve.

"(3) A list and explanation of all nongovernmental organizations that contributed to the management of the reserve.

"(4) A summary and account of the disposition of the complaints received by the Secretary related to management of the reserve.".

SEC. 5. INTERNATIONAL AGREEMENTS IN GENERAL.

Title IV of the National Historic Preservation Act Amendments of 1980 (16 U.S.C. 470a–1 et seq.) is further amended by adding at the end the following new section:

"SEC. 404. (a) No Federal official may nominate, classify, or designate any lands owned by the United States and located within the United States for a special or restricted use under any international agreement unless such nomination, classification, or designation is specifically authorized by law. The President may from time to time submit to the Speaker of the House of Representatives and the President of the Senate proposals for legislation authorizing such a nomination, classification, or designation.

"(b) A nomination, classification, or designation, under any international agreement, of lands owned by a State or local government shall have no force or effect unless the nomination, classification, or designation is specifically authorized by a law enacted by the State or local government, respectively.

"(c) A nomination, classification, or designation, under any international agreement, of privately owned lands shall have no force or effect without the written consent of the owner of the lands.

"(d) This section shall not apply to—

"(1) agreements established under section 16(a) of the North American Wetlands Conservation Act (16 U.S.C. 4413); and

"(2) conventions referred to in section 3(h)(3) of the Fish and Wildlife Improvement Act of 1978 (16 U.S.C. 712(2)).

"(e) In this section, the term 'international agreement' means any treaty, compact, executive agreement, convention, bilateral agreement, or multilateral agreement between the United States or any agency of the United States and any foreign entity or agency of any foreign entity, having a primary purpose of conserving, preserving, or protecting the terrestrial or marine environment, flora, or fauna.".

SEC. 6. CLERICAL AMENDMENT.

Section 401(b) of the National Historic Preservation Act Amendments of 1980 (16 U.S.C. 470a–1(b)) is amended by striking "Committee on Natural Resources" and inserting "Committee on Resources".

The CHAIRMAN. No amendment to the bill is in order except those printed in the portion of the CONGRESSIONAL RECORD designated for that purpose and pro forma amendments for purpose of debate. Amendments printed in the RECORD may be offered only by the Member who caused it to be printed or his designee and shall be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

Are there any amendments to the bill.

AMENDMENT NO. 10 OFFERED BY MR. YOUNG OF ALASKA

Mr. YOUNG of Alaska. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. YOUNG of Alaska:

On page 9, line 13, strike "2000" and insert instead "2003".

Mr. YOUNG of Alaska. Mr. Chairman, this amendment is a technical amendment which simply extends the time for grandfathering existing Biosphere Reserves by 3 years to 2003. I ask my colleagues for their support.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Alaska. I gladly yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I have no objection to the amendment. Perfecting this bill is a very tall task, but the gentleman has made one modest effort to do so.

As long as the gentleman continues to yield, I point out that I understand that I will offer just one amendment, as I had indicated to the gentleman. I was not aware that of course the gentleman from Colorado (Mr. UDALL) has an amendment, and I understand the gentleman from New York (Mr. SWEENEY) has an amendment. I was not aware of those amendments yesterday at the Committee on Rules.

Mr. YOUNG of Alaska. Mr. Chairman, reclaiming my time, neither was I. So the gentleman is true to his word.

Mr. VENTO. Mr. Chairman, if the gentleman will yield further, I have no objection to trying to improve this bill. It needs significant improvement.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alaska (Mr. YOUNG).

The amendment was agreed to.

AMENDMENT NO. 9 OFFERED BY MR. VENTO

Mr. VENTO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. VENTO:

At the end of the bill, add the following new section:

"SEC. 7. INTERNATIONAL AGREEMENTS CONCERNING THE DISPOSAL, MANAGEMENT, AND USE OF LANDS BELONGING TO THE UNITED STATES.

Title IV of the National Historic Preservation Act Amendments of 1980 (16 U.S.C. 470a–1 et seq.) is further amended by adding at the end the following new section:

SEC. 405.—No Federal official may enter into an agreement with any international or foreign entity (including any subsidiary thereof) providing for the disposal, management, and use of any lands owned by the United States and located within the United States unless such agreement is specifically authorized by law. The President may from time to time submit to the Speaker of the House of Representatives and the President of the Senate proposals for legislation authorizing such agreements.".

Mr. VENTO. Mr. Chairman, I guess according the rule we are not going to read the amendment, but this amendment is an important amendment that deals with the key component of the pending legislation.

This legislation specifically requires to approve the recognition of any U.S. lands for conservation purposes as a result of an agreement with a foreign entity. However, at the same time, the legislation does not require similar congressional action when U.S.-owned lands are leased, oftentimes at a loss to American taxpayers, to foreign-owned countries for such things as drilling, mining under the 1872 mining law, timber harvesting, or other types of commercial endeavors.

My amendment establishes a parity in that process. My amendment would suggest that commercial users and development of U.S. lands by foreign companies and their U.S. subsidiaries may only be established when specifically authorized by law. My amendment would not prevent such activities from occurring. It would simply require Congress to approve such actions.

The Vento amendment in which I am joined by the gentleman from West Virginia (Mr. RAHALL) and the gentleman from California (Mr. GEORGE MILLER), the ranking member of the Committee on Resources in this amendment is a responsible provision that responds to the abuses which are now occurring and which neither Congress nor the administration can legally stop.

Many of my colleagues may recall the public outcry when it was revealed that the concession facilities at Yosemite National Park were going to be managed by a Japanese conglomerate, Matsushita. No legal recourse was available to block that action.

A similar outrage was voiced when the Secretary of Interior was required under Federal law to lease lands containing more than $10 billion in gold to a subsidiary of a Canadian-owned corporation who paid less than $10,000 for that particular $10 billion gold mine.

Nothing has been done to prevent a repeat of this type of continued rip-off. A foreign firm can still operate the concession for the Statue of Liberty or any other of our national parks. Foreign firms can continue to exploit American resources while at the same time at the expense of the American taxpayers.

We now have an opportunity to change that policy. The Vento amendment will not prevent these activities from moving forward, Mr. Chairman, it would simply require the Congress to consider the national consequences and specifically authorize these actions.

If we are going to require Congress to approve actions to recognize U.S.-owned lands for conservation purposes of all things to save migrating waterfall, for instance, on a global basis or to recognize our World Heritage sites, some of our outstanding crown jewels, our parks, our natural or cultural areas in the parks, or simply for Congress to approve when we are going to agree with the cooperative research like under the Man and the Biosphere program, then Congress should also approve actions by foreign firms or individuals to in fact use exploitative activities on U.S. lands.

I understand those activities, the U.S. lands, of course, are going to be used for mining, for timber harvesting, for grazing, water rights, a variety of other things, but the issue is that, if it is going to be done by foreign entities, we hand over the ownership, this has real impact, this particular amendment. Unlike this bill which simply relies upon the existing laws, the fact is this has real impact in terms of trying to limit these types of activities.

So I want to add this particular amendment to this for that reason, Mr. Chairman.

Mr. RAHALL. Mr. Chairman, the black helicopters are circling over our lands.

And the agents of foreign powers are indeed locking up our public lands, intent upon not only controlling them, but ultimately, America's very natural resource heritage.

But to be sure, the pilots of these helicopters are not wearing the blue helmets of the United Nations.

Rather, they are wearing the corporate emblems of companies based in South Africa, Australia, Luxembourg and Canada.

These foreign agents are not from the United Nations. Their weapons are not world heritage sites or international biospheres.

Indeed, the true threat comes from foreign conglomerates, multi-national mining firms, who swoop down upon our public lands and extract gold and silver with no rents or royalties paid to the American people.

The UN Charter, in this instance, is not the issue.

It is our very own Mining Law of 1872 which continues, with reckless disregard to our economy and our environment, to turn over federal assets to the control of foreign nationals.

And so, I rise in support of the Vento-Rahall-Miller amendment to this bill, the American Land Sovereignty Protection Act.

For if we are to protect the sovereignty of our American lands from foreign powers, then we must include commercial developments undertaken by foreign powers in the legislation.

This is what this amendment is all about.

Our lands, our resources, owned by all Americans, are being claimed by foreign entities.

The hardrock minerals on these lands are being mined with no return to the public.

And these lands are being privatized by foreign entities for a mere pittance—$2.50 an acre.

Allowed under the Mining Law of 1872? Yes.

Should these practices continue to be condoned in 1999. No. Of course not.

So the real issue here today is not what the proponents of H.R. 883 make it out to be.

It is not about the UN. It is not about black helicopters descending upon an unsuspecting populace.

It is, in these times of budgetary constraint, about the relinquishment of our lands, and our minerals, to multinational conglomerates for fast food hamburger prices.

Cast a vote for America.

Vote yes on Vento-Rahall-Miller.

Mr. YOUNG of Alaska. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I reluctantly accept the amendment.

□ 1230

The CHAIRMAN pro tempore (Mr. BASS). The question is on the amendment offered by the gentleman from Minnesota (Mr. VENTO).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. VENTO. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to House Resolution 180, further proceedings on the amendment offered by the gentleman from Minnesota (Mr. VENTO) will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT NO. 5 OFFERED BY MR. UDALL OF COLORADO

Mr. UDALL of Colorado. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. UDALL of Colorado:

Page 9, line 6, after "in the United States" insert "(other than an area within the State of Colorado)"

Mr. UDALL of Colorado. Mr. Chairman, this is a very simple amendment. It would exempt all the Biosphere Reserves in Colorado from the provisions of the bill that would end the participation of U.S. sites in the Man and the Biosphere program unless we pass and the President signs a new law to continue their participation.

As I noted in general debate, currently there are two of these reserves in Colorado, the Niwot Ridge Research Area and Rocky Mountain National Park. They include lands within the Second Congressional District which I represent.

Mr. Chairman, these areas are not involved in some conspiracy. They are not part of any sinister foreign plot to undermine our Constitution or our way of life. On the contrary, they are places where good things are taking place.

In the Niwot Ridge area, scientists associated with the University of Colorado are doing important research about air pollution and other environmental issues in cooperation with scientists from other countries, such as the Czech Republic. This is important work, work that needs to continue; and my amendment would allow that to happen without interruption.

As for Rocky Mountain National Park, all I can say is that this is one of Colorado's brightest gems, one of the things that makes us proud to be Coloradans. Rising up from the edge of the Great Plains, it straddles the Continental Divide and includes snow-capped peaks, high-altitude tundra, and a diverse array of other land forms and a splendid diversity of vegetation and wildlife.

As Coloradans, we are glad to share its beauty with the Nation and we invite the world to experience it. And the world is doing just that, at least in part, because of its designation as a Biosphere Reserve. The National Park Service tells me that many visitors say that they learned of the park because it was included in the Man and the Biosphere program and that is what made them want to visit it.

As one who believes there is a benefit to every visitor to special wildlands like Rocky Mountain National Park, I am convinced that that is reason enough to keep the park in this program. But it is also true that tourism is a very important part of Colorado's economy, and that is another reason to keep the park in the program, which my amendment would do.

Let me be clear, Mr. Chairman. Adoption of my amendment will not make this a good bill. Even if this amendment is adopted, that alone will not be sufficient for me to be able to support the bill. But this amendment will protect Colorado from some of the worst consequences of the bill, and to that extent I think it is very, very important.

Accordingly, I urge adoption of the Udall amendment.

Mr. YOUNG of Alaska. Mr. Chairman, I rise in opposition to the amendment.

These Biosphere Reserves were designated without congressional authorization and without consulting the public or State and local governments. This amendment invades the responsibility, again, of the Congress under Article IV, section 3 of the Constitution, making all laws concerning disposal or regulation of lands belonging to the United States with Congress.

Under H.R. 883, existing Biosphere Reserves would have until December 31, 2003, to get authorization. They are not automatically disenfranchised. If the Colorado Biosphere Reserve had the strong local support claimed by the gentleman that offered the amendment, then there would be no problem of getting the passage of this legislation in this Congress.

If I am still chairman of that committee, I will commit to the gentleman that I will support it if his people want to have it in that district. If they do not, it would not occur.

Mr. TANCREDO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to oppose the amendment of my good friend and colleague from Colorado (Mr. UDALL). The sites that he identifies that presently exist in Colorado, the Niwot Ridge Reserve and specifically also the Rocky Mountain National Park, are being designated sites under the Heritage Act.

Specifically, the Rocky Mountain National Park, of course, has been around for a long time and has been the protected environmental jewel in the crown of Colorado for a long, long time. It is peculiar, to say the least, that some other kind of designation, some United Nations designation, would help continue or would help preserve the environmental uniqueness of this particular property, or anything else in the State of Colorado, for that matter.

My colleague talks about the many tourists that flock to the State to see these places, especially Rocky Mountain Park. He is certainly correct in that; and, of course, they come in droves. In fact, one of our problems in Colorado is that oftentimes we have far too many people trying to get into these particular areas and preserves, into Rocky Mountain National Park; and our problem is trying to deal with the numbers coming in and the impact that that has on the Rocky Mountain Park and on many things that we are trying to protect.

When I was in the committee, Mr. Chairman, and we were debating this bill, it was a very interesting situation that occurred, in that in the State of Wyoming there was an attempt on the part of some people in the State of Wyoming to develop some mining adjacent to Yellowstone National Park, and all the processes were underway. The environmental impact statements had been ordered and were underway.

We had spent years actually in the process of identifying the problems and trying to come to a solution as to whether or not it was appropriate to let this mine go forward. All of a sudden, within I think it was a short period of time, a week or less, that we were going to actually get the final go-ahead on this project in Wyoming, the head of the Park Service stepped in and called upon the United Nations to come out to this particular area and give it a designation that would, in fact, prohibit any future development. And when that happened, the administration intervened and everything stopped.

Now, this is the kind of thing I am concerned about in the State of Colorado, and this is why I certainly oppose the amendment of the gentleman that would exempt Colorado from the protection provided by this particular bill. We need this protection just as much as any other State in the Nation because the same thing could happen in Colorado.

We think we know about how to preserve and protect the land that we have under our control in the State of Colorado and with the Department of Parks and Recreation. We do not need the United Nations to tell us how to manage that land. We do not need the imprimatur of the United Nations on Rocky Mountain Park in order to encourage tourism to Colorado. We can do it without them.

In fact, oftentimes, as in the case I just stated, this United Nations designation becomes much more problematic from the standpoint of the proper regulation of the land within any State, in this case Colorado.

So I certainly rise to oppose the amendment of the gentleman from the Second Congressional District.

Mr. VENTO. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, at the risk of getting involved in this Colorado feud, obviously this does not improve the bill enough, but I think it is a modest step, and I want to support the gentleman from Colorado (Mr. UDALL) whenever I get a chance, Mr. Chairman.

The fact is that most of the land designations, I would suggest to my colleague from Colorado, whether it is Park Service Organic Act or the Frasier Experimental Station or the others, inherent in them, in these designations of wilderness, is the concept of doing scientific research. I mean, that is what the Organic Act has, that is what the Wilderness Act of 1964 has in it. That is one of the purposes.

And so, insofar as the Man and the Biosphere program that my colleague was alluding to, and I guess I saw four sites that were affected by that. My colleague said there were two. The gentleman had earlier said there were six. I found four. So there are some sites in Colorado that may not be well understood where they are. But one is the Frasier Experimental Station, as my colleague probably has noticed. Another was the Rocky Mountain National Park, a wonderful area.

Now, I suppose the problem of getting people in and out, that that was such a big problem, I think that is a good problem in terms of Rocky Mountain. And I hope we can solve some of the transportation problems that exist around those parks, but I would not suggest that to solve that we take away the designation of the park, and I am sure my colleagues from Colorado would not suggest that, either.

In any case, that was the purpose. The purpose of this is, and just as a way of using this amendment to point out, that most of the laws that are applicable that are engaged in the agreements we have are already in place. We already passed judgment on these issues. We did it once.

Now, some of my colleagues may want to do it again. Some may have objections. Obviously, we continue to hear about the Ozarks issue, a large area that was proposed as a biosphere. But in that case, whatever system was in place, however cumbersome it was, it worked. They did not designate that particular site.

With regards to Yellowstone, I think it is important to recognize, and the gentleman from Colorado, our friend and colleague, brought up the issue of Yellowstone again, as did our colleague from Wyoming (Mrs. CUBIN), that in fact it was designated a World Heritage Site long throughout the process of the mine evaluation, EIS.

What happened is that the committee decided that if that mine was going to go in, it became a Heritage Site at risk, endangered type of site. And of course the committee can make that declaration. It had absolutely no effect on the decision that was made, other than it might have persuaded the Park Service or others to pay a little closer attention.

I mean, we cannot take away free speech in this process. We cannot take away free thought in terms of what is going to happen. We cannot do that with legislation here. In fact, we as a Nation enshrine the concept of free debate and free thought with regard to these issues. And it is as if this legislation is trying to reach out and prevent somebody from making a judgment about the U.S. and how we manage our lands. We cannot do that.

For instance, if somebody is mismanaging lands in other areas, we obviously are going to speak about it, whether it is Amazonia and/or other parts of the world, other rain forests. So we are going to speak out about it.

Mr. UDALL of Colorado. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from Colorado.

Mr. UDALL of Colorado. Mr. Chairman, I thank the gentleman from Minnesota for yielding.

I just wanted to make a couple other comments in response to the points that my colleague from Colorado made, as well as my colleague from Minnesota.

It seems, as I hear this debate today, all roads lead to the New World Mine. We keep coming back to that particular situation. And I think there is a continued debate about what happened there, and we ought to continue to figure out ways in the long run to mitigate those kind of situations when we have a big mining project on the edge of a national park that is so important to us, the Yellowstone National Park.

But I am offering my amendment in the spirit of let us not let that conflict and that situation affect what is going on in Colorado. There are important research projects occurring at Niwot Ridge and occurring in Rocky Mountain National Park. I do not see what the problem is that we are fixing in Colorado. In fact, I think we are creating a problem by doing this.

So I urge adoption of my amendment. Let us not hurt Colorado and some of the other States that are involved in these projects, this important Man and the Biosphere project, because of what happened in one case in Yellowstone National Park.

☐ 1245

The CHAIRMAN pro tempore (Mr. BASS). The time of the gentleman from Minnesota (Mr. VENTO) has expired.

(By unanimous consent, Mr. VENTO was allowed to proceed for 1 additional minute.)

Mr. VENTO. Mr. Chairman, I of course rose in support of the amendment. But I use this as an indication of what is generally wrong with the entire thought process and what is going on with this particular legislation. I do not think it is repairable by this amendment or others that might be offered. It is a flawed bill. These discussions and debates ought to be going on in subcommittee rather than the sort of exaggerated statements that we had. Unfortunately, they did not. So we are on the floor. I would think that there would be more important business that could and should be considered by this Congress on this floor.

Mr. Chairman, I support this amendment.

Mr. SWEENEY. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Chairman, I just would conclude with a comment, a quote actually from Jeane Kirkpatrick that I think encompasses everything we have tried to establish here on our side about our concerns with regard to this amendment in particular and to the concerns of our opponents to this bill in general:

> If American citizens have an interest in the conservation of a particular area, that decision should be made by Congress, the body designated responsibility by the Constitution for making these decisions in full view of the American public. And if each decision requires consideration of costs and benefit to the property rights of individual voters affected, so be it. UNESCO committees are not competent to address the complex private property and public interest issues presented here.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. SWEENEY. I yield to the gentleman from Minnesota.

Mr. VENTO. I appreciate the quotes from the former U.N. representative Jeane Kirkpatrick. Seven World Heritage sites were designated while she was in that role. So apparently, as with Mr. Hodel, he has now since then, being strongly in support of them in the 1980s when they were in control or in power, now have found reason to oppose these sites. But I think actions speak louder than words. I thank the gentleman from New York for yielding.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Colorado (Mr. UDALL).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. UDALL of Colorado. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to House Resolution 180, further proceedings on the amendment offered by the gentleman from Colorado (Mr. UDALL) will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT NO. 4 OFFERED BY MR. SWEENEY

Mr. SWEENEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment No. 4 offered by Mr. SWEENEY:
>
> Page 9, line 16, after "management plan" insert the following: "that specifically ensures that the designation does not affect State or local government revenue, including revenue for public education programs, and".

Mr. SWEENEY. Mr. Chairman, I want to thank the gentleman from Alaska (Mr. YOUNG) for affording me the opportunity at rather a late moment to introduce my amendment. My good friend the gentleman from Colorado (Mr. UDALL) just said that all roads in this bill and this debate and this discussion seem to lead to the New World Mine. The reason I am happy I am able to introduce my amendment is because I think it will serve a number of purposes. But one point that can definitively be made is that that is not true, that all roads are not leading in this matter to the New World Mine, that it has impact on the individuals, of people throughout this Nation and in particular in my district.

We have heard eloquent debate on both sides of the issue, speakers who have spoken of the need for greater local input and greater input from individuals, and those who have said or who have perceived that these issues involve just the use of public lands. That is not true at all. My amendment expands the existing provisions of H.R. 883 by requiring the Secretary of Interior as part of the management plan to also ensure that the biosphere designation does not affect the revenue of State and local governments, including and probably most importantly the revenue for public education programs.

Mr. Chairman, as we have heard, the manner in which international land use agreements have been carried out can tend at times to infringe on the authority of our local municipalities and individuals. My amendment would help protect State and local governments from experiencing a decrease in real property values. As those in many struggling local townships and counties in upstate New York which I represent know all too well, depressed property values serve to depress property tax revenues, the major source for education funding in this country. Today, there are 47 U.N. Biosphere Reserves and 20 World Heritage Sites and there is not an argument on this side of the aisle that there is not some legitimacy and need for these agreements. But many of these international agreements were established without local input and certainly without congressional input or approval. This is not government of the people, for the people, by the people, it is detached internationalism in the eyes of many. Most U.N. designations, including the ones in my district, encompass privately held lands, not just public lands.

Most of all, there have been instances where no communication with local officials and community residents took place about the effects of designating these lands. These are the people that it affects the most. These are the people in most instances who have rightful ownership of the property that is being affected, who define their freedom in fact by virtue of that ability to own these lands. The current process of selecting U.N. Biosphere Reserves with no recourse for those local residents and their elected officials affected must end.

In the 22nd Congressional District of New York, which I represent, there is now one of the largest U.S. Biosphere Reserves housed in the Adirondack Mountains. The private landowners and townships in the Adirondacks had no idea that the Adirondack Park Agency, a quasi-State agency, quietly approved the U.N. biosphere designation and residents were helpless to impact on that, to stop it, to comment on it. In fact, that designated area encompasses 7 million acres of privately held land. It encompasses territories outside the purview and jurisdiction of the Adirondack Park Agency. Yet it has become part of that designated area.

Let me tell my colleagues from experience, the U.N. biosphere is an unwanted cloud now that hangs over a good part of the Adirondack region. My congressional district is one with the greatest interest in seeing that this practice is reined in, that the input and the voice of the local individual be heard. It is unfair that my constituents are not included in any discussions that directly affect them and that I as their representative in Congress have practically no avenue to express their concerns.

The Secretary of Interior must be required to make the case of U.N. designation to State and local governments as well as this Congress and our Federal bureaucracies should be held accountable to this Congress for any of the effects that international agreements will cause. It is imperative that we protect the rights of our private property owners and the legitimate interests of local governments and their citizens. This bill accomplishes those objectives and my amendment I believe strengthens it by elevating the interests of State and local governments and the effects of U.N. designations on their ability to collect revenue. It is important to the private property owners, it is important to the citizens of those regions, it is important to public education in those areas.

Mr. Chairman, I urge my colleagues to support my amendment and support this important bill.

Mr. Chairman, I am pleased to take this opportunity to speak today in support of this important legislation, H.R. 883—the American Land Sovereignty Protection Act.

My district in upstate New York has one of the largest U.N. Biosphere Reserves in the United States, thus I have a direct interest in H.R. 883 and strongly support its passage.

H.R. 883 clearly addresses the concerns many of us have had with the U.N. Biosphere Reserve and World Heritage Sites programs.

As we know, the U.N. Biosphere Reserve program has been operating with essentially no public or congressional oversight for the past 25 years. And without such oversight often, no one is accountable.

These designations can have a marked impact on the properties in and around the biosphere region, yet, in most cases, neither local government nor property owners are ever consulted regarding the designation or site consideration.

As an example, in my congressional district, the Champlain-Adirondack Biosphere Reserve was created in 1989 at the request of a quasi-governmental agency—the Adirondack Park Agency.

This was done without hearings or formal input from local citizens of the Adirondacks; thus the residents were left feeling helpless and in the reality had no impact upon it. The result was a very bitter feeling and rightfully so over an unwanted imposition on private landowners.

Given negative effect on property values, and compounded by the cavalier attitudes of those handing down designations and the blatant disregard for local authority, I would submit that with congressional oversight and public input, many of these U.N. sites would not have been approved in their current form.

The American Land Sovereignty Protection Act unequivocally states that no land in this country can be included in international land use programs without the clear and direct approval of Congress.

H.R. 883 is a first step in the right direction in returning power to the local citizens as well as the elected Representatives in Congress.

Most importantly, this bill reasserts the constitutional rights of property owners to make property decisions, within local zoning authority, without interference from the United Nations whose mandate does not necessarily include concern for our town halls, school houses, or individual property owners in any given area.

What recourse do affected landowners have against the United Nations bureaucracy?

Absolutely none.

This bill changes that. I urge your support.

Mr. VENTO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the gentleman from New York spoke of 7,000 acres of land that apparently falls under a biosphere, some other impact.

Mr. SWEENEY. If the gentleman will yield, seven million acres.

Mr. VENTO. Seven million acres.

Mr. SWEENEY. In the Adirondack region of New York State that are privately owned.

Mr. VENTO. I appreciate that and am happy to yield to the gentleman briefly.

Did the gentleman have any instance where there was some problem that arose out of that designation with regards to private property owners?

Mr. SWEENEY. There have been a number of instances where private property owners in the use of their property, in the valuation of their property and their ability to develop and cultivate that property have been infringed upon based upon the designation. I think the gentleman misses the point, that the most predominant frustration that those constituents of mine have——

Mr. VENTO. Just reclaiming my time for a minute, we have been through this with others that have claimed that but we have yet to substantiate any of those types of claims. So if the gentleman could help substantiate that, I think it would go a long way towards solving a problem. Because right now the way the bill stands, I think it is purporting to solve problems, in my judgment, that do not exist. On the amendment that the gentleman has, he suggests to insert after "management plan" on line 16, and it is amendment No. 4, I believe; is that correct?

Mr. SWEENEY. The gentleman is correct.

Mr. VENTO. The gentleman says that after "management plan," he wants to put in language that specifically ensures, and I am quoting from the gentleman's amendment, "that specifically ensures that the designation does not affect State or local government revenue, including revenue for public education programs, and."

What if the revenue increases? What if it decreases? According to this amendment, you would have to demonstrate that you would have a static situation, that there would be no increase and no decrease in revenue. That is the effect of the gentleman's amendment. Is the gentleman aware of the effect of his amendment?

Mr. SWEENEY. If the gentleman will yield further, that is not the effect at all. I think the effect is one that is a basic premise of citizenship, and that is the right of citizens to know the impact that their government or any other entity might have on their particular property.

Mr. VENTO. Reclaiming my time, it is not just a question of knowing this. It is this is one of the requirements. It says that "any designation under this law, the Man and Biosphere Program, shall not have, and shall not be given, any force or effect," and then you are putting down, "that specifically ensures that the designation does not affect State or local government revenue, including revenue for public education programs."

So it can have no effect, no effect going up, no effect going down. That is what it says. That would completely vitiate the ability to, and this is almost an impossible test in this bill in any case.

So I might say, I do not know, this is sort of what I would call piling on in football. I would have long ago blown the whistle. This is what the amendment has. I understand that the gentleman may not have had that intention. But we are not going on the basis of intention. We are going on what is written in the law.

Mr. SWEENEY. If the gentleman will yield further, this is not an issue of remedies, it is an issue of notice. I think it is fundamental in the proposal that any U.N. Biosphere area be designated, that this Congress and the individuals and the constituents in that area affected have the right to know of the effect of that designation.

My amendment simply calls for the providing of that notice. It says nothing to the effect of imposing any sanction or remedy.

Mr. VENTO. Reclaiming my time, if the gentleman will look at his amendment again. It says that specifically ensures, the plan has to ensure that the designation does not affect State or local government revenue, including revenue for public. So it does not affect it. What does he mean by does not affect it? He means it goes up or down, does he not? What happens to revenue?

Mr. SWEENEY. If the gentleman will yield, it requires the Secretary of Interior to report back to Congress of the cost effects, the property tax in particular, effects on any of those affected individual properties.

Mr. VENTO. What if the values go up as a result of this designation?

Mr. SWEENEY. That should certainly be part of the debate that we have at that time on any of those designations.

Mr. VENTO. It would be invalidated based on that. I just think it is an inartfully drawn amendment. As I said, I think the amendment just represents piling on. For that reason, I do not intend to support it. I think it is not well drawn, and I wanted to point out the effect of that. I think the test here in this bill would make it nearly impossible to have this voluntary scientific cooperation in the process. I do not know the purpose of this. This amendment obviously is not drawn well. But unfortunately under the rule that the gentleman perhaps voted for, I did not, we had to preprint everything in the RECORD ahead of time and we are all limited in time here. You do not really have the right to perfect your amendment or correct these types of problems, another little issue the gentleman ought to take up with the Committee on Rules under a so-called open rule.

AMENDMENT OFFERED BY MR. YOUNG OF ALASKA TO AMENDMENT NO. 4 OFFERED BY MR. SWEENEY

Mr. YOUNG of Alaska. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. Young of Alaska to amendment No. 4 offered by Mr. Sweeney: Insert "adversely" before "affect".

Mr. VENTO. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN pro tempore. A point of order is reserved.

Mr. YOUNG of Alaska. Mr. Chairman, it is my intent to offer this amendment, which I have just done, I do think it is germane, to try to improve the amendment of Mr. SWEENEY, which I do believe his amendment is clear, but the gentleman from Minnesota has raised a question. I want to make sure that this now is perfectly clear, for adverse effect only.

□ 1300

Mr. Chairman, I urge support of the amendment.

Mr. VENTO. Mr. Chairman, I withdraw my point of order.

The CHAIRMAN pro tempore (Mr. BASS). The question is on the amendment offered by the gentleman from Alaska (Mr. YOUNG) to the amendment offered by the gentleman from New York (Mr. SWEENEY).

The amendment to the amendment was agreed to.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New York (Mr. SWEENEY), as amended.

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. YOUNG of Alaska. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 180, further proceedings on the amendment offered by the gentleman from New York (Mr. SWEENEY), as amended, will be postponed.

Mr. GEORGE MILLER of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to this legislation and in support of the Vento and the Udall amendments that have been offered and against the Sweeney amendment that has been offered in the committee today.

First and foremost, let me say that I think this is a very unfortunate piece of legislation. It plays into some conspiracy theories that somehow, when we receive the honor of the designation of World Heritage area or the Biosphere Reserve Program or were part of the Ramsar Convention on Wetlands, that somehow this is land use planning by the United Nations. Nothing could be further from the truth.

Mr. Chairman, there is nothing in these designations that changes any Federal, State, local laws or regulations pertaining to these lands or changes the manner in which private property owners can use their lands, but what it does do is it provides an honor for some of the great natural assets of the United States and some of the great historical assets of the United States that leads to increased tourism, improved economics, and recognition of what this Nation has done in setting aside some of the great national parks and public spaces in the entire world, and I think we ought to welcome that kind of designation.

I also want to say that it is very clear when we consider the Vento amendment that much more harm has been done to public lands and done to private lands because of the acquisition of these lands by foreign entities that then come in here and take the resources from those lands, whether it is mining or whether it is timber or grazing or other proposals like this, where then we end up spending hundreds of millions if not billions of taxpayers' dollars cleaning up after these entities, making up for erosion, making up for the destruction and the deterioration of those natural assets.

That is why I think that the Vento amendment is very, very important for its adoption today because we should not just have a willy-nilly process where people come in, buy these assets, exploit the resource and then leave it to the American citizens to pick up the cost of their bad policies, their bad management and mistakes in the use of those lands and those resources.

So I would hope that Members would vote against this bill on passage, and I would hope that they would support the Udall and the Vento amendments, and I want to thank the gentleman from Minnesota (Mr. VENTO) very much for his managing this bill on the floor today, and his involvement in this issue over the last several years in trying to put this argument into perspective and show how foolish it is and how much it is based upon fallacy and misrepresentation of facts.

Also, I think he said something in the Committee on Rules the other day that is very important, that success with this legislation is really about the first step in removing the designations from our great wilderness areas, from our parks areas, from our national monuments, because the same people who support this legislation in fact oppose the designation and the protection and the acquisition of these great lands for the use of the people of the United States, for all of the people of the United States. As much as those people support it, we have a small group of people in the Congress and in this country who insist that somehow these lands really do not belong in the public domain in spite of the fact that millions of Americans will pick up their families, their children, and they will travel across this country to visit the Statue of Liberty, to visit Liberty Hall, to visit the Grand Tetons, the Grand Canyon, Bryce, Yosemite and so many other great monuments and great natural assets in the national park systems of this country.

There is still a few in this Congress who want to believe that we should roll back designations. This legislation is the first step in that process, and this Congress ought to reject that effort.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. GEORGE MILLER of California. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I appreciate the gentleman's support in this battle, and I think we are winning it and we should win it.

Mr. Chairman, the problem in our country is not with the designation and the parks that are embraced by our people. They are, in fact, among the most popular and the most strongly supported by the public. The parks really represent what is right with our country. It is one of the best ideas we have ever had. And it is not, Mr. Chairman, I might say, the scientists that are doing research on natural resources that are at risk. These are not the problems in terms of our public lands and in our communities, in terms of scientific research that is being done in these parks or in these areas. That is not a problem, but this bill purports to solve that problem. It solves the problem of the designation of our parks, recognition of our parks. It tries to solve the problem of scientific research, to strip away the ability to do collaborative research. That is what the essence of these treaties and agreements exist.

The CHAIRMAN pro tempore. The time of the gentleman from California (Mr. GEORGE MILLER) has expired.

(On request of Mr. VENTO, and by unanimous consent, Mr. GEORGE MILLER of California was allowed to proceed for 2 additional minutes.)

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. GEORGE MILLER of California. I yield to the gentleman from Minnesota.

Mr. VENTO. So it is not the scientists that are doing research that are the problem, and in fact we can on a global basis cooperate and encourage other nations to work with them and do the type of scientific research that is necessary. We can study all we want within the United States, but we have got 1,900 other sites around the world that this permits us to study in, and other sites that it permits us to recognize as natural or cultural.

So this is an assault on parks. It is an assault on research. That is really what it purports. The problems here are the mines, they are the clear cuts, they are the destruction of rain forests, the burning of rain forests. They are the uncontrolled types of mining that goes on in other nations. That is where the problems exist largely, and we ought to be coming to grips with those: the drift nets in the oceans, the destruction of the biosphere.

Unfortunately, Mr. Chairman, the first efforts, the first timid efforts of this Nation and of this global community to try to deal even with the recognition of parks in a honorific way and the research of scientists, this bill attacks. I think it is a misunderstood bill, I think it is a bad bill, I think it is bad policy, and I hope the Congress will reject this, the House will reject this, today.

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman, and let me just say, as my colleagues know, it is with great pride that the American people point to their national park system, it is with great pride that the American people know that the Statue of Liberty stands in New York Harbor and sends a beacon to the world about the tenets and the values of this Nation, and it is a great pride that those assets, the Grand Canyon, the Everglades, the Statue of Liberty and others, when the rest of the world honors, honors the decision that people in this country made about setting aside those public lands for public use, and it is a great honor that the millions of Americans choose to visit those parks each year to enjoy them, to participate in them, to learn from them. But it is also a task of this Congress and of the world community to make sure that we learn more about those parks that we are able to maintain.

The CHAIRMAN pro tempore. The time of the gentleman from California (Mr. GEORGE MILLER) has expired.

(By unanimous consent, Mr. GEORGE MILLER of California was allowed to proceed for 2 additional minutes.)

Mr. GEORGE MILLER of California. Mr. Chairman, we are able to maintain and protect those parks, and this Congress has a rather checkered past on that. But if we put it to the American people, they would vote to spend billions of dollars to maintain and protect the great parks of this Nation.

It is an honor to this Nation that people come from all over the world to visit these parks, that nations come to us and send their representatives here to learn how to do the same thing in Asia and Africa and Europe, all over. All over the world people want to emulate what Theodore Roosevelt started and what we have protected on a bipartisan basis.

Now we have a group of people who decided that they are going to roll that back, they are going to take away that designation, they are going to remove this honor from the American people. The pride of this Nation, the beacon we send to the rest of the world; they now have decided that they want to remove this honor and start that process of denigrating these most valuable and cherished public lands in our Nation. The pride of our Nation as we send out messages to the world about conservation, about the protection of public lands, about the values of this country.

This legislation is absolutely looney, it is absolutely looney. It is based in some unknown conspiracy, unsubstantiated, based upon the fact that some people believe that day in and day out they see black helicopters swooping in to protect the national parks of the United States.

No, Mr. Chairman, that is not how it is done in this country, it will never be done that way in this country, and this legislation should not try to validate those kinds of crazy conspiracy theories.

The CHAIRMAN pro tempore. Are there further amendments to the bill?

Mr. YOUNG of Alaska. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have just heard one of the greatest presentations of looney tunes I have ever heard. Very frankly, this is nothing to do with the parks. We do not invade the parks, we do not invade any of the other areas. We are trying to reestablish the congressional activity in designating land and not letting the U.N.

I have to remind people the U.N. organizations are not accountable. U.N. bureaucrats are far removed from the American voters, and remember, many of the U.N. delegates that make these decisions do not believe in privately-held property. Their countries are owned by dictators or owned by governments that do not have private property, and when they make decisions, the United States, under our Constitution affecting private property rights, that is wrong.

All my bill does is have the Congress get back involved in the designation of lands. If they are so heavily supported, those outside the parks, then I suggest respectfully they will be easily passed in this Congress. It does not affect any of the parks or any of the reference here or any of the Heritage Sites such as the Statue of Liberty. My bill does not affect that. All we do is put the committee, this Congress, back into the process of designating the lands.

UNESCO,
Paris, France, March 6, 1995.

Hon. GEORGE T. FRAMPTON, Jr.,
Assistant Secretary for Fish & Wildlife & Parks,
U.S. Department of the Interior, Office of
the Secretary, Washington, DC, USA.

DEAR MR. FRAMPTON: I am writing to you with respect to a letter from a group of North American conservation organizations, addressed to Dr. Adul Wichiencharoen, Chairman of the World Heritage Committee, and dated 28 February, 1995. The World Heritage Committee is the executive body of the Convention and is elected by its 140 States Parties. I note that a copy of this letter was sent to your office. The letter concerns the possible listing of Yellowstone National Park on the List of World Heritage in Danger.

The World Heritage Committee had been made aware of some of these concerns in a brief report by the United States Delegate to the July 1993 meeting of the World Heritage Bureau.

The fourteen organizations signing this letter are as you know among the most prestigious and influential in the field of natural resources conservation. We believe that the concerns they raise about the threats to Yellowstone must be carefully examined and addressed.

Included with their letter was a briefing book containing copies of correspondence from the Governor of Wyoming and Senator Baucus of Montana, each raises serious questions about the potential damage to Yellowstone National Park, in particular from the proposed mining operation. Similar letters of concern are provided from professional geologists, geomorphologists and hydrologists who have investigated the proposed mining operation. This correspondence is sufficient to raise considerable concern about the long-term sustainability of the World Heritage values of this World Heritage site.

From the report it appears that while a draft Environmental Impact Statement has been prepared, it did not resolve several major questions and many issues remain under review. Thus it would appear premature to reach any conclusions at this time.

With respect to the List of World Heritage in Danger, there are no specific criteria. The Committee has the authority to place a site on the List of World Heritage in Danger when it is of the view that the World Heritage values for which the site was inscribed are seriously threatened.

The procedure for listing normally involves a monitoring report by the World Conservation Union (IUCN), in consultation with the State Party and the management authority responsible for the site. IUCN reports to the Bureau of the World Heritage Committee which meets in July and the Bureau makes a recommendation to the Committee, which usually meets in December of each year.

While we have taken note that the conservative organizations have requested that the World Heritage Secretariat involve itself in the EIS process, we simply are not staffed to do so. We would, however, be pleased to address these organizations on any aspects of the operation of the World Heritage Convention. We could also request IUCN as our technical advisors, to review the Environmental Impact Statement. We are confident that as the State Party responsible for the implementation of the Convention the essential professional skills are available to you.

It is important to note that Article 1 of the World Heritage Convention obliges the State Party to protect, conserve, present and transmit to future generations World Heritage sites for which they are responsible. This obligation extends beyond the boundary of the site and Article 5 (A) recommends that State Parties integrate the protection of sites into comprehensive planning programmes. Thus, if proposed developments will damage the integrity of Yellowstone National Park, the State Party has a responsibility to act beyond the National Park boundary.

Examples of the need to act beyond park boundaries are found at the Everglades National Park, Glacier National Park and Glacier Bay National Park, all World Heritage sites. In two of the sites the Government of British Columbia acted to close major mining operations rather than risk possible damage to downstream World Heritage values in both Canada and the United States.

Clearly if there are threats to World Heritage values the State Party has a responsibility to act. If enabling legislation is not adequate, new legislation should be considered, as was the case in Australia with respect to the Tasmanian Wilderness World Heritage site.

The World Heritage Committee has the authority to act unilaterally in placing a site on the List of World Heritage in Danger. However, in the past the Committee has demonstrated a clear desire to work in consort with the State Party. In this respect we would appreciate receiving a comprehensive report on the situation in time for the meeting of the World Heritage Bureau to be held in Paris in early July. Such a report would enable the Committee to give serious consideration to the listing of Yellowstone National Park on the List of World Heritage in Danger, should such a decision be warranted, at its nineteenth session to be held in December 1995.

The United States has an exemplary record in support of and in accordance with the principles and requirements of the World Heritage Convention. We look forward to continuing this cooperation.

Yours sincerely,

BERND VON DROSTE,
Director, World Heritage Centre.

LEGISLATIVE RESOLVE NO. 13

Be it resolved by the Legislature of the State of Alaska:

Whereas the United Nations has designated 67 sites in the United States as "World Heritage Sites" or "Biosphere Reserves," which altogether are about equal in size to the State of Colorado, the eighth largest state; and

Whereas art. IV, sec. 3, United States Constitution, provides that the United States Congress shall make all needed regulations governing lands belonging to the United States; and

Whereas many of the United Nations' designations include private property inholdings and contemplate "buffer zones" of adjacent land; and

Whereas some international land designations such as those under the United States Biosphere Reserve Program and the Man and Biosphere Program of the United Nations Scientific, Educational, and Culture Organization operate under independent national committees such as the United States National Man and Biosphere Committee that have no legislative directives or authorization from the Congress; and

Whereas these international designations as presently handled are an open invitation to the international community to interfere in domestic economies and land use decisions; and

Whereas local citizens and public officials concerned about job creation and resource based economies usually have no say in the designation of land near their homes for inclusion in an international land use program; and

Whereas former Assistant Secretary of the Interior George T. Frampton, Jr., and the President used the fact that Yellowstone National Park had been designated as a "World Heritage Site" as justification for intervening in the environmental impact statement process and blocking possible development of an underground mine on private land in Montana outside of the park; and

Whereas a recent designation of a portion of Kamchatka as a "World Heritage Site" was followed immediately by efforts from environmental groups to block investment insurance for development projects on Kamchatka that are supported by the local communities; and

Whereas environmental groups and the national Park Service have been working to establish an International Park, a World Heritage Site, and a Marine Biosphere Reserve covering parts of western Akaska, eastern Russia, and the Bering Sea; and

Whereas as occurred in Montana, such designations could be used to block development projects on state and private land in western Alaska; and

Whereas foreign companies and countries could use such international designations in western Alaska to block economic development that they perceive as competition; and

Whereas animal rights activists could use such international designations to generate pressure to harass or block harvesting of marine mammals by Alaska Natives; and

Whereas such international designations could be used to harass or block any commercial activity, including pipelines, railroads, and power transmission lines; and

Whereas the President and the executive branch of the United States have, by Executive Order and other agreements, implemented these designations without approval by the Congress; and

Whereas the United States Department of Interior, in cooperation with the Federal Interagency Panel for World Heritage, has identified the Aleutian Island Unit of the Alaska Maritime National Wildlife Refuge, Arctic National Wildlife Refuge, Cape Krusenstern National Monument, Denali National Park, Gates of the Arctic National Park, and Katmai National Park as likely to meet the criteria for future nomination as World Heritage Sites; and

Whereas the Alaska State Legislature objects to the nomination or designation of any World Heritage Sites or Biosphere Reserves in Alaska without the specific consent of the Alaska State Legislature; and

Whereas actions by the President in applying international agreements to lands owned by the United States may circumvent the Congress; and

Whereas Congressman Don Young introduced House Resolution No. 901 in the 105th Congress entitled the "American Land Sovereignty Protection Act of 1997" that required the explicit approval of the Congress prior to restricting any use of United States land under international agreements; and

Whereas Congressman Don Young has reintroduced this legislation in the 106th Congress as House Resolution No. 883, which is entitled the "American Land Sovereignty Protection Act";

Be it resolved that the Alaska State Legislature supports House Resolution 883, the "American Land Sovereignty Protection Act," that reaffirms the constitutional authority of the Congress as the elected representatives of the people over the federally owned land of the United States and urges the swift introduction and passage of such act by the 106th Congress; and be it

Further resolved that the Alaska State Legislature objects to the nomination or designation of any sites in Alaska as World Heritage Sites or Biosphere Reserves without the prior consent of the Alaska State Legislature.

Copies of this resolution shall be sent to the Honorable Bill Clinton, President of the United States; Honorable Al Gore, Jr., Vice-President of the United States and President of the U.S. Senate; the Honorable Trent Lott, Majority Leader of the U.S. Senate; the Honorable J. Dennis Hastert, Speaker of the U.S. House of Representatives; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.

STATE OF ALASKA,
OFFICE OF THE GOVERNOR,
Juneau, May 11, 1999.

Hon. BRIAN PORTER,
Speaker of the House, Alaska State Legislature State Capitol, Juneau, AK.

DEAR SPEAKER PORTER: I am transmitting the engrossed and enrolled copies of the following joint resolution, passed by the Twenty-first Alaska State Legislature, to the Lieutenant Governor's Office for permanent filing: CS for House Joint Resolution No. 15(RES) "Relating to support for the 'American Land Sovereignty Protection Act' in the United States Congress." Legislative Resolve No. 13.

Sincerely,

TONY KNOWLES,
Governor.

STATE OF ALASKA,
OFFICE OF THE GOVERNOR,
Juneau, May 11, 1999.

Hon. DRUE PEARCE,
President of the Senate, Alaska State Legislature, State Capitol, Juneau, AK.

DEAR PRESIDENT PEARCE: I am transmitting the engrossed and enrolled copies of the following joint resolution, passed by the Twenty-first Alaska State Legislature, to the Lieutenant Governor's Office for permanent filing: CS for House Joint Resolution No. 15(RES) "Relating to support for the 'American Land Sovereignty Protection Act' in the United States Congress." Legislative Resolve No. 13.

Sincerely,

TONY KNOWLES,
Governor.

The CHAIRMAN pro tempore. Are there any further amendments to the bill?

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to House Resolution 180, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

Amendment No. 9 offered by the gentleman from Minnesota (Mr. VENTO), Amendment No. 5 offered by the gentleman from Colorado (Mr. UDALL), Amendment No. 4 offered by the gentleman from New York (Mr. SWEENEY), as amended.

Pursuant to House Resolution 180, the Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 9 OFFERED BY MR. VENTO

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Minnesota (Mr. VENTO) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 262, noes 158, not voting 13, as follows:

[Roll No. 141]

AYES—262

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barr
Barrett (WI)
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Camp
Campbell
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Coble
Condit
Conyers
Cook
Costello
Coyne
Cramer
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley
Doyle
Duncan
Dunn
Edwards
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Ganske
Gejdenson
Gephardt
Gilman
Gonzalez
Goode
Gordon
Green (TX)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hastings (FL)
Hefley
Hill (IN)
Hill (MT)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Houghton
Hoyer
Hunter
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kingston
Kleczka
Klink
Kucinich
LaFalce
LaHood
Lampson
Lantos
Larson
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller, George
Minge
Mink
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Neal
Ney
Northup
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Phelps
Pomeroy
Porter
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Rivers
Rodriguez
Roemer
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Scott
Serrano
Sherman
Shimkus
Shows
Sisisky
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stupak
Sununu
Tanner
Tauscher
Taylor (MS)
Thompson (MS)
Thurman
Tierney
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watt (NC)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Weygand
Wise
Woolsey
Wu
Wynn
Young (FL)

NOES—158

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barrett (NE)
Bartlett
Barton
Bateman
Berry
Biggert
Bliley
Blunt
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Canady
Cannon
Chabot
Chambliss
Chenoweth
Coburn
Collins
Combest
Cooksey
Cox
Crane
Cubin
Davis (VA)
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Ehlers
Emerson
Everett
Fletcher
Fossella
Fowler
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Hansen
Hastings (WA)
Hayes
Hayworth
Herger
Hilleary
Hoekstra
Hostettler
Hulshof
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
King (NY)
Knollenberg
Kolbe
Kuykendall
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Linder
Lucas (OK)
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Norwood
Nussle
Ose
Oxley
Packard
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Portman
Radanovich
Reynolds
Riley
Rogan
Rogers
Ros-Lehtinen
Ryan (WI)
Ryun (KS)
Sanford
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shuster
Simpson
Skeen
Smith (MI)
Smith (TX)
Souder
Stump
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Tiahrt
Toomey
Walden
Watkins
Watts (OK)
Weldon (FL)
Whitfield
Wicker
Wilson
Wolf
Young (AK)

NOT VOTING—13

Bilbray
Borski
Brown (CA)
Deutsch
Dixon
Foley
Horn
Largent
Moakley
Napolitano
Salmon
Stark
Towns

☐ 1334

Messrs. McCOLLUM, BATEMAN, DREIER, RYUN of Kansas, Mrs. CUBIN, Mr. TAUZIN and Mr. BLUNT changed their vote from "aye" to "no."

Messrs. QUINN, HEFLEY, BOYD, HILL of Montana, BASS, SUNUNU, LoBIONDO, WAMP, WELLER, HOBSON, UPTON, CUNNINGHAM, SHIMKUS, STEARNS, CAMP, COBLE and HUNTER, and Mrs. MORELLA changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. BILBRAY. Mr. Chairman, on rollcall No. 141, I was inadvertently detained. Had I been present, I would have voted "yes."

Mr. DEUTSCH. Mr. Chairman, on rollcall No. 141, the Vento amendment, I was unavoidably detained. Had I been present, I would have voted "yes."

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. BASS). Pursuant to House Resolution 180, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each additional amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 5 OFFERED BY MR. UDALL OF COLORADO

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. UDALL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 191, noes 231, not voting 11, as follows:

[Roll No. 142]

AYES—191

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Blagojevich
Blumenauer
Bonior
Borski
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Scott
Serrano
Sherman
Sherwood
Slaughter
Snyder
Spratt
Stabenow
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOES—231

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Portman
Pryce (OH)
Quinn
Radanovich
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thune
Tiahrt
Toomey
Traficant
Turner
Upton
Walden
Walsh
Wamp
Waters
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Brown (CA)
Dixon
Foley
Graham
Largent
Moakley
Napolitano
Salmon
Stark
Thornberry
Towns

□ 1344

Mr. McINTYRE changed his vote from "aye" to "no."

Mrs. MORELLA changed her vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 4 OFFERED BY MR. SWEENEY, AS AMENDED

The CHAIRMAN pro tempore (Mr. BASS). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. SWEENEY), as amended, on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 407, noes 15, not voting 11, as follows:

[Roll No. 143]

AYES—407

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crane
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fletcher
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley

Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—15

Bilbray
Blumenauer
Castle
Cubin
Filner
Jackson (IL)
Klink
Kucinich
Markey
Meehan
Morella
Schakowsky
Scott
Shays
Thompson (CA)

NOT VOTING—11

Brown (CA)
Cox
Foley
Gonzalez
Granger
Largent
Moakley
Napolitano
Salmon
Stark
Towns

□ 1352

Mrs. MEEK of Florida, Ms. DEGETTE, Ms. WOOLSEY, Mr. PICKETT, and Mr. PASTOR changed their vote from "no" to "aye."

So the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore. There being no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. BASS, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 883) to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands, pursuant to House Resolution 180, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 883.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

□ 1400

ANNOUNCEMENT REGARDING AMENDMENT PROCESS FOR H.R. 1401, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000 AND LEGISLATIVE BRANCH APPROPRIATIONS ACT, FISCAL YEAR 2000

Mr. REYNOLDS. Mr. Speaker, I rise to inform the House of the plans of the Committee on Rules in regard to H.R. 1401, the National Defense Authorization Act for fiscal year 2000 and the Fiscal Year 2000 Legislative Branch Appropriations bill.

Today the gentleman from California (Chairman DREIER) informed the House of the Committee on Rules' plan regarding these bills in two "Dear Colleague" letters.

The Committee on Rules will be meeting the week of May 24 to grant a rule which may restrict the offering of amendments to the National Defense Authorization Act for Fiscal Year 2000.

The bill was ordered reported by the Committee on Armed Services on May 19. A copy of the bill and report will be available for review in the office of the Committee on Armed Services on Monday, May 24. The bill is also expected to be available for review on the Committee on Armed Services' web site this evening.

Any Member contemplating an amendment to the bill should submit 55 copies of the amendment and a brief explanation to the Committee on Rules in H–312 of the Capitol no later than Tuesday, May 25 at 5 p.m.

Amendments should be drafted to the text of the bill as ordered reported by the Committee on Armed Services.

The Committee on Rules is also planning to meet the week of May 24 to grant a rule which may limit the amendment process for floor consideration for Fiscal Year 2000 Legislative Branch Appropriations Act.

The Committee on Appropriations ordered the bill reported Thursday, May 20, and is expected to file its committee report on Thursday, May 25, 1999.

Any Member wishing to offer an amendment should submit 55 copies and a brief explanation of the amendment to the Committee on Rules in room H–312 of the Capitol no later than 12 p.m. on Tuesday, May 25. Amendments should be drafted to the bill as reported by the Committee on Appropriations. Copies of the bill may be obtained from the Committee on Appropriations in room H–218 of the Capitol.

Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain that their amendments comply with the rules of the House.

DECLARATION OF POLICY OF UNITED STATES CONCERNING NATIONAL MISSILE DEFENSE DEPLOYMENT

Mr. REYNOLDS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 179 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 179

Resolved, That upon adoption of this resolution it shall be in order to take from the

Speaker's table the bill (H.R. 4) to declare it to be the policy of the United States to deploy a national missile defense, with a Senate amendment thereto, and to consider in the House a motion offered by the chairman of the Committee on Armed Services or his designee to concur in the Senate amendment. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services. The previous question shall be considered as ordered on the motion to final adoption without intervening motion.

Mr. REYNOLDS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Yesterday, the Committee on Rules met and granted a rule providing for the consideration of H.R. 4, Declaration of Policy of the United States Concerning National Missile Defense Deployment with a Senate amendment.

The rule is twofold. First, it makes in order a motion to concur in the Senate amendment in the House. Second, the rule provides 1 hour of debate on the motion equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services.

Mr. Speaker, H.R. 4 is a straightforward bill, declaring that it is the policy of the United States to deploy a national missile defense system as soon as it is technologically possible and to seek continued negotiated reductions in Russian nuclear forces.

Mr. Speaker, in 1957, during a speech here in Washington, D.C., General Omar Bradley warned that we are now speeding inexorably towards a day when even the ingenuity of our scientists may be unable to save us from the consequences of a single rash act or a lone reckless hand upon the switch of an uninterceptible missile.

Forty-two years later, General Bradley is still right, not because we may be unable to stop an incoming missile, but because we cannot.

Not long ago, this House approved the national missile defense program by a margin of 317 to 105, a ratio of better than three to one. I am urging my colleagues to demonstrate their overwhelming support for this rule and its underlying bill once again.

Besides thousands of nuclear warheads on ballistic missiles maintained by Russia, China has more than a dozen long-range ballistic missiles targeted at the United States, and countries like North Korea and Iran are developing ballistic missile technology and capability much more rapidly than once believed.

The argument that rogue nations need more than a decade to obtain ballistic missile capability is both technically irresponsible and politically naive. The threat is real. The threat is here. The threat is now.

Even worse, most Americans do not realize that we have absolutely no defense, none at all, against a missile attack. We have been lulled into a false sense of security, unaware that nations across the globe are currently developing ballistic missiles which pose an immediate threat to our security.

In fact, just last year, Iran launched a medium-range ballistic missile with the help of North Korea and Russia.

We can protect ourselves from missiles of these potentially hostile nations. Deployment of a national mission defense system would cost less than our last six military peacekeeping missions.

Let us pass this rule and pass this declaration of policy and protect our Nation and its people from the threat of a missile attack.

I would like to commend the Committee on Armed Services, the gentleman from South Carolina (Mr. SPENCE), and the gentleman from Pennsylvania (Mr. WELDON), chairman of the Subcommittee on Military Research and Development, for their hard work on this very important measure.

I urge my colleagues to support this rule and to support the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, while I support the Senate amendments to H.R. 4, I rise in opposition to the rule. I oppose the rule because of the process or the lack thereof.

The Democratic members of the House Committee on Armed Services were totally bypassed on this bill; and that, Mr. Speaker, is reason enough to oppose the rule. The process is really incomprehensible, Mr. Speaker, since the Senate amendment to the House-passed version of the bill states very simply that it is the policy of the United States to deploy as soon as is technologically possible an effective national defense missile system that will protect the territory of the United States from missile attack.

That simple statement of policy is the distillation of what has been acrimonious public debate for over 15 years. What has changed, Mr. Speaker? I think most of the Members of this body can agree that what this bill calls for is not the Reagan Star Wars of the 1980s. Indeed, the Senate amendment wisely adds language that subjects any missile defense system to the annual appropriations process which, in this era of fiscal restraint, places real constraints on any proposed missile defense system.

In addition, H.R. 4 does not mandate one system over another, nor does it mandate a date for deployment. In its simplicity, this bill acknowledges that the United States might well find itself subject to an attack that we should be prepared to defend against, but that we should do so within the context of the technological and financial realities of 1999.

Mr. Speaker, few of us in this body can deny that the world has become, since the end of the Cold War, an even more dangerous place than we might have imagined. There are rogue nations and factions that seek to harm, if not destroy, the United States.

This bill is an attempt to move forward the debate on the issue of the national missile defense without the acrimony that has accompanied the discussions on this subject in the past. H.R. 4 provides us with a good start, and I am hopeful that it will help us move to a resolution to a thorny, but incredibly important, issue.

Mr. Speaker, this rule will allow 1 hour of debate on the Senate amendments, a time limit that might have, given the importance of this matter, been extended to allow all Members who are interested in this matter an opportunity to speak.

In spite of the fact that the House has conducted very little business in the past few weeks, the Republican majority continually fails to give matters of great importance adequate time to be fully aired on the floor. I would hope that when we return from the Memorial Day recess, one that has now been extended through an entire week, the Republican leadership will consider a schedule that gives important legislation more time to be debated by the elected Members of this body.

Mr. Speaker, I reserve the balance of my time.

Mr. REYNOLDS. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. WELDON), who is the House leading expert on missile defense.

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise in support of the rule and in support of the underlying Senate amendments, but I am not happy with the legislation.

I am not happy because, when we brought this bill up in the House, we had a clear and distinct debate. As the original author of H.R. 4, I made the point known to every Member of this body that this would be a vote for the President's policy or against the President's policy.

If my colleagues are supportive of holding this decision off for a year so it could be made during the middle of a Presidential election, then they should have opposed the House bill. And 102 brave Democrats and two brave Republicans did that. They opposed the bill.

But I said, if in spite of the President's letter of opposition on the morning of the vote, if my colleagues were for moving forward now to make that decision, then they should vote for the bill. And 214 Republicans did, joined by 103 Democrats, for a veto-proof margin. It was a clear and distinct point of opposition against this administration's policy. No mistake about it.

Then we saw the White House and Bob Bell try to suspend what we had just done, try to tell us that it really did not mean what we said it was. In fact, the Senate on the floor of debates agreed to two amendments. These amendments mean nothing. They mean nothing. They are simply cover for liberal Democrats who do not support missile defense to have a way to cover their you know whats.

One of them says that any missile defense program should be subject to the authorization and appropriation process. Well, duh. Everything we do in this Congress is subject to the authorization and appropriation process. Are we so naive as to think that somehow we pull manna from heaven and we bring dollars to the table and that is what funds programs? That amendment means nothing. It has no bearing on this bill or what we are doing here.

The second amendment says that we should continue to negotiate reductions in arms. Who disagrees with that? The irony is that the Senate put an amendment on that only refers to reductions in Russian arms. What happens, Mr. Speaker, if the Russians regard this as only being an attempt to get them to reduce their arms while the U.S. is not paralleling that process? The amendments unfortunately passed, and we could do nothing about that.

The Senate having the rules, they had forced us to take a bill that I am not happy with. But it does move the process forward, and I would say to my colleagues, in the full debate, we will have a colloquy that will be joined by the chairman of the full committee that will be joined by the majority leader and the Speaker who will clarify on the RECORD what this bill means by this body.

□ 1415

If the White House chooses to run for Congress, than they can interpret our bills. If Bob Bell chooses to step down and run for a House seat, he can change or he can then interpret our bills. But, short of that, nobody can interpret our legislation except for us. We are the ones who drafted the bill. We are the ones who passed the bill. We are the ones who passed the clean bill of this House, only to be amended by extraneous and irrelevant amendments on the Senate side.

I will be asking my colleagues today to vote "yes." But clearly, during our debate and discussion we will clarify the record time and again to show that there is a clear and distinct difference between the position of this administration and the position that 317 Members of Congress supported.

I am outraged that right after we passed this bill President Clinton would send me a letter that says this: "Next year we will determine whether or not to deploy for the first time a limited national missile defense against these threats." That is the letter.

That is not what this bill says. It does not say, Mr. President, next year. It says today we will pass this conference report, we will move forward, and we will do it in direct contradiction to what this administration is trying to spin.

And when the White House has its signing ceremony, I do not know whether I will be invited or not, but if I am, I will clearly make the case that it is a clear policy difference between this White House and their attempt to spin what we did that they could not defeat in this body. We could have overridden the veto because we had 103 Democrats agree with this, along with 214 Republicans, and this was at a time when the White House issued a statement in opposition to our bill.

These amendments mean nothing. All of us agree that an authorization and appropriation processes must be followed. All of us want to see reductions in arms by both Russia and America. Unfortunately, the Senate amendment only says Russia, which could be read as destabilizing.

The point is, the crux and the actual content of this bill is simple. Today we are saying in the Congress of the United States that it is time to deploy a national missile defense capability.

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Speaker, I want my good friend and colleague from Pennsylvania to know that I was one of the Democrats who voted for his resolution. But I must say, we held a hearing in the defense appropriations subcommittee, now called the Subcommittee on National Security Appropriations, this year. Lieutenant General Lester Lyles came over and briefed our committee. And, frankly, we are not doing very well in developing this technology. We have got serious problems.

I personally believe that if we look at missile defense, that the number one priority when we deploy our troops is to have a capable theater missile defense system. We need to focus on that first. And of course, as the gentleman from Pennsylvania well knows, we have had five failures of the THAAD system, which is fundamental to having a credible theater missile defense system. We have the Patriot 3, the PAC–3 program, which is doing quite well.

Now, if we cannot do theater missile defense, no matter how loudly we yell, we are not going to command a national missile defense system into being. Now, General Lyles has testified before our subcommittee that it is going to be at least 2005 before we have done the testing that is necessary to have any confidence that we would have a credible limited system.

So I think the language in this resolution that says let us be honest with ourselves, we cannot be in denial here, that we are going to do this, I voted to do it when it is technologically feasible. If the science is not there, if the engineering is not there, if the technology is not there, we cannot just wish it into existence.

And so I hope that my colleagues will think about this issue. This is one of the most important national security issues that we face. None of us likes the idea of being vulnerable to any country's potential for using a ballistic missile. But think about it. We had the whole era of the Cold War when the Russians had thousands of warheads aimed at the United States and we had thousands of warheads aimed at them. What did that produce? That produced deterrence. We knew that if either one of us struck the other that we would open up the possibility for a catastrophic war that would destroy both countries, and so we were deterred.

And today the United States has more offensive capability than any other country in the world and more credible and more capable offensive capability. And I believe that any country that thought about launching an attack against the United States would have to be out of their mind, because they would know that we would know where the missile launched from and we could have the potential to respond with overwhelming force. I think deterrence still is a valid doctrine that we should not forget about as we work towards getting a national missile defense system in place.

So I think the language of the Senate improves and makes more credible this resolution that we previously voted on. And I think my view is that I want this technology to work.

One of the companies from my State is in charge of trying to integrate this and make it work. But we cannot tell the American people that there is something out there that will work until we can demonstrate it, and we have not been able to demonstrate THAAD. We have not been able to demonstrate a comprehensive theater missile defense system.

And so I think we ought to be very sober about any of these exhortations that we are hearing about from people here who want to wish this into existence.

Mr. REYNOLDS. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. WELDON).

Mr. WELDON of Pennsylvania. Mr. Speaker, let us focus the debate on the facts.

Mr. Speaker, my good friend and colleague just spoke and made some points. First of all, he said the THAAD program has had five failures. What he did not properly explain is that of the five failures that occurred, none of them, none of them involved hit-to-kill. The five failures that occurred were caused by quality control problems of the Lockheed Martin contractor, and we in the Congress took the lead to force them to begin to pay for those failures.

We have never had a test yet to actually get to hit-to-kill, but in fact the THAAD program has accomplished 28 of 30 milestones. That is a tremendous success. So to characterize the THAAD program as a failure does a terrible disservice to those people who are working on that program because the facts do not bear that.

Second, the gentleman made the point that this is a terrible technology challenge. Well, it is. And he pointed out that a company in his area, Boeing, is a lead system integrator. What the gentleman did not mention is that the head of this program, Dr. Peller, in congressional testimony said the challenge to build the Space Station was more difficult than to build a national missile defense. Now, that is the top official of the company that comes from the district of the gentleman.

The third is deterrence, that we somehow can rely on the deterrence of the 1980s. That may have been true. I do not want to trust North Korea not to fire that Taepo-Dong 1 at one of our cities. And I would say to my good friend and colleague, 28 young Americans, half of them from my State, came back from Desert Storm in body bags because we could not defend against a low-complexity missile that wiped them out.

I agree with the gentleman, theater missile defense is our top priority; and I use my votes and my voice to help accomplish that. But we cannot ignore the threat to our country by saying North Korea will avoid attacking us because of deterrence.

And finally, this is what offends me. I will make a prediction on the floor today. The reason why the White House is spinning this the way they are is because next year, in the middle of the presidential campaign, Vice President Gore will announce that we are going to deploy NMD. That is an absolute travesty and an outrage for this country.

Mr. FROST. Mr. Speaker, I yield 1¼ minutes to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Speaker, again, I just want to say to my colleagues, we want a national missile defense system against a limited attack. I think that is a wise thing to do.

I am just saying to everyone here today, after having General Lyles come before our committee and after going through each of the technologies in place, I have to report to my colleagues that General Lyles says 2005 is the earliest we would have a capability, and that capability has not yet been demonstrated. We have not been able to do what it takes to put it in place. It does not exist. And we cannot just create something out of whole cloth.

Now, let us make it work. Let us be sober. Let us be realistic and honest with the House and the American people. Let us wait and do this when it is technologically feasible. We cannot do it, anyway. I mean, we cannot wish this into existence. So I urge everybody, including my colleague from the State of Washington, to be sober.

I can remember when these people came in from my own State and they told and told me in 1983 that this technology was in hand. Edward Teller came and told us that the technology was in hand. It is now 1999, we have spent billions, and it is not in hand. This is a hard problem.

Mr. REYNOLDS. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. SKELTON), ranking member of the Committee on Armed Services.

Mr. SKELETON. Mr. Speaker, let me take this opportunity to speak on the rule. I am compelled to do so because I speak today about the process, about the process that brings us to the floor. Mr. Speaker, I speak not as a Democrat but as a Member of this House and as a member of the Committee on Armed Services.

Just over 2 months ago, the House and the Senate passed H.R. 4 and S. 257, respectively, similar legislation, declaring it the policy of the United States to deploy a national missile defense. But since then, Mr. Speaker, the process has been hijacked.

There was no conference committee between the House and the Senate. As a result, differences in the two measures have not been reconciled as normally they are reconciled. Rather, we are being asked to concur in the exclusive work of the Senate on a take-it-or-leave-it basis. That is not right.

Implied in this fact is the notion that the Senate has a patent on all the knowledge and all the insight on this particular matter. And, of course, I reject that because we in this body, in our committee, have been very, very active on this issue.

And, therefore, I am disappointed that the views of the House Members, both Democrats and Republicans, have not been afforded regular order consideration in the matter that is before us today. I think the process that brings us here today is not only unfortunate but it is unnecessary.

Mr. FROST. Mr. Speaker, I yield 4½ minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, how appropriate the timing of this debate. As we speak, folks are lined up around the block across America to see the new Star Wars movie. And what better time than right now, with the refrain of that great Star Wars theme music, the opening day of "The Phantom Menace," for us to be taking up this proposal.

Just like the original movie, this bill puts a tractor beam in the Capitol dome and aims it right at the wallets of the American taxpayer to support this defective system. This Star Wars scheme is a technological failure. It has failed one test after another, again and again. An accelerated program to test it has been described as "a rush to failure" by former Air Force Chief of Staff General Larry Welsh.

I am reminded of Han Solo's admonition to Luke Skywalker: "Jumping through hyperspace ain't like dusting crops, boy." Well, hitting a bullet with a bullet, hitting in fact many bullets, with bullets raining down over the entire continental United States at 15,000 miles an hour, and doing it accurately and reliably, is not like dusting crops, either. And yet here we are, year after year, having demands to throw more good money after bad.

I disagree with my colleague from Washington State about this measure, but he is right about one thing. Wishing is not going to make it so. The first law of Disney Wish and make it so, does not apply here; rather it is the laws of physics and thermodynamics that control weather this can be accomplished.

□ 1430

Just 3 days ago, we acted in this Congress on spare parts and training and readiness. As Joint Chiefs Chairman Hugh Skelton said recently, the massive amount of experiments on these kind of Star Wars programs drain resources from personnel and readiness accounts. If there is a readiness problem, it is a problem that this Republican Congress created in preferring pork over readiness. We are diverting these kind of precious resources away from our true military and nonmilitary needs because we have people here who keep coming up year after year asking us to throw an infinite amount of taxpayer money at a problem that has real physical limitations.

I agree fully with my colleague from Texas, Mr. FROST, about the substance of this resolution, about the important meaning of the Senate amendments. But the effect I disagree with him on, because it is clear that the Star Wars advocates are using this measure to boost their cause. The missile defense that is being advocated, even if it worked, would not defend us from the real threats we face from terrorism, with bombings at the World Trade Center, with gas attacks like that that occurred in a Japanese subway.

If we really want to do something to address our security, the Congress ought simply to read the National Research Council of the National Academy of Science report this week about the threat, the very real threat that we have from the potential or diversion of Russian nuclear materials. Our Energy Department had to spend $600,000 in emergency funds last year because guards at some of these facilities in Russia had no winter uniforms for outside patrols and left without paychecks searching for food. That is a real security threat that should concern every one of us. We are not doing very much about it.

Implementing the START II nuclear missile reduction treaty would eliminate 3,000 Russian nuclear warheads, in fact, that this fantasy proposes to deal with in outer space. Such implementation would do a great deal more to assure the security and safety of American families than this proposal. We should be giving that our highest national security priority. Instead of diverting attention from this vital objective, this Congress should be encouraging a START III to have further reduction in nuclear armaments around the world and truly protect our freedom.

What so many in this House fail to recognize is that national security is measured in terms other than simply how many bombs, bullets and missiles we possess. It is measured in economic strength, in productivity and in the success of our efforts to reduce threats from abroad. I urge the House to consider defense programs that meet our true security needs and reject this proposal.

Mr. FROST. Mr. Speaker, I yield 6 minutes to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Speaker, I believe in ballistic missile defense if it is feasible, but we have yet to prove that it is feasible. I was the principal cosponsor of H.R. 4 because I thought we needed a focus to our ballistic missile defense program. I thought we needed to make a decision that we would go forward with the objective of fielding a system, a system that worked and would afford us at least limited protection against an accidental strike in this country. But I was honest to acknowledge on the House floor that we are not there yet. We have not proven the capability of this system. However, having spent $50 billion over the last 15 years, I thought it was time to bring those efforts to fruition, to build a workable system if we can as opposed to putting more viewgraphs on the shelf.

H.R. 4 was an effort to reach some kind of bipartisan consensus on a very basic proposition, that the focus of our efforts in ballistic missile defense would be to deploy a system. We passed that bill here with a hefty margin. We sent it to the other body, they struck everything in it, adopted a completely different bill and now they send it back to us in a process that is a breach of procedure, bypassing the procedures that are long established and that are intended to achieve a consensus between both Houses. Normally when we pass a bill and send it to the Senate and they pass a different bill, there is a conference to hammer out the differences, a conference to establish a record as to why the compromises in language were made to the extent that these are made. There is no record here. We have had no conference. We are bypassing the traditional procedure. For what reason I do not know. This is no way to legislate. It is also no way to build bipartisan consensus on something that has been sort of a political totem.

As I have said before, we do not debate ballistic missile defense the way we debated the MX or the B–2 or other major systems. This system is so charged with political significance that it is a totally different kind of debate. One of the things we will not have as a result of this procedure is a record, a record to explain the legislative history of what some truly ambiguous and unclear language in this particular bill actually means.

This bill calls for billions of dollars to be spent to deploy a national missile defense system, quote, as soon as it is technologically feasible, or possible. What does this mean? I am concerned that it could mean that as soon as we have got the technology or think we have it in hand, we are supposed to rush to deployment, even though we might end up with a suboptimal or a substandard system. I am concerned that it may mean before we have adequately tested, we will move to deployment. That is not an idle concern.

Yesterday in the defense authorization bill markup, an amendment was added which allowed the director of this program and the Secretary of Defense to begin deployment before this system was fully tested, a dispensation that is granted to very few defense programs. It could mean that we will deploy even though it is extravagantly expensive, far more expensive than the protection it would allow us. It could mean any number of different things. We do not know. There is no legislative history. We have not been able in the House to have the opportunity to give meaning to that particular phrase.

The bill specifies that this national missile system must be capable of affording us a limited defense, or defense against a limited ballistic missile attack. What does "limited" mean? Is it an unauthorized attack, an accidental attack, or an attack by, say, one submarine which could mean easily more than 100 warheads? Very, very critical to have that definition pinned down.

In our bill, we had legislative history. We said it was an accidental attack. We limited the scope of the effectiveness of the system. Here they talk about a limited attack. That could range from 5 warheads to 200 warheads. It is not clear at all. We have no opportunity to make it clear.

Furthermore, the timing of this bill, the timing of the previous bill, disturbed me. I know it disturbed the gentleman from Pennsylvania (Mr. WELDON), too. Because this bill is misperceived by the Russians. I said that on the floor, I said it in committee. The Russians see this bill as somehow a potential or anticipatory breach of the ABM treaty. I think that is unfounded.

I think what we are trying to move towards is a system where we can rely upon our defenses so that we do not have to rely so much upon the threat of a retaliatory strike. I think that would be an improvement in deterrence and an improvement in the stability in the world. The Russians do not see it that way yet. They see us moving away from the ABM treaty. This language in this bill is not bound to give them comfort and encouragement, because this bill says that in addition to deploying defenses in this country, we should also seek to negotiate reductions in Russian nuclear weapons. I agree that we should be negotiating with the Russians. We should have done START II. We should have pressed them to ratify it long before now. But they perceive START II as being tilted against them.

Now we are saying in this bill, "We're going to build defenses and we want you to build down your missile systems," which suggests that we want complete superiority here. It is not the formulation for a successful bargain. It is not the kind of message we need to send the Russians, particularly at a time when we are leaning on them and Chernomyrdin is today in Belgrade trying to cut a deal with us. It is just ill-timed. I will probably vote for this bill because I believe in ballistic missile defense and I do not want to muddle that message on my part but I am very, very disappointed in the process and procedure it is taking.

Mr. FROST. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. REYNOLDS. Mr. Speaker, I yield myself such time as I may consume.

It is important that we take a look at reminding ourselves as we debate this rule that the national missile defense program, the vote most recently held in this House, was 317–105, better than a 3 to 1 ratio of the Members of this great body in support of a national missile defense program. Number two, on some of the questions with the rule, I would remind all of my colleagues that at the Committee on Rules yesterday, it was a voice vote on the rule approval that we have before us today.

Finally, Mr. Speaker, I must go back to my opening remarks, that most Americans do not realize that we have absolutely no defense, none at all, against a missile attack. We have been lulled into a false sense of security, unaware that nations across the globe are currently developing ballistic missiles which pose an immediate threat to our security. Mr. Speaker, today is the day to act. I urge passage of this rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. SPENCE. Mr. Speaker, pursuant to House Resolution 179, I offer a motion to concur in the Senate amendment to the bill (H.R. 4) to declare it to be the policy of the United States to deploy a national missile defense.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. LAHOOD). The Clerk will designate the motion.

The text of the motion is as follows:

Mr. Spence moves to concur in the Senate amendment.

The text of the Senate amendment is as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Missile Defense Act of 1999".

SEC. 2. NATIONAL MISSILE DEFENSE POLICY.

It is the policy of the United States to deploy as soon as is technologically possible an effective National Missile Defense system capable of defending the territory of the United States against limited ballistic missile attack (whether accidental, unauthorized, or deliberate) with funding subject to the annual authorization of appropriations and the annual appropriation of funds for National Missile Defense.

SEC. 3. POLICY ON REDUCTION OF RUSSIAN NUCLEAR FORCES.

It is the policy of the United States to seek continued negotiated reductions in Russian nuclear forces.

The SPEAKER pro tempore. Pursuant to House Resolution 179, the gentleman from South Carolina (Mr. SPENCE) and the gentleman from Missouri (Mr. SKELTON) each will control 30 minutes.

The Chair recognizes the gentleman from South Carolina (Mr. SPENCE).

Mr. SPENCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in 1995, Norway launched a weather rocket that was mistaken by sensors in Russia for a launch of an ICBM from one of our nuclear submarines. They were in a final countdown in the process of preparing to launch a missile attack against us, and only minutes away when they finally discovered the mistake and called off the launch. We were that close to being faced with nuclear warfare.

Mr. Speaker, most people in this country do not realize we have no defense against that type of an attack nor do we have a defense against even one missile launched accidentally from somewhere else in the world today. There are literally thousands of these missiles abroad in the world today. The threat of ballistic missile attack is real and it is here today.

Last summer, an independent study by the bipartisan Rumsfeld Commission unanimously concluded that the ballistic missile threat to our country is broader, more mature and evolving more rapidly than anticipated, and that the United States may have little or no warning of a ballistic missile attack. With each passing day, our Nation's vulnerability to missile attack grows. Rogue nations like North Korea, Libya, Iran and Iraq are working aggressively to acquire the capability to strike the American homeland with ballistic missiles carrying weapons of mass destruction. Russia and China already possess this capability. I am confident that the more than 200 Members who attended the Rumsfeld Commission extraordinary classified briefing here on this House floor back in March have a much greater appreciation of the need to move forward with missile defenses and of the reason why we need to make the kind of commitment that we are making in this bill.

☐ 1445

Let me briefly make a few points:

First, contrary to intelligence estimates that predicted the ballistic missile threat was more than a decade away, the missile threat to our country is real, as I have said before, and it is here today.

Second, technology has matured to the point where moving forward and deploying a national missile defense system is feasible. There will always be test failures, there will always be technological challenges, but Americans have never shied away from a challenge and certainly never in the face of a threat that gets worse every day.

Third, the cost of a national missile defense system, by the administration's own estimates, will comprise less than 1 percent of the overall defense budget and less than 2 percent of our military modernization budget over the next 5 years. Because to deploy an initial national missile defense capability will amount to less than the amount our country has spent on peacekeeping developments, deploying missiles in the past 6 years, this strikes me as a small price and a sound investment.

Mr. Speaker, national missile defense is necessary, feasible and affordable, but in spite of the growing consensus that the threat is real and the technology is maturing, the administration has steadfastly refused to commit to actually deploy a national missile defense. H.R. 4 addresses the administration's unexplainable lack of commitment in this regard and represents the Congress' bipartisan belief that all Americans should be protected against ballistic missiles.

Mr. Speaker, I urge support of this important bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SKELTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the motion to concur with the Senate amendments to H.R. 4, an act to declare it the policy of the United States to deploy national missile defense.

Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Speaker, I want to say to my friend from Missouri, the distinguished ranking member of the Committee on National Security, that I concur with him and that we should pass this, and I am not at all upset about what the Senate did. I think putting in the phrase "when technologically feasible" means that we have to have something to deploy. And I have the greatest respect for the chairman of the committee but I must tell my colleagues, when we brought over the people who were running this program and we went through each of the various possibilities, they have said basically that at this point we do not have something to deploy. Now, we just cannot make it up. Either it is deployable or it is not. Either we have tested it and we know it will work or it will not.

So I urge everyone here that we should stay with our commitment to keep working on this problem, but to start deploying something that we have not tested is an absolute recipe for failure.

Mr. Speaker, I appreciate the gentleman yielding to me. I hope that we get a national missile defense, but let us not waste money trying to deploy something that we have not yet demonstrated, and I think theater missile defense should be our first priority. I appreciate the gentleman having yielded to me.

Mr. SKELTON. Mr. Speaker, I yield myself such time as I may consume to continue very, very briefly, and then I will yield to the gentleman from Virginia (Mr. SISISKY).

At today's motion I would like to, and I hope we all understand that the technology needed to develop an ICBM capable of delivering a warhead of mass destruction against large portions of these United States is today, in the hands of at least one so-called rogue actor nation. Worse, much of the needed technology has already been demonstrated, and now I believe it is not only possible but probable that significant portions of the United States will be threatened by ICBM-delivered warheads of mass destruction sometime before the year 2005, the time the administration says is needed to deploy a suitable limited national missile defense system.

Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. SISISKY).

Mr. SISISKY. Mr. Speaker, I support H.R. 4, and I ask my colleagues to support it.

As some of as my colleagues know, I changed my mind about the way we need to approach ballistic missile defense. I always believed we needed BMD, but over the last year I changed my mind about when we needed it, and that was because of the report of the Commission to Assess Ballistic Missile Threat to the United States. This was a bipartisan commission charged to assess the nature and magnitude of existing and emerging ballistic missile threats to the United States.

The report and testimony of the commission made two things clear. First, the ballistic missile threat to the United States may be coming faster than previously estimated. Second, the threat to our friends, allies and troops overseas already exists.

That is why I cosponsored this bill, and that is why Congress overwhelmingly decided to go on record in support of ballistic missile defense.

Now I think there are legitimate grounds to be unhappy with the procedure we are using today. I think everyone on our side agrees that accepting a Senate amendment without benefit of a conference is not the best way to do this, and those of us in the House would have liked to sit down with Members of the other body to talk about what they mean by phrases like "technologically feasible." And for another thing, it fails to recognize tireless contributions and leadership of Members on our side, such as the gentleman from Pennsylvania (Mr. WELDON) and the gentleman from South Carolina (Mr. SPRATT), but it does make the point by putting Congress on record that it is the policy of the United States to deploy an effective missile defense.

On balance, Mr. Speaker, I think this language sends a message that is vital to national security, and I urge this body to support it.

Mr. SPENCE. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. WELDON), the chairman of our Subcommittee on Military Research and Development.

Mr. WELDON of Pennsylvania. Mr. Speaker, I thank the distinguished chairman and the ranking member for their support, and let me again clarify some points here.

First of all, none of us are mandating that something be deployed before it is ready, none of us. We are not that naive to put a date certain on requiring that something be done by a certain time, and no one should misinterpret this legislation as requiring that.

What we are saying is that we are making a clear and distinct policy change here as a Nation. For the first time we are saying publicly that it is the policy of this country to deploy a limited national missile defense system against those rogue threats that we see emerging.

We took great efforts in this process to bring the Russians in, to show them that this was not aimed against them. In fact, a number of our colleagues on both sides of the aisle traveled with us to Moscow the week before the vote with the former CIA Director of the Clinton administration, Jim Woolsey, with the former Secretary of Defense and White House Chief of Staff, Donald Rumsfeld, and with the former Deputy Secretary of State, Bill Schneider, and we took the time to give the Russian leadership the briefing as to the emerging threats and convinced them that this was not being done to score some type of strategic advantage over Russia. This was being done because in today's world North Korea is not a stable nation that deterrents will work with. In today's world the Chinese now have at least 18 long-range ICBMs. We know that Iran and Iraq both have medium-range missiles and are developing long-range capabilities.

So, Mr. Speaker, for all of these reasons we are making a clear and distinct policy change that will occur when the President signs this bill. And the key thing that I want to keep stressing is, one, that when the President signs this bill, that is the change in policy of this government, that we are deploying a national missile defense system as soon as that technology is available, not before it is available, not prematurely, but as soon as it is available. We do not recommend the technology. We do not say land-based over sea-based. We do not say one site over three sites. We say as soon as available and as soon as it is ready, we deploy it.

That is a clear and marked difference over the policy that exists today, and for the White House to try to spin what we are doing is totally wrong. And I want the record to clearly show that this Congress and the other body are on record as interpreting our own bill, and there should be no one in the White House in future years who will try to spin what it is we are trying to accomplish today.

With that, Mr. Speaker, I would like to enter into a colloquy with our distinguished chairman for the record. I rise to engage in a colloquy with the chairman.

There has been some misconception concerning this national missile defense bill. The purpose of this bill is very simply to establish a U.S. policy, the deployment of a national missile defense, as soon as technologically possible. In the chairman's view, does this bill commit the United States to deploy a national missile defense?

Mr. SPENCE. Mr. Speaker, will the gentleman yield?

Mr. WELDON of Pennsylvania. I yield to the gentleman from South Carolina.

Mr. SPENCE. Mr. Speaker, it does.

The intent of this bill is straightforward and unequivocal. However, I understand that in a May 7 letter the President indicated, and I quote, the legislation makes clear that no decision on deployment has been made, unquote. Following the Senate passage of S. 257 earlier this year, the Secretary of State even sent a cable to our embassies articulating this same opinion.

I do not understand how anyone could look at this legislation objectively and arrive at the same conclusion as the President and the Secretary of State. This bill makes it clear that the Nation is committed and is committing to the deployment of a national missile defense.

Mr. WELDON of Pennsylvania. Mr. Speaker, I insert for the RECORD both the White House letter as well as the State Department cable so that everyone can see what type of spin the administration is trying to place on this bill.

THE WHITE HOUSE,
Washington, May 7, 1999.

Hon. CURT WELDON,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE WELDON: Thank you for your letter on National Missile Defense (NMD). We are committed to meeting the growing danger that outlaw nations may develop and field long-range missiles capable of delivering weapons of mass destruction against the United States and our allies.

Next year, we will determine whether to deploy for the first time a limited national missile defense against these threats. This decision will be made when we review the results of flight tests and other developmental efforts, consider cost estimates, and evaluate the threat. In making our determination, we will also review progress in achieving our arms control objectives, including negotiating any amendments to the ABM Treaty that may be required to accommodate a possible NMD deployment.

I am pleased that the Senate, on a bipartisan basis, included in its NMD legislation two amendments that significantly changed the original bill, which I strongly opposed. By specifying that any NMD deployment must be subject to the authorization and appropriations process, the legislation makes clear that no decision on deployment has been made. By putting the Senate on record as continuing to support negotiated reductions in strategic nuclear arms, the bill also reaffirms that our missile defense policy must take into account our arms control objectives.

We want to move ahead on the START III framework, which I negotiated with President Yeltsin in 1997, to cut Russian and U.S. arsenals 90 percent from Cold War levels, while maintaining the ABM Treaty as a cornerstone of strategic stability. The changes made in the NMD bill during Senate debate ensure these crucial objectives will be taken into account fully as we pursue our NMD program.

Thank you again for writing on this important matter.

Sincerely,

BILL CLINTON.

S. 257—NATIONAL MISSILE DEFENSE

Background.—U.S. policy regarding ballistic missile defense most recently was elaborated in reftels (n.b., identical text to different addresses). During the March floor debate on S. 257, the Cochran National Missile Defense (NMD) bill, the Senate on a bipartisan basis adopted two very important amendments that modified the original bill that had been reported out of the Armed Services Committee on essentially a party-line vote last month. The first amendment makes clear that any deployment of a limited U.S. NMD system must be subject to the authorization and appropriations process, thereby underscoring that no deployment decision has been made. The second amendment confirms that U.S. policy with regard to the possible deployment of a limited NMD system must take account of our objectives with regard to arms control. With these improvements, the administration informed Senate leaders that it would accept S. 257 as amended if it reaches the President's desk in this form. On March 17, the Senate passed S. 257 (as amended) in a rollcall vote, 97–3.

Posts are authorized to draw upon the materials contained herein in addressing this matter. The text of S. 257, as passed by the Senate is at paragraph 3. White House talking points prepared by the National Security Council are at paragraph 4. The text of a statement by the President, released on March 17, is at paragraph 5.

The text of S. 257 as passed by the Senate is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled,

Section 1. Short title.

This act may be cited as the National Missile Defense Act of 1999".

Section 2. National Missile Defense Policy.

It is the policy of the United States to deploy as soon as is technologically possible an effective National Missile Defense System capable of defending the territory of the United States against limited ballistic missile attack (whether accidental, unauthorized, or deliberate) with funding subject to the annual authorization of appropriations and the annual appropriation of funds for national missile defense.

Section 3. Policy on reduction of Russian nuclear forces.

It is the policy of the United States to seek continued negotiated reductions in Russian Nuclear Forces.

Begin White House Points:

The administration made clear its strong opposition to the Cochran NMD bill as it emerged from the Armed Services Committee last month. The Presidents senior national security advisors recommended that the bill be vetoed were it to reach the President's desk in that form.

We are pleased that the Senate on two bipartisan votes, adopted two very important amendments to the bill and thereby significantly improved it.

The first amendment makes clear that no decision has been made to deploy a limited NMD system. It does so by specifying that any such decision must necessarily be subject to the annual authorization and appropriations process.

The President has not proposed that any funds be authorized or appropriated in the FY2000 Defense Department budget for NMD deployment. Whether he requests such funds in FY 2000 (the first fiscal year in which the administration intends to address the deployment question) will depend on the administration's assessment of the four factors. Which it believes must be taken into account in deciding whether to field this system:

(1) Has the threat materialized as quickly as we now expect it will;

(2) Has the technology been demonstrated to be operationally effective;

(3) Is the system affordable; and

(4) What are the implications of going forward with NMD deployment for our objectives with regard to achieving further reductions in strategic nuclear arms under START II and START III?

The second amendment makes clear that in pursuing our policy with regard to the deployment of a limited NMD, we must also take into account our objectives with regard to securing continued negotiated reductions in Russian and U.S. nuclear forces.

Through START II and START III, the United States can realize the removal of up to an additional 8,000 Russian and U.S. strategic nuclear warheads. These treaties are clearly in our national security interests.

At the Helsinki Summit, Presidents-Clinton and Yeltsin declared that the ABM Treaty is of fundamental significance to the attainment of our objectives for START II and START III.

In this context, it is crucial that the United States negotiate in good faith any amendments to the AMB Treaty that may be necessary to accommodate any U.S. limited NMD system.

The second Senate amendment affirms the Senate's recognition that the arms control dimension of the NMD deployment question must be taken into account.

As a result of these two amendments, the administration will accept S. 257 if it reaches the President's desk in its current form.

If asked—does this mean that the administration will hold NMD hostage to the ABM Treaty?

The administration has articulated its strong commitment to the ABM Treaty, which it regards as a cornerstone of strategic stability. At the same time, the administration has also made clear that it will not give Russia—or any other state—a veto over any missile defense deployment decision that it believes is vital to our national security interests.

STATEMENT BY THE PRESIDENT

I am pleased that the Senate, on a bipartisan basis, included in its National Missile Defense (NMD) legislation two amendments that significantly change the original bill, which I strongly opposed. By specifying that any NMD deployment must be subject to the authorization and appropriations process, the legislation now makes clear that no decision on deployment has been made. By putting the Senate on record as continuing to support negotiated reductions in strategic nuclear arms, the bill reaffirms that our missile defense policy must take into account our arms control objectives.

We are committed to meeting the growing danger that outlaw nations will develop and deploy long-range missiles that could deliver weapons of mass destruction against us and our allies. Next year, we will, for the first time, determine whether to deploy a limited national missile defense against these threats, when we review the results of flight tests and other developmental efforts, consider cost estimates, and evaluate the threat. In making our determination, we will also review progress in achieving our arms control objectives, including negotiating any amendments to the Arm Treaty that may be required to accommodate a possible NMD deployment.

This week, the Russian Duma took an encouraging step toward obtaining final approval of START II. We want to move ahead on the START III framework, which I negotiated with President Yeltsin in 1997, to cut Russian and U.S. arsenals 80 percent from cold war levels, while maintaining the Arm Treaty as a cornerstone of strategic stability. The changes made in the NMD bill during Senate debate ensure these crucial objectives will be fully taken into account as we pursue our NMD Program.

Mr. Speaker, I agree with the gentleman from South Carolina. We cannot have a policy to deploy without a commitment to deploy.

In his letter the President also said, and I quote, next year we will determine whether to deploy a limited national missile defense, unquote. However, when the President signs this bill into law, he will be committing the U.S. to deploy. When the President signs this bill, he is also committing the Nation to deploy a national missile defense system as soon as technologically possible. The law is the law.

I would also like to ask the gentleman from South Carolina if the President is correct in his view that subjecting a national missile defense program to the authorization and appropriation process can somehow be interpreted as meaning the decision on deployment has not yet been made.

Mr. SPENCE. Mr. Speaker, such an interpretation is not correct. The bill's language neither states nor implies anything of the sort. In fact, all Department of Defense programs are subject to authorization and appropriation.

This is a matter of current law in both Titles 10 and 31 of the U.S. Code. It is a constitutional requirement. Every weapon system we have deployed, bombers, missiles, tanks, fighters, ships and so on, goes through the authorization and the appropriation process. Deployment of these systems is simply the manifestation of policies that have been agreed upon to meet national security requirements.

Mr. WELDON of Pennsylvania. As the original author of this legislation, I fully agree. The administration has now recognized the threat, as evidenced by the CIA, and when the President signs this bill, he will be committing the Nation to the deployment of a national missile defense to meet that threat.

I would also state that in signing this bill the President is indicating a commitment to use the funds he has budgeted for national missile defense only for the execution of the policy he enacts and endorses by signing this legislation.

Mr. SPENCE. Mr. Speaker, I agree with the gentleman. The President has budgeted $10.5 billion through fiscal year 2005 to support national missile defense deployment. When the President signs this bill, I believe it also reflects a commitment that these funds will be used to resolve the programmatic issues, to establish the technological feasibility of a national missile defense and, finally, to deploy a national missile defense system.

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Mr. WELDON of Pennsylvania. Does the chairman believe that this bill in any way conditions deployment of a national missile defense system on further arms reductions with the Russians?

Mr. SPENCE. I do not. The section of this bill dealing with the arms reduction with the Russians is consistent with the current arms control policy and only reflects Congress' support for continued negotiations. There is no explicit or implicit linkage in H.R. 4 between achieving arms control reductions and the commitment to deploy national missile defense.

Mr. WELDON of Pennsylvania. I agree with the chairman. Russia, or any other country, does not now have nor will it ever have a veto over our Nation's deployment of a national missile defense to protect our citizens.

Mr. SPENCE. I thank my friend and colleague for his strong interest in clarifying the record on this important legislation.

Mr. SKELTON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, I rise in support of the underlying amendments and the underlying bill as well. I thank and congratulate the gentleman from South Carolina (Mr. SPENCE), the chairman, and the gentleman from Missouri (Mr. SKELTON), the ranking member, and in particular my colleagues the gentleman from Pennsylvania (Mr. WELDON) and the gentleman from South Carolina (Mr. SPRATT) for their efforts in this behalf.

At a time of multiplying chaos in the world, this bill gives us a measure of certainty. The sources of chaos are technological as new weapons systems and new instruments of terrorism proliferate every day. The sources of chaos are political as new states are imposed upon ancient religious and ethnic rivalries. The only thing that is certain in our political evaluation is that there will be more chaos in the years to come. The certainty that is behind this bill is that we are making a decision for certain as a Congress that it will be the policy of this country to deploy and defend ourselves in the very best way we can with a national missile defense system.

The arguments against this bill are diplomatic, economic and strategic. I find each of the arguments lacking. The diplomatic argument against this bill is that it will somehow destabilize the world.

I think the greatest source of destabilization is the risks that an accidental or rogue launch could plunge the nuclear powers of the world into an irreversible course of mutual destruction. I think a viable defense system is an instrument of stability, not instability.

For those who raise economic objections to this bill, yes, it is expensive. Yes, every dollar of taxpayers' money that we spend must be spent carefully, but it is important to understand the narrow scope of the expenditure that is before us. In this year's budget, for example, about one nickel out of every $100 that we spend as a government will be dedicated to this purpose. One nickel out of every $100 is, in my judgment, a prudent and sound investment for the defense of the country.

For those who raise strategic objections, I would simply say that every strategic instrument that is possible to be at our disposal should be so.

Will this succeed today technologically? Of course not, but we cannot succeed technologically, we cannot reach the goal technologically until we have the goal.

When President Kennedy in the early sixties said we would get to the Moon as the first country in the world that would do so, it was impossible technologically at that time, but because he set that goal and we followed it as a country we set in means the creative resources of the country and we did achieve it. I believe the same thing will and can happen here.

It is for those reasons that I would urge both Republican and Democratic colleagues to support this piece of legislation.

Mr. SPENCE. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. ARMEY), the majority leader.

Mr. ARMEY. Mr. Speaker, I thank the gentleman from South Carolina for yielding me this time.

Mr. Speaker, just a few days after Congress first enacted this legislation, or acted on this legislation, the State Department sent an internal cable to our embassies abroad instructing them to explain away the President's support for the bill.

That cable, which Mr. Weldon just placed in the RECORD, told these embassies to say, in effect, even though Congress has passed and the President has endorsed legislation committing America to deploy a national missile defense, do not worry because the President intends to use loopholes to deny that commitment.

In this way, the Clinton State Department sought to comfort foreign governments who feared that we might render their offensive missile programs harmless and obsolete.

Just what are the alleged loopholes the President was to seize upon? Because the bill says that funds for missile defense are subject to annual appropriations and authorization, the President thinks he can sign it without really committing to protect our citizens from missile attack.

This is, of course, ludicrous. The entire Defense Department is subject to annual appropriations. Much of the Federal Government is. Those words merely restate the obvious. They do not add or detract any significant meaning from the bill.

When John F. Kennedy committed to America to land a man on the Moon in his decade, that commitment was no less real because the money for the space program had to be appropriated each year. Neither is this commitment.

The President is seizing on this language to conceal that he and his party have been forced to flip-flop on missile defense. After over a decade spent opposing missile defense, they have been mugged by reality. The reality of a North Korean ICBM test, the Southwest Asia arms race, the Ayotollah's missile program, the theft of our nuclear secrets by Communist China, and the spread of missile technology around the globe.

Once the cable to Moscow and Beijing and elsewhere came to light, we considered trying to rewrite the bill but then we realized, what would be the point. If the President and his aides can so absurdly misconstrue even the most innocuous language, then there are no words that might have fixed meaning for this administration. All we can do here is make our intentions and the meanings crystal clear.

Let me do so. This bill commits the United States to deploy an effective national missile defense system as soon as is technologically possible. If the President disagrees with this position, if he truly believes that we should leave our citizens vulnerable to missile attack, he should show the character of a true leader and say so, without dissembling, without equivocation, without seizing on nonexistent loopholes. He should veto the bill.

If, on the other hand, he signs the bill, we can, by rights, conclude that he agrees with the plain English meaning of the bill and that is that the United States is committed to deploy a national missile defense as soon as is technologically possible.

I will close with this: The President's endorsement of this language, whatever his private feelings on it, is a tribute to the vast public support that now exists for national missile defense. It shows that the debate that Ronald Reagan started in 1983 has now been decisively won by those who believe that the American people need a defense that defends.

I am very proud that today we are taking this important step to defend the American people from missile attack. I am very proud that in this age of high technology we can use that technology to give our children that which is better than what they have had, the technology of the 1950s of duck and cover.

Mr. SKELTON. Madam Speaker, I yield 3 minutes to the distinguished gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Madam Speaker, I thank the gentleman from Missouri (Mr. SKELTON) for yielding me this time.

Madam Speaker, I rise in opposition to this legislation. There were many reasons to vote against the original House bill, H.R. 4. There are even more reasons to vote against the bill as amended by the Senate.

H.R. 4 provided that it is the policy of the United States to deploy a national missile defense. I opposed all 15 words of H.R. 4 because of what it did not say. It failed to acknowledge how much national missile defense would cost, whether it would undermine arms control and whether a national missile defense would actually work. On the other hand, the authors of H.R. 4, the gentleman from Pennsylvania (Mr. WELDON) and the gentleman from South Carolina (Mr. SPRATT), saw virtue in what it did not say.

As I look at the Senate amendment, I think that the gentleman from Pennsylvania (Mr. WELDON) and the gentleman from South Carolina (Mr. SPRATT) have a point.

The Senate's version says that it is the policy of the United States to deploy, as soon as technologically possible, an effective national missile defense system. As soon as technologically possible, what does that mean? One test? Two tests? A really good simulation?

There is a huge difference between technologically possible and technologically viable, or technologically reliable. We should not commit to deploy until a system is fully and successfully demonstrated. Rushing deployment leaves us vulnerable to failure.

This bill may only be a national missile defense policy statement but it sets us on a slippery slope. Hit-to-kill technology has only succeeded in 5 of 19 intercept tests. Now to be sure, some of those failures are in the booster phase and people believe they can be corrected, but if we have another THAAD, which has failed on all six flight tests, we should not deploy NMD.

For other major defense systems, we fly before we buy; but for NMD, however, we are buying before we fly, and that is not right.

The U.S. should decide to deploy a national missile defense not today but only if it is tested rigorously and proven to work; only if it does not undermine overall U.S. national security, by jeopardizing mutual nuclear reductions and the ABM treaty, and only if it is needed as a cost effective defense available against nations with ballistic missiles.

Let me provide some perspective on this Congress' approach to national security. This bill rushes to deploy an unproven national missile defense to defend against an ill-defined future threat. Yet this House recently refused to support the deployment of our men and women in uniform to save lives and bring peace to the Balkans.

Madam Speaker, in the Middle Ages the king would command the alchemist to turn lead into gold but no amount of money or political will could turn lead into gold. Unlike alchemy, national missile defense may work some day but we cannot deny that there is more to national missile defense than wishing it into existence. Please defeat this bill.

Mr. SKELTON. Madam Speaker, may I inquire as to how much time remains on each side?

The SPEAKER pro tempore (Mrs. EMERSON). The gentleman from Missouri (Mr. SKELTON) has 19 minutes remaining and the gentleman from South Carolina (Mr. SPENCE) has 14 minutes remaining.

Mr. SKELTON. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. TURNER).

Mr. TURNER. Madam Speaker, I rise today in support of H.R. 4. I was pleased to be a cosponsor of the original legislation sponsored by the gentleman from Pennsylvania (Mr. WELDON), the chairman of the Subcommittee on Military Research and Development of the Committee on Armed Services that I serve on.

I want to thank the gentleman from Pennsylvania (Mr. WELDON) for his leadership, as well as the gentleman from South Carolina (Mr. SPENCE) and the gentleman from Missouri (Mr. SKELTON), for their work.

This bill recognizes the reality of the world in which we live today, a world that is a much more dangerous place, a world in which we face threats from rogue nations like Iran and Iraq and North Korea. The threat of unauthorized, or intentional or unintentional ballistic missile attack is a very real one. This bill addresses that threat that we face.

The people of our country do not realize that we are defenseless against a nuclear missile attack. They do not realize that a missile launched from North Korea would take a mere 23 minutes to reach the continental United States. In fact, it would take only 32 minutes for that missile to reach my home district in Texas. These figures are startling, but it does reinforce the fact that we must take steps today to defend ourselves against this threat.

I join with the many colleagues in this House who are supporting this legislation today, because we believe that our country has no choice but to make this investment in our defense. This bill requires that the system be deployed only after it is determined to be technologically possible to implement such a system. That is the right way to proceed, and I am very confident that our military and the scientists of our country will have the ability to put such a system in place.

We stand here today united in an effort to defend our country against threats that we have to face in today's world. I am confident that this bill will do the job, and I urge all of my colleagues to join in supporting H.R. 4.

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Mr. SKELTON. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Madam Speaker, I thank the gentleman for yielding me this time.

It is particularly ironic that we are having the debate this week with the release of the latest Star Wars movie. We might title this "Star Wars, the Phantom Solution," because that is what this is. This is a phantom solution. Hitting a bullet with a bullet in outer space to intercept a North Korean missile.

Now, let us think about it a minute. North Korea has not yet built the missile, it has not been successfully tested, but they might build one or two and put warheads on them. Well, one thing that works in our arsenal of the antiballistic missile defense is the radar. We can track the warheads. Guess what? The second they shoot something at us, we will know. Guess what? We have thousands of nuclear warheads with which to retaliate if they have shot at us. Will they do that? No.

This is not a real threat to the United States of America, single missiles launched that could be tracked back to their source. Any nut who is going to attack the United States with weapons of mass destruction is going to do it in an undetectable manner, and yet we are doing nothing to deal with bioterrorism, chemical terrorism, smuggled nuclear weapons, while we spend billions over here to make the defense contractors happy who have yet to conduct a successful defense test after spending nearly $50 billion.

So what is the solution? Hurry up and deploy it. Deploy what? The phantom system against the phantom menace.

This is real life; it is not a movie. We have to make tough choices. Are we going to defend America against real threats? Are we going to fund pay raises for the young men and women in the military? Or are we going to throw more billions after billions in a failed dream, a dream of Ronald Reagan which was put forward back in the 1980s, an impenetrable shield above the United States?

We all know that even if this thing works, we can bring in a submarine and launch under it, or terrorists certainly can smuggle in a nuclear weapon. This does not defend the United States against real threats.

I say to my colleagues, do not, do not do this. Do not destabilize the ABM Treaty. Do not waste our precious resources, and do not give people a false sense of security while we are letting real threats go unchallenged. Vote "no."

Mr. SKELTON. Madam Speaker, I yield 3 minutes to the distinguished gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Madam Speaker, it reminds me of the patent chief commenting about the invention of the telephone who said, who is kidding whom about this rip-off? Anybody that believes that two Americans will be able to speak through a wire across town is trying to steal your money.

I say to my colleagues, I support this bill. I support this chairman, the ranking member, and I support the distinguished Members who are responsible for bringing it. We cannot protect America any longer with a Neighborhood Crime Watch, and I am not just concerned about rogue action.

If my colleagues have seen the latest report of a classified Pentagon release, China has developed a super missile that has been labeled by the Pentagon "invincible." Invincible. They have seen nothing like it. Now, what infuriates me is the report further goes on to say it is American tax dollars that built it, with a $60 billion trade surplus China enjoys now. But what really frosts me, the report goes on to say that the design of the invincible missile is basically the design that was stolen from America.

We have a problem. We have a major problem. And to those naysayers, let me say this. Our number one duty is to secure the national security, to protect your citizens and my citizens, in your towns, in my town, in every town of the United States of America. And with all of the technology we have, I want to compliment the wisdom of the leaders here, we can intercept their missile. Invincible, my ascot.

Madam Speaker, I want to close out by saying the stealing of our secrets should be investigated, and let the chips fall where they may. I want to know how China got access to these secrets. Second of all, the President and Congress better come together and provide for an umbrella of security for this Nation. It may not be a total, 100 percent fail-safe program, but by God, our military has done quite well on intercepting foreign missiles.

Mr. SPENCE. Madam Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. WELDON).

Mr. WELDON of Pennsylvania. Madam Speaker, I thank my distinguished chairman for yielding me this time.

I just want to again clarify for the record that the gentleman who spoke earlier made the point that North Korea has not yet built a missile. Well, if the gentleman would go talk to George Tenet or Bob Walpole at the CIA, he could receive a classified briefing where they are now publicly saying that North Korea on August the 31st fired the Taepo Dong 1 missile. Maybe he does not believe the CIA, and that is something that I cannot comment on.

Mr. DEFAZIO. Madam Speaker, will the gentleman yield?

Mr. WELDON of Pennsylvania. I yield to the gentleman from Oregon.

Mr. DEFAZIO. Madam Speaker, I was at the so-called classified briefing which was conducted by people who are consultants for defense contractors, and actually, subsequently it has turned out the test was not entirely successful, despite their protestations at that time.

Mr. WELDON of Pennsylvania. Madam Speaker, reclaiming my time, if the gentleman would talk to Bob Walpole, who is our CIA expert on strategic threats, the test itself shows that North Korea now, in the minds of our intelligence community, can, in fact fire a three-stage Taepo Dong 1 missile with a light payload that would hit a city in the U.S.

Now, what they say is it will not be accurate. They may aim for St. Louis and hit Dallas, but if one lives in Dallas, does it really matter that it is not accurate? The point is that the gentleman's CIA agents and his own administration have now said publicly that North Korea has the capability today.

Second point, he mentioned that we are not dealing with other threats. Again, I would ask the gentleman, although since he has left the floor I cannot ask him personally, if he would comment on our past five defense authorization bills, because in each of those bills with the leadership of the gentleman from Missouri (Mr. SKELTON), along with the leadership of the gentleman from South Carolina (Mr. SPENCE) and Members on both sides of the aisle, we have plussed up funding in the area of weapons of mass destruction and cyber terrorism to a higher amount than the administration has ever requested.

We did not do that one year, we did it all five years. We have given this administration money that they did not ask for to deal with the threats of a terrorist device, the threats of coming through our ports. We take that threat very seriously, and we are dealing with it. So when the gentleman says that we do not care or we are not concerned about other threats, he is totally misinformed or just has not gotten the latest brief.

Let me say at this point I want to acknowledge the intellectual honesty of the gentleman from Maine (Mr. ALLEN). He came down to the well and in a very intellectually honest way opposed what we are doing. I respect him for that. I respect the other 105 Members of this body, 104 Members, 102 Democrats and two Republicans, who voted against what we are doing, because intellectually they are being pure.

What I really have a problem with are those Members in the other body who want to have cover; who have consistently opposed missile defense but then came up with nonsensical amendments to now say they are for missile defense. The gentlewoman from California, one of the Senators from California who has consistently opposed missile defense, with these amendments now says she can support this bill. That is outrageously simplistic and it is not being intellectually honest. I would rather have those Members do like the gentleman from Maine (Mr. ALLEN) and oppose the bill because they oppose the policy.

We just disagree. Let me say this, Madam Speaker. We passed this bill overwhelmingly in the House. The Senate passed a bill that we are considering today overwhelmingly in the Senate. The President then came out and issued this letter that is now a part of the record where he said we will make the decision in a year.

Now, what is he saying? In a year we will decide whether or not the threat has changed. Well, Madam Speaker, his own CIA is saying the threat is here today. It is not going to change a year from now. It is already here. He is saying that we will have to evaluate the cost. He has already requested $10.5 billion in his five-year budget. So why would the President then want to wait a year after we are making a policy decision today?

I hate to say this because this has been a totally bipartisan effort, and I applaud my colleagues on the other side for their leadership, because without that we probably would not be here today. But I can tell my colleagues why I think the President is saying postpone it for a year. He wants to give Vice President GORE a major campaign appearance where, in the middle of the spring of next year, he will hold a press conference and with all the gravity he can bring as the Vice President, he will say that we now have to deploy a national missile defense system.

Well, I want to let the President know, if the President is listening, and I would say to my colleagues I want to let the President know through them that we see through that facade. We are not going to stand here today and pass this bill and make this change, and have the President or the Vice President plan some kind of a political event a year from now so that they can enhance their standing in the polls. This bill means that when this President signs it, the policy to deploy on behalf of this country is today.

I thank my colleagues and the leadership in both parties for supporting this momentous piece of legislation.

Mr. SKELTON. Madam Speaker, I yield 4 minutes to the distinguished gentleman from Texas (Mr. REYES).

Mr. REYES. Madam Speaker, I thank the gentleman for yielding me this time.

I rise today in support of this bill, although somewhat reluctantly. As an original cosponsor of H.R. 4 and a longtime proponent of national missile defense, I want to be supportive of this bill. However, I have several concerns that I must express on the floor today.

Like many of my colleagues, I supported this bill as originally drafted, both for what it said and for what it did not say. That bill did not say when a national missile defense system must be deployed, how a national missile defense system must be deployed, nor where a national missile defense system would be deployed. It did not include extra provisions that are not sufficiently defined, like "technologically possible." Our bill also did not include language that could upset our colleagues in the Duma, something that is very important to us as we move towards better relations with Russia.

The Senate version which we are now being forced to take or leave today states that it is the policy of the United States to seek continued negotiated reductions in Russian nuclear forces. I understand the need to continue negotiating with the Russians, because that is the issue with the reduction in nuclear forces. However, traditionally, negotiations have included both reductions between the Soviet Union and between the United States. The Senate language could be perceived by the Duma as an insult because it includes only a reduction in their forces and it does not address reductions in ours.

Another concern is aimed directly at the other body as a whole. Many of us were under the impression that we would have the opportunity to go to conference with the Senate and work on a compromise between those two bills. Instead, the Senate simply chose to retain only our bill number and return the bill to us with their language.

As I noted, I have been a long time supporter of national missile defense. Some critics of deploying a national missile defense system argue that the technology is not proven. National missile defense will use hit-to-kill technology. It is like hitting a bullet with a bullet.

Recently, another one of DOD's hit-to-kill missile defense programs, the PAC–3, showed that this technology can work. I repeat, this technology can and does work. The PAC–3 interceptor successfully destroyed the target over White Sands Missile Range in New Mexico this past March.

I know that perfecting national missile defense technology will be more difficult than for the PAC–3. However, I just want to make sure that all of my colleagues in this House understand that the Army has proven the hit-to-kill concept.

I also want to reiterate what my good friend CURT WELDON said earlier. THAAD is not a failure. Again, THAAD is not a failure. THAAD has accomplished 28 of its 30 milestones. Every time THAAD has failed to intercept the target missile, it has done so, but has shown that the failure was due to a low-tech problem. These problems with the THAAD have been quality control issues, not design defects.

We need to show our support of national missile defense and move forward with a program as quickly as we can. As such, I will support this bill today and I also urge all of my colleagues to do so. It is vital to the security of this Nation that we move forward on this issue today.

Mr. SPENCE. Madam Speaker, I reserve the balance of my time.

Mr. SKELTON. Madam Speaker, I yield myself the balance of my time to merely say that much has changed since the Strategic Defense Initiative debate was born some 16 years ago, and a lot has changed since last year. So I ask all of the Members, Madam Speaker, to approach this bill, H.R. 4, as amended, with an open mind, as a good-faith effort to establish a bipartisan consensus on defending America. I intend to vote for it. I urge all of my colleagues to do the same.

Madam Speaker, I yield back the balance of my time.

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Mr. SPENCE. Madam Speaker, I yield myself such time as I may consume. We should not have to be here today. People cannot understand the frustrations we have had over a long period of time in having to literally fight our own government to protect our own people.

I will just go back to recent history. In 1996 we provided for national missile defense for our people, to protect our people from missile attack. The President vetoed that legislation. We have been trying time and time again since that time. No one could imagine the hoops we have had to jump through in an effort to force our government to protect our own people.

One example, just for the record, to show the extent to which our own administration will go in an effort to resist our efforts to defend our people.

Back when the bill was vetoed in 1996, the administration had a politicized intelligence estimate put out by the CIA, the national intelligence estimate. It goes in part like this: Aside from the declared nuclear powers, it will be 10 years before any rogue Nation can develop the capability to threaten this country with missile attacks.

When I saw that, I said, my gosh, what about the declared nuclear powers? Are they not a threat? They were just brushed aside. And what about the fact that a Nation which does not have a capability can simply purchase a capability from someone else? They do not have to develop their own capability themselves from scratch, we say, they can buy it.

So I called up the Director of the CIA at that time in an effort to get him to issue a clarifying estimate that was not misleading to the American people, because the American people had been lulled into a false sense of security.

Well, the result was that the Director refused to change the estimate reflecting those things, so we had to appoint an outside commission, a bipartisan outside commission of intelligence experts, to assess the threat and report back to Congress of what their findings might be.

They reported back and they confirmed what we had said. Instead of 10 years to develop a capability, we would have little or no warning, according to this report.

On the part about taking 10 years to develop a capability, they confirmed what we said by giving an example of how China sold, intact, a mobile intercontinental ballistic missile system to another country. This other country becomes nuclear-capable overnight by simply buying the system.

This is just one example of what we have had to do along this line to get us to this place today. I hope that we are on our way now with the passage of this legislation. I pray that it is, and I pray that it is in time, and that we can develop a defense before we are actually faced with an attack.

Mr. HASTERT. Madam Speaker, I rise in strong support of H.R. 4 which states that it is the policy of the United States to deploy a national missile defense. I am convinced that this measure should and will pass by a large bipartisan majority. I am also convinced that the President of the United States will sign this important piece of legislation. In doing so the President will make a historic decision, a decision to protect the United States and its people from the grave threat of missile attack.

Today the United States faces these threats defenseless, unable to stop even a single missile launched at the United States. And yet there are dark clouds on the horizon. Countries like North Korea and Iran are moving ahead undaunted with weapons of mass destruction programs, including intercontinental ballistic missiles. The United States and the American people are at risk now, and H.R. 4 states clearly that we must do something to respond to these threats.

I would also like to take a moment to thank the gentleman from Pennsylvania for his tireless work and leadership on this critical issue. It is rare that one individual can make such a difference on behalf of his country. The bipartisan support for this measure is a tribute to his hard work and dedication to protecting the American people from a clear and imminent threat.

I strongly urge my colleagues to support this vital measure.

Mrs. FOWLER. Madam Speaker, I rise in strong support of this bill.

It is imperative that we move forward to counter the growing ballistic missile threat. Today our nation has absolutely no ability whatsoever to shoot down an incoming ballistic missile—even one fired by accident.

Meanwhile, rogue and terrorist states like North Korea and Iran are committing significant resources towards the development of these weapons. Last August, North Korea—notwithstanding the severe famine now going on there—launched a three-stage ballistic missile, demonstrating an ability to threaten United States territory for the first time. Likewise, Iran is actively seeking long-range missiles that could threaten our nation.

This bill reflects the Congress's bipartisan concern about this situation, and expresses the belief that all Americans should be protected against this very real threat. It will make it the policy of the United States to deploy a national missile defense system to defend against a limited attack as soon as technologically possible.

I urge my colleagues to support this bill.

Mr. FARR of California. Madam Speaker, I implore my colleagues to not commit the United States to a flawed policy with a flawed process.

It is a flawed policy to commit the United States to a missile defense policy that hasn't been proven technologically feasible.

The chairman of the Joint Chiefs of Staff, one of our nation's highest military leaders, said "the simple fact is that we do not yet have the technology to field a national missile defense."

It is a flawed policy to commit the United States to a missile defense policy with an open-ended price tag.

Since 1962 we have spent $120 billion to develop missile defense system.

We paid $67 billion for the failed "Star Wars" initiative.

In the last 10 years we have put some $40 million into the program.

At $4.2 billion this year, missile defense is the largest single weapons program in the defense budget.

What about our other defense priorities?

It is a flawed policy to maintain a defense posture at the expense of all other domestic priorities.

We have not yet saved Social Security, we have not reduced class size, we have not provided for health care for all Americans.

In our zeal to protect our democracy we are actually jeopardizing our democracy by failing to protect our domestic tranquility.

I urge the defeat of H.R. 4.

Mr. SPENCE. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. EMERSON). Pursuant to House Resolution 179, the previous question is ordered.

The question is on the motion offered by the gentleman from South Carolina (Mr. SPENCE).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SPENCE. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 345, nays 71, not voting 18, as follows:

[Roll No. 144]

YEAS—345

Abercrombie
Ackerman
Aderholt
Andrews
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeLauro
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
Engel
English
Etheridge
Everett
Ewing
Fletcher
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kasich
Kelly
Kennedy
Kildee
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rodriguez
Roemer
Rogan
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sanchez
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Traficant
Turner
Udall (CO)
Upton
Visclosky
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—71

Allen
Baird
Baldacci
Baldwin
Barrett (WI)
Blumenauer
Bonior
Brady (PA)
Brown (OH)
Capuano
Carson
Clay
Clayton
Conyers
Coyne
DeFazio
DeGette
Delahunt
Doggett
Ehlers
Eshoo
Evans
Farr
Fattah
Filner
Gutierrez
Hinchey
Holt
Hooley
Jackson (IL)
Jones (OH)
Kaptur
Kilpatrick
Kucinich
Lee
Lewis (GA)
Lofgren
Luther
Markey
McDermott
McGovern
McKinney
Meeks (NY)
Miller, George
Minge
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pastor
Payne
Pelosi
Rangel
Rivers
Sabo
Sanders
Sawyer
Schakowsky
Slaughter
Strickland
Tierney
Udall (NM)
Velázquez
Vento
Waters
Watt (NC)
Weiner
Woolsey
Wu

NOT VOTING—18

Bilirakis
Brown (CA)
DeMint
Deutsch
Foley
Frank (MA)
Largent
McNulty
Moakley
Napolitano
Pickett
Rogers
Salmon
Stark
Thomas
Towns
Walsh
Waxman

□ 1555

Mr. BAIRD and Mr. RANGEL changed their vote from "yea" to "nay."

Mr. HOBSON changed his vote from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. THOMAS. Madam Speaker, I was not present for the vote concurring in the Senate amendment to H.R. 4. The National Missile Defense Act. If I had been present I would have voted "yea."

Mr. ROGERS. Madam Speaker, on rollcall No. 144, I was unavoidably detained. Had I been present, I would have voted "yea."

Mr. DEUTSCH. Madam Speaker, on rollcall No. 144, I was unavoidably absent from the Chamber. Had I been present, I would have voted "yea."

Mr. ROGERS. Madam Speaker, I was unavoidably detained for rollcall vote No. 144, agreeing to the Senate amendment to H.R. 4, a bill declaring United States policy of the deployment of a national missile defense system. If I had been present, I would have voted "aye."

I am a strong supporter of this legislation and voted for the original measure when the House of Representatives earlier considered it this year.

GENERAL LEAVE

Mr. SPENCE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4.

The SPEAKER pro tempore (Mrs. EMERSON). Is there objection to the request of the gentleman from South Carolina?

There was no objection.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO HAVE UNTIL MIDNIGHT, FRIDAY, MAY 21, 1999, TO FILE A PRIVILEGED REPORT ON AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2000

Mr. YOUNG of Florida. Madam Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight, Friday, May 21, 1999, to file a privileged report on a bill making appropriations for agriculture, rural development, Food and Drug Administration, and related agencies programs for fiscal year ending September 30, 2000, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER pro tempore. All points of order are reserved on the bill.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO HAVE UNTIL MIDNIGHT, FRIDAY, MAY 21, 1999, TO FILE A PRIVILEGED REPORT ON LEGISLATIVE BRANCH APPROPRIATIONS BILL, 2000

Mr. YOUNG of Florida. Madam Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight, Friday, May 21, 1999 to file a privileged report on a bill making appropriations for the Legislative Branch for the fiscal year ending September 30, 2000, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER pro tempore. All points of order are reserved on the bill.

LEGISLATIVE PROGRAM

(Ms. DELAURO asked and was given permission to address the House for 1 minute.)

Ms. DELAURO. Madam Speaker, I rise to inquire about next week's schedule.

Madam Speaker, I yield to the gentleman from Texas (Mr. ARMEY) for an explanation of the schedule for next week.

□ 1600

Mr. ARMEY. Madam Speaker, I thank the gentlewoman for yielding.

Madam Speaker, I am pleased to announce that we have concluded legislative business for the week. The House will not be in session on Friday, May 21.

The House will next meet on Monday, May 24, at 12:30 p.m. for morning hour and at 2 o'clock p.m. for legislative business. We will consider a number of bills under suspension of the rules, a list of which will be distributed to all Members' offices. Members should note that we expect votes after 6 o'clock p.m. on Monday, May 24.

On Tuesday, Wednesday, and Thursday of next week, the House will take up:

H.R. 1259, the Social Security and Medicare Safety Deposit Box Act of 1999;

H.R. 1833, the United States Trade Representative and Customs Service Reauthorization Act;

H.R. 150, the Education Land Grant Act;

The Agriculture Appropriations Act;

The Legislative Branch Appropriations Act; and

H.R. 1401, the Defense Authorization Act.

On Tuesday, May 25, the House will meet at 9 a.m. for morning hour and at 10 a.m. for legislative business.

On Wednesday, May 26, and Thursday, May 27, the House will meet at 10 a.m. for legislative business.

Madam Speaker, we hope to conclude legislative business for the week by 6 p.m. on Thursday, May 27.

I would like to remind Members that the Memorial Day District Work Period begins following the close of legislative business on Thursday, May 27. And the House will return on Monday, June 7, with votes after 6 p.m.

Ms. DELAURO. Madam Speaker, reclaiming my time, I thank the majority leader for the schedule. If I might just ask one or two questions about the schedule for next week.

Does my colleague know what days the Social Security Lock Box bill and the appropriations bills will be called up?

Mr. ARMEY. Madam Speaker, if the gentlewoman would continue to yield, I thank the gentlewoman for asking.

On Tuesday, we expect to do the Lock Box and the Agriculture Appropriations bill. It is our expectation that on Wednesday we will be able to do Legislative Branch Appropriations, the Education Land Grant, and USTR-Customs. On Thursday, we would begin work on DOD authorization.

If the gentlewoman would continue to yield, I should encourage Members to anticipate that we may be working later into the evenings on these evenings next week. As our past experience tells us, when we enter appropriations season and we begin to consider these bills under the 5-minute rule, they may oftentimes take longer days than other legislative business under more time-constrained rules.

Ms. DELAURO. Madam Speaker, the majority leader anticipated my question in wanting to know if there were going to be any late nights next week. So we should anticipate late nights next week.

And a final question: I do not see on the agenda listed out for next week anything about campaign finance reform on the schedule. Does the gentleman from Texas know when we might be able to expect any action on that issue?

Mr. ARMEY. Madam Speaker, again, I thank the gentlewoman for her inquiry. And if the gentlewoman would continue to yield, we have had several discussions with different Members that have interest in this matter.

As the gentlewoman knows, we are going into the appropriations season. The appropriations season is very important in terms of its early conclusion in order to get into the final end-of-the-year appropriations conference reports.

It is our anticipation that, while we expect this important issue to be addressed before the year is over, that we would like to get this appropriations work behind us so that we would have time to address that during which period they are in their conference committees. So I would guess that she should have an anticipation that it would be sometime later in the year.

Ms. DELAURO. Sometime later in the year.

Mr. ARMEY. Madam Speaker, I ask unanimous consent that the House join me in wishing my son, Scott, happy birthday tomorrow.

The SPEAKER pro tempore (Mrs. EMERSON). Is there objection to the request of the gentleman from Texas?

There was no objection.

OCCUPATIONAL THERAPY MONTH

(Mr. DOGGETT asked and was given permission to address the House for 1 minute.)

Mr. DOGGETT. Madam Speaker, occupational therapy is a health and rehabilitation profession that helps people regain development and build skills that are important for independent functioning, health, well-being, and happiness. Occupational therapy employs purposeful occupational tasks, the kind of thing that we do in our everyday life, to return individuals with disability to function.

The American Occupational Therapy Association has a motto that expresses it so very well. "Occupational Therapy: Skills for the Job of Living."

In Texas and across the Nation, we recently recognized contributions of this important profession with an official designation of Occupational Therapy Month. Our therapists help those whose lives are dramatically impacted by injury or stroke. They help people return to work and resume their place in the community. They work in the aid and development of children. They assist parents in developing and improving the skills necessary to participate in school, work, play, or leisure activities.

My wife, Libby, has had an opportunity to see firsthand the incredible work that our occupational therapists perform to improve the quality of life for individuals with disabilities. I join in recognizing the significant benefits of occupational therapy for Americans from childhood to old age and salute the efforts of our occupational therapists across the country.

ADJOURNMENT TO MONDAY, MAY 24, 1999

Mr. JONES of North Carolina. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. JONES of North Carolina. Madam Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

INTRODUCTION OF THE BORDER PATROL RECRUITMENT AND RETENTION ACT OF 1999

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Madam Speaker, today I rise with my colleague, the gentleman from Texas (Mr. SILVESTRE REYES), to stand up for the men and women who guard our Nation's borders and risk their lives every day.

Today, with the gentleman from Texas (Mr. REYES), I will introduce the Border Patrol Recruitment and Retention Act of 1999. The legislation will provide incentives and support for recruiting and retaining Border Patrol agents. This legislation would increase the compensation of Border Patrol agents, and allow the Border Patrol agency to recruit its own agents without relying on personnel officers of the Department of Justice or the INS.

The United States is in dire need of more Border Patrol agents to enforce policies against illegal immigration and drug smuggling. Under current law, the INS is authorized to add a total of 5,000 additional border agents at a rate of 1,000 per fiscal year from 1997 to 2001.

We have not met our goals. The INS has only recruited between 200 and 400 new agents because salaries and the recruitment skills have not been up to par.

My legislation will increase the salaries and work harder at retention, and salute those men and women who serve us very ably at the border. It is time now to give more respect to our border agents.

Madam Speaker, I rise to the floor of the House today to stand up for a group of men and women who guard our nation's borders and risk their very lives everyday. The group of men and women whom I am referring to are the United States Border Patrol. Today, along with my colleague from Texas, Mr. REYES, I introduce the "Border Patrol Recruitment and Retention Act of 1999."

This legislation will provide incentives and support for recruiting and retaining Border Patrol agents. This legislation would increase the compensation for Border Patrol agents and allow the Border Patrol agency to recruit its own agents without relying on personnel offices of the Department of Justice or INS.

The United States is in dire need of more Border Patrol agents to enforce policies against illegal immigration and drug smuggling. Under current law, the INS is authorized to add a total of five thousand additional border patrol agents, at a rate of five thousand additional border patrol agents, at a rate of one thousand per fiscal year from 1997 to 2001. However, INS did not request any additional agents in its FY 2000 budget due in large part to the lucrative job market and the low unemployment rate.

According to Commissioner Meissner of the INS, only 200 to 400 new agents will be hired this year. Arizona had been slated to receive approximately 400 of the full complement but will not likely receive between 100–150, and my home state of Texas, which would have received approximately 500 new agents this year, could see that number cut by more than half.

The "Border Patrol Recruitment and Retention Enhancement Act" would move Border Patrol agents with one year's agency experience from the federal government's GS–9 pay level (approximately $34,000 annually) to GS–11 (approximately $41,000 annually) next year. We need better recruitment and better retention. We cannot play with the nation's borders, and right now in the Immigration and Claims subcommittee in which I am a Ranking Member, we listen to testimony hearing after hearing about how the Border Patrol agents need more money, and the INS needs to be given the resources to be able to do it. This legislation is the step in that direction.

Madam Speaker, we are a nation of immigrants and a nation of laws. The "Border Patrol Recruitment and Retention Act of 1999," will give us the ability to control our borders and uphold the law. I urge my colleagues to join me and Mr. REYES, who is our resident expert on Border Patrol matters due to his service as a Border Patrol Sector Chief to support this much needed measure.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

REGARDING LATEST SHOOTING IN ATLANTA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. HASTERT) is recognized for 5 minutes.

Mr. HASTERT. Madam Speaker, the latest shooting in an Atlanta school is deeply troubling. My wife is a teacher in a public school. My kids have gone to a public school. I taught for a lot of years in a public school.

I fervently believe that every child deserves to learn in a good school and in a safe environment. But how can we create such an environment if it is the children themselves who make the schools unsafe?

Clearly, we need to tighten current laws to make it more difficult for kids to get guns. We will take a look at the measure passed by the Senate to make sure that it is a reasonable and common sense approach.

We also need to more effectively enforce the laws that are already on the books and to prosecute those who break the laws. But these measures will fall short if we do not effectively address the deeper problems that face our society and our children.

Our children need to learn the differences between right and wrong. They need moral instruction. They need a culture that reinforces positive values that help create a safer and more secure society.

It is more difficult to be a parent today. We feel the need to work harder just to keep pace with the neighbors. All too often, parents are forced to worry first about their jobs and then about their kids. And it is becoming more and more difficult for parents to monitor what their kids are watching, hearing, and learning.

I support free expression, but there is a point where unbridled free expression undermines a free society. I challenge the entertainment industry, the Internet industry, the video game industry, and the media to become good corporate citizens. Monitor the material that flows to our kids.

I applaud the Disney Company for taking some steps in the right direction, but the whole industry must join in the cause. Keep casual gunplay out of the movies. Keep hate music out of the music stores. Keep bomb-making web sites off the Internet. Do not make video games so violent that they warp young minds.

Free expression does not necessarily have to lead to moral chaos. Let us join together in finding ways to help parents raise their children to be good productive citizens.

GOD BLESS AMERICA'S VETERANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Madam Speaker, I have the privilege of representing the Third District of North Carolina. The Third District covers most of the eastern part of the State, including five military bases: Cherry Point Marine Corps Air Station, New River Marine Corps Air Station, Seymour Johnson Air Force Base, Elizabeth City Coast Guard Station, and Camp Lejeune Marine Corps Base.

In eastern North Carolina we are also proud to be the home of 77,000 thousand of our Nation's 25 million living veterans. Madam Speaker, these are the men and women who courageously served to protect this country and preserve the principles that it was founded upon.

Out of respect and appreciation, we must ensure the sacrifice these brave soldiers made is something we never forget and that the vital role they play in this country's history remains as unmistakable as our commitment to their continued well-being.

As President Abraham Lincoln said in his Second Inaugural Address: "Let us care for him who shall have borne the battle and for his widow and his orphan."

This statement is said to reveal the government's promise to provide lifetime health care for our veterans and their families, a promise that many of my colleagues in Congress and I continue fighting to fulfill.

Madam Speaker, today I am here to share with my colleagues good news, to tell them of two successful efforts by the government to provide our Nation's veterans with the health care that they need and deserve.

Two weeks ago I had the pleasure of attending the dedication of a new community-based outpatient clinic in Jacksonville, North Carolina. For the veterans of Onslow County, this is a tremendous victory and the result of a great deal of work and determination.

It has been a priority of mine for some time to find a way to see that a satellite facility was built in eastern North Carolina. For too long, many veterans were forced to travel to Fayetteville, North Carolina or Durham, North Carolina to reach the closest VA hospital.

Madam Speaker, as my colleagues can see, we were in desperate need of health care services that were more accessible to the veterans of eastern North Carolina. The journey was long, but we now have two reasons to celebrate.

The Jacksonville facility marks the second outpatient clinic in eastern North Carolina. It has just been joined by a third. Earlier this week, an additional VA clinic opened in Greenville, North Carolina. They both serve as tributes of the commitment to duty, God, and country that each of our soldiers accept.

Madam Speaker, I am proud of the efforts of the Department of Veterans Affairs to reach out to veterans across this country, especially considering the drastic cuts they have suffered. Since the end of 1994, the Department of Veterans Affairs has cut 20,000 medical care employees, eliminated half of its acute-care hospital beds, and merged many neighboring hospitals. Following such extreme fiscal cutbacks, the Administration's budget request for Fiscal Year 2000 was worth little more than the paper it was printed on.

Fortunately, I am proud to stand here today to report that a Republican Congress has increased the VA budget $1.7 billion over the President's recommendation. And I only wish that it could be more.

Madam Speaker, today I came to the floor to reaffirm my commitment to the men and women who answered their call to duty and protected the freedom my colleagues and I enjoy today. I urge my colleagues to join me in fighting to make sure our Nation's veterans have access to quality, accessible health care, a promise made to them by the government they pledged to protect.

Again, I want to quote Abraham Lincoln when he said it, and he said it best: "Let us care for him who shall have borne the battle and for his widow and his orphan."

Madam Speaker, it is the least we can do to thank our Nation's heroes, our United States veterans. God bless America, and God bless those who have served and those who are serving America today.

☐ 1615

CALLING FOR END TO FAILED POLICY IN YUGOSLAVIA

The SPEAKER pro tempore (Mrs. EMERSON). Under a previous order of the House, the gentleman from Kentucky (Mr. WHITFIELD) is recognized for 5 minutes.

Mr. WHITFIELD. Mr. Speaker, how long must the bombing of Yugoslavia continue? I have asked that question repeatedly on this floor over the last week, and no one seems to have an answer. Where is the President leading us?

Today, the New York Times, which is generally supportive of the President, contained an article written by Michael Gordon entitled, NATO's Battle Within: Is Leadership Missing? In the article, Mr. Gordon wrote that NATO strategy for bringing the war to a successful close is starting to unravel. Without clear direction from Washington, Britain, Germany and Italy have begun to promote publicly their separate and conflicting plans. Britain wants ground troops in Kosovo and Yugoslavia. Germany is opposed to ground troops. Italy wants to stop the bombing. In the article, they quoted the former Director of European Affairs at the National Security Council who was quoted as saying, there is a lack of direction because no one is leading the way.

Mr. President, why do you not lead the way and stop the bombing? Mr. President, Italy today has urged NATO to impose a 48-hour bombing pause to pursue a diplomatic settlement. I urge you to stop the bombing.

Just last night, NATO launched its strongest air attack in 2 weeks against the Belgrade area. Our bombs hit a hospital and at least three civilians were killed. Furthermore, an operating room was demolished, an intensive care unit was leveled, and rescuers were evacuating women and children from the maternity ward, just last night in Belgrade, because of our bombings. In addition, the Swedish ambassador's residence was damaged when an exploding bomb blew out windows and a door.

Mr. President, your policy is not working. Not only are we losing the support of our allies but bombing has exacerbated the refugee problem among the Kosovar Albanians and now, because of the bombings, the Serbian people themselves. From a policy point, it is difficult to imagine how the situation could be much worse. Our bombs have killed innocent people, destroyed hospitals, leveled the embassy of China, damaged the infrastructure, and now even damaged the residence of the Swedish ambassador to Yugoslavia. The incessant bombing has transformed what was a Balkan crisis into a worldwide crisis. In fact, the New York Times Sunday reported how demonstrations are erupting all over the world against the bombing.

So I would say to the President, what do you want? The Yugoslavian government is beginning to remove forces from Kosovo. They have expressed a willingness to negotiate. How many more bombs must be dropped? How many more deaths must occur before you stop this failed policy and give diplomacy an opportunity to work?

ON H.R. 644, PRESCRIPTION DRUG FAIRNESS FOR SENIORS ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Madam Speaker, I rise to put an end to a national disgrace. Plainly speaking, I am talking about price gouging, price gouging some of the most vulnerable members of our community, our seniors.

Americans widely support programs to ensure the health and welfare of older Americans. We have Social Security, we have Medicare, as well as housing programs, nutrition programs and programs that really protect our low-income seniors. Seniors today have less fear of being taken advantage of because of consumer laws and senior abuse laws that protect them. But there is one area where we clearly have failed, and that is to ensure that prescription drugs are affordable, affordable to the people who need them the most, our seniors.

The latest surveys indicate that 86 percent of Medicare beneficiaries take prescription drugs and that the elderly in the United States, who make up only 12 percent of our population, use one-third of the prescription drugs sold in this Nation. The need for prescription drugs to treat such diseases as arthritis, diabetes, high blood pressure, heart disease, is simply a fact of life for seniors, or a fact of death. A few years ago, a survey of seniors reported that 13 percent of older Americans had to choose between eating or buying medicine.

In Sonoma and Marin Counties, the district I represent, the two counties north of the Golden Gate bridge, two individuals that I have come to know, Roy and Ivera Cobbs of Sebastopol, have had to make some very difficult decisions around their prescription drugs. What they decided was, she would take her prescription drugs and he would not because they could not afford both. That is not the way we are supposed to be treating our seniors.

Also in Sonoma and Marin County, the area Agencies on Aging and Green Thumb have told me some other stories. They tell me about cases where seniors just do not buy food because they have to have prescription drugs, or they take part of their prescription every other day instead of every day or once a day instead of twice a day, as prescribed by their doctors, because they cannot afford to pay for the whole dosage. And for the reason some seniors cannot pay for them keeps our seniors from having the best health care they can. This reason, I believe, is solely on the shoulders of the Nation's largest drug companies, because they engage in discriminatory pricing. If you are a favored customer, like an HMO, like a large insurance company, you pay less, much less for prescription drugs. But if you are an older person, on Medicare, you pay a premium price for your drugs.

In the district I represent, Sonoma County seniors pay on the average of 145 percent more for the most commonly used drugs than favored customers pay for the same drugs. For one drug, they pay 242 percent more than favored customers. I know this, because I asked the minority staff of the Committee on Government Reform to look into prescription drug pricing in Sonoma and Marin Counties. I released the results to that report to my community and its central conclusion can be summed up in the report subtitle, Drug Companies Profit at the Expense of Older Americans. As Members can see by these charts, for Sonoma County alone, the study looked into five commonly used prescription drugs, charted their price at local pharmacies and compared those prices to what the Federal Government pays for the same drugs. The Federal negotiated price is nearly the same, you must know, as that charged to favored private customers, large insurance companies and HMOs. Senior citizens and other individuals who pay for their own drugs pay more than twice as much for these drugs than do the drug companies' most favored customers. For some drugs listed in the report, the price is even more outrageous. Synthroid, for example, a hormone treatment, costs Sonoma County seniors 1,738 percent more than it cost the manufacturer's favored customers. By looking at these charts, we can see that for Medicare patients, those who need the cholesterol drug Zocor, their costs are significantly greater than the favored customers. This comes out to $115 for Medicare patients and $34 for the favored customers. That is 231 percent different. The difference is not in price because the HMOs, the large insurance companies and government buyers are able to negotiate and buy in bulk. The difference is because they are charging seniors to make up the difference for what they cut for their most favored customers.

INTRODUCING LEGISLATION TO HELP AMERICA'S FARMERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. NETHERCUTT) is recognized for 5 minutes.

Mr. NETHERCUTT. Madam Speaker, American agriculture today and rural communities today face an extraordinary challenge, the challenge of having farm policy change in 1996 with the consent and approval of this Congress and the consent and approval of the President of the United States for the good, to have an opportunity to have less farming for the government and more farming for the market. Overall, combined with the freedom that this new agriculture policy provides and the additional expenditure of taxpayer dollars for agriculture research with the movement toward reduction of Federal regulations that hampered the farmer's freedom to do what the farmer does best, and that is farm for the market and other changes that were made in the 1996 farm bill, it has overall been a good thing. What the American farmer faces today is low prices and lack of markets. Our farmers do not have the ability to market overseas the products that we grow so well in this country.

My State of Washington is a perfect example, and the Fifth Congressional District is a more narrow example of a perfect example. That is, our farmers in the Fifth District grow wheat and barley and oats and peas and lentils and potatoes and apples, the best in the world. But yet most of our products, on our grain products and commodities, are exported overseas. My farmers are limited in those exports because of unilateral American sanctions on countries that used to be wonderful trading partners of Washington State farmers and agriculture in the West.

I have introduced legislation, H.R. 212, earlier in this Congress as a priority matter for not only the farmers of the Pacific Northwest but the farmers of the country. What that bill does is lift the unilateral sanctions that are currently in place by our government that prevent our farmers from selling to countries that other farmers around the world can sell to. We used to have a fine market in wheat sales to Iran and Iraq and the Sudan and other places that are currently sanctioned. The sanctions are imposed because of our disagreements with the terrorist policies and the enemy policies of these governments.

I disagree with those policies of those rogue nations that have used terror in the world and oppression in the world. But yet selling agriculture and medicine to those countries does not in my judgment pose a national security threat on our country. What it does as we unilaterally impose those sanctions is hurt our farmers. So H.R. 212 does two things. It lifts the sanctions that are currently in place for food and medicine only, and it gives the President the opportunity in the event that the President feels that lifting those sanctions poses a national security threat, the President has the ability to reimpose those sanctions on that basis. But in the meantime, it allows our farmers, then, to seek to reclaim those markets that we have lost by virtue of the sanctions.

In 1980, President Carter imposed a sanction on the Soviet Union for political purposes. Who did that hurt? It hurt the Olympics, and the American interest in the Olympics, and it hurt American farmers, a market that was a prime market for my farmers in the West. We have yet to get that agriculture market back by virtue of those sanctions back in 1980.

□ 1630

Yesterday in the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies on which I serve as a subcommittee member I introduced a narrower version of H.R. 212 which would lift of the sanctions on food and medicine for these countries that are currently sanctioned, but it would not allow any government spending in connection with the lifting of those sanctions. In other words, the taxpayer would not bear any of the burden for allowing our farmers to deal directly with those countries and make sales. It is a $6 billion plus market for our farmers in commodities as diverse as rice and corn and peas and wheat and barley. It is a great market that is exposed to our farmers.

Unfortunately, Madam Speaker, my friends on the appropriations subcommittee defeated this amendment by a vote of 28 to 24. It was a very close vote, but it was a great debate, and we ought to have that debate again on H.R. 212 and on this next version of this amendment that went into the appropriation bill yesterday.

So, I urge my colleagues to study H.R. 212, study the concept of lifting sanctions on food and medicine. It is a humanitarian basis that is good policy for our country, and it will absolutely help our agriculture markets who are struggling to find markets overseas.

One final point: In the event that we lift these sanctions and allow farmer-to-country correspondence and sales, it prevents the agriculture community that is in straits from coming to the Congress and seeking Federal tax dollars. It is the free market approach to agriculture success.

INTRODUCTION OF THE BROADCASTERS FAIRNESS IN ADVERTISING ACT OF 1999

The SPEAKER pro tempore (Mrs. EMERSON). Under a previous order of the House, the gentleman from Illinois (Mr. RUSH) is recognized for 5 minutes.

Mr. RUSH. Madam Speaker, today I am here to introduce the Broadcasters Fairness in Advertising Act of 1999. There is a silent and pervasive trend among ad agencies and the companies they represent to engage in discriminatory practices which are called, quote, "no urban/Spanish dictates" end of quote, and they are called, quote, "minority discounts," end of quote. The term: "No urban slash Spanish dictates" means not advertising products on stations that cater to minorities. "Minority discounts" means paying minority-owned stations far less for advertising the same product that is paid to nonminority-owned stations. These policies have no business rationale and are purely discriminatory.

Madam Speaker, year in and year out minority broadcasters lose millions of dollars in revenues, however the advertising companies would have us believe otherwise. They will contend that they do not advertise in these stations because minorities do not buy their products.

For example, in a study conducted by the FCC, a major mayonnaise manufacturer told a station manager that, quote, black people do not eat mayonnaise, end of quote. Or worse, one minority station salesperson was told that, and I quote again, black people do not eat beef, end of quote. Such a blatantly absurd statement demonstrates the openly racist obstacles minority broadcasters face from the advertising industry.

My bill will prohibit discrimination against minority formatted stations by directing the FCC to adopt regulations to prevent such discrimination. It would also allow private right of action by any minority broadcaster who has been subjected to advertising discrimination. And finally, my bill will prohibit Federal agencies from contracting with ad agencies that utilize these discriminatory practices.

Madam Speaker, I sincerely hope that my colleagues on both sides of the aisle will join me in supporting this very, very important initiative.

ON THE OCCASION OF THE INAUGURATION OF THE NATIONAL CONGRESS OF KURDISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

Mr. FILNER. Madam Speaker, I rise today to speak about democracy, a form of government which was invented in the 5th century B.C. by the Greeks in Athens, great city of Athens. The British honor democracy through their parliament, the Japanese have their Diet, the Duma serves the Russians, and of course here in the United States democracy is exercised right here on the floor of Congress. Democracy still remains the best hope for troubled humanity throughout the world.

With the end of the Cold War, Madam Speaker, we have seen a great expansion of the boundaries of democracy. The world is a better place today because many former Soviet republics now enjoy self determination and are given their rightful seats in the Hall of Nations. But auspicious as has been the forward march of liberty, the world remains far from being free. Nations remain in captivity. The color of one's skin still bars some from feeling our common humanity. But the hope that we can rise to the challenge of total equality is enduring. People of goodwill are risking their lives against great odds. They know the rewards are worth the risks.

Madam Speaker, on May 24, 1999, just a few days from now, a nation whose voice has been silenced for too long will convene its first congress, unfortunately not in its own land but in Brussels, Belgium, and 150 delegates from around the world representing the Kurdish people of Turkey, Syria, Iraq, Iran and the former Soviet republics will assemble for the purpose of raising their voice for their brothers and sisters who are denied a voice in Kurdistan. I salute the birth of this congress that represents a people as old as the dawn of history.

Madam Speaker, the Kurds are natives of the Middle East who inhabit a mountainous region as large as the State of Texas. They speak Kurdish, which is distinct from Turkish and Arabic but is closely linked with Persian. Having survived in mountain strongholds and ancient empires, they are now persecuted, denied their identity and forced to become Turks or Arabs or Persian by the states that were born in the early 20th century. Thirty million strong, they are viewed as beasts of burden or as cannon fodder, but never as Kurds who should enjoy human rights that we take for granted in this country.

It is a crime to be a Kurd in Turkey, Madam Speaker. Saddam Hussein has used chemical and biological weapons against them in Iraq. The theocracy in Tehran often machine guns the Kurdish dissidents in the city squares. The poignancy of the Kurdish situation hits closer to home when we realize that our own government is sometimes involved in their misery. Turkey boosts of American F-16 fighter planes, Sikorsky attack helicopters and M-60 battle tanks. Saddam Hussein, according to some declassified U.N. documents, had the support of 24 European companies to produce his deadly chemical fumes and biological fumes. Tehran's opposition to the Kurds has gone beyond Iran with the assassination of Kurdish leaders in Vienna and Berlin.

We all revere the words of Thomas Jefferson when he wrote in the Declaration of Independence: "When in the course of human events, it becomes necessary for one people to dissolve the political bonds which have connected them with another, and to assume among the Powers of the earth the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation."

Madam Speaker, given the lot of the Kurds, it is more than understandable that they set up their own Congress and take charge of their own destiny. They have the people, the resources and the political understanding to succeed in their dream of statehood.

Madam Speaker, I need also at this time to address the situation of Abdullah Ocalan, the Kurdish leader who, according to a recent New York Times article, was handed over to the Turks with the help of our intelligence services. As you may recall, he had ventured to Europe from his home base in the Middle East to seek a political solution to the enduring Kurdish struggle for basic human rights. I spoke on this floor welcoming his declaration of cease-fire and hoped, it now seems against hope, to see the debate on the Kurdish question change from war to peace and from confrontation to dialogue.

Mr. Ocalan, denied a refuge in Rome, was promised the safe passage through Greece to the Hague where he intended to sue the Government of Turkey at the International Court of Justice for its crimes against the Kurds. But the laws of granting asylum to political figures, as old as the time of prophets, were suspended in this case. Abdullah Ocalan, the most popular Kurdish figure of the day, was arrested. Through a deal that smacks of political venality at its worst, he was handed over to the Turks and now awaits his most likely execution as the sole inmate in the Imrali Island prison in the Sea of Marmara.

Madam Speaker, it is unbecoming of this great power to aid and abet dictatorships which are merely disguised as democracies. Those who imprison duly elected representatives such as Layla Zana in Turkey for testifying before a standing committee of this Congress cannot and should not enjoy our support. Leaders such as Abdullah Ocalan, despite his violent past, still hold the promise of peace and reconciliation for the Kurds with their neighbors. The euphoria that we all felt for the freedom of captive nations in the former Soviet Union now must extend to our allies and their subjects as well.

So we welcome the convening of the National Congress of Kurdistan. They are dreaming what to many may seem an impossible dream, the dream of a united Kurdish people in the Nation of Kurdistan.

TAIWAN CONGRATULATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. BROWN) is recognized for 5 minutes.

Ms. BROWN of Florida. Madam Speaker, 3 years ago President Lee won a landslide victory in the first presidential election in the history of China. As a democratic elected president, he demonstrated to the world that democracy could indeed thrive in Taiwan. During the last 3 years President Lee continued to implement his program for the Republic of China. As a result, Taiwan presently has free elections in every level of government, a free press, and holds respect for human rights in the highest regard.

As a believer in increasing cooperation between Taiwan and mainland China, President Lee continued to emphasize that it is necessary for Taiwan and the mainland to work together to conduct further discussions on the issue of reunification. Many close to the president maintain that his one true dream is to witness a unified China under the principle of democracy rules, free enterprise and the distribution of wealth.

A few years ago I had the privilege of being President Lee's guest on a visit to Taiwan. Since that time I perceive him as a world class statesman and hope that he will be able to influence mainland China to democratize and reunify with Taiwan on the basis of democratic principles. As a faithful friend of the United States, we must give him our wholehearted support as his presence on the island is symbolic of the economy and a politically stable Asia.

GUNS AND CHILDREN—THEY DO NOT MIX

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON LEE of Texas. Madam Speaker, I thought it was important to come to the floor of the House to address again the crisis that we are facing in this Nation, and that crisis is that of the safety of our children.

Today unfortunately as the sun rose another youngster took weapons to school and shot children. I am most grateful, as most mothers and fathers, families, that this tragedy did not result in death. I cannot imagine what people in Littleton, Colorado, are thinking, or Jonesboro, or the State of Pennsylvania, or my own State of Texas, and rather than be political and politicize this, I am simply begging with all of the intellect in this Congress that we have the courage to admit that there are many concerns.

□ 1645

There is the entertainment industry, violence in videos. There is the issue of intergenerational conflict or disconnect because maybe adults and children are not talking the way they should.

There is the concern that I have raised and will be presenting in legislation, Give a Child a Chance Omnibus Mental Health Services bill for 1999 where we can focus on the fact that children need mental health services, both children who can afford it and those who cannot.

I think right now, in light of the Senate's actions today, we realize that gun legislation is not political. Over 89 percent of the American public are waking up and saying we must have safety locks. It is important to keep from children, or young people under 21, guns. We must close the loopholes in pawn shops and in gun shows so that there are no more opportunities for people to randomly walk in and get guns, as a young lady did on behalf of Eric Harris in Littleton, Colorado.

Parents are in pain. Children are in fear. Our children can talk about guns and their feeling of being unsafe. They can talk about the fact that they do not know whether their graduation will be safe or whether large gatherings will be safe.

Many of us as women Members of Congress have gathered. We gathered before Mother's Day and asked Speaker HASTERT to ensure that we pass gun legislation before Father's Day. I want to go a step further. We have next week. We should not leave here until we say not only to the American people but the world that we pride ourselves, as loving our children greater than our guns, and in fact this is not taking away guns from people who use them for sports and legally. This is saying that we have a proliferation of guns and our children are asking or crying out for us to be restrained and to restrain them; 250 million Americans, 260 million guns on the street.

Why cannot we find common ground on legislation that I passed in my city holding parents responsible, adults, for allowing guns to be in children's hands and thereby causing an injury? It was unanimously supported and then passed in the State of Texas, certainly a State that has its share of guns.

Safety locks, as has been said eloquently by my colleagues, there are regulations of diaper bags and regulations of parks and schools and equipment that children use. Why not guns? Why can we not keep guns out of the hands of those under 21? Why can we not do instant check at gun shows where all kinds of people come and, believe me, they use that method to get guns. Why can we not have tracing so that felons who are now dealing with the black market can be found? Why can we not have an amendment that deals with gun running?

It is very important, Madam Speaker, that the women in this House stand up. I demand that we collectively raise our voices to the Speaker, and I guess I demand of him, to not shy away from the responsibility.

Put the NRA aside. It has its own agenda, and anyone who says it does not is not reading all of their PR, their public relations. I did not come here to point the finger. I have mentioned the entertainment industry. They know what they can do.

This is a pyramid. We are building blocks. I have mentioned the need for more mental health services from K to 12, intervention risk assessment in every piece of legislation, that I can. In addition to the omnibus bill, I am going to be raising my voice for mental health services. It is too long and too late where it is a stigma, so that is why children have stopped taking their medication because there is a stigma all around. So if the parent does not tell them they certainly do not get reinforced in school, and troubled children are in our schools without medication.

So, Madam Speaker, I am not pointing the finger. I am speaking out of anguish and I am speaking out of pain. I cannot go another day without us doing something about these guns. We must pass legislation this week as we come back.

While I am home in the district this weekend, whoever will hear me, I will be talking about are we going to stand up for our children? Tomorrow at a press conference on Head Start I will be talking about our children and guns.

Madam Speaker, I hope that we can collectively indicate to the American people we have heard them. This is a crisis and we know their pain.

The Federal Government does not want to take over education of their children. We just want to take over the fact that we want our children to survive and we are going to help them with legislation and money.

Madam Speaker, I hope that we will all stand together next week as we return to this Congress.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1141) "An Act making emergency supplemental appropriations for the fiscal year ending September 30, 1999, and for other purposes."

The message also announced that pursuant to sections 276d–276g, of title 11, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the following Senators as members of the Senate Delegation to the Canada-United States Interparliamentary Group during the First Session of the One Hundred Sixth Congress, to be held in Quebec City, Canada, May 20–24, 1999—

the Senator from Iowa (Mr. GRASSLEY);

the Senator from Oklahoma (Mr. INHOFE);

the Senator from Ohio (Mr. DEWINE);

the Senator from Minnesota (Mr. GRAMS);

the Senator from Ohio (Mr. VOINOVICH); and

the Senator from Hawaii (Mr. AKAKA).

HISTORY OF YUGOSLAVIA

The SPEAKER pro tempore (Mrs. EMERSON). Under the Speaker's announced policy of January 6, 1999, the gentleman from California (Mr. CUNNINGHAM) is recognized for 60 minutes as the designee of the majority leader.

Mr. CUNNINGHAM. Madam Speaker, I come tonight to give maybe a little different perspective on the war in Kosovo than most people have seen from the spin from NATO and the White House. I would like to give some information that has not been widely disseminated but I think is important before any solution in the Balkans is possible.

First of all, Rambouillet, which was an attempt at an agreement which was not an agreement, to bring the Muslim and Serbian Yugoslavs together. Let me go back first with Rambouillet and explain where Rambouillet was a very failed foreign policy effort.

I use the quotes of both Larry Eagleburger and Henry Kissinger in saying that Rambouillet was a failed foreign policy from the start.

Look at history, and I met with the Reverend Jesse Jackson, who I disagree with probably more than I agree, but one thing I respected about Reverend Jackson was not necessarily that he brought our prisoners back, that was good, but his ability to place himself in the shoes of either side of an argument. Even if he disagrees with one side or another, he understands that before someone can ever have a solution that they have to understand the feelings and what is in the mind and the heart of both sides, or there is no choice whatsoever.

Part of that understanding is the history of greater Yugoslavia. On April 5, 1941, just last month the anniversary, Germany bombed Belgrade. They put over 700,000 Nazis into Kosovo in the area. The Nazis were supported by a half a million Croatians, and about a quarter of that number of Muslims. One in three Serbs died in Kosovo fighting the Nazis, the Croatians and the Muslims.

The civilians in Kosovo had to flee across the Danube River for their lives, while the forces under a General Miholevic, not Milosevic but Miholevic, supported both the partisans and the loyalists. The Chetniks were more of a guerilla warfare.

In the three-year period of over a million Nazis, the Chetniks, the partisans and the loyalists either killed or pushed out every Croatian, Muslim and Nazi out of Kosovo.

In 1387, the Serbs celebrate still Kosovo and the founding of their Orthodox Catholic church at 1,600 different churches and shrines.

So Rambouillet, I would ask after that kind of history, would a person if they were in any of the United States, if they were in Texas, if they were in California and say Mexico populated either one of those States by 90 percent and all of a sudden they wanted California or Texas to go to Mexico, does anyone think the United States would allow that to happen? I do not, absolutely.

The second part of Rambouillet said that, oh, by the way, you cannot have any of your police force in Kosovo; that even though Kosovo is part of greater Serbia or Yugoslavia, none of your laws apply; only the laws of the majority which are the Albanians, and in 3 years there will be a vote as to whether Albania remains part of Serbia.

Not Milosevic but the Serbian people, and the understanding of what Kosovo means to the Serbs, was a great, great failure of this administration and the President to recognize. Either the President recognized it and wanted us to go to war or he did not recognize the importance of Kosovo to the Serbian people. Either way, it is why we are at the position we are today.

To say that diplomatic efforts were exhausted is far from the truth, and there are still ways for us to get out of this particular nightmare.

I fought in Vietnam. I spent 20 years of my life in the military as a senior commander, responsible both for a Navy fighter weapons top gun and at Naval staff on the planning, the invasion of Southeast Asia and European countries, and my friends from the Pentagon have told me that they told the President not to conduct air strikes into Kosovo.

Why? They said, first of all, air strikes alone would not achieve a single goal that the President wanted. Secondly, that every one of the problems that existed then would be exacerbated, would be increased. They told the President that it is highly probable and most likely that the Serb forces would force evacuation of Albanians, since that had been, in their eyes, a big problem over the last two decades.

Madam Speaker, take a look at the children's eyes that are refugees today, a million refugees walking through the snow. I have two daughters and I looked as if my own daughters had to go through this, and we need to thank God every day that we live in a country where that does not happen. In my view, there are two people that have caused that mass evacuation and forced the refugees. One is Milosevic and the other is the President of the United States by forcing the bombing.

Most people do not realize the hysteria: This is another Nazi, this is another Holocaust. Most people do not realize the total number, the total number of people killed in Kosovo in a

1-year period prior to the United States and NATO bombing was 2,012 people killed. We kill more people than that in New York City and Washington, D.C. every year. Now, each individual is important, but it is also important to realize that one-third of those 2,000 people were Serbs that were killed by the KLA.

Did they have a fight? Yes. Were there atrocities? Yes, on both sides. Until one puts themselves in the shoes of either side and both sides in the eyes of what is important to them, what are their fears? The Serbs fear the Germans. They did not want NATO troops with Germans in there. They fear that Kosovo will be taken away from them, much like if California or Texas was taken away from the United States.

The Albanians want some kind of participation in the government. They have about 90 percent of the population, but most people do not realize 60 percent of that 90 percent of the Albanians are there illegally. They are not citizens of Kosovo. They have come across the border from Albania illegally.

□ 1700

And that, in itself, is a problem.

Listen to the briefs. Watch the television, Madam Speaker, and listen to the Albanians talk about how they were forced out of their homes by the Serbs. Were they forced prior? No. There are 300,000 Albanians that live in Belgrade and not a single one has left because they live there peacefully. They live there peacefully together.

But listen to the debriefs from Kosovo. They were forced out of their homes. They were not fleeing prior to the bombing, but like the military told the President, upon NATO's strikes, the Serbs started forcing the Albanians out of Kosovo. They knew that the KLA on the ground was a threat to them. Is it right? No, I am not saying it is right, but I am saying we have to look at the total picture.

Well, Mr. President, if you are trying to change your legacy with a war or be nominated for the Nobel Peace Prize, one is not nominated for the Nobel Peace Prize by killing more civilians in these strikes than the Serbs killed in the one-year period prior. One does not get nominated for the Nobel Peace Prize for forcing millions of people to evacuate and then claiming it is a Holocaust, which it was not.

I spoke to General Clark face-to-face in Brussels a month ago, and I asked General Clark, I said, how many of the sorties, how many of the flights is the United States participating in? There are 19 nations in NATO, 18 other nations. The United States, part of NATO in a European problem, is flying 75 percent of the strike missions. The United States, 75 percent.

Tony Blair gets up and says, put in ground troops, put in ground troops. He only has 18 airplanes in Kosovo in those strikes, but yet he beats on his chest and says put in ground troops.

Madam Speaker, 75 percent of the strikes does not include the B-2 strikes out of the United States; it does not include the C-17s, it does not include the tanking and the logistics flights, which puts the United States' flights in Kosovo at over 86 percent, Madam Speaker. Ninety percent of the weapons dropped are from the United States, and yet there are 18 nations, other nations in this.

I asked General Clark, I said, well, why are we flying all of these missions? He said, Duke, most of the NATO nations do not have these stand-off weapons. They do not have these stand-off weapons, and the weather is bad. You think they might have checked the weather to know that there was a two-week forecasted bad weather over Kosovo before they ever started air strikes. No, they did not.

Ninety percent of the weapons. Our next supplemental should be a check from those nations. If they cannot fly the strikes, if they cannot support NATO, if they cannot supply the ordnance, then they ought to be at least burden-sharing and paying the United States for it.

This ad hoc war, ground troops, in all of the tactical experience that I had in the military, working with all services and most of our friendly allies, not once would I ever tell an enemy that I was not going to use a certain type of force like ground troops. It is lunacy. It is idiotic in a tactical environment to tell your enemy that you want to change his heart and mind, but you are only going to use air strikes, to allow him to focus on one phase and not have to prepare for ground troops, not have to station his troops and deploy his weapons.

Do my colleagues think that the President might have told Russia, Chernomyrdin, knowing how Russia feels, do you think they might have told the Russians that they were going to bomb Kosovo when Chernomyrdin was on his way to the United States and actually turned his airplane around and went back? Is that acceptable foreign policy? I do not think so.

This ad hoc war. People said well, Duke, how can they possibly look at a map and bomb an embassy like China's? Well, when one is doing something so fast, so ad hoc, and one rips maps off without any prior planning, it is very easy to see. When one is scrambling to find targets, when one is scrambling because one's missions are not being successful, then it is easy. And they took the wrong map. Even today, they hit two other embassies and they hit a hospital, killing hundreds of civilians. Again I say, the United States and NATO has killed more civilians in Kosovo than the Serbs killed in the entire year prior to the bombing. And that is wrong.

Madam Speaker, if one comes from the 1970s and one was a left-wing antiwar protestor or belonged to a protest group, and one is in leadership and one attempts to use a vehicle like the military that one neither understands or supports and even loathes, most of one's decisions, in my opinion, are going to be inept, they are going to be incorrect, because one does not have the gut feelings of what it should take.

A classic example of that was in Vietnam with the President we had then that controlled every single strike, and that was Lyndon Johnson. I lost a lot of my close friends in air-to-air. I was shot down on May 10, 1972 over North Vietnam, and many of my friends died because of inept decisions by a left-wing person that neither accepted, supported or understood the military.

When the President, knowing that he has surrounded himself with the Tony Lakes, with the Ira Magaziners, with the Strobe Talbotts, and he disavows, does not accept the advice of the military warfighters, that is even more of a problem, and it has been disastrous.

We had a briefing from a source which I am not allowed to say, but it is a very important governmental source, and the KLA is supported by the Mujahedin and Hamas from Iran, Iraq and Afghanistan. Are they in large numbers? Are they entire armies? No. But they have evidence of those individuals infiltrating the KLA units.

I will say that if I was an Albanian citizen and put myself in their shoes, I would be a member of the KLA, fighting for what I believed in. But on the other hand, if I was a Serb, I would be a Serbian soldier fighting for what I believed in. And until the President recognizes that, there is no solution. The Mujahedin and Hamas have a small influence, but it is there and it has to be removed.

They said, is it likely Osama bin Laden, like the Washington Times reported, has influenced and is supporting the KLA? Well, I will let my colleagues draw the inference. Osama bin Laden has organizations in over 150 areas, and everywhere there is a Muslim issue, he is involved. They said there is no direct evidence, but it is likely.

It was also reported in all of the European press and the United States in The New York Times that the number one heroin dealer, the number one heroin dealers were the Albanian Kosovars. And yes, the source said that that money is going in to support the KLA. They will take money from anybody they can. They consider it their survival.

General Clark, when I was in Brussels, I looked at him and besides asking him how many sorties were flying, he said, Duke, at the beginning of this NATO only wanted to fly one day and quit, because of all of these other things. They did not have their hearts and minds into this. General Clark said the President called Tony Blair from England, the German Chancellor, and they pushed this, that it is a must, it is a must. What that agenda is I do not know. All I know is that this ad hoc war has been disastrous not only for the American people, but for the Albanians and for the Serbs.

Madam Speaker, I think it is improper to say that all Germans were Nazis in World War II. There were a lot of innocent people. A lot of people did not support the Nazis. There are a lot of people that are not Mujahedin and Hamas, that are fighting for their lives, and if we look into the eyes of those children, we should have as much sympathy for those children and the innocent civilians on the Albanian side and the Serb side of the innocent people that are being killed because of war. That is important also.

Madam Speaker, I remember Madeleine Albright saying that if we allowed Czechoslovakia, Poland and Hungary into NATO, the United States would not have to participate in any European war. Well, guess what? They are all three part of NATO. And during the conflict Czechoslovakia, Poland and Hungary would not even let us fly over their airspace, and it took some serious arm-twisting by Madeleine Albright and others, the President, to use their airspace or even their bases and deploy.

They had a NATO summit here, anniversary, and the President says that all NATO is speaking with one voice. Well, Mr. President, if that is true, why is Hungary, why is France, why is Greece, why is Russia still shipping oil to Serbs in the greater Yugoslavia? They are not speaking with one voice, and the spin that NATO and the White House places on this is atrocious, in my opinion.

Take a look, Madam Speaker, at what NATO is today. We no longer have Ronald Reagan or Margaret Thatcher types. I ask my colleagues to look at the Germans. It is a green socialist government. Look at France. France has a socialist, communist coalition in their government. They threw out the conservatives. If we look at England with Tony Blair, labor left. Israel just yesterday, labor left. Germany, as I mentioned. Italy, Communist.

So NATO is made up today of not Ronald Reagan and Margaret Thatcher, but people that are socialist and Communist and left. And it is difficult to make decisions using the military when those individuals historically have fought against the military itself.

Another little-known fact, Madam Speaker, briefed again by a source, the same source as I quoted a minute ago, said 70 percent of the Russian military support the overthrow of the Yeltsin government. We have seen just this week and last week an attempt of an impeachment of President Yeltsin.

Seventy percent of the Russian military who support their leadership are the hard-line communists that support Milosevic. They want us to go in with ground troops. It would give them the catalyst that they need to return the former Soviet Union back to communism. And it is a very difficult problem.

Look at Greece. Greece has ties to the Serbs because when the Serbs kicked out the 1 million Nazis, look at Thessalonica in northern Greece, where millions of Greeks and Jews and Serbs were annihilated by the Nazis, and Greece with its orthodox church, along with the Serbian orthodox church and their tie-in with World War II, makes them an ally.

And look at what we have done with China and Russia and Greece, people that we have been working with through trade with China, through trying to start a democracy going and light the fires of a young democracy in Russia, and even working with the Greeks has been disastrous foreign policy for the United States.

□ 1715

All of this, and they say, DUKE, you are a hawk. I am not a hawk, Madam Speaker. I am a dove, but I like to be a well-armed dove. And those that have fought in war and held, like in Private Ryan, held our friends and watched them die, maybe we are a little more reluctant to get our people involved in a conflict to where we know there is going to be a lot of loss of human life, and where we also know that diplomacy would work.

The President talks about wanting to save social security with a surplus, to save Medicare with a surplus, education from the surplus. I would like to see medical research, because it is exciting, what NIH is doing today as far as the cure and the elimination of disease. We would like to double that.

I was in a group yesterday that wants to increase prostate cancer research by $100 million total. Madam Speaker, we cannot do that by spending $50 billion in Kosovo. We spent $16 billion thus far in Bosnia and we are only supposed to be there 1 year, $16 billion.

Do Members know that we still spend $25 million a year building roads in Haiti? And Haiti had no national security to the United States. The extension of Somalia, which most of us opposed, we got 22 Rangers killed and we got our butts kicked out of there. We had to run out of Somalia.

Every time the President had a personal political tragedy, we went into Iraq four different times. Let us not forget the hasty decision to go into the Sudan and bomb an aspirin factory. They just asked for $45 million to pay back the Sudanese, and the President said, okay, $45 million. Who is responsible? Has anybody been held accountable? Absolutely not.

Let me tell the Members, besides taking up the surplus, our military today, we are retaining only about 23 percent of our military, of our enlisted. We are retaining only about 33 percent of our aviators, our pilots. Why?

When I talk to these young men and young women who are flying and the people who are servicing those aircraft and that equipment, they say, Duke, I am away from my family 8 months out of a year. I am worried about my family, because their benefits are eroding. Our equipment is 1970s technology.

I had a briefing last Friday from a very classified source, which I will not go into, but there is an asset that Russia has in the air that if our pilots would engage it, we lose the dogfight and the intercept 90 percent of the time because we have shut down our research and development and we have not been able to compete.

I am alive today, and the airplanes I shot down in Vietnam, because I had better equipment and better training. Today our troops are getting less training, and the equipment is 1970s technology. Fortunately, this asset has not been deployed to Kosovo, but it is to North Korea, it is to many of our other potential enemies in this world. That is scary.

Our ships are going out with thousands of sailors short. We are $3 billion short in ship repair for our military ships. I could go on and on.

Madam Speaker, they say, Duke, you have told us all the problems, but what would you do if you were president? And no, I am not running for the presidency, Madam Speaker. My daughter would like me to because then she could have two dogs, but I do not plan ever on running for the presidency. I have my hands full right here.

Let me give some ideas. I stated from the day that we went in to Kosovo, and I would start it off first, Madam Speaker, by saying, some of the people can remember a movie called the Jazz Singer. I am old enough to remember Al Jolson playing in that part. Later on Neal Diamond played in the movie Al Jolson.

The whole movie is based on a Jewish proverb. It is about a jazz singer, a gentleman that is the son of a cantor, and the father wants his son to be a Jewish cantor. The son, of course, wants to be a jazz singer. There is so much hurt by the father that he rips his jacket in the Jewish fashion and denies that he has a son, and there is great consternation between the two.

The father, after a while, is so distraught at losing his son, not to death but from an argument, and the Jewish proverb goes like this. The father cries out, and I have two daughters, so I think you can do the same with a daughter, but he says, son, come home. We have argued too long. And the son replies, father, I cannot, because there is too much between us. And the father replies, son, come as far as you can, and I will come the rest of the way.

Sometimes that bridge is too far. If you do not understand and put yourself in the shoes, like Jesse Jackson did, and understand, even though you may disagree with the perceptions of an individual group, you still have to understand that before you can ever come the rest of the way.

The President of the United States has not recognized that. So I think that is the first step into any diplomacy. First of all, we have to halt the strikes, leave our force in place in case it does not work.

Let us, instead of having the Russians as a problem and a threat, and maybe even going back to communism, let us help the Russians. Let us let them be part of the solution, not only in Kosovo but in their own political world back in Russia. Let us have Russian and Greek and Scandinavian and Italian troops go in and act as the peacekeepers.

Again, we have to recognize, the Serbs fear the Germans, they fear the United States, and they fear Great Britain. We have become an enemy to a once ally. Let us let them be the solution. The Greeks the same way. They have supported the Serbs. Let us let them be part of the solution.

Milosevic must withdraw his armor prior to Rambouillet, but we have to have a different kind of Rambouillet, one that is achievable and realistic, with options and realistic and achievable goals, unlike Rambouillet I.

There is going to have to be an international body, Madam Speaker. There are nearly 1 million Albanians that have been thrust out of their homes. A large portion of those are illegal. They are not citizens of Kosovo. But the Serbs have caused part of their own problem by tearing up many of those papers that identify who is a citizen and who is not a citizen. It is going to take an international body to repatriate the Albanians.

When I was 15 years old I worked on a farm in Shelbina, Missouri, population 2,113 folks. Rather than work for my dad, who was a store owner, I would go out in the hayfields and put up hay.

Well, there was a lady named Ms. Featherall that always took care of the young boys and fed us probably 10 times the amount that we needed. And during the noon hour, we sat on a rocking chair up on her porch to get cool. She was afraid we would work too hard, and we loved that lady.

A Siamese cat came around the corner and jumped up in my lap. I petted that cat, Madam Speaker. A few minutes later around the corner came a Persian cat, a barn cat. I picked up the Persian cat, and immediately the two cats tensed and they started hissing, as you can imagine.

I petted them both and they calmed down, and I was going to make those cats friends. I moved them a little closer and I moved them a little closer. Each time they would tense up and I would pet them. I did not have a shirt on, Madam Speaker, and in a split-second, those two cats hit each other, and I was blood from head to toe from the claws.

We cannot repatriate Albanians and Serbians together who want to kill each other. If you killed my children or my wife or my mother or my father or my in-laws, it would take a long time and a whole lot of psychologists to sit me down next to the people that I felt had done that. It is going to take a long time of work to make that happen.

Then when you bring them back, are you going to have them stay in tents, for those that do not have homes? You have to establish some type of security. That is where the peacekeepers of the Russians, the Greeks, the Scandinavians, the Italians, are; not NATO.

The President and Tony Blair are all bent, it has to be NATO, it has to be NATO or nothing, it has to be NATO. The ego and prestige of NATO is not the issue here, it is people that have been thrown out of their homes. It is people that feel that they have been persecuted. That is the issue, Madam Speaker; not NATO, not the prestige and ego of Tony Blair or the President of the United States.

That inner body is going to have a difficult time and a long time to repatriate those citizens from Albania. The President has to look the Albanian president in the eyes and Izetbegovich, the head of the Muslims in Sarajevo, and demand that all Middle East fundamentalists be deported within 30 days.

Why? Because if they do not, these mujahedeen and Hamas from Iran and Afghanistan and Syria are the ones that want a worldwide Jihad. They want to kill all Americans. They are going to stir the pot, they are going to cause problems over the next decades. If we allow and the President allows them to stay there, even a small number, it is going to be a problem.

I have talked to the Orthodox Catholic Church both of the Serbs and the Greek Orthodox Church. I have talked to groups of about 200,000 Serbian Americans. They support Kosovo remaining a part of greater Yugoslavia. But at the same time, they realize there may have to be a cantonization of the area, much like the Scandinavian nations do, where you might have a separate area where the speech and schools are French or German or Swiss. They support that initiative. That may be the first start for a new Rambouillet. But in my opinion, if you try and take Kosovo away from greater Serbia, it is a no win policy.

NATO in Europe has to rebuild Kosovo, France, Germany, England, Italy, not the United States. We have already spent $14 billion in 6 weeks. This is a European issue. The United States is part of NATO and should have leadership, but we should not pay more than the lion's share.

The United States can use its intelligence services and the number of CIA that we have. George Tenet told me that our assets around the world that monitor terrorism are extremely limited; that because of Kosovo, we have had to pull those assets into Kosovo, which leaves us vulnerable in the United States.

So I feel that our intelligence assets have to be increased greatly, and the support that this Congress gives them is necessary.

□ 1730

The United Nations, who has become part of the problem in this, votes against the United States 90 percent of the time. We only have one vote in the United Nations. They vote against this 90 percent of the time, and we pay the lion's share of the United Nations again. Until those reforms are done, the President should say, "No more money, United Nations." In my opinion, I would like to do away with them permanently.

There needs to be an international body. If my colleagues expect Milosevic to negotiate, knowing that he is going to go before a war tribunal for war crimes, do my colleagues think he is going to ever stop? No. But I think an independent body should be established to look at Tudjman, the head of the Croatians, that murdered 10,000 Serbs in 1995 and forced ethnic cleansing out of Croatia of 750,000 Serbs.

When we talk about Holocaust, that comes much closer to a Holocaust than Kosovo. The gentlewoman just before and the gentleman was talking about, look at the Kurds. Look at 25 different areas around the world that are far worse than this. Are they despicable? Yes. Are they Holocaust? No. The spin will not gain the President the Nobel Peace Prize.

Our United States military, we have got to rebuild it. I believe that peace does come through strength. Our 300-ship Navy that was established by the QDR, which is a report that says this is what we need to fight two wars. The bottoms up review for the services, our service chief said we cannot fight two wars. Is that why we have left the no-fly zone in Iraq? I do not guess Saddam Hussein is a problem anymore, because he is left unattended to do his will.

We need to build up our military, to replace the benefits of our military, and give them the strength so that we can walk softly and carry a big stick, instead of the President walking softly and carrying a big stick of candy for everybody.

I read this week where the President plans on paying the Albanians who house Albanian refugees, paying for that. Are we establishing a welfare system in Albania while we cannot support Social Security and Medicare and education and medical research in our own country? I think that is wrong.

The President has got to look at the President of Albania and demand that, since in 1850 the Albanians have wanted to take over through expansionism, Macedonia, Montenegro, parts of Greece and Kosovo, and he has got to say no more. We have got to recognize the borders that have been formed and stay within them.

I think that we also need to take a look, and the President, to get very tough on the foreign policy of Russia and China. We know that Russia today still, even though they say they are not, ships chemical and biological weapons and nuclear components to Iran, Iraq, Afghanistan, and we let it happen, and to North Korea.

The President in 1996 was briefed that there was espionage at our laboratories here in the United States and did nothing until 1999, where the Secretary of Energy has just started to do some things with Mike Richardson. He is doing what should have been done back in 1996.

The President was briefed in 1996 that the Chinese had stole our W–88 nuclear warhead, which is a small nuclear warhead, which took us billions of dollars, billions of dollars to develop and years.

We have an asset, but I cannot tell my colleagues what it is, where we reverse-engineered, that we were going to use that asset. We were building a system to combat the asset. Our system would not have worked, but we had that asset, so it saved us billions of dollars by having that asset and seeing how it worked so that we did not go the wrong direction.

Now the Chinese have got not only the W–88 warhead, but they have got secondary and tertiary missile boosts, which they did not have the capability to do.

George Tennet told us that Korea was 10 years away from being able to hit the United States with a missile, a nuclear missile. Guess what. They have it today with a Taepo Dong 1 and Taepo Dong 2 that China gave to them that we gave to the Chinese and they are exporting.

If that is not bad enough, the capability to MIRV, to put several of those W–88, and the President knew that China had these, the White House gave them the capability to use the MIRVing techniques that, again, took us billions of dollars to engineer.

If that is not bad, the targeting methods to use those missiles to make them accurate within a meter, a nuclear weapon. That was done after $1 million was donated by Loral and $1 million from Hughes and $300,000 from Liu Cheng Ying, who is the daughter of General Ying, head of technology in the PLA, to the Clinton-Gore campaign.

So, Madam Speaker, we have a monumental foreign policy problem. It is not just Kosovo. It is Russia. It is Greece. It is Libya. It is Kosovo. I feel that we need to chase the Turks out of Northern Cyprus, which they have held illegally for 25 years, and we have done nothing, because we need the Turk's support. But, yet, we let them stay in Northern Cyprus against international law.

Madam Speaker, it grieves me to see our Nation at war, especially when I think that we do not have to be there. From all of my military experience, to see a war run ad hoc and so desperately misused, it has cost human life, it has cost human suffering, and it is going to prevent many of us on both sides of the aisle from doing some of the things that we want with our domestic issues here in the United States such as Social Security, Medicare, education, medical research and defense.

It is not a pretty time, Madam Speaker. The President has got to get off his pulpit, whatever his agenda is, and he has got to recognize and put himself, as Jesse Jackson recommended to the President, to see both sides of this issue, to come, whether he has to admit defeat or have a small victory and declare a victory, I do not care, but we cannot put ground troops in, because even if we put ground troops into Kosovo, we are going to lose people.

The Chetnik type individuals, the guerillas will kill our people. I feel that the KLA, Mujahedin and Hamas will kill our people and blame it on somebody just to keep the pot going. Then if we do, we have just bought Kosovo for $3 billion to $5 billion a year, when we are already in Bosnia at $16 billion and Haiti. We are still in Korea for 25 years.

It is time to get out, Madam Speaker. It is time to build up the United States, to pay down our debt, and to take care of some of our domestic problems here.

COLUMBINE HIGH SCHOOL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. GEPHARDT) is recognized for 5 minutes.

Mr. GEPHARDT. Mr. Speaker, today is the 1-month anniversary of the tragedy at Littleton, Colorado. I hoped to come to the floor today to speak on what we as a Nation need to begin to do to solve this epidemic of youth violence. I did not expect that we would have had another shooting at another high school, serving as another alarm, as if we needed one, prompting us to act.

During the memorial service in Littleton, a singer, Phil Driscoll, sang a song that he wrote for the occasion. In the song, he sang a line that I cannot get out of my mind. The line was, "This is a wake-up call. How many innocent have to fall."

Today we received another wake-up call coming from Conyers, Georgia. What a wake-up call it was. But what can be done to solve the problem? What can we do to address the concerns of students and parents?

I think there is a lot we must do and a lot that we can do. I refuse to accept the defeatist attitude which says this is a complex problem, and, therefore, there is nothing that Congress can do about it. That is wrong, and that is unacceptable.

We have a national security crisis in our schools. We have lost more American children in our schools than American soldiers in Kosovo. This is a national security crisis which requires the same kind of mobilization that we apply to any military threat abroad.

Obviously attention must be paid to the accessibility of guns in our society and the frequent and intense images of violence in our mass media. Clearly, we can make guns less accessible to kids. We can try to give parents better tools to supervise what their children are watching or playing on the TV or the Internet.

Legislation has been debated and passed on the floor of the Senate over the past week that tried to make progress on limiting the access of kids to guns. I favor effective legislation to keep guns out of the hands of kids and hope the House will take up this legislation before we leave for Memorial Day.

This makes sense and should have no impact on law-abiding citizens who want to purchase and own guns for sporting use and their own protection. We are talking about passing commonsense, child-safety legislation to make sure that children cannot get easy access to guns.

I hope the House can follow the Senate's lead and move this kind of legislation forward without loopholes.

But child-related gun legislation is only one part of the puzzle. There is a lot we must do to make sure that our children are not exposed to inappropriate violent material in the media.

The Vice President has begun a discussion with Internet companies to publish the same ratings for on-line gaming that most TV shows have already. The President has called on the movie theaters to better enforce the rating process that is already in place there. Newspapers must also do a better job of making the rating systems clear to parents.

Even if we are able to make the progress we hope for in these two areas, we know that these steps alone will not solve the problem. We need to address the broader issue of the quality of our children's education and how to give them the attention they need to grow up to be healthy in both mind and body.

At the President's meeting on school violence at the White House, various experts on violence repeatedly made the point that this problem of school violence is a problem with many layers. They also said that such a complicated problem demanded more than single simple solutions.

One cause of the problem is that parents spend nearly one-third less time with children than they did a generation ago. With more single-parent families and more parents working more jobs and more hours and spending more time in traffic, there is just a lot less time for parents to be with and communicate with and raise their children.

□ 1745

In many families today, the kids are left alone most of the time. And as we all know, kids do not raise themselves.

When parents are home, they often do not spend as much time talking with their children. With television, the Internet, pagers, and other distractions, parents communicate less with kids even when they are able to be home. Before television, time around the dinner table was a time for family communication. Now if a family has time for dinner together, many families have the television on during dinner and nobody really talks to one another.

Another factor that was mentioned was the amount of domestic violence and child abuse that some young people are exposed to today. We have always had these problems, but the problem is far worse now than it has ever been. It is obvious that children exposed to abuse are much more prone to resort to violence in their own lives.

Another factor is the size of high schools. Most of our schools were built after World War II when we were trying to accommodate the baby boom. The schools were built large for economic reasons, and the size did not matter when families were intact and parents could spend more time with children. However, in today's world, it is unwise to have anonymous children in large schools.

Another problem is the increasing diagnosis of mental illness among children. One of the experts at the summit said that mental illness is more prevalent than ever but health insurance covers these problems less than ever. Consequently, many kids have problems but cannot get the professional mental help that they need.

One expert said that our problems stem from what adults do to children or do not do for children. The answers to our problems lie with adults and what we can do to raise children properly.

We spend so much of our debate and our time addressing the symptoms of violence but not the causes of violence. We talk about guns or conflict resolution or school violence programs. And it is right that we do so. But we spend far too little time discussing how we can prevent these problems in the first place.

It is obvious that the modern family needs help in filling the time holes that exist. The only institution, in my view, that can possibly fill these holes are our public schools. Schools have complained about the need to fill all these holes. But the truth is that only through the public schools can we achieve the scale that we need to solve these problems with all the children of our country.

We need nothing short of a revolution in our public schools to deal with the modern problems that children face in the modern world. Nostalgia for the past, criticism of other institutions for not meeting these challenges, or finger pointing at institutions that are not doing enough will not get us to a solution of these problems.

We must really begin to build the public will to do what is necessary to really solve these problems. Raising and educating children correctly is a huge task and will not happen without human will to achieve that goal.

In World War II, everyone thought America was way behind and would not win. What critics misunderstood was the will of the American people. Once every American internalized the goal of winning the war, each one of them did what was necessary on a daily basis and the war was won. The same can be achieved with our children, but a similar effort to what took place in World War II must be achieved.

All of us, whether we have children or not, has a responsibility to enter into this effort to educate and raise our children. It is in our deep self-interest to do this. Government at all levels must help, and local government has the major responsibility. I hope in the days ahead we will work together to find answers to this crisis.

Before the memorial service in Littleton, I went with Colin Powell and Vice President GORE and the gentlewoman from Colorado (Ms. DEGETTE), other members of the Colorado delegation, to meet with the parents of the dead children. We met with them for an hour and a half before the memorial service. We hugged them. We cried with them. I told them that the whole country was there with us standing with them at this time of terror and sorrow.

One of the mothers, after sobbing uncontrollably and shaking in my arms, pulled back with a picture of her child and she said, "Congressman, I hope you will lead in the Congress to make sure that my child did not die in vain." I will never get her face out of my mind.

And now we have more fathers and mothers in Georgia who today are saying, "I hope my child was not injured in vain."

How many more children have to go down for all of us to accept the responsibility that we have to see that children are cared for and loved and respected and disciplined so that this does not happen again?

We may not be able to agree on much here, but we owe every parent who has lost a child to violence our best, honest efforts to work together as a Congress to solve some of these problems.

I am not so arrogant to think that we have the power to single-handedly solve these problems. But we need to start the process of reaching out to one another for comprehensive, meaningful, effective solutions. We need an honest discussion of the profound changes that are happening in our society and what we can agree will begin to change our culture so that all of our children, every one of them, is raised to be a productive, law-abiding, contributing citizen in this great society. If we cannot somehow do that, we will be consigned to more and more Littletons and more and more Conyers, Georgia.

Every day in our country we lose 13 young people to suicide and violence. Every day there is a Littleton. And it has to come to an end. If we cannot act on something as important as our families and our futures, then we will fail in our most basic duty to promote the safety and well-being of all of our people.

We must do it now, not a month from now. We must do it before the next breaking news on CNN about another school shooting. We must do it before we see the pictures of children running across the lawns of schools trying to find safety. We must do it before we get another wake-up call and another specter of death among our young people in our schools.

We have already waited too long. We have overslept. It is time to wake up. It is time to hear the wake-up call and to say, this must stop, this must end.

And as another parent at Littleton told me, "Surely," as tears rolled down his face, "we can do better."

This is the greatest country that has ever existed on Earth. We have a national crisis. The crisis is among our young people and it is in our schools. And surely we can summon the goodness and the greatness of our people and all of us to face down this death and to bring it to a final and lasting conclusion.

CRISIS IN OUR SCHOOLS

The SPEAKER pro tempore (Mrs. EMERSON). Under the Speaker's announced policy of January 6, 1999, the gentleman from Michigan (Mr. STUPAK) is recognized for 60 minutes as the designee of the minority leader.

Mr. STUPAK. Madam Speaker, I want to thank the gentleman from Missouri (Mr. GEPHARDT), the Democratic leader, for those words. And I would also like the RECORD to note that earlier today, when we finished business, that the gentleman from Illinois (Mr. HASTERT) also came down and spoke about recent shootings and tragedies facing this country.

I want to speak tonight, as the Speaker's designee in our special order, about what we Democrats as a party have been trying to do here to address this very, very serious national crisis, as the gentleman from Missouri (Mr. GEPHARDT), our Democratic leader, stated.

But what we say here tonight, I want everyone to understand, is not a Democratic or Republican issue. We want to work with both sides to try to bring some consensus if we can on things that we should take as a Nation. But I think it is important for us to understand where some of us see as where we are going.

And things I say here tonight are my beliefs as the convening chair of the Crime and Drug Task Force for the Democrats, not just this Congress but the past Congress, and does not necessarily reflect the views of everybody in our caucus. And I am sure they do not reflect the views of my Republican friends.

But some of us are beginning to sit back and try to meet individually and bipartisan; and, as a Democratic caucus, we have been convening the chairs of the Education Task Force, the Health and Human Services Task Force, of the Crime and Drug Task Force and we have been meeting.

We were meeting before the tragedy of a month ago out in Colorado and really since the first of the year really. We had numerous meetings. In fact, today we had another one that we convened and tried to kick around more and more ideas and bounce ideas off people. I know many of us, both Democrats and Republicans, have been in schools and talking with teachers and parents and what can we could.

As the convening chair, my qualifications before I came into the U.S. Congress was I was a police officer for 12 years as a city police officer and as a Michigan State police trooper and worked with juveniles, worked in juvenile crime areas, and taught criminal investigations at the academies and constitutional law and everything else. And the school violence issue that has swept across the Nation the last 18 months, it is hard to put into words how it has torn at so many of us and how do we best address it.

What we have found through all of the meetings, through everything that has happened, even with the shootings today in Conyers, Georgia, I think the only thing we can see say is this is a very complex issue and there is no single solution, there is no magic program that we can pass that would solve this. And we have got to get past blame games.

I know the gentleman from Missouri (Mr. GEPHARDT), the Democratic leader, again has asked the gentleman from Illinois (Mr. HASTERT) to try to put together a bipartisan group. And I hope we can do that.

As we looked at what has happened, many of us see America has become alienated from each other. We see increases in hate crimes. For our children, we see and the experts tell us that we spend over the last 15 years one-third less time with our children than we did 15 years ago. So there is maybe less structure, maybe less discipline there, less guidance for our children.

For our children, the alienation that we see is now surfacing in schools. Society's problems are beginning to surface in schools. And even from our own leadership, I think when we have disputes on the floor which end in harsh words amongst each other does not speak well of the House as a whole or elected leaders and contributes to that alienation.

It is time for people to come together to try to reconcile our differences, the ill will that exists not only on the House floor of the U.S. Congress but the ill will that may exist in our families, our homes, our schools, our communities, our leaders, and even within ourselves.

So how do we end alienation and begin reconciliation to end the school and personal violence that we see that is gripping the headlines every night? How we do it is probably as varied as America. What works in North Carolina may not work in Michigan. Or we know the program that may work in North Carolina, character education, as they tell me, we may know it by a different name in Michigan where I represent. But what works in my northern rural district certainly will not work in the inner cities of our great cities.

□ 1800

But what we understand is this. We understand that 100,000 weapons, be it guns or knives, come to school each day. We know that there are four times more guns out there, handguns, than there are children going to school, so there is access to guns readily available. We know as the Democratic leader said, there are 13 deaths per day of young people in America. We know that school psychologists tell us that probably 20 percent of the kids, students from K through 12 probably 20 percent of them need some help in dealing with problems at home, call it mental health problems, if you will. They also tell us that 3 to 6 percent of the students in our schools have severe mental health problems.

So when children lash out with those statistics, with the ready availability of weapons coming to and from school, you can see how the violence erupts and comes out and we see the headlines we see each and every day. We ask the statisticians and others in our meetings, is there a large enough sample of violence with the shootings that have occurred in the last 18 months, enough of a sample to say, are there similar characteristics of school violence in America? They have told us, no, the sample is not large enough, that any kind of conclusions you may draw from the incidents may very well be skewed because they have been small.

Let us hope the sample does not get any larger. But we should not wait until there is enough violence in our schools to say, "Okay, now we have enough sample, what can we do?" I think there is enough for us to work together as Democrats and Republicans to come together and start to look at what can we do.

There have been many ideas kicked around. I would just like to share some of them tonight, not that any one of these ideas would be a solution but at least I want the Congress and the American people to know we are thinking, we are looking, we are probing, we are asking the questions and we need your input. Many of us feel that maybe there should be a national commission to examine not just the short-term but what are the long-term impacts, what is the long-term approach that we want to take here?

It seems like violence in America is constantly shifting. Maybe we need a national focus, much like maybe the Carter Commission we had in the late 1960s to address the problems facing the country then that actually put forth some proposals and some solutions. How do schools and communities access what may work or may not work? What ideas are out there? How do they reach out? You have so many programs going on in the Federal and State governments and Department of Education and Department of Justice and the Health and Human Services and public health, can we not somehow put these programs under an umbrella so schools can easily access to learn what is working in northern Michigan that may work in southern California. Can we have a national clearinghouse? Can we be under a commission and an agency? Can we do a one-stop shopping area, if you will, so we know what is working?

We have plenty of studies out there across this country that says this works up here in Boston, Massachusetts, or character education based on this model will work in North Carolina, or school resource officers work in Michigan. How do we allow everyone to access it? New Jersey has a program called crisis intervention officers. Is that different from a school resource officer which is really community policing where parents and teachers and students work together in a partnership to keep down crime and violence in the schools.

We have met with former pro football star Jim Brown. His program Ameri-Can is a great program that may help us and is being used in 14 different States right now to address after-school problems and self-esteem that young people need. His program looks like one that may work. It may not work again in my northern Michigan area but it certainly is one we should look at. Each community, each State is unique unto themselves, but as we have seen in the last 18 months, we are all subject to the same violence in families and in schools and communities.

From the victims families, from all the folks we have had a chance to talk to, it seems there is a lot of confusion and hopelessness and despair out there. As I said, there is no simple solution. There is no political quick fix. We need vision. That is why I was so pleased today to see both the Democratic leader and the Speaker speaking of a willingness to work together and a need of a vision in this country, an action and a long-term commitment. Unfortunately in the United States Congress, we authorize and pass programs that will last for 1 year or we do a pilot program for a year or two. Then if it looks pretty good, we will use a 3-year program or a 5-year program. But I think we need a long-term commitment here. We need at least a commitment of a generation. I think it is incumbent upon this generation to start putting forth and thinking long-term so we can save not only this but also future generations.

As I said earlier, the family situations, the situations that we see in school are reflective of so many families that are surfacing in the schools. So you cannot say it is a State issue. You cannot say it is a local issue. I think the Federal Government must show some resolve. By that, we in the Democratic Party believe that it is not just something that we pass a program and then block grant it to the States. We at the Federal level must show the resolve. We cannot shirk from this responsibility. We just cannot block grant away another national problem.

This is a national problem and it is begging for a national solution. But if you are going to get at the root of the problem, I think you have to strike at maybe four main elements we have seen, we have looked at, we have studied, we have discussed in our many meetings and discussions with experts. It is what is happening in our communities, what is happening in our homes, what is happening in schools and yes, what is even happening with the proliferation of guns when we have four handguns for every student going to school floating around these communities, the easy accessibility of them. Do you address all four of them? I think you have to address all four because all are interrelated. They are interconnected. All are branches, if you will, on a tree that combine to form a trunk or the base but underneath there lie the roots and the roots which anchor the tree, the forbidden tree, if you will, the anchor of school violence and death that we have unfortunately seen once again here today. The branches on this tree, be it guns, schools and communities or the home, look remarkably similar, and it probably should, because it is us. It is really America. It is what we teach. It is what we teach the baby roots, our children, if you will. So when they grow, they become the anchor of the tree of school violence and death.

So let us not fail to see the forest but for the trees and let us not fail to see America for the violence we are experiencing because America is the greatest country there has ever been. We have an opportunity here now to stop and look at what is going on in this country, in our communities, in our schools, in our homes, and what can we do as a Nation? The violence, we just cannot look at it in other people. We have to look within ourselves. Because the violence is ingrained. It is not just what we do or what we say, but I think we also have to go beyond that and the violence or the signals we send can also be caused by what we do not do or what we do not say. By what we do, like reconcile differences within our homes, our families and our schools and our communities would be a start. So where do we start? If we focus with the schools, as I said earlier, I believe society's problems are surfacing here, for all to see, to place our sons and daughters and children in with the schools, let us focus on the schools and what should we be advocating, what should we be doing? Again, there is no simple program to pass, if the Congress would pass it and fund it, it would go away. Congress cannot reconcile America's alienation within the family or within each of us, but we certainly can encourage you, support you and assist you. And here are some of the ways some of us believe we should start. The Federal Head Start program. Can we not expand that program? Many of us for years have said, look, at 3 to 5 years old, they should be in Head Start. We should fully fund it. But if we expand that program, can we not teach mandatory in the curriculum violence prevention and conflict resolution? Why can we not take that one and expand it? It has been interesting as we have had the Law Enforcement Caucus, we have had experts in many times and it has been interesting that the larger cities have noticed the problems they were having in their schools and part of their curriculum is violence prevention and conflict resolution. It is interesting to note it has not been the larger school districts that we see that are having the violence that we have been witnessing lately. Maybe there is something there that we should teach and why not start it at the Federal Head Start program? We have the healthy child program. It is a program that coupled aspects of it, last year in the balanced budget agreement, we put in CHIPs, Children's Health Initiative Program, CHIPs as we call it for short. That was to help young people who do not have health insurance have health insurance. In the State of Michigan, we are like 20,000 applications behind. People are waiting 6 months to access this program. They are either going to be in the Medicaid program or the CHIPs program. Why do they have to wait 6 months? Why are we 20,000 applications behind, when I was bringing it up with the governors representatives and then we really do not have a good idea or a good answer on why they cannot expedite the program and provide it to these people, to the young people who are uninsured, especially when we talk about the mental health provisions that 20 percent of the students are coming to school with mental health problems or difficulties or need someone to talk to and 3 to 6 percent of them have severe mental health, how come we are not addressing that? Why are we not expanding these programs to address these needs? If you take the K through 12, we have heard from school counselors and probably everybody across America says, "Yeah, I know a school counselor," but when you talk to the counselors, we say what are you doing, are you there to counsel, are you there to help, are you there to be there for the students, to interact with them. Basically they tell us, "Well, we really don't have time because we're busy with the busing schedule," or "We're busy doing the curriculum," or "We're busy preparing the students for the next round of testing going on by this group or that group or the State," or "We just really are helping the students who want to go on to college with their college applications and things like this." The counseling that we envisioned or we saw when we were in school just is not there anymore. So if the counseling, be it nurses, psychologists, school resource officers, crisis intervention officers, counselors, cops in the schools, should we not make sure that if they are going to do this, they have the opportunity to do it and not get bogged down and not be utilized for busing or for curriculum development or testing or college applications? Should they not really have it, should there not be a professional staff that could help there? And should that not in order to protect them from the budget cuts that occur all the time as local taxpayers struggle to keep their millage rates low to provide a quality education? If they are the first people who are cut every time there is a budget cut, is there a place then for the Federal Government to step forward and say, look, if there are going to be professional staff, should the Federal Government not at least put forth the majority of their salary so they are not subject to these cutbacks, so they can be there to interact?

And what about before and after school programs? Everyone tells us that the juvenile crime rate is the highest between 4 o'clock and 8 p.m. at night when the students are out of school and they have idle time on their hands. Can we not have programs? I have often wondered why these so-called after-school programs are only run during school but when young people are out and about the most during the summer, there is no program. Should there not really be a year-round program for them? Should cities or schools not do sponsorship? Like in our city we have the summer recreation program but after school starts, what about those who are no longer in sports, what is for them? In my hometown after that?

Again can we use these professional Federal staff people to assist there? That is something I think we should take a look at. We talked a lot about school hot lines. School hot lines, ones that have been used out East here quite a bit with some success. Those were the school hot lines we talked about the student using if they have a concern, be it safety or just a concern, they can use the hotline to call in and someone would get back with them, be it one of those counselors or nurses or crisis intervention people or school resource officers.

With the recent incidents from Colorado and now too in Georgia, the superintendents are telling us and even in my district, even last Monday we had another bomb threat, how do you crack down on that if you have a hotline? Does that become the hotline for the bomb threats or the assaults or alleged assaults on the school? Then do you put in the caller ID? Can you crew the trap lines? Can you backtrack it, to cut down on these? And why could the hotline not be a parent's link to the school to see what is going on in the school, what events are going on, what is the drama club doing, what is their next event? Also why can the homework assignments not be there so the parents know if there is homework assignments, so they can take an active role in there?

Another suggestion we have heard in our many, many meetings is why can we not do hold and safe rooms? Hold and safe rooms is, I mentioned earlier, 100,000 weapons come to school every day with young people. If you are with a weapon in school, what happens? Do you hopefully not like what happened in one school shooting incident where the student came with a weapon in school, was sent home, got more weapons and unfortunately violence erupted.

□ 1815

So holding safe rooms, should each district have one, have one designated, that is a program that does not even cost anything, but what it tells us is a student comes here with a weapon, we are just not going to release them back into the community without holding them and making sure they are safe and making sure all precautions are taken to protect that student, other students and the community itself.

And what if the student is removed from school? I have heard governors say throughout this great Nation of ours, that first student that comes to a class with a weapon, just throw them out of school, no questions asked. Then where does it go? Where does the student go? Back into our communities? Do they work? Where do they go?

There is nothing to help them, and just letting them loose back into the community does not seem to be the answer of all we have seen in these recent months, in the last 2 years. So some States have what they call alternative schools. Some of us like to call them reentry schools.

And if you are going to be suspended for whatever, be it weapons or whatever it may be, why not, before you come back into your school, there is a reentry which must address the reasons for your suspension, and especially if it had something to do with weapons or drugs or alcohol. Let us answer, let us answer those questions before you reenter.

I indicated earlier that guns unfortunately are readily accessible and four guns for every one student we have, and 100,000 weapons come to school a day, and we have 13 deaths a day of young people. How do you begin to address that? If you are going to start addressing legislation such as that, I think not only you have to address what is happening in communities but also in our homes.

And in the last week you have seen many dramatic votes in the Senate on it, everything from 21 years old to purchase hand guns to closing the Brady loophole on checks at gun shows and pawn shops and child safety locks and liability and storage, and these are things I think that we have to address and at least talk about. Whether you are a Democrat or Republican, conservative, liberal, it is something we have to have a discussion about, and hopefully it can be a meaningful discussion.

We have talked, many of us, and I know even today the Speaker mentioned about ratings on games and Internet access and things like that; and besides all the meetings we have been having, we have been hearing articles and experts talk about are we really training our children to kill, and they talk about the desensitization which is going on with children.

And many experts have said, and if I can quote from one or two articles, children do not naturally kill, they learn it from violence in the home, and most pervasively from violence as entertainment and television, movies and interactive video games. And they go on to say that every time a child plays an interactive video game, he is learning the exact same conditioned reflex skills as a soldier or a police officer in training.

Mr. Speaker, every parent in America desperately wants to be warned of the impact of TV and other violent media on children, but unfortunately we have seen, I said on the Committee on Commerce, unfortunately we have seen a lot of our TV networks sort of stonewall what it really means in our key means of public education in America, and I hope we are not stonewalling them.

These are all issues that we have been trying to address, and there have been again many, many articles that we have looked at, we have argued about, we have debated, and we continue to look for answers. As I said, there is no one single program, there is no one single solution, there is no Democratic or Republican solution here. We must work together on this.

As we talked about the counselors, there are about 90,000 counselors right now in America, and they are in the public schools from middle to high school. We have 90,000 counselors for 19.4 million students. That comes out to about 1 counselor for every 450 students.

But as we spoke to those counselors and their representatives, they said, "We do not get a chance to counsel anymore like we used to. We actually spend time," as I said earlier, "helping on developing core curriculum, helping on the busing schedule, helping out with kids wanting to go on to college," and how do we help them out there, "and just basically doing testing, testing, testing so our school scores well on the test so we can hopefully get more resources." But the kids are lost in the whole shuffle.

So is it feasible to put in 100,000 more counselors, much as we did 100,000 cops on the street, to stop this violence that we see in our schools? And if you looked at it, that would add about 100,000 more counselors, would bring it down to 1 to 250 students. But then we got to make sure those counselors are not bogged down doing busing, or testing, or core curriculum development, or college preparation.

And what about after school programs? We think there are many of them, good programs that can work, whether it is Amer-I-Can or Boys and Girls Clubs or whatever, why can we not do those things?

As my colleagues know, we just did an emergency supplemental appropriations that the President asked for $6 billion, ended up being $15 billion, and we passed that. Can we not put forth an emergency school supplemental appropriation?

And what about family, school and teacher initiatives? Why can we not have these hot lines? Why can we not expand the family medical leave that we tried to do, to make it available so parents can go to school to spend some time with their children, whether or not, not just at report card time but other times? Why can we not expand that?

These are just some of the ideas I said that have come out of the Democratic Caucus. We have been working on it since the first of the year. It has taken on new urgency with the situation in Colorado and again here today in Conyers, Georgia, but I want you to know that we have been working and thinking and trying to take your suggestions and ideas that have come from the American people and from the psychologists and National Education Association and American Federation of Teachers and everyone we met with, and as House Members we have even met with Senate Members. And again, we are all trying to pull together, and unfortunately today's incident once again leads me to come to the floor tonight to join with the Democratic leaders and others to try to talk about what we are doing, what we are doing.

And I notice one of the leaders in this area, Mr. ROEMER from Indiana, is here, and at this time I yield to the gentleman.

Mr. ROEMER. Mr. Speaker, first of all I want to thank my good friend, the gentleman from Michigan (Mr. STUPAK), from the Midwest, right next to Indiana, my home State, for having this special order on a very, very important topic in America today. I want to commend our leader, the gentleman from Missouri (Mr. GEPHARDT) for taking the time to come to the floor to address this very, very important issue for all Americans in facing, and not only are we facing trying to come up with creative and bold and innovative solutions to make our schools better, we need to make our schools safer.

I was sitting in my office just minutes ago making phone calls back home to Indiana to talk to and listen to farmers, and our farmers are going through a very difficult time in small town communities with the price of beans and corn and hogs being so low. And I was speaking with some of them, and some of them were saying, well, we are in danger of going out of business and we are having all kinds of problems in our small town communities, but we have our family and we have our children, and we will get through this.

Imagine, imagine what some families in America are going through today in Paducah, in Jonesboro, in Springfield, in Littleton, in Georgia today, that had their children shot at school, have children injured and sent to the hospital, are scared about sending their children to a public school or a private school to get an education in America today. That is a compelling issue for this Congress to address and address in a bipartisan way, address in a thoughtful way, address in maybe a short term way but in also a long term way, with vision, with perspective, with a lot of thought and with, hopefully, a lot of answers.

I cannot imagine, as a parent of three children, being in the shoes of some of the parents that are in these cities across America, in these suburbs across America, in these situations across America where their children are in danger, where their children are being harmed, where their children might be shot. And just on CNN tonight in a Gallup poll, they did a Gallup poll to 13 and 17-year-olds, asking our 13 and 17-year-old children in schools today, "Do you feel safe?" Asking them what some of the biggest problems are in our schools: peer pressure and the cliques and standing up for what you think is right and against somebody putting down other students in very harmful and mean ways.

But we have to get back, and I think my colleague from Michigan (Mr. STUPAK) understands this, we have to get back in Congress to helping try to have a national dialogue, as education is the number one issue across America. Every single union hall I go into, it is the number one issue, every single business I go into it is the number one issue, every single home I knock on in Indiana it the number one issue.

And now not only are we concerned with better schools, innovative schools, creative schools, helping with charter schools, helping with this Ed-Flex program that we just passed, but we must be concerned with safer schools. We cannot let this happen over and over and over again, from Arkansas to Mississippi to Kentucky to Colorado to Oregon to Georgia. We do not want this happening in Indiana, and I know in my good friend's home State of Michigan and Port Huron the other day we had another instance of potential violence.

So I would hope that the Speaker and the Leader could get together, I would hope Democrats and Republicans could join together to discuss in a national way, with national dialogue and input from a lot of different sources, teachers and parents and principals and counselors, people that think that families are the number one concern and the number one answer, people that think that media violence is the number one concern and the number one answer, people that think that metal detectors and safety and security measures in schools are the number one concern and number one answer, people that think that there are too many guns in society.

Mr. Speaker, let us have these debates. I do not necessarily think that we can legislate everything here to answer this compelling problem on the House floor, but we can talk about the importance of family and the role of bringing up our children, we can talk about how parents must be at that kitchen table and talking and listening to our children. We can talk about how this has to be done more in America. We can talk, and hopefully talk and respect the First Amendment about the number of media games, of games on the Internet that companies are putting out there for our children, that do not need to be sold to our children, that escalate the number of violent activities on the programs, that reward kids for the more people that they harm on these video games, the more points they get and the more harm they can do. We do not need to be selling those products to our children.

And we can talk about some, yes, some answers that maybe Congress can come up with. We can talk about maybe some ways to put some programs together to allow our local schools to pick from a host of different answers, whether those answers be that the school picks from looking at putting more metal detectors in the schools, to having more counselors in the schools, to having more mental and psychiatric resources available in the schools, to more D.A.R.E. officers in the schools, to other proven research methods that make our schools safer, allow our local schools to pick and choose as they should, as the local schools should do, from a host of different measures.

□ 1830

Let us in this great Chamber, where George Washington peers down on us and godly trust is above us, where we have had so many historic debates in this great place, let us discuss the issues of the day. Let us bring education front and forward to improve schools, to make them better and to use more creative approaches to do that, but also look at the safety issues, to look at what we need to do to give more assurances to our parents and our families, that our schools and the United States of America are going to be safe places for our children.

We can do an emergency supplemental. If we can make that a priority in this country, and I voted for it, to make sure our troops have the resources overseas to be successful in battle, we should make sure that our families are talking about the right things. Where we can help, where we cannot, where we cannot legislate this, we can have a national dialogue, but we can talk about many of these other things here in this body, with Republicans and Democrats together, sharing in some of the answers, disagreeing maybe on some of the answers but at least proposing some solutions to these problems, with safety in our schools, with better schools in all of our neighborhoods across this great land.

So I really want to say that there cannot be anything more important that we as a Congress can deal with in this session of Congress. There cannot be anything more important to parents than better schools and safer schools. There cannot be anything more important in the history of the country as we move into this new millennium than better and safer schools and Congress working together to improve those schools.

So I just want to say, in just the few minutes that the gentleman from Michigan (Mr. STUPAK) has the special order tonight, that I share in his concern; that I applaud his leadership on drawing many people together in the Democratic Caucus to look at a wide variety of answers, whether they be long-term answers, such as I think fully funding Head Start programs and preschool programs, long-term answers like helping our families, encouraging our families to stay together and not implode, looking at counselors and metal detectors and letting local schools pick from a host of solutions, but we need to draw people together in our caucus, we need to draw people together across both lines of our parties. We need to come together to discuss and debate these issues today, in America, at our kitchen tables, in our great halls for debate and help solve some of these problems.

Again, I want to thank the gentleman from Michigan (Mr. STUPAK) for having this special order. I again want to thank the gentleman from Missouri (Mr. GEPHARDT) for taking the time to come to the floor to talk about these issues, and I want to commend the gentleman from Michigan (Mr. STUPAK) for trying to put some packages together on the crime side, on the juvenile justice side, to also look at some solutions to these vexing and very important problems.

Mr. STUPAK. I thank the gentleman from Indiana (Mr. ROEMER) for joining us tonight and thanks for coming down and joining us. As one of the leaders in the education field, as the gentleman has been, with a new Democratic coalition and others, we really appreciate the insight he has given us as to what works in Indiana, in his district, as I said earlier. What works in New Jersey or Michigan or wherever it might be, it may work in that community or that State unique unto itself but all of our communities in this country right now are basically subject to violence in families, in schools and communities. No matter how one cuts it, no matter where one stands on the issues, there just seem to be so many weapons available and so much alienation out there and so many opportunities for violence. I am sure if the gentleman looks closer in his polling results that he has seen, he will see there is sort of like this hopelessness out there, confusion and despair on what we should do, and the gentleman is absolutely right, there is no simple solution. There is no quick political fix to this vexing problem.

We need vision, we need action, and we need long-term commitment, and again not just for 1 year or 3 years or 5 years, but at least a generation.

I know that the gentleman from Indiana (Mr. ROEMER) has always worked in a bipartisan way with Democrats and Republicans and that is what we are asking here. As the Democratic Caucus, we have been reaching out and we will continue not just to our colleagues on the other side of the aisle but also over in the Senate to try to find some kind of solutions.

All these things, whether it is the community, the schools, the homes or guns, they are all interrelated, interconnected. We have to be prepared to start addressing all parts of the problem.

I wish we could but the Federal Government just cannot pass a law, the Federal Government just cannot reconcile America, or alienation within the family or even within each other, but we certainly can encourage; we would support and do anything we can to assist.

So I certainly appreciate the gentleman's time and effort in coming down here tonight to speak with us.

There is another issue, of course, that is on the minds of all Americans and that is, of course, Kosovo. One of our colleagues, the gentleman from New York (Mr. ENGEL), wanted to take a few moments, so I am going to yield him some time to talk about that situation.

So while we talk about school violence or what is happening, we still have other matters that we must address again hopefully in a bipartisan way, and I would yield to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Speaker, I thank my friend and colleague, the gentleman from Michigan (Mr. STUPAK) for yielding. Let me just say that I certainly endorse everything that he has said about violence and about the terrible tragedies taking place in our country, in our schools today. As the father of three children, I know that every parent grieves when we hear of these tragedies at our schools. We obviously need to put our heads together, Democrats, Republicans, Americans all. There are no easy solutions, and none of us has the magic answer.

We certainly cannot legislate these things. I think as leaders of our great country we need to have a dialogue and we need to put our heads together and come up with something with which all Americans can identify. So I thank my friend from Michigan (Mr. STUPAK) for his leadership in this regard.

Mr. Speaker, I wanted to speak a bit about violence that is happening on the other side of the world in Europe, and that is the situation in Kosova. I had not intended to speak but I earlier heard the remarks of our colleague, the gentleman from California (Mr. CUNNINGHAM), and I just felt that some of the things he said really should not be left unchallenged.

I believe what the United States is doing in Kosova is noble, and I believe what the President has attempted to do is noble. We could have easily stood by and let the genocide and ethnic cleansing continue and not done a thing and that would have been the easier thing for us to do, but I think to the President's credit and to our great country's credit we decided that we just could not stand idly by 55 and 60 years after the Holocaust and see another tragedy going on on the continent of Europe.

To those people who say, well, why is the United States involved when there is genocide going on all over the world, obviously we are involved with our NATO allies. NATO is the North Atlantic Treaty Organization and so NATO is primarily concerned with what goes on in Europe, and this has a terrible destabilizing effect in the Balkans and indeed on the whole continent of Europe.

So we, as one of the lead nations in NATO, as the lead nation in NATO, I believe we need to be very responsive to genocide and ethnic cleansing.

Mr. Speaker, there seems to be a tendency in some quarters to unfortunately equate the victims of genocide with the oppressors who are carrying out the genocide. We cannot equate those two. It is very, very clear what is going on in Kosova today. The ethnic Albanians are the victims and Mr. Milosevic and his Serbian government are the oppressors. That is clear.

There were two million ethnic Albanians routed from their homes. I think when we get into Kosova we are going to see 100,000 or more people in mass graves ethnically cleansed. There are already at least 100,000 missing, and we get reports day in and day out of mass graves. We cannot allow that to happen.

There are some people that say, well, this did not happen until the bombing started. That is nonsense. This has been going on for years. We have called it slow ethnic cleansing. It is true that the pace has accelerated since the NATO bombing but ethnic cleansing has been going on against the Kosovar Albanians for many, many months and years, a systematic campaign and every negotiated attempt was made to try to get Milosevic to come to his senses, and only when that failed did the bombing start.

I went to Rambouillet during the negotiations in France to speak with our American officials and to try to help convince the Kosovar Albanians to accept Rambouillet. They accepted the

Rambouillet Accords. Even though it was far short of what they would like, they believe and I believe that they are entitled to independence and to self-determination. When the former Yugoslavia broke up, and it broke up because of Milosevic, every other group in the former Yugoslavia was given the right to independence and self-determination.

The Croatians, the Bosnians, the Macedonians, the Slovanians all were given that option and opted for independent nations. Why are the Kosovar Albanians not given the same option? Why do they have to live in second class status? I think it is very, very clear that Serbia has lost any moral authority ever again to govern the people of Kosova. They have no right to it. The people of Kosova have the right to independence and self-determination.

Ethnic cleansing cannot be tolerated, and I think the principles with which we lay down to stop the bombing remain firm and must remain firm. There should be no erosion of those principles.

Milosevic knows what he needs to do. In order for the bombing to stop, the Kosovar Albanians need to return to their homes and they need to be protected by international armed forces led by NATO and they ought to have the right of independence and self-determination.

We ought to, in my estimation, be arming and training the KLA, the Kosova Liberation Army. They are the only counterbalance to the Serbs on the ground. If we do not want American troops on the ground, and many people do not, then they are the only counterbalance to the Serbs.

I have introduced a bill along with my colleague the gentleman from South Carolina (Mr. SANFORD) that says that we ought to be arming and training the KLA. In the long-term and in the short-term, we ought to be airlifting and air dropping anti-tank weaponry to them because they want to turn to us. The KLA wants to work with the west. The KLA wants to work with NATO. If we continue to rebuff them, they are going to go elsewhere for their arms. They may go elsewhere, Iran and other places that we do not like, and then if they do that we cannot then point and say, aha, because it will have been a self-fulfilling prophecy.

They want to be pro-west. They want to work with us. They want to defeat the Serbs. They want to aid NATO and we have been rebuffing them. It is ashame. It is wrong. It is morally wrong, and it is wrong in terms of what we should be planning.

I also believe, Mr. Speaker, that if we are going to fight this war, all options ought to be on the table, including the possible option of ground troops. I do not say this lightly, but I think we cannot tell Milosevic in advance what we will do and what we will not do, because if we tell him what our game plan is he can plan accordingly. That is why he has dispersed his military, he has dispersed his armaments because he does not fear a ground evasion. If we keep him guessing, we will take away a number of options from him.

Let me say this about Milosevic: We continue to treat him as if he is somehow the solution, we are going to negotiate with him, we are going to deal with him. I read reports where Milosevic supposedly is ready for a deal as long as we state first and foremost that Kosova will remain part of Serbia. That would be a disgrace to give him that. That would be a disgrace to say that we are somehow pretending that since Rambouillet nothing has happened, when we know there are tens of thousands, if not hundreds of thousands, of people executed and ethnically cleansed.

So we should not give in to Milosevic's demands. We should hold firm and adhere to those principles.

Again, all options should be on the table. We have Apache helicopters in Albania. In my estimation, we ought to be utilizing them. We ought to be doing humanitarian air drops, dropping food to half a million starving Kosovar refugees who are trapped in Kosova, who are in the mountains and do not have enough food.

I was at Kennedy Airport last week, welcoming the first round of Kosovar refugees coming home to the United States, to be with their families, and they were tears streaming down people's eyes, hugging and kissing. It was something really to behold. These people are suffering. Milosevic is a war criminal who ought to be indicted by the International Tribunal in the Hague. We should not be giving in to him, capitulating to him or in my estimation even negotiating with him.

We need to win this war. We need to guarantee that those people come back to their homes and we need to put those responsible for genocide on trial, and we need to be very, very firm and, again, I believe that we need to arm and train the KLA.

I want to enter into the RECORD two letters. One is from the Veterans of Foreign Wars, which states that the veterans of foreign wars of the United States is resolved that in order to bring this conflict to a rapid and successful conclusion on terms favorable to NATO we will support the United States acting as part of the NATO alliance, taking decisive action with the full range of overwhelming military power to eject, remove or otherwise force the withdrawal of Serbian military and paramilitary forces and to restore Kosovars to their homes.

☐ 1845

Mr. Speaker, I would like to enter into the RECORD the Kosova Coalition, which is signed by many, many people, Christians, Muslims, Jews, all kinds of ethnic groups in this country to Members of Congress urging our support for NATO's efforts to stop the ethnic cleansing in Kosovo. One paragraph says, "We, therefore, call on Congress to request that it take all necessary steps to end Serbia's campaign of ethnic cleansing, force the withdrawal of all Serb forces, create a secure environment for the return of Albanians to their homes, and allow them to govern themselves and to rebuild Kosovo."

Finally, I want to say that the smears that have been leveled in some quarters against the KLA talking about them using drug money and whatever have no basis in fact. Intelligence reports and everybody else say that it is nothing but a political smear campaign, and again today in the Wall Street Journal it says, The U.S. Drug Enforcement Agency says claims that the KLA raises money from drugs quote, "have not been corroborated and may be politically motivated."

So I am tired of the smears. This country is doing the right thing, the noble thing. We are to make sure that the Kosovar Albanians get their legitimate rights. We are to stay the course; we are to be firm, and I am proud of the United States of America standing up at this very important point in time.

I thank the gentleman for yielding me this time.

APRIL 20, 1999.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: The Veterans of Foreign Wars of the Untied States is gravely concerned about the worsening situation in the Balkans. As the combat veterans who for the last 100 years have fought all of our country's wars, we have until now opposed the deployment of U.S. forces to the former Yugoslavia. Our opposition was based on our concern for the safety of our servicemen and women in the midst of the Yugoslav civil war. Also, we have been uncertain what vital U.S. national security interests were at stake in that country's conflict.

Since we took that position, however, the situation has changed. In the past few weeks Serbian leaders have used their military and paramilitary forces to overrun Kosovo, destroy the social and economic fabric of the province and terrorize the populace into flight.

Despite, and in defiance of NATO's diplomatic efforts and its air campaign, Serbia now has achieved its objectives in Kosovo. By doing so it has raised the stakes in this conflict. Having waged unrestricted war on the people and province of Kosovo, NATO's credibility and U.S. leadership have been directly challenged by Serbia. NATO will neither continue as a credible, unified alliance, nor will the U.S. retain its world leadership role if the Serbian challenge goes unmet and Serb aggression is not stopped.

Many of our members are deeply troubled by the situation we face. Some realize the long history of this conflict, the skill of our adversaries, the inhospitable weather and terrain and the political difficulty of maintaining alliance unity are important factors that will affect our actions and their outcomes. Others are mindful of the lessons of past wars. The gradual applications of force that allow adversaries to seize objectives before our power peaks and the limits placed on the use of our military power which can prolong conflicts, increase casualties and erode public support are lessons that seem to some to apply equally to today as to yesterday.

Nonetheless, in consideration of the current situation, the Veterans of Foreign Wars of the United States is resolved that in order to bring this conflict to a rapid and successful conclusion on terms favorable to NATO, we will support the United States acting as part of the NATO alliance, taking decisive action with the full range of overwhelming military power to eject, remove or otherwise force the withdrawal of Serbian military and paramilitary forces and to restore Kosovars to their homes.

We also believe that careful consideration should be given to the formation of a NATO peacekeeping force to guarantee Kosovars' freedom from further oppression and the right to its self-determination.

Finally, Mr. President, with such important questions before us we believe and urge you to ensure first that the American people are behind this effort and then to take this issue to the United States Congress for its advice and consent.

Sincerely,

THOMAS A. POULIOT,
Commander-in-Chief, Veterans of Foreign Wars of the United States.

KOSOVA COALITION,
Washington, DC, May 19, 1999.

DEAR MEMBER OF CONGRESS: We are writing to urge your support for NATO's efforts to stop the ethnic cleansing of Kosova.

We are horrified by the atrocities, including mass murder, systematic rape, and widespread expulsions, committed by Serb forces against the civilian population of Kosova. We strongly support NATO's military campaign in Kosova, but are concerned that our efforts thus far have not been enough to stop the atrocities there. In fact, the State Department recently reported that Serbia has forced nearly 90 percent of the Kosovar Albanians from their homes and is continuing its effort to cleanse Kosova of its Albanian population. We cannot allow Serbia to succeed.

We, therefore, call on Congress to request that NATO take all necessary steps to end Serbia's campaign of ethnic cleansing, force the withdrawal of all Serb forces, create a secure environment for the return of the Albanians to their homes, and allow them to govern themselves and rebuild Kosova.

We also support the efforts of the UN War Crimes Tribunal. We strongly believe that those individuals who committed or ordered others to commit crimes against humanity must be brought to justice.

Lastly, we believe that the international community should continue to help alleviate the circumstances facing the Kosovar refugees. To the extent possible, the refugees should be able to remain in the Balkans to better enable their eventual return to their homes. All countries bordering Kosova should keep their borders open to refugees and treat them with dignity and respect.

Although we are disheartened by the events unfolding in Kosova, we are supportive of NATO's mission there. But the ethnic cleansing must stop. NATO can help achieve that goal by expanding its mission in Kosova.

Sincerely,

Ilir Zherka, National Albanian American Council; Bruce Morrison, Former Member of Congress; Richard D. Heidman, B'nai B'rith International; Glenn Ruga, Friends of Bosnia; John Cavelli, Conference of Presidents of Major Italian American Organizations; Hisham Reda, Muslim Public Affairs Committee; Marilyn Piurek, Polish American Leadership Council; Jess N. Hordes, Anti-Defamation League; Steve Rukavina, National Federation of Croatian Americans; Bob Blancato, Italian American Democratic Leadership Council; Mark Lazar, Federation of Polish Americans; Abdulrahman Alamoudi, American Muslim Council Foundation, John Pikarski,* Gordon and Pikarski; Rabbi David Saperstein, Religious Action Center of Reform Judiasm; Dr. Jim Zogby,* Arab American Institute; Steven Schwarz, Jewish Council for Public Affairs; Tolga Cubukcu, Assembly of Turkish American Associations; Phil Baum, American Jewish Congress; Peter Ujvagi, Hungarian American National Democratic Leadership Caucus; Jason Isaacson, American Jewish Committee.

*These individuals are signing the letter in their own names. Organizations they represent are included for information purposes only.

Mr. STUPAK. Mr. Speaker, I thank the gentleman for coming down and sharing his concerns.

I know the gentleman from Virginia would like to speak on school violence, and I would like to yield to him at this point in time.

Mr. MORAN of Virginia. Mr. Speaker, I thank the gentleman from Michigan for yielding to me. I also want to say a word about the comments of the gentleman from New York (Mr. ENGEL), my friend and colleague. He is absolutely right. Mr. Milosevic is a war criminal and he is a bully, and we cannot yield to him. We must not let him prevail, nor can we as a society ever become apathetic to the suffering, the murder, the genocidal campaign that has gone on in the Balkans. We must stand firm; we must stand with NATO, and that means whether it is politically popular, or whether it is not the popular will, it is up to us to show leadership. The President is showing leadership. Most of the leaders of NATO are showing leadership, particularly in the United Kingdom, and we applaud them for doing that. History will give them credit if they do not get it from their electorate today.

As we approach the dawn of a new millennium, we as a people, individually and collectively, must stand up for a civil society, a society under the rule of law, a society where democracy determines leadership, a society where people are rewarded for their effort within a capitalist economy.

So we have a major role internationally. But we must also set a standard domestically, and there is an area where this society falls short of meeting that standard, and that is in the area of gun control. Because the statistics will show that that is one area where we trailed the rest of the industrialized nations. In fact, there are more children killed by firearms in the United States than all 25 other industrialized nations combined.

Now, when we stand for principle internationally, it would seem that it is incumbent upon us to do the right thing domestically, and it is not right that 13 young people every day lose their lives due to firearms, whether it be through homicides, suicides, or unintentional shooting.

Mr. Speaker, there are events such as happened today, such as happened recently in Littleton, Colorado where that enters the radar screen of our mind. But it should be an objective every day, particularly in this House, to bring us in line with the other civilized nations and to stop the proliferation of handguns and assault weapons.

The last year for which we have statistics, we know that about 3,000 children and teenagers were murdered with guns, over 1,300 committed suicide with guns, and about 500 died in unintentional shootings, just in one year. A total of nearly 5,000 young people were killed by firearms, and that is a relatively typical year. In fact, in a typical year, we have over 20,000 people, adults and children alike, killed by firearms. That is way out of sync with the rest of the civilized world. There is no country that even registers on the same radar screen as the United States. They do not reach 100 deaths by firearms in a year, and we have 23,000.

Mr. Speaker, two in 25 high school students, so we are talking about tens and tens of thousands of high school students, report having carried a gun in the last month. Where are they getting these guns? Why are they getting these guns? They are getting these guns because we have lax laws, because of our gun control policy which is too determined by politics and by political campaign contributions.

I speak particularly of the gun lobby and of contributions from the National Rifle Association. If the Republican Party does not want this to be a campaign issue, if they do not want this to be a partisan issue, then they should not be accepting the millions of dollars of campaign contributions from the National Rifle Association. Because it is going to be a campaign issue when 85 percent of those campaign contributions are going to Republicans, when one can go right down the line of the people who lead the fight against gun control, and look at the campaign contributions, and most of them have gotten $9,900 a year. Some have gotten as much as $14,000. I do not know how they do that, because they are supposed to be limited to $10,000 a year, maximum. But we have the numbers. The numbers are available. People should look at it. People should compare those to votes. People should also respect the fact that an important vote was cast today. It was a deadlock, it was decided by the Vice President of the United States, and it was the right thing to do.

I hope that this will not continue to be a partisan issue, that we will do the right thing in the House of Representatives. That, in fact, we will be able to add the same amendments to the Juvenile Justice Authorization, and lacking those amendments, that we will be able to at least add them to the appropriations bill on Treasury and Postal Operations.

It is long past time. Thousands of people have died because we have not been willing to stand up to the kind of political bullying that comes from many in the gun lobby.

Mr. Speaker, we should not miss this opportunity to focus on this very serious problem in our society. We must start to do the right thing legislatively. We must stop this violence. I am not suggesting that to take away guns is a magic bullet. But I am suggesting that when we went to school, we had the same kind of psychological problems with peers and girlfriends and so on, but we did not have dead victims as a result. We might have done silly things, but gosh, we did not have access to guns; we did not shoot people, we did not leave people dead in a pool of blood. And that is happening because guns are much to easily accessible to our young people who do not have the maturity to be able to use them. We ought to increase the age of accessibility to guns, we ought to put safety locks on guns, and we ought to reduce the proliferation of them, whether it be through pawnshops or through gun shows or retail or wholesale or whatever. The time has long since passed for us to take the lead in this very serious issue and restore a civil society and reduce the violence that is prevalent throughout this American Nation.

Mr. Speaker, I appreciate the gentleman from Michigan taking this time to speak about school violence. School violence is a reflection of society. This is an important issue. We ought to be addressing it today.

Mr. STUPAK. Mr. Speaker, realizing my time has expired, I once again would just like to thank the Speaker for his courtesies here tonight and understand that of course that as we address this issue, it is more than just guns, but things are happening in communities, in schools and in homes, and we invite Democrats and Republicans to come together and address this in a bipartisan manner

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A GREATER QUALITY OF LIFE FOR AMERICA'S DEFENDERS

The SPEAKER pro tempore (Mr. SHIMKUS). Under the Speaker's announced policy of January 6, 1999, the gentlewoman from Idaho (Mrs. CHENOWETH) is recognized for 60 minutes.

Mrs. CHENOWETH. Mr. Speaker, I found it interesting, the comments tonight on Kosovo. It is my firm belief that we are involved in an illegal war. We speak glowingly about the rule of law, and yet the Constitution requires that the Congress raise up armies and declare war. The War Powers Act clearly defines the limits within which the President may engage in war-like activities such as we have become involved in in Kosovo. The U.N. charter requires that no Nation see this kind of violent activity in a sovereign manner when there is internal conflict. So I do not care where one looks, whether it is international law, constitutional law, or statutory authority, this is an illegal war.

As we think about the war in Kosovo, Mr. Speaker, I want us today, as we begin to approach the time when we remember the veterans, the men and women who have served so bravely overseas, as we begin to enter into that season in our year, I want us to think about them and not forget them. Because in today's military, a young enlisted person serving out his or her first contract can expect to make only $1,075.80 a month. Over a 40-hour work week, this averages to $6.70 an hour. But most of our military personnel do not work 40-hour work weeks. We all remember the famous army slogan: We do more before 9 o'clock a.m. than most people do all day. Well, Mr. Speaker, it is true. These young enlisted personnel can expect to be at work before first light and not home again until long after dark.

□ 1900

Mr. Speaker, we do not pay them overtime. These young people train for weeks at a time away from home. They keep themselves in a state of top physical readiness, and they live their personal lives according to the high standards of integrity and honor we mandate for them. These young servicemen and women must uproot their families on a moment's notice, moving to a new duty station across the country or across the globe. A lot of them do it for as little as $6.70 an hour.

For members of the military with families, the situation is even worse. Despite a modest living allowance, 12,000 families currently serving our armed forces are dependent upon food stamps, food stamps. We have government employees living off of government subsidies. Mr. Speaker, why do we not skip the intermediary step and just pay them properly in the first place?

During the holidays at the Mountain Home Air Force Base in Idaho, a network of military spouses work together to collect donations of money and toys for the enlisted families who cannot afford to give their young ones Christmas or Thanksgiving.

Last November and December, the Mountain Home Warm Heart organization, run by the spouses of servicemen, distributed over $18,000 worth of food and toys and cash to needy military families.

Where did this money come from, Mr. Speaker? From the pockets of servicemen who already had very little to give. If this were not bad enough, many military families have more serious concerns than just Christmas and Thanksgiving.

At the Mountain Home Air Force Base, 459 women and children are receiving regular food assistance. That is not a proud record for us. One hundred and seven of those are infants. The Mountain Home Air Force Aid Society made $131,000 in emergency assistance loans to military families. I am very concerned about what will happen to these families when the money runs out and they still have to make monthly payments on their loans.

In the 18th century, citizen soldiers won our independence and secured our liberties. We hailed them as heroes, and revered the courage and commitment they demonstrated in defense of our Nation. Today that Nation is protected by citizen soldiers with the same integrity and that same sense of duty. Only in 20th century America, we do not even pay them a living wage. We should be ashamed of ourselves.

From 1988 to today, there have been 32 deployments of our military. In the previous 60 years, there were only 10 deployments. Put another way, Mr. Speaker, prior to this administration, the military was deployed an average of once every 6 years. During the Clinton administration, the military has been deployed an average of four times every year.

Furthermore, since 1987 we have depleted our ranks by 800,000 servicemen, 800,000 servicemen. In practical terms, that translates into more frequent deployments and dangerously long hours. It is illegal in this country for truck drivers to be on the road longer than 8 consecutive hours without rest. We have pilots now patrolling the Mediterranean in 14-hour shifts.

In short, this administration is expecting our servicemen and women to do 100 times as much and place their lives at risk 100 times as often with 800,000 fewer people for as little as $6.70 an hour.

Mr. Speaker, I recently paid a plumber $90 an hour to unplug my garbage disposal. An auto mechanic can expect $50 an hour. A teenage person working as a bagger in a grocery store can earn up to $12 an hour. None of these jobs requires 24-hour dedication to duty and a constant threat to their lives.

Mr. Speaker, one young Marine I know of has taken a second job to supplement his income. Every night this Lance Corporal goes home and trades his Marine uniform for a blue and red tee shirt and matching hat from Dominoes. This young Marine, this hard-working father of two, delivers pizza because he is too proud to accept welfare.

He is not alone in this endeavor, but it is nearly impossible to know how many young servicemen are in this position, because most of them hide it from their commanders.

A young Lance Corporal serving in the Marine Corps today can anticipate being combat-deployed at least once in a 4-year enlistment. I wonder what this Lance Corporal's family will do when he is away and they have to make do without the supplemental income from Dominoes? I am humbled by this young Marine, and many others like him who work so hard to protect us. I am ashamed that we do not do right by them.

I urge this body to seriously consider the ethics of our government's continued overextension of our military in light of our complete lack of gratitude for their service.

Mr. Speaker, I have a request to make of the Members of this body. Tonight, when they go home to their families and when we go to the security and comfort of our own homes, when we tuck our young children in bed and say a prayer, we need to say a prayer for the men and women of our armed forces.

As we sleep, approximately 100,000 of them stand watch away from their own loved ones, ready to give their very lives to protect us, for as little as $6.70 an hour.

Mr. Speaker, I think this Congress must begin to understand that there is a direct correlation between the effectiveness of active duty military today and the treatment of the veterans of yesterday's service. Retention, morale, readiness, these words are euphemisms used to disguise the real problem our military faces: A complete lack of faith that their government will take good care of them.

Why should our active duty servicemen believe us? Veterans in my district are feeling the effects of cuts in the veterans budgets. Veterans hospitals in Salt Lake City and Spokane are suffering from cutbacks and layoffs which impact patient care, as well as those hospitals, veterans hospitals, in Boise, Idaho. There are waiting lists for surgery and fewer options for long-term care. We have broken our promises.

A sign in front of the Boise Veterans' Medical Center reads "The price of freedom is visible here." But indeed, it is. Unfortunately, in our society, a select few pay that price. They are our veterans. They are our heroes, and they must fight for the health care benefits that we promised them.

We expected our veterans to fight for us abroad, but it breaks my heart when they have to come home and fight for their privileges that were promised them at home.

Mr. Speaker, veterans are forced into one final choice between their home and their patriotism. No Idaho veteran may be laid to rest in his home State in a dedicated field of honor. That is because my home State is the only State in the Union which does not have a veterans cemetery.

Veterans represent approximately 10 percent of Idaho's population. There are nearly 100,000 combat veterans in Idaho, about a third of whom served our Nation in World War II. Our average World War II veteran is 76 years old. These heroes are now passing away. This summer when veterans organizations call the roll of those who have died in the last year, they will read 3,500 names in Idaho, and not one will be able to be buried in an Idaho veterans cemetery. There is not an Idaho veterans cemetery.

That is why I am introducing legislation which will provide Idaho with a veterans cemetery. This bill answers a critical need Idaho faces. In pressing for a veterans' cemetery, I have the support of the entire Idaho congressional delegation, the State veterans organizations, our Governor, the Idaho legislature, and the chairman of the Committee on Veterans' Affairs, the gentleman from Arizona (Mr. STUMP).

In fact, last month, the Idaho legislature passed Joint Memorial No. 1, which urgently requested a veterans cemetery, stating, and I quote, "It is fitting and proper that a grateful Nation should provide a burial site within a reasonable distance from the homes of those Idahoans and others residing in the northwestern States who honorably served their country in a time of emergency."

Mr. Speaker, I do not believe this case can be overstated. We in this body must begin to take very seriously our commitment to the armed forces. We cannot just try to make piecemeal repairs. We must begin to demonstrate a genuine commitment to improve the quality of life for our veterans and our active duty servicemen and women.

Mr. Speaker, earlier this week I was forced to vote no on the Kosovo emergency supplemental. That was a very painful and difficult vote for me. On the one hand, I hate to pass up a chance to rectify the wrongs brought down on our military in the past 6 years.

I always welcome the chance to give something back to our servicemen, but I cannot fund an illegal war. I cannot condone this military action, this terrible descent into a protracted conflict in which the American people have no stake whatsoever. I care about our troops too much to remain silent as they are led to this battlefield.

Mr. Speaker, last month this body had the opportunity to fulfill its constitutional role and declare war on the people of Kosovo. All but two, all but two 2 Members balked from that final act. It seems that the only thing this body can agree on in this matter is that the people of Kosovo are not our enemies. Why, then, are we bombing them? Why are we destroying their capital?

I do not understand the answer to this question, Mr. Speaker, and I cannot let the temptation to provide our servicemen their due at this time dissuade me from my obligation to preserve, protect, and defend the Constitution.

Had I voted to fund the war I had voted against declaring, I would have compromised the very principles these young people have fought for in the past. I would have voted to violate the Constitution. Worse, Mr. Speaker, this supplemental amounted to nothing less than blackmail. The Members of this body were offered a choice: Support the troops and the beluga whale and the House pages and the University of the District of Columbia and Washington Metropolitan Air Traffic and whatever other random provision was added, or do not support the troops at all. It is a shameful situation, what was added to the so-called emergency supplemental. It is a testament to the way the military has been constantly used by us, improperly used.

The fact is our military is being attacked by its most dangerous opponent, our own civilian command. This Kosovo supplemental was proof that we are not committed enough as a government or powerful enough as a Congress to undo the damage that already has been done. It is time to move from piecemeal repairs after the fact to proper recognition, support, and honor throughout.

In a time when we were threatened, they defended us. In a time when we were afraid, they kept their courage. In a time when we have discarded patriotism, they still salute their flag, honor their Commander in Chief, and serve the ideals of American freedom.

Mr. Speaker, we must show them, our heroes of past conflict and those who stand guard as we speak, that we care, that we are grateful, that we will not fail them.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DEUTSCH (at the request of Mr. GEPHARDT) for after 3:00 p.m. today on account of personal reasons.

Mr. NAPOLITANO (at the request of Mr. GEPHARDT) for today on account of official business in the district.

Mr. STARK (at the request of Mr. GEPHARDT) for after 1:00 p.m. today on account of official business.

Mr. FOLEY (at the request of Mr. ARMEY) for after 1:00 p.m. today on account of receiving an honorary doctorate degree from Northwood University.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. FILNER) to revise and extend their remarks and include extraneous material:)

Mr. GEPHARDT, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. RUSH, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Ms. BROWN of Florida, for 5 minutes, today.

Mr. SANDERS, for 5 minutes, today.

Mr. DOGGETT, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. HASTERT, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, today.

Mr. NETHERCUTT, for 5 minutes, today.

Mr. WHITFIELD, for 5 minutes, today.

ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1141. Making emergency supplemental appropriations for the fiscal year ending September 30, 1999, and for other purposes.

ADJOURNMENT

Mrs. CHENOWETH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 13 minutes p.m.), under its previous order, the House adjourned until Monday, May 24, 1999, at 12:30 p.m. for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2252. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Avocados Grown in South Florida: Increased Assessment Rate [Docket No. FV99–915–1 FR] received May 19, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2253. A letter from the Administrator, Farm Service Agency, Department of Agriculture, transmitting the Department's final rule—Noninsured Crop Disaster Assistance Program (RIN: 0560–AF46) received April 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2254. A letter from the Acting Associate Chief, Forest Service, Department of Agriculture, transmitting the Department's final rule—Landownership Adjustments: Land Exchanges—received May 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2255. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Mepiquat Chloride; Pesticide Tolerances for Emergency Exemptions, Correction [OPP–300719A; FRL–6075–7] (RIN: 2070–AB78) received April 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2256. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Dimethyl phosphate of 3-hydroxy-N-methyl-cis-crotonamide (monocrotophos) Final rule; Tolerance Revocations [OPP–300836; FRL–6074–4] (RIN: 2070–AB78) received April 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2257. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Sulfosulfuron; Pesticide Tolerance [OPP–300853; FRL–6078–4] (RIN: 2070–AB78) received May 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2258. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Methacrylic Copolymer; Exemption from the Requirement of a Tolerance [OPP–300848; FRL–6077–7] (RIN: 2070–AB78) received May 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2259. A letter from the Under Secretary, Rural Development, Department of Agriculture, transmitting the Department's final rule—Processing Requests for Farm Labor Housing (LH) Loans and Grants (RIN: 0575–AC19) received April 30, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

2260. A letter from the Acting Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Establishing and Maintaining a Facility Representative Program at DOE Facilities [DOE STD 1063–97] received May 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2261. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Notice of Availability of Grants and Selection Criteria for PrintSTEP Pilots [OPPTS–00267; FRL–6066–8] received April 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2262. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants Phosphoric Acid Manufacturing and Phosphate Fertilizers Production [IL–64–2–5807; FRL–6329–5] (RIN: 2060–AE40 and 2060–AE44) received April 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2263. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans for Arizona and California; General Conformity Rules [CA126–0129a; FRL–6233–1] received April 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2264. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Hazardous Air Pollutants: Regulations Governing Equivalent Emission Limitations By Permit [AD–FRL–6343–1] (RIN: 2060–A128) received May 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2265. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Hazardous Air Pollutants: Amendment to Regulations Governing Equivalent Emission Limitations by Permit [AD–FRL–6343–2] received May 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2266. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Deregistration of Certain Registered Investment Companies [Release No. IC–23786; File No. S7–31–98] (RIN: 3235–AG29) received April 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2267. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Implementation of the Chemical Weapons Convention; Revisions to the Export Administration Regulations [Docket No. 990416098–9098–01] (RIN: 0694–AB67) received May 19, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

2268. A letter from the Acting Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting the Department's final rule—Appeals of MMS Orders (RIN: 1010–AC21) received May 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2269. A letter from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Magnuson-Stevens Act Provisions; Financial Disclosure [Docket No. 970728182–8272–02; I.D. 071697A] (RIN: 0648–AG16] received May 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2270. A letter from the Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Amendment 13 [Docket No. 990219053–9114–02; I.D. 011999B] (RIN: 0648–AK83) received May 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2271. A letter from the Acting Chief, Office of Regulations & Administrative Law, Coast Guard Headquarters, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Connecticut River, CT [CGD01–99–032] received May 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2272. A letter from the Acting Chief, Office of Regulations & Administrative Law, Coast Guard Headquarters, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Hutchinson River, NY [CGD01–99–031] received May 10, 1999, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2273. A letter from the Acting Chief, Office of Regulations & Administrative Law, Coast Guard Headquarters, Department of Transportation, transmitting the Department's final rule—Security Zone: Dignitary Arrival/Departure New York, NY [CGD01-98-006] (RIN: 2121-AA97) received May 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2274. A letter from the Acting Chief, Office of Regulations & Administrative Law, Coast Guard Headquarters, Department of Transportation, transmitting the Department's final rule—Safety Zone; Port of New York/New Jersey Fleet Week [CGD01-98-170] (RIN: 2121-AA97) received May 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2275. A letter from the Acting Chief, Office of Regulations & Administrative Law, Coast Guard Headquarters, Department of Transportation, transmitting the Department's final rule—Safety Zone: Ellis Island Medals of Honor Fireworks, New York Harbor, Upper Bay [CGD01-99-034] (RIN: 2115-AA97) received May 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2276. A letter from the Program Support Specialist, Aircraft Certification Service, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Aircraft Corporation Model Beech 2000 Airplanes [Docket No. 99-CE-17-AD; Amendment 39-11160; AD 99-10-06] (RIN: 2120-AA64) received May 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2277. A letter from the Program Support Specialist, Aircraft Certification Service, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives: Boeing Model 767 Series Airplanes [Docket No. 97-NM-53-AD; Amendment 39-11161; AD 99-10-08] (RIN: 2120-AA64) received May 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2278. A letter from the Program Support Specialist, Aircraft Certification Service, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747-100, 747-200, and 747-SP Series Airplanes [Docket No. 97-NM-100-AD; Amendment 39-11162; AD 99-10-09] (RIN: 2120-AA64) received May 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2279. A letter from the Program Support Specialist, Aircraft Certification Service, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747-200, -300, and -400 Series Airplanes [Docket No. 98-NM-286-AD; Amendment 39-11163; AD 99-10-10] (RIN: 2120-AA64) received May 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2280. A letter from the Program Support Specialist, Aircraft Certification Service, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model AS332L2 [Docket No. 99-SW-09-AD; Amendment 39-11168; AD 99-10-15] (RIN: 2120-AA64) received May 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2281. A letter from the Program Support Specialist, Aircraft Certification Service, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pilatus Aircraft Ltd. Models PC-12 and PC-12/45 Airplanes [Docket No. 99-CE-03-AD; Amendment 39-11081; AD 99-06-17] (RIN: 2120-AA64) received May 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2282. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Thomson, GA [Airspace Docket No. 99-ASO-4] received May 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2283. A letter from the Program Support Specialist, Aircraft Certification Service, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-145 Series Airplanes [Docket No. 99-NM-104-AD; Amendment 39-11172; AD 99-11-01] (RIN: 2120-AA64) received May 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2284. A letter from the Program Support Specialist, Aircraft Certification Service, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100) and CL-600-2B16 (CL-601-3R and CL-604) Series Airplanes [Docket No. 99-NM-99-AD; Amendment 39-11170; AD 99-09-52] (RIN: 2120-AA64) received May 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2285. A letter from the Program Support Specialist, Aircraft Certification Service, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney R-1340 Series Reciprocating Engines [Docket No. 97-ANE-58-AD; Amendment 39-11173; AD 99-11-02] (RIN: 2120-AA64) received May 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2286. A letter from the Program Support Specialist, Aircraft Certification Service, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Mitsubishi Model YS-11 Series Airplanes [Docket No. 97-NM-92-AD; Amendment 39-11169; AD 99-10-16] (RIN: 2120-AA64) received May 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2287. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Tax Relief for Those Affected by Operation Allied Force [Notice 99-30] received May 19, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2288. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Section 467 Rental Agreements; Treatment of Rent and Interest Under Certain Agreements for the Lease of Tangible Property [TD 8820] (RIN: 1545-AU11) received May 19, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2289. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Public Disclosure of Material Relating to Tax-Exempt Organizations [TD 8818] (RIN: 1545-AV13) received April 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2290. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Low-Income Housing Credit [Revenue Ruling 99-18] received April 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2291. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Closing agreements [Rev. Proc. 99-27] received May 19, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2292. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Low-Income Housing Credit [Revenue Ruling 99-18] received April 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GOODLING: Committee on Education and the Workforce. H.R. 905. A bill to provide funding for the National Center for Missing and Exploited Children, to reauthorize the Runaway and Homeless Youth Act, and for other purposes; with an amendment (Rept. 106-152). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLILEY: Committee on Commerce. H.R. 1378. A bill to authorize appropriations for carrying out pipeline safety activities under chapter 601 of title 49, United States Code; with an amendment (Rept. 106-153, Pt. 1). Ordered to be printed.

Mr. COMBEST: Committee on Agriculture. H.R. 17. A bill to amend the Agricultural Trade Act of 1978 to require the President to report to Congress on any selective embargo on agricultural commodities, to provide a termination date for the embargo, to provide greater assurance for contract sanctity, and for other purposes (Rept. 106-154, Pt. 1). Ordered to be printed.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X, the Committee on Transportation and Infrastructure discharged from further consideration of H.R. 45.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of the rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. BLILEY: Committee on Commerce. H.R. 45. A bill to amend the Nuclear Waste Policy Act of 1982, with an amendment; referred to the Committee on the Budget for a period ending not later than June 2, 1999, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(e), rule X (Rept. 106-155, Pt. 1). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker.

H.R. 17. Referral to the Committee on International Relations extended for a period ending not later than June 11, 1999.

H.R. 45. Referral to the Committee on Resources extended for a period ending not later than June 2, 1999.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CALVERT:

H.R. 1880. A bill to amend the Federal Election Campaign Act of 1971 to require candidates for election for the House of Representatives or the Senate to raise at least 50 percent of their contributions from individuals residing in the district or State involved, and for other purposes; to the Committee on House Administration.

By Ms. JACKSON-LEE of Texas (for herself and Mr. Reyes):

H.R. 1881. A bill to modify the rate of basic pay and the classification of positions for certain United States Border Patrol agents, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TALENT (for himself, Ms. Velázquez, Mrs. Kelly, Mr. Bartlett of Maryland, and Mr. Ewing):

H.R. 1882. A bill to amend provisions of law enacted by the Small Business Regulatory Enforcement Fairness Act of 1996 to ensure full analysis of potential impacts on small entities of rules proposed by certain agencies, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GILMAN (for himself, Mr. Gejdenson, Mr. Sensenbrenner, and Mr. Berman):

H.R. 1883. A bill to provide for the application of measures to foreign persons who transfer to Iran certain goods, services, or technology, and for other purposes; to the Committee on International Relations, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FORD (for himself, Mr. Holden, Mr. Cummings, Mrs. Thurman, Mr. Underwood, and Mr. Thompson of Mississippi):

H.R. 1884. A bill to provide for the disclosure of the readiness of certain Federal and non-Federal computer systems for the year 2000 computer problem; to the Committee on Science.

By Mr. BERRY (for himself, Mr. Sanders, Mrs. Emerson, Mr. Rohrabacher, Mr. Abercrombie, and Mr. Lewis of Georgia):

H.R. 1885. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for facilitating the importation into the United States of certain drugs that have been approved by the Food and Drug Administration; to the Committee on Commerce.

By Mr. CANADY of Florida (for himself, Mr. Jenkins, Mr. Hilleary, Mr. Radanovich, Mr. Hastings of Washington, Mr. Nethercutt, Mr. Hoekstra, Mr. Gary Miller of California, Mr. McCollum, Mr. Ehlers, Mr. Goodlatte, Mr. Peterson of Pennsylvania, Mr. Boyd, Mr. Gillmor, Mr. Stearns, Mr. Bishop, Mr. LaHood, Mr. Hastings of Florida, Mr. Herger, Mr. Goode, Mr. Sanford, and Mr. Paul):

H.R. 1886. A bill to amend the Migrant and Seasonal Agricultural Worker Protection Act to clarify the application of such Act; to the Committee on Education and the Workforce.

By Mr. GALLEGLY (for himself, Mr. Shays, Mrs. Morella, Mr. Brown of California, and Mr. Lipinski):

H.R. 1887. A bill to amend title 18, United States Code, to punish the depiction of animal cruelty; to the Committee on the Judiciary.

By Mr. GOODLING:

H.R. 1888. A bill to amend title 18, United States Code, to provide a mandatory minimum prison sentence for certain wiretapping or electronic surveillance offenses by Federal officers or employees; to the Committee on the Judiciary.

H.R. 1889. A bill to amend title 18, United States Code, to impose stiffer penalties on persons convicted of lesser drug offenses; to the Committee on the Judiciary.

By Mr. HINCHEY (for himself, Mr. Filner, Mr. Rohrabacher, Mr. Frost, Ms. Pelosi, and Ms. Kilpatrick):

H.R. 1890. A bill to amend title XVIII of the Social Security Act to provide for coverage of qualified acupuncturist services under part B of the Medicare Program, and to amend title 5, United States Code, to provide for coverage of such services under the Federal Employees Health Benefits Program; to the Committee on Commerce, and in addition to the Committees on Ways and Means, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HULSHOF (for himself, Mr. Neal of Massachusetts, Mrs. Johnson of Connecticut, Mr. Herger, Mr. Watkins, Mr. English, Mr. Weller, Mr. Price of North Carolina, Mr. Talent, Mr. Kolbe, and Mr. Forbes):

H.R. 1891. A bill to amend the Internal Revenue Code of 1986 to provide a partial exclusion from gross income for dividends and interest received by individuals; to the Committee on Ways and Means.

By Mr. JEFFERSON (for himself, Mr. Baker, Mr. Tauzin, Mr. McCrery, Mr. John, Mr. Cooksey, and Mrs. Meek of Florida):

H.R. 1892. A bill to amend the Internal Revenue Code of 1986 to provide assistance to homeowners and small businesses to repair Formosan termite damage; to the Committee on Ways and Means.

By Mr. LANTOS (for himself and Ms. Eshoo):

H.R. 1893. A bill to amend title 10, United States Code, to provide that certain individuals who would be eligible for military retired pay for nonregular service but for the fact that they did not serve on active duty during a period of conflict may be paid such retired pay if they served in the United States merchant marine during or immediately after World War II; to the Committee on Armed Services.

By Mr. LEACH:

H.R. 1894. A bill to provide that a plaque be placed at the diplomatic entrance of the Department of State; to the Committee on International Relations.

By Mr. MENENDEZ (for himself, Mr. Bonior, Mr. Frost, Mr. Levin, Mr. Etheridge, Mr. Wise, Ms. Jackson-Lee of Texas, Ms. Carson, Ms. Hooley of Oregon, Mr. Berman, Mr. Strickland, Mr. Reyes, Mr. Baldacci, Mr. McGovern, Mr. McDermott, Mr. Delahunt, Mr. Rothman, Mr. Holt, Mr. Hinojosa, Mr. Gutierrez, Mr. DeFazio, Mr. Scott, Mr. Wynn, Mr. Waxman, Ms. Lee, Mrs. Thurman, Mr. Weygand, Ms. Woolsey, and Mr. Davis of Florida):

H.R. 1895. A bill to develop programs that enhance school safety for our children; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GARY MILLER of California (for himself, Mr. Hall of Ohio, Mr. Jefferson, Mr. Ehrlich, Ms. Kilpatrick, Mr. Abercrombie, Mr. Frank of Massachusetts, and Mr. Smith of New Jersey):

H.R. 1896. A bill to designate the Republic of Korea as a visa waiver pilot program country for one year under the Immigration and Nationality Act; to the Committee on the Judiciary.

By Mr. PETRI:

H.R. 1897. A bill to provide for the establishment and maintenance of personal Social Security investment accounts under the Social Security system; to the Committee on Ways and Means.

By Ms. STABENOW:

H.R. 1898. A bill to provide for school safety, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK (for himself, Mrs. Roukema, Mr. George Miller of California, and Mr. Andrews):

H.R. 1899. A bill to require the Secretary of Labor to issue regulations to eliminate or minimize the significant risk of needlestick injury to health care workers; to the Committee on Education and the Workforce, and in addition to the Committees on Commerce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK (for himself and Mr. McDermott):

H.R. 1900. A bill to expand the use of competitive bidding under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TRAFICANT:

H.R. 1901. A bill to designate the United States border station located in Pharr, Texas, as the "Kika de la Garza United States Border Station"; to the Committee on Transportation and Infrastructure.

By Ms. WOOLSEY (for herself, Mr. George Miller of California, and Ms. Pelosi):

H.R. 1902. A bill to require the Secretary of Education to correct poverty data to account for cost of living differences; to the Committee on Education and the Workforce.

By Mr. BLAGOJEVICH:

H.R. 1903. A bill to regulate the sale of firearms at gun shows; to the Committee on the Judiciary.

By Mr. PAUL:

H.J. Res. 55. A joint resolution to disapprove a rule relating to delivery of mail to a commercial mail receiving agency, issued by the United States Postal Service; to the Committee on Government Reform.

By Mr. CRAMER:

H. Con. Res. 110. A concurrent resolution expressing the sense of Congress that the July 20, 1999, 30th Anniversary of the first lunar landing should be a day of celebration and reflection on the Apollo-11 mission to the Moon and the accomplishments of the Apollo program throughout the 1960's and 1970's; to the Committee on Government Reform.

By Ms. MILLENDER-MCDONALD (for herself, Ms. NORTON, Mr. THOMPSON of Mississippi, Mr. PAYNE, Mrs. CHRISTENSEN, Mr. FROST, Mr. CUMMINGS, Mr. WYNN, Mrs. CLAYTON, Mrs. MEEK of Florida, Mr. SANDERS, Ms. SCHAKOWSKY, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. HINOJOSA):

H. Res. 184. A resolution expressing the sense of the House of Representatives regarding Federal Government procurement access for minority-owned businesses; to the Committee on Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 7: Mr. BACHUS.

H.R. 8: Mr. JONES of North Carolina.

H.R. 19: Mr. LEWIS of California and Ms. PRYCE of Ohio.

H.R. 25: Mr. OWENS, Ms. VELÁZQUEZ, and Mr. ENGEL.

H.R. 49: Mr. HINCHEY.

H.R. 85: Mr. WEYGAND, Mr. JACKSON of Illinois, Mr. KENNEDY of Rhode Island, Ms. SCHAKOWSKY, and Mr. LIPINSKI.

H.R. 175: Ms. CARSON, Mr. WU, Mr. RADANOVICH, Mr. GREEN of Wisconsin, Mr. MCINTOSH, Mr. ROEMER, and Mr. DOOLITTLE.

H.R. 323: Mr. MOAKLEY.

H.R. 325: Mr. BECERRA and Mr. LAMPSON.

H.R. 330: Mrs. CHENOWETH and Mr. RADANOVICH.

H.R. 353: Mr. CLAY, Mr. LOBIONDO, Mr. LEWIS of Kentucky, Mr. NADLER, Mrs. MALONEY of New York, Mr. TOWNS, and Mr. BURTON of Indiana.

H.R. 363: Mr. WU.

H.R. 425: Mr. ABERCROMBIE, Mr. DAVIS of Illinois, and Mr. WEYGAND.

H.R. 443: Ms. NORTON and Mrs. MCCARTHY of New York.

H.R. 483: Mr. JONES of North Carolina.

H.R. 486: Ms. ROYBAL-ALLARD, Mr. BLAGOJEVICH, and Mr. KIND.

H.R. 531: Mr. CLYBURN, Ms. KAPTUR, and Mr. COOK.

H.R. 534: Mr. BARRETT of Wisconsin.

H.R. 555: Ms. CARSON and Mr. SCOTT.

H.R. 557: Mr. GOODE and Mr. PAUL.

H.R. 561: Mr. BERMAN.

H.R. 570: Mr. HOBSON.

H.R. 591: Mr. FORBES.

H.R. 629: Mr. RUSH.

H.R. 655: Mr. OLVER, Mr. ENGEL, Mr. DIXON, Mr. KILDEE, and Ms. STABENOW.

H.R. 697: Mr. LEWIS of Kentucky, Mr. HALL of Texas, and Mr. ROYCE.

H.R. 698: Mr. FORD.

H.R. 735: Mr. FORBES.

H.R. 764: Mr. ARMEY, Mrs. CHRISTENSEN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WYNN, Ms. KILPATRICK, Ms. NORTON, Mr. RUSH, Mr. THOMPSON of Mississippi, Ms. JACKSON-LEE of Texas, Mrs. CLAYTON, Ms. MILLENDER-MCDONALD, Mr. WATT of North Carolina, Mr. JEFFERSON, Mr. BISHOP, Mrs. MEEK of Florida, Ms. LEE,, Ms. CARSON, Mr. RANGEL, and Mr. CLYBURN.

H.R. 772: Ms. MILLENDER-MCDONALD.

H.R. 789: Mr. ENGEL.

H.R. 815: Mr. WAMP and Mr. ENGEL.

H.R. 826: Mr. BACHUS.

H.R. 828: Mr. WISE.

H.R. 835: Mr. HALL of Ohio, Mr. MENENDEZ, Mr. PACKARD, Mr. PAUL, and Mr. ROTHMAN.

H.R. 838: Mr. TAUZIN.

H.R. 840: Ms. LOFGREN and Ms. SCHAKOWSKY.

H.R. 859: Mr. WATKINS.

H.R. 864: Mr. PAYNE, Mr. DAVIS of Virginia, Mr. MARTINEZ, Mr. WISE, Mr. LUCAS of Oklahoma, Mr. CRANE, Mr. HALL of Texas, Ms. CARSON, Mr. SHAYS, Mr. ENGEL, Mr. GREEN of Wisconsin, Mr. SANDERS, Mr. DOOLITTLE, Mr. MCINTOSH, and Mr. KIND.

H.R. 868: Mr. BROWN of Ohio, Mr. LATOURETTE, Mr. BONIOR, and Mr. SAWYER.

H.R. 876: Mr. SCARBOROUGH.

H.R. 896: Mrs. KELLY.

H.R. 902: Ms. ROYBAL-ALLARD.

H.R. 939: Ms. SCHAKOWSKY.

H.R. 941: Mr. QUINN, Mr. BAIRD, and Mr. HINCHEY.

H.R. 953: Mr. WEINER, Ms. NORTON, Mr. BOSWELL, Ms. ROYBAL-ALLARD, Mr. BORSKI, and Mr. WAXMAN.

H.R. 957: Mr. GEKAS, Mr. DUNCAN, Mr. UPTON, and Mr. UDALL of Colorado.

H.R. 976: Ms. LOFGREN, Ms. RIVERS, and Mr. DUNCAN.

H.R. 984: Mr. FRELINGHUYSEN and Mr. DAVIS of Florida.

H.R. 989: Mr. NADLER.

H.R. 1001: Mr. SHAW, Mr. GOODE, Mr. HILL of Montana, and Mr. YOUNG of Alaska.

H.R. 1020: Mr. RODRIGUEZ, Mr. PAYNE, Mr. PALLONE, Ms. KILPATRICK, Mr. CAPUANO, Mr. MALONEY of Connecticut, Mr. HASTINGS of Florida, Mr. FRANK of Massachusetts, and Mr. CLAY.

H.R. 1044: Mr. GUTKNECHT, Mr. HOSTETTLER, and Mr. PHELPS.

H.R. 1070: Mr. MINGE, Mr. WATT of North Carolina, and Mr. SMITH of Washington.

H.R. 1079: Mr. THUNE, Mr. LAFALCE, and Mr. KING.

H.R. 1080: Mr. FRANKS of New Jersey.

H.R. 1082: Mr. FOLEY and Mr. KLECZKA.

H.R. 1083: Mr. JONES of North Carolina.

H.R. 1090: Mr. QUINN, Ms. SLAUGHTER, Ms. KILPATRICK, and Mr. STRICKLAND.

H.R. 1092: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1093: Mr. VISCLOSKY and Mr. HILL of Indiana.

H.R. 1105: Ms. WOOLSEY, Mr. CONDIT, and Mr. BLUMENAUER.

H.R. 1111: Mrs. MCCARTHY of New York and Mr. EVERETT.

H.R. 1177: Mr. HOEKSTRA.

H.R. 1180: Mrs. BONO, Mr. ROTHMAN, and Mr. SOUDER.

H.R. 1182: Mr. PICKETT.

H.R. 1187: Mr. FRANKS of New Jersey, Ms. VELÁZQUEZ, Mrs. MEEK of Florida, Mr. OWENS, and Mr. DIXON.

H.R. 1193: Mr. HINOJOSA, Mr. BROWN of Ohio, and Mr. MOAKLEY.

H.R. 1214: Mr. BENTSEN.

H.R. 1219: Mr. KENNEDY of Rhode Island.

H.R. 1221: Mr. MARKEY.

H.R. 1244: Mr. BACHUS and Ms. ESHOO.

H.R. 1248: Mr. TALENT, Mr. UDALL of New Mexico, Mr. WISE, and Mrs. THURMAN.

H.R. 1259: Mr. TOOMEY and Mr. STUMP.

H.R. 1260: Mr. KUYKENDALL.

H.R. 1276: Mr. KUCINICH.

H.R. 1278: Mr. PHELPS.

H.R. 1300: Mrs. JONES of Ohio, Ms. PRYCE of Ohio, Mr. FOLEY, and Mrs. EMERSON.

H.R. 1317: Mr. TRAFICANT and Mr. MORAN of Kansas.

H.R. 1323: Mr. CUMMINGS and Mr. THOMPSON of California.

H.R. 1324: Mr. WOLF, Ms. KILPATRICK, Mrs. ROUKEMA, Mr. CUMMINGS, Mr. NEY, Mrs. CHRISTENSEN, Mr. UNDERWOOD, Mr. OBERSTAR, Mr. COYNE, Mr. SANDERS, Mr. FRANK of Massachusetts, Mrs. THURMAN, Mr. SAWYER, Mr. MATSUI, Mr. BONIOR, Mr. KUCINICH, Mr. NEAL of Massachusetts, Mr. BROWN of California, Mr. WAXMAN, Ms. RIVERS, Mr. MORAN of Virginia, Mr. FILNER, Ms. JACKSON-LEE of Texas, Mr. OLVER, Mr. ENGLISH, Mr. BARRETT of Wisconsin, and Mr. BAIRD.

H.R. 1326: Mr. PHELPS, Ms. KILPATRICK, Mrs. MORELLA, Mr. PETRI, and Mr. GONZALEZ.

H.R. 1344: Mr. POMEROY and Mr. EVANS.

H.R. 1355: Mr. CAPUANO and Mr. DAVIS of Florida.

H.R. 1358: Mr. COOK

H.R. 1360: Mr. LAFALCE and Mr. QUINN.

H.R. 1388: Ms. DELAURO, Mr. SAM JOHNSON of Texas, and Mr. CAPUANO.

H.R. 1399: Ms. PELOSI, Mr. PAYNE, Mrs. NAPOLITANO, Mr. ABERCROMBIE, and Mr. CROWLEY.

H.R. 1414: Mr. OLVER.

H.R. 1421: Mr. LUTHER and Ms. SLAUGHTER.

H.R. 1429: Mr. WAXMAN.

H.R. 1432: Ms. KILPATRICK, Mr. DEUTSCH, Mr. FILNER, and Mr. ROTHMAN.

H.R. 1456: Mr. FARR of California, Mr. NEAL of Massachusetts, Mr. LEACH, Mr. BORSKI, Mr. DINGELL, Mr. MCDERMOTT, and Mr. BOUCHER.

H.R. 1463: Mr. CAPUANO, Mr. KUCINICH, Mr. MARKEY, Mr. WEINER, Mr. PALLONE.

H.R. 1476: Mr. BENTSEN.

H.R. 1484: Ms. CARSON and Mr. MCGOVERN.

H.R. 1485: Ms. WOOLSEY and Mr. BERMAN.

H.R. 1494: Mr. GALLEGLY.

H.R. 1507: Mr. RADANOVICH.

H.R. 1514: Mr. STRICKLAND.

H.R. 1516: Mr. PASTOR.

H.R. 1546: Ms. PRYCE of Ohio.

H.R. 1567: Mr. SESSIONS.

H.R. 1579: Ms. PELOSI, Ms. ESHOO, Mr. FROST, and Mr. DEAL of Georgia.

H.R. 1606: Mr. HORN.

H.R. 1620: Mr. HAYWORTH, Mr. SUNUNU, and Mr. TERRY.

H.R. 1621: Ms. KILPATRICK, Mr. LUTHER, and Mr. KUCINICH.

H.R. 1629: Ms. WATERS, Mr. MCGOVERN, Mr. BOSWELL, Mr. HILL of Indiana, Mr. BONIOR, Ms. MCKINNEY, Mr. PASTOR, Mr. FALEOMAVAEGA, and Mr. HINCHEY.

H.R. 1644: Ms. ESHOO, Mrs. CLAYTON, Mrs. THURMAN, Ms. BALDWIN, Mr. SANDERS, Mr. BROWN of Ohio, Mr. MCNULTY, Mr. MOLLOHAN, and Mr. PHELPS.

H.R. 1645: Ms. SLAUGHTER.

H.R. 1658: Ms. BALDWIN, Mr. CAMPBELL, Mr. ENGLISH, Mrs. KELLY, Mr. LOBIONDO, Mr. GARY MILLER of California, Mr. GEORGE MILLER of California, Mrs. MINK of Hawaii, and Mr. STARK.

H.R. 1671: Mr. MCGOVERN.

H.R. 1676: Mr. JEFFERSON and Ms. SCHAKOWSKY.

H.R. 1694: Mr. MALONEY of Connecticut.

H.R. 1706: Mr. LARGENT.

H.R. 1710: Mr. ARMEY and Mr. REGULA.

H.R. 1732: Mr. GONZALEZ, Mr. MOORE, and Mr. WU.

H.R. 1734: Mr. FORD.

H.R. 1736: Mr. FROST, Ms. LEE, and Ms. KAPTUR.

H.R. 1764: Mr. FRANK of Massachusetts.

H.R. 1765: Mr. GUTIERREZ, Mr. DOYLE, Mr. RODRIGUEZ, Mr. CRAMER, and Mr. PASCRELL.

H.R. 1776: Mr. WEYGAND, Mrs. KELLY, Mr. HALL of Texas, Mr. RAMSTAD, Mr. MCINTOSH, Mr. PICKERING, Mr. GILMAN, Mr. WELLER, Mrs. MORELLA, Mr. BACHUS, Mrs. ROUKEMA, Mr. BALLENGER, Mr. BOEHLERT, Mr. SCHAFFER, Mr. METCALF, Mr. GREEN of Texas, Mr. DOYLE, Mr. COOK, Mr. GONZALEZ, Mr. DOOLITTLE, Mr. JONES of North Carolina, Mr. ADERHOLT, Ms. PRYCE of Ohio, Mr. SANDLIN, and Mr. NEY.

H.R. 1777: Mr. SANDERS and Mr. RAHALL.

H.R. 1786: Mr. FROST.

H.R. 1791: Mr. LIPINSKI.

H.R. 1824: Mrs. MYRICK, Mr. ARMEY, and Mr. DOYLE.

H.R. 1837: Mr. FOLEY, Mr. SPRATT, Mr. BLUNT, Mr. PRICE of North Carolina, Mr. ENGLISH, Mr. BERRY, Mr. MALONEY of Connecticut, Mr. BAKER, Mr. HILL of Montana, Mr. UPTON, and Mr. BROWN of Ohio.

H.R. 1839: Mr. LOBIONDO.

H.R. 1857: Mr. MOAKLEY and Mr. MCGOVERN.

H.J. Res. 7: Mr. BAKER.

H.J. Res. 33: Mr. BOSWELL.

H.J. Res. 53: Mr. BLUNT, Mr. METCALF, and Mrs. MYRICK.

H. Con. Res. 31: Mr. ENGEL.

H. Con. Res. 51: Mr. PRICE of North Carolina.

H. Con. Res. 79: Mrs. EMERSON, Mr. ENGEL, Mr. SIMPSON, Mr. ACKERMAN, Mr. LUCAS of Oklahoma, Mr. TAUZIN, Mrs. ROUKEMA, and Mr. HINCHEY.

H. Con. Res. 106: Mr. CUMMINGS.

H. Con. Res. 107: Mr. ARMEY.

H. Con. Res. 109: Mr. ROHRABACHER, Mr. DEUTSCH, Mr. DIAZ-BALART, Mr. GUTIERREZ, Mr. VISCLOSKY, Mr. HOLDEN, Mr. OWENS, Mr. FALEOMAVAEGA, Mrs. KELLY, Mr. MCNULTY, and Mr. RAHALL.

H. Res. 41: Ms. CARSON and Mr. THOMPSON of California.

H. Res. 60: Mr. GEJDENSON.

H. Res. 90: Mr. PETERSON of Pennsylvania, Mr. FOLEY, Mr. BROWN of California, and Ms. JACKSON-LEE of Texas.

H. Res. 95: Mr. PACKARD.

H. Res. 144: Mr. UNDERWOOD.

H. Res. 146: Mr. LUTHER and Mr. WU.

H. Res. 178: Mr. MENENDEZ, Mr. DOYLE, Ms. SCHAKOWSKY, Mr. GUTIERREZ, and Mr. MCNULTY.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petition:

Petition 1 by Mr. TURNER on House Resolution 122: BENNIE G. THOMPSON and MATTHEW G. MARTINEZ.

Petition 2 by Mr. CAMPBELL on House Resolution 126: DAVID D. PHELPS.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

OFFERED BY: MR. TRAFICANT

Amendment No. 1. At the end of title II (Page , after line), insert the following new section:

Sec. . TEST AND EVALUATION OF MOBILE EXPEDITIONARY ACCURATE NIGHT VISION COMPATIBLE PORTABLE AIRFIELD LIGHTING SYSTEM.

(a) TEST AND EVALUATION REQUIRED.—The Secretary of Defense shall provide for the test and evaluation by the Armed Forces of the Mobile Expeditionary Accurate Night Vision Compatible Portable Airfield Lighting System, which is known as "MEANPALS" and is designed to use enhanced vision technologies, such as laser guidance systems, to provide accurate runway centerline lineup cues and approach information for up to 10,000 foot runways at both improved and unimproved aircraft landing sites.

(b) ELEMENTS OF TEST AND EVALUATION.—The test and evaluation of MEANPALS shall include the following components:

(1) Use by the Army of two MEANPALS at a location that serves both fixed wing aircraft and helicopters.

(2) Use by the Marine Corps of one MEANPALS at a location that could serve Marine Corps aircraft as well as direct amphibious landing craft and ground vehicles.

(3) Use by the Air Force Reserve or the Air National Guard of three MEANPALS at three separate locations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mrs. CLAYTON introduced A bill (H.R. 1904) for the relief of Abimbola Oyebade-Balogun; which was referred to the Committee on the Judiciary.

SENATE—*Thursday, May 20, 1999*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Rabbi Moshe Feller, Upper Midwest Regional Director of the World Lubavitch Movement, St. Paul, MN.

We are pleased to have you with us.

PRAYER

The guest Chaplain, Rabbi Moshe Feller, Upper Midwest Chabad Lubavitch, offered the following prayer:

Almighty God and God of our fathers, sovereign Ruler of the universe and all mankind, tomorrow we mark Your biblical holiday—the Festival of Weeks. On this day 3,311 years ago, You descended on Mount Sinai and gave the Ten Commandments amidst "thunder and lightning and the powerful sound of the ram's horn."

Before issuing Your Commandments, the most crucial of which are: Thou shalt not commit murder; Thou shalt not commit adultery; Thou shalt not steal, You awesomely declared, "I am God, your God." You declared so because, in Your infinite wisdom, You knew that only by constantly focusing on Your sovereignty could humans control their negative impulses.

Almighty God, this august institution, the Senate of the United States of America, responds daily to Your declaration at Sinai by opening their convocations in this historic and noble Chamber with the recognition of Your sovereign presence and by publicly offering prayers to You.

Reward this sacred practice by granting the Senators good health, good cheer, good fellowship, long life, and abundant wisdom. May this wise and sacred practice be an inspiration to all convocations and assemblies which are convened daily throughout our blessed country and throughout the world to do likewise, in light of today's event in the school in Georgia, especially in the Nation's public schools, so that mortality, safety, tranquility, and happiness prevail throughout our country and throughout the world. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able chairman of the Judiciary Committee is recognized.

Mr. HATCH. Mr. President, I thank the President pro tempore.

SCHEDULE

Mr. HATCH. This morning the Senate will resume debate on the juvenile justice bill. Under a previous order, the Senate will begin 60 minutes of debate on the Smith and Lautenberg pawnshop amendments. Following that debate, at approximately 10:30, votes on or in relation to the amendments will occur. Additional amendments are expected, and therefore votes will occur throughout the day and into the evening.

In addition, consideration of the supplemental appropriations bill will begin today. It is hoped that a time agreement on this legislation will be made and a vote on final passage will also take place today.

I thank my colleagues for their attention.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Utah.

Mr. HATCH. What is the pending business?

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

VIOLENT AND REPEAT JUVENILE ACCOUNTABILITY AND REHABILITATION ACT OF 1999

The PRESIDING OFFICER. The Senate will now under that order resume consideration of S. 254, which the clerk will report.

The legislative assistant read as follows:

A bill (S. 254) to reduce violent juvenile crime, promote accountability by and rehabilitation of juvenile criminals, punish and deter violent gang crime, and for other purposes.

Pending:

Frist amendment No. 355, to amend the Individuals with Disabilities Education Act and the Gun-Free Schools Act of 1994 to authorize schools to apply appropriate discipline measures in cases where students have firearms.

Lautenberg/Kerrey amendment No. 362, to regulate the sale of firearms at gun shows.

Lott (for Smith of Oregon/Jeffords) amendment No. 366, to reverse provisions relating to pawn and other gun transactions.

AMENDMENT NO. 366, AS MODIFIED

Mr. HATCH. Mr. President, I send a modification to the desk and ask unanimous consent that the Smith amendment be modified.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Mr. President, we have no objection to the modification.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 366), as modified, is as follows:

At the end of the act, insert the following:

SEC. . PROVISIONS RELATING TO PAWN SHOPS AND SPECIAL LICENSEES.

(a) Notwithstanding any other provision of this Act, the repeal heretofore effected by paragraph (1) and the amendment heretofore effected by paragraph (2) of subsection (c) with the heading "Provision Related to Pawn and Other Transactions" of section 4 of the title with the heading "General Firearms Provisions" shall be null and void.

(b) Notwithstanding any other provision of this Act, section 923(m)(1), of Title 18, United States Code, as heretofore provided, is amended by adding at the end the following subparagraph:

"(F) COMPLIANCE.—Except as to the State and local planning and zoning requirements for a licensed premises as provided in subparagraph (D), a special licensee shall be subject to all of the provisions of this chapter applicable to dealers, including, but not limited to, the performance of an instant background check."

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I will withhold.

Mr. HATCH. Mr. President, this is an important day because this is the day on which we hope we can finally pass this juvenile justice bill. We have had another shooting of students just today at a high school in Georgia. The shooting occurred at 8 a.m. at the Heritage High School and a number of children were wounded. I won't go into the details, but the shooting was exactly a month after the April 20 slaughter at Columbine High School in Littleton, Colorado, where two students killed 13 people before taking their own lives.

It is apparent that we have to do something about this, and this bill is a very considered attempt to do exactly that.

Now, we are going to have two very crucial amendments this morning. The Smith amendment is first to come up, and this amendment is to resolve the pawn shop issue and the special licensee issue. I commend the distinguished Senator from Oregon and the distinguished Senator from Vermont in particular for their thoughtfulness in trying to resolve this difficulty. We want to do this in a bipartisan way. I surely hope people quit trying to score political points and help to get this bill done.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, look where we are today—another high school shooting incident in Atlanta, four young people, at least in the initial news, injured, not killed. I talked about it with the Attorney General a few minutes ago. She had expressed her concern. I also commended her for her strong words of last week because I believe that helped move this bill forward. We are considering it during the eighth legislative day. We have not spent full days on this important bill. We will not be able to spend a full day. Notwithstanding that, we have made significant progress.

Today, we will also consider the long-delayed emergency supplemental appropriations bill to provide relief for victims of Hurricane Mitch, humanitarian aid in the Balkans, aid for farmers, and aid for the victims of natural disasters, as well as military and other appropriations.

In the time available to us today, I do hope we will be able to move to final passage on this bill. The bill has been much improved since its predecessor was introduced 2 years ago as S. 10. I detailed some of those improvements yesterday, and yesterday the Senate took a giant step forward with the adoption of the managers', the Hatch-Leahy amendment. Those modifications go a long way toward improving the bill. I predicted all week long that once we adopted Hatch-Leahy, we would have fewer than 10 amendments offered from the Democratic side.

As we begin this morning, I am sure of that. I am working with other Democratic Senators to see if the number of amendments can be reduced even further. Thanks to the hard work of Senator REID and others, the Democratic amendments have been pared down from 89 to a precious few left to be offered. They are still pending; they are still to be offered. I am hoping, though, that none will pose a stumbling block.

I know that in a little while the President of the United States will travel to Colorado for events in connection with remembering and honoring those who perished in Littleton, CO, recently as a result of school violence. I hope the visit from the President will help heal the wounds and ease the suffering. He is right to go to Colorado, just as he went to Oklahoma and has gone to the side of other Americans in other places where tragedy has struck over the last several years. I had hoped that perhaps the chairman of the Judiciary Committee and I could place a joint call to the President before he leaves Colorado this afternoon to tell him the Senate is doing its job, the Senate has completed its initial work on the juvenile crime bill, and the Senate is sending the bill to the House for its prompt consideration. I would like for the President to be able to share that news with the people of Colorado and the Nation so that parents and youngsters everywhere can be reassured we are making progress in our work and that the Senate of the United States is acting as the conscience of the Nation.

There is one set of amendments that still threatens final passage of this bill. The Frist-Ashcroft amendment, which proposes modification of IDEA, is a matter of significant controversy and turmoil. Because that amendment threatens completion of the bill, I made a series of suggestions over the last couple of days in an effort to try to avoid that risk to the underlying measure. We need the cooperation of the Republican sponsors of that amendment if we are to complete our work on the juvenile bill today.

We are also working our way through a series of gun-related proposals to the bill. Last week, the Senate adopted a pattern of tabling Democratic amendments one day, and the next day it adopted pieces of those amendments if they were offered by Republicans. I suppose I should be glad to see our amendments finally get in one way or the other, but it is petty to say the amendments aren't worth anything if they are offered by Democrats, but they are wonderful if the same amendment is offered by a Republican. We have to do better. This should be a bipartisan bill.

Unquestionably, the Senate hit a real snag on this bill when it rejected, on a virtual party-line vote, the Lautenberg amendment. They didn't solve the first Craig amendment and Hatch-Craig II, seeking to reconstitute the ill-advised initial votes on the gun show issue.

Senator SCHUMER and I tried to point out problems with the Craig amendment, only to be told we were wrong last Wednesday night. In fact, we were told in fairly scathing terms how wrong we were. Of course, the next morning after the press looked at it, and after the Senate adopted the initial Craig amendment, it was clear to almost all throughout the country that mistakes had been made, the Senator from New York and I were correct, and matters needed to be fixed. So we saw another partial fix.

Today, we will see yet a third Republican amendment seeking to rectify what the Senate did when it rejected the Lautenberg amendment in favor of the Craig amendment last week. The Smith-Jeffords amendment is the most recent Republican amendment in that series of Republican amendments making corrections. As President Reagan said in another context, "There you go again." Unfortunately, the Smith-Jeffords amendment closes only 2 of the 13 loopholes created by adoption of the Craig and the Hatch-Craig amendment.

The Smith-Jeffords amendment is baby steps toward background checks. That is what it is, baby steps toward background checks. It closes one loophole by requiring special licensees under Hatch-Craig to conduct background checks on firearm sales at gun shows. It closes the pawnshop loophole by repealing the Hatch-Craig amendment provision that allowed criminals to redeem guns at pawnshops without background checks—the same loophole adopted by the Senate last week.

The Smith-Jeffords amendment still leaves 11 loopholes that were created by adoption of the Craig and Hatch-Craig amendment of last week. The Smith-Jeffords amendment does not close the legal immunity loophole created by the Craig and Hatch-Craig amendments. Those amendments dismiss pending lawsuits against some gun dealers and perhaps even gun manufacturers. Giving gun dealers and manufacturers a get-out-of-jail-free card is wrong.

The Smith-Jeffords amendment does not close the loophole that weakens all background checks at gun shows by giving law enforcement only 24 hours to complete the checks. Most gun shows take place on weekends when courthouses and record departments are closed. Law enforcement may well need the full 3 days to do the job right.

Now, at the rate of the Smith-Jeffords amendment on closing only 2 of the 13 gun show loopholes—the ones the Republicans voted for last week—by closing only 2 of the 13 gun show loopholes at a time, I believe the Republican majority will need to offer 6.5 more amendments to finally fix all the problems in the amendments they adopted last week. The Senate does not have the luxury of time to follow the "baby steps toward the background checks" approach.

Fortunately, Senators LAUTENBERG and KERREY are offering the Senate another chance to right this matter by adoption of the modified version of the Lautenberg amendment this morning. The Lautenberg and Kerrey amendment closes all 13 gun show loopholes. I hope we will finally step past party labels and close all 13 loopholes.

If we hear that we have already voted on this matter, be careful. We did. It was tabled. But didn't we find after that more loopholes were opened up? We have to come back. Let's close the loopholes once and for all. After all, the Senator from New Jersey should be commended for offering the Senate a second chance to do the right thing.

We have had three amendments on the subject from the other side, first opening huge loopholes, and now—and I commend Senator SMITH for trying to close the same loopholes that he voted for last week. I hope that all Members will step back from the heat of the debate and vote on the merits of these proposals. They can be corrected today. The way to do that is to vote for the Lautenberg-Kerrey amendment and close all the loopholes—not the baby steps but the one giant step.

Let's not keep coming back, and let's not be in a position we seem to put ourselves in. We open up huge loopholes, the American public reacts with great unanimity against those loopholes, and then we come back and say let's close a few and wait and see what the reaction is. Let's do what the American people are saying: Close all the loopholes.

I retain the remainder of my time.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, the vote we are about to take is about compromise. It is an attempt to try to get a bipartisan bill. It is about finding common ground to resolve an issue vital to the Nation. We should join together and show the American people that it is in a bipartisan manner that the Senate can responsibly deal with the issue of guns.

As a Senator who voted for the Brady bill, I understand the importance of background checks. I understand the need to keep firearms from felons. I have long supported the concept of background checks at gun shows.

This amendment mandates that every gun transaction at a gun show must include a background check, period. There are no loopholes. This is not a smokescreen. This is strict language, strong language, that will force gun sellers and purchasers to follow responsible actions in trading and selling guns.

The system we created with this amendment mandates that people purchase firearms legally and, therefore, go through the background check. It is time to tell gun owners and buyers to be responsible. It is time to show the Nation that we understand their concerns and we are acting.

The tragic shooting at Littleton and today in Atlanta further demonstrates the need for both sides to come together and to work on this issue to find a common solution to the escalating level of school violence.

The amendment Senator SMITH and I are offering will help ensure that timely background checks are performed on a purchase of firearms at gun shows. The Smith-Jeffords amendment should bring this Senate together with the common goal of any illegal firearm sales. The amendment is a bold, bipartisan step and should be adopted. Now is the time for action. Now is the time for reason to prevail over rhetoric. Now is the time to show our Nation's parents that we can get together and end this senseless violence.

I yield the floor.

Mr. SMITH of Oregon. Mr. President, I rise first to thank the cosponsor of this amendment, Senator JEFFORDS; and also Senator McCAIN, who was instrumental in helping me and others to bring attention to the need to get a bill we can be proud of and that actually works.

Second, I extend my condolences, my thoughts, my prayers to the people of Atlanta. I know whereof they suffer this terrible day. It was a year ago, and a few days, that Oregon, in Springfield, at Thurston High School, suffered a similar tragedy. Now we must add Atlanta to the roll of Littleton and Springfield and Jonesboro and Paducah and many other places.

We stand here today as elected representatives of the people of the United States, to try to do right by them. But too often in this Chamber the focus seems to suggest there is only one answer and that answer is to go after guns. But the problem is so much deeper than that. I am willing to admit there are things we can do, and things we are doing now, that will separate law-abiding citizens and gun owners from the fanatics and the kooks and the criminals, the dangerous and the deranged in our society. We do not want them to have guns. We do not want obtaining guns to be easy for them. But we want to construct a system that encourages the law abiding to come and participate in an instant check, a system that encourages, that incentivizes, and does not just regulate and drive things into the back alley and into the parking lot.

The amendment that Senator JEFFORDS and I offer today does two very simple things. We do close the pawnshop loophole. We use the very language of my colleague and friend from New York, Senator SCHUMER, to go back to current ATF regulation to make sure if someone comes in and hocks his gun he cannot then go, commit a felony, and then retrieve that gun without a background check. I have no intention of leaving that loophole open. We are going to close it today.

Second, because there is a dispute as to the Hatch-Craig language in terms of licensees, we are clarifying that. We are saying simply those in the new Federal firearms dealer category of a "special licensee" must comply with all dealer provisions of the Gun Control Act and always do a background check with no exceptions.

This morning we have heard there are apparently 13 additional loopholes. Let me suggest the difference between our amendment and theirs. What our amendment does is incentivize. What their amendment does is regulate. The special licensee, if he obeys the law, comes in and is entitled to an instant check, access to the instant check system. He is not charged a fee, because we are not interested in increasing taxes here. He is immune from civil liability and fines of up to $10,000 and 5 years in prison. We are trying to get people to understand we want them to come in. We do not want to drive them into the back alley and into the parking lot and into the street. We want them to come in, in the light of day, because they are proud of their second amendment rights, and will protect their second amendment rights through instant check.

Let me tell you what else we do. There is a huge difference between this amendment and the one my friend from New Jersey is proposing. He is allowing for 72-hour checks. If it takes 72 hours to get a background check, it is not an instant check. If you have ever been pulled over for a traffic violation, you know the policeman will check your car, check your license, check your registration, and he will find out if there is any additional reason, other than a traffic violation, to hold you. We have instant check now. Why do we not make instant check available to people who are exercising their second amendment rights? I want to be real clear: 72 hours is not an instant. We are going down to 24 hours because we want to incentivize this Government to finally go to work and produce instant check, make it available.

One of the most appalling revelations to come out of the tragedies of Littleton is that gun laws are not prosecuted by this administration. We can pass all the laws in the world on guns but if they are not enforced they are of little value to this country. So, where it makes sense to add, we are adding. But we call on the administration also to enforce. If we enforce our laws, we will begin to make them efficacious; we will begin to change conduct.

But there is an important additional reason for supporting this amendment versus that of the Senators from New Jersey. Many States, as we speak, my own included, are debating the issue of gun shows, are debating the issue of instant check. You and I know very well that law enforcement takes place where crimes occur, at the local level. There are Governors and legislators who are working with gun advocates, gun opponents, and police forces who are trying to come up with definitions that will work for their States and their localities. That is happening as we are talking. It is happening in my State. If we go to Senator LAUTENBERG's definition, all we would do is nullify much of the work that has already been done and has been passed into law. I am saying we should not do that. Because law enforcement, while we have a role, will remain primarily a local concern because it is locally administered.

So I would like to trust the States, to leave them some room, some discretion to fix this problem on their terms, in ways that work in their communities. We cannot know it all here, even though we too often pretend to. So, if you care about the issue of States rights and law enforcement, Smith-Jeffords is the way to vote. If you want Washington to dictate every principle and every definition, then Senator LAUTENBERG's approach is the way to do it.

There is another reason. I talked about incentives. I congratulate the Senator from New Jersey. His amendment today is much better than the one I proudly voted against on Wednesday night. That one made sure taxes were raised, Government bureaucracies were built, and everybody in sight got sued. What we are trying to do is not raise taxes, not grow Government, and to provide some immunity, therefore some incentives to get people to comply with these laws. We call upon this administration to enforce these laws.

I hope my colleagues, Republican and Democrat, will vote for this amendment. We are using Senator SCHUMER's language. I thank him for that. It works. It clarifies. It ties it up. But if you try to tighten every loophole you see, I promise you the effect of your work today will be to create a black market, an underground, a back alley business, a parking lot exchange. I want them to come inside.

Because second amendment rights do come with second amendment responsibilities, let's make it easier; let's not make it harder. We are doing this in this amendment. We are applying instant check, we are trusting the States, and we are not growing Government. We are protecting kids in the schools, we are protecting the second amendment right to bear arms, we are protecting law-abiding citizens, and we are getting after the kooks and the criminals, the deranged and the dangerous who haunt our society, to make sure this is not a huge loophole that will give them access to dangerous weaponry.

I encourage my colleagues to vote for this amendment and vote against the Lautenberg amendment. It is too much and it will drive this issue into the back alley.

Mr. SCHUMER addressed the Chair.

The PRESIDING OFFICER. Who yields time to the Senator from New York?

Mr. LEAHY. Mr. President, I yield my remaining 5 minutes—I believe I have 5 minutes—to the Senator from New York. He is going to speak right before the Senator from New Jersey who, under the original order, is guaranteed time in any event.

Mr. SCHUMER. I now, in the 5 minutes yielded to me generously by the Senator from Vermont—I believe I have 20 minutes. I will speak for 10—I will control 10 and yield 10 to the Senator.

Mr. LAUTENBERG. To be sure, the Parliamentarian may be able to tell us. How much time will we have on the Smith and Lautenberg amendments combined?

Mr. SCHUMER. I believe there are 20 minutes left, Mr. President.

The PRESIDING OFFICER. The minority has 20 minutes total. The majority has 15 minutes 58 seconds.

Mr. LAUTENBERG. And the Senator yields——

Mr. SCHUMER. I will be yielding 10 minutes to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. I thank the Chair.

Mr. President, this morning while we are compromising with the gun lobby, ambulances are rushing to Heritage High School to save children from another shooting. It is profoundly disheartening. How much longer are we going to embrace the gun lobby instead of the mothers and fathers of America? Why are we compromising on such simple issues?

It should not have taken us a week to come to the view that we should close the gun show loophole. It never should have been opened, and it now should be closed, and it should be closed cleanly and simply by passing the amendment of the Senator from New Jersey.

We are making progress. At the beginning of the week, we started way apart, and because of the American public, we have come closer and closer together. I commend my colleague from Oregon. He has adopted language which I believe closes the pawnshop loophole. That is a major step in the right direction.

But, I say to my colleagues, there are other loopholes to close, and this very morning when there has been another shooting, why are we afraid to close those as well?

There is the new 24-hour loophole when the instant check system does not work, when the records are not immediately available, the FBI says they need 72 hours to check to see if the person asking for the gun is a felon. We now make it 24 hours. If a gun show is held on Saturday, there is no way—no way—to check. So what we will have is felons getting guns at gun shows. We will have children even being able to buy guns in many different ways.

The amendment of the Senator from New Jersey is simple. If we want to do it, let's do it. Let's not do an elaborate minuet where we take one step forward, two steps back, two steps forward, three steps back. That is what we have been doing this week. Yes, we are making progress, but on such a modest amendment like closing the gun show loophole, why does it take us 7 days of debate? Why does it take three different fixes that still do not close all the loopholes?

It is time for this body to come clean. It is time for this body to simply say, yes, we believe in the right to bear arms, but we also believe there are practical limitations that do not interfere with the rights of legitimate gun owners that we can make, and we can make them forthrightly and cleanly without all of these tiny baby steps.

I guarantee you, the American people are fed up with compromises with the gun lobby. Since the beginning of time, some teenagers have been crazy and angry and mixed up and sometimes disturbed, but they have never been armed. Until now, a teenager who was truly disturbed had his fists, and there might be a broken thumb and there might be black-and-blue eyes. There would not be dead children being taken out of our schools in every corner of America.

There are still loopholes, significant loopholes, that will be left in the law if we do not vote for the Lautenberg amendment. We can close them. We can stand up to the gun lobby. If anything, the actions this morning should have taught us that winking at the NRA and then smiling at the American people just produces more carnage.

It is not hard, it is not technically difficult, and it is not bureaucratic. The law for licensed dealers has worked since 1968. The Brady law has worked since 1993. It has prevented 250,000 felons from buying guns. What are we saying now? At a gun show, maybe; the FBI doesn't need 72 hours to check when it fails.

What the heck is going on in this country? Why do we let the gun lobby continue to pry open more loopholes for the Klebolds and the Harrises to crawl through? Because those who want to get guns for illicit purposes have ways to do it. Even if Lautenberg should be adopted—and I pray to God that it is—they will have means. But let's at least do our best to close those loopholes.

This week has been a week of both encouragement and discouragement for the American people. There has been encouragement. Because of the efforts of the Senator from Oregon and the Senator from Arizona, we are closing the pawnshop loophole, but it is discouraging overall, Mr. President. It is discouraging that it takes us such time to close a simple loophole like the gun show loophole and not do it cleanly and not do it completely. It is discouraging that when we close certain loopholes, somehow we feel obligated to open two or three more. It is discouraging that the gun lobby still seems to rule the roost, not in America, not in urban, suburban, or rural America, but here in this Congress.

I am going to support the Smith amendment because it does close the pawnshop loophole, but I am going to vote for, and urgently and prayerfully urge my colleagues to support, the Lautenberg amendment because it does not open or leave open other loopholes.

This is a test of the soul of America. I watched television this morning, and I said to myself: What is going on in America? The American people are asking themselves not only what is going on in America, they are asking, What is going on in the Senate of the United States? Let us show courage. Let us step up to the plate. Let us be strong, let us close the gun show loophole, let us not open new loopholes, and then let us move to do the other things that will prevent children and criminals from getting guns.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. ROBERTS). The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask unanimous consent that there be an extra 6 minutes per side.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HATCH. Mr. President, I yield 5 minutes to the distinguished Senator from Idaho.

The PRESIDING OFFICER. The distinguished Senator from Idaho is recognized for 5 minutes.

Mr. CRAIG. Mr. President, this morning we stand on the floor of the Senate in the wake of another shooting at a high school in America. My colleague from New York has just said in rather plaintive but appropriate terms: What's wrong in America?

We know there is something desperately wrong. Yes, we struggle with this problem here. I do not question the sincerity of anyone who comes to the floor today to debate this issue. But it is very important for some of us to stand and make as clear as we possibly can the differences between the amendments about which we are talking.

The reason there are an alleged 13 loopholes in the Craig-Hatch amendment is because there are 13 paragraphs, and the other side would suggest the whole thing is a loophole. That is simply not true—it has never been true—because, as the Senator from Oregon says, we are attempting to craft a very fine but important constitutional line between law-abiding citizens and their right to own guns unfettered by a Federal Government and the criminal who will seek and find a gun anywhere he or she wants and, of course, the disaffected youth of America who in some way find it necessary to express their frustrations or their sicknesses with the use of a firearm.

What the other side has not said, but what they whisper loudly, is: The second amendment is a loophole. Let's wink and nod at it and then try to close it up.

I cannot do that. I really do believe in our Constitution and I do believe that law-abiding citizens have rights. I must tell you, the other side is winking and nodding and saying: Oh, yes, they have rights, but we will close all of the doors up to that right and see if you can find the key to get through.

So we came to the floor a week ago and began to strike a balance, recognizing that those constitutional rights must stand supreme for the law-abiding citizen, because the law-abiding citizen, in owning a gun under that right, accepts the responsibility of that gun.

The Senator from New York is right; all he wants to do will not stop the criminal from getting a gun, because it never has. It is law enforcement that stops the criminal. It is the handcuff provision of this bill that says to Janet Reno: Put your cops on the street and arrest the criminal who uses the gun. Janet Reno, your record of law enforcement is dismal. You have winked and nodded at the law. And now it is time you wide-eyedly move to the streets and arrest the criminal who uses the gun.

That is what the juvenile crime bill says. It says it loudly. It says it very clearly. Let's not wink and nod at our Constitution. Let's go at the criminal element of our society. Let's not create the kind of provision that the Lautenberg amendment does. It is not 72 hours; it is the old 3-day waiting period. Even that side said, once we get instant check, that goes away. That is what the law said. Now they want it back, even though we tried to honor our legal citizens by providing an instant check system.

That is what the Congress has said for a decade: We will fund it. We will implement it. And we will demand that it be used. The law-abiding citizens, the gun owners of America, in gun-owning America, say: We agree. There is no argument there.

So as the chairman of the Senate Judiciary Committee worked with his committee and here on the floor to craft a juvenile crime bill, it is so tragic that the other side tried to make it a gun control bill only.

Let's see what we did. We put juvenile Brady in the bill. We said to violent juveniles: You lose all of your constitutional rights when you act violently as a juvenile felon.

We have gone after gangs.

The PRESIDING OFFICER. The time allotted to the distinguished Senator from Idaho has expired.

Mr. CRAIG. I ask my chairman for 1 more minute.

The PRESIDING OFFICER. The Senator is recognized for an additional minute.

Mr. CRAIG. We have gone after gangs. We have gone after the juvenile offender. We have built in youth protection. We are concerned about gun safety.

This Senate has put in gun laws. The Senator from Vermont said: OK, if you don't believe CRAIG and HATCH, let's say it one more time for the record: People who sell guns at gun shows will do background checks on those who purchase guns.

I am sorry I sound as if I am stuttering, but that is what the other side demanded, that we say it again. And we have said it again. We have not changed the law; we just said it again for the record. I hope that is enough.

We are going after crime control. We are giving our schools of America the tools of safety. If they had those tools maybe in Georgia this morning it might have worked.

So I hope we will withstand the vote on the Lautenberg amendment, vote it down, and let the Craig-Hatch amendment stand with its corrections——

The PRESIDING OFFICER. The time has expired.

Mr. CRAIG. And serve the law-abiding citizens of America as we search out the criminal element.

The PRESIDING OFFICER. Who seeks time?

Mr. LAUTENBERG. Mr. President, I yield 2 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER. The distinguished Senator from Rhode Island is recognized for 2 minutes.

Mr. REED. Thank you, Mr. President.

I rise in strong support of the Lautenberg amendment. It would close a number of serious loopholes that were created by the Hatch-Craig amendment. As the Hatch-Craig amendment stands today, any number of places where people could buy large quantities of guns would not be deemed gun shows, would not be subject to these types of regulations. The Lautenberg amendment closes that loophole.

The Lautenberg amendment would allow for 72 hours in certain circumstances for background checks. That is absolutely necessary. As the Senator from New York said, on a Saturday, when many of these gun shows take place, there is no possible way of doing a 24-hour background check.

It would also allow the individual who is a weapons dealer to be subject to liability if they are not following the law. That is very critical.

All of these provisions together are in the Lautenberg amendment. That is an amendment the American people support overwhelmingly, because they want a structure of laws that actually protects their children and does not simply provide some slick cover for the gun lobby. They want their children protected. They want us to do it in a sensible way. They want us to pass laws which are not cynical exercises in self-preservation but will actually protect the children of America.

The Lautenberg amendment will do this. I strongly support it. Gun control is absolutely essential to the process of protecting children, but so many of these incidents we have seen—as just this morning—show that we also need to take preventative action to ensure that children, with or without access to firearms, do not feel self-destructive and destructive of others. That is part of this overall legislation. In fact, we could do much more. Today we are here to make a clear choice between laws that work to protect children and an exercise in simply protecting the gun lobby. I support the Lautenberg amendment.

I thank the Senator.

The PRESIDING OFFICER. Who seeks time?

Mr. LAUTENBERG. I yield 5 minutes to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 5 minutes.

Mr. KERREY. I thank the chairman, Mr. President.

The largest gun dealer in the State of Nebraska is Guns Unlimited. The owner of that operation is a man by the name of Tom Nichols. I turned to Tom when this legislation was first introduced and when the issue of gun control came up because I trust him. I believe that he understands what works and what does not work.

As I said on this amendment when I first came to the floor, I have supported things that work. If I believe it is going to make the public safer, I will support it. If I don't think it will work, and that all we are doing is sort of a political figleaf, which happens from time to time on these issues, then I am not going to support it, because all we are going to do is add regulatory friction or interference with people who are law-abiding citizens, and it is just an irritant; it does not do anything other than perhaps make our press releases sound a little bit better.

But I asked Tom about this amendment. I have great respect for the Senator from Oregon and the Senator from Vermont. I think they have come a long way in closing the loophole on pawnshops, which is very important, because oftentimes people who are criminals or who have guns that they have stolen will go to a pawnshop and pawn the gun. They need to have a background check done.

There is still a significant weakness in this amendment. Again, I urge colleagues to vote for the Smith-Jeffords amendment—or is it Jeffords-Smith, whatever it is. I urge them to vote for that and to vote for the Lautenberg-Kerrey amendment.

Here is the reason why. In the words of Tom Nichols, the owner of the largest gun shop in the State of Nebraska—he sells more handguns and other kinds of guns than anybody in the State of Nebraska—80 percent of the people who come in to buy a gun in his shop are cleared in 24 hours. The instant check system gets them just like that. These are the law-abiding citizens. These people have absolutely nothing in their background at all that would indicate there is any kind of a problem. But, he said, the people of greatest concern aren't those 80 percent. The people of greatest concern are the ones who take a longer period of time, require a special agent to get into their background to find out what is going on.

If it is only 24 hours, what is going to happen is, yes, the law-abiding citizens will be OK; you will clear those out with no trouble at all. But those aren't the people who are the problem. Those people are getting cleared out in the 24-hour instant check, just like that. It is the people who require a little bit more work who are the ones we want to deny the opportunity to own a gun.

I urge colleagues, as they come down here, if you really want to try to change the law to increase public safety, my recommendation is to vote for the amendment offered by the Senator from Oregon and the Senator from Vermont, but then also vote for the amendment which has been offered by the Senator from New Jersey and myself. Ask your own gun dealers why and who and what happens with that additional 48 hours. They will tell you. The answer is, that is when you get the people who are the biggest problem. That is when you create the most public safety with the Brady bill background checks.

I understand that this issue has been highly charged and there has been a lot of heat and rhetoric and hard feelings on both sides which has occurred as a consequence of that. But if you are trying to write a law that will increase public safety, that will decrease the number of Americans who are either felons or dangerous or have something else in their background but own guns, I urge Senators to vote for both of these amendments, which we will have an opportunity to do, I guess, in about 10 minutes.

Again, I thank the Senator from New Jersey and others who have taken the leadership on this. I thank, again, Tom Nichols from Guns Unlimited in Nebraska. You put yourself out a little bit in this kind of situation. He is basically saying we need to have a level regulatory playing field. You have 2,000 or 3,000 gun shows a year. The Senators from Oregon and Vermont will allow instant checks for those gun shows, but we need that other 48 hours in order to be able to level the playing field between licensed gun dealers and gun shows. That is all we are doing.

There is no more money that they will be paying in, no more regulatory burden. It merely levels the playing field so people who buy a gun in a gun show and people who buy a gun from a licensed dealer will have to go through the same thing. If you want to make Americans safe, I urge you to vote for both of these amendments.

The PRESIDING OFFICER. Who yields time?

The Senator from Utah.

Mr. HATCH. Mr. President, may I inquire, how much time remains on both sides?

The PRESIDING OFFICER. The Senator from Utah has 16 minutes, and the Senator from New Jersey has 9 minutes.

Mr. HATCH. Is there anybody on their side who cares to speak at this time, or should I?

Mr. LAUTENBERG. I would like to give the proponents time.

Mr. HATCH. I am happy to do that.

We are hearing a lot in the media and on the floor of the Senate demonizing those who believe in the second amendment, those who strive to protect the rights of American citizens. The sincere steps taken today to try to find a middle ground are slapped aside by some. And, quite frankly, I find that to be discouraging and dispiriting.

I still hold out hope that the Littleton shooting can bring out the best in all of us. We have come together on some issues and have before us a bill that responds to Littleton and does so in a way which respects the rights of law-abiding citizens. But to suggest, as one of our colleagues did yesterday, that in defending the second amendment rights of law-abiding citizens the Senate is "whistling past the graveyard of Littleton" is contemptible, in my view. Given what is in this bill already, how can anyone in good conscience really say such a thing.

If today's shooting in Atlanta isn't a wake-up call to those who want to play politics with this bill, I don't know what is.

Americans still believe that gun ownership is a basic right of our people. If any community would change its views as a result of the Littleton shooting, it would be the residents of Colorado, where prior to the shooting 70 percent believed firearms ownership was a basic right. Has support for gun control increased in Colorado? No, just the opposite. A recent poll found that 75 percent of Coloradans believe gun ownership is a basic right. The people of Colorado and elsewhere recognize that this is a complex problem and that going on a gun control feeding frenzy is not the answer. Those who think otherwise should take a deep breath, take stock in what we have accomplished to date with this bill, and bring this bill to passage, because this bill can have a dramatic effect on helping us to resolve some of these problems with teen violence in our society today.

We have had a vigorous and lengthy debate about gun shows and how best to limit criminal access to guns at these shows. There have been numerous unnecessary delays on this matter. Today I hope we can bring closure on this matter. This is an evolving process. After several days of debate last week, Republicans took a step to require background checks at gun shows without substantial cost and without overregulatory burdens.

We all realize our duty to do what is best for our children and to uphold the Constitution of the United States, including the second amendment. We all realize that the political benefits of scoring debating points lasts only for the hour, while the real benefits of protecting our children last for a lifetime.

The evolutionary process continues. The supporters of the Lautenberg amendment have made changes to their proposal to bring it closer to our plan, and we are proposing the Smith-Jeffords amendment to deal with the pawnshop exemption and to clarify the special licensee provision. Our plan, however, does not impose substantial disincentives to obey the law. My sense and hope is that our efforts will continue to evolve and that we will be able to find common ground, a common ground that protects the rights of law-abiding citizens to legally use guns but punishes criminals who illegally use guns.

There is one firearm-related provision on which I hope we can reach bipartisan agreement. That is the treatment of pawnshops that have traditionally been exempt from the requirement to conduct background checks when they simply return a firearm to its owner.

Contrary to what the distinguished Senator from Nebraska said, if a stolen gun is pawned, it will be discovered when the gun comes into the pawn shop. State law requires pawn shops to notify state or local law enforcement agencies concerning the gun. These state and local agencies then check to determine if the gun is stolen. If the gun is stolen, the police can investigate and, if necessary, arrest the pawning customer. This all happens before the gun is returned to the customer and thus, before a Federal background check would be required.

The pawn shops protested the 1993 Brady law that required them to do a federal background check in addition to the state check they were already doing. Further, they complained about the 3-day waiting period. If a pawn shop had to wait 3 days under the orginal Brady law to conduct a federal background check, it could not return the gun to the customer when the customer repaid the loan. That is why Congress amended the Brady law in 1994 to exempt pawn shops from the requirement to do a federal background check.

The Craig amendment which we passed last Wednesday simply restored the exemption for pawnshops that had been part of the Brady law for 4 years and had been approved by some notable people, even some here on this floor. Thus, the Craig amendment did not effect a major change in law, but a change back to how the Brady law read from 1994 to November 1998 when the exemption lapsed as the instant check system became effective.

As I have stated repeatedly, it is my goal to find common ground on these issues. Wherever possible, I want to do what is best for our children and for the public, which is consistent with our oath as Senators to uphold the Constitution. Frankly, I viewed the pawn shop provision as a technical matter, one which should not be politicized. I am glad that Senators SMITH and JEFFORDS have made a bipartisan proposal to resolve this matter so that both sides can get together.

With respect to special licensees, last Wednesday the Senate passed the Craig amendment which provided that persons who wished to engage in the business of selling firearms but just at guns shows must obtain a special Federal license to do so. Subsequently, however, my colleagues on the other side of the aisle complained that the Craig amendment was not clear enough in requiring special licensees to conduct background checks. We have looked at the language and think it is clear.

Nonetheless, to address the concerns of our colleagues, I offered a simple one-page amendment last Friday which made it absolutely clear, beyond any shadow of a doubt, that special licensees were subject to the background check provisions of the Gun Control Act. Unfortunately, my colleagues on the other side of the aisle rejected this clarification. Instead of dealing with their concern, they wanted to debate it, and, boy, have they debated it.

Today the Smith-Jeffords amendment contains the clarification I offered last Friday with a bit more explanation. It states:

> Except as to the State and local planning and zoning requirements for a licensed premises as provided in subparagraph (D), a special licensee shall be subject to all of the provisions of this chapter applicable to dealers, including, but not limited to, the performance of an instant background check.

The key language of the amendment states:

> A special licensee shall [not might, but shall] be subject to all [not some, but all] of the provisions of this chapter applicable to dealers, including but not limited to, the performance of an instant background check.

This could not be any clearer. Special licensees must perform a background check before selling a firearm at a gun show. So let's get rid of the talk about loopholes.

The Smith-Jeffords amendment deals in a bipartisan fashion with the pawn shop exemption and with the clarification of the requirement for special licensees to perform background checks.

There has been a lot of talk about loopholes, and the Smith-Jeffords amendment should lay most of that talk to rest. But the biggest loophole for criminals is the lack of enforcement of criminal laws that currently exist by our Attorney General and this administration. If we in Congress pass a law prohibiting a criminal transaction, it is the duty of the Attorney General to enforce it. But she has not. Our bill includes the CUFF program to fund more prosecutions of gun crimes and orders the Attorney General to report on her progress in prosecuting gun crimes. By enforcing criminal statutes, we can protect our children and our schools. If a criminal knows that the statutes we pass will not be enforced, however, we expose our children to more crime.

Let me make a point with these charts. Is this a record to be proud of in this administration? We are quoting the Executive Office of the U.S. Attorneys for these figures. Prosecutions under the Brady Act background checks: In 1996, zero. They claim that the Brady Act stopped 200-some-odd-thousand felons from getting guns. There was not one prosecution in 1996, not one prosecution in 1997, and just one prosecution in 1998.

If there is a loophole, it is in the failure of the Attorney General and the Justice Department to enforce the laws that are already on the books. Yet, you hear this hue and cry for more gun control laws. But this is only for political purposes because they know that their own Attorney General will not enforce these laws.

Mr. SMITH of Oregon. Will the Senator yield for a question?

Mr. HATCH. I am happy to yield for a question.

Mr. SMITH of Oregon. I wonder if the Senator can address this. He is into this issue, but I think we have to answer the question the Senator from Nebraska has raised, Why do you need the 3 days, 72 hours?

My point really is this. I wonder if this amendment isn't so regulatory that it really isn't trying to end gun shows, and not an attempt to provide the service that we are asking be provided. If they find that there is a question, shouldn't the Justice Department, the FBI, deny the check in 24 hours, 1 hour, or whenever it occurs, and then go investigate it?

Mr. HATCH. The Senator really poses an interesting question. The current law requires no background check for sales at gun shows between non-licensed individuals. For sales by dealers, however, an Instant Check background check is required. If there is a question, the FBI gets 3 days to resolve the question. Of course, because a gun show generally lasts only 3 days, the show will be over by the time the FBI is through checking.

Our bill requires the FBI to resolve any question within 24 hours. This strikes a balance between the time constraints of a gun show and the time needed by the FBI to resolve any Instant Check question.

Further, this is an evolving process. As technology advances and more records are placed on the Instant Check database, the FBI will be able to resolve any question in less than 24 hours.

Mr. SMITH of Oregon. If the Senator will yield for another question. As chairman of the Judiciary Committee, don't you believe that if the Justice Department needed more resources to do this to provide the service, we would find the ways and means to accommodate them?

Mr. HATCH. The Senator makes a good point. As chairman of the Judiciary Committee, I will work with the FBI and the ATF to ensure they have the resources to get the job done. We will do everything in our power to find the means to solve these problems.

Mr. President, with respect to the Attorney General's prosecution record, this is not a record to be proud of—this business of prosecutions under Brady. There were zero in 1996, zero in 1997, and one in 1998. Yet, they want new laws. We are not enforcing the laws we already have.

Is this a record to be proud of? Prosecutions for transfer of handguns or ammunition to a juvenile: This Justice Department, in 1996, had nine prosecutions. We have had that many shootings in the last short while. In 1997, five prosecutions. In 1998, six prosecutions. Why aren't we enforcing the laws that already exist instead of making political points to have a whole bunch of other laws that there is a question whether the Justice Department will enforce?

Let me go into this one. Is this a record to be proud of by this administration? Prosecutions for possession or discharge of a firearm in a school zone. Think about that. In 1996, four prosecutions; in 1997, five; in 1998, eight.

Wouldn't it be wonderful if we could enforce the laws that are already on the books? We would not have nearly the problems we have today. By the way, this business of prosecutions for transfer of a handgun or ammunition to a juvenile, and others, there are thousands of cases that they know of and there are only these limited number of prosecutions.

Well, Mr. President, the plain fact of the matter is that the revised Lautenberg amendment, though improved to look more like the Republican proposal, is still not as good as the current bill as amended.

The revised Lautenberg amendment still fails to provide qualified immunity to persons who obey the law and act appropriately with firearms, even after the Senate voted on it yesterday to provide qualified immunity when parents properly use child safety locks. The revised Lautenberg amendment still fails to provide tax relief to licensees and others who perform background checks. And the revised Lautenberg amendment still fails to relieve gun show organizers of substantial new recordkeeping requirements. It is very unfair.

Thus, the revised Lautenberg amendment is a small step in the right direction, and I sincerely appreciate that step. However, in my view, it fails to go far enough.

The revised Lautenberg amendment will change an unregulated market into a very heavily regulated market overnight. In fact, by imposing this much regulation, without providing any immunity or tax protection, and without any provision for licensing temporary dealers, the revised Lautenberg amendment will create a black market in gun trading, because people will not go to the gun shows, they will go into the streets and do it. By creating a black market in gun trading, the revised Lautenberg amendment will inevitably promote gun sales where there are no Federal licenses, no records, and no background checks. We do not need a black market, but we need a free market with reasonable, nonburdensome regulations where buyers and sellers have incentives to comply with the law.

Mr. President, the current bill with the Smith-Jeffords amendment will strike the appropriate balance between the legitimate interests of law-abiding citizens to own, buy, and sell lawful products and the public interest in preventing criminals from obtaining guns. The powerful incentives included in our plan will ensure that persons will comply with the mandatory background check requirement on all sales at every gun show. The Republican plan also gives law-abiding gun owners the peace of mind that they have not inadvertently transferred a firearm to a felon, and strongly encourages the Attorney General to begin prosecuting the criminals who have violated the existing gun laws.

Mr. President, this juvenile justice bill is too important to our country's schools, parents, and children to be held up by endless debates.

Only this morning, we heard of another shooting in Georgia. So far, thank goodness, there have been no reports of death.

We have to stop debating and pass this bill. We have had enough delays. We need to protect our students and our schools now. We in the Senate have an opportunity to take a major step toward protecting our children by passing the juvenile crime bill. Our country needs it. We should do it in a bipartisan way, and we need to do it today.

I reserve the remainder of our time.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, I yield 3 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 3 minutes.

Mr. KENNEDY. Mr. President, the Senate has spent the past week attempting to clean up the mess that our Republican colleagues have made over the gun show loophole. Now, again we have a chance to do the job correctly, by closing the gun show loophole the right way, not the NRA way.

As they say in the circus, it's a big job cleaning up after a big elephant, especially when the National Rifle Association is the trainer of the elephant.

The first two attempts by our Republican colleagues to close the gun show loophole were a travesty. They left the loophole open, and they created new loopholes while they were doing it.

While the Senate dithers, the need grows greater. Gun violence has struck again at one of the nation's schools—this time at a school in a suburb of Atlanta.

Enough is enough. We will decide today whether the United States Senate is serious about closing the gun show loophole, or whether we will continue to allow young people to have almost unlimited access to guns.

The Lautenberg amendment will close this deadly loophole in our gun laws, and close it all the way, not just part of the way.

The Smith amendment only goes part way. It closes the loophole our Republican friends opened for pawn shops last week—but it leaves unchanged the other serious loopholes that put guns in the wrong hands at gun shows.

Our Republican colleagues still refuse to close another major loophole they created last week—the 24 hour loophole, which makes a farce out of the background checks on gun purchasers.

These background checks have kept thousands of guns out of the hands of criminals and others who have no business owning guns. But the NRA opposes that law, so it wants to undermine it in a way that will protect illegal transactions at gun shows.

The Lautenberg amendment closes this loophole too.

Our Republican colleagues still refuse to close a third loophole they created last week, which makes it much more difficult for police to trace guns used by criminals. They have set up a new class of gun dealers called "special registrants," who can sell as many guns as they want to anyone they want, without keeping the records needed to trace guns used in crimes.

The Lautenberg amendment closes this loophole, too.

Since the tragedy in Littleton, parents and children across the country have lived in fear that their school—their community—could be next. Now, it has happened in Georgia. On some days in recent weeks, parents have kept their children away from school in an effort to shelter them from violence.

Families cannot continue to live this way—in constant fear that their children and their school could be the next gun battleground.

There is only one way to close the gun show loophole, and that's to adopt the Lautenberg amendment.

In a few minutes, we will have two important votes. The Senate can act on the urgent needs of the American people, or it can continue to play ostrich—head in the sand, ignoring the national crisis of gun violence.

It is clear that the overwhelming majority of the American people want Congress to pass responsible gun control measures. Eighty-nine percent of the people say that it is important for this country to pass stricter gun control laws.

Now, we have the opportunity to get it right. Gun laws work. The facts speak for themselves. It is time—long past time—for the Senate to act, to say enough is enough is enough is enough.

I thank the Senator from New Jersey and hope his amendment will be accepted.

Mr. LAUTENBERG. I thank the Senator from Massachusetts.

The PRESIDING OFFICER. The distinguished Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, I, first of all, want to say to my colleagues on the other side—to Senator SMITH, to Senator JEFFORDS, to Senator GREGG, to Senator HATCH—I really do appreciate the fact that they are trying to arrive at a consensus. I think what was said in the earlier presentation was that it is a bipartisan agreement. I wonder whether parents in Littleton, CO, care whether it is bipartisan or not, or whether it is a compromise or not. What they want to make sure of is that it never happens again, as it did this morning in Georgia.

It is a pity we are discussing whether or not there is too much regulation, or whether or not the law enforcement people are hard at work. I want them to look at the statistics. We will talk about that in just a minute. That is not the issue. The issue is, do you want to save lives, or do you want to save the NRA? Do you want to permit them to continue to oppose all sensible legislation?

There are people sitting here, I am sure, who have children at home and they don't want to worry about them when they go to school. That is the issue. What are we talking about here? Eighty-nine percent of the American people say they want the gun loopholes closed—finally shut. What do you think the percentage might be out of Georgia today, or out of Colorado, or out of Pearl, MS; or Paducah, KY; or Springfield? What do you think the percentage of those families are? I will bet you it is 100 percent.

We know one thing. It was admitted by the distinguished Senator from Idaho, or at least suggested—not admitted. He said 40 percent of the people who buy guns at gun shows do so without any identification at all. "Buyers anonymous." Buy your gun. Don't tell anybody who you are. Forty percent, by my calculation. It is around 800,000 guns a year. Maybe I am wrong by 100,000 or 150,000. Over 5 million handguns are sold in this country each and every year.

Mr. President, I want us to stand up to the American people and say we care more about your kids; we care more about your family; we care more about violence in this country than we do about whether or not this one gets credit, or whether it looks like we are imposing an extra burden.

I want to talk about the burdens for just a moment and talk about Federal gun prosecutions. The distinguished Members on that side will say they are down. I would tell you this: Twenty-five percent more criminals are sent to prison for State and Federal weapons offenses than in 1992. That is because we work more closely with our partners in State and local law enforcement.

Look at the result. Stop looking at the process. Look at where we want to come out. Overall violence and property crimes are down by 20 percent. The murder rate is down 28 percent—the lowest level in 30 years. We have accomplished something. Do you know why? Because we are asking questions about guns. Yes. There are things wrong in our culture. There certainly are. But I look at our culture, and I look at other nations which are well developed. We have 35,000 Americans killed each year with firearms compared to 15 in Japan—15 people—30 in Great Britain. Just take the murder side of that—homicides, almost 14,000; suicides, 18,000. That happens, I guess, in other countries. But I am sure it doesn't happen to the same extent with guns.

When we hear our friends decrying this extension of time that is needed to get your mitts on a gun, why should we slow down the process? Somebody wants a gun. They give it to them. That is what they are saying.

I will tell you something. If they read the law carefully—the Lautenberg law—then they would see that the law limiting enforcement to 24 hours for gun show background checks is only if—72 hours; forgive me—only if there is some detection in the first minutes that something is wrong. If there is nothing wrong, you can have a gun in 5 minutes. Is that quick enough? Is a day quick enough? I think it is quick enough for the American people. Ask those in Littleton and ask them in other places how quickly the guns ought to be available.

No, Mr. President, we are missing the boat. We are arguing about process while we are exposing more and more of our kids to accessibility to guns. It is not right. The Lautenberg amendment closes the loopholes once and for all.

Again, I commend Senators SMITH and JEFFORDS for closing the pawnshop loophole, but they don't close all of the loopholes. There is still limited liability for gun sellers. There are still people who are going to be able to buy guns without registering them. They are not registering without going through a background check. They are not insisting that everybody go through a background check, and they are not insisting that 24 hours be extended to 72 for normal purchases.

I think what we ought to do is say once and for all—I hope my colleagues will respond—to the American people, enough of the debate about the process. The process is fair.

We are not talking about increasing taxes.

We are not talking about increasing the bureaucracy.

I would like to mention one thing—that even as our friends talk about more enforcement being the difference, the fact is that when we tried to hire 280 new ATF agents, requesting over $10 million to hire those people, and over 40 new Federal prosecutors as well, the NRA has never supported backing its tough talk with real money for State, local and Federal law enforcement agencies to investigate, arrest and prosecute. They like to talk about it here. But they don't want to pay for it.

It is time to face up to reality. One is we are going to probably pass the Smith-Jeffords amendment with an overwhelming vote. That is OK, because it starts the process. But it doesn't complete the process. The process will be complete when the Lautenberg amendment is passed, and I hope we have enough courage in this room to stand up and say, "Yes, I vote for the Lautenberg amendment."

The PRESIDING OFFICER. The time of the distinguished Senator from New Jersey has expired.

Mr. LAUTENBERG. I thank the President.

Mr. HATCH. Mr. President, how much time remains?

The PRESIDING OFFICER. The distinguished Senator from Utah has 42 seconds.

Mr. HATCH. Mr. President, I will be very brief.

The fact of the matter is that the overwhleming majority of instant checks can be completed in a matter of minutes. If the instant check system approves the purchase, it will do so quickly. If the instant check system disappoves the purchase, it will do so quickly. The problem is the portion that instead of being approved or disapproved, raise a question. Under the 24-hour rule, the Justice Department has to work harder to resolve questions for gun show instant checks. This is because the gun show will be over in 3 days. If you allow 3 days to resolve questions for gun show checks, the questions will not be resolved until after the gun show is over. It means private people are going to take their guns to the streets and sell them there. It means a black market. It means more problems—more accessibility to those who are unsavory in our society to guns.

I can't imagine why people can't see this, because it is as clear as the nose on anybody's face. The politics of it is more important than seeing the truth.

Mr. LEAHY. Mr. President, I hope Senators in voting for Smith-Jeffords will realize it is only a baby step towards background checks.

If they really want to close all 13 loopholes, they also have to vote for the Lautenberg amendment.

The PRESIDING OFFICER. The amendment pending before the Senate is amendment 366, as modified, by the distinguished Senator from Oregon.

Mr. CRAIG. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 366.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER (Mr. ALLARD). Are there any other Senators in the Chamber desiring to vote? The result was announced— yeas 79, nays 21, as follows:

[Rollcall Vote No. 133 Leg.]

YEAS—79

Abraham
Akaka
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Byrd
Chafee
Cleland
Collins
Conrad
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Grassley
Gregg
Harkin
Hatch
Hollings
Hutchinson
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Mack
McCain
McConnell
Mikulski
Moynihan
Murkowski
Murray
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Smith (OR)
Snowe
Specter
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NAYS—21

Allard
Burns
Campbell
Cochran
Coverdell
Craig
Crapo
Enzi
Gramm
Grams
Hagel
Helms
Inhofe
Lott
Nickles
Sessions
Shelby
Smith (NH)
Stevens
Thomas
Thompson

The amendment (No. 366), as modified, was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 362

The PRESIDING OFFICER. The question is on agreeing to the Lautenberg amendment.

The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I ask for the yeas and nays on the pending amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. LAUTENBERG. Mr. President, I ask the Parliamentarian, is there a moment allotted for discussion of the amendment?

The PRESIDING OFFICER. In addressing the question of the Senator from New Jersey, there is no provision for comment unless unanimous consent is requested.

Mr. HATCH. Mr. President, I ask unanimous consent that there be 2 minutes equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Jersey.

Mr. LAUTENBERG. I thank the Chair.

Mr. President, very simply, we have just made a decision to close a couple of the loopholes that existed before on gun show sales, and I commend the Senators who offered the amendment. But we are still left with significant numbers of people who do not have to have a background check, and that is not the way we want to do it. We want to close all the loopholes.

They have insisted we remove the 72-hour window for investigation of backgrounds, and that is only triggered if there is something that discredits the individual. Otherwise, it is 24 hours or less. If there is nothing on the person's record, the sale goes through.

It is hard to imagine why we cannot take enough time to investigate the prospective buyer sufficiently to make sure we are protecting our people.

That is the issue, and I hope our friends on the Republican side who voted with us last time will continue to vote with us. We could have won this several times if we had support from the Republican side of the aisle. I hope they will demonstrate to the American people that there is concern about limiting access to guns as the citizens of the country want us to do.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Utah.

Mr. HATCH. Mr. President, we have debated this at length. The Lautenberg amendment creates more loopholes. It will be more expensive. It is going to increase taxes. And it will be more bureaucratic.

I think it is going to push people into the streets to sell guns on the black market, which I think undermines everything he is trying to do.

I yield back the remainder of my time.

The VICE PRESIDENT. The question in on agreeing to amendment No. 362. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 50, nays 50, as follows:

[Rollcall Vote No. 134 Leg.]

YEAS—50

Akaka
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Chafee
Cleland
Conrad
Daschle
DeWine
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Fitzgerald
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Torricelli
Voinovich
Warner
Wellstone
Wyden

NAYS—50

Abraham
Allard
Ashcroft
Baucus
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Cochran
Collins
Coverdell
Craig
Crapo
Domenici
Enzi
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond

The VICE PRESIDENT. On this vote, the yeas are 50, the nays are 50. The Senate being equally divided, the Vice President votes in the affirmative and the amendment is agreed to.

The amendment (No. 362) was agreed to.

Mr. CRAIG. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The VICE PRESIDENT. Without objection, it is so ordered.

(Mr. ALLARD assumed the chair.)

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the supplemental appropriations conference report and there be 3 hours for debate, to be equally divided in the usual form, and that it be in order for Senator GRAMM to raise a point of order against the conference report, and at that point there be 30 minutes equally divided in the usual form on the motion to waive.

I further ask that following the conclusion or yielding back of time and the disposition of the motion to waive the Budget Act, if successful, the Senate proceed to vote on adoption of the conference report.

The PRESIDING OFFICER. Is there objection?

Mr. ENZI. Mr. President, reserving the right to object, I wish to amend the consent agreement to allow me to offer a bill immediately following the adoption of the conference report regarding an across-the-board cut in nondefense discretionary spending to offset the supplemental appropriations conference report. I understand that the conference committee has been disbanded since the House of Representatives has voted to adopt the conference report. Therefore, I understand that it will require unanimous consent for the conference report to be amended.

Having said that, I now ask unanimous consent that following the adoption of the conference report, I be recognized to offer a bill that would call for an across-the-board cut in nondefense discretionary funding to offset the supplemental appropriations conference report, and there be 30 minutes for debate on the bill, to be equally divided, and no amendments or motions in order.

I further ask consent that immediately following the use or yielding back of time, the Senate proceed to vote on passage of the bill, without any intervening action or debate.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The majority leader has the floor.

Mr. LOTT. Mr. President, I believe we are proceeding under a reservation of the right to object. Senator ENZI was explaining his reservation, and he is asking to be recognized to offer a bill that would call for an across-the-board cut in the appropriations process in order to pay for the additional funding here. Is that the gist of the Senator's reservation of the right to object?

Mr. ENZI. Yes. There are a few questions we want to ask in regard to reserving this.

Mr. BROWNBACK. Mr. President, further reserving the right to object, I want to note my support for what Senator ENZI is stating, and that I am concerned that what we have in the underlying bill is not paid for and we ought to have appropriate offsets to this supplemental. It is an important supplemental bill, but I am reserving the right to object and I am saying that we should pay for this. It should be offset with other cuts in nondefense discretionary and domestic spending.

We have a $15 billion supplemental appropriations bill. We are asking in the nondefense areas that there be offsets to that. This is not a major thing for us to do. I think it is fully appropriate that we move forward and have offsets taking place in this supplemental bill. There is important spending taking place in the supplemental that I think is appropriate. There is some for my home State and the disaster we had. But let's pay for it. That is why I am reserving the right to object.

Mr. HUTCHINSON. Mr. President, also reserving the right to object, I share Senator ENZI's concern and making this UC request to introduce a bill that would allow us to have offsets. We have an appropriations bill, as so often is the case with these emergency spending bills that come before us, traveling like a freight train. The "freight train" has little stowaways hidden all through it. So in the very short period of time that I began to look at some of the little stowaways hidden on this "freight train," I found $1.8 million for safety renovations of the O'Neill House Office Building, $1.9 million for the Northeast Multi-Species Fishery, $250,000 for the L.A. Civic Center, $1.5 million for the University of DC, and $3.76 million for the House page dormitory. These may all be good things, but they are certainly not going through the right process.

There is $100 million for aid to Jordan; $77 million to the Census Bureau, Postal Service, USTR, et cetera. The Office of the Special Trustee for American Indians gets $22 million. I don't see how that can be termed an emergency coming before us. There is $8 million dollars for an access road to Ellsworth Air Force Base in South Dakota. On and on go these little stowaways. There is a high school, White River High School, which receives $239,000.

The point is, Mr. President, we have a process that is being perverted, a process that is being circumvented.

Mr. DORGAN. Regular order, Mr. President.

The PRESIDING OFFICER. The regular order has been called for.

Is there objection to the request of the majority leader?

Mr. GRAMS. Reserving the right to object, I also rise in strong support of Mr. ENZI——

The PRESIDING OFFICER. The Senator has no right to reserve the right to object when the regular order has been called for. Is there objection?

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. Objection is heard.

The majority leader is recognized.

Mr. LOTT. In light of the objection, I renew my request for time agreements on the supplemental conference report, as stated earlier in my remarks, with 15 minutes of the Democrats' time under Senator DORGAN and 10 minutes of the Republican time under Senator McCAIN.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. Mr. President, what we have now—if I could explain it to the Senate—we have set aside the juvenile justice bill for now. We are going to do the supplemental appropriations bill. We have a 3-hour time agreement with some specific time set up for individual Senators. We also have a waiver of a point of order, with 30 minutes of time equally divided on that.

So there will be a vote on that point of order and, I presume, the vote on final passage. At that point, it is our intention to go back to the juvenile justice bill.

I say to the Senators who reserved their right to object, I certainly understand why they are doing it. I appreciate it and I want to support their effort. There is no question that more of this bill should have been offset. I know the chairman of the Appropriations Committee, who is probably in the vicinity, does not agree with that. But I have indicated all along I thought there should be more offsets. To Senators ENZI and BROWNBACK, HUTCHINSON, GRAMS, and perhaps SESSIONS—and I am not quite sure if Senator McCAIN is here to raise that concern also—I certainly am sympathetic, but there was objection heard from Senator DORGAN.

Mr. DORGAN. Will the Senator yield?

Mr. LOTT. I will yield to the Senator.

Mr. DORGAN. I want to observe that the unanimous consent proposal offered by the Senator from Wyoming had not been cleared on our side. We were constrained to object. I also observe, if we are going to establish an order for legislation to be brought to the floor following disposition of the supplemental, for example, we may want to bring to the floor the proposed amendment that died in conference committee by a 14–14 vote dealing with the agricultural fund.

Our point was that there are other priorities as well. But the unanimous consent request had not been served on our side. That is why we were constrained to object.

Mr. LOTT. I wonder if other Senators want me to yield.

I yield the floor.

1999 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT—CONFERENCE REPORT

Mr. LOTT. Mr. President, I submit a report of the committee of conference on the bill (H.R. 1141) making emergency supplemental appropriations for the fiscal year ending September 30, 1999, and for other purposes, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the conference report.

The legislative clerk read as follows:

> The committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1141), have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report. (The conference report is printed in the House proceedings of the RECORD of May 14, 1999.)

The PRESIDING OFFICER (Mr. FITZGERALD). The Senator from Alaska.

Mr. STEVENS. Mr. President, is the conference report accompanying H.R. 1141 before the Senate?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. That conference report is not amendable? There are no amendments in disagreement?

The PRESIDING OFFICER. That is correct.

Mr. STEVENS. Mr. President, I first want to start off by commending the chairman of the House committee, Congressman BILL YOUNG, for his leadership in the conference on this bill. He was the chairman of this conference, and through his efforts we have achieved passage not only by the House but we achieved the result of getting a bill out of committee. Chairman YOUNG and I have worked very closely in the past. He chaired the defense subcommittee before becoming chairman of the full committee. I look forward to continuing that partnership during his tenure as chairman of the House committee.

We face a difficult task in reconciling the funds needed to respond to hurricane damage in Central America, the Federal Emergency Management Agency and agriculture disasters—those FEMA disasters are national disasters declared by the President—and continued military operations in Kosovo, in Bosnia, in Iraq, and in the high state of alert in South Korea.

This is not an easy period to be chairman of this committee. We have what amounts to four major crises going on at one time. We are trying to maintain our defense capabilities to preserve our interests worldwide. This is very difficult, apparently, for some Members to understand. It is a difficult process, at best, to handle a supplemental and an emergency bill together, but it does take consideration of the Members of the Senate to understand which versions in these bills are emergency and which are just a normal supplemental.

They have been joined together. The President has sent us two bills and the House has passed two bills. They address the needs and the formal requests of the President. The Senate passed one bill, the Central American agriculture bill, in late March, prior to the Easter recess. At that time, before the recess, I urged that we have a chance to come to the floor and pass that supplemental. We knew there was going to be a second supplemental, but we could not get the time on the floor and the Senate did not act on the separate Kosovo package.

Due to the emergency nature of the funding for military operations and the availability of the first bill, it was our intention to merge the two bills into a second single bill in conference, which we have done. That is consistent with rules of the Senate and the House. These were matters which were emergency in nature, and we have added them as emergencies.

Now, as I think Senators are aware, there are many ideas in how we can address other needs in this bill. Supplemental bills have routinely been amended by both the House and the Senate. Questions have been raised about some of the matters in these bills—assuming that we have no right to add any amendments to emergency bills.

Now, this is both a supplemental and an emergency appropriations bill before the Senate. I hope Senators will keep that in mind. As most of the Senators are aware, these matters are brought up by individual Members of the Senate or the House and are considered and adopted by majority vote. I am not that happy about some of the provisions of this bill but, again, I have the duty to carry to the Senate floor those amendments that were included by action of the conferees. I hope Senators will keep that in mind as we proceed.

The conferees decided that some of these matters that are before the Senate and were presented to us should be reserved in the fiscal year 2000 bill, which the Appropriations Committees will start marking up next week. We cannot get to the regular appropriations bills until we conclude the action of the Congress on the supplemental and emergency matters in the bill before the Senate now.

Again, I know there are objections to this bill; there are objections to the process we are following. Many of those objections are brought forward because we do not have a point of order against legislation on appropriations bills.

That is not my doing. I have sought to restore that point of order and I continue to support the concept of that point of order. But we have several matters included in the Senate-passed version of the bill that were deleted by the conference.

One of them was a matter that was very close to my heart, and that is the Glacier Bay provision which was offered by my colleague, Senator MURKOWSKI.

What I am saying is there are matters before the Senate some people object to. There are matters not in the bill that people object to, and one of them is that Alaska provision of my colleague. Obviously, a conference report is always a compromise. That is why we go to conference. We have disagreements with what the House has done, the House has disagreements with what we have done, and we meet in conference and try to resolve the problems.

This bill, for instance, contains more money for defense needs than were proposed by the Senate. After we went to conference with the House, we concluded they were right in seeking additional moneys for our defense readiness. There is no question it also contains more funding for refugees and for agricultural relief than was proposed by the House. The House has come towards the position of the Senate on both refugees and agriculture relief. Again, I think that is the process of compromise that should take place in a conference. This conference report needs to be passed today. The men and women of the Armed Forces must understand we support them, regardless of our points of view on the war that is going on in Kosovo.

Refugees ousted from their homes and their country by Serbian atrocities need our help also. I was honored to be able to go with other Members of the Senate to visit Albania. We saw the camps in Macedonia. We visited with the President of Macedonia and the Prime Minister of Albania. We went to see our forces in Aviano—that is our air base in Italy—and we visited with the NATO people in Bosnia.

Many Senators here have also visited the region since that trip I took with my colleagues and Members of the House. There were 21 of us on the first trip. All the Senators who went there know what needs to be done; there is no question in our minds. It is unfortunate we cannot take more people over there to let them see it, because I think uniformly the people who saw the troubles over there are supportive of this bill. We have provided additional funds in this bill for the Kosovo operation and for the victims of the war there in Kosovo. They are sort of an insurance policy.

We have faced this in the past. We went into Bosnia. We were supposed to be there 9 months and be out by Christmas. That is 5 years ago this Christmas. We have had to add money every year, take money from various portions of our appropriations process and pay for the cost of Bosnia.

We also have increased the level of our activity in the Iraq area. Even during the period of the Kosovo operation, there continue to be retaliatory strikes on Iraq because of the their failure to abide by the cease-fire agreement.

In South Korea, the North Koreans are continuing to rattle the cage, as far as we are concerned, and we are on a high level of alert in that area.

What I am telling the Senate again is this bill reflects those pressures on our defense forces. We want those people who are defending this country to know we support them when they are out there in the field representing our interests. The funds provided in excess of the President's request are contingency emergency appropriations for agriculture, for defense, for FEMA and for the refugees. The amounts added by the House and the Senate can only be submitted if the President declares an emergency requirement exists. We are going to get into that question of the emergency requirement here when the Senator from Texas raises his point of order. But we worked in conference very hard to assure adequate resources will be available through the remainder of this fiscal year to meet the needs in the areas we visited, in the Kosovo area, and to meet the needs of the military worldwide. Some of our systems are being taken from the areas I have described before—from South Korea, even from Bosnia and from Iraq—to move them into the area of the conduct of the hostilities in and around Kosovo and Serbia. Those funds that are needed on a global basis are in this bill. Some of them, as we know, the President did not request.

We believe we have taken action. Hopefully we will not have to see another emergency supplemental with regard to the conduct of the Kosovo operation during the period of time we will be working on the regular appropriations bills for the year 2000. In effect, we have reached across and gone in—probably this bill should be able to carry us, at the very least to the end of this current calendar year. The initial requests of the President took us to the end of the fiscal year on September 30.

I am happy to inform the Senate I am told today the President will sign this bill as soon as it reaches his desk. He has specifically asked us to complete our work and pass the bill today. I understand he has a trip planned and it would be to everyone's advantage if we get this bill down to him today and have it signed. Therefore, I am pleased we do have the unanimous consent which does allow us to vote on this bill. I take it that will be sometime around 3:20 we will vote on the bill.

I do earnestly urge every Member of the Senate to vote for this conference report. To not vote for this conference report because of some difference, because of the process, would send the wrong message to the young men and women who represent this country in uniform. One of the things that impressed me when I was on the trips, both to Bosnia and into the Kosovo area, was if you go into the tents where these young people are living when they are deployed, do you know what you find? You find computers. They are on the Internet.

Right now, some of them out there will be picking up just the words I am saying. We are not back in the period, like when I served in World War II in China, when we did not hear from home but maybe once or twice a month at the most. We had to really just search to find news of what was going on at home and we were starved for news from home. These people are force fed news from home and many times what they see are rumors that come across the Internet. We don't need any more rumors going out to the men and women serving in the Armed Forces overseas. In this bill is the pay raise. We are committed that the money is there for the pay raise. We have initiated the concept of reforming the retirement system, which was one of the gripes we heard last year both in Bosnia and Kuwait and Saudi Arabia.

This is a bill the men and women of the armed services are watching. They are going to watch how you vote on this bill. And they should. It is not time for petty differences over process or committee jurisdiction. This is a time to act and give the people in the Armed Forces the money they need so they know they will have the systems and they will have the protections they need when they go in harm's way at the request of the Commander in Chief.

I urge we not only vote to pass this bill, but Senators listen carefully to this point of order the Senator from Texas will raise, as it is raised against specific provisions of this bill.

Mr. President, there is no question in my mind, as we look at this bill, it is a different bill. When I woke up this morning, I looked in Roll Call and I was interested to see the statistics on supplemental appropriations, 1976 through 1996. We had no supplementals in 1995. We had one supplemental in 1996. I will get that number for 1997. People who are saying we are having too many supplementals—they are just wrong. We have not had too many supplementals. We go through a process of predicting how much money we will need. The departments of the Government start the process of sending their requests to the President through their agencies. They come up in the department, they go to the Office of Management and Budget, the President finally gets them sometime in September of the year before. In January or February, the beginning of the year, the President submits his budget which will be made available the following September, following October, going through the September of the next year.

In other words, what I am saying is this is the process. The money we are spending now on a routine basis started through the agencies in the fall of 1997, came into the departments in the spring of 1998, went through the President's process and got to OMB and were presented to us, in terms of a process, to have a bill for the year 2000 presented to us and considered in 1999.

This appropriations process is a long process. I hope I have not shortened it. But it is a very long process. In the process of trying to estimate the needs, things are overlooked, concepts are developed and, particularly in the defense field, new involvements of our military erupt. Kosovo is a good example. We had no knowledge we would have that kind of operation, an immense operation now, probably the largest engagement we have had, in terms of this type of crisis, since the Persian Gulf war. Actually, I think before we are over, it may be more expensive than the Persian Gulf war was to the United States.

I recognize the comments that are coming, particularly from my side of the aisle, about greater consistency in our appropriations process. I want people to look at the record. We have not had an excess of supplementals. We had an omnibus bill last fall, and most of the comments made on this floor are about the two omnibus bills that ended up the fiscal year—the one my predecessor, Senator Hatfield, was involved with and the one last year with which I was involved.

In both instances, if the Senators look carefully, they will find the appropriations process reached a stalemate, and the stalemate had to be resolved on the leadership level with the President. That was not the two committees that added that money. It was a negotiation with the President, in both instances, by the leadership of the House and Senate, and I commend them for it. We had to get out of that impasse or we would have had another impasse like we had previously when there was an attempt to shut down the Government.

When this Government is at war, it is not going to be shut down on my watch. I want everyone to know that. We are not going to shut down the Government when there is a war going on. We are not even going to suggest it. Anybody who does suggest it better understand he or she will not be here for long. The American people will not stand for that. Their sons and daughters are out fighting, and we ought to fight to get them the support they need.

I am going to fight—I am going to fight as hard as I can —to get bills such as this through and keep funding the Department of Defense at the level it should be funded to assure their safety—not just normal safety—but every single system we can adopt that will save the lives of the men and women in the armed services ought to be approved. This is what this does. It gives them the money they need to carry through the remainder of this year.

This year is going to be a very tough year. Any one of those other crises which are going on in Iraq, in Bosnia, in South Korea, or other places could erupt. I was told yesterday that we have people in the uniform of the United States in 93 different places throughout the globe now—93 different places—and any one of those places could erupt again while this Kosovo conflict is ongoing.

I do not want to hear anyone tell me that we have provided too much money. We have not provided too much money. If the money is not needed, I can guarantee you that this Secretary of Defense and this Chairman of the Joint Chiefs is not going to spend it. We have given them under this bill an enormous amount of discretion to spend the money. We have not earmarked this money. We have suggested things in the report that we hope they will consider, but this is the money to meet the needs of protecting our men and women in the armed services abroad, and it has to be viewed on that basis.

I urge every Member of the Senate to vote for it and to forget petty differences.

I am delighted to yield now to my good friend from West Virginia, a partner in this process of trying to get this supplemental and emergency bill to the President.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Alaska, the senior Senator, Mr. TED STEVENS, the manager of the bill and the chairman of the Appropriations Committee. He is my longtime friend. I have served many, many years in the Senate and on the Appropriations Committee and on various subcommittees of the Appropriations Committee with Senator STEVENS.

He was fair and he was dedicated to the positions of the Senate throughout the discussions on the supplemental appropriations bill when it was in conference with the other body. He stood up for the Senate's positions, and he was remarkably effective. I am proud to associate myself with him. First of all, he is a gentleman. His word is his bond. His handshake is his bond. I like that.

He is not so partisan that partisanship overrides everything else. We are all partisan here to an extent, but to some of us party is not everything, party is not even the top thing. Party is important, but there are other things even more important.

Mr. President, I intend to support this emergency supplemental conference report accompanying H.R. 1141. It is the result of a long and difficult conference with the House of Representatives. There are a number of matters in this agreement that I do not support, and there is one provision which is not included in the agreement but which I believe was as deserving as any emergency contained in the conference agreement.

That provision is the Emergency Steel Loan Guarantee Program. Senators will recall that the Senate substitute to H.R. 1141 included the amendment that I offered to establish a 2-year $1 billion loan guarantee program to assist the more than 10,000 U.S. steelworkers who have already lost their jobs as a result of a huge influx of cheap and illegally dumped steel during 1998, last year.

This matter had strong support by the Senate conferees during the House-Senate conference. After a thorough discussion of the Emergency Steel Loan Guarantee Program, the House conferees voted to accept this Senate provision. Not all of the House conferees. All the House Democratic conferees and three of the Republican conferees voted to accept this provision. However, that vote was subsequently overturned the next day, and the Emergency Steel Loan Guarantee Program remained a matter of contention until the very end of the conference.

In order to expedite the completion of this very important emergency bill, not everything which I support in the Senate, but I am going to support the bill, and because of the need to get it to the President as quickly as possible, I agreed to drop the Emergency Steel Loan Guarantee Program in return for a commitment from the House and Senate congressional leadership that this loan guarantee provision would be brought up as a freestanding emergency appropriations bill in the very near future.

Pursuant to that agreement, I hope and expect that such an appropriations bill will be brought up in the Senate prior to the upcoming Memorial Day recess. I hope, because it is vitally important, that we act expeditiously, this being a real emergency.

The plight of many of the steel companies in this country is serious. The Speaker of the House has agreed to permit a motion to go to conference within 1 week of receiving the Senate-passed bill and has agreed to allow normal appropriations conferees to be appointed and to permit the resulting conference report to be brought up before the Houses.

Subsequent to Senate adoption of the substitute on H.R. 1141, the House Appropriations Committee marked up a second emergency supplemental appropriations bill to provide emergency funding principally to support the military operations, refugee relief, and humanitarian assistance relating to the conflict in Kosovo and for military operations in Southwest Asia for fiscal year 1999.

In light of the House action in relation to the Kosovo supplemental, and in hopes of being able to move both the Central American emergency spending bill, H.R. 1141, as well as the emergency funding for Kosovo, it was determined by the joint leadership that the Kosovo funding should be taken up directly by the House-Senate conferees on H.R. 1141. As a consequence, the Senate Appropriations Committee never marked up the funding measure for Kosovo, nor did the Senate have an opportunity to debate that measure at all—no opportunity to amend it, no opportunity to debate it, no opportunity to vote it up or down. In other words, the first time the Kosovo funding has been before the Senate is today in the form of this conference agreement on H.R. 1141.

I generally do not support the handling of appropriations matters in a manner that does not allow the Senate to work its will on each of the issues in appropriations bills, but in this instance, I agreed to allow this procedure to be followed because of the importance of the matters contained in this particular conference report.

This conference agreement contains appropriations totaling some $15 billion, of which $10.9 billion is for the support of our men and women in uniform in Kosovo and Southwest Asia and $1.1 billion is for Kosovo-related humanitarian assistance. These amounts represent an increase of $6 billion—$6 billion—above the President's request for Kosovo-related appropriations. The $6 billion in emergency funding above the President's request contains a congressional emergency designation, but will only be available for obligation if the President agrees with that emergency designation, only if the President also requests these funds and declares them emergency spending.

In addition to the $12 billion for our Kosovo-related expenditures, both in military and humanitarian assistance, the pending measure also includes $574 million in emergency agriculture assistance programs, some $420 million higher than the administration's request. For the victims of Hurricane Mitch in Central America and the Caribbean, the conference agreement includes $983 million, of which $216 million is to replenish Department of Justice operation and maintenance accounts which were used to provide immediate relief to the hurricane victims. Finally, the agreement contains $900 million in emergency funding for FEMA in order to address the needs of the American people who suffered from the recent tornadoes in Kansas, Oklahoma, Texas, and Tennessee.

Mr. President, as I have stated, this was a very difficult conference that consumed many days and late nights to reach agreement. This was the first time that the present chairman of the House Appropriations Committee, Mr. BILL YOUNG of Florida, had an opportunity to serve as chairman of the conference. I must say that he performed his responsibilities very capably. During the many contentious debates that took place, he was always fair and evenhanded and respectful of all members of the conference, just like our own chairman, Senator STEVENS. Yet, at the same time, he displayed the necessary firmness in order to keep the conference moving toward completion. So, I compliment Chairman BILL YOUNG for his excellent work on this difficult conference.

Let me again compliment Senator STEVENS, but also I compliment the ranking member of the House Appropriations Committee, Mr. DAVID OBEY, whom one will never find asleep at the switch. He is always there. He is always alert, combative enough, to be sure, and loyal to his own body, the House of Representatives, and the Democrats whom he represented in the conference. His work is always effective and very capable.

In closing, let me again say that Chairman STEVENS stoutly defended the Senate position on all of the matters throughout the conference and also made certain that all Senate conferees were able to express their view on each of the issues.

I hope that the Senate will support the conference report. As I say, there are some things in it I do not like, some things that were left out of it that I very much wanted and believe in and believe constitute as much of an emergency as some of the other items that are designated as such in the conference report. But I want to support this. I urge all Senators to support it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, thank you.

Mr. President, I ask unanimous consent that a statement of mine concerning the objectionable provisions contained in the bill be made part of the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. McCAIN. Mr. President, as a former Member of Congress once said, "Every disaster is an opportunity." This bill proves that statement remains true today.

Scattered throughout this bill, which was supposed to be for emergencies only, is more than $1.2 billion in nonemergency, garden-variety, pork-barrel spending. When the Senate passed this bill just two months ago, I could find only $85 million in low-priority, unnecessary, or wasteful spending. By the time the conferees were done with it, the waste had grown by a factor of 14—14 times more pork-barrel spending was deemed worthy of inclusion in this conference bill.

Mr. President, I have compiled a list of the numerous add-ons earmarks, and special exemptions in this bill. Now, I know that some of these programs may well prove meritorious, but there is no way for us to determine their merit because the process for doing so has been circumvented in this bill.

For example, the bill contains $1.5 million to purchase water to maintain sufficient water levels for fish and wildlife purposes at San Carlos Lake in Arizona, and an earmark of $750,000 for the Southwest Border anti-drug efforts. I know that these are important programs, but are they the most important programs in my state? The process by which these two earmarks were added in conference on this bill makes it impossible to assess the relative merit of these programs against all other priority needs in Arizona and across the nation.

The normal merit-based review process, which requires authorization and appropriation, was not followed, and these programs were simply added to this so-called "emergency" bill. The usual "checks and balances" were just thrown out the window.

Once again, I have to object to including programs in appropriations bills that have not been authorized. The Commerce Committee has jurisdiction over the Corporation for Public Broadcasting. Yet, without even seeking, much less obtaining authorization from the Commerce Committee, the appropriations put $38 million in this bill for the CPB to buy a new satellite. I have raised this issue before. There is a good reason for the two-tiered process that requires an authorization before appropriating any money for a program—to eliminate unnecessary or low-priority spending of taxpayer dollars. That process clearly was circumvented in this bill.

This bill contains the usual earmarks for specific amounts of money of special-interest projects, such as:

An emergency earmark of $26 million to compensate Dungeness crab fisherman, fish processors, fishing crew members, communities and others negatively affected by restrictions on fishing in Glacier Bay National Park in Alaska.

Emergency earmarks of $3.7 million for a House page dorm and $1.8 million for renovations in the O'Neill House Office Building, which were added in conference.

$3 million earmarked for water infrastructure needs at Grand Isle, Louisiana, again added in conference.

An emergency infusion of $70 million into the livestock assistance program, which is redefined to include reindeer.

Mr. President, I am sure that Santa Clause is happy today although even he would blush not only at the process but the amount of money that is included in this legislation.

Then there are the many objectionable provisions that have no direct monetary effect on the bill, but you can be sure there is a financial benefit to someone back home. For example:

Apparently, last year when we added millions of dollars to help maple producers replace taps damaged in ice storms in the Northeast, we added a bit too much money. This bill directs that leftover money be used for restoration of stream banks and maybe repairing fire damage in Nebraska.

The media has reported extensively on a provision (which was added in conference) allowing the Crown Jewel mine project in Washington State to deposit mining waste on more than the five acres surrounding the mine than is currently permitted. What hasn't been reported is that this language also reverses for several months any earlier permit denials for any other mining operations that were denied based on the five-acre millsite limit.

The bill contains language making permanent the prohibition on new fishing vessels participating in herring and mackerel fishing in the Atlantic—a protectionist policy that was slipped in last year's bill and is now, apparently, going to become permanent.

The bill contains another provision that provides a special, lifetime exemption from vessel length limitations for a fishing vessel that is currently operating in the Gulf of Mexico or along the south Atlantic Coast fishing for menhaden—an issue that should be dealt with by the authorizing committee, the Commerce Committee.

The report directs that three facilities be built to house non-returnable criminal aliens in the custody of the INS—facilities which are much-needed—but then the conferees decided to go one step further and direct that one facility had to be built in the mid-Atlantic region.

Last year's 1999 Transportation appropriations bill earmarked funding for a feasibility study for commuter rail service in the Cleveland-Akron-Canton area, and the conference report expands on the use of those funds to allow purchase of rights-of-way for a rail project before the feasibility of the project has even been determined.

There are many more low-priority, wasteful, and unnecessary projects on the 5-page list I have compiled, and is included in the RECORD.

Most of these add-ons are listed as "emergencies" in this bill. Do these programs really sound like emergencies to you?

A small number are offset by cuts in other spending, but that doesn't make it right to include them in a non-amendable bill that circumvents the appropriate merit-based selection process of selecting the highest priority projects.

Some of these programs, like the page dorm, were not even in the bills that passed the Senate and House. They were simply thrown into this bill in conference, at the last minute, in a bill that cannot be amended or modified in any way.

For the Coast Guard, this bill presented the opportunity to pick up another $200 million for operating expenses and readiness. This, too, was a last-minute add in conference of "emergency" funding—again, an issue for the Commerce Committee to consider.

I also want to note with interest the apparent prescience of the appropriators in including an additional $528 million in unrequested emergency funding, for "any disaster events which occur in the remaining months of the fiscal year." Apparently, the appropriators have some inkling that bad things are going to happen in the next five months.

Mr. President, I hope my colleagues understand that designating spending as an "emergency" doesn't make it free. It still has to be paid for. The fact is that most of the pork-barrel spending in this bill comes straight out of the Social Security Trust Fund. At a time when the American people are worried about the fiscal health of Social Security, worried about whether Social Security will be there when they retire, it defies logic that we are taking money out of the Trust Fund for these projects. The Trust Fund is estimated to be bankrupt by the year 2032, and taking another billion dollars out of it clearly accelerates that fiscal crisis. That is exactly the opposite of what we should be doing, which is taking the Trust Fund off-budget and putting more money into it to ensure benefits will be paid, as promised, to all Americans who have worked and paid into the Social Security system.

Mr. President, disasters should not be opportunities. It seems the Congress may still be suffering from "surplus fever," a giddy lack of fiscal discipline because of projected budget surpluses into the foreseeable future. Last year, we spent $20 billion of the Social Security surplus for wasteful spending in the omnibus appropriations bill. I voted against the omnibus bill last year, and I will vote against this bill.

This bill is a betrayal of our responsibility to spend the taxpayers' dollars responsibly and enact laws and policies that reflect the best interests of all Americans, rather than the special interests of a few. I cannot support a bill that makes a mockery of the Congress' power of the purse and contributes to Americans' growing lack of faith in their Government.

Finally, I was very pleased to see the other Senators come to the floor. We cannot continue this practice of adding appropriations in conference. We cannot continue to circumvent the authorization process. I identified some 30 instances in last year's bill. It will stop, sooner or later. We promised the American people when we regained the majority we would not do this kind of thing, this kind of money, in this kind of unauthorized authorizations that circumvent the committee process.

I find it offensive as a committee chairman. Most of all, I find it offensive as an American citizen who also pays his taxes.

I assure Members and my friends on the Appropriations Committee, we intend to take additional measures in the appropriations process. If appropriations bills come to this floor without proper authorization of expenditures of money or authorizations that are not agreed to by the committee chairmen who are authorizers, there are going to be a lot of problems around here.

Last fall, when we added $21 billion in unnecessary spending, some 30-odd reauthorizations, I said at that time in a letter to the distinguished chairman and my friend on the Appropriations Committee that I will not stand for it any further. I believe there are a whole lot of Senators on both sides of the aisle who are tired of this process.

I say that with all due respect for the dedication, the difficulties and the obstacles that the chairman of the Appropriations Committee and other appropriators have as they go through a very difficult process, but it must stop.

I yield back the remainder of my time.

Exhibit 1

Objectionable Provisions Contained in H.R. 1141, the Emergency Supplemental Appropriations and Rescissions for Recovery From Natural Disasters and Foreign Assistance for Fiscal Year Ending September 30, 1999

Bill language

Bill language directing that funds made last year for maple producers be made available for stream bank restorations. Report language later states that the conferees are aware of a recent fire in Nebraska which these funds may be used. (Emergency)

Language directing the Secretary of the Interior to provide $26,000,000 to compensate Dungeness crab fishermen, and U.S. fish processors, fishing crew members, communities, and others negatively affected by restrictions on fishing in Glacier Bay National Park, in Alaska. (Emergency)

A $900,000,000 earmark for "Disaster Relief" for tornado-related damage in Oklahoma, Kansas, Texas, and Tennessee. This earmark is a $528,000,000 increase over the Administration's request and is earmarked for "any disaster events which occur in the remaining months of the fiscal year." (Emergency)

Report language providing FEMA with essentially unbridled flexibility to spend $230,000,000 in New York, Vermont, New Hampshire, and Maine, to address damage resulting from the 1998 Northeast ice storm. Of this amount, there is report language acknowledging the damage, and the $66,000,000 for buy-outs, resuting from damage, caused by Hurricane George to Mississippi, and report language strongly urging FEMA to provide sufficient funds for an estimated $20,000,000 for buy-out assistance and appropriate compensation for home owners and businesses in Butler, Cowley, and Sedgwick counties in Kansas resulting from the 1998 Halloween flood. (Unrequested)

$1,500,000 to purchase water from the Central Arizona project to maintain an appropriate pool of stored water for fish and wildlife purposes at the San Carlos Lake in Arizona. (Added in Conference)

An earmark of an unspecified amount for Forest Service construction of a new forestry research facility at Auburn University, Auburn, Alabama. (Unrequested)

Language directing that the $1,000,000 provided in FY 99 for construction of the Pike's Peak Summit House in Alaska be paid in a lump sum immediately. (Unrequested)

Language directing that the $2,000,000 provided in FY 99 for the Borough of Ketchikan to participate in a study of the feasibility and dynamics of manufacturing veneer products in Southeast Alaska be immediately paid in a lump sum. (Unrequested)

Language directing the Department of Interior and the Department of Agriculture to remove restrictions on the number or acreage of millsites with respect to the Crown Jewel Project, Okanogan County, Washington for any fiscal year. (Added in Conference)

Language which prohibits the Departments of Interior and Agriculture from denying mining patent applications or plans on the basis of using too much federal land to dispose of millings, or mine waste, based on restrictions outlined in the opinion of the Solicitor of the Department of Interior dated November 7, 1997. The limitation on the Solicitor's opinion is extended until September 30, 1999. (Added in Conference)

Specific bill language providing $239,000 to the White River School District #47-1, White River, South Dakota, to be used to repair damage caused by water infiltration at the White River High School. (Unrequested)

A $3,760,000 earmark for a House Page Dormitory. (Added in Conference)

A $1,800,000 earmark for life safety renovations to the O'Neill House Office Building. (Added in Conference)

An earmark of $25,000,000 to provide for the construction and renovation of family housing units at Fort Buchanan, Puerto Rico. (Unrequested)

Bill language, added by the conferees, directing that $2,300,000 be made available only for costs associated with rental of facilities in Calverton, NY, for the TWA 800 wreckage. (Added in Conference)

$750,000 to expand the Southwest Border High Intensity Drug Trafficking Area for the state of New Mexico to include Rio Arriba County, Santa Fe County, and San Juan County. (Unrequested)

Bill language directing $750,000 to be used for the Southwest Border High Intensity Drug Trafficking Area for the state of Arizona to fund the U.S. Border Patrol anti-drug assistance to border communities in Cochise County, AZ. (Added in Conference)

A $500,000 earmark for the Baltimore-Washington High Intensity Drug Trafficing Area to support the Cross-Border Initiative. (Added in Conference)

Earmarks $250,000 in previously appropriated funds for the Los Angeles Civic Center Public Partnership. (Unrequested)

Earmarks $100,000 in previously appropriated funds for the Southeast Rio Vista Family YMCA, for the development of a child care center in the city of Huntington Park, California. (Unrequested)

Earmarks $1,000,000 in previously appropriated funds for the Maryland Department of Housing and Community Development for work associated with the building of Caritas House and for expansion of the St. Ann Adult Medical Day Care Center. (Added in Conference)

Bill language permitting the Township of North Union, Fayette County, Pennsylvania to retain any land disposition proceeds or urban renewal grant funds remaining from Industrial Park Number 1 Renewal Project. (Added in Conference)

$2,200,000 earmark from previously appropriated funds to meet sewer infrastructure needs associated with the 2002 Winter Olympic Games in Wasatch County, UT, for both water and sewer. (Unrequested)

$3,045,000 earmarked for water infrastructure needs for Grand Isle, Louisiana. (Added in Conference)

The conference report language includes a provision which makes permanent the moratorium on the new entry of factory trawlers into the Atlantic herring and mackerel fishery until certain actions are taken by the appropriate fishery management councils. (Added in Conference)

Additional bill language indicating that the above-mentioned limitation on registered length shall not apply to a vessel used solely in any menhaden fishery which is located in the Gulf of Mexico or along the Atlantic coast south of the area under the authority of the New England Fishery Management Council for so long as such vessel is used in such fishery. (Added in Conference)

Bill language directing Administrator of General Services to utilize resources in the Federal Building Fund to purchase, at fair market value, not to exceed $700,000, the United States Post Office and Federal Courthouse Building located on Mill Street in Fergus Falls, Minnesota. (Added in Conference)

Report language

A $28,000,000 earmark in FY 99, and a $35,000,000 earmark in fiscal year 2000 to the Commodity Credit Corporation to carry out the Conservation Reserve Program and the Wetlands Reserve Program. (Emergency)

The conference agreement provides $70,000,000 for the livestock assistance program as proposed by the Senate, and adds language providing that the definition of livestock shall include reindeer. (Emergency)

$12,612,000 for funds for emergency repairs associated with disasters in the Pacific Northwest and for the full cost of emergency replacement of generating equipment at Midway Atoll National Wildlife Refuge. (Emergency)

Report language acknowledging the damage caused by Hurricane George to Kansas. (Unrequested)

Report language urging FEMA to respond promptly to the appropriate disaster needs of the City of Kelso, Washington. (Unrequested)

Language where the Conferees support the use of the emergency supplemental funds to assist organizations such as the National Technology Alliance for on-site computer network development, hardware and software integration, and to assess the urgent on-site computer needs of organizations assisting refugees. (Unrequested)

$200,000,000 earmarked for the Coast Guard's "Operating Expenses" to address ongoing readiness requirements. (Emergency)

Report language detailing partial site and planning for three facilities, one which shall be located in the mid-Atlantic region, to house non-returnable criminal aliens being transferred from the Immigration and Naturalization Service (INS). (Unrequested)

A $1,300,000 earmark, for the cost of the World Trade Organization Ministerial Meeting to be held in Seattle, WA. (Added in Conference)

$1,000,000 earmarked for the management of lands and resources for the processing of permits in the Powder River Basin for coalbed methane activities. (Unrequested)

$1,136,000 earmarked for spruce bark beetle control in Washington State. (Unrequested)

A $1,500,000 earmark to fund the University of the District of Columbia. (Added in Conference)

$6,400,000 earmarked for the Army National Guard, in Jackson, Tennessee, for storm related damage to facilities and family housing improvements. (Unrequested)

A $1,300,000 earmark of funds appropriated under P.L. 105–276 under the EPA's Programs and Management for Project SEARCH water and wastewater infrastructure needs in the State of Idaho. (Unrequested)

Report language clarifying that funds appropriated under P.L. 105–276 under the EPA's Programs and Management for Project SEARCH water and wastewater infrastructure needs for Grand Isle, Louisiana, may also be used for drinking water supply needs. (Added in Conference)

Report language which authorizes the use of funds received pursuant to housing claims for construction of an access road and for real property maintenance projects at Ellsworth Air Force Base. (Unrequested)

The conference agreement includes language proposed by the Senate directing a statutory reprogramming of $800,000 for preliminary work associated with a transfer of Federal lands to certain tribes and the State of South Dakota and for cultural resource protection activities. (Unrequested)

The conference agreement includes a provision proposed by the Senate that clarifies the scope of certain bus and bus facilities projects contained in the Federal Transit Administration's capital investment grants program in fiscal year 1999. The conferees direct that funds provided for the Canton-Akron-Cleveland commuter rail project in the Department of Transportation and Related Agencies Appropriations Act for fiscal year 1999 shall be available for the purchase of rights-of-way in addition to conducting a major investment study to examine the feasibility of establishing commuter rail service. (Unrequested)

Mr. STEVENS. Mr. President, I am surprised by some of the items listed in the Senator's statement. This bill is both a supplemental and an emergency appropriations bill.

A supplemental appropriations bill that was submitted by the President in March contained a request for $48 million to replace the National Public Radio satellite system. It is in this bill not as an emergency but as a supplemental appropriation. When we passed this bill in March, the Senate version of this bill contained $18 million for the satellite system. That was less than the President's request. The President made that request because the Public Radio system satellite failed and radio programs are currently being sent through an emergency backup satellite that will not be available until around the middle of September, early fall. The supplemental funding was requested by the President and approved by the Senate at the level of $18 million. The House insisted on the full $48 million. It is an item that is not designated as an emergency.

There are a series of other misunderstandings, I think, with regard to this bill, and I will be happy to discuss them with the Senator from Arizona later. I don't disagree with him about legislation on appropriations bills. The point of order under the rules that were previously in place against legislation on the appropriations bills was destroyed through a maneuver here on the floor of the Senate before my becoming chairman. We have had a tough time trying to get that put back into our system. I will be happy to help restore the point of order against legislation.

I don't look with favor on the omnibus process that occurred last fall and occurred once before I became chairman. But clearly, my job is to carry forward the bills as they come out of the Senate and out of the House and out of the conference by a majority vote. Under the current circumstances, there is not a point of order in the Senate on legislation against appropriations.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. I rise to make a brief statement.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Mr. President, if I might just confer.

How much time does the Senator from California wish?

Mrs. FEINSTEIN. About 5 minutes.

Mr. BYRD. Mr. President, I yield 5 minutes to the distinguished and very able senior Senator from the State of California, which is larger than all the nations of the globe except, how many?

Mrs. FEINSTEIN. Thank you very much.

Mr. BYRD. Are there six nations that are larger than California?

Mrs. FEINSTEIN. That is correct.

Mr. BYRD. Six nations that are larger than California. So the two California Senators really are here representing a State that is larger than all of the nations of the world except six. I thank the distinguished Senator and I yield the floor.

Mrs. FEINSTEIN. I thank the distinguished ranking member. I appreciate his comments about my State. I also compliment both the ranking member and the chairman of the committee for their drive, for their motivation, and for their staying power to get this conference report done.

Mr. President, the room was crowded. The hours were long. The views were sometimes cantankerous. But both the chairman and the ranking member, I think, were steadfast in the desire to produce a conference report which could, in fact, be approved by both bodies.

I also pay tribute to the chairman from the House, Mr. YOUNG. I had never seen him preside before. What I observed, which I think is well worth noting, was his fairness, his equanimity, and really his ability to move the process along which, without rankling, can be a very diverse membership. I say the same for Mr. OBEY, who really was steadfast in pursuing his own views.

I support this report. It contains the $12 billion for Kosovo. I am especially pleased to note that the supplemental contains funding for the documentation of war crimes, including rapes that appear to have been committed as part of Serbia's brutal campaign of ethnic cleansing. As the ranking member and the chairman have pointed out, it contains the much-needed disaster assistance and the $574 million in agricultural funding to provide a measure of assistance to very hard-pressed farmers throughout this great country.

I do want to speak about one small item. As we debate the conference report on the emergency supplemental appropriations bill, I want to express my concerns about the inclusion of a "hold harmless" provision for what are called concentration grants authorized by Title I of the Elementary and Secondary Education Act.

In chapter 5, on page 91 of the conference report (Report 106–143), the conferees included $56.4 million for Title I concentration grants "to direct the Department of Education to hold harmless all school districts that received

Title I concentration grants in fiscal year 1998. * * *" The report goes on to say, "Neither the House nor the Senate bills contained these provisions."

This provision is very disturbing for several reasons.

First, it was not included in either the House or Senate bills. Therefore, it has not been considered by the authorizing committees of either house. It has not been considered by the appropriations committees of either house. There have been no hearings. It has not gone through the normal deliberative process under which we hear from experts, weigh the pros and cons and cast votes. Quite frankly, this provision appeared "in the dark of night."

Second, the hold harmless provision contravenes an important provision of the law, known as the census update, a requirement in law that the U.S. Department of Education must allocate Title I funds based on the newest child poverty figures, figures that are updated every two years. Congress adopted the census update requirement in 1994 so that Title I funds—which the law says are to help disadvantaged children—truly follow the child, that dollars be determined generally by the number of children who are eligible. The holdharmless provision in this bill before us, guaranteeing that school districts that got funds in 1998 will get funds in 1999, even if their number of poor children has declined, violates the requirement that funds be allocated based on the most recent child poverty data available. The provision in this bill effectively rewards "incumbents," despite their number of poor children, despite merit or need.

Third, this provision disregards Title I's eligibility requirements. Title I concentration grants are supposed to be especially targeted to concentrations of poor children, under the law. Districts that have poor children exceeding 6,500 or 15% of their total school-aged children are eligible for these grants, which are in addition to the "regular," basic Title I grants. Guaranteeing funds to districts, no matter what the number or percent of poor children in those districts, spreads limited funds to districts that are not eligible because they do not have concentrations of poverty. It effectively takes away funds from districts that do have high concentrations of poor children. It overrides the eligibility requirements we have set and agreed on in law.

In my state, some school districts could benefit from this "hold harmless" provision because the number of poor children changed; it went below the eligibility threshold of the Title I concentration grants program. Like most Senators, I do not want any school district in my state to lose education funds.

But we either have rules or we don't. We have eligibility criteria or we don't. If the current eligibility rules are wrong or are not working, we should change them in the authorizing process, a review which the Health and Education Committee is currently undertaking. We should not set up eligibility rules and then flagrantly ignore them, override them or "freeze" in place funds to districts that do not meet the requirements. We should not rewrite the rules in the "dark of night" outside the normal legislative process.

Fourth, this provision violates the principle that funds should follow the child. Title I was created for poor, disadvantaged children. That is its fundamental purpose and funding to states is determined largely by the number of poor children, children that all agree have great educational needs. This amendment sends funds to districts merely because they got funds in the previous year, not because the districts have needy children and not in proportion to the number of poor children they have.

Finally, this provision is very unfair to states like mine that have a very high growth rate in the number of poor children. In California, the number of poor children grew by 52 percent from 1990 to 1995. In Arizona, poor children grew 38 percent from 1990 to 1995. In Georgia, 35 percent. In Nevada, 56 percent. That is why Congress included a requirement for a child poverty update. This amendment is very unfair to those children. This amendment takes the funds away from the poor children for which the funds were intended.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mrs. FEINSTEIN. If I may have 30 seconds to wrap up.

Mr. BYRD. I yield an additional minute.

Mrs. FEINSTEIN. I thank the distinguished ranking member.

Even though it "freezes in" funding to districts—including some in my state—that got funds last year, even though they do not qualify, it makes a mockery of the basic purpose of the Title I program, its eligibility rules and the requirement to use recent poverty data. If Congress continues to override these basic rules of the authorizing law, we are effectively operating with no rules, or at least, constantly changing rules. Districts will not know whether they are eligible or what they can or cannot count on. This is just plain wrong. In my state, even though 39 districts would have their funding "frozen in" by this provision, next year, California will have 166 new school districts that will become eligible. If these "hold harmlesses" keep appearing in the dark of night, these eligible districts, with concentrations of poor children, could be deprived of funds to which they are entitled.

Because this is a conference report, under our procedures, I am not allowed to offer an amendment to delete this provision.

But let me put my colleagues on notice that I find this provision and this procedure very objectionable.

I hope my colleagues will join me in ending this practice so that our children can get the education Congress intended in creating the Title I program in the first place.

I thank the Chair, and I thank the ranking member.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I am authorized to yield myself 5 minutes off of the time of Senator STEVENS.

Eleven billion dollars in this bill are earmarked to pay for the costs of the war in the Balkans and its consequences, direct and indirect. That war was begun in folly and has been conducted since with an almost incredible degree of incompetence. I have opposed the war from the beginning and will not support it now.

The conflict was begun because of Serbia's refusal to sign an agreement granting autonomy to the people of Kosovo and protecting its citizens. Other demands, including the free right of NATO troops to travel through any part of Yugoslavia, were impossible for any sovereign nation to agree to.

Our goals were worthy. But they were not of sufficient importance to vital American interests to warrant the use of our armed forces in combat. This proposition is perhaps best illustrated by the President's refusal to use all of the means necessary to attain his goals, choosing to cause death and destruction to the Serbs, and suffering, dislocation, and death to the very people we purport to protect, than to risk American lives in order to succeed. This is no way to wage a war.

But vital American interests have been seriously and adversely affected by the war itself. We have destabilized Macedonia and Montenegro, and perhaps other nations in the Balkans as well. We have damaged relations with Russia and may have pushed it along the road to reaction. We have put ourselves on the defensive with respect to China when we should have the high ground in many of our differences. We have fueled anti-American sentiment around the world.

If we win, we get to occupy Kosovo for a generation and to spend billions rebuilding it; if we lose, we are humiliated and NATO is weakened.

In addition, this war appropriation comes to the Senate in a form in which it cannot be amended. I, for one, am denied the opportunity to attempt to earmark a modest portion of this money to arm the Kosovo Albanian rebels. It is inconceivable that we should trigger this ethnic cleansing, refuse to intervene on the ground to defend the Kosovo Albanians, fail even to attack their persecutors effectively, and top it off by refusing to aid those who wish to fight for their own liberties.

Finally, of course, this entire emergency appropriation comes straight out of our Social Security surplus. I am not sure that the American people are at all aware of this fact. I cannot believe that they would support it. At my behest, the conference committee added managers' language calling for the restoration of this borrowing to the Social Security Trust Fund out of future general fund surpluses. But the language is not mandatory, and may well be ignored. We should not use Social Security to pay for a war in the Balkans.

For these reasons, and in spite of its many good and important provisions on other issues, I oppose this supplemental appropriations bill.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I rise to speak in favor of the emergency appropriations bill because it is an emergency, it is necessary. I have been reading all of the press reports about the bill and criticisms of the bill because it is too large or perhaps too much money has been spent on one area or another. But the fact is, we have emergencies in our country that are not covered by the budget. We have had more emergencies in our agriculture area than we ever could have foreseen. You can't pick up the paper that you don't read about a terrible tragic tornado, and we are coming into hurricane season. So we are putting more money into FEMA. We have had floods in my home State. We must deal with these as they occur, and clearly on an emergency basis.

A good part of this bill is for agriculture. We are also helping our neighbors in Central America who were ravaged with a terrible hurricane and tornadoes. We are trying to do the things we have promised we would do. But since we started this emergency appropriation, we have also had a new emergency, and that is the situation in Kosovo. We are seeing, every day, what is happening there.

Mr. President, it is no secret that I have spoken out strongly against the way we got into this Kosovo operation. I have spoken out against going into an operation when we didn't have a good contingency plan. I have spoken out against so much of our policy in the Balkans. I just came back from the Balkans, just over the weekend, and I met with our soldiers on the airfield in Albania, the ones who are going to be supporting our humanitarian effort and, hopefully, be part of our defenses there, whatever we may do. I went to Aviano, Italy, and met with the troops who are doing so many of these air operations that we are seeing day after day after day. And, of course, there is no question that our troops are doing a great job. They don't make the policy; they just do the mission they are given. Nobody can question their sincerity, their great attitude, and their commitment to our country. You will never meet a young man or woman in the military who isn't there because they love our country.

So when I think about this supplemental appropriation—and I know I have spoken against the mission itself, the way it has come about—and I remember looking into the eyes of the young men and women who are on the front line, I think, now, can I vote not to give the money to them to have the equipment they need to do the training they need, to have the incentives that they need to be doing a very tough job in a very tough neighborhood? Well, the answer is no, I can't vote against paying for their security, because they are the security for me and my family and for every one of us who is lucky enough to live in the greatest country on Earth.

So they have volunteered to give their lives so that we may live in freedom. Do you think for one minute I would vote not to give them the equipment they need to do that job? It would be unthinkable. So while we debate how we pay for it or who is responsible, in the end, I am going to vote for this bill, because I am going to support the troops who are in the field.

I am going to continue to argue with the administration that we need to learn the lessons about how this operation has been handled, and I think we will. I think there is a glimmer of hope that perhaps Mr. Milosevic has seen that we are going to win and prolonging it will only hurt his own people. So there is a glimmer of hope, and a glimmer of hope is better than total darkness. I think we need to seize on that glimmer of hope and try to come to the first agreement that we must have from Mr. Milosevic—that he will stop the atrocities against the people of Kosovo.

I just visited with the people of Kosovo. I visited with them in Macedonia. I visited with them in Albania. Those people have been through more than any one of us will ever know or understand. What I want now is the atrocities to stop for the ones who are still there. The ones we met with are in refugee camps. They are not comfortable, but they are safe. I want to try to help the people who are still in Kosovo, and the atrocities on them to stop so that we can then allow the people who have fled their country in terror to be able to go back in and rebuild their homes, rebuild their economy, so that they will be able to have a livelihood, so that they will be able to raise their children in their homeland without fear of a despot who would commit the atrocities that there is no question in my mind have been committed in the last 6 months and, indeed, for many years in this part of the world.

So, Mr. President, while we are debating policy, while we are debating from where the money is going to come all of which is legitimate debate, while we are talking to each other about our principles, which is our right to do, but at the end of the day, it is most important that we have the emergency appropriations which would give our kids who are on the front line and their commanders everything they need so as to know that we are not going to pull the rug out from under them, that they will have the equipment, they will have the airplanes, they will have the helicopters for their own security while they are protecting yours and mine.

So let's talk policy. Let's talk about never going into an operation like this again without a contingency plan. Let's talk about the treasure we have spent in this country to try to solve this problem. And let's not stop with Kosovo, because the money and the troops that we have put in harm's way cannot be lost for us to put a Band-Aid on Kosovo. Let's finish this job now.

But when we have stopped the atrocities and when the Serb troops have started leaving Kosovo, and when an international peacekeeping force moves in, let's take the opportunity, let's seize the moment to do something bigger than putting a Band-Aid on Kosovo. Let's look at the Balkans and do what we can to try to help them form areas of government that have to change so that those people will be able to have jobs, start farming their land, to live in security. That is what I want for the Balkans.

But continuing to say we can amalgamate the Balkans as if they were America is not going to have a long-term chance for success, because we don't understand what they have just been through in the last 5 years. We don't understand what it would be like to force people to live next door to each other when their mothers have been raped, when their fathers have been brutally murdered, when their families have had to flee in terror.

Let's start today by supporting our troops. Let's start today by keeping open the glimmer of hope for peace. And then let's take one step at a time to try to help these people become a contributing part of Europe so that they can do what every one of us wants to do: that is, live in peace and freedom, to have jobs, to support our families, and to give our kids a better chance than we have. That is what the Kosovar Albanians want. It is what the Serbs want. They are the good people of Serbia—not President Milosevic. That is what the Moslems in Bosnia want. That is what the Croats want. It is what the Albanians want. And they should be able to have it. That should be our goal.

I am going to support this bill. I am not going to say there are not legitimate differences about certain parts of it. Sure there are. That is why 100 of us are elected independently to represent the views we have—the views of our States. But we are required to come together. I hope the Senate will do the right thing and come together to do what is right for the farmers who are hurting, for the people in Central America who are hurting, for the people in the Balkans who are hurting, to help promote peace in the Middle East, and to continue to appreciate that we live in the greatest nation on Earth. We need to make sure we keep the security and the freedom of our country on our watch.

It is our responsibility to pass this bill and talk about the policy and talk about our differences, and our Constitution that provided that we do this.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Who yields time?

Mr. BYRD. Mr. President, how much time does the Senator wish?

Mr. FEINGOLD. Mr. President, I ask for 15 minutes.

Mr. BYRD. Mr. President, I yield 15 minutes to the Senator.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized to speak for 15 minutes.

Mr. FEINGOLD. Mr. President, I thank the Chair, and I thank the Senator from West Virginia.

Mr. President, I rise to offer some comments on the emergency spending bill we have before us. Many of us had hoped that the almost grotesque experience of last year's omnibus appropriations bill might have shamed Congress into refraining from the kind of fiscally irresponsible spending and catering to special interests that characterized that legislation. Apparently, it was a vain hope. We are back at the same disgraceful work barely seven months later.

Mr. President, few would argue the need for many of the core provisions of the legislation, especially the urgently needed humanitarian relief in Central America, our current military and humanitarian operations in the Balkans, and for victims of natural disasters here at home. Regrettably, those legitimate provisions are completely eclipsed by dozens of others that are at best highly questionable and at worst grossly irresponsible.

Mr. President, first and foremost among this latter group are the billions in additional funding for the military that was not requested by the administration.

Mr. President, to say there is a double standard when it comes to fiscal prudence in Congress is to say the ocean is damp. We saw it last year in the omnibus appropriations bill, we saw it again when this body took up and passed an unfunded military pay and retirement increase even before we had passed a budget resolution, we saw it still again during the budget resolution when military spending received a special exemption from the tough new emergency spending rules we adopted, and sadly, we see it now in this bill.

As has been noted by others, including my distinguished colleague from the other House, Wisconsin Representative DAVID OBEY, what we are probably witnessing is an effort to load as much military spending into this bill under the pretext of an emergency in order to make room for special interest military spending provisions in the Defense appropriations bill later this summer.

Mr. President, put simply, this emergency supplemental measure uses Social Security Trust Fund revenues to help lard up an already corpulent defense budget.

Almost as troubling as this reckless use of Social Security revenues to pay for the military budget is that this technique isn't an exception. It has become the custom.

Mr. President, our budget caps have become a sham. We agree to those tough caps with great acclaim and fanfare, only to circumvent them casually on a regular basis with the emergency provisions of our budget rules.

Mr. President, as much as I oppose raising the budget caps, it would be far better if Congress and the White House were to raise those caps in an honest and open manner, than to continue the pretense that the caps have meaning only to circumvent them through the abuse—I say "abuse"—of the emergency funding designation.

Mr. President, while the doubling of the military budget request is certainly the dominant flaw in this bill, there are other provisions that deserve notice as well. They represent what is most unseemly about the emergency appropriations process—special interest provisions that relate to no true emergency, but avoid the scrutiny of the normal legislative process and instead capitalize on human suffering or an international crisis, finding their way onto what we have come to call must-pass bills.

Mr. President, let me note that it may be that some of these extraneous provisions have merit. But they should be subject to the same fiscal scrutiny we ask of any proposal. They should be paid for. The standing committees should review and authorize these proposals, and the Appropriations Committee should propose a level of funding for each of them that makes sense in the context of the overall budget.

Mr. President, by circumventing this process, the advocates of these provisions reveal their distrust of Congress and possibly their own apprehension that their provisions may not be able to gain passage on their merits.

One such provision is the so-called Russian Leadership Program, a new program, Mr. President, newly authorized by this legislation which also provides it with $10 million in funding. I understand the program is intended to enable emerging political leaders of Russia to live here in the United States for a while to gain firsthand exposure to our country, our free market system, our democratic institutions, and other aspects of our government and day-to-day lives.

Mr. President, offhand, that doesn't sound like it is necessarily a bad idea. I might be able to support such a program, though I would certainly want to know something more about it before endorsing still another new democracy building effort. But, Mr. President, this proposal has not gone through the normal legislative process. It has not been held up to the scrutiny of a public review by the appropriate committees.

Mr. President, if one were asked where the new Russian Leadership Program were to be housed, one might reasonably guess somewhere in the State Department, perhaps in USAID. Those a bit more familiar with the array of duplicate programs we have might stroke their chin wisely and suggest that it would probably be included in the National Endowment for Democracy, a quasi-governmental agency that many of us believe duplicates services provided elsewhere in government.

But, Mr. President, if you guessed the State Department, or NED, you would be wrong. For the next year, this new Russian Leadership Program is to be housed in the Library of Congress. The Library of Congress, Mr. President.

Mr. President, as some may know, we already have numerous educational and other exchange programs with Russia. Agencies and Departments which have received funding from the Congress for exchange programs with Russia include, but are not limited to: the Departments of Commerce, Defense, Education, Justice, State, and Treasury; the Agency for International Development, the Environmental Protection Agency, the Federal Emergency Management Agency, the Federal Trade Commission, the Marine Mammal Commission, the National Aeronautics and Space Commission, the National Endowment for the Arts, the National Endowment for Democracy, the National Science Foundation, the Nuclear Regulatory Commission, and the Peace Corps.

Mr. President, I appreciate the tremendous impact that educational cultural exchanges have had on our relationship with Russia. I have to wonder if we really need to create still another exchange program. Even if we determine that the program has great merit, I think serious questions can be raised about whether this ought to be administered by the Library of Congress.

It doesn't end there. According to the authorizing language in this legislation, the Librarian of Congress is given authority to waive any competitive bidding when entering into contracts to carry out this program. In other words, this program is effectively shielded from any expertise or efficiencies that might be brought to bear by existing firms or nongovernmental agencies with experience in this area.

There we have it: In this bill, a brand-new program that has completely avoided the review of the appropriate standing committees established in an agency, that is wholly inappropriate, with virtually no restrictions on its administration. This is a heck of a way to legislate.

Of course, this is just one example, one of dozens of extraneous provisions that have been slipped into this emergency supplemental bill. I am not talking about a lot of different bills; it is just what is going on in this bill.

As others have noted, these unrelated riders have become business as usual. This is especially true with respect to antienvironmental policy. This is not the first time I have expressed concerns regarding legislative riders in appropriations legislation that would have a negative impact on our Nation's environment. I am sorry to say with respect to one of these policies, the delaying of the implementation of new mining regulations, this is not even the first time such a rider has been inserted into an appropriations bill.

The merits of this policy, this very important policy relating to mining, should be debated at length on another occasion. I do want to note that the rules that safeguard our public lands with respect to mining badly need updating, if only to keep pace with the changing mining technology. One such technique, the use of sulfuric acid mining, caused grave concern 2 years ago in my own State when it was appropriated for use in private lands in the neighboring Upper Peninsula of Michigan.

Regulations also need to take into account other land uses that would be displaced by mining, and they need to do more to require meaningful cleanup. Currently, there is no requirement to restore mine lands to premining conditions. This leaves taxpayers holding the bag for the mining industry's mistakes.

Obviously, this kind of a change requires a full, careful, and open debate. It just can't get the kind of attention it needs when it is quietly slipped into an emergency supplemental appropriations bill that we are only going to debate for 3 hours. Of course, that is precisely the reason the advocates of the rider have done it this way. They see their opportunity. They don't want a full and careful and open debate—special interests that push this policy know it will do them best and they will get it done best behind closed doors, away from the light of open debate.

In this connection, I think my colleagues should be aware that the PACs associated with the members of the National Mining Association and other mining-related PACs contributed more than $29 million to congressional campaigns from January 1993 to December 1998. Mining soft money contributions totaled $10.6 million during the same 6-year period. Mr. President, that is nearly $40 million in campaign contributions in recent years from an industry that stands to benefit from this rider that has been stuffed in this bill which we are only going to debate for 3 hours.

And so it is with too many of these provisions.

It should come as no surprise that a process characterized by secret negotiations and backroom deals should be dominated by special interests and produce such questionable policy. These interests have succeeded in presenting Congress with a take-it-or-leave-it deal, and they are betting we will acquiesce for fear of delaying the true emergency assistance that I and everyone else have said is truly urgently needed.

Of course, I realize this measure is likely to pass. I hope it does not. But I cannot endorse this package or the process that brought it to the floor by voting for it. I ask my colleagues to consider calling the bluff of the interests that have succeeded in loading this bill up with extraneous matters that could never command a majority in Congress on their own.

If we can defeat this measure and insist on a clean, true emergency bill, we just might be able to shame those who have participated in crafting it and maybe even prevent this kind of abuse in the future.

I yield the floor.

Mr. GRAMM. Mr. President, I ask unanimous consent for 20 minutes to speak against this bill.

Mr. DOMENICI. I will not object.

Mr. President, Senator STEVENS has left the floor and I am here in his stead. Please enlighten the Senate as to the time situation pursuant to the unanimous consent request.

The PRESIDING OFFICER. Senator STEVENS has 39 minutes, Senator BYRD has 42 minutes, and Senator DORGAN has 15 minutes.

Mr. GRAMM. Mr. President, I ask for 20 minutes.

Mr. DOMENICI. I have no objection.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, obviously appropriating money is a very difficult task. I had the privilege for 7 years to serve on the Appropriations Committee. During that time I had the great privilege of serving as chairman of Commerce, State, Justice Appropriations. Probably more than most Members of the Senate who don't currently serve on Appropriations, I think I have some understanding of the difficulty our colleagues have in appropriating money. Let me also say that the funding issues are the most important and the most difficult issues we debate.

I will share with my colleagues and anybody who might be following the debate an experience I had in 1980. I was a second-year Member of the House and I had been an economist prior to coming to Congress. I kept noticing that on the issues that really mattered—the spending issues on amendments—we were consistently losing on virtually every one of those votes. I ran sort of a running total for about 6 months on those votes.

Here is what I concluded, as best I can remember. The average vote on spending that really mattered cost about $50 million. These were little add-on amendments that were voted on in 1980 in the House of Representatives. There were about 100 million taxpayers in 1980. So the average taxpayer was paying about 50 cents. The average appropriation amendment was costing about $50 million; there were 100 million taxpayers; so each taxpayer was having a cost imposed on them of about 50 cents.

As best I could figure, the average beneficiary was getting about $700.

Members don't have to have a degree in mathematics or any fundamental understanding of economics to understand that if you have 100 million people all losing 50 cents each, and then you have beneficiaries who are getting, on average, $700 each, it doesn't take a lot of imagination to understand why in 1980 we were losing on every spending amendment. The reason being, the average taxpayer could benefit only by 50 cents if the amendment were defeated. That wasn't enough to activate them to write a letter in opposition. The average beneficiary was getting about $700, as best I could figure, on these votes on amendments. For $700 they were willing to do quite a bit, especially through groups that represented them where they would have thousands of members, sometimes tens of thousands of members, who were getting $700 each.

So it very quickly became evident to me that we were fighting a losing battle on spending. That ultimately gave rise to our efforts to try to elevate this to a national issue where, rather than voting on all these little amendments that cost taxpayers 50 cents each, we could turn it into a big issue where we were talking fundamentally about the future of America, which is what budgets are about. And, in fact, in 1981 when

Ronald Reagan became President, we were able to adopt a budget that dramatically reduced the growth in government spending, that reformed entitlements, and that cut taxes across-the-board by 25 percent. And I would argue, probably more than anything else, that and Ronald Reagan's opposition to regulations and the rolling back of burdensome regulations, and the monetary policy of the Fed, explained why we are in the happy condition we are in today with the current state of the economy.

But what I discovered in 1981 was the only way you can win on these issues is when you are debating the big issue instead of the individual spending program. The budget has become our way of trying to rein in spending. One of the vehicles we have in that budget process is spending caps, where we debate how much money we are going to spend on discretionary programs and we set it in law and then we judge spending based on that number that we have in fact set into law. In order to try to beef up our strength to try to hold the line on spending, we established budget points of order. In order to try to enforce them we established supermajority budget points of order, with 60 votes required in order to violate the budget.

I will, later today, raise a budget point of order against this appropriation bill. Why do I object to this appropriation? First of all, you cannot spend $14 billion beyond the spending caps in actual cash outlays, without doing a lot of things that almost everybody is going to be in favor of. But here is the basic problem. We set out, in 1990, in a budget agreement, a little loophole. I would have to say I was worried about it when it happened. But the loophole was allowing the President and Congress to get together and declare emergency spending, to designate spending as an emergency and therefore get around the binding constraints on spending that we had written into the budget. That provision went into effect in 1990. And in 1991 we declared $900 million of emergency spending. But in 1992, with the Presidential election, with the election of Bill Clinton, and with the fundamental change that occurred since then, here is what has happened to spending that we have annually designated as an emergency, and therefore outside the budget caps, and outside any binding constraint that we all solemnly voted for as part of the budget process. In fact, the spending levels that I will be trying to defend today with my point of order were adopted 98 to 2 on June 27 of 1997. Only two Members of the Senate voted against making the commitment to hold the line on spending. I am today going to be offering a point of order to try to hold the line on that commitment we made.

But here is what happened. Beginning in 1991 we had $900 million designated as an emergency in a government that was spending, in 1991, maybe $1.2 trillion. It was not very much money by comparison. In 1992, we declared $8.3 billion of spending to be such an emergency that it did not even count as part of the budget process; that it was exempt from the cap. By 1994 that number had grown to $12.2 billion that, in 1994, we designated as an emergency.

Because of our action at the end of last year in passing a $21 billion emergency funding bill, we have already violated the budget for fiscal year 1999 above the level that we committed to on June 27 of 1997. We have already violated that budget by $15 billion in budget authority, which is the portion of the $21 billion that the President has already released by concurring in the emergency designation. If we adopt this bill unchanged, as it is written and now is before the Senate, we will declare another $14.8 billion in budget authority as emergency, which will mean that in 1999 alone, we will bust the spending cap by $29.8 billion, all of which will be designated as an emergency, and all of which will be exempt from our budgetary process.

First of all, isn't it amazing that we have seen the level of emergency spending grow in 1991 from $0.9 billion, to $29.8 billion? What this really shows is we have lost control of the budget process. This loophole is literally destroying our ability to control spending.

What are these items that are declared as emergencies, items that were so critical that we had to pass an emergency supplemental appropriation in order to fund them? Let me just give you some of the ones from last year that have already busted the budget by $15 billion. Then I will give you a few from this year. Army research into caffeinated chewing gum; the National Center for Complementary and Alternative Medicine; grasshopper research; manure handling and disposal; onion research—those are the kind of items that were included in the emergency measure that we passed last year that has caused us to violate this year's budget already by $15 billion.

Let me go over some of the items that make up this supplemental appropriation bill. "National Public Radio, $48 million to purchase satellite capacity; $1.3 million for the World Trade Organization ministerial meeting in Seattle." Would anybody have us believe that we planned that meeting and we suddenly discovered, after years of planning, that we had to pay for it? Would anybody believe that this should suddenly be contained in an emergency bill? No. But what they would believe is we always knew we had to pay for it but we did not put it in the budget, knowing we would put it in an emergency bill and therefore we could get around spending constraints.

"Filling up San Carlos Lake; the purchase of a post office and a Federal court house in Minnesota; modernization at Washington International Airport." Modernizing an airport is God's work, but does it belong in an emergency bill? Don't we fund that out of a trust fund? What is it doing in an emergency supplemental bill? "Renovating the U.S. House page dormitory?" I do not doubt that is meritorious. If I did a survey among the pages they might think it is a wonderful idea. But is suddenly the world going to come to an end if we did it in this year's regular appropriation? My guess is we will not spend a penny of it until this year's appropriation bill is enacted anyway, so why is it in this emergency appropriation? It's in this emergency appropriation so we do not have to count it toward the spending caps next year. "$1.5 million for the University of the District of Columbia." Then there is funding for the majority whip's office—that is in the House let me make clear—and the House minority leader's office, $333,000 each. Why isn't that in the appropriation bill for the legislative branch of Government? Why are we not funding that through the normal budget process? The answer again is we put these things in emergency funding measures in order, basically, to take them out of the process.

Why does it matter? Why does it matter that we are getting ready to bust our spending caps by $29.8 billion? Why it matters is that every penny of that money is coming out of Social Security. We do not have a surplus today except for the fact that Social Security is collecting more money than it is paying out. In fact, Social Security is collecting $127 billion this year more than it will spend. We have already spent $16 billion of that on something other than Social Security. We are getting ready to spend another $14.8 billion from this bill on something other than Social Security.

The point is, if we had not passed the emergency supplemental bill last year, which ended up taking $17 billion away from Social Security in this year, we would have had in this year the first time ever in American history where we actually had a Social Security surplus available to either lock up in a lockbox so it could not be spent or use it to save Social Security.

We do not have that ability now because of the emergency bill we passed last year, and now we are passing another bill that will take $14.8 billion.

The point I am making is this: We cannot have it both ways. We cannot say we want to lock this money up for Social Security and spend it at the same time. You can say you want to spend it and that this spending is critical and that it is absolutely essential we fill up these lakes and build these dormitories and that we fund reparation payments to Japanese South

Americans from World War II, that we repair high schools, which I never knew was a function of the Federal Government.

You can say those are emergencies and they are important enough that we are willing to plunder Social Security in order to fund them. That is a legitimate position. It is not one with which I agree, but it is a legitimate position. What you cannot do is say we are going to lock this money away from Social Security or we are going to use it to save Social Security and then turn around and spend it. It is not legitimate to do both. What we are trying to do in this Congress is say we want to save the money for Social Security and we are trying to spend it at the same time.

I do not hold myself out as being more righteous than anybody else, but that is turning a little more sharply than I can turn. I still remember the press conferences where we stood up and said we want to lock this money away. Here we are today spending it.

What am I trying to do in my point of order and what will it do? First of all, there is not a point of order under the budget resolution against defense spending. There is a point of order against nondefense spending. The tragedy of this bill is that we could have offset all the nondefense spending in this bill. There was a point at which, before we started piling on more and more spending, we could have, with $441 million, offset all of the nondefense spending in this bill, in which case we would not have had an emergency designation to allow us to spend beyond the budget.

A decision was made by the Appropriations Committee not to do that. They could have done it. The level of reductions in other programs would have been minuscule. But the basic response from the Appropriations Committee, with all due respect, has been: We are not going to pay for these programs, we are not going to offset them and, basically, if you don't like it, do something about it.

That has basically been the message, and people have been up front and honest about it. The only thing I know to do about it is to oppose the bill and to use the budget which we adopted and of which I am proud—it is the best budget that has been written since I have been in Congress or certainly the best budget since the Reagan budget.

The problem is, I do not see any willingness on the part of our colleagues to enforce the budget. It is as if somehow writing a good budget was enough. Every day I read in the paper, often from members of the Appropriations Committee, that they do not have any intention of living within these numbers.

Some people are saying: OK, let this $14.8 billion go and then the next time we will resist. If you are going to resist this never-ending spending spree and this plundering of the Social Security trust fund, you have to begin to resist.

We are averaging over $10 billion a year of spending we are not even counting as part of the budget, and I believe that has to end.

I am going to make a point of order which simply makes the point that under the budget we wrote earlier this year, any Member of the Senate can raise a budget point of order identifying emergency designations in nondefense areas that are not offset, and that in order to overcome that point of order, those who want to spend that money, those who want to take that money out of Social Security, will have to get 60 votes to waive that point of order.

I do not deceive myself into thinking we are going to get enough votes to sustain this point of order. I realize how the system works. But I think it is important that we begin to raise questions about what is going on in the Senate. I do not know how we are going to save Social Security if we keep spending the Social Security surplus, nor do I see how we are ever going to give tax relief if we——

The PRESIDING OFFICER. The Senator's 20 minutes have expired.

Mr. GRAMM. I ask unanimous consent that I may take 7½ minutes off my 15 minutes on the point of order I will raise and use that 7½ minutes now.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, if the Senator will yield, I have great problems now. I understand the Senator wants to vote on this point of order, and there are 30 minutes on that. We then have time left for the debate on the bill itself. This vote then, I take it, will occur sometime around 25 after 2, the way I look at it. I put the Senate on notice that I am going to ask that the Senate stand in recess or stand off this bill from the hour of 3:30 p.m. until 4:15 p.m. I have not done it yet, but I want everyone to know we have to go off this bill. Our committee cannot be on the floor during that period of time because of a very important meeting the committee has that we cannot cancel.

Mr. GRAMM. Will the Senator yield?

Mr. STEVENS. Yes.

Mr. GRAMM. I will be very happy to have this vote on waiving the point of order at any point that will convenience the Senator. There is nothing magic about doing it now. I had thought at the end of this 7½ minutes that I would raise the point of order, we could go ahead and have this vote and dispose of it, and therefore there will be no trouble being off the bill or potentially finishing the bill before the meeting. If the Senator wants to delay it, I will be happy to do that. The time is not of any importance to me. Whatever will convenience the Senator.

Mr. STEVENS. That is 1 hour 6 minutes beyond that. I serve notice to the Senate, as manager, I cannot be here between the hour of 3:30 p.m. and 4:15 p.m. We will go ahead and have the vote when Senator GRAMM's time expires, but then I will ask the leader to give us consent to do something in that period of time so we can keep our meeting as scheduled. The Senator has another 7½ minutes now, as I understand.

Mr. GRAMM. On this. Why don't I go ahead and raise the point of order and take my 15 minutes and explain it, if that is OK with the chairman.

Mr. DOMENICI. Mr. President, what has the Senator been doing? I thought we gave him 20 minutes so he can do that.

Mr. GRAMM. The Senator gave me 20 minutes to speak against the bill. I have done that. I am ready to raise the point of order.

Mr. DOMENICI. And speak 15 more minutes?

Mr. GRAMM. I have a right to under the unanimous consent request.

Mr. DOMENICI. I misunderstood when I quickly gave the Senator 20 minutes.

Mr. GRAMM. If the Senator wants me to yield the floor so he can speak now——

Mr. DOMENICI. No.

Mr. STEVENS. There are 30 minutes on his motion to waive.

Mr. GRAMM. I get half the time on the motion to waive since I am against waiving.

Mr. President, I raise a point of order that the conference report contains nondefense emergency designations in violation of section 206 of House Concurrent Resolution 68. I send a list of those designations to the desk. There are 29 nondefense emergency designations in this bill that are in violation and that are subject to a point of order, and I raise the point of order against each of these 29 designations.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, pursuant to section 206 of H. Con. Res. 68 and section 904 of the Congressional Budget Act, I move to waive all points of order against this conference report.

The PRESIDING OFFICER. There are 30 minutes equally divided.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, let me be sure to clarify: There are 29 provisions in the bill that are subject to a point of order because they are not funded.

Let me explain to my colleagues what this point of order does and what it does not do.

This point of order does not kill the emergency supplemental appropriations bill. This point of order does not strike any funding measure in the emergency supplemental appropriations bill. What this point of order does, by striking the emergency designation for these 29 unfunded, nondefense provisions, is that it will trigger an across-the-board cut in all nondefense programs to fund these items.

That across-the-board cut will fund $3.4 billion of unfunded programs. It will do it, according to the Office of Management and Budget, with a 1.25-percent across-the-board cut in discretionary nondefense programs.

Obviously, our bill—if this point of order is sustained—will differ from the House bill. Under the procedures of our budget the bill would go back to the House, which could adopt the bill with this point of order made and therefore require the across-the-board cuts to offset this new spending, or the House could amend the bill to throw out the point of order, and the bill would come back and we would vote on the bill again and see if we could sustain it.

So that is basically what we are doing.

This point of order does not kill the supplemental appropriation, it simply pays for it. It simply says, in the $3.4 billion of programs that are not funded, that under the Budget Act you can make a point of order that they are not funded, and insist on that point of order so that 60 Members of the Senate would have to vote to say we do not want to fund these programs, we want to bust the budget, and we are willing to take the money out of the Social Security surplus in order to pay for it—which is what you will be saying if you vote to waive this Budget Act point of order. Have no doubt about that.

If we sustain this point of order, there will be a 1.25-percent across-the-board cut in the same accounts, same section of the budget, nondefense discretionary, to fund these programs. The Appropriations Committee will have a decision at that point as to whether they really want these programs if they have to fund them. My guess is for many of them, they will not. My guess is, if you have to fund these programs, you will decide you do not really want them all.

Why have I made this point of order? And why is it important? Why it is important is that our budget is so different from real budgets in the real world. Every time we want to bust our budget, we say we have an emergency. But American families have emergencies every day. They are not able to bust their budgets. What we basically do here would be equivalent to a family—they have written out their budget, and they decide to buy a new refrigerator this year or they are going to go on vacation this year or they are going to buy a new car this year; and Johnny falls down the steps, breaks his arm.

The way the Government does it, they say: Well, that is an emergency, so we are going to waive our budget. We just won't have to count that as part of what we are spending. But that is not the way families work. Families have to sit back down around their kitchen table, get out an envelope and a pencil, and they have to figure out that if they have spent $400 setting Johnny's arm, they are not going to be able to buy that refrigerator or they are not going to be able to go on that vacation. They do not like it, but that is what they have to do, because that is the real world.

All I am asking here is that on these $3.4 billion worth of programs, if they are so good and they are so important, let's pay for them. It is not as if we are going to do great violence to the budget of the United States if we are required to pay for it. We are talking about a 1.25-percent across the board reduction in order to pay for these programs.

My view is that if you really wanted these programs, you would be willing to pay for them. If you are not willing to pay for them, we ought not to be spending it.

So I want to reserve the remainder of my time and conclude by just saying this. If you meant it when you set those caps on spending, if you meant it when you said you want to lock away this money for Social Security or use it for Social Security reform, we have an opportunity today to save $3.4 billion that belongs to Social Security. It does not belong to general government. It does not belong to all of these projects we are funding here. It belongs to Social Security.

If you want to save that $3.4 billion for Social Security, if you want to lock it away or use it to save Social Security, vote to sustain this point of order. I hope my colleagues will vote to sustain this point of order, because I think it is important. I think if we do not stand up now, we will now be at $29.8 billion by which we have overspent the 1999 budget before we have ever passed a single regular appropriations bill—all in the name of emergencies.

So if we are ever going to stand up and stop this plundering of Social Security and stop this runaway spending train, we have to do it now. I urge my colleagues to vote with me if you want to protect Social Security and if you want to live up to the budget.

I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Alaska.

Mr. STEVENS. Mr. President, I ask for just 2 minutes on this motion to waive. I thank the Senator from New Mexico for making that motion to waive.

My point in addressing the Senate now is to inform the Senators that, basically, this point of order deals with the moneys that are in the bill for PL-480 food aid, for refugee assistance, for farm aid, aid for the Wye River, aid to Jordan, for the Central America and Caribbean emergency due to Hurricane Keith, and for the FEMA disasters that have taken place throughout our country.

All of those are matters that could not have been contemplated in 1947. We controlled $1.8 trillion on a 2-year period. And the Senator from Texas is objecting to the fact that these events, that have taken place totally unexpectedly, are going to cost $29.6 billion.

He is talking about 16 one-hundredths of 1 percent of the total spending that we control. In other words, estimates that were made have been exceeded now because of unforeseen circumstances in Central America, in farm aid, in terms of the assistance to Jordan, in terms of FEMA disasters, and national disasters declared by the President, and have consumed 16 one-hundredths of 1 percent more money than we estimated.

He is wrong in talking about the bill for the year 2000. We have not gotten to the year 2000. This does not have any impact on the year 2000 except in terms of defense. It aids us in defense trying to deal with defense matters.

These are things that the Budget Act rightfully said there is a time when you can have emergencies, when they are unexpected items that have happened.

There are a lot of things in this bill that are not emergencies; they are supplemental; they are supplemental items. We can argue about them, but they are not involved in what the Senator from Texas is doing. An opinion about lumping all those things in the bill is one thing, but to deal with this concept of knocking out the emergency clause is wrong. I hope the Senators will support the motion of the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, not too long ago Senator GRAMM and I stood on the floor shoulder to shoulder preparing a budget for the United States. Not too long ago, I came up with the idea of a lockbox for Social Security. Once my friend, Senator GRAMM, saw it, a few words of congratulations and a few thoughts on how to make it perhaps a little better, we stood shoulder to shoulder that we wanted to save the Social Security trust fund. Nothing has changed. Nothing has changed.

The Senator from New Mexico is proud of the budget that is going to operate for the year 2000, the new millennium. It is going to be a tough budget, and we are going to try to live with it. But I do not believe we should leave the floor today with a lot of Americans, if they were listening, thinking that the budget of the United States is out of control.

Sometimes my good friend from Texas overstates the case. And by overstating the case, sometimes, instead of being as effective as he could be, he is a little less effective.

Nobody looking at the budget of the United States as it pertains to the accounts we are talking about, defense and appropriated domestic accounts, thinks it is out of control. As a matter of fact, the whole world looks at this budget, the one that the Senator from Texas is saying is out of control, and says, how do you do it? You are doing so well.

As a matter of fact, the defense spending which is in this budget—part of the budget that the Senator is talking about—is at the lowest level and under control, the lowest level since World War II, the end of World War II, in terms of the percent of our gross domestic product that goes to defense. Likewise, the domestic spending that he is alluding to, out of control, says he, well, let me tell you, it is the lowest in history in terms of the percent of GDP. We are doing a great job of controlling this part of the budget.

He and I may come to the floor and discuss another issue where we might agree, but it has nothing to do with this bill, nothing to do with these ideas that he is alluding to today about the budget. They have to do with entitlements and mandatory spending. So for those who think the budget has gotten kind of big, we have to face up to where it is that it is getting its pot belly. It is not getting it from these two accounts, defense and domestic discretionary spending. That is the truth.

The Senator referred to families and their budgets. I noticed some people were listening to him almost enraptured thinking about their own checkbooks. To compare a family checkbook with a great American country that has a war going on in Kosovo that we didn't know about 6 months ago and expect us not to have to spend some money for that is to compare an individual American family in their kitchen with their checkbook to a country that is at war and needs money to fight the war. That is what is principally behind this appropriations bill. The overwhelming percentage of this spending is for the defense of our Nation, if that is why we are in Kosovo, because we have something to defend. And whether you like the war or you don't like the war, it costs money. It isn't predicted in the family checkbook that in the middle of the month you are going to have a war, because families don't have wars. They don't go out and buy more tanks and more airplanes, when they have a disaster.

That is point No. 1—the budget is not out of control.

Point No. 2—the overwhelming percentage of this particular bill is for the defense of our Nation. Many of us are proud that we put more money in than the President had asked us for. We thought the President low-balled the request because he didn't want to be embarrassed about this war, and so he has far too little money. We put in $5 billion more in this bill. Take that to the American people and ask them: Would you do that, or would you not do that? Would you believe Senator GRAMM's reasoning for saying let's cut some other American programs to pay for that?

By the way, the sequester which he is speaking about, the across-the-board cut which will be done by the Office of Management and Budget, the President's people, it will not be 1.25 percent for all the rest of the accounts. Because the year is so far down, it will be almost 4 percent, 3.75 percent, or some $3 billion. Is that what we should do when we have emergencies, cut all of Government across the board 3.75 percent, not when the budget starts, but when the budget year is half over with or more than half over with, just say we are going to cut it? Families do not do that either, if you want to talk about families. They don't come along when they have all their children's bills paid for and everything else and say that we are going to cut 3.75 percent out of it and spend it for something else. They don't have that kind of problem. That is what we are going to be confronted with for American programs in education, in construction, in highways, in everything.

It is just not worth it, in this Senator's opinion. The longer you wait and delay this bill, the more the demands are going to be, not less. They will be more.

Let me just give you one more. If we are out of control, every country in Europe and every industrial democracy in the world has already gone out of this world. They are all spending more than we are as a percentage of their budgets. Their budgets are much higher than ours. And that is why we are doing so well—because our budgets are low, and our taxes must remain low.

To be sure on my comments about how low defense spending is and how low domestic spending is versus other years and other nations, I have that on two pieces of paper. I ask that those two documents be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Total government—Federal, State, local—spending as a percentage of GDP (1998)

	Percent
United States	31
England	40
France	54
Germany	47
Japan	37
Canada	42

	Percentage of GDP	
	Defense	Nondefense
1980	5.0	5.2
1985	6.2	4.0
1990	5.3	3.5
1995	3.8	3.8
1998 [1]	3.2	3.4

[1] The lowest percentage since WWII, both defense and nondefense.

Mr. DOMENICI. The issue now is not whether you want to vote for this bill or not. The issue is whether you want to support a motion to waive the point of order, a very specific, new point of order; I helped draft it. It is a nice point of order. Whether you want to waive it or not, that is the issue. If you want to vote against the bill, you can still do that but, frankly, you should move to waive this so that when those people who want to vote for this bill vote for it, they are not confronted with having to cut Government 3.75 percent in order to accomplish the purposes suggested here by my good friend from Texas, Senator GRAMM.

How much time do I have remaining?

The PRESIDING OFFICER. Six minutes 4 seconds.

Mr. DOMENICI. I will yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I thank my colleague and friend from New Mexico for helping me see that in an effort to derail this point of order that we didn't do something that could undercut the whole budget. I am very grateful for his help on that.

I want to disagree with the points that have been made by my two colleagues and do it in such a way as to not be disagreeable.

First of all, our dear colleague, the chairman of the Appropriations Committee, says that the violating expenditures here that are not offset are only sixteen-hundredths of a percent of overall Government spending. Well, my point is, if it is that small an amount of money, why don't we pay for it? In a budget of $1.7 trillion, we are in essence saying that $3.4 billion of nondefense spending is so important we are willing to violate the budget in terms of spending beyond our cap. But it is not important enough that we are willing to cut somewhere else to fund it? It seems to me if it is that important, we ought to be willing to pay for it.

As to whether the budget is out of control relative to much of the world, our budget is not out of control. I agree with our colleagues. I am not making a statement trying to send the stock market down at 2, nor do I think any statement I could make would be capable of doing that. But I am not comparing America to Honduras. I am not comparing America to Japan. I am comparing what America is doing relative to what Congress promised the American people we would do.

I do say that when we are spending, in emergency spending in 1999, three times as much as we have ever spent before, that suggests to me that something is out of control. As we all know, we read every day in the paper where Members are saying there is no way we can live up to these spending caps, and that this is only the beginning of our violation of the budget. My view is this ought to be the beginning of the fight to preserve the budget numbers we adopted.

Let me tell you how the budget is out of control. It is not out of control the way we keep our books, even though we are beginning to lose control by designating all the spending as an emergency. But if we used accrual accounting, like American business has to, with Medicare and Social Security, we would be running huge deficits today.

I agree with our colleague from New Mexico. Many of our worst problems are in areas like Social Security and Medicare. But the point is, we have to have Presidential leadership, we have to put together a program to deal with those problems; and it takes a concerted effort to do that. But the one area that we can control by ourselves is discretionary spending. The point is, if we don't have the will to prevent $3.4 billion of new spending, how are we going to have the will to reform Social Security or Medicare?

In terms of comparing the checkbook of a family to a great nation and a great economy, I think it is a good comparison. In fact, Adam Smith once observed:

> What is wisdom in every household can hardly be folly in the economy of a great nation.

Where can we find a better blueprint for fiscal responsibility than looking at working American families sitting around the kitchen table? The fact that they are dealing with thousands of dollars and we are dealing with billions of dollars doesn't fundamentally change things. They have to set priorities. They have to say no. And they have to say no to their children, the people they love, and to real needs.

All I am saying is that we need to say no more often so that working families can say yes more often. I want to save Social Security so we don't have to double the payroll tax. I want to save Social Security so we don't have to cut benefits for the elderly. But we can't do that if we keep spending the Social Security surplus.

In terms of across-the-board cuts, if it is not worth cutting to pay for, then why is it worth spending? If it is not worth taking it from a lower priority, is Social Security the lowest priority? Is taking this money out of the Social Security surplus of lower significance than funding all the thousands of other programs we fund? I don't think so.

The final point. This is a point of order under the Budget Act against the nondefense portions of this bill. I would have raised a point of order against all the emergency designations in the bill had the point of order existed. I don't want people to think this is somehow nondefense versus defense. I believe in a strong defense. My dad was a sergeant in the Army for 28 years 7 months and 27 days. I have voted for defense. I have helped write budgets that rebuilt defense. But I want to pay for defense.

I think where the difference is, I am willing to cut other programs to fund defense. But I don't understand why we are not willing to take it away from something else to fund defense but we are willing to violate our spending caps to fund defense. And if this war is so vitally important—let me make it clear that I don't see the vital national interest here. I don't see this as a vote on the war. But let me make it very clear, if this war is so vital, we ought to be willing to cut other Government programs to fund it. The idea that we ought to take the money out of Social Security to fund this war, I think, is wrong.

So, again, this is a hard issue. I don't doubt the sincerity of our colleagues who are trying to do a difficult job in writing these appropriations. But there are two reasons I am here making this point of order. No. 1, we busted the budget by $21 billion on the last day of the last Congress. We are already at almost $30 billion of busting it now. We have to stop this from happening at some point. Let's do it now.

Mr. STEVENS. I ask that the Senator yield me 2 minutes.

Mr. DOMENICI. I yield 2 minutes to the chairman.

Mr. STEVENS. Mr. President, let's go back to what we are talking about. If a family had a $16,000-a-year income and had a 16 one-hundredths of 1 percent overage in their expenditures that year, they would have to borrow $20. We are talking about 16 one-hundredths of 1 percent in excess of the budget. And it is for items that are emergencies. What family would not borrow $20 to meet an emergency? Is it disaster relief emergency? Yes. Is the Central America-Caribbean expenditure an emergency? Yes. The Wye River accord for Jordan, was that an emergency? Yes. Is farm country in trouble? Is that an emergency? Yes. All we are saying is we are going to deal with that $20 out of $16,000. That is the comparison for an average family.

Mr. President, the thing that bothers me most about this is, we have to contemplate change. I will make one statement to you. If the New Madrid Fault that runs through the center of this country suffers an earthquake again—the last time it went off, the church bells rang in Boston because of an earthquake that took place going through the area west of the Mississippi. It changed the Mississippi River. It went backwards. It started a new channel which it has today. Can you imagine the amount of money we would have to have? That is why the Budget Act provides money for emergencies. If the Senator is trying to say you have to have 60 votes to overcome that, now, that is wrong. I hope we have them today, Mr. President. This is an emergency, and this money is needed by the Department of Defense, and the agencies need it.

Thank you very much.

Mr. DOMENICI. Does the Senator from Texas have any time remaining?

Mr. GRAMM. I don't think I have any.

The PRESIDING OFFICER. The Senator's time is up.

Mr. DOMENICI. Mr. President, in conclusion, Senator GRAMM makes a lot of good points. I believe we make some good points, also. I don't believe we ought to, at this stage of the budget year, adopt a point of order that will send us back to all of the Government programs, some of which many of us don't like, some of which many of us love, most of which are halfway through a year. I don't believe we ought to go back and have them cut 3.7 percent across the board.

One thing about missing our budget targets—the so-called caps, Mr. President—the overwhelming percentage of supplemental appropriations have been for real emergencies, or emergencies that the President of the United States asked us for and in which we concurred. That is what the Budget Act says; caps are binding except for emergencies; emergency money is not subject to caps. That is what we have here.

I hope we pass this appropriations bill today and fund what our military desperately needs to replenish the Kosovo war and replenish the military equipment and the time that was spent in Central America for the disaster that killed 10,000 of our neighbors in Central America. Those are predominant items in this bill. There are a lot of small ones that are difficult to justify, but in a real sense they don't really amount to the essence of this bill, which is emergencies we cannot contemplate.

I yield back whatever time I have.

Mr. ENZI. Mr. President, I rise to offer my support to Senator GRAMM's point of order against the supplemental appropriations conference report. As I have said before, we must provide the offsets for the nonemergency portions of this conference report. There is currently $13.3 billion of nonemergency spending that has not been offset, in violation of the Budget Act. I believe that Congress must protect the Social Security surplus and ensure that the money is there for future generations, not spend it on items that are clearly nonemergency items.

We have been spending the last few years talking about fiscal discipline and the spending caps. Now that we have a surplus, Congress must resist the temptation to circumvent the regular appropriations process. Many of the items contained in the report should have been considered by the appropriations subcommittees and debated on the floor of the Senate. Congress must allow the regular process to take place and not sneak things into appropriations bills.

I tried to offer legislation that would provide those offsets, but an objection was raised. I want to ensure that Congress does the right thing and preserves the Social Security surplus. This is what the lock box legislation would prevent. This is what my legislation would prevent. I ask my colleagues not to waive the Budget Act.

Mr. FEINGOLD. Mr. President, I supported Senator GRAMM's point of order because, while some of the spending programs in this bill may have merit, they should not be funded by Social Security Trust Fund balances. The point of order would not prevent these programs from being funded, but would force Congress to find adequate offsetting spending cuts to pay for those programs, or those spending cuts would be imposed automatically at the end of the fiscal year.

Mr. STEVENS. Mr. President, I ask for the yeas and nays on the motion to waive.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that the vote take place at 15 minutes after 2, in 7 minutes, and I yield that time until the vote to the Senator from Pennsylvania, Mr. SPECTER. The vote will take place at 2:15, in 7 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The vote will be at 2:15.

The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I thank my distinguished colleague, the chairman of the Appropriations Committee, for yielding me the time.

I support the waiver on the point of order. The conference committee labored extensively and diligently to come up with the bill that is on the floor at the present time. It was a tough, contentious, argumentative conference. While not perfect, we conferees did the very best we could. At some points on Wednesday night of last week, it looked a little like "Saturday Night Live," except it was Wednesday. C-SPAN was in the conference room recording and videocasting across the country to the few who might have been inclined to watch.

Having been a party to that conference and having struggled through the issues of the necessity for military spending and the emergency programs that are involved in Hurricane Mitch and the tragedies in Oklahoma and Kansas—Kansas being my native State—the conference committee did the very best it could.

This bill ought to be enacted in toto. Since that requires a waiver initially, that ought to be undertaken.

We are really looking at broader, complex issues as we face the appropriations process for fiscal year 2000.

We have recently seen the allocations in the House of Representatives. The allocations in the Senate are portending for very, very severe cuts.

I chair the Subcommittee on Labor, Health and Human Services. The President's budget is slightly in excess of $90 billion. The allocation preliminarily marked up for my subcommittee is $80 billion. If that is to happen, we are going to have some really drastic, drastic cuts, cuts which the American people are going to have to evaluate as they are making their wishes known in our representative democracy to the Members of the House and Senate.

We have budget caps. I would like to live within those budget caps. But to do that, we are going to be looking at these kinds of reductions in spending:

On Safe and Drug-Free Schools, there would be a cut of $66 million from the Drug and Violence Prevention Program.

Here we are today on a juvenile crime bill where we are trying to deal with the problems of juvenile crime, and at the same time we are looking at a budget which is going to cut funding of $66 million from the guts of that kind of a program—drug and violence prevention.

We are looking at cuts on the Job Corps of $150 million from a $1.3 billion program.

When we talk about the Job Corps, here again we are talking about dealing with juveniles who may have gone astray.

If you have a juvenile offender without a trade or a skill, a functional illiterate who leaves prison, that individual is going to go back to a life of crime, and is going to get the first gun he can put his hands on. And here we are talking about an enormous cut in the JOBS Program, which is designed specifically against that problem.

We have enormous cuts in child care—$131 million in our efforts to whip the welfare program and send welfare mothers to work. Child care is indispensable.

Special education—a favorite of all Senators—would be cut by $480 million.

The National Institutes of Health, the crown jewel of the Federal Government, perhaps the only jewel of the Federal Government—instead of having a $2 billion increase, which the Senate said we ought to have in the sense of the Senate, the National Institutes of Health would be reduced by $1.8 billion, which would result in approximately 6000 fewer grants at a time when medical research is on the verge of solving enormous problems of Parkinson's with the new stem cells estimated within the 5- to 10-year range.

The PRESIDING OFFICER. The Senate will be in order.

Mr. SPECTER. I thank the Chair. Some of those who were called to order may be the ones who ought to be listening to what needs to happen in our appropriations process if we are to achieve the goals of our lofty rhetoric.

But interrupting, the juvenile violence bill on the culture of violence we have programs which are designed to deal with that. The way we are heading, we are going to be cutting the heart out of the precise programs intended to deal with that culture of violence.

These are issues which I hope the American people will understand so that their views may be felt in our representative democracy.

We would all like to stay within the caps. We would all like to economize. But when we take a look at a $10 billion cut which hits labor, safety programs, and health and education, those are matters which have to be decided by this body reflecting the views of our constituency.

I again thank the chairman for yielding the time.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the motion. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 70, nays 30, as follows:

[Rollcall Vote No. 135 Leg.]

YEAS—70

Akaka
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Bryan
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Feinstein
Frist
Gorton
Grassley
Harkin
Hatch
Helms
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Mack
McConnell
Mikulski
Moynihan
Murkowski
Murray
Reed
Reid
Roberts
Rockefeller
Sarbanes
Schumer
Shelby
Smith (OR)
Snowe
Specter
Stevens
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—30

Abraham
Allard
Ashcroft
Brownback
Bunning
Burns
Crapo
Enzi
Feingold
Fitzgerald
Graham
Gramm
Grams
Gregg
Hagel
Hutchinson
Hutchison
Inhofe
Kyl
Lugar
McCain
Nickles
Robb
Roth
Santorum
Sessions
Smith (NH)
Thomas
Thompson
Voinovich

The PRESIDING OFFICER. On this vote the yeas are 70, the nays are 30.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, if we could, for the orderly presentation of the balance of the argument on this bill, I inquire, how much time remains on each side?

The PRESIDING OFFICER. The Senator from Alaska has 12 minutes. The Senator from West Virginia has 42 minutes. The Senator from North Dakota has 15 minutes.

Mr. STEVENS. I ask the Senator from West Virginia if we can make a list of who is going to be recognized, because almost all the time is allocated, as I understand it. I yield 5 minutes of my time to the Senator from Virginia, Mr. WARNER. I reserve 7 minutes of the time. Can the Senator allocate his time?

Mr. BYRD. Yes. Let me see how much time I have left. I have 45 minutes promised.

Mr. STEVENS. The Senator has 42 minutes, but I will give him 3 of my minutes.

Mr. BYRD. All right.

Mr. STEVENS. Please tell us what they are.

Mr. BYRD. Senator CONRAD, 5 minutes; Senator LANDRIEU, 5 minutes; Senator HARKIN, 8 minutes; Senator GRAHAM, 7½ minutes; Senator DODD, 5 minutes; Senator DURBIN, 5 minutes; Senator WELLSTONE, 5 minutes; Senator BOXER, 5 minutes.

Mr. STEVENS. Is the Senator reserving some time for himself?

Mr. BYRD. Senator DORGAN has 15 minutes for himself outside this.

Mr. STEVENS. Does that allocate fully the Senator's 42 minutes?

The PRESIDING OFFICER (Mr. ENZI). It does.

Mr. STEVENS. I urge the Senators to take their time starting now.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Dakota.

Mr. DORGAN. Mr. President, as I begin, I pay tribute to the Senator from Alaska, the chairman of the Appropriations Committee, Mr. STEVENS, and the Senator from West Virginia, Mr. BYRD, and other of my colleagues. I see the Senator from Mississippi on the floor, Mr. COCHRAN, and so many others who in that conference spent hour after hour, day after day hammering out a conference agreement. Especially the chairman and the ranking member. I recall one evening sitting there at 1 in the morning, and they were still there exhibiting the kind of patience that is quite extraordinary in order to resolve all of these many issues.

Much of the discussion was about the victims of Hurricane Mitch, the responsibility to respond to our neighbors in this hemisphere who have been hit with such a terrible disaster, the military needs with respect to the airstrikes in Kosovo, and the prosecution of that conflict, the needs for spring planting loans in farm country, and a range of other issues.

I support many of those areas, but I am not going to support the conference report because I believe, as I indicated in the conference committee, that if there are resources above that which was requested for the Defense Department for the prosecution of this conflict in Kosovo, if there were $2 billion or $3 billion or $5 billion or $6 billion more available, then I believe we should have a better debate on the priorities of the use of those funds. I, for one, believe we have an urgent, urgent need in rural America to provide a better safety net to give family farmers a chance to make it through this price depression. I believe that is the priority.

We had a vote in the conference on the Senate side, and we lost 14–14 on a proposal that would have added nearly $5.5 billion for some price supports to build a bridge across those price valleys during these troubled times in rural America. We lost 14–14. I wish we had won.

Nearly $5.5 billion to $6 billion was added to this package for defense spending that was not requested. It is not that the money is not available, it is that a different priority was attached to the spending of this money.

I will tell you why I feel so strongly about this. I come from rural America. I come from a small town. We raised some cattle and horses. Last Thursday, my brother called a florist in a little town called Mott, ND. Mott, ND, is 14 miles from my hometown of Regent. Regent has 300 people and Mott is a bigger town and always was, even when I was growing up. Mott is about 800 people.

My brother called the florist on the Main Street of Mott. There is one little florist shop. He said: My brother and I want to order flowers to be delivered to the cemetery at Regent for our mother and father for their graves on Memorial Day. We do that each year, and we also do so on Mother's Day and Father's Day.

My brother said he told the woman who runs and owns the floral shop: By the way, I forgot to call you this year on Mother's Day. I was going to have you deliver some flowers for Mother's Day.

Incidentally, this floral shop always apologizes when we call because she says: We have to charge you a $2 delivery fee. It is 28 miles.

My brother said: I forgot to call you this year to deliver flowers for our mother's grave on Mother's Day, but I would like you to deliver them on Memorial Day.

The woman who owns the flower shop said: That's all right, we delivered some on Mother's Day because we know you call every year and we thought you just forgot. Later on, we were going to send you a bill, and if you paid it, that was all right, and if you did not, that's all right, too.

That probably does not happen across America, but it happens in my part of the country, in rural America, where family farmers and Main Street merchants work together in a lifestyle that is really quite wonderful. People do things, people help each other, but there is no amount of help in farm country these days that can reach out and say to family farmers who are struggling to make a living: We will help you with the price of your grain. We know you are trucking that grain to the elevator these days and are told there is no value; we will help you.

That is not what is happening. In fact, they are going to the elevators today to find out the grain market has collapsed and they are getting Depression-era prices, at the same time the current farm program, freedom to farm, is pulling the rug out from under these farmers with respect to the safety net. We need to help.

If we want family farmers in our future, we need to help. If we want to preserve this kind of lifestyle, yes, of family farms and Main Street of our small towns, we need to do something to help.

I want to read a few things from Ted Koppel's program "Nightline" on Tuesday, May 18. They did a program on the farm crisis. They pointed out—while all of the good news comes to the Washington Post and the New York Times, just open them up and read all the wonderful news, our economy is growing, unemployment is down, inflation is down, virtually everything else is up, a lot of good news—but the farm belt does not experience that good news. Family farmers are in desperate trouble and small towns are shrinking. The rural economy is in desperate trouble.

Ted Koppel on his program had farmers and others talking. I will share some of that with my colleagues:

> Here's what many farmers see happening, the prices they can sell their crops for falling and predicted to stay low. . . . wheat prices are down 42 percent.

Now, ask yourself, how would you feel or your family feel if you had a 42-percent cut in your income? Would you feel that the economy is doing real well?

> Corn prices are down 38 percent. Oats and barley down 32 percent.

In constant dollars, these are prices that we received in the family farm in the Great Depression.

At the start of the program, Ted Koppel interviewed a fellow. He talks about a guy who works with farm families, tries to help them. Willard Brunell said:

> I think the scariest one was back a few years when I got a phone call from a farm wife [who] said my husband just left with a gun and he's driving away. He said he's going to his tractor. [He said] I was there with him 20 minutes and it was quite a ways away. I got him out of his tractor. He sat in my little car and we spent two hours in that car trying to talk him down and he told me exactly how he was doing, going to do it. He had the gun with him. . . .

They get more than 50 calls a month in this fellow's church talking about that kind of desperation.

In Minnesota and North Dakota, where Ted Koppel's program was taped, is some of the richest farmland in the entire world. Last year, one in every three farmers grew a crop that cost more to produce than they could sell it for. For many, it was the fourth, fifth year that happened.

Lowell Nelson was interviewed on this program. He is one of those farmers.

> He was born, raised and had his own sons on this land, a fertile 400 acres he bought from his brothers 35 years ago after his dad died. But this spring [is the first spring] he's not planting anything.

He cannot. He is ruined. He said:

> Well, I had been putting it off [this decision] for quite [a long] time and I had gotten a lot of urging, you know, from my wife to make a decision and I had just been putting it off. It's a decision I didn't want to make.

His wife said:

> One night he was out in the field and all of a sudden called me on the [shortwave] radio and wanted me to come over just to ride with him [on the tractor] and I knew something was wrong and it was shortly thereafter that he decided he'd better get some medical help.

The interviewer asked Mr. Nelson:

> How badly did you scare yourself?

He said:

> Real bad.

The interviewer asked:

> What do you mean?

He said:

> Thinking that it may be better off not being here.

The reason I mention the "Nightline" program, they interviewed these folks. These are real people in desperate trouble—just in desperate trouble. We have a country whose economy is growing and thriving and rising—full of good news. The stock market hits record highs. Everybody says this is a terrific economy. Then you drive out down a country road, and talk to a family who has struggled for 20, 30, 50 years, and you see what is happening.

A big guy stood up at a meeting I had one day. He had a big beard, a tall fellow, a strong fellow. He said: You know, my granddad farmed my farm. My dad farmed it for 40 years. And I have farmed it for 23 years. Then his eyes teared up and his chin began to quiver, and he could not continue anymore. When he finally got the words out, he said: And I can't keep going anymore. I'm broke, so I have to sell the farm.

That may not matter to some, but it matters to me.

A woman wrote me a couple of weeks ago and said: We had our auction sale on our farm, and my 17-year-old son would not get out of bed to come downstairs. He refused to come down and help at the auction sale because he was so heartbroken. He knew he would never be able to do what his dad did. He knew he would never be able to farm that farm. She could not get him out of bed he was so heartbroken.

I tell you all of that because we pass a supplemental bill and we say: All right, on defense, the Defense Department needs $6.1 billion to prosecute this war in Kosovo. We must restore munitions and planes and do other things. And I am for all of that. I support all of that. I support our men and women in uniform and support this mission.

But then we also say there is another $5 or $6 billion we want to add to that. And I say, if there is $5 or $6 billion around that can be used in this discretionary way, then I want the priority to say: We want to continue to invest in America's family farmers.

You think this country is going to be a better, stronger place when we don't have family farmers left? When corporations farm America from California to Maine, you think food prices are not going to go up? And it is more than just farming. These folks contribute in every way to their community. They contribute to a way of life that we are losing in this country. Yet, somehow, when we talk about all of these fancy economic theories, nobody talks about the family as an economic unit—nobody.

The economic unit in this country is the large corporation. They are all getting married, as you know. There is all this corporate romance going on all over America. Every day you wake up and see a new couple of corporations have decided to get hitched and get bigger.

What about the economic unit that really matters in the center of this country in America's farm belt that grows America's food? That makes America's communities strong? That helps build America's churches? That puts life on main streets on Saturday night? What about those economic units? What about family farmers?

Last year, we passed an emergency bill. About half of that money is not yet in the hands of family farmers. It will be there in a matter of weeks, I guess, through the USDA, through this formula. But it is $1.5 billion short of what was promised. We should have at least added that to this piece of legislation. We should have at least added some additional support to say to family farmers, when prices collapse at Depression-level prices, we are going to reach out a helping hand, extend a helping hand to you to say you matter to this country.

We had an opportunity to do that and did not. A 14-to-14 vote, and how I regret losing that vote—but in this business, in this system, you win some and you lose some. My hope is that those who felt it not appropriate, those who felt it was not the time to respond to this need now will, a week from now or a month from now, decide that it is time to respond.

This is not Democrat and Republican. We have had bad farm programs under all kinds of administrations—Democratic administrations, Republican administrations. I want the farmers to get the price from the marketplace as well. That would be my fervent hope. But when the marketplace collapses, we must help.

Let me make a final point. I think it is fascinating that at a time when somehow the economic unit of the family, with respect to agriculture, does not seem to matter, that which the family farm produces in this country is used by everybody else to make record profits—the railroads make record profits hauling it; the cereal manufacturers make record profits putting air in it and puffing it up and putting it on the grocery store shelves and calling it puffed wheat—the farmers go broke. The manufacturers get rich. Or they sell a steer for a pittance or sell a hog for $20, an entire hog. You can buy a hog for $20 at the bottom of the hog market, and then go to the store and buy a ham that cost you $30 or $40. Buy a small ham at twice the price you bought the entire hog for.

Something is fundamentally wrong, and farmers know it. So everybody who touches these products make record profits and are getting bigger and richer; and the folks who start the tractor and plow the ground and plant the seed, and then hope all summer it does not hail, the insects don't come, that it rains enough and doesn't rain too much, and that they, by the grace of God, might get a crop, wonder whether they will be able to sell it in the fall and make any kind of profit.

So I cannot vote for this conference report. But having said that, I deeply admire the work of the Senator from Alaska and the Senator from West Virginia and others who participated in it. The priorities, in my judgment, needed to include the priorities I have just discussed with respect to helping family farmers, and they do not, regrettably.

Mr. President, I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Virginia.

Mr. WARNER. Mr. President, I rise in strong support of this conference report. I say to my good friend from

North Dakota, I had oriented myself to one set of remarks, but I listened carefully to his, as I frequently do. He certainly speaks from the heart about his people. I remember the floods that his State experienced years ago. I feel as if I am on the farm, the family farm, with him. And you talked about that family.

So while we may be at odds on this bill, I want to take the same theme and talk about a family. I want to talk about a military family. This bill has in it provisions for a military family.

I want to talk about that wife here in the United States, or in other places of the world, with their children, whose husband is flying an aircraft right at this minute in harm's way. It could be the reverse, because women are flying aircraft in harm's way in this conflict over the Balkan region, over Iraq.

Mr. President, this country is at war. And for that wife at home, war is hell. For that individual in the cockpit, war is hell.

The purpose of this emergency legislation is to provide the dollars necessary to alleviate to some extent the strain on the families and those in the cockpits.

Every Member of the Senate has young men and women involved in the conflict in Kosovo or over the general Balkan region or over Iraq or standing guard, as they are, in other far, remote areas of the world to protect freedom. That is what this bill is all about.

Let me add one other feature, and then I will yield the floor, because many are anxious to speak.

Each year, the Department of Defense plans for the next year and the year following as to how many aviators, for example, they will train to keep the cockpits filled. Last year, the number of pilots we had to keep to maintain the flying status of sufficient men and women fell by 1,641. That number of young men and women trained as aviators decided they no longer could remain on active duty and would return to civilian opportunities. Many of those decisions were dictated by their concern for their families. But stop to think of what it costs every American taxpayer to replace that individual in that airplane, to train the number of new recruits to be pilots or navigators or to take to sea in those combat airplanes.

I ran that calculation. It costs roughly between $2 million to $6 million, depending on the type of aircraft, to train a man or a woman to become an aviator, $2 to $6 million. If you multiply the average of that times 1,641, it is $9 billion just to replace the aviators. That same drain on trained manpower, womanpower in the military occurs in other branches of the service where perhaps their training is not as costly to the taxpayer but $9 billion just to close the gap for those flying aircraft.

Let us think about the families, as my good friend from North Dakota described, the farm community. Let us talk about the military, what those wives and their children, what those aviators are doing in harm's way today. They are carrying out the orders of the President of the United States, as Commander in Chief of the Armed Forces. This Nation is but one of 19 nations locked together in the first combat operation in the 50-year history of the North Atlantic Treaty Organization.

This is a critical moment for families, be they farm families or military families.

Mr. President, as I said, support the emergency supplemental appropriations bill now before the Senate. As chairman of the Committee on Armed Services, I join with my colleague and close working partner on defense matters, the chairman of the Appropriations Committee, to urge all our colleagues to support our military forces by voting for this bill.

I support this bill for one simple reason—we are at war. As we speak, we have military forces engaged in combat—going in harm's way—in the skies over the Balkans and Iraq. Whether or not there is agreement on how these risk-taking operations are being prosecuted is not now the question. We must support our military forces who are risking their lives daily to carry out the missions they have been assigned.

Mr. President, the conflict in Kosovo has been ongoing since March 24, when the NATO use of force began. Since that time our pilots and the pilots of our allies have flown thousands of combat missions against Milosevic's military machine. We have already spent billions of dollars—on both aircraft operations and munitions—in support of Operation Allied Force. These funds are now coming out of the readiness accounts of our military services. Without this supplemental, there would be further and unacceptable degradation of the readiness of our forces.

The conference agreement provides $10.9 billion for defense, including $2.2 billion above the President's request for aircraft flying hours, spare parts, depot maintenance and munitions, including sophisticated precision-guided missiles and bombs, which allow our pilots to be more effective at reduced risk—both to them and to innocent civilians on the ground.

Mr. President, I know that some of my colleagues have expressed concern regarding the funds provided in this bill for pay raises, pay table reform and retirement reform. I firmly believe that all my colleagues would agree that we have very serious problems of recruiting and retention in our military services. I believe the problems are of such magnitude—indeed, we have a hemorrhaging of skilled personnel leaving our military—that this situation qualifies as an emergency. As an example, both the Army and the Navy failed to meet their 1998 recruiting goals and the Army, Navy, and the Air Force project that they will not meet their recruiting goals for 1999.

Last year, 1641 more pilots left the service than the Department of Defense projected. It costs about $6 million to train a single pilot. The cost to replace these 1641 pilots is more than $9 billion. We must act to stop this hemmorhage of pilots and other skilled military personnel. We must send a signal now that we in the Congress intend to take care of our military personnel and their families.

I know that there are Senators who are concerned about this process, and there are Senators who disagree with some of the items in this emergency supplemental. I share some of these concerns. But, Mr. President, as I stated earlier, our Nation is at war. We can argue the process and our other concerns at another time.

I believe that now is the time for the Senate to show its support for our men and women in uniform who are, as we speak, carrying out their assigned missions under difficult and dangerous conditions. I will vote for this bill, and I strongly urge my colleagues to do likewise.

Mr. President, I yield the floor.

Mr. BYRD. Mr. President, I yield 5 minutes to the distinguished Senator from Louisiana.

Ms. LANDRIEU. I thank the Senator from West Virginia. I appreciate his work on this very important measure for our country at this time.

I was here in the Chamber and got to hear the remarkable speech of the distinguished Senator from North Dakota. He is absolutely correct. There is not enough money in this supplemental appropriations bill to address the devastation that we are experiencing throughout rural America. My State in particular has been hard hit because of weather-related disasters, the worst drought in over a century occurred last year.

It is my hope that in the months ahead we will all, on both sides of this aisle, Democrats and Republicans, be more mindful of the tremendous difficulty that rural America is experiencing and come up with additional and real ways of helping that lead us to a more market-oriented approach but recognize that there are some safety nets and some bridges that need to be put in place that are not there yet, and it is causing great pain throughout America.

However, I want to point out that in this supplemental, partly because of the fine work by the Senator from North Dakota and others, we have added a half billion dollars for much-needed farm relief. It is not enough, but it is better than nothing. Farmers in my State in Louisiana and in many States around the Nation are depending on us today to vote favorably toward this measure and to send them this help. Every day in my office the phone rings with farmers needing their emergency assistance that was promised to them last year but not forthcoming.

It is estimated from our agriculture commissioner that there are over 300 to 400 farmers that are just barely holding on, waiting for these checks and this assistance so that they can make future plans.

It is important. It is not enough money in this bill, but it is better than what it started out to be. Because of the leadership, a-half-billion-dollars has been added. I am happy to say that a great deal of that money will go to help Louisiana and other States in our area.

This package includes much-needed emergency assistance to farmers in Louisiana and other agriculture States still reeling from last year's extreme weather conditions.

Mr. President, I will never forget the faces of farmers in my home State as they showed me acre after acre of scorched row crops, or how shocking it was to see the horrible cracks and craters in what was once fertile soil.

This package, Mr. President, includes additional assistance to replenish the fiscal year 1999 emergency loan account, which has been depleted due to the severity of this crisis.

Hundreds have received help but, right now more than 300 farm families in Louisiana are waiting for their emergency loan applications to come through. And although more assistance may still be needed, those loan payments are crucial to help our farmers stay in business.

Mr. President, hurricane victims in Central America are also waiting on this emergency package. In fact, they've been waiting for more than 6 months.

The winds and rains of Hurricane Mitch claimed the lives of more than 10,000 people, and left an estimated 1 million homeless. It completely wiped out hundreds of schoolhouses, bridges, roadways, and churches. But after visiting Honduras and Nicaragua, I can assure you the numbers fail to convey the full extent of the devastation.

Besides the obvious humanitarian reasons, helping our Central American neighbors recover serves the long-term interests not only of the United States but the entire Western Hemisphere.

Within the past few decades, we have seen Central America move from conflict to peace, from authoritarian governments to democracies, from closed to open economies. Now this progress is at risk.

In the past, the United States has played a strong role in encouraging economic development in Central America.

Nearly four decades ago, President Kennedy traveled to Costa Rica to announce his "Alliance for Progress" to promote the expansion of agriculture exports throughout the region.

Since then we have pursued a variety of other measures designed to help these countries diversify their economies and boost exports.

While these policies have not always been successful, the United States has always shown its willingness to help lift these economically depressed nations to a more prosperous standard of living.

The point is—the United States has a long history of helping our Central American friends move further down the path of development. Now—perhaps—that friendship is being tested by the devastation that has decimated their towns and villages and the commerce that flows through them.

But, as we all know, friendships become stronger when they are tested. And I am glad that the United States is responding like good friends should.

I am also particularly pleased that this supplemental package will be used in part to addresses the problem of permanent housing in Central America.

During a historic meeting—hosted by Senators LOTT and COVERDELL—held in the LBJ Room several months ago, four Central American Presidents made it clear that permanent housing is among the highest priorities for their recovery. The numbers say it best: Mitch destroyed 700,000 homes, severely damaged 50,000 and left 35,000 people in temporary housing—tents, schools, churches.

I will be working—along with other colleagues on both sides of the aisle—to see that we do all we can in the area of housing in Central America.

Helping Central America rebuild is of special concern in Louisiana. With one of the largest Honduran communities outside Honduras, New Orleans is sometimes referred to as "the third largest Honduran city."

Brought to our State through trade with the port, these enterprising people have been a source of strength to our community for many years now. So this package is of utmost importance to them and so many others back home.

Before yielding the floor, Mr. President, let me also express my support for the increase in military spending in this supplemental.

Over the last decade, we have seen a slow, steady decline in the recruitment and retention of our military men and women. We have allowed the disparities between military and private sector to grow so large that our service men and women are being lured away.

For instance, B-52 pilots at Barksdale Airforce Base in Shreveport, LA, can go right down the street to the Shreveport International Airport and sign on with a commercial airline with better salaries, pensions, and benefits.

It is imperative that we reverse this trend. Mr. President, my hope is that these military spending increases will mark a good step forward in helping us recruit and retain the best and the brightest.

In closing, let me say again how important this Emergency Supplemental Package is to farmers in Louisiana and other rural communities in America. And as we consider the interests of our Nation and this hemisphere—and the future of the fragile democracies in them—on the edge of this new century, let us make sure we honor our ties of friendship with the nations of Central America.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I yield 5 minutes to the distinguished Senator from Illinois, Mr. DURBIN.

Mr. DURBIN. Mr. President, first, I thank the Senator from West Virginia and my leader on the Appropriations Committee, and my friend, Senator STEVENS from Alaska, who is not present on the floor; he is also the chairman of this important committee.

You can measure the values of a nation by the way it spends its money. If you take a look at this bill, you will see that the values of America are strong in many areas. We are prepared to spend $6 billion to make sure that the men and women in uniform in Kosovo have the very best. Were it my son or daughter, I would demand nothing less. I am sure we all feel the same.

We are spending hundreds of millions of dollars for humanitarian relief. Isn't it typically American that no matter what our sacrifice, we are willing to help others, whether it is the refugees in Kosovo or those suffering from the hurricane in Central America.

Many other good things are in this bill. I was happy to be part of an effort to provide financial assistance to those who have been in the pork production industry and have been hard hit during the last year. Senator BOND and I have worked for $145 million to try to help some of these farmers to face the toughest times in their lives. Net farm income in Illinois is down 78 percent. Farmland in Illinois is some of the best in the country, yet farmers have seen this dramatic decline in income. With all these good things in the bill, it would seem fairly obvious to vote for it without reservation. I wish I could. I plan on voting for it, but with serious reservations. Let me tell you what they relate to.

When this bill came from the White House, the President asked for $6 billion for military and humanitarian assistance, and then the House added $5 billion in military spending which the President didn't ask for. Among other things in this bill is $500 million for military construction around the world that is not authorized, not requested. It is put in here.

When I went to the conference with Senator BYRD and Senator STEVENS, the Senate side of the aisle said we are going to propose an amendment that I offered—$265 million for American schools. You have heard of all the things I have mentioned. There is not a penny in this bill for American schools—nothing. Are schools on our minds? You bet they are. Cities like Conyers, GA; Littleton, CO; Jonesboro, AR; West Paducah, KY; Pearl, MS; Springfield, OR. The sad roster of schools in America that have been hit by school violence continues to grow.

I produced an amendment for $265 million for two things—not radical new suggestions but tried and true things such as school counselors so that kids who are troubled and have a problem have somebody to turn to, and after-school programs so that kids are supervised in a positive, safe learning environment. The House conferees rejected that. Not a penny for schools, not $265 million. Not a penny for schools, but $5 billion more in military spending than this President requested.

Where are our values? Where are our priorities? If our priorities are not in the schoolrooms and classrooms of America, if they are not with our children, where are our values?

I salute what is in this bill. Much is good. But it pains me greatly to stand on the floor of the Senate and say that in a conference committee only a few days ago the idea of sending money to America's schools for America's schoolchildren was soundly rejected by the House conferees. That makes no sense whatsoever.

We will talk in the juvenile justice bill about how to reduce crime in America, how to reduce violence, and we should. We will talk about gun control, and I support it. But there is more to it. We have to be able to reach out to those kids who show up at school every day with a world of hurt, a world of problems, kids who probably see school as the only shelter, the only nurturing environment, in their lives. These kids need a helping hand, and with this helping hand they can be better students and better Americans.

We missed an opportunity in this bill by denying one penny for those schools. We missed that opportunity. I am sorry to say that this bill does not include it. But I promise you this. As long as I serve in the Senate, I will join with those in the Senate and, I hope, others in the House, who come to the realization that there is no greater priority than our children.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Mr. President, I yield 3 minutes to the distinguished Senator from Virginia, Mr. ROBB.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. ROBB. Mr. President, I thank the distinguished Senator from West Virginia and the ranking member on the Appropriations Committee. Like our other colleagues, I commend him and the distinguished Senator from Alaska for their hard work on this particular proposal we will be voting on today.

I regret that I am not able to support this particular bill because there is so much in it that I do support. I clearly recognize the critical need for additional spending for our military. Indeed, we are not spending enough on our military today, even with the emergency spending that is legitimately included in this bill for the crisis in Kosovo. We are going to have to spend even more if we are going to meet our commitments around the world and provide the national security that we're expected to provide—and indeed that we profess to be able to provide. We are not spending enough money on ships, or planes, or ammunition, or on quality of life improvements for members of our Armed Services. We are going to have to address those needs, even beyond what is provided in this bill.

I am embarrassed by the fact that we're just now getting around to funding the emergencies that occurred as a result of Hurricane Mitch, and the needs of our farmers are acute and critical. There is simply no excuse for the delay in providing the emergency funding in these areas. The concern I have is with the process. We cannot continue to do business this way. If we determine that this is an emergency spending measure, we ought to make sure that what we are funding are true emergencies and take care of our other priorities through the normal authorization and appropriations process.

We have the promise of a surplus. We ought not to abandon the fiscal responsibility that brought us that promise and has given us the chance to make real progress on debt reduction. We should not use the fact that we have our men and women in harm's way overseas as an excuse to go on a spending binge here at home. Many of the projects in this bill have merit. If it is an emergency, it ought to be in this bill. And we ought to take out the nonemergency spending, pass a clean bill, and get the emergency spending where it is needed, especially to our military.

In short, Mr. President, providing substantial emergency funding for our troops in Kosovo is the right thing to do. Providing long-overdue emergency funding for the victims of Hurricane Mitch is the right thing to do. And providing desperately needed emergency funding for our nation's farmers is the right thing to do. But combining these legitimate emergency requests with billions of dollars of nonemergency spending—no matter how meritorious the individual project—is the wrong way to do it.

With that, I yield back any time I may have. With great regret, I announce that I am unable to support the bill, although I fully support many of the priorities the bill includes.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Mr. President, I yield 7½ minutes to Mr. GRAHAM.

The PRESIDING OFFICER. The Senator from Florida.

PRIVILEGE OF THE FLOOR

Mr. GRAHAM. Mr. President, first, I ask unanimous consent that Colton Campbell be afforded floor privileges during the duration of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, I will reluctantly support this legislation because it contains important issues. It contains the funding for our troops in the Balkans. It contains the funds to meet our humanitarian responsibilities to our neighbors in Central America and the Caribbean. It also retains a provision—which I know the Presiding Officer has strongly supported—to clearly state that the funds the States secured through their tobacco settlements will be funds to be managed, administered, and prioritized at the State level.

Mr. President, I share many of the concerns of my colleague from Virginia. I share those concerns because what we are doing is to chip away at the financial security of 38 million Americans—38 million Americans who receive Social Security income. Forty percent of those 38 million Americans would have fallen below the poverty line but for Social Security.

Why is this relevant to this debate? It is relevant because we are on the verge of draining an additional $12 billion from the Social Security fund through this legislation. We had three choices when we started this debate. One choice was to do the tough thing, to reprioritize our spending, to say that if it is important that we spend money on our humanitarian needs in Central America and the Caribbean, then let us reduce spending somewhere else.

I am pleased to say that for that account we in fact have done so.

We had another choice, which was to say let's raise revenue. If we can't find an area where we think it is appropriate to reduce spending, then let's be prepared to pay for this emergency.

Third, we could say let's use the accumulated surplus that we have, which today is a 100-percent surplus generated by the Social Security trust fund. As to the $12 billion in this legislation, we have elected the third course of action.

Mr. President, this is not the first time we have done so. In fact, it is not the first time in the last 8 months that we have done so.

Last October, in the waning hours of the budget negotiations, Congress passed a $532 billion omnibus appropriations bill.

Tucked into that bill was $21.4 billion in so-called emergency spending.

The effect of that designation then—as it is today—was to relieve Congress of the necessity of finding some other reprioritized spending to eliminate in order to pay for this emergency.

But because of the emergency designation, the $21.4 billion in October could be approved without offsets, and because of the emergency designation today, we will approve an additional $12 billion of expenditure without offsets.

Let's look at the numbers.

In 1998, Social Security was $99 billion. The first use of that money was to offset $27 billion in deficit in the rest of the Federal budget. An additional $3 billion was used to pay for emergency outlays, leaving us with a total surplus not of $99 billion but of $69 billion.

This year, 1999, we are projecting a $127 billion surplus.

Again, we have used $3 billion to offset deficits elsewhere in the budget, $13 billion for emergency outlays, and we are about to spend another $14.6 billion for emergencies, reducing our surplus from $127 billion down to $96 billion. And for the year 2000, we have already carried forward some of the emergency spending from 1999.

Again, we will be reducing the Social Security surplus by $10 billion. This is from where we are paying for these emergencies.

Mr. President, the repetitive misuse of the emergency process is continuing to erode the Social Security trust fund. This misuse is done in a manner that precludes most Members of Congress from any meaningful role in what has traditionally been accepted as emergencies. We have been denied the opportunity to participate in a determination as to whether the proposed emergency expenditure met the standards of being sudden, urgent and unforeseen needs, which is the standard that has traditionally been used for emergencies.

The same Congress that claimed to be saving the surplus for Social Security—committed to a "lockbox" for Social Security—is again actively participating in raids on the Social Security trust fund through the back door.

Willie Sutton once was asked, "Why do you rob banks?" His answer: "That's where the money is."

We may manufacture the strongest vault to protect the Social Security surplus from Willie Sutton. But if we let Jesse James continue to steal the money on the train before it gets to the bank, we will have the same result. The money will not be there for our and future generations of Social Security beneficiaries.

Social Security is a federally mandated program. We have a legal obligation to our children and grandchildren to secure the surplus for its intended purpose—Social Security. We must assure that the budget surplus is not squandered on questionable emergency items in the future.

Mr. President, with your support and that of Senator SNOWE of Maine, we have introduced legislation which has as its objective to establish permanent safeguards that will assure that nonemergency items are subject to careful scrutiny and not inserted into emergency spending bills to circumvent the normal legislative process.

I urge our colleagues' support for this legislation.

Mr. President, as we adjust to the welcome reality of budget surpluses—after decades of annual deficits and burgeoning additions to the national debt—we must never forget how easily this valuable asset can be squandered.

For too long, the Federal Government treated the budget like a credit card with an unlimited spending limit.

Private citizens are warned against falsely dialing 911. Congress should exercise the same restraint in using its emergency authority.

Thank you, Mr. President.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I ask unanimous consent that an additional 10 minutes be authorized for debate on this measure, and that 8 of those minutes be under the control of the Senator from West Virginia, Mr. BYRD, and 2 minutes be under the control of this Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I thank the distinguished Senator.

Mr. President, I yield 5 minutes to the distinguished Senator from Iowa, Mr. HARKIN.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, let me just say that being for or against this bill is basically a tossup, as far as I am concerned. It is one of those 51–49 types of propositions. So that is how I am going to come down on the 51-percent side, and vote for the conference report.

First of all, this is not a time to indicate anything less than full support for our troops in Kosovo and the surrounding areas.

There is also in this conference report some much-needed farm assistance and disaster assistance for the United States and Central America. However, I must say there are parts of the bill to which I register my stiff opposition.

First, this bill forfeits the opportunity to ensure that tobacco settlement money is used to fight smoking and to promote health—that is not in here. In fact, just the opposite.

Second, the bill provides only a fraction of critically and urgently needed farm assistance. Let me just talk for a moment about that subject.

This is an emergency supplemental appropriations bill. We take care of emergencies in Central America and other places. But one of the very biggest emergencies facing us today is the emergency in American agriculture. Export prospects are dismal. Exports for this year are projected to fall to $49 billion, which is a 19-percent decline from 1996. Asia still hasn't recovered. Net farm income for major commodities could drop to $17 billion compared to an average of $23 billion a year for the previous 5 years. Net farm income for major field crops will be 27 percent below what it was for the last 5 years.

It is true that there is some farm assistance in this package, and I was pleased to work with my colleagues to get it in the bill. But it is not enough, and it is too late.

The White House sent up the supplemental appropriations request for additional farm loan funds and Farm Service Agency funding on February 26. Now here we are just getting to it, nearly three months later.

This money was critically and urgently needed for the planting season. Now we are just getting around to it, even though the planting season is well over halfway past. The farm assistance that we have in the bill is good. Sure, an aspirin is good, if you have a major illness and you have some pain. But it doesn't get to the real root cause of it, and neither does the assistance in this bill. It falls far short of what is needed.

I offered an amendment in the conference committee to address the deepening crisis in the farm economy. The amendment addressed a range of farm income problems in the crop, livestock and dairy sectors, and it dealt with agriculture's economic crisis around our nation, not just in one or two regions. Regrettably, that amendment failed on a 14–14 tie vote of Senate conferees.

The amendment lacked just one vote. So we will be back again on whatever measures we can get up on the floor this year to provide critically and urgently needed economic assistance to our farm families and our rural communities.

All I can say is that when it came to the issue of Kosovo, we were willing to meet our obligations and respond to the emergency. In fact, the conferees had no trouble coming up with $5 billion more than what was asked for in military spending. But we couldn't come up with the money needed to help our beleaguered farmers and the rural economy.

Finally, I also want to say a word about offsets for this bill. For the small portion of the bill that is offset, there was a beeline to go after programs that are vital to the most vulnerable in our society: food stamps and housing. Hunger and poverty remain persistent and pervasive problems in our society. Now we know these rescissions are not genuine offsets, since there are not outlay reductions associated with them. So perhaps there is no harm, but clearly these offsets should not lay the groundwork or create a precedent for future rescissions that actually reduce program benefits.

Again, on the whole, I will vote for the conference report.

I just want to register my objections to two major portions of the conference report, farm assistance and tobacco, which I consider to be totally inadequate.

I yield the floor and yield the remainder of my time.

NEEDED SUPPORT FOR THE PAN AM 103 FAMILIES

Mr. KENNEDY. Mr. President, a significant provision in the 1999 Kosovo supplemental appropriations bill will enable the Justice Department to pay for the travel expenses of the Pan Am 103 families who wish to attend the upcoming Lockerbie bombing trial in The Netherlands this summer. Existing law prevents the Department from using federal funds to pay for this travel.

Under this provision, the Justice Department's Office of Victims of Crime will be able to use an existing reserve fund to pay for the transportation costs, lodging, and food at government per diem rates for immediate family members of the Pan Am 103 victims. The Department also plans to establish an 800 number and a web site to keep family members informed during the trial. In addition, the Department plans to establish a compassion center, staffed with counselors, at the base in The Netherlands where the trial will be held, in order to help the families cope with the emotional strains of the trial.

The families of the victims of this terrorist atrocity have been waiting for more than ten years for justice. They have suffered the deep pain of losing their loved ones, and that pain has been compounded by the Libyan Government's refusal for many years to surrender the suspects accused of the bombing. Now the suspects are finally in custody and the trial will begin soon. We can never erase the pain of the loss that the families have suffered, but we can enable them to attend the trial and see that justice is finally done. I commend the House and Senate conferees for including this important provision to help these long-suffering families.

Mr. FITZGERALD. Mr. President, in the past, American presidents have argued that a congressional appropriation for U.S. military action abroad constitutes a congressional authorization for the military action. I will not vote for an authorization of money that may be construed as authorizing, or encouraging the expansion of, the President's military operations in Kosovo. I will oppose the appropriation of almost $11 billion for a war I have consistently spoken out against.

On March 23, I voted against President Clinton's decision to launch the air campaign in Yugoslavia. On May 4, I voted against a resolution that would have given the President blanket authority to expand the operation. To date, I have not been convinced that this war is necessary to protect a vital national security interest, and I have opposed efforts to escalate the conflict.

I have a number of secondary considerations with respect to this legislation. I am concerned, for one, about plundering the Social Security trust funds to pay for a war that involves no vital national security interest. If I believed that vital national security interests were at stake, I would consider the argument to fund the war from the Social Security trust fund surplus. But in the absence of a vital national security interest, I do not believe the Congress should pay for the war out of the Social Security trust funds.

I am also concerned about some of the anti-environmental riders added to the emergency supplemental bill in conference. These provisions should have been fully debated, and should have gone through the normal legislative process, instead of being slipped into the bill in the dead of night.

I am disappointed that I can't support this bill, because it contains funding for farmers hit by low commodity prices. Some of this is funding that I've argued for and, in fact, voted for in earlier instances, including S. 544. But my opposition to funding the military action in Kosovo is firm. I can endorse neither the authorization for the war, nor the appropriations process that is its genesis.

The PRESIDING OFFICER (Mr. INHOFE). Who yields time?

Mr. BYRD. I yield 5 minutes to the distinguished Senator from Connecticut, Mr. DODD.

Mr. DODD. I thank the distinguished Senator from West Virginia.

Mr. President, I rise to support the Conference Report of H.R. 1141—the Emergency Supplemental Appropriations Bill before us today. I do so reluctantly, however, because of the many special interest riders that have been attached to this emergency legislation. In the final analysis I will support the conference report because it provides critically important funds to assist American farmers, to support ongoing action against Yugoslavia, to relieve the suffering of Kosovar refugees, and to help Central America recover from the devastating effects of Hurricane Mitch.

In light of all the other measures that have been added to this bill, many of dubious merit, I deeply regret, Mr. President, that the Speaker of the House refused to allow House conferees to accept a Senate amendment that would have freed up monies for payment of the United States debt to the United Nations. I find it somewhat puzzling that House Republicans are on record calling for a negotiated settlement of the Kosovo conflict, yet are not prepared to provide overdue payments to the organization that will likely play a central role in implementing any peace agreement. I would like to dwell on two major provisions of this bill which I support, namely the aid to help Central America recover from the damage caused by Hurricane Mitch and the funds to sustain our ongoing efforts in the Balkans.

The funds aimed at helping Central America recover from Hurricane Mitch stem from an emergency request the President made back in February. It is extremely embarrassing that it has taken until May for the Congress to finally get around to passing the necessary legislation to provide relief for a natural disaster that occurred last fall.

I cannot overstate the degree to which the storm ravaged Nicaragua, Honduras and other nearby nations. In less than a week, Hurricane Mitch claimed at least 10,000 lives—possibly as many as 20,000, left more than a million others without adequate food or shelter, and set the economies of Nicaragua and Honduras back as much as a generation. The need for long-term international assistance is great.

In late October and early November 1998, Mitch carved a slow, meandering and deadly path through the Caribbean. At the hurricane's apex, Mitch's storm clouds stretched from Florida to Panama and wind gusts topped 200 miles per hour. Meteorologists labeled Mitch a "Category 5 Hurricane," the highest such designation.

Unlike other hurricanes, Mr. President, it was not Mitch's winds which proved so deadly. By the time the storm crossed the Honduran Coast on October 29, 1998, its winds had slowed to 60 miles per hour and the storm's movement to a mere crawl. The torrential rain, however, did not abate. The storm's slow speed allowed it to continually pound the same area day after day. By the time the skies cleared, Mitch had dropped five feet of rain onto Honduras and Nicaragua.

The massive flooding which followed claimed the lives of at least 10,000 Central Americans. That number, Mr. President, is certainly shocking. Yet, sadly, it is probably an understatement of the actual loss of life. As many as twelve thousand other people in the region are still missing and presumed dead. The Honduran government has declared 5,657 dead and 8,052 officially missing. In Nicaragua, at least 3,800 died. Smaller numbers perished in El Salvador, Guatemala and other countries in the region.

Mr. President, not since the Great Hurricane of 1780, nearly 220 years ago, has a storm claimed so many lives in the eastern Caribbean.

Mitch also destroyed or damaged 338 bridges, 170 in Honduras alone, leaving much of Honduras and Nicaragua accessible only by helicopter. The lack of helicopters in the region and their limited capacity left thousands without adequate food and water for weeks while some of the food provided by international aid organizations rotted at the airport.

Those who survived face the task of piecing the economy and mangled infrastructure back together. Meanwhile, more than a million people throughout the region, including one out of every five Hondurans, had to rebuild their homes and replace their personal possessions.

Honduran and Nicaraguan agriculture—a vital component of both economies—was decimated. Hurricane Mitch destroyed a quarter of Honduras's coffee plantations and 90 percent of the country's banana plants. The entire shrimp farming industry was destroyed. Damage to sugar and citrus crops was similarly heavy. The factories and farms of Honduras's Sula Valley, which normally contribute 60 percent of the country's GDP, were all flooded. While Nicaragua was not as badly damaged, the effects are still staggering: 20 percent of the nation's coffee plantations were destroyed. Newer crops such as citrus were completely annihilated.

The process of rebuilding the shattered lives, infrastructure and economies of Honduras and Nicaragua will be long and expensive. The World Bank and the United Nations Development Program estimate the total damage to the region at more than $5.3 billion. While these numbers are difficult to comprehend, they are even more daunting given that the GDP of Nicaragua is only $9.3 billion and that of Honduras only $12.7 billion.

I commend my colleagues for finding the resources to assist our neighbors to the south who have called upon the international community in their hour of need. It is not only in their interest, it is in our interest to assist them. It deserves our strong backing.

The original intent of the President's request for emergency appropriations from the Congress was to provide our men and women in uniform with the equipment and materiel they need to effectively strike the Yugoslav military. While I am heartened by recent reports of a possible diplomatic solution, we must remain prepared to continue our military efforts in the absence of an enforceable diplomatic solution which meets NATO's conditions.

Mr. President, we must never take the decision to send our service men and women into harm's way lightly. If a situation which is such an anathema to the United States that it calls for military action presents itself to us, however, we must vigorously support our soldiers, sailors and airmen through both word and deed.

As I just mentioned, the decision to send our military into battle is one of the most solemn that this body or this nation ever faces. And so, before I go on, let me reiterate why the situation in Kosovo justifies, in fact demands, American military involvement.

Slobodan Milosevic has carved a place for himself amongst history's most despicable tyrants. Serb forces have murdered least 5,000 ethnic-Albanian civilians and burned six hundred villages. To date, approximately 80 percent of Kosovar Albanians—more than 1.3 million innocent men, women and children—have fled their homes in a desperate attempt to outrun Serb military and police forces. Nearly 750,000 Kosovar Albanians have made it to the relative safety of neighboring countries and are now living under the most difficult of conditions.

These numbers, however horrific, tell only part of the story. They cannot express the pain of a family torn apart by blood-thirsty paramilitary policemen or the pain of a young woman gang-raped by Serb soldiers. They do not express the tears of a young child who spends each day wandering between the tents of a Macedonian refugee camp searching for his or her missing parents. They do not describe the pain, both physical and psychological, the victims of torture feel each day.

Many members of Congress, myself included, have traveled to the region and visited the refugee camps. We have seen the pain in the eyes of the refugees fortunate enough to have made it out of the killing fields of Kosovo. Mr. President, the look in the eyes of these refugees defies description.

The ongoing genocide in Kosovo is antithetical to the most basic principles on which the United States stands. By acting to preserve the fundamental rights of Kosovar Albanians, the United States is reaffirming our belief that all people are endowed with certain inalienable rights, including the rights to life, liberty and the pursuit of happiness. If, however, the United States chose to stand idly by in the face of such grotesque evil, we would draw into question our dedication to human rights and our resolve to oppose dictators around the globe.

Our military, however, cannot effectively combat this evil if we in the Congress fail to offer them our support. One month ago, President Clinton sent a request to Congress for $6 billion in order to fund our military operations through the end of the fiscal year. That money is included in this bill.

As we debate this issue, people far beyond the walls of this chamber are listening to our words and watching our actions. Our men and women in uniform throughout the region who are putting their lives on the line each day want to know whether we in the Congress will seize this opportunity to support them. They need and they deserve the very finest equipment our nation can muster—the type of equipment the President's original request will pay for.

In capitals across Europe, our allies are listening and looking to the United States for leadership. They want to know whether the United States will maintain its commitment to NATO and to this important operation.

In refugee camps in Albania, Macedonia, Montenegro and elsewhere, hundreds of thousands of Milosevic's innocent victims are listening; hoping that we will reaffirm our commitment to them.

In the hills and forests of Kosovo, men, women and children who are hiding from soldiers and policemen are listening to American radio broadcasts on portable radios. They are looking to the United States for hope and support in their most desperate hour.

And finally, tyrants around the world, but especially in Belgrade, are judging our dedication to human rights and freedom.

Mr. President, we must send the same message to all: The United States will not back down in the face of unspeakable evil.

Just a moment ago, I mentioned that the President requested $6 billion for the ongoing operation in the Balkans. In just one month, however, that $6 billion bill has ballooned into a $14.9 billion monstrosity. The President's original request now represents well under half of the total bill.

Regretfully, the majority of the new spending is for non-emergency programs which fall far outside the original intention of the legislation. Such programs should rightfully be left to the regular appropriations process. The issues this bill was intended to address are simply too important to be embroiled in political spending. Thus, while I continue to support strongly the President's original request, I support the legislation before us with reluctance due to the expensive, non-emergency riders that were added during the House/Senate conference on this measure.

Mr. President, the provisions of this bill relating to Kosovo and Central America deserve our immediate attention and support. The victims of mother nature's fury in our own hemisphere and of Slobodan Milosevic's genocide in Europe, as well as the brave American men and women fighting under the American flag, need and deserve America's support. For that reason I intend to vote to support passage of this conference report despite its imperfections.

Mr. BYRD. Mr. President, the distinguished Senator from North Carolina, Mr. HELMS, has a very distinguished guest whom he wishes to present. I therefore yield for that purpose.

I ask unanimous consent that no time be charged to the remaining speakers because of that fact, and I ask unanimous consent following the introduction by Senator HELMS, there be a recess of 3 minutes so Senators may personally greet the distinguished guest.

The PRESIDING OFFICER. Without objection, it is so ordered.

VISIT TO THE SENATE BY KING ABDALLAH BIN HUSSEIN

Mr. HELMS. Mr. President, the distinguished Senator from West Virginia, as always, is gracious, and I thank him very much. As he indicated, we have today a distinguished son of a distinguished father who has visited many times. His Majesty, King Abdallah bin Hussein of Jordan.

He has been visiting with the Senate Foreign Affairs Committee and I present him to the Senate.

RECESS

Mr. HELMS. Mr. President, I ask unanimous consent the Senate stand in recess for 3 minutes.

There being no objection, the Senate, at 3:37 p.m., recessed until 3:42 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer.

1999 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT—CONFERENCE REPORT

The Senate continued with the consideration of the bill.

Mr. BYRD. Mr. President, I yield 5 minutes to the very able and eloquent distinguished Senator from California, Mrs. BOXER.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I rise for the first time since I have been in the Senate to oppose a supplemental appropriation. It hurts my heart because there is so much in this bill that is good. But I have to say there is a lot in this bill that does not belong in it, and there are some things left out of this bill, one or two things, that I thought were real emergencies that should have been in there.

What started out as requests to fund unexpected emergencies has turned into a flurry of spending and riders that simply do not belong in this bill. The one area that I particularly cared about, violence in our schools—which is an emergency by anybody's measure when parents are telling us, 75 percent of them, they are concerned about their children when they go off to school—a very modest proposal by the Senator from Illinois was turned down by the House members of the conference after it was approved by the Senate members of the conference. So all kinds of dollars were found for many things, but they could not find it in their hearts to do something about violence in the schools by providing some counselors, some afterschool money so desperately needed in our country today.

I am happy for the Senator from West Virginia, that he was able to get a commitment for a crisis he is facing in the steel industry in his State. I agreed with him, that particular piece of legislation and those funds should have been placed into this bill, and they were not. So I found this a very strange conference. I miss the Appropriations Committee. I was on it for two beautiful years. So I sat and watched at 1 in the morning as Senators and House Members debated. You may wonder, why would the Senator from California do that? Very simple: It is a very important bill that is before us.

I believe in what NATO is trying to accomplish. I agreed with the President that we needed to find about $6 billion for the military. It turns out it is almost double that, that winds up in this bill. The pay raise is taken care of. I wanted to do an even higher pay raise, but that pay raise—it is not an emergency, it is an obligation. We have to back the pay raise in the regular appropriations bills. This is just another way to push dollars around.

I do not think it is fair to say that is an emergency. I supported the funds in there for America's farmers, for Hurricane Mitch; those things were fine. But some of the riders in this bill really were wrong, not only wrong in substance but wrong to put in this bill. For example, the rider that deals with the tobacco funds from the tobacco lawsuit. It is not that I object that the Federal Government will not get a share of that—because I am willing to say it is fine, the Governors are the ones who put their names out there and they should get these funds. But to say to the Governors who are getting our part of the reimbursement: By the way, spend it any way you like—we are going to see Governors use that money to put a swimming pool in the Governor's mansion; we are going to see Governors use that to build a little street in the neighborhood where maybe some of their donors live.

I do not come from the school of thought that Governors are better than Senators. I think we run on a platform and most of us, most of us from both parties, believe we need to take care of the health care needs of our people. Comes along this bill, comes along a rider that says: Governors, you can spend that any way you want. Build a running track for your friends around the Governor's mansion? Fine, no problem, no strings. I have a problem with that. We should make sure our Governors are taking care of the health needs of their citizens since part of that money rightly comes from a recovery that included Federal programs—Medicaid, as an example.

Then there are three riders that deal with the environment in one way or the other. One has to do with oil royalties. This is about the third time that antienvironmental rider has been placed in this bill, because colleagues know they cannot get the votes here. It is stopping the Interior Department from collecting the rent payments or the royalty payments from oil companies who drill on Federal land, taxpayers' land. That money is being stolen from us. How do I know that? Because there have been lawsuits. And every time the Federal Government wins those lawsuits—I ask for 1 additional minute, if I might.

Mr. BYRD. Mr. President, how much time do I have remaining under my control?

The PRESIDING OFFICER. The Senator has 18 minutes remaining.

Mr. BYRD. I yield 1 more minute to the Senator.

Mrs. BOXER. So here we have a situation where the Interior Department could use the money to help with our parks and open space, and the oil companies get another special rider on this bill. It is the third time that has happened. Mr. President, I do not think that is the way to legislate.

Then we have an environmental rider placed in the bill by Senator GORTON who now, I understand, is not even going to vote for this bill which has his rider in it that does tremendous damage to the State of Washington by permitting a mine up there.

There are so many things in this bill that do not belong in it. So it is with a heavy heart I say to my friends, for whom I have great respect, I cannot vote for this. I do not think everything in there is truly an emergency. Yet I think those things that were emergencies were left out.

I look forward to working with my friends in the regular order so we can debate some of these important measures outside this so-called emergency designation.

I yield the floor.

Mr. CLELAND. Mr. President, I will vote against the pending conference report because I believe it, and the policy and process behind it, represent a shameful failure on behalf of our American servicemen and women now in harm's way in the Balkans.

This legislation before the Senate today displays exactly what's wrong with Washington, including the United States Senate. There is much in the pending conference report on Supplemental Appropriations which is urgently needed and which I support. American farmers need and deserve the disaster assistance included in this legislation. The Kosovar refugees need and deserve massive resettlement and reconstruction assistance, of which the pending measure provides at least a down payment. Our servicemen and women need and deserve the pay raise it provides and above all, those who are on the front lines in the Balkans and elsewhere in the world need supplies and equipment.

However, in spite of these positive features, I will be voting "no" because of the bill's funding for an expanded, open-ended war against Yugoslavia, which in my opinion, has not been adequately and appropriately considered by the Congress, and also because this important legislation has been used for petty provincial interests. In effect, our servicemen and women are being held hostage while the bill has been loaded up with narrow amendments to assist special interests, such as a gold mine in Washington state, a dormitory for Congressional pages, and reindeer ranchers.

While I have certainly observed this same game of special interest influence on the legislative process all too often since I have been in the Senate, this current case is particularly egregious because of the boldness of the special interests and the apparent willingness of too many of our national leaders to allow those interests to be placed above consideration of the interests of our troops in the field.

Our troops deserve better from all of us.

I have spoken before my reservations about NATO's current policy in the Balkans and Congress' abdication of our Constitutional responsibilities with respect to war powers. To say the least, neither of those reservations have been alleviated in this conference report.

Our leadership, including both the Clinton Administration and NATO, have failed to clearly state what our mission is in the Balkans, what specific goals we intend to achieve, and how we will end this mission.

As perhaps the leading military analyst of the Vietnam War, Colonel Harry Summers, wrote in his excellent book "On Strategy: The Vietnam War in Contest:"

> The first principle of war is the principle of "The Objective." It is the first principle because all else flows from it. . . . How to determine military objectives that will achieve or assist in achieving the political objectives of the United States is the primary task of the military strategist, thus the relationship between military and political objectives is critical. Prior to any future commitment of U.S. military forces our military leaders must insist that the civilian leadership provide tangible, obtainable political goals. The political objective cannot merely be a platitude but must be stated in concrete terms. While such objectives may very well change during the course of the war, it is essential that we begin with an understanding of where we intend to go. As Clausewitz said, we should not "take the first step without considering the last." In other words, we (and perhaps, more important, the American people) need to have a definition of "victory."

Colonel Summers continues:

> There is an inherent contradiction between the military and its civilian leaders on this issue. For both domestic and international political purposes the civilian leaders want maximum flexibility and maneuverability and are hesitant to fix on firm objectives. The military on the other hand need just such a firm objective as early as possible in order to plan and conduct military operations.

Mr. President, we've been here before, and speaking personally, I know all too well the kind of price that is paid by our men and women in uniform when our political leaders fail to lay out clear and specific objectives. More than thirty years ago, in Vietnam we also lacked clear and specific objectives. We attempted to use our military to impose our will in a region far from our shores and far from our vital national interests, and without ever fully engaging the Congress or the American people in the process. The result was a conflict where the politicians failed to provide clear political objectives, but intruded in determining military strategy, and where our policy was never fully understood or fully supported by the American people.

Too many Americans never came home from that war, and others came home unalterably changed in mind or body. I cannot in good conscience sit here and watch it all appear to be happening again. I will not support putting American ground troops into Kosovo, and I cannot vote for this conference report which, in my opinion, moves us further in that direction.

Mr. KOHL. Mr. President, I rise in strong opposition to the conference report before us. It uses funds for undeniably urgent needs—our operations in Kosovo, our rescue of struggling family farmers, our efforts to dig out from the hurricanes of last year and the tornados of this month—to mask spending on unnecessary and unbudgeted urges. That is more than dishonest; it is disgraceful. It is like agreeing to let your neighbors use your car to take their sick child to the hospital—if they also agree to pick up and pay for your groceries, your dry cleaning, a set of new tires for the car, and a pizza.

It is no surprise that people are cynical about talk that comes out of Washington. By adopting this conference report, we prove our work means very little. We prove that the budget we endorsed just two months ago was not a promise—it was posturing. We prove that we are more interested in sound bites than sound accounting.

Mr. President, I understand that there are genuine emergencies that require us to spend beyond what we had anticipated for a given fiscal year. I will vote to fund such emergencies immediately and work out the budget details later. I also understand that there are supplemental spending requirements that can come up during the year. And I will also support passing supplemental appropriations bills and paying for them within the budget limits we have set for ourselves. What I find unconscionable is what we are doing here today: attempting to get around the draconian budget resolution we passed in March by stuffing as much supplemental spending as possible in this bill and then treating it as an emergency.

Given my strong feelings on this, I would like to clarify my vote to waive the Gramm point of order. Senator GRAMM, rightly I believe, raised many of the same issues that concern me. His point of order, however, did a surgeon's job with a hatchet. His point of order would have brought down spending that was truly emergency, and therefore was not offset—spending for humanitarian aid for the Kosovar refugees, for infusions of cash into the struggling farm credit system, for helping areas hit by natural disaster. The point or order would also have brought down domestic spending that was not an emergency, but that the Appropriations Committee went to great pains to offset. There are over $2 billion in offsets in this bill, and the great majority come from cuts in nondefense programs.

So, while I understand Senator GRAMM'S desire to make this bill fiscally honest and responsible, I cannot support his methods. Instead, we should defeat this bill and start again—passing only what the Department of Defense says they need to continue their operations in Kosovo, only what is truly a domestic emergency, only what is non-emergency and offset.

I have voted in support of the use of air power in Kosovo, a decision I made solemnly, and I am willing to vote to support funding the mission. This conference report, however, contains money the Pentagon never asked for and that will never have an impact on the situation in Kosovo. Almost five billion dollars in non-emergency defense spending has been attached to the President's request without even allowing the Senate an opportunity to vote or debate these additions. Calling some of these new military construction projects an "emergency" is shameful. Those projects cannot compare with the urgency in hurricane ravaged Central America, the economic hardship faced by our family farms, or the plight of refugees on the desolate hillsides of Albania.

Obviously a great deal of munitions, fuel, and material have been expended in our mission over Yugoslavia. The need to fund these operations, however, should not be an excuse to fund other special-interest projects that were never high enough priorities to be placed in the tight military budget. Suddenly these projects are so important they are given emergency designation, when a few months ago they hardly deserved mentioning, and were certainly not worth including in the budget resolution Congress adopted in March.

It is wrong for those who want a much larger defense budget to hold hostage the emergency funds needed for the Kosovo operation, Central America, and the devastated rural America—and it is wrong to go to the American taxpayers to pay their ransom.

Thus, it is with some regret that I must vote against this conference report. Regret, because there are a number of very good things in this bill, including funding that I worked hard to ensure would be there to help respond to the desperate situation of our family farmer.

This bill provides $43 million for Farm Service Agency personnel and $110 million and for the farm credit program requested by the Administration in response to the tremendous credit crunch facing our Nation's farmers. The Farm Service Agency funds are needed to provide the support staff so USDA can deliver disaster assistance promised to farmers last fall. The additional $110 million for USDA's farm credit program will provide essential loan guarantees to farmers as they struggle through historically low prices.

The conference report also includes $63 million for FY 1999 and FY 2000 to allow the USDA to provide technical assistance to landowners as they enroll in USDA's Natural Resource Conservation Service environmental programs. Because of funding shortfalls, Wisconsin's NRCS has already stopped providing technical assistance. That means thousands of acres of land, ready to be returned to their pristine state through the joint efforts of farmers and the USDA, are lying fallow.

Finally, I want to highlight another provision I worked on in this conference report: food assistance to the Kosovar refugees. We have all seen the news accounts, the pictures, and have heard the terrible stories of tragedy that the people in the Balkans are facing daily. Reports from that region include hunger as another major problem that is hitting hardest among the children, the elderly, and the most vulnerable. Humanitarian food assistance, or PL–480 funds, have been diverted to Kosovo from other regions of the world where serious needs exist. Funding for Kosovo food assistance was not included in initial versions of this bill, but without it, people in Africa, Bangladesh, and other troubled regions will continue to suffer from hunger and deprivation. It is never good policy or sense to rob Peter to pay Paul, but it is disgraceful when Peter and Paul are innocent, starving children on opposite sides of the world.

However, even with all these good things, this conference report is the harbinger of terrible things to come. By trying to slip so much non-emergency spending into this bill, the conference committee has acknowledged that we cannot meet the genuine needs of our citizens within the budget that was laid out in March.

Mr. President, the American people deserve an honest budget, and they deserve to know that we will meet their emergencies in a forthright manner. I regret that we could not do that today. If we pass this conference report, we will further and deservedly lose the trust of those who send us their hard earned tax dollars. I urge my colleagues to vote no.

Mrs. MURRAY. Mr. President, I will reluctantly vote for this supplemental appropriations bill for three primary reasons: to provide our agricultural producers at least a portion of the support they need; to support our troops in Kosovo; and to assist the desperate Kosovar refugees and Hurricane Mitch victims. I strongly oppose the mining rider added in the middle of the night to this emergency spending bill and am saddened this Congress will not require States to spend of the tobacco settlement funds on actually preventing teen smoking or protecting public health.

I very enthusiastically support the $109 million in this bill for direct and guaranteed loans to provide credit for American agricultural producers. This and the other agriculture-related provisions in this bill are vitally important to our growers, providing more than $700 million for important agricultural programs. Every single dollar of this aid is all the more critical because Congress failed to support a funding level that would help producers weather these difficult economic times. I support the Harkin-Dorgan amendment to add $5 billion to this agricultural aid package during the conference committee's consideration of this bill. Unfortunately, the amendment was rejected. Meanwhile, our growers are left waiting for more meaningful assistance as they struggle under the so-called Freedom to Farm Act.

This bill also contains vital funding for our military forces in the Balkans. I strongly support the Administration's original request for monies to support the Kosovo effort. I am fully prepared to meet our responsibilities to our troops and personnel involved in this important NATO effort. It is unfortunate the House insisted on adding billions of additional, unrequested funding for defense projects, many of which are unrelated to the NATO action in the Balkans. I also endorse our commitment to assist the millions of refugees, who are victims of this unfortunate conflict.

I, too, am pleased this bill provide critical assistance to the victims of Hurricane Mitch. This deadly and destructive hurricane decimated several Central American countries, and has been particularly difficult on families already surviving on subsistence levels. The U.S. should have long ago signaled our commitment to lead the international effort to aid the victims of Hurricane Mitch.

These important issues aside, I strongly oppose the rider on mining included in this bill. I do not accept the argument put forth by several of my colleagues on the conference committee that the supplemental appropriations bill was the proper place to address an administrative interpretation of the 1872 Mining Law. Within this bill are two provisions that simply are not emergencies and do not belong. One is the further blockage of the Department of Interior's implementing regulations on hard-rock mining.

The other provision is particularly troubling to me for it affects a proposed mine in my State of Washington. Included in this bill is a provision that blocks the Department of Interior from enforcing a recent solicitor's opinion interpreting allowable mill site acerage. That opinion reinterpreted the 1872 mining law and limited the amount of mining waste companies could dump on public lands. For many years, my constituents and people across the nation have been calling for true reform of the 1872 mining law. This late-night change is not what they have been asking us to do. The industry knows these provisions would not win approval in the normal legislative process, so they sought riders on a military and disaster relief appropriations bill. These are issues that deserve to be debated in full and in public, not in a mere 10 minutes, late at night among conferees without the necessary expertise to determine whether this is the correct policy.

I want to add that I have spoken with officials at the White House who have shared their concern about these mining provisions. I told them we must not allow this action to be a precedent for how we authorize new open pit mines on our public lands. We should debate reform of the 1872 mining law fully and in the bright spotlight of public review. Protecting the public's interest in their federal lands must be a top priority. They agree.

I am also extremely disappointed this bill will allow the states to allocate the federal share of the multi-state agreement (MSA) with the tobacco companies to any program or project they desire. I strongly believe we have missed an historic opportunity to reverse the destruction caused by smoking. It is tragic to think that every day we delay reducing underage smoking, 3,000 children will try this deadly habit. Five million children today will face illness and premature death due to smoking. Yet we are allowing the states to spend the federal share on any program they may chose.

I am proud that in Washington state, the state legislature and Governor Locke chose to do the right thing and spend the settlement money working to eliminate the plague of tobacco. However, Washington state is only one of three states using the MSA settlement funds to support public health efforts and smoking cessation.

There is some irony in this debate about the role of the federal government in spending so-called settlement monies. The tobacco companies win immunity from future prosecution or liability from the states of federal government and because of states' inaction, the companies will be guaranteed a whole new generation of smokers. By not standing firm and using these monies to eliminate underage smoking and reduce adult rates, the cost of care for these individuals will be the burden of the federal government and federal taxpayers. As members of the Senate, we will have to find the additional funding to pay for increases in Medicare, FEHBP, CHAMPUS, and VA health care costs.

I am disappointed that we could not reach an acceptable compromise that would have protected our children, allowed states' reasonable spending discretion, and shielded the federal budget. I am hopeful we can continue to work at the federal level to enact tough, anti-tobacco restrictions, including FDA regulation of tobacco and increased efforts by CDC to help the states reduce the burden of tobacco.

Let me address one more topic. This bill transfers the Disaster Recovery Initiative (DRI) program, commonly known as the unmet needs program, from HUD to FEMA. While I do not oppose this transfer, my concerns about it grew as Congress delayed its consideration of this supplemental bill. President Clinton declared two disasters in Washington state during calendar year 1998, including a slow-moving, on-going landslide in the Aldercrest community in Kelso. For a variety of reasons, FEMA public assistance dollars will not reach Aldercrest victims for some time. That makes the unmet needs money—now administered by FEMA—all the more critical. While I am frustrated with the delay in this process, I am pleased we are moving forward once again. This conference report highlights the conferees interest in ensuring Aldercrest victims get this disaster assistance as quickly as is possible.

Mr. President, this is a very difficult vote for me. I chose not to sign the conference report, but I support the bill to help our ailing agricultural producers, support our troops, and provide assistance to refugees and disaster victims.

EFFECTIVE HUMAN RIGHTS RESPONSE TO KOSOVO

Mr. KENNEDY. Mr. President, an important provision in the Statement of the Managers on the 1999 Kosovo Emergency Supplemental Appropriations Act recommends $13 million above the administration's request for the International Criminal Tribunal for the Former Yugoslavia. It also recommends $10 million more than the administration requested for the State Department's Human Rights and Democracy Fund.

The conferees on this legislation have recommended these additional resources to help support a more effective human rights response to the Kosovo crisis. Many of us are deeply concerned over the escalation of human rights abuses in Kosovo since the breakdown of the Rambouillet negotiations. The additional funding for the War Crimes Tribunal will enable it to expand its investigative efforts to see that justice is done.

Justice Arbour has made a strong case that this funding is needed immediately for forensic investigative teams, mass grave exhumations, investigations, Albanian translators, equipment, and other associated costs. America is the strongest support of the War Crimes Tribunal, and it is essential for us to provide provide the additional resources the tribunal needs without delay to ensure that those responsible for the gross violations of international law in Kosovo are brought to justice.

I also strongly support the work of the State Department's Human Rights and Democracy Fund. The HRDF's ability to respond quickly to emergencies has enabled the Department to begin documenting mass executions, rape, deportations, and torture. Unfortunately, its resources are stretched thin as a result of the large scale of these atrocities.

the additional funds recommended by Congress for the HRDF will enable the State Department to enhance its ability to obtain information promptly and methodically from fleeing refugee victims and witnesses and provide the information to the U.S. Government, the War Crimes Tribunal, and the public to ensure that those responsible for these atrocities will be held accountable.

The funds will also enable the State Department to provide documents to refugees whose passports, identity papers, and property titles were stripped from them when Serb forces compelled them to leave Kosovo. Doing so will help counter President Milosevic's cynical policy of "identity cleansing" and facilitate the return of the refugees to their homes. The funds are also intended to enhance our government's efforts to ensure that victims receive proper counseling for the unconscionable trauma they have suffered.

I commend the conferees for making these additional resources available to achieve an effective human rights response on Kosovo.

Mr. LEAHY. Mr. President, in 1996, I authored the Justice for Victims of Terrorism Act to provide assistance to victims of terrorism and mass violence, wherever it occurred. This assistance is limited to victims who are citizens or employees of the United States who are injured or killed as a result of a terrorist act.

Unfortunately, that legislation is not doing the job as we intended. There are still too many victims of terrorism who are not getting the help they need and deserve—the help that Congress meant to give them in 1996. Among those left out in the cold are the families of those killed in the downing of Pan Am flight 103 over Lockerbie in 1988, and the victims of last year's embassy bombings in West Africa.

Section 3024 of the emergency appropriations bill will provide a limited but immediate response by providing much-needed assistance to the families of the Americans who were killed in the bombing of Pan Am 103. I am proud to have worked to get this emergency provision included in the conference report.

Currently, in cases involving terrorist acts occurring outside the United States, the Office of Victims of Crime (OVC) may only give supplemental grants to the States, for compensation of state residents. This formulation has not provided the intended help to victims of terrorism who reside overseas and do not have a clear State residence, even though they are U.S. citizens. It is of little assistance to the non-citizen victims employed by our embassies in Kenya and Tanzania, who also deserve our support and assistance. And due to an overly restrictive interpretation of the 1996 law by the Department of Justice, it has not provided help to the victims of the Lockerbie bombing and other victims of terrorist acts that occurred before the Justice for Victims of Terrorism Act went into effect.

The current law has led to slower implementation than I intended when emergency aid is desperately needed, and has not enabled OVC to provide emergency relief, crisis response or training and technical assistance for victim service providers, as I intended.

Accordingly, this week I offered an amendment to the juvenile justice bill, S. 254—which was accepted in the managers' amendment—which would improve the law even further. It would ensure that OVC can provide efficient and effective assistance—and really make a difference—for Americans whose lives are torn apart by acts of terrorism and mass violence occurring outside the United States.

In the meantime, the trial in the Pan Am 103 case is getting under way, and the families of those victims need our help *now*. This is an urgent matter, and I am glad that we are addressing it in this emergency bill.

OUTSTANDING CLAIMS

Mr. INOUYE. I have a few questions for my colleague from Alaska on Section 3021 of the bill which authorizes the Attorney General to transfer funds available to the Department of Justice to pay outstanding claims of Japanese Americans under the Civil Liberties Act of 1988 and outstanding claims of

Japanese Latin Americans under the settlement agreement in the case of *Carmen Mochizuki et al* .v. *United States* (Case No. 97-294C, United States Court of Federal Claims).

Am I correct that this provision would allow the Attorney General to pay redress of $20,000 to Japanese Americans who were interned by the United States during World War II and who filed a timely claim for redress under the Civil Liberties Act of 1988?

Mr. STEVENS. That is correct. Under the Civil Liberties Act of 1988, the United States has paid redress to more than 82,000 eligible individuals over the 10 year life of the program. Eligible individuals under this Act had to file a claim for redress by August 10, 1998. There were a number of individuals, however, who did not complete the documentation necessary for the Department of Justice to determine, prior to the termination of the Civil Liberties Public Education Fund and the expiration of the redress program six months later, whether they were eligible for redress under the Act. This provision would allow those individuals, if they filed timely claims, to provide any necessary information to the Department of Justice, and allow the Department to complete its review of their files. If the Department determines that they are eligible, this provision allows the Attorney General to pay the claimants restitution under the Act.

Mr. INOUYE. In the case of Carmen Mochizuki et al versus United States, plaintiffs brought a class action against the United States seeking redress for Japanese Latin Americans who were interned by the United States during World War II. The United States settled this case. The settlement provides that each eligible class member would receive a $5,000 restitution payment, to the extent there were funds available in the Civil Liberties Public Education Fund. Even though this Fund has now terminated, does this provision also allow the Attorney General to pay restitution to Japanese Latin American individuals who are found eligible under the Mochizuki settlement agreement and who filed timely claims covered by the agreement?

Mr. STEVENS. That is correct. Some of the class members in this lawsuit were paid $5,000 restitution before the funds in the Civil Liberties Education Fund were exhausted. However, there are a number of class members who filed timely claims under the Mochizuki settlement who were not provided with restitution because there were no funds remaining. In addition, some class members were not able to complete the documentation necessary for the Department of Justice to determine, prior to the termination of the Civil Liberties Public Education Fund and the expiration of the redress program six months later, whether they were eligible for redress under the settlement agreement. This provision would allow those individuals, if they filed timely claims, to provide any necessary information to the Department of Justice, and allow the Department to complete its review of their files. If the Department determines that they are eligible, or has already done so, this provision allows the Attorney General to pay them restitution under the settlement agreement.

Mr. INOUYE. I thank my colleague from Alaska for the clarification on this provision in the bill.

CLEANUP FROM SPRING TORNADOES

Mrs. LINCOLN. Mr. President, I would like to thank my colleagues, Senator COCHRAN and Senator KOHL, the chairman and ranking member of the Senate Appropriations Subcommittee on Agriculture, Rural Development and Related Agencies, for their help regarding clean up needs in my state following the devastating tornadoes that struck on January 21, 1999. On that day, an estimated 38 tornadoes touched down in at least 16 counties in Arkansas, a one-day record for the number of tornadoes in a single state in one day. Eight deaths and scores of injuries resulted. The storms damaged or destroyed two thousand homes, at least 126 businesses, and various utilities in eleven counties. As you might imagine, a tremendous amount of debris is scattered throughout the damage area.

When the Senate considered S. 544, the supplemental appropriations bill which is now before us as the conference report to H.R. 1141, an amendment of mine was adopted that would direct the Natural Resources Conservation Service (NRCS) to assist in the removal of debris left from those storms. It is extremely important that we provide assistance necessary to remove this debris in order to help restore lands to a more productive state, but even more importantly, to prevent more serious emergencies that will result if this debris is allowed to obstruct stream flows and cause flooding, erosion, and other economic and environmental problems. Could the Senators please explain how his conference report addresses this situation.

Mr. KOHL. I thank the Senator for her comments and I understand her concern about the need to provide debris removal assistance following the violent storms in her state and other states. The amendment of the Senator, to which she refers, would have expanded the statutory authority of NRCS to exercise debris removal activities on lands not covered by current law. This would not only have included the lands of which the Senator speaks, but could be interpreted to cover a wide array of other lands. It is our understanding that statutory authority does exist for the debris removal activities about which the Senator speaks, making bill language unnecessary. However, certain administrative actions by the Department will be necessary before these activities can be carried out.

From time to time, we are asked to provide emergency funds in response to natural disasters. Too often, there is a human cost to these disasters that we have no power to compensate. In other instances, the level of our assistance is appropriate and necessary for the task. There are times, however, when the sums required could have been reduced had a little prevention been in place before the crisis struck.

Obviously, the force of a tornado is such that mankind may never be able to control or overcome. The devastation we all have witnessed this Spring in several states including Arkansas, and more recently Oklahoma and Kansas, was of such a magnitude in economic and human costs that calls for our assistance must not go unheard. Now, however, we are faced with choices about actions that might, at this point, prevent future damage and future costs.

The debris of which the Senator describes is not only that which currently is obstructing stream flows or causing flooding or erosion, but it also includes debris located in the immediate vicinity of those streams and waterways. It takes little imagination to envision another, far less intensive storm in the region that would cause that debris to be removed directly into the steambed with substantial damage and cost as a result, costs for which we and the American taxpayers might very well be asked to compensate in the near future. in this case, a little prevention today may save substantial sums tomorrow. That is why the Senator is precisely correct and why we must ensure these needs are met.

The conference report now before the Senate does not include the bill language the Senator offered earlier due to the fact that, as mentioned above, the statutory authority for those activities of concern to her and to others currently exists. The Statement of Managers makes that point. However, the purpose of her amendment is well taken in bringing to the attention of the Department that necessary administrative actions must be taken immediately to address the emergency situation that remains. We do not here suggest that the Watershed and Flood Prevention Operations authorities be broadened to include "any" lands. Instead, it is important for us all to recognize that reasonable steps by the Department should be taken to remove the debris in question before it becomes the cause of more substantial losses in the future.

Mr. COCHRAN. I thank the Senator from Arkansas for raising this issue and I appreciate the comments of my other colleagues on this subject. I agree with the Senator from Wisconsin that the Department should exercise any preventive measures practicable as the best way to avoid more costly restoration and rehabilitation in the future.

Mrs. LINCOLN. I thank my colleagues for this explanation.

Mr. GRAMS. Mr. President, I rise to oppose the 1999 Supplemental Appropriations legislation. Let me make a few brief remarks explaining why I will vote against it. I do so reluctantly because some of this funding is necessary, such as the agriculture spending, and some is offset. I co-sponsored and strongly supported the Enzi amendment to fully offset spending in this bill. Since our colleagues on the other side of the aisle blocked this effort to be fiscally responsible, thereby giving their support to this spending of Social Security surplus funds, I cannot endorse this irresponsible spending.

The Concord Coalition, a bipartisan watchdog of fiscal policy, calls this bill a "SAYGO" bill, and SAYGO stands for spend-as-you-go. According to the Concord Coalition, "Congress is using the emergency spending loophole to create a new budgetary concept—spend as you go (SAYGO). I fully agree with the Concord Coalition. Sadly, the term "SAYGO" has captured the essence of this legislation.

However, there is nothing new about this practice. Congress has repeatedly used this old trick on the American taxpayers as a way to expand government programs and escape budget disciplines.

Let me remind my colleagues about what happened last year.

As you recall, Mr. President, despite the rhetoric of President Clinton and Congress to use every penny of the budget surplus to save Social Security, last year, we spent nearly $30 billion of the Social Security surplus for alleged "emergency spending." This was more than one third of the entire Social Security surplus for 1998. In last year's omnibus spending legislation alone, Congress spent $22 billion, and nearly $9.3 billion in regular appropriations was shifted into future budgets, a new smoke-and-mirrors gimmick, since we are now hearing how impossible it will be to live within budget caps for FY 2000. No wonder!

In addition, few of these "emergency spending" items were true emergencies. Many of these dollars could have been included in the annual appropriations process.

Last year's irresponsible spending used up the Social Security surplus we were supposed to save, broke the statutory spending caps we promised to keep, and as a result made the caps even tighter for this year.

Clearly, that was a big mistake. That's why many of us believe we should end this practice before it becomes automatic and even more egregious in the future. In fact, that's why we passed this year's Budget Resolution with a new enforcement mechanism which allows any Senator to raise a point of order against non-defense emergency designations in an appropriations conference report. In my judgment, this should include defense as well.

Unfortunately, Mr. President, we are repeating the same mistake in the 1999 Supplemental Appropriations bill. It includes $15 billion of spending with an estimate of only $2.5 billion actually outlayed this fiscal year. So it is quite obvious this spending is a way to relieve some of the pressure on the FY 2000 spending caps. If the spending caps need to be lifted, let's vote on that up front, not this way. I would not vote to lift the caps anyway, but it is a more responsible way of handling what some believe is a budget crisis.

The legislation was originally intended to provide disaster relief to Central America and was later expanded to cover our military action in Kosovo, which are necessary and important spending. Even the agriculture spending is necessary. But conferees also added significant funding that is not emergency-related and was not requested by the President in the conference report.

The conference report for this year's emergency spending bill includes $15 billion with only $1.9 billion offset. This means Congress is spending $13 billion of the Social Security surplus, which is over 10 percent of this year's Social Security surplus.

The President requested $5.5 billion for military operations in Kosovo and Southwest Asia. But the conferees have doubled that amount. As a result, American taxpayers now have to pay $10.9 billion additional for defense, much of which should be considered in FY 2000 appropriations and was not an emergency. These add-ons include $1.84 billion for military pay and pension increases and $2.25 billion for spare parts, depot maintenance and readiness training.

I believe we must allocate sufficient resources to ensure our national security and I am concerned about readiness. We must provide adequate funding to maintain our military operations and support our troops in Kosovo and elsewhere. However, I don't believe we can use our immediate needs as a vehicle for non-emergency defense spending. General defense readiness needs, such as a military pay raise and a pension benefits increase, is not an emergency and should be handled through the normal budget, authorization and appropriations process. Again, if the spending cap is a problem, we should deal with that problem head on, not by this back-door approach.

Further, this conference report is a Christmas tree that's loaded not with ornaments, but with plenty of non-emergency spending items under the guise of an emergency, totaling over $200 million. Even some emergency related funding is far above what is needed and requested. For example, the President requested $370 million funding for FEMA, but the conference report has almost tripled that amount. This is not right. Attached is a copy of Senator McCAIN's list on the objectionable provisions contained in this conference report.

My biggest concern is that we have promised the American people we will save every penny of the Social Security surplus exclusively for Social Security. In the recently-passed budget resolution we included a provision to lock in $1.8 trillion of the Social Security surplus to save and strengthen Social Security. We are continuing to pursue Social Security lockbox legislation to prohibit Washington from continuing to loot the Social Security surplus for unrelated government spending. Now we are backing off from that promise, claiming we will make it up next year. I've heard that before. I believe this will damage our credibility and accountability with the American people, as well as further endanger our already damaged Social Security system.

As I mentioned earlier, there are some good provisions I strongly support in this bill. Frankly, some of the provisions and funding will help my own state of Minnesota. But the non-emergency spending which is not offset overshadows these good provisions. I cannot in good conscience vote for this legislation.

Finally, the Concord Coalition challenges us, I quote: "Fiscally responsible Members of both parties should put an end to SAY-GO by rejecting this emergency supplemental." They are right. Above all we must maintain the fiscal discipline and responsibility we promised the American people. We must keep our commitment to protect Social Security. I hope my colleagues will reject this measure.

Mr. President, I ask unanimous consent this list of objectionable provisions in H.R. 1141 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OBJECTIONABLE PROVISIONS CONTAINED IN H.R. 1141, THE EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS FOR RECOVERY FROM NATURAL DISASTERS AND FOREIGN ASSISTANCE FOR FISCAL YEAR ENDING SEPTEMBER 30, 1999

BILL LANGUAGE

Bill language directing that funds made last year for maple producers be made available for stream bank restorations. Report language later states that the conferees are aware of a recent fire in Nebraska which these funds may be used. (Emergency)

Language directing the Secretary of the Interior to provide $26,000,000 to compensate Dungeness crab fisherman, and U.S. fish processors, fishing crew members, communities, and others negatively affected by restrictions on fishing in Glacier Bay National Park, in Alaska. (Emergency)

A $900,000,000 earmark for "Disaster Relief" for tornado-related damage in Oklahoma, Kansas, Texas, and Tennessee. This earmark is a $528,000,000 increase over the Administration's request and is earmarked for "any disaster events which occur in the remaining months of the fiscal year." (Emergency)

Report language providing FEMA with essentially unbridled flexibility to spend $230,000,000 in New York, Vermont, New Hampshire, and Maine, to address damage resulting from the 1998 Northeast ice storm. Of this amount, there is report language acknowledging the damage, and the $66,000,000 for buy-outs, resulting from damage, caused by Hurricane George to Mississippi, and report language strongly urging FEMA to provide sufficient funds for an estimated $20,000,000 for buy-out assistance and appropriate compensation for home owners and businesses in Butler, Cowley, and Sedgwick counties in Kansas resulting from the 1998 Halloween flood. (Unrequested)

$1,500,000 to purchase water from the Central Arizona project to maintain an appropriate pool of stored water for fish and wildlife purposes at the San Carlos Lake in Arizona. (Added in Conference)

An earmark of an unspecified amount for Forest Service construction of a new forestry research facility at Auburn University, Auburn, Alabama. (Unrequested)

Language directing that the $1,000,000 provided in FY 99 for construction of the Pike's Peak Summit House in Alaska be paid in a lump sum immediately. (Unrequested)

Language directing that the $2,000,000 provided in FY 99 for the Borough of Ketchikan to participate in a study of the feasibility and dynamics of manufacturing veneer products in Southeast Alaska be immediately paid in a lump sum. (Unrequested)

Language directing the Department of Interior and the Department of Agriculture to remove restrictions on the number or acreage of millsites with respect to the Crown Jewel Project, Okanogan County, Washington for any fiscal year. (Added in Conference)

Language which prohibits the Departments of Interior and Agriculture from denying mining patent applications or plans on the basis of using too much federal land to dispose of millings or mine waste, based on restrictions outlined in the opinion of the Solicitor of the Department of Interior dated November 7, 1997. The limitation on the Solicitor's opinion is extended until September 30, 1999. (Added in Conference)

Specific bill language providing $239,000 to the White River School District #47-1, White River, South Dakota, to be used to repair damage caused by water infiltration at the White River High School. (Unrequested)

A $3,760,000 earmark for a House Page Dormitory. (Added in Conference)

A $180,000,000 earmark for life safety renovations to the O'Neill House Office Building. (Added in Conference)

An earmark of $25,000,000 to provide for the construction and renovation of family housing units at Fort Buchanan, Puerto Rico. (Unrequested)

Bill language, added by the conferees, directing that $2,300,000 be made available only for costs associated with rental of facilities in Calverton, NY, for the TW 800 wreckage. (Added in Conference)

$750,000 to expand the Southwest Border High Intensity Drug Trafficking Area for the state of New Mexico to include Rio Arriba County, Santa Fe County, and San Juan County. (Unrequested)

Bill language directing $750,000 to be used for the Southwest Border High Intensity Drug Trafficking Area for the state of Arizona to fund the U.S. Border Patrol anti-drug assistance to border communities in Cochise County, AZ. (Added in Conference)

A $500,000 earmark for the Baltimore-Washington High Intensity Drug Trafficking Area to support the Cross-Border Initiative. (Added in Conference)

Earmarks $250,000 in previously appropriated funds for the Los Angeles Civic Center Public Partnership. (Unrequested)

Earmarks $100,000 in previously appropriated funds for the Southeast Rio Vista Family YMCA, for the development of a child care center in the city of Huntington Park, California. (Unrequested)

Earmarks $1,000,000 in previously appropriated funds for the Maryland Department of Housing and Community Development for work associated with the building of Caritas House and for expansion of the St. Ann Adult Medical Day Care Center. (Added in Conference)

Bill language permitting the Township of North Union, Fayette County, Pennsylvania to retain any land disposition proceeds or urban renewal grant funds remaining from Industrial Park Number 1 Renewal Project. (Added in Conference)

$2,200,000 earmark from previously appropriated funds to meet sewer infrastructure needs associated with the 2002 Winter Olympic Games in Wasatch County, UT, for both water and sewer. (Unrequested)

$3,045,000 earmarked for water infrastructure needs for Grand Isle, Louisiana. (Added in Conference)

The conference report language includes a provision which makes permanent the moratorium on the new entry of factory trawlers into the Atlantic herring and mackerel fishery until certain actions are taken by the appropriate fishery management councils. (Added in Conference)

Additional bill language indicating that the above-mentioned limitation on registered length shall not apply to a vessel used solely in any menhaden fishery which is located in the Gulf of Mexico or along the Atlantic coast south of the area under the authority of the New England Fishery management Council for so long as such vessel is used in such fishery. (Added in Conference)

Bill language directing Administrator of General Services to utilize resources in the Federal Buildings Fund to purchase, at fair market value, not to exceed $700,000, the United States Post Office and Federal Courthouse Building located on Mill Street in Fergus Falls, Minnesota. (Added in Conference)

REPORT LANGUAGE

A $28,000,000 earmark in FY 99, and a $35,000,000 earmark in fiscal year 2000 to the Commodity Credit Corporation to carry out the Conservation Reserve Program and the Wetlands Reserve program. (Emergency)

The conference agreement provides $70,000,000 for the livestock assistance program as proposed by the Senate, and adds language providing that the definition of livestock shall include reindeer. (Emergency)

$12,612,000 for funds for emergency repairs associated with disasters in the Pacific Northwest and for the full cost of emergency replacement of generating equipment at Midway Atoll National Wildlife Refuge. (Emergency)

Report language acknowledging the damage caused by Hurricane George to Kansas. (Unrequested)

Report language urging FEMA to respond promptly to the appropriate disaster needs of the City of Kelso, Washington. (Unrequested)

Language where the Conferees support the use of the emergency supplemental funds to assist organizations such as the National Technology Alliance for on-site computer network development, hardware and software integration, and to assess the urgent on-site computer needs of organizations assisting refugees. (Unrequested)

$200,000,000 earmarked for the Coast Guard's "Operating Expenses" to address ongoing readiness requirements. (Emergency)

Report language detailing partial site and planning for three facilities, one which shall be located in the mid-Atlantic region, to house non-returnable criminal aliens being transferred from the Immigration and Naturalization Service (INS). (Unrequested)

A $1,300,000 earmark, for the cost of the World Trade Organization Ministerial Meeting to be held in Seattle, WA. (Added in Conference)

$1,000,000 earmarked for the management of lands and resources for the processing of permits in the Powder River Basin for coal-bed methane activities. (Unrequested)

$1,136,000 earmarked for spruce bark beetle control in Washington State. (Unrequested)

A $1,500,000 earmark to fund the University of the District of Columbia. (Added in Conference)

$6,400,000 earmarked for the Army National Guard, in Jackson, Tennessee, for storm related damage to facilities and family housing improvements. (Unrequested)

A $1,300,000 earmark of funds appropriated under P.L. 105–276 under the EPA's Programs and Management for Project SEARCH water and wastewater infrastructure needs in the state of Idaho. (Unrequested)

Report language clarifying that funds appropriated under P.L. 105–276 under the EPA's Programs and Management for Project SEARCH water and wastewater infrastructure needs for Grande Isle, Lousiana, may also be used for drinking water supply needs. (Added in Conference)

Report language which authorizes the use of funds received pursuant to housing claims for construction of an access road and for real property maintenance projects at Ellsworth Air Force Base. (Unrequested)

The conference agreement includes language proposed by the Senate directing a statutory reprogramming of $800,000 for preliminary work associated with a transfer of Federal lands to certain tribes and the State of South Dakota and for cultural resource protection activities. (Unrequested)

The conference agreement includes a provision proposed by the Senate that clarifies the scope of certain bus and bus facilities projects contained in the Federal Transit Administration's capital investment grants program in fiscal year 1999. The conferees direct that funds provided for the Canton-Akron-Cleveland commuter rail project in the Department of Transportation and Related Agencies Appropriations Act for fiscal year 1999 shall be available for the purchase of rights-of-way in addition to conducting a major investment study to examine the feasibility of establishing commuter rail service. (Unrequested)

Mrs. LINCOLN. Mr. President, this marks the third time I have been to the floor to discuss the emergency supplemental bill. For months now I have been trying to get my colleagues' attention about the extreme urgency of the items included in this bill. There are provisions included in this bill that were deemed an "emergency" back in March of this year. In addition to the tornado-related funding we just referenced, I have received call after call from farmers who have been anxiously awaiting the loan money that is tied up in this supplemental appropriations bill. Mother Nature does not wait for Congress to act. The ideal planting window has already come and gone for several commodities in the South, and yet, many producers have not been able to put a crop in the ground because they do not have adequate funds for operating expenses. The money is included in this bill and it is critical that we act on this matter as quickly as possible.

While I am pleased that these funds are included, I am disappointed that more assistance is not provided to the agriculture community. If ever there was an emergency in this country, we are seeing one now in rural America. I commend the distinguished ranking member of the Senate Agriculture Committee, Senator HARKIN, on his efforts to provide additional assistance to farmers. I hope that my colleagues will be ever mindful of the potential consequences this country will face if we allow our producers to simply die on the vine, and I strongly urge this body to revisit the agricultural crisis as soon as possible.

Some of my colleagues have chosen to use this bill, which is designed specifically for emergency needs, to fund projects that would have a hard time passing the laugh test of emergency spending. In spite of this, I will be casting a vote in favor of this bill on behalf of the brave servicemen and women representing our nation in the conflict in Kosovo, and on behalf of our nation's family farmers.

I thank the President, and I yield the floor.

EMERGENCY COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING

Ms. SNOWE. Mr. President, I rise regarding the conference report language in the supplemental bill regarding the transfer of emergency Community Development Block Grant funding from HUD to FEMA.

January 1998 will long be remembered in the State of Maine because of the extraordinary and historic Ice Storm that crippled the State. The combination of heavy rains and freezing temperatures left much of the State under a thick coat of ice which downed wires, toppled transformers and snapped utility poles in two. At the peak of the storm more than 80 percent of the entire State was literally in the dark. Vice President GORE best summed up the situation during his visit on January 15, 1998, when he said, "We've never seen anything like this. This is like a neutron bomb aimed at the power system."

The response from the federal government to our plight was for the most part remarkable. The Federal Emergency Management Agency (FEMA), the Small Business Administration, and the Department of Defense all answered Maine's call for immediate help. In addition, utility workers from up and down the East Coast came to work in freezing temperatures and hazardous situations to kill live wires and free remaining wires from downed trees and poles. These men and women worked side by side with Maine's utility companies around the clock until the lights were back on in every house in the State.

I am here today, however, because while the storm brought out the best in people across the State and in many federal agencies, we still have not received the assistance we need from the Department of Housing and Urban Development. In fact the lack of help from HUD has surpassed the storm in many people's minds as the truly extraordinary event.

To understand fully, one has to know the history. The Stafford Act which provides FEMA's guidelines for assistance covers public power companies. It will reimburse 75 percent of the costs related to a disaster. Because Maine and much of the Northeast have utilities that are investor-owned rather than government-owned, we were ineligible to receive assistance from FEMA for this purpose, despite the fact that, FEMA's own Ice Storm "Blueprint for Action" noted that the greatest unmet need from the storm is the cost of utility infrastructure. The "Blueprint" also noted that "(The) HUD Community Development Block Grant Program can supplement other federal assistance in repairing and reconstructing infrastructure, including privately-owned utilities. . . ."

Utility reimbursement is of great concern to Maine as it was not only the largest unmet need from the Ice Storm, but ratepayers in our State already pay the fourth highest utility costs in the country. Without some federal help, ratepayers would have been called on to cover utility infrastructure repair costs through increased rates.

So the Maine Congressional Delegation joined with the delegations from Vermont, New Hampshire and New York to obtain funding in the 1998 Supplemental Appropriations Act to provide money for the CDBG program to help our States complete their recovery from the Ice Storm. Working with Senator BOND, Chairman of the VA/HUD Appropriations Subcommittee, Senator MIKULSKI the Ranking Member; and Appropriations Chairman STEVENS, we secured $260 million in the Senate's 1998 Supplemental.

When the Senate considered this legislation, members from the Northeast spoke of the need for, and reasons behind, this additional funding and in a colloquy between Senators BOND and D'AMATO, it was noted that $60 million of this funding was meant specifically for the Northeast to help with the recovery costs from the Ice Storm. During the subsequent conference, that amount was dropped to $130 million, as the House version of the bill only contained $20 million for this purpose.

The Supplemental was signed into law on May 1, 1998. On November 6, 1998, 11 months after the disaster and six months after the bill had been signed into law, HUD announced that it was allocating approximately half of the $130 million, including $2.2 million for Maine. With an unmet need of more than $70 million, this funding was simply unacceptable and made all the more so because HUD would not or could not explain the rationale behind the numbers. Phone calls were made, meetings were held, letters were sent and still we received no explanation.

In the 1999 Omnibus Appropriations bill adopted by Congress at the end of the 105th Congress, $250 million was provided for emergency CDBG money to cover disasters occurring in both FY98 and FY99. Secretary Cuomo told me in a phone conversation on March 2, 1999 that he would use some of this money to allow States dissatisfied with their original allocation to reapply. This discussion occurred a few days before the Senate Appropriations Committee marked up the 1999 Supplemental that included language to transfer the remaining CDBG emergency funding from HUD to FEMA because, according to the Senate Appropriations Committee report,

> The Committee is concerned over HUD's continuing failure to implement an effective emergency disaster relief program for the "unmet needs" of states with Presidentially-declared natural disasters. Instead, the Committee believes that FEMA is the appropriate Federal agency for addressing these unmet disaster needs since FEMA has primary responsibility for assessing and responding to all natural disasters and for administering most primary programs of disaster assistance.
>
> In particular, FEMA is urged to review and respond appropriately to the needs of the Northeast for damage resulting from the ice storms of last winter. HUD failed to respond properly to these needs despite congressional concern over the ice damage.

On March 5, 1999 I spoke again with Secretary Cuomo when he called to express his concern that he could not publish the notice as OMB said that the Senate Appropriations Committee's actions on March 4 to transfer the money from HUD to FEMA prevented him from doing so. After conversations with OMB, I sent a letter to the Secretary detailing OMB'S response that it was permissible to publish the notice as long as funding was not allocated.

On March 10, the Federal Register (p. 11943 to p. 11945) contained a notice from HUD that provided a review for states unhappy with their original funding allocation. Maine began work at once on an application for this funding.

On March 23, we learned that HUD had allocated the rest of the money from the 1998 supplemental and that Maine was slated to receive another $2.158 million. HUD took this action despite the fact that they had been informed by the VA/HUD Subcommittee Chair and Ranking member, Senators BOND and MIKULSKI respectively, that they "wait for final action by the Congress on the program structure for the award of emergency funding for "unmet" disaster needs" and that "because of a number of outstanding program issues, we believe that HUD should "hold" all final award allocations pending final congressional action on S. 544." So HUD's allocation announcement was somewhat confusing as they did not have the authority to release the money. I request unanimous consent that a copy of the HUD notice be included in the RECORD.

Secretary Cuomo told me on March 24 that the State should get their application in response to the March 10 Federal Register in as soon as possible, and the State delivered it to HUD on March 25.

On May 4, as conferees were working on the Supplemental, I received a letter from Cardell Cooper, Assistant HUD Secretary for Community Planning and Development, announcing that Maine would receive an additional $17,088,475 based on the State's March 25 application under the March 10 Federal Register notice. This letter also noted that Maine's money was subject to Congressional action.

Mr. President, mere words cannot explain the frustration that Mainers have experienced with HUD throughout this process. I am deeply grateful for the leadership that Senator BOND, Senator MIKULSKI, Chairman STEVENS and the entire Senate Appropriations Committee have demonstrated in their willingness to work with us and to help us address Maine's unmet needs.

The conference report language on this bill states that:

> The Department is directed to award the remaining funds in accordance with announcements made heretofore by the Secretary, including allocations made pursuant to the March 10, 1999 notice published in the Federal Register, as expeditiously as possible.

This language directs HUD to live up to its March and May promises of funding for Maine to help pay for the unmet needs of the Ice Storm.

Mr President, with passage of the Supplemental, Maine's fifteen month journey for equity will hopefully end. We can now complete the recovery that began in January, 1998 and has dragged on far too long.

Mr. ROCKEFELLER. Mr. President, I would like to comment today on the Emergency Steel Loan Guarantee Program which my distinguished colleague from West Virginia, Senator BYRD, worked so hard to have included in the Senate-passed Emergency Supplemental Appropriations bill. Despite his tireless efforts, the measure was stripped from the bill at the eleventh hour for reasons which are beyond me. I take umbrage with the misleading moniker that some Members of the House Leadership have shamelessly placed upon this vital program for partisan political purposes.

This program, far from being a handout for any one company in my state of West Virginia or anywhere else, would provide emergency relief for more than a dozen American steel producers who have been stricken by the effects of the unprecedented surge in steel imports into the U.S. over the last year. This crisis, which has caused as many as 10,000 layoffs at steel factories across the nation and threatens as many as 100,000 more jobs, has unfairly injured the credit ratings of America's steel manufacturers by forcing them to compete with dirt cheap foreign steel, which is often being sold in the U.S. at costs below that of production.

If you ask me, this important crisis, without question, is appropriately classified as an "emergency". If you ask the steelworkers who've either been laid off or who are the next to go, I bet they say the same thing. Ask their families and communities if this is an emergency, and you'll get the same answer. The emergency is that our American steel industry is being pummeled by illegal foreign competition, and that the imports are taking a very real and devastating toll on the people who depend on steel for their livelihood.

The program that Senator BYRD proposed in the Senate-passed version of the Supplemental Appropriations bill would have made it possible for many of the most financially-unstable steel producers in this country to persevere until we in the Senate can take decisive and comprehensive action to address the underlying cause of our domestic steel industry's current predicament—imports. The Emergency Steel Loan Guarantee Program would have made much-needed capital available to those companies who have been the hardest hit by the import surge, and it would have done so at minimal expense to the American taxpayer. The program just made good sense, and I was extremely disappointed to hear that Members of the House Leadership insisted that it be eliminated.

The argument was, from what I hear, that Senator BYRD's provision was too expensive and of benefit only to Weirton Steel Corporation in West Virginia. The fact is, Mr. President, that Weirton was just one of more than a dozen companies which the Department of Commerce determined would be eligible for loans under this program. All of these distressed companies have been doing everything in their power to survive the current crisis. I know first hand the great lengths to which Weirton Steel has gone through simply to keep its head above water. In my state alone we've had nearly 1,000 layoffs as a direct result of the import surge. The Emergency Steel Loan Guarantee Program would have made it possible for companies across the nation to make upcoming debt payments which many steel producers are in jeopardy of defaulting on because of the current crisis. Moreover, the cost of the program was $140 million to leverage $1 billion in loans—that's a good investment. I deeply regret that the unwillingness of some Members of Congress to open their eyes to the plight of America's steelworkers has resulted in the loan program being removed from this vehicle. That is very bad news for the many steel companies who stood to benefit from the program. Some of them are now that much closer to joining the other four major American steel producers who have already been forced into bankruptcy by this crisis.

However, there remains time to reverse this mistake. I hope that the Members of Congress, who did not understand the details of how this loan program functions or the benefits that it would bestow upon a large number of steel companies across the nation, will reassess their position. We still have an opportunity to support this important program. I intend to work with Senator BYRD in moving this program on another legislative vehicle.

Each of my colleagues knows how strongly I believe that this body must act to address the import surge in a comprehensive way. However, I also know how vital the Emergency Steel Loan Guarantee Program is to many U.S. steel producers. It is a critically important stop-gap measure which would allow companies like Weirton steel to remain in business long enough for the United States Senate to take the tough and comprehensive action which is necessary to protect our domestic industry from unfair foreign competition.

Mr. President, I truly hope that we seize the opportunity to take up this measure again. Without it, steel companies in a number of different states may soon find themselves the next victims of our failure to aggressively enforce our unfair trade laws.

Mr. NICKLES. Mr. President, I do not support the adoption of the conference report on H.R. 1141, the fiscal year 1999 emergency appropriations act.

My decision to oppose this bill was not an easy one, Mr. President. This legislation contains funding for our U.S. military forces in Kosovo, Iraq, Bosnia, and elsewhere around the world. Regardless of my deep concerns about NATO's Kosovo operations, I realize that our military, already stretched to the limit by numerous foreign deployments, needs the resources provided by this legislation. Further, this bill contains funding to help farmers in Oklahoma who are finding it hard to get credit, and it will make sure disaster assistance for Oklahoma tornadoes does not deplete FEMA's funding reserves.

Unfortunately, it is also fiscally irresponsible.

H.R. 1141 provides $15 billion in new spending authority, $13 billion of which is provided for fiscal year 1999 and $2 billion of which is provided for fiscal year 2000.

The outlays flowing from this budget authority will reduce our budget surplus by $14.6 billion over the next five years. In fiscal year 1999 and 2000, when the entire budget surplus is attributable to the Social Security trust fund, this bill spends $11 billion of the surplus.

Additionally, $14.7 billion of the bill's total spending is designated as emergency spending, so that it is outside of the spending caps. $10.9 billion of the emergency spending is attributable to defense.

Unfortunately, the efforts of my colleague Senator GRAMM to remove the nondefense emergency designations failed earlier today. I supported him in that effort, and I am disappointed that more of my colleagues did not join us.

This legislation makes a mockery of our budget process. I believe Congress cannot continue to squander the economy's good fortune on a bigger, more invasive government. I believe the fiscal restraints we all agreed to in 1997 should be enforced, and I believe the budget we passed just a few weeks ago must be complied with.

A soaring economy and the 1997 budget agreement combined last year to produce the first budget surplus since 1969. What was Congress' reaction?

We abandoned all fiscal restraint and passed a monstrous Omnibus spending bill which included a record $22 billion in emergency spending.

With CBO predicting an even bigger budget surplus this year, $111 billion, we are rushing to enact a $15 billion emergency spending bill.

Since spending caps were instituted in the 1990 budget deal, Congress has appropriated $132 billion in emergency spending; $70 billion since the end of the Gulf War. The average annual emergency appropriation from 1993 to 1997 was $8 billion.

I believe that Senators must decide if they truly intend to abide by the budgets we pass, or simply ignore them.

As I have already mentioned, this bill includes $1.13 billion in new spending for the Federal Emergency Management Agency, partially offset by a $230 million transfer from the Community Development Block Grant program. This $1.13 billion is in addition to the $1.2 billion Congress has already appropriated to FEMA for fiscal year 1999.

While I support the work FEMA is doing to help my state recover from massive tornado damage, I believe the funding in this supplemental is far more than the agency needs. In fact, after touring Oklahoma tornado damage two weeks ago, the President asked for an additional $372 million for FEMA. I have been assured by FEMA that they do not require resources beyond this request to accommodate the Oklahoma disasters.

Unfortunately, the conferees on the supplemental decided to pile on $758 million more than the President requested. This extra funding has nothing to do with FEMA's current needs. It has everything to do with the appropriations committee's desire to "pre-fund" the agency in an attempt to avoid the fiscal year 2000 spending caps.

Mr. President, I commend the majority leader for his efforts to keep the cost of this bill down and remove some of its objectionable provisions. However, I deeply regret that I cannot support this emergency supplemental spending bill. I believe we are losing our grip on fiscal sanity, and I fear that worse is coming later this year. I plan to work aggressively throughout this year to make sure we comply with the budget we enacted last month.

Mr. REED. Mr. President, I rise in support of the supplemental appropriations conference report.

Mr. President, this bill is not perfect, and I realize that some of my colleagues do not believe it is worthy of support. I disagree. This legislation meets several pressing demands that we have a responsibility to meet. First, this compromise provides essential funding for our military operations in Yugoslavia as well as humanitarian aid for Kosovo refugees. Without this funding our fighting men and women will face equipment and material shortfalls and view a "no" vote as a lack of support for them and their mission. Second, this legislation follows through on a commitment we made to provide a long-overdue pay raise for our troops. Third, this legislation provides disaster assistance to help our Latin American neighbors recover from the hurricane which struck that region so viciously earlier this year, and it contains funds to aid recovery from the recent spate of tornadoes here at home. Lastly, it extends the Airport Improvement Program which helps our nation's airports reduce aircraft noise and ensure aviation safety.

However, I am disappointed that the Conference Committee decided to retain the Hutchison-Graham tobacco settlement recoupment provision in this year's Supplemental Appropriations bill. This amendment clearly does not deal with an "emergency" situation and should, therefore, not be included in this legislation. I am also deeply concerned that we have not thoroughly considered the potential impact this provision will have on the federal budget in years to come.

In essence, this provision usurps the ability of the Congress to engage in a healthy debate about the use of the federal share of the tobacco settlement. While many argue that the federal government has absolutely no claim to this money, those assertions simply are not true. Current law dictates that the federal government rightly has a say over the percentage it contributes to the Medicaid program. Yet, instead of bringing this matter to the floor and considering it in an honest fashion, we are allowing an unprecedented opportunity to make a real difference in the lives of millions of Americans completely slip away from us. It is unfortunate that proponents of turning over the federal share of the tobacco settlement to the states without any guidelines have taken this backdoor approach.

In essence, we have allowed our hands to be tied by the states, who wish to use this money to cut taxes, fix roads and build new buildings, among other things. According to a recent survey conducted by the Campaign for Tobacco Free Kids, the majority of states, as of today, have no definite plans to spend a portion of the settlement on programs to prevent children from starting to smoke or to help current smokers quit the habit. This action is in direct contrast with the desires of the majority of Americans who would like to see a major portion of this money set aside for tobacco prevention and cessation programs and health care to cover the cost of tobacco related illness. In my state, Rhode Islanders have resoundingly supported dedicating a significant amount of the settlement for tobacco related activities.

I am saddened that we appear to have lost sight of the fact that the process of suing the tobacco companies was not so states could get more money for roads or schools, but because for decades these companies purposefully deceived the American public about the dangers of smoking. As a result, generations of Americans have suffered the adverse health effects of this campaign of deceit, and the federal government spent billions addressing the health care needs of these folks. While states were triumphant in reaching this monumental agreement, what will the effort have been for if there is no change in teen smoking rates in this country?

Lastly, I am concerned that the conference report contains a number of dubious environmental riders that should be more fully debated as well as several budgetary off-sets that raise a number of questions. In particular, as a Senator who serves on the Banking, Housing, and Urban Affairs Committee, I believe that the rescission of $350 million worth of Section 8 funds could jeopardize the renewal of affordable housing contracts for thousands of elderly and low-income Americans, which would be a step backwards in our effort to increase the amount of affordable housing in our nation.

Thank you, Mr. President.

Mr. KERRY. Mr. President, I regret that I have to come to the floor to cast my vote against the emergency supplemental appropriations bill before the Senate today. When we face crises in this country, when you have American men and women serving courageously in Kosovo, when you have the borders in Macedonia and Montenegro overflowing with refugees, and when you have hundreds of thousands of hurricane victims in Central America, you would expect that the U.S. Senate would be capable of coming together—unanimously—to address these challenges. It used to be that way in the Senate. It's not that way anymore. Now we fund our operations in Kosovo, and we help the refugees, and we aid the hurricane victims, but at the same time we practice legislative extortion—we say to every Senator, "You want to vote for Kosovo? You want to vote for aid for hurricane victims? Go ahead—but you have to vote to cut vital housing programs for working Americans across this country. And you need to vote to eliminate environmental regulations." That's not the way we ought to do business in the U.S. Senate, and I think it's time we start to talk about changing that course before it contaminates public life any further. That is why I will cast my vote against this emergency supplemental appropriations bill: to register my frustration and my sadness with the way we now do business in the U.S. Senate.

Before I say more about the damage this bill does to so many of the vital areas of public policy in the United States, I must tell you that in many respects I only have the liberty of voting against this bill—of casting a symbolic stone against legislative blackmail—because I know this bill will pass the Senate overwhelmingly. Critical investments for our troops in Kosovo—which, as a veteran, as a citizen, and as a senator, I have aggressively supported—will be made in spite of my vote against this bill. The truth is, if this were not the case, if my vote would have undermined in any respects our efforts in Kosovo, I would have had to vote for this bill, in spite of the damage it does. I would have had to—regrettably—support this bill because we have a responsibility to support the American troops we have committed overseas, and I would never stand by and allow the Senate to send what I believe is the wrong message to our troops, and the wrong message to Slobodan Milosevic about American resolve . I believe the United States, and NATO as a whole, must remain united against the systematic killing, raping and pillaging of innocent Kosovar Albanian men, women, and children at the hands of Serb forces. The funding included in this supplemental appropriations conference report will provide support for the U.S. service men and women who are putting their lives in jeopardy and will, I believe, give them a greater capacity to achieve our military objectives in Kosovo. It will also provide the desperately needed relief for humanitarian efforts already underway to assist the refugees in that region. And these investments will be made by the U.S. Senate, reflected in our final tally.

I believe this Nation must have a bipartisan foreign policy, and that we can not afford to allow politics to endanger our troops. But I wish that more of my colleagues on the other side of the aisle, those who included provisions which cut directly against the interests of low income working Americans and our environment, would also have a commitment to bipartisanship on domestic issues of tremendous importance to so many working Americans struggling to keep their heads above water even in this great economy we celebrate on the floor of the U.S. Senate. The rescissions and changes in policy included in this Conference Report will eventually hurt the poorest Americans and will immediately hurt our environment. That should not be acceptable in a Senate which prides itself on its ability to do what is right for all Americans. I can not in good conscience support these measures.

I question what it says about our commitment to helping those who are being left behind in this new economy, that we could find the resources to provide $983 million in disaster relief for those whose lives were disrupted when Hurricane Mitch struck the Central American nations of Honduras, Nicaragua, El Salvador and Guatemala and when Hurricane Georges struck in the Caribbean last year—but we are cutting critical investments in housing for working Americans. Hurricanes in Central America have left almost 10,000 dead and have driven millions from their homes. The cost of damages to businesses, hospitals, schools and individual homes have been enormous. We are right to provide assistance to the victims of these hurricanes. But we ought to be able to do it without abandoning thousands of our neediest citizens here at home.

Today there are more than five million low-income Americans facing severe housing needs, receiving federal housing assistance. At least another 15 million Americans qualify for help but do not receive it because of limited budget appropriations. They suffer from homelessness—600,000 Americans homeless each night; 5.3 million Americans pay rents that are more than 50 percent of their household income, or live in severely substandard conditions—these are the severe housing problems we once hoped to address. These families are one misfortune away from homelessness. A child gets sick, a parent gets laid off—even for a week or two, the car breaks down, and that family ends up on the streets. So what are we doing in this supplemental appropriations bill? We're rescinding $350 million from the Section 8 program that helps these families who are working through the tough times—and we're rescinding this money in spite of the fact that the HUD budget in FY1999 will already be almost $1 billion less than it was in FY1994. This rescission will result in a shortfall that will cause the loss of subsidy and the displacement of approximately 60,000 families. 60,000 families. It will make the current waiting list crisis, where families must sometimes wait years to find some relief, even more difficult to solve.

This isn't the first time this has happened. Year after year, HUD's budget is raided—targeted for cuts in 1995, in 1997, in 1998, and again this year—to pay for emergencies which, by their nature and by law, are not required to be offset with budget cuts. Only a very small portion of this $15 billion bill is offset with spending cuts. I am disturbed, really, that some of my colleagues have chosen to make cuts to this program because they believe it is politically vulnerable. HUD's budget should not fall victim to this type of spending cut—and families struggling to stay off the streets shouldn't fall victim to this kind of politics.

I am not new to this game. I have fought year in and year out against substantial cuts that have been made to the HUD budget. These cuts have jeopardized the existing public housing services and have undermined HUD's capacity to continue the Secretary's ambitious program of reform or even just to make up for previous underfunding of capital needs to meet our Nation's demand for affordable housing. Last year, the Congress passed the first new section 8 vouchers in 5 years. This rescission would reverse in large part the down payment Congress made in addressing unmet housing needs. At least 100,000 new vouchers are needed to begin to address the outstanding needs. This rescission moves us in the wrong direction.

As the ranking member of the Housing Subcommittee, as someone who sees first hand in Massachusetts the struggles of so many families working their fingers to the bone and trying to stay off the streets, I can not support these draconian cuts in housing.

But this bill doesn't stop there. Some of my colleagues have included dangerous environmental riders in this bill—in a practice that is becoming all too common in this Senate. It wasn't this way 15 years ago when I came here, it wasn't that way 30 years ago when Democrats and Republicans worked together to write our first environmental laws, but it's that way now—even basic environmental protections have become a partisan fight—and the riders in this bill do serious damage to our environment. Specifically, the conference report includes three environmental riders that I believe will set back environmental progress, unnecessarily limit federal revenues and undermine the legislative process—and I oppose all of them.

The conference report extends the moratorium on issuing a final rulemaking on crude oil valuation until October 1, 1999. It restricts the implementation of the Department of the Interior Solicitor's opinion on mining that limits the number of millsites to one five-acre millsite per patent.

The environmental rider that I find most egregious prevents the Department of Interior from issuing new rules for hardrock mining on public lands. This is the third time the Senate has attached such a provision to an appropriations bill. As a result, the hardrock mining industry continues to cause environmental damage and costs the taxpayer.

The extraction of hardrock minerals like gold, silver and copper usually includes the excavation of enormous pits and the use of toxic chemicals like cyanide, and its results have been destructive. According to the General Accounting Office, there are almost 300,000 acres of federal land that have been mined and left unreclaimed. Abandoned mines account for 59 Superfund sites and there are more than 2,000 abandoned mines in our national parks.

The Mineral Policy Center estimates that the cleanup costs for abandoned mines on public and private lands may reach $72 billion. Rather than reform the industry through comprehensive legislation or proper execution of existing executive branch authority, we will once again block reform through a rider.

It is time that we put an end to this policy of undermining the environment, of gutting environmental protections, by slipping riders through the back door of every spending bill. We ought to be a better Senate than that. We ought to have our debates on the floor, in public, and if you want to promote a vision of an America where we turn the environment over to polluters, over to those who would destroy our natural resources, if that's your vision, then let's debate it—and let's end the practice of environmental degradation through appropriations bills.

Before I yield the floor, I do want to draw our attention to something in this supplemental bill which I believe is an important victory for Massachusetts, and for our fishermen. I am pleased that $1.88 million was included for NOAA's National Marine Fisheries Service, NMFS, to promote cooperative management and research activities in the Northeast multispecies fishery. These funds will complement the $5 million in emergency assistance that was appropriated for Gulf of Maine fishermen last November.

Many in this Chamber know that too many fishermen in New England are experiencing economic hardship due to new groundfish regulations recently imposed in the Gulf of Maine. In order to help alleviate the negative effects of these new regulations, fishermen have joined with NMFS in developing a spending plan for the $5 million in emergency assistance. The plan proposes to compensate fishermen for lost fishing opportunities that have resulted from inshore groundfish closures. Fishermen, in return, will make their vessels available to take part in cooperative research projects. A portion of the $1.88 million will be used to fund the cooperative scientific projects that will be conducted by NMFS and other institutions. In addition, some of the new funding will be used to employ fishermen as scientific observers. This new partnership will have a twofold benefit. Cooperative research activities will keep fishermen employed on the water while groundfish stocks recover, and this plan will promote a more constructive relationship between fishermen and NMFS with the goal of improving management activities in the Gulf of Maine groundfish fishery. I express my very real appreciation for the support of Senate Appropriations chairman, Senator TED STEVENS and the Democratic ranking member, Senator BYRD, for including this provision in the conference report and for their continued steadfast support of the New England fishermen.

In conclusion, let me just say that I fully support the American men and women who are putting their lives in jeopardy in the Kosovo region for a mission which I believe in very deeply—as a veteran, I support their interests very personally in fact. I would have liked to have seen the Senate produce an Emergency Supplemental Appropriations Bill that we could all vote for, unanimously. But this bill is a far cry from that kind of legislation, a far cry from the kind of bipartisan foreign policy we demand from our leaders in the United States. I am entirely disappointed that some members of the Senate have used this bill as a vehicle to hurt low-income working families and damage the environment we all share.

Mr. President, we are a great country of Americans who care about each other, who believe that we have a national purpose and that part of the reason we are a special nation is that we help each other make it through the times and make the most of our own lives. We're a great nation. We ought to be a great Senate that reflects that sense of commitment to one another, and I look forward to the day when those values return to this Chamber.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Mr. President, I have three additional speakers. I sent word to them. Does the distinguished Senator from Mississippi have any suggestions at the moment?

Mr. COCHRAN. Mr. President, I intend to reserve our time until just before the vote, if that is satisfactory.

Mr. BYRD. Mr. President, if it is agreeable with the distinguished Senator from Mississippi, I ask unanimous consent there be a recess for 3 minutes and it not be charged against the time.

The PRESIDING OFFICER. Is there objection?

Mr. COCHRAN. We would just suggest the absence of a quorum for that time.

Mr. BYRD. We can't call off a quorum in 3 minutes if anybody objects.

Mr. COCHRAN. I do not intend to object and I hope no one would.

Mr. BYRD. Mr. President, I agree with the Senator. I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, the time will not be charged.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I have no more requests for time. I yield my time back.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, there has been some conversation about disaster assistance for farmers and complaints that this bill does not go far enough to address the needs in the agriculture community for disaster assistance.

I point out to Senators that there are funds in here that will provide guaranteed loans for those farmers who are having difficulty getting financing for this year's crop so that the Government will guarantee the repayment of that loan. That will allow them to get loans they otherwise would not be able to get because of the inability to show that this year's crop will produce a profit.

This is a real problem, and we are sensitive to that. We have had hearings on that subject, and we are aware of it. In this conference report, we spell out, in addition to the funds I have talked about already in the bill, the following:

> The conferees recognize the problems facing agricultural producers today and understand that the actual needs for disaster assistance funds provided last year likely will exceed the projections of the Department of Agriculture. The Department of Agriculture has projected that net farm income will decline $3 billion below last year. The conferees expect the administration to monitor the situation closely and if necessary, submit requests for additional funds to the Congress for consideration.

This acknowledges that the problems are real. We know they are real. Last year was a big disaster in agriculture, and the Congress and the administration agreed to respond with a multibillion-dollar disaster assistance program. Some of the farmers have not gotten the benefits of that program yet. We provide funds to accelerate the availability of those benefits from the Department of Agriculture, and we are meeting every request that has been submitted by this administration for additional funds for that purpose.

The conference is sensitive to those needs. We did reject an amendment that was offered to increase the funding, and we hope the administration will let us know if additional funds are truly needed.

In many cases, it is impossible to determine what the assistance needs will be until after the crop year has begun. In many places, we have not even seen planting, but we do think this is responsive to that problem.

Mr. DOMENICI. Mr. President, I rise in support of the conference report accompanying H.R. 1141, the fiscal year 1999 emergency supplemental appropriations bill.

The pending bill includes emergency funding to finance the United States participation in NATO military operations in Kosovo and Yugoslavia. This supplemental makes available $11.0 billion in emergency, and contingency emergency, defense appropriations based on the crisis in Kosovo and the closely related readiness crisis in our armed forces.

Of these funds, $10.8 billion are appropriated to the Department of Defense:

The supplemental provides the $5.5 billion the President requested for military operations in Kosovo and Department of Defense refugee assistance.

It also provides some very needed readiness funding, specifically: $1.0 billion for procurement of depleted munitions stocks; $1.1 billion for spare parts, stocks of which have reached crisis proportions for some weapon systems; $700 million for overdue maintenance of these same weapons systems; $100 million for recruiting to address DoD's retention crisis; $200 million to improve the declining training of military personnel in high priority military specialties, and $200 million to repair aging bases.

These are important additions that clearly merit this additional funding and an "emergency" designation. Some will argue that these adds for defense are too much; others will argue, correctly I believe, that these readiness increases are overdue. I have received both official and unofficial reports of extremely serious readiness problems in our armed forces. This additional funding will just begin to address these problems correctly.

The legislation also makes $475 million available to the Secretary of Defense for Military Construction for him to use, under proper controls, as he sees fit. Another $1.8 billion is provided for military pay and pensions, subject to authorization legislation that Congress may choose to enact.

Both of these latter additions are deemed "contingent emergencies." The money will only be expended if the President agrees that the needs constitute an emergency and the funds should be spent for the stated purpose. The President need not spend these funds if he so selects. This, I believe, is an appropriate way to make these funds available.

I strongly support these funds for our troops in the Balkans and for those in other parts of the world who may soon find themselves also involved in this troubling conflict. Regardless of our views regarding the conflict in the Balkans, we must fully support our armed forces being employed there and ensure that their equipment and training is fully and completely supported. It would be dangerous and foolish to do anything less.

The conferees also provide $1.1 billion for humanitarian assistance to refugees from Kosovo. Congress provided an additional $548 million above the President's request to aid refugees that have fled Kosovo and the 20,000 that are temporarily resettling in the United States. This is a significant infusion of resources to address an increasingly desperate situation in the nations bordering Kosovo.

I commend the managers of the conference report for including the emergency aid to Central American countries who suffered form the ravages of Hurricane Mitch. This aid is for our neighbors who faced devastation of Biblical proportions last fall. The final aid package totals $814 million for the region.

I remind my colleagues that the United States has worked for more than a quarter of a century to help develop democratic movements in this region. The need to move quickly and pass this funding cannot be overstated. When I visited the region in December, I was gratified to hear government agencies and relief groups emphasize over and over again, "We want your help, not forever, but so we can begin to help ourselves and continue building stable and democratic societies."

In addition to these critical items, the final bill addresses the President's request for a $100 million appropriation for Jordan under the Wye Peace Accord. The Congress also provides an additional $574 million for aid to America's farmers following the $5.9 billion in emergency aid approved by Congress last October. It is also important to note that the conferees have taken swift action to ensure that sufficient disaster aid through the Federal Emergency Management Agency, FEMA, is available for Oklahoma, Kansas, and other Midwestern states that have been severely damaged by recent tornadoes.

Mr. President, I will ask unanimous consent to print in the RECORD at the conclusion of my remarks a table by the Congressional Budget Office that summarizes the spending in the pending bill.

Mr. President, including offsets to some of the nondefense emergency and non-emergency spending in the bill, the net total of the final bill is $11.35 billion in BA and $3.7 billion in outlays for fiscal year 1999. An estimated $2.0 billion in BA and $7.4 billion in outlays will be expended in fiscal year 2000 according to CBO estimates of the bill.

Finally, I address an issue raised by the inclusion of a provision in the conference report concerning the Overseas Private Investment Corporation, OPIC. Because this language in the conference report attempts to change the way we treat an OPIC program under title V of the Budget Act (The Federal Credit Reform Act), it violates section 306 of the Budget Act.

We have consulted with CBO and OMB, and both agencies say they will not change their treatment of OPIC programs from past practices because of this provision. Therefore I will not challenge this language, because I do not think the conference report will have any practical effect on credit reform or our budgetary treatment of OPIC programs.

I support this bill. It is largely an emergency spending package that responds to serious natural disasters at home and abroad, and to the NATO military campaign in the Balkans and the resulting tragedy of thousands of Kosovar refugees displaced during this conflict. I urge the adoption of the conference report.

Mr. President, I ask unanimous consent that the table to which I referred be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SUMMARY OF FY 1999 SUPPLEMENTAL APPROPRIATIONS, H.R. 1141

[Conference agreement, by fiscal year, in millions of dollars]

		1999	2000	2001	2002	2003	2004	2005	Beyond	Total
Discretionary:										
Emergencies:										
Defense	BA	9,049	1,838	....	....	....	....	....	....	10,887

SUMMARY OF FY 1999 SUPPLEMENTAL APPROPRIATIONS, H.R. 1141—Continued

[Conference agreement, by fiscal year, in millions of dollars]

		1999	2000	2001	2002	2003	2004	2005	Beyond	Total
	0	2,509	6,168	1,437	438	174	18	10	4	10,758
Nondefense	BA	3,733	43							3,776
	0	1,073	1,090	741	497	346	226	24	10	4,007
Total emergencies	BA	12,782	1,881							14,663
	0	3,582	7,258	2,178	935	520	244	34	14	14,765
Non-emergencies:										
Defense	BA	1								1
	0	19	17	-13	-13	-4	-1	-1	3	7
Nondefense	BA	-300	74	8	8	8	8	8	8	-178
	0	76	85	18	-4	-5	-4	-4	-351	-189
Total non-emergencies	BA	-299	74	8	8	8	8	8	8	-177
	0	95	102	5	-17	-9	-5	-5	-348	-182
Total discretionary:										
Defense	BA	9,050	1,838							10,888
	0	2,528	6,185	1,424	425	170	17	9	7	10,765
Nondefense	BA	3,433	117	8	8	8	8	8	8	3,598
	0	1,149	1,175	759	493	341	222	20	-341	3,818
Total	BA	12,483	1,955	8	8	8	8	8	8	14,486
	0	3,677	7,360	2,183	918	511	239	29	-334	14,583
Mandatory (1)	BA	-1,135								-1,135
	0									
Total Bill	BA	11,348	1,955	8	8	8	8	8	8	13,351
	0	3,677	7,360	2,183	918	511	239	29	-334	14,583

[1] Includes Food stamp rescissions of -$1,250 million (assigned to appropriations committee) and grants-in-aid for airports supplemental of $115 million (assigned to authorizing committee).

Source: Congressional Budget Office.

KOSOVO: A LONG ROAD TO NOWHERE?

Mr. **MURKOWSKI.** Mr. President, we will soon vote on a $15 billion spending bill that will, among other things, further fund the war against Yugoslavia. Although the Administration requested some $6 billion for military and humanitarian needs for the Kosovo operation, this amount has almost doubled, and is well over $11 billion. Sadly, this higher figure will not get our readiness back where it needs to be—where we could, at the drop of the hat, successfully wage two full scale wars at the same time—as directed in the "Quadrennial Defense Review."

It also illustrates something seriously gone wrong here in Washington, D.C. Only a small amount of these funds are subject to offsets—its as if there is this notion, both in the Administration and in Congress, that this is "free money." Well it's not, Mr. President. For every dollar spent, another priority loses out. And I can think of a whole host of areas where this money would be better spent than in fighting a war in a part of the world where most Americans can't clearly identify on a map. Tax cuts, Social Security, Education, to name just a few.

I will vote against this bill for two reasons: (1) our Kosovo policy is seriously flawed and the only way we in Congress can truly voice our opposition is voting where it hurts the most—the pocketbook; and (2) this is a spending bill gone mad—there is no fiscal accountability here, nor is there any notion of fiscal responsibility.

This vote, at least for me, will be one of the toughest I have had to cast in my tenure in the United States Senate. I strongly support our military, and am proud of our men and women in uniform. I certainly do not want to jeopardize our people who are charged with carrying out this war. But even so, this is not a vote against our military—rather, it is a vote in opposition to the Administration's seriously flawed, if not inept Kosovo policy.

No one disputes that Milosevic is a bad person and that he should be stopped. His brutal, persistent attacks on the Albanian Kosovar people is akin to Germany in the Second World War. But air strikes alone are not going to do it—they will level Yugoslavia, destroy most of its infrastructure, terrorize its civilian population, and most likely, not be successful stopping Milosevic.

I do not believe that our war fighters' are being given sufficient latitude to make this mission a success. Their decisions are subject to dual-review: (1) the "political" review of the White House; and (2) the "consensus" of our NATO allies through every step of the war.

A few examples. General Clark's request to deploy gunships continues to be denied by "senior military advisors in Washington, D.C." Who are these people? The Joint-Chiefs of Staff? Or Sandy Berger and Madeleine Albright?

It took over a month to get Apache helicopters to the region; and they sit grounded because the "polls" show no support for a ground campaign.

It seems to me that one of the first priorities in waging a war is to cut off the supply lines of the other side—and oil, in particular, so that they cannot fuel their tanks and planes.

Unbelievably, the NATO alliance refused to cut off the flow of fuel that fires Milosevic's war machine. Although the U.S. proposed a blockade to stop the oil, it was defeated by France which opposed implementing a blockade without a formal declaration of war.

We are executing massive, full scale air bombings every day; people are being killed; but the French believe a declaration of war must be a precondition for a blockade.

Our bombs have gone off course several times, hitting refugee convoys, the country of Bulgaria, and the Chinese embassy in Belgrade—which is technically Chinese soil in Yugoslavia.

At least in the case of the Chinese embassy, it wasn't the bombs at fault, it was our intelligence. Although the tourist maps in Belgrade accurately place the Chinese embassy in that locale, our intelligence was using an outdated map that led them to believe it was a procurement center for the Serbian military.

The Chinese people are outraged, and well they should be. But the American people should be just as outraged—not just by this bombing, but by the continued incompetence which has come to typify this policy.

I fail to understand how waging this war by NATO consensus is getting us anywhere except more deeply involved militarily, and less likely to find a diplomatic solution to this crisis. Mr. President, wars should not be waged by consensus, and diplomacy should not be directed by polls.

Internationally, the world is a much less stable place than it was even two months before. There was a sense of optimism that Russia might help broker a diplomatic solution to Kosovo. The possibility remains, but Russia is far less stable than previously thought: President Yeltsin survived an impeachment proceeding, but he has again disbanded his government to the degree that it is unclear who in Russia has the power to help negotiate an end to this crisis.

The Chinese are no longer just a sideline observer. While China has opposed the NATO bombings from the outset, it didn't have a dog in this fight until we bombed their embassy in Belgrade. If a deal on Kosovo is reached, it will have to pass muster with the Chinese who hold veto authority on the U.N. Security Council.

We continue to bomb Iraq daily—stretching our Air Force readiness even further. Saddam Hussein shows no signs of letting up, and will most likely use this as an opportunity to push us even further.

And last, but not least, the Korean Peninsula continues to be a crisis in waiting. Starvation in North Korea is rampant, food supplies are gone, and the country is undergoing one of the worst droughts in history. If the North Koreans decide to engage us militarily, we will be fighting three wars at the same time—beyond that envisioned by our military strategists in the Quadrennial Defense Review, and perhaps much more than we are currently prepared to do.

Again, we will soon vote on this supplemental funding package. Over $15 billion. And when the war is over, we will be asked to vote on additional funding to rebuild Yugoslavia. We will probably vote to rebuild the Chinese embassy in Belgrade. And if we approve additional funds for the military campaign, the end costs of rebuilding Yugoslavia will only continue to mount.

My vote does not undermine my support, concern or pride for our military. But I do believe that a diplomatic solution to this problem should have been found, can still be found, and must be found if we are to avoid the further escalation of this war. Failure to do so will cost us precipitously—not just in dollars, but in American lives.

I yield the floor.

Mr. ASHCROFT. Mr. President, I rise in opposition to the $15 billion supplemental appropriations conference report before us. The supplemental spends far more than is necessary to support our effort in Kosovo and, worse, will take vitally needed money out of the Social Security surplus, thereby raiding the Social Security Trust Fund.

Protecting the Social Security trust fund is one of my highest priorities. The Social Security system is expected to go into deficit in 2014 and we will need every dollar of that surplus today in order to be prepared for the tomorrows ahead of us.

Until this point, the Senate has been headed in the right direction on Social Security. The Budget Resolution, which I strongly supported, called for reduced debt and taxes, increased funding for education and national defense, and maintaining the spending caps so necessary to control spending.

Perhaps most importantly, the budget resolution built in on-budget surpluses from the year 2001 and beyond. This is significant because surpluses that are accumulating in the Social Security Trust Funds will no longer be used to finance on-budget operations of government. Social Security surpluses should not be used to finance deficits in the rest of government.

The Budget Resolution stood in stark contrast to President Clinton's budget, which, over the next five years, proposed spending $158 billion of the Social Security surpluses on non-Social Security programs.

The Budget Resolution, in addition to preserving every penny of Social Security surpluses, also contained procedural hurdles blocking future budgets from spending Social Security surpluses.

These procedures included a point of order against on-budget deficits and an amendment calling for reducing the debt ceiling by the amount of the Social Security surplus—the lockbox provision.

The Senate voted in favor of both the point of order and the lockbox by unanimous votes during the budget resolution.

In addition, the Abraham-Domenici-Ashcroft lockbox legislation, which is still pending in the Senate, would put these procedures into law, and ensure that Congress could not spend the Social Security surpluses on non-Social Security purposes.

Unfortunately, the supplemental appropriations package before us would undo some of the good work that we have already done this session.

By not offsetting $13 billion of the spending, the supplemental takes money from the Social Security surpluses, money that is necessary to protect the Social Security trust funds.

Thus far, Congress has been committed to stopping the raid on Social Security. This Congress has passed a budget that is balanced without using Social Security funds.

This conference report, however, not only spends Social Security funds, but also contains $1.2 billion in traditional pork spending.

I refer to such spending as $45 million for Census funding, $3.76 million for the House page dormitory, and $1.8 million for the O'Neill House building.

If this bill were just for Kosovo and true emergency spending, I would vote for it. If this bill were fully offset, I would vote for it. But this bill is neither all emergency nor all offset. This bill, like the $21 billion omnibus appropriation last fall, is an abrogation of our responsibility to protect the Social Security surplus.

Mr. President, this is not the way that we should handle Congress' responsibility over the federal purse strings. If we face real emergencies, we should fund those emergencies.

But funding those emergencies is not free. We need to pay for all spending, emergency or not. This is why I support Senator ENZI's attempt to make sure that this entire appropriation is offset.

If we do not offset our spending, the money comes out of the Social Security surplus. There is no getting around this fact. We must pay for any new funding. If we do not pay for it, it comes out of the Social Security surplus.

The Social Security program is too important to be raided. While I recognize the importance of emergency funding, particularly for Kosovo, I also recognize that spending needs to be paid for.

Mr. President, this request is not unreasonable. All across this great land, when families face unexpected expenses, they must offset their spending by readjusting their priorities. No family in America would react to an unexpected crisis by going out and spending more money on other discretionary, non-budgeted items. All I am asking is that the Congress do the same.

This supplemental spends too much money and offsets too little of it. If we are to keep our financial house in order, and to protect the Social Security trust funds, it is time that we in Congress started to change our behavior.

If we are to maintain our Social Security obligations, we need to learn how to spend less money, and offset more. It is with regret that I feel obligated to oppose this conference report.

Mr. LAUTENBERG. Mr. President, I support this supplemental emergency appropriations bill. It is far from perfect, and I have serious reservations about some provisions. At the same time, the legislation would provide vitally important funding for our operations in Kosovo, as well as several other important provisions. So, on balance, I have concluded that the bill deserves my support.

Mr. President, of the $15 billion in new spending this bill contains, $12 billion is to support our important mission in Kosovo, to punish Slobodan Milosevic for his brutal policy of ethnic cleansing, compel a political settlement, and facilitate the return of the Kosovar Albanian refugees to their homeland. The tragedy in Kosovo represents a turning point for NATO, European security, and American leadership in the 21st century. I am glad that Congress has shown its support for the President with the funding contained in this bill for the military operation and the humanitarian assistance.

The bill also contains funds to ensure that the International Criminal Tribunal for former Yugoslavia can effectively investigate and prosecute the perpetrators of the atrocities committed in Kosovo and those in Belgrade who ordered them to carry out this campaign of terror. They must be brought to justice.

I am also glad that after a long delay we have provided the necessary assistance for Central American countries to recover from the devastation imposed last fall by Hurricanes Mitch and Georges.

Mr. President, this bill also contains a provision that helps family members of the victims of the terrible Pan Am 103 bombing to attend the trial of the charged criminals before the Scottish court in the Netherlands. As you know, Mr. President, many New Jersey natives were on that flight. These families have waited too long for justice to be brought, and I am glad that they will be able to see it rendered firsthand.

The bill also provides $100 million for Jordan, to help support its role in advancing the Middle East peace process. The region stands at a critical juncture after the death of King Hussein and the election of Ehud Barak as Israeli Prime Minister. I am glad we provided this down-payment for Jordan. Now we must follow through on our commitment for Israel and the Palestinian Authority per the Wye River Memorandum the U.S. helped broker.

Mr. President, despite these positive elements, the bill before us has many flaws.

It contains more than $6 billion in unrequested defense spending, far in excess of what it will take to prosecute the air war against Milosevic. It stretches the definition of what constitutes an "emergency" to such an extent that it mocks the notion of fiscal discipline.

This year's concurrent resolution on the budget established five explicit criteria to guide the use of the emergency designation, which allows funding beyond the discretionary caps. These criteria relate to whether an item is (i) necessary, essential, or vital (not merely useful or beneficial); (ii) sudden, quickly coming into being, and not building up over time; (iii) an urgent, pressing, and compelling need requiring immediate action; (iv) unforeseen, unpredictable, and unanticipated; and (v) not permanent, temporary in nature.

Unfortunately, it is difficult to see how some of this defense spending constitutes an emergency. For example, while increasing military compensation may be a laudable goal, it hardly represents an emergency under these criteria.

I also am disturbed by the apparent disparate treatment of offsets. As my colleagues know, under the Budget Act, funding for emergency spending does not count against the discretionary caps and therefore does not have to be offset. For some reason, however, the Majority feels that offsets are necessary—but for only for the agriculture and humanitarian emergencies, not the military portion. This double standard defies logic. If something is an emergency, no offsets should be required. If it is not an emergency, then we should not use the emergency designation and we should pay for it with spending reductions.

However, of all the problems with this bill, I am most disappointed in the provisions related to the recent multistate tobacco settlement. These provisions waive the Federal government's right to recoup its share of recovered tobacco Medicaid costs without any guarantees that State governments will spend even a penny of these settlement funds on tobacco control programs.

Mr. President, these provisions—stuck into this large emergency supplemental appropriations bill—hand the tobacco industry a big victory. The tobacco lobby wanted to avoid an effective, nationwide anti-youth smoking effort. And unfortunately, it looks like their wish was granted.

Mr. President, some have characterized this recoupment of Federal Medicaid dollars as a Federal "money grab" of State dollars. Nothing could be further from the truth.

It is without question that a large portion of the state settlements with the tobacco industry represents a recovery of Federal funds. I should know, because I have been working with the state attorneys general on these cases since they were filed.

In fact, I introduced the first "Tobacco Medicaid Waiver" bill back in 1996. At that time, I was joined by Mississippi Attorney General Mike Moore and Minnesota Attorney General Skip Humphrey at the introduction of a bill that would allow States to keep part of the Federal share of Medicaid. At the time, there were only ten states suing, and my bill was aimed at urging more States to bring claims.

Mr. President, back then, none of these pioneering state officials ever said that the Federal Government had no right to Medicaid recoupment. It is a preposterous argument. The states sued under the Federal Medicaid statute—they knew that then and they know that now.

Mr. President, there is no question under current law that a portion of these settlements are Federal funds. It is also important to note that the tobacco settlement signed by the States blocks the Federal government from seeking reimbursement for Federal Medicaid costs caused by tobacco company misconduct in the future. So, in other words, the States waived our rights too.

Let me be clear: I think we should ultimately give this money back to the States—but we must have guarantees that a portion of this tobacco recoupment will be used to reduce youth smoking, assist children and promote public health.

Mr. President, the provisions stuck into this bill are bad policy and primarily benefit one party: the tobacco industry. The losers will be America's children. Because of this provision, more young people will begin to smoke. And many of them, ultimately, will die as a result.

Mr. President, that's not right. And I hope Congress will reconsider this decision in the future.

Still, Mr. President, this conference report does contain several other important provisions, including funding for our operations in Kosovo. So, while I do so with some reluctance, I will support it.

Mr. COCHRAN. Mr. President, I yield the remainder of our time to the distinguished Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. How much time do I have?

The PRESIDING OFFICER. Three minutes 12 seconds.

Mr. STEVENS. I thank the Chair, and I thank my good friend from Mississippi for managing the bill for us as we had a distinguished visitor in the Appropriations Committee room.

Mr. President, there is a lot of controversy about this bill, but I think this bill represents the best of America. We have reacted to crises abroad and crises in this country.

There are items in this bill that are not emergencies. While many people are saying they should not be here because they are not emergencies, they are here because this is a supplemental and an emergency bill. It is a bill that we can all vote for in good conscience, and I hope there will be an overwhelming vote for this.

Again, I point out for the Senate that the men and women of the armed services are aware of this bill. It means a great deal to them. It is a symbol of our commitment to the pay raise for which we have already gone on record.

It is a symbol that we are going to step forward to modernize the armed services. It is a symbol that we are going to provide the money to assure these people when they are sent overseas, whether it is Kosovo or in the area of Iraq or in South Korea, or in Bosnia—wherever it may be in those 93 countries of the world that the American service men and women are now serving—we are going to stand behind them and give them all the support they need not only for their safety but for their comfort.

The passage of this bill will mean that we can now go ahead with the balance of our necessary actions in the Appropriations Committee. We have 13 full bills that come forward. I hope this will be the last supplemental of this year. I join the majority leader in not welcoming supplemental bills. But I know there are times when it is necessary; and this one is necessary.

Anyone who looks at our involvement in the world knows that we cannot calculate in advance the costs of events, such as the Kosovo operation, both militarily and in regard to refugees. These were things that came up after we planned expenditures for 1999 in the fall of last year.

I urge the Members of the Senate to vote for this bill. I urge that we, as quickly as possible, get it to the President so he can sign it today.

I yield back any time I have and ask for the yeas and nays.

The PRESIDING OFFICER (Mr. GORTON). Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is all time yielded back?

All time having been yielded back, the question is on agreeing to the conference report to accompany H.R. 1141. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 64, nays 36, as follows:

[Rollcall Vote No. 136 Leg.]

YEAS—64

Abraham
Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Breaux
Brownback
Bunning
Byrd
Campbell
Chafee
Cochran
Collins
Conrad
Coverdell
Daschle
DeWine
Dodd
Domenici
Durbin
Feinstein
Frist
Graham
Harkin
Hatch
Hollings
Hutchinson
Hutchison
Inouye
Johnson
Kennedy
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McConnell
Mikulski
Moynihan
Murray
Reed
Reid
Roberts
Rockefeller
Roth
Sarbanes
Schumer
Shelby
Smith (OR)
Snowe
Specter
Stevens
Thompson
Thurmond
Voinovich
Warner
Wellstone

NAYS—36

Allard
Ashcroft
Bayh
Boxer
Bryan
Burns
Cleland
Craig
Crapo
Dorgan
Edwards
Enzi
Feingold
Fitzgerald
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Helms
Inhofe
Jeffords
Kerrey
Kerry
Kohl
McCain
Murkowski
Nickles
Robb
Santorum
Sessions
Smith (NH)
Thomas
Torricelli
Wyden

The conference report was agreed to.

Mr. LOTT. Mr. President, I move to reconsider the vote.

Mr. HATCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

OFFSET OF EMERGENCY SUPPLEMENTAL SPENDING LEGISLATION

Mr. ENZI. Mr. President, as the supplemental appropriations conference report stands, it is currently $13.3 billion out of balance. Only $2 billion of the spending in this bill is offset and my bill will ensure that Congress follows the rules and not dip into the Social Security surplus to fund all the truly non-emergency items in the supplemental appropriations bill.

The legislation that I have introduced imposes much needed fiscal discipline. I have been working for a balanced budget since I was first elected to the Senate and the supplemental begins the process of undoing that work. Congress must not go back to the old spending rules—just because we have a surplus that does not mean that the battle has been won. It means that we must continue to be watchful and ensure that the surplus continues to grow.

Some of the items in this bill are true emergencies such as disaster relief in Oklahoma, livestock assistance and Hurricane Mitch relief. However, there are many items that are not emergencies, like $48 million for a new satellite for the Corporation for Public Broadcasting and $3.75 million for renovations to the House page dormitory. There is $45 million for unanticipated costs associated with the census, to an accountant it seems that there needs to be better cost control to prevent such things. There are millions of dollars in examples of items that are not emergencies but have been designated as such. Many of these items should have been debated in the fiscal year 2000 appropriations process.

Even while the economy is strong, I remain concerned about the debt that we are in danger of passing on to our children and our grandchildren. In the past, it seemed we were so tied to the immediate gratification we receive from spending money that we didn't see the danger that looms in the not too distant future—the risk associated with spending "on credit" with reckless abandon. We still don't acknowledge that danger.

The genesis of this bill was to pay for the current military conflict in Kosovo. I fully support the troops and I was prepared to vote to pay for the costs of supporting our men an women in uniform, but the supplemental goes far beyond what I was prepared to support. Many of these items are best left to the Department of Defense authorization bill or the Soldier's, Sailor's and Airman's Bill of Rights, which passed the Senate and contained a much needed pay raise for the armed services. The pay raise contained in the supplemental jumps the gun. The House should have the opportunity to consider the authorizing legislation before the money is appropriated.

Just passing a balanced budget resolution is not enough. Congress must continue to be on watch for attempts to violate not just the letter of resolution, but the spirit through spending bills that are not offset. This Legislation will ensure that the bill fits under the spending caps and that the surplus is protected.

As a body, we have been seriously debating locking up the Social Security surplus to ensure that the money will be there to honor America' contract with our senior citizens. Now we have a bill that dips into the surplus to pay for a Christmas tree of items under the false pretenses of an emergency. This is exactly what the lock box was designed to prevent. I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1097

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. OFFSET OF EMERGENCY SUPPLEMENTAL SPENDING.

Not later than 15 days after Congress adjourns to end the first session of the 106th Congress and on the same day as a sequestration (if any) under sections 251 and 252 of the Balanced Budget and Emergency Deficit Control Act of 1985, the Director of the Office of Management and Budget shall cause, in the same manner prescribed for section 251 of that Act, a sequestration for fiscal year 2000 of all non-exempt accounts within the discretionary spending category (excluding function 050 (national defense)) to achieve a reduction in budget authority equal to $13,303,000,000 minus the dollar amount of reimbursements identified in the report required by section 2005 (efforts to increase burden-sharing) of the 1999 Emergency Supplemental Appropriations Act.

Mr. GRAMS. Mr. President, I rise in strong support of Senator ENZI's bill to offset all of the nonemergency funding in the supplemental with an across the board cut in non-defense discretionary accounts.

As one who vigorously opposed the omnibus appropriations bill of last year which resulted in spending far above our commitments, I was surprised that here we have yet another attempt to circumvent our budget principles—and to spend part of the Social Security surplus nearly all of us pledged to devote only to Social Security.

While there are true emergencies in the supplemental I support, such as the agriculture spending and funds directly related to our Kosovo operation, I strongly oppose inclusion of other defense spending that clearly should be considered in the normal appropriations process. And I oppose beefing up the FEMA budget three times over the President's request as well. What all of this is about is just a gimmick to claim we are not breaking the caps as we proceed into the fiscal year 2000 appropriations process by providing some funding now. The last estimate I saw indicated only $2.5 billion of this funding will be outlayed in this fiscal year. So—why are we appropriating $15 billion?

Mr. President, I have no objection to this additional spending—if we pay for it. Senator ENZI's legislation, which I have cosponsored does pay for it. This is the responsible thing to do, since most of this bill—over $13 billion is not emergency spending.

Those who believe in integrity of our budget process and in the need to preserve Social Security will vote for this bill.

Mr. SESSIONS. Mr. President, I rise in support of Senator ENZI's bill to offset the supplemental appropriations bill.

Senator ENSZI's bill is consistent with my belief that we must pay for this emergency supplemental bill with offsets.

Mr. President, under the Balanced Budget Act of 1997, Congress, the President, and the American people agreed to cap the growth of our Government's spending programs. In doing this we were able to balance the budget and head down the path of fiscal responsibility. We have agreed under the law to these spending caps. We should not now turn our backs on the commitment we made to the American people, by going back on our word and breaking this agreement with them.

Because of this commitment to the American people, Congress must not bust these spending caps.

In that same vein, at the zenith of our success to have finally balanced the Federal Government's budget for the first time in 29 years, we ought not look to spend $13 billion we don't have. We can ill afford to use our first wave of surpluses, especially the surpluses garnered from the Social Security trust fund to pay for this supplemental. We can ill afford at this critical juncture to break our pledge to our seniors over social security, not to the public over keeping our budgets balanced.

In closing Mr. President, I believe Senator ENZI's bill, of which I am an original cosponsor, is right on the mark. We need to use common sense in budgeting in our Nation's Capitol.

Granted we have several emergencies confronting us, from the disasters that have hit our constituents across the land, the need to increase FEMA's funding to meet these needs, desperately needed funds for our farmers—including my provision to the bill that will help our farmers to qualify for disaster funds, up to the need to support our troops in Kosovo. But—we must pay the bill. I support Senator ENZI and our other cosponsors, by calling for reduced spending in other federal programs in order to fund these necessary emergencies. This is truly the only way this Congress can justify spending money we don't have.

Mr. LOTT. Mr. President, I have sought recognition to make a couple of unanimous consent requests.

First, I want to commend the chairman of the Appropriations Committee for his work on the supplemental appropriations. It is never easy for him, but it is easy for us to second-guess and be judgmental. In his unique way he does a magnificent job.

VIOLENT AND REPEAT JUVENILE ACCOUNTABILITY AND REHABILITATION ACT OF 1999

The Senate continued with the consideration of the bill.

Mr. LOTT. I believe the procedure is that Senator HARKIN would be entitled to the floor, but this unanimous consent agreement will take care of that problem and we will be able to move forward.

I ask unanimous consent that the Senate proceed to vote on or in relation to the Ashcroft-Frist amendment, No. 355, after 20 minutes of debate to be equally divided in the usual form; following that vote, if agreed to, the Senate immediately agree to an amendment to be offered by Senator HARKIN. I further ask that following the disposition of the above two mentioned amendments, if the Ashcroft-Frist amendment is agreed to, the following be the only amendments remaining in order and under a time agreement equally divided, and all other provisions of the previous consent of May 14 still be in place.

The amendments are as follows: The Bond amendment regarding the film industry, 30 minutes; the Biden amendment, 45 minutes, with 30 minutes under the control of Senator BIDEN and 15 minutes under the control of Senator HATCH.

I further ask that following the disposition of the above-listed amendments, the bill be advanced to third reading and passage occur, all without any intervening action or debate.

Mr. DASCHLE. Mr. President, reserving the right to object, and I will not because I think we need to move quickly here, I want to thank all those who are responsible for getting us to this point. This has taken some cooperation on the part of both sides. I especially want to thank Senators HARKIN, ASHCROFT, FRIST, BIDEN, WELLSTONE and others who have been very helpful.

I have no objection.

Mr. HARKIN. Reserving the right to object, I am sorry that I did not hear the entire request, but the situation, as I understand it, prior to right now, was that after the supplemental, we were coming back to the Frist-Ashcroft amendment and I was to be recognized.

The PRESIDING OFFICER. The Senator is correct.

Mr. HARKIN. What does this do to that?

Mr. LOTT. This would obviate that and we would move forward with the procedure that is outlined. We would proceed to vote on or in relation to the Ashcroft amendment with time equally divided for 20 minutes, and then the Senate would immediately agree to the amendment offered by Senator HARKIN.

Mr. HARKIN. As I understand it, what you are saying is right now we would have 20 minutes?

Mr. LOTT. Right. Equally divided in the usual form.

Mr. HARKIN. Then you would vote up or down on the Frist-Ashcroft amendment, and then there would be—then what?

Mr. LOTT. Then we would go directly to the agreement to accept the Harkin amendment.

Mr. HARKIN. OK. I am OK with that.

I must be very honest with you. I have been waiting some time to be able to at least make my case on the floor. I have been more than willing to set everything aside and to let the process go ahead since yesterday. But I must tell you that since yesterday I have been waiting to get at least 15 to 20 minutes where I could just lay out my case on the Frist-Ashcroft amendment on IDEA, the background of it. I just believe I have to. I want to be able to fully make my case against the amendment. I do not want to take a lot of time, I do not want to filibuster it, but I would like to have 15 or 20 minutes just to lay out my case. That is all.

Mr. LOTT. Mr. President, perhaps I could amend the unanimous consent request to this effect, that we have 30 minutes on the Ashcroft and the Harkin amendments, with each side getting 15 minutes. The Senator would have 15 minutes, Senators ASHCROFT and FRIST would have 15 minutes, and they would split it up between themselves. I modify my request to that effect.

Mr. DASCHLE. Mr. President, reserving my right to object, I support that request. Just for clarification purposes, Senator BIDEN wants to be sure that the other part of the arrangement we had, which was an up-or-down vote on his amendment, would occur. I just would clarify that for the record. I understand that to be the case.

Mr. LOTT. That will be the way the vote will occur.

The PRESIDING OFFICER. Hearing no objection, the unanimous consent agreement is agreed to.

Mr. LOTT. I thank all involved. I yield the floor.

Mr. DASCHLE. If I could just ask the majority leader, we had one Member's request: Senator KERRY asked if he could have a period of time—I suggest 10 minutes—prior to final passage, for him to be recognized.

Mr. LOTT. Would it be possible he could do that after final passage? The reason why, and I understand—I would like any Senator to be able to do that—we do have a number of Senators who would like to be able to leave by 6. You are talking about airplanes. You are talking about a son's athletic event. It is the usual thing. To admit we have these sorts of requests is not always easy.

Mr. DASCHLE. Perhaps we can consult with Senator KERRY.

Mr. LOTT. Perhaps we will not use all the time and we could stick it in there, but if he would be willing to at least consider it after final passage it would help a number of his colleagues. We will work on that.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Iowa.

AMENDMENT NO. 355

Mr. HARKIN. Mr. President, we are now back on the Frist-Ashcroft amendment. I am not going to proceed until we have order. I cannot even hear myself.

The PRESIDING OFFICER. The Senate will be in order. Will the conversations in the aisles be taken somewhere else.

The Senator from Iowa.

Mr. HARKIN. Mr. President, I know the recent school tragedies—again, even another this very morning—are a call to action to us as families and churches and schools, as communities, as leaders in government, to take positive, constructive steps to make our schools places of learning and not of fear. But let's not use these tragedies of Littleton and other schools to take emotional, unfounded—although well-intentioned-actions which actually will make our schools and communities more unsafe and less secure.

I want to make this point very, very clear. The Frist-Ashcroft amendment is a dangerous, dangerous, dangerous amendment. The Frist-Ashcroft amendment guts IDEA. It actually will make our communities and our schools more unsafe.

The purpose of this bill is to help make our schools and communities safer. That is the purpose of the bill in front of us. I must ask, is putting a child with a disability on the street and cutting off all services to that child something that will make our communities more safe? Frankly, it will have the opposite effect.

This amendment, would, for example, lead to a child with an emotional disturbance being put on the street and end the counseling and behavioral modification services they had been receiving—end, them, cold turkey. No more counseling or behavioral modification services. And this kid is now on the street. Tell me, is that community safer? Obviously not, but that is just what this amendment would lead to. Troubled children out on the street with no supervision, no tracking, no education, no mental health services.

This amendment targets a group of students who are more likely to be victims of school violence than perpetrators. Again I want to point out: Not any of the nine—now nine school shootings—in the last 39 months was done by a child in special education. Not one. Yet we have this amendment that targets kids with disabilities. This amendment is scapegoating—and I use that word, "scapegoating"—scapegoating kids with disability. And it is destroying an important safety feature of the Individuals with Disabilities Education Act.

The supporters of the amendment say they need it because the law erected barriers that kept them from taking students who had guns in their possession out of schools. We showed yesterday—and the authors of this amendment agreed with me on this point—that a child with a disability who brings a gun to a school can be removed from that school immediately, just like any other child. We settled that yesterday. For a kid with a disability who brings a gun or firearm to school, right now, the principal can call up the sheriff or the police. They can come haul him away, book him, put him in jail, whatever the law is.

So I hope no Senator votes on this amendment thinking that under the law as it exists today, a kid with a disability who comes to school with a gun can't be kicked out immediately. That is simply not true. Nothing in Federal law limits them from immediately removing him and keeping him out as long as that child is a threat to himself or others. Let me repeat that, the school can remove that child immediately and keep them in an alternative setting indefinitely as long as that child is a threat to himself or others. It couldn't be more clear than that.

We worked long and hard, 3 years of hearings, hammering out the IDEA bill in 1997. And we passed it here in the Senate by a vote of 98 to 1, 98 to 1. We have had no hearings on this amendment, none whatsoever. But we had plenty of hearings to set up a framework in IDEA to make sure our schools and communities were safe. First, we wanted to make sure the schools were safe. Second, we wanted to make sure the communities were safe. Third, we wanted to make sure students with disabilities were held accountable for their actions and that schools have the flexibility to take appropriate and timely actions. Last, we wanted to make sure that decisions were based on facts relevant to the child, not just on emotions.

Right now under the law, school authorities can unilaterally remove a child with a disability, first of all, for the first 10 days, and provide no services whatsoever. Second, if it is found that their actions were not a manifestation of their disability, then of course he is treated in the same manner as nondisabled children, and can be kept out in an alternative setting forever.

If it is found by that the child's action was a manifestation of their disability, that child then is put into an alternative setting for up to 45 days. That alternative setting is determined by the local school districts.

Now we heard yesterday that after 45 days the kid will be put back in school. That is just not so—only if he or she is no longer a danger. If that kid continues to pose a danger to himself or others, the school can repeat that 45 days again and again and again—for as long as it deems necessary.

Finally, as I said, there is no way the law prohibits anyone from calling the police to come take any student out who has a gun. I also want to point out, IDEA specifically provides that school officials may obtain a court order anytime to remove a child with a disability from school or to change a child's current educational placement if they believe that maintaining the child in the current educational placement is substantially likely to result in injury to the child or others. So it is clear, current law addresses the issue. Frankly, we have a commonsense structure now. And, again, it was carefully designed to make schools and communities safer.

The Senator from Missouri yesterday put up a chart showing the manifestation determination process, how you have to go through all these processes. Why do we do that? He made it seem like it was some bureaucratic maze, or jungle. The reason that we have this manifestation determination is so we can address the behavior of the child with the disability, to determine why that child acted the way the child did, and then to have the proper interventions so that child does not behave that way in the future. That's just common sense and it should not be eliminated as this amendment would do.

Who does that process help, and who does that protect? Does it not protect the school? Does it not protect the local community? Of course, it does. If we can intervene and provide the proper kind of psychological help, maybe even medical help, educational help so that the child with a disability modifies his or her behavior, it seems to me that is what we want.

Or are we saying under the Frist-Ashcroft amendment: We do not care; if a kid with a disability brings a gun to school, we do not care about that behavior; kick him out, put him out on the street, cut off all his services?

Is that going to make our community safer? Is that going to make our schools safer? Is that going to protect students? If there is a question about that in anyone's mind, I point to the fact that the shooting in Oregon where students were tragically killed was committed by a kid who had been suspended without services from school. He went home, got a gun, and came back to school. I ask, what if a child in that circumstance was put in an alternative setting with supervision, with appropriate psychological help, behavior modification, supporting services? Would that kid have gone home to get the gun and come back to school? I think the odds would have been great that that kid would not. But instead he was put on the street unsupervised—just as this amendment allows for. That is the "level playing field" the supporters of this amendment advocate.

Mr. President, that is why over 500 police leaders from this country are opposed to the Frist-Ashcroft amendment.

I ask unanimous consent to print in the RECORD a letter from Fight Crime, Invest in Kids. The board of directors includes the president of the Fraternal Order of Police. It encompasses 500 police leaders—many of them the police chiefs in major cities from around the country. It says in part:

> . . . we urge you to oppose the Frist-Ashcroft amendment, and support the [amendment] to be offered by Senator Harkin.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FIGHT CRIME,
INVEST IN KIDS,
Washington, DC, May 17, 1999.

DEAR SENATOR: should we really give kids who bring firearms to school more unsupervised time? Senators Frist and Ashcroft's amendments to S. 254 would have precisely that impact.

As an organization of more than 500 victims of violence, sheriffs, district attorneys, police chiefs, leaders of police organizations and violence prevention scholars, we urge you to oppose the Frist-Ashcroft amendment, and support the substitute to be offered by Senator Harkin.

Regardless of whether students have disabilities or not, schools already can suspend or expel students who bring weapons to school. Nothing in the Individuals with Disabilities Education Act (IDEA) prohibits schools from removing immediately a child who brings a gun to school. At the same time, the law recognizes sending the child home or out on the street without educational services is not the answer. That's why IDEA simply requires states to continue education services. The Frist-Ashcroft amendment would eliminate this requirement for any child who brings a gun to school.

We should have tough sanctions for kids who bring a weapon to school. The safety of other students in the school must be paramount. The Frist-Ashcroft Amendment may sound tough to those who think all kids love school. But giving a gun-toting kid an extended vacation from school and from all responsibility is soft on offenders and dangerous for everyone else. Please don't give those kids who most need adult supervision the unsupervised time to rob, become addicted to drugs, and get their hands on other guns to threaten students when the school bell rings.

Anti-truancy programs are often an important part of successful efforts to reduce juvenile violence. The Frist-Ashcroft amendment encourages mandatory truancy.

To minimize the threat these youngsters pose, we should require continued adult supervision as well as participation in mental health and behavioral modification programs, and continued school attendance in an appropriate setting, to learn the skills needed to make an honest living. The Harkin Amendment is consistent with this approach. Otherwise expulsion often becomes a graduation to a life of crime that threatens the public immediately and for many years to come.

Please let me know if we can be of help in advising on what really works to keep kids from becoming criminals.

Sincerely,

SANFORD A. NEWMAN,
President.

Mr. HARKIN. Mr. President, these are the policemen talking. Do you know why they are saying this? Because they know if Frist-Ashcroft is adopted, they are going to dump these kids on the streets—kids with problems, emotional problems, kids with mental problems and behavioral problems, kids who are mentally retarded and may have other problems. They are going to dump them out on the street. That is safe? That is going to make our schools and our communities safe? Please, someone tell me how that is so. That is why the police are opposed to this amendment.

I will read a portion of another statement:

> As police chiefs in America's largest cities, we know that investments today to help kids get the right start are among America's most powerful weapons against crime. Quality child care, parenting, coaching, and afterschool programs can help kids learn the values and skills they need to become good neighbors instead of criminals. We, therefore, call on all our public officials to adopt the policies described in Fight Crime, Invest in Kids. Help schools identify troubled and disruptive children and provide children and their parents with the counseling and training that can help get the kids back on track.

These are not social scientists; these are policemen from around the country.

Let me also read from the testimony of the Police Executive Research Forum—a leading national organization of police chiefs and senior law enforcement officials. Gil Kerlikowski, who at the time was president of this group and the police chief in Buffalo, New York testified at a recent congressional hearing on this topic. He said:

> Students who are expelled or suspended from school and left at home or on the street become my problem, and the problem of police across this country. They have greater opportunity to commit crimes, abuse drugs, or engage in disorderly behavior that affects the quality of life in any given neighborhood. They are also vulnerable to gangs and predators who can victimize and exploit them in ways that will impede any later efforts to put them on the right track. Today's police forces are ill-prepared to deal with these individuals—the rest of the criminal justice system even less so.

I also have a letter from the Correctional Educational Association again stating that the Frist-Ashcroft amendment is more dangerous to our schools and our communities.

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CORRECTIONAL EDUCATION ASSOCIATION,
Lanham, MD, May 17, 1999.

Hon. BILL FRIST,
U.S. Senate,
Washington, DC.

DEAR SENATOR FRIST. On behalf of the teachers who labor in the nation's prisons, jails and juvenile facilities, let me implore you to withdraw your amendment and support the Harkin amendment to S. 254. There are enough provisions in the current IDEA to deal with problems related to violent behaviors, such as carrying or threatening to carry weapons into the school environment. In fact, your bill offers no remedy, whatsoever, for changing the behavior which it seeks to punish. It removes the procedural safeguards designed to assist the offending child to find the necessary help he or she needs. Finally, it punishes the child for his or her disability, not for the offending behavior. It is akin to taking medicine from a sick person because he or she has an obnoxious personality.

One of the strengths of IDEA is the procedure for dealing with behavior problems. Carrying a weapon to school is a terrible behavior problem needing immediate action by the whole school community. Dismissal from school services denies a solution to the problem. Why not require the IDEA procedure for any student with a behavior problem, whether or not the student is in special education or not? We need strong procedure to deal with potential and real violence. Doing nothing solves nothing.

Those of us in criminal justice realize that providing special education students with appropriate instructional services is one of the keys to change their negative behaviors. Punishing a student without positive and appropriate assistance changes nothing. In fact, it just makes things worse. In attempting to help avoid future tragic situations like Littleton, we must be careful to find ways to locate, calm and help potentially violent kids change. Please rescind your amendment.

Sincerely,

STEPHEN J. STEURER,
Executive Director.

Mr. HARKIN. Mr. President, I have a letter from the Council for Exceptional Children saying:

> While we . . . strongly support the removal of a student who endangers the safety or well-being of themselves or other students, we strongly oppose the cessation of services for any student.

The Frist-Ashcroft amendment ceases those services. What they say is that the school districts may provide the services—may. We already heard one Senator yesterday say how much this costs. It may cost too much, and schools will say: It costs too much money; we are not going to do it; let somebody else provide the services. And the kid falls through the cracks. That is what happens.

If you do not think the police know what they are talking about or the Council for Exceptional Children or the Correctional Education Association, how about the Parent Teacher Association? Do you honestly believe that the National PTA wants more dangerous schools? Here is a letter from the National PTA strongly—strongly—opposing the Frist-Ashcroft amendment:

The National PTA supports Sens. Ashcroft's and Frist's goal of keeping children safe in school. Their amendment, however, would allow for the expulsion of special education students who possess a handgun in school, without ensuring alternative education services are provided. National PTA supports removing students who bring guns to school, but believes students should receive education services in an alternative setting.

National PTA supports Senator Harkin's amendment, which clarifies that schools have the authority to remove any child who brings a gun to school [and continues to provide them services].

I ask unanimous consent the National PTA letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL PTA,
Chicago, IL, May 17, 1999.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: National PTA opposes amending the Individuals with Disability Education Act (IDEA) as proposed by Sens. Ashcroft and Frist. The amendment will be offered to S. 254, the juvenile justice bill currently being debated in the Senate. National PTA asks that you vote NO on Ashcroft/Frist amendment and vote YES to support an alternative amendment sponsored by Senator Harkin.

The National PTA supports Sens. Ashcroft's and Frist's goal of keeping children safe in school. Their amendment, would allow for the expulsion of special education students who possess a handgun on school, without ensuring alternative education services are provided. National PTA supports removing students who bring guns to school, but believes students should receive education services in an alternative setting.

National PTA supports Senator Harkin's amendment, which clarifies that schools have the authority to remove *any* child who brings a gun to school. The amendment also states that all students should be provided education services in an alternative setting. Further, students would receive immediate and appropriate intervention services, and thereby minimize the possibility of future violations by the student.

The National PTA asks that you oppose the Ashcroft/Frist amendment and vote for the Harkin alternative.

Sincerely,

SHIRLEY IGO,
Vice President for Legislation.

Mr. HARKIN. Mr. President, I have a number of other organizations whose letters in opposition to this amendment I want to print in the RECORD: the United Cerebral Palsy Association, Learning Disabilities Association of America, the ARC of the United States, the American Association of Mental Retardation, the Easter Seals of Missouri, the Easter Seals of Tennessee, and a number of others. I ask unanimous consent they be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE COUNCIL FOR
EXCEPTIONAL CHILDREN,
Reston VA, May 17, 1999.

Hon. JOHN ASCROFT,
U.S. Senate, Washington DC.

DEAR SENATOR ASHCROFT, On behalf of all students in special education and general education, we ask you to withdraw your amendment to the Individuals with Disabilities Education Act Amendments of 1997 (IDEA 1997). Amendment No. 348 would seriously jeopardize the integrity of this historic piece of legislation.

While we at the Council for Exceptional Children strongly support the removal of a student who endangers the safety or wellbeing of themselves or other students, we strongly oppose the cessation of services for any student. Past incidents, such as the tragic story of Kip Kinkle from Springfield, Oregon, prove that when a student is immediately suspended without any type of service, further tragedy is imminent.

The final IDEA regulations, released March 12, 1999, offer schools substantial opportunities and strategies for addressing problem behavior of students with disabilities including behavior that is dangerous or involves drugs or weapons. When it is stated that children with disabilities cannot be disciplined, that is absolutely not the case. The statute and the regulations clearly state that when the behavior is not a manifestation of their disability, those children can be disciplined in the same manner as children without disabilities. Furthermore, the statute and regulations state that a child who commits an offense involving drugs or weapons that is a manifestation of their disability, the child can be removed from the classroom and/or building for up to 45 days. There is nothing in the statute or regulations that prohibit another 45 day removal if that is appropriate. The only difference is that child will receive educational services.

This amendment will not result in safer schools or communities. In fact, every major law enforcement agency reports that expelling or suspending troubled children without education services only increases juvenile crime. Drop out rates, incarceration rates and drug use rates also increase when children are expelled or suspended without education services.

On the other hand, we support Senator Harkin's amendment to the juvenile justice legislation which is presently being debated. The Harkin amendment, not an amendment to IDEA, clarifies that schools can and should remove children who bring guns to school and that schools should provide them with immediate appropriate intervention and services, including mental health services in order to maximize the likelihood that such child does not engage in such behavior or such behavior does not reoccur. The Harkin Amendment also reaffirms that nothing prohibits a school from reporting a crime to appropriate authorities.

Please reconsider your amendment and the negative effect it will have to the carefully constructed IDEA Amendments of 1997. We need to implement IDEA, not amend it. Your amendment will seriously undermine the benefits and protections of IDEA. Thank you for your consideration.

Sincerely,

B. JOSEPH BALLARD,
Associate Executive Director.

MISSOURI PLANNING COUNCIL
FOR DEVELOPMENTAL DISABILITIES,
Jefferson City, MO, May 17, 1999.

Hon. JOHN ASHCROFT,
Russell Senate Office Building
Washington, DC.

DEAR SENATOR ASHCROFT: On behalf of the Missouri Planning Council for Developmental Disabilities, I am writing this letter to support the Harkin Amendment to the Juvenile Justice Bill. We believe this bill will result in safer schools since it clarifies the schools' roles in removing children who bring guns to school. We also support the provision of intervention and services, including mental health services, to reduce the possibility of such behaviors reoccurring.

We have supported IDEA, formerly the Education for All Handicapped Children's Act of 1975, since it was introduced and believe that because of this strong legislation many children are now receiving the education to which they are entitled. Because of this we cannot support legislation that would weaken this most important special education law.

Thank you for the opportunity to provide comment. Please call our office if you have questions.

Sincerely,

DON JACKSON,
Chairman.

EASTER SEALS,
May 17, 1999.

Hon. JOHN ASHCROFT,
U.S. Senate,
Washington, DC.

DEAR SENATOR ASHCROFT: On behalf of Easter Seals Missouri, I write to you today to inform you of our opposition to your legislation, the School Safety Act.

While proposed as a solution to the rising problem of violence in our schools, this legislation will only contribute to juvenile crime in our communities. Simply removing a child from school does little to address long-term behavioral problems. In fact, suspensions and expulsions without education services only transfer the problem from the school setting to the community setting.

Parents of children with disabilities want safe schools. They know that their children are too often the victims of inappropriate conduct. Under the 1997 amendments to the Individuals with Disabilities Education Act, any truly dangerous child can and should be readily removed by school authorities. Moreover, the 1997 amendments add numerous new discipline provisions that strengthen the ability of school personnel to maintain a safe and orderly environment, conducive to learning.

Easter Seals Missouri urges you to withdraw the Safe Schools Act. Thank you for considering our views.

Sincerely,

PATRICIA JONES,
President and CEO.

NATIONAL ASSOCIATION OF
STATE BOARDS OF EDUCATION,
Alexandria, VA, May 19, 1999.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: The National Association of State Boards of Education (NASBE) is a private nonprofit association representing state and territorial boards of education. Our principal objectives are to strengthen state leadership in education policymaking, promote excellence in the education of all students, advocate equality of access to educational opportunity, and assure responsible governance of public education.

NASBE would like to express its opposition to an amendment proposed by Senators Ashcroft and Frist that will significantly alter the discipline provisions within the Individuals with Disabilities Education Act (IDEA), which will be considered by the Senate during debate on the Juvenile Justice bill S. 254 this morning. Currently, students with disabilities who bring a weapon to school can be shifted to an alternative setting for up to 45 days. The Ashcroft/Frist amendment would change this policy so that students with disabilities could be expelled for an entire year. While we certainly support strict disciplinary measures for all students, we must oppose this proposal on the following grounds:

Cessation of educational services, particularly to those most in need of intervention, is not an appropriate response. Simply removing the offending student from school merely shifts the problem to the neighborhood and streets surrounding the school.

A weapons offense is best handled by law enforcement and the judicial system. The current IDEA law does not preclude school personnel from referring student' violations to the police where state and local laws would apply.

The amendment undermines the comprehensive compromise reached on IDEA in 1997, of which the current disciplinary policies were a major consideration. During the final Senate vote on IDEA, Senate Majority Leader Trent Lott warned that any attempt to modify the legislation would cause the agreement to collapse. Changes made now would only encourage others to attempt to revise other sections of the carefully crafted IDEA law in the future.

Again, we urge you to oppose changing the IDEA disciplinary provisions under the Ashcroft/Frist amendment to the Juvenile Justice bill. If you have any questions, please have your staff contact David Griffith, Director of Governmental Affairs, at 703/684–4000, ext. 107. Thank you for your consideration.

Sincerely,

BRENDA LILIENTHAL WELBURN,
Executive Director.

THE ARC,
Arlington, TX, May 20, 1999.

ANNE L. BRYANT,
Executive Director, National School Boards Association, Alexandria, VA.

DEAR MS. BRYANT: The Arc of the United States is very concerned with your May 17 letter to Members of the U.S. Senate, in which you state that the Individuals with Disabilities Education Act (P.L. 105–17) prevents schools from removing students who bring firearms to school. This statement is totally incorrect and very misleading. The newly-reauthorized I.D.E.A. allows school authorities to immediately remove all children, including children with disabilities, from the school setting for *any* violation of school discipline codes for up to ten days. In cases when a child has brought a weapon to school or school function, school authorities can unilaterally remove a child with a disability from the child's regular placement for up to 45 days at a time. In addition, if school officials believe that it would be dangerous to return the child after the 45 day period, they can ask an impartial hearing officer to order that the child remain in the interim alternative setting for an additional 45 days and can request subsequent extensions.

It is incomprehensible to The Arc why the National School Boards Association would want to mislead the Senate about this important civil rights law. As a result of these misperceptions, the Senate is considering an amendment to I.D.E.A. that would make communities more dangerous, not safer. The Frist/Ashcroft Amendment currently being debated as part of the Juvenile Justice legislation (S. 254) would allow schools to cease educational services to children with disabilities. Every major law enforcement agency reports that expelling or suspending troubled children without educational services only increases juvenile crime. Drop out rates, incarceration rates and drug use rates also increase when children are expelled or suspended without educational services.

The current I.D.E.A. law and the final regulations, just released by the Department of Education in March of this year, already provide adequate protections to schools. The new law, which your organization agreed to, should be given a chance to work. I.D.E.A. has provided millions of students with disabilities the opportunity for a free and appropriate public education enabling them to become independent and productive citizens. The Arc is extremely disturbed that your organization would use children with disabilities as the scapegoat for recent school shootings.

Sincerely,

BRENDA DOSS,
President.

NATIONAL ORGANIZATION OF BLACK
LAW ENFORCEMENT EXECUTIVES,
Alexandria, VA, May 18, 1999.

Hon. TOM HARKIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR HARKIN: On behalf of the National Organization of Black Law Enforcement Executives (NOBLE), this letter is to support your substitute amendment to S. 254. NOBLE represents more than 3000 minority law enforcement managers, executives, and practitioners at the local, state and federal levels. We believe that students who are suspended from school for carrying weapons must be placed in a supervised alternative to school and be required to participate in an appropriate mental health and behavioral modification program. Suspending these students from school and putting them out onto the streets would only serve to magnify the crime problem that currently exists. Your efforts to ensure that this does not happen are strongly supported by NOBLE.

Our organization urges you to continue your efforts to ensure that your substitute amendment is incorporated into S. 254.

Sincerely,

ROBERT L. STEWART,
Executive Director.

THE SECRETARY OF EDUCATION,
Washington, DC, May 17, 1999.

Hon. TOM DASCHLE,
U.S. Senate,
Washington, DC.

DEAR SENATOR DASCHLE: I am writing to express my strong opposition to an amendment that Senator Frist has offered to S. 254, the juvenile crime bill that the Senate is now considering. This amendment, which is similar to S. 969, Senator Ashcroft's bill to which I expressed my opposition last week, would allow school personnel to suspend or expel children with disabilities from their schools for unlimited periods of time, without any educational services, including behavioral intervention services, and without the impartial hearing now required by the Individuals with Disabilities Education Act (IDEA), for carrying or possessing a gun or other firearm to, or at, a school function.

The Congress need not address the particular issue that is the subject of the Frist amendment, because it amended the IDEA just two years ago to give school officials new tools to address the precise issue of children with disabilities bringing weapons to school or otherwise threatening teachers and other students. For example, school officials may remove, for up to 45 days, a child with a disability who takes a weapon to school, and may request a hearing officer to similarly remove a child who is substantially likely to injure himself or others, if the child's parents object to a change in the child's placement. Furthermore, the IDEA allows hearing officers to keep these students out of the regular educational environment beyond 45 days if they continue to pose a threat to the rest of the student body. I am convinced that these new tools will be effective if given a chance to work.

I am firmly committed to ensuring that all our schools are safe and disciplined environments where all our children, including children with disabilities, can learn without fear of violence. But we should not let the tragic school shootings in Littleton, Colorado, and other communities lead us to responses, such as the Frist amendment, that will harm children with disabilities.

First, the Frist amendment would deny vital educational services to children with disabilities who are removed from school, including behavioral interventions that are designed to prevent dangerous behavior from recurring. Continued provision of educational services, including these behavioral interventions, offers the best chance for improving the long-term prospects for these children. Discontinuing educational services is the wrong decision in the short run and, in the long run, will result in significant costs in terms of increased crime, dependency on public assistance, unemployment, and alienation from society. We cannot afford to throw away a single child.

Second, the Frist amendment would undo vital protections in the IDEA that were included to protect children with disabilities from widespread abuses of their civil rights. Under this amendment, for example, the IDEA would no longer require schools to determine, when suspending or expelling a child with a disability, whether the behavior of the child in carrying or possessing a firearm is related to the child's disability. Such a determination, which can currently be made while the child has been removed from school, is needed to ensure that children are not unjustly denied educational services during their removal without considering the effects of the child's disability on their behavior. The manifestation determination required by the IDEA is an important tool schools use to appropriately understand the relationship between a child's behavior and their disability in order to best implement behavior intervention strategies.

We should be making every effort to appropriately reach out to our children and help prevent them from endangering themselves and others. It is equally important that we appropriately address the needs of children who have gone astray, violated the rules, and put others at risk. The exclusion of children with disabilities from school—without the impartial due-process hearing and the continued services that the IDEA now requires—is the wrong response.

I urge you to vote against the Frist amendment.

The Office of Management and Budget advises that there is no objection to the submission of this report from the standpoint of the Administration's program.

Yours sincerely,

RICHARD W. RILEY.

STATE OF TENNESSEE, DEPARTMENT
OF MENTAL HEALTH AND MENTAL
RETARDATION, DEVELOPMENTAL
DISABILITIES COUNCIL,
Nashville, TN, May 17, 1999.

Senator BILL FRIST,
Dirksen Building
Washington, DC.

DEAR SENATOR FRIST: The recent path of the Individuals with Disabilities Education Act (IDEA) has been an arduous one, as you well know. We at the Tennessee Developmental Disabilities Council and many others, especially parents of students with disabilities and the students themselves, remember your outstanding efforts to achieve a fair compromise around complex issues during the recent IDEA reauthorization process. Because of your interest and attention, IDEA still ensures children with disabilities access to a free appropriate public education.

The procedural safeguards contained in IDEA are critical in protecting the right of children with disabilities to receive a free appropriate public education. Therefore, we are distressed about your recent effort to amend IDEA concerning the suspension or expulsion of students with disabilities who carries or possesses a gun or firearm to or at a school, on school premises, or to or at a school function. This is not to say that we believe that any student who carries or possesses a gun or firearm should not be disciplined. Just as the positive principles of the IDEA should work for all students as schools are encouraged to include students with disabilities in regular classrooms and to afford them every opportunity for education, so should such egregious behavior by any student have consequences.

However, we do not believe that the consequences enumerated by your amendment to IDEA will have the desired outcome. They will not result in safer schools or communities. In fact, every major law enforcement agency reports that expelling or suspending troubled children without education services only increases juvenile crime. Drop out rates, incarceration rates and drug use rates also increase when children are expelled or suspended without educational services.

We believe that a better approach, for all students, is articulated in Senator Harkin's amendment to the juvenile justice bill. It will assist schools to maintain safe environments conducive to learning. It clarifies that schools can and should remove children who bring guns to school and that schools should provide them with immediate appropriate intervention and services including mental health services to maximize the likelihood that such child does not engage in such behavior or such behavior does not reoccur. The Harkin amendment also reaffirms that nothing prohibits a school from reporting a crime to appropriate authorities.

Senator Harkin's amendment seems very consistent with the aim of IDEA and with the very compromise that you worked so hard to achieve in 1997. Therefore, we ask that you support Senator Harkin's amendment.

Sincerely,

LANA KILE,
Chair.
WANDA WILLIS,
Executive Director.

AMERICAN ASSOCIATION
ON MENTAL RETARDATION,

To: Senator THOMAS HARKIN.
From: M. Doreen Croser, Executive Director.
Re: Opposition to IDEA Amendments.
Date: May 17, 1999.

Thank you for all your hard work to maintain the integrity of the Individuals with Disabilities Education Act (IDEA). Your efforts are greatly appreciated by the members of the American Association on Mental Retardation!

We also want you to know that we oppose the Ashcroft/Frist Amendment because we do not believe it will result in safer schools or communities. Drop out rates, crime, incarceration and drug use increases when children are expelled or suspended from school without education services. Clearly, such suspensions or expulsions are not in our society's best interest.

Your proposed amendment to the juvenile justice legislation rather than to IDEA seems to be a sensible approach and we support it.

Please share our support with your colleagues and, again, thank you for all work on behalf of children with disabilities.

LEARNING DISABILITIES
ASSOCIATION OF AMERICA,
Pittsburgh, PA, May 17, 1999.

DEAR SENATOR: As President of LOA, the Learning Disabilities Association of America, a national non-profit volunteer organization dedicated to a world in which all individuals with learning disabilities thrive and participate fully in society, I ask you on behalf of all children with disabilities to:

Oppose the Ashcroft/Frist Amendment to the Mental Health Juvenile Justice Act (S254) now being debated on the Senate floor. This amendment, which would allow local schools to deny educational services, including special education, to a child with a disability who carries to or possesses a gun or firearm in school or a school function, would not reduce violence in schools and society. Testimony of law enforcement agencies during the IDEA reauthorization process pointed out that expelling or suspending troubled children without educational services results in increased juvenile crime in the short term and increased drop out rates, incarceration rates, and drug use in the long term.

Support the Harkin Amendment to the Mental Health Juvenile Justice Act (S254) which clarifies that, under IDEA 97, school can and should remove students with disabilities who bring guns to school. Moreover after being in an alternative educational placement for up to 45 days, the IEP team may decide to move the child to a placement other than the school in which the infraction occurred. The Harkin Amendment also reaffirms that nothing in IDEA prohibits a school from reporting a crime to appropriate authorities.

I would like to point out that none of the children responsible for the eight school tragedies in the past two years was a special education student being served under IDEA. However, it is also apparent that appropriate mental health interventions might have prevented some of these tragedies.

Thank you for your consideration.

Sincerely,

HARRY SYLVESTER,
President.

Mr. HARKIN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. One minute 7 seconds.

Mr. HARKIN. I have used up 14 minutes?

The PRESIDING OFFICER. The Senator is correct.

Mr. HARKIN. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. FRIST addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Mr. President, I yield myself 8 minutes.

This will be the last few minutes that I have to speak on the Frist-Ashcroft amendment and, thus, I want to, for the sake of my colleagues and others who are listening, explain what the amendment is about.

This amendment is very simple. It is about two things: No. 1, the safety of all students; and No. 2, equal treatment of children.

I have a letter from the National School Boards Association. As most people know, it represents 95,000 local school board members.

I will read from the first paragraph of the letter:

> On behalf of the Nation's 95,000 local school board members, the National School Boards Association urges you to support the Frist-Ashcroft amendment to S. 254 that would enhance the safety of all students from gun violence. The amendment provides school officials with the discretion to suspend or expel students covered by the Individuals with Disabilities Education Act in the same manner as other students in cases where they bring firearms to school.

My colleagues, this amendment is about the safety of all students and the equal treatment of children.

Yesterday, we had a very good debate, I thought, on the substance of the amendment. I gave my remarks yesterday, and I wish to also refer today to some statistics that I obtained not too long ago from my own county, Davidson County.

For the 1997-1998 school year there were eight children in my home county who brought either a gun or a bomb to school, eight in that 1 year. Of those eight, six were special education students. What happened? The two who were not special education students, because of the zero tolerance policy in Tennessee, were expelled. They were out for the remainder of the year.

Of the six special education students, three were back in class. These are individuals who brought a bomb or a gun into the classroom already.

Three of them were kept out of school. Why? Because their disability and bringing a gun to school were unrelated. But three of the eight had this manifestation process, and because of the disability, they were treated in a special way and allowed back into the classroom.

Yesterday I was caught a little off guard, and I do not like that, I really do not like that. And I do not think the Senator from Iowa meant to say what he said. But he said those statistics don't count. And then I said, well, let's look at 1999. He said, no those statistics don't count. And I said Why? And he said basically because the regulations just came out and we fixed that loophole.

That bothered me, so what I did was go back and call to see really when this law took place, the law that is operating today. I found something very different, exactly the opposite of what the Senator from Iowa told all of his colleagues. And I want to straighten that out for the RECORD. It is very, very important.

The Senator from Iowa argued yesterday that the statistics where individuals with disabilities ended up back in the classroom within 45 days of having brought a gun to the schoolroom don't apply and that loophole had been fixed. I found something very, very different.

In fact, the IDEA amendments of 1997 were signed into law on June 4, 1997. The Senator from Iowa and I were both there. It was a good day. We were both there. Yes, the regulations were written. And it really took too long, they just came out a few months ago. The implication yesterday by the Senator from Iowa was that they were written only recently and, therefore, so they could not apply.

In looking a little closer, the IDEA amendments were signed into law on June 4, 1997. And on June 4, 1997, section 615, the discipline provisions, went into effect that day. So every statistic that I have given for the last 2 years shows repetitively individuals with disabilities, because of this special treatment, it is not their fault, it is the fault of the law that they are ending up back in the classroom. These are individuals who brought a gun or a bomb to school.

Again, I was very disappointed, because again and again he said on the floor yesterday and I went back to the RECORD again last night and found that the Senator from Iowa said: "I say to the Senator from Tennessee, that the school he is talking about was still operating under the old system."

Not true. Not true. We talked to the director of high schools for Nashville, Davidson County, and the director stated very specifically that every school in the Davidson County was operating under the IDEA amendments of 1997 under advisement of their lawyers. In fact, let me read from the bill that we signed last year. The 1997–1998 school year applied on June 4.

This is from the bill that we signed on a great day, on June 4, 1997. It says: "Effective dates, these shall take effect upon enactment of this act," on that day in June 1997.

So all the statistics of eight individuals were relevant. Two were expelled because they did not have a disability and of the six who had a disability, three were back in the classroom within 45 days. That is the loophole. Why am I concerned? Just because somebody has not been killed yet because of this loophole, I am not going to wait around until somebody has been killed. I want to prevent that from happening. This amendment is about the safety of all students and to have all students treated fairly.

The amendment closes the loophole that I just pointed out. I have demonstrated factually it is occurring in this legislation. So I want to dismiss all of the arguments the Senator from Iowa made yesterday when he said it is not a problem.

This amendment will, in its ultimate passage, end the mixed message that the Federal Government, that we in this body, send to American students on the issue of guns in school.

Under IDEA, a student with a disability who is in possession of a firearm at school is treated differently from anybody else. Our amendment says very simply that if you bring a gun or a firearm to the school, you, as a student, are going to be treated the same, and you are going to be treated by the local principal or other authorities in the school.

Our amendment allows principals or other qualified school personnel the flexibility to treat every student who brings a gun or a firearm or a bomb into the classroom the very same.

Our amendment does not enforce any sort of uniform policy. We might like to think that we in Washington can set good school policy, but this shows how dangerous that can be by trying to set a uniform policy here for some subset of students.

The PRESIDING OFFICER. The Senator from Tennessee has used 8 minutes.

Mr. FRIST. I yield myself 1 more minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, the amendment is a simple amendment: Equal treatment for each and every student who brings a firearm, a gun or bomb, to school. It is an amendment which will have an impact, I believe, help individuals in terms of safety in our schools.

The amendment closes a loophole, a loophole that I have definitively demonstrated does occur in our schools. If a student brings a gun to school, they, if our amendment is agreed to, will be treated the same regardless of their educational status.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. FRIST. Mr. President, I yield 7 minutes to the Senator from Missouri.

The PRESIDING OFFICER. The Senator has 6 minutes 18 seconds remaining.

Mr. ASHCROFT. Thank you, Mr. President.

I thank the Senator from Tennessee for his leadership on this issue. I began to be concerned about students carrying guns in and out of our schools quite some time ago. On the Ed-Flex bill, which passed this Senate just a couple months ago, I put an amendment to close another loophole which would allow students who possessed guns in school—not just carried guns to school—to be removed from the school environment.

This responsibility for us to close these loopholes is a serious one. It is a responsibility that relates to school safety. That is what we are talking about here. School safety is a responsibility that we can work hard on, and I am glad Senator FRIST of Tennessee and I have been able to join on this amendment.

It should not have taken this long. This is a simple amendment. This amendment merely allows local schools to treat all children who bring guns to school in the same manner. It does not target children with disabilities—simply not so. It protects children with disabilities. This is not a matter of scapegoating. This does not say that any group of students is subject to more severe punishments than any other group of students.

This is a bill that provides for equity, simply saying that principals and superintendents should have the power, without interference from the Federal Government, to remove students from school who come to school with a firearm, an explosive or a gun. I believe we need to make sure we close the loophole in the Federal law that made it very difficult to discipline certain students who came in that setting.

There are those who say: Well, the law is this way and the law is that way. And they will argue about how the law is applied here in the Senate Chamber. We have a lot of experience from around the country about how the law is applied in the schools. The Senator from Tennessee has eloquently spoken to the fact that as applied in the schools, you frequently find that individuals who, if they were not the subject of an individualized education program, would be gone for a year because of a mandated expulsion, are back in the classroom within 45 days, in spite of the fact that they brought a gun or a bomb to school.

It is simply our intention to let local school boards and school officials decide how they should be able to make the school a safe place and not to reinsert a student in the school environment who has threatened the safety and security of the school by bringing a bomb or a gun to school. We must have zero tolerance for guns in school. I think we must let school officials decide on discipline policies.

We should not have taken this long on this amendment, but I am glad that we are at this point.

After we vote on this amendment, there is a consent decree which is going to allow the Harkin amendment to be voted on.

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. ASHCROFT. Mr. President, I yield myself 2 minutes of the remaining 3 and ask to be notified.

The Harkin amendment makes the current law even worse by imposing a new requirement upon schools that they couldn't remove any child for bringing a gun to school unless they provide special services to the child. I will oppose this amendment.

When you tell people that you will make them special for bringing a gun to school, I think you do a great disservice. You are not making victims out of people by pulling them out of school. You are not making them unsafe. If you tell them clearly that if they bring a gun to school that they are not going to be allowed to stay in school, you will make them safer, and you will make the school safer.

This is a school safety issue. It is an issue that requires our attention. The simple fact of the matter is, the current law, as applied and as implemented, is a real impediment to school safety.

There will be arguments that we have yet to have a student shoot someone under these circumstances. I can tell you that we have come very close. I talked to one school superintendent in my State who had such a student threaten seven other students in the classroom, to kill them. When the student finally shot one of the other students, it wasn't in the classroom. It was off the school premises so that it really didn't qualify under IDEA. But we don't have to wait until there is blood on the blackboard or on the floor of the classroom in order to take steps to make sure we don't have guns in the classroom.

The truth of the matter is, we should simply and clearly make it possible on an equal footing to say that no matter who the student is, there are no excuses, there are no special exceptions; if you bring a gun to school, the local school authority should have the opportunity to take that student and to remove that student without regard to other status.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ASHCROFT. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. How much time remains?

The PRESIDING OFFICER. The Senator has 1 minute 4 seconds.

Mr. HARKIN. Mr. President, I yield myself the remainder of my time.

There is no loophole here. The equity they keep talking about is an equity for danger. We keep hearing they are for safety in schools. We all are for safety, of course.

Why is the National PTA opposed to this amendment? Why are 500 police leaders around the country opposed to this amendment? Why is the National Association of the State Boards of Education opposed to this amendment? Because they all know that the amendment we are about to vote on is a recipe for disaster.

It will increase crime. It will increase drug use. It will increase the dropout rate. Why? I am really disappointed that anyone would say that we can take these kids who have severe problems, kick them out of school and cut off all supporting services and make communities safer. The police chiefs who have to deal with the aftermath know better. That is why they are opposed to this amendment. We know more than they do, and the Parent Teacher Association? Why are they opposed to the Ashcroft-Frist amendment? Because they realize it is a formula for disaster. That is what it is.

This is a dangerous, dangerous amendment and I strongly urge my colleagues to vote against it.

Mr. President, after the vote on this amendment—by unanimous consent—the Senate will adopt the Harkin amendment. This is an amendment I have drafted and is cosponsored by the distinguished ranking member of the HELP committee, Senator KENNEDY. Our amendment is supported by the police and other groups who oppose the Frist-Ashcroft amendment because it would make schools and communities safer. I'd like to say a few words about it and its intent.

Passage of our amendment is very important. It is very important, because it requires that all children—whether they have a disability or not—are not just dumped in the streets after they commit an act of violence, including bringing a gun or firearm to school. Our amendment would require that schools provide immediate and appropriate supervision, tracking, educational, behavioral, health and related services to these children in order to reduce the likelihood that the child will repeat their anti-social and dangerous behavior. The interventions would be tailored to the individual child. This is absolutely critical and is demonstrated to actually make a difference. It will save lives and money in the long run. It makes common sense.

The Harkin amendment also authorizes the funds necessary to assist our schools in providing this critical intervention.

So passage of the Harkin-Kennedy amendment—which will occur by voice vote after this roll call vote on the Frist-Ashcroft amendment—is a very important amendment. Its adoption puts the Senate on record as supporting the recommendations and pleas of the police, parents and teachers.

Mr. JEFFORDS. Mr. President, I rise in opposition to the Frist-Ashcroft amendment pertaining to the Individuals with Disabilities Education Act, IDEA. I respect my colleagues' intentions. They want to make schools safer. Their amendment would not make schools safer, nor the sidewalks leading to the schools, nor their communities.

Their amendment would allow a child with a disability caught with a gun or a firearm, whether he knew what he was doing or not, to be suspended or expelled without educational services.

If a child with a disability—if any child for that matter—is suspended or expelled for having a gun or firearm in school and subsequently not provided with educational services and adult supervision—Would schools be safer? Would communities be safer? Given what happened outside of Atlanta today, we must shift the debate. Yesterday, our colleagues from Tennessee, Missouri, and Iowa debated if, and for how long, a child with a disability could be removed from his school if he brought a firearm to school. I think they agreed that under IDEA and under the Frist-Ashcroft amendment a child with a disability could be removed from his school.

The crux of the remaining disagreement was services—why a child with a disability who brings a gun to school should get services, while his peer without a disability in the same situation, would not get services. We don't solve anything by kicking any child out of school without educational services.

There are two letters of opposition to the Frist-Ashcroft on your desk. One is from the National Association of State Boards of Education and one from the National Parent Teacher Association. They make that simple point very well.

Ask yourself this question—If you could prevent a child from committing a violent act for the first time or a second time, by providing appropriate services, what would you do? The answer is obvious. You would provide the services—to make your school safe, to make your community safe, but most importantly, to save the child.

In the rare instances when it occurs, IDEA provides schools with the tools to control and prevent gun and firearm use by children with disabilities. IDEA recognizes and promotes school safety. IDEA recognizes and promotes teaching consequences for wrongful behavior. IDEA recognizes and promotes adult supervision of, engagement with, and responsibility for children who break school rules or criminal laws.

I would like to review some key facts about IDEA. IDEA permits school officials to immediately suspend a child with a disability with a gun or firearm for 10 days without educational services. During that time, a manifestation determination review must be conducted. First, to determine if the child with a disability understood the impact and consequences of having a gun or firearm. Second, to determine if the child's disability did or did not impair the child's ability to control his behavior.

In effect, if the child knew what he was doing, the law allows the child to be disciplined in the same manner as other children caught with guns or firearms. One distinction applies. This child with a disability, perhaps unlike his peers, would continue to receive educational services. However, school officials have total discretion over the details associated with providing these educational services.

If a manifestation determination review establishes that the child did not know what he was doing, the child could still be removed from his classroom and school and placed in an interim alternative educational setting for 45 days. After 45 days, if the child continued to be dangerous, the child's placement in the interim alternative educational setting could be extended with the concurrence of a hearing officer.

In the wake of the tragedy in Littleton, Colorado, in the wake of Atlanta, hearing officers will give substantial deference to claims from school officials that a child with disabilities continues to be dangerous. Concurrence of a hearing officer at 45 day intervals is a reasonable standard and an appropriate check and balance on the continued use of an interim alternative educational setting.

There is no forum or procedures for due process in the Frist-Ashcroft amendment. How is a child with a disability to prove his innocence? If expelled without education services for 12 months, what will be the impact on the child's family? What will be the reaction of the child's next teacher? What will be the impact on the child's neighborhood? What will be the impact on this child as an adult?

The real driving force behind the Frist-Ashcroft amendment is the obligation to provide services, and not school safety. Local school districts do not want the responsibility for paying for new services. If school districts do not now have interim alternative educational settings that can accommodate children with disabilities, they do not want to spend money to create them. If school districts do not now have home-based programs or alternative school programs, they want additional money to have them.

School districts do not see a windfall of new Federal dollars on the horizon. So in the name of school safety, they bless the Frist-Ashcroft amendment. In the name of school safety, school districts say it is acceptable for Federal policy to close the school house door on the back of a child with a disability, whether the child knew why the door slammed shut or not. In the name of school safety, they say it is acceptable for Federal policy to leave open whether any agency gives the child and the child's family help, so that they can recover from a gun or firearm episode that profoundly altered their lives.

Helping children and their families in these situations is a community responsibility. Schools are part of communities. They must do their part. Other agencies and organizations must do their part. To abdicate responsibility or shift responsibility is not acceptable. It makes no sense.

All parents want their children to be safe in school and out. All parents want their children to have due process when they are accused of wrong doing. All parents want their child's education to continue, even if their child did wrong.

Are we going to disregard some of America's most vulnerable children in the name of political expediency, by pretending that the Frist-Ashcroft amendment will make schools and communities safer.

In an ideal world, we would find a way to work together to develop or expand, and fund, local agencies and organizations that would work collaboratively to assist families and children in crisis, so that the crisis does not reoccur.

In an ideal world, teachers and administrators in America's schools would be thoroughly versed in the referral procedures associated with IDEA; and, if IDEA were fully funded, tragedies with guns and firearms could be prevented.

We don't have an ideal world, but we must try to make a positive difference, one day at a time, especially in the lives of children.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Missouri.

Mr. ASHCROFT. I yield myself such time as I have remaining.

Mr. President, the Senator from Iowa indicates there is not a loophole here. Well, it is strange to me, but the statistics indicate otherwise.

One county in Tennessee, clear evidence, Davidson County, the home of the Senator from Tennessee, Mr. FRIST, four people who squeezed through the nonexistent loophole were back in class within 45 days in that setting.

I think we have to make sure that that nonexistent loophole, if that is what we are talking about, gets closed. It is impossible to have people coming through a door that is not there. There is a loophole that needs to be shut.

Last but not least, it is no accident that the National School Boards Association wants us to pass this. This isn't discriminating against one class of students or in favor of another. It simply says our priority for learning has to be a safe and secure school environment. This particular amendment would enhance the safety of all students from gun violence, according to the National School Boards Association.

I urge my colleagues to vote in favor of this amendment.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to amendment No. 355. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 74, nays 25, as follows:

[Rollcall Vote No. 137 Leg.]

YEAS—74

Abraham
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Cochran
Collins
Conrad
Coverdell
Craig
DeWine
Dodd
Domenici
Dorgan
Enzi
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Johnson
Kerrey
Kerry
Kohl
Kyl
Landrieu
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Robb
Roberts
Rockefeller
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner

NAYS—25

Akaka
Boxer
Chafee
Cleland
Crapo
Daschle
Durbin
Edwards
Feingold
Harkin
Hollings
Inouye
Jeffords
Kennedy
Lautenberg
Leahy
Mikulski
Moynihan
Murray
Reed
Reid
Sarbanes
Schumer
Wellstone
Wyden

NOT VOTING—1

McCain

The amendment (No. 355) was agreed to.

Mr. HATCH. I move to reconsider the vote.

Mr. DASCHLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 368

(Purpose: To provide appropriate interventions and services to children who are removed from school, and to clarify Federal law with respect to reporting a crime committed by a child)

Mr. HATCH. Mr. President, we now turn to the Harkin amendment.

Mr. LEAHY. Mr. President, I believe if the Senator from Iowa will send his amendment to the desk, it will be accepted.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa Mr. HARKIN, for himself and Mr. KENNEDY, proposes an amendment numbered 368.

Mr. HATCH. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end, add the following:

SEC. . APPROPRIATE INTERVENTIONS AND SERVICES; CLARIFICATION OF FEDERAL LAW.

(a) APPROPRIATE INTERVENTIONS AND SERVICES.—School personnel shall ensure that immediate appropriate interventions and services, including mental health interventions and services, are provided to a child removed from school for any act of violence, including carrying or possessing a weapon to or at a school, on school premises, or to or at a school function under the jurisdiction of a State or local educational agency, in order to—

(1) to ensure that our Nation's schools and communities are safe; and

(2) maximize the likelihood that such child shall not engage in such behaviors, or such behaviors do not reoccur.

(b) CLARIFICATION OF FEDERAL LAW.—Nothing in Federal law shall be construed—

(1) to prohibit an agency from reporting a crime committed by a child, including a child with a disability, to appropriate authorities; or

(2) to prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to a crime committed by a child, including a child with a disability.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) AUTHORIZATION.—There are authorized to be appropriated to pay the costs of the interventions and services described in subsection (a) such sums as may be necessary for each of the fiscal years 2000 through 2004.

(2) DISTRIBUTION.—The Secretary of Education shall provide for the distribution of the funds made available under paragraph (1)—

(A) to States for a fiscal year in the same manner as the Secretary makes allotments to States under section 4011(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7111(b)) for the fiscal year; and

(B) to local educational agencies for a fiscal year in the same manner as funds are distributed to local educational agencies under section 4113(d)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7113(d)(2)) for the fiscal year.

Mr. ASHCROFT. Mr. President, in our amendment, which we just passed in the Senate, Senator FRIST and I proposed important changes to federal law to give schools more authority to remove from the classroom any student who brings a gun or firearm to school. Schools need current federal barriers removed so that they can preserve a safe and secure classroom for our children.

The Senator from Iowa has proposed an amendment which makes it even more difficult for schools to remove any dangerous student—including one who brings a gun to school—from the classroom. I rise to state my opposition to the Harkin amendment.

The Harkin amendment makes the current law even worse by imposing a new requirement upon schools when they desire to remove any child—disabled or non-disabled—from the classroom for bringing a gun or firearm to school, or for committing any act of violence.

The Harkin amendment takes the unprecedented step of telling schools across the country that if they want to remove any child from school—even a nondisabled student—for possessing a weapon, or for committing any act of violence, schools must provide the child with "immediate appropriate interventions and services, including mental health interventions and services," in order to "maximize the likelihood that such child shall not engage in such behaviors, or such behaviors do not reoccur."

This amendment would overturn the discipline policies of schools across the nation, and intrude upon the right of parents, teachers, school administrators, school boards, to set their own discipline policies regarding weapons and violence in schools. Not only this, but it jeopardizes the ability of schools to remove any student from class who has a gun or firearm, and prevents them from keeping their schools safe.

The Harkin amendment would also handcuff schools even more than the current IDEA law does regarding removal of disabled students who possess weapons.

The Harkin amendment says that a school that takes action to remove a child with a weapon from school "shall ensure that immediate appropriate interventions and services, including mental health interventions and services," are provided to the child. This is a new requirement in addition to current IDEA law.

Current IDEA law requires that a school that removes a child from the regular classroom for 45 days for a weapons possession must already conduct a series of procedures in connection with the removal. Let me describe some of these procedures.

First, a school must conduct a functional behavioral assessment. Second, it must implement or modify a behavioral intervention plan for the child. Included in this is the requirement that the IEP team must meet to develop or modify an assessment plan to address the behavior at issue. Third, the school must conduct a manifestation determination review to determine if the child's disability caused the behavior at issue.

The Harkin amendment adds yet another requirement to the list of procedures that a school must undertake when removing a child with a weapon from the classroom, by requiring that schools "ensure that immediate appropriate intervention and services, including mental health interventions and services," are provided to the child. Why do we need to handcuff schools even more with another procedure?

Additionally, the amendment says that these additional interventions and services must be provided "in order to maximize the likelihood that such child will not engage in such behaviors, or such behaviors do not reoccur." We are not simply asking the schools to try to reduce the likelihood of reoccurring behavior: we are requiring them to maximize that likelihood.

School principals, administrators, teachers, school boards, and parents have told me about how difficult the current IDEA makes it to discipline students, and especially in the case of guns and firearms.

Senator HARKIN's amendment adds yet another layer of procedure. Rather than providing schools with more authority to take actions school officials deem appropriate to maintain a safe and secure classroom free from guns and firearms, Senator HARKIN's amendment is going backwards from current law by imposing more federal responsibilities.

The Harkin amendment's attempt to provide funding for the new procedures required under the amendment is disingenuous.

The amendment authorizes "such sums as may be necessary for each of the fiscal years 2000 through 2004" to pay for the "interventions and services" that schools must conduct before they can remove a student with a gun from school. If the Senator from Iowa and others were unwilling to vote for giving schools more IDEA funding during debate on the ed-flex bill earlier this session, what makes us think they really would provide more funding at this time?

In conclusion, the Harkin amendment actually makes current law worse by imposing a new set of requirements on schools when they need to remove any child with a firearm from the classroom. He would require schools to provide "interventions and services" to non-disabled students who are expelled for bringing a gun to school. And, he imposes a new requirement upon schools that take action to remove IDEA students from school for weapons possession.

At a time when parents, teachers, school officials, and our children are asking for help in keeping our classrooms safe, we cannot afford to take a step backward and further handcuff schools from taking steps to get guns out of schools. We need to move forward by giving schools more authority to get—and keep—firearms out of the classroom. For these reasons, I oppose the Harkin amendment.

Mr. KENNEDY. Mr. President, I rise to support Senator HARKIN in his amendment to reduce juvenile crime by helping schools to maintain safe environments while ensuring that troubled students get the help they need.

Students who bring guns or other dangerous weapons to school should be removed. But they should also be provided with the appropriate interventions and services.

This amendment clearly supports the removal of a child from school who carries or possesses a weapon, including a child with a disability.

This amendment clearly supports an agency reporting a crime committed by a child, including a child with a disability, to the appropriate authorities.

This amendment clearly supports law enforcement and judicial authorities in exercising their responsibilities with regard to crimes committed by a child, including a child with a disability.

But this amendment, unlike the Frist-Ashcroft amendment, will ensure that immediate, appropriate interventions, including mental health services, are provided to a troubled child.

We know that when educational services for students are stopped, those students show increased drop out rates, increased drug abuse, and increased rates of juvenile crime and incarceration.

I urge all my colleagues to vote in favor of the Harkin-Kennedy amendment. It will help to ensure that our schools remain conducive to learning and our communities remain safe.

Mr. HARKIN. Mr. President, four weeks ago, an unspeakable act of violence occurred at Columbine High School in Littleton, Colorado when 12 innocent students, a heroic teacher and the two student gunmen were killed. This incident was the 8th deadly school shooting in 39 months.

The tragedy at Columbine High School is still very fresh in our minds and our hearts. Our thoughts and prayers remain with the people of Littleton, Colorado.

The students of Columbine have returned to classes in a neighboring school. They have taken an important first step in the healing process. Unfortunately, the scars of this tragedy will remain with them, their families, the Littleton community and the nation for a long time to come.

In the aftermath of this most recent school shooting, we must examine the causes of the outbreak of violence and work on initiatives that will prevent such occurrences in the future.

During the course of the debate on the pending legislation, Juvenile Justice Bill we have already discussed many of the issues related to violence. We must examine the impact that movies, music, television and video games have on outbreaks of violence. We must also curtail the easy access to guns that enable individuals to commit such acts of violence.

We must also talk about how we can prevent such heinous acts from happening again. I would like to take a few moments to discuss one innovative program that can help us prevent violent acts from happening in the first place.

Two weeks ago, the Senate Health, Education, Labor and Pensions Committee, of which I am a member, held a hearing on the important topic of school safety. We heard testimony from many experts about the extent of the problem and began an important search for solutions so that it will never, ever happen again.

One of the witnesses was Jan Kuhl, the Director of Guidance and Counseling for the Des Moines School District. Jan talked about an innovative elementary school counseling program called Smoother Sailing and the impact the program has had on students in the Des Moines schools.

Smoother Sailing operates on a simple premise—get to kids early to prevent problems rather than waiting for a crisis. As a result, the district more than tripled the number of elementary school counselors to make sure that at least one well-trained professional is available in every single elementary school building.

Smoother Sailing began in 1988 as a pilot program in 10 elementary schools. The program increased the number of counselors in the elementary schools so there is one counselor for every 250 students—the ratio recommended for an effective program. The participating schools began seeing many positive changes.

After two years, the schools participating in Smoother Sailing saw a dramatic reduction in the number of students referred to the office for disciplinary reasons.

During the 1987-88 school year, 157 students were referred to the office for disciplinary action. After two years of Smoother Sailing, the number of office referrals in those schools dropped to 83—a 47% reduction in office referrals.

During the same period, Des Moines elementary schools with a traditional crisis intervention counseling program had only a 21% reduction in office referrals.

There were other changes as well. Teachers in Smoother Sailing schools reported fewer classroom disturbances and principals noticed fewer fights in the cafeteria and on the playground. The schools and classrooms had become more disciplined learning environments. It was clear that Smoother Sailing was making a difference so the counseling program was then expanded to all 42 elementary schools in Des Moines in 1990.

Smoother Sailing continues to be a success.

Smoother Sailing helps students solve problems in a positive manner. Assessments of 4th and 5th grade students show that students can generate more than one solution to a problem. Further, the types of solutions were positive and proactive. We know that the ability to effectively solve problems is essential for helping students make the right decisions when confronted with violence or drugs.

Smoother Sailing gets high marks in surveys of administrators, teachers and parents. They report a high degree of satisfaction with the program.

95% of parents surveyed said the counselor is a valuable part of my child's educational development. 93% said they would seek assistance from the counselor if the child was experiencing difficulties at school.

Administrators credit Smoother Sailing with decreasing the number of students suspensions and referrals to the office for disciplinary action. In addition, principals report that the program is responsible for creating an atmosphere that is conducive to learning.

Experts tell us that to be effective, there should be at least one counselor for every 250 students. Unfortunately, the current student-counselor ratio is more than double the recommended level—it is 531:1. That means counselors are stretched to the limit and cannot devote the kind of attention to children that is needed.

In most schools, the majority of counselors are employed at the middle and secondary levels. Therefore, the situation is more acute in elementary schools where the student to counselor ratio is greater than 1000:1. I ask unanimous consent that a copy of this table be inserted in the RECORD at this point.

Smoother Sailing was the model for the Elementary School Counseling Demonstration Act, a section of the Elementary and Secondary School Act.

It reauthorizes the program and authorizes $15 million to establish more effective elementary school programs.

The amendment I am offering with Senators LINCOLN and WELLSTONE is supported by several organizations—the American Counseling Association, the American School Counseling Association, the American Psychological Association the National Association of School Psychologists, the School of Social Work Association of America and the National Association of Social Workers.

Mr. President, CNN and USA Today recently conducted a public opinion poll of Americans. They asked what would make a difference in preventing a future outbreak of violence similar to those that have occurred over the past 39 months.

The leading response was to restrict access to firearms. The second most popular response—a response selected by 60% of those polled—was to increase the number of counselors in our nation's schools.

We should heed the advice of the American people. We have a desperate need to improve counseling services in our nation's schools. Our amendment is an important first step in addressing this critical issue and I urge my colleagues to support the amendment.

I ask unanimous consent a table of U.S. counselor-to-students ratios be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

U.S. COUNSELOR-TO-STUDENT RATIOS

[Maximum recommended ratio (250:1)]

U.S. States	Number of—		Counselor-to-student ratio[1]
	Students	Counselors	
Alabama	780,999	1,688	463:1
Alaska	136,196	231	590:1
Arizona	864,226	1,046	826:1
Arkansas	482,590	1,213	398:1
California	6,157,320	5,208	1,182:1
Colorado	723,591	1,121	645:1
Connecticut	569,268	1,123	507:1
Delaware	126,870	221	574:1
District of Columbia	74,395	225	331:1
Florida	2,455,079	4,855	506:1
Georgia	1,398,787	2,472	566:1
Hawaii	213,404	544	392:1
Idaho	256,946	558	460:1
Illinois	2,240,199	2,838	789:1
Indiana	1,083,851	1,735	625:1
Iowa	539,413	1,332	405:1
Kansas	505,870	1,097	461:1
Kentucky	706,820	1,272	556:1
Louisiana	888,620	2,703	329:1
Maine	227,590	593	384:1
Maryland	911,929	1,825	500:1
Massachusetts	1,033,899	2,125	487:1
Michigan	1,849,721	2,943	629:1
Minnesota	925,347	915	1,011:1
Mississippi	551,418	869	635:1
Missouri	1,025,704	2,410	426:1
Montana	175,563	411	427:1
Nebraska	327,982	757	433:1
Nevada	293,979	560	525:1
New Hampshire	219,006	656	334:1
New Jersey	1,408,761	3,231	436:1
New Mexico	362,001	650	557:1
New York	3,211,827	5,467	587:1
North Carolina	1,316,796	3,025	435:1
North Dakota	125,666	263	478:1
Ohio	2,082,841	3,247	641:1
Oklahoma	647,533	1,730	374:1
Oregon	591,539	1,268	467:1
Pennsylvania	2,117,697	3,707	571:1
Rhode Island	170,732	307	556:1
South Carolina	692,743	1,546	448:1
South Dakota	150,243	345	435:1
Tennessee	953,463	1,525	625:1
Texas	3,879,363	8,359	464:1
Utah	490,706	594	826:1
Vermont	110,228	352	313:1
Virginia	1,172,672	3,202	366:1
Washington	1,047,132	1,804	580:1
West Virginia	313,685	604	519:1
Wisconsin	1,004,584	1,884	533:1
Wyoming	101,652	285	357:1

[1] Calculated ratio is based on 1996 data, counting guidance counselors as full-time equivalents. Produced by the American Counseling Association, Office of Public Policy and Information, 5999 Stevenson Avenue, Alexandria, Virginia 22304, Phone 703-823-3800.

Source: "Digest of Education Statistics 1998" U.S. Dept. of Education.

Mr. HATCH. Mr. President, we are prepared to accept the amendment on this side.

Mr. LEAHY. We accept the amendment.

The PRESIDING OFFICER. Under a previous agreement, the amendment is agreed to.

The amendment (No. 368) was agreed to.

AMENDMENT NO. 345, AS MODIFIED

(Purpose: To establish a commission to study the motion picture industry and make recommendations to Congress and the President to promote accountability in the motion picture industry in order to reduce juvenile access to violent, pornographic, or other harmful material in motion pictures)

Mr. BOND. I send a modified amendment to the desk on behalf of myself and Senator DOMENICI, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. BOND], for himself and Mr. DOMENICI, proposes an amendment numbered 345, as modified.

Mr. BOND. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 345), as modified, is as follows:

At the appropriate place, insert the following:

SEC.   . COMMISSION ON ACCOUNTABILITY OF THE MOTION PICTURE INDUSTRY.

(a) SHORT TITLE.—This section may be cited as the "Motion Picture Industry Accountability Act".

(b) PURPOSE.—The purpose of this section is to establish a commission to study the motion picture industry and make recommendations to Congress and the President to promote accountability in the motion picture industry in order to reduce juvenile access to violent, pornographic, or other harmful material in motion pictures.

(c) ESTABLISHMENT.—There is established a commission to be known as the "Motion Picture Industry Accountability Commission" (in this section referred to as the "Commission").

(d) COMPOSITION.—

(1) COMPOSITION.—The Commission shall be composed of 12 members appointed as follows:

(A) Four members shall be appointed by the President.

(B) Four members shall be appointed by the Speaker of the House of Representatives.

(C) Four members shall be appointed by the Majority Leader of the Senate.

(2) CHAIRPERSON.—The Chairperson of the Commission shall be jointly designated by the Speaker of the House of Representatives and the Majority Leader of the Senate from among the members of the Commission.

(3) QUALIFICATIONS.—At least one member of the Commission appointed by each of the President, the Speaker of the House of Representatives, and the Majority Leader of the Senate shall be the parent of a child under the age of 18 years.

(e) COMPREHENSIVE REVIEW.—

(1) IN GENERAL.—The Commission shall conduct a comprehensive review of the motion picture industry with a focus on juvenile access to violent, pornographic, or other harmful materials in motion pictures.

(2) ASSESSMENT.—In conducting the review, the Commission shall assess the following:

(A) How the Federal Government and State and local governments, through their taxing power or otherwise, subsidize, facilitate, or otherwise reduce the cost to the motion picture industry of producing violent, pornographic, or other harmful materials, and any changes that might curtail such assistance.

(B) How the motion picture industry markets its products to children and how such marketing can be regulated.

(C) What standard of civil and criminal liability currently exist for the products of the motion picture industry and what standards would be sufficient to permit victims of such products to seek legal redress against the producers of such products in cases where the content of such products causes, exacerbates, or otherwise influences destructive behavior.

(D) Whether Federal regulation of the content of motion pictures is appropriate.

(E) What other actions the Federal Government might take to reduce the quantity of and access to motion pictures containing violent, pornographic, or other harmful materials.

(f) REPORTS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Commission shall submit to the President, the Speaker of the House of Representatives, and the Majority Leader of the Senate a report on the review conducted under subsection (e).

(2) RECOMMENDATIONS.—The report may include recommendations of the Commission only if approved by a majority of the members of the Commission.

(g) POWERS.—The Commission may for the purpose of carrying out this section—

(1) conduct hearings, take testimony, issue subpoenas as provided in subsection (h), and receive such evidence, as the Commission considers appropriate;

(2) secure directly from any department or agency of the Federal Government such information as may be necessary for the Commission to carry out the duties of the Commission under this section;

(3) use the United States mails in the same manner and under the same conditions as the departments and agencies of the Federal Government; and

(4) receive from the Secretary of Commerce appropriate office space and such administrative and support services as the Commission may request.

(h) SUBPOENAS.—

(1) IN GENERAL.—If a person fails to supply information requested by the Commission, the Commission may by majority vote require by subpoena the production of any written or recorded information, document, report, answer, record, account, paper, computer file, or other data or documentary evidence necessary to carry out its duties under this section. The Commission shall transmit to the Attorney General a confidential, written notice at least 10 days in advance of the issuance of any such subpoena. A subpoena under this paragraph may require the production of materials from any place within the United States.

(2) INTERROGATORIES.—The Commission may, with respect only to information necessary to understand any materials obtained through a subpoena under paragraph (1), issue a subpoena requiring the person producing such materials to answer, either through a sworn deposition or through written answers provided under oath (at the election of the person upon whom the subpoena is served), to interrogatories from the Commission regarding such information. A complete recording or transcription shall be made of any deposition made under this paragraph.

(3) CERTIFICATION.—Each person who submits materials or information to the Commission pursuant to a subpoena issued under paragraph (1) or (2) shall certify to the Commission the authenticity and completeness of all materials or information submitted. The provisions of section 1001 of title 18, United States Code, shall apply to any false statements made with respect to the certification required under this paragraph.

(4) TREATMENT OF SUBPOENAS.—Any subpoena issued by the Commission under paragraph (1) or (2) shall comply with the requirements for subpoenas issued by a United

States district court under the Federal Rules of Civil Procedure.

(5) FAILURE TO OBEY A SUBPOENA.—If a person refuses to obey a subpoena issued by the Commission under paragraph (1) or (2), the Commission may apply to a United States district court for an order requiring that person to comply with such subpoena. The application may be made within the judicial district in which that person is found, resides, or transacts business. Any failure to obey the order of the court may be punished by the court as civil contempt.

(i) PROCEDURES.—The Commission shall meet on a regular basis or at the call of the Chairperson or a majority of the members of the Commission.

(j) PERSONNEL MATTERS.—The members of the Commission shall serve on the Commission without compensation, but shall be allowed travel expenses including per diem in lieu of subsistence, as authorized by section 5702 of title 5, United States Code, when engaged in the performance of the duties of the Commission.

(k) STAFF.—The Commission shall appoint a staff director and sufficient support staff, including clerical and professional staff, to carry out the duties of the Commission under this section. The total number of staff under this subsection may not exceed 10.

(l) DETAILED PERSONNEL.—At the request of the Chairperson of the Commission, the head of any department or agency of the Federal Government may detail, without reimbursement, any personnel of the department or agency to the Commission to assist the Commission in carrying out the duties of the Commission under this section.

(m) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $1,000,000 to carry out this section.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) shall remain available until expended.

(n) TERMINATION.—The Commission shall terminate 60 days after the date on which the Commission submits the reports required by subsection (f).

Mr. BOND. Mr. President, we have heard a lot about gun shows, pawn shops, and ammo clips these past few days. We have been told that if we just tweak the law a little here, or add another provision making something else illegal that somehow people who gun down others in cold blood won't do it anymore.

It's as if wishing would make it so.

Thirty years ago we had very few gun laws, and surprisingly, no high school shooting sprees to document every few days, every few weeks, or every few months.

But thirty years ago we also had stricter discipline in schools, no school officials worried about lawsuits if they expelled a violent child, and parents who also exerted more control.

Now we have a new gun law a year. We have school officials who fear lawsuits, and federal law which seems designed to keep violent kids in classrooms, rather than removed—although I hope the Frist-Ashcroft amendment will make some improvements. And we have an industry—in the name of entertainment—that produces violence and violent pornography at such a pace that no one has any idea of the breadth and width of exposure our kids now have to it.

Movies, television, videos, music, computer games. Killing, maiming, and destruction—all in the name of entertainment.

Why is anyone surprised in this new topsey-turvy world, that some students plan mass murders rather than planning their graduation party.

Today I thought it time to inject a little dose of reality into these proceedings, and get us started down a road which I believe needs to be explored. My amendment empanels an independent commission to study the motion picture industry—from top to bottom—to see if the federal government is subsidizing, facilitating or otherwise encouraging the production of violent, or pornographic materials. And if so, to make recommendations to Congress and the President to promote accountability in the motion picture industry in order to reduce juvenile access to violent, pornographic, or other harmful material in motion pictures. Simply put, we want to discourage, not encourage access to these materials.

At the outset, let's make it clear that a great deal of what kids see on the big screen is not harmful and it is done by talented people who are just as concerned about our young people as anyone else. However, there are hundreds, if not thousands of releases each year that have profound effects on teens who see them.

Let us be very clear about one other thing before we continue, because we have head a lot about the gun industry and their so-called political power.

Mr. President, they don't hold a candle to the movie industry. Hollywood has the money, the glamour, the lifestyle of the rich and famous. They have Beverly Hills, they generate publicity for a living, and they have access to the Lincoln Bedroom. In fact, the NRA actually brought in a famous actor in order to have some hope of getting a fair hearing for its position.

But the most disturbing, and least discussed these past few days, is exactly who it is in this country that has glamourized guns and violence. It is certainly not everyone's favorite bogeyman the NRA. It is not the biathletes who compete in the Olympics. Quite simply, it is the entertainment industry. Guns, gore, and violence, targeted not at soccer moms—but to their sons.

And worse yet, it is not just gun use, but gun misuse which is glorified. Gun-toting murders as heros, out to right some perceived wrong. Who even knew what an Uzi or Tech 9 was until they saw it in some show?

I ask unanimous consent to have printed in the RECORD a May 11, 1999, article by Michael Atkinson entitled "The Movies Made Me Do It."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[The Village Voice, May 11, 1999]

THE MOVIES MADE ME DO IT

(By Michael Atkinson)

On March 5, 1995, Sara Edmondson, the 18-year-old scion of one of Oklahoma's most prominent political clans, holed up with her 17-year-old boyfriend Ben Darras in her family's cabin with a video Copy of Natural Born Killers, a Smith & Wesson .38, and a reported 17 tabs of acid. It's clear neither how many times they watched the film nor what the timetable had been for dropping all that dope, but, over the next two days, the teenagers road-tripped south, first shooting Hernando, Louisiana, cotton-gin manager Bill Savage, and then, the following day, convenience-store clerk Patsy Byers. Initially they had intended to go to a Grateful Dead concert in Memphis, but got the date wrong. Edmondson got 35 years; Darras got life.

Savage was DOA, and his hometown friend John Grisham raised a public stink over the Oliver Stone film, threatening to sue for product liability but never filing. Luckless, Byers was left a quadriplegic and later died of cancer, but her family's lawyer has filed a civil suit against Edmondson, Darras, Edmondson's parents, Stone, and Time Warner, maintaining that the film's creators "knew. . . . or should have known" that violence would result from its being shown. In March, after bouncing around Louisiana courts, the case went to the Supreme Court and was seen as good to go.

Here comes the flood. This April, the families of three Kentucky girls left dead after the prayer-group shooting spree of 14-year-old Michael Carneal in 1997 have filed a $130 million lawsuit against no fewer than 25 parties, including five film companies involved with the film The Basketball Diaries; a single scene allegedly incited Carneal to action. The dream sequence, of Leonardo DiCaprio gunning down his classmates, should be immediately familiar to even those who haven't bothered seeing the film, thanks to the news coverage of the Littleton rampage. Littleton itself is destined to become the nation's mother lode of hydra-headed copycat—crime civil suits directed at the manufacturers of pop culture, just as the Klebold-Harris scenario immediately became something to mimic in high schools from coast to coast. Copycat crimes have attained front-burner notoriety, and some day soon Hollywood's liberty will be pitted against the perceived welfare of America children.

It's an old but neglected dynamic, and wherever you stand on the issue, itemizing the carnage attributed to the influence of movies is chilling business. After The Birth of a Nation hit big in 1915, the KKK enjoyed a huge resurgence and lynching stats shot up. James Cagney's psycho gangster in White Heat (1949) was blamed for inspiring Brit Chris Craig's 1952 shooting of a policeman. A clockwork Orange's 1971 release was followed by several rapes in England accompanied by the rapists' renditions of "Singin' in the Rain," after which Stanley Kubrick permanently removed the film from British circulation. Magnum Force's murder-by-Drano was reenacted in Utah. The Deer Hunter precipitated a rash of fatal Russian roulette duels, a fierce love of First Blood sent a deranged Englishman named Michael Ryan tearing through his village commando-style, killing randomly. Taxi Driver spoke to John Hinckley; RoboCop gave ideas to two separate killers, each of whom admitted that their evisceration methods were adopted from the film. Just days after its premiere, Money Train, itself based in part on real incidents, inspired token-booth thieves to incinerate the clerk inside. High school footballers were maimed and killed lying down on busy highways after viewing The Program. Child's Play and it first two straight-to-tape sequels hold the record for the sheer number of dead: besides two-year-old Jamie Bulger, stoned to death by a pair of 10-year-old Chucky fans in Liverpool, and 16-year-old Suzanne Capper, burned alive in Manchester by Chucky fans who played lines of the movies' dialogue to here as she was being tortured, there is the dizzying slaughter of 35 Tasmainian vacationers by Martin Bryant, a mental patient "obsessed" with Chucky.

But for sheer inspirational force, and the highest number of captured impulse killers who have directly credited the film Natural Born Killers might be the one plus ultra of copycat-killing source material. Besides the Edmondson-Darras road trip, there have been killings in Utah, Georgia, Massachusetts, and Texas (where a 14-year-old boy decapitated a 13-year-old girl), all involving children who afterward quoted the film to firends and authorities. In Paris, a pair of young lovers, Florence Rey and Audry Maupin, led the police on a chase that killed five; supposedly, Rey said, "It's fate," a la Woody Harrelson's character Mickey, when caught. Another pair of Parisians, Veronique Herbert and her boyfriend Sebastien Paindavoine, lured a 16-year-old to his stabbing death with promises of sex; a scene right out of Stone's film. Herbert has even named the Stone film in ther defense

There are scores of other examples—even Beavis and Butt-head has its ghosts, innocent bystanders killed by child-lit fires or child-tossed bowling balls. Hunt-and-kill computer games, which provide ersatz combat training, have also been cited in the Carneal suit. Of course, in each case, the precise psychological role media played is never clear—nor can it be, until we can map a brain like a computer hard drive. In fact, some of what the press has reported about the similarities between particular murders and particular films is flat-out wrong—scores of scenes that never occurred in Child's Play 2 were said to have been reenacted in the Bulger murder. Still, when a Georgia teen yells out "I'm a natural born killer!" to news cameras after being arrested for killing an elderly man, the tie-in is hard to ignore.

Legally, it may be impossible to prove intent on behalf of a filmmaker or a beyond-a-reasonable-doubt cause-and-effect affiliation between specific movies and specific violence. How do you account for the millions of unaffected consumers? What's equally at issue is the common cultural presupposition that the entertainment media bear no culpability for those who wreak havoc in imitation of it. Movies are movies, homicidal nuts are homicidal nuts, the crimes would occur with or without a movie's sensationalized prodding. So the wisdom goes. But is our relationship with movies so simple, or is there in fact something deeper, darker, going on? Could it be that visual media aren't merely a harmless, ephemeral diversion from reality, but a powerful factor in that reality bearing consequences we haven't foreseen?

Since most of the incidents we're aware of have children at their centers, this may prove to be true. According to University of Michigan professor L. Rowell Huesmann, an expert researcher on the relationship between violent media and violent behavior, "It's been well established that media violence makes kids behave more aggressively. Of course, there's no scientific way to evaluate how media violence may have or many have not caused real violence, but there's definitely a relationship, a "priming" or "curing" of behavior for certain individuals. The reasons are well understood in psychology: even as toddlers, if we see other kids push and hit to get what they want, we imitate it, we begin to learn scripts for that behavior. In addition, there have been studies: you show images of gore to young children, they have a universally negative reaction: their heartbeat goes up, their palms sweat, and so on. You show it to them again and again, and those indications go away. They adapt, they become desensitized."

Dr. Carole Lieberman, a Beverly Hills-based "media psychiatrist," blames parental patterns of consumerism. "There's no question that parents see it happen. The Ninja Turtles were a significant sign: everyone could see how specific violent behaviors were derived directly from that show. But they still buy the kids the computer, the violent CD games. It's cognitive dissonance—they know, but they don't want their kids to be left out, to be unarmed."

It seems the entertainment complex knows, too: Last week, MGM announced they'd like to recall every copy of The Basketball Diaries from store shelves but can't thanks to a prohibitive rights agreement that lasts until June 30. Even within the Hollywood chambers, the cattle can get spooked: Money Train scriptwriter Doug Richardson was voted down for membership in the Academy thanks to the subway-booth torching. "Nobody would say it was because of that incident," Richardson says, "but no one would deny it. So, as a writer, am I supposed to wonder if what I'm doing is drama or pornography? Science is going to have to get in up to its elbows in this, I think. It's a very complicated issue, and doesn't deserve sound-bite answers. Especially since there's so much suffering.

And the suffering, not of Hollywood filmmakers told they shouldn't make ultraviolent movies but of families with murdered children, may be what the debate should be about. "We could make a great step forward by simply restricting the amount of violence to which children are exposed," Huesmann says. "That's no great constitutional dilemma. I wouldn't be surprised if at this point Oliver Stone came forth and said, 'Yes, the film obviously affects some people in a certain way,' and if he did, that would be a significant first step." (Oliver Stone declined to comment.)

"Every study indicates a relationship," Huesmann concludes. "Here's a not greatly known fact: that the statistical correlation between childhood exposure to violence in media and aggressive behavior is about the same as that between smoking and lung cancer."

Mr. BOND. Mr. President, it outlines "copycat" acts of violence who fashion their criminal actions—murder and rape—off brilliant "how to" works of theater such as "Natural Born Killers" and "Basketball Diaries."

We know that merchants of violence profit handsomely from some products which hurt our children and cost our society. Who for a second believes that the 40,000 murders that our children witness on the TV screen during their childhoods does not have some terrible numbing effect. We can't stop Hollywood from producing the insanity, but we can attempt to discourage it and to help them share in the burden that their "profiteering at any cost" imposes on society.

Now I don't believe we need any more studies outlining the numbing effects that movie and television violence have on our children. What we need to know is—are the American taxpayers subsidizing this numbing down of American youth? And if so, what can and should we do about it?

That is why our Commission looks to people who are independent of the power and influence of the motion picture industry.

Clearly, advertising is directed at attracting all audiences including our young. These wealthy and talented industry people have a right to produce this material but we should not extend them every courtesy when it comes to polluting the minds of our young. There is always parental responsibility, but that does not excuse others from acting responsibly as well.

Does it, or does it not, take a village to raise a child? Last I looked, Hollywood is part of our village. So where is the responsibility of those who produce the harmful material?

Though the power of the motion picture industry is great, we should take a turn listening to parents instead of actors and show leadership instead of cowardice. Some may object on behalf of the wealthy merchants of carnage and smut saying they have a constitutional right to pollute the minds of our children and have no responsibility as an artist or producer to use their power to try and help our nation's parents. But I think they are wrong. Shortsighted and wrong.

Thus if we adopt the Bond-Domenici amendment, we will be saying it is time that parents, and grandparents—not just Hollywood moguls—will have an opportunity to participate in the debate on how best to protect our children. And if this notion offends the Hollywood crowd and their ubiquitous presence in Washington—so be it. We should make quite certain that the public is not contributing or facilitating the production of this sort of material and not facilitating its marketing to our young people. Of, that if we are, people understand it and decide it is good use of national resources.

Now there are other thoughtful amendments to this underlying bill which call on Clinton Administration agencies to study advertising or antitrust provisions. My amendment is designed to get the best minds outside of the Clinton Administration and Hollywood—and if you have any serious questions why, I think this past weekend's multi-million fund-raising trip to Beverly Hills answers those immediately.

It is with a great sense of frustration that I come to you and that is because

I am tired of telling parents that there is nothing we can do to help shield their kids beyond relying on the good will and tender mercies of the same ones making blood money off the trash.

If the government can't do anything about it at this time, I think it is worth letting someone on the outside see if it is possible to bring some discipline and responsibility to those who are producing and marketing the insanity. As you all know, not everyone in the film industry is proud of what their colleagues produce for the public. I have no intention of painting with a broad brush, but the ones without discipline—the ones that don't care about our children, should not be shielded from scrutiny just because they may be some of the best people to invite to parties, vacations and fund-raisers.

The Commission is proposed to be made up of 12 members appointed by the President, the Majority Leader and the Speaker and review the following:

(1) How the government, through the tax code or otherwise, subsidizes, facilitates or otherwise reduces the cost of the production of violent, pornographic, or harmful materials and changes necessary to curtail such assistance;

(2) How the movie industry markets to children and how such marketing can be regulated;

(3) What standard of civil and criminal liability currently exists and what standard is sufficient to allow victims to seek legal redress against motion picture productions in cases where content leads to destructive behavior;

(4) Whether federal regulation of content is appropriate;

(5) What other federal action might be taken to reduce the quantity of and juvenile access to movies containing violent, pornographic, or harmful materials.

The amendment requires that a majority report be made within a year of enactment and requires that a minimum number of parents be appointed to the commission. Further, it authorizes a budget for professional staff to assist on these very complex issues.

This would be a powerful commission with a broad mandate that could recommend that we make merchants of death liable for their work, that we make the polluter pay; or outline ways to discourage advertising to our children. We may not enact their recommendations but I think it is time we hear the truth from parents—parents without connections to Hollywood.

It is a balanced commission and the President will get his opportunity to make appointments. He must appoint a parent of a child but he can also appoint a first amendment absolutist and he can appoint Oliver Stone to the commission if he so desires.

I know Members on both sides of the aisle share my frustration. They too have had parents tell them that each year it gets harder and harder to keep the violent images out of their kids lives. Not only movies and videos, but television, CDs, video-games, radio, and even print ads.

The images are starker, the violence more pronounced, the mayhem more graphic. No parent can keep it all out because it comes from everywhere. What I am saying here today is that it is time to start holding people responsible for their choices, and that at a minimum, we should know if the parents of America are paying taxes to subsidize the filth they then try to keep out of their homes.

The Bond-Domenici amendment is the right thing to do.

Mr. President, I yield 4 minutes to the Senator from New Mexico.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I might not even take that long.

I want to compliment the Senator from Missouri for his proposal and just speak a little bit about a word that is on a lot of people's minds these days. In fact, many people are saying: Boy, it sure would be great if we could get responsibility back into our schools so our children could learn what responsibility means.

I think it would be great if we could get the entertainment industry to show a little responsibility. Some responsibility from those who make films and produce TV shows, produce advertisements, produce many of the vile computer games our young people are using so they become excellent sharpshooters, excellent killers. In fact, some of these computer games have made our children proficient at shooting people right through the head, one after another, because they learned it on the computer game.

Everyone seems to be saying that our children need to learn greater responsibility. Actually, Hollywood and those who produce television shows and movies, they are the ones in need of a new sense of responsibility. I do not know any way, under our Constitution, to stop what is happening. I do not know if I would be wise enough to figure it out. But I tell you, the adults who are in the entertainment industry have to, sooner or later, look at themselves and say: What is our responsibility to the young people of this country?

Right now it seems there is none, other than to make money. If the adults in the entertainment industry continue to refuse to produce films that are good for our young people, even if it is more difficult to sell them, if they refuse to go out and get innovative people to write the kinds of things that are salutary and healthy and helpful, then I believe they are irresponsible. I believe they need a lesson in responsibility. Instead, they hide admirably behind the Constitution.

I believe, if our forefathers who put the First Amendment in the Constitution, the freedom of speech that the entertainment industry hides behind, could see what they produce, what they feed to our young people, what they feed to our society under the alleged protection of that Amendment, I believe they would reconsider and try to figure some way to make sure we had a bit more responsibility built into this aspect of the American free enterprise system.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I have to oppose this $1 million study of "how the Federal Government and State and local governments, through their taxing power or otherwise" helps support or subsidize the cost of producing "violent, pornographic or other harmful materials." Even though this is just a study, I have serious concerns about researching the need for more taxing power.

Second, the juvenile crime bill already contains a package of amendments regarding the study of the motion picture industry. Third, the causes of teen violence are complex and difficult to handle with tax policy. Fourth, the amendment provides broad subpoena powers.

I appreciate that Senator BOND modified his amendment by taking out the study of how another tax, an excise tax, might be structured for "violent, pornographic, or other harmful motion picture materials." What is considered harmful in Tulsa, may not be considered harmful in Niagara Falls, or Boise, or Key West. But in terms of the "power to tax" language still in the amendment it is not clear if the Federal Government, or towns or states, would tell movie producers what content they considered "harmful" or "violent." Thus while the "excise tax" language was just taken out the study of the "power to tax" is still in the amendment. And that raises a lot of issues.

If this power to tax authority were used what would that mean? It is not at all clear how that would work. I do not see why we should spend $1 million to study the "power to tax." There were major fights years ago about whether to censor the line in "Gone with the Wind"—"Frankly, my dear, I don't give a damn." In many towns, that line could have been taxed under a "power to tax" if they had it then. Now, that line caused enormous numbers of debates and editorials. I suspect that could have gotten a whopping tax back then. Or Clark Gable could have just said: "Frankly, my dear, I am really annoyed."

How would a new "power to tax" given to local, state or the Federal government work? The earlier "excise tax" idea that was recently dropped raised lots of questions also. I do not know what editing of movies local governments might have ended up doing.

Concerning the excise tax language, now dropped, I wondered would the local or the Federal government have imposed the tax before the movie was produced, after the movie was produced, or during the editing of the movie? Or, would the States or the Federal Government have told the producers ahead of time how much they would tax them on each scene? If they were to do it that way, could they take some scenes out or pay the extra tax, like a gas-guzzler tax? I understand there are a lot of violent battle scenes in the new Star Wars movie. That would have had a pretty big gross to tax. Fortunately, the "excise tax" language was taken out by the sponsor of the amendment, but the "power to tax" language remains.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I thank my friend, the ranking member for yielding. I hope he will stay on the floor just a moment because I wanted to ask him something. In this amendment, on page 4, is something that completely astounds me. This commission is going to look at whether the regulation of the content of motion pictures is appropriate.

Federal regulation—is this the Soviet Union? What are we doing? I ask my friend if this disturbs him that we would be considering the Federal Government regulating the content of motion pictures.

Mr. LEAHY. I say to my friend from California, what I also worry about is how you determine what it is. I heard one Senator on the floor speak of having more wholesome movies. I am all for that. There are a lot of movies that I consider absolutely classic. I like the "Quiet Man" with John Wayne. It was filmed near the part of Ireland from where my father's family came. But there is violence, fighting, drunkenness a little bit here and there. What do you determine it is? Does the market carry that? There are a lot of wholesome films that make it.

I see some things that might be considered wholesome. One very popular with children are Teletubbies, but yet we heard one leading conservative religious leader say that it should be taken off the air because he objected to one of the Teletubbies.

Maybe we have Teletubbies on one side and televangelists on the other. Somebody suggested in one cartoon: Teletubby Tinky Winky; Televangelist Dopey Wopey. But that is what I read in the paper.

Do we take that off or tax it? Maybe after the $1 million this amendment refers to we might have a better idea. I am not too sure I want even my own communities to determine what tax they will impose and the Federal Government determine what tax they will impose and then have censor boards all over the place determining this one we will tax a little itty-bitty, and this one we will tax biggie bitty-bit.

I point out, we do already have in the juvenile justice bill a package of amendments regarding the study of the motion picture industry, so that is going to be done anyway.

Mrs. BOXER. I point out to my friend, who is such an advocate of the Constitution, that this is the third one. We have investigation mania going on here. This is the third investigation of the entertainment industry that is going to be voted on in this Senate; the third investigation. Fortunately, on the first one, we expanded it to include the gun industry. So there is one investigation of the gun industry and how it peddles its products to kids, and then there are three investigations of the entertainment industry. But this is the very first one where it says in this bill—and I say to my friends, read it. They are going to look at whether there should be Federal regulation of the content of motion pictures.

Maybe the Senator from Missouri is interested in writing movies, but I am not. This is what it is about. None of us was elected to be a movie writer. There is no bureaucrat I know who ought to sit around and write movies. We now have three investigations of the motion picture industry in this bill.

Let me tell you what they are. The first one was the Brownback amendment. I actually supported it. Everybody did. I thought: OK, we will have a commission; it will look at youth violence. That commission calls for the Federal Trade Commission and the Attorney General, with all the powers of their offices, to look at the marketing tactics of the motion picture industry, the entertainment industry, and the video games industry and see if they are, in fact, taking advantage of our children.

Then we have the Lieberman Commission, which is part of the managers' amendment, which sits in this bill. I have it in front of me. Mr. LIEBERMAN, Mr. MCCAIN, Mr. BYRD, Mr. BROWNBACK, Ms. LANDRIEU, et cetera. They are establishing a national youth violence commission and it refers to the various powers of that commission. That is investigation No. 2.

Now comes along, in case we did not do enough of this, investigation No. 3. Duplicative, I add, of the others, but a lot more frightening, because it includes the possibility of Federal regulation of the content of motion pictures.

It refers to changing the law to seek legal redress against producers. My friend from Missouri can take comfort in the fact that we are already doing what he wants to be done, with the exception of looking at the content.

I do not know whether this is going to be accepted or if there is a vote. More than likely it is going to be adopted. Set up a commission. How about doing something that will help? How about keeping our kids busy after school? Oh, no, I only got two people from the other side of the aisle. Keep our children busy after school so they are not sitting in front of the television? Oh, no, we couldn't do that, even though we have a million children waiting in line to get into afterschool programs.

But, oh, let's have a third commission and beat up on the entertainment industry and that is going to help keep our kids out of trouble.

Look at the FBI statistics. That is when there is juvenile crime. This is a juvenile justice bill. We do a little something for afterschool in this bill, but it is just that, a little something. It will not take care of the backlog of all the children who are waiting, but, oh, we can feel real good and set up a third investigation of the entertainment industry.

This is amazing to me. And this one is frightening to me, to think that the Federal Government may now begin to regulate the content of movies. I simply think that the American people do not want to see their Government regulating what can be said in a movie. If you do not like a movie, don't go see it, as Senator LEAHY said yesterday. Don't spend your dollars on violence. Turn the movie channel. But to set up now a third commission on the entertainment industry, this is just going over the top. And suggesting that they look at ways to regulate content, that is a frightening thought to me.

I do not have much hope that this will be defeated because it seems to be something we are getting used to here: Let's have an investigation; it's easy; it's easy; have an investigation.

By the way, it is going to cost $1 million. Do you know how many slots that could take care of for kids waiting in line to get in afterschool programs? Let's use it on something that works. A million dollars on this commission. I know my friend is a fiscal conservative. I hope when this bill gets to conference, they can take these three investigations and put them into one, because this is simply amazing to me.

I have every belief that the Senator's commission will be adopted. The Senate is in the mood to launch yet another investigation, point another finger and, "Yes, I voted against afterschool, but I voted for that commission; I am going to save our kids."

I am very surprised we are looking—as a matter of fact, I did not even know this was coming up until somebody said it. I thought: Wait a minute, that is confusing; we already have two investigations. Now we have yet a third.

I know what I am saying is not popular around here, but I worry when we start talking about the Government regulating content. That reminds me of the old Soviet Union. That is gone. Let's not follow that model.

I hope people vote against this. Again, I do not hold out much hope, but I hope people vote against this. I yield back my time.

The PRESIDING OFFICER. Who yields time?

Mr. BOND. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator is recognized for 3 minutes.

Mr. BOND. One always is impressed with the ability of Hollywood and their obfuscation. We have heard some responses from the Hollywood community. They said this is a massive tax bill. That is not what the purpose was. We amended the amendment so it does not even refer directly to taxes.

The Senator from Vermont mentioned and gave a wonderful rendition of "Gone With The Wind" and "Star Wars." We are not worried about "Star Wars." We are not worried about "Gone With The Wind." We are worried about parents who cannot stop all of the mayhem and violence and murder that is being marketed to their kids, to their kids' friends, to their kids' neighbors every time they turn around.

We think it is time that somebody looked at how we hold Hollywood accountable. I am asking not that we investigate. I believe there is enough evidence of these teenage killers, citing the fact that they have been inspired by movies, to know that something has to be done.

My good friend from California said, we are regulating content. I believe she was one of the leaders who argued for regulating the content of tobacco advertising and said we are going to eliminate tobacco advertising. That is content. That is regulation. That is regulation of speech.

Incidentally, you can regulate what is going to children. We do regulate speech. We do not allow pornography to go to kids. We do not allow tobacco advertising to go to them. I will tell you something, when I see "Basketball Diaries," with Leonardo DiCaprio as a teenage hero walking into a classroom in a black trenchcoat, with a gun, and murdering his fellow students, I see there is a message that Hollywood has sent to our kids. If I could regulate it, if I could stop it, I would like to stop it.

I want to get a national debate going and ask and see how we can stop this filth being targeted at our kids. Does anyone think "Basketball Diaries" is designed to attract older movie viewers like me? I do not think so. That is targeted directly to kids. How do we deal with that? That is what the Domenici-Bond amendment asks. All of the obfuscation and all of the misleading arguments put up by the good folks in Hollywood are not going to take attention away from the fact that they are responsible.

Just in the last couple days the President of CBS said he was going to withdraw a violent drama called "Falcone." I quote Leslie Moonves.

> While it's not fair to blame the media for the rampage, Moonves said that "anyone who thinks the media has nothing to do with this is an idiot."

I suggest that tells the tale.

I yield the remainder of my time to the Senator from Utah.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah has 1 minute remaining.

Mr. HATCH. All the Senator wants to do is set up a Commission to review these matters. We have plenty of work in this bill to take care of it.

Now look, the first amendment is not absolute. There are a lot of limitations on the first amendment recognized by the courts: obscenity, pornography, fighting words, time restrictions, such as nudity in television programming—that may be stopped, television programming that may be aired—indecent speech, exposure to children, and we could go on and on. It isn't like this is something unprecedented.

I think we have to look at these matters and see what we can do to change the culture in this society, because that is what is wrong. It is a lot more important than guns or anything else.

We have made it possible for these kids to see all kinds of filth and violence coming out of their ears. After a while, they get so that it becomes part of their lives. That is why this bill is so important. It is a lot more important than some of the assertions by some people on behalf of their amendments. But this is an amendment that I think we ought to vote for.

The PRESIDING OFFICER. The time has expired.

The Senator from Vermont has 2½ minutes remaining.

Mr. LEAHY. Mr. President, this side has how many minutes?

The PRESIDING OFFICER. Two and a half minutes.

Mr. LEAHY. We yield back the time.

The PRESIDING OFFICER. The Senator yields back the remainder of their time.

Mr. BOND. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I ask unanimous consent that we stack this amendment along with the Biden amendment to be voted upon at a time to be determined by the two leaders.

Mr. LEAHY. I agree.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EDWARDS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

CHANGE OF VOTE

Mr. EDWARDS. On rollcall vote No. 137, I voted "no." It was my intention to vote "aye." I ask unanimous consent that I be permitted to change my vote. This would in no way change the outcome of the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

The foregoing tally has been changed to reflect the above order.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

AMENDMENTS NOS. 369 AND 370, EN BLOC

Mr. HATCH. Mr. President, I send a Helms amendment on safe schools and a Harkin-Lincoln amendment to the desk and ask for their immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

> The Senator from Utah [Mr. HATCH] proposes amendments numbered 369 and 370, en bloc.

Mr. HATCH. I ask unanimous consent reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments, en bloc, are as follows:

AMENDMENT NO. 369

(Purpose: To amend the Gun-Free Schools Act of 1994 to require a local educational agency that receives funds under the Elementary and Secondary Education Act of 1965 to treat possession, on school property, of felonious quantities of illegal drugs the same as gun possession on such property)

At the appropriate place, insert the following:

"SEC . SAFE SCHOOLS.

"(a) AMENDMENTS.—Part F of title XVI of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8921 et seq.) is amended as follows:

"(1) SHORT TITLE.—Section 14601(a) is amended by replacing "Gun-Free" with "Safe", and "1994" with "1999".

"(2) REQUIREMENTS.—Section 14601(b)(1) is amended by inserting after "determined" the following: "to be in possession of felonious quantities of an illegal drug, on school property under the jurisdiction of, or in a vehicle operated by an employee or agent of, a local educational agency in that State, or".

"(3) DEFINITIONS.—Section 14601(b)(4) is amended by replacing "Definition" with "Definition" in the catchline with "part", by redesignating the matter under the catchline with "part", by redesignating the matter under the catchline after the comma as subparagraph (A), by replacing the period with a semi-colon, and by adding new subparagraphs (B), (C), and (D) as follows:

"(B) the term "illegal drug" means a controlled substance, as defined in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)), the possession of which is unlawful under the Act (21 U.S.C. 801 et seq.) or under the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), but does not mean a controlled substance used pursuant to a valid prescription or as authorized by law; and

"(C) the term "illegal drug paraphernalia" means drug paraphernalia, as define in section 422(d) of the Controlled Substances Act (21 U.S.C. 863(d)), except that the first sentence of that section shall be applied by inserting 'or under the Controlled Substances Import and Export Act (21 U.S.C. 915 et seq.)' before the period.

"(D) the term "felonious quantities of an illegal drug" means any quantity of an illegal drug—

"(i) possession of which quantity would, under federal, State, or local law, either constitute a felony or indicate an intent to distribute; or

"(ii) that is possessed with an intent to distribute.".

"(4) Report to State.—Section 14601(d)(2)(C) is amended by inserting "illegal drugs or" before "weapons".

"(5) Repealer.—Section 14601 is amended by striking subsection (f).

"(6) Policy Regarding Criminal Justice System Referral.—Section 14602(a) is amended by replacing "served by" with "under the jurisdiction of", and by inserting after "who" the following: "is in possession of an illegal drug, or illegal drug paraphernalia, on school property under the jurisdiction of, or in a vehicle operated by an employee or agent of, such agency, or who".

"(7) Data and Policy Dissemination Under IDEA.—Section 14603 is amended by inserting "current" before "policy", by striking "in effect on October 20, 1994", by striking all the matter after "schools" and inserting a period thereafter, and by inserting before "engaging" the following: "possessing illegal drugs, or illegal drug paraphernalia, on school property, or in vehicles operated by employees or agents of, schools or local education agencies, or".

"(b) Compliance Date; Reporting.—

"(1) States shall have two years from the date of enactment of this Act to comply with the requirements established in the amendments made by subsection (a).

"(2) Not later than three years after the date of enactment of this Act, the Secretary of Education shall submit to Congress a report on any State that is not in compliance with the requirements of this part.

"(3) Not later than two years after the date of enactment of this Act, the Secretary of Education shall submit to Congress a report analyzing the strengths and weaknesses of approaches regarding the disciplining of children with disabilities."

AMENDMENT NO. 370

(Purpose: To amend section 10102 of the Elementary and Secondary Education Act of 1965 regarding elementary school and secondary school counseling)

At the end, add the following:

SEC. . SCHOOL COUNSELING.

Section 10102 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8002) is amended to read as follows:

"SEC. 10102. ELEMENTARY SCHOOL AND SECONDARY SCHOOL COUNSELING DEMONSTRATION.

"(a) Counseling Demonstration.—

"(1) In general.—The Secretary may award grants under this section to local educational agencies to enable the local educational agencies to establish or expand elementary school counseling programs.

"(2) Priority.—In awarding grants under this section, the Secretary shall give special consideration to applications describing programs that—

"(A) demonstrate the greatest need for new or additional counseling services among the children in the schools served by the applicant;

"(B) propose the most promising and innovative approaches for initiating or expanding school counseling; and

"(C) show the greatest potential for replication and dissemination.

"(3) Equitable distribution.—In awarding grants under this section, the Secretary shall ensure an equitable geographic distribution among the regions of the United States and among urban, suburban, and rural areas.

"(4) Duration.—A grant under this section shall be awarded for a period not to exceed three years.

"(5) Maximum grant.—A grant under this section shall not exceed $400,000 for any fiscal year.

"(b) Applications.—

"(1) In general.—Each local educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(2) Contents.—Each application for a grant under this section shall—

"(A) describe the school population to be targeted by the program, the particular personal, social, emotional, educational, and career development needs of such population, and the current school counseling resources available for meeting such needs;

"(B) describe the activities, services, and training to be provided by the program and the specific approaches to be used to meet the needs described in subparagraph (A);

"(C) describe the methods to be used to evaluate the outcomes and effectiveness of the program;

"(D) describe the collaborative efforts to be undertaken with institutions of higher education, businesses, labor organizations, community groups, social service agencies, and other public or private entities to enhance the program and promote school-linked services integration;

"(E) describe collaborative efforts with institutions of higher education which specifically seek to enhance or improve graduate programs specializing in the preparation of school counselors, school psychologists, and school social workers;

"(F) document that the applicant has the personnel qualified to develop, implement, and administer the program;

"(G) describe how any diverse cultural populations, if applicable, would be served through the program;

"(H) assure that the funds made available under this part for any fiscal year will be used to supplement and, to the extent practicable, increase the level of funds that would otherwise be available from non-Federal sources for the program described in the application, and in no case supplant such funds from non-Federal sources; and

"(I) assure that the applicant will appoint an advisory board composed of parents, school counselors, school psychologists, school social workers, other pupil services personnel, teachers, school administrators, and community leaders to advise the local educational agency on the design and implementation of the program.

"(c) Use of Funds.—

"(1) In general.—Grant funds under this section shall be used to initiate or expand school counseling programs that comply with the requirements in paragraph (2).

"(2) Program requirements.—Each program assisted under this section shall—

"(A) be comprehensive in addressing the personal, social, emotional, and educational needs of all students;

"(B) use a developmental, preventive approach to counseling;

"(C) increase the range, availability, quantity, and quality of counseling services in the elementary schools of the local educational agency;

"(D) expand counseling services only through qualified school counselors, school psychologists, and school social workers;

"(E) use innovative approaches to increase children's understanding of peer and family relationships, work and self, decisionmaking, or academic and career planning, or to improve social functioning;

"(F) provide counseling services that are well-balanced among classroom group and small group counseling, individual counseling, and consultation with parents, teachers, administrators, and other pupil services personnel;

"(G) include inservice training for school counselors, school social workers, school psychologists, other pupil services personnel, teachers, and instructional staff;

"(H) involve parents of participating students in the design, implementation, and evaluation of a counseling program;

"(I) involve collaborative efforts with institutions of higher education, businesses, labor organizations, community groups, social service agencies, or other public or private entities to enhance the program and promote school-linked services integration;

"(J) evaluate annually the effectiveness and outcomes of the counseling services and activities assisted under this section;

"(K) ensure a team approach to school counseling by maintaining a ratio in the elementary schools of the local educational agency that does not exceed 1 school counselor to 250 students, 1 school social worker to 800 students, and 1 school psychologist to 1,000 students; and

"(L) ensure that school counselors, school psychologists, or school social workers paid from funds made available under this section spend at least 85 percent of their total worktime at the school in activities directly related to the counseling process and not more than 15 percent of such time on administrative tasks that are associated with the counseling program.

"(3) Report.—The Secretary shall issue a report evaluating the programs assisted pursuant to each grant under this subsection at the end of each grant period in accordance with section 14701, but in no case later than January 30, 2003.

"(4) Dissemination.—The Secretary shall make the programs assisted under this section available for dissemination, either through the National Diffusion Network or other appropriate means.

"(5) Limit on administration.—Not more than five percent of the amounts made available under this section in any fiscal year shall be used for administrative costs to carry out this section.

"(d) Definitions.—For purposes of this section—

"(1) the term 'school counselor' means an individual who has documented competence in counseling children and adolescents in a school setting and who—

"(A) possesses State licensure or certification granted by an independent professional regulatory authority;

"(B) in the absence of such State licensure or certification, possesses national certification in school counseling or a specialty of counseling granted by an independent professional organization; or

"(C) holds a minimum of a master's degree in school counseling from a program accredited by the Council for Accreditation of Counseling and Related Educational Programs or the equivalent;

"(2) the term 'school psychologist' means an individual who—

"(A) possesses a minimum of 60 graduate semester hours in school psychology from an institution of higher education and has completed 1,200 clock hours in a supervised school psychology internship, of which 600 hours shall be in the school setting;

"(B) possesses State licensure or certification in the State in which the individual works; or

"(C) in the absence of such State licensure or certification, possesses national certification by the National School Psychology Certification Board;

"(3) the term 'school social worker' means an individual who holds a master's degree in social work and is licensed or certified by the State in which services are provided or holds a school social work specialist credential; and

"(4) the term 'supervisor' means an individual who has the equivalent number of years of professional experience in such individual's respective discipline as is required of teaching experience for the supervisor or administrative credential in the State of such individual.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $15,000,000 for fiscal year 2000 and such sums as may be necessary for each of the 4 succeeding fiscal years.

Mrs. LINCOLN. Mr. President, today I'm pleased to join my colleagues Senator HARKIN and Senator WELLSTONE in offering an amendment that will help reduce crime and violence in our nation's schools.

This amendment specifically addresses the issue of our children's emotional well-being, and what we as a nation, can do to provide schools with the necessary resources to help our kids.

The lives of America's children are very different than they were 20, 30 or 40 years ago. Before our children reach their teenage years, they've already been exposed to drugs, alcohol, violent movies and a general culture of violence that influences their thoughts and actions.

Many have expressed that they are even desensitized to violence in their everyday lives.

And today's students bring more to school than just backpacks and lunch boxes. They bring severe emotional problems.

They disrupt classes, they have difficulty learning, they suffer from depression, and they fight with teachers and students.

And when they do not know how to deal with their feelings of anger and rage, they may even kill.

Since the school shooting a year ago in Jonesboro, I have been grappling with ideas to ensure that this type of tragedy never happened again. Unfortunately, it did happen again and we as a nation have got to act.

Children should not be afraid to go to school in the morning and parents should not be scared to send them there. Studies show that 71% of children ages 7 to 10 say they are worried they will be stabbed or shot while at school.

The Department of Education reported that in 1997, there were approximately 11,000 incidents nationally of physical attacks or fights in which weapons were used.

I don't claim to have all the answers on how to help our children, but I do think we should do more to get to the root of the problem.

We've got to look at the source of this problem; we must come up with some kind of preventive medicine, rather than using a haphazard Band-aid approach.

Metal detectors and controlling access to guns can hinder their ability to act out, but doesn't address their illness to begin with.

And as the tragedies in Jonesboro, Paducah and most recently as the horror in Colorado has shown us—while much of our country is prospering economically, we cannot allow our country's economic success cause us to ignore our social ills.

We can train our children to use computers, to analyze stocks and to meet the economic challenges of the new millennium. But if we do not address their emotional needs or teach them the value of human life, then what have we accomplished?

As Theodore Roosevelt said, "To educate a man in mind and not in morals is to educate a menace to society."

Together, we must call for improvements, changes and accountability. This can be done, and it must be done.

We can install more metal detectors and surveillance cameras in schools, but we won't get to the root of the problem. The youth of America are suffering and all the increased security in the world may ease our minds, but it won't solve their problems.

The United States Congress can lead the way. We can take common-sense steps to see that tragedies like those in Colorado and Jonesboro become a distant, painful memory.

I've traveled all over my home state of Arkansas talking with educators and school administrators about what's happening in our schools.

The one common denominator—the one thing they all tell me is—"We need more counselors in our schools. We need more qualified mental health professionals to adequately deal with the enormous and overwhelming problems kids have today."

The National Institute of Mental Health estimates that although 7.5 million children under the age of 18 require mental health services, fewer than 1 in 5 receive it.

The Harkin/Lincoln/Wellstone amendment calls for $15 million in authorizing funds for FY 2000. In order for these services to reach children at a younger age, this money must be spent in elementary schools.

Only qualified mental health professionals may be hired with this funding. Fortunately, these funds are eligible to urban, suburban and rural local school districts. As we all know, rural and suburban areas need our help as much as inner city schools.

The additional school counselors, psychologists and social workers will work hand-in-hand with an advisory board of parents, teachers, administrators and community leaders to design and implement counseling services.

School counselors will involve the parents of children who receive services so parents can be more involved in the development and well-being of their children.

This legislation will help accomplish that and will allow teachers to focus more on a student's skills at writing and arithmetic, rather than on his or her potential for violence.

I will fight to see that this legislation passes, so we can begin to make changes happen in my home state and across our country now, and not wait until the next tragedy. I hope my colleagues will work with me in that effort.

Mr. President, I ask unanimous consent that an article by Doug Peters of the Arkansas Democrat Gazette regarding teen death be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Arkansas Democrat Gazette, May 18, 1999]

STATE'S TEEN DEATH RATE NEAR TOP IN U.S., STUDY SAYS

(By Doug Peters)

Being a teen-ager is risky, no matter where you are.

In Arkansas, it can be downright dangerous.

Only two states and the District of Columbia had higher rates of teen-age deaths by accident, homicide or suicide in 1996, according to a study of childhood risk factors released today by the Annie E. Casey Foundation.

According to the Kids Count 1999 study, 181 Arkansas teen-agers between 15 and 19 died of such causes in 1996, for a rate of 94 deaths per 100,000. Arkansas' rate is more than 50 percent higher than the national rate of 62 deaths per 100,000 teen-agers.

And while the national rate decreased slightly between 1985 and 1996, Arkansas' rate increased by 16 percent.

Only Mississippi, Wyoming and the District of Columbia had higher teen-age death rates in 1996, the most recent year statistics were available for all states and the District of Columbia.

Dr. Bob West, a pediatric medical consultant for the state Department of Health, said Arkansas' increase appeared to be caused by increasing numbers of teen suicides and homicides.

Between 1985 and 1989, Arkansas averaged 18 suicides and 15 homicides a year among 15 through 19-year-olds, according to Health Department statistics. In 1996, 32 Arkansans in that age group committed suicide. Another 32 were murdered.

Arkansas traditionally has a high rate of accidental deaths among teen-agers, West said. And although the number of traffic deaths among 15 through 19-year-olds dropped from an average of 95 a year between 1985 and 1989 to 85 in 1996, the state's rate remains significantly higher than the national average.

Traditionally, Arkansas accidental death rates run about 40 percent above the national average, West said.

West said that accidents in rural areas sometimes turn fatal because of a lack of nearby trauma services. But location isn't the only factor, he said. Attitude also may play a role.

Some people, he said, simply don't see accidents as being preventable.

"I think there are a lot of folks who think, 'If it happens, it happens,'" West said. "There doesn't seem to be the willingness to do the kind of things that will keep you safe" such as wearing seat belts or installing smoke detectors.

The dismal teen-age death rate helped Arkansas slip to 43rd overall in the Kids Count rating, an annual state-by-state ranking of risk factors to children's well-being. Arkansas ranked 41st last year.

The survey wasn't all bad news, though.

Mr. HATCH. With respect to the amendment offered today by Senator HELMS, which amends the Gun Free Schools Act of 1994, I must say that I support this effort to make our schools gun and drug free.

The amendment would require an educational agency that receives federal funds to expel for not less than one year a student determined to be in possession of felonious quantities of illegal drugs. We're talking about quantities that indicate hard-core drug use, or drug trafficking. We're talking about dangerous, and predatory, behavior. We've simply got to get the people who bring these things into our schools out of our schools.

Now, I know that some of my colleagues may be concerned with the consequences of turning disruptive students out onto the streets for one year. I assure everyone that I understand that concern and direct their attention to the Alternative Education Grant provision found in the underlying bill. This demonstration grant provides funding to state and local education agencies to set up alternative education in appropriate settings for disruptive or delinquent students. These services are designed to improve the academic and social performance of these students and to improve the safety and learning environment of regular classrooms. This three-year demonstration project will provide alternative education to juveniles in trouble with or at risk of getting in trouble with the law, such as students who are expelled for carrying firearms or drugs to school.

I applaud the efforts of Senator HELMS for continuing to seek effective ways to curb the spiraling increase in drug abuse among our nation's youth. Anyone familiar with my record on combating illegal drug use knows that I am in favor of stiff penalties designed to deter criminal behavior, and never more so than when we are talking about behavior that harms our school children. I think this amendment, which contains a specific exception to the one-year expulsion rule by allowing the chief administering officer of the local educational agency to modify the expulsion requirement for students on a case-by-case basis, is a measured and principled response to the scourge of drugs in our schools.

Like the original Gun Free Schools Act, this amendment is motivated not only by a desire to punish those who bring illegal objects into schools, but also to address the immediate threat to the entire student population created by the presence of those objects. As with guns, felonious quantities—drug-trafficking quantities—of illegal drugs present a direct and serious hazard, both to the individual possessors, and to the other students as well. For this reason, it is appropriate that sanctions be the same in both cases.

Mr. HATCH. I ask unanimous consent that the amendments be accepted en bloc and that any statements relating to the amendments be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 369 and 370), en bloc, were agreed to.

Mr. LEAHY. I move to reconsider the vote.

Mr. HATCH. I move to lay that motion on the table.

The motion to table was agreed to.

Mr. HATCH. I understand we now move to the Biden amendment, the last amendment before final passage.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

AMENDMENT NO. 371

(Purpose: To establish a 21st century community policing initiative)

Mr. BIDEN. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN] for himself, Mr. SPECTER, Mr. SCHUMER, Mrs. BOXER, and Mr. KOHL, proposes an amendment numbered 371.

Mr. BIDEN. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

The PRESIDING OFFICER. The Senator from Delaware has 22½ minutes.

Mr. BIDEN. I beg your pardon? I thought I had 30 minutes.

The PRESIDING OFFICER. I am sorry. The Senator from Delaware has 30 minutes.

Mr. BIDEN. I thank the Chair.

Mr. President, I send this amendment on behalf of the primary sponsors: The Senator from Pennsylvania, Mr. SPECTER; the Senator from New York, Mr. SCHUMER; the Senator from California, Mrs. BOXER; and the Senator from Wisconsin, Mr. KOHL; and others.

This is a pretty straightforward amendment. My amendment extends for another 5 years the COPS Program which was created in the 1994 crime bill. As we all know, the COPS Program has put over 100,000 police officers on the—well, they are not all on the street yet, but it funded 100,000 police officers, of whom about 11,000 are in training now. I have put on the desk of every Member of the Senate a list of the number of police officers, State and local police officers, that have been funded under the COPS Program in their States.

I have put on the desk of every Member of the Senate the reduction in violent crime, in property crimes, that has occurred in their State since the crime bill of 1994, which was passed, and I would make the argument that we do not have to reinvent the wheel here; it works. Cops on the street through the COPS Program work.

The COPS Program is going to expire next year. Our amendment authorizes $1.15 billion per year through the year 2005.

Let me explain what it does. There is $600 million more for police on the streets every year, which would give the States up to another 50,000 police officers over the next 5 years. This money, though, can always be used to retain current officers hired under the COPS Program; it can be used to pay overtime; it can be used to reimburse current cops for college and graduate school courses up to a percentage of the total money here.

Since the original crime bill was the Biden crime bill that became the 1994 crime bill—we put in this COPS amendment. At the time, we were told by everyone, whether it was liberal newspaper editorials saying, we have tried this before and more cops don't work, or conservatives arguing that this was just a great big social welfare program—it was going to hire a bunch of social workers—we have demonstrated that it had never been done before and it works when it is done.

I am reminded of the quote attributed to G.K. Chesterton. He said, it is not that Christianity has been tried and found wanting; it has been found difficult and left untried.

The truth of the matter is, up to the time of the crime bill of 1994, we had never made a full blown major commitment to help local law enforcement officers increase their number. We have, in fact, increased the number of cops wearing uniforms—of local police officers, not Federal cops—by 100,000 cops. The crime rate has plummeted, not solely because of that but, I would argue, in large part because of that.

Now, I have been here long enough to know that one of the dangers of being here long enough and having worked hard on setting up a government program, which you thought about and conceived and worked on for years and years to get adopted, is that you become a captive of your own program. So the Senator from Pennsylvania and I would talk, back in the early days when he got here and I got here, about community policing and how important it was.

Cops didn't want community policing. Mayors did not want community policing. No one wanted it. My friend from Pennsylvania talked about career criminals and pointed out that only 6 percent of the criminals in America committed over 60 percent of the violent crimes in America. To both of us, it didn't seem like rocket science. If you focused on going after that 6 percent and you put more cops on the street and you took them out of patrol cars and put them on a beat, that would have a positive impact.

I didn't have the experience my friend from Pennsylvania had of being a prosecutor. I might add, the office he was the chief prosecutor of in Philadelphia tries more criminal cases in 1 year than the entire Federal system tries in a year. The entire Federal system tries fewer cases than are tried in the Philadelphia prosecutor's office, the Philadelphia DA. I didn't have the experience, but I was smart enough to listen to him. And I was smart enough to listen to enough people who have been out there and had the experience. So as hard as it is to believe, it took us about 6 years to convince people that putting local cops on the beat made sense.

I have spent, as has the Senator from New Mexico who was on the floor, a long time in this body. I think we both agree that if you take this job seriously and you sit in hearings year after year, day after day, month after month, unless you are an absolute idiot, you eventually learn something. Every single, solitary criminologist, every single expert, every single person who testified before the Judiciary Committee in the 16 years I chaired it or was a ranking member, said, we don't know a lot about crime but one thing we know: If there is a cop on this corner and no cop on the other corner and a crime is going to be committed, it is going to be committed where the cop is not.

The second thing we know: If you have a cop in a neighborhood and they get to know the folks in the neighborhood, a simple thing happens—trust gets built. They know the cop's name. If they know who the cop is, they are going to be more inclined to call the officer aside when a crime has been committed and say, Officer John, I know who did that. If it is a wave-by and a cop is going by in a car and he is not a community cop, they don't want to take the chance of putting them on the line.

I realize these are very simple, basic, trite-sounding things I am saying, but this program works. It works well.

There are a lot of ideas here that ended up being rejected because they do not pass the test of "not invented here." I realize there are some concerns, on the part particularly of my Republican colleagues, that this may be—and I am not talking about the Senator from Pennsylvania or anyone in particular—a program that is viewed as being identified with the Democratic Party, the President; therefore, why do we keep it going for another 5 years?

I respectfully suggest that there have been some incredibly good ideas that have come out of the Republican caucus, including the block grant notion for police departments, including more flexibility to be given to local law enforcement officers. I want my colleagues to know—and I understand the limitations my friend from Utah had in being able to reach an agreement here—I was prepared to accept the community block grant portion of the Republican program in order to get a consensus in this process. We didn't get there. I hope that when this passes, if it passes, we can still, as we move on through this year, move on to that good idea as well. I didn't try to incorporate it here because it is not my idea, it is the idea of the chairman of the Judiciary Committee and others on the Republican caucus with whom I have to agree.

Now, let me say this: One of the things we learned from the COPS Program and its functioning is that, as well as it works, it can be made to work better. I say to my friend from New York, Senator SCHUMER, he has been deeply involved. He carried this load in the House when we did this in 1994. He was a leader on the COPS Program. What he and I have both found out from our local law enforcement officers is that they need more flexibility. They need to be able to use this COPS money in ways that go beyond hiring a new shield, to be able to keep cops who are on the beat and use this money. They also want to be able to pay overtime, because they get the same coverage as they would if they hired a new cop, if they are allowed to pay overtime. So we built into this extension of the COPS Program more flexibility.

To the best of my knowledge—my staff is behind me; I don't have it in front of me—I believe every major police organization has endorsed this and endorsed it on this bill, because it works.

The second thing—and I will shortly yield to my friend from Pennsylvania, and then I want to reserve time for my friend from New York as well—is that there is $350 million in here for law enforcement to get new technologies to enhance crime fighting, such as better communications systems so cops in different jurisdictions can communicate, and even the ability to target hot spots, and new investigative tools like DNA analysis. The cops have come to me and they have said, this is what we need; this is what we need.

I am one who believes that as long as they keep doing the job as well as they have been, we should give them the tools they need.

There is one last piece, and then I will yield. The cops have been doing such a good job that the prosecutors in Senator SPECTER's old office are overwhelmed. They are overwhelmed. You put 100,000 more cops on the job, 545,000 cops who have already been on the job and who had not been in community policing but are all now community police, and you have had a phenomenal impact on crime, but also a phenomenal impact on putting more pressure on the court systems in the State and local governments.

So there is in this bill $200 million for community prosecutors to expand the community policing concept to engage the whole community in preventing crime. These cops, as I said, have been so successful with their jobs that the next piece of the puzzle, the new bottleneck, is State prosecutors. Local prosecutors, they need help. So the next major piece of this bill is $200 million for community prosecutors.

Lastly, you are only allowed to use a portion of the COPS money for this, but one of the things the cops have come to us and said is, we have a lot of cops who want to increase their education; we have a lot of cops who want to go back to college, who want to be better cops. If you are a schoolteacher in most districts and you go off and teach school and you go off and get your graduate degree, the school district helps you pay for that. I think we should be allowing the cops to take a portion of the money they get and pay for the continuing education of law enforcement officers. I still believe that the greatest safety lies in educated police officers who fully understand the Constitution, who increase their educational background. So that is another innovation in this bill.

There is much more in it that I will not bore the floor with at this time. I know a lot of people are trying to get through this bill. I respectfully suggest—and it is imprudent of me to say this—I think this is, in a substantive sense, the single most important amendment we could add to this bill.

I guarantee you—and I am willing to bet anybody in this body dinner—that if we add another 50,000 cops out there and this technology, we are going to have a significantly greater impact on reducing juvenile crime than we would without it. It works, folks. Let's not reinvent the wheel.

I have a parliamentary inquiry, Mr. President. How much time remains in control of the Senator from Delaware?

The PRESIDING OFFICER. The Senator has 20 minutes 33 seconds remaining.

Mr. BIDEN. Mr. President, I yield 9 minutes to my friend from Pennsylvania and 9 minutes to my friend from New York. I will reserve 2 minutes for myself to close.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 9 minutes.

Mr. SPECTER. Mr. President, I thank my colleague from Delaware for yielding me the time and for submitting this amendment, which I have cosponsored. I believe that police on the street constitute a very significant deterrent effect—and that the 95,000 or 100,000 police who have been added across America have been a factor in reducing the crime rate—which we have noted in the past several years. I think that is one factor.

The additional prison space, the fact that more men and women are incarcerated—regrettably, but necessarily—I think has been a contributing factor. The armed career criminal bill, which provides for a sentence for 15 years to life for those found in possession of a gun and have committed three or more serious offenses has been a significant contributing factor.

I would like to offer a comment or two about the bill. I compliment Senator HATCH and Senator LEAHY, the managers of the bill, for the work they have done. I am hopeful that within the authorized portions of this bill comes to the appropriations process, there will be an even 50/50 split on measures designed for prosecution and incarceration, contrasted with measures for rehabilitation, job training, and education.

When we deal with juvenile offenders, we deal with a category of offenders who will one day get out. I believe—based on the experience I had being district attorney of Philadelphia for 8 years where the principal job was prosecution, tough sentences for tough criminals, and dealing with career criminals—that when we deal with offenders who are going to be released, we ought to have rehabilitation. It is no surprise when a functional illiterate, without a trade or a skill, leaves incarceration will go back to a life of crime. It is not only in the interest of the individual to have rehabilitation, but also in the interest of law-abiding citizens to avoid having that individual become a repeater.

The same thing, candidly, applies to first and second offenders. Where we have a career criminal—somebody who has three or more major offenses—then I think life imprisonment and throwing away the key is the appropriate consequence. When we deal with juveniles, we ought to be aware of the so-called seamless web, to apply 50 percent of the funding which, of course, comes to the attention of the appropriators. I considered submitting an amendment which would have called for a 50/50 split between the tough aspect of prosecution and incarceration contrasted with rehabilitation, literacy training, and job training. I decided not to do that since it really is within the function of the appropriators.

I have a comment on the vote in the Senate to defeat the provision that was offered as an amendment yesterday. This would have imposed, in this bill, a mandatory requirement on the States that all those 14 years and older be tried as adults on a category of serious offenses. That was defeated soundly. A majority of Republicans voted against it, and I voted against it, and I was glad to see that amendment rejected on a number of grounds. One is that we ought not to be dictating to the States how they construct their juvenile justice system. And we ought not to condition Federal funding, which would be the stick to dictate the States as to how they operate.

The other concern I had was that being tough on crime is very, very important, but there are a lot of variations on juveniles. The theory of the juvenile court was to treat an adjudication of delinquency as those under 18. There is ample discretion in the juvenile court to have a juvenile tried as an adult for a serious offense. That flexibility ought to be left to the juvenile courts, and that flexibility and that determination ought to be left to the States.

Overall, I think this bill will be a step forward. The legislation that has been enacted with respect to guns, I think, has to be viewed as only a part of the picture. My own reluctance on the restrictions on guns has come from the fact that there has not been an appropriate response by the courts on tough sentences for tough criminals.

There are three layers that we have to attack on this line. I have discussed two. One is the life sentences and the long periods of incarceration for career criminals. Second, is realistic rehabilitation for juveniles and other offenders who will be released from jail. Third, is the violence that has gripped America—juvenile violence especially.

After Littleton, CO, I called Dr. Koop, former Surgeon General, who commented to me that he had—as early as 1982—filed a report identifying juvenile violence as a medical problem. I conferred with Surgeon General Satcher on the issue. We are trying to structure hearings on the Appropriations subcommittee I chair on health and human services which funds the Office of Surgeon General. Those three lines, I think, have to be studied very closely—the sentencing for career criminals and rehabilitation for those who will be released and an effort to understand and try to deal with the culture of violence we have in our society today.

I thank the Chair, and I thank my colleague from Delaware. I yield the floor, releasing the remainder of my time.

The PRESIDING OFFICER. The Senator from New York is recognized for 9 minutes.

Mr. SCHUMER. Mr. President, I thank the Chair, and I thank the Senator from Delaware not only for his generous use of the time—which I will not need all of—but, more importantly, for his leadership on this issue in 1994, and again today. And I thank my friend from Pennsylvania, as well, for both of those things.

I have been in this Congress a long time; this is my 19th year. I have rarely seen a program be as effective as the COPS Program. It has worked. It has brought police officers and, just as important, new policing techniques from the largest city to the smallest rural hamlet. Before this bill passed, America, from one end of the country to the other, was crying out: Do something about ending crime.

Some said it is a local issue, not a Federal issue. But the average person didn't care about that. The average person just said to his or her government: Please, in God's name, do something. Stop the robberies, stop the burglaries, stop the auto thefts, and stop the murders.

A number of us who were concerned about this issue, including the Senator from Delaware, the Senator from Pennsylvania, and myself when I was then in the House, just scoured the country. We tried to find out what worked—not ideological, but something where we could have prevention or punishment. We found out that community policing worked just about better than anything else. Yes, we should have incarcerated more criminals—now we are—and had tougher penalties. Yes, we needed afterschool programs and things to help.

The bill Senator BIDEN and I authored—he in the Senate and myself in the House—was called "tough on punishment, smart on prevention." That was our credo. Probably the most important and best program in that bill was the COPS Program. As I say, I have seen it work in every part of my State.

Violence is down, property theft is down, police officers are more fulfilled in the job that they do. In my own home State, in Buffalo, crime has been slashed more than 30 percent; in Albany, 24 percent; in Nassau County, 24 percent; in New York City, 44 percent. Talk to police chiefs, talk to ordinary cops, talk to criminologists; they will all point to the COPS Program.

My colleagues, this program expires in the year 2000. If it is so successful, and if we want to continue our fight against crime, we should be doing this. Keep up tough punishment, keep up smart prevention, but continue to fund this successful program.

My colleague from Delaware is not being hyperbolic when he says this is one of the most important programs that we passed. We need to continue it. And putting 30 to 50 new officers on the beat, particularly the middled-sized and small cities, which have not applied because they haven't had the chance that the larger cities have had, is vital. It will help economically distressed communities, which all of us represent—no matter what part of the country we are in—to absorb some of the long-term costs of new police hires. And when crime goes down, which it does, because of the COPS Program, there are more jobs in a community, there is better health in a community, and the educational system works better in a community. It is good in every way.

COPS isn't the only reason crime has gone down. But, just the same, no one can reasonably claim it is not a good part of the reason.

I urge my colleagues in the strongest of terms to support this amendment to continue this magnificently successful program.

I yield the remainder of my time.

Mr. BIDEN. Mr. President, I would like to reserve the remainder of the time.

The PRESIDING OFFICER. The Senator reserves 9 minutes 4 seconds.

Mr. SCHUMER. The time the Senator from Delaware so generously yielded to me I yield right back to him.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I yield such time as the Senator from Oklahoma desires.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I thank the former chairman of the Judiciary Committee, Senator BIDEN, who is on the floor. Maybe he can answer a couple of questions.

I am trying to find out how much this amendment costs. Can you tell me how much it costs a year?

Mr. BIDEN. It will cost over 5 years $1.15 billion—total cost for 5 years.

Mr. NICKLES. Maybe I am reading the amendment wrong. The way I am reading the amendment, it says——

Mr. BIDEN. I beg the Senator's pardon. It is $1.150 billion per year.

Mr. NICKLES. Just a few billion dollars.

Mr. BIDEN. Over 5 years—it is over $1 billion.

Mr. NICKLES. $1.150 billion each year.

Mr. BIDEN. That is correct.

Mr. NICKLES. That is to hire how many cops?

Mr. BIDEN. It could hire up to 50,000 cops.

Mr. NICKLES. One-hundred and fifty thousand, or fifty thousand?

Mr. BIDEN. It could fund 50,000 cops for the entirety of the 5 years. But it could also only hire 30,000 cops, if in Oklahoma City they decide to use the COPS money for overtime instead of hiring new shields.

Mr. NICKLES. What is the estimated cost, or subsidy, or the Federal payment per cop?

Mr. BIDEN. It is roughly $50,000.

Mr. NICKLES. The first year?

Mr. BIDEN. The first year—per year.

Mr. NICKLES. Let me back up. I will reclaim my time, but please correct me if I am wrong. I asked staff how much this subsidy cost, and they said the old program cost a total of $75,000 over 3-year period—$50,000 the first year, $15,000 the second year, and $10,000 the third year—for a total over a 3-year period of $75,000 in a Federal subsidy.

Mr. BIDEN. That is correct.

Mr. NICKLES. The staff tells me that under the proposed new authorization that cost rises from $75,000 to $125,000 per police officer. Is that correct?

Mr. BIDEN. I don't know how they get that number.

Mr. NICKLES. I am just getting it from staff. My point is that this is an enormously expensive program.

Let me ask the question a different way. If I can have the Senator's attention, I only have 7 minutes and I have to go kind of quick.

Can he tell how much the cost is per cop per subsidy per year? It is graduated—100 percent the first year, and some other reduced percentage over the next 2 years. Can the Senator give us those percentages?

Mr. BIDEN. The same as the existing COPS Program.

Mr. NICKLES. Let me reclaim my time. On page 10 of the amendment, it says "hiring cops." It says the bill is amended by striking $75,000 and inserting $125,000.

The cost of this program—the subsidy of this program right now of the current program, the one we have had for the last 5 years—has been a Federal subsidy per cop of $75,000. That is a pretty generous subsidy. I believe the first year subsidy is $50,000. In Oklahoma that may pay the entire salary of a cop. Maybe it doesn't in some places. But it does in my State. Then the subsidy is reduced the next couple of years so that by the fourth year, the total cost of the program needs to be borne by the city.

This subsidy is much greater. The Senator's amendment says the subsidy increases from $75,000 to $125,000. For $125,000, you can pay, frankly, probably the entire 3-year salary in many areas—certainly in rural areas. And some people said we purported to help them particularly.

I just question the wisdom of doing it.

I have just two more comments. We are having the Federal Government provide for police in cities, and that is not a Federal responsibility. I think it is a mistake.

I also think it is kind of gratuitous to say this program is responsible for the decline in crime rates. I think that might be a lot more attributable to a change in political leadership in the states and in the Congress. I know the mayor in New York City has had a different philosophy on crime which is greatly responsible for the reduction in crime. Now he may take advantage of this program. In a lot of cities they are going to say: Hey, if you will help pay for our police force, thank you very much.

But why should we be doing it? Is that a Federal responsibility?

The whole purpose of the program initially, if I understand it, was that we were going to put 100,000 cops on the street, but then phase it out. This was not going to be an addiction for cities. We would phase it out where the Federal Government may pay 100 percent the first year, but by the fourth year the subsidy is reduced to zero. Put another way, where the Federal Government was paying most of the subsidy to get this thing started to hire new cops, but by the fourth year the cost would be totally borne by the city. Now we are saying let's extend it. Let's just keep this thing going. Let's have more Federal cops.

Then we passed an amendment yesterday, for the information of my colleagues, over my objection. But it passed by unanimous consent, unfortunately. It said that we have a COPS Program, and some of these cops are going into schools, and we will waive the requirement of local matching funds. In other words, the cops will be paid for 100 percent by the Federal Government. That is now part of this bill. We will waive the local contribution. So it won't be just a partial Federal subsidy, it will be a total Federal subsidy.

Is that the Federal Government's responsibility? I don't think so.

If we want to subsidize cities, subsidize cities. We are saying: Well, let's have the Federal Government do it. We have a problem. Let's just write a check. We don't think the city should be able to decide their own needs.

Maybe they need computers and cars, and not cops. Maybe they need a different training program. But we are saying, no: you are going to have the cops.

There is a study that was done by the inspector general, the IG. Maybe the Senator from Utah will allude to it. The IG's research said—in just one example—52 out of 67 grantees are receiving more grants; 78 percent either could not demonstrate that they redeployed officers, or could not demonstrate they had a system in place to track the redeployment of officers into community policing. At that point, the

COPS office counted 35,852 officers under more programs toward the President's goal of adding 100,000: we hadn't made it to 100,000. It says 60 of 147 grantees—41 percent—showed indicators of using Federal funds to supplement local funding instead of using grant funds to supplement local funding.

In other words, hey, Federal Government, thank you very much. You are helping meet our budgets, and we appreciate the contribution. Meanwhile, it just so happens that we have a Federal Government that doesn't have a surplus, if you do not include the Social Security surplus.

I don't think we should be subsidizing cities. I don't think we should get cities addicted to this program that will never end, especially when you are talking about increasing the cost from $75,000 per police officer to $125,000. I don't think we can afford that.

I urge my colleagues to vote no on the amendment.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I recommend to the Senator from Delaware that what we should have done is consider this amendment—that is, the Senator's legislative proposal—on the Department of Justice reauthorization bill, and deal with this issue at that time, but only after hearings to see whether we can resolve some of these problems raised by the Inspector General. The Biden amendment reauthorizes the Clinton administration's COPS Program. This amendment would cost in the neighborhood of $7 billion. It doubles the cost of this bill. I don't oppose more money to hire police and have law enforcement, but we need to ensure flexibility in our grant programs. The Biden amendment does not provide for adequate flexibility. The Congress has provided flexible grants to law enforcement through the local law enforcement block grants.

Ironically, the President's budget zeros out funding for the block grant program. Here we are debating a $7 billion amendment. The Department of Justice is proud of this program, but the Department of Justice's Inspector General does not share their view. The Department of Justice's Inspector General found serious mismanagement and inappropriate use of funds.

Let me cite a few examples that the distinguished Senator from Oklahoma referred to:

20 out of 145 grantees, 14 percent, overestimated salaries and or benefits in their grant application. I won't read all of this, but let me cite just a few more.

74 of 146 grantees, 51 percent, included unallowable costs in claims for reimbursement; 52 out of 67 grantees receiving COPS MORE grants, 78 percent, either could not demonstrate that they redeployed officers or could not demonstrate they had a system in place to track redeployment of officers in community policing; 60 of 147 grantees, 41 percent, showed indications of using Federal funds to supplant local funding, instead of using grant funds to supplement local funding; 83 of 144 grantees, 58 percent, either did not develop a good-faith plan to retain officer positions or said they would not retain the officer at the conclusion of the grant.

I believe there are some positive aspects to the COPS Program, but a $7 billion program with serious questions concerning the management of the program and the use of grants by recipients should not pass the Senate with only a 45-minute debate.

I want to work with my colleagues on the law enforcement grant programs, but we should not try to do it on this bill. I will work with anyone who wishes to join me, but not on this bill. I plan to move a Department of Justice reauthorization bill later this year. If my colleagues truly wish to work with me, I suggest to them we do this on that authorization bill.

I reserve the remainder of my time.

Mr. BIDEN. Mr. President, I reserve my remaining time.

The PRESIDING OFFICER. The Senator from Delaware has 9 minutes and the Senator from Utah has 5 minutes 14 seconds.

Mr. HATCH. I yield 3 minutes to the distinguished Senator from Alabama.

Mr. SESSIONS. Mr. President, Senator HATCH chairs the Judiciary Committee. It would be the responsibility of that committee to give oversight to the COPS Program. It has been a 5-year program and requires a reauthorization.

We just received, within the last month or 6 weeks, an inspector general's report from the Department of Justice. This is President Clinton's Department of Justice. It raised serious concerns about how this program is being managed and administered.

When 78 percent of the recipients could not demonstrate they redeployed officers, or could not demonstrate they had a system in place to track the redeployment of officers in the community policing, then we have a problem, since the whole COPS Program was sold as a program to further community policing. It was supposed to bring new police officers on line.

We found 41 percent of the programs inspected by President Clinton's Department showed indicators of using Federal funds to supplant local funds instead of using grant funds to supplement local funding.

I am reading directly from the report.

These are very serious allegations. To pass this amendment, $7 billion to reauthorize this program, in the dead of night without any hearing would be a colossal blunder. It would be an abdication of our responsibility, especially in light of this scathing report by the inspector general's office. The thought of it boggles my mind. I can't believe it would be even suggested.

We ought to review, as we were supposed to when the program passed 5 years ago, how it has worked. We haven't had any hearings on it.

I yield the floor.

Mr. FEINGOLD. Mr. President, I rise today in support of the amendment offered by my distinguished colleague from Delaware, Senator BIDEN. I would like to take this moment to highlight one element of Senator BIDEN's amendment, the extension and expansion of the Community Oriented Policing Services (COPS) Program.

I have heard one consistent theme throughout the debate on this juvenile justice bill: a desire to stop, once and for all, the senseless schoolhouse shootings like those that occurred in Littleton, Jonesboro and Paducah. There is a growing sense among Americans that we are no longer safe in our homes, in our schools, in our communities. But while we have heard sharply disparate views about issues like gun control and content of video games in the debate so far, one sure way to reduce crime and restore peace of mind is through community oriented policing.

As you are aware, the COPS Program was established in 1994 to put more police officers on the streets and to encourage police interaction with the communities in which they work. This program is a shining example of an effective partnership between local and federal governments. It provides federal assistance to meet local objectives. It does not interfere with local prerogatives; it does not impose mandates. The program provides funding to counties, towns and cities to enable communities to put more police on the street. Individual police and sheriff's departments have discretion over how those funds are used, because they know what problems their communities face and the places they need help most.

COPS has had a positive, and very tangible, impact on communities throughout the country, including in my home state of Wisconsin, by putting more police officers on our streets and making our citizens safer. In the state of Wisconsin alone, COPS has funded over 1,100 new officers and contributed more than $70 million to communities to make it happen. The COPS Program has succeeded because it helps individual officers to be a friendly and familiar presence in their communities. They are building relationships with people from house to house, block to block, school to school. This community policing helps the police to do their job better, makes the neighborhoods and schools safer and, very importantly, gives residents peace of mind.

Let me illustrate the strong causal relationship between community oriented policing and a reduction in the crime rate. I would like to share with you the story of Chief Jeff Lieberman of Fountain City, Wisconsin. Chief Lieberman polices a small town with big city crime problems. Chief Lieberman moved to Fountain City in 1992 and was faced with an alarming juvenile crime rate. What could he do to decrease the juvenile crime rate? While jails were being built and sentences were being stiffened, Chief Lieberman reached out to the community. He embarked upon a crusade to visit classrooms and teach children about law enforcement and safety. To allow the children to relate to him as they would to any other person and feel comfortable talking to him, he would sometimes dress in shorts and bring his dog to class. Not only has he won their respect, the children now show greater respect for their community. This success is reflected by the fact that during his tenure, he has reduced the juvenile crime rate by an astonishing 99%.

Chief Lieberman has earned a reputation in the community as a caring and compassionate citizen, as well as an outstanding law enforcement officer. I might add that Chief Lieberman was recently recognized for his effective community oriented policing by the National Law Enforcement Officers Memorial Fund as the March 1999 Officer of the Month.

I do not believe the answer to the tragedies in Littleton, Jonesboro and Paducah is one extreme or the other—a ban on all guns or censorship of the entertainment industry. The answer is to educate our young people, nurture them, protect them and give them thousands more "Chief Liebermans" across this country. Senator BIDEN's bill does just that. It provides for expanding the much-lauded COPS Program to ensure that we have 30,000 to 50,000 "Chief Liebermans" in schools, towns and cities across, not only Wisconsin, but the entire nation. I urge my colleagues to join me in supporting this amendment and continuing our drive to put more police officers on the streets and in touch with their communities.

I yield the floor.

Mr. HATCH. Let me make just a few more comments on this amendment. It has been suggested by the amendment's sponsors that the COPS program is responsible for the decline in crime in our country. Now, crime rates are still far too high, and are very high by historical standards. Be that as it may, we have seen some improvement in the past several years. But has the COPS Program been responsible for even the modest improvements we have seen? The evidence certainly suggests not.

First of all, the program's grants have always been too spread out to have more than a marginal impact on crime rates. Second, law enforcement authorities themselves have been skeptical. For instance, in 1995, Chicago experienced sizable reductions in murder, robbery, and assault well before the COPS Program ever got off the ground. The Chicago Police Department cited a number of local initiatives that made a difference, including tracking every gun used by juvenile offenders, and using a towing ordinance in effect for narcotics and prostitution enforcement.

Time and time again, the factor cited by the successful police executives traced the roots not to the Federal Government, but to local institutions, citizens, and police chiefs imposing accountability on their local police departments.

Perhaps the best example of all is New York City, where a new police chief successfully attacked quality-of-life crimes and enforced accountability for the officers of the New York Police Department by setting standards of performance backed by a system of incentives and disincentives. New York City's murder rate fell so fast its decrease alone accounted for over 25 percent of the total nationwide drop in homicides in 1996.

In 1997, the 21.7-percent drop in murders in New York City represented 14.8 percent of the total national decrease in murders. Yet, in New York City, which had 38,189 police officers in 1996, they added precisely 342 Clinton cops by 1995. Only 28 of the 342 new cops were actually new hires.

I would like hearings on this matter. I would like another full authorization bill. I hope our colleagues will not vote to double the costs of this bill with this particular amendment, as well intended as it is.

The distinguished Senator from Delaware knows that I have great feelings for him and for what he is trying to do, but I also believe we ought to do it in the right way.

Mr. BIDEN. Benjamin Disraeli says there are three kinds of lies: lies, damn lies, and statistics.

I don't know where my friends have been. Every major police agency in the United States of America strongly endorses this particular bill. The National Fraternal Order of Police, the International Association of Chiefs of Police, the National District Attorneys Association, the National Association of Police Organizations.

You all ought to go home and speak to your chiefs. Find me in your State more than a handful of police officers who will come and say this is a bad idea. Find me anybody in this country who will say adding 92,000 cops on the street has not had an impact on crime.

Where have you been? What are we talking about here? This doesn't even pass the smell test. Those cops don't matter? Ask Rudy Giuliani, who picks up the phone and calls me and says, JOE, great idea, when the COPS bill passed.

Mr. Riordan, a Republican mayor in Los Angeles: Great bill.

I wonder if anybody goes home to their States. My Lord, I don't know where you all are. I look at these numbers.

Let's talk about that report. Remember, I said there are three kinds of lies: lies, damn lies, and statistics.

That report referred to by the inspector general says 1.2 percent of the COPS Program could have been spent better. Name for me a multibillion-dollar program the Federal Government has ever conceived that has a 1.2-percent problem.

Come on. As my daughter's friends would say, Get real. What are we talking about here?

I was so amazed by the assertions being made, I lost my train of thought here. The inspector general's report, "Summary of the Findings of the IG," page II:

> In considering our COPS audit results it should be kept in mind that they may well not represent the overall universe of grantees because, as a matter of policy, the COPS program has referred to us for review those riskiest grantees.

Do you get this? Unlike the Defense Department, the Department of Education, any other Department, the Attorney General's Office said, we think maybe some of what we put out there may not be being used properly, so you go out and investigate for us. Give me a break.

When is the last time you heard someone at the Defense Department say: You know, we may have overpaid a contract; you ought to go investigate.

When is the last time you heard someone at the Department of Education say: You know, we think we may have given a school district too much money; go investigate.

With the Attorney General of the United States of America, in the COPS Program, there is a department called COPS. They said: We want you to look at this. We could have made some mistakes here. We are not certain that every municipality used this money for cops the way we wanted to use it. Go look at it.

Now these guys are trying to hoist them on their own request?

By the way, 1.2 percent? I ask my friend from Oklahoma, let's look at the Defense Department; 1.2 percent? I will lay you 8 to 5 I can find a 50-percent waste of money in half the programs you support: 1.2 percent, what an indictment. Come on. You do not like the COPS Program because it was not invented there.

By the way, I find it fascinating. One of my friends said: You know, part of the problem here is this has nothing to do with COPS. It had to do with political leadership.

Guess who has been in charge. A guy named Clinton. That is the first admission I have heard: Clinton reduced crime, more than the COPS Program. More than the COPS Program. I find that not true, but kind of encouraging.

Look, COPS makes a difference. Ask your folks back home, ask the people in the gallery, ask the people out in the street, where would they rather have their money being spent? This works. This works.

By the way, this bill has a little provision Barbara Boxer has in here. It says we will pay for all the money it costs to put a cop in a school. Go home and tell the folks you do not want to do that. Go home and tell the folks that is simply a local requirement.

Inflexibility? The reason it is under $25,000 is flexibility. We want to give them more flexibility to use the moneys they can use, still requiring the local municipality, the State, to put up their own money to do this. Come on, name a program that has worked this well. Name a program that has had this much success. Name a program that has this little amount of waste. Name a program that has fewer Federal strings attached to it. Name a program.

By the way: Oversight; oversight. We have had 5 years to have oversight. One of the reasons we have not had oversight hearings, I suspect, is you do not want to hear the results. Call in your mayors, call in your chiefs of police, call in your citizens, call in the PTA, call in the Marines. Call in anybody you want. Say: "By the way, I'll tell you what we are going to do. We are going to cut funding for COPS, that's what we're are going to do." I dare you. Come on.

In New York City—I do not know how many New York received. I will tell you what, New York State over this period received—I bring up the subject because New York was mentioned —New York State has 10,550 cops. "But they did not make any difference, by the way. New York is safer because there is a Republican mayor. That is the reason. COPS had nothing to do with this, nothing to do with this. I want you all to know that, COPS had nothing to do with crime going down."

Does everybody hear that? Is everybody listening? "The additional cops have nothing to do with this." That is the Republican position. COPS do not have anything to do with this. If they do, the Federal Government should not be involved.

Let me conclude by saying this. My friend says, why should the Federal Government be involved? Because Federal policy is part of the problem. The drug problem in America is a Federal problem, not just a local problem. A significant portion of the crime is caused as a consequence of the international drug problem, and it is a Federal problem, Federal responsibility.

I thank my friend. I hope my colleagues will vote for this amendment.

I yield the floor.

The PRESIDING OFFICER. All time has expired.

The Senator from Utah.

Mr. HATCH. Mr. President, I note the distinguished Senator did not dispute the findings of the inspector general.

I ask unanimous consent an editorial from USA Today entitled "100,000–cops program proves to be mostly hype" be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From USA Today, Apr. 13, 1999]

100,000-Cops Program Proves To Be Mostly Hype

Nassau County, N.Y., needed more police, or so it said. So, Uncle Sam ponied up $26 million from President Clinton's much-vaunted Community Oriented Policing Services (COPS) program to help it add 383 police to the beat.

And what happened? In an audit being compiled for the Justice Department, its Office of Inspector General found that the actual number of county-funded police officers went from 3,053 in May 1995 to 2,835 in May 1998—a decline of 218.

What's going on? A lot of funny number crunching at the expense of taxpayers and possibly crime-fighting.

When President Clinton initiated the $8.8 billion program in 1994, he promised it would put 100,000 more police on the street after five years. Then, communities pay their own tabs.

But Nassau County is one of more than 100 communities where federal auditors found costly problems. A final report detailing them is expected this week. And initial research for that report paints a bleak picture.

Richmond, Calif., for example, received $944,000 in COPS grants from 1995 to 1997 to add nine officers. It used the money to fund vacant positions instead. Atlanta, federal auditors found, used COPS money to replace it own police funds, too. And auditors looking at $400,000 in grants for Alexandria, Va., found no documentation that equipment purchased with the grant money put more officers on the street as pledged.

Many of the communities have excuses. For instance, Nassau County is in fiscal crisis.

The discrepancies, though, indicate much of the hype for COPS is misleading.

Two weeks ago, Vice President Al Gore claimed COPS had already added 92,000 police, who were playing "a significant role in reducing crime," Yet, as the audits indicate, the numbers don't add up. Many of the new police are fictitious. In addition, the administration counted 2,000 police hired with prior federal grants toward the 100,000 goal.

Finally, a third of the counted positions have come from grants funding new civilian positions and equipment, not police. Spokane, Wash., which wasn't audited, says it added only a couple of dozen officers, though it was credited with adding more than 90. The reason: a $2.5 million equipment grant.

As for the claim that more police equals less crime, the evidence isn't clear.

Nassau County, despite its drop in police, has seen its crime rate drop as much as in New York City, which has increased its force by a third since 1992. And many communities that didn't accept any COPS grants saw crime decline precipitously, too.

The COPS program has done little to explain these discrepancies. It instead points to support from police chiefs and national crime statistics as proof the program works.

The public naturally wants safer streets, and the Clinton administration is trying to politically cash in again by pushing a new $6.4 billion plan to add up to 50,000 more police on the beat. But before Congress gives it the money, it should demand that the administration better monitor its grants and results. Taxpayers shouldn't be asked to pay for police who may not even be there.

Mr. BIDEN. Mr. President, I ask unanimous consent the report of the IG be printed in the Record.

There being no objection, the report was ordered to be printed in the Record, as follows:

Police Hiring and Redeployment Grants Summary of Audit Findings and Recommendations, October 1996–September 1998—Executive Summary

I. BACKGROUND

In 1994, the President pledged to put 100,000 additional police officers on America's streets to promote community participation in the fight against crime. He subsequently signed the Violent Crime Control and Law Enforcement Act of 1994 (Crime Act), authorizing the Attorney General to implement over six years an $8.8 billion grant program for state and local law enforcement agencies to hire or redeploy 100,000 additional officers to perform community policing.

The Attorney General established the Office of Community Oriented Policing Services (COPS) to administer the grant programs and to advance community policing across the country. Management of the COPS grants entails both program and financial management. The COPS office is responsible for: (1) developing and announcing grant programs, (2) monitoring programmatic issues related to grants, (3) receiving and reviewing applications, and (4) deciding which grants to award. The Department of Justice's Office of Justice Programs (OJP) is responsible for financial management of the COPS program and is charged with: (1) disbursing federal funds to grantees, (2) providing financial management assistance after COPS has made an award, (3) reviewing pre-award and post-award financial activity, (4) reviewing and approving grant budgets, and (5) financial monitoring of COPS awards.

In order to meet the President's goal of putting 100,000 additional police officers on the street, COPS developed six primary hiring and redeployment grant programs for state and local law enforcement agencies. Hiring grants fund the hiring of additional police officers and generally last for three years. Redeployment grants are generally one-year grants and fund the costs of equipment and technology, and support resources (including civilian personnel) to free existing officers from administrative duties and redeploy them to the streets. At the end of the grant period, the state or local entity is expected to continue funding the new positions or continue the time savings that resulted from the equipment or technology purchases using its own funds.

According to COPS, as of February 1999, COPS and OJP had awarded approximately $5 billion in grants under the six programs to fund the hiring or redeployment of more than 92,000 officers, of which 50,139 officers had been hired and deployed to the streets. COPS obtains its "on the street" officer count by periodically contacting grantees by telephone.

II. SUMMARY FINDINGS

From October 1996 through September 1998, the Office of the Inspector General (OIG) performed 149 audits of COPS and OJP hiring and redeployment grants totaling $511 million, or 10 percent of the funds COPS has obligated for the program. We continue to perform additional grant audits as our resources permit. Executive summaries of these audits are available for public review on our website: <http://www.usdoj.gov/oig>. A comprehensive program audit of COPS' and OJP's administration of the overall $8.8 billion Community Policing Grant Program is nearing completion and should be issued in the next few months.[1]

Our audits focus on: (1) the allowability of grant expenditures; (2) whether local matching funds were previously budgeted for law enforcement; (3) the implementation or enchantment of community policing activities; (4) hiring efforts to fill vacant sworn officer positions; (5) plans to retain officer positions at grant completion; (6) grantee reporting; and (7) analyses of supplanting issues. For the 149 grant audits, we identified about $52 million in questioned costs and about $71 million in funds that could be better used. Our dollar-related findings amount to 24 percent of the total funds awarded to the 149 grantees.

In considering our COPS audit results, it should be kept in mind that they:

(1) Are snapshots as of the grant report's issuance date. Subsequent communication between the auditee and COPS/OJP may result in correction to, or elimination of, the issues noted during our audit; and

(2) May well not be representative of the overall universe of grantees because, as a matter of policy, COPS has referred to us for review what it believes to be its riskiest grantees. During FY 1998, we began supplementing COPS requests for audits by selecting about one-half of the grantees ourselves. Our results to date, however, may still be skewed because of the number of audits conducted on COPS-requested grantees and because our selections were not entirely random. Some of our audits were also intended to be targeted at suspected problem grantees. (Of the 149 audits we performed through September 30, 1998, 103 were referred to us by COPS or OJP. Although we selected only 46 of the 149 audits summarized in this report ourselves, our results to date do not differ markedly from the results in the COPS/OJP referred audits.) It should also be noted that COPS and OJP do not always agree with our findings and recommendations. Upon further review and follow-up, COPS and/or OJP may conclude that, in their judgment, a grant violation did not occur.

Other findings include:

20 of 145 grantees (14 percent) overestimated salaries and/or benefits in their grant application. The COPS office depends primarily on the information provided by the law enforcement departments that submit the grant applications. When grantees overestimate salaries and/or benefits, COPS overobligates funds that could be available for use elsewhere. Also, grantees may be using the excess grant funds for purposes that are unallowable.

74 of 146 grantees (51 percent) included unallowable costs in their claims for reimbursement. Types of unallowable costs include overtime, uniforms, and fringe benefits not previously approved by OJP. When grantees overstate costs, COPS program costs are overstated and taxpayer money is at risk.

52 of 67 grantees receiving MORE grants (78 percent) either could not demonstrate that they redeployed officers or could not demonstrate that they had a system in place to track the redeployment of officers into community policing. The COPS office counts 35,852 officers under the MORE program towards the President's goal of adding 100,000 additional officers.

60 of 147 grantees (41 percent) showed indicators of using federal funds to supplant local funding instead of using grant funds to supplement local funding. The findings included budgeting for decreases in local positions after receiving COPS grants (27 grantees), using COPS funds to pay for local officers already on board (7 grantees), not filling vacancies promptly (22 grantees), and not meeting the requirements of providing matching funds (35 grantees). When grantees use grant funds to replace local funds rather than to hire new officers, additional officers are not added to the nation's streets. Instead, federal funds are used to pay for existing police officers.

83 of 144 grantees (58 percent) either did not develop a good faith plan to retain officer positions or said they would not retain the officer positions at the conclusion of the grant. COPS and OJP started awarding community policing grants in FY 1994 and most grants last for about three years. If COPS positions are not retained beyond the conclusion of the grant, then COPS will have been a short-lived phenomena, rather than helping to launch a lasting change in policing.

106 of 140 grantees (76 percent) either failed to submit COPS initial reports, annual reports, or officer progress reports, or submitted these reports late. The reports are critical for COPS to monitor key grant conditions such as supplanting and retention.

137 of 146 grantees (94 percent) did not submit all required Financial Status Reports to OJP or submitted them late. Without these reports, OJP cannot monitor implementation of important grant requirements.

33 of 146 grantees (23 percent) had weaknesses in their community policing program or were unable to adequately distinguish COPS activities from their pre-grant mode of operations. The findings suggest a need for COPS to refine its definition of the practices that constitute community policing as well as those that do not.

After we issue our grant reports, COPS, OJP, and the grantee are responsible for ensuring that corrective action is taken. By agreement with COPS, OJP is our primary point of contact on follow-up activity for the grants, although COPS works with OJP to address our audit findings and recommendations, particularly those that indicate supplanting has occurred. The options available to COPS and OJP to resolve our dollar-related findings and recommendations include: (1) collection or offset of funds, (2) withholding funds from grantees, (3) bringing the grantee into compliance with grant terms, or (4) concluding that our recommendations cannot or should not be implemented. To address our non dollar-related findings and recommendations, COPS and OJP can, in addition to other options, bring the grantee into compliance with grant requirements or waive certain grant requirements. When OJP submits documentation to us showing that it has addressed our recommendations, the audit report is closed.

The report consists of the body of the report; a detailed matrix setting forth the audit findings made during the 149 audits; the response of COPS and OJP to a draft of the report, and our reply to their response.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, are the yeas and nays ordered on any of these amendments?

The PRESIDING OFFICER. On the Bond amendment only.

Mr. BIDEN. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HATCH. I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

VOTE ON AMENDMENT NO. 345, AS MODIFIED

The PRESIDING OFFICER. The question is on agreeing to amendment No. 345, as modified.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

Mr. REID. I announce that the Senator from Louisiana (Ms. LANDRIEU) and the Senator from South Carolina (Mr. HOLLINGS) are necessarily absent.

The result was announced—yeas 41, nays 56, as follows:

[Rollcall Vote No. 138 Leg.]

YEAS—41

Allard
Ashcroft
Bennett
Bond
Bunning
Burns
Byrd
Campbell
Chafee
Cochran
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Grassley
Hatch
Helms
Hutchison
Inhofe
Kohl
Kyl
Lott
Lugar
McConnell
Murkowski
Roberts
Rockefeller
Roth
Sessions
Shelby
Smith (NH)
Specter
Stevens
Thomas
Thurmond
Warner

NAYS—56

Abraham
Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Brownback
Bryan
Cleland
Collins
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Gramm
Grams
Gregg
Hagel
Harkin
Hutchinson
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mack
Mikulski
Moynihan
Murray
Nickles
Reed
Reid

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[1] In addition to expanding on issues contained in this summary report, the program audit will report on COPS' ability to meet the President's goal to put 100,000 additional police officers on the street by 2000. The exact nature of the goal has become confused because of conflicting statements made by Administration officials, who state that the goal is to put 100,000 new officers on the street by the year 2000, and recent statements made to use by COPS officials, who state that the goal is to fund 100,000 new officers. The program audit addresses that issue at length and also addresses COPS' and OJP's monitoring of grantees and the quality of guidance provided to grantees to assist them in implementing essential grant requirements.

Robb
Santorum
Sarbanes
Schumer
Smith (OR)
Snowe
Thompson
Torricelli
Voinovich
Wellstone
Wyden

NOT VOTING—3

Hollings
Landrieu
McCain

Mrs. BOXER. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 371

Mr. LOTT. Mr. President, I ask unanimous consent that the remaining votes—there are two of them in a series—be limited to 10 minutes in length. Senators, please don't leave the room. We are actually going to see if we can do one in 10 minutes. It is this one right now.

Mr. LEAHY. Mr. President, will the distinguished majority leader allow a minute on each side just prior to the vote?

Mr. LOTT. Usually we do that. I hope that we will not exceed that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, on the Biden amendment, Biden-Kohl-Schumer-Boxer-Specter amendment, it is very basic. Every major police organization in the country endorses this amendment. It adds a total of $600 million a year for the next 5 years for cops and $200 million a year for the next 5 years for prosecutors. It is endorsed by every major police organization. I hope my colleagues will vote for it.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, our bill is $1.1 billion per year. This is a $7 billion add-on. The fact of the matter is, we are going to have a Department of Justice authorization bill in the future. We will look at this and try to do it. We will have hearings on it, and we will do it the right way. It shouldn't be done on this bill.

I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 371. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

Mr. REID. I announce that the Senator from South Carolina (Mr. HOLLINGS) is necessarily absent.

The result was announced—yeas 48, nays 50, as follows:

[Rollcall Vote No. 139 Leg.]

YEAS—48

Abraham
Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Roth
Sarbanes
Schumer
Specter
Torricelli
Wellstone
Wyden

NAYS—50

Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kyl
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NOT VOTING—2

Hollings
McCain

The amendment (No. 371) was rejected.

Mr. LOTT. Mr. President, I move to reconsider the vote.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HELMS. Mr. President, I am grateful to Senators HATCH, ALLARD, ASHCROFT, and SESSIONS who have spent countless hours over the past two Congresses addressing the complex issues of school safety and juvenile violence.

And, needless to say, I deeply appreciate their accommodating my concerns regarding a bill that I regard as among the most significant pieces of legislation to be considered this Congress—and for their having included three of my amendments in the manager's education package.

When enacted, these provisions will improve access to public school disciplinary records by other schools; expand the authority of schools to run a national criminal background check on their employees; and encourage State and local governments to run such checks on all school employees who are charged with providing educational and support services to our children.

Together, these provisions will make sure that local public, private, and parochial schools are able to make informed decisions about these individuals—whether a student, a teacher, or other school employee—who pose an unreasonable risk to the safety and security of our children.

Mr. President, we all share a common responsibility to protect our children and a common hope that our children will have a bright future. Though we disagree on the wisdom of creating more gun control laws, there are things that we ought to agree are necessary and in our children's best interests.

In this spirit, I introduced a bill in the past two Congresses seeking to extend the provisions of the Gun-Free Schools Act to illegal drugs. This amendment is based on that bill and is cosponsored by the distinguished Assistant Majority Leader, Mr. NICKLES, and the distinguished Senator from South Carolina, Mr. THURMOND. I trust that this amendment will be looked upon favorably by Senators on both sides of the aisle.

Mr. President, this amendment will strike an important blow in the war against drugs by helping to protect America's school-children from the scourge of drugs in their classrooms. It does this by requiring States to adopt a low mandating "zero tolerance" for illegal drugs at school in order to qualify for Elementary and Secondary Education Act (ESEA) funds. Zero tolerance is defined as requiring any student in possession of a felonious quantity of this contraband at school to be expelled for not less than one year. Its adoption will finally send a clear unambiguous message to students, parents, and teachers—drugs and schools do not mix.

Anybody who questions the necessity of this measure should consider these excerpts from the 1998 CASA National Survey of Teens, Teachers and Principals. This outstanding report was prepared by the National Center on Addiction and Substance Abuse at Columbia University under the direction of President Carter's former HEW Secretary, Joseph Califano. Under the heading "Drug Dealing In Our Schools", the report states:

> For too many kids, school has become not primarily a place for study and learning, but a haven for booze and drugs. . . . Parents should shutter when they learn that 22 percent of 12- to 14-year-olds and 51 percent of 15- to 17-year-olds know a fellow student at their school who sells drugs. . . . Indeed, not only do many of them know student drug dealers; often the drug deals take place at school itself. Principals and teachers may claim their schools are drug-free, but a significant percentage of the students have seen drugs sold on school grounds with their own eyes. . . . In fact, more teenagers report seeing drugs sold at school (27 percent) than in their own neighborhoods (21 percent).

In other places, the report details that students consider drugs to be the number one problem they face and that illegal drugs are readily available to students of all ages. Exacerbating this terrible situation, illegal drugs are not cheaper and more potent than ever before. The CASA report goes on to state that "one in four teenagers can get acid, cocaine or heroin within 24 hours, and given enough time, almost half (46 percent) would be able to purchase such drugs." Clearly, eliminating drugs from America's classrooms is a necessary first step to the restoration of order in our schools.

The harm that illegal drugs causes our students in incalculable. Though its' ill effects, disruptions, and the violence associated with it are not limited to those actually involved in the drug trade. The PRIDE survey, conducted by the National Parents' Resource Institute for Drug Education, found a link between school violence and drugs when it demonstrated that:

> Gun-toting students were 23 times more likely to use cocaine;
>
> Gang members were 12 times more likely to use cocaine; and
>
> Students who threatened others were 6 times more likely to use cocaine than others.

Clearly, the connection between drugs and school violence is an irrefutable as it is frightening.

Mr. President, it should seem obvious that many children take guns to school because they are either involved in illegal activity or because they seek to defend themselves from those who are. It is clear that any further effort to eliminate guns and violence from schools must focus not merely on the gun but on the reasons why students choose to arm themselves. My amendment does precisely that.

My home state of North Carolina has not been immune to the ravages of illegal drugs. In fact, "possession of a controlled substance" has been either the first or second most reported category of school crime in North Carolina for the past four years. That's according to North Carolina State University's Center for the Prevention of School Violence, an outstanding organization that tracks the incidence of school crime and suggests ways to prevent it.

As bleak as the picture is, there are immediate steps that we can take to reverse course. Those who are on the "front lines" of our country's drug war have important things to contribute to the discussion. Overwhelmingly, students, teachers and parents support the adoption of a zero tolerance policy for drugs at school.

Among those surveyed, the CASA study found broad support for the adoption of firm policies on random locker searches, drug testing of student athletes, and zero tolerance policies. Regarding zero tolerance, 80% of principals, 79% of teachers, 73% of teenagers and 69% of parents voiced support for the adoption of such a policy at their school.

Additionally, 85% of principals, 79% of teachers and 82% of students believe that zero tolerance policies are effective at keeping drugs out of schools and that they would actually reduce drugs on their campus. Quoting from the CASA report again:

> If these students believe them [zero tolerance policies] so effective, these policies must make an impact on their decisions to not bring drugs on campus. Given this, it seems that schools . . . should implement and strictly enforce zero tolerance policies. Perhaps in doing so they can increase their likelihood of eradicating drugs on their school grounds.

It is not my position that this amendment, by itself, will eliminate all drugs from our schools but it is clear that this is a long overdue step in the right direction.

This policy is firm but fair. The drug trade and the violence associated with it have no place in America's classrooms. Schools should foster an environment that is conducive to learning and supportive of the vast majority of students who want to learn. Children and teachers deserve a school free of the fear and violence caused by drugs.

Removing drugs and violence from our schools is a goal that we should all agree on. The President, in his 1997 State of the Union address, said "we must continue to promote order and discipline" in America's schools by "remov[ing] disruptive students from the classroom, and hav[ing] zero tolerance for guns and drugs in school." I could not agree more with the President on this point: it is time that the Senate go on record in support of removing illegal drugs from America's classrooms, by approving this amendment.

Mrs. MURRAY. Mr. President, there was yet another tragedy in Atlanta this morning. This is one more violent act that brings America together in sorrow. We hope that it is also an opportunity to bring us together to learn some important lessons. What are people—young people especially—saying to us all when they turn to violence to address their problems?

This is an American challenge. We all have to do our part—in partnership. We must each do our job, but we must all work together. We in Congress are trying to do our part—passing bills, appropriating funds. But the Congress, like all of us, will do a better job when it really listens to the American people, and listens to young people. Every young person has the capacity to grow up to be a constructive citizen or a violent criminal. It's our job—all of us—to listen better.

When we do listen, we find two issues at the core: working in partnership, and improving the tools to help build the adult/child relationship.

How do we work together? There are many people who have answered this problem in communities all over the Nation. They abandon turf issues and special interests, they listen, and they remember that the child is at the center of the work. There are specific things we can learn in Congress from these communities—where to find the money and time and energy to get the work done together.

How do we improve the relationships and connections that young people make with adults?

It frustrates me that we cannot do some fairly obvious things—for young people, families, teachers, and communities.

What can we do for students? Why is it that we can't figure out ways of building meaningful roles for young people in their own education, and in their own community? Why is it that if you are too young to vote, you are not taken seriously or treated as a citizen? Why is that when a child's hand goes up in the classroom, that child can't get the attention he or she needs from a teacher?

We can do some simple things. We can ask young people what they think about how to prevent violence. We can reduce class size. We can make sure that when we hire more teachers, we have better and smaller schools in which to put them. We all have a role in making these things happen.

What can we do to better support parents and families? We all know that a strong family unit is the engine that drives our economy, and that when it works well, it is the best and cheapest prevention program out there. So why is it so difficult to improve the tools and information available to parents?

All parents want to do their best, so why is it off limits to talk about the problems with our economy, to talk about how parents spend too much time at work and not enough time with kids? Why can't we do the simplest things to make life easier for people who work harder and harder to provide for their family and spend less and less time with their kids?

We can start with something simple, like making sure parents don't suffer at work just because they want unpaid leave time to go to a school conference, or take care of an emergency at their child's day care. We should improve the Family and Medical Leave Act. Again, there are things we all can do to make these things happen.

What can we do for teachers and other educators? Why can't we give them a small enough class so they get to know each child, and can find 5 extra minutes with the child who needs the most help that day? Why do we expect our teachers to deal with every educational and social issue under the Sun, but we can't treat them as professionals?

We need to reduce class size. We need to improve teacher training. We need to improve teacher pay and professionalism. And, we need to think about one thing we can each do to act as a resource to that classroom. Is there a phone call we could make? An educational tool we could buy for the class? A day we could give to working for the passage of the school levy? There are things we all can do.

What can we do to help communities support the adult-child relationship, and build connections for young people? Why is it that we don't have more adults participating in the lives of young people? Why is it that a student can walk from home to school to the mall to the quickie-mart and back home again and feel invisible and anonymous? Why can't we allow our communities into our public school buildings at nights and on weekends?

We should expand community education opportunities, and when we offer tax incentives, they should be the right ones that help communities invest in young people. We should each make sure to smile at young people, to keep an eye on them, to set high expectations, and to give them meaningful opportunities. Again, there are things we all must do.

All over America, there is a conversation going on around the kitchen table, and on the school bus, and at the mall, and around the water-cooler. We need to listen carefully to this conversation—to what is being said and asked for, and what is not. We need to act carefully, and invest wisely. But, most importantly, each of us need to keep this conversation going—to find out what to do and do it—until we create the America we want for our children and young people. And you know one of the best, most overlooked resources for building the America we all want? The young people themselves. Let's start by listening to them.

The juvenile justice bill fails to fully address these problems. While many amendments have been adopted that focus on the right solutions, we failed to achieve support for most of those that would have focused this legislation on those things that could best solve youth violence. With that said, I will vote for the bill because I believe it has many positive provisions that combat youth violence.

The bill provides important block grants to States to assist them in their efforts to address juvenile crime. While I prefer a high percentage of these funds be required for prevention, I know my State of Washington intends to continue to invest in steering kids away from crime through proven community-based prevention programs. The bill also provides for Internet filtering and screening software that will allow parents to regulate what their children are viewing over the Internet. It also made transfers of several types of firearms to children illegal.

As I have already said, I agree with many of my colleagues who have said that there is no legislative "quick fix" to this terrible problem that is destroying so many young lives. The issue of youth violence involves complex and interrelated factors. From prevention programs that involve parents, teachers and communities, to strong law enforcement measures, there are many different tools we must use to attack the problem from all angles and prevent further tragedies like the one in Littleton.

We must punish those who commit crimes, but we must also do all we can to prevent crimes before they happen, to intervene before small problems grow to crisis proportions. We must give schools and law enforcement officers the tools they need to identify the warning signs that lead to juvenile violence and to let youth know that crime is not an acceptable answer.

While the bill does contain a "prevention block grant," there is no guarantee the money will be used for prevention. Dollars from these grants could be used to build more prisons or increase enforcement. While these are laudable goals, without a guaranteed set-aside for prevention, a State could fail to attack youth violence before it starts. We must reach out to prevent at-risk youth from starting down a path of crime in the first place. While we were unable to secure specific amounts for prevention, I am hopeful that States will use their discretion and undertake prevention programs. An ounce of prevention is worth a pound of cure.

Some of my colleagues have offered amendments to provide resources for effective violence prevention, and I am disappointed they have not been adopted. Last week, Senator ROBB offered an amendment that would have provided funds for schools and law enforcement to identify and effectively respond to juvenile violent behavior. It would have established a National Clearinghouse of School Safety Information and provided an anonymous hotline to report criminal behavior and a support line for schools and communities to call for assistance.

In addition, the Robb amendment would have provided treatment programs that identify and address the symptoms of youth violence to steer juveniles away from criminal behavior. It also would have provided authorization for afterschool programs, which have been very effective at keeping high-risk youth off the street and involved in activities that assist in their education and growth.

I am hopeful that similar legislation will be offered again and that my colleagues will reconsider and give it their support.

In addition to my disappointment at the lack of adequate resources for violence prevention, I have other concerns about this bill.

I am very concerned about the fate of our youth serving time in prisons and other detention facilities. While we must certainly punish those who have committed crimes, we must make a serious attempt at rehabilitation and not allow juveniles to turn into hardened criminals in the course of their incarceration. It is well-known that juveniles who have contact with adults in prison are further indoctrinated into a life of crime or worse, assaulted or even killed. Current requirements prohibit juveniles, whether they were tried as adult or juveniles, from being kept in any adult jail or corrections institution where they have regular contact with adult inmates.

The Hatch bill weakens that standard by allowing "incidental" contact and permitting construction of juvenile facilities on the same site as those for adults. Even convicted juveniles should be protected from hardened criminals. Those youth who are the most successful in a mixed juvenile-adult environment will be the ones we will least want back on the streets once they have served their time. It is my understanding that the Feinstein-Chafee amendment improved this provision, for which I am thankful, increasing protection of our children while they are in state custody.

I also feel the Hatch bill critically weakens measures to address disproportionate minority confinement. The legislation replaces references to "minority" or "race" with the vague phrase "segments of the juvenile population." Further, the Hatch bill is less instructive on what must be done to address the problem of discrimination, essentially making the issue a mere concern rather than a problem we must correct. This is the wrong direction to be heading if we truly seek to achieve fair and unbiased treatment of all people within the judicial system. An amendment to correct this problem was defeated.

The Hatch bill also contains very troublesome provisions to allow the prosecution of children as young as 14 as adults, and gives prosecutors—not judges—the discretion to try a juvenile as an adult. Judges make judgments; prosecutors prosecute. It is obvious who is better qualified to render an unbiased decision on whether a 14-year-old should be considered an adult.

There is another idea missing from this bill. To solve youth violence we must all talk to the true experts: young people themselves. We need to listen to more than the student body presidents and the class valedictorians. We need to hear from "regular" kids.

I know that I have learned a tremendous amount from doing that. Two weeks ago, I met with 10th graders in Kent, WA who told me some shocking things. They said that nearly all of them knew where they could get a gun within a day. That is a sad statement abut the lives of our youth. They are afraid and they are thinking about how to defend themselves with a gun.

In the end, we were able, through the Lautenberg amendment on gun shows, to close one of the more glaring loopholes that allow young people and children to get guns. After much flip-flop on the issue by Republicans, a handful of their courageous Members lent enough support to this amendment by Senator LAUTENBERG to close some of these guns show loopholes, but this was not until they had tried two amendments of substance on the issue. Furthermore, it took the Vice President of the United States, acting in his role as the President of the Senate, to cast the final vote to break the tie that will help keep kids and guns separate.

Overall, S. 254 does much to tackle the tough questions surrounding juvenile justice. But as I have stated, there are a number of ways we could have improved this bill. We need to focus on preventive measures that bring together parents, kids, counselors and teachers; provide resources to enable people to identify and intervene in potentially dangerous situations; and give law enforcement the tools it needs to deal with the symptoms of youth violence not just the results of the violence.

I hope in the future we can pass legislation that will address the remaining problems and can come up with even better solutions. We owe that much to our children.

Mr. KOHL. Mr. President, I am voting in favor of the juvenile crime bill, S. 254, because on balance it comes close enough to promoting the kind of approach that we need to reduce juvenile violence—the type of plan that is already working to reduce crime in cities like Milwaukee and Boston, and the type of strategy that will help us prevent future tragedies like the recent school shootings in Jonesboro, AR, Peducah, KY, Springfield, OR, Conyers, GA and Littleton, CO. There are many causes of juvenile crime—poverty, a deterioration of American families and family values, increased youth access to firearms, and the explosion of violent images in our culture, just to name a few—and it would be naive to presume there is a simple solution. Indeed, we need a comprehensive crime-fighting strategy to address all of these root causes and the entire range of juvenile offenders and potential offenders, from violent predators to children at-risk of becoming delinquent. That is the approach this bill takes, more or less.

Let me explain the four keys to this balanced, proven strategy: keeping guns out of the hands of kids and of criminals; punishment; prevention; and reducing kids' exposure to violence in our culture.

First, this bill will help keep firearms out of the hands of young people. It promotes gun safety with the Kohl/Hatch/Chafee amendment to require the sale of child safety locks with every new handgun. Child safety locks can help save many of the 500 children and teenagers killed each year in firearms accidents, and the 1,500 kids each year who use guns to commit suicide. Just as importantly, they can help prevent some of the 7,000 violent juvenile crimes committed every year with guns children took from their own homes. This measure passed with an overwhelming 78 votes, twice the number of votes a virtually identical proposal received last year.

The bill also helps identify who is supplying kids with guns, so we can put them out of business and behind bars. Through the "Youth Crime Gun Interdiction Initiative," the Bureau of Alcohol, Tobacco and Firearms has been working closely with cities like Milwaukee and Boston to trace guns used by young people back to the source. Using ATF's national database, police and prosecutors can target illegal suppliers of firearms and help stop the flow of firearms into our communities. While I served as Ranking Member of the Subcommittee for Treasury Appropriations, we provided funding to expand this initiative to 27 cities. This measure will expand the program to up to 200 other cities and, with the increased penalties outlined above, help stanch illegal gun trafficking.

And not only will this bill prohibit all violent criminals from owning firearms, no matter what their age, through "Project CUFF" it also encourages aggressive enforcement of this federal law by dedicating federal prosecutors and investigators to this task. This builds on a successful program, supported by the NRA, that has helped reduce gun violence in Richmond, Va., and Boston through increased federal prosecution, close coordination with state officials, public outreach and fewer plea bargains. Still, to be truly effective, this measure needs to be improved, so that we don't force it on uncooperating cities where it's unlikely to succeed.

Unfortunately, the bill fails in its stated intent to close an inexcusable loophole that allows violent young offenders to buy guns legally when they turn eighteen. Under current law, violent adult offenders can't buy firearms, but violent juveniles can—for example, even the kids convicted of the schoolyard killings in Jonesboro, Arkansas—once they are released at age eighteen. Simply put, this has to stop, and the bill tries to do this—sort of. A provision declares that all violent felons are disqualified from buying firearms, regardless of whether they were 10, 12, or just a day short of their 18th birthday at the time of their offense. However, although the bill technically closes this loophole, because it only applies to violent crimes committed once juvenile records become "routinely available" on-line, its indefinite effective date merely opens another loophole in its place. This provision may never take effect. When juvenile records are all "on-line" is a long way away, and in the meantime many young criminals will continue to have the ability to get a gun at 18 once they get out of jail.

Each of these provisions was addressed in my juvenile crime bill, the 21st Century Safe and Sound Communities Act. In addition, after much back-and-forth—and forth-and-back—we finally agreed to close the gun show loophole once and for all. I am pleased to see a bipartisan consensus start to emerge over taking these steps to keep guns out of young hands.

Second, we need to lock up the worst offenders, including dangerous violent juveniles. Naturally, we can't even begin to stop violent kids unless we have police officers on the street to catch them, and the state and local prosecutors, defense attorneys and courts we need to try them. To that end, this bill provides $100 million per year for state and local prosecutors, defense attorneys and courts for juveniles. Unfortunately, we missed an opportunity to extend the highly successful COPS program—which is due to expire after next year—in this bill. Extending the COPS program will make it easier to lock up dangerous juveniles, and I look forward to working with my colleagues to make that happen.

Of course, we can't keep criminals off the streets unless we have a place to send them. So this measure dedicates funding for juvenile prisons or alternative placements of delinquent children—a long-needed measure for which I have advocated since before the 1994 Crime Act.

This proposal also helps rural communities keep dangerous kids behind bars. Now, although the closest juvenile facility may be hundreds of miles away, federal law prohibits rural police from locking up violent juveniles in adult jails for more than 24 hours. This means that state law enforcement officials either have to waste the time and resources to criss-cross the state even for initial court appearances, or simply let dangerous teens go free. In my view, that's a no-win situation. This measure gives rural police the flexibility they need by letting them detain juveniles in adult jails for up to 48 hours, or longer with parental consent, provided they are separated from adult criminals. Working with Wisconsin's rural sheriffs, I first proposed a similar extension three years ago.

Moreover, this measure will help lock up gun-toting kids—and the people who illegally supply them with weapons. It builds on my 1994 Youth Handgun Safety Act by turning illegal possession of a handgun by a minor into a felony. And the same goes for anyone who illegally sells handguns to kids. Both of these provisions were in my juvenile crime bill. Kids and handguns don't mix, and our Federal law needs to make clear that this is a serious crime.

In addition, this measure makes it easier to identify the violent juveniles who need to be dealt with more severely—by strongly encouraging states to share the records of juvenile offenders and providing the funding necessary for improved record-keeping. The fact is that law enforcement officials need full disclosure to make informed judgments about who should be incarcerated, but current law allows too many records to be concealed or to vanish without a trace when a teen felon turns eighteen.

Finally, this measure includes my proposal, cosponsored by Senator DEWINE: the Violent Offender DNA Identification Act of 1999, which will promote the use of modern DNA technology to resolve unsolved crimes committed by both juveniles and adults. Our measure will reduce the backlog of hundreds of thousands of unanalyzed DNA samples from convicted offenders by providing the funding necessary to analyze them and put them "on-line," so they can be shared between states and matched with crime scene DNA evidence. And, while all 50 states authorize collection of DNA samples, it closes the loophole that allows DNA samples from Federal and Washington, D.C. offenders to go uncollected. The Department of Justice estimates that upgrading our DNA databases alone could solve a minimum of 600 crimes tomorrow.

Third, a balanced approach also requires a significant investment in crime prevention, so we can stop crime before it's too late. In fact, no one is more adamant in support of this approach than our nation's law enforcement officials. For example, last year more than 400 police chiefs, sheriffs and prosecutors nationwide endorsed a call for after-school programs for all children. And in my home state of Wisconsin, 90 percent of police chiefs and sheriffs I surveyed agreed that we need to increase federal prevention spending.

This proposal promotes prevention by concentrating funding in programs that already have a record of success and those that rely on proven strategies, like the ones that give children a safe place to go in the after-school hours between 3 and 8 p.m., when juvenile crime peaks.

For example, it includes my amendment to expand the Families and Schools Together (FAST) program, a successful program that finds troubled youth and reconnects them with their schools and families. FAST, which was created in my home state of Wisconsin and is already being implemented in 484 schools in 34 States and five countries, helps ensure that youth violence does not proliferate to our schools and communities by empowering parents, helping to improve children's behavior and performance in school, preventing substance abuse, and providing support and networking for families by linking them to community resources and services.

The bill also promotes innovative prevention initiatives by reauthorizing and expanding the Prevention Challenge Grant program (formerly known as Title V), which former Senator Hank Brown and I authored in 1992. This program encourages investment, collaboration, and long-range prevention planning by local communities, who must establish locally tailored prevention programs and contribute at least 50 cents for every federal dollar. And, in response to concerns I raised about the risk of watering down this program with non-prevention uses, 80 percent of its funding is reserved for prevention—that is, programs addressing at-risk kids before they ever enter the juvenile justice system.

It also builds on our support for the valuable work of Boys & Girls Clubs by continuing to dedicate funding to the Clubs and expanding funding to other successful organizations like the YMCA. And it requires that at least 25 percent of $450 million juvenile accountability block grant be dedicated to prevention.

Of course, we shouldn't blindly invest in prevention programs, just because they sound good. Quality matters. And it would foolish to throw good money after bad. That's why this measure requires at least 5 percent of all Prevention Challenge Grant funds—and more than 15 percent of FAST funds—be set aside for rigorous evaluations, so we can keep funding the programs that work, and zero out programs that don't.

Finally, this bill also aims to provide us with a better understanding of how violence in our culture is marketed to children, and it encourages industry to take self-regulatory steps to reduce this violence. For example, the Brownback amendment, which I consponsored, orders a joint FTC/DOJ study of the marketing practices of the video game, motion picture, and television industries to determine whether or not the industries are peddling violence to kids. In particular, it will help us determine whether or not the industries are peddling violence to kids. In particular, it will help us determine whether the video game industry is marketing the same ultraviolent games to children that are rated "adults only."

Mr. President, while explaining what causes a tragedy like Littleton remains a mystery, the question about how to reduce juvenile crime no longer is. We have a good idea about what works. And this bill overall is a step in the right direction. Like any piece of legislation, of course, it isn't perfect. For example, we need to really close the loophole that allows violent juvenile offenders to buy guns. We need to extend the COPS program so that we have enough police officers on the streets to catch and lock up dangerous juveniles and criminals. We should restore the so-called "mandate" requiring states to make efforts to reduce disproportionate minority confinement. This requirement, which I helped write in 1992, at most simply encourages states to address prevention efforts at minority communities. And it may be most important for its symbolic recognition of continuing racial divisions that dominate our society and our justice system, whether or not the justice system is actually discriminatory. Still, it makes no sense to cast away this provision without any hearings, any organized opposition, or any constitutional challenges to it over its seven-year history. I am hopeful that the House, which has always been supportive of this provision, will insist on restoring it in Conference.

And while the bill is a step forward for prevention, we can still do better. Although some suggest that as much as 55 percent of the $1 billion in spending at the heart of the bill goes toward prevention, in reality less than 30 percent is dedicated to prevention ($160 million through the 80 percent set-aside of the Prevention Challenge Grant, $112.5 million through the 25 percent earmark from the Accountability Block Grant, and $15 million for mentoring). To effectively reduce juvenile crime, the ratio of prevention spending to enforcement spending has to be a lot higher.

Finally, Mr. President, I express my appreciation to Senators HATCH and LEAHY, and their staffs—Beryl Howell, Manus Cooney, Rhett DeHart, Mike Kennedy, Bruce Cohen, Ed Pagano, Craig Wolf, and, of course, Brian Lee, Jessica Catlin, Kahau Morrison and Jon Leibowitz of my staff—for their hard work in putting together this balanced bill, which is significant improvement from where we were headed last Congress. I look forward to continuing to work with them when we move to conference.

Mr. ASHCROFT. Mr. President, I rise to speak in favor of final passage and explain why I plan to vote for final passage of S. 254, the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999. At the outset, I must make clear that I do not support every provision in this bill. There is much in this bill that is simply extraneous—provisions that do not address the problem of youth violence. Moreover, there are items included in this bill by amendment that I opposed. There are also items that were included through the manager's amendment, such as the creation of new federal judgeships, that I oppose.

However, there are many provisions in this bill that I have long championed and have worked hard to include in the bill. Let me briefly summarize these key provisions of this law:

ASHCROFT PROVISIONS IN S. 254

There are four main Ashcroft initiatives in the core Senate juvenile justice bill, S. 254. Those provisions are: (1) Trying juveniles as adults on the federal level, (2) targeting adults who use juveniles through increased penalties, (3) funding for improving juvenile record system and incentives for recordsharing, and (4) Charitable choice—preventing discrimination against faith-based organizations that stand ready to provide counseling to troubled youth.

First, the core bill makes it easier for federal prosecutors to try juveniles as adults in federal court. Specifically, the bill provides local United States Attorneys with new authority to try juveniles 14 and older who commit violent federal crimes and federal drug crimes as adults. This provision is an important improvement in the law. Violent federal crimes and major federal drug crimes are not youthful indiscretions or juvenile pranks—these are serious adult crimes. The bill makes important steps to ensure that in the federal system juveniles who commit adult crimes do adult time.

Second, the core bill also targets adults who would exploit children and ensnare them into a life of crime. One sad consequence of a juvenile justice system that treats juvenile crime less seriously than adult crime is that adults try to game the system by using juveniles to perform criminal tasks with the greatest risk of detection. Adults use children as drug runners or couriers precisely because the children are likely to end up back on the street even if they are caught. The core bill addresses this problem by including two provisions from my Protect Children from Violence Act, S. 2023, from the last Congress. Specifically, section 202 increases the mandatory minimums for adults who use juveniles to commit drug crimes from 1 year to 3 years for first-time offenders and from 1 year to 5 years for repeat offenders. Section 203 doubles the penalties on adults who use juveniles to commit crimes of violence and trebles penalties for repeat offenders.

The core bill also includes important provisions to facilitate the sharing of juvenile criminal records. This legislation encourages States to keep records on violent juveniles that are the equivalent of the records kept for adults committing comparable crimes. In addition, the bill conditions the availability of federal funds on States' participation in a nationwide system for collecting and sharing juvenile criminal records. Under the bill, state authorities must make these criminal records available to federal and state law enforcement officials and school officials to assist them in providing for the best interests of all students and preventing more tragedies. Providing judges and school officials with accurate records is a critical step in preventing tragedies. School officials and judges have a right and a need to know when they are dealing with dangerous juveniles. Providing accurate records is not only an important role for the government, it is a role that only the federal government can fulfill. Violent juveniles routinely cross state lines. The federal government has an important role in ensuring that their criminal records cross state lines with them.

Finally, the core bill includes my provision ensuring that faith-based organizations have an equal opportunity to provide services to at-risk youth. The experience of the past decade has made clear that government does not have all the answers for what ails our culture. No organizations should be excluded from the process of trying to heal our violent culture, let alone faith-based organizations. The "charitable choice" provisions in the bill do not provide for any special treatment for faith-based organizations, but they do ensure that faith-based groups will not be arbitrarily excluded when the government turns to non-governmental organizations to deal with at-risk juveniles.

The bill in its current form also includes a number of important provisions that were added by amendment. These include:

Semi-automatic assault rifles ban for juveniles. The Senate overwhelmingly adopted this Ashcroft amendment. The amendment had three major provisions:

(1) Ban on juvenile possession of semi-automatic assault rifles. This provision extends the current limitations (subject to the current exceptions) on youth possession of handguns to semi-automatic assault weapons. The provision does not affect a juvenile's right to possess hunting rifles.

(2) Requirement that juveniles be tried as adults for weapons violations in a school zone. Juveniles who commit firearms violations near a school zone must be sent a clear message—such actions will not be tolerated and will be prosecuted to the full extent of the law.

(3) Increased penalties for unlawfully transferring a firearm to a juvenile with knowledge that it will be used in a crime of violence.

ASHCROFT EDUCATION PACKAGE

The Senate overwhelmingly approved this comprehensive amendment which reflects not only specific Ashcroft initiatives but the work product of the Republican Education Task Force, which Senator ASHCROFT chaired. The major Ashcroft initiatives in the package include:

(1) Flexibility for local schools to address school violence. This provision provides schools with the flexibility to use existing education funds, and the new education funds included in the Republican budget, to address security concerns as they see fit. Permissible uses include everything from the installation of metal detectors, to the formulation of inter-agency task forces, to the introduction of school uniform policies.

(2) School uniforms. Another Ashcroft provision makes clear that nothing in federal law prevents local school districts from instituting school uniform policies.

(3) School records. Another provision makes clear that student disciplinary records should follow students to a new school, without regard to whether it is public or private. Teachers and administrators need to know who they are dealing with and whether they have security risks in their midst.

FRIST-ASHCROFT IDEA AMENDMENT

This amendment removes a loophole in federal law that prevents States from disciplining an IDEA student in the same manner as a non-IDEA student, if an IDEA student brings a gun to school. The Senate passed this common sense amendment 74–25. A number of my colleagues also added my initiatives to the bill through their own amendments. These include:

HATCH/CRAIG COMPREHENSIVE CRIME PACKAGE

This amendment included a number of Ashcroft mandatory minimums. Specifically, Ashcroft provisions in the bill raised mandatory minimums:

(1) From 1 to 3 years for distributing drugs near a school zone (from 1 to 5 years for subsequent offenses). This provision was adopted from ASHCROFT's Protect Children from Violence Act, S. 2023.

(2) From 1 to 3 years for distributing drugs to a juvenile (1 to 5 years for subsequent offenses). This provision was adopted from ASHCROFT's Protect Children from Violence Act, S. 2023.

(3) From 7 to 10 years for brandishing a firearm during the commission of a federal crime. This provision was adopted from ASHCROFT's Juvenile Misuse of Firearms Prevention Act, S. 994.

(4) From 10 to 12 years for discharging a firearm during the commission of a federal crime. This provision was adopted from ASHCROFT's Juvenile Misuse of Firearms Prevention Act, S. 994.

The amendment also included two new Ashcroft mandatory minimum sentences also adopted from S. 994:

(1) A 15-year mandatory minimum for maiming or injuring someone with a firearm during the commission of a federal crime

(2) A 5-year mandatory minimum for transferring a firearm with knowledge that it will be used in a crime of violence.

HATCH/FEINSTEIN GANG AMENDMENT

The Senate also overwhelmingly passed the Hatch-Feinstein amendment designed to target and punish gang violence. The amendment included many provisions long-championed by ASHCROFT, including almost the entirety of the gang subtitle of ASHCROFT's "Protect Children from Violence Act," S. 538, introduced on March 4, 1999.

Specifically, the amendment included the following Ashcroft provisions: enhanced sentences for crimes committed as part of gang violence, new crimes for interstate gang activities, the treatment of juvenile crimes as adult crimes for purposes of the federal laws imposing severe penalties on armed career criminals, and increased penalties for witness tampering. All of these provisions were included in the "Combating Gang Violence" subtitle of ASHCROFT's Juvenile Crime bill.

In summary, this is not a perfect bill. There is much that is extraneous and some that is misguided. I am hopeful some of these provisions will be removed in conference. On balance, however, this bill will help make our schools places of learning, not places of fear.

Mr. SMITH of New Hampshire. Mr. President, I rise in strong opposition to final passage of S. 254, the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999. I do so because I believe that the gun control amendments to this bill that have been adopted by the Senate will do lasting damage to the fundamental right to keep and bear arms, which is guaranteed by the Second Amendment to the Constitution of the United States.

I am outraged, Mr. President, that the gun control lobby in this country has taken advantage of the tragedy last month at Littleton, Colorado, as well as the incident today in Georgia, to mount an unprecedented assault on the Second Amendment rights of law-abiding gun owners. They cast blame on law-abiding gun owners, while leaving the movie moguls and video game makers who promote wanton violence to children virtually unscathed.

Frankly, Mr. President, I am also disappointed by some of my colleagues in my own political party here in the Senate. I have spent a great deal of time, over the past two weeks as the Senate has debated this bill, arguing privately with these colleagues and trying to persuade them to hold the line against this onslaught of gun control amendments. Sadly, Mr. President, I have not been successful. Nevertheless, I am proud to have stood up for the Second Amendment, even, in one case, when I was only one of two Senators to vote against a gun control amendment to this bill.

I am particularly angered, Mr. President, by what the Senate has voted to do with respect to gun shows. Sadly, it seems evident to me that the practical effect of the Lautenberg Amendment, adopted earlier today when Vice President GORE cast the tie-breaking vote, will be effectively to ruin gun shows—to put them out of business. This, unfortunately, seems to me to be the aim of the Lautenberg Amendment.

I am also deeply concerned about the effects of the so-called "trigger lock" amendment. Even though the amendment appears only to require trigger locks to be sold with guns, the legal effect of the amendment may well be to do great damage to the Second Amendment rights of law-abiding gun owners. This is because courts may construe the amendment as creating a new civil negligence standard under which gun owners will be seen as having a legal obligation to use their trigger locks or face legal liability if their gun is misused by some third party.

If, in fact, the law develops such that gun owners have a legal obligation to use trigger locks, these law-abiding gun owners may be forced to put their safety, and that of their families, at risk. It is certainly not unreasonable to imagine a single mother of small children, depending on her gun for safety, panic-stricken as she struggles unsuccessfully with her trigger lock in the middle of the night after hearing a burglar break into her home.

Mr. President, these are but two examples of the grave harm that the gun control amendments adopted to this bill by the Senate have done to the Second Amendment rights of Americans. When the heat of this moment is gone, and the passions so shamelessly stirred up by the gun control lobby have subsided, I am afraid that many of those who supported these amendments will realize that they have done the Second Amendment serious and lasting harm. Sadly, though, it will be too late.

Mr. President, I yield the floor.

AMENDMENT NO. 322

Mr. DOMENICI. Mr. President, I rise today to address an issue raised by the Hatch amendment number 322, which the Senate agreed to on Tuesday, May 11. While I support both the underlying bill and this amendment, I am concerned about a portion of this amendment which is within the jurisdiction of the Senate Committee on the Budget. The Hatch amendment contained language which amends that portion of the 1994 Crime Bill which created the Violent Crime Reduction Trust Fund.

This portion of the amendment does two things: (1) it extends the fund through fiscal year 2005 and (2) it extends the discretionary spending limits (albeit indirectly) through fiscal year 2005 for the violent crime reduction category. As a result, the amendment was subject to a point of order pursuant to section 306 of the Congressional Budget Act of 1974 because it contained matter within the jurisdiction of the Budget Committee and was offered to a bill that was not reported by the committee. I chose not to challenge this provision because I support the underlying legislation and I have been assured by the Chairman of the Judiciary Committee, Senator HATCH, that my concerns will be addressed when the bill goes to conference.

Let me begin by saying that I support full funding for crime fighting efforts. I am, however, troubled by this amendment because—in its attempt to ensure funds are available for these important programs it has stumbled into a series of, as yet, unresolved issues regarding the budget process: should the discretionary spending limits be extended beyond fiscal year 2002? If yes, should there be limits within the overall cap for items such as defense, highways and mass transit, and crime? Current law (section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985) provides limits on discretionary spending (the "caps") through the end of fiscal year 2002.

When the issue of the caps was last addressed during deliberations on the Balanced Budget Act of 1997, Congress decided that the overall caps on discretionary spending would end after 2002, that the defense cap would end after 1999, and that the crime cap would end after 2000. This was decided as part of a very carefully crafted compromise between the Congress and the President, involving both mandatory and discretionary spending, that has now led us to a balanced budget. Our ability to live within these discretionary caps has played a significant role in producing not only a balanced budget, but surplus for the foreseeable future. Thus I feel it is not appropriate at this time to extend only the crime cap without addressing the broader issue of the appropriate level of discretionary spending. Moreover, I fear that raising the issue of the caps at this time will unnecessarily complicate the passage of this important juvenile justice legislation.

I know that I do not have to remind my colleagues how difficult it is going to be both this year and next to pass all 13 appropriations bills and stay within the caps which we currently have in place for the next three years. While I am supportive of funding for criminal justice programs, I am concerned that extending the crime cap will only make an already difficult task that much harder. I might also point out to my colleagues that by extending only the crime cap and not the overall cap, this legislation has the effect of limiting crime spending for fiscal years 2003 through 2005 when there will be no such limits upon any other type of discretionary spending.

I thank my colleague from Utah, Senator HATCH, for recognizing my concern with this amendment and I look forward to working with him on this issue when the bill is in conference.

Mrs. FEINSTEIN. Mr. President, I rise to thank the distinguished managers of this bill, Senators LEAHY and HATCH, for including the Feinstein-Chafee amendment regarding separation of juveniles from adults in custody in the managers' "technical amendment." I also wish to thank Senators AKAKA, FEINGOLD, KOHL, and JEFFORDS, who agreed to co-sponsor our amendment, for their support.

This amendment resolves a major concern that many, many people had with this bill, and will help speed the way to its final passage.

Our amendment is designed to strengthen the bill's requirements for separating juveniles in custody from adult criminals. We should not be counter-productive by allowing juvenile detention to be a school for crime, nor should we be cruel in permitting the victimization of youths by hardened adult criminals.

Under current law, juveniles cannot have any contact with adult inmates. None whatsoever. When a juvenile is in an adult facility, that juvenile cannot be within "sight or sound" of any adult—ever!

Why is that one of the four so-called "core" requirements?

Because I remind my colleagues that we are talking about children.

Children who may or may not have committed a violent offense.

Children who may have been arrested for the first time.

Children who perhaps are on the wrong path but most likely never commit another offense ever: statistically, over two-thirds of juveniles arrested never commit another crime.

In the early 1970s, before there were protections for children who came into contact with our court system, a number of studies found that children in adult jails were subject to rape, assault, sodomy, murder, and other acts which sometimes, frankly too often, led to suicide.

The Judiciary Committee at the time learned of numerous tragedies and outright atrocities, including a report on practices in Philadelphia which estimated that 2,000 sexual assaults occurred inside adult jails or "sheriff's vans" used to transport juvenile and adults to court over a 26-month period. One juvenile was raped five times while inside such a van.

The numbers tell the story. Children in adult jails are 8 times more likely to commit suicide; 5 times more likely to be sexually assaulted; twice as likely to be assaulted by staff; and 50 percent more likely to be attacked with a weapon than are children in juvenile facilities, according to studies by the Justice Department and others.

In my state of California, we passed our laws to keep juveniles out of adult jails in the mid-1980s in the wake of tragedies such as the case of Kathy Robbins, a 15-year-old girl who hung herself when she was placed in an adult jail in Glenn County for violating a juvenile curfew.

After those reports were released, Congress enacted the Juvenile Justice Delinquency Prevention Act and subsequent renewals of the law to ensure that children would be treated fairly by the juvenile justice system and be kept safely away from adults in jail.

Kentucky chose to forgo Federal money and continue placing juveniles in adult jails. This chart shows the result: four suicides, one attempted suicide, two physical assaults by other inmates, two sexual assaults by other inmates, and one rape by a deputy county jailer.

Let me give you some of the names behind the numbers:

In Oldham County, 15-year-old Robert Lee Horn, Jr. was put in jail for truancy and beyond parental control. He was paraded through the jail in front of adult inmates who called out to him for sex. He hung himself.

In McCracken County, a 16-year-old Todd Selke was put in adult jail for being a runaway and disorderly conduct. He committed suicide.

In Franklin County, a 16-year-old runaway was raped by a deputy county jailer.

The core protections help to prevent these tragedies elsewhere around the country.

Yet, this bill as introduced would have weakened the core protections for children. I was puzzled by why the authors felt the need to weaken the current standard. According to the latest figures from the Justice Department, 48 of the 50 states are in compliance with the current standard for separating children from adults, including such large, rural states as Alaska and Montana.

And yet this bill would have allowed for juveniles to be in close proximity to adult inmates. While it generally prohibits physical contact between juveniles and adults in custody, there is an exclusion. And the exclusion to the definition of prohibited physical contact said that the term "does not include supervised proximity between a juvenile and an adult inmate that is brief and incidental or accidental."

In other words, it permitted regular contact, planned contact, between delinquent juveniles and adult criminals, as long as it is deemed to be "brief and incidental."

Senator CHAFEE and I were concerned that this standard would have allowed juveniles to be paraded in front of adult inmates as they are being transported from one area of a facility to another. That means that every day the same youth could be required to walk by the adult cell block.

Adult inmates would have a chance to tease, taunt, harass, use suggestive body language, expose areas of their private parts, spit, and otherwise scare juveniles as they are being transported through the facility.

Now some might think that's OK. That to scare a child by exposing them to adults may reduce the likelihood of the child committing another crime.

But, actually, these young children who might be tough on the outside, but not so tough on the inside, could be scared to death—meaning scared enough to commit suicide—just as Robbie Horn was in Oldham County, Kentucky.

Older gang members, or veteranos, could pass messages on to younger gang members to coordinate criminal activities, or to intimidate them from turning state's evidence.

The amendment which we have agreed upon remedied this. In fact, it is even better than what Senator CHAFEE and I originally proposed. It makes two changes, which bring the bill into line with the current Justice Department regulations:

1. It eliminates any planned or regular contact between juvenile delinquents and adult criminals by changing the exception to "brief and inadvertent, or accidental," contact. The minority report to last Congress' juvenile crime bill, S. 10, erroneously stated that the Justice Department's regulations, like the bill, excepted "brief and incidental" contact. However, there is a world of difference between "incidental" and "inadvertent." Changing this exception to the Justice Department standard has the same effect as the amendment which Senator CHAFEE and I originally proposed, and will provide much greater protection for juveniles in custody.

2. The amendment passed in the manager's package then goes even further, limiting even this exception to nonresidential areas only. In other words, there is no exception at all in residential areas to the prohibition on physical contact between juveniles and adults. Specifically, the amendment provides that the inadvertent/accidental exception applies only "in secure areas of a facility that are not dedicated to use by juvenile offenders and that are nonresidential, which may include dining, recreational, educational, vocational, health care, entry areas, and passageways." This language is taken almost verbatim from the Justice Department regulations.

This amendment ensures that a juvenile cannot be in close proximity such as supervised "brief and incidental" parades by adult cells or other planned or spontaneous actions by adults to transport children from one area of a jail to another.

Our amendment was endorsed by: The Department of Justice; the Children's Defense Fund; the National Network for Youth; and the National Collaboration for Youth, an alliance of 28 youth service groups, including Boy Scouts, 4-H, Girl Scouts, American Red Cross, National Urban League, United Way and YMCA.

A coalition of 22 other organizations wrote to the Majority Leader, asking that the standard for separating delinquent juveniles and adult criminals be strengthened, including: Minorities in Law Enforcement, National Association for School Psychologists, National Council of Churches of Christ-Washington Office, the Alliance for Children and Families, Campaign for an Effective Crime Policy, and Covenant House.

With the passage of this amendment, we have provided this protection, and substantially improved this bill. Coupled with the passage of other amendments that I offered, including banning imports of large-capacity ammunition magazines, the Federal Gang Violence Act, the James Guelff Body Armor Act, and anti-bombmaking legislation, this bill now represents a great step forward in the effort to reduce juvenile and violent crime. I ask that I be added as a co-sponsor of the bill, and I urge my colleagues to join me in supporting its passage.

EARLY CHILDHOOD DEVELOPMENT

Mr. KENNEDY. Mr. President, I support Senator KERRY's amendment on early childhood development. The nation's highest priority should be to ensure that all children begin school ready to learn. Our governors realized this a decade ago when they said that the country's number one goal should be to prepare all children to enter school "ready to learn." We aren't going to meet our school readiness goals by the year 2000, but we must do all we can to reach this objective soon. We cannot afford to let another decade pass without investing more effectively in young children's educational development.

As we debate how to prevent youth violence, it is gratifying that Senators on both sides of the aisle are recognizing the importance of investing in children while they are young. During these early, formative years, constructive interventions have the potential to make the greatest impact. Early learning programs—including pre-kindergarten, Early Head Start, Head Start, and other activities for young children—are building blocks for success. Scientific research confirms that in the first few years of life, children develop essential learning and social skills that they will use throughout their lives.

Quality early education stimulates young minds, enhances their development, and encourages their learning. Children who attend high quality preschool classes have stronger language, math, and social skills than children who attend classes of inferior quality. Low-income children are particularly likely to benefit from quality programs.

These early skills translate into greater school readiness. First graders who begin school with strong language and learning skills are more motivated to learn, and they benefit more from classroom instruction. Quality early education programs also have important long range consequences and are closely associated with increased academic achievement, higher adult earnings, and far less involvement with the criminal justice system.

Investments in these programs make sense, and they are cost effective as well. Economist Steven Barnett found that the High/Scope Foundations' Perry Preschool Project saved $150,000 per participant in crime costs alone. Even after subtracting the interest that could have been earned by investing the program's funding in financial markets, the project produced a net savings of $7.16—including more than $6 in crime savings—for every dollar invested.

At risk 3 and 4 years olds in the High/Scope program were one-fifth as likely, by age 27, to have become chronic lawbreakers, compared to similar children randomly assigned to a control group. In other words, failure to provide these services multiplied by 5 times the risk that these infants and toddlers would grow up to be delinquent teenagers and adults.

Over 23 million children under 6 live in the United States, and all of these children deserve the opportunity to start school ready to learn. To make this goal a reality, we must make significant investments in children, long before they ever walk through the schoolhouse door. Our children cannot wait, nor can we.

In March, Senator STEVENS and I introduced a bill, S. 749, cosponsored by Senators DODD, JEFFORDS, and KERRY, to create an "Early Learning Trust Fund" to improve funding for early education programs. This bipartisan bill provides states with $10 billion over 5 years to strengthen and improve early education programs for children under 6. By increasing the number of children who have early learning opportunities, we will ensure that many more children begin school ready to read. The "Early Learning Trust Fund" will provide each state with resources to strengthen and improve early education.

Governors will receive the grants, and communities, along with parents, will decide how these funds can best be used. Grants will be distributed based on a formula which takes into account the relative number of young children in each state, and the Department of health and Human Services will allocate the funds to the states. To assist in this process, governors will appoint a sate council of representatives from the office of the governor, other relevant state agencies, Head Start, parental organizations, and resource and referral agencies—all experts in the field of early education. The state councils will be responsible for setting priorities and approving and implementing state plans to improve early education.

One of the great strengths of the "Early Learning Trust Fund" is its flexibility. States will have the flexibility to invest in an array of strategies that give young children the building blocks to become good readers and good students. Essentially, our proposal does four things: (1) it enhances educational services provided by current child care programs and improves the quality of these programs; (2) it builds on the momentum of states like Georgia and New York, which are expanding their pre-kindergarten services; (3) it expands Head Start to include full-day, full-year services to help children of working parents begin school ready to learn; and (4) it ensures that children with special needs have access to as wide a range of these services as possible.

This legislation will give communities what they have been asking for—funding for coordinated services to "fill in the gaps." Communities needs this so-called "glue" money to strengthen their early education services, and this approach will give them much needed support. As a result, many more children will benefit and begin school ready to learn, ready to reach their full potential.

The nation's future depends on how well today's children are prepared to meet the challenges of tomorrow. If we are serious about improving our children's lives, I urge my colleagues to support the Early Learning Trust Fund that Senator STEVENS and I will bring to the floor soon.

Mr. REED. Mr. President, in the past week the Republican majority in the Senate finally has begun to show signs of understanding that Americans want reasonable gun control policies in this country. We have made some progress by passing a ban on juvenile possession of semiautomatic assault weapons and a ban on the importation of high-capacity ammunition clips. We saw most Republicans join all Democrats in voting to require that child safety devices be sold with all handguns. And finally, this morning, with a tie-breaking vote by the Vice President, we passed the Lautenberg amendment to firmly close the gun show loophole.

These are the kinds of measures that Democrats in Congress have been advocating for years, and it is unfortunate that it took a tragedy like Littleton to bring our colleagues in the majority around to our way of thinking, but we welcome even these small steps in the right direction.

But small steps they are, Mr. President, and we need to do much more. We should reinstate the Brady waiting period, which expired last November, to provide a cooling off period before the purchase of a handgun. We should pass a child access prevention law to hold adults responsible if they allow a child to gain access to a firearm and that child then uses the firearm to harm another person. And we should firmly close the Internet gun sales loophole, something the Senate failed to do last week.

I also believe that we should apply the same consumer product regulations which apply to virtually every other industry and product in this country to guns. If toy guns, teddy bears, lawn mowers and hair dryers are subject to regulation to ensure that they include features to minimize the danger to children, why not firearms? I plan to introduce legislation to allow the Consumer Product Safety Commission to regulate firearms to protect children and adults against unreasonable risk of injury. I know my friend Senator TORRICELLI has introduced a bill to allow the Treasury Department to regulate firearms. Whichever agency ultimately has oversight, the important thing is that guns should no longer be the only consumer product exempt from basic safety regulations.

Mr. President, the NRA's own estimate is that there are over 200 million guns in this country. That's nearly one for every American. But let's remember that most Americans don't own guns. For most Americans, especially in urban areas, a gun in a public place in the possession of anyone other than a law enforcement officer usually brings on a sense of fear, not a sense of protection.

As the President said a few weeks ago, this fundamental difference in perspective is at the heart of this gun debate. If we are to solve the problem of gun violence in this country, we have to come to a meeting of the minds between gun owners and non-gun owners, between rural and urban America.

Americans who live in urban and suburban communities need to understand the legitimate use of firearms for hunting and sports activities. But at the same time, members of Congress from mostly rural states must recognize the immense pain and suffering that guns cause in our nation's urban areas, and they should work with us to convince their constituents that reasonable, targeted gun restrictions can make a world of difference by saving lives in America's cities and suburbs.

I would also add that this is not simply an eastern vs. western states issue. For example, the Washington Post recently reported that in Florida, six of the state's most urban counties have adopted measures to require a waiting period and background checks on all firearm sales at guns shows, while the rest of the state has not. Every senator, from every region of the country, has some constituents who legally use firearms, and others who want nothing to do with them and see them as a deadly threat. My state is no different, and I recognize that many of my constituents are decent people who hunt or sport-shoot safely.

While much more needs to be done, and while we are still far from passing comprehensive gun safety legislation, we have seen in the past week at least a few limited examples of how, working together, we can bridge the gap and approve reasonable, targeted restrictions on gun access without taking away a law-abiding, adult citizen's ability to own a gun.

I also believe that gun dealers should be held responsible if they violate federal law by selling a firearm to a minor, convicted felon, or others prohibited from buying firearms. Currently, there are over 104,000 federally licensed firearms dealers in the United States. While most of these dealers are responsible small business people, recent tracing of crime-related guns by the Bureau of Alcohol, Tobacco and Firearms (ATF) has found substantial evidence that some dealers are selling guns to juveniles and convicted felons. This direct diversion of weapons from retail to illegal markets is taking place both through off-the-book sales by corrupt dealers and through so-called straw purchases, when an ineligible buyer has a friend or relative buy a firearm for him or her.

To remedy this situation, I have introduced legislation, the Gun Dealer Responsibility Act, that would provide a statutory cause of action for victims of gun violence against dealers whose illegal sale of a gun directly contributes to the victim's injury. I believe this legislation will make unscrupulous gun dealers think twice about who they are selling weapons to, particularly minors, convicted felons, or any other ineligible buyer, either directly or through straw purchases.

Our nation's federal juvenile justice programs establish four core principles that have served as the foundation of federal juvenile justice policy for years. States are required to uphold these principles in order to receive federal grant funds for juvenile justice activities. These four core principles include:

(1) Juveniles may not be within sight or sound of adult inmates in secure facilities. The evidence is overwhelmingly clear that youth held in adult prisons are frequently preyed upon by adult inmates. Compared to juveniles in juvenile facilities, they are 8 times more likely to commit suicide, 5 times more likely to be sexually assaulted, and 50% more likely to be attacked by a weapon.

(2) States should not confine juveniles for so-called "status" offenses, such as truancy, that would not be punishable if committed by an adult.

(3) States should remove juveniles from adult jails and lockups: For the same reasons I just mentioned, juveniles should not be held in adult jails and lockups, with very narrow exceptions and even then for very limited periods of time. And,

(4) States should address the problem of disproportionate minority confinement.

This last issue is one I want to talk briefly about today, because it is the area where I believe the bill before us most dramatically changes federal policy and clearly fails to uphold the long-standing principles of our juvenile justice system. Nearly seven out of ten juveniles held in secure facilities in this country are members of minority groups.

African-American juveniles are twice as likely to be arrested as white youth. There is, without question, a continuing need to address minority over-representation in the juvenile justice system. We should keep the incentives in current law that encourage states to do so. Unfortunately, the bill before us would replace those incentives with language that encourages states to reduce disproportionate representation of, quote, "segments of the population," an ambiguous and unlimited phrase that could be interpreted to mean men, urban groups, or virtually any "segment" of the population. The effective result is that over-representation of minorities would no longer be the focus of our efforts, and one of the pillars of our federal juvenile justice policy would therefore be undermined. I was disappointed that the Senate yesterday failed to pass the Wellstone amendment to ensure that states continue to address disproportionate minority confinement issues. We have been making some progress in this area, and we need to continue that effort.

Another area where I think we can do much more is in the provision of mental health services for young people who come into contact with the juvenile justice system. My friend and fellow member of the Health, Education, Labor and Pensions Committee, Senator WELLSTONE, spoke eloquently on this subject earlier this week. As he and I have discussed many times, you cannot have a meaningful discussion about juvenile justice without talking about mental health. The two are intimately intertwined.

Studies find that the rate of mental disorder is two to three times higher among the juvenile offender population than among youth in the general population. According to a 1994 Department of Justice study, 73% of juveniles in the juvenile justice system reported mental health problems, and 57% reported past treatment for those problems. In addition, over 60% of youth in the juvenile justice system may have substance abuse disorders, compared to 22% in the general population.

I have prepared legislation to authorize the Substance Abuse and Mental Health Services Administration (SAMHSA), in cooperation with the Department of Justice, to award grants to state or local juvenile justice agencies to provide mental health services for youth offenders with serious emotional disturbances who have been discharged from the juvenile justice system. I believe it is critical that we help local organizations to do several things to assist young offenders: (1) develop a plan of services for each youth offender; (2) provide a network of core or aftercare services for each youth offender, including mental health and substance abuse treatment, respite care, and foster care; and (3) provide planning and transition services to youth offenders while these youngsters are still incarcerated or detained. I hope that in the context of this bill or the SAMHSA reauthorization we can find room for this important program.

I believe that a community-based network of mental health services will reduce the likelihood that troubled youth will end up back in the juvenile justice system. By combining this innovative grant program with strong prevention programs to reach out to at-risk youth before they come into contact with the juvenile justice system in the first place, we can attack the problem of juvenile delinquency from both directions.

In closing, let me say that we all recognize that the problem of gun violence among our young people is caused by many factors, some of which we may not fully understand. We need more resources for prevention programs to reach at-risk youth before they come into contact with the juvenile justice system in the first place, and we have seen an increased willingness on the other side of aisle to provide those resources; we need a greater focus on mentoring and counseling for troubled youth, and we've seen some movement on that front as well; and yes, we need better enforcement of firearms laws and more effective prosecution of gun criminals, and there is no question that we will see more resources provided to make that happen.

But anyone who honestly considers the tragic events in Littleton one month ago, and the thirteen children who die every day in this country from gun violence, must concede that one of the biggest problems of all is that our young people have far too easy and unlimited access to guns. We must do more to keep guns away from kids and criminals by making sure that Brady Law background checks are applied across the board, by reinstating the Brady waiting period, by passing a child access prevention law, by firmly closing the Internet gun sales loophole, by holding dealers responsible for illegal sales, and by applying to firearms the same consumer product safety regulations that apply to virtually every other product in this country.

Let's do the right thing and pass a juvenile justice bill that includes every means possible to protect our children and all of our citizens from youth violence.

Thank you, Mr. President.

Mr. VOINOVICH. Mr. President, prior to being elected to the Senate, I served the people of Ohio for two terms as governor. Before that, I served for 10 years as the mayor of Cleveland. I have also been Lieutenant Governor, a County Commissioner, a County Auditor and a State Legislator.

I have 33 years of experience at every level of government, which I believe gives me wonderful insight into the relationship of the federal government with respect to state and local government.

It is the main reason why, over the length of my service to the people of Ohio, I have developed a passion for the issue of federalism—that is, assigning the appropriate role of the federal government in relation to state and local government.

That passion remains with me to this day, and I vowed when I got to the Senate that I would work to sort out the appropriate roles of the federal, state and local governments.

I have committed myself to find ways in which the federal government can be a better partner with our nation's state and local governments.

One of my concerns has been the overreaching nature of the federal government into areas I have always felt properly belong under the purview of state and local government. Another of my concerns has been the propensity of the federal government to pre-empt our state and local governments. In many cases, the federal government mandated responsibilities to state and local governments and forced them to pay for the mandates themselves.

In regard to unfunded mandates, I, and a number of other state and local elected officials finally got fed up enough to lobby Congress to do something about it, and in 1995, Congress passed the Unfunded Mandates Reform Act. I was pleased to be at the Rose Garden representing our state and local governments at the signing ceremony by the President.

And while we now know the cost of what the federal government is imposing on the state and local governments, Congress has still got to do more to reverse the tide of "command and control" policies in areas intrusive which are the proper responsibility of state and local governments.

Indeed, as syndicated columnist David Broder pointed out in a January 11, 1995 article, "the unfunded mandate bill is a worthy effort. But in the end, the real solution lies in sorting out more clearly what responsibilities should be financed and run by each level of government."

I wholeheartedly agree.

It is imperative that we delineate the proper role of government at the federal, state and local level.

Our forefathers referred to this differentiation as federalism, and outlined this relationship in the 10th Amendment:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

The importance of the 10th Amendment was inherent to the framers of the Constitution, who sought to preserve for the states their ability to pass and uphold laws that were specific to each individual state. In this way, states would keep their sovereignty over what we consider the "day to day" running of society, reserving the more comprehensive functions of the nation to the federal government.

This was envisioned by James Madison, who defined the various roles of government in Federalist Paper #45. He wrote:

> The powers delegated by the proposed Constitution to the federal government are few and defined. Those which are to remain in the State governments are numerous and indefinite. The former will be exercised principally on external objects, as war, peace, negotiation, and foreign commerce . . . The powers reserved to the several states will extend to all the objects which, in the ordinary course of affairs, concern the lives, liberties, and property of the people and the internal order, improvement and prosperity of the state.

In a speech before the Volunteers of the National Archives in 1986 regarding the relationship of the Constitution with America's cities and the evolution of federalism, I raised a concern about the trend in American government that I had witnessed since the 1960's. I said:

> We have seen the expansion of the federal government into new, non-traditional domestic policy areas. We have experienced a tremendous increase in the proclivity of Washington both to pre-empt state and local authority and to mandate actions on state and local governments. The cumulative effect of a series of actions by the Congress, the Executive Branch and the U.S. Supreme Court have caused some legal scholars to observe that while constitutional federalism is alive in scholarly treatises, it has expired as a practical political reality.

Mr. President, we have made progress since I spoke those words 13 years ago. Not to the level sought by Madison, but progress just the same. As I mentioned earlier, Congress has passed the Unfunded Mandates Reform Act. We've also passed Safe Drinking Water Act reforms in 1996. In addition, states are making the difference in Medicaid reform and because of the efforts of state leaders working with Congress, we now have comprehensive welfare reform.

Also, just this year, we've seen the passage and signing into law of the "Ed-Flex" bill, which gives our states and school districts the freedom to use their federal funds for identified education priorities and today we passed legislation preventing the federal government from recouping the tobacco settlement funds back from the states.

But we must still do more.

Today, we are voting on juvenile justice legislation that would impose certain new federal laws on what is now and has traditionally been a jurisdiction of our state and local governments.

I have great respect for the managers of this legislation; they have worked incredibly hard to put together this bill which contains a number of good provisions meant to fight juvenile crime and a smorgasbord of other things that on the surface look very appealing.

Unfortunately most of them deal with things that are the proper responsibility of state and local government and violate in spirit and in substance my interpretation of the 10th Amendment and frankly, the interpretation of Alexander Hamilton.

Hamilton, who was the greatest proponent in his day of a strong national government, saw law enforcement as a state and local concern. If Hamilton were alive today, he would be appalled at the use of the police power by federal agencies.

And to emphasize Hamilton's view, we need only look at Federalist Paper #17:

> There is one transcendent advantage belonging to the province of the state governments, which alone suffices to place the matter in a clear and satisfactory light. I mean the ordinary administration of criminal and civil justice.

Crime control is a primary responsibility of local and state officials. They are on the front lines and they are best suited to tackle the specific problems in their jurisdictions.

Juvenile crime control measures are being enacted and carried out in the various states across the country. And sometimes it does take a tragedy such as the one that occurred in Littleton, Colorado or the shooting this morning in Atlanta to spur states on, but they fully recognize their responsibility to provide for the safety of their citizens.

The states understand their role and the need to prevent any further increase in juvenile crime. They are responding to that need.

Involvement by the federal government in this matter often duplicates the efforts of our state and local governments.

I'll never forget, in 1996, when I was Governor and I went to a crime control conference in Pennsylvania with then-Majority Leader Bob Dole. He was running for President at the time. The head of the conference suggested 5 things the federal government should do to reduce juvenile crime. It made sense to me, but when I looked at the recommendations, I realized that in Ohio, we were already doing the things that were recommended.

In 1994, we instituted a program called "RECLAIM Ohio" which is an innovative approach to juvenile corrections. This program stresses local decision-making and the creation of more effective, less costly community-based correction alternatives to state incarceration.

Under "RECLAIM Ohio," local juvenile court judges are given the flexibility to provide the most appropriate rehabilitation option. Since 1992, the population of juvenile offenders in Ohio's youth correction facilities has dropped 20% as a result of this and other innovative local and state programs.

Mr. President, the success we have had in Ohio might never have come about if we had to divert our resources towards a federally mandated program. We have seen results with "RECLAIM Ohio;" it is best suited for us.

In fact, our "RECLAIM Ohio" program was selected as one of the top ten innovative programs in government by the JFK School of Government at Harvard University—worthy of replicating elsewhere in the United States.

In 1995, Ohio crafted its own comprehensive juvenile crime bill. This bill imposed mandatory bind-over provisions for the most heinous crimes and longer minimum sentences.

I believe we should heed the words of Senator FRED THOMPSON, who gave an eloquent speech about this bill last Wednesday. He said "Among other things, [this bill] makes it easier to prosecute juveniles in Federal criminal court. We have about 100 to 200 prosecutions a year of juveniles in Federal court. It is a minuscule part of our criminal justice system." To put that in perspective, Senator THOMPSON pointed out that in 1998, there were "58,000 Federal criminal cases filed involving 79,000 defendants."

Think about what Senator THOMPSON says—58,000 total federal criminal cases filed; some 200 prosecutions a year of juveniles in Federal court. Do we honestly think that we'll have an extraordinarily dramatic increase in juvenile prosecutions under this bill? I have to ask: why on earth are we doing this?

He further stated, "[This bill] would allow juveniles as young as 14 years of age to be tried as an adult for violent crimes and drug offenses—drug offenses, again, that are of the street crime category, where we have laws on the books in every State of the Union."

In a letter to the Chairman and Ranking Member of the Judiciary Committee, the leaders of the National Governors' Association said "the nation's governors are concerned that attempts to expand federal criminal law. . .into traditional state functions would have little effect in eliminating crime but could undermine state and local anti-crime efforts."

Mr. President, I ask unanimous consent that a copy of that letter be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. VOINOVICH. Mr. President, the American Bar Association's Task Force on the Federalization of Criminal Law in its report issued at the end of last year stated that "more than 40% of the federal criminal provisions enacted since the Civil War have been enacted since 1970." As a footnote, the report indicates that more than a quarter of the federal criminal provisions were enacted over the sixteen year period of 1980–1996.

Some change in the responsibility is legitimate, based upon the scope of particular offenses. However, many changes have simply evolved from current state and local laws that the federal government has either co-opted or the Congress has directed federal agencies to carry-out.

As we continue to assign a greater involvement for the federal government in law enforcement, the impact on other resources is also strained, primarily the federal court system.

And for those who understand the traditional role of state and local law enforcement, it becomes increasingly frustrating to see the shift in prosecuted crimes.

Earlier this month in testimony before the Governmental Affairs Committee, Federal Appeals Court Judge Gilbert S. Merritt said that his Court's docket and the case load of the U.S. Attorney's office for his jurisdiction consists of "mainly drug and illegal possession of firearms cases and other cases that duplicate state crimes" and that "federal prosecution of drug and firearms crime is having a minimal effect on the distribution of drugs and illegal firearms."

Most compelling, Judge Merritt said "our law enforcement efforts would be much more effective if Congress repealed most duplicate federal crimes and tried to help local and state street police, detectives, prosecutors and judges do a more effective job."

Judge Merritt suggested that before we federalize crime enforcement, we should "concentrate federal criminal law enforcement in only the following core areas:

(1) Offenses against the United States itself;

(2) Multi-State or international criminal activity that is impossible for a single state or its courts to handle;

(3) Crimes that involve a matter of overriding federal interest, such as violation of civil rights by state actors;

(4) Widespread corruption at the state and local levels; and

(5) Crimes of such magnitude or complexity that federal resources are required."

Mr. President, based on what I can see, this legislation does not meet these criteria.

So, if we are truly concerned about lowering the incidences of violent crime in America, I believe our focus should be not only on the symptoms of juvenile crime, but on the root causes as well. We have to act first, and not react later, if we wish to benefit our kids.

To be sure, there are just plain, bad juveniles who need to be locked up. And, we need better information about juvenile offenders, profiles that will help our courts deal with rough kids and get them off the streets.

But, I think part of the problem is youngsters aren't getting the moral and family and religious training at home, responsibilities that are falling more and more on our schools.

In Ohio, we established a mediation and dispute resolution program in our kindergartens and first grades to get kids to talk out their problems so they don't resort to violence.

We did this because I am concerned, Mr. President, about how we can reach our kids, to help make them become decent, productive members of society.

What we need to do is draw a line in the sand, and proclaim that we are not going to allow another generation of children to fall by the wayside. We have to say "This is where it stops."

We need to become a better partner with state and local government and invest in our children at the most critical juncture of their lives—pre-natal to three—the time when parents and young children are forming life-long attachments and when parents and other care-givers have an opportunity to construct lasting values.

I believe putting our efforts towards creating this powerful, enduring impact on a young child's physical, intellectual, emotional and social development will do more to end the cycle of crime and violence in America than anything else the Senate could do.

Mr. President, once more, I would like to congratulate the managers of this bill for the time and energy that they have put into this bill, but juvenile crime control is not the responsibility of the federal government.

Again, we need only look as far as the Constitution to determine which crimes fall within the purview of the federal government—

1. Article 1, Section 8—To provide for the punishment of counterfeiting the securities and current coin of the United States;

2. Article 1, Section 8—To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations; and

3. Article 3, Section 3—To declare the punishment for treason.

For the remainder of crime that impacts our nation, the 10th Amendment spells out quite clearly how we should deal with it:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

Mr. President, we should follow the wisdom of our forefathers.

EXHIBIT 1

NATIONAL GOVERNORS ASSOCIATION,
Washington, DC, May 14, 1999.

Hon. ORRIN G. HATCH,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

Hon. PATRICK J. LEAHY,
Ranking Minority Member, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN AND SENATOR LEAHY: As the Senate considers juvenile crime legislation, the nation's Governors believe that the federal government should improve its support of states in combating youth violence. This endeavor requires the development and implementation of programs and policies that strive to prevent delinquency, eliminate the presence of violence wherever children congregate, and ensure strong punishment for those responsible for exposing young people to delinquency, drugs, and violence. The first line of defense against youth violence is responsible parenting. Having recognized this fact, the states' priority in this area should be to establish comprehensive services and programs that prevent youth from committing crime. Prevention programs that build self-esteem through achievement of worthwhile goals and offer an alternative to violent and criminal activity are critical to the successful reduction of juvenile crime.

There should be a safe environment for children to grow and develop. This includes schools, parks, playgrounds, and any place youth congregate. The rise in handgun violence especially in and around schools is of concern to Governors. There should be swift and certain punishment for individuals who illegally provide a firearm to a minor, or knowingly provide a firearm to a minor for illegal use. Furthermore, there must be immediate seizure of guns illegally possessed by minors. Also, there should be strict penalties for children below the age of eighteen who illegally possess a firearm.

S. 254, the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999 will be among the legislative initiatives considered regarding juvenile crime. We would like to address some of the provisions in this legislation.

Federalization: The nation's Governors are concerned that attempts to expand federal criminal law (Title I of S. 254) into traditional state functions would have little effect in eliminating crime but could undermine state and local anticrime efforts. Further, the Governors are concerned that federal concurrent jurisdiction in criminal justice efforts can be used by the federal government as a means to impose undue mandates on state and local crime control and law enforcement officials.

Another federalism issue is raised by section 1802 the "Juvenile Criminal History Grants." It needs language clarifying what information will be contained in the national data bases, who will have access to the data, how the data will be used, and to affirm states' right to ultimately control access to their own data under our federal system.

Waiver: The formula in the accountability block grant of S. 254 (Part R—Juvenile Accountability Block Grants, Subtitle B) requires states to pass-through money to local units of governments handling juvenile justice functions. In many states, including Utah and Vermont, the juvenile crime function is administered at the state level of government, working with the locals. S. 254 would allow the Attorney General to waive the pass-through requirement for these states. We support this provision.

Flexibility: The current language in S. 254 offers some discretion to Governors over appointments to state advisory boards overseeing implementation of state programs under the Juvenile Justice Act. Governors should have sole discretion over creation, make-up and appointments to state advisory boards. Some states have existing boards that can fulfill this requirement. Furthermore, states should be given maximum flexibility to implement the spirit and purposes of the statute for the goals of delinquency prevention, intervention, and protection of juveniles from harm. Also, S. 254 eases the monitoring requirements for state implementation of the Juvenile Justice program.

Program participation with core requirements: Governors believe that rules, regulations, definitions, responsibilities, and reporting requirements authorized in the legislation should be reasonable and not impede states' ability to effectively administer the programs promoted in the legislation. Further, the statute should be designed to encourage full participation in the program by all the states, but not penalize states that choose not to participate in some or all programs.

The recent tragic events in Colorado, Oregon, Arkansas, Kentucky, and Mississippi and other areas of the country have focused the nation's attention on the need for juvenile justice reform. We appreciate your taking our concerns under consideration as you debate S. 254.

Sincerely,

GOVERNOR THOMAS R. CARPER,
Chairman.
GOVERNOR MICHAEL O. LEAVITT,
Vice Chairman.
GOVERNOR JAMES B. HUNT, JR.,
Chairman, Human Resources Committee.
GOVERNOR MIKE HUCKABEE,
Vice Chairman, Human Resources Committee.

Mr. FEINGOLD. Mr. President, I rise today in opposition to S. 254, the Juvenile Justice Bill. I oppose this bill because it does far more harm than good to the fundamental interests of our nation's children.

The bill fails to do what the Littleton tragedy screams out loudly and clearly we should do: strive to prevent future schoolhouse tragedies and all juvenile violence. The bill is long on prosecution and detention but short on prevention.

During debate on this bill, I was glad to see that some of my concerns were resolved. After a contentious debate, the Senate finally closed the gun show loophole. The Lautenberg-Kerrey amendment is a sensible regulation on the sale of guns at gun shows. It does not prevent law-abiding citizens from selling and buying guns at gun shows.

The Senate's debate on guns in the last week had what I believe to be a sensible outcome. But I do want to point out one thing about the debate we have had on various amendments to this bill dealing with the topic of gun control. Obviously, there are very strong feelings about gun-related amendments on both sides, and the issues are complex. But the vast majority of campaign contributions from groups interested in these amendments to the Senators who are voting on them is coming from one side. According to the Center for Responsive Politics, gun rights groups, including the National Rifle Association, gave over $9 million to candidates, PACs, and parties from 1991 to 1998. The NRA gave $1.6 million in PAC contributions to federal candidates last year. Handgun Control, Inc. gave a total of $146,000.

With respect to Senator LAUTENBERG's amendment to close the gun show loophole last week, the Center found that those who voted against that amendment had received an average of over $10,478 from gun rights groups, while those who voted for it averaged only $297. I say this not to cast aspersions on any Senator's vote, but because I think the public record of our debate on these issues would be incomplete without this information.

There have been other improvements made in the bill as a result of the debate here on the floor and negotiations among Senators and the Managers. The final bill now reasonably protects the privacy of juvenile offender records. The amendment to ensure the separation of children from adult prisoners in mixed prison settings also was adopted.

This good work, however, is not enough to undo the harm that this bill will do to our nation's children.

We have strong evidence that prevention reduces crime. According to the Children's Defense Fund, in the first year after the Baltimore Police Department opened an after-school program in a high-crime area, crime in that neighborhood dropped 42%. Cincinnati's crime rate dropped 24% since it instituted violence prevention, education, social and recreation programs. And in Fort Worth, Texas, gang-related crime dropped by 26% as a result of a gang reduction program.

Now, the Hatch-Biden amendment takes us part of the way there by allowing 25% of funding for juvenile block grants to be allocated to prevention efforts. But frankly, that's not enough. We need to do more. Our children's future demands that we do more.

The Juvenile Justice bill emphasizes detention and intervention after juveniles have already gotten into trouble. The bill, however, does not provide sensible, adequate funding for prevention programs. Programs that will help to ensure that kids will not turn to crime and violence and will never have to experience handcuffs slapped on their wrists or the inside of a detention center.

This bill also deeply troubles me because it will put a halt to efforts to reduce discrimination in our juvenile justice system. The bill ignores reality: we are throwing African-American kids into jails at a higher rate than white kids who commit the exact same offense. This phenomenon is called disproportionate minority confinement.

Our Nation has come a long way toward achieving racial harmony and equality, but we still have a long way to go. In nearly every state, children of minority racial and ethnic backgrounds are over-represented at every stage of the juvenile justice system and receive harsher treatment by the system. A California study has shown that black youths consistently receive harsher punishment and are more likely to receive jail time than white youths convicted of the same offenses. Current law requires states to identify disproportionate minority confinement in their states, to analyze why it exists and to develop strategies to address the causes of disproportionate minority confinement. The law does not require and has never resulted in the release of juveniles. Nor does the law provide for quotas. And no state's funding under the Juvenile Justice and Delinquency Prevention Act has ever been reduced as a result of non-compliance.

In fact, the current law has been very effective. Forty states are implementing or developing intervention plans to address disproportionate minority confinement. This bill will bring to a halt this good work conducted by the states. These states have just begun to address the disturbing reality of disproportionate minority confinement. But under this Juvenile Justice bill, the law enforcement community will no longer be required to address the problem of discriminatory treatment of minority juvenile offenders. This is outrageous.

I am outraged, and this body should be outraged, that we are punishing black kids more harshly than white kids for the exact same offenses. The debate on this issue illustrated how much more work we still need to do on civil rights. Many of my colleagues would have you believe that there is no longer a race problem in this country. I beg to differ. To those colleagues, I ask you to look around this chamber and identify for me the Senator of African descent. You cannot because there is not one. I am troubled that on this and other important civil rights issues, we do not have a member of the African-American community as one of our colleagues. I cannot help but think that our debate would have been better informed if we had the voice of an African-American Senator speaking at one of our podiums. I cannot help but think that the vote on the Wellstone-Kennedy amendment would have had a different outcome if we had the vote of an African-American Senator cast on this floor.

We have come a long way toward ridding our nation of discrimination against African Americans and other minorities. But we need to keep forging ahead for the good of our children and the future of our country. Let us not turn back the clock.

The bill also does more harm than good by shifting the burden to the child to show why he or she should be tried in a juvenile court, not as an adult. Under current law, federal judges, not prosecutors, decide whether a child will be tried as an adult after a full hearing. If the prosecutor believes that a child should be charged as an adult, the prosecutor goes to court and puts on evidence to establish why the child should be tried as an adult. This is called a "waiver" hearing. The prosecutor must show reason for the judge to waive the child into adult court.

Now, under the Juvenile Justice bill, the prosecutor would be able to charge children as young as 14 as adults if they have allegedly committed a felony. The child—not the prosecutor—would request a hearing to prove to the judge that he or should be treated as a child.

There is great wisdom in the current law. The decision to prosecute a child as an adult is a serious one that will profoundly impact that child's life and the sentence that will follow conviction. It is better to leave that decision to an impartial judge, not the prosecutor.

Finally, I must cast my vote against this bill because it creates yet another federal death penalty. The Senate unfortunately passed the Hatch-Feinstein amendment, which will allow imposition of the death penalty against persons who cause the death of another person during an act of animal enterprise terrorism. I have been, and continue to be, a strong, steadfast opponent of the death penalty. In my view, the death penalty is unconstitutional under the Eighth Amendment, which prohibits cruel and unusual punishment. And it is morally wrong for a civilized society to continue to impose this penalty. We should lock up offenders for life, but we should not take their lives.

In sum, Mr. President, I urge my colleagues to heed the advice of skilled professionals who work with our youth every day. Organizations like the Children's Defense Fund, the Youth Law Center, the National Network for Youth have expressed their serious opposition to the bill. These organizations represent the thousands of people who are conducting effective after-school programs, providing counseling to troubled youth and other necessary services to our children at risk. In other words, these organizations are the experts. The experts believe that, although the bill is much improved over last year's juvenile justice bill and corrects some problems in the original bill as it came to the floor last week, the final bill is still a regressive solution to juvenile crime.

Let us put aside our partisanship for the sake of our children's and our Nation's future. I must oppose this juvenile justice bill.

I yield the floor.

Mr. GORTON. Mr. President, Senate bill 254 does not, in my opinion, warrant passage. I will vote against the bill because it is fundamentally fraudulent. First, it wrongly assumes that Washington, DC has the answers to juvenile crime and the right to impose its will over that of state and local communities. Second, it is fraudulent because it promises billions of dollars for new programs that will not be implemented because the money is simply not available.

To hold out the false hope that the federal government can, through the passage of yet another law, offer an easy solution detracts from the important, and admittedly difficult, work that must continue in our homes, schools and communities.

As difficult as it may be for many of my colleagues to accept, the cure for the violence and disrespect for life that is prevalent in our society, particularly in our younger generations, will not be found in this body by passing another federal law. I wish it were that easy. The cure will be found after a great deal of soul-searching by our nation at all levels. Parents must re-engage in their children's lives. Schools must work harder to spot the warning signs displayed by our troubled youth and take action before tragedy occurs. And those who market gratuitous violence—whether it be through television, movies, video games or the Internet—must consider the responsibility they have to society, as well as to their bottom line. Most decisions should be made in our communities, not in the Congress. States should be allowed to experiment with a wide range of programs, not told what to do by Washington D.C.

I recognize some positive elements in this bill. The relaxation, for example, of the strict sight and sound separation requirements between juvenile and adult prisoners is a common sense change consistent with the views expressed by law enforcement officials in my state. Although I support the Ashcroft Amendment that gives local educators the flexibility to treat equally all students who bring guns to schools, the law it amends is fundamentally flawed and requires more thorough debate. I intend to have this debate later this year.

The positive elements in S. 254, however, are outweighed by the negative: the bill usurps state, local, and private sector authority, both in spirit and in practice. For example, although S. 254 makes federal juvenile adjudication and conviction records available to schools in certain circumstances, thus permitting school officials knowledge of the conceivable monstrous acts of a prospective student, it then prohibits all schools, once privy to that information, from using it in admissions decisions.

The bill makes promises we cannot keep and creates expectations we cannot meet.

S. 254 authorizes prodigious amounts of federal funds for numerous programs, and the promise of these monies has led to considerable fighting over their allocation, particularly over earmarking funds for crime prevention programs. While the debate between prevention and punishment is an important one, it is, unfortunately, also hollow in this case: it is extremely unlikely that many of the programs authorized in S. 254 will be funded at anywhere near the levels authorized, if at all.

Much to my dismay and those of other appropriators, it is unclear whether we will be able this year to meet current commitments to juvenile justice and law enforcement. In the budget he sent to Congress, the President eliminated numerous federal grant programs and gutted others. The Byrne Grants that have been put to such good use in Washington state to, among other things establish multi-jurisdictional drug task forces, were reduced by more than 20% in the President's budget. Local law enforcement block grants, for which $523 million was appropriated in 1999, and which are used for a range of law enforcement needs, from putting more officers on the streets to improving law enforcement communications systems, were eliminated entirely. Grants to states for prison construction, a $720 million program in 1999, was reduced to $75 million in the President's FY2000 budget. Put another way: our first priority ought to be funding our current crime prevention programs, rather than adding a passel of new ones we frankly cannot afford.

Regrettably, many of the philosophical and practical concerns I have with this legislation simply were not addressed during the many long days it has been on the floor because we have spent so much time debating gun amendments. I firmly believe in common sense gun safety procedures as long as they do not infringe on the Second Amendment freedoms of law abiding adults. Several times this week I voted for amendments that would help to promote gun safety or keep guns out of the hands of criminals, and just as often I voted against amendments that infringed on second amendment rights that would not effectively do this. Never, however, did I vote on an amendment that I thought would have prevented the recent tragedies in Georgia and Colorado.

And so, with regret, I cannot join my colleagues in misleading the American people in promising that through this, or any other, bill, we will make their communities and schools safe again.

Mr. ABRAHAM. Mr. President, I am pleased that my amendment to the pending Juvenile Justice bill was included in a package of amendments cleared by the managers. I would like to talk briefly about why this provision is crucial to combatting school violence.

As I am sure many of my colleagues are aware, the Holland Woods Middle School in Port Huron, Michigan, made national news this past week. Four children, the youngest of them 12 years old, were arrested for plotting to do "something worse" than the tragedy that occurred in Littleton, Colorado. Police in Port Huron believe that the plot was more than a prank. They believe the students planned to rob a gun store for the weapons needed to carry out their plan.

Here we have yet another sign, Mr. President, of the epidemic in this country of violence and fear in our schools.

All across the country, schools are experiencing bomb threats and students and teachers are beginning to fear entering the classroom. The Detroit News front page headline from yesterday summed it up: "Fear, threats invade Metro classrooms." The News went on to report that one-third of the 560 students at Holland Woods Middle School stayed home Monday, the first day of classes since police discovered the plot to massacre students there.

Mr. President, students should not fear for their lives when they enter the school building. Indeed, they have a right not to be put in this kind of fear, particularly on school grounds.

I believe we must do more to help schools deal with threats of violence. We must give schools more options to prevent the type of tragedy that occurred in Littleton and that also might have occurred in Port Huron.

Following the incident in Holland Woods Middle School, Assistant Superintendent Thomas Miller outlined the school system's response to increasing security at their schools. The school system's plan would include 24-hour security guard surveillance at all schools and a bomb-sniffing dog. Other proposed security measures could include metal detectors, the elimination of coats in classrooms and photo identification badges for pupils and teachers.

Mr. President, my provision would allow schools facing these serious security problems to access Safe and Drug Free School money to address their security needs and to truly keep their schools "safe."

In light of the growing number of violence in our schools and an increase in the number of threats, we must provide local school districts with further, effective options in combatting the proliferation of guns, explosives, and other weapons in our schools.

My provision will also help schools deal with the scourge of drugs, a scourge which not only ruins individual lives but also breeds the kinds of isolation, maladjustment and violence we have seen so often in recent years.

Currently, school districts may use funds allocated under the Safe and Drug Free Schools Act for a variety of programs aimed at reducing drug use and school violence. School districts need additional options. My amendment would allow local school districts to access funding under the Safe and Drug Free Schools Act for use in conducting locker searches for guns, explosives, other weapons, or drugs and for the drug testing of students.

Drug use constitutes a full-fledged epidemic in our schools, Mr. President. In a recent Luntz survey, three fourths of high school students said that their schools are not drug free. 41 percent reported seeing drugs sold on school grounds. And now the drug menace is moving into our middle schools. 46 percent, almost half of our middle school kids, go to schools that are not drug free.

With the explosion in drug use we also have seen a massive proliferation of guns in our schools. The Departments of Education and Justice report that 6,093 students were expelled for bringing guns to school during the 1996–97 school year alone.

This is the situation supposedly addressed by the Safe and Drug Free Schools Act. So, what is this act, written into law in 1986 and with current funding levels at $566 million, accomplishing? Tragically little, Mr. President.

Congress passed the Safe and Drug Free School Act allocating funds to fight drug use and the violence it breeds. But that money is not being spent wisely, on programs that actually succeed in reducing drug use and gun violence in our schools.

Instead, Mr. President, a report in the Los Angeles Times has found that grant money is being used to pay for questionable activities like motivational speakers, puppet shows, tickets to Disneyland, dunking booths and magic shows. Surely we can use this law for something more than what President Clinton's own drug Czar, General Barry McCaffrey, calls a program to "mail out checks."

Our children and their teachers deserve better. Indeed, Mr. President, they are demanding better. For three years running, teens in the Luntz survey have deemed drugs the most important problem they face. Most teens favor random locker searches and drug testing of all students.

And their teachers agree. Four out of five teachers favor locker searches and a zero tolerance policy on drugs. Two thirds favor at least some form of drug testing.

Mr. President, our teachers and our children have recognized the obvious: we must find those who are bringing guns and explosives into our schools if we are to stop gun and other forms of violence affecting our kids

By the same token, Mr. President, you must find those who are using and dealing drugs before you can effectively deal with the drug problem in our schools.

My amendment accepts the common sense logic expressed by our teachers and students.

My amendment does nothing to alter the availability of funds for other options in the fight against drugs and gun violence in our schools. It merely adds to the list the option of using these funds for locker searches and drug testing. It, rightly in my view, leaves the final decision on these issues to those who know the needs of their schools best—local authorities. But it adds an important option to the list from which they can choose.

I am pleased that this common sense proposal has been cleared by the managers.

I yield the floor.

Mr. LEVIN. Mr. President, with the passage of the Juvenile Justice bill today the Senate took a positive step forward in addressing the youth violence that we have sadly seen far too much of in recent weeks.

One month ago today, we watched in horror as children turned violent against other children, and we asked ourselves why? Today, again, we've seen the horror of a high school student firing a weapon at his schoolmates. There is no one cause of this youth violence, the causes are many but the common denominator in all of these school shootings cannot be ignored or denied: the easy access our young people have to guns.

If there is one silver lining in what happened at Littleton it's that this event has become a catalyst for the Senate to finally begin to overcome the disproportionate influence of the gun lobby and to close a few of the gaping loopholes in our federal gun laws which give our youth such easy access to guns.

Over the last few weeks, with the Juvenile Justice bill on the floor of the Senate, we have taken important steps to strengthen our current laws. We have passed legislation to prohibit juveniles from owning semiautomatic weapons and large capacity ammunition devices. We have banned the importation of big ammunition clips, which have been flooding into the United States by the millions. The Senate passed an amendment requiring that handguns be sold with trigger locking devices to protect children. And just this morning, the Senate, by one vote, the deciding vote cast by Vice President GORE, passed legislation to regulate the sale of firearms at guns shows, ensuring juveniles and others cannot use these shows as a convenient way to circumvent the safeguards applied to normal sales through licensed gun dealers.

Mr. President, I believe it's clear that the American people support the actions we have taken. In fact, I am hopeful that we will build on these first steps, for example, to ban semiautomatic assault weapons and handguns for persons under 21 years of age. This may be one of our most important tasks yet. According the Bureau of Alcohol, Tobacco and Firearms' Youth Crime Gun Interdiction Initiative, the two most frequent ages at which crimes are committed with gun possession are 18 and 19. In 1997, 22% of those arrested for murder were 18, 19 or 20 years old.

This legislation clearly falls short of closing all of the loopholes which allow our youth easy access to deadly weapons. However, in the wake of the tragedy at Littleton, the Senate has taken critical steps forward. This is a victory for the good sense of the American people over the entrenched interests of NRA lobbyists in Washington.

Mr. President, in addition to preventing our youth from having access to deadly weapons, we must also ensure that schools have access to proven violence prevention programs designed to meet the particular needs of the students. The bill provides $250 million in grants for projects that allow schools to partner with the U.S. Department of Justice and police officers in crime prevention; $113 million for creative onsite school violence prevention programs and alcohol nd drug counseling; and amends the Elementary and Secondary Education Act to make funds available for training in school safety and violence prevention, crisis preparedness, mentoring and anti-violence programs.

Mr. KERRY. Mr. President, the passage of this Juvenile Justice Bill represents an important step forward for those of us who have expressed concern for the safety and well-being of America's young people. I am pleased that in spite of the tensions and the controversies that have marked these past weeks in the United States Senate, we are, in the final analysis, able to come together as a Senate in support of certain principles that we know are absolutely essential if we are to reform our nation's juvenile justice policy to reflect modern life and the needs of all our children in this nation.

The aftermath of the tragic school shootings in Littleton and even the violence today in Atlanta underscored for all of us the importance of getting serious about juvenile justice. In this debate here in the Senate about juvenile justice, we heard a great deal about efforts to keep guns out of the hands of violent students, we heard about efforts to try juvenile offenders as adults, about stiffer sentences, about so many answers to the problem of kids who have run out of second and third chances—kids who are violent, kids who are committing crimes, children who are a danger to themselves and a danger to those around him. I was a prosecutor in Massachusetts before I entered elected office. I have seen these violent teenagers and young people come to court, and let me tell you, there is nothing more tragic than seeing these children who—in too many cases —have a jail cell in their future not far down the road, children who have done what is, at times, irreparable harm to their communities.

I am pleased we are passing a bill today which demonstrates we don't only begin to care about these kids at that point —after the violence, after the arrest, after the damage has been done, when it may be too late—when we could have started intervening in our kids' lives early on, before it was too late. We can say that we have had a real debate about juvenile justice because we are passing a bill that makes some critical investments in vital early childhood development efforts, but a great deal of work remains undone.

The truth is that early intervention can have a powerful effect on reducing government welfare, health, criminal justice, and education expenditures in the long run. By taking steps now we can reduce later destructive behavior such as dropping out of school, drug use, and criminal acts like the ones we have seen in Littleton and Jonesboro. We are doing that in this bill—but we should be doing far more.

A study of the High/Scope Foundation's Perry Preschool found that at-risk toddlers who received pre-schooling and a weekly home visit reduced the risk that these children would grow up to become chronic law breakers by a startling 80 percent. The Syracuse University Family Development Study showed that providing quality early-childhood programs to families until children reached age five reduces the children's risk of delinquency 10 years later by 90 percent. It is no wonder that a recent survey of police chiefs found that nine out of ten said that "America could sharply reduce crime if government invested more" in these early intervention programs.

I know it can work. I visited an incredible center, the Castle Square Early Childhood Development Center in Boston, and I saw kids getting the attention they need during the day while their parents work, children being held and read to, and cared for, children who aren't raising themselves, parents who come in and volunteer in the evening and take classes there so they can better take care of their kids when they're sick or when they need special attention. But you know what, for the sixty kids in that program, there are six hundred on a waiting list.

There is the Early Childhood Initiative in Allegheny County, PA—one of the first pilot programs in this country which gave life to the kind of legislation we're passing here today—an innovative program which helps low-income children from birth to age five become successful, productive adults by enrolling them in high quality, neighborhood-based early care and education programs ranging from Head Start, center-based child care, home-based child care, and school readiness programs. ECI draws on everything that's right about Allegheny County—the strengths of its communities—neighborhood decision-making, parent involvement, and quality measurement. Parents and community groups decide if they want to participate and they come together and develop a proposal tailored for the community. Regular review programs ensure quality programming and cost-effectiveness. We're talking about local control getting results locally: 19,000 pre-school aged children from low-income families, 10,000 of which were not enrolled in any child care or education program. By the year 2000, through funding supplied by ECI, approximately 75% of these under-served pre-schoolers will be reached. Early evaluations show that enrolled children are achieving at rates equivalent to their middle income peers. And as we know, without this leveling of the playing field, low-income children are at a greater risk of encountering the juvenile justice system. That's a real difference.

These kinds of programs are successful because children's experiences during their early years of life lay the foundation for their future development. But in too many places in this country our failure to provide young children what they need during these crucial early years has long-term consequences and costs for America.

Recent Scientific evidence conclusively demonstrates that enhancing children's physical, social, emotional, and intellectual development will result in tremendous benefits for children, families, and our nation. The electrical activity of brain cells actually changes the physical structure of the brain itself. Without a stimulating environment, the baby's brain suffers. At birth, a baby's brain contains 100 billion neurons, roughly as many nerve cells as there are stars in the Milky Way. But the wiring pattern between these neurons develops over time. Children who play very little or are rarely touched develop brains 20 to 30 percent smaller than normal for their age.

Reversing these problems later in life is far more difficult and costly. We know that—if it wasn't so much harder, we wouldn't be having this difficult debate in the Senate.

I think it is time we talked about giving our kids the right start in their lives they need to be healthy, to be successful, to mature in a way that doesn't lead to at-risk and disruptive behavior and violence down the road.

We should stop and consider what is really at stake here. Poverty seriously impairs young children's language development, math skills, IQ scores, and their later school completion. Poor young children also are at heightened risk of infant mortality, anemia, and stunted growth. Of the 12 million children under the age of 3 in the United States today, 3 million—25 percent—live in poverty. Three out of five mothers with children under three work, but one study found that 40 percent of the facilities at child care centers serving infants provided care of such poor quality as to actually jeopardize children's health, safety, or development. In more than half of the states, one out of every four children between 19 months and three years of age is not fully immunized against common childhood diseases. Children who are not immunized are more likely to contract preventable diseases, which can cause long-term harm. Children younger than three make up 27 percent of the one million children who are determined to be abused or neglected each year. Of the 1,200 children who died from abuse and neglect in 1995, 85 percent were younger than five and 45 percent were younger than one.

Unfortunately, our Government expenditure patterns have been inverse to the most important early development period for human beings. Although we know that early investment can dramatically reduce later remedial and social costs, our nation has spent no more than $35 billion over five years on federal programs for at-risk or delinquent youth and child welfare programs.

That is a course we are taking some steps to change today. We are starting to talk in a serious and a thoughtful way—through a bipartisan approach—about making a difference in the lives of our children before they're put at risk. We are starting to accept the truth that we can do a lot more to help our kids grow up healthy with promising futures in an early childhood development center, in a classroom, and in a doctor's office than we can in a courtroom or in a jail cell. But we could be doing much more.

These issues are now a part of this juvenile justice debate. But they need to be a bigger part of every debate we have about our kids' future. My colleague KIT BOND and I reintroduced yesterday our Early Childhood Development Act which we had previously introduced in the last Congress, and which had passed as part of the tobacco legislation last summer. That bill moves us forward in a bipartisan way towards a different kind of discussion about juvenile justice—and towards actions we can take to provide meaningful intervention in the lives of all of our children. I am appreciative of the deep support we've found for our approach in this legislation by Senator STEVENS, Senator JEFFORDS, Senator DODD, Senator KENNEDY and all of the cosponsors of the original Kerry Bond bill: Senator HOLLINGS, Senator JOHNSON, Senator LANDRIEU, Senator LEVIN, Senator MOYNIHAN, Senator WELLSTONE, and my colleague from New Jersey, Senator BOB TORRICELLI. I am pleased to join Senators STEVENS and KENNEDY in supporting parenting, but as we expressed in our sense-of-the-Senate amendment there is much more we need to be doing in terms of broader early childhood development efforts—we need a more comprehensive approach.

In this legislation we have taken an important step towards recognizing the importance of early childhood development programs for our children, as well as the responsibility of the Congress to make early childhood investments a priority in our budget process.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN), is necessarily absent.

Mr. REID. I announce that the Senator from South Carolina (Mr. HOLLINGS), is necessarily absent.

The result was announced—yeas 73, nays 25, as follows:

[Rollcall Vote No. 140 Leg.]

YEAS—73

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Bryan
Byrd
Chafee
Cleland
Cochran
Collins
Conrad
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Feinstein
Fitzgerald
Frist
Graham
Grams
Hagel
Harkin
Hatch
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McConnell
Mikulski
Moynihan
Murkowski
Murray
Reed
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Smith (OR)
Snowe
Specter
Stevens
Thurmond
Torricelli
Warner
Wyden

NAYS—25

Brownback
Bunning
Burns
Campbell
Coverdell
Craig
Crapo
Enzi
Feingold
Gorton
Gramm
Grassley
Gregg
Helms
Hutchinson
Hutchison
Inhofe
Nickles
Roberts
Shelby
Smith (NH)
Thomas
Thompson
Voinovich
Wellstone

NOT VOTING—2

Hollings
McCain

The bill (S. 254) was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. HATCH. I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATCH. Mr. President, I ask unanimous consent 5 minutes be given to myself and Senator LEAHY, in that order.

The PRESIDING OFFICER (Mr. HAGEL). Without objection, it is so ordered.

Mr. HATCH. Mr. President, in the past, time seemed to roll past school shootings and similar tragedies. The public was quickly distracted. Yet, Littleton was different. The need to do something about the serious problem of youth violence has always been apparent. The tragedy of a month ago gave us the ingenuity and dedication to follow through.

I have said since the outset of this debate that this issue is a complex problem and one which requires dedication and a spirit of cooperation. I felt that we needed to examine this and other acts of school violence and not single-out one politically attractive interest as a cause. In doing what's right for our children and in doing what's right for the public at large, our personal interests had to take a back seat. While I believe the cooperative spirit was lacking on occasion, I believe that the Senate has crafted a consensus product and one which I intend to support.

At the start of this debate, I along with several of my colleagues announced a comprehensive plan to respond to the problem of violent juvenile crime. Our Youth Violence Plan contains four main components:

1. Prevention and Enforcement Assistance to State and Local Government;

2. Parental Empowerment and Stemming the Influence of Cultural Violence;

3. Getting Tough on Violent Juveniles and Those Who Commit Violent Crimes with a Firearm; and

4. Providing for Safe and Secure Schools.

Each element of this plan—all of it—is included in S. 254 as amended.

I. Prevention & Enforcement Assistance to State and Local Government: The first tier of this plan involved passage of the underlying bill—S. 254, the Violent and Repeat Juvenile Offender and Accountability Act. We have provided a targeted infusion of funds to State and local authorities to combat juvenile crime. S. 254 provides over $1 billion a year to the States to fight juvenile crime and prevent juvenile delinquency. We need to reach out to young children early in life, insure that parents are empowered to do what they believe is best for their children, and take meaningful steps to give local education and enforcement officials the tools they need to hold violent juveniles accountable. S. 254 accomplishes this goal.

II. Parental Empowerment and Stemming the Influence of Cultural Violence: The second tier of our plan involved Congress taking steps to empower parents, educators and the entertainment industry to do more to limit the exposure of America's children to violence in our popular culture. We offered several amendments to the underlying bill which furthered this leg of our plan and all of them passed the Senate. For example, this bill gives parents the power to screen undesirable material from entering their homes over the Internet. We have given the entertainment industry the tools it needs to develop and enforce pre-existing ratings systems so that children are not exposed to material that the industry itself has deemed unsuitable for children. And we have established a National Commission on Youth Violence. It is time for us to hold Hollywood—and the rest of the entertainment industry—a bit more accountable.

III. Getting Tough on Violent Juveniles and Enforce Existing Law: A third tier of our plan insured that violent juveniles—teenagers who commit violent crimes—will be held accountable. Part of the solution is to insure that when a teenager brings a gun to school, he or she is held accountable by school authorities and the criminal justice system. We take care of this in the bill. We also extend the Youth Handgun Safety Act to semi-automatic assault rifles. The bill before the Senate contains reforms like the juvenile Brady provision—a measure which will prohibit firearms possession by violent juvenile offenders. We increase penalties for transferring a gun to a minor and other corrupting acts.

Most importantly, we respond to the biggest of gun law loopholes—the Clinton Administration's failure to enforce the gun laws already on the books. We insure that the Department of Justice will fulfill its obligation to enforce the law. Prosecuting violent gun offenders will be made a priority for this Administration whether they like it or not.

IV. Safe and Secure Schools: The fourth element of our plan revolves around the basic right that all students share—the right to receive the quality education they deserve. Our teachers and students need to know that their school is safe and that, should they take action to deal with a violent student, the teacher will be protected. Our bill promotes safe and secure schools, free of undue disruption and violence, so that our teachers can teach and our children can learn. We provide greater flexibility to local communities in how they use federal education funds. We also provide teachers with limited civil liability protection should they take action to remove a problem child from school.

These are just some of the many, many reforms contained in this bill. There has been a sense among many Americans that we are powerless to reverse the trend of violence. People believe we are powerless to deal with violent juvenile crime and that we are powerless to change our culture. It is this feeling of powerlessness which threatened our collective ambition for meaningful, penetrating solutions in the wake of the Littleton tragedy. I believe the Senate has taken a meaningful step towards shedding this defeatism.

Do I agree with everything in this bill? No. For example, I oppose to the gun show regulatory and taxing amendment. But addressing this gun show issue has been evolutionary. Both sides have moved on this and—perhaps—we can find common ground as the bill moves through the House and conference.

Given the seriousness of our youth violence problem—and the number of warning signs that tragedies will continue unless all of us come together—we must move forward. We should join together and pass this bill.

Finally, in closing I want to end this debate with a reminder. We have been on this bill for two weeks talking about violent juvenile crime, about the events in Littleton, about kids who use guns, and about kids influenced by violence in the media. Unfortunately, all of that is very true.

But let us not lose sight of the fact that there are millions of kids in this country, hundreds of thousands in Utah, who are really good young people. We give a lot of attention and this bill focuses even more of it on young people who get into trouble with the law. Let's not forget that about the kids who fly straight. As we wrap up consideration of this bill, let's thank the millions of young people across this land that work hard, study long hours, respect and love their parents and friends, and care for others around them.

Mr. President, I would like added as cosponsors of this bill and have their names appear as cosponsors immediately following my name: Senator LEAHY, Senator SESSIONS, Senator BIDEN and Senator FEINSTEIN. I am very proud to be able to be the prime sponsor with these wonderful cosponsors.

Senator BIDEN was one of the first cosponsors on this bill. I am more than pleased that my ranking member, Senator LEAHY is a cosponsor and a prime cosponsor.

S. 254 is a testament to those who worked on it and a product which, on the whole, will help our young people and do something significant about the problems of juvenile crime.

I want to thank a few of the people who have worked on this bill. Let me first acknowledge the Majority Leader who worked with me to keep this bill alive. Given the demanding Senate schedule, it would have been easier for him to have refused to take up the bill or pull it down. We have a bill passing the Senate because he wanted to do what's right.

Let me also acknowledge Ranking Member, Senator LEAHY. He and I reached agreement on this important bill after much discussion and he ably managed the bill for his side of the aisle.

I also want to commend Senator SESSIONS—the Chairman of the Youth Violence Subcommittee. S. 254 became the vehicle for quite of bit of politically charged legislation but it was Senator SESSIONS who stayed on me for more than two years and who never lost sight of the need to make the juvenile justice reforms we make in the underlying bill.

Also, let me commend Senator BIDEN who came on this bill as a cosponsor when others were unwilling. A leader on crime control issues, he was instrumental in setting a cooperative tone which helped get this bill moving.

Senator ALLARD, Senator CRAIG, Senator BROWNBACK, and Senator ASHCROFT are to be commended for their leadership and counsel. Senator FEINSTEIN should be applauded for her cooperation. There are many others but I will end it there.

At the staff level, I want to commend several people.

First, on the Judiciary Committee staff, let me acknowledge a few people who have worked very hard on this bill. Committee Counsels Rhett Dehart and Mike Kennedy are to be commended for their lead work on this important bill. When others were skeptical about its prospects they were there to make the substantive case for moving this bill. They worked very hard, for several years, to get this bill introduced, reported, and passed. This bill's passage is a testament to their tireless efforts.

In addition, I want to acknowledge and thank Kristi Lee, the Chief Counsel of the Youth Violence subcommittee for her work.

I also want to commend a few others on the Committee Staff: Sharon Prost, Anna Cabral, Ed Haden, Craig Wolf, Catherine Campbell, David Muhlhausen, Leah Belaire, Makan Delrahim, Jeanne Lopatto, Alison Vinson, Joelle Scott, Elle Parker, Krista Redd, and Luke Austin. They all worked around the clock on this bill. The amount of preparation that goes into these bills is significant and they were given little time to prepare for the floor. They are a great staff and I thank them for their efforts. Thanks as well should be given to the Committee's Chief Counsel and Staff Director, Manus Cooney. He is one of the finest staff directors in the committee's history.

On Senator LEAHY's committee staff I want to acknowledge the Minority Chief Counsel—Bruce Cohen for his cooperative efforts and leadership. Beryl Howell, Senator LEAHY's General Counsel should also be commended for her substantive work on the underlying Hatch-Leahy substitute and managers' package. Ed Barron is a true gentleman and an able lawyer.

Let me also acknowledge the Youth Violence Subcommittee's Minority Chief Counsel, Sheryl Walter and Glen Shor with the Criminal Justice Overight Subcommittee.

Others I would be remiss in not mentioning include:

Dave Hoppe, Robert Wilkie, and Jim Hecht of the Majority Leader's staff;

Stewart Verdery and Eric Euland of the Whip's office;

Ken Foss, Candi Wolff, and Jade West of the Policy Committee;

Mike Bennett, Karen Knutson, Kris Ardizzone, David Crane, and Paul Clement.

Let me acknowledge the hard work of Mary Kay MacMillan, Tony Coe, Bill Jensen, and Tim Trushel of the Senate Legislative Counsel's office, who all put in extraordinary effort in preparing this bill and many amendments.

And finally, I would be remiss if I did not express thanks to our wonderful floor and cloakroom staff: Elizabeth Letchworth, Dave Schiappa, Tripp Baird, Malloy McDaniel, Marshall Hiton, Dan Dukes, Laura Martin, and Myra Baron. These folks keep things running during our hectic debates, and we appreciate them.

I am very grateful to finally have this ordeal over. It has been a very, very difficult bill, as all of these crime bills usually are. I think if anybody tries to make this just a gun bill, they have missed the point of what we have accomplished here.

Sure, there have been some amendments on guns that are very crucial and very important in the eyes of many people on the floor, but this bill is so much more—ranging from accountability, calling on youth to be responsible for their actions, to prevention moneys. For the first time in years, we have balanced prevention and accountability and law enforcement. The law enforcement aspect will help bring the law down on violent juveniles and others who aid them in committing these crimes. We have made real inroads and we have taken a number of very important steps with regard to changing the culture of violence in our society. That is important. Yes, we faced some tough amendments on guns. I don't like all of the results on this bill. But the fact of the matter is, they were votes, they were voted up and down, the Senate has spoken, and we need to recognize that for what it is.

At this point I again express my appreciation to my friend, Senator LEAHY, for the patience he has had with me, the patience he has had on the floor, the assistance he has been. It has been a real privilege to work for him. I respect and admire him and hope to do a lot of constructive things with him in the future.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank the distinguished senior Senator from Utah for his kind remarks. We have worked very closely together on this. We have seen a bill go through a major evolution on the floor. Frankly, that is what the Senate should do in working its will through a bill. But I must say to my friend from Utah, I do not think that would have been possible if he and I had not been able to work together, if we had not been in constant contact, day by day, hour by hour and, perhaps to his regret at times, minute by minute.

I once said Senators are merely constitutional impediments to their staff—maybe I said it more than once. If we had not had superb staffs working on this, I do not know what we could have done.

We had Senators who came together, even though they normally seem politically far apart. The distinguished Senator from Alabama, Senator SESSIONS, an original cosponsor of this bill; the distinguished Senator from Delaware, Senator BIDEN; myself and Senator HATCH—coming together, bringing so many other Senators together.

One need only look at the major managers' package we passed. I say to my friend from Utah, I think when we introduced our managers' amendment that, as much as anything, broke the logjam and made passage of this bill possible. We tried to accommodate many Senators on both sides of the aisle who had legitimate matter of concern. In that process we came together to shape a bill. The managers' amendment agreement was more than just saying what is good for one Senator or another Senator. This is a juvenile justice bill and the managers' amendment helped shape the contours of that collective product.

As a parent, I think back to the time when my children were going to school. I thought what a happy and wonderful time in their life it was. I knew it was one place where they were safe. We did not have to worry about anything more than, did they study enough for their geometry test or history test or did they get their English assignment in on time? The worst injury you might worry about was if somebody in the playground was to slip and fall and bruise an arm or a leg.

Parents should not have to worry about their children going to school. But even today as we debated this—as we talked about Columbine, where the President and the First Lady were traveling today—we saw, again, on the TV, pictures of another school shooting by another juvenile in Georgia, leaving children injured and being flown to a hospital. Every parent in this country is reminded, again, that often today our children are not safe, even when we send them off to a place where they should be. That is not the way it should be.

We have worked tirelessly on this bill. I think it is a better bill than when it began. The intentions were always the same: To make sure our juveniles are safe, our people are safe, that we choose the right course for juveniles when they do commit crimes.

The Senate has improved this bill. It is more comprehensive and more respectful of the core protections in the Federal juvenile legislation that served us well in past decades. It is more respectful of the primary role of the States in prosecuting these matters. We do recognize that no legislation is perfect, legislation alone is not enough to stop youth violence.

I hope parents, teachers, and juveniles themselves will stop and say: Can we not do better? Can we not have time together? Can we not love our children as we should? Can we not love each other as we should? Can we not look at some of the principles I knew so well when I was growing up, given to me by my parents, principles I hope my wife and I passed on to our children?

Can we not go to those basic principles and understand, even in a country of a quarter of a billion people, that we do not need the violence we see in this country?

It is not just a question of gun control. It is not just a question of more courts or more police. It is not just a question of more laws. But it is a question of, what do we want to be as a nation? We are blessed in this nation. We are the most powerful, wealthiest nation history has ever known. We live better than anybody ever could have imagined. We have so much going for us. Should not we stop and say, when it comes to our children, the most precious resource we have, that we must do all that we can to protect them and nurture them and teach them to be responsible?

Since we began consideration of this important legislation last week, we have gotten both good news and bad news on the crime front. We got the good news at the beginning of this week when the FBI released the latest crime rate statistics showing a decline in serious crime for the seventh consecutive year. Preliminary reports indicate that the rate of serious violent and property crime in this country went down another 7 percent in 1998, with robbery down 11 percent, murders down 8 percent, car thefts down 10 percent, and declines in other crime categories as well.

But we are all acutely aware that we also got bad news today. Yet another school shooting by a juvenile—this time in Georgia—with children injured and being flown to hospitals. Every parent in this country is reminded again that our children are not safe, even when we send them off to a place where they should be. The only thing parents should have to worry about when they wave good-bye to their children in the morning is whether their child remembered his or her homework and lunch money. They should not have to worry about whether they will get shot.

The growing list of schoolyard shootings by children in Arkansas, Washington, Oregon, Tennessee, California, Pennsylvania, Kentucky, Mississippi, last month in Littleton, Colorado, and today in Georgia, is simply unacceptable and intolerable.

Each one of us wants to do something to stop this violence. We have before us a bill that reflects hard work and committed effort on both sides of the aisle to address the juvenile crime problem. Senator HATCH and Senator SESSIONS have worked tirelessly for several years now to make a difference. While we have strongly disagreed in the past on the right approach to juvenile crime, I have always respected their good intentions. I am glad that this year we have continued the progress we made in the last Congress to find common ground on this important legislation.

In light of the significant improvements we have been able to make to the bill here on the Senate floor over the last eight days, the bill is a better, stronger and better balanced bill. It is more comprehensive and more respectful of the core protections in federal juvenile justice legislation that have served us so well over the last three decades. At the same time it is more respectful of the primary role of the states in prosecuting these matters. I greatly appreciate the Chairman of the Judiciary Committee adding me as a principal cosponsor of our bill.

I recognize, as we all do, that no legislation is perfect and that legislation alone is not enough to stop youth violence. We can pass an assortment of new laws and still turn on the news to find out that some child somewhere in the country has turned violent and turned on other children and teachers, with a gun or other weapon, with terrible results.

All of us—whether we are parents, grandparents, teachers, psychologists, or policy-makers—are puzzling over the causes of kids turning violent in our country. The root causes are likely multi-faceted. We can all point to inadequate parental involvement or supervision, over-crowded classrooms and over-sized schools that add to students' alienation, the easy accessibility of guns, the violence depicted on television, in movies and video games, or inappropriate content available on the Internet. There is no single cause and no single legislative solution that will cure the ill of youth violence in our schools or in our streets. Nevertheless, this legislation is a firm and significant step in the right direction.

I have said before that a good proposal that works should get the support of all of us. Our first question should be whether a program or proposal will help our children effectively, not whether it is a Democratic or Republican proposal. The Managers' amendment and package of amendments that the Chairman and I were able to put together for adoption yesterday reflects that philosophy. It shows that when this body rolls up its sleeves and gets to work, we can make significant progress. I commend the Chairman for his leadership in this effort and I am glad we were able to work together constructively to improve this bill.

This bill, S. 254, started out as a much-improved bill from the one reported by the Judiciary Committee in the last Congress. In fact, as I looked through this bill I was pleasantly surprised to see that proposals that the Republicans on the Judiciary Committee specifically voted down in 1997 were incorporated at the outset into this bill. These are changes that I and other Democrats have been urging on our Republican colleagues for the past few years, and that they have resisted until they quietly incorporated them into this bill.

Federalism. For example, I tried in July 1997 to amend S. 10 to protect the State's traditional prerogative in handling juvenile offenders and avoid the unnecessary federalization of juvenile crime that so concerns the Chief Justice and the Federal judiciary. Specifically, my 1997 amendment would have limited the federal trial as an adult of juveniles charged with nonviolent felonies to circumstances when the State is unwilling or unable to exercise jurisdiction. This amendment was defeated, with all the Republicans voting against it.

This bill, S. 254, contained a new provision designed to address these federalism concerns that would direct federal prosecutors to "exercise a presumption in favor of referral" of juvenile cases to the appropriate State or tribal authorities, where there is "concurrent jurisdiction," unless the State declines jurisdiction and there is a substantial federal interest in the case. Yet, concerns remained that this bill would undermine a State's traditionally prerogative to handle juvenile offenders.

The changes we make to the underlying bill in the Hatch-Leahy Managers' amendment satisfy my concerns. For example, S. 254 as introduced would repeal the very first section of the Federal Criminal Code dealing with "Correction of Youthful Offenders." This is the section that establishes a clear presumption that the States—not the federal government—should handle most juvenile offenders [18 U.S.C. section 5001]. While the original S. 254 would repeal that provision, the Managers' amendment retains it in slightly modified form.

In addition, the original S. 254 would require Federal prosecutors to refer most juvenile cases to the State in cases of "concurrent jurisdiction . . . over both the offense and the juvenile." This language created a recipe for sharp lawyering. Federal prosecutors could avoid referral by simply claiming there was no "concurrent" jurisdiction over the "offense" due to linguistic or other differences between the federal and state crimes. Even if the juvenile's conduct violated both Federal and State law, any difference in how those criminal laws were written could be used to argue they were different offenses altogether. This was a huge loophole that could have allowed federal prosecutors to end-run the presumption of referral to the State.

We fix this in the Managers' Amendment, and clarify that whenever the federal government or the State have criminal laws that punish the same conduct and both have jurisdiction over the juvenile, federal prosecutors should refer the juvenile to the State in most instances.

Finally, I was concerned that, contrary to current law, a federal prosecutor's decision to proceed against a juvenile in federal court would not be subject to any judicial review. The Managers' Amendment would permit such judicial review, except in cases involving serious violent or serious drug offenses.

Federal Trial of Juveniles as Adults. Another area of concern has been the ease with which S. 254 would allow federal prosecutors to prosecute juveniles 14 years and older as adults for any felony. While I have long favored simplifying and streamlining current federal procedures for trying juveniles, I believe that judicial review is an important check in the system, particularly when you are dealing with children.

This bill, S. 254, included a "reverse waiver" proposal allowing for judicial review of most cases in which a juvenile is charged as an adult in federal court. I had suggested a similar proposal in July 1997, when I tried to amend S. 10 before the Judiciary Committee to permit limited judicial review of a federal prosecutor's decision to try certain juveniles as adults. S. 10 granted sole, non-reviewable authority to federal prosecutors to try juveniles as adults for any federal felony, removing federal judges from that decision altogether. My 1997 amendment would have granted federal judges authority in appropriate cases to review a prosecutor's decision and to handle the juvenile case in a delinquency proceeding rather than try the juvenile as an adult.

Only three States in the country granted prosecutors the extraordinary authority over juvenile cases that S. 10 proposed, including Florida. Earlier this year, we saw the consequences of that kind of authority, when a local prosecutor in that State charged as an adult a 15-year-old mildly retarded boy with no prior record who stole $2 from a school classmate to buy lunch. The local prosecutor charged him as an adult and locked him up in an adult jail for weeks before national press coverage forced a review of the charging decision in the case.

This was not the kind of incident I wanted happening on the federal level. Unfortunately, my proposal for a "reverse waiver" procedure providing judicial review of a prosecutor's decision was voted down in Committee, with no Republican on the Committee voting for it.

I was pleased that S. 254 contained a "reverse waiver" provision, despite the Committee's rejection of this proposal two years ago. Though made belated, this was a welcome change in the bill. The Managers' amendment makes important improvements to that provision.

First, S. 254 gives a juvenile defendant only 20 days to file a reverse waiver motion after the date of the juvenile's first appearance. This time is too short, and could lapse before the juvenile is indicted and is aware of the actual charges. The Managers' amendment extends the time to make a reverse waiver motion to 30 days, which begins at the time the juvenile defendant appears to answer an indictment.

Second, S. 254 requires the juvenile defendant to show by "clear and convincing" evidence that he or she should be tried as a juvenile rather than an adult. This is a very difficult standard to meet, particularly under strict time limits. Thus, the Managers' amendment changes this standard to a "preponderance" of the evidence.

Juvenile Records. As initially introduced, S. 254 would require juvenile criminal records for any federal offense, no matter how petty, to be sent to the FBI. This criminal record would haunt the juvenile as he grew into an adult, with no possibility of expungement from the FBI's database.

The Managers' amendment makes important changes to this record requirement. The juvenile records sent to the FBI will be limited to acts that would be felonies if committed by an adult. In addition, under the Managers' amendment, a juvenile would be able after 5 years to petition the court to have the criminal record removed from the FBI database, if the juvenile can show by clear and convincing evidence that he or she is no longer a danger to the community. Expungement of records from the FBI's database does not apply to juveniles convicted of rape, murder or certain other serious felonies.

Increasing Witness Tampering Penalties. This bill, S. 254, also contains a provision to increase penalties for witness tampering that I first suggested and included in the "Youth Violence, Crime and Drug Abuse Control Act of 1997," S. 15, which was introduced in the first weeks of the 105th Congress, at the end of the last Congress in the "Safe Schools, Safe Streets and Secure Borders Act of 1998," S. 2484, and again in S. 9, the comprehensive package of crime proposals introduced with Senator DASCHLE at the beginning of this Congress. This provision would increase the penalty for using or threatening physical force against any person with intent to tamper with a witness, victim or informant from a maximum of ten to twenty years' imprisonment. In addition, the provision adds a conspiracy penalty for obstruction of justice offenses involving witnesses, victims and informants.

I have long been concerned about the undermining of our criminal justice system by criminal efforts to threaten or harm witnesses, victims and informants, to stop them from cooperating with and providing assistance to law enforcement. I tried to include this provision, along with several other law enforcement initiatives, by amendment to S. 10 during Committee mark-up on July 11, 1997, but this amendment was voted down by all the Republicans on the Committee. At the end of the mark-up, however, this witness tampering provision was quietly accepted to S. 10 and I am pleased that it is also included in S. 254.

Eligibility Requirements for Accountability Block Grant. This bill, S. 254, substantially relaxes the eligibility requirements for the new juvenile accountability block grant. By contrast, S. 10 in the last Congress would have required States to comply with a host of new federal mandates to qualify for the first cent of grant money, such as permitting juveniles 14 years and older to be prosecuted as adults for violent felonies, establishing graduated sanctions for juvenile offenders, implementing drug testing programs for juveniles upon arrest, and nine new juvenile record-keeping requirements. These record-keeping mandates would have required, for example, that States fingerprint and photograph juveniles arrested for any felony act and send those records to the FBI, plus make all juvenile delinquency records available to law enforcement agencies and to schools, including colleges and universities. We could find no State that would have qualified for this grant money without agreeing to change their laws in some fashion to satisfy the twelve new mandates.

In 1997, I tried to get the Judiciary Committee to relax the new juvenile record-keeping mandates under the accountability grant program during the mark-up of S. 10. My 1997 amendment would have limited the record-keeping requirements to crimes of violence or felony acts committed by juveniles, rather than to all juvenile offenses no matter how petty. But my amendment was voted down on July 23, 1997, by the Republicans on the Committee. Finally, two years later, S. 254 reflects the criticism I and others Democrats on the Judiciary Committee leveled at the strict eligibility and record-keeping requirements in S. 10.

Indeed, the Senate decisively rejected this approach when it defeated an amendment by a Republican Senator that would have revived those straight-jacket eligibility requirements. Specifically, his amendment would have required States to try as adults juveniles 14 years or older who committed certain crimes. As I pointed out during floor debate on this amendment, only two States would have qualified for grant funds unless they agreed to change their laws.

Moreover, the current bill removes the record-keeping requirements altogether from the Juvenile Accountability Block Grant. Instead, S. 254 sets up an entirely new Juvenile Criminal History Block Grant, funded at $75 million per year. To qualify for a criminal history grant, States would have to promise within three years to keep fingerprint supported records of delinquency adjudications of juveniles who committed a felony act. No more photographs required. No more records of mere arrests required. No more dissemination of petty juvenile offense records to schools required. Instead, only juvenile delinquency adjudications for murder, armed robbery, rape or sexual molestation must be disseminated in the same manner as adult records; other juvenile delinquency adjudications records may only be used for criminal justice purposes. These limitations are welcome changes to the burdensome, over-broad record-keeping requirements in the prior version of the Republican juvenile crime bill.

The eligibility requirements for the Juvenile Accountability Block Grant now number only three, including that the State have in place a policy of drug testing for appropriate categories of juveniles upon arrest.

Core Protections for Children. Much of the debate over reforming our juvenile justice system has focused on how we treat juvenile offenders who are held in State custody. Republican efforts to roll back protections for children in custody failed in the last Congress. These protections were originally put in place when Congress enacted the Juvenile Justice and Delinquency Prevention Act of 1974 to create a formula grant program for States to improve their juvenile justice systems. This Act addressed the horrific conditions in which children were being detained by State authorities in close proximity to adult inmates—conditions that too often resulted in tragic assaults, rapes and suicides of children.

As the JJDPA has evolved, four core protections have been adopted—and are working—to protect children from adult inmates and to ensure development of alternative placements to adult jails. These four core protections for juvenile delinquents are:

Separation of juvenile offenders from adult inmates in custody (known as sight and sound separation);

Removal of juveniles from adult jails or lockups, with a 24-hour exception in rural areas and other exceptions for travel and weather related conditions;

Deinstitutionalizaton of status offenders; and to study and direct prevention efforts toward reducing the disproportionate confinement of minority youth in the juvenile justice system.

Over strong objection by most of the Democrats on the Judiciary Committee in the last Congress, S. 10 eliminated three of the four core protections and substantially weakened the "sight and sound" separation standard for juveniles in State custody. At the same time the Committee appeared to acknowledge the wisdom and necessity of such requirements when it adopted an amendment requiring separation of juveniles and adult inmates in Federal custody.

This bill, S. 254, as introduced was an improvement over S. 10 in its retention of modified versions of three out of the four core protections. Specifically, S. 254 included the sight and sound standard for juveniles in Federal custody reflected in a 1997 amendment to S. 10. The same standard is used to apply to juveniles delinquents in State custody.

Legitimate concerns were raised that the prohibition on physical contact in S. 254 would still allow supervised proximity between juveniles and adult inmates that is "brief and incidental or accidental," since this could be interpreted to allow routine and regular—though brief—exposure of children to adult inmates. For example, guards could routinely escort children past open adult cells multiple times a day on their way to a dining area.

The Hatch-Leahy Managers' amendment makes significant progress on the "sight and sound separation" protection and the "jail removal" protection. Specifically, our Managers' amendment makes clear that when parents in rural areas give their consent to have their children detained in adult jails after an arrest, the parents may revoke their consent at any time. In addition, the judge who approves the juvenile's detention must determine it is in the best interests of the juvenile, and may review that detention—as the judge must periodically—in the presence of the juvenile.

The Managers' amendment also clarifies that juvenile offenders in rural areas may be detained in an adult jail for up to 48 hours while awaiting a court appearance, but only when no alternative facilities are available and appropriate juvenile facilities are too far away to make the court appearance or travel is unsafe to undertake.

The Hatch-Leahy Managers' amendment also significantly improves the sight and sound separation requirement for juvenile offenders in both Federal and State custody. The amendment incorporates the guidance in current regulations for keeping juveniles separated from adult prisoners. Specifically, the Managers' amendment would require separation of juveniles and adult inmates and excuse only "brief and inadvertent or accidental" proximity in non-residential areas, which may include dining, recreational, educational, vocational, health care, entry areas, and passageways.

I am pleased we were able to make this progress. I appreciate that a number of Members remain seriously concerned, as do I, about how S. 254 changes the disproportionate minority confinement protection in current law. This bill, S. 254, removes any reference to minorities and requires only that efforts be made to reduce over-representation of any segment of the population. I am disappointed that Senators WELLSTONE and KENNEDY's amendment to restore this protection did not succeed yesterday, but will continue to fight in conference to restore this protection.

Prevention. S. 254 includes a $200 million per year Juvenile Delinquency Prevention Challenge Grant to fund both primary prevention and intervention uses after juveniles have had contact with the juvenile justice system. I and a number of other members were concerned that in the competition for grant dollars, the primary prevention uses would lose out to intervention uses in crucial decisions on how this grant money would be spent. With the help of Senator KOHL, we have included in the Hatch-Leahy Managers' amendment a clear earmark that eighty percent of the money, or $160 million per year if the program is fully funded, is to be used for primary prevention uses and the other twenty percent is to be used for intervention uses. Together with the 25 percent earmark, or about $112 million per year if that program is fully funded, for primary prevention in the Juvenile Accountability Block Grant that was passed by the Senate in the Hatch-Biden-Sessions amendment, this bill now reflects a substantial amount of solid funding for primary prevention uses.

Prosecutors' Grants. I expressed some concern when the Senate passed the Hatch-Biden-Sessions amendment authorizing $50 million per year for prosecutors and different kinds of assistance to prosecutors to speed up prosecution of juvenile offenders. I pointed out that this amendment did not authorize any additional money for judges, public defenders, counselors, or corrections officers. The consequence would be to only exacerbate the backlog in juvenile justice systems rather than helping it.

The Managers' amendment fixes that by authorizing $50 million per year in grants to State juvenile court systems to be used for increased resources to State juvenile court judges, juvenile prosecutors, juvenile public defenders, and other juvenile court system personnel.

Sense of Senate. I mentioned before that S. 254 includes a Sense of the Senate resolution urging States to try juveniles 10 to 14 years old as adults for crimes, such as murder, that would carry the death penalty if committed by an adult—the resolution does not urge the death penalty for such children. While Vermont is probably one of the few States that expressly allows for the trial of juveniles 10 years and older as adults for certain crimes, I do not believe that this is a matter on which the Senate must or should opine. The Managers' amendment correctly deletes that Sense of the Senate from the bill.

State Advisory Groups. S. 254 incorporates changes I recommended to S. 10 in the last Congress to ensure the continued existence and role of State Advisory Groups, or SAGs, in the development of State plans for addressing juvenile crime and delinquency, and the use of grant funds under the JJDPA. As originally introduced, S. 10 had abolished the role of SAGs. The Judiciary Committee in 1997 adopted my amendment to preserve SAGs and require representation from a broad range of juvenile justice experts from both the public and private sectors.

While, as introduced, S. 254 preserved SAGs, it eliminated the requirement in current law that gives SAGs the opportunity to review and comment on a grant award to allow these experts to provide input on how best to spend the money. In addition, while the bill authorizes the use of grant funds to support the SAG, the bill does require States to commit any funds to ensure these groups can function effectively. I am pleased that the Chairman and I were able to accept an amendment sponsored by Senators KERREY, ROBERTS, and others, to ensure appropriate funding of SAGs at the State level and to support their annual meetings.

Protecting Children From Guns. Significantly, we have amended this bill with important gun control measures that we all hope will help make this country safer for our children. The bill as now been amended: bans the transfer to and possession by juveniles of assault weapons and high capacity ammunition clips; increases criminal penalties for transfers of handguns, assault weapons, and high capacity ammunition clips to juveniles; bans prospective gun sales to juveniles with violent crime records; expands the youth crime gun interdiction initiative to up to 250 cities by 2003 for tracing of guns used in youth crime; and increases federal resources dedicated to enforcement of firearms laws by $50 million a year. These common-sense initiatives were first included in the comprehensive Leahy law enforcement amendment that was tabled by the majority, but were later included in successful amendments sponsored by Republican Senators. No matter how these provisions were finally included in the bill, they will help keep guns out of hands of children and criminals, while protecting the rights of law abiding adults to use firearms.

In addition, through the efforts of Senators LAUTENBERG, SCHUMER, KERREY and others, we were able to require background checks for all firearm purchases at all gun shows. After three Republican amendments failed to close the gun show loophole in the Brady law, and, in fact, created many new loopholes in the law, we finally prevailed. With the help of Vice President GORE's tie-breaking vote, a majority in the U.S. Senate stood up to the gun lobby and did the right thing. This is real progress. Conclusion.

I said at the outset of the debate on this bill that I would like nothing better than to pass responsible and effective juvenile justice legislation. I want to pass juvenile justice legislation that will be helpful to the youngest citizens in this country—not harm them. I want to pass juvenile justice legislation that assists States and local governments in handling juvenile offenders—not impose a "one-size-fits-all" Washington solution on them. I want to prevent juveniles from committing crimes, and not just narrowly focus on punishing children. I want to keep children who may harm others away from guns. This bill would make important contributions in each of these areas, and I am pleased to support its passage.

I thank the Republican manager of this important measure for his work and dedication to this effort. I commend the Minority Leader and the Minority Whip for their assistance and attention to this debate. There would not be a juvenile justice bill without them. I thank Senator KENNEDY, Senator SCHUMER, Senator KOHL and all the Democratic Members of the Judiciary Committee for helping manage this effort. Senators BINGAMAN, ROBB, BOXER, WELLSTONE and LAUTENBERG should also be singled out for their consistent efforts to improve this bill. And I would like to thank the staff of the Senate Judiciary Committee, Republican and Democrat, including Manus Cooney, Sharon Prost, Rhett DeHart, Michael Kennedy and Anna Cabral from Chairman HATCH's staff and Bruce Cohen, Beryl Howell, Ed Pagano, Ed Barron, J.P. Dowd, Julie Katzman and Michael Carrasco from my own. In addition Michael Myers, Stephaine Robinson, Melody Barnes and Angela Williams from Senator KENNEDY's staff and Sheryl Walter, Jon Leibowitz, Brian Lee, Neil Quinter, David Hantman, Bob Schiff, Jennifer Leach and Glen Shor, Sander Lurie and Tony Orza were exceptional in staffing these matters. I thank them all for their dedication and public service.

I thank Senators on both side of the aisle who worked with us, but I want to congratulate the distinguished chairman and thank him for his help.

Mr. HATCH. I likewise congratulate the ranking member.

Mr. President, I ask 5 minutes be accorded to the subcommittee chairman of the Judiciary Committee who did more than any other single person to bring the good parts of this bill to the floor. He deserves a lot of recognition. This is his first term in the Senate. To have such a significant role on a bill of this magnitude I think is a great star in Senator SESSIONS' crown. I certainly recognize that and tell him what a pleasure it has been to work with him and with his staff in doing this.

Let me just add one last thing. The Senator is right, the Senator from Vermont. We are here trying to save our children. We are here trying to make this a better world for them. We are here trying to make it clear to people in this country there is such a thing as discipline and we have to abide by certain rules in society. This bill will help a lot of young kids out there to realize there are rules and they are worthy rules; if they will abide by them, we will continue to have a great society for the next 200-plus years. To the extent this bill has come through, as extensive and good as it is, we owe a lot to the Senator from Georgia.

I want to end this debate with a reminder. We have been on this bill for 2 weeks talking about violent juvenile crime, about the events in Littleton, about kids who use guns and about kids influenced by violence in the media. Unfortunately for all of us, that is true. But let us not lose sight of the millions of kids in this country, hundreds of thousands in Utah, who are really good young people.

We give a lot of attention, and the bill focuses even more, on young people who get into trouble with the law. Let us not forget that about the kids who fly straight. As we wrap up consideration of this bill, let's thank the millions of young people across this land who work hard, study long hours, respect and love their parents and friends, and care for others around them. There are millions and millions of good kids in this country. What we are trying to make sure is the kids who were led astray, the kids who we think may not be so good, they are going to get a break—or at least they are going to understand what the law is with regard to violence. This bill, I think, will go a long way to solving these problems.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the Senator from Utah, who is a master legislator, who took this bill through storms none of us expected would occur. This was an emotional time in America. It has generated an awful lot of amendments and ideas, some of which are good and some of which I frankly think are not healthy.

I believe we need to focus on prosecuting criminals who use guns. It always galled me as a former Federal prosecutor myself that here this administration blamed the Congress for not passing more laws when their own Department of Justice had allowed prosecutions of gun cases to drop 40 percent. You wonder why we are passing laws if they are not using them.

Those were some of the matters that came up. My vision for this bill from the beginning was to create a Federal program to assist the local juvenile justice systems in America. We put money where these judges and prosecutors and probation officers are overwhelmed by the huge crush of juvenile cases. We have increased funding dramatically for adult programs for crimefighting but we have not done the same for juveniles. Those juveniles, then, come on and become adult criminals.

I hope everybody in America who cares about what is happening will ask how their juvenile court system is doing. Does the judge in their town have an option when a child is arrested to send them to prison, detention, boot camp, alternative schools, drug treatment, mental health, family counseling? Can the judge impose that? Can he impose a probation order and then have the resources to make sure that youngster is at home at night at 7 like he ordered, or do we do like most courts in America, because they do not have enough resources, so orders are written but nobody enforces them?

If we love these children, if we care about these children, when they are arrested, we will drug test them, because if they are using drugs, they are going to continue in the life of crime. Sixty-seven to 70 percent of the people in America who are arrested for a felony test positive for an illegal drug. It is an accelerant to crime. This legislation does that kind of thing.

It provides money for drug testing. It provides money for recordkeeping. We hope every juvenile court system in America will input criminal history records into the Federal NCIC, National Crime Information Center, that the FBI manages. They want these records because these children move around and some of them are very violent. Those records need to be maintained. This bill provides for that.

It provides for research on which programs are working. Many of them are not successful, according to the Department of Justice, and we need to make sure these prevention programs are working well. It provides for research for that.

I am of a belief that this legislation—and it can use some work in conference, and I know Senator HATCH and others will try to improve it—can help us create a better juvenile justice system so we can intervene effectively at the first arrest. We can make that youngster's first brush with the law their last because we deal with them seriously and not as a revolving door.

Sometimes we have to use some form of detention because some of these kids just will not mind otherwise. We know that. They have multiple arrests.

I believe we have made some progress. I am honored to have worked with Senator LEAHY, Senator BIDEN, and certainly Senator HATCH, the chairman of our committee. He is an outstanding legislator, a man of integrity and principle, and an outstanding constitutional lawyer who cares about his country and serves it well every day.

I yield the floor.

MORNING BUSINESS

Mr. HATCH. Mr. President, I ask unanimous consent that the Senate now proceed to a period for morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

BUYING FLOOD DAMAGED VEHICLES

Mr. LOTT. Mr. President, consumers, motor vehicle administrators, law enforcement, and the automotive and insurance industries anxiously await Congressional action on appropriate and workable title branding legislation. Legislation that provides used car purchasers with much needed pre-purchase disclosure information for severely damaged vehicles.

As a result of varying state approaches, consumers are not always advised of a vehicle's damage history. The National Salvage Motor Vehicle Consumer Protection Act, S. 655, that I introduced back in March, would help correct this problem. It provides grant funds to states to encourage their adoption of uniform terms and procedures for salvage and other severely damaged vehicles. While a mandatory federal scheme was suggested during the last Congress, there were serious Constitutional concerns and the real potential that Congress would create an expensive unfunded mandate on states. The approach taken in S.655 overcomes these problems and provides states with offsetting funding.

Mr. President, it is clear that any title branding legislation Congress adopts must contain a rational definition for vehicles that sustain significant water damage.

The Congressionally chartered Motor Vehicle Titling, Registration and Salvage Advisory Committee, whose recommendations for curtailing title fraud and automobile theft spurred my sponsorship of S.655, came to the reasoned conclusion that water damage was so potentially insidious in nature that a separate and distinct consumer disclosure category needed to be created. One that distinguished flood vehicles from salvage and nonrepairable vehicles.

S. 655, which is similar to the bipartisan measure I coauthored with Senator Ford during the last Congress, adopts a distinct flood vehicle category and improves upon the definition initially proposed by the task force.

Mr. President, I am sure my colleagues are aware that the State of Illinois, which initially adopted the task force's recommended flood definition, subsequently revised it based on anti-consumer results. Illinois found that branding "any vehicle that has been submerged in water to the point that rising water has reached over the door sill or has entered the passenger or truck compartment" caused too many vehicles to be unnecessarily branded as "flood" vehicles. Vehicles that were significantly devalued and lost their manufacturers warranty when the only damage the vehicle suffered was wet carpets or wet floor mats.

S.655 is a good example of the need to balance competing consumer interests when establishing uniform titling definitions. Instead of unnecessarily and inappropriately branding vehicles with mere cosmetic damage, this legislation rightly brands as "flood" those vehicles which sustain water damage that impairs a car or truck's electrical, mechanical, or computerized functions. It also requires the "flood" designation for vehicles acquired by an insurer as part of a water damage settlement. This measure also includes an independent flood inspection as recommended by a working group of the National Association of Attorney's General.

Mr. President, I ask my collegues to heed the call of used-car buyers and provide them with a reasonable and workable title branding measure. One that includes all of the minimal definitions needed to protect them from title fraud and automobile theft.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, May 19, 1999, the federal debt stood at $5,593,797,968,334.37 (Five trillion, five hundred ninety-three billion, seven hundred ninety-seven million, nine hundred sixty-eight thousand, three hundred thirty-four dollars and thirty-seven cents).

Five years ago, May 19, 1994, the federal debt stood at $4,588,987,000,000 (Four trillion, five hundred eighty-eight billion, nine hundred eighty-seven million).

Ten years ago, May 19, 1989, the federal debt stood at $2,780,326,000,000 (Two trillion, seven hundred eighty billion, three hundred twenty-six million) which reflects a doubling of the debt—an increase of almost $3 trillion—$2,813,471,968,334.37 (Two trillion, eight hundred thirteen billion, four hundred seventy-one million, nine hundred sixty-eight thousand, three hundred thirty-four dollars and thirty-seven cents) during the past 10 years.

NATIONAL MARITIME DAY

Mr. LOTT. Mr. President, I would like to take a moment to recognize that today is National Maritime Day, when the Nation pays tribute to the American Merchant Mariners who have given their lives in the service of their country. Throughout the history of the United States, our U.S.-flag Merchant Marine has always been there, providing the support that time and again has proven to be essential to victory. It is with the most profound gratitude for the service and sacrifice of America's Merchant Marine veterans that we reflect upon the importance of our U.S.-flag fleet on this day.

On April 29, 1999, I was privileged to be given a very special momento by a group of Merchant Marine Veterans of World War II. It was a patch, of the kind worn by Merchant Mariners during World War II, and it was designed in 1944 by Walt Disney Studios. Walt Disney's people created a mascot for the Merchant Marine, called "Battlin' Pete," and the patch shows Pete knocking out an Axis torpedo.

The presentation was made to express the veterans' gratitude for a very important piece of legislation that the Senate passed last year. Last year's veterans' benefits bill ensures that those American Merchant Marine veterans who served our country in World War II between August 16, 1945—the day that hostilities were officially declared at an end by President Truman—and December 31, 1946—the cut-off day for World War II service for all other service branches—receive honorable discharges for their service and are eligible for veterans' burial and cemetery benefits. This is the least we can do for these deserving veterans. I was privileged to introduce legislation during the 105th Congress seeking that change, and it was later incorporated into the veterans' benefits bill.

The overwhelming majority of World War II Merchant Mariners were previously awarded veterans status. Now, those who served in harm's way through the war's final days are also being recognized. Although Japan officially surrendered in August of 1945, harbors in Japan, Germany, Italy, France—indeed, across the world—still were mined. Twenty-two U.S.-government-owned vessels, carrying military cargoes, were damaged or sunk by mines after V-J Day. At least four U.S. Merchant Mariners were killed and 28 injured aboard these vessels. Even as Americans at home were celebrating victory, American Merchant Mariners carried on as they have always done—bravely serving their country with pride and professionalism.

I am proud that, at that April ceremony, the first honorable discharges for this previously forgotten group went to two Merchant Marine veterans from my home state of Mississippi: Mr. Robert Hoomes and Mr. Louis Breaux. Also, I was pleased that Mr. Joseph Katusa, National Chairman, Merchant Marine Fairness Committee, received his honorable discharge. The ceremony was attended by my good friend and colleague, Congressman BOB STUMP, Chairman, House Veterans' Affairs Committee; Mr. Rudy de Leon, Under Secretary of Defense for Personnel and Readiness; Admiral Jim Loy, Commandant, U.S. Coast Guard; and Mr. George Searle, National President, American Merchant Marine Veterans. I would like to thank them for participating in the ceremony and acknowledging the service of Mr. Breaux, Mr. Hoomes, and Mr. Katusa, and the role that these, and all, Merchant Marine veterans played in preserving freedom.

As we mark National Maritime Day, it is important to note that our country's Merchant Mariners continue to stand ready to serve. In fact, the leaders of the major maritime labor unions—the Marine Engineers' Beneficial Association; the International Organization of Masters, Mates and Pilots; the National Maritime Union of America; the American Maritime Officers; and the Seafarers International Union of North America—recently expressed their readiness to support America's military effort in the Balkans. Recent reports that Greek seamen are refusing to support that effort is a reminder of why the United States requires its own highly capable Merchant Marine.

Mr. President, I will treasure that patch of "Battlin' Pete" from the Merchant Marine Veterans of World War II. It will always remind me of the importance of National Maritime Day, and of the sacrifices that America's Merchant Mariner veterans have made in the service of their country. For those who braved the Murmansk run; for those who served through the conflicts in Korea, Vietnam, and the Persian Gulf; for those who today stand ready to sail into harm's way with our Armed Forces; we salute you on this day.

EXPRESSION ON VOTES

Mr. BROWNBACK. Mr. President, I regret that due to family business which took me out of the country, I was unable to cast several recorded votes during yesterday's session. While my vote would not have altered the outcome of any of the motions, I would like to express how I would have voted had I been able:

On vote No. 120, a Cloture Motion regarding the motion to proceed to consideration of S. 96, Y2K liability legislation. I would have voted "AYE." It is high time we move to consideration of this important legislation. The turn of the millennium is fast approaching and we must work to protect our citizens and businesses against harmful litigation that benefits no one.

On vote No. 121, amendment numbered 351 to S. 254 offered by Senator ALLARD regarding memorials in public schools, I would have voted "AYE." This amendment will allow students and faculty members to grieve for classmates and colleagues killed on school property in a way that makes them most comfortable.

On vote No. 122, an amendment numbered 352 to S. 254 offered by Senators KOHL and HATCH regarding mandatory safety locks on guns, I would have voted "AYE." This amendment was an example of the importance of bipartisan compromise. The Kohl-Hatch amendment requires all handguns sold or transferred by a licensed dealer to be sold with a locking device. In addition, this amendment provides important liability protections for gun owners who use these safety devices.

On vote No. 13, an amendment numbered 353 to S. 254 offered by Senators HATCH and FEINSTEIN I would have voted "AYE." This important amendment increased penalties for participating in a crime as a gang member; makes it illegal to travel or use the mail for gang business; makes it illegal to transfer firearms to children to commit a crime; makes it illegal to clone pagers; prohibits the distribution of certain information relating to explosives or destructive devices; makes it illegal to wear body armor in the commission of a crime and donates surplus body armor to local Law enforcement agencies; and strengthens penalties for Eco-terrorism.

On vote No. 124, an amendment to S. 254 offered by Senator BYRD I would have voted "AYE." This amendment allows states to enforce their own alcoholic beverage control laws by allowing state prosecutors to bring an injunction in Federal Court if interstate shippers violate State laws.

THE ADMINISTRATION'S VISION FOR EDUCATION IN AMERICA

Mr. GORTON. Mr. President, over the weekend Vice President Gore outlined his vision for American education if he becomes President. The speech was billed by the Washington Post as the Vice President's "vision for American education in the 21st Century". Unfortunately for our children, the Vice President's vision for American education in the 21st century looks a lot like the failed policies of the last 35 years.

The VP's speech laid out seven new proposals for American education—seven proposals that all say AL GORE knows more about educating children than do parents, teachers, principals, superintendents and school board members all across America. Seven proposals to add to the hundreds upon hundreds of education programs run by the federal government, so many in fact that no one, not the Department of Education, the General Accounting Office or even the Vice President, is sure how many there are. Seven proposals that will add to a system of top down control of education that puts a higher priority on adults filling out forms correctly than on children passing a math or a spelling test.

Today, President Clinton unveiled his proposal to reauthorize the Elementary and Secondary Education Act. Unfortunately, the President's proposal is filled with more of the "D.C. knows best" programs he has touted for the past 6½ years. For example, the President's proposal for reducing class size is filled with requirements for states and districts to comply with, but does not address the issue of children learning.

For most of this half century Washington, D.C., has been dominated by people who believe that centralized decisions and centralized control exercised by Washington, D.C., is the best way to solve problems, including those in the classroom. This approach has not worked. As Washington, D.C., has taken power and authority from local school districts, our schools have not improved. But, old habits die hard. The belief in centralized power is still very much alive, and embodied by the President's and Vice President's proposals.

I don't believe AL GORE or Bill Clinton know more about what America's schools and communities need than they do. In fact, I don't believe that I or any other member of Congress or the Administration knows more about educating children than do parents or local educators. Unfortunately, AL GORE and Bill Clinton have indicated that they will continue on the path they've trod throughout their administration—a path that begins and ends in Washington, D.C.

In 1997 I first proposed an amendment to the fiscal year Education funding bill. It was stated clearly in that amendment that I believe that those closest to our children—their parents, teachers, superintendents and school board members—are best able to make decisions about their children's education. Last year, I refined that legislation to include a "triple option" that would allow a state to decide where the federal education dollars should go. Both proposals passed this body by slim margins and were immediately met with a veto threat by the Administration.

This year, I have worked with a bipartisan coalition of members and groups to devise legislation that will allow states maximum flexibility in return for increased accountability for the academic achievement of their students. My bill, the Academic Achievement for All Act, or Straight A's, will be introduced after the Memorial Day recess. I am hopeful that this time my colleagues in the Senate will join me in giving back to states and local communities the ability to make critical decisions about the education of their children.

This issue boils down to each Senator asking if he or she believes schools will be improved through more control from Washington, D.C., or by giving more control to parents, teachers, principals, superintendents and school board members? I believe our best hope for improving the education of our children is to put the American people in charge of their local schools.

HEALTH AND THE AMERICAN CHILD

Mr. HATCH. Mr. President, yesterday I met with former Secretary of Health and Human Services Louis Sullivan, who now chairs the prestigious Public Health Policy Advisory Board (PHPAB). Dr. Sullivan presented to me their new report entitled "Health and the American Child: A Focus on the Mortality Among Children."

I was immediately struck by the fact that the findings of the PHPAB report underscore both the need for the legislation we are debating here today and the tremendous importance we must place on prevention efforts so that we can reduce unnecessary deaths of our Nation's youth.

According to "Health and the American Child," in the past two decades, two causes of child death have dramatically increased—homicide and suicide, which account for 14% and 7% respectively of all deaths for children under age 19. In teenage black males, the levels are so striking that the report uses the term "epidemic" to describe an eight-fold increase in homicide rates among African American youth, now their number one cause of death.

"Homicide and suicide, the greatest new risks to children's health today, require both heightened preventive action as well as research into children's mental health and the social fabric in which they grow and develop." And that is precisely what we have been talking about during our debate on S. 254.

The PHPAB report goes on to define the contributing risk factors associated with mortality in children. Homicide and suicide, as the major killers of our children, are most closely associated with firearms, drug and alcohol use, and motor vehicles. These significant increases in both morbidity and mortality among our youth must be addressed and demand aggressive preventive action on our part.

I commend "Health and the American Child" to my colleagues and would be glad to make it available to any Senators who care to have the benefit of its considerable findings. "Health and the American Child" is really a call to action. It shows so dramatically why this bill we are debating today is important, and why we must set partisan rhetoric aside to get this legislation passed and enacted.

NATIONAL MISSILE DEFENSE ACT

Mr. COCHRAN. Mr. President, on March 17, of this year the Senate passed S. 257, the National Missile Defense Act of 1999, by a vote of 97–3. Subsequently, the House adopted as H.R. 4 a different version of the legislation, and today the House has agreed to the substance of the Senate bill. No further action is required on the bill, and it now goes to the President for his signature.

After many years of debate, Congress has passed legislation stating the national policy to be that the United States will deploy a national missile defense as soon as technologically possible.

Section 2 of the bill notes that, like all discretionary programs, national missile defense is subject to the authorization and appropriation of funds.

Section 3 states that we support the continued reductions in Russian nuclear force levels. There is no linkage between Russian nuclear force levels, or any arms control agreement, and the national missile defense deployment policy of the bill.

I urge the President to sign this bill and put to rest the concerns of many that our country would continue its vulnerability to ballistic missile attack. With the signing of this bill, a new era of commitment to missile defense will begin.

TRADE

Mr. THOMAS. Mr. President, I rise today to address an issue of critical importance to the domestic lamb industry and to producers in my home state of Wyoming. In September 1998, a coalition of individuals from all segments of the U.S. lamb industry filed a Section 201 trade petition with the U.S. International Trade Commission under laws embedded in the Trade Act of 1974 and every trade act this nation has agreed to since that time.

Our domestic industry filed this trade case in response to the surging, record-setting levels of imported lamb meat from Australia and New Zealand. These individuals, although representing different sectors of the U.S. lamb industry, collectively signed onto this legal battle because each entity has witnessed a drastic impact from lamb imports—imports that increased nearly 50 percent between 1993 and 1997 and continue at an aggressive rate still today.

Under a Section 201 petition, the International Trade Commission is required to conduct an investigation to confirm or dispel the claims asserted within the trade case. Twice the Commissioners heard arguments from both the domestic industry and the importers. Twice the Commissioners rejected the importers arguments. In both instances, the Commissioners voted unanimously—during the injury phase in February and again in March, when they recommended that the President impose some form of trade relief. The Commission's report, and the industry's trade case, now await a final determination by President Clinton.

According to the Commission's report, wholesale imported lamb cuts consistently undercut the price of identical domestic cuts. Evidence of importers underselling domestically produced lamb was found in 79 percent of the product-to-product comparisons with margins of 20 percent to 40 percent. Other comparisons have found margin disparities reaching as high as 70 percent. It is evident that our domestic industry is suffering from the flood of cheap, imported lamb that has swamped the U.S. market and forced prices below break-even levels.

Time is of the essence in this matter as President Clinton has until June 4, 1999, to render his decision on what trade relief, if any, to implement. It is important to remember that under our own trade laws, the requirement of demonstrating that imports are threatening serious injury to the domestic industry has been met. As a result, I urge the President to impose strong, effective and temporary trade relief. More importantly, I urge the President to act on behalf of our producers by seriously considering the undisputed facts outlined in the Commission's report.

EMERGENCY MEDICAL SERVICES EFFICIENCY ACT

Mr. GRAMS. Mr. President, I rise today on behalf of all those who serve their fellow citizens through their active participation in the nation's emergency care system to make my remarks on the introduction of S. 9–1–1, the "Emergency Medical Services Act of 1999."

Mr. President, as a Senator who is deeply concerned about the every-expanding size and scope of the federal government, I've long believed Washington is too big, too clumsy and too removed to deal effectively with many of the issues in which it already meddles. However, I also believe there's an overriding public health interest in ensuring a viable and seamless EMS system across the country. By designating this week as national EMS Week, our nation recognizes those individuals who make the EMS system work.

There's no more appropriate time to reaffirm our commitment to EMS by addressing some of the problems the system is presented with daily.

I've often said that Congress has a tendency to wait until there's a crisis before it acts, but Congress cannot wait until there's a crisis in the EMS system before we take steps to improve it. There's simply too much at stake.

Whether we realize it or not, we all depend on and expect the constant readiness of emergency medical services. To ensure that readiness, we need to make efforts to secure the stability of the system. This has been my focus in drafting the EMSEA.

The most important thing we can do to maintain the vitality of the EMS system is to compel the government to reimburse for the services it says it will pay for under Medicare.

In the meetings I've had with ambulance providers, emergency medical technicians, emergency physicians, nurses, and other EMS-related personnel, their most common request is to base reimbursement on a "prudent layperson" standard, rather than the ultimate diagnosis reached in the emergency room.

While the Balanced Budget Act of 1997 [BBA] contained a provision basing reimbursement for emergency room services on the prudent layperson standard, I find it troubling HCFA refuses to include ambulance transportation in its regulations as a service covered by the patient protections enacted as part of Medicare Plus Choice. I also believe it is unacceptable that beneficiaries participating in fee-for-service are not granted the protections afforded to those in Medicare Plus Choice.

There has been a great debate in the Senate for the last year regarding protections for consumers against HMOs. Many of my colleagues would be startled to learn of the treatment many seniors have experienced at the hands of their own government through the Medicare fee-for-service program. The federal government would do better to lead by example rather than usurping powers from state insurance commissioners by imposing federal mandates on health insurance plans already governed by the states.

To illustrate how prevalent the problem of the federal government denying needed care to Medicare beneficiaries is, I want to share with you a case my staff worked on relating to Medicare reimbursement for ambulance services. I mentioned this case last year, but it is worth repeating. Please keep in mind that this is the fee-for-service Medicare program.

In 1994, Andrew Bernecker of Braham, Minnesota was mowing with a power scythe and tractor when he fell. The rotating blades of the scythe severely cut his upper arm. Mr. Bernecker tried to walk toward his home but was too faint from the blood loss, so he crawled the rest of the way. Afraid that his wife, who was 86 years old at the time, would panic—or worse, have a heart attack—he crawled to the pump and washed as much blood and dirt off as he could. His wife saw him and immediately called 911 for an ambulance.

He was rushed to the hospital where Mr. Bernecker ultimately spent some time in the intensive care unit and had orthopedic surgery. A tragic story.

In response to the bills submitted to Medicare, the government sent this reply with respect to the ambulance billing: "Medicare Regulations Provide that certain conditions must be met in order for ambulance services to be covered. Medicare pays for ambulance services only when the use of any other method of transportation would endanger your health." The government denied payment, claiming the ambulance wasn't medically necessary.

Apparently, Medicare believed the man's wife—who was, remember, 86 years old—should have been able to drive him to the hospital for treatment. Mr. and Mrs. Bernecker appealed, but were denied and began paying what they could afford each month for the ambulance bill.

After several years of paying $20 a month, the Berneckers finally paid off the ambulance bill. Medicare later reopened the case and reimbursed the Berneckers, but unfortunately, Mr. Bernecker is no longer with us.

I have a few more examples I'd like to share with my colleagues to assure them this is not an isolated incident. In fact, I encourage all of my colleagues to meet and speak with their EMS providers to see first-hand how the lack of consistent reimbursement policy impacts their ability to provide services. This one provision of the Emergency Medical Services Efficiency Act will bring fairness and clarity for both the beneficiary and the EMS provider trying to help those in need.

In Austin, Minnesota, a 66-year-old male was found in a shopping center parking lot slumped over the steering column of his car. The car was in drive, up against a light pole with the wheels spinning and the tread burning off the tires. An Austin policeman at the scene requested an ambulance and the driver was transported to the emergency room. Ambulance transportation reimbursement was denied based on the assumption that the driver could have used other means to get to the emergency room. Apparently, since he was already in the car, he was supposed to drive himself to the hospital despite being unresponsive.

Another case in Minnesota involved a 74-year-old male who was complaining to his family about an upset stomach when he collapsed. The frightened family began CPR and summoned an ambulance via 9–1–1. The city's fire department was the first on scene and applied an automatic external defibrillator, which advised against shock. Paramedics arrived and continued CPR en route to the emergency room. The patient ultimately died of cardiac arrest. Again, Medicare fee-for-service denied payment for the ambulance because it was deemed unnecessary.

Finally, Mr. President, a 74-year-old female complained of flu-like symptoms. Her family checked on her and found she was acting confused and strange. They summoned emergency medical services. Paramedics arrived to find the woman awake but confused as to time and events. They discovered she had a history of cardiac disease and diabetes. The paramedics tested her blood-sugar level and found it below 40. For those of you unfamiliar with diabetes, a blood sugar level below 70 is dangerous and could lead to seizure. But once again, Medicare denied payment.

Mr. President, I have a stack of actual run tickets from EMS providers in Minnesota, with names and other identifiers deleted, all demonstrating what a problem this is for Medicare beneficiaries and EMS providers. Again, I urge all of my colleagues to meet with their EMS providers and ask how these denials affect them.

Title II of the Emergency Medical Services Efficiency Act creates a Federal Commission on Emergency Medical Services which will make recommendations and provide input on how federal regulatory actions affect all types of EMS providers.

EMS needs a seat at the table when health care and other regulatory policy is made. Few things are more frustrating for ambulance services than trying to navigate and comply with the tangled mess of laws and regulations from the federal level on down, only to receive either a reimbursement that doesn't cover the costs of providing the service or a flat denial of payment.

Mr. President, I came across this chart two years ago which demonstrates how a Medicare claim moves from submittal to payment, denial, or write-off by the ambulance provider. Look at this chart and tell me how a rural ambulance provider who depends on volunteers has the manpower or expertise to navigate this mess. And, in the event it is navigated successfully, ambulance services are regularly reimbursed at a level that doesn't even cover their costs.

Mr. President, I have heard complaints from many individuals about the cost of ambulance care. In fact, some within this very body criticize ambulance providers for the high prices they charge for their services. While I do not doubt there are cases of abuse, I know for a fact an overwhelming majority of EMTs, Paramedics, Emergency Nurses and EMS providers are trying to provide the best possible care for their patients at a reasonable price.

Let's talk about how much it costs to run just one ambulance. There's the cost of the dispatcher who remains on the line to give pre-arrival assistance. The ambulance itself, which costs from $85,000 to $100,000. The radios, beepers, and cellular telephones used to communicate between the dispatcher, ambulance, and hospital. The supplies and equipment in the ambulance, including everything from defibrillators to bandages. The two Emergency Medical Technicians or Paramedics who both drive the ambulance and provide care to the patient. The vehicle repair, maintenance, and insurance costs. The liability insurance for the paramedics. And the list goes on.

Yes, the costs can be high, but it's clear to me that, with the uncertainty ambulance providers face out in the field each day, they need to be prepared for very type of injury or condition. Mr. President, that's expensive.

I'm convinced those who complain about the high costs of emergency care would be the first to complain if the ambulance that arrived to care for them in an emergency didn't have the life-saving equipment needed for treatment.

Let's be honest with ourselves: we want the quickest and best service when we face an emergency—and that costs money.

Mr. President, many of our political debates in Washington center around how to better prepare for the 21st century. I've always supported research and efforts to expand the limits of technology and continue to believe technological innovations and advances in biomedical and basic scientific research hold tremendous promise.

Under the new EMSEA, federal grant programs will be clarified to ensure EMS agencies are eligible for programs that relate to highway safety, rural development, and tele-health technology.

Emergency Medical Services have come a long way since the first ambulance services began in Cleveland and New York City during the 1860s.

Indeed, the scientific and technological advances have created a new practice of medicine in two short decades, and have dramatically improved the prospects of surviving serious trauma. There's reason to believe further advances will have equally meaningful results.

Innovations like tele-health technology may soon allow EMTs, nurses, and paramedics to perform more sophisticated procedures under a physician's supervision via real-time, ambulance-mounted monitors and cameras networked to emergency departments in specific service areas. By not considering EMS agencies for federal grant dollars, we may cause significant delays in the application of current technologies. That would be a mistake.

In August of 1996, the National Highway Traffic and Safety Administration and the Health Resources and Services Administration, Maternal and Child Health Bureau issued a report, "Emergency Medical Services: Agenda for the Future." The report outlined specific ways EMS can be improved, and one of the stated goals was the authorization of a "lead federal agency."

After consultation with those in the EMS field throughout the country, I believe the most appropriate action is to take our time and get it right by conducting a study to determine which current or new office would best coordinate federal EMS efforts.

Those are the major provisions of the legislation I introduce today.

Mr. President, in 1995, there were approximately 100 million visits to emergency departments across this nation. Roughly 20 percent of those visits started with a call for an ambulance. Each one of those calls is important, especially to those seeking assistance and to the responding EMS personnel. While EMS represents a small portion of health care spending overall, it is critically important. It serves as the access point for the sickest among us and it would be tragic for Congress to deny its role in improving the system.

Over the past several years, I've been privileged to get to know the men and women who dedicate their talents to serving others in an emergency.

The nation owes a great deal to the EMS personnel who have dedicated themselves to their profession because they care about people and want to help those who are suffering. Nobody gets rich as a professional paramedic, and there's no monetary compensation at all as a volunteer. The field of emergency medical services presents many challenges—but offers the reward of knowing you helped someone in need of assistance.

Every year, the American Ambulance Association recognizes EMS personnel across the country for their contributions to the profession, and bestows upon them the Stars of Life Award.

This year, 94 individuals have been chosen by their peers to be honored for demonstrating exceptional kindness and selflessness in performing their duties.

Mr. President, Minnesota suffered a tremendous loss this year. On January 14, while extricating a victim of an automobile accident, two EMTs were hit by a car. Brenda HagE, an EMT and Registered Nurse, was transported in traumatic arrest to a nearby hospital where she was pronounced dead. Ms. HagE is survived by her husband Darby and two children.

I ask that the Senate observe a moment of silence for Ms. HagE and all EMS personnel who have died in the line of duty.

Mr. President, I've talked with many professional EMTs, paramedics, and emergency nurses, and most tell me they wouldn't think of doing anything else for their chosen career. Similarly, volunteer EMS personnel tell me of the indescribable satisfaction they feel when they help those in their community get the care they need.

So, in honoring them during this National EMS Week, I can think of no better way to recognize their service than through legislation that will help them help others.

I ask my colleagues to support them by supporting S. 9-1-1, the "Emergency Medical Services Act."

Mr. President, I ask unanimous consent that the names of the 1999 American Ambulance Association Stars of Life honorees be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

1999 STARS OF LIFE

AZ—Theresa J. Pareja, Rural/Metro Fire Department;

AR—Rae Meyer, Rural/Metro Ambulance and John C. Warren, Columbia County Ambulance Service;

CA—Marti Aho-Fazio, American Medical Response—Sonoma Division, Dean B. Anderson, American Medical Response—Sonoma Division, Chris S. Babler, Rural/Metro Ambulance, Carlos Flores, American Medical Response, May Anne Godfrey-Jones, Hall Ambulance Service, Inc., Randy Kappe, American Medical Response, Frank Minitello, American Medical Response, and Penny Vest, Hall Ambulance Service, Inc.;

CO—Doug Jones, American Medical Response;

CT—Todd Beaton, American Medical Response, Michael Case, Hunter's Ambulance Service, and John M. Gopoian, Hunter's Ambulance Service;

FL—Clara DeSue, Rural/Metro Ambulance, Leroy Funderburk, American Medical Response—West Florida, Andrea Hays, Rural/Metro Ambulance, and Keith A. Lund, American Medical Response;

GA—Deborah Lighton, American Medical Response—Georgia and Kelly J. Potts, Mid Georgia Ambulance Service;

IL—Carolyn Gray, Consolidated Medical Transport, Inc., James Gray, Consolidated Medical Transport, Inc. and Cristen Miller MEDIC EMS;

IA—Paul Andorf, MEDIC EMS, Dennis L. Cosby, Lee County EMS Ambulance, Inc., and Danny Eversmeyer, Henry County Health Center EMS;

KS—Tom Collins, Metropolitan Ambulance Services Trust and Bill D. Witmer, American Medical Response;

LA—Pattie Desoto, Med Express Ambulance Service, Inc., Michael Noel, Priority Mobile Health, John Richard, Med Express Ambulance Service, Inc., Scott Saunier, Acadian Ambulance & Air Med Services, and Pete Thomas, Priority Mobile Health;

MD—Lily Puletti, Rural/Metro Ambulance and Michael Zeiler, Rural/Metro Ambulance;

MA—Daniel Doucette, Lyons Ambulance Service, Leonard Gallego, American Medical Response, Mark Lennon, Action Ambulance Service, Inc. and Edward McLaughlin, Lyons Ambulance Service;

MI—Steve Champagne, Huron Valley Ambulance, Edgar "Butch" R. Dusette Jr., Medstar Ambulance, Mary Elsen, Medstar Ambulance, Steven J. Frisbie, LifeCare Ambulance Service, Richard Landis, American Medical Response, Tony L. Sorensen, LIFE EMS, and Norma Weaver, Huron Valley Ambulance;

MN—Barbara Erickson, Life Link III and Jesse Simkins, Gold Cross Ambulance;

MS—Carlos J. Redmon, American Medical Response (South Mississippi);

MO—Michelle D. Endicott, Newton County Ambulance District and Lynette Lindholm, Metropolitan Ambulance Services Trust;

NH—David Deacon, Rockingham Regional Ambulance, Inc., Jason Preston, Rockingham Regional Ambulance Inc., Joseph Simone, Action Ambulance Service, Inc., Joanna Umenhoffer, Rockingham Regional Ambulance, Inc., and Roland Vaillancourt, Rockingham Regional Ambulance, Inc.;

NJ—Laurie Rovan, Med Alert Ambulance and Roberta Winters, Rural/Metro Corp.;

NM—LeeAnn J. Phillips, American Medical Response;

NY—Susan Bull, Rural/Metro Medical Services, Nicholas Cecci, Rural/Metro Medical Services Southern Tier, Daniel Connors, Rural/Metro Medical Services, Scott Crewell, Rural/Metro Medical Services—Intermountain, Frank D'Ambra, Rural/Metro Corp., Doug Einsfeld, American Medical Response—Long Island, Kevin Jones, Rural/Metro Medical Services—Intermountain, Patty Palmeri, Rural/Metro Corp., Carl Sharak, Rural/Metro, Samuel Stetter, Rural/Metro Medical Services Southern Tier, and Jean Zambrano, Rural/Metro Medical Services;

NC—Chris Murdock, Mecklenburg EMS Agency, Corinne Rust, Mecklenburg EMS Agency, and John Sepski, Mecklenburg EMS Agency;

OH—Duane J. Wolf, Stofcheck Ambulance Service, Inc. and Eric Wrask, Rural/Metro;

OR—Larry B. Hornaday, Metro West Ambulance, Tony D. Mooney, Pacific West Ambulance, and Mark C. Webster, American Medical Response—Oregon;

PA—Jerry Munley, Rural/Metro Medical Services;

SD—Travis H. Spier, Rural/Metro Medical Services—South Dakota;

TN—Brian C. Qualls, Rural/Metro and Rodney B. Ward, Rural/Metro—Memphis;

TX—Robert Moya, American Medical Response, Luis Salazar, Life Ambulance Service, and Mike Sebastian, Life Ambulance Service;

UT—Monica Masterson, Gold Cross Services and Robert Torgerson, Gold Cross Services;

VT—John G. Potter, Regional Ambulance Service, Inc.;

VA—Beverly Leigh, American Medical Response—Richmond;

WA—Jack N. Erickson, Olympic Ambulance, Gary D. McVay, American Medical Response—Washington, Aaron J. Schmidt, Olympic Ambulance Service, and Rand P. Whitney, Rural/Metro Ambulance.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 6:09 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 883. An act to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands.

H.R. 1553. An act to authorize appropriations for fiscal year 2000 and fiscal year 2001 for the National Weather Service, Atmospheric Research, and National Environmental Satellite, Data and Information Service activities of the National Oceanic and Atmospheric Administration, and for other purposes.

H.R. 1654. An act to authorization appropriations for the National Aeronautics and Space Administration for fiscal years 2000, 2001, and 2002, and for other purposes.

The message also announced that the House agrees to the amendment of the Senate of the bill (S. 4) to declare it to be the policy of the United States to deploy a national missile defense.

ENROLLED BILL SIGNED.

At 6:56 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 114. An act making supplemental appropriations for the fiscal year ending September 30, 1999, and for other purposes.

The enrolled bill was signed by the President pro tempore (Mr. THURMOND).

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 883. An act to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands; to the Committee on Energy and Natural Resources.

H.R. 1553. An act to authorize appropriations for fiscal year 2000 and fiscal year 2001 for the National Weather Service, Atmospheric Research, and National Environmental Satellite, Data and Information Service activities of the National Oceanic and Atmospheric Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–3118. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the semiannual report for the period October 1, 1998 through March 31, 1999; to the Committee on Governmental Affairs.

EC–3119. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–58, "Insurance Demutualization Amendment Act of 1999," adopted by the Council on April 13, 1999; to the Committee on Governmental Affairs.

EC–3120. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–59, "Petition Circulation Requirements Temporary Amendment Act of 1999", adopted by the Council on April 13, 1999; to the Committee on Governmental Affairs.

EC–3121. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–65, "Closing of Public Alleys in Square 51, S.O. 98–145, Act of 1999", adopted by the Council on April 13, 1999; to the Committee on Governmental Affairs.

EC–3122. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–66, "Chief Technology Officer Year 2000 Remediation Procurement Authority Temporary Amendment Act of 1999", adopted by the Council on April 13, 1999; to the Committee on Governmental Affairs.

EC–3123. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–64, "Solid Waste Facility Permit Amendment Act of 1999", adopted by the Council on April 13, 1999; to the Committee on Governmental Affairs.

EC–3124. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, the Commission's report under the Government in the Sunshine Act for calendar year 1998; to the Committee on Governmental Affairs.

EC–3125. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, the Commission's report under the Government in the Sunshine Act for calendar year 1998; to the Committee on Governmental Affairs.

EC–3126. A communication from the Senior Deputy Assistant Administrator, Bureau for Legislative and Public Affairs, Agency for International Development, transmitting, pursuant to law, the Agency's Accountability Report for fiscal year 1998; to the Committee on Governmental Affairs.

EC–3127. A communication from the Secretary of the Senate, transmitting, pursuant to law, the report of the receipts and expenditures of the Senate for the period October 1, 1998 through March 31, 1999; ordered to lie on the table.

EC–3128. A communication from the Assistant Secretary for Management and Budget/Chief Financial Officer, Department of Health and Human Services, transmitting, pursuant to law, the Department's Accountability Report for fiscal year 1998; to the Committee on Governmental Affairs.

EC–3129. A communication from the Federal Co-Chairman, Appalachian Regional Commission, transmitting, pursuant to law, a report relative to an evaluation of the system of internal accounting and administrative control; to the Committee on Governmental Affairs.

EC–3130. A communication from the Chairperson, Cost Accounting Standards Board, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the annual report for calendar years 1997 and 1998; to the Committee on Governmental Affairs.

EC–3131. A communication from the Secretary of Transportation, transmitting, pursuant to law, the semiannual report of the Office of the Inspector General for the period October 1, 1998 to March 30, 1999; to the Committee on Governmental Affairs.

EC–3132. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report of the list of General Accounting Office reports for March 1999; to the Committee on Governmental Affairs.

EC–3133. A communication from the Director, Office of Personnel Management, transmitting, a draft of proposed legislation entitled "Federal Employees Health Benefits Children's Equity Act of 1999"; to the Committee on Governmental Affairs.

EC–3134. A communication from the Executive Director, Committee for Purchase from People who are Blind or Severly Disabled, transmitting, pursuant to law, the report of a rule relative to additions and deletions from the Procurement List, received May 12, 1999; to the Committee on Governmental Affairs.

EC–3135. A communication from the Executive Director, Committee for Purchase from People who are Blind or Severly Disabled, transmitting, pursuant to law, the report of a rule relative to additions to the Procurement List, received May 18, 1999; to the Committee on Governmental Affairs.

EC–3136. A communication from the Auditor of the District of Columbia, transmitting, pursuant to law, a report entitled "Audit of Advisory Neighborhood Commission 6A for the Period October 1, 1993 through June 30, 1998"; to the Committee on Governmental Affairs.

EC–3137. A communication from the Auditor of the District of Columbia, transmitting, pursuant to law, a report entitled "Audit of Advisory Neighborhood Commission 4B for the Period October 1, 1995 through September 30, 1998"; to the Committee on Governmental Affairs.

EC–3138. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a cumulative report on rescissions and deferrals dated May 13, 1999; transmitted jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Energy and Natural Resources, to the Committee on Environment and Public Works, and to the Committee on Foreign Relations.

EC–3139. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of fifty-five rules relative to Safety/Security Zone Regulations (RIN2115–AA97) (1999–0014), received April 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3140. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Gulf Intracoastal Waterway, Florida (CGD07–98–083)" (RIN2115–AE47) (1999–0007), received April 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3141. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Ward Cove, Tongass Narrows, Ketchikan, AK (COTP Southeast Alaska 99–001)" (RIN2115–AA97)

(1999-0013), received April 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3142. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Bergen County United Way Fireworks, Hudson River, Manhattan, New York (CGD01-99-018)" (RIN2115-AA97) (1999-0012), received April 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3143. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Dignitary Arrival/Departure New York (CGD01-98-006)" (RIN2115-AA97) (1999-0016), received May 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3144. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regatta Regulations; SLR; St. Croix International Triathlon, St. Croix, USVI (CGD07-99-016)" (RIN2115-AE46) (1999-0007), received April 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3145. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regatta Regulations; SLR; Air and Sea Show, Fort Lauderdale, Florida (CGD07-99-017)" (RIN2115-AE46) (1999-0008), received April 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3146. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regatta Regulations; SLR; Empire State Regatta, Albany, New York (CGD01-98-162)" (RIN2115-AE46) (1999-0012), received April 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3147. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Connecticut River, CT (CGD01-99-032)" (RIN2115-AE47) (1999-0009), received May 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC-3148. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Special Anchorage Areas/Anchorage Grounds Regulations; Port Everglades, Florida (CGD07-99-003)" (RIN2115-AA98) (1999-0002), received April 22, 1999; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-122. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia relative to the Omnibus Reconciliation Act of 1993; to the Committee on Finance.

SENATE JOINT RESOLUTION NO. 490

Whereas, prior to 1993, federal Medicaid regulations allowed states flexibility in the treatment of assets in determining eligibility; and

Whereas, Connecticut, New York, Indiana, and California were able to establish public/private long-term care partnerships to provide incentives for the purchase of long-term care insurance; and

Whereas, under these partnership programs, if a policyholder requires long-term care and eventually exhausts his private insurance benefits, the policyholder is permitted to keep more of his assets while still qualifying for Medicaid coverage; and

Whereas, the Omnibus Budget Reconciliation Act of 1993 included a provision, §13612 (a) (C), that discourages additional states from implementing such partnerships; and

Whereas, this provision requires states to make recovery from the estates of persons who had enjoyed enhanced Medicaid asset protection, thereby making the asset protection provided by the public/private partnerships only temporary; and

Whereas, the General Assembly, pursuant to Senate Joint Resolution No. 365 (1997), urged Congress to repeal §13612 (a) (C) of the Omnibus Budget Reconciliation Act of 1993; and

Whereas, the Governor has requested that Congress remove §13612 (a) (C) and allow additional states to establish asset protection programs for individuals who purchase qualified long-term care insurance policies without requiring that states recover such assets upon a beneficiary's death; and

Whereas, the removal of §13612 (a) (C) would make such partnerships much more attractive to potential participants, especially if they are motivated by a desire to pass some of their assets on to their children; and

Whereas, having long-term care insurance reduces the possibility that individuals will spend down to Medicaid eligibility levels; and

Whereas, long-term care insurance, by reducing the Medicaid expenditures for policyholders, helps states control Medicaid costs; and

Whereas, Congress has not yet acted to repeal §13612 (a) (C) of the Omnibus Budget Reconciliation Act of 1993; now, therefore, be it

Resolved by the Senate, the House of Delegates concurring, That the Congress of the United States be urged to establish a limited pilot program which exempts the Commonwealth of Virginia from the provisions of §13612 (a) (C) of the Omnibus Budget Reconciliation Act of 1993 requiring states to make recovery from the estates of persons who had enjoyed enhanced Medicaid asset protection; and, be it

Resolved Further, That the Clerk of the Senate transmit a copy of this resolution to the President of the United States Senate, the Speaker of the House of Representatives, and the Congressional Delegation of Virginia in order that they may be apprised of the sense of the General Assembly of Virginia in this matter.

POM-123. A joint resolution adopted by the Legislature of the State of Maine relative to the interstate truck weight limits; to the Committee on Commerce, Science, and Transportation.

JOINT RESOLUTION

We, your Memorialists, the Members of the One Hundred and Nineteenth Legislature of the State of Maine, now assembled in the First Regular Session, most respectfully present and petition the President of the United States and the United States Congress, as follows:

Whereas, the issue of interstate truck weight limits is of great concern for a number of reasons; and

Whereas, economic development interests in northern and central Maine are increasingly frustrated at their loss of transportation productivity due to the disparity in weight limits between the state highways and the Interstate Highway System; and

Whereas, this disparity has resulted in the diversion of heavy through trucks from the Interstate Highway System to more congested State highways, raising safety concerns in the Legislature and in municipal groups. A fatal crash on Route 9 in Dixmont and a fuel truck crash in Augusta have further raised concern; and

Whereas, an increase in the interstate gross vehicle weight limit for 6-axle combination vehicles, from 80,000 pounds to between 90,000 and 95,000 pounds, is supported by an engineering review that was recently conducted by the Maine Department of Transportation; and

Whereas, a recommendation to increase interstate weight limits is also supported by the Maine State Police, the Maine Department of Economic and Community Development, the Maine Turnpike Authority, the Maine Better Transportation Association, the Maine Chamber and Business Alliance and the Maine Motor Transportation Association, now, therefore, be it

Resolved, That We, your Memorialists, request that the President of the United States and the United States Congress amend federal law to increase the interstate gross vehicle weight limits for 6-axle combination vehicles to between 90,000 and 95,000 pounds and maintain the current freeze on longer combination vehicles; and be it further

Resolved, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, President of the United States; the President of the United States Senate; the Speaker of the House of Representatives of the United States and each member of the Maine Congressional Delegation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCAIN, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 303. A bill to amend the Communications Act of 1934 to enhance the ability of direct broadcast satellite and other multichannel video providers to compete effectively with cable television systems, and for other purposes (Rept. No. 106-51).

EXECUTIVE REPORTS OF A COMMITTEE

The following executive reports of a committee were submitted:

By Mr. THOMPSON, for the Committee on Governmental Affairs:

John T. Spotila, of New Jersey, to be Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget.

Lorraine Pratte Lewis, of the District of Columbia, to be Inspector General, Department of Education.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Hiram E. Puig-Lugo, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Stephen H. Glickman, of the District of Columbia, to be an Associate Judge of the District of Columbia Court of Appeals for the term of fifteen years.

Eric T. Washington, of the District of Columbia, to be an Associate Judge of the District of Columbia Court of Appeals for the term of fifteen years.

(The above nominations were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mrs. HUTCHISON (for herself, Mr. DURBIN, Mr. HELMS, and Mrs. FEINSTEIN):

S. 1086. A bill to amend the Internal Revenue Code of 1986 to waive the income inclusion on a distribution from an individual retirement account to the extent that the distribution is contributed for charitable purposes; to the Committee on Finance.

By Mr. HUTCHINSON:

S. 1087. A bill to amend title 38, United States Code, to add bronchioloalveolar carcinoma to the list of diseases presumed to be service-connected for certain radiation-exposed veterans; to the Committee on Veterans Affairs.

By Mr. KYL:

S. 1088. A bill to authorize the Secretary of Agriculture to convey certain administrative sites in national forests in the State of Arizona, to convey certain land to the City of Sedona, Arizona for a wastewater treatment facility, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. SNOWE (for herself, Mr. MCCAIN, Mr. HOLLINGS, Mr. KERRY, Mr. BREAUX, and Mr. INOUYE):

S. 1089. A bill to authorize appropriations for fiscal years 2000 and 2001 for the United States Coast Guard, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CHAFEE (for himself, Mr. SMITH of New Hampshire, and Mr. LOTT):

S. 1090. A bill to reauthorize and amend the Comprehensive Environmental Response, Liability, and Compensation Act of 1980; to the Committee on Environment and Public Works.

By Mr. DEWINE (for himself, Mr. KENNEDY, and Mr. BOND):

S. 1091. A bill to amend the Public Health Service Act to provide for the establishment of a pediatric research initiative; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CRAPO:

S. 1092. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to regulation of pharmacists, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BINGAMAN:

S. 1093. A bill to establish the Galisteo Basin Archaeological Protection Sites, to provide for the protection of archaeological sites in the Galisteo Basin of New Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DURBIN:

S. 1094. A bill to require a school to forward certain information regarding transferring students; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CONRAD (for himself and Mr. HATCH):

S. 1095. A bill to amend section 29 of the Internal Revenue Code of 1986 to extend the placed in service date for biomass and coal facilities; to the Committee on Finance.

By Mr. HUTCHINSON (for himself and Mrs. LINCOLN):

S. 1096. A bill to preserve and protect archaeological sites and historical resources of the central Mississippi Valley through the establishment of the Mississippi Valley National Historical Park as a unit of the National Park System on former Eaker Air Force Base in Blytheville, Arkansas; to the Committee on Energy and Natural Resources.

By Mr. ENZI (for himself, Mr. HUTCHINSON, Mr. BROWNBACK, Mr. GRAMS, Mr. INHOFE, Mr. HAGEL, Mr. SESSIONS, and Mr. SANTORUM):

S. 1097. A bill to offset the spending contained in the fiscal year 1999 emergency supplemental appropriations bill in order to protect the surpluses of the social security trust funds; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. DODD:

S. 1098. A bill to amend chapter 89 of title 5, United States Code, to modify service requirements relating to creditable service with congressional campaign committees; to the Committee on Governmental Affairs.

By Mr. BAUCUS (for himself, Mr. BINGAMAN, Mr. DORGAN, Mr. KERREY, Mr. JOHNSON, and Mr. DASCHLE):

S. 1099. A bill to establish a mechanism for using the duties imposed on products of countries that fail to comply with WTO dispute resolution decision to provide relief to injured domestic producers; to the Committee on Finance.

By Mr. CHAFEE (for himself, Mr. CRAPO, and Mr. DOMENICI):

S. 1100. A bill to amend the Endangered Species Act of 1973 to provide that the designation of critical habitat for endangered and threatened species be required as part of the development of recovery plans for those species; to the Committee on Environment and Public Works.

By Mr. REED:

S. 1101. A bill to provide for tort liability of firearms dealers who transfer firearms in violation of Federal firearms law; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 104. A resolution to authorize testimony, production of documents, and legal representation in United States v. Nippon Miniature Bearing, Inc., et al; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. HUTCHISON (for herself, Mr. DURBIN, Mr. HELMS, and Mrs. FEINSTEIN):

S. 1086. A bill to amend the Internal Revenue Code of 1986 to waive the income inclusion on a distribution from an individual retirement account to the extent that the distribution is contributed for charitable purposes; to the Committee on Finance.

IRA ROLLOVER TO CHARITY ACT

• Mrs. HUTCHISON. Mr. President, today, I am pleased to introduce, along with Senator DURBIN, the IRA Rollover to Charity Act of 1999. This legislation has the support of numerous charitable organizations across the United States. The effect of this bill would be to unlock billions of dollars in savings Americans hold and make them available to charity.

Mr. President, the legislation will allow individuals to roll assets from an Individual Retirement Account (IRA) into a charity or a deferred charitable gift plan without incurring any income tax consequences. Thus, the donation would be made to charity without ever withdrawing it as income and paying tax on it.

Americans hold well over $1 trillion in assets in IRAs. Nearly half of America's families have IRAs. Recent studies show that assets of qualified retirement plans comprise a substantial part of the net worth of many persons. Many individuals would like to give a portion of these assets to charity.

Under current law, if an IRA is transferred into a charitable remainder trust, donors are required to recognize all such income. Therefore, absent the changes called for in the legislation, the donor will have taxable income in the year the gift is funded. The IRA Rollover to Charity Act lifts the disincentives contained in our complicated and burdensome tax code and will unleash a critical source of funding for our nation's charities. This is a common sense way to remove obstacles to private charitable giving.

Under the legislation, upon reaching age 59½, an individual could move assets penalty-free from an IRA directly to charity or into a qualifying deferred charitable gift plan—e.g. charitable remainder trusts, pooled income funds and gift annuities. In the latter case the donor would be able to receive an income stream from the retirement plan assets, which would be taxed according to normal rules. Upon the death of the individual, the remainder would be transferred to charity.

Mr. President, I hope the Senate will join in this effort to provide a valuable new source of philanthropy for our nation's charities. This legislation has the support of numerous universities and charitable groups, including the Charitable Accord, an umbrella organization representing more than 1,000 organizations and associations.

Mr. President, I have just returned from the Balkans. I have seen first hand the wonderful work that is being done by charitable groups in dealing with the massive refugee crisis that has occurred there. As terrible as this crisis has been, it would be worse if not for the great work that is being done by charitable groups. Our bill will help direct additional resources to those charities and thousands of others. I urge my colleagues to co-sponsor this legislation.●

By Mr. KYL:

S. 1088. A bill to authorize the Secretary of Agriculture to convey certain administrative sites in national forests in the State of Arizona, to convey certain land to the City of Sedona, Arizona for a wastewater treatment facility, and for other purposes; to the Committee on Energy and Natural Resources.

THE ARIZONA NATIONAL FOREST IMPROVEMENT ACT OF 1999

Mr. KYL. Mr. President, the U.S. Forest Service is interested in exchanging or selling six unmanageable, undesirable and/or excess parcels of land in the Prescott, Tonto, Kaibab and Coconino National Forests. In addition, the Forest Service has agreed to sell land to the City of Sedona for use as an effluent disposal system. If the parcels are sold, the Forest Service wants to use the proceeds from five of these sales to either fund new construction or upgrade current administrative facilities at these national forests. Funds generated from the sale of the other parcels could be used to fund acquisition of sites, or construction of administrative facilities at any national forest in Arizona. Transfers of land completed under this bill will be done in accordance with all other applicable laws, including environmental laws.

Mr. President, this bill will enhance customer and administrative services by allowing the Forest Service to consolidate and update facilities and/or relocate facilities to more convenient locations. It offers a simple and commonsense way to enhance services for national forest users in Arizona, and to facilitate the disposal of unmanageable, undesirable and/or excess parcels of national forest lands. This bill will also facilitate the construction of a much needed wastewater treatment plant for the City of Sedona.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1088

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Arizona National Forest Improvement Act of 1999".

SEC. 2. DEFINITIONS.

In this Act:

(1) CITY.—The term "City" means the city of Sedona, Arizona.

(2) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

SEC. 3. SALE OR EXCHANGE OF ADMINISTRATIVE SITES.

(a) IN GENERAL.—The Secretary may, under such terms and conditions as the Secretary may prescribe, sell or exchange any and all right, title, and interest of the United States in and to the following National Forest System land and administrative sites:

(1) The Camp Verde Administrative Site, comprising approximately 213.60 acres, as depicted on the map entitled "Camp Verde Administrative Site", dated April 12, 1997.

(2) A portion of the Cave Creek Administrative Site, comprising approximately 16 acres, as depicted on the map entitled "Cave Creek Administrative Site", dated May 1, 1997.

(3) The Fredonia Duplex Housing Site, comprising approximately 1.40 acres, and the Fredonia Housing Site, comprising approximately 1.58 acres, as depicted on the map entitled "Fredonia Duplex Dwelling, Fredonia Ranger Dwelling", dated August 28, 1997.

(4) The Groom Creek Administrative Site, comprising approximately 7.88 acres, as depicted on the map entitled "Groom Creek Administrative Site", dated April 29, 1997.

(5) The Payson Administrative Site, comprising approximately 296.43 acres, as depicted on the map entitled "Payson Administrative Site", dated May 1, 1997.

(6) The Sedona Administrative Site, comprising approximately 21.41 acres, as depicted on the map entitled "Sedona Administrative Site", dated April 12, 1997.

(b) CONSIDERATION.—Consideration for a sale or exchange of land under subsection (a) may include the acquisition of land, existing improvements, and improvements constructed to the specifications of the Secretary.

(c) APPLICABLE LAW.—Except as otherwise provided in this section, any sale or exchange of land under subsection (a) shall be subject to the laws (including regulations) applicable to the conveyance and acquisition of land for the National Forest System.

(d) CASH EQUALIZATION.—Notwithstanding any other provision of law, the Secretary may accept a cash equalization payment in excess of 25 percent of the value of any land or administrative site exchanged under subsection (a).

(e) SOLICITATION OF OFFERS.—

(1) IN GENERAL.—The Secretary may solicit offers for the sale or exchange of land under this section on such terms and conditions as the Secretary may prescribe.

(2) REJECTION OF OFFERS.—The Secretary may reject any offer made under this section if the Secretary determines that the offer is not adequate or not in the public interest.

(f) REVOCATIONS.—Notwithstanding any other provision of law, on conveyance of land by the Secretary under this section, any public order withdrawing the land from any form of appropriation under the public land laws is revoked.

SEC. 4. CONVEYANCE TO CITY OF SEDONA.

(a) IN GENERAL.—The Secretary may sell to the city of Sedona, Arizona, by quitclaim deed in fee simple, all right, title, and interest of the United States in and to approximately 300 acres of land as depicted on the map in the environmental assessment entitled "Sedona Effluent Management Plan", dated August 1998, for construction of an effluent disposal system in Yavapai County, Arizona.

(b) DESCRIPTION.—A legal description of the land conveyed under subsection (a) shall be available for public inspection in the office of the Chief of the Forest Service, Washington, District of Columbia.

(c) CONSIDERATION.—

(1) FAIR MARKET VALUE.—As consideration for the conveyance of land under subsection (a), the City shall pay to the Secretary an amount equal to the fair market value of the land as determined by an appraisal acceptable to the Secretary and prepared in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions.

(2) COST OF APPRAISAL.—The City shall pay the cost of the appraisal of the land.

(3) PAYMENT.—Payment of the amount determined under paragraph (1) (including any interest payable under paragraph (4)) shall be paid, at the option of the City—

(A) in full not later than 180 days after the date of the conveyance of the land; or

(B) in 7 equal annual installments commencing not later than January 1 of the first year following the date of the conveyance and annually thereafter until the total amount has been paid.

(4) INTEREST RATE.—Any payment due for the conveyance of land under this section shall accrue, beginning on the date of the conveyance, interest at a rate equal to the current (as of the date of the conveyance) market yield on outstanding, marketable obligations of the United States with maturities of 1 year.

(d) RELEASE.—Subject to compliance with all Federal environmental laws by the Secretary before the date of conveyance of land under this section, on conveyance of the land, the City shall agree in writing to hold the United States harmless from any and all claims to the land, including all claims resulting from hazardous materials on the conveyed land.

(e) RIGHT OF REENTRY.—At any time before full payment is made for the conveyance of land under this section, the conveyance shall be subject to a right of reentry in the United States if the Secretary determines that—

(1) the City has not complied with the requirements of this section or the conditions prescribed by the Secretary in the deed of conveyance; or

(2) the conveyed land is not used for disposal of treated effluent or other purposes related to the construction of an effluent disposal system in Yavapai County, Arizona.

SEC. 5. DISPOSITION OF FUNDS.

(a) DEPOSIT OF PROCEEDS.—The Secretary shall deposit the proceeds of a sale or exchange under this Act in the fund established under Public Law 90–171 (16 U.S.C. 484a) (commonly known as the "Sisk Act").

(b) USE OF PROCEEDS.—Funds deposited under subsection (a) shall be available to the Secretary, without further Act of appropriation, for—

(1) the acquisition, construction, or improvement of administrative facilities for the Coconino National Forest, Kaibab National Forest, Prescott National Forest, and Tonto National Forest; or

(2) the acquisition of land and or an interest in land in the State of Arizona.

By Ms. SNOW (for herself, Mr. McCain, Mr. Hollings, Mr. Kerry, Mr. Breaux, and Mr. Inouye):

S. 1089. A bill to authorize appropriations for fiscal years 2000 and 2001 for the United States Coast Guard, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE COAST GUARD AUTHORIZATION ACT OF 1999

Ms. SNOWE. Mr. President, today I am pleased to introduce the Coast Guard Authorization Act of 1999.

The Coast Guard provides many critical services for our nation. Dedicated Coast Guard personnel save an average of more than 5,000 lives, $2.5 billion in property, and assist more than 100,000 other mariners in distress. Through boater safety programs and maintenance of an extensive network of aids to navigation, the Coast Guard protects thousands of additional people engaged in coastwise trade, commercial fishing activities, or simply enjoying a day of recreation out on our bays, oceans, and waterways.

The Coast Guard enforces all federal laws and treaties related to the high seas and U.S. waters. This includes marine resource protection and pollution control. As one of the five armed forces, it provides a critical component of the nation's defense strategy, something weighing heavily on all of our minds lately.

Last year, Congress enacted the Coast Guard Authorization Act of 1998, which authorized the Coast Guard through Fiscal Year 1999. The bill I am introducing today reauthorizes the Coast Guard for the next two years—Fiscal Years 2000 and 2001.

It authorizes both appropriations and personnel levels for these two years. It also contains various provisions that are designed to provide greater flexibility to the Coast Guard on personnel administration; strengthen marine safety provisions; includes sufficient funding to allow for a 4.4 percent pay raise; and other provisions.

One provision that deserves particular mention relates to icebreaking services. The President's FY 2000 budget request includes a proposal to decomission 11 WYTL-class harbor tugs. These tugs provide vital icebreaking services throughout the northern states, including my home state of Maine. While I understand that the age of this vessel class may require some action by the agency, I feel it would be premature to decommission these vessels before the Coast Guard has identified a means to rectify any potentially harmful degradation of services. The Coast Guard has identified seven waterways within Maine that would suffer a meaningful degradation of service should these tugs be brought offline now. These waterways provide necessary transport routes for oil tankers, commercial fishing vessels, and cargo ships. The costs would be excessive to the local communities should that means of transport be cut off. As such, the bill I am introducing today includes a measure that would require the Coast Guard to submit a report to Congress before removing these tugs from service that will include an analysis of the use of this class of harbor tugs to perform icebreaking services; the degree to which the decommissioning of each such vessel would result in a degradation of current services; and recommendations to remediate such degradation.

As part of its law enforcement mission in 1998, the Coast Guard seized 75 vessels transporting more than 100,000 pounds of illegal narcotics headed for our shores. This bill provides funding to maintain many of the new drug interdiction initiatives of the past few years. The Coast Guard has proven time and again its ability to stem the tide of drugs entering our nation through water routes.

Finally, the Coast Guard is the lead federal agency for preventing and responding to major pollution incidents in the coastal zone. It responds to more than 17,000 pollution incidents in the average year. This bill includes a provision that provides the Coast Guard with emergency borrowing authority from the Oil Spill Liability Trust Fund. The measure would enhance the Coast Guard's ability to effectively respond to major oil spills.

Mr. President, this is a good bill that enjoys bipartisan support on the Commerce Committee. I look forward to moving this bill to the Senate floor at the earliest opportunity.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1089

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Coast Guard Authorization Act of 1999".

TITLE I—AUTHORIZATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS

(a) Authroization for Fiscal year 2000.—Funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 2000 as follows:

(1) For the operation and maintenance of the Coast Guard, $2,941,039,000, of which $334,000,000 shall be available for defense-related activities and of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $350,326,000, to remain available until expended, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, $21,709,000, to remain available until expended,of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund.

(4) For retired pay (including the payment of obligation otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, such sums as may be necessary, to remain available until expended.

(5) For environmental compliance and restoration at Coast Guard facilities (other than parts and equipment associated with operations and maintenance), $19,500,000, to remain available until expended.

(6) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program, $26,000,000, to remain available until expended.

(b) Authorization for Fiscal Year 2001.—funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 2001, as follows:

(1) For the operation and maintenance of the Coast Guard, $2,941,039,000, of which $25,000,000 shall be derived form the Oil Spill Liability Trust Fund.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $350,326,000, to remain available until expended, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, $21,709,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, such sums as may be necessary, to remain available until expended.

(5) For environmental compliance and restoration at Coast Guard facilities (other than parts and equipment associated with operations and maintenance), $19,500,000, to remain available until expended.

(6) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and

for personnel and administrative costs associated with the Bridge Alteration Program, $26,000,000, to remain available until expended.

SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) End-of-Year Strength for Fiscal Year 2000.—The Coast Guard is authorized an end-of-year strength for active duty personnel of 36,350 as of September 30, 2000.

(b) Training Student Loads for Fiscal Year 2000.—For fiscal year 2000, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 1,500 student years.

(2) For flight training, 100 student years.

(3) For professional training in military and civilian institutions, 300 student years.

(4) For officer acquisition, 1,000 student years.

(c) End-of-Year Strength for Fiscal Year 2001.—The Coast Guard is authorized an end-of-year strength for active duty personnel of 36,350 as of September 30, 2001.

(d) Training Student Loads for Fiscal Year 2001.—For fiscal year 2001, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 1,500 student years.

(2) For flight training, 100 student years.

(3) For professional training in military and civilian institutions, 300 student years.

(4) For officer acquisition, 1,000 student years.

TITLE II—PERSONNEL MANAGEMENT

SEC. 201. COAST GUARD BAND DIRECTOR RANK.

Section 336(d) of title 14, United States Code, is amended by striking "commander" and inserting "captain".

SEC. 202. COAST GUARD RESERVE SPECIAL PAY.

Section 308d(a) of title 37, United States Code, is amended by inserting "or the Secretary of the Department in which the Coast Guard is operating" after "Secretary of Defense".

SEC. 203. COAST GUARD MEMBERSHIP ON THE USO BOARD OF GOVERNORS.

Section 1305(b) of title 36, United States Code, is amended by redesignating paragraph (3) as paragraph (4) and inserting after paragraph (2) the following:

"(3) The Secretary of Transportation, or the Secretary's designee, when the Coast Guard is not operating under the Department of the Navy.".

SEC. 204. COMPENSATORY ABSENCE FOR ISOLATED DUTY.

(a) In General.—Section 511 of title 14, United States Code, is amended to read as follows:

"Sec. 511. Compensatory absence from duty for military personnel at isolated duty stations

"The Secretary may prescribe regulations to grant compensatory absence from duty to military personnel of the Coast Guard serving at isolated duty stations of the Coast Guard when conditions of duty result in confinement because of isolation or in long periods of continuous duty.".

(b) Clerical Amendment.—The table of sections at the beginning of chapter 13 of title 14, United States Code, is amended to read as follows:

"511. Compensatory absence from duty for military personnel at isolated duty stations".

SEC. 205. ACCELERATED PROMOTION OF CERTAIN COAST GUARD OFFICERS.

Title 14, United States Code, is amended—

(1) in section 259, by adding at the end a new subsection (c) to read as follows:

"(c) After selecting the officers to be recommended for promotion, a selection board may recommend officers of particular merit, from among those officers chosen for promotion to be placed at the top of the list of selectees promulgated by the Secretary under section 271(a) of this title. The number of officers that a board may recommend to be placed at the top of the top of the list of selectees promulgated by the Secretary under section 271(a) of this title. The number of officers that a board may recommend to be placed at the top of the list of selectees may not exceed the percentages set forth in subsection (b) unless such a percentage is a number less than one, in which case the board may recommend one officer for such placement. No officer may be recommended to be placed at the top of the list of selectees unless he or she receives the recommendation of at least a majority of the members of a board composed of five members, or at least two-thirds of the members of a board composed of more than five members.";

(2) in section 260(a), by inserting "and the names of those officers recommended to be advanced to the top of the list of selectees established by the Secretary under section 271(a) of this title" after "promotion"; and

(3) in section 271(a), by inserting at the end therefore the following: "The names of all officers approved by the President and recommended by the board to be placed at the top of the list of selectees shall be placed at the top of the list of selectees in the order of seniority on the active duty promotion list."

TITLE III—MARINE SAFETY

SEC. 301. EXTENSION OF TERRITORIAL SEA FOR VESSEL BRIDGE-TO-BRIDGE RADIOTELEPHONE ACT.

Section 4(b) of the Vessel Bridge-to-Bridge Radio-telephone Act (33 U.S.C. 1203(b)), is amended by striking "United States inside the lines established pursuant to section 2 of the Act of February 19, 1895 (28 Stat. 672), as amended." and inserting "United States, which includes all waters of the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988.".

SEC. 302. REPORT ON ICEBREAKING SERVICES.

(a) Report.—Not later than 9 months afer the date of enactment of this Act, the Commandant of the Coast Guard shall submit to the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House, a report on the use of WYTL-class harbor tugs. The report shall include an analyis of the use of such vessels to perform icebreaking services; the degree to which, if any, the decommissioning of each such vessel would result in a degradation of current icebreaking services; and in the event that the decommissioning of any such vessel would result in a significant degradation of icebreaking services, recommendations to remediate such degradation.

(b) 9-Month Waiting Period.—The Commandant of the Coast Guard shall not plan, implement or finalize any regulation or take any other action which would result in the decommissioning of any WYTL-class harbor tugs until 9 months after the date of the submission of the report required by subsection (a) of this section.

SEC. 303. OIL SPILL LIABILITY TRUST FUND ANNUAL REPORT.

(a) In General.—The report regarding the Oil Spill Liability Trust Fund required by the Conference Report (House Report 101-892) accompanying the Department of Transportation and Related Agencies Appropriations Act, 1991, as that requirement was amended by section 1122 of the Federal Reports Elmination and Sunset Act of 1995 (26 U.S.C. 9509 note), shall no longer be submitted to Congress.

(b) Repeal.—Section 1122 of the Federal Reports Elimination and Sunset Act of 1995 (26 U.S.C. 9509 note) is amended by—

(1) striking subsection (a); and

(2) striking "(b) Report on Joint Federal and State Motor Fuel Tax Compliance Project.—".

SEC. 304. OIL SPILL LIABILITY TRUST FUND; EMERGENCY FUND BORROWING AUTHORITY.

Section 6002(b) of the Oil Pollution Act of 1990 (33 U.S.C. 2752(b)) is amended after the first sentence by inserting "To the extent that such amount is not adequate for removal of a discharge or the mitigation or prevention of a substantial threat of a discharge, the Coast Guard may borrow from the Fund such sums as may be necessary, up to a maximum of $100,000,000, and within 30 days shall notify Congress of the amount borrowed and the facts and circumstances necessitating the loan. Amounts borrowed shall be repaid to the Fund when, and to the extent that removal costs are recovered by the Coast Guard from responsible parties for the discharge or substantial threat of discharge.".

Mr. McCAIN. Mr. President, I want to express my strong support for the Coast Guard Authorization Act of 1999. I would like to commend Senator SNOWE, the Chair of the Commerce Subcommittee on Oceans and Fisheries, for her leadership on Coast Guard issues. Earlier in the year, Senator SNOWE convened a hearing on the Coast Guard's fiscal year 2000 budget request. The Commandant of the Coast Guard testified at the hearing and explained the priorities and challenges that the Coast Guard will face in the coming years and the ways that the agency will handle them.

The Coast Guard is a branch of the armed forces and a multi-mission agency. The Coast Guard is responsible for our national defense, search and rescue services on our nation's waterways, maritime law enforcement, including drug interdiction and environmental protection, marine inspection, licensing, port safety and security, aids to navigation, waterways management, and boating safety. This bill will furnish the Coast Guard with funding authority to continue to provide the United States with high quality performance of its diverse duties through fiscal year 2001. I commend the men and women of the Coast Guard who serve their country with honor and distinction.

I believe the bill that we have introduced today is an important first step in providing authorizing legislation for the Coast Guard for fiscal years 2000-2001. The funding levels are currently based on the Administration's transmitted legislative proposal. However, I am particularly concerned about the Coast Guard's ability to continue to fight the war on drugs. The vast majority of drugs enter our country illegally after being transported over our waterways. As the primary maritime law enforcement agency, the Coast Guard has proven that it can effectively stop drugs from reaching our streets. In fiscal year 1998, the Coast Guard seized 82,623 pounds of cocaine and 31,365 pounds of marijuana. Campaign STEEL WEB, the comprehensive, multi-year strategy to fight the war on drugs deserves full support and funding from both the Administration and the Congress. Before the Commerce Committee concludes its consideration of this bill, I intend to determine whether the Administration's bill will provide an adequate level of funding for the Coast Guard's drug interdiction activities. I will also seek to ensure that funding is spent on the most effective drug interdiction programs.

The bill also incorporates several non-controversial provisions included in the Administration's bill which would provide for a variety of improvements for the day-to-day operation of the Coast Guard. I look forward to working with Senator SNOWE and other members of the Commerce Committee during the Senate's consideration of the Coast Guard Authorization Act of 1999.

By Mr. CHAFEE (for himself, Mr. SMITH of New Hampshire, and Mr. LOTT):

S. 1090. A bill to reauthorize and amend the Comprehensive Environmental Response, Liability, and Compensation Act of 1980; to the Committee on Environment and Public Works.

THE SUPERFUND PROGRAM COMPLETION ACT OF 1999

Mr. CHAFEE. Mr. President, I rise today to introduce the Superfund Program Completion Act of 1999. This bill represents our efforts to focus on the areas where bipartisan consensus is achievable this year. The bill provides liability relief for many parties trapped in Superfund—in fact, it exempts or limits the liability of the vast bulk of all parties involved in Superfund litigation. The bill includes very strong provisions to facilitate the redevelopment of Brownfields, and it starts to wind down the Federal role in site cleanup, while enhancing the role of the states.

The bill includes many provisions that have enjoyed widespread bipartisan support in the Senate. The Brownfields title will provide $100 million in grants for state, tribal and local governments to identify, assess and redevelop Brownfields sites. It protects prospective purchasers of contaminated sites, innocent owners of properties adjacent to the source of contamination, and innocent property owners who exercised due diligence upon purchase. These provisions have been included in past bills supported by Democrats and Republicans over the last six years.

The bill exempts a number of parties from Superfund liability and incorporates provisions of S. 2180, the Superfund Recycling Equity Act of 1998, cosponsored last year by Senators LOTT and DASCHLE, as well as 64 other members of the Senate. Our bill exempts small businesses, contributors of very small amounts of hazardous waste, and contributors of small amounts of municipal solid waste. The bill limits the liability of larger generators or transporters of municipal solid waste, as well as owners or operators of co-disposal landfills where municipal solid waste is disposed. The bill limits the liability of so-called de minimis parties—generally one percent contributors or less—as well as municipalities and small businesses with a limited ability to pay.

It is well known that Superfund liability—retroactive, strict, joint and several liability—often can be terribly unfair. It does not make any sense to make Superfund liability even more unfair to the parties who do not receive liability relief in this bill by merely shifting the share of the exempt or limited parties onto those that remain liable. This bill does not do that. Instead, where we grant liability relief, we direct EPA to use the taxes already collected from industry to pay the cost of the exemptions. This seems only fair.

The bill also requires EPA to perform an impartial fair-share allocation at Superfund NPL sites and to give all parties an opportunity to settle for their allocated amount. In performing the allocation, EPA is directed to use the factors first proposed by Vice President GORE when he was serving in the House. EPA is given discretion to design the process, and parties that do not participate or settle remain liable to Superfund's underlying liability provisions, which remain unchanged except for those fortunate parties provided the new protections noted above.

As EPA proudly boasts, cleanup is complete or underway at over 90 percent of the sites on the current NPL. While it is cleaning up the sites at a rate of 85 per year, it has listed only an average of about 26 per year. Last year, the General Accounting Office surveyed the states and EPA about the approximately 3,000 sites identified as possible National Priority List sites, but not yet listed. Only 232 of these sites were identified by either EPA, a state, or both, as likely to be listed on the NPL. Clearly, this program is much closer to the end than in the beginning.

This bill requires EPA to plan how it will proceed at those 3,000 sites still awaiting a decision regarding listing. Everyone knows that the vast bulk of these sites will not be listed on the Superfund List, they will be cleaned up by the states, as the GAO report confirms. Under our bill, new listings on the National Priority List must be requested by the Governor of the affected state, and EPA is limited to listing 30 sites per year.

The bill provides finality at sites cleaned up in state cleanup programs unless a state asks for help, fails to take action, or a true emergency is present. This will give greater confidence to prospective developers that state cleanup decisions will not be second-guessed by EPA. The bill strengthens state programs and starts to bring Superfund to an end.

The bill makes EPA's authorization and appropriation process more transparent. There are separate line items for EPA's cleanup program—the heart of the program—and all other activities such as Brownfields, support for research and development, Department of Justice enforcement, et cetera. No longer will increases in popular programs such as Brownfields come at the expense of the cleanup program. Authorization levels for the cleanup recognize that the program's workload is decreasing and will ramp down over time.

The bill allows the program to be funded from either general revenues or the Trust Fund. It is my view that the Superfund taxes should not be reimposed, and I will strongly oppose their reimposition absent comprehensive Superfund reform that includes needed improvements to provisions governing natural resource damages, liability, and the cleanup process. To the extent that EPA improves its cost recovery performance and the Trust Fund balance exceeds levels needed to fund the liability relief provided in this bill, then that balance, instead of general revenues, can be used for Superfund cleanup.

It is possible that EPA can recover enough past cleanup expenditures to pay for the full 5-year reauthorization program. Since the program's inception, EPA has spent approximately $15.9 billion on cleanup, the vast majority of it from industry-paid Superfund taxes deposited in the Trust Fund. Unfortunately, EPA has only recovered $2.4 billion of this total. Even discounting nearly $6.9 billion in expenditures that have been written-off by EPA or are no longer considered recoverable, there is approximately $6.6 billion that EPA could recover for the Trust Fund.

It is well known that Senator SMITH and I have long advocated comprehensive reform of the Superfund program. We have not abandoned that goal. However, in many ways, the bill we introduce today is more far-reaching than our efforts in the last two Congresses. Except for the liability provisions described above, the major focus of this bill is how to address sites not yet in the federal Superfund program. The Superfund Program Completion Act addresses the future of the Superfund program.

The major reforms included in our previous efforts are not a part of the new bill. This bill does not address liability for damages to natural resources. The bill does not include liability relief for large responsible parties, such as federal funding of the fair shares attributed to bankrupt, defunct and insolvent parties. The bill does not make changes to Superfund's provisions regarding the conduct of cleanups.

I still believe reforms are needed for natural resource damages, liability for large responsible parties, and the cleanup process. Unfortunately, the administration no longer supports legislative reform in these areas. Even in previous years, when the administration claimed to support such reforms, agreement was not possible. Given the remote prospects for concurrence on these issues, Senator SMITH and I decided to set the issues aside for now and move forward with an agenda that we believe can generate bipartisan support.

I cannot understand why anyone would fail to support this bill. It will accelerate Brownfields redevelopment. It will strengthen state programs in anticipation of the day we all know is coming—the day when the Superfund program becomes the small emergency program that was originally intended. It limits or eliminates the liability of many parties who were caught in Superfund's incredibly broad liability net, and it does so in a manner that is fair to those that are left. It does not undermine the so-called "polluter pays" principle, but in fact strengthens it by creating an incentive for EPA to improve its cost recovery performance.

The committee will move forward quickly on this bill. The committee will hold hearings on the bill next week. We will work through the Memorial Day recess to address Members' concerns, then hold a markup within 10 days of returning from the recess. The bill will be ready for floor action prior to the July Fourth recess.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1090

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Superfund Program Completion Act of 1999".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—BROWNFIELDS REVITALIZATION

Sec. 101. Brownfields.
Sec. 102. Contiguous properties.
Sec. 103. Prospective purchasers and windfall liens.
Sec. 104. Safe harbor innocent landholders.

TITLE II—STATE RESPONSE PROGRAMS

Sec. 201. State response programs.
Sec. 202. National priorities list completion.
Sec. 203. Federal emergency removal authority.
Sec. 204. State cost share.

TITLE III—FAIR SHARE LIABILITY ALLOCATIONS AND PROTECTIONS

Sec. 301. Liability exemptions and limitations.
Sec. 302. Expedited settlement for certain parties.
Sec. 303. Fair share settlements and statutory orphan shares.

TITLE IV—FUNDING

Sec. 401. Uses of Hazardous Substance Superfund.

TITLE I—BROWNFIELDS REVITALIZATION

SEC. 101. BROWNFIELDS.

Title I of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) is amended by adding at the end the following:

"SEC. 127. BROWNFIELDS.

"(a) DEFINITIONS.—In this section:

"(1) BROWNFIELD FACILITY.—

"(A) IN GENERAL.—The term 'brownfield facility' means real property, the expansion or redevelopment of which is complicated by the presence or potential presence of a hazardous substance.

"(B) EXCLUSIONS.—The term 'brownfield facility' does not include—

"(i) any portion of real property that, as of the date of submission of an application for assistance under this section, is the subject of an ongoing removal under title I;

"(ii) any portion of real property that has been listed on the National Priorities List or is proposed for listing as of the date of the submission of an application for assistance under this section;

"(iii) any portion of real property with respect to which cleanup work is proceeding in substantial compliance with the requirements of an administrative order on consent, or judicial consent decree that has been entered into, or a permit issued by, the United States or a duly authorized State under this Act, the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321), the Toxic Substances Control Act (15 U.S.C. 2601 et seq.), or the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

"(iv) a land disposal unit with respect to which—

"(I) a closure notification under subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.) has been submitted; and

"(II) closure requirements have been specified in a closure plan or permit;

"(v) a facility that is owned or operated by a department, agency, or instrumentality of the United States; or

"(vi) a portion of a facility, for which portion, assistance for response activity has been obtained under subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) from the Leaking Underground Storage Tank Trust Fund established under section 9508 of the Internal Revenue Code of 1986.

"(C) FACILITIES OTHER THAN BROWNFIELD FACILITIES.—That a facility may not be a brownfield facility within the meaning of subparagraph (A) has no effect on the eligibility of the facility for assistance under any provision of Federal law other than this section.

"(2) ELIGIBLE ENTITY.—

"(A) IN GENERAL.—The term 'eligible entity' means—

"(i) a general purpose unit of local government;

"(ii) a land clearance authority or other quasi-governmental entity that operates under the supervision and control of or as an agent of a general purpose unit of local government;

"(iii) a government entity created by a State legislature;

"(iv) a regional council or group of general purpose units of local government;

"(v) a redevelopment agency that is chartered or otherwise sanctioned by a State;

"(vi) a State; and

"(vii) an Indian Tribe.

"(B) EXCLUSION.—The term 'eligible entity' does not include any entity that is not in substantial compliance with the requirements of an administrative order on consent, judicial consent decree that has been entered into, or a permit issued by, the United States or a duly authorized State under this Act, the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Toxic Substances Control Act (15 U.S.C. 2601 et seq.), or the Safe Drinking Water Act (42 U.S.C. 300f et seq.) with respect to any portion of real property that is the subject of the administrative order on consent, judicial consent decree, or permit.

"(3) SECRETARY.—The term 'Secretary' means the Secretary of Housing and Urban Development.

"(b) BROWNFIELD SITE CHARACTERIZATION AND ASSESSMENT GRANT PROGRAM.—

"(1) ESTABLISHMENT OF PROGRAM.—The Administrator shall establish a program to provide grants for the site characterization and assessment of brownfield facilities.

"(2) ASSISTANCE FOR SITE CHARACTERIZATION AND ASSESSMENT AND RESPONSE ACTIONS.—

"(A) IN GENERAL.—On approval of an application made by an eligible entity, the Administrator may make grants to the eligible entity to be used for the site characterization and assessment of 1 or more brownfield facilities.

"(B) SITE CHARACTERIZATION AND ASSESSMENT.—A site characterization and assessment carried out with the use of a grant under subparagraph (A)—

"(i) shall be performed in accordance with section 101(35)(B); and

"(ii) may include a process to identify and inventory potential brownfield facilities.

"(c) BROWNFIELD REMEDIATION GRANT PROGRAM.—

"(1) ESTABLISHMENT OF PROGRAM.—In consultation with the Secretary, the Administrator shall establish a program to provide grants to be used for response actions (excluding site characterization and assessment) at 1 or more brownfield facilities.

"(2) ASSISTANCE FOR RESPONSE ACTIONS.—On approval of an application made by an eligible entity, the Administrator, in consultation with the Secretary, may make grants to the eligible entity to be used for response actions (excluding site characterization and assessment) at 1 or more brownfield facilities.

"(d) GENERAL PROVISIONS.—

"(1) MAXIMUM GRANT AMOUNT.—

"(A) IN GENERAL.—The total of all grants under subsections (b) and (c) shall not exceed, with respect to any individual brownfield facility covered by the grants, $350,000.

"(B) WAIVER.—The Administrator may waive the $350,000 limitation under subparagraph (A) based on the anticipated level of contamination, size, or status of ownership of the facility.

"(2) PROHIBITION.—

"(A) IN GENERAL.—No part of a grant under this section may be used for payment of penalties, fines, or administrative costs.

“(B) Exclusions.—For the purposes of subparagraph (A), the term ‘administrative cost’ does not include the cost of—

“(i) investigation and identification of the extent of contamination;

“(ii) design and performance of a response action; or

“(iii) monitoring of natural resources.

“(3) Audits.—The Inspector General of the Environmental Protection Agency shall conduct such reviews or audits of grants under this section as the Inspector General considers necessary to carry out the objectives of this section. Audits shall be conducted in accordance with the auditing procedures of the General Accounting Office, including chapter 75 of title 31, United States Code.

“(4) Leveraging.—An eligible entity that receives a grant under this section may use the funds for part of a project at a brownfield facility for which funding is received from other sources, but the grant shall be used only for the purposes described in subsection (b) or (c).

“(5) Agreements.—Each grant made under this section shall be subject to an agreement that—

“(A) requires the eligible entity to comply with all applicable State laws (including regulations);

“(B) requires that the eligible entity shall use the grant exclusively for purposes specified in subsection (b) or (c);

“(C) in the case of an application by an eligible entity under subsection (c), requires payment by the eligible entity of a matching share (which may be in the form of a contribution of labor, material, or services) of at least 20 percent of the costs of the response action for which the grant is made, is from non-Federal sources of funding.

“(D) contains such other terms and conditions as the Administrator determines to be necessary to carry out this section.

“(e) Grant Applications.—

“(1) Submission.—

“(A) In general.—Any eligible entity may submit an application to the Administrator, through a regional office of the Environmental Protection Agency and in such form as the Administrator may require, for a grant under this section for 1 or more brownfield facilities.

“(B) Coordination.—In developing application requirements, the Administrator shall coordinate with the Secretary and other Federal agencies and departments, such that eligible entities under this section are made aware of other available Federal resources.

“(C) Guidance.—The Administrator shall publish guidance to assist eligible entities in obtaining grants under this section.

“(2) Approval.—The Administrator, in consultation with the Secretary, shall make an annual evaluation of each application received during the prior fiscal year and make grants under this section to eligible entities that submit applications during the prior year and that the Administrator, in consultation with the Secretary, determines have the highest rankings under the ranking criteria established under paragraph (3).

“(3) Ranking criteria.—The Administrator, in consultation with the Secretary, shall establish a system for ranking grant applications that includes the following criteria:

“(A) The extent to which a grant will stimulate the availability of other funds for environmental remediation and subsequent redevelopment of the area in which the brownfield facilities are located.

“(B) The potential of the development plan for the area in which the brownfield facilities are located to stimulate economic development of the area on completion of the cleanup, such as the following:

“(i) The relative increase in the estimated fair market value of the area as a result of any necessary response action.

“(ii) The demonstration by applicants of the intent and ability to create new or expand existing business, employment, recreation, or conservation opportunities on completion of any necessary response action.

“(iii) If commercial redevelopment is planned, the estimated additional full-time employment opportunities and tax revenues expected to be generated by economic redevelopment in the area in which a brownfield facility is located.

“(iv) The estimated extent to which a grant would facilitate the identification of or facilitate a reduction of health and environmental risks.

“(v) The financial involvement of the State and local government in any response action planned for a brownfield facility and the extent to which the response action and the proposed redevelopment is consistent with any applicable State or local community economic development plan.

“(vi) The extent to which the site characterization and assessment or response action and subsequent development of a brownfield facility involves the active participation and support of the local community.

“(vii) Such other factors as the Administrator considers appropriate to carry out the purposes of this section.

“(C) The extent to which a grant will enable the creation of or addition to parks, greenways, or other recreational property.

“(D) The extent to which a grant will meet the needs of a community that has an inability to draw on other sources of funding for environmental remediation and subsequent redevelopment of the area in which a brownfield facility is located because of the small population or low income of the community.”.

SEC. 102. CONTIGUOUS PROPERTIES.

(a) In General.—Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607(a)) is amended by adding at the end the following:

“(o) Contiguous Properties.—

“(1) Not considered to be an owner or operator.—

“(A) In general.—A person that owns or operates real property that is contiguous to or otherwise similarly situated with respect to real property on which there has been a release or threatened release of a hazardous substance and that is or may be contaminated by the release shall not be considered to be an owner or operator of a vessel or facility under paragraph (1) or (2) of subsection (a) solely by reason of the contamination if—

“(i) the person did not cause, contribute, or consent to the release or threatened release;

“(ii) the person is not affiliated through any familial or corporate relationship with any person that is or was a party potentially responsible for response costs at the facility; and

“(iii) the person exercised appropriate care with respect to each hazardous substance found at the facility by taking reasonable steps to stop any continuing release, prevent any threatened future release and prevent or limit human or natural resource exposure to any previously released hazardous substance.

“(B) Ground water.—With respect to hazardous substances in ground water beneath a person's property solely as a result of subsurface migration in an aquifer from a source or sources outside the property, appropriate care shall not require the person to conduct ground water investigations or to install ground water remediation systems.

“(2) Cooperation, assistance, and access.—A party described in paragraph (1) may be considered an owner or operator of a vessel or facility under paragraph (1) or (2) of subsection (a) if the party has failed to substantially comply with the requirement stated in section 122(p)(2)(H) with respect to the facility.

“(3) Assurances.—The Administrator may—

“(A) issue an assurance that no enforcement action under this Act will be initiated against a person described in paragraph (1); and

“(B) grant a person described in paragraph (1) protection against a cost recovery or contribution action under section 113(f).”.

(b) National Priorities List.—

(1) In general.—Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605) is amended—

(A) in subsection (a)(8)—

(i) in subparagraph (B), by inserting “and” after the semicolon at the end; and

(ii) by adding at the end the following:

“(C) provision that in listing a facility on the National Priorities List, the Administrator shall not include any parcel of real property at which no release has actually occurred, but to which a released hazardous substance, pollutant, or contaminant has migrated in ground water that has moved through subsurface strata from another parcel of real estate at which the release actually occurred, unless—

“(i) the ground water is in use as a public drinking water supply or was in such use at the time of the release; and

“(ii) the owner or operator of the facility is liable, or is affiliated with any other person that is liable, for any response costs at the facility, through any direct or indirect familial relationship, or any contractual, corporate, or financial relationship other than that created by the instruments by which title to the facility is conveyed or financed.”; and

(B) by adding at the end the following:

“(h) Listing of Particular Parcels.—

“(1) Definition.—In subsection (a)(8)(C) and paragraph (2) of this subsection, the term ‘parcel of real property’ means a parcel, lot, or tract of land that has a separate legal description from that of any other parcel, lot, or tract of land the legal description and ownership of which has been recorded in accordance with the law of the State in which it is located.

“(2) Statutory construction.—Nothing in subsection (a)(8)(C) limits the Administrator's authority under section 104 to obtain access to and undertake response actions at any parcel of real property to which a released hazardous substance, pollutant, or contaminant has migrated in the ground water.”.

(2) Revision of national priorities list.—Not later than 180 days after the date of enactment of this Act, the President shall revise the National Priorities List to conform with the amendments made by paragraph (1).

(c) Conforming Amendment.—Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607) is amended by striking “of this section” and inserting “and the exemptions and limitations stated in this section”.

SEC. 103. PROSPECTIVE PURCHASERS AND WINDFALL LIENS.

(a) DEFINITION OF BONA FIDE PROSPECTIVE PURCHASER.—Section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601) is amended by adding at the end the following:

"(39) BONA FIDE PROSPECTIVE PURCHASER.—The term 'bona fide prospective purchaser' means a person that acquires ownership of a facility after the date of enactment of this paragraph, or a tenant of such a person, that establishes each of the following by a preponderance of the evidence:

"(A) DISPOSAL PRIOR TO ACQUISITION.—All deposition of hazardous substances at the facility occurred before the person acquired the facility.

"(B) INQUIRIES.—

"(i) IN GENERAL.—The person made all appropriate inquiries into the previous ownership and uses of the facility and the facility's real property in accordance with generally accepted good commercial and customary standards and practices.

"(ii) STANDARDS AND PRACTICES.—The standards and practices referred to in paragraph (35)(B)(ii) or those issued or adopted by the Administrator under that paragraph shall be considered to satisfy the requirements of this subparagraph.

"(iii) RESIDENTIAL USE.—In the case of property for residential or other similar use purchased by a nongovernmental or noncommercial entity, a facility inspection and title search that reveal no basis for further investigation shall be considered to satisfy the requirements of this subparagraph.

"(C) NOTICES.—The person provided all legally required notices with respect to the discovery or release of any hazardous substances at the facility.

"(D) CARE.—The person exercised appropriate care with respect to each hazardous substance found at the facility by taking reasonable steps to stop any continuing release, prevent any threatened future release and prevent or limit human or natural resource exposure to any previously released hazardous substance.

"(E) COOPERATION, ASSISTANCE, AND ACCESS.—The person has not failed to substantially comply with the requirement stated in section 122(p)(2)(H) with respect to the facility.

"(F) NO AFFILIATION.—The person is not affiliated through any familial or corporate relationship with any person that is or was a party potentially responsible for response costs at the facility.".

(b) AMENDMENT.—Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607) (as amended by section 102) is amended by adding at the end the following:

"(p) PROSPECTIVE PURCHASER AND WINDFALL LIEN.—

"(1) LIMITATION ON LIABILITY.—Notwithstanding subsection (a), a bona fide prospective purchaser whose potential liability for a release or threatened release is based solely on the purchaser's being considered to be an owner or operator of a facility shall not be liable as long as the bona fide prospective purchaser does not impede the performance of a response action or natural resource restoration.

"(2) LIEN.—If there are unrecovered response costs at a facility for which an owner of the facility is not liable by reason of subsection (n)(1) and each of the conditions described in paragraph (3) is met, the United States shall have a lien on the facility, or may obtain from appropriate responsible party a lien on any other property or other assurances of payment satisfactory to the Administrator, for such unrecovered costs.

"(3) CONDITIONS.—The conditions referred to in paragraph (1) are the following:

"(A) RESPONSE ACTION.—A response action for which there are unrecovered costs is carried out at the facility.

"(B) FAIR MARKET VALUE.—The response action increases the fair market value of the facility above the fair market value of the facility that existed 180 days before the response action was initiated.

"(C) SALE.—A sale or other disposition of all or a portion of the facility has occurred.

"(4) AMOUNT.—A lien under paragraph (2)—

"(A) shall not exceed the increase in fair market value of the property attributable to the response action at the time of a subsequent sale or other disposition of the property;

"(B) shall arise at the time at which costs are first incurred by the United States with respect to a response action at the facility;

"(C) shall be subject to the requirements of subsection (l)(3); and

"(D) shall continue until the earlier of satisfaction of the lien or recovery of all response costs incurred at the facility.".

SEC. 104. SAFE HARBOR INNOCENT LANDHOLDERS.

(a) AMENDMENT.—Section 101(35) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(35)) is amended—

(1) in subparagraph (A)—

(A) in the matter that precedes clause (i), by striking "deeds or" and inserting "deeds, easements, leases, or"; and

(B) in the matter that follows clause (iii)—

(i) by striking "he" and inserting "the defendant"; and

(ii) by striking the period at the end and inserting ", has provided full cooperation, assistance, and facility access to the persons that are responsible for response actions at the facility, including the cooperation and access necessary for the installation, integrity, operation, and maintenance of any complete or partial response action at the facility, and has taken no action that impeded the effectiveness or integrity of any institutional control employed under section 121 at the facility."; and

(2) by striking subparagraph (B) and inserting the following:

"(B) REASON TO KNOW.—

"(i) ALL APPROPRIATE INQUIRIES.—To establish that the defendant had no reason to know of the matter described in subparagraph (A)(i), the defendant must show that—

"(I) at or prior to the date on which the defendant acquired the facility, the defendant undertook all appropriate inquiries into the previous ownership and uses of the facility in accordance with generally accepted good commercial and customary standards and practices; and

"(II) the defendant exercised appropriate care with respect to each hazardous substance found at the facility by taking reasonable steps to stop any continuing release, prevent any threatened future release and prevent or limit human or natural resource exposure to any previously released hazardous substance.

"(ii) STANDARDS AND PRACTICES.—The Administrator shall by regulation establish as standards and practices for the purpose of clause (i)—

"(I) the American Society for Testing and Materials (ASTM) Standard E1527-94, entitled 'Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process'; or

"(II) alternative standards and practices under clause (iii).

"(iii) ALTERNATIVE STANDARDS AND PRACTICES.—

"(I) IN GENERAL.—The Administrator may by regulation issue alternative standards and practices or designate standards developed by other organizations than the American Society for Testing and Materials after conducting a study of commercial and industrial practices concerning the transfer of real property in the United States.

"(II) CONSIDERATIONS.—In issuing or designating alternative standards and practices under subclause (I), the Administrator shall consider including each of the following:

"(aa) The results of an inquiry by an environmental professional.

"(bb) Interviews with past and present owners, operators, and occupants of the facility and the facility's real property for the purpose of gathering information regarding the potential for contamination at the facility and the facility's real property.

"(cc) Reviews of historical sources, such as chain of title documents, aerial photographs, building department records, and land use records to determine previous uses and occupancies of the real property since the property was first developed.

"(dd) Searches for recorded environmental cleanup liens, filed under Federal, State, or local law, against the facility or the facility's real property.

"(ee) Reviews of Federal, State, and local government records (such as waste disposal records), underground storage tank records, and hazardous waste handling, generation, treatment, disposal, and spill records, concerning contamination at or near the facility or the facility's real property.

"(ff) Visual inspections of the facility and facility's real property and of adjoining properties.

"(gg) Specialized knowledge or experience on the part of the defendant.

"(hh) The relationship of the purchase price to the value of the property if the property was uncontaminated.

"(ii) Commonly known or reasonably ascertainable information about the property.

"(jj) The degree of obviousness of the presence or likely presence of contamination at the property, and the ability to detect such contamination by appropriate investigation.

"(iv) SITE INSPECTION AND TITLE SEARCH.—In the case of property for residential use or other similar use purchased by a nongovernmental or noncommercial entity, a facility inspection and title search that reveal no basis for further investigation shall be considered to satisfy the requirements of this subparagraph.".

(b) STANDARDS AND PRACTICES.—

(1) ESTABLISHMENT BY REGULATION.—The Administrator of the Environmental Protection Agency shall issue the regulation required by section 101(35)(B)(ii) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (as added by subsection (a)) not later than 1 year after the date of enactment of this Act.

(2) INTERIM STANDARDS AND PRACTICES.—Until the Administrator issues the regulation described in paragraph (1), in making a determination under section 101(35)(B)(i) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (as added by subsection (a)), there shall be taken into account—

(A) any specialized knowledge or experience on the part of the defendant;

(B) the relationship of the purchase price to the value of the property if the property was uncontaminated;

(C) commonly known or reasonably ascertainable information about the property;

(D) the degree of obviousness of the presence or likely presence of contamination at the property; and

(E) the ability to detect the contamination by appropriate investigation.

TITLE II—STATE RESPONSE PROGRAMS

SEC. 201. STATE RESPONSE PROGRAMS.

(a) Definitions.—Section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601) (as amended by section 103(a)) is amended by adding at the end the following:

"(40) Facility subject to state cleanup.—The term 'facility subject to State cleanup' means a facility that—

"(A) is not listed or proposed for listing on the National Priorities List; and

"(B)(i) has been archived from the Comprehensive Environmental Response, Compensation, and Liability Information System;

"(ii) was included on the Comprehensive Environmental Response, Compensation, and Liability Information System before the date of enactment of this section and is not listed or proposed for listing on the National Priorities List within 2 years after the date of enactment of this section; or

"(iii) is added to the Comprehensive Environmental Response, Compensation, and Liability Information System after the date of enactment of this section, if at least 2 years have elapsed since the earlier of—

"(I) inclusion of the facility on the Comprehensive Environmental Response, Compensation, and Liability Information System; or

"(II) issuance at the facility of an order under section 106(a).

"(41) Qualifying state response program.—The term 'qualifying State response program' means a State program that includes the elements described in section 128(b).".

(b) Qualifying State Response Programs.—Title I of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) (as amended by section 101(a)) is amended by adding at the end the following:

"SEC. 128. QUALIFYING STATE RESPONSE PROGRAMS.

"(a) Assistance to States.—The Administrator shall provide grants to States to establish and expand qualifying State response programs that include the elements listed in subsection (b).

"(b) Elements.—The elements of a qualifying State response program are the following:

"(1) Oversight and enforcement authorities or other mechanisms that are adequate to ensure that—

"(A) response actions will protect human health and the environment and be conducted in accordance with applicable Federal and State law; and

"(B) in the case of a voluntary response action, if the person conducting the voluntary response action fails to complete the necessary response activities, including operation and maintenance or long-term monitoring activities, the necessary response activities are completed.

"(2) Adequate opportunities for public participation, including prior notice and opportunity for comment in appropriate circumstances, in selecting response actions.

"(3) Mechanisms for approval of a response action plan, or a requirement for certification or similar documentation from the State to the person conducting a response action indicating that the response is complete.

"(c) Enforcement in Cases of a Release Subject to a State Plan.—

"(1) Enforcement.—

"(A) In general.—Except as provided in subparagraph (B), in the case of a release or threatened release of a hazardous substance at a facility subject to State cleanup, neither the President nor any other person may use any authority under this Act to take an enforcement action against any person regarding any matter that is within the scope of a response action that is being conducted or has been completed under State law.

"(B) Exceptions.—The President may bring an enforcement action under this Act with respect to a facility described in subparagraph (A) if—

"(i) the enforcement action is authorized under section 104;

"(ii) the State requests that the President provide assistance in the performance of a response action and that the enforcement bar in subparagraph (A) be lifted;

"(iii) at a facility at which response activities are ongoing the Administrator—

"(I) makes a written determination that the State is unwilling or unable to take appropriate action, after the Administrator has provided the Governor notice and an opportunity to cure; and

"(II) the Administrator determines that the release or threat of release constitutes a public health or environmental emergency under section 104(a)(4);

"(iv) the Administrator determines that contamination has migrated across a State line, resulting in the need for further response action to protect human health or the environment; or

"(v) in the case of a facility at which all response actions have been completed, the Administrator—

"(I) makes a written determination that the State is unwilling or unable to take appropriate action, after the Administrator has provided the Governor notice and an opportunity to cure; and

"(II) makes a written determination that the facility presents a substantial risk that requires further remediation to protect human health or the environment, as evidenced by—

"(aa) newly discovered information regarding contamination at the facility;

"(bb) the discovery that fraud was committed in demonstrating attainment of standards at the facility; or

"(cc) a failure of the remedy under the State remedial action plan or a change in land use giving rise to a clear threat of exposure.

"(C) EPA notification.—

"(i) In general.—In the case of a facility at which there is a release or threatened release of a hazardous substance, pollutant, or contaminant and for which the Administrator intends to undertake an administrative or enforcement action, the Administrator, prior to taking the administrative or enforcement action, shall notify the State of the action the Administrator intends to take and wait for an acknowledgment from the State under clause (ii).

"(ii) State response.—Not later than 48 hours after receiving a notice from the Administrator under clause (i), the State shall notify the Administrator if the facility is currently or has been subject to a State remedial action plan.

"(iii) Public health or environmental emergency.—If the Administrator finds that a release or threatened release constitutes a public health or environmental emergency under section 104(a)(4), the Administrator may take appropriate action immediately after giving notification under clause (i) without waiting for State acknowledgment.

"(2) Cost or damage recovery actions.—Paragraph (1) shall not apply to an action brought by a State, Indian Tribe, or general purpose unit of local government for the recovery of costs or damages under this Act.

"(3) Savings provision.—

"(A) Existing agreements.—A memorandum of agreement, memorandum of understanding, or similar agreement between the President and a State or Indian tribe defining Federal and State or tribal response action responsibilities that was in effect as of the date of enactment of this section with respect to a facility to which paragraph (1)(C) does not apply shall remain effective until the agreement expires in accordance with the terms of the agreement.

"(B) New agreements.—Nothing in this subsection precludes the President from entering into an agreement with a State or Indian tribe regarding responsibility at a facility to which paragraph (1)(C) does not apply.".

SEC. 202. NATIONAL PRIORITIES LIST COMPLETION.

Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605) is amended by striking subsection (b) and inserting the following:

"(b) National Priorities List Completion.—

"(1) In general.—Not later than 2 years after the date of enactment of this paragraph, the President shall complete the evaluation of all facilities classified as awaiting a National Priorities List decision to determine the risk or danger to public health or welfare or the environment posed by each facility as compared with the other facilities.

"(2) Maximum number.—For fiscal years 2000 through 2004, the President shall add a maximum of 30 facilities to the National Priorities List on an annual basis.

"(3) Requirement of request by the governor of a state.—No facility shall be added to the National Priorities List without the President having first received a written communication from the Governor of the State in which the facility is located requesting that the facility be added.".

SEC. 203. FEDERAL EMERGENCY REMOVAL AUTHORITY.

Section 104(c)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(c)(1)) is amended—

(1) in subparagraph (C), by striking "consistent with the remedial action to be taken" and inserting "not inconsistent with any remedial action that has been selected or is anticipated at the time of any removal action at a facility,";

(2) by striking "$2,000,000" and inserting "$5,000,000"; and

(3) by striking "12 months" and inserting "3 years".

SEC. 204. STATE COST SHARE.

Section 104(c) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(c)) is amended—

(1) by striking "(c)(1) Unless" and inserting the following:

"(c) Miscellaneous Limitations and Requirements.—

"(1) Continuance of obligations from fund.—Unless";

(2) in paragraph (1), by striking "taken obligations" and inserting "taken, obligations";

(3) by striking "(2) The President" and inserting the following:

"(2) CONSULTATION.—The President"; and

(4) by striking paragraph (3) and inserting the following:

"(3) STATE COST SHARE.—

"(A) IN GENERAL.—The Administrator shall not provide any funding for remedial action under this section unless the State in which the release occurs first enters into a contract or cooperative agreement with the Administrator that provides assurances that the State will pay, in cash or through in-kind contributions, 10 percent of the costs of—

"(i) the remedial action; and

"(ii) operation and maintenance costs.

"(B) ACTIVITIES WITH RESPECT TO WHICH STATE COST SHARE IS REQUIRED.—No State cost share shall be required except for remedial actions under this section.

"(C) INDIAN TRIBES.—The requirements of this paragraph shall not apply in the case of remedial action to be taken on land or water—

"(i) held by an Indian Tribe;

"(ii) held by the United States in trust for an Indian Tribe;

"(iii) held by a member of an Indian Tribe (if the land or water is subject to a trust restriction on alienation); or

"(iv) within the borders of an Indian reservation.

TITLE III—FAIR SHARE LIABILITY ALLOCATIONS AND PROTECTIONS

SEC. 301. LIABILITY EXEMPTIONS AND LIMITATIONS.

(a) DEFINITIONS.—Section 101 of the Comprehensive Environmental Response, Liability, and Compensation Act of 1980 (42 U.S.C. 9601) (as amended by section 201(a)) is amended by adding at the end the following:

"(42) CODISPOSAL LANDFILL.—The term 'codisposal landfill' means a landfill that—

"(A) was listed on the National Priorities List as of the date of enactment of this paragraph;

"(B) received for disposal municipal solid waste or sewage sludge; and

"(C) may also have received, before the effective date of requirements under subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.), any hazardous waste, if the landfill contains predominantly municipal solid waste or sewage sludge that was transported to the landfill from outside the facility.

"(43) MUNICIPAL SOLID WASTE.—

"(A) IN GENERAL.—The term 'municipal solid waste' means waste material generated by—

"(i) a household (such as a single- or multifamily residence) or a public lodging (such as a hotel or motel); or

"(ii) a commercial, institutional, or industrial source, to the extent that—

"(I) the waste material is substantially similar to waste normally generated by a household or public lodging (without regard to differences in volume); or

"(II) the waste material is collected and disposed of with other municipal solid waste or sewage sludge and, regardless of when generated, would be conditionally exempt small quantity generator waste under the regulation issued under section 3001(d) of the Solid Waste Disposal Act (42 U.S.C. 6921(d)).

"(B) INCLUSIONS.—The term 'municipal solid waste' includes food and yard waste, paper, clothing, appliances, consumer product packaging, disposable diapers, office supplies, cosmetics, glass and metal food containers, elementary or secondary school science laboratory waste, and household hazardous waste.

"(C) EXCLUSIONS.—The term 'municipal solid waste' does not include combustion ash generated by resource recovery facilities or municipal incinerators or waste from manufacturing or processing (including pollution control) operations that is not described in subclause (I) or (II).

"(44) MUNICIPALITY.—

"(A) IN GENERAL.—The term 'municipality' means a political subdivision of a State (including a city, county, village, town, township, borough, parish, school district, sanitation district, water district, or other public entity performing local governmental functions).

"(B) INCLUSIONS.—The term 'municipality' includes a natural person acting in the capacity of an official, employee, or agent of any entity described in subparagraph (A) in the performance of a governmental function.

"(45) SEWAGE SLUDGE.—The term 'sewage sludge' means solid, semisolid, or liquid residue removed during the treatment of municipal waste water, domestic sewage, or other waste water at or by publicly owned treatment works.".

(b) EXEMPTIONS AND LIMITATIONS.—

(1) IN GENERAL.—Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607) (as amended by section 103(b)) is amended by adding at the end the following:

"(q) LIABILITY EXEMPTION FOR MUNICIPAL SOLID WASTE AND SEWAGE SLUDGE.—No person shall be liable to the United States or to any other person (including liability for contribution) under this section for any response costs at a facility listed on the National Priorities List to the extent that—

"(1) the person is liable solely under paragraph (3) or (4) of subsection (a); and

"(2) the person is—

"(A) an owner, operator, or lessee of residential property from which all of the person's municipal solid waste was generated;

"(B) a business entity that, during the tax year preceding the date of transmittal of written notification that the business is potentially liable, employs not more than 100 individuals; or

"(C) a nonprofit organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that employs not more than 100 individuals, from which all of the person's municipal solid waste was generated.

"(r) DE MICROMIS CONTRIBUTOR EXEMPTION.—

"(1) IN GENERAL.—In the case of a vessel or facility listed on the National Priorities List, no person described in paragraph (3) or (4) of subsection (a) shall be liable to the United States or to any other person (including liability for contribution) for any response costs under this section if the activity specifically attributable to the person resulted in the disposal or treatment of not more than 200 pounds or 110 gallons of material containing a hazardous substance at the vessel or facility before the date of enactment of this subsection, or such greater amount as the Administrator may determine by regulation.

"(2) EXCEPTION.—Paragraph (1) shall not apply in a case in which the Administrator determines that material described in paragraph (1) has contributed or may contribute significantly, individually, to the amount of response costs at the facility.

"(s) SMALL BUSINESS EXEMPTION.—

"(1) IN GENERAL.—No person shall be liable to the United States or to any person (including liability for contribution) under this section for any response costs at a facility listed on the National Priorities List if—

"(A) the person is a business that—

"(i) during the taxable year preceding the date of transmittal of notification that the business is a potentially responsible party, had full- and part-time employees whose combined time was equivalent to 75 or fewer full-time employees; or

"(ii) for that taxable year reported $3,000,000 or less in gross revenue;

"(B) the activity specifically attributable to the person resulted in the disposal or treatment of material containing a hazardous substance at the vessel or facility before the date of enactment of this subsection; and

"(C) the person is not affiliated through any familial or corporate relationship with any person that is or was a party potentially responsible for response costs at the facility.

"(2) EXCEPTION.—Paragraph (1) shall not apply in a case in which the material containing a hazardous substance referred to in subparagraph (A) contributed significantly or could contribute significantly to the cost of the response action with respect to the facility.

"(t) MUNICIPAL SOLID WASTE AND SEWAGE SLUDGE EXEMPTION AND LIMITATIONS.—

"(1) CONTRIBUTION OF MUNICIPAL SOLID WASTE AND MUNICIPAL SEWAGE SLUDGE.—

"(A) IN GENERAL.—The condition stated in this subparagraph is that the liability of the potentially responsible party is for response costs based on paragraph (3) or (4) of section 107(a) and on the potentially responsible party's having arranged for disposal or treatment of, arranged with a transporter for transport for disposal or treatment of, or accepted for transport for disposal or treatment of, municipal solid waste or municipal sewage sludge at a facility listed on the National Priorities List.

"(B) SETTLEMENT AMOUNT.—

"(i) IN GENERAL.—The President shall offer a settlement to a party referred to in clause (i) with respect to liability under paragraph (3) or (4) of section 107(a) on the basis of a payment of $5.30 per ton of municipal solid waste or municipal sewage sludge that the President estimates is attributable to the party.

"(ii) REVISION.—

"(I) IN GENERAL.—The President may revise the settlement amount under clause (i) by regulation.

"(II) BASIS.—A revised settlement amount under subclause (I) shall reflect the estimated per-ton cost of closure and post-closure activities at a representative facility containing only municipal solid waste.

"(C) CONDITIONS.—The provisions for settlement described in this subparagraph shall not apply with respect to a facility where there is no waste except municipal solid waste or municipal sewage sludge.

"(D) ADJUSTMENT FOR INFLATION.—The Administrator may by guidance periodically adjust the settlement amount under subparagraph (B) to reflect changes in the Consumer Price Index (or other appropriate index, as determined by the Administrator).

"(2) MUNICIPAL OWNERS AND OPERATORS.—

"(A) AGGREGATE LIABILITY OF LARGE MUNICIPALITIES.—

"(i) IN GENERAL.—With respect to a codisposal landfill that is owned or operated in whole or in part by municipalities with a population of 100,000 or more (according to the 1990 census), and that is not subject to the criteria for solid waste landfills published under subtitle D of the Solid Waste

Disposal Act (42 U.S.C. 6941 et seq.) at part 258 of title 40, Code of Federal Regulations (or a successor regulation), the aggregate amount of liability of such municipal owners and operators for response costs under this section shall be not greater than 20 percent of such costs.

“(ii) INCREASED AMOUNT.—The President may increase the percentage under clause (i) to not more than 35 percent with respect to a municipality if the President determines that the municipality committed specific acts that exacerbated environmental contamination or exposure with respect to the facility.

“(iii) DECREASED AMOUNT.—The President may decrease the percentage under clause (i) with respect to a municipality to not less than 10 percent if the President determines that the municipality took specific acts of mitigation during the operation of the facility to avoid environmental contamination or exposure with respect to the facility.

“(B) AGGREGATE LIABILITY OF SMALL MUNICIPALITIES.—

“(i) IN GENERAL.—With respect to a codisposal landfill that is owned or operated in whole or in part by municipalities with a population of less than 100,000 (according to the 1990 census), that is not subject to the criteria for solid waste landfills published under subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) at part 258 of title 40, Code of Federal Regulations (or a successor regulation), the aggregate amount of liability of such municipal owners and operators for response costs under this section shall be not greater than 10 percent of such costs.

“(ii) INCREASED AMOUNT.—The President may increase the percentage under clause (i) to not more than 20 percent with respect to a municipality if the President determines that the municipality committed specific acts that exacerbated environmental contamination or exposure with respect to the facility.

“(iii) DECREASED AMOUNT.—The President may decrease the percentage under clause (i) with respect to a municipality to not less than 5 percent if the President determines that the municipality took specific acts of mitigation during the operation of the facility to avoid environmental contamination or exposure with respect to the facility.

“(3) APPLICABILITY.—This subsection shall not apply to—

“(A) a person that acted in violation of subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.) at a facility that is subject to a response action under this title, if the violation pertains to a hazardous substance the release of threat of release of which caused the incurrence of response costs at the facility;

“(B) a person that owned or operated a codisposal landfill in violation of the applicable requirements for municipal solid waste landfill units under subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) after October 9, 1991, if the violation pertains to a hazardous substance the release of threat of release of which caused the incurrence of response costs at the facility; or

“(C) a person under section 122(p)(2)(G).

“(4) PERFORMANCE OF RESPONSE ACTIONS.—As a condition of a settlement with a municipality under this subsection, the President may require that the municipality perform or participate in the performance of the response actions at the facility.

“(5) NOTICE OF APPLICABILITY.—The President shall provide a potentially responsible party with notice of the potential applicability of this section in each written communication with the party concerning the potential liability of the party.

“(u) RECYCLING TRANSACTIONS.—

“(1) LIABILITY CLARIFICATION.—As provided in paragraphs (2), (3), (4), and (5), a person who arranged for recycling of recyclable material shall not be liable under paragraph (3) or (4) of subsection (a) with respect to the material.

“(2) RECYCLABLE MATERIAL DEFINED.—For purposes of this subsection, the term ‘recyclable material’ means scrap paper, scrap plastic, scrap glass, scrap textiles, scrap rubber (other than whole tires), scrap metal, or spent lead-acid, spent nickel-cadmium, and other spent batteries, as well as minor amounts of material incident to or adhering to the scrap material as a result of its normal and customary use prior to becoming scrap; except that such term shall not include shipping containers of a capacity from 30 liters to 3,000 liters, whether intact or not, having any hazardous substance (but not metal bits and pieces or hazardous substance that form an integral part of the container) contained in or adhering thereto.

“(3) TRANSACTIONS INVOLVING SCRAP PAPER, PLASTIC, GLASS, TEXTILES, OR RUBBER.—Transactions involving scrap paper, scrap plastic, scrap glass, scrap textiles, or scrap rubber (other than whole tires) shall be deemed to be arranging for recycling if the person who arranged for the transaction (by selling recyclable material or otherwise arranging for the recycling of recyclable material) can demonstrate by a preponderance of the evidence that all of the following criteria were met at the time of the transaction:

“(A) The recyclable material met a commercial specification grade.

“(B) A market existed for the recyclable material.

“(C) A substantial portion of the recyclable material was made available for use as feedstock for the manufacture of a new saleable product.

“(D) The recyclable material could have been a replacement or substitute for a virgin raw material, or the product to be made from the recyclable material could have been a replacement or substitute for a product made, in whole or in part, from a virgin raw material.

“(E) For transactions occurring 90 days or more after the date of enactment of this subsection, the person exercised reasonable care to determine that the facility where the recyclable material was handled, processed, reclaimed, or otherwise managed by another person (hereinafter in this subsection referred to as a ‘consuming facility’) was in compliance with substantive (not procedural or administrative) provisions of any Federal, State, or local environmental law or regulation, or compliance order or decree issued pursuant thereto, applicable to the handling, processing, reclamation, storage, or other management activities associated with recyclable material.

“(F) For purposes of this paragraph, ‘reasonable care’ shall be determined using criteria that include (but are not limited to)—

“(i) the price paid in the recycling transaction;

“(ii) the ability of the person to detect the nature of the consuming facility’s operations concerning its handling, processing, reclamation, or other management activities associated with recyclable material; and

“(iii) the result of inquiries made to the appropriate Federal, State, or local environmental agency (or agencies) regarding the consuming facility’s past and current compliance with substantive (not procedural or administrative) provisions of any Federal, State, or local environmental law or regulation, or compliance order or decree issued pursuant thereto, applicable to the handling, processing, reclamation, storage, or other management activities associated with the recyclable material. For the purposes of this subparagraph, a requirement to obtain a permit applicable to the handling, processing, reclamation, or other management activity associated with the recyclable materials shall be deemed to be a substantive provision.

“(4) TRANSACTIONS INVOLVING SCRAP METAL.—

“(A) Transactions involving scrap metal shall be deemed to be arranging for recycling if the person who arranged for the transaction (by selling recyclable material or otherwise arranging for the recycling of recyclable material) can demonstrate by a preponderance of the evidence that at the time of the transaction—

“(i) the person met the criteria set forth in paragraph (3) with respect to the scrap metal;

“(ii) the person was in compliance with any applicable regulations or standards regarding the storage, transport, management, or other activities associated with the recycling of scrap metal that the Administrator promulgates under the Solid Waste Disposal Act subsequent to the enactment of this subsection and with regard to transactions occurring after the effective date of such regulations or standards; and

“(iii) the person did not melt the scrap metal prior to the transaction.

“(B) For purposes of subparagraph (A)(iii), melting of scrap metal does not include the thermal separation of 2 or more materials due to differences in their melting points (referred to as ‘sweating’).

“(C) For purposes of this paragraph, the term ‘scrap metal’ means—

“(i) bits and pieces of metal parts (e.g., bars, turnings, rods, sheets, wire) or metal pieces that may be combined together with bolts or soldering (e.g., radiators, scrap automobiles, railroad box cars), which when worn or superfluous can be recycled; and

“(ii) notwithstanding subparagraph (A)(iii), metal byproducts from copper and copper-based alloys that—

“(I) are not 1 of the primary products of a secondary production process;

“(II) are not solely or separately produced by the production process;

“(III) are not stored in a pile or surface impoundment; and

“(IV) are sold to another recycler that is not speculatively accumulating such metal byproducts;

except for scrap metals that the Administrator excludes from this definition by regulation.

“(5) TRANSACTIONS INVOLVING BATTERIES.—Transactions involving spent lead-acid batteries, spent nickel-cadmium batteries, or other spent batteries shall be deemed to be arranging for recycling if the person who arranged for the transaction (by selling recyclable material or otherwise arranging for the recycling of recyclable material) can demonstrate by a preponderance of the evidence that at the time of the transaction—

“(A) the person met the criteria set forth in paragraph (3) with respect to the spent lead-acid batteries, spent nickel-cadmium batteries, or other spent batteries, but the person did not recover the valuable components of such batteries; and

"(B)(i) with respect to transactions involving lead-acid batteries, the person was in compliance with applicable Federal environmental regulations or standards, and any amendments thereto, regarding the storage, transport, management, or other activities associated with the recycling of spent lead-acid batteries;

"(ii) with respect to transactions involving nickel-cadmium batteries, Federal environmental regulations or standards are in effect regarding the storage, transport, management, or other activities associated with the recycling of spent nickel-cadmium batteries, and the person was in compliance with applicable regulations or standards or any amendments thereto; or

"(iii) with respect to transactions involving other spent batteries, Federal environmental regulations or standards are in effect regarding the storage, transport, management, or other activities associated with the recycling of such batteries, and the person was in compliance with applicable regulations or standards or any amendments thereto.

"(6) Exclusions.—

"(A) The exemptions set forth in paragraphs (3), (4), and (5) shall not apply if—

"(i) the person had an objectively reasonable basis to believe at the time of the recycling transaction—

"(I) that the recyclable material would not be recycled;

"(II) that the recyclable material would be burned as fuel, or for energy recovery or incineration; or

"(III) for transactions occurring before 90 days after the date of the enactment of this subsection, that the consuming facility was not in compliance with a substantive (not procedural or administrative) provision of any Federal, State, or local environmental law or regulation, or compliance order or decree issued pursuant thereto, applicable to the handling, processing, reclamation, or other management activities associated with the recyclable material;

"(ii) the person had reason to believe that hazardous substances had been added to the recyclable material for purposes other than processing for recycling;

"(iii) the person failed to exercise reasonable care with respect to the management and handling of the recyclable material (including adhering to customary industry practices current at the time of the recycling transaction designed to minimize, through source control, contamination of the recyclable material by hazardous substances); or

"(iv) with respect to any item of a recyclable material, the item contained polychlorinated biphenyls at a concentration in excess of 50 parts per million or any new standard promulgated pursuant to applicable Federal laws.

"(B) For purposes of this paragraph, an objectively reasonable basis for belief shall be determined using criteria that include (but are not limited to) the size of the person's business, customary industry practices (including customary industry practices current at the time of the recycling transaction designed to minimize, through source control, contamination of the recyclable material by hazardous substances), the price paid in the recycling transaction, and the ability of the person to detect the nature of the consuming facility's operations concerning its handling, processing, reclamation, or other management activities associated with the recyclable material.

"(C) For purposes of this paragraph, a requirement to obtain a permit applicable to the handling, processing, reclamation, or other management activities associated with recyclable material shall be deemed to be a substantive provision.".

(2) Transition rules.—

(A) In general.—The exemptions under subsections (q), (r), and (s) of section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607(q), 9607(r), 9607(s)) (as added by paragraph (1)) shall not apply to any settlement or judgment approved by a United States Federal District Court—

(i) before the date of enactment of this Act; or

(ii) not later than 180 days after the date of enactment of this Act.

(B) Effect on pending or concluded actions.—The exemptions provided in subsection (u) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607(u)) (as added by paragraph (1)) shall not affect any concluded judicial or administrative action or any pending judicial action initiated by the United States prior to the date of enactment of this Act.

(c) Service Station Dealers.—Section 114(c) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9614(c)) is amended—

(1) in paragraph (1)—

(A) by striking "No person" and inserting "A person";

(B) by striking "may recover" and inserting "may not recover";

(C) by striking "if such recycled oil" and inserting "unless the service station dealer"; and

(D) by striking subparagraphs (A) and (B) and inserting the following:

"(A) mixed the recycled oil with any other hazardous substance; or

"(B) did not store, treat, transport, or otherwise manage the recycled oil in compliance with any applicable regulations or standards promulgated under section 3014 of the Solid Waste Disposal Act (42 U.S.C. 6935) and other applicable authorities that were in effect on the date of such activity."; and

(2) by striking paragraph (4).

SEC. 302. EXPEDITED SETTLEMENT FOR CERTAIN PARTIES.

(a) Parties Eligible.—Section 122(g) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9622(g)) is amended—

(1) by striking the subsection heading and inserting the following:

"(g) Expedited Final Settlement.—";

(2) in paragraph (1)—

(A) by redesignating subparagraph (B) as subparagraph (C);

(B) by striking "(1)" and all that follows through subparagraph (A) and inserting the following:

"(1) Parties eligible.—

"(A) In general.—As expeditiously as practicable, the President shall—

"(i) notify each potentially responsible party that meets 1 or more of the conditions stated in subparagraphs (B), (C), and (D) of the party's eligibility for a settlement; and

"(ii) offer to reach a final administrative or judicial settlement with the party.

"(B) De minimis contribution.—The condition stated in this subparagraph is that the liability is for response costs based on paragraph (3) or (4) of section 107(a) and the party's contribution of a hazardous substance at a facility is de minimis. For the purposes of this subparagraph, a potentially responsible party's contribution shall be considered to be de minimis only if the President determines that both of the following criteria are met:

"(i) Minimal amount of material.—The amount of material containing a hazardous substance contributed by the potentially responsible party to the facility is minimal relative to the total amount of material containing hazardous substances at the facility. The amount of a potentially responsible party's contribution shall be presumed to be minimal if the amount is 1 percent or less of the total amount of material containing a hazardous substance at the facility, unless the Administrator promptly identifies a greater threshold based on site-specific factors.

"(ii) Hazardous effects.—The material containing a hazardous substance contributed by the potentially responsible party does not present toxic or other hazardous effects that are significantly greater than the toxic or other hazardous effects of other material containing a hazardous substance at the facility.";

(C) in subparagraph (C) (as redesignated by subparagraph (A))—

(i) by redesignating clauses (i) through (iii) as subclauses (I) through (III), respectively, and adjusting the margins appropriately;

(ii) by striking "(C) The potentially responsible party" and inserting the following:

"(C) Owners of real property.—

"(i) In general.—The condition stated in this subparagraph is that the potentially responsible party"; and

(iii) by striking "This subparagraph (B)" and inserting the following:

"(ii) Applicability.—Clause (i)"; and

(D) by adding at the end the following:

"(D) Reduction in settlement amount based on limited ability to pay.—

"(i) In general.—The condition stated in this subparagraph is that—

"(I) the potentially responsible party is—

"(aa) a natural person;

"(bb) a small business; or

"(cc) a municipality;

"(II) the potentially responsible party demonstrates an inability to pay or has only a limited ability to pay response costs, as determined by the Administrator under a regulation promulgated by the Administrator, after—

"(aa) public notice and opportunity for comment; and

"(bb) consultation with the Administrator of the Small Business Administration and the Secretary of Housing and Urban Development; and

"(III) in the case of a potentially responsible party that is a small business, the potentially responsible party does not qualify for the small business exemption under section 107(s) because of the application of section 107(s)(2).

"(ii) Small businesses.—

"(I) Definition of small business.—In this subparagraph, the term 'small business' means a business entity that—

"(aa) during the taxable year preceding the date of transmittal of notification that the business is a potentially responsible party, had full- and part-time employees whose combined time was equivalent to that of 75 or fewer full-time employees or for that taxable year reported $3,000,000 or less in gross revenue; and

"(bb) is not affiliated through any familial or corporate relationship with any person that is or was a party potentially responsible for response costs at the facility.

"(II) Considerations.—At the request of a small business, the President shall take into consideration the ability of the small business to pay response costs and still maintain its basic business operations, including—

“(aa) consideration of the overall financial condition of the small business; and

“(bb) demonstrable constraints on the ability of the small business to raise revenues.

“(III) INFORMATION.—A small business requesting settlement under this paragraph shall promptly provide the President with all information needed to determine the ability of the small business to pay response costs.

“(IV) DETERMINATION.—A small business shall demonstrate the extent of its ability to pay response costs, and the President shall perform any analysis that the President determines may assist in demonstrating the impact of a settlement on the ability of the small business to maintain its basic operations. The President, in the discretion of the President, may perform such an analysis for any other party or request the other party to perform the analysis.

“(V) ALTERNATIVE PAYMENT METHODS.—If the President determines that a small business is unable to pay its total settlement amount immediately, the President shall consider such alternative payment methods as may be necessary or appropriate.

“(iii) MUNICIPALITIES.—

“(I) CONSIDERATIONS.—The President shall consider the inability or limited ability to pay of a municipality to the extent that the municipality provides information with respect to—

“(aa) the general obligation bond rating and information about the most recent bond issue for which the rating was prepared;

“(bb) the amount of total available funds (other than dedicated funds or State assistance payments for remediation of inactive hazardous waste sites);

“(cc) the amount of total operating revenues (other than obligated or encumbered revenues);

“(dd) the amount of total expenses;

“(ee) the amounts of total debt and debt service;

“(ff) per capita income and cost of living;

“(gg) real property values;

“(hh) unemployment information; and

“(ii) population information.

“(II) EVALUATION OF IMPACT.—A municipality may submit for consideration by the President an evaluation of the potential impact of the settlement on the provision of municipal services and the feasibility of making delayed payments or payments over time.

“(III) RISK OF DEFAULT OR VIOLATION.—A municipality may establish an inability to pay for purposes of this subparagraph by showing that payment of its liability under this Act would—

“(aa) create a substantial demonstrable risk that the municipality would default on debt obligations existing as of the time of the showing, go into bankruptcy, be forced to dissolve, or be forced to make budgetary cutbacks that would substantially reduce the level of protection of public health and safety; or

“(bb) necessitate a violation of legal requirements or limitations of general applicability concerning the assumption and maintenance of fiscal municipal obligations.

“(IV) OTHER FACTORS RELEVANT TO SETTLEMENTS WITH MUNICIPALITIES.—In determining an appropriate settlement amount with a municipality under this subparagraph, the President may consider other relevant factors, including the fair market value of any in-kind services that the municipality may provide to support the response action at the facility.

“(iv) OTHER POTENTIALLY RESPONSIBLE PARTIES.—This subparagraph does not affect the President's authority to evaluate the ability to pay of a potentially responsible party other than a natural person, small business, or municipality or to enter into a settlement with such other party based on that party's ability to pay.

“(E) ADDITIONAL CONDITIONS FOR EXPEDITED SETTLEMENTS.—

“(i) BASIS OF DETERMINATION.—If the President determines that a potentially responsible party is not eligible for settlement under this paragraph, the President shall state the reasons for the determination in writing to any potentially responsible party that requests a settlement under this paragraph.”.

(b) SETTLEMENT OFFERS.—Section 122(g) of the Comprehensive Environment Response, Liability, and Compensation Act of 1980 (42 U.S.C. 9622(g)) is amended—

(1) by redesignating paragraph (6) as paragraph (7); and

(2) by inserting after paragraph (5) the following:

“(6) SETTLEMENT OFFERS.—

“(A) NOTIFICATION.—As soon as practicable after receipt of sufficient information to make a determination, the Administrator shall notify any person that the Administrator determines is eligible under paragraph (1) of the person's eligibility for the expedited final settlement.

“(B) OFFERS.—As soon as practicable after receipt of sufficient information, the Administrator shall submit a written settlement offer to each person that the Administrator determines, based on information available to the Administrator at the time at which the determination is made, to be eligible for a settlement under paragraph (1).

“(C) INFORMATION.—At the time at which the Administrator submits an offer under paragraph (1), the Administrator shall, at the request of the recipient of the offer, make available to the recipient any information available under section 552 of title 5, United States Code, on which the Administrator bases the settlement offer, and if the settlement offer is based in whole or in part on information not available under that section, so inform the recipient.”.

SEC. 303. FAIR SHARE SETTLEMENTS AND STATUTORY ORPHAN SHARES.

(a) IN GENERAL.—Section 122 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9622) is amended by adding at the end the following:

“(n) FAIR SHARE ALLOCATION.—

“(1) PROCESS.—The President shall conduct an impartial fair share allocation of response costs at National Priority List facilities.

“(2) FACTORS.—In conducting an allocation under this subsection, the President, without regard to any theory of joint and several liability, shall estimate the fair share of each potentially responsible party using principles of equity, the best information reasonably available to the President, and the following factors:

“(A) the quantity of hazardous substances contributed by each party;

“(B) the degree of toxicity of hazardous substances contributed by each party;

“(C) the mobility of hazardous substances contributed by each party;

“(D) the degree of involvement of each party in the generation, transportation, treatment, storage, or disposal of hazardous substances;

“(E) the degree of care exercised by each party with respect to hazardous substances, taking into account the characteristics of the hazardous substances;

“(F) the cooperation of each party in contributing to any response action and in providing complete and timely information to the United States or the allocator; and

“(G) such other equitable factors as the President considers appropriate.

“(3) SCOPE.—A fair share allocation under this subsection shall include any response costs at a National priorities List facility that are not addressed in a settlement or a judgment approved by a United States Federal District Court—

“(A) before the date of enactment of this subsection; or

“(B) not later than 180 days after the date of enactment of this subsection.

“(4) SETTLEMENTS BASED ON ALLOCATIONS.—

“(A) IN GENERAL.—A party may settle any liability to the United States for response costs under this Act for its allocated fair share, including a reasonable risk premium that reflects uncertainties existing at the time of settlement.

“(B) COMPLETION OF OBLIGATIONS.—A person that is undertaking a response action under an administrative order issued under section 106 or has entered into a settlement decree with the United States of a State as of the date of enactment of this subsection shall complete the person's obligations under the order or settlement decree.

“(5) UNFUNDED AND UNATTRIBUTABLE SHARES.—Any share attributable to an insolvent, defunct, or bankrupt party, or a share that cannot be attributed to any particular party, shall be allocated among any responsible parties not described in subsection (q), (r), (s), (t), or (u) of section 107 or section 122(g).

“(o) STATUTORY ORPHAN SHARES.—

“(1) IN GENERAL.—For purposes of this section, the statutory orphan share is the difference between—

“(A) the liability of a party described in subsection (q), (s), (t), or (u) of section 107 or section 122(g); and

“(B) the President's estimate of the liability of the party, notwithstanding any exemption from or limitation on liability in this Act.

“(2) DETERMINATION OF STATUTORY ORPHAN SHARES.—

“(A) IN GENERAL.—The President shall include an estimate of the statutory orphan share of a party described in section 107(t) or section 122(g), based on the best information reasonably available to the President, at any time at which the President seeks judicial approval of a settlement with the party.

“(3) TRANSITION RULE AND SUBSEQUENT SETTLEMENTS.—

“(A) IN GENERAL.—Each settlement presented for judicial approval on or after the date that is 1 year after the date of enactment of this subsection shall include an estimate of the statutory orphan share for each party described in subsection (q), (s), and (u) of section 107 that is involved in the settlement.

“(B) SUBSEQUENT SETTLEMENTS.—The President shall include in a subsequent settlement at the same facility a revised statutory orphan share estimate if the President—

“(i) determines that the subsequent settlement includes a new statutory orphan share; or

“(ii) has good cause to revise an earlier statutory orphan share estimate.

“(4) FINAL SETTLEMENTS.—

“(A) IN GENERAL.—A judicially-approved consent decree or settlement shall identify the total statutory orphan share owing for a facility if the consent decree or settlement—

"(i) includes remedial project construction for the last operable unit at the facility; or

"(ii) provides funding for remedial project construction described in clause (i).

"(B) FUNDING AND REIMBURSEMENT.—A consent decree or settlement described in subparagraph (A) shall include full funding of any statutory orphan shares in accordance with this section.

"(5) HAZARDOUS SUBSTANCE SUPERFUND.—A statutory orphan share constitutes an obligation of the Hazardous Substance Superfund.

"(p) GENERAL PROVISIONS APPLICABLE TO STATUTORY ORPHAN SHARES AND FAIR SHARE SETTLEMENTS.—

"(1) IN GENERAL.—A fair share settlement under subsection (g) and a statutory orphan share under subsection (n) shall be subject to paragraph (2).

"(2) PROVISIONS APPLICABLE TO STATUTORY ORPHAN SHARES AND FAIR SHARE SETTLEMENTS.—

"(A) STAY OF LITIGATION AND ENFORCEMENT.—

"(i) IN GENERAL.—All contribution and cost recovery actions under this Act against each party described in sections 107(t) and 122(g) are stayed until the Administrator offers those parties a settlement.

"(ii) SUSPENSION OF STATUTE OF LIMITATIONS.—Any statute of limitations applicable to an action described in clause (i) is suspended during the period that a stay under this subparagraph is in effect.

"(B) FAILURE OR INABILITY TO COMPLY.—If the President fails to fund a statutory orphan share, reimburse a party as required by subsection (g), or include a statutory orphan share estimate in any settlement when required to do so under this Act, the President shall not—

"(i) issue any new order under section 106 at the facility to any non-Federal party; or

"(ii) commence or maintain any new or existing action to recover response costs at the facility.

"(C) AMOUNTS OWED.—

"(i) HAZARDOUS SUBSTANCE SUPERFUND MANAGEMENT.—The President may provide partial reimbursement payments to a party on a schedule that ensures an equitable distribution of reimbursement payments to all eligible parties on a timely basis.

"(ii) PRIORITY.—The priority for reimbursement shall be based on the length of time that has passed since the settlement between the United States and the party.

"(iii) PAYMENT FROM FUNDS MADE AVAILABLE FOR SUBSEQUENT FISCAL YEARS.—Any amounts payable in excess of available appropriations in any fiscal year shall be paid from amounts made available for subsequent fiscal years, along with interest on the unpaid balances at the rate equal to that of the current average market yield on outstanding marketable obligations of the United States with a maturity of 1 year.

"(D) CONTRIBUTION PROTECTION.—

"(i) IN GENERAL.—A settlement under this subsection, section 107(t), or section 122(g) shall provide complete protection from all claims for contribution or cost recovery for response costs that are addressed in the allocation under subsection (n).

"(ii) COSTS BEYOND SCOPE OF ALLOCATION.—In the case of response costs at a facility that, as a result of a prior, judicially-approved settlement at the facility, are not within the scope of an allocation under subsection (n), a party shall retain the right to seek cost recovery or contribution from any other party in accordance with the prior settlement, except that no party may seek contribution for any response costs at the facility from—

"(I) a party described in subsection (q), (r), (s), or (u) of section 107; or

"(II) a party that has settled its liability under section 107(t) or 122(g).

"(E) LIABILITY FOR ATTORNEY'S FEES FOR CERTAIN ACTIONS.—A person that, after the date of enactment of this subsection, commences a civil action for contribution under this Act against a person that is not liable by operation of subsections (q), (r), (s), or (u) of section 107, or has resolved its liability to the United States under subsection (n), section 107(t), or 122(g), shall be liable to that person for all reasonable costs of defending the action, including all reasonable attorney's fees and expert witness fees.

"(F) ILLEGAL ACTIVITIES.—Subsections (q), (r), (s), (t), and (u) of section 107 and section 122(g) shall not apply to—

"(i) any person whose liability for response costs under section 107(a) is otherwise based on any act, omission, or status that is determined by a court or administrative body of competent jurisdiction, within the applicable statute of limitation, to have been a violation of any Federal or State law pertaining to the treatment, storage, disposal, or handling of hazardous substances if the violation pertains to a hazardous substance, the release or threat of release of which caused the incurrence of response costs at the vessel or facility;

"(ii) a person described in section 107(o); or

"(iii) a bona fide prospective purchaser.

"(G) EXCEPTION.—

"(i) IN GENERAL.—The President may decline to reimburse or offer a settlement to a potentially responsible party under subsections (g) and (n) or section 122(g) if the President makes a decision concerning a reimbursement or offer of a settlement under clause (ii).

"(ii) REQUIREMENTS FOR REIMBURSEMENT OR OFFER OF A SETTLEMENT.—A potentially responsible party may be denied a reimbursement or settlement under clause (i)—

"(I) to the extent that the person or entity has operational control over a vessel or facility, if—

"(aa) the person or entity fails to provide full cooperation to, assistance to, and access to the vessel or facility to persons that are responsible for response actions at the vessel or facility (including the cooperation and access necessary for the installation, integrity, operation, and maintenance of any complete or partial response actions at the vessel or facility); or

"(bb) the person or entity acts in such a way as to impede the effectiveness or integrity of any institutional control employed at the vessel or facility; or

"(II) if the person or entity fails to comply with any request for information or administrative subpoena issued by the President under this Act.

"(H) BASIS OF DETERMINATION.—If the President determines that a potentially responsible party is not eligible for settlement under this paragraph, the President shall state the reasons for the determination in writing to any potentially responsible party that requests a settlement under this paragraph.

"(I) WAIVER.—

"(i) RESPONSE COSTS IN ALLOCATION.—A party that settles its liability under this subsection waives the right to seek cost recovery or contribution under this Act for any response costs that are addressed in the allocation.

"(ii) RESPONSE COSTS OF FACILITY.—A party that settles its liability under subsection 107(t) or section 122(g) waives its right to seek cost recovery or contribution under this Act for any response costs at the facility.

"(J) PERFORMANCE OF RESPONSE ACTIONS.—

"(i) IN GENERAL.—Except as provided in subparagraph (B), the President may require, as a condition of settlement under subsection (n) and section 107(t), that 1 or more parties conduct a response action at the facility.

"(ii) REIMBURSEMENT.—

"(I) IN GENERAL.—The President shall reimburse a party described in subparagraph (A) for costs incurred in excess of the party's allocated fair share.

"(II) PRO RATA REIMBURSEMENT.—The President shall provide equitable pro rata reimbursement to such parties on at least an annual basis.

"(iii) RESPONSE ACTIONS.—No party described in subsections (q), (r), (s), or (u) of section 107 or 122(g) may be required to perform a response action as a condition of settlement or ordered to conduct a response action under section 106.

"(K) JUDICIAL REVIEW.—

"(i) IN GENERAL.—A court shall not approve any settlement under this Act unless the settlement includes an estimate of the statutory orphan share that is fair, reasonable and consistent with this Act.

"(ii) STATUTORY ORPHAN SHARE SETTLEMENT.—If a court determines that an estimate of a statutory orphan share is not fair, reasonable, or consistent with this Act, the court may—

"(I) approve the settlement; and

"(II) disapprove and remand the estimate of the statutory orphan share.".

(b) REGULATIONS.—The President shall issue regulations to implement this title not later than 180 days after the date of enactment of this Act.

TITLE IV—FUNDING

SEC. 401. USES OF HAZARDOUS SUBSTANCE SUPERFUND.

(a) IN GENERAL.—The Comprehensive Environmental Response Compensation, and Liability Act of 1980 is amended by striking sections 111 and 112 (42 U.S.C. 9611, 9612) and inserting the following:

"SEC. 111. USES OF HAZARDOUS SUBSTANCE SUPERFUND.

"(a) IN GENERAL.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—

"(A) IN GENERAL.—There is authorized to be appropriated from the Hazardous Substance Fund for the purposes specified in subparagraphs (A) and (B) of paragraph (2) not more than $1,000,000,000 for the 5-year period beginning on the date of enactment of the Superfund Program Completion Act of 1999.

"(B) RESPONSE ACTIONS.—There are authorized to be appropriated from the Hazardous Substance Superfund for the performance of response actions the amounts described in paragraph (2)(C).

"(2) SPECIFIC USES.—The President shall use amounts appropriated out of the Hazardous Substance Superfund only—

"(A) to enter into mixed funding agreements in accordance with section 122;

"(B) to reimburse a party for response costs incurred in excess of the allocated share of the party as described in a final settlement under section 122; and

"(C) for the performance of response actions to the extent that the total amount in the Hazardous Substance Superfund is greater than—

"(i) in fiscal year 2000, $1,000,000,000;

"(ii) in fiscal year 2001, $800,000,000;

"(iii) in fiscal year 2002, $600,000,000;

"(iv) in fiscal year 2003, $400,000,000; and

"(v) in fiscal year 2004, $200,000,000.

"(b) CLAIMS AGAINST HAZARDOUS SUBSTANCE SUPERFUND.—

"(1) IN GENERAL.—Claims against the Hazardous Substance Superfund shall not be valid or paid in excess of the total amount in the Hazardous Substance Superfund at any 1 time.

"(2) VALIDITY OF CLAIMS EXCEEDING AMOUNT IN HAZARDOUS SUBSTANCE SUPERFUND.—Claims against the Hazardous Substance Superfund in excess of the total amount in the Hazardous Substance Superfund shall become valid only when additional amounts are collected for, appropriated for, or otherwise added to the Hazardous Substance Superfund.

"(3) INSUFFICIENT BALANCE.—

"(A) IN GENERAL.—The President shall not issue an order or seek to recover costs for a response action at a facility if the amount in the Hazardous Substance Superfund is insufficient to enable the President to enter into an agreement or reimburse a party at the facility under subsection (a).

"(B) AUTHORIZATION OF APPROPRIATIONS.—If sufficient funds are unavailable in the Hazardous Substance Superfund to satisfy claims or to enter into agreements, there are authorized to be appropriated such amounts as are necessary to make such payments.

"(4) NO LIMITATION OF AUTHORITY.—Nothing in this subsection limits the authority of the President to act under section 104.

"(c) REGULATIONS.—

"(1) OBLIGATION OF FUNDS.—The President may promulgate regulations designating 1 or more Federal officials that may obligate amounts in the Hazardous Substance Superfund in accordance with this section.

"(2) NOTICE TO POTENTIAL INJURED PARTIES.—

"(A) IN GENERAL.—The President shall promulgate regulations with respect to the notice that shall be provided to potential injured parties by an owner and operator of any vessel or facility from which a hazardous substance has been released.

"(B) SUBSTANCE.—The regulations under subparagraph (A) shall describe the notice that would be appropriate to carry out this title.

"(C) COMPLIANCE.—

"(i) IN GENERAL.—On promulgation of regulations under subparagraph (A), an owner and operator described in that subparagraph shall provide notice in accordance with the regulations.

"(ii) PRE-PROMULGATION RELEASES.—In the case of a release of a hazardous substance that occurs before regulations under subparagraph (A) are promulgated, an owner and operator described in that subparagraph shall provide reasonable notice of any release to potential injured parties by publication in local newspapers serving the affected area.

"(iii) RELEASES FROM PUBLIC VESSELS.—The President shall provide such notification as is appropriate to potential injured parties with respect to releases from public vessels.

"(d) NATURAL RESOURCES.—

"(1) IN GENERAL.—Except as provided in paragraph (2), funds may not be used under this Act for the restoration, rehabilitation, or replacement or acquisition of the equivalent of any natural resource until a plan for the use of the funds for those purposes has been developed and adopted, after adequate public notice and opportunity for hearing and consideration of all public comment, by—

"(A) affected Federal agencies;

"(B) the Governor of each State that sustained damage to natural resources that are within the borders of, belong to, are managed by, or appertain to the State; and

"(C) the governing body of any Indian tribe that sustained damage to natural resources that—

"(i) are within the borders of, belong to, are managed by, appertain to, or are held in trust for the benefit of the tribe; or

"(ii) belong to a member of the tribe, if those resources are subject to a trust restriction on alienation.

"(2) EMERGENCY ACTION EXEMPTION.—Funds may be used under this Act for the restoration, rehabilitation, or replacement or acquisition of the equivalent of any natural resource only in circumstances requiring action to—

"(A) avoid an irreversible loss of a natural resource;

"(B) prevent or reduce any continuing danger to a natural resource; or

"(C) prevent the loss of a natural resource in an emergency situation similar to those described in subparagraphs (A) and (B).

"(e) POST-CLOSURE LIABILITY FUND.—The President shall use the amounts in the Post-closure Liability Fund for—

"(1) any of the purposes specified in subsection (a) with respect to a hazardous waste disposal facility for which liability has been transferred to the Post-closure Liability Fund under section 107(k); and

"(2) payment of any claim or appropriate request for costs of a response, damages, or other compensation for injury or loss resulting from a release of a hazardous substance from a facility described in paragraph (1) under—

"(A) section 107; or

"(B) any other Federal or State law.

"(f) INSPECTOR GENERAL.—

"(1) AUDIT.—In each fiscal year, the Inspector General of the Environmental Protection Agency shall conduct an annual audit of—

"(A) all agreements and reimbursements under subsection (a); and

"(B) all other activities of the Environmental Protection Agency under this Act.

"(2) REPORT.—The Inspector General of the Environmental Protection Agency shall submit to Congress an annual report that—

"(A) describes the results of the audit under paragraph (1); and

"(B) contains such recommendations as the Inspector General considers to be appropriate.

"(g) FOREIGN CLAIMS.—To the extent that this Act permits, a foreign claimant may assert a claim to the same extent that a United States claimant may assert a claim if—

"(1) the release of a hazardous substance occurred—

"(A) in the navigable waters of a foreign country of which the claimant is a resident; or

"(B) in or on the territorial sea or adjacent shoreline of a foreign country described in subparagraph (A);

"(2) the claimant is not otherwise compensated for the loss of the claimant;

"(3) the hazardous substance was released from a facility or vessel located adjacent to or within the navigable waters under the jurisdiction of, or was discharged in connection with activities conducted under—

"(A) section 20(a)(2) of the Outer Continental Shelf Lands Act (43 U.S.C. 1346(a)(2)); or

"(B) the Deepwater Port Act of 1974 (33 U.S.C. 1501 et seq.); and

"(4)(A) recovery is authorized by a treaty or an executive agreement between the United States and the foreign country; or

"(B) the Secretary of State, in consultation with the Attorney General and other appropriate officials, certifies that the foreign country provides a comparable remedy for United States claimants.

"(h) AUTHORIZATION OF APPROPRIATIONS OUT OF THE GENERAL FUND.—

"(1) REMOVAL AND RESPONSE ACTIONS.—There are authorized to be appropriated to the Environmental Protection Agency out of the general fund of the Treasury or from the Hazardous Substance Superfund, in accordance with section 111(a)(2)(C), to conduct removal and response actions under this Act:

"(A) For fiscal year 2000, $900,000,000.

"(B) For fiscal year 2001, $875,000,000.

"(C) For fiscal year 2002, $850,000,000.

"(D) For fiscal year 2003, $825,000,000.

"(E) For fiscal year 2004, $800,000,000.

"(2) HEALTH ASSESSMENTS AND HEALTH CONSULTATIONS.—There are authorized to be appropriated to the Agency for Toxic Substances and Disease Registry to conduct health assessments and health consultations under this Act, and for epidemiologic and laboratory studies, preparation of toxicologic profiles, development and maintenance of a registry of persons exposed to hazardous substances to allow long-term health effects studies, and diagnostic services not otherwise available to determine whether persons in populations exposed to hazardous substances in connection with a release or suspected release are suffering from long-latency diseases:

"(A) For fiscal year 2000, $60,000,000.

"(B) For fiscal year 2001, $55,000,000.

"(C) For fiscal year 2002, $55,000,000.

"(D) For fiscal year 2003, $50,000,000.

"(E) For fiscal year 2004, $50,000,000.

"(3) HAZARDOUS SUBSTANCE RESEARCH, DEMONSTRATION, AND TRAINING.—

"(A) IN GENERAL.—There are authorized to be appropriated not more than the following amounts for the purposes of section 311(a):

"(i) For fiscal year 2000, $40,000,000.

"(ii) For fiscal year 2001, $40,000,000.

"(iii) For fiscal year 2002, $40,000,000.

"(iv) For each of fiscal years 2003 and 2004, $40,000,000.

"(B) TRAINING LIMITATION.—Not more than 15 percent of the amounts appropriated under subparagraph (A) shall be used for training under section 311(a) for any fiscal year.

"(C) UNIVERSITY HAZARDOUS SUBSTANCE RESEARCH CENTERS.—Not more than $5,000,000 of the amounts available in the Hazardous Substance Superfund may be used in any of fiscal years 2000 through 2004 for the purposes of section 311(d).

"(4) BROWNFIELD GRANT PROGRAMS.—There are authorized to be appropriated to carry out section 127 $100,000,000 for each of fiscal years 2000 through 2004.

"(5) QUALIFYING STATE RESPONSE PROGRAMS.—There are authorized to be appropriated to maintain, establish, and administer qualifying State response programs during the first 5 full fiscal years following the date of enactment of this paragraph under a formula established by the Administrator, $100,000,000 for each of fiscal years 2000 through 2004.

"(6) DEPARTMENT OF JUSTICE.—There are authorized to be appropriated to the Attorney General for the enforcement of this Act—

"(A) for fiscal year 2000, $30,000,000;

"(B) for fiscal year 2001, $28,000,000;

"(C) for fiscal year 2002, $26,000,000;

"(D) for fiscal year 2003, $24,000,000; and

"(E) for fiscal year 2004, $22,000,000.

"(7) PROHIBITION OF TRANSFER.—None of the funds authorized to be appropriated under this subsection may be transferred to any other Federal agency.".

(b) CONFORMING AMENDMENTS.—

(1) RESPONSE ACTIONS.—Section 104(c) of the Comprehensive Environmental Response Compensation, and Liability Act of 1980 (42 U.S.C. 9604(c)) is amended—

(A) in paragraph (1), by striking "obligations from the Fund, other than those authorized by subsection (b) of this section," and inserting ", such response actions"; and

(B) in paragraph (7), by striking "shall be from funds received by the Fund from amounts recovered on behalf of such fund under this Act" and inserting "shall be from appropriations out of the general fund of the Treasury".

(2) INFORMATION GATHERING AND ANALYSIS.—Section 105(g)(4) of the Comprehensive Environmental Response Compensation, and Liability Act of 1980 (42 U.S.C. 9605(g)(4)) is amended by striking "expenditure of monies from the Fund for".

(3) PRESIDENT.—Section 107(c)(3) of the Comprehensive Environmental Response Compensation, and Liability Act of 1980 (42 U.S.C. 9607(c)(3)) is amended in the first sentence by striking "Fund" and inserting "President".

(4) OTHER LIABILITY.—Section 109(d) of the Comprehensive Environmental Response Compensation, and Liability Act of 1980 (42 U.S.C. 9609(d)) is amended by striking the second sentence.

(5) SOURCE OF FUNDING.—Section 119(c)(3) of the Comprehensive Environmental Response Compensation, and Liability Act of 1980 (42 U.S.C. 9619(c)(3)) is amended—

(A) in the second sentence, by striking "For purposes of section 111, amounts" and inserting "Amounts"; and

(B) in the third sentence—

(i) by striking "If sufficient funds are unavailable in the Hazardous Substance Superfund established under subchapter A of chapter 98 of the Internal Revenue Code of 1954 to make payments pursuant to such indemnification or if the Fund is repealed, there" and inserting "There"; and

(ii) by striking "payments" and inserting "expenditures".

(6) REMEDIAL ACTION USING HAZARDOUS SUBSTANCE SUPERFUND.—Section 121(d)(4)(F) of the Comprehensive Environmental Response Compensation, and Liability Act of 1980 (42 U.S.C. 9621(d)(4)(F)) is amended—

(A) by striking " using the Fund"; and

(B) by striking "amounts from the Fund" and inserting "funds".

(7) AVAILABILITY OF FUNDING.—Section 122(f)(4)(F) of the Comprehensive Environmental Response Compensation, and Liability Act of 1980 (42 U.S.C. 9622(f)(4)(F)) is amended by striking "the Fund or other sources of".

Mr. SMITH of New Hampshire. I am pleased to join the distinguished chairman of the Committee on Environment and Public Works in introducing the Superfund Program Completion Act of 1999. This is a good day for the environment and for the American taxpayer, because this bill addresses many of the problems in Superfund that have wasted resources and delayed the cleanup of hazardous waste sites across the country.

Since I became chairman of the Superfund, Waste Control and Risk Assessment Subcommittee in 1995, I have had one overriding goal with respect to Superfund reform: To increase cleanups by decreasing the unfairness of the law.

By now, most are well aware of Superfund's dismal history. The program was created in 1980 to clean up abandoned hazardous waste sites. Begun with the best of intentions, Superfund has failed to meet even minimal expectations. Despite public and private expenditures of more than $40 billion dollars, less than 14% of approximately 1,300 sites have been cleaned up and removed from the National Priorities List over the last nineteen years.

The primary reason for this abysmal performance is Superfund's retroactive, strict, joint and several liability scheme. Under joint and several liability, the EPA or a private party can seek to hold any other potentially responsible party liable for the entire cleanup cost at a site—regardless of the type of contamination, when the material was disposed of, or whether the activity was legal at the time. Joint and several liability allows the government or a larger polluter to legally extort payments far in excess of a company's true share of responsibility for waste at a site.

Most reasonable people would agree that such a liability scheme is simply unfair. Worse yet, this unfairness has significantly hindered progress in cleaning up sites and wasted vast amounts of taxpayer funding. As one might expect, when a company is faced with paying 100% of the costs at a site for which their true liability may be less than 10%, that company will delay, negotiate, and litigate at every stop of the process. That, unfortunately, is the well-documented history of Superfund.

It is important to recognize that this unfairness is not confined to EPA's enforcement of the law. EPA merely begins the process at most sites by targeting one or more large parties who are potentially responsible for cleanup. Then those parties typically turn around and sue tens or hundreds of other parties—average citizens, small businesses, schools, churches, and others who face huge legal bills and years of expensive litigation if they don't pay up.

My position on this issue has been constant: I believe that retroactive, strict, joint and several liability is fundamentally unfair. If I had my way, I would repeal it today. Some of my colleagues see things differently, however, and the bill we introduce today represents a reasonable resolution of conflicting views on that topic.

While our legislation does not go as far as many would like, I believe it goes as far as we can if we are interested in passing a bill this Administration will sign into law. There's an old saying around here: "Don't let the perfect be the enemy of the good." That is certainly the case with Superfund and the legislation we introduce today. This is a good bill. It will make a profound and positive difference in the lives of millions of Americans. It is a bill that can pass the Senate on a strong bi-partisan basis; and it is a bill that the President should sign into law.

The Superfund Program Completion Act makes major reforms in six areas. Specifically, the SPCA:

Directs EPA to finish the job that was started nearly two decades ago by completing the evaluation of the 3,000 remaining sites on the CERCLA Information System (CERCLIS).

Clearly allocates responsibility between states and EPA for future cleanups.

Protects municipalities, small business, recyclers, and other parties from unfair liability—while making the system fairer for everyone else.

Provides states $100 million per year and full authority for their own cleanup programs.

Revitalizes communities with $100 million in annual brownfields redevelopment grants.

Requires fiscal responsibility by EPA and saves taxpayers money.

Our legislation will result in more hazardous waste sites being cleaned up—and in fewer dollars being wasted on litigation. It will give much-needed and much-deserved liability relief to innocent landowners, contiguous property owners, prospective purchasers, municipalities, small businesses and recyclers. Unlike EPA's administrative reforms, this bill does not shift costs from politically popular parties to those left holding the bag. Instead, it requires payment of a statutory orphan share and authorizes the use of the Superfund Trust Fund for those shares.

For those left trapped in the Superfund liability scheme, the SPCA requires an allocation process to determine a party's fair share in an expedited settlement—instead of fighting it out for years in court.

In addition to increasing fairness, the SPCA provides much needed guidance and direction to a sometimes wayward EPA. It recognizes and builds upon the growth and strength of State hazardous waste cleanup programs. It provides new resources to States and localities for their cleanup and redevelopment efforts. As many of my colleagues know, the fear of Superfund liability has resulted in an estimated 450,000 abandoned or underutilized properties, or "Brownfields," that lay fallow because private developers and municipalities don't want to be dragged into Superfund's litigation quagmire. With new resources and appropriate liability protections, our bill will allow the cleanup of those sites, spurring economic redevelopment in cities, towns, and rural areas across America.

We take a different approach to the brownfields redevelopment issue than the Administration seeks. Along with many of my colleagues, I believe that economic redevelopment is primarily a State and local issue. Our approach provides the resources and freedom States need to make progress on this front, rather than giving EPA new authority to get into the commercial real estate and redevelopment business. That is not EPA's role, nor should it be. Where EPA does have a role is in identifying and addressing risks at uncontrolled hazardous waste sites. Our legislation ensures that EPA regains its focus on that mission.

Earlier this year, the General Accounting Office (GAO) reported that "completion of construction at existing sites" and reducing new entries into the program was the Environmental Protection Agency's top Superfund priority. Unfortunately, EPA's narrow focus on generating construction completion statistics appears to have diverted resources from EPA's fundamental mission—protecting human health and the environment from releases of hazardous waste.

GAO reported last year that there are still 3,000 sites awaiting a National Priorities List decision by EPA, most of which have been in the CERCLIS inventory for more than a decade. According to the report, however, more than 1,200 of those sites are actually ineligible for listing on the NPL, for a variety of reasons. Some of the sites were classified erroneously, while others either do not require cleanup, have already been cleaned up, or have final cleanup underway. EPA's failure to remove the specter of an NPL listing at these sites has likely caused significant economic and social harm to the surrounding communities. EPA needs to focus on that task.

In addition, far too many of the sites that are still potentially eligible for listing have received little or no attention from EPA. EPA admitted taking no cleanup action at all at 336 sites and provided no information for another 48 sites. The only action taken at 719 sites was an initial site assessment. EPA's inattention may be due to the fact that EPA and state officials together identified only 232 of the sites as worthy of being added to the NPL. In that case, however, the appropriate response is to archive the sites while ensuring that any necessary cleanup occurs under some other Federal or state program. EPA needs to focus on that task as well.

Unfortunately, there is also disagreement between EPA and state officials about even those 232 sites. EPA identified 132 that may be listed on the NPL in the future, but state officials agreed on only 26 of those. Conversely, state officials identified a different group of 100 sites as worthy of an NPL listing in the future.

EPA agreed with GAO's recommendation that it "develop a joint strategy" with the States for addressing these sites. After nearly 20 years and $20 billion in taxpayer funded EPA appropriations, it is disturbing that the agency only now is developing such a strategy. Nonetheless, Congress has an obligation to provide direction and assistance to EPA in this effort. The Superfund Program Completion Act provides that direction by:

Requiring EPA to finish evaluating and/or archiving old sites stuck in the CERCLIS inventory, correcting the current imbalance between evaluating uncontrolled sites and amassing construction completed statistics.

Providing EPA with a schedule of 30 NPL listings per year, to ensure that it and the States appropriately allocate sites for cleanup under Superfund, RCRA, or State response programs.

Increasing current law limits on EPA removal actions to provide greater flexibility in responding to sites that at least initially should be the responsibility of the Federal government, but ultimately do not require an NPL listing.

These provisions will ensure that the limited universe of sites remaining in the Superfund pipeline are dealt with quickly and safely.

In addition to keeping EPA focused on the task at hand, our bill provides increased resources and authority to the States, in recognition of the progress made by State cleanup programs in the last decade.

Superfund is notable among the major Federal environmental statutes not only for its abysmal track record, but also for its heavy reliance on EPA action rather than state implementation. In other environmental programs—RCRA, the Clean Water Act, the Safe Drinking Water Act—EPA typically sets general program direction and provides technical support while leaving implementation and enforcement to the states. In the Superfund program, however, EPA takes a direct role in both enforcement and cleanup. This leadership role was originally justified by a perceived inability or alleged unwillingness on the part of states to perform or oversee cleanups. The situation today is far different.

The Environmental Law Institute reported last year that States have now completed 41,000 cleanups, with another 13,700 in progress. The Association of State and Territorial Solid Waste Management Officials (ASTSWMO) reports that "States are not only addressing more sites at any given time, but are also completing more sites through streamlined State programs. State programs have matured and increased in their infrastructure capacity."

Most now recognize that states have made great strides in their programs, and even EPA in May of 1998 released a "Plan to Enhance the Role of States and Tribes in the Superfund Program." Not surprisingly, while that plan appears to provide some increased opportunities for state leadership, it also envisions a significant, on-going role for EPA.

The Superfund Program Completion Act, on the other hand, assists, recognizes and builds on the growth of state cleanup programs. The SPCA also responds to pleas from ASTSWMO, the National Governors Association and others to remove the ever-present threat of EPA over-filing and third party lawsuits under Superfund when a site is being cleaned up under a State program. The SPCA recognizes the fact that States should be the leaders in cleaning up hazardous waste sites by:

Providing $100 million annually for State core and voluntary response programs to allow States to build on their impressive record of accomplishment in this area.

Providing finality, except in cases of emergency or at a State's request, for cleanups conducted under State law.

Requiring EPA to work with the States so that sites listed on the NPL are those the Governor of the State agrees warrant an NPL listing.

Mr. President, the legislation we introduce today represents the culmination of years of hard work. In the four years I have been Chairman of the Superfund Subcommittee, we have heard from more than 100 witnesses, representing every viewpoint, in an effort to grapple with the problems caused by the Superfund law. We have communicated with thousands of individuals and organizations who have urged us to fix this law.

Senator CHAFEE and I have spent long hours with our Democratic colleagues on the Environment and Public Works Committee, and with EPA Administrator Carol Browner. So far, we and our staffs have devoted more than 600 hours to this effort. We have negotiated issues, identified areas of agreement, eliminated many areas of controversy, and pinpointed those few remaining areas where our differences will need to be resolved through the legislative process itself. I look forward to working with my colleagues on both sides of the aisle during that process.

Before I close, let me say a few words about taxes. Simply put, there are no taxes required to finance this bill, and I will oppose all attempts to attach them to it.

Congress has appropriated more than $20 billion to support EPA's Superfund program during the past 19 years. The GAO reports that amount includes more than $6 billion of unrecovered "recoverable costs." "Recoverable costs" are taxpayer expenditures that EPA made in anticipation of recovering them from individual polluters at sites. That sum alone would be sufficient to finance EPA's cleanup efforts throughout the life of this reauthorization. Our bill allows those funds to be used for cleanup when EPA does recover them. Further, there should be no doubt that Congress will continue to appropriate funds needed for EPA to finish its job. More taxes are not required to finance this bill or to finish the Superfund program.

During the last two Congresses, I was willing to support the reimposition of taxes to finance Superfund legislation with major changes in the areas of remedy selection and natural resource damages—as well as more sweeping liability reforms than are contained in the bill we introduce today. There remains a real need for those reforms, and I pledge to continue my efforts in that regard.

The bill we introduce today, however, is designed to achieve all that we can under the current Administration. It represents substantial, real reform that will help thousands of communities and millions of Americans. I urge my colleagues to support it.

Mr. LOTT. Mr. President, today, I am pleased to join my colleagues Senator BOB SMITH and Senator. JOHN CHAFEE in introducing the Superfund Program Completion Act. For several years Congress has worked diligently to find common ground for all parties involved, common ground that will also correct the flaws of the original law. Senator SMITH's legislation will do just that.

In 1980, Congress approved the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) which was intended to pay for the cleanup of the nation's most hazardous waste sites. This law became known as Superfund—a bit ironic since the law provides no funding, but instead requires those who operated or used the landfill to pay for the cleanup.

There is logic and fairness in requiring the polluters to pay for the cleanup; however, Superfund's liability structure was so poorly planned excessive litigation was encouraged. Cleanup did not occur and costs were passed to small businesses across the nation. Superfund did cause unnecessary lawsuits and wasted valuable time, all the while leaving sites across America polluted.

Mr. President, this new legislation by Senators SMITH and CHAFEE would exempt those small businesses who acted in good faith and are still being dragged into Superfund as third and fourth party defendants by simply throwing out their household trash. Superfund does not distinguish large from small, nor does it distinguish polluters from responsible businesses. In many instances, these business owners did nothing wrong. Yet, the law penalizes people for something that at one time was legal.

Virtually all sides agree that some small businesses should have never been pulled into the system. While this legislation would not be retroactive, it will save small businesses in other communities from future Superfund lawsuits. It is important to reward those who have acted responsibly. I believe Senator SMITH's bill is responsible.

Mr. President, I do not believe there is one Senator who is pleased with the way in which the Superfund statute has operated. Like small businesses, recyclers have also been targeted to pay for cleanup. They should not be held responsible for pollution at a Superfund site. The Administration agrees. A majority of the Congress agrees. The environmental community agrees. Senator SMITH's bill will fix the recycler's problem and remain faithful to the environment.

Over the past three decades, concern for our environment and natural resources has grown—as has the desire to recycle and reuse. This makes environmental sense. This legislation would remove an unintended yet troublesome legal obstacle to recycling. This bill corrects current law and encourages recycling. It simply recognizes that recycling is not disposal and that recyclables are not waste. Common sense tells us that recycling something is not the same as disposing of it.

This bill will help level the playing field between the use of recycled goods and competitive virgin raw materials. Currently suppliers of virgin raw materials face no Superfund liability for contamination caused by the consumer. This bill will supply the same waiver to those who sell recyclable materials.

This bill also contains protections to ensure that sham recyclers are unable to benefit from this exemption. In order for recyclers to be relieved of Superfund liability, they must act in an environmentally sound manner and sell their product to manufacturers with environmentally responsible business practices. Considering that most recyclers are currently operating in a reasonable and conscience manner, this should be an easy test.

Mr. President, the recycling portion of the bill is the product of lengthy negotiations between the federal and state governments, the environmental community and the recycling industry. It serves only one purpose—to remove from the liability loop those who collect and ship recyclables to a third party site. These negotiations have resulted in a provision that I believe to be both environmentally and fiscally sound. By removing the threat of Superfund liability for recyclers, we will encourage more recycling.

Mr. President, while this provision is not precisely the Superfund Recycling Equity Act which Senator DASCHLE and I introduced last year—a bill which was supported by 63 of our Senate colleagues—I look forward to working with all parties to ensure we pass a bill that the Administration, environmentalists, and industry can support.

Mr. President, I will also work with my colleagues to ensure that no Superfund taxes will be reinstated. After many years and millions and millions of dollars spent by the government, large businesses, municipalities, schools, and small businesses, only a fraction of the costs has been devoted to cleanup. This cannot continue to happen.

I have seen a copy of the May 14, 1999, letter from Senators CHAFEE and SMITH to the Environmental Protection Agency, and I completely agree with its conclusions. There is no need for additional tax revenue. I want to quote from their letter because the Senators said it just right.

"Many responsible parties who have already paid for their own cleanups would also be liable for reimposed taxes. They are frankly unwilling to see the tax reinstated unless there are sweeping reforms in the structure of the program, as well. We find their arguments persuasive. We will not vote to reimpose the tax, unless it is part of a comprehensive Superfund reform."

"There is a second reason for our opposition to a tax extension at this time. As we noted in a recent letter to Administrator Browner, Congress has appropriated $15.9 billion for Superfund from its inception through 1988. The Superfund Trust Fund was created to facilitate rapid cleanups carried out by the federal government's expenditures would be recovered from responsible parties once the cleanup action was complete. This is real "polluters pay" principle."

"However, only a small percentage of the $15.9 billion has been recovered. To date, the Agency has obtained commitments to recover $2.4 billion. EPA has written off $5 billion of past expenditures and GAO reports that another $1.9 billion is likely unrecoverable because EPA did not properly calculate its indirect costs. This is a troubling record. A good cost recovery program that actually made the real polluters (as opposed to the taxpaying industries) pay could have recovered sufficient funds to carry Superfund through another authorization cycle without the reimposition of taxes. We are reluctant to ask Superfund taxpayers to once again prop up a Trust Fund that EPA has allowed to dwindle."

Mr. President, I'm very impressed with the Chairman CHAFEE and Chairman SMITH have done in getting this bill drafted and introduced. They are also working on a second major environmental bill in the waste area—RCRA. Last year we jointly requested a report from the GAO on what saving and efficiencies can be achieved with rifle shot fixes. This year Senators CHAFEE and SMITH have been diligently working on finalizing a legislative approach that is compatible to this GAO study. I know their staffs have been consulting with all the stakeholders, and I look forward to seeing this bill this summer. Hopefully, both bills will have a chance to advance through the legislative process so that the full Senate can consider them. Both approaches are reforms that Americans deserve and need.

As environmentalists talk about laws which protect the environment, Congress must determine who actually bears the burden of cost, and determine the balance. Superfund does not discriminate. The way Superfund is being implemented, it attacks our neighbors, our schools, and even our corner grocers. The Superfund Program Completion Act makes positive strides toward correcting the balance and reflects society's progress from the 80's and incorporates the methods of the 90's.

By Mr. DEWINE (for himself, Mr. KENNEDY, and Mr. BOND):

S. 1091. A bill to amend the Public Health Service Act to provide for the establishment of a pediatric research initiative; to the Committee on Health, Education, Labor, and Pensions.

THE PEDIATRIC RESEARCH INITIATIVE ACT OF 1999

Mr. DEWINE. Mr. President, today I rise to introduce legislation that will increase our nation's investment in pediatric research.

Despite the medical breakthroughs that have been made by health researchers in recent years, it is obvious that health care research is under funded. I have joined with many senators to express support for doubling the budget at HIH for biomedical research. I will continue to fight for this increased funding so that NIH can expand its research efforts. An increase in funding is especially needed to improve our knowledge about illnesses and conditions affecting children.

Children under age 12 represent 30 percent of the population—and yet, NIH devotes less than 12 percent of its budget to their needs. There has been a growing consensus that children's health deserves more attention from the research community.

The bill I am introducing today would help us begin to remedy the need for stronger investment in children's health research. I thank Senator BOND for joining with me in sponsoring this important legislation. This bill would authorize the Pediatric Research Initiative within the Office of the Director of National Institutes of Health (NIH) to encourage, coordinate, support, develop, and recognize pediatric research.

The bill would authorize $50 million annually for the next three years. During the last three years, I worked with my colleagues to fund this important Initiative and as a result, it received $5 million in fiscal year (FY) 1997, $38.5 million in FY 1998, and at least $38.5 million in FY 1999. I look forward to working with my colleagues again to continue on the path toward reaching the necessary funding level.

Under this bill, the Initiative would provide $45 million over the next three years to encourage new initiatives and promising areas of pediatric research. It would also promote greater coordination in children's health research. Today, there are some 20 Institutes and Centers and Offices within NIH that do something in the way of pediatrics. In my view, we need to bring some level of coordination and focus to these efforts.

In developing this Initiative, I have made sure that it would give the Director of NIH as much discretion as possible. The money has to be spent on outside research, so that the dollars flow out to the private sector—but it can go toward basic research or clinical research.

This bill does not create any new Office, Center, or Institute. I would simply authorize funding for more research and better research coordination for children—not infrastructure.

In addition to authorizing the Initiative, the legislation would authorize new funding, through the National Institutes of Child Health and Human Development (NICHD), for pediatric research training grants to provide a major increase in support for training additional pediatric research scientists. We need to strengthen our national investment in pediatric research training.

The supply of pediatrician scientists needs to increase if we are to fulfill the new NIH policies that require the participation of children in NIH-funded clinical trials and the new Food and Drug Administration (FDA) policies that require the testing of drugs for use by children before they can receive FDA approval.

The number of pediatricians training to become subspecialists—the potential supply of future pediatrician scientists—is declining. The number of medical school pediatric departments that receive significant NIH research training grant support is limited—fewer than half receive any NIH research training grants. Many pediatricians in training have little or no exposure to research.

Together, the Pediatric Research Initiative and the pediatric research training grants are crucial investments in our country's future—and will produce great returns. If we focus on improving health care for our children, we'll set the stage for them becoming healthy adults.

This important legislation has the support of the pediatric research community in children's hopsitals and university pediatric departments all over the country, including the National Association of Children's Hospitals, Association of Medical School Pediatric Department Chairmen, American Pediatric Society, and Society for Pediatric Research, as well as the Juvenile Diabetes Foundation International, March of Dimes, Association of Ohio Children's Hospitals, and many more

I urge my colleagues to support this investment in our children and cosponsor this bill. I ask unanimous consent that the text of my legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1091

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pediatric Research Initiative Act of 1999".

SEC. 2. FINDINGS.

Congress finds that—

(1) innovations in health care, deriving from scientific investigation of the highest quality, offer substantial benefits to the well-being of children and savings in health care costs;

(2) findings in pediatric research not only promote and maintain health throughout a child's lifespan, but also contribute significantly to new insights and discoveries that will aid in the prevention and treatment of illnesses and conditions among adults;

(3) the rapidly expanding knowledge base in biology and medicine is offering greater opportunities than ever for pediatric physician-scientists and basic researchers to harness this knowledge to the benefit of children and society;

(4) the relatively smaller number of children compared as to adults and the relative rarity of many of their diseases and conditions has resulted in comparatively fewer resources being devoted to pediatric research and a lesser focus on children's needs;

(5) substantially more of the support for children's health research is provided through the Federal Government than is the case for adults because of these market forces;

(6) a new commitment to invest in children's research today will make a real difference for children tomorrow;

(7) the commitment to invest in children's research should include not only added investment that is devoted to pediatric research but should also focus on ensuring the existence of a future supply of pediatric physician-scientists;

(8) the supply of pediatric physician-scientists is threatened by market demands which provide little room for support for research training for new pediatric physician-scientists;

(9) over 60 percent of the pediatric departments in the United States have no National Institutes of Health training grant support; and

(10) improvements in the level of training grant support is essential to ensuring the existence of future generations of pediatric clinical investigators who are responsible for moving research discoveries from the laboratories to the patients, and who are therefore critical to clinical research.

SEC. 3. ESTABLISHMENT OF A PEDIATRIC RESEARCH INITIATIVE.

Part A of title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended by adding at the end the following:

"SEC. 404F. PEDIATRIC RESEARCH INITIATIVE.

"(a) ESTABLISHMENT.—The Secretary shall establish within the Office of the Director of NIH a Pediatric Research Initiative (referred to in this section as the 'Initiative'). The Initiative shall be headed by the Director of NIH.

"(b) PURPOSE.—The purpose of the Initiative is to provide funds to enable the Director of NIH to encourage—

"(1) increased support for pediatric biomedical research within the National Institutes of Health to ensure that the expanding opportunities for advancement in scientific investigations and care for children are realized;

"(2) enhanced collaborative efforts among the Institutes to support multidisciplinary research in the areas that the Director deems most promising; and

"(3) the development of adequate pediatric clinical trials and pediatric use information to promote the safer and more effective use of prescription drugs in the pediatric population.

"(c) DUTIES.—In carrying out subsection (b), the Director of NIH shall—

"(1) consult with the Institute of Child Health and Human Development and the other Institutes, in considering their requests for new or expanded pediatric research efforts, and consult with other advisors as the Director determines appropriate;

"(2) have broad discretion in the allocation of any Initiative assistance among the Institutes, among types of grants, and between basic and clinical research so long as the—

"(A) assistance is directly related to the illnesses and conditions of children; and

"(B) assistance is extramural in nature; and

"(3) be responsible for the oversight of any newly appropriated Initiative funds and annually report to Congress and the public on the extent of the total extramural support for pediatric research across the NIH, including the specific support and research awards allocated through the Initiative.

"(d) AUTHORIZATION.—To carry out this section, there is authorized to be appropriated in the aggregate, $50,000,000 for each of the fiscal years 2000 through 2002.

"(e) TRANSFER OF FUNDS.—The Director of NIH may transfer amounts appropriated under this section to any of the Institutes for a fiscal year to carry out the purposes of the Initiative under this section.".

SEC. 4. INVESTMENT IN TOMORROW'S PEDIATRIC RESEARCHERS.

Subpart 7 of part C of title IV of the Public Health Service Act (42 U.S.C. 285g et seq.) is amended by adding at the end the following:

"SEC. 452E. INVESTMENT IN TOMORROW'S PEDIATRIC RESEARCHERS.

"(a) IN GENERAL.—The Secretary shall make available within the National Institute of Child Health and Human Development enhanced support for extramural activities relating to the training and career development of pediatric researchers.

"(b) PURPOSE.—The purpose of support provided under subsection (a) shall be to ensure the future supply of researchers dedicated to the care and research needs of children by providing for—

"(1) an increase in the number and size of institutional training grants to medical school pediatric departments and children's hospitals; and

"(2) an increase in the number of career development awards for pediatricians building careers in pediatric basic and clinical research.

"(c) AUTHORIZATION.—To carry out this section, there is authorized to be appropriated, $10,000,000 for fiscal year 2000, $15,000,000 for fiscal year 2001, and $20,000,000 for fiscal year 2002.".

BY MR. CRAPO:

S. 1092. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to regulation of pharmacists, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

PHARMACIST'S PATIENT PROTECTION ACT OF 1999

● Mr. CRAPO. Mr. President. I rise today to introduce the "Pharmacist's Patient Protection Act of 1999." The purpose of the legislation is to stop the implementation of final regulations that have been issued by the Food and Drug Administration that will require community pharmacists to provide agency sanctioned information when certain prescription drugs are dispensed to a patient. Such regulations, commonly called "MedGuides", were issued in final form on December 1, 1998.

Now why would Congress want to prohibit a regulation which would give patients written information about their medications? The answer is very simple. During the 104th Congress, the House and Senate debated this very same issue, and ultimately a compromise was reached whereby FDA agreed not to promulgate its MedGuide regulations for a period of time so that the private sector would have the opportunity to work with the Administration to develop a voluntary action plan to continue to increase the quality and quantity of written information already being provided to consumers with prescription medication. Under the agreement which was enacted into law as part of the FY 97 Agriculture Appropriations, FDA is prohibited from implementing any part of the MedGuide regulations until the year 2001. When we get to the year 2001, FDA would be permitted to move forward with the MedGuide initiative only if voluntary efforts failed to get written information to 75 percent of all patients receiving a new prescription.

Regrettably, FDA has chosen not to live up to its part of the agreement. The agency's final rule to require Medication Guides for selected prescription drugs, which will take effect on June 1, 1999, is in clear violation of federal law. It appears that FDA is deliberately ignoring the law. It would be my hope that the Administration would hold in abeyance the implementation of the MedGuide regulations, and honor the remainder of the moratorium relating to this rule making. However, I am not confident that this will occur, and therefore this bill is necessary so that we can put back into place the terms of the agreement that were made with the Administration during the 104th Congress.

Finally, I should point out that holding off the implementation of the MedGuide rule will not deny patients access to prescription drug information, nor will it preclude FDA from communicating with pharmaceutical companies and community pharmacists about the importance of providing information to patients about their prescription drugs. In other words, nothing in this bill should be construed as restricting the ability of the FDA to use its existing authority regarding the provision of written patient information on a product-by-product basis with certain prescription medications.

Let the competitive retail pharmacy marketplace continue to make great strides in providing consumers with meaningful, accurate and easily understood written information about prescription drugs. I urge my colleagues to co-sponsor the "Pharmacist's Patient Protection Act of 1999."●

By Mr. BINGAMAN:

S. 1093. A bill to establish the Galisteo Basin Archaeological Protection Sites, to provide for the protection of archaeological sites in the Galisteo Basin of New Mexico and for other purposes; to the Committee on Energy and Natural Resources.

GALISTEO BASIN ARCHAEOLOGICAL PROTECTION ACT OF 1999

Mr. BINGAMAN. Mr. President, I rise today to introduce a bill designed to provide for the protection of various historical sites in the Galisteo Basin. The Basin is located in and around Santa Fe County, New Mexico, as depicted by this map. (See, map) To understand the importance of these sites, it's important to understand the history of this Basin.

Mr. President, when the Spanish Conquistadores arrived in New Mexico in 1598, they found a thriving native Pueblo culture with its own unique traditions of religion, architecture, and art, which was enriched and influenced by an extensive system of trade. The subsequent history of conflict and coexistence between these two cultures, Pueblo Indian and Spanish, shaped much of the language, art, and cultural worldview of New Mexicans today.

That initial history of cultural interaction in New Mexico encompassed a period of a little over one hundred years from the 1598, through the Pueblo revolt in 1680, and the recolonization by the Spanish in the early 1700s. Among these sites are examples of both the stone and adobe pueblo architectural styles which typified Native American pueblo communities prior to and during early Spanish colonization, including two of the largest of these ancient towns, San Marcos and San Lazaro Pueblos, which each had thousands of rooms at their peak. Also included in these sites are spectacular examples of Native American petroglyph art as well as historic missions which were constructed as part of the Spaniards' drive to convert the native populace to Catholicism. The twenty six archeological sites addressed in this bill provide cohesive picture of this crucial nexus in New Mexican history, depicting the culture of the pueblo people, and illustrating how it was affected by the Spanish settlers .

Mr. President, through these sites, we have an opportunity to truly understand the simultaneous growth and the coexistence of these two cultures. Unfortunately, this is an opportunity we may soon lose. Most of these sites are not currently part of any preservation program and through weathering, erosion, vandalism, and amateur excavations are losing their interpretive value.

This legislation creates a program under the Department of the Interior to preserve these sites, and to provide interpretive research in an integrated manner. While many of these sites are on federal public land, many are privately owned and a few are on state trust lands. The vision behind this legislation is that an integrated preservation program at sites on Federal lands could serve as a foundation for archaeological research that could be augmented with voluntary cooperative agreements with state agencies and private land owners. These agreements would provide landowners with the opportunity for technical and financial assistance to preserve the sites on their property. Where the parties deem it appropriate, the legislation would also allow for the purchase or exchange of property to acquire these very valuable sites. With such a program in place, we should be able to preserve the history embodied in these sites for future generations.

Mr. President, I would also like to add that this legislation is supported by Cochiti Pueblo which is culturally and historically tied to these sites. I have received a letter from Isaac Herrera , the Governor of Cochiti Pueblo expressing his support and that of the tribal council. Governor Herrera notes that the tribe has already donated $10,000 to the preservation of one of these sites. This legislation is also supported by the State Land Commissioner.

Let me conclude by showing you some examples of these magnificent sites. These first 2 charts are from the Comanche Gap site, they are outstanding examples of petroglyph art. The next three charts I have show three of the various pueblo sites. The first, Pueblo Blanco. As you can see the drywash at the top of the picture and the road at the bottom, these are the types of erosion threats which I mentioned earlier. The next picture is Arroyo Hondo. Again, you have a drywash at the top, a major road along the site, and development around the site, which shows the threats posed. Finally is the Pueblo of Colorado, once again showing the threat of erosion from the drywashes above.

Mr. President, I want to especially thank Jessica Schultz who has been an intern in my office this past year, and has done yeoman work in providing research for this bill and in helping to draft it.

Mr. President, I ask unanimous consent to have the text of the Galisteo Basin Archaeological Protection Act of 1999 printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1093

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Galisteo Basin Archaeological Protection Act".

SEC. 2. FINDINGS.

(a) The Congress finds the following:

(1) The Galisteo Basin and surrounding area of New Mexico is the location of many well preserved prehistoric and historic archaeological resources of Native American and Spanish colonial cultures;

(2) These resources include the largest ruins of Pueblo Indian settlements in the United States, spectacular examples of Native American rock art, and ruins of Spanish colonial settlements; and

(3) These resources are being threatened by natural causes, urban development, vandalism, and uncontrolled excavations.

(b) PURPOSE.—The purpose of this Act is to provide for the preservation, protection, and interpretation of the nationally significant archaeological resources in the Galisteo Basin in New Mexico.

SEC. 3. ESTABLISHMENT OF GALISTEO BASIN ARCHAEOLOGICAL PROTECTION SITES.

(a) IN GENERAL.—The archaeological sites listed in subsection (b), as generally depicted on a map entitled "Galisteo Basin Archaeological Protection Sites," and dated May 1999, are hereby designated as "Galisteo Basin Archaeological Protection Sites" (in this Act referred to as the "archaeological protection sites").

(b) SITES DESCRIBED.—The archaeological sites referred to in subsection (a) consist of 26 sites in the Galisteo Basin, New Mexico, totaling approximately 4022 acres, as follows:

Name	*Acres*
Arroyo Hondo Pueblo	21
Burnt Corn Pueblo	110
Camino Real Site	1
Chamisa Locita Pueblo	40
Comanche Gap Petroglyphs	768
Espinoso Ridge Site	160
La Cienega Pueblo & Petroglyphs	126
La Cienega Pithouse Village	179
La Cieneguilla Petroglyphs	186
La Cieneguilla Pueblo	12
Lamy Pueblo	30
Lamy Junction Site	65
Las Huertas	20
Pa'ako Pueblo	29
Petroglyph Hill	90
Pueblo Blanco	533
Pueblo Colorado	120
Pueblo Galisteo/Las Madres	284
Pueblo Largo	60
Pueblo She	120
Rote Chert Quarry	1
San Cristobal Pueblo	390
San Lazaro Pueblo	416
San Marcos Pueblo	152
Tonque Pueblo	97
Upper Arroyo Hondo Pueblo	12
Total Acreage	4,022

(c) AVAILABILITY OF MAP.—The Secretary shall keep the map referred to in subsection (a) on file and available for public inspection in appropriate offices in New Mexico of the Bureau of Land Management and the National Park Service.

(d) BOUNDARY ADJUSTMENTS.—The Secretary may make minor boundary adjustments by publishing notice thereof in the Federal Register.

SEC. 4. ADDITIONAL SITES.

(a) IN GENERAL.—The Secretary of the Interior (in this Act referred to as the "Secretary") shall

(1) continue to search for additional Native American and Spanish colonial sites in the Galisteo Basin area of New Mexico; and

(2) submit to Congress, within three years after the date funds become available and thereafter as needed, his recommendations for additions to, deletions from, and modifications of the boundaries of the list of archaeological protection sites in section 4 of this Act.

(b) ADDITIONS ONLY BY STATUTE.—Additions to or deletions from the list in section 3(b) shall be made only by an Act of Congress.

SEC. 5. ADMINISTRATION.

(a) IN GENERAL.—The Secretary shall administer the archaeological protection sites, which are located on Federal lands, in accordance with the provisions of this Act, the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.), and the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et. seq.), and other applicable laws in a manner that will protect, preserve, and maintain the archaeological resources and provide for research thereon.

(b) MANAGEMENT PLAN.—

(1) IN GENERAL.—Within three complete fiscal years after the date funds are made available, the Secretary shall prepare and transmit to the Committee on Energy and Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives, a general management plan for the identification, research, protection, and public interpretation of the archaeological protection sites located on Federal land and for those sites for which the Secretary has entered into Cooperative Agreements regarding sites that are located on private or state lands.

(2) CONSULTATION.—The plan shall be developed by the Secretary in consultation with the Governor of New Mexico, the New Mexico State Land Commissioner, affected Native American pueblos, and other interested parties.

SEC. 6. COOPERATIVE AGREEMENTS.

The Secretary is authorized to enter into cooperative agreements with the owners of non-Federal land with regard to the inclusion of the archaeological protection sites located on their property. The purposes of such an agreement shall be to protect, preserve, maintain, and administer the archaeological resources and associated lands of such a site. Where appropriate, such agreement may also provide for public interpretation of an archaeological protection site.

SEC. 7. ACQUISITIONS.

(a) IN GENERAL.—The Secretary is authorized to acquire lands and interests therein within the boundaries of the archaeological protection sites, and access thereto, by donation, by purchase with donated or appropriated funds, or by exchange.

(b) CONSENT OF OWNER REQUIRED.—The Secretary may only acquire lands or interests therein within the consent of the owner thereof.

(c) STATE LANDS.—The Secretary may acquire lands or interests therein owned by the State of New Mexico or a political subdivision thereof only by donation or exchange.

SEC. 9. WITHDRAWAL.

Subject to valid existing rights, all Federal lands within the protection sites are hereby withdrawn—

(1) from all forms of entry, appropriation, or disposal under the public land laws and all amendments thereto;

(2) from location, entry, and patent under the mining law and all amendments thereto; and

(3) from disposition under all laws relating to mineral and geothermal leasing, and all amendments thereto.

SEC. 10. AUTHORIZATION OF APPROPRIATION.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this act.

By Mr. CONRAD (for himself and Mr. HATCH):

S. 1095. A bill to amend section 29 of the Internal Revenue Code of 1986 to extend the placed in service date for biomass and coal facilities; to the Committee on Finance.

THE BIOMASS AND COAL FACILITIES EXTENSION ACT

● Mr. CONRAD. Mr. President, today I join again with my friend from Utah, Senator HATCH, to introduce the Biomass and Coal Facilities Extension Act. This legislation would extend by eight months the placed-in-service date under section 29 of the Internal Revenue Code.

We are offering the same bill we offered in the 105th Congress because the problem addressed by the bill remains uncorrected. The change we propose is necessary in order to alleviate a hardship taxpayers are suffering as a result of their reliance on actions taken by Congress nearly three years ago.

A number of taxpayers made substantial commitments of resources to develop alternative fuel technology projects in good faith reliance on the incentives provided in the Small Business Protection Act of 1996. Under that law, Congress intended to ensure that alternative fuel technology projects involving coal and biomass would qualify for the credit provided under section 29 of the Internal Revenue Code as long as projects were subject to a binding contract by December 31, 1996 and placed in service by June 30, 1998.

That should have settled the matter. However, a proposal offered by the Administration in February 1997 contained a proposal to shorten the placed-in-service deadline by a full year for facilities producing gas from biomass and synthetic fuel from coal. The Administration was concerned about what it characterized as rapid growth in the section 29 credit. Congress considered that argument, but concluded that no change in the 1996 legislation was necessary.

In the tax legislative arena, even a mere proposal can have consequences. When the Joint Committee on Taxation published its analysis of the Administration's budget proposals in March 1997, it warned Congress about just such a consequence as it observed that "[b]ecause the binding contract date has already passed * * * the proposal might place an unfair financial burden on those taxpayers who are bound to contracts entered into prior to the Administration's announcement."

Mr. President, that is exactly what happened—many taxpayers who found themselves in that situation lost their sources of funding because financial institutions were obligated to take into account the possibility that the Administration's proposal could have become law. Because the tax credit plays a significant role in the financial examination lenders must make, its potential loss made securing the necessary financing impossible for taxpayers who were proceeding in good faith under binding contracts made in reliance on the provisions of the Small Business Protection Act of 1996.

The bill would extend the placed-in-service date for a period eight months from the date of the bill's enactment. This would restore some of the time that taxpayers lost as a result of the confusion which resulted from the events of 1997.

Let me emphasize that the bill would not authorize any "new starts." The binding contract date provided in the 1996 Act would not be altered. The sole purpose of this bill is to allow taxpayers who began projects under the 1996 Act to proceed in an orderly manner to create the kinds of facilities that will help increase the country's useful energy resources.●

Mr. HATCH. Mr. President, I stand today with my colleague, Senator CONRAD, to introduce legislation aimed at helping companies to develop technologies for cleaner burning fuels. This is important to the people in my home state of Utah where air pollution is one of the top concerns of citizens.

I believe that cleaner burning fuels that will reduce emissions is a key element of the solution to this problem. The Biomass and Coal Facilities Extension Act would provide a tool for companies that are stepping into this void and developing clean burning fuels by extending the "placed in service" date under section 29 for facilities that produce alternative fuels.

Section 29 was originally created to encourage the development of alternative fuels to reduce our dependence on imports and to reduce the environmental impacts of certain fuels. With the enormous reserves of low rank coals and lignite in the United States and around the world, and with the potential for use of biomass and other alternatives, it is particularly important to the American economy and to our environment that new, more environmentally friendly fuels are brought to market both here and in developing nations.

Bringing new technologies to market is financially risky. In particular, finding investors to take a new technology from a laboratory table to the marketplace is difficult because working the bugs out of a first-of-a-kind, full-sized plant is a costly undertaking. Incentives to bring new, clean energy technologies to the market in the U.S. are a worthwhile use of the tax code.

In 1996, Congress provided sufficient incentives to make the development of alternative fuels a viable pursuit by extending the section 29 "placed in service" date for facilities designed to produce energy from biomass or processed coals to July 1, 1998, provided that those facilities were constructed pursuant to a binding contract entered into before January 1, 1997. Many contracts were signed and construction projects started.

Then the Administration released its budget in February 1997. It contained a proposal to eliminate the extension granted just one year before, cutting off the section 29 credit for plants not completed by July 1, 1997, which is an impossible deadline to meet for many of these projects.

Without the assurance of the section 29 tax credit, financing for these projects dried up. Taxpayers were stranded in contracts, some of which contained significant liquidated damages clauses. As a result of the Administration's proposal, taxpayers essentially lost a significant amount of the extension given them by Congress in 1996.

The bill before us would give companies with projects already in progress and contracts signed by January 1, 1997 some additional time to finish these projects. The bill does not extend the contract deadline, allow more projects to be initiated, or change the 2008 deadline for receiving the section 29 tax credit. This bill simply restores some of the time that taxpayers lost in their efforts to develop environmentally friendly fuels under section 29.

Bringing new alternative fuel technologies to the market is an important part of our commitment to a cleaner environment and a secure economy. Congress reflected that commitment in our efforts to mitigate some of the financial risk involved in developing this much needed technology in 1996. This bill maintains that commitment. I urge my colleagues to support this legislation.

By Mr. BAUCUS (for himself, Mr. BINGAMAN, Mr. DORGAN, Mr. KERREY, Mr. JOHNSON, and Mr. DASCHLE):

S. 1099. A bill to establish a mechanism for using the duties imposed on products of countries that fail to comply with WTO dispute resolution decision to provide relief to injured domestic producers; to the Committee on Finance.

TRADE INJURY COMPENSATION ACT

Mr. BAUCUS. Mr. President, on behalf of myself and Senators BINGAMAN, DORGAN, KERREY, JOHNSON, and DASCHLE. I rise to introduce the Trade Injury Compensation Act of 1999.

Under U.S. trade law, we may retaliate when a trading partner improperly closes its market to American goods or services. In certain circumstances, the World Trade Organization endorses that retaliation. The normal form of trade retaliation is to increase the tariff to one hundred percent on a designated list of imported goods.

The intention of retaliation is not protectionist. It is just the opposite—use the leverage of access to the huge United States market to open up a foreign market and expand trade. Retaliation is a tool designed to inflict enough economic pain on a trading partner that he returns to the negotiating table and removes the trade barriers that started the problem in the first place. Sometimes these negotiations restart quickly, sometimes even before the retaliation goes into effect. Other times, the negotiations start again only after the impact of retaliation sinks in.

In some cases, the new one hundred percent tariff raises the price of the imported good so prohibitively that it is priced completely out of the market. In other cases, the product is still sold in the United States, perhaps at a higher price, or perhaps at the original price with the importer absorbing the added tariff.

The United States is increasingly taking trade disputes to the WTO's Dispute Settlement Body. However, some of our trading partners have been, in effect, snubbing their nose at the WTO's decisions. The most egregious example of this is the European Union, whose approach to WTO dispute settlement is, frankly, outrageous. First, in bananas, and now in beef, the EU is using legal and procedural technicalities to delay implementation of important and legitimate WTO panel decisions. Each time they do this, the EU seriously undermines the credibility of the WTO as a fair and even-handed place to get trade justice.

The Trade Injury Compensation Act establishes a mechanism for using the tariffs imposed when a country fails to comply with WTO dispute resolution decisions. Normally, the additional tariff revenues received from retaliation go to the Treasury. This bill establishes a trust fund so that the affected industry will receive those revenues as compensation for its injury.

In the case of agriculture, the money will be spent on promotion and development of products for the industry. In non-agriculture cases, the money will go to additional Trade Adjustment Assistance payments to the affected industry.

Mr. President, the WTO is a critically important institution that sets the foundation and framework to make world trade grow. We all recognize that it needs improvement, and I, along with many of my colleagues, are working on ways to fix it, starting with the WTO Ministerial in Seattle. But, while the United Staes is striving to support and improve the WTO system, the EU seems to be working overtime to undercut the WTO. We must stop this abuse of the WTO, and we must provide assistance to our industries that are damaged by these illegal actions of the EU or others in the future.

Within two weeks, the Administration will implement retaliatory measures against the European Union because of its WTO-illegal restrictions on beef. My bill would provide the American beef industry with much needed compensation while the retaliatory measures remain in place.

I encourage all my colleagues to support this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1099

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Trade Injury Compensation Act of 1999".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) United States goods and services compete in global markets and it is necessary for trade agreements to promote such competition.

(2) The current dispute resolution mechanism of the World Trade Organization is designed to resolve disputes in a manner that brings stability and predictability to world trade.

(3) When foreign countries refuse to comply with a panel or Appellate Body report of the World Trade Organization and violate any of the Uruguay Round Agreements, it has a deleterious effect on the United States economy.

(4) A WTO member can retaliate against a country that refuses to implement a panel or Appellate Body report by imposing additional duties of up to 100 percent on goods imported from the noncomplying country.

(5) In cases where additional duties are imposed on imported goods, the duties should be used to provide relief to the industry that is injured by the noncompliance.

SEC. 3. DEFINITIONS.

In this Act:

(1) AGRICULTURAL COMMODITY.—The term "agricultural commodity" has the meaning given the term by section 102 (1) of the Agricultural Trade Act of 1978 (7 U.S.C. 5602(1)).

(2) INJURED AGRICULTURAL COMMODITY PRODUCER.—The term "injured agricultural commodity producer" means a domestic producer of an agricultural commodity with respect to which a dispute resolution proceeding has been brought before the World Trade Organization, if the dispute resolution is resolved in favor of the agricultural commodity producer, and the foreign country against which the proceeding has been brought has failed to comply with the report of the panel or Appellate Body of the WTO.

(3) INJURED PRODUCER.—The term "injured producer" means a domestic producer of a product (other than an agricultural product) with respect to which a dispute resolution proceeding has been brought before the World Trade Organization, if the dispute resolution is resolved in favor of the producer, and the foreign country against which the proceeding has been brought has failed to comply with the report of the panel or Appellate Body of the WTO.

(4) RETALIATION LIST.—The term "retaliation list" means the list of products of a foreign country that has failed to comply with the report of the panel or Appellate Body of the WTO and with respect to which the United States Trade Representative is imposing duties above the level that would otherwise be imposed under the Harmonized Tariff Schedule of the United States.

(5) URUGUAY ROUND AGREEMENTS.—The term "Uruguay Round Agreements" has the meaning given such term in section 2(7) of the Uruguay Round Agreements Act (19 U.S.C. 3501(7)).

(6) WORLD TRADE ORGANIZATION.—The term "World Trade Organization" means the organization established pursuant to the WTO Agreement.

(7) WTO AGREEMENT.—The term "WTO Agreement" means the Agreement Establishing The World Trade Organization entered into on April 15, 1994.

(8) WTO AND WTO MEMBER.—The terms "WTO" and "WTO member" have the meanings given those terms in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501).

SEC. 4. TRADE INJURY COMPENSATION TRUST FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the "Trade Injury Compensation Trust Fund" (referred to in this Act as the "Fund") consisting of such amounts as may be appropriated to the Fund under subsection (b) and any amounts credited to the Fund under subsection (c)(2).

(b) TRANSFER OF AMOUNTS EQUIVALENT TO CERTAIN DUTIES.—

(1) IN GENERAL.—There are hereby appropriated and transferred to the Fund an amount equal to the amount received in the Treasury as a result of the imposition of additional duties imposed on the products on a retaliation list.

(2) TRANSFERS BASED ON ESTIMATES.—The amounts required to be transferred under paragraph (1) shall be transferred at least quarterly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury. Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(c) INVESTMENT OF TRUST FUND.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the Secretary's judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

(2) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

(d) DISTRIBUTIONS FROM FUND.—Amounts in the Fund shall be available as provided in appropriations Acts, for making distributions in accordance with subsections (e) and (f).

(e) CRITERIA FOR DETERMINING INJURED PRODUCERS AND AMOUNT TO BE PAID.—Not later than 30 days after the implementation of a retaliation list, the Secretary of the Treasury, in consultation with the Secretaries of Agriculture and Commerce, shall promulgate such regulations as may be necessary to carry out the provisions of this Act. The regulations shall include the following:

(1) Procedures for identifying injured producers and injured producers of agricultural commodities.

(2) Standards for determining the eligibility of injured producers and injured producers of agricultural commodities to participate in the distribution of any money from the Fund.

(3) Procedures for determining the amount of the distribution each injured producer and injured producers of agricultural commodities should be paid.

(4) Procedures for establishing separate accounts for duties collected with respect to each retaliation list and for making distributions to the group of injured producers and injured producers of agricultural commodities with respect to each such retaliation list.

(f) DISTRIBUTION TO INJURED PRODUCERS.—

(1) DISTRIBUTION TO AGRICULTURAL PRODUCERS.—The Secretary of the Treasury shall transfer to the Secretary of Agriculture such sums as may be transferred or credited to the Fund as the result of items on a retaliation list because of injury to producers of agricultural commodities. The Secretary of Agriculture shall distribute to each injured producer of an agricultural commodity that the Secretary determines is eligible a portion of the amount so transferred. The distribution shall be made in accordance with the subsection (e) and shall be used by the producers for the promotion and development of products of the injured producers.

(2) DISTRIBUTION TO OTHER INJURED PRODUCERS.—The Secretary of the Treasury shall transfer to the Secretary of Commerce such sums as may be transferred or credited to the Fund as the result of items on a retaliation list because of injury to producers (other than producers of agricultural commodities). The Secretary of Commerce shall distribute to each injured producer (other than a producer described in paragraph (1)) that the Secretary determines is eligible a portion of the amount so transferred. The distribution shall be made in accordance with subsection (e) and in accordance with the procedures applicable to the provision of assistance under chapter 3 of title II of the Trade Act of 1974 (19 U.S.C. 2341 et seq.).

(g) REPORT TO CONGRESS.—The Secretary of the Treasury shall, after consultation with the Secretaries of Agriculture and Commerce, submit a report to the Congress each year on—

(1) the financial condition and the results of the operations of the Fund during the preceding fiscal year; and

(2) the expected condition and operations of the Fund during the fiscal year following the fiscal year that is the subject of the report.

SEC. 5. PROHIBITION ON REDUCING SERVICES OR FUNDS.

No payment made to an injured producer or an injured agricultural commodity producer under this Act shall result in the reduction or denial of any service or assistance with respect to which the injured producer or injured agricultural commodity producer would otherwise be entitled.

By Mr. CHAFEE (for himself, Mr. CRAPO, and Mr. DOMENICI):

S. 1100. A bill to amend the Endangered Species Act of 1973 to provide that the designation of critical habitat for endangered and threatened species be required as part of the development of recovery plans for those species; to the Committee on Environment and Public Works.

CRITICAL HABITAT LEGISLATION

Mr. CHAFEE. Mr. President, I am pleased to introduce a bill, together with my distinguished colleagues, Senators DOMENICI and CRAPO, to address one of the most problematic, controversial and misunderstood provisions of the Endangered Species Act of 1973. This is the provision relating to the designation of critical habitat for endangered or threatened species.

As I have often said, the key to protecting our nation's fish and wildlife is to protect the habitat on which those species depend. This is particularly true for endangered and threatened species, which often fall into such precarious condition precisely because of habitat loss and degradation. This makes habitat protection for those species all the more vital. It is thus terribly ironic that the provisions in the ESA relating to habitat are those that present the most problems. My bill goes a long way to fix those problems. It is virtually identical to the critical habitat provisions contained in S. 1180 from the last Congress, which was approved by the Environment and Public Works Committee by a vote of 15 to 3, with strong bipartisan support.

Landowners fear that critical habitat imposes severe restrictions on use of their own lands; the Secretary frequently does not designate critical habitat to avoid these controversies; and environmental groups often bring lawsuits over this failure to designate. Of almost 1,200 species listed by the Fish and Wildlife Service, only 113—nine percent—have critical habitat designated. Indeed, of the 256 species listed since April 1996, the Service has designated critical habitat for only two. As a result, numerous lawsuits have been brought against the Service in recent years. Currently, 15 active lawsuits are pending, with six already decided—all against the Secretary—and prospective challenges for another 40 species are on the horizon.

These statistics underscore the problems with the existing law with respect to critical habitat designations. The root of these problems lies in the fact that designation of critical habitat requires knowledge of the conservation needs of the species as well as an assessment of the economic impacts of the designation, neither of which is generally known, or can be determined, at the time of listing.

Designation of critical habitat is more appropriate in the context of developing a recovery plan for a listed species, because the recovery plan specifically addresses the conservation needs of the species and provides for an estimate of the costs for recovery actions. Indeed, numerous individuals and organizations, including the National Research Council, have suggested that the requirement to designate critical habitat be moved from the time of listing to the time of recovery plan development.

As for recovery plans, the Secretary is required to develop and implement recovery plans for listed species. However, there is no deadline for the Secretary to do so. Less than 70 percent of listed species are covered in a recovery plan, and 56 percent of those species without plans have been listed for longer than one year. These statistics underscore the need for a mandatory deadline for developing recovery plans.

The bill that I introduce today would move the requirement to designate critical habitat from the time of listing to the time of recovery plan development. The bill would also require that a recovery team be appointed, unless the Secretary states otherwise through notice and comment. The bill would also provide a deadline for development of recovery plans, no later than 36 months after listing. In the event that the designation is necessary to avoid the imminent extinction of the species, the bill allows the Secretary to designate critical habitat concurrently with listing. A new provision would be added to the citizen suit section that would require any lawsuit challenging the actual designation of critical habitat to be brought in conjunction with a suit challenging the recovery plan on which the designation is based. Other than these changes, the critical habitat provisions would remain virtually the same as in existing law.

Let me say that I do not have any desire to open the broader question of reauthorization of the ESA. I believe that this bill addresses a narrow fix in a way that answers the complaints of both environmental groups and the regulated community. I do not advocate the inclusion of other issues not related to critical habitat. There may be another time and vehicle for that, but this is not the time, and this bill should not be the vehicle.

In closing, I would like to express my sincere gratitude to the distinguished Senator from New Mexico for his cooperation on this issue, and for his decision to work on this bill together in lieu of offering a rider on the recent supplemental appropriations bill. I know this issue is of no great importance to the constituents in his home State, and I am pleased to work with him to find a resolution.

I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1100

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RECOVERY PLANS AND CRITICAL HABITAT DESIGNATIONS.

The Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) is amended—

(1) by inserting after section 4 the following:

"RECOVERY PLANS AND CRITICAL HABITAT DESIGNATIONS

"SEC. 4A.";

(2) by moving subsection (f) of section 4 to appear at the end of section 4A (as added by paragraph (1)); and

(3) in section 4A (as amended by paragraph (2))—

(A) by striking "(f)(1) RECOVERY PLANS.—The" and inserting the following:

"(a) IN GENERAL.—The";

(B) by redesignating paragraphs (2) through (5) as subsections (b) through (e), respectively;

(C) in subsection (b) (as so redesignated)—

(i) by striking "(b) The Secretary" and inserting the following:

"(b) RECOVERY TEAMS.—

"(1) IN GENERAL.—The Secretary"; and

(ii) by adding at the end the following:

"(2) APPOINTMENT OF A TEAM.—Not later than 60 days after the date of publication under section 4 of a final determination that a species is a threatened species or endangered species, the Secretary, in cooperation with any State affected by the determination, shall—

"(A) appoint a recovery team to develop a recovery plan for the species; or

"(B) after public notice and opportunity for comment, determine that a recovery team shall not be appointed."; and

(D) by adding at the end the following:

"(f) SCHEDULE.—For each species determined to be an endangered species or a threatened species after the date of enactment of this subsection for which the Secretary is required to develop a recovery plan under subsection (a), the Secretary shall publish—

"(1) not later than 18 months after the date of the publication under section 4 of the final regulation containing the listing determination, a draft recovery plan; and

"(2) not later than 3 years after the date of publication under section 4 of the final regulation containing the listing determination, a final recovery plan.".

SEC. 2. CRITICAL HABITAT DESIGNATIONS.

(a) IN GENERAL.—Section 4A of the Endangered Species Act of 1973 (as added by section 1) is amended by adding at the end the following:

"(g) CRITICAL HABITAT DESIGNATIONS.—

"(1) RECOMMENDATION OF THE RECOVERY TEAM.—

"(A) RECOVERY TEAM APPOINTED.—Not later than nine months after the date of publication under section 4 of a final regulation containing a listing determination for a species, the recovery team (if a recovery team has been appointed for the species) shall provide the Secretary with a description of any habitat of the species that is recommended for designation as critical habitat pursuant to this subsection and any recommendations for special management considerations or protection that are specific to the habitat.

"(B) NO RECOVERY TEAM APPOINTED.—If a recovery team is not appointed by the Secretary, the Secretary shall perform all duties of the recovery team required under this section.

"(2) DESIGNATION BY THE SECRETARY.—The Secretary, to the maximum extent prudent and determinable, shall by regulation designate any habitat that is considered to be critical habitat of an endangered species or a threatened species that is indigenous to the United States or waters with respect to which the United States exercises sovereign rights or jurisdiction.

"(A) DESIGNATION.—

"(i) PROPOSAL.—Concurrently with publication of a draft recovery plan, the Secretary, after consultation and in cooperation with the recovery team, shall publish in the Federal Register a proposed regulation, based on the draft recovery plan for the species, that designates critical habitat for the species.

"(ii) PROMULGATION.—Concurrently with publication of a final recovery plan, the Secretary, after consultation and in cooperation with the recovery team, shall publish a final regulation, based on the final recovery plan for the species, that designates critical habitat for the species.

"(B) OTHER DESIGNATIONS.—If a recovery plan is not developed under this section for an endangered species or a threatened species, the Secretary shall publish a final critical habitat determination for the endangered species or threatened species not later than three years after making a determination that the species is an endangered species or a threatened species.

"(C) ADDITIONAL AUTHORITY.—The Secretary may publish a regulation designating critical habitat for an endangered species or a threatened species concurrently with the final regulation implementing the determination that the species is endangered or threatened if the Secretary determines that designation of such habitat at the time of listing is essential to avoid the imminent extinction of the species.

"(3) FACTORS TO BE CONSIDERED.—The designation of critical habitat shall be made on the basis of the best scientific and commercial data available and after taking into consideration the economic impact, impacts to military training and operations, and any other relevant impact, of specifying any particular area as critical habitat. The Secretary shall describe the economic impacts and other relevant impacts that are to be considered under this subsection in the publication of any proposed regulation designating critical habitat.

"(4) EXCLUSIONS.—The Secretary may exclude any area from critical habitat for a species if the Secretary determines that the benefits of the exclusion outweigh the benefits of designating the area as part of the critical habitat, unless the Secretary determines that the failure to designate the area as critical habitat will result in the extinction of the species.

"(5) REVISIONS.—The Secretary may, from time-to-time and as appropriate, revise a designation. Each area designated as critical habitat before the date of enactment of this subsection shall continue to be considered so designated, until the designation is revised in accordance with this subsection.

"(6) PETITIONS.—

"(A) DETERMINATION THAT REVISION MAY BE WARRANTED.—To the maximum extent practicable, not later than 90 days after receiving the petition of an interested person under section 553(e) of title 5, United States Code, to revise a critical habitat designation, the Secretary shall make a finding as to whether the petition presents substantial scientific or commercial information indicating that the revision may be warranted. The Secretary shall promptly publish the finding in the Federal Register.

"(B) NOTICE OF PROPOSED ACTION.—Not later than one year after receiving a petition that is found under subparagraph (A) to present substantial information indicating that the requested revision may be warranted, the Secretary shall determine how to proceed with the requested revision, and shall promptly publish notice of the intention in the Federal Register.

"(7) PROPOSED AND FINAL REGULATIONS.—Any regulation to designate critical habitat or implement a requested revision shall be proposed and promulgated in accordance with paragraphs (4), (5), and (6) of section 4(b) in the same manner as a regulation to implement a determination with respect to listing a species.".

(b) CITIZEN SUITS.—Section 11(g) of the Endangered Species Act of 1973 (16 U.S.C. 1540(g)) is amended—

(1) in paragraph (1)(C), by inserting "or section 4A" after "section 4"; and

(2) in paragraph (2), by adding at the end the following:

"(D) ACTIONS RELATING TO CRITICAL HABITAT DESIGNATION.—With respect to an action relating to an alleged violation of section 4A(g) concerning the area designated by the Secretary as critical habitat, no action may be commenced independently of an action relating to an alleged violation of subsection (a) or (f) of section 4A.".

(c) PLANS FOR PREVIOUSLY LISTED SPECIES.—

(1) IN GENERAL.—In the case of species included in the list published under section 4(c) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)) before the date of enactment of this Act, and for which no final recovery plan was developed before the date of enactment of this Act, the Secretary of the Interior or the Secretary of Commerce, as appropriate, shall develop a final recovery plan in accordance with the requirements of section 4A of the Endangered Species Act of 1973, including the priorities of subsection (a)(1) of that section, for not less than one-half of the species not later than 36 months after the date of enactment of this Act and for all species not later than 60 months after such date.

(2) DESIGNATIONS OF CRITICAL HABITAT.—The Secretary of the Interior or the Secretary of Commerce, as appropriate, shall review and revise as necessary any designation of critical habitat for a species described in paragraph (1) based on the final recovery plan for the species and in accordance with section 4A(g) of the Endangered Species Act of 1973.

(d) CONFORMING AMENDMENTS.—

(1) Section 3(5)(A) of the Endangered Species Act of 1973 (16 U.S.C. 1532(5)(A)) is amended—

(A) in clause (i), by striking ", at the time it is listed in accordance with the provisions of section 4 of this Act,"; and

(B) in clause (ii), by striking "at the time it is listed in accordance with the provisions of section 4 of this Act".

(2) Section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533) (as amended by section 1(2)) is amended—

(A) in subsection (a), by striking paragraph (3);

(B) in subsection (b)—

(i) by striking paragraph (2);

(ii) in paragraph (3), by striking subparagraph (D);

(iii) in paragraph (5), by striking ", designation, or revision referred to in subsection (a)(1) or (3)," and inserting "referred to in subsection (a)(1),";

(iv) in paragraph (6)—

(I) by striking "(6)(A)" and all that follows through the end of subparagraph (A) and inserting the following:

"(6) FINAL REGULATIONS.—

"(A) IN GENERAL.—Within the one-year period beginning on the date on which general notice is published in accordance with paragraph (5)(A)(i) regarding a proposed regulation, the Secretary shall publish in the Federal Register—

"(i) a final regulation to implement the determination;

"(ii) notice that the one-year period is being extended under subparagraph (B)(i); or

"(iii) notice that the proposed regulation is being withdrawn under subparagraph (B)(ii), together with the finding on which the withdrawal is based.";

(II) in subparagraph (B)(i), by striking "or revision";

(III) in subparagraph (B)(iii), by striking "or revision concerned, a finding that the revision should not be made,"; and

(IV) by striking subparagraph (C); and

(v) by redesignating paragraph (8) as paragraph (2) and moving that paragraph to appear after paragraph (1);

(C) in subsection (c)(1)—

(i) in the second sentence, by inserting "designated" before "critical habitat"; and

(ii) in the third sentence, by striking "determinations, designations, and revisions" and inserting "determinations";

(D) by redesignating subsections (g) through (i) as subsections (f) through (h), respectively; and

(E) in subsection (g)(4) (as so redesignated), by striking "subsection (f) of this section" and inserting "section 4A".

(3) Section 4A of the Endangered Species Act of 1973 (as added by section 1) is amended—

(A) in subsection (a)—

(i) in the first sentence—

(I) by striking "this subsection" and inserting "this section"; and

(II) by striking "this section" and inserting "section 4";

(ii) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively; and

(iii) in paragraph (2) (as so redesignated)—

(I) by redesignating clauses (i) through (iii) as subparagraphs (A) through (C), respectively; and

(II) in subparagraph (B) (as so redesignated), by striking "the provisions of this section" and inserting "section 4";

(B) in subsection (c), by striking "this section" and inserting "section 4"; and

(C) in subsection (e), by striking "paragraph (4)" and inserting "subsection (d)".

(4) Section 6(d)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1535(d)(1)) is amended in the first sentence by striking "section 4(g)" and inserting "section 4(f)".

(5) Section 10(f)(5) of the Endangered Species Act of 1973 (16 U.S.C. 1539(f)(5)) is amended by striking the last sentence.

(6) Section 104(c)(4)(A)(ii)(I) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1374(c)(4)(A)(ii)(I)) is amended by striking "section 4(f)" and inserting "section 4A".

(7) Section 115(b)(2) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1383b(b)(2)) is amended by striking "section 4(f) of the Endangered Species Act of 1973 (16 U.S.C. 1533(f))" and inserting "section 4A of the Endangered Species Act of 1973".

(8) Section 118(f)(11) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1387(f)(11)) is amended by striking "section 4" and inserting "section 4A".

(9) The table of contents in the first section of the Endangered Species Act of 1973 (16 U.S.C. prec. 1531) is amended by inserting after the item relating to section 4 the following:

"Sec. 4A. Recovery plans and critical habitat designations.".

Mr. DOMENICI. Mr. President, just a few weeks ago I rose to speak and share with my fellow Senators an extraordinary exchange that occurred between myself and Interior Secretary Babbitt regarding the failings of the Endangered Species Act in a situation on the Rio Grande River in New Mexico. I told you that the Secretary's remarks were significant because they acknowledged that this law, however well intentioned, is not working.

I felt Secretary Babbitt's testimony before the Senate Interior Appropriations Subcommittee could open the door to significant reform of the Endangered Species Act, permitting all parties to work together. I pledged to begin serious work on improving the Endangered Species Act, and I am immensely pleased today to be cosponsoring this bill with Senators CHAFEE and CRAPO to do just that.

I was in the Senate to vote in favor of the Endangered Species Act, but the courts are implementing it in a cart before the horse fashion never contemplated by the Congress. The focus of saving species should be on planning recovery, not using premature habitat designation as a hammer on the heads of humans sharing that habitat. We want to protect endangered species, but we don't want to unnecessarily hurt people. Tying critical habitat designation to recovery plan implementation is logical, defensible, and the right thing to do. This legislation goes directly to the heart of this issue.

The protection of endangered species is supposed to be accomplished by first figuring out the necessary habitat for survival, then designating that critical habitat. But the Endangered Species Act and the courts are rushing the process. According to Interior Secretary Bruce Babbitt, recent litigation will "strait jacket" the federal government into prematurely designating the critical habitat for, in one case, the Rio Grande silvery minnow.

People in D.C. tend to forget that the western United States is the arid, "great American desert." Western rivers and streams are primarily supported by melting snow pack. They change annually from roaring torrents in April to bare trickles in June, to dried up river beds in August. The Rio Grande, despite its "big river" title, is no exception to this cyclical flow. As a child, I often walked across the dry riverbed in Albuquerque.

This will be a very dry year in the normally arid New Mexico. The historical hydrographic record shows that between 1899 and 1936, long before Albuquerque grew, or the Middle Rio Grande Conservancy District started to farm, the Rio Grande was dry twenty percent of the time in August as measured at the San Marcial Gauge.

Now, the U.S. Fish and Wildlife Service, prodded by various groups, are claiming a "new" water demand on the river for the silvery minnow. They should assert the interest in the water needed for the minnow, but the demand isn't new. The issue, however, is how should that interest be asserted and what the need really is. And, once known, how do we continue to address the human water needs, and at what cost?

I believe something is terribly wrong in the way the courts are handling this situation because you may have to close down a river to human users without knowing the habitat needs for an endangered species. The Secretary of Interior is required to base critical habitat designation on the best scientific data available, after taking into consideration the economic impact of that designation.

I asked Secretary Babbitt whether the Interior Department had sufficient data to determine the true water needs to sustain the silvery minnow in the Rio Grande, and to make an accurate economic and social assessment of what a critical habitat designation would mean to existing water rights owners. Babbitt testified that his department does not have sufficient information, but that it has no choice but to act because of federal court orders.

The U.S. Supreme Court has unanimously agreed that the best scientific and commercial data available must be used to designate a critical habitat. Designation of critical habitat is more appropriate in the context of a final recovery plan for an endangered species, because that plan must specifically address conservation needs and costs of recovery. This bill will move the requirement to designate habitat from the time of listing to the time of recovery plan development.

The quantity of water needed by the Rio Grande silvery minnow is unknown. The Fish and Wildlife Service has conceded that there has never been a thorough study of the economic consequences of providing water as a critical habitat for the minnow.

While we all want the silvery minnow and other endangered species to have their critical habitat, the Fish and Wildlife Service and the Bureau of Reclamation acknowledge that they do not know what the "critical habitat" is or should be. Were the consequences of designation insignificant, a guesstimate might be acceptable. However, as noted by the Bureau of Reclamation, a designation requiring year-round continuous flows on a river that has never produced such flows could have a "profound effect on downstream water users."

We must not try to cure the problem of endangered species with premature, uninformed, unscientific critical habitat designation, the validity of which has not been substantiated by adequate economic, scientific and social research. When the scientific facts on the possible side effects of a drug are unknown, the Food and Drug Administration does not authorize the sale of that drug. Likewise, the Endangered Species Act should not permit designation of critical habitat until we have scientifically determined that the habitat designation will be helpful to the species and does not impose unnecessary social and economic side effects.

It is abundantly clear that a complete environmental analysis of a critical habitat designation is an absolute necessity. Senator CHAFEE, Senator CRAPO, and I are now addressing this illogical and unworkable current situation with this bill. I thank them for their leadership on the Environment Committee. We will be working with the administration, and I encourage all my fellow Senators to participate in this limited, logical and necessary Endangered Species Act reform.

This bill will now tie designation of critical habitat to the development of recovery plans for endangered and threatened species, as it should be. Federal agencies should not have their hands tied by premature designation, forced by litigation. If we want to save species, as was and is the intent of the Endangered Species Act, then we have to plan how to recover them.

Recovery plans require objective and measurable criteria for saving species, specific descriptions of management actions, and cost estimates for those actions. This bill will create a mandatory deadline for developing final, comprehensive recovery plans. Critical habitat will now be designated in conjunction with those plans.

These changes will go towards achieving the original goal of the Endangered Species Act. I am very proud to be a part of this historic legislation, and I anticipate a bipartisan group, along with the administration, feels as I do. The time has come for commonsense reform to the Endangered Species Act.

By Mr. REED:

S. 1101. A bill to provide for tort liability of firearms dealers who transfer firearms in violation of Federal firearms law; to the Committee on the Judiciary.

GUN DEALER RESPONSIBILITY ACT OF 1999

Mr. REED. Mr. President, I rise today to introduce legislation to help turn the tide of gun violence by requiring greater responsibility from those in the business of selling weapons.

Currently, there are over 104,000 federally licensed firearms dealers in the United States. While most of these dealers are responsible small business people, recent tracing of crime-related guns by the Bureau of Alcohol, Tobacco and Firearms (ATF) has found substantial evidence that some dealers are selling guns to minors, convicted felons, and others who are prohibited by federal law from purchasing firearms. This direct diversion of weapons from retail to illegal markets is taking place both through off-the-book sales by corrupt dealers and through so-called straw purchases, when an ineligible buyer has a friend or relative buy a firearm for him.

While federal law already prohibits a person from transferring a firearm when a person knows that the gun will be used to commit a crime, it is very difficult for victims of gun violence to seek legal redress from gun dealers who sell guns to those prohibited from buying firearms. There is very little case law and no federal law giving victims of gun violence the right to sue gun dealers who make illegal gun sales.

To remedy this situation, my legislation, the Gun Dealer Responsibility Act, would provide a statutory cause of action for victims of gun violence against dealers whose illegal sale of a gun directly contributes to the victim's injury.

I believe this legislation will make unscrupulous gun dealers think twice about selling weapons to minors, convicted felons, or any other ineligible buyer, either directly or through straw purchases.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1101

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Gun Dealer Responsibility Act of 1999".

SEC. 2. DEFINITIONS.

In this Act:

(1) DEALER.—The term "dealer" has the meaning given such term in section 921(a)(11) of title 18, United States Code.

(2) FIREARM.—The term "firearm" has the meaning given such term in section 921(a)(3) of title 18, United States Code.

(3) LAW ENFORCEMENT OFFICER.—The term "law enforcement officer" means any officer, agent, or employee of the United States, or of a State or political subdivision thereof, who is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of law.

SEC. 3. CAUSE OF ACTION; FEDERAL JURISDICTION.

Any person suffering bodily injury as a result of the discharge of a firearm (or, in the case of a person who is incapacitated or deceased, any person entitled to bring an action on behalf of that person or the estate of that person) may bring an action in any United States district court against any dealer who transferred the firearm to any person in violation of chapter 44 of title 18, United States Code, for damages and such other relief as the court deems appropriate. In any action under this section, the court shall allow a prevailing plaintiff a reasonable attorney's fee as part of the costs.

SEC. 4. LIABILITY.

(a) IN GENERAL.—Except as provided in subsection (b) of this section, the defendant in an action brought under section 3 shall be held liable in tort, without regard to fault or proof of defect, for all direct and consequential damages that arise from bodily injury or death proximately resulting from the illegal sale of a firearm if it is established by a preponderance of the evidence that the defendant transferred the firearm to any person in violation of chapter 44 of title 18, United States Code.

(b) DEFENSES.—

(1) INJURY WHILE COMMITTING A FELONY.—There shall be no liability under subsection (a) if it is established by a preponderance of the evidence that the plaintiff suffered the injury while committing a crime punishable by imprisonment for a term exceeding 1 year.

(2) INJURY BY LAW ENFORCEMENT OFFICER.—There shall be no liability under subsection (a) if it is established by a preponderance of the evidence that the injury was suffered as a result of the discharge, by a law enforcement officer in the performance of official duties, of a firearm issued by the United States (or any department or agency thereof) or any State (or department, agency, or political subdivision thereof).

SEC. 5. NO EFFECT ON OTHER CAUSES OF ACTION.

This Act shall not be construed to limit the scope of any other cause of action available to a person injured as a result of the discharge of a firearm.

SEC. 6. APPLICABILITY.

This Act applies to any—

(1) firearm transferred before, on, or after the date of enactment of this Act; and

(2) bodily injury or death occurring after such date of enactment.

ADDITIONAL COSPONSORS

S. 14

At the request of Mr. COVERDELL, the name of the Senator from Tennessee (Mr. THOMPSON) was added as a cosponsor of S. 14, a bill to amend the Internal Revenue Code of 1986 to expand the use of education individual retirement accounts, and for other purposes.

S. 247

At the request of Mr. ROBB, his name was added as a cosponsor of S. 247, a bill to amend title 17, United States Code, to reform the copyright law with respect to satellite retransmissions of broadcast signals, and for other purposes.

S. 254

At the request of Mr. HATCH, the names of the Senator from Vermont (Mr. LEAHY), the Senator from Delaware (Mr. BIDEN), and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 254, a bill to reduce violent juvenile crime, promote accountability by rehabilitation of juvenile criminals, punish and deter violent gang crime, and for other purposes.

S. 296

At the request of Mr. FRIST, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 296, a bill to provide for continuation of the Federal research investment in a fiscally sustainable way, and for other purposes.

S. 303

At the request of Mr. ROTH, his name was added as a cosponsor of S. 303, a bill to amend the Communications Act of 1934 to enhance the ability of direct broadcast satellite and other multichannel video providers to compete effectively with cable television systems, and for other purposes.

S. 344

At the request of Mr. BOND, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 344, a bill to amend the Internal Revenue Code of 1986 to provide a safe harbor for determining that certain individuals are not employees.

S. 348

At the request of Ms. SNOWE, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 348, a bill to authorize and facilitate a program to enhance training, research and development, energy conservation and efficiency, and consumer education in the oilheat industry for the benefit of oilheat consumers and the public, and for other purposes.

S. 424

At the request of Mr. COVERDELL, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 424, a bill to preserve and protect the free choice of individuals and employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 429

At the request of Mr. DURBIN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 429, a bill to designate the legal public holiday of "Washington's Birthday " as "Presidents' Day" in honor of George Washington, Abraham Lincoln, and Franklin Roosevelt and in recognition of the importance of the institution of the Presidency and the contributions that Presidents have made to the development of our Nation and the principles of freedom and democracy.

S. 542

At the request of Mr. ABRAHAM, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 542, a bill to amend the Internal Revenue Code of 1986 to expand the deduction for computer donations to schools and allow a tax credit for donated computers.

S. 593

At the request of Mr. COVERDELL, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 593, a bill to amend the Internal Revenue Code of 1986 to increase maximum taxable income for the 15 percent rate bracket, to provide a partial exclusion from gross income for dividends and interest received by individuals, to provide a long-term capital gains deduction for individuals, to increase the traditional IRA contribution limit, and for other purposes.

S. 632

At the request of Mr. DEWINE, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 632, a bill to provide assistance for poison prevention and to stabilize the funding of regional poison control centers.

S. 664

At the request of Mr. CHAFEE, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 664, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence.

S. 712

At the request of Mr. LOTT, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 712, a bill to amend title 39, United States Code, to allow postal patrons to contribute to funding for highway-rail grade crossing safety through the voluntary purchase of certain specially issued United States postage stamps.

S. 731

At the request of Mr. KENNEDY, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 731, a bill to provide for substantial reductions in the price of prescription drugs for medicare beneficiaries.

S. 759

At the request of Mr. MURKOWSKI, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 759, a bill to regulate the transmission of unsolicited commercial electronic mail on the Internet, and for other purposes.

S. 784

At the request of Mr. ROCKEFELLER, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 784, a bill to establish a demonstration project to study and provide coverage of routine patient care costs for medicare beneficiaries with cancer who are enrolled in an approved clinical trial program.

S. 875

At the request of Mr. ALLARD, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 875, a bill to amend the Internal Revenue Code of 1986 to expand S corporation eligibility for banks, and for other purposes.

S. 879

At the request of Mr. CONRAD, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 879, a bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period for the depreciation of certain leasehold improvements

S. 918

At the request of Mr. KERRY, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 918, a bill to authorize the Small Business Administration to provide financial and business development assistance to military reservists' small business, and for other purposes.

S. 924

At the request of Mr. NICKLES, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 924, a bill entitled the "Federal Royalty Certainty Act".

S. 934

At the request of Mr. LEAHY, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 934, a bill to enhance rights and protections for victims of crime.

S. 935

At the request of Mr. LUGAR, the names of the Senator from Rhode Island (Mr. CHAFEE), the Senator from Iowa (Mr. HARKIN), the Senator from Vermont (Mr. JEFFORDS), and the Senator from Alaska (Mr. MURKOWSKI) were added as cosponsors of S. 935, a bill to amend the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to authorize research to promote the conversion of biomass into biobased industrial products, and for other purposes.

S. 980

At the request of Mr. BAUCUS, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 980, a bill to promote access to health care services in rural areas.

S. 1029

At the request of Mr. COCHRAN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1029, a bill to amend title III of the Elementary and Secondary Education Act of 1965 to provide for digital education partnerships.

S. 1073

At the request of Mr. ASHCROFT, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1073, a bill to amend the Trade Act of 1974 to ensure that United States industry is consulted with respect to all aspects of the WTO dispute settlement process.

S. 1077

At the request of Mr. SCHUMER, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from Nebraska (Mr. KERREY) were added as cosponsors of S. 1077, a bill to dedicate the new

Amtrak station in New York, New York, to Senator DANIEL PATRICK MOYNIHAN.

At the request of Mr. DASCHLE, his name was added as a cosponsor of S. 1077, supra.

SENATE RESOLUTION 92

At the request of Mrs. BOXER, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of Senate Resolution 92, a resolution expressing the sense of the Senate that funding for prostate cancer research should be increased substantially.

SENATE RESOLUTION 104—TO AUTHORIZE TESTIMONY, PRODUCTION OF DOCUMENTS, AND LEGAL REPRESENTATION

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 104

Whereas, in the case of *United States* v. *Nippon Miniature Bearing, Inc., et al.*, Court No. 96–12–02853, pending in the United States Court of International Trade, a subpoena for testimony and documents has been issued to Tim Osborn, a former employee of the Senate Committee on Small Business, concerning the performance of his duties on behalf of the Committee;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§228b(a) and 228c(a)(2), the Senate may direct its counsel to represent Members or employees of the Senate with respect to any subpoena, order, or request for testimony or documents relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That Tim Osborn, and any other former Senate Member or employee from whom testimony may be required, are authorized to testify and produce documents in the case of *United States* v. *Nippon Miniature Bearing, Inc., et al.*, except matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Tim Osborn, and any other former Member or employee of the Senate from whom testimony may be required, in connection with the case of *United States* v. *Nippon Miniature Bearing, Inc., et al.*

AMENDMENTS SUBMITTED

VIOLENT AND REPEAT JUVENILE OFFENDER ACCOUNTABILITY AND REHABILITATION ACT OF 1999

DURBIN AMENDMENT NO. 367

(Ordered to lie on the table.)

Mr. DURBIN submitted an amendment intended to be proposed by him to the bill (S. 254) to reduce violent juvenile crime, promote accountability by rehabilitation of juvenile criminals, punish and deter violent gang crime, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . SHORT TITLE.

This Act may be cited as the "Family Responsibility Act".

SEC. . CHILDREN AND FIREARMS SAFETY.

(a) DEFINITION.—Section 921(a)(34)(A) of title 18, United States Code, is amended by inserting "or removing" after "deactivating".

(b) PROHIBITION.—Section 922 of title 18, United States Code, is amended by inserting after subsection (y) the following:

"(z) PROHIBITION AGAINST GIVING JUVENILES ACCESS TO CERTAIN FIREARMS.—

"(1) DEFINITION OF JUVENILE.—In this subsection, the term 'juvenile' means an individual who has not attained the age of 18 years.

"(2) PROHIBITION.—Except as provided in paragraph (3), it shall be unlawful for any person to keep a loaded firearm, or an unloaded firearm and ammunition for the firearm, any of which has been shipped or transported in interstate or foreign commerce or otherwise substantially affects interstate or foreign commerce, within any premise that is under the custody or control of that person if that person knows, reasonably should know, or recklessly disregards the risk that a juvenile is capable of gaining access to the firearm without the permission of the parent or legal guardian of the juvenile.

"(3) EXCEPTIONS.—Paragraph (2) does not apply if—

"(A) the person uses a secure gun storage or safety device for the firearm;

"(B) the person is a peace officer, a member of the Armed Forces, or a member of the National Guard, and the juvenile obtains the firearm during, or incidental to, the performance of the official duties of the person in that capacity;

"(C) the juvenile obtains, or obtains and discharges, the firearm in a lawful act of self-defense or defense of one or more other persons;

"(D) the person has no reasonable expectation, based on objective facts and circumstances, that a juvenile is likely to be present on the premises on which the firearm is kept; or

"(E) the juvenile obtains the firearm as a result of an unlawful entry by any person.".

(c) PENALTIES.—Section 924(a) of title 18, United States Code, is amended by adding at the end the following:

"(7) Whoever violates section 922(z), if a juvenile (as defined in section 922(z)) obtains access to the firearm and thereby causes death or bodily injury to the juvenile or to any other person, or exhibits the firearm either in a public place, or in violation of section 922(q)—

"(A) shall be fined not more than $10,000, imprisoned not more than 1 year, or both;

(d) ROLE OF LICENSED FIREARMS DEALERS.—Section 926 of title 18, United States Code, is amended by adding at the end the following:

"(d) CONTENTS OF FORM.—The Secretary shall ensure that a copy of section 922(z) appears on the form required to be obtained by a licensed dealer from a prospective transferee of a firearm.".

(e) NO EFFECT ON STATE LAW.—Nothing in this section or the amendments made by this section shall be construed to preempt any provision of the law of any State, the purpose of which is to prevent juveniles from injuring themselves or others with firearms.

HARKIN/ AND KENNEDY/ AMENDMENT NO. 368

Mr. HARKIN (for himself and Mr. KENNEDY) proposed an amendment to the bill S. 254, supra; as follows:

At the end, add the following:

SEC. . APPROPRIATE INTERVENTIONS AND SERVICES; CLARIFICATION OF FEDERAL LAW.

(a) APPROPRIATE INTERVENTIONS AND SERVICES.—School personnel shall ensure that immediate appropriate interventions and services, including mental health interventions and services, are provided to a child removed from school for any act of violence, including carrying or possessing a weapon to or at a school, on school premises, or to or at a school function under the jurisdiction of a State or local educational agency, in order to—

(1) to ensure that our Nation's schools and communities are safe; and

(2) maximize the likelihood that such child shall not engage in such behaviors, or such behaviors do not reoccur.

(b) CLARIFICATION OF FEDERAL LAW.—Nothing in Federal law shall be construed—

(1) to prohibit an agency from reporting a crime committed by a child, including a child with a disability, to appropriate authorities; or

(2) to prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to a crime committed by a child, including a child with a disability.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) AUTHORIZATION.—There are authorized to be appropriated to pay the costs of the interventions and services described in subsection (a) such sums as may be necessary for each of the fiscal years 2000 through 2004.

(2) DISTRIBUTION.—The Secretary of Education shall provide for the distribution of the funds made available under paragraph (1)—

(A) to States for a fiscal year in the same manner as the Secretary makes allotments to States under section 4011(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7111(b)) for the fiscal year; and

(B) to local educational agencies for a fiscal year in the same manner as funds are distributed to local educational agencies under section 4113(d)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7113(d)(2)) for the fiscal year.

HELMS (AND OTHERS) AMENDMENT NO. 369

Mr. HATCH (for Mr. HELMS (for himself, Mr. NICKLES, Mr. THURMOND, and Mr. GRASSLEY)) proposed an amendment to the bill S. 254, supra; as follows:

At the appropriate place, insert the following:

"SEC. . SAFE SCHOOLS.

"(a) Amendments.—Part F of title XIV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8921 et seq.) is amended as follows:

"(1) Short title.—Section 14601(a) is amended by replacing "Gun-Free" with "Safe", and "1994" with "1999".

"(2) Requirements.—Section 14601(b)(1) is amended by inserting after "determined" the following: "to be in possession of felonious quantities of an illegal drug, on school property under the jurisdiction of, or in a vehicle operated by an employee or agent of, a local educational agency in that State, or".

"(3) Definitions.—Section 14601(b)(4) is amended by replacing "Definition" with "Definitions" in the catchline, by replacing "section" in the matter under the catchline with "part", by redesignating the matter under the catchline after the comma as subparagraph (A), by replacing the period with a semi-colon, and by adding new subparagraphs (B), (C), and (D) as follows:

"(B) the term "illegal drug" means a controlled substance, as defined in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)), the possession of which is unlawful under the Act (21 U.S.C. 801 et seq.) or under the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), but does not mean a controlled substance used pursuant to a valid prescription or as authorized by law; and

"(C) the term "illegal drug paraphernalia" means drug paraphernalia, as defined in section 422(d) of the Controlled Substances Act (21 U.S.C. 863(d)), except that the first sentence of that section shall be applied by inserting 'or under the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.)' before the period.

"(D) the term "felonious quantities of an illegal drug" means any quantity of an illegal drug—

(i) possession of which quantity would, under federal, State, or local law, either constitute a felony or indicate an intent to distribute or

(ii) that is possessed with an intent to distribute.".

"(4) Report to state.—Section 14601(d)(2)(C) is amended by inserting "illegal drugs or" before "weapons".

"(5) Repealer—Section 14601 is amended by striking subsection (f).

"(6) Policy regarding criminal justice system referral.—Section 14602(a) is amended by replacing "served by" with "under the jurisdiction of", and by inserting after "who" the following: "is in possession of an illegal drug, or illegal drug paraphernalia, on school property under the jurisdiction of, or in a vehicle operated by an employee or agent of, such agency, or who".

"(7) Data and policy dissemination under IDEA.—Section 14603 is amended by inserting "current" before "policy", by striking "in effect on October 20, 1994", by striking all the matter after "schools" and inserting a period thereafter, and by inserting before "engaging" the following: "possessing illegal drugs, or illegal drug paraphernalia, on school property, or in vehicles operated by employees or agents of, schools or local educational agencies, or".

"(b) Compliance Date; Reporting:—

"(1) States shall have two years from the date of enactment of this act to comply with the requirements established in the amendments made by subsection (a).

"(2) Not later than three years after the date of enactment of this Act, the Secretary of Education shall submit to Congress a report on any State that is not in compliance with the requirements of this part.

"(3) Not later than two years after the date of enactment of this Act, the Secretary of Education shall submit to Congress a report analyzing the strengths and weaknesses of approaches regarding the disciplining children with disabilities."

HARKIN (AND OTHERS) AMENDMENT NO. 370

Mr. HATCH (for Mr. Harkin (for himself, Mrs. Lincoln, and Mr. Wellstone)) proposed an amendment to the bill S. 254, supra; as follows:

At the end, add the following:

SEC. . SCHOOL COUNSELING.

Section 10102 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8002) is amended to read as follows:

"SEC. 10102. ELEMENTARY SCHOOL AND SECONDARY SCHOOL COUNSELING DEMONSTRATION.

"(a) Counseling Demonstration.—

"(1) In general.—The Secretary may award grants under this section to local educational agencies to enable the local educational agencies to establish or expand elementary school counseling programs.

"(2) Priority.—In awarding grants under this section, the Secretary shall give special consideration to applications describing programs that—

"(A) demonstrate the greatest need for new or additional counseling services among the children in the schools served by the applicant;

"(B) propose the most promising and innovative approaches for initiating or expanding school counseling; and

"(C) show the greatest potential for replication and dissemination.

"(3) Equitable distribution.—In awarding grants under this section, the Secretary shall ensure an equitable geographic distribution among the regions of the United States and among urban, suburban, and rural areas.

"(4) Duration.—A grant under this section shall be awarded for a period not to exceed three years.

"(5) Maximum grant.—A grant under this section shall not exceed $400,000 for any fiscal year.

"(b) Applications.—

"(1) In general.—Each local educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(2) Contents.—Each application for a grant under this section shall—

"(A) describe the school population to be targeted by the program, the particular personal, social, emotional, educational, and career development needs of such population, and the current school counseling resources available for meeting such needs;

"(B) describe the activities, services, and training to be provided by the program and the specific approaches to be used to meet the needs described in subparagraph (A);

"(C) describe the methods to be used to evaluate the outcomes and effectiveness of the program;

"(D) describe the collaborative efforts to be undertaken with institutions of higher education, businesses, labor organizations, community groups, social service agencies, and other public or private entities to enhance the program and promote school-linked services integration;

"(E) describe collaborative efforts with institutions of higher education which specifically seek to enhance or improve graduate programs specializing in the preparation of school counselors, school psychologists, and school social workers;

"(F) document that the applicant has the personnel qualified to develop, implement, and administer the program;

"(G) describe how any diverse cultural populations, if applicable, would be served through the program;

"(H) assure that the funds made available under this part for any fiscal year will be used to supplement and, to the extent practicable, increase the level of funds that would otherwise be available from non-Federal sources for the program described in the application, and in no case supplant such funds from non-Federal sources; and

"(I) assure that the applicant will appoint an advisory board composed of parents, school counselors, school psychologists, school social workers, other pupil services personnel, teachers, school administrators, and community leaders to advise the local educational agency on the design and implementation of the program.

"(c) Use of Funds.—

"(1) In general.—Grant funds under this section shall be used to initiate or expand school counseling programs that comply with the requirements in paragraph (2).

"(2) Program requirements.—Each program assisted under this section shall—

"(A) be comprehensive in addressing the personal, social, emotional, and educational needs of all students;

"(B) use a developmental, preventive approach to counseling;

"(C) increase the range, availability, quantity, and quality of counseling services in the elementary schools of the local educational agency;

"(D) expand counseling services only through qualified school counselors, school psychologists, and school social workers;

"(E) use innovative approaches to increase children's understanding of peer and family relationships, work and self, decisionmaking, or academic and career planning, or to improve social functioning;

"(F) provide counseling services that are well-balanced among classroom group and small group counseling, individual counseling, and consultation with parents, teachers, administrators, and other pupil services personnel;

"(G) include inservice training for school counselors, school social workers, school psychologists, other pupil services personnel, teachers, and instructional staff;

"(H) involve parents of participating students in the design, implementation, and evaluation of a counseling program;

"(I) involve collaborative efforts with institutions of higher education, businesses, labor organizations, community groups, social service agencies, or other public or private entities to enhance the program and promote school-linked services integration;

"(J) evaluate annually the effectiveness and outcomes of the counseling services and activities assisted under this section;

"(K) ensure a team approach to school counseling by maintaining a ratio in the elementary schools of the local educational agency that does not exceed 1 school counselor to 250 students, 1 school social worker to 800 students, and 1 school psychologist to 1,000 students; and

"(L) ensure that school counselors, school psychologists, or school social workers paid from funds made available under this section spend at least 85 percent of their total worktime at the school in activities directly related to the counseling process and not more than 15 percent of such time on administrative tasks that are associated with the counseling program.

"(3) Report.—The Secretary shall issue a report evaluating the programs assisted pursuant to each grant under this subsection at the end of each grant period in accordance with section 14701, but in no case later than January 30, 2003.

"(4) Dissemination.—The Secretary shall make the programs assisted under this section available for dissemination, either through the National Diffusion Network or other appropriate means.

"(5) Limit on administration.—Not more than five percent of the amounts made available under this section in any fiscal year shall be used for administrative costs to carry out this section.

"(d) Definitions.—For purposes of this section—

"(1) the term 'school counselor' means an individual who has documented competence in counseling children and adolescents in a school setting and who—

"(A) possesses State licensure or certification granted by an independent professional regulatory authority;

"(B) in the absence of such State licensure or certification, possesses national certification in school counseling or a specialty of counseling granted by an independent professional organization; or

"(C) holds a minimum of a master's degree in school counseling from a program accredited by the Council for Accreditation of Counseling and Related Educational Programs or the equivalent;

"(2) the term 'school psychologist' means an individual who—

"(A) possesses a minimum of 60 graduate semester hours in school psychology from an institution of higher education and has completed 1,200 clock hours in a supervised school psychology internship, of which 600 hours shall be in the school setting;

"(B) possesses State licensure or certification in the State in which the individual works; or

"(C) in the absence of such State licensure or certification, possesses national certification by the National School Psychology Certification Board;

"(3) the term 'school social worker' means an individual who holds a master's degree in social work and is licensed or certified by the State in which services are provided or holds a school social work specialist credential; and

"(4) the term 'supervisor' means an individual who has the equivalent number of years of professional experience in such individual's respective discipline as is required of teaching experience for the supervisor or administrative credential in the State of such individual.

"(e) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $150,000,000 for fiscal year 2000 and such sums as may be necessary for each of the 4 succeeding fiscal years.

BIDEN (AND OTHERS) AMENDMENT NO. 371

Mr. HATCH (for Mr. Biden (for himself, Mr. Schumer, Mr. Kohl, Mrs. Boxer, Mr. Daschle, Mr. Kerrey, Mr. Akaka, Mr. Bayh, Mr. Breaux, Mr. Cleland, Mr. Dodd, Mr. Dorgan, Mr. Harkin, Mr. Kennedy, Mr. Kerry, Mr. Lautenberg, Mr. Levin, Mr. Lieberman, Ms. Mikulski, Mr. Moynihan, Mr. Reid, Mr. Reed, Mr. Robb, Mr. Rockefeller, Mr. Sarbanes, Mr. Torricelli, Mr. Wellstone, Mr. Johnson, Mr. Bingaman, and Mr. Hollings) proposed an amendment to the bill S. 254, supra; as follows:

At the end of the bill, insert the following:

TITLE V—21ST CENTURY COMMUNITY POLICING INITIATIVE

SEC. 501. 21ST CENTURY COMMUNITY POLICING INITIATIVE.

(a) COPS Program.—Section 1701(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(a)) is amended by—

(1) inserting "and prosecutor" after "increase police"; and

(2) inserting "to enhance law enforcement access to new technologies, and" after "presence,".

(b) Hiring and Redeployment Grant Projects.—Section 1701(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(b)) is amended—

(1) in paragraph (1)—

(A) by striking "and" at the end of subparagraph (B) and inserting after "Nation," "or pay overtime to existing career law enforcement officers:";

(B) by striking the period at the end of subparagraph (C) and inserting "; and"; and

(C) by adding at the end the following:

"(D) promote higher education among in-service State and local law enforcement officers by reimbursing them for the costs associated with seeking a college or graduate school education."; and

(2) in paragraph (2) by striking all that follows Support Systems.—" and inserting "Grants pursuant to paragraph (1)(A) for overtime may not exceed 25 percent of the funds available for grants pursuant to this subsection for any fiscal year; paragraph (1)(C) may not exceed 20 percent of the funds available for grants pursuant to this subsection in any fiscal year, and grants pursuant to paragraph (1)(D) may not exceed 5 percent of the funds available for grants pursuant to this subsection for any fiscal year.

(c) Additional Grant Projects.—Section 1701(d) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(d)) is amended—

(1) in paragraph (2)—

(A) by inserting "integrity and ethics" after "specialized"; and

(B) by inserting "and" after "enforcement officers";

(2) in paragraph (7) by inserting "school officials, religiously-affiliated organizations," after "enforcement officers";

(3) by striking paragraph (8) and inserting the following:

"(8) establish school-based partnerships between local law enforcement agencies and local school systems, by using school resource officers who operate in and around elementary and secondary schools to serve as a law enforcement liaison with other Federal, State, and local law enforcement and regulatory agencies, combat school-related crime and disorder problems, gang membership and criminal activity, firearms and explosives-related incidents, illegal use and possession of alcohol and the illegal possession, use, and distribution of drugs; ";

(4) in paragraph (10) by striking "and" at the end;

(5) in paragraph (11) by striking the period that appears at the end and inserting "; and"; and

(6) by adding at the end the following:

"(12) develop and implement innovative programs (such as the TRIAD program) that bring together a community's sheriff, chief of police, and elderly residents to address the public safety concerns of older citizens.".

(d) Technical Assistance.—Section 1701(f) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(f)) is amended—

(1) in paragraph (1)—

(A) by inserting "use up to 5 percent of the funds appropriated under subsection (a) to" after "The Attorney General may";

(B) by inserting at the end the following: "In addition, the Attorney General may use up to 5 percent of the funds appropriated under subsections (d), (e), and (f) for technical assistance and training to States, units of local government, Indian tribal governments, and to other public and private entities for those respective purposes.";

(2) in paragraph (2) by inserting "under subsection (a)" after "the Attorney General"; and

(3) in paragraph (3)—

(A) by striking "the Attorney General may" and inserting "the Attorney General shall";

(B) by inserting "regional community policing institutes" after "operation of"; and

(C) by inserting "representatives of police labor and management organizations, community residents," after "supervisors,".

(e) Technology and Prosecution Programs.—Section 1701 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) is amended by—

(1) striking subsection (k);

(2) redesignating subsections (f) through (j) as subsections (g) through (k); and

(3) striking subsection (e) and inserting the following:

"(f) Law Enforcement Technology Program.—Grants made under subsection (a) may be used to assist police departments, in employing professional, scientific, and technological advancements that will help them—

"(1) improve police communications through the use of wireless communications, computers, software, videocams, databases and other hardware and software that allow law enforcement agencies to communicate more effectively across jurisdictional boundaries and effectuate interoperability;

"(2) develop and improve access to crime solving technologies, including DNA analysis, photo enhancement, voice recognition, and other forensic capabilities; and

"(3) promote comprehensive crime analysis by utilizing new techniques and technologies, such as crime mapping, that allow law enforcement agencies to use real-time crime and arrest data and other related information—including non-criminal justice data—to improve their ability to analyze, predict, and respond pro-actively to local crime and disorder problems, as well as to engage in regional crime analysis.

"(g) Community-Based Prosecution Program.—Grants made under subsection (a) may be used to assist State, local or tribal prosecutors' offices in the implementation of community-based prosecution programs that build on local community policing efforts. Funds made available under this subsection may be used to—

"(1) hire additional prosecutors who will be assigned to community prosecution programs, including (but not limited to) programs that assign prosecutors to handle cases from specific geographic areas, to address specific violent crime and other local crime problems (including intensive illegal gang, gun and drug enforcement projects and quality of life initiatives), and to address localized violent and other crime problems based on needs identified by local law enforcement agencies, community organizations, and others;

"(2) redeploy existing prosecutors to community prosecution programs as described in paragraph (1) of this section by hiring victim and witness coordinators, paralegals, community outreach, and other such personnel; and

"(3) establish programs to assist local prosecutors' offices in the implementation of programs that help them identify and respond to priority crime problems in a community with specifically tailored solutions.

At least 75 percent of the funds made available under this subsection shall be reserved for grants under paragraphs (1) and (2) and of those amounts no more than 10 percent may be used for grants under paragraph (2) and at least 25 percent of the funds shall be reserved for grants under paragraphs (1) and (2) to units of local government with a population of less than 50,000.".

(h) Retention Grants.—Section 1703 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd–2) is amended by inserting at the end the following:

"(d) Retention Grants.—The Attorney General may use no more than 50 percent of the funds under subsection (a) to award grants targeted specifically for retention of police officers to grantees in good standing, with preference to those that demonstrate financial hardship or severe budget constraint that impacts the entire local budget and may result in the termination of employment for police officers funded under subsection (b)(1).".

(i) Hiring Costs.—Section 1704(c) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd–3(c)) is amended by striking "$75,000" and inserting "$125,000".

(j) Definitions.—

(1) Career Law Enforcement Officer.—Section 1709(1) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd–8) is amended by inserting after "criminal laws" the following: "including sheriffs deputies charged with supervising offenders who are released into the community but also engaged in local community policing efforts.".

(2) School Resource Officer.—Section 1709(4) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd–8) is amended—

(A) by striking subparagraph (A) and inserting the following:

"(A) to serve as a law enforcement liaison with other Federal, State, and local law enforcement and regulatory agencies, to address and document crime and disorder problems including gangs and drug activities, firearms and explosives-related incidents, and the illegal use and possession of alcohol affecting or occurring in or around an elementary or secondary school;

(B) by striking subparagraph (E) and inserting the following:

"(E) to train students in conflict resolution, restorative justice, and crime awareness, and to provide assistance to and coordinate with other officers, mental health professionals, and youth counselors who are responsible for the implementation of prevention/intervention programs within the schools;"; and

(C) by adding at the end the following:

"(H) to work with school administrators, members of the local parent teacher associations, community organizers, law enforcement, fire departments, and emergency medical personnel in the creation, review, and implementation of a school violence prevention plan;

"(I) to assist in documenting the full description of all firearms found or taken into custody on school property and to initiate a firearms trace and ballistics examination for each firearm with the local office of the Bureau of Alcohol, Tobacco, and Firearms;

"(J) to document the full description of all explosives or explosive devices found or taken into custody on school property and report to the local office of the Bureau of Alcohol, Tobacco, and Firearms; and

"(K) to assist school administrators with the preparation of the Department of Education, Annual Report on State Implementation of the Gun-Free Schools Act which tracks the number of students expelled per year for bringing a weapon, firearm, or explosive to school.".

(k) Authorization of Appropriations.—Section 1001(a)(11) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(11)) is amended—

(1) by amending subparagraph (A) to read as follows:

"(A) There are authorized to be appropriated to carry out part Q, to remain available until expended—

"(i) $1,150,000,000 for fiscal year 2000;

"(ii) $1,150,000,000 for fiscal year 2001;

"(iii) $1,150,000,000 for fiscal year 2002;

"(iv) $1,150,000,000 for fiscal year 2003;

"(v) $1,150,000,000 for fiscal year 2004; and

"(vi) $1,150,000,000 for fiscal year 2005."; and

(2) in subparagraph (B)—

(A) by striking "3 percent" and inserting "5 percent";

(B) by striking "85 percent" and inserting "$600,000,000"; and

(C) by striking "1701(b)," and all that follows through "of part Q" and inserting the following: "1701(b) and (c), $350,000,000 to grants for the purposes specified in section 1701(f), and $200,000,000 to grants for the purposes specified in section 1701(g).".

SATELLITE HOME VIEWERS IMPROVEMENT ACT

McCAIN AMENDMENT NO. 372

Mr. HATCH (for Mr. McCain) proposed an amendment to the bill (S. 247) to amend title 17, United States Code, to reform the copyright law with respect to satellite retransmissions of broadcast signals, and for other purposes; as follows:

On page 1, between lines 2 and 3, insert the following:

TITLE I—SATELLITE HOME VIEWERS IMPROVEMENTS ACT

On page 1, line 3, strike "SECTION 1." and insert "SEC. 101.".

On page 2, line 1, strike "SEC. 2." and insert "SEC. 102.".

On page 1, line 4, strike "Act" and insert "title".

On page 10, line 1, strike "SEC. 3." and insert "SEC. 103.".

On page 10, line 7, strike "SEC. 4." and insert "SEC. 104.".

On page 11, line 18, strike "SEC. 5." and insert "SEC. 105.".

On page 12, line 11, strike "SEC. 6." and insert "SEC. 106.".

On page 13, line 17, strike "SEC. 7." and insert "SEC. 107.".

On page 14, line 6, strike "SEC. 8.' and insert "SEC. 108."

On page 14, line 7, strike "Act" each place it appears and insert "title".

On page 14, line 9, strike "section 4" and insert "section 104".

On page 14, after line 9, add the following:

TITLE II—SATELLITE TELEVISION ACT OF 1996

SEC. 201. SHORT TITLE.

This title may be cited as the "Satellite Television Act of 1999".

SEC. 202. FINDINGS.

The Congress makes the following findings:

(1) In the Cable Television Consumer Protection and Competition Act of 1992, Congress stated its policy of promoting competition in cable services and making available to the public a diversity of views and information through cable television and other video media.

(2) In the Telecommunications Act of 1996, Congress stated its policy of securing lower prices and higher quality service for American telecommunications consumers and encouraging the rapid deployment of new telecommunications technologies.

(3) In most places throughout America, cable television system operators still do not face effective competition form other providers of multichannel video service.

(4) Absent effective competition, the market power exercised by cable television operators enables them to raise the price of cable service to consumers, and to control the price and availability of cable programming services to other multichannnel video service providers. Current Federal Communications Commission rules have been inadequate in constraining cable price increases.

(5) Direct-to-home satellite service has over 8 million subscribers and constitutes the most significant competitive alternative to cable television service.

(6) Direct-to-home satellite service currently suffers from a number of statutory, regulatory, and technical barriers that keep it from being an effective competitor to cable television in the provision of multichannel video services.

(7) The most prominent of these barriers is the inability to provide subscribers with local television broadcast signals by satellite.

(8) Permitting providers of direct-to-home satellite service to retransmit local television signals to their subscribers would greatly enhance the ability of direct-to-home satellite service providers to compete more effectively in the provision of multichannel video services.

(9) Due to capacity limitations and in the interest of providing service in as many markets as possible, providers of direct-to-home satellite service, unlike cable television systems, cannot at this time carry all local television broadcast signals in all the local television markets they seek to serve.

(10) It would be in the public interest for providers of direct-to-home satellite service to fully comply with the mandatory signal carriage rules at the earliest possible date. In the interim, requiring full compliance with the mandatory signal carriage rules would substantially limit the ability of direct-to-home satellite service providers to compete in the provision of multichannel video services and would not serve the public interest.

(11) Maintaining the viability of free, local, over-the-air television service is a matter of preeminent public interest.

(12) All subscribers to multichannel video services should be able to receive the signal of at least one station affiliated with each of the major broadcast television networks.

(13) Millions of subscribers to direct-to-home satellite service currently receive the signals of network-affiliated stations not located in these subscribers' local television markets. Where conventional rooftop antennas cannot provide satisfactory reception of local stations, distant network signals may be these subscribers' only source of network television service.

(14) The widespread carriage of distant network stations in local network affiliates' markets could harm the local stations' ability to serve their local community.

(15) Abrupt termination of satellite carriers' provision of distant network signals could have a negative impact on the ability of direct-to-home satellite service to compete effectively in the provision of multichannel video services.

(16) The public interest would be served by permitting direct-to-home satellite service providers to continue existing carriage of a distant network affiliate station's signal where—

(A) there is no local network affiliate;

(B) the local network affiliate cannot be adequately received off-air; or

(C) continued carriage would not harm the local network station.

SEC. 203. PURPOSE.

The purpose of this title is to promote competition in the provision of multichannel video services while protecting the availability of free, local, over-the-air television, particularly for the 22 percent of American television households that do not subscribe to any multichannel video programming service.

SEC. 204. MUST-CARRY FOR SATELLITE CARRIERS RETRANSMITTING TELEVISION BROADCAST SIGNALS.

Part I of title III of the Communications Act of 1934 (47 U.S.C. 301 et seq.) is amended by adding at the end thereof the following:

"SEC. 337. CARRIAGE OF LOCAL TELEVISION STATIONS BY SATELLITE CARRIERS.

"(a) Application of Mandatory Carriage to Satellite Carriers.—The mandatory carriage provisions of section 614 and 615 of this Act will apply in a local market no later than January 1, 2002, to satellite carriers retransmitting any television broadcast station in that local market pursuant to the compulsory license provided by section 122 of title 17, United States Code.

"(b) Good Signal Required.—

"(1) Costs.—A television broadcast station eligible for carriage under subsection (a) may be required to bear the costs associated with delivering a good quality signal to the designated local receive facility of the satellite carrier. The selection of a local receive facility by a satellite carrier shall not be made in a manner that frustrates the purposes of this Act. The Commission shall implement the requirements of this section without imposing any undue economic burden on any party.

"(2) Rulemaking required.—The Commission shall adopt rules implementing paragraph (1) within 180 days after the date of enactment of the Satellite Television Act of 1999.

"(c) Cable Television System Digital Signal Carriage Not Covered.—Nothing in this section applies to the carriage of the digital signals of television broadcast stations by cable television systems.

"(d) Definitions.—In this section:

"(1) Television broadcast station.—The term 'television broadcast station' means a full power local television broadcast station, but does not include a low-power or translator television broadcast station.

"(2) Network station.—The term 'network station' means a television broadcast station that is owned or operated by, or affiliated with, a broadcasting network.

"(3) Broadcasting network.—The term 'broadcasting network' means a television network in the United States which offers an interconnected program service on a regular basis for 15 or more hours per week to at least 25 affiliated broadcast stations in 10 or more States.

"(4) Distant television station.—The term 'distant television station' means any television broadcast station that is not licensed and operating on a channel regularly assigned to the local television market in which a subscriber to a direct-to-home satellite service is located.

"(5) Local market.—The term 'local market' means the designated market area in which a station is located. For a noncommercial educational television broadcast station, the local market includes any station that is licensed to a community within the same designated market area as the noncommercial educational television broadcast station.

"(6) Satellite carrier.—The term 'satellite carrier' has the meaning given it by section 119(d) of title 17, United States Code.

"SEC. 338. CARRIAGE OF DISTANT TELEVISION STATIONS BY SATELLITE CARRIERS.

"(a) Provisions Relating to New Subscribers.—

"(1) In general.—Except as provided in subsection (d), direct-to-home satellite service providers shall be permitted to provide the signals of 1 affiliate of each television network to any household that initially subscribed to direct-to-home satellite service on or after July 10, 1998.

"(2) Eligibility determination.—The determination of a new subscriber's eligibility to receive the signals of one or more distant network stations as a component of the service provided pursuant to paragraph (a) shall be made by ascertaining whether the subscriber resides within the predicted Grade B service area of a local network station. The Individual Location Longley-Rice methodology described by the Commission in Docket 98–201 shall be used to make this determination. A direct-to-home satellite service provider may provide the signal of a distant network station to any subscriber determined by this method to be unserved by a local station affiliated with that network.

"(3) Rulemaking required.—

"(A) Within 90 days after the date of enactment of the Satellite Television Act of 1999, the Commission shall adopt procedures that shall be used by any direct-to-home satellite service subscriber requesting a waiver to receive one or more distant network signals. The waiver procedures adopted by the Commission shall—

"(i) impose no unnecessary burden on the subscriber seeking the waiver;

"(ii) allocate responsibilities fairly between direct-to-home satellite service providers and local stations;

"(iii) prescribe mandatory time limits within which direct-to-home satellite service providers and local stations shall carry out the obligations imposed upon them; and

"(iv) prescribe that all costs of conducting any measurement or testing shall be borne by the direct-to-home satellite service provider, if the local station's signal meets the prescribed minimum standards, or by the local station, if its signal fails to meet the prescribed minimum standards.

"(4) Penalty for violation.—Any direct-to-home satellite service provider that knowingly and willfully provides the signals of 1 or more distant television stations to subscribers in violation of this section shall be liable for forfeiture in the amount of $50,000 per day per violation.

"(b) Provision Relating to Existing Subscribers.—

"(1) Moratorium on termination.—Until December 31, 1999, any direct-to-home satellite service may continue to provide the signals of distant television stations to any subscriber located within predicted Grade A and Grade B contours of a local network station who received those distant network signals before July 11, 1998.

"(2) Continued carriage.—Direct-to-home satellite service providers may continue to provide the signals of distant television stations to subscribers located between the outside limits of the predicted Grade A contour and the predicted Grade B contour of the corresponding local network stations after December 31, 1999, subject to any limitations adopted by the Commission under paragraph (3).

"(3) Rulemaking required.—

"(A) Within 180 days after the date of enactment of the Satellite Television Act of 1999, the Commission shall conclude a single rulemaking, compliant with subchapter II of chapter 5 of title 5, United States Code, to examine the extent to which any existing program exclusivity rules should be imposed on distant network stations provided to subscribers under paragraph (2).

"(B) The Commission shall not impose any program exclusivity rules on direct-to-home satellite service providers pursuant to subparagraph (A) unless it finds that it would be both technically and economically feasible and otherwise in the public interest to do so.

"(c) Waivers Not Precluded.—Notwithstanding any other provision in this section, nothing shall preclude any network stations from authorizing the continued provision of distant network signals in unaltered form to any direct-to-home satellite service subscriber currently receiving them.

"(d) Certain Signals.—Providers of direct-to-home satellite service may continue to carry the signals of distant network stations without regard to subsections (a) and (b) in any situation in which—

"(1) a subscriber is unserved by the local station affiliated with that network;

"(2) a waiver is otherwise granted by the local station under subsection (c); or

"(3) if the carriage would otherwise be consistent with rules adopted by the Commission in CS Docket 98–201.

"(e) Report Required.—Within 180 days after the date of enactment of the Satellite Television Act of 1999, the Commission shall report to Congress on methods of facilitating the delivery of local signals in local markets, especially smaller markets.".

SEC. 205. RETRANSMISSION CONSENT.

"(a) Amendment of Section 325(b).—Section 325(b) of the Communications Act of 1934 (47 U.S.C. 325(b)) is amended striking the subsection designation and paragraphs (1) and (2) and inserting the following:

"(b)(1) No cable system or other multichannel video programming distributor shall retransmit the signal of a broadcasting station, or any part thereof, except—

"(A) with the express authority of the station; or

"(B) pursuant to section 614 or section 615, in the case of a station electing, in accordance with this subsection, to assert the right to carriage under that section.

"(2) The provisions of this subsection shall not apply to—

"(A) retransmission of the signal of a television broadcast station outside the station's local market by a satellite carrier directly to subscribers if—

"(i) that station was a superstation on May 1, 1991;

"(ii) as of July 1, 1998, such station's signal was transmitted under the compulsory license of section 119 of title 17, United States Code, by satellite carries directly to at least 250,000 subscribers; and

"(iii) the satellite carrier complies with any program exclusivity rules that may be adopted by the Federal Communications Commission pursuant to section 338.

"(B) retransmission of the distant signal of a broadcasting station that is owned or operated by, or affiliated with, a broadcasting network directly to a home satellite antenna, if the subscriber resides in an unserved household; or

"(C) retransmission by a cable operator or other multichannel video programming distributor (other than by a satellite carrier direct to its subscribers) of the signal of a television broadcast station outside the station's local market, if that signal was obtained from a satellite carrier and—

"(i) the originating station was a superstation on May 1, 1991; and

"(ii) the originating station was a network station on December 31, 1997, and its signal was retransmitted by a satellite carrier directly to subscribers.

"(3) Any term used in this subsection that is defined in section 337(d) of this Act has the meaning given to it by that section.".

"(b) Effective Date.—The amendments made by subsection(a) take effect on January 1, 1999.

SEC. 206. DESIGNATED MARKET AREAS.

Nothing in this title, or in the amendment made by this title, prevents the Federal Communications Commission from revising the listing of designated market areas or reassigning those area if the revision or reassignment is done in the same manner and to the same extent as the Commission's cable television mandatory carriage rules provide.

SEC. 207. SEVERABILITY.

If any provision of this title of section 325(b) or 337 of the Communications Act of 1934 (47 U.S.C. 325(b) or 337, respectively), or the application of that provision to any person or circumstance, is held by a court of competent Jurisdiction to violate any provision of the Constitution of the United States, then the other provisions of that section, and the application of that provision to other provisions and circumstance, shall not be affected.

SEC. 208. SECONDARY TRANSMISSIONS.

"(a) Amendent of Section 119(A)(2)(B) of Title 17, United States Code.—Section 119(a)(2)(B) of title 17, United States Code, is amended to read as follows:

"(B) Secondary transmission to unserved households.—Except as provided in paragraph(5)(E) of this subsection, the license provided or in subparagraph(a) shall be limited to secondary transmissions to persons who reside in unserved households.".

"(b) Amendment of Section 119(a)(5) of Title 17.—Section 119(a)(5) of title 17, United States Code, is amended by adding at the end thereof the following:

"(E) Exception.—The secondary transmission by a satellite carrier of a primary transmission made by a network station to subscribers who do not reside in unserved households shall not be an act of infringement if

"(i) that station was a superstation on May 1, 1991; and

"(ii) that station was lawfully retransmitted by satellite carriers directly to at lest 250,000 subscribers as of July 1, 1998.".

SEC. 209. DEFINITIONS.

In this title:

(1) Terms Defined in Communications Act of 1934.—Any term used in this title that is defined in section 337(d) of the Communications Act of 1934, as added by section 204 of this title, has the meaning given to it by that section.

(2) Designated market area.—The term "designated market area" means a designated market area, as determined by Nielsen Media Research and published in the DMA Market and Demographic Report.

HATCH (AND LEAHY) AMENDMENT NO. 373

Mr. HATCH (for himself and Mr. Leahy) proposed an amendment to amendment No. 372 proposed by Mr. McCain to the bill, S. 247, supra; as follows:

On page 17, strike line 4 through page 18, line 4 and insert the following:

SEC. 208 DEFINITIONS.

HATCH (AND LEAHY) AMENDMENTS NOS. 374–375

Mr. HATCH (for himself and Mr. Leahy) proposed two amendments to the bill, S. 247, supra; as follows:

Amendment No. 374

On page 3, line 9, strike "that station" and insert "the network that owns or is affiliated with the network station".

On page 3, lines 16 and 17, strike "the station" and insert "the network".

On page 4, line 3, strike "the station" and insert "the network".

On page 12, beginning with line 19, strike all through line 5 on page 13 and insert the following:

(3) by adding at the end the following: "In the case of the Public Broadcasting Service satellite feed, the compulsory license shall be effective until January 1, 2002.".

On page 13, strike lines 6 through 8 and insert the following:

(b) Definitions.—Section 119(d) of title 17, United States Code, is amended—

(1) by amending paragraph (9) to read as follows:

"(9) Superstation.—The term 'superstation'—

"(A) means a television broadcast station, other than a network station, licensed by the Federal Communications Commission that is secondarily transmitted by a satellite carrier; and

"(B) includes the Public Broadcasting Service satellite feed."; and

(2) by adding at the end the following:

On page 13, line 25, strike "and".

On page 14, line 5, strike the period and insert a semicolon and "and".

On page 14, insert between lines 5 and 6 the following:

(3) by adding at the end the following:

"(11) Statutory license contingent on compliance with FCC rules and remedial steps.—The willful or repeated secondary transmission to the public by a satellite carrier of a primary transmission made by a broadcast station licensed by the Federal Communications Commission is actionable as an act of infringement under section 501, and is fully subject to the remedies provided by sections 502 through 506 and 509, if, at the time of such transmission, the satellite carrier is not in compliance with the rules, regulations, and authorizations of the Federal Communications Commission concerning the carriage of television broadcast station signals.".

SEC. 8. TELEVISION BROADCAST STATION STANDING.

Section 501 of title 17, United States Code, is amended by adding at the end the following:

"(f) With respect to any secondary transmission that is made by a satellite carrier of a primary transmission embodying the performance or display of a work and is actionable as an act of infringement under section 122, a television broadcast station holding a copyright or other license to transmit or perform the same version of that work shall, for purposes of subsection (b) of this section, be treated as a legal or beneficial owner if such secondary transmission occurs within the local market of that station.".

On page 14, line 6, strike "**SEC. 8.**" and insert "**SEC. 9.**".

Amendment No. 375

On page 12, line 4, insert after "network" the following: "or is not otherwise eligible to receive directly from a satellite carrier a signal of that television network (other than a signal provided under section 122) in accordance with section 338 of the Communications Act of 1934.".

On page 14, insert between lines 5 and 6 the following:

SEC. 8. MORATORIUM ON COPYRIGHT LIABILITY.

Until December 31, 1999, no subscriber, as defined under section 119(d)(8) of title 17, United States Code, located within the predicted Grade B contour of a local network television broadcast station shall have satellite service of a distant network signal affiliated with the same network terminated, if that subscriber received satellite service of such network signal before July 11, 1998, as a result of section 119 of title 17, United States Code.

On page 14, line 6, strike "**SEC. 8.**" and insert "**SEC. 9.**".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, May 20, 1999, at 9:30 a.m. on Internet Filtering.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, May 20, for purposes of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this oversight hearing is to receive testimony on damage to the national security from Chinese espionage at DOE nuclear weapons laboratories.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENT AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be permitted to meet on Thursday, May 20, 1999 at 10 a.m. for a business meeting to consider pending Committee business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be permitted to meet on Thursday, May 20, 1999 at 2:30 p.m. for a hearing on Oversight of National Security Methods and Processes Relating to the Wen-Ho Lee Espionage Investigation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on "ESEA: From Tales to Tape" during the session of the Senate on Thursday, May 20, 1999, at 10:00 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on Thursday, May 20, 1999, at 2:30 p.m. to receive testimony on education issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. LOTT. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a hearing on pending legislation.

The hearing will be held on Thursday, May 20, 1999, at 2:15 p.m., in room 418 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CLEAN AIR, WETLANDS, PRIVATE PROPERTY, AND NUCLEAR SAFETY

Mr. LOTT, Mr. President, I ask unanimous consent that the Subcommittee on Clean Air, Wetlands, Private Property, and Nuclear Safety be granted permission to conduct a hearing on the Environmental Protection Agency's proposed sulfur standard for gasoline as contained in the proposed Tier Two standards for automobiles Thursday, May 20, 9:30 a.m., Hearing Room (SD-406).

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENERGY RESEARCH, DEVELOPMENT, PRODUCTION, AND REGULATION

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on Energy Research, Development, Production, and Regulation of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, May 20, for purposes of conducting a subcommittee hearing which is scheduled to begin at 2:00 p.m. The purpose of this hearing is to receive testimony on S. 348, a bill to authorize and facilitate a program to enhance training research and development, energy conservation and efficiency and consumer education in the oilheat consumers and the public, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENERGY RESEARCH, DEVELOPMENT, PRODUCTION, AND REGULATION

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on Energy Research, Development, Production, and Regulation of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, May 20, for purposes of conducting a joint subcommittee hearing with the Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs of the House Committee on Government Reform, which is scheduled to begin at 2:30 p.m. The purpose of this oversight hearing is to receive testimony and conduct oversight on the Administration's FY2000 budget request for climate change programs and compliance with various statutory provisions in FY1999 appropriations acts requiring detailed accounting of climate change spending and performance measures for each requested increase in funding.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology, and Space of the Senate Committee on Commerce, Science and Transportation be authorized to meet on Thursday, May 20, 1999, at 2:30 pm on Commercial Space.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO ADMIRAL BUD NANCE

• Mr. MURKOWSKI. Mr. President, I rise to give tribute to Admiral Bud Nance. His recent death is a great loss to this institution and to this country. His list of accomplishments is long, his list of friends even longer. I want to express my sympathy to his wife and family. I also want to extend that same sympathy to my friend from North Carolina, Senator HELMS, who has lost a great friend and advisor.

I first met Bud in 1991 when he came out of a well-deserved military retirement and took over as Staff Director of the Senate Foreign Relations Committee. I was a member of the Committee at that time. His career as a Navy Commander brought a steady hand and a cool head to the Committe. I knew that when I had new staff member starting in the Senate I could send him or her to Bud and he would put the staff member on the right track with his fatherly guidance. His maturity and mentoring role will be almost impossible to replace. I also knew that Bud would provide me with clear-headed advice. He was plain spoken and honest, and I truly admired him for that. Even after I left the Committee, I often turned to Bud for assistance or guidance on a particular issue, and he always gave me an honest answer. That counts for a lot up here.

Mr. President, the Admiral's many accomplishments have been noted previously by my colleagues. Although I knew of his military background prior to joining the Senate, Bud was too modest to let the rest of us in on just what he had gone through in his previous career as a Navy officer. He saw active duty in World War II, Korea and Vietnam. It has been reported that during World War II he endured 162 Japanese air and kamikaze attacks. One of the papers reminded me of one of Bud's great lines when the Committee was considering whether U.S. Ambassadors should receive additional benefits, including hardship pay. "I fought at Iwo Jima," he said, "That's hardship." His life experiences helped him keep our work here in perspective.

Mr. President, I noted the obituary from the Charlotte Observer was entitled, "Bud Nance, Monroe Native Was an Officer and a Gentleman." This was certainly a fitting description of the man, and he will be remembered fondly by all who knew him.•

TRIBUTE TO JEFF GLUECK

• Mrs. FEINSTEIN. Mr. President, I want to pay special tribute to an outstanding citizen and participant of the distinguished White House Fellowship Program—Jeffrey Glueck from Newport Beach, CA.

Mr. Glueck, a management consultant with Monitor Co. in Cambridge, Massachusetts, graduated from Harvard University with honors, receiving his BA in social studies. He went on to earn an MA in international relations from Oxford University on a Marshall Scholarship, where he and a partner won the annual Oxford Debating Championship. Mr. Glueck has advised the Peruvian and Bolivian governments on economic competitiveness and from 1995–98, directed a national competitiveness project for the Venezuelan government and private sector. He was also a pro bono advisor to the Center of Middle East Competitive Strategy, an economic development and regional cooperation project for the signatory governments of the Middle East peace process. Mr. Glueck has maintained his long-standing commitment to public service with his involvement in many community-based organizations. He tutored at a housing project as a student in Boston, was editor-in-chief of the Harvard Political Review, was a founding participant of the Harvard Communications Project—an inter-ethnic discussion group—and started a recycling program at the Oxford University dorms.

Since 1965, the White House Fellowship Program has offered outstanding citizens across the United States the opportunity to participate in a once-in-a-lifetime experience. Fellows work closely with influential leaders in government and see U.S. policy in action. The nearly 500 alumni of the program have gone on to become leaders in all fields of endeavor, fulfilling the Fellowship's mission to encourage active citizenship and service to the nation. This program is extremely competitive, choosing individuals that have demonstrated excellence in community service, leadership, and professional and academic achievement. It is the nation's most prestigious fellowship for public service and leadership development.

Mr. Glueck had been assigned to the Export-Import Bank of the U.S. during his White House Fellowship. In this capacity, he works on ways to reconcile free trade with environmental protection around the world. He has helped coordinate a campaign for environmental standards of all OECD governments that would withhold public financing for projects in developing countries that damage the environment. In addition to these responsibilities, Mr. Glueck works to counter unfair trade practices by foreign governments in emerging governments and to promote sales by U.S. companies with environmentally-beneficial products to places in Asia and Latin America that can benefit from American know-how.

Mr. President, I wish to congratulate Jeffrey Glueck for his accomplishments, and especially for being a distinguished recipient of the White House Fellowship. It is an honor to represent Mr. Glueck in the U.S. Senate.●

TRIBUTE TO DR. GEORGE VERNON IRONS, SR.

● Mr. SESSIONS. Mr. President, I rise today to recognize one of Alabama's great native sons, Dr. George Vernon Irons, Sr., and to acknowledge the eulogy by Dr. James D. Moebes, given at his funeral service on July 21, 1998.

A native of Demopolis, Dr. Irons was Distinguished Professor of History and Political Science, Samford University, 43 years, Distinguished Professor Emeritus, 22 years—a Samford record. Dr. Irons taught not only history but how to make history—teaching 17 students who become university presidents—more than any educator.

Dr. Irons was also one of Alabama's true athletic greats—the only distance man—the only University of Alabama track man—ever inducted into the Alabama Sports Hall of Fame. Mr. President, only three men have been inducted into the Alabama Sports Hall of Fame on the first ballot: Ralph Shug Jordan, Paul Bear Bryant and Dr. George Irons. He was its oldest member at age 95.

Mr. President, Dr. Irons was truly an institution in himself. He first came to Howard College (now Samford University) in Birmingham in 1933. When Dr. Irons reported to Howard College, the school was in serious financial trouble owing a half million dollars. Dr. Irons gave a wealth of leadership, dedication and promise, sorely needed by Howard.

The rest of history. Today Samford University is the largest privately endowed Baptist school in the world; largest Baptist pharmacy school in the world. The only Baptist university in America with an inspiring domed school of divinity on its campus.

Born in Demopolis, Dr. Irons taught at Duke University for two years before joining Samford. Dr. Irons was a founding member of the Alabama Historical Association in 1947 and attended the 50th anniversary of the organization last year in Birmingham. He was also a member of the Southern Historical Association, Alabama Baptist Historical Association, Birmingham-Jefferson Historical Society and John H. Forney Historical Society. Dr. Irons historical writings were published by those organizations.

He was past president of the Alabama Writer's Conclave and received a distinguished service award from that organization in 1977. He also served as Vice President of the Alabama Academy of Science.

Dr. Irons was awarded the George Washington Honor Medal from Freedom's at Valley Forge, Pennsylvania, in 1962 and the George Washington Honor Award in 1963. He was Director of Samford's Freedom Foundation Program which won a record seventeen consecutive awards. The Samford yearbook, Entre Nous, was dedicated by the Samford student body to Dr. Irons, and unprecedented four times during his teaching career—in 1941, 1960, 1969, and 1974. He served as a member of the Jefferson County Judicial Commission from 1961 to 1965, selecting circuit judges for the largest judicial circuit in Alabama.

Dr. Irons was selected to Who's Who in America, Who's Who in the South and Southwest, Who's Who in American Education and Directory of American Scholars.

Dr. Irons is a true Alabama sports legend. In the early 1920's, the prowess of the Alabama Crimson Tide football had ebbed. However, Crimson Tide track and distance star, George Irons, kept the athletic flame burning at the Capstone as its "Knight of the Cinderpath." The late Senator John Sparkman, a classmate of Irons, said, "George Irons was all we had to cheer about—if it hadn't been for Irons, athletics would have been pretty boring back then."

His athletic feats have been heralded by legendary Coach Paul "Bear" Bryant as "truly outstanding athletic achievements," Coach Wallace Wade (three time Rose Bowl winner) as the "greatest distance runner of his day," and Coach Hank Crisp as "self-made distance star for the Alabama Crimson Tide."

In 1923, he was described by those who knew him best—his fellow classmates at the University of Alabama, including the late U.S. Senator John Sparkman:

"George Irons: The South's greatest distance runner and a scholarly Christian gentleman. He is one of the true greats of Alabama athletic history, an honor man in scholarship and a record breaking athlete—that is a real man—our Knight of the Cinderpath."

[The Corolla, 1923.]

At his interment ceremonies Dr. Irons received full military honors. A 21 gun salute was fired and taps bugled in honor of his valiant service in World War II, rising to the rank of Colonel, with 33 years active and reserve duty.

It's no surprise his life had such brilliant radiance. No surprise his devoted valiant service was so broad in scope. Devoted service to:

Family. His wife, Velma Wright Irons, a distinguished educator in her own right—sons, Dr. George Vernon Irons, Jr., Charlotte, North Carolina, a practicing cardiologist and William Lee Irons, a prominent Birmingham attorney. Both have left notable marks on their professions of medicine and law. Parenthetically, Dr. George V. Irons, Sr., and his son, William L. Irons, are the only father-son listing selected to the 1998 Who's Who in America from the entire State of Alabama—yet another record for this remarkable man.

Alma Mater. The University of Alabama—where he established his name in crimson flame as "one of the true greats in Alabama's famed athletic history." A Phi Beta Kappa honors student, Irons was the University of Alabama's—the State of Alabama—nominee for the Rhodes Scholarship to England in 1924. Since the University's founding in 1831, only seven athletes have been selected to become a member of Phi Beta Kappa.

College. Dr. Irons was a key player in seeing Howard College grow from a financially distressed school, to the largest privately endowed Baptist university in the world—an internationally acclaimed university.

Dr. Irons was elected by the Samford University Faculty to serve as Grand

Marshall of all academic, graduation and commencement exercises. Leading the academic processionals for fifteen years, carrying the silver scepter, symbol of Samford University's authority—Dr. Irons wore brilliant blue academic gowns and silks with dignity and distinction. In 1976, the Samford University Faculty wrote in the University's records by Resolution:

> "In the long history of Samford University, Dr. Irons must be ranked at the very top in terms of his widespread beneficent influence, the love that former students evidence from him, and his impeccable character and qualities of modesty, humility, kindness and selfless service to the University.
>
> [Samford University Resolution (1976)]

Country. Dr. Irons distinguished himself in World War II, rising to the rank of Colonel, defending his Nation for a third of the 20th Century in war and peace.

God. Dr. Irons gave tireless service to his Church as deacon, Sunday School teacher and Chairman of the Board of Deacons, and was elected as lifetime Deacon, Southside Baptist Church. His life reflects his depth of devotion in word, thought and deed—an icon of virtue—a legendary role model for generations of Samford students spanning over half a century.

Mr. President, America salutes Dr. George Vernon Irons, Sr., as record breaking champion athlete for his alma mater, the University of Alabama, as Colonel, World War II, who defended his Nation for a third of the 20th century in war and peace, as Distinguished Professor, 43 years, Distinguished Professor Emeritus, 22 years, as Grand Marshall, Samford University, elected by the Faculty to preside over all commencement and academic exercises, as one of its most admired leaders in its proud history. America salutes Dr. Irons for his character, devotion to cause, exemplary standards of honor, duty and integrity. America proudly salutes Dr. George Vernon Irons, Sr., one of Alabama's greatest native sons, whose life of devoted service is an inspiration to all Americans.●

TRIBUTE TO CLARA SHIN

● Mrs. FEINSTEIN. Mr. President, I rise today to pay tribute to a true champion of public service: Clara Shin of Orange, CA. Ms. Shin is a former AmeriCorps program officer and is currently a distinguished White House Fellow.

One of the greatest gifts that Clara Shin has been endowed with is an appreciation and a passion for public service. Her background is filled with notable accomplishments that have provided her with a sense of community and an unfailing commitment to helping others.

Ms. Shin received her bachelor's degrees in physiobiopolitics and government from Smith College and a Juris Doctor from Stanford Law School. As a law student, she worked at the U.S. Agency for International Development, serving as a legal intern to the Regional Legal Advisor for Southern Africa. She later joined AmeriCorps as its youngest program officer and was responsible for developing the first national grant applications for local programs seeking funding. She then managed a $25 million grant portfolio for the program and coordinated a service network spanning the Southwest. Ms. Shin also co-designed the $100 million community service component of a Housing and Urban Development initiative to revitalize severely distressed public housing developments. She founded KOSOMOSE Women's Journal, a magazine for Asian American women, and helped start the Tahoe-Baikal Institute, a bi-national environmental institute in California and Siberia that trains environmentalists in land and water issues.

As one of 17 White House Fellows, Ms. Shin has achieved the nation's most prestigious fellowship for leadership development and public service. Her assignment to the White House Office of the Chief of Staff allows her to work hand-in-hand with leaders in government on immigration, race, and science and technology issues, where she coordinates working group meetings, tracks and manages issues, and meets with advocacy groups. For more than thirty years, White House Fellows have carried out the program's mission to encourage active citizenship and service to the nation. Ms. Shin is an individual who exemplifies this notion. Her efforts to serve those around her are an inspiration to us all.

Mr. President, it is with great honor that I pay tribute to Clara Shin for her accomplishment and dedication to public service. Her enthusiasm for social and environmental causes is both uplifting and encouraging. I ask my colleagues to join me in wishing Clara Shin many more years of success.●

A TIME TO RESPOND: AMERICAN LAMB INDUSTRY THREATENED BY IMPORT SURGES

● Mr. BAUCUS. Mr. President, I rise today to speak to the surging wave of cheap, imported lamb meat that threatens to drown the United States lamb industry, an industry that has been part of our nation's economy since independence.

This surge of imports, primarily from the nations of Australia and New Zealand, can be seen in the numbers collected by our federal inspectors.

In 1993, just 56 million pounds of lamb meat entered this country and its markets.

By 1997, that figure had risen to 84.4 million pounds—a shocking increase of nearly 50 percent.

Those figures have been converted to carcass-weight equivalents, and are higher than those collected by the U.S. Commerce Department. But that department's information shows no indication that the surge is slowing. In 1998, a record 70.2 million pounds—by volume—of lamb meat entered the domestic market.

Not only has the level of imports increased, but the lamb meat flooding the domestic market is directly competitive with products produced by this nation's lamb industry.

In place of lamb carcasses, shipments of fresh, chilled meat—cut and processed and ready for the grocery store shelves—are displacing domestically produced meat across the country.

At this point, importers control one-third of the United States lamb consumption, a market share that makes it difficult, if not impossible, for our producers to control their own destinies.

The importers do not participate in voluntary price reporting. In fact, they have actively fought a joint lamb promotion program through the U.S. Department of Agriculture.

Despite ample notice of the effect their skyrocketing levels of imports have had on the domestic industry, and despite ample notice that the industry intended to file a case against them, the importers refused to pull back voluntarily, or even discuss the situation.

The lamb industry's case now rests with the President. I call on this Administration to follow through with the strong and effective relief this industry needs to regain its footing and confidence. With confidence will come investment, and with investment, will come a more competitive industry.●

ROSE FISHER BLASINGAME, NATIVE AMERICAN LOUISIANA ARTIST

● Ms. LANDRIEU. Mr. President, I rise today to recognize a special artist from my state whose art was recently exhibited in our nation's capital. She is Rose Fisher Blasingame, a member of the Jena Band of Choctaw who are located in LaSalle Parish in Jena, Louisiana. Rose Fisher Blasingame was born and raised in Central Louisiana, and is married to Micah Basingame and has four children. Her artwork is basketry, an art she is attempting to revive since its loss from their community after the time of her great-great Aunt Mary Lewis who practiced the craft until she died in the early 1930's. From hearing stories from her family and elders, and seeing some of her aunt's work, she decided to try to learn this art-craft and bring back this lost tradition. She should be very proud that she has accomplished this goal. She also makes blow guns, arrow quivers, and tans deer hides. She shares the task of making china berry necklaces with her elders who she also joins in the tradition of passing down stories about creation, medicinal plants and home remedies. Her new goal, which she shares with her elders, is to attempt to bring back the Choctaw language.

Her baskets have been based on authentic Choctaw artifacts in the Smithsonian. They are splendid works of art which have many complex weaves of light and dark involving a number of incredible shapes and textures. One of her pieces which I saw was composed of an inside weave which was the mirror image of the exterior weave done in reversal contrast of light and dark.

She is a beneficiary of a grant from the Louisiana Arts Endowment Program. By recognizing her artwork, I also wish to honor all Choctaw tribes and culture. The Choctaw call themselves pasfalaya, which means "long hair." They are of the Muskhogean language group. The Choctaw were natives of Mississippi and Alabama, making them one of Louisiana's immigrant tribes. After Spain took control of Louisiana in 1763, the Spanish government, seeking a buffer between themselves and the English, invited the tribes from east of the Mississippi River into Louisiana. Small groups of Choctaw, including the Jena band, took them up on this offer, and there were several Choctaw settlements throughout north and central Louisiana.

Louisiana boasts of many Choctaw place names. Early explorers used Choctaw guides to lead them to the new territories west of the Mississippi. The names given to the rivers, streams and other landmarks have remained as they were named hundreds of years ago. Some of these names include Atchafalaya (long river), Bogue Chitto (big creek), Catahoula (beloved lake), Manchac (rear entrance), and Pontchatoula (hanging hair or Spanish moss). It is also the Choctaw who taught the French and Spanish settlers the use of file' seasoning which is so widely used even today in the gumbo recipes of our unique Louisiana cuisine.

Clearly, Rose Fisher Blasingame knows that she holds the rare coin of her culture which should be cherished and treasured. Imagine the remarkable effort she has undertaken along with her tribe to re-establish their language. In this ambitious effort, Rose has sent her daughter Anna Barber to attend the Choctaw school in Mississippi in that branch of their tribe. I understand there are about 12 Choctaws speakers left among the Jena Choctaw, and the tribe is planning a computer language program which will teach adults as well as children, but aimed specifically at the kids. As always, their hope for the future will be carried by their children.

Mr. President, I thank you for this moment to recognize the work of this remarkable artist and woman, and the Choctaw tribe and culture of Louisiana.•

TRIBUTE TO JOHN TIEN

• Mrs. FEINSTEIN. Mr. President, I rise to salute the work and dedication of Major John Tien, a distinguished White House Fellow from Long Beach, CA.

Major Tien was chosen as one of the selected few to participate in the distinguished 1998–99 White House Fellowship Program. Since 1965, the program has offered outstanding individuals, like Major Tien, the opportunity to apply their considerable talents to public service. Past U.S. Army White House Fellow alumni, including former Chairman of the Joint Chiefs of Staff General Colin L. Powell, have emerged as great military leaders, and I have no doubt that Major Tien will be successful in his future endeavors.

As a White House Fellow, Major Tien has been assigned to the Office of the U.S. Trade Representative. He conducts research on consumer, labor, and environmental groups in an effort to educate the American public about the benefits of international trade. Other responsibilities include coordinating partnerships with important business groups, including the National Association of Manufacturers, the Business Round Table, and the President's Export Council, to develop trade education ideas and advance a free trade agenda. He is a member of the lead team for planning the Third Ministerial Conference of the World Trade Organization in Seattle, Washington. He is also a member of the steel import crisis response team, where he is responsible for drafting reports for the Congressional Steel Caucus. Major Tien is the special assistant to the Deputy U.S. Trade Representative on all WTO matters.

Major Tien was an assistant professor in the Department of Social Sciences at the U.S. Military Academy at West Point. He received his bachelor's degree in Civil Engineering from West Point, where he was the top-ranked military cadet in his class. He later attended Oxford University as a Rhodes Scholar. As a veteran of Operation Desert Storm, he was among the first soldiers to cross the Saudi Arabia-Iraq border. He has commanded an M1A1 main battle tank company and a headquarters company, and has served as the chief logistics officer for a thousand-soldier brigade. Additionally, Major Tien has successfully balanced several extracurricular activities with his military commitments. For example, he has served as a volunteer tutor for inner-city elementary and high school youth, as a co-organizer of the New York, Orange County Special Olympics and as a youth league soccer and baseball coach.

Mr. President, the importance of the public service should be recognized, and Major Tien stands as an especially admirable role model in this regard. For his efforts, and in recognition of the well-deserved honor of serving as a White House Fellow, I am privileged to commend and pay tribute to Major John Tien.•

PRIVILEGE OF THE FLOOR

Mr. HATCH. Mr. President, I ask unanimous consent that a fellow in my office, Bruce Artim, be granted the privilege of the floor for this session of Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. HATCH. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nomination on the Executive Calendar: No. 64.

I further ask unanimous consent that the nomination be confirmed; that the motion to reconsider be laid upon the table; that any statements relating to the nomination appear at the appropriate place in the RECORD; that the President be immediately notified of the Senate's action; and that the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

Gary L. Visscher, of Maryland, to be a Member of the Occupational Safety and Health Review Commission for a term expiring April 27, 2001.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

SATELLITE HOME VIEWERS IMPROVEMENT ACT

Mr. HATCH. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 24, S. 247.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 247) to amend title 17, United States Code, to reform the copyright law with respect to satellite retransmissions of broadcast signals, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

S. 247

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Satellite Home Viewers Improvements Act".

SEC. 2. LIMITATIONS ON EXCLUSIVE RIGHTS; SECONDARY TRANSMISSIONS BY SATELLITE CARRIERS WITHIN LOCAL MARKETS.

(a) IN GENERAL.—Chapter 1 of title 17, United States Code, is amended by adding after section 121 the following new section:

"§ 122. Limitations on exclusive rights; secondary transmissions by satellite carriers within local markets

"(a) SECONDARY TRANSMISSIONS OF TELEVISION BROADCAST STATIONS BY SATELLITE CARRIERS.—A secondary transmission of a primary transmission of a television broadcast station into the station's local market shall be subject to statutory licensing under this section if—

"(1) the secondary transmission is made by a satellite carrier to the public;

"(2) the secondary transmission is permissible under the rules, regulations, or authorizations of the Federal Communications Commission; and

"(3) the satellite carrier makes a direct or indirect charge for the secondary transmission to—

"(A) each subscriber receiving the secondary transmission; or

"(B) a distributor that has contracted with the satellite carrier for direct or indirect delivery of the secondary transmission to the public.

"(b) REPORTING REQUIREMENTS.—

"(1) INITIAL LISTS.—A satellite carrier that makes secondary transmissions of a primary transmission made by a network station under subsection (a) shall, within 90 days after commencing such secondary transmissions, submit to that station a list identifying (by name and street address, including county and zip code) all subscribers to which the satellite carrier currently makes secondary transmissions of that primary transmission.

"(2) SUBSEQUENT LISTS.—After the list is submitted under paragraph (1), the satellite carrier shall, on the 15th of each month, submit to the station a list identifying (by name and street address, including county and zip code) any subscribers who have been added or dropped as subscribers since the last submission under this subsection.

"(3) USE OF SUBSCRIBER INFORMATION.—Subscriber information submitted by a satellite carrier under this subsection may be used only for the purposes of monitoring compliance by the satellite carrier with this section.

"(4) REQUIREMENTS OF STATIONS.—The submission requirements of this subsection shall apply to a satellite carrier only if the station to whom the submissions are to be made places on file with the Register of Copyrights a document identifying the name and address of the person to whom such submissions are to be made. The Register shall maintain for public inspection a file of all such documents.

"(c) NO ROYALTY FEE REQUIRED.—A satellite carrier whose secondary transmissions are subject to statutory licensing under subsection (a) shall have no royalty obligation for such secondary transmissions.

"(d) NONCOMPLIANCE WITH REPORTING REQUIREMENTS.—Notwithstanding subsection (a), the willful or repeated secondary transmission to the public by a satellite carrier into the local market of a television broadcast station of a primary transmission made by that television broadcast station and embodying a performance or display of a work is actionable as an act of infringement under section 501, and is fully subject to the remedies provided under sections 502 through 506 and 509, if the satellite carrier has not complied with the reporting requirements of subsection (b).

"(e) WILLFUL ALTERATIONS.—Notwithstanding subsection (a), the secondary transmission to the public by a satellite carrier into the local market of a television broadcast station of a primary transmission made by that television broadcast station and embodying a performance or display of a work is actionable as an act of infringement under section 501, and is fully subject to the remedies provided by sections 502 through 506 and sections 509 and 510, if the content of the particular program in which the performance or display is embodied, or any commercial advertising or station announcement transmitted by the primary transmitter during, or immediately before or after, the transmission of such program, is in any way willfully altered by the satellite carrier through changes, deletions, or additions, or is combined with programming from any other broadcast signal.

"(f) VIOLATION OF TERRITORIAL RESTRICTIONS ON STATUTORY LICENSE FOR TELEVISION BROADCAST STATIONS.—

"(1) INDIVIDUAL VIOLATIONS.—The willful or repeated secondary transmission to the public by a satellite carrier of a primary transmission made by a television broadcast station and embodying a performance or display of a work to a subscriber who does not reside in that station's local market, and is not subject to statutory licensing under section 119, is actionable as an act of infringement under section 501 and is fully subject to the remedies provided by sections 502 through 506 and 509, except that—

"(A) no damages shall be awarded for such act of infringement if the satellite carrier took corrective action by promptly withdrawing service from the ineligible subscriber; and

"(B) any statutory damages shall not exceed $5 for such subscriber for each month during which the violation occurred.

"(2) PATTERN OF VIOLATIONS.—If a satellite carrier engages in a willful or repeated pattern or practice of secondarily transmitting to the public a primary transmission made by a television broadcast station and embodying a performance or display of a work to subscribers who do not reside in that station's local market, and are not subject to statutory licensing under section 119, then in addition to the remedies under paragraph (1)—

"(A) if the pattern or practice has been carried out on a substantially nationwide basis, the court shall order a permanent injunction barring the secondary transmission by the satellite carrier of the primary transmissions of that television broadcast station (and if such television broadcast station is a network station, all other television broadcast stations affiliated with such network), and the court may order statutory damages not exceeding $250,000 for each 6-month period during which the pattern or practice was carried out; and

"(B) if the pattern or practice has been carried out on a local or regional basis with respect to more than one television broadcast station (and if such television broadcast station is a network station, all other television broadcast stations affiliated with such network), the court shall order a permanent injunction barring the secondary transmission in that locality or region by the satellite carrier of the primary transmissions of any television broadcast station, and the court may order statutory damages not exceeding $250,000 for each 6-month period during which the pattern or practice was carried out.

"(g) BURDEN OF PROOF.—In any action brought under subsection (d), (e), or (f), the satellite carrier shall have the burden of proving that its secondary transmission of a primary transmission by a television broadcast station is made only to subscribers located within that station's local market.

"(h) GEOGRAPHIC LIMITATIONS ON SECONDARY TRANSMISSIONS.—The statutory license created by this section shall apply to secondary transmissions to locations in the United States, and any commonwealth, territory, or possession of the United States.

"(i) EXCLUSIVITY WITH RESPECT TO SECONDARY TRANSMISSIONS OF BROADCAST STATIONS BY SATELLITE TO MEMBERS OF THE PUBLIC.—No provision of section 111 or any other law (other than this section and section 119) shall be construed to contain any authorization, exemption, or license through which secondary transmissions by satellite carriers of programming contained in a primary transmission made by a television broadcast station may be made without obtaining the consent of the copyright owner.

"(j) DEFINITIONS.—In this section—

"(1) The term 'distributor' means an entity which contracts to distribute secondary transmissions from a satellite carrier and, either as a single channel or in a package with other programming, provides the secondary transmission either directly to individual subscribers or indirectly through other program distribution entities.

"(2) The term 'local market' for a television broadcast station has the meaning given that term under rules, regulations, and authorizations of the Federal Communications Commission relating to carriage of television broadcast signals by satellite carriers.

"(3) The terms 'network station', 'satellite carrier' and 'secondary transmission' have the meaning given such terms under section 119(d).

"(4) The term 'subscriber' means an entity that receives a secondary transmission service by means of a secondary transmission from a satellite and pays a fee for the service, directly or indirectly, to the satellite carrier or to a distributor.

"(5) The term 'television broadcast station' means an over-the-air, commercial or noncommercial television broadcast station licensed by the Federal Communications Commission under subpart E of part 73 of title 47, Code of Federal Regulations.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 1 of title 17, United States Code, is amended by adding after the item relating to section 121 the following:

"122. Limitations on exclusive rights; secondary transmissions by satellite carriers within local market.".

SEC. 3. EXTENSION OF EFFECT OF AMENDMENTS TO SECTION 119 OF TITLE 17, UNITED STATES CODE.

Section 4(a) of the Satellite Home Viewer Act of 1994 (17 U.S.C. 119 note; Public Law 103–369; 108 Stat. 3481) is amended by striking "December 31, 1999" and inserting "December 31, 2004".

SEC. 4. COMPUTATION OF ROYALTY FEES FOR SATELLITE CARRIERS.

Section 119(c) of title 17, United States Code, is amended by adding at the end the following new paragraph:

"(4) REDUCTION.—

["(A) SUPERSTATION.—The rate of the royalty fee payable in each case under subsection (b)(1)(B)(i) as adjusted by a royalty fee established under paragraph (2) or (3) of this subsection shall be reduced by 30 percent.

["(B) NETWORK.—The rate of the royalty fee payable under subsection (b)(1)(B)(ii) as adjusted by a royalty fee established under paragraph (2) or (3) of this subsection shall be reduced by 45 percent.]

"(A) SUPERSTATION.—The rate of the royalty fee in effect on January 1, 1998 payble in each case under subsection (b)(1)(B)(i) shall be reduced by 30 percent.

"(B) NETWORK.—The rate of the royalty fee in effect on January 1, 1998 payable under susection (b)(1)(B)(ii) shall be reduced by 45 percent.

"(5) PUBLIC BROADCASTING SERVICE AS AGENT.—For purposes of section 802, with respect to royalty fees paid by satellite carriers for retransmitting the Public Broadcasting Service satellite feed, the Public Broadcasting Service shall be the agent for all public television copyright claimants and all Public Broadcasting Service member stations.".

[SEC. 5. DEFINITIONS.

[Section 119(d) of title 17, United States Code, is amended—

[(1) by striking paragraph (10) and inserting the following:]

SEC. 5. DEFINITIONS.

Section 119(d) of title 17, United States Code, is amended by striking paragraph (10) and inserting the following:

"(10) UNSERVED HOUSEHOLD.—The term 'unserved household', with respect to a particular television network, means a household that cannot receive, through the use of a conventional outdoor rooftop receiving antenna, an over-the-air signal of grade B intensity (as defined by the Federal Communications Commission) of a primary network station affiliated with that network.".[; and

[(2) by adding at the end the following:

["(12) LOCAL NETWORK STATION.—The term 'local network station' means a network station that is secondarily transmitted to subscribers who reside within the local market in which the network station is located.".]

SEC. 6. PUBLIC BROADCASTING SERVICE SATELLITE FEED.

(a) SECONDARY TRANSMISSIONS.—Section 119(a)(1) of title 17, United States Code, is amended—

(1) by striking the paragraph heading and inserting "(1) SUPERSTATIONS AND PBS SATELLITE FEED.—";

(2) by inserting "or by the Public Broadcasting Service satellite feed" after "superstation"; and

(3) by adding at the end the following: "In the case of the Public Broadcasting Service satellite feed, subsequent to January 1, 2001, or the date on which local retransmissions of broadcast signals are offered to the public, whichever is earlier, the statutory license created by this section shall be conditioned on the Public Broadcasting Service certifying to the Copyright Office on an annual basis that its membership supports the secondary transmission of the Public Broadcasting Service satellite feed, and providing notice to the satellite carrier of such certification.".

(b) DEFINITION.—Section 119(d) of title 17, United States Code, is amended by adding at the end the following:

"(12) PUBLIC BROADCASTING SERVICE SATELLITE FEED.—The term 'Public Broadcasting Service satellite feed' means the national satellite feed distributed by the Public Broadcasting Service consisting of educational and informational programming intended for private home viewing, to which the Public Broadcasting Service holds national terrestrial broadcast rights.".

SEC. 7. APPLICATION OF FEDERAL COMMUNICATIONS COMMISSION REGULATIONS.

Section 119(a) of title 17, United States Code, is amended—

(1) in paragraph (1), by inserting "is permissible under the rules, regulations, and authorizations of the Federal Communications Commission," after "satellite carrier to the public for private home viewing,"; and

(2) in paragraph (2), by inserting "is permissible under the rules, regulations, and authorizations of the Federal Communications Commission," after "satellite carrier to the public for private home viewing,".

SEC. 8. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on January 1, 1999, except the amendments made by section 4 shall take effect on July 1, 1999.

Mr. HATCH. Mr. President, I ask unanimous consent that the committee amendments be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

Mr. HATCH. Mr. President, today the Senate considers legislation that will help provide for greater consumer choice and competition in television services, S. 247, "The Satellite Home Viewers Improvements Act of 1999." The bill before us is a model of bipartisanship and cross-Committee cooperation. The cosponsors of this bill include, first and foremost, the distinguished Ranking Member of the Judiciary Committee, Senator Leahy, with whom I have worked closely on this legislation; the majority leader, Senator LOTT, and the minority leader, Senator DASCHLE; the chairman and ranking member of the Judiciary Committee's Antitrust Subcommittee, Senators DEWINE and KOHL; and the distinguished chairman of the Senate Commerce Committee, Senator MCCAIN. We have all worked together with many others of our colleagues to bring this important legislation along on behalf of our constituents.

The options consumers have for viewing television entertainment have vastly increased since that fateful day in September 1927 when television inventor and Utah native Philo T. Farnsworth, together with his wife and colleagues, viewed the first television transmission in the Farnsworth's home workshop: a single black line rotated from vertical to horizontal. Both the forms of entertainment and the technologies for delivering that entertainment have proliferated over the 70 years since that day. In the 1940s and 50s, televisions began arriving in an increasing number of homes to pick up entertainment being broadcast into a growing number of cities and towns.

In the late 1960s and early 1970s, cable television began offering communities more television choices by initially providing community antenna systems for receiving broadcast television signals, and later by offering new created-for-cable entertainment. The development of cable television made dramatic strides with the enactment of the cable compulsory license in 1976, providing an efficient way of clearing copyright rights for the retransmission of broadcast signals over cable systems.

In the 1980s, television viewers began to be able to receive television entertainment with their own home satellite equipment, and the enactment of the Satellite Home Viewer Act in 1988 helped develop a system of providing options for television service to Americans who lived in areas too remote to receive television signals over the air or via cable.

Much has changed since the original Satellite Home Viewer Act was adopted in 1988. The Satellite Home Viewer Act was originally intended to ensure that households that could not get television in any other way, traditionally provided through broadcast or cable, would be able to get television signals via satellite. The market and the satellite industry has changed substantially since 1988. Many of the difficulties and controversies associated with the satellite license have been at least partly a product of the satellite business attempting to move from a predominately need-based rural niche service to a full service video delivery competitor in all markets, urban and rural.

Now, many market advocates both in and out of Congress are looking to satellite carriers to compete directly with cable companies for viewership, because we believe that an increasingly competitive market is better for consumers both in terms of cost and the diversity of programming available. The bill we consider today will move us toward that kind of robust competition.

In short, this bill is focused on changes that we can make this year to move the satellite television industry to the next level, making it a full competitor in the multi-channel video delivery market. It has been said time and again that a major, and perhaps the biggest, impediment to satellite's ability to be a strong competitor to cable is its current inability to provide local broadcast signals to its subscribers. (See, e.g., Business Week (22

Dec. 1997) p. 84.) In fact, marketing research by one firm found that 86 percent of those consumers who consider subscribing to satellite but ultimately do not do so, decide against satellite service because the local television signals are not available. (U.S. Satellite Broadcasting, "Research Summary for Thomson Electronics," Aug. 1997, p. 6.) This problem has been partly technological and partly legal.

As we speak, the technological hurdles to satellite retransmission of local broadcast signals are being lowered substantially. Emerging technology is not enabling the satellite industry to begin to offer television viewers their own local programming of news, weather, sports, and entertainment, with digital quality picture and sound. This will mean that viewers in the remoter areas of my large home state of Utah will be able to watch television programming originating in Salt Lake City, rather than New York or California. In fact, one satellite carrier is already providing such a service in Utah.

Today, with this bill, we hope to remove the legal impediments to use of this emerging technology to make local retransmission of broadcast signals a reality for all subscribers. The most important result will be that the constituents of all my colleagues will finally have a choice for full service multi-channel video programming: They will be able to choose cable or one of a number of satellite carriers. This should foster an environment of proliferating choice and lowered prices, all to the benefit of consumers, our constituents.

To that end, the "Satellite Home Viewer Improvements Act" makes the following changes in the copyright law governing satellite television transmissions:

It creates a new copyright license which allows satellite carriers to retransmit a local television station to households and businesses throughout that station's local market, just as cable does, and sets a zero copyright rate for providing this service.

It extends the satellite compulsory licenses for both local and distant signals, which are now set to expire at the end of the year, until 2004.

It cuts the copyright rates paid for distant signals by 30 or 45 percent, depending on the type of signal.

It allows consumers to switch from cable to satellite service for network signals without waiting 90-day period now required in the law.

It allows for a national Public Broadcasting Service satellite feed.

Many of my colleagues in this Chamber will recognize this legislation as substantively identical to a bill reported unanimously by the Judiciary Committee last year. It passed the Judiciary Committee this year again with unanimous support. I am pleased with the degree of cooperation and consensus we have been able to forge with respect to this legislation, and I am pleased that we have been able to bring this bill before the Senate for swift consideration and approval.

Let me explain how we will proceed. As I have indicated earlier, the bill we have before us is the copyright portion of a comprehensive reform package crafted in conjunction with our colleagues on the Commerce Committee. As the Judiciary Committee has moved forward with consideration of the copyright legislation embodied in S. 247, the Commerce Committee proceeded simultaneously to consider separate legislation introduced by Chairman McCAIN, S. 303, to address related communications amendments, including important ares such as the must-carry and retransmission consent requirements for satellite carriers upon which the copyright licenses will be conditioned, and the FCC's distant television signal eligibility process. It is our joint intention to combine our respective work product as two titles of the same bill in a way that will clearly delineate the work product of each committee, but combine them in the seamless whole necessary to make the licenses work for consumers and the affected industries. To do that, Chairman McCAIN will today offer the text of his committee's companion legislation as an amendment to the Judiciary Committee's underlying copyright bill. Upon adoption of this amendment, we will offer a manager's package of technical and conforming amendments to more fully meld the bills into a comprehensive, pro-consumer package that we can offer to the House for their consideration in a conference.

I am glad we are taking up this legislation today. We need to act quickly on this legislation. The Satellite Home Viewer Act sunsets at the end of this year, placing at risk the service of many of the 11 million satellite subscribers nationwide. Many of our constituents are confused about the status of satellite service in February and April to as many as 2.5 million subscribers nationally who have been adjudged ineligible for distant signal service under current law. The granting of the local license, together with some resolution of the eligibility rules for distant signals and a more consumer-friendly process, can help bring clarity to these consumers, and greater competition in price and service for all subscription television viewers.

I again thank the majority leader for his interest in and leadership with respect to these issues, and the chairman of the Commerce Committee for his collegiality and cooperation in this process. I also thank my colleagues on the Judiciary Committee who have worked on this legislation. This bill is a product of a bipartisan effort with Senators LEAHY, DEWINE, and KOHL, and I have been pleased to work closely with each of them every step of the way. Finally, I thank the Register of Copyrights, Ms. Marybeth Peters, and Bill Roberts of her staff in particular, for their assistance and expertise throughout this process. The Senate process has been a more informed one, and the product of our efforts more sound as a result of their advice and recommendations.

In closing, I look forward to our consideration of this important legislation today, and to continued collaboration with my colleagues to help hasten more vigorous competition in the television delivery market and the ever-widening consumer choice that will follow it.

Mr. LEAHY. Mr. President, I am very pleased that the Senate is able to pass the Hatch-Leahy Satellite Home Viewers Improvements Act. This bill will provide viewers with more choices and will greatly increase competition regarding network and other video programming.

For some time, I have been concerned about the lack of competition with cable TV and escalating cable rates. This bill will allow satellite TV providers to compete directly with cable and will give consumers a choice. It

Mr. KENNEDY. Mr. President, I welcome this opportunity to express my strong support for S. 303, the Satellite Home Viewers Act. This legislation will enable many more consumers in Massachusetts and across the nation to receive network signals by satellite.

The Act achieves a fairer balance between the interests of satellite TV firms, local broadcasters and cable firms. It reverses a federal court decision that has caused millions of satellite TV subscribers throughout the country, including in many rural areas of Massachusetts, to lose their access to network television stations. Consumers will be major winners with the passage of this legislation. It means greater choice, particularly to those in rural areas.

This legislation will also promote competition between the satellite and cable industries by enabling satellite providers to offer local broadcast signals in the same local market. In recent years, "must carry" rules have protected small broadcasters from being left by the wayside during the rapid growth of the cable industry. Similarly, this bill protects small broadcasters by requiring satellite carriers re-transmitting local signals to the local market to comply with the "must carry" rules by January 1, 2002.

Consumers everywhere will benefit from the passage of the Satellite Home Viewers Act. I commend Senator McCAIN and Senator BURNS for their leadership in providing more choices and better service to consumers. Also avoids needless cutoffs of satellite TV service and protects local TV affiliates.

The Judiciary Committee had a full committee hearing on these satellite issues on November 12, 1997, and Chairman HATCH and I agreed to work together on this bill. On March 5, 1998, the Hatch-Leahy bill, S. 1720, was introduced and was reported out of the Judiciary Committee unanimously on October 1, 1998. It permits local TV signals, as opposed to distant out-of-State networks signals, to be offered to viewers via satellite; increase competition between cable and satellite TV providers; and provide more PBS programming by also offering a national feed as well as local programming; and reduce rates charged to consumers.

We have been racing against the clock because court orders have required the cutoffs of distant CBS and Fox television signals to over a million households in the U.S.

Under a preliminary injunction, satellite service to thousands of households in Vermont and other states was to be terminated on October 8, 1998, for CBS and Fox distant network signals for households signed up after March 11, 1997, the date the action was filed.

This bill will allow satellite TV to operate just like cable TV with local channels, movies, local weather, sports, CNN, news, superstations, and the like. It allows for local TV stations to be received over satellite, permanently, and could reduce satellite rates.

It ends the cable subscriber 90-day waiting period for those wanting to switch from cable to satellite—which has been a needless barrier to competition.

The bill extends distant network service to allow for a phase-in to local-into-local TV service and creates a national PBS feed, and also will offer the local PBS.

It also restores all lost distant stations, if the satellite provider is willing to restore service, and delays cutoffs of all other distant signals until December 31 of this year and only for a much smaller number of dish owners.

Ultimately, in 2002, the bill will impose "must carry" rules on satellite providers just like the "must carry" rules for cable TV which permits a phase-in of local-to-local service.

The chairman of the Antitrust Subcommittee, Senator DEWINE, and the ranking member, Senator KOHL, also worked hard on this issue.

It is absurd that home dish owners—whether they live in Vermont, Utah or California—have to watch network stations imported from distant states.

This committee has worked together to protect the local broadcast system and to provide the satellite industry with a way to compete with cable.

Cable TV now offers a full range of local programming as well as programming regarding sports, politics, national weather, education, and a range of movies.

Yet, cable rates keep increasing—I want satellite TV to directly compete with cable TV. The only way they can do that is to be able to offer local TV stations.

We heard testimony in 1997 and 1998 that the major reason consumers do not sign up for satellite service is that they cannot get local programming. I want satellite carriers to be able to offer the full range of local programming.

We should be encouraging this so-called "local-into-local" service. Local broadcast stations contribute to our sense of community.

We should be encouraging competition through local-into-local service. Instead, the current policy fosters confusion-into-more-confusion service and lots of litigation.

By striking a burdensome and flawed limitation on satellite providers, we will be prescribing fairness for dish owners and injecting some much-needed competition into the television market.

I look forward to working with my colleagues at conference.

Mr. KENNEDY. Mr. President, I welcome this opportunity to express my strong support for S. 303, the Satellite Home Viewers Act. This legislation will enable many more consumers in Massachusetts and across the nation to receive network signals by satellite.

The Act achieves a fairer balance between the interests of satellite TV firms, local broadcasters and cable firms. It reverses a federal court decision that has caused millions of satellite TV subscribers throughout the country, including in many rural areas of Massachusetts, to lose their access to network television stations. Consumers will be major winners with the passage of this legislation. It means greater choice, particularly to those in rural areas.

This legislation will also promote competition between the satellite and cable industries by enabling satellite providers to offer local broadcast signals in the same local market. In recent years, "must carry" rules have protected small broadcasters from being left by the wayside during the rapid growth of the cable industry. Similarly, this bill protects small broadcasters by requiring satellite carriers re-transmitting local signals to the local market to comply with the "must carry" rules by January 1, 2002.

Consumers everywhere will benefit from the passage of the Satellite Home Viewers Act. I commend Senator MCCAIN and Senator BURNS for their leadership in providing more choices and better service to consumers.

AMENDMENT NO. 372

(Purpose: To amend the Communications Act of 1934 to enhance the ability of direct broadcast satellite and other multichannel video providers to compete effectively with cable television systems, and for other purposes)

Mr. HATCH. Mr. President, Senator MCCAIN has an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. HATCH], for Mr. MCCAIN, proposes an amendment numbered 372.

Mr. HATCH. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.)

AMENDMENT NO. 373 TO AMENDMENT NO. 372

(Purpose: To strike certain provisions amending title 17, United States Code)

Mr. HATCH. Mr. President, I have an amendment at the desk to the MCCAIN amendment, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. HATCH], for himself and Mr. LEAHY, proposes an amendment numbered 373 to amendment No. 372.

The amendment follows:

On page 17, strike line 4 through page 18, line 4 and insert the following:

SEC. 208. DEFINITIONS.

Mr. HATCH. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 373) was agreed to.

Mr. HATCH. Mr. President, I ask unanimous consent that amendment No. 372, as amended, be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 372), as amended, was agreed to.

AMENDMENT NOS. 374 AND 375

Mr. HATCH. Mr. President, there are two technical amendments at the desk, submitted by myself and Senator LEAHY, and I ask unanimous consent that they be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 374 and 375) were agreed to, as follows:

AMENDMENT NO. 374

(Purpose: To provide a manager's amendment to make certain technical and conforming amendments, and for other purposes)

On page 3, line 9, strike "that station" and insert "the network that owns or is affiliated with the network station".

On page 3, lines 16 and 17, strike "the station" and insert "the network".

On page 4, line 3, strike "the station" and insert "the network".

On page 12, beginning with line 19, strike all through line 5 on page 13 and insert the following:

(3) by adding at the end the following: "In the case of the Public Broadcasting Service satellite feed, the compulsory license shall be effective until January 1, 2002.".

On page 13, strike lines 6 through 8 and insert the following:

(b) DEFINITIONS.—Section 119(d) of title 17, United States Code, is amended—

(1) by amending paragraph (9) to read as follows:

"(9) SUPERSTATION.—The term 'superstation'—

"(A) means a television broadcast station, other than a network station, licensed by the Federal Communications Commission that is secondarily transmitted by a satellite carrier; and

"(B) includes the Public Broadcasting Service satellite feed."; and

(2) by adding at the end the following:

On page 13, line 25, strike "and".

On page 14, line 5, strike the period and insert a semicolon and "and".

On page 14, insert between lines 5 and 6 the following:

(3) by adding at the end the following:

"(11) STATUTORY LICENSE CONTINGENT ON COMPLIANCE WITH FCC RULES AND REMEDIAL STEPS.—The willful or repeated secondary transmission to the public by a satellite carrier of a primary transmission made by a broadcast station licensed by the Federal Communications Commission is actionable as an act of infringement under section 501, and is fully subject to the remedies provided by sections 502 through 506 and 509, if, at the time of such transmission, the satellite carrier is not in compliance with the rules, regulations, and authorizations of the Federal Communications Commission concerning the carriage of television broadcast station signals.".

SEC. 8. TELEVISION BROADCAST STATION STANDING.

Section 501 of title 17, United States Code, is amended by adding at the end the following:

"(f) With respect to any secondary transmission that is made by a satellite carrier of a primary transmission embodying the performance or display of a work and is actionable as an act of infringement under section 122, a television broadcast station holding a copyright or other license to transmit or perform the same version of that work shall, for purposes of subsection (b) of this section, be treated as a legal or beneficial owner if such secondary transmission occurs within the local market of that station.".

On page 14, line 6, strike "**SEC. 8.**" and insert "**SEC. 9.**".

AMENDMENT NO. 375

(Purpose: To modify the definition of unserved household, provide for a moratorium on copyright liability, and for other purposes)

On page 12, line 4, insert after "network" the following: "or is not otherwise eligible to receive directly from a satellite carrier a signal of that television network (other than a signal provided under section 122) in accordance with section 338 of the Communications Act of 1934.".

On page 14, insert between lines 5 and 6 the following:

SEC. 8. MORATORIUM ON COPYRIGHT LIABILITY.

Until December 31, 1999, no subscriber, as defined under section 119(d)(8) of title 17, United States Code, located within the predicted Grade B contour of a local network television broadcast station shall have satellite service of a distant network signal affiliated with the same network terminated, if that subscriber received satellite service of such network signal before July 11, 1998, as a result of section 119 of title 17, United States Code.

On page 14, line 6, strike "**SEC. 8.**" and insert "**SEC. 9.**".

Mr. BRYAN. Mr. President, I want to engage my good friend from Arizona, our chairman of the Commerce Committee, in a colloquy concerning an issue I raised in committee on signal reception standards.

Mr. McCAIN. I will be happy to accommodate the Senator from Nevada.

Mr. BRYAN. Mr. President, consumers who live in small and rural markets deserve access to network television service via satellite and the competition with cable it provides just as much as their fellow citizens living in urban markets. The local-into-local service that will be made possible by the legislation we are considering today will provide this much-needed service to consumers, thereby enhancing competition to cable in many urban markets. Unfortunately, because local-into-local will not be available in small and rural markets in the immediate future, consumers who live there must depend on satellite delivery of network signals from distant markets. Recent court-imposed limitations on the delivery of distant network signals, however, will affect households that cannot receive viewable local network signals over-the-air.

To correct this imbalance, we should grant the Federal Communications Commission the authority to set a modern television signal reception standard. If the new signal reception standard is set at a level that will provide consumers with a viewable picture, then the new standard will produce a more realistic and accurate separation between "served" and "unserved" households for purposes of SHVA. In addition, such a standard would provide consumers who do not qualify to receive distant network signals with a reasonable expectation that, if they go to the trouble and expense of installing a "conventional" rooftop antenna, they will be able to receive a television picture they can actually watch.

To make application of the new standard more consumer friendly, I also urge that we give the FCC the authority to establish the most accurate point-to-point predictive model. Such a model would enable a consumer to know whether or not he or she will be able to receive a signal of the strength established by the rulemaking quickly, accurately, and without expensive testing.

Mr. McCAIN. I think my colleague for his work on this very sensitive but important subject. The senator is absolutely correct. With the passage of this bill, the issue of setting an appropriate signal reception standard and predictive model is more important than ever. Consumers are frustrated today by the current situation with distant network signals because they are being told by local broadcasters they must receive their local signals over-the-air, though in many cases traditional antennas do not provide an adequate picture. If the law tells consumers they must get a local signal but they aren't able to get a decent picture, what alternative does a consumer have? Unfortunately, we are dealing here with an antiquated law that needs updating for the twenty first century.

Mr. BRYAN. If this law isn't revised we can expect more consumer confusion and frustration. The "Grade B" standard that is used as the signal reception standard today measures the amount of signal intensity that a consumer must receive at his or her rooftop antenna to produce what is considered an "acceptable" television picture. Unfortunately, this was a determination made in 1952. Consumer expectations of what constitutes an "acceptable" picture have increased substantially in the past 50 years. What constituted an acceptable picture to a focus group in 1951 watching black and white television would almost certainly not be a picture that modern consumers would want to watch on state-of-the-art color sets.

In addition, interference has increased substantially since the early 1950's. Background noise produced by aircraft, automobile and truck traffic, power lines, and the like, and electronic interference produced by computers, cell phones, and other electronic equipment interfere with signal propagation. Because of this increased interference, consumers need higher signal intensity in order to receive a viewable television picture.

Mr. McCAIN. I concur with your concerns over this situation. If we are going to enforce the law and enforce a standard, we need to make sure that consumers can rely on the standard. Today, that is clearly not the case. In addition, since the purpose of the bill before us today is to give satellite television the tools it needs to become more viable competitors to cable, we have to evaluate each of the ways in which cable and satellite are compared. For example, the viewing standard that you discussed is based on three "grades" of television picture—"fine," "good," and "acceptable," in descending order of quality. Currently, cable viewing standards are based on a "good" picture. Satellite's standard is "acceptable," which is a grade below "good." Why wouldn't we want the reception standards between these two competing industries to be equivalent? If we are to provide true competition between cable and satellite, an increase of the standard and a corresponding increase in signal intensity model is necessary.

Mr. BRYAN. Even though the language mandating a new signal standard and predictive model was not adopted in committee, I think the chairman would agree that such language needs to be incorporated into a final measure. Many of my colleagues have been stunned to learn of the crazy circumstance that is facing many of our rural constituents as they attempt to get a network signal that they can actually watch. We shouldn's be making it more difficult for them to get this valuable service.

Mr. McCAIN. I can assure my colleague from Nevada, we will attempt to address this in conference and rectify a very troubling inconsistency in the law.

Mr. HOLLINGS. Mr. President, I rise to support S. 247, the Satellite Home Viewers Improvement Act. This legislation represents a first step towards providing a viable competitor to cable in the multichannel video programming marketplace. Significantly, S. 247 permits direct-to-home satellite providers to transmit local broadcast signals into local markets, and eliminates the 90 day waiting period for existing cable subscribers who wish to switch to satellite service. These critical changes in the law will substantially help satellite providers compete with their cable counterparts.

I also support, for the most part, the inclusion in S. 247 of the floor amendment offered by the Senator from Arizona, Mr. McCAIN, Amendment No. 372. This amendment is identical to the text of the committee reported amendment to S. 303, the Satellite Television Act of 1999, which was reported favorably by the Senate Commerce, Science and Transportation Committee, Senate Report No. 106–51. With one reservation, which I will explain shortly, I am pleased that the work product of the Commerce Committee will be included in the Satellite Home Viewers Improvement Act, S. 247, as passed by the Senate.

As reported by our committee, S. 303 complements S. 247 by removing additional statutory impediments that thwart the ability of direct-to-home satellite service providers to compete with cable television. S. 303 authorizes direct-to-home satellite service providers to offer their subscribers local television station broadcasts, but requires those providers to comply with the must-carry and retransmission consent rules that apply to cable television operators. In addition, S. 303 requires the Federal Communications Commission to use the Individual Location Longely-Rice Methodology to better determine who should be receiving distant network signals and who should not. Finally, the legislation requires the FCC to implement a waiver process to give consumers with unsatisfactory local television reception a timely process in which to have their concerns addressed.

While I support moving S. 247, as amended, out of the Senate, I must note one concern with the legislation. I oppose provisions in S. 303 that sanction the illegal behavior of direct broadcast satellite service providers. Those provisions permanently grandfathered the transmission of distant network signals to subscribers residing outside of their local station's Grade A contour, but within the Grade B contour, regardless of whether those subscribers are actually able to receive the signals of their local stations. My opposition to this approach is explained in greater detail in the minority views filed with the Committee Report. In brief, I will say that the provisions I opposed put the legislation squarely in the position of sanctioning illegal behavior. As a law and order man, that is not an approach I am willing to support.

Otherwise, I am extremely pleased that the Senate has been able to act so quickly on this important issue. By passing legislation so early in the 106th Congress, we have gone a long way toward ensuring greater competition in the video programming marketplace.

Mr. KOHL. Mr. President, I rise in support of this legislation because it will increase competition between satellite and cable. Senators McCAIN, HATCH, LEAHY, HOLLINGS, DEWINE and others deserve credit for moving this measure so quickly this term, especially when we came so close last year.

Mr. President, when the Judiciary and Commerce bills are combined as one, it creates a good, comprehensive measure. Satellite companies will finally be allowed to legally broadcast local stations to local viewers—so-called "local into local." The strange anomaly that restricted satellite from providing local signals will be a thing of the past. And to be balanced, satellite companies will also be subject to "must-carry" obligations, just like cable. This bill will also reduce the royalty fees for those local signals to a level closer to that paid by cable companies. All of this moves us towards parity between satellite and cable, and it is a huge step forward for consumers. Let me tell you why.

Increased competition will discipline the cable marketplace which, in turn, will create lower prices, increased choice, and wider availability of television programming for all Americans, no matter how remote. And we do this in the best way possible, by promoting competition, not increasing regulation. Moreover, it won't be at the expense of our local television stations, which provide a valuable community benefit in the form of local news, weather, sports and various forms of public service.

One of the hardest questions to address, of course, is which viewers should be entitled to receive "distant network" signals, especially in rural states like mine. Authorizing "local into local" is a crucial first step and, eventually, when technology advances and more satellites are launched, we will see "local into local" almost everywhere. So, this bill goes a long way to ensure that every viewer will receive one signal of each of the major television networks—this is a marked improvement over the current situation.

Mr. President, I urge my colleagues to support this bipartisan measure which will permit satellite companies to compete on a more level playing field with cable. We have our work cut out for us at conference because the House version is quite different from ours. But there is no excuse for not enacting this pro-competition, pro-consumer legislation this year. Let's get to conference and get this bill done.

Mr. HATCH. Mr. President, I ask unanimous consent that the bill, as amended, be read a third time, and that the Senate proceed to Calendar No. 93, H.R. 1554. I further ask unanimous consent that all after the enacting clause be stricken and the text of S. 247, as amended, be inserted in lieu thereof; that the bill be read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill appear at the appropriate place in the RECORD. I finally ask unanimous consent that S. 247 then be placed back on the Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1554), as amended, was read the third time and passed.

AUTHORIZATION OF LEGAL REPRESENTATION

Mr. HATCH. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 104 submitted earlier by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 104) to authorize testimony, production of documents, and legal representation in United States v. Nippon Miniature Bearing, Inc., et al.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, this resolution concerns a subpoena for testimony and document production in an action brought by the United States Customs Service in the Court of International Trade against Nippon Miniature Bearing, Inc., and its parent and subsidiary, alleging false representations to Customs about the composition of imported bearings. The defendants have subpoenaed Tim Osborn, a former employee of the Senate Committee on

Small Business, seeking to depose him regarding his communications with the Customs Service and others about this investigation. Mr. Osborn's activities were on behalf of the Small Business Committee, in preparing for and conducting a September 1988 oversight hearing of the Customs Service concerning its enforcement of laws affecting the bearing industry. The information that the defendants seek therefore is privileged from compelled discovery from the Congress under the Constitution's Speech or Debate Clause.

This resolution would authorize the Senate Legal Counsel to provide representation in order to move to quash the subpoena and otherwise protect the Senate's privileges in this matter. The resolution would authorize Mr. Osborn and any other former Member or employee of the Senate to testify and produce documents in this case only to the extent consistent with these privileges.

Mr. HATCH. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 104) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 104

Whereas, in the case of United States v. Nippon Miniature Bearing, Inc., et al., Court No. 96–12–02853, pending in the United States Court of International Trade, a subpoena for testimony and documents has been issued to Tim Osborn, a former employee of the Senate Committee on Small Business, concerning the performance of is duties on behalf of the Committee;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C.§§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent Members or employees of the Senate with respect to any subpoena, order, or request for testimony or documents relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That Tim Osborn, and any other former Senate Member or employee from whom testimony may be required, are authorized to testify and produce documents in the case of United States v. Nippon Miniature Bearing, Inc., et al., except concerning matters for which a privilege should be asserted.

Sec. 2. The Senate Legal Counsel is authorized to represent Tim Osborn, and any other former Member or employee of the Senate from whom testimony may be required, in connection with the case of United States v. Nippon Miniature Bearing, Inc., et al.

EXECUTIVE SESSION

TREATY

Mr. HATCH. I ask unanimous consent that the Senate proceed to executive session to consider the following treaty on today's Executive Calendar: No. 2. I further ask unanimous consent that the treaty be considered as having passed through its various parliamentary stages up to and including the presentation of the resolution of ratification; that all committee provisos, reservations, understandings, declarations be considered agreed to; that any statements be printed in the Congressional Record as if read; I further ask consent that when the resolution of ratification is voted upon the motion to reconsider be laid upon the table; the President be notified of the Senate's action and that following the disposition of the treaty, the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The treaty will be considered to have passed through its various parliamentary stages up to and including the presentation of the resolution of ratification.

The resolution of ratification is as follows:

Amended Mines Protocol

Resolved (two-thirds of the Senators present concurring therein),

SECTION 1. SENATE ADVICE AND CONSENT SUBJECT TO A RESERVATION, UNDERSTANDING, AND CONDITIONS.

The Senate advises and consents to the ratification of the Amended Mines Protocol (as defined in section 5 of this resolution), subject to the reservation in section 2, the understandings in section 3, and the conditions in section 4.

SEC. 2. RESERVATION.

The Senate's advice and consent to the ratification of the Amended Mines Protocol is subject to the reservation, which shall be included in the United States instrument of ratification and shall be binding upon the President, that the United States reserves the right to use other devices (as defined in Article 2(5) of the Amended Mines Protocol) to destroy any stock of food or drink that is judged likely to be used by an enemy military force, if due precautions are taken for the safety of the civilian population.

SEC. 3. UNDERSTANDINGS.

The Senate's advice and consent to the ratification of the Amended Mines Protocol is subject to the following understandings, which shall be included in the United States instrument of ratification and shall be binding upon the President:

(1) United States Compliance.—The United States understands that—

(A) any decision by any military commander, military personnel, or any other person responsible for planning, authorizing, or executing military action shall only be judged on the basis of that person's assessment of the information reasonably available to the person at the time the person planned, authorized, or executed the action under review, and shall not be judged on the basis of information that comes to light after the action under review was taken; and

(B) Article 14 of the Amended Mines Protocol (insofar as it relates to penal sanctions) shall apply only in a situation in which an individual—

(i) knew, or should have known, that his action was prohibited under the Amended Mines Protocol;

(ii) intended to kill or cause serious injury to a civilian; and

(iii) knew or should have known, that the person he intended to kill or cause serious injury was a civilian.

(2) Effective Exclusion.—The United States understands that, for the purposes of Article 5(6)(b) of the Amended Mines Protocol, the maintenance of observation over avenues of approach where mines subject to that Article are deployed constitutes one acceptable form of monitoring to ensure the effective exclusion of civilians.

(3) Historic Monuments.—The United States understands that Article 7(1)(i) of the Amended Mines Protocol refers only to a limited class of objects that, because of their clearly recognizable characteristics and because of their widely recognized importance, constitute a part of the cultural or spiritual heritage of peoples.

(4) Legitimate Military Objectives.—The United States understands that an area of land itself can be a legitimate military objective for the purpose of the use of landmines, if its neutralization or denial, in the circumstances applicable at the time, offers a military advantage.

(5) Peace Treaties.—The United States understands that the allocation of responsibilities for landmines in Article 5(2)(b) of the Amended Mines Protocol does not preclude agreement, in connection with peace treaties or similar arrangements, to allocate responsibilities under that Article in a manner that respects the essential spirit and purpose of the Article.

(6) Booby-Traps and Other Devices.—For the purposes of the Amended Mines Protocol, the United States understands that—

(A) the prohibition contained in Article 7(2) of the Amended Mines Protocol does not preclude the expedient adaptation or adaptation in advance of other objects for use as booby-traps or other devices;

(B) a trip-wired hand grenade shall be considered a "booby-trap" under Article 2(4) of the Amended Mines Protocol and shall not be considered a "mine" or an "anti-personnel mine" under Article 2(1) or Article 2(3), respectively; and

(C) none of the provisions of the Amended Mines Protocol, including Article 2(5), applies to hand grenades other than trip-wired hand grenades.

(7) Non-Lethal Capabilities.—The United States understands that nothing in the Amended Mines Protocol may be construed as restricting or affecting in any way non-lethal weapon technology that is designed to temporarily disable, stun, signal the presence of a person, or operate in any other fashion, but not to cause permanent incapacity.

(8) International Tribunal Jurisdiction.—The United States understands that the provisions of Article 14 of the Amended Mines Protocol relating to penal sanctions refer to measures by the authorities of States Parties to the Protocol and do not authorize the trial of any person before an international criminal tribunal. The United

States shall not recognize the jurisdiction of any international tribunal to prosecute a United States citizen for a violation of the Protocol or the Convention on Conventional Weapons.

(9) TECHNICAL COOPERATION AND ASSISTANCE. The United States understands that—

(A) no provision of the Protocol may be construed as affecting the discretion of the United States to refuse assistance or to restrict or deny permission for the export of equipment, material, or scientific or technological information for any reason; and

(B) the Amended Mines Protocol may not be used as a pretext for the transfer of weapons technology or the provision of assistance to the military mining or military countermining capabilities of a State Party to the Protocol.

SEC. 4. CONDITIONS.

The Senate's advice and consent to the ratification of the Amended Mines Protocol is subject to the following conditions, which shall be binding upon the President:

(1) PURSUIT DETERRENT MUNITION.—

(A) UNDERSTANDING.—The Senate understands that nothing in the Amended Mines Protocol restricts the possession or use of the Pursuit Deterrent Munition, which is in compliance with the provisions in the Technical Annex.

(B) CERTIFICATION.—Prior to deposit of the United States instrument of ratification, the President shall certify to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and to the Speaker of the House of Representatives that the Pursuit Deterrent Munition shall continue to remain available for use by the United States Armed Forces at least until January 1, 2003, unless an effective alternative to the munition becomes available.

(C) EFFECTIVE ALTERNATIVE DEFINED.—For purposes of subparagraph (B), the term "effective alternative" does not mean a tactic or operational concept in and of itself.

(2) HUMANITARIAN DEMINING ASSISTANCE.—The Senate makes the following findings:

(A) UNITED STATES EFFORTS.—The United States contributes more than any other country to the worldwide humanitarian demining efforts, having expended more than $153,000,000 on such efforts since 1993.

(B) DEVELOPMENT OF DETECTION AND CLEARING TECHNOLOGY.—The Department of Defense has undertaken a program to develop improved mine detection and clearing technology and has shared this improved technology with the international community.

(C) EXPANSION OF UNITED STATES HUMANITARIAN DEMINING PROGRAMS.—The Department of Defense and the Department of State have expanded their humanitarian demining programs to train and assist the personnel of other countries in developing effective demining programs.

(3) LIMITATION ON THE SCALE OF ASSESSMENT.—

(A) LIMITATION ON ASSESSMENT FOR COST OF IMPLEMENTATION.—Notwithstanding any provision of the Amended Mines Protocol, and subject to the requirements of subparagraphs (B) and (C), the portion of the United States annual assessed contribution for activities associated with any conference held pursuant to Article 13 of the Amended Mines Protocol may not exceed $1,000,000.

(B) RECALCULATION OF LIMITATION.—

(i) IN GENERAL.—On January 1, 2000, and at 3-year intervals thereafter, the Administrator of General Services shall prescribe an amount that shall apply in lieu of the amount specified in subparagraph (A) and that shall be determined by adjusting the last amount applicable under that subparagraph to reflect the percentage increase by which the Consumer Price Index for the preceding calendar year exceeds the Consumer Price Index for the calendar year three years previously.

(ii) CONSUMER PRICE INDEX DEFINED.—In this subparagraph, the term "Consumer Price Index" means the last Consumer Price Index for all-urban consumers published by the Department of Labor.

(C) ADDITIONAL CONTRIBUTIONS REQUIRING CONGRESSIONAL APPROVAL.—

(i) AUTHORITY.—Notwithstanding subparagraph (A), the President may furnish additional contributions for activities associated with any conference held pursuant to Article 13 of the Amended Mines protocol which would otherwise be prohibited under subparagraph (A) if—

(I) the President determines and certifies in writing to the appropriate committees of Congress that the failure to make such contributions would seriously affect the national interest of the United States; and

(II) Congress enacts a joint resolution approving the certification of the President under subclause (I).

(ii) STATEMENT OF REASONS.—Any certification made under clause (i) shall be accompanied by a detailed statement setting forth the specific reasons therefor and the specific activities associated with any conference held pursuant to Article 13 of the Amended Mines Protocol to which the additional contributions would be applied.

(4) UNITED STATES AUTHORITY FOR TECHNICAL COOPERATION AND ASSISTANCE.—Notwithstanding any provision of the Amended Mines Protocol, no funds may be drawn from the Treasury of the United States for any payment or assistance (including the transfer of in-kind items) under Article 11 or Article 13(3)(d) of the Amended Mines Protocol without statutory authorization and appropriation by United States law.

(5) FUTURE NEGOTIATION OF WITHDRAWAL CLAUSE.—It is the sense of the Senate that, in negotiations on any treaty containing an arms control provision; United States negotiators should not agree to any provision that would have the effect of prohibiting the United States from withdrawing from the arms control provisions of that treaty in a timely fashion in the event that the supreme national interests of the United States have been jeopardized.

(6) LAND MINE ALTERNATIVES.—Prior to the deposit of the United States instrument of ratification, the President shall certify to Congress that—

(A) the President, in pursuing alternatives to United States anti-personnel mines or mixed anti-tank systems, will not limit the types of alternatives to be considered on the basis of any criteria other than those specified in subparagraph (B); and

(B) in pursuit of alternatives to United States anti-personnel mines, or mixed anti-tank systems, the United States shall seek to identify, adapt, modify, or otherwise develop only those technologies that—

(i) are intended to provide military effectiveness equivalent to that provided by the relevant anti-personnel mine, or mixed anti-tank system; and

(ii) would be affordable.

(7) CERTIFICATION WITH REGARD TO INTERNATIONAL TRIBUNALS.—Prior to the deposit of the United States instrument of ratification, the President shall certify to Congress that, with respect to the Amended Mines Protocol, the Convention on Conventional Weapons, or any future protocol or amendment thereto, the United States shall not recognize the jurisdiction of any international tribunal over the United States or any of its citizens.

(8) TACTICS AND OPERATIONAL CONCEPTS.—It is the sense of the Senate that development, adaptation, or modification of an existing or new tactic or operational concept, in and of itself, is unlikely to constitute an acceptable alternative to anti-personnel mines or mixed anti-tank systems.

(9) FUNDING REGARDING THE INTERNATIONAL HUMANITARIAN CRISIS.—The Senate finds that—

(A) the grave international humanitarian crisis associated with anti-personnel mines has been created by the use of mines that do not meet or exceed the specifications on detectability, self-destruction, and self-deactivation contained in the Technical Annex to the Amended Mines Protocol; and

(B) United States mines that do meet such specifications have not contributed to this problem.

(10) APPROVAL OF MODIFICATIONS.—The Senate reaffirms the principle that any amendment or modification to the Amended Mines Protocol other than an amendment or modification solely of a minor technical or administrative nature shall enter into force with respect to the United States only pursuant to the treaty-making power of the President, by and with the advice and consent of the Senate, as set forth in Article II, section 2, clause 2 of the Constitution of the United States.

(11) FURTHER ARMS REDUCTIONS OBLIGATIONS.—The Senate declares its intention to consider for approval an international agreement that would obligate the United States to reduce or limit the Armed Forces or armaments of the United States in a militarily significant manner only pursuant to the treaty-making power as set forth in Article II, section 2, clause 2 of the Constitution of the United States.

(12) TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally-based principles of treaty interpretation set forth in condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and condition (8) of the resolution of ratification of the CFE Flank Document, approved by the Senate on May 14, 1997.

(13) PRIMACY OF THE UNITED STATES CONSTITUTION.—Nothing in the Amended Mines Protocol requires or authorizes the enactment of legislation, or the taking of any other action, by the United States that is prohibited by the Constitution of the United States, as interpreted by the United States.

SEC. 5. DEFINITIONS.

As used in this resolution:

(1) AMENDED MINES PROTOCOL OR PROTOCOL.—The terms "Amended Mines Protocol" and "Protocol" mean the Amended Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices, together with its Technical Annex, as adopted at Geneva on May 3, 1996 (contained in Senate Treaty Document 105–1).

(2) CFE FLANK DOCUMENT.—The term "CFE Flank Document" means the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe (CFE) of November 19, 1990, done at Vienna on May 31, 1996 (Treaty Document 105–95).

(3) CONVENTION ON CONVENTIONAL WEAPONS.—The term "Convention on Conventional Weapons" means the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to

Have Indiscriminate Effects, done at Geneva on October 10, 1980 (Senate Treaty Document 103-25).

(4) UNITED STATES INSTRUMENT OF RATIFICATION.—The term "United States instrument of ratification" means the instrument of ratification of the United States of the Amended Mines Protocol.

Mr. BIDEN. Mr. President, I am very pleased to speak today in support giving the Senate's advice and consent to ratification of the Amended Mines Protocol to the Convention on Conventional Weapons. This amended protocol was adopted on May 3, 1996, and submitted to the Senate for its advice and consent to ratification on January 7, 1997. The Foreign Relations Committee approved this resolution of ratification on March 23 of this year, with no dissents.

While this is not as big an issue as NATO enlargement or the Comprehensive Nuclear Test-Ban Treaty, ratification of the Amended Mines Protocol will be a real achievement. Its enactment is a further demonstration that the Senate and its Foreign Relations Committee can, in fact, reach agreement upon treaties that deal with difficult issues.

My colleagues are well aware of the humanitarian crisis that has developed in the world as a result of the millions of unexploded land mines left from the last generation of wars in the world. The United States is a leader in humanitarian de-mining efforts, and we have all supported those efforts. But a few examples may help explain to the public why the issue of land mines is of such deep concern.

In April 1996, Newsweek magazine wrote about one victim of land mines as follows:

> He served three years on Bosnia's front lines and survived. But within days of being demobilized, Petr Jesdimir became a casualty of the peace.
>
> He was working with a private road crew on the outskirts of Sarajevo last month when an anti-personnel mine buried at the roadside blew up under his left foot. As he stumbled down the road to get help, another mine shattered his right leg.
>
> Today he lies in a Sarajevo orthopedic clinic where battle-tested doctors have made their own transition—from treating soldiers hit by grenades to amputating the arms and legs of mine victims, mostly children. Jesdimir, 50, realizes that until he dies he'll probably be a drain on the nation he fought to preserve.
>
> "I know I have to live with this now," he sobbed last week, holding up the trembling stump of a leg. "Now I understand war."

A year later, The Washington Post recounted the story of another Bosnian victim:

> The June weather was perfect as 14-year-old Tibomir Ostojic returned home from a dip in a nearby river. "Cherries," he thought. "Wouldn't it be nice to have some cherries?"
>
> So he climbed a cherry tree not far from his apartment in the Sarajevo neighborhood of Dobrinja. As he was climbing down—and a split-second before his foot hit the ground—he realized the grass he was about to step on clearly had been avoided by others, and he knew instantly he was in trouble.
>
> The first explosion threw him into the air and onto a second land mine. By then he had his hands over his head for protection. The second blast blew them off.

Land mines were also the major cause of casualties for NATO forces in Bosnia. Yet Bosnia is hardly the only land where this occurs.

A Washington Times article of June 10, 1997, reported: "The land mines are strewn so widely in the jungles along the cease-fire zones between Ecuador and Peru that when peacekeepers kick a soccer ball out of their compound, it stays there." Last year, in the wake of Hurricane Mitch, still more innocent people fell victim to land mines left over from the civil war in Nicaragua.

The catalogue of countries ravaged by land mines—long after the end of the wars in which those mines were laid—goes on and on: Afghanistan, Angola, Cambodia, Mozambique, Vietnam. It was the need to put an end to these seemingly endless post-war tragedies that motivated both the Administration and the Foreign Relations Committee to recommend ratification of the Amended Mines Protocol.

The new Protocol is not a complete ban on anti-personnel land mines. Many of us regret that the United States is not in a position to sign and ratify the Ottawa Convention that institutes such a ban. The Amended Mines Protocol is supported, however, by several mine-producing or mine-using powers that would not sign the Ottawa Convention.

It is a sad fact of life that countries with fortified borders are not yet willing to do without land mines. By adhering to this Protocol, they will save many innocent lives while we work to make a world-wide ban feasible for all countries.

The new Protocol bans mines that are designed to be exploded by the presence of a mine detector, and it requires anti-personnel mines to be detectable. These provisions will greatly aid mine-clearing efforts in future wars.

The Protocol severely limits the use of land mines unless they are both self-destructing within 30 days and self-deactivating within 120 days (in case the self-destruct mechanism should fail). Adherence to these provisions should end the senseless post-war slaughter inflicted by so many mines today.

The Protocol establishes an obligation to clean up minefields after wars have ended. You might think that this was an obvious duty, but countries have often failed to clean up their lethal mess.

Finally, the new Protocol applies to civil wars, as well as international ones. This is a desperately needed provision, as so many of the worst land mine disasters have been the result of civil wars. The Amended Mines Protocol is the first protocol of the Convention on Conventional Weapons to be applied to civil wars, and this is an important achievement that is in keeping with U.S. policy and practices.

These provisions will go a long way, if adopted and fully implemented by the major mine users and producers, to curtail Future humanitarian crises due to land mines. The amended Protocol specifically meets concerns that the Senate articulated in 1995, when we gave our advice and consent to ratification of the original Mines Protocol and the underlying Convention on Conventional Weapons. For all these reasons, the Amended Mines Protocol deserves our wholehearted support.

Bringing the Amended Mines Protocol to the Senate floor has required us to reconcile sharply differing and strongly held views regarding the utility and morality of using anti-personnel mines that meet the standards of the Amended Mines Protocol. We owe a debt of gratitude to our colleagues who agreed to accept resolution provisions and report language that safeguarded each other's positions on the broader land mine issues.

One colleague who put the lives of innocent civilians ahead of his personal policy preferences is our esteemed Chairman, Senator HELMS of North Carolina. Senator HELMS has stated that anti-personnel mines are essential to the U.S. Armed Forces and that a ban on such weapons would needlessly place U.S. forces at risk.

The Amended Mines Protocol does not pre-judge, however, the question of U.S. adherence to the Ottawa Convention. Both supporters and opponents of that treaty can support the Protocol's limits on the use of anti-personnel land mines by those countries that retain them.

Adherence to the amended Protocol will not require any adjustment of U.S. military weaponry or tactics, moreover. Rather, it will make other countries meet standards that we already have achieved. U.S. military leaders want this Protocol to succeed, because it will save the lives of U.S. service men and women.

In the interests of securing ratification of the Amended Mines Protocol, Senator HELMS agreed to several major changes in the resolution of ratification, both last year and again this year, to remove from that resolution any language that would jeopardize this effort by pre-judging the broader land mine questions in his favor. He also issued a Committee report this year that omitted extensive material on land mines and the Ottawa Convention, thus minimizing any unintended affront to colleagues who favor a complete ban on anti-personnel mines.

Another colleague who has put other people's lives ahead of his own views is Senator LEAHY of Vermont. Senator LEAHY has said many times in this chamber that the United States should adhere to the Ottawa Convention as soon as possible. He has sponsored successful legislation to fund the search for land mine alternatives, and he has an understandable interest in ensuring the effectiveness of that search.

Senator LEAHY is in an interesting position, however: he actually helped to bring about the Amended Mines Protocol. Although he favors a world-wide ban on anti-personnel mines, Senator LEAHY has stated that he also considers the Amended Mines Protocol an improvement over the existing Protocol.

Senator LEAHY agreed not to seek to amend this resolution of ratification, even though he opposes some of its provisions. For example, the resolution will preserve the Pursuit Deterrent Munition until January 1, 2003, even though the U.S. military found that this weapon was too heavy to be of great use to U.S. personnel.

It was not easy to bring Chairman HELMS and Senator LEAHY to agreement on a resolution of ratification for the Amended Mines Protocol. Senator CHUCK HAGEL of Nebraska and I, as well as Executive branch officials from several agencies, had to work at this beginning in 1997.

Chairman HELMS and Senator LEAHY agreed early on, however, that ratification of this Protocol was worth doing, if it could be done without prejudicing their stands on the larger issues. I am very pleased that we achieved such a resolution. I am also proud to be associated with two fine colleagues who kept their eye on the ball and arrived at an agreement.

I want to recognize some of the staff members who have labored so hard to bring about successful U.S. ratification of the Amended Mines Protocol. Marshall Billingslea and Edward Levine of the Foreign Relations Committee staff have kept at this for over a year and a half, framing the issues and enabling Chairman HELMS and me to reconcile our own differences as well as those between the Chairman and Senator LEAHY.

Senator HAGEL'S staff also played a major role in reconciling those differences, especially in the early stages. Tim Rieser of the Senate Appropriations Committee staff ably served Senator LEAHY in crafting language that would not subvert the cause of eventual land mine abolition.

Two State Department lawyers deserve special recognition for their roles. The Principal Deputy Legal Adviser, Michael J. Matheson, was instrumental in the negotiation of the Amended Mines Protocol and in explaining to the Senate its legal intricacies.

Steve Solomon, an attorney in the office of the Assistant Legal Adviser for Political-Military Affairs, was tireless and expert in explaining why U.S. ratification is in our national interest. Time and again, Mr. Solomon kept us on track toward reasonable solutions. Without the assistance of those fine civil servants, we would not be ratifying this Protocol today.

In closing, Mr. President, I want to emphasize that U.S. ratification of the Amended Mines Protocol is an action of which all Senator can feel proud. It will save innocent lives. It will reaffirm U.S. leadership in codifying the laws of war. Irrespective of whether we eventually renounce all anti-personnel mines, and without prejudicing that debate, the Amended Mines Protocol will serve our national interest and the interests of humanity.

Mr. LEAHY. Mr. President, in 1981 the Convention on Conventional Weapons (CCW) came into force. The United States was instrumental in drafting that Convention, including Protocol II which imposed modest limits on the use of landmines. The United States signed the CCW, but another 15 years elapsed before President Clinton forwarded it to the Senate for its advice and consent. The U.S. finally ratified it in 1995.

Protocol II, commonly known as the Mines Protocol, was, during those years, the only international agreement which explicitly dealt with the use of landmines, and it was routinely ignored—not by the United States military, but by many other countries. And throughout that period the United States and other mine producers sold and gave away tens of millions of mines to other governments and rebel groups who used them against civilian populations. Our mines can be found today, and we are paying millions of dollars annually to help remove them and assist the victims, in some thirty countries.

By the early 1990's, it was widely recognized that the Mines Protocol had utterly failed to protect civilians from landmines. In fact, during the previous decade, the number of civilian casualties from mines skyrocketed.

There were many reasons for the failure of the Mines Protocol, but certainly among them was that it was riddled with loopholes, and that its rules were difficult to verify and impossible to enforce.

In 1992, convinced that far stronger leadership was needed to solve the mine problem, I sponsored legislation to halt United States exports of anti-personnel mines. I did so because I felt it was wrong for the United States to contribute to the carnage caused by mines, and I believed that little would change unless the United States, by setting an example, encouraged others to act. And that is what happened. In a matter of two or three years, close to fifty governments stopped exporting mines. Today, there is a de facto global export ban in effect. Even governments that produce mines and have refused to renounce their use, including Russia and China, have publicly said that they no longer export.

At the same time that I was sponsoring legislation in Congress, I was also aware that ten years had elapsed since the Mines Protocol had come into force and that any party could request the United Nations to sponsor a CCW review conference. I saw this as an opportunity to strengthen the Protocol and to consider banning anti-personnel mines altogether. Since the U.S. was not a party, I and others urged the French Government to request the conference. By the time the review conference opened in late 1995, the United States had ratified the CCW and was able to participate fully in the negotiations.

The negotiations were difficult. Despite efforts by myself, some governments, and non-governmental organizations to promote a total ban, the idea was hardly discussed. Instead, the basic premise of the original Protocol remained unchanged—that mines are legitimate weapons of war. To its credit, the Clinton Administration made some constructive proposals dealing with, for example, the detectability of mines, and the Amended Protocol reflects some of those proposals. It requires all anti-personnel mines to contain enough iron to be detectable, and to either contain self-destruct/self-deactivation devices or be placed in marked and monitored minefields. It applies to internal conflicts, and also contains limits on certain transfers of anti-personnel mines.

These are notable improvements, but the negotiators again failed to include effective verification or enforcement provisions. They also refused to include a U.S. proposal to apply the prohibition on non-detectable mines to anti-vehicle mines.

Despite these significant flaws, I supported the Amended Protocol and encouraged the Administration to forward it to the Senate for its advice and consent. Indeed, I suspect that had I not sponsored the first law anywhere to halt exports of anti-personnel mines, or urged the French Government to request a review conference, there would not be an Amended Protocol.

Last year, after the Foreign Relations Committee reported what I and others regarded as a fatally flawed Resolution of Ratification, I refused to consent to its adoption by unanimous consent. At that time I made clear that the issue was not the Amended Protocol itself, but a Resolution and Committee Report that contained language that was extraneous, inaccurate, and provocative.

Today we are again asked to give our consent, and this time I have, with some reluctance, agreed. I say with some reluctance, because if this Resolution and the accompanying Committee Report dealt only with the Amended Protocol there would be no disagreement. In fact, we could have adopted it six months ago. But while the Resolution and Report are far preferable to the versions we were presented last year, they also contain language that has nothing whatsoever to do with the Amended Protocol. That is because, Mr. President, a few members of the Foreign Relations Committee have tried to use this Resolution as a vehicle to attack the Ottawa Convention, governments and individuals like myself who support that Convention, and current United States policy.

After reaching a stalemate last year, Senator BIDEN and I worked with Senator HELMS to resolve our differences. While there is still language in the Resolution which is extraneous and I disagree with, and in the report which is extraneous, factually inaccurate and objectionable, it has been pared down substantially. For that I thank Senator BIDEN and Senator HELMS and their staffs. They worked diligently to reach a result which, while not perfect, each of us can live with.

One of the reasons that I am consenting to this resolution is that the objectionable report language reflects the views of only some members of the Committee. In fact, much of it deals with issues which were never considered or debated by the Committee as a whole. Rather, it is based on the testimony of a handful of like-minded witnesses at a hearing that was attended by Senator HELMS and only one other Member of the Committee, who was a cosponsor of my legislation to ban United States use of anti-personnel mines except in Korea.

In other words, to the extent that the Helms Report purports to lay down markers for future landmine policy, it is neither binding nor representative of the views of the Committee as a whole, and even less so of the United States Senate.

While there is no need to address every objectionable phrase in the Report, two issues require a response.

First, the Report states that it is the view of many members of the Committee that the United States should not agree to any prohibition on the use, production, stockpiling or transfer of short-duration anti-personnel mines. Yet the Committee never debated this issue and the views of its members, with the exception of Senator HELMS, were never publicly expressed. Furthermore, and most important, some 135 countries have signed the Ottawa Convention which bans the production, use, transfer and stockpiling of anti-personnel mines, and 77 have ratified. They include every member of NATO except the United States and Turkey, and every Western Hemisphere country except the United States and Cuba. They also include many countries that have produced, used and exported mines in the past.

To suggest that the United States should remain outside the Convention that is widely and increasingly seen as establishing a new international norm outlawing anti-personnel mines, is inconsistent with United States policy and the interests of the United States. The Administration, including the Pentagon, has stated repeatedly and unequivocally that it will sign the Ottawa Convention when it has suitable alternatives to these weapons, and that it is aggressively searching for such alternatives.

Moreover, 67 members of the Senate voted for my amendment to halt U.S. use of anti-personnel mines, for one year. And 60 Senators, both Republicans and Democrats, including every Senator who fought in combat, cosponsored legislation introduced by myself and Senator Hagel to ban U.S. use of anti-personnel mines except in Korea.

Second, the Report notes that the Administration hopes to negotiate a ban on exports of anti-personnel mines in the U.N. Conference on Disarmament. I believe such a strategy is fraught with problems. It is relevant here only insofar as the Helms Report states that many members of the Committee believes that in future negotiations on an export ban the Administration should differentiate between short and long-duration mines.

Perhaps those members are unaware that five years ago the United States and Britain proposed such an "export control regime." It was rejected out of hand not only by many of our NATO allies, but by developing countries who already had stockpiled millions of long-duration mines and saw the U.S./UK proposal as an attempt to market their higher tech, higher priced mines. Any attempt by the United States to resurrect that failed approach would only further damage U.S. credibility on the mine issue.

I would also refer members to the Minority views in the Report, which ably address this issue. Finally, it is notable that Senator Helms voted twice for my amendment to halt exports of anti-personnel mines, as did the then Majority Leader Robert Dole. Those amendments passed overwhelmingly, and did not differentiate between short and long-duration mines.

Mr. President, the Amended Mines Protocol is a step forward. If adhered to it will help reduce the maiming and killing of civilians, and United States soldiers, by landmines. If its prohibition on non-detectable mines is applied to anti-vehicle mines, as the United States has proposed, that would be a significant advance.

But like its predecessor, the Amended Protocol has too many loopholes and can be easily violated. It is a far cry from what is needed to achieve the goal declared by President Clinton and adopted by the U.N. General Assembly of ridding the world of anti-personnel mines. I believe that can only occur—as was done with poison gas and as the Ottawa Convention would do—by stigmatizing these indiscriminate weapons. That will take far stronger United States leadership than we have seen thus far.

Mr. HATCH. I ask for a division vote on the resolution of ratification.

The PRESIDING OFFICER. A division is requested. Senators in favor of the resolution of ratification will rise and stand until counted. (After a pause.) Those opposed will rise and stand until counted.

On a division, two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

ORDERS FOR MONDAY, MAY 24, 1999

Mr. HATCH. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 a.m. on Monday, May 24. I further ask that on Monday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day. I further ask consent that there then be a period of morning business until 1 p.m., with Senators permitted to speak for up to 10 minutes each, with the following exceptions: Senator DURBIN or his designee from 11 a.m. to 12 noon, with Senator CONRAD in control of 20 minutes of that time; Senator BENNETT in control of time between 12 noon and 12:30 p.m.; and Senator Bob SMITH in control of the time between 12:30 p.m. and 1 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. I finally ask that at 1 p.m. the Senate immediately begin consideration of calendar No. 114, S. 1059, the Department of Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. HATCH. For the information of all Senators, the Senate will convene at 11 a.m. on Monday and be in a period of morning business until 1 p.m. Following morning business, the Senate will begin consideration of the Department of Defense authorization bill. Amendments to that legislation are expected to be offered during Monday's session of the Senate. If votes are ordered with respect to S. 1059, those votes would be stacked to occur at 5:30

p.m., Monday evening. As always, Senators will be notified as votes are ordered.

ADJOURNMENT UNTIL MONDAY, MAY 24, 1999, AT 11 A.M.

Mr. HATCH. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:39 p.m., adjourned until Monday, May 24, 1999, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate May 20, 1999:

METROPOLITAN WASHINGTON AIRPORTS AUTHORITY

ROBERT CLARKE BROWN, OF OHIO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE METROPOLITAN WASHINGTON AIRPORTS AUTHORITY FOR A TERM EXPIRING NOVEMBER 22, 2005. (REAPPOINTMENT)

DEPARTMENT OF ENERGY

JAMES B. LEWIS, OF NEW MEXICO, TO BE DIRECTOR OF THE OFFICE OF MINORITY ECONOMIC IMPACT, DEPARTMENT OF ENERGY, VICE CORLIS SMITH MOODY, RESIGNED.

DEPARTMENT OF THE TREASURY

LEWIS ANDREW SACHS, OF CONNECTICUT, TO BE AN ASSISTANT SECRETARY OF THE TREASURY, VICE GARY GENSLER.

DEPARTMENT OF DEFENSE

THE FOLLOWING NAMED UNITED STATES ARMY OFFICER FOR REAPPOINTMENT AS THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 152:

To be general

GEN. HENRY H. SHELTON, 4698.

CONFIRMATION

Executive nomination confirmed by the Senate May 20, 1999:

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

GARY L. VISSCHER, OF MARYLAND, TO BE A MEMBER OF THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM EXPIRING APRIL 27, 2001.

EXTENSIONS OF REMARKS

DRUGS AND GUNS ACT OF 1999

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1999

Mr. GOODLING. Mr. Speaker, today I am introducing legislation intended to keep firearms out of the hands of those convicted of misdemeanor drug offenses. Current federal law prohibits a person convicted of a felony crime involving drugs and firearms from owning a firearm. However, those convicted of lesser drug offenses can legally own a gun. My legislation would impose strict penalties and fines for misdemeanors during crimes such as use or possession of an illegal substance when a firearm is present. Similar to legislation I have introduced in the past, my bill has had the endorsement of the Pennsylvania Chiefs of Police and the National Association of Chiefs of Police.

Quite simple, this bill would expand current law to treat individuals who commit less-serious drug offenses in the same manner as people involved in other drug crimes, such as drug trafficking. Those found guilty of simple possession of a controlled substance, and who possesses a firearm at the same time of the offense, will face mandatory jail time and/or substantial fines in addition to any penalty imposed for the drug offense. Mandatory jail time and fines would be required for second and subsequent offenses.

The guilty party would be prohibited from owning a firearm for 5 years. Exceptions could be granted depending upon the circumstances surrounding each individual's case. Current law states that a person convicted of a drug crime can petition to the Secretary of the Treasury for an exemption to the firearms prohibition provided it would not threaten public safety. This legislation will not affect a law-abiding citizen's right to own a firearm.

By imposing stiff penalties on people convicted of lesser drug offenses where a firearm is present, we will send a serious message that the cost of engaging in this activity far outweighs the benefit. If my bill becomes law, individuals owning firearms for legitimate purposes (hunting, target-shooting, collecting, or personal protection) and who also engage in the use of illicit drugs will think twice before participating in their drug-related endeavors, facing the prospect of enhanced penalties and the loss of their firearms.

Mr. Speaker, the 104th Congress passed legislation to provide increased enforcement on our borders to reduce drug trafficking, and the 105th Congress passed the "Drug-Free Communities Act," to establish a program to support and encourage local communities who demonstrate a comprehensive, long-term commitment to reduce substance abuse among youth. Both measures became law. I urge my colleagues to continue to focus its efforts on the drug war by passing this legislation in an effort to crack down on this criminal behavior. Drugs and guns are a lethal combination that must not be tolerated by a civilized nation.

CENTRAL NEW JERSEY RECOGNIZES THE 1999 ASIAN-AMERICAN HERITAGE CELEBRATION AND ASIAN-AMERICAN HERITAGE MONTH

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1999

Mr. HOLT. Mr. Speaker, I rise today in recognition of Asian-American Heritage Month and the many diverse accomplishments of Asian-Americans. I also recognize the Asian American Heritage Council of New Jersey, an organization dedicated to celebrating, integrating, and uniting Asian culture in America.

Asian-Americans have a long history of meaningful contributions to the United States.

On may 22, 1999, the Asian American Heritage Council of New Jersey will sponsor a statewide Asian-American Heritage Celebration in Edison, NJ. This organization, which incorporates various Asian-American groups in New Jersey, was founded by Dr. Stephen Ko in 1992. Each year a different ethnic group organizes a celebration in May; this year the activities are being planned by Chinese-Americans and will include dancing and shows by various organizations.

The Asian-American Heritage Celebration's keynote address will be delivered by my colleague from Oregon, the Honorable DAVID WU. Congressman WU is the first Chinese-American to be elected to the U.S. Congress.

The contributions of Asian-Americans to the society and culture of New Jersey and the United States are a vital part of the American fabric. I hope all my colleagues will join me in recognizing the Asian American Heritage Council of New Jersey.

TRIBUTE TO OUR LADY OF MERCY SCHOOL

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1999

Mrs. MORELLA. Mr. Speaker, I am proud to pay tribute to the faculty, parents, and students of Our Lady of Mercy School in Montgomery County, MD, for winning the Blue Ribbon Excellence in Education Award from the Department of Education.

Our Lady of Mercy School has a tradition of academic excellence, intellectual curiosity, fundamental moral and religious values, and an atmosphere of care and respect. The school's mission sets goals which foster students' personal growth, empowers students as active learners, and encourages critical thinking and problem solving. Linkages with communities beyond Mercy help students develop an understanding of different cultures and an appreciation of global interdependence.

In 1998, Mercy received reaccreditation by the Commission on Elementary Schools of the Middle States Association of Colleges and Schools for its unique project on inclusive education in regular schools. Mercy's Educational Excellence Program: A Model for Inclusive Education identifies inclusive education as one that serves the physically and mentally challenged, empowers the talented and gifted student, and uses a multicultural perspective across the curriculum.

Academic and non-academic services are revised as Mercy's student population grows and changes. The needs of Mercy's stakeholders have served as the catalysts for the Rainbow and anti-drug programs, prayer partners, inclusive life skills instruction, academic tutors, and family health seminars. The role of Mercy's community is to partner in the education of students, to create a forum for adult learning, and to raise responsible, socially concerned individuals.

The Mercy Parent Teacher Organization coordinates parent volunteers to assist the school in the total education of the children. During the 1997–98 school year, 96.5 percent of Mercy's families volunteered. Mercy provides parents with educational opportunities through in-house and outside seminars, guest speakers, health programs, print materials, and private consultants.

As a former teacher, I wish to congratulate Our Lady of Mercy School for creating the right atmosphere for learning. I am proud of their well-trained staff, their supportive parents, and their excellent students. I wish them continued success in creating the excellence in education needed for tomorrow's schools.

HONORING BOB STONE'S RETIREMENT

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1999

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to Bob Stone, who is retiring after more than thirty years in the federal government representing the highest ideals of government service. For the past six years, Bob has been Vice President AL GORE's right hand man in leading the reinvention of the federal bureaucracy. Reinventing government is often referred to colloquially as "REGO" and Bob has been commonly called "Mr. REGO" for his dedication and commitment to

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

creating a government that works better, costs less, and gets the results Americans desire.

I first met Bob during the 1980s when he was a deputy assistant secretary in the Defense Department. He helped resolve a complex situation that ended up benefiting both the Defense Department and Northeastern Pennsylvania. Although I had dealt with hundreds of federal employees, Bob stood out as a creative and thoughtful public servant who was absolutely committed to making government work. His dedication to improving the functioning of the Defense Department during Republican Administrations was brought to the attention of Vice President GORE, who deserves a great deal of credit for recognizing Bob's talents and allowing him to run the National Performance Review in a competent and non-partisan manner.

In leading hundreds of career civil servants in the reinventing government initiative, Bob has helped produce some remarkable results: more than $136 billion in savings, a workforce that is smaller than when John F. Kennedy was President, 640,000 fewer pages of internal rules, and the creation of more than 3,000 customer service standards that citizens can use to judge how well agencies are serving their customers. I was struck by Bob's undying belief that government can work if front-line employees are empowered with the ability to exercise common sense. Bob's inspirational mantra was, "Federal workers know what's not working in government and—if empowered—can make government work better and cost less."

Beyond creating a government that was smaller and worked better, Bob wanted to create a movement. As Vice President GORE said at Bob's retirement ceremony, "Bob's goal was to 'fan the flames of reinvention' among front line employees, to empower them to reinvent their workplaces and how they deal with their customers—to bring common sense to government. He did this, and more."

Bob Stone is the epitome of the hard-working, unrecognized public servant who is dedicated to doing whatever it takes to accomplish his mission in a thoughtful and creative way. I speak for many in this Congress when I express my gratitude to Bob for the key role he has played in restoring Americans' belief that government can do the right thing. I wish him and his wife, Roxanne, a happy retirement when they join their children and grandchildren in California. We will miss you, Mr. REGO, but hope your spirit of service and reinvention will live long in the federal government.

IN HONOR OF THE DEDICATION OF CENTER HIGH SCHOOL

HON. DOUG OSE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1999

Mr. OSE. Mr. Speaker, I rise today to give special recognition to a high school in my district that has its eye on the future and its students on the road to success. Center High School in the Center Unified School District will be dedicated on May 22 after undergoing extensive remodeling of its facilities to accommodate, among other things the continuing emergence of high technology in the classroom, and the growing demand for improved mathematics and science education.

The dramatic changes at Center High School come at a time when this school district faces tremendous challenges in coping with a significant loss of student enrollment due to the imminent closure of McClellan Air Force Base. Despite such a daunting obstacle, forward-thinking trustees, administrators, faculty members, school staff, parents and others in the community moved ahead with plans to give students at Center High School their best possible chance to succeed in a rapidly changing world. It should come as no surprise that this particular school district took such a leadership role. Even as the Gold Rush swept through California and well before the Pony Express began to link my state to the rest of the nation, one of the area's very first schools opened its doors to students in what is now the Center Unified School District. For almost a century and a half, this community has focused on future generations.

At its dedication ceremony, Center High will show off its state-of-the-art science complex and adjoining computer lab, a new mathematics wing with adjoining computer lab, a new library with multiple computer research stations, a new 500 seat performing arts theatre and music building, a special education wing, and a technology-based curriculum integrated in the school's Media Communications and Business Academies.

It also should be noted that student achievements at Center High School are truly remarkable. Most recently, both the student newspaper and yearbook received the Gold Crown Awards from the Columbia Scholastic Press Association—their equivalent of the Pulitzer Prize. It is the only school in the nation to win top honors for both publications. In addition, Center High freshman William John was recently selected to represent California in People to People International at a United Nations conference in Switzerland this summer.

It is refreshing and hopeful for all of us to witness the rebirth of Center High School and to honor the tremendous success of its students. I urge you to join me in congratulating all those involved for a job well done.

STATEMENT ON KOSOVO

HON. ROBERT A. WEYGAND

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1999

Mr. WEYGAND. Mr. Speaker, earlier this month the House debated several resolutions regarding the current situation in Kosovo. I take this opportunity to address that situation and each of those resolutions.

The current situation in Kosovo is indeed a tragedy. People are being forced from their homes, families are being destroyed, people are being murdered because of their ethnic identity. If I may, let me recount some sobering facts. To date, over 603,000 Kosovar-Albanian refugees have been forced from their homes, an estimated 3,700 people have been murdered, and approximately 400,000 people are roaming the Kosovo countryside.

Unfortunately, we have seen this type of activity far too often. Many of us have taken to this very floor and condemned the actions of the Nazis in World War II, the Ottoman Empire during the Armenian Genocide, the Chinese at Tiananmen Square, the treatment of the East Timorese by the Idonesian Government, and the murder of over a million Rwandans. All of us also condemn the actions of Slobodan Milosevic in his efforts to "cleanse" the former Yugoslavia of ethnic minorities.

In my view, the United States is the world leader in the efforts to promote democracy and basic human rights. As that world leader, not a police force but a leader, the United States must take its responsibility seriously. Therefore, we must play a role in stopping on-going genocides, preventing future genocides, and promoting freedom and democracy around the world. Unfortunately, this sometimes requires the use of United States military force.

There is a great deal of debate over whether this operation in Kosovo is in our interests. I believe it is. As part of our role in the world, the United States needs to take action to preserve and in some instances expand alliances that will encourage the establishment of the democratic principles we all cherish. As such, we must remain an active leader in the NATO alliance.

The NATO alliance was formed to provide a strong measure of security to Europe, which in turn provides a measure of security for the United States. Political, military, and economic instability threatens U.S. national security and economic interests. This is a region where two world wars began and the threat that this conflict could spread to neighboring countries is real. It is without a doubt that preventing the spread of this conflict is in our security interest.

During the debate, the first bill the House considered was H.R. 1569, introduced by Representatives FOWLER and GOODLING. This bill would prohibit the President from using any funds for the deployment of "ground elements" without congressional authorization. This legislation is far too broad in its scope. It would prevent using U.S. "ground elements" to rescue U.S. military personnel or civilians should that be necessary, it would restrict U.S. participation in a peacekeeping operation, it would handcuff the President from responding with "ground elements" to a direct threat to U.S. personnel, and it would have even prohibited the rescue of the three U.S. POW's.

Passage of this bill, in my view, gives President Milosevic permission to act without fear that the United States will respond with the swiftest and most forceful action if necessary. Many have argued that we cannot tell our enemies what we will do or how we will act, but this bill tells Milosevic exactly what Congress will allow President Clinton to do.

While at this time I do not think the use of "ground elements" is necessary, I do not believe that we should take any option off the table for any period of time. I do not believe that we should handcuff the President or our military leaders from taking whatever action they need to in responding to a developing situation. This bill would do exactly that. For the reasons outlined above I voted against this bill.

The next resolution the House considered was House Concurrent Resolution 82, introduced by Representative CAMPBELL of California. This resolution would have required the United States to withdraw, in 30 days, from its participation in the NATO operations. I also voted against this resolution. The unilateral withdrawal of U.S. forces from this operation would signal to the world that we do not support the NATO operation and that the United States is willing to ignore its role as a world leader.

House Joint Resolution 44 was the third resolution the House considered. This resolution was a declaration of war by the United States against Yugoslavia. We are in our third month of air strikes against Yugoslavia and that is too early to discuss a declaration of war. We need to continue the air campaign, which is having some success.

This is a time when we need to support both our men and women in harm's way and our allies. To approve any of these measures would send a message to our troops, allies and enemies that the United States is not unified or committed to ending the tragedy in Kosovo.

The final resolution the House considered was Senate Concurrent Resolution 21. This resolution authorized the use of United States air forces to participate in the NATO action in Kosovo. I voted in favor of this resolution. The United States is already involved in the air operation in Kosovo and refusing to support that ongoing operation is, in effect, telling our air crews that we are not behind them and this operation. Mr. Speaker, I know that every member of this House supports our men and women in the military but refusing to support this resolution sends mixed messages to them. We must be united in our support of them and must let them know that.

A SALUTE TO OWEN MARRON

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1999

Mr. STARK. Mr. Speaker, it is with honor and profound respect that I rise today to salute Owen A. Marron, one of the most exemplary longtime leaders in the U.S. labor movement. Brother Marron was appointed to the Alameda County Central Labor Council in 1982 after a two-year stint in the U.S. Army and a long affiliation in the local United Steel Workers Union and SEIU. He rose up the ranks of leadership after his appointment to the Labor Council and was at the helm as Executive Secretary-Treasurer for the past decade. He was also elected vice president of the California Labor Federation.

Brother Marron will be honored as Unionist of the Year on June 17, 1999 in Oakland, California. His numerous contributions and achievements will be applauded and well wishes will be extended as he retires. He will leave a legacy of commitment, strong leadership, unbending advocacy for affirmative action and for the rights of the disabled community, and tenacity in organizing and fighting for working people.

Brother Marron's forty plus years in the labor movement will be long remembered and his leadership will be missed. I join his friends and colleagues in thanking him for his untiring efforts. Brother Owen Marron has indeed made a positive difference in the lives of many individuals.

CONGRATULATING THE LEUKEMIA SOCIETY ON ITS 50TH ANNIVERSARY

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1999

Mrs. ROUKEMA. Mr. Speaker, I rise to congratulate the Leukemia Society of America on its 50th anniversary. The Leukemia Society has led the fight to end this terrible disease and many individuals are alive today thanks to its work. This organization possesses not only the scientific and medical expertise needed for such a task, but also the understanding and sensitivity to lend support to the patients and families faced with the challenge of leukemia.

I am personally active with the Northern New Jersey Chapter of the Leukemia Society, and dedicate all my work to the memory of our son, Todd Richard Roukema, who was taken from us by the tragedy of leukemia. I take this opportunity to thank Dr. Richard W. Zahn, our chapter's president, for his dedication and hard work. Dr. Zahn is one of the many people who make the Leukemia Society a success and is bringing hope to all those families who are facing this disease.

In August 1944, 16-year-Robbie deVilliers was diagnosed with acute leukemia. Three months later he died, as did 96 percent of the children diagnosed with leukemia that year. In 1950, as a memorial to their son's brief life, Robbie's parents established the Robert Roesler deVilliers Foundation in an effort to support scientific research into their son's disorder. In 1951, with an income of $11,700, the foundation approved its first research grant. With the hiring of a medical consultant, the foundation established its principle of awarding research grants to young scientists over the next few years. In 1955, it changed its name to the Leukemia Society, eventually becoming known as the Leukemia Society of America to reflect its national stature.

During its half-century of operation, the Leukemia Society has grown tremendously, expanding its scope and developing a wealth of expertise and knowledge. With an income of more than $83 million a year, the Society now funds research into the blood-related cancers of lymphoma, Hodgkin's disease and myeloma as well as leukemia. Under the Leukemia Society's leadership, new chemotherapy drugs combined with radiation treatment have increased survival rates. Today, 80 percent of children under 15 survive leukemia and certain types of leukemia can be cured.

While the past 50 years of accomplishment brings great hope, one adult or child still dies from blood-related cancers every nine minutes. Leukemia and lymphoma are the leading fatal cancers in men and women under 35. Cures for these diseases must be found. Research challenges remain and the Leukemia Society valiantly pursues its mission.

As I have stated, we know personally the tragedy of cancer: My husband, Dr. Richard W. Roukema, M.D., and I lost our son, Todd, to leukemia in 1976 at the age of 17. At that time, bone marrow transplants and other techniques that offered hope were only in their experimental stages. Since then, many advances have been made that have spared thousands of other parents the heartbreak we faced. It is thanks to the brilliant researchers and physicians supported by the Leukemia Society that hope can be maintained.

Today, we are within grasp of a cure for many forms of cancer but much research remains to be done. I thank God for those who are willing to labor toward this goal and pray that with their help a cure can be found and that no one will ever again have to suffer from this terrible disease.

BLUE RIBBON SCHOOLS

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1999

Mr. PACKARD. Mr. Speaker, I would like to recognize and congratulate the extraordinary accomplishments of two schools which are located in my home district. Concordia Elementary and Moulton Elementary recently were selected to receive the Blue Ribbon Schools award.

The Blue Ribbon Schools Program was established by the U.S. Secretary of Education in 1982. Since its establishment, more than 3,500 schools have been recognized for their excellence.

Blue Ribbon status is awarded to schools that have strong leadership, a clear vision, a sense of mission, and most importantly, solid evidence of family involvement. Through exceptional academics, athletics and after-school programs, these schools have set themselves apart from other schools. Concordia and Moulton have achieved the recognition of a Blue Ribbon School that comes from their outstanding level of excellence. Teachers, administrators, parents, volunteers and students should be applauded for their efforts.

I would like to express my congratulations to these schools. Concordia Elementary and Moulton Elementary should be proud of their accomplishment. Nothing is of more importance to our families, our communities and our country than the quality of education in America.

RETIREMENT SECURITY ACT OF 1999

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1999

Mr. PETRI. Mr. Speaker, today I have introduced the Retirement Security Act of 1999. This bill, nearly identical to legislation I introduced in the last Congress, would help put the

Social Security system on a better financial footing while providing future Americans with the peace of mind that comes with their own personal retirement accounts.

Under my bill, the government will establish a retirement account for each newborn American citizen, initially worthy $1,000. The money for the initial $1,000 will come from income taxes on that portion of Social Security income currently subject to the income tax. This amount is to be invested in the same funds available in the Federal employees' Thrift Savings Plan two of which promise higher rates of return than the Social Security Trust Fund. The investment decisions among the funds are to be made by the parent or guardian until the account holder reaches the age of majority when he or she is able to make such decisions. The account holder, or his or her parent, can add to the principal of the account, up to $2,000 per year tax free. But even if that ever happens the $1,000, if invested in the common stock index fund, at the historical real rate of return of 7 percent, would grow to $89,000 in 1999 dollars. This happens to be just enough to cover the current average Social Security benefit.

Since the initial $1,000 comes from the Government, Social Security payments owed to the account holder would come out of this account first. Only after it is exhausted would the individual begin to draw on the Social Security Trust Fund. Therefore the financial problems of Social Security would be solved starting 67 years after enactment. This would make it easier to deal with the problems we face before that date.

If my plan is adopted, future workers will not have to worry so much whether or not the government will keep its promises or that the Social Security system might go bankrupt because each will have an account which is his or her personal property. I don't claim that this program will solve all of the financial problems of Social Security but it will certainly help.

TRIBUTE TO JOHN A. OREMUS

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1999

Mr. LIPINSKI. Mr. Speaker, I would like to pay tribute to an outstanding public servant in my district, John A. Oremus. John Oremus has recently retired after serving as mayor of Bridgeview, Illinois for a total of four decades.

Mr. Oremus learned the value of a strong work ethic early on, as he helped out with his father's tanning business and held a job at a gas station. In 1948, he started his own business. All of his children and grandchildren are now very involved with the business. Mr. Oremus began his career in politics when he was appointed to the Zoning Board of Appeals. In 1955, John Oremus became the Mayor of the village of Bridgeview. He retained the position until 1963. In 1967, John Oremus was again elected mayor and has held the position ever since.

Mr. Oremus continued his hard work as mayor, seeing to it that his vision of "A Well Balanced Community" became a reality. This concept was that the Bridgeview community of fine homes and families would have low municipal taxes and many places in town to work and shop. As Mayor, Mr. Oremus also encouraged business and industry by offering cooperation and strong Village support services, such as fire and police protection.

Mr. Speaker, it is my distinct honor to pay tribute to John Oremus. I am certain that the community of Bridgeview, Illinois will miss his presence as a public servant. It is my hope that John Oremus a enjoys good health and good memories in his retirement.

HONORING WYCKOFF HEIGHTS MEDICAL CENTER

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1999

Ms. VELÁZQUEZ. Mr. Speaker, I rise today in honor of Wyckoff Heights Medical Center located in Brooklyn, New York which is celebrating its 10th Anniversary. For 10 years, the Wyckoff Heights Medical Center has been helping women and children in communities throughout Brooklyn. It has contributed many positive things to the quality of life in our neighborhoods, and I would like to thank its leadership and the many others involved in its success.

The Wyckoff Heights Medical Center is the hub of the WIC program in our area. Along with its satellite clinics at the LaMarca Family Health Center in East New York, Queensbridge Family Heath Center in Long Island City, Park Slope WIC in Park Slope, and the Red Hook WIC in Red Hook, Wyckoff serves an average of 5,800 women, infants and children a year.

Like the National WIC program, which this year celebrates its 25th Anniversary, the Wyckoff WIC program has been enormously successful. Nationally, WIC has helped provide nutrition education, health care referral, breastfeeding support and supplemental nutritious foods to nearly 7.5 million women, infants and children through 10,000 clinics nationwide.

In addition to its success implementing the mandated WIC services, the Wyckoff WIC program has sought to enhance its outreach by conducting seminars and workshops throughout Brooklyn. These efforts have included breastfeeding promotion and immunization screening seminars.

These initiatives have also been enhanced by the work of Mr. William F. Green, Vice President of Ambulatory Services, who is being honored by the Wyckoff WIC this week. Mr. Green has been a strong supporter of the Wyckoff WIC program since its inception in 1989, and he has helped initiate some unique programs. For example, Mr. Green created a monthly Mother's Day which helps create a consistent outreach to women and children. He also has been supportive of the Wyckoff's special holiday programs, which during the major holidays, makes an extra effort to reach out to the women and children of our communities who are in need of vital services. Mr. Green has made a good WIC program great and on behalf of the community, I thank him and congratulate him on his special award.

I would also like to congratulate the fifty WIC children who are graduating this week. These children, all who recently turned five years old, are being honored in a very special way because they have successfully completed their participation in the Wyckoff WIC program. They represent the future—a future of strong, healthy children and mothers who have the chance to realize the American dream.

I urge my colleagues to join me in applauding the Wyckoff WIC program on the occasion of its 10th Anniversary, Mr. Green for his longtime support of the Wyckoff WIC, and most importantly the 50 young WIC graduates and their mothers for a healthy future—congratulations and continued success.

CONGRATULATING THE CENTRAL NEW JERSEY DISTRICT BEST UPS OPERATING DISTRICT IN WORLDWIDE ORGANIZATION

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1999

Mr. HOLT. Mr. Speaker, I rise today to recognize the Central New Jersey District of United Parcel Service, which has been named the best operating district within the UPS worldwide organization.

This district was chosen because of its effective balance in regard to customers, employees, shareholders, and internal practices. UPS employs over 13,000 people in New Jersey and services approximately 99,000 New Jersey customers.

The Central District serves much of my 12th Congressional District, including all or part of Monmouth, Middlesex, Mercer, and Hunterdon Counties.

The district will be presented with the Chairman's Award for excellence at a celebration on May 21, 1999, in Edison, NJ.

Mr. Speaker, the Central New Jersey District of UPS is an excellent example for all New Jersey businesses. I hope all my colleagues will join me in recognizing their accomplishment.

TRIBUTE TO ASHBURTON ELEMENTARY SCHOOL

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1999

Mrs. MORELLA. Mr. Speaker, I am proud to pay tribute to the faculty, parents, and students of Ashburton Elementary School in Montgomery County, MD for winning the Blue Ribbon Excellence in Education Award from the Department of Education.

Ashburton Elementary has a large international student population that represents 38 countries and 20 different languages. The fact that the majority of the international students do not speak English when they arrive presents challenges to the faculty that have been met with great success.

Academics are the primary focus tempered with learning other lifelong values. There is a school wide commitment to helping the students develop respect and responsibility for themselves, their schoolmates, the staff, and the school. Ten years ago the school implemented The SHINE Program. The program, which was established to help stress the qualities of being Successful, Helpful, Imaginative, Neighborly, and Enthusiastic, recognizes students who contribute to the school's community in a positive manner.

Students at Ashburton are exposed to the field of technology. The school has a 29 station Macintosh computer lab, and a Macintosh computer in each classroom. All computers are on a local network (LAN) and are connected to the Montgomery County Public Schools wide area network (WAN). Students learn keyboarding, word processing, digital imaging, and how to use the Internet.

In addition to a dedicated principal, staff, and willing students, Ashburton Elementary is supported by an active, interested, and committed parent community.

As a former teacher, I wish to congratulate Ashburton Elementary School for creating the right atmosphere for learning. I am proud of their well trained staff, their supportive parents, and their excellent students. I wish them continued success in creating the excellence in education needed for tomorrow's schools.

HONORING DANIEL J. BADER, RECIPIENT OF THE 1999 COMMUNITY SERVICE HUMAN RELATIONS AWARD

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1999

Mr. KLECZKA. Mr. Speaker, I rise today to honor Daniel J. Bader, recipient of the 1999 Community Service Human Relations Award from the Milwaukee Chapter of the American Jewish Committee.

Mr. Bader is president of the Helen Bader Foundation, which has awarded more than $50 million in grants since 1992 with the express aim of advancing the well-being of people and promoting successful relationships with their families and communities. As president, Mr. Bader leads the foundation's day-today interaction with projects and programs in the United States, mainly in Wisconsin, and also Israel.

He is a member of the foundation's seven-member board of directors, which evaluates grant proposals and provides strategic oversight of the foundation's grants programs, mainly in the areas of Alzheimer's disease and dementia, early childhood development in Israel, economic development, education, Jewish life, and learning and supporting programs for central city children and youth.

It is noteworthy to recognize the leadership of Mr. Bader and the foundation in the establishment of the American Jewish Committee's Hands Across the Campus program, which was given its "jump-start" in Milwaukee. The program's innovative curriculum and leadership development program now operates in five school districts in southeastern Wisconsin. Each year hundreds of high school students are given hands-on experience in bridge building, conflict resolution, anti-bias activities and the deconstruction of prejudice. The Bader Foundation enabled the Milwaukee Chapter of the American Jewish Committee to provide teacher training for practitioners of the Hands program.

Mr. Bader is partner in Granite Microsystems, Inc., a Mequon-based computer hardware firm. He holds a bachelor's degree in business administration from the Rochester Institute of Technology. A Milwaukee native, he and his wife, Linda, reside with their son on Milwaukee's east side.

Mr. Speaker, it is with great pride and pleasure that I commend Daniel J. Bader for his outstanding and innovative contributions to the community, and congratulate him as a most deserving recipient of the 1999 Community Service Human Relations Award from the Milwaukee Chapter of the American Jewish Committee.

A TRIBUTE TO DR. PAULETTE DALE OF MIAMI-DADE COMMUNITY COLLEGE

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1999

Mrs. MEEK of Florida. Mr. Speaker, I rise today to pay tribute to Dr. Paulette Dale of Miami-Dade Community College in Miami, Florida, for her contributions as a speech-pathology professor towards the emotional betterment of all people. Dr. Dale is the director of the Speech and Hearing Clinic at Miami-Dade Community College's Kendall Campus, where she has taught for 23 years.

Previously, Dr. Dale was a bilingual speech pathologist in Dade and Broward County public schools. She holds a Ph.D. in speech pathology and linguistics.

Recently, Dr. Dale published a book on assertiveness which she hopes will help women to develop self-esteem. Dr. Dale believes that low self-esteem is far too pervasive in America, particularly among women. Based on anecdotes from her own life, the book is titled, "Did You Say Something, Susan? How Any Woman Can Gain Confidence with Assertive Communication."

It is a privilege to pay tribute to Dr. Paulette Dale, who uses her vast knowledge and her own life experiences to help others.

HONORING MISS AFTON STANFORD

HON. GENE TAYLOR

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1999

Mr. TAYLOR of Mississippi. Mr. Speaker, it gives me great pleasure today to honor Miss Afton Stanford of Poplarville, MS. Miss Stanford is the Mississippi winner of the 1999 Voice of Democracy broadcast script-writing contest sponsored by the Veterans of Foreign Wars. As reward for her script, she received a VFW scholarship and an all-expense paid trip to Washington, DC to compete with other national finalists.

The VFW's Voice of Democracy Program is a national essay competition that allows high school students the opportunity to share their opinions on service, sacrifice and responsibility to their country. The 1998–99 competition theme was "My Service to America," in which students reflected on their individual involvement in local communities. Out of the 80,000 participants, Miss Stanford was one of fifty-four finalists, and it gives me great pride to share her winning essay with you.

MY SERVICE TO AMERICA

(By Afton Stanford)

As I stand looking through the thick glass protecting the faded blue uniform, and the yellowed photograph I wonder how old this boy was. If it were not for the fact that he was in the military, I'd say he were my age. He looks like a boy in my chemistry class, you know the silent type that grins a lot but really never says much. I'm not sure if that is what he really was like, but I'd like to think so. Who would ever believe that this young kid would ever have the chance to save others. When I look into his eyes, I don't see a kid who wants to be a hero, I see a kid ready to experience life. Maybe he was a little uncertain about his future, or even wondering if he made the right decision in joining the military, whatever it was I can imagine a mixture of emotions swirling through his dark eyes. At 18, many people might think a kid knows nothing about sacrifice. But this boy, this young boy, made the ultimate sacrifice.

A few summers ago, I volunteered for a women's crisis shelter. At the time I thought it was fun, meeting new people, helping others in the process. But, only after it was all over did I grasp the concept of "service." Service to my God, service to my country. When I got home I found other places to volunteer; I help Red Cross, if any disasters happen and they need help collecting food or handing out blankets, I'll be there. I also help at the food bank, sorting cans that people donate so the families less fortunate can eat. Giving up Saturdays and spending a week helping others seems trivial, in comparison to this boy who gave his life to save others, but it's a beginning.

I got a great start at home. My parents have instilled in me the desire to help other people improve their lives. My parents stressed the need for helping others, because in helping others everyone lives better. They also taught me to take pride in what I do, the jobs I hold and what I believe. National pride is something sacred. All Americans have lost family and friends to have these rights, and the least I can do is maintain the life they fought for.

Sometimes my life gets too hectic and chaotic to think about anyone but myself. That's why every day I try to make it a point to do something, however little for someone else. From sweeping leaves for an elderly neighbor to working at the food bank I try to pitch in. Helping is contagious. When I have volunteered, my friends have seen how much I loved the people I helped and the work and they have begun to volunteer too. If each American has this attitude it will make a big difference. Part of my service to America is encouraging others to help in any way they can and knowing that every kindness honors the people who've gone before us.

I believe that being an American citizen means helping others in need. This is one of the strongest values of Americans. For a young man to throw himself on a land mine to save his platoon exemplifies the ideals of self-sacrifice and service that is the corner stone of America. While I'm standing here looking at this display of congressional honor, I wonder how his mother felt. The last time she ironed his uniform and picked off the little stray threads for this display, was she aware of how much I appreciate what her son gave up and what she gave up through him? I only hope that my little sacrifices and services will be able to honor his death and all deaths that make the quality of life that I enjoy possible. I can only hope that one day I'll be able to give a service of this magnitude to my country.

"Greater love has no one than this, than to lay down one's life for his friends." (John 15:13) As I walk away I hope to take a little inspiration from this boy who selflessly embodied these values.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1999

Mr. BECERRA. Mr. Speaker, on May 13, 1999, I was unavoidably detained during a rollcall vote: number 129, on the Sanders of Vermont amendment, as amended, to H.R. 1555, Intelligence Authorization. Had I been present for the vote, I would have voted "no."

TRIBUTE TO TERMINAL PARK ELEMENTARY SCHOOL

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1999

Mr. SMITH of Washington. Mr. Speaker, it gives me great pleasure to congratulate Terminal Park Elementary School in Auburn, Washington, for their selection as a Blue Ribbon School. It is an honor to have this school, located in the Ninth Congressional District, as one of only 266 schools nationwide awarded this prestigious honor.

The Blue Ribbon School award is given to schools that do an outstanding job of meeting local, state, and national goals, and display the qualities of excellence that are necessary to prepare our young people for the challenges of the next century. More specifically, to receive the award, schools must have strong leaders; a clear vision, and sense of mission that is shared by all connected with the school; high-quality teaching; challenging, up-to-date curriculum; policies and practices that ensure a safe environment conducive to learning; a solid commitment to parental involvement; and evidence that the school helps all students to achieve high standards.

I commend the staff, students, and parents of Terminal Park Elementary School for their hard work in building an effective community for learning. The focus on literacy and assuring students obtain the essential skills needed for life is absolutely necessary and I am glad we have Terminal Park Elementary School as an example for how we need to work toward educating our children.

CONGRATULATIONS TO PRESIDENT LEE TENG-HUI

HON. JOE SCARBOROUGH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1999

Mr. SCARBOROUGH. Mr. Speaker, Taiwan, known as the Republic of China, will be marking its President's third anniversary in office on May 20, 1999. President Lee Teng-hui, a Taiwan-born statesman, should be commended for his leadership and vision for his country.

President Lee's leadership lies in his ability to rally his 21 million compatriots into understanding that the course Taiwan has chosen, both economically and politically, is right for them. President Lee has convinced them that their future lies in free trade and private enterprise as well as in full democracy. With the help of his compatriots, President Lee will lead the Republic of China to ever greater economic prosperity at home, while achieving international recognition abroad.

On the occasion of the President's third anniversary in office, I wish President Lee Godspeed and good fortune.

TRIBUTE TO BROOKE GROVE ELEMENTARY

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1999

Mrs. MORELLA. Mr. Speaker, I am proud to pay tribute to the faculty, parents, and students of Brooke Grove Elementary School in Montgomery County, MD, for winning the Blue Ribbon Excellence in Education Award from the Department of Education.

Students, parents, and teachers at Brooke Grove have forged a partnership dedicated to excellence and committed to the belief that success is attainable for all students. Participation and involvement is of paramount importance and evident throughout all aspects of learning and teaching.

Brooke Grove has implemented The William and Mary Language Arts Program for Highly Able Learners; Reading Recovery Program, which is an internationally recognized intervention program. The school uses Math and Science Clubs, Science Hands-on kits, Math Content Connections, funded by the National Science Foundation, computer labs, and a research/learning hub to enable children to acquire skills and learn how to problem solve for the future.

At Brooke Grove staff training is essential to the instructional process. New teachers participate in 1 week of training prior to joining the staff and have a coach-mentor throughout their first year of service. A large number of teachers were trained in numerous staff development initiatives, which include The William and Mary Curriculum; AEMP, Science and Expository Reading; and Gifted and Talented Instruction.

The faculty at Brooke Grove has demonstrated innovative and creative avenues for acknowledging and motivating students. The environment is one in which children want to achieve, are supported in their efforts to achieve, and are recognized for their accomplishments.

As a former teacher, I am pleased that Brooke Grove Elementary School is being recognized for its fine educational and extracurricular programs. I congratulate its fine faculty, its supportive parents, and its excellent administrators and wish them continued success in achieving excellence in education.

LACKENMIER RETIREMENT

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1999

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to an extremely well-respected community leader, educator, and close personal friend, Reverend James R. Lackenmier. On May 20th, Father Lackenmier will step down as President of King's College in Wilkes-Barre, Pennsylvania after twenty-five years of distinguished service to this fine institution. Father Lackenmier combines the rare traits of having the executive acumen of a Fortune 500 CEO, the devotion to young people of a lifelong educator, and the warmth of community spirit of a man who has truly embraced "The Valley with a heart." I am pleased and proud to join in a community-wide salute as Father Lackenmier leaves Northeastern Pennsylvania for new pursuits.

The eldest son of Harold and Margaret Murphy Lackenmier, Father Lackenmier was born in Lackawanna, New York. He graduated from Canisius High School in Buffalo, New York in 1956, entered the congregation of Holy Cross in 1957, and was ordained in Rome in 1964. Father Lackenmier earned his Bachelor of Arts degree from Stonehill College in Massachusetts and his S.T.L. from the Pontifical Gregorian University in Rome. Father Lackenmier went on to receive a master's degree in English from the University of North Carolina in 1968 and a master's degree in Religion and Literature from the University of Chicago in 1970. He has subsequently been awarded six honorary degrees from Our Lady of Holy Cross College in New Orleans, University of Portland, Wilkes University, College Misericordia, Luzerne County Community College, and the University of Scranton.

Education has been Father Lackenmier's focus; he served first as an English teacher in Notre Dame High School in Connecticut and later as the chair of the English department at St. Peter's High School in Gloucester, Massachusetts. Father Lackenmier served as the chaplin at St. Xavier College in Chicago and later as the director of the Collegiate Formation program at Notre Dame's Moreau Seminary in Indiana. In 1974, Father Lackenmier arrived at King's College in Wilkes-Barre to serve first as the Director of Campus Ministry, then later as Director of Development, and finally as President.

Mr. Speaker, Father Lackenmier has had a distinguished career while here with us in Northeastern Pennsylvania. He serves on a long list of Boards and belongs to the prestigious Pennsylvania Society, the Knights of Columbus, and the Rotary Club, where he is a Paul Harris Fellow. He has been awarded the Distinguished Eagle Scout Award and the Wyoming Valley Interfaith Council Citation for Devoted Service to the Cause of Human Welfare and the Boy Scouts named him their Distinguished Citizen for 1994.

Mr. Speaker, I have had the opportunity to work closely with Father Lackenmier during my tenure in Congress on various projects, including the Earth Conservancy, an ambitious community effort to clean up thousands of acres of mine-scarred land in the Wyoming Valley. Father Lackenmier, along with his academic colleague Dr. Christopher Breiseth of Wilkes University, provided great leadership and courage in guiding what is now an award-winning organization, especially during its tumultuous early days. I will be forever grateful for his steadfast devotion to making this dream a reality.

I will also be forever grateful for the many thoughtful gestures he provided to me personally over the years, especially his kindness to me and my family during the period following the loss of my mother.

Mr. Speaker, I am pleased to have had the opportunity to bring the accomplishments of this fine community leader to the attention of my colleagues. In August, Father Lackenmier will go to Salsburg, Austria to direct the University of Portland's foreign studies center. He will carry with him my sincere gratitude for a job well done and my very best wishes for continued success and fulfillment.

HONORING OLIVE BEASLEY

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1999

Mr. KILDEE. Mr. Speaker, I come before you today with a heavy heart, as I stand here to recognize the lifetime achievements of a woman who gave much to her family and her community, in the name of equal rights for all. On May 21, the Beasley family, local officials, civic leaders, and members of the Flint, Michigan, community will gather to honor the memory of Ms. Olive Beasley of Flint, who died May 13.

Olive Beasley was born in Chicago, and upon moving to Michigan, worked for the NAACP, where she was an integral part in the campaign in favor of Michigan's Fair Employment Act. She was later transferred to Flint, in the 1960's, and began a tenure with the Michigan Civil Rights Commission. Olive rose through the ranks, and for 16 years, headed the Civil Rights Commission's Flint office. During that time, she also began a long lasting partnership with the Flint Civil Service Commission. In fact, Olive was the Civil Service Commisison's longest serving member. Her tireless and selfless efforts to ensure that each and every person received the same opportunities for success made her known as one of the area's most staunch advocates, and in many eyes, Olive was indeed the mother of Flint's civil rights movement.

Olive was a steadfast member of the Flint community, and constantly served as a role model and counselor for people throughout the city, including many city officials, who turned to her for advice and insight. Many of Flint's most prominent public servants credit their involvement in politics and activism to Olive's influence. Her dedication to civil rights extended beyond the Civil Rights Commission, as she became a member and served on the boards of such groups as the Urban League of Flint, the Urban Coalition of Greater Flint, the Legal Aid Society, and the advisory board of WFUM, the public television station of the University of Michigan-Flint.

Mr. Speaker, the Flint area, as well as the entire state of Michigan has lost one of its strongest advocates for civil rights. Olive Beasley will always be remembered as a giant person in the community. The respect she commanded from everyone she came into contact with was tremendous. My sincerest condolences go out to her family. She will be sorely missed.

CONGRATULATING THE SUMMIT SCHOOL ON BEING NAMED A BLUE RIBBON SCHOOL

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1999

Mr. HOYER. Mr. Speaker, I rise today to recognize The Summit School of Edgewater, Maryland on being named a 1998–1999 Blue Ribbon School by the United States Department of Education.

This is a special honor because The Summit School is a special institution. They strive for excellence and they have achieved that goal. The non-profit private school was created ten years ago to promote literacy among children ages 6 to 15 with unique educational needs. They opened their doors in 1989 with 25 students and now have 104 students representing six Maryland counties and the District of Columbia.

The Summit School's mission is to leave no room for failure. The teachers foster an environment where success is an attainable personal goal for each and every student. The School houses a media center, an extensive collection of books, films, tapes and computers with Internet access. In addition to their classrooms, the school has transformed a barn into intimate reading rooms. Their record of achievement thus far is reflective of their dedication to the needs of their students; since The Summit School's creation, seventy percent of the students increased their reading scores by three or more grade levels in 4 years or less. Seventy-five percent of all eighth grade graduates go on to attend public and private schools with only limited support but great success.

Mr. Speaker, The Summit School is one of those great success stories which are often overlooked. the hard working teachers and students of The Summit School have earned the right to be called "A Blue Ribbon School." The Blue Ribbon Award is given to schools which display qualities of excellence, high quality teaching and up-to-date curriculum. The Summit school embodies all of these qualities and more.

The school motto, "Teachers of Excellence" guides the educators in this institution as they work hard to bring out the best in their students. Teachers conduct lengthy staff meetings on a regular basis to address individual student's needs. They also undergo year-round training to constantly enhance their teaching skills.

Mr. Speaker, I am proud to have The Summit School in my Congressional District. I ask my colleagues to join me in congratulating the teachers, parents, students and community members who have made this school an institution that should serve as a model for schools around the state and throughout the country.

INTRODUCTION OF THE MSPA CLARIFICATION ACT OF 1999

HON. CHARLES T. CANADY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1999

Mr. CANADY of Florida. Mr. Speaker, America's farming community plays a vital role in the prosperity of the nation. Our growers are facing tremendous challenges as the world economy changes—changes in international competition, environmental stewardship, and providing for the nutritional needs of the planet's growing population. Given these pressures, farmers should not have to contend with government agencies that overstep regulatory boundaries set by Congress. Unfortunately, this is precisely what is happening.

Agriculture is a labor-intensive industry, particularly during the planting and harvesting seasons. This is especially true for specialty crops such as citrus, vegetables, apples, and peaches, which are grown in many different regions of the country. Temporary and migrant workers are critical to meeting the need for farm labor. Congress, through the Migrant and Seasonal Workers Protection Act (MSPA) and other initiatives, created a national standard to ensure safe working conditions for these workers and entrusted enforcement of these laws and regulations, primarily with the Department of Labor.

The need for effective migrant worker protections is well recognized; however, current federal policies are placing an unfair burden upon agricultural employers. In 1997, the Department of Labor issued a new interpretation of the joint employer rule found in MSPA that holds farmers to a stricter standard than other employers. The new regulation is written so broadly that virtually any grower can be classified as a joint employer for liability purposes. This is in spite of several court rulings that struck down the Department's attempts to interpret the joint employer rule in such a fashion. Because the new guidelines would apply to MSPA alone, only agriculture employers are subject to them. This action, combined with overlapping housing regulations, Department of Labor initiatives to classify year-round employees as seasonal workers, onerous federal transportation insurance requirements, and other policies are selectively punitive and unfair to agriculture.

The MSPA Clarification Act, which I am introducing today, seeks to ease the inequitable burden on farmers. The bill would restore the original definition of joint employer and make other common sense changes in the regulatory structure governing agricultural labor. It would clarify that farm workers who enter into voluntary carpool arrangements should not be classified by the Department of Labor as licensed farm labor contractors in violation of MSPA; grant farmers a 10-day grace period in which they may correct MSPA violations; streamline worker housing regulations; and require federal investigators to confer with growers prior to entering the farm operation.

The MSPA Clarification Act does not weaken or do away with the basic protections afforded to migrant workers under MSPA. It merely seeks to provide for a reasonable relationship between growers and the government by returning to the original intent of Congress for MSPA. The legislation is supported by the American Farm Bureau Federation and other agricultural groups from around the country. It has the bipartisan support of many in Congress. I look forward to working with my colleagues to ensure a safe and productive farm workplace through this important piece of legislation.

CAPTAIN DONALD E. PETERS, USN

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1999

Mr. ORTIZ. Mr. Speaker, I rise today to pay tribute to a great American warrior, Captain Donald E. Peters, of the United States Navy.

Captain Peters will end his 30 year career with the Navy on May 28, 1999, a career that has included a host of commands. Most notably for South Texas, one of those commands included the Mine Warfare Center of Excellence at Naval Station Ingleside (NSI) on the Bay of Corpus Christi.

I was always taken with Captain Peters' style of leadership; his philosophy seemed to be: "Shut up and do it." He led by example. He became involved, and stayed involved, in all the things that affected Naval Station Ingleside's mission or the sailors there.

Captain Peters' most significant accomplishment at NSI was the leadership he showed in effort and innovation, an accomplishment that won a presidential tribute for NSI. NSI was recognized with the annual Commander in Chief's Installation Excellence Award in 1997. The base was chosen from among 135 installations world-wide, and was selected from among 11 semi-finalists.

It was innovation in the following areas that attracted the award: leadership, retention of personnel, equal employment opportunity, community relations, energy conservation, pollution prevention, food service excellence and recreational activities.

Captain Peters' service and leadership was pivotal in the development of NSI. In 1992, NSI began with 500 sailors. By the end of 1996, just prior to this award, it had over 4,000 personnel, making it one of the Navy's fastest growing military facilities. Continuing that trend, by next year, NSI will have around 5,000 military and civilian employees at the base.

In 1995, Captain Peters streamlined the base's administrative staff from nine department to five departments. The move made operations more efficient and responsive to the needs of the sailors. Military organizations tend to note efficient models of success, and NSI's administrative operations were rapidly adopted Navy-wide for emulation at similar-sized installations.

Mr. Speaker, I ask my colleagues to join me today in paying tribute to a lifetime of service by Captain Donald E. Peters, a real American patriot and hero.

TRIBUTE TO WINSTON WILSON

HON. CHARLES W. STENHOLM

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1999

Mr. STENHOLM. Mr. Speaker, this week the Nation, and particularly the agricultural industry, lost one of its most important assets, Winston Wilson. Winston made a difference for his family, his community, his industry and for this country.

I got to know Winston before either one of us moved to Washington. Following his service as Deputy Undersecretary of Agriculture in the Carter Administration, Winston came to my Congressional office as Administrative Assistant. His time in my office was brief—just about a year from December 1980 to November 1981—but that was plenty of time for Winston and his wife Mickie, and daughters Michelle and Missy, to endear themselves to us and to become a permanent part of our office family.

In an era where the voices of agriculture are becoming fewer and fainter, Winston stood out as one of the most effective spokespersons for the wheat farmers from whom he came. His Daddy trained him well in the fields at Quanah, giving him the kind of Texas common sense that few possess at the national level. Winston never forgot his roots, even though he traveled the world over in promotion of U.S. Agriculture.

When Winston left my office, he continued his advocacy of the industry at U.S. Wheat Associates, where he served as President until 1997. He also was Chairman of the U.S. Agricultural Export Development Council, founding member of the U.S. Grain Quality Workshop, a former President of the National Association of Wheat Growers, and a member of the U.S. Agriculture Department's Trade Advisory Committee.

More than anything, Winston committed his life to the advocacy of American wheat. He spent a great portion of his life working hard to develop overseas markets for U.S. farmers, and he developed strategies and programs to build export demand for U.S. wheat. U.S. Wheat Associates, with whom Winston had such a long relationship, is a worldwide organization supported by wheat producers in Texas and 17 other states along with USDA's Foreign Agricultural Service. Under Winston's leadership, the organization has been successful in establishing and servicing markets for up to 60 percent of the wheat produced in the U.S. and up to 80 percent of the wheat produced in Texas. The farm economy is struggling at the present time but without Winston's efforts, our struggles would be far greater.

Winston is survived by a lovely wife and daughters, who we will continue to hold in our prayers as they deal with this great loss. They and all of Winston's friends, not to be mentioning the entire wheat industry, are enormously proud of what Winston accomplished in his life. We have many fond—and often times amusing—memories of our time with Winston and we will always treasure those thoughts.

For those of us who are left behind, even the longest life of a loved one seems too short. So, in instances such as this untimely death, it is impossible not to feel cheated out of many years which we had hoped to share. We feel a great loss this week but we also celebrate the life Winston Wilson lived. He will remain in our hearts, thoughts and prayers.

CONCERN OVER SAFETY

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1999

Mr. STARK. Mr. Speaker, I rise today to express my grave concern over the safety of medical devices and the effectiveness of government agencies directed to protect the public from unsafe products. We have all read stories in the newspapers about drugs that have been recalled because they were rushed to market without adequate testing. Many critics of our current policies argue that we have put the profit motive ahead of the health and well being of patients. I agree and have yet another example that the system may have failed to protect the health of patients.

Ethicon is a subsidiary of Johnson & Johnson and makes surgical equipment. It is the nation's largest manufacturer of sutures used for deep tissue surgeries. In 1994, Ethicon recalled over 3.5 million boxes of its Vicryl sutures because the sutures may have been contaminated during the manufacturing process. What I find especially disturbing about this episode is how the company and FDA responded to the problem.

Early in 1994, Ethicon began to use a new sterilization process for its sutures. Shortly thereafter, the company discovered that several batches were contaminated. The company decided to resterilize these sutures and then distribute them on the market. This practice continued for several months. Eventually, Ethicon stopped using the new procedure and switched to other sterilization techniques. During this time, Ethicon officials never contacted FDA to report the problem it was having with the sterilizer. Indeed, the FDA did not discover the problem until it conducted one of its routine inspections. These routine inspections occur once every two to three years.

The FDA did send a Warning Letter to Ethicon citing significant deviations from Good Manufacturing Practices. By September, Ethicon decided to recall the sutures it had produced. In other words, many months passed between the initial problems with the sterilization procedure and eventual recall. I can only speculate what would have happened, or not happened, if the FDA had not caught the problems with the sterilizer.

The next sequence of events is what I really find troubling. Ethicon issued its recall according to FDA regulations. However, the letter of the law requires only that Ethicon contact distributors and hospitals, not the surgeons who use the sutures. This means that surgeons across the nation were performing operations and using sutures that were subject to a national recall. While Ethicon followed the letter of the law, I would think that a corporation dedicated to the health of patients would have take a more aggressive stance to ensure that its sutures would be removed from supply rooms and surgical kits.

According to FDA documents only 2% of the suspect sutures were recovered in the recall. Somehow, leaving 98% of the suspect sutures on the market and unaccounted for seemed to be acceptable to the FDA. They considered the recall completed and closed in June of 1995.

Since 1994, over 100 cases of severe post-operative infections have occurred in patients who claim that the infection was due to contaminated sutures. Lance Williams of the San Francisco Examiner has written a series of articles (2/21/1999 & 2/22/1999) describing the pain and suffering that these people experienced. Ethicon has settled many of these cases out of court with exceptionally strong confidentiality requirements. Because the records are sealed, we cannot determine the potential threat to public health by examining the details of the cases.

We may never know with certainty whether the sutures were contaminated and lead to the postoperative infections. According to a letter from the FDA, "Since typically, 20 units are tested per batch, the finding of ten units were positive results is not conclusive. It is difficult to conclude whether these results mean that the sutures were contaminated or that contamination occurred during the testing."

Even more amazing is the fact that Ethicon destroyed all the sutures recovered in the recall. Therefore, we cannot know if the recalled sutures were contaminated or sterile.

Our constituents depend upon sound federal regulation to protect them from harm. Few of us have the technical expertise to determine which drugs are safe to treat what ails us or the ability to know how we may be infected by contaminated surgical devices. Rather, we must depend upon a sound system of checks and oversight to ensure that the medicines and tools our physicians use are good and will not harm us. In addition, corporations that make their money selling health products have the moral and ethical obligation to take every precaution to protect consumers.

A TRIBUTE TO HENRY T. BRAUCHLE ELEMENTARY SCHOOL: RECIPIENT OF THE UNITED STATES DEPARTMENT OF EDUCATION BLUE RIBBON SCHOOL AWARD

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1999

Mr. GONZALEZ. Mr. Speaker, I rise today to offer my sincerest congratulations to Henry T. Brauchle Elementary School in San Antonio, TX, upon the notification of their receipt of the Blue Ribbon School Award.

Schools are awarded the Blue Ribbon School Award based on their performance in regard to several criteria, including: student focus and support; active teaching and learning; school organization and culture; challenging standards and curriculum; professional community; leadership and educational vitality; school, family, and community partnerships; and indicators of success.

Henry T. Brauchle Elementary School joins three schools in San Antonio and forty other Texas schools, all of which excelled in these areas and were rewarded with the Blue Ribbon School Award from the United States Department of Education.

To receive consideration for this prestigious award, schools must be recommended for national recognition by their individual state department of education or sponsoring agency. Nominations are then evaluated by a National Review Panel including the Department of Education, the Department of Defense, the Bureau of Indian Affairs, the Council for American Private Education and a select group of educators from around the country. The Secretary of Education then makes a final determination based on the recommendations of this panel.

In receiving this special recognition, I believe that Henry T. Brauchle Elementary School will inspire others to provide the level of quality education that this Blue Ribbon School Award merits. I am proud to represent a district and hail from a state that has clearly placed an emphasis on the education of our children.

EDUCATION REFORM IN JULESBURG, COLORADO

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to speak to the House of Representatives about the education reforms implemented by the Julesburg School District in Julesburg, Colorado. The district's common sense reforms emphasize personal initiative, accountability, high standards and responsiveness. I offer a recent letter for the RECORD, submitted to me by Mr. Rod Blunck, Superintendent of Schools.

Julesburg's no-nonsense, no-excuses approach to raising test scores has several steps. First, the salary schedule is based entirely on professional development. This incentive for personal initiative and improvement has a direct bearing on classroom quality. In the near future, the system will be enhanced to include extra compensation opportunities based on student achievement.

Secondly, the responsibility for student achievement is carried out by everyone in the organization, not just the teachers. Their goal, as a staff, is to become a results-oriented organization in which everyone has responsibility for the outcome.

Thirdly, the District is strengthening its accountability to the community by developing school report cards and community presentations.

I would like to summarize with a quote taken from Superintendent Blunck's letter. The letter quotes author Robert Greenleaf, "Great ideas, it has been said, come into the world as gently as doves. Perhaps then, if we listen attentively, we shall hear, amid the uproar of empires and nations, a faint flutter of wings, the gentle stirring of life and hope."

Accountability is a popular by-word today, yet few are willing to put this concept to the test. In Northeast Colorado, far from Denver, far from the noisy rancor of Washington, far from the proposals and speeches, there are people who are making a difference with quiet confidence.

JULESBURG SCHOOL DISTRICT RE–1,
Julesburg, Co, April 18, 1999.

Hon. BOB SCHAFFER,
Cannon House Office Building,
Washington, DC.

DEAR CONGRESSMAN SCHAFFER: I recently had the pleasure of hearing you speak to a group of people in Julesburg during your recess. I was a member of the audience that day and I wanted to take a minute to tell you that I look forward to your leadership in the educational arena and I anticipate great possibilities for education under your administration. As I listened to you that day it is my understanding that you are the type of leader and congressman who would appreciate what I am about to share with you.

I would like to bring it to your attention that a number of the reforms that you spoke of on that day are already being implemented in the Julesburg School District.

First of all, we do not have the traditional vertical/horizontal salary schedule that is used by most districts in the State. Our schedule is entirely based upon professional development. Within the past year, we have implemented the Julesburg Professional Development Academy where teachers can take professional growth classes that in turn have a direct effect upon their salary and that are specifically directed at increased student achievement. This allows us, as a district, to tailor the classes that teachers take to insure that the requested courses correlate with our District goals of improved student achievement. Some of the courses that have been and will be offered through this program are:

Teaching reading and Writing in the content area

Using the computer to enhance instruction

The Colorado Writing Project

Working with Special Needs students in the regular classroom

Standards and Assessments—How do they affect the classroom teacher

As a result of these courses we have seen veteran teachers begin to write rubrics for their students in areas such as science, industrial arts and other curricular areas. With this type of staff development teachers have a direct responsibility for their salary increases and we as a district are able to determine what classes and professional growth opportunities align with our District goals.

I also wanted to let you know that I have had initial discussion with our teacher representatives about extra compensation opportunities based on student achievement scores. We have already determined that we will be a data-driven, result-oriented organization that is willing to compensate teaching staff for increased student achievement. I anticipate that this program will be fully funded and implemented for the 00–01 school year.

As an example, of our goal of being a result oriented organization I would like to take a minute to share with you an incident that happened after we received the results of the CSAP testing. After receiving the results we noticed that we had declined 25% in reading and 33% in writing from the previous year. Given these known facts we wrote a remediation plan to help us improve our scores. Our remediation included two clauses that I would like to bring to your attention. The first being that, "we would offer no excuses." We would not discuss the test, its norming samples nor the socio-economic status of our children taking the test. In essence we accepted full responsibility for our results. The second caveat that I would like for you to know is that the remediation plan included the Superintendent of Schools and the Board of Education. Thus, to reiterate your point in your speech, in the Julesburg School District Re-1 accountability for student achievement is placed upon the entire organization not just the classroom teacher. In fact, our remediation plan is a public document that is open for our constituents to view. In Julesburg, Colorado, student achievement is the very crux of our accountability and our decision-making processes. We will not just collect data; our future will be driven by it.

Our next step of this accountability process is the development of a local report card. In addition to printing and publishing our local report card we are going to hold a public local "shareholders" meeting. At this meeting we will furnish to our community a "state of the school" presentation. This presentation will include fiscal information as well as student achievement information. It is our intention that this "shareholder" meeting will become a tradition in the Julesburg community.

Congressman Schaffer, I share this information with you because people with shared goals should communicate to maximize the positive effect for our students. As I close, I would like to share a quote with you. Robert Greenleaf, in his book Servant Leadership cites the following passage, "Great ideas, it has been said, come into the world as gently as doves. Perhaps then, if we listen attentively, we shall hear, amid the uproar of empires and nations, a faint flutter of wings, the gentle stirring of life and hope." Congressman, you and I both know that the future of education is very bright in Colorado.

If I can be of any assistance to you in our shared purpose please feel free to call on me.

Sincerely,

ROD L. BLUNCK,
Superintendent of Schools.

HONORING COMMUNITY PROTESTANT CHURCH OF CO-OP CITY

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1999

Mr. ENGEL. Mr. Speaker, a church can be the mainstay of a community, the bond which holds its people together in common purpose. In the Bronx, the Co-op City community is fortunate to have such a church, the Community Protestant Church of Co-op City.

And today I rise to congratulate that wonderful institution and its worshippers who are celebrating the church's 30th anniversary.

The Community Protestant Church started humbly enough with the organizational meeting of co-operators, as residents of Co-op City are called, in the spring of 1969. Initially services were held in the homes on a rotating basis before moving to a community room. Visiting ministers were provided by the Council of Churches on a weekly basis. The following year Temple Beth-El shared its space with the Church and the Rev. Julius Sasportas volunteered to serve as pastor.

It was on March 21, 1971, that the church was officially incorporated. That same year the church acquired and renovated space at 2053 Asch Loop North and in May of the following year moved into its new quarters. In December, 1972, the Rev. Daniel Ward was sent by the Southern Baptist Convention to serve as Pastor.

In the following years more space was acquired and in 1976 the Rev. Dr. Calvin E. Owens became the spiritual leader of the church. New land was acquired for a permanent home and in November 3, 1994, groundbreaking ceremonies were held.

I congratulate the Community Protestant Church on its 30th anniversary and wish the church many more years in the community.

IN HONOR OF ST. JOSEPH WORSHIP SPACE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to honor the dedication of the St. Joseph Worship Space.

The Worship Space is an environment where, through private devotion and liturgical celebration, the sisters of St. Joseph may be united with God and with one another. The Worship Space provides the congregation with a much-needed facility where the sisters of St. Joseph and the community can gather to worship.

A Reservation Chapel has been set up for the use of private devotion to the Blessed Sacrament. The Reconciliation Chapel has been built and is dedicated for the reception of the Sacrament of Reconciliation. Also, seating for 250 people is available for liturgy, meetings, jubilees, Chapter assemblies, and, a gathering room has been established where the sisters can meet as well as extend their hospitality to the congregation.

My fellow colleagues, please join me honoring the dedication of the Sisters of St. Joseph Worship Space.

TRIBUTE TO REV. RICHARD ANDRUS

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1999

Mr. BONIOR. Mr. Speaker, today I would like to congratulate, Rev. Richard Andrus upon his retirement from the ministry. His parishioners, colleagues, family and friends will honor him with a retirement dinner at the First United Methodist Church in Mount Clemens, MI.

Born in Reese, MI, in 1937, Reverend Andrus has dedicated much of his life to serving others. He entered the ministry in 1967, and has been a leader in nine different churches throughout his exemplary career. Currently, Reverend Andrus serves at the First United Methodist Church in Mount Clemens. He has been with the church for 7 years.

Prior to his arrival at First United Methodist Church in Mount Clemens, Reverend Andrus served in several area churches, including the Warren First United Methodist Church and the Warren Wesley Church. Prior to that, he was assigned to the New Baltimore Congregation and built the Grace United Methodist Church.

Reverend Andrus is a tireless advocate for the people of Macomb County. He formed the Macomb County Ministerium and has been a member of the Macomb Emergency Shelter Coalition for the last 10 years. Reverend Andrus is also a member of the Jail Ministry, the Healthier Macomb Organization and the Rotary Club. While serving in New Baltimore, he was also the Chaplain for the Civil Air Patrol at Selfridge Air Force Base.

For more than 32 years, Rev. Richard Andrus has given his time, love and patience to the people he has served. Now, it is my honor to give Reverend Andrus my heartfelt congratulations as he celebrates his retirement.

A TRIBUTE TO GLEN OAKS ELEMENTARY SCHOOL; RECIPIENT OF THE UNITED STATES DEPARTMENT OF EDUCATION BLUE RIBBON SCHOOL AWARD

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1999

Mr. GONZALEZ. Mr. Speaker, I rise today to offer my sincerest congratulations to Glen Oaks Elementary School in San Antonio, TX, upon the notification of their receipt of the Blue Ribbon School Award.

Schools are awarded the Blue Ribbon School Award based on their performance in regards to several criteria, including: student focus and support; active teaching and learning; school organization and culture; challenging standard and curriculum; professional community; leadership and educational vitality; school, family, and community partnerships; and indicators of success.

Glen Oaks Elementary joins three other schools in San Antonio and forty other Texas schools, all of which excelled in these areas and were rewarded with the Blue Ribbon School Award from the United States Department of Education.

To receive consideration for this prestigious award, schools must be recommended for national recognition by their individual state department of education or sponsoring agency. Nominations are then evaluated by a National Review Panel including the Department of Education, the Department of Defense, the Bureau of Indian Affairs, the Council for America Private Education and a select group of educators from around the country. The Secretary of Education then makes a final determination based on the recommendations of this panel.

In receiving this special recognition, I believe that Glen Oaks Elementary School will inspire others to provide the level of quality education that this Blue Ribbon School Award merits. I am proud to represent a district and hail from a state that has clearly placed an emphasis on the education of our children.

EDUCATION REFORM, A RURAL PERSPECTIVE

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to recognize Mr. Gerald Keefe, Superintendent of Kit Carson School District R–1 and a member of my Fourth Congressional District Education Advisory Board. I would like to enter into the RECORD a recent letter from him on education reform.

Superintendent Keefe's common sense ideas emphasize the importance of basic values, including respect for elders, peers, teachers and community. Creating a school culture which affirms values is central not only to the success of the school but to the stability of society. To generate an environment of respect, schools should adopt high standards and good discipline measures.

Secondly, Superintendent Keefe stresses the need for local control. He believes cutting federal red tape to ensure money gets to the classroom is essential. Streamlining regulations, especially those revolving around the Individuals with Disabilities Act is also necessary to ensure each child gets the attention he or she needs to achieve.

I look forward to working with Superintendent Keefe as the Committee on Education and Workforce, of which I am a member, undertakes the reauthorization of the Elementary and Secondary Education Act, the primary source of education funding.

I would like to finish with a quote from author Robert Greenleaf: "Great ideas, it has been said, come into the world as gently as doves. Perhaps then, if we listen attentively, we shall hear, amid the uproar of empires and nations, a faint flutter of wings, the gentle stirring of life and hope."

In rural Colorado, far from Denver, far from the noisy rancor of Washington, far from the proposals and speeches, there are people who are making a difference with quiet confidence.

KIT CARSON SCHOOL DISTRICT R–1,
Kit Carson, CO.

Congressman BOB SCHAFFER,
Cannon House Office Building,
Washington, DC.

DEAR CONGRESSMAN SCHAFFER, First let me commend you on the outstanding job you are doing in reforming public education. It's a tough task as you know and I admire your efforts.

I was intrigued by the findings of the Education at a Crossroads report that highlighted characteristics of successful schools. I wholeheartedly agreed with that report and I would like to briefly touch on those findings and offer a few other comments as well.

Please understand that I offer a rural perspective on education and as such my background and feelings may differ from those of my urban colleagues. Rural Coloradans crave technology and would welcome any legislation that increases opportunities in that area for small districts. Technology of course comes with a price tag, but the return on the investment in this area makes it an acceptable cost. The SLC Universal Service Discount has been helpful but other funding opportunities would be welcomed as well.

I applaud your efforts to directly deliver dollars to the classroom instead of seeing a large portion of those funds siphoned off by the bureaucracy. You are most certainly on the right track in this area.

Schools also desperately need the ability to instill basic values in their populace. Respect for ones' elders, country, teachers, fellow students and school community are in my mind essential not only for successful schools but for a stable society as well. Court rulings and legislation restricting the rights of schools to discipline and set standards for their students have improved somewhat over the years, but more progress is still needed in this area.

Schools must be administered at the local level and even though I welcome federal funding from the budget side of the equation, that enthusiasm is tempered by the knowledge that increased federal control may also result from this arrangement.

Special Education is another topic of great concern. I feel that it has become a trap that students often do not return from. It needs to be streamlined so that the classification of students with disabilities is a true and accurate one and not just a convenient label to explain away juvenile behavior.

My Catholic school background tells me that some of these students need a paddle against their backside and not a protective label that provides a ready made excuse to justify anti-social behavior. IDEA legislation should be written to ensure that only those who have a significant need for special education services actually qualify. We are pleased, however, with the Title One program and how it operates in our district.

Vocational Education has the potential to offer a wide variety of opportunities for rural America and as such I ask that continued funding of those programs remain a priority.

After I familiarize myself with specific topics facing Congress through your Ed-Link publication I would be willing to comment on those issues in greater detail. I feel I have spoken today in a very broad sense but I hope my comments are still of some value to you as you tackle the challenges facing America's schools.

Thanks for your time and effort on behalf of the citizens of House District 4 and thanks again for the opportunity to serve on your education advisory committee.

Sincerely,

GERALD KEEFE,
Superintendent.

HONORING JUDGE ASCHER KATZ

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1999

Mr. ENGEL. Mr. Speaker, today I rise to speak in praise of a man who has devoted himself to his community. Judge Ascher Katz is not only Administrative Town Judge of Greenburgh, serving on the bench for 23 years, but a man who has immersed himself in the judicial profession as a Director of the County Magistrates Association and as a Chairman of the state Bar Association Committee on District, City, Village and Town Courts.

Judge Katz is also in Who's Who in American Law and a senior partner in his law firm. But he also serves the community as a whole; as a Charter Member of the U.S. Holocaust Commission, in the Jewish War Veterans, as a board member of the American Cancer Society, and in the Rotary and B'nai B'rith. He is a graduate of Harvard Law School and he and his wife have three daughters. On his retirement I want to thank him for all he has done for his community and to wish him the very best.

IN HONOR OF THE LADIES AUXILIARY OF THE POLISH LEGION OF AMERICAN VETERANS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to honor the 65th Anniversary of Chapter No. 30, The Ladies Auxiliary of the Polish Legion of American Veterans.

Organized on May 23, 1934, The Ladies Auxiliary of the Polish Legion of American Veterans was formed to work with the Post, visit the hospitalized veterans and to participate in all patriotic, civil and religious functions.

Throughout the past 65 years, the Ladies Auxiliary has worked hard for the veterans of Chapter 30 of the Polish Legion by participating in many activities, such as, parades, Memorial Masses, Civil functions, and ward treats at Wade Park and Brecksville V.A. Hospitals. This Chapter has also been involved with State and National Conversions, Veterans and Women of the Year, Evening in Warsaw, State Picnic, Night at the Races and Bowling Tournaments.

The Ladies Auxiliary is dedicated to raising money to support veterans by holding fund raisers such as, Card Parties, Bingo's, Dinners, Picnics, Bake Sales, and Poppy sales. Throughout their years of service of helping veterans, Chapter No. 30 has accumulated over 35,000 registered volunteer hours.

The members of the Chapter are proud of their Polish Heritage and culture and proud to have accomplished so much in the past 65 years. I am confident that the Polish Legion of American Veterans Ladies Auxiliary will continue their commitment to work for the veterans well in to the next millennium.

My fellow colleagues, please join me in honoring the work and dedication of The Ladies Auxiliary of the Polish Legion of American Veterans.

IN CELEBRATION OF REV. MSGR. GERARD LA CERRA

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1999

Mr. DIAZ-BALART. Mr. Speaker, I rise today to honor a man who has devoted his life to God and who has served faithfully as a priest for 30 years. Reverend Monsignor was born on March 12, 1943, and was ordained to the priesthood on May 24, 1969, after completing his seminary studies at St. John Vianney College Seminary in Miami and St. Vincent de Paul Regional Seminary in Boynton Beach, FL. He obtained a Bachelor of Arts, Master of Divinity, Master of Theology and Doctor of Sacred Theology.

His many ecclesiastical achievements began in 1969 when he was Regional Coordinator for Religious Education in Broward County. From 1970 to 1977 he was Director of the MA Program in Religious Studies. A member of the Faculty of St. Vincent de Paul Regional Seminary from 1972 to 1974, he was also Secretary of the National Conference of Diocesan Directors of Religious Education from 1974 to 1978.

In 1978 he was appointed Chancellor of the Archdiocese of Miami and served in that capacity until 1993. In addition, he was appointed Vicar General and Moderator of the Curia in 1984, a position in which he served until March 1995. In this capacity he served as Executive Director of the Ministry of General Services. Besides membership on various Archdiocesan boards and commissions, he is also Chaplain to the Daughters of Isabella.

At a Pastoral level, Msgr. La Cerra was Associate Pastor at Annunciation, Little Flower (Coral Gables) and St. James Parishes. From 1978 until May 15, 1991 he was named Pastor of St. Mary's Cathedral.

In December of 1992 he was appointed administrator of St. Timothy Parish in Miami and currently he holds the Pastoral position. He was given the title of Reverend Monsignor by the highest authority of the Catholic Church, Pope John Paul II, in September of 1995. We are fortunate to have this admirable Monsignor in South Florida and I commend Reverend La Cerra for his many accomplishments.

IN SUPPORT OF THE SCHOOL ANTI-VIOLENCE EMPOWERMENT ACT

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1999

Mr. GREEN of Texas. Mr. Speaker, juvenile crime today tends to be more violent and involves younger children than in the past. The recent tragedies involving school violence has prompted parents, teachers, administrators, and elected officials to work together and set the safety of our children as a national priority. Congress needs to get its priorities in line as well and act on legislation that would stop youth violence and make our schools safe.

According to a 1995 GAO report on school-based violence prevention programs, successful programs have the following characteristics: a comprehensive approach; an early start and long-term commitment; strong leadership and disciplinary policies; staff development; parental involvement; interagency partnerships and community links; and a culturally sensitive and developmentally appropriate approach.

I am proud to join my colleague from New Jersey, Congressman ROBERT MENENDEZ as a cosponsor of the School Anti-Violence Empowerment Act because it includes many of the recommendations of the GAO report. This bill would:

Provide grants for school districts to hire crisis prevention counselors and fund anti-school violence initiatives. 50% of the grants would go to fund crisis prevention counselors and crisis prevention programs. 50% would go to school districts who would have the flexibility to spend these funds on projects which would best improve security at their schools.

Increased funding for COPS. 50% of the funding would be targeted for cooperative school-police partnerships to place safety officers in schools.

Implements after school and life skills programs for at-risk youth.

Directs the Department of Education to work with the Department of Justice to develop a model violence prevention program for school districts to use. In addition, the Department of Education would create a clearinghouse of anti-school violence to allow school districts to see what types of initiatives are working in other schools across the nation.

It is imperative that we implement aggressive and comprehensive approaches to keep our children safe. They deserve to have an educational experience free from fear or the threat of violence.

LAW ENFORCEMENT APPRECIATION MONTH

HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1999

Mr. BOYD. Mr. Speaker, today I rise in honor of Law Enforcement Appreciation Month to pay tribute to our nation's more than 700,000 men and women who serve our communities as law enforcement officers. We owe these individuals a tremendous debt of gratitude for the many sacrifices they make so that we might enjoy safer places to live and work.

Each day, America's law enforcement officers put their lives on the line as our first defense from violent crime. But these public servants do so much more than apprehend criminals: law enforcement officers are community activists, role models for our nation's young people and defenders of law and order.

This month, in honor of Law Enforcement Appreciation Month, I hope that Americans will take time to thank their local law enforcement officers for their dedication and hard work. We should also take this moment to remember the ultimate sacrifice made by the many officers who have lost their lives in the line of duty and pay our respects to the families these individuals have left behind. Most importantly, as this month comes to a close, we should strive to honor these brave officers each day and give them our support so that together we might make our communities an even better place to live.

CONGRATULATING LEON MEDVEDOW ON HIS 70TH BIRTHDAY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1999

Ms. DELAURO. Mr. Speaker, it gives me great pleasure to rise today to recognize Leon Medvedow as he celebrates his 70th birthday. This evening friends, family, and the New Haven community will gather to pay tribute to Leon for a lifetime of contributions to the City of New Haven.

A respected leader of the community, Leon has served the City of New Haven and its residents with an unparalleled commitment for over fifty years. His distinguished record of public service began with his election as New Haven's Old Third Ward Alderman in 1953. For decades, Leon continued his leadership and vision for New Haven in many other capacities including City Clerk, Chairman of the Board of Finance, and Chairman of the 25th Ward Democratic Committee.

Leon was honored by former President Jimmy Carter with an appointment to the Federal Small Business Administration Advisory Council in recognition of his professionalism as a small business owner. Today he remains president of Leon A. Medvedow & Associates, Inc., a printing company he built from the ground up, and continues his political career as Campaign General Chairman for New Haven's current mayor, John DeStefano, Jr. His exceptional talents remain focused on the improvement of the New Haven community.

The generosity Leon has shown throughout his life has made him a true friend to the community. He gives his seemingly endless time and energy to many community organizations. Currently, he is a member of Congregation Beth El-Keser Israel as well as the Board of Directors for the New Haven Jewish Community Center, overseeing a myriad of social programs for New Haven's Jewish community. He is a former trustee of the University of Connecticut's Alumni Association and a founder and past president of the UCONN Club. An avid basketball fan, he is a fifty year veteran basketball season ticket holder showing true loyalty and spirit for his alma mater. His passion for the sport led him to sponsor a local team, the New Haven Elms, bringing the game he loves to the City of New Haven.

After five decades of accomplishments, you wouldn't think Leon would have anything left to achieve and yet he continues to add to his extraordinary life. Just five days ago, Leon celebrated his Bar Mitzvah, fulfilling a promise he made to himself over fifty years ago when circumstances forced the ceremony to fall by the wayside.

Mr. Speaker, it is with great pride that I rise today to join Leon's wife, Phyllis, children, grandchildren, friends, and the entire New Haven community to wish my good friend a very happy 70th birthday. Leon's work and commitment have truly left this community a better place and for that we thank him.

TAIWAN'S 3RD ANNIVERSARY OF PRESIDENTIAL ELECTIONS

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1999

Mr. EVERETT. Mr. Speaker, for the first time in Chinese history, Taiwan held a truly democratic presidential election three years ago. As the people of Taiwan celebrate their president's third anniversary in office on May 20, 1999, I send them my congratulations.

I applaud President Lee's recent proposal that Taiwan and the mainland work together in drafting a comprehensive financial plan to help solve the current financial crisis affecting their neighbors in Asia. President Lee's innovative ideas deserve serious consideration by the mainland China authorities.

The Chinese people as well as the international Community, stand to benefit if Taiwan and China continue to have a meaningful dialogue about their hopeful unification. Taiwan and the Chinese mainland have much to learn from each other. Taiwan's economic miracle and a thriving democracy will be a useful guide to the mainland China's progress toward a free and open economic and political climate.

Congratulations to President Lee Teng-hui and best regards to Foreign Minister Jason Hu for their effort on behalf of democracy in the Pacific Rim.

IN HONOR OF BELVA DAVIS AND ROLLIN POST

HON. NANCY PELOSI

OF CALIFORNIA

HON. BARBARA LEE

OF CALIFORNIA

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1999

Ms. PELOSI. Mr. Speaker, we rise today to mark the contributions of two highly respected California journalists. On Sunday, May 23, 1999, veteran Bay Area television journalists Belva Davis and Rollin Post will be honored at the San Francisco City Hall Rotunda. Their combined experience spans 70 years, a long and rich engagement with the social, cultural, and political history of the Bay Area.

Belva Davis, winner of multiple professional awards, has worked continuously on television since 1966, when she became the first African-American female reporter on the West Coast. Since that breakthrough, Belva has contributed significantly to the shape and the texture of today's television news. Her sharp, poignant reports stimulate community awareness. Her commitment is further demonstrated by deep involvement in numerous community organizations. She is also a labor activist and a visible supporter of African-American culture and history.

During her career, Belva Davis has reported for, or anchored, such public affairs programs as KRON's "California This Week" with Political Analyst Rollin Post, BayTV's "Close-up with Belva Davis" and "Bay Area Close UP," KQED's "A Closer Look" and "Evening Edition." She has also served as News Centers 4's anchor and urban affairs specialist. Most recently, she joined Congresswoman Barbara Lee's citizen delegation to report a week-long series on the people, culture and politics of Cuba and on Cuba's relationship with the United States.

Belva has received six local Emmys, the 1996 Governor's Award of the Northern California Chapter of the National Academy of Television Arts and Sciences, a Certificate of Excellence from the California Associated Press Television and Radio Association, and the Golden Gadfly Award of the Media Alliance. She has honorary doctorates from Golden Gate University and John F. Kennedy Universities. The Media Academy of Oakland offers an annual journalism scholarship in Ms. Davis's name.

When Rollin Post announced his retirement, Belva said: "I've been learning from Rollin Post for three decades, and we have become the real political odd couple. He has taught me how to make the most complicated political issues interesting to a sometimes disinterested electorate."

Rollin Post has covered politics in the San Francisco Bay Area for more than 40 years. With keen understanding of public affairs, Rollin has covered 14 national political conventions. In addition to state and local political issues, Rollin reported from Cuba in 1978 on trade, tourism, and hijacking. In 1986, Rollin was on special assignment in the Philippines during the transition to democracy.

"Rollin is an old-fashioned reporter who gives you the facts and is genuinely interested in the process, the politics, the issues and ideas. He is exceptionally fair-minded and doesn't have a cynical bone in his body," wrote John Jacobs, political editor of McClatchy Newspapers. With a passion for politics, along with a touch of idealism, Rollin brought clarity and understanding to the political process.

Early in his career, Rollin worked for KPIX–TV, where he concentrated on politics and general assignments. He was also head writer and producer for "The Paul Coates Report," a nationally syndicated television interview show. Rollin joined KQED in 1973 to work on three programs: "A Closer Look," "Newsroom," and "California Tonight." In September 1979, Rollin joined KRON–TV, where he served as NewsCenter4's political editor for 18 years. While co-anchoring on KRON's "California This Week." Rollin and Belva brought passion and insight to the issues of the day. Because of their pioneering spirit and leadership, Rollin and Belva became mentors to the next generation of journalists. Rollin speaks of Belva with great affection: "She's a Type A; I'm the type who likes to take naps."

Currently, Rollin hosts "Our World This Week," an international news show produced by BayTV in cooperation with the World Affairs Council of Northern California.

Among his many awards, Rollin received the prestigious Broadcast Preceptor Award from the 32nd annual San Francisco State University Broadcast Industry Conference. He has also been honored by the Coro Foundation for his influential leadership in the public arena.

In celebrating the lives and careers of Belva Davis and Rollins Post, we are paying tribute to two remarkable people whom we are also fortunate to know as friends.

A TRIBUTE TO CITY YEAR SAN ANTONIO

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1999

Mr. GONZALEZ. Mr. Speaker, I rise today to ask unanimous consent to submit into the RECORD an article that appeared in the San Antonio Express News recently.

The article highlights City Year San Antonio, a unique public and private partnership program for the national service movement. City Year San Antonio has contributed more than 30,000 hours of service to the San Antonio community in its 3 years of service. City Year San Antonio has established a mentor and tutor program for children from elementary school through high school, including programs on the environment, domestic violence prevention, HIV/Aids awareness, and technology education.

I am proud of the work and the service that City Year provides to the San Antonio community. I look forward to the continued success and future progress of City Year San Antonio.

AMERICORPS WORKERS HELPING OTHERS CITYWIDE

(By Joseph Barrios)

. . . Nathan Miller grew up in a quiet Kansas City, Kan., neighborhood but wanted to travel and learn about different places.

He graduated from high school and then applied to serve with City Year, one of the AmeriCorps volunteer programs operating in San Antonio.

The 19-year-old Miller now works 12-hour days, sometimes tutoring West Side children as part of Project Learn to Read and sometimes working with San Antonio Alternative Housing on minor construction for elderly neighbors.

His favorite responsibility is helping teach a nighttime English class for adults seeking citizenship.

"I feel like I help them get along better in their lives," Miller said, "I have a chance to meet people in drastically different life situations from mine."

Miller is one of more than 140 full-time volunteers in the San Antonio area serving with various AmeriCorps programs. Although the volunteers are affiliated with different funding agencies, their goals are the same.

They want to tackle some of San Antonio's blight and improve people's lives. AmeriCorps is the national service program started by Congress and President Clinton in 1993. Programs can be funded with federal dollars or matched by a local "parent" organization.

The George Gervin Youth Center has 20 full-time AmeriCorps volunteers and Habitat for Humanity has a dozen full-time volunteers working in San Antonio.

Miller works for the 10-year-old City Year program, which has 70 AmeriCorps volunteers and works out of an office downtown.

An average day for h im varies somewhat from Rudy Beltran, 23, a full-time volunteer with the Just Serve AmeriCorps program run by San Antonio Fighting Back of the United Way.

Beltran, based at the Barbara Jordan center of the city's East Side, is a full-time student at the University of Texas at San Antonio. He also teaches an evening, English-as-a-Second-Language class at Highlands High School and tutors high school students in English.

Recently, Beltran helped several students prepare for the Texas Assessment of Academic Skills Test.

"I definitely get a lot out of it," Beltran said. "A couple of students came up to me and said it really helped them. They thought they had passed it."

Fighting Back, a substance abuse, crime and violence prevention and community development program, has 60 full-time volunteers. They are recruiting more than 100 high school students for a new part-time service program in San Antonio.

City Year and Southside High School recently started a part-time volunteer program for students called City Heroes.

Most of the full-time volunteers started their year of service in August and will finish in June.

Volunteers operate primarily on the city's West, East and South sides but can participate in programs anywhere in the city, said Scott Hirsch of the Texas Commission on Volunteerism and Community Service. Volunteers themselves come from all areas of town and sometimes—like Miller—from out of town.

Hirsch said the commission is working on guidelines to evaluate how effective volunteers throughout Texas have been in the past five years since the AmeriCorps program was founded. Overall, the various volunteer programs are going strong.

Hirsch added that associations with other programs can cause confusion. "Sometimes, when you're at a cocktail party and you mention you work for AmeriCorps, people think it no longer exists," Hirsch said.

Some of the benefits to the program are intangible, said Bill Blair, director at the George Gervin Youth Center.

Regularly, when volunteers are painting a house or cleaning up an abandoned lot, neighbors will stop by and offer their help.

"I say, 'Sure, come on and join us.' You can't beat that sort of thing," Blair said.

Neighbors can also submit ideas for service projects to any of the programs like City Year or Fighting Back.

AmeriCorps volunteer benefits can include health insurance, a weekly stipend, uniforms and a post-service education award of $4,725 that can pay for school or student loans. The program requires a minimum of 1,700 hours a year from volunteers.

This fall, Miller will begin college in Vermont. He said his favorite times as a volunteer come when someone thanks him for work that an AmeriCorps volunteer did.

"I have people come up to me all the time. They see your shirt and want to thank you," Miller said. "They can be thanking you for something that happened three years or three days ago."

WORKING ON A SOLUTION

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1999

Mr. SCHAFFER. Mr. Speaker, in the matter of the Columbine Massacre, I hereby submit to the RECORD a statement issued by the Colorado State Board of Education.

These remarks, I commend to my colleagues upon consideration of various proposals pending this Congress. Clearly, the thoughts offered by the Colorado State Board of Education, signed a thoughtful approach to any legislative initiatives we might consider here and establish a reasonable framework from which to view our responsibilities.

The statement of the Board is as follows:

WHAT IS TO BE DONE: SEARCHING FOR MEANING IN OUR TRAGEDY

In the aftermath of the most terrible day in Colorado education, when the pain and grief of those who have suffered loss is beyond what words can express, all of us are asking the questions: "Why? How did this happen? What can we do to keep it from happening again?" The State Board of Education, adhering to its Constitutional responsibility, joins the Columbine community and the rest of the State in seeking the lessons that may be drawn from the awful tragedy of April 20, 1999.

As we seek the why behind this infamous event, we must find answers beyond the easy and obvious. How weapons become used for outlaw purposes is assuredly a relevant issue, yet our society's real problem is how human behavior sinks to utter and depraved indifference to the sanctity of life. As our country promotes academic literacy, we must promote moral literacy as well, and it is not children, but adults in authority who are ultimately responsible for that.

Our tragedy is but the latest—albeit the most terrifying and costly—of a steadily escalating series of schoolhouse horrors that have swept across the nation. The senseless brutality of these calamities clearly reveals that a dangerous subculture of amoral violence has taken hold among many of our youth.

We cannot pretend that we have not known about this subculture or about those elements of the mass media, from films to video games, from which it derives sustenance. Further, we must honestly admit that essentially we have done nothing to prevent these cultural cancers from spreading through our schools and society.

How often have adults questioning highly dubious youth speech, dress, entertainment, or behavior been decried as old-fashioned, or worse, attacked as enemies of individual expression? How often have parents or teachers reporting alarming predictors of violent behavior been told nothing can be done until someone actually commits a crime? So we do nothing, and then look upon the ruin of so many young lives while hearing those saddest of words: Too Late.

As a Board we believe, with Edmund Burke, that all that is required for the triumph of evil is that good men do nothing. We further believe that society must act now before it is too late for more innocent children. We also recognize that failing to act shall make us all accomplices in such future tragedies as may engulf our schools.

Accordingly, we make the following recommendations for renewing that unity and strength of purpose that has historically bonded our schools, our homes, and our society.

I. IN OUR SCHOOLS

While our schools are at once the mold and the mirror of the democratic society they serve, they are not democracies themselves. Schools are founded and controlled by adults for the benefit of children.

The adults accountable for running schools must have the courage, ability, and authority to establish and maintain a safe and orderly environment maximally consonant with the purposes of schooling, i.e. the fullest possible achievement for every single child.

We recognize that in every time, and every society, there is tension between liberty and license, and frankly, we believe that the pendulum has swung too far in the direction of the latter.

Be that as it may, our school children should not be routinely victimized by the quarrels of the wider society. They deserve the shielding mantle of adult authority while they form and strengthen themselves for their own entry into adulthood.

We also recognize the routine cruelty and torment that can occur among adolescents in an unchecked peer culture. This is all the more reason for a strong and vigilant adult authority to prevent victimization of the vulnerable.

We know this won't be easy, and that it must begin with a decisive rollback of those harmful precedents that have so undermined the confident and successful exercise of legitimate adult authority upon which every good school depends.

We must stop disrespecting those who urge discipline and values. We must recognize that their cry is the legitimate voice of the American people. We must listen to respected voices—liberal and conservative—like Albert Shanker and William Bennett—when they tell us flat out that our "easy" schools will never get better or safer without a massive renewal of their values, discipline, and work ethic.

Finally, we must remember, respect, and unashamedly take pride in the fact that our schools, like our country, found their origin and draw their strength from the faith-based morality that is at the heart of our national character.

Today our schools have become so fearful of affirming one religion or one value over another that they have banished them all. In doing so they have abdicated their historic role in the moral formation of youth and thereby alienated themselves from our people's deep spiritual sensibilities. To leave this disconnection between society and its schools and unaddressed is an open invitation to further divisiveness and decline. For the sake of our children, who are so dependent upon a consistent and unified message from the adult world, we must solve these dilemmas. Other civilized nations have resolved divisions that are far more volatile. Surely, America can do as well.

II. IN OUR HOMES

We routinely preach about cooperation between home and school, yet too often our actions tell a different story. Too often, we undermine rather than support the values and authority of parents. Too often, we find them handy scapegoats for our own failures.

When countless surveys show our parents to be deeply concerned about the state of public education, something is seriously wrong and we ignore this at our peril.

This alienation has as much to do with parental concerns about safety and values as it does with persistent learning deficiencies. If we are to ask parents to use their authority to support those educating their children, then educators must use their authority to support the work and values of parents. Some schools are already doing this, but sadly in too many instances, these historic bonds of trust and mutual support have frayed badly or broken altogether.

We deeply believe that without a unified adult world, our children will continue to suffer the consequences of our doubts and divisions.

III. IN OUR SOCIETY

The connection between murder in our schools and elements of the mass culture is now beyond dispute. Only those who profit from this filth, and their dwindling bands of apologists deny the evidence of violence, hatred, and sadism routinely found in films, video games, and the like.

We believe it is no longer acceptable for an entertainment industry that spends billions to influence the behavior of children to deny that their efforts have consequences or that they have no accountability for sowing the seeds of tragedy.

If a utility poured sewage into our streets, an outraged public would not tolerate it. Should those responsible for the stream of moral sewage entering our homes and communities be any less accountable?

If we deem it proper to boycott, withhold public investments, and otherwise impose an economic penalty on companies for their labor practices, environmental policies, or countries in which they operate, how could we fail to move at least as aggressively against those who create, promote, and distribute media and other products for which there is no imaginable justification.

In closing we should be reminded that throughout our history our people have demonstrated a remarkable capacity for moral courage and self-renewal in times of great danger and challenge.

Perhaps across the ages we can hear the timeless words of Abraham Lincoln, and, applying them to our own circumstance renew his pledges, "that we here highly resolve that these dead shall not have died in vain; that this nation, under God, shall have a new birth of freedom".

With history as our judge, let us go forward together with a strong and active faith.

Authorized at a Special Meeting of the State Board of Education, April 21, 1999 and issued by our hand in the city of Denver, Colorado, at the regular meeting May 13, 1999.

Clair Orr, Chairman, 4th Congressional District; Pat M. Chlouber, Vice Chairman, 3rd Congressional District; Ben Alexander, Member-At-Large, John Burnett, 5th Congressional District; Randy DeHouff, 6th Congressional District; Patti Johnson, 2nd Congressional District; Gully Stanford, 1st Congressional District; William J. Moloney, Commissioner of Education.

HONORING H. STEPHEN LIEB

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1999

Mr. ENGEL. Mr. Speaker, I rise today to give tribute and thanks to Stephen Lieb who is retiring as Director of the Northeast Bronx Education Park. For many years he taught our children, before rising to administrative posts in the school district.

He was born and raised in New York City, educated in its public schools and has a B.S. from Hunter College, his M.S. from Fordham University and additional graduate work at Pace University and the University of Washington.

His initial assignment was teaching science at J.H.S. 163. In 1970 he transferred to I.S. 180 as Science Chairman and he was named Planetarium Director when that facility was completed.

Among his accomplishments was the full air conditioning of the five schools in the Park, and the installation of the data communications system. He has worked for 30 years with the Greater New York Council, Boy Scouts of America and takes 30 fatherless boys to camp every year. He also founded a scholarship program. In his retirement as Director of the Education Park, he leaves a hole that will be difficult to fill. I congratulate him for all of his good work and wish him the very best in retirement.

IN HONOR OF THE SALVATION ARMY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to honor The Salvation Army's Harbor Light Complex in the Greater Cleveland area on their 50th Anniversary.

The Harbor Light Complex has a strong commitment to helping those in the greater Cleveland area who are less fortunate. Through this institution, programs of Correction, Emergency Sheltering Services, Food Services, New Hope Citadel Corp., Residential Services, as well as Detox & Substance Abuse Programs help people deal with difficulties they face and gives them the courage and the tools to fight through them.

The Harbor Light Complex continues to provide in its historically established tradition the caring services needed to offer comfort, shelter sustenance, education and hope to the Greater Cleveland Community. The Salvation Army's continuing commitment to serving a diverse group of people in need in the Greater Cleveland area, sets an example of how caring individuals can change the world one life at a time.

I would like to recognize the Salvation Army's Harbor Light Complex for 50 years of quality service. They have truly met the needs of those who do not have a voice in our community.

INTRODUCTORY STATEMENT FOR THE HEALTH CARE WORKER NEEDLESTICK PREVENTION ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1999

Mr. STARK. Mr. Speaker, I am pleased to join with my colleagues, MARGE ROUKEMA, GEORGE MILLER, and ROB ANDREWS to introduce the Health Care Worker Needlestick Prevention Act, a bill to prevent dangerous, costly and preventable needlestick injuries to our nation's health care workers.

For far too long, we have stood by and watched as health care workers suffer needlestick and sharps injuries in our nation's hospitals and health care system. According to a 1997 report by the Occupational Safety & Health Administration (OSHA), approximately 800,000 hospital-based workers are injured annually from accidental needlesticks. Many of those injuries infections from bloodborne diseases, the worst of which include HIV/AIDS, and Hepatitis B & C.

OSHA estimates that approximately 16,000 needlesticks are contaminated by the HIV/AIDS. As of December 1998, the Center for Disease Control (CDC) had documented 54 cases of HIV seroconversions from needlesticks and more than 110 "possible" cases among U.S. healthcare workers. In addition, according to the International Health Care Worker Safety Center at the University of Virginia, there are an estimated 18 to 35 new occupational HIV infections of health care workers occurring from accidental needlesticks each year.

These injuries are largely preventable through use of newer technologies that use engineering devices to minimize accidental needlesticks. Hundreds of hospitals across the country have already converted to the use of these devices, but there are still thousands that haven't done so. Our legislation would make such safety devices the norm rather than the exception.

The Health Care Worker Needlestick Prevention Act is modeled after a California state law. Last year, California became the first state in the nation to require needlestick protections. The legislation was signed into law by then-Governor Pete Wilson and was endorsed by a wide coalition including the California Health Care Association (the state hospital trade association), Kaiser Permanente, health care workers, and labor unions alike.

The California Occupational Safety and Health Administration (Cal-OSHA) has estimated that each needlestick injury costs between $2,234 and $3,832 for treatment, testing, and prophylactic drugs. Cal-OSHA has also estimated that the California safe needles and sharps law, passed last year and effective this August, will save affected businesses and facilities over $100 million per year in excess of the cost of the new devices. Similar bills are now pending in state legislatures across the country.

While states are stepping to the plate to address this pressing concern, this is a national crisis and it deserves a national solution. The Health Care Worker Needlestick Prevention Act would amend OSHA's bloodborne pathogens standard to require the use of safe needle technology as the means for preventing needlestick injuries. It is a real-life solution that recognizes that these technologies are still not available or appropriate for use in every situation. To that end, it includes an exception process if the device would interfere with patient or worker safety, interfere with the success of a medical procedure, or if no such device is available in the marketplace. It would also require stricter reporting of needlestick injuries and creates a new clearinghouse on safer needle technology within NIOSH (National Institute for Occuaptional Safety and Health) to collect the data and to assist employers with training curriculum and other advice on available technologies.

We stand here today with broad-based support similar to that which made the California law possible. Our legislation is endorsed by numerous organizations including: the Service Employees International Union; the American Nurses Association; the American Federation of State, County and Municipal Employees; Kaiser Permanente; The Consumer Federation of America; Becton Dickinson, a major medical device manufacturer; and the Emergency Nurses Association, the American Public Health Association, and AIDS Action.

It is time to take the appropriate step of protecting our health care workers. They simply should not be forced to risk their lives while trying to save ours.

Mr. Speaker, I want to especially thank Congresswoman ROUKEMA for her leadership on this issue and urge my colleagues on both sides of the aisle to join us in support of this crucial effort.

Attached is a more detailed summary of the bill.

HEALTH CARE WORKER NEEDLESTICK PREVENTION ACT OF 1999, INTRODUCED BY REPS. PETE STARK AND MARGE ROUKEMA

BILL SUMMARY

Purpose: This bill would correct a dangerous problem in today's health care system in which health care workers suffer preventable needlestick injuries because appropriate technologies to prevent such injuries are not being utilized.

The bill would require the use of engineered safety mechanisms for needles and sharps in the health care arena to protect health care workers from life-threatening injuries caused by needlesticks and other sharps injuries.

OSHA Amendment: The bill amends OSHA's bloodborne pathogens standard to require that employers utilize needleless systems and sharps with engineered sharps protections to prevent the spread of bloodborne pathogens in their workplace.

In carrying out this requirement, employers are to work with direct care health care workers who use such devices to ensure the appropriate selection of technology.

Exceptions: Safe needle technology will not be immediately, universally available and appropriate for all uses in the health care arena. Recognizing this fact, the bill provides for an exceptions process if an employer can demonstrate circumstances in which the technology: Does not promote employee safety; interferes with patient safety; interferes with the success of a medical procedure; and is not commercially available in the marketplace.

Exposure Control Plan: Employers would develop written exposure control plans to identify and select existing needleless systems and sharps with engineered sharps protections and other methods of preventing the spread of bloodborne pathogens.

Sharps Injury Log: While we know that more than 800,000 health care workers suffer needlesticks every year, there is currently no uniform collection of data on sharps injuries to enable these incidents to be tracked, learned from, and prevented.

The bill would create a sharps injury log that employers would keep containing detailed information about any sharps injuries that occur.

Training: Employers would be required to adequately train direct care health care workers on the use of needleless technologies and systems with engineered sharps protections.

National Clearinghouse on Safer Needle Technology: The bill would establish a new clearinghouse within the National Institute for Occupational Safety and Health (NIOSH) to collect data on engineered safety technology designed to help prevent the risk of needlesticks and other sharps injuries. NIOSH would have access to the sharps injury logs in order to carry out these duties. The clearinghouse would also create model training curriculum for employers and health care workers. In order to carry out these new tasks, the institute is authorized $15 million in new funding.

Application to Medicare Hospitals: HHS would promulgate new regulations regarding conditions of participation in Medicare for those hospitals that are not covered by OSHA so that all hospitals across the country would, in effect, be covered by these new bloodborne pathogens requirements.

SIKH JOURNALIST GRILLED BY INDIAN INTELLIGENCE OFFICERS—THERE IS NO FREEDOM OF THE PRESS IN INDIA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1999

Mr. TOWNS. Mr. Speaker, India claims that it is democratic, but one of the cornerstones of democracy is freedom of the press. A recent event shows us again that there is no freedom of the press in India.

On May 11, Sukhbir Singh Osan, a journalist who has written for many papers in India and runs the website Burning Punjab, was interrogated by Indian intelligence officers for 45 minutes after he returned from a trip to the United States, Canada, and Great Britain. He came to cover the big Sikh marches in Washington, New York, and Toronto and to deliver a speech on the persecution of Christians that has been going on since Christmas Day.

Apparently, this coverage upset the Indian oligarchy. The intelligence officers who came to Mr. Osan's house said that they had "specific instructions from Delhi."

Mr. Osan has been targeted by the Indian government before. He was denied a degree he earned. His telephone has been bugged and he has received threats. He is not the only one. Reporters who exposed government abuses have received telephone threats. One reporter was told that "it is dangerous to report against the government." That was under a Congress Party government. The government controls the television and radio as well as Press Trust of India (PTI) and United News of India (UNI). How can you have a democracy if the government controls the media and tries to intimidate reporters who report news that they don't want to come out?

I thank my friend Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, for bringing this story to my attention. His office issued an excellent press release on the grilling of Mr. Osan, which I believe will be very informative to my colleagues.

How can the United States continue to support a country that claims to be democratic but does not allow freedom of the press, kills tens of thousands over their religious beliefs, joins with the world's most notorious tyrants at the United Nations against the U.S., celebrates the anniversary of its nuclear explosion, routinely violates basic human rights, and will not even allow a simple vote on the political future of the minority nations seeking their freedom? Why should such a country be a major recipient of American aid and trade? We should stop our aid to India until it respects basic human rights and we should publicly declare our support for the 17 freedom movements within India's borders.

I place the Council of Khalistan's press release on the grilling of Mr. Osan into the RECORD.

JOURNALIST GRILLED BY INDIAN INTELLIGENCE OFFICERS

THERE IS NO FREEDOM OF THE PRESS IN INDIA

WASHINGTON, D.C., May 12—Sikh journalist Sukhbir Singh Osan, who runs the website Burning Punjab, was interrogated by Indian intelligence officers after returning from a trip to the United States, Canada, and Great Britain, where he covered the Sikh 300th anniversary marches in Washington, New York, and Toronto and made a speech on "Recent Attacks on the Christian Community in India."

Intelligence officers grilled Mr. Osan at his home yesterday for over 45 minutes. They claimed that "we have specific instructions from Delhi." Mr. Osan stated that this action is "true to their anti-Sikh stance."

Mr. Osan has previously had his telephone bugged by the Indian government. He was denied a degree he earned because he has exposed corruption, atrocities, and acts of terrorism by the Indian government. He has received anonymous telephone threats.

"The interrogation of Sukhbir Singh Osan shows that there is no freedom of the press in India," said Dr. Gurmit Singh Aulakh, President of the Council of Khalistan. "Both Press Trust of India (PTI) and United News of India (UNI) are completely controlled by the Indian government," Dr. Aulakh stated. Noting that Mr. Osan has met lawmakers in both the U.S. and Canada, Dr. Aulakh said that "any more harassment of Mr. Osan will cause India big trouble."

"Reporters who put out information contrary to the government line are often threatened and harassed as Mr. Osan was yesterday," he said. "Reporters who have exposed government corruption and brutality have received anonymous telephone calls telling them that 'it is dangerous to report against the government,'" Dr. Aulakh said.

Mr. Aulakh urged the United States government to stop supporting the government of India. "India has joined with China, Russia, Cuba, and Libya in action against the U.S. at the United Nations," he noted. "India tried to build a security alliance against the United States. It recently celebrated the anniversary of its nuclear explosion and reiterated its refusal to sign the Comprehensive Test Ban Treaty. India is a major human-rights violator. Amnesty International has not been allowed into the country since 1978," he pointed out. "Yet it remains one of the top recipients of U.S. aid."

The Indian government has murdered more than 250,000 Sikhs since 1984, over 200,000 Christians in Nagaland since 1988, more than 60,000 Muslims in Kashmir since 1988, and tens of thousands of Assamese, Manipuris, Tamils, Dalit "untouchables," and others. Tens of thousands of Sikhs languish in Indian jails without charge or trial, some since 1984.

"Why should the American taxpayers be forced to support a country where there is no religious freedom, no freedom of the press, and no human rights for minorities?" he asked. "Why should America support a country that is so vehemently anti-American?" he said. "The time has come for America to defend freedom in South Asia by defending Mr. Osan and other journalists, by cutting off aid to India, and by supporting the 17 freedom movements within India's artificial borders," Dr. Aulakh said.

TRIBUTE TO WILLENE C. NESBITT

HON. ROBIN HAYES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1999

Mr. HAYES. Mr. Speaker, I rise today to congratulate Willene C. Nesbitt of Concord, North Carolina for her commitment and dedication to her community.

On Saturday, May 22, 1999, Mrs. Nesbitt will be celebrating her retirement from Northeast Medical Center in Concord. Mrs. Nesbitt has worked for more than 50 years at Northeast Medical Center, formerly Cabarrus Memorial Hospital, and has helped it grow and change into the fine regional hospital it is today.

The celebration on Saturday is not only a retirement celebration, but also a show of appreciation for all of her efforts in the community.

Mrs. Nesbitt has been active in the Shankletown-Sidetown Community Organization. She was one of the founding board members of this organization.

One project that she recently spearheaded was gathering members of the community and surrounding areas together to help rebuild an elderly woman's dilapidated home to make it liveable again. Her selfless acts of kindness have brought so many in our community a better life.

Mrs. Nesbitt and her husband, John C. Nesbitt, have also been active in their church, Gilmore Chapel AME Zion Church.

Mr. Speaker, I congratulate Willene Nesbitt in her retirement from the hospital, but hope that her community activity will only escalate with her new found free time. She truly brings a smile to the faces of the people she touches and improves the quality of life for everyone in Cabarrus County.

HONORING MRS. ELLA SCHWARTZ

HON. STEVEN T. KUYKENDALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1999

Mr. KUYKENDALL. Mr. Speaker, I rise today with sadness to remember and honor a legendary figure from my district, Mrs. Ella Schwartz. She passed away last week at the age of 80. Ella Schwartz was an icon of the city of Torrance and she has left a lasting impression on the city she called home.

Ella Schwartz was the daughter of Sam Levy, a founding father of the city of Torrance. The Sam Levy Department Store was the premier place to shop in the 1940's and 1950's. Following the death of her father in 1965, Mrs. Schwartz assumed control of the department store and in 1988 she transformed it into a women's boutique, naming it Ella's.

Ella Schwartz was actively involved in the community. She will be forever be linked to the revitalization of downtown Torrance. She was devoted to the city of Torrance, becoming a symbol of the city's heart and center.

Ella was a permanent fixture at her boutique until law year when she decided that it was time to retire and spend more time with her grandson. She was 79.

People will remember her fiery spirit and her dedication to improving the city of Torrance. She will be missed but not forgotten.

HONORING SHARI G. LAMBERT

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1999

Mr. KILDEE. Mr. Speaker, I rise today to pay tribute to a woman who has dedicated herself to improving the quality of life in my hometown of Flint, Michigan. On May 21, 1998, Mrs. Shari Lambert will be the guest of honor as family and friends gather to celebrate her retirement after 25 years of dedicated public service.

Shari Lambert has never once hesitated to reach out and help someone in need. Since 1974, she has worked for the Michigan Employment Security Commission, now known as the Michigan Unemployment Agency. Most recently, Shari worked as Manager for the Agency's Flint branch.

For 25 years, Shari has worked with thousands of individuals, ensuring that each one was set on the road toward prosperous and gainful employment. Her dedication to being an active public servant set a positive tone in each branch of the Michigan Employment Security Commission, as well as its successor, the Michigan Unemployment Agency. She has served as a role model for efficiency, compassion, and fairness. Many Michigan residents owe their ability to provide for themselves and others to Shari's influence.

In addition to her work with the Unemployment Agency, Shari serves as a member of several Workforce Development Boards, such as the Career Alliance Board, Greater Pontiac Area Consortium Board, and Macomb/St. Clair Board. She can also be found working with groups within Macomb County such as Growth Alliance, the Private Industry Council, the School to Work/Tech Prep Board, the Human Services Coordination Body, the Macomb County Economic Club, and the Central Macomb Chamber of Commerce. She has also been a member of the Flint Chamber of Commerce, and is a past president of the Michigan chapter of the International Association of Personnel in Employment Security.

Mr. Speaker, many people, not only in the city of Flint, have been granted a new lease on life because of the dedication of Shari Lambert. As it is our duty to preserve and protect the quality and dignity of life for our constituents, let us remember that our task is made easier by people like Shari. I ask my colleagues in the 106th Congress to join me in acknowledging the accomplishments of Shari Lambert. We owe her a debt of gratitude.

A TRIBUTE TO REVITALIZATION OF THE SOUTHERN AREA OF THE SLOPE (ROSAS) ON THE OCCASION OF ITS COMMUNITY SERVICE AWARDS BANQUET

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1999

Mr. WEINER. Mr. Speaker, I rise today to invite my colleagues to pay tribute to Revitalization of the Southern Area of the Slope (ROSAS) on the occasion of its Community Service Awards Banquet.

The members of ROSAS have long been known for their commitment to community service and to enhancing the quality of life for all New York City residents.

This banquet is not only a festive happening, it is a chance for all of us to celebrate and pay tribute to a group of individuals who have dedicated their lives to helping others. This year's honorees truly represent the best of what our community has to offer.

Simon Brooking is the President of the 6th Avenue & 15th Street Community Garden and a former ROSAS board member. He is a staunch advocate for community green spaces, composting and ROSAS' anti graffiti campaign. His painting company, The Flying Scotsman, helped art teacher Alison Conte and local children create a mural on 14th Street and 5th Avenue in Brooklyn. Simon and his wife Sheila have built a partnership with the Sierra Club to promote organic waste composting. Perhaps the Garden's greatest gift is providing area children with the opportunity to express themselves through their gardening and artistic talents. The Children's Creative Workshop, now entering its fourth year, is one such program that is available to Park Slope's children.

Carolyn Greer has spent the last four and a half years with New York State Senator Marty Markowitz and has lived up to the Senator's mandate that his staff be responsive to the needs of his constituents. As the Senator's Director of Community Programming, she handled complaints, responded to issues and identified and addressed community needs. Carolyn Greer is a founding member of South Brooklyn Hockey, which has ice and roller teams, and serves on the board of the Russian American Kids Circus. She is the author of the PS 321 Newsletter and is the founder of the PS 321 Holiday Helper Project, an annual drive for new clothes that are donated anonymously to several hundred needy public school children.

As ROSAS' Co-President in 1993 and 1994, Roger C. Melzer documented the extensive damage being done to Prospect Park by unrestricted barbequing, organized community meetings to discuss the problem and worked to have regulations and enforcement imposed. He remains a strong advocate for more enforcement, better maintenance and more capital funding to preserve the natural aspects of Prospect Park. As a twenty-year resident of Park Slope, Roger has been a regular participant at Community Boards 6 and 7 meetings where his focus has been to ensure that city agencies provide service to residents in Park Slope and Windsor Terrace and to facilitate new initiatives as a means of resolving neighborhood problems.

All of today's honorees have long been known as innovators and beacons of good will to all those with whom they come in contact. Through their dedicated efforts, they have each helped to improve my constituents' quality of life. In recognition of their many accomplishments on behalf of my constituents, I offer my congratulations on their being honored by ROSAS.

INTRODUCTION OF MEDICARE MODERNIZATION #4 MEDICARE PERMANENT COMPETITIVE BIDDING AUTHORITY

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1999

Mr. STARK. Mr. Speaker, on behalf of myself and Representative McDERMOTT, I am pleased today to introduce the fourth bill in my Medicare modernization package: permanent competitive bidding authority. As with the other bills in this series, competitive bidding will save money for Medicare, while also improving the quality of health services provided to Medicare beneficiaries. These modernizations are a template for meaningful Medicare reform that allows us to avoid radical, untried theories that could endanger the program's future.

The promise of managed care is coordinated, comprehensive, cost-effective health services. Medicare+Choice plans are not currently living up to this promise. For some time now, Medicare has over-paid Medicare+Choice plans. Current overpayments are estimated to cost Medicare and taxpayers $2 to $3 billion per year. This is because Medicare+Choice has attracted only the healthiest beneficiaries—people who would have cost next to nothing had they stayed in the traditional fee-for-service plan—leaving a much sicker population in the traditional program.

In addition, managed care plans are disenrolling beneficiaries who need expensive services, such as heart surgery, and then reenrolling the beneficiary after the fee-for-service plan has paid the bill. The OIG estimates that in 1991 through 1996, Medicare spent $224 million for inpatient services furnished to beneficiaries within three months of their disenrollment. Had these beneficiaries not disenrolled, Medicare could have spent only $20 million in capitation payments. That's $204 million in savings Medicare could have realized. "Cherry picking" such as this has forced fee-for-service costs to rise.

Because Medicare+Choice payments are tied to fee-for-service cost, rather than the actual cost of providing care to beneficiaries enrolled in managed care, Medicare continues to over-pay health plans. De-linking Medicare+Choice payments from the fee-for-service program will enable Medicare to pay a more realistic price for managed care services. Fostering greater competition through competitive bidding will help to achieve this goal.

Competitive bidding would take place in both the managed care and fee-for-service Medicare programs. Under this bill, the Secretary of DHHS would have the explicit authority to select items, services, and geographic areas to be included in a bidding or negotiation process based on the availability of providers and the potential to achieve savings. To protect quality, the bill would require that providers meet specified quality standards in order to participate in the bidding process.

Competitive bidding is almost universal throughout the private sector and in many other areas of government contracting. However, HCFA is still forced to go through tortured demonstration processes to "test" this basic tool of capitalism.

At this moment, HCFA is trying to get three competitive bidding demonstration projects off the ground: two Medicare+Choice demonstrations, one in Phoenix and one in Saint Louis; and one fee-for-service demonstration for durable medical equipment (DME). Unfortunately, the industry is blocking HCFA's attempt because they know that competitive bidding will force them to charge a more realistic price. This is not about cutting services to beneficiaries or lowering quality standards. It's about helping the taxpayer so that society has the money to improve Medicare for everyone while extending the life of the program. Competitive bidding can work. It has worked in the public and private sectors for centuries. We should make it work for Medicare too.

As we search for ways to secure and improve Medicare, it is appropriate to consider increasing the efficiency of the program through competition. Introducing competition into the managed care equation will achieve greater efficiencies, higher quality, and cost savings, and will enable Medicare managed care to live up to its promise.

Following is a portion of an interview from the May/June 1999 issue of Health Affairs by Princeton professor Uwe Reinhardt with HHS Secretary Donna Shalala which describes how different it has been to make progress on this simple, basic, free enterprise approach to health care:

THE CONTROVERSY OVER COMPETITIVE BIDDING

Reinhardt: In my time, Medicare has been a pioneer in innovating with the DRG (diagnosis-related group)—based hospital payment system, which has been copied worldwide, and the Medicare physician fee schedule, which has been copied by private American payers. If we are ever going to really test managed competition by having health plans compete fairly for enrollees, only HCFA (the Health Care Financing Administration) can actually show the way, because the private sector has not yet done it so far. Do you share that view?

Shalala: I share that view, but the political system has to buy into it. For instance, we've announced a competitive-bidding demonstration in which we have some consensus among the experts as to where we ought to go and how to organize our experiment with managed competition. Phoenix and Kansas City are our two sites.

Reinhardt: HCFA has attempted such demonstrations in Baltimore and Denver but was forced to abandon both efforts by private interests that were opposed to them.

Shalala: Yes, in Denver we had bipartisan support to try it. But when we got specific and picked the places, we immediately had political opposition. However, Congress directed us (in the Balanced Budget Act [BBA] of 1997) to try again. We set up an advisory panel on which all of the political interests were represented. And now we're proceeding again.

Reinhardt: I suppose that we should never expect the managed care industry to voluntarily acquiesce to a competitive-bidding process because people instinctively don't like to compete. They prefer administered prices because such prices can be manipulated politically. Who is it, in general, that opposes competitive bidding?

Shalala: One source of opposition is the managed care industry. The companies in that industry believe that such a process will undermine their profits. So the private sector—the famed competitive marketplace—doesn't want competition. They keep saying things like, "Health care is different; we can't predict our costs." We have to have a system that is more nimble, more flexible. Managed care plans would not oppose a competitive-bidding process if they could modify the package of benefits. But if HCFA locks them into a benefits package, they want to be able to negotiate the price, rather than making competitive bids.

INDIAN INTELLIGENCE INTERROGATES REPORTER AFTER VISIT TO AMERICA

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1999

Mr. DOOLITTLE. Mr. Speaker, India has once again shown true nature of its democracy by grilling a reporter who visited the United States. Journalist Sukhbir Singh Osan has exposed the corruption and the atrocities of the Indian government in newspapers and through his website, Burning Punjab. He visited the United States, Canada, and Great Britain to cover the Sikh 300th anniversary marches and speak on human rights. He met with my colleague from Indiana, Mr. Burton, and with a minister in the Canadian government. Their pictures appear on his website.

Mr. Osan returned to his home in Chandigarh before Indian intelligence officers showed up at his house to interrogate him for 45 minutes, claiming they were acting on instructions from the central government in New Delhi. This is not the first time the Indian government has gone after Mr. Osan. He has received anonymous threats and has been denied a law degree that he worked hard to earn because he had written news stories that the Indian government didn't like.

Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, brought this to my attention. I understand that Dr. Aulakh has notified the Committee to Protect Journalists in New York of Mr. Osan's mistreatment.

What happened to Mr. Osan is not just an isolated incident. Other reporters have been threatened for reporting stories critical of the Indian government. Clearly, there is no press freedom in India despite its loud and frequent boasts that it is "the world's largest democracy."

Does a democratic country harass reporters for covering stories that the government doesn't like? Would a democratic country incite 17 freedom movements within its borders? India is a democracy only for the Brahmin ruling class. It is also anti-American, working with such models of democracy as China, Libya, and Cuba to undermine U.S. foreign policy. It approached China and Russia trying to build a triangular "security alliance" against America.

We should treat India as we do other violators of religious freedom. That will help to end the kind of abuse that Mr. Osan and his fellow Sikhs suffer and bring real freedom to all the nations and peoples living within India's Borders.

I am placing the Burning Punjab story on Mr. Osan's harassment into the RECORD for the information of my colleagues.

INTELLIGENCE AGENCIES GRILL SUKHBIR SINGH OSAN

Chandigarh.—True to their anti-Sikh stance, the Indian Intelligence Agencies have again started harassment of innocents. Punjab based journalist, Sukhbir Singh Osan, who recently visited Unites States, Canada and United Kingdom for the purpose of participating in a human right convention to read a paper on the subject "Recent attacks on Christian community in India" and covering the 300 year celebrations of the Khalsa community was grilled by the intelligence sleuths for more than forty-five minutes at his residence on May 11. When Mr. Osan asked the DSP [Intelligence Bureau] as to why he was questioning him about his visits abroad, the said DSP replied, "Delhi wants to know all about it." When again asked whether there were any written instructions, he replied that "we have specific instructions from Delhi". However, nothing in writing was given to Mr. Osan.

A TRIBUTE TO LACKLAND ELEMENTARY SCHOOL; RECIPIENT OF THE UNITED STATES DEPARTMENT OF EDUCATION BLUE RIBBON SCHOOL AWARD

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1999

Mr. GONZALEZ. Mr. Speaker, I rise today to offer my sincerest congratulations to Lackland Elementary School in San Antonio, TX, upon the notification of their receipt of the Blue Ribbon School Award.

Schools are awarded the Blue Ribbon School Award based on their performance in regards to several criteria, including: student focus and support; active teaching and learning; school organization and culture; challenging standards and curriculum; professional community; leadership and educational vitality; school, family, and community partnerships; and indicators of success.

Lackland Elementary joins three other schools in San Antonio and forty other Texas schools, all of which excelled in these areas and were rewarded with the Blue Ribbon School Award from the United States Department of Education.

To receive consideration for this prestigious award, schools must be recommended for national recognition by their individual state department of education or sponsoring agency. Nominations are then evaluated by a National Review Panel including the Department of Education, the Department of Defense, the Bureau of Indian Affairs, the Council for American Private Education and a select group of educators from around the country. The Secretary of Education then makes a final determination based on the recommendations of this panel.

In receiving this special recognition, I believe that Lackland Elementary School will inspire others to provide the level of quality education that this Blue Ribbon School Award merits. I am proud to represent a district and hail from a state that has clearly placed an emphasis on the education of our children.

TRIBUTE TO COLLIS P. CHANDLER

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to pay tribute to Mr. Collis P. Chandler, Jr., a friend of mine and a true friend of the petroleum industry, who passed away May 5, 1999, at the age of 72.

Mr. Chandler was a man of good character who loved life, his family and the industry upon which he had such a great impact. In a letter to her baby daughter describing grandfather Chandler, daughter-in-law, Anne, wrote eloquently telling her that many words described him, "loving, generous, thoughtful, caring, intelligent, gifted, unique, witty, genuine. He was a man who made a difference. He was a man that changed the world and that, in the end, is all that one can ask from life." I wholeheartedly support Anne's representation of Mr. Chandler.

He was born on October 5, 1926 to Louise and Collis Chandler in Tulsa, Oklahoma. He served in the U.S. Navy during World War II. In 1948 he graduated from Purdue University with a Bachelor of Science degree in Mechanical Engineering.

Mr. Chandler joined Sohio Petroleum Company in 1948 working in Louisiana and Kansas. In 1954 he founded the first of The Chandler Companies—Chandler-Simpson, Inc.—in Denver, Colorado. He was Chairman of The Chandler Company and its subsidiaries: Chandler & Associates, LLC and The Chandler Drilling Corporation at the time of his death. His companies have drilled more than 1,200 test wells, resulting in oil or gas discoveries or significant field extensions that number more than 100.

Mr. Chandler was a past chairman of the National Petroleum Council and Natural Gas Supply Association. In addition, he also served as president of the Rocky Mountain Oil & Gas Association.

Over the past 30 years, he held an impressive record of leadership in the American Petroleum Institute. He served on the Board of Directors since 1965 and the Executive Committee since 1968. Mr. Chandler was a member of the Management Committee and has served on the Public Policy committee, and its forerunner, since 1978. In 1994, he received the American Petroleum Institute's highest award, The Gold Medal for Distinguished Achievement.

His numerous honors and awards are a testament to his lifetime of service to the oil and gas industry. He received the Secretary of Energy's "Distinguished Service" Medal; the Texas Mid-Continent Oil & Gas Association's "Independent of the Year" Award; the Rocky Mountain Oil & Gas Association's "Life Membership" Award; and, the American Association of Petroleum Landmen's "Distinguished Service" Award.

His business activities outside of the petroleum industry have included membership on the Board of Directors of the Public Service Company of Colorado and the Colorado National Bank.

Mr. Chandler gave generously of his time and talents to his alma mater, Purdue University, serving as a past president of the Purdue Alumni Association and as a member of the Board of Directors. He also served on the Board of Governors of the Purdue Foundation. He was currently serving on the Board of Directors of "Up With People."

He was a current member of Castle Pines Golf Club, Denver Country Club, Burning Tree Club, Bethesda, Maryland, and the Thunderbird Country Club, Rancho Mirage, California.

He is survived by his wife, Patti, a son, Collis Chandler III of Denver, a daughter Mary Louise Henry of Lansing, Michigan; four stepdaughters, Mary DeSimone of Denver, Gerri Ann Bragdon of Arvada, Kathlyn Maureen Woodard of Dallas, Texas and Paula Ann Novak of Pensacola, Florida; ten grandchildren and four great-grandchildren. He was preceded in death by two sons; Thomas Grant Chandler and Robert Chandler.

Mr. Speaker, it is men like Collis Chandler who have made this country great. Mr. Chandler helped shape America by being a good solid American citizen who worked hard to implement the right values. He contributed to society because he saw needs and filled them. Thank you, Mr. Chandler.

CONFERENCE REPORT ON H.R. 1141, 1999 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT

SPEECH OF

HON. BARON P. HILL

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 18, 1999

Mr. HILL of Indiana. Mr. Speaker, today the House voted on the Conference Report of H.R. 1141, the 1999 Emergency Supplemental Appropriations Bill. I voted against this bill and would like to explain my vote.

Some of the spending items in this bill were bona fide emergencies. One emergency is supporting our troops currently deployed overseas in Kosovo. I have voted several times to support our troops and the NATO operation in Kosovo. When our generals say they need 6 billion dollars to support our troops in Kosovo, I believe that is legitimate emergency spending.

I spoke recently on the floor of this House about the emergency many American farmers are facing at this moment. Farmers need credit right now to plant their crops and pay their bills. I am a member of the Agriculture Committee and represent thousands of southern Indiana farmers. I believe that getting our farmers adequate loans and credit should be one of our top priorities. I believe helping farmers stay afloat is also legitimate emergency spending.

But this bill spends billions of dollars on items that are not emergencies. For example, today's bill spends almost twice what our generals say they need to meet our troops' needs in Kosovo. I am a member of the House Armed Services Committee and understand that our military has many pressing needs. One of our military's most urgent needs is giving our soldiers pay and retirement increases. I will support increases in defense spending during the regular budget process. I believe that fiscal responsibility requires us to consider measures such as these during the normal budget process, where we make the often difficult decisions about how we spend our limited resources.

It is not fiscally responsible to reach into the surpluses in the Social Security Trust Fund to pay for government projects that we should be finding ways to pay for in the normal budget process. We only have a budget surplus this year if we count the surpluses generated by the Social Security Trust Fund. We should not be using the money in the Social Security Trust Fund to pay for needs that are not emergencies.

One of my top priorities in Congress is making sure that the Social Security program will be solid and solvent for future generations. Our government does not have many more pressing needs than saving Social Security. I will not vote for spending our Social Security funds on items that are not emergencies.

Mr. Speaker, I did not vote for the Supplemental Appropriations bill because the original purpose of this so-called "Emergency" bill was lost somewhere in the process. It became a way to spend billions of dollars outside of the budget process we have set up to control our spending. The final version of this bill was not fiscally responsible and I could not vote for it.

CELEBRATING THE DEDICATION OF THE LIMA FIREFIGHTERS MEMORIAL MUSEUM

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1999

Mr. OXLEY. Mr. Speaker, I rise today to add a few words of praise for the dedication of the Lima Fire Fighters Memorial Museum.

The Lima Fire Department has provided outstanding basic fire fighting and safety services to the Lima community since its formation in 1865. The museum built in Lincoln Park in Lima OH, will preserve the history of the Lima Fire Department as well as all the technological changes they have implemented over the past 133 years

When the Lima Fire Department was first established in 1865, it was a volunteer organization consisting of seven men with their only equipment being six fire hooks. These hooks were used to pull burning thatch from the roofs of buildings. Over the years, however, the Lima Fire Department developed into a paid, highly trained force of 88 fire fighters and support personnel working in a three platoon system. They are housed at the Central Fire Station and four outlying stations. Equipment now includes seven pumpers, one aerial platform, two medic units and a staff car. Approximately 700 fire fighters have served the city of Lima as members of the Lima Fire Department.

More importantly, this museum will memorialize all fire fighters who have served the Lima Community and especially the four Lima fire fighters who have given their lives in the line of duty. They are John S. Wolf and John Fisher, both of whom died as a result of the Allen County Courthouse fire on January 7, 1929; Frank Kinzer, who died because of a fire on October 7, 1933, at the Ohio Music Company and Page Organ Company; and lastly, Cloyd R. Webb, who died as a result of the Marshall Sporting Goods fire on January 21, 1954.

I wish to offer my sincere gratitude to all who are serving or who served as Lima fire fighters. They perform a valuable and dangerous task for the Lima community during times of great need. I honor each and every fire fighter for their dedication, knowledge, and hard work and hope that the Lima Fire Fighters Memorial Museum will stand as a tribute to each of them for all time.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT OF 1999

SPEECH OF

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 19, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1654) to authorize appropriations for the National Aeronautics and Space Administration for fiscal years 2000, 2001, and 2002, and for other purposes:

Mr. CASTLE. Mr. Chairman, today the House of Representatives considers an important bill to improve and strengthen U.S. leadership in space exploration. This bill, the "National Aeronautics and Space Administration Authorization Act" includes approval of funds for U.S. participation in the International Space Station, funds for aerospace and earth science research and funds for space science programs. These are all important programs and worthy goals. However, I rise to speak in support of an important technology for our future efforts to explore space: funding for research and develop into TransHab technology.

TransHab uses inflatable structure technology to package a much larger living and working volume in the equivalent Shuttle cargo size. In theory, the TransHab concept has more volume and radiation shielding when compared with the current Habitation module. TransHab could also serve as a technology demonstration for the human exploration of Mars. The NASA reauthorization bill currently prohibits NASA from making additional expenditures on any inflatable structure intended to replace current models on the International Space Station. However, the bill does leave the possibility for research and development of crew-related inflatable structures in FY01 and FY02.

I understand the financial concerns the Committee on Science has expressed regarding funding TransHab technology for the International Space Station. Ideally, I would like to see TransHab technology funded now for the station, but I agree that in a time when Congress is struggling to keep the federal budget balanced, all federal programs should receive scrutiny and careful consideration. However, I think that it is very important that the Committee continue to keep the door open on TransHab funding in the future. Those familiar with TransHab technology believe that this technology validates potential technology for future solar system exploration. TransHab technology could possibly mean a manned-exploration of Mars which could result in a wealth of scientific information previously unavailable.

I believe that scientific research is vital to the current and future prosperity of our nation. I think we owe it to ourselves, to our nation, and especially to our children to keep the dream of manned space exploration alive. TransHab technology is an investment in our future. To permanently close the door on such research and development jeopardizes this nation's preeminence in science and technology.

In my home state of Delaware, we are fortunate to have ILC Dover, a leader in the aerospace industry and a company that has proven themselves a model for providing aerospace technology in accordance with NASA's new focus: "better, faster, cheaper." ILC Dover has been providing innovative and cost-effective technology since 1947. ILC Dover has helped to provide the technology that put a man on the moon and Pathfinder on Mars, and ILC Dover will continue to help provide technology that will help future space missions in exploring our world.

I am very proud of the research and development conducted by ILC Dover, and I am proud of the contributions ILC Dover has made to the U.S. Space Program. There is a strong commerical interest from committed, innovative companies in the aerospace industry such as ILC Dover in helping to develop TransHab technology. I am encouraged that the Committee has left the door open for TransHab research in development in FY01 and FY02, and I look forward to any future Congressional hearings on the issue.

LEGISLATION TO HONOR FORMER CONGRESSMAN KIKA DE LA GARZA

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1999

Mr. TRAFICANT. Mr. Speaker, today I am introducing legislation to designate the U.S. border station located in Pharr, Texas, as the "Kika de la Garza United States Border Station." The bill is identical to legislation I introduced in the last Congress. That bill was approved unanimously by the House. Unfortunately, no action was taken on the legislation by the other body. I am proud to reintroduce this bill honoring a great legislator, former Congressman Kika de la Garza.

Kika de la Garza was born in Mercedes, Texas on September 22, 1927. He earned his law degree from St. Mary's University in San Antonio, Texas in 1952. He served in the Navy from 1945 to 1946, and in the Army from 1950 to 1952. He served in the Texas House of Representatives from 1953 to 1965.

In 1964 he was elected to Congress, where he was sent back to Congress by the people of the 15th Congressional District of Texas for 16 terms. In 1981 Kika became the chairman of the House Agriculture Committee. During his 14-year tenure as chairman, Kika compiled an impressive record of achievement and dedicated service to America's farming community.

Most notably, Kika went out of his way to foster a climate of cooperation, inclusiveness and bi-partisanship on the committee. Under his able leadership, the Agriculture Committee was able to form a consensus on a number of important and intricate agricultural issues.

In the 103rd Congress Kika played a lead role in the enactment of legislation revamping and streamlining the U.S. Department of Agriculture. Kika de la Garza guided through legislation that made many needed and important changes, without eviscerating those USDA programs that were effective and needed to help America's farmers and protect the public.

The bill, now law, made remarkable changes at USDA. Because of Chairman de la Garza's leadership and sage counsel, the bill represented the right way to "reinvent" government.

Throughout his 32-year career in Congress Kika never lost sight of the folks back home. He fought tirelessly for his constituents. He also proved to be an able and effective advocate for American farmers. In no small measure because of his leadership, American agriculture remains the envy of the world.

The former chairman is also an amateur linguist and a gourmet cook. On many occasions he conversed with foreign dignitaries in their native tongue. On a personal level, Kika is my good friend, and I am so proud to sponsor this legislation.

I urge all my colleagues to cosponsor this legislation.

HONORING NEW YORK CITY PUBLIC SCHOOL 122 FOR EXCELLENCE IN EDUCATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1999

Mrs. MALONEY of New York. Mr. Speaker, I rise to salute a group of remarkable students and educators. While we see many unfortunate examples of failing schools, it is refreshing to share good news about a public school that is succeeding. New York State public schools test all sixth-grade students for reading ability. Among all the schools in the State of New York, the sixth graders at P.S. 122 finished first in this reading test. Moreover, every sixth-grade student at P.S. 122 ranked at the highest level in reading.

P.S. 122's outstanding accomplishment on this test is considered a citywide triumph because the students overcame competition from more affluent suburban schools. The school attributes this success to its emphasis on exposing children to art, music and theater.

With a diverse student body, P.S. 122 is accomplishing an early goal of public education—preparing immigrants and their children with the necessary tools to build a new life in America. At P.S. 122, Hispanic students comprise almost a third of the student body with Asians making up additional 20%, and African Americans 10%. This School also serves numerous children from Italian, Greek, Indian, Native American, and other backgrounds. Forty percent of the students who succeeded so well in this standardized test began school with "limited proficiency in English." Approximately 65% of the student at P.S. 122 meet the criterion for free school lunches.

The educators at P.S. 122 are to be strongly commended for their success. I particularly want to recognize the principle of P.S. 122, Mary Kojes, whose leadership helped inspire the best from the students who took the test. This spirit no doubt inspired, and continues to inspire, her students to strive for excellence. Mary Kojes and the extraordinary teachers of P.S. 122 have provided that New York City School students can reach the highest levels of achievement when they are properly prepared. The Students of P.S. 122 have also benefited from the support of the School District 30 Superintendent, Dr. Angelo Gimondo and his staff.

The real heroes of this story are the students of P.S. 122. This success demonstrates that hard work has clear and definite rewards. I asks my colleagues to join me in commending all those associated with P.S. 122.

MEDICALLY UNDERSERVED ACCESS TO CARE ACT

HON. DONNA MC CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1999

Mrs. CHRISTENSEN. Mr. Speaker, yesterday I along with 38 of my colleagues on the Congressional Black Caucus introduced H.R. 1860, the Medically Underserved Access to Care Act which seeks to address the needs of minorities in the managed care system. As a physician, I have seen the problems that minorities—both patients and healthcare providers—can face within the managed care system. This bill seeks to ameliorate some of these difficulties by proposing some concrete solutions to overcome these problems.

A key provision of H.R. 1860 would require managed care organizations to contract with providers in medically underserved communities who are ethnically representative of the population of those communities. This will help to ensure that these providers have the cultural sensitivity needed to interact with their patients in an understanding manner that will directly cater to their specific medical needs and concerns as minorities.

To make this lofty goal a reality, H.R. 1860 establishes a program of outreach grants to underserved communities that will help patients locate culturally sensitive providers within their managed care plan. The bill also creates a similar outreach grant program for doctors that will be operated through a national private non-profit organization in conjunction with the Department of Health and Human Services. The specific goal of this program will be to assist minority physicians and other health care providers to convert their practices and internal administrative procedures to best access the managed care system for both private insurance plans and Medicaid insurance plans.

Ultimately, this bill seeks to redress the many grievances that minority physicians and patients have expressed regarding the managed care system. Addressing the problems that minorities face within the managed care system will take us one step closer to realizing the goal of Members of Congress on both sides of the aisle to ensure that all Americans have access to quality care delivered in an appropriate manner.

I want to express my thanks to the National Medical Association and its President, Dr. Gary Denis, for their invaluable help in developing the language of this bill and assisting in getting it ready for introduction. I also want to thank my colleagues on the CBC for their support in joining me as cosponsors of this important bill.

H.R. 1858, THE CONSUMER AND INVESTOR ACCESS TO INFORMATION ACT OF 1999

HON. TOM BLILEY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1999

Mr. BLILEY. Mr. Speaker, we hear the phrase quite often that "we live in the Information Age." This is true because of advances in technology in recent years. Digital technology—and more specifically, the Internet—has brought a world of libraries and magazines and newspapers and on-line stock trading to consumers' living rooms.

And while technology played a critical role in paving the way for the Information Age, it's clear that access to the information itself is just as important. Consumers use the Internet to price shop, to compare mortgage rates, to buy stocks, and for a variety of other commercial activities. The underlying ingredient to all of these activities is information. Without it, electronic commerce would still be a twinkle in Bill Gates' eye.

It is therefore critical that Congress take great care when it enacts laws that relate to consumers' access to information. Along with my colleagues on the Committee on Commerce, Messrs. Dingell, Tauzin, Markey, Oxley, and Towns, I am introducing legislation that ensures that consumers and investors will continue to have full access to information when they surf the Web.

H.R. 1858, the Consumer and Investor Access to Information Act of 1999, provides new protection to publishers of electronic databases, while ensuring that public access to information will not be limited by publishers' asserting a proprietary right over facts and information, which historically have been part of the public domain. The bill's anti-theft protections will also protect institutions like the stock exchanges from hackers and pirates seeking to undermine the integrity of the data they disseminate to the public.

Mr. Speaker, we live in the Information Age. We must keep information—like stock quotes—readily available to consumers on the information superhighway. Millions of Americans depend on information they obtain over the Internet to help them make important investment decisions. This bill will ensure that consumers and investors continue to have access to this information.

Mr. Speaker, Americans should not have to pay tolls for public information obtained on the information superhighway. Facts and information should remain toll-free on the information superhighway. Facts and information like stock quotes have been, and under H.R. 1858, will continue to remain readily available to the public.

Mr. Speaker, in addition to my statement, I am submitting for the RECORD a background piece on, as well as a section-by-section analysis of, H.R. 1858. I urge my colleagues to join me, along with the rest of the bipartisan leadership of the Committee on Commerce, in supporting this legislation.

H.R. 1858, THE CONSUMER AND INVESTOR ACCESS TO INFORMATION ACT OF 1999

THE IMPORTANCE OF INFORMATION TO ELECTRONIC COMMERCE

Economists have long recognized that one of the great obstacles to the efficient operation of markets is imperfect information. A consumer might pay too much for an item because he or she was unaware of the lower price being charged for the item at another store, and the transaction cost of visiting all the stores to determine which charged the least exceeded the savings of buying at the least expensive store. This problem has become more significant as markets have become more complex. The need for information on which to base economic decisions is greater now than ever before.

One of the great virtues of electronic commerce is that it has the potential to provide its participants with much more information at much lower cost than is available in more traditional forms of commerce. This additional information will allow for the much more efficient operation of markets for capital, labor, and goods. If a small businessman is seeking a loan, the Internet will allow him to learn the terms offered by banks all over the country. If a computer programmer is looking for a job, the Internet will allow him to learn about opportunities in distant cities. And if a homeowner needs to buy a new refrigerator, the Internet will provide him with the prices in stores throughout the region. This information will obviously benefit both the purchaser and the seller of goods and services. We have seen some of these benefits in the last five years, and they will only accelerate in the years to come.

One of the most explosive areas of growth that consumers have benefitted from through the Internet is in the area of securities investing. According to a recent study, the number of households with people trading on the Internet has nearly tripled, to 6.3 million in the last 16 months. And the same study reported that 20 million households use the Internet for investment news, quotes and ideas. This access to information about the stock market has empowered investors and given them greater control over their finances. Studies have reported that investors feel increasingly secure about their investment decisions as they use the Internet to monitor their portfolios, follow news about their holdings and obtain other information about their investments.

Indeed, the Internet will make it so much easier for people to access information that they will be confronted with a new problem—too much information. Accordingly, people will need tools for locating and organizing the information into useful forms. Otherwise, the information will be overwhelming. Such tools already exist in the form of databases, search engines, and webcrawlers, and these tools are becoming more sophisticated to keep up the information that is flooding the Internet.

The basic information policy of this country—a policy that has existed since the writing of the Constitution—has served many communities, including the Internet and electronic commerce, extremely well. Our long-standing policy says that facts cannot be "owned." Instead, they are in the public domain. Accordingly, a database publisher can visit the site of every bank in a state, extract data concerning each bank's loan programs, and construct a larger database with loan information for all the banks. Another database publisher can then extract some of that information, and combine it with other information—for example, loan programs from out-of-state banks, or customer service ratings of the banks)—to create a new, more useful database which promotes commerce.

This information policy facilitates electronic commerce at an even more fundamental level. The culture of science involves combining new data with existing databases to create more powerful research tools. Allowing scientists to reuse facts, rather than requiring them to "reinvent the wheel," ensures that research moves forward. Research and development is the foundation of all commercial activity.

THE NEED FOR LIMITED LEGISLATION

Although the existing information policy generally functions well in the context of the Internet and electronic commerce, there is one potential problem. Digital technology, which makes the Internet and electronic commerce possible, also increases the likelihood of unfair competition in the database publishing marketplace. Current law provides some protection against unfair competition. For example, the selection, coordination, and arrangement of facts in a database are often protected by copyright. In addition, databases may be protected by license, technological measures (e.g., encryption and watermarks), the state common law of misappropriation, trademark, and trade secret.

But notwithstanding these many legal remedies, there are complaints that systematic unauthorized commercial copying of databases, particularly comprehensive databases stored in digital form, may sometimes go unremedied because of gaps in current law. H.R. 1858, the Consumer and Investor Access to Information (CIAI) Act of 1999, is designed to plug a hole that exists in current law.

Because databases are items of commerce in their own right, and are critical tools for facilitating electronic commerce—indeed, in all commerce—Congress must assure that database publishers have sufficient protection against unfair competition. At the same time, the protection for databases must not go so far as to protect the individual facts contained in the database. These must be available for a variety of second generation uses. Otherwise, those engaged in second generation uses—from a value-added publisher, to a research scientist, to the consumer who compiles his own database when comparing characteristics of different cars—would have to either pay a license fee, or somehow "re-discover" the facts themselves. This would amount to "a tax on information." Moreover, it would represent a radical departure from our information policy that has made us the most technologically advanced nation in world history.

Accordingly, Title I of H.R. 1858 prohibits a person from selling or distributing a duplicate of a database collected and organized by another person that competes in commerce with the original database. The legislation defines a duplicate of a database as a database which is substantially the same as the first database. Further, a discrete section of a database may also be treated as a database. Thus, H.R. 1858 prevents the distribution of pirated databases which could threaten investment in database creation. At the same time, it does not prevent reuse of information for purposes of creating a new database.

The issue of protecting databases is especially significant to the securities markets, an issue that is addressed in Title II of H.R. 1858. This is because of the proliferation and growing importance of on-line investing. Recent statistics have shown that on-line trading now accounts for nearly 1 out of every 7 equity trades (about 14%) and is growing rapidly, with an increase of over 34% in on-line activity in the last quarter over the previous quarter.

Having access to real-time stock quotes is essential to on-line investors. Investors cannot make informed buy-and-sell decisions without knowing the price of the stock they are trying to buy or sell. The way on-line investors get this information is generally through the website of their on-line broker. Investors typically do not pay for this service. The brokers who provide this information to their on-line investing customers, however, do pay a fee. They pay the stock exchanges for access to the "feed" of real-time stock quotes. ("Real-time" stock quotes are to be distinguished from those provided on a delayed basis, for which stock exchanges typically do not charge a fee.)

While the Federal securities laws provide the regulatory structure under which the dissemination of securities transaction data to the public is governed, they do not provide protection for the exchanges or other market information processors against pirates of that market data. In order to protect the exchanges and other market information processors against hackers or others who would undermine the integrity of the data they disseminate or threaten their ability to disseminate that data, Title II of H.R. 1858 provides a limited cause of action that enables market information processors to stop, and collect damages from, a person who disseminates data that he has obtained from a market information processor without that market information processor's authorization.

Because market information processors provide market data to parties by means of contractual arrangements, and thus have the ability to seek redress under contract law in the event that a contracting party disseminates the market data in a manner that is noncompliant with the contract, the cause of action that the bill provides is limited to actions against parties with whom the market information processors do not have a contract or other agreement (such as hackers). Title II of H.R. 1858 also ensures that independently gathered real-time market data can be disseminated without triggering the bill's protections—thus ensuring that individuals who develop a new database that they have not gleaned from a market information processor will be free to disseminate that database.

Title II's limited scope provides necessary protection to market information processors, without creating a new property right over market data that would enable market information processors to inappropriately limit the dissemination of market data to public investors, such as on-line investors. These investors need market data, such as real-time stock prices, in order to make their investment decisions.

Section-by-Section Analysis of H.R. 1858

Section 1: Short Title. The short title of H.R. 1858 is the "Consumer and Investor Access to Information Act of 1999."

TITLE I—COMMERCE IN DUPLICATED DATABASES PROHIBITED

Section 101: Definitions. Section 101(1) defines a "database" as a collection of discrete items of information (information is defined in Section 101(3)) that have been collected and organized in a single place, or in such a way as to be accessible through a single source. The collection and organization must have required investment of substantial monetary or other resources, and it must have been performed for the purpose of providing access to those discrete items of information by users of the database. The term database does not include textbooks, articles, biographies, histories, scientific articles, other works of narrative prose, specifications, and other works that include items of information combined and ordered in a logical progression or other meaningful way in order to tell a story, communicate a message, represent something or achieve a result.

Section 101(1) also makes clear that a discrete section of a database may also be treated as a database. For example, if a directory of restaurants in the District of Columbia is organized by type of food, the section comprising Italian restaurants could constitute a database within the meaning of the statute, even though it is part of a larger database (i.e., the D.C. restaurant directory).

Section 101(2) defines "a duplicate" of a database as a database which is substantially the same as the original database, and was made by extracting information from the original database. A database need not be identical to another database in order to be considered "substantially the same as" the original database.

Section 101(3) defines "information" as facts, data, or other intangible material capable of being collected and organized in a systematic way. Works of authorship are excluded from the definition of information. Such works—both individually and collectively—are adequately protected by copyright. Section 101(4) defines "commerce" to mean all commerce which may be lawfully regulated by the Congress.

The definition of "in competition with" in Section 101(5) has two components. First, the database must displace substantial sales of the database of which it is a duplicate. Second, the database must significantly threaten the opportunity to recover a return on the investment in the collecting or organizing of the duplicated database. Thus, a duplicate of a database uploaded onto the Internet without authorization could be in competition with the underlying database (even if the Internet duplicate is available without charge) if it displaces substantial sales and threatens the opportunity to recover a return on the investment in the first database.

Section 101(6) defines two types of "government databases." First, the term includes databases collected and maintained by the United States of America, or any agency or instrumentality thereof. Second, the term also includes a database that is required by Federal statute or regulation to be collected or maintained, to the extent so required.

Section 102: Prohibition Against Distribution of Duplicates. Section 102 sets forth the core prohibition against the sale or distribution to the public of duplicated databases. Under Section 102, it is unlawful for any person, by any instrumentality or means of interstate or foreign commerce or communications, to sell or distribute a database that is a duplicate of a database collected and organized by another person, and that is sold or distributed in commerce in competition with that other database. Section 102 is intended to achieve a necessary balance between (1) promoting fair competition in the database publishing market, and (2) ensuring consumers have unfettered access to facts and information.

Section 103: Permitted Acts. Section 103 sets forth a variety of permitted acts. Section 103(a) clarifies that nothing in Title 1 of the DFCA restricts a person from selling or distributing to the public a database consisting of information obtained by means other than by extracting it from a database collected and organized by another person.

Subsection 103(b) limits the application of this title to news reporting. It provides that nothing in the title shall restrict any person from selling or distributing to the public a duplicate of a database for the sole purpose of news reporting, including news gathering and dissemination, or comment, unless the information duplicated in time sensitive and has been collected by a news reporting entity, and the sale or distribution is part of a consistent pattern engaged in for the purpose of direct competition.

Subsection 103(c) specified that nothing in Title I shall prohibit an officer, agent, or employee of the United States, a state, or a political subdivision of a State, or a person acting under contract of such officers, agents, or employees, from selling or distributing to the public a duplicate database as part of lawfully authorized investigative, protective, or intelligence activities.

Subsection 103(d) provides that no person or entity who, for scientific, educational, or research purposes, sells or distributes to the public a duplicate of a database, shall incur liability under this title so long as the conduct is not part of a consistent pattern engaged in for the purpose of direct commercial competition.

Section 104: Exclusions. Section 104 provides for exclusions to Section 102's prohibition. Subsection 104(a)(1) provides that protection for databases under Section 102 does not extend to government databases, as such databases are defined in Section 101(6). Subsection 104(a)(2) clarifies that the incorporation of all or part of a government database into a non-government database does not preclude protection for the portions of the non-government database which came from a source other than the government database. Section 104(a)(3) provides that Title I does not prevent Federal, state, or local government from establishing by law or contract that a database funded by Federal, state, or local government shall not be subject to the protections of this title.

Subsection 104(b) excludes databases related to Internet communications. In particular, under Subsection 104(b), protection does not extend to a database incorporating information collected or organized to perform (1) the function of addressing, routing, forwarding, transmitting or storing Internet communications, or (2) the function of providing or receiving connections for telecommunications.

Most databases stored in digital form require computer programs for their use. Paragraph 104(c)(1) therefore provides that protection for databases under Section 102 shall not extend to computer programs (as defined in 17 U.S.C. §101), including computer programs used in the manufacture, production, operation or maintenance of a database. Further, any element of a computer program necessary for its operation is not protected.

At the same time, Paragraph 104(c)(2) explains that a database that is otherwise subject to protection under Section 102 does not lose that protection solely because it resides in a computer program. However, the incorporated database receives protection only so long as it functions as a database within the meaning of Title I (i.e., a collection of discrete items of information collected for the purpose of providing access to those discrete items by users), and not as an element necessary to the operation of the computer program.

Subsection 104(d) provides that protection for databases under Section 102 does not prohibit the sale or distribution to the public of any individual idea, fact, procedure, system, method of operation, concept, principle, or discovery. Finally, under subsection 104(e), provides that protection for databases under Section 102 does not extend to subscriber list information.

Section 105: Relationship to Other Laws. Section 105 explains the relationship of the DFCA to other laws. Subsection 105(a) makes clear that, subject to the preemption under Subsection 105(b), nothing in Title I affects a person's rights under the laws of copyright, patent, trademark, design rights, antitrust, trade secrets, privacy, access to public documents, misuse, and contracts. Subsection 105(b) preempts state laws inconsistent with the DFCA's prohibition in Section 102.

Section 105(c) provides that, subject to the provisions on misuse in Subsection 106(b), nothing in Title I shall restrict the rights of parties freely to enter into licenses or any other contracts with respect to the use of information. Subsection 105(d) makes clear that Title I of the DFCA does not affect the operation of the Communications Act of 1934, or the authority of the Federal Communications Commission.

Section 106: Limitations on Liability. Section 106 sets forth limitations on liability for violations of Section 102. Subsection 106(a) provides that a provider of telecommunications or information services (within the meaning of Section 3 of the Communications Act of 1934 (47 U.S.C. 153)), or the operator of facilities therefore, shall not be liable for a violation of Section 102 if such provider or operator did not initially place the database that is the subject of the violation on a system or network controlled by the provider or operator.

Subsection 106(b) limits the liability of a person for a violation of Section 102 if the person benefiting from the protection afforded by Section 102 misused that protection. Subsection 106(b) sets forth six nonexclusive factors a court should consider in determining whether a person has misused the protection provided by Section 102.

Section 107: Enforcement. Section 107 authorizes the Federal Trade Commission to take appropriate actions under the Federal Trade Commission Act to prevent violations of Section 102.

Section 108: Report to Congress. Section 108 directs the Federal Trade Commission to report to Congress within 36 months of enactment on the effect Title I has had on electronic commerce and the domestic database industry.

Section 109: Effective Date. Section 109 provides that Title I of H.R. 1858 shall take effect on the date of enactment of this Act, and shall apply only to the sale or distribution after that date of a database that was collected and organized after that date.

TITLE II—SECURITIES MARKET INFORMATION

Section 201: Misappropriation of Real-Time Market Information. Section 201 of H.R. 1858 amends Section 11A of the Securities Exchange Act of 1934 by adding a new Subsection 11A(e), entitled "Misappropriation of Real-Time Market Information." Subsection 11A(e) prohibits the misappropriation of real-time market information from a market information processor, establishes liability on the part of any person who violates the prohibition, and provides a market information processor with a variety of remedies against the violator. This provision expressly permits certain acts that are not included in the prohibition, namely independent gathering of market information and news reporting of market information. The subsection also limits the cause of action provided by the bill to apply only to parties with whom the market information processor does not have a contract regarding the real-time market information or other right the market information processor is seeking to protect.

Paragraph 11A(e)(1) imposes liability on any person who obtains, directly or indirectly, real time market information from a market information processor, and directly or indirectly extracts, sells, distributes or redistributes, or otherwise disseminates such real-time market data without the authorization of the market information processor. The prohibition in Paragraph 11A(e)(1) would not apply to a person who merely obtained, directly or indirectly, real-time market information from a market information processor, but did not disseminate the information in any way.

Paragraph 11A(e)(2) sets forth the remedies that a market information processor is authorized to assert against any person who misappropriates real-time market information in violation of Paragraph (1). In particular, under Subparagraph 11A(e)(2)(A), an injured person would be authorized to bring a civil action in an appropriate United States district court, except that any action against a State governmental entity may be brought in any court that has jurisdiction over claims against such entity. Subparagraph 11A(e)(2)(B) authorizes any court having jurisdiction of a civil action under Section 11A(e) to grant temporary and permanent injunctions, according to principles of equity and upon such terms as the court may deem reasonable, to prevent a violation of Paragraph 11A(e)(1). Under Subparagraph 11A(e)(2)(C), a plaintiff would be permitted to recover money damages sustained by the plaintiff when a violation of Paragraph (1) was established in a civil action. And under Subparagraph 11A(e)(2)(D), a court, in its equitable discretion, would be authorized to order disgorgement of the amount of defendant's monetary gain directly attributable to a violation of Paragraph (1) if the plaintiff is not able to prove recoverable damages to the full extent of the defendant's monetary gain.

Paragraph 11A(e)(3) would exclude two types of legitimate activity from the scope of the bill—the independent gathering of real-time market information and news reporting. Under Subparagraph 11A(e)(3)(A), no person would be restricted from independently gathering real-time market information, or from redistributing or disseminating such independently gathered information. A person would be considered to obtain real-time market information "independently" only to the extent that such information was not obtained, directly or indirectly, from a market information processor. In addition, under Subparagraph 11A(e)(3)(B), no news reporting entity would be restricted from extracting real-time market information for the sole purpose of news reporting, including news gathering, dissemination, and comment, unless the extraction was part of a consistent pattern of competing with a market information processor in the distribution of real-time market information. Thus, news organizations that limit their use of real-time market information to legitimate reporting of the news would not be subject to liability.

Paragraph 11A(e)(4) establishes the relationship of Subsection 11A(e) with a variety of other Federal and State laws that also may address the dissemination of real-time market information. Subparagraph 11A(e)(4)(A) provides that Subsection 11A(e) would exclusively govern the unauthorized extraction, sale, distribution or redistribution, or other dissemination of real-time market information and would supersede any other Federal or State law, whether statutory or common law, to the extent that such other Federal or State law is inconsistent with Subsection 11A(e). This subparagraph would not preempt State law that is not inconsistent with Subsection 11A(e) (e.g., State law governing trademark or trade dress). In addition, under Subparagraph 11A(e)(4)(B), Subsection 11A(e) would not limit or otherwise affect the application of any provision of the federal securities laws or the rules or regulations thereunder, and would not impair or limit the authority of the Securities and Exchange Commission. Thus, the Commission's existing authority over distributors of market information, including its authority over fees charged for market information, would continue unchanged.

Subparagraph 11A(e)(4)(C) provides that the constraints that are imposed by Federal and State antitrust laws on the manner in which products and services may be provided to the public, including those regarding the single suppliers of products and services, would not be limited in any way by Subsection 11A(e). In addition, under Subparagraph 11A(e)(4)(D), the rights of parties to enter freely into licenses or any other contracts with respect to the extraction, sale, distribution or redistribution, or other dissemination of real-time market information would not be restricted. Thus, the bill preserves all rights under state contract law.

Paragraph 11A(e)(5) limits the actions that may be maintained pursuant to section 11A(e). Pursuant to Subparagraph 11A(e)(5)(A), a civil action under Subsection 11A(e) would have to be commenced within one year after the cause of action arises or the claim accrues. And under Subparagraph 11A(e)(5)(B), a civil action for the dissemination of market information would be precluded if such information was not real-time market information. Thus, the bill does not limit in any way, or provide any cause of action regarding, the use and dissemination of delayed market data. Finally, Subparagraph 11A(e)(5)(C) precludes a civil action by a market information processor against any person to whom such processor provides real-time market information pursuant to a contract between the two parties, but only with respect to any real-time information or any right that is provided pursuant to the contract. Market information processors would continue to have available their contractual remedies regarding persons with whom they have a contract, but would not be afforded new remedies under Subsection 11A(e) against these persons with respect to rights covered by that contract.

Paragraph 11A(e)(6) defines several terms used in section 11A(e) that are not defined elsewhere in the Exchange Act. The term "market information" is defined in Subparagraph 11A(e)(6)(A) to mean information with respect to quotations and transactions in any security, the collecting, processing, distribution, and publication of which is subject to the Exchange Act. Under Subparagraph 11A(e)(6)(B), the Securities and Exchange Commission may, consistent with the protection of investors and the public interest, prescribe by rule the extent to which market information shall be considered to be real-time market information for purposes of Subsection 11A(e), but in promulgating any such rule, the Commission must take into account the present state of technology, different types of market data, how market participants use market data, and other relevant factors. This requirement is designed to ensure that any rule that the Commission promulgates regarding real-time market data does not hinder access by investors to such data, and maximizes the access by investors to all market data, including real-time and delayed market data. In the absence of Commission action, the determination of whether market information is real-time market information would be left to the courts with jurisdiction over civil actions under Subsection 11A(e) to interpret the plain language of the term "real-time."

Finally, the term "market information processor" with respect to any market information is defined in Subparagraph 11A(e)(6)(C) to mean the securities exchange, self-regulatory organization, securities information processor, or national market system plan administrator that is responsible under the Exchange Act or the rules or regulations thereunder for the collection, processing, distribution, and publication of, or preparing for distribution or publication, of such market information.

Section 202: Effective Date. This section provides that the new Subsection 11A(e) shall take effect on the date of the enactment of H.R. 1858, and shall apply to acts committed on or after that date. Furthermore, no person shall be liable under Subsection 11A(e) for the extraction, sale, distribution or redistribution, or other dissemination of real-time market information prior to the date of enactment of this bill, by that person or by that person's predecessor in interest.

EXPOSING RACISM

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1999

Mr. THOMPSON. Mr. Speaker, in my continuing efforts to document and expose racism in American, I submit the following articles into the Congressional Record.

WHITE MAN SENTENCED TO PRISON FOR PUNCHING WOULD-BE BLACK NEIGHBOR

BIRMINGHAM, AL (AP).—A judge sentenced a white man to 2 years in federal prison and ordered him to pay more than $30,000 for punching a black man who wanted to be his next-door neighbor.

Wendell Johnson, 33, was convicted in February of violating the Fair Housing Act by hitting Kenneth Ray Coleman, who suffered a broken nose in the assault.

"I want to apologize," Johnson, choking back tears, told Coleman during a hearing Wednesday. "I know you went through a lot of hard times because of it."

Coleman, 35 said he believed the apology was sincere and accepted it.

Johnson hit Coleman in the face last June after Coleman came to his house and asked where he could find the local water company.

Coleman testified he has since had breathing difficulties, and a doctor has recommended surgery to fix the problem. But, Coleman said, he lacks the $3,500 for the operation.

U.S. District Judge U.W. Clemon ordered Johnson to pay Coleman $30,911 for pain, suffering, lost wages and other expenses related to the assault. Johnson also was ordered to pay $1,300 to the Alabama Crime Victims' Compensation Commission.

Clemon said he would consider a request to let Johnson remain free during a possible appeal.

TAFT SCORES POINTS AT MEETING WITH BLACK DEMOCRATS WITH BC–OH

(by Paul Souhrada)

COLUMBUS, OH (AP).—The honeymoon continues for Gov. Bob Taft. Taft, who smoothed relations with labor leaders last month, scored points with black lawmakers during a wide-ranging meeting over issues important to minorities.

The members of the all-Democratic Ohio Legislative Black Caucus on Wednesday asked Taft, a Republican, for more money for Central State University, a more aggressive state affirmative action program and a commitment to appoint more minorities to state agencies.

"We had a very fruitful meeting with the governor," Sen. C.J. Prentiss, D-Cleveland, told reporters afterward.

Taft impressed the group with his sincerity, Prentiss said. Taft also found the meeting useful and said he wants to meet with the group again, said spokesman Scott Milburn.

Taft was particularly interested in looking for ways to increase literacy among schoolchildren, said Prentiss, president of the black caucus. She said she told Taft that her 18-member group was concerned that the cornerstone of his literacy program—the high-profile OhioReads campaign to recruit 20,000 volunteer reading tutors—falls short of what is needed.

Milburn said Taft assured the lawmakers that OhioReads was only the first step in the governor's effort to make sure all children learn to read.

Prentiss also pressed Taft to ask lawmakers for another $3.5 million for Central State, the only state-funded, historically black college in Ohio. The money would be used to expand the urban education program at the school in Wilberforce, for recruiting and to pay back debt from the school's financial troubles in the 1980s and early part of the 1990s.

Taft already asked for an extra $2 million for Central State, Milburn said. He wants to meet with Central State President John Garland before making any other moves.

Taft is interested in a suggestion from Rep. Otto Beatty, D-Columbus, to study how successful minority businesses are in getting state contracts, Milburn said.

The issue of minority set-asides has been at the center of conflicting rulings recently from the Ohio Supreme Court and a federal district judge. But until the matter is decided, Taft wants to resume Ohio's programs without raising new legal issues, Milburn said.

Taft also will consider another Beatty proposal: an order dealing with affirmative action statewide.

Taft might be interested in expressing support for reaching out to women and minority businesses and encouraging them to seek state contracts, but he opposes quotas, Milburn said.

Among the other ideas suggested by the legislators:—Adding more money for education to stop the spread of AIDS, particularly among young blacks and women.

Creating an independent watchdog agency to oversee state contracts.

Making sure that minorities and inner city residents get their fair share of the money from the state's settlement with the tobacco industry.

Including more minorities in state government jobs and on state boards and commissions.

UNIVERSITY OF TEXAS ASKS COURT TO RECONSIDER ITS HOPWOOD RULING

JIM VERTUNO

(BY AUSTIN, TX (AP).—The University of Texas has asked a federal appeals court to reconsider a decision that led to the elimination of affirmative action policies at the state's public colleges and universities.

School officials asked the 5th U.S. Circuit Court of Appeals on Tuesday to reconsider its so-called Hopwood ruling.

"This case addresses one of the most important issues of our time . . . and it deserves the fullest possible hearing and a most careful decision by the federal courts," said Larry Faulkner, president of the university.

The Hopwood ruling came in a lawsuit against the University of Texas law school's former affirmative-action admissions policy.

The ruling, which found that the policy discriminated against whites, was allowed to stand in 1996 by the U.S. Supreme Court.

Former Attorney General Dan Morales then issued a legal opinion directing Texas colleges to adopt race-neutral policies for admissions, financial aid and scholarships.

Legislators asked new Attorney General John Cornyn for a second opinion. His office helped university officials write the appeal submitted Tuesday.

According to University of Texas System Regent Patrick Oxford, the Hopwood ruling left Texas at a competitive disadvantage with other public universities in recruiting students.

The appeal argues that limited consideration of race in admissions is necessary to overcome the effects of past discrimination. It also says the school has a compelling interest in a racially and ethnically diverse student body.

A state Comptroller's Office study released in January showed a drop in the number of minorities applying for, being admitted to and enrolling in some of the state's most selective public schools.

PROPOSAL WOULD MAKE OLE MISS PRIVATE

OXFORD, MISS. (AP).—A College Board member has proposed making the University of Mississippi a private institution as part of the settlement in the state's 24-year-old college desegregation case.

James Luvene of Holly Springs submitted the proposal, among others, to U.S. District Judge Neal Biggers Jr.

"Allowing Ole Miss to go private will help solve many funding problems as they exist today," Luvene said in the 10-page proposal.

Luvene said his proposal is designed to "bring closure to our state's long and painful epoch of discrimination against black citizens and historically black institutions of higher learning."

Immediately the plan drew opposition from lawmakers and Ole Miss.

"We're a great public university," said Ole Miss Chancellor Robert Khayat. "We like being a public university and can only serve the state better."

The desegregation lawsuit, known as the Ayers case, accused the state of neglecting its three historically black universities. Biggers is overseeing the desegregation of Mississippi's colleges.

Khayat said he is not familiar with any public American university ever going private.

Luvene recommended paying the Oxford college $151 million before making it private in 2000. He recommended that the University of Mississippi Medical Center in Jackson become independent and be called the State Institute of Health and Medicine.

Khayat also opposes that and said 72 of the 73 U.S. medical centers are tied to a parent university.

"It's just ludicrous what he (Luvene) is saying," said Sen. Terry Jordan, D–Philadelphia, an Ole Miss alumnus. "They've all been state-supported and will continue to be."

David Sansing, a retired Ole Miss historian, said, "the likelihood of this happening is nil, zero."

"This plan would open up an entirely new controversy that would rage for years. I'm just astounded by it," said Sansing.

Luvene said Ole Miss' nearness to Mississippi State in Starksville "puts two of our three comprehensive institutions in a sparsely populated part of the state, causing unnecessary duplication."

Luvene also has proposed that historically black Jackson State be given a law school, pharmacy school and an air traffic control program.

NEW JERSEY CONCEDES RACIAL PROFILING EXISTS

(By Thomas Martello)

TRENTON, N.J. (AP).—Complaints that state troopers target blacks and Hispanics along the heavily traveled New Jersey Turnpike are "real, not imagined," according to a report issued by the state's attorney general.

The report, released Tuesday, concludes that even though the state police have no policy condoning the practice known as racial profiling, it does exist—and was fostered in part by ambiguous rules.

"There is no question racial profiling exists at some level," Gov. Christie Whitman said. "These findings are distressing and disturbing. Minorities deserve the assurance they will be treated no differently than any other motorist."

The report, commissioned by state Attorney General Peter Verniero, stresses "the great majority of state troopers are honest, dedicated professionals."

But the force's command structure needs to institute policy changes to end a culture that encourages using race as a reason to stop motorists, the report says.

While six out of 10 motorists stopped are white, minorities are far more likely to be subjected to searches and aggressive treatment by troopers, the report said. Statistics show that 77.2 percent of motorist searches were of blacks or Hispanics, and only 21.4 percent were of white motorists.

"Minority motorists have been treated differently than non-minority motorists during the course of traffic stops on the New Jersey Turnpike," the report says. "We conclude the problem of disparate treatment is real—not imagined."

The report came one day after two troopers were indicted on charges they falsified reports to make it appear that some of the black motorists they pulled over were white.

The U.S. Justice Department also has been investigating racial profiling allegations against New Jersey's state police. Similar accusations have been made in Florida, Maryland, Connecticut and elsewhere along the Interstate 95 corridor.

The findings in the report confirm what many civil rights activists said they have known for years.

"We do not believe that any reasonable person in New Jersey is surprised at all today to hear this acknowledgment," said The Rev. Reginald Jackson, executive director of the Black Ministers Council of New Jersey. "Now, however, comes the hard and difficult part, and that is the process ending racial profiling."

JUDGE APPROVES END TO RACE-BASED ENROLLMENT IN SAN FRANCISCO

(by Bob Egelko)

SAN FRANCISCO (AP).—A federal judge has ordered an end to 16 years of race-based enrollment in San Francisco public schools, approving a settlement of a lawsuit by Chinese-Americans who were denied admission to the city's preferred campuses.

Despite protests by blacks and Hispanics, U.S. District Judge William Orrick said racial admissions violate Chinese Americans' constitutional rights to equal treatment in choosing their schools. He approved the settlement on Tuesday.

The suit was filed in 1994 on behalf of one student who was denied admission to a magnet high school despite a high score on its entrance exam—higher than some non-Chinese students who were admitted—and by two who were turned away from neighborhood elementary schools.

The settlement repeals a limit of 45 percent of any racial or ethnic group at a single school and 40 percent at desirable "magnet" schools. Those limits were part of a 1983 consent decree, approved by Orrick, that settled a discrimination lawsuit filed in 1978 by the National Association for the Advancement of Colored People.

The district has until October to prepare a new enrollment plan for the fall of 2000 to maintain diversity in schools without assigning any student primarily because of race.

"Resegregation is inevitable," declared Robert Franklin, who said he lives in San Francisco so that his two children—a 7-year-old black girl and a 2-year-old white boy—can attend its schools. "I want to keep them in an integrated, racially diverse public school."

FORMAL CEREMONY WILL DECRY RACISM IN OREGON'S HISTORY

PORTLAND, OR (PA).—Bobbi Gary moved to Portland in 1942 and found a scene straight out of the old South.

Restaurants wouldn't seat her. Real estate agents wouldn't sell to her. And theaters would only let her sit in the "buzzard roost" seats—all because she is black.

Gary will recall those experiences when she travels to Salem on Thursday to hear Oregon's leaders formally acknowledge the state's discriminatory past.

The Day of Acknowledgment, timed to coincide with the 150th anniversary of a law that barred "negroes and mulattos" from the Oregon Territory, also will honor Gary and others who have struggled for racial justice.

Leaders of Oregon Uniting, the multiracial organization that proposed the Day of Acknowledgment, hope a ceremony formally recognizing the state's racist past will be a step toward racial healing.

Some who plan to witness the ceremony say they are ambivalent about it—pleased at the recognition, but skeptical about what it will accomplish.

"To acknowledge these things forces us to relive them," said Carl Flipper Jr., a North Portland economist who has rented a bus for more than 30 Portland blacks who will attend the ceremony. "It's painful."

Witnesses will bring different memories to the observance in the House chamber on Thursday.

Sue Shaffer, chairwoman of the Cow Creek Band of Umpqua Tribes in Southern Oregon, will think about a massacre of American Indians outside Roseburg in the mid-1850s.

"I am hoping, and I said hoping, that events like this, days like this, acts like this, will help to bring up a consciousness across America of the rightful place of Indian people." she said.

Peggy Nagae, a former civil rights attorney and now a diversity consultant based in Eugene, said she will think about her parents, grandparents and others in the Japanese American community who were forced into internment camps during World War II.

And she will think about Minoru Yasui, a lawyer from Hood River who dared in 1942 to test federal curfew laws placed on Japanese Americans by walking the streets of Portland after dark.

Nagae, who helped him fight his arrest all the way to the U.S. Supreme court, remembers him as one of Oregon's heroes.

"The thing that always struck me about Yasui was that he was an ordinary person who did extraordinary things," she said.

Gary, an impassioned community activist who has fought discrimination for decades, recalls the day in the '40s when she and her future husband, Fred, went to a popular Portland restaurant. At first, no one would wait on them, she said. When a waitress finally did, the couple ordered steak, the most expensive item on the menu.

But when the food came, the steak was buried under so much salt and pepper that it was inedible. Before walking out, she scolded the waitress over the restaurant's obvious attempt to discourage them from returning.

Now a great-grandmother of two, Gary continues to fight battles on behalf of African Americans, children and the elderly. A saying that hangs on her dining room wall captures her resilience: "Good things come to those who wait. But they come a lot sooner to those who act."

It is that spirit that will propel her to Salem on Thursday. "This is not exactly a joyous occasion," she said. "It is something I feel is late in coming. But I'm glad to see it."

STATEMENT OF FINANCIAL DISCLOSURE

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1999

Mr. SENSENBRENNER. Mr. Speaker, through the following statement, I am making my financial net worth as of March 31, 1999, a matter of public record. I have filed similar statements for each of the nineteen preceding years I have served in the Congress.

ASSETS

REAL PROPERTY

Single family residence at 609 Ft. Williams Parkway, City of Alexandria, Virginia, at assessed valuation. (Assessed at 600,000). Ratio of assessed to market value: 100% (Encumbered): $601,300.00.

Condominum at N76 W14726 North Point Drive, Village of Menomonee Falls, Waukesha County, Wisconsin, at assessor's estimated market value. (Unencumbered): 90,600.00.

Undivided 25/44ths interest in single family residence at N52 W32654 Maple Lane, Village of Chenequa, Waukesha County, Wisconsin, at 25/44ths of assessor's estimated market value of $675,200: 383,636.36.

Total real property: $1,075,536.36.

COMMON AND PREFERRED STOCK

	No. of shares	Dollar value per share	Value
Abbott Laboratories, Inc.	12200	$46.81	$571,112.50
Airtouch Communications	148	96.63	14,300.50
Allstate Corporation	370	37.06	13,713.13
American Telephone & Telegraph	572.722	79.81	45,710.37
Ameritech	817.75	57.63	47,122.84
Bank One Corp.	3439	55.06	189,359.94
Bell Atlantic Corp.	1017.129	51.69	52,572.86
Bell South Corp.	1214.1252	40.06	48,640.89
Benton County Mining Company	333	0.00	0.00
BP Amoco	1802	101.00	182,002.00
Chenequa Country Club Realty Co	1	0.00	0.00
Cognizant Corp.	2500	57.38	143,437.50
Darden Restaurants, Inc	1440	20.63	29,700.00
Dunn & Bradstreet, Inc	2500	35.63	89,062.50
E.I. DuPont de Nemours Corp	1200	58.06	69,675.00
Eastman Chemical Co	270	42.06	11,356.88
Eastman Kodak	1080	63.88	68,985.00
El Paso Energy	150	32.69	4,903.13
Exxon Corp	4864	70.56	343,216.00
Firstar Corp	1030	89.50	92,185.00
General Electric Co	5200	110.63	575,250.00
General Mills, Inc	1440	75.56	108,810.00
General Motors Corp	304	87.00	26,448.00
Halliburton Company	2000	38.50	77,000.00
Highlands Insurance Group, Inc	100	10.56	1,056.25
Imation Corp	99	16.50	1,633.50
IMS Health	5000	33.13	165,650.00
Kellogg Corp	3200	33.81	108,200.00
Kimberly-Clark Corp	31418	47.94	1,506,100.38
Lucent Technologies	348	108.00	37,584.00
Media One	255	63.81	16,272.19
Merck & Co., Inc	34078	80.13	2,730,499.75
Minnesota Mining & Manufacturing	1000	70.75	70,750.00
Monsanto Corporation	8360	45.94	384,037.50
Morgan Stanley/Dean Whitter	156	99.94	14,590.25
NCR Corp	68	50.00	3,400.00
Newell Corp	1676	47.50	79,610.00
Newport News Shipbuilding	164.261	31.69	5,205.02
Nielsen Media	833	24.69	20,564.69
Ogden Corp	910	24.06	21,896.88
PG&E Corp	175	31.06	5,435.94
Raytheon Co	19	57.75	1,097.25
Reliant Energy	300	26.06	7,818.75
RR Donnelly Corp	500	32.19	16,093.75
Sandusky Voting Trust	26	87.00	2,262.00
SBC Communications	1028.98	47.19	48,554.99
Sears Roebuck & Co	200	45.19	9,037.50
Solutia	1672	17.38	29,051.00
Tenneco Corp	864.978	27.94	24,165.32
U.S. West, Inc	315.623	55.06	17,378.99
Unisys, Inc. Preferred	100	51.88	5,187.50
Warner Lambert Co	6804	66.25	450,765.00
Wisconsin Energy Corp	1022	26.06	26,635.88
Total common and preferred stocks and bonds			8,030,685.29

LIFE INSURANCE POLICIES

	Face value	Surrender value
Northwestern Mutual #4378000	$12,000.00	$40,531.58
Northwestern Mutual #4574061	30,000.00	97,104.33
Massachusetts Mutual #4116575	10,000.00	7,476.95
Massachusetts Mutual #4228344	100,000.00	168,011.88
Old Line Life Ins. #5–1607059L	175,000.00	32,226.01
Total life insurance policies		345,305.75

BANK & SAVINGS AND LOAN ACCOUNTS

	Balance
Bank One, Milwaukee, N.A. checking account	$10,432.36
Bank One, Milwaukee, N.A. preferred savings	23,054.13
Bank One, Milwaukee, N.A. regular savings	807.40
M&I Lake Country Bank, Hartland, WI, checking account	3,192.18
M&I Lake Country Bank, Hartland, WI, savings	342.93
Burke & Herbert Bank, Alexandria, VA, checking account	1,749.37
Firstar, FSB, Butler, WI, IRA accounts	68,699.09
Total bank and savings and loan accounts	$108,277.46

MISCELLANEOUS

	Value
1994 Cadillac Deville	$14,775.00
1991 Buick Century automobile—blue book retail value	4,750.00
Office furniture & equipment (estimated)	1,000.00
Furniture, clothing & personal property (estimated)	150,000.00
Stamp collection (estimated)	52,000.00
Interest in Wisconsin retirement fund	212,054.00
Deposits in Congressional Retirement Fund	117,730.26
Deposits in Federal Thrift Savings Plan	109,326.92
Traveller's checks	7,418.96
20 ft. Manitou pontoon boat & 35 hp Force outboard motor (estimated)	45,000.00
17 ft. Boston Whaler boaat & 70 hp Johnson outboard motor (estimated)	7,000.00
Total Miscellaneous:	721,055.00
Total assets:	10,280,094.06

LIABILITIES

Nations Bank Mortgage Company, Louisville, KY on Alexandria, VA residence Loan #39758–77: $86,936.33.

Miscellaneous charge accounts (estimated): $0.00.

Total liabilities: $86,936.33.

Net worth: $10,193,968.06.

STATEMENT OF 1998 TAXES PAID

Federal income tax $108,494.00.

Wisconsin income tax, $24,027.00.

Menomonee Falls, WI property tax $2,140.00.

Chenequa, WI property tax, $15,036.00.

Alexandria, VA property tax, $6,820.00.

I further declare that I am trustee of a trust established under the will of my late father, Frank James Sensenbrenner, Sr., for the benefit of my sister, Margaret A. Sensenbrenner, and of my two sons, F. James Sensenbrenner III, and Robert Alan Sensenbrenner. I am further the direct beneficiary of two trusts, but have no control over the assets of either trust. My wife, Cheryl Warren Sensenbrenner, and I are trustees of separate trusts established for the benefit of each son under the Uniform Gift to Minors Act. Also, I am neither an officer nor a director of any corporation organized under the laws of the State of Wisconsin or of any other state or foreign country.

F. JAMES SENSENBRENNER, JR.,
Member of Congress.

BRACKET CREEP OVERBURDENS NATIONAL LABOR RELATIONS BOARD

HON. ERNEST J. ISTOOK, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 20, 1999

Mr. ISTOOK. Mr. Speaker, I rise today to urge my colleagues to cosponsor H.R. 1620, a bill to free the National Labor Relations Board from being overburdened because bracket creep that has forced them to accept cases from very small employers in this nation. Here is a copy of my "Dear Colleague" and a report from the Labor Policy Association that outlines the problem and why it is important to small businesses in America to correct this problem.

U.S. CONGRESS,
Washington, DC.

FREE THE NATIONAL LABOR RELATIONS BOARD (NLRB): HELP REDUCE UNNECESSARY BURDEN ON SMALL BUSINESS

DEAR COLLEAGUE: This Congress, Mr. Istook is introducing legislation to help the

NLRB manage their huge caseload. Each year the NLRB requests additional funding to help them administer and manage their caseload. This legislative reform simply makes adjustments for inflation in the financial jurisdictional thresholds of the NLRB, most of which were set in 1959. The NLRB can still adjudicate special cases below these thresholds, just as they can do today. It is crucial that we provide the NLRB with this freedom. We urge you to cosponsor this bill. Two former NLRB Chairs support this change.

The National Labor Relations Board (NLRB) is the government agency designed to settle labor disputes between unions and management. In 1959, Congress passed a law to give NLRB jurisdiction over businesses based on gross receipts. Once a business passes that threshold of gross receipts, it is subject to intervention by the NLRB. Businesses below the threshold are subject to actions brought in state courts, instead of the NLRB.

Without an adjustment for inflation, businesses and the NLRB have been caught in "bracket creep." as inflation has increased since 1959, the NLRB has acquired jurisdiction over much smaller businesses than was ever intended, escalating the expense and workload for the NLRB as well as for business. These now include very small businesses, for whom the cost of such intervention is unbearable. Up to 20% of the NLRB's workload now is these very small businesses. For example, NLRB has jurisdiction over non-retail businesses with gross receipts over $50,000, an inflation adjustment would raise that threshold to $275,773. NLRB has jurisdiction over retail business and restaurants doing more than $500,000 worth of business, but adjusting for inflation since 1959 would raise this to $2.7 million. Congress never intended to subject small businesses to such a have regulatory hammer.

The NLRB is powerless to change its jurisdiction without an act of Congress. So this legislation will do exactly that. By indexing the jurisdiction to the rate of inflation, the NLRB could again focus upon the larger businesses for whom the law was originally written. Small businesses have been severely burdened by dealing with the far-off NLRB instead of their local state courts (Examples on Reverse).

This bill's simple adjustment both frees NLRB deal with significant cases truly affecting interstate commerce, and also removes the problems very small business have with NLRB oversight (See Example on the Reverse). If you have any questions, please call Mr. Istook's office and speak with Dr. Bill Duncan at (202) 225-2182.

Tom DeLay, House Majority Whip; Bill Young, Chairman, Appropriations Committee; John Boehner, Chairman, Employer/Employee Relations Subcommittee; John Porter, Chairman, Labor, HHS, Education Subcommittee; Jim Talent, Chairman, Small Business Committee; Henry Bonilla, Member, Appropriations Committee; Ernest Istook, Member, Appropriations Committee; Dan Miller, Member, Appropriations Committee; Jay Dickey, Member, Appropriations Committee; Roger Wicker, Member, Appropriations Committee; Anne Northup, Member, Appropriations Committee; Randy "Duke" Cunningham, Member, Appropriations Committee; John Hostettler; Chris Cannon.

EXAMPLES OF SMALL BUSINESS NLRB CASES

Larry Burns, of Houston, Texas, (8 employees), had 2 charges filed against his business by the NLRB. One was thrown out, the other settled for $160 (1 days pay). Larry Burns spent $11,000 in attorneys fees and wasted time fighting the NLRB when these problems could have been solved cheaper and easier in state courts. Also, Mr. Burns, under state law, could have recovered ½ of his attorney's fees under loser pays (which helps eliminate frivolous charges).

Randall Borman, of Evansville, Indiana (4 employees). Three charges were filed with the NLRB. All were dismissed. He could have recovered all of his legal fees under Indiana state law. Instead he lost $7,500 in attorney's fees and lost revenue and had to lay off workers to cover this expense.

EXAMPLES OF DELAYS IN PROCESSING NLRB CASES

Julian Burns, of Charlotte, North Carolina, (23 employees). His case should be heard by the NLRB. However, the NLRB's workload is so overloaded with cases from very small businesses that is took 2½ years to hear his case. Rather than getting his day in court, he settled for $10,000 after paying $35,000 in attorney's fees, and $250,000 for losses in manpower and reduced workforce, for a total cost of $295,000.

ACHIEVING NLRB BUDGET SAVINGS BY UPDATING SMALL BUSINESS THRESHOLDS[1]

The National Labor Relations Board (NLRB or Board) exercises exclusive jurisdiction over all labor disputes that are considered to be of significant national interest. The Board, itself, has set the standards for determining which labor disputes reach this threshold. Unfortunately, most of these standards are based on 1959 dollar figures that have not been adjusted for inflation over time. The result is that the Board's method for asserting jurisdiction has become outdated and should be changed to reflect present economic realities. Such a change could result in substantial savings to the U.S. Government.

The NLRB's jurisdiction, in both representation and unfair labor practice cases, extends to all enterprises that "affect" interstate commerce.[2] This expansive statutory grant of authority has been held by the Supreme Court to mean that the Board's jurisdiction extends to "the fullest . . . breadth constitutionally permissible under the commerce clause."[3]

Traditionally, however, the Board has never exercised its full authority. Since its establishment, the Board has considered only cases that, in its opinion, "substantially affect" interstate commerce. In 1959, Congress endorsed this practice in the Labor-Management Reporting and Disclosure Act. The act specifically allowed the Board to "decline to assert jurisdiction over any labor dispute . . . where . . . the effect of such labor dispute on commerce is not sufficiently substantial to warrant the exercise of its jurisdiction."[4] Congress did not leave the Board total discretion, however. It instructed that the Board "shall not decline to assert jurisdiction over any labor dispute over which it would assert jurisdiction under the standards prevailing upon August 1, 1959."[5]

Thus, although Congress recognized that the Board needed to exercise discretion in interpreting the term "affecting commerce," it clearly did not want the Board to establish lower thesholds than were already in place. In 1959, however, the Board's prevailing jursidictional thresholds were based on raw dollar amounts. The difficulty with this jurisdictional approach is that it fails to take inflation into account.

The problem with not adjusting jurisdictional thresholds is clearly illustrated in the following example. In 1959, the Board exercised jurisdiction over non-retail businesses that sold or purchased goods in interstate commerce totaling $50,000 or more annually. In other words, in 1959, $50,000 of interstate business "substantially affected commerce." Today, the Board continues to exercise jurisdiction using the $50,000 threshold, but the effect on commerce of $50,000 today is not nearly what it was in 1959. The value of $50,000 today is equivalent to $9,065 in 1959. Thus, just as $9,065 did not warrant the Board's jurisdiction in 1959, $50,000 should not warrant the Board's jurisdiction today.

Since 1959, the Board has established separate thresholds for particular types of businesses that did not fall into the 1959 categories. Although these thresholds are more recent, they nonetheless suffer from the same major flaw—they fail to consider inflation.

Figure 1, below, list the Board's current jurisdictional thresholds for various business sectors along with the year in which those thresholds were established. These sums are then converted into their present value—making it clear that the Board's present procedure for asserting jurisdiction is both unrealistic and outdated. Consequently, 29 U.S.C. §164(c)(1) should be amended to reflect the present value of these jurisdictional thresholds.

A second flaw in basing jurisdiction solely on the volume of the employer's business is that such a method fails to consider the size of the bargaining units involved. As a result, the Board spends scarce federal resources pursuing relatively small benefits. Figure 2 clearly illustrates this position. In 1994, the Board expended nearly 20% of its representation effort on bargaining units of 9 persons or less. Yet, this 20% effort reached less than 2% of the total number of employees involved in representation elections that year (3,393 out of a total of 188,899). In other words, the Board could have reduced its effort by 20% while maintaining 98% effectiveness had it declined to assert jurisdiction over these small units.

What is even more surprising is that the NLRB conducts elections in units as small as two workers. The Board refuses to release statistics on this point to the public, but such statistics would be available to the Appropriations Committee.

Leaving jurisdiction over these small business units to the states would be most efficient use of federal resources and could result in significant savings to the Federal Government.

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[1] This analysis was prepared by the staff of the Labor Policy Association.

[2] 29 U.S.C. §160.

[3] *NLRB* v. *Reliance Fuel Oil Corp.*, 371 U.S. 224 (1963).

[4] 29 U.S.C. §164(c)(1). Parties involved in labor disputes that did not meet the Board's jurisdictional requirements were not left without recourse by Congress. The act specifically provided that agencies or state courts jurisdiction over these claims. 29 U.S.C. §164(c)(2). Of course, state courts would have to be empowered by state law to do so.

[5] 29 U.S.C. §164(c)(1).

FIGURE 1—PRESENT VALUE OF NLRB JURISDICTIONAL THRESHOLDS BY BUSINESS ACTIVITY

Business activity	Jurisdictional threshold	Present value
Non-retail enterprises; enterprises that combine retail and wholesale; and architectural firms (1959)	[1] $50,000	$275,773
Retail enterprises; restaurants; automobile dealers; taxicab companies; country clubs; and service establishments (1959)	[2] 500,000	2,757,732
Instrumentalities, links, and channels of interstate commerce (1959)	[3] 50,000	275,773
Public utilities; transit companies (1959)	[4] 250,000	1,378,870
Printing; publishing; radio; television; telephone; and telegraph companies (1959)	[5] 200,000	1,103,093
Office buildings; shopping centers; and parking lots (1959)	[6] 100,000	551,546
Day care centers (1976)	[7] 250,000	705,185
Health care facilities (1975):		
—nursing homes	100,000	298,327
—hospitals	[8] 250,000	745,818
Hotels and motels (1971)	[9] 500,000	1,981,481
Law firms (1977)	[10] 250,000	662,129

[1] Figure represents annual interstate sales or purchase. Siemons Mailing Serv., 122 NLRB 81 (1958); Wurster, Bernardi and Emmons, Inc., 192 NLRB 1049 (1965).

[2] Figure represents annual volume of business including sales and taxes. Red and White Airway Cab Co., 123 NLRB 83 (1959); Carolina Supplies and Cement Co., 122 NLRB 723 (1958); Bickford's, Inc., 110 NLRB 1904 (1954); Claffery Beauty Shoppes, 110 NLRB 620 (1954); Wilson Oldsmobile, 110 NLRB 534 (1954); Walnut Hills Country Club, 145 NLRB 81 (1963).

[3] Figure represents annual income derived from furnishing interstate passenger or freight transportation. HPO Serv., Inc., 202 NLRB 394 (1958).

[4] Figure represents total annual volume of business. Public utilities are also subject to the $50,000 non-retail threshold. Charleston Transit Co., 123 NLRB 1296 (1959); Sioux Valley Empire Elec. Ass'n, 122 NLRB 92 (1958).

[5] Figure represents total annual volume of business. Belleville Employing Printers, 122 NLRB 92 (1958); Raritan Valley Broadcasting Co., 122 NLRB 90 (1958).

[6] Figure represents total annual income. Mistletoe Operating Co., 122 NLRB 1534 (1958).

[7] Figure represents gross annual revenues. Salt & Pepper Nursery School, 222 NLRB 1295.

[8] Figure represents gross annual revenues. East Oakland Health Alliance, Inc., 218 NLRB 1270 (1975).

[9] Figure represents total annual volume of business. Penn-Keystone Realty Corp., 191 NLRB 800 (1971).

[10] Figure represents gross annual revenues. Foley, Hoag, & Eliot, 229 NLRB 456 (1977).